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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 13

JUNE 20, 1969, TO JULY 1, 1969
(PAGES 16711 TO 18184)

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SENATE—*Friday, June 20, 1969*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, for this quiet moment lift us above the rituals of duty into the light of Thy presence. Breathe through the things that are seen the peace and joy of the unseen and eternal.

Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely and of good report, grant that with one accord we may think on these things to do them; through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 19, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(For nomination this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the distinguished Senator from Iowa (Mr. HUGHES) has completed his remarks, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated, beginning with "New Reports."

DEPARTMENT OF DEFENSE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

OFFICE OF EMERGENCY PREPAREDNESS

The assistant legislative clerk read the nomination of Haakon Lindjord, of Virginia, to be an Assistant Director of the Office of Emergency Preparedness.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—THE AIR FORCE, THE ARMY, AND THE NAVY

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, the Army, and the Navy which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immedately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the order of June 18, 1969, the Senator from Iowa (Mr. HUGHES) is recognized for a period not to exceed 40 minutes.

VIETNAM PERSPECTIVE

Mr. HUGHES. Mr. President, at the present time there is a rising dialog throughout this land about our goals and priorities as a civilized society. I believe this a healthy sign in a free country.

The fact that much of the dialog is concerned with priorities—not only for America and the free world, but for the human race—reflects our idealism as a people. It also indicates our growing awareness of the realities of the nuclear age.

The majority of the people who are involved in this discussion are not radicals or summer patriots.

They are thoughtful men and women of good will who have long been concerned but are now aroused at our seeming inability as a nation to escape from the imprisonment of collision-course national policies.

They include public leaders, scientists, economists, businessmen, and other concerned citizens who are deeply upset by the growing obsolescence of our traditional foreign policy in a drastically changing world, the implications of the arms race, the continuing dominance of the military over our culture and economy, and, above all, the unmet critical needs of our domestic society.

The participants in this national dialog also include ordinary fathers and mothers who want a future for their sons and daughters—and young people who are not convinced that there is a future.

The new dialog has mounted an impressive critique of our traditional policies. This does not imply that our present policies are products of a deliberate, self-serving conspiracy. Nor does it imply that those who support and carry out these policies are not well intentioned.

The belief is, rather, that some of these key policies are no longer relevant or right in the context of present and future realities.

Those who believe we must free ourselves from the inflexible past and seek new options are of both political parties and of no political party. If the dialog is political, we are talking about the politics of hope and survival, not partisan considerations.

At the present time, a Congressional Conference on the Planning of New Priorities is in session here on Capitol Hill, in which Members of Congress, businessmen, scientists, scholars, and other thoughtful Americans are discussing in a positive way the exciting possibilities of setting new priorities for a redirected and regenerated Nation.

I believe that our public leaders of all political allegiances know in their hearts that we must make massive moves, as yet not seriously envisioned, if we are to meet the overwhelming problems of peace and poverty and equality of opportunity that must be met if our Nation is to endure in its intended image.

But directly in the road of any plans to reshape our society and bind its wounds is a mammoth and sinister presence—the unspeakably tragic and seemingly endless war in Vietnam.

Whatever our other travails may be, the ending of this costly and pointless war is the sine qua non of what we must do to create a new order of priorities in which there is hope and substance.

Over a period of 14 years we have seen the growth of the cancer: the original intervention, the buildup, the escalation, and now the deadlock while hundreds of American servicemen are dying each week along with untold numbers of Vietnamese military personnel and civilians—men, women, and children.

It is said that there is nothing new under the sun, and certainly the discussion of our policies in Vietnam has been as endless as the war itself. I do not pose as a military expert or a prophet in foreign policy. But I have taken the floor to give expression to thoughts and emotions that have too long been bottled up and which, I believe, are passionately shared by millions of responsible Americans, including distinguished colleagues on both sides of the aisle in this Chamber.

Many of these people supported our Government's policies in Vietnam silently and hopefully over a long period of time. They recognized the awesome complexity of making the right command decisions. They had the deepest sympathy for the unimaginably heavy burdens of leadership in this most repugnant of all wars.

But time ran out—and disillusionment came.

It became apparent that if this hideous war drags on, breeding the likelihood of future similar involvements, our entire society may be damaged beyond recovery.

It is time for every American who cares about the things worth caring about to speak out. The greatest peril of all would be to remain silent.

I read an excerpt from a letter I received just this morning from a combat soldier in Vietnam:

> I know it's often said back home that dissent just lowers the morale of our troops over here. Nothing could be farther from the truth. We live to hear that people back home are working to end the war.

Mr. President, no reasonable person could fault the bravery and devotion to duty of our military men in Vietnam. I think they are the finest soldiers in our history, fighting one of the dirtiest and most difficult wars of our history.

American industry has done an admirable job of supplying the material and equipment for this conflict. I am not faulting them.

We are simply ruled by policies and programs that have led us into a dead end.

I have never doubted Mr. Nixon's deep commitment to peace—nor that of Mr. Laird or Mr. Rogers and the other leaders who direct our defense and foreign policy.

I never doubted Mr. Johnson's passion for peace, either.

From 1963 through mid-1967, as Governor of my native State, I fully supported President Johnson's leadership in Vietnam. I doubt if there was a more ardent supporter than I was at that time.

During this period, I attended several briefings by the President and his Cabinet members on the progress of the war. In 1965, I went to Vietnam and talked to troops and military leaders in the battle areas. I saw at first hand, as so many of my colleagues have the viciousness of this jungle war and the high dedication and morale of the troops.

Although questions began to rise and haunt me, I still supported the administration line. In 1967, these questions became too intense to live with—and I sought, in the highest offices of the land, the answers that were needed. There were no rational answers.

It was not anyone's intentions that I questioned, but the premises of our policy and the direction it was taking.

I could only conclude that the premises on which our involvement was founded were wrong, that we had no business on the basis of moral imperative and national interest to be there, that there could be no military victory or even negotiated settlement that would satisfy our traditional demands, and that we should move at once to halt the bombing and take other measures toward attaining an honorable, if not wholly satisfactory peace.

I believe, and still believe, that we are strong enough as a nation to take compelling new initiatives for peace in Vietnam without losing the respect of other nations and the peoples of this world. On the whole, I was convinced, we would gain their respect, and I still feel that way.

Since then, my personal agony over this war and what it is doing to our own country, as well as to the people of Southeast Asia, has steadily increased to the point where I think it would be criminally irresponsible on my part to remain silent.

It should be starkly significant to all Americans that, one by one, distinguished leaders who had key roles in our defense and foreign policies through the years of this conflict have changed their minds about the hard line we have taken in Southeast Asia.

Governor Harriman, Clark Clifford, and Cyrus Vance are recent members of this growing group who have recently called for strong and bold action by our Government to get this war ended.

These distinguished men have not proposed such rash measures as unconditional withdrawal or unilateral disarming.

But they have pushed for strong, determined, immediate measures on the part of our Government toward peace. They have proposed, for example, that we press for very substantial troop withdrawals and that we take other bold initiatives.

And an ever-increasing number of our distinguished leaders during the course of this catastrophic war have renounced military intervention, global policing, and uncontrolled military spending by our Government.

Retired Marine General Shoupe made a monumental contribution to our national enlightenment with his recent article in the Atlantic Monthly on military intervention around the world as a tool of our foreign policy and on the inordinate influence of the military on all of our national policies.

No responsible leader, to my knowl-

edge, advocates reducing our military capabilities beyond the rational needs of our national defense to keep our commitments.

But the policies that led to Vietnam and will inexorably lead to future Vietnams, if they are not changed, are being scrutinized and questioned today, as never before in our history.

The intention of the bipartisan opposition to the war policies of the present administration is not in any sense an effort to embarrass the President or to impede whatever unrevealed program he may have to end the war. If partisanship is inferred, it should be remembered that most of these same people who are now questioning the Nixon war policies also questioned the war policies of Lyndon Johnson.

Our role is to urge the President to take action that we deem in the national interest and in his interest as well. It was the same insistence on the part of congressional critics and concerned citizens that persuaded Mr. Johnson, to his great credit, to take the move he had so long resisted—the cessation of the bombing in the north.

We now need a similar breakthrough move by Mr. Nixon to get the peace movement realistically on the road again.

The president said last night:

> I am re-examining our policy in Vietnam every day . . . I will not get frozen in.

On the basis of what we had seen before—on the basis of his Air Force Academy speech—he appears to be already frozen in.

But on the basis of what he said last night in his press conference—that he hoped to beat Mr. Clifford's proposed schedule of removing a hundred thousand American combat troops from Vietnam this year and completing the withdrawal of combat units next year—he is definitely not frozen in.

I can only hope that the press conference version is right.

As a freshman Senator from an inland State, it is not my thought to present a new and unique blueprint of what should be done to disengage ourselves from the Vietnam conflict.

Suffice it to say that I believe our Government should take some strong initiative, choosing among lines that have been suggested recently by highly competent authorities.

For example, it would be a breakthrough if the President would announce a timetable along the lines of Clark Clifford's recent proposal that 100,000 combat troops be removed this year and the rest of the ground troops be phased out in 1970. It could be made clear that this was not an immutable schedule into which the leadership would be frozen, but a declaration of solid intention that would clear the atmosphere. The token withdrawal of 25,000 has not served this purpose and the atmosphere is not cleared at this time.

I, personally, would further endorse the proposals of Cyrus R. Vance, a former negotiator at the Paris Peace Conference, which included several items:

First, a stand-still cease-fire by all sides in Vietnam;

Second, an international peacekeeping force to oversee the cease-fire, the political settlement, the withdrawal of all outside military forces and the protection of the minorities;

Third, democratic self-determination for the South Vietnamese through a system of free elections at the earliest possible date under the jurisdiction of a representative—joint—electoral commission, with both sides agreeing to accept the result of the election;

Fourth, a sweeping land reform programs giving title to the tenants faring the land and providing compensation to the landlords;

Fifth, massive medical aid and relief to refugees to bind the wounds of the war, and economic development channeled through the United Nations.

Again I say, we are not trying to force decisions on the President; we are trying to suggest the options available to him and to urge that he take action along the lines of his choice toward the common objective of ending this war.

Mr. President, I thought long about presenting my feelings on the floor of the Senate regarding this conflict in Southeast Asia. Over this period of time I have patiently waited, as have all the people of this country, I believe for these strong indications. I am encouraged and hopeful that the signs are here that the President of our great Nation can take the action that can be politically of enough force to again bring a breakthrough in negotiations and result in bringing an end to the interminable conflict.

Until these steps are taken, I am convinced the priorities of America will not be met. I believe commitments at nome are as important in the defense of this Nation as commitments abroad. If we are going to meet the needs of the hungry and the starving, housing needs, the needs of the underprivileged, the needs of education, and needs in every area, we have to rechannel the resources of this Nation to the best of our ability.

I realize that with the heavy incumbencies and burdens of this we cannot commit ourselves to providing all of the solutions immediately. In my opinion, however, we do not have 2 years to meet the needs internally of this Nation.

So we must have a set of priorities which will permit us, as a people, to commit ourselves to what can be an acceptable solution of the war in Southeast Asia and, at the same time, to redirect our energies in meeting the total needs of our people within the boundaries of this Nation.

Thank you, Mr. President.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Iowa for the thoughtful, statesmanlike speech he has just made. I know how deeply he feels about the situation which has developed in Vietnam. I concur wholeheartedly in the adjectives he has used to describe that barbaric, that tragic, that brutal, and that unnecessary war.

It has weighed on the minds of many of us for some years now. It has been a burden which has cost this country something on the order of 36,000 dead, well over 200,000 wounded, and almost $100 billion—and the end, Mr. President, is not yet in sight.

It is my belief that President Nixon would take courage and sustenance from what the distinguished Senator has said, because the Senator's tone was moderate and helpful. The Senator is aware of the difficulties under which the Chief of State of this Nation must labor to find a solution.

Thus, the good wishes of the Senator and the fact that he realizes that Mr. Nixon has an onerous burden to bear and that Mr. Nixon is interested in a real peace must be considered in the context in which the speech was made.

The Senator mentioned the fact that until 1967, he went along with President Johnson on the conduct of the war and believed that it was a proper conflict, so to speak; but that after a visit to Vietnam, and the more he thought about it, the more convinced he became that it was not the right war in the right place or at the right time.

Mr. President, I honor the Senator from Iowa, a combat infantryman in the Second World War, who has had the courage to face up to a difficult situation and to change his mind in accordance with his conscience.

I honor former Secretary of Defense Clifford for changing his mind, too.

I honor, too, President Nixon for changing his mind.

Those of us who raise questions about the war in Vietnam are not isolationists—"neo" or otherwise. Those of us who raise questions about the war in Vietnam are not in favor of unilateral disarmament. Those of us who raise questions are just as concerned about the welfare of this country as is the distinguished Senator from Iowa, who stated that what, in effect, we must achieve, if at all possible, is a balance between our domestic needs, which are difficult and increasing, and our commitments overseas.

The distinguished Senator from Iowa has indicated that he questioned the premises on which the policies which involved us in Vietnam were arrived at, not the intentions of the people who happened to be the Chiefs of State of this Government in the past 4 or 5 years, and at the present time.

He also raised the question about achieving a peace without losing the respect of other nations. I would say that what we should be interested in is not that, so much, as a peace with which we could retain our respect in this Nation and save the lives of those young men who are carrying out their bounden obligation as citizens of the United States, and who are carrying out a policy for which they are not responsible but which was laid down here in Congress and in the executive department—policies which have brought us nothing but sorrow and distress.

I am glad that the distinguished Senator referred to the statement of President Nixon at his press conference last evening, to the effect that he was not "frozen in," but was reassessing the situation in Vietnam on a daily basis and was prepared to take advantage of any possibilities which might arise.

I think that proposals have been made which are worthy of consideration and

which, in my opinion, are being given consideration—proposals like those advanced by our former Ambassador to the Paris Peace Conference, Cyrus Vance, and proposals like those advanced by former Secretary of Defense Clark Clifford. All of these proposals have merit. They may or may not be the answers; but, certainly, in my opinion, the President is giving consideration to the proposals. If he is not bound in by the bureaucracy in the State Department and the Defense Department, there are good possibilities that these suggestions may be given independent consideration, and that the decisions will be made by the President—I certainly hope that he will not be bound by policies which were good 5 years ago, a decade ago, or two decades ago.

The trouble with too many people in high positions is that they live in the past and believe that something which was good at the end of the Second World War is still good today. But, Mr. President, times have changed, and changed drastically.

The Senator from Iowa has pointed out that there are difficulties—I repeat—arising at home which must be faced up to. There are policies which must be changed.

I commend the distinguished Senator from Iowa (Mr. HUGHES) for taking the floor on this occasion and making his maiden speech on this particular subject. I thank him for giving all of us the benefit of his thoughts and his views on the situation as it exists today, both in the area of Vietnam and, just as important, in the domestic field.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Montana for his very eloquent additions and admonitions to the people of our country concerning considerations of the time and the age in which we live.

I certainly share his hopes and his thoughts that we will not be bound, today or tomorrow, by anything in history that is so traditional that we cannot constantly review our existing positions and, if new options appear, move to take advantage of them.

I concur with the distinguished Senator from Montana that, in conducting the affairs of this Nation, our primary concern should be for the self-respect of the people of this Nation.

My thought in expressing the statement as I did today was that the steps proposed would be respected, and this country would gain in prestige in the world by having the courage to take the initiative as we may see it at this particular time.

I believe that certainly this mightiest of the nations on the face of the earth should have the courage to take the steps for peace as well as the courage to meet our commitments in war and international agreements. I believe that as the President moves these days—certainly our prayers and our hopes are with him; he is our President—we want to do everything we can to strengthen his positions in negotiations, but encourage also the people of this Nation by these discussions and dialogs, not only with respect to the war in Vietnam but our commitment in other affairs and the internal problems of this Nation.

I think as much has been added to the greatness of this Nation in dissent as has been added in affirmation.

As the Senator from Montana pointed out, it took a couple of years before I reached the position of publicly changing my opinion.

I thank the distinguished Senator from Montana for his contribution.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I would like to underscore the very eloquent remarks and comments made by the distinguished majority leader, and to add my commendation to the Senator from Iowa for his statement, his maiden speech before this body. I want to urge all Members of this body, and certainly the people throughout the country, to read what I believe has been a concise, balanced presentation of the dilemma in which, as a great nation, we find ourselves today.

I think the Senator from Iowa has presented to the Members of the Senate and to the American people in a most explicit way, in a way which is reasoned, thoughtful, and moderate, an explanation of the real cost of this war. He has pointed out to all of us once again the cost of that war in terms of lives and in terms of our resources, and has reminded all Americans of the costs of the American people of our failure to meet our commitments to the education of our young, the health of our old, and those who live with little hope and much despair in our urban areas.

In the relatively short period of time that I have been in the Senate, I have heard few Members, and even fewer freshmen, address this body with the kind of thoughtful commentary that has been made by the distinguished Senator from Iowa this morning. I think he serves a great purpose in the Senate, and I think brings great credit to his State, by the remarks which he has shared with us.

The Senator from Iowa comes to this body with a reputation which preceded him, as a man who is ready to plow new fields, who is not satisfied with the shibboleths of old and the policies of the past, all of which he had demonstrated by his forward-looking administration as one of the great Governors of our Nation. Now he has turned those abundant talents to the national and international questions which face this Nation today. I think the result has been a thoughtful and commendable statement. I congratulate the Senator from Iowa.

Mr. HUGHES. The Senator from Iowa deeply appreciates the very eloquent statements of the Senator from Massachusetts and hopes that in the weeks and months ahead, as we continue our dialog, we can continue to open avenues in support of this great country that will strengthen our country by the proper direction of our resources and by meeting what commitments we must meet internally and externally.

I thank the Chair very much.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Iowa, in his thoughtful, reasoned, and courageous speech has, in my opinion, performed a public service.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

DISCLOSURE BY SENATOR JAVITS OF FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, on May 14 of this year I filed, as did each other Member of the Senate, two reports required under the new Senate disclosure rules which have just become effective. One report, filed with the Secretary of the Senate and made public upon its filing, disclosed honorariums and contributions received by me in 1968; and another report, filed with the Comptroller General, disclosed my financial interests, but that report is not, under Senate rules, considered public information.

I am, therefore, continuing today to pursue my practice of many years by publicly filing a report of my major financial interests. I hereby publish this list of companies subject to regulation by the Federal Government, in each of which I have an interest—direct or indirect—mainly as beneficiary of a family trust—in an amount exceeding $5,000. These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly:

Apco Oil Corp., Baxter Laboratories, Belco Petroleum, Cities Service, Corinthian Broadcasting Corp., Felmont Oil Corp., First National City Corp., General Instrument, Government Employees Corp., Government Employees Financial, Government Employees Insurance, Government Employees Life Insurance, South Carolina Electric & Gas, Southern Co., Transamerica Corp., and White Shield Oil & Gas Corp.

Mr. President, I have today filed, and will annually continue to do so. my own financial statement with respect to securities, under any form of Government regulation, relation, or control, in which I have, directly or indirectly an interest in excess of $5,000, as I have for many years, notwithstanding the filing which the Senate now requires, which I made on May 14. I believe this ought to be public information, and under the Senate rule, that information is filed with the Comptroller confidentially.

I just say that at this time, because it is a practice which I have pursued and which I intend to continue until such time as the Senate requires, as I believe it should, complete publication of such information by its Members of a public character.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE EAST-WEST CENTER IN HONOLULU

A letter from the Secretary of State, transmitting, pursuant to law, the eighth annual report on the activities of the East-West Center in Honolulu, covering the period July 1, 1967 through June 30, 1968 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON NONPROFIT EDUCATIONAL INSTITUTIONS AND OTHER NONPROFIT ORGANIZATIONS

A letter from the General Manager, U.S. Atomic Energy Commission, reporting, pursuant to law, the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested by the Atomic Energy Commission pursuant to section 2 of Public Law 85-934, for calendar year 1968 (with accompanying papers); to the Committee on Government Operations.

REPORT ON DEPARTMENT OF TRANSPORTATION GRANTS

A letter from the Deputy, Office of the Secretary of Transportation, reporting, pursuant to law, that there were no grants made by the Department of Transportation pursuant to section 1891 of title 42, U.S. Code, during the preceding year; to the Committee on Government Operations.

REPORT OF PROPOSED CONCESSION CONTRACT FOR THE GRAND TETON NATIONAL PARK, WYOMING

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Leek's Lodge, Inc., will be authorized to continue to provide accommodations, facilities, and services for the public in Grand Teton National Park, Wyoming, for a 20-year period from October 1, 1968, through September 30, 1988, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO COMMENCE PROGRESS PAYMENTS TO A BRIDGE OWNER UPON ORDERING ALTERATION OF THE BRIDGE

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to commence progress payments to a bridge owner upon ordering alteration of the bridge (with accompanying papers); to the Committee on Public Works.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Maj. Gen. Andrew Peach Rollins, Jr., Army of the United States (brigadier general, U.S. Army), to be a member and president of the Mississippi River Commission; and

Col. Charles R. Roberts, Corps of Engineers, to be a member of the California Debris Commission.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Chatauga County Board of Supervisors, New York, recommending that local government obligations remain free from taxation; to the Committee on Finance.

A resolution adopted by the Board of Supervisors of Cayuga County, N.Y., opposing Federal legislation eliminating tax-exempt municipal bonds; to the Committee on Finance.

By Mrs. SMITH (for herself and Mr. MUSKIE):

Joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING THE HONORABLE MAURICE H. STANS, SECRETARY OF COMMERCE, THE HONORABLE GEORGE P. SHULTZ, SECRETARY OF LABOR AND THE MAINE CONGRESSIONAL DELEGATION TO CURTAIL THE CRIPPLING FLOW OF FOREIGN FOOTWEAR IMPORTS

"We, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition the Honorable Maurice H. Stans, Secretary of Commerce, George P. Shultz, Secretary of Labor and the Maine Congressional Delegation, as follows:

"Whereas, the production and importation of foreign footwear has become a decisive threat to the shoe industry in the Sanford-Springvale area; and

"Whereas, a petition is being prepared on the national level for presidential presentation as an initial step toward curtailment of this hazard to the leather and vinyl footwear industries in Maine; and

"Whereas, seven New England shoe factories have already found it necessary to close in the past six months, due to the increasing percentage of imported leather; and

"Whereas, a strong possibility exists that two manufacturing industries located in the area of Sanford and Springvale will also close their operations in the near future depriving some 500 workers of their major source of income and employment; now, therefore, be it

"Resolved: That we, your Memorialists, recommend and urge the Secretary of Commerce and the Secretary of Labor and the Members of the United States Congress from the State of Maine to use every possible means to promptly curtail the importation of foreign footwear and to provide adequate safeguards to our domestic industry and its work force; and be it further

"Resolved: That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of Commerce, the Secretary of Labor, and each Senator and Representative from Maine in the Congress of the United States."

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 265) to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies, was read twice by its title and ordered to be placed on the calendar.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, without amendment:

S. 38. A bill to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska (Rept. No. 91-265).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 4297. An act to amend the act of November 8, 1966 (Rept. No. 91-266).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2341. A bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies (Rept. No. 91-267).

SENATE JOINT RESOLUTION 126—REPORT OF A COMMITTEE ON ORIGINAL JOINT RESOLUTION RELATING TO INCREASE OF APPROPRIATION AUTHORIZATION FOR THE FOOD STAMP PROGRAM (S. REPT. NO. 91-264)

Mr. ELLENDER, from the Committee on Agriculture and Forestry, reported an original joint resolution (S.J. Res. 126) to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million, and submitted a report thereon, which report was ordered to be printed, and the joint resolution was placed on the calendar.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar as follows:

By Mr. RANDOLPH:

S. 2461. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Randolph when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN (for himself, Mr. PASTORE, Mr. COTTON and Mr. BROOKE):

S. 2462. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission; to the Committee on the Judiciary.

(The remarks of Mr. DIRKSEN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TALMADGE:

S. 2463. A bill for the relief of Rosemaria De Loach; to the Committee on the Judiciary.

By Mr. ELLENDER:

S.J. Res. 126. A joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million; placed on the calendar.

(The remarks of Mr. ELLENDER when he reported the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 2462—INTRODUCTION OF A BILL ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. DIRKSEN. Mr. President, for myself and Senators BROOKE, COTTON, and PASTORE, I introduce for appropriate reference, a bill to extend the life of the American Revolution Bicentennial Commission for 1 year. The Commission by laws is required to report to the President and Congress by July 4 of this year and its appropriation authorization expires June 30 this year.

When the Commission was first created it was felt that sufficient time had been provided for it to complete its work: That of recommending suitable bicentennial observances.

However, it was more than 10 months before members of the Commission were appointed and funds were not provided for several additional months. In fact, the Commission has been staffed and

operating for only 7 months. I am assured by the members of the Commission that they can complete their work within 1 year. The budget request for this Commission has been reduced by some $40,000, but of course funds for the Commission are contingent upon the enactment of this legislation. I am confident that a 1-year extension will be sufficient.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2462) to amend the joint resolution establishing the American Revolution Bicentennial Commission, introduced by Mr. DIRKSEN, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 1653

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that, at its next printing, the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor of the bill (S. 1653) to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William E. Amos, of Maryland, to be a member of the board of parole for the term expiring September 30, 1974, vice Homer L. Benson;

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia for the term of 4 years, vice Thomas B. Mason, resigned;

William F. Howland, Jr., of Virginia, to be a member of the board of parole for the term expiring September 30, 1972 (Reappointment);

Joseph O. Rogers, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina for the term of 4 years, vice Klyde Robinson;

Charles R. Wilcox, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years, vice John Terrill, retired.

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years, vice Walter N. Lawson, Jr.

Charles S. White-Spunner, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years, vice Vernol R. Jansen, Jr.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, June 27, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS

Mr. ERVIN. Mr. President, the Subcommittee on Constitutional Rights will conduct hearings on Tuesday, Wednesday, and Thursday of next week to consider proposed amendments to the Criminal Justice Act of 1964. That act is the Federal statute providing for the appointment and compensation of attorneys to represent persons accused of Federal crimes who cannot afford to retain adequate counsel and investigative services.

The Senator from Nebraska (Mr. HRUSKA) and I have cosponsored a bill (S. 1461) which would amend the act to increase the compensation for attorneys appointed to represent indigents and expand the types of cases and proceedings for which appointed counsel could be paid. The bill would also authorize the establishment of full-time Federal public defenders in certain high volume districts which have had some difficulty in providing adequate representation by appointments from the private bar or from privately supported legal aid agencies under the present act. Members of this body will recall that the version of the Criminal Justice Act passed by the Senate in 1963 provided for such public defender offices. That provision was deleted from the bill by the House of Representatives and the final legislation did not include it. Senator HRUSKA and I believe, however, that experience under the act has indicated the need for amendment of the act to authorize high volume districts to establish full-time defender offices. Our amendments would assure the continuing involvement of the private bar by providing that a substantial number of indigent defendants in such districts would have to be represented by counsel appointed from the private bar.

Among those who will appear at the subcommittee hearings are: Judge Harvey M. Johnsen, senior judge of the Eighth Circuit Court of Appeals, who chaired a U.S. Judicial Conference Committee established to assist in the implementation of the act; Prof. Dallin Oaks, of the University of Chicago Law School, who directed an extensive study of the act last year for the Judicial Conference Committee, other Federal court judges with broad experience under the act, and a representative of the Department of Justice. A complete list of witnesses scheduled to testify is attached:

WITNESS LIST FOR HEARINGS ON S. 1461, AMENDMENTS TO THE CRIMINAL JUSTICE ACT OF 1964, SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, JUNE 24, 25, AND 26, 1969, ROOM 2228, NEW SENATE OFFICE BUILDING

TUESDAY, JUNE 24, 1969, 10:30 A.M.

Honorable Harvey M. Johnsen, Senior Circuit Judge, U.S. Court of Appeals for the 8th Circuit, Omaha, Nebraska. Accompanied by: William E. Foley, Deputy Director, Administrative Office of the United States Courts.

Donald E. Santarelli, Associate Deputy Attorney General for Administration of Criminal Justice, Department of Justice.

Professor Dallin Oaks, The Law School, University of Chicago.

Mrs. Barbara Allen Bowman, Director, Legal Aid Agency for the District of Columbia. Accompanied by: Samuel Dash, Chairman, Board of Trustees, Legal Aid Agency for the District of Columbia.

Terence F. MacCarthy, Executive Director, Federal Defender Program Inc., Chicago, Ill.

WEDNESDAY, JUNE 25, 1969, 10:30 A.M.

Honorable James M. Carter, Judge, U.S. Court of Appeals for the 9th Circuit, San Diego, California.

Honorable Walter E. Craig, Judge, U.S. District Court, Phoenix, Arizona.

Maynard J. Toll, President, National Legal Aid and Defender Association, Los Angeles, California. Accompanied by: Robert J. Kutak, appearing on behalf of William F. Gossett, President, American Bar Association.

Tom Karas, Federal Defender, Federal Criminal Defense, Phoenix, Arizona.

James F. Hewitt, Attorney in Charge, Federal Criminal Defense Office, San Francisco, California.

Harry D. Steward, Executive Director, Defenders Inc., San Diego, California.

THURSDAY, JUNE 26, 1969, 10:30 A.M.

Daniel J. Freed, Former Director, Office of the Criminal Justice, Department of Justice.

Honorable William H. Hastie, Chief Judge, U.S. Court of Appeals for the 3rd Circuit, Philadelphia, Pa.

Charles L. Decker, Director, National Defender Project, Washington, D.C.

Lawrence Speiser, Director, Washington Office, American Civil Liberties Union.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the calendar, beginning with Calendar No. 228, and that the rest of the calendar be considered in sequence.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The clerk will state the first bill by title.

RAYMOND C. MELVIN

The bill (S. 632) for the relief of Raymond C. Melvin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of clause (1) of section 2733 of title 10, United States Code, and any regulations promulgated pursuant to such clause, the Secretary of the Army is authorized to receive, consider, settle, and pay any claim filed under such section within six months after the date of enactment of this Act by Raymond C. Melvin, of Burlington, Vermont, for permanent physical injury suffered by him as a result of the accidental explosion of a blasting cap allegedly left by United States Army personnel in an area near a military housing development where children were known to play and which was found by said Raymond C. Melvin on July 4, 1964, while playing in such area.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–238), explaining the purposes of the bill.

There being no objection, the excerpt was ordrered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to waive the applicable statute of limitations to permit the filing under the Military Claims Act a claim for Raymond C. Melvin, of Burlington, Vt., for permanent physical injury suffered by

him as the result of the accidental explosion of a blasting cap.

STATEMENT

A bill for this claimant was introduced in the 90th Congress to provide for the payment of $10,000 to the claimant. In its report on that bill the Department of the Army stated that it would have no objection to the enactment of the legislation if the bill were amended to provide for the filing of the claim under the Military Claims Act.

The facts of the case as set forth by the Department of the Army are as follows:

"Official records of the Department of the Army show that Raymond C. Melvin was residing with his father, Sfc. Donald D. Melvin, at Fort Lewis, Wash., on July 6, 1964. He was then 13 years of age and often played in a wooded area adjacent to his family's assigned quarters. Although posted signs stated that entry into the wooded area was prohibited because the area was the location of a small-arms firing range, it was common knowledge on the post that children frequently disregarded the warning. On July 6, 1964, Raymond found a blasting cap in the area. As he picked it up, the cap exploded and his left hand was severly injured. He was admitted to Madigan General Hospital at Fort Lewis for treatment. Several days later his hand swelled markedly, the skin sloughed over the back of his hand, infection set in, and the extensor tendons to the long and ring fingers were exposed and lost. Raymond had two skin grafts to the back of his hand at Madigan General Hospital in July 1964, and had further grafts at Walter Reed General Hospital in October 1964, July 1965, and September 1965. In April 1966, he had reconstructive surgery of the tendons and joints. Doctors for the claimant now feel that an optimum of 60 percent use of the hand may be returned with further surgery involving tendon grafting. Raymond's total hospitalization has been in excess of 4 months and because of his injury his school's principal reports that he has lost about 2 full years of formal schooling.

"At the time of the accident, Sergeant Melvin reported the accident to the safety officer at Madigan General Hospital but did not file a claim or seek claims information within 2 years of the inquiry. This Department has no knowledge of why Sergeant Melvin failed to initiate claims action.

"The accident was reported to the Fort Lewis safety office but a detailed report of a safety or claims investigation has not been found. In a statement dated June 17, 1967, however, the former safety noncommissioned officer at Madigan General Hospital reports that he searched the area where Raymond found the device and found no other explosive devices. Other evidence, primarily hearsay, indicates that explosives were often found in the general area.

"A claim for the damages suffered by Raymond would have been cognizable under the Military Claims Act (10 U.S.C. 2733) had it been filed with the Department of the Army, within 2 years of the date of the injury. As a claim was not filed within the statutory period, recovery is now barred by the statute of limitations (10 U.S.C. 2733). Available evidence indicates that the Government is probably liable under the Military Claims Act and evidence is available to determine the amount of damages, if settlement under the act is authorized.

"In view of the circumstances set out above, the Department of the Army is opposed to the enactment of S. 1254. Payment of the lump-sum award proposed in this bill would clearly constitute discriminatory and preferential treatment over that accorded other claimants similarly situated, particularly those who, after filing timely claims under the Military Claims Act, have had such claims settled pursuant to the uniformly applicable standards for measuring damages which have been prescribed under that act.

"If, however, the Congress should find extenuating circumstances relating to Sergeant Melvin's failure to file a timely claim under the Military Claims Act, this Department would have no objection to the enactment of legislation for the limited purpose of waiving the applicable statute of limitations and authorizing the filing of a claim under that act within 6 months of the date of enactment.

"The cost of the bill, if amended as suggested and enacted, cannot be determined at this time."

The committee believes that the bill as introduced in this Congress to authorize the filing of the claim under the Military Claims Act is meritorious and recommends it favorably.

BILL PASSED OVER

The bill (S. 1932), for the relief of Arthur Rike, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

CREATION OF A COMMISSION TO STUDY THE BANKRUPTCY LAWS OF THE UNITED STATES

The joint resolution (S.J. Res. 88) to create a Commission To Study the Bankruptcy Laws of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 88

Whereas the number of bankruptcies in the United States has increased more than 1,000 per centum annually in the last twenty years; and

Whereas more than one-fourth of the referees in bankruptcy have problems arising in their administration of the existing Bankruptcy Act and have made suggestions for substantial improvement in that Act; and

Whereas the technical aspects of the Bankruptcy Act are interwoven with the rapid expansion of credit which has reached proportions far beyond anything previously experienced by the citizens of the United States; and

Whereas there appears to be little experience or understanding by the Federal Government and the commercial community of the Nation in evaluating the need to update the technical aspects of the Bankruptcy Act and the financial policies pursued by the Federal Government and the commercial community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Commission on the Bankruptcy Laws of the United States (hereinafter referred to as the "Commission").

(b) The Commission shall study, analyze, evaluate, and recommend changes to the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (30 Stat. 544), as amended (title 11, United States Code), in order for such Act to reflect and adequately meet the demands of present technical, financial, and commercial activities. The Commission's study, analysis, and evaluation shall include a consideration of the basic philosophy of bankruptcy, the causes of bankruptcy, the possible alternatives to the present system of bankruptcy administration, and all other matters which the Commission shall deem relevant.

(c) The Commission shall submit a comprehensive report of its activities, including its recommendations, to the President and the Congress within two years after the date of enactment of the joint resolution. Upon the filing of such report, the Commission shall cease to exist.

SEC. 2. (a) The Commission shall be composed of the following members appointed as follows:

(1) three members appointed by the President of the United States, one of whom shall be designated as Chairman by the President and two of whom shall be active practitioners in the field of bankruptcy law;

(2) two appointed by the President of the Senate;

(3) two appointed by the Speaker of the House of Representatives; and

(4) two active full-time referees in bankruptcy appointed by the Chief Justice of the United States. (b) Five members of the Commission shall constitute a quorum.

(c) A vacancy in the Commission shall not affect its powers. Any vacancy shall be filled in the manner in which the original appointment was made.

(d) Referees in bankruptcy and any other employees of the Federal Government who are members of the Commission shall serve without additional compensation. Each member from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3. The Commission shall have the power to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 4. To carry out the purposes of this joint resolution, the Commission shall have the authority, within the limits of available appropriations—

(1) to obtain any research or other assistance it deems necessary;

(2) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(3) to enter into contracts or other arrangements, or modifications thereof, and such contracts or other arrangements or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(4) to make advance, progress, and other payments which it deems necessary without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) to acquire by lease, loan, gift, bequest, or devise, and to hold and dispose of by sale, lease, or loan, real or personal property of all kinds necessary for or resulting from the exercise of authority under this joint resolution.

SEC. 5. Any office, department, agency, or instrumentality of the executive or judicial branches of the United States Government shall furnish to the Commission, upon a reimbursable basis, such advice, information,

and records as the Commission may require for the performance of its duties.

SEC. 6. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–240), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to create a commission to study the bankruptcy laws of the United States.

STATEMENT

A similar resolution in the 90th Congress, S.J. Res. 100, was the subject of a subcommittee hearing, was approved by the full committee, and was passed by the Senate, but no action was taken in the closing days of the session in the House of Representatives.

In its favorable report on the similar resolution in the 90th Congress, this committee said:

"The Commission's work should result in recommendations the Bankruptcy Laws of the United States which will have as its objective a wide range study and analysis of the bankruptcy situation as it exists in America today.

"The Commission's work should result in recommendations for changes in the National Bankruptcy Act in order to make this act reflect current conditions and meet the needs of our present society. During the course of the hearings, testimony was heard from outstanding referees in bankruptcy and representatives of the Judicial Conference of the United States, the Executive Office of the President, the National Association of Credit Management, the National Conference of Referees in Bankruptcy, the Association of the Bar of the City of New York, and the National Bankruptcy Conference. In addition, a statement was received from the American Bankers Association. Interest in the hearings was expressed by the American Bar Association which was represented by a staff member who attended the hearings in behalf of his association and the Brookings Institution which was represented by a member of its staff. All the witnesses expressed strong approval of the proposed Commission. The recurring theme was that the current Bankruptcy Act deals with conditions of a bygone era; it must be updated.

"The present Bankruptcy Act was enacted in 1898. It is interesting to note that the first major revision of this act was not made until 40 years later with the passage of the Chandler Act in 1938. The primary purpose of the Chandler Act was to revise the bankruptcy law to meet modern business and economic problems and to take into account far-reaching social and economic changes which had occurred in the span of 40 years, and to correct defects and inadequacies in the Bankruptcy Act.

"Since the enactment of the Chandler Act in 1938, there has been only one important revision of the act, which was passed in 1946. The 1946 amendment abolished the old fee system of compensating referees in bankruptcy and placed them on annual salaries. The 1946 act also established a self-supporting system under which the salaries and office expenses of referees in bankruptcy are paid out of a special fund in the Treasury. This fund is maintained by the deposit of filing fees and certain charges collected from the assets of bankrupt estates.

"In the 30 years since the last major revision of the Bankruptcy Act, there have probably been even greater changes in the social and economic conditions of the country than in the 40 years prior to the enactment of that act. The population of the country has grown in the last 30 years from approximately 130 million to 200 million. Installment credit has increased in the same period from approximately $4 billion to $80 billion today.

"It is generally agreed that the present Bankruptcy Act can and should be improved to make it a better instrument for debtor relief and rehabilitation in the courts.

"The number of bankruptcies has reached an annual rate of more than 200,000. Just a few years ago, in 1957, there were 74,000 cases of bankruptcy. The rate of business bankruptcies has remained quite stable. The increase is in personal bankruptcies, which represent over 90 percent of the total yearly bankruptcies. Although we cannot say we have reached a crisis, the rapidly increasing rate of bankruptcies shows that we are on the road to a crisis in this area. The time to act is now while we can evaluate the problem in a calm environment.

"The subcommittee is aware of the Brookings Institution study on bankruptcy, as are all the experts in the field of bankruptcy. The consensus is that this study will be useful to the Commission. The Commission will not duplicate the work of the Brookings Institution because the Commission's task will be much wider in scope than the Brookings Institution study as we understand it. The thought was expressed several times during the hearings that since the Brookings Institution study will be available within a few months, it is now the propitious time to create this Commission so that the Brookings Institution study can be immediately utilized to provide a base from which the Commission can begin to build its record.

"Under section 2075, title 28, of the United States Code Annotated, the U.S. Supreme Court is authorized to prescribe by general rules the forms of process, writs, pleadings and motions, and the practice and procedure under the Bankruptcy Act. Pursuant to this authorization, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States will, in the next several months, complete the drafting of a set of rules of practice and procedure in the bankruptcy courts. In the process of drafting these procedural rules, many procedural sections of the Bankruptcy Act will be incorporated in the rules, leaving intact only substantive provisions of the act. The Commission contemplated by Senate Joint Resolution 100 will therefore, have the benefit of the work of the Rules Committee with respect to practice and procedure and be able to concentrate on the remaining substantive provisions which, in its judgment, need to be changed to meet modern economic and social conditions."

Senate Joint Resolution 100 of the 90th Congress provided for a 10-member Commission, all appointed by the President; there were to be two members of the Senate, two members of the House of Representatives, three referees in bankruptcy, and three businessmen "knowledgeable in the field of bankruptcy." The Commission proposed in Senate Joint Resolution 88 consists of nine members, three, including the Chairman, appointed by the President, two by the President of the Senate, two by the Speaker of the House, and two "active full-time referees in bankruptcy" appointed by the Chief Justice of the United States.

The greater flexibility of the membership provision of Senate Joint Resolution 88 will permit the appointment of a broader range of highly qualified individuals who may bring to the Commission widely diverse viewpoints. It is reasonable to expect that the business community would be represented in such a Commission. Also, because of its substantial role in the administration of the present Bankruptcy Act, the Securities and Exchange Commission should have a hand in the work of the Commission.

The committee believes that the joint resolution is meritorious and recommends it favorably.

BILL PASSED OVER

The bill (S. 2416) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens was considered and agreed to, as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A–13388850, Berger, Harry.
A–14605579, Ma, Yiu Kay.
A–11598081, Pung, Wone.
A–5145324, Alcala-Salcedo, Apolinario.
A–6815221, Bader, Louis William.
A–4324674, Barrera-Cabrera, Jesus.
A–4973740, Bergh, Christian Herman.
A–1975504, Abrams, Samuel S.
A–3212791, Candanoza-Leza, Rogelio.
A–4858345, Kalogres, Atanasios.
A–2843283, Klingbeil, Bernard Michael.
A–5121888, Lum, Mee.
A–5987386, Martinez-Venegas, Pedro.
A–3173420, Rojo-Estrada, Ramon.
A–2628682, Tercero-Flores, Manuel.
A–9836945, Lai, Sung Wong.
A–12649506, Wong, Kim Taw.
A–14585059, Chin, Goon You.
A–5433208, Papuzynski, Walter John.
A–1050706, Tahir, Ahmed.
A–17878251, Rodriguez, Jose Roman.
A–5665371, Soares, Jacintho Perreira.
A–17185939, Wong, Harry.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–245), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution is to record congressional approval of suspension of deportation in certain cases in which the Attorney General has suspended deportation pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended. Under the prescribed procedure, affirmative approval by both the Senate and the House of Representatives is required before the status of the aliens may be adjusted to that of aliens lawfully admitted for permanent residence.

STATEMENT OF FACTS

The concurrent resolution relates to certain cases in which the Attorney General has suspended deportation under the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended. These cases are submitted to the Congress under the provisions of that section subsequent to its amendment by section 4 of Public Law 87–885. The aliens are deportable as former sub-

versives, criminals, immoral persons, violators of the narcotic laws, or violators of the alien registration laws. The discretionary relief may be granted to an alien within these categories upon a showing (1) of 10 years' continuous physical presence in the United States following the commission of an act or the assumption of a status constituting a ground for deportation; (2) that he has not been served with a final order of deportation up to the time of his application for suspension of deportation; (3) that he has been a person of good moral character during the required period of physical presence; and (4) that his deportation would result in exceptional and extremely unusual hardship to himself or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence.

Included in the concurrent resolution are 23 cases which were referred to the Congress between February 1, 1968, and October 1, 1968. One case referred during that period was withdrawn by the Attorney General, and one case was not approved. In each case included in the concurrent resolution, a careful check has been made to determine whether or not the alien (*a*) has met the requirements of the law; (*b*) is of good moral character; and (*c*) warrants the granting of suspension of deportation.

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, is of the opinion that the concurrent resolution (S. Con. Res. 33) should be agreed to.

DR. JOAQUIN JUAN VALENTIN FERNANDEZ

The bill (S. 152) for the relief of Dr. Joaquin Juan Valentin Fernandez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Joaquin Juan Valentin Fernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 15, 1956, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–246), explaining the purpose of this bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

VERNON LOUIS HOBERG

The bill (S. 1087) for the relief of Vernon Louis Hoberg was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Vernon Louis Hoberg may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provision of that Act; *Provided,* That if the said Vernon Louis Hoberg is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–247), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has a mental defect in behalf of Vernon Louis Hoberg. The bill provides for the posting of a bond as a guarantee that the beneficiary will not become a public charge if he is not eligible for medical care under the Dependents' Medical Care Act.

LILLIAN BIAZZO

The bill (S. 1704) for the relief of Lillian Biazzo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lillian Biazzo shall be deemed to be a returning resident alien within the meaning of section 101(a)(27)(B) of that Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–248), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide for the readmission to the United States for permanent residence of a former resident of the United States.

CHONG PIL LEE

The Senate proceeded to consider the bill (S. 690) for the relief of Chong Pil Lee, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the word "of" where it appears the second time, to strike out "April 1955, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available," and insert "May 26, 1963, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act."; so as to make the bill read:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Chong Pil Lee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of May 26, 1963, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–249), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

CHONG SUK STROISCH

The Senate proceeded to consider the bill (S. 1128) for the relief of Chong Suk Stroisch, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Chong Suk Stroisch, the widow of Sergeant Lloyd Edward Stroisch, a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of the said Act shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read "A bill for the relief of Mrs. Chong Suk Stroisch."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–250), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of an immediate relative to Mrs. Chong Suk Stroisch which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States. The bill has been amended in accordance with established precedents.

AUGUSTO G. USATEGUI

The Senate proceeded to consider the bill (S. 1677) for the relief of Augusto G. Usategui, doctor of medicine, which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "Act," to strike out "Augusto G. Usategui, doctor of medicine," and insert "Doctor Augusto G. Usategui,"; so as to make the bill read:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Augusto G. Usategui, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 2, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dr. Augusto G. Usategui."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–251), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The amendments are technical in nature.

COSMINA RUGGIERO

The bill (H.R. 1437) for the relief of Cosmina Ruggiero was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–252), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States in an immediate status of the adopted child of a citizen of the United States.

MRS. MARJORIE J. HOTTENROTH

The bill (H.R. 1939) for the relief of Mrs. Marjorie J. Hottenroth was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–253), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status in behalf of the widow of a U.S. citizen.

MARIO SANTOS GOMES

The bill (H.R. 1960) for the relief of Mario Santos Gomes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 254), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill would provide for compliance with the residence and physical presence requirements of section 316 of the Immigration and Nationality Act by Mario Santos Gomes.

LOURDES M. ARRANT

The bill (H.R. 2005) for the relief of Lourdes M. Arrant was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–255), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted child of citizens of the United States.

GEORGE TILSON WEED

The bill (H.R. 5136) for the relief of George Tilson Weed was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–256), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable George Tilson Weed to file a petition for naturalization.

CONFERRING OF U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C. KLAUS JOSEF STRAUSS

The bill (H.R. 6607) to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–257), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer posthumous U.S. citizenship on Sp4c. Klaus Josef Strauss.

ROMEO DA LA TORRE SANANO AND HIS SISTER, JULIETA DE LA TORRE SANANO

The bill (H.R. 1632) for the relief of Romeo da la Torre Sanano and his sister, Julieta de la Torre Sanano, was considered, ordered to a third reading, read the third time, and passed.

The title was amended, so as to read: "An act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–258), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of two children coming to the United States for adoption by citizens of the United States. The bill has been amended to correct a spelling error in the title of the bill.

ADELA KACZMARSKI

The Senate proceeded to consider the bill (H.R. 2336) for the relief of Adela Kaczmarski, which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the name "Adela" to strike out "Durda" and insert "Kaczmarski."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–259), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant to the adopted daughter of citizens of the United States the status of a first preference immigrant, which is the status normally enjoyed by the natural-born alien sons and daughters of U.S. citizens. The bill has been amended to reflect the beneficiary's name by adoption in the body of the bill.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 253.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 912) to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 8, after the word "donation," insert "condemnation"; and on page 3, line 1, after the word "than," strike out "$3,200,000" and insert "$3,727,000"; so as to make the bill read:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the protection, controlled collection, and scientific interpretation of the

unique insect and leaf fossils and related objects of scientific value which have been preserved in the ancient Florissant lakebeds in Teller County, Colorado, the Secretary of the Interior may acquire by donation, *condemnation*, purchase with donated or appropriated funds, or exchange such land and interests in land in Teller County, Colorado, as he may designate from the lands shown on the map entitled "proposed Florissant Fossil Beds National Monument", numbered NM–FFB–7100, and dated March 1967, and more particularly described by metes and bounds in an attachment to that map, not exceeding, however, six thousand acres thereof, for the purpose of establishing the Florissant Fossil Beds National Monument.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the area designated, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Colorado which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal to values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 2. The Secretary of the Interior shall administer the property acquired pursuant to section 1 of this Act as the Florissant Fossil Beds National Monument in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums, but not more than $3,727,000, as may be necessary for the acquisition of lands and interests in land for the Florissant Fossil Beds National Monument and for necessary development expenses in connection therewith.

Mr. ALLOTT. Mr. President, S. 912 is a bill to authorize the establishment of the Florissant Fossile Beds National Monument in the State of Colorado.

The Florissant Fossil Beds are located approximately 35 miles west of Colorado Springs in Teller County, Colo. The 6,000-acre monument area covers part of the ancient lakebed of Florissant Lake. These fossil beds are of significant scientific value and should be preserved for future exploration and interpretation.

Field hearings were conducted at Colorado Springs on May 29, 1969, at which time 24 witnesses were heard. I believe that it is significant that not one word of opposition was heard at those hearings, and well over a hundred petitions, letters, and other communications have been received subsequent to the hearings and none have opposed the establishment of the national monument.

The ancient lakebeds of Florissant preserve more species of terrestrial fossils than any other known site in the world. The insect fossils are of primary significance and approximately 60,000 specimens have been collected. They represent the evolution and modernization of insects better than any other known site in America. In addition, fossil plants, emphasized dramatically by the petrified tree stumps and the great variety of leaf fossils, add greatly to the primary values. Fossils of spiders, other invertebrates, fish, and birds have also been found in Florissant. Even fossils of tsetse flies have been found, indicating that the climate of the area was once tropical. There is no known locality in the world where so many terrestrial species of one time have been preserved. A total of 144 plant entities or species have been found there of which 30 are of uncertain affinity. The remaining 114 are identifiable with modern species. Almost all the fossil butterflies of the new world have been found at Florissant. Collections have been taken by the American Museum of Natural History, the British Museum, the Carnegie Institution of Washington, the Denver Museum of Natural History, the University of Colorado, Princeton University, and many others.

In likening Florissant to Pompeii, Italy, Dr. Betty Willard, who helped conduct the field inspection, made these observations at the Colorado Springs hearings:

At Florissant, Colorado, we have the same opportunity—except at Florissant we can be transported back in time 36 million years before the advent of man on this earth. The Florissant lake shales were formed in much the same way as the Pompeiian formation—by numerous violent, sudden eruptions of a nearby volcano that rained fine ash over the countryside. The ash fell into a large lake dammed up by earlier lava flows from the volcano. As it fell, it sieved from the air and water animals and plants that were living, breathing, eating in the region of Colorado 34 to 38 million years ago. The gentleness of this ash fall, broken by the water of the lake, captured intact and held far from the ravages of pressure and decay, all the forms of life extant at Florissant in the Oligocene—exactly as life was preserved intact at Pompeii.

There is urgency, however, in taking action to preserve this paleontological treasure trove. The bulldozers are almost poised on the boundaries of the proposed monument. Mountain home type commercial developments have come right up to the north boundary and are on the south boundary of the monument site. Recent information indicates that a contract of sale has been entered into covering 1,800 acres of land included within the proposed monument and lying generally along the eastern boundary. This accounts for nearly one-third of the monument area. The proposed use of this land is subdivision and development. In view of the imminence of this planned incompatible development, it is essential that the Senate and the House of Representatives move as quickly as possible to enact S. 912, in order to give the Secretary of Interior the appropriate tools with which to take action to preserve this important scientific deposit.

The committee considered and adopted two amendments. The first amendment inserts the word "condemnation" between the words "donation" and "purchase" on line 8 of page 1 of the bill. The purpose of this amendment is to make it unmistakably clear to all concerned that the power of condemnation is granted to the Park Service and can be employed swiftly, in the event it should become necessary to preserve the integrity of the monument.

The second amendment increased the authorization from $3,200,000 to $3,727,000. This was necessary in order that the authorization reflect the most current Park Service estimates relative to cost.

Mr. President, I would be remiss if I did not express my appreciation to at least some of the people who have worked so hard to bring this measure to its present point in the legislative process.

To our distinguished chairman of the Parks and Recreation Subcommittee of the Senate Committee on Interior and Insular Affairs (Mr. BIBLE) I wish to express my sincere appreciation for scheduling and holding these hearings at such an early date. Without his assistance and support, this bill could not be before the Senate today.

To Dr. Beatrice Willard and to Dr. Estella Leopold who have been the real sparkplugs behind this effort, I wish to express my thanks. However, their real reward will come from the knowledge that they have preserved for the Nation this scientific treasure trove.

To the chairman of the full committee (Mr. JACKSON) and to all of the members of the committee, I wish to express my thanks for acting upon this measure expeditiously and unanimously.

Mr. President, there are two typographical errors in the printed committee report that should be mentioned in order to perfect the legislative history. While neither of them are of a substantive nature, I wish to have the corrections noted as a matter of record.

On page 2 of Senate Report No. 91–263, at the end of the first line in the paragraph entitled "Geologic Resource," the word "terrestrial" should be substituted for printed word "terestial."

On page 3 of the report, near the bottom of the page, the heading "Commercial Encourgement" appears. This should read "Commercial Encroachment."

Mr. President, there are two recent articles in periodicals that I believe should be made a part of the legislative history on his legislation. They help to shed light upon the scientific significance of the fossil beds and also explain the present posture of the monument area. The first is an article in the Mines magazine for May, 1969, written by Dr. Rudy C. Epis, entitled "Proposed Florissant Fossil Beds National Monument." The second is an article from the June 6, 1969, issue of Science magazine entitled "Fossil Beds Are Endangered," and written by Philip M. Boffey. Mr. President, I ask unanimous consent that both of these articles appear in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Mines magazine, May 1969]

PROPOSED FLORISSANT FOSSIL BEDS NATIONAL MONUMENT

(By Dr. Rudy C. Epis)

On Feb. 4. 1969, Colorado Senators Allott and Dominick introduced before the U.S. Senate, Bill S. 912, entitled, "A Bill to Provide for the Establishment of the Florissant Fossil Beds National Monument in the State of Colorado." The bill * * * is based largely on a study conducted by the National Park Service of the Department of the Interior. This study was published in May of 1967 and provides a master plan for the proposed monument, the purpose of which "* * * is to conserve a portion of the Florissant Fossil Beds and surrounding area for public use, study, and enjoyment; and to tell the story of the geological and fossil resources." The master plan considers such important items as land

acquisition, resource management, research programs, visitor use, and development. The illustrations used in this article are taken from the published report of the National Park Service.

The Florissant Lakebeds occupy a small, elongate basin situated 15 miles northwest of Pikes Peak in Teller County, Colorado. The basin is arcuate in plan and generally less than 1 mile in width. Its northwestern portion extends from Lake George to Florissant along the route of U.S. Highway 24. At Florissant, the basin bends somewhat sharply and continues southward 7 miles, paralleling Colorado State Highway 143 connecting Florissant with Cripple Creek. The total area of present outcrop of the beds is about 15 square miles. However, the proposed national monument would consist of no more than 6,000 acres lying immediately south of Florissant, as shown in Fig. 1.

It seems fitting that the Florissant Lakebeds be proposed as the site for a national monument. They contain a prolific assemblage of delicately and beautifully preserved fossil plants and insects the likes of which are unsurpassed anywhere in the world. In addition, excellent specimens of fossil fishes and birds are found within the beds. Perhaps no other deposits of such limited areal extent have received so much attention; during the past three-quarters of a century over 225 scientific articles have been written about the nature of these beds, especially their enclosed fossil forms. Public and private museums and famous geological collections the world over proudly display fossil materials gathered from the Florissant Lakebeds. The deposits were discovered by A. C. Peale in 1873 as part of his activities with the Hayden U.S. Geological and Geographical Survey. Among the many papers published about them, perhaps the most comprehensive and significant are those of W. Cross on the general geology, S. H. Scudder on the fossil insects, and H. D. MacGinitie on the fossil plants.

The Florissant deposits consist of a heterogeneous series of beds composed dominantly of intermediate volcanic detritus. They are less than 150 feet thick, and because of their general soft character are poorly exposed, except in road cuts and recent stream valleys and gullies. Major lithologic types include arkosic conglomerates; andesitic tuffs and mudflow breccias; thin-bedded tuffaceous shales, mudstones and sandstones; pumiceous tuffs; and volcanic conglomerates. The tuffaceous shales and mudstones, near the middle of the sequence, contain most of the delicately preserved fossil plant and insect remains; the andesitic tuffs and mudflows below them have preserved numerous petrified stumps and logs of giant Sequoia trees. Judging from the nature of the sediments and their enclosed flora and fauna, MacGinitie concluded that ancient Lake Florissant existed under climatic conditons similar to present-day climates of northeastern Mexico, northern Argentina east of the Andes, northeastern Australia, northeastern Africa, and northwestern India; that is, climatic conditions which were quite warm and humid, perhaps even sub-tropical, and considerably different from those existing in the region today.

Current studies by the writer, in cooperation with Prof. H. D. MacGinitie of the University of California at Berkeley and Dr. J. D. Obradovich of the U.S. Geological Survey in Denver, are underway to better define the geological age of the Florissant Lakebeds. Our preliminary results are based on K/Ar radiometric age determinations of volcanic rocks below, above, and within the deposits, as well as on correlations with dated stratigraphic units in the adjacent Thirty-nine Mile volcanic field. These results indicate that ancient Lake Florissant was in existence during the early and middle parts of the Oligocene epoch, about 34 to 38 million years ago; they agree well with previous age determinations of Gazin, based on a fossil marsupial, and of MacGinitie, based on the fossil flora. We intend to complete these studies in the near future in hopes of providing a better understanding of the sequence of geologic events involved in the formation of the Thirty-nine Mile volcanic field, the Florissant Lakebeds, and the nearby Cripple Creek volcano.

Following is a brief sketch of the geologic history of the Florissant Lakebeds as we now know it. During and after Laramide mountain building activity in late Cretaceous—early Paleocene time, the Front Range and adjacent areas to the west were subjected to considerable erosion, and near the end of the Eocene epoch the resulting terrain was one of moderately low relief underlain primarily by Precambrian crystalline rocks. Early in Oligocene time volcanic eruptions commenced in the Thirty-nine Mile volcanic field southwest of the Florissant area, and outflow material from these eruptions disrupted existing drainage regimes. Andesitic and basaltic lavas and mudflows spread laterally from local centers and such deposits created a barrier to a southerly drainage system now occupied by the Florissant Lakebeds. Ancient Lake Florissant formed behind this volcanic dam which is located about 7 miles south of Florissant. Continuing volcanic activity in the Thirty-nine Mile field contributed the abundant pyroclastic and volcaniclastic material which showered and poured into the lake, quickly entombing existing life forms. The intensity of volcanism increased and built a large composite volcano centered in the vicinity of Guffey about 18 miles southwest of Florissant. Lava flows and breccias along the northeastern flank of the Guffey volcano eventually reached the site of Lake Florissant; they are primarily responsible for preservations of the lakebeds as they finally engulfed the lake and buried its deposits beneath them. Erosion since Oligocene time has stripped away nearly all of this volcanic cover and exposed the lakebeds as we see them today.

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[From Science magazine, June 6, 1969]

FAMOUS FOSSIL BEDS ARE ENDANGERED

Scientists fear that the Florissant fossil beds in central Colorado—considered one of the finest fossil concentrations in the world—may be destroyed in the near future by real estate development. Efforts are under way to preserve the fossil area as a national monument. But, on the eve of congressional hearings on the monument proposal, a Colorado real estate firm purchased roughly 30 percent of the land involved and revealed plans to subdivide the land for housing development. Almost all scientists familiar with the area agree that the construction of housing would destroy the fragile beds. "It will be an irreparable loss—just terrible," Harry D. MacGinitie, a paleobotanist who has worked in the area for more than 3 decades, told *Science*.

The fossil beds lie in a mountain valley, about 35 miles west of Colorado Springs, near the small community of Florissant. Some 34 to 38 million years ago, during the Oligocene period, an ancient lake covered much of the area. Volcanic eruptions apparently rained down clouds of dust and ash upon the lake and its forested shores, thus capturing and preserving thousands of insects, plants, and other forms of life with rare delicacy.

MacGinitie, who is an associate in the Museum of Paleontology at Berkeley, said the site is "known all over the world" as having "one of the finest concentrations of fossil plants, insects, and fishes all in one area." He said the insect fossils are "almost unrivaled" and that the plant specimens are "beautifully preserved." There are also unusual fossiles of *Sequoia* stumps, but only a few small mammals.

Estella Leopold, a paleobotanist with the University of Colorado, finds the area "unique in the enormous diversity of organisms present—everything from algae to higher plants." She also said there is an "incredible abundance" of fossils. "I worked an hour recently and got 40 really marvelous leaf specimens and two bugs," she said. "Usually you have to work hard to find one or two specimens an hour at even the best localities." According to the National Park Service, Florissant has yielded some 60,000 specimens of more than 1,000 different species of living things.

Three bills are currently pending in Congress that would designate 6,000 acres of the fossil bed area—which is known to exceed 12,000 acres—as a national monument. Similar legislation died in three previous congresses—largely because of apathy rather than outright opposition. But this year there seems to be more steam behind the proposal.

Colorado's two Republican senators—Gordon Allott and Peter H. Dominick—have cosponsored one of the bills. Allott, who is ranking Republican on the Senate Interior Committee which is handling the legislation, has expressed "a sense of urgency about the passage of this bill." Dominick has warned: "We must protect the area before it is too late." Last week the Interior Committee's parks and recreation subcommittee held hearings on the legislation in Colorado Springs.

Shortly before the field hearings began, however, Central Enterprise Realty Company of Colorado Springs purchased some 3000 acres in the Florissant vicinity from an out-of-state owner. Interested scientists say about 1800 of these acres lie within the boundaries of the proposed monument. K. C. Wofford, a partner in the firm, told *Science* his company plans to subdivide the land and sell it off "immediately" to people interested in putting up housing. Wofford said he had a "firm purchase contract" with the previous owner of the land and expected to close the deal "in a few days." He also said he is bargaining for more land in the area.

Meanwhile, Colorado conservation groups have asked the realtors to delay development until Congress has a chance to act. If negotiations fail, they plan to file suit. "We'll have to do something," one attorney said. "The bulldozers are ready to cut the road."

Mr. ALLOTT. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I will be brief in my remarks in support of this bill. My distinguished senior colleague from Colorado, with whom I am honored to cosponsor this legislation, has fully stated the case for passage of this bill to authorize the Florissant Fossil Beds National Monument.

I participated in the hearings recently held in Colorado Springs. The support for this bill was overwhelming. Not a voice was raised in opposition. This support came from civic groups, local and State government, and the academic and private community. The distinguished senior Senator from Colorado has mentioned the efforts of Dr. Bettie Willard and Dr. Estella Leopold. I wish to underscore those remarks. Mention should be made also of the work and support of Mr. Joe E. Burns, chairman of the Teller County Board of County Commissioners and the other Teller County commissioners, John Bermingham, State senator for district 7, Carol M. Kenny, mayor of Woodland Park, Colo. In addition I would like to mention the support of the many clubs and organizations throughout the State, including the Colorado Women's Club, Colorado Open Space Council, the Sierra Club and the Izaak Walton League. Time does not permit mention of all the people and groups who have contributed in bringing this legislation to this point.

Mr. President, one point must be made very clear. The historic and scientific value of this site is unrivaled in this country. Commercial development is even now threatening its very existence. I wish to stress that unless immediate action is taken not only the scenic benefits of this site will be ruined, but the fossil beds themselves may be physically destroyed. We cannot permit such a tragedy to occur.

The site consists of 6,000 acres. We can place in the hands of the Secretary of Interior the authority to move rapidly in protecting this whole site. It is essential to preserve the whole 6,000 acres for this site to retain its true and intrinsic value.

I wish to express my sincere appreciation to Senator BIBLE, chairman of the subcommittee, and Senator JACKSON, chairman of the full committee for their realization of the value of this project. This realization is clearly evident by the prompt action taken by the committee to bring this matter promptly before the Senate. The Senate leadership has also recognized the need for timely and immediate action.

I urge your support for this bill. I wish only that each of you could visit and explore this site. We must pass this legislation today so that this scientific storehouse may be preserved for all people for all time. I thank my colleagues for their consideration.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading, was read the third time, and passed.

Mr. ALLOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2461—INTRODUCTION OF A BILL TO AMEND THE RANDOLPH-SHEPPARD ACT, WHICH OPERATES SUCCESSFULLY FOR BLIND PEOPLE—AMENDMENTS OFFERED TO STRENGTHEN PROGRAM

Mr. RANDOLPH. Mr. President, 33 years ago today, President Franklin Delano Roosevelt signed into law the Randolph-Sheppard Act. This measure, authored by Senator Morris Sheppard and myself, established the program granting preference to blind persons in the operation of vending facilities in Federal buildings.

It was a privilege as a Member of the House of Representatives to sponsor with Senator Sheppard this legislation to provide the opportunity for blind men and women to become self-supporting, tax-paying citizens while demonstrating to the public that individuals with this handicap can be capable and productive workers. The Randolph-Sheppard Act was later broadened to cover stands on Federal property. I recall the pioneering work for the blind of many persons, in and out of Government, including Leonard P. Robinson, who first brought the vending-stand concept to my attention.

Congress authorized the program. Blind persons themselves did the rest. They have worked diligently as small business entrepreneurs serving Government employees and the public in snack bars and other types of vending facilities. In the late thirties, when employment opportunities for blind persons were severely limited and the public equated blindness with helplessness and the beggar on the street corner, these blind concessionaires contributed greatly to changing that image of helplessness into one of ability. Their demonstrations of ability facilitated the acceptance of all types of handicapped workers by industry and influenced the establishment of public policy to provide training and job opportunities for our handicapped citizens.

Since 1936, the vending stand program has grown, until now there are nearly 3,300 blind persons in the overall effort. On Federal property, there were 836 stands employing 972 blind persons at the end of the last fiscal year. In addition, the State agencies for the blind and State vocational rehabilitation agencies which license blind stand operators have opened employment opportunities for blind concessionaires in State and municipal buildings, as well as in nongovernmental buildings. There are 2,084 stands employing 2,287 blind persons on non-Federal installations. During fiscal year 1968, these concessions operated by blind persons did a gross business of $78,966,880. The average income of the blind operators was $5,580.

It is gratifying to have participated in establishing this program, which makes it possible for blind people to know the dignity and self-worth which comes from earning their own way. It is understandably a source of satisfaction for me that the law is known as the Randolph-Sheppard Act for the Blind.

But, as we know, the passage of time brings change; and laws establishing programs to serve people must be periodically revised in accordance with changing needs. Since its enactment in 1936, the Vending Stand Act has been amended only once—18 years later in 1954, when improvements to it were included in the Vocational Rehabilitation Amendments of 1954. Now, 15 years later, there is need for additional improvements. Today, I am introducing a bill to affect those changes.

This bill would change the term "vending stand" to "vending facility" to more accurately cover the wide variety of concessions operated on Federal property by blind persons. It also defines a vending facility to include various types of concessions, including vending machines. Since the assignment of vending machine income has adversely affected blind vending stand operators in some instances, the bill tightens the procedure for making this assignment.

Present law requires licensed blind operators to be at least 21 years of age. My bill would make it possible for the State licensing agency to license responsible and capable blind men and women who are under 21. Such individuals are now actually employed in vending stands but, because of the restrictive language, they are designated as trainees until they are 21.

The bill authorizes food, beverages, and other items—as may be determined by the State licensing agency—to be prepared on the premises, as in fact, is presently being done in many locations. It also eliminates the 1-year residence requirement as a prerequisite for licensing of blind concessionaires, an archaic provision already eliminated from the Vocational Rehabilitation Act.

An important new provision is the requirement for inclusion of sites for vending facility locations in the design, construction, or substantial alteration of Federal buildings or those leased by Federal agencies. This provision will help to assure growth of employment opportunities for persons while providing a valuable service to employees and the public. The requirement for consultation between the officials of the agency controlling property, the Department of Health, Education, and Welfare, and the State licensing agency will insure installation of the proper facility, if one is justified on the basis of potential business.

The fair hearing mechanism for aggrieved licensed blind operators now in the law is expanded to include an arbitration procedure if there is a dispute which cannot be settled otherwise. There is also a provision for arbitration of disputes between agencies controlling Federal property and State licensing agencies. In addition, a blind person or State licensing agency is authorized to seek judicial review of any agency action if they are adversely affected by that action.

Mr. President, these are the major provisions of my measure. If enacted into law, the bill will bring present law into conformance with accepted practice in the vending stand program and effect additional needed improvements. I ask unanimous consent that a section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

The need for improvements in the Randolph-Sheppard Act was called to my attention by representatives of organizations of blind persons, and organizations of workers who serve blind persons in every State. Its provisions were carefully arrived at and agreed on after several conferences. The organizations giving active support are the major national organizations of and for the blind—the American Association of Workers for the Blind, American Council of the Blind, American Foundation for the Blind, Blinded Veterans Association, National Council of State Agencies for the Blind, and National Federation of the Blind. Their cooperation in working together to solve problems and meet changing needs is an excellent example of cooperation between consumers of service and providers of service.

Mr. President, I ask unanimous consent that the section-by-section analysis of my amendments and the most recent summary of the vending stand program be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the material will be printed in the RECORD.

The bill (S. 2461) to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein and for other purposes, introduced by Mr. RANDOLPH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The material, presented by Mr. RANDOLPH, follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. This section provides that the Act may be cited as the "Randolph-Sheppard Act for the Blind Amendments of 1969."

Section 2. Preference for Vending Facilities on Federal Property. This section amends Section 1 of the Act of June 20, 1936, as amended, under which preference is granted to blind persons licensed by state agencies designated in the Act to operate vending facilities on Federal property. It provides for exclusive assignment of vending machine income in order to assure, achieve, and protect the preference granted. Inconvenience to departments and agencies of the Federal government is eliminated as a criterion for the establishment of a vending facility; however, such a facility would not be authorized if the interests of the United States would be adversely affected thereby.

Section 3. Concession Vending Surveys. This section amends Section 2(a)(1) of the Act by changing the term "concession-stand" to "concession vending".

Section 4. Vending Facility. This section substitutes the term "vending facility" or "vending facilities" for "vending stand(s)" or "stand(s)" throughout the Act in order to reflect the broader variety of concessions in the program.

Section 5. Age Requirements; Articles and Services Available. This section amends Section 2(a)(4) of the Act to eliminate the requirement that a licensed blind operator must be at least 21 years of age. It also alters language in the same section of the Act to broaden the types of articles and services available in vending facilities to accord with current actual practice.

Section 6. Deletion of Limitations. This section amends Section 2(b) of the Act to eliminate the unnecessary one year residence requirement before blind persons can become licensed operators. It also eliminates archaic wording contrary to rehabilitation principles referring to blindness as an infirmity.

Section 7. Provision of Locations. This section adds a new subsection (d) to Section 2 of the Act, providing for inclusion after January 1, 1970, of sites for vending facilities operated by blind persons, after consultation with the state licensing agency, in the design, construction, or substantial renovation or alteration of public buildings for use by the Federal government. Similar provisions cover public buildings rented or leased by the Federal government. The new subsection also requires agencies controlling Federal property to consult with the Secretary of Health, Education, and Welfare (or his designee) and the state licensing agency to insure inclusion of suitable vending facility sites unless it is determined that the number of persons using the building will not justify operation of a vending facility.

Section 8. Arbitration Between Operators and Licensing Agencies. This section amends Section 3(6) of the Act to expand fair hearing procedures for aggrieved licensed blind operators to include binding arbitration. It provides that the arbiters shall consist of one person named by the head of the state licensing agency, one person named by the licensed blind operator, and a third person selected by the two.

Section 9. Definitions. This section amends Section 6(b) of the Act to substitute the current legal definition of blindness for the obsolete terminology presently in the Act. It also adds a new subsection to Section 6 of the Act defining the term "vending facility" to cover the broad variety of concessions presently in use in the program, including automatic vending machines.

Section 10. Arbitration Between Agencies. This section redesignates Section 8 of the Act as Section 9 and establishes a new Section 8 providing for arbitration of disputes between a state licensing agency and an agency controlling Federal property. It provides that the three arbiters shall consist of a person designated by the Secretary of Health, Education, and Welfare; one person designated by the head of the agency controlling Federal property over which the dispute has arisen; and a third person selected by the two who is not an employee of the departments concerned. It also provides that all decisions of the arbitration board shall be published.

Section 11. Judicial Review. This section adds a new Section 10 to the Act providing for judicial review in the event a blind person or state licensing agency suffers a legal wrong or is adversely affected or aggrieved by the action of an agency.

Section 12. Effective Date. This section provides for an effective date of January 1, 1970, for the amendments made by the bill.

VENDING STAND MEMORANDUM 69–1

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL AND REHABILITATION SERVICE,

Washington, D.C., December 9, 1968.

To: All State Licensing Agencies under the Randolph-Sheppard Act.

Subject: Vending Stand Report for Fiscal Year Ending June 30, 1968.

An analysis of the vending stand program for fiscal year ending June 30, 1968, shows substantial growth in all major areas. *Continued momentum is evidenced by a 10.5 percent increase in gross sales, 4 percent in new locations, and 6.4 percent in average operator earnings, with total gross sales in excess of* $78.9 million.

It is gratifying to report a national 4.6 percent increase in the number of operators and a 12.5 percent increase in net proceeds to operators, with an *average income of $5,580* (an increase of $348 over last year). These gains reflect greater efficiency in management services, training, and supervision of operators.

We are pleased with a 7.2 percent increase in new stand locations on private property. However, we must accelerate our efforts in this direction if we are to achieve our goal of providing employment opportunities through the vending stand program for 5,000 blind persons by fiscal 1970.

We urge you to carefully study this report and evaluate your current efforts in the achievement of our national goal.

Table A presents national statistics comparing the vending stand program of fiscal 1968 with the program of fiscal 1967, showing percentages of increase.

Table B reports detailed figures on a State and regional basis relating to number of stands, operators, and average operator earnings.

Table C lists the States alphabetically, giving the number of stands per 100,000 population, the average annual income for operators, national ranking, and the set aside funds collected, less minimum return.

Table D contains regional data, including the number of vending stands, regional population, and stands per 100,000 population.

Table E shows the classification of vending stands on Federal property by the Federal agency granting the permit.

We hope you will find the attached data useful as you plan for future growth.

D. C. MACFARLAND, Ph.D.,
Chief, Division of Services to the Blind.

ABLE A.—BREAKDOWN OF FIGURES ON A NATIONWIDE BASIS FROM ANNUAL VENDING STAND REPORTS SUBMITTED BY STATE LICENSING AGENCIES FOR FISCAL YEAR 1968

	Fiscal year 1967	Fiscal year 1968	Percent increase over previous year
Total number all stands	2,807	2,920	4.0
Federal locations	814	836	2.6
Non-Federal locations	1,993	2,084	4.6
A. Public	1,241	1,278	3.0
B. Private	752	806	7.2
Total gross sales	$71,482,064	$78,966,880	10.5
Federal locations	$22,255,057	$24,577,224	10.4
Non-Federal locations	$49,227,007	$54,372,459	10.5
Total number of operators	3,117	3,259	4.6
Federal locations	931	972	4.4
Non-Federal locations	2,186	2,287	4.6
Net proceeds to operators	$14,709,595	$16,554,452	12.5
Federal locations	$4,585,095	$5,223,083	13.9
Non-Federal locations	$10,124,500	$11,331,369	11.9
Annual average earnings of operators	5,244	5,580	6.4

TABLE B.—SELECTED DATA ANNUAL VENDING STAND REPORT FISCAL YEAR 1968

Region and State	Total number of stands	Increase or decrease from stands reported as of June 30, 1968	Total number of blind operators	Annual average earnings of operators
National total	2,920	113	3,259	$5,580
I.				
Connecticut	33	−5	38	5,040
Maine	7	+3	7	5,616
Massachusetts	42	−1	44	6,912
New Hampshire	7	+1	7	2,364
Rhode Island	21	−1	24	4,788
Vermont	7	0	6	5,352
Total	117	−3	126	5,628
II.				
Delaware	23	0	28	4,668
New Jersey	54	+5	54	4,440
New York	121	−4	146	5,784
Pennsylvania	187	+7	187	6,300
Total	385	+8	415	5,760
III.				
District of Columbia	72	0	84	10,020
Kentucky	31	+4	42	5,856
Maryland	55	+4	55	9,552
North Carolina	117	+2	124	4,236

TABLE B.—SELECTED DATA ANNUAL VENDING STAND REPORT FISCAL YEAR 1968—Continued

Region and State	Total number of stands	Increase or decrease from stands reported as of June 30, 1968	Total number of blind operators	Annual average earnings of operators
III.—Continued				
Puerto Rico	1	0	1	$1,536
Virginia	53	+1	63	8,208
Virgin Islands				
West Virginia	24	+1	36	3,756
Total	353	+12	405	6,888
IV.				
Alabama	164	+1	164	2,604
Florida	107	+1	133	7,056
Georgia	128	+7	166	4,728
Mississippi	81	+4	91	3,984
South Carolina	44	+3	53	3,840
Tennessee	135	+5	152	4,488
Total	659	+21	759	4,500
V. Illinois	83	+4	89	6,408
Indiana	36	0	36	4,596
Michigan	56	+7	55	6,936
Ohio	157	+9	164	5,436
Wisconsin	25	+1	32	6,516
Total	357	+21	376	5,892
VI. Iowa	29	+3	29	4,644
Kansas	28	0	30	5,664
Minnesota	56	+2	58	5,844
Missouri	48	+4	56	6,612
Nebraska	11	+1	13	2,520
North Dakota	2	0	2	2,736
South Dakota	9	0	9	1,968
Total	183	+10	197	5,388
VII. Arkansas	82	+5	92	4,908
Louisiana	96	+5	109	6,756
New Mexico	29	+2	45	3,300
Oklahoma	62	+1	96	3,456
Texas	113	+9	123	4,932
Total	382	+22	465	4,836
VIII. Colorado	44	+4	48	6,396
Idaho	1	0	1	4,800
Montana	10	0	10	2,508
Utah	19	+1	27	2,700
Wyoming	7	0	7	3,192
Total	81	+5	93	4,704
IX. Alaska	4	0	4	7,476
Arizona	16	+1	16	7,860
California	277	+10	284	7,044
Hawaii	33	+1	37	4,596
Nevada	9	+1	11	5,856
Oregon	25	−1	30	6,828
Washington	35	+4	37	6,768
Guam	4	+1	4	4,200
Total	403	+17	423	6,780

TABLE C.—SELECTED COMPARATIVE DATA ON STATE VENDING STAND PROGRAMS

	Vending stands per 100,000 population [1]	Average net proceeds to operators	Set-aside less minimum return	Management positions [2]
National average	1.46	5,580		

State	Number fiscal year 1968	Rank fiscal year 1967	Rank fiscal year 1968	Amount fiscal year 1968	Rank fiscal year 1967	Rank fiscal year 1968	Amount	
Alabama	4.63	2	2	$2,604	51	49	$15,117	7.5
Alaska	1.47	23	26	7,476	4	5	4,648	
Arizona	.97	38	40	7,860	5	4	5,678	1.5
Arkansas	4.11	5	6	4,908	29	28	32,107	9
California	1.47	26	27	7,044	6	7	170,776	19
Colorado	2.15	16	16	6,396	10	16	42,926	5.8
Connecticut	1.13	30	35	5,040	23	26		1
Delaware	4.39	3	3	4,668	24	32	32,538	7
District of Columbia	8.91	1	1	10,020	1	1	267,940	15
Florida	1.77	18	19	7,056	14	6	109,739	13
Georgia	2.84	9	10	4,728	31	31	80,955	11.75
Guam	4.26	6	5	4,200	43	40	506	1
Hawaii	4.34	4	4	4,596	28	34		1.75
Idaho	.14	52	52	4,800	47	29		
Illinois	.76	43	44	6,408	15	15	74,144	15
Indiana	.72	44	46	4,596	33	35		1
Iowa	1.35	39	29	4,644	35	33		2
Kansas	1.23	33	33	5,664	19	22	45,733	4.5
Kentucky	.97	40	41	5,856	25	18	24,226	5
Louisiana	2.62	11	11	6,756	12	12		6.25
Maine	.71	50	47	5,616	20	23	1,688	1
Maryland	1.41	28	25	9,552	2	2	91,060	4.4
Massachusetts	.78	42	42	6,912	9	9		5.1
Michigan	.65	48	50	6,936	34	8	23,471	3
Minnesota	1.54	24	23	5,844	18	20	28,586	5
Mississippi	3.46	8	7	3,984	38	41	52,596	10
Missouri	1.05	37	37	6,612	17	13	30,201	
Montana	1.43	27	28	2,508	49	51	1,312	
Nebraska	.76	46	45	2,520	46	50	8,105	3.5
Nevada	2.05	17	17	5,856	16	19	1,818	
New Hampshire	1.01	41	39	2,364	39	52	3,012	1
New Jersey	.77	45	43	4,440	26	37		5.20
New Mexico	2.87	10	9	3,300	42	45	4,648	3
New York	.67	47	48	5,784	22	21	105,508	17
North Carolina	2.31	14	14	4,236	37	38	176,632	13.5
North Dakota	.32	51	51	2,736	50	47		
Ohio	1.50	25	24	5,436	21	24	155,293	25
Oklahoma	2.47	12	12	3,456	40	44	28,327	4.5
Oregon	1.26	31	32	6,828	13	10	17,048	3
Pennsylvania	1.60	22	22	6,300	8	17	160,753	20
Puerto Rico	.04	53	53	4,236	53	39	309	1
Rhode Island	2.43	13	13	4,788	30	30	11,508	5.3
South Carolina	1.65	21	21	3,840	44	42		6
South Dakota	1.35	29	30	1,968	52	53		2.5
Tennessee	3.43	7	8	4,488	36	36	44,320	6
Texas	1.04	36	38	4,932	32	37	52,974	5
Utah	1.86	19	18	2,700	48	48	7,965	1
Vermont	1.68	20	20	5,352	27	25	894	.9
Virginia	1.17	34	34	8,208	3	3	37,617	11.4
Washington	1.09	35	36	6,768	7	11		5
West Virginia	1.33	32	31	3,756	41	43	8,843	4
Wisconsin	.60	49	49	6,516	11	14	13,263	2.5
Wyoming	2.19	15	15	3,192	45	46	1,130	1.5

[1] Based on population as of July 1, 1967, as per Commerce Release Series P-25, No. 403 dated Sept. 19, 1968.
[2] These management positions are as reported by each State agency; however, some agencies included only day-to-day management personnel while others included fiscal or clerical staff.

TABLE E.—CLASSIFICATION OF VENDING STANDS ON FEDERAL PROPERTY—NAME OF FEDERAL AGENCY GRANTING PERMIT

Name of Federal agency	Stands at beginning of year	New stands established during year	Stands closed during year	Stands at end of year
Atomic Energy Commission	12	1	2	11
Department of Agriculture	8	1		9
Department of the Air Force	10	1		11
Department of the Army	14	1	3	12
Department of Commerce	1			1
Department of Defense	4			4
Department of Health, Education, and Welfare	30	1		31
Department of Interior	2	4		6
Department of the Navy	17	2	3	16
General Services Administration	359	41	18	382
Post Office Department	273	9	14	268
Tennessee Valley Authority	7		1	6
Treasury Department	7			7
Other	72	9	9	71
Total	816	70	50	835

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BYRD of West Virginia. Mr. President, I compliment my very able senior colleague on offering the amendments he has offered today to the original Randolph-Sheppard Act. I compliment him most of all for the great leadership he has long provided in this humanitarian endeavor. I believe it was over three decades ago that he, while serving as a Member of the House of Representatives, coauthored this act with the late Senator Sheppard from Texas. In so doing he rendered a service to thousands of people throughout the country who have been denied that most wonderful and most useful physical faculty, the faculty of sight.

TABLE D.—NUMBER OF VENDING STANDS PER 100,000 POPULATION BY REGION

Region	Number of stands	Population	Number of stands per 100,000
I	117	11,324,000	1.03
II	385	37,172,000	1.04
III	353	21,823,000	1.62
IV	659	23,042,000	2.86
V	357	39,199,000	.66
VI	183	15,988,000	1.14
VII	382	20,037,000	1.91
VIII	81	4,761,000	1.70
IX	403	27,304,000	1.48
National	2,920	200,650,000	1.46

Through his efforts at that time and since, many, many thousands of these less-fortunate individuals have been able to utilize their talents and to earn for themselves and their families an income at the vending counters in Federal installations, State installations, county installations, and in private facilities.

Mr. President, not very long ago I spoke at the Schools for the Deaf and Blind in Romney, W. Va. I was greatly impressed by the marvelous interest displayed by those youngsters in current events. I was even more greatly impressed and moved by the display of determination on the part of those young people, some of whom cannot see, some of whom have never seen, some of whom cannot hear, and some of whom cannot speak, to do for themselves and to make their own way. They start out with a disadvantage in life that none of us, who are more fortunate, can comprehend. Yet, they are desirous of getting an education and developing the talents they possess, so that they may then be better equipped to go out and make their own way, and earn a living for themselves.

The PRESIDING OFFICER (Mr. SPONG in the chair). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator be extended by 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, as I watched those students and listened to them, I thought how wonderful it could be if other young people throughout the country, and some who are not so young, who have all the God-given faculties of sight, hearing, and speech, could just see how these children react. Perhaps there would be fewer in this country who would so complain about problems that confront them. Perhaps fewer people would look toward the Federal Government for this, that, and something else.

I noted that some of those young people, who could just barely see, apparently did not want to be helped; they wanted to find their own way. The children do not want sympathy. All they want is an opportunity to develop their talents and they will do the rest.

Mr. President, if we had more people like them in this country, who would display such an interest in utilizing the talents that are within them, and developing whatever God-given potential is theirs to begin with, and working and sweating and staying on the job, even though it involves a little overtime, we would not have witnessed, often in these recent years, so many people out in the streets breaking store windows, overturning cars, beating the drivers, and demanding that the Federal Government outlay more and more funds and that society owed them something in return for nothing. How different an attitude from that which I sensed in talking with these deaf and blind students. I was so favorably impressed by their attitude in the face of such incalculable disadvantages I wanted to say something about them.

In closing, the Senator's act 33 years ago was beneficial to such people and made it possible for them not to be burdens on society, but to contribute to society. I must compliment those people. My heart goes out to them. I must also compliment a man who foresaw 33 years ago a way in which to give the blind an opportunity to contribute, to serve, to build, and to develop. Not only the blind, but also the Nation for a long, long time, will remember with gratitude the services of JENNINGS RANDOLPH and the late Senator Sheppard in connection with this far-seeing, humanitarian, progressive, legislative act.

Mr. RANDOLPH. Mr. President, I deeply appreciate the thoughtful comments of my colleague. I am grateful for his references to me, but I am particularly grateful for the tribute that he expresses to the blind. They are the productive members of our society who have realized accomplishments under the programs I have discussed today.

Perhaps this is not the occasion, but as I look back upon legislative activities in which I have participated in the House of Representatives and in the Senate, I wonder sometimes if we have not tended to lessen the responsibility of the individual and to place the responsibility on Government. Possibly, we have created a sort of nebulous umbrella—so to speak—under which people live. My colleague from West Virginia has emphasized critical points in this regard.

Mr. President, in closing, I return to my earlier statement that there are reasons for amending the original bill. New situations and complexities, the type living in which we engage, and the operation of our buildings themselves, make it necessary to consider very promptly the amendments which will serve the blind and, through the blind, serve the public.

I think it important to state to my colleague from West Virginia and to the Senate that nearly 3,300 blind persons are now entrepreneurs and active members in society, conducting their own businesses. I hope that within the next year we shall have at least 5,000 persons carrying on this effort.

Mr. BYRD of West Virginia. Mr. President, I simply add one sentence with reference to the action that was taken 33 years ago. Generations will rise to bless my colleague's name.

WEST VIRGINIA MOVES AHEAD AS ITS PEOPLE CELEBRATE THE 106TH ANNIVERSARY OF STATEHOOD

Mr. RANDOLPH. Mr. President, this date marks the 106th anniversary of West Virginia statehood. Hence, we mountaineers are 6 years into the second century of our State and we feel that we are headed truly on a course of making the second century vastly more productive than was the first.

As Henry J. Kaiser—who brought to West Virginia one of her great industries—once noted:

> Count me among those who look upon our future as a great opportunity which can fill men's souls with hope.

It is obvious, as we take inventory of our payroll-producing industries, that many large corporations have shown their confidence in West Virginia and its people.

Again recalling Mr. Kaiser and his cogent and meaningful expressions, he said that there are other valleys just as wide as is the Ohio Valley—and there are other rivers just as deep as is the Ohio River, but the real reason why Kaiser Aluminum located its West Virginia plant near Ravenswood, in Jackson County, was faith in the stability and the productivity of the people.

Kaiser's Ravenswood plant, incidentally, is the largest integrated aluminum plant in the Kaiser industries complex. It had a relatively modest beginning in 1955 and now employs approximately 3,200 citizens with an annual payroll in excess of $21 million.

Then, too, Mr. President, it is appropriate that I call attention to the new General Motors Corp. facility off Interstate 81 near Martinsburg, W. Va. Dedicated only last week, the GM plant there will add to the local economy nearly $16 million annually, including a payroll in excess of $10 million per year. Edward N. Cole, GM president, stressed his confidence in the quality and character of our people.

American Electric Power, the Allegheny Power System, and the Virginia Electric & Power Co. have all announced substantial expansions to their systems in West Virginia. The AEP alone is launched upon a huge project west of Charleston that will cost approximately $200 million and bring to $750 million the total construction costs of all current projects of that system in West Virginia.

TWENTY-FIFTH ANNIVERSARY OF THE GI BILL OF RIGHTS

Mr. LONG. Mr. President, this coming Sunday marks the 25th anniversary of the signing of the World War II GI bill. This bill marked the culmination of more than a quarter century of Finance Committee efforts to help veterans adjust to civilian life.

Before World War I almost all veterans' benefit measures in the Senate fell within the jurisdiction of the Committee on Pensions. But as the Committee on Finance assumed jurisdiction of World War I veterans' benefits at the beginning of the war, an effort was made to bring about a change in the nature and philosophy of the whole system of benefits. The committee participated in the enactment of legislation to provide insurance and to provide new benefits in the form of vocational rehabilitation designed to return disabled veterans to useful employment.

The World War I programs had provided a new direction for veterans' benefits, but it was during the Second World War that the Finance Committee originated what was to become the best known veterans' legislation of all time: the Servicemen's Readjustment Act of 1944, better known as the GI bill of rights.

This act was based on the philosophy that veterans whose lives have been interrupted by military service, or who have been handicapped because of this military service, should be provided assistance for a limited time to aid them in becoming self-supporting and useful members of society. The act provided for unemployment allowances, education and training benefits, and home, farm, and business loan guarantee benefits through the Veterans' Administration. In addition, mustering-out payments were provided through the military departments. The Veterans' Administration has expended almost $20 billion in assisting World War II veterans to return to civilian life in this remarkably successful program.

The GI bill has served as a model for all subsequent legislation aimed at providing adjustment assistance to exservicemen. It is fitting that we mark the passage of a quarter century since the enactment of this legislative milestone.

Mr. President, I see in the Chamber the distinguished junior Senator from Georgia (Mr. TALMADGE). It was my pleasure to appoint Senator TALMADGE, a true friend of the veteran, chairman of the new Subcommittee on Veterans' Legislation which we established within the Committee on Finance. I must say that Senator TALMADGE is certainly aiming to continue his fine record of legislation on behalf of veterans. Four years ago a bill he initiated established the servicemen's group life insurance program, and he is now proposing to increase its value. Another of his bills would make comprehensive changes in the dependency and indemnity compensation.

As the Senator knows, I have introduced a few veterans' bills of my own recently. I know he plans to have hearings on these matters as soon as possible. I applaud the Senator for his initiative.

Mr. TALMADGE. Mr. President, I join the distinguished chairman of the Committee on Finance (Mr. LONG) in marking the passage of a quarter century since enactment of the GI bill of rights. The bill originated in the Committee on Finance, a committee of which I am proud to be a member, and on which I now serve as chairman of the newly created Subcommittee on Veterans' Legislation.

Our great Nation has never made a bigger or better investment in human resources than it did under the GI bill, and Congress has wisely chosen to use the

original Finance Committee's measure as a model for legislation affecting veterans of subsequent conflicts. I suspect that a good portion of our country's economic growth during this past quarter century may be attributed to this tremendous investment in human resources.

Under the original GI bill of rights, 7,800,000 veterans received $14.5 billion in educational assistance. More than 2¼ million World War II veterans use this program for college and university training, while 3,400,000 took below-college training. About 3½ million veterans of subsequent wars have received educational assistance under legislation patterned after the original GI bill.

The GI bill paid more than $3 billion in unemployment compensation to GI's while they sought employment, and provided loan guarantees so that veterans could purchase homes, farms, and businesses.

The GI bill has proven the value of our Government's investment in the future of dedicated, motivated persons. Because of the money our Government invested in these veterans, they were able to command higher paying jobs. The Veterans' Administration estimates that each year, these veterans trained under the GI bill pay a billion dollars more in taxes than they would have paid if they had not received this training. Thus, the Government has already profited from its investment. And the economic advantages do not show the immense benefits we have reaped in terms of human happiness and self-satisfaction.

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON ESTABLISHING A MINE HEALTH AND SAFETY INSTITUTE

Mr. BYRD of West Virginia. Mr. President, on June 4, 1969, I made a statement for radio regarding the establishment of a Mine Health and Safety Institute.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MINE HEALTH AND SAFETY INSTITUTE

Coal miners in West Virginia and elsewhere have long suffered the hazards and ill-health that for centuries have been associated with their occupation. And yet, remedies for many of these critical problems have still to be found. Though work in these areas has gone forward for some time, only recently has national attention focused on the largely forgotten miner and his working conditions. The reason for this attention is due in some measure to the terrible disaster last year in our state at Mannington. A renewed effort is now underway to eliminate the occupational hazards of mining.

The task of improving health and safety standards in the mines involves a coordinated effort among the state and federal governments, operators and miners themselves. But to do an effective job in eliminating the hazards of coal mining, we need qualified, highly skilled, specialized personnel to conduct mine inspections, and we need highly trained mining engineers, and superior caliber laboratory technicians. These are the people who will lead the way toward solving the health and safety problems plaguing miners today.

And so for this reason I am pressing for a program aimed at providing these sorely needed highly professional people to work in mine safety. The program would involve creation of a Mine Health and Safety Institute. The Institute will be designed to give specialized, long-term training to new federal, state, and other inspection people as well as short-term refresher courses to existing federal and state employes. In addition, the Institute would provide courses to auxiliary persons not actually engaged in underground operations.

Finding qualified people for these jobs has become a major problem. The Bureau of Mines must now rely on a pool of students graduating from mining schools throughout the country. But the number of mining schools has declined sharply from about three dozen just 15 years ago, to only 17 schools at the present time. This year, these 17 schools are graduating only about 120 mining engineers. So even if all these graduates went to the Bureau of Mines as inspectors (which of course they will not), this would still leave a considerable gap between supply and demand.

Obviously, something must be done very soon to remedy the critical shortage of trained personnel whose talents and training are of supreme importance to the health and safety of miners.

A Mine Health and Safety Institute would constitute a great step in the right direction. The recruiting and training of people to work in the field of mine safety is absolutely essential. Questionnaires have gone to various colleges and universities, and to nonprofit groups enlisting their views and suggestions on how best to establish and operate such an Institute. I am pressing for planning money for the Institute through the Senate Appropriations Subcommittee of which I am the chairman, and I will do everything in my power to see that this request gains approval in the United States Senate.

Also, I am urging additional funds to accelerate research on dust production and control. This research will include the gathering of dust samples during mining operations and the study of variables relating to dust production—such as mining machines, ventilation, and the kinds of coal being mined. The purpose is to solve the dust problem.

If we are ever to overcome the hazards both of accidents and of illness that daily threaten every coal miner in West Virginia and throughout the country, we must have the trained human resources necessary to carry out the job.

THE NATIONAL TRANSPORTATION ACT OF 1969

Mr. PELL. Mr. President, earlier this week the senior Senator from Washington introduced the National Transportation Act of 1969, S. 2425.

I rise today to commend the distinguished chairman of the Commerce Committee on his leadership in bringing forth this proposal. To my mind, this bill ranks as the most significant and potentially most beneficial transportation legislation to come before the Congress since the establishment of the Department of Transportation.

The proposed legislation, I believe, would provide at long last a mechanism for bringing into reality the long-sought goal of an adequate and balanced transportation system for our country.

As Senator MAGNUSON said in introducing it:

Our transportation needs will not be well served if we continue to develop each mode of transportation without due consideration to the overall transportation needs of our communities and careful appraisal of the appropriate mixing of alternate modes of transportation.

Mr. President, I have been advocating better balance in our transportation systems since I came to the Senate 8 years ago. My primary concern has been the utter neglect of the vast potential of ground transportation, the failure to modernize and utilize existing rail passenger transportation systems, and the need to begin development of high-speed ground transportation systems for the future.

The need and desirability of such high-speed ground transportation systems has appeared to me to be almost self-evident. In the northeast corridor, the prototype of developing megalopolitan corridors throughout our country, there is little question that almost exclusive reliance on highways and airport systems has reached a point of increasing public resistance and decreasing public convenience.

The High Speed Ground Transportation Act of 1965, to which I am proud to claim a paternal relationship, was a first and highly important step to redress the balance in transportation services. The Metroliner and turbo demonstrations of improved rail passenger service being conducted under that act has achieved a most gratifying public response. Indeed, the only complaints now voiced about that program is that it is not ambitious enough.

In advocating development and utilization of the potential of ground transportation systems, Mr. President, I have in essence been calling for a correction of the existing imbalance in our transportation systems.

The imbalance that exists, I would emphasize, is not the result of policy, but rather the result of a lack of policy. It is the result of having separate policies for each mode of transportation without reference to the overall transportation needs and requirements of our Nation, its regions, States, and communities. This is a fact that is widely recognized and acknowledged. What has been lacking is a mechanism that can provide for the formulation of balanced policies, a mechanism that can be effective while avoiding the creation of a central transportation bureaucracy with excessive powers.

The National Transportation Act, I believe, offers a most promising approach to this problem, by providing for establishment of regional transportation commissions, to prepare comprehensive regional transportation plans, and to conduct research, development, and demonstration programs in accordance with those plans.

The establishment of regional commissions is similar in its approach to the proposals I have made for the crea-

tion of regional rail transportation authorities, formed by States through interstate compacts to provide for the development of intercity rail passenger services. I might add that the National Transportation Act proposal for regional commissions is not incompatible with my proposal for regional rail authorities. Indeed, I think the proposals could well be considered complementary.

Mr. President, I again congratulate the senior Senator from Washington on his introduction of the National Transportation Act of 1969.

THE LATE SENATOR GUY CORDON

Mr. ANDERSON. Mr. President, I was saddened to hear of the death of our former colleague, Guy Cordon, of Oregon.

It was my pleasure to serve with Senator Cordon on the Committee on Interior and Insular Affairs. There I gained a great respect for his prowess as a legislative draftsman. I think that I have not met another man who, when given an assignment to prepare a piece of legislation, could put together wording so precise and exact as Guy Cordon. When he proposed language to tighten any measure before the committee, we could feel secure that it would satisfactorily explain the legislative intent we desired.

He was an active participant in matters related to the Interior. I especially remember his diligent assistance on two important pieces of legislation—the Submerged Lands Act and the Continental Shelf Act.

Mrs. Anderson joins me in expressing our condolences to Mrs. Cordon and his family.

JOE McCAFFREY—25 YEARS OF ABLE SERVICE

Mr. MUNDT. Mr. President, I am happy to join Senators in saluting Joe McCaffrey's 25th year as a Washington correspondent.

That the month of June—a particularly pleasant time of year—is the month of this anniversary is appropriate, for it typifies to some degree the type of person Joe McCaffrey is—a pleasant, warm individual, one whom we are happy to have as a friend.

Yet it should be noted that this great attribute of personal warmth and friendship never stands in the way of Joe McCaffrey's first obligation: to report the news fairly and fully.

So, in addition to a salute to mark the milestone of a quarter century of service, we also pay tribute to 25 years of honest, diligent, and fair reporting by Joe McCaffrey, reporting conducted in the highest standards of the journalism profession.

His record stands as a splendid example of service to all who are members of his profession. May he enjoy many more productive years as one of our important commentators on the Washington scene.

CPL. LARRY E. SMEDLEY, MEDAL OF HONOR

Mr. TALMADGE. Mr. President, today at the White House, the President of the United States conferred the Nation's highest military honor on a brave marine and a onetime resident of Georgia, whose father lives there now. Cpl. Larry E. Smedley, in an act of supreme gallantry and heroism, gave his life in Vietnam, and today the President presented him, posthumously, the Medal of Honor.

I praise his bravery and devotion, and extend my deepest sympathies to his family. All the Nation, and indeed all the free world, is indebted to the young men of America who are fighting so gallantly in Vietnam, and we are especially proud of those valiant men who have gone above and beyond the call of duty.

Corporal Smedley's gallant action is recorded in the citation accompanying his medal. I know the entire Senate joins me in my condolences to his family.

I ask unanimous consent that the citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

The President of the United States in the name of The Congress takes pride in presenting the Medal of Honor posthumously to Corporal Larry E. Smedley, United States Marine Corps for service as set forth in the following citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a squad leader with Company D, First Battalion, Seventh Marines, First Marine Division, in connection with operations against the enemy in the Republic of Vietnam. On the evening of 20–21 December 1967, Corporal Smedley led his six-man squad to an ambush site at the mouth of Happy Valley, near Phouc Ninh (2) in Quang Nam Province. Later that night, an estimated 100 Viet Cong and North Vietnamese Army Regulars, carrying 122mm rocket launchers and mortars, were observed moving toward Hill 41. Realizing this was a significant enemy move to launch an attack on the vital Danang complex, Corporal Smedley immediately took sound and courageous action to stop the enemy threat. After he radioed for a reaction force, he skillfully maneuvered his men to a more advantageous position and led an attack on the numerically superior enemy force. A heavy volume of fire from an enemy machine gun positioned on the left flank of the squad inflicted several casualties on Corporal Smedley's unit. Simultaneously, an enemy rifle grenade exploded nearby, wounding him in the right foot and knocking him to the ground. Corporal Smedley disregarded this serious injury and valiantly struggled to his feet, shouting words of encouragement to his men. He fearlessly led a charge against the enemy machine gun emplacement, firing his rifle and throwing grenades, until he was again struck by enemy fire and knocked to the ground. Gravely wounded and weak from loss of blood, he rose and commenced a one-man assault against the enemy position. Although his aggressive and singlehanded attack resulted in the destruction of the machine gun, he was struck in the chest by enemy fire and fell mortally wounded. Corporal Smedley's inspiring and courageous actions, bold initiative, and selfless devotion to duty in the face of certain death were in keeping with the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

CPL. LARRY E. SMEDLEY, U.S. MARINE CORPS (DECEASED)

Larry Eugene Smedley was born March 4, 1949, in Front Royal, Virginia. He attended elementary schools in Berryville, Virginia; Augusta, Georgia; Union Park, Florida; and Howard Junior High School in Union Park, leaving the latter in 1964.

He enlisted in the U.S. Marine Corps, March 18, 1966, at Orlando, Florida; then reported to the Marine Corps Recruit Depot, Parris Island, South Carolina, and underwent recruit training with the 1st Recruit Training Battalion. In July 1966, he completed Individual Combat Training with the 2d Infantry Training Battalion, 1st Infantry Training Regiment, Marine Corps Base, Camp Lejeune, North Carolina.

Upon completion of recruit training, Private Smedley served as a Rifleman and Fire Team Leader with Companies "D" and "C", respectively, 1st Battalion, 8th Marines, 2d Marine Division, FMF, Camp Lejeune. He was promoted to private first class, September 1, 1966; and to lance corporal, January 1, 1967.

In July 1967, Corporal Smedley arrived in the Republic of Vietnam. He was assigned duty as a Rifleman and Squad Radio Man with Company "D", 1st Battalion, 7th Marines, 1st Marine Division; and was promoted to corporal, September 1, 1967. While on patrol in Quang Nam Province on December 21, 1967, he was mortally wounded.

His medals and decorations include: the Purple Heart; the Presidential Unit Citation; the National Defense Service Medal; the Vietnam Service Medal with one bronze star; and the Republic of Vietnam Campaign Medal.

Corporal Smedley is survived by his parents, Mr. Russell E. Smedley of Albany, Georgia, and Mrs. Mary E. Willis of Orlando, Florida; and a sister, Mrs. Vicki Whipple, of Honeye Falls, New York.

(Prepared June 1969 HQMC.)

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON THE ANNOUNCED TROOP WITHDRAWAL FROM VIETNAM

Mr. BYRD of West Virginia. Mr. President, on June 12, 1969, I made a statement for radio regarding the announced withdrawal of 25,000 American troops from Vietnam.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

VIETNAM TROOP WITHDRAWAL

The announced withdrawal of 25,000 American troops from Vietnam is an encouraging step, hopefully toward eventual disengagement of our forces in Southeast Asia. While the withdrawal is relatively small by comparison with the more than 500,000-man force now in Vietnam, there can be no dispute that the action represents a further de-escalation in the war. Now we are waiting to see concrete evidence of a corresponding de-escalation on the part of North Vietnam. When and if that comes, President Nixon is likely to announce, as he has said, plans for additional replacements as such decisions are made.

Since last year, when former President Johnson ordered a halt to the bombing of North Vietnam, we have seen steady, albeit painfuly slow, steps which seem to be headed toward a de-Americanization of this costly war. There are also slight indications that the forces for reconciliation have gained a little momentum in the Paris talks.

While the negotiations are intricate and often submerged from public view, all parties now seem at least a bit more willing than heretofore to engage in some measure of substantive talks. The North Vietnamese and the National Liberation Front on the

one hand, and the United States and Saigon on the other have publicly put forward certain proposals for discussion. And along with other moves—President Nixon's limited withdrawal, for example—the momentum gives some appearance of picking up, and every American hopes that this will continue.

At the same time, we should not fault our leaders for their cautious approach. Both the previous and present administrations have resisted calls for any immediate unilateral withdrawal or unilateral ceasefire by the United States, and for good reasons, I think. Certainly we must keep in mind that such action would jeopardize the lives of American troops, would work against the possibility of a permanent peace, and would, in effect, reward Communist aggression.

Instead of this type of precipitious action, we should look to reasoned, measured steps for bringing about an honorable and a feasible, workable, more lasting peace in that area. No one wants to see an unnecessary prolongation of the war. And above all, no one should want a capitulatory action which would mean that 35,000 American boys have died in vain.

I wish we had never gotten so deeply involved in Vietnam. But we are there, and we find it exceedingly difficult to extricate ourselves from these most trying circumstances. We must be both patient and prudent—not too quick to criticise the President or find fault with his action. On him will rest the major burden of finding a solution to this terrible conflict—the kind of solution that will better assure us of being free from such conflicts in the future.

While it may be true that this nation with its overwhelming military superiority might with little ffort completely devastate the enemy in North Vietnam, it does not follow that such a victory would bring either peace or disengagement. As President Nixon has said, and President Johnson before him, peace is what we want, not military domination. I want peace for our country, and I want an honorable solution which does not reward Communist aggression in Vietnam.

ADDRESS BY HON. ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS

Mr. GOLDWATER. Mr. President, on May 19, the Honorable Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs, spoke before the City Club of Portland, Portland, Oreg.

Mr. Kelley's broad background in personnel work has brought to this sensitive office a new and thorough understanding.

I ask unanimous consent that his remarks be printed in the RECORD so that Senators might have the opportunity to know him a little bit better.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE MANPOWER AND RESERVE AFFAIRS

I want to talk to you today about the military man. I do so from a background essentially the same as many in this audience. Until March 3, when I assumed my present duties, I was a business man and had not been associated with the military since my Navy days in World War II.

My opinions reflect the perspective of a parent. I have five sons—two of draft age and three more coming up. So I, too, have a special vested interest in young people and am concerned for their welfare.

Finally, by way of introduction, I should add that I have great affection for this nation and what it stands for. The invitation to serve it, particularly in a job so closely related to the interests of our young people, was a privilege I could not pass by.

So with this brief background about myself, let me tell you what I see in my recent but extensive contact with the military man.

First, what he is. He is bigger, stronger, better educated, smarter, and more devoted to the American dream than his counterpart of any previous generation. He loves life, but will risk his own to preserve its meaning. His acts of physical and moral courage defy description. He possesses great compassion for other human beings as seen in his many silent acts of mercy in Vietnam on behalf of the innocent victims of war. He responds to effective leadership—and his military leaders are among the very best. He is rich and poor, black and white; he is neither a big spender nor a vicious killer; he is the personification of the American ideal.

That's a quick profile of the typical American military man. You don't often read about him or see pictures of him going through his daily routine. Somehow it seems the untypical type, like the draft card burner, gets the news print instead. So let's spend a few moments talking about the typical GI Joe, 1969 edition—where he comes from, what he does, and why he wears the military uniform.

First, where he comes from. He comes from Everywhere, USA—Portland, Peoria, Phoenix, Pittsburgh—you name it, and he's from there. He comes from schools, factories, public services, banks, and retail establishments. He is the nearest thing to the all-American guy to be found anywhere.

He is not the product of a special military mold—rather, he is essentially a civilian with a strong sense of public service. Most men in military service were raised in civilian society and attended civilian schools. Two out of three service families live off-base among the civilian population. Over 90% of even so-called "career" military personnel assume a career in civilian life when they complete the portion of their life they spend in service. A military man is basically a civilian like you and me who is devoting a portion of his life to public service through military service.

Second, what he does. Contrary to the well advertised myth, our military man does mostly what he is best qualified for, which in many cases is what he has asked to do. I know this to be the fact, because I have reviewed selection and placement procecedures, and have visited with these young military men about their assignments. For those of you close to the placement practices of private business, as I have been, I report simply that the military does a better job of placing people than business does.

Our military man has a widely diverse collection of skills. He is not, as many people still think of him, a man trained only to fire a gun—whose main job is to use it. He is an electronics expert, a metal worker, a ship fitter, an IBM programmer, an aircraft mechanic, a writer, a lawyer, a manager, a skilled administrative specialist. To understand what he does, one needs to know that the majority of military men are engaged in these less visible occupations. Actual figures may surprise you. Even now, with the hostilities in Vietnam, enlisted men serving in jobs that require combat type skills represent only about 17% of the total. The remaining 83% are performing tasks that are directly transferable to many civilian jobs waiting to be filled—such as maintenance and repair 32%, clerical and administrative 19%, communications and intelligence 8%, and medical 4%.

Of course, nothing can or should downgrade the vital role of the combat soldier. It is he who lays his life on the line, and it is his job which all the other jobs support. But when you hear a recruiter talk about the "new Army" or the "aerospace team," realize that he is talking about a highly sophisticated and challenging range of occupations. The American military organization is a team composed of a rich mixture of professionals.

The military man works hard at what he does—putting in longer hours under conditions often more severe than most Americans encounter in a lifetime. And even though he works hard on his assigned task, he has time and heart left over to help those less fortunate than himself. Let me give you an example or two of what I mean.

Boys Town, Danang, is a Catholic home for orphaned boys operated by a native Vietnamese priest. The home is less than two years old and was constructed at a cost of $12,000, which was raised from contributions from individual American servicemen. There are 46 orphans living at Boys Town and receiving elementary and vocational education. $100 per month toward operating costs continues to be contributed by men stationed around Danang.

The Hoa Khanh (Wah Kahn) Children's Hospital was founded by yet another battalion. Two medical officers had the original idea, and a wooden structure with 11 beds was constructed by the Sea Bees. Now a new building has been built for the hospital with 70 beds. Medical service is still provided largely by volunteers on off-duty time.

Our military man is equally public spirited in this country. At Hanscom Field, near Boston, volunteer workers conceived and manned a clinic to discover Amblyopia, or "Lazy Eye," among children. 133 were tested in the first group, and 11 were detected as having eye problems. Plans for further such programs in the Boston area are now in the works.

Third, *why* does our military man wear the uniform. The cynic might say he wears it because he was drafted into it. But the few highly publicized defectors who run away from their draft obligation pale by comparison with the young man who, with countless others, steps up to his obligation either as a volunteer or as a draftee.

Really, our military man wears his uniform for you and me—and for our today. But he also wears it for his own tomorrow—which is to say for the life and kind of society he hopes for. And I'm sure he intends to leave our society in a better state than he found it.

Yes, it's true that he inherited from our generation the highest standard of material prosperity in the world's history. But in the area of moral prosperity, have we given him as much? What does he think of our adult permissiveness and double standards? How does he square the pious church-goer who cheats on his Income Tax? Or the four-martini man who protests righteously against pot smokers? How can he respect those who say the police should stay away even when mobs invade school buildings, give its occupants the physical heave-ho, and rifle through confidential files—and who prefer instead to establish "meaningful dialogue" with the invading forces? He sees many chinks in our moral armor, and many anomalies in our adult society. But he has the stuff of which solid reform is made, if we will but give him the opportunity.

Each year a well publicized few give up on this society. They decide the only alternatives are to destroy or leave this nation. They take the easy way out. The military man has not run away. He recognizes that any free society requires order. He knows that one day his generation will be in positions of leadership, but he has learned to

follow orders and to respect the authority of those that hold those positions today. He recognizes that the United States represents the hope of the world for the kind of nation he seeks. He also recognizes that she is far nearer to achieving her basic ideals than her critics will ever concede. The military man devotes a portion of his life—and if need be he gives his life—to protect the nation from all who would try to deny him the realization of his dream of America.

Now I want to direct my remarks to you as American parents. Each year, thousands of parents face the prospect that their son will become the military man I have been talking about. It is at that point the military man becomes a very special human being to each one of us. When our day comes, I hope we may have the courage and rare wisdom that has been displayed by the vast majority of American parents who have sent their sons to military service.

I want you to know that the Department of Defense and the Military Services accept humbly and responsibly our great trust in the person of your sons. Every effort is made—given the magnitude of the organization and the complexity of the military mission—to make the best possible use of a young man's talent, and to provide him opportunities for further education and personal growth while he is serving in this nation's defense. It is our objective to return to you a better man than you sent to us.

There is one important thing which everyone in this room can do—and I believe should do. That is to speak out on behalf of the American military man. I urge you to do this for two reasons. First, the military man deserves to know that you care, and that you appreciate the sacrifice he makes on our behalf. Second, it is important that civilian America understands the facts about the military profession rather than being misled by the histrionics of a few wild-eyed off-beats.

Even if the critics of the military man number only a few, if theirs are the only voices heard they can sound like quite a chorus. I believe that the quiet majority in this country still feel a sense of gratitude to our military men for their incalculable sacrifices on our behalf. I believe as well that the quiet majority recognizes the military man as the public servant that he is.

However, too often, I'm afraid, silent approval sounds the same to the serviceman as public apathy. The men in this room are among the most important opinion leaders in the Pacific Northwest. Your voices, publicly and among your acquaintances, raised in support of our military men and the significance of a career in military service can help our men to know their sacrifices are not forgotten.

While on the subject of misinformation, let me comment briefly on the Safeguard Anti-Ballistic Missile System. People, not missiles, is my line. I don't have the technical credentials to deal with the subject of missiles, but I have had the opportunity to observe a few things about the President's decision to proceed in the deployment of the Safeguard system and the decision makes great good sense to me.

You and I know that America is so morally constituted that we will never start a nuclear war. Our planning is aimed at deterring other nations from starting such a war. It is, therefore, essential that all other nations have absolutely no doubt about the effectiveness and the survivability of our capacity to strike-back. Safeguard does this by guaranteeing the protection of several hundred of our retaliatory missiles from enemy attack. The enemy thus would know that any attack on the United States would result in certain destruction for him.

There is nothing about the Safeguard System which would cause or start a nuclear war. It provides solely important defensive insurance.

All of us hope the day will come when all nations of the world will see that production of more and more arms is not in anyone's interest. But until that day comes, we cannot afford to be without the protection of the Safeguard System.

I want to thank the City Club for the invitation to address you today on one of my favorite subjects—the American military man.

I'll feel rewarded for coming here if you see our military man as I do, standing tall and doing his part to help rebuild the American dream. I hope that criticism of the military man, including his outstanding leaders, will stir you as it does me—and that you will speak out against the vicious defamation of his character. I hope you feel, as I do, eternally grateful to our magnificient military man.

PRESIDENT NIXON'S CUTS IN THE BUDGET

Mr. METCALF. Mr. President, I have gone over President Nixon's revisions of the budget presented by President Johnson. I note that he recommended cuts in appropriations for the agriculture conservation program, soil conservation, the Veterans' Administration, student loans, hospital and library construction, and Federal assistance to schools in federally impacted areas, among others.

These cuts remind me of the story of the group of artists who created the perfect female. They announced that they had taken Brigitte Bardot's nose, Rita Hayworth's mouth, Lana Turner's eyes, and Grace Kelly's chin.

When the report was read, a voice from the audience said: "I would sure like to have what they threw away."

I think many Americans would like to have what Mr. Nixon proposes to throw away.

NECESSITY FOR ALASKA MARINE HIGHWAY SYSTEM

Mr. STEVENS. Mr. President, the 1969 session of the Alaska State Legislature has passed a resolution relating to the necessity for the Alaska marine highway system, and the need for exempting an Alaska ferry from certain provisions of the Jones Act.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION 29

Resolution requesting an amendment to the Jones Act to exempt the ferry vessel *M. V. Wickersham* from several of its provisions

Be it resolved by the House of Representatives:

Whereas the State of Alaska has established, at its own instigation and expense, a modern marine highway system connecting Alaska and the 48 contiguous states through the Port of Seattle; and

Whereas the Alaska Marine Highway System was devised and is operated to take the place of a highway because of the impossibility of actual road building in Southeastern Alaska; and

Whereas there is a tremendous movement in commerce, trade and tourism between the South 48 states and Alaska; and

Whereas, to better handle all of the traffic, the Alaska Marine Highway System purchased a foreign-bottomed vessel, the *M. V. Wickersham;* and

Whereas, due to the provisions of the Jones Act, the vessel is prohibited from transporting passengers and vehicles between U.S. ports, thus creating a burden on the residents of the state, on the flow of commerce and on the visitors to Alaska; and

Whereas, for the continued effective operation of the Alaska Marine Highway System, it is necessary that the *M. V. Wickersham* be exempted from certain provisions of the Jones Act;

Be it resolved by the House of Representatives of the Sixth Alaska Legislature that the United States Congress is respectfully urged to amend the Jones Act to allow the transportation of vehicles and passengers between United States ports on the *M. V. Wickersham.*

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee; the Honorable Warren G. Magnuson, Chairman of the Senate Commerce Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

J. M. KERTTULA,
Speaker of the House.

Attest:

CONSTANCE H. PADDOCK,
Chief Clerk of the House.

U.S. LEGAL OBLIGATION UNDER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it is important to understand the basic international obligation the United States will assume under the Genocide Convention. In terms of practical application within the United States, genocide means the commission of such acts as killing members of a specified group and thus destroying a substantial portion of that group, as part of a plan to destroy the entire group within the territory of the United States. The convention does not purport to substitute international responsibility for national responsibility, but does obligate each nation to take steps within its own borders to protect entire human groups in their right to live.

The basic implementing language is contained in article V of the convention. This article states:

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III.

A recurring argument against U.S. ratification of the conventions is that they are outside the scope of our treaty-making authority. Of course, the treaty power is expressly delegated to the President and the Senate by article II, section 2, of our Constitution. While the Supreme Court has held in *Geofroy* v. *Riggs* (133 U.S. 258, 267 (1890)) that the treaty power does not authorize what the

Constitution forbids, and again, in 1957, that the President and the Senate together cannot nullify constitutional prohibitions—*Reid* v. *Covert*, 354 U.S. 1, 17—the treaty power has been interpreted by the Court to extend beyond matters on which Congress can legislate.

I should like to answer the legalistic attacks upon these conventions by quoting from a report of the New York State Bar Association's Committee on International Law:

> No provision of any of these Conventions conflicts with express limitations on the United States and the States which are already contained in our Constitution, and particularly in the Bill of Rights.

Mr. President, the legality of this convention is apparent. Let the Senate perceive our moral obligation to mankind and ratify the Human Rights Convention Against genocide.

RECENT ARTICLE BY FORMER SECRETARY OF DEFENSE CLARK CLIFFORD

Mr. COOPER. Mr. President, the former Secretary of Defense, Mr. Clark Clifford, has written for the July issue of Foreign Affairs an important personal view of the situation in Vietnam. Mr. Clifford's role as Secretary of Defense and his growing awareness of the larger issues in our Vietnam policy are analyzed with the apparent purpose of bringing before the public his conclusions about what course this country should follow. His basic thesis is:

> We cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. [That was my final conclusion as I left the Pentagon on January 20, 1969.]

In most respects the intention implicit in Mr. Clifford's proposals to bring about a political solution in Vietnam were voiced by President Nixon in his press conference last night. The views gained by the personal experience of Clark Clifford should be helpful to the President in his most difficult task of bringing this war to a conclusion for which the President is working. President Nixon has taken a first and most important step by the withdrawing of 25,000 of our Armed Forces. I ask unanimous consent that Mr. Clifford's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VIETNAM REAPPRAISAL: THE PERSONAL HISTORY OF ONE MAN'S VIEW AND HOW IT EVOLVED

(By Clark M. Clifford)

Viet Nam remains unquestionably the transcendent problem that confronts our nation. Though the escalation has ceased, we seem to be no closer to finding our way out of this infinitely complex difficulty. The confidence of the past has become the frustration of the present. Predictions of progress and of military success, made so often by so many, have proved to be illusory as the fighting and the dying continue at a tragic rate. Within our country, the dialogue quickens and the debate sharpens. There is a growing impatience among our people, and questions regarding the war and our participation in it are being asked with increasing vehemence.

Many individuals these past years have sought to make some contribution toward finding the answers that have been so elusive. It is with this hope in mind that I present herewith the case history of one man's attitude toward Viet Nam, and the various stages of thought he experienced as he plodded painfully from one point of view to another, and another, until he arrived at the unshakable opinion he possesses today.

Views on Viet Nam have become increasingly polarized as the war has gone on without visible progress toward the traditional American military triumph. There remain some who insist that we were right to intervene militarily and, because we were right, we have no choice but to press on until the enemy knuckles under and concedes defeat. At the other extreme, and in increasing numbers, there are those who maintain that the present unsatisfactory situation proves that our Viet Nam policy has been wrong from the very beginning. There are even those who suggest that our problems in Viet Nam cast doubt on the entire course of American foreign policy since World War II. Both schools share a common and, as I see it, an erroneous concept. They both would make military victory the ultimate test of the propriety of our participation in the conflict in Southeast Asia.

I find myself unable to agree with either extreme. At the time of our original involvement in Viet Nam, I considered it to be based upon sound and unassailable premises, thoroughly consistent with our self-interest and our responsibilities. There has been no change in the exemplary character of our intentions in Viet Nam. We intervened to help a new and small nation resist subjugation by a neighboring country—a neighboring country, incidentally, which was being assisted by the resources of the world's two largest communist powers.

I see no profit and no purpose in any divisive national debate about whether we were right or wrong initially to become involved in the struggle in Vietnam. Such debate at the present time clouds the issue and obscures the pressing need for a clear and logical evaluation of our present predicament, and how we can extricate ourselves from it.

Only history will be able to tell whether or not our military presence in Southeast Asia was warranted. Certainly the decisions that brought it about were based upon a reasonable reading of the past three decades. We had seen the calamitous consequences of standing aside while totalitarian and expansionist nations moved successively against their weaker neighbors and accumulated a military might which left even the stronger nations uneasy and insecure. We had seen in the period immediately after World War II the seemingly insatiable urge of the Soviet Union to secure satellite states on its western periphery. We had seen in Asia itself the attempt by open invasion to extend communist control into the independent South of the Korean Peninsula. We had reason to feel that the fate averted in Korea through American and United Nations military force would overtake the independent countries of Asia, albeit in some what subtler form, were we to stand aside while the communist North sponsored subversion and terrorism in South Viet Nam.

The transformation that has taken place in my thinking has been brought about, however, by the conclusion that the world situation has changed dramatically, and that American involvement in Viet Nam can and must change with it. Important ingredients of this present situation include the manner in which South Viet Nam and its Asian neighbors have responded to the threat and to our own massive intervention. They also include internal developments both in Asian nations and elsewhere, and the changing relations among world powers.

The decisions which our nation faces today in Viet Nam should not be made on interpretations of the facts as they were perceived four or five or fifteen years ago, even if, through compromise, a consensus could be reached on these interpretations. They must instead be based upon our present view of our obligations as a world power; upon our current concept of our national security; upon our conclusions regarding our commitments as they exist today; upon our fervent desire to contribute to peace throughout the world; and, hopefully, upon our acceptance of the principle of enlightened self-interest.

But these are broad and general guidelines, subject to many constructions and misconstructions. They also have the obvious drawback of being remote and impersonal.

The purpose of this article is to present to the reader the intimate and highly personal experience of one man, in the hope that by so doing there will be a simpler and clearer understanding of where we are in Viet Nam today, and what we must do about it. I shall go back to the beginning and identify, as well as I can, the origins of my consciousness of the problem, the opportunities I had to obtain the facts, and the resulting evolution of what I shall guardedly refer to as my thought processes.

II

Although I had served President Truman in the White House from May 1945 until February 1950, I do not recall ever having had to focus on Southeast Asia. Indochina, as it was then universally known, was regarded by our government as a French problem. President Truman was prompted from time to time by the State Department to approve statements that seemed to me to be little more than reiterations of the long-standing American attitude against "colonialism." If any of those provoked extensive discussion at the White House, I cannot recall. For the next decade, I watched foreign affairs and the growing turbulence of Asia from the sidelines as a private citizen, increasingly concerned but not directly involved.

In the summer of 1960, Senator John Kennedy invited me to act as his transition planner, and later as liaison with the Eisenhower Administration in the interval between the election and January 20, 1961. Among the foreign policy problems that I encountered at once was a deteriorating situation in Southeast Asia. Major-General Wilton B. Persons, whom President Eisenhower had designated to work with me, explained the gravity of the situation as viewed by the outgoing Administration. I suggested to the President-elect that it would be well for him to hear President Eisenhower personally on the subject. He agreed, and accordingly General Persons and I placed Southeast Asia as the first item on the agenda of the final meeting between the outgoing and the incoming Presidents. This meeting, held on the morning of January 19, 1961, in the Cabinet Room, was attended by President Eisenhower, Secretary of State Christian Herter, Secretary of Defense Thomas Gates, Secretary of the Treasury Robert Anderson and General Persons. President-elect Kennedy had his counterparts present: Secretary of State-designate Dean Rusk, Secretary of Defense-designate Robert McNamara, Secretary of the Treasury-designate Douglas Dillon and me.

At President-elect Kennedy's suggestion, I took notes of the important subjects discussed. Most of the time, the discussion centered on Southeast Asia, with emphasis upon Laos. At that particular time, January 1961, Laos had come sharply into focus and appeared to constitute the major danger in the area.

My notes disclose the following comments by the President:

"At this point, President Eisenhower said, with considerable emotion, that Laos was the key to the entire area of Southeast Asia.

"He said that if we permitted Laos to fall, then we would have to write off all the area.

He stated we must not permit a Communist take-over. He reiterated that we should make every effort to persuade member nations of SEATO or the International Control Commission to accept the burden with us to defend the freedom of Laos.

"As he concluded these remarks, President Eisenhower stated it was imperative that Laos be defended. He said that the United States should accept this task with our allies, if we could persuade them and alone if we could not. Headed, 'Our unilateral intervention would be our last desperate hope in the event we were unable to prevail upon the other signatories to join us.'"

That morning's discussion, and the gravity with which President Eisenhower addressed the problem, had a substantial impact on me. He and his advisers were finishing eight years of responsible service to the nation. I had neither facts nor personal experience to challenge their assessment of the situation, even if I had had the inclination to do so. The thrust of the presentation was the great importance to the United States of taking a firm stand in Southeast Asia, and I accepted that judgment.

On an earlier occasion, in speaking of Southeast Asia, President Eisenhower had said that South Vietnam's capture by the Communists would bring their power several hundred miles into a hitherto free region. The freedom of 12 million people would be lost immediately, and that of 150 million in adjacent lands would be seriously endangered. The loss of South Viet Nam would set in motion a crumbling process that could, as it progressed, have grave consequences for us and for freedom.

As I listened to him in the Cabinet Room that January morning, I recalled that it was President Eisenhower who had acquainted the public with the phrase "domino theory" by using it to describe how one country after another could be expected to fall under communist control once the process started in Southeast Asia.

In the spring of 1961, I was appointed to membership on the President's Foreign Intelligence Advisory Board. In this capacity, I received briefings from time to time on affairs in Asia. The information provided the Board supported the assessment of the previous Administration, with which President Kennedy concurred. "Withdrawal in the case of Viet Nam," President Kennedy said in 1961, "and in the case of Thailand could mean the collapse of the whole area." He never wavered. A year later, he said of Viet Nam: "We are not going to withdraw from that effort. In my opinion, for us to withdraw from that effort would mean a collapse not only of South Viet Nam but Southeast Asia. So we are going to stay there." I had no occasion to question the collective opinion of our duly chosen officials.

After President Johnson took office, our involvement became greater, but so did most public and private assessments of the correctness of our course. The Tonkin Gulf resolution was adopted by the Congress in 1964 by a vote of 504 to 2. The language was stern: "The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

When decisions were made in 1965 to increase, in very substantial fashion, the American commitment in Viet Nam. I accepted the judgment that such actions were necessary. That fall, I made a trip to Southeast Asia in my capacity as Chairman of the Foreign Intelligence Advisory Board. The optimism of our military and Vietnamese officials on the conduct of the war, together with the encouragement of our Asian allies, confirmed my belief in the correctness of our policy. In the absence at the time of indications that Hanoi had any interest in peace negotiations, I did not favor the 37-day bombing halt over the Christmas 1965–New Year 1966 holiday season. I felt such a halt could be construed by Hanoi as a sign of weakness on our part.

In 1966, I served as an adviser to President Johnson at the Manila Conference. It was an impressive gathering of the Chiefs of State and Heads of Government of the allied nations; it reassured me that we were on the right road and that our military progress was bringing us closer to the resolution of the conflict.

In the late summer of 1967, President Johnson asked me to go with his Special Assistant, General Maxwell Taylor, to review the situation in South Viet Nam, and then to visit some of our Pacific allies. We were to brief them on the war and to discuss with them the possibility of their increasing their troop commitments. Our briefings in South Viet Nam were extensive and encouraging. There were suggestions that the enemy was being hurt badly and that our bombing and superior firepower were beginning to achieve the expected results.

Our visits to the allied capitals, however, produced results that I had not foreseen. It was strikingly apparent to me that the other troop-contributing countries no longer shared our degree of concern about the war in South Viet Nam. General Taylor and I urged them to increase their participation. In the main, our plea fell on deaf ears.

Thailand, a near neighbor to South Viet Nam, with a population of some 30 million, had assigned only 2,500 men to South Viet Nam, and was in no hurry to allocate more.

The President of the Philippines advised President Johnson that he preferred we not stop there because of possible adverse public reaction. The Philippines, so close and ostensibly so vulnerable if they accepted the domino theory, had sent a hospital corps and an engineer battalion to Viet Nam, but no combat troops. It was also made clear to President Johnson that they had no intention of sending any combat personnel.

South Korea had the only sizable contingent of Asian troops assisting South Viet Nam, but officials argued that a higher level of activity on the part of the North Koreans prevented their increasing their support.

Disappointing though these visits were, I had high hopes for the success of our mission in Australia and New Zealand. I recalled that Australia, then with a much smaller population, had been able to maintain well over 300,000 troops overseas in World War II. They had sent only 7,000 to Vietnam. Surely there was hope here. But Prime Minister Holt, who had been fully briefed, presented a long list of reasons why Australia was already close to its maximum effort.

In New Zealand, we spent the better part of a day conferring with the Prime Minister and his cabinet, while hundreds of students picketed the Parliament Building carrying signs bearing peace slogans. These officials were courteous and sympathetic, as all the others had been, but they made it clear that any appreciable increase was out of the question. New Zealand at one time had 70,000 troops overseas in the various theaters of World War II. They had 500 men in Vietnam. I naturally wondered if this was their evaluation of the respective dangers of the two conflicts.

I returned home puzzled, troubled, concerned. Was it possible that our assessment of the danger to the stability of Southeast Asia and the Western Pacific was exaggerated? Was it possible that those nations which were neighbors of Vietnam had a clearer perception of the tides of world events in 1967 than we? Was it possible that we were continuing to be guided by judgments that might once have had validity but were now obsolete? In short, although I still counted myself a staunch supporter of our policies, there were nagging, not-to-be-suppressed doubts in my mind.

These doubts were dramatized a short time later back in the United States when I attended a dinner at the White House for Prime Minister Lee Kuan Yew of Singapore. His country, which knew the bitterness of defeat and occupation in World War II, had declined to send any men at all to Viet Nam. In answer to my questions as to when he thought troops might be sent, he stated he saw no possibility of that taking place because of the adverse political effect in Singapore.

Accordingly, I welcomed President Johnson's San Antonio speech of September 30, 1967, with far greater enthusiasm than I would have had I not so recently returned from the Pacific. I felt it marked a substantial step in the right direction because it offered an alternative to a military solution of the lengthy and costly conflict. Allied bombing of North Viet Nam had by now assumed a symbolic significance of enormous proportions and the President focused his attention on this. The essence of his proposal was an offer to stop the bombing of North Viet Nam if prompt and productive peace discussions with the other side would ensue. We would assume that the other side would "not take advantage" of the bombing cessation. By this formula, the President made an imaginative move to end the deadlock over the bombing and get negotiations started.

I, of course, shared the universal disappointment that the San Antonio offer evoked no favorable response from Hanoi, but my feelings were more complex than those of mere disappointment. As I listened to the official discussion in Washington, my feelings turned from disappointment to dismay. I found it was being quietly asserted that, in return for a bombing cessation in the North, the North Vietnamese must stop sending men and materiel into South Viet Nam. On the surface, this might have seemed a fair exchange. To me, it was an unfortunate interpretation that—intentionally or not—rendered the San Antonio formula virtually meaningless. The North Vietnamese had more than 100,000 men in the South. It was totally unrealistic to expect them to abandon their men by not replacing casualties, and by failing to provide them with clothing, food, munitions and other supplies. We could never expect them to accept an offer to negotiate on those conditions.

III

In mid-January 1968, President Johnson asked me to serve as Secretary of Defense, succeeding Secretary McNamara, who was leaving to become President of the World Bank. In the confirmation hearing before the Senate Armed Services Committee on January 25, I was asked about the San Antonio formula. The interpretation I gave was in accord with President Johnson's intense desire to start negotiations, and it offered a possibility of acceptance which I was convinced did not exist with the extreme and rigid interpretations that so concerned me. I said that I assumed that the North Vietnamese would "continue to transport the normal amount of goods, munitions and men to South Viet Nam" at the levels that had prevailed prior to our bombing cessation. This was my understanding of what the President meant by "not take advantage."

The varying interpretations of the San Antonio formula raised in my mind the question as to whether all of us had the same objective in view. Some, it seemed, could envision as satisfactory no solution short of the complete military defeat of the enemy. I did not count myself in this group. Although I still accepted as valid the premises of our Viet Nam involvement, I was dissatisfied with the rigidities that so limited our course of action and our alternatives.

I took office on March 1, 1968. The enemy's Tet offensive of late January and early February had been beaten back at great cost. The confidence of the American people had been badly shaken. The ability of the South Vietnamese Government to restore order and morale in the populace, and discipline and esprit in the armed forces, was being questioned. At the President's direction, General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, had flown to Viet Nam in late February for an on-the-spot conference with General Westmoreland. He had just returned and presented the military's request that over 200,000 troops be prepared for deployment to Viet Nam. These troops would be in addition to the 525,000 previously authorized. I was directed, as my first assignment, to chair a task force named by the President to determine how this new requirement could be met. We were not instructed to assess the need for substantial increases in men and materiel; we were to devise the means by which they could be provided.

My work was cut out. The task force included Secretary Rusk, Secretary Henry Fowler, Under Secretary of State Nicholas Katzenbach, Deputy Secretary of Defense Paul Nitze, General Wheeler, CIA Director Richard Helms, the President's Special Assistant, Walt Rostow, General Maxwell Taylor and other skilled and highly capable officials. All of them had had long and direct experience with Vietnamese problems. I had not. I had attended various meetings in the past several years and I had been to Vietnam three times but it was quickly apparent to me how little one knows if he has been on the periphery of a problem and not truly in it. Until the day-long sessions of early March, I had never had the opportunity of intensive analysis and fact-finding. Now I was thrust into a vigorous, ruthlessly frank assessment of our situation by the men who knew the most about it. Try though we would to stay with the assignment of devising means to meet the military's requests, fundamental questions began to recur over and over.

It is, of course, not possible to recall all the questions that were asked nor all of the answers that were given. Had a transcript of our discussions been made—one was not—it would have run to hundreds of closely printed pages. The documents brought to the table by participants would have totalled, if collected in one place—which they were not—many hundreds more. All that is pertinent to this essay are the impressions I formed, and the conclusions I ultimately reached in those days of exhausting scrutiny. In the colloquial style of those meetings, here are some of the principal issues raised and some of the answers as I understood them:

"Will 200,000 more men do the job?" I found no assurance that they would.

"If not, how many more might be needed—and when?" There was no way of knowing. "What would be involved in committing 200,000 more men to Viet Nam?" A reserve call-up of approximately 280,000, and increased draft call and an extension of tours of duty of most men then in service.

"Can the enemy respond with a buld-up of his own?" He could and he probably would.

"What are the estimated costs of the latest requests?" First calculations were on the order of $2 billion for the remaining four months of that fiscal year, and an increase of $10 to $12 billion for the year beginning July 1, 1968.

"What will be the impact on the economy?" So great that we would face the possibility of credit restrictions, a tax increase and even wage and price controls. The balance of payments would be worsened by at least half a billion dollars a year.

"Can bombing stop the war?" Never by itself. It was inflicting heavy personnel and matériel losses, but bombing by itself would not stop the war.

"Will stepping up the bombing decrease American casualties?" Very little, if at all. Our casualties were due to the intensity of the ground fighting in the South. We had already dropped a heavier tonnage of bombs than in all the threaters of World War II. During 1967, an estimated 90,000 North Vietnamese had infiltrated into South Viet Nam. In the opening weeks of 1968, infiltrators were coming in at three to four times the rate of a year earlier, despite the ferocity and intensity of our campaign of aerial interdiction.

"How long must we keep on sending our men and carrying the main burden of combat?" The South Vietnamese were doing better, but they were not ready yet to replace our troops and we did not know when they would be.

When I asked for a presentation of the military plan for attaining victory in Viet Nam, I was told that there was no plan for victory in the historic American sense. Why not? Because our forces were operating under three major political restrictions: The President had forbidden the invasion of North Viet Nam because this could trigger the mutual assistance pact between North Viet Nam and China; the President had forbidden the mining of the harbor at Haiphong, the principal port through which the North received military supplies, because a Soviet vessel might be sunk; the President had forbidden our forces to pursue the enemy into Laos and Cambodia, for to do so would spread the war, politically and geographically, with no discernible advantage. These and other restrictions which precluded an all-out, no-holds-barred military effort were wisely designed to prevent our being drawn into a larger war. We had no inclination to recommend to the President their cancellation.

"Given these circumstances, how can we win?" We would, I was told, continue to evidence our superiority over the enemy; we would continue to attack in the belief that he would reach the stage where he would find it inadvisable to go on with the war. He could not afford the attrition we were inflicting on him. And we were improving our posture all the time.

I then asked, "What is the best estimate as to how long this course of action will take? Six months? One year? Two years?" There was no agreement on an answer. Not only was there no agreement, I could find no one willing to express any confidence in his guesses. Certainly, none of us was willing to assert that he could see "light at the end of the tunnel" or that American troops would be coming home by the end of the year.

After days of this type of analysis, my concern had greatly deepened. I could not find out when the war was going to end; I could not find out the manner in which it was going to end; I could not find out whether the new requests for men and equipment were going to be enough, or whether it would take more and, if more, when and how much; I could not find out how soon the South Vietnamese forces would be ready to take over. All I had was the statement, given with too little self-assurance to be comforting, that if we persisted for an indeterminate length of time, the enemy would choose not to go on.

And so I asked, "Does anyone see any diminution in the will of the enemy after four years of our having been there, after enormous casualties and after massive destruction from our bombing?"

The answer was that there appeared to be no diminution in the will of the enemy. This reply was doubly impressive, because I was more conscious each day of domestic unrest in our own country. Draft card burnings, marches in the streets, problems on school campuses, bitterness and divisiveness were rampant. Just as disturbing to me were the economic implications of a struggle to be indefinitely continued at ever-increasing cost. The dollar was already in trouble, prices were escalating far too fast and emergency controls on foreign investment imposed on New Year's Day would be only a prelude to more stringent controls, if we were to add another $12 billion to Viet Nam spending—with perhaps still more to follow.

I was also conscious of our obligations and involvement elsewhere in the world. There were certain hopeful signs in our relations with the Soviet Union, but both nations were hampered in moving toward vitally important talks on the limitation of strategic weapons so long as the United States was committed to a military solution in Viet Nam. We could not afford to disregard our interests in the Middle East, South Asia, Africa, Western Europe and elsewhere. Even accepting the validity of our objective in Viet Nam, that objective had to be viewed in the context of our overall national interest, and could not sensibly be pursued at a price so high as to impair our ability to achieve other, and perhaps even more important, foreign policy objectives.

Also, I could not free myself from the continuing nagging doubt left over from that August trip, that if the nations living in the shadow of Viet Nam were not now persuaded by the domino theory, perhaps it was time for us to take another look. Our efforts had given the nations in that area a number of years following independence to organize and build their security. I could see no reason at this time for us to continue to add to our commitment. Finally, there was no assurance that a 40 percent increase in American troops would place us within the next few weeks, months or even years in any substantially better military position than we were in then. All that could be predicted accurately was that more troops would raise the level of combat and automatically raise the level of casualties on both sides.

And so, after these exhausting days, I was convinced that the military course we were pursuing was not only endless, but hopeless. A further substantial increase in American forces could only increase the devastation and the Americanization of the war, and thus leave us even further from our goal of a peace that would permit the people of South Viet Nam to fashion their own political and economic institutions. Henceforth, I was also convinced, our primary goal should be to level off our involvement, and to work toward gradual disengagement.

IV

To reach a conclusion and to implement it are not the same, especially when one does not have the ultimate power of decision. It now became my purpose to emphasize to my colleagues and to the President, that the United States had entered Viet Nam with a limited aim—to prevent its subjugation by the North and to enable the people of South Viet Nam to determine their own future. I also argued that we had largely accomplished that objective. Nothing required us to remain until the North had been ejected from the South, and the Saigon government had been established in complete military control of all South Viet Nam. An increase of over 200,000 in troop strength would mean that American forces would be twice the size of the regular South Vietnamese Army at that time. Our goal of building a stronger South Vietnamese Government, and an effective military force capable of ultimately taking over from us, would be frustrated rather than furthered. The more we continue to do in South Viet Nam, the less likely the South Vietnamese were to shoulder their own burden.

The debate continued at the White House for days. President Johnson encouraged me to report my findings and my views with total candor, but he was equally insistent on hearing the views of others. Finally, the

President, in the closing hours of March, made his decisions and reported them to the people on the evening of the 31st. Three related directly to the month's review of the war. First, the President announced he was establishing a ceiling of 549,500 in the American commitment to Viet Nam; the only new troops going out would be support troops previously promised. Second, we would speed up our aid to the South Vietnamese armed forces. We would equip and train them to take over major combat responsibilities from us on a much accelerated schedule. Third, speaking to Hanoi, the President stated he was greatly restricting American Bombing of the North as an invitation and an inducement to begin peace talks. We would no longer bomb north of the Twentieth Parallel. By this act of unilateral restraint, nearly 80 percent of the territory of North Viet Nam would no longer be subjected to our bombing.

I had taken office at the beginning of the month with one overriding immediate assignment—responding to the military request to strengthen our forces in Viet Nam so that we might prosecute the war more forcefully. Now my colleagues and I had two different and longer-range tasks—developing a plan for shifting the burden to the South Vietnamese as rapidly as they could be made ready, and supporting our government's diplomatic efforts to engage in peace talks.

To assess the range of progress in the first task, I went to Viet Nam in July. I was heartened by the excellent spirit and the condition of our forces, but I found distressingly little evidence that the other troop-contributing countries, or the South Vietnamese, were straining to relieve us of our burdens. Although there had been nominal increases in troop contributions from Australia and Thailand since the preceding summer, the Philippines had actually withdrawn several hundred men. The troop-contributing countries were bearing no more of the combat burden; their casualty rates were actually falling.

As for South Vietnamese officials, in discussion after discussion, I found them professing unawareness of shortcomings in such matters as troop training junior officer strength and rate of desertions. They were, I felt, too complacent when the facts were laid before them. I asked Vice President Ky, for example, about the gross desertion rate of South Vietnamese combat personnel that was running at 30 percent a year. He responded that it was so large, in part, because their men were not paid enough. I asked what his government intended to do. He suggested that we could cut back our bombing, give the money thus saved to the Saigon government, and it would be used for troop pay. He was not jesting; his suggestion was a serious one. I returned home oppressed by the pervasive Americanization of the war: we were still giving the military instructions, still doing most of the fighting, still providing all the materiel, still paying most of the bills. Worst of all, I concluded that the South Vietnamese leaders seemed content to have it that way.

The North had responded to the President's speech of March 31 and meetings had begun in Paris in May. It was, however, a euphemism to call them peace talks. In midsummer, substantive discussions had not yet begun. Our negotiators, the able and experienced Ambassador Averill Harriman and his talented associate, Cyrus Vance, were insisting that the Saigon government be a participant in the talks. Hanoi rejected this. President Johnson, rightly and understandably, refused to order a total bambing halt of the North until Hanoi would accept reciprocal restraints. Hanoi refused. With this unsatisfactory deadlock, the summer passed in Paris.

In Viet Nam, American casualty lists were tragically long, week after week. The enemy was not winning but, I felt, neither were we. There were many other areas in the world where our influence, moral force and economic contributions were sorely in demand and were limited because of our preoccupation with out involvement in Southeast Asia.

I returned from a NATO meeting in Bonn on Sunday evening, October 13, to find a summons to a White House meeting the following morning. There had been movement in Paris. There were no formal agreements, but certain "understandings" had been reached by our negotiating team and the North Vietnamese. At last the North had accepted the participation of the South in peace talks. We would stop all bombing of North Viet Nam. Substantive talks were to start promptly. We had made it clear to Hanoi that we could not continue such talks if there were indiscriminate shelling of major cities in the South, or if the demilitarized zone were violated so as to place our troops in jeopardy.

The President outlined the situation to his advisers. We spent a day of hard and full review. The Joint Chiefs of Staff were unanimous in stating that the bombing halt under these circumstances was acceptable. The State Department was authorized to report to Saigon that we had won a seat at the conference table for the Saigon government and to request the earliest possible presence of their delegation in Paris. I felt a sense of relief and hope; we were started down the road to peace.

These feelings were short-lived. The next three weeks were almost as agonizing to me as March had been. The cables from Saigon were stunning. The South Vietnamese Government, suddenly and unexpectedly, was not willing to go to Paris. First one reason, then another, then still another were cabled to Washington. As fast as one Saigon obstacle was overcome, another took its place. Incredulity turned to dismay. I felt that the President and the United States were being badly used. Even worse, I felt that Saigon was attempting to exert a veto power over our agreement to engage in peace negotiations. I admired greatly the President's ability to be patient under the most exasperating circumstances. Each day ran the risk that the North might change its mind, and that months of diligent effort at Paris would be in vain; each day saw a new effort on his part to meet the latest Saigon objection.

To satisfy himself that the bombing halt would neither jeopardize our own forces nor those of our allies, the President ordered General Creighton W. Abrams back from South Viet Nam for a personal report. Finally, on October 31, President Johnson anounced that the bombing of North Viet Nam would cease, peace talks would begin promptly and Saigon was assured of a place at the conference table. However, it took weeks to get the Saigon government to Paris, and still additional weeks to get their agreement on seating arrangements.

By the time the various difficulties had been resolved, certain clear and unequivocal opinions regarding the attitude and posture of the Saigon government had crystalized in my mind. These opinions had been forming since my trip to South Viet Nam the preceding July.

The goal of the Saigon government and the goal of the United States were no longer one and the same, if indeed they ever had been. They were not in total conflict but they were clearly not identical. We had largely accomplished the objective for which we had entered the struggle. There was no longer any question about the desire of the American people to bring the Viet Nam adventure to a close.

As Ambassador Harriman observed, it is dangerous to let your aims be escalated in the middle of a war. Keep your objectives in mind, he advised, and as soon as they are attained, call a halt. The winning of the loyalty of villagers to the central government in Saigon, the form of a postwar government, who its leaders should be and how they are to be selected—these were clearly not among our original war objectives. But these were the precise areas of our differences with the Saigon government.

As Saigon authorities saw it, the longer the war went on, with the large-scale American involvement, the more stable was their régime, and the fewer concessions they would have to make to other political groupings. If the United States were to continue its military efforts for another two or three years, perhaps the North Vietnamese and the Viet Cong would be so decimated that no concessions would be needed at all. In the meantime, vast amounts of American wealth were being poured into the South Vietnamese economy. In short, grim and distasteful though it might be, I concluded during the bleak winter weeks that Saigon was in no hurry for the fighting to end and that the Saigon régime did not want us to reach an early settlement of military issues with Hanoi.

The fact is that the creation of strong political, social and economic institutions is a job that the Vietnamese must do for themselves. We cannot do it for them, nor can they do it while our presence hangs over them so massively. President Thieu, Vice President Ky, Prime Minister Huong and those who may follow them have the task of welding viable political institutions from the 100 or more splinter groups that call themselves political parties. It is up to us to let them get on with the job. Nothing we might do could be so beneficial or could so add to the political maturity of South Viet Nam as to begin to withdraw our combat troops. Moreover, in my opinion, we cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. That was my final conclusion as I left the Pentagon on January 20, 1969.

V

It remains my firm opinion today. It is based not only on my personal experiences, but on the many significant changes that have occurred in the world situation in the last four years.

In 1965, the forces supported by North Viet-Nam were on the verge of a military takeover of South Viet Nam. Only by sending large numbers of American troops was it possible to prevent this from happening. The South Vietnamese were militarily weak and politically demoralized. They could not, at that time, be expected to preserve for themselves the right to determine their own future. Communist China had recently proclaimed its intention to implement the doctrine of "wars of national liberation." Khrushchev's fall from power the preceding October and Chou En-lai's visit to Moscow in November 1964 posed the dire possibility of the two communist giants working together to spread disruption throughout the underdeveloped nations of the world. Indonesia, under Sukarno, presented a posture of implacable hostility toward Malaysia, and was a destabilizing element in the entire Pacific picture. Malaysia itself, as well as Thailand and Singapore, needed time for their governmental institutions to mature. Apparent American indifference to developments in Asia might, at that time, have had a disastrous impact on the independent countries of that area.

During the past four years, the situation has altered dramatically. The armed forces of South Viet Nam have increased in size and proficiency. The political situation there has become more stable, and the governmental institutions more representative. Elsewhere in Asia, conditions of greater security exist. The bloody defeat of the attempted communist coup in Indonesia re-

moved Sukarno from power and changed the confrontation with Malaysia to cooperation between the two countries. The governments of Thailand and Singapore have made good use of these four years to increase their popular support. Australia and New Zealand have moved toward closer regional defense ties, while Japan, the Republic of Korea and Taiwan have exhibited a rate of economic growth and an improvement in living standards that discredit the teachings of Chairman Mao.

Of at least equal significance is the fact that, since 1965, relations between Russia and China have steadily worsened. The schism between these two powers is one of the watershed events of our time. Ironically, their joint support of Hanoi has contributed to the acrimony between them. It has brought into focus their competition for leadership in the communist camp. Conflicting positions on the desirability of the peace negotiations in Paris have provided a further divisive factor. In an analogous development, increased Soviet aid to North Korea has made Pyongyang less dependent on China. The Cultural Revolution and the depredations of the Red Guards have created in China a situation of internal unrest that presently preoccupies China's military forces. The recent border clashes on the Ussuri River further decrease the likelihood that China will, in the near future, be able to devote its attention and resources to the export of revolution.

These considerations are augmented by another. It seems clear that the necessity to devote more of our minds and our means to our pressing domestic problems requires that we set a chronological limit on our Vietnamese involvement.

A year ago, we placed a numerical limit on this involvement, and did so without lessening the effectiveness of the total military effort. There will undeniably, be, many problems inherent in the replacement of American combat forces with South Vietnamese forces. But whatever these problems, they must be faced. There is no way to achieve our goal of creating the conditions that will allow the South Vietnamese to determine their own future unless we begin, and begin promptly, to turn over to them the major responsibility for their own defense. This ability to defend themselves can never be developed so long as we continue to bear the brunt of the battle. Sooner or later, the test must be whether the South Vietnamese will serve their own country sufficiently well to guarantee its national survival. In my view, this test must be made sooner, rather than later.

A first step would be to inform the South Vietnamese Government that we will withdraw about 100,000 troops before the end of this year. We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been wtihdrawn from Viet Nam by the end of 1970. The same information should, of course, be provided to the other countries who are contributing forces for the defense of South Viet Nam.

Strenuous political and military objections to this decision must be anticipated. Arguments will be made that such a withdrawal will cause the collapse of the Saigon government and jeopardize the security of our own and allied troops. Identical arguments, however, were urged against the decisions to restrict the bombing on March 31 of last year and to stop it completely on October 31. They have proven to be unfounded. There is, in fact, no magic and no specific military rationale for the number of American troops presently in South Viet Nam. The current figure represents only the level at which the escalator stopped.

It should also be noted that our military commanders have stated flatly since last summer that no additional American troops are needed. During these months the number of South Vietnamese under arms in the Government cause has increased substantially and we have received steady reports of their improved performance. Gradual withdrawal of American combat troops thus not only would be consistent with continued overall military strength, but also would serve to substantiate the claims of the growing combat effectiveness of the South Vietnamese forces.

Concurrently with the decision to begin withdrawal, orders should be issued to our military commanders to discontinue efforts to apply maximum military pressure on the enemy and to seek instead to reduce the level of combat. The public statements of our officials show that there has yet been no change in our policy of maximum military effort. The result has been a continuation of the high level of American casualties, without any discernible impact on the peace negotiations in Paris.

While our combat troops are being withdrawn, we would continue to provide the armed forces of the Saigon government with logistic support and with our air resources. As the process goes on, we can appraise both friendly and enemy reactions. The pattern of our eventual withdrawal of noncombat troops and personnel engaged in air lift and air support can be determined on the basis of political and military developments. So long as we retain our air resources in South Viet Nam, with total air superiority, I do not believe that the lessening in the military pressure exerted by the ground forces would permit the enemy to make any significant gains. There is, moreover, the possibility of reciprocal reduction in North Vietnamese combat activity.

Our decision progressively to turn over the combat burden to the armed forces of South Viet Nam would confront the North Vietnamese leaders with a painful dilemma. Word that the Americans were beginning to withdraw might at first lead them to claims of victory. But even these initial claims could be expected to be tinged with apprehension. There has, in my view, long been considerable evidence that Hanoi fears the possibility that those whom they characterize as "puppet forces" may, with continued but gradually reduced American support, prove able to stand off the communist forces.

As American combat forces are withdrawn, Hanoi would be faced with the prospect of a prolonged and substantial presence of American air and logistics personnel in support of South Viet Nam's combat troops, which would be constantly improving in efficiency. Hanoi's only alternative would be to arrange tacitly or explicitly, for a mutual withdrawal of all external forces. In either eventuality, the resulting balance of forces should avert any danger of a blood bath which some fear might occur in the aftermath of our withdrawal.

Once our withdrawal of combat troops commences, the Saigon government would recognize, probably for the first time, that American objectives do not demand the perpetuation in power of any one group of South Vietnamese. So long as we appear prepared to remain indefinitely, there is no pressure on Saigon to dilute the control of those presently in positions of power by making room for individuals representative of other nationalist elements in South Vietnamese society.

Accordingly, I anticipate no adverse impact on the Paris negotiations from the announcement and implementation of a program of American withdrawal. Instead, I would foresee the creation of circumstances under which true bargaining may proceed among the Vietnamese present in Paris. Unquestionably, the North Vietnamese and the National Liberation Front would do so in the hope that any political settlement would move them toward eventual domination in South Viet Nam. But their hopes and expectations necessarily will yield to the political realities, and these political realities are in the final analysis, both beyond our control and beyond our ken. Moreover, they are basically none of our business. The one million South Vietnamese in the various components of the armed forces, with American logistics, air lift and air support, should be able, if they have the will, to prevent the imposition by force of a Hanoi-controlled régime. If they lack a sense or a sufficiency of national purpose, we can never force it on them.

In the long run, the security of the Pacific region will depend upon the ability of the countries there to meet the legitimate growing demands of their own people. No military strength we can bring to bear can give them internal stability or popular acceptance. In Southeast Asia, and elsewhere in the less developed regions of the world, our ability to understand and to control the basic forces that are at play is a very limited one. We can advise, we can urge, we can furnish economic aid. But American military power cannot build nations, any more than it can solve the social and economic problems that face us here at home.

This, then, is the case history of the evolution of one individual's thinking regarding Viet Nam. Throughout this entire period it has been difficult to cling closely to reality because of the constant recurrence of optimistic predictions that our task was nearly over, and that better times were just around the corner, or just over the next hill.

We cannot afford to lose sight of the fact that this is a limited war, for limited aims and employing limited power. The forces we now have deployed and the human and material costs we are now incurring have become, in my opinion, out of all proportion to our purpose. The present scale of military effort can bring us no closer to meaningful victory. It can only continue to devastate the countryside and to prolong the suffering of the Vietnamese people of every political persuasion.

Unless we have the imagination and the courage to adopt a different course, I am convinced that we will be in no better, and no different, a position a year from now than we are today.

At current casualty rates, 10,000 more American boys will have lost their lives.

We should reduce American casualties by reducing American combat forces. We should do so in accordance with a definite schedule and with a specified end point.

Let us start to bring our men home—and let us start *now*.

GUN REGISTRATION: AN ERRONEOUS PREMISE

Mr. HANSEN. Mr. President, several proposals have been introduced this year which would require either Federal or State registration and licensing of firearms, or both.

The people of Wyoming and other Western States do not feel that registration of firearms is a matter for Federal legislation. In fact, the people of many States share this sentiment. They feel, and I feel, that in this matter, the State legislature can best decide the gun control needs of the people who live in their States.

Ownership of firearms by citizens is an area in which we must recognize that the States have completely different requirements in the different areas of the country.

In Wyoming, for example, at least one firearm of some sort is kept in almost every home. Many of these weapons have

been handed down from generation to generation. At the same time, the knowledge of how to use these firearms safely and for lawful purposes has been handed down from generation to generation. Many families are able to keep meat on their tables for their children through the legal use of these firearms during the hunting seasons when Wyoming's abundant game is harvested.

Firearms also are part of the money economy in Wyoming. Many of our people are professional guides and outfitters, who serve sportsmen from throughout the Nation who visit our State for sport and relaxation.

And while it may seem strange to some from the highly developed States, predators remain a problem in Wyoming. Firearms are necessary for the protection of livestock in our State.

The feeling in our State, and I think in a big majority of the States, is that if a State has a need for stringent firearm control measures and for gun registration, let the State legislature of that particular State decide, not Congress. If the State that a Member of Congress represents has not found it in that State's best interest to enact a firearm registration law, it seems that Member should not ask Congress to inflict such a law on his own constituency, and all the other States as well.

But the main point against the various moves to register guns is made in contained an editorial published in the Washington Evening Star of June 19, 1969, concerning the gun control law in the District of Columbia. The editorial points to estimates that less than a third of the estimated number of weapons in this city have been registered. It notes that the people of Washington readily comply with a "reasonable law," but have not complied with this gun law.

A key sentence in the editorial is this:

The basic failure, however, results from an erroneous premise that this regulation might prove to be of productive help in keeping firearms out of the hands of criminals.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS IS GUN CONTROL?

At the last report the formal deadline for registering firearms under the District's new gun-control law has passed with less than a third of the estimated number of weapons in the city signed up.

So what does the city government intend to do now? Launch a house-to-house search, perhaps, for the missing items? The silence from the District Building on the subject is quite deafening.

No doubt the exceedingly cumbersome and time-consuming requirements of the new ordinance contributed in large degree to the poor statistical performance, for the Washington public is not this contemptuous of any reasonable law. The basic failure, however, results from an erroneous premise that this regulation might prove to be of productive help in keeping firearms out of the hands of criminals.

Obviously no such ineffective law can be left unattended, and we await with interest the inventiveness of the city government as to what comes next. As to crime deterrence, however, the City Council should, as a first step, shift its focus on guns from registration to the support of some means of imposing really strong penalties upon anyone who actually uses a gun in the commission of a crime.

HOUSE TASK FORCE PROVIDES REPORT FOR CAREFUL CONSIDERATION OF CONGRESS CONCERNED WITH CAMPUS DIORDERS—SENATOR RANDOLPH STRESSES NEED TO LOWER VOTING AGE TO BRING YOUTH INTO ACTIVE POLITICAL PROCESS

Mr. RANDOLPH. Mr. President, news media yesterday carried extensive reports on the findings of a House task force which has conducted a study and survey of the situation on our Nation's campuses. The 22-Member group, headed by Representative WILLIAM BROCK III, of Tennessee, has performed an extremely valuable service for our Government and the people of this country. I commend them.

Mr. President, this study group submitted to the President a number of affirmative recommendations to resolve our student crisis. They also have said what not to do in calling for "no repressive legislation" which will label and punish the overwhelming majority in the effort to deal with the few perpetrators of violence and unlawful acts. I stress my conviction that the lawbreaker, off or on the campus, must be punished. Violence must not be condoned.

Their warning is clear on the deficiency of dialog with our young people; on the complexity and the variation of campus problems; on the depth of student unrest; on the urgency to act constructively; and more importantly, on the need to recognize the "candor, sincerity, and basic decency of the vast majority of students" who have not lost faith in our system, and wish to contribute to making it work even better.

The danger we face if we fail to recognize that the vast majority of students harbor genuine concerns is stressed in the conclusion of the report:

It is clear that if violence on our campuses does not end, and if the reaction to it is on the one extreme too lax, or on the other extreme too harsh and indiscriminate, the vast moderate student majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of higher education will have succeeded.

This is a frightening prospect.

Let there be no mistake. Our colleagues in the House have not rationalized violence with high sounding philosophical arguments. They recognize that there are persons—although few in number—who seek to destroy our educational institutions. But they also have forcefully presented a realistic appraisal of the attitude and motivation of the larger segment of our student population. Implicit in their comments is the answer to the question of why our moderate students have not risen in arms to stop disorders. I again quote from the report:

There is on the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America.

While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system.

However, many students can be radicalized when violence or confrontation on campus occurs. Also, disillusionment in our system by students can grow, even without violence, if we place one label on all students and fail to understand that they raise many areas of legitimate concern.

Mr. President, there will be understandable disagreement in this body with my comments on the findings of the House Members. Their statements—especially their emphasis—will be challenged. This is a part of our democratic process. But evaluation of any study or report must be formulated with a view toward the source. In this regard, the comments of our colleagues are particularly significant. The group was not composed of ivory tower theorists. They are not members of a commission who conduct their study, make their report, hold their news conference, and then return to primary occupations which might be a world away from the issue. No, Mr. President, the men who made this report are politicians, whose futures in great part could be influenced by the tone and substance of their statements. They have signed a document which they must justify in response to their constituents who are deeply perplexed, troubled, and in many cases outraged by the happenings on our campuses. Often overreaction can do damage. Because of this danger, I believe the report of the House task force takes on added significance and meaning.

The findings and recommendations indeed merit careful consideration and study by the President and his advisers and by the Congress. Although indirect solutions compose a part of the report, there are realistic proposals which the executive branch and the Congress—in concert—can move to implement. I particularly call attention to the proposal that the voting age be lowered to 18.

The report strongly recommends lowering the voting age to permit "active involvement in the political process which can constructively focus youthful idealism on the most effective means of change in a free society."

To this I say, "Amen." For years in the House and in the Senate, I have advocated lowering the voting age to 18. I have introduced several bills for a constitutional amendment approach to this goal of youth voting. I am now encouraged by 34 Senators cosponsoring my Senate Joint Resolution 7.

Today, I believe this is a crucial issue. And it is one of the most important ways through which our society can express a belief in our young people. Extending the franchise to those between the ages of 18 and 21 would constitute a meaningful and constructive step in allowing the majority of our college students—described in the report as possessing

candor, sincerity and basic decency—to participate in our system.

Mr. President, this is something on which the Congress can initiate action immediately. The mechanism is there. And I place the burden on the Congress because the approval of a constitutional amendment is the only action which will give impetus to lower the voting age. As I have stated time and again, if we wait for the States to act individually, many years will pass before our 18- to 21-year-olds will be voting. But a constitutional amendment will place the issue foursquare before the States. And it is my belief it would be ratified.

Even though it takes time to approve a constitutional amendment, the submission of such a proposal to the States by the Congress will be a vital start toward bringing our young people into full partnership in our society. It will be an appropriate forerunner of other measures which recognize the new awareness, idealism, and talents of our young citizens.

It is particularly critical that we afford our young people the opportunity to seek answers, to express their views, and to use their influence in the development of our national policies. Young persons want to do this—and they want to do it in an orderly and effective manner. That youth can participate—and participate in a constructive manner—was evidenced in the political campaigns of 1968. Those campaigns are over. Now it is not sufficient for us to look back and praise young people for their persevering efforts. Rather, our responsibility is to renew the efforts to bring youth into the discussion, formulation, and implementation of our policies. This is a worthy objective. Its accomplishment will benefit our Republic.

My support for this proposal is basically twofold. It is my belief that those in the age group of 18 to 21 are capable of discharging the right to vote in an intelligent and conscientious manner. And a democracy thrives when its base is broadened and additional persons are brought into the democratic process. Full participation is the ideal for which we strive. We accomplished this in giving women the right to vote, in eliminating the poll tax, in passing the Voting Rights Act, and in other measures. Now is the time to further extend our base by affording young people the opportunity for full participation.

Seven percent of our population is in the age group of 18 to 21. These approximately 13 million persons are actually adults in our society. They are in the education process; they have jobs. And for the most part, they can marry, buy insurance, sign wills, and are treated as adults in the courts of law and are brought into the Armed Forces to defend their country. Additionally, our young persons participate in the Peace Corps, in VISTA, and the community action and charitable programs. I feel the youth of today are better educated and more aware. And, more importantly, I think our young people possess a greater social conscience; are more perplexed by the injustices which exist in the world; and are more anxious to rectify these ills.

The future, in large part, belongs to youth. It is imperative that they have the opportunity to help set the course of that future.

My estimate of young people is high. It continues to grow. I feel that our youth is equal to the challenges of today and tomorrow. They will aid in bringing into being a better world than those of past generations have been able to create.

Mr. President, I realize that voting age lowering is only one facet of the report by the House Members. But I believe so strongly in this proposition that I have commented at length. It is gratifying that our colleagues determined that the recommendation for a lower voting age should be one of their key recommendations.

ABM SUPPORTED WITHOUT RESERVATION

Mr. HANSEN. Mr. President, a great verbal battle has raged in the Senate for many weeks over the merits of the anti-ballistic-missile system proposal.

While some observers have called this a battle for headlines, and because of numerous publications on the issue have also termed the controversy "the battle of books," I am aware of the deep-rooted misgivings some Senators have about the wisdom of the Safeguard proposal.

Nationwide polls have indicated that the American people by a substantial majority favor the deployment of the Safeguard proposal in the interest of the national security, and a vast majority do have an opinion on whether an ABM system is in the best interest of the security of the people.

It is time we heard from the experts whose whole concern is the protection of life and property in these United States. One such organization is the Civil Defense Association of Wyoming. The Wyoming Association on May 15, 1969, approved unanimously a resolution supporting the Safeguard proposal "without reservation." From personal knowledge, I categorically assert that the motives of this association cannot be impugned.

I ask unanimous consent to have printed in the RECORD the complete text of the resolution adopted by the Civil Defense Association of Wyoming.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION—APPROVED UNANIMOUSLY BY THE CIVIL DEFENSE ASSOCIATION OF WYOMING, MAY 15, 1969

Whereas Civil Defense is concerned with the protection of life and property under any condition; and:

Whereas the National posture for the protection of all citizens should be the concern of all elected officials at all levels of government, and:

Whereas the proposed Anti-Ballistic Missile System would provide the best known protection from a nuclear threat of an aggressor nation, and:

Whereas the National Fallout Shelter Program is the primary and only element of Civil Defense planning and programming for the protection of the population from nuclear accident or attack, and:

Whereas time is the most limited commodity during periods of international tension:

Now therefore be it resolved that the Civil Defense Association of Wyoming supports without reservation President Richard M. Nixon's proposed Anti-Ballistic Missile System, and encourages the Congressional delegation from the State of Wyoming and all other states in Region Six, Office of Civil Defense, to assist in bringing this protection to the population of the United States at the earliest possible date, and:

Be it further resolved that this resolution be forwarded to the United States Civil Defense Council through its Region Six representatives meeting at Joplin, Missouri, on 17, 18, and 19 June 1969, begging that body to endorse this action in support of President Nixon and his proposed national defense effort.

FACT BOOK ON ANTIBALLISTIC MISSILE

Mr. MONDALE. Mr. President, as the vote on the Safeguard ABM system draws near, it becomes increasingly important for each Senator to inform himself fully on this critical issue.

In recent months we have received a deluge of material on both sides of the question. Unfortunately, much of this material tends to be colored by the views of the author, whether it be a prominent scientist opposing deployment or the Department of Defense trying to justify it.

For a fair, lucid, and factual presentation of the basic facts about the Safeguard system and an excellent summary of the best arguments for and against deployment, I commend to the attention of Senators, particularly those who have not yet made up their minds on the issue, the Democratic study group fact book entitled "ABM." The Democratic study group booklet provides all the basic information one requires to come to an informed judgment on deploying the Safeguard systems, in addition to a bibliography for further study of material available from the CONGRESSIONAL RECORD. It has been praised by Representatives who support and those who oppose the Safeguard system. I have found the booklet most useful.

Mr. President, I ask unanimous consent that the Democratic study group fact book entitled "ABM," prepared by the Democratic study group in the House of Representatives, be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ABM—DEMOCRATIC STUDY GROUP, U.S. HOUSE OF REPRESENTATIVES, 1969

I. INTRODUCTION

This DSG Fact Book is designed to provide Members of Congress with a basic understanding of the proposed SAFEGUARD ABM system, a history of anti-ballistic missile development and the ABM debate, and a fair and factual exposition of the arguments for and against SAFEGUARD deployment.

The controversy over the proposal to deploy an anti-ballistic missile system is certain to rank as one of the key issues of the 91st Congress. In addition to the immediate defense and foreign policy considerations involved, the ABM debate has other ramifications as well. It has helped stimulate a critical examination of national commitments and the size of the defense establishment needed to fulfill these commitments, and it is expected to produce closer Congressional scrutiny of future defense proposals.

SAFEGUARD authorization bills are currently being considered by both the House and Senate Armed Services Committees. The first vote on the issue, however, is expected to come in the Senate. If authorization is approved, funds for SAFEGUARD will be included in both the Department of Defense (DOD) and Atomic Energy Commission (AEC) appropriation bills later in the year.

II. HOW SAFEGUARD WORKS AND WHAT IT WILL COST

An anti-ballistic missile (ABM) is a missile armed with a warhead designed to destroy an enemy incoming intercontinental ballistic missile (ICBM) warhead. In order to accomplish its goal an ABM system such as Safeguard depends on the perfect working of three subsystems—radars, computers, and missiles—plus interconnecting communications and controls.

Radars

Safeguard uses two kinds of radar. A long range Perimeter Asquisition Radar (PAR) picks up the incoming ICBM at a range of 1,000 to 2,000 miles (8 to 15 minutes flight time) from its target and fixes its trajectory. As the ICBM closes, a second radar, the Missile Site Radar (MSR) takes over and guides the ABM to the point of intercept. The MSR can handle many ICBMs and ABMs at the same time.

Computers

The computer system involved in Safeguard will be the largest and most complex ever built—the equivalent of 100 large commercial computers. Its function is to interpret radar signals, identify potential targets, track incoming objects, predict trajectories, distinguish between warheads and decoys, eliminate false targets, reject signals from earlier nuclear explosions, correct for blackout effects, program, arm, and fire the ABMs—and correct itself—all in ten minutes.

Missiles

Two kinds of missiles are used in Safeguard. The *Spartan* has a range of about 400 miles and employs a warhead in the megaton range (1 megaton equals 1 million tons of TNT). *Spartan* intercepts its target above the atmosphere and destroys the incoming missile by radiation from the explosion of its warhead.

The second missile, *Sprint*, has a range of about 25 miles. It has an extremely rapid rate of acceleration and is designed to take care of those enemy missiles that get past the *Spartans*. Because it intercepts in the atmosphere, it has a much smaller warhead of a few kilotons (1 kiloton equals 1 thousand tons of TNT) and must therefore come much closer to the incoming missile. *Sprint* does not have to deal with decoys and other penetration aids as they will have burnt up or fallen behind the incoming missile as it enters the atmosphere.

A typical site

An ABM installation in the Safeguard system might have a PAR but would definitely have an MSR, computer installations, 35 or so *Spartans*, slightly more *Sprints* (many more if it were in the Minuteman fields), command and control structures, and personnel barracks. The site itself, particularly the MSR, would be almost as vulnerable as a city or a bomber base and far more vulnerable than a missile silo.

Sentinel and Safeguard Compared

While SAFEGUARD and SENTINEL consist of the same components and are essentially similar in deployment, the following differences should be noted:

1. Most of the SENTINEL installations were to have been near major cities. The SAFEGUARD installations have been moved from the vicinity of cities (except for the National Command Authority at Washington, D.C.), and reduced in number from 15 to 12. The same geographic coverage is given, except that the area around New Orleans, La., is left unprotected. The seven installations not located in the Minuteman fields (Malstrom AFB-Montana, Grand Forks AFB-North Dakota, Warren AFB-Wyoming, Whiteman AFB-Missouri) and Washington, D.C., are to be located at or near SAC bases to protect the manned bomber deterrent.

2. SAFEGUARD would have two additional PARs, located in Southern California and Georgia or Florida, to give the system the capability to respond to attack from any direction. 15 faces have been added to the PARs and the MSRs to permit a 360 degree scan.

3. While SENTINEL had *Sprints* only at the PARs, SAFEGUARD will have *Sprints* at all sites. The sites in the Minuteman fields will have considerably more *Sprints* than the other sites.

4. Work was to have begun on all of the sites in the SENTINEL system. A deployment timetable is attached to the SAFEGUARD proposal; funds requested in Secretary Laird's FY 1970 DOD budget revision are to be used to begin work on the Malstrom and Grand Forks sites and procure land for the other ten installations.

Status of Safeguard components

The PAR is in the design stage; performance will be simulated by a radar operating at the Kwajalein test site and the first PAR built directly at an operational site. The first MSR has completed factory tests and is now being tested at Kwajalein. *Spartan* is in the flight test stage. *Sprint* is in the test firing stage. The computer system is partially operational at the contractor's plant, but the "time shared" approach necessary to govern the complete computer system is still being developed by data-processing theorists. The first two SAFEGUARD sites are expected to be operational by 1973.

Cost

The cost of the complete SENTINEL system was estimated by DOD at $5.5 BILLION. The cost of SAFEGUARD is estimated at between $6.6 and $7 BILLION. However, DOD estimates do not include $1.2 BILLION for Spartan and Sprint nuclear warheads, which appears in the AEC request. Thus SAFEGUARD would cost between $7.8 and $8.2 BILLION. DOD anticipates modifications in the system as it is deployed to take advantage of technological developments and to offset adversary improvements in offensive weaponry which would lead to additional funding requests.

The use of FY 1970 ABM monies is compared as follows:

[In millions of dollars]

	Sentinel	Safeguard
Research and development	335	401
Procurement	736	361
Construction	647	97
Operations and maintenance	70	23
Military pay and allowances		10
Total	1,788	892

In addition, a total of $235 million unobligated FY 1969 SENTINEL money will be allocated for the SAFEGUARD program.

III. THE EVOLUTION OF THE ABM—AND THE ABM DEBATE

Summary

The debate over an ABM began in the mid fifties when the Army instituted studies of the application of the NIKE AJAX and NIKE HERCULES anti-aircraft systems to defense against missiles. Rapid development of the ICBM by both the Soviet Union and the United States at the end of the 1950s provided the impetus for ABM development. By 1959 the official consensus was that an ABM system that would protect the United States from massive missile attack was unworkable. President Eisenhower therefore halted NIKE ZEUS deployment.

Pressure for deployment, however, did not abate. In 1960 Secretary of Defense McElroy rejected Army requests for $400 million for NIKE ZEUS production; when Congress appropriated the money anyway he refused to spend it. The Kennedy Administration opted for a strategy of deterrence through an "assured destruction" capability on each side and kept the ABM in the research and development phase. Technological advances and an emerging Chinese capability, however, caused the Johnson Administration to authorize deployment of a "thin" cities-protecting ABM system in September of 1967. During 1968, heated controversy over the decision to deploy developed in the scientific community, in the Senate, and in the public at large.

In March of 1969 President Nixon announced the deployment of a modified SENTINEL, to be called SAFEGUARD, and in the course of defending this proposal during March, April, and May the Administration developed a number of justifications, some of them contradictory, for going ahead with an ABM. These justifications also represented policy reversals of positions taken by the Johnson Administration.

Chronology

February 1955. DOD contracts feasibility studies for the proposed Nike Zeus ABM with Bell Telephone Laboratories.

July 1955. Research and development focuses on the ICBM as the primary target of any emergent ABM system.

January 1957. Full system deployment of Nike-Zeus is ordered by the Army.

September 1957. The Atomic Energy Commission completes a feasibility study of the Nike-Zeus warhead.

June 1959. Joint AEC-Army activities commence on development engineering for a *Zeus* missile warhead.

August 1959. First *Zeus* missile is fired at the White Sands Missile Range.

November 1959. President Eisenhower orders cessation of Nike-Zeus deployment (radar ineffective, easily overwhelmed by decoys) but authorizes continuation of research and development.

April 1961. The Kennedy Administration decides to keep United States ABM development in the research and development phase.

July 1962. First successful ICBM-*Zeus* missile intercept is conducted.

January 1963. DOD authorizes the Army to begin research and development on the Nike X ABM system, which employs two types of missile and electronically operated radars that can handle numerous targets simultaneously.

March 1963. Contract for the *Sprint* missile—short range, rapid acceleration component of Nike X—is awarded.

Summer 1963. The Senate Armed Services Committee, in an attempt to force an Executive decision for the deployment of an ABM system, seeks the addition of $196 million for ABM deployment to the defense authorization bill for FY 1964. The full Senate, however, rejects the move at the insistence of the Administration.

Fall 1963. The Soviet Union announces that it has produced a prototype of an effective anti-missile missile.

January 1964. President Johnson orders cutbacks in U.S. manufacture of fissionable materials and manufacture of arms, and urges the Soviet Union to do likewise as a step toward the "eventual abolition of arms."

July 1964. Testing of new multiple-array radar (MAR) system, a radically improved radar designed for Nike X, is initiated.

October 1964. Communist China detonates a low-yield atomic bomb—its first.

May 1965. Communist China detonates its second atom bomb, one of low-intermediate yield.

October 1965. NIKE X development study completed by the Army and presented to the Secretary of Defense.

November 1965. First successful flight conducted of the maneuverable *Sprint* missile, short range NIKE X component.

May 1966. China detonates its first hydrogen bomb.

October 1966. China tests its first missile-delivered device, equipped with a low-yield fissionable warhead.

November 1966. Secretary McNamara announces that the Soviet Union has begun deployment of the Galosh (Nike-Zeus-type) ABM defense system around Moscow.

December 1966. China detonates its second hydrogen bomb.

Congress approves $167.9 for ABM procurement without the request of the Secretary of Defense.

January 1967. President Johnson declares that no U.S. ABM deployment will be made until completion of arms control negotiations with the Soviet Union, and requests discussions for control of ABMs.

Defense Secretary McNamara, in his defense posture statement, presents a detailed argument *against* deployment of a complete, Soviet-oriented ABM system: "It is a virtual certainty that the Soviets will act to maintain their deterrent, which casts grave doubts on the deploying of the NIKE X system for the protection of our cities against the heavy, sophisticated missile attack that they could launch in the 1970s."

General Wheeler, Chairman of the Joint Chiefs of Staff, expresses disagreement with the McNamara position and recommends a "measure of defense" for the country. The JCS recommends a two stage deployment plan: (a) $9.9 BILLION to provide 25 cities with ABM defense; (b) $19.4 BILLION to add 25 more cities and thicken *Sprint* defense.

February 1967. The Soviet Union announces that it has developed an ABM system capable of protecting it against attack.

Dr. John Foster, then as now DOD Director of Research and Engineering, says: "As a matter of technical judgment I believe that these larger (ABM) deployments carry with them technical risks. The likelihood of large and sophisticated attacks with the deployment of significant U.S. defense increases the technical uncertainty of the defense system."

June 1967. The House Appropriations Committee report on the DOD appropriations bill for FY 1968 states: "It would appear that the initiation of deployment of 'light' or 'thin' defense, now, may very well be a most useful first step toward whatever level of ballistic missile defense ultimately appears necessary."

At the Glassboro Conference President Johnson declares his hope to work with the Soviet Union in limiting development of strategic nuclear weapons, including ABM systems.

Summer 1967. The FY 1968 military budget, containing a total of $782.9 million for anti-ballistic missiles, is approved by the 90th Congress. Of these funds, $297.6 million are allocated for ABM procurement, $421.3 million for ABM research and development, and $64 million for ABM construction. Of this amount, $366 million is specified for the Sentinel system, an allocation that President Johnson requested in anticipation of a decision to deploy.

Heated controversy over the question of ABM deployment develops in Congressional debate over appropriations for FY 1968.

September 1967. Secretary McNamara outlines the futility of erecting a Soviet-oriented ABM but announces that "there are marginal grounds for concluding that a light deployment against this possibility (a U.S. Chinese nuclear clash) is prudent." Intelligence estimates a Chinese nuclear capability of 20–30 ICBMs by 1975.

November 1967. DOD announces that the ABM system to be deployed (named Sentinel) is a thin configuration of the Nike X system, and identifies the first ten areas to be surveyed as possible site locations.

March 1968. President Johnson says the Sentinel program is of the highest national priority.

April 1968. In opening debate on the DOD appropriations bill for FY 1969 the Senate rejects, by a vote of 28–31, an amendment to delay deployment of the ABM until certified as "practicable" by the Secretary of Defense.

June 1968. The Senate rejects by a vote of 34–52 an amendment to delay ABM construction funds for one year.

Foreign Minister Gromyko announces Soviet willingness to engage in talks with the United States about strategic arms limitations: "The Soviet Union is ready to enter an exchange of opinions . . . (on) the mutual limitation and later reduction of strategic weapons, both offensive and defensive, including anti-ballistic missiles."

The House of Representatives rejects an amendment to the Defense Appropriations Act for FY 1969 to delete acquisitions of property and construction of related ABM facilities 37–106, on a teller vote.

August 1968. A Senate amendment to delete all funds for ABM construction is rejected 27–46.

The Soviet invasion of Czechoslovakia serves to jeopardize proposed arms control talks and stimulates pressure for ABM deployment in the U.S.

September 1968. Secretary Clifford directs that Sentinel be exempted from the expenditures reduction program.

October 1968. The Senate rejects, by a 25–45 vote, a proposal to delay construction of SENTINEL for one year.

December 1968. Citizen opposition to proposed sites at Boston, Chicago, and Seattle becomes vocal.

January 1969. Secretary Clifford in his report accompanying the DOD FY 1970 budget request concludes: ". . . even if the Soviets attempt to match us in numbers of strategic missiles we shall continue to have, as far into the future as we can now discern, a very substantial qualitative lead and a distinct superiority in the numbers of deliverable weapons and the overall combat effectiveness of our strategic offensive forces."

President Nixon takes office and initiates a DOD review of strategic offensive and defensive priorities.

February 1969: President Nixon on the 6th says: "I do not buy the assumption that the ABM was simply for the purpose of protecting ourselves against attack from Communist China."

On the 13th Secretary Laird stresses the priority of a Chinese-oriented ABM: "I am more concerned about that defense (against the Chinese threat) than I am about any other kind of defense at the present time."

On the 20th Secretary Laird says that an ABM system is necessary because the Soviet Union is deploying a "sophisticated new ABM system."

March 1969. At a press conference on March 14 President Nixon announces deployment of a modified Sentinel, to be called Safeguard, because: "The Soviet Union has engaged in a buildup of its strategic forces larger than was envisaged in 1967."

On the 20th Secretary Laird reverses his earlier position and says the Soviet Union is not deploying a "third generation" ABM system around Moscow but is only testing such an improved system.

The following day Secretary Laird says the Soviet Union is "going for a first-strike capability, and there is no question about it."

On the 27th Secretary Laird submits his amendments to the FY 1969 supplemental and FY 1970 DOD budget to the House Armed Services Committee and requests $900 million for Safeguard procurement and construction. In addition to this, $330 million from FY 1969 could be carried over to FY 1970 for Safeguard costs. Secretary Laird estimates the total cost of the system at $6–$7 billion, an increase of $500 million to $1.5 billion over the Johnson Administration request. In the report accompanying his requests, Secretary Laird says Safeguard deployment is necessary because "the option of safeguarding our deterrent forces against this potential threat (the Soviet threat) cannot be preserved by research and development alone."

April 1969. Following Secretary Laird's "first-strike" remark, a controversy develops within the Administration over Soviet capabilities and intentions. Secretary Rogers at a press conference on the 7th seems to contradict Secretary Laird: ". . . insofar as whether they (the Soviets) are doing it (deploying the SS–9 with the intention of actually having a first strike, I don't believe that."

Spokesmen for the Administration contradict Secretary Laird's statement on the necessity for going beyond the research and development stage. On the 15th, Vice President Agnew characterizes SAFEGUARD as "really just a rather small research and development project, with two test sites, at Minuteman bases." Two weeks later, Deputy Secretary Packard echoes Agnew and calls SAFEGUARD "really a prototype deployment—a kind of research and development."

Doubt begins to arise over Secretary Laird's estimate of the Soviet threat. Former Deputy Secretary Nitze, testifying on behalf of SAFEGUARD before the Senate Armed Services Committee, declines to endorse Secretary Laird's view that the Soviet Union is working toward a first-strike capability. CIA Director Helms, testifying before a closed session of the Foreign Relations Committee, reportedly characterizes the Soviet threat as the same that faced the previous Administration.

Public and Congressional controversy continues. Governor William Guy of North Dakota, slated to receive one of the first two SAFEGUARD sites, announces his unqualified opposition to the project and concludes "our Nation is being swept along by contrived hysteria to keep the pipeline of the defense industries full." Administration and opposition head-counters agree that the decision in the Senate will hinge on how six uncommitted Senators divide on the issue.

May 1969. It is learned that the total cost of the SAFEGUARD system as announced by Secretary Laird and Deputy Secretary Packard ($6–$7 billion) does not include the costs of the nuclear warheads. The warheads are in the AEC budget and will add at least $1.2 billion to the original estimate.

Later in the month the Defense Marketing Survey, a McGraw-Hill service for defense contractors, concludes DOD costs for SAFEGUARD will be $12.2 billion.

On the 9th, Governor Forrest Anderson of Montana, site of one of the first two SAFEGUARD installations, states: "I have concluded that the proposed ABM system—called SAFEGUARD—would not be in the best interest of Montana and I seriously question whether the system would enhance our national defense posture."

On the 10th, Rear Admiral Levering Smith, Director of Strategic Systems Projects for the Navy questions Secretary Laird's evaluation of the future vulnerability of the Polaris submarine deterrent: "I am quite positive that the new generation of Russian submarines that are getting close to operational status, that are now being tested, will not be able to follow our Polaris submarines." Admiral Smith also denys that the Soviet Union has new anti-submarine warfare methods,

such as superior sonar or a satellite detection capability, that would make the Polaris fleet vulnerable.

On the 12th, Dr. John Foster, DOD Director of Research and Engineering, upgrades the possible SS–9 threat as stated by Secretary Laird and Packard (500) to 600 by 1975. He takes heated issue with those scientists who question SAFEGUARD's reliability.

May 1969. On the 13th, Deputy Secretary Packard reverses an earlier position and says that SENTINEL monies are being used for production of SAFEGUARD missiles and radars. Packard previously had taken the position that new Congressional authority was required for work on SAFEGUARD.

On the 19th, House Speaker McCormack tells the Democratic and Republican leadership that he prefers to have the House vote on SAFEGUARD after the Senate rather than first.

The nation's two largest unions, the UAW and the Teamsters, announce their opposition to SAFEGUARD deployment, and a number of city councils and big city Mayors question the need for the system.

At the end of the month, new groups supporting SAFEGUARD are founded. Dean Acheson is announced as the organizer of one and it is revealed that a second has been organized among financial supporters of President Nixon by a White House aide. These groups join the American Security Council and the Liberty Lobby in backing SAFEGUARD.

June 1969. Controversy develops over a classified Pentagon chart that reportedly shows SAFEGUARD to be a very poor defense of retaliatory Minuteman Missiles. Sources say that the chart shows the addition of only a few SS–9s would overcome the SAFEGUARD ABM.

Later in the month the Pentagon releases a White Paper that says the Soviet Union is testing MIRVs in the Pacific. The next day other intelligence sources outside the Pentagon, particularly the CIA, support Secretary Roger's contention that the Soviet warheads being tested are not independently targeted.

Secretary Laird tells the House Appropriations Committee that a projected Chinese deployment of 25 ICBMs would justify going from the two-site configuration currently requested to the complete 12-site Safeguard system.

IV. POINTS OF CONTROVERSY

A number of points of controversy have arisen in the course of the debate over the SAFEGUARD system. The following fifteen questions are those that are most often raised by supporters and opponents of deployment. Because in most cases the opposition is responding to arguments for deployment advanced by supporters, the *Con* arguments require somewhat more space than the *Pro* for elaboration.

Will the United States second strike capability be vulnerable by 1975?

Pro

Yes. Recent Soviet developments in the weapons field pose a threat to all three elements of our retaliatory mix (Minuteman and Titan, Polaris, and our manned bomber force):

1. The Soviet Union is continuing to deploy the large SS–9 missile; its present force of 200 may go to 500 by 1975.

2. The Soviet Union is testing Multiple Re-entry Vehicles and will be able to deploy them on SS–9 missiles by 1975.

3. The Soviet Union is developing a fractional orbiting bombardment system (FOBS) and serially producing Polaris-type submarines. A FOBS capability and a large Polaris-type force could neutralize our bomber deterrent in 1975.

4. The Soviet Union is developing an anti-submarine warfare capability (ASW) that by 1975 could neutralize our Polaris deterrent.

5. The Soviet Union has deployed the GALOSH (NIKE ZEUS-type) ABM around Moscow.

Con

No.

Recent developments in the weapons field were known to the previous Administration which concluded that the U.S. second strike capability was invulnerable for the foreseeable future:

1. The accuracy of the SS–9 against hard targets is very doubtful; by 1975 we will still vastly outnumber the Soviet Union in accurately deliverable megatonnage.

2. The Soviet Union is far behind the U.S. in targeting Multiple Re-entry Vehicles independently and their progress in this field is more than matched by ours.

3. The U.S. has discarded FOBS as impractical and is far ahead of the Soviet Union in ASW capability, which will neutralize any Polaris capability they may develop. 40% of our bomber deterrent is on ground alert and could avoid FOBS or Polaris-type attack.

4. There is no evidence that the Soviet Union has made a break-through in the ASW field; on the contrary, the evidence indicates they are far behind us.

5. The Soviet Union has halted work on GALOSH. In any event, we have more than overcome whatever advantage the Soviet Union may have obtained by limited deployment.

Even granting Soviet superiority in all strategic weapons categories and assuming we did not launch on warning, it would still be impossible for the Soviet Union to reduce our second strike capability below a level that would destroy 70% of the industry and 30% of the population of the Soviet Union. A perfectly working SAFEGUARD might increase our retaliatory capability marginally, if it were not offset by Soviet MIRV deployment.

Will Safeguard deter arms control talks?

Pro

No.

The Soviet Union agreed to arms talks only four days after former President Johnson decided to deploy SENTINEL. Since June of 1968, the Soviet Union has been pressing for initiation of these talks, despite the fact that the U.S. was, until March of 1969, proceeding with the full SENTINEL program.

Further, there has been no slackening of Soviet interest during the months SENTINEL was under review by the new Administration.

Finally, the U.S. has agreed to include defensive systems in any arms control discussions and is prepared to abandon SAFEGUARD if an agreement is reached.

Con

Yes.

SENTINEL had a very minor anti-Soviet capability, while SAFEGUARD is increasingly being justified in terms of the Soviet Union.

If the U.S. deploys SAFEGUARD and MIRV, it is likely that Soviet defense planners will assume that the U.S. is going for a first strike capability and delay the start of talks until parity, in their eyes, has once more been achieved. The current Soviet line, perceived from diplomats, is that parity has been reached in offensive and defensive capability. In their eyes a major spending program on new weaponry, such as SAFEGUARD, would upset the balance and make agreement impossible because the Soviet Union refuses to negotiate from a position of inferiority. Soviet comment since March is becoming increasingly critical of SAFEGUARD.

In addition, a newly deployed ABM system and the danger inherent in that deployment seems quite contrary to the spirit and intent of the non-proliferation treaty.

Will Safeguard strengthen our bargaining position with the Soviet Union?

Pro

Yes.

SAFEGUARD will give the Soviet Union an added incentive to come to the bargaining table and enter into meaningful agreement on the limitation of both offensive and defensive strategic weapons systems.

It will also give the U.S. an additional counter to be used in the talks.

Con

No.

The deployment of SAFEGUARD ties the hands of the United States in future negotiations. To deploy the system would strengthen the position of those in the Soviet Union who argue that the U.S. is too committed by its economic system and its pressure groups to an arms race to be seriously interested in its abatement.

The Kremlin defense establishment will certainly demand a new Soviet weapons system to use as a bargaining card against SAFEGUARD. Once new systems are initiated on either side, they become almost impossible to dismantle because they create their own constituencies.

Although both President Nixon and Secretary Laird have talked about using SAFEGUARD as a bargaining card with the Soviet Union, a question on whether or not the U.S. would consider abandoning SAFEGUARD if the Soviet Union showed a similar willingness elicited the following response from the President: "The abandoning of the entire system, particularly as long as the Chinese threat is there, I think neither country would look upon that with much favor."

There is an inherent contradiction in using SAFEGUARD both as a bargaining card with the Soviet Union and as protection against the Chinese threat.

Will Safeguard escalate the arms race?

Pro

No.

SAFEGUARD is defensive in nature and will not provoke the Soviets; the Soviets have always favored defensive systems.

Since the proposed system is designed to protect the nation's retaliatory capability it is not provocative and will require no reaction at all from the Soviet Union.

While U.S. attitudes are presently mixed with some favoring offensive systems and others supporting defensive systems, the Soviet attitude seems almost universally to favor emphasis on defense. Thus, it appears that similar U.S. emphasis on defense would probably be the most stable method of avoiding an offense-defense arms race.

Con

Yes.

We reacted to the Soviet GALOSH (NIKE ZEUS-type) deployment around Moscow by building up our multi-warhead (MIRV) capability with Poseiden and Minuteman III. On March 19, DOD requested authorization of $12.4 million to improve Poseiden's effectiveness against hard targets, or second strike missiles, thus increasing our preemptive first strike capability. $100 million has been requested for an Advanced Manned Strategic Bomber (AMSA) to counter GALOSH. These developments with the deployment of SAFEGUARD will make the Soviet Union extremely uneasy about U.S. first strike intentions and lead them to take similar actions bringing a new and dangerous degree of uncertainty into the strategic balance.

Since the most likely Soviet response to SAFEGUARD will be to accelerate their MIRV program, and ours is proceeding at a rapid pace, the time when the strategic balance can be stabilized by agreements that can be verified is rapidly disappearing. Once MIRVs are operational, unilateral policing by satel-

lite of an arms control agreement will be impossible. It is very unlikely that either the U.S. or the Soviet Union would sign an agreement without a unilateral policing capability.

Do we need Safeguard because the Soviets have Galosh?

Pro

Yes.

SAFEGUARD is necessary to retain nuclear parity with the Soviet Union and to show that we, too, are defense-minded rather than offense-minded.

If we lose the lead time necessary to build and install a defensive system of our own, there would be no way to redress the balance. We would be subject to the Soviet nuclear blackmail we have avoided for 20 years.

If there is no ABM in the Soviet Union or in the U.S., any country with a Polaris submarine becomes a superpower. Therefore, many countries would be tempted to acquire nuclear missiles.

Con

No.

This action-reaction reasoning will only lead to further escalation of the arms race; the U.S. currently has the capability in offensive weapons to easily overcome Galosh, which is deployed only around Moscow.

Former Secretary of Defense Clifford said in 1968 that Galosh resembles "the Nike-Zeus system which we abandoned years ago because of its limited effectiveness." We do not need to react to a Soviet ABM system by building one of our own, particularly as the Soviets have slowed down, if not actually halted, their deployment efforts because of technical difficulties scientists say our system will have.

As for the Tallinn system, which has in the past been used to justify a U.S. ABM, current intelligence shows it to be a very thin Nike-Hercules anti-aircraft defense.

Is Safeguard reliable?

Pro

Yes.

DOD states that all of the components will work and the system as a whole will work. *Spartan* and *Sprint* have both been flown. PAR is a variant of a radar in existence and a prototype MSR is being tested. The complex computer systems required to operate these components are feasible and have been demonstrated in Apollo.

The problems confronting Safeguard are no more insurmountable than those confronting the development of the hydrogen bomb.

Con

No.

The scientific community is almost unanimous in questioning Safeguard's reliability. Safeguard has the most elaborate, sophisticated, dynamic combination of rocketry, radars, computers, electronics, and other technology ever proposed; moreover, it can never be tested as a system.

With regard to the missiles, *Spartan* and *Sprint* have a probability of failure of 34% to 59%, thereby requiring at least 3 missiles to achieve 97 percent probability of destroying an incoming warhead.

As far as the radars are concerned, statistically there is a 72% chance that one or more radars will be out of service at any particular time in a system of 12 MSRs. The remaining 11 are subject to blackout, which even proponents admit has not been overcome. The MSR is ten times as vulnerable to overpressure as the silos it is defending and will therefore be targeted first because its destruction destroys the entire installation.

In the case of the computers, it is debatable whether a program could ever be written to deal with the various forms of attack that can be anticipated.

Moreover, the entire command and control network upon which the system depends is as vulnerable as any of its components.

The hydrogen bomb analogy in specious; the scientific issue over the H-bomb was whether a specific design concept could in theory be developed into a workable weapon. The questions surrounding Safeguard are not theoretical but practical and technological.

Will penetration devices render Safeguard ineffective?

Pro

No.

Penetration devices other than real or dummy warheads of the same size and weight as the real one will fall behind or burn up in the atmosphere and expose the real warhead to *Sprint*.

By forcing an opponent to use penetration devices of weight equal to the weight of a warhead one cuts down the weight of the destructive payload each ICBM can deliver, forcing him to achieve almost pinpoint accuracy if his target is a hardened Minuteman.

Con

Yes.

Against *Spartan*, the following penetration devices could be employed:

1. Decoys and chaff clouds, which need not survive re-entry to fool *Spartan*.
2. Active radar jamming.
3. The defense radar, particularly the PAR, can be blacked out with precursor nuclear explosions. In heavy, well-timed attack the defense's radars could even be blacked out by the defense's own nuclear explosions.

Against *Sprint*, an attacker could send several warheads in the same missile and rapidly exhaust the supply of *Sprints* at a particular installation.

Will Safeguard be obsolete by the time it is operational?

Pro

No.

SAFEGUARD is expected to be effective well into the 1980s against the threats it is designed to counter. Careful study has provided reasonable assurance that the system can evolve to handle future penetration aids developed by China or the Soviet Union.

SAFEGUARD, which will be deployed in phases, takes into account the development of new weapons technology.

Neither China nor any other nation new to the nuclear missile field can leapfrog decades of development of highly sophisticated weapons systems.

Con

Yes.

By the time SAFEGUARD is even partially operational, in 1973, the Chinese will have developed penetration devices, thus rendering the system ineffective against them. It is already obsolete against the Soviet penetration capability, should they choose to deploy it.

While the defense may be able to develop more sophisticated technology which could offset some of the penetration devices, the offense is capable of the same thing. All SAFEGUARD will do is to escalate this technological buildup into a never-ending spiral.

Is SAFEGUARD necessary to meet the Chinese threat?

Pro

Yes.

While the Chinese nuclear program has slipped recently, it is anticipated that by 1975 they could have 20–30 ICBMs. Because the Chinese are more unpredictable than the Soviets, they may make an irrational attack despite such a small force.

There is also the possibility that the Chinese might, in the absence of an offsetting U.S. defensive capability, be able to exploit a limited strategic offensive capability for purposes of nuclear blackmail to the detriment of the U.S. interest in Asia.

It seems both imprudent and unreasonable for the U.S. and the Soviet Union to be completely without protection against any country with less nuclear power, such as China. If both countries have no defensive systems, any country with ten missiles is a superpower—it can destroy ten large cities.

Con

No.

Our deterrent power would certainly prevent the Chinese from launching an attack, the Chinese could penetrate the city-defense aspects of SAFEGUARD in any event, and there is no basis for assuming China would commit national suicide by launching an attack on the U.S.

We have deterred the Soviet Union's very powerful nuclear missile force for many years. There is no need for a system to deter a Chinese nuclear capability that is 1/10 of the Soviets and 1/50 of our own.

The Chinese need to deploy only a small number of ICBMs in order to penetrate SAFEGUARD and attack our cities. It is much more likely that the Chinese are developing ICBMs to be in a position to deter us—something they cannot do now.

As for being irrational, despite verbal support, China has done no more than the Soviet Union in rendering open aggressive support for foreign insurgencies and much less in risking nuclear retaliation on behalf of such insurgencies. If China is determined to attack us, there are more effective methods than ICBMs. A nuclear weapon could be smuggled aboard a neutral ship or a biological weapon carried in a suitcase, for example.

If one were to concede the possibility of blackmail, it would be more likely that China would target her ICBMs against U.S. missile bases on China's periphery or against the cities of our allies than against the continental United States.

Will Safeguard defend the United States against accidentally launched ICBMs?

Pro

Yes.

One cannot eliminate completely the possibility of an accidental launch in a world where thousands of missiles are ready to be launched on a moment's notice.

If such an accident occurred, even a thin ABM system is likely to work well since there would presumably be only one, or at most a few, missiles to destroy.

It could repay the entire cost of the missile system several times over if one accident were prevented.

Con

No.

Unless SAFEGUARD is expanded beyond the Administration's current request, it could only defend against such an accident were the missile launched at one of the two Minuteman sites currently scheduled for deployment, and then not until 1973.

Accidental launch should be controlled instead by an agreement with the Soviet Union on the installation of self-destruct mechanisms so that accidentally launched missiles can be destroyed in flight. Should this be impossible, defense against accidental launch could be obtained at a fraction the cost of SAFEGUARD by deploying a few *Spartans* and unprotected radars designed for this purpose.

Will Safeguard erode Presidential control over the launch of nuclear weapons?

Pro

No.

While specific details of the decision-making process must remain classified, the decision to fire will completely reflect the authority of the President.

While the decision to launch must be made in a short period of time, the decision to arm the warhead of the missile can be made after the missile has been fired.

Con

Yes.

The time from verification to decision to fire would not be more than a few minutes if there is to be any chance of a successful intercept. The President is therefore given only the opportunity to ratify what the computers say is inevitable, and cannot weigh evidence or consult with advisors, particularly if at the moment of attack he is away from the National Command Authority in Washington, D.C. Most proponents of the system maintain that it will not work unless the launch process is begun at the moment of detection. In the case of an accidental launch, the necessity to activate the system with no delay would be even more urgent.

Does Safeguard give the U.S. an extra option?

Pro

Yes.

Instead of having to resort to our retaliatory force in case of attack, SAFEGUARD would give us the option of sending up anti-ballistic missiles to destroy the incoming missiles.

The reliance on a missile to destroy another missile rather than a retaliatory force to destroy people and property is an added protection in preventing nuclear holocaust.

Con

No.

Since the system, in its entirety, can never be tested, U.S. planners would be more inclined not to trust SAFEGUARD than to wait out a first strike attack. We would in all probability fire our Minutemen at our attacker in the 10–30 minute warning time available—thus leaving SAFEGUARD defending empty holes.

Having an extra option could actually work against us. If the Soviet Union believed that we would rely on SAFEGUARD and not send up our Minutemen and they thought they could break through SAFEGUARD, they would be more confident of a successful first strike.

Defensive missile systems generally add the option of limited strategic nuclear war and thereby increase its possibility. Very few strategic planners think such an exchange could be kept limited.

Is Safeguard worth the cost—in terms of money and national priorities?

Pro

Yes.

Due to the phased deployment plan for Safeguard, the government will not ask for large sums of money at one time. Therefore, we can afford to deploy the system and still meet our domestic needs.

If the system changes in character, thereby costing more money, the decision would be based on the judgment of a conscious government and public debate.

Con

No.

The Safeguard system will almost certainly increase in cost, as has been the case with virtually every other military project. In the two years since ABM deployment was first proposed, the cost has more than doubled—from $3.5 billion in 1967 to $8.2 billion now. The 12 major systems developed by DOD since 1950 exceeded their original estimated cost by an average of 220% and as much as 700%.

U.S. expenditures can be more effectively used for domestic needs and preventing war through arms negotiations. Also, the continual buildup of armaments, of which Safeguard is a part, has caused the longest inflationary period and the highest taxes in the history of the country.

Will Safeguard eventually grow into a thick system?

Pro

No.

Safeguard does not provide the city base necessary for a thick system and the phased deployment called for preserves the option of curtailing and re-orienting the system.

Safeguard would be more difficult than Sentinel to convert to a thick system because the emphasis has been shifted from the defense of cities to the defense of our deterrent forces.

The President has directed the Foreign Intelligence Advisory Board—a nonpartisan group of private citizens—to make a yearly assessment of the threat which will supplement our regular intelligence estimate. Based on the advice of this group and our intelligence agencies, the President will decide whether to halt or expand the system—but not without the proper public debate.

Con

Yes.

The forces that have been pushing for an ABM system since the late 1950s regard the two initial installations in Montana and North Dakota as just the beginning of a full system. The Pentagon this year is requesting appropriations to purchase land for all 12 Safeguard sites. Once Safeguard has been completed, these same political and economic forces will push for its expansion to a thick defense against all possible contingencies, at a cost of $100 billion.

Because Safeguard already provides some defense for our cities, the addition of more *Sprints* and some re-deployment could convert the system to a thick cities defense fairly easily. The Soviet defense planner must allow for this possibility and expand and adjust his capability accordingly. *Any* cities defense weakens the Soviet deterrent and enhances the U.S. first strike capability.

The cities defense mission of Safeguard must already be considered its primary mission because two thirds of the monies requested by the Administration are to be allocated for components for this type of defense and one third for components designed to defend our deterrent capability.

Is not Safeguard better than no system at all?

Pro

Yes.

SAFEGUARD deployment will create a basis for further improvement, innovation and growth as the threat develops.

Deployment of SAFEGUARD will allow an operating military organization to exist, manufacturers to make equipment, and serious research and development and planning of strategy to take place.

Useful, vital data will be collected, and our understanding of the problems confronting missile defense improved, including estimates of future costs, performance, deployment time, and situational impact.

In matters concerning the national security, it is better to err on the side of over-protection than in the other direction.

Con

No.

Lives are threatened because SAFEGUARD disrupts the nuclear balance, accelerates the arms race, and increases world tension—particularly if it is not effective. By raising the threshold of anxiety, SAFEGUARD will inhibit those shifts in policy necessary to a more peaceful co-existence.

Even conceding the need for defense of the U.S. retaliatory capability, SAFEGUARD is ineffective because it is made up of components designed for the defense of cities. A cost-effective defense of our deterrent would in the first place concentrate on the number of ICBMs needed for assured retaliatory capability—say two Minuteman wings—and not try to defend bomber bases. Secondly, it would not use long range PARs or *Spartans*, which are useless against a heavy and sophisticated attack, but would use cheaper, harder radars and a cheaper, lower altitude-intercept version of *Sprint* deployed in great numbers for terminal defense. Defense of hard targets does not require the range or the cost of the SAFEGUARD system. Finally, such a system could rely on simpler computer programming because the tactics available to an attacker are limited if a hard silo is his target.

V. SUMMARY OF ARGUMENTS ON EACH SIDE

The Case for SAFEGUARD

SAFEGUARD is essential to the national security of the United States. With its recent buildup in offensive and defensive strategic force, the Soviet Union could acquire a first strike capability by 1975. If we are to counter this threat to our retaliatory force in time, it is necessary to begin deployment of the SAFEGUARD system. Sufficient progress in this field cannot be maintained by research and development alone.

Should the U.S. and the Soviet Union reach agreement on the limitation of strategic weapons systems, we are fully prepared to halt deployment of the system. In the meantime, SAFEGUARD provides an added incentive for the Soviet Union to come to the bargaining table and gives us an additional bargaining card for use in the discussions. The Soviet Union generally favors defensive systems and has expressed no concern with SAFEGUARD.

SAFEGUARD will also protect us from attack by China, which is expected to have between 20 and 30 ICBMs with which to strike at the United States by 1975. In addition to guarding our cities from Chinese attack, SAFEGUARD will provide defense against accidentally launched missiles.

There is no question that the United States has the technical capacity to build SAFEGUARD. The components have been developed and tested over a period of fifteen years and there is no doubt that the system as a whole will operate effectively. The system is well within the economic resources of the country. In fact, the current deployment schedule will permit a saving in FY 1970 of $1 billion over the SENTINEL request of the previous Administration.

It is important that the President have the option of countering an attack with defensive missiles. With such an option, the decision to launch a second strike can be delayed and the possibility of nuclear holocaust avoided. Finally the SAFEGUARD system will serve to strengthen any agreement on reducing the level of offensive weaponry by reducing the temptations to cheat on such an agreement.

In sum, it is the judgment of the Administration that the initial deployment of SAFEGUARD system is the minimum step necessary to protect the national security of the United States at this time.

The case against SAFEGUARD

The proposed SAFEGUARD system is unreliable, unnecessary, uneconomical and undesirable in that it would be detrimental to the national security of the United States. The system threatens the national security because it offers no protection from our adversaries while setting off another round in the arms race and making agreement on the control of strategic weapons systems impossible to obtain.

The Soviet Union will clearly respond to SAFEGUARD by accelerating its MIRV program, just as we responded to GALOSH with Poseidon and Minuteman III. Our MIRVs are close to operational; MIRV deployment on both sides will make a unilaterally verifiable agreement impossible. Soviet spokesmen are increasingly expressing concern with SAFEGUARD, once we begin deployment, those in the Soviet Union who oppose Soviet participation in arms control talks will control Soviet defense policy. SAFEGUARD is also undesirable because there is danger it will erode Presidential control over firing of nuclear weapons. In fact, some ABM proponents say delegation of Presidential authority will be required for SAFEGUARD to be effective.

SAFEGUARD is unreliable because it can be easily overwhelmed by an enemy offense and can never be tested except under combat conditions. It is unnecessary because with its Minuteman, Polaris, and bomber forces the United States has more than sufficient power to absorb an attack and retaliate devastatingly against the Soviet Union—and this capability will be retained for the foreseeable future without SAFEGUARD. It is uneconomical because its proponents see it only as the first step toward a thick system which will cost 100 billion and seriously erode our ability to deal with our pressing domestic needs.

China will be incapable of attacking us without committing national suicide for the foreseeable future; should she wish to attack us, she will have by 1975 the capability to wipe out one or two U.S. cities in spite of SAFEGUARD. As for protection against accidental attack, such protection should be obtained by agreement with the Soviet Union on the installation of self-destruct mechanisms on all ICBMs. Finally, if the President had SAFEGUARD and considered it an extra option in the event of attack, an opponent might come to the conclusion that he would use it and not launch our retaliatory capability and thereby be tempted into a first strike.

SAFEGUARD, like NIKE ZEUS, will be obsolete by the time it is deployed. While research and development on ballistic missile defense should continue at the Kwajalein island facility, the decision to deploy should be deferred until the conclusion of arms control negotiations with the Soviet Union. Our national security requires that we give highest priority to bringing the nuclear arms race under control.

VI. SELECTED LIST OF SAFEGUARD SUPPORTERS AND OPPONENTS

Pro

Professor Zbigniew Brzezinski, Columbia University, political scientist.

Dr. Lee Dubridge, Science Advisor to President Nixon.

Dr. Freeman Dyson, Princeton University, nuclear physicist.

Dr. Richard Foster, former Director of Strategic Studies, Stanford Research Institute, strategic analyst.

Dr. Richard Latter, Rand Corporation, nuclear physicist.

Dr. Philip Mosley, Director of the European Institute, Columbia University, political scientist.

Dr. Frederick Seitz, President of the National Academy of Sciences, nuclear physicist.

Dr. Edward Teller, founding Director of the Livermore Laboratories, nuclear physicist.

Dr. Alvin Weinberg, Director of the Oak Ridge Laboratories, nuclear physicist.

Dr. Eugene Wigner, Princeton University, nuclear physicist.

Con

Dr. Jerome Weisner, a former Science Advisor to Presidents Kennedy and Johnson, Provost of MIT.

Dr. George Kistiakowsky, former Science Advisor to President Eisenhower, chemist.

Dr. Donald Hornig, former Science Advisor to President Johnson, physicist.

Professor Marshall Shulman, Director, Russian Institute, Columbia University, political scientist.

Dr. Herbert York, former DOD Director of Research and Engineering, nuclear physicist.

Dr. James Killian, former Science Advisor to President Eisenhower, Chairman of the Board of MIT.

Professor Allen Whiting, Center for Chinese Studies, University of Michigan political scientist.

Dr. George Rathjens, Director of Weapons Systems Evaluation, Institute for Defense Analysis, strategic analyst.

Dr. Wolfgang Panofsky, Director, High-Energy Physics Laboratory, Stanford, nuclear physicist.

Dr. Jack Ruina, former Director of Advanced Research Projects Agency, DOD.

VII. GLOSSARY

ABM (anti-ballistic missile).—A missile, or combination of missiles, radar, and computers designed to intercept and destroy incoming missiles before they reach their intended targets.

Area defense.—A concept of ABM defense in which areas of the country, hundreds of miles across, are given protection from attack by exo-atmospheric interception of incoming missiles by long range defensive missiles tipped with large nuclear warheads. This type of defense is effective only against small attacks.

Assured destruction.—That level and deployment of nuclear capability which serves to deter deliberate nuclear attack by an opponent by maintaining at all times a highly reliable ability to inflict an unacceptable degree of damage upon the opponent, or combination of opponents, at any time during the course of a strategic nuclear exchange, even after absorbing a surprise first strike.

AMSA (advanced manned strategic aircraft).—A Mach II-plus aircraft designed to launch a nuclear missile along a flat trajectory to avoid an opponent's defensive system.

Blackout.—The temporary disabling of defensive radar by ionizing the air at about 45 miles altitude with the beta radiation of a nuclear explosion. This radiation and the fireball itself cause reflection or absorption of radar waves for a ten minute period thereby screening the incoming missiles from the defense.

Damage limitation.—The ability to reduce the damage of a nuclear attack by deploying ABMs to defend cities and/or targeting offensive missiles on an opponent's missiles silos.

Deterrence.—A defense strategy that depends on each side having the ability to inflict unacceptable damage on the other after absorbing a surprise first strike.

First strike capability.—The ability to launch a nuclear attack upon an opponent without receiving an unacceptable loss in return.

FOBS (fractional orbit bombardment system).—A nuclear delivery system intended to deliver its warhead to a target on a trajectory about 100 miles above the earth rather than along a ballistic trajectory outside the atmosphere, in order to avoid defensive radar. A fractionally orbited missile carries a smaller payload and is less accurate than an ICBM.

Galosh.—A Soviet ABM system comparable to the NIKE ZEUS, comprising 67 missiles on launchers around Moscow. It has been partially deployed but work has now ceased on the system.

Hardening.—Re-inforcing the geological surroundings of a missile silo to withstand the overpressure of a nearby nuclear explosion. The harder the silo, the greater the accuracy required on the part of an attacker to destroy the missile in its silo.

ICBM (inter-continental ballistic missile).—A long range (6,000–8,000 miles) multistage rocket capable of delivering nuclear warheads to enemy targets.

Kiloton.—The nuclear explosive equivalent of 1,000 tons of TNT (Hiroshima bomb equals 20 Kilotons).

Launch on warning.—A concept of defense that depends on assuring an opponent that one's retaliatory capability will be launched upon detection of incoming missiles rather than absorbing the first strike and then launching the retaliatory attack.

Megaton.—The nuclear explosive equivalent of one million tons of TNT.

Minuteman.—The basic U.S. ICBM. Minuteman I yields one megaton, Minuteman II has a higher yield and/or trade off with penetration aids, Minuteman III is designed to carry MIRVs.

MIRV (multiple independent reentry vehicle).—A system of multiple warheads in which several carried by one re-entry vehicle can be maneuvered on independent courses to different targets.

MRV (multiple reentry vehicle).—A system of multiple warheads carried in one reentry vehicle but cannot be directed to different targets.

MSR (missile-site radar).—Performs surveillance and detection, target track, missile track, and command functions for the anti-ballistic missiles in the SAFEGUARD system. It is of shorter range than the PAR and takes over from it after initial acquisition.

NIKE X.—The thick U.S. ABM system, designed in 1963 but never deployed, utilizing the components of the SENTINEL and SAFEGUARD systems.

NIKE ZEUS.—A first-generation U.S. ABM system, utilizing unsophisticated radars and the *Zeus* missile, authorized in 1957 but never deployed.

PAR (perimeter acquisition radar).—A long-range detection radar designed to detect incoming missiles at a range of 1,000–2,000 miles and track them until they come into the range of the MSR.

Penetration aids.—Devices such as decoys, chaff, radar jamming, and precursor nuclear explosions used to assist the offense in overwhelming the defensive ABM system.

Polaris.—The basic U.S. submarine-launched missile, with a range of approximately 2,800 miles. 16 Polaris missiles are carried on each of 41 Polaris submarines.

Poseidon.—A U.S. submarine-launched missile, scheduled to replace Polaris missiles on 31 of the 41 Polaris submarines and to carry up to ten independently targeted warheads.

Re-entry vehicle.—That part of an ICBM that separates from the launching stages and carries the warhead(s) along a ballistic trajectory outside the atmosphere and then back into the atmosphere, where it then continues to target.

Reprogram capability.—A system in which an offensive missile signals its launch-control point if it has launched its re-entry vehicle properly thereby allowing the offense to program a backup missile if something has gone wrong.

Sambis (sea-based anti-ballistic missile intercept system).—A concept proposed for future development by the U.S., involving a network of anti-ballistic missiles on surface and/or submarine vessels.

SS–9.—A large (20–25 megaton), reportedly inaccurate, Soviet missile, also capable of delivering a number of smaller yield warheads and capable of knocking out Minuteman missiles in their silos.

SS–11.—The basic Soviet ICBM, equivalent to the Minuteman I.

Safeguard.—An ABM system configured from the components of the NIKE X system, including PAR and MSR radars and Sprint and Spartan missiles, to be deployed in two phases, the first phase to protect U.S. retaliatory Minutemen at two sites and the second phase to protect two more Minuteman sites, seven SAC bases, and Washington, D.C., and to protect U.S. cities from Chinese or accidental attack.

Sentinel.—The Johnson Administration's deployment of the basic NIKE X components, designed to protect U.S. cities from Chinese and accidental attack and provide eventually some protection of the U.S. retaliatory force, now abandoned.

Spartan.—A long-range (400 mile) missile component of SAFEGUARD, three stage, solid fueled with a nuclear warhead in the megaton range, fired from an underground silo.

Sprint.—A short-range (25 mile) missile component of SAFEGUARD, two stage, solid fueled with a nuclear warhead in the kiloton range, fired from an underground silo,

highly maneuverable and with a high rate of acceleration.

Tallinn system.—Soviet anti-aircraft defense system having no ABM capabilities, installed around Moscow and Leningrad.

Terminal defense.—A concept of ABM defense that relies on short range missiles close to the target to intercept those missiles in a heavy attack that get by the long range ABMs. This type of defense is used to protect high value targets (cities, bomber bases, Minuteman fields) tens of miles across.

Thick system.—A thick ABM system provides defense against heavy attack with long range missiles and large numbers of short range missiles located close to targets.

Thin system.—A thin ABM system provides defense for large areas of the country against light or accidental attack with long range missiles designed to intercept the incoming ICBMs outside the atmosphere.

Titan.—A large (5–18 megaton) liquid-propellant U.S. ICBM. (The Titan II, of which 54 are deployed, is to be replaced by 1970 with Minuteman II.)

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NATIONAL COMMITMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

Senate Resolution 85, expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. Without objection, the Senate resumed the consideration of the resolution.

Mr. CHURCH obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield, without losing his right to the floor?

Mr. CHURCH. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OF PRESIDENTS AND CAESARS—THE DECLINE OF CONSTITUTIONAL GOVERNMENT IN THE CONDUCT OF AMERICAN FOREIGN POLICY

Mr. CHURCH. Mr. President, the Roman Caesars did not spring full blown from the brow of Zeus. Subtly and insidiously, they stole their powers away from an unsuspecting Senate. They strangled the Republic with skillful hands. Gibbon describes their method in this stately passage from the "Decline and Fall":

It was on the dignity of the Senate that Augustus and his successors founded their new empire . . . In the administration of their own powers, they frequently consulted the great national council, and *seemed* to refer to its decision the most important concerns of peace and war . . . The masters of the Roman world surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed . . . Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation, that the Senate and the people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom.

Senators of the United States may still enjoy their ancient freedom to debate and legislate, but through our own neglect, we have come to deal increasingly more with the form than with the substance of power. Again and again, the Senate has acquiesced, while American Presidents have steadily drawn to themselves much of the power delegated to Congress by the Constitution. In the process, especially in the field of foreign commitments and the crucial matter of our military involvement abroad, Congress as a whole—and the Senate in particular—has permitted a pervasive erosion of the bedrock principle on which our political system was founded, the separation of powers.

For this reason, the national commitments resolution—Senate Resolution 85—may be the most significant measure that the Senate will consider during the current session of Congress. It seeks to set in motion a process pointing toward the restoration of the vital balance in our system prescribed by the Founding Fathers. The erosion of congressional power in the field of foreign policy has gone so far that a full return of the pendulum cannot be expected with passage of a single sense-of-the-Senate resolution. But here we must make our start.

The resolution, as reported with but one dissenting vote by the Committee on Foreign Relations, speaks for itself:

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of he United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

THE CONSTITUTIONAL ISSUE

As crisis has followed upon crisis in these last 30 years, the concentration of power in the hands of the President has grown ever more rapidly, while the Congress has been reduced to virtual impotence in the making of foreign policy. The cause of this change has been the climate of crisis itself, each one of which necessitated—or seemed to necessitate—decisive and immediate action. As each crisis arose, the President assumed, and the Congress usually agreed that the

Executive alone was capable of acting with the requisite speed. No one thought very much about the constitutional consequences of Presidential dominance in foreign policy; we tended to think only of the crisis we were dealing with, of the assumed need for speedy action, and of the importance of national unity in a time of emergency.

Now, however, we must think about constitutional problems, because nothing less than the survival of constitutional government is at stake. Our democratic processes, our system of separated powers, checked and balanced against each other, are being undermined by the very methods we have chosen to defend these processes against real or fancied foreign dangers. There is no end in sight to the era of crisis which began some 30 years ago. We cannot safely wait for quieter times to think about restoring the constitutional balance in our own Government. For as we delay, the fact of prolonged crisis, itself, will further erode our constitutional principles. The extended crisis of our own time was measured by President Nixon in the unsettling remark he made in his speech at the Air Force Academy. He said the United States, since 1941, "has paid for 14 years of peace with 14 years of war."

The corrosive impact that such an exorbitant payment invariably imposes upon democratic systems was described long ago by Alexis de Tocqueville, who wrote:

> No protracted war can fail to endanger the freedom of a democratic country. War does not always give over democratic communities to military government, but it must invariably and immeasurably increase the powers of civil government; it must also compulsorily concentrate the direction of all men and the management of all things in the hands of the administration. If it leads not to despotism by sudden violence, it prepares men for it more gently by their habits.[1]

COMMITTING OUR COUNTRY ABROAD

Our protracted engagement in warfare has produced, first of all, a striking discrepancy between the ways in which many of our foreign commitments have been made in recent years and the treaty process through which they were meant to be made. Article II, section 2 of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Keeping this clear language of the Constitution in mind, consider the following:

On August 25, 1966, Secretary of State Rusk told the Senate Preparedness Subcommittee:

> No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration or U.S. military presence grants immunity to aggression.

The statement was meant to convey a stern warning to potential aggressors. It did that, and that was all to the good, but it also put Congress on notice that, with or without its consent, treaty or no treaty, the Executive will act as it sees fit against anyone whom it judges to be an aggressor, and that is not to the good. It is indeed nothing less than a statement of intention on the part of the Executive to usurp the treaty power of the Senate.

The denigration of treaties goes back at least to 1940, when the current era of world crisis began. In the summer of that year, when France had fallen and Britain was in imminent danger of German invasion, President Roosevelt made an agreement with Great Britain under which 50 overaged American destroyers were given to her in exchange for certain naval bases on British territory in the Western Hemisphere. The arrangement was made by executive agreement despite the fact that it was a commitment of the greatest significance, an act which, according to Churchill, gave Germany legal grounds for declaring war on the United States. It is unlikely that President Roosevelt wished to usurp the treaty power of the Senate; he acted as he did because he thought the matter to be one of the greatest urgency and he feared that Great Britain might be invaded and overrun before the Senate would act on a treaty. In retrospect this seems unlikely but, granting that the danger may have seemed real at the time, the constitutional effects of President Roosevelt's action would have been mitigated if he had frankly stated that he had acted on an emergency basis in a manner which may have exceeded his constitutional authority. Instead, he had the Attorney General prepare a brief contending that the President had acted entirely within his constitutional powers. Instead, therefore, of a single incursion on the Senate's treaty power, acknowledged to be such, the act was compounded into a precedent for future incursions on the constitutional authority of the Congress.

The destroyer deal was the first of a long series of significant foreign commitments made by Executive agreement, each one of which has constituted an added precedent for the taking over by the President of the treaty powers meant to be exercised by the Senate. So far have things gone that treaties are now widely regarded, at least within the executive branch, as no more than one of a number of available methods of committing our country to some action abroad.

Indeed, executive branch officials have at times sought by simple statement to create "commitments" going far beyond those agreed to under normal treaty processes. Thailand is a case in point. Under the SEATO Treaty, the United States is obligated to "act to meet the common danger in accordance with its constitutional processes" should Thailand be attacked, and, should Thailand be threatened with subversion, the United States and other treaty signatories are obligated to "consult." But in 1962, Secretary of State Rusk and the Thai Foreign Minister, Thanat Khoman, issued a joint statement in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion"—a commitment going far beyond that contained in the SEATO Treaty to "consult" in case of subversion.

One of the newest devices used to circumvent the treaty power of the Senate is the congressional resolution, framed in such sweeping language as to give advance consent to unspecified future action by the President. As used in recent years, these resolutions have not been specific and carefully considered grants of power but blank checks on the constitutional authority of Congress written in an atmosphere of commanding emergency. As the Executive has made increasingly extravagant use of these resolutions—about which I shall comment further later on—Congress has begun to develop a belated but healthy wariness of such vague and hasty grants of authority.

Two years ago, for example, the Senate was asked to adopt a sweeping resolution promising large new sums of aid money for Latin America. The Senate was asked to approve this resolution in great haste so that President Johnson might carry it with him to his meeting with the other hemispheric presidents at Punta del Este. The Foreign Relations Committee judged that it simply could not assess the merits of the proposal in the short time allowed and, since the proposed measure was not urgent, the committee declined to act on the President's request, adopting instead a substitute resolution promising to give due consideration, in accordance with its normal procedures, to any proposals for increased aid to Latin America which the President might later submit. The substitute resolution, which the committee adopted by a vote of nine to nothing, was rejected by Presidential Advisor Walt Rostow as "worse than useless." Mr. Johnson went to Punta del Este without his resolution and the effects, I think, were salutary. Having no gifts to dispense, the United States was obliged to deal with the Latin Americans as a friend rather than as a patron; having no new bauble dangled before them, the Latin Americans were obliged to deal with the United States as equals rather than as suppliants.

The significance of the Foreign Relations Committee's rejection of the proposed Latin American resolution had much more to do with executive-legislative relations at home than with the committee's attitudes toward Latin America. The committee was exhibiting a new but well-founded reluctance to grant the Executive any more blank-checks. The Executive was being put on notice that its account with Congress is overdrawn, not only in matters affecting treaties but even more in matters of deciding on war or peace, to which I now turn.

THE WAR POWER

Unlike the treaty power, the Constitution did not divide the war power equally between the two branches of Government but vested it predominantly in Congress. Article I, section 8 of the Constitution states that—

> Congress shall have the power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the Government and regulation of the Armed Forces; to provide for calling forth the militia to execute the laws, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers.

[1] Alexis de Tocqueville, *Democracy in America*, London. Oxford University Press, 1946. Translated by Henry Reeve, p. 533.

Article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy.

The language of the Constitution is clear and the intent of the framers beyond question: the war power is vested almost entirely in the Congress, the only important exception being the necessary authority of the President to repel a sudden attack on the United States. Only in recent years have Presidents claimed the right to commit the country to foreign wars, under a sweeping and, in my opinion, wholly unwarranted interpretation of their power as Commander in Chief.

The framers of the Constitution very deliberately placed the war power in the hands of the legislature, and did so for excellent reasons. All too frequently, the American Colonies had been drawn, by royal decree, into England's wars. The leaders of the newly independent Republic resolved to make certain that their new country would never again be drawn into war at the direction of a single man; for this reason they transferred the war power to the legislative branch of the newly created Government. In so doing, they recognized that the President might sometimes have to take defensive action to repel a sudden attack on the United States, but that was the extent of the war-making power they were willing for him to exercise.

The intent of the framers is made quite clear in the proceedings of the Constitutional Convention and in the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.[2]

Alexander Hamilton, who generally favored extensive Presidential power, nonetheless wrote as follows concerning the President's authority as Commander in Chief:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.[3]

During the first century of American history most of our Presidents were scrupulously respectful of Congress' authority to initiate war. When President Jefferson sent a naval squadron to the Mediterranean to protect American commercial vessels from attack by the Barbary pirates, he carefully distinguished between repelling an attack and initiating offensive action. When he thought the latter necessary, he sent a message to Congress asking for the requisite authority.

Stating that he himself was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense," he requested authority to take offensive action, acknowledging that such authority was "confided by the Constitution to the legislature exclusively."[4]

The Monroe Doctrine is often cited by proponents of unrestricted Presidential power as a precedent for executive authority to commit the country to military action abroad. In fact, President Monroe himself regarded his declaration as no more than a policy statement. When the Government of Columbia inquired, in 1824, as to what action the United States might take to defend the newly independent Latin American states against European interference, Secretary of State John Quincy Adams replied:

> With respect to the question, "in what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new Republics or interfering in their political forms" you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government . . .[5]

In 1846, President Polk sent American forces into disputed territory in Texas, precipitating the clash which began the Mexican war. Abraham Lincoln, then a Republican Member of the House of Representatives from Illinois, was certain that the President had acted unconstitutionally, and he wrote:

> Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repeal an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose . . .
>
> The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and improverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention undertook to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us.[6]

Nonetheless, by the end of the 19th century, precedents had been established for Presidential use of the Armed Forces abroad for certain limited purposes, such as suppressing piracy and the slave trade, "hot pursuit" of criminals across frontiers, and protecting American lives and property, as well as for repelling sudden attack. But in the early 20th Century, Presidential power over the commitment of the Armed Forces abroad was greatly expanded. Presidents Theodore Roosevelt, Taft, and Wilson, acting without authority from Congress, repeatedly intervened militarily in Mexico, Central America, and the Caribbean. The Congresses of that period, most unwisely, failed to resist these Presidential incursions on their constitutional authority, with the result that they became corrosive precedents for the further and much greater incursions that were to follow during and after World War II.

I have already noted how President Franklin Roosevelt usurped the treaty power of the Senate in making his famous destroyer deal with Great Britain; he also went further than any previous President in expanding Executive power over the Armed Forces. In the course of the year 1941, he committed American forces to the defense of Greenland and Iceland, authorized American warships to escort, as far as Iceland, convoys which were bound for Britain, and ordered American naval vessels to "shoot on sight" against German and Italian ships in the western Atlantic. Well before Congress declared war on the Axis Powers, President Roosevelt had already taken the country into an undeclared naval war in the Atlantic. Few would deny that he did these things in an excellent cause, that of assisting Britain in those desperate days when she stood alone against the tide of Nazi aggression. But in doing what he did for a good cause, President Roosevelt enabled his successors to claim the same authority in the furtherance of causes much more dubious.

After World War II, the trend toward Presidential dominance accelerated greatly and the real power to commit the country to war is now exercised by the President alone. As one historian, Prof. Ruhl Bartlett, has pointed out:

> The positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789 . . .[7]

In other words, the intent of the Constitution has been virtually negated.

In 1950, President Truman committed the Armed Forces of the United States to the Korean war without any form of Congressional authorization. The President himself made no public explanation of his action, but an article in the Department of State Bulletin, which is the official record of State Department policy, asserted:

> The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof.[8]

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[2] *The Papers of Thomas Jefferson*, 17 vols. (Julian P. Boyd, ed., Princeton: Princeton University Press, 1955), vol. 15, p. 397.

[3] *The Federalist*, No. 69 (Henry Cabot Lodge, ed., New York and London: G. P. Putnam's sons, 1908), pp. 430–431.

[4] U.S. Congress, Joint Committee on Printing, *Compilation of Messages and Papers of the Presidents*, 20 vols. (James D. Richardson, ed.. New York: Bureau of National Literature, Inc., 1897), vol. 1, p. 314.

[5] John Quincy Adams to Don Jose Maria Salazar, Aug. 6, 1824, quoted in *The Record of American Diplomacy* (Ruhl J. Bartlett, ed., 3rd edition, New York: Alfred A. Knopf, 1954), p. 185.

[6] Letter to William H. Herndon, Feb. 15, 1848, in *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick: Rutgers University Press, 1953,) vol. 1, pp. 451–452.

[7] "U.S. Commitments to Foreign Powers," *Hearings Before the Committee on Foreign Relations*, U.S. Senate, 90th Cong., 1st Sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), p. 20.

[8] *Department of State Bulletin*, vol. 23, No. 578, July 31, 1950, pp. 173–177.

No one in Congress protested at the time, but some months later, in January 1951, Senator Taft asserted that the President had "simply usurped authority" in sending troops to Korea.[9]

When the Korean war went badly, President Truman's political opponents, who had supported him at the outset, charged him with responsibility for the war and accused him of exceeding his authority. In order to protect themselves from this kind of accusation, subsequent Presidents have adopted the practice of asking Congress for joint resolutions when they contemplate taking military action in some foreign country. Presidents Eisenhower, Kennedy, and Johnson all have requested such resolutions and Congress has readily complied. Resolutions were adopted pertaining to Formosa, the Middle East, Cuba and, finally Southeast Asia. Couched in the broadest of terms, these resolutions have generally expressed Congress' advance approval of any military action the President might see fit to take in the area concerned.

The most important and fateful of all these was the Gulf of Tonkin resolution adopted in August 1964, after only 2 days of hearings and debate. The resolution expressed congressional approval of any measures the President might choose to take to prevent aggression in Southeast Asia and further stated that the United States was prepared to take any action the President might judge to be necessary to assist a number of Southeast Asian states, including Vietnam.

The Gulf of Tonkin resolution has been cited, again and again, as proof of Congress' approval of the war in Vietnam. It was later said by Under Secretary of State Katzenbach to be the "functional equivalent" of a congressional declaration of war. In my opinion, Congress neither expected nor even considered at the time of the debate on the resolution that the President would later commit more than half a million American soldiers to a full-scale war in Vietnam.

WHY CONGRESS ABDICATED

How did it come about that Congress permitted itself to be so totally and disastrously misunderstood? And why has Congress tamely yielded to the President powers that, beyond any doubt, were intended by the Constitution to be exercised by Congress?

As to the first question, Congress failed to state its intentions clearly in the case of the Gulf of Tonkin resolution, because it assumed that those intentions were generally understood. A national election campaign was then in progress and President Johnson's basic position on Vietnam was that "we are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves." [10] In adopting a resolution supporting the President on Vietnam, the great majority in Congress believed that they were upholding the position of moderation which President Johnson was expressing in his campaign. The failure of Congress to make its purpose clear was nonetheless a grave error.

With respect to the second question, the abdication of Congress in the field of foreign policy, the reasons are varied and several. To begin with, the politics of crisis is that of anxiety in which Congress, like the country, tends to unite behind the President. Because the United States has exercised its role as a world power for only a short time, we have not really gotten used to dealing with foreign emergencies and, more important still, to discriminating between genuine emergencies and situations that only seem to require urgent action. Lacking experience in dealing with such flaps as the Gulf of Tonkin incident in 1964, we have tended to act hastily with insufficient regard for the requirements of constitutional procedure, assuming, quite wrongly, that it would somehow be unpatriotic to question the President's judgment in a moment of assumed emergency.

Then there is the way our history has been taught since the end of the First World War. It is now part of the conventional wisdom that the Senate's refusal to ratify the Versailles Treaty not only destroyed Woodrow Wilson's dream of world order, but actually accounted for the failure of the League of Nations to prevent World War II. The theory persists, despite the anemic peacekeeping record of the United Nations in which we have so actively participated, and, though outdated, its continued respectability has doubtlessly had an intimidating effect on Congress. But even if the Senate blundered in 1919, it does not follow that the President must, therefore, be regarded as infallible. The myth that the Chief Executive is the fount of all wisdom in foreign affairs today lies shattered on the shoals of Vietnam. The lesson to be learned may well be found in the observation of James Bryce, the British statesman, who said:

> In a democracy the people are entitled to determine the ends or general aims of foreign policy. History shows that they do this at least as wisely as monarchs or oligarchies, or the small groups to whom, in democratic countries, the conduct of foreign relations has been left, and that they have evinced more respect for moral principles.[11]

The "small groups" to whom Bryce refers have themselves induced Congress to underrate its own competence in foreign affairs. The executive branch of our Government is populated with specialists and experts. These men have added greatly to the Government's skill in conducting foreign relations, but they have also shown a certain arrogance, purveying the notion that anyone who is not an expert, including Congressmen, Senators, and ordinary citizens, is simply too uninformed to grasp the complexities of foreign policy. Now, modesty and self-effacement are not characteristics usually associated with politicians but, curiously enough, many Members of Congress seem to have accepted the view that foreign policy is best left to the experts. This view is patently false: Clemenceau said that war was too important to be left to the generals; similarly, the basic decisions of foreign policy are too important to be left to the diplomats. As Professor Bartlett puts it:

> There are no experts in wisdom concerning human affairs or in determining the national interest, and there is nothing in the realm of foreign policy that cannot be understood by the average American citizen.[12]

No discussion of congressional abdication in the realm of foreign policy would be complete, however, without mention of the great impetus given the growth of Presidential prerogative by the general acceptance, following World War II, of the doctrine of bipartisanship in the conduct of our foreign relations. The lure of that beguiling slogan, "politics stops at the water's edge," led us to the erroneous conclusion that any action taken by the President abroad demanded bipartisan backing at home. Ironically, it never seems to have occurred to us that bipartisanship, as actually practiced, has neither eliminated partisanship or politics from foreign policy matters. In 1952, for example, the Republicans rode to power on the issue of Korea, while Castro's takeover of Cuba became a major political argument in the Kennedy campaign of 1960. Far from removing foreign policy from the arena of partisan politics, the doctrine of bipartisanship has simply gathered more power into the hands of the President by eliminating, between elections, any semblance of organized opposition in Congress. When the duty to oppose no longer rests, as it normally must, upon the "loyal opposition" in Congress, the day-to-day responsibility for holding the President to account, for the timely questioning of his chosen course, and for the posing of alternatives, falls much less effectually to the scatterfire of individual Members expressing their personal dissent. All in all, the proposition is well summed up by Mr. James O'Gara, the distinguished editor of Commonweal, who observes:

> As it is usually interpreted, all we get from the exhortation to keep politics out of foreign affairs is the illusion of agreement. This result may make us feel more secure, but it does not really help us. It only papers over real differences and prevents that discussion and debate which could lead to better policies and a stronger, more effective position abroad.[13]

THE CONSEQUENCES OF ABDICATION

As a result of the passing of the war power out of the hands of Congress, perhaps the most important of our constitutional checks and balances has been overturned. For the first time in our history, there has come into view the possibility of our President becoming a Caesar, because, as Gibbon wrote in "The Decline and Fall":

> The principles of a free constitution are irrevocably lost, when the legislative power is nominated by the executive.[14]

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[9] *Congressional Record*, 82nd Cong., 1st Sess., vol. 97, January 5, 1951, p. 57.

[10] Remarks in Memorial Hall, Akron University, Akron, Ohio, October 21, 1964.

[11] James Bryce, "Democracy and Foreign Policy," *Readings in Foreign Policy*, edited by Robert A. Goldwin, New York, Oxford University Press, 1959, p. 17.

[12] *U.S. Commitments to Foreign Powers*, p. 20.

[13] James O'Gara, "Foreign Policy and Dissent," in *Commonweal*, October 13, 1961.

[14] Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, 3 vols. (New York: Random House, Modern Library Edition), vol. 1, p. 54.

It is no exaggeration to say that the President of the United States now holds the power of life and death for 200 million Americans and, indeed, for most of the human race. That power is vividly described by the brilliant columnist, James Reston, who wrote of the ascendancy of the Presidency in these words:

On the great acts of foreign policy, especially those involving the risk or even the act of war, he is more powerful in this age than in any other, freer to follow his own bent than any other single political leader in the world—and the larger and more fateful the issue, the greater is his authority to follow his own will.[15]

No human being can safely be entrusted with such enormous powers. Prof. Henry Steele Commager wrote not long ago:

It is that the possession of power encourages and even creates conditions which seem to require its use, and that the greater and more conclusive the power the stronger the argument for its use. Those who possess authority want to exercise it: children, teachers, bosses, bureaucrats, even soldiers and statesmen . . . Men who possess power think it a shame to let power go to waste and sometimes, perhaps unconsciously, they manufacture situations in which it must be used—as in Santo Domingo, for example. All this was dangerous but not intolerable in the pre-atomic age; it is no longer tolerable.

Even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution; their greatest achievement was the safeguards against absolute power which they wrote into our Constitution.

The resolution before the Senate will not, of and by itself, restore the constitutional balance which has been lost. It will not, of and by itself, restore to Congress the war power, now abdicated away. The resolution is, however, designed to initiate that process; it is designed to remind Congress of its responsibilities and to help create a new state of mind.

What, one may ask, could be expected to come of a new congressional attitude toward foreign policy? First, one may hope that it would encourage Congress to show the same healthy skepticism toward Presidential requests pertaining to foreign relations that it shows toward Presidential recommendations in the domestic field. One may hope that Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, Congress would hereafter state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would not otherwise possess. One may hope, finally, that Congress would never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

One hears it argued these days—by high officials in the executive branch, by foreign policy experts, and by some political scientists—that certain of our constitutional procedures, including the power of Congress to declare war, are obsolete in the nuclear age. This contention, in my opinion, is without merit. Nothing in the Constitution prevents—and no one in Congress would ever try to prevent the President from acting in a genuine national emergency. What is at issue is his authority to order our military forces into action in foreign lands whenever and wherever he judges the national interest calls for it. What is at issue is his right to alter constitutional processes at his option, even in the name of defending those processes.

I do not believe that the Constitution is obsolete; I do not believe that Congress is incapable of discharging its responsibilities for war and peace; but, if either of these conditions ever should arise, the remedy would lie in the amendment process of the Constitution itself. As George Washington said in his Farewell Address:

Let there be no change in usurpation for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Joseph C. Harsch, which appeared in yesterday's edition of the Christian Science Monitor, entitled "Which Caesar?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHICH CAESAR?

(By Joseph C. Harsch)

WASHINGTON.—There is a favorite after-dinner game played here in Washington these days which is always fascinating though never conclusive. It consists of trying to match up Roman emperors with modern American presidents.

The object of the game is to decide when the United States ceased to be a republic and became an empire. Some go further and raise the question whether the republic can be restored.

In practical terms the question is whether the Congress can reclaim a veto over the freedom of the president to make war.

PRESIDENTIAL AUTHORITY

The Constitution specifically reserved to Congress the right to declare war.

Yet twice within the last 19 years the president has committed the United States to war without ever obtaining a declaration of war from the Congress, or ever calling it a war.

According to Sen. Frank Church (D) of Idaho the usurpation by the White House of the power to make war dates from 1940 when Franklin Delano Roosevelt gave 50 destroyers to Britain without the approval of Congress; and claimed that he had acted within his constitutional powers. Actually, the destroyers were in exchange for 99-year leases on eight British bases.

The extreme limit to which the new doctrine of presidential authority has been carried, to date, came in August of 1967.

The Senate Foreign Relations Committee held hearings to review the Gulf of Tonkin resolution (of 1964) on which President Johnson based his commitment of American armed forces to combat in Vietnam. Members of the committee were threatening to repeal the resolution. The then Under Secretary of State, Nicholas Katzenbach, argued that it would be unfortunate, but legally unimportant because, he claimed the president had every right to do what he had done with or without the Tonkin resolution.

EMERGENCY ACT?

There it was. The bald assertion that because of the nature of modern war the president is free to act in any emergency as he sees fit without consulting the Congress.

Members of the committee have been mulling over that assertion of presidential power ever since. They are currently proposing to the Senate a resolution which would attempt to reclaim for Congress some restraint on the war-waging freedom of the president.

Senator Church sees this effort in terms of the occasional efforts made by the Roman Senate during the middle phases of the Roman Empire to reclaim some of the lost power of the senate.

In the case of Rome, it never worked. According to Senator Church, who has been rereading his Gibbon ("Decline and Fall of the Roman Empire") it was Caesar Augustus who "strangled the republic with skillful hands." From the time of Augustus the Roman Senate was always a puppet of the reigning emperor.

Have we gone that far in Washington yet? Was Franklin Roosevelt the equivalent for us of Caesar Augustus? It was during his reign that American armies spread across the face of the earth. And most of them are still posted where he placed them.

MARTIAL CEREMONIES

But the trappings of empire came later. Not until John F. Kennedy did we begin to have those martial ceremonies with honor guards and fanfares of trumpets on the White House backyard every time some visiting celebrity arrived. Harry Truman met his guests on the front porch with a handshake, unaided by "ruffles, flourishes, and 'Hail to The Chief.'"

If Roosevelt was our Augustus where does Richard Nixon fit into the pattern?

Americans have so far been fortunate. They have not had a modern Caligula; although extreme critics of Lyndon Johnson have been heard to mutter "Nero." Perhaps Nixon can be matched to Claudius who sincerely did try to restore the authority of the Roman Senate.

The essential fact is that Rome ceased to be a republic when it became a world empire. It proved to be impossible in those times to manage and administrate an empire by the "collective leadership" of the old senate.

Does that rule apply to the United States today?

It makes for a lively after-dinner game.

Mr. PELL and Mr. McGEE addressed the Chair.

Mr. CHURCH. Mr. President, I am happy to yield first to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I merely wish to say that I was not able to be in the Chamber during the entire time the Senator was speaking. I did have an opportunity to read his speech. I congratulate the Senator on his speech and on the thrust of it. I think it is an excellent speech and he has done a great service to the Senate.

I think the point should be made that in our Government, which is tripartite in form, we sometimes tend to think that

[15] James Reston, *The Artillery of the Press; Its Influence on American Foreign Policy*, New York, Harper & Row, 1967, p. 45.

all three parts of our Government are intended to be equal checks and balances but that is not so in the ever flow of events and personalities.

In previous years, we in Congress have been perhaps a little remiss in not having demanded explicit and as strong authority as we should have.

Perhaps actions, such as the pending resolution, and speeches, such as the speech the Senator has just made, will restore to the Congress the position I believe it should have.

Mr. CHURCH. I thank the Senator for his remarks. I concur completely that the division of powers contemplated by the Constitution is not guaranteed by providence. It depends on the Congress, in general, and the Senate, in particular, in the case of foreign policy, to assert the powers vested in it by the Constitution. If we fail to do that, as we have largely failed, I submit, on many occasions in the last 50 years, precedents are established which steadily erode away the powers themselves, and then it is argued that on the basis of the precedents the powers no longer exist, or that they have come to adhere in the presidency instead of the Congress. To preserve the power of Congress is our responsibility, and I hope this resolution will have the effect of reminding us of that responsibility.

I thank the Senator for his remarks.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Wyoming.

Mr. McGEE. Mr. President, I wish to join my voice with that of my colleague in applauding the contribution of the distinguished Senator from Idaho to the legislative record of the issues that are attendant to the proposition of the Senate's role in foreign policy, particularly in times like the present. I think that only in this way are we going to be able to answer to ourselves as to what is the wisest way for us to proceed. However, I would like to raise several points specifically with the Senator that his speech has brought out. I not only have read his speech but I listened very carefully to the Senator's eloquent presentation of that speech.

I think that the principal focus in the speech might well hang on the point just raised by the Senator from Rhode Island, namely, that the Constitution does not in absolute terms determine what is the balance between the executive and the legislative branches, and that throughout our history that balance has gone up and down the scale, either reflecting moments of crises at a particular time, or reflecting contrasts between strong Presidents and acquiescent Congresses, or vice versa. Therefore, there is no hard and fast rule we can draw, nor is there an assumption in the Constitution. This is where I think the Senator is in error. There is no hard and fast rule or assumption in the Constitution that prescribes that we have some kind of balance to restore. It seems rather that it is incumbent on us, in the framework of the Constitution, to try to constantly reassesses the processes.

Would the Senator care to respond?

Mr. CHURCH. Yes, I would be happy to respond to the Senator's observation.

First of all, I would agree that the precise limit of the authority delegated to the Congress by the Constitution, or the precise limit of the presidential authority, is subject not only to reasonable argument but, from time to time, in the ebb and flow of history, there have been changes in the precise lines of demarcation.

I have tried to point out that during the last century—with the possible exception of the Mexican War, which I think historians might well agree was a war initiated by Presidential action—there was no substantial incursion by the President on the war power of Congress.

I have tried to point out that, since the turn of the century, Presidential power has grown at the expense of Congress; first, with the action taken by Presidents Woodrow Wilson, Theodore Roosevelt, and William Howard Taft to send American troops into Central America and the Caribbean, where they were, on occasion, committed to combat without authorization from Congress.

I noted in my address that the failure of the Congress to object to this assertion of Presidential prerogative established unfortunate precedents upon which subsequent Presidents have built. Beginning in 1940, with President Franklin Roosevelt's decision to exchange American destroyers for certain leaseholds in British territory in the Western Hemisphere, the power of the Presidency was greatly enlarged. It has nearly swept away the last vestiges of Congress' war power as defined by the Constitution.

I have tried to demonstrate that, far from representing a healthy ebb and flow, in which the legislative branch asserts itself in times of an acquiescent president, while the Presidency asserts itself in times of a strong and determined president, the current has all been in the direction of presidential usurpation of congressional power, to the point where the real decision for war or peace now rests with the presidency. I think it is incumbent upon us to recognize what has happened.

We must look at the extent of the erosion of congressional power. We need a resolution of this kind to remind Congress of its responsibility under the Constitution, so that this process of steady erosion can be reversed, and we can begin to retrieve the prerogative that is ours under the supreme law of the land.

Mr. McGEE. It occurs to me that some of our misunderstanding or confusion, or however we wish to describe it, derives from a mixture in the comments which have been made as to the President's prerogatives under the Constitution in the field of foreign policy, and what they are as delineated in the clause reserving the power to declare war to an act of the Congress.

Mr. CHURCH. Both issues are involved in this resolution.

Mr. McGEE. Would the Senator suggest, then, that in the realm of projecting foreign policy, as he says on the first page of his speech, it involves the basic principle of returning to the separation of powers between President and Congress in the field of foreign policy itself?

Mr. CHURCH. Yes, indeed. I try to spell that out by pointing to the denigration of the treaty power. Take, for example, this account in today's New York Times, regarding the Spanish bases arrangement. The Senator is aware of the background, that we have been committed to a certain relationship with Spain by executive agreement, parts of which were never even disclosed to Congress. I heard the Senator say yesterday that he felt this was a clear case of abuse of Presidential power. I agree with him. But when we are bound to a government like that of Spain by Presidential action, without even so much as a full disclosure to the Senate, and without ever having been called upon either to approve or reject that relationship by passing upon a treaty, when such matters as ordinary commercial and fishery agreements and tax agreements and consular conventions are routinely brought here for our approval, I suggest to the Senator that there has been a very serious abuse of Presidential prerogative in the circumvention of the treaty power.

It used to be a general rule that anything that had major importance came to the Senate in treaty form, and that other matters of lesser importance, such as technical and commercial matters, were often made by Presidential agreement. But the line between the two is no longer observed.

I recall when we were once considering a very technical and relatively unimportant tax treaty with Thailand. It was brought dutifully to the Senate in accordance with constitutional requirements, and we were considering it in the Committee on Foreign Relations. During the same period, the President shipped some 30,000 American troops to Thailand, where they could well be the cause of our becoming involved in a war in that country, and he acted without even consulting the Senate.

I suggest to the Senator that these are examples of serious erosion of what was meant to be the responsibility of the Senate under the Constitution.

Mr. McGEE. May I, then, observe, in response to the Senator, that under the Constitution itself, even the literal words of the Constitution, I would suppose we would have to agree that the initiative in foreign policy, the overwhelming bulk of that responsibility in making foreign policy—I repeat, making it—devolves upon the Executive in the system. That is the reason I asked the preceding question. We must separate policy formulation from the declaration of war.

Let me continue on that. The President is restrained under the Constitution in all foreign policy matters only in three areas; namely, first, in the treatymaking power; second, in the appropriation of funds involved in the execution of foreign policy; and, third, in the actual declaration of war itself.

But more than that, there is no legacy in the constitutional language, as I see it, which requires some kind of separation of powers between the Senate and the Executive. The President has the initiative in that.

President Monroe had the initiative to pronounce a doctrine. President Truman had the initiative to pronounce a doctrine. It did not require, under any terms I know of, a followup by the Senate per se. The lines have already been set. Who could determine what the consequences of either the Monroe Doctrine or the Truman doctrine would ever be? Because of their promise it might well have required a confrontation somewhere down the line, and Congress would have found, in substance, its constitutional prerogatives already limited in terms of what options it could choose between. But there was no questioning of the President's right, or of the President's authority, or of the President's responsibility, if you will, that lay out these lines.

A President can refuse to recognize a nation. He can also recognize a nation. That is policy. Yet, doing that, or failing to do that, can also commit.

What I am getting at is that, in the field of foreign policy, the President has the initiative under the Constitution and probably must continue to have it, especially so in these days; and that the options of Congress are narrowly drawn as a result.

I think that we should keep this in perspective. In my judgment, the Senator threw the whole bag of unpleasantness and unhappiness into this. I think we have to separate it from war declaration.

Mr. CHURCH. Let me say, first of all, that I think the Senator has set up a fine strawman and then has proceeded to demolish him. But the strawman does not relate to the propositions I have advanced.

No one denies that the President has great powers in the field of foreign policy. No one denies that he is the initiator and the chief architect. No one denies that he can recognize or refuse to recognize foreign governments. No one denies that he can declare doctrines.

Mr. McGEE. Without consulting the Congress.

Mr. CHURCH. The argument is not that the President does not have enormous powers which are quite uncontested. The argument is that it was not intended that he have all the powers. He has taken them. That is the argument.

Let us go back to the Monroe Doctrine. The Senator referred to it as an example of presidential power. Let us consider that. It is true that President Monroe, in his own right, declared the doctrine. Then some of the new republics in South America became interested in how it was going to be implemented. They were concerned because of the threat posed by the Holy Alliance against which the doctrine had been, as the Senator well knows, asserted. Thus, they inquired of our Secretary of State as to how the doctrine would be implemented, and he replied in terms completely consistent with the Constitution.

This is what he said:

> With respect to the question in what manner the Government of the United States intends to resist or to prevent any interference of the Holy Alliance for the purpose of subjugating new republics or interfering in their political forms, you understand that by the Constitution, the ultimate decision of the question belongs to the legislative department of government.

What could be clearer?

I simply say to the Senator that he makes a good argument, but I do not think it is relevant. The President has broad power under the Constitution to conduct foreign relations, but it is subject to the right of the Senate to pass upon treaties. I have tried to indicate how that right of the Senate has been circumvented by Presidential policy, by executive agreements and other kinds of resolutions, in order to avoid the necessity of securing a two-thirds vote of the Senate, which treaties require.

History is replete with examples, and we should know them, because they have come so fast and furiously in our own time. I have referred to the war power, to which the Senator also alludes, and the treaty power. Both have been eroded away. Today we must, in all honesty, admit that the war power has been lost. Our last two wars have been Presidential wars. It is not enough to say that Congress still has the power to declare war, if the President wants it declared. I do not think that really is a sensible argument.

Mr. McGEE. I think that puts the finger on part of the problem. Let us go back in terms of what the Senator is saying here. He alone can tell us what he is contending, but if I read his remarks correctly, he talks in his speech about the separation of powers between the President and the Congress having been eroded in a pervasive way. The Executive has, in effect, run away with the ball. I am trying to pin it down as to whether it is in the making of policy or whether it is in the war declaration that that is involved.

If it is the latter, I assume, from what the Senator has said, it is the conflict in Vietnam that has been at least the current element that has triggered concern in this field. He himself talked at some length about the Gulf of Tonkin resolution.

Is it the argument that it was an improper thing or that Congress did not take the right step? Where was this a violation of what the Senator is talking about?

Mr. CHURCH. I think the argument is very clearly set out in the text of my remarks. As far as the Gulf of Tonkin resolution is concerned, the Senator has listened to that part of the remarks—I thank him for it—and he has also read the remarks.

Mr. McGEE. I have also studied the remarks.

Mr. CHURCH. I could repeat them once more.

Mr. McGEE. No; do not read them again. I ask the Senator to answer on the point I have suggested.

Mr. CHURCH. I said that Congress made a grave error, in my judgment, when it worded the Gulf of Tonkin resolution so vaguely and so broadly. I also referred to the event as an example of a trend in recent years, whereby the Executive seeks to secure blank-check authority from the Congress to cover future vague and unspecified Presidential actions.

I think we have learned something from the Gulf of Tonkin resolution, namely, that we ought not to do that. I hope we have learned that lesson. I have learned it. I voted for the Gulf of Tonkin resolution, as did the Senator from Wyoming, as did most other Members of the Senate. There were only two very perceptive Members of the Senate who did not, Senator Morse, of Oregon, and Senator Gruening, of Alaska. But I admit that, when I voted for it, I did so within the context of a situation in which an American destroyer had been attacked on the high seas and retaliation had followed. We were then asked for the resolution.

In all honesty, I do not think many Members of the Congress had it in their minds, when they voted for the resolution, that they were conferring authority on the President for sending half a million combat troops into Southeast Asia. But we must, nonetheless, accept responsibility for having adopted the resolution in that form. I think we must also learn a lesson from it.

Mr. McGEE. Here I think the Senator is straining his remarks and referring to the war-declaring policy, which he has stated articulately, and going into the field of policy, involving congressional action. Let me read the high phrases of the Gulf of Tonkin resolution. I think this is important. Unlike the Senator from Idaho, or the chairman of the committee, who made the declaration yesterday, I think I understood what the Gulf of Tonkin resolution was. I read it and I voted for it. I had no illusions as to what it meant. I am not sure what the Senator's source is for the statement he makes that most Members of Congress did not mean that. It seems to me the Gulf of Tonkin resolution was clear Therefore, I object to its being used as an illustration of some devious device that somehow trapped Congress into adopting it when its Members were unhappy about doing so. Listen to what the Tonkin resolution said:

> That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.
>
> SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. CHURCH. I suggest, respectfully, that the Senator is only pushing an open door. I know what is in the Tonkin resolution. I know it was drafted downtown. We bought it in 2 days. That is where I think we made our mistake.

When it comes to conferring authority on the President to make war anywhere in the world, we should be very careful about the language we use. I think the lesson to be learned from the Gulf of

Tonkin resolution is that we ought not to give carte blanche authority any more.

We could take all afternoon on what the Senate meant when it passed the resolution. I suppose we could not answer that question unless we had the sworn testimony of all who were present at the time, not only in the Senate but in the House.

I can only speak for myself. I remember the occasion very well. The Senator may have voted, as he said, to confer authority to make major war in Southeast Asia. He may have thought that was what he was doing. Certainly, the language would permit it. But at the time a political campaign was underway. Does anybody here fail to remember what the nexus of that campaign was? It was a campaign between Mr. GOLDWATER, on the one hand, and Mr. Johnson on the other, and the whole focus of the campaign was upon Mr. GOLDWATER's proposals, which were dramatized by Mr. Johnson, having to do with defoliation and the wider use of American military forces in Vietnam.

The whole emphasis of Mr. Johnson was upon restraint and responsibility. I am sure the Senator remembers that the President said:

> We are not about to send American boys 9,000 or 10,000 miles from home to do what Asian boys ought to be doing for themselves.

In that atmosphere, I do not think it unreasonable that many of us may have felt that in passing the resolution we were upholding a position taken by President Johnson which was one of restraint. I do not think it unreasonable that many of us may have thought that, having made these statements in the campaign, he did not intend to commit half a million American men to war in Southeast Asia.

Whatever the Senator from Wyoming thought, he can testify to. I testify to what I thought at the time.

The lesson to be drawn is that never again should we confer the war-making powers on the President in such indiscriminate terms, unless that is how it is asked, that is how we consider it, and that is what we want to do.

We were not even acting on a full disclosure of the proper information when we passed the Tonkin Gulf resolution. So I disagree with the Senator. I think there is a very important lesson for this body to learn from the Gulf of Tonkin experience.

Mr. McGEE. May I say first to the Senator, I think a little chronology is probably in order. First, President Johnson's statement about not sending American boys 9 or 10 thousand miles away, I think, was made on the 24th of October or thereabouts. The Gulf of Tonkin incident had preceded that by more than 2 months.

Mr. CHURCH. The Senator makes a debating point there.

Mr. McGEE. No, not at all.

Mr. CHURCH. Yes, because——

Mr. McGEE. No; may I finish my statement?

Mr. CHURCH. I yielded to the Senator, and I think he makes a debating point, because the whole campaign had this character, from start to finish.

Mr. McGEE. But on August 4, the campaign was not really underway. The major part of the campaign began around the first of September.

May I say to the Senator that in his speech, where he voices the opinion that somehow there was violence done here, even by political verbiage of a presidential candidate on the campaign trail, his argument does not hang together. Before the campaign rhetoric had really surfaced in this country, it was not clear that the future of Southeast Asia was really at stake. By election day, in November, there had been no overt breach in Southeast Asia. The first discovery that our side made that the north had committed large numbers of its own regular military forces became obvious only as late as December, after the election. The verification of the introduction of a new family of weapons from the outside into the south, the AK–47 family, came only after the election.

These elements are after the fact; and the point of this, it seems to me, is that the President was protected, and required by the Tonkin Gulf resolution, previously passed by this body, and overwhelmingly to respond to the new developments, uncontrollable by Republicans and Democrats at the voting booth. Those developments, he felt, required the decision that he made, and he was empowered to make it by the resolution itself; and this body had seemed to be conveying it to him.

There was no mandate in the congressional vote anywhere, that I can discover, that said, "The day after the election, you had better come back and see if this squares with what you promised on the campaign trail."

Mr. CHURCH. I would submit to the Senator that, first of all, his argument goes to a different proposition: whether or not the President was justified in taking the action he took in the light of the new evidence that may have come to light.

That really is not the point at issue. I would say, though, even on the basis of the Senator's own argument, that if these changes in circumstances were so important as to justify the reversal of the President's position during the campaign taken immediately after the campaign was over, the President, I think, should have come back to Congress and said, "These dramatic changes have occurred, and in view of them, I am asking Congress for authority to commit a large expeditionary force to Vietnam."

But he did not. So even on the grounds of the argument presented by the Senator, I am not impressed. I believe, however, that his argument goes to a different question.

When we acted upon the Gulf of Tonkin resolution, the language chosen, in my judgment, was too broad; and thus, afterward, the language allowed the President to say that everything he had done was within the embrace of the resolution. I hope the lesson we draw from that experience is that we should become better draftsmen in the future.

Mr. McGEE. Yes. I think that the point that the Senator makes probably comes closest, now, to his definition of where we got into trouble, and that was that we did not use the right words in drafting the Gulf of Tonkin resolution.

But we did the best we could with what we knew at the time, in the circumstances that prevailed at that time. No President that I know of, a GOLDWATER, a Johnson, a Nixon, a Humphrey, a McGOVERN, a McCARTHY, a Kennedy, or whoever it might have been, would have been able or willing to ignore what might transpire after election day.

As I remember, Franklin Roosevelt with the threat of Hitler hanging over us, made his great statement in October of 1940, in his campaign for a third term:

> I promise you fathers and mothers, again and again and again, that no American boys will be sent abroad.

Now, there again, the campaign produced that statement, but it did not remove from him the responsibility to be President of the United States.

Mr. CHURCH. Very well. But before he took the United States into war against Hitler, Mussolini, and Tojo, he came to Congress and asked for a declaration of war.

Mr. McGEE. The Senator is now again shifting the ground over to another point that was not at issue at this particular stage here. Let us take them one at a time.

Mr. CHURCH. Moreover, as I need hardly remind the Senator, the war was precipitated by an attack upon the territory of the United States.

Mr. McGEE. And the United States, as I think the Senator was arguing earlier, had already been committed to war with Hitler by the actions of President Roosevelt, because of the nature of the agreements and the steps he had taken.

Mr. CHURCH. I cite those instances, and the Presidential movement toward a naval war in the western Atlantic, an excessive use of Presidential power.

Mr. McGEE. Right.

Mr. CHURCH. I was documenting the general usurpation of power, toward which my entire address is pointed.

Mr. McGEE. And my point with the Senator is that the President, within the prerogatives of his office, in his responsibility in projecting foreign policy, has it within his jurisdiction under the Constitution—not by stealing something from the Senate—to undertake commitments by laying out lines of policy that circumscribe the free field of options that the Senator suggests in his able address about restoring the balance of the separation of powers between the Executive and the Legislature. That is what it is about. That is what the Tonkin Gulf Resolution is about, because the best I can understand from the Senator's proposal is that the Senate would be asked again to pass another Tonkin Gulf Resolution, only this time we would change the wording.

But there is nothing in the format that the Senator is now proposing that would suggest that the Senate would do any differently the next time; therefore, why fault the circumstances?

Mr. CHURCH. Let me say, first of all, none of us can forecast what future action Congress may take in the matter of

a war. In the second place, let me say there is no question but that the Tonkin Gulf resolution falls within the embrace of the pending commitments resolution. In other words, no one argues that there was no congressional action involved.

I have said I think we should learn from our mistake, that there are lessons in it, and that we ought not to write resolutions that way any more, if the circumstances will permit us to avoid that error.

I cannot forecast whether or not we will learn the lesson. Nor do I undertake to define for the President the limits of Presidential power. The President, depending on who he may be, will assert such power as he believes he possesses; and we cannot, by any words of ours on this floor, either make that decision for the present incumbent in the White House, nor for any future incumbent.

However, our responsibility is to assert our power under the Constitution. That is our duty, and we can do that, if we will. My complaint is that we have been more and more reluctant to do it, and we have thus permitted our power to slowly erode away, until today there are those who say it does not exist any more, and cite the very Presidential usurpations of the power as evidence to demonstrate that it no longer exists.

When we come to that point, as we have now, I think that a responsibility falls upon us to begin to reassert some of our powers within the structure of our Constitution.

Mr. McGEE. Mr. President, I think that our trouble is in what we mean by words. I go back again to the remarks of the Senator in his speech. I think they make the point as to how difficult it is for us to talk the same language with words that have a different meaning.

The Senator said on page 8 of his speech:

> As to the first question, Congress failed to state its intentions clearly in the case of the Gulf of Tonkin Resolution, because it assumed that those intentions were generally understood.

We have already demonstrated here that the intentions were not too well understood, that we each thought we understood how we measured up to what we voted on here for the Gulf of Tonkin Resolution.

Mr. CHURCH. Each of us has his opinion. I expressed mine.

Mr. McGEE. The Senator said, as shown on page 8:

> A national election campaign was then in progress and President Johnson's basic position on Vietnam was that ". . . we are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves." In adopting a resolution supporting the President on Vietnam, a great majority in Congress believed that they were upholding the position of moderation which President Johnson was expressing in his campaign.

It is more than a debating point that it had not already been expressed. It is more than a debating point that the President's language and that resolution simply said that the President, and not the Congress, should be empowered to employ armed forces in Southeast Asia.

It was just as unadulterated as that. So, I object to the Senator's using an incident like the Tonkin Gulf resolution and casting over it an aura of suspicion and having a bit of the black of conspiracy involved in it as the reason for proceeding to this resolution, when in the resolution he is asking that the Senate do again exactly what it did on August 4, 1964, in the Gulf of Tonkin incident, namely the act of ratifying what the President had been requesting, or debating it if that were the case. I do not see where the Senator has advanced a reason for the resolution, Senate Resolution 85. I do not think it is a relevant citation.

Mr. CHURCH. Mr. President, I am sorry. I am unable to follow the Senator's argument. However, I will come back to it in a minute.

Mr. President, I see no point in rehashing again the question of our two interpretations of the events that led up to the congressional decision to approve the Gulf of Tonkin resolution. I have my opinion; the Senator from Wyoming has a different opinion.

I think we made a mistake. He does not. In any case, it was a congressional action, and, as such, it would fall within the purview of the pending resolution. I think it is pointless to continue to belabor our individual interpretations of what may have been congressional intent at the time that the decision was taken. I see it one way. The Senator from Wyoming sees it another way.

Mr. McGEE. Mr. President, I appreciate that point. I think there is a point presented there that makes it more relevant than the mere fact that the two of us have a different interpretation.

What is relevant is that in the process there was no violation, there was no overstraining, and there was no abuse of the procedures already on the books and underway and being practiced, and practiced on those occasions, by the Executive and the Senate regardless of how one interprets the resolution.

Mr. CHURCH. Nor have I contended that. I do not understand why the Senator keeps arguing a proposition that I have not offered or made.

Mr. McGEE. I have to interpret the Senator's paragraph in that way, in the way in which he treats the Gulf of Tonkin resolution; namely, that this is an illustration in his talk about the abdication of Congress and the Executive running away with the ball.

Mr. CHURCH. Mr. President, if the Senator will permit me to correct him, when I referred to the Gulf of Tonkin resolution, I did so in these words:

> How did it come about that Congress permitted itself to be so totally and disastrously misunderstood?

Then I went on to give my reasons for believing that it did so with certain assumptions in mind which were not borne out.

The Senator disagrees with me. He is entitled to his opinion as to why Congress drafted the resolution as it did, and acted in such haste upon it, and what it intended and what it foresaw at the time it enacted it.

That is for history. That is for later Senators to reflect upon if and when a similar resolution is brought before the Senate at a subsequent date.

Mr. McGEE. Mr. President, I think it comes down to the suggestion that there is no point in Senate Resolution 85 in this case.

The Senator has other citations in his speech which have other elements of relevancy in them, but that is not the case with regard to the Gulf of Tonkin resolution.

Mr. CHURCH. The resolution is a very small part of the case. I base the case on the erosion of the senatorial role over the past 40 or 50 years.

Mr. McGEE. Mr. President, I will be glad to turn to each of the others.

As I remember our colloquy on a part of this particular point on yesterday, we referred to some of the decisions that had been made at the time of the Berlin airlift crisis. It was stated then that these decisions stemmed from other commitments we had already made, that were ratified by Congress.

I suppose that would suggest there was no violation or straining of this principle during the Berlin crisis when the President might have decided, instead of an airlift, to have the supplies brought over the ground and challenged the Soviets at that particular point. Is that a fair conclusion?

Mr. CHURCH. Yes. And I said yesterday that our defense of Berlin was a part of an obligation that we had assumed under the NATO treaty.

Now, the Senate approved that treaty. And I have never complained that the President exceeded his authority in attempting to implement the treaty in West Berlin or elsewhere in Europe. But there was a treaty.

Mr. McGEE. Could that have led to war?

Mr. CHURCH. Of course, but it would have been pursuant to a treaty that had been properly ratified, as the Constitution prescribes.

Mr. McGEE. Then it takes us back to this much lamented Gulf of Tonkin resolution. Could that have led to war?

Mr. CHURCH. It did.

Mr. McGEE. This language—could it not?

Mr. CHURCH. Yes.

Mr. McGEE. We are talking about political science now, not the politics of disagreement. Therefore, what does the Senator change?

Mr. CHURCH. I have tried to make it clear. I think the Senator must understand the point. I have reiterated it a number of times.

Mr. McGEE. I am a slow learner but I am not stubborn.

Mr. CHURCH. My argument against the Gulf of Tonkin resolution is not that Congress failed to act or that the President acted beyond the language of the resolution. My argument in the case of the Gulf of Tonkin resolution is that we acted unwisely, that we should learn from that experience. The Senator thinks we acted wisely, but he and I have been in long-standing disagreement about the wisdom of our course in Southeast Asia.

Mr. McGEE. What about President Truman and Korea?

Mr. CHURCH. I think President Tru-

man's initial action in sending American troops into combat in Korea would have to be considered contrary to this sense-of-the-Senate resolution, because it was a commitment to war in a foreign place and it occurred under circumstances which did not constitute an immediate threat to the safety of the United States itself. In other words, it was not a defensive action. It was a decision to go to war in a distant country; and I think that, consistent with our Constitution, the proposition should have been brought to Congress, so that Congress could have exercised its collective judgment on the decision to go to war in Asia.

Mr. McGEE. It was not without some kind of measure of obligation in a pact we had agreed to in the Security Council in the United Nations?

Mr. CHURCH. I think that stretches the matter very far. I suppose you could say that because we are a member of the United Nations and have generally endorsed the principle that countries should not resort to war in the settlement of foreign disputes, the President could walk under the umbrella anywhere, but not go to war at his pleasure, wherever a dispute erupts. I think that would be straining the treaty obligation owed the United Nations beyond the breaking point.

Mr. McGEE. I think what the Senator leaves out is the fact that a policy position that is approved by this body may in fact lead to a confrontation that it was hoped would be avoided, that might not have happened, but that in these particular instances finally did happen. That puts the finger on our problem, does it not—that in this age, in a nuclear age, we do not have the same good old days, when diplomats got together and broke off relations and served an ultimatum, and finally war was declared? You can have a war that is waged, but not declared, and the question is, "Where do you repose the responsibility to make a sudden decision?" If we had had to debate, as the Senator implies, in the Korean crisis, North Korea would have been all over South Korea before we would have had a quorum of the Senate. It is not quite that simple.

Mr. CHURCH. I just do not believe that. I do not believe that Congress is so irresponsible that in an emergency situation it will not act with the dispatch necessary to protect the vital interests of this country. If the Senator believes that, then he really wants to repeal the Constitution. He wants to repose all the power in the President's hands. That is what he argues. When he says that any time the President decides that an emergency abroad is of such urgency that the United States should go to war, and that the requirements of the nuclear age are such that this is necessary and proper, he is simply casting aside the constitutional system.

Mr. McGEE. Not only do I not intend to cast aside the constitutional system, but also, I think we are capable of living up to this new responsibility under the constitutional system. It is the Senator from Idaho who talks about restoring the balance, about restoring a separation of powers which I argue never existed in fact in the foreign policy field.

Mr. CHURCH. Indeed, I do argue for restoring the balance. I find it in the whole history of the United States, plainly set out. I do not want the Presidency to become a Caesardom.

I yield to the Senator from North Carolina.

(At this point Mr. BYRD of Virginia assumed the chair.)

Mr. ERVIN. I invite the attention of the Senator from Idaho to three provisions of the Constitution, and then I will put to him the question whether he does not think that these three provisions of the Constitution answer the question put to the Senator from Idaho by the distinguished Senator from Wyoming.

The first provision is article I, section 8, clause 11, which says that Congress shall have power "to declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

Now, that vests the power in Congress to declare war and grant letters of marque and reprisal, and in that way determine what the rules will be for fighting as those ships used to do. This is a general provision.

Now, the Constitution recognizes in at least two places that the United States might be attacked, and I invite the Senators attention to article IV, section 4, which says:

> The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion.

Does not the Senator from Idaho agree with the Senator from North Carolina that under that provision—that is, section 4 of article IV—it recognizes that if a State is invaded, the United States shall forthwith go to the protection of that State and the defense of that State, without any declaration of war?

Mr. CHURCH. The Senator is correct.

Mr. ERVIN. I invite the attention of the Senator from Idaho to another provision of the Constitution which is so seldom mentioned that I think most of us have a tendency to forget it is even in the Constitution. That is article I, section 10, clause 3, which says:

> No State shall, without the Consent of Congress . . . keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

I ask the Senator if that is not a constitutional recognition that in addition to the United States protecting itself against invasion—that is, fighting a defensive war without a declaration of Congress—this is a recognition of the fact that it may be necessary in time of emergency even for a State, itself, to fight a foreign foe which is either invading the State or is putting the State in imminent danger of being invaded; and that it recognizes that even a State, without getting the consent of anybody on a national level, or from Congress, can fight a defensive war.

Mr. CHURCH. I would interpret the language that way.

Mr. ERVIN. My question is this: Does not the Senator from Idaho agree with the Senator from North Carolina that these three provisions of the Constitution provide, in substance, that the United States cannot engage in an offensive war without a declaration of war by Congress, or at least without congressional permission; and on the contrary, that the President, or even the parties of the State can engage in a defensive war without permission from Congress or anybody else?

Mr. CHURCH. Yes, and I would say the Senator has delineated the general argument that took place at the constitutional convention where it was recognized that, as Commander in Chief, the President had a responsibility to defend the Nation should the Nation be attacked; but it would have been quite meaningless to repose the war power in Congress, if the Founding Fathers had not intended that the decision to go to war in a foreign land, made under circumstances which did not involve an immediate threat to our own security in our own land, should be made by many men, the elected representatives of all the people, rather than with one man.

We had had such an unfortunate experience with the kingly power to make war during the period preceding our War for Independence. When we established our republican form of government, the drafters of the Constitution did not want to repose the same war-making power in the hands of the President that they had suffered from at the hands of the British Kings.

Mr. ERVIN. Does not the Senator from Idaho agree with the Senator from North Carolina that these provisions of the Constitution which denied the power of President to place our Nation in an offensive war, but give the right to take steps when we are attacked to fight defensively, without the consent of Congress, are just as valid today as when they were placed in the Constitution?

Mr. CHURCH. I say they are valid. I cannot accept that argument that because nuclear weapons exist, and time and distance factors have shrunk the world, that somehow Congress can no longer or should no longer assert its right to declare war in a case that does not involve an immediate threat to the safety of the United States. It is only in such a case that such an argument has relevancy; not in connection with a decision to send troops into Laos or Thailand. Does anyone contend that Ho Chi Minh was about to drop nuclear bombs on this country, or that this was a factor in sending troops to Southeast Asia? Of course not.

Mr. ERVIN. Does the Senator from Idaho agree with the Senator from North Carolina in the thought that the provision of the Constitution which sets out the right of the President to defend the United States is just as efficacious now as it has been at any time in the past, because if there is a nuclear attack on the United States the President has the power to put the United States in a position to resist that attack as he would

have had at the time the provision was originally adopted?

Mr. CHURCH. The Senator is correct, and no one raises any question about the authority of the President to defend the country when necessary.

Mr. ERVIN. And he has that power without the authority of anybody else if the United States is subjected to an attack by nuclear weapons by anyone on earth.

Mr. CHURCH. As an example, when the Japanese attacked Pearl Harbor, the Armed Forces went into combat without a declaration of war by Congress. But then the President came to the Congress and asked for a declaration of war against, not only Japan, but also Germany and Italy, as well. He complied with the Constitution in that case.

I am only deploring the fact that subsequent Presidents have not always chosen to scrupulously comply with the Constitution.

Mr. ERVIN. So this power of the President to take such steps as necessary to immediately defend the United States against foreign attack exists regardless of whether the attack is made on us with bows and arrows or with nuclear weapons.

Mr. CHURCH. Of course. I fail to see how the choice of weapons has much relevance to the constitutional question involved in this debate.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, as a relative newcomer to the Senate, I have not had the privilege of hearing all of the presentations by the Senator on the floor of the Senate. However, I can say that in my brief tenure as a Member of this body I think today's speech of the Senator from Idaho is perhaps the most thought-provoking and erudite that it has been my privilege to hear in this Chamber.

I would like to direct a few questions to the Senator. He is a member of the Committee on Foreign Relations and, of course, is eminently knowledgeable of our mutual assistance commitments.

Does the Senator have a rough figure as to the number of countries with which we have some kind of verbal, Executive, or treaty agreement of mutual assistance, one country to another, in the event of attack?

Mr. CHURCH. As I recall, we presently have treaty commitments to go to the defense of some 42 foreign governments. I think this alone is unprecedented in history. We also have some fuzzy relationships which seem to constitute de facto mutual defense arrangements, as with Spain, which were never brought before the Senate in treaty form for ratification.

With respect to the treaty obligations, the constitutional provisions have been complied with. Whether or not these were wisely assumed is quite a different question. Whether or not we are now overcommitted is quite a different question. As to the Spanish arrangement, I suggest this is another example of Presidential abuse.

Mr. EAGLETON. That was precisely the point I was trying to extract by propounding my question. It is with respect to those arrangements, which the Senator has euphoniously referred to as "fuzzy," that I am so deeply disturbed.

In the 5 months I have been in the Senate, the Senate has ratified four treaties. The most significant treaty, of course, was the Nuclear Nonproliferation Treaty on March 13. In addition, we have ratified a treaty on aircraft defense on May 13, the Niagara Power Agreement on May 13, and two radio agreements with Mexico yesterday, June 19.

Yesterday I was in the Chamber and voted affirmatively, as did 89 other Senators. I am not aware of the knowledge of the other 88 Senators who voted in the affirmative, but I frankly had to ask the distinguished Senator from Alabama who is seated behind me what the treaty was all about and what we were going to vote on. He referred me to our distinguished colleague to his right, and by that time it was too late to get much information, so we voted in the affirmative.

With the exception of the Nuclear Nonproliferation Treaty, we are frequently called upon to ratify trivia, matters which are innocuous and routine. With respect to things that matter and which affect the destiny of the Nation, we frequently leave them up to unilateral executive decision.

Mr. CHURCH. I could not agree more. This has been the sad story of the steady decline of Congress within our constitutional system. Nothing has grieved me more than to be witness to this decline during my 12 years in the Senate. The Senator can be certain that if a treaty is relatively inconsequential; that is, if it has to do with some mercantile arrangement, or the exchange of shoe leather, it will be brought dutifully to the Senate, and we will spend time in hearings, and the matter will be brought to the floor of the Senate and in due course we will ratify it because there is no controversy in it, and there is no importance in it. But, if the matter has to do with the life and death of thousands of American citizens; with young men who will be drafted into the Army and told that they must go and fight or go to prison if they refuse; if it is a matter of great moment to the country, then, likely as not, it will not be brought here at all.

I do not overstate the case. I think my address today illustrates that Presidential authority has grown beyond limits. I do not know of any other free government in the world which vests such vast authority in its chief executive. There is grave danger in this, not because our Presidents are untrustworthy. We have been blessed with great and able men in the Presidency. But they are not infallible men.

Our Founding Fathers understood the importance of recognizing human limitations when they reposed the power of making war in the many elected Representatives who sit in Congress, rather than in the one Executive who sits in the White House. They were wise in doing that. In fact, there is no greater genius to be found in the Constitution than the division of power, the balancing of power, so that its concentration would not come, at last, to usurp the liberties of the people.

But, I submit, we had better get busy. We had better start to reassert some of the constitutional power that was meant to lie with Congress, or we will become an irrelevancy on anything that really matters insofar as the destiny of our land is concerned.

I thank the Senator for making his observation. It is extremely pertinent and bears out the argument I make here today.

Mr. ERVIN. Mr. President, I should like to ask the——

Mr. CHURCH. May I first yield further to the Senator from Missouri, and then I shall be glad to yield to the Senator from North Carolina.

Mr. EAGLETON. I should like to propound two more questions to the Senator from Idaho, if I may have the indulgence of the Senator from North Carolina.

I was very much interested in the exchange between the Senator from Idaho and the Senator from Wyoming with respect to the Gulf of Tonkin resolution which was voted on by the Senate on August 10, 1964, in which the Senator from Idaho and the Senator from Wyoming explained what was on their minds at the time they cast their affirmative votes.

The Senator from Wyoming stated that he was fully cognizant of the implications contained in the very broad language of the resolution, but the Senator from Idaho was not so fully cognizant of the full-blown implications to the extent of having 540,000 troops in South Vietnam.

May I ask the Senator from Idaho this question, which is truly, I admit, in the nature of a hypothetical question. Since the Senator from Idaho and the Senator from Wyoming have engaged in some reflective, soul-searching examinations of what they were thinking about on August 10, 1964, I ask indulgence for that same practice again.

My question is: If, on assuming that the Gulf of Tonkin resolution matter which took place on August 4, 5, and 6, 1964, had occurred in the same way as Pearl Harbor in 1941, and President Johnson on August 7 had come before a joint session of Congress and had opened his remarks with, "Members of Congress, yesterday, August 6, a day that will live in infamy, the mighty armies and armament of the country of North Vietnam, with stealth and in the dark of night, provoked great devastation on the Armed Forces of the United States in a sneak attack and, therefore, I ask that Congress declare a state of war,"—as did, of course, President Franklin D. Roosevelt on December 8, 1941, the day following Pearl Harbor, what would have been on the Senator's mind, insofar as the request of President Johnson was concerned, had he made it in that form?

Mr. CHURCH. I can reply only in personal terms.

What would have been on my mind if President Johnson had said to a joint session of Congress that the Government of North Vietnam had by stealth invaded

and attacked the Government of South Vietnam, on a day that would live in infamy?

I would have said, "Where is the evidence?"

After all, we had been involved in Vietnam for some years prior and debate was already underway as to the nature of the conflict there.

It was my opinion, and indeed the opinion of many of the most eminent authorities on the Vietnam situation, that the struggle was a civil war in character, and that the initial uprising against the South Vietnamese Government had been undertaken by indigenous South Vietnamese. Indeed, even today, by our own figures, we concede that the bulk of those engaged in the Vietcong assaults to overthrow the Saigon government are indigenous South Vietnamese.

In other words, I do not think that the President would have gotten away with such an assertion. It is very much unlike the day that President Roosevelt said would live in infamy, when the territory of the United States had been attacked by the Imperial Government of Japan. I think there would have been a spirited debate in Congress; that we would not have laid back and taken such an interpretation of the circumstances when there was so much evidence to the contrary.

I cannot predict what the final vote would have been, but at least we would have discharged our constitutional responsibilities, debated the question, and made the decision.

That is what this resolution calls for.

Mr. EAGLETON. I thank the Senator, and would like now to ask one final question.

Mr. McGEE. May I ask, was it the Senator's intent for me to respond also to that question, since he bracketed me in with the Senator from Idaho in his question?

Mr. EAGLETON. Yes. May I propound the same question to the Senator from Wyoming?

Mr. CHURCH. The Senator may feel free to respond to that question, so long as I retain my right to the floor.

Mr. McGEE. Of course. The Senator has the floor and I appreciate his courtesy in allowing me to respond, since my name was introduced by the Senator from Missouri.

I think it is obvious that the President did not request this. The circumstances were not those of 1941. Hanoi is not about to take over the world. The point of the Senator's question, I think there is no doubt about it, is that it puts the finger on the changing nature of the tests for some kind of policy position, particularly by a nation that now finds itself cast in a new role in the world; namely, a powerful role, for better or for worse, and that it is to the interest of this debate to try to determine whether, under our present system, we can make the kinds of decisions which have to be made, hopefully to head off the "day that lived in infamy" from ever happening again.

What we surely have learned from that original day of infamy was that its beginnings did not start with the dropping of the first bomb on Pearl Harbor, but began somewhere way back along the road, which caused us to search our consciences to find out whether, in the future, we could act somehow with more wisdom, with greater decisiveness, and avoid another day that might live in infamy.

That is the question that the issue in Southeast Asia raises. In a day of nuclear weaponry, large nations hardly dare—I think dare not, let us be blunt about it—resort to all-out war as an instrument of national policy. But in its place has come the peripheral war, or the fringe war, or the little war—whatever we may call them—even though, as we well know, the price already paid in Southeast Asia is very considerable. But it does not alter the fact that it is one of those tests that may well have been met at another time in history in Manchuria, preceding Pearl Harbor, or at the Rhineland with Hitler, preceding World War II.

I think that is the point of this dialog, whether in a nuclear age we have the wisest processes for protecting the national interest, whether we can repose authority in a different way. Central to the whole question which the Senator from Idaho has brought up so articulately, is the question of where they can best rest. In my judgment, difficult as it it, dangerous as it is, I think the lesser of the evils confronting us is to put the responsibility at least where we can pin it, and that is on the President. Let Congress reestablish its role on a much higher level and in a much more aggressive way in anticipation of the areas of discussion around the world.

I think the question illustrates our point. The answers to that question are quite irrelevant in terms of comparing Pearl Harbor to the issues in Southeast Asia, but the contrast in those answers makes the point that is well made by the injection of the question.

I thank the Senator for the privilege of replying.

Mr. CHURCH. It seems to me the Senator from Wyoming is simply arguing that the nuclear age has replaced the Constitution. I do not share the Senator's view as to where we should repose these life-and-death decisions; that they have to be reposed solely with the Executive in all such situations. Furthermore, I do not think the Senator's views on that question really go to the issue. The issue is: Where does the Constitution repose authority for making such decisions? That is the issue.

President Eisenhower, in the matter of Vietnam, understood the Constitution. Back at the time when Mr. Nixon was calling for unilateral American intervention, I note, from the records of the committee, that President Eisenhower recalled in his memoirs that Vice President Richard Nixon laid the groundwork for unilateral Presidential action in a speech by stating that if necessary to avoid further Communistic expansion in Asia and Indochina—that is the peripheral-type war the Senator from Wyoming refers to—the President should make the politically unpopular decision and do it. The President—that is, Eisenhower—expressed a more reserved attitude by saying that part of his fundamental concept of the Presidency was that, under the American constitutional system, only a "sudden and unforeseen emergency" permitted the President to place the Nation into war without congressional action.

That was Eisenhower's view. It is a sound view historically. How can one read the Constitution and come to any other view?

If the Constitution is obsolete, let us abandon it. Let us amend it out of existence. Let us say the time has come when a President must be Caesar; that all power must be in his hands to decide the life and death of the Nation, under all circumstances, anywhere. But let us at least do it. Let us not permit it to happen by usurpation, which, in truth, we have done.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. EAGLETON. I fully share the comments made by the Senator from Idaho. I would add the footnote that to adopt the rationale of the Senator from Wyoming would be to say that the President of the United States has the unilateral, exclusive power to conduct and declare little wars, little wars that we hope do not become big wars, or little wars in Asia, for example, in Korea and Vietnam; but that the only time the declaration of war authority of the Congress comes into play is when it is a big war. Thus, of course, we would be injecting into this situation a very subjective test between black, gray, and white; big, not so big, and pretty big. We would be leaving it solely to the whim of the executive branch, and we would hope the President would always be intelligent and responsible enough to do so, to decide when a war was big enough to take it to the Congress for a declaration of same.

Mr. McGEE. Mr. President, will the Senator from Idaho yield to the Senator from Missouri so he may yield to me to respond to the comments he made about my comments?

Mr. CHURCH. Yes. However, I have a gastronomical problem, it being 25 minutes to 3, and I not having had any lunch. I do not want in any way to inhibit the Senator from participating while I am holding the floor, but I feel the pangs of hunger pounding. I will, nevertheless, yield to the Senator.

Mr. McGEE. I do not want to contribute to any complications. The Senator ought to understand that I have a bowl of strawberries waiting for me. He knows what that means, in my language.

Mr. CHURCH. Yes. The Senator might at least buy my lunch.

Mr. McGEE. In exchange for the strawberries?

My response to the Senator from Missouri in his observation is that, no, the President cannot run around declaring, deliberately, little wars in order to avoid declaring big wars through an act of Congress. I think that is not really the central question. The times set up different threats. The President, I would assume, would hope, in taking a position, that the decisions of some other potential side, whoever is on the other side, would

still hold the balance how far they would go. The President cannot determine that.

That brings us to the basic decision as to whether or not, in a nuclear age, we can really risk declared wars, in the old, formal, rigid sense, or whether we are trapped in a new system in which we dare not declare them, and whether or not this body should consider some other process to deal with such situations. So it is not a matter of reposing this authority in the President in a singular way and letting him dictate it, as the Senator from Idaho declares it; it is a question of how best to preserve the Constitution, rather than shatter it. I think we all agree that the President has this responsibility and power under the Constitution. The question is whether we want him to have it.

Mr. CHURCH. We have not agreed to that. At least the Senator from Idaho did not agree to that.

Mr. McGEE. Mr. President, have I been yielded to?

Mr. CHURCH. No; I have the floor.

Mr. McGEE. I wondered if I had been yielded to, to respond.

Mr. CHURCH. I just wanted to make it clear that the Senator from Wyoming stated a proposition which I did not agree to.

Mr. McGEE. I thought the Senator had yielded.

Mr. CHURCH. I am sorry. I did not mean to offend the Senator, if he wants to continue.

Mr. McGEE. Very well.

Mr. CHURCH. I will be happy to have him take the floor again, if he so desires.

I merely wanted to say that I cannot follow the argument that the distinguished Senator from Wyoming makes. He says that under certain circumstances it may not be advisable to declare a war. Of course that is true. But this resolution does not insist that a war be declared. All that the resolution says is:

> A national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

In other words, it is not necessary; the Constitution does not require that Congress assert its war power by a formal declaration of war.

I think the important point is that the authority to make the decision rests with Congress, though Congress may make that decision either through a formal declaration or by authorizing the President to go to war in some other way.

In the Gulf of Tonkin resolution, at least as interpreted later by the President, we did authorize the President to go to war. It was not a declared war. As I have said earlier in the debate, the fact that Congress did take the action would bring that act within the purview of this resolution.

So I simply cannot accept the argument that the times have somehow rendered the declaration of war obsolete, and that since the interests of the country may require a war to remain undeclared, Congress therefore is without the authority to make the decision.

I think the authority lies with Congress, under the Constitution, to decide whether the war is declared or undeclared. I merely wanted to make that point.

Mr. McGEE. Does the Senator from Idaho have the floor?

Mr. CHURCH. I yield again to the Senator from Wyoming with apologies, and assure him I shall not interrupt him further.

Mr. McGEE. Here, again, I think we are getting close to the nub of the case for Senate Resolution 85. That is why the question was propounded by the Senator from Missouri in terms of a limited war, in terms of a fringe war, or whatever we want to call it. The Senator from Idaho has just clarified the situation for us by saying that it is conceivable it would not require a formal declaration; that it could be done in some other way, I think I understood him to say.

We did it this other way in the case of the Tonkin Gulf resolution. Congress did act; it did vote; it did commit itself, in the case of the Tonkin Gulf resolution, a resolution which says that the President shall be entitled to commit the Armed Forces to the security and peace of Southeast Asia.

So this resolution, I think, makes the point again that Congress has not given up something; someone did not take it away from us. In hindsight, a good many wish we had not done it that way, but again, we do not have the chance to wait for hindsight when we make our decisions on these matters; we have to do it the best we can. There is nothing we cannot communicate as a result of the Gulf of Tonkin incident, or the Southeast Asian war, which the Senator from Missouri has asked his question about—a limited war. That is the reason I say we have got to resolve in our own minds whether we need a new mechanism, or whether we can, in fact, continue under the present method. The Senator is suggesting that in the Gulf of Tonkin resolution we probably now have the mechanism for doing it. I think I agree.

Mr. CHURCH. I submit that the difficulty concerning the Gulf of Tonkin resolution arises from other collateral considerations; that is to say, it came to us at a time when an attack had occurred upon an American destroyer on the high seas. Retaliation had taken place, and the President then asked for the Gulf of Tonkin resolution.

I have no doubt in my mind that the action that Congress then took constitutes congressional action as contemplated by the pending resolution. The difficulty concerning the Gulf of Tonkin matter subsequently developed when the committee discovered what it felt was a failure on the part of the Executive to make a full disclosure of the facts before asking Congress to act. As I have stated in my address, the whole problem was compounded by the haste with which Congress acted and by the great latitude of the language which Congress adopted. That was a mistake on the part of Congress, in my judgment.

In any case, I think that the episode makes it clear that it is not necessary for Congress to declare war in order to exercise its constitutional power.

Mr. EAGLETON. With due deference to the endurance of the Senator from Idaho, and with recognition of the gastronomical niceties and necessities involved, I shall ask one final question, which takes up where the Senator just left off in his remarks.

Each of us is the product of his own individual memory. I think perhaps the incident that caused me to give the most thought to this important concept that is being debated was the action by former Secretary of State Rusk in the summer of 1967, at the request of President Kasavubu, of the Congo, by which we sent to the Congo, as I recall, some 200 or 300 American troops and three or four aircraft. Almost by return phone call, as though Kasavubu had picked up the overseas phone and said, "Mr. Secretary, please send us a few troops," and off they went.

I was not a Member of the Senate at that time. Would the Senator from Idaho, with his privity of knowledge gained as a member of the Committee on Foreign Relations, state how that incident relates to the principle he is espousing in his remarks here today?

Mr. CHURCH. Yes, I shall be glad to comment on that case. I have to rely upon my memory; but as my memory serves me, the use of American personnel in the Congo, if this is the incident to which the Senator refers, was in connection with a rescue operation. The American Armed Forces, it was claimed, were needed to bring out certain people who were endangered by the civil war in that country, including citizens of the United States. In the 19th century, the President came to use American Armed Forces for rescue operations in foreign lands. That came to be pretty much accepted as within the prerogative of the Presidential office.

I have tried to show in this address that the serious transgression of congressional authority commenced at the turn of the century with the administrations of Theodore Roosevelt, William Howard Taft, and later Woodrow Wilson, when the President went further than to use American military forces for the purpose of a rescue operation, and actually committed them, sometimes, to combat in the Caribbean and in Central America.

Then, I have tried to show how the Presidential authority has grown still larger under President Franklin Roosevelt and subsequent Presidents.

The resolution refers to national commitments; and necessarily implied in that is a commitment of a grave and important nature to a foreign government. I should not think that a rescue operation represents a grave and weighty commitment to a foreign government of the character contemplated by the resolution.

However, the Senator from Missouri (Mr. EAGLETON) does touch upon one of those points where a Presidential decision might commit the United States to a position which, in turn, might lead to the involvement of the United States in fighting in a foreign land. We cannot

prescribe in advance the exact limits of Presidential authority. Suffice to say that, if we concede the right of the President to conduct a rescue operation, it seems to me that the character of such an operation is quite different from the intent of the resolution, which seeks to prevent the combat forces of this country from fighting on foreign soil without congressional authorization.

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I commend the Senator from Idaho, and I commend the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas (Mr. FULBRIGHT). I think they are subjecting us to a soul-searching operation, as the Senator from Idaho has described it, and that it will be good for the Senate and for the country if we are subjected to that kind of operation.

I wish equally to commend the Senator from Wyoming (Mr. MCGEE). As a matter of fact, his standing out as the one member of the committee who was present when the resolution was reported to dissent from his associates on the committee was an act of courage, and I find strong reason to commend him for the action then taken and for what he has been saying in the course of the debate.

I shall not trespass further upon the desire of the distinguished Senator from Idaho to consult with an Idaho potato in the dining room, or with the desire of the Senator from Wyoming, who seems already to have gone to find the strawberries he was talking about awhile ago.

Mr. MCGEE. I am here.

Mr. HOLLAND. I see the Senator from Wyoming now. I shall not trespass upon their time by discussing any lengthy questions. But there is one subject that interests me greatly. I have spoken with the chairman of the committee, the Senator from Arkansas, and with the chief of staff of the committee, Dr. Marcy. I have not received any great enlightenment on the subject.

What is the number and what is the significance of the outstanding executive agreements that have been entered into in recent years and are now current? The reason I ask that question is that I realize perfectly well that what might have been a reasonable course of action some years ago, when we had diplomatic relations with only a few countries, and when our problems were few, could not govern us now, when we have diplomatic relations, as I am told, with well over 100 countries, and when an enormous group of problems concern us.

I realize that there must be a place in the picture for executive agreements. From what I know about some executive agreements, I think they do constitute what are stated in the resolution to be national commitments of the United States.

The question I ask first is, Can we have by next week, when this debate will be resumed, an authoritative statement of the number and—if we can have it—the classification in any manner that the Senators may care to classify them, of the group of outstanding executive agreements, of which I have been told by the chief of staff there are probably thousands at this time? Can we secure such information?

Mr. CHURCH. Yes. I have the list that the Senator asks for. And I will be happy to have it printed in the RECORD.

Mr. HOLLAND. My reference to the figure of several thousands comes from my discussion with Dr. Marcy on yesterday afternoon, when he indicated to me that there were probably several thousands outstanding. I would be glad to have any information that the Senator has.

Mr. CHURCH. The Senator is quite right in his understanding. Between 1942 and 1967, there were a total of 5,477 treaties and executive agreements in existence. Of those entered into between 1963 and 1967, 47 were treaties, while 1,136 were executive agreements.

In 1968, 283 treaties and executive agreements were entered into, of which 57 were treaties and 226 were executive agreements.

Mr. President, I ask unanimous consent to have the list printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TREATIES AND EXECUTIVE AGREEMENTS: NUMBERS EXECUTED, 1942-67

	Treaties and executive agreements	Treaties	Executives agreements
1942-62	4,294		
1963	257	9	248
1964	244	13	231
1965	202	5	197
1966	252	10	242
1967	228	10	218
1942-67	5,477	47	1,136
1968	283	57	226

Source: Information from Department of State, Treaty Division, Sept. 2. 1968.

Mr. HOLLAND. Mr. President, I thank the Senator for having the list printed in the RECORD.

My second question is this, In the opinion of the able Senator, are any of those executive agreements of such a nature as to constitute, in his opinion, national commitments? I think those are the words used in the pending resolution.

When I began the colloquy, the Senator from Arkansas had been called off the floor. I had intended to address the whole series of questions to the Senator from Arkansas, as I think I indicated yesterday. The reason I am going into it now is that I hope that any information which may not be readily available now may be made available when we resume the debate on next Monday.

Mr. CHURCH. Yes, indeed. That is very important. We did have a list prepared of these agreements that in the opinion of the committee were of such gravamen and importance that they ought to have been submitted in treaty form for the ratification of the Senate.

I am happy to have that list printed at this point in the RECORD so that it will be available to the Senator for his review between now and the time the debate resumes on Monday.

Mr. HOLLAND. I appreciate that.

Mr. CHURCH. Mr. President, I ask unanimous consent to have the list I have referred to printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. DEFENSE COMMITMENTS AND ASSURANCES—MULTILATERAL

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49-71.

Treaties	Joint declarations	U.S. statements of policy

CHARTER OF THE UNITED NATIONS, JUNE 26, 1945

Parties

United States 122 other countries (as of Jan. 1, 1968).
122 members: The following 123 countries were members of the U.N. at the beginning of 1968:

Afghanistan
Albania
Algeria
Argentina
Australia
Austria
Barbados
Belgium
Bolivia
Botswana
Brazil
Bulgaria
Burma
Burundi
Byelorussia
Cambodia
Cameroon
Canada
Central African Republic
Ceylon
Chad
Chile
China (Nationalist)
Colombia
Congo (Brazzaville)
Congo (Kinshasa)
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dahomey
Denmark
Dominican Republic
Ecuador
El Salvador
Ethiopia
Finland
France

U.S. DEFENSE COMMITMENTS AND ASSURANCES—MULTILATERAL—Continued

Treaties	Joint declarations	U.S. statements of policy

CHARTER OF THE UNITED NATIONS, JUNE 26, 1945

Parties—Continued

Gabon	Madagascar	Somalia
Gambia	Malawi	South Africa
Ghana	Malaysia	Southern Yemen
Greece	Maldive Islands	Spain
Guatemala	Mali	Sudan
Guinea	Malta	Sweden
Guyana	Mauritania	Syria
Haiti	Mexico	Tanzania
Honduras	Mongolia	Thailand
Hungary	Morocco	Togo
Iceland	Nepal	Trinidad and Tobago
India	Netherlands	Tunisia
Indonesia	New Zealand	Turkey
Iran	Nicaragua	Uganda
Iraq	Niger	Ukraine
Ireland	Nigeria	U.S.S.R.
Israel	Norway	United Arab Republic
Italy	Pakistan	United Kingdom (Britain)
Ivory Coast	Panama	United States
Jamaica	Paraguay	Upper Volta
Japan	Peru	Uruguay
Jordan	Philippines	Venezuela
Kenya	Poland	Yemen
Kuwait	Portugal	Yugoslavia
Laos	Rumania	Zambia
Lebanon	Rwanda	
Lesotho	Saudi Arabia	
Liberia	Senegal	
Libya	Sierra Leone	
Luxembourg	Singapore	

EUROPE

NATO NORTH ATLANTIC TREATY, APR. 4, 1949

Parties

United States	Italy	United Kingdom
Belgium	Luxembourg	Greece
Canada	Netherlands	Turkey
Denmark	Norway	Federal Republic of Germany
France	Portugal	
Iceland		

London 9-Power Conference: Final Act, London 9-Power Conference, Declaration by the Governments of the United States, the United Kingdom, and France, Oct. 3, 1954. (regarding Berlin).

Western European Union: Statement by President Eisenhower on U.S. Policy toward the Western European Union, Mar. 10, 1955.

(In a message to the Prime Ministers of the signatories to the Western European Union protocols: Belgium, France, Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kindgom. President Eisenhower referred to a similar statement of principles he had made on Apr. 15, 1954, in anticipation of the European Defense Community, and to the fact that the latter had evolved into the Western European Union plan.

Relevant Passages

I am glad to affirm that when the Paris Agreements (establishing the Western European Union arrangements) have been ratified and have come into force, it will be the policy of the United States:

• • • • • • •

(3) To continue to maintain in Europe, including Germany, such units of its armed forces as may be necessary and appropriate to contribute its fair share of the forces needed for the joint defense of the North Atlantic area while a threat to that area exists, and will continue [sic] to deploy such forces in accordance with agreed North Atlantic strategy for the defense of this area;

• • • • • • • •

(6) • • • to regard any action from whatever quarter which threatens the integrity and unity of the Western European Union as a threat to the security of the parties to the North Atlantic Treaty calling for consultation in accordance with Article 4 of that Treaty.

NATO: Communique, North Atlantic Council ministerial session, Athens, May 6, 1962 (regarding nuclear weapons).

LATIN AMERICA

Monroe Doctrine: Seventh Annual Message of President Monroe to Congress ("The Monroe Doctrine"), Dec. 2, 1823.

Relevant Passages

• • • The occasion has been judged proper for asserting, as a principle in which the rights and interest of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. • • • The political system of the allied powers [the "Holy Alliance"] is essentially different • • • from that of America. • • • We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. • • • With the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. • • •

U.S. DEFENSE COMMITMENTS AND ASSURANCES—MULTILATERAL—Continued

Treaties	Joint declarations	U.S. statements of policy
RIO PACT **INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO PACT), SEPT. 2, 1947** Parties United States, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba [1], Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, Venezuela		Monroe Doctrine. Statement by the Department of State on the Monroe Doctrine July 14, 1960. Relevant Passage * * * * * * * * * The principles [of the Monroe Doctrine] which the United States Government enunciated in the face of the attempts of the old imperialism to intervene in the affairs of this hemisphere are as valid today for the attempts of the new imperialism. * * * Today, nearly a century and a half later, the United States is gratified that these principles are not professed by itself alone but represent through solemn agreements the views of the American community as a whole. Cuban Resolution: Joint resolution expressing the determination of the United States with respect to the situation in Cuba (Cuban resolution) October 3, 1962.
ASIA **ANZUS PACT (SECURITY TREATY BETWEEN AUSTRALIA, NEW ZEALAND, AND THE UNITED STATES (ANZUS PACT) SEPT. 1, 1951)**		
SEATO (SOUTHEAST ASIA) COLLECTIVE DEFENSE TREATY, SEPT. 8, 1954 Parties United States, Australia, France, New Zealand, Pakistan, Philippines, Thailand, United Kingdom, Cambodia [2], Laos [2], Free territory under the jurisdiction of the State of Vietnam	Manila Conference on Vietnam: Communique of 7 nations Manila Conference Oct. 25, 1966 (Australia, Korea, New Zealand, Philippines, Thailand, United States, Republic of Vietnam).	Tonkin Gulf Resolution: Joint Resolution To Promote the Maintenance of International Peace and Security in Southeast Asia (Tonkin Gulf Resolution) August 10, 1964. Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty the United States is therefore prepared as the President determines to take all necessary steps including the use of armed force to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.
MIDDLE EAST	Baghdad Pact—CENTO: Multilateral declaration respecting the Baghdad Pact July 28 1968. Parties United States, Pakistan, Iran, Turkey, United Kingdom The United States is a member of the military economic and antisubversion committees of CENTO and an observer at the Council meetings.	Truman Doctrine: Message of President Truman to Congress ("The Truman Doctrine") March 12, 1947. Statement on Jordan and Saudi Arabia by Secretary of State Rusk in a News Conference March 8 1963.
GENERAL U.S. STATEMENTS OF POLICY AND DECLARATIONS ON THE MIDDLE EAST		
	Tripartite declaration (United States-United Kingdom-France) regarding security in the Near East, May 25, 1950. The 3 Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The 3 Governments, should they find that any of these states [i.e. the Arab States and Israel] was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation.	Joint Resolution to Promote Peace and Stability in the Middle East ("The Eisenhower Doctrine"), March 9, 1957. Geographic Scope of the Joint Resolution I.Excerpt from Report of the Senate Committees on Foreign Relations and Armed Services. The phrase "the general area of the Middle East" recurs throughout the resolution and requires some definition. It would be unwise to attempt to draw a precise geographical line around the area to which this resolution applies. This follows the pattern of the resolution (Public Law 4, 84th Cong.) authorizing the use of armed force to defend Formosa. That resolution named Formosa and the Pescadores and also covered "related positions and territories of that area."

See footnote at end of table.

U.S. DEFENSE COMMITMENTS AND ASSURANCES—MULTILATERAL—Continued

Treaties	Joint declarations	U.S. statements of policy

GENERAL U.S. STATEMENTS OF POLICY AND DECLARATIONS ON THE MIDDLE EAST—Continued

Joint Resolution to Promote Peace and Stability in the Middle East ("The Eisenhower Doctrine"), March 9, 1957—Con.

Geographic Scope of the Joint Resolution—Continued

As used in Senate Joint Resolution 19, "the general area of the Middle East" means the area between Libya on the west, Turkey on the north, Pakistan on the east, and Saudi-Arabia and Ethiopia on the south. Any attempt to be more precise, or to spell out the nations in the resolution itself, would raise further questions as to inclusions and omissions and would carry an inference of lack of American concern over nations not specifically named.

II. Excerpt from Report of the House Committee on Foreign Affairs.

This legislation involves the general area of the Middle East. The term "Middle East" like the more familiar term "Near East" has had no precise definition. Secretary of State Dulles in our hearings said, "The term 'Middle East' as used in this resolution includes the area lying between and including Libya on the west, Pakistan on the east, Turkey on the north, and the Arabian Peninsula on the south." Ethiopia and the Sudan are also in the area. This identification of countries does not rule out the inclusion of other countries around the perimeter. The committee decided, however, to accept the view of the executive department that a complete listing of countries would restrict the freedom of action of the United States in carrying out the purposes of this resolution.

Reply by President Kennedy to a news conference question concerning the Middle East, May 8, 1963.

Relevant Passage

* * * * * * *

We strongly oppose the use of force or the threat of force in the Near East, and we also seek to limit the spread of communism in the Middle East which would, of course destroy the independence of the people. This Government has been and remains strongly opposed to the use of force or the threat of force in the Near East. In the event of aggression or preparation for aggression, whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression, which, of course, has been the policy which the United States has followed for some time.

Remarks of President Johnson during exchange of toasts with President Shazar of Israel, August 2, 1966.

Relevant Passage

* * * * * * *

[Reaffirming President Kennedy's statement of May 8, 1963, which expressed American support for the security of both Israel and her neighbors, President Johnson said:]

We subscribe to that policy.

Statement by President Johnson on the Near East Situation, at the White House, May 23, 1967.

To the leaders of all the nations of the Near East, I wish to say what three American Presidents have said before me—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposes agression by anyone in the area, in any form, overt or clandestine.

Address by President Johnson at a Foreign Policy Conference for Educators Sponsored by the Department of State, June 19, 1967.

Relevant Passages

* * * * * * *

Our country is committed—and we here reiterate that commitment today—to a peace [in the Middle East] that is based on five principles:

First, the recognized right of national life;
Second, justice for the refugees;
Third, innocent maritime passage;
Fourth, limits on the wasteful and destructive arms race; and
Fifth, political independence and territorial integrity for al\

[1] Resolution VI, of the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, Punta del Este; signed Jan. 31, 1962, excluded "the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government" from participation in the inter-American system.

[2] Included (for the purposes of article IV) by the protocol to the Southeast Asia Collective Defense Treaty, TIAS 3170, signed Sept. 8, 1954; entered into force, Feb. 19, 1955. Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. In the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not "recognize the protection of any alliance or military coalition including SEATO," and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49–71

Country	Treaties	Executive agreements	Joint declarations	U.S. statements of policy
Afghanistan				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Argentina	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Australia	ANZUS Pact, SEATO			See Tonkin Gulf Resolution above.
Bahrain				See above, Eisenhower Doctrine and General Statements on the Middle East.
Barbados	In Rio Treaty area but not a party			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY—Continued

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49–71

Country	Treaties	Executive agreements	Joint declarations	U.S. statements of policy
Belgium	NATO		Communique, North Atlantic Council ministerial session, May 6, 1962.	Western European Union.
Bolivia	Rio Pact			Monore Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Brazil	do			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Canada	In Rio Treaty area but not a party. NATO.	The Ogdensburg Agreement: Joint statement by President Roosevelt and Prime Minister Mackenzie King of Canada, Aug. 18, 1940. Relevant Passages The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States. It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries. This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and materiel. It will consider in the broad sense the defense of the north half of the Western Hemisphere.	Joint announcement on defense, United States-Canada, Feb. 12, 1947. Communique, North Atlantic Council ministerial session, May 6, 1962.	
Chile	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
China, Republic of	Mutual defense treaty between the United States and the Republic of China, Dec. 2, 1954.			Formosa Straits Resolution: Joint Resolution Authorizing the President to Employ the Armed Forces of the United States for Protecting and the Security of Formosa, the Pescadores and Related Positions and Territories in that Area (Formosa Straits Resolution), January 29, 1955. Statement on Formosa and the offshore Islands by President Kennedy in a Press Conference, June 27, 1962. Our basic position has always been that we are opposed to the use of force in this area. * * * [In the event of] aggressive action against the offshore islands of Matsu and Quemoy * * * the United States will take the action necessary to assure the defense of Formosa and the Pescadores. * * * In my own discussion of this issue in the campaign of 1960, * * * I stated this position very plainly, for example, on October 16, 1960: "The position of the Administration has been that we would defend Quemoy and Matsu if there were an attack which was part of an attack on Formosa and the Pescadores. * * * " Under this policy sustained continuously by the United States Government since 1954, it is clear that any threat to the offshore islands must be judged in relation to its wider meaning for the safety of Formosa and the peace of the area. Exactly what action would be necessary in the event of any such act of force would depend on the situation as it developed. * * *
Colombia	Rio Pact			Monroe Doctrine. Monroe Doctrine reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Costa Rica	do			Monroe Doctrine. Monroe Doctrine reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Cyprus				See above, Eisenhower Doctrine and General statements on the Middle East.
Denmark	NATO	Agreement Between the Government of the United States and the Government of the Kingdom of Denmark, Pursuant to the North Atlantic Treaty, Concerning the Defense of Greenland, Apr. 27, 1951	Communique, North Atlantic Council Ministerial Session—May 6, 1962.	
Dominican Republic	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Ecuador	do			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
El Salvador	do			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Ethiopia				See Above, Eisenhower Doctrine and General Statements on the Middle East.
France	NATO		Communique, North Atlantic Council Ministerial Session—May 6, 1962.	Western European Union.,

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY —Continued

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49–71

Country	Treaties	Executive agreements	Joint declarations	U.S. statements of policy
Germany, Federal Republic of (including Berlin).	NATO		London 9-power conference regarding Berlin, Oct. 3, 1954.	Western European Union. Statement by President Kennedy Regarding Berlin, in address to the Nation, July 25, 1961. Relevant Passage We are there [Berlin] as a result of our victory over Nazi Germany and our basic rights to be there deriving from that victory include both our presence in West Berlin and the enjoyment of access across East Germny.*** But in addition to those rights is our commitment to sustain—and defend, if need be—the opportunity for more than 2 million people to determine their own future and choose their own way of life.*** The NATO shield was long ago extended to cover West Berlin, and we have given our word that an attack in that city will be regarded as an attack upon us all. Address by Vice-President Johnson before the West Berlin House of Representatives, August 19, 1961. Relevant Passage I have come to Berlin by direction of Presiden Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged in effect, what our ancestors pledged in forming the United States: "* * * our Lives, our Fortunes and our Sacred Honor". * * * Statement by Secretary of State Rusk Regarding Berlin, in Address at Davidson College, February 22, 1962. Relevant Passage The Western allies, backed by all the NATO powers have the most solemn obligation to protect the freedom of the West Berliners. * * * To protect this freedom requires the continued presence of Allied troops and free rights of access. * * *
			Communique, North Atlantic Council Ministerial Session, May 6, 1962. Joint Communique, President Kennedy and Chancellor Adenauer of Germany, Nov. 15, 1962. Relevant Passage It is agreed * * * that the freedom and viability of Berlin will be preserved in all circumstances and with all means. Joint Communique, President Johnson and Chancellor Erhard of Germany, June 12, 1964. Relevant Passage The President restated the determination of the United States to carry out fully its commitments with respect to Berlin, including the maintenance of the right of free access to West Berlin and the continued freedom and viability of the city.	Concurrent Resolution 570 (Berlin Resolution) October 10, 1962.
Greece	do		Communique, North Atlantic Council Ministerial Session, May 6, 1962.	Truman Doctrine–March 12, 1947.
Guatemala	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Guyana	In Rio Treaty area but not a party			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Haiti	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Honduras	do			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Iceland	NATO	Defense agreement pursuant to the North Atlantic Treaty between the United States and the Republic of Iceland, May 5, 1951.	Communique, North Atlantic Council Ministerial Session, May 6, 1962.	
India				Letter from President Eisenhower to Prime Minister Nehru of India, February 24, 1954. Relevant Passage • • • • • • * * * I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the U.N. to thwart such aggression. * * *
Iran			Multilateral declaration respecting the Baghdad Pact—July 28, 1958. Joint communique, President Kennedy and the Shah of Iran (Mohammed Reza Pahlavi), Washington, April 13, 1962.	See Above, Eisenhower Doctrine and General Statements on the Middle East.

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY—Continued

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49-71

Country	Treaties	Executive agreements	Joint declarations	U.S. statements of policy
Iraq				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Israel				See above Eisenhower Doctrine and General Statements on the Middle East.
Italy	NATO		Communique, North Atlantic Council Ministerial Session—May 6, 1962.	Western European Union.
Jamaica	In Rio Treaty area but not a party			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Japan	Treaty of Mutual Cooperation and Security between the United States and Japan, Jan. 19, 1960.			
Jordan				Statement by Secretary of State Dean Rusk (on Jordan and Saudi Arabia)—March 8, 1963. See Above, Eisenhower Doctrine and General Statements on the Middle East.
Korea	Mutual Defense Treaty between the United States and the Republic of Korea, Oct. 1, 1953.			Reply to question at Press Conference in Korea by Vice President Humphrey, February 23, 1966. Relevant Passage The United States Government and the people of the United States have a firm commitment to the defense of Korea. As long as there is one American soldier on the line of the border the demarkation line, the whole and the entire power of the United States of America is committed to the security and defense of Korea. Korea today is as strong as the United States and Korea put together. America today is as strong as the United States and Korea put together. We are allies, we are friends, you should have no questions, no doubts.
Kuwait				See above, Eisenhower Doctrine and General Statements on the Middle East.
Lebanon				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Liberia		Agreement of cooperation between the Government of the United States and the Government of Liberia, July 8, 1959.		
Libya				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Luxembourg	NATO		Communique, North Atlantic Council ministerial session, May 6, 1962.	Western European Union.
Mexico	Rio Pact			Monroe Doctrine. Monroe Doctrine, Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Muscat and Oman				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Netherlands	NATO		do	
New Zealand	ANZUS Pact, SEATO			See Tonkin Gulf Resolution Above.
Nicaragua	Rio Pact			Monore Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Norway	NATO		Communique, North Atlantic Council Ministerial Session, May 6, 1962.	
Pakistan	SEATO	Agreement of Cooperation Between the Government of the United States and the Government of Pakistan, Mar. 5, 1959.	Multilateral Declaration Respecting the Baghdad Pact, July 28, 1958.	See Above, Eisenhower Doctrine and General Statements on the Middle East. Assurances to Pakistan Respecting the Extension of Military Assistance to India: Statement by the Department of State, November 17, 1962. Relevant Passages [Referring to an exchange of notes between the United States Government and the Government of India released the same day (November 17), which concerned the provision of military aid to India, and citing the assurances given to India in 1954 when similar aid was extended to Pakistan, the statement continued:] * * * * * The Government of the United States of America has similarly assured the Government of Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression. Needless to say, in giving these assurances the United States is confident that neither of the countries which it is aiding harbors aggressive designs.
Panama	General treaty between the United States and Panana, Mar. 2, 1936, Rio Pact.			See Tonkin Gulf Resolution Above. Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Paraguay	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Peru	do			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY—Continued

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49–71

Country	Treaties	Executive agreements	Joint declarations	U.S. statements of policy
Philippines	Mutual Defense Treaty Between the United States and the Republic of the Philippines, Aug. 30, 1951.	Memorandum of Agreement, Ambassador Bohlen and Foreign Secretary Serrano of the Philippines, Oct. 12, 1959.	Joint communique, President Johnson and President Macapagal, Oct. 6, 1964.	See Tonkin Gulf Resolution Above. Exchange of Notes Between Secretary Rusk and Foreign Secretary Ramos of the Philippines, September 16, 1966. Relevant Provision [Referring to the Memorandum of Agreement of Foreign Secretary Serrano and Ambassador Bohlen of October 12, 1959:] . . . I have the honor on behalf of my government to reaffirm the policy of the United States regarding mutual defense expressed in the 1959 Memorandum. * * *
	SEATO		Joint Communique, President Johnson and President Marcos of the Philippines, Sept. 15, 1966.	
Portugal	NATO		Communique, North Atlantic Council Ministerial Session, May 6, 1962.	
Qatar				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Saudi Arabia				Statement by Secretary of State Dean Rusk (on Jordan and Saudi Arabia)—March 8, 1963. See Above, Eisenhower Doctrine and General Statements on the Middle East.
South Yemen				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Spain		Joint Declaration concerning the Renewal of the Defense Agreement of Sept. 26, 1953, United States-Spain, Sept. 26, 1963.		
Sudan				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Syria				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Thailand	SEATO		Joint statement, Secretary of State Rusk and Foreign Minister Thanat Khoman of Thailand, Mar. 6, 1962. Relevant Passages * * * * * The Secretary of State reaffirmed that the United States regards the preservation of the independence and integrity of Thailand as vital to the national interest of the United States and to world peace. He expressed the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion. The Foreign Minister and the Secretary of State * * * agreed that the Treaty [Southeast Asia Collective Defense Treaty] provides the basis for the signatories collectively to assist Thailand in case of [direct] Communist armed attack against that country. The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective. In reviewing measures to meet indirect aggression, the Secretary of State stated that the United States regards its committments to Thailand under the Southeast Asia Collective Treaty and under its bilateral economic and military assistance agreements with Thailand as providing an important basis for U.S. actions to help Thailand meet indirect aggression. In this connection the Secretary reviewed with the Foreign Minister the actions being taken by the United States to assist the Republic of Vietnam to meet the threat of indirect aggression.	See Tonkin Gulf Resolution Above. Remarks of President Johnson in offering a toast To the King of Thailand, Bangkok, October 28, 1966. Relevant Passages * * * * * Tonight we stand as allies in a common cause. * * * We know the risks that we both run to meet the common dangers. But we know, also, that we act from a joint conviction of common interest. Let me assure you in this regard that Thailand can count on the United States to meet its obligations under the SEATO treaty. The commitment of the United States under the SEATO treaty is not of a particular political party or administration in my country is but a commitment of the American people. I repeat to you: America keeps its commitments.
Trinidad and Tobago	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State, July 14, 1960. Cuban Resolution, October 3, 1962.
Trucial States				See Above, Eisenhower Doctrine and General Statements on the Middle East.
Turkey	NATO	Agreement of cooperation between the Government of the United States and the Government of the Republic of Turkey, Mar. 5, 1959.	Multilateral declaration respecting the Baghdad Pact, July 28, 1958. Communique, North Atlantic Council ministerial session, May 6, 1962.	Truman Doctrine, March 12, 1947. See Above, Eisenhower Doctrine and General Statements on the Middle East.
United Arab Republic				See Above, Eisenhower Doctrine and General Statements on the Middle East.
United Kingdom	NATO		Communique, North Atlantic Council Ministerial Session—May 6, 1962.	Western European Union.
Uruguay	Rio Pact			Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.

U.S. DEFENSE COMMITMENTS AND ASSURANCES BY COUNTRY—Continued

This table has been derived from the compilation of U.S. Defense Commitments and Assurances, August 1967, prepared by the Department of State and inserted in the Senate Foreign Relations Committee Hearings on U.S. Commitments to Foreign Powers, Aug. 17, 1967, pp. 49–71

Country	Treaties	Executive agreements	Joint Declarations	U.S. statements of policy
Venezuela	Rio Pact		Joint Statement at Washington by President Kennedy and President Betancourt of Venezuela, February 20, 1963. Relevant Passage • • • • • • The President of the United States pledged the full support of his country to the Republic of Venezuela in resisting the all-out campaign of the international Communists, aided especially by their Cuban allies, to overthrow the constitutional government of President Betancourt. • • • • • • [When asked at a news conference on Mar. 6, 1963, about the nature of the "full support" in case of a serious or successful revolution against Betancourt, President Kennedy replied: "Well, it would depend a good deal on the conditions and what our obligations might be under the Rio treaty. We strongly support President Betancourt's efforts in Venezuela in a good number of ways. But if you are asking me, I would have to see what the conditions were, what the responsibilities were under the Rio treaty, the OAS, if we knew we were going into a more substantial situation. If you are talking about aggression from the outside, the answer is very clear. If you are talking about internal acts, we would have to judge those acts, and depend a good deal on what the Government of Venezuela decided as the appropriate resopnse."]	Monroe Doctrine. Monroe Doctrine Reaffirmed by Department of State—July 14, 1960. Cuban Resolution—October 3, 1962.
Vietnam, Republic of	SEATO		Declaration of Honolulu, President Johnson, Chairman Nguyen Van Thieu, and Prime Minister Nguyen Cao Ky, Feb. 8, 1966. Relevant Passage The President of the United States and the Chief of State and Prime Minister of the Republic of Vietnam are thus pledged again— To defense against aggression; To the goal of free self-government; To the attack on hunger, ignorance, and disease; To the unending quest for peace; To the work of social revolution; Manila Conference on Vietnam, Oct. 25, 1966.	See Tonkin Gulf Resolution Above. Statement of Congressional Policy, Mar. 16, 1967. The Congress hereby declares— (1) its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam; (2) its support of efforts being made by the President of the United States and other men of good will throughout the world to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement which will preserve the honor of the United States, protect the vital interests of this country, and allow the people of South Vietnam to determine the affairs of that nation in their own way; and (3) its support for the convening of the nations that participated in the Geneva Conferences or any other meeting of nations similarly involved and interested as soon as possible for the purpose of pursuing the general principles of the Geneva accords of 1954 and 1962 and for formulating plans for bringing the conflict to an honorable conclusion.
Yemen				See Above, Eisenhower Doctrine and General Statements on the Middle East.

Mr. HOLLAND. Mr. President, as I understand, the list shows, in the opinion of the distinguished Senator and his committee—and I assume that he speaks for the committee in this instance—that a substantial number of executive agreements should have been handled in the form of treaties or legislation.

Mr. CHURCH. The Senator is correct. In fact, this has been one of the very important areas of abuse by which the Executive has circumvented the treaty power of the Senate by making important arrangements with foreign nations by means of executive agreements. And they need not be brought to Congress at all, neither to the Senate nor to the House, for ratification.

Mr. HOLLAND. I think it is the opinion of the Senator that the substance of that particular group of executive agreements which he mentions now was such as to create national commitments on our part toward other nations.

Mr. CHURCH. Yes, indeed. I would also refer the Senator to an illustration in my earlier address of the executive agreement made by President Roosevelt in 1940 whereby he transferred 50 so-called obsolete destroyers to Great Britain in return for leasehold rights on British territory in the Western Hemisphere, on which we subsequently constructed military bases.

At the time of that agreement, Churchill himself said that it was of such importance that it could have legally justified a German declaration of war upon the United States. Yet, it was made by Presidential agreement and never submitted to the Senate in treaty form.

Mr. HOLLAND. The Senator from Florida has known of some matters which began as executive agreements under the War Powers Act during the World War II period that eventually came to the floor of the Senate as legislative matters, because it became his duty at one time to handle the Rama Road matter which had resulted from an agreement made by President Franklin Roosevelt under the War Powers Act which was in force at that time.

I remember that the Senate and the House as well were divided on the question as to whether legislation should be passed affirming the agreement made under the War Powers Act by President Franklin Roosevelt. I strongly felt that it should be affirmed.

I took that position in the debate, and that position finally, as the Senator knows, became law. The fact of the matter is that there was distinct consideration given by the Republic of Nicaragua to the United States for the assumption of the obligations toward Nicaragua which were assumed by President Franklin Roosevelt under that wartime agreement which was subsequently confirmed during the time of peace by legislation passed by Congress.

I realize that there are various types of executive agreements and that they have been made for different reasons. The thing that bothers me is the generality of the terminology of the pending resolution.

Mr. CHURCH. Mr. President, with the permission of the Senator from Florida,

the able Senator from Arkansas, the chairman of the Committee on Foreign Relations, has agreed to take the floor at this point so that I may leave and get some lunch. If that is acceptable to the Senator from Florida, I would ask the Senator from Arkansas to step in. He can handle the questions much more ably than I can.

Mr. HOLLAND. I regret the necessity of the Senator from Idaho leaving, but I respect his desire to leave. So we will gladly allow the Senator from Arkansas to take over.

May I say this one thing, though, before the Senator leaves: The very fact that he picks out of the huge array of executive agreements a certain number which he says he thinks—and his committee thinks—should have been submitted in treaty form indicates that there are a tremendous number of matters which can be handled by executive agreement.

Mr. CHURCH. Without any question. And for many, many years it was understood that the enlargement of American relationships abroad, the growing complexity of those relationships, made it necessary and proper for the President to act by way of executive agreement, with the understanding that any matter of grave importance to the country, of real consequence, should come to the Senate in treaty form; otherwise, the Constitution would be circumvented. That understanding was pretty well adhered to through the years; but I think, as the record will disclose, there has been less and less attention given in the State Department to this old rule. Now, from all appearances, it is the feeling in the State Department that the President is free to decide whether he will proceed by way of executive agreement or treaty, regardless of the importance of the subject matter.

I say to the Senator from Florida that such a position cannot be upheld without conceding that in doing so the President is enabled to circumvent the treaty power of the Senate whenever he so pleases.

Mr. HOLLAND. With that conclusion I certainly agree. One instance which I regard as a flagrant departure is the matter of the Spanish airbases and other United States rights created in Spain.

However, I still have the grave question about the adequacy of this resolution, and I regretfully excuse the Senator from Idaho and will turn to the distinguished chairman of the committee.

I realize from talking with the Senator yesterday or the day before that he thinks—I believe he used this word at that time—that "substantial" matters involving the United States should be committed to treaty and less substantial matters—perhaps I am not quoting him accurately—could properly be handled in executive agreements.

I realize that there is a very difficult question in drawing a line between the two, and I also realize that it is rather dangerous to leave the drawing of that line exclusively to the decision of one man, the President of the United States. But I still think that the wording of this resolution is so general as to perhaps make trouble for the Senate and for the Executive and for our friends in other nations. I have thought so even more strongly after listening to the distinguished Senator's speech yesterday and the various colloquies in connection with it. I did have the pleasure of listening to them, and I complimented the Senator in his absence a few minutes ago because I thought his speech was an exceedingly able one, and I think he has initiated a discussion in the Senate which is soul-searching and which is worthwhile.

But my own feeling is that this resolution, in the first place, does not go far in meeting the announced intention. The intention is in the preamble:

> Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it resolved,

After reading the resolution, I think that the definition of the term "national commitment" is still obscure and will still be obscured even if the resolution is adopted as written.

But, to proceed to the resolution itself: I noted that in spite of the fact that the resolution speaks of national commitments or a "national commitment," without confining that to the field of national security either of our Nation or of the nation with which we are dealing, without confining it to any stated field, the resolution goes so far that it seems to me to question the right of the Executive to enter into any executive agreement which might later be construed as constituting a national commitment, something to which we in honor are obligated.

I thought that point was well substantiated when I listened to the Senator's debate yesterday and to most of the debate today, because nothing has been mentioned except national security of either our Nation or the powers with which we are dealing; whereas, I think that the Senator means to affect many other fields or at least several other fields. For instance, a commitment that would bind us to pay money for something, to exchange territory with someone, and other objectives could easily be included. I wonder if it is possible to write much more specific language than to have this, which still leaves quite obscure in my opinion, the question of what is the real definition of the term "national commitment."

Mr. FULBRIGHT. First, as to executive agreements, most of these executive agreements have been made in pursuance either of a law or of a treaty, a pre-existing treaty. Very often there will be a treaty, and in subsequent years, in carrying it out, there will be a number of executive agreements that are within the purview of the treaty; or a law will be passed, and a law, of course, could be the basis of an executive agreement. Executive agreements often are made in pursuance of a law.

I once tried to state the difference between an executive agreement and a treaty, both of which would be submitted to Congress, the difference being, on one hand, that the executive agreement is endorsed by a joint resolution approved by a majority of both Houses, and the same material could have been put in a treaty and passed by two-thirds of the Senate.

When I was a Member of the House, I once tried to argue that the Senate arrogated to itself too much authority and that many of these agreements in the form of treaties should have been submitted to both Houses; because when I was a Member of the House, I was a little like the President as to his own powers—I thought the House was the better of the two bodies of the Legislature.

In any case, I did a great deal of research on what kind of agreement should be presented to Congress as an executive agreement and what kind as a treaty. I was not saying that any of these things should be done by the President on his own.

I want to make it clear. Many executive agreements completely comply with the intent of this resolution. They would not be outlawed nor would they be frowned upon in any respect.

All this resolution says is that these matters should be considered by Congress. What we are really considering, or what bothers us, are some of these so-called executive agreements. I do not admit that they are executive agreements which commit this country.

Mr. HOLLAND. Mr. President, will the Senator yield?

How does the Senator think they can commit this country if they are executive agreements and should not be such?

Mr. FULBRIGHT. I would like to complete my thought at this moment, and then answer the Senator.

Look at this hearing on Senate Resolution 151 in August 1967. Look how big it is. This contains a list submitted by the State Department of all these various agreements, some of which are treaties, some of which are executive agreements, and a great many are nothing more than a statement, made by some executive of this Government, which he may have regarded as an executive agreement binding this country. I say it is not an executive agreement binding this country. It was his idea as to what should be done. It was a statement of policy. This occurs in some of these instances. It is difficult to be too precise in the beginning until we gradually find out what we are talking about. I say there are many things mentioned in this list that I do not really agree are commitments of the United States. Perhaps they were statements made by the Secretary of State or the Vice President, and I do not think they had the authority to commit this country in such a fashion. That is what we are talking about.

I shall tell the Senator what I think this resolution means. We are not talking about agreements made in pursuance of law or treaties which were made in the past or which will be made in the future. We are raising a question as to the effects when an executive representative goes off and signs a joint communique in country X and ends up by saying, "We hereby pledge ourselves to support the redevelopment of this country, and so forth." Then we are eternally sworn that we are going to give them whatever they want by way of money, as in the

case of Spain. We say to them, "If you get in trouble, either foreign or domestic, we will come to your aid."

We are trying to say in this resolution, "We are giving you notice that no longer are we going to accept these agreements as binding commitments. You have said they are binding because Mr. X was there in 1949 and made this statement." We say that from here on we are going to look at these agreements carefully and not admit we are bound by them.

I am not trying to say that no executive agreements are binding. In many cases they are binding. The best way I might put it is that in the old days matters of really great importance that required the most serious thought, that really did involve perhaps sending troops and the transfer of territory should be in the form of a treaty. A vote of two-thirds is required in that instance and it is presumed that it is more difficult to get a two-thirds vote than a majority. I do not know if that is true. This is the distinction I found and I think it is still found in the books where they delineate the type of matter that should be submitted to the Congress in the form of an executive agreement or a treaty.

I do not think the Senator should be concerned about executive agreements because there are hundreds of executive agreements that are perfectly agreeable to me and to which I have no objection. This resolution is not trying to say that everything must be put into treaty form, not by any means. What we are trying to say is that we want anything that is a commitment to be in the form of either a treaty or an executive agreement, depending on the degree of solemnity.

The President may choose to take a matter and say, "I want this as an executive agreement." There is no reason why I or anybody else could challenge it. It might have great importance and is so important it should be a treaty, but I could not in any way challenge that. However, at least Congress should have a look at it.

I mention that process in contrast to a situation where he does it on his own authority and says that we are morally bound and that we have to appropriate the money, and we never had anything to do with it either as an executive agreement or as a treaty.

Mr. HOLLAND. I think the Senator is clear but his resolution is not clear. I discussed this matter with the Senator either yesterday or the day before. He then used the words "matters of substantial importance" should be in treaties, and other matters in executive agreements.

Now, I have heard two other words, one relating to "grave importance" and the other—what was the recent term the Senator used? Was it "great dignity"?

Mr. FULBRIGHT. Solemnity. Matters of great importance.

Mr. HOLLAND. Yet I do not find any of those words or anything indicative of those words and I do not find a real difference between those things that do require either a treaty or legislative action.

Mr. FULBRIGHT. That is because that is not the purpose of the resolution. It is not intended to make any such distinction. I am not trying to draw a distinction between an executive agreement and a treaty. I am trying to draw a distinction between those cases where executive agreements and treaties have been submitted to the Senate and where nothing has been submitted to either body. That is the distinction.

What we are saying is that, for any arrangement to be regarded as a significant commitment. Congress, in some form or another, should participate. That is the only distinction.

Mr. HOLLAND. Is the Senator trying to say in the resolution that there cannot be any national commitment except by joint action of the Executive and the Congress, either by ratification of a treaty by the Senate or by legislative action?

Mr. FULBRIGHT. Or by executive agreement.

Mr. HOLLAND. And the Senator feels that none of these executive agreements can create any national commitment upon the United States?

Mr. FULBRIGHT. Will the Senator repeat his question?

Mr. HOLLAND. Does the Senator feel no executive agreement can create a commitment upon the United States?

Mr. FULBRIGHT. Maybe I am clumsy in my semantics. I used the term "executive agreement" to mean agreements by the President, submitted to or authorized by Congress. What I am trying to say is that substantial matters—perhaps that is not the proper word—require congressional consent.

I would not mind the President's going down to greet the President of Mexico on the border and saying, "I am going to send you a flag on July 4." I would be perfectly willing to accept that as a formal agreement, if I may use that term. That is not a national commitment. I do not think that is of enough significance to be in this picture.

There was a time when executive agreements, or most of them, were submitted to, or authorized by, Congress. It is those which were not submitted to Congress that bother me.

Does the Senator understand what I am trying to get at?

Mr. HOLLAND. I am concerned about it. I find it difficult to understand why the matter of preserving wood ducks, which is an important matter to me as a conservationist, should be submitted in the form of a treaty between Canada and the United States and gravely considered, ratified on the floor of the Senate; and the whole matter concerning our relations with Spain and recent relations in connection with our airbases there and naval bases there and other activities there should be regarded as a proper subject for executive agreement.

I share the Senator's concern in such a division. I do not see any division. It seems to me the executive decision in that case is gravest and most substantial and by far the nearest national commitment, on grave grounds, or substantial grounds, whatever grounds the Senator wishes to use——

Mr. FULBRIGHT. I wish to say to the Senator that I am not concerned in this resolution with the distinction between the treaty and the executive agreement. That is submitted to Congress. I do not want to try to make that distinction. I would resist the Senator trying to use this vehicle to draw such a distinction. That is not my purpose. I have my view about whether it should be an executive agreement or treaty. That is a different subject and is not what I deal with here. I would object to trying to lay down in this resolution or any resolution such a distinction in connection with what I am trying to do. If, on another occasion we would develop and attempt to amend the Constitution in a proper way in order to make such a distinction, that is a different matter.

I am trying to say I hope the Senator will not inject in this resolution a distinction between an executive agreement and a treaty. That is not my purpose. I do want to draw the distinction, if I can, as best I can, between those two legitimate ways of making a national commitment and the way used in the Spanish case. It is a classic case. It is a recent case. There was no executive agreement approved or authorized by Congress. I have no objection, under most circumstances, to an executive agreement that is submitted to or authorized by Congress.

Mr. HOLLAND. Many executive agreements are not submitted to either House of Congress, as the Senator well knows.

Mr. FULBRIGHT. If they are of no consequence, I do not regard that as a constitutional matter.

Mr. HOLLAND. Let us have a clear statement on that. Is it the Senator's opinion in his statement, as one of the bedrocks of this debate, that no executive agreement not submitted to Congress can possibly constitute a national commitment?

Mr. FULBRIGHT. And not in pursuance of any existing law or treaty; yes. I want to make that clear, because there are executive agreements made in consequence of previous actions of Congress and which are perfectly legal. But as to one made without reference to existing law, or treaty, which deals with anything of a substantial nature, I do not think the President or his agent has proper authority to make it. That is the whole point.

Mr. HOLLAND. Who supplies the definition of what is substantial?

Mr. FULBRIGHT. I think that is difficult, as we run into them, in many cases. I gave an example of what I did not think was either a treaty or duly authorized executive agreement. I do not know how to define "subtantial" off the cuff. Something of consequence. I could try to enumerate those things which are of consequence, but I think we have to use the rule of reason in this matter in arriving at what is of any consequence. Certain things would clearly be involved, such as the use of troops. That is easy. The expenditure of funds in any large amount.

The former Senator from Illinois, Mr. Douglas, used to draw the line, the Sen-

ator will remember, at $2.50 as being something of consequence and all below it was of no consequence. All above it was. The Senator will remember that, I am sure. It depends in large part on the circumstances whether it is of consequence or not. I do not think the Senator should expect me to make that definition, off the cuff. I think we should use the rule of reason in a thing of this kind. If it involves U.S. troops, or any substantial amounts of money, or the transfer of territory, they are most clearly items of consequence.

Let me read one sentence here from the committee's report.

> The traditional distinction between the treaty as the appropriate means of making significant political commitment and the Executive Agreement as the appropriate instrument for routine, nonpolitical arrangements, has substantially broken down.

I have drawn this language from the best authorities; that is, writers, historians, constitutional lawyers; they use these words. They are, I suppose we could say, imprecise, but they are the best we can do. The reason I think the language of this resolution fixes the case very well is that I think it is impossible to draw a distinction that would be satisfactory between routine nonpolitical agreements and substantal or important commitments which would require either an executive agreement submitted to or authorized by the Congress or a treaty. But it is clear in those cases which I have in mind, and which are the reason for this resolution. There is no doubt, I think, that the Spanish bases are of such consequence, certainly, to warrant either an executive agreement approved by Congress or a treaty.

Personally, I think it is of such consequence that it warrants a treaty. However, if it is submitted in the form of an executive agreement for the approval of both Houses of Congress, I would not lose too much sleep about it. It is proper practice. It should be achieved.

Mr. HOLLAND. I think I understand what the distinguished Senator is trying to do. I am not out of sympathy with what he is trying to do. I think, however, instead of ending by making a definition of the term "national commitment" which is obscure, as he says it now is, he still leaves it obscure. What I am hoping is that there may be included some specific fields of coverage such as those pertaining to national security, the commitment of troops, and the exchange of territory and perhaps, I assume, others; and then with a general clause. So a general clause would still have to be subject to some of the obscurity. I want the Senator to remove, if possible, as much of the obscurity as he can because I think his resolution is well intended—and I have already commended him for bringing up this soul-searching matter to the people of the United States and particularly to the Senate—but I think he can make his resolution much clearer and much less objectionable to some of us, and much more in fulfillment of his announced intention to remove the obscurity which he says now exists in trying to define "national commitment" by such a course of action. I base that upon two or three things.

First, there have been only three or four fields mentioned here which everyone would clearly say should be within the field of treatymaking. Second, the Senator and the Senator from Idaho, and others, have confined themselves largely, as has my good friend from Wyoming (Mr. McGEE), to the discussion of matters which vitally affect the security of the Nation. Certainly, they should be spelled out as one of the things to be definitely covered. I realize that there are many developments in that field. Congress did not appropriate hundreds of millions of dollars to create a nuclear submarine fleet, to create the nuclear weapons with which they are fitted, and have them cruising around in close proximity to Western Europe on every hand, with any thought that in the event, let us say, of an invasion of Western Germany by our only potential enemy, with the same speed that they recently invaded Czechoslovakia, that we should have to be called back from the various corners of the earth to a special congressional session, 535 of us, to consider the submission of a request for a declaration of war, before any action could be taken.

We all know that no such thing is contemplated. We all know that under NATO, we have some commitments, and that we would be expected to fulfill those commitments. I cite that as only one example of many, many things that could be cited which are as new to the field of defense as are the new things in the field of Federal jurisdiction. We did not have Federal jurisdiction of the airwaves until aviation, radio, and television came into existence. We did not have Federal jurisdiction of the whole nuclear field until we learned how to develop nuclear power. We are going to have other developments which will create new fields of Federal jurisdiction. And we will have changes, I think, in this field, as to what the Executive in a modern world must be expected to do in the event of certain emergencies.

I think it could be easily held that, by implication, we have given him that authority.

Why mention the creation of the fleet of nuclear submarines? Why mention the creation of nuclear weapons with which they are armed and deploy them so as practically to surround as far as the oceans will permit, Western Europe, if we do not expect them to be used quickly in the event of an emergency?

So I am hoping the Senator from Arkansas will give thought to the one suggestion which I am making—and that is all—that thought be given to specifying, as nearly as possible—and I agree with the Senator I do not think it will be possible to specify completely—all the fields of coverage of his resolution. I think, as drawn here, the resolution, instead of making clear the subject matter which he wishes to make clear, leaves it in obscurity. I think it will give trouble to our neighbors and friends around the earth. I think it will give trouble to the Senate and to the Executive in the future. In short, I think it should be more specific.

The Senator realizes that I always listen to him carefully and cordially. I remember having some colloquies with him in connection with the Gulf of Tonkin resolution, and other matters he has handled. I rely greatly upon his much superior wisdom, as compared with mine, in the field of international relations and his scholarship in many fields. I think he can greatly improve his resolution and keep it from being misunderstood in the various quarters on the earth where we might want it understood, and keep us from having a difference with our Executive, by making it much more distinct.

Mr. FULBRIGHT. I agree with the Senator's remarks. Certainly among the senior Members of this body, I think he pays greater and closer attention to matters of this kind, and particularly to my speeches, than any other Member of this body. I am always complimented by that fact.

I know the Senator from Wyoming wants to proceed——

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. I note the inquiry made by the Senator from Arkansas and the Senator from Idaho with respect to executive agreements. The Senators said thousands have been made. I think it is well known, however, that most of those agreements are routine. Many deal with trade, economic and tariff matters.

Mr. FULBRIGHT. They are made in pursuance of law.

Mr. COOPER. Yes. But executive agreements have been made, notably with Pakistan, Iran, and Turkey, in which we do pledge, in case of aggression against these countries, to take appropriate action, including the use of our Armed Forces, in accordance with the Constitution of the United States.

Mr. FULBRIGHT. Thailand is also an example.

Mr. COOPER. I would consider that this resolution addresses itself to the use of any troops under those executive agreements. The President would have to come to Congress under those conditions. Is that correct?

Mr. FULBRIGHT. That is a clear case.

Mr. COOPER. One other point——

Mr. HOLLAND. Mr. President, if the Senator will allow me to interject, I have no difference with him on that. I think the matters he refers to should have been submitted as treaties. That still does not clarify this resolution.

Mr. COOPER. The Senator gave the example of NATO. In addition to the NATO treaty we have entered into a great number of treaties since World War II in which it is agreed that, upon the happening of certain events, the parties would act to meet the common danger in accordance with its constitutional processes. They do not specify the particular action to be taken, but those treaties do require some action. Every one of them, except one that I examined —the Treaty of Rio dealing with the Latin American States—requires action under constitutional processes. They do

not define "constitutional processes." A purpose of the resolution is to define the constitutional process which should be followed before our troops are committed to hostilities.

There might be some cases when there would not be enough time. That is a matter for the President to determine. But the force of the resolution, or any other resolution of this nature, is to bring the views of the Senate to the attention of the President, and that he use the constitutional process of coming to Congress before the sending of our forces into hostilities.

Does the Senator agree with that?

Mr. FULBRIGHT. I do agree with that.

Let me take just a moment to say this further to the Senator from Florida, because he has been, as I have said, very attentive, not only this time, but on other occasions. No man in this body has been more conscientious, in my opinion, in the discharge of his duty to the people of his State and to the Nation than the Senator from Florida.

I hope he will not take amiss what I say. I am only trying to be helpful. Sometimes I express myself too vehemently, but I am only trying to make a point.

Let me say first—and this is no final answer—that this resolution grew out of conversations with our mutual friend, the Senator from Georgia (Mr. RUSSELL). This version was the original version which was approved by the Senator from Georgia. A different version was attempted, primarily at the insistence of the Senator from Iowa at that time, Senator Hickenlooper, who was on the committee last year. He attempted to be more precise, I think at least to some extent, to meet some of the points the Senator from Florida has made.

In my capacity as chairman, trying to work out something that was agreeable and would attract the support of the then Senator from Iowa and other members of the committee, I went along with those changes—not because I felt they improved the resolution, but because the Senator from Iowa felt strongly about it. Since this is only a sense of the Senate resolution, it is intended to affect the attitude of the Senate in the future toward future agreements that may be made. I hesitate now to call them executive agreements. I am referring to the type of agreement that is not submitted to the Congress in any form. I went along with it.

This year I went back to the Senator from Georgia, he being the President pro tempore and chairman of the Appropriations Committee and a very respected Member of this body. I asked him, "Which do you prefer?" We had a little exchange about this. He said, in effect: "On reflection, I prefer the original version. It does not attempt to be restrictive. It does not attempt to draw lines. If you draw it precisely, there is an interpretation around here that everything not mentioned is excluded." He said, "This is a very simple statement of principle on national commitments." He said, "I realize it is difficult, if not impossible, to attempt a definition of 'national commitment' that would not be subject to all kinds of differences of view and cause confusion."

In any case, I relate that as a little background of why I, as chairman of the committee, reintroduced the original version. That is a simple explanation of why I did that. He is very important. He has always been interested in the Constitution. The Senator from North Carolina also had agreed last year to this version. I am not trying to place the responsibility for it. I am only explaining, as a historical matter, why I went back to the original version.

Coming to this resolution itself, the Senator has suggested one or two things that alarm me. I am not sure I understood him. He said we authorized the building of submarines, which may cruise around the world, the implication being that, having authorized them, we have conferred upon the President the right and the constitutional authority to use them whenever he thinks right and proper, to intervene with these submarines wherever he might wish to, because we have given him the power to do so.

I reject that wholeheartedly. I think it is a dangerous doctrine. I would not conclude from the fact that we have given him power in the way of new weapons that we have given him authority to use them under any circumstances other than the circumstances already included in the Constitution long before those weapons were ever heard of—in other words, the right to respond to an attack on this country, whether he would use bows and arrows or the Minuteman or any other missile. The fact that the President has additional instruments does not give him any additional legal power. I reject that doctrine.

Last year the Senator from Georgia (Mr. RUSSELL) objected to the fast logistics supply ships, as I think they are called. I remember one reason why he objected was that if we had them all over the world, with all kinds of modern equipment, there would be a temptation to use them whenever trouble broke out. He succeeded in deleting them from last year's appropriation.

In this case, or any case where a commitment to use those submarines or any other ships is going to be made, I say it should be submitted to Congress, in one form or another, either in the form of an executive agreement for both Houses to pass upon, or a treaty to by acted on by the Senate—one or the other. The President should not have the authority to use them unilaterally, I mean on his own authority, whenever he thinks he should intervene.

Mr. HOLLAND. Will the Senator permit me to intervene at that point?

Mr. FULBRIGHT. In a moment. I do not accept it. I am trying to prevent this President or any other President in the future from believing that he has the authority to intervene because we have provided some kind of instrumentality that will enable him to do so.

One last point, because I am afraid I will forget it. In one of the hearings last year or the year before, the then Secretary of State, Secretary Rusk, made the argument—and it was very offensive to me, not personally, but in a legal or political sense—that, having supported the foreign aid bill, and having given a great deal of aid to South Vietnam, we had created a kind of constitutional climate that gave authority to our Government to do what we were doing.

That really turned me on. If I had dreamed that, by supporting foreign aid, I was giving him or any other administration authority to intervene with 500,000 men, I would have cut my throat. I had no such idea, nor do I have in this case with regard to the submarines.

I wish to make one further distinction, and then I shall yield. The declaration of war is provided for in the Constitution. This resolution does not take away nor add to the requirements of the Constitution with regard to a declaration of war. I think that the President should abide by it.

I do think that this debate and this resolution, in a sort of indirect, oblique manner, should remind the President—any President, of course; this is not directed at the present President, specifically, at all—should remind all of them that we are expecting them to live up to the Constitution, and we hope they will not take us into a war in the future without asking for a declaration. But this particular resolution does not attempt to arrogate to itself or to Congress or to the Senate the powers under the Constitution. Those powers are existing. We say we would like to return to the Constitution.

I yield to the Senator from Florida.

Mr. HOLLAND. Of course, that is fundamental.

Mr. FULBRIGHT. Yes.

Mr. HOLLAND. First, I think the Senator overlooked the fact that my illustration of what might happen in the case of an attack by our only potential enemy involved only West Germany, and that we have some four divisions-plus of American troops there. I think if there were a swift attack made there, similar to the one recently made on Czechoslovakia, and it immediately endangered and destroyed the lives of some of our men there, there would not only be justification, but almost necessity for the President to call into play at once the use of the nuclear submarines.

Be that as it may, I simply wish to say that I have talked to some of the members and the former members of the distinguished Senator's committee. I talked last year to the then Senator from Iowa, Mr. Hickenlooper. I also talked last year to the then Senator from Ohio, Mr. Lausche. I might say that Senator Lausche, as I understand him, had even graver doubts about this resolution than did Senator Hickenlooper. The Senator from Arkansas will know better about that than I.

Mr. FULBRIGHT. As I recall, Senator Lausche objected to it, I think, in either form. I think Senator Hickenlooper approved of it in the form I mentioned a moment ago.

Mr. HOLLAND. With some specifics in it.

Mr. FULBRIGHT. Which he had put in it. It was the version that he had spent much time with.

I think the case the Senator has stated would not be affected in any respect whatever by this resolution. I think, in the example the Senator used, it is not only the President's right, it is his duty to respond. That is why those troops are there; they are certainly there in protection, I think, of our undertaking under the NATO treaty, which was a clear case of the result of a long debate by this body, in which all aspects were discussed and so forth, and it lived up to the Constitution. I do not see why that hypothetical case in any way disturbs them, I mean with regard to this resolution. The resolution certainly would not in any way apply to that situation.

Mr. HOLLAND. It does not disturb me. The point I am making is that I thought the Senator from Arkansas would agree with me that the illustration was a proper one, and a good one when made applicable only to West Germany.

Mr. FULBRIGHT. I do not want to go too far, because I do not quite accept the Senator's characterization of—I assume he meant—Russia as the only possible or potential enemy, whatever word he used. These relationships change quickly. It was not long ago that Germany was our enemy and Russia was our ally. So I do not like to use this language in such definitive, permanent fashion.

I would not say "only" or "only potential." I would say the current, or perhaps the most fashionable, one. I would prefer to limit myself to a little bit different language.

Mr. HOLLAND. The Senator is more expert in the field of semantics than I, but I think we understand each other completely, and there is no difference between us. If there were an attack from that possible enemy, if the Senator will permit me to use that word——

Mr. FULBRIGHT. Yes.

Mr. HOLLAND. With our four divisions of troops stationed in West Germany, under the obligations imposed by the NATO Treaty, I think it would not be regarded as an idle thing that those nuclear submarines were riding in the North Sea or off the North Gate, or wherever they might be.

Mr. FULBRIGHT. Oh, no.

Mr. HOLLAND. And that, without waiting on any declaration of war, the President would be under the duty of immediately using the weapons which they carry.

Mr. FULBRIGHT. I would think the Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. FULBRIGHT. I do not think this proposal in any way interferes with that. I thought the Senator said that in the words he used before he had given the hypothetical conditions under which they would be used. Suppose the submarines were lurking off the coast of Africa, and a civil war broke out in Rhodesia; does the Senator think it would be justified, because he thought we ought to intervene, for the President immediately to jump in there, where we have no business whatever in intervening?

Mr. HOLLAND. I certainly do not think that.

Mr. FULBRIGHT. I do not, either.

Mr. HOLLAND. What I said was they would be surrounding Western Europe, meaning they were in range of that only possible or potential enemy, or whatever words the Senator would like me to use relating to that terrible prospect.

Mr. President, I hope the Senator will consider using some words that are descriptive and specific, and I think he will strengthen his resolution if he does so. I think he will avoid misunderstanding by friendly nations all around the world if he does so. I would suggest also that he might consider making this resolution forward-looking only.

Mr. FULBRIGHT. It is forward looking only.

Mr. HOLLAND. Without relation to existing executive agreements.

Mr. FULBRIGHT. We tried to do that, in our report, and so on, and we did it. I have no objection whatever to any way we can make it forward looking. I mean it is not intended to undo any genuine obligations.

On the other hand, I do not wish this resolution to be interpreted as a confirmation of everything that currently may be called an executive agreement and a national commitment, which I do not accept as being such. I think there are a number of things that are called national commitments by persons other than the committee or myself, which I think need examination. There are a lot of them that are clear, either by treaty or otherwise, that are acceptable. There are a number of others that I question, and I question them very seriously. There are some which, if I have an opportunity—and I expect to have—to vote, for example, for funds to implement them, which I do not think are binding, I expect to vote against their implementation.

This is merely an expression of personal views, and making argument about it. But I certainly hope that the Senator will accept the language of the committee and my own assurance, because this was thought of last year.

It has no relation to the present President and contains no criticism of the present President. He has done nothing that I can think of, or that I know of, at least, that has violated the intent of the resolution.

He has initiated nothing. Even the Spanish Bases Agreement was initiated in the former administration. The recent change is of great importance. I still think it ought to be handled as a treaty because it is such an important matter.

Let me inject one thought here. It is a very difficult thing to try to deal with definitions in this area. And when we try to reach precise agreements or to vest grants of authority in the President, I think we fairly well understand the general area and the clear-cut areas and what ought to be executive agreements and what treaties.

Here is a thought that impressed me. It is in the report. I think it is good to read it in the RECORD.

It reads:

> Finally, should the President find himself confronted with a situation of such complexity and ambiguity as to leave him without guidelines for constitutional action, it would be far better for him to take the action he saw fit without attempting to justify it in advance and leave it to Congress or the courts to evaluate his action in retrospect. A single unconstitutional act, later explained or pronounced unconstitutional, is preferable to an act dressed up in some spurious, precedent-setting claim of legitimacy. As a member of the Nation's first Congress, Alexander White, of Virginia, said:
>
> "It would be better for the President to extend his powers on some extraordinary occasions, even where he is not strictly justified by the Constitution, than the legislature should grant an improper power to be exercised at all times * * *."

We have a very sound principle to be applied in the gray area cases that one could not easily define or explain. We can deal fairly well with the obvious cases in which action has been taken, but in the attempt to deal with the extraordinary cases of great complexity and ambiguity, it is better constitutional practice to let the President assume that responsibility and then explain it. In 99 times out of 100, or perhaps even more, the Congress and the courts and the people will understand it and abide by it.

I cannot give an example, because by definition this is an extraordinary case which does not occur very often. However, in general the cases we have in mind to be covered by this resolution, in my opinion, are pretty clear. They are not cases of great urgency. They are cases in which there is plenty of time to consult Congress.

The cases which have offended the committee and me that have given rise to this action certainly were cases in which there would have been time to consult Congress.

Mr. HOLLAND. Mr. President, I am sure I would have no disagreement with the Senator on the matters he has mentioned and perhaps on other cases which he has not mentioned.

I am sure it is made very clear by the report that he is not attacking the present President, because one of his leading paragraphs starts off by saying:

> The denigration of treaties goes back at least to President Franklin Roosevelt's destroyer deal of 1940, referred to in section 3 above.

Then there is another discussion of the same kind through various other administrations.

Mr. FULBRIGHT. It does not relate to this President at all.

Mr. HOLLAND. I find much in what the Senator has said with which I can completely agree. I am still of the opinion that the resolution itself ought to state that it is forward-looking only and not create doubts in the minds of Spain, Pakistan, India, or Iran, to mention just a few, as to what our attitude toward them is. I think from what I have heard and from what I have seen in the papers over the years, that there is general agreement that we have rather close arrangements with them which I would

not like to see questioned and which I do not think the Senator is trying to question, but which I think may be questioned as the result of leaving the resolution in its general wording.

There are two things that I hope may be done. One is to write some specifics into the resolution, and there may be a conditional general clause which would call for decision by the President as to what is grave and what is not, and it would be subject to later review by Congress.

My other suggestion is that it be made completely clear that the resolution looks ahead completely and not at the existing structure.

I thank the Senator for yielding.

Mr. FULBRIGHT. Mr. President, certainly looking forward is the main import. However, does the Senator wish to leave the impression that, if anything has been done up to now, we now approve it, and that we would be foreclosed from questioning any of the agreements that have been made in the past without any reference to Congress?

Mr. HOLLAND. I do not, at all. I think that the words making it clear that the pending resolution looks forward do not have to question anything now in existence, but would simply confine themselves to the future. In a very few words, that is it.

Mr. FULBRIGHT. The Senator knows this resolution does not intend and does not seek to have the force of law. It does not seek to nullify anything in a legal or constitutional sense.

What it seeks to do is to influence the attitude of Senators and executives and other people in the future as to the way they would approach this very difficult area of reconciliation or adjustment between the branches of the Government. It specifically does not intend or pretend to have the force of law.

In any respect, how could it affect any existing agreement if it is an agreement? However, suppose there is something that purports to be an agreement and calls itself an executive agreement which has never been submitted to anyone anywhere. The Senator would not want to make a pronouncement and say that we are foreclosed from even talking about it. That is all we could do about it.

I again emphasize that this is not a legal binding instrument. It is simply a statement of our intentions, of our sense of proper procedure under our constitutional system.

Mr. HOLLAND. Mr. President, the Senator has been extremely kind. I will not detain him further. Of course, I do not want to preclude the Senator or any other Senator from raising questions about anything now existing about which he does not approve.

I would expect him to do so. I would expect to do so. However, to put the other shoe on the other foot, I do not want to do anything here which seems to say in advance, with reference to executive agreements I have never heard of and have never seen, that unless they have been negotiated in the way stated by the resolution, I cannot regard them as national commitments. I would much prefer to look at them in the light of what happened, in the light of what the conditions were at that time, in the light of what has been done since that time and decide for myself. Just as the Senator prefers to decide for himself when such agreements are not national commitments, I prefer to be able to decide that they are or may be national commitments.

So, it would be my feeling that the Senator would make his resolution much more appetizing to some of us if he made it very clear in the terms of the resolution by the use of the words, "in the future," or, "from the date of the passage of this resolution," that this is a principle which is now announced.

Mr. FULBRIGHT. I could pursue the matter further, but I hesitate to impose upon the Senator from Wyoming.

I should like to ask one last question. It is a hypothetical question to the Senator from Florida. I will not pursue it any further.

Can the Senator really imagine an agreement that has already been made that would involve what I would call a national commitment of this country to use our Armed Forces, not in the defense of the country, but abroad in defense of some other country, that he knows nothing about and that I know nothing about, that takes effect in the future and has never been submitted to Congress, that he would be inclined to agree to. Does he believe that a reasonable possibility?

Mr. HOLLAND. My reply to the Senator would be this. I prefer to look at the situation and what has been done. I know that both he and I—at least I—have voted money for the support of our troops in Spain. I know that I have voted money, and I believe the Senator has, for the creation of our airports in Spain and the furnishing of our naval bases in Spain. Those things have doubtless been done since whatever was done in the original instance between the Executive and the Spanish Government. I want to have the chance to look at the whole situation before I decide what the situation is.

Therefore, I think that this resolution becomes much stronger, certainly much less objectionable to anyone, if words are placed in it that show that we are going to follow this policy in the future and that confine it to the future operations of the Senate; because we do have responsibilities under the Constitution both to advise and consent, and responsibilities as part of Congress generally to appropriate and to do other things in that field of legislation. I want to be completely free from any hangover that might result from this resolution as it is now worded, as it may apply to situations now existing.

I thank the Senator. He has been most gracious and most helpful in putting in the RECORD information that is helpful to me. He has not satisfied me entirely. I believe my comments have shown that.

I do ask that the list of executive agreements and a classification of them, if possible, be placed in the RECORD.

I ask that the Senator consider two clarifying statements in the resolution: first, specifically covering certain fields with general words, leaving a practice to develop what they may mean with reference to particular situations; and, second, the inclusion of words making it clear that we are talking about our future actions in the Senate. He is asking Members of the Senate to vote for a resolution. Personally, I think that it applies to our future consideration of national affairs.

I would like to see such words included, so as to make it inescapably clear that that is what we are talking about.

Mr. FULBRIGHT. I may say that a list of commitments has been put into the RECORD by Senator CHURCH.

Mr. HOLLAND. May I ask if that pronouncement in the RECORD by Senator CHURCH, which I did not have the pleasure of hearing, is to be regarded as an official statement from the committee.

Mr. FULBRIGHT. The list of the treaties, executive agreements and declarations was provided by the Department of State.

Mr. HOLLAND. I understand; but not the classification.

Mr. FULBRIGHT. The document I hold in my hand is a report of the hearings of the committee in which the list that we received is printed. We requested the Department to supply us with everything they had in the categories about which we are talking.

Mr. HOLLAND. Mr. President, the fact that I have not been satisfied with that list, flows from the fact that the Senator from Idaho stated that there had been something like 5,000 plus such agreements, and the list copied in the hearing record is by no means of that length.

Mr. FULBRIGHT. We will try to clarify that. I do not know what the discrepancy is. This is supposed to be a complete list. It is what the State Department offered to us as a complete list.

Mr. President, I yield the floor.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, in the past 20 years, there has been a tremendous extension of Executive authority in foreign affairs. The scope of the President's power in this field has been broadened to such an extent that the Congress has virtually been relegated to the background.

In short, such has been the exercise of Presidential authority in foreign affairs in recent years that the Congress has been put in the position of simply reacting after the fact, rather than being given its constitutional role in helping to make foreign policy decisions that greatly affect the lives of Americans and the security of our Nation.

We have seen the United States become greatly overextended throughout the world, both militarily and economically. Most of our commitments are based on

little more than vague promises. The United States Armed Forces, our national honor, and the American flag have been committed to full-scale shooting wars in two instances—in Korea and Vietnam—which have been fought and paid for with American lives and American tax money, but without any expressed congressional mandate. We have also seen the U.S. Government pursue a policy of armed intervention, such as in the Dominican Republic, again solely at the direction of the Executive.

I have become increasingly concerned like many other Members of Congress over this usurpation of congressional authority. The U.S. Constitution grants Congress the exclusive power to wage war, with only one exception. That exception is to enable the President, acting in his capacity as Commander in Chief of the Armed Forces, to employ them as he sees fit in the event of a sudden and unexpected attack against our country.

Serious questions have been raised about the President's authority to deploy American troops in large numbers as they are now being deployed in Vietnam, as they were utilized a few years ago in the Dominican Republic, and 18 years ago in Korea—in the absence of positive congressional determination. There is in fact no expressed constitutional authority that gives the President such a free hand with U.S. Armed Forces.

I support Senate Resolution 85 in the hope that it will restore the proper constitutional balance between the Executive and the legislative branches in the field of foreign relations.

Neither this resolution nor any of my comments are intended as criticism of the present administration or any previous President in the conduct of U.S. foreign affairs. The past two decades have been troublesome and perilous indeed. I feel that our Government has endeavored to act in the best interests of the United States and the free world in containing the spread of communism and in turning back aggression that threatens our security.

This resolution is an expression of our desire, which I believe reflects the thinking of the American people, that any future involvement of U.S. forces, where they are committed to any battlefield, will directly involve congressional decision and action.

Based on past performances, the President virtually has the power to determine whether we follow a course of war or peace. But it is the people who should decide this course, through their elected representatives. Senate Resolution 85 will be a step in the right direction toward restoring this authority to the people, and it will at the same time create a better and more effective partnership between the Congress and the executive branch in foreign affairs.

ORDER FOR ADJOURNMENT TO MONDAY, JUNE 23, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

Mr. McGEE. Mr. President, I rise to express the reasons why I have serious doubts about the need for the implications of Senate Resolution 85.

The question that I think surfaces, which leaves me apprehensive in some way, is that the executive and the legislative branches often have found it difficult to agree upon the measures of responsibilities that at best are ill-defined and sometimes not defined at all in the Constitution. The issue that we experience here, which does legitimately concern all sides in this question, is in some of its manifestations as old as the history of our Republic. But its currency, at the moment at least, derives from the war in Southeast Asia. Its roots go back very far in the story of our country.

I think it is not without point to remind ourselves that our land began with a basic, ingrained sense of distrust and suspicion of executive authority. When the 13 Colonies broke their connections with the mother country, they did so with a new structure under the confederacy that had no Executive at all. But they learned the hard way, and almost entirely in the realm of foreign relations, that a Chief Executive was very important. It was only after their near debacle as 13 Colonies that they sought to restructure the new Government in ways that would provide for executive leadership.

In that process; namely, in the Constitutional Convention of 1787, they sought, with what wisdom could be commanded by mortals, to separate, divide, and hopefully, in some areas, to balance those responsibilities.

John Marshall probably remains as the most distinguished Chief Justice of the United States in our history. But, as a Member of Congress at the end of the 18th century, he noted that "the President," under our new system, "is the sole organ of the Nation in its external relations and its sole representative with foreign nations."

During his term of office the Nation's first President experienced a run-in with this body—the Senate—in the very first test of what the Constitution may or may not have meant in regard to the separation of powers. When George Washington went in person to submit a treaty for the Senate's advice and consent, he felt that he had been so badly treated at that particular confrontation that he said he would "be damned" if he would ever go back.

The hearts and the spirits of many distinguished leaders in succeeding administrations continued to reflect distrust, suspicion, and jealousy. I underscore jealousy, because it has constantly been present, clear down to the present day.

The issue of executive power in foreign policy has always been present, but it has been present in more intense ways in an uneven pattern throughout the country's history. At times of great national crisis, it would rear its head. In times of strong Presidents and weak legislatures, it would rear its head. I mention this very quickly merely to remind us that it is not something that is a freakish development of current times, but has been constantly present throughout the history of the Republic.

If there be those who support Senate Resolution 85 and believe that the increasing presidential power in foreign relations is a modern phenomenon, I think the record of our history would not support that conclusion. An ascendency of the President over Congress has occurred repeatedly in the realm of foreign relations, even from the first days of the first President and his new Congress. A part of it stems from the conflicts built into the constitutional fabric itself, from ambiguities, from omissions, and from interpretations.

The constitutional powers of the Senate affecting foreign policy, in part, derive from the treaty-making process. But beginning again with the first President's aggravation in 1796, many Chief Executives have developed a counter-disrespect for senatorial activities involving even the treaty process.

Secretary of State John Hay at the turn of the century once noted:

> A treaty entering the Senate is like a bull going into the arena. No one can say just how and when the final blow will fall. But one thing is certain—it will never leave the arena alive.

There is, again, another personal, warm, but overreactive attitude from the executive level toward the senatorial presence. The real point of it all is that it fosters this attitude of hostility between the branches and of suspicion, distrust, and jealousy. In fact, it probably, as much as anything, prompted a whole succession of Presidents to find ways of conducting the responsibilities of the Presidency in foreign relations that did not include advising the Senate.

The most significant changes between the executive and legislative roles have occurred since the beginning of World War II. Under President Franklin Roosevelt the use of executive agreements experienced a sharp increase. In particular his commitments to the transfer of destroyers for bases, the extension of the Monroe Doctrine principle to Iceland and Greenland, and the "shoot on sight" edict to American naval forces in the Atlantic are often cited as serious encroachments by the Executive office on the assumed foreign policy "partnership" between the President and the Congress.

Concomitant with the incidents preceding American involvement in World War II was a second characteristic that had something to do with the increasing frequency of the use of the executive agreement, and that was the emergence of the United States as the most powerful nation in the world—some say the most powerful nation, but certainly a great power—largely as a result of that

conflict. As a great power, American actions cause reverberations all around the globe and must therefore, be carefully weighed and delicately executed. Not infrequently they must be carried out swiftly.

Therefore, we come to the decisionmaking process. Under tradition within the Constitution, and in practice, in the last two or three decades, on more than one occasion the time allotted by a crisis incident to those who had to make the decisions have been less than the time it would take to assemble a quorum of Congress.

At other times the time has been so limited as to render impossible protracted discussion else the crisis that provoked it would long since have produced the debacle that was feared.

This brings me, then, to the developments that conditioned or provided the substance or atmosphere of the setting for these debates, and that is the responsibility of power in a nuclear age. We live in a time when in some instances 15 minutes could spell the difference between life and death for millions of people. The past 25 years have been times when the only thing that could be said with certainty was that no one really knew whether the world would be plunged into the great war, the big war—whatever the phrases are necessary to describe it—within the next 24 hours. So complicated is the nuclear age that large wars in most instances have virtually been eliminated as instruments of national policy. That simply means there was presumably a time in the good old days when a nation could deliberately declare war as a matter of policy in order to achieve its objectives; but with the capabilities that mankind has acquired, that option has been rendered unrealistic.

The place of the old-fashioned war, the big war, has been partially taken at least by the only kinds of conflicts that a nuclear age dare afford—if the word "afford" does not beg the question too severely—and that is the limited or isolated conflict, the police action, whatever one wishes to call it. It can still mean bitterness and war in the old-fashioned sense.

We have learned that allowance can be made for wars that are fought but never declared, and that stems from the conviction that a war, once declared, becomes so rigid and fixed in many of its dimensions that it hampers the possibilities for dampening it down or for discovering options to terminate it readily. This is a complicated and an almost 50–50 kind of question where one cannot be sure, in Southeast Asia or in other crises where there has been an actual loss of life, what the effect of an open declared war would have meant. But, in general, a succession of Executives and many scholars in the field have reasoned that the odds are better for containing an action or quarantining it without a formal declaration rather than with it. But this, too, approaches the heart of the problem in a resolution like Senate Resolution 85. This has been the question in much of the dialog we have had on the floor in the past 2 days. There has been expressed the deepest kind of concern about the warmaking powers of Congress, mainly that clause in the Constitution which reserves specifically to Congress the right to declare war.

What the nuclear age may have thrust at us is the necessity to examine what we have available to us in our constitutional system. First of all we must find out if there is some way under that structure by which we can come to grips with this modern phenomenon, a phenomenon that may have much to recommend resorting to it, and that is the necessity for fighting a warlike engagement without formally declaring it, and thus throwing it into the realm of our traditions, our laws, and all the other things that enter the debate. I think we should be exploring that very carefully, as we see the implications of Senate Resolution 85, because our problem then becomes one of where, under our system, could we best, or with the least disastrous consequences, lodge the responsibilities for making the decisions that might ultimately lead along that path.

I am compelled to interject at that point that no President I know of, with the best of intentions, could know with certainty what may lie along that path, that ever so many times a President with the best of intentions, by his own decision, would have entered into the kind of commitment that would have been salutary, that could have headed off something much worse. If it succeeds, this body is delighted that he did so. No one, to my knowledge, has raised the question of his taking powers away from the Senate whenever those instances may have happened. It is only when something finally goes wrong and the cost goes up that we are, in most instances, determined by a force beyond the control of Democrats, Republicans, and other Americans, or even the Western world, if you will, and that therefore we have that never-never-land in there, that gray area, in which we need to determine, or someone needs to determine, when does a foreign policy become a commitment? What dimensions are envisaged by those supporting this resolution, and at what point has it crossed the line toward an open conflict meeting the criteria for defining war?

To explain or to illustrate the difficulty of that sort of thing, I have alluded to the events that preceded Pearl Harbor. Pearl Harbor was an act of war. It was more than that. Some act might have preceded Pearl Harbor which brought it on or that might have averted it. We cannot know with certainty. History is not kind enough to let us run a replay to see how to do it better the next time around. But we do think that we are entitled to our experiences from the last time, and at least we should learn how not to do it. From the rhetoric we have had on the floor in the past 2 days, I gather the impression that the only thing we really have reached clear agreement upon is that the President can act instantaneously if we are attacked directly on our shores, or in our establishment. But I think from history we are entitled to ask: Is that enough?

Is there not something to be said for trying to head off the tragic sequence of aggressions, for example, in Western Europe that began with Hitler's occupation of the Rhineland in 1936, which led to Austria, which led to Czechoslovakia, which led to Poland, and which finally led to World War II in the West.

What does it mean in the replay of history if we were to experience that luxury? What would it have meant if the Japanese warlords had been stopped in Manchuria in 1931, 10 years in advance of Pearl Harbor? We cannot know.

What we do know is that by not stopping them, it led to a direct attack that united this country. If that is the best we can offer in these times, where the world has been shrunken literally to the size of an apple or an orange by the scientific genius of man, where his destructive capability has acquired the dimensions of a god, are we not entitled to ask if there are not wiser places to stand sooner, even in the remote areas which have been alluded to here, even in faraway places? For, I submit, the proximity of Pearl Harbor requires the presence of ever so many tens of thousands of Americans along the Burma Road, which is about as far away from anything as we can get. The world has not changed. We have not seized control of the world. We have not ordered the relations of nations in a way in which they resort only to peaceful change. So I think what we are calling into questions with this resolution is the heart of our decisionmaking process in the national interest and who should bear that responsibility.

Now, in determining the judgment of this body, I think it is important that we not cling to what I regard as generalities expressed here in this debate which are not borne out historically.

I think one of those generalities is that the Constitution ever intended a 50–50 role for the President and the Congress in foreign policy, that the Constitution ever intended a balance of powers between the executive and the legislative in foreign affairs, that the Constitution ever intended clearly to define the separation of powers that could be added up and sketched. In fact, I think the failure of the Constitution to do precisely that is one of its attributes which has permitted its survival over many generations of men and problems that have continued to change.

I think, likewise, if the assumption continues to prevail, as has been intimated here in this dialog, that Presidents today have invented this complication, that one reaches that conclusion only by blotting out the history that has preceded us to the Senate floor at this time.

I had occasion yesterday to cite a judgment by Prof. Hans Morgenthau. I cited him not because he and I are in agreement on this question—we have real differences on it—or because of the difference which provoked a good deal of our conversation; namely, the fighting in Southeast Asia, but because he is a respected political scientist in the field of political structures, in the implication of those structures in the constitutional procedures.

Hans Morgenthau articulated very

well, in a recent article of his, that in the realm of foreign relations the President of the United States can do almost anything—almost. He is circumscribed by three clauses of the Constitution. One of them requires the Congress to appropriate the moneys for whatever reasons he seeks to do. He is circumscribed by a second proviso that the Senate must approve all of the treaties into which the executive wishes to enter. He is circumscribed in the third instance by being limited in a formal declaration of war. The Congress was assigned that responsibility.

But in the practicalities of trying to live in a world without law, over a period of 180 years now, precedent, practice, and court decisions have sustained the actions of Presidents who have laid out foreign policy positions, set out foreign policy directions, without the advice and consent of the Congress.

The Monroe Doctrine is a case in point of the policy. The Truman doctrine is a case in point of the policy. That is why it behooves the Members of this body to examine how we best must proceed in days when it is imperative that we move quickly sometimes or that we commit ourselves quietly without a show, on some occasions in the interest of heading off a war, or how best we assign responsibilities and perfect the mechanism that will make that possible. In my judgment, Senate Resolution 85 contributes no element to the resolution of that problem. It can even, as I shall suggest in a moment, introduce some complications in regard to it.

The scope of the resolution itself remains, to me at least—and I followed with interest the colloquy of the Senator from Florida—rather substantially ambiguous, and at least lends itself to misunderstanding and misinterpretation.

We are told on the one hand, for example, that the resolution is simply designed to wag a finger of warning at the Chief Executive to be sure to remember Congress in whatever he does. In almost the next breath, we are told that the President has usurped the constitutional processes of the Senate and that this is the first step in restoring the balance under the Constitution—which, in my judgment, begs many questions in history.

I am afraid that, in laboring the cause of the resolution, we are trying to strain all we can out of the many sides of the same question. I do not think we can play it both ways.

According to this national commitments resolution, it is specified that the President can make no move that would involve in any way a commitment without an affirmative action by the Congress—an affirmative action. That does not mean that we have a closed session and we take confidential information and be thus advised. It requires public, almost promiscuous, action on the part of this body itself.

Again, I hark back to this day and age where the chances of avoiding a major blowup are often greater behind the scenes and off the front page and off the floor of the Senate than they are if undertaken in the goldfish bowl of TV cameras and black headlines and senatorial speeches.

The proposal that is pending at least raises some serious questions about the constitutional powers of the President, and because, by its vagaries, it leaves unanswered not only the questions of the Senator from Florida, but leaves unanswered how far the President himself can go under a treaty or under an executive argeement. I think my colleague from Arkansas, the chairman of the committee, suggested to us a while ago, very properly, that he was not proposing to change the procedures under treaties or even under executive agreements. He simply did not want a commitment to be made under either device or agency without an affirmative vote by the Congress.

Mr. President, it seems to me that would place a considerable strain on the realities of trying to avoid explosions in this day and age. At what point, I think we need to ask, does a President, in carrying out his responsibilities, finally arrive at a place where the danger of a war will have been arrived at? Is it at that point that the new resolution comes into play, or does it come into play only when somebody on some other side seeks to strike at an American presence in an area that was not under violence, and even at the request of another country?

There are the fuzzy areas that are present in the pending resolution that do call into question the prerogatives of the President in the projection of foreign policy itself.

The Constitution says the President is the Commander in Chief of the Armed Forces of the United States. Reasonable men may well disagree as to the conditions under which he is the Commander in Chief either inside the country or outside it. The President has the power under the Constitution, however, to send U.S. military forces, when he deems it to be in the national interest, to any part of the world.

Of singular significance, I think, in the dialog that has taken place here in the last 2 days is the recurring suggestion that there has been no real violation of the Constitution until now; but those who are supporting the resolution have left the strong implication that Presidents have stolen the ball away from the Senate. And yet we are agreed, I think, that in the case of the war in Vietnam, as the Senator from Idaho agreed, there may be a case for not declaring war, but there could be a case for an undeclared conflict, and that all was done that was required to be done through the Tonkin Gulf resolution.

In the case of the Korean war, with Mr. Truman, a resolution through the Security Council, endorsed and ratified by the United States as a United Nations action, became the instrumentality, a matter to which we were committed as a member of that body.

In earlier crises in what we have chosen to call the cold war, the President in almost every instance consulted this body and sought to arrive at some kind of consensus in regard to it.

So I think we need to modify or temper our judgment in regard to the executive role in what has transpired up to this point. I seriously question whether the President and Congress can effectively share that responsibility on an equal, 50–50 basis. They have not been able to until now in our history, and I think that the "now" of this moment makes it even less likely that they can work it out.

Senate Resolution 85 would fail, it seems to me, to address itself, then, to the importance of pinning responsibility for fateful decisionmaking in a nuclear age. I suggested yesterday, by citing an article of a few years back, that the problem of producing expeditious action in pinning responsibility in the Senate is one which raises many questions; and by agreement, until now, we have found that when the Senate has been consulted and has voted, as in Tonkin Gulf, it did ratify a Presidential request.

So it leaves one, then, wading through a limbo of confused intentions among those who are sponsoring Senate Resolution 85. That resolution, if this body were to adopt it, is loaded with mischiefmaking as well; for whatever the avowed limitations that some of the sponsors of the resolution ascribe to it, there should be no doubt in our minds as to its impact around the world—that if it is taken seriously here at home, under no circumstances thereafter would any other nation, impelled to move quickly with great force in a specific area, have to fear or contend with a quick response, let us say, from the United States, if that were a relevant area.

Likewise, it could appear to afford the opposite; namely, that at the risk of a quick move, as by the Soviets in Cuba, or as by the Soviets in Berlin, or as by the North Koreans along the 38th parallel, it would seem to suggest that at least if a quick strike could be effected, they might get by with it, and the consequences, at the very most, would be a delay that would allow the consummation of their immediate objective; and only after this body had chosen to debate the matter at whatever length it saw fit would they then have to face the prospect of an open, violent confrontation.

I think, in other words, that through this resolution we would be impinging upon the kind of forthrightness of action, of quickness of action, for which we alone would have to pay a price, rather than someone else. I think this, too, calls the wisdom of the resolution into question. The resolution, as I see it, could hobble the President in the execution of his legitimate duties.

It is conceivable, and has occurred in instances, that, in times of crisis in the last few years, a quiet word from the President of the United States became a deterring voice in a crisis that was, at that particular moment, looming, which might well have acquired more serious proportions. There is no question that President Kennedy's tough speech at the outset of the 1962 Cuban missile crisis served one of those purposes. We were told yesterday that this resolution would not apply to another Cuban crisis, because that would be regarded as an at-

tack on the United States, that it is an obvious case of proximity to our shores.

Does that not suggest, then, Mr. President, that we ought to begin to define where we think our interests are, where they best ought to be lodged, in anticipating the kinds of applications that have a way, historically, of engulfing us in the major conflicts of the world?

At present, the President has a full range of options in the peace-keeping field. But through the process invested in Senate Resolution 85, he could be hobbled, hampered, and slowed down to the point of considerable detriment. In a world in which many of the governments that concern us most are monolithic in structure, a world in which decisions often can be made elsewhere without legislative consultation, I think it is important that we retain for ourselves this optional repository of decisionmaking in that kind of a time of crisis.

It is not fair, in my judgment, to suggest that we have thus created out of this a form of dictatorial monstrosity in the form of a new President. This suggests that he is without power. This suggests that he could become a tyrant, as in the days of old, and acquire the prerogatives of kings. I think that is not realistic, Mr. President. Our President is elected. He is checked in many ways by Congress—in ways specifically alluded to in these remarks—in the Constitution, in the general policy field. He is subject to impeachment. He is subject to being denied funds. But most of all, he is visible, he is judgeable, and there is no evading the responsibility for what he does.

I think perhaps this may have to exercise a major place in our ultimate judgment of the system under which we can best survive and preserve the constitutional principles that we believe in very strongly. In short, what I am trying to say is that I believe we can exercise our responsibilities, we can preserve our national interests under this Constitution, with the existing instrumentalities, provided we do not hamper it, or try to roll back the clock, as it were.

The point that is makes is that the President's executive responsibilities pin that responsibility, and Congress itself then should address its concern to how we can wisely and best retain and develop a role for this body in our policy processes.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CHURCH. What is the role that the Senator envisions for the Senate in foreign policy?

Mr. McGEE. The role of the Senate, in my opinion, would well be in readdressing itself now in advance to the big question. We are trying to leave the past behind us, as I understand from the chairman today, and not fight those battles over again if we can avoid it and not try to redo what has already been done in the past, but conduct ourselves more wisely in the future.

In my opinion, the Senate Foreign Relations Committee has illustrated specific ways in the last few weeks how to go about this.

The Symington committee that is taking a broad and sweeping look at the commitments of this country around the world, I think, is making a constructive contribution in the role of the Senate.

I hasten to add in regard to that committee that if it is genuinely looking at our commitments around the world and what our commitments ought or ought not to be, we might well be better placed in our posture and prestige in this august body by suspending our action on the commitments resolution until we see what we find out. That is why we are studying it. We have laid out a 2-year spectrum for that study.

I think the Gore committee, as an illustration, is making a very constructive contribution to a problem area in advance.

I think we ought to be developing completely in every way we can here, publicly in this body, our collective thoughts on what our policy ought to be vis-a-vis China, or what our posture ought to be in the Far East.

These are things we have often failed to do until after we have had a blowup. Therefore, we find ourselves making do as best we can.

We have a Tonkin Gulf joint resolution that we ratified, and then we all get mad at it after the fact.

We have requests that we all approve and then denounce when they do not work well.

I think this is what has contributed in part to a forfeiting of what I would regard as the responsible rule of the Senate in foreign policy.

Mr. CHURCH. Mr. President, the Senator is a good historian and a very able political scientist.

I am sure that senatorial studies, either by the Foreign Relations Committee itself, or by subcommittees thereof, or indeed senatorial debate on policy matters, would be rendered relatively meaningless if the debate is not coupled with the power to decide.

If all of the decisionmaking power resides with the President—and that is how I must interpret the thrust of the Senator's remarks—it really does not matter much what we debate here.

The Senator is recasting the Senate in the role of a kind of debating society. We could discuss indefinitely the grand design of American policy here, there, and elsewhere. But once we lose our power of decision, the debate becomes largely meaningless.

This is the reduced role of the House of Lords in England. Once the power of decision is divorced from inquiry and debate, then the importance attached to whatever inquiry the Senate may make depends entirely upon such notice as the President may deign to give it.

I think the Senator's concept of the senatorial role is one in which he divides the forensics of this country into three categories, high school debate, college debate, and Senate debate. However, that was not the role envisioned by the Constitution for the Senate of the United States.

I am surprised that a Member of the Senate would make an argument which could only reduce the Senate to the level of comparative irrelevance.

I know from our recent experience how reluctant the Executive is to take the advice of the Senate, in cases where the President or the Secretary of State or other agents of the State Department disagree. Once we concede away our power, the Senate is reduced to a level of little consequence.

Mr. McGEE. My response to the Senator is that I do not think he gives the Senate its due in its record, even until now.

I suppose that the vague level at which we find American policy right now in respect of China, as a case at point, both in its implication on Taiwan and the mainland, more than anything else reflects the attitude and the debates in the Senate on another day and that we may still be imprisoned by the debates of the late forties as a consequence. Let us not sell out the importance of the Senate in its impact on the Executive downtown.

Mr. CHURCH. I am not the one, I suggest, who is selling it out. I am not the one who suggests in this debate that we have no power under the Constitution, that we lack the right to place our imprimature on the foreign policy of the country.

The Senator from Wyoming has suggested that. It is he who argues that all the power resides in the Presidency.

I cannot read the Constitution or the history of the country in that way. However, if the Senator is correct, then it follows that the debating role he leaves to the Senate can only have less and less consequence in the future.

Abdicate away the power of decision and the power of policymaking, and the Senate's future role in debate will amount to little more than debate amounts to in the House of Lords in England, where the discussions are extremely erudite. Anyone who takes the trouble to go through the dusty records will find that the Lords are really in there talking. However, no one cares to do so. The reason that no one cares to do so is because it really does not matter. It does not matter because the Lords have no power.

I suggest that this is really the role envisioned for the Senate of the United States by the argument presented here by the Senator from Wyoming.

Mr. McGEE. The position of the Senator from Wyoming is that the Constitution in spelling out its portion of responsibilities among the branches of the Government did not go as far as the Senator from Idaho has spelled out in his very able speech and in his colloquies that followed, that the President—in his powers in making foreign policy, not in declaring war—was placed under the limitations of the Constitution only in the three categories singled out by the Constitution itself, that it left him rather free by court interpretations since, by the experience in the practical art of foreign policy over the generation since, and by the interpretation of many students of constitutional intent even at the time.

I think we make a very serious mistake—this is where I disagree basically with the Senator—in assuming that under the Constitution there was ever a balance of that power or intended to be

a separation of powers in the dimension that the Senator has been talking about. Therefore, I seek in these exchanges to begin in fact where we are under our constitutional system, with a President who can go to great ends if he so desires. Fortunately, a President operates with restraints—all our Presidents have—and with measured consideration.

I just think that the constitutional mechanism gives this body no checks of the types referred to by the Senator from Idaho. I think the limitations are imposed on the declaration of war, under the appropriation of funds, and in the ratification of treaties. I think the Constitution is explicit in that regard. But within the range of foreign policy, projecting policy, the President can inhibit very materially the options that, as individual Senators, we might wish we had. I say that with great care as a Member of this body. I think we all like some measure of power, but we have to be realistic under the terms of the system in which we live.

Mr. CHURCH. The power that the Senator would retain for the Senate is very little different from the power exercised by the members of the Council of Foreign Relations. That is a club that holds meetings and conducts foreign policy inquiries and, from time to time, sponsors debates.

Mr. McGEE. I am a member of that body.

Mr. CHURCH. I am a member, also. If being a Member of the Senate is no more consequential than being a member of the Council of Foreign Relations. I do not know why I worked so hard to come here. Yet, that really is the role that the Senator is suggesting for the Senate, a kind of glorified Council of Foreign Relations, to sponsor symposiums and conduct debates on American foreign policy, which, under such circumstances, would receive no more attention from the Nation than those which are presently sponsored by the Council of Foreign Relations. And I must say that it is a rarefied and limited audience, indeed, that attends them.

Mr. McGEE. Let me say to the Senator that I see it entirely differently. I see it as our chance to involve the Senate in a meaningful role in guidelines, in directions, even in substance, in foreign policy.

No President can ignore the Senate or defy the Senate for long. The whole system requires rapport, cooperation, and consultation. The closer it is, the more successful, usually, the President in achieving whatever his goals may be.

We are confining this now to the matters of foreign policy. The President has always made foreign policy. The Senate has had a role that it exercised in passing judgment upon it, carrying out its constitutional functions in regard to it. So the Senator is not only unfair to the Senate; he is also unfair to the intent of the Senator from Wyoming in trying to compare this either to the House of Lords or the Council on Foreign Relations.

Mr. CHURCH. I think it follows from the general thrust of the Senator's argument. The Senator cannot say, on the one hand, that all the power in the matter of foreign policy really belongs to the President, all the power to make the critical decisions, and that is where it properly belongs—that is what the Senator from Wyoming has said—and then suggest that the Senate is going to have what he has described as a higher role, that of engaging in general debate upon what American policy ought to be.

I know that historically—and the Senator knows it, also—the significance of the role played by the Senate ultimately depends upon the power that the Senate wields in implementing its decisions. If all the power lies with the President, then I have not exaggerated the case a bit to say that the role envisioned for the Senate by the Senator from Wyoming is a kind of glorified Council of Foreign Relations, or a kind of house of lords proposition, insofar as foreign policy decisions are concerned. I cannot accept it. That is not what the Constitution provides.

All that this resolution is for is to reassert the sense of the Senate that the constitutional division of power should be honored. That is why I am for it; that is why I think the Senate, as an institution, should be for it, if we desire to retain our historic place in our form of government.

Mr. McGEE. I think the Senator is begging the question when he talks about restoring a balance of power under the Constitution, when no balance was there. It was not there at the beginning; it has not been there at any time since. The President has had prescribed responsibilities in the field of foreign relations. As John Marshall said, the President has almost the total responsibility in foreign relations. The reservation was on commitment to war, declaration of war; and, as I understood from the Senator's remarks earlier today, this was the field that concerned him.

Mr. CHURCH. The Senator knows that my concern is not limited to declaration of war, because the Senate is given express power to ratify treaties—that is a very important power—unless it is circumvented through the use of executive agreements, so that the President can make his arrangements with foreign countries without coming to the Senate. This is very definitely a power given to the Senate under the Constitution of the United States.

So it does no good to say it is only the war power which is in question, and then define the war power as being confined to declaring war, and then say that declaring war is obsolete, and therefore the power of Congress is obsolete; we do not declare war any more; the Constitution just says that Congress has the power to declare war. This is the argument of the Senator.

Now, inasmuch as the war power was placed in Congress by the Constitution, what must have been intended was the power of decision, the power to authorize war. Whether it be done by formal declaration or by congressional resolution does not really matter. But, in the one case, the Senator ignores the treaty power and, in the other case, he defines the war power in a way that renders it meaningless. Then he objects when I conclude that he has left no role for the Senate which matters.

What else is there to conclude from the Senator's argument?

Mr. McGEE. I would have to ask the Senator from Idaho wherein anything I have suggested here changes what has happened to the Senate over 180 years in a role in foreign policy. Through that history, a President can recognize or refuse to recognize another government, no matter what the Senate thinks. Through that history, the President without consultation with the Senate, can pronounce a new policy, such as the Truman doctrine, such as the Monroe Doctrine. The President has that authorization, that responsibility, under the Constitution at this time. The Senator has not changed anything under the existing role with his resolution.

Mr. CHURCH. I must say that we have gone over this ground several times today. No one here in support of the resolution is arguing that the President does not have vast powers in foreign policy. All we are saying is that under the Constitution he does not have all the power, that the trend has been in the direction of lodging all the power with him, and that this is contrary both to the spirit and the letter of the Constitution.

I think this is well borne out and documented, and would be generally supported by constitutional lawyers.

It simply does not follow from our argument that we contend that the power is divided 50–50, as the Senator has suggested. Of course, it is not. The preponderance of the power in foreign policy matters might well rest with the President under the Constitution from its original conception.

Mr. McGEE. And that is all the Senator from Wyoming said.

Mr. CHURCH. No, the Senator from Wyoming goes much further than that: because substantial power, very important power indeed, was vested with the Senate—the treaty power, while the war power was vested in Congress as a whole.

One cannot dismiss such power as inconsequential. But when one disregards the treaty power and then redefines the war powers as the Senator from Wyoming has done, so as to render it virtually meaningless, the effect is to circumvent the Constitution, to replace it with a consolidation of total power in the hands of the President.

I do not think that one can make a constitutional case, a historical case, or a logical case for it. If the Senator believes that then he has not left much of a role for the Senate to play. The Executive would pay precious little attention to us if we had no more power to exercise than that which the Senator from Wyoming suggests.

Mr. McGEE. Quite to the contrary, I think what I spelled out earlier when the Senator was forced to be absent from the Chamber, which we have insisted on qualifying now, is that the Constitution has given the President a very strong hand, and that limitations imposed upon him we have continued to honor and respect. The two exceptions have been dealt with. One was with regard to executive agreements to get around the treatymaking process. I know nothing along the line which the Senator proposes that would exempt executive agreements. The second exception was

with respect to declarations of war. I was careful to spell out the phenomena of the nuclear age where there has arrived the undeclared war as perhaps the only exception left at all in a world of sovereign nations, and that may not be a wise one, and that this poses a new question of living up to the war declaring proprieties of the legislative body.

At what point does war have to be declared? I think the Senator agreed with me earlier today that there is something to be said for not declaring war in certain crises. It may only complicate the situation. This is what we should be talking about here.

Who, then, has the responsibility, and at what stages for taking steps that might lead to war? The Senator gave me a partial answer with regard to the Berlin airlift where a different decision by the President or a different decision by the Russians in response could have plunged us into a war. That would be a declaration of war that would be different than a commitment we had under NATO. He is willing to go that far. The President could have decided not to send troops in there.

Mr. CHURCH. The Senator knows full well that his illustration does not support his argument because, as I have said several times, the action of the President in that case was taken pursuant to a treaty that had been ratified by the Senate. I may have been overanxious in conceding, for the purpose of raising no rankles this late in the day, that the Constitution places predominate power with the President in foreign affairs. That certainly is an arguable proposition. It can be argued that the tripartite division of power under the American Constitution, as I have previously noted, is not in three equal parts. Historically the ultimate and final power rests in Congress.

Article I, section 8, of the Constitution states that Congress shall have the power to declare war; to raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the Armed Forces; to provide for calling forth the militia to execute the laws, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. Article II, section 2, of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

I think that a fair reading of the Constitution, without requiring us to decide whether the proponderant power in foreign affairs lies with Congress or with the President, nonetheless compels the conclusion that the powers allocated to Congress were very large, indeed. We are not asserting them as I think we should.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McGEE. I have the floor. I am glad to yield to the Senator.

Mr. COOPER. Mr. President, I have not heard the debate on this important resolution to date in its entirety but I did have an opportunity to review this matter in the Committee on Foreign Relations and I participated in the committee's debate. I have read the speeches made on the floor yesterday. However, the discussion in committee—and I know both Senators remember—and the report bear out the committee's intent. The report states at page 6:

> The primary purpose of the resolution is understood by the committee to be an assertion of congressional responsibility in any decision to commit the Armed Forces of the United States to hostilities abroad, be those hostilities immediate, prospective, or hypothetical. The committee intends the resolution to apply only to future decisions involving the use or possible use of the Armed Forces of the United States. The resolution will not alter existing treaties, acts of Congress including joint resolutions, or other past actions or commitments of the Government of the United States. As used in Senate Resolution 85, the term "commitment" is understood to refer to the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.

I believe this to be the first purpose of the resolution. Had it been understood that the debate would go to purposes other than the use of Armed Forces abroad and their commitment to hostilities, if it were limited only to the latter, I think the debate could be made much more direct.

Mr. McGEE. I am afraid it has gone much beyond that. The Senator remembers the history of the evolution of the resolution and how, after this form was first introduced, it was modified with the substitute and that was never actually reported by the committee. Then, this winter we returned to this particular resolution.

Mr. CHURCH. This was the original resolution.

Mr. McGEE. Yes. We are now facing the original form of the resolution. But the committee tried to specify it more carefully in a substitute resolution.

Mr. COOPER. The report reads:

> As used in Senate Resolution 85, the term "commitment" is understood to refer to the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.

Of course, the language itself is broad.

Mr. McGEE. The language is exceedingly broad.

Mr. COOPER. It includes or comprehends many other situations. I know it would be much easier for me if the resolution were limited to the use of the Armed Forces, rather than directed to a large area of promises, declarations, or agreements that the President might make.

Mr. McGEE. It would eliminate much of the dialog that has taken place in the last 2 days, because we have ranged over a rather wide field, and the suggestions that have been made address themselves to very broad fields.

Mr. COOPER. Last year, in committee, I think I was the first to offer as a substitute for these general terms, very specific language dealing with the commitment of our Armed Forces abroad. Later, my amendment was not adopted, but language was worked out by the chairman and, by former Senator Hickenlooper, restricting the resolution's scope to the use of the Armed Forces.

Now, with respect to Senate Resolution 85, I thought that that was the purpose, from a reading of the language of the report, which interprets the meaning and intent of the resolution.

Mr. CHURCH. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. CHURCH. I think the Senator from Kentucky rightly raises the point, and it needs attention. "National commitments," as used in the resolution, does not connote the great range of agreements or understandings that are minor in nature. From the language of the report on page 6, I read:

> As used in Senate Resolution 85, the term "commitment" is understood to refer to the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.

Mr. COOPER. The subject of the resolution, however, is national commitments.

Mr. CHURCH. But it is defined in that language.

Mr. COOPER. But the report limits it to just one area—the commitment of the Armed Forces abroad. I would agree that looking at the language of the resolution by itself broadly and generally, it could comprehend almost anything, such as the declaration of Ambassador Goldberg at the United Nations that the United States would go to the assistance of any power threatened by nuclear attack or nuclear blackmail, the declarations by Presidents Eisenhower, Kennedy, and Johnson to defend Berlin and all types of executive agreements. The resolution could cover foreign aid.

It is my view that the concern of the Senate and the American people today relates to wars and the possibility of wars that we may become involved in the nature of our vast global commitments, the stationing of our troops around the world and treaties to which we are a party whereby we promise in some way to come to the assistance of some 43 countries.

It is these situations, in my view, that concern the nation the most today.

To this end I have prepared a substitute resolution. I do not know whether I will offer it. Let me read it as I have prepared it:

> That a national commitment for the purpose of this resolution means the use of, or promise to a foreign country, government, or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.
>
> SEC. 2. It is the sense of the Senate that a national commitment by the United States involving the use of its Armed Forces in hostilities outside the United States for the purpose of providing military assistance to a foreign country, government, or people results only from affirmative action taken by the legislative and executive branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Mr. President, as I read the report, I understood that it was directed solely to the commitment of troops, and then recognizing the very broad scope of the language contained in Senate Resolution

85, I decided to draft a resolution which I thought, if it became appropriate during debate, I would submit. It proposes that the Armed Forces could not be used in hostilities abroad for the purpose of providing military assistance to a foreign country unless the President has come to Congress for approval in one of the three ways provided in the resolution, recognizing, of course, that the President has powers under the Constitution as Commander in Chief of the Armed Forces in situations involving defense of the country, as well as the protection of American lives and property. But those areas would be left to his judgment and discretion. We cannot anticipate every situation, but we can, by using language similar to this, or that noted in the report, bring to the attention of the President of the United States the fact that we believe, in cases where it is possible, that he should come to Congress for approval.

Mr. President, I wanted to raise this question because I feel the terms of the resolution we are debating are extremely broad and cover, for example, executive agreements, foreign aid, and military arms and equipment.

But I do believe that the commitment of the Armed Forces is what the Senator is talking about more than anything else. Is that not correct?

Mr. CHURCH. Mr. President, this was the prime consideration which led to the committee's adoption of this resolution. The language of the report, which forms a part of the legislative history, should be consulted in interpreting the meaning of the resolution.

Mr. McGEE. Mr. President, let me say in regard to the proposed modified language by the Senator from Kentucky, that it would have narrowed the range of many of the colloquies in the Senate, and many of the very broad and sweeping things which have been said here, and the many suggestions which have been made in regard to the relative powers of the President and Congress and how best to exercise them. At least his proposal would have the advantage of narrowing the field and would leave open, I would suggest, the kind of questions which I think we still have to resolve in this body; that is, the other options to offer to a President that could be made that are of consequence and would require a follow-up with troops, under some circumstances, and at what point, then, does this body become involved, and is there a point at which this is better done in the quiet of a committee room, in an executive session, or with a committee of Senators selected by the Senate in the interest of the national security, or classified information, and that sort of thing.

The promiscuous way in which the machinery of the resolution would bring it about, I think, leaves genuine doubts, and legitimate doubts, as to whether that is the machinery to achieve this.

The sponsors of the resolution say that it does not mean the President does not have to listen to it, that they are not going to do anything about what the President can or cannot do, that it is simply stating a view or a judgment.

If that, in truth, is our motivation, we have not gotten anywhere at all. If it is all as bad, and Caesar is as black as he is beginning to appear, in the vernacular of those who are supporting the resolution, either we should come to grips with the sordid side of the usurpation of power, to borrow a phrase from the supporters of the resolution, and do something about it constitutionally and procedurally, or we should face up to the fact that the resolution itself is not going to do anything about it, and they probably did not even have that intent, that the role of the President in foreign policy is an almost preemptive one. I would hasten to amend the repetitions from the Senator from Idaho, that it was either/or.

We have been very careful to spell out that the Senate has a role, that there are limitations imposed upon the President, that the Senator was merely contending the President has it within his existing power now to go so far in so many areas that he leaves to the Senate, in point of fact, a very limited amount of room in the decisionmaking realm. There is nothing that has been said here today, nothing being proposed here today, that alters that. I am a little bit surprised that some Members of this body would argue otherwise. That is the political history of the country. That is political science as it has emerged in our time. I am simply asking that we make sure we do not go about it in the wrong way.

I have very grave doubts about Senate Resolution 85 at a time of crisis, when it is important to move fast; and whether, because of the existence of it, if we gave it the force of law or direction to the President, it would be possible for a President to cope with an exploding crisis in time, if he had to have a display of senatorial oratory and a vote here in the process.

What would have happened on June 25, 1950, in the case of South Korea, if that had taken place? North Korea would have had all of South Korea before the Senate had gotten into session.

What would it have meant any number of times one could mention in the last 25 years when it was important that quick decisionmaking and immediate action be forthcoming? This is the thing that worries me.

I do not think we ought, by passing a resolution, to complicate and make worse the problems of a democracy trying to live within its constitutional structures in an age of monolithic governments and monolithic decisionmaking in other parts of the world, or in an age in which we are always reminded of the clumsiness of a democracy, and yet when we are required, as a world leader, to move forthrightly and precisely and quickly.

I think we are not making sense by hiding behind a sense-of-the-Senate resolution and not dealing with the problem of decisionmaking in a way that makes realistic sense in a nuclear world. I think this is where there has been a real evasion of the issue.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the speech on this subject that I had prepared, and three editorials.

There being no objection, the speech and editorials were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR MCGEE

Mr. MCGEE. Mr. President, Senate Resolution 85 is in substance an ill-advised way in which to seek to achieve some sort of balance in foreign policy matters between the executive and legislative branches. It could even jeopardize the fixing of ultimate responsibility in foreign policy decisions.

The issue is not a new one, however. It is as old as the history of the American Republic. Its currency derives from the war in Vietnam, but its roots go back to the founding of our country.

In fact, the American ship of state was launched in 1776 upon waves of discontent with executive authority. The Thirteen Colonies, therefore, embarked upon their new course without a chief executive. Only after the near debacle of colonial independence was the need for strong, centralized control of the national government openly recognized. Nowhere was the necessity for executive power more clearly in evidence than in the realm of foreign relations.

As a Member of Congress in 1799, John Marshall noted that "the President is the sole organ of the Nation in its external relations and its sole representative with foreign nations . . ."

And during his term of office the nation's first President experienced a run-in with the Senate in his very first test of constitutional intent. When George Washington went in person to the Senate to submit a treaty for its advice and consent, he was so badly treated that he stomped out, and would, he said, "be damned" if he ever went back.

There remained in the hearts and souls of the leaders of the new government thereafter an ingrained distrust of the powers of the President. This has continued down to the present day.

The issue of executive power in foreign policy has tended to rear its head during the administrations of strong Presidents and to languish through inattention during the administrations of weak Presidents. And without exception the trend toward a stronger and stronger executive role in foreign policy has coincided with the rising pre-eminence of the United States in world politics during the 20th Century. Presidents Theodore Roosevelt, Taft, and Wilson expanded that role materially.

But if there be those supporting S. Res. 85 who believe that the increase of Presidential power in foreign relations is a modern phenomenon they should disabuse themselves of that notion. As Professor Hans Morgenthau of the University of Chicago has reminded us, the ascendancy of the President over the Congress goes back to the first days of the Republic, and stems from conflicts built into the constitutional fabric and confirmed by constitutional practice.

The constitutional powers of the Senate affecting foreign policy derive from the treaty making process. But, beginning with President George Washington's aggravation in 1796, many chief executives developed a disrespect for Senatorial shenanigans involved with treaties.

Secretary of State John Hay once noted, "A treaty entering the Senate is like a bull going into the arena. No one can say just how and when the final blow will fall. But one thing is certain—it will never leave the arena alive."

As a consequence of this hostility, a whole succession of Presidents has found ways of circumventing the constitutional requirements, principally by means of executive agreements.

The most significant changes between the executive and legislative roles have occurred since the beginning of World War II. Under President Franklin Roosevelt the use of executive agreements experienced a sharp increase. In particular his commitments to the transfer of destroyers for bases, the extension of the Monroe Doctrine principle to Iceland and Greenland, and the "shoot on sight"

edict to American naval forces in the Atlantic are often cited as serious encroachments by the Executive Office on the assumed foreign policy "partnership" between the President and the Congress.

Concomitant with the incidents preceding American involvement in World War II was the sudden emergence of the United States as the most powerful nation in the world, largely as a result of that conflict. As a great power, American actions cause reverberations all around the globe and must therefore, be carefully weighed and delicately executed. Not infrequently they must be carried out swiftly. The decision-making process may be reduced by events to a matter of a single day, or even hours. On more than one occasion the time allotted by crisis incidents to those who must make the decisions have been less than the time it would take to assemble a quorum of the Congress.

Possibly an even greater factor which presses for increasing the power of the President in making foreign policy in recent decades has been the advent of the nuclear age. We live in a time when fifteen minutes could spell the difference between life and death for millions of people—possibly even for life itself on earth. In the past 25 years there have been times when the only sure thing that could be said about the next 24 hours was that no one really knew if we would live through them.

A further complication of the nuclear age, moreover, is that *major* wars virtually have been eliminated as instruments of national policy. Their place has been filled by "undeclared wars," "peripheral wars," or "police actions." A world without law must still face up to the violence of international confrontations—but with one difference. Wars may have to be waged, but rarely declared, especially between the great powers. It is this factor which very largely aggravates of the age-old controversies between the relative warmaking responsibiliites of the President and the Senate.

Because of the limitations of undeclared wars, (a circumstance dictated by nuclear capabilities) the authority to make decisions and take action supporting them must be located in one place. From the rather meager beginnings of our constitutional system when Congress shared more directly with the President some of the policy processes, we have now come to an age when the pressure of time and the multiplicity of other issues scarcely allow the Congress more than a passing glance at some of the most important decisions in the history of mankind.

It is imperative, therefore, that in determining a judgment on Senate Resolution 85 we recast the role of the Congress—and more particularly of the Senate—in foreign affairs against the backdrop of the nuclear age. Whether the division of responsibility between the President and the Senate can follow the lines of other years is a *question central to the present dispute.* Whether Senate Resolution 85 goes to the heart of that dispute moreover, is also open to serious doubts. The implications of its intent, furthermore, may raise more questions than its enactment could resolve.

It is the purpose of the following argument to explain in detail why Senate Resolution 85 should not be adopted by the Senate of the United States.

At the outset, it is necessary that we reexamine the order of things in determining the respective roles of the President and the Senate in modern foreign policy crises. Hopefully, most students of government might agree that the constitutional provisions be reassessed against the backdrop of current circumstances in the nation as well as the world rather than confined to Constitution Hall in 1787. To determine what the times require of us today rather than what the times permitted a century and three-quarters ago should be of paramount importance.

Thus, it is probably more to the point to determine what the national interest requires rather than what the Founding Fathers may or may not have intended. In truth, therein lies the explanation for the successful survival of a constitutional structure which has survived for nearly two centuries—namely, the resourcefulness of each generation to reinterpret the constitution through successive generations in terms relevant to the changing times.

In judging Senate Resolution 85, therefore, the basic question which this body ought to be weighing is: Can the United States in a nuclear age develop relevant foreign policies in the national interest and still preserve the constitutional structures within which our country has existed for 180 years?

I believe the answer to be "Yes."

If "Yes" is to become a relevant response, however, it is necessary to disabuse ourselves of certain notions which lack a substantive base in our history.

One such notion is that the powers of the President and the Senate were ever in balance. Both under the constitution and in practice, the President can do virtually anything in foreign policy. Those powers, according to the Supreme Court, are "exclusive." Only in the expenditure of monies the conclusion of treaties, and the actual declaration of war is the Chief Executive curbed. And in each of those limitations, he has alternatives open to him.

Without consultation he can publicly announce a new policy—like the Truman Doctrine. He can establish relations with a new government or withhold them. Advice, promises, and informal commitments are his to give if he believes it to be a move in the national interest. He can, moreover, send the armed forces anywhere, at anytime, and can commit them to hostile acts short of formal declaration of war. These things the President can, has, and is entitled to do under the Constitution.

So it seems to this Senator, at least, that we are dealing with irrelevancies when we talk about "restoring the checks and balances" which assertedly have been lost or stolen by someone. They never existed either by intent or by application from the very first beginnings of the American republic.

If the sponsors of Senate Resolution 85 really believe a balance of power between the two branches of government would be best for the country, then it would be more forthright of them to propose an amendment to the constitution.

A second notion laden with irrelevancies is that the Congress through its own special insights could prevent a President from taking those steps which, in his judgment, the interest of the country seemed to require.

The President can, without consultation, send troops anywhere and commit them to acts leading to war. Both in the Berlin crisis of 1948 and the Cuban affair of 1962, the President had it within his power to respond with actions which in effect could have forced the hands of Congress on an actual declaration of war. Even if the Senate, for example, had thought otherwise, it would have had little choice.

In World War II American policy toward both Germany and Japan was largely predetermined by Presidential action. What was left to the Congress, in fact, was the process of ratifying accomplished facts.

Or, take the case of the Tonkin Gulf resolution. Assume for the moment that the Senate had not ratified it with only two dissenting votes—but rather had rejected it. A President who believed it important to bomb North Vietnam could have done so in other ways, through other devices.

As Hans Morgenthau has summarized it, the President by his own unilateral actions "can narrow the freedom of choice which constitutionally lies with Congress to such an extent as to eliminate it practically altogether."

SENATE RESOLUTION 85 WOULD ONLY CONFUSE

The scope of the resolution is ambiguous and thus lends itself to misinterpretation and misunderstanding. It would seem to be impossible to pin down the substance of such an attempted codification. Confusion arises from the explanation of intent by the sponsors of the resolution. Its sponsors say specifically that Senate Resolution 85 would not be legally binding upon the President in the conduct of foreign relations. Also, it should go without saying that a sense-of-the-Senate resolution could not change the constitutional responsibilities of the President.

According to the proposed resolution, in creating a national commitment of the United States to a foreign power, such action must be affirmative by both the executive and the Congress. The resolution further specifies that this affirmative" action would have to be taken "through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment." It is easy to understand how the sense of the Senate would be achieved without serious complications in such routine procedures as statutes, advice and consent to treaties, Senate resolutions, and joint resolutions. This already takes place in an orderly and undisputed manner.

What happens, however, when the President proceeds in making commitments by executive order which flow automatically from the authority contained in a prior treaty or in furtherance of a policy stated in an earlier joint resolution of the Congress? Do these subsequent steps likewise require additional affirmative action by the Senate? Like the ripples flowing outward from a falling pebble's impact on the water of a quiet pond, so it must be obvious this could become a farcical process when carried on into infinity.

SENATE RESOLUTION 85 THREATENS CONSTITUTIONAL POWERS OF THE PRESIDENT

It would appear to invade areas of responsibility reserved under the Constitution for the President alone. Two areas of executive responsibility will illustrate the point:

One, the President alone under the Constitution has authority to recognize foreign governments and to enter into commitments which implement that recognition. In the conduct of the foreign relations of the United States, the President necessarily must have the power to make many commitments to foreign governments.

Two, as Commander-in-Chief of the Armed Forces of the United States, the President has the sole responsibility over them either within our country or outside it. Reasonable men may well disagree as to the conditions under which he should do so. The President has the constitutional power to send U.S. military forces abroad when he deems it to be in the national interest.

Because Senate Resolution 85 implies that the President and the Congress together would be the exclusive means by which the government of the United States in the future could enter into commitments with a foreign power, it runs counter to constitutional intent.

The sponsors of Senate Resolution 85 have gone to great pains to assure us that they have no intentions of tampering with the constitutional powers of the President. Yet, the majority report on Senate Resolution 85 is replete with references to and charges against a "constitutional imbalance" which, it is asserted, has resulted from power grabs by a succession of Chief Executives. Whatever the intent of the sponsors, the mere language of the resolution calls to the forefront current constitutional misgivings loaded with serious implications.

It is difficult to believe that the press, or students of constitutional principles for that matter, would permit Senate Resolu-

tion 85 to go by unnoticed. Or that friend, foe, and especially the Chief Executive would take such an ambitious thrust by means of a Senate resolution to mean so little as its sponsors almost apologetically claim to intend it to mean.

MISCHIEFMAKING AT BEST

At best, Senate Resolution 85 has only the capabilities of mischief-making with the responsibilities of the President of the United States in foreign affairs, particularly in times like the present.

Throughout our country's history the rivalry for power between the executive and legislative branches is legendary. Too much of the present thrust behind Senate Resolution 85 appears to reflect a legislative jealousy of presidential power in foreign policy.

It was the late Edwin J. Corwin who said that the U.S. Constitution "is an invitation to struggle for the privilege of directing American foreign policy." To contend openly at this late date in our country's history for the responsibility of shaping policy is open to serious challenge.

In a world of 130-odd sovereign nations, some of the more powerful of which are monolithic in structure and capable of quick decision-making, the need for a President of the United States to act with dispatch has already arisen. It will surely recur again and again. Presidential decision-making in foreign policy provides a quality of leadership superior to the alternatives available under our system. At the very least it becomes the lesser of evils—among the choices available to us.

SENATE RESOLUTION 85 COULD DANGEROUSLY HOBBLE THE PRESIDENT

Does it strengthen the security of our country or serve the national interest to hobble the executive branch in times of crisis? The answer must be no. Mindful as we all are of the risk involved in increasing executive power in the field of foreign affairs, there would appear to be no reasonable alternative to assuming those risks save at the price of confusion, delay, and even inaction through some series of yet unspecified procedures implied in the commitments resolution.

There is no doubt that President Kennedy's tough speech at the outset of the 1962 Cuban missile crisis served its purpose well. This resolution, had it been in existence, would have acted to undermine if not destroy the credibility of the President's words when he announced the missile blockade.

However, Senate Resolution 85 would handcuff the President privately as well as publicly.

At present, the President has the option of talking tough behind the scenes should conditions seem to warrant his doing so. Let no one doubt that this is a vital area of international politics, for when international crises are handled behind the scenes, the prestige of the nations involved is not engaged openly and directly. The President would be weakened in his ability to head off a crisis before it becomes a question of national prestige if Senate Resolution 85 is adopted.

Much as one may hesitate to repose such frightening authority in the executive branch alone, it is necessary to acknowledge that the alternative of joint dialog with the Congress in crisis circumstances would more likely obfuscate rather than clarify the issues. To have to revert to Senate debate and discussion at a time like that would be cumbersome at the very least and disastrous to the national interest in the extreme.

It serves to point up what has happened to the foreign policy-making process in a time of instant communications. The machinery of policy decisions assembled nearly two centuries ago simply has not been able to keep pace with the changing requirements of present-day realities.

SENATE RESOLUTION 85 SMACKS OF NEOISOLATIONISM

At a time when the world is getting smaller and when the problems among nations are becoming more complex, it ill behooves the leader of the Free World to move away from its share of responsibility in coping with international crises. Yet, Senate Resolution 85 would have the effect of doing just that. Its point is not unrelated to the Ludlow amendment of the 1930's, which would have prevented a declaration of war by the Congress and President without first going to the people through a national referendum. As the Ludlow proposal would have diffused national responsibility in relation to the Congress, so the national commitments resolution would water down the responsibility which reposes with the President.

It is conceivable, should this resolution be enacted, that some President at some time would be required to plunge into a military crisis—say of the dimensions of Lebanon or Laos—in which he reached the conclusion that it was in the national interest to commit a limited number of troops in quick order. Two such situations come immediately to mind. Should the Arab-Israeli war threaten to burst out of control, the necessity of a peace-keeping mission in the Middle East would be more than a remote possibility. Or, in another instance, the likelihood of further belligerent moves against South Korea by the North cannot be shrugged off.

In the wake of passage of Senate Resolution 85, an American decision to act quickly would instantly become clouded with an aura of illegitimacy. The public doubts which would quickly surface in that circumstance could only impair the efforts of the President of the United States to act with dispatch and to conclude successfully the commitment. The implications of Senate Resolution 85 are heavily laden with overtones of neoisolationism.

If the democratic process is to be salvaged, we must be prepared to move toward more clean-cut presidential authority in foreign policy.

SENATE RESOLUTION 85 WRONG WAY TO STRENGTHEN THE ROLE OF THE SENATE

Senate Resolution 85 is not the way to redress the balance of power in the making of foreign policy. Yet, its appealing intent is to try to do just that. It fails in that purpose by not binding the President and by flying in the face of the increasing need to repose the responsibility for critical decision-making in a place where it can be exercised quickly in time of crisis and with an opportunity to pin it down in fixing the responsibility for it. Neither of these latter two requirements could be met by simultaneous Senate affirmative action.

What would have been the complications had the above procedures been required at the time of the Lebanon crisis of 1958, or the Laotian crisis in 1962, both of which resulted in the landing of Marines for a short but successful show of force?

Or for that matter, what would the sponsors of Senate Resolution 85 have had the Senate do differently in regard to the Tonkin Gulf resolution of August, 1964? On that occasion there was Senate debate and a vote with only two nays. However that action may be construed by some Vietnam critics in hindsight, it does nothing to enhance either the role of—or confidence in—the Senate to assent that the Members were "duped" by bad or insufficient intelligence.

In fact, Senate Resolution 85 could further weaken the Senate's role in foreign policy. The mere fact of the resolution seems to be a case of "special pleading" in itself. What it implies is that, for whatever reasons, the Senate has failed to respond to the pressing demands of the nuclear age; or, as the sponsors of the resolution would prefer, had their foreign policy role stolen from them. The very intent of the resolution demeans the role of the Senate in foreign policy by begging for such a role.

What's more, regardless of the intent of its sponsors, Senate Resolution 85 is already being interpreted from the outside as (a) an attack on the preceding administration for its policies in Vietnam, (b) a warning to this and future administrations in the same area, and (c) an apology for the unsuccessful efforts of the Senate in thwarting previous policy "mistakes."

Whether these allegations are true or false is irrelevant. Their real point is that, without achieving its intent of redressing the balance of power in foreign policy, Senate Resolution 85 introduces mischievous elements, inspires misinterpretations, and demeans both the high office of the President of the United States and the responsible role of the U.S. Senate in foreign policy.

The decision to bring Senate Resolution 85 to the floor at this time raises some questions concerning the proceedings of the committee. The Foreign Relations Committee only recently authorized an extensive subcommittee study of our national commitments (the ad-hoc committee chaired by Senator Symington for U.S. Security Agreements and Commitments Abroad.) It is as yet difficult to determine what the subcommittee will discover during its investigations. Would not the Foreign Relations Committee have been acting in better grace to have suspended a national commitments resolution until after the in-depth study was completed? Does not the leadership's present action amount to an unfounded presumption that the Symington Subcommittee findings will be entirely in accord with the intent of Senate Resolution 85?

TO STRENGTHEN ITS ROLE THE SENATE NEEDS DEEDS NOT WORDS

Is there, then, a meaningful role for the U.S. Senate in the shaping of foreign policy? The answer, of course, is yes. If the Senate is to succeed in achieving this new role, it, too, must update its sense of responsibility by focusing more and more on larger and larger questions. The Senate could afford to address itself well in advance of crises to the broad outlines and directions of American policy. This becomes far more constructive as well as influential than in responding principally to crisis situations after the fact.

The Senate's role in foreign policy of the future can best be achieved by deeds rather than by words—and least of all by the sense-of-the-Senate resolution.

The role of the Senate Foreign Relations Committee in the policy process is whatever it decides it to be. Thus, the committee can hide behind the shelter of a resolution, or it can stand on its deeds.

In fact, it would seem to be more important that the committee and the Senate involve itself with the decision elements implicit in an ABM system as the current International Organization and Disarmament Affairs Subcommittee has been undertaking (the Gore group); or the question of policy toward Mainland China; or to reexamine our foreign policy assumptions and commitments in many of the critical areas of the world, as the Subcommittee for U.S. Security Agreements and Commitments Abroad (Symington group) is now doing.

In the final analysis, then, the Senate through the Foreign Relations Committee should preserve its role in national policy-making by deeds and actions rather than by lamenting its role in a sense-of-the-Senate resolution.

[From the Christian Science Monitor, May 20, 1969]

A RESTRICTIVE RESOLUTION

By the time Secretary of State Rogers returns from his two-week Asian tour, the Senate may have begun debate on Senate Resolution 85. The Senate had better be

very certain that it knows what it's getting into.

This "National Commitments" resolution was developed by Sen. William Fulbright and his Foreign Relations Committee. It would declare it to be the "sense of the Senate" that the President shall make no commitment to any foreign nation unless that commitment be approved by Congress. A committee report further avers that the resolution's primary purpose is to assert congressional responsibility in any decision "to commit the armed forces of the United States to hostilities abroad, be those hostilities immediate, prospective or hypothetical. . . ."

Obviously the senators were thinking of Vietnam. Some committee members praise the resolution as reestablishing a necessary degree of congressional authority in foreign policy. The aim, they say, is to assure that a president won't again embark on some Vietnam-type of hostilities, with the Senate uncommitted and unconsulted. (Congress of course did give the president wide authority on Vietnam, in the Tonkin Bay resolution—and now wishes it hadn't.)

Critics say the proposed resolution would be almost as dangerous a limitation on presidential authority as was the proposed Bricker amendment—that it represents senatorial pique and carries a strong whiff of isolationism.

Despite good senatorial intentions, the resolution does seem to have dangerous possibilities. (Resolutions don't have to be heeded by the White House, but they are influential.) In a time when swift response is needed, this resolution would mean that the White House would have to await the pleasure of the Senate. An atomic-age crisis might depend on a Senate quorum. Would President Kennedy have been able to move quickly and quietly in the Cuba missile crisis, if such a resolution had been on the books? Would President Roosevelt have been able to consumate his destroyer-bases swap with Britain?

It is of course essential that the Senate increase its influence and responsibility in foreign affairs. There has been overmuch presidential free-wheeling, particularly in the Johnson years. But the Senate can best boost its influence by convening competent committee hearings eliciting able testimony, by holding influential debates on the floor, and by showing its own ability to respond to crises with clarity and dispatch. Congress will not improve matters by curtailing the freedom of the executive—by restricting the President's preeminence in foreign policy and his ability to act speedily in tune with fast-moving events.

[From the Washington Evening Star, June 5, 1969]

SENATE SEEKS PIECE OF THE ACTION

(By Charles Bartlett)

Still lacking a bite to match its barks of frustration at Congress' impotence in foreign affairs, the Senate has embarked on a complex nibbling operation.

The perennial mood to circumscribe executive power is being fanned by disappointment with President Nixon's stand against liberalizing East-West trade, by impatience with the Paris negotiations, and by the surge of popular sentiment against the military, focussed for the moment on the issue of the ABM.

One imminent reaction will be the Senate's consideration and probable passage of Senate Resolution 85, and assertion that a national commitment to a foreign power can only be executed through a treaty or convention that is approved by legislative action.

The resolution is designed to be a turning point in the erosion of Congressional power over foreign policy but it is conceded to be a small step, a splattering of balm which the State Department views with far less apprehension than it nursed toward the Bricker amendment in the 1950s.

The hard fact is that the disinclination of the executive branch to take Congress into partnership in foreign affairs is the growing legacy of a series of presidents whose earlier service as senators taught them that it is a mistake for any president to consult with Congress in a crisis until he knows exactly what he wants to do. As Harry Truman put it, "There can be only one voice . . ."

Congress is too hydrated an animal to be a comfortable partner in close deliberations on a taut situation. The President knows that he will bear the responsibility for the steps that are taken and he suspects that no member of Congress is as deeply immersed in the problem, from the standpoint of having read the cables and intelligence, as he and his staff. Presidents find it expedient to consult key legislators but difficult to take their advice.

Congress is spurred, on the other hand, by constitutional authorities who maintain it has been cowardly in deferring to executive wisdom. The quality of that wisdom is increasingly challenged by the disillusionment in Vietnam and by apprehensions of the entanglements that may arise from other commitments.

Senate Resolution 85 will not go far to balance the uneven tug-of-war. Congress has the constitutional power to declare war but the President holds the options in defending the national security. He is the Commander-in-Chief, empowered to meet the threats which he perceives.

More to the point is the suggestion by Sen. Gale McGee, D-Wyo., that the Senate concentrate on re-examining the assumptions and commitments which guide the President's conduct of foreign policy. The hypotheses on which treaties were ratified and bases were established in the 1950's should be restudied in the light of the new skepticism.

The SEATO Treaty, ratified 16 years ago with one dissenting vote, is a case in point. Few knowledgeable officials believe the end of the war in Vietnam will mark the end of guerrilla incursions against neighboring nations like Thailand and Cambodia. The threat of Communist takeover may be strong and the commitments are firm. How will the United States, fatigued and disillusioned with Southeast Asia react?

The key argument for the SEATO Treaty was derived from the NATO experience. "The pact is inspired," said Chairman Walter George of the Foreign Relations Committee, "by the conviction that a potential aggressor may be deterred from reckless conduct by a clearcut declaration of our intentions." While this premise had worked in Europe, it has proven inapplicable in Asia and the time is ripe for re-examination.

Senate dissent from the course of foreign policy is a valuable contribution when it bears on a situation in which options remain open. The weakness of much of the dissent on Vietnam has been its failure to provide alternatives. The senatorial pressure to reduce the troop commitment in Europe and the current scrutiny of the value of the base agreements in Spain, Greece and Turkey are far more useful.

The Senate obviously has a role to play in a transitional period of American foreign policy. But it will assume that role by dealing with the crucial questions instead of with peripheral issues like Senate Resolution 85.

[From the Washington Evening Star, June 10, 1969]

CONGRESS' FOREIGN POLICY SQUEEZE

(By David Lawrence)

Whether it's a partial withdrawal of troops from Vietnam or other policies of President Nixon in international affairs, the important thing for the American people to bear in mind is that in most countries of the world there's a different conception of how our government functions than prevails in this country.

Many of the peoples abroad are familiar only with the parliamentary system. Thus, when they read that the democratic party has a majority in both houses of the Congress of the United States, they assume that Nixon is subject to the control of his opposition party.

Hitherto, in international crises, Congress has overcome this difficulty by giving unified support to the president irrespective of party. Currently, however, the impression has been developed that President Nixon was compelled to arrange for a pullout of some troops from Vietnam and that this marks the beginning of a total withdrawal without regard to what the enemy does.

Perhaps the most significant thing that has been done in recent weeks to try to tell the world that the President of the United States is subject to the will of the majority party in the Senate and House was the adoption by the Senate Foreign Relations committee, by a vote of 11 to 1, of a resolution informing the President, in effect, how he should hereafter conduct foreign affairs. The declaration approved by the committee reads as follows:

"Whereas accurate definition of the term 'national commitment' in recent years has become obscured: Now, therefore, be it.

"Resolved, that it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The Department of State is very much disturbed by this resolution and expressed its views in a letter urging that it not be adopted. The State Department in its dissent said:

"The Executive Branch tends to doubt the usefulness of attempting to fix by resolution precise rules codifying the relationship between the Executive and Legislative branches in the broad area of national commitments. . . .

"While it is, of course, for the Senate to decide on the disposition of Senate Resolution 85, the Executive Branch recommends against its adoption."

Within the last few days members of the Foreign Relations Committee, including the chairman, have spoken out in opposition to the President's policies in Vietnam and particularly his support of the present government in Saigon.

The lack of cooperation between the Executive and Legislative branches of the government here has led to the feeling in Europe and Asia that President Nixon does not have the confidence of Congress. The belief is widespread that he will be unable to continue American participation in the war in a manner that will induce the North Vietnamese to begin to withdraw their troops and permit the setting up of a new government in South Vietnam elected by the people.

It may turn out that President Nixon, in order to make headway in the Paris peace talks and bring the Vietnam war to a conclusion, will have to assert his Constitutional authority to press for a negotiated settlement under some form of international supervision.

The simplest solution of all, of course, would be to turn the matter over to the United Nations Security Council. If the Soviets really wish to cooperate, progress could be made there towards ending the Vietnam war and establishing a mechanism to keep the peace, as has been done on other occasions in various parts of the world.

Once the United Nations took over the responsibility, a situation, to be sure, could develop like the one in Korea. While this is

not altogether settled from the standpoint of reunification of the two parts of the country, South Korea is nevertheless at present being protected by a peacekeeping force under the command of the United Nations.

ADJOURNMENT TO MONDAY, JUNE 23, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon, Monday next.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate adjourned until Monday, June 23, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 20, 1969:

DIPLOMATIC AND FOREIGN SERVICE

John A. Calhoun, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 20, 1969:

U.S. MARSHAL

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years.

DEPARTMENT OF DEFENSE

Spencer J. Schedler, of New York, to be an Assistant Secretary of the Air Force.

J. Ronald Fox, of Massachusetts, to be an Assistant Secretary of the Army.

OFFICE OF EMERGENCY PREPAREDNESS

Haakon Lindjord, of Washington, to be an Assistant Director of the Office of Emergency Preparedness.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. William H. Booth, O302516.
Brig. Gen. Milton A. Pilcher, O363806.
Brig. Gen. Thomas J. Thorne, O384897.

To be brigadier general

Col. Leo V. Anderson, O1643783, Transportation Corps.
Col. Wilford L. Bjornstad, O1292117, Infantry.
Col. James R. Compton, O409922, Medical Corps.
Col. Constant C. Delwiche, O392240, Infantry.
Col. John J. Dorsey, O532303, Medical Corps.
Col. James O. Freese, O397056, Artillery.
Col. David W. Hanlon, O1301993, Infantry.
Col. Leslie W. Lane, O376606, Infantry.
Col. Ripon W. LaRoche, O1736763, Medical Corps.
Col. Charles S. LeCraw, Jr., O377683, Transportation Corps.
Col. Wilbur F. Munch, O1012308, Artillery.
Col. James J. O'Donnell, Jr., O392412, Artillery.
Col. Nicholas W. Riegler, Jr., O1775484, Medical Corps.
Col. Leo R. Weinshel, O360282, Medical Corps.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. John C. Baker, O368365.
Brig. Gen. Glynn C. Ellison, O1171133
Brig. Gen. Nicholas P. Kafkalas, O1287540.

To be brigadier general

Col. Benjamin F. Compton, O1303590, Infantry.
Col. J. Frank Cook, O1168608, Artillery.
Col. O'Neil J. Daigle, Jr., O519675, Corps of Engineers.
Col. Richard L. Dunlap, Jr., O2017377, Armor.
Col. William S. Lundberg, Jr., O947030, Artillery.
Col. Curtis E. Meland, O41178, Infantry.
Col. Floyd W. Radike, O1288616, Artillery.
Col. Charles H. Starr, Jr., O390764, Artillery.
Col. John R. Stephenson, O1294215, Infantry.
Col. Edwin V. Taylor, O1167248, Artillery.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Laurence B. Adams, Jr., O396901.
Brig. Gen. Floyd L. Edsall, O555952.
Brig. Gen. Charles H. Wilson, O485619.

To be brigadier general

Col. Laurence M. Blaisdell, O1042237, Artillery.
Col. Sylvester T. DelCorso, O358188, Adjutant General's Corps.
Col. Robert R. Goetzman, O388349, Artillery.
Col. Francis J. Higgins, O1054286, Judge Advocate General's Corps.
Col. James J. Lison, Jr., O445442, Infantry.
Col. Roy C. Martin, O386175, Artillery.
Col. LaClair A. Melhouse, O1174381, Corps of Engineers.
Col. Harold R. Patton, O1329739, Infantry.
Col. Felix L. Sparks, O386497, Artillery.
Col. Thomas K. Turnage, O440557, Armor.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, Untied States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. John R. Carson, O1574211.

To be brigadier general

Col. Jack W. Blair, O376496, Staff Specialist Corps.
Col. Larry C. Dawson, O370754, Artillery.
Col. John N. Owens, O1558670, Armor.
Col. Alberto A. Pico, O386119, Infantry.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Patrick Francis Cassidy, O32809, Army of the United States (brigadier general, U.S. Army).

The following-named officer for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3210, 3284, and 3306:

To be brigadier general

Col. Manley Glenn Morrison, O37389, U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Henry Augustine Miley, Jr., O22993, Army of the United States (brigadier general, U.S. Army).

Brig. Gen. Hal Bruce Jennings, Jr., O26995, Army of the United States (colonel, Medical Corps, U.S. Army), for appointment as the Surgeon General, U.S. Army, and for appointment to the grade of lieutenant general, under the provisions of title 10, United States Code, section 3036.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Arthur William Oberbeck, O20569, U.S. Army.

IN THE NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

John D. Chase	Donald C. Davis
David M. Rubel	Donald V. Cox
Robert S. Salzer	Herbert A. Ainsworth
Narvin O. Wittmann	Earl P. Yates
Robert C. Gooding	Donald D. Engen
Paul E. Pugh	Oliver H. Perry, Jr.
John L. Butts, Jr.	Edwin K. Snyder
Charles N. Payne, Jr.	Spencer Matthews, Jr.
John L. Marocchi	Dean L. Axene
William M. Pugh II	Clarence R. Bryan
Ward S. Miller	Patrick J. Hannifin
Roger E. Spreen	James W. Nance
James Ferris	Rembrandt C. Robinson
John H. Dick	Worth H. Bagley
William H. Livingston	
Howard E. Greer	
Jon. L. Boyes	

IN THE MARINE CORPS

Lt. Gen. Richard G. Weede, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general, in accordance with the provisions of title 10, United States Code, section 5233.

Maj. Gen. Frederick E. Leek, U.S. Marine Corps, having been designated in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The nominations beginning Charles E. Abbey, to be lieutenant colonel, and ending David G. Wood, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 1969.

IN THE ARMY

The nominations beginning James J. Fragala, to be colonel, and ending Violet R. Pfeifler, to be major, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 1969;

The nominations beginning Charles Feuerbacher, to be captain, and ending Daniel F. Wolfe, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 1969; and

The nominations beginning Amelia Garcia, to be captain, and ending William N. Yerkes, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1969.

IN THE NAVY

The nominations beginning James A. Allphin, to be ensign, and ending Hilbert D. Dean, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the Congressional Record on June 11, 1969.

EXTENSIONS OF REMARKS

UNIVERSITY STUDENTS OF TEXAS AND FACULTY OPPOSE ABM

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, June 20, 1969

Mr. YARBOROUGH. Mr. President, I have recently received a letter from 13 members of the faculty and graduate students in the Physics Department of the University of Texas at Austin, Tex., another letter from 14 members of the Physics Department of Texas A. & M. University, and a letter from eight students and members of the academic community of the University of Texas at Austin, all opposing the ABM. The last-mentioned letter was attached to a petition containing the signatures of over 1,000 people at the University of Texas at Austin who are against the ABM proposal.

Mr. President, these names on the petition were collected over a period of several days when the petition was available for signature outside the Student Union Building at the University of Texas at Austin. The petition and these letters tell me that there is great public opposition to the ABM proposal in my home State of Texas. We cannot ram this multibillion-dollar program down the throats of an unwilling people. I hope that the Senate will keep this fact in mind when it votes on this proposal.

Mr. President, I ask unanimous consent that these letters, one from the Department of Physics, University of Texas, dated February 26, 1969; one from the Physics Department of Texas A. & M. University; and one from a group of University of Texas students dated April 19, 1969, along with the names of their signers; and the text of the petition from the University of Texas at Austin, together with the names of all of the signers, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF TEXAS AT AUSTIN, DEPARTMENT OF PHYSICS,
Austin, Tex., February 26, 1969.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We the undersigned faculty and graduate students at The University of Texas at Austin urge you to vote against any additional appropriations for the Sentinel Antiballistic Missile System. We believe that the Sentinel system does not constitute a technically feasible defense against a nuclear attack with ballistic missiles and that any advantage obtained from such system can be easily offset by minor, inexpensive modifications of offensive weapons. We also feel that the construction of the Sentinel system at this time will increase international tensions and lead to an immediate escalation of the arms race. We therefore conclude that the costs as well as the dangers inherent in placing nuclear warheads in populated areas far outweigh any advantages of the Sentinel system and we urge you to oppose its construction.

Robert G. Yoes, Faculty Associate in Physics; Eugene Couch, Faculty Associate, Dept. of Physics; Alfred Schild, Professor of Physics; Laurence Shepley, Assistant Professor of Physics; Richard Matzner, Faculty Associate, Dept. of Physics; Albert R. Exton, Faculty Associate, Dept. of Physics; William Kinnersley, Faculty Associate, Dept. of Physics; Richard Tropp, Teaching Assistant, Dept. of Physics; William H. Marlow, Research Scientist; Ph. D. Candidate; Physics; John W. Middleton, Teaching Assistant, Physics; Yinger Ehlers, Professor of Physics; Robert S. Castroll, Teaching Associate, Mathematics Dept.; John A. Campbell, Assistant Professor, Physics and Computer Science.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

We the undersigned members of the physics department of Texas A. & M. University, wish to express our opposition to the proposed deployment of the Safeguard Anti-Ballistic Missile System. We respectfully urge that you vote against the authorization and appropriation of the funds necessary to deploy the Safeguard System.

This petition reflects the individual sentiments of the undersigned individuals and in no way represents an official position of the named institution.

J. Nuttall, associate professor; Ronald Bryan, visiting lecturer; F. Alan McDonald, asst. prof.; William A. Pearce, asst. prof.; Lee C. Northcliffe, assoc. prof.; R. K. Vaneyer, asst. prof.; G. W. Kattaman, assoc. prof.; E. Reyne, assoc. prof.; C. N. Adams, grad student; L. L. Rutledge, Jr., grad student; Mitty C. Plummer, grad student; Joe S. Ham, prof.; Donald F. Weekes, professor; Harold Cohen, post doctoral research associate.

APRIL 19, 1969.

Hon. RALPH YARBOROUGH,
Senate Office,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We strongly believe that the ABM system advocated by the present administration is sheer madness. The Administration claims that this "defense" system is not provocative; this is simply not true. When the Soviet Union had set up a limited ABM system around Moscow we responded by developing the MIRV, the most deadly warhead ever created. This, in turn, forced the Russians to keep abreast militarily of the Americans. In now advocating the deployment of the ABM system, our military leaders fail to recognize how terribly they are escalating the arms race. Does our military assume the Soviet Union will react more sanely to our ABM than we did to theirs? There are purely technical reasons for opposing the ABM. In the February, 1968 issue of *Scientific American*, Hans Bethe maintains that after spending billions of dollars, the system could be quite easily foiled by new Russian technological advances. Another scientist, writing in the April, 1969 issue of the same journal, claims that the chances of nuclear war will be greatly increased if the ABM system is adopted. Presently, neither side can gain much of an advantage by initiating a nuclear attack. We, like the Russians, will suffer equally, whether we initiate or retaliate. If, however, ABM's are set up on both sides (if they indeed function; many scientists have their doubts), the country which attacks first will suffer least. Therefore, when a crisis situation arises, either side is more likely to push the panic button.

Militant nationalism is an absurd concept in this nuclear age. The United States can only protect her people by insuring world peace. This means that we must actively put an end to the action-reaction cycle which can only escalate the arms race, draining the financial resources so badly needed to cope with the world's domestic problems. The deployment of the ABM will serve only to bring us one step closer to a nuclear disaster, prompted by those who claim they are seeking but to defend the nation. Let us not force the Russians into the position of having to deploy a system even more terrible than the ABM, a device that will spell the doom of the up-coming arms negotiations, if not the world itself.

We are well aware of your solid opposition to the ABM. We hope this letter and the petition enclosed (signed by more than 1000 members of the Austin academic community) will bolster your position in Congress, and help influence your colleagues to follow your example. Please make our position known to as many members of Congress as possible.

We would appreciate a reply from you concerning the prospects for the fight against the ABM.

Sincerely,

James C. Kearney, Stacy Heinen, Ben Davis, Bill Holder, Claire Wilson, Steven Shankman, Marsha Maverick Wells, Nancy J. Moore.

We, the undersigned students of the University of Texas and members of the Austin academic community, deplore the Nixon Administration's advocacy of the ABM system, and we urge both Senators from the State of Texas to fight very strongly in Congress for the defeat of the ABM program.

Agnes I. Edwards, Karen Leiner, Suzanne Davies, J. B. Perkin, John R. Doggett III, James Coates, Carol Thompson, Kerry Kremer, Robert A. Devine, Jennifer Gee, Jan Dohoney, William Brans, Ryan W. Oliver III, Rachel Maines, Edwin O. Prince, Carole Myse, Adrienne Diehr.

Nancie B. Anderson, Eugene E. Wells, Jr., Claudia Stewart, Steve Brake, Bernard Duck, Jr., George Byars, Mr. and Mrs. P. Nugeon Guenluck, Bob Goldman, Tony Tenanella, Ken Bayn, John Dietz, Karen Rowlett, Sharon D. Rueler, Mark R. Lerner, Diana Allen, Carolyn Nance, Stuart Greenfield, Charles Cervantes.

Martha Sherer, Bruce E. Harberry, Robert G. Milne, Edward Malewitz, Karolyn Stark, Mr. and Mrs. Dennis R. Friedel, Mr. and Mrs. Roger Shattuck, Elizabeth Bernard, Charles Tandy, Joan Sechler, Margaret Gardner, John H. Whiteford, Robert Logan, John H. Mannehler, Arlene Welfel, Charles L. Borgeson, Jr., Ann Caraway, B. K. Guyler, Joel Finegold.

Mary Charles Lucas, Fred L. Stearns, James R. Eskew, John R. Schallow, Lucius A. Ripley, Gary B. Rodgers, William A. Brine, Philip McGuire Martin, Victor J. Guerra, John W. Bowler, Gustavo R. Ortega, Charlotte Webb, Donald S. Webb, Judy Blumenfeld, David Spaw, Travis Briggs, Bob Goldman, S. C. Littlechild, Lacy Daniels.

Richard Whiddon, Ted Samsel, Warren Dean, Joe Bryson, James Richard Rogers, Ferver E. Syleyks, Noelb Hendricks, Gilbert Cardenas, Perrell D. Epperson, Ron Kicheger, Blanine Cohen, Bev. Strittmatter, Juan Carotez, 14 St. 506 Michael Woodward, Cole.

Forrest S. Higgs, Judith A. Zemore, Mark Simon, Katherine Murphy, Ann Locklear, James Reddell, A. S. Marshall, Betty Cotton, Rick Priwy, Jane Beek-

strand, Robert W. Hoffman, Kelvin B. Pratt, Thomas A. Green Jr., George Zapalas, Jan Marston.

John Lan, Randy Caily, Judy Morrison, Juan Valdez, John Taylor, Wallace Stapp, Mark D. Roffman, K. Douglas Anderson, Cornelius C. Laird, David Glover, Paulina Cook, Gerhard C. Geohandi, David Edwards, David Van Os, Herbert Hirsch, G. Bowman, Donald H. Sacks, Dennis R. Robinson, Joan Ellen Foote, Doug Bradley.

Richard W. Lehman, Patricia V. Lehman, Charlie Robinson, Jr., Ben Owen, Griff Batten, James Creswell, Tommy Hill, Richard L. Shocket, Carolyn Moore, Alan Lcklear, Leslie Fenton, Alan Fenton, Robert Whienmeny, Mike McMurtrey, James Oilsen, Mike Matthews, Jeffrey H. Kester, Luther Baillew.

Kenneth C. Fountain, Robert A. Koch, L. Parker, Nicholas C. Kaullos, J. D. Uzzell, Elizabeth Powers, William Green, Susan Krenik, Cynthia E. Mayo, Joe B. Ferguson, Kathleen Hughes, Stephen D. Drake, Jim Traweek, David Forman, Raymond L. Neubaur, Mal Lesly, Judy Kaplan.

David Earnest, Winford Harold Gattis, J. Renfro, Art Manoquin, Tommy Rainbolt, Jr., Mark Glen Chemsted, Frank Floea, Amelia Sonet, Jim Lurmore, Gary Rose, Richard B. Fuchet, Jr., John C. Cullen, Jack Ruchelman, Steven Foster, Gene Stoine, Ken Houston, Cyndy Fowler, Michael McKinney, Alicia Helton.

Jos. Wristers, Richard Moore, Bruce Goranson, Marie Friedman (Mrs. Lelan W.), Suzanne Evans, David A. Upper, Debby Passman, Michael Burgess, Allen R. Thomson, Perry Raybuch, Chris Taylor, Anne T. Payne, Tom Gonzalez, Mike Perry, K. M. Breen, Gilbert Rochiger, Lar Kaufman.

J. Keith Grienieks, Wiley J. Roark, Judith Searcy, Rita Richards, Kathy Bailey, Lang C. Owens, Jennifer Disbrow, Jeffrey W. Newman, Randall Hollis, Bob Higley, Ken Schutze, Charles Aherz, Barbara Greenberg, William M. Montgomery, Michael A. Lacey, Marc Bernstein, Dotty McDaniel, Jon Montgomery, Dick Yoer, Bob Baird.

Joie Bullion, Ella Dolomon, Carlos J. Chapa, Jeros Medeao, Pat Guerra, Bonnie Hinshaw, Bill Cowsar, Franz E. Meadows, Edward V. George, Mildred W. Douglas, Sp/4 James M. Lutz, Lynn Elkins, Robert P. Poteat, Nan S. Blake, Troy Ellison, H. F. Oeandumbit, Bill Kimbot.

Len Sherman, Ellen Deacon, Ruth Keenan, Sherrie S. Cerris, Dennis Stacy, J. P. Hill, Jr., Albert R. Owens, Jr., Wayne Holtzman, Jr., Jimmie D. Freeman, Gary Agatt, Karen Northcott, Jan E. Siteri, Richard I. Grant, Jr., Robyn Barclay, Roy Powell, Steve Kotter, Connie Singleton.

Salvador Franco, Suzanne Wenger, Todd W. Cone, Peter Gill, Ron Walker, Allen Pitts, Mike Center, Steven A. Carriker, Clara Studar, Mark Plummer, John Ziley, Paul Neumann, Glennys Peterson, Debbie Drake, Linda Morgan, Gary L. Thicken, William R. Duncan, Toni Ward.

N. O. Brookshire, A. L. Mackey, Robert Mayfield, Eric Samat, John Hanal, Alfredo Peno, Mary F. Spencer, F. Dee Shorte, Mark B. Bader, James Zigler, Bill Smith, J. Payne, John Conley, Jim Colby, Rebecca Martin, Nelson Martin, Marlyn Hall III.

J. Wes Ingram, Robert C. Foster, Victor X. Rivera, Sybil Bossby, Christopher Blake Upjohn, Barbara Poston, Steve Hutchison, Charles G. Jennings, Jr., Wenorah Lyon, Tom Kincaid, Sharon Bosting, Larry Grisham, James M. Cody, Barry Banelle, Kurt Gustafson, Robert D. Bain.

Stuart Clayton, Walter E. Wehrle, Tony Pecora McAdoo, Frederick D. Asnec, Martha Alexander Petkas, Peter J. Patten, Barry Brookshire, Michael Anthony Howe, Kenneth B. McCullough, Frances K. Sage, Dana Waldman, David Peeples, Alex Arevalo, Philip Rogers, Randy Boykin, James F. Wood, James C. Fogo, Kent Landrum, Meredith Morgan.

Scott L. Ferguson, Edmund S. Princoffs, Leoda Anderson, Hubert R. Fowler, Bert Meisenbach, Beto Brunn, Phillip E. Garrett, Charles Cervantes, Elliot Zashin, John Loyee, Joe A. Shull, Candy O'Keefe, R. J. Leddy, G. Wich C. Meirs, Aliddrington.

Stenan Shankmon, Henry T. Benedict, Dennis G. Flinn, Marsha Maverick Wells, Henry Allen, Thomas Kuber, Barbara Roseman, David A. Gonga, Nancy J. Moore, Kathy Hughes, Carey K. West, Sigmund D. Bue, Robert P. Aguirre.

Sebastian Davis, Tom Ricker, Jesse M. Garcia, Roger D. Duncan, Elizabeth Zane, Kirk Thompson, Bernard A. Nipply, James Bean, Roy Powell.

Bob Consel, John P. Herov, Frank J. Smith, Mike R. McHone, Carolyn Langley, Barrey DeBakey, Bob Kar Hu, Jose E. Linnon, W. L. Richey, Jr., John P. Kin, Alyce Russell.

Glenda Boreice, Kaven Lane, Marilyn R. Barders, Frank Head, A. Joe Stubbs, Robert Westheimer, Robert Griffin, Michael L. Aee, Robert Waters, Greg Dun, Wm. J. Olson, Stephen E. Felp.

Rowland R. Nathaway, James P. Allison, Stuart Isgeor, Rebecca Rezmhoff, Claire Wilson, Michael P. Wesbegt, Richard W. Minis, Robert Printch, Alan Phenix, Caralee G. Woods.

James Sevell, Sharon Shelton, Flex O. Calvert, Lawrence Caroline, Dina Caroline, Sandy Carmichael, Steve Gibson, Nicholas A. Hophimus, Richard W. Tedlars, Carole J. Anderson, Tom N. Taylor, M. Ann Miller, Elaine Truman, Tony Abrigo, Pat Dillon, Avia Aguillard, Maria L. Abrigo, Tom Kincaid.

Nancy Bender, Barry K. Odell, Harvey L. Mayton, Robert J. Cartis, David L. Noblin, Mike Levin, Jennifer Oppenheim, Robert N. Thefers, Sheryl Patterson, Ann Clark, James Page, Richard Aldriedge, Amelia L. Carolis, Jane Ross.

Donald E. Walker, Joe Jordan, Dave Haase, Bruce Grube, Philip Sterzing, Mark Macha, Kristine DeWeese, Jame Calillo, Joyce Sanders, Joi Ittilig, Mark Rinehart, John P. Hinds, Robert E. DeWeese, Henry C. Mecrcek III, C. Thomas Bermann, A Marie Blazik, Gary Anderson, T. E. Fogwell.

Bill McGraw, Dickie Pena, Karen Weldon, Wayne Maddox Jr., Michael Brophy, Michael J. Irwin, J. P. Mays, Laurie Sarger, Harry M. Pope, Donna Jane Graham, Mrs. Linda Garrett, John Beauduz, Suzi Duffy, Henry B. Green, James H. Hyrd, Steve Cavanaugh, Robert Connell, Quinn W. Schurwitz.

Tracy D. Terrell, William Mullen, Shelby Hallmark, William Levitan, Robert A. Wallace, Arch Ritter, Arthur S. Nietz, Howard Heitz, William R. Pakalhn, M. Banksont, Robert G. Twombly, Harry J. Suguima, Henry Nahafeur, Robert L. Russell, Thomas W. Hainze, Jr., Thomas B. Hudson, Jr., Laura G. Richardson, Michael M. Garrile.

Anne Olivia Boyer, H. W. Johnson, Vernon Williams, David Sobeg, John Bower, David Vando, Diane Shottand, Donald McQuarie, Anthony J. Stantzenberger, John Mikov, John Nibrow, Robert Mayfield, Ann K. Clark, Brooke Conley, Henry E. Bower, Ralph R. Read III, Asst. Prof. of German, Margaret Kieckhefer, J. M. Milburn.

Michael A. Archenhold, Hank Henriques, Gary R. Wells, Sylvia Hughes, D. W. Byde, W. Z. Schild, Mrs. Leslie Vuran, Robert L. Dislant Jr., Lynn Peery, Linda Helland, Jones T. M. Midler, Jr., Lyndon Knippa, Carolyn Shirley, Larry Hazard, J. Chrys Dougherty, IV, Bob Franklin, Jim Darden, Dave Gebser, Leon Gibson, Kent Gray.

Michael W. James, Gregory Hicks, Spencer Leitman, Iris Hennington, James C. Todd, Wm. Meacham, Jerry Poizner, Alberto de Lacerda, Bill F. Fowler, Carole Mgre, Rob Deacon, Wayne A. Rebhow, William W. Rienster, William C. Gruben, John Crowley, Peggy Redcom, James Houckins, Robert H. Zibul, Jenny Roquemore.

George Bou, Michael O. Tobin, Anna Kathryn Webb, Mark S. Goodrich, William L. Spilker, Richard Simpson, Wright Williams, Torn Macheor, Julie Ryan, Candace Camp, Robert Caldwell, Richard Bauman, David M. Norman, Nancy Niland, Joann Chang, Bill Holden, Dwight McMurrin.

Bettie Watford, Clyde James, Jr., David J. Wadden, Jr., Patricia K. Carlson, Scott Pittman, S. R. Smith, Daniel K. Morgan, Shelby Duval, Richard W. Vanderdraft, John Howard, Janet Binzegger, Jesus Tumbler B., Carolyn Gates, Lindole Calin, David Moore, Carletta Kassover, Walter Harrison, Jose G. Sanchez.

Carolyn Virginia Jamer, Bruce Gregg, Bill McKee, Dave Flacy, Barbara Stocking, J. R. Card, Jon Cavalier, Patrick L. Evans, Ann MacNaughton, Kig Page, Donna Dees, Ron Bates,, Paul Bucke, Bill G. Dickey, Michael J. Cracraft, Robert W. Lewis, Jr., Julia O'Neal, Candida E. McCollom, James Michael Peal, William R. Green.

Wm. O. Bellmosko III, Bill Manshall, Mayme Walters, Barbara Wuensch, John H. Howard, Jr., David A. Stewart, Daniel Taylor, John R. Cope, R. Terince Stoup, S. J. Colletta, Bob Pian, James P. Keogh, Zigmunt W. Smuggy, Karen Carsch, Robert Ryman, Emet M. Hallock, Morton Lane, Susan E. Venel, Sandra McGumonville.

Karen Kilsdonk, Charlie Bicksley, Candase Page Herring, Beverly Huntsman, Mike Chase, Patricia Blum, Judith A. Smith, Charles Johnson, Jonathan Los, Janie Hall, Peggy Jan Mills, Clinton Mallari, Kate Keller, Becky Bolkin, B. K. Guyler, Patricia Harp, Rafael Quintanilla, Allos Sloholl.

Douglas M. Webb, Richard Johnson, Bruce L. Gardner, Richard Lynch, Linda Maddox, David Rigney, Neil Landsman, Peggy Martin, Bob Russell, Richard Paul, Rosa Maria Gonzalez, John Christian, Roger Dickey, David Hall, Mark V. Roderick, William C. Davis, Spiror Veller, Otono Mims.

Armando Gutierrez, Jr., Lewis Mr. Rosenthal, Donald T. Carr, Tony M. Morgan, Dennis Stacy, Cliff Lewis, John Hay, Linda Mackey, Lewis A. Mcelvy, William D. Bradford, Betty Stevens, Stephen Seaquist, Mary Marias, William H. Gorman, Danette Moss, Max L. Kisschel, Rita Peterson, Richard Hill, Bob Ciderman.

Alex P. J. Mouniefer, Tom Robinson, Daniel C. Morgan, Jr., Margery Engel, Phyllis Caldwell, Carol Austin, George Bussy, James Peterson, Gary Michael, David G. Washburn, Barbara Sher, Ted

Kiptchek, Karen Peterson, David Moore, Bobby Skelton, Joe Trumm, Charlotte L. Tedhams, Charles W. Lindsey III, Thomas Herbt, Thomas S. Anderson, William B. Proxtel, Jr.

John Exdell, John B. Shenill, Jr., Richard E. Frich, John Wm. Peck, Joseph S. Hosser, Lloyd Weathers, Neston Reyes, Patrick Shannon, John Donald, Edward Haverlah, Helen Gedde, John Redde, Russ Reckor, Stephen L. Hastes, Woodlief W. Plive.

Richard Ferroy, John Teltsor, James Kearney, Gene Cunyon, Kenneth A. Fisher, Patricia E. Fisher, Richard C. Parish, Thomas J. Hannibal, James Lindsay, James Caldwell, Bruce Hoemes, Mike McDougal, Jane A. Dennis, John K. Clare, Ronald J. Herring, Duane Ripkin, Jeffrey F. Huntsman, Blews Vewell.

Darryl Bailey, Don Rodgers, Paul Terper, Jerry Morrisey, Sharon Berliner, Bill Harrfbro, James Hales, Michael Berger, Carl Cochran, Mark V. Gregg, José Ramez, Lynne Tellingtoh, Doug Rowley, Marta Berryman, Terry Pinkard, Charles F. Williams.

Robert D. Atkinson, Pamela Rutherford, Jimmy Chapman, Allen Bohne, Camil Handy, Cynthia Riessen, Jack Burlli, Jerald R. Yankee, Tony Davidson, Linda R. Moore, Stacy Heinen, Ken Ligatt, E. F. Crim, Bill Batey, Fred Moffitt, Walter Arnold, Paul M. Jenck, Kim Sheftall, Robert E. Ferrell.

Jack A. V. Hals, Tyler Jansen, Patrick J. Gearing, James S. Sage, Judy Franklin, Helen Barthelme, Gerry Conrad, Richard C. Browne, Bob Heilbisor, Richard Santos, John Hel Buchey, Geoffrey C. Lacey, Douglas Lee Hall, Josephine Whiteford, David M. Robinson, John Bryant, C. Mosby.

Harriett Watts, Naomi Rosen, Dee Clary, Duane Christian, Jos. H. Thrash, Elizabeth Sienchez, Robert R. Smith, Jr., Killon P. Almond, Jr., Gorden Beaness, Barbara Kaster, Jacque Thiele, John S. Aldridge, Mark Sliajic, Frank Mather, John Lorne, Larry Weiss, Mark Aldridge, Thomas J. Gilbey, Jr., Gerald I. Livengood.

Robert C. Fox, Robert P. Lerzian, Jane Smith, Rudolph Houck, Eliot P. Tucker Linda Forman.

Ernie Eden, David Smith, Nancy Ainsworth Johnson, Jim Bryce, Wm. E. Richey, Michael B. Foster, Martha Barthe, John M. Whelan, Jr., Carolyn Bucknall, Patrick A. Luciz, John H. Young, Naomi Feldman, Howard Black, David McClanroch, Larry Brittain, Melanie Hickerson, Thomas J. Nagy, Mary Jane Mills, Donna Jo Mills, Antonio Naranj, Suzanne Wheat.

Allen Finegold, Mike Killebrew, Jim Crook, Judith F. Hanson, Patricia L. Porter, Dick Waitt, Chuck Newell, John Jennings, Charles Chemnitz, Jerry L. D'Asto, Roy Hanson, Jr., Carol D. Caldwell, Lorelei Bourg, David A. McCam, Richard Johnson.

Barry M. Bloan, George Briston, Kenny Kremer, Betty Bruckhart, Nick Duncan, Judy Glass, Cathy Carter, Mark Nacol, Carol Moczygemba, J. Ann Schatz, Cosette Nolen, Roy Larsen, Gene Dolp, Natcohn Bruce McNeil, Terry W. Hesson, Jeff Oger, Hazel Henderson, Pat Cuney.

Clare A. Gregorian, Roger L. Chesser, Charles Schmid, Susan Berliner, James M. Williams, James H. Hallbach, Donald Baer, Mrs. Margaret M. Jennings, Mike Anderson, Will Darby, Deanna McNamara.

Harry Finigin, David Smith, David Barnes, Ronald Lee Klingenberg, Frankie G. Miller, Jeff Joseph Jones, George A. Fisher, Tom Perkins, Jr.

Tom MacLeod, Barbara Hines, Betty Fulwiter, Larrie Hall, Raul J. Garcia, Jr., Fran Ditti, George R. Prey, Thomas C. Chase III, Albert B. Harper, Douglas B. Balfour, Ronnie C. Stewart, Linda Muller, Wanda Wutzler, Andree Nolen, J. Barton Arnold III, Elmer L. Deal, Jr.

Stephen Cornell, Larry Frey, Ronny Knape, Thomas Wagner, George Entemer, Arthur J. Orbin, Edward J. M. Rhoads, Levie C. Jacobs, Mark Durin, George H. Moore, Jr., William A. Reaves, Peter Foster, Ralph Allen, Jerome Frank, Jr., Mike S. Harms, Gale Alexander.

Virginia Printz, Bruce Lane, Robi Glewonor, Bruce Hallock, Patsee Luce, Eldridge, Dennis Greusky, Robert M. Sweeney, Marie E. Goyen, Patti Walther, Savis E. Rogers, Frank S. Sisti, Grace Angelena Hedemann, Randy Rogers, David Koenig, Bernard Wollank, Robert C. Gray, Barney DelBakey, Peter Riskind, June Skinner, David Braun, Don Rawlins, Brian Ornene, James Byrd, John G. Corbett, Laurel Seltzer, Alan Seals, Margret M. Niel, Erick Dela Queize, Robert C. Mint, James A. Benrie, Henry W. Raeleft, Henry E. Sadle, Mary McConkey.

Gail Bentweyne, Locke B. Casey, Barry Read, Susan McEwan, Jaime E. Rodriguez, Jim C. Snyder, Ruf Well, Jonathan Grant, Allen Robert Alford, Myron S. Logan, Bob Archerbold, St Gafurke, Patricia Lorang, Keith Schuchard, Susan Dezelle, Janice Hullum, Henry Langley, Richard Shorter.

J. Ivan McLaren, Greg Wan, Douglas Hickman, J. E. Hecler, Yvette Bourhoff, Bruce Flach, Rebecca Reznihoff, Emma Pratt, Steve Schwetz, Howard Pratt, Jr., Laura Williams, Laurence Paxson Eggers, Susan Torian, Jobel Kalbaugh, Harry Balch.

Sharon Hewlett, Tom Suford, Roland Roms, Tim Patten, Martha Cushing, David Anders, F. Jay Brockman, Jane Granskoy, Karen McCormick, Kathryn Quirem, Carlos Carrizalez, Jr., Alicia Garces, Larry Anderson, Thomas Martin, Walter Rast, Jr., Janice M. Carlson, Robert Carter Fox.

Leonard Stern, Robert Brooks, Julia Bearden, Lynda McCray, Gerald M. Slaton, Pete E. Romero, Charley Brady, John Roach, John Courtade, Toni Aguilar, K. Rogers, Melanie Hickerson, Phyllis Della Croce, Elizabeth Cary, Stephen L. Beres, Jr., David Cummings, Mary Cannar, Philip Prim, Diana Petty, Suzanne Anderson.

Lindy Lawson, Glorida K. Moore, John R. McNeely, Martin Murray, G. Michael Major, John M. Sanchez, Karen E. White, Sedalia Long, Larry Hill, Jeanne Geller, Sandra Shapiro, John R. Sims, William K. Armstrong, Stephen Grimmett, M. H. Dunson Jr., G. D. Echelson, Mark Swepe.

Larry Winn, Rowe Suggs, Nelan Neokleon, Michael B. Charton, Larry Schmucker, Chisto Whalis, Flomla Chiles, Louis Glatzer, Andrew C. LeCompte, Larry H. Jackson, Marsha J. Worrell, Judith Sims, Jim Crozier, Celia Carroll, Michael Bouwkoff, James W. Duncan, Henry M. Holl.

Rosanne G. Patten, Les Garley, Robert Waters, Charles W. Chambers, Gary Pahl, Suzanne S. Barth, Marcellas Haitman, Becky Speck, James A. Sparks, Cleaburn R. Zevernemann, Alan Frank, David E. Summers, A. M. Ruth, Jean H. Newbold.

Jeffrey K. Lindzey, B. Westlund, Fred Mannan, Michel F. Johnson, John P. Halpa, Ann Strieber, Dluberd Gody, Harold Wylie, John Gilsa, M. G. Hall, William M. Kleman, Dan Mauldin, Pat H. Thorton, Ashton Pitre, Leon F. Kenman, Jack Millin, Marguerite Gillis.

Robert G. Yaes, Faculty Associate, Dept. of Physics; Lawrence Shepley, Assistant Professor, Physics; Alfred Schild, Professor of Physics; Eugene Couch, Faculty Associate, Physics; Ronald S. Parsons, Assistant Professor, Physics; Arnold B. Lopez-Apero, Faculty Associate, Physics.

RECOGNITION OF THE NEED FOR CONGRESSIONAL REFORM

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. CLEVELAND. Mr. Speaker, on May 28, I had the pleasure of attending a testimonial dinner in the honor of Speaker Marshall Cobliegh of the New Hampshire General Court. The guest speaker for this event was the Honorable Albert J. Abrams, secretary of the senate for the State of New York. The context of Secretary Abrams' address, which will follow these remarks, was a discourse on the role of legislatures in representative government. Secretary Abrams discussed the need for legislative reform in order to assure that these bodies can continue to perform effectively as they were originally intended.

It is gratifying to note that there are individuals outside of this Congress who feel that the status of legislatures can be expanded from its present role as "watchdog" to a position of leadership.

Last February 6, on page H851 of this Journal, I included for the benefit of my colleagues, the context of the inaugural address delivered by the speaker of the New Hampshire House of Representatives, the Honorable Marshall Cobliegh. The speaker's remarks concerned the status of the New Hampshire Legislature and the need for its reform. Speaker Cobliegh, cited in his address one of my favorite quotations from the great Jefferson:

> Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

I wish to express my thanks to Secretary Abrams and Speaker Cobliegh for their insight and ability to see the need for legislative reform to protect our representative democracy.

The address referred to follows:

THE MOST UNDER-UNDERSTOOD BRANCH OF GOVERNMENT

(By Albert J. Abrams, Secretary of the Senate, New York State)

INTRODUCTION

It is a measure of the liberality of New Hampshire that you have invited here to speak tonight in this testimonial to one of your own great leaders, Marshall Cobleigh, not only a "foreigner" from outside the state, but amazingly someone from the Upper House! Not only someone from the Upper House, but a staffer to boot!

I always view with some trepidation this microphone, because in the Senate of New

York I once read from the podium the title of a bill about to come up for debate. The bill would have regulated spawning beds. Only it resounded in the Senate Chamber over the microphone like this: "An act to amend the conservation law in relation to the regulation of sporting beds." Up sprung one of our older Senators and said, "Mr. President, are we regulating that too?"

The British poet, W. H. Auden, put the whole problem of legislative modernization succinctly when he said:

"We would rather be ruined than changed
We would rather die in our dread
Than climb the cross of the moment
and let our illusions die."

However, your Speaker is not one who has a fear of change. In a courageous leap to leadership he is in the forefront of those who seek to bring our legislatures dragging, squawking and protesting into the 20th century.

Tonight, I'm supposed to talk and you're supposed to listen. If you get through before I do, please let me know.

I appreciate your chairman's generous introduction. It is a great deal more sympathetic than one I received in New York City, when after listening to the master of ceremonies recite the dreary facts of my life I heard him conclude: "And now we shall hear the latest dope from Albany."

It is just great to come to New Hampshire, from whence many of our New York leaders gain new energies and new insights. Our New York Senate Minority Leader Joseph Zaretzki has lived in New Hampshire for years, but votes in Manhattan! And our Senate Majority Leader Earl Brydges extracts as many fish from your waters as your generous laws permit. Unpublicized, many of our New Yorkers come to New Hampshire to get a breath of unpolluted air, unpolluted water and unpolluted politics.

Your state flower, the purple lilac; your state tree, the white birch; reflect so well the clean tangy scent of your air and the dignity of your people.

And I bring you greetings from Gov. Rockefeller who was educated here. When he was a kid, before he went to Dartmouth, his father, so the story goes, gave him blocks to play with—50th Street, 51st Street, 52nd Street.

We have just gone through the 1969 session. In New York, we had nearly 6,000 bills introduced in the Senate alone, and about 7,500 in the House. We passed 1,500 bills and at this moment the Governor is signing about 1,155 of them. It was an exciting session, replete with historymaking events—the first school decentralization law in the history of the nation, an increase in the sales tax, an attempt to curb campus rioters and a move to re-write state-aid formulas that was fiscally crippling the state. Also, we had a wonderful under-estimate of revenues some people are snide enough to say is designed to keep us going through the election year of 1969. And our leaders reduced the number of interim committees because some cynics say we found there were committees that had solutions to which they couldn't find problems! I mean they had wonderful answers but couldn't find the questions to go with them!

THE LEGISLATIVE SITUATION IN THE WORLD

Today legislative bodies around the world are in dire trouble. The military have taken over in many parts of the world from weak legislatures, and civilian dictators make some parliaments meek rubber stamps. A Peruvian legislator visited me and said his Congress wouldn't dare oppose the military lest they be killed!

If we were to paint the globe white on those spots which have virile, creative, forceful legislative systems, the globe would appear mostly black.

In the trouble spots of the world, you will find on the whole they have weak legislative systems. Let us call the roll:

Egypt, with a dictator.

Nigeria, with a military government.

North and South Viet Nam, both with military leadership.

China, where a party bureaucracy dictates.

Russia, where legislative independence would be deemed an affront by the Omni-Bureaucrats.

Latin America, where legislatures generally are window dressing for hard-nosed autocracies with military governments.

South America, where legislatures are puppets generally for military rules.

Africa, parliaments on the whole are anemic and new governments are run by strong-men dictators.

The British parliamentary system is still strong. And in Australia, India, Canada, Israel, and in the Scandanavian countries, legislatures are not afraid to make and initiate policy, nor to hold executives to account. Our United States Congress at times appears to have lost its capacity for broad policy initiation, having recently implored the President to submit a legislative program to which it could react; but if it has lost power in the areas of foreign relations and war to a powerful Presidency, at least in the field of program auditing it is showing spark.

The truth is that most of the world's population does not know government by strong, independent legislature. And one of the most useful steps the nations of the world could take to strengthen freedom would be to bolster their legislatures. A people that does not have a free, strong legislature is not free.

Of course in Lebanon, they have solved the problem of parliaments. The rule there is that controversial subjects that cut into religious lines may not be brought before the legislature! They have solved their problem. They have deep dug-in religious sects which would be at each other's throats if issues of controversy were to come before their legislature, so they have worked out their own system: no controversial legislation!

THE STATE LEGISLATURES

New Hampshire has given the nation the motto: "Live free or die!" That is the cry our whole country has for the world. And that is the message of our legislatures to our people. Unfortunately, there is current in our nation a massive cynicism toward legislatures and an elitist cynicism that is destructive of representative democracy.

Each group in our society, the educators, the doctors, the engineers, the scientists feel they know better than the legislatures how to run our government. But it is the unique function of the legislature to apply the common sense of the generalist to the diverse viewpoints of the specialists.

Our state legislatures are under fire from the Atlantic Ocean to the Pacific Ocean. Some of the attacks by civic reformers has some basis.

Our legislatures have not organized for their main tasks, but have permitted themselves to be snowed under a paper blizzard of trivial legislation. Do we really need the 35,000 new laws adopted by our states each biennium?

They have permitted themselves to be outmaneuvered, out-staffed, out-budgeted by the Governors. They have permitted themselves to become ratifiers rather than initiators. They have permitted themselves to be punched senseless by editorialists who never had to mediate between conflicting forces in our society, and who rarely have access to time or research to sift fact from dazzling headlines. They have permitted the bureaucracy to mobilize a vertical ladder of decision-making extending from the localities to the states to the federal agencies, by-passing the legislatures.

And ruefully I must agree that legislatures have brought deserved attacks on themselves with their all-night sessions, and closing night hi-jinks. The glaring headlights of publicity shine on these theatrics. And the log-jam of the end of the session has brought outcries from the citizens, who little understand the natural rhythm of legislation in representative government, who little understand that conflicting forces defer compromises until certain the legislature is going to adjourn.

I could talk to you endlessly about the need for procedural changes, the need for more scheduling to space out sessions more evenly, the need for pre-filing, improved research staffing, annual sessions, better floor decorum, better office facilities for our committees, and a decent pay for decision-making.

Incidentally, it is not known in my own state that the salary of $15,000 base pay for our legislators who work 3–5 months in session and work the rest of the year part time at the very least in interim studies, in acting as ombudsmen for their constituency, in sounding out sentiment, get only $8 per decision they are called upon to make on the floor of the Senate; only $8 per vote they are called upon to make ranging from a $6.4 billion budget to delicate issues of church-state. And the public little understands that a legislator makes more decisions in a session than the average man makes in a lifetime.

THE REAL REFORMS

But let me warm to the task of suggesting where the real strengthening of our legislatures lie. It lies in knowing itself. The real task of legislatures is setting broad policies. The states are a $60 billion a year business! *Legislatures need to tool up, staff up and shape up.*

I will not stress the electronics and computers that many legislatures are using to help draft bills, codify statutes, and test alternate policy proposals. I will not stress anything tonight but main routes to get at the guts of bringing legislatures back to the glory that was theirs in the early 19th century.

These channels of strength are:

1. *The legislature must gain control over the planning function of state government.*

Today, the federal government is requiring comprehensive planning in higher education, welfare, health, highways—in virtually every segment of government—and the planning is being done by executive agencies usually without knowledge or consent of the legislature. Today state agencies are developing broad programs of economic development and these by-pass the legislatures. Today state agencies develop plans for the physical growth of the state, and these blueprints frequently escape legislative review. Planning is power, and legislatures are being locked into spending by plans over which they have little control.

2. *The legislature must gain control over the allocative function, over determining how much money will be distributed between private and public sectors and what the priorities are within the public sector.*

Today, our legislatures are using often primitive methods in budget. Few use an investment budget; few use an economic development budget. Few legislatures are given a broad economic review before the legislature convenes or after. Legislatures need more than fiscal notes on bills; they need to correlate area-spending with area-unemployment to make certain the money is going where the money is needed. The legislature needs a short-range and long-range budget. Money is power and legislatures weakened by the executive budget system need to be brought back into the partnership.

3. *Legislatures are being inundated with trivia, and need to gain control over the big decisions.*

Legislatures are being swamped with bills. And little effort has gone into keeping the trivia out of the legislative machinery. We need new mechanisms to keep the work-load down and the brainload up. We need explore concepts of negative legislation, retaining review over expanded administrative regu-

lations; consolidating bills; eliminating local bills, and concentrating on the bull's eye.

We need to bring in $1-a-year men to advise our legislatures, the nation's top scientific brains, foremost industrial management brains. We should not be shy about asking for help. Marshall Cobleigh has already moved in this direction.

There are so many other procedural improvements urgently, desperately needed by our legislatures. Internship programs, systems analysis, program development emphasis, systematic modernization of legislative rules, a standing committee system geared to do its job of evaluation, are but some of the obvious improvements needed.

We need better, closer relationship between our legislatures and the Congerss. Legislatures through control over congressional reapportionment have considerable leverage they have not used to gain a proper hearing at Washington.

The legislature's job is management of tensions and hostilities in society. If it continues to fail, if it continues to fumble and stumble, our whole system of representative government is in danger. And so I would urge a massive restructuring of our state legislature to do the job they need to do, a massive redirection of legislative activity to focus on planning and new kinds of fiscal controls, shedding the trivia and zeroing in the big problem areas.

The legislature is never going to be loved. Its job is that of umpire and who ever heard of a pitcher and batter sending love notes to the man in blue behind the plate. But that is your job: to call the balls and strikes as you see 'em, let the curves come as they may!

CONCLUSION

The Legislative leaders of our nation's 8,000 state legislators are helping to shape the resurgence of the states. They are being joined by Speaker Marshall Cobleigh, from the White Mountain State, a dynamic young man who seeks to strengthen the legislature and the legislative system, who shunned the easy path for hard work, who shuns the quiet life of ease, which as Elizabeth Barrett Browning said, "Is no life at all."

In an age of mankind that cries out for leadership, Marshall Cobleigh is rising to the challenge. And from New Hampshire there goes out to the nation an electric message: "We have here a man who can help mankind bind its wounds, who can gain common ground from diverse points of views, who is not afraid of change, who can see the far distances, who has hope and determination and the qualities so desperately needed today as our nation copes with congestion, mobility, revolt, corruption, pollution, immorality and the curse of inflation."

Let me end with the poem of Emily Dickinson who couldn't believe that men would die for law. The great Persian army under King Xerxes, moving to conquer Greece, found standing in the way at the pass at Thermopylae a small band of Greek soldiers hemmed between mountain and sea. These were the 300 Spartans under King Leonidas left to hold the narrow pass. And the King sent a stranger back to Sparta, saying, "Go stranger, and tell Sparta that here, obeying her commands, we fell."

And Emily Dickinson, as a woman, couldn't understand this sacrifice. She wrote:

"Go tell it—What a Message.
To whom—is specified—
Not murmur—not endearment
But simply—we obeyed—
Obeyed—a Lure—a Longing?
Oh Nature—none of these—
To Law—said sweet Thermopylae
I give my dying kiss."

Today we still have in our legislatures men like King Leonidas. Men like Marshall Cobleigh—willing to fight for principle—willing to fight for law.

THE NEED FOR LABOR LAW REFORM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, June 20, 1969

Mr. FANNIN. Mr. President, for several years I have called the Senate's attention to the need for a restoration of balance in the administration of labor law in the United States today. Over and over cases have come to my attention in which the rights of individuals have been subordinated to the interests of big labor organizers and in some cases employers have been willing to go along with these inequities.

Now it comes to my attention, through an article in U.S. News & World Report, that a nationwide group is embarked on a program of labor law reforms. I note that the priorities expressed by this group are along the same lines I have been advocating over the years; namely, the protection of the rights of individual workers.

I commend this effort on the part of the Chamber of Commerce of the United States and a panel of 100 labor relations lawyers who are attempting to restore balance to those charged with the responsibility of administering our labor laws, to the attention of Senators for their study and information.

I ask unanimous consent that an article published in the U.S. News & World Report of June 16, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW BUSINESS HOPES TO CHANGE THE NATION'S LABOR LAWS

An employer drive to rewrite the basic labor law is getting under way, with a specific list of changes being sought.

For years, employer groups have asked for curbs on the National Labor Relations Board, on the ground that the NLRB's rulings have been giving unions the breaks.

But, in recent years, Democrats controlled the White House and Congress. Nothing came of the "reform" pleas.

Now, with Republicans in the White House and labor's support weakened somewhat in Congress, pressure for changes is being stepped up.

One of the leading groups in this campaign is the Chamber of Commerce of the United States. It announced on June 4 that it is setting up some 25 meetings of businessmen across the country—called "labor-law reform workshops."

Anthony J. Obadal, in charge of the campaign as the Chamber's labor-relations manager, said these workshops "will emphasize the need to remove from the NLRB jurisdiction over unfair-labor-practice cases and assign them either to the federal courts or to a special labor court."

Mr. Obadal made it clear that the strategy is to build pressure for the "reforms" in the 1970 congressional races, hoping to get legislative action from a new Congress in 1971.

TWENTY-ONE-POINT PROGRAM

From a longer list of complaints drawn up by a panel of 100 labor-relations lawyers, the Chamber is concentrating on 21 specific proposals.

A poll taken among local chambers of commerce and trade associations, Mr. Obadal said, gave top priority to the proposal to strip NLRB of power to rule when an employer or union has committed an unfair labor practice as defined in the labor law.

Some 28 per cent of the votes put that change in the No. 1 position.

Here, in order of preference as indicated by the poll, is what some of the other proposals would do:

Grant bargaining rights only after secret-ballot elections—not on showing of cards signed by workers. Twenty-three per cent gave this top priority.

Amend the preamble to the National Labor Relations Act to make it clear that federal policy allows workers to decide for themselves whether to join or not to join a union. In the poll, 19 per cent rated this No. 1.

Stop unions from picketing a store in order to punish a manufacturer of products on sale there.

Compel unions, before going on strike, to submit the strike question to a secret-ballot vote of workers, if requested by the employer or by 10 per cent of the employees involved.

Allow employers to sue a union for damages if the union violates a no-strike clause in the labor agreement.

Prevent NLRB from restricting an employer's right to discuss unionism with his workers prior to elections.

Give back to employers "management rights" which the Chamber says have been turned over to unions by NLRB. An example offered: forcing a company to bargain with a union on matters such as contracting part of the operation to an outside firm.

Prohibit unions from fining their members for such actions as working during a strike or exceeding work quotas fixed by the union.

Set new rules for determining the size of a bargaining unit to prevent what the Chamber calls NLRB's tendency to "gerrymander" the unit to fit the part of the shop that is organized.

CHAMBER SAYS: IT'S ONLY FAIR

The Chamber argues that those changes, with others on its list, are essential if employers are to be given a fair break with unions under the labor law.

The basic law—the National Labor Relations Act, or Wagner Act—was adopted in 1935. There was a major revision in 1947, aimed at putting some curbs on union powers. This was the Taft-Hartley Act, written by a Republican Congress upset about the postwar wave of strikes.

In 1959, after Senators had heard testimony of racketeering and corruption in some unions, Congress passed the Landrum-Griffin Act. It included a "bill of rights" for union members and restrictions on some forms of strike and secondary boycotts.

The Chamber of Commerce, in a leaflet outlining its campaign, declared that the Labor Board has failed to apply the proper balance to its rulings. The booklet stated:

"The NLRB . . . refused to abandon the philosophy of encouraging unions and it is this intransigence, more than anything else, which explains unfair decisions of the Board. The Board sees whatever will strengthen the unions as being in the best interest of the nation. . . ."

Therefore, the Chamber said, it "has taken on the ambitious job of bringing reform to the NLRB, to change that agency into a neutral decision maker, rather than a promoter of unions."

Chairman Frank W. McCulloch of the NLRB has denied that the Board favors unions or employers. He says the Board is applying the law as it was written.

OUTLOOK FOR NLRB

Members of the NLRB are named to five-year terms. Two of the five present members are Republicans.

President Nixon's first chance to nominate an NLRB member does not occur until Dec. 16, 1969, when the term of Sam Zagoria—a Republican—expires. The White House has indicated that a new Chairman will be designated at that time. Mr. McCulloch could remain as a member.

The next vacancy is due on Aug. 27, 1970, when the McCulloch term ends. There is to be another opening in August, 1971, with expiration of the term of Gerald A. Brown. Mr. Brown and Mr. McCulloch are Democrats.

Thus, it will be late 1971 before President Nixon could name three members—barring resignations. Employer spokesmen contend that all five present members usually favor the union side.

This delay in revamping the Board's membership is cited by some employers as a reason for the proposal that NLRB be eliminated, or at least confined to handling election cases.

OUTSIDE THE LAW

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. MIKVA. Mr. Speaker, as revelations about the nature and extent of illegal Government wiretapping continue, the citizens of this Nation grow daily more concerned and more fearful. Added to the revelations about tapping of the telephone of Dr. Martin Luther King, we now have the Justice Department baldly asserting that its authority to wiretap extends to organizations which, in the estimate of the tappers, may be seeking to "attack and subvert the Government by unlawful means."

The vital question—the question which really transcends the details of recent revelations—is who will decide when a case involves "national security." Who determines when a real threat to our Government exists? And once the decision has been made in a case or series of cases, what internal administrative controls exist to insure that the tapping does not go on even after the responsible policy makers have made their decision against it? These are questions which must be answered. Congress and the people of this Nation must be reassured that there are effective, functioning controls on would-be wiretappers which will give some concrete meaning to the judicial warrant procedures enacted into law last year.

This morning's Washington Post, Mr. Speaker, carried an editorial which eloquently expresses the sense of outrage and dismay with which millions of Americans greeted the King wiretapping disclosure and events which have followed it. I insert that editorial today for the contemplation of my colleagues, and for the purpose of helping us all reflect on what widespread, uncontrolled, illegal wiretapping by the Government will mean for the future of free communication in America.

The editorial referred to follows:

OUTSIDE THE LAW

The Department of Justice has come forward with an appalling paradox: entrusted with enforcement of the Federal laws, it holds itself to lie outside the ambit of those laws; committed to the championship of the United States Constitution, it holds itself to be free from the restraints of that fundamental charter. Expressly, the Department declared on Friday that is possesses legal power—despite a clause of the Constitution and an Act of Congress to the contrary, and without bothering to obtain judicial authorization in advance—to carry on electronic surveillance of any members of organizations who, in its opinion, may be seeking to "attack and subvert the Government by unlawful means."

No more pernicious notion has ever been propounded by an agency of the United States Government. What this comes down to is a bald assertion that the Department can take the law into its own hands whenever it thinks the national security is threatened—from within or from without. Last week, in a Federal District Court in Chicago, the Department disclosed that it had employed wiretapping or bugging devices to monitor conversations of the antiwar activists who were indicted for inciting riots at the Democratic National Convention last August. What is the Department's justification? "Any President who takes seriously his oath to 'preserve, protect and defend the Constitution,'" the Department asserts, "will no doubt determine that it is not 'unreasonable' to utilize electronic surveillance to gather intelligence information concerning those organizations which are committed to the use of illegal methods to bring about changes in our form of government and which may be seeking to foment violent disorders."

Of course, the Constitution which any President has taken an oath to "preserve" specifically forbids unwarranted searches. And the Supreme Court has plainly said that electronic surveillance constitutes a search permissible under the Fourth Amendment only when properly circumscribed and authorized in advance by a judge. Congress only last year, wishing to regularize and control electronic eavesdropping, stipulated precisely in the Crime Control Act the conditions under which bugging and wiretapping could be authorized.

Yet the Department of Justice appears to be saying that both the Constitution and the Crime Control Act can be ignored whenever the President thinks that certain groups are "committed to the use of illegal methods to bring about changes in our form of government." What could better illustrate the absurdity of this standard than its application in regard to the tatterdemalion crew of New Leftists who stirred up disorder in the streets of Chicago. If the President or the Department of Justice can see a threat to the Nation's security in that tawdry, loose-lipped cabal, it can see a threat in anything.

And if a supposed threat to national security can justify setting aside the Constitution and the law respecting electronic eavesdropping, why can it not be used to justify setting them aside for any other purpose the President and the Department of Justice may deem expedient or convenient in the protection of national security? Will they some day think it not "unreasonable" to set aside the prohibitions against arbitrary arrest or against random physical searches of citizens' homes or against imprisonment without trial or against suppression of speech deemed dangerous? What the Department of Justice has so blandly enunciated is the rationale of dictatorship. It is the justification of every despot from Caligula to Adolf Hitler.

It has been disclosed recently that the Federal Bureau of Investigation systematically, over a period of years, tapped telephones in flagrant violation of the law and in cases having nothing whatever to do with national security. It bugged and tapped the homes and hotel roomes of the Rev. Dr. Martin Luther King and of Elijah Muhammad, the Black Muslim leader, for example. It is beside the point if, as the FBI now asserts, the Attorney General, at that time Robert F. Kennedy, authorized the eavesdropping; no Attorney General had any authority to do so. The FBI also bugged and tapped numerous persons alleged to be part of that undefined group called the "Mafia." This eavesdropping was done in violation of the Constitution, in violation of the law, in violation of a presidential order and in violation of repeated assurances by the Director of the FBI that it was not being done. J. Edgar Hoover has forfeited the confidence of the American people. He ought to resign or be removed from office.

A Federal Bureau of Investigation which eavesdrops on citizens is a peril to privacy and a menace to freedom in any circumstances. But a Federal Bureau of Investigation which does this in direct defiance of Congress is intolerable. Congress, in its wisdom, decreed last year that bugging and tapping could be done under court order. For the Department of Justice to assert now that it may bug and tap at its own discretion is to undermine the whole concept of a government of laws.

DEMANDS OF CERTAIN BLACK MILITANT GROUPS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 20, 1969

Mr. BYRD of Virginia. Mr. President, the demands of certain black militant groups were the subject of an interesting column by the able and perceptive writer, James J. Kilpatrick, which was published in the June 19 edition of the Washington Evening Star. I ask unanimous consent that Mr. Kilpatrick's column be printed in the Extension of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

BLACK DEMANDS FOR MONEY GREETED DOCILELY

(By James J. Kilpatrick)

It is not so strange, when you come to think about it, that Roy Innis should be putting the bite on the bankers and James Forman should be making the churchmen kneel. After all, banks and churches have money. Innis and Forman would like a large chunk of it. If you're going to make hay, you look to the high grass.

What is strange is the calmness with which acts of sheer effrontery are now received. A curious paralysis seems to have hit our sense of right conduct. In the presence of irrational behavior, rational thought is suspended. Gross rudeness passes as acceptable civility, and the most preposterous demands are reported in the press as soberly as budget hearings on Capitol Hill.

Consider the scene the other day in Chicago. The American Bankers Association and the National Bankers Association had arranged a conference on urban problems. The 300 delegates had barely sat down when a disturbance was heard at the rear of the hall. In marched Innis, executive director of the Congress of Racial Equality, at the head of a squad of fifteen. He strode to the podium, completely uninvited, and announced that he intended to make the conference relevant to black people.

Did the bankers give him the bum's rush? No, indeed. They asked him to lunch. Whereupon Innis demanded six billion not as a loan, mind you, but as a gift. And not really

as a gift: This was to be an initial down payment "as recoupment of the birthrights of black people with compounded interest."

"We're not here to make threats," said Innis, "but we are here to give you a message: We have two kinds of operations. We operate either in the streets or on the drawing board. We would prefer to operate on the drawing board."

Innis let that sink in. Then he advised his hosts that while he was in no particular hurry, it would be nice to have the 6 billion in a couple of weeks. His Black Urban Coalition was waiting.

Were the bankers flabbergasted? Disturbed? Resentful? Apparently not. They listened to Innis as mildly as if he were asking them to support the Community Chest. The churchmen, reacting to the demands of Forman, have been equally docile.

Forman's thing is the National Black Economic Development Conference, organized last April in Detroit. The conference came up with a manifesto demanding that predominantly white churches pay $500 million—since raised to three billion—as reparations for oppressions imposed upon the black man. The money would be used for a land bank and a black university, among other things; mainly it would be used for building "a Socialist society in the United States."

By way of making their intentions clear, Forman and his followers have been occupying church property, invading pulpits, and threatening "guerrilla warfare" if the churches fail to pay up. In Detroit last week, they simply took over a vacant Presbyterian church building, declared it "liberated territory," and demanded $50,000 in ransom as the price for getting out.

Have the churchmen called the cops? Gone to court? Have they even denounced this churlish fellow as a new kind of highwayman, engaged in a new form of extortion? Not for a moment. The United Presbyterians invited Forman to address their conference in San Antonio; when he demanded $80 million, they applauded.

Maybe the psychiatrists can explain this curious reaction in terms of a national guilt complex. Or perhaps an explanation lies in the infinite impositions to which society becomes accustomed; in a world of unlimited rudeness, arrogance becomes acceptable social behavior. Even so, the patsy syndrome holds exceedingly small appeal. The bankers would be better advised to tell Innis generally where he can go, and leave it to the preachers to make the directions more precise.

TITLE IX—A NEW DIMENSION IN FOREIGN AID—V

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. FRASER. Mr. Speaker, Mr. Schott's paper, which I have been inserting in the RECORD in sections, contains excellent suggestions for carrying out the congressional mandate for political development as an integral part of our foreign aid efforts. The next portion follows:

HOW TO PUT TITLE IX IN EFFECT

Yet, given these obstacles, is it realistic to anticipate a serious and imaginative response to Title IX on the part of A.I.D. or its successor agencies? From this vantage point, there are three prerequisites to such a response:

(1) *Change in the foreign policy stance of the U.S. Government.*—With rapid changes taking place within the Soviet bloc, with significant developments taking place in military hardware and its deployment, and with an increasing influence in international politics being assumed by the Third World, the strategic calculations of the 'fifties and the concept of Soviet containment are becoming increasingly obsolete. This allows for and necessitates consequent changes in the approach of the United States towards third-world countries. In particular, it enables the U.S. to be less concerned with short-run, strategic considerations or the fluctuating cold-war posture of such countries; it should give A.I.D. the opportunity to consider the longer-term, broader-gauged development needs of these countries and to offer—or refuse—assistance in accordance with the degree to which Title IX goals appear realizable.[14]

The relevance of Title IX in this new foreign policy context critically hinges upon whether U.S. foreign policy is accommodated to this new international configuration and whether popular and Congressional pressure behind Title IX causes that provision itself to become a determinant of the manner of that accommodation.[15] Such an accommodation would entail: (a) a major analytical effort to understand and identify the responsible forces of social and political modernization in individual LDC's; and (b) a search for ways to support overtly—through public or private channels—those groups who represent these forces and to promote the institutional developments which will channel them in organizationally responsible and developmentally constructive directions. For this, three things are necessary. In the first place, resources must be made available to A.I.D., the State Department, and other internationally involved agencies to enable the requisite analytical work to be undertaken. Secondly, a resolution of the existing organizational and attitudinal conflict between the roles of State and A.I.D. toward the LDC's must be sought. And ultimately, a presidential decision must be taken that continued U.S. Government association (whether inadvertent or deliberate) with the *status-quo* forces in aid-recipient countries must gradually give way to a more farsighted and subtle *rapprochment* with the popular forces of change in these countries.

(2) *Broadening the Scope of the Country Planning Process.*—Individual "grass roots" projects can in cases contribute significantly to Title IX objectives. Yet Title IX does not encourage an *ad hoc,* project-oriented response. On the contrary, its successful implementation will require the integration of a variety of mutually reinforcing activities and the utilization, in concert, of a variety of public and private assistance instruments. Technical assistance efforts divorced from (or ineffectively dove-tailed with) related capital projects, or *vice versa,* can spell the relative failure of both. Sector loans which neglect to address systematically—and often concommitantly—a variety of social, cultural, political as well as economic problems in that sector can produce counterproductive disequilibria and popular frustrations harmful to the process of development already underway.

In recent years, A.I.D. has progressed far towards developing relatively sophisticated economic planning tools and procedures, although statistical imprecision still renders many of the findings suspect. Occasionally these tools are employed for more than public relations purposes. More often, however, country programs are determined by such other factors as host-government priorities, U.S. strategic considerations, the availability of funds, and the special interests and expertise of USAID field officials, each of whom has his private developmental axe to grind. Further refinement of the country programming approach is required to increase its influence on the allocation of resources by adherence to explicitly stated long-term development goals. Changes in the foreign policy context of aid programs and consequent changes in American foreign policy goals could now make this possible.

Beyond such refinement, however, is the need for the expansion of this programming approach so that a broader range of activities is considered and systematically intermeshed with host-country development goals. Simply because a given activity is a "good thing" is no excuse to fund it; similarly, because a given activity is likely to contribute to Title IX objectives does not imply that it should be programmed at this time, or under U.S. government sponsorship, or without supporting or ancillary activities being undertaken simultaneously. The interdisciplinary long-term planning which this approach assumes will require both personnel and organizational changes within the official foreign affairs establishment, and a much greater emphasis upon research and evaluation than has been traditional for A.I.D. and its predecessor agencies to undertake.

(3) *The Effective Coordination of U.S. Public and Private Assistance Instruments.*—Just as Title IX constitutes more than a simple package of discrete projects, so also does its implementation require resources beyond the capabilities of any one agency. For its successful implementation, Title IX should become a responsibility of the wide range of U.S. public and private agencies which are involved, in one way or another, in the foreign aid business. As the principal coordinator of U.S. foreign policy instruments, the State Department should assume a pre-

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[14] This position is reflected in a conclusion of a conference on Title IX sponsored by A.I.D. during the summer of 1968. See *The Role of Popular Participation in Development.* Report of a Conference on the Implementation of Title IX . . . June 24 to August 2, 1968 (Max F. Millikan, Conference Chairman), Chapter Two.

[15] It might be argued that if bipolar, cold-war security considerations no longer need loom so large as a justification for foreign aid, the United States can turn its attention to urgent domestic priorities, leaving the Third World at least temporarily to fend for itself. Such a policy would be short-sighted in the extreme. Foreign aid must always be with us in one form or another if only because of the ever-increasing interdependence of the nations of the world and because the great mass of the world's population happens to live in countries where the standard of living is appreciably below ours. Just as conflicts based upon glaring inequalities within our own society are surfacing today, the gross inequalities within individual LDCs and between the rich nations and the poor are bound to lead eventually to international forms of conflict (in which the U.S. cannot help but become involved) unless concerted action is taken to reduce the social and political inequities which tend to give rise to conflict. Foreign aid is a small price to pay for some insurance against the forms of retaliation that activist groups in the benighted nations may eventually be in a position to take against us. This is the opposite side of the more humanitarian, "no man is an island" argument in favor of foreign aid, which is equally valid. To give cogency and pertinence to either argument, however, requires reference to individual LDC country situations and a variety of other variables important to a determination of relative national priorities, which is far beyond the scope of this paper. Here it need only be said that the arguments of this paper are based upon the assessment that foreign aid is a valid and effective device to overcome some of the sources of conflict in particular LDCs, and that it is in the U.S. national interest to extend foreign aid for this purpose.

eminent role in this, ideally orchestrating the instruments reposing in the U.S.I.A., the Department of Defense, the Peace Corps, and A.I.D. to make certain that each performs, in a complementary and mutually reinforcing way, a developmental (rather than purely strategic, or propagandistic, or otherwise self-serving) role in the LDCs. This requires within the Washington foreign affairs establishment a greater centralization of existing analytical and decision-making responsibility with respect to the LDCs than is presently the case; it also involves a degree of bureaucratic self-abnegation and policy reexamination on the part of each of the concerned agencies. The impulse behind Title IX should discourage unrelated programs serving incompatible objectives within individual countries. Experience has regrettably shown that the Country Team concept is in itself unable to harmonize diverse programs implemented by different and sometimes antagonistic agencies. The job, at least in part, must be done in Washington.

In addition to this, effective procedures must be established to coordinate government-sponsored activities with those of U.S. private organizations sponsoring or directly undertaking developmental activities in the Third World. This is a hope long dreamed of among foreign aid administrators. Yet the extraordinary diversity of these organizations and their understandable suspicion of government regulation and interference have thus far enabled them to fend off any government-sponsored "rationalization" of their overseas activities. Token attempts at this have been made, both in Washington and the field, but not with any particular success.

Yet if Title IX is to be taken seriously, such coordination of public and private development efforts becomes more desirable than ever before. Many of the activities to which this provision draws attention can best be done by private sector organizations: It is they who can most efficiently administer small-scale projects and can maintain a high degree of flexibility in the manner in which they undertake them. They also frequently prove to have greater access to certain countries and relevant private sector groups than a U.S. public agency required to act on a government-to-government basis. Coordination need not imply control nor the rigidification of NGO programming procedures—but it does involve consultation, the mutual exchange of information and a candid discussion of programming intentions. Owing to security requirements, these conditions are as difficult for a government agency to meet as they are repugnant to many non-governmental organizations, which attach great value to their freedom of action. But a mutual accommodation would appear necessitated by Title IX, at the risk of a futile intensification of "project *ad hocism*."

CAMPUS REVOLUTIONARIES LAMBASTED

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, June 20, 1969

Mr. FANNIN. Mr. President, it is encouraging to be reassured that not all members of the academic community are lacking in courage and determination in the face of the campus revolutionaries. Dr. Dwight L. Dumond, a distinguished professor emeritus of history of the University of Michigan, shows by his article that he is neither intimidated nor fooled by this motley collection of unwashed yeggs, hoodlums, and misfits now masquerading as students.

Dr. Dumond was a liberal pioneer in the fight for the freedom of the Negro in America and is particularly well qualified to comment on what is happening on American campuses and on the goals and action of Negro students on the campuses.

I ask unanimous consent that Dr. Dumond's article, published in the Arizona Republic of June 11, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOLAR LAMBASTS CAMPUS REVOLUTIONARIES

(By Dr. Dwight L. Dumond)

(NOTE.—Dr. Dwight L. Dumond is a distinguished professor emeritus of history of the University of Michigan, who specialized in the history of the American South and taught in this field for 35 years at Michigan. He is the author of several definitive works dealing with the abolitionist movement, the antislavery origins of the Civil War and similar subjects.

(As a student of Southern slavery and its aftermath, Dr. Dumond was a liberal pioneer in the fight for the freedom of the black man in America. He is particularly qualified to comment on the tragic effects of the disruption of American campuses and the goals and actions of Negro students on those campuses.

(Dr. Dumond is now the A. Lothrop O'Connor professor of American Institutions at Colgate University, Hamilton, N.Y.)

Rioting on college campuses in the United States has now become such a disgrace that we may well be caught in the tentacles of worldwide revolution.

We are dealing with a unique institution. It is the most precious establishment in a democratic society, so fragile as to be an alluring temptation to every would-be dictator and propagandist spawned in a free society.

It consists of two essential elements—professors and students. But if present disruptions continue, we may have to turn more and more to research institutes, unburdened and unencumbered by hordes of students.

There is a deep cleavage between administrators and professors. It worries the administrators, annoys the professors, confuses the students and destroys morale.

The arrogance and power of administrative officers depends largely upon their control of finances. There is enormous competition between deans for larger budgetary allowances for their colleges, between chairmen of departments in division of college funds, and between professors for ever higher salaries. Great inequities exist in all areas.

Herein lies the deadly virus that has done more to weaken and destroy independent teaching and research than all other things combined.

There never has been a revolt without the encouragement and assistance of a portion of the faculty. It is precisely in those areas which have been neglected and suffer the inequities that trouble starts.

The administrators have little to do with teaching and research.

Today, students, who know nothing at all about anything much, also are demanding and are getting membership on all policy-making boards and committees, and making important college and departmental decisions.

Disaster first struck when we were compelled to educate, or try to educate, a great unwieldy mass of young men and women who had no definite objective in a system, designed, organized and operated with reasonable success for an intellectually elite, or at least culturally oriented and carefully selected, minority.

Barriers dropped or requirements lessened perceptibly. Students came without language equipment, without an ability to write intelligent English, without adequate preparation in subject matter, and, worst of all, without manners.

Almost before anyone knew what was happening, a group generally considered riffraff showed up—disreputable characters who dressed like tramps, smoked incessantly, used drugs and seldom bathed. They had no apparent respect for themselves, for anything or for anybody.

They had no social consciousness.

They had nothing, in fact—did nothing useful—but wanted every experience in life in a day and night and took what they wanted. They thought no one before them ever had any problems or any experience, ever did very much, or ever did anything right.

What we soon had to deal with was an oligarchy of ignorance, conceit and plain immorality.

The second area of conflict embraced personal conduct. The age of drug addiction, sexual promiscuity, and nudity was upon us. The demand was for all restraints by faculty or administrative officials pertaining to student behavior to be abandoned.

If they wanted to have sexual relations in lounges or university buildings or in the rooms of men's dormitories; if they wanted to use drugs to release all inhibitions; if they wanted to hurl obscenities at professors; if they wanted to come to class half naked; or if they wanted to put on plays while nude or publicly show films formerly found only in bawdy houses or at stag parties—if these or other acts ordinarily considered immoral and degrading pleased them, then no one should interfere.

They said that God was dead and religious tenets were no longer respectable.

The third area of conflict was that of foreign and domestic policy as related to the Vietnam war. This was a legitimate, perhaps compelling subject for investigation and discussion in the halls of learning at the proper time and place.

We started out with proper seminar discussions, but degenerated to desecration of the flag, insults to and about men who had died in the service of their country, demands for the end of ROTC training, cancellation of all recruitment and research, obstruction of the shipment of war supplies, invasion of official conferences with government authorities and sit-downs in court rooms and legislative halls.

All of this, vulgar as it was, pales into insignificance beside the source and purpose of the initial agitation.

Not all, but a substantial part of the entire business bore a direct relation to civil rights. Two premises will haunt professors of history from now until eternity, if they do not recognize and deal with them:

(1) The bitter crusade of denunciation and vilification of President Lyndon B. Johnson and his Vietnam policy was begun by men who had never lifted their voice in support of civil rights, who were suspected of strong racist tendencies and who aimed at confusing and confounding the entire civil rights movement.

(2) They were aided and abetted by pseudo-liberals, who, frightened by progress of the crusade for equality of Negroes and whites, dared not openly oppose it and sought to retard it by attacking the President who had done more in six years for the Negro and the poor and the underprivileged than all the other presidents combined since the founding of the Republic.

We might have tried with as much success to brush back the tides with whisk brooms as to bring order out of the chaotic situation at that point, and the worst was

yet to come. We were entering the fourth area of conflict. The black militants were on the march.

Negro students began with a demand for full integration, passed to a demand for courses in Negro history and ended with a demand for autonomy and separation. Along the way they made many demands conforming to the various stages of the power struggle going on among the Negro population.

Black power is the battle cry—black colleges in the cultural complex of a university; black professors; courses designed for and by black students; and admission without requirements, as if blackness removed all handicaps to the understanding of higher mathematics, political theory or genetics.

They had no program but shifted from one demand to another day by day. They had no proposed curriculum of studies and wanted none.

They wanted to invade and participate in faculty meetings. They wanted college and university funds to spend running around from one campus to another, to import speakers, many of whom have deliberately violated the law and thumbed their noses at the courts, and to publish and distribute propaganda.

They wanted separation, but white money. They wanted autonomy, but the benefits of university degrees. They were supported in all of these demands by a small but violent minority of white students and intruders on the campus.

Who are these youngsters that demand the very segregation and alienation that generations of their forebears fought to overcome?

Most of them know little or nothing about the work of Walter White, or Roy Wilkins, or Thurgood Marshall. They know of Martin Luther King because in their impetuous ignorance they destroyed him and abandoned his philosophy of nonviolence.

They know nothing about how black and white men working together in mutual respect and understanding overcame lynchings, secured abandonment of segregation by law in education, in housing and in public accommodation, or about the painful struggle for support of Negro colleges in the South.

They have been misled and deceived. They demanded black colleges, black teachers, and black studies—other names for subordination, ghettos and apartheid.

Black power is not a thing of virtue.

The true basis of power is economic, political, intellectual and moral. The highways to achievement run along these lines. There are no other roads. Division of the country or any part of it, or any of its institutions, on the basis of color, is no more possible than division of freedom.

There is no such thing as black freedom, or white freedom. Everyone is going to have it or no one is. No person ever was accepted, or evaluated, or elevated to power for long because he belonged to a group—only on the basis of ability, knowledge, and individual achievement.

I am not an amateur in the writing or teaching of history, or on the lecture platform, and few men have done more in the area of human relations or for the cause of racial equality, but a leader of the militants at Howard University dared to say to me in the classroom, "I don't want to hear any more about your constitutional democracy."

After a public lecture at Colgate University, one white student called me a "damned radical" and a black student called me "another of those — — liberals."

This is what we have come to in our universities; a composite of intolerance and ignorance.

Rejecting integration, young Negroes talk of black history, art, economics, political action, leadership, nationalism and capitalism. They say they will go it alone. Nobody is going anywhere alone. Black racism and white racism are equally bad and both are beyond the pale of respectability.

The young Negroes in the universities are being misled by power-hungry men who exploit their gullibility for personal reasons of money and power.

The demands of black militants are supported by many white students through ignorance, a desire for segregation, an impulse to help a minority group regardless of merit, or their own gain. It may have elements of exaggerated self-pride, of inferiority complex, or narcissism, of budding masculinity.

They talk about doing their "thing," thus revealing an intellectual poverty and subservience to ignorant leadership.

They want power without knowledge. Those who come from wealthy homes, and many do, say over and over again that they never have to work if they don't want to, and intend to create such wide-spread fear by rioting and destruction that people will get down to the serious business of creating the kind of society they want. They are adventurers and revolutionaries, and happily so.

University administrators, totally unprepared and uninformed, were paralyzed into inactivity when the rioting began.

Students who seize university officials and buildings, disrupt faculty meetings and conferences, resort to arson and bombing, and make it impossible for law-abiding students to go about the business of getting an education for which they paid, are guilty of crimes sufficient to send them to prison for life.

Every one of them who attacked police, security officers, and national guardsmen with weapons could have been killed in the melee and it would have been due process of law.

I am not saying that severe repression is wise, or advocating resort to it, but facts are facts; and when law enforcement officials are called upon to perform their primary function of protecting persons and property someone is certain to get hurt.

In many respects the situation is more serious than crime in the streets. In every case, militant students have demanded complete immunity from law enforcement—no one should be arrested, offenders should be released from jail, excused from trials, and reinstated in school without being disciplined. This is anarchy, and when mobs attack public officials it approaches planned insurrection or treason.

Universities alone cannot handle this problem of law enforcement, but they can expel those students who are involved and dismiss participating faculty members. Law enforcement agencies have their responsibilities as do parents.

Students do not lose their rights as individuals when they enter a university, but neither do they shed their obligation to obey the law. In fact one of our most precious rights is to live under the rule of law.

To make martyrs out of men who violate the law is to invite anarchy. The legal principle must be sustained on the college campus as elsewhere. Why then has there been so much delay in correcting this serious and disgraceful business?

Agitators are not interested in discussion or reform, but in destruction and domination. They have no intention of making the educational process a continuing and ever-changing one.

The idea is to create havoc, confusion, destruction. Whether the basic motives can be classified as Communist, fascist or plain anarchy, the actual program is plainly identifiable as destruction of educational institutions rather than reform of educational processes.

The militants follow a practice of staying away from classes and public lectures; and of mutilating books, magazines, and manuscripts which do not conform to their momentary mood.

They check out thousands of books to disrupt the learning process, but never bring a precious tome to class. Instead, they bring coffee and doughnuts, hamburger sandwiches and soft drinks. Some of them come to classes in pajamas and with everything from garlic to cigarettes on their breath.

They cannot speak without obscenities. They cut great holes in desks, write erotic notes on desks at which decent people have to sit after them and burn holes in the carpets and cork floors. They have revolted against everything that is decent and respectable. Their study habits are irregular or nonexistent.

Faculty members have become so accustomed to these things and so intimidated by colleagues who go along with the students' behavior that they cease to be concerned if someone throws a brick through the window.

Professors have a long tradition of concern for the dignity, and security of the students and educational process. They know that some of the students' complaints are legitimate. In fact, they know more about that than anyone is willing to admit.

Too many administrators and faculty members, also, have been more interested in their own security and advancement than in the students.

Just as some of the problems of the cities lie in the poverty and illiteracy of the rural South whence the immigrants came, so do the problems of the universities lie in the homes, the public schools and the churches. Youngsters coming to college have never been disciplined. This is a permissive society. Our cultural level is in steady decline.

Children have never been failed in public schools, since there are no standards for promotion from year to year. They have never been taught respect for persons and property.

Universities cannot in a few months make up the deficiencies of parents, schools, churches, and public officials over a period of 16 to 18 years; and they have more sense than to try to do it by repression.

Governors, legislators, even congressmen and the President shun the problem and find justification for their inaction in the peculiar nature of educational institutions, or in the structure of the federal system which lodges police power in state and local government.

This is not a local matter. There is revolution involved, and the campus disorders are calculated, whether by design or not, to contaminate the vast reservoir of moral and intellectual power which is the great strength and security of a democracy.

The right to dissent does not mean the dissenters' views must prevail. Militant students say it does, that their demands are not negotiable. It does not include a right to destroy property, to prevent by obstruction, noise and physical violence, the vast majority of the students from going about their business of getting an education.

Militant students who call themselves Afro-Americans are devotees of black power.

To many it means unity in everything—to act as a black person though elected as a delegate to a political convention, appointed to a teaching position, given public office and so forth.

It means no longer to be a responsible person but a member of a group in politics, in business, in education, in religion. Their professed objective is a worthy one, of giving to black people a sense of dignity, of belonging, the need of which may well be overemphasized, but the value of which cannot be denied.

What then has been the result of these campus disorders? What has it all gained? What are the losses?

Those things which militants among the students want are not within the province of anyone to give. The structure of a university cannot be changed overnight, in all probability should not be changed at all.

Teaching methods, the content of admis-

sion requirements, the intellectual attainments which justify conferring degrees—all of these elements in the educational process are constantly under scrutiny and revision by college faculties. There is always intellectual ferment, though not always change because change does not always denote progress.

The militants are not progressives, not liberals. They are reactionaries of the most extreme sort. They seek to destroy, not to build, and they are achieving little except chaos and retardation. When the revolution has consumed its leaders, as always happens, and the wreckage is cleared away, we will be about where we were before the trouble started.

Those responsible have:

Destroyed academic freedom.

Betrayed the educational process by seeking objectives through ultimatums, threats of force, and destruction of property.

Infringed upon the rights of others to improve their talents and skills.

Greatly retarded understanding and peace between people of different colors by demanding separation instead of integration.

SEAL BEACH RESERVOIR INCORPORATES LATEST TECHNOLOGY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. HOSMER. Mr. Speaker, on Sunday, June 22, the city of Seal Beach, Calif., will dedicate its new reservoir and the event is significant far beyond the city's boundaries. Completion and operation of its newest reservoir will mark several achievements.

The additional 3.6 million gallons of water storage will assist in providing the necessary water supply for the present population and for growth of the community for several years. A 900-foot well, which has been sunk at the site, supplies water to the reservoir. Other water for the city comes from additional wells and from the metropolitan water district.

The most distinctive feature of this reservoir is its nylon-vinyl air-supported cover, a radical departure from the standard use of concrete. The nylon-vinyl cover performs the necessary functions of preventing evaporation and contamination, but at much less cost—slightly over 3 cents per gallon of storage capacity, instead of 5 to 10 cents per gallon with concrete cover.

The cover weighs almost 2 tons. About 2½ pounds per square foot of air pressure prevents a collapse of the roof. The pressure is supplied by two 1½-horsepower motors. Both motors would have to be inoperative for a full day before the cover would settle to the waterline. The cover was designed by Industrial Covers of San Francisco to cover an acre of ground to a height of 36 feet. It is the largest inflated roof on any water reservoir in the United States.

Other improvements completed as part of the project include a 4,000-gallon-per-minute pumping station, approximately 3 miles of 18-inch and one-half mile of 12-inch water mains.

The project was financed by a grant of 50 percent of construction and other eligible costs from the Department of Housing and Urban Development and the city of Seal Beach.

The total water system improvements represent an expenditure of approximately $800,000. Construction crews have been working on the project since December 1968.

CONSERVATION OF OIL AND GAS DEPENDS ON RETAINING DEPLETION ALLOWANCE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. GRIFFIN. Mr. Speaker, during our consideration of the revision of the Internal Revenue Code, it is appropriate that we discuss depletion allowances. I favor retaining the 27½-percent oil depletion allowance because, in my humble opinion, its reduction or elimination would drastically curtail the exploration of oil and gas. If we are to preserve for the use of future generations adequate supplies of petroleum, we must continuously locate and identify reserves. The essence of the question then, is conservation.

In this context, I call my colleagues' attention to the following comments of James Lambert, editor of the Natchez Democrat. It follows:

[From the Natchez (Miss.) Democrat, June 3, 1969]

NEED DEPLETION ALLOWANCE

When Congress proposed, and the State ratified, the income-tax amendment to the Constitution in 1918, the intent clearly was to tax net income from constant assets.

Replacement of ordinary capital investment, such as for machinery and equipment, was provided for by tax deductions for depreciation.

For mineral and certain other natural resources such as forests and fisheries, where the capital is a wasting asset, replacement of the capital investment is partly provided for by the 'depletion allowance' tax deduction. In the case of mineral resources, the specific asset is irreplaceable and a new 'asset' must be found by exploration.

Since most extractive industries are high-risk enterprises, incentive for risk capital to invest in mineral exploration could only be provided by greatly increased profits, if tax relief through depletion allowances did not exist. Since independent studies have repeatedly shown that current profits in the extractive industries are, on the average, about equal to or less than those of industry in general, and the tax load also about the same, this means that greatly increased product prices would be needed to offset exploration costs and risks.

The degree of exploration risk is theoretically balanced by the amount of the depletion allowance, based on the discovery value principle. Thus depletion allowances range from 5 to 27½ per cent of the gross value of the product produced, depending on exploration costs, but in no case may exceed 50 percent of the producer's net income from the property concerned.

Periodic studies over the past 40 to 50 years by committees of the Congress and by other investigative bodies have repeatedly reaffirmed the justice and economic soundness of the depletion-allowance principle. Criticisms, of this principle seem unjustified, particularly the one for oil and gas.

An adequate supply of minerals—fuels for power and transportation, metals for construction, and minerals for crop nutrients to maintain life—and absolute requisite for any modern industrial economy, now and in the future.

There are limited quantities of these needed minerals on or in the earth, and these quantities of these needed minerals are now being depleted at increasing rates as population growth, and demand increase.

Exploration costs rise rapidly as the most easily found deposits are exhausted. There is therefore a need to reexamine depletion allowances periodically and increase them as necessary to provide the incentive for investment of risk capital by balancing rising exploration costs.

The fact that, in the past few years, discovery of new reserves has not kept pace with production of oil and gas, and of some other minerals, indicates that this objective is not being attained in all cases.

OUR ECONOMIC CRISIS DEEPENS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1969

Mr. OTTINGER. Mr. Speaker, I view last week's increase in the prime rate for bank loans as an extremely unfortunate development for our economy. But I view with even greater alarm a more recent talk by leading U.S. bankers that a further increase in the prime rate may be in the offing.

This latest report came from Copenhagen, where the American Bankers Association is conducting its annual international Monetary Conference. Reports indicate that many of our bankers feel a further prime rate boost to 9 percent would be likely unless business loan demand drops in the next few weeks.

I wonder how the average American wage earner feels about these pronouncements emanating from the castles, palaces, and luxurious restaurants in which our bankers are conducting their conferences?

Does anyone believe the typical family is content to be trapped in the ever-tightening vise of higher prices and higher taxes?

Whether this latest increase in the prime rate was due wholly or in part to a lack of adequate guidance from the administration is an academic question at this point, although it is significant that no spokesman for the administration has said anything definitive or indicated how it might view yet another increase. What should really concern us now is the urgent need for a more even-handled approach to our economic problems and a far better balance in the use of monetary policy and fiscal policy.

As the New York Times pointed out in a recent editorial, the effective prime rate actually is more than 10 percent. And the latest increase will make it difficult, if not impossible, for thousands of families to obtain credit to buy homes and for small businesses to finance their operations.

For many Americans, our economic boom has actually been something for a

recession. As the gross national product has soared, the standard of living for the average worker and his family has actually declined. Latest Labor Department figures show that the typical worker has a weekly pay of $112.13 but purchasing power of only $77.62. This is $2.24 below last September's figure and below the yearly averages for each of the last 4 years.

The buying power of the average worker's family has actually been declining for more than 10 years. Every increase in wages has been more than overcome by increases in taxes and by inflation. One prominent economist has predicted that purchasing power for the average family will continue to erode and that even while pay scales may increase, the standard of living will decline.

Higher local, State, and Federal taxes are part of the reason. But another important reason is the proclivity of business firms to merely pass on higher taxes and higher credit costs to the consumer. An official of City Stores Co. of New York was quoted as saying that the recent prime rate increase "is just one more reason to raise prices," and predicted a price increase of 4 to 5 percent over last year's levels.

A leading consumer finance company said it will increase charges on loans wherever possible. And a large savings bank said it will increase its charges on home mortgages guaranteed by the Federal Housing Administration.

If this vicious cycle continues, it is clear that the typical worker simply will not be able to win enough pay increases to offset the costs of inflation. At the same time, labor efforts to offset inflation by improving their pay contracts would probably serve to intensify the price spiral.

The ineffectiveness of the income tax surcharge in curbing inflation and its obvious unfairness in adding to an already inequitable tax structure make it obvious that substantial cuts in Federal spending and comprehensive tax reform are matters of highest priority. The modest budget cuts proposed by the administration are commendable, but leave considerable fat untouched, particularly in the areas of public works, farm subsidies, highway construction, space, the supersonic transport and a military budget that proposes to take more than 60 percent of our free funds. At least $10 billion in additional cuts can and should be made in the new fiscal year.

Combined with a tax reform program that will ease an unfair burden on the average family while opening up new sources of revenue, these spending cuts could achieve fiscal stability and reverse the dangerous cycle which has characterized our economy in the past few years.

At the same time, we must demand that monetary policy and those who make it be fully responsible to the national interest—not just to one segment of the business community. It is long past time that the American consumer and taxpayer stopped paying blackmail to domestic and international bankers.

HOUSE OF REPRESENTATIVES—*Monday, June 23, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Bear ye one another's burdens and so fulfill the law of Christ.—Galatians 6: 2.

Eternal God, who hast called us to pray and to work, sustain us with Thy power that we may be daily mindful of Thy presence and ready to help bear the burdens of others.

Guide us with Thy spirit that we may understand this troubled time in which we live and so lead us that we may use our talents to bring forth the fruit of faithful living.

Grant unto us the wisdom to order the life of our Nation upon the principles of justice, righteousness, and good will.

Give us the readiness to render real service to Thee, our country, and our fellow man, that out of our efforts may come peace to our world, peace to our Nation, and peace to our own hearts.

Again death has invaded this Chamber. In the prime of his life our colleague has entered the life immortal. We thank Thee for his presence in our midst and for the contribution he made to our country through this body. Bless his family with the strength of Thy spirit and the comfort of Thy love: through Jesus Christ, our Lord, in whose name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 19, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes;

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R.4600. An act to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed;

H.R. 6607. An act to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss; and

H. Con. Res. 114. Concurrent resolution commemorating the 200th anniversary of Dartmouth College.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1632. An act for the relief of Romeo da la Torre Sanano and his sister, Julieta de la Torre Sanano;

H.R. 2336. An act for the relief of Adela Kaczmarski;

H.R. 8644. An act to make permanent the existing temporary suspension of duty on crude chicory roots; and

H.R. 11400. An act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8644) entitled "An act to make permanent the existing temporary suspension of duty on crude chicory roots," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. HARRIS, Mr. WILLIAMS of Delaware, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11400) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of West Virginia, Mr. RUSSELL, Mr. PASTORE, Mr. HOLLAND, Mr. ELLENDER, Mr. MUNDT, Mr. YOUNG of North Dakota, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 152. An act for the relief of Dr. Joaquin Juan Valentin Fernandez;

S. 632. An act for the relief of Raymond C. Melvin;

S. 690. An act for the relief of Chong Pil Lee;

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado;

S. 1087. An act for the relief of Vernon Louis Hoberg;

S. 1128. An act for the relief of Mrs. Chong Suk Stroisch;

S. 1173. An act to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity;

S. 1677. An act for the relief of Dr. Augusto G. Usategui;

S. 1704. An act for the relief of Lillian Biazzo;

S.J. Res. 88. Joint resolution to create a commission to study the bankruptcy laws of the United States;

S. Con. Res. 17. Concurrent resolution to recognize the 10th anniversary of the opening of the St. Lawrence Seaway; and

S. Con. Res. 33. Concurrent resolution favoring the suspension of deportation of certain aliens.

PERMISSION TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, without creating a precedent, I ask unanimous consent that all Members may extend their remarks in that portion of the RECORD known as the Extensions of Remarks today, and to include such extraneous material as may be relevant.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSFER OF SPECIAL ORDER

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the special order I have for this afternoon be transferred to tomorrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 152. An act for the relief of Dr. Joaquin Juan Valentin Fernandez; to the Committee on the Judiciary.

S. 632. An act for the relief of Raymond C. Melvin; to the Committee on the Judiciary.

S. 690. An act for the relief of Chong Pil Lee; to the Committee on the Judiciary.

S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. 1087. An act for the relief of Vernon Louis Hoberg; to the Committee on the Judiciary.

S. 1128. An act for the relief of Mrs. Chong Suk Stroisch; to the Committee on the Judiciary.

S. 1173. An act to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity; to the Committee on Interstate and Foreign Commerce.

S. 1677. An act for the relief of Dr. Augusto G. Usategui; to the Committee on the Judiciary.

S. 1704. An act for the relief of Lillian Biazzo; to the Committee on the Judiciary.

S.J. Res. 88. Joint resolution to create a commission to study the bankruptcy laws of the United States; to the Committee on the Judiciary.

S. Con. Res. 33. Concurrent resolution favoring the suspension of deportation of certain aliens; to the Committee on the Judiciary.

THE LATE HONORABLE WILLIAM H. BATES

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise today in sadness for it is my duty to officially notify this body of the passing of one of its finest Members—Representative WILLIAM H. BATES, of Massachusetts.

Mr. BATES, a Member of this body for 19 years and the senior minority member of the House Armed Services Committee, died of cancer yesterday at Bethesda Naval Hospital. He was 52 years old.

Death is always incomprehensible. But when it comes at an early age, and when it strikes down a man possessed of the rare qualities so needed by a troubled country, it is doubly tragic.

For here was a man, Mr. Speaker, whose life was proof of the compatibility of service to both God and the state. He did not scrimp in his service to either. He rendered to both the very best he had.

Much can be said of the many fruitful years of service WILLIAM BATES gave to his country, both as a dedicated naval officer for nearly 10 years and as a distinguished and effective Member of the Congress for the past 19.

These are things which must and will be said for Mr. BATES' career was a model of the just use of power and position. Our country today needs such models.

But, as a personal friend, I shall always remember BILL BATES as the epitome of the christian gentleman, the warm family man, the true and gentle friend. None of us is so blessed with such friends that we can easily afford the loss of one of them.

In this time of mourning, my heart goes out to his widow Jean, daughter Susan, and the rest of his family.

In the near future I will obtain a special order so that House Members may offer their individual eulogies.

Friends may call at the Gawlers Funeral Home today, 5130 Wisconsin Avenue, between 2 and 9 p.m.

A prayer service will be held at the funeral home today at 7:30 p.m.

On Tuesday and Wednesday the body of the deceased will lie in Salem.

On Thursday at 11 a.m. the funeral will be held in Salem.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. BOLAND. Mr. Speaker, the death of our colleague, BILL BATES, comes as a keen shock to all who knew him.

His death is a tragic example of the fierceness and voraciousness of cancer. Just a few short months ago, he was the picture of health—robust, cheerful, active. Yet, today, he is no longer with us in life.

Mr. Speaker, if there ever was a finer human being than BILL BATES, I did not know him. Intellectually, morally, physically, socially—in every way—he, indeed, was the perfect gentleman.

He came by all of these attributes naturally—nurtured by a splendid family and educational background. He was, indeed, a "chip off the old block." One need but look at his uniform success in public life to understand that he was imbued with the spirit and dedication of his great father, the Honorable George Bates, whose seat he took in this House.

He, more than a lot of us, understood the temper and tide of the times, but he was never panicked by them. He did his work in this body, for his country, his State, and his district, better than most of us. And always, he found time to mingle with the people he represented and to identify himself with them. He was never a partisan in matters that affected his area. I suspect that the best proof of this is that he was continuously returned to represent a district, that, if not Democratic in makeup, is assuredly marginal politically.

Our Nation has lost a strong leader at a time that it can ill afford it. Our State of Massachusetts will miss him and his own district will remember him for what he was and what he did. I have lost a good and solid friend.

To his devoted wife, Jean, and to his daughter, Susan—to his entire family I extend my sympathy in their hour of sorrow.

Mr. CONTE. I yield to my colleague from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, the flag above the Capitol hangs at half mast today in tribute to our late friend and colleague, BILL BATES. The death of a Congressman is always marked by sadness as we recall past associations and achievements. But the death of BILL BATES is doubly tragic, for we mourn not only a distinguished past but an even more promising future lost.

BILL BATES was a politician in the finest sense of the word—a man whose purposes and accomplishments were utterly and completely in the public interest. In his 19 years in the House, BILL developed a reputation for fair-mindedness and knowledgeability that few exceeded. He was not known for locquacity—but just because he did not discuss and deliberate upon an issue at great length did not indicate that he was uninformed or disinterested. On the contrary, he was so well-informed and so interested in issues—especially those affecting Massachusetts or the Armed Services Committee—that he often gave accurate off-the-cuff answers to extremely complicated questions, constantly impressing his colleagues with the scope of his knowledge.

This respect was shared not only by his colleagues in the House, but by his constituents, by his staff, by the staffs of the committees on which he served, and by the executive agencies with which he came in contact. All will feel keenly the loss of this admired and beloved man.

When I first came to Congress 10 years ago, BILL, although younger than I, was even then a veteran legislator. His calm exterior and deliberate manner may at times have given impression of an unawareness of the complexities of a situation—but only to those who did not know him. Subsequent developments invariably showed that BILL BATES mastered and understood even the most complicated issues in his field. And the fact that his constituents again and again returned him to Congress shows clearly his extraordinary political insight and judgment. This special competence and expertise, especially in military matters, will be sorely missed, by the Armed Services Committee, by the House, and by the Nation as a whole.

There are strong elements of the tragic in BILL BATES' untimely passing. For it was nearly 20 years ago that BILL's father, Representative George Bates, died in an airline crash here in Washington. The year after, BILL won a special election to succeed him. It is indeed tragic that now the son should follow the father—both dying while in service to the district they loved.

There is tragedy, too, in the fact that

BILL has passed on in what many would consider the prime of life. He was relatively young, and exuded vigor and life. He always kept himself in fine physical condition, and was certainly among the most fit among our membership. It is especially saddening that this hale and hearty man should no longer be with us.

His death leaves a gap in our ranks that will be hard to fill. I know that I express the views of us all when I extend sincere condolences to his wife, Jeanne, his mother Nora, his daughter Susan, and to the many others who were privileged to call themselves his friends. If I may paraphrase what Benjamin Franklin's successor as Ambassador to Paris said centuries ago, "Someone may succeed BILL BATES in Congress—but no one can ever replace him."

Mr. CONTE. I yield to the majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I was shocked, as was every Member of the House, to learn of the death of a very good and personal friend and a very outstanding Member of this House, our late beloved colleague, BILL BATES.

When I first came to Congress I served with the father of BILL BATES. I remember his tragic and untimely death.

When BILL was elected to succeed his father, his wife and little daughter came to live in the same apartment building in which Mrs. Albert and I lived. They were good neighbors. We became very well acquainted with them early in BILL'S service here in Congress, and we became very fond of them.

BILL has gone on to become one of the truly outstanding men in this House in his day. Ranking member of the Committee on Armed Services, a strong defender of a strong America, and an outstanding member of the Joint Committee on Atomic Energy, he has made his contributions to the America of our time and to succeeding generations.

I shall miss him, my good friend.

Mrs. Albert joins me in extending our deepest personal sympathy to his wife Jeanne, his mother Nora, and his daughter Susan.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, this is indeed a very sad day for me as well as for all colleagues who have been privileged to serve with BILL BATES in this great legislative body. At a later date when eulogies will be held I will want to in detail make additional remarks on the life of this wonderful man. He was my close friend—one whom I admired and respected in every way.

My wife, Betty, joins me in extending our most sincere sympathy to his wonderful wife Jean and daughter Susan.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished majority whip.

Mr. BOGGS. Mr. Speaker, I join with my colleagues in expressing shock and sadness at the passing of one of the great Members of this body. BILL BATES had a personal relationship with every Member of this body. He had a warmth of character that permeated him. He had a sense of humor which was with him at all times. He was indeed a Congressman in the finest sense of the term.

He was a great American. I was pleased with the gentleman's description of BILL BATES' ability to serve his country and to serve his God with equal fervor and dedication. What finer tribute can be paid to a man?

I recall it was just about 2 months ago—it was longer than that, but fairly early in the year when I was not feeling very well and I was resting on a couch in the Democratic cloakroom. BILL BATES came in and we kidded a little bit. He said, "What is wrong?" I said, "I am not feeling very well." He said, "I haven't been feeling well, either." I said, "There is nothing wrong with you, there couldn't be."

He looked so robust and healthy and strong that it is incomprehensible that in so short a time a man who was physically strong and a mental giant should be stricken and taken from us.

So I have the same sense of loss that all of us must feel today. I join with all who have spoken in saying to his lovely wife and family, "God bless him and keep him."

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, how inadequate are words to express true sorrow.

How difficult it is to convey the feelings that lie deep in one's heart. Those of us who have lived by words find the words desert us in moments that touch us most deeply.

The death of Representative WILLIAM H. BATES brings over me a sense of loss that I cannot communicate. All of you know that BILL BATES was a Member of Congress for 19 years. He was the ranking minority member of the House Armed Services Committee. He was the most knowledgeable Member in the Congress concerning matters of national defense. He was a man of learning, of great judgment, of integrity, of compassion, of thoughtfulness, and of honor.

But somehow he was more than the sum of all of these things. To those of us who had the gift of his friendship and the privilege of sharing with him responsibilities, he was a tower of strength out of all proportion to the position that elections and seniority can normally bring to a man.

More than any man that I can name, he had the temperament of a great legislator. This House has been privileged to know many men who were brilliant of mind, broad in judgment, possessed of great energy, capable of great warmth and friendship. But BILL BATES had the perfect combination of these qualities. He was a man who always looked on his duty as a legislator concerned with national defense not as developing skills for war, but as finding the means for peace.

In the Armed Services Committee we know already how greatly we will miss him. We have missed him terribly this year, but we always felt that somehow, some way, he would come back to us. We never said "if BILL returns;" we always said "When BILL returns."

In the months and years to come this House will miss him greatly.

The Nation never has had a time when it more sorely needs leaders with the equanimity of spirit that characterized BILL BATES.

I will miss him also as a true and treasured friend. The staff of the Armed Services Committee has particularly asked that I include in my remarks today an expression of their profound sorrow.

He leaves a great emptiness:

He went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

I was deeply touched to hear that at the moment when BILL BATES died, when his life on earth was fading away, the national emblem was being raised and the national anthem was being played at Bethesda Naval Medical Center. How appropriate for one who was so truly a patriot.

Mrs. Rivers and I send our deepest sympathy to his lovely wife and daughter and the other members of the Bates family.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, it was with a deep sense of shock that I heard on the car radio as I was driving back last night of the passing of BILL BATES.

BILL has been a member of the U.S. delegation to the North Atlantic Assembly, formerly known as the NATO Parliamentarians, for a long time. I have had the honor of being the chairman of the House delegation. He was a member who did us a lot of good in those meetings, because of his cheerful demeanor and his knowledge of the subject of military affairs. He was a member of the military committee.

I recall the trip we made to Brussels last November, at which he was his usual cheerful self. After the meeting in Brussels we paid a visit to Oslo, Norway, as guests of the Norwegian Parliament. I got a letter afterwards from the U.S. Ambassador to Norway saying the visit had done a lot of good in American-Norweigan relations. I suspect that BILL BATES had as much to do with the success of that visit as all the rest of us put together, because he had the right touch. He said the right things at the right time.

We are going to miss him on that delegation.

Like the chairman of the Committee on Armed Services, I also knew he was gravely ill, but somehow or other thought that he would be back, expected that he would be back—and of course, we all hoped that he woud be back.

My sympathy goes out to his wife, who accompanied us last fall on that journey. I am sure that she will have many happy memories of that trip, in which he showed no indication of his fatal illness

but was his usual, normal, ebullient, joyful, happy self.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, we have all lost a dear friend and a valued colleague. In my own case, I believe I have lost more, because I have lost a shipmate.

For 18 months BILL BATES and I steamed throughout the South Pacific aboard the U.S.S. *Miami*. When he came to our ship he was a bouncing young officer, fresh from Brown University. Naturally, we got to know each other well and intimately. He had that brightness, that bounce, and that happiness about him which immediately brought respect and appreciation and popularity both from the officers and the men. We got to know each other well as shipmates do, when confined aboard a vessel for months at a time.

I respected him highly then, and that respect has increased over the years.

Naturally, it was with a great deal of pleasure I looked forward to joining him here in the Congress when I first came.

BILL BATES came by my office and greeted me, and from that point on many, many times befriended and helped me and did things that were thoughtful and kind. He was that kind of a colleague to all of us. The same kind of respect that he immediately brought aboard that ship I noticed permeated this Hall as shown by the respect that the various Members have extended to him. I rather imagine that the interest BILL developed in national defense came about because of his experiences in the early days of World War II. As the chairman of the Committee on Armed Services has said, BILL was perhaps the outstanding authority on military affairs in this House. He was a tremendous individual—happy, alert, and helpful. We will all miss him very much.

Mr. Speaker, I extend to his family my very deepest sympathy.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman from California, but before I do so I wish to reiterate that we will have a special order at a later date so that all Members will have an opportunity to eulogize our colleague, BILL BATES.

Mr. HOLIFIELD. In that case, Mr. Speaker, I will reserve my remarks for that time. I was under the understanding, with the Speaker, that the eulogies would be held for our departed colleague later.

Mr. CONTE. That is absolutely right.

Mr. HOLIFIELD. Therefore I think it might be well to give us that time to prepare our remarks in some detail.

Mr. CONTE. I expect to discuss this matter with his widow this evening, and we will set a time so that all Members will have an opportunity to eulogize BILL BATES.

Mr. O'KONSKI Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. Mr. Speaker, I had the pleasure of serving with WILLIAM BATES' father, as I did with his son BILL BATES. I sat next to BILL BATES on the Committee on Armed Services for the past 17 years now, ever since 1952.

A great poet wrote many years ago—

I have never talked to God and I have never been in heaven, but had I talked to God and had I been in heaven, this is a man.

I am sure that when this great poet wrote those words she had men like BILL BATES in mind. Among his legion of qualities was the fact that BILL BATES was a deeply religious man. I do not know how many of the Members of the House knew it, but I doubt that there was a more devoutly religious Member of this House than BILL BATES.

The Lord working in strange and devious ways, I am sure the situation was thus: God needed BILL BATES, God wanted BILL BATES, God took BILL BATES, and he will be as helpful to God as he was to the world, to the Nation, and to his family.

Mr. O'NEILL of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I too want to join the other Members of the Congress in expressing our deepest regret at the loss of our good friend, BILL BATES. I can truthfully say he was one of my closest friends. I knew his dad before I knew him, and I knew BILL since he was a young fellow. He was one of the finest men I have ever met. A real, outstanding Christian gentleman who lived up to the principles of his faith, and lived up to the principles of all good family men. A finer man never lived.

He had a great sense of wit, and a great sense of humility about him. He loved his fellow man.

Mr. Speaker, it is an old wives' tale that when someone good dies, a chill wind passes over the earth.

I feel that way now, not because of an old wives' tale, but because one of the warmest, kindest, most joyful men I have ever known has passed away.

BILL BATES was truly the most cheerful man on Capitol Hill. He was full of good will, of love and respect for his fellow man.

On the day I entered Congress he had already been here for almost 3 years. He was eager to share his experience and knowledge with the freshmen members of the Massachusetts delegation.

We worked closely together for more than 16 years. We shared a devotion to the Commonwealth and to the Nation.

He served his district well for 19 years, never for a moment overlooking the needs of the people.

BILL was one of the most knowledgeable men in the Nation on military matters, and was probably the best informed Member of Congress on the Navy. He was planning to make the Navy his career, when his father's abrupt and tragic death changed his plans. As a Member of Congress, elected to fill his father's seat, he continued to work for a modern, improved Navy.

BILL BATES worked closely with our beloved Speaker and me to help save the Boston Naval Shipyard, realizing its importance and knowing its role is the economic and military strength of the Nation.

We will all miss the gentleman from Massachusetts. We will miss having the benefit of his knowledge. The members of our delegation will miss his presence, his ideas, his devotion.

But more than all of this, more than his myriad contributions to the welfare of his district, the Commonwealth, and the Nation, we will miss BILL BATES, the man, our friend.

I do not know if I can convey what a wonderful man he was. He was like a warm light that dispelled darkness. We always knew when BILL was around. First we would hear his whistling, his jubilant walk, and there he would be—his simile making everyone else smile and be happy.

I will never forget March 12 of this year. I was having an early St. Patrick's Day party in my office. BILL, of course, was invited. He was going into the hospital so he could not stay.

But he came by to say hello to everyone, to talk a little. It was a happy party, but when he came in, it became absolutely joyful. There was something so good about the man that his presence enriched everyone—made them happier to be alive.

Only his close friends knew the pain he was in, and no one who saw him that night could believe anything was wrong with him.

That was the last time he was on Capitol Hill.

I saw him after that at Bethesda Naval Hospital. He did not talk about the great pain he was in, although it was apparent. He tried to cheer up others, and only God knows how, but he succeeded.

We talked about the things that concerned us—the problems of the Nation, the issues of the day. When we talked of personal things, it was not of what was happening to him; he was only concerned about his family and his staff—what was happening to them, he did not want them to suffer with him.

BILL'S lovely wife Jean was there. No man has a greater helpmate. Knowing her, I know part of the reason BILL was so strong and so kind.

At one point, when things were going well, he talked about the future, about the good days outnumbering the bad. That was not the way things worked out, but it was his philosophy and his strength. The good days had outnumbered the bad—the good people were more numerous than the bad.

In the balance of life, all things good heavily outweigh all things bad. I believe the good was heavily weighted because BILL BATES lived, because he contributed so much to his time and his place.

In our age and especially in this place, the seat of power, there are men who have helped the Nation, men who have helped individuals. But rarely has one man done so much for the Nation as a whole, and also for everyone he met.

BILL BATES brightened the lives of us all. He was a tireless worker, a knowledgeable man, a dedicated humanist, whatever he did, wherever he went, lives were improved, cheered, made more human.

One of the characteristics of humanity is "other-love"—caring for others. BILL did care, and made others care—not through the powers of persuasion,

but because he was so good and because we were all better in knowing him.

My wife Millie and I extend our deepest sympathy to Jean and Susan, to the rest of his family and friends. There is nothing I can say to assuage their grief. But I hope they will always remember that because of them there were so many more good days than bad.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, it is with a saddened spirit that I rise today to pay tribute to an old and dear friend and colleague, WILLIAM H. BATES. I was deeply grieved to learn of his untimely death.

Having attended St. James Parochial School in Salem, Worcester Academy, Brown University, and Harvard Business School, BILL entered the Navy. BILL served in the Navy until the tragic death of his father left vacant the congressional seat for the Sixth District of Massachusetts. In 1950 he was elected to that seat and remained in Congress since that time.

During these 11 terms in Congress he rose to be the ranking Republican member of the House Armed Services Committee and second ranking minority member of the Joint Commission on Atomic Energy. For the past 4 years, he served as a member of the U.S. delegation to the NATO Parliamentarians Conference and was a member of the Conference's military committee.

A deeply religious man, BILL carried into his daily life the principles of Christianity, especially the commandment to "Love one another." For BILL BATES did love his fellow man. His entire life was a model of service and untiring efforts to improve the lives of those he served. Until the very end he fought for those less fortunate. His example will remain a source of inspiration.

His loyalty, sincerity of purpose, high ideals and personal warmth made him a devoted friend and called forth friendship in return. I know few men who commanded as much respect, admiration, and love from all he met. This fine man was rare, indeed. I shall always cherish the memory of his friendship.

My sympathy and my prayers are with Mrs. Bates and the family during this difficult time.

Mr. LATTA. Mr. Speaker, I was grief-stricken to hear of the untimely death of our friend and colleague, who was affectionately known to us as BILL BATES. BILL BATES was loved and admired by Members on both sides of the aisle, and in my 14 years in the Congress, I never heard a Member speak ill of him. On the other hand, Mr. Speaker, I never heard BILL BATES speak ill of another Member. He was always his jovial self, ready at all times to give of himself for any cause of his country or of this House.

During his years of service in this House he became a real specialist on the Armed Services Committee, and it was a real delight for me, Mr. Speaker, when BILL BATES and the chairman of the Armed Services Committee, MENDEL RIVERS, appeared before our Committee on Rules seeking a rule on one of the bills from their Armed Services Committee. They always were in accord and spoke as a single voice for the defense of their country. They were never partisan and they were always prepared on the legislation at hand.

Mr. Speaker, we have lost one of our most respected Members, the country has lost a champion for a strong national defense, and the family of BILL BATES has lost a wonderful husband and father.

Mrs. Latta joins me in extending our deepest sympathy to Mrs. Bates and the members of the family.

Mr. SCHNEEBELI. Mr. Speaker, BILL BATES was certainly one of the most friendly and pleasant Members of our House of Representatives whom I have met here from the beginning of my career. BILL was always most helpful and available with a ready smile to assist in whatever area his ability and knowledge could be utilized. He had a sunny disposition and his cooperative attitude was outstanding among his many fine qualities. The House of Representatives is going to miss his engaging personality and congenial disposition.

BILL was also a leader among his colleagues and was highly respected for his intelligent and common sense approach to our many national problems. He was the leader to whom we looked for advice relative to our military and defense matters and this fine knowledge will be sorely missed by his many friends here in the House.

Mrs. Schneebeli joins me in extending heartfelt sympathy to his fine family.

Mr. MORGAN. Mr. Speaker, it was with a deep sense of shock and sadness that I learned this morning of the untimely passing of our dear friend and colleague, the Honorable WILLIAM HENRY BATES.

Although he had served nearly 20 years in the House of Representatives, BILL BATES was still a young man. His brilliant record is a measure of the loss to us and to our country that his passing means. BILL was a skilled and vigorous legislator. As the ranking minority member of the powerful Armed Services Committee, he filled one of the most important key posts in the House of Representatives. He inspired and won the confidence and friendship of his colleagues on both sides of the House. As a Democrat, I can say that I am among those who liked and admired BILL BATES and believed the Congress was the better for his service as a Member.

It is a tragedy that his brilliant career has been cut short, especially as he had so early in life earned the rank of senior statesman. We shall miss him as a jovial and kindly friend, as an indefatigable fellow worker, and as a patriotic American dedicated to the welfare of our country. I join in extending my deepest sympathy and heartfelt condolences to his widow and the other members of his family.

Mr. SPRINGER. Mr. Speaker, it is with sadness that I join my colleagues in mourning the untimely death of BILL BATES.

BILL and I both came to Congress about the same time. His election was the result of a tragedy in his family when his father who was the Congressman representing the same district in Massachusetts died in the airplane collision over National Airport. The people of that district elected BILL, who was on active duty with the Navy, to replace his father.

Since that time, he has served in the Congress with distinction. He rose to be the senior Republican member on the Armed Services Committee and one of the senior Republicans on the Atomic Energy Committee. The security and welfare of his country could not have been in better hands. He handled his demanding responsibilities of his committee assignments with the same intelligence, insight, and love of country that he fulfilled his obligations to his constituents who continued to return him to Congress with overwhelming majorities.

Who knows what is in store for us in the master plan. In His wisdom, the good Lord saw fit to call BILL BATES, who was in his prime of life and still had much to give. He lived a fruitful and constructive life and his family and friends will remember with pride and honor his contribution to his country. Mrs. Springer joins me in expressing our deepest sympathy to Mrs. Bates and the family. Words are never adequate at a time like this, but perhaps the knowledge that the good thoughts and prayers of BILL'S friends are with them will bring them some measure of comfort.

Mr. CLEVELAND. Mr. Speaker, BILL BATES was a good friend of mine and a valued colleague. With his numerous other friends I leaned with a sinking heart that he was under treatment for cancer. Until the end, we all hoped that his courage, coupled with modern medicine, would enable him to surmount this dread disease.

It is hard to imagine this House without BILL. By all normal expectations, he should have lived to serve his country for many more terms. As ranking minority member on the Armed Service Committee, he had achieved a position of great importance to the national security at an unusually early age. A career of ever-rising influence beckoned and this would have been greatly to the national good.

I shall always be grateful to BILL for his kindness and consideration to me when I first entered Congress in 1963. BILL always had time for a friendly word of advice. One characteristic of his struck me forcibly and made an impression on me which I have endeavored to copy during my own public service. It was the fact that no matter how solidly entrenched in office he was or how powerful he was in the councils of the Nation, he never for an instant forgot those who sent him down here to Washington. He knew they were the roots of democracy. No matter what his responsibilities demanded of him in Washington, his people at home had his first priority. I know this from constituents of mine who moved to New Hampshire from BILL BATES' district. They always praised BILL for this devotion to his people and, by so doing, set a high standard for me to follow in my own district.

BILL BATES exemplified the ideal leg-

islator. Ever devoted to his electorate, he was courteous to his colleagues of both parties, hard working, a leader in the field of national defense, a man who loved his fellow man and thoroughly enjoyed his service to others. One never sat in BILL BATES' company that one did not gain something new and valuable from him. I shall miss him deeply and I know that this country will suffer the loss of his expertise and wisdom in national defense matters as we seek to steer a course through dangerous and troubled times.

I extend to his wife and family my deepest sympathy. We all share their loss.

Mr. ADAIR. Mr. Speaker, I share with others the shock and grief at the death of BILL BATES. He was certainly one of the most outstanding and capable Members of this House and of the entire U.S. Congress.

Coupled with his ability were other traits as well—a deep dedication to the performance of his duties a broad knowledge on many subjects, both domestic and foreign, and the zeal to perform as a dedicated Member of this body.

In addition to the comprehensive knowledge he had upon a great variety of subjects, he had a detailed and accurate understanding of the problems of his particular legislative activity—the armed services. Anyone who knew him knew of the devotion he brought to his service on the Committee on Armed Services and the vast contributions that he made in that respect.

Any remarks concerning BILL BATES should not be concluded without reference to his warm, friendly, and genial personality. Truly, he was outstanding in this respect and endeared himself to all those with whom he came in contact.

We shall miss him as a colleague, as a great public servant, and as a devoted American. Mrs. Adair joins me in expressing our deep sympathy to all members of his family.

Mr. RHODES. Mr. Speaker, the untimely passing of the Honorable WILLIAM H. BATES is deeply mourned by all the Members of this body who knew his outstanding capabilities as a legislator and who loved him as a true and loyal friend. WILLIAM BATES dedicated almost 20 years of his life to the enactment of legislation which would improve the lives of his fellow citizens and safeguard the country that he served so well. The Nation will long be grateful for the great heritage he leaves by his accomplishments.

Mrs. Rhodes joins me in deepest sympathy to Mrs. Bates and the family in their bereavement, and hope they will take some measure of comfort in knowing their loss is shared by so many.

Mr. ZABLOCKI. Mr. Speaker, it is with a heavy heart and a sense of deep loss that I join my colleagues in paying tribute to the late Honorable WILLIAM H. BATES of Massachusetts.

It was my privilege to serve in the House in the first session of the 81st Congress with his beloved father. The tragic air collision in 1949 deprived this body of the able senior Congressman Bates, but it was fortunate for us to have his son succeed him and serve so well.

He represented his district, his State, and his country for many years with dedication and devotion. Congressman BATES was to us who served with him, above all, a gentleman, with all the virtues that term implies. As he kept the quiet tenor of his ways, he was unfailing in his courtesy and a model of gentility.

During his tenure in the House he was determined that our country's security be preserved. His outstanding work on the House Armed Services Committee is well known. BILL BATES championed the cause of an adequate military force. He was, however, always insistent that civilian supremacy be maintained in the military operations of our Nation. His presence on the Armed Services Committee and in this legislative body will be sorely missed.

My wife joins me in expressing deep sympathy to his beloved wife Pearl, his daughter Susan, his mother, and his family. May they derive some small consolation from the knowledge that their loss is shared by his many friends and in the thought that the good Lord has chosen him to be among His very own.

Mr. MADDEN. Mr. Speaker, I was shocked and grieved when I heard the newscast yesterday announcing the passing of our colleague, WILLIAM BATES. He was beyond question one of the most admired and liked Members of the House of Representatives. He had outstanding ability as a legislator and was industrious, diligent, and competent in his work as a member of the House Armed Services Committee, and active in other legislation pertaining to the welfare of his district, State, and Nation.

I was long acquainted with his father, Congressman George Bates, whom he succeeded after his father's unfortunate death in an airplane accident about 20 years ago. I serve on the Naval Affairs Committee in the 79th Congress when his father was a member of that committee. I also served on two naval subcommittees with his father during the World War II period.

BILL was a worthy successor to his illustrious father. He was a great advocate of our defense system and he especially made a major contribution, by reason of his long experience and knowledge, to our Naval Establishment.

BILL displayed the same efficient and outstanding legislative ability as his illustrious father.

Every Member of Congress and all his friends mourn his passing at such an early age during a productive and fruitful life. I extend to his wife, daughter, and members of his family my deepest sympathy in their bereavement.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining my colleagues from Massachusetts and others in paying a brief but sincere tribute to our beloved friend and colleague, WILLIAM H. BATES.

I was indeed saddened to learn of the passing of BILL BATES, one of the most personable and genial Members serving in the House.

He was a hardworking member of the Committee on Armed Services and contributed much to the strengthening of the national defense and the security of our country during his service in the Congress.

I knew his father whom he succeeded in the Congress—devotion and dedication to public service were in the tradition of the Bates family.

Suddenly, this young colleague has given his life at an early age and my deepest sympathy is extended to Mrs. Bates and other members of the family in their loss and bereavement.

Mr. PHILBIN. Mr. Speaker, I am very deeply touched and grieved by the untimely passing of my esteemed and dearly beloved friend, BILL BATES. He was one of the great men of the Congress—able, distinguished, informed, and profoundly concerned about giving every measure of his fine mind and big heart to the service of our country and its people.

He was a tower of strength on our Armed Services Committee and the Atomic Energy Committee, and his leadership contributed greatly to our deliberations and work in the committee and the House.

Congressman BATES was an indefatigable worker and always gave of himself unstintingly in seeking solutions to the great problems before us. He was a man of sound judgment, and served his district, State, and Nation unselfishly, conscientiously, and with great ability and dedication.

He was truly one of our great national leaders as well as an invaluable representative of his own district, our State, and Nation. He was respected, admired, and loved by all of us.

Strong of body and character, firm in his convictions, noble of purpose, dedicated beyond measure, the warmth and sincerity of his personality, his loyalty and fine human qualities won for him the high regard, appreciation, and affection of the people.

A statesman and patriot of the first magnitude, he will long be gratefully remembered by his constituents, State, and Nation, and will never be forgotten by those of us who had the honor and privilege to serve our country with him, to know him well and call him our friend.

His great knowledge of military and scientific matters enabled him to make invaluable contributions time and time again.

BILL BATES has performed great and enduring service to our country. He has served far beyond the call of duty. Now, in truth, after his hard labors, he has fallen at his post like a soldier in battle.

We shall miss his warm friendship, his invariable cooperation, his unselfish, dedicated approach to his work. I extend my prayers and most heartfelt sympathy to his devoted wife, Jean, his lovely daughter Susan, his wonderful mother and all his dear ones. I join them in mourning the loss of this great American and dear friend, and pray that the good Lord will bring them reconciliation and peace in the tragic, sad bereavement they have sustained.

Mr. BURLESON of Texas. Mr. Speaker, I join with my colleagues in paying tribute to the memory of our departed friend and colleague, BILL BATES.

I know of no man who had a wider friendship in this House of Representatives than did BILL BATES. I know of no Member who held greater respect among

his associates. He was recognized as a leader and as a dedicated public servant.

We will all miss his pleasant association, his wonderful personality, and his understanding and considerateness in the long association we have had with him here in the House of Representatives.

I join those who have expressed their sympathy and condolence to his very fine family.

Mr. TEAGUE of Texas. Mr. Speaker, I want to join my colleagues in paying tribute to the Honorable WILLIAM H. BATES, the late Representative of the Sixth District of Massachusetts. He will be sorely missed here in the House where he served with distinction since 1950.

I had the distinct pleasure of serving with BILL on the House Select Committee on Survivor's Benefits back in the early 1950's and I still recall his great concern for the welfare of the serviceman's survivors. Because of his some 10 years of service in the Navy, he was a most influential member of this committee and contributed greatly to its success.

I also had the privilege of serving with BILL'S father, the late George Bates, on the House District Committee when I first came to Congress, and BILL was much like his father in his desire to serve his people in the best way possible. He will be sorely missed in this body, but his record will stand for a long time and his family can be proud of his achievements.

Mr. DONOHUE. Mr. Speaker, together with every Member of this House on both sides of the aisle and many, many thousands of people throughout our country and Commonwealth, I am, indeed, deeply saddened at the passing of my dear friend and colleague, the Honorable WILLIAM H. BATES, of Massachusetts.

Over a period of 19 of the most challenging legislative years in our history, he served this Nation, his State, his district, and this House with dedicated integrity, wisdom, diligence, and effectiveness. His unsurpassed zeal and industry in the fulfillment of his committee assignments, legislative responsibilities, and personal concern for the solution of constituents' problems is a byword in this House and our Commonwealth.

Affectionately known as BILL to almost everyone, he was a man entirely without pretension. Above and beyond all other things, he was beloved by all of us because of his humble attitude, his compassionate understanding, his patient tolerance, his optimistic disposition, his quiet humor, his genuine friendship, and his ever-kindly heart.

The legend of his great generous spirit will forever brighten the annals and the atmosphere of this Chamber. His personal example provides for all of us here and those who will come after a permanent inspiration of wholesomeness and honor in patriotic service, for which this Congress and this Nation will remain forever grateful.

BILL BATES will be sorely missed by everyone ever privileged to know him.

In this time of great loss and sorrow, we extend our heartfelt sympathy to his gracious wife, Jean, his wonderful daughter, Susan, his mother, and his brothers and sisters, while we join in our prayers that the great soul of our beloved, departed friend will rest in heavenly peace.

Mr. HÉBERT. Mr. Speaker, my heart is heavy—I have lost a friend.

I mourn my loss, but also that of all of you.

I will miss BILL BATES, just as I did his father before him.

I had served with BILL'S father on the District Committee and the old Naval Affairs Committee. He was a great and honorable man. It was therefore a pleasure to welcome young BILL BATES to Congress when he succeeded his father.

We in this Chamber who have known and worked with BILL BATES for many years are the poorer for his passing. We have all benefitted from his ability, his wisdom, his dedication, his sincerity, and most importantly, his honesty.

As Hawthorne said:

Death is so genuine a fact that it excludes falsehood or betray its emptyness;
It is a touchstone that proves the gold, and dishonors the baser metal.

Now that BILL BATES has left us, the fact of his death enables us to assess with greater clarity the wisdom and depth of his character as a man and his contributions to America as a lawmaker.

BILL BATES' personal and public life were exemplary. The moral principles which he uttered as a public figure were those which he also observed as a devoted husband and father. It can, in truth, be said—he lived and died as a Christian. His quiet and resolute dedication to his Christian principles was ever present in the discharge of his constitutional responsibilities in representing the Sixth Congressional District of Massachusetts. The voters of his district knew this and provided him with constantly greater majorities in each succeeding Congress.

Those of us who worked daily with BILL BATES on the Committee on Armed Services are keenly aware of his indispensable contribution to our national security. His presence on the committee was the mortar which bound the members on both sides of the aisle to an objective nonpartisan approach to our national security problems. His objective insight into the most complex issues contributed immeasurably towards the resolution of the most controversial issues confronting our committee and the Congress. His premature death therefore creates a vacuum in our committee and in the Congress which defies resolution.

It has been said that "heaven gives its favorites early death." I know that BILL BATES must be one of heaven's favorites since he labored so diligently and faithfully for his God, his country, and his fellow man.

Mr. GRIFFIN. Mr. Speaker it is with deep regret that I learned of the death of our colleague, BILL BATES. Our departed friend and fellow Member was a very useful and effective Member of the House; one who was both respected and respectful.

The loss of the services of BILL BATES to his district, State, and Nation is great, indeed, inasmuch as he was in the prime of life—only 52 years of age.

It was my privilege to have known BILL BATES for nearly two decades. He was always friendly and cheerful. He had an unusual zest for life. He was always kind and courteous.

The absence of BILL BATES from the House will be felt by every Member. I extend my sympathy to his family.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to our distinguished Speaker.

Mr. McCORMACK. As the gentleman from Massachusetts (Mr. CONTE) in his opening remarks stated, a time will be set aside in the near future for Members to eulogize our late friend BILL BATES and his memory. It is not my purpose at this time to enter into an extended eulogy. However, I do want to convey to Mrs. Bates and her daughter and other loved ones, as Speaker of the House of Representatives, for myself personally and for all of the Members of the House, our deep sympathy in their great loss and sorrow. They can derive great consolation from their knowledge that our late friend was one of the outstanding Members of Congress. He served his country with great dedication and with extraordinary courage. He was one of the most beloved Members of the House of Representatives without regard for political party or affiliation.

I shall make more extended remarks when a time is set aside for the eulogies.

As the Speaker of the House, for myself and for my colleagues, I wish to convey to Mrs. Bates, her daughter, and other loved ones the profound feelings of sympathy in their bereavement.

Mr. CONTE. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That the House has heard with profound sorrow of the death of the Honorable William H. Bates, a Representative from the State of Massachusetts.

Resolved, That a committee of fifty-seven of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. McCORMACK, Mr. GERALD R. FORD, Mr. PHILBIN, Mr. DONOHUE, Mr. BOLAND, Mr. O'NEILL of Massachusetts, Mr. MACDONALD of Massachusetts, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. KEITH, Mr. MORSE, and Mrs. HECKLER of Massachusetts.

Also Mr. RIVERS, Mr. ARENDS, Mr. HÉBERT, Mr. FISHER, Mr. HOLIFIELD, Mr. O'KONSKI, Mr. CORBETT, Mr. PRICE of Illinois, Mr. McCULLOCH, Mr. ASPINALL, Mr. BENNETT, Mr. BRAY.

Also, Mr. BYRNE of Pennsylvania, Mr.

EDMONDSON, Mr. GUBSER, Mr. HOSMER, Mr. BOB WILSON of California, Mr. LENNON, Mr. YOUNG, Mr. PIRNIE, Mr. STRATTON, Mr. RANDALL, Mr. ANDERSON of Illinois, Mr. CLANCY.

Also, Mr. HAGAN, Mr. HALL, Mr. ICHORD, Mr. KING, Mr. PIKE, Mr. STAFFORD, Mr. NEDZI, Mr. LEGGETT, Mr. CHARLES H. WILSON of California, Mr. DICKINSON, Mr. HICKS, Mr. LONG of Louisiana, Mr. WHITE, Mr. BRINKLEY, Mr. HUNT, Mr. NICHOLS, Mr. WHALEN, Mr. MOLLOHAN, Mr. FOREMAN, Mr. DANIEL of Virginia, and Mr. WHITEHURST.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 24, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

872. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program in Grand Rapids, Mich., under title I–B of the Economic Opportunity Act of 1964, Department of Labor; to the Committee on Education and Labor.

873. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program, Kansas City, Mo., under title II of the Economic Opportunity Act of 1964, as amended; to the Committee on Education and Labor.

874. A letter from the Comptroller General of the United States, transmitting a report on problems arising from the manner and extent to which Federal funds are granted for State highway safety programs, Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

875. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for accommodations, facilities, and services for the public in Grand Teton National Park, Wyo., during a 20-year period from October 1, 1969, through September 30, 1988, pursuant to the provisions of 67 Stat. 271, as amended by 70 Stat. 543; to the Committee on Interior and Insular Affairs.

876. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 114, *The Sioux Tribe of Indians of the Cheyenne River Reservation, South Dakota, Plaintiffs,* v. *The United States of America, Defendant,* pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

877. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket Nos. 350–A, 350–E, and 350–H, *The Three Affiliated Tribes of the Fort Berthold Reservation, Plaintiff,* v. *The United States of America, Defendant,* pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

878. A letter from the Secretary of the Interior, transmitting a report of findings and conclusions based on an examination of the effects of imports of groundfish upon the domestic groundfish market, made in accordance with section 9(b) of the Fish and Wildlife Act of 1956, pursuant to the provisions of that act; to the Committee on Merchant Marine and Fisheries.

879. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to permit the Secretary of Transportation to commence progress payments to a bridge owner upon ordering alteration of the bridge; to the Committee on Public Works.

880. A letter from the Deputy Assistant Secretary for Administration, Department of Transportation, transmitting a report that there were no grants made by the Department of Transportation under section 1891 of title 42, United States Code, during the preceding year, pursuant to the provisions of 42 U.S.C. 1893; to the Committee on Science and Astronautics.

881. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a list of the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested by the Commission during calendar year 1968, pursuant to the provisions of section 3 of Public Law 85–934; to the Committee on Science and Astronautics.

882. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for fiscal year 1968, pursuant to the provisions of section 16 of the Foreign-Trade Zones Act, as amended; to the Committee on Ways and Means.

883. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting the first annual report on the medicare program by the Health Insurance Benefits Advisory Council, pursuant to the provisions of section 1867(b) of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of June 19, 1969, the following bill was reported on June 20, 1969:

Mr. MILLS: Committee on Ways and Means. H.R. 12290. A bill to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes (Rept. No. 91–321). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted June 23, 1969*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FALLON: Committee on Public Works. H.R. 6508. A bill to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters; with amendment (Rept. No. 91–322). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 12308. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of the income of an individual who is over 65 years of age shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 12309. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $100; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 12310. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 12311. A bill to establish fee programs for entrance to, and use of, areas administered for outdoor recreation and related purposes by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON of California:

H.R. 12312. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; to the Committee on Education and Labor.

By Mr. CULVER:

H.R. 12313. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide an alternate method of making loans for acquisition and improvements of the farm, needed by farm families, including young farmers, and to provide the borrower family with adequate standards of living and the consumer with reasonable prices for dairy and other agricultural products, as well as to maintain and improve national health, and for other purposes; to the Committee on Agriculture.

By Mr. DERWINSKI (for himself, Mr. ADAIR, Mr. BERRY, Mr. BUCHANAN, Mr. FINDLEY, Mr. FULTON of Pennsylvania, Mr. MORSE, Mr. TAFT, and Mr. THOMSON of Wisconsin):

H.R. 12314. A bill to limit the period of time during which appropriations are authorized to carry out the purposes of the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

By Mr. FISHER:

H.R. 12315. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12316. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 12317. A bill to promote safe driving and eliminate the reckless and irresponsible driver from the streets and highways of the District of Columbia by providing that any person operating a motor vehicle within the District while apparently under the influence of intoxicating liquor shall be deemed to have given his consent to a chemical test of certain of his body substances to determine the alcoholic content of his blood, and for other purposes; to the Committee on the District of Columbia.

By Mr. FRIEDEL:

H.R. 12318. A bill to provide Federal financial assistance to opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 12319. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. MAILLIARD (for himself, Mr. DON H. CLAUSEN, and Mr. BURTON of California):

H.R. 12320. A bill to authorize the acquisition of additional lands at Muir Woods National Monument in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself, Mr AYRES, Mr. THOMPSON of New Jersey, Mr. GERALD R. FORD, Mr. DENT, Mr. BELL of California, Mr. PUCINSKI, Mr. ERLENBORN, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. BRADEMAS, Mr. ESCH, Mr. O'HARA, Mr. STEIGER of Wisconsin, Mr. CAREY, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON of California, Mr. GAYDOS, Mr. POWELL, Mr. HANSEN of Idaho, and Mr. RUTH):

H.R. 12321. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 12322. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 12323. A bill to amend the U.S. Fishing Fleet Improvement Act to provide increased construction subsidies, to permit the trade-in of, and allowance for, old fishing vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 12324. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the continued payment of supplemental annuities in accordance with present law; to the Committee on Interstate and Foreign Commerce.

H.R. 12325. A bill to amend section 610 of title 38 of the United States Code to extend hospital and domiciliary care for nonservice-connected disability to veterans of service performed before January 31, 1955; to the Committee on Veterans' Affairs.

H.R. 12326. A bill to provide that disabled individuals entitled to disability insurance benefits under section 223 of the Social Security Act or to child's, widow's, or widower's insurance benefits on the basis of disability under section 202 of such act, and individuals in the corresponding categories under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 12327. A bill to further define the jurisdiction of Federal courts in certain cases; to the Committee on the Judiciary.

H.R. 12328. A bill to further define the jurisdiction of U.S. courts in certain cases; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 12329. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

H.R. 12330. A bill to establish the calendar year as the fiscal year of the Government, and for other purposes; to the Committee on Government Operations.

H.R. 12331. A bill to provide that the President shall include in the budget submitted to the Congress under section 201 of the Budget and Accounting Act, 1921, an item for not less than $2 billion to be applied toward reduction of the national debt; to the Committee on Government Operations.

H.R. 12332. A bill to establish penalties for the operation of a motor vehicle between States by a person while his motor vehicle operator's license is suspended or revoked; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 12333. A bill to amend the act of September 20, 1968 (Public Law 90-502), to provide relief to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy; to the Committee on Armed Services.

By Mr. ROBISON:

H.R. 12334. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 12335. A bill to amend section 1684 of title 38, United States Code, in order to provide for the measurement of an academic high school course; to the Committee on Veterans' Affairs.

By Mr. WATSON:

H.R. 12336. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by a taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. COLLIER:

H.J. Res. 787. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as "Bataan Day"; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 788. Joint resolution to authorize the President to award appropriate medals honoring those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious; to the Committee on Science and Astronautics.

By Mr. RARICK:

H.J. Res. 789. Joint resolution proposing an amendment to the Constitution of the United States relating to powers not delegated to the United States; to the Committee on the Judiciary.

By Mr. RHODES:

H. Res. 451. Resolution to amend rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

228. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to the sharing of Federal tax revenues with the States, which was referred to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

154. By the SPEAKER: Petition of Thomas Adams, Joliet, Ill., relative to impeachment proceedings; to the Committee on the Judiciary.

155. Also, petition of the Board of Supervisors, Cayuga County, N.Y., relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Monday, June 23, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose mercies are new every morning, deliver us now from the clash and clamor of the busy world without, from the pressure of daily duties within, and from the confusion of many voices that in the quiet solitude of our inmost hearts we may hear again Thy still small voice. Cross the inner threshold of our being, sensitize our consciences, grace our wills, steady our hesitant spirits, reinforce us in our labors, renew our faith in eternal things, and strengthen our resolution to serve Thee this day in spirit and in truth. Through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 17, 1969, the President had approved and signed the following act and joint resolution:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama; and

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 20, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of the calendar of unobjected to bills under rule VIII be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated, beginning with "New Reports."

MISSISSIPPI RIVER COMMISSION

The assistant legislative clerk read the nomination of Maj. Gen. Andrew Peach Rollins, Jr., to be a member and President of the Mississippi River Commission.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

CALIFORNIA DEBRIS COMMISSION

The assistant legislative clerk read the nomination of Col. Charles R. Roberts, Corps of Engineers, to be a member of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. KENNEDY. Mr. President, I ask that the President be notified of the confirmation of the nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; the Senate resumed the consideration of legislative business.

AUTHORIZATION FOR APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

Mr. KENNEDY. Mr. President, I move the Senate proceed to the consideration of Calendar No. 252, S. 952.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consideration of the bill (S. 952) which had been reported from the Committee on the Judiciary with amendments on page 2, line 1, after the name "Colorado," strike out "six additional district judges for the District of Columbia," and insert "two additional district judges for the middle district of Florida,"; in line 14, after the name "Louisiana", strike out "one" and insert "two"; in the same line, after the word "district", where it appears the second time, strike out "judge" and insert "judges"; in line 17, after the name "Missouri", insert "one additional district judge for the western district of Missouri, one additional district judge for the district of Nebraska,"; in line 24, after the name "York", strike out "one additional district judge for the eastern district of North Carolina,"; on page 3, line 2, after the name "Ohio," strike out "five" and insert "six"; in line 7, after the name "Carolina", insert "one additional district judge for the western district of Tennessee,"; at the beginning of line 13, strike out "and"; in line 14, after the name "Virginia," insert "and one additional district judge for the southern district of West Virginia."; in line 24, after the name "Kansas," strike out "and"; on page 4, line 1, after the name "Pennsylvania", insert "and the existing district judgeship for the eastern district of Wisconsin"; in line 2, after the word "by", strike out "subsections (a) and (b) of"; in line 11, after the word "and" strike out "subsections (a) and (b) of"; in the table following line 19, under the heading "District Judges" strike out:

Alaska	2

On page 5, in the same table, strike out:

District of Columbia	21

In the same table under "Florida" insert:

Middle	7

In the same table, after the amendment just stated change the figure following the name "Southern" from "2" to "8"; and in the same table under "Georgia, Southern," change the figure from "8" to "2"; in the same table, following the name "Marylnad" change the figure from "6" to "7"; in the same table, following the name "Missouri, Eastern," insert:

Western	4

In the same table, after the amendment just stated, insert:

Nebraska	3

In the same table after the name "New York, Eastern," strike out:

North Carolina: Eastern	3

On page 6, in the same table, after the name "South Carolina" insert:

Tennessee, Western	3

In the same table, after the name "Virginia, Eastern," insert:

West Virginia: Southern	2

In the same table after the amendment just stated, insert:

Wisconsin: Eastern	3

On page 6, line 1, after "SEC. 2"' insert "(a)"; at the beginning of line 6, insert:

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.

At the top of page 7, insert:

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in said district shall not be filled.

On page 8, after line 9, insert:

(d) The third sentence of section 24 of the Revised Organic Act of the Virgin Islands, as amended by this Act, is amended to read as follows:

"Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge of the District Court of the Virgin Islands."

On page 10, after line 2, insert a new section, as follows:

SEC. 6. Section 118(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

"Court for the Eastern District shall be held at Easton, Reading, and Philadelphia."

After line 10, insert a new section, as follows:

SEC. 7. Section 41 of the Act of March 2, 1917 (ch. 415, 39 Stat. 965), as amended (48 U.S.C. 863), be and hereby is repealed.

After line 10, insert a new section, as follows:

SEC. 8. Section 753 of title 28, United States Code is hereby amended as follows:

(a) Subsection (b) is amended to read:

"(b)(1) Except as provided in subsection (b)(2) of this section, one of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of the court or by one of the judges, and shall record verbatim by shorthand or by mechanical means which may be augmented by electronic sound recording subject to regulations promulgated by the Judicial Conference: (1) all proceedings in criminal cases had in open court; and (2) all proceedings in other cases had in open court unless the parties with the approval of a judge shall agree specifically to the contrary; and (3) such other proceedings as the judge of the court may direct or as may be required by rule or order of court or as may be requested by any party to the proceeding.

"(2) Upon a determination that such action is necessary to insure the expeditious production of transcripts or to otherwise expedite and improve the administration of justice, the Judicial Council of any circuit, subject to regulations promulgated by the Judicial Conference, may direct that an electronic sound recording be made of any proceedings or part thereof in any district court in the circuit and that the attendance of a reporter not be required at such proceedings or part thereof.

"(3) The Judicial Conference shall prescribe the types of electronic sound recordings which may be used by the reporters in accordance with the provisions of subsection (b)(1) of this section and which may be used

in absence of a reporter in accordance with the provisions of subsection (b)(2) of this section. Any such sound recording when properly certified shall be admissible evidence to establish the record of that part of the proceedings which has been recorded.

"(4) Any reporter who has made a record of any proceeding in accordance with the provisions of subsection (b)(1) of this section and any person who has made a sound recording of any proceeding in accordance with the provisions of subsection (b)(2) of this section shall attach his official certificate to the original shorthand notes, sound recording or other original records so taken and file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

"(5) The reporter shall transcribe and certify all arraignments, pleas and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified and filed with the clerk as hereinabove provided in this subsection. He shall also transcribe and certify such other parts of the records of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefore, or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

"The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"(6) The transcript in any case certified by the reporter shall be deemed prima facie, a correct statement of the testimony taken and the proceedings had. No transcript of the proceedings of the court shall be considered as official except those made from the records taken by the reporter or from an electronic sound recording made in accordance with the provisions of subsection (b)(2) of this section.

"(7) The original notes, electronic recording or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge."

(b) The first sentence of subsection (e) is amended by striking and eliminating the words "at not less than $3,000 nor more than $7,630 per annum."

(c) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract with any suitable person, firm, association or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court.

On page 14, after line 10, insert a new section, as follows:

SEC. 9. Section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d) respectively; and (b) by inserting new subsections (e) and (f) to read:

"(e) From a list of not less than three names submitted to the council by the Director of the Administrative Office of the United States Courts, each judicial council shall appoint a court executive of the circuit who shall exercise such administrative powers and perform such administrative duties as may be delegated to him by the council.

"All duties delegated to the court executive shall be subject to the general supervision of the chief judge of the circuit.

"The qualifications for the position of court executive shall be established by the Judicial Conference and shall emphasize management expertise. The court executive shall not be required to have a law degree.

"The court executive of the circuit shall serve at the pleasure of the judicial council and shall be paid at a rate established by the Judicial Conference of the United States. The salary of the court executive shall not exceed the amount authorized by law for a referee in bankruptcy.

"(f) In performing its duties prescribed by sections 332 and 372(b) of title 28, United States Code the judicial council may, under rules adopted by the Supreme Court, issue such orders as are necessary to compel the appearance of witnesses and the production of documents. As prescribed within the order, such orders may issue to any part of the circuit and may require the appearance of witnesses and the production of documents at any place designated for holding court within the circuit."

On page 15, after line 16, insert a new section, as follows:

SEC. 10. Chapter 49 of title 28, United States Code, is hereby amended by adding after Section 756 thereof the following new section:

"§ 757. District Court Executive

"(a) Each district court authorized by law six or more permanent judges may, upon approval of the judicial council of the circuit and the Judicial Conference of the United States, appoint a district court executive. The appointment shall be made from a list of not less than three names submitted to the court by the Director of the Administrative Office of the United States Courts.

"(b) The qualifications for the position of court executive shall be set by the Judicial Conference and shall emphasize management expertise. The district court executive shall not be required to have a law degree.

"(c) The district court executive shall serve at the pleasure of the chief judge of the district court. The salary of the district court executive shall be established by the Judicial Conference of the United States but shall not exceed 75 per centum of the rate now or hereafter prescribed by law for a district judge.

"(d) The district court executive shall exercise such administrative powers and perform such administrative duties as may be delegated to him by the court. All duties delegated to the court executive shall be subject to the general supervision of chief judge of the district.

"(b) The analysis of chapter 49 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"757. District Court Executive."

So as to make the bill read:

S. 952

A bill to provide for the appointment of additional district judges, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the middle district of Florida, three additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the nothern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the western district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, five additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, two additional district judges for the northern district of Texas, two additional district judges for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.

(c) The existing district judgeship for the district of Kansas, the existing district judgeships for the eastern district of Pennsylvania and the existing district judgeship for the eastern district of Wisconsin created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes," approved March 18, 1966 (80 Stat. 78) and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States Code, as amended by this Act. The Act of September 23, 1967 (81 Stat. 228) and section 5 of the Act of March 18, 1966 (80 Stat. 78) are hereby repealed.

(d) In order that the table contained in

section 133 of title 28 of the United States Code will reflect the changes made by this Act in the number of permanent district judgeships for said districts and combinations of districts, such table is amended to read as follows with respect to these districts:

District	Judges
Alabama:	
Northern	4
Middle	2
Southern	2
Arizona	5
* * * * *	
California:	
Northern	11
* * * * *	
Central	16
Southern	5
Colorado	4
* * * * *	
Florida:	
* * * * *	
Middle	7
Southern	8
Georgia:	
Northern	6
* * * * *	
Southern	2
* * * * *	
Illinois: Northern	13
* * * * *	
Indiana:	
Northern	4
Southern	5
* * * * *	
Kansas	4
Kentucky:	
Eastern	2
Western	3
* * * * *	
Louisiana:	
Eastern	10
Western	4
* * * * *	
Maryland	7
* * * * *	
Michigan: Eastern	10
* * * * *	
Missouri	
Eastern	3
Western	4
* * * * *	
Nebraska	3
New Jersey	9
New Mexico	3
New York:	
* * * * *	
Southern	29
Eastern	9
* * * * *	
Ohio:	
Northern	8
Southern	5
* * * * *	
Pennsylvania:	
Eastern	19
* * * * *	
Western	10
Puerto Rico	3
* * * * *	
South Carolina	5
* * * * *	
Tennessee:	
Western	3
* * * * *	
Texas:	
Northern	7
Southern	8
Eastern	4
Western	5
* * * * *	
Virginia: Eastern	6
* * * * *	
West Virginia:	
* * * * *	
Southern	2
* * * * *	
Wisconsin: Eastern	3

SEC. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in said district shall not be filled.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in said district shall not be filled.

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

(b) In order to reflect the change made by this section, the first, second, and fourth sentences of section 24 of the revised Organic Act of the Virgin Islands are amended to read as follows: "The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. * * * The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States."

(c) Section 24 of the revised Organic Act of the Virgin Islands, as amended by this Act, is further amended by inserting before the first word of the language thereof the subsection designation "(a)", and by adding after the final word of that language, the following subsection:

"(b) The eligibility of the chief judge shall be determined as provided in section 136 of title 28, United States Code, and the division of the business among the judges shall be made as prescribed in section 137 of that title."

(d) The third sentence of section 24 of the Revised Organic Act of the Virgin Islands, as amended by this Act, is amended to read as follows:

"Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge of the District Court of the Virgin Islands."

SEC. 4. (a) Section 128(a) of title 28, United States is hereby amended to read as follows:

"EASTERN DISTRICT

"(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

"Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland."

(b) Section 128(b) of title 28, United States Code, is hereby amended to read as follows:

"WESTERN DISTRICT

"(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

"Court for the Western District shall be held at Bellingham, Seattle, and Tacoma."

SEC. 5. Section 92 of title 28, United States Code, is hereby amended to read as follows:

"§ 92. Idaho

"Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

"Court shall be held at Boise, Coeur d'Alene, Moscow, and Pocatello."

SEC. 6. Section 118(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

"Court for the Eastern District shall be held at Easton, Reading, and Philadelphia."

SEC. 7. Section 41 of the Act of March 2, 1917 (ch. 415, 39 Stat. 965), as amended (48 U.S.C. 863), be and hereby is repealed.

SEC. 8. Section 753 of title 28, United States Code, is hereby amended as follows:

(a) Subsection (b) is amended to read:

"(b)(1) Except as provided in subsection (b)(2) of this section, one of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of the court or by one of the judges, and shall record verbatim by shorthand or by mechanical means which may be augmented by electronic sound recording subject to regulations promulgated by the Judicial Conference: (1) all proceedings in criminal cases had in open court; and (2) all proceedings in other cases had in open court unless the parties with the approval of a judge shall agree specifically to the contrary; and (3) such other proceedings as the judge of the court may direct or as may be required by rule or order of court or as may be requested by any party to the proceedings.

"(2) Upon a determination that such action is necessary to insure the expeditious production of transcripts or to otherwise expedite and improve the administration of justice, the Judicial Council of any circuit, subject to regulations promulgated by the Judicial Conference, may direct that an electronic sound recording be made of any proceedings or part thereof in any district court in the circuit and that the attendance of a reporter not be required at such proceedings or part thereof.

"(3) The Judicial Conference shall prescribe the types of electronic sound recordings which may be used by the reporters in accordance with the provisions of subsection (b)(1) of this section and which may be used in the absence of a reporter in accordance with the provisions of subsection (b)(2) of this section. Any such sound recording when properly certified shall be admissible evidence to establish the record of that part of the proceedings which has been recorded.

"(4) Any reporter who has made a record of any proceeding in accordance with the provisions of subsection (b)(1) of this section and any person who has made a sound recording of any proceeding in accordance with the provisions of subsection (b)(2) of this section shall attach his official certificate to the original shorthand notes, sound

recording or other original records so taken and file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

"(5) The reporter shall transcribe and certify all arraignments, pleas and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified and filed with the clerk as herein above provided in this subsection. He shall also transcribe and certify such other parts of the records of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

"The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"(6) The transcript in any case certified by the reporter shall be deemed prima facie, a correct statement of the testimony taken and the proceedings had. No transcript of the proceedings of the court shall be considered as official except those made from the records taken by the reporter or from an electronic sound recording made in accordance with the provisions of subsection (b)(2) of this section.

"(7) The original notes, electronic recording or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge."

(b) The first sentence of subsection (e) is amended by striking and eliminating the words "at not less than $3,000 nor more than $7,630 per annum."

(c) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract with any suitable person, firm association or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of Administrative Office finds, after consulation with the chief judge of the district court, will best serve the needs of such district court.

SEC. 9. Section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d), respectively; and (b) by inserting new subsections (e) and (f) to read:

"(e) From a list of not less than three names submitted to the council by the Director of the Administrative Office of the United States Courts, each judicial council shall appoint a court executive of the circuit who shall exercise such administrative powers and perform such administrative duties as may be delegated to him by the council.

"All duties delegated to the court executive shall be subject to the general supervision of the chief judge of the circuit.

"The qualifications for the position of court executive shall be established by the Judicial Conference and shall emphasize management expertise. The court executive shall not be required to have a law degree.

"The court executive of the circuit shall serve at the pleasure of the judicial council and shall be paid at a rate established by the Judicial Conference of the United States. The salary of the court executive shall not exceed the amount authorized by law for a referee in bankruptcy.

"(f) In performing its duties prescribed by sections 332 and 372(b) of title 28, United States Code the judicial council may, under rules adopted by the Supreme Court, issue such orders as are necessary to compel the appearance of witnesses and the production of documents. As prescribed within the order, such orders may issue to any part of the circuit and may require the appearance of witnesses and the production of documents at any place designated for holding court within the circuit."

SEC. 10. Chapter 49 of title 28, United States Code, is hereby amended by adding after section 756 thereof the following new section:

"§ 757. District Court Executive

"(a) Each district court authorized by law, six or more permanent judges may, upon approval of the judicial council of the circuit and the Judicial Conference of the United States, appoint a district court executive. The appointment shall be made from a list of not less than three names submitted to the court by the Director of the Administrative Office of the United States Courts.

"(b) The qualifications for the position of court executive shall be set by the Judicial Conference and shall emphasize management expertise. The district court executive shall not be required to have a law degree.

"(c) The district court executive shall serve at the pleasure of the chief judge of the district court. The salary of the district court executive shall be established by the Judicial Conference of the United States but shall not exceed 75 per centum of the rate now or hereafter prescribed by law for a district judge.

"(d) The district court executive shall exercise such administrative powers and perform such administrative duties as may be delegated to him by the court. All duties delegated to the court executive shall be subject to the general supervision of chief judge of the district.

"(b) The analysis of chapter 49 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"757. District Court Executive."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (Rept. No. 91-262) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the proposed legislation as amended, is to provide for the creation of additional district judgeships throughout the United States and to make amendments to the Judicial Code which will enable the federal courts to efficiently and expeditiously handle the business brought before them, and for other purposes.

STATEMENT

The Judicial Conference of the United States, at its session in September 1968, recommended the creation of 67 additional judgeships in the U.S. district courts, including one temporary judgeship position; and recommended further that four existing temporary judgeship positions be made permanently and that the roving judgeship for the Middle and Southern Districts of Alabama be made a judgeship only for the Southern District of Alabama. Subsequently, at its session in March 1969, the Conference recommended the creation of one more district judgeship, that for the Western District of Tennessee.

S. 952, as introduced, contained the September 1968 recommendations of the Judicial Conference of the United States and would have created a total of 68 additional judgeships as follows: Sixty-seven permanent district judgeships and one temporary district judgeship.

The bill, as amended, would create 70 new judgeships as follows: Sixty-seven permanent district judgeships and three temporary district judgeships.

The basis for the recommendations of the Conference was a systematic and comprehensive statistical study and review of the judicial business of the circuit and district courts undertaken by two Conference committees with the assistance of the Administrative Office of the U.S. Courts. The study was made in the light of the policy adopted by the Conference in 1964 of making a quadrennial survey of the need for additional district and circuit judgeships. Under this policy, the committees of the Conference survey the needs of the district and circuit courts separately, and present requests for new district and circuit judgeships separately. In 1965, the Conference submitted to Congress an omnibus district judgeship request which led to the enactment of the Act of March 18, 1966. In 1967, the Conference presented an omnibus circuit judgeship request which led to the enactment of Public Law 90-347, signed into law on June 15, 1968.

The report of the Committee on Judicial Statistics to the Judicial Conference contains the following statement with reference to its most recent survey and the factors taken into consideration by the Committee in its survey of district court needs:

"Four years have elapsed since the Committee's last general survey of district judgeship needs in 1964. In the interim the Committee has considered numerous requests for recommending additional judgeships on an emergency basis, but found none of the situations so critical as to require such emergency action. All requests were therefore deferred for consideration at the quadrennial review of judgeship needs undertaken this year in accordance with the 4-year policy previously receiving Conference approval.

"The factors focused upon by the Committee in the statistics were the nature and extent of the accumulation of cases and the rate of attrition in the buildup of the backlog; the rate of dispositions as a matter of overall judicial performance as an aspect of the ability of the court to cope with its caseload; the trends in case filings; and the comparative weighted caseload per judgeship, with the awareness that the weighted caseload requires the revision reported above. In recognition of the policy of reviewing judgeship needs once every 4 years the Committee also included as a deliverative element a factor of projection. These factors considered in the light of the recommendations of the judicial councils of the circuits and the individual district courts, fused themselves into what the Committee considers to be the demonstrably justifiable needs for judgeships in the district courts at the present time and in the next 4 years, except as extraordinary developments may occur in some individual situations."

The Subcommittee on Improvements in Judicial Machinery held hearings on S. 952 on April 15 and 16 and May 6 and 7, 1969. At the first set of hearings, the subcommittee heard testimony from witnesses representing the Judicial Conference of the United States, the Department of Justice, and other interested parties. Testimony taken at these hearings disclosed not only a need for additional district judgeships, but also suggested the need for amendments to the Judicial Code to improve the administrative efficiency of the Federal judicial system. In order to develop further testimony on the need for the judgeships and the suggested amendments, the subcommittee heard testimony on May 6 and 7 from, among others, the chief judges of six of the 11 Federal judicial circuits and received for the record written communications from the chief judges of 3 other Federal judicial circuits. On the basis of the statistical data provided by the Administrative Office and the testimony taken at the subcommittee hearings, the pending legislation was refined in the manner presented by this report.

In reviewing the pending legislation, your committee was reminded of the efficacy of a portion of its report on the bill to establish a Federal Judicial Center. That report[1] stated:

"In the past Congress has responded to accelerating judicial business by establishing new judgeships. It is more and more apparent, however, that increased manpower alone is not the entire solution to the problem. The number of Federal judges has almost doubled since 1941. In particular, the record of the 5-year period from 1959 to 1964 belies the suggestion that the mere creation of additional judgeships is an adequate bulwark against burgeoning judicial backlogs. During that period, a 25-percent increase in the number of Federal district court judges resulted in but a 3-percent increase in the total number of civil cases terminated."

That statement, now a year and a half old, remains valid. Since 1959 there has been a 40-percent increase in the number of Federal district judges, but only a 9-percent increase in the number of civil and criminal dispositions.

The creation of additional judgeships alone has not solved the problems of backlog and delay nor have the benefits anticipated from their creation been fully realized. As cases in the Federal courts become more complex and more numerous, the need becomes more pressing for modern administrative techniques to assist the court to perform their judicial functions expeditiously and fairly.

To bring managerial skills to the operating levels of the Federal court system, amendments were made to S. 952 to create a court executive for each circuit and to allow the appointment of a district court executive in those districts having six or more authorized permanent judgeships.

The circuit executive can develop the information and make the suggestions necessary to vitalize the statutory powers held by the judicial councils. Further assistance to the councils is provided by granting to them the power to compel the attendance of witnesses and the production of documents. Testimony before the Subcommittee on Improvements in Judicial Machinery clearly revealed that the judicial councils have not fulfilled the responsibility for which they were conceived—that of effectively superintending the judicial business within their circuits. Part of this failure is due to an absence of staff assistance and the subpena power, both of which would now be provided to the councils.

The hearings before the Subcommittee on Improvements in Judicial Machinery and the statistics contained in the annual report of the Director of the Administrative Office clearly demonstrated that there was a growing and serious problem of delay in the Federal appellate process. A large part of this delay involves the timelag in the transcription of court reporters' notes for appeal. Amendments were added to S. 952 to give the courts necessary flexibility in the hiring and utilization of court reporters.

In the opinion of the committee it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the amendments are considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DIRKSEN. Mr. President, the Senate has just passed the bill to provide additional district judges. I think at least a word ought to be said about the bill.

These recommendations came from the Judicial Conference and from the Administration Office of U.S. Courts, which keep rather current about what is happening in district courts all over the country so as to ascertain whether there is an increase in the workload and in the termination of cases, both civil and criminal. There is now, of course, a rather substantial increase in the workload, and that means that additional judges are required to expedite the work of the courts. That is why the bill is here.

The bill provides for 70 additional judges. I wish to compliment the Senator from Maryland (Mr. TYDINGS) and the Senator from Nebraska (Mr. HRUSKA), who have done a tremendous amount of work on the bill. Additions, changes, and modifications have been made. Likewise, amendments dealing with the court system as such have been made, all of them designed to improve the efficiency and the expedition of the work of the courts, to enable them to render better service.

I believe that these additional judges are absolutely indispensible, particularly so when one stops to consider the congestion of criminal cases in the courts from one end of the country to the other. So this bill, which is an important bill, should reflect the general sentiment of the Senate as it goes on its way to the House of Representatives. I hope they will take expeditious action and that in due course these additional judges can be named so that they can get to work at once and deal with this rather phenomenal caseload.

Mr. TYDINGS. Mr. President, S. 952, as amended, provides for the creation of additional district court judgeships and makes certain changes in the Judicial Code to enhance the ability of the U.S. courts to administer justice.

The bill, as amended, provides for 70 new judgeships—67 permanent and three temporary—for 45 of the 93 Federal district courts. The new judgeships are in large part those recommended by the Judicial Conference of the United States at its September 1968 meeting. The Conference's recommendations were developed after a systematic and comprehensive statistical study and review of the judicial business of the district courts by the Conference's Committees on Judicial Statistics and Court Administration. The recommendations of the Judicial Conference were embodied in S. 952 introduced by the chairman of the Judiciary Committee, Senator EASTLAND, on February 7, 1969. Hearings on S. 952 were held by the Subcommittee on Improvements in Judiciary Machinery of which I am chairman on April 15 and 16 and May 6 and 7, 1969. At these hearings, the subcommittee heard testimony and received, for the record, statements and communications from approximately 70 interested parties, including Senators, Representatives, judges, bar associations, and private attorneys.

The testimony and statements received at these hearings suggested not only the need for additional judge-power at the trial level in the Federal judicial system but also, and perhaps even more importantly, called attention to the need for improved techniques and managerial assistance to help the courts handle effectively the increasingly more numerous and complex cases brought by our exploding population. Sections 8, 9, and 10 of S. 952 embody amendments offered in response to this need. In my mind, those amendments are as important, if not more important, than the creation of the additional judgeships.

The amendments embodied in sections 8, 9, and 10 of S. 952 are designed to alleviate existing problems relating to court reporters, to create administrative officers for the judicial councils of the respective circuits and for districts having six or more authorized judgeships and to provide subpena power to the councils.

To fully appreciate the need for these new provisions of law, it is necessary to review the present administrative hierarchy of the Federal judicial system. At the pinnacle of that hierarchy is the Judicial Conference of the United States which serves as the policymaking organ for the so-called inferior Federal courts. Its various committees report to the semiannual meetings of the Conference on a wide range of subjects. The Conference, however, is not vested with the day-to-day administrative responsibility and control of the Federal judicial system. Under section 332 of title 28, United States Code, the judicial council of each circuit, composed of all of the active circuit judges in the circuit, is charged with reviewing the business of all the courts in the circuit, and is empowered to "make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit." The district courts are required, by that statute, to follow the council's orders.

At the district court level, each chief judge is responsible for administering the business and dividing the cases among the judges according to rules formulated by the district court, and the council.

From this review of the administrative

[1] S. Rept. 181, 90th Cong., first sess. 8 (1967).

framework of the Federal judicial system, it is clear that the principal responsibility for court administration rests with the judicial councils. Since their creation in 1939, however, the councils have not adequately fulfilled this role. The deficiencies of the councils was the cause of a study in 1961 by Judicial Conference of the powers and responsibilities of the councils. A special committee of the Conference reviewed the background, history and experience under section 32 of the code, and their report to the Congress was published as House Document No. 201, 87th Congress, first session. That report did not call for new legislation to implement the directives of section 332 but recognized that greater effort by the judiciary was necessary to assure that the councils were fulfilling their statutory responsibility.

That report of the Conference concluded that the councils had responsibility to superintend the business of each of the courts within the circuit and the personnel of those courts, to work as an instrument to prevent problems of judicial administration from arising and to find solutions for those problems which did arise. To perform these functions, the conference recognized that the councils "must undertake to keep themselves informed," and that to properly inform themselves the councils would have to look beyond the statistics and investigate individual problems with the help of the Administrative Office of the U.S. Courts.

Since 1961, the performance of the councils has not markedly improved. The circuit judges composing those bodies have been inundated with an ever-increasing workload—appeals have climbed from 4,204 filed in fiscal year 1961 to 9,116 in fiscal year 1968. The number of appeals per circuit judgeship has jumped from 62 in fiscal year 1961 to 94 in fiscal year 1968. This rise in business has put heavy pressure on each circuit and judges, properly chosen for their legal acumen not their managerial skill, have had even less time than before to reflect and consider the administrative needs of the courts within the circuits.

During hearings before the Subcommittee on Improvements in Judicial Machinery on S. 952, I invited the chief judges of the circuits to comment on the individual judgeship requests, on the workings of the councils and on what was needed to make these administrative mechanisms work. Testimony revealed that the councils had been relatively important in meeting their responsibilities under section 332 because they were unable to develop the necessary facts on which orders for improved administration of the courts could be fashioned. Consequently, the subcommittee resolved to amend S. 952 to provide the councils with the tools the chief judges attest are necessary to an adequate fulfillment of responsibility under section 332.

Section 9 of S. 952 amends section 332 of title 28 to create the position of court executive for each circuit and to arm the circuit councils with the power to issue subpenas to compel the appearance of witnesses and the production of documents if such subpenas are required by the council to fulfill its duties under sections 332 or 372(b), the latter relating to the involuntary retirement of disabled judges.

I believe that a court administrator or executive for the circuit can greatly improve the administrative efficiency of all courts of the circuit, including the court of appeals itself. Such nonjudicial officers can bring managerial expertise and experience to the councils and can serve to gather information beyond what can be gleaned from statistics. By doing so, he can give vitality to the administrative prerogatives now granted to, but not now effectively exercised by, the respective judicial councils. He can relieve the chief judge of the circuit of numerous administrative chores and burdens, leaving the chief judge to supervise the court executive and conserving his time for the exercise of the paramount judicial function, that is, judging and deciding cases.

The concept of a court executive for each circuit was endorsed in principle by the Judicial Conference of the United States at its March 1969 meeting. It has also been endorsed by the American Bar Foundation report on "Accommodating the Workload of the United States Courts of Appeals" which, in pertinent part, reads:

> The administrative facilities of the Court of Appeals should be greatly strengthened.
>
> 1. Each court should have an administrative officer responsible to the Circuit Council having authority and responsibility for the adminstraton of the court's business. He should assume, as far as possible, all nonjudicial duties of the circuit judges.

In addition to the need for a person with managerial skill at the circuit level, the hearings conducted by the Subcommittee on Improvements in Judicial Machinery disclosed a need for power within the councils to compel attendance of witnesses and production of documents. This power would be useful to the council in determining the facts necessary for action under section 332 or 372(b) of title 28, United States Code. Section 9 of S. 952, consequently, adds a new subsection (b) to section 332 to provide the subpena power. The mere existence of such power may make its use rare, and open information to council scrutiny which has heretofore been unobtainable.

But making the councils more effective administrative bodies is not the sole answer to better judicial administration. Even the most effective case flow mechanism will be negated if sufficient judges are not available to try cases or dispose of them by pretrial consideration. Moreover, our large district courts are facing so many managerial problems that they need administrative assistance at their level. Therefore, section 10 was added to S. 952 to give district courts with six or more authorized judgeships, the services of a court executive who can bring to bear on immediate and daily problems of those courts the same knowledge and techniques which the circuit court executive would apply to the circuit as a whole. Only districts with proven need for managerial assistance will acquire an executive officer after approval of the respective circuit council and the Judicial Conference.

A judge's time should be spent in judging. He should not be, as too many judges are now forced to be, a personnel manager or docket controller. The court executive, both at the council and district level, will relieve judges of these time-consuming managerial tasks.

I have already alluded to the caseload problems of the Federal courts of appeals. In many ways these courts are the most heavily burdened in our entire federal system. There has been a distressing and growing time lag in the appellate process. The median time for disposition of a civil appeal is now 9.6 months; 10.6 months for a criminal appeal. The hearings conducted by the Subcommittee on Improvements in Judicial Machinery revealed that a number of circuits have undertaken experiments to reduce the delay from the filing of the last brief to final disposition. While these experiments are to be welcomed, greater delay now occurs in the compilation of the record of appeal and in briefing time than in the subsequent stages of the appellate process. The courts of appeals can themselves tighten up the briefing period by requiring adherence to time schedules and granting extensions only in real emergency situations. The courts, however, need help in reducing the delay in compilation of the record.

The median time in fiscal year 1968 for the filing of the complete appellate record was 1.8 months in civil cases and 2.8 months in criminal cases. The most time-consuming aspect of this part of the process is the transcription of the court reporters notes. There needs to be more flexible and effective utilization of reporters, and section 8 of S. 952 is designed to promote the more efficient use of reporters and thereby to expedite the judicial process.

Under the present provisions of law, a court reporter must be present in the courtroom at every session. Although the reporters are authorized to augment their own verbatim transcript with electronic sound recordings, such recordings may be substituted for a transcript taken by a court reporter only for proceedings on arraignment, plea, and sentence in criminal cases.

Clearly, transcripts could be produced more rapidly if court reporters spent less of their time in court. Their increasingly heavy caseload makes it nearly impossible for them to be in the courtroom and to still keep up production. The proposed amendments to subsection (b) of section 753 of title 28, United States Code, supported in principle by many witnesses during the hearings on S. 952, would enable the judicial council of any circuit, subject to regulations promulgated by the Judicial Conference, to authorize the use of electronic sound recordings and the consequential release of reporters from court attendance upon a determination that such action is necessary to insure the expeditious production of transcripts or to otherwise expedite and improve the administration of justice. Any such sound recording when properly certified will be admissible evidence to establish the record of the part

of the proceedings which has been recorded.

These amendments to subsection (b) of section 753 will enable the Federal judiciary to begin experimentation with and utilization of sophisticated electronic sound recording techniques and equipment and to thereby provide court reporters with the out-of-court time necessary for the more expeditious production of transcripts.

Under the existing provisions of subsection (e) of section 753 the Judicial Conference has the authority to set the salaries of court reporters subject to a statutory maximum and minimum. Representatives of the Judicial Conference, with the support of the court reporters association of the Federal judiciary, recommended the elimination of the statutory maximum and minimum. This recommendation would be implemented under the provisions of subsection (b) of section 8 of S. 952. Because of the statutory maximum, the Federal courts in some circuits are unable to compete effectively with the State courts for the services of court reporters. Elimination of the statutory maximum will enable the Judicial Conference to establish competitive salaries, which may well vary from circuit to circuit. Elimination of the statutory minimum will provide the Administrative Office of the U.S. Courts with more flexibility in the hiring of part-time and short-term court reporters.

The Judicial Conference also recommended amending section 753 by adding the proposed new subsection (g) contained in subsection (c) of section 8 of S. 952. Under existing provisions of section 753 it is not clear whether or not the Administrative Office can meet temporary demands and needs in a particular district court by contracting with a court reporting agency to provide services on an intermittent basis. At present, an attempt is made to meet such needs by hiring additional individual court reporters. Experience has shown that there is great difficulty in obtaining the services of individual court reporters for short-term, intermittent service. The proposed subsection (g) will make it clear that the Administrative Office has the power to hire reporting agencies which will be able to provide court reporters whenever they are needed to meet an emergency situation.

The amendments to S. 952 contained in sections 8, 9, and 10 are vital to improvement in the Federal judicial system. They will give the courts the modern tools they need to meet their responsibilities. They are no less essential than the increases in judge-power provided by S. 952.

The creation of 70 new district judgeships is a dramatic increase in our Federal judiciary. The request, however, is meant not only to meet pressing caseload demands that now exist but also to anticipate needs of the future. No modern business would think of ignoring future needs in devising its personnel requirements. Too often in the past the judiciary has been guilty of ignoring the future and fashioning its requests only to meet past needs.

In making its request for judgeships to the Congress last September, the Judicial Conference projected its needs through 1972. Nine months have elapsed since their request was made. Final enactment of this legislation still lies in the future. There will also be some time expended in the filling of these judgeships. Indeed, the Justice Department witnesses at hearings on S. 952 estimated the passage of a year after final enactment before all the new positions would be manned. Such a delay in filling judicial vacancies should not be countenanced, and, as I told the Department's witness at the hearings, a much shorter period of time should be expected by our citizenry. Yet, I must note that there has been a serious problem in expeditiously filling vacancies in some of our districts and circuits. Indeed, our hearings disclosed that more than 140 judge-years have been lost through vacancies existing for 6 months or more.

The timelag in authorization of judgeships and the filling of vacancies are sound reasons, in and of themselves, for the desire of the Judicial Conference to project future needs for judges. Equally important, however, is the very real fact of our Nation's exploding population. The record shows that litigation has been increasing even faster than the population. If we ignore population trends, we will have a judiciary barely able to meet the demands of the 1960's, when they are forced to cope with the caseloads of the 1970's.

It is relevant to note that, once a serious backlog of cases develops in a court, herculean efforts may be insufficient to restore the lost ideal of swift justice. The flow of new cases is just too rapid to allow meaningful reduction in backlog without the addition of more judges. Each of our major metropolitan areas district courts is now confronting a serious backlog or its docket is showing the signs of a steadily approaching crises. Federal cases, particularly criminal cases, have grown more complex and are consuming ever-greater amounts of court time. Recent court decisions have reduced the number of guilty pleas and generated a voluminous number of pretrial motions. This result calls for the addition of judges so that our criminal calendars will not break down to the dertiment of our entire society.

The judgeships authorized by S. 952 have been scrutinized carefully by the Judicial Conference, the Subcommittee on Improvement in Judiciary Machinery, and the full Judiciary Committee. Each must stand on its own particular facts which are set out in the committee's report.

The committee report contains one error. The statistics for the northern district of Illinois have been printed both after the text on that district and after the text on the northern district of Indiana. The statistics for the northern district of Indiana have not been printed in the report. I therefore ask unanimous consent that these statistics be printed in the RECORD.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

Authorized judgeships, 3

Resident judges:	Places of holding court:
Robert A. Grant, chief judge	South Bend
George N. Beamer	Hammond
Jesse E. Eschbach	Fort Wayne
	Lafayette

District [1] population 1960, 1,959,615

Year [1]	State population	Percent increase over 1960
1960	4,662,498	
1967	5,000,000	7.3
1970	5,095,000	9.3
1975	5,471,000	16.2

[1] 1960 actual. Years 1967, 1970, and 1975 are estimates published by the Bureau of the Census.

TABLE 2.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

Civil and criminal cases commenced, terminated, and pending

Fiscal year	Total civil cases [1]			Total criminal cases		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1959	522	466	542	192	197	72
1960	485	452	575	220	226	66
1961	537	522	590	183	199	50
1962	519	426	683	157	140	67
1963	580	577	686	194	191	70
1964	625	629	682	177	189	58
1965	628	643	667	240	211	87
1966	664	587	744	241	235	93
1967	583	565	762	163	204	52
1968	597	648	711	230	199	83

Distribution of civil cases

Fiscal year	Private civil			U.S. civil		
	Commenced	Terminated	Pending	Commenced	Terminated	Pending
1959	271	239	381	251	227	161
1960	259	256	384	226	196	191
1961	287	272	399	250	250	191
1962	286	197	488	233	229	195
1963	317	333	472	263	244	214
1964	380	335	517	245	294	165
1965	453	436	534	175	207	133
1966	478	428	584	186	159	160
1967	463	418	629	120	147	133
1968	476	513	592	121	135	119

[1] Private civil and U.S. civil cases shown below.

TABLE 3.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA—CIVIL CASES COMMENCED DURING THE FISCAL YEARS 1959 THROUGH 1968, AND CIVIL CASES PENDING ON JUNE 30, 1958, JUNE 30, 1967, AND JUNE 30, 1968, BY NATURE OF SUIT

Nature of suit	Civil cases pending, June 30, 1958	Civil cases filed, by fiscal year									Civil cases pending, June 30, 1967	Civil cases filed 1968	Civil cases pending, June 30, 1968
		1959	1960	1961	1962	1963	1964	1965	1966	1967			
Total	486	522	485	537	519	580	625	628	664	583	762	597	711
U. S. plaintiff, total	115	231	206	237	198	243	206	137	147	90	98	67	74
Land condemnation	8	2	1	1	2	2	8	11	17	5	21	1	7
Note cases and overpayments	40	126	75	105	72	127	84	69	60	25	15	27	19
Antitrust			1	1			1					1	
Labor cases		22	12	8	8	13	21	20	16	22	22	10	18
Tax	6	2	2		1	3	2	1			1		1
Other	61	79	115	122	116	100	89	35	53	38	39	28	29
U. S. defendant, total	22	20	20	13	35	20	39	38	39	30	35	54	45
Tort Claims Act	4	5	2	3	6	1	8	4	4	8	12	11	13
Prisoner petitions		4	2	1	8	4	13	16	13	11	7	20	7
Tax refund	11	4	8	6	14	10	7	6	9	5	11	10	13
Social security					4	3	5	5	5	1		5	4
Other	7	6	8	3	3	2	6	7	8	5	5	8	8
Federal question, total	49	81	63	63	74	51	64	73	89	74	91	93	80
Marine contracts			1				1			1	1		1
Jones Act		1	2					1		2	2		2
Federal Employer's Liability Act	8	8	6	4	3	6	2	9	7	4	9	2	4
Miller Act	3	2	9	1			1	2	1	6	6	5	8
State habeas corpus	5	29	16	24	31	18	34	30	26	25	24	34	10
Labor cases	5	14	9	10	6	13	5	8	14	13	11	15	12
Antitrust	2	3			1		1	1	1		2		1
Patent	12	7	8	7	6	8	5	8	13	6	14	4	10
Copyright and trademark	1	3	3	2	2	3	9	4	10	9	7	6	4
Civil rights	4		1	2	2	1		5	7	3	7	14	13
Other	9	14	8	13	23	2	6	5	10	5	8	13	15
Diversity of citizenship, total	300	190	196	224	212	266	316	380	389	389	538	383	512
Contract actions	71	35	39	29	32	40	50	66	65	68	89	84	98
Stockholders' suits	1		1						1	1	1		1
Real property	4	3	3	9	11	16	34	50	37	26	31	28	22
Personal injury, motor vehicle	161	115	104	123	122	161	180	197	214	213	300	175	268
Other personal injury	50	31	48	59	41	45	45	63	59	73	105	92	114
Other	13	6	1	4	6	4	7	4	13	8	12	4	9

TABLE 4.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA—CRIMINAL CASES[1] COMMENCED AND PENDING ON JUNE 30, 1967, AND JUNE 30, 1968, BY NATURE OF OFFENSE

Offense	Criminal cases						
	Commenced				Pending June 30, 1967	Commenced 1968	Pending June 30, 1968
	1964	1965	1966	1967			
Criminal cases, total	167	225	210	154	52	209	83
General offenses:							
Homicide						2	2
Robbery	2	13	7	3	4	17	4
Assault		1		3	1	2	
Burglary		1	3			1	
Larceny and theft	21	35	16	11	5	15	10
Embezzlement	10	16	13	8	1	14	3
Fraud	15	12	2	7	4	13	7
Auto theft	64	60	59	56	14	60	17
Forgery and counterfeiting	28	24	22	6	4	27	8
Sex offenses	1	1	4				
Narcotic laws	3	14	8	15	6	7	3
Miscellaneous general offenses	2	5	22	8	4	9	5
Special offenses:							
Immigration laws	2	1	5	4	1		
Liquor, Internal Revenue	3	5	24	3		5	1
Selective Service Act	3	4	7	5	5	20	12
Other Federal statutes	13	33	18	25	3	17	11

[1] Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

[Time interval from issue to trial of civil cases[1] in which a trial was completed]

Fiscal year	Number of trials	Median[2] time interval (in months)	National median time interval (in months)
1961	36	17	11
1962	19		10
1963	63	23	10
1964	56	19	11
1965	66	17	11
1966	68	16	11
1967	67	16	12
1968	75	17	12

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

[2] Not computed where base is 25 or less.

TABLE 6.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA

Age of civil cases[1] pending at the end of fiscal years

Fiscal year	Total	Less than 1 year	1 to 2 years	2 to 3 years	Over 3 years	
					Number	Percent
1961	581	371	132	49	29	5.0
1962	673	364	203	71	35	5.2
1963	677	397	184	74	22	3.2
1964	668	404	175	73	16	2.4
1965	644	425	172	33	14	2.2
1966	706	465	182	43	16	2.3
1967	739	435	228	64	12	1.6
1968	704	435	195	63	11	1.6

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED [1] CASELOAD FOR JUDGESHIP FOR ALL U.S. DISTRICT COURTS AND FOR THE NORTHERN DISTRICT OF INDIANA

Fiscal year	Number of district courts in the United States	Number of judgeships		Weighted [2] caseload per judgeship						
				Civil		Criminal		Total		
		United States	Northern Indiana	United States	Northern Indiana	United States	Northern Indiana	United States	Northern Indiana	
									Number	Rank [2]
1962	87	289	3	185	138	57	31	242	169	68
1963	88	289	3	195	156	56	32	251	188	66
1964	88	289	3	207	201	57	30	264	231	55
1965	88	288	3	214	234	60	41	274	275	34
1966	87	318	3	200	258	55	44	255	302	18
1967	89	322	3	198	230	54	29	252	259	37
1968	89	323	3	207	239	58	42	265	281	31

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears on pp. 156–161 in the Annual Report of the Director of the Administrative Office of the U.S. Courts, 1964. The weighted caseload per judgeship refers only to the overall average per judgeship for each district as provided by 28 U.S.C. 133. Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. In computing the weighted caseload for the United States the District of Columbia and territories are excluded.

[2] Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees, be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

(Later in the day, the Senate modified its order, to provide for an adjournment until 11 a.m., tomorrow.)

DEATH OF REPRESENTATIVE WILLIAM HENRY BATES, OF MASSACHUSETTS

Mr. PASTORE. Mr. President, it is with a very heavy heart that I express my deep sorrow on the passing of a dear colleague and close friend, Representative WILLIAM H. BATES, of Massachusetts.

He and I were associated on the Joint Committee on Atomic Energy for quite a number of years. We came to know each other well during this association. I dare to say that in all my life I have never met a man who was finer and more decent than BILLY BATES. He was an exemplary father and husband, a devoted public servant, and a great American. I know that Congress will miss him, and miss him sorely.

I extend my deepest sympathy to his very lovely family.

Mr. KENNEDY. Mr. President, BILL BATES was in the great tradition of Congressmen who are servants not only of their districts but of the Nation as well. All who worked with him respected him for his dedication to his constituents and to his country.

Over the years, the Massachusetts congressional delegation met periodically on Massachusetts' problems as the need arose and communication between members of the delegation was sometimes very frequent. I came to know BILL BATES in this way. I can say, Mr. President, that whether the problem was a labor-management conflict in Lynn or shoe imports in Haverhill or Salem, BILL's knowledge of the problem was thorough, his compassion real and his dedication not only obvious but effective.

The people of his district were proud of their representative in Congress and the people of Massachusetts take great satisfaction in his service to the Nation.

As a public servant, he was outstanding and as a friend he was sensitive and steadfast. His death is a loss to us all.

THE TAX REFORM BILL

Mr. METCALF. Mr. President, on April 22 the House Committee on Ways and Means completed 28 days of public hearings on the question of tax reform. Those hearings began last February with the benefit of 2 years of staff studies, together with proposals regarding tax reform which the then Secretary of the Treasury Joseph W. Barr submitted to the present Secretary David M. Kennedy on January 17 of this year. Twelve days later those studies were made available to the House Committee on Ways and Means.

An examination of those studies, together with a reading of the testimony gathered in the public hearings, simply confirmed the fact that although the Federal income tax is designed to be progressive, many persons with substantially high incomes actually pay either no tax or the same effective rate of tax as do persons with incomes only a fraction as large. What this all adds up to is that the wealthy pay far less than their fair share of taxes, while others suffer special hardships to meet their tax liabilities.

I do not intend to vote for an extension of a surtax on top of an established inequitable tax structure unless I have a comprehensive package of tax reform to consider right along with the surtax. The need for overhauling our tax laws is nothing new or startling. What these latest hearings have revealed is simply that with the passage of time, the situation only continues to get worse.

Mr. President, I want to go on record now in opposition to any extension of the surtax without tax reform because the only choice open to the other body this week will be to vote it up or down. Fortunately, in the Senate we will be able to debate this subject at some length, and I, for one, intend to take advantage of that opportunity.

"JUST HOW BAD ARE THINGS"—COMMENCEMENT ADDRESS BY HEDLEY DONOVAN AT CARNEGIE-MELLON UNIVERSITY

Mr. DIRKSEN. Mr. President, the distinguished editor in chief of Time magazine gave a commencement address at Carnegie-Mellon University, better known as Carnegie Tech.

I allude to only one matter which rather intrigues me because he said to the graduates:

> You are graduating just in time to get in on the ground floor of a golden age.

That statement is quite at variance with all the pessimistic philosophy and observations we hear expounded on all fronts today. Therefore, this is a refreshing note.

I think it is great on the part of Mr. Donovan to say that graduates are just getting out of school in time for the golden age. Why should there not be a golden age now, and later golden ages for future graduating classes. I wish every one of them well.

I think anyone who strikes that kind of felicitous note should have his remarks given wide coverage. Mr. President, I ask unanimous consent that the commencement address by Mr. Hedley Donovan to the graduating class at Carnegie-Mellon University be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

JUST HOW BAD ARE THINGS?

(By Hedley Donovan, editor in chief, Time, Inc., Publications)

I was out on Michigan Avenue one night last summer, when Senator McCarthy's disciples, and Mayor Daley's police, and the Hippies and Yippies and National Guardsmen were milling around in the so-called Battle of Chicago. I even inhaled a little tear gas, and I was beginning to feel like a real front-line reporter. Then as the police started to form up for another of their sweeps, a couple of the flower children moved right up behind me, and I heard the young man say to the girl, "Just stay behind this businessman and we'll be all right."

Somehow I wasn't too flattered. Not that I have anything against businessmen; they certainly have their uses. But the journalist thinks of himself as a rather dashing, rebellious sort of fellow—and as a matter of fact some journalists did get their heads cracked in Chicago.

This morning, of course, I must leave it to you whether I sound like a reporter or some painfully square, dues-paying member of the Establishment. My proposition this morning is in fact an unconventional one. Some of you may find it outrageously so. My thesis is that we Americans, in this June of 1969, are not in a total mess.

It is a strange hour in our history. In the

past four years—your college years—this country has suffered certain forms of failure, disillusionment and fear that no Americans before us have known. We have also, in these same four years, accomplished a prodigious amount of work; we have come safely past some kinds of danger; and I would argue that as a country we have been maturing in some interesting ways.

The American conditions is almost anything you want to prove. Without exaggerating any particular item of evidence—just by careful selecting of the items—it is possible to demonstrate that this Class of 1969 is graduating out into a nation in the last stages of social, political and moral decay. Also without exaggerating, just by selecting—and this takes *very* careful selecting—it is possible to show that you are graduating just in time to get in on the ground floor of a Golden Age. Which kind of evidence one hunts hardest for is perhaps a matter of individual temperament or chemistry. I myself have a weakness for optimism. This in spite of spending many years in a profession which goes to a tremendous amount of trouble to make sure that all of you know all the bad news as promptly as possible.

Even a chronic optimist must recognize, I think, that this country has entered a great internal crisis, the third in our history. The first came to its climax in the Civil War. The second, which scarred this city and so many others, and marked the lives of all your parents, was the Great Depression of the 1930's. The third crisis has developed late in these 1960's, and it still lacks a name.

That first internal crisis of more than a century ago turned upon a simple moral wrong, slavery, and a not so simple constitutional issue, secession. The second internal crisis, a generation ago, was economic. Today's crisis is essentially social. The structure, the priorities and the purposes of American society have come under severe challenge. Here is America, fantastically prosperous, brilliant at politics—when else in history has there been so powerful a government that was both stable and democratic?—and yet the social fabric of the United States seems at times stretched to the ripping point.

The specific components of the crisis are painfully familiar to all of you. First, of course, is the continuing injustice that America does the Negro, the rising militance and anger of the Negro mood, and all the churning emotions aroused among whites, including terror. Second is the campus, where because of the race problem, and also because of Viet Nam and the draft, but surely also because of affluence, and liberation from the old bread and butter anxieties, a very capable and zealous minority have been able to mount a rebellion that has indeed shaken the pillars of the Establishment. Third is a general unease and indignation, affecting those over the notorious Age 30 line more than those under, that nothing is working right, especially nothing urban: why must I every day walk past so much uncollected filth in the streets of New York, the richest city in human history? Fourth and last, not unique to America but intensifying our specially American problems, is the whole moral unmooring of mid-Twentieth Century Western man: the decline of formal religious belief, the decline of the conventional sex codes, the decline of traditional patriotism. I won't stop this morning to argue whether any of these particular declines are bad or good things, but we do have to note that when so much belief is taken away, men either must find new belief, or else they will be more and more caught up in the ordinary mechanics of living, and then if even the mechanics seem to be coming apart . . . a society without idealistic commitment is deep in trouble.

As to the chronology of the present American crisis I would date it from Watts, August 1965, the very late hour when so many Americans first glimpsed the extent of our failure in the race question. The crisis built up in 1966–67 with the mounting doubt as to whether we could or should succeed in Viet Nam. It has continued with a whole rollcall of ghetto and college names: from Newark and Detroit to Harvard and Cornell.

A few weeks ago the London *Economist* published a special report on the United States under the title "The Neurotic Trillionaire." The *Economist*, which does not get excited easily, said the fact that America has virtually mastered man's economic problem "is almost certainly the most momentous news-story so far in the history of the world." They also observed that "this society which represents man's greatest secular achievement sometimes seems to be on the edge of a national nervous breakdown."

Let me turn to some of my reasons for thinking we might just barely avoid that national nervous breakdown, and might work our way through our crisis. First, we really *are* going to be a trillionaire. It will happen, with something to spare, by the end of 1971. The gross national product will run to about $925 billion in 1969. I hope it's not too vulgar of me to mention these sums of money. A trillion dollars can buy a lot, even at 1971 prices. And I would rather be wondering how best to use our immense economic assets than wondering, as were so many of the commencement speakers in my graduation year, whether the U.S. economy could be made to work at all. There are many ways to slice the foreseeable growth in national production over the next thirty months. For just one example, we could allow private spending to raise by $70 billion, which is equal to the total national product of Canada, and at the same time double the present level of federal spending for housing, health and education.

Do we have the brains to make the best uses of our prosperity? We have in fact been training brain power at a rate that all th rest of the modern world marvels at. There are economists and scientists in western Europe who, despite the unprecedented prosperity of their own countries, and despite large expansion in their own educational systems, see the American brain margin steadily widening for decades ahead—precisely because of scenes like the one here this morning. In this academic year 1968–69 the U.S. has had seven million students in some 2,400 colleges and universities. We probably must admit that some of the 2,400 don't really deserve to be called colleges, and perhaps a few of the seven million don't deserve to be called students. Even so, it is still an extraordinary effort and achievement in higher education. This same American campus which keeps frightening and fascinating so many of us, this place of long hair and locked-in deans and four letter words, is also a place of immense promise for our national future. I must say that the student rebels, however bad their manners and however monumental their self-righteousness, have indeed attacked some geninue weaknesses in the structure of universities and precipitated some overdue reform. Beyond that, I find the things the student rebels say are almost as interesting as the way the old, square world of parents, administrators, alumni and trustees *listen*—a truly impressive example of democratic tolerance and of willingness to learn, even at advanced ages. And a sign, as I see it, that there may be considerable health in our society after all. May all of you of the Class of 1969 be as open-minded 20, 30, 40 years from now, when your children will be saying . . . who of us knows what they *will* be saying?

And there is another attitude, quite widespread in our society, that I find encouraging. Next month, very probably, Americans will land on the moon. In all the proud commentary on that event, and in all the praise for the people who have made it possible, including such scientists as President Stever (Carnegie-Mellon University President, H. Guyford Stever), there is also going to be a wonderfully American theme struck over and over again. We have already heard it in all the sermons and editorials after last month's triumphant flight of Apollo 10. If we can go to the moon, so the sermon runs, why can't we master the problems of the ghetto? I think there is an inspiring foolishness about that question. A foolish question because the answer is so obvious—i.e., the ghetto is a tougher problem than the moon, and that's how we came to solve the moon first. An inspiring question because it reasserts the old American faith that anything is possible, including the improvement of people.

We shall need all that faith as we continue to toil with the question of race, for here we are trying to do nothing less than change people, inside the ghetto but especially outside. My colleague Charles Silberman of *Fortune*, in his perceptive book *Crisis in Black and White*, predicted five years ago that as the race situation grew better it would get worse. As various objective measurements of Negro progress—income per capita, educational opportunity, and so on, improved, as indeed they have, the disparity between these levels and white privilege would grow steadily more offensive. "It is a commonplace of history," Silberman wrote, "that revolutions stem from hope not despair, from progress, not stalemate." So we shall seek more progress and risk more revolution, heartened perhaps by a little extra light from Apollo.

I am not going to detain you this morning, you will be relieved to hear, with a total inventory of national strengths and weaknesses. If I were, I would want to talk, for instance, about pollution—air, water, noise, billboards, automobile graveyards, etc.; I would want to praise the pioneering work of Pittsburgh and lament the steady deterioration of New York. And then I would want to talk for a while about the situation in Washington; I would want to give a rather mixed report card, for this first semester, to the new Nixon Administration.

Before I conclude, however, I do want to touch upon some changes in our position in the world, changes which may give us a freer hand in dealing with the shortcomings of our own society.

I think the danger of World War III, perhaps never very great, has declined further during your college years.

I have spent a litte time this year in Russia, the Middle East and Viet Nam. You see that journalistic affinity for bad news I spoke of earlier—except the news really wasn't so bad.

For students of bad news, that was a nice comment the other day by the State Department officer who gives Secretary Rogers his morning briefing. The Secretary complained that there never seemed to be any good news. The young man replied: "Mr. Secretary, there is never any good news, but there is sometimes bad news for which we are not to blame. There is a report that the Aswan Dam is leaking."

The Dam did not appear to be leaking when I saw it last month. And the Middle East, all in all, did not seem to be on the brink of exploding.

In Viet Nam we are slowly de-escalating, and I am one of those who think the history books will eventually say we did accomplish some good, at high cost, by being there.

I think it is very possible that within a year or two the world around us will look less menacing to the United States than at any time since the rise of Hitler. I like a lot of the suggestions that are being made in universities, in Congress, in the press, for new accents in American foreign policy, not isolationist but less dependent on military commitments, more reliant on trade and other private American endeavor in the world. I welcome the major debate that has been developing over the Safeguard ABM system—perhaps a democracy actually *can* hold a responsible public discussion on a major mat-

ter of military technology and diplomatic strategy. I think myself that the "military-industrial complex" is a myth, and a distracting one, but I am glad to see military budgets and military efficiency coming under much more rigorous review. All these things, without implying retreat from our fundamental interests or obligations abroad, could mean more resources for meeting the American social crisis.

Thornton Wilder observed in 1950: "Americans are still engaged in inventing what it is to be an American." It is still true today.

This Carnegie-Mellon Class of 1969 is surely going to have a hand in the invention. I congratulate each of you on what you have already accomplished, and I wish you well in all that you are about to do.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CENTER FOR VIETNAMESE STUDIES AND PROGRAMS

Mr. DIRKSEN. Mr. President, it has been brought to my attention that one of the leading universities of our great State has recently established a new center which I believe should be of interest to all of you and gives promise of being a great addition to the American academic community. Southern Illinois University has had approval from its own board of trustees and from the board of higher education of the State of Illinois for a Center for Vietnamese Studies and Programs, which will be located on its Carbondale campus.

Attention is being given to the fact that it is essential we begin now to consider the needs for the reconstruction of Vietnam and how best to accomplish this task that we hope will be upon us soon. President Nixon and other national leaders have referred to this need in recent public statements. Unfortunately, as I see it, we have no major university in our country carrying forward a specialized program dealing specifically with Vietnam even though we have spent over $100 billion and lost over 35,000 lives in that country.

The broad mission of the Center for Vietnamese Studies and Programs is indicated by the following major reasons for its establishment:

First. The involvement of the American people in Vietnam is unique in our history. Despite the trials of war, American universities have played a significant role in this involvement by providing assistance to Vietnam with respect to that nation's educational and social goals. The American involvement undoubtedly will extend to the postwar reconstruction period in Vietnam. And, American universities—among which SIU is uniquely qualified by reason of its involvement in Vietnam since 1961—undoubtedly will be asked to participate in the American response to the challenge of postwar reconstruction for Vietnam. SIU is desirous of such participation, as a service to the Nation and to the world.

Second. SIU educational experience—and indeed, also, that of other American universities—in Vietnam since 1961 needs to be thoroughly researched in terms of seeking ways to infuse that experience generally into the academic lifestream of higher education in the interest of academic relevance with respect to one of the major world issues of our times.

Third. Research is required, and revised or new programs must be devised, to make education more relevant especially for veterans of the war in Vietnam—some 26,000 Illinois veterans have served in Vietnam to date. And such veterans constitute a unique manpower pool of individuals who could serve in the postwar reconstruction of Vietnam—provided appropriate educational and training programs are devised for and made available to them.

Fourth. The proposed center, with its focus on Vietnam, can develop means and ways for more effective university assistance to the reconstruction of other present and future war-torn areas of the world—that is, a multiplier effect may accrue from the operations of this particular center.

It is planned that the center will have educational, research, and service functions. As an educational organization, it will offer assistance to academic units of the university for the development and staffing of selected Vietnamese studies as part of the curriculum of the institution. A major project in this connection will be the development of a special educational and training program for selected veterans of the Vietnamese war for service in the postwar reconstruction of Vietnam. As a research organization, the center will: assess SIU experience in Vietnam to date; serve as a depository for Vietnamese materials and materials about Vietnam; and, conduct research needed for the development of new proposals for assistance to Vietnam. And, as a service organization, the center will: assist with the backstopping of current SIU/AID contracts in Vietnam and of any new SIU activities in that country once aproved and implemented; and provide special consultant and training services to—for example—governmental agencies and foundations.

Many of the veterans upon returning from Vietnam have expressed a desire to return to that country and assist with the job of rebuilding. President Nixon has appointed a task force to be headed by Mr. Johnson, his nominee to be Administrator of the Veterans' Administration, to look into the reasons that Vietnam veterans are not participating more actively in the veterans programs for training after leaving service. Southern Illinois University's Vietnamese center may hold a partial solution to this problem. One of the more forward looking programs to be established is one called VET—Vietnam education and training program.

The operation of the program will have two major phases, as follows: Phase 1: Beginning the fall quarter of 1969, and enrolling selected American veterans at the freshman level for the associate degree, at the junior level for the bachelor's degree, and at the graduate level—to produce, respectively, technical, professional and administrative personnel by 1971. Phase 2: Beginning as soon as external sponsorship and financial support can be obtained, and enrolling selected Vietnamese veterans. Phase 2 will require a counterpart VET facility in Vietnam to help select participants, to provide orientation prior to their departure for SLU to enroll in the campus VET program, and to receive and orient VET graduates prior to specific assignment in Vietnam. As phase 2 develops, it will enable VET to produce teams of American and Vietnamese veterans for service in postwar Vietnam.

The overall VET program will: First, involve appropriate existing programs at the associate, bachelor and graduate degree levels, using to the maximum extent possible faculty members who have served in Vietnam—for teaching and advisement functions; and, second, have a special Vietnam-focused training program to include, for example, instruction in Vietnamese history and culture, language—Vietnamese and French, life and living in Vietnam, community development theory and practice, and human relations—using to the maximum extent possible both American faculty and advisers who have served in Vietnam and Vietnamese faculty and advisers, for teaching and advisement functions. Headquarters for the Vietnam program will be at the university's Little Grassy Lake facilities, in a "Vietnamese village." The VET facility in Vietnam also will be used for training purposes.

It is my understanding that AID and the Office of Education have been looking to the possibility of assisting with the funding of this center. This is to be commended and other agencies of the Federal Government should do likewise. This is an important program.

Mr. President, I think this is, indeed, a very timely and extraordinary proposal which Southern Illinois University makes. It is high time that we have a major educational institution in the country that is willing to undertake this, because it is a job that inescapably confronts us and it must be done.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE STATUS OF OKINAWA

Mr. BYRD of Virginia. Mr. President, on May 29, just prior to the visit of the Japanese Foreign Minister to the United States, I addressed the Senate on the future status of Okinawa.

Under the 1952 Treaty of Peace with Japan, the United States was granted the unrestricted use of the island of Okinawa in the far Pacific. On this island,

we have our greatest Pacific military base complex.

The Japanese Government is seeking administrative control of Okinawa, which is to say that it wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny the United States the authority to store nuclear weapons on Okinawa, and would require prior consultation before our military forces based there could be used.

In speaking to the Senate, I expressed the view that it is debatable whether the United States should continue to guarantee the security of much of Asia.

But I expressed the view, too, that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated reducing these commitments—then it seems only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the west Pacific; namely, Okinawa.

It would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

For 4 years we have fought the war in Vietnam with one hand tied behind our back. Let us not be so foolish now as to get into a similar position by giving someone else control over our principal military complex.

My Senate speech on Okinawa was published throughout Asia. Such newspapers as Asahi in Tokyo published the full text.

The Japanese newspapers, of course, do not agree with my view. It was given full coverage, however, by such papers as the Japanese Times and Yomiuri, which ran it in both its Japanese and English editions.

The future status of Okinawa is the most burning political issue in Japan.

The purpose of my speech was to focus public attention on what I consider to be a matter of great importance—assuming our Nation plans to continue to play a major role in the far Pacific.

Even the New York Times said in discussing the Japanese Foreign Minister's visit to Washington that—

> The Japanese must recognize that they cannot continue to enjoy the luxury of American protection without making some sacrifices on their own on behalf of mutual security.

While my speech received a cool reception in Japan, it appears to have helped focus attention on an important problem. It received support from the Shreveport, La., Journal; the Birmingham, Ala., News; the Lynchburg, Va., News; the Northern Virginia Daily, Strasburg, Va.; the Hartford, Conn., Courant; the Phoenix, Ariz., Republic; and the Nashville, Tenn., Banner, as well as from Chicago Tribune columnist, Walter Trohan.

I received the following telegram from the Chamber of Commerce of the United States in Okinawa:

> Applaud your speech in the Senate 29 May stop Please air mail copy complete text.

I also received the following telegram from the Patton Crosswhite Post 6975, Veterans of Foreign Wars, Bristol, Va.-Tenn.:

Members oppose the return of Okinawa to the Japanese Government.

I ask unanimous consent that the text of various editorials mentioned above be published in the RECORD at this point—and following these editorials, that one written for the Hearst Newspapers captioned "Okinawa Surrender" be published in the RECORD, to be followed by an article from the Christian Science Monitor datelined Tokyo and written by the Monitor staff correspondent, David K. Willis, captioned "Nuclear Question Underlies Okinawa Parley," and followed by an editorial from the New York Times, captioned "A Visitor From Japan."

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Shreveport (La.) Journal, May 30, 1969]

OKINAWA VITAL TO U.S. SECURITY

So long as the United States maintains its role as the defender of the Far East, the continued unrestricted use of this nation's military bases on Okinawa is vital and fundamental to the security of America and the rest of the free world.

This is the warning sounded by U.S. Sen. Harry F. Byrd Jr. of Virginia on the eve of a visit to Washington by the Foreign Minister of Japan, who will be in the United States to discuss the future status of the Island of Okinawa.

Senator Byrd, in a speech to his colleagues Thursday, said the U.S. Senate, under the Constitution, has a responsibility for foreign policy, but that too often during the past 25 years the Senate has abdicated this responsibility and relied instead on the Department of State.

Today the United States has become the policeman of the world, having entered into mutual defense agreements with 44 nations.

Senator Byrd asks, "Can we logically continue in this role? Should we, even if we could?

"Twenty-four years after the defeat of Germany we have 225,000 troops in Europe, mostly in West Germany.

"Twenty-four years after the defeat of Japan, we have nearly 1,000,000 military personnel in the Far Pacific, on land and sea."

Behind Japan's efforts to regain administrative control of Okinawa are many factors, one of which is the political fate of Prime Minister Sato. Leftist elements including the Socialist and Communist parties and radical student groups, have demanded that the United States withdraw completely from Okinawa.

The United States has had unrestricted use of Okinawa since World War II. The status of the island was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation on the part of the United States to discus reversion of the island to Japan at this time or any other time.

As analyzed by Senator Byrd, "The Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa ($260,000,000 last year). But, it seeks to put restrictions on what the United States can do.

"Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used."

In defense matters, the Virginia senator pointed out, the Japanese have been given a free ride. As a direct result, Japan's present gross national product is more than one hundred and twenty billion dollars a year and ranks third in the world, behind only those of the United States and the Soviet Union. Japan's expenses for its own national defense are less than one per cent of the value of its gross national product.

For four years the United States has fought the Vietnamese war with one hand tied behind its back. To relinquish control of Okinawa to the Japanese at this time—regardless of our friendship with the country—would be to further cripple ourselves for the benefit of others.

Senator Byrd deserves the gratitude of all Americans for his alertness and for his forthright stand against an action which could destroy the military security achieved for this nation by the men who gave their lives to take Okinawa in World War II.

[From the Birmingham (Ala.) News, May 30, 1969]

OKINAWA: NOT NOW

Printed on the opposite page today are excerpts from a speech made in the U.S. Senate yesterday by Sen. Harry F. Byrd, Jr., of Virginia.

The subject of the speech is Okinawa, and it is timely because the Japanese minister arrives in Washington tomorrow for talks on the status of that island.

American forces captured Okinawa in the last major land battle against Japan in World War II. Since then the U.S. has administered the affairs of the island. Important military bases are maintained there under the terms of the peace treaty.

Under a separate agreement—the U.S.-Japan Mutual Security Treaty—the U.S. maintains troops in Japan itself. But, as Sen. Byrd pointed out yesterday, there are restrictions imposed on the use of U.S. forces based in Japan.

Increasingly in recent years there has been agitation in Japan against *both* the Mutual Security Treaty, which will be up for renegotiation next year, and U.S. control of Okinawa. But it is important to keep the two issues separate.

There may be modifications next year in the Mutual Security Treaty binding the two one-time enemies. This is a legitimate subject of negotiation and agreement—or, if the two nations so conclude, of disagreement.

The News believes that extension of the security treaty is in the national interest of both countries. Scrapping it would force the U.S. to re-think much of its Pacific strategy; it also would impose dramatic new responsibilities on the Japanese government which, under the protection of the U.S. defense umbrella, has achieved a near miraculous economic reconstruction without the nasty necessity of worrying much about its national defense.

But this newspaper does not believe that the U.S., in exchange for renewal of the security agreement—which as we say, is of at least as much importance to Japan as to America—need succumb to pressure on the at-this-point extraneous issue of Okinawa.

To repeat: The two things are distinct and separate, despite the efforts of militant Japanese leftists to lump them into one big anti-American "cause."

With Sen. Byrd we assume that someday administrative control of Okinawa will revert to Japan. But it would be foolhardy under the present circumstances, when we are deeply involved in a war in Southeast Asia and committed to a border defense role in alliance with non-Communist nations in the region, to hand over or agree to hand-tying restrictions on the use of one of the key American military outposts in the Western Pacific.

We hope that the talks with the Japanese foreign minister will be cordial and constructive. But the Tokyo government should be given to understand that the question of Okinawa's reversion to Japanese control must wait more propitious times and meanwhile should not be allowed—by Tokyo or by us—to damage the good and mutually beneficial relations which have existed between the two

countries since World War II or to poison the atmosphere in which the important forthcoming negotiations on the Mutual Security Treaty will be conducted.

As usual, Harry Byrd talked sense in the Senate yesterday. This is a refreshing change from what we too often hear from some other members of the august body, whose attacks on the U.S. defense establishment and quaint views on national security resemble nothing much as an apparent national death-wish

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[From the Lynchburg (Va.) News, June 4, 1969]

OKINAWA

Senator Harry Byrd Jr. made some valuable comments in the Senate last week on Japan's efforts to regain control of the island of Okinawa, which is our major military base in the Far East.

Emphasis was placed by Senator Byrd upon our military involvements and the fact that the Senate has perhaps left too much to the State Department and the Senate too often abdicated its responsibility in foreign affairs. He seeks to arouse that body to the exercise of these responsibilities, and does so as the Japanese Foreign Minister arrives to discuss Okinawa.

The essense of his position is in the sentence: "As a practical matter, we have become the policeman of the World."

The Japanese Foreign Minister's visit is, as he said in the Senate, due to: "The status of the island has become the most inflammatory political issue in Japan; a clamor is rising among Japanese and Okinawans for the reversion of the Ryukyu Islands to Japanese administration."

The effort of the Left in Japan, Senator Byrd said, ". . . reminds one of the effort of elements in Panama to blackmail the United States into giving up the Panama Canal. The administration of President Johnson drew a treaty to meet the demands of the Panamanians, but strong opposition in the Senate kept the President from bringing the issue to a vote."

One dominantly clarifying item was in Senator Byrd's message in relation to Okinawa: "The status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this time or any other time." And this peace treaty is entirely separate from "the 1960 Mutual Defense Treaty with Japan."

In listing the matters at issue between the two countries over Okinawa, Mr. Byrd brings out the pertinent facts and they constitute a strong, wholly adequate and necessitous case for the United States to hold and administrate Okinawa for as long as is necessary it being "vital if the United States is to continue to have obligations in the Far East." And it is perfectly clear that the United States has and will continue for a long time to have these obligations.

So concisely pertinent is Senator Byrd's address to the importance of our holding Okinawa, and to our overall relations and predicaments in the Far East, that it is worth filing as a ready and relatively brief reference to the situation as it exists and is likely to continue for a long while.

We occupy a tragic situation in the Far East; this is a situation in which we could have avoided heavy commitment, but the commitment was made, is too complicated for extrication, and must be seen through with power and the bases of power we hold.

[From the Northern Virginia Daily, May 31, 1969]

A REALISTIC VIEW

Unless there is a last minute revision in schedules, the Foreign Minister of Japan will arrive in Washington today for a working session with the U.S. State Department. The Japanese objective is the future status of the Island of Okinawa and the hope that the U.S. will return administrative power in the island to the government of Japanese Prime Minister Sato.

Since World War II, Okinawa has been the principal U.S. military base in the Pacific area. It has been under the complete administrative and military control of the U.S.

Pressure is mounting among the Japanese and the Okinawans, fomented by a growing clamor from Japanese leftist groups and other radical elements, for a return of administrative control to Japan.

The demand is complicated by the fact that, among the many commitments for military defense which the U.S. now has throughout Southeast Asia, under the U.S.-Japanese Mutual Security Treaty the U.S. also guarantees the freedom and safety of Japan.

Apparently, the Japanese have no wish to abrogate the security treaty. While they find administrative control in the hands of the U.S. irksome, they obviously are quite satisfied to have this country continue to protect them and guarantee their freedom from attack.

Virginia's Senator Harry F. Byrd, Jr., in a speech on the Senate floor Thursday, took strong issue with this development. Attacking the Japanese suggestion that the U.S. should give up administration of the Ryukyu Islands, the largest of which is Okinawa, Sen. Byrd stated:

"We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan.

"As a practical matter, we have become the policeman of the World.

"Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

"But what is clear-cut common sense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our government has not advocated scrapping these commitments—then I say that it is only logical, sound and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific, namely, Okinawa."

We consider Sen. Byrd's evaluation a valid and sensible view. As he pointed out, whether we should continue our far-flung commitments in the Far East is debatable, but as long as we are committed, surrender of control of our most strategic military base in the Asian area "would only make more difficult our role in the Pacific."

In other words, if we are to continue to be the policeman in Asia, as well as Europe, we must be in a position to blow the whistle.

[From the Hartford (Conn.) Courant, May 30, 1969]

SENATOR BYRD'S REALISTIC STAND ON OKINAWA

The remarks about Okinawa made by Senator Harry F. Byrd Jr., of Virginia, on the floor of the Senate yesterday proved as perceptive as they are urgent.

As long as the United States maintains its significant role in the Far East, Senator Byrd said in sum, the continued unrestricted use of American military bases on the large Ryukyu island is vital and fundamental.

The Senator spoke in anticipation of the visit by the Japanese Foreign Minister who comes to Washington this weekend to discuss the future status of Okinawa. That the present Japanese government appreciates—and well should—the part played by the United States in the defense of Japan as well as of Asia to the southeast in general, can probably be taken for granted. Nevertheless, Premier Sato's Liberal-Democratic Party is under utmost pressure by the Leftist opposition to secure the return of Okinawa to Japanese control, and the party is plainly seeking to shore up its position by advocating this reversion.

Senator Byrd points out that the mutual security treaty between the United States and Japan comes up for review next year. He stresses however that the issue of Okinawa is quite a separate one. The status of Okinawa was determined by the 1952 peace treaty with Japan and, as the Senator rightly observes, there is absolutely no legal obligation to review it this time in some fancied context with the defense treaty.

While Japan probably would not seek to remove American bases from Okinawa, it does specifically want the right to deny storage of United States nuclear weapons there, and to prior consultation before American forces based there could be used.

The fallacy of such restriction is made plain enough by Senator Byrd. It is interesting to note that the Senator calls "debatable" the question of whether the United States should continue to play so large a part in the defense of the Far East. Yet this adds all the more weight and credence to his conclusion that if we are going to guarantee the security of Asian nations, "it is clearcut common-sense—logical, sound and responsible—that we also continue to have unrestricted use of our greatest base in the West Pacific, namely Okinawa."

The Senator feels the eventual revision of Okinawa to Japan may take place. But certainly the time is not now, as he points out. "For four long years we have fought the war in Vietnam with one hand tied behind our back . . . Let's not be so foolish now as to get into a similar position by giving someone else control over our principal military complex."

That is Senator Byrd's advice to his colleagues and to the country in general, and it is as important as it is unassailable. Surrender of control over Okinawa would only make more difficult our already difficult enough role in the Pacific. Since it was the Senate that ratified the peace treaty which gave the United States unrestricted use of Okinawa, the present issue must be decided by the Senate. Under the Constitution, the Senate has a responsibility for foreign affairs. In discharging it in the matter of Okinawa, the Senate could not do better than heed Senator Byrd's statements.

[From the Arizona Republic, June 4, 1969]

POLITICS AND OKINAWA

The 1952 American-Japanese peace treaty gave the United States unrestricted right to the use of Okinawa, the long, narrow, strategically located island off the coast of Asia.

In the past 17 years, the Okinawans have been given increasing autonomy. They elect their own mayors and local councils. But foreign policy decisions are made by the U.S., and American military commanders have final administrative control over Okinawa.

Today the Japanese are making a concerted drive to regain Okinawa. Foreign Minister Kiichi Aichi brought the matter up when he visited President Nixon Monday. The future of Okinawa undoubtedly is a major item in the current negotiations be-

tween Mr. Aichi and Secretary of State William P. Rogers. The Japanese are particularly anxious to get American agreement on this issue before Prime Minister Eisaku Sato visits Washington in November.

It would, of course, be politically advantageous for Prime Minister Sato to return to Tokyo with Okinawa in his diplomatic briefcase. But it wouldn't redound to the advantage of Japan, the United States, or the free world to weaken the military strength of Okinawa.

That strength certainly would be weakened if Okinawa were placed under the administrative arm of the Japanese Foreign Office, or if the United States should give Japan a veto over the use of the men and arms (including atomic weapons) on Okinawa.

Sen. William F. Byrd (D-Va) put the Okinawa problem in perspective in a speech delivered to the Senate last week. He cited American mutual defense agreements with 44 nations, and recalled that the U.S. has been involved in three major foreign wars since 1941.

"We are the dominant country in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand and the United States; we are the military head of Cento—Central Treaty Organization—Turkey, Iran and Pakistan; we are the dominant power in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan."

"As a practical matter," said Senator Byrd, "we have become the policeman of the world." Nowhere is this more evident than in Asia. Continued the senator:

"Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

"But what is clear-cut common sense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our government has not advocated scrapping these commitments—then I say that it is only logical, sound and responsible that the United States continue to have the unrestricted use of its greatest base in the west Pacific, namely, Okinawa."

What the Japanese seem to want is a continued guarantee of Japanese security; the continued American expenditures in Okinawa ($260 million last year); the continued protection of Okinawa against aggression. But with all these things the Japanese also want to restrict American uses of Okinawa; and of course they want reversion of Okinawa to Japanese hegemony.

Senator Byrd's conclusion is definite, precise and should appeal to every American. "It would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa."

Okinawa is the touchstone. Any reduction on its strength must be counterbalanced by other strength. Perhaps that strength can come from Japan. The gross national product of Japan is now the third largest in the world, exceeded only by those of the United States and Russia. It should contribute more to its own security.

The Japanese have an important role, perhaps the most important role, to play in stemming the Communist tide in the Far East. But until they are ready to make a substantial contribution in that direction.

[From the Nashville (Tenn.) Banner, June 6, 1969]

FOR SECURITY PURPOSES: AUTHORITY OVER OKINAWA BELONGS IN U.S. HANDS

Sen. Harry F. Byrd, Jr., of Virginia, is one of those who believe—with cause—that the United States must not cede to Japan veto power over military use of the Island of Okinawa. He is right. Exponents of that surrender, ignoring dictates of national and Free World security, have made no reasoned case.

Under provisions of Article 3 of the 1952 Treaty of Peace, the United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa. This nation is not trespassing there, on a mission strictly of peace-keeping. The reminder hardly is necessary that, as Senator Byrd puts it, beginning with President Eisenhower, each administration since 1951 has firmly maintained that the unrestricted use of the U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

The mere fact that leftist elements in Japan are clamoring for abrogation of this arrangement, as of the U.S.-Japanese Security Treaty is not sufficient cause either to scuttle the base or give Tokyo veto power over any military decisions relating to it.

The Virginia Senator puts it bluntly: "To put it another way, the Japanese government wants the United States to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa ($260 million last year). But it seeks to put restrictions on what the United States can do."

This nation does not aspire to be the world's policeman—by self-assignment, or by circumstances of assignment by others. But it must not be pushed from essential security outposts legally held, by the pressure of left wing political whims afar, for a surrender that could play directly into the hands of the Free World's Communist enemies. It must not confine itself in a policy straitjacket, nor abdicate administrative authority over a base which shortly, under Communist assault, it might have to recover with arms.

Senator Byrd agrees that eventually the Ryukyu Islands will be returned to Japan. But that time is not yet. It isn't in the immediate offing. Note it:

"What is clear-cut common sense is that if we are to continue to guarantee the security of the Asian nations—and our government has not advocated scrapping those commitments—then I say that it is only logical, sound and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific, namely Okinawa."

He is right.

[From the Chicago (Ill.) Tribune, June 4, 1969]

NIXON ON HORNS OF DILEMMA OVER OKINAWA

(By Walter Trohan)

WASHINGTON, June 3.—Japanese Foreign Minister Kiichi Aichi has stated Japan's case to President Nixon for the return of Okinawa. Sen. Harry Flood Byrd Jr. [D., Va.] has stated the case no less forcibly for retention of the island, with its key air base, as long as this country remains involved in the far east.

In pondering the fate of the island, President Nixon is riding the horns of a dilemma. On the one hand, this country has not waged war for territory, at least since 1848, so it would seem that we should hasten to return territory which is not ours and which we have no long-range desire to keep.

On the other hand, the return of Okinawa would make the American role of policemen in the far east, if not in the world, most difficult. The roll may not be a happy one and certainly it is not a profitable one, unless it leads to peace in the area and in the world.

Okinawa is the principal island of the Ryukyu group. More than two-thirds of the 60-island chain's population lives on Okinawa, which houses a key American military base. The islands were won during the war at a cost of 35,000 American lives as part of Douglas MacArthur's island hopping strategy against Japan.

Japan took over the islands in 1879. There has been some local agitation for return of the islands to Japan, but in the Japanese rather than the native community.

BASE VITAL IF UNITED STATES STAYS IN FAR EAST

It is, of course, questionable whether the United States should continue its far flung commitments in the far east, but if it elects to do so, the base at Okinawa is vital. During the quarter of a century since the war ended, the United States has entered into mutual defense agreements with 44 nations, including those in the Southeast Asia Treaty organization.

Two major wars—Korea and Viet Nam—have come since the end of World War II. Probably no other nation in the world would have been able to fight three major wars in so short a period, but it is obvious that the mutual defense agreements haven't headed off two wars or lightened our burden.

We have 225,000 troops in Europe, mostly in West Germany, and one million military in the far east, on land and on sea. This is part of the price the United States is paying as world policeman.

The status of Okinawa has become a burning issue in Japan. Leftists and Socialists, Byrd told the Senate, are trying to force dissolution of the United States-Japanese security treaty in 1970 and as a part of their campaign are demanding the return of Okinawa at once.

OKINAWA STATUS DETERMINED BY 1952 TREATY

The mutual security treaty and the status of the island are not linked. The security treaty was concluded in 1960, each party reserving the right to reopen it after 10 years. The status of Okinawa was determined by the 1952 peace treaty with Japan putting the Ryukyus under United States military administration.

President Kennedy in 1962 said he looked forward to return of the islands to Japan. President Johnson reaffirmed the statement permanently, but the wisdom of return is seriously questioned by many.

"Surrender of control over Okinawa would only make more difficult our role in the Pacific," Byrd told the Senate on the eve of the Japanese foreign minister's visit. "The issue must be decided by the Senate; it was the Senate which ratified the treaty of peace in 1952, which gave the United States unrestricted use of Okinawa.

"In my opinion, so long as the United States maintains its significant role in the far east, the continued unrestricted use of our bases on Okinawa is vital and fundamental."

[From the Christian Science Monitor]

NUCLEAR QUESTION UNDERLIES OKINAWA PARLEY

(By David K. Willis)

TOKYO.—Phase 2 of the crucial security talks between the United States and Japan is opening with one major question that has to be answered.

The question: What right will Washington have to use its massive base on Okinawa without restrictions on nuclear or conventional methods should an emergency threaten after Okinawa reverts to Japanese control?

Phase 1 of the talks, which took place when Foreign Minister Kiichi Aichi paid a quick visit to Washington recently, stripped away much diplomatic underbrush and left the question clearly spotlighted front and center.

Tokyo wants nuclear weapons on Okinawa

to be removed upon reversion. It also says Washington must consult in advance with Japan before reintroducing them or staging renewed combat missions to war zones such as Korea or Vietnam.

But Washington is afraid that these "prior consultations" will take too much time, and will end up with Tokyo saying "No."

RESTRICTIONS OPPOSED

If North Korean should attack the south again, or if Communist China should send troops into Southeast Asia, Washington wants to be sure it can use Okinawa as it sees fit—which is the way it uses the island now. Seoul and Taipei also want Okinawa to stay unrestricted.

Tokyo says "'Prior consultations' could mean 'Yes' rather than 'No.'" Washington replies: "How do we know? Can we be certan?" Tokyo says, "We'll be flexible—after all, we are sensible people. If the emergency is real, we'll say 'Yes.'"

Judging from detailed reports of Mr. Aichi's movements in Washington that were cabled back here by Japanese reporters, the Foreign Minister thinks President Nixon is anxious for a settlement favorable to Japan.

But he also knows now that Secretary of State William P. Rogers, and Defense Secretary Melvin R. Laird, are worried about future Communist threats after reversion.

Japanese sources say Prime Minister Eisaku Sato, who visits Mr. Nixon in Washington in late November, must return to Tokyo with a date and acceptable conditions if he is to stay in office.

HEATED DEBATE SHUNNED

Japanese public opinion seems set against retention of nuclear weapons on the island after reversion. Mr. Sato cannot publicly admit that Washington is free to use the base freely in emergencies. The opposition and others would say that, even if nuclear weapons were removed, Japan still ran the risk of being involved in a war without its own full consent.

Mr. Sato basically wants the U.S.-Japan security treaty applied to Okinawa in full. The restrictions he is asking are already in force for American bases on the Japanese mainland.

If the treaty is changed in any way, he will have to seek ratification from the Diet, or parliament, and heated National debate will ensue. He wants to avoid this.

It has been made clear, privately, to Mr. Nixon that Japan will allow virtual "free use" in a serious emergency.

It is a "stick and carrot" approach: The "stick" is that if Mr. Sato's government falls, Washington will lose a valuable friend. The "carrot" is that emergency "free use" would also apply to bases on mainland Japan as well.

One difficulty for Japan is that, although Mr. Aichi presented a detailed Japanese view—and backed it up with promises of more foreign aid to Asia and improved Self-Defense Forces—Washington itself has still not settled on a final position.

Mr. Nixon and his aides are preoccupied with Vietnam and related issues.

OUTWARDLY OPTIMISTIC

Mr. Aichi sees Mr. Rogers next at the end of July, when American Cabinet members come to Japan for an annual meeting with the Japanese Cabinet on economic issues.

The two men meet again at the opening of the United Nations General Assembly in New York in September.

Japan now must weigh the extent to which Washington will insist on an "unrestricted use" formula, and exactly how it can reply while still placating popular opinion here at home.

Mr. Aichi returns to Tokyo outwardly optimistic. But basically his visit went almost exactly as Tokyo expected it to go, except that Mr. Nixon was thought to be unusually warm, and a potentially sticky meeting with Commerce Secretary Maurice H. Stans also went smoothly.

Publicly, the Japanese dismiss a New York Times report that Mr. Nixon already has decided in principle to return Okinawa without nuclear weapons. Even if the report were true, Tokyo still wants to know the terms Mr. Nixon has in mind.

[From the New York Times]

A VISITOR FROM JAPAN

The visit of Japanese Foreign Minister Kiichi Aichi to Washington this week heralds a new era in Japanese-American relations in which both nations must adjust to new realities to preserve and strengthen a partnership essential to Asian security.

Mr. Aichi is here as advance man for Premier Sato, due next November, to press claims for reversion of Okinawa and other islands of the Ryukyu chain to Japanese rule. The Japanese are also insisting that the American military complex on Okinawa, largest in the Pacific, be subject to the same restrictions as those that already apply to American bases on the Japanese main islands: namely, no nuclear weapons and prior consultations with Tokyo on any combat operations conducted outside Japan.

Loss of absolute American control over Okinawa and unrestricted use of the bases there would certainly impose limitation on the ability of the United States to act unilaterally in the Far East. But the United States can no longer ignore the demands of a resurgent Japan for the return of sovereignty over islands that both the Japanese and the Ryukuans regard as an integal part of Japan. Nor can this country deny Japan a wider role in determining Pacific policies that vitally affect Japanese security.

To rebuff Japanese demands for a more equal partnership would be to court political disorders on Okinawa and invite political repercussions on the main islands that could topple the friendly Sato Government and destroy the United States-Japanese Mutual Security Treaty, an indispensable element in the stability of the Western Pacific. Fortunately, there are indications that the Nixon Administration is preparing to meet the Japanese demands realistically.

For their part, the Japanese must recognize that they cannot continue to enjoy the luxury of American protection without making some sacrifices of their own on behalf of mutual security. If Japan goes too far in forcing reduction of the American military presence, the Japanese will either have to begin making costly investments in a national defense force or stand exposed to the rising nuclear power of China and the belligerency of a heavily-armed North Korea, not to mention pressures from the Soviet Union.

The total elimination of American military ties, including the United States nuclear umbrella, which some Japanese seek would not lead to a disarmed and neutral Japan as they profess to believe. More likely it would provoke the resurgence of Japanese militarism, with Japanese nuclear arms. This is a nightmare most Americans and most Japanese fervently wish to avoid.

OKINAWA SURRENDER?

Twenty-four years ago, 12,500 United States fighting men died to capture Japan's 72-island Ryukyu Chain and its strategic big prize, the 60-mile-long island of Okinawa in the East China Sea. Since then, under continuing American control, Okinawa has been developed as our single most important military base complex in the Far East—A vital, multi-billion-dollar staging area for operations from Korea to Viet Nam.

Japan now is pressing for return of Okinawa and the other Ryukyu Islands. Intense campaigns both by its nationalistic far right and its anti-American left have made such return an explosive political issue. And the Nixon administration, anxious to maintain good relations with Japan's pro-American Government, has indicated it will yield to the pressures and return the territories—probably effective in 1972.

This conciliatory attitude is the latest demonstration of Uncle Sam's amazingly benevolent attitude toward defeated former enemies. Surrender of our control over Okinawa will not mean dismantling of our 91 military installations there. But it would mean we could no longer use the island for storing nuclear weapons, or as an operating base for our B–52 bombers. Furthermore we would have to get Japan's permission for launching any military operations, as we do now at the 148 bases we maintain in Japan itself.

There is absolutely no legal reason why we should do this. The status of Okinawa and the other Ryukyus was fixed by the Treaty of Peace signed by Japan in 1952. Nor does their status have anything to do with the U.S.-Japanese Mutual Security Treaty of 1960, under which the U.S. guarantees the freedom and safety of Japan. Yet a threat not to renew that 10-year treaty in 1970, ironically, is one of the pressures being exerted on Washington for the return of Okinawa.

Under that treaty Japan, in effect, has given a free ride in defense matters. Because we are its protectors, only one per cent of its budget goes for defense. As a result it has been able to develop an annual gross national product of over $120 billion—third in the whole world and topped only by the U.S. and Russia.

What the Okinawa situation boils down to, in other words, is a demand that we give Japan a veto over future U.S. military operations on the island. At the same time, the Japanese would continue to enjoy the benefit of the hundreds of millions of dollars we spend there every year, plus the immense saving afforded by our continuing protection.

It is an absurd proposition from any viewpoint but Japan's. Naturally we want to maintain friendly relations, but a clear choice must be made. Either we keep a strong base under our own unhindered control on Okinawa, or Japan must take over the cost and responsibility of its own defense.

Anything else would be a foolish, dangerous, inexcusable betrayal of the ultimate sacrifice made by 12,500 American men in the bloody battles of 1945.

The PRESIDING OFFICER. Is there further morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

VIETNAM ANALYSIS BY SENATOR AIKEN

Mr. MANSFIELD. Mr. President, I call attention to an editorial entitled "Vietnam: Getting Back to the High Ground," published in the Washington Post of Friday, June 20, 1969. The editorial comments most highly on remarks of the distinguished senior Senator from Vermont (Mr. AIKEN).

Senator AIKEN has waited a long time for the judgment of this editorial. It was in October 1966 that he "advised" the administration that the United States should declare that it has "won" the war in Vietnam, and then proceed with the

"gradual redeployment of U.S. military forces." He added:

This unilateral declaration of military victory would herald the resumption of political warfare as the dominant theme in Vietnam.

The administration ignored Senator AIKEN in 1966. Editorially he was torn apart. Professors and students of political science thought his proposal was absurd.

Mr. President, one of the sad things about our society is that we seem unable to recognize the wise men among us. We suffer fools; we reject the wise.

We see that the Senator from Vermont, 20,000 and more lives late, made sense 3 years ahead of the rest of us.

I ask unanimous consent that the editorial be printed at this point in the RECORD and that it be followed by the entire speech which the Senator from Vermont made to this body on October 19, 1966.

There is food for thought in the speech.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From The Washington (D.C.) Post, June 20, 1969]

VIETNAM: GETTING BACK TO THE HIGH GROUND

"In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam against the Communists."—John F. Kennedy, September 2, 1963.

This country has had no stronger supporter of its Vietnam effort over the years than Lee Kwan Yew, the tough-minded Prime Minister of Singapore, and yet when Lee was here in town a while ago he was not asking as much of us, in his private conversations with old friends, as we have been asking of ourselves. He had read American public opinion rightly, and, while he was puzzled and dismayed, he was realistic. If the public would not see it through, it was time to begin a gradual withdrawal of our forces—to "Vietnamize" the war. And if the South Vietnamese proved incapable of handling the increased burden and succumbed in time to Communist control, what would the repercussions be elsewhere in Asia? They would not be serious; the American position would not collapse, *provided* the South Vietnamese were seen to have been given a reasonable opportunity to save themselves, *provided* we were honest about it and did not pull out precipitously; *provided* it was plain that we had done as much as any outside power reasonably could be expected to do to foreclose a Communist conquest by force.

This was the nub of it, giving the South Vietnamese an honest, reasonable shot at their own salvation, and, while these are not easy measures to make, this is the test which must somehow be applied to the proposals for disengagement put forth by Clark Clifford, the former Secretary of Defense, in *Foreign Affairs*. They are not, strictly speaking, new proposals; a variation was offered by McGeorge Bundy last October, and both plans draw on the simple prescription put forth by Senator George Aiken several years ago—*declare victory*.

Mr. Clifford did not put it that way, of course, but his plan, like Mr. Bundy's, comes down to the same thing as Senator Aiken's. By proposing that we ease off our military pressure on the enemy, remove 100,000 troops by the end of this year, and withdraw the balance of our ground forces by the end of 1970, Mr. Clifford is making the arbitrary judgment either that the South Vietnamese will be ready 18 months from now to go it alone, perhaps with American air and logistical support; or that if they aren't it won't be our fault; but that in any case we have accomplished as much of our Vietnam mission as can be accomplished in the way we are going about it and that it is time to "set a chronological limit on our Vietnamese involvement."

The logic of almost everything Mr. Clifford has to say about his proposal is inescapable; we are not getting anywhere, nearly fast enough, as things are going now; the South Vietnamese probably won't face up to their obligations to defend themselves until we do less of it for them, the war is diverting "our minds and our means" for pressing domestic problems that won't wait; so the time to begin the process of disengagement is now.

With this much, the Nixon Administration probably would not quarrel—at least privately, in any case, at his press conference last night, the President cited his initial withdrawal of 25,000 troops as evidence that "we have started towards the withdrawal that (Clifford) has advocated" and expressed the hope that "we could beat Mr. Clifford's timetable." He promised another withdrawal in August. But he said the numbers would depend on the rate of training of the South Vietnamese Army, progress in the Paris talks, and other developments. What he isn't saying, in short, is how fast he will go; he has not spread out a timetable or put a flat and final limit on the use of American ground troops. He has not, in short, told the North Vietnamese, who have been waging this war for twenty years, that if they will just be patient for another year and a half, all our ground forces will be gone.

And he has not done so, one suspects, because he does not share Mr. Clifford's quiet confidence that this sort of announcement would create a "painful dilemma" for Hanoi or act as an incentive to "true bargaining" in the Paris talks. This is the sole flaw, to our mind, in the Clifford approach; it might infuse the South Vietnamese with new strength and self-confidence; it might bring them greater self-sufficiency. But because of its fixed and arbitrary timetable, unrelated to any response the enemy might make, it might also shatter the Saigon government, demoralize the South Vietnamese armed forces, and raise very serious questions about whether, in whatever ensued, the South Vietnamese had been given a decent, reasonable chance. So we would forgo the precise, prearranged timetable, while applauding the rest of the Clifford approach. We would favor beginning an irreversible accelerating process of disengagement, but one whose exact pace and termination date are at least somewhat related to honest judgments about the performance of the South Vietnamese and the response of the enemy.

President Kennedy was right—six years ago. In the last analysis, it *was* their war. But we took a very large part of it away from them when we plunged headlong into this quagmire. And this, as well as the effort and the sacrifices that have already been made, imposes upon us a very special obligation to take care about the way we hand it back to them as we try to make our own way back to the high ground.

[From the CONGRESSIONAL RECORD, Oct. 19, 1966]

VIETNAM ANALYSIS—PRESENT AND FUTURE

Mr. AIKEN. Mr. President, now that the President is well on his way to Manila for a meeting with our allies in arms, it seems appropriate to review briefly events leading up to our present position in Vietnam, the status of that present position, and what possible courses are available for the future.

The President has stated repeatedly that the Manila conference is being held in the quest for peace.

I have never doubted the desire of President Johnson for peace in southeast Asia—a peace which would permit the withdrawal of U.S. troops from that area and greater concentration of our aid in the political, economic, and social fields.

I know I speak for the great majority of Americans in wishing him progress toward this objective at Manila.

Passing over the early years of our Vietnam involvement, the record of which is already abundantly clear, I would like to present the situation as it existed in February 1965, when the total of American combat troops in South Vietnam was less than 20,000.

In spite of confident reports by our highest military authorities at that time, there actually existed a clear and present danger of military defeat for the American forces.

In the face of this imminent danger, a detachment of marines was dispatched to Da Nang, and a program of building up military forces in Vietnam was launched.

The administration chose not to identify the danger of military defeat as the reason for escalation, but rather the aggression of the North Vietnamese military forces against South Vietnam.

Aggression is a word with two meanings—one is a quasi-legal meaning which has in the past—in the case of North Korean aggression across the 38th parallel and Hitler's many aggressions in Europe—served as a formal rallying point for collective action. It also has a looser meaning—simply the determination of one country of a hostile act by another.

The United States has been unable to sustain "aggression" as a basis for collective action.

Even the countries most affected by our commitment in Vietnam did not increase their own commitment until the escalation of U.S. military power had proceeded beyond any point where outright military defeat was a credible alternative.

In short, our allies, like Korea, felt it was in their interest to follow our lead if only in respect for U.S. power.

Therefore, whatever the merits of the U.S. charge of aggression, the word cannot be employed in its quasi-technical sense.

However, there is no reason to doubt that wide support exists in the world to the proposition that the military power of the United States should not be questioned or compromised.

This is the honor our gallant allies in Korea, Thailand, the Philippines, Australia, and New Zealand pay us by placing their soldiers alongside ours in Vietnam and in Thailand.

Insofar as our commitment to Vietnam represented an effort to sustain the credibility and integrity of the U.S. Armed Forces, the act of escalation cannot brook any serious dissent.

In February of 1965 and for some months thereafter, such a situation persisted.

However, at the present time it is not possible to sustain a clear and present danger of military defeat facing U.S. Armed Forces.

The enemy has apparently dismissed any idea of engaging in major formal combat with superior U.S. forces, and has resorted to a war of harassment and surprise guerrilla tactics.

Faced with the harassment of the Vietcong and the North Vietnamese military forces, casualties to American forces in Vietnam are inevitable.

The more American troops in active combat, the more casualties from such harassment there will be.

But these casualties in no way sustain the prospect of a military defeat.

Today, the American commitment in Vietnam no longer involves the fundamental objective of preserving the credibility and integrity of U.S. Armed Forces—provided that the war is not extended in time or in geography to the point where a wholly new threat to U.S. military power exists.

The new threat might take either the form of Chinese intervention, or, more pertinent, the form of a prolonged erosion of the credi-

bility of U.S. power through harassment in a political context—namely, through the disintegration of the South Vietnamese society.

The U.S. Government has asserted frequently and emphatically that there is no military "solution" or objective in this war.

We do not seek to destroy North Vietnam nor its government.

This assertion is shared by virtually every type of observer—allied, official, and hostile.

The greater the U.S. military commitment in South Vietnam, however, the less possibility that any South Vietnamese Government will be capable of asserting its own authority on its home ground or abroad.

The size of the U.S. commitment already clearly is suffocating any serious possibility of self-determination in South Vietnam, for the simple reason that the whole defense of that country is now totally dependent on the U.S. armed presence.

This was also true in Korea in 1954, but then the United States was operating under the umbrella of collective U.N. action, and along a well-defined battlefront which permitted organization of the rear areas.

None of this is true in South Vietnam.

Considering the fact that as every day goes by, the integrity and invincibility of the U.S. Armed Forces is further placed in question because there is no military objective, the United States faces only two choices: Either we can attempt to escape our predicament by escalating the war into a new dimension, where a new so-called aggressor is brought into play or we can deescalate the war on the ground that the clear and present danger of a military defeat no longer exists and therefore deescalation is necessary in order to avoid any danger of placing U.S. Armed Forces in a position of compromise.

Faced with these alternatives, the United States, could well declare unilaterally that this stage of the Vietnam war is over—that we have "won" in the sense that our Armed Forces are in control of most of the field and no potential enemy is in a position to establish its authority over South Vietnam.

Such a declaration should be accompanied, not by announcement of a phased withdrawal, but by the gradual redeployment of U.S. military forces around strategic centers and the substitution of intensive reconnaissance for bombing.

This unilateral declaration of military victory would herald the resumption of political warfare as the dominant theme in Vietnam.

Until such a declaration is made, there is no real prospect for political negotiations.

The credibility of such a unilateral declaration of military victory can only be successfully challenged by the Vietcong and the North Vietnamese themselves—assuming that the Chinese remain aloof.

There is nobody in the United States or in Europe or in Russia that is at all likely to challenge a statement by the President of the United States that our military forces have discharged their duty in their usual competent manner and occupy the field as victors.

Any charge against such an assertion directly challenges the ability of U.S. military power and makes the prospect of a wider war clear and present.

Right now in the eyes of most of the world, only the United States suggests that possibility.

Once the burden of suggesting a wider war is shifted from us to others—others who question the integrity of U.S. military power—the United States is again in the position of leading from collective strength politically.

This suggested strategy is not designed to solve the political problem of Vietnam.

It is simply designed to remove the credibility of U.S. military power—or more loosely the question of "face"—as the factor which precludes a political solution.

Again, it is important to stress that no politician in the United States, in Europe, or even in Russia is likely to challenge a unilateral declaration of military victory on our part.

Even if such a challenge were made, the United States would be in a stronger position than it is today, for it would have established "aggression" again as a means of collective, rather than essentially unilateral action.

I have not discussed this possible course of action with President Johnson, but I firmly believe that it presents a feasible course of action which ought not to be lightly dismissed.

Its adoption would not mean the quick withdrawal of our forces in southeast Asia.

In all probability, our military strength would have to be deployed in that area for many years to come.

We are a Pacific power, and no nation in southern Asia—possibly not even North Vietnam itself—would feel at ease were we to announce a withdrawal from that responsibility.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, as always, the distinguished senior Senator from Vermonth [Mr. AIKEN] has given us a great deal to consider and some additional food for thought. His speech indicates that he has devoted a good deal of his time and energy to the suggestions which he has advanced.

I commend the Senator for his emphasis on the political aspects of the war because there is no doubt that, militarily speaking, the hump was crossed over a long time ago and we are now in a position where we cannot and will not be dislodged. Therefore, we reach the political phases of the situation, which are by far the most important because, in my opinion, the struggle in Vietnam will not be won on a military basis.

As the Senator from Vermont (Mr. AIKEN) has pointed out, it is not a case of conventional warfare. It is of harassing tactics and a case of guerrilla activities that can go on for a long time, even though we continue to hold the upper hand.

I was also pleased to note the emphasis placed by the distinguished Senator from Vermont (Mr. AIKEN) on his assertion that the United States is a Pacific power. There is a great deal of difference between being a Pacific power and an Asian power. Therefore, the emphasis has been well brought out at this time.

It happens that last evening the distinguished U.S. Ambassador to the United Nations, Mr. Arthur Goldberg, in response to challenges in the closing minutes of the General Assembly's marathon policy debate, which centered on the war in Vietnam, had some comments to make. In response to Communist and nonalined member states who have been calling for a halt in the bombing as an essential preliminary of any peace negotiations, and also to the Communits demands for withdrawal of U.S. troops, Ambassador Goldberg said:

"We have considered this advice and having considered it, we would like to know from Hanoi privately or publicly what would happen if we followed it."

Replying to the challenges relative to U.S. troop withdrawal, Ambassador Goldberg said:

"We have said repeatedly that we do not seek a permanent military presence in Vietnam and have offered to agree to a time schedule for supervised, phased withdrawal of all external forces, those of North Vietnam as well as those of the United States."

It would appear to me that the proposals which have been suggested by the distinguished senior Senator from Vermont (Mr. AIKEN) are worthy of consideration by the administration and by all of those engaged in the present conflict.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from this morning's ticker which deals with the statements of Ambassador Goldberg in the United Nations last night.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"UNITED NATIONS.—The United States called on North Vietnam last night to spell out what it would do if U.S. air attacks on the communist state are called off.

"Ambassador Goldberg posed the challenge in the closing minutes of the General Assembly's marathon policy debate which has centered on the war in Vietnam.

"Replying to Communist and nonaligned member states who had been calling for a halt in the bombing as an essential preliminary to any peace negotiations, Goldberg said:

" 'We have considered this advice and having considered it, we would like to know from Hanoi privately or publicly what would happen if we followed it.'

"Replying to Communist demands for a withdrawal of U.S. troops in Vietnam, he said:

" 'We have said repeatedly that we do not seek a permanent military presence in Vietname and have offered to agree to a time schedule for supervised, phased withdrawal of all external forces—those of North Vietnam as well as those of the United States.' "

Mr. AIKEN. I thank the Senator from Montana [Mr. MANSFIELD], whose opinion, as everybody knows, I wholeheartedly respect.

I did not know that Ambassador Goldberg was going to make a speech yesterday. In fact, I have had no consultation with anyone on this matter. But I do think that the hand of the United Nations would be immensely strengthened if we could announce that we have won the military victory, and it is the political situation that now exists. Then, if the enemy persists in military operations, they, in the eyes of the world, would be the aggressors, and subject to collective actions which the United Nations would be interested in and concerned with, as was the case in connection with Korea.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. AIKEN. I would be happy to yield, but I have no time remaining.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas may be recognized in his own right.

Mr. AIKEN. Mr. President, I ask unanimous consent that I may proceed for another 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator may proceed for an additional 5 minutes.

Mr. FULBRIGHT. First, I wish to join the majority leader and say that I think the speech is most interesting, and I think it is very timely as this conference gets underway in Manila in the next few days that some alternatives to the escalation of the war be given. I wish to congratulate the Senator from Vermont [Mr. AIKEN] on raising this matter.

I wish to ask the Senator one or two questions. I notice that on page 6 the Senator says there are two approaches: one is to escalate the war into a new dimension, by which I assume he would mean probably an invasion of North Vietnam or the dropping of atomic bombs. Is that correct?

Mr. AIKEN. There is a great temptation on the part of some people to escalate the war rather than to admit that the United States is at a military disadvantage which, of course, it is not. If we once announce that the military conflict has been won, then we can go onto a political basis and if anyone else seeks to promote the question of credibility or the

ability of U.S. Armed Forces, or attempts to escalate or continue the war, they themselves would be taking the position of being aggressors in the eyes of much of the world, which views the United States at the present time as being the aggressor. I think we have got to get rid of that label.

Mr. FULBRIGHT. I join the Senator in wishing to find a way to get rid of that label, but I want to clarify my thoughts. Is it the Senator's view that the deescalation, which he mentions in the first paragraph on page 6, should take place concurrently with the announcement of a military victory?

Mr. AIKEN. The deescalation would be gradual.

Mr. FULBRIGHT. Gradual.

Mr. AIKEN. Of course.

We could not withdraw our troops from South Vietnam precipitately. They could be redeployed. I do not know what would happen. Perhaps the enemy would refuse to concede or to stop the fighting. It seems to me that they should be ready to stop it by now because they have been unmercifully punished by U.S. forces.

As for withdrawing our troops from South Vietnam, I think they would have to cover it for a long time, because we might as well admit that the South Vietnamese Government has now been completely overshadowed by our forces there. They are having trouble again, and we would have to stay there for some time; but as of now we have gone so far as to guarantee that no outside forces will take over South Vietnam.

Mr. FULBRIGHT. I think that is correct. I ask the Senator, would this entail a suspension of the bombing of North Vietnam?

Mr. AIKEN. I think it should. That is one way we would get our answer as to whether the enemy is disposed at all to meet us on political grounds.

Mr. FULBRIGHT. If, as I think the Senator has in the past suggested, as a token of our good faith, with regard to negotiations we suspended the bombing of North Vietnam, does the Senator think that would be a useful thing for us to do? Would that be a good way to test out their attitude?

Lastly, because this is a new idea—I am not quite clear on it, but I am certainly sympathetic with anything that the Senator from Vermont ever brings forward designed to minimize the tragic destruction and loss of life now taking place in Vietnam—does the Senator visualize that at the Manila conference an announcement should be made that we have won a military victory? Is that what he is suggesting?

Mr. AIKEN. That is a hope—possibly a faint hope, but it seems to me that there might be action taken in Manila and an understanding reached there which would lead to such an announcement of a military victory on our part, because no one in the world—Russia, or any other country—can dispute the fact that we are winning a military victory so far as Vietnam is concerned.

Mr. FULBRIGHT. I would go further and say that they do not dispute that we could make of Vietnam a desert, as they say, by completely destroying everything there—man, woman, tree, anything else if we wished.

Mr. AIKEN. But we have repeatedly announced to the world that we have no intention of destroying North Vietnam or the Hanoi government, that they have a right to their own choice of government. But, we could destroy them. They must understand that. It seems to me that at this point they would welcome some indication that we might meet them on political grounds, in which case they might be willing to negotiate.

Mr. FULBRIGHT. To negotiate.

Mr. AIKEN. I do not believe, so long as we base this conflict on military grounds, that the Hanoi government will ever sit down with the present leadership of the United States. I think they would accept extermination first.

Mr. FULBRIGHT I think I agree with the Senator on that. I am very glad he has made his speech. I shall study it with a great deal of interest. I also hope that the administration will.

I congratulate the Senator on his fine address.

Mr. LAUSCHE. Mr. President, will the Senator from Vermont yield?

The ACTING PRESIDENT pro tempore. The time of the Senator from Vermont has expired.

Mr. AIKEN. Mr. President, I ask unanimous consent to proceed for 2 additional minutes in order to yield to the Senator from Ohio [Mr. LAUSCHE].

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

Mr. LAUSCHE. Do I understand correctly from the Senator's remarks that he would begin by declaring a military victory?

Mr. AIKEN. Absolutely. My statement speaks for itself.

Mr. LAUSCHE. The Hanoi government might challenge that.

Mr. AIKEN. Yes; North Vietnam might challenge that, but if they do, I think they will lose much of the sympathy of the rest of the world.

Mr. LAUSCHE. If we declare a military victory, what do we do then, pull out, establish enclaves, or deescalate? What is the next step?

Mr. AIKEN. I think we would have to remain in order to maintain our bases there and conduct full-scale reconnaissance to keep track of what they were doing. But we would before long find out whether they wanted to continue to fight and, if they did, then they themselves would be the aggressors, rather than us, in the eyes of the world.

Mr. LAUSCHE. In substance, that is the Gavin plan, that we establish islands and hold onto them and stay there.

Mr. AIKEN. That has been the practice we have been following over there now. We certainly have strongholds now from which we can deploy our troops.

Mr. LAUSCHE. But the Senator does not recommend that we pull out?

Mr. AIKEN. No. We will have to remain until a great degree of stability has been established. Our leaving South Vietnam will have to be gradual.

Mr. LAUSCHE. Or that we establish bases there and watch whether North Vietnam will respond favorably to our gestures to bring them to the negotiating table.

Mr. AIKEN. If we said we were going to pull out at once, then the Government of South Vietnam would go. It would not stand up very long.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE WETLANDS OF MARYLAND

Mr. TYDINGS. Mr. President, one of the greatest natural resources the State of Maryland possesses is the estuary known as Chesapeake Bay. It is one of the world's finest natural spawning spots for fin fish and shellfish.

Some years ago a group of Japanese biologists visiting Chesapeake Bay stated that if Japanese techniques for farming—and when I say "farming" I mean the development of shellfish and fin fish—were utilized in Chesapeake Bay, the resulting income from the annual harvest would be sufficient to support the entire Japanese budget with no other source of income.

Chesapeake Bay, is indeed, a priceless jewel in the crown of Maryland's natural resources. However, the price for keeping any crown untarnished and preserved is vigilance. We in Maryland have not exerted the vigilance that we should in the protection of our great natural resources, particularly Chesapeake Bay.

Last week an article entitled "The Wetlands: The High Hidden Price of Surrender," written by Hunter James, was published in the Baltimore Evening Sun. Mr. James stated just what could happen if Maryland's 320,000 acres of wetlands were permitted to be replaced by "a dreary procession of marinas, boat slips, jerry-built housing developments, gas stations, boardwalks, honky tonks, dancehalls, refuse dumps, and long rows of beach cottages all but obliterated by the hot sun."

The point is that any one of these developments may not be objectionable; indeed, some of them may be desirable. The point is that we must exert more diligence in planning and protecting our wetlands in this great estuary than we have in the past. Mr. James' article makes that clear.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WETLANDS: THE HIGH, HIDDEN PRICE OF SURRENDER

(By Hunter James)

Someday, if private developers have their way, the last of Maryland's 320,000 acres of wetlands will be replaced by a dreary procession of marinas, boat slips, jerry-built housing developments, gas stations, boardwalks, honky tonks, dance halls, refuse dumps and long rows of beach cottages all but obliterated by the hot sun; man-made waste flung down upon nature's waste, made profitable for a few, hospitable to some and disquieting to the rest of us.

In hard truth, if nothing were endangered by the builders and dredgers but nature in its primeval state, there would be reason only for lament, not one for official compaint. But scientists know that in the eternal order a wetland is as important to some forms of bird life and fish life and even some forms of animal life as the sea and land and air itself.

The easiest way to think of a wetland is as the margin of the sea, the part covered by the incoming tide and left exposed when the tide goes out. It is the ebb and flow of the tides that helps explain why the wetlands are so important. Down with the outgoing tide go assorted forms of decayed plant life that serve as food for croakers, menhaden, skillet fish, silver perch and other species.

The menhaden is itself a basic food for the white marlin, striped bass, sea trout and other large food and game fish. Once the menhaden goes so will most of the others. The menhaden will vanish just as soon as young menhaden can no longer swim up the Chesapeake to feed in the fresh water estuaries—that is, as soon as the builders and dredgers have done their work. Marsh plants, high in nitrogen and phosphorous compounds, also furnish food for deep sea plants and for shellfish which mature in the shallow waters along the edge of the bay and its tributaries.

The destruction of the coastal marshes would ultimately deprive Maryland of most if not all of its blue crabs, clams and oysters—all of which depend either directly or indirectly on the wetlands for food. Hunters would no longer shoot the canvasback

duck or the Canadian wild goose in these parts, and the diamondback terrapin would become a rarity indeed. The muskrat, native of the swamps and valuable for his fur, would vanish and with him would go the whistling swan, great blue heron, snowy egret, osprey and hundreds of species of songbirds.

Dr. Eugene Cronin, director of the state's Natural Resources Institute, describes the bay and its surrounding regions as "a very rich ecosystem, made up of plants and animals which are beautifully fitted to the special characteristics of this rather violent body of water.

"The organisms are in balance with their environment and with each other. The system is tough and many species have been able to withstand considerable environmental change and modification. At the same time, it is essentially delicate or fragile, and destruction of any one link in the rather short food chain might have far-reaching and long-lasting destructive effects on the entire system."

The state has lost an estimated 7 per cent of its wetlands since 1952 and could lose up to 93,000 additional acres in the next decade. Luckily, Maryland is not yet so poor in wetlands as California now is. That state has lost almost 70 per cent of its wetlands and San Francisco bay, the hardest hit area, is no longer of much consequence as a commercial fishery.

Maryland has been helped by the relative isolation of the Eastern Shore. But the impending construction of a second Bay bridge may bring renewed clamor for more commercial development which in turn will bring a demand for a third and fourth Bay bridge which will create other types of pressure for other types of development.

The state recently took a monetary beating in the transfer of valuable wetland properties on Assawoman Bay and Isle of Wight Bay to James B. Caine, a private developer, and to Maryland Marine Properties, Inc. It also gave up some of the most valuable food-producing regions. Experts believe the proposed development alone could destroy up to half the blue crabs and clams that inhabit the surrounding waters.

Fortunately the Board of Public Works has called off further transfers of state-owned wetlands until the General Assembly has had a chance to enact sensible legislation for their control. In the last session of the General Assembly, steel and railroad interests joined with the Maryland Port Authority, and the state Department of Economic Development to kill two relatively mild regulatory measures. The only difference next time, if any, will be the sense of urgency brought on by the realization that so far the problem hasn't been treated with any urgency at all.

"We are not yet in the late crisis stage," says Dr. Cronin. "We are still in the early visible and grave threat stage, and there is still time to write fair laws and bring the problem under reasonable control."

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECENT AIR TRAFFIC CONTROL SLOWDOWN

Mr. STENNIS. Mr. President, last year, as chairman of the Appropriations Subcommittee on Transportation, I made a special visit to many of the air traffic control centers operated by the Federal Aviation Agency. I went into the facilities, inspected the equipment and observed controllers in Los Angeles, San Francisco, Seattle, Oklahoma City, New York, and many other cities. I saw first hand the situation that faced the controllers and was particularly impressed with the very heavy responsibility placed upon them in moving air traffic throughout the Nation and to and from foreign countries.

Mr. President, I was not only impressed with the enormous amount of work they do but also with their fine dedication, high sense of responsibility, and splendid attitude toward their obligations, and their work as a whole. I witnessed that in every place I visited.

I was quite serious about this matter. I realized that I had to know more about the subject matter in order properly to handle the bill on the floor of the Senate.

I then took the lead—with some very fine help, of course—in increasing the Federal Aviation Agency appropriations to include the addition of 1,000 controllers over and above that recommended in the budget. We already had a recommendation for 1,000 new prospective controllers but the committee had that amendment for an additional 1,000 because of the congested conditions. In addition, again with splendid assistance, I took the lead in removing the controllers from the manpower limitation of 1968 so that the number of controllers could be increased as rapidly as possible.

That amendment was considered on the floor of the Senate. There was some very fine debate on it. The Senate voted overwhelmingly to except the agency from the limitations of the Revenue Act of 1968. That was the only exception, as I recall, that I voted for.

As chairman of the Appropriations Subcommittee on Transportation, I feel that I have a direct responsibility in the air controller problem and after the extensive study I feel I know something of its extent, and of what is being done to remedy it. I, therefore, feel that I have an obligation to speak out on the recent slowdown of air controllers that disrupted air traffic throughout the Nation and had a very serious effect even in foreign countries served by airlines to and from the United States.

On last June 18, 19, and 20, the Nation was faced with a severe disruption of air traffic, because of a slowdown of air traffic controllers in key places throughout the Nation.

On those days, many controllers did not report to work, giving as their reason the taking of sick leave. I believe this is a very serious matter, which can have an adverse effect upon the Nation as can few other operations for which the Government is responsible.

I am in sympathy with the air controllers generally. Last year, the Appropriations Subcommittee on Transportation added money for the hiring and training of more controllers. We continue to work toward acquiring and training a sufficient controller force, safely and adequately to handle the air transportation of the Nation.

I emphasize, however, in a most serious way, that the action taken by the controllers during this 3-day slowdown is neither in the best interest of the Nation, nor in the best interest of the controllers. Such action, if repeated in this, or any similar form, is virtually certain to bring down upon the controllers a wave of criticism that will make it difficult, if not impossible, to obtain public and congressional support for their cause.

It is readily conceded by those in positions of responsibility that the air controller system needs attention. However, no good purpose is served by inconveniencing hundreds of thousands of travelers and causing the unnecessary expenditure of millions of dollars in an effort to "dramatize" a situation already well known by those, who have responsibility in the matter and who are doing what they can to correct the inequities and inadequacies.

Moreover, the damage is greatly increased inasmuch as the "dramatization" and the slowdown were made under what appears to be false pretenses—that is, the taking of sick leave to avoid the necessity of reporting to work and at the same time escaping penalty for not being at their assigned post of duty.

I have received a summary of the status of the air traffic control system of the United States on June 18, 19, and 20—the days of the so-called slowdown.

I am far from convinced, in fact I have grave doubt, that in Denver, Colo., of the 50 controllers scheduled to report for duty, 25 were sick. Or in Honolulu, seven of the 13 scheduled to report for duty were sick. Or in Houston, seven of 15 scheduled to report for duty were sick. Or in New York, 79 of 112 scheduled for duty were sick.

I think that this practice, in addition to being a disservice to the traveling public, puts in jeopardy the sick leave system of the entire Government.

I urge the air controllers to carry out their duties in good faith, to express their grievances in an orderly and dignified manner through proper channels while at the same time performing their duties in accordance with the high standards and the splendid reputation they have earned over the years.

I sincerely hope they will not be misguided or misled into believing that such tactics as a slowdown of this type will have the effect of bringing pressure on Congress.

Mr. President, I have a continuing interest in this problem. I feel a sense of responsibility to the Senate, to Congress, and to the people of this Nation as chairman of the Appropriations Subcommittee on Transportation, that it is my obligation—direct, official, and personal—to continue this interest and to continue working on this matter—an obligation which also extends to the controllers, to the public, and to the Congress.

I am interested in their welfare. I am interested in their equipment. We put in extra money last year for that. My acute interest was also evident in this subject before I became chairman of the subcommittee when, a few years ago, two of my closest friends lost their lives not because of something the controllers failed to do, but because, as I believed, of a lack of equipment at that particu-

lar airport which caused a very serious crash of an airplane which not only caused the loss of life to my two friends, but everyone else on the airplane.

All those reasons combined have caused me to come here today not to look for any trouble—I already have enough to do—but to come here to raise the flag of warning to these fine men and also to raise the flag of warning to the public as a whole, and to Congress, to show the possible grave and tremendous trouble that can arise unless this matter is brought to a different plane and settled on a different basis.

I believe in these fine men. I know a few of them personally, but when one observes them working under the stress and strain, and care and responsibility, he has a better idea of the character of the controllers than if he met them at a social function, a ball game, or any other place.

My impression of them, when left alone to carry out their responsibilities, is that they are a fine, high-type group of men.

Mr. President, I ask unanimous consent to have printed in the RECORD a situation report on the status of the air traffic control system on June 18, 19, and 20, 1969.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SITUATION REPORT ON THE STATUS OF THE AIR TRAFFIC CONTROL SYSTEM ON JUNE 18, 19, AND 20, 1969

In the period 18–19 June 1969 absenteeism in the ATC system became a major problem. Detailed reports providing a breakdown on the situation on a facility by facility basis are currently being prepared. The purpose of this summary is to provide an overview of the situation from a system standpoint. On 18 June 1969, the absenteeism was centered in the Kansas City Center ARTCC and Denver ARTCC areas. These are key facilities in terms of transcontinental traffic movement. Approximately 50% of the controllers scheduled for duty called in sick in these two facilities. In addition, the Kansas City Municipal Airport terminal ATC facility experienced 25% absenteeism. This resulted in a void at the crucial mid-continental area and resulted in reroutings to transcontinental traffic north and south of this area. Specifically, the Kansas City Center, faced with the shortage of qualified control personnel, was obliged to issue restrictions on transcontinental traffic which resulted in large scale disruption to the normal flow between the East and West Coasts of the United States.

On the following day, 19 June 1969, the absenteeism became more widespread. Denver Center again was hard hit while Kansas City returned to a normal complement. A new element, however, was introduced. The New York ARTCC experienced absenteeism which appears to be on a selective basis. In all of our Centers we have varying degrees of specialization in terms of controllers function or span of control. Based on the data available, it appears that the absenteeism experienced on 19 June 1969 was concentrated in specific and strategic areas. In the New York Center on both the 8 to 4 and 4 to Midnight tours of duty, the absenteeism was concentrated in the functions which provide services to the main flow of traffic proceeding to points west of New York; this includes New York/Chicago and New York/West Coast traffic. This pattern combined with the absenteeism experienced in the Oakland Center, which was mainly concentrated in the functional areas which provide services to Eastbound departures and traffic originating in New York, Chicago and Atlanta terminals, indicated, at least on a prima facie basis, that there was a specific, well-coordinated plan designed to cripple, or at least slow down, the main East Coast to West Coast traffic. Based on preliminary analysis of the data available, it appears that the absenteeism was concentrated in those areas where its effect would result in the most disastrous disruption.

Aside from this overall pattern in the en route environment, the system experienced spotty absenteeism in terminal air traffic control facilities, which appear to have some relationship to the en route system problem. On 18 June 1969 the Kansas City Municipal Airport, as noted above, had about 25% absenteeism on both the day and evening watches. This situation, combined with the absenteeism in the Kansas City Center, caused major operational difficulties. On 19 June 1969 while the New York Center was operating at about 50% of normal staffing, the New York terminal facility experienced about 25% absenteeism.

Aside from these major areas outlined above, there were pockets of significant absenteeism throughout the system. We had to shut down two towers; at Stockton and San Jose, California, due to insufficient personnel on duty to provide air traffic control services. The Houston area experienced 50% absenteeism in the terminal facility. Austin, Texas, and Baton Rouge, La., had similar problems. Honolulu Tower and Center also experienced about 30–35% absenteeism on 19 June 1969.

As the pattern of absenteeism became evident, the FAA took action to implement emergency plans which were originally designed to cope with catastrophic system failures. These actions combined with the initiative and dedication of the personnel who reported for duty resulted in maintaining a safe environment although system delays were prevalent.

The impact on the air traffic control system appears to have been concentrated mainly in the New York Area on 19 June 1969. The void in the Kansas City/Denver area on 18 June 1969 resulted in many reroutings but based on the data available to date had negligible overall effect on the system. On 19 June 1969, however, the effects were more far reaching in terms of ground delays and cancellations of flights throughout the system.

In summary, it appears that the absenteeism shows a pattern designed to have maximum effect on the air traffic control system by creating a void in functional areas which would hurt the most.

As of today, 20 June 1969, things appear to have returned to normal. It is significant to note, however, that most of the personnel who reported sick to the New York Center on the midnight to 8 shift (20 June 1969) subsequently called in and said they felt better and would return to work. This was after the announcement on the communications media which stated that the "dispute" had been settled between the employee organizations and the FAA.

JUNE 18, 1969

Denver ARTCC (sick leave)

8 a.m. to 4 p.m., 25 controllers out of 50 scheduled.

4 p.m. to 12 midnight, 30 controllers out of 46 scheduled.

Midnight to 8 a.m., 3 controllers out of 15 scheduled.

Kansas City ARTCC (sick leave)

8 a.m. to 4 p.m., 24 controllers out of 61 scheduled.

4 p.m. to 12 midnight, 33 controllers out of 61 scheduled.

Kansas City tower (sick leave)

8 a.m. to 4 p.m., 4 controllers out of 13 scheduled.

4 p.m. to 12 midnight, 3 controllers out of 13 scheduled.

JUNE 19, 1969

Denver ARTCC (sick leave)

8 a.m. to 4 p.m., 24 controllers out of 50 scheduled.

4 p.m. to 12 midnight, 8 controllers out of 46 scheduled.

Midnight to 8 a.m., 6 controllers out of 13 scheduled.

New York ARTCC (sick leave)

8 a.m. to 4 p.m., 61 controllers out of 123 scheduled.

10 Assistants out of 18 scheduled.

New York ARTCC (sick leave)

4 p.m. to 12 midnight, increased to 79 controllers out 112 scheduled.

9 Assistants out of 28 scheduled.

Midnight to 8 a.m., 42 controllers out of 53 scheduled.

Approximately 1 a.m. controllers started to return so that New York assumed control of their area at approximately 3 a.m.

New York terminal common IFR room (sick leave)

8 a.m. to 4 p.m., normal.

4 p.m. to 12 midnight, 13 controllers out of 38 scheduled.

Oakland ARTCC (sick leave)

8 a.m. to 4 p.m., 12 controllers out of 54 scheduled (2 left after reporting).

4 p.m. to 12 midnight, 13 controllers in Area D.

Area D handles eastbound traffic from bay area. The Common IFR Room expanded eastward to control area traffic and traffic was rerouted to bypass area.

Cigar in drain of water fountain—Water flooding from cafeteria which is above TELCO room. No damage but TELCO standing by in case.

Stockton tower (sick leave)

Shutdown 11 p.m. to 7 a.m.—3 of 4 control personnel absent.

Adjustments made so that day shift staffed for normal operations.

San Jose tower (sick leave)

Approximately 6:30 p.m. Pacific Coast all air carrier traffic were requested to divert to San Francisco.

4 controllers out of 5 scheduled were absent.

Approximately 7 p.m. Notice to Airmen was issued advising San Jose Tower would be inoperative from 12 p.m. to 6 a.m.

Houston tower (sick leave)

Common IFR Room, 7 controllers out of 15 scheduled.

Hobby Tower, 3 controllers out of 5 scheduled.

Austin tower (sick leave)

3 controllers out of 5 scheduled.

Baton Rouge (sick leave)

3 controllers out of 4 scheduled. 3 controllers sent from Beaumont, Texas, to handle 8 a.m. to 4 p.m. (2).

Honolulu tower (sick leave)

4 p.m. to 12 midnight, 7 controllers out of 13 scheduled.

12 midnight to 8 a.m., 3 controllers out of 5 scheduled.

Honolulu ARTCC (sick leave)

4 p.m. to 12 midnight, 7 controllers out of 21 scheduled.

Emergency Plan was implemented by New York at approximately 10:30 p.m. to 2:56 a.m.

Washington, Cleveland, Boston Centers assumed control with direct handoff to New York Terminal at 18,000 feet and above.

The towers in the New York Center area assumed control of traffic at 17,000 feet and below. By 1 a.m. 11 additional controllers reported for work and by 5 a.m. New York had assumed control of their area.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON MEDICARE

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the first annual report on the medicare program by the Health Insurance Benefits Advisory Council, covering the period July 1, 1966, to December 31, 1967 (with an accompanying report); to the Committee on Finance.

REPORTS OF FOREIGN-TRADE ZONES BOARD

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1968, together with reports covering the activities during the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, and 9 (with accompanying reports); to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2464. A bill to repeal section 372–1 of title 25, United States Code, relating to the appointment of hearing examiners for Indian probate work, to provide tenure and status for hearing examiners performing such work, and for other purposes; and

S. 2465. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a more equitable allocation of grants among the States; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2466. A bill for the relief of Dr. Aleyde A. Melocoton; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2467. A bill for the relief of Konstantine Anagnostopoulos; to the Committee on the Judiciary.

SENATE RESOLUTION 214—RESOLUTION RELATING TO DEATH OF REPRESENTATIVE WILLIAM H. BATES OF MASSACHUSETTS

Mr. BROOKE (for himself and Mr. KENNEDY) submitted a resolution (S. Res. 214) relative to the death of Representative William H. Bates of Massachusetts, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. BROOKE, which appears under a separate heading.)

NOTICE OF HEARINGS ON SMALL BUSINESS LEGISLATION

Mr. McINTYRE. Mr. President, I should like to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will begin hearings on 1969 small business legislation on Tuesday, July 8, 1969, at 10 a.m., in room 5302, New Senate Office Building.

The bill to be considered by the subcommittee, plus any other bills which may be introduced and referred to the Small Business Subcommittee prior to July 8, are—

S. 915, to authorize the Small Business Administration to provide financial assistance to certain small business concerns suffering substantial economic injury as a result of the current work stoppages at east and gulf coast ports;

S. 1212, to amend the Small Business Investment Act of 1958;

S. 1213, to create a Small Business Capital Bank, and for other purposes;

S. 1750, to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required by Federal law or State law enacted in conforming therewith;

S. 1763, to increase certain loan limitations applicable to the regular business and the development loan program of the Small Business Administration;

S. 1782, to amend section 7(b) of the Small Business Act to provide for new interest rates on the Administration's share of disaster loans;

S. 2385, to amend the Small Business Act to apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas;

S. 2408, to amend the Small Business Act; and

Senate Resolution 176, providing for the Small Business Administration to conduct a pilot study of the financial needs of small business concerns which must modify plant, equipment, or procedures in order to comply with recently enacted Federal health and safety standards.

All persons wishing to testify should contact Mr. Reginald W. Barnes, assistant counsel, Senate Committee on Banking and Currency, 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225–7391.

REMARKS BY SENATOR CURTIS AT SENATE PRAYER BREAKFAST

Mr. STENNIS. Mr. President, recently, the Senator from Nebraska, Mr. CARL T. CURTIS, made some remarks before the Senate prayer breakfast group in the Vandenberg room of the Capitol. His profound remarks were most impressive indeed to those who heard them; they were filled with wisdom and common sense and were timely as well as constructive comments on some of the problems of our times. I think Senator CURTIS' thoughts and comments should be available to the public at large and therefore ask unanimous consent that they be printed in the body of the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CARL T. CURTIS BEFORE THE SENATE PRAYER BREAKFAST, WEDNESDAY, APRIL 23, 1969

The first half of what I am about to say is not new. I am going to speak a little bit on the influence of the Bible and Christianity in the beginning of our nation and now.

There was a new book published in late 1968, entitled, "Unto the Generations". Its author is Daniel L. Marsh, President of Boston University. I will be quoting from him liberally and I want to give due credit. All of us have talked and listened to remarks about the Mayflower Compact. Mr. Marsh gives some additional facts that I think are most interesting. He points out that the Separatists in England, who were the people who were to become the Pilgrims, had to meet in secret. One tiny congregation of these devout people worshiped secretly in Scrooby Manor House and the Keeper of the Manor House who permitted them to meet there was William Brewster, who was the father of the famous William Brewster, Jr., who was to become the Elder Brewster of the Pilgrim Colony. Within walking distance of this little hamlet of Scrooby in Middle England lived William Bradford who was to become Governor of the Colony of Massachusetts.

The famous clergyman Cotton Mather made a study of the life of Governor William Bradford. He wrote: "He was a person for study as well as action: and hence, notwithstanding the difficulties through which he passed in his youth, he attained unto a notable skill in languages. The Dutch tongue was become almost a vernacular to him as the English. The French tongue he could also manage. The Latin and Greek he had mastered. But the Hebrew he most of all studied. Because, he said, he would see with his own eyes the ancient Oracles of God in their native beauty. He was also well skilled in History, in Antiquity, and in Philosophy. But the crown of all was, his holy, prayerful, watchful, and fruitful walk with God, wherein he was very exemplary."

It is little wonder that with leadership like this that this colony in spite of hardship and deaths that took one-half their number should so succeed.

Mr. Marsh in his book, "Unto the Generations", relates the journey of these people from England to Holland. The history books that most of us studied in grade school told us that the Pilgrims left Holland because they did not want their children to grow up and be Dutchmen. This wasn't the complete answer. Mr. Marsh points out that Amsterdam was a liberal and progressive city and because of the general worldliness and presence of many heresies it proved a disappointing refuge for the Pilgrims.

As you know, they first moved to another city in Holland, Leyden, and then set out for the New World. They had prospered in Holland. They were well blessed with goods and possessions. As the Separatists were about to leave Leyden for the New World they held a fast, there was a sermon and Holy Communion. Bradford wrote: "So they left that goodly and pleasant city which had been their resting place near twelve years; but they knew they were Pilgrims, and looked not much on those things, but lifted up their eyes to the heavens, their dearest country, and quieted their spirits."

As all of you so well know, these Pilgrims missed the Virginia Colony by some distance. They felt that they were on their own and that they had no government. It was for that reason that they drafted the Mayflower Compact. Orators in the past have called attention to the fact that it began "in the Name of God" and stated that their enterprise was "for the Glory of God." Even though the Compact was short we sometimes lose sight of the fact that the Compact bound the Pilgrims together and pledged them to enact just and equal laws and to grant to those laws all due submission and obedience.

"They stayed in the New World and were loyal to the Compact by which they had determined to govern themselves. Under it they held elections; enacted laws; punished those who violated them; made treaties with the Indians; abolished the commune-scheme with which they had started out; settled their own property question by purchasing the common stock from the Adventures and distributing the land among themselves, the citizens, giving to them titles of private ownership; made Captain Miles Standish head of their military organization, and planted the first permanent independent settlement in the New World. They made of their commonwealth a place where initiative

lay within themselves, and not with landlords, nobility or kings."

Volumes could be written about the influence of Christianity and the Bible from that time to this hour. Some careful students point to World War I as the beginning of certain trends that have resulted in problems for us today. It is interesting to note what our World War I President Woodrow Wilson said in the last statement that he ever composed before his death.

"The sum of the whole matter is this, that our civilization cannot survive materially unless it be redeemed spiritually. It can be saved only by becoming permeated with the spirit of Christ and being made free and happy by the practices which spring out of that spirit. Only thus can discontent be driven out and all the shadows lifted from the road ahead."

It was at the end of World War II that General Douglas MacArthur made one of the greatest speeches of all time when he spoke at the Formal Surrender of the Japanese on the Battleship Missouri. In that marvelous speech he pointed out the horrors of war and man's failure to cope with it by military alliances, League of Nations and treaties. Then General MacArthur said: "The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advance in science, art, literature, and all material and cultural developments of the past two thousand years. It must be of the spirit if we are to save the flesh."

Today, the world seems in turmoil. It is discouraging to read the headlines or the news columns. The time has come for us to quit lamenting about the sad state of affairs, the low moral tone and the loss of faith in some places. We need to look about us and find that the same God who was with this nation in its founding and has blessed it through the years is actually accomplishing miracles within our midst in 1969.

Last Sunday night at the church I attend here in Washington, it was my privilege to hear Reverend Harold Voelkel, D.D., a longtime missionary in Korea. The story he told was fascinating. He was a missionary in Korea at the time that the war was going on. Tens of thousands of North Koreans were taken prisoner. As a missionary, he was called upon by the American forces to minister to these prisoners of war. These POW's were North Koreans, many of them Communists and many of them hard-shelled Communists.

This modern missionary, Dr. Voelkel, could speak the Korean language. He started out conducting evangelistic meetings in a POW camp. The job became so big that he asked and obtained permission of the American forces to use as his assistants native Korean pastors. The converts numbered into the thousands. I watched on the screen a picture of one instance where he was administering Christian baptism to 55 Communist prisoners.

Reverend Voelkel started Sunday Schools. He started schools for the illiterates. He made a correspondence course in the Bible available to them. These POW's responded. He let none of them advance without a written examination which showed the Scriptural basis for their statements. This one effort alone not only transformed the lives of tens of thousands of people and brought them all the hope and power of Christianity but it constituted the only bulwark against Communism.

President Truman was so impressed by the reports that he heard of what was going on in this POW camp that he sent the Chief of Chaplains to visit it and report back. Among these hard-shelled Communists several dozens have gone to theological seminary and have entered the ministry. One of these young men, after preaching in Korea, has now become a Christian missionary to Africa. Once he was a Communist and now he is a Christian missionary.

Another convert to Christianity from the ranks of the Communists in the POW camp fluently speaks Japanese which was the language of Korea before World War II. We are told that the Japanese have migrated to Brazil in great numbers and that they are taking over important segments of the economic life of Brazil. This Christian minister, who was formerly a Communist in a POW camp, is now a missionary in Brazil preaching the gospel in the Japanese language to a group that will determine much of the future course of Brazil.

Some may be surprised that in our time and generation individuals are being tortured and murdered because of their profession of the Christian faith. Reverend Voelkel and his assistants did reach thousands of Communists and many hard-core Communists. There were, of course, numerous hard-core Communists that they couldn't reach. He showed pictures of individual Christians who had been severely beaten and tortured in the POW camp because of their profession of Christian faith. The persecution of Christians went far beyond beatings and torture. He showed us a picture of the POW cemetery and pointed out a rather long row of fresh graves that contained the bodies of those who were murdered in one night by the hard-core Communists who were outraged and determined to stop the spread of Christianity. Ancient times hasn't a monopoly on accounts of Christians laying down their lives for their faith.

All I am trying to say is that for modern liberals and skeptics to say that God is dead does not make it so. And, secondly, that we do not need to go back to the pages of history to prove the involvement of God in the affairs of men.

Our God is sovereign and His Will will be done. It is exciting to see the many ways He works. I became familiar with the Wycliffe Bible Translators when they called upon me to emcee their annual Bible Translation Day in 1967. I was so thrilled at it that I welcomed the chance to perform the same duties on Bible Translation Day in 1968. We might assume that everybody has access to the Bible. That is not true for several reasons. In the first place, the growth of the world's population so exceeds the growth of the Christian Church that there are hundreds of millions of people without the Scriptures, but there is something more startling. I found that there are over two thousand tribes on this earth who have never had a translation of Scriptures. The Wycliffe Bible Translators have set out to complete the job of translating the Holy Scriptures into every tongue on this globe in this century. Fortunately, we live in a day when computers, automatic type-setting machines, airplanes, radio, and other scientific aids can be mobilized into this translation task.

The fact remains, however, that a dedicated Christian must go to one of these tribes, live there, gain their confidence and respect, and create for them a written language and then translate the Scriptures.

Never in the history of mankind has a selfless group motivated by love of mankind attempted to translate any other book and make it available for every tribe on the globe. This is what is happening in our generation with reference to the translation of the Holy Bible. The fact that it couldn't happen with any other book, regardless of its excellence, is ample proof to me that the Bible is of Divine origin and that it is the authoritative revelation of God Himself.

One of the speakers on Bible Translation Day was Mr. Larry Jordan. Mr. Jordan retired at age 26. He decided to seek out a tribe, live with them and translate the Scriptures. He told how great an experience it was to have a part in lifting a whole people from the stone age into the twentieth century. In addition, he brings them the story of Salvation.

In the Christian Business Men's Committee International magazine for May 1968 there is a story about Mr. Jordan. I will refer to it briefly.

"I have felt the Lord wanted me to be a foreign missionary since I was seven years old, and since my high school days another factor entered my thinking. I wanted to be a businessman and make enough money either before I went to the field or after I was on the field so that I would be a self-supporting missionary like Paul. * * * "Time came to go to the mission field—which for the Jordans was the town of Apoala, 240 miles southeast of Mexico City—27 miles off the Pan American highway. * * *

"While working on their translation projects, the Jordans have also aided in establishing an improved irrigation system, better agricultural methods, a town credit union, a cement basketball court, so the children can play outside even in rainy season, and an electric grain grinder that enables grinding of the corn for tortillas in three minutes instead of three hours.

"The town hopes for a factory here for the people to weave beautiful wool sweaters, and thus raise their income—as well as a 50-kilowatt hydro-electric plant for the town."

I have a personal letter from Mr. Jordan dated November 24, 1968, in which he tells me of their great program. The sweater weaving project is underway and they have already received part of the equipment for the electric generator and that the rest is on its way. As to his main job, I want to read the last paragraph of his letter.

"Translation is going at a very satisfactory rate, and we now have first drafts done of Mark, Acts, Romans, I Corinthians, Galatians, New Testament Bible stories, and Old Testament Bible stories in final form—ready for publication. We can hardly wait until the people can start reading God's Word in their own language and participate in the internal revolution that we really came to have a part in."

The thought I would like to leave with you this morning is, first, that all around us at this very time God is working and, secondly, that He is doing a better job than man can do. I dare say that the project of Mr. Larry Jordan will do more lasting good than the entire Alliance for Progress and that the evangelistic effects in the prisoner of war camp in Korea will bring about more good through the generations than the sum total of all of man's programs of economic aid and educational indoctrination to overcome Communism.

The Christian missionary program in the POW camp in Korea and the great work of the Wycliffe Bible Translators do not stand alone. There are many other fascinating and dramatic illustrations happening in 1969 that show what God is doing in our time. We could include in such a list of activities the Billy Graham Crusades, Teen Challenge, Youth for Christ, Campus Crusade, Youth Unlimited, and the Christian Service Corps.

In closing, I will quote Reverend Harold Voelkel, D.D. He said: "God doesn't have problems. He has plans."

GREASING THE WHEELS OF GOVERNMENT

Mr. MATHIAS. Mr. President, the slowness and complexity of governmental machinery is so often criticized that it is really heartening to learn of cases in which applications are processed with some efficiency.

The following Associated Press report of June 14 is self-explanatory, and I ask unanimous consent to include it in the RECORD and commend it to all Federal officials for consideration.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 15, 1969]

GOVERNMENT SPEED AMAZES OFFICIAL

HAGERSTOWN, MD., June 14.—Francis J. Connolly, director of Washington County social services, said he had never known the wheels of government to turn so quickly.

Connolly said he sent an application for a food-stamp program to the State Department of Social Services on Monday.

The State agency forwarded it to the U.S. Department of Agriculture Tuesday and Federal approval was telegraphed back Wednesday.

"Unprecedented!" exclaimed Connolly.

ECONOMIC DEVELOPMENT AT THE FORT PECK INDIAN RESERVATION

Mr. METCALF. Mr. President, I am proud of the Sioux and Assiniboine Indians on the Fort Peck Indian Reservation in Montana. These tribes are working hard to modernize their reservation and to bring living standards up to the level of neighboring non-Indians—while at the same time they preserve the values of traditional Indian culture.

The tribes have gotten underway with a military rifle renovation plant in Poplar, brought to the reservation by Fort Peck Tribal Industries. The plant employs 120 Indians and makes a major dent in the severe unemployment that has afflicted the reservation.

It has perhaps become trite to speak of the values of the traditional Indian culture. Yet these values are very real. They include a sense of community and a spirit of generosity, values which I think we are sometimes in danger of losing in our larger American society. It is true that American Indians need to learn from us so that they can better adapt themselves to our society and economy; but there is also much that we can learn from them.

An article by John Kuglin in the Great Falls, Mont., Tribune, expresses the optimism felt by the Fort Peck Indians toward the prospect of economic development. At the same time, the article indicates that the Indians are very aware of the need to preserve their ancient values. The article is based on an interview with Anson A. Baker, reservation superintendent, who is a Mandan Indian from neighboring North Dakota, and who has been doing outstanding work on the reservation. I ask unanimous consent that the article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO HELP INDIANS TO HELP THEMSELVES—BIA IS ONLY A TOOL

POPLAR.—"It's a joke to say you can get a job in January on the Port Peck Indian Reservation."

That's an assessment of wintertime unemployment in northeastern Montana by Anson A. Baker, superintendent of the two-million-acre home of the Assiniboine and Sioux.

At a national level, an unemployment rate of 5 to 6 per cent is considered to be a "disaster," Baker said, yet the jobless tally on the Fort Peck Reservation ranges from a "low" of 43 per cent in summer to a winter high of about 55 per cent.

Baker's figures are reinforced by the State Department of Indian Affairs, Helena, which in its annual report said, "Income on the (Fort Peck) reservation is low, living conditions generally are poor and unemployment is a chronic problem." The reasons? They included an educational level lower than non-Indians in the area and a large unskilled labor force.

Another report, prepared by Dynalectron, the company hired by the Indians to manage their rifle renovation plant in Poplar, says about 60 per cent of the women on the reservation are unemployed all year. And 54 per cent of the Indian families of the reservation have an income below the $3,000 level, the federal government's official poverty line.

"Our biggest need is for new job opportunities," said Baker, who pointed out that some of the Indians are so poor they don't have the money to drive to the local employment office. So, they stay on the reservation "and just try to eke out a subsistence living."

The Fort Peck Reservation needs industry—not arts and crafts—said Baker, 41, a Mandan Indian born on the Fort Berthold Reservation in North Dakota.

The brightest hope now for the Indians is Fort Peck Tribal Industries, formed by the tribes in October, 1968, which landed an Air Force contract to renovate 44,000 carbines. This gives employment to 120 Indians in the plant in Poplar (population 2,500), agency headquarters.

Purpose of the plant, initially, was to perform government contracts. The long-range plan is to develop a commercial product or service to reduce the concentrated unemployment problem.

"We tried to make the Indians cattlemen and farmers when statistics showed only 10 per cent of the people in this nation are farmers. After many years we've finally learned that what's not good for the White Man may not be good for the Indian," Baker said.

As Indian industry flexes its muscle, Baker believes Indians' skills and confidence will grow. The tribes have set aside 40 acres on the reservation for an industrial park. Already a Billings construction company has moved in. It will employ about 25 local persons to build low-rent housing units.

Among the more interesting employment proposals under consideration, Baker said, is salvage of submarine netting used in World War II to discourage German submarines from entering American harbors. It could be used for fancy den decorations, he said.

The tribes plan to construct a 30,000-square-foot manufacturing plant, in addition to the 10,000-square-foot Poplar Armory, site of the present rifle plant. The Indians want a vocational training center and expect to find some jobs as Avco Corporation expands its activities at the deactivated Glasgow Air Force Base.

"Our hope," Baker said, "is to create 200 more jobs in the next two years."

The Fort Peck Agency is the first superintendency for Baker, who wears many headdresses. He is the executive during the day, dressed in a sombre business suit. But at one of the Fort Peck Tribes' famous dances, which go far into the night, Baker may be observed in his flower design costume, popular among the Mandans, which took three years to fashion.

Baker makes it clear he isn't against the Fort Peck Arts and Crafts Club that operates the Poplar museum where tourists can buy the tribes' fine beadwork and other items. He points out, however, that arts and crafts on the reservation are conducted on a "piecemeal basis."

The Indian, Baker said, is reluctant "to be put on a sidewalk as a wooden image—a wooden Indian. He has a hidden pride that he cherishes. He feels the White Man's concept of commercialism is an invasion of his privacy. We have a fine museum and there's a place for it. But the geographical location of the reservation doesn't lend itself to tourists like Glacier Park does."

Baker, a father of seven, has been with the Bureau of Indian Affairs (BIA) since 1951. He went to mission and public schools and attended North Dakota State College and Minot (N.D.) Business College. He worked for the BIA at the Blackfeet and Fort Belknap agencies in Montana prior to his Fort Peck assignment.

As a career BIA employee, Baker has some observations on the federal agency. The BIA has been hit with controversy in recent months. First there was the scandal on operation of an Indian boarding school in Oklahoma. That, authoritative sources say, was one reason BIA Commissioner Robert Bennett canceled his appearance last April when the Poplar rifle plant was dedicated. Bennett then resigned, under pressure from the Nixon administration, which apparently was dissatisfied with his performance.

"The BIA," Baker believes, "is only a tool to help the Indians to help themselves. It shouldn't take the leading role." The BIA's role, Baker predicts, will continue to diminish, especially from operating a reservation as a custodial institution. Baker, however, foresees no overnight "termination" of vital health services and other BIA programs.

Replacing the BIA, he believes, will be an increasing participation by Indians in reservation, community and civil affairs. This, he admits, may have some political ramifications in Montana.

Enrollment in the Fort Peck tribes is about 6,200, and about 3,500 of those Indians live on or near the reservation. Congress established a 2.1 million-acre reservation in 1888. Now this real estate, in Roosevelt, Valley, Daniels and Sheridan counties, is checkerboarded with non-Indian land.

In the early 20th century the federal policy was to eliminate the tribes as a political entity and convert the Indians to farmers. Families were given individual land allotments. The rest was sold and the proceeds credited to the Indians. After 1911 homesteaders were allowed to move in. Much of the better land had passed from Indian ownership by 1930.

As a result tribal lands were reduced to the present fewer than 200,000 acres, and an additional 600,000 acres remain in the hands of individual Indians.

Baker believes the impact of industrialization on the reservation, instead of destroying the "old ways," will make the tribal members want to say "I'm proud to be an Indian."

The tribes have a proud history. The Fort Peck Sioux are descendants of the warriors who put up such fierce resistance to the White Man's invasion of their territories. Their ancestors took part in the bloody Minnesota uprising of 1862. Others took a few scalps at Custer's Last Stand during the Battle of the Little Big Horn in 1876. The Assiniboine are closely related to the Sioux and the two tribes have intermarried on the Fort Peck Reservation. Lewis and Clark encountered the Assiniboine in 1805-06 along the Missouri River in what is now North Dakota and Montana.

The Fort Peck Reservation's economy, like that of northeast Montana, is based on beef cattle, wheat and oil. The first oil was discovered on the reservation in 1951 and more than 50 million barrels have been pumped in the area. Poplar Oil Days Celebration attracts about 5,000 and is getting bigger each summer.

Baker believes life on the reservation is gradually improving. New community centers are slated at Fort Kipp, Brockton, Wolf Point, Oswego and Frazer. There is an alcoholism problem, but there is a concentrated effort by many agencies to combat it. More Indians are being admitted to the State Hospital in Warm Springs for treatment.

Baker, quite a dancer himself, believes in the "old ways" of tribal ritual. "A lot of people are accustomed to them," he said, "and they are something that you don't forget." There are, he pointed out, a score of

dancing societies on the reservation, such as the Redbottom Society at Frazer.

"The Fort Peck Indians are keeping alive the intangible elements," Baker said, "that are sometimes overlooked in our society. There is a sense of unity among our people."

DOES EUROPE HOLD THE ANSWERS TO OUR RAPID TRANSIT PROBLEMS?

Mr. ALLOTT. Mr. President, I have addressed myself on many occasions to the need for adequate rapid transit development in this country. I have pointed out that European cities have made great urban transit progress since the end of World War II, while ours has been a slowly dying transit industry.

Fortunately, since the passage of the Urban Mass Transportation Act in 1964, the trend has been partially reversed. Yet in many respects we are worse off today, transitwise, than we were even 5 years ago.

New systems and rapid transit lines are being built, but the planning has been unreasonably slow, and the construction even slower. When new lines have gone into operation, or new cars into service, transit systems have been plagued with a myriad of technical problems.

On the other hand, European cities of all sizes are continually building new rapid transit lines and systems, and they have little of the difficulty we have been experiencing.

I have said for some time now that the United States should not have so much pride that it cannot look toward Europe for direction in sensible, workable transit operations. Granted that America may be superior in almost every other field, but as far as transit is concerned, almost without exception, we are behind the times.

It is for that reason, Mr. President, that I was particularly interested in a report written by Gunther M. Gottfeld, an official of the Massachusetts Bay Transportation Authority in Boston, reciting his observations on the state of rapid transit in Western Europe.

Mr. Gottfeld, who has written extensively on transportation, formerly held a position in the planning division of the Stockholm subway system, and has traveled widely throughout Europe reporting on the various transit projects there.

His views are widely respected in knowledgeable transportation circles, and his report "Rapid Transit Progress in Europe" very closely parallels my own thinking on this important subject. I believe his views should be considered by all who have responsibilities in transportation in the United States.

Mr. President, I ask unanimous consent that Mr. Gottfeld's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

RAPID TRANSIT PROGRESS IN EUROPE

(By Gunther M. Gottfeld)

The writer had the privilege of inspecting public transportation systems in a number of European cities in May, 1969, as part of a trip to attend the Congress of the International Union of Public Transport in London.

Much has been written in recent months comparing transit progress in Europe with that in the United States. There is no question that European cities are progressing more rapidly in achieving a balanced transportation system. It will be distressing for many people to learn this fact, because of this country's abilities and financial resources. Certainly, no country in the world can equal the U.S. in the quality of its airplanes, automobiles, electronics, universities, highways, and many other facilities. But regrettably, it is becoming more evident each day that while we may be the first country in the world to send a man to the moon, we are rapidly becoming the last in solving our pressing urban transportation problems.

The reasons for this phenomena will now be examined in some detail.

1. CONTINUOUS PUBLIC RECOGNITION OF THE NECESSITY OF URBAN MASS TRANSPORTATION

Before World War II, both U.S. and European cities depended heavily on mass transit facilities. Following the end of that war, the U.S. adopted a policy of discouraging the use of transit by devoting almost all of its transportation resources to the building of new highways and other auto-oriented facilities. This has led to the development of low density suburbs, and decentralization and decay of central business areas of the central city. Beginning in the early 1960's, it became evident that this policy was having a disastrous effect on our cities, because more and more land became devoted to the use of the automobile and congestion was increasing, despite a large network of superhighways which were built through the cities. Los Angeles became the extreme example of what can happen to a large metropolitan area when it depends entirely on the automobile.

The intolerable conditions in Los Angeles were instrumental in the passage of the San Francisco Bay Area Rapid Transit District bond issue in late 1962 to spend $1 billion to build the 75-mile network now under construction. This development, plus the passage of the federal Urban Mass Transportation Act of 1964, were probably the two most important factors which generated new interest in urban mass transit.

By contrast, European cities, many of which were destroyed or badly damaged by the effects of the war, were rebuilt with both public transit and automobiles taken into consideration. At the end of the war, automobile traffic in Europe was a minor consideration, but in recent years the increase in auto ownership has been so rapid that in a number of cities the ratio of persons per car almost approaches that in U.S. cities. All during the late 1940's, 1950's and 1960's, while American transit systems have been allowed to decay, European systems have been expanding and improving and preparing for the inevitable competition with private automobiles.

Some forms of public subsidies have always been available to European systems because of the recognition that the fare box cannot cover all costs. In the U.S. subsidies are a relatively new idea, except in a few cities. This policy has permitted European systems to operate at lower fares. The very sizable boost in fares in this country, as high as 40 cents in some cities, has accelerated the trend away from public transit. Chicago is an excellent case in point, where riding has decreased 18 per cent during the last two years.

2. PROMOTING OF BALANCE TRANSPORTATION THROUGH CONSTRUCTION OF NEW FACILITIES

Much has been said during the past ten years about the need for having a proper balance between transit and highways in American cities, but unfortunately these ideas repeated thousands of times, have resulted in little concrete action. While American cities have been talking about balanced transportation, European cities have been achieving it by means of building new rapid transit lines and a network of modern highways. The planning of both means of transportation are completely coordinated with community development. There is no competition between highways and transit. They are both planned to complement each other.

Since the end of the Second World War, new rapid transit systems have been opened in Stockholm, Oslo, Frankfurt, Cologne, Milan, Rotterdam, Lisbon and Rome. New systems currently under construction or to be shortly underway include: Helsinki, Amsterdam, Brussels, Munich, Essen, Dortmund, Stuttgart, Hanover, Nuremburg, Dusseldorf and Bremen. The last seven cities are all in Germany, and the reasons for this large development is explained later. All of the cities having had rapid transit before the war have expanded their systems as rapidly as funds permitted.

During the same period, expansion evolved rather slowly in the United States. Only one new system—in Cleveland—was completed in 1955, and most of the construction for this single line was actually done twenty years earlier. Insufficient funds and the war delayed the completion. There have been some extensions to the existing systems in Boston, Chicago, New York and Philadelphia, but to a much lesser extent than their European counterparts. The one bright spot, of course, is the construction of the BART system in San Francisco. This venture is probably unequalled to anything else in the world, but unfortunately it is only one out of more than twenty metropolitan areas in this country having a population in excess of one million.

Highway construction has advanced rather rapidly because of increased automobile ownership. The Autobahns in Germany are built to approximately the same standards as our interstate highways. Automobile ownership has increased from one car for every 50 persons twenty years ago to one for five. In some cities, the ratio is larger, i.e., in Frankfurt it is one car to every 3.5 persons. Thus it is unrealistic to assume that present high standards of transit are due to a large degree to low automobile ownership.

3. BALANCED FUNDING OF TRANSPORTATION IMPROVEMENTS

Until the passage of the Urban Mass Transportation Act in 1964, no public funds for major mass transit improvements were available for most cities in this country. Even the passage of this Act did not achieve anywhere near a balance. In the current federal fiscal year, only $175 million is being spent for urban mass transit, compared to about $5 billion for highways. This large disparity is caused by the existence of a long-term trust fund financed by motor vehicle fuel and tire taxes which provides adequate revenues to permit massive highway improvements. By contrast, urban mass transit is funded on a year to year basis, and is subject to annual review by the Congress.

The urban mass transit program has never had the strong political support as other programs, particularly the highway program, because proponents of transit have done such a poor job in selling its product to the Congress.

In Europe, motor vehicle fuel taxes are much higher than in the U.S., but these monies go into the general fund rather than be specifically earmarked for highways. National governments in Sweden and Germany are now paying increasing sums for transit improvements. Part of this money comes from motor vehicle fuel taxes. In Sweden, the government now pays 95 per cent of the basic construction of rapid transit lines in the Greater Stockholm Area, which contains almost 20 per cent of that country's population. This assistance will permit Stockholm's subway network to double from 40

miles at present to 80 miles in 1980. It is anticipated that 2,000,000,000 Swedish kronor or $400,000,000 will be spent on rapid transit construction by 1980.

In Germany, gasoline and diesel fuel taxes were increased about 4 cents per gallon to pay for improved transportation. This additional tax brings in between 650,000,000 DM and 750,000,000 DM ($163 million to $188 million) each year. Sixty per cent of this is earmarked for highways and 40 per cent for transit. Except for Berlin, which is heavily subsidized by the German Federal Republic, the transit assistance program pays for 50 percent of capital improvement costs. The remaining 50 percent is paid by the municipalities. This program has permitted many cities to undertake transit improvements, and in addition to Berlin and Hamburg, which had subways for many years, subways are now operating or under construction in Frankfurt, Cologne, Munich, Essen, Dortmund, Stuttgart, Hanover and Nuremburg. Several other cities, including Dusseldorf and Bremen, are expected to get underway shortly.

Without these national grants, it would not be possible for Swedish or German cities to undertake such extensive improvements so quickly. Other European countries also contribute financially for transit improvements, although to a lesser extent.

4. ACCEPTANCE OF IMPROVED EXISTING TECHNOLOGY

Although the availability of public funds is an important reason for the success of European transit, it is by no means the only one. European countries have accepted the conventional modern tworail rapid transit concept as the most logical, efficient and economic means of rapid transit. Except for the basic technology, there is little resemblance between the new subway trains in Berlin with the old elevateds in New York. Every major rapid transit system and extension has and will continue to rely on improved existing technology.

In this country, millions of dollars and many years have been spent on searching for something different. These studies have never proven the advantages of other technology, nor have they disproven the advantages of modern two-rail rapid transit. Unfortunately, these studies have delayed implementation of realistic solutions, and rising construction costs now make many of these improvements financially impossible. The Bay Area Rapid Transit District in San Francisco spent millions of dollars for research and development, and concluded that the modern two-rail system was the only feasible technology for its space-age system. Yet other cities still undertake studies to "re-invent the wheel" despite the extensive finds by BART.

European cities are interested in building facilities with greater capacity. Subways are being constructed to replace surface streetcars and buses. Streetcars in other cities are modern and articulated, operated by one man, and are being placed in subways and reservations to offer a rapid transit type service in cities not having sufficient population to justify heavy rapid transit trains. In the U.S., there appears to be some interest in new types of systems which actually have lower capacity than existing technology. Such proposals as dial-a-bus, bus rapid transit, minibuses, and skybus all utilize low capacity vehicles and in most cases have excessively high labor costs.

The acceptance by European systems of modern two-rail rapid transit does not imply that they are technologically advanced to United States rapid transit systems. As a matter of fact, there is probably no rapid transit system operating in the world today which is as technologically sophisticated as the new Lindenwold line of the Delaware River Port Authority, and a great deal of credit must be given to its engineers who built the line for their foresight in constructing such a superior facility. The major difference between Europe and this country in this area is not one of technology, but rather the determination to implement well-conceived plans rather than to undertake endless studies which produce little or no results.

5. ABILITY TO ATTRACT AND KEEP QUALIFIED PERSONNEL

Transit systems in the United States have been unable to attract educated young people into the field, because for many years transit was considered a dead industry. Now, with a growing recognition of the importance of transit, many jobs are opening and they are often filled by unqualified or lesser qualified persons. The inability to attract good people into the transit field for so many years is in many ways perhaps its most serious problem. There are few outstanding administrators and spokesmen who can sell the message to governmental bodies effectively. This has been a major factor for transit to be short-changed during Congressional appropriation sessions.

European transit systems have always been able to attract qualified talent because of a sense of dedication for public service, and salaries competitive with other fields of work. The recent Congress of the International Union of Public Transport was a far cry from similar conferences in the U.S. The discussions were of a substantive, technical and professional level, in contrast to the dreary sessions held here which are devoted largely to social functions and superficial discussions about balanced transportation and interfaces.

It has been the purpose of this report to bring out the major differences between transit in the U.S. and Europe. In concluding, it would appear that a detailed in-depth study of European transportation systems should be made, with particular emphasis on planning, financing, personnel, operations, administration, and program implementation. Such a study would be extremely valuable as a guide to finally update our ailing urban transportation systems.

HE STILL LIKES THIS COUNTRY

Mr. DODD. Mr. President, it is not unusual to read in today's newspapers that someone has again attacked the United States. Indeed, it has become something of a national pastime to denounce America in the most strident terms.

Therefore, Mr. President, it was refreshing to read the remarks of Eric Hoffer in his column that appeared in the Norwich, Conn., Bulletin yesterday.

I ask unanimous consent to have printed in the RECORD at this point the article by Mr. Hoffer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE STILL LIKES THIS COUNTRY

(By Eric Hoffer)

I live in a society full of blemishes and deformities. But it is a society that gives every man elbow room to do the things near to his heart. In no other country is it so possible for a man of determination to go ahead, with whatever it is he sets his heart on, without compromising his integrity.

Of course, those who want acclaim and fortune must cater to other people's demands. But for those who want to be left alone to realize their capacities and talents this is an ideal country. It is incredible how easy it is in this country to cut oneself off from what one disapproves—from all vulgarity, conformity, speciousness, and other corrupting influences and infections.

The processional detractors of America are telling us day in and day out that we have been debased and dehumanized by our system of government and our way of life.

We are told the majority of people in this country have no will and no judgment of their own; that we are robots manipulated by politicians, manufacturers and the mass media.

Novelists, playrights, philosophers and critics often depict this country as a land of the living dead. It is a country where sensitive souls are starved and flayed; where nothing nourishes and everything hurts. Nowhere, they say, is there such a boring monotony; monotony of talk, monotony of ideas, monotony of aim, and monotony of outlook on the world.

One American writer, who has spent much of his life in France, says that "America is no place for an artist. A corn-fed hog enjoys a better life than a creative writer."

It is hard to believe that these savage denunciations are based on direct experience with persons and places. I spent half of my life as a migratory worker in California, living with people from every state, and the other half as a longshoreman in San Francisco.

If now, at 66, I consult all that I have seen and experienced over the years I find that the people I have lived and worked with all my life had three outstanding qualities:

(1) They were skilled people. Working with them you knew beyond doubt that they were intelligent and competent; that they would tackle any problem and often solve it in a subtle, original way. They had both technical and social skills so that if dumped anywhere on this planet they could build another America.

(2) They needed very little supervision and leadership.

(3) They were on the whole wonderfully kind. It happened again and again: I would jump off a freight train in some small town and in almost no time it seemed to me that where no one knew me everyone was my brother. I always knew that if ever I wrote the story of my life it would be titled, "A Book of Kindness."

All my life I have seen America from below, and what I saw seemed good to me.

THE RUGGED ROAD TO INDEPENDENCE

Mr. WILLIAMS of Delaware. Mr. President, in the July 1969 issue of the Reader's Digest there appears an excellent article by Thomas Fleming entitled "The Rugged Road to Independence." The writer reviews the days of doubt, debate, and dissension at the time of our Nation's first and greatest decision, the Declaration of Independence.

This article should be read by every American as we approach the 193d anniversary of the signing of this historic document.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RUGGED ROAD TO INDEPENDENCE

(By Thomas Fleming)

Thomas Jefferson awoke as usual with the first faint streaks of dawn. From his second-floor rented rooms, above Seventh and Market Streets, the tall, redheaded Virginian looked out over the city of Philadelphia with foreboding. Today, July 1, 1776, he would find out if for the last three weeks he had wasted his time in the writing and rewriting of a document he had titled: "A Declaration by the Representatives of the United States of America, in General Congress assembled."

Doubting the future of the Declaration of Independence seems almost laughable now.

With comfortable hindsight we ask: Could there really have been any question? The fact is that history as men experience it is totally different from the way those who follow them relive it.

Again and again, America has found itself racked by agonizing decision-making. It is so racked today. Thus it may help to realize that there was the same kind of agonizing over the decision that created our nation. Standing at his window that July 1, the 33-year-old Jefferson could not be sure that his Declaration was even going to be read, much less ultimately immortalized. The Continental Congress had first to decide whether the very idea of independence was acceptable; only then could the members worry about how to phrase it.

THREAT OF DESTRUCTION

Down at the City Tavern, 26-year-old Edward Rutledge, of South Carolina, was also awakening. His thoughts and feelings were dominated by an inflexible detestation of a declaration of independence. On June 7, when one of Jefferson's fellow Virginians, Richard Henry Lee, had introduced a resolution declaring that "these united colonies are, and of right ought to be, free and independent states," Rutledge had leaped to his feet to heap scorn on the idea. It was, he shrilled, "a blind, precipitous measure." It would accomplish only two things, both bad. It would reveal America's intentions to the enemy, and it would make the unborn nation look "ridiculous in the eyes of foreign powers."

In a manor house five miles outside Philadelphia, an even more powerful foe of independence was arising—43-year-old John Dickinson, political leader of Pennsylvania. A year before, almost single-handed, Dickinson had beaten back a surge toward independence, persuading the Congress to present instead a petition to George III, begging His Majesty to redress America's grievances. Although the king had callously rejected the petition, Dickinson believed that to make a declaration now would be like "destroying a house before we have got another, in winter, with a small family."

Thus Dickinson had joined Rutledge in vehemently opposing the June 7 resolution. After three days of wrangling, the Congress had compromised. It ordered Jefferson to begin drafting a declaration—but there would be no vote on indepedence until July 1. By then, perhaps, opinions might be closer to unanimity.

Both sides were acutely aware that near-unanimity was called for. John Dickinson had already threatened John Adams, of Massachusetts, one of the most outspoken independence men, with a weapon that could make a mockery of the whole idea of independence. "Concur with us," Dickinson had snapped, "or we'll break off from New England." If powerful Pennsylvania made such a decision, New York, New Jersey, Maryland and Delaware might follow suit. Thus, instead of uniting the colonies, independence might well destroy them.

TEMPERATURE: HIGH

These and other gloomy thoughts were in the minds of Thomas Jefferson and his fellow delegates as they made their way down dusty Chestnut Street to the handsome red-brick Pennsylvania State House, where Congress was sitting. There, as the tower clock struck nine, tall, elegant John Hancock strode to the President's chair and gaveled the Congress into session. (Jefferson, with his scientist's curiosity, noted that the temperature stood at 81.5 degrees.)

First came reports from American armies in the field. None of them was likely to inspire a waverer to vote for independence. In the North, the once-proud army that had invaded Canada was in headlong retreat, ridden by disease and dissension. In New York, Commander in Chief George Washington's army of 19,000 was desperately short of ammunition—and a huge British fleet had been sighted off Sandy Hook. In the South, a British army supported by a naval squadron was battering at Charleston. British forces attacking from three directions—and some men of Congress wanted a vote for independence!

By noon the tension in the room was almost unbearable, and the Congressmen gratefully escaped into the State House yard for an hour's recess. On their return, they resolved into "a committee of the whole," under the chairmanship of Virginia's Benjamin Harrison, so that everything said or voted would be unofficial. The purpose was to encourage every man to speak his mind.

ALL-OUT WAR

Instantly, John Dickinson was on his feet. What was there to gain from declaring independence, he asked. Would it add a single man to the cause? Would it impress the nations of Europe? Or would it make them think that the Americans were blustering windbags, proclaiming as a fact something they had yet to prove against the British armies?

Outside, nature added to the drama of Dickinson's powerful speech. Huge clouds had formed above the city. Now thunder crashed, and lightning streaked the sky. Candles were lighted against the room's sudden gloom.

Dickinson spoke on. A declaration of independence was a declaration of all-out war. Did the members know what that meant? "The burning of our towns. The setting loose of the Indians." War against the richest, most powerful empire in the world. Could America depend on her own people to stand firm in a war "rendered more cruel" by this declaration? "In bitterness of soul, would they not complain against it as madness, rashness?"

In the momentary stillness that followed these ringing words, rain could be heard lashing against the windows. John Dickinson sat down. All eyes in the silent room turned to the stumpy, 41-year-old delegate from Massachusetts, John Adams. Only he could answer Dickinson.

Wearily, Adams rose to his feet. For months he had been living on four hours' sleep a night, serving on more committes than anyone else in Congress, writing endless letters and reports, battling each day on the floor for independence. For a moment he wondered if he could go through with another repetition of "what had been repeated and hackneyed a hundred times, for six months past." But the moment he began, the immense importance of the subject gripped him again, and weariness vanished from his voice. In the pounding, vehement style that had made him one of the dominant voices in Congress, he gave the greatest speech of his career. Of that speech, Thomas Jefferson would later say that it had "a power of thought and expression that moved us from our seats."

How many times, Adams asked, did Americans have to see their humble petitions scorned, before they realized that George III was an enemy? With armies invading from three directions, who could still be deluded by rumors of reconciliation? The hour had come, said Adams, for the people of America to decide whether to submit as slaves or to fight as free men. At Lexington and Bunker Hill, George III had destroyed the loyalty of most Americans forever. A declaration would tell this to the world, win friends, perhaps allies. More important, it would rally thousands of men and women who were temporizing. As for himself, Adams cried, "All that I have, all that I am, and all that I hope for in this life, I am now ready to stake on this resolution. Live or die, survive or perish, I am for the Declaration."

NIGHT OF NEGOTIATION

Benjamin Harrison called for a vote. Around the room the ayes and nays went. The results were grim: only nine colonies were in favor of a declaration. Pennsylvania and South Carolina had followed their leaders into opposition. Delaware had split, one to one, thereby canceling its vote. New York had abstained. Four delegations, almost a third of the 13, not voting for independence! Quickly, Edward Rutledge moved that an official vote be postponed until the following day.

A night of frantic negotiation and desperate action began. Thomas McKean, of Delaware, hired an express rider with the fastest horse in Philadelphia to cover the 80 miles to Dover. There he was to find Caesar Rodney, a pro-independence delegate who had gone home on business. If he could be got back to Philadelphia in time, he would swing Delaware's vote.

At the City Tavern, Edward Rutledge debated far into the night with his fellow Carolinians. He was still against a declaration of independence. But he was statesman enough to see that a split of even one colony could be a first step toward disunion and disaster.

New Yorkers, conferring with pro-independence men, admitted that they were in favor of a declaration. But they were under specific instructions from home *not* to vote for independence. They would continue to abstain.

This left Pennsylvania. For sleepless hours, John Dickinson struggled with his conscience. One of his chief Pennsylvania supporters, Robert Morris, had urged him to submit to the will of the majority. But Dickinson, Quaker-bred could not vote war's suffering on his people, whatever the majority willed. He sent word to Robert Morris that he was staying home from Congress on July 2, and that perhaps Morris should do the same thing. This meant that Pennsylvania's delegation would be reduced to five. Two were for independence, two opposed; one, John Morton, was undecided.

THROUGH GLOOM TO GLORY

July 2 dawned rainy and cooler. Through the muddy streets the delegates clumped to the familiar chamber. The absence of Dickinson and Morris was instantly noticed. But the independence men grimly noted another absence: Caesar Rodney's. Had the messenger failed in his mission? All morning and into the afternoon, President John Hancock delayed the vote with other business. Finally further delay was impossible.

Name by name, Secretary Charles Thomson called the roll of the delegates. The nine yeas of the previous day caused no suspense. New York politely declared its abstention. Pennsylvania's vote split two-two until John Morris rose, weak from the disease that was to kill him a few months later.

Morton shared John Dickinson's dread of the impending war. Only a month earlier, he had said: "The contest is horrid. Parents against children, children against parents." But now he voted, in a voice tight with anguish, for independence. John Adams had convinced him.

And Delaware? Outside, Thomas McKean had spent most of the day straining eyes and ears for sight or sound of a horseman. As the vote rolled away inside, McKean at last saw what he was praying for. Covered with mud after an all-night ride, Caesar Rodney slid off his horse. Minutes later, he rose in the meeting room to declare, "The voice of my people at home is for independence. I concur."

Now it was South Carolina's turn, and the independence men sighed approval when Edward Rutledge announced that his state was joining their ranks.

In a voice that trembled with suppressed excitement, President John Hancock read the result: for independence—12; against—none. The great decision had been made.

Everyone present in Congress that day, July 2, assumed that thenceforth it would

be known as Independence Day, "I believe that it will be celebrated by succeeding generations as the great anniversary festival," John Adams wrote to his wife, Abigail. But he and the others did not reckon with the power of the written word. Little of John Adams' magnificent speech was recorded. Congress, after debating various deletions and additions to Jefferson's Declaration of Independence, voted approval of the edited document on the evening of July 4. And thus Jefferson's brilliant prose has been indissolubly linked in American minds with independence.

Yet some of sturdy John Adams' praise of independence deserves to be remembered by Americans forever. "I am well aware of the toil and blood and treasure that it will cost us to maintain this declaration," he wrote to his wife. "Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means; and that posterity will triumph in that day's transactions, even though we should rue it, which I trust in God we shall not."

IDEALS AND BEHAVIOR INCONSISTENT ON FORCED LABOR CONVENTION

Mr. PROXMIRE. Mr. President, today, I refer to the Forced Labor Convention, one of the human rights treaties still before us, despite its introduction over 5 years ago.

In the Universal Declaration of Human Rights put forth by the General Assembly of the United Nations in 1948, article I states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article II goes on to stress:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

One of these basic rights is enumerated in section 1 of article 23:

"Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Using this clause on the rights of labor as a common base, the Social Council of the United Nations and the International Labor Organization—ILO—decided to work together to strengthen and define the rights of labor all over the world. As a result of this cooperation, the ILO adopted in 1948 the Freedom of Association and Protection of the Right To Organize Convention, and in 1949 the Right to Organize and Collective Bargaining Convention. The International Labor Organization and the United Nations also established a Committee on Forced Labor in 1951.

This committee based its inquiry on allegations that forced labor existed in certain countries or territories. These complaints came from both governmental groups and private citizens in over 20 countries. The final report of the committee, issued in 1953, concluded that two systems of forced labor existed in the world; the first being employed as a means of political coercion or punishment for holding or expressing political views; the second, for important economic purposes. The committee, moreover, felt that its inquiry had revealed facts shocking and serious enough to threaten fundamental human rights and to jeopardize the freedom and status of workers as outlined in the provisions of the United Nations Charter. Hence, it formally urged that all such systems of forced labor be abolished.

In 1954, both the Economic and Social Council and the General Assembly condemned these systems of forced labor and appealed to all governments to reexamine their laws and administrative practices. They also requested the Secretary General of the U.N. and the Director General of the ILO to prepare a new report. This new publication again condemned all systems of forced labor employed as a means of political coercion or punishment for holding or expressing political views, and the Economic and Social Council urged that action be taken to eliminate forced labor.

But the ILO was determined that much more could be done in this field. Thus, after meeting in Geneva in 1957, the organization adopted a Convention on the Abolition of Forced Labor. Under this convention, the parties signing it are obligated to suppress, and not to use, forced or compulsory labor:

First, as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic systems;

Second, as a method of mobilizing and using labor for purposes of economic development;

Third, as a means of labor discipline;

Fourth, as a punishment for having participated in strikes; and

Fifth, as a means of racial, social, national or religious discrimination.

As of May 1, 1969, 85 countries had ratified the convention which entered into force on January 17, 1959.

Mr. President, the United States is not one of those 85 nations. This, despite the fact that the late President Kennedy submitted this convention to the Senate for ratification on July 22, 1963, almost a full 6 years ago. In asking for the Senate's constitutional consent, President Kennedy said:

The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

Mr. President, I urge that we act now to rectify this seeming paradox between our stated ideals and our inconsistent behavior. We, as Members of the Senate, have full power in this area. Let us make the ratification of this Abolition of Forced Labor Convention one of our primary pieces of business.

CHICKEN IN HOTDOGS

Mr. MATHIAS. Mr. President, one vital issue currently being debated is the future of that great American institution, the hotdog. At issue is whether, and under what conditions, chicken should be included as an ingredient in hotdogs.

Recently my fellow Marylander, the Honorable ROGERS C. B. MORTON, summarized his thoughts on this question in a succinct statement. In calling attention to his remarks, I would like to note that, for those who would like to sample a "chickendog," Representative MORTON has invited us all to a "chicken-in" on Tuesday afternoon, June 24, from 5 to 7 p.m. in the caucus room of the Cannon House Office Building. This is a chance for some basic research on this challenging question.

I ask unanimous consent to include Representative MORTON'S statement at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROGERS C. B. MORTON, MEMBER OF CONGRESS, FIRST DISTRICT OF MARYLAND

Technological developments in recent years have made it possible—and economical—to offer chicken meat in addition to red meat for inclusion in hot dogs and other sausage products. Unfortunately, regulations handed down by the Department of Agriculture have hindered the growth of this new market for chicken products.

The purpose of the labeling and content regulations established by the Department of Agriculture should be to assure the consumer he is purchasing a healthful and nutritious product, not to dictate to the manufacturer which meats, and in what proportions, may be included in this product.

I can see no logical reason to require the name of a sausage product to be changed merely because it contains chicken meat. Under the dictionary defintion and the consumer definition, chicken is meat just as beef and pork are meats. While poultry could not be included in an "all beef" product, there is no reason it cannot be included in "all meat" products.

Further, taste tests have shown no significant change in flavor, texture or appearance results from the use of chicken meat in sausages. Thus, I would urge no limitations be set by the Department on the amount of chicken which may be included.

The poultry growers in my District have no objection to an indication on the label of the inclusion of chicken, provided the indication is similar in form to that of the red meat products. It would seem to me that the description "comminuted" is unnecessary, since all meat products included in sausage products are, in fact, comminuted.

The proposed restrictions on the amount of bone and skin which may be included could be very harmful to competition. I urge that the regulations permit the inclusion of skin in proportion to the amount normally associated with the chicken-part used; and that the present 1.5% limit on bone inclusion be retained, since USDA studies have shown no harmful effects derive from such amount.

In summary, let me emphasize that the poultry industry seeks no special consideration in processing or offering its product for use in sausages. On the other hand, we want to be certain that unnecessary or unfounded regulations do not restrict the ability of the industry to compete in the marketplace with other meat products.

THE FEDERAL CITY COLLEGE IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, it was with great concern that I learned of the questionable status of the land-grant funds for the Federal City College. This college, in its first year of operation here in the District of Columbia, is already making great strides in determining the

role of a land-grant institution in an urban community. And this role is truly great.

A land-grant college is a college committed to reaching off campus to help people to help themselves. There is no question that this can be applied to an urban scene. Already the Federal City College has instituted 4-H programs reaching over 1,500 youths in its first 6 months. Its nutrition education aide program has reached over 4,000 people in 800 families. A full freshman curriculum is being instituted at the Lorton Correctional Center in order to enable the inmates to be paroled to the college. Extensive community and adult education courses have been established, all of which are truly carrying out the tradition of the land-grant college—that is, the people's college.

Now we find that the $7.2 million endowment making these programs possible is in jeopardy. The House of Representatives has already approved this endowment in addition to a $375,000 cooperative extension budget for the Federal City College. As these appropriations are pending before the Senate, I would like to insert in the RECORD an article appearing in the Spectator, the bulletin of the National University Extension Association, entitled "Urban Extension Programs," which further explains the tremendous role the Federal City College is and must play as an urban land-grant college, and I encourage my fine colleagues to take favorable action on these pending measures.

I now ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN EXTENSION PROGRAMS: FEDERAL CITY COLLEGE AND SYRACUSE UNIVERSITY

(By Eugene Wiegman, dean, Community Education)

"What does a land grant college do in an urban area?" a question asked of President Farner and me on numerous occasions by U.S. Congressmen. This question came up repeatedly when working legislation through Congress naming the Federal City College, the land grant college for the District of Columbia. We answered the question by saying, "We will do the same as other land grant colleges—that is reach off campus to help people help themselves."

In June, 1968 Federal City College became the 69th land grant college, the first new land grant institution in 50 years. The Federal City College differs from other land grant universities in that the entire population of the District of Columbia is urban. How is the Federal City College organized to bring the spirit of land grant to the people of Washington, D.C.?

The Federal City College's land grant functions of Cooperative Extension Service, general extension, continuing and adult education, community assistance, and special programs (Headstart, Model Cities, etc.) are in the Office of Community Education. The chief officer is the dean of Community Education, assisted by two associate deans and an assistant dean. At the present time the dean is also director of Cooperative Extension Service; U.S. Department of Agriculture, for the District of Columbia. He is also the liaison officer with Washington Technical Institute in cooperative programs under land grant status.

Community Education functions are separated into three areas:

(1) Cooperative Extension Education Programs are under the leadership of Associate Dean Selma Lippeatt. Programs that are presently under way deal with nutrition education, home living, family counseling, child care, 4-H youth development, family stability and human development. Presently, there are five professional staff members, called community educators, and 31 paraprofessionals and aides carrying out the programs. The goal in cooperative extension service is to reach 4,000 persons in 800 families and 1,500 youth by June 30, 1969.

Aides and paraprofessionals trained and supervised by community educators visit homes teaching and demonstrating skills in home management, consumer education, buymenship practices, and child care. The nutrition education program emphasizes assisting low income families to purchase and prepare nutritious meals. In many cases it means using food purchased through food stamps.

4-H youth clubs are being established in the District emphasizing projects in photography, electronics, sewing and cooking, citizenship, beautification and general recreation. John Thompson, former basketball player is heading-up the 4-H youth development.

Regional Training Officer, Miss Cleo Shakespeare, is responsible for the in-service training of Headstart personnel in the District of Columbia and Northern Virginia (Metropolitan Washington, D.C.). The program serviced 2,000 personnel this past year in workshops, short courses, etc. She also visited 52 individual classrooms observing Headstart programs.

(2) General Extension Adult and Continuing Education: This phase of Community Education is geared to respond to the educational needs of citizens, the government and public and private organizations. Community educators working closely with citizens structure educational programs for specific purposes. Before any program is begun, a community educator meets with citizens and designs extension courses or programs of study. Twenty community educators, two paraprofessionals, and six students carry out programs in general extension.

Presently, Community Education has programs in conversational English as a second language, black history and consumer education. Also in Adams-Morgan, where a community educator has been concentrating his efforts, the area's community council has for the first time in its history elected Spanish-speaking adults and teenagers to its board. Federal City College's community educator helped the council draw up a proposal for a youth development program. He also helped distribute Christmas gifts to needy families.

Another current program brought together Federal City College, Georgetown University, and Afro-American Resources, Inc., to develop a 56-session training institute for the Shaw area's Model Inner City Community Organization. Designed to further total community participation in vital decision-making, the institute deals with the history and functioning of urban renewal in the U.S.A. and in Washington, the Washington power structure, and MICCO's relationship to it and to the Shaw community it serves. MICCO board members, staff paraprofessionals and volunteer workers are participating in the training program.

One program recently completed was a six-week course on the use of arbitration and mediation techniques in resolving community disputes between parties such as landlords and tenants, welfare agencies and clients, and consumers and merchants. The course got underway in mid-November for members of 20 neighborhood organizations.

The College's manpower program has met its goal of encouraging student concern for social and employment problems facing the community. Working with existing community groups in southeast and southwest, under directorship of community educators, ten Federal City College students spent much of the fall quarter talking to a cross-section of the populace, gathering information and rendering service. As a result of their activities, the students wrote a proposal to set-up their own program. On April 1, 1969 the proposal was funded under Title I of the Higher Education Act and will continue until August 31, 1969.

Since November, Community Education has been involved in Project Work Incentive. Eight Federal City College staff members, including two students, are helping to teach and coordinate the project.

(3) Extension courses: Seeing the need to reach adults who are not enrolled as students of Federal City College, the Office of Community Education has begun a series of extension courses with heavy emphasis on the community, human development and black awareness. These courses are under the direction of Assistant Dean Andress Taylor, and include: "Unions and Government", "American Racism", "History and Culture of Black America", "English as a Second Language", "Community Development", "Principles of Business Administration", "Human Development".

The Office of Community Education has extension programs at the D.C. Lorton Reformatory for inmates with high school diplomas. Two sections of "Introduction to Urban Social Institutions", a freshman course, began in March. An entire freshman college year will be offered at the Reformatory with the hope that when the inmates are paroled they will attend the College to complete requirements for an AA or BA degree.

Community Education also sponsors a number of conferences and workshops primarily for professional groups. The Federal City College will, for example, co-host the Adult Education Galaxy Conference in December, 1969.

In April, Community Education will televise over Station WTOP, daily half hour programs, numbering 65, on the subject of "The Black Experience in America". In the future such courses will be televised for college credit.

Community Education is offering two sections of community organization and one section of proposal evaluation for the Model Cities ward councilmen and commissioners. In addition, the College is working closely with Model Cities staff on educational matters.

Community Education is offering a course through the Federal City College Skills Center, called "Introduction to the Teaching of Reading" for 15 teachers at Calvin Coolidge High School. The teachers in this course will organize a reading project at Coolidge High School using the techniques which they learn in this course.

THE FUTURE

Community Education at Federal City College has reached over 10,000 citizens since September, 1968. Its goal is to touch the lives of at least 30,000 citizens and youths in one way or another during the coming academic school year. Since Federal City College is the only comprehensive institution of higher learning in Washington, D.C., the College feels it has a unique function to reach out to people in such a way as no other agency or institution can in the City. We feel we are carrying-out and enhancing the glorious tradition of the "people's college"—the Land Grant College.

A CABAL AT THE FEDERAL TRADE COMMISSION

Mr. CURTIS. Mr. President, the Federal Trade Commission is the unquestioned leader of all of the independent regulatory agencies in terms of the vol-

ume of criticism received in recent months. From every conceivable quarter, we continue to hear insistent demands for reform. As the crescendo increases, it is important to comprehend the precise nature of these demands, since the Federal Trade Commission is or should be one of the most important arms of Congress.

In January of this year, a group of young investigators organized by Ralph Nader published a 185-page report calling for the resignation of the present Chairman of the Commission and a sweeping overhaul of the agency's policies, practices, and staff. This group spent 3 months last summer checking FTC files and interviewing officials at FTC's Washington headquarters, where their enthusiasm and persistence earned them the name of "Nader's Raiders." Of the present Chairman, Paul Rand Dixon, that report urged that his "chief and perhaps only contribution to the Commissions' improvement would be to resign from that agency that he has so degraded and ossified."

Mr. President. I ask unanimous consent to have printed at this point significant parts of that report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. PARTISAN POLITICAL ACTIVITY

The official image of the Federal Trade Commission is, as it should be, that of a nonpolitical agency regulating interstate commerce against anti-competitive and unfair practices in the public interest. In order to insulate the agency from party politics, the original law provided that no more than three Commissioners could be from the same political party. For the same reason the Commissioners' tenures run for seven years at staggered intervals. On the staff level the Hatch Act, 18 U.S.C. Sec. 602 (1964), prohibits the soliciting of political funds by government employees. In addition the Civil Service Commission forbids party discrimination in hiring policy.

Yet in the case of the present regime at the FTC, the Hatch Act and the Civil Service Law are regarded as more rhetoric to which lip service is paid publicly, but which are in reality either ignored or circumvented. Most attorneys at the FTC are labelled as either Democrat or Republican and their party affiliation has a definite impact on the positions they are offered. All staff attorneys at the FTC from Bureau Chief[1] to Executive Director hold their positions on appointment from Chairman Dixon who, in effect, may replace them whenever he desires and reduce them from a supergrade to a GS–15. Ideally then, the Chairman rotates the FTC staff in order to place the best men at the top of each operating bureau. When Mr. Dixon became Chairman in 1960, it seems that the "best men" were all Democrats and so any Republican in a high position was offered the choice of either becoming a trial lawyer at the bottom of the organization chart or, of course, resigning from the Commission.

As a result of this extremely partisan policy, fourteen highly experienced career FTC men left the commission almost immediately. In November of 1961, *Advertising Age* claimed partisan politics as the major consideration in a reorganization of the FTC and that, as a result the quality of key personnel "ha(d) deteriorated." *Advertising Age*, Nov. 20, 1961 p. 13. In time, most of the other Republicans found it hard to swallow their pride and left. A few able Republicans such as the former Assistant Executive Director, Basil Mezines, and attorney John Walker have stuck it out. For eight years, however, their position as being "out" men, has grown increasingly uncomfortable.

Of the nearly five hundred lawyers working for the Commission only about forty are now Republicans with approximately twenty of these being located in the central office. At the present time only one Republican holds a position of any prominence in the operating bureaus of the FTC: Mr. Charles Moore, who has recently succeeded Sam Williams as Chief of the Bureau of Field Operations. Mr. Moore, is a Republican, but in his case there is the extenuating factor of his coming from Johnson City, Tennessee. See p. 110, below. The extreme partisanship of the higher staff combined with the control they wield over the selection and promotion process has made these results inevitable. See p. 120, below.

In addition to permitting his staff to violate both the spirit and the letter of the Civil Service Law, in promotion and hiring practices, Chairman Dixon, himself, has violated the Hatch Act. Highly reliable sources at the FTC revealed to this project that until recently Mr. Dixon was notorious for dunning the agency's personnel down to the GS–14 level for political contributions. This group includes approximately one quarter of the more than 450 lawyers working in the central office in Washington. The chief collector of dues used to be Fletcher Cohn who holds the title of Assistant General Counsel for Legislation with a salary of $24,477 per year. Mr. Dixon's reputation with the democratic fund raisers is reported to be excellent. It is also known in the high echelons of the Commission that Chairman Dixon is openly proud of his fund raising, and well he might be. His methods would make any chairman of an alumni fund raising committee jealous. Members of the staff have testified to receiving solicitation cards from the Democratic National Committee with a code number in the corner which everyone involved knew would indicate to Chairman Dixon who gave and who did not. This outrageous method of solicitation was not well received by those who were being coerced to give against their will. Eventually, the threat of action by the Justice department under the Hatch act forced Chairman Dixon to give up this political exploitation of his employees. He now uses more discreet methods to do his political fund raising inside the FTC. Now, for example, he personally asks his subordinates to buy $100-a-plate tickets to Democratic fund raising dinners. Thus Chairman Dixon persists in playing partisan politics, while neglecting his responsibilities as a public servant.

Mr. CURTIS. Mr. President, the group's other recommendations, of a more substantive nature, were summarized in the New York Times on January 6, 1969.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD this Times article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FTC INCOMPETENT, SAYS INQUIRY SET UP BY NADER

(By John Morris)

WASHINGTON, January 5.—A team of investigating law students charged today that consumer interests were inadequately protected by a complacent Federal Trade Commission with an incompetent staff under the domination of a politically minded chairman.

In a 185-page report, the seven investigators from Yale and Harvard called for the resignation of Paul Rand Dixon, commission chairman, and a thorough overhaul of the agency's policies, practices and staff.

The team was organized by Ralph Nader, the crusading writer and lecturer on consumer causes, and directed by John Schultz, a 1968 graduate of the Yale Law School who is an assistant law professor at the University of Southern California.

The young investigators spent three months last summer checking files and interviewing officials at the commission's headquarters, where their enthusiasm and persistence earned them the name of "Nader's Raiders."

Mr. Nader said that he had given the team "some guidance and some leads" but that he had taken no part in writing the report. Except for a $500 grant to Mr. Schultz by the Yale Law School, the students said they had paid their own expenses in making the study. Mr. Schultz said he had agreed to write an article for The Yale Law Journal.

Mr. Dixon, who was blamed by the students for most of the commission's shortcomings, said he did not care to comment on the report. Commissioner Philip Elman commented by recalling a speech in 1961 in which he quoted findings in 1949 of a study commission headed by former President Herbert Hoover.

The Hoover Commission called the F.T.C.'s record "disappointing" and said the agency had become "immersed in a multitude of petty problems," had not "probed into new areas of anticompetitive practices" and was "increasingly bogged down with cumbersome procedures and inordinate delays in the disposition of cases."

"Despite some progress made in recent years," Mr. Elman said, "this appraisal of the Federal Trade Commission has much validity today."

Many of the charges made by the Hoover Commision and other investigators since then were also made by the Schultz team. But no other report was comparable in the use of colorful language and superlatives. For the first time, high staff members of the commission were publicly accused of alcoholism as well as incompetence, indolence and political * * *.

ALCOHOLISM CHARGED

Without naming names, the Schultz report said that "alcoholism, spectacular lassitude and office absenteeism, incompetence by the most modest standards and lack of commitment to their regulatory missions are rampant at these [high staff] levels."

Noting that the chairman has sole jurisdiction over hiring and directing the staff, the investigators said that "most of the commission's weaknesses and misdirection can be laid at the doorstep" of Mr. Dixon.

"Mr. Dixon's chief and perhaps only contribution to the commission's improvement would be to resign from the agency that he has so degraded and ossified," they said.

"His resignation will indicate to the American consumer, who has been deceived, defrauded and ignored for profit by corporations both large and small, that the F.T.C. is prepared to protect his interest as demanded by law."

They said a new chairman should undertake "the formidable task of uprooting the political and regional cronyism which has for years prevented the F.T.C. from achieving its mandate to defend the hapless consumer."

Here are a few of the report's other charges, most of which were accompanied by official statistics and other documentary evidence.

In detecting unfair or deceptive trade practices, the commission relies too heavily on

[1] Division chiefs were removed under the cover of a general reorganization of the Commission. A similar reorganization took place in 1952 when the Republicans came in, but was initiated and planned from outside the agency. Chairman Dixon, however, was the chief architect of the 1961 reorganization.

complaints by aggrieved consumers while it should extensively monitor television commercials and conduct aggressive investigations of trouble spots, "particularly in ghetto areas."

The commission handles too many trivial cases and should establish priorities in accordance with the importance of the problem. It "has not given appropriate attention to the largest companies."

A general decline in enforcement activity "is matched by a shift in emphasis to greater reliance on 'voluntary' enforcement tools. Industry-wide guides and trade rules "themselves are sanctionless, making their effectiveness seriously questionable."

The commission's powerful enforcement tools, such as seeking preliminary injunctions and criminal penalties, are "under-used and ill-applied," its program of insuring compliance with cease-and-desist orders is "grossly inadequate, and enforcement delays are excessive."

The commission masks its failures by misrepresentation, secrecy and "collusion with business interests."

Partisan politics are played, contrary to civil service laws, in hiring the staff. Of nearly 500 lawyers on the payroll, only about 40 are Republicans. Key personnel are hired largely on the basis of their political connections, and Southern Democrats are favored. It was noted that Mr. Dixon came from Tennessee.

In recruiting young lawyers, Ivy League schools are largely ignored and graduates of Southern colleges are favored. The commission hires Negroes, but only "in their place," giving most of them jobs in the four lowest Civil Service categories.

Members of the investigative team, beside Mr. Schultz, were Judy Areen and Edward Cox of the Yale Law School; William Howard Taft 4th, Robert Fellmeth and Andrew Egendorf of the Harvard Law School, and Peter Bradford, a 1968 Yale Law School graduate who is now special assistant to Gov. Kenneth M. Curtis of Maine.

Mr. CURTIS. Mr. President, more recently, the President-elect's task force on productivity and competition has focused upon the Federal Trade Commission. In its report made public last week, the task force stated that the Federal Trade Commission is in urgent need of reform and renovation.

Too many critics of the Commission have fallen into the familiar trap of confusing personalities and people with the institution itself. In disagreeing with the views of present personnel of the Commission, some would have us abolish the agency or transfer its functions to another agency. Such drastic remedies are not warranted, at least until this new administration has appointed a new Chairman and he has had a full opportunity to reexamine in depth the agency's basic mission and programs.

It must be kept in mind that the present furore surrounding the FTC is not new. I was in the Congress in the late 1940's when similar criticisms were heard, and the Hoover Commission conducted an extensive examination of the Commission. Based upon that Commission's detailed recommendations, President Truman submitted Reorganization Plan No. 8 to the Congress on May 24, 1950.

Mr. President, I ask unanimous consent that this reorganization plan be printed at this point.

There being no objection, the text of the report was ordered to be printed in the RECORD, as follows:

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING REORGANIZATION PLAN NO. 8 OF 1950 PROVIDING FOR REORGANIZATIONS IN THE FEDERAL TRADE COMMISSION

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 8 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Federal Trade Commission. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 8 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings. However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable.

HARRY S. TRUMAN.

THE WHITE HOUSE, *March 13, 1950.*

REORGANIZATION PLAN NO. 8 OF 1950

(Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949)

FEDERAL TRADE COMMISSION

SECTION 1. *Transfer of functions to the Chairman.*—(a) Subject to the provisions of subsection (b) of this section, there are hereby transferred from the Federal Trade Commission, hereinafter referred to as the Commission, to the Chairman of the Commission, hereinafter referred to as the Chairman, the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds.

(b) (1) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(3) Personnel employed regularly and full time in the immediate offices of members of the Commission other than the Chairman shall not be affected by the provisions of this reorganization plan.

(4) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

SEC. 2. *Performance of transferred functions.*—The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of this reorganization plan.

SEC. 3. *Designation of Chairman.*—The functions of the Commission with respect to choosing a Chairman from among the membership of the Commission are hereby transferred to the President.

Mr. CURTIS. Mr. President, as a result, the power to appoint the Chairman was vested in the President, and there were transferred to the Chairman the principal executive and administrative functions formerly exercised by the Commission as a whole, including the appointment and supervision of personnel, the distribution of the agency's business among personnel and among administrative units, and the use and expenditure of funds. The principal purpose of this streamlining move was to achieve greater efficiency, since the Hoover Commission had found that the Commission, acting as a five-headed executive, had become "immersed in a multitude of petty problems" and was "increasingly bogged down with cumbersome procedures." In approving the Hoover Commission's reorganization plans and transfer of functions to the Chairman, the President said it was expected to result in "more businesslike and effective administration" of the FTC regulatory program.

There is no question that the Hoover Commission's approach to the FTC problem was sound and constructive. If it had been implemented as intended by an experienced and qualified Chairman, much of today's criticism would have vanished overnight. Unfortunately, a cabal of present FTC Commissioners have now made known their intent to disregard the intent of Congress and Reorganization Plan No. 8. I am advised that certain Commissioners, all appointed by our last President, claim that they—not the Chairman or new Chairman—have the right to hire and fire personnel and to organize the Commission as they see fit. If this scheme of the present Commissioners and the present Chairman is effectuated, the new Chairman of the Commission, whom President Nixon will appoint, will become a mere figurehead stripped of the powers transferred and entrusted to him under Reorganization Plan No. 8.

Specifically, I point out to the Senate that very recently FTC Chairman Dixon, who will be replaced in the near future, appointed his assistant to the position of General Counsel. Immediately thereafter Chairman Dixon published an opinion which would have the effect of freezing in office almost all nonclerical staff members on the Commission. This opinion by Chairman Dixon would have the effect of requiring full Commission approval of all Commission staff appointments. In other words, although the administration has changed, and the chairmanship of the Commission will change in short order, the same political staff that has infested the FTC in the past, will remain in office for the foreseeable future. This Dixon opinion is now before the Civil Service Commission for approval. If this cabal by the present Commissioner succeeds, the Nixon administration will be prevented from setting a new course for the Commission and rectifying the mistakes of the past.

The time has come to reiterate the goals of the Hoover Commission plan and enforce the clear intent of Congress.

Shortly, the President will have an opportunity to appoint a new Chairman. I have every confidence that, if the appointee is an aggressive person experienced in the affairs of the Commission, and if the Dixon plan to perpetuate present staff in office is successfully aborted, this bipartisan agency will again resume its important and constructive role in our Nation's economy.

"THE CORRUPT JUDGE"— A CALL FOR JUDICIAL REFORM

Mr. TYDINGS. Mr. President, 7 years ago, when Joseph Borkin published "The Corrupt Judge," his voice was a voice in the wilderness. Long before the public clamor for reform, Mr. Borkin, in "The Corrupt Judge," traced the history of misconduct in the Federal judiciary and documented the inadequacy of existing procedures to deal with such misconduct. Finally, in a display of great insight, Mr. Borkin called upon the judiciary to impose upon itself the requirement of financial disclosure, a requirement recently adopted for the lower Federal courts by the Judicial Conference of the United States.

Mr. Borkin is an unusually effective writer. Senator MAGNUSON recently called his latest book, "Robert R. Young—The Populist of Wall Street," "one of the more important contributions to American business history." I consider it to be a remarkably readable and potent book. So too is "The Corrupt Judge."

"The Corrupt Judge" helped inspire Senator Kefauver to introduce, in 1962, a bill which would have made Mr. Borkin's financial disclosure proposal a matter of law. It also helped inspire the Subcommittee on Improvements in Judicial Machinery to undertake the study of judicial fitness that it began in 1965 and that culminated in the introduction of the Judicial Reform Act in 1968 and again this year. Indeed, as a witness and as an author Mr. Borkin has contributed much to our continuing study of the problems caused by unfit Federal judges.

"The Corrupt Judge" was recently syndicated in abridged form by the North American Newspaper Alliance. In my opinion, it should be required reading for all those who are interested in preserving the strength of the Federal judiciary.

I ask that the abridged version of "The Corrupt Judge" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CORRUPT JUDGE

DISHONEST JURISTS SUFFER FROM AJAX COMPLEX

The attainment of justice is the purpose to which the entire intricate structure of jurisprudence is dedicated. Within this edifice sits a focal figure in whom is crystalized the essence of law and equity—the judge.

Society has elevated the judge to a carefully-protected eminence and has provided him with flowing black robes and ceremonial architecture, thus underscoring his exalted station. The epitome of honor among men, he is assigned a sacrosanct trust.

This helps explain why the United States, together with England, has the smallest incidence of judicial corruption in the world.

What rational motive, then, can be given for those few judges who have sold their honor and their decision?

Inexplicable as the reason may be, the corrupt judge moves like the figure in a Greek tragedy, inexorably along the way to self-destruction. Like the mythical Ajax, he seems compelled to tempt the gods to destroy him, and each suceeding corruption is greater than the one before.

There is no discernible type of corrupt judge. A study of at least 32 federal judges against whom there has been a considerable body of adverse evidence indicates that they were recruited from the most diverse of environments, varying from theological seminaries to Tammany clubhouses, and included among them honor graduates, professors and trustees of universities as well as alcoholics and mental deviates, corrupt politicians and associates of gangsters.

Not only did some of these judges permit themselves to be demeaned by the most eminent members of the bar and respected corporate executives, but they entered into the basest of arrangements with known criminals and notorious fixers.

Relatives, such as sons, daughters and in-laws, were frequently part of the apparatus of the venal judge. Tribute was collected from court-appointed fiduciaries. Unsecured loans were exacted from litigants.

Some judges engaged in joint enterprises with lawyers who appeared before them and even shared fees with their former law partners. Decisions were sold for cash, for forbidden favors, and for business opportunities.

Shakedowns of the corruptors by some of the crooked judges were part of the performance, as was the blackmailing of the judge himself by the corruptors. Payments were made in back alleys and the inner sanctum of the judicial chamber.

Neither the law nor honor were restraints, except that often the bribes and kickbacks were computed with adequate reserves for tax purposes—providing a rare tribute from experts to the quality of income tax enforcement.

One clearcut conclusion emerges from the study of judicial corruption: There is a direct relationship between unsettled business conditions, particularly severe downturns in the market place and the incidence of judicial misbehavior. A judge whose side entrance into the business world may have begun with a reasonable investment in real estate and the stock market propelled by greed, to be caught in the "maelstrom of business disaster."

The demands by creditors and failing enterprises make the judge a easy mark.

A judge cannot be corrupt alone. As a rule, the corruptors fared better than the corrupted judge. This is true in material reward, in the public's attitude or lack of it, and in the failure of public authorities to punish and professional societies to discipline.

Once a judge's corruption is revealed, he is rarely permitted to continue his honored role. For the corruptors there seems to be a laxer standard, enabling a number to retain their professional, economic, or political status.

There is one absolute standard, one implacable test which society applies to a judge—unswerving honesty. For a judge to deviate from the most rigid honesty and impartiality is to betray the integrity of all law.

No legal relativity can condone such betrayal. From the standpoint of justice, the size of the bribe or scope of corruption cannot be the scale for measuring a judge's dishonor. A single dishonest judge not only dishonors himself and disgraces his office, but jeopardizes the integrity of the entire judicial process.

From the beginning of Anglo-Saxon law, the conduct of judges has followed well-understood rules. In the United States, these standards were formalized in the Canons of Judicial Ethics in 1924, by a committee of the American Bar Association.

* * * * *

These canons, a judge may not accept from a lawyer an inadequately secured loan. He may not appear on a commercially-sponsored radio program on which legal advice is given, nor may he conduct a newspaper column. He may not accept presents or favors from a lawyer, litigant, or a friend of a lawyer or litigant. He may not be the director of a bank. He may not sit on a case involving a near relative.

In essence, the canons thus impose upon the judge himself the responsibility of avoiding any conflict between self-interest and the rendering of judgment.

The extent to which the American Bar feels this is expressed in Canon R, the "Caesar's Wife" doctrine:

"A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties but also in his everyday life, should be beyond reproach.

As part of the ancient precedents introducing the Canons of Judicial Ethics are the immortal words of Sir Francis Bacon, the Lord Chancellor, carved in marble over the Department of Justice Building, as well as court houses all over the world.

"The place of justice is a hallowed place, and therefore not only the bench, but the foot pace and precincts and purprise thereof, ought to be preserved without scandal and corruption."

How many know, even today, that the author of these lines was a corrupt judge whose public career was terminated by "disbarment," imprisonment and a monumental fine? In Bacon's case, it would seem that, unlike Caesar, "the good that men do lives after them, but evil is oft interred with their bones."

In the U.S., only three federal judges have ever been criminally charged with corruption in a formal indictment:

(1) Martin T. Manton, judge of the Second Circuit Court of Appeals, in 1939.

(2) J. Warren Davis, judge of the Third Circuit Court of Appeals, in 1941.

(3) Albert W. Johnson, judge of the district court, Middle District of Pennsylvania, in 1945.

Their judicial history, part of which follows in succeeding articles, runs the catalogue of venality and corruption.

II. CRIMES OF "MODEL JURIST" SHOCKED NATION IN THIRTIES

Judge Martin T. Manton, senior judge of the U.S. Second Circuit Court of Appeals, by 1939 had reached a position of such eminence and respectability that he was regarded as the 10th-ranking justice of the United States, just below the nine justices of the Supreme Court.

In fact, he was a likely choice to succeed his fellow Catholic Justice Pierce Butler when the latter died or retired—although there were rumors that some of Manton's colleagues on the Circuit Court bench had complained about his questionable character to President Franklin Roosevelt in order to forestall such an appointment. But to the nation at large, he was a distinct judicial personage.

One can imagine, then, the shock registered by the Congress and the public when, in an open letter to the Judiciary Committee of the House of Representatives, a young district attorney, Thomas E. Dewey, charged Judge Manton with judicial corruption on an unprecedented scale. He stated that Manton had employed fixers, approached litigants for loans, engaged in corrupt bankruptcy practices and performed a host of im-

proper activities tantamount to the sale of his judicial office.

The day after the story appeared, Judge Manton announced that he would issue a statement that would "satisfy the public that there is nothing wrong or immoral" about his judicial conduct.

Asked by reporters whether, in his opinion, there was anything wrong or immoral about a judge having business interests outside his judicial duties, Judge Manton replied, "I never thought it was wrong or immoral. I know that other judges have such interests."

However, instead of issuing a statement "that would satisfy the public," Judge Manton tendered his resignation to President Roosevelt, who promptly accepted it.

The resignation, Manton declared, was dictated solely by his desire to avoid becoming the central figure in a controversy that would weaken public confidence in the general administration of justice. He defended his business activities, denying that any of them "bore the slightest relation to my conduct as a judge or to any litigation in my court."

The acceptance of Manton's resignation under fire was to be expected. Traditionally, this had been the practice in the case of a corrupt judge who was exposed. Congress did not relish the task of impeachment and even considered it unnecessary when a judge conveniently resigned.

District Attorney Dewey, however, would not let the matter end on such a note.

He made it clear that if the federal government would not act under federal criminal statutes, he would proceed under state law.

With the implacable Dewey in the background, a criminal investigation of Manton was begun by the U.S. attorney, and an indictment was returned. The legend of the inviolability of the modern federal judiciary was about to receive a severe jolt.

The trial of Judge Manton, charged with obstructing justice and intent to defraud the United States, began on May 22, 1939, to huge crowds and flaming headlines. Few trials in the history of New York have evoked such interest.

An eminent array of character witnesses appeared at the trial on Manton's behalf, including two former candidates for President of the United States, John W. Davis and Alfred E. Smith.

Perhaps even more effective was the appearance as defense witnesses of all four of Manton's colleagues on the Circuit Court bench: Judges Harrie B. Chase, Augustus N. Hand, Learned B. Hand, and Thomas W. Swan. Manton obviously had been a consummate actor, for his demeanor in the inner sanctum of the judicial conference room—as well as in public view on the bench—appeared to have given them no indication of his corruption.

As the trial developed Manton's image emerged as an active businessman and real estate operator.

He owned a paper products company, a carpet-cleaning establishment, a laundry concern, two large hotels, eight apartment houses, 14 two-family houses and over 200 acres of undeveloped land.

With the 1929 crash, his corporate empire began to crumble. This fact was not generally known. At the same time that the New York Times was suggesting editorially in 1931 that judges be kept out of business, it reported that Judge Manton was probably the richest federal judge in the United States.

By 1934, Manton's properties, heavily mortgaged at pre-depression prices, were either undergoing foreclosure or were on the brink of it. Moreover, he was $730,000 in debt, a hopeless bankrupt.

Between June, 1934, and May, 1935, he made a remarkable recovery, moving from a net debt position of $730,000 to a net worth of $750,000—an unusual happenstance for a federal circuit judge.

Manton claimed this financial recovery was due to a series of "loans," advance payments on contracts, and sales of stock.

Of this income, $184,000 had been paid to him in cash.

Prosecuting Attorney John T. Cahill skillfully presented the government's case, contending that Manton's sudden prosperity was due in large part to bribes and loans from parties having litigation in the courts over which he presided.

The weight of the evidence was overwhelming. Several who had been involved in bribes testified for the government. Recordak copies made by banks of bribes paid by check to Manton were introduced into evidence, as well as a photostatic copy of a note which an untrusting briber had demanded of Manton as promise of performance, in exchange for the advance payment of a bribe.

A number of bizarre details came to light during the trial.

The briber in one case engaged two different fixers to purchase Manton's decision. Apparently neither knew of the other's efforts until Manton's trial.

In another case, the briber received a refund from Manton when, unable to persuade either of the other two circuit judges to render a favorable ruling, he joined them in an adverse ruling. The briber, armed with evidence of the bribe, then blackmailed Manton into writing a letter to the Department of Justice expressing doubts of the defendant's guilt. But the department was not taken in.

Sometimes, it is interesting to note, the briber held back adequate reserves to pay the federal income tax on the bribe.

At the conclusion of the Manton trial, the presiding judge said in his charge to the jury:

"The charge of conspiracy to sell justice, made against an appellant federal judge, is hitherto unprecedented in the 150 years of the federal judiciary."

The jury deliberated only four hours before returning a verdict of guilty. Manton was sentenced to two years' imprisonment with a fine of $10,000—the only federal judge to be so punished.

On his appeal of the verdict to the Supreme Court, Manton's brief contained an extraordinary plea:

"From a broad viewpoint, it serves no public policy for a high judicial officer to be convicted of a judicial crime. It tends to destroy the confidence of the people in the courts."

The Supreme Court was unimpressed. The conviction was sustained.

III. JUDGE J. WARREN DAVIS WAS "GIFTED PSYCHOPATH"

No judge ever betrayed so fully his early promise as J. Warren Davis of the Third Circuit Court of Appeals. He distinguished himself quite unenviably as the second senior judge of a federal circuit to be indicted as a corrupt judge.

Davis received a B.A. degree from Bucknell and a divinity degree from Crozer Theological Seminary, where his scholarship was rewarded with an invitation to remain and teach Sanskrit, Greek and classical Hebrew. He added to his learning by sojourns at the University of Chicago and the University of Leipzig.

At the conclusion of his teaching career, he entered the ministry and held a pastorate at the Baptist Church in Pedricktown, N.J.

But, as an eminent psychiatrist was later to observe, Davis was "A gifted psychopath." Behaving in a way reminiscent of Aldous Huxley's father Grandier and Sinclair Lewis' Elmer Gantry, Davis seduced and impregnated the young daughter of a member of his congregation and was driven in disgrace from his pastorate.

He then turned to the law, graduating from the University of Pennsylvania in 1906. In time, the reform politics of Woodrow Wilson beckoned. When Wilson became President, he appointed Davis U.S. attorney for New Jersey and in 1920 elevated him to the Third Circuit Court of Appeals.

After Davis assumed his judgeship, it became known to a select group, stockbrokers, bankers, and their lawyers, that Davis was a stock market addict, speculating far beyond his capacity.

When the crash of 1929 arrived, so did the day of reckoning. Davis was left hopelessly insolvent. His only unpledged asset was his honor. Now he decided to mortgage that.

Another victim of the 1929 crash, William Fox, the movie magnate, was undergoing the discomfort of bankruptcy in the U.S. District Court for New Jersey. He found Judge Davis a willing collaborator.

The judge, to finance the wedding of his daughter, "borrowed" $15,000 in $50 and $100 bills from Fox. Still desperate, Davis needed $12,500 more. Anxious for the cash, Davis met Fox on the corner of Twelfth and Chestnut streets in Philadelphia. The two men withdrew into a hallway and Fox handed the judge a newspaper containing 12 $1,000 bills and five $100 bills. What a scene these two men acted out in the shadows, the erstwhile millionaire film tycoon and the federal circuit court judge, as they transacted their strange business.

A change in Fox's fortunes was now visible. From 1936 to 1938, the court of which Davis was a member held for Fox five times. Davis was able to influence another senile and practically deaf and blind judge to sign the corrupt opinions which Davis had written and sold.

Fortunately for the public, the Supreme Court just as consistently reversed, denying Fox the fruits of his corruption.

Evidence collected in the Manton investigation began to point to Davis and to some of his corruptors, particularly Fox. In addition, some of Davis' colleagues began prodding the Department of Justice to act.

In an attempt to forestall action, Davis retired on April 5, 1939, with full salary and pension rights. It was no secret, however, that Davis was still under official scrutiny.

Newspaper stories about Davis began to appear at the end of 1939, and Davis and his corruptors now knew specifically that they were suspect. Davis was disturbed when he learned that the serial numbers of five of the $1,000 bills given to him by Fox had been recorded by the bank in which they were deposited.

Davis was anxious to find out where Fox secured the money and to reconstruct a believable story for the grand jury which was now investigating. For this purpose, he visited Fox in New York twice, registering at the hotel one time as "Herman Goldberg" and at another time as "Mr. Moon."

Fox, however, reluctant to get involved any further, fully confessed to the U.S. attorney. As a result, Davis and Fox, among others, were indicted by a federal grand jury in Philadelphia.

At the trial, Fox pleaded guilty. Davis went through the ordeal of two trials. In each one, the jury was unable to agree and the indictment was ultimately dismissed.

On Nov. 8, 1941, Attorney General Biddle requested Congress to impeach Judge Davis. Davis blocked this move by a full resignation, waiving pension and retirement rights.

He died in Norfolk, Va., his boyhood home, on Feb. 2, 1945.

IV. ALBERT JOHNSON: HIS CLERKS BECAME HIS PERSONAL SERVANTS

Judge Albert W. Johnson of the U.S. District Court for the Middle District of Pennsylvania by his mere survival as a federal image for 20 years (from 1925 to 1945) stands as a monument to a legal tradition—the morbid reluctance to expose a corrupt and venal judge.

How and why President Calvin Coolidge appointed Johnson a federal judge should be the subject of a clinical study by the

organized bar. It occurred over the objection of the bar and even the press of the district Johnson emerged from the depths of corrupt politics, and his character defects were both formidable and notorious.

Once on the bench, Johnson's behavior matched the direst predictions. Bankruptcy proceedings before his court were an open disgrace. Between 1925 and 1945, there were inquiries by the Judiciary Committee of the House of Representatives, investigations by the Department of Justice, complaints from his fellow judges, and charges by litigants. But they had no effect.

Finally in 1945, Max Goldschein, a special assistant to the attorney general, conducting a war frauds case before Johnson, decided to act. Supported by Attorney General Tom C. Clark, Goldschein convened a grand jury.

This was a most unusual investigation. The lawyers who practiced across the 400-mile breadth of the Middle District spoke of corruption but now "couldn't remember" or "could not find the records." There was nothing to go on but rumors.

According to these, whenever a case came into Johnson's court in which it was possible to arrange a "fix," one of the judge's sons was employed. But the sons, although lawyers, never appeared on record.

As Lester Velie, writing in Collier's Magazine, once said, "when Goldschein batters at the walls of a corrupted town, something must give." On April 21, 1945, the indictment began to come down. They involved mainly nine cases of corruption of Judge Johnson, of which seven concerned bankruptcy proceedings and two criminal actions.

Despite the indictment, Johnson refused to resign, not unlike the first reaction of Manton and Davis. Since the only way a federal judge can be removed is impeachment, Goldschein was appointed counsel to the Judiciary Committee of the House of Representatives by the then Congressman Estes Kefauver, with the view to an impeachment proceeding.

Among the matters Goldschein uncovered, in addition to Judge Johnson's active life as a real estate operator and private businessman, was an extraordinary arrangement concerning the Tea Springs Lodge, since 1931 a matter of dismay to lawyers practicing in the Middle District.

Ostensibly operated as a club, the Tea Springs Lodge seemed to be used exclusively by the judge and his sons. It had 74 members, who had each paid the $500 initiation fee plus dues. They got their money's worth, however—51 of them were appointees of Johnson as appraisers, trustees and attorneys for trustees and received fees totaling $265,648.

Probably even more extraordinary was a huge bribe of $250,000—none of which found its way to Johnson. The middleman, after receiving the bribe to pass on to Johnson, began to play cat and mouse with the judge. He announced that the bribe was to be $150,000 instead of the $250,000 he had already received.

Once with a discussion with the venal judge, the intermediary declared that it was his understanding that the split was to be 50–50. Johnson replied that it was to be 75–25, in the judge's favor. It was compromised at 66⅔–33⅓.

But the fixer solved the problem his own way—he kept all of it. One can only imagine Judge Johnson's emotions when he learned from Goldschein's investigation that the bribe was $250,000 and had long since been paid to the crooked middleman.

When it was apparent that an impeachment was a certainty, Judge Johnson resigned, waiving all rights, and the House of Representatives reluctantly dropped the matter—but not until it put the following revealing paragraph in its report:

"So far has this man gone in his loss of respect for himself and for the proprieties of his office that he even used his power of appointment of his official secretary and the deputized clerks of the United States District Court through the clerk to browbeat these federal employes, by compelling them to rent apartments in the buildings he owned at higher rentals than other tenants were paying him for similar apartments, and more than they thought they could afford to or wanted to pay.

"He raised their rent whenever the government raised their pay.

"He subjugated them to his own will and compelled them, throughout his tenure of office, to do the menial work of servants in his home, dusting, cleaning, and even washing his floors. This was done during their regular working hours as well as after."

Judge Johnson was subsequently tried on the criminal indictment. He was acquitted when two fixers, key witnesses against him, refused to repeat their grand jury testimony. But, by some poetic injustice, the fixers themselves were convicted and sentenced to the penitentiary.

Judge Johnson then entered the private practice of law, and one of the local bar associations elected him as their president.

V. REMOVAL

Why is their such a reluctance to expose a corrupt judge?

The problem is set forth with clarity by Henry S. Drinker, at the time Chairman of the Committee on Grievances of the American Bar Association.

"The difficulty in inducing a member of the bar to attack a corrupt judge lies in his natural fear of reprisals in case through influence, political or otherwise, the lawyer's efforts prove unsuccessful. As Emerson said to Justice Holmes, '. . . If you shoot at a king, you must kill him.' "

The lawyer engaged in private practice, however is not alone in this reluctance, for to remove a Federal judge is a formidable task.

A Federal judge may suddenly become afflicted with a helpless insanity or blindness, deafness, or senility; he may be convicted of murder, arson, or burglary; he may rend assunder the Canons of Judicial Ethics; or he may even be guilty of selling his justice. Despite all this he may be removed only by the process of impeachment.

By this method the House of Representatives prefers charges called an Impeachment. Upon these charges the entire Senate holds a trial where a "concurrance of two-thirds of the members present" is required to convict. Short of death or resignation, this is the only way to remove a Federal judge.

Impeachment is a costly, complicated, and cumbersome removal process, initiated rarely and then only with the greatest of reluctance. Much more effective has been its utilization as a potential weapon of exposure and disgrace, for in the most flagrant cases of judicial corruption on the Federal bench, misbehaving judges have, more often than not, chosen to resign rather than face the ordeal of impeachment. In the main, however, an examination of the evidence in the history of impeachment of judges would indicate its failure. It has protected neither the public interest nor the rights of the accused. It appears to be an anachronism that has long since lost its proper function.

In modern times the United States Senate has been called upon to legislate and examine the most important and complex of national and international relations, and its important duties seem to be without end. The impeachment proceedings which have actually taken place have stopped or delayed other business, so that the Senate could sit as a court and consider the removal of a Federal judge. Each Senator, to have fulfilled his function properly as a judge and juror in each case, would have been compelled, to hear as much as twenty days of testimony, to read over seven or eight hundred pages of the record, and to review many more thousands of pages of exhibits. This he would have had to do in addition to attending to legislative duties and the needs of constituents. Obviously, few if any Senators could perform all these duties conscientiously.

A criminal trial, according to the principles of Anglo-Saxon justice, demands that the judge, the jury, and the defendant be present at all stages of the trial. It requires that the judge and jury view all the evidence and hear all the witnesses in order to weigh the delicate question of truth and falsity of testimony. Consider what violence is done to this precept in an impeachment trial. Although a hundred Senators may vote and judge conviction or acquittal on an impeachment, the average attendance, experts have noted, has been fifteen. Once a House Manager was to observe there were only three Senators present and one of these was using the time to write letters, paying no attention to the proceedings. Impeachment trials have averaged from sixteen to seventeen days, and the case of Judge Archbald ran for six weeks—eloquent explanation why only eight judges have been impeached in the history of the United States. From the point of view of time consumed, an impeachment is a major Congressional event. The feeling cannot be escaped that Congress is sometimes willing to suffer a misbehaving judge rather than stop the legislative activities of the United States.

With a sort of perverse justice, the disgrace of impeachment during this century has been attached to four judges whose judicial actions were far less culpable than others whose judicial crimes were greater and whose guilt was clearer. But in those cases where there were strong indications of criminal activity or misbehavior, almost inevitably the offending judge resigned and the impeachment proceedings were dropped. Whenever testimony and evidence are not conclusive; whenever malice and the probity of witnesses are difficult to distinguish; whenever evil intent and poor judgment cannot be separated—here a hapless judge may elect to fight the issue through and stand trial before the Senate. As a result, the evidence points to the inescapable conclusion that an impeachment trial as a practical and historical matter has been reserved for the less flagrant cases of judicial abuse.

Altogether eight Federal judges have been impeached.

1. John Pickering, Judge of the District Court of New Hampshire, charged (1804) with drunkenness, tyrannous conduct and disregard for the terms of statutes. Convicted.

2. Samuel Chase, Associate Justice of the U.S. Supreme Court, charged (1805) with intemperate, arbitrary, and unjudicial conduct in sedition-law trials. Acquitted.

3. James H. Peck, Judge of the U.S. for the District of Missouri, charged (1830) with tyrannous treatment of counsel and arbitrary conduct. Acquitted.

4. West H. Humphreys, Judge of the District Court of the U.S. for the eastern, middle, and western districts of Tennessee, charged (1862) with supporting the secession movement. Convicted.

5. Charles H. Swayne, Judge of the Northern District of Florida, charged (1905) with falsifying expense accounts, nonresidence and use of a private car belonging to a railroad in receivership. Acquitted.

6. Robert W. Archbald, Judge of the U.S. Commerce Court, charged (1913) with using his official position for private gain and accepting loans for litigants. Convicted.

7. Harold Louderback, Judge of the Northern District of California charged (1932) with favoritism in the appointment of receivers. Acquitted.

8. Halsted L. Ritter, Judge of the Southern District of Florida, charged (1936) with

bankruptcy irregularities and income tax evasion. Convicted.

Congress has been continuously troubled by deficiencies of the impeachment process. From 1800 to the present Congress, bills have been constantly introduced attempting to remedy the difficulties. Now events have conspired to bring the reform movement back to life. It is apparent that this Congress will give it serious attention.

VI. LET THE SUPREME COURT DECIDE PROPRIETY OF JUDGES' OUTSIDE INTERESTS

One clear-cut conclusion emerges from the study of judicial misconduct of Judges Manton, Davis and Johnson.

Unsettled economic conditions, particularly those associated with a depression, coupled with a deteriorating state of a judge's financial condition, produce a climate in which judicial corruption can flourish.

But the corruption involved did not arrive in full bloom. Instead, it had a discernible evolution. What began as modest private investment and reasonable speculation in securities and real estate, grew to such proportions that they not only challenged the Canons of Judicial Ethics, but led ultimately to fiscal disaster.

The pressure of creditors, plus attempts to recoup, led to ever deeper involvement, to bolder forays into the business arena, until even the semblance of propriety disappeared.

Desperation became a colleague. Not only were these judges easy marks for corruptors, but they themselves were driven to place their judicial function on the market—to go on the prowl, as it were—for susceptible litigants and lawyers.

A judge certainly should have the right to invest and manage his assets, for mere business activity itself is not inherently objectionable. It should, however, take place in a manner consistent with the obligations of a judge. As the record of this series indicates, such activity was not always in accord with the integrity of the judicial process. The question arises as to who shall make the determination.

For the federal judiciary, at least, who is more able to make this judgment than the members of the Supreme Court?

But at present, this body is unable properly to make such a judgment, since it is not in possession of the necessary facts. The suggestion is proposed, therefore, that the Supreme Court, under its rule-making power, require statements not only from all circuit and district court judges but from its own nine members regarding their extrajudicial business activities.

These reports, of course, should remain confidential, available only to the court and a special master, to be appointed with the power to call for further data if necessary. But only the court shall act on the special master's report.

Knowledge that such information is in the hands of the supreme court would tend to resolve doubts—and doubt is an eroding element in any judicial process. Lawyers, litigants, colleagues, and the public generally could rest more securely, confident that a judge's private business activity is within the bounds of propriety and legality.

The proposal for self-regulation has an apparent flaw. Suppose a judge refuses—defies, so to speak—the power of the Supreme Court to require such financial reports. Since removal can take place only through the impeachment process, the Supreme Court would not have this ultimate power to enforce its rule.

But this is a difficulty not as serious as it appears. The prestige of the court and the sanctions available to it are such that a judge engaged in defiance would be in an unenviable position. Not the least of these would result from the interest of the judiciary committee of the House of Representatives.

An examination in one district alone indicates that in recent years several federal judges appear to have engaged in a lively business life.

We hasten to add that there are absolutely no facts which would indicate that any of these judges ever permitted their private business obligations to interfere with the integrity of the judicial process. As a matter of fact such activities were by no means covert or disguised. "Who's Who" various directories of directorships, and reports filed with governmental regulatory agencies open to the public all contained the relevant information.

From these public sources it can be learned that one judge was vice president, director, and half-owner of a food company; another was a director of a building materials company; still another sat as a trustee of a bank and as a director of an insurance company. During the latter judge's 13 years as a director, he received fees in excess of $100,000; in fact, one year he received more as a director than he did as a federal judge.

How much better it would be for the maintenance of public confidence in the judicial process if the public could be assured that these matters were within the knowledge of the Supreme Court.

Judicial responsibility for judicial conduct is indeed a modest proposal.

In his review of my book, "The Corrupt Judge," in the Sunday New York Times of Dec. 9, 1962, Sen. Estes Kefauver said that he would introduce a bill making my proposal a matter of law rather than leaving it to the discretion of the Supreme Court. He thereupon asked me to draft such a bill, which became S. 1613.

Unfortunately, Sen. Kefauver died before he could put the weight of his great personality and reputation behind the legislation. As a result, the bill never emerged from committee.

Recently, Sen. Joseph Tydings, D-Maryland, has taken up the cause and has introduced a long-needed comprehensive bill of judicial reform, S. 1506, including a section requiring financial disclosure by federal judges. He introduced this bill for himself and for Sens. Thomas F. Eagleton, D-Missouri, Charles E. Goodell, R.-New York, Mark O. Hatfield, R-Oregon, Warren G. Magnuson, D-Washington, Walter F. Mondale, D-Minnesota, Edmund S. Muskie, D-Maine, Hugh Scott, R-Pennsylvania, and Ralph W. Yarborough, D-Texas, and Edward M. Kennedy, D-Massachusetts.

Sen. Tydings' proposed legislation is a carefully reasoned and effective attack on the problem of judicial ills. In view of recent events, for the first time such reform legislation has an excellent chance of becoming law. It is to be hoped that Sen. Tydings and his colleagues will be successful in securing passage of the Judicial Reform Act.

TREATY COMMITMENTS OF THE UNITED STATES

Mr. SYMINGTON. Mr. President, as the Senate knows, on February 3, 1969, I was appointed chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee. Since then, through many discussions here in Washington as well as extensive travel, the subcommittee and its staff have been working to obtain all pertinent information incident to these commitments and agreements prior to hearings and a subsequent report.

In the meantime, the subcommittee counsel, Mr. Roland Paul, has drawn up a brief analysis of the eight mutual security treaties under which the foreign policy of this Nation is currently operating; and also a summary of the five congressional resolutions which, in effect, create additional commitments.

I place this analysis and this summary in the RECORD, not only because I believe the Senate will be interested in the nature and degree of said commitments, but also because the excellent packaged manner in which this information is presented by Mr. Paul presages additional constructive effort as the subcommittee staff proceeds with its work.

I ask unanimous consent that these two memorandums—that with respect to treaty commitments and that with respect to resolutions—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREATY COMMITMENTS

EIGHT SECURITY TREATIES

The United States has eight mutual security treaties with forty-two other countries, plus South Vietnam as a protocol, nonsignatory country under SEATO. These treaties and their parties are as follows:

1. Inter-American Treaty of Reciprocal Assistance, signed September 2, 1947, effective December 3, 1948, and the related Charter of the Organization of American States, signed April 30, 1948, effective December 13, 1951:

Argentina	Haiti
Bolivia	Honduras
Brazil	Mexico
Chile	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
Dominican Republic	Peru
Ecuador	Trinidad and Tobago
El Salvador	Uruguay
Guatemala	Venezuela

2. North Atlantic Treaty, signed April 4, 1949, effective August 24, 1949:

Belgium	Italy
Canada	Luxembourg
Denmark	Netherlands
Federal Republic of Germany	Norway
France	Portugal
Greece	Turkey
Iceland	United Kingdom

3. Mutual Defense Treaty between the United States of America and the Republic of the Philippines, signed August 30, 1951, effective August 27, 1952.

4. Security Treaty between Australia, New Zealand, and the United States of America, signed September 1, 1951, effective April 29, 1952.

5. Treaty of Mutual Cooperation and Security between the United States of America and Japan, signed January 19, 1960, effective June 23, 1960.

6. Mutual Defense Treaty between the United States of America and the Republic of Korea, signed October 1, 1953, effective November 17, 1954.

7. Southeast Asia Collective Defense Treaty, signed September 8, 1954, effective February 19, 1955:

Australia (also under ANZUS).
France (also under NATO).
New Zealand (also under ANZUS).
Pakistan.
Philippines (also under a bilateral treaty).
Thailand.
United Kingdom (also under NATO).

(The free territory under the jurisdiction of the State of Vietnam, i.e., South Vietnam, is covered by the security guarantee of SEATO as a protocol country.)

8. Mutual Defense Treaty between the United States of America and the Republic of China, signed December 2, 1954, effective March 3, 1955.

ARMED ATTACK

With respect to an armed attack, the language used in these treaties falls into two categories. The North Atlantic Treaty provides that—

"An armed attack against one or more of [the Parties] in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them . . . will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

Article 3 of the Inter-American Treaty of Reciprocal Assistance (the Rio Treaty), in slightly different language, is to the same effect with respect to an armed attack in the Western Hemisphere.

The later six security treaties provide, in almost identical language, that "aggression by means of armed attack in the treaty area against any of the Parties would endanger [each Party's] own peace and safety, and [each Party] agrees that it will in that event act to meet the common danger in accordance with its constitutional process."

In analyzing both sets of treaties, the essential factors for determination are, first, what constitutes an "armed attack" and, second, the level of response required in the event of such an attack. In most cases whether an armed attack has occurred or not is quite evident.[1] Certain cases where such may not be self-evident are discussed below.

The question to which the answer is generally more ambiguous is the magnitude of action called for by the treaty once an armed attack has occurred. This ambiguity stems from at least three factors. First, the language in all the treaties is rather imprecise in defining this feature of the obligation: "to assist in meeting the attack" in the Rio Treaty, "necessary . . . to restore and maintain the security of the North Atlantic area" in the North Atlantic Treaty, and "to meet the common danger" in the remaining six treaties. Second, the first two treaties explicitly, and the other six implicitly,[2] leave it up to each country to determine the steps it will take to counter the attack. Third, the internal decision in each country is subject to the constitutional processes of that country, including in the case of the United States the Congressional prerogative to declare war or not.

The language of the respective treaties could be parsed and compared to discover nuances of difference as to the level of action seemingly called for by each treaty, but this precision would be illusory. As a practical matter, the action required by every one of these treaties, being agreements among sovereign nations, will be determined by the principles referred to below and not by slightly varying phraseology. In fact, the difference in language between the two sets of treaties only occurred because of a desire by Secretary Dulles to make it clearer in the subsequent treaties that Congress was retaining its Constitutional right to declare war. As he stated before the Senate Committee on Foreign Relations:

"It seemed to me that the practical difference between the two from the standpoint of its giving security to the other parties was not appreciable. . . .

"I think that the difference practically is not great, but that the present formula does avoid at least a theoretical dispute as to the relative powers of the President and the Congress under these different formulas. . . .

"In a sense, it is perhaps not quite as automatic as the other, but that would depend on circumstances."[3]

Footnotes at end of article.

INTERNAL SUBVERSION

In two of the treaties, the Rio Treaty and the SEATO Treaty, there is positive language with respect to the possibility of an internal insurgency. These treaties announce in slightly varying language that—

"If . . . the inviolability or the integrity of the territory or sovereignty or political independence of any Party . . . is threatened in any way other than by armed attack or is affected or threatened by any other fact or situation that might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense."

Thus, the only obligation with respect to such an insurgency is consultation.[4] The other treaties do not deal with the situation of a strictly internal insurgency by affirmative language, but the result would be the same because such an occurrence would not come within the meaning of the term "armed attack."[5]

PRINCIPLES OF INTERPRETATION

Treaties among sovereign nations cannot be interpreted in the same light as contracts between individuals or companies for the simple reason that each nation is its own ultimate authority as to the interpretation of the obligations which it has entered into by a particular international agreement. Accordingly, the interpretation of a treaty entered into by the United States will be substantially affected by two underlying factors: First, the best interests of the United States, as perceived by its Government and, second, the sentiment within the American tradition to do "the right thing" based upon a notion of "fair play." This means that ambiguities in the language of mutual security agreements will almost always be resolved in favor of the best interests of the country making the interpretation, since by hypothesis what the "right thing to do" is not clear. On the other hand, even if the best interests of the country were the only guiding principle for interpreting international treaties, this does not render mutual defense commitments useless exercises, for sometimes it is in a nation's best interest to fulfill the fair import of its written defense commitment so as to maintain the faith of other countries in its military promises.

With the foregoing concepts as background, the following conclusions may be drawn with respect to what these security treaties "require" the United States to do under various circumstances.

ALL-OUT COMMUNIST ATTACK

The North Atlantic Treaty would probably require the United States to employ large-scale combat forces to meet an all-out communist attack involving the Soviet Union against one or more of our NATO allies. In this case, all of the underlying principles for interpreting the treaty—clarity of language, credibility, fair play, and the overriding best interests of the United States—point to this conclusion. There is no doubt but that an "armed attack" has occurred and substantial forces are necessary to "restore and maintain the security" of the North Atlantic area.

A similar conclusion for similar reasons would probably follow in the event of an overt Red Chinese attack upon Japan under the language of the Japanese defense treaty, which recognizes that an armed attack upon Japan would be dangerous to the peace and safety of the United States, necessitating American action to meet the common danger.

The legislative history of the North Atlantic Treaty supports the foregoing conclusion with respect to that alliance. The Report of the Senate Committee on Foreign Relations states that "the course of action envisaged in the treaty is substantially that which the United States would follow without the treaty. . . ."[6] Secretary Acheson reiterated before the Senate Committee on Foreign Relations that the Treaty would require, in his opinion, substantial American combat forces to repel an all-out communist attack. For instance, he said:

"If we should be confronted again with an all-out armed attack such as has twice occurred in this century and caused world wars, I do not believe that any action other than the use of armed force could be effective. The decision, however, would naturally rest where the Constitution has placed it."[7]

On the other hand, nothing in the North Atlantic Treaty or in any of the other treaties requires the United States to undergo a high risk of nuclear attack upon itself in defense of any of its allies if it does not choose to do so. As mentioned above, none of the treaties specify the level of force which this country is required to provide in defense of its allies; each treaty leaves it up to the respective parties to determine the defense contribution which it will make. At such an apocalyptic level of national commitment, the "best interests" factor becomes virtually conclusive in interpreting the obligation.

Another instance in which the United States would not be required by its treaty obligation to use all of the force at its disposal, in this case even all of its conventional forces, is exemplified by a full-scale attack by North Vietnam on Thailand (after having overrun Laos), occurring at a time like the present when the sentiment in this country is strongly against becoming involved in another land war in Asia. Such a situation would evidently be an "armed attack" within the meaning of the SEATO Treaty, requiring the United States "to act to meet the common danger." Nevertheless, under its right to determine the level of its own response under the treaty and because of the ambiguous language in the treaty, the United States may choose, for instance, only to provide air cover to the Thai forces, or even less support, even though such assistance may prove to be inadequate to defeat the attack.

NON-COMMUNIST ATTACK

The SEATO Treaty specifically limits the United States' obligation (beyond mere consultation) to situations involving communist attack. The language of the other treaties does not distinguish between communist and non-communist attack. Indeed, Secretary Acheson implied before the Senate Committee on Foreign Relations that the North Atlantic Treaty could require collective resistance even against another NATO member.[8] Nevertheless, in the current world situation, it would seem evident that the United States would interpret its obligation to apply only to communist aggression. A few days ago before the Senate Committee on Foreign Relations, Under Secretary U. Alexis Johnson acknowledged this to be his understanding with respect to the North Atlantic Treaty. The agreement between the United States and Pakistan,[9] entered into as part of the United States participation in CENTO[10] commits the United States "in case of aggression against Pakistan . . . [to] take such appropriate action, including the use of armed forces, as may be mutually agreed upon . . . in order to assist the Government of Pakistan at its request."

There is no substantial reference in this agreement or in the CENTO agreement to indicate that such commitment is directed solely against communist attack. Nevertheless, the United States has consistently maintained such interpretation, including during hostilities between Pakistan and India.

LIMITED COMMUNIST ATTACK

There are numerous situations that can be imagined involving the movement of troops across borders short of all-out attack. They

could well be termed "armed attacks" but there would be considerable ambiguity as to the appropriate means which this country should take in its best interests to counter such attacks. The United States may, under the language of the treaties, conclude that all-out resistance is appropriate; on the other hand, it may choose a more limited response, either involving armed force or not. It can be fairly concluded that none of these treaties require the United States to engage in an all-out war to counter limited probes by communist forces. In situations such as these, the right of each country to determine the course of action that it will take becomes especially relevant.

Several comments in the legislative history of the North Atlantic Treaty are relevant to this point. The Senate Report on the treaty states:

"Depending upon the gravity of the attack, there are numerous measures short of the use of armed force which might be sufficient to deal with the situation. Such measures could involve anything from a diplomatic protest to the most severe forms of pressure.[11]

The Chairman of the Senate Committee on Foreign Relations echoed the same point in the course of the hearings:

"The CHAIRMAN. This clause about an armed attack on any one nation being regarded as an armed attack on all leaves each nation free, however, not to consider any armed resistance if it should see fit; is that not true?

"Secretary ACHESON. That is what I was spelling out for Senator Thomas.

"The CHAIRMAN. The measures they take, if any, would be wholly within the judgment of each particular country."[12]

Also significant for the meaning of the subsequent treaties which he was to negotiate was the testimony which Mr. Dulles gave on the North Atlantic Treaty:

"Obviously the treaty does not attempt, in my opinion, to prescribe any military plan of action. As I said, it would be folly if the treaty were interpreted as meaning that because a certain country attacks in a certain particular way we have to respond in that particular place and in that particular manner. There is a flexibility about our strategy, which the treaty fully preserves, in my opinion."[13]

INTERNAL SUBVERSION

An internal insurrection supported from out of country only by means of equipment and training would probably not be considered an "armed attack." One supported, however, by armed assistance, such as by the infiltration of "volunteers", especially if they were operating in regular army units, would create a more doubtful case under the language of the treaties. This point is reflected in the Senate Report on the North Atlantic Treaty:

"Obviously, purely internal disorders or revolutions would not be considered 'armed attacks' within the meaning of article 5. However, if a revolution were aided and abetted by an outside power such assistance might possibly be considered an armed attack."[14]

This ambiguity is further evidenced by the contradictory testimony of Secretary Acheson and General Bradley, then Army Chief of Staff; the Secretary of State tending toward the position that such an insurrection would be an "armed attack" and the General tending to reach the opposite conclusion.[15] The conclusion, then, is that the requirement of the treaty in such a highly ambiguous situation, both as to the characterization of the conflict and the response called for, is to be interpreted in light of the best interests of the United States. This would mean in many cases that the United States would not be required to send substantial numbers of combat forces.

COLLECTIVE OR BILATERAL ASSISTANCE

It has sometimes been suggested that, with respect to the multilateral agreements, the decision of a number of parties not to respond to an armed attack would excuse the other parties from responding. The Rio Treaty has detailed provisions for collective action through an Organ of Consultation. The language of the other treaties would not seem to require such a collective decision before action is required on the part of any particular signatory individually to assist in meeting the attack. Even the Rio Treaty provides for individual action pending the convening of the Organ of Consultation.

OTHER OBLIGATIONS

Each of the treaties also has provisions calling for the providing of military equipment and training to develop the defense capabilities of the treaty members, and for consultations among the respective parties in the event of threats to their security.

FOOTNOTES

[1] The Senate Committee on Foreign Relations acknowledged this point in its Report on the North Atlantic Treaty. S. Exec. Rept. 8, 81st Cong., 1st sess. p. 13 (1949). [Hereafter called the North Atlantic Treaty Report]

[2] See Hearings before Senate Committee on Foreign Relations on a Mutual Defense Treaty with Korea, 83d Cong., 2d sess., p. 8 (1954). [Hereafter called Korean Treaty Hearings]

[3] Hearings before the Senate Committee on Foreign Relations on the Southeast Asia Collective Defense Treaty, 83d Cong. 2d sess. Pt. I, pp. 21–22 (1954). See also Korean Treaty Hearings at p. 24.

[4] Under the Rio Treaty, by vote of two-thirds of the signatories, each country may be obligated to break diplomatic relations or take economic sanctions against a country supporting an insurgency, but not to use armed force without its consent.

[5] See Korean Treaty Hearings at p. 40.

[6] North Atlantic Treaty Report at p. 27.

[7] North Atlantic Treaty Hearings at p. 11. See also *id.* at pp. 28, 78–79.

[8] *Id.* at p. 29.

[9] Agreement of Cooperation between the Government of the United States of America and the Government of Pakistan, signed March 5, 1959.

[10] Pact of Mutual Co-Operation between Iraq and Turkey (Baghdad Pact), subsequently redesignated Central Treaty Organization, signed February 24, 1955, acceded to by Iran July 3, 1955, Pakistan September 23, 1955 and the United Kingdom April 5, 1955. United States participation effected by Declaration Respecting the Baghdad Pact Between the United States of America, Iran, Pakistan and Turkey, signed July 28, 1958, TIAS 4084.

[11] North Atlantic Treaty Report at p. 13.

[12] North Atlantic Treaty Hearings at p. 29.

[13] *Id.* at p. 347. See also *id.* at p. 363.

[14] North Atlantic Treaty Report at p. 13.

[15] North Atlantic Treaty Hearings at pp. 58–59, 310.

CONGRESSIONAL RESOLUTIONS

The five major Congressional resolutions in the nature of security commitments abroad read, in relevant part, as follows:

1. Formosa Resolution, H.J. Res. 159, 69 Stat. 5, approved January 29, 1955:

"*Resolved* . . . That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

2. Middle East Resolution, as Amended, H.J. Res. 117, 71 Stat. 5, approved March 9, 1957, as amended by the Foreign Assistance Act of 1961, 75 Stat. 424, approved September 4, 1961:

"[T]he United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States."

3. Cuban Resolution, S.J. Res. 230, 76 Stat. 697, approved October 3, 1962:

"*Resolved* . . . That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

4. Berlin Resolution, H.C. Res. 570, 87th Congress, passed October 10, 1962:

"*Resolved* . . .

"(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

"(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingres and egress;

"(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom."

5. Vietnam Resolution, H.J. Res. 1145, 78 Stat. 384, approved August 10, 1964:

"*Resolved* . . . That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

INCREASE SOCIAL SECURITY BENEFITS NOW

Mr. BYRD of West Virginia. Mr. President, back in April the President suggested that social security benefits ought to be increased by 7 percent effective in

February 1970. More recently we have been reading in the papers that the House may not take up social security legislation in this session.

I would take this opportunity, Mr. President, to remind the Senate that in December 1967 we voted the last increase in social security benefits. That increase took effect for February 1968 and finally got to the social security beneficiaries with their March 3, 1968, checks.

In view of the fact that the present administration suggests a 7-percent benefit increase—and I quote from the President's message—"to take account of the rise in living costs," I think we should look at what has happened to the cost of living since the last time we voted to increase social security benefits.

In April of this year the Consumer Price Index stood at 126.4. This was 106.93 percent of the December 1967 index—118.2; 106.21 percent of the February 1968 index—119; and 105.77 percent of the March 1968 index—119.5.

These figures make it very clear that the time for a social security benefit increase is now and not next February. As of this moment the cost of living is more than 7 percent higher than it was when we voted for the last benefit increase. Even if we agreed on a 7-percent benefit increase today, it could not get to the beneficiaries before September or October. And, by that time, the cost of living clearly will be more than 7 percent above the cost of living for February or March 1968.

A 7-percent rise in social security benefits at this time need not be the definitive social security legislation of the 91st Congress. Rather, it should be looked upon as an immediate stopgap to the erosion of social security benefits through inflation.

In calling for an immediate increase in social security benefits, I am aware that social security legislation is considered tax legislation and therefore must be initiated in the House of Representatives. I would, however, remind our colleagues in the House of our collective duty to the 25 million people who depend on social security benefits for all, or a major part, of their income. These people are the ones whom inflation hurts the most. We can not delay an increase in their benefits for an unnecessary moment. Our elderly citizens need more money now—not next year—just to break even with the rising cost of living. I have been assured that a 7-percent rise in social security benefits can be had without any need to increase social security revenues. Therefore, there is no reason for delay.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL COMMITMENTS

Mr. DIRKSEN. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER. The unfinished business will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Senate Resolution 85, expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate resumed the consideration of the resolution.

Mr. DIRKSEN. Mr. President, I think the reasons why Senate Resolution 85 is before the Senate are quite understandable. I think everybody realizes the frustration that is before the Senate as a result of the conflict in Asia. It has gone on now for a great many years. Not only is there frustration here, but the people in the country are frustrated as well. Add to that the fact that after the so-called Tonkin Gulf resolution was enacted, and Members of the Senate discovered how much power was really delegated for the purpose of using our Armed Forces, it only added to their dismay.

Perhaps not the least of the reasons is a certain sense of senatorial ego. We do have some pride in this body and its constitutional powers and the way it has functioned over a long period of time. It is, of course, so easy to assert the prerogatives of the Senate under circumstances like these.

Then there is perhaps the apprehension that there is a kind of legislative erosion that develops in the circumstances and that, unless it is stopped, unless the damage already done is at least partially repaired, who shall say what an imbalance may come into our governmental structure?

I think, however, the Foreign Relations Committee was on better and more realistic ground on November 20, 1967, when it reported Senate Resolution 187. That resolution is available for anyone who wants to see it. The committee did at least one thing. It defined what concerned us; namely, the use of a promise of the Armed Forces of the country. Then there were what I thought were realistic limitations with respect to repelling attack and giving protection to the property and the lives of our citizens.

All that, however, is lacking in the resolution that is presently before us.

I think there are certain agreed aspects of this matter on which there would be no quibbling and perhaps no controversy. We all agree that the resolution is not binding. It does not bind the President of the United States. It does not bind the Commander in Chief. And if so, one can well argue, if it does not bind the Commander in Chief and the President, for all practical purposes it is a nullity and it can very well be ignored if the President so desires.

The second agreed factor is that this resolution cannot impair the President's constitutional powers, those vouchsafed by the organic law, and nothing we can do by way of resolution enacted by one branch of the Congress or by any statute can impair that power, and he can use it whenever he likes. It can, therefore, be completely ignored.

But I think we can agree also, Mr. President, that the resolution can well be misinterpreted, not only at home but abroad. We may have the idea that the leaders in other countries have a very sophisticated and refined sense of what our constitutional system really is and where the limitations are; but I am not sure that that is true, and particularly when you read it without the fine print on the front of pages of newspapers all over the world. It is always possible that they may come to the conclusion that, suddenly, the Senate of the United States has placed a limitation upon the power of the President and has, in fact, hancuffed him. That would be a dangerous thing, indeed. So I shudder a little at the prospect of that kind of interpretation.

But the difficulty is that it can be misinterpreted also at home. That is already evident, as we have had three resolutions with which to deal. Two of them have been reported out of the Foreign Relations Committee, the one in November of 1967 and the current resolution that is presently before us. So evidently the committee had a change of heart, modified the language very substantially, and has come in with wholly different language and, in my judgment, language that is quite unsatisfactory.

The other agreed fact, Mr. President, is that the President of the United States is opposed to this resolution. He has said so, not privately; he has said so publicly. There was nothing else that he could say except to utter his opposition, for if he failed to do so, he would put himself in the rather unhappy position of admitting that he was ready for an impairment of his constitutional power. No President could undertake to do that. So he states very freely and frankly that he is opposed to the resolution.

What, then, can we conclude if the resolution is passed? Simply that it has been forced upon the President of the United States against his will, that it has been forced upon him against his better judgment, in view of the fact that he has publicly stated his opposition. That might very well be interpreted as something of a break between the Senate and the President. I hope it is not, and I hope those who undertake to expose this whole action and set it before the people will not say that there is a break between the U.S. Senate and the President.

Mr. President, under those circumstances, it occurred to me that there ought to be a substitute resolution; but before I say more about it, I would like to just look again at the text of Senate Resolution 85.

The so-called whereas clause recites:

> Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it
> *Resolved*—

Mr. President, in drafting a resolution of this kind, I think if I had had a hand in the draftsmanship, and had concluded that that term was obscured, I certainly would like to have dispelled that obscuration if I could, and would have recited the clarification in the resolution itself. But the resolution fails to do so, because then it continues:

That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government—

There is no definition there of a national commitment. None whatsoever. So while it begins with the observation that that term is obscured, it does not remedy or cure the obscurity.

Finally, the last clause of the resolution says that this necessary and exclusive affirmative action shall be taken by the two branches, executive and legislative, "through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

Mr. President, I have observed before that that is as wide open as a 40-acre field. It covers everything. Of course, invasion or intrusion upon the constitutional powers of the President is easy. One need only look at the history of the use of force by the President of the United States in his capacity as Commander in Chief to see how many instances there have been where, for one reason or another, it had to be used. One may go way back to 1798 and 1800, when we had a sort of a quasi-war with France. Troops had to be used. We had to defend ourselves, and the President was not about to ask the advice of Congress in the matter, in view of the danger that beset the country.

In 1801, we were at war with Tripoli over the machinations and depredations of the Tripoli pirates. There again, the forces had to be used.

In 1806, we had a problem with Mexico. Capt. Z. M. Pike, with a platoon of troops, on orders of Gen. James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande. Pike was imprisoned and later released.

That was on our home hemisphere and just across the border. Here was a case in which the President had to act quickly for the preservation of life and property.

In 1806, and for a period of 4 years thereafter, we had a problem in the Gulf of Mexico. Again, gunboats operated from New Orleans against Spanish and French privateers.

Of course, these privateer operators and pirates do not telegraph their purposes. They do not notify the President of the United States when they are going to strike. They strike, and they strike now, because the advantage that they seek is always one of surprise.

So there was the period when we had to contend with this problem in the Gulf of Mexico, and there again, armed action had to be taken without any declaration of war.

In 1810, west Florida was still Spanish territory. Governor Caliborne of Louisiana, on orders from the President, occupied with troops disrupted territories east of the Mississippi as far as the Pearl River. Actually, there was no armed clash, but the situation did require the intervention of troops under the direction of the Commander in Chief.

In 1812, President Madison and Congress authorized temporary occupation by American troops of Amelia Island and other parts of east Florida, which at the time were also Spanish territory, in order to prevent occupation by any other power. But when Gen. George Matthews took possession by naming himself the head of a revolutionary party, the United States disavowed his action because of irregularities.

In 1813, west Florida was still Spanish territory. On authority granted by Congress, General Wilkinson seized Mobile Bay with 600 soldiers. The small Spanish garrison gave in without fighting.

In 1813 and 1814, the Marquesas Islands were claimed by Spain. The U.S. forces built a fort on one of the islands to protect three captured prize ships.

Under all these circumstances, Mr. President, what was the President of the United States to do, and what would he do under a resolution like Senate Resolution 85?

Of course the resolution speaks about a commitment to a foreign power. Many of these incidents, I fancy, can be interpreted not to involve commitments. But in any event, there are some that would have to be considered as commitments.

In 1814 to 1825, in the Caribbean area, there were repeated engagements between American ships and pirates. In 1822, Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies.

That was use of our Armed Forces. It did not necessarily involve a commitment to a foreign power, but it did involve use of our Armed Forces, and who shall say how it should be interpreted?

Mr. President, I could go through this long list, which I do not propose to do; but at this point, I ask unanimous consent that the entire list, which is many pages in length, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

USE OF U.S. ARMED FORCES IN FOREIGN COUNTRIES

II. INSTANCES OF USE OF U.S. ARMED FORCES ABROAD, 1798–1945

1798–1800—Undeclared naval war with France.—This contest included land actions, such as that in the Dominican Republic, city of Puerto Plata, where marines captured a French privateer under the guns of the forts.

1801–05—Tripoli.—The First Barbary War, including the *George Washington* and *Philadelphia* affairs and the Eaton expedition, during which a few marines landed with United States Agent William Eaton to raise a force against Tripoli in an effort to free the crew of the *Philadelphia*. Tripoli declared war but not the United States.

1806—Mexico (Spanish territory).—Capt. Z. M. Pike, with a platoon of troops, invaded Spanish territory at the headwaters of the Rio Grande deliberately and on orders from Gen. James Wilkinson. He was made prisoner without resistance at a fort he constructed in present day Colorado, taken to Mexico, later released after seizure of his papers. There was a political purpose, still a mystery.

1806–10—Gulf of Mexico.—American gunboats operated from New Orleans against Spanish and French privateers, such as LaFitte, off the Mississippi Delta, chiefly under Capt. John Shaw and Master Commandant David Porter.

1810—West Florida (Spanish territory).—Gov. Claiborne of Louisiana, on orders of the President, occupied with troops territory in dispute east of Mississippi as far as the Pearl River, later the eastern boundary of Louisiana. He was authorized to seize as far east as the Perdido River. No armed clash.

1812—Amelia Island and other parts of east Florida, then under Spain..—Temporary possession was authorized by President Madison and by Congress, to prevent occupation by any other power; but possession was obtained by Gen. George Matthews in so irregular a manner that his measures were disavowed by the President.

1812–15—Great Britain.—War of 1812. Formally declared.

1813—West Florida (Spanish territory).—On authority given by Congress, General Wilkinson seized Mobile Bay in April with 600 soldiers. A small Spanish garrison gave way. Thus we advanced into disputed territory to the Perdido River, as projected in 1810. No fighting.

1813–14—Marquesas Islands.—Built a fort on island of Nukahiva to protect three prize ships which had been captured from the British.

1814—Spanish Florida.—Gen. Andrew Jackson took Pensacola and drove out the British with whom the United States was at war.

1814–25—Caribbean.—Engagements between pirates and American ships or squadrons took place repeatedly especially ashore and offshore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. Three thousand pirate attacks on merchantmen were reported between 1815 and 1823. In 1822 Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies.

1815—Algiers.—The Second Barbary War, declared by our enemies but not by the United States. Congress authorized an expedition. A large fleet under Decatur attacked Algiers and obtained indemnities.

1815—Tripoli.—After securing an agreement from Algiers, Decatur demonstrated with his squadron at Tunis and Tripoli, where he secured indemnities for offenses against us during the War of 1812.

1816—Spanish Florida.—United States forces destroyed Nicholls Fort, called also Negro Fort, because it harbored raiders into United States territory.

1816–18—Spanish Florida—First Seminole War.—The Seminole Indians, whose area was a resort for escaped slaves and border ruffians, were attacked by troops under Generals Jackson and Gaines and pursued into northern Florida. Spanish posts were attacked and occupied, British citizens executed. There was no declaration or congressional authorization but the Executive was sustained.

1817—Amelia Island (Spanish territory off Florida).—Under orders of President Monroe, United States forces landed and expelled a group of smugglers, adventurers, and freebooters.

1818—Oregon.—The U.S.S. *Ontario*, dispatched from Washington, landed at the Columbia River and in August took possession. Britain had conceded sovereignty but Russia and Spain asserted claims to the area.

1820–26—Africa.—Naval units raided the slave traffic pursuant to the 1819 act of Congress.

1822—Cuba.—United States naval forces suppressing piracy landed on the northwest coast of Cuba and burned a pirate station.

1823—Cuba.—Brief landings in pursuit of pirates occurred April 8 near Escondido; April 16 near Cayo Blanco; July 11 at Siquapa Bay; July 21 at Cape Cruz; and October 23 at Camrioca.

1824—Cuba.—In October the U.S.S. *Porpoise* landed bluejackets near Matanzas in pursuit of pirates. This was during the cruise authorized in 1822.

1824—Puerto Rico (Spanish territory).—Commodore David Porter with a landing party attacked the town of Fajardo which

had sheltered pirates and insulted American naval officers. He landed with 200 men in November and forced an apology.

1825—Cuba.—In March cooperating American and British forces landed at Sagua La Grande to capture pirates.

1827—Greece.—In October and November landing parties hunted pirates on the islands of Argenteire, Miconi, and Andross.

1831–32—Falkland Islands.—To investigate the capture of three American sealing vessels and to protect American interests.

1832—Sumatra—February 6 to 9.—To punish natives of the town of Quallah Battoo for depredations on American shipping.

1833—Argentina—October 31 to November 15.—A force was sent ashore at Buenos Aires to protect the interests of the United States and other countries during an insurrection.

1835–36—Peru—December 10, 1835 to January 24, 1836, and August 31 to December 2, 1836.—Marines protected American interests in Callao and Lima during an attempted revolution.

1836—Mexico.—General Gaines occupied Nacogdoches (Tex.), disputed territory, from July to December during the Texan war for independence, under order to cross the "imaginary boundary line" if an Indian outbreak threatened.

1838–39—Sumatra—December 24, 1838, to January 4, 1839.—To punish natives of the towns of Quallah Battoo and Muckie (Mukki) for depredations on American shipping.

1840—Fiji Islands—July.—To punish natives for attacking American exploring and surveying parties.

1841—Drummond Island, Kingsmill Group.—To avenge the murder of a seaman by the natives.

1841—Samoa—February 24.—To avenge the murder of a seaman on Upolu Island.

1842—Mexico.—Commodore T. A. C. Jones in command of a squadron long cruising off California, occupied Monterey, Calif., on October 19, believing war had come. He discovered peace, withdrew, and saluted. A similar incident occurred a week later at San Diego.

1843—Africa, November 29 to December 16.—Four United States vessels demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory coast, etc., and to punish attacks by the natives on American seamen and shipping.

1844—Mexico.—President Tyler deployed our forces to protect Texas against Mexico, pending Senate approval of a treaty of annexation. (Later rejected.) He defended his action against a Senate resolution of inquiry. This was a demonstration or preparation.

1846–48—Mexico, the Mexican War.—President Polk's occupation of disputed territory precipitated it. War was formally declared.

1849—Smyrna.—In July a naval force gained release of an American seized by Austrian officials.

1851—Turkey.—After a massacre of foreigners (including Americans) at Jaffa in January, a demonstration by our Mediterranean Squadron was ordered along the Turkish (Levant) coast. Apparently no shots fired.

1851—Johanna Island (east of Africa), August.—To exact redress for the unlawful imprisonment of the captain of an American whaling brig.

1852–53—Argentina—February 3 to 12, 1852; September 17, 1852 to April (?) 1853.—Marines were landed and maintained in Buenos Aires to protect American interests during a revolution.

1853—Nicaragua—March 11 to 13.—To protect American lives and interests during political disturbances.

1853–54—Japan.—The "opening of Japan" and the Perry Expedition.

1853–54—Ryukyu and Bonin Islands.—Commodore Perry on three visits before going to Japan and while waiting for a reply from Japan made a naval demonstration, landing marines twice, and secured a coaling concession from the ruler of Naha on Okinawa. He also demonstrated in the Bonin Islands. All to secure facilities for commerce.

1854—China—April 4 to June 15 or 17.—To protect American interests in and near Shanghai during Chinese Civil strife.

1854—Nicaragua—July 9 to 15.—San Juan del Norte (Greytown) was destroyed to avenge an insult to the American Minister to Nicaragua.

1855—China—May 19 to 21 (?).—To protect American interests in Shanghai. August 3 to 5 to fight pirates near Hong Kong.

1855—Fiji Islands—September 12 to November 4.—To seek reparations for depredations on Americans.

1855—Uruguay—November 25 to 29 or 30.—United States and European naval forces landed to protect American interests during an attempted revolution in Montevideo.

1856—Panama, Republic of New Grenada—September 19 to 22.—To protect American interests during an insurrection.

1856—China—October 22 to December 6.—To protect American interests at Canton during hostilities between the British and the Chinese; and to avenge an unprovoked assault upon an unarmed boat displaying the United States flag.

1857—Nicaragua—April to May, November to December.—To oppose William Walker's attempt to get control of the country. In May Commander C. H. Davis of the United States Navy, with some marines, received Walker's surrender and protected his men from the retaliation of native allies who had been fighting Walker. In November and December of the same year United States vessels *Saratoga, Wabash,* and *Fulton* opposed another attempt of William Walker on Nicaragua. Commodore Hiram Paulding's act of landing marines and compelling the removal of Walker to the United States, was tacitly disavowed by Secretary of State Lewis Cass, and Paulding was forced into retirement.

1858—Uruguay—January 2 to 27.—Forces from 2 United States warships landed to protect American property during a revolution in Montevideo.

1858—Fiji Islands—October 6 to 16.—To chastise the natives for the murder of two American citizens.

1858–59—Turkey.—Display of naval force along the Levant at the request of the Secretary of State after massacre of Americans at Jaffa and mistreatment elsewhere "to remind the authorities (of Turkey) * * * of the power of the United States."

1859—Paraguay.—Congress authorized a naval squadron to seek redress for an attack on a naval vessel in the Parana River during 1855. Apologies were made after a large display of force.

1859—Mexico.—Two hundred United States soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina.

1859—China—July 31 to August 2.—For the protection of American interests in Shanghai.

1860—Angola, Portuguese West Africa—March 1.—To protect American lives and property at Kissembo when the natives became troublesome.

1860—Colombia, Bay of Panama—September 27 to October 8.—To protect American interests during a revolution.

1863—Japan—July 16.—To redress an insult to the American flag—firing on an American vessel—at Shimonoseki.

1864—Japan—July 14 to August 3, approximately.—To protect the United States Minister to Japan when he visited Yedo to negotiate concerning some American claims against Japan, and to make his negotiations easier by impressing the Japanese with American power.

1864—Japan—September 4 to 14—Straits of Shimonoseki.—To compel Japan and the Prince of Nagato in particular to permit the Straits to be used by foreign shipping in accordance with treaties already signed.

1865—Panama—March 9 and 10.—To protect the lives and property of American residents during a revolution.

1866—Mexico.—To protect American residents, General Sedgwick and 100 men in November obtained surrender of Matamoras. After 3 days he was ordered by our Government to withdraw. His act was repudiated by the President.

1866—China—June 20 to July 7.—To punish an assault on the American consul at Newchwang; July 14, for consultation with authorities on shore; August 9, at Shanghai, to help extinguish a serious fire in the city.

1867—Island of Formosa—June 13.—To punish a horde of savages who were supposed to have murdered the crew of a wrecked American vessel.

1868—Japan (Osaka, Hiogo, Nagasaki, Yokohama, and Negeta)—Mainly February 4 to 8, April 4 to May 12, June 12 and 13.—To protect American interests during the civil war in Japan over the abolition of the Shogunate and the restoration of the Mikado.

1868—Uruguay—February 7 and 8, 19 to 26.—To protect foreign residents and the customhouse during an insurrection at Montevideo.

1868—Colombia—April 7—at Aspinwall.—To protect passengers and treasure in transit during the absence of local police or troops on the occasion of the death of the President of Colombia.

1870—Mexico, June 17 and 18.—To destroy the pirate ship *Forward*, which had been run aground about 40 miles up the Rio Tecapan.

1870—Hawaiian Islands—September 21.—To place the American flag at half mast upon the death of Queen Kalama, when the American consul at Honolulu would not assume responsibility for so doing.

1871—Korea—June 10 to 12.—To punish natives for depredations on Americans, particularly for murdering the crew of the General Sherman and burning the schooner, and for later firing on other American small boats taking soundings up the Salee River.

1873—Colombia (Bay of Panama)—May 7 to 22, September 23 to October 9.—To protect American interests during hostilities over possession of the government of the State of Panama.

1873—Mexico.—United States troops crossed the Mexican border repeatedly in pursuit of cattle and other thieves. There were some reciprocal pursuits by Mexican troops into our border territory. The cases were only technically invasions, if that, although Mexico protested constantly. Notable cases were at Remolina in May 1873 and at Las Cuevas in 1875. Washington orders often supported these excursions. Agreements between Mexico and the United States, the first in 1882, finally legitimized such raids. They continued intermittently, with minor disputes, until 1896.

1874—Hawaiian Islands—February 12 to 20.—To preserve order and protect American lives and interests during the inauguration of a new king.

1876—Mexico—May 18.—To police the town of Matamoros temporarily while it was without other government.

1882—Egypt—July 14 to 18.—To protect American interests during warfare between British and Egyptians and looting of the city of Alexandria by Arabs.

1885—Panama (Colon)—January 18 and 19.—To guard the valuables in transit over the Panama Railroad, and the safes and vaults of the company during revolutionary activity. In March, April, and May in the cities of Colon and Panama, to reestablish freedom of transit during revolutionary activity.

1888—Korea—June.—To protect American residents in Seoul during unsettled political conditions, when an outbreak of the populace was expected.

1888–89—Samoa—November 14, 1888, to March 20, 1889.—To protect American citi-

zens and the consulate during a native civil war.

1888—Haiti—December 20.—To persuade the Haitian Government to give up an American steamer which had been seized on the charge of breach of blockade.

1889—Hawaiian Islands—July 30 and 31.—To protect American interests at Honolulu during a revolution.

1890—Argentina.—A naval party landed to protect our consulate and legation in Buenos Aires.

1891—Haiti.—To protect American lives and property on Navassa Island when Negro laborers got out of control.

1891—Bering Sea—July 2 to October 5.—To stop seal poaching.

1891—Chile—August 28 to 30.—To protect the American consulate and the women and children who had taken refuge in it during a revolution in Valparaiso.

1893—Hawaii—January 16 to April 1.—Ostensibly to protect American lives and property; actually to promote a provisional government under Sanford B. Dole. This action was disavowed by the United States.

1894—Brazil—January.—To protect American commerce and shipping at Rio de Janeiro during a Brazilian civil war. No landing was attempted but there was a display of naval force.

1894—Nicaragua—July 6 to August 7.—To protect American interests at Bluefields following a revolution.

1894–96—Korea—July 24, 1894 to April 3, 1896.—To protect American lives and interests at Seoul during and following the Sino-Japanese War. A guard of marines was kept at the American legation most of the time until April 1896.

1894–95—China—Marines were stationed at Tientsin and penetrated to Peking for protection purposes during the Sino-Japanese War.

1894–95—China—Naval vessel beached and used as a fort at Newchwang for protection of American nationals.

1895—Colombia—March 8 to 9.—To protect American interests during an attack on the town of Bocas del Toro by a bandit chieftain.

1896—Nicaragua—May 2 to 4.—To protect American interests in Corinto during political unrest.

1898—Nicaragua—February 7 and 8.—To protect American lives and property at San Juan del Sur.

1898—Spain.—The Spanish-American War. Fully declared.

1898–99—China—November 5, 1898, to March 15, 1899.—To provide a guard for the legation at Peking and the consulate at Tientsin during contest between the Dowager Empress and her son.

1899—Nicaragua.—To protect American interests at San Juan del Norte, February 22 to March 5, and at Bluefields a few weeks later in connection with the insurrection of Gen. Juan P. Reyes.

1899—Samoa—March 13 to May 15.—To protect American interests and to take part in a bloody contention over the succession to the throne.

1899–1901—Philippine Islands.—To protect American interests following the war with Spain, and to conquer the islands by defeating the Filipinos in their war for independence.

1900—China—May 24 to September 28.—To protect foreign lives during the Boxer rising, particularly at Peking. For many years after this experience a permanent legation guard was maintained in Peking, and was strengthened at times as trouble threatened. It was still there in 1934.

1901—Colombia (State of Panama)—November 20 to December 4.—To protect American property on the Isthmus and to keep transit lines open during serious revolutionary disturbances.

1902—Colombia—April 16 to 23.—To protect American lives and property at Bocas del Toro during a civil war.

1902—Colombia (State of Panama)—September 17 to November 18.—To place armed guards on all trains crossing the Isthmus and to keep the railroad line open.

1903—Honduras—March 23 to 30 or 31.—To protect the American consulate and the steamship wharf at Puerto Cortez during a period of revolutionary activity.

1903—Dominican Republic—March 30 to April 21.—To protect American interests in the city of Santo Domingo during a revolutionary outbreak.

1903—Syria—September 7 to 12.—To protect the American consulate in Beirut when a local Moslem uprising was feared.

1903–14—Panama.—To protect American interests and lives during and following the revolution for independence from Colombia over construction of the Isthmian Canal. With brief intermissions, United States Marines were stationed on the Isthmus from November 4, 1903, to January 21, 1914, to guard American interests.

1904—Dominican Republic—January 2 to February 11.—To protect American interests in Puerto Plata and Sosua and Santo Domingo City during revolutionary fighting.

1904–5—Korea—January 5, 1904, to November 11, 1905.—To guard the American Legation in Seoul.

1904—Tangier, Morocco.—"We want either Perdicaris alive or Raisuli dead." Demonstration by a squadron to force release of a kidnapped American. Marine guard landed to protect consul general.

1904—Panama—November 17 to 24.—To protect American lives and property at Ancon at the time of a threatened insurrection.

1904–05—Korea.—Marine guard sent to Seoul for protection during Russo-Japanese War.

1906–09—Cuba—September 1906 to January 23, 1909.—Intervention to restore order, protect foreigners, and establish a stable government after serious revolutionary activity.

1907—Honduras—March 18 to June 8.—To protect American interests during a war between Honduras and Nicaragua; troops were stationed for a few days or weeks in Trujillo, Ceiba, Puerto Cortez, San Pedro, Laguna, and Choloma.

1910—Nicaragua—February 22.—During a civil war, to get information of conditions at Corinto; May 19, to September 4, to protect American interests at Bluefields.

1911—Honduras—January 26 and some weeks thereafter.—To protect American lives and interests during a civil war in Honduras.

1911—China.—Approaching stages of the nationalist revolution. An ensign and 10 men in October tried to enter Wuchang to rescue missionaries but retired on being warned away.

A small landing force guarded American private property and consulate at Hankow in October.

A marine guard was established in November over the cable stations at Shanghai.

Landing forces were sent for protection to Nanking, Chinkiang, Taku and elsewhere.

1912—Honduras.—Small force landed to prevent seizure by the Government of an American-owned railroad at Puerto Cortez. Forces withdrawn after the United States disapproved the action.

1912—Panama.—Troops, on request of both political parties, supervised elections outside the Canal Zone.

1912—Cuba—June 5 to August 5.—To protect American interests in the Province of Oriente, and Habana.

1912—China—August 24 to 26, on Kentucky Island, and August 26 to 30 at Camp Nicholson.—To protect Americans and American interests during revolutionary activity.

1912—Turkey—November 18 to December 3.—To guard the American legation at Constantinople during a Balkan War.

1912–25—Nicaragua—August to November 1912.—To protect American interests during an attempted revolution. A small force serving as a legation guard and as a promoter of peace and governmental stability, remained until August 5, 1925.

1912–41—China.—The disorders which began with the Kuomintang rebellion in 1912, which were redirected by the invasion of China by Japan and finally ended by war between Japan and the United States in 1941, led to demonstrations and landing parties for protection in China continuously and at many points from 1912 on to 1941. The guard at Peking and along the route to the sea was maintained until 1941. In 1927, the United States had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901.

1913—Mexico—September 5 to 7.—A few marines landed at Ciaris Estero to aid in evacuating American citizens and others from the Yaqui Valley, made dangerous for foreigners by civil strife.

1914—Haiti—January 29 to February 9, February 20 to 21, October 19.—To protect American nationals in a time of dangerous unrest.

1914—Dominican Republic—June and July.—During a revolutionary movement, United States naval forces by gunfire stopped the bombardment of Puerto Plata, and by threat of force maintained Santo Domingo City as a neutral zone.

1914–17—Mexico.—The undeclared Mexican-American hostilities following the Dolphin affair and Villa's raids included capture of Vera Cruz and later Pershing's expedition into northern Mexico.

1915–34—Haiti—July 28, 1915, to August 15, 1934.—To maintain order during a period of chronic and threatened insurrection.

1916–24—Dominican Republic—May 1916 to September 1924.—To maintain order during a period of chronic and threatened insurrection.

1917–18—World War I. Fully declared.

1917–33—Cuba.—To protect American interests during an insurrection and subsequent unsettled conditions. Most of the United States armed forces left Cuba by August 1919, but two companies remained at Camaguey until February 1922.

1918–19—Mexico.—After withdrawal of the Pershing expedition, our troops entered Mexico in pursuit of bandits at least three times in 1918 and six in 1919. In August 1918 American and Mexican troops fought at Nogales.

1918–20—Panama.—For police duty according to treaty stipulations, at Chiriqui, during election disturbances and subsequent unrest.

1918–20—Soviet Russia.—Marines were landed at and near Vladivostok in June and July to protect the American consulate and other points in the fighting between the Bolsheviki troops and the Czech Army which had traversed Siberia from the western front. A joint proclamation of emergency government and neutrality was issued by the American, Japanese, British, French, and Czech commanders in July and our party remained until late August.

In August the project expanded. Then 7,000 men were landed in Vladivostok and remained until January 1920, as part of an allied occupational force.

In September 1918, 5,000 American troops joined the allied intervention force at Archangel, suffered 500 casualties and remained until June 1919.

A handful of marines took part earlier in a British landing on the Murman coast (near Norway) but only incidentally.

All these operations were to offset effects of the Bolsheviki revolution in Russia and were partly supported by Czarist or Kerensky elements. No war was declared. Bolsheviki elements participated at times with us but Soviet Russia still claims damages.

1919—Honduras—September 8 to 12.—A landing force was sent ashore to maintain order in a neutral zone during an attempted revolution.

1920–22—Russia (Siberia) February 16, 1920, to November 19, 1922.—A marine guard to protect the United States radio station and property on Russian Island, Bay of Vladivostok.

1920—China—March 14.—A landing force was sent ashore for a few hours to protect lives during a disturbance at Kiukiang.

1920—Guatemala—April 9 to 27.—To protect the American Legation and other American interests, such as the cable station, during a period of fighting between Unionists and the Government of Guatemala.

1921 — Panama-Costa Rica. — American naval squadrons demonstrated in April on both sides of the Isthmus to prevent war between the two countries over a boundary dispute.

1922—Turkey—September and October.—A landing force was sent ashore with consent of both Greek and Turkish authorities to protect American lives and property when the Turkish Nationalists entered Smyrna.

1924—Honduras—February 28 to March 31, September 10 to 15.—To protect American lives and interests during election hostilities.

1924—China—September.—Marines were landed to protect Americans and other foreigners in Shanghai during Chinese factional hostilities.

1925—China—January 15 to August 29.—Fighting of Chinese factions accompanied by riots and demonstrations in Shanghai necessitated landing American forces to protect lives and property in the International Settlement.

1925—Honduras—April 19 to 21.—To protect foreigners at La Ceiba during a political upheaval.

1925—Panama—October 12 to 23.—Strikes and rent riots led to the landing of about 600 American troops to keep order and protect American interests.

1926–33—Nicaragua—May 7 to June 5, 1926; August 27, 1926, to January 3, 1933.—The coup d'etat of General Chamorro aroused revolutionary activities leading to the landing of American marines to protect the interests of the United States. United States forces came and went, but seem not to have left the country entirely until January 3, 1933. Their work included activity against the outlaw leader Sandino in 1928.

1926—China—August and September.—The Nationalist attack on Hankow necessitated the landing of American naval forces to protect American citizens. A small guard was maintained at the consulate general even after September 16, when the rest of the forces were withdrawn. Likewise, when Nationalist forces captured Kiukiang, naval forces were landed for the protection of foreigners November 4 to 6.

1927—China—February.—Fighting at Shanghai caused American naval forces and marines to be increased there. In March a naval guard was stationed at the American consulate at Nanking after Nationalist forces captured the city. American and British destroyers later used shell fire to protect Americans and other foreigners. "Following this incident additional forces of marines and naval vessels were ordered to China and stationed in the vicinity of Shanghai and Tientsin."

1933—Cuba.—During a revolution against President Gerardo Machado naval forces demonstrated but no landing was made.

1940—Newfoundland, Bermuda, St. Lucia, Bahamas, Jamaica, Antigua, Trinidad, and British Guiana.—Troops were sent to guard air and naval bases obtained by negotiation with Great Britain. These were sometimes called lend-lease bases.

1941—Greenland.—Taken under protection of the United States in April.

1941—Netherlands (Dutch Guiana).—In November the President ordered American troops to occupy Dutch Guiana but by agreement with the Netherlands government in exile. Brazil cooperated to protect aluminum ore supply from the bauxite mines in Surinam.

1941—Iceland.—Taken under the protection of the United States, with consent of its Government, for strategic reasons.

1941—Germany.—Sometime in the spring the President ordered the Navy to patrol ship lanes to Europe. By July our warships were convoying and by September were attacking German submarines. There was no authorization of Congress or declaration of war. In November the Neutrality Act was partly repealed to protect military aid to Britain, Russia, etc.

1941–45—Germany, Italy, Japan, etc.—World War II. Fully declared.

1942—Labrador.—Army-Navy air bases established.

SINCE 1945

1950—Korean action.
1957—Lebanon.
1962—Cuba.
1964—Vietnam.

Mr. DIRKSEN. If I wanted to bring this up to date, I could, of course, go down to these later incidents, such as, first of all, the recognition of the Soviet Union. That occurred in November of 1933. That was very definitely and unequivocally a commitment by the United States, through the President. He committed us to recognition of the Soviet Union after a long period when we did not recognize that country, and simply had had no dealings with her.

Pursuant to that commitment, there are certain things that we undertook and other things that the Soviet Union undertook. If anyone is curious, he can send to the Library of Congress and get the exchange of five different memorandums between President Franklin Delano Roosevelt and Maxim Litvinov who came here as a special representative of the Soviet Union.

There was no consultation with Congress. There was no consultation with the House of Representatives or with the Senate. However, that commitment was made.

The pending resolution speaks of a national commitment by the United States to a foreign power. It does not say what kind of commitment. So, one, perforce, is forced to the conclusion that it covers the whole field, whether military forces are employed or not.

We might consider still another item. That involves what happened as far as Lebanon was concerned, because in that case I remember quite well when the President of Lebanon requested of this Government that we send forces there because the country was in serious difficulty.

I recall also that President Eisenhower summoned the leadership of Congress to the White House. I remember very well that Alan Dulles, the head of the CIA, was there to give us the benefit of what his agency had developed by way of information that did not readily meet the naked eye.

I recall that Secretary John Foster Dulles was there to make a very brief observation on the situation that obtained. I remember then the remarks of the President of the United States and his determination that he was going to ascertain from everyone in that room at the White House what his views were with respect to committing 5,000 marines to Lebanon. That commitment was made. However, the leadership, while it could be regarded as representative of the Senate and of the House of Representatives, was still not the Senate. And it was not the House of Representatives. Yet it was done.

When we come to the case of Santo Domingo where lives and property were in jeopardy, there was no time to be lost. Troops had to be committed and sent there so as to dispel that danger and save lives and property.

I presume it can be said that the same thing happened when we dispatched planes to the Congo. There were limitations, of course, about how far they could proceed and where they could go. Yet, notwithstanding that fact, it was a commitment to what was then a kind of de facto government in the Congo. So, that would fall within the interdiction of a commitment as recited by Senate Resolution 85.

It has occurred to me, therefore, that the text of the pending resolution should be modified somewhat. I have found that Senate Resolution 187, which was passed by the Senate Committee on Foreign Relations in November of 1967, has been quite helpful in that respect.

A substitute will therefore be offered for the pending resolution, and that substitute does a variety of things.

First, it does recognize joint responsibility between the Senate and the President in the field of foreign policy. I think that is simply recognizing a fact. And I am willing publicly to so state.

Second, it does define what a national commitment really is.

Third, it limits that commitment of armed forces where hostilities are involved.

Fourth, it would apply to the future and not to any situation in which the United States is involved at the present time. To do so would only complicate the picture and obviously could do no good, because that situation could not be remedied or undone by anything that was retrospective in character.

It also includes the threat to national security. By that I mean that if there is a threat to our national security, the pending resolution or any other resolution or the sense of such a resolution would not apply if, for instance, a hostile power landed troops on Panama and got ready for some vicious action, no one would expect the Commander in Chief to wait until he was able to deal with the problem. He would want it done right away. And if, perforce, he had to come to the Senate and have it discussed,

how much time might elapse before expedient action can be had? So that is excluded.

Another exclusion is to repel an attack. I am pretty sure that no one now believes the hands of the Commander in Chief ought to be so tied that if there were an attack, either direct or constructive, he should not be able to act as quickly as he could get a message to the leaders of our Armed Forces. So that is taken out of the resolution.

Finally, it also extends to the protection of the United States citizens and their property. That was the case in Santo Domingo. There, of course, I believe the Commander in Chief was such on essentially good ground.

Those are clarifications that will appear in a modification that I am quite sure will be introduced in the Senate tomorrow. I earnestly hope that it will commend itself to the thinking and to the good judgment of the Senate.

I have discussed the matter with the majority leader, and I think I should supply him with a copy of the substitute at the present time with the understanding that it should not be disclosed for the moment because it will be introduced by members of the Foreign Relations Committee and not by the minority leader.

I think that is the appropriate thing to do. Senate Resolution 85 is being considered because of action by the committee. I think that committee members who are not too happy about the language of that text are the ones who should contrive to present new language for the consideration of the Senate. I think that will be done.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, first let me express my deep and personal appreciation to the distinguished minority leader for letting me have the opportunity to preview, so to speak, the substitute which will be offered to Senate Resolution 85 tomorrow.

I assure the distinguished minority leader that this will be gone over very carefully and thoroughly and with an open mind.

I am pleased to note that the overall proposal pending before the Senate in effect has widespread approval on both sides of the aisle.

It is apparent, of course, that what the Senate is doing is facing up to a Senate responsibility. And if we cannot face up to it, no one else will.

It should be stated that we are not trying to deprive the President of any of his constitutional power, responsibility, or authority. In effect, what we are trying to do is to strengthen his hand so as to bring about a degree of understanding, accommodation, and cooperation which, in the opinion of many Senators, will be most beneficial to the welfare of the Republic.

The question of joint responsibility has been emphasized by the minority leader. That is one of the bases of the pending resolution. He also stated that what we are considering applies to the future, not to the past. That is true. Now is not the time to cry over spilt milk or spilt blood, although references could be made to the Dominican Republic, the Spanish bases question, and the Congo.

I think I should say, in all candor, that the genesis of the pending resolution lay in the action of the previous administration in dispatching three cargo transport planes to the Congo without any consultation whatsoever with Congress as a whole or with the Senate, and that as a result of that move, made independently and without our knowledge, a number of us, including the distinguished senior Senator from Georgia (Mr. RUSSELL), the President pro tempore of this body; the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas (Mr. FULBRIGHT); the senior Senator from Montana, now speaking; and other Senators, engaged in a colloquy. As a result, what might have been a followup to those three planes did not take place, and it was not too long before those transports, having accomplished their mission, were returned to the United States. That was the genesis of the pending resolution.

It is now time for us to face up to the responsibilities that the modern day and age placed upon all of us. The purpose of the resolution is not to tie the hands of the President; the purpose of the resolution is not to indicate a return to isolationism, neo or otherwise; nor to indicate that we are withdrawing into a shell, foregoing our responsibilities or advocating unilateralism. The purpose of the resolution is to assert, after five decades of erosion, the constitutional responsibility of the Senate in the conduct of the foreign policy of the Nation.

Perhaps I should point out to the Senate that at present the United States has on the order of 2,700 bases overseas. Four hundred and twenty-nine of them are considered major, and 2,297 are considered lesser. These bases cover 4,000 square miles of territory in 30 countries. They contain 1,750,000 servicemen, their dependent families, and foreign employees. The bases cost this Government $4.8 billion a year to maintain.

Furthermore, the United States is committed, through treaties and mutual assistance pacts, to come to the defense of 48 nations. To enable it to carry out this global role, the United States maintains 1,500,000 Americans in uniform overseas. The responsibilities which this country has undertaken since the end of World War II have become worldwide. But the Nation has neither the wealth nor the population to support such a global policy; nor is it capable of filling any void that might occur when other nations withdraw from particular areas. We are stretched very wide; we are stretched very thin. What might have been good a decade or two ago is not necessarily good today.

To sum up, in brief, the purpose of the resolution is not to curtail the power of the President in any degree. The resolution is directed against no President in particular. It is an attempt to accommodate the institution of the Senate and the institution of the Presidency and to combine the responsibilities which both, under the Constitution, have in the field of foreign affairs.

I again assure the minority leader that what he intends to offer in the nature of a substitute will be given the most serious consideration. I am happy to note that there is almost unanimous approval on the part of the Senate, on both sides of the aisle, of the importance of a resolution of this kind and of the need for the adoption of a resolution having this intent. It is long overdue. The fault over the past five decades does not lie in the Presidency. The fault for the erosion of the powers of the Senate lies in this body itself. Only this body can correct that situation; and this body will, I am sure, do so in a way which will not be inimical to the interests, the authority, or the responsibility of the President, but in a way which I sincerely think will be of mutual benefit to both institutions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. WILLIAM H. BATES, late a Representative from the State of Massachusetts, and transmitted the resolution of the House thereon.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, this is probably the right time to ask the distinguished majority leader about the program for the remainder of today and for tomorrow.

I may say, incidentally, that I have been unable actually to provide any speakers for today. I understand that the Senate will have an abundance of speakers tomorrow, and that other matters may also be considered tomorrow.

Mr. MANSFIELD. Yes.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. President, with the approval of the distinguished minority leader, I should like to make a unanimous-consent request on the part of the joint leadership that we consider having the Senate convene at 11 o'clock tomorrow morning.

Mr. DIRKSEN. That is agreeable.

Mr. MANSFIELD. I make that request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MANSFIELD. The reason for this request is that it is the intention of the leadership to take up tomorrow the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board.

It is also the intention of the leadership to take up the food stamp bill, which has been reported from the Committee on Agriculture and Forestry.

Both parties will have their policy meetings tomorrow. That will afford an opportunity for Senators who wish to speak on this or other subjects to do so.

It would be our hope that we could finish action on the pending resolution, if not tomorrow, certainly on Wednesday or Thursday at the latest.

It is also anticipated that sometime later in the week, after tomorrow, the Senate may convene an hour earlier, with the agreement of the minority leader,

so that certain Senators who have expressed a desire to do so may speak on the subject of the retirement of the Chief Justice of the United States.

It is also hoped that before we adjourn for the Fourth of July holiday—which, incidentally, includes only 1 workday—it will be possible to lay before the Senate the Department of Defense authorization bill, so that it may be the pending business when the Senate reconvenes on Monday, July 7.

That is about all I can say at this time.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

SENATE RESOLTION 85 AND CANADIAN OIL AGREEMENT

Mr. PROXMIRE. Mr. President, although some of the impetus for this resolution has come from the Vietnam situation, we ought not to overlook other committments entered into by the executive branch of our Government in apparent violation of both the law and the publicly stated policy of the President.

I am referring specifically to the secret agreement entitled "An Understanding Between the United States and Canada Regarding Overland Oil Imports From Canada to the United States" dated September 25, 1967. It, in effect, limits the amount of Canadian oil that can enter the United States in order to protect the markets of the U.S. oil producers.

This secret agreement was signed in apparent disregard for the published Presidential proclamation governing the mandatory oil import program and the legislation authorizing the President to limit imports in the name of national security.

The legislation authorizing the President to establish programs such as the mandatory oil import program is quite explicit—the only basis for such restrictions is national security.

Canadian oil is officially recognized as secure in the Presidential proclamation governing the mandatory oil import program because it exempts Canadian oil from import restrictions. No one disputes the fact that Canadian oil is secure.

However, this official, published proclamation did not deter the State Department which negotiated and signed this secret agreement with Canada in direct contradiction to the official, stated policy.

The Trade Agreements Act of 1954 which gave the President the power to restrict imports in the name of national security establishes certain conditions to be found and procedures to be followed before imports can be restricted. None of these conditions or procedures were observed in the signing of this secret agreement.

The President before restricting Canadian oil imports has to make a finding that Canadian oil imports were entering the United States in such volumes or under such circumstances that they threaten to impair the national security. No such determination was made. As a matter of fact, the President recognized that Canadian oil was a secure source in the published proclamation.

Because the power to limit imports is so important, Congress established some strict procedures which the President must follow before limiting imports in order to prevent abuses of that power. These procedures were not followed in signing the secret agreement. Congress did not intend to allow the carefully defined conditions for imposition of import limitations to be circumvented by secret agreements!

Finally, the secret agreement itself makes no attempt to relate its restrictive provisions to the national security interests of the United States—the only grounds for imposing limitations. I think it is quite clear from the language of the document that the only purpose of the secret agreement was to protect the American producing industry against the competition of Canadian oil, whether or not such competition would adversely affect national security. For example, the Canadian Government will request consultation regarding stipulated export levels, "only when it is satisfied that the United States customers of Canadian feedstocks have exercised every effort to secure reasonably available United States domestic supplies of feedstock and that established United States customers are not unduly expanding their market area or their share of the established market."

Such protectionist provisions are apparently controlling, regardless of their effect on the total national security interest. No attention is given to the strategic importance of vigorous and expanding oil refining and related chemical operations suitably dispersed, to the need to develop internal continental production and transport facilities, nor to the necessity for providing adequate fuel supplies for defense industries.

It would be difficult to imagine a more direct conflict with the admonition of the Ways and Means Committee in its report on the Trade Expansion Act:

> The interest to be safeguarded is the security of the Nation, not the output or profitability of any plant or industry except as these may be essential to the national security.

When this secret agreement came to light, I could not believe it. I asked the State Department which signed it and the Interior Department which administers the mandatory oil import program for an explanation.

I received a letter from the State Department indicating the reason for the secret agreement was "equity." While "equity" is a grand and noble concept, our Constitution has delegated the primary authority for defining "equity" to Congress. Congress has acted in this instance and passed a law. The State Department, thus, must operate within the bounds of "equity" as defined by Congress, not their own vague concepts of what "equity" should be.

The law in this case as well as the official implementation of that law is quite clear. The only legal basis for limiting imports is national security. And, even the State Department response indicated that Canadian oil was a secure source of supply.

As a matter of fact, this secret agreement actually impairs our national security. During the 6-day war in 1967, the last interruption in world oil supplies, Canada had over a million barrels a day in excess capacity which could not reach the market because there was not enough pipeline capacity to transport it. And, unless Canadian oil has access to U.S. markets there is no incentive to build the necessary pipelines. We all know that oil delivered by pipeline is far more secure than oil which must come from our domestic offshore wells. Why then should we discriminate against Canadian oil which comes into this country by overland pipeline? If national security is really the underlying theme of the mandatory oil import program, the development of such oil should be encouraged.

Moreover, in a period when the domestic price for crude oil is increasing at a rapid pace, the secret agreement denies U.S. refiners the advantage of the lower, relatively stable prices for Canadian imports. This is having an adverse effect on consumers in the Midwest where Canadian oil could be economically transported. Further, the secret agreement has the effect of bestowing a totally unwarranted competitive advantage on certain favored companies which are now obtaining Canadian oil in the Midwest. Thirteen refiners, including giants of the industry, have a monopoly on the importation of Canadian crude oil east of the Rockies. This monopoly is guaranteed by the secret agreement, which provides that Canadian oil is not to be sold to any new customers until the needs of existing customers have been satisfied. There plainly is no conceivable national security justification for fostering a permanent monopoly in the importation of inexpensive Canadian oil for 13 favored companies.

Furthermore, the secret agreement contains an embargo on shipments of Canadian oil to Chicago area refineries. This has resulted in a severe discrimination against a number of small refiners which, even under normal conditions, are at a competitive disadvantage vis-a-vis the major, integrated oil companies with all their tax advantages. For example, one small refiner in the Chicago area suffered additional costs of more than $250,000 in the first 3 months of 1969 alone because it was unable to obtain a reasonable amount of Canadian oil. This damage would be greater today because the major oil companies, in order to get a larger depletion allowance, have raised their domestic oil prices, thus, increasing the cost differential between Canadian and domestic oil. The delivered cost of domestic crude oil to the Chicago area is now more than 50 cents a barrel more expensive than the comparable cost of Canadian oil. Obviously, this creates a disastrous competitive situation for a small company, when even small refineries use many thousands of barrels of oil a day. Smaller refiners unable to obtain Canadian oil will increasingly be squeezed in competing with the major oil companies favored by special privileges under the secret agreement and the tax shelters open only to the large integrated oil compa-

nies. No national security justification, if any did in fact exist, could warrant perpetuation of these inequities.

How then could the State Department negotiate and sign such a secret agreement? I have asked that question of both the State and Interior Departments but still do not have a satisfactory answer. However, Mr. President, I think that you can only appreciate the full irony of the situation when you have seen the correspondence and the secret agreement. Thus, I ask unanimous consent to have them printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Without objection, it is so ordered.

The material, ordered to be printed in the RECORD, is as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 1, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: In your letter to Secretary Rogers of April 16, you asked for information concerning the 1967 United States-Canadian Oil Agreement.

This Agreement is closely related to the Mandatory Oil Import Program (MOIP) instituted in 1959 under the national security provision of the Trade Agreements Extension Act of 1958. The purpose of the program is to ensure a viable domestic petroleum industry and thus to avoid overdependence on oil imports which might be cut off in an emergency. Since the national security considerations are not entirely the same in the case of overland imports, it was decided to exempt Canada from the import restrictions.

Because of this exemption there was a rapid growth in Canadian oil exports to the United States. By 1967 it had become clear that if this growth continued, Canadian oil would soon absorb the entire increment of growth available to foreign suppliers under the MOIP. Venezuela—a traditional, secure supplier of oil with a friendly, democratic government—would have been particularly hard hit by this development. In the interest of equity, therefore, we worked out the Canadian agreement which called for a voluntary limitation of exports.

Although the provisions of the Agreement were generally known, its exact text remained privileged at the request of the Canadian Government until late last February. At that time Canada agreed to release the text of the Agreement for use in connection with the legal proceedings relating to Canadian oil.

As you know, the Administration has initiated a broad review of the oil import problem. The task force will consider the question of Canadian imports along with all other aspects of our import policy. So as not to prejudice the results of this review, we have told the Canadians we wish to keep the voluntary agreement in force for the time being.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

U.S. SENATE,
Washington, D.C., May 23, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On April 16, 1969 I requested an explanation for the secret agreement which we signed with Canada limiting the importation of Canadian oil. I gather from the Department's response that the reason for signing this secret agreement was that if the importation of Canadian oil were not limited then Venezuelan oil, another secure source of supply, would have been shut out of the United States market.

The answer raises three questions in my mind: First, if both Venezuelan and Canadian oil are secure sources of supply, why do we limit their importation? The only basis for limiting the importation of oil is to protect our national security. Yet, it seems to me, if we limit the importation of oil from secure sources, we impair our national security because in time of national emergency we would not be able to tap their excess capacity which would otherwise be available to us. There would be no means to transport the increased production to the United States.

Secondly, I would like to know what was the legal basis for signing this secret agreement with Canada. The only legislative basis for limiting oil imports is "national security", not "equity". You have indicated to me that Canadian oil is a secure source and this was officially recognized by granting an exception to Canadian oil from the restrictions of the Mandatory Oil Import Program. Yet, the only basis for signing this secret agreement you indicated to me in your letter was "equity".

Finally, I ask in my original letter why the secret agreement discriminates against the Chicago oil market. I still have not received an explanation.

Sincerely,

WILLIAM PROXMIRE.

DEPARTMENT OF STATE,
Washington, D.C., June 17, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: The Secretary has asked me to reply to your letter dated May 23 which posed questions about the agreement between the United States and Canada on oil imports.

The basic rationale behind the Mandatory Oil Imports Program was national security, as you have noted. The MOIP has tried and has been largely successful in maintaining a domestic industry capable of meeting our fuel needs in time of emergency. The primary means for achieving this end has been a limitation on imports of oil to 12.2 percent of domestic crude oil production.

Imports from Canada were initially exempt from the controls and they were not included in this limitation. When the program began, these imports were not important, only 56,000 barrels per day in 1959 into Districts I–IV, but they grew rapidly, displacing American production. In 1963 after Canadian exports to the United States had reached 115,000 barrels per day, the Oil Imports Administration began to count Canadian oil in the controlled imports without, however, placing restrictions on imports from Canada. The immediate result was that Canadian oil displaced imports from overseas rather than domestic oil. Canadian exports continued to grow rapidly and by 1967 had reached 253,000 barrels per day. By that time they were increasing at a rate greater than the total growth in imports. Other off-shore suppliers, notably Venezuela, faced an absolute decline in their exports to the United States.

It was in this context that an agreement was reached with Canada in 1967 to limit Canadian exports to the United States. Canada's exports were still unlicensed and Canada's special position as an overland supplier was still recognized; Canada was permitted to increase its exports to the United States by 26,000 barrels per day in 1968 and in each subsequent year through 1971. This was about two-thirds of the growth in our imports; the other third remained for Venezuela and all other exporters combined.

As long as Canadian oil is considered within the quota imports and Canadian crude oil prices are somewhat lower than domestic oil, unrestricted access of Canadian oil to our markets would mean a displacement of the relatively low-cost Venezuelan and Eastern hemisphere oils. While this would benefit those importers along the Canadian border who use Canadian oil, it would have an adverse effect on the large number of other importers who do not have physical access to Canadian oil and who would have their allocations for imports from overseas reduced. There would also be serious disruptions in the economy of Venezuela, our largest supplier of petroleum.

With respect to the legal basis for the 1967 agreement with Canada, section 2 of the Act of July 1, 1954, as amended (72 Stat. 678), and section 232 of the Trade Expansion Act of 1962 (76 Stat. 877) authorize import limitations in certain circumstances. Pursuant to these sections, findings and determinations have been made that adjustments in the imports of petroleum were neecssary so that such imports would not threaten to impair the national security, and Proclamation 3279 (24 F.R. 1781) was issued and from time to time amended. The agreement with Canada was concluded in implementation of this legislation and Proclamation.

In additon the President has constitutional authority in the conduct of foreign relations to regulate physical connections, such as pipelines, between the United States and a foreign country, and also to conclude executive agreements in harmony with United States domestic law.

Your letter of May 23 also asks the reasons behind the specific provision in the United States-Canadian agreement stating that no sales would be made in the Chicago area prior to 1970. There were several reasons for this. First of all, the original Canadian request for increasing the capacity of the Interprovincial Pipeline by construction of a "loop" through Chicago to Ontario, where the original line re-entered Canada, was for the purpose of transporting more oil to the Ontario area, not for delivery to the United States. Secondly, an important addition to our domestic pipeline system, Capline, was then under construction, and it was expected that Capline would be able to supply the Chicago area's growing needs during its initial period of operation. This has in fact proved true. The third reason was that we anticipated a tight supply situation for traditional Canadian customers, whose demands would be rising at the same time there would be a cut-back in the rate of Canadian export growth. We considered this situation would be difficult enough as it was without added pressures from new Chicago customers.

I have explained in some detail how the present system evolved and what situations existed when the notes were exchanged with Canada. As I indicated in my previous letter, the Administration is reviewing the entire oil import program. The oil import review task force will consider the question of imports of Canadian oil along with all other aspects of our import policy. It is therefore possible that changes will be made in our import program which will affect Canada, but in the meantime we expect Canada to abide by the 1967 understanding.

I hope the foregoing amplifies my earlier letter to you. If I can be of any further assistance, please do not hesitate to let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of April 16 concerning overland exempt oil imports from Canada. We regret our delay in replying.

We are enclosing a copy of a memorandum of the agreement to which your letter refers. You will note the agreement provides for an orderly increase in Canadian exports into Districts I–IV commensurate with the anticipated growth of the domestic market.

The Interprovincial Pipeline was proposed as a complete loop via the Chicago area from Superior, Wisconsin to Ontario, Canada, and it was upon this basis that the Presidential Permit for a border crossing was approved. The restriction on deliveries into the Chicago area until 1970 was to assure that oil delivered from this pipeline would not cause a severe short term disruption of supply patterns during the construction stage.

The present oil import program has given Canadian oil imports special recognition with regard to national security. Canadian oil has, accordingly, received preferential treatment as compared to overseas imports and, as a result, Canadian imports have grown by over 500 percent since the start of the oil program. In fact, Canadian imports into Districts I through IV have been growing each year more than the total growth of imports in the United States under the 12.2 formula. Thus, imports from other Western Hemisphere countries have not experienced a corresponding growth.

The following tabulation indicates the recent trend in exports of Canadian oil to the United States:

CANADIAN OVERLAND OIL IMPORTS

[Thousand barrels daily]

Year	Districts I–IV		District V		Total actual
	Estimated	Actual	Estimated	Actual	
1965 (1st ½)	155	165	141	151	316
1965 (2d ½)	169	181	155	150	331
1966	180	212	155	172	384
1967	225	253	144	196	449
1968	280	328	135	176	504
1969:					
January	306	370	181	193	563
February	306	400	181	214	614

At the present time refineries directly connected to crude pipelines from Canada have a total capacity of over one and a half million barrels per day. Canadian imports could easily increase another half a million barrels a day or more over present levels and, thereby, almost eliminate present imports of crude oil from other countries to the East Coast. This in turn would create economic problems in countries which have been supplying oil to the United States and interrupt past trading relationships. It would also create inequities with regard to refineries in the United States since present import quotas would be greatly reduced or eliminated. This points up that under the present import program, overseas imports into the East Coast are distributed to all refineries in the country East of the Rockies (Districts I–IV), whereas the economic advantage of Canadian imports into the Northern area of the United States accrues directly to the refinery importing them. This, in turn, gives such refineries an incentive to increase imports of Canadian oil even though this reduces overseas imports into the East Coast.

It is our view that the growth rate of Canadian imports must be related to the domestic demand growth and the requirement for U.S. markets of other friendly oil exporting nations in order to maintain stable relationships with all exporting nations and to prevent refiners in one geographical area receiving inequitable benefits at the expense of other refiners throughout the nation. For these reasons we will urge compliance with the agreement within the framework of the present oil import program, which, as you know, currently is under review by an executive office task force.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

TEXT OF AN UNDERSTANDING BETWEEN THE UNITED STATES AND CANADA REGARDING OVERLAND OIL IMPORTS FROM CANADA TO THE UNITED STATES, SEPTEMBER 25, 1967

The Canadian Ambassador presents his compliments to the Secretary of State and has the honor to refer to recent discussions between Canadian and United States officials and recent talks between the Honorable Jean-Luc Pepin, Minister of Energy, Mines, and Resources, the Honorable Stewart Udall, Secretary of the Interior, and Anthony M. Solomon, Assistant Secretary of State for Economic Affairs, regarding Canadian levels of oil exports and the proposed looping of the Interprovincial Pipeline via Chicago.

The Ambassador has been authorized to inform the United States Government that the Canadian Government endorses the following arrangements:

(1) It will ensure, short of imposing formal export controls, that exports of refinery feedstocks, as currently defined by the National Energy Board of Canada as including crude oil, condensate and butanes, to districts I–IV do not exceed 280,000 b/d in 1968.

(2) It will on a similar basis ensure that the growth rates of exports of refinery feedstocks to District I–IV during the period 1969 through 1971 will not exceed 26,000 b/d per annum.

(3) It assures the United States Government that—

(a) The proposed Interprovincial Pipe Line Company's pipeline via Chicago will be a complete loop from Superior, Wisconsin to Ontario as outlined to United States officials

(b) The economic viability of the loop in the initial period is not dependent upon new customer outlets, and

(c) No sales will be made in the Chicago area prior to 1970.

(4) It assures the United States Government that it has been and continues to be the Government of Canada's policy to avoid disruption of United States markets and that it will exert every effort to ensure that Canadian exports of crude oil do not displace local production of crude oil in those states served by Canadian exports.

(5) It assures the United States Government that the growth needs of existing customers will be satisfied before additional petroleum volumes available from either growth in Canadian exports or from shutdowns of United States refineries now using Canadian crude, are directed toward development of new markets.

(6) It is understood and agreed that the above arrangements are contingent upon the issuance of a Presidential Permit for a border crossing associated with the construction of a loop line through Chicago and are subject to the following conditions and understandings:

(a) Only in the event of exceptional or emergency circumstances leading to changes in United States supply patterns may exports, pursuant to mutual agreement, exceed the specified limits made under the above commitments.

(b) At any time at the request of either government the two governments would consult with respect to any matter relating to the export of petroleum to the United States. In this regard the Government of Canada would request consultations regarding the above export levels only when it is satisfied that United States customers of Canadian feedstocks have exercised every effort to secure reasonably available United States domestic supplies of feedstock and that established United States customers are not unduly expanding their market area or their share of the established market.

(c) Any change in the United States mandatory oil import control program relevant to the commitments made by the Government of Canada, such as a change in the 12.2 per cent limitation would, of course, be the subject of consultation and possible changes in the above commitments and levels.

The Government of Canada would appreciate confirmation that these arrangements are satisfactory to the Government of the United States.

The Canadian Ambassador wishes to avail himself of this opportunity to renew to the Secretary of State the assurances of his highest consideration.

A. E. RITCHIE.

Mr. KENNEDY. Mr. President, I want to commend the Senator from Wisconsin on his most lucid and compelling presentation of the facts surrounding the secret understanding on oil imports between the United States and Canadian Governments.

This agreement raises the most serious issues of legality, propriety, and policy. I have myself tried in the course of our oil hearings in the Antitrust Subcommittee to elicit some explanation of the logic of this arrangement, and the answers I have received only convince me more that the agreement is contrary to the public interest.

In an effort to obtain an understanding of the legal issues involved, I wrote to the Attorney General exactly 1 month ago today and posed the following questions:

Under what constitutional authority did the U.S. Government act?

Under what congressional act or delegation of authority did the U.S. Government act?

Under what provision of Proclamation 3279 did the U.S. Government act?

Is the understanding consistent with the General Agreement on Tariffs and Trade?

I also note that section 5 in effect limits the recipient of oil to existing customers. Knowing of the concern of your Department with limitations on competition, I would appreciate your opinion as to whether this provision violates general antitrust policies.

I ask unanimous consent that a copy of the entire letter be presented in the RECORD. As yet I have received no answer to this letter, but since the area is a complex one, I am hopeful that the delay is only an indication that the answers will be responsive and complete.

Certainly this kind of agreement

bears the closest scrutiny, and the procedures which enable it to be arrived at in secret deserve the most searching review.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 23, 1969.

Hon. JOHN N. MITCHELL,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed is a copy of a note dated September 25, 1967, which formalizes a secret Understanding between the United States and Canadian governments. This note, which first became public two months ago, sets forth assurances by the Canadian government that it will control to specified limits the quantity of oil exported to the United States from Canada. These assurances were required of the Canadian government as conditions for the issuance of a Presidential permit for a border crossing associated with a proposed pipeline loop.

I would appreciate your opinion as to the legality of this Understanding, and specifically, answers to the following questions:

Under what constitutional authority did the U.S. Government act?

Under what Congressional act or delegation of authority did the U.S. Government act?

Under what provision of Proclamation 3279 did the U.S. Government act?

Is the Understanding consistent with the General Agreement on Tariffs and Trade?

I also note that Section 5 in effect limits the recipient of oil to existing customers. Knowing of the concern of your Department with limitations on competition, I would appreciate your opinion as to whether this provision violates general anti-trust policies.

In view of your personal interest in and appreciation of the need to adhere to procedural safeguards, I look forward to having your opinion of this secret Understanding.

Sincerely,

EDWARD M. KENNEDY.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY-INDUSTRIAL COMPLEX

Mr. TYDINGS. Mr. President, there is no issue which concerns thoughtful Americans more than the problem of realistic military budgets and the problem of the proper relationship among the Defense Department, defense procurement, Congress, and the budget processes of our Nation.

This month, two excellent theses relating to this issue have made their appearance in print.

The first is an article published in Harper's magazine, written by John Kenneth Galbraith, former Ambassador to India and adviser of Presidents. The second article was published in the New York Times Magazine on yesterday, June 22, written by Richard F. Kaufman, a member of the staff of the Joint Economic Subcommittee on Economy in Government, which is headed by the Senator from Wisconsin (Mr. PROXMIRE). The substance of his article relates to a prophetic statement of the late President Eisenhower:

We must guard against unwarranted influence by the military-industrial complex.

Mr. President, I ask unanimous consent to have both these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Harper's magazine, June 1969]

HOW TO CONTROL THE MILITARY

(By John Kenneth Galbraith [1])

In Janurary as he was about to leave office, Lyndon Johnson sent his last report on the economic prospect to the Congress. It was assumed that, in one way or another, the Vietnam war, by which he and his Administration had been destroyed, would come gradually to an end. The question considered by his economists was whether this would bring a decrease or an increase in military spending. The military budget for fiscal 1969 was $78.4 billions; for the next year, including pay increases, it was scheduled to be about three billions higher. Thereafter, assuming peace and a general withdrawal from Asia, there would be a reduction of some six or seven billions. But this was only on the assumption that the Pentagon did not get any major new weapons—that it was content with what had already been authorized. No one really thought this possible. The President's economists noted that plans already existed for "a package" consisting of new aircraft, modern naval vessels, defense installations, and "advanced strategic and general purpose weapons systems" which would cost many billions. This would wipe out any savings from getting out of Vietnam. Peace would now be far more expensive than war.

With Richard Nixon the prospect for increased arms spending would seem superfically to be better. During the election campaign he promised to establish a clear military superiority over the Soviets, an effort that he could not believe would escape their attention. Their response would also be predictable and would require a yet larger effort here. (At his first press conference Mr. Nixon retreated from "superiority" to "sufficiency.")

Melvin Laird, the new Secretary of Defense, while in the Congress was an ardent spokesman for the military viewpoint, which is so say for military spending. And his Under Secretary of Defense, David Packard, though the rare case of a defense contractor who had spoken for arms control, was recruited from the very heart of the military-industrial complex.

Just prior to Mr. Nixon's inauguration the Air Force Association, the most eager spokesman for the military and its suppliers, said happily that "If the new Administration is willing to put its money where its mouth is in national defense some welcome changes are in the offing." And speaking to a reporter, J. Leland Atwood, president and chief executive officer of North American Rockwell, one of the half-dozen biggest defense firms, sized up the prospect as follows: "All of Mr. Nixon's statements on weapons and space are very positive. I think he has perhaps a little more awareness of these things than some people we've seen in the White House." Since no one had previously noticed the slightest unawareness, Mr. Atwood considered the prospect very positive indeed.

Yet he could be wrong. Browning observed of Jove that he strike the Titans down when they reach the peak—"when another rock would crown the work." When I started work on this paper some months ago, I hazarded the guess that the military power was by way of provoking the same public reaction as did the Vietnam war. Now this is no longer in doubt. If he remains *positive*, the military power will almost certainly do for President Nixon what Vietnam did for his predecessor. But it might also lead him to a strenuous effort to avoid the Johnson fate. Mr. Nixon has not, in the past, been notably indifferent to his political career. The result in either case would be an eventual curb on the military power—either from Mr. Nixon or his successor.

Or so it would seem. What is clear is that a drastic change is occurring in public attitudes toward the military and its industrial allies which will not for long be ignored by politicians who are sensitive to the public mood. And from this new political climate will come the chance for reasserting control.

The purpose of this article is to see the nature of the military power, assess its strengths and weaknesses, and suggest the guidelines for regaining control. For no one can doubt the need for doing so.

II

The problem of the military power is not unique; it is merely a rather formidable example of the tendency of our time. That is for organization, in an age of organization, to develop a life and purpose and truth of its own. This tendency holds for all great bureaucracies, both public and private. And their action is not what serves a larger public interest, their belief does not reflect the reality of life. What is done and what is believed are, first and naturally, what serve the goals of the bureaucracy itself. Action in the organization interest, or in response to the bureaucratic truth, can thus be a formula for public disservice or even public disaster.

There is nothing academic about this possibility. There have been many explanations of how we got into the Vietnam war, an action on which even the greatest of the early enthusiasts have now lapsed into discretion. But all explanations come back to one. It was the result of a long series of steps taken in response to a bureaucratic view of the world—a view to which a President willingly or unwillingly yielded and which, until much too late, was unchecked by any legislative or public opposition. This view was of a planet threatened by an imminent takeover by the unified and masterful forces of the Communist world, directed from Moscow (or later and with less assurance from Peking) and coming to a focus, however improbably, some thousands of miles away in the activities of a few thousand guerrillas against the markedly regressive government of South Vietnam.

The further bureaucratic truth that were developed to support this proposition are especially sobering. What was essentially a civil war between the Vietnamese was converted into an international conflict with rich ideological portend for all mankind. South Vietnamese dictators became incipient Jeffersonians holding aloft the banners of an Asian democracy. Wholesale graft in Saigon became an indispensable aspect of free institutions. An elaborately rigged election became a further portend of democracy. One of the world's most desultory and impermanent armies became, always potentially, a paragon of martial vigor. Airplanes episodically bombing open acreage or dense jungle became an impenetrable barrier to men walk-

[1] J. K. Galbraith has written more than one man's share of the influential books of this era, including "American Capitalism" and "The Affluent Society" (just reissued in a new edition by Houghton Mifflin). He was a supporter of Adlai Stevenson and John F. Kennedy, was Ambassador to India 1961–63, and continues to teach at Harvard as Paul M. Warburg Professor of Economics.

ing along the ground. An infinity of reverses, losses, and defeats became victories deeply in disguise. Such is the capacity of bureaucracy to create its own truth.

There was nothing, or certainly not much, that was cynical in this effort. Most of the men responsibly involved accepted the myth in which they lived a part. For from the inside it is the world outside which looks uninformed, perverse, and very wrong. Throughout the course of the war there was bitter anger in Washington and Saigon over the inability of numerous journalists to see military operations, the Saigon government, the pacification program, the South Vietnam army in the same rosy light as did the bureaucracy. Why couldn't they be indignant instruments of the official belief—like Joseph Alsop?

As many others have observed, the epitome of the organization man in our time was Secretary of State Dean Rusk. Few have served organization with such uncritical devotion. A note of mystification, even honest despair, was present in his public expression over the inability of the outside world to accept the bureaucratic truths just listed. Only the eccentrics, undisciplined or naive, failed to accept what the State Department said was true. His despair was still evident as he left office, his career in ruins, and the Administration of which he was the ranking officer destroyed by action in pursuit of these beliefs. There could be no more dramatic—or tragic—illustration of the way organization captures men for its truths.

But Vietnam was not the first time men were so captured—and the country suffered. Within this same decade there was the Bay of Pigs, now a textbook case of bureaucratic self-deception. Organization needed to believe that Castro was toppling on the edge. Communism was an international conspiracy; hence it could have no popular local roots; hence the Cuban people would welcome the efforts to overthrow it. Intelligence was made to confirm these beliefs, for if it didn't it was, by definition, defective information. And, as an unpopular tyranny, the Castro government *should* be overthrown. Hence the action, thus the disaster. The same beliefs played a part in the military descent, against largely nonexistent Communists, on the Dominican Republic.

But the most spectacular examples of bureaucratic truth are those that serve the military power—and its weapons procurement. These have not yet produced anything so dramatic as the Vietnam, Bay of Pigs, or Dominican misadventures but their potential for disaster is far greater. These beliefs and their consequences are worth specifying in some detail.

There is first the military belief that whatever the dangers of a continued weapons race with the Soviet Union these are less than those of any agreement that offers any perceptible opening for violation. If there is such an opening the Soviets will exploit it. Since no agreement can be watertight this goes far to protect the weapons race from any effort at control.

Secondly, there is the belief that the conflict with Communism is man's ultimate battle. Accordingly, one would not hesitate to destroy all life if Communism seems seriously a threat. This belief allows acceptance of the arms race no matter how dangerous. The present ideological differences between industrial systems will almost certainly look very different and possibly rather trivial from a perspective of fifty or a hundred years hence if we survive. Such thoughts are eccentric.

Third, the national interest is total, that of man inconsequential. So even the prospect of total death and destruction does not deter us from developing new weapons systems if some thread of national interest can be identified in the outcome. We can accept 75 million casualties if it forces the opposition to accept 150 million. This is the unsentimental calculation. Even more unsentimentally, Senator Richard Russell, the leading Senate spokesman of the military power, argued on behalf of the Army's Sentinel Anti-Ballistic Missile System (ABM) that, if only one man and one woman are to be left on earth, it was his deep desire that they be Americans. It was part of the case for the Manned Orbiting Laboratory (MOL) that it would maintain the national position in the event of extensive destruction down below.

Such, not secretly but as they have been articulated, are the organization truths of the military power. The beliefs that got us into (and keep us in) Vietnam in their potential for disaster pale as compared with these doctrines. We shall obviously have accomplished little if we get out of Vietnam but leave unchecked in the government the capacity of this kind of bureaucratic truth. What, in tangible form, is the organization which avows these truths?

III

It is an organization or a complex of organizations and not a conspiracy. Although Americans are probably the world's least competent conspirators—partly because no other country so handsomely rewards in cash and notoriety the man who blows the whistle on those with whom he is conspiring—we have a strong instinct for so explaining that of which we disapprove. In the conspiratorial view, the military power is a collation of generals and conniving industrialists. The goal is mutual enrichment; they arrange elaborately to feather each other's nest. The industrialists are the *deux ex machina*; their agents make their way around Washington arranging the payoff. If money is too dangerous, than alcohol, compatible women, more prosaic forms of entertainment or the promise of future jobs to generals and admirals will serve.

There is such enrichment and some graft. Insiders do well. H. L. Nieburg has told the fascinating story of how in 1954 two modestly paid aerospace scientists, Dr. Simon Ramo and Dr. Dean Woolridge, attached themselves influentially to the Air Force as consultants and in four fine years (with no known dishonesty) ran a shoe-string of $6,750 apiece into a multimillion-dollar fortune and a position of major industrial prominence.[2] (In 1967 their firm held defense contracts totaling $121 million.) Senator William Proxmire, a man whom many in the defense industries have come to compare unfavorably to typhus, has recently come up with a fascinating contractual arrangement between the Air Force and Lockheed for the new C–5A jet transport. It makes the profits of the company greater the greater its costs in filling the first part of the order, with interesting incentive effects. A recent Department of Defense study reached the depressing conclusion that firms with the poorest performance in designing highly technical electronic systems—and the failure rate was appalling—have regularly received the highest profits. In 1960, 691 retired generals, admirals, naval captains, and colonels were employed by the ten largest defense contractors—186 by General Dynamics alone. A recent study made at the behest of Senator Proxmire found 2,072 employed in major defense firms with an especially heavy concentration in the specialized defense firms.[3] It would be idle to suppose that presently serving officers—those for example on assignment to defense plants—never have their real income improved by the wealthy contractors with whom they are working, forswear all favors, entertain themselves, and sleep austerely alone. Nor are those public servants who show zeal in searching out undue profits or graft reliably rewarded by a grateful public. Mr. A. E. Fitzgerald, the Pentagon management expert who became disturbed over the C–5A contract with Lockheed and communicated his unease, and its causes to the Proxmire Committee, had his recently acquired civil-service status removed and was the subject of a fascinating memorandum (which found its way to Proxmire) outlining the sanctions appropriate to his excess of zeal. Pentagon officials explained that Mr. Fitzgerald had been given his civil-service tenure as the result of a computer error (the first of its kind) and the memorandum on appropriate punishment was a benign gesture of purely scholarly intent designed to specify those punishments against which such a sound public servant should be protected.

Nonetheless the notion of a conspiracy to enrich and corrupt is gravely damaging to an understanding of the military power. It causes men to look for solutions in issuing regulations, enforcing laws, or sending people to jail. It also, as a practical matter, exaggerates the role of the defense industries in the military power—since they are the people who make the most money, they are assumed to be the ones who, in the manner of the classical capitalist, pull the strings. The armed services are assumed to be in some measure their puppets. The reality is far less dramatic and far more difficult of solution. The reality is a complex of organizations pursuing their sometimes diverse but generally common goals. The participants in these organizations are mostly honest men whose public and private behavior would withstand public scrutiny as well as most. They live on their military pay or their salaries as engineers, scientists, or managers or their pay and profits as executives and would not dream of offering or accepting a bribe.

The organizations that comprise the military power are the four Armed Services, and especially their procurement branches. And the military power encompasses the specialized defense contractors—General Dynamics, McDonnell Douglas, Lockheed, or the defense firms of the agglomerates—of Ling-Temco-Vought or Litton Industries. (About half of all defense contracts are with firms that do relatively little other business.) And it embraces the defense division of primarily civilian firms such as General Electric or AT&T. It draws moral and valuable political support from the unions. Men served these organizations in many, if not most, instances, because they believe in what they are doing—because they have committed themselves to the bureaucratic truth. To find and scourge a few malefactors is to ignore this far more important commitment.

The military power is not confined to the Services and their contractors—what has come to be called the military-industrial complex. Associate membership is held by the intelligence agencies which assess Soviet (or Chinese) action or intentions. These provide, more often by selection than by any dishonesty, the justification for what the Services would like to have and what their contractors would like to supply. Associated also are Foreign Service Officers who provide a civilian or diplomatic gloss to the foreign-policy positions which serve the military need. The country desks at the State Department, a greatly experienced former official and ambassador has observed, are often "in the hip pocket of the Pentagon—lock, stock, and barrel, ideologicaly owned by the Pentagon."[4]

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[2] *In the Name of Science* (Chicago, Quadrangle Press, 1966). This is a book of first-rate importance which the author was so unwise as to publish some three years before concern for the problems he discusses became general. But perhaps he made it so.

[3] General Dynamics 113, Lockheed 210, Boeing 169, McDonnell Douglas 141, North American Rockwell 104, Ling-Temco-Vought 69. All of these firms are heavily specialized to military business; General Dynamics, Lockheed, McDonnell Douglas and North American Rockwell almost completely so.

[4] Ralph Dungan, formerly White House aide to Presidents Kennedy and Johnson and former Ambassador to Chile. Quoted in George Thayer, *The War Business* (Simon

Also a part of the military power are the university scientists and those in such defense-oriented organizations as RAND, the Institute for Defense Analysis, and Hudson Institute who think professionally about weapons and weapons systems and the strategy of their use. And last, but by no means least, there is the organized voice of the military in the Congress, most notably on the Armed Services Committees of the Senate and House of Representatives. These are the organizations which comprise the military power.

The men who comprise these organizations call each other on the phone, meet at committee hearings, serve together on teams or task forces, work in neighboring offices in Washington or San Diego. They naturally make their decisions in accordance with their view of the world—the view of the bureaucracy of which they are a part. The problem is not conspiracy or corruption but unchecked rule. And being unchecked, this rule reflects not the national need but the bureaucratic need—not what is best for the United States but what the Air Force, Army, Navy, General Dynamics, North American Rockwell, Grumman Aircraft, State Department representatives, intelligence officers, and Mendel Rivers and Richard Russell believe to be best.

In recent years Air Force generals, perhaps the most compulsively literate warriors since Caesar, have made their views of the world scene a part of the American folklore. These in all cases serve admirably the goals of their Service and the military power in general. Similarly with the other participants.

Not long ago, Bernard Nossiter, the brilliant economics reporter of the Washington *Post*, made the rounds of some of the major defense contractors to get their views of the post-Vietnam prospect. All, without exception, saw profitable tension and conflict. Edward J. Lefevre, the vice-president in charge of General Dynamics' Washington office, said "One must believe in the long-term threat." James J. Ling, the head of Ling-Temco-Vought, reported that "Defense spending has to increase in our area because there has been a failure to initiate—if we are not going to be overtaken by the Soviets." Samuel F. Downer, one of Mr. Ling's vice-presidents, was more outspoken. "We're going to increase defense budgets as long as those bastards in Russia are ahead of us." A study of the Electronics Industries Association also dug up by Mr. Nossiter (to whom I shall return in a moment) discounted the danger of arms control, decided that the "likelihood of limited war will increase" and concluded that "for the electronic firms, the outlook is good in spite [sic] of [the end of hostilities in] Vietnam."

From the foregoing beliefs, in turn, comes the decision on weapons and weapons systems and military policy generally. No one can tell where the action originates—whether the Services or the contractors initiate decisions on weapons—nor can the two be sharply distinguished. Much of the plant of the specialized defense contractors is owned by the government. Most of their working capital is supplied by the government through progress payments—payments made in advance of completion of the contract. The government specifies what the firm can and cannot charge to the government. The Armed Services Procurement Regulation states that "Although the government does not expect to participate *in every management decision*, it may reserve the right to review the contractor's management efforts. . . ." (Italics added.)

In this kind of association some proposals will come across the table from the military. Some will come back from the captive contractors. Nossiter asked leading contractors, as well as people at the Pentagon, about this. Here are some of the answers.

From John W. Bessire, General Manager for Pricing, General Dynamics, Fort Worth: "We try to foresee the requirements the military is going to have three years off. We work with their requirements people and therefore get new business."

From Richard E. Adams, Director of Advanced Projects, Fort Worth Division of General Dynamics, who thought the source was the military: "Things are too systematized at the Pentagon for us to invent weapons systems and sell them on a need."

On the influence of the military he added: "We know where the power is [on Capitol Hill and among Executive Departments]. There's going to be a lot of defense business and we're going to get our share of it."

From John R. Moore, President of Aerospace and Systems Group of North American Rockwell: "A new system usually starts with a couple of military and industry people getting together to discuss common problems."

After noting that most of his business came from requirements "established by the Defense Department and NASA," he concluded: "But it isn't a case of industry here and the government here. They are interacting continuously at the engineering level."

And finally from a high civilian in the Pentagon: "Pressures to spend more. . . . In part they come from the industry selling new weapons ideas and in part from the military here. Each military guy has his own piece, tactical, antisubmarine, strategic. Each guy gets where he is by pushing his particular thing."

He added: "Don't forget, too, part of it is based on the perception of needs by people in Congress."

The important thing is not where the action originates but in the fact that it serves the common goals of the military and the defense contractors. It is, in the language of labor relations, a sweetheart deal between those who sell to the government and those who buy. Once competitive bidding created an adversary relationship between buyer and seller sustained by the fact that, with numerous sellers, any special relationship with any one must necessarily provoke cries of favoritism. But modern weapons are bought overwhelmingly by negotiation and in most cases from a single source of supply. (In the fiscal year ending in 1968, General Accounting Office figures show that 57.9 per cent of the $43 billion in defense contracts awarded in that year was by negotiation with a single source of supply. Of the remainder 30.6 per cent was awarded by negotiation where alternative sources of supply had an opportunity to participate and only 11.5 per cent was open to advertised competitive bidding.)[5] Under these circumstances the tendency to any adversary relationship between the Services and their suppliers is minimal. Indeed, where there are only one or two sources of supply for a weapons system, the interest of the Services in sustaining a source of supply will be no less than that of the firm in question in being sustained.

Among those who spoke about the sources of ideas on weapons needs, no one was moved to suggest that public opinion played any role. The President, as the elected official responsible for foreign policy, was not mentioned. The Congress came in only as an afterthought. And had the Pentagon official who mentioned the Congress had been pressed, he would have agreed that its "perception of needs" is a revelation that almost always results from prompting by either the military or the defense industries. It was thus, for example, that the need for a new generation of manned bombers was perceived (and provided for) by Congress though repeatedly vetoed an unnecessary by Presidents Kennedy and Johnson. But in the past the role of the Congress has been overwhelmingly acquiescent and passive. As Senator Gaylord Nelson said in the Senate in February 1964: ". . . an established tradition . . . holds that a bill to spend billions of dollars for the machinery of war must be rushed through the House and the Senate in a matter of hours, while a treaty to advance the cause of peace, or a program to help the underdeveloped nations . . . guarantee the rights of all our citizens, or . . . to advance the interests of the poor must be scrutinized and debated and amended and thrashed over for weeks and perhaps months."

IV

We see here a truly remarkable reversal of the American political and economic system as outlined by the fathers and still portrayed to the young. That view supposes that ultimate authority—ultimate sovereignty—lies with the people. And this authority is assumed to be comprehensive. Within the ambit of the state the citizen expresses his will through the men—the President and members of the Congress—whom he elects. Outside he accomplishes the same thing by his purchases in the market. These instruct supplying firms—General Motors, General Electric, Standard Oil of New Jersey—as to what they shall produce and sell. But here we find the Armed Services or the corporations that supply them making the decisions and instructing the Congress and the public. The public accepts whatever is so decided and pays the bill. This is an age when the young are being instructed, in my view rightly although with unnecessary solemnity, to respect constitutional process and seek change within the framework of the established political order. And we find the assumed guardians of that order, men with no slight appreciation of their righteousness and respectability, calmly turning it upside down themselves.

How did this remarkable reversal in the oldest of constitutional arrangements come about? How, in particular, did it come about in a country that sets great store by individual and citizen rights and which traditionally has been suspicious of military, industrial, and bureaucratic power? How did it come to allow these three forces to assert their authority over a tenth of the economy and something closer to ten-tenths of our future?[6]

V

Six things brought the military-industrial bureaucracy to its present position of power. To see these forces is also to be encouraged by the chance for escape.

First there has been, as noted, the increasing bureaucratization of our life. In an economically and technologically complex society, more and more tasks are accomplished by specialists. Specialists must then have their knowledge and skills united by organization. Organization, then, as we have seen,

and Schuster). The appearance of the State Department as a full-scale participant in the military power may have been the hopefully temporary achievement of Secretary Rusk. Apart from a high respect for military acumen and need, he in some degree regarded diplomacy as subordinate to military purpose. In time such attitudes penetrate deeply into organization.

[5] Testimony of Elmer B. Staats, Comptroller General, before Senator Proxmire's Committee (November 11, 1968).

[6] I have argued elsewhere (*The New Industrial State*, Houghton Mifflin, 1967) that with increasing industrialization the sovereignty of the consumer or citizen yields to the sovereignty of the producer or public bureaucracy. Increasingly the consumer or citizen is made subordinate to their needs. I have been rather sharply challenged. But in the very important area of military production, about 10 per cent of the total we see that producer sovereignty is accepted and avowed. Not even my most self-confident critics would be wholly certain of my error here.

proceeds to assert its needs and beliefs. These will not necessarily be those of the individual or community.

In what Ralph Lapp has called the weapons culture, both economic and technological complexity are raised to the highest power. So, accordingly, are the scope and power of organization. So, accordingly, is the possibility of self-serving belief.

It is a power, however, which brings into existence its own challenge. The same technical and social complexity that requires organization requires that there be large numbers of trained and educated people. Neither these people nor the educational establishment that produces them are docile in the face of organization. So with organization come people who resist it—who are schooled to assert their individual beliefs and convictions. No modern military establishment could expect the disciplined obedience which sent millions (in the main lightly schooled lads from the farm) against the machine guns as late as World War I.

The reaction to organization and its beliefs may well be one of the most rapidly developing political moods of our time. Clearly it accounted for much of the McCarthy strength in the last year—for if Dean Rusk or General Westmoreland were the epitome of the organization man, Eugene McCarthy was its antithesis. Currently one sees it sweeping ROTC off the campuses—or out of the university curricula. It is causing recruiting problems for big business—and not alone the defense firms. One senses, if the draft survives, that it will cause trouble for the peacetime Armed Forces.

But so far the impressive thing is the power that massive organization has given to the military industrial complex and not the resistance it is arousing. The latter is for the future.

Second in importance in bringing the military-industrial complex to power were the circumstances and images of foreign policy in the late Forties, Fifties and early Sixties. The Communist world, as noted, was viewed as a unified imperium mounting its claim to every part of the globe. The postwar pressure on Eastern Europe and on Berlin, the Chinese revolution, and the Korean war, seemed powerful evidence in the case. And, after the surprisingly early explosion of the first Soviet atomic bomb, followed within a decade by the even more astonishing flight of the first Sputnik, it was easy to believe that the Communist world was not only politically more unified than the rest but technologically stronger as well.

The natural reaction was to delegate power and concentrate resources. The military Services and their industrial allies were given unprecedented authority—as much as in World War II—to match the Soviet technological initiative. And the effort of the nation's scientists (and other scholars) was concentrated in equally impressive fashion. None or almost none remained outside. Robert Oppenheimer was excluded, not because he opposed weapons development in general or the hydrogen bomb in particular, but because he thought the latter unnecessary and undeliverable. That anyone, on grounds of principle, should refuse his services to the Pentagon or Dow Chemical was nearly unthinkable. Social scientists responded eagerly to invitations to spend the summer at RAND. They devoted their winters to seminars on the strategy of defense and deterrence. The only question in this time was whether a man could get a security clearance. The extent of a man's access to secret matters measured his responsibility and influence in public affairs and prestige in the community.

The effect of this concentration of talent was to add to the autonomy and power of the organizations responsible for the effort. Criticism or dissent requires knowledge; the knowledgeable men were nearly all inside. The Eisenhower Administration affirmed the power of the military by appointing Secretaries of Defense who were largely passive except as they might worry on occasion about the cost. The Democrats, worrying about a nonexistent missile gap and fearing, as always, that they might seem soft on Communism, accorded the military more funds and power, seeking principally to make it more efficient.

This enfranchisement of the military power was in a very real sense the result of a democratic decision—it was a widely approved response to the seemingly fearsome forces that surrounded us. With time those who received this unprecedented grant of power came to regard it as a right. Where weapons and military decision were concerned, their authority was meant to be plenary. Men with power have been prone to such error.

Third, secrecy confined knowledge of Soviet weapons and responding American action to those within the public and private bureaucracy. No one else had knowledge, hence no one else was qualified to speak. Senior members of the Armed Services, their industrial allies, the scientists, the members of the Armed Services Committees of the Congress were in. It would be hard to imagine a more efficient arrangement for protecting the power of a bureaucracy. In the academic community and especially in Congress there was no small prestige in being a member of this club. So its influence was enhanced by the sense of belonging and serving. And, as the experience of Robert Oppenheimer and other less publicized persons showed, it was possible on occasion to exclude the critic or skeptic as a security risk.

Fourth, there was the disciplining effect of personal fear. A nation that was massively alarmed about the unified power of the Communist world was not tolerant of skeptics or those who questioned the only seemingly practical line of response. Numerous scientists, social scientists, and public officials had come reluctantly to accept the idea of the Communist threat. This history of reluctance could now involve the danger—real or imagined—that they might be suspected of past association with this all-embracing conspiracy. The late Senator Joseph R. McCarthy would not have been influential in ordinary times; but he and others saw or sensed the opportunity for exploiting national and personal anxiety. The result was further and decisive pressure on anyone who seemed not to concur in the totality of the Communist threat. (McCarthy was broken only when he capriciously attacked the military power.)

Fear provided a further source of immunity and power. Accepted Marxian doctrine holds that a cabal of capitalists and militarists is the cutting edge of capitalist imperialism and the cause of war. Anyone who raised a question about the military industrial complex thus sounded suspiciously like a Marxist. So it was a topic that was avoided by the circumspect. Heroism in the United States involves some important distinctions. It requires a man to stand up fearlessly, at least in principle, to the prospect for nuclear extinction. But it allows him to proceed promptly to cover if there is risk of being called a Communist, a radical, an enemy of the system. Death we must face but not social obloquy or political ostracism. The effect of such discriminating heroism in the Fifties and Sixties was that most potential critics of the military power were exceptionally reticent.

In 1961, in the last moments before leaving office, President Eisenhower gave his famous warning: "In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist." This warning was to become by a wide margin the most quoted of all Eisenhower statements. This was principally for the flank protection it provided for all who wanted to agree. For many years thereafter anyone (myself included) who spoke to the problem of the military power took the thoughtful precaution of first quoting President Eisenhower. He had shown that there were impeccably conservative precedents for our concern.

Fifth, in the Fifties and early Sixties the phrase "domestic priority" had not yet become a cliché. The civilian claim on federal funds was not, or seemed not, to be overpowering. The great riots in the cities had not yet occurred. The appalling conditions in the urban core that were a cause were still unnoticed. Internal migration had long been under way but millions were yet to come from the rural into the urban slums. Poverty had not yet been placed on the national agenda, with the consequence that we would learn how much and how abysmal it is. And promises not having been made to end poverty, expectations had not been aroused. The streets of Washington, D.C., were still safer than those of Saigon. Travel by road and commuter train was only just coming to a crawl. The cities' air and water were dirty but not yet lethally so.

In this innocent age, in 1964, taxes were reduced because there seemed to be danger of economic stagnation and unemployment from raising more federal revenue than could quickly be spent. The then Director of the Budget, Kermit Gordon, was persuaded that if an excess of revenue were available the military would latch on to it. Inflation was not a pressing issue. Military expenditures, although no one wished to say so, did sustain employment. Circumstances could not have been better designed economically speaking, to allow the military a clear run.

Sixth and finally, in these years, both conservative and liberal opposition to the military-industrial power was muted. Nothing could be expected, in principle, to appeal less to conservatives than a vast increase in bureaucratic power at vast cost. In an earlier age the reaction would have been apoplectic. Some conservatives in an older tradition—men genuinely concerned about the Leviathan State—were aroused. Ernest Weir, the head of National Steel and the foe of FDR and the New Deal, Alf M. Landon, the much-underestimated man who opposed Roosevelt in 1936, Marriner Eccles, banker and long-time head of the Federal Reserve, and a few others did speak out. But for most it was enough that the Communists—exponents of a yet more powerful state and against private property too—were on the other side. One accepted a lesser danger to fight a greater one. And, as always, when many are moderately aroused some are extreme. It became a tenet of a more extreme conservatism that civilians should never interfere with the military except to provide more money. Nor would there be any compromise with Communism. It must be destroyed. Their military doctrine, as Daniel Bell has said, was "that negotiation with the Communists is impossible, that anyone who discusses the possibility of such negotiation is a tool of the Communists, and that a 'tough policy'—by which, *sotto voce*, is meant a preventative war of a first strike—is the only means of forestalling an eventual Communist victory."[7] To an impressive extent, in the Fifties and Sixties this new conservatism, guided by retired Air Force Generals and the redoubtable Edward Teller, became the voice of all conservatism on defense policy.

The disappearance of liberal criticism was almost as complete—and even more remarkable. An association of military and industrial power functioning without restraint would have been expected to arouse liberal

[7] Quoted by Ralph E. Lapp in *The Weapons Culture* (Norton, 1968).

passion. So also the appropriation of public power for private purpose by defense contractors, some of them defining missions for the Services so as to require what they had to sell. But liberals did not react. Like conservatives they accepted a lesser threat to liberty to forestall a greater one. Also it was not easy for a generation that had asked for more executive power for FDR and his successors over conservative opposition to see danger in any bureaucracy or remedy in stronger legislative control. This was a too radical reversal of liberal form.

The generation of liberals which was active in the Fifties and Sixties had also been scarred by the tactics of the domestic Communists in politics and the trade-union movement. And members of this generation had seen what happened to friends who had committed themselves to the wartime alliance with the Soviets and had nailed their colors to its continuation after the war. Stalin had let them down with a brutal and for many a mortal thump. Those who escaped, or many of them, made common cause with the men who were making or deploying weapons to resist Communism, urging only, as good liberals, that there was a social dimension to the struggle. As time passed it was discovered that many good and liberal things—foreign aid, technical assistance, travel grants, fellowships, overseas libraries—could be floated on the communist threat. Men of goodwill became acomplished in persuading the more retarded to vote for foreign-aid legislation, not as a good thing in itself but as an indispensable instrument in the war against Communism. Who, having made this case, could then be critical of military spending for the same purpose?

Additionally in the Fifties and Sixties American liberals were fighting for the larger federal budget not for the things it bought but for the unemployment it prevented. Such a budget, with its stabilizing flow of expenditures and supported by personal income taxes which rose and fell with stabilizing effect, was the cornerstone of the New or Keynesian Economics. And this economics of high and expanding employment, in turn, was the cornerstone of the liberal position. As noted it was not easy for liberals to admit that defense expenditures were serving this benign social function; when asked they (*i.e.* we) always said that spending for education, housing, welfare, and civilian public works would serve just as well and be much welcomed as an alternative.

But there was then no strong pressure to spend for these better things. Accordingly it was not easy for liberals to become aroused over an arms policy which had such obviously beneficent effects on the economy.

By the early Sixties the liberal position was beginning to change. From comparatively early in the Kennedy Administration—the Bay of Pigs was a major factor in this revelation—it became evident that a stand would have to be made against policies urged by the military and its State Department allies—against military intervention in Cuba, military intervention in Laos, military intervention in Vietnam, an all-out fallout shelter program, unrestricted nuclear testing, all of which would be disastrous for the President as well as for the country and world. A visible and sometimes sharp division occurred between those who, more or less automatically, made their alliance with the military power, and those—Robert Kennedy, Adlai Stevenson, Theodore Sorensen, Arthur Schlesinger, Averell Harriman, and, though rendering more homage to the organizations of which they were a part, George Ball and Robert McNamara—who saw the dangers of this commitment. With the Johnson Administration this opposition disappeared or was dispersed. The triumph of those who allied themselves with the bureaucracy was the disaster of that Administration.

The opposition, much enlarged, then reappeared in the political theater. Suspicion of the military power in 1968 was the most important factor uniting the followers of Senators Kennedy, McCarthy, and McGovern. Along with the more specific and more important opposition to the Vietnam conflict, it helped to generate the opposition that persuaded Lyndon Johnson not to run. And the feeling that Vice President Humphrey was not sufficiently firm on this issue—that he belonged politically to the generation of liberals that was tolerant to the military-industrial power—unquestionably diluted and weakened his support. Conceivably it cost him the election.

VI

To see the sources of the strength of the military-industrial complex in the Fifties and Sixties is to see its considerably greater vulnerability now. The Communist imperium, which once seemed so fearsome in its unity, has broken up into bitterly antagonistic blocks. Moscow and Peking barely keep the peace. Fear in Czechoslovakia, Yugoslavia, and Romania is not of the capitalist enemy but the great Communist friend. The more intimate calculations of the Soviet High Command on what might be expected of the Czech (or for that matter the Romanian or Polish or Hungarian) army in the event of war in Western Europe must not be without charm. Perhaps they explain the odd military passion of the Soviets for the Egyptians. The Soviets have had no more success than has capitalism in penetrating and organizing the backward countries of the world. Communist and capitalist jungles are indistinguishable. Men of independent mind recognize that after twenty years of aggressive military competition with the Soviets our security is not greater and almost certainly less than when the competition began. And although in the Fifties it was fashionable to assert otherwise ("a dictator does not hesitate to sacrifice his people by the millions") we now know that the Soviets are as aware of the totally catastrophic character of nuclear war as we are—and more so than our more articulate generals.

These changes plus the adverse reaction to Vietnam have cost the military power its monopoly of the scientific community. This, in turn, has damaged its claim to a monopoly of knowledge including that which depends on security classification. Informed critics are amply available outside the military-industrial complex. When earlier this year Under Secretary of Defense Packard sought, in an earlier tradition, to discredit the opposition of Dr. Herbert A. York, former Director of Defense Research and Engineering, to the ABM, on the grounds that the latter did not have access to secret information, the effort backfired. The only person whose credibility was damaged was Secretary Packard. In consequence men are now available to distinguish between what weapons are relevant to an equilibrium with the Soviets, what destroys this balance by encouraging a new competitive round, and what serves primarily the prestige of the Services and the prestige and profits of the contractors. The attacks on the Sentinel-Safeguard ABM system could never have been mounted in the Fifties.

Additionally, civilian priority has become one of the most evocative words in the language. Everywhere—for urban housing and services, sanitation, schools, police, urban transportation, clean air, potable water—the needs are huge and pressing. Because these needs are not being met the number of people who live in fear of an urban explosion may well be greater than those who are alarmed by the prospect of nuclear devastation. For many years I have lived in summers on an old farm in southern Vermont. In the years following Hiroshima we had the advance refugees from the atomic bomb. Now we have those who are escaping the ultimate urban riot. The second migration is much bigger than the first and has had a far more inflationary effect on local real-estate values.

Certainly the day when military spending was a slightly embarrassing alternative to unemployment is gone and, one imagines, forever.

With all of these changes has come a radical change in the political climate. Except in the darker reaches of Orange County and suburban Dallas (where defense expenditures also have their influence) fear of Communism has receded. We have lived with the Communists on the same planet now for a half-century. An increasing number are disposed to believe we *can* continue doing so. Communism seems somewhat less triumphant than twenty years ago. Perhaps the Soviet Union is yet another industrial state in which organization—bureaucracy—is in conflict with the people it must educate in such numbers for its tasks. Mr. Nixon in his many years as a political aspirant was not notably averse to making capital out of the Communist menace. But neither, if a little belatedly, was he a man to resist a trend. Many must have noticed that his warnings overt or implied of the Communist menace in his Inaugural Address were rather less fiery than those of John F. Kennedy eight years earlier.

The anxiety which led to the great concentration of military and industrial power in the Fifties having dissipated, the continued existence of that power has naturally become a political issue. There are many who think that Mr. Nixon sacrificed some, perhaps much, of his lead when, in the closing days of the Presidential campaign, he promised to revitalize the arms race with an effort to establish clear superiority over the Soviets. There can be little question that General Curtis LeMay, far from attracting voters to Governor George Wallace in 1968, was a disaster. At a somewhat lower level than Eisenhower, MacArthur, Patton, and Bradley, LeMay was one of the *bona fide* heroes in the American pantheon. But his close association with the military power, especially his long efforts to make nuclear warfare palatable, if not altogether appetizing, to the American public, was unnerving. As noted a stand-up-to-it heroism is combined with a deep sensitivity when the nuclear nerve is touched.

If the potential followers of Governor Wallace were capable of alarm over the military power, then the potential opposition is not confined to the bearded and barefoot left. (This, as in the case of Vietnam, will be the first assumption of the bureaucracy.) Nor is it. Concern reaches deeply into the suburban middle class and business community. During the summer of 1968, if I may recur once more to personal experience, I was concerned with raising money for Eugene McCarthy. We raised a great deal: the efforts with which I was at least marginally associated produced some $2.5 million. Overwhelmingly we got that money from businessmen. Opposition to the Vietnam war was, of course, the prime reason for this support. But concern over the military power was a close (and closely affiliated) second. When one is asking for money one very soon learns what evokes response.

Social concern, however inappropriate for a businessman, was most important but there were also very good business reasons for being aroused. In 1968, the hundred largest defense contractors had more than two-thirds (67.4 per cent) of all the defense business and the smallest fifty of these had no more in the aggregate than General Dynamics and Lockheed. A dozen firms specializing in military business (*e.g.*, McDonnell Douglas, General Dynamics, Lockheed, United Aircraft) together with General Electric and A T & T had a third of all the business. For the vast majority of businessmen the only association with the defense business is through the taxes they pay. Not even a subcontract comes their way. And they have another cost. They must operate in communities that are starved for revenue, where, in consequence, their business is exposed to disorder and violence

and where materials and manpower are preempted by the defense contractors. They must also put up with inflation, high interest rates, and regulation on overseas investment occasioned by defense spending. The willingness of American businessmen to suffer on behalf of the big defense contractors has been a remarkable manifestation of charity and self-denial.

Two other changes have altered the position of the military power. In the Fifties the military establishment of the United States was still identified in the public mind with the great captains of World War II—with Eisenhower, Marshall, MacArthur, Bradley, King, Nimitz, Arnold. And many members of a slightly junior generation—Maxwell Taylor, James Gavin, Matthew Ridgway, Curtis LeMay—were in positions of power. Some of these soldiers might have done less well had they been forced to fight an elusive and highly motivated enemy in the jungle of Vietnam encumbered by the leisurly warriors of the ARVN. (At one time or another, Eisenhower, MacArthur, Gavin all made it explicitly clear that they would never have got involved in such a mistake.) The present military generation is intimately associated with the Vietnam misfortune. And its credibility has been deeply damaged by its fatal association with the bureaucratic truths of that war—with the long succession of defeats that become victories, the victories that become defeats, and brilliant actions that did not signify anything at all. In the Fifties it required courage for a civilian to challenge Eisenhower on military matters. Anyone is allowed to doubt the omniscience of General Westmoreland.

Finally, all bureaucracy has a mortal weakness; it cannot respond effectively to attack. The same inertial guidance which propels it into trouble—which sends it mindlessly into the Bay of Pigs or Vietnam even when disaster is evident—renders it helpless in self-defense. It can, in fact, only mimic itself. Organization could not come up with any effective response to its critics on Vietnam. The old slogans—we must resist worldwide Communist aggression, we must not reward aggression, we must stand by our brave allies—were employed not only after repetition had robbed them of all meaning but after they had been made ludicrous by events. In the end Secretary of State Rusk was reduced to mnemonic speeches about our commitments. Organized thought was incapable of anything better.

So with the military power—only more so. One of the perquisites of great power is that its use need not be defended. In consequence kings, czars, dictators, capitalists, even union leaders—when their day of accounting comes have rarely been able to speak for themselves. As the military power comes under scrutiny, it will be reduced to asserting that its critics are indifferent to Soviet or Chinese intentions, unacquainted with the most recent intelligence, militarily inexperienced, naive, afraid to look nuclear destruction in the eye. Or it will be said that they are witting or unwitting tools of the Communist conspiracy. Following Secretary Laird's effort on behalf of the ABM (when he deployed from new intelligence an exceptionally alarming generation of Soviet missiles) a special appeal will be made to fear. A bureaucracy under attack is a fortress with thick walls but fixed guns.

VII

It is a cliché, much beloved of those who supply the diplomatic gloss for the military power, that not much can be done to limit the latter—or its budget—so long as "American responsibilities" in the world remain unchanged. And for others it is a persuasive point that to reduce the military budget will require a change in foreign policy.

But these changes have already occurred. In the years following World War II there was a spacious view of the American task in the world. We guarded the borders of the non-Communist world. We prevented subversion there and put down wars of liberation elsewhere. In pursuit of these aims we maintained alliances, deployed forces, provided military aid on every continent. This was the competition of the superpowers. We had no choice but to meet the challenge of that competition.

We have already found that the world so depicted does not exist. Superpowers there are but superpowers cannot much affect the course of life within the countries they presume to see as on their side. In part that was the lesson of Vietnam; annual expenditures of $30 billion, a deployment of more than half a million men, could not much affect the course of development in one small country. In lands as diverse as India, Indonesia, Peru, and the Congo we have found that our ability to affect the development is even less. We have also found, as in the nearby case of Cuba, that a country can go Communist without inflicting any overpowering damage.

What we have not done is accommodate our military policy to this reality. Military aid, bases, conventional force levels, weapons requirements still assume superpower omnipotence. (And the military power still projects this vision of our task.) Our foreign policy has, in fact, changed. It is the Pentagon that hasn't.

VIII

To argue that the military-industrial complex is now vulnerable is not to suggest that it is on its last legs. It spends a vast amount of public money, which insures the support of many (though by no means all) of those who receive it. Many Senators and Congressmen are slow to criticize expenditures in their districts even though for most of their supporters the cost vastly exceeds the gain. (Defense contracts are even more concentrated geographically than by firm. In 1967 three favored states out of fifty—California and New York and Texas—received one-third. Ten states accounted for a full two-thirds. In all but a handful of cases the Congressman or Senator who votes for military spending is voting for the enrichment of peope he does not represent at the expense of those who elect him.) And there is the matter of habit and momentum. The military power has been above challenge for so long that to attack still seems politically quixotic. One recalls, however, that it once seemed quixotic to be against the Vietnam war.

Nonetheless control is possible. I come to my final task. It is to offer a political decalogue of what is required. It is as follows:

(1) *The goal, all must remember, is to get the military power under firm political control. This means electing a President on this issue next time. This, above all, must be the issue in the next election.*

However, for the next three and a half years, not much can be done about the Presidency. Also if Mr. Nixon does not resist the military power he will follow President Johnson into oblivion—conceivably taking quite a few others with him. This one must suppose he will see. So while all possible moral pressure must be kept on the President, the immediate target is Congress.

(2) *Congress will not be impressed by learned declamation on the danger of military power. There must be organization.* The last election showed the power of that part of the community—the colleges, universities, concerned middle class, businessmen—which was alert to the Vietnam war. Now in every possible Congressional District there must be an organization alert to the military power. Anciently, legislators up for election have pledged themselves to an "adequate national defense," a euphemism for according the Pentagon a blank check. In the next election everyone must be pressed for a promise to resist military programs and press relentlessly for negotiations along lines indicated below. Any Senator or Congressman who does not believe that the Congress should exercise strict supervision over the Pentagon, that the latter should be strictly answerable to Congress both for its actions and its expenditures, confesses his indifference to the proper role of the legislative body. He will be better at home.

This effort must not be confined to the North, the Middle West, or West. In the last five years there has been a rapid liberalization of the major college and university centers of the South. Nowhere did McCarthy or Kennedy draw larger and more enthusiastic crowds than in the big Southern universities. Mendel Rivers, Richard Russell, Strom Thurmond, John Tower, and the other sycophants of the military from the South must be made sharply aware of this new constituency—and if possible be retired by it.

(3) *The Armed Services Committees of the two houses must obviously be the object of a special effort.* They are now, with the exception of a few members, a rubber stamp for the military power. Some liberals have been reluctant to serve on these fiefs. No effort, including an attack on the seniority system itself, should be spared to oust the present functionaries and to replace them with acute and independent-minded members. Here too it is important to get grassroots expression from the South.

(4) *The goal is not to make the military power more efficient or more righteously honest. It is to get it under control.* These are very different objectives. The first seeks out excessive profits, high costs, poor technical performance, favoritism, delay, or the other abuses of power. The second is concerned with the power itself. The first is diversionary for it persuades people that something is being done while leaving power and budgets intact.

(5) *This is not an antimilitary crusade. Generals and admirals and soldiers, sailors, and airmen are not in the object of attack. The purpose is to return the military establishment to its traditional position in the American political system.* It was never intended to be an unlimited partner in the arms industry. Nor was it meant to be a controlling voice in foreign policy. Any general or admiral who rose to fame before World War II would be surprised and horrified to find that his successors in the profession of arms are now commercial accessories of General Dynamics.

(6) *Whatever its moral case there is no political future in unilateral disarmament.* And the case must not be compromised by wishful assumptions about the Soviets which the Soviets can then destroy. It can safely be assumed that nuclear annihilation is as unpopular with the average Russians as it is with the ordinary American, and that their leaders are not retarded in this respect. But it is wise to assume that within their industrial system, as within ours, there is a military-industrial bureaucracy committed to its own perpetuation and growth. This governs the more precise objectives of control.

(7) *Four broad types of major weapons systems can be recognized.* There are first those that are related directly to the existing balance of power or the balance of terror vis-a-vis the Soviets. The ICBM's and the Polaris submarines are obviously of this sort; in the absence of a decision to disarm unilaterally, restriction or reduction in these weapons requires agreement with the Soviets. There are, secondly, those that may be added within this balance without tipping it drastically one way or the other. They allow each country to destroy the other more completely or redundantly. Beyond a certain number, more ICBMs are of this sort. Thirdly there are those that, in one way or another, tip the balance or seem to do so. They promise, or can be thought to promise, destruction of the second country while allowing the first to escape or largely escape. Inevitably, in the

absence of a prospect for agreement, they must provoke response. An ABM, which seems to provide defense while allowing continued offense, is of this sort. So are missiles of such number, weight, and precision as to be able to destroy the second country's weapons without possibility of retaliation.

Finally there are weapons systems and other military construction and gadgetry which add primarily to the prestige of the Armed Services, or which advance the competitive position of an individual branch.

The last three classes of weapons do not add to such security as is provided under the balance of terror.[8] Given the response they provoke, they leave it either unchanged or more dangerous. But all contribute to the growth, employment, and profits of the contractors. All are sought by the Armed Forces. The Army's Sentinel (now Safeguard) Anti-Ballistic Missile system is urged even though it is irrelevant and possibly dangerous as a defense. As Mr. Russell Baker has said, it is based at least partly on the assumption that the Chinese would "live down to our underestimates of their abilities and produce a missile so inferior that even a Sentinel can shoot it down." But it holds a position for the Army in this highly technological warfare. The Air Force wants a new generation of manned bombers, their vulnerability notwithstanding, because an Air Force without such bombers—with the key fighting men sitting silently in underground command posts—is much less interesting. And Boeing, General Dynamics, Lockheed, North American Rockwell, Grumman, and McDonnell Douglas are naturally glad that this is so. The Navy wants nuclear carriers and their complement of aircraft, their vulnerability also notwithstanding, for the same reason.

A prime objective of control is to eliminate from the military budget those things which contribute to the arms race or are irrelevant to the present balance of terror. This includes the second, third, and fourth classes of weapons mentioned above. The ABM and the MIRV (the Multiple Independently-targeted Reentry Vehicle), both of which will spark a new competitive round of a peculiarly uncontrollable sort, as well as manned bombers and nuclear carriers are all of this sort. Perhaps as a simple working goal, some five billions of such items should be eliminated in each of the next three years for a total reduction of fifteen billion.[9]

(8) The second and more important objective of control is to win agreement with the Soviets on arms control and reduction. This means, in contrast with present military doctrine, that we accept that the Soviets will bargain in good faith. And we accept also that an imperfect agreement—for none can be watertight—is safer than continuing competition. It means, as a practical matter, that the military role in negotiations must be sharply circumscribed. Military men—prompted by their industrial allies—will always object to any agreement that is not absolute, self-enforcing, and watertight. Under such circumstances arms-control negotiations become, as they have been in recent times, a charade. Instead of halting the arms race they may even have the effect of justifying it. "After all we are trying for agreement with the ————." The Congress and the people must make the necessity for this control relentlessly clear to the Executive.

(9) Independent scientific judgment must be mobilized in this effort—as guidance to the political effort, for advice to Congress, and of course, within the Executive itself. The arms race, in its present form, is a scientific and mathematical rather than a military contest. Those military can no longer barricade themselves behind claims of military expertise or needed secrecy, opposing views must be reliably available.

But decisions on military needs are still made in a self-serving compact between those who buy weapons and those who sell. So the time has come to constitute a special body of highly qualified scientists and citizens to be called, perhaps, the Military Audit Commission. Its function would be to advise the Congress and inform the public on military programs and negotiations. It should be independently, *i.e.* privately, financed. It would be the authoritative voice on weapons systems that add to international tension or competition or serve principally the competitive position and prestige of the Services or the profits of their suppliers. It would have the special function of serving as a watchdog on negotiations to insure that the military power is excluded.

(10) Control of the military power must be an ecumenical effort. Obviously no one who regards himself as a liberal can any longer be a communicant of the military power. But the issue is one of equal concern to conservatives—to the conservative who traditionally suspects any major concentration of public power. It is also an issue for every businessman whose taxes are putting a very few of his colleagues on the gravy train. But most of all it is an issue for every citizen who finds the policy images of this bureaucracy—the Manned Orbiting Laboratory preserving the American position when all or most are dead below—more than a trifle depressing.

IX

A few will find the foregoing an unduly optimistic effort. More, I suspect, will find it excessively moderate, even commonplace. It makes no overtures to the withdrawal of scientific and other scholarly talent from the military. It does not encourage a boycott on recruiting by the military contractors. It does not urge the curtailment of university participation in military research. These, there should be no mistake about it, will be necessary if the military power is not brought under control. Nor can there be any very righteous lectures about such action. The military power has reversed constitutional process in the United States—removed power from the public and Congress to the Pentagon. It is in a poor position to urge orderly political process. And the consequences of such a development could be very great—they could amount to an uncontrollable thrust to unilateral disarmament. But my instinct is for action within the political framework. This is not a formula for busy ineffectuality. None can deny the role of those who marched or picketed on Vietnam. But, in the end, it was political action that arrested the escalation and broke the commitment of the bureaucracy to this mistake. Control of the military power is a less easily defined and hence more difficult task. (To keep the military and its allies and spokesmen from queering international negotiations will be especially difficult.) But if sharply focused knowledge can be brought to bear on both weapons procurement and negotiation; if citizen attitudes can be kept politically effective by the conviction that this is the political issue of our time; if there is effective organization; if in consequence a couple of hundred or even a hundred members of Congress can be kept in a vigilant, critical, and aroused mood; and if for the President this becomes visibly the difference between success and failure, survival and eventual defeat, then the military-industrial complex will be under control. It can be made to happen.

[From the New York Times Magazine, June 22, 1969]

AS EISENHOWER WAS SAYING: "WE MUST GUARD AGAINST UNWARRANTED INFLUENCE BY THE MILITARY-INDUSTRIAL COMPLEX"[1]

(By Richard F. Kaufman[2])

Eight years have gone by since President Eisenhower opened the door on the military-industrial skeleton in the closet. Yet only recently has research started to hang some real meat on his bony, provocative phrase, "military-industrial complex." What is emerging is a real Frankenstein's monster. Not only is there considerable evidence that excessive military spending has contributed to a misallocation of national resources, but the conclusion seems inescapable that society has already suffered irreparable harm from the pressures and distortions thus created.

Military and military-related spending accounts for about 45 per cent of all Federal expenditures. In fiscal 1968, the total Federal outlays were $178.9-billion. The Defense Department alone spent $77.4-billion, and such related programs as military assistance to foreign countries, atomic energy and the Selective Service System raised the figure to $80.5-billion. The $4-billion program of the National Aeronautics and Space Administration and other activities intertwined with the military carry the real level of defense spending considerably higher.

To place the defense bill in perspective we should note that 1968 appropriations were less than $500-million for food stamps, school lunches and the special milk program combined. For all federally assisted housing programs, including Model Cities, they were about $2-billion. The poverty program received less than $2-billion. Federal aid to education was allotted about $5.2-billion.

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[8] Charles L. Schultze, the former Director of the Budget under President Johnson and his associate William M. Capron, neither of them radicals in this matter, have recently observed that "Once we have achieved a minimum deterrent, plus an ample margin of safety and a healthy R & D program to be prepared for the future, it is difficult to conceive of any value the United States could gain from additional 'superiority' in nuclear forces. . . . we cannot attain a first-strike capability. And if we can retaliate with devastating force against a Soviet attack, what do we gain by having twice or three times that force? It adds nothing to our diplomatic strength in situations short of nuclear war. It does not add to deterrence—devastation twice over is no greater deterrent than devastation once. We can, to some extent, limit damage to the United States by having the capability, in a retaliatory strike, to target Soviet missiles and bombers withheld in a first strike. But the 'ample margin of safety' described above gives us such a capability already. Excessive superiority, in other words, gains us little of value, costs substantially in budget terms, and almost inevitably forces a Soviet response which eliminates the superiority temporarily gained." Unpublished memorandum. A valuable recent document on this whole subject is George W. Rathjens' *The Future of the Strategic Arms Race* (Carnegie Endowment for International Peace, 1969).

[9] I would urge leaving the space race out of this effort. The gadgetry involved is not uniquely lethal; on the contrary it channels competition with the Soviets, if such there must be, into comparatively benign channels. It has so far been comparatively safe for the participants—strikingly so as compared with early efforts at manned flight in the atmosphere and across the oceans. One observes, between ourselves and the Soviets, a gentlemanly obligation to admire each other's accomplishments which, on the whole, compares favorably with similar manifestations at the Olympic games or involving music and the ballet.

[1] Farewell radio and television address to the American people, Jan. 17, 1961.

[2] Richard F. Kaufman is an economist on the staff of the Joint Economic Subcommittee on Economy in Government, which Senator William Proxmire heads.

The funds spent on these programs and all those categorized as health, education, welfare, housing, agriculture, conservation, labor, commerce, foreign aid, law enforcement, etc.—in short, all civilian programs—amounted to about $82.5-billion, if the space and veterans' programs are not included, and less than $70-billion if the interest on the national debt is not considered.

The largest single item in the military budget—it accounted for $44-billion in 1968—is procurement, which includes purchasing, renting or leasing supplies and services (and all the machinery for drawing up and administering the contracts under which those purchases and rentals are made). Procurement, in other words, means Government contracts; it is mother's milk to the military-industrial complex.

The Pentagon annually signs agreements with about 22,000 prime contractors; in addition, more than 100,000 subcontractors are involved in defense production. Defense-oriented industry as a whole employs about 4 million men. However, although a large number of contractors do some military business, the largest share of procurement funds is concentrated among a relative handful of major contractors. Last year the 100 largest defense suppliers obtained $26.2-billion in military contracts, 67.4 per cent of the money spent through contracts of $10,000 or more.

Similarly, the Atomic Energy Commission's contract awards tend to be concentrated in a select group of major corporations. Of approximately $1.6-billion awarded in contracts last year, all but $104-million went to 36 contractors. As for NASA, procurement plays a larger role in its activities than in those of any other Federal agency. More than 90 per cent of its funds are awarded in contracts to industry and educational institutions. Of the $4.1-billion worth of procurement last year, 92 per cent of the direct awards to business went to NASA's 100 largest contractors.

In terms of property holdings, the result of almost two centuries of military procurement is a worldwide and practically incalculable empire. An almost arbitrary and greatly underestimated value—$202.5-billion—was placed on military real and personal property at the end of fiscal year 1968. Weapons were valued at $100-billion. Supplies and plant equipment accounted for $55.6-billion. Most of the remainder was in real estate. The Pentagon says the 29 million acres it controls—an area almost the size of New York State—are worth $38.7-billion. (The official Defense Department totals do not include 9.7 million acres, valued at $9-billion, under the control of the Army Civil Works Division or additional property valued at $4.7-billion.) The arbitrariness of those figures is seen in the fact that they represent acquisition costs. Some of the military real estate was acquired more than a century ago, and much of it is in major cities and metropolitan areas. The actual value of the real estate must be many times its acquisition cost.

But the important fact about procurement is not the extent of the Pentagon's property holdings; it is that defense contracting has involved the military with many of the largest industrial corporations in America. Some companies do almost all their business with the Government. Into this category fall a number of the large aerospace concerns—such giants as General Dynamics, Lockheed Aircraft and United Aircraft. For such other companies as General Electric, A.T.&T. and General Motors, Government work amounts to only a small percentage of the total business. But the tendency is for a company to enlarge its share of defense work over the years, at least in dollar value. And whether defense contracts represent 5 per cent or 50 per cent of a corporation's annual sales, they become a solid part of the business, an advantage to maintain or improve upon. A company may even work harder to increase its military sales than it does to build commercial sales because military work is more profitable, less competitive, more susceptible to control through lobbying in Washington. The industrial giants with assets of more than $1-billion have swarmed around the Pentagon to get their share of the sweets with no less enthusiasm than their smaller brethren.

The enormous attraction of military and military-related contracts for the upper tiers of industry has deepened in the last few years as military procurement has increased sharply. For example, G.E.'s prime-contract awards have gone up from $783-million in 1958 to $1.5-billion in 1968; General Motors went from $281-million in 1958 to $630-million in 1968. While much of this increase can be traced to the Vietnam war boom and many contractors would suffer a loss of business if the war ended, there was steady growth in the defense industry during the fifties and early sixties (in 1964 and 1965, before the Vietnam build-up, there was a decline in prime-contract awards). In the five years from 1958 to 1963—five years of peace—the value of G.E.'s prime contracts increased $217-million and General Motors' rose $163-million. The same trend can be shown for many of the large corporations in the aerospace and other industries.

What seems to be happening is that defense production is gradually spreading throughout industry, although the great bulk of the funds is still spent among relatively few companies. Still, as the defense budget increases the procurement dollars go further. The geographical concentration of defense production in the industrialized, high-income states also suggests that military contracts have come less and less to be restricted to an isolated sector of the economy specializing in guns and ammunition. Military business has become solidly entrenched in industrial America.

Considering the high degree of mismanagement and inefficiency in defense production and the tendency for contractors to want more sales and therefore to support the military in its yearly demands for a larger budget, this is not a healthy situation. The inefficiency of defense production, particularly in the aerospace industry, can hardly be disputed. Richard A. Stubbing, a defense analyst at the Bureau of the Budget, in a study of the performance of complex weapon systems, concluded: "The low over-all performance of electronics in major weapon systems developed and produced in the last decade should give pause to even the most outspoken advocates of military-hardware programs." He found that in 13 aircraft and missile programs produced since 1955 at a total cost of $40-billion, fewer than 40 per cent of the electronic components performed acceptably; two programs were canceled at a cost to the Government of $2-billion, and two programs costing $10-billion were phased out after three years because of low reliability.

And the defense industry is inefficient as well as unreliable. Albert Shapero, professor of management at the University of Texas, has accused aerospace contractors of habitually over-staffing, over-analyzing and over-managing. A. E. Fitzgerald, a Deputy Assistant Secretary of the Air Force, in testimony before the Joint Economic Subcommittee on Economy in Government, described poor work habits and poor discipline in contractors' plants. In the same hearing, a retired Air Force officer, Col. A. W. Buesking, a former director of management systems control in the office of the Assistant Secretary of Defense, summarized a study he had conducted by saying that control systems essential to prevent excessive costs simply did not exist.

In a sense, industry is being seduced into bad habits of production and political allegiance with the lure of easy money. And industry is not the only sector being taken in. Consider conscription (3.6 million men in uniform), the Pentagon's civilian bureaucracy (1.3 million), the work force in defense-oriented industry (4 million), the domestic brain drain created by the growth in military technology, the heavy emphasis on military research and development as a percentage (50 per cent) of all American research, the diversion of universities to serve the military and defense industry. These indicators reveal a steady infiltration of American values by those of the military establishment: production for nonproductive use, compulsory service to the state, preparation for war. In the process, the economy continues to lose many of the attributes of the marketplace. In the defense industry, for all practical purposes, there is no marketplace.

The general rule for Government procurement is that purchases shall be made through written competitive bids obtained by advertising for the items needed. In World War II the competitive-bid requirements were suspended. After the war the Armed Services Procurement Act was passed, restating the general rule but setting out 17 exceptions—circumstances under which negotiation would be authorized instead of competition. The exceptions, which are still in use, are very broad and very vague. If the item is determined to be critical or complex or if delivery is urgent or if few supplies exist and competition is impractical or if emergency conditions exist or if security considerations preclude advertising, the Pentagon can negotiate for what it wants.

When President Truman signed this law in 1948 he saw the possibilities for abuse and wrote to the heads of the armed services and the National Advisory Committee for Aeronautics. "This bill," he said, "grants unprecedented freedom from specific procurement restrictions during peacetime. . . . . There is danger that the natural desire for flexibility and speed in procurement will lead to excessive placement of contracts by negotiation and undue reliance upon large concerns, and this must not occur." Unfortunately, Truman's apprehensions were well justified. Last year about 90 percent of the Pentagon's and 98 percent of NASA's contract awards were negotiated under the "exceptions."

What this means is that there is no longer any objective criterion for measuring the fairness of contract awards. Perhaps more important, control over the costs, quality and time of production, insofar as they resulted from competition, are also lost. Negotiation involves informal discussion between the Pentagon and its contractors over the price and other terms of the contract. It permits subjective decisionmaking on such important questions as which firms to do business with and what price to accept. The Pentagon can negotiate with a single contractor, a "sole source," or it can ask two or three to submit proposals. If one later complains that he had promised to provide a weapon at a lower price than the contractor who obtained the award, the Pentagon can respond by asserting that the price was not the major factor, that the Government simply had more faith in the contractor who won. This, in effect, is how the Army responded to the Maremont Corporation's recent challenge of a contract award to General Motors for the M–16 rifle. The Pentagon, because of its almost unbounded freedom to award contracts, can favor some companies. And over long periods, this practice can lead to a dependence by the Government on the technical competence of the suppliers on whom it has come to rely. For example, the Newport News Shipbuilding Company has a virtual monopoly on the construction of large aircraft carriers.

Typically, the Pentagon will invite a few of the large contractors to submit proposals for a contract to perform the research and development on a new weapon system. The one who wins occupies a strategic position. The know-how he gains in his research work gives him an advantage over his rivals for the larger and more profitable part of the program, the production. This is what is

meant when it is said that the Government is "locked in" with a contractor. Because the contractor knows he will obtain a lock-in if he can do the initial research work, there is a tendency to stretch a few facts during the negotiations.

Contractor performance is measured by three factors: the total cost to the Government of the weapon system, the way in which it functions and the time of delivery. During the contract negotiations over these factors the phenomenon known as the "buy-in" may occur. The contractor, in order to "buy in" to the program, offers more than he can deliver. He may promise to do a job at a lower cost than he knows will be incurred or to meet or exceed performance specifications that he knows are unattainable or to deliver the finished product long before he has reason to believe it will be ready.

Technically, the contractor can be penalized for his failure to fulfill promises made during the negotiations, but the Government rarely insists on full performance. The contractor knows this, of course, and he also knows the "get-well" strategem. That is, he can reasonably expect, on practically all major weapons contracts, that should he get into difficulty with regard to any of the contract conditions, the Government will extricate him—get him well.

The contractor can get well in a variety of ways. If his costs run higher than his estimates, the Pentagon can agree to pay them. (Cost increases can be hidden through contract-change notices. On a typical, complex weapon system, the changes from original specifications will number in the thousands; some originate with the Pentagon, some are authorized at the request of the contractor. The opportunities for burying real or phony cost increases are obvious, so much so that in defense circles contract-change notices are sometimes referred to as "contract nourishment.") The Government can also accept a weapon that performs poorly or justify a late delivery. If for some reason it is impossible for the Pentagon to accept a weapon, there is still a way to keep the contractor well. The Pentagon can cancel a weapon program for the "convenience" of the Government. A company whose contract is canceled for default stands to lose a great deal of money, but cancellation for convenience reduces or eliminates the loss; the Government makes reimbursement for costs incurred. An example of this occurred recently in connection with the F–111B, the Navy's fighter-bomber version of the TFX.

Gordon W. Rule, a civilian procurement official who had responsibility for the F–111B, said in testimony before the House Subcommittee on Military Operations that General Dynamics was in default on its contract because the planes were too heavy to meet the height or range requirements. Rule proposed in a memorandum to Deputy Secretary of Defense Paul H. Nitze that the contract be terminated for default. At the same time, Assistant Secretary of the Air Force Robert H. Charles and Roger Lewis, the General Dynamics chairman, proposed that the Navy reimburse the company for all costs and impose no penalty. Nitze's compromise was to make reimbursement of $216.5-million, mostly to General Dynamics, and to impose a small penalty.

In a memo written last year Rule made this comment on the attitude of defense contractors: "No matter how poor the quality, how late the product and how high the cost, they know nothing will happen to them."

There are many other ways to succeed in the defense business without really trying. The Pentagon generously provides capital to its contractors; more than $13-billion worth of Government-owned property, including land, buildings and equipment, is in contractors' hands. In addition, the Pentagon will reimburse a supplier during the life of his contract for as much as 90 per cent of the costs he reports. These are called "progress" payments, but are unrelated to progress in the sense of contract objectives achieved; they correspond only to the costs incurred. The progress payments are interest-free loans that provide the contractor with working capital in addition to fixed capital. They minimize his investment in the defense business and free his assets for commercial work or for obtaining new defense work.

Investigations by the General Accounting Office have revealed that the Government's money and property have been used by contractors for their own purposes. The most recent incident involved Thiokol Chemical Corporation, Aerojet-General (a subsidiary of General Tire & Rubber Company) and Hercules, Inc. From 1964 through 1967 they received a total of $22.4-million to be used for work on the Air Force Minuteman missile program. The Government accountants found that the three contractors misused more than $18-million of this money, spending it for research unrelated and inapplicable to Minuteman or any other defense program.

The defense industry is perhaps the most heavily subsidized in the nation's history. Thanks to Pentagon procurement policies, large contractors find their defense business to be their most lucrative. Although no comprehensive study of such profits has been made, the known facts indicate that profits on defense contracts are higher than those on related nondefense business, that they are higher for the defense industry than for manufacturing as a whole and that the differential has been increasing. In a study that compared the five-year period from 1959 through 1963 with the last six months of 1966, the General Accounting Office found a 26 per cent increase in the average profit rates negotiated. Admiral Hyman G. Rickover has testified that suppliers of propulsion turbines are insisting on profits of 20 to 25 per cent, compared with 10 per cent a few years ago, and that profits on shipbuilding contracts have doubled in two years.

The figures cited by Rickover relate to profits as a percentage of costs, a measure that often understates the true profit level. The more accurate measure is return on investment. An example of the difference was demonstrated in a 1962 tax-court case, North American Aviation v. Renegotiation Board. The contracts provided for 8 per cent profits as a percentage of costs, the tax court found that the company had realized profits of 612 per cent and 802 per cent on its investment in two succeeding years. The reason for the huge return on investment was the Defense Department policy of supplying both fixed and working capital to many of the larger contractors. In some cases the amount of Government-owned property exceeds the contractor's investment, which is sometimes minimal. It is no wonder that contractors prefer to talk about profits as a percentage of costs.

Murray Weidenbaum, recently appointed Assistant Secretary of the Navy, found in a study that between 1962 and 1965 a sample of large defense contractors earned 17.5 per cent net profit (measured as a return on investment), while companies of similar size doing business in the commercial market earned 10.6 per cent.

The Pentagon has attempted to answer the critics of high defense profits by citing the findings of the Logistics Management Institute, a think tank that has done a study showing declining defense profits. The trouble with the institute's study is that it used unverified, unaudited data obtained on a voluntary basis from a sample of defense contractors. Those who did not want to participate simply did not return the questionnaires, in fact, 42 percent of those contacted provided no data. There is no way of knowing whether the group of contractors who refused to participate in the study included the ones making the highest profits.

There is almost no risk in defense contracting except that borne by the Government. If a major prime contractor has ever suffered a substantial loss on a defense contract, the Pentagon has failed to disclose his name, although it has been requested to do so by members of Congress. On the other hand, the disputed Cheyenne helicopter and C–5A cargo plane projects could conceivably result in large losses for Lockheed, the contractor in both cases. Lockheed asserts that it might still make a profit on the C–5A (which is being produced in a Government-owned plant), and denies that it is at fault in the cancellation of production on the Cheyenne helicopter (on which research work has been resumed). Past experience suggests that one should await the final decision, which may be two years in coming, before making flat statements about profit and loss.

In fairness, it ought to be pointed out that Secretary of Defense Melvin R. Laird has talked about a new get-tough policy with contractors. New procurement techniques that would, for instance, require contractors to meet specific cost benchmarks have been announced; increased prototype development is planned; greater public disclosure of cost overruns and performance or scheduling problems have been promised; the production of the Cheyenne helicopter and the Air Force's Manned Orbiting Laboratory program have been canceled. Whether any of these measures will produce real savings has yet to be determined. The Pentagon is famous for its paper reforms.

The defense industry, in addition to providing high profits at low risk, offers fringe benefits for everyone. One of the important advantages for those in procurement on either side of the bargaining table, is the opportunity for career advancement. There is a steady march of military and civilian personnel back and forth between the Pentagon and the defense industry. It is not considered unusual for someone like Maj. Gen. Nelson M. Lynde Jr. to retire from the Army after being directly involved in the procurement of the M–16 rifle and go to work five months later for Colt Industries, originally the "sole source" of the M–16; nor is it a matter for comment when Lieut. Gen. Austin Davis retires from the Air Force after playing an important role in procurement for the Minuteman missile program and becomes vice president of North American Rockwell, one of the Minuteman's prime contractors.

This is not to say that the interchange of personnel between the Pentagon and the defense industry is harmful in itself or that it ought to be prohibited. There is a problem in finding qualified people, and one would not want to deprive either the Pentagon or contractors of a source of trained manpower. While it would not be fair to condemn the practice and everyone engaged in it out of hand, there is a serious conflict-of-interest problem.

The conflict-of-interest laws apply primarily to military personnel and are easily evaded. Therefore, the solution to the problem does not seem to lie in expanding the legal restrictions. What might help is the public disclosure of the names of high-ranking Pentagon officials who have moved on to jobs in the defense industry and those who have made the reverse trip. The Subcommittee on Economy in Government has recommended that such a list be compiled. It would facilitate scrutiny of the interchange problem by revealing obvious conflicts of interest that should be investigated.

Individuals in the field of procurement naturally have an interest in the continued growth and importance of their field. The same could be said of people in many other fields. What is disturbing here is the opportunity that many officials have to influence procurement policy while in the Pentagon and then benefit from their actions or those of their former associates when they join the defense industry or, possibly, one of the 16 Federal-contract research centers supported by the Pentagon.

The 16 centers, including the Rand Cor-

poration and the Institute for Defense Analysis, receive at least 85 per cent—and in some cases as much as 99 per cent—of their income from the Pentagon. With contracts totaling more than $300-million a year, they form a kind of halfway house between the military establishment and the defense industry, serving the interests of both.

Last year, Senator J. W. Fulbright, the chairman of the Senate Foreign Relations Committee, obtained from the Pentagon a list of the top officials of the research centers and their prior Government affiliations. Seven center presidents and five vice presidents—including Maxwell D. Taylor, former chairman of the Joint Chiefs of Staff—had once held high posts in the Defense Department. Taylor's salary as president of the Institute for Defense Analysis was reported as $49,200; he also, of course, received retirement pay as a general. The highest-paid research-center officer was the president of the Aerospace Corporation, an Air Force creation, who received $90,000 a year.

In hearings last fall before the Subcommittee on Economy in Government, Senator William Proxmire looked briefly at the Logistics Management Institute, a Pentagon-created research center that worked exclusively for the Defense Department until recently, when it obtained permission to devote 10 per cent of its time to other assignments. Senator Proxmire learned that, of the institute's 18 professional staff members, six came directly from defense contractors, six were formerly employed by research centers or consultant firms whose work was heavily defense oriented and one was a retired Air Force Reserve officer.

More recently, Proxmire asked the Pentagon for a list of the retired regular military officers holding the ranks of Army colonel, Navy captain or higher employed by the 100 largest defense contractors. As of February, 1969, 2,072 retired regular military officers were employed by the 95 top contractors who responded to the inquiry, an average of 22 in each company. The 10 companies employing the largest number had 1,065 on their payrolls, an average of 106, triple the average number they employed in 1959.

Proxmire, in a March 24 speech, commented, "What we have here is almost a classic example of how the military-industrial complex works." His point was that there is a growing community of interests between the military and the large contractors and that it militates against the public interest. Former high-ranking military men have a special entrée to the Pentagon, they have friendships with those still there and may even negotiate contracts or be involved in developing plans and specifications with officers with whom they served, whom they promoted or vice versa. "In addition," Proxmire said, "there is the subtle or unconscious temptation to the officer still on active duty. After all, he can see that over 2,000 of his fellow officers work for the big companies. How hard a bargain does he drive with them when he is one or two years away from retirement?"

The interchange of personnel, according to testimony by Admiral Rickover, has helped spread a business-oriented philosophy in the Defense Department. One might equally well observe that a military-oriented philosophy has been spread in the defense industry. Several kinds of institutional arrangements in addition to the interchange of personnel help bind military power to industrial wealth. Representatives of industry, in such groups as the Aerospace Industries Association, and of the military, in such organizations as the Air Force Association, agree on the basic issues: a large military budget, a high cost base in defense production, no losses, high profits and Congressional and public compliance.

Though ostensibly preoccupied with national security and maintaining a strong defense against potential foreign aggressors, these institutions interpret domestic criticism of military spending as a problem of the highest priorty. Witness a meeting of the Industry Advisory Council and representatives of the Defense Department in October, 1968. (The Industry Advisory Council is one of a dozen or more business-advisory groups which meet regularly with officials in the Pentagon to discuss matters ranging from foreign policy to the latest proposed changes in armed services procurement regulations. The Industry Advisory Council until recently was called the Defense Industry Advisory Council. Dropping the word "Defense" from its name suggests its concern over public relations. The council's membership at the time of the October meeting included the presidents or board chairmen of Boeing, G.E., Brown and Root, Western Electric, DuPont, Lockheed, Newport News Shipbuilding, Northrop, General Dynamics, Olin Mathieson, Tenneco, Litton, and Ford.)

The immediate outcome of the October meeting was an outline of major problems facing the Pentagon and industry. The outline and a memorandum from Assistant Secretary of Defense Thomas Morris were circulated to officials on the assistant-secretary level of the Defense Department and each of the armed services. The subject was: "Fundamental Problem Areas: Key areas worthy of joint exploration by D.O.D. and industry in calendar year 1969."

Four major problem areas were listed. The first was how to "maintain public and Congressional confidence in the integrity and effectiveness of defense procurement and contractor performance." Others were how to obtain full compliance with procurement policies by both Pentagon and industry officials; how to maintain a healthy defense-industrial base, and how to increase the effectiveness of the major-weapon-system acquisition process.

The memo, in discussing how to shore up lagging public and Congressional confidence in the defense procurement process, listed some more specific "detailed problems," including these: uniform-accounting-standards legislation; excess-profits hearings; the Truth-in-Negotiations Act; General Accounting Office investigations and audits; investigations of such specific programs as the TFX and the M–14 rifle and statutory profit limitations. In other words, the chief worries of the industry and Pentagon representatives in 1969 are legislation that would tighten controls on procurement and defense profits, the investigation of specific weapons programs and investigations and audits by Government accountants.

The danger of the military-industrial complex lies in its scale. Reasonable men will tolerate a war machine as a necessary evil. It is the size of the machine and its claim on national resources and individual lives that is at issue. What is alarming is the growth of the complex.

The great leap of the military budget in the last few years, from about $50-billion to $80-billion, and its earlier growth, beginning with the Korean war, have helped to bring about serious stresses in the economy. Although no one factor can be identified as the sole cause of inflation, it is no accident that the three most recent price surges accompanied sharp increases in military spending between 1950 and 1953 (the Korean war period), between 1955 and 1957 and since the buildup in Vietnam began. Defense expenditures have contributed substantially to these inflationary trends. The consequent reduced value of savings and fixed-income assets during each of these periods is an indirect cost of defense; the 10 percent tax surcharge made necessary by the Vietnam build-up is a much more direct one.

More ominous than the economic consequences of a bloated defense budget are expanding and sometimes furtive military activities in such areas as foreign affairs, social-science research, domestic riot control and chemical and biological warfare. In hearings last year on Pentagon-sponsored foreign-affairs research, Senator Fulbright quoted from a 1967 report of the Defense Science Board (a scientific counterpart to the business-advisory groups): "The D.O.D. mission now embraces problems and responsibilities which have not previously been assigned to a military establishment. It has been properly stated that the D.O.D. must now wage not only warfare but 'peacefare' as well. Pacification assistance and the battle of ideas are major segments of the D.O.D. responsibility. The social and behavioral sciences constitute the unique resource for support of these new requirements. . . ."

Fulbright's reminder that the military's responsibility is "to prosecute war or to provide military forces which are capable of defending against an external attack" might have sounded like naiveté to the Pentagon, but his point is important. Social-science research conducted in foreign countries by foreigners should, if it is to be supported at all, be supported by the State Department, not the Pentagon. Research into socio-cultural patterns or the social organization of groups or processes of change should not be a military responsibility. Yet the Pentagon does support foreign research all over the world, awarding contracts to G.E. to make projections of "future world environments" and to McDonnell-Douglas to do a study entitled "Pax Americana," later retitled "Projected World Patterns, 1985."

The Army's new domestic "war room" in the basement of the Pentagon is also of doubtful legitimacy. This "operations center" is supposed to help dispatch and coordinate troops for urban riots (maybe that's "pacification assistance"). Even assuming the need for this kind of activity, one can raise the same question that disturbs Senator Fulbright with regard to social-science research: Is this a proper military responsibility?

The most recent example of the Pentagon's "independent thinking," brought to light by the efforts of Congressmen Richard D. McCarthy and Cornelius Gallagher, is the controversial Army plan to transport about 27,000 tons of obsolete poison gas across the country by train to New Jersey to be loaded onto old hulks, towed out to sea and sunk. Both the State Department and the Interior Department have a direct interest in this project, yet the Army did not bother to coordinate its plans with them until long after the plans were formulated.

Such incidents as the construction of the domestic war room and the independent decision to ship poison gas across the country symbolize the drift of power in the executive branch to the Pentagon and show the extent to which military authority has exceeded its traditional limits. Swollen by overgenerous appropriations, the defense budget has become the source of frightening political as well as economic power. Practically freed of the fiscal limitations that restrain other agencies, the Pentagon seems to be able to exercise its will in almost any area it chooses, foreign or domestic, from negotiating a new lease for bases and promising military assistance to Spain (as it was recently alleged to have done) to launching programs of social reform.

The nature of the problem was simply stated recently at a hearing of the House Subcommittee on Military Operations. Testifying was Phillip S. Hughes, deputy director of the Bureau of the Budget. Representative William Moorhead had charged that the bureau was unable to scrutinize Defense Department expenditures to the same extent that it reviews nondefense spending. The budget requests of Government agencies, except the Defense Department, are subjected to an independent analysis and review, which is then submitted to the Budget Director. The director makes his recommendations to the President, subject to challenge by the Cabinet officer concerned. But the Defense Department is treated differently. In the Pentagon, Moorhead said, Budget Bureau

analysts must work alongside their Defense counterparts, not independently. The results of this joint review are submitted to the Secretary of Defense, who sends it to the President, subject to challenge by the Budget Director. The result is that the burden of persuading the President to change the budget he receives is shifted from the agency head to the Budget Director in the case of the defense item, but only there. (The Nixon Administration's Budget Director, Robert P. Mayo, testified recently that the defense budget would be transmitted to the President in the future just as other departmental requests are.)

"The most relevant consideration," Hughes testified, "is, in blunt terms, sheer power—where the muscle is—and this is a very power-conscious town, and the Secretary of Defense, and the defense establishment are a different group to deal with, whether the Congress is dealing with them or whether the Budget Bureau is dealing with them. . . ."

The military-industrial complex has become a massive, tangled system, half inside, half outside the Government. Like the Gordian knot, it is too intricate to be unraveled. But like the dinosaur, its weakness lies in its great size. If its intricacy rebuffs us, its grossness is vulnerable; it can be reduced by substantially cutting the defense budget.

This is the only viable immediate solution, for innovations in contractual procedures, regulatory statutes such as the Truth-in-Negotiations Act and such watchdog agencies as the General Accounting Office have not been able to cope effectively with the major excesses in military procurement. The Bureau of the Budget has been in a subordinate position, notwithstanding its recent success in challenging the Manned Orbiting Laboratory funds and its claims to more power over the defense budget. The deck is stacked against those who would sit down across the table from the military-industrial complex.

The only way to change the game is to cut the budget.

ORDER OF BUSINESS

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE WILLIAM H. BATES, OF MASSACHUSETTS

Mr. BROOKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

H. RES. 450

Resolved, That the House has heard with profound sorrow of the death of the Honorable William H. Bates, a Representative from the State of Massachusetts.

Resolved, That a committee of fifty-seven Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Attest:

W. PAT JENNINGS,
Clerk.

Mr. BROOKE. Mr. President, I submit a resolution, for my colleague from Massachusetts (Mr. KENNEDY) and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 214) as follows:

S. RES. 214

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William H. Bates, late a Representative from the State of Massachusetts.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROOKE. Mr. President, WILLIAM BATES had all of the attributes of an ideal public servant: a keen intellect, the ability to grasp difficult problems, a deep sense of compassion and understanding, a notable sense of humor, and above all those traits of character and integrity which earned for him the respect of his colleagues and constituency alike. I am sure that the people of the Sixth District, no matter what their political affiliation, feel that they have lost a very good friend. It is certain that the Commonwealth has lost one of her most distinguished sons and the Congress a Member of the first rank. BILL BATES would have been one of the last to consider himself indispensable, but with his passing I think that all of us are conscious that his place will be a difficult one ever to fill. He served his district, his Commonwealth, and his Nation with never less than total excellence and with utmost fidelity and devotion. My wife joins me in extending to Mrs. Bates and all of the family our heartfelt sympathy. It is a tragedy that a man like Congressman BILL BATES, in the prime of his life and with so many years of service yet unfulfilled, should have been taken from us.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was unanimously agreed to.

The PRESIDING OFFICER. Pursuant to the resolution, the Chair appoints the two Senators from Massachusetts, Senator BROOKE and Senator KENNEDY, to join with a like committee of the House to attend the funeral of the deceased Representative.

ADJOURNMENT

Mr. BROOKE. Mr. President, in accordance with Senate Resolution 214, and as a further mark of respect to the memory of the deceased, Representative BATES, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 39 minutes p.m.), under the previous order, the Senate adjourned until tomorrow, Tuesday, June 24, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, June 23, 1969:

NATIONAL SCIENCE FOUNDATION

William David McElroy, of Maryland, to be Director of the National Science Foundation for a term of 6 years, vice Leland J. Haworth.

DIPLOMATIC AND FOREIGN SERVICE

Luther I. Replogle, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

Kenneth Rush, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

J. Fife Symington, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Samuel E. Westerfield, Jr., of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Liberia.

U.S. CIRCUIT JUDGE

Eugene A. Wright, of Washington, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347 approved June 18, 1968.

ASSOCIATE JUDGE

W. Byron Sorrell, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions for the term of 10 years, vice a new position created under Public Law 90-579.

U.S. MARSHAL

Robert G. Wagner, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years, vice R. Ben Hosler.

FEDERAL POWER COMMISSION

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1974, reappointment.

IN THE NAVY

Vice Adm. Kleber S. Masterson, U.S. Navy, and Rear Adm. Robert J. Stroh, U.S. Navy, for appointment to the grade of vice admiral when retired, pursuant to title 10, United States Code, section 5233.

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 23, 1969:

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Andrew Peach Rollins, Jr., O24237, Army of the United States (brigadier general, U.S. Army), to be a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).

CALIFORNIA DEBRIS COMMISSION

Col. Charles R. Roberts, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507; 33 U.S.C. 661).

EXTENSIONS OF REMARKS

CITIZENS OF UTICA, N.Y., HONOR FRED J. PURCELL

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. PIRNIE. Mr. Speaker, on Friday, June 20, I was privileged to participate in a community tribute to a very distinguished citizen. On that date the citizens of Utica, N.Y., honored Fred J. Purcell for his service to his fellow man.

Those of us who shared in saluting Mr. Purcell did so with mixed emotions. On the one hand we were pleased to evidence our appreciation for all that our honored guest had done for his community, the people with whom he had worked, and the projects with which he was identified. We also were happy for Mr. Purcell, because we knew how much his election as vice president of the International Association of Machinists and Aerospace Workers meant to him and his family.

On the other hand, we were admittedly somewhat sad, because we knew that the elevation of Mr. Purcell to new and more important responsibilities within his labor organization would require the Purcells to move on.

The realization that this able, civic-minded, dedicated Utican would no longer be available to assist with local projects had an impact on us all. A Fred J. Purcell does not come along everyday. As we listened to the many tributes to this outstanding individual we knew we were losing someone who had contributed so much to so many. The loss will not be easily overcome.

A review of Mr. Purcell's record of achievements makes it easy to understand why he is held in such high esteem by the people of Utica. The following brief biographical sketch from the souvenir progam prepared especially for last Friday's testimonial dinner gives one a glimpse of a man and an indication of why he will be long remembered by those of us who proudly claim him as a friend. We wish him well in his new endeavor and we are confident that he will continue to distinguish himself as a dedicated, faithful, and energetic servant to his fellow man.

The biographical sketch follows:

BIOGRAPHICAL SKETCH OF HON. FRED J. PURCELL

Many who achieve success have a passion for making others aware of their achievements. Somehow each step up the ladder seems to be accompanied by great fanfare.

Fred Purcell is a delightful exception to that rule. While compiling a spectacular record in labor management and community service, his performance has been quiet, modest, and constantly superior.

While many of our distinguished citizens become globe trotters at the drop of an expense account, Fred chose to follow his destiny right here in the Mohawk Valley. His story is overwhelming proof that a man of extraordinary professional talents and a genuine concern for his community need not concern himself with success. Society brings success to such men by continually tapping them for greater responsibilities.

Fred's list of achievements, offices, and awards, both professional and civic, are a catalog of more than 20 years of service to labor management, which began in 1951 when he was elected Business Representative for District Lodge 157. He has held such key posts as Vice-President, Public Relations Director, and the President of the New York State Council of Machinists, President of the Greater Utica Federation of Labor, President of the Northeastern Conference of Machinists and President of the Greater Utica Federation of Labor, AFL–CIO. The list of his assignments could fill many pages. Suffice it to say that quietly and modestly Fred has emerged as a national leader in the labor movement.

Despite the grueling demands of his many labor posts, Fred somehow managed to find the time when asked to serve, whether the call was from occupation, community, or country. In World War II, Fred again distinguished himself, as he has throughout his career. While serving with the infantry in Italy and France, he was wounded and received the Purple Heart with two Oak Leaf Clusters. Following the war, he returned to Utica, and through the years he has served his city well.

He has been President of the Greater Utica Community Chest and Planning Council, Chairman of the United Fund Campaign, a member of numerous hospital, philanthropic, and church organizations. His devotion to the cause of labor and his community are inseparable, since Fred joined the ranks of labor while still attending St. Francis de Sales High School. In the American tradition, he sold newspapers, and worked in drug and grocery stores to earn money while still a student.

His wife, Betty, is also a native Utican, and she and their three children have shared the burden placed upon the family of a man in demand. Unfortunately, there are not many gifted with the dedication, the stamina, and the talent to bear the burden of leadership. The few who are, like Fred Purcell, fortunately find it impossible to say "no" when asked to serve.

RESOLUTION ADOPTED BY THE RICHMOND CHAPTER OF THE MILITARY ORDER OF THE WORLD WARS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 23, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a resolution adopted on May 15, 1969, by the Richmond Chapter of the Military Order of the World Wars.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF RICHMOND CHAPTER OF THE MILITARY ORDER OF THE WORLD WARS

Whereas our democratic institutions and way of life can survive only when supported by an educated citizenry, which can be attained only when our universities and colleges maintain ever-growing standards of scholarship; and

Whereas our institutions of learning are being deliberately subverted by revolutionary groups under the guise of "academic freedom" and seek, as does one which assumes the name of The Students for a Democratic Society, "to destroy the myth of American Democracy"; and

Whereas it is vital that these subversives be dealt with promptly and with all the force necessary to end their campaign of sit-ins, lock-outs, armed threats, arson, and numerous acts of vandalism; Now, therefore, be it

Resolved, That the administrative officials of all institutions of learning be governed by the following principles: That students be encouraged to make suggestions and recommendations for the betterment of their colleges and universities and that careful consideration be given them; that the administration discuss such recommendations with the students whenever they are not accompanied by force or the threat of force or other means of coercion; that in those cases where students are guilty of vandalism or other crimes, or persist in sit-ins or lock-outs, that they be criminally prosecuted and expelled permanently from the institution they seek to destroy; and be it further

Resolved, That a copy of these resolutions be sent to the president of each college and university within the United States.

Certified Official:

FRANKLIN R. SIBERT,
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THE 30TH SESSION OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RAILSBACK. Mr. Speaker, recently I had the privilege of representing the Judiciary Committee at the 30th session of the Intergovernmental Committee for European Migration. Also representing our committee were the gentleman from New Jersey, PETER W. RODINO, JR., the gentleman from Connecticut, THOMAS J. MESKILL, and the gentleman from California, CHARLES E. WIGGINS.

During the meeting, Ambassador Graham A. Martin, Special Assistant to the Secretary of State for Refugee and Migration Affairs, announced the United States would contribute half a million dollars for the current year bringing the total American commitment to about $4 million out of the total $24 million budget.

Ambassador Martin, in a speech before the committee, described the organization as an effective instrument that serves "both people in need and countries in need of people."

My colleague, the gentleman from New Jersey, PETER RODINO, JR., spoke for the entire delegation when he said he was "proud that the United States has given further substance to its interest in ICEM by an additional contribution."

He also stated that ICEM is "an important and indispensable organ of the international community in this ever-changing world."

Senator MATHIAS correctly noted that the organization "manages insurgences of refugees, moving them expeditiously to new homes; and it locates new opportunities for people in developed countries dissatisfied with their present homes or threatened by diminishing job possibilities."

I commend the speeches of Ambassador Martin, my colleague PETER RODINO, JR., and Senator MATHIAS to the Members of the House and include them herewith:

STATEMENT BY H. E. MR. GRAHAM MARTIN, SPECIAL ASSISTANT TO THE SECRETARY OF STATE

At the outset, Mr. Chairman, may I extend to you, the two Vice-Chairmen, and the Rapporteur my congratulations on your respective elections. My Delegation is most pleased to have the opportunity to participate in the Council's deliberations under your able leadership.

I should also like to extend through you, Mr. Chairman, a warm welcome to our new Director, Mr. John Thomas. We listened with keen interest to his statement to the Council and were very favourably impressed with the breadth and depth of his report—all the more so in view of the few short months that Mr. Thomas has held the Directorship. It seems abundantly clear that he tackled the job of directing our Committee in a vigorous and imaginative way and we compliment him on an excellent beginning.

In his report, the Director has referred to ICEM's record of achievements with his customary modesty; he has highlighted the Committee's current problems with frankness and candour, and cited the Committee's new directions and objectives with a note of hope and a note of cautious optimism. His statement, coupled with the Status Report we have reviewed in document MC/914, offer on the 1969 Programme and Budget, which we have reviewed in document MC/914, offer much food for thought and provide an excellent basis for the Council's deliberations.

In this framework, Mr. Chairman, I should like now to comment on those matters of particular interest and concern to my Government.

With the clear and present need so great, it is interesting to speculate on why our response, our collective and individual response, has been so slow.

Proximity etches the anxieties and needs of the displaced and dispossessed in very sharp lines. Where there is direct contact, the awareness of the compelling necessity for an adequate response is very clear. In those instances where our communications media have adequately reported the plight of individuals and groups, we have all seen that the response of the individual citizens of our countries has been prompt, generous and forthcoming.

I venture to suggest that part of our problem may be that documents and bare statistics tend to blur the picture. Perhaps we have become so accustomed to dealing with ICEM's role in the field of refugee resettlement in terms of mere statistics, that we may have lost sight of the wretched human drama behind them. If this is the case with those of us who are supposed to be the professionals of our governments in this field, we can certainly understand a diminishing awareness of the dimensions of the problem on the part of the citizens of our countries, and of our principals in our governments who have the unenviable task of determining the priorities for all too scarce governmental budgetary resources.

So, perhaps, it might be useful if we here today clearly recognize that the problem of refugees in Europe is a very sizeable and a continuing one. At this very moment, Camp Traiskirchen, near Vienna, is filled to capacity with new refugees from Eastern European countries, as are Camps Latina and Capua in Italy, Camp Zirndorf in Germany, the refugee hostel in Istanbul, and the refugee processing facilities in Beirut. In Spain, the processing pipeline is clogged with Cuban refugees; throughout the asylum areas of Western Europe and the Near East, the offices of the voluntary agencies are teeming with these and other categories of new refugees, including sizeable numbers from among minority groups of certain Eastern European and Arab countries.

Yes, Mr. Chairman, I believe those of us here know that the problem is real, the numbers are great, and the process of resettlement—which offers the best solution to the high majority of refugee cases—is costly. In the current year alone, according to the budget document before us, ICEM will expend over $9 million on its refugee programme.

But, Mr. Chairman, the problem still remains of how we translate our knowledge of the need into effective action on the part of our governments in providing the resources that ICEM must have to carry out the mission this Council has given it.

During the meeting of the Sub-Committee on Budget and Finance last week, we learned that the $744,000 deficit in this section of the Budget represented an inability on the part of ICEM to handle 5,000 to 7,000 refugees who will present themselves for movement during the current year. Perhaps, Mr. Chairman, it would be useful for all of us to remind their governments that this would involve not only suffering on the part of the refugees concerned, but a considerable increase in care and maintenance costs for the asylum governments and for other governments and agencies contributing to such costs, as well as the overcrowding in the refugee camps and processing centres.

We might remind our governments, Mr. Chairman, that history indicates that, if we permit this to happen, the eventual cost in money as well as in stark human misery will be far greater.

We might also remind our governments that there does not presently exist any other international mechanism except ICEM that is qualified to deal with these particular types of problems. We might, therefore, recommend that ICEM's established record of effectiveness deserves the increased financial resources that are now needed to meet the increased load it is called upon to carry.

We have noted that during the first four months of this year, ICEM has moved 16,200 refugees. Taking account of the number of potential refugee migrants in the asylum areas of Western Europe and the Near East at the present time—and I believe a conservative estimate would place the number at 40,000—and to add the current rate of influx of new refugees—running, I understand, approximately at the rate of 4,000 per month—it seems very clear that ICEM will be called upon to move as many, if not more, refugees in 1969 as in 1968—greater numbers than at any time since 1956/1957.

Now, in view of this heavy workload, we can take some comfort from the fact that ICEM is a viable organization, and that it is responding so effectively to the resettlement needs of the continuing heavy flow of new refugees. But, Mr. Chairman, I suggest that realism dictates that as responsible officers of the respective Member Governments, we cannot escape the fact that ICEM's ability to operate effectively in the area of refugee resettlement is in direct ratio to the measure of financial support provided to the Committee for this purpose.

My Government, Mr. Chairman, wishes to leave no doubt of its great concern that the status report before us still shows a deficit for the current year in Section II—Refugee Migration—in the amount of $744,000.

Now, if we may review for a moment the position with respect to resources, as we understand it, only 12 of ICEM's 31 Member Governments are making contributions to the refugee area of the Budget in the current year.

The question might well be raised whether the burden of meeting the needs of refugees has ceased to be a responsibility of the entire International Community—or whether the spirit of international solidarity in the face of humanitarian need has been somewhat foresaken. We cannot believe this to be the case. Rather, we are confident that a better appreciation on the part of governments, and of our citizens, of the continuing refugee activity in Europe—a new awareness of the problem facing ICEM—a new awareness of ICEM's uniqueness and proved record of effectiveness—will bring forth the necessary support.

Permit me, Mr. Chairman, to express the confident hope that those Member Governments which are not now contributing to this important area of activity will recognize the dire need and find a way to provide some measure of financial assistance—and that those governments which are already contributing will find it possible to do even more.

Our goal, I suggest, must be 100 per cent participation and 100 percent coverage of our refugee budget. I am reminded, Mr. Chairman, that back in 1960 when the Committee was facing a somewhat similar problem the representative of Switzerland at that time presented to the Fourteenth Special Session of the Executive Committee a formula for the financing of refugee movements, which called for per capita contributions from the country of temporary asylum; per capita contributions from country of final settlement; and contributions from member governments of ICEM.

Mr. Chairman, we suggest that it might now be appropriate to reconsider this or some other imaginative formula to provide for the assured financing of the Committee's refugee resettlement activities. I hope that the other Members of the Council may give us the benefit of their thinking and that perhaps the Council may be able to instruct the Budget Sub-Committee to thoroughly explore this question in the coming months and to report to us the results of their deliberations at the Council meeting in November.

If I may, I shall turn now, Mr. Chairman, to Section III of the Programme and Budget—the Latin American Programme—in which we face a shortfall of $450,000.

As the Council is well aware, my Government was among those which were instrumental in establishing the Selective Migration Programme for Latin America. We have supported the Programme since its inception in 1964.

Looking back at the difficulties experienced—and the Council will recall that the principal problem was finding suitable skilled and professional workers—it is regrettable, and indeed I may say it is ironic, that this Programme faces curtailment owing to lack of funds just at the time when the Committee's machinery is reaching a high standard of performance, and the Programme is showing favourable growth. According to the Status Report before us, increases are being achieved in nearly all the emigration countries, and there is reason to believe that the target of 2,000 highly skilled and professional movements could be reached in the current year.

The United States believes that ICEM has an important contribution to make to the over-all development of Latin America and we respectfully urge the Administration to review the Selective Migration Programme with each Member nation of the Committee, and particularly so with the Latin American Members, with a view to achieving a broader appreciation of its merits and mutual advantages—and to gain the necessary finan-

cial support to permit its continued operation and favourable growth.

With respect to Section I—National Migration—we note with satisfaction that this area of the Budget, which calls for the movement of 29,200 persons at a cost of $9,875,000, is in balance. We commend those governments having a particular interest in this part of the Committee's programme for making available the necessary financing. My Government finds it gratifying that the ICEM mechanism is able to assist in this positive way in the very important process of nation-building.

With respect to the Administrative Budget, Mr. Chairman, the United States is prepared to accept adoption of the new assessment scale which calls for an increase in the United States assessment from 29.77 per cent to 33.5 per cent. We note with some concern, however, that the tentative proposed scale before us totals only 98.56 per cent and we hope that measures will be taken to raise it to the necessary 100 per cent level.

We believe it is necessary for the Administration, under its new Director, to thoroughly review its own organizational pattern, its procedures, and its staffing in order to ensure responsiveness to current realities, to ensure the maximum effectiveness for the minimum costs. We believe this needs to be done, Mr. Chairman, and from the Director's statement, we are confident that under his leadership it will be done. We believe that such a review might result in the elimination of staff positions no longer necessary, or those members of the staff whose productiveness does not meet the reasonable criteria of performance Member Governments have a right to expect. We do not believe this standard of excellence has been wholly maintained in recent years, but we fully expect that it will be maintained in the future.

On our part, my Government strongly believes that the Council, in insisting on the maximum efficiency and effective performance, automatically accepts the corollary obligation to ensure that the compensation rates for the staff are periodically adjusted to ensure comparability with other international civil servants located in Geneva. This has been the practice of the Council in the past, and it is inconceivable to my Delegation that the Council will fail to recognize that the violation of one of the first principles of effective administration—the necessity for fair, adequate and just compensation—will certainly not assist the new Director in his endeavours to rapidly restore the organization to the peak of effectiveness the situation we face demands and which the Council will demand of him. We, therefore, hope very much that in due course the Council can resolve in justice and equity the question of fair and adequate compensation for the staff.

I have spoken before of measures we might undertake to bring home to our own governments and our own citizens the crucial importance of the current ICEM mission.

In this regard, Mr. Chairman, the United States Government commends the intention of the new Director to hold discussions with those Governments which have withdrawn from the Committee, i.e. Canada, France, Sweden, New Zealand, the United Kingdom, and Venezuela. The return of some or all of these Governments would be immensely beneficial to the Committee and should in our view be supported by all Member Governments.

Aside from governments, another source of support and co-operation which cannot be overlooked are the voluntary agencies. Since the end of the Second World War, an enormous share of the burden of assisting refugees and migrants has fallen on these privately-supported organizations. The voluntary agencies have been able to respond generously to the needs of refugees because of the contributions of their constituents representing nationality, religious and other groups. They also have developed a worldwide network for resettlement in other lands. Individual governments and international organizations could duplicate the infrastructure and expert staff of the voluntary agencies only with great effort and expense.

We would like to commend to the Administration the continuation of the close and cordial relationship which already exists between ICEM and the voluntary agencies and we recommend the ICEM consider expanding its use of the voluntary agency facilities. A closer relationship with the voluntary agencies which have constituents in many of the countries that are Members of ICEM may also serve to increase popular understanding and government support for the Committee. We are pleased to note from the Director's statement that he intends to make full use of these resources.

And as a final suggestion to my colleagues, Mr. Chairman, may I suggest that all of us exploit to the fullest degree possible the extraordinary talents of advocacy possessed by our new Director. I do not refer to the advocacy of a skilled professional with rare charm and great gifts of lucid exposition, although our new Director possesses these attributes. But he adds a burning personal conviction in the usefulness and the essentiality of the ICEM mission which carries great conviction.

Last November, I informed the Council that President Johnson had personally approved the presentation of Mr. Thomas as a candidate for the ICEM directorship. Our new President had been in office not yet a month, with all the problems of settling in a new American Administration, when Mr. Thomas was ready to leave for Geneva. Yet, President Nixon extended the allotted time four-fold while he and Mr. Thomas discussed ICEM, its mission, its contribution—the contribution it was uniquely equipped to make to meet the challenge before us today. As I listened to them talk on and on, I was certain that if, in the past, there had been concern over American support of ICEM, there need be no such concern for the future. And the presence of several of the most distinguished members of the Senate and the House of Representatives, who have taken the time from their busy schedules to attend this meeting of this Council, gives ample evidence that full support for ICEM is not confined to the Executive Branch but is thoroughly shared by our Legislative Branch as well. Within minutes of that meeting between President Nixon and Mr. Thomas, President Nixon signed a determination order more than doubling the funds available to my office for the current fiscal year. I am, therefore, able to inform the Council of an additional contribution of $500,000 for ICEM, which will bring the total contribution of my Government to ICEM for the current year to slightly more than $3.5 million.

As Mr. Thomas continues his normal courtesy calls on Member Governments, I venture to express the hope that he will be of as much assistance to my colleagues on the Council as he was to me.

If there is further deterioration resulting in an increased refugee flow, we are prepared to assist further in helping to cover the costs of ICEM's increasing activities. However, unless more governments respond more generously than has already been indicated, ICEM will not have the funds to move all the presently estimated number of refugees and migrants who will present themselves for resettlement assistance.

In previous years when deficits threatened, there was general agreement that ICEM must find a way not to limit its operations, not to restrict the movement of refugees awaiting resettlement, not to curtail its programme owing to lack of funds. This has been a laudable objective, Mr. Chairman, but I suggest that we may now have reached the point where this policy no longer seems realistic. Unless Member Governments are willing to fund the activities which ICEM can so effectively carry out, there appears to be no other answer except the curtailment of operations.

We would certainly hope that this step will not be necessary. We do not believe it will be necessary if all of us take the measures that are necessary to reawaken our governments and our citizens to the dimensions of the need. I have ventured to suggest a few steps which might be helpful in achieving this objective and I would very much welcome additional suggestions from my colleagues in this Council, many of whom are far more experienced than I am, and from whom I have learned so much in these exchanges.

But I do have one deep, unshakeable conviction. I do know my people, and I do know a bit about yours. Together they constitute the repository of all that is decent, all that is good, and all that is humane. They remain dedicated to the common principles of justice, of mercy, of the necessity for providing asylum for the oppressed and the persecuted. And since our governments are governments of the people, if our people fail in providing sufficient resources to avoid a curtailment in the operations of this organization, I would submit that it will only be because we have failed in our obligation to adequately inform them of the need.

May I conclude my remarks, Mr. Chairman, with a word of tribute to and confidence in our organization—the ICEM vehicle itself which so effectively serves both people in need—and countries in need of people.

Indeed the ICEM vehicle has already carried more than 1.6 million persons to new homes and new lives. This year it will carry 80,000 more, and who dares to predict how many it will be called upon to carry in the years ahead?

ICEM is an investment in the future—an investment in human lives, in economic stability, and in the prosperity and happiness of the Free Word.

Our task is to provide it with the resources to discharge the mission we have given it. I am confident that we will.

Thank you, Mr. Chairman.

STATEMENT OF HON. PETER W. RODINO, JR.

I thank you for offering me this opportunity to address the Council. It has been my privilege to attend these sessions for many years and I always look forward to the pleasure of visiting with old friends who have long been associated with ICEM and to meet with new delegates and with delegates who come to Geneva representing new members of ICEM.

ICEM is a changing organization not only within delegations but with emphasis on programs to meet the changing needs. The past 17 years have abundantly evidenced the fact that emergency situations suddenly crop up and all indications predict that new and perhaps more crucial situations will demand the resources that this organization can offer. ICEM is, in the estimation of the United States Congress, an important and indispensible organ of the International Community in this ever-changing world.

It was most gratifying to learn at the Executive Session and this Council Session that some of the old issues, although not forgotten, are no longer a point of serious debate. The three graphic pillars—refugee assistance—national migration—selective migration—so well described several sessions ago by Dr. Kraam of the Netherlands are acknowledged as the foundation of ICEM. Furthermore, the need for continuation of ICEM's programs is unanimously endorsed.

However, an old problem is still evident and continues to plague the otherwise harmonious objectives of the Council. The budg-

et and the financial short-fall are always a serious threat to ICEM's very existence which each Council must face.

There is a negative cloud hovering over any approach to ICEM's financial structure and this dilemma, it seems, has been prevalent throughout ICEM history.

ICEM was conceived in 1951 as a temporary organization to cope with what was viewed at that time as a soon to be solved problem of resettling large numbers of refugees lingering in camps. The tragic circumstances surrounding long tenure in refugee camps were solved through the good offices of ICEM. The organization furthermore geared operations to assist in the movement of migrants who were desirous of finding new lands of opportunity. Once again ICEM proved its value to the free world and the individual.

In retrospect we see that the need for services to both refugees and migrants is as important today as it was during the first 17 years of ICEM's existence. With an acknowledged need for ICEM, why must we face during each Council Session the question of the solvency of this organization?

This issue is the direct result of the failure of member-governments to view ICEM as a permanent organization. The acceptance of permanency must be the fourth pillar to confer the stability with which to give this organization a foundation of strength and durability. Recognition of this need must be developed in the Council and then conveyed to the proper authority in each member Government. It has been stated during the course of this Session that there is a definite lack of appreciation and knowledge about the intricacies of this international organization. The Administration of ICEM as well as the delegates have the obligation of presenting the good works, the value of ICEM in a complex World and the future necessity to all who will listen. We need not hesitate for a moment to realize that so long as men and women are oppressed they will seek freedom and we must make freedom as inexpensive to them as feasibly possible.

Furthermore, I sympathize with the youth of today who no longer feel the need to be tied to the past. They are 20th Century adventurers willing to go to new lands and find for themselves new opportunities. The new world and the old world are no longer distant places and the heritage engrained in young people from the old world will be an infusion of strength in the new world. Whatever assistance ICEM can render to the young people of today, young people who are on the move in every aspect, will undoubtedly benefit all countries.

Let us no longer say that if ICEM did not exist today it would have to be created. But let us say that ICEM does exist today and it must exist tomorrow!

I speak today as a member of a bi-partisan Congressional delegation. In our delegation are Hon. Thomas Meskill of Connecticut, Thomas Railsback of Illinois, and Charles Wiggins of California. We pledge our support to an *old* or *new* or *perhaps renewed* member of ICEM, your new director, John Thomas. Mr. Thomas has shared the confidence of the Congress for many years and has earned the new respect and trust by his direction of the Cuban Refugee program and the program involving refugees in Vietnam. We have known Mr. Thomas not only as an expert in the field of refugees but as an administrator of the highest caliber. He has had responsibility for millions and millions of dollars when he was serving the United States. Although the budget of ICEM is somewhat less, the objectives are certainly no less important.

I know, and my colleagues from the Congress concur with me, that ICEM is fortunate to have his talent at the helm of the organization. I trust that the Council will assure him the tools that any administrator needs in carrying out the objectives of his office. Mr. Thomas has the whole hearted support of the United States Government, the Executive as well as the Legislative Branch, and we look forward to a new era and of new accomplishment of ICEM under his leadership.

I am proud that the United States has given further substance to its interest in ICEM by an additional contribution. We, in the Congressional delegation, compliment Ambassador Martin for his statement yesterday before the Council, and hasten to endorse each of his pointed observations. His reference to "people in need and countries in need of people" is a practical as well as a humane and noble objective of ICEM.

We will return to Washington with renewed fervor and confidence in ICEM.

STATEMENT OF HON. CHARLES MCC. MATHIAS

First, I would like to say that it is a great pleasure to return to a meeting of ICEM and that as a member of this delegation representing the United States at this eminent gathering, I feel both honored and challenged.

As a member of the United States Senate, it is a particularly happy opportunity to salute the new Director, Mr. John Thomas, whose experience and talents offer such promise to ICEM's future. It goes without saying that I am glad to have this reunion with the Deputy Director, Walter Besterman, with whom I have been associated in various capacities for a number of years.

This is a formidable time for international organizations, subverted by old nationalist values and ambitions and confronted by nearly convulsive change. And it is a particularly momentous period for ICEM and other groups dealing with international migration.

This Committee faces a turbulent world where waves of disruption often cast adrift large numbers of refugees. In a sense, the organization governs a nation in transit, composed of thousands of migrants, united by a desire for freedom and the will to seek it. In fact, as an organization shaped chiefly by function and purpose rather than by geography or ethnology, it has a greater future than many nations. Certainly ICEM's supranational character accords better with world economic and technological trends than does the world fragmentation by geographic nation-states.

I predict that ICEM and other functional organizations will increase in importance as the years pass. One can envisage a future when world migration among nations will reach the level it already has achieved within highly industrialized countries. In the United States, for example, 20 percent of the population moves every year seeking new opportunities; state lines, once nearly as significant as current national boundaries in Europe, pose a negligible obstacle.

At present, however, movement of people in the world economy lags far behind movement within the largest countries and far behind the expansion of world trade. One can predict that this gap will narrow in the future as artificial national restrictions are reduced to allow freer play of world economic forces. And as this gap narrows, the nation of migrants, the province of ICEM, will grow.

This long-affirmative growth of ICEM in support of world economic solidarity will undoubtedly be accompanied by increasing short-term responsibilities arising from national disruptions. Nationalist habits are strong and will not easily accept the internationalist imperatives. But future trends will not favor countries that recoil from the world economy, whether chiefly for ideological reasons, as in Communist states, or from fear of competition, as in some underdeveloped lands. Unable to put their growing populations to work productively, economically isolationist governments will face demands from their people to leave for less stagnant and repressive realms. Such patterns are already evident in refugee-generating areas like Cuba, Haiti, East Europe, and China.

ICEM, thus, has two closely related functions: It manages insurgencies of refugees, moving them expeditiously to new homes; and it locates new opportunities for people in developed countries dissatisfied with their present homes or threatened by diminishing job possibilities. ICEM's record of accomplishment is auspicious in regard to both facets of its responsibility.

II

In the early 1950's, as the nations of Europe completed their recovery from World War II, it became clear that displaced persons do not fall into place as easily as disrupted economies. The jigsaw national boundaries, particularly in East Europe, were separating people from both families and opportunities. Existing international organization on the continent, though increasingly efficient in moving goods and capital, seemed to pass by the human casualties of change. Some of the refugees wandered unattended in the bustle of European economic growth. Their hope drying up, others clotted in dismal refugee camps, which challenged the Samaritan conscience of the world.

In 1952, a new organization, which we now know as ICEM, conceived by men who knew that they could not pass by on the other side, stopped by the road of European revival—then rapidly becoming a superhighway—to help these victims of war and international strife. Like its predecessor, the International Refugee Organization, and other agencies concerned with the problem, ICEM's chief motive was humanitarian. Its function was to expedite refugees and other migrants to homes in other countries. In a large measure, the focus was on getting the refugees *out* of Europe and to such underpopulated areas as Australia, Brazil, and Canada as well as to the United States, which cherishes a long tradition as a haven for the homeless and the persecuted.

ICEM's accomplishments during this period were heroic. In times of special stress the organization rose to the occasion magnificently. During a few weeks after the Hungarian and Suez crises in 1956, ICEM assisted in permanently relocating more than 150,000 Hungarians as well as 10,000 Egyption Jews and Christians. On a single day, November 30th of that year, the organization moved over 5,400 Hungarians from their Austrian refuge. I know from personal observation how the condition of refugee camps has changed and how those few still now open have the aspect of gateways and not of cells or forgotten corners.

During its lifetime, ICEM has arranged transport for more than 750,000 refugees and changed the prevailing mode of refugee management in Europe from long detention to rapid relocation. As the demoralizing camps gave way to bustling processing centers, hopelessness among refugees gave way to high expectancy. And in clearing the camps, ICEM also relieved the conscience of the world.

Along with the refugees, ICEM has also assisted in transporting almost 900,000 national migrants. These are potential or spiritual refugees, ready to seek better opportunities or flee oppression. ICEM offers them the opportunity. Often usefully skilled, they—even more than the average refugee—represent a world resource. In a sense their movement is a capital flow. More precisely, technical manpower is an indispensable catalyst for the effective investment of existing funds and generation of new capital.

In the early years of ICEM when Western European countries had a major labor sur-

plus, there were large numbers of such migrants. In recent years Common Market countries, particularly Germany, have faced a labor shortage and have tended to import labor. As the boom levels off, however, there are signs that many of these migrants may find their jobs threatened. ICEM will have a new opportunity in aiding less developed countries to meet their manpower needs.

In this realm, ICEM is already making unique contributions, moving skilled Europeans to Latin America at a rate of over 2,000 annually. ICEM confers with governmental authorities in Latin America to help them determine priority needs for personnel; it interviews some 25 candidates for each available place, offers language and cultural training, and transports the migrants. Finally, it aids Latin American immigration officials in receiving them.

Since manpower bottlenecks are a major obstacle to economic growth in the region, this kind of manpower assistance pioneered by ICEM is uniquely valuable. It represents a permanent and dynamic contribution to the recipient economies rather than funds to be repaid at interest or grants that tend to dissolve on contact with the enormous needs of the less developed countries. Its cost of approximately $800 per skilled worker or professional placed in a new job contrasts strikingly with the $10–15,000 required to bring technical advisers to the region for short periods under AID. I congratulate ICEM for this effort and hope it can be expanded greatly in the future.

III

I believe, therefore, that ICEM's long experience, together with world trends toward increasing manpower mobility, portend steady growth in the organization's potentialities. Its possible role in alleviating refugee emergencies, such as those in Hong Kong, Czechoslovakia, and Cuba needs no elaboration. I only hope that ICEM succeeds in raising the money to expand its activities in these areas; I pledge my own support to the effort and I am confident of interest and assistance in the Congress transcending any partisan consideration. I also urge that whenever propitious the organization extend overtures of cooperation to Communist countries in order to reduce the complications of migration to the West. As a functional agency, ICEM may be able to negotiate successfully where bilaterial initiatives would fail.

Probably the most vital effort of ICEM, because it is virtually unique, is its program of skilled and professional migration to Latin America. In its cost effectiveness in meeting a crucial development need, I believe this approach has few peers in the foreign assistance programs of the wealthier countries. I think the program should go forward as rapidly as possible and again I will do what I can to encourage U.S. funding.

To meet its growing opportunities, I believe ICEM should change complicated consultation procedures that needlessly diminish its resourcefulness and flexibility. One of the organization's greatest assets, repeatedly demonstrated, is its ability to act expeditiously. This potential should not be restricted to its past areas of operation. I think ICEM has amply shown it deserves our trust.

I look forward to a most promising future for this organization. ICEM responds effectively to perhaps the most dangerous long-term world problem—the growing gap between the rich and poor nations. It is supranational and so are what I believe to be the most important trends in the world economy. It is humanitarian, and I believe the conscience of the world is becoming increasingly sensitive to the plight of refugees. I am proud to be associated with this immensely important undertaking.

RHODESIAN INDEPENDENCE—JUNE 20, 1969

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RARICK. Mr. Speaker, on Friday, June 20, 1969, the voters of Rhodesia approved of the Declaration of Independence from Britain. In so doing, Rhodesia became the first British colony to declare its independence since the U.S. Declaration of Independence on July 4, 1776.

In just 11 days—on July 4—we will celebrate our Declaration of Independence from England and from tyranny flowing from taxation without representation.

It is interesting to note that in 1776, the American voters were not given an opportunity at the polls to vote for or against freedom—rather it was handled by elected representatives of the various States. In Rhodesia, to the contrary, all voters had a chance to be counted in taking this final step of no return from British domination.

Today Rhodesia, by the landslide wishes of her people, is a free self-governing nation of laws based upon a constitution and as such is entitled to the full respect of free men the world over.

I join with millions of other free men in extending my congratulations to the sovereign Republic of Rhodesia and wish every success to her as her people strive to move forward in peaceful progress under the rule of law.

A local news clipping follows:

[From the Evening Star, Washington (D.C.) June 21, 1969]

BREAK IS FINALIZED: RHODESIA VOTES FOR REPUBLIC

SALISBURY, RHODESIA.—Rhodesians finalized their long goodby with Britain last night by voting overwhelmingly in favor of a republic.

With only scattered boxes out, unofficial figures showed a vote of 50,000 to 11,000 for independence and favored Premier Ian Smith's constitutional proposals to insure white rule by 44,000 to 16,000.

In Salisbury, an ultra-rightwing stronghold, the constitutional vote was 527 to 359 in favor of the government.

"That's the way, to hell with Britain!" shouted a man in the growing crowd in the town center. Cheers went up as the results were posted. A young man raised his beer bottle as the last figures appeared and yelled, "Good old Smithy, show them what we're made of!"

Smith said today he was elated with the decision.

"Maybe it will make the world sit up and say to themselves maybe we should give these people a little bit of recognition," said the 51-year-old Smith. He unilaterally declared Rhodesia independent from Britain on Nov. 11, 1965, rather than give in to eventual black majority rule.

"This is what is needed for the rest of the world—a strong positive message," the premier told newsmen at his party headquarters.

Of 4.2 million blacks in Rhodesia, 9,123 were eligible to vote—about 10 percent of the nation's 90,074 eligible voters. About 36 percent of the nation's 228,000 whites were eligible.

The next step for the Smith government is to present a new constitutional bill to parliament, which begins a new session June 25.

The new constitution set the stage for election of a new government, but government sources said this could be delayed until mid-1970.

Rhodesia's declaration of independence was the first by a British colony since the United States declared itself independent on July 4, 1776.

INFLATION AND FARM PROFITS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. LANGEN. Mr. Speaker, there has been much discussion in recent days about the economy and the effect of inflation on various aspects of our society. One seriously affected economic group to suffer from higher prices and tighter money is the American farmer. Remarks addressed to the farm problem in this regard have come from Agriculture Secretary Clifford Hardin. Mr. Hardin has outlined four administration proposals to help solve the problem of uncontrolled economic expansion. I submit those remarks for the RECORD:

STATEMENT BY SECRETARY OF AGRICULTURE HARDIN ON INFLATION CONTROL

Farm people, perhaps more than any other group in the Nation, have a strong stake in seeing inflation curbed. For that reason—among others—it is crucial that timely action on President Nixon's program if inflation is to be stopped and our economic health restored.

Domestically, the damaging results in inflation are clearly seen. Farmers are special victims because their costs rise while their incomes are held down by heavy production. They are caught in a squeeze between prices paid and prices received.

Once prices of production goods of nonfarm origin increase, they seldom decline. For example, prices of farm machinery have risen every year since 1955. Prices of motor vehicles have followed a similar pattern except for a slight dip in 1960 and 1961.

Farm production expenses have been increasing steadily since 1953. It appears that nearly all of the expected increase of $2 billion in farm production expenses this year will be the result of price increases rather than the result of greater quantities of supplies and equipment purchased.

I have just returned from Europe, where I have had opportunity to see what the American inflation is doing to our agricultural trade. Inflation increases the costs of our products and makes it harder for us to get our farm products into foreign markets. This is a very serious matter for American farmers.

Inflation can be stopped, but only by applying steady fiscal and monetary restraint to pull the economy back to a sustainable growth rate.

The Administration has proposed a budget that will result in a sizeable surplus—a surplus that is essential if we are to curb inflation. To guarantee that surplus—to guard against an inflationary deficit—the President has proposed the following program:

First, he has pared the adjusted January budget by $4 billion.

Second, he has asked Congress to extend the income tax surcharge. The President is committed to eventual elimination of the surtax. In fact, his proposal includes cutting it in half on January 1, 1970, and ending it on June 30, 1970.

The *third* Administration proposal is to repeal the seven per cent investment tax credit. This repeal will produce revenue to enable us to cut the surtax in half next January first.

A *fourth* proposal will postpone for one year the scheduled reduction of excise taxes on automobiles and telephone services. The primary purpose in this case, too, is to produce revenue in an area where demand remains strong.

INDEPENDENCE DAY OF KUWAIT

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to the Amir, Sheikh Sabah Al-Salim Al-Sabah of Kuwait, and Kuwait's Ambassador to the United States, Mr. Talat Al-Ghoussein, on the occasion of the eighth anniversary of Kuwait's independence.

On June 19, 1961, the governments of the United Kingdom and the State of Kuwait exchanged notes which recognized the independence of the desert kingdom at the head of the Persian Gulf. Kuwait emerged from under the protective cloak of the British into an aura of crisis, for the nation of Iraq challenged the new status of the Kuwaitis. Diplomacy and reason averted a potential clash between Arab brothers and the nation of Kuwait assumed its place as a sovereign and independent state in the family of nations. On July 21, 1961, the Arab League welcomed its newest member into the regional organization, and on May 14, 1963, Kuwait became the 111th member of the United Nations.

For over two centuries, Kuwait has been ruled by the Al-Sabah family, in the Arab tradition of recognizing the leadership qualities and the sound wisdom of the most able men of the nation. Kuwait has continued to rely on the Al-Sabah rulers, but the Kuwaitis have blended the Arab tradition of the King's council with the modern concepts of democracy. The present Amir of Kuwait, Shaykh Sabah Al-Salim Al-Sabah, is advised by his Council of Ministers who represent the people directly before their leader, and by the National Assembly, an elected legislature. In the nation's second elections, held on January 25, 1967, a new national assembly took office for a term of 4 years.

Kuwait has not remained isolated within its boundaries, but has reached out to help and assist other peoples and other nations in the Middle East through the Kuwaiti Development Fund. Projects supported by the fund range from railways in Sudan, to an agricultural program in Tunisia, to the improvement of the Suez Canal in the United Arab Republic. The Kuwaiti fund is supported from state oil revenues earned by the oil industry, which is operated in cooperation with British and American firms.

The people of Kuwait have been twice blessed, once by Allah for the bounty of the oil beneath their soil and again by the wisdom of the men in the government. Schools, hospitals, universities, clinics, highways, houses, recreation facilities, industries, and water supplies were the first priority of the Kuwaiti Government. The result has been the rapid modernization of the state with the people being the first beneficiaries of the wealth that the oil produced. Today, every Kuwaiti has free medical care and free education supported by the state and the opportunity to earn a dignified living in the profession of his choosing.

The continued success of the nation of Kuwait is assured by the wisdom and good judgment of the Kuwaiti people. On this eighth anniversary of the independence of the state of Kuwait, we extend our most heartfelt congratulations and express the hope that the people of Kuwait will witness many more such happy days.

MILLIKIN UNIVERSITY JAZZ BAND

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. SPRINGER. Mr. Speaker, I would like to report to my colleagues in the Congress on the recent successes of the Millikin Jazz Band from Millikin University in Decatur, Ill. The band has just completed a tour to seven countries under the State Department's cultural presentations program. A report from the Portugese Embassy described their first performance in Lisbon as a "resounding success." The report stated further that "the band made a great impression not only because of their superior musicianship, but for their outstanding representation of American youth, excellent behavior, and appearance." Mr. Frank Shakespeare, Director of the U.S. Information Agency, reports to me that the Embassy was flooded with requests for additional performances. Portugese student groups pleaded for the band's return visit en route back to the United States.

The parents of one member of the band have advised me that their son reports the same overwhelming requests after all other scheduled appearances. The band drew capacity audiences at every stop. He also stated that newspaper reports as well as advice from the State Department indicated they reached people abroad through the medium of music in a way which might strengthen our hope of peace.

In this era in which some young people of this Nation seem to achieve headline attention through student disruptions, revolt against leadership, and disrespect for authority, I wanted to take this opportunity to bring to the attention of my colleagues in the House and the Senate and to the Nation the constructive actions and success of this group. They have truly brought great credit to themselves, to Millikin University, to the State of Illinois, and to the entire Nation.

EVERGLADES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. HUNGATE. Mr. Speaker, in view of the current national concern over the Everglades, I would call attention to a recent article in the Christian Science Monitor:

BATTLE RAGES OVER EVERGLADES PARK

(By Robert Cahn, staff correspondent of the Christian Science Monitor)

WASHINGTON.—In the afterglow of the Senate Interior Committee's hearings on the environmental threats to Everglades National Park, it is clearly evident that the park's long-term prospects for survival are not encouraging.

But all is not lost, say conservation groups working to save the park, especially if national citizen pressure can turn around forces now at work. Or if the conflicting aims and actions of federal, state, and county government can somehow be coordinated to work on behalf of environmental objectives.

The major problems brought out at the hearings are the lack of an assured water supply to the park which has been severely damaged by drought in past years, the expected air, noise, and water pollution from a new airport being built along the north boundary of the park, the danger of water pollution from agricultural use of insecticides near (and even within) park boundaries, and the presence of large pockets of private landholdings within the park which are subject to commercial development.

A 21-YEAR BATTLE AIRED

The two days of testimony brought into public glare a 21-year battle over water between the National Park Service and the Army Corps of Engineers, and the continued refusal by the engineers to give a guarantee of water to the park for future years.

The State of Florida was portrayed as keeping the pressure on the engineers not to give the park a priority over the water demands of people and agriculture.

Concerning the threat of a major international "jetport" on the north border of the park, the testimony disclosed conflict between the Departments of Interior and Transportation.

Introduced into the record was a May 29, 1969, memo prepared by Interior Secretary Walter J. Hickel's legal department, accusing the Department of Transportation of having (during the Johnson administration) violated an act of Congress in assisting development of the jetport without determining that no feasible and prudent alternatives existed or that the program included all possible planning to minimize harm to the park.

NELSON CHAMPIONS PARK

The State of Florida and the Dade County (Miami) Port Authority were also not in agreement over the jetport, and state witnesses conceded that proper environmental planning had not been done.

On the plus side, the hearings brought forth a congressional champion for the park in Sen. Gaylord Nelson, who had just re-

turned from a personal inspection of conditions in the Everglades National Park. The Wisconsin Senator has become somewhat of an expert on ecology. And he challenged the philosophy accepted by some officials in Washington and in Florida, that nothing can be done except form study groups.

Senator Nelson heatedly announced he would oppose further spending of federal money on southern Florida water projects until the Army engineers and the state can work out an agreement with the park. The Senator brought out that the federal government has spent $170 million on flood control and irrigation in central and southern Florida over the past 20 years.

FUND FREEZE PROPOSED

"I don't want to give them any more money if they are going to steal water from our park, or won't guarantee it," the Senator said heatedly during a debate with Lt. Gen. William F. Cassidy, Army Chief of Engineers.

"I will do everything I can to stop the appropriations," he continued, "and I think I can get some conservationists to help."

True to his word, Senator Nelson went before the Senate appropriations subcommittee on public works June 12 and proposed that no part of the proposed $9 million 1970 budget appropriation for the central and southern Florida flood-control project be expended until the Senate and House "are advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the park."

AIRPORT STUDY SET

Another plus was the announcement that the Departments of Interior and Transportation are forming a task force to investigate environmental problems of the proposed new airport. Henry M. Jackson, Senate Interior Committee chairman, however, suggested that the Army engineers and appropriate air-pollution authorities from the Department of Health, Education, and Welfare be brought into the deliberations.

Perhaps the most encouraging sign for park advocates was the strong testimony from conservation groups showing their intention of making a nationwide issue out of saving the Everglades.

Interior Undersecretary Russell E. Train, the leadoff witness, said the park "has the dubious distinction of having the most serious preservation problems, facing the National Park Service today, attracting the concern of informed citizens and ecologists throughout the world."

Mr. Train said he had begun discussions with Secretary of the Army Stanley R. Resor "which may hopefully lead to a satisfactory agreement" (on a water guarantee).

ENGINEERS' POSITION STATED

However, Mr. Train admitted, the request that former Interior Secretary Stewart L. Udall had made to the Attorney General's office for a legal opinion on whether the Corps of Engineers did have power to regulate water in southern Florida, has been withdrawn.

The Corps of Engineers takes the position that it cannot guarantee water supplies without concurrence of the State of Florida. The engineers has "assured" the park of an adequate supply of water for the future. But they are not willing to guarantee in writing the 315,000 acre-feet a year of regulated flow which park experts say is the minimum needed for survival.

The point of difficulty is whether future water shortages will be shared on the basis of demands of 1970, or the demands of the year when they occur.

UNCERTAINTY EXPRESSED

General Cassidy told the committee that the corps' plans could assure water for the park up to the year 2000. Mr. Train said, "I don't think there is a person in this room who can feel anything but some uncertainty as to rates of growth in southern Florida. They have had a tendency to outstrip all projections. So that while we welcome this assurance, we don't now rest easy as a result of having it."

Nathaniel P. Reed, special assistant to the Governor of Florida for natural resources, outlined the state's priorities.

"Man is priority No. 1, and his activities such as farming and ranching are No. 2," he said. "And somewhere along the line sufficient water will be made available for the park to tide it over the hump until the spring rains begin again."

SIERRA CLUB REPRESENTED

Mr. Reed, who personally is an ardent conservationist and seeks to preserve the park, added shock value to the hearings with his appraisal of the situation:

"A very real question is whether the ecosystem which is the national park can survive. I believe it can. Perhaps not as it was, but as an example of what it was."

Sierra Club spokesman Gary A. Soucie charged that "the U.S. public is unwittingly subsidizing the destruction of Everglades National Park."

Mr. Soucie produced figures which he said showed that in one south Florida water district, the federal government had invested $2.5 million in a $5.8 million water project aiding 32,608 acres of watershed. Of the 21,170 acres in sugar cane, 16,000 of them are owned by one company. And except for county taxes and corporate taxes, the company does not pay for the water it uses, Mr. Soucie said.

Senator Nelson, Senator Jackson, and several witnesses were highly critical of what they called the Dade County Port Authority's lack of environment considerations in planning the new airport in a 39-mile-square area alongside the park. Although the jetport is being readied only for training flights now, officials of the port authority have spoken of plans for an airport bigger than Kennedy International, and with a community of more than half a million people near the jetport.

Mr. Soucie quoted from a Dade County Port Authority report which noted that, "the Everglades National Park south of the site at Tamiami Trail assures that no private complaining development will be adjacent on that side."

Commented Mr. Soucie: "The national park was simply viewed as empty space with no one to complain about the noise except the alligators."

PORT OFFICIAL QUOTED

A National Audubon Society spokesman placed into the record the following, part of a newspaper interview with Richard Judy, Dade County Port Authority deputy assistant director.

"Regardless of what the environmental plan might dictate, however, 'we're going to build the jetport,' Judy said. Judy predicted 'the forces that will come to play will destroy the conservationists.'"

The Everglades situation is the type of problem the newly announced Cabinet-level President's Council on Environmental Quality will be concerned with, Mr. Train told Senator Jackson.

The Senate Interior Committee chairman, author of a bill for a national policy on the environment and an independent council of environmental advisers, commented that the disagreement among Cabinet members "points up the need to have some advisers available to the President, like we have in the Council of Economic Advisers, to assist the President in trying to look at the entire structure."

ECUADOR'S CONCILIATORY ACTION IS TO BE COMMENDED

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. PELLY. Mr. Speaker, last Wednesday, June 18, an Associated Press dispatch from Lima, Peru, quoted Peruvian Foreign Minister Adqardo Mercado to the effect that Peru, Chile, Ecuador and the United States might meet and discuss the controversial fishing dispute under which our fishing vessels have been regularly seized during the past 15 years. The ray of hope of resolving this long and unfortunate problem was most encouraging.

However, any optimistic expectations were rudely shattered last Friday morning when news was released that one of the three Latin countries previously named, Ecuador, had made a mass seizure of American tuna boats some 22 miles off the Ecuadorian coast. This report came just as I was preparing to urge President Nixon to ease existing U.S. sanctions against these neighbors to the south as a gesture of our sincere desire to meet and resolve our differences.

The outlook for negotiations appeared bleak, indeed, until later in the day when it was announced that the Ecuadorian Government had ordered our fishing vessels released, and thereby hope of a meeting was restored.

Mr. Speaker, I know I speak for all the members of the House Fish and Wildlife Conservation Subcommittee who have been seeking a solution of the long-standing dispute when I say we are highly appreciative of the conciliatory action of Ecuador.

And, Mr. Speaker, in the same spirit of amity, the United States now, it seems to me, must do everything possible to ease the causes of friction and thereby help bring these traditionally friendly neighbors to the conference table. Meanwhile, Ecuador is to be commended for releasing our fishing boats.

In this connection, hereinafter is the text of a letter I have sent to President Nixon:

DEAR MR. PRESIDENT: As you know, there is a possibility that Peru, Chile, Ecuador and the United States may be able to arrange a meeting to discuss and to resolve the long-standing differences over fishing rights which have resulted in seizures of American tuna fishing vessels for many years.

I am writing you this letter as the author of an amendment to the Foreign Arms Sales Act whereby sales are prohibited to any foreign nation that seizes U.S. fishing vessels outside the 12-mile limit.

This amendment provides that the President can suspend this provision and it seems timely and appropriate in view of a possible four-Nation discussion on our long-standing fishing disputes that by Executive Action you suspend this ban on sales in order to ease the friction that has prevented a settlement of the fishing dispute with our Latin American neighbors who claim a 200-mile fishing limit.

It seems to me that the action last week by Ecuador in releasing our fishing vessels which it had seized earlier, indicates a sim-

ilar friendly step on our part might well contribute toward restoration of traditional amiable relations with our Latin American neighbors.

Respectfully,

THOMAS M. PELLY,
Representative in Congress.

TWENTY-FIFTH ANNIVERSARY OF THE GI BILL

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. SCHERLE. Mr. Speaker, yesterday, June 22, was the 25th anniversary of the enactment into law of the GI bill. By enacting this important landmark legislation on June 22, 1944, just 16 days after the D-day invasion, the U.S. Congress pledged to provide funds for homes, education, and business opportunities for American servicemen when the war ended. The Congress acted unanimously in passing this legislation.

America has felt a great obligation to those who have sacrificed for their country. Those who serve in the military are placed at a disadvantage in our competitive society by their having been displaced for a period of time from the social and economic life of our country. No government or people can give back these lost years to these men and women who man our Nation's defenses, but the GI bill and its successors at least partially provided equitable relief, giving the veteran concrete assistance in getting a fresh start on his re-entry into civilian life.

Under the first and the subsequent Korean war and cold war GI bills, more than 10 million American veterans have either gone to college or taken specialized training. This investment provided the Nation with 380,000 new teachers, 84,000 new doctors, 30,000 new dentists, 15,000 new nurses, millions of skilled craftsmen and businessmen, and thousands of leaders on every level of government and enterprise. Perhaps hundreds of the Members of Congress, including myself, would not have had opportunity to have completed their higher education but for the assistance provided by the GI bill.

The GI bill created the biggest housing construction boom in our history. Since enactment of the first GI bill the Veterans' Administration has guaranteed 7 million home loans. These loans not only helped the veteran, but the housing boom which resulted boosted our entire economy, with every economic sector feeling the beneficial impact. The so-called "readjustment" period following World War II became a period of expansion, not retraction.

The veteran has been a direct beneficiary of this legislation, but all America has also benefited with the increased availability of professional men and technicians, higher living standards, better housing, greater revenues from increased incomes. The investment in human beings has been repaid many times over. All three GI bills produced unparalleled programs and benefits, with unparalleled successes and achievements.

With the passing of the silver anniversary of the World War II GI bill, it is time to take stock and review these GI programs. The problems of the veteran of Vietnam may be entirely different than those of the veteran of World War II. Many returning from Vietnam are not participating in GI bill educational benefits. This is partially explainable through the much higher percentage of those serving in Vietnam who already had completed their higher education before entering the service, and through the fact that unemployment is very low and returning veterans easily find employment without obtaining further training. This does not appear, however, to explain fully the change. President Nixon's Committee on the Vietnam veteran is studying possible improvements in our GI programs to meet problems of readjustment of the present-day veteran, and the committees of Congress should make a similar review. America owes it to these young men and women who have sacrificed so much for their Nation, and for the cause of freedom everywhere.

LET US REASON TOGETHER ON THE GRAPE BOYCOTT ISSUE

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. TEAGUE of California. Mr. Speaker. I call to the attention of my colleagues the following very interesting editorial from the Bataan News in Sacramento, Calif. This is a publication which has wide circulation among Filipinos in the State of California.

The editorial follows:

LET US REASON TOGETHER ON THE GRAPE BOYCOTT ISSUE

The grape boycott with all its implications and potential danger to the nation, calls for *sober thinking*. The warring parties . . . the union and the growers . . . are highly aroused, and before they are emotionally carried away, some sober approach to the problem must be made.

The good *book*, upon which most of our philisophies and social behavior is based, says: "Come let us reason together."

The time for reasoning together has come.

At this stage of the grape boycott struggle, the right of the workers to organize and belong to a union of their own choosing is no longer an issue. The growers have conceded that point. What is left to do is to devise the provision of the law that will define and regulate the conduct and behavior of the growers and the farm workers.

In attempting to solve the problem, we must put above all the welfare of the workers, the growers and the general public. The workers are human beings whose interest and whose efforts must be justly compensated. They are worthy of their labors. The growers are the ones who provide foods for empty stomachs, and because the health and welfare of the nation depends on them, their interest must be carefully safeguarded. The public, who buys the goods produced by the growers and the workers, must be considered too. Let us not forget, he foots the bill.

The greatest and most serious area of disagreement is on the issue of strike. This is the big stick allowed by our present laws to the workers to force the employers into submission. This may be or may not be a good law, but all in all it has seen America become the greatest and wealthiest nation on earth. The growers, at this stage, are no longer objecting to a law allowing a strike clause; they are wanting and insisting that a strike, if it occurs, should not be allowed at the critical *time of harvest*.

In as much as we are thinking soberly and are reasoning together, let us consider that demand. Is it fair and just?

The union is insisting that its right to strike should not be restricted. It is insisting that it is in our statute books which were freely used in the past. It must be kept that way, it insists.

It is true that the unions have freely used the right to strike without any restriction as to time and place. They've used it in the steel industry, automobile industry, craft industry, etc. Stoppages of work in those industries have occurred time and time again, and when the strikes are over, work resumed as usual without any total loss. Steel is not perishable.

But let us look at the farming industry. Its products are highly perishable. In the growing of crops, *weather and time*, are delicately involved. After tediously culturing the plants, the crops mature at a certain time. When the crops are ripe and ready to be gathered in, they must be harvested right there and then. *Or else they go to rut.*

If the union decided to stroke at that particular time of harvest, the crops would not wait till the strike is over. It just wouldn't wait for no man. If it is not harvested and processed at that particular time, the foods are wasted. It is that simple.

We are sure that everybody realizes the importance of agriculture not only to the individual but to the nation. The growers produce foods and fibers, upon which the health and welfare of the nation depends. Agriculture is still our number on economy, and still is the biggest employer in the nation.

Now, then, if we pass a law giving the workers the right to strike at harvest time, we would be hurting our number one economy. We would be endangering the health and welfare of the nation because such strikes will prevent us from harvesting the crops.

After reasoning together we find that it is incumbent that the farm workers should be allowed to belong to a union of their own choosing so that their interest could be protected. They could exercise the right to strike at any time except at the critical time of harvest. The foods should not be allowed to go to waste.

We believe that this is the human and practical thing to do.

JOE McCAFFREY, "VOICE OF CAPITOL HILL"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. MOORHEAD. Mr. Speaker, there is a saying that, "speech is a mirror of the soul; as a man speaks, so is he."

This is an apt description of Joe McCaffrey, well-known Washington radio and TV commentator, for Joe has been "telling it like it is" long before the phrase became popular.

Joe's commentaries, which often reflect his delightful Irish wit, are forth-

right, fair, reliable, and highly professional.

He is not only a great commentator, but a fine gentleman, and on the occasion of his 25th year of broadcasting in the political arena, it is a pleasure to join the many friends of Joe McCaffrey in saying—you are more than a "household word"; you are the voice of Capitol Hill. Keep up the good work.

LEGISLATION TO EXTEND THE GOLDEN EAGLE PASSPORT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, last year the 90th Congress in amending the Land and Water Conservation Fund Act repealed the annual Federal recreation area permit, known as the Golden Eagle passport. The Federal agencies still have authority to collect recreation fees, but after March 31, 1970, there will be no annual permit which may be used at all Federal recreation fee areas.

The Golden Eagle passport, of which 692,300 were issued between 1965 and 1968 and 403,100 so far in fiscal 1969, permits the bearer and everyone within a private vehicle and attached camper or trailer, to use one or all of the over 3,000 national parks, forests, and refuges, as well as other federally operated recreational areas, with the payment of a single $7 fee.

I am convinced that the people in my district in Virginia, as well as for the many hundreds of thousands of other Americans, who enjoy the wonders of nature, the national parks, the national forests, and other Federal recreation areas, the Golden Eagle passport is an unsurpassed bargain in outdoor recreation. I think there is no doubt as to the interest in preserving this simple method of collecting this fee, either for the Government or from its user citizens. As personal opinion, if for no other reason than its simplicity, it ought to be maintained as an example that all acts of this Government are not confusing and complicated. Not only does the Golden Eagle passport benefit the hundreds of thousands of our citizens who travel across the breadth of this land in campers and trailers, its users also put revenues into the land and water conservation fund. This revenue helps finance such projects as Federal acquisition of additional authorized areas, multipurpose metropolitan parks, snow-ski areas, campgrounds, swimming pools, and bicycling paths in all the 50 States, the District of Columbia, and our territories.

After a slow start in 1965, when only $633,600 in fees were collected, ever-increasing acceptance and demand has increased estimated receipts in fiscal 1969 to $5,200,000. The Golden Eagle passport has proved its value and popularity. We must not let it expire.

Mr. Speaker, it is for these reasons that I offer for introduction legislation to extend this program. My bill will establish separate fee programs for entrance to and use of areas administered for outdoor recreation and related purposes by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes. This bill will extend the Golden Eagle passport indefinitely. One small change will be made to the fee now in use; the present fee is to be increased from $7 annually to $10. This increase is acceptable to the users as reasonable and the funds collected are to be used directly for the users benefits. I have been told it is still a bargain.

Mr. Speaker, I urge early consideration and action on my bill.

RUSSIA AND THE "PUEBLO"

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, when the U.S. Navy ship *Pueblo* was hijacked by the North Koreans about 18 months ago, there was considerable opinion in some places that Moscow was terribly embarrassed by such a rash act, and that the North Koreans had committed this piracy in spite of Russian efforts to prevent it.

Opinions such as this come from the same people who are flabbergasted when a few months later Russian armies invaded Czechoslovakia. In the view of these people the Soviet Union was supposed to have renounced the use of power.

Insofar as information is available to the public today, there is no certainty that the Soviet Union played a role in seizure of the *Pueblo*.

However, a news item pointing in this direction appeared today, and I include it at this point in my remarks as a development of real interest to those concerned with this issue:

CZECH DEFECTOR SAYS RUSSIA SPARKED SEIZURE OF PUEBLO

A high Czechoslovakian defense official who defected to the United States last year said yesterday that the Soviet Union collaborated with North Korea in the capture of the U.S. intelligence ship Pueblo.

The assertion by Gen. Jan Sejna in a copyrighted article in the July issue of Reader's Digest runs counter to the official position in Washington that the Russians had little—if anything—to do with the Pueblo's capture.

Sejna based his contention primarily on remarks he said were made by Soviet Defense Minister Andrei Grechko while Grechko was drinking heavily at a party in Prague in May, 1967, and on the words of a Soviet general who announced the Pueblo's seizure to the Czechs the day after it happened.

Sejna quoted Grechko as saying:

"It is absolutely insolent the way the Americans sail their —— ships around as if they owned the water. Their espionage ships come right up to our shores to spy on our communications. But I can tell you this: We have decided to humble the Americans. Just as we humiliated them in the air by shooting down the U–2, we are going to humiliate them at sea by grabbing one of these ships."

Sejna said Grechko did not say when, where or how this would occur but that he indicated the Pacific area had been chosen because it was considered an "American preserve."

He quoted Grechko as saying: "Our Korean comrades, of course, are not capable of carrying this off without us. But we will guide and protect them."

He heard nothing more, Sejna said, until Jan. 24, 1968, when Soviet Col. Gen. Aleksandr Kushchev, the chief Warsaw Pact representative in Prague, announced the seizure at a meeting at the Czech Defense Ministry.

"During the night we learned that, with the collaboration of our Korean comrades, we have achieved a great success," Kushchev was quoted as saying. He then told—with an air of surprise, Sejna said—how the Pueblo had "capitulated" without firing a shot, leaving thousands of undestroyed documents, and how "it took Washington literally hours to pull itself together and even begin to react."

Sejna said other Soviet officers later confirmed Kushchev's account, and subsequent briefings indicated that "the intelligence information the Russians were extracting from the Pueblo was immensely valuable."

Until February, 1968, Sejna was the Communist Party official in charge of political control of the Czech Defense Ministry and General Staff, and frequently saw Soviet and Warsaw Pact officials. He flew to the United States when Antonin Novotny lost power in the 1968 Czech political crisis.

REPORT OF SOUTH VIETNAM STUDY TEAM

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. McCARTHY. Mr. Speaker, a U.S. study team made up of eight prominent individuals recently visited South Vietnam. The team was sent there by a group of well-known churchmen concerned about the war and by reports of political repression in South Vietnam. The members included our distinguished colleague, the gentleman from Michigan (Mr. CONYERS) and a noted Jesuit, the Reverend Robert Drinan, S.J., dean of Boston College Law School.

I found the report of the U.S. study team illuminating as well as disturbing. I was, for instance, surprised to learn that although most Catholics in South Vietnam support the Thieu government, a significant segment is critical of the war and of the present Government. The team found Catholics who want a closer tie with the Buddhists, who are actively seeking an early peace. Many of these Catholics are seeking what some call a "third solution"—between communism and militarism. Father Hoang Quynh, for instance, who is an active member of the All-Religion Citizens' Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. There are other Catholics who are close to Pope Paul's VI's views on negotiations and peace. They have won the confidence of Buddhist leaders.

Mr. Speaker, I believe the study team our colleagues will study its report and I join with others in praising the gentleman from Michigan for his part in this important effort.

NEVADA CHAPARRAL TEA, A POSSIBLE CANCER CURE?

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BARING. Mr. Speaker, with all the talk and debate about cigarettes allegedly causing cancer and with the keen interest this past week in House passage of a cigarette bill, I feel research underway in my State of Nevada and neighboring Utah deserves attention nationwide in regard to the drive of mankind to cure disease.

Therefore, I offer for the RECORD today a report from the Nevada Ranch and Home News about a "tea" made from a Nevada bush which the Indians have apparently been using for years as a sort of cure-all. This Indian habit has drawn the attention of some doctors in Reno and Utah at the respective universities with the thought being that perhaps the so-called "tea" may be a cancer cure.

I submit the news release for inclusion at this point in the RECORD:

DESERT CREOSOTE BUSH SHOWS PROMISE AS CANCER CURE

A little "Chaparral" or "Indian" tea brewed from the leaves of the desert creosote bush just might cure cancer.

Sound like an Indian medicine man talking or maybe a barker for patent remedies? If current research proves fruitful, it could be a highly trained and expert medical doctor.

"I've kidded some of my students that maybe the intricate and sophisticated world of medical science is catching up with the medicine men," said Dr. Ronald Pardini, associate professor of biochemistry at the University of Nevada, who is engaged in research concerning the creosote tea. Dr. Pardini delivered a paper last Friday, June 13 at a regional meeting of the American Chemical Society in which he discussed phases of the research into a derivative of the creosote bush leaves that has indicated some promise as an anti-cancer drug. The meeting was held in Salt Lake City, Utah.

Staff members of the Biochemistry Department, College of Agriculture, at the University of Nevada including Dr. Pardini, Dr. Dean C. Fletcher, chairman of the Department, and James C. Heidker, a graduate student working toward the Ph D. have now been conducting research on the creosote bush derivative for a number of months.

Dr. Fletcher related an intriguing story about how the research got started. Interest was first generated, he said, at the University of Utah Medical School concerning an elderly patient who was suffering from a melanoma or cancer of the face which had metastasized or spread. Previous surgeries had not helped. A radical surgery was recommended for the removal of a considerable amount of tissue but the person, due to his advanced age, refused. The disease was felt terminal and the old man went back to his home in St. George, Utah to wait. Some months later he returned to the University of Utah and exhibited a miraculous recovery. When questioned the only deviation from his normal routine was the drinking each day of the "Chapparal" tea as recommended by an old Indian friend. At any rate, the man's story intrigued those at the Utah Medical School enough to seriously look into the tea.

Researchers at Utah, according to Dr. Fletcher, were able to isolate the active ingredient in the creosote leaves which appeared to be the only material which might inhibit cancer growth. This was "Nordihydroguaiartic Acid" or NDGA. When extracted this appears as a white powder that can be chemically synthesized in the laboratory and administered in capsule form.

Dr. Fletcher, who is a member of the clinical faculty of the School of Medicine, Utah University, became acquainted with the drug and decided to experiment with it in Nevada. So far only the University of Utah and Nevada are working with the "tea". The two university's are cooperating in the research.

Dr. Pardini's particular phase of the study, and that which he reported upon at the Salt Lake meeting, is to determine the site of action of the drug or where in the cell it works and how it works. Previous to coming to Nevada, Dr. Pardini had been associated with the Stanford Research Institute where he had worked on screening tests for anti-cancer drugs. Specifically he had researched the phenomenon of mitochondrial functions within the cell. This is the portion of the cell where energy metabolism takes place. He had worked with various drugs which inhibit mitochondrial functions, and in turn inhibit cancer cell growth. Dr. Pardini found NDGA to be a potent inhibitor of mitochondrial enzymes. It also appeared to work specifically on diseased or cancerous cells and not on other cells. His work also showed that the inhibiting action of NDGA was specific to the compound and not a nonspecific anti-oxidant effect. He also postulated how it can work to inhibit tumor growth.

Meanwhile, Dr. Fletcher has been working with the medical fraternity in Reno in actually administering the drug to patients. Similar work is also being done in Salt Lake. In addition, researchers at Utah are gathering case history studies on Indian people who have traditionally taken the tea to determine how this might have influenced or effected incidence of cancer or certain types of cancer.

"All we can say at this time," said Dr. Fletcher, "is that the drug appears extremely interesting and interesting enough that we are continuing study on it."

In the "Chaparral Tea" derived from *Larrea Divaricata*, one of the creosote bushes of the Southwest and found in Nevada, may be some hope in the fight against cancer. Indians in the country have had faith in it for a long time.

THE ACCOMMODATING ASTRONAUTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on Monday, May 19, 1969, the Washington Daily News carried an editorial describing the flight of Apollo 10 and the contribution of Astronauts Stafford, Young, and Cernan to the Apollo program and to the future of manned space flight. The key facts of this editorial are that these astronauts place the importance of space exploration above their own aggrandizement. I commend this editorial to your reading:

THE ACCOMMODATING ASTRONAUTS

The trio of astronauts now on their way to the moon in the Apollo 10 spaceship have got to go down as three of the most accommodating men in history

Their predecessors in Apollo 9, who blazed the trail to the moon two months ago, had the thrill of looking back across space and seeing Earth as a bright blue ball of life.

And in mid-July of the three astronauts aboard Apollo 11 two will have the incomparable experience of being the first human beings ever to set foot upon another celestial body.

So the three men now flying Apollo 10 are sort of middle men, short on glamor—relatively—but long on the services they are called upon to perform. For their flight is the dress rehearsal for the planned moon landing. They are to make the final checkouts of the lunar landing craft by twice descending to within nine miles of the moon's surface, and they are to take a close look at the landing sites targeted for July's history-making moment.

Yesterday, everything seemed to go off "on the tick"—blastoff from Cape Kennedy, the long rocket "burn" that headed them racing for the moon, and the needle-threading link-up of the command ship with the lunar landing vehicle.

We pray that the rest of the trip will go without a hitch and that the three—Tom Stafford, John Young and Gene Cernan—will return safely from their most obliging service.

HONOR PLEDGE OF FOUNDING FATHERS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, "Honor Pledge of Founding Fathers" was the title of a very incisive editorial by the Taunton Gazette recently. In a time of considerable confusion concerning the spirit of the more radical members of the younger generation, this editorial speaks to a key issue which has often been overlooked. It addresses itself to the problems of method and mental attitude which are so important in determining the character of any movement for change. I offer the full text of the editorial for consideration by all my colleagues, who share my concern over the crisis of spirit in our society:

HONOR PLEDGE OF FOUNDING FATHERS

The revolts taking place on the nation's campuses are a "symptom of the serious moral duplicity in our history and culture as well as the perversion of values in our society," says a psychiatrist.

The students are wise to the "say one thing and do another" attitude that pervades society, says Dr. Charles de Leon, assistant professor of psychiatry at Case Western Reserve University in Cleveland, Ohio.

"They know that two of our greatest heroes, George Washington and Thomac Jefferson, their flowery rhetoric about democracy and justice notwithstanding, were simple slaveowners."

This is, to be sure, fact of history. But before anyone condemns the American experiment as a monumental sham and clossal fraud, perhaps we may be permitted to ask a silly question.

If Presidents Washington and Jefferson were slaveowners, why is not President Richard Nixon a slaveowner?

Perhaps it is because Nixon is a Quaker, as was Benjamin Franklin, who spent the last years of his life vainly petitioning Congress to abolish slavery.

Well, then, why is not former President Lyndon B. Johnson, a southerner, a slaveowner?

Perhaps it is because the Industrial Revolution has simply made slavery impractical today. But slavery was abolished long before farming was mechanized.

The answer is, of course, that eight decades after the signing of the Declaration of Independence, with its "flowery rhetoric," the American people could no longer tolerate the existence of an institution so contrary to the ideals on which the nation was founded. They could solve the contradiction no other way but to fight a Civil War.

"In that war more than 600,000 men died," writes Mary Joan White in the Wall Street Journal. "Legal slavery also died. Whether slavery could have been abolished short of war is questionable, but it is certain that the methods employed by the radicals stirred public passions to the point that leaders who tried to work through to a peaceable, just solution were cut off.

"Nor did the fearful price buy true freedom for the Negro. The nation has not finished with the bitterness, political division and racial injustice that survived the war."

"Instead of sectional lines, racial and generational lines are being drawn today militant blacks and radical youth are attacking the problems of an admittedly imperfect society in terms of moral issues and with any means at hand . . .

"In their attitudes and strategy, the young radicals and black militants are the direct descendants of both the abolitionists and the southern radicals, an uneasy mix surely. Like the abolitionists, they have a rather arrogant assurance that they are so right, that they are above the law in their choice of means to their ends. Like the southern radicals, they are so committed to their own view of the issues that they insist on being allowed to rule or ruin the system. Their attitude and more extreme methods are absolutely totalitarian."

Benjamin Franklin detested the compromise with slavery written into the Constitution, but he believed that one, united nation, even with slavery, held more hope for the future of mankind than a collection of sovereign, bickering states.

Washington and Jefferson, too, had qualms about slavery, but they were products of their environment (the South), even as Franklin was the product of his (the North).

Should we scorn Washington and Jefferson as "simple slaveowners," or should we not bless them and all the others who "brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal"—even if that liberty and that equality are still imperfectly realized?

Shall we declare another civil war between the generations and the races, or shall we not grant a measure of good will to all sides and all factions and attempt to reason together?

COMMUNITY PRIDE, INC.

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RIEGLE. Mr. Speaker, I have recently learned of the work being done in the Watts area of Los Angeles by a nonprofit community action corporation to improve housing conditions and create job opportunities. Their primary goal is both to rehabilitate old, broken-down homes and to build new ones. By using local unemployed craftsmen, and training the unskilled and unemployed, they are using local people to help in this community improvement effort. With evidence of their initial success, this organization plans to expand their efforts into other areas such as community shopping centers.

Mr. Speaker, when this group first began their work, there was little assistance from the white community, local business and financial organizations, or from the Government. However, as their projects gained momentum, concerned businessmen in the Los Angeles area took an active interest in the activities of Community Pride, Inc.

The article entitled "Helping an Infant Black Firm" tells the story of Community Pride, Inc. Because I believe that there is a growing interest in the positive efforts of business firms to assist the disadvantaged, I recommend this article to all interested Government officials as it outlines the way in which established business concerns can work together with community action groups to improve our poverty areas, and I include it herewith:

HELPING AN INFANT BLACK FIRM—VOLUNTEER PUBLIC RELATIONS GIVES A HAND TO NEW ENTERPRISE IN THE WATTS AREA

(By Robert B. Wolcott and David Nuffer)

(NOTE.—Robert B. Wolcott is chairman of Wolcott, Carlson & Company, Los Angeles. David Nuffer, formerly senior account executive with Wolcott, Carlson & Company, is now director of public relations at VSI Corporation, Pasadena.)

The talk is loud, the proposals and recommended programs many and varied. Unfortunately, the efforts to alleviate the urban ghetto problem have not been large. Tokenism may be on the way out; we have reached the point where the pat on the back can no longer take the place of the necessary sweat and money.

What can business do to help and, more specifically, what can public relations practitioners do?

Our firm, through one of its clients, the Earle M. Jorgensen Company, learned of a grass roots organization in the South Central—or Watts—area of Los Angeles, dedicated to eradicating two of the area's most persistent problems—poor housing and lack of jobs. Its name is Community Pride, Inc., incorporated in 1966 as a non-profit corporation with the assistance of top Los Angeles business leaders.

Public relations for CPI was taken on by Wolcott, Carlson Company, Inc. as a public service. We prepared the original public relations program; handled the first major press conference, which announced the formation of the organization; helped with subsequent press conferences, and encouraged the involvement of some members of the Los Angeles Chapter of the Public Relations Society of America. We are continuing to counsel and assist CPI as other Los Angeles business and public relations leaders pitch in with their time and talent.

The results?

To date more than $100,000 has been loaned, donated or pledged to CPI and a line-of-credit for $200,000 has been established at the Bank of America. To date CPI has rehabilitated approximately 50 homes and provided jobs for nearly 100 Negroes.

With these initial results in hand, the organization's leaders are looking for new avenues through which to expand their efforts into such ventures as community shopping centers and prefabricated homes. The U.S. Department of Housing and Urban Development (HUD) has approached CPI to enlist its efforts in other projects, such as new dwelling construction (including multi-family units), administration of rent supplement and consumer education programs, and ple of the area with government and private community-wide efforts to acquaint the peo- programs.

CPI is now one of four groups involved in the housing problems of South Central Los Angeles and is the most successful.

How did CPI get started? And what role did public relations play in its growth?

CPI was incorporated as a non-profit corporation in June, 1966. There was little help at first from the white community, from business and financial organizations or from government programs. Then concerned businessmen took an interest in CPI as offering one of the soundest approaches to urban problems.

CPI's primary goal is to rehabilitate homes and build new ones in the blighted area and sell them to deserving, low-income families at prices they can afford (less than $15,000). By using local unemployed craftsmen, and by training the unskilled in carpentry, electrical wiring, roofing, plumbing and landscaping, etc., CPI is helping to relieve unemployment. In order to meet its goals, CPI originally needed two things:

1. Financial help from HUD under the Federal Housing Administration Act—section 221(h) (Program for Purchase and Rehabilitation of Housing for Resale to Low Income Purchasers); and

2. Financial help from the business community in the form of initial operating capital to put the business enterprise into motion, since 221(h) cannot be used for this purpose.

HUD had already promised its support. Prime need was a working fund of approximately $250,000. CPI proposed to obtain this amount from industry on a business-like loan basis at a reasonable interest rate with a one to three year maturity date. The premise was that business could get involved on terms it would understand.

The basic public relations objectives for CPI were set down as follows:

1. Generate knowledgability and credibility on the part of the Los Angeles business public about CPI, its objectives, and its business-like orientation.

2. Establish CPI nationally in the business and government communities as a model program for alleviating housing and employment problems in the ghettos of the country, and thus help provide direction for use of funds.

3. Increase general public knowledge about CPI, its origin, nature, and objectives, and thus attempt to help in lowering the barrier between minority and majority communities.

4. Provide media exposure for business and government organizations that provide assistance to CPI.

5. Provide media exposure of people involved in making CPI work, from administrators to laborers.

6. Help create an identity of a community on the upswing—through CPI as an important contributor—and thus help in creating public and business confidence in the South Central Los Angeles area.

7. Help insure knowledge in the area that CPI would not mean cessation of government monies.

PUBLICS DEFINED

To meet these objectives, we established certain target publics. In order of importance these are: Los Angeles business and financial leaders, firms and institutions; state and national business and financial leaders, firms and institutions; the general public; and the Negro community.

Since this was a strong local story, our primary media targets are: financial and general news sections of Los Angeles metropolitan newspapers; daily and community newspapers; and TV and radio news and documentary programs. Our secondary media targets are: the national business press; financial and general news sections of major

city newspapers; the Negro press; and government publications.

The peg for the first major CPI announcement was a tour of Watts and surrounding areas on February 26, 1968, by more than 30 leading Los Angeles businessmen, virtually all of whom saw Watts and "Charcoal Alley" for the first time. The tour concluded with a box lunch presentation by Bishop George Scott, Jr., executive vice president of CPI, at the Union Baptist Church in Watts.

The story was widely told the following day in the Los Angeles area in both newspapers and the electronic media. Then work began on an information brochure and a 25-minute film for showing on TV and to groups in South Central Los Angeles.

Following the first announcement, CPI leaders could concentrate on raising money for its operating fund. The task wasn't easy, and it soon became apparent that completion of the first major project—rehabilitation of five homes—was essential.

This was achieved in early September, 1968, and plans were made to publicize the move-in of the first family to have a CPI home. By this time, the local chapter of PRSA had been approached for its endorsement and Joseph Roos, executive director of the Jewish Community Center, accepted the chairmanship of a local public relations committee.

The city councilman from the area was invited to speak, standard press kits were prepared and media and business leaders invited. Once again, the story was favorably treated by Los Angeles media.

The next major event was the announcement of the first home in the nation to be built under financing by Section 235 of the new Federal Housing and Urban Development Act of 1968. By this time, PRSA member Jack P. Whitehouse had joined the public relations effort.

Whitehouse now heads a special committee that works in conjunction with other advisory and working groups in finance, architecture, building and communty relations. Members of Whitehouse's committee include: Ed Coyle, manager of public relations for Western Gear Corp.; Jim Hurley and Ray Burns of the Pacific Lighting Co.; Paul Lewis from the Whitehouse agency and Joe Roos.

The effort thus far for CPI have produced excellent results as commounity leaders increase their personal involvement in the city's problems.

HOW TO HELP

Admittedly, CPI is not the only answer to the problem of low-income urban living, but it is workable and will help considerably in its alleviation and success of the efforts points to a useful role for public relations in the public service field.

To those wishing to explore this field we recommend the following: 1. find out what's going on; 2. evaluate your findings; 3. recommend an action program; 4. carry it through—whether individually, by group or by PRSA chapter assistance; 5. report your results, and 6. keep the faith!

To those who wish to help, our final advice is: Don't wait for someone to come to you. Black organizations are springing up all over the country and the list will increase as President Nixon's "Black Capitalism" concept gains support. Topnotch public relations counsel and assistance is as vital to these organizations as to any successful company.

GOVERNMENT FISCAL YEAR

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. LANGEN. Mr. Speaker, it is time for the whole Congress to recognize that our present fiscal year is an obstacle to good government and public welfare. By having the fiscal year begin on the first of July we are raising the overall level of governmental spending, depriving the underprivileged and the poor of effective and efficient programs, delaying cooperative Federal programs by as much as a year and casting a certain doubt on the credibility of governmental statistics. I strongly urge immediate consideration of my proposal for a calendar fiscal year, which would cure these present deficiencies. Although change of a long-established custom is difficult to achieve in Government, my proposal would not cause hardship on any governmental body or agency and would, on the contrary, alleviate or even eradicate difficulties and hardships now suffered by both Government and the public. Early passage of this proposal would greatly facilitate the minor technical changes needed for the Government and the public to adapt to the calendar fiscal year.

It has been a long-recognized fact that appropriations bills are seldom finalized by the first of July, which is the present legal beginning of the fiscal year. The Congress has, by a continuing resolution each year, authorized each program to continue spending at a level which would not exceed the lower of either the budget or the previous year's appropriations. Once a department or agency has begun spending money at this artificial level, it would experience difficulties in readjusting to a substantial decrease in appropriations from the artificial level set by the continuing resolution. Naturally, "Parkinson's Law" would take care of any increase and the additional money would be spent—even if not wisely or efficiently. In either case tax dollars would be wasted in inefficient spending caused by inadequate or no advance planning. Efficient administration is clearly the key to seeing that every dollar spent on social programs will benefit the poor and the underprivileged to the greatest degree possible rather than being lost in a cumbersome bureaucracy due to lack of direction.

Let us take a hypothetical case to show just how failure to finalize appropriations bills before the beginning of the fiscal year would raise the overall level of governmental spending. Suppose that program A had been appropriated $1 million one year and the budget called for the same amount for the next year. However, although the Congress had indicated no particular controversy with respect to the program, the final appropriations passed in December was for only $500,000, that is, 50 percent of the spending level authorized by the continuing resolution. One can readily see that the administrators of program A, counting on at least a continuance of the appropriations level of $1 million, would have spent by the end of December almost all of the $500,000 appropriated.

Even if the administrators eventually saw the possibility of a cut in appropriations they might choose to discount an appropriations cut and continue to spend on the basis of the continuing resolution, counting on a supplemental appropriation if there is a cut. In a case of this type the administrators would have a clear case for a supplemental appropriation on the grounds that the Congress itself—by its failure to finalize the appropriations bill by the beginning of the fiscal year—caused the program to spend all its money with the fiscal year only half gone. If the Congress then wishes the program to continue, it will be forced to pass a supplemental appropriation for the remainder of the fiscal year, thus raising the overall spending level higher than the Congress originally intended. If the Congress is trying to keep to a budget ceiling, as it now is, some other program may then have to suffer in order to furnish funds for the supplemental appropriation. In this way and to this degree the Congress loses its control over executive spending and may exceed its own self-imposed fiscal limitations.

My proposal for a calendar fiscal year would eliminate this problem forever, because the fiscal year would begin on the first of January after all the appropriations bills have been finalized prior to adjournment in December—or earlier. More importantly, with advance notice of the final appropriations each department or agency would have an opportunity to plan ahead efficiently for the increase or reduction of a program; and the tax dollar, being utilized more efficiently, will then produce the greatest actual benefit to those individuals the program was intended to reach.

Now we all surely want the greatest portion of each dollar appropriated for social programs to benefit the poor and underprivileged directly. However, we deprive the underprivileged of the maximum benefit of these programs—and thus raise the administrative costs of social programs—when we allow the whole poverty program to go without direction. The present authorization expires in about 2 weeks, a new authorization bill is not yet ready and funds cannot be appropriated to administrative agencies that no longer exist. What greater chaos could exist? Even with stopgap legislation, to continue the programs at their present level cannot restore the proper order or enough direction for efficient administration. With the fiscal year beginning on the first of July, it is almost impossible for the Congress to complete hearings and make appropriate changes in the bill for this most complex and vital program. When all of this is allowed to occur, the one to suffer the most is the one who most needs help: the poor and the underprivileged.

In most of the national social and public works projects, the nature of the legislation requires funding jointly from Federal, State, and even local sources. Sometimes the State has to match Federal funds in a certain ratio or the Federal Government has to reimburse the State for certain types of expenditures. In either case the particular project will probably be delayed. Detailed planning cannot be accomplished in the first case until the State or local community knows just how much money it needs for the project, while in the second case, the State or local community may not state the project until there are appropriated funds out of which they can be reimbursed.

Vocational schools thought that they had found a way out of the latter situa-

tion by budgeting grants to students under the vocational education—work-study program at the beginning of each fiscal year. Naturally, they expected to be reimbursed from funds for that purpose which had been appropriated regularly each year. In fiscal year 1968 such funds were given to the Neighborhood Youth Corps in the Department of Labor and earmarked for distribution by the Office of Education. However, in fiscal year 1969, athough sufficient funds were appropriated to the Department of Labor for use in the vocational education—work-study program, the funds were not earmarked and were to be administered by the Neighborhood Youth Corps itself under an administrative reorganization. The vocational schools could not get the funds from the Office of Education as before and were left with the idea that no such funds existed. Only recently—and after most of the funds had been expended—were some schools able to determine the true facts and obtain partial reimbursement. The primary cause of this problem can be laid to the July 1 fiscal year and the inability of Congress to finalize appropriations bills by this deadline. Otherwise the schools would not have had to anticipate the Federal funds in their own budgets each year and make themselves subject to possible loss of their operating funds if funds for the program were not available.

Having the fiscal year begin on the first of July also makes programs subject to certain physical environmental factors which can cause delay in the execution of the program. Construction projects, particularly in the Northern States, cannot be started in the winter months—which may last as long as from October to April. Some of these projects, such as road construction and buildings, require a substantial part of the primary construction to be completed before the winter months if the whole project is not to be started anew in the spring. In fact, they may not be started until the following spring even if the appropriations were finalized by the first of July, since considerable advance planning is needed and sometimes the primary construction itself cannot be completed in 4 months. However, in all of these cooperative efforts there would be adequate time for advance planning to be completed and for construction to be started if the funds were made available for a calendar fiscal year. Seasonal problems and delays could then be avoided.

While upsetting basic economic and social planning, the July 1 fiscal year also casts doubt on the credibility of Government statistics. Most of the Government is geared to the fiscal year and has a tendency to collect figures which pertain to the fiscal year and not to the calendar year. Individuals and private concerns rarely put out facts and figures for public consumption unless they cover a calendar year. Corporate annual reports, for instance, are required by law to cover the calendar year. When faced with the need to correlate and make sense out of all the thousand types of figures available, even an expert may throw up his hands in dismay. Even in the Government itself the Department of Agriculture generally uses the July 1 fiscal year for its foreign trade statistics while the Commerce Department employs the calendar year for the same statistics. Who is truly able to reconcile these two sets of figures or even determine whether they are in agreement? A calendar fiscal year would solve most of this problem and help avoid costly duplication of fiscal year versus calendar year figures.

My proposal, Mr. Speaker, for a calendar fiscal year would not only lead us out of the difficulties I have just described, but would also save the Federal Government millions of dollars. The types of difficulties are not hypothetical, but represent very real problems which face our Government each year. Much money could be saved by the orderly administration and clear direction which a calendar fiscal year would bring, and the Congress would have more time for deliberations on the complexities of fiscal matters and on administrative regulation. Most legislation is far too complicated to be started and finished within 6 months. The plain fact of the matter is that when the congressional leadership provided for an August recess, it tacitly said that it did not expect to finish conducting its business before August. Nevertheless, almost all pressing business is completed prior to adjournment—be it in October, November, December, or earlier. The money saved and the efficiency gained by giving just those 6 months is so valuable and so important that we cannot afford to wait to pass this legislation.

Do we want our programs to accomplish all that they were originally intended to do? Do we want to save millions of dollars in efficient administration? If we do, then now is the time to give all governmental bodies the fiscal certainty which is necessary for sound planning and for orderly, effective, and efficient administration.

ESSAY ON THE TROUBLED TIMES BESETTING OUR NATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RAILSBACK. Mr. Speaker, recently a young man from my district was one of the winners of the Dwight D. Eisenhower summer intern contest sponsored by the Illinois Republican State Central Committee. Carl Hawkinson, 21, a graduate of Galesburg High School and a junior at North Park College of Chicago, won the contest by writing an incisive and in-depth essay on the troubled times besetting our Nation.

Mr. Hawkinson, who submitted his piece anonymously along with other contestants, is the son of John Hawkinson, Republican chairman of Knox County.

Young Hawkinson rightly states in his essay:

America is not on the verge of collapse. It has the resources, both physically and spiritually, to meet the demands of the late twentieth century. We need men in politics who see the promise in America. They must see the wrongs and try to correct them, but they must keep an eye on the great traditions of the United States.

I commend this well written and clearly thought out essay, which follows, to my colleagues:

ESSAY BY MR. HAWKINSON

The last decade has been a turbulent one for America and the world. War in Vietnam and the Middle East have been near to the hearts of all concerned citizens. Years of discrimination have resulted in the pressure which we feel in all of our major cities. Violence in the streets and the increasing activities of organized crime make the appeal for law and order a most popular one. The voices of dissent are feeling alienated from what they call the establishment. Radical use of street tactics are repulsive to most of us. The lines are being drawn in America. Even our college campuses are the scenes of armed confrontations. There is no communication between the followers of George Wallace and the followers of Tom Hayden.

But communication has never been open between the radicals in ours or any society. Our problem is threatening to expand in scope. Blacks feel alienated from the establishment and our cities explode on an expanding scale. Many young people are dropping out, rather than trying to fulfill their lives in our increasingly technological society. The national spirit is being sapped by war, riots, and assassinations. The radicals say that the revolution is at our doorstep. Is America really in peril of violent revolution?

A year ago that question would have seemed ridiculous to me. The events of 1968 have made it a serious question. Serious thinking and concerned individuals are pondering the crisis of America. The United States is not historically immune. We think of ourselves as a young nation, and yet we are the oldest continuous republic in the world. We must seriously analyse our institutions and our beloved traditions. Our fear for security must not cause us to cling adamantly to the status quo. Change is a fact of the human experience and we must channel it rather than hide from it.

Although I see wrongs in America and am working to improve her, there is much in her essence and her tradition that causes me to love her. To some it seems outdated, but the playing of the national anthem causes a tingling in me. America needs her patriots and it needs her dissenters. It needs changes and it deserves our efforts to make her great. Neither revolution nor the status quo will answer her needs.

We start our journey with the duty of preserving the good things about America and with the obligation to change the things which adversely affect the lives of her citizens. The scope of our journey is outside the realm of any individual or small group of citizens. We don't look for a political messiah in the United States. In fact, we have built-in precautions against one. We can't allow a small minority to rule the lives of 200 million citizens. Whether it be the political or the economic arena, competition and cooperation have always been the vital forces in our struggle for greatness.

Some of our problems arise when groups forget the principles of competition and cooperation. They think that they have the whole truth. Only they know how society should operate. Members of the John Birch Society and Students for a Democratic Society both feel that they should be running this country. They mistakenly think that their way would be the best way for all of the people. Their motives are not selfish, but they are born in an intellectual pride. This is the kind of pride which doesn't recognize the rights of other citizens to successfully create their own version of how

things ought to be done. It is the kind of pride which thumbs its nose at the thought of compromise.

Although men must live with principles, they must also live with each other. Men must learn when to compromise and when to stand behind their principles. The common good must not be the conception of a small group, but a program arrived at by the interaction of all the people. Our system of government is the best way yet discovered to fulfill the common good. It is not a perfect system, and this we cannot afford to forget. When we idolize the system we tend to ignore the wrongs in our society. Clinging to the system can be a shield used to fend off change. When we use it thusly, we are inviting revolution.

One problem with compromise is that it sometimes ignores minorities. Minorities deserve the same rights in spite of their lack of political power. These rights are not limited to the rights of opportunity. Opportunity always means that some will not succeed. We have taken some important steps in safeguarding the welfare of those who are unable to take advantage of opportunity, but we have not solved the whole problem. Hunger, inadequate housing and medical care, and a general lack of necessities are present along with the great abundance produced by our expanding economy. America is rich enough to feed, clothe, and give medical care and adequate housing to all of her citizens.

Our enemies have given plenty of cause for concern for our defense. We must not answer fear with hatred. We must answer our enemies by remaining strong and yet pursuing peace. We have enough missile strength to destroy Russia many times over. We should show a willingness to end the arms race, rather than a hatred which causes us to speed it up. We think nothing of spending billions for defense, and yet we drop poverty programs which are wasting only a couple hundred thousand dollars. Our priorities must be rearranged.

America is not on the verge of collapse. It has the resources, both physically and spiritually, to meet the demands of the late twentieth century. We need men in politics who see the promise in America. They must see the wrongs and try to correct them, but they must keep an eye on the great traditions of the United States. Our leaders must not be afraid to mold opinion, and they must also represent the views of their constituencies. Our representatives are not solely responsible for the welfare of our society. In the final analysis, we as citizens are responsible for her greatness. We must be concerned, not apathetic. We must be understanding, not filled with hate. We must show charity, not greed. We must seek change and love our heritage. We must not be afraid to step forward into a wonderful new American era. The United States can go forward, only if we go forward together, armed with tradition, hope of change, and love for our brothers.

APOLLO—AND AFTER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, an editorial of Tuesday, May 20, 1969, in the Birmingham News asks the question of where our national space program is going following the lunar landing, and points to the contribution our astronauts have made in making this Nation preeminent in science and technology. Because of the significance of this editorial, I commend it to the reading of my colleagues and to the general public:

APOLLO—AND AFTER

Three more brave men are en route on another leg of the most exciting voyage in human history. Thomas Stafford, Eugene Cernan, John Young, crewmen of Apollo 10, are taking the penultimate step toward the moon. In July, if all goes well, man will set foot on the moon's surface.

While Apollo 10 so far has been as spectacularly successful as earlier missions in this sequence, the most dangerous part of the flight is still to come—orbiting of the moon, low-level scouting of landing areas in the weird Lunar Excursion Module of the type which will be used to make a touchdown in Apollo 11, and return home.

As did the three astronauts who preceded them in lunar orbit, Stafford, Cernan and Young go not only on the thrust of the magnificent machine designed and built by Dr. Werner von Braun's Saturn team at Huntsville, but also on the wings of the prayers of millions of countrymen and other well-wishers around the world.

As the climatic moment of America's manned space program approaches—thought has turned more and more toward the post-Apollo era.

Will the space program be continued? At what level? Toward what new goals?

These are not easy questions, for beyond the scientific and other factors involved there is the matter of money—many billions of tax dollars. Should space research and exploration continue to rate high priority? Or should the space program be cut back so more funds could be diverted to other needs?

The News understands that considerable rethinking of the U.S. space effort will be in order, and that some cutback in the level of spending, at least for awhile, is probable. But we believe that a drastic reduction in the program would be a mistake.

We are only on the beaches of the universe beyond our own small planet. There are more space seas to sail, more worlds to explore.

We cannot neglect our earthly problems and responsibilities. But neither should we lower our eyes from the stars.

Shepard, Glenn, Grissom, White, Lovell, Borman, Anders, Stafford, Cernan, Young—they are names on a roster with Columbus and Magellan and Lindbergh and thousands of famous and anonymous men and women who dared the unknown, who blazed historic trails.

Stop now? We have barely begun.

ABOLISH THE DRAFT?

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. NELSEN. Mr. Speaker, Claude N. Swanson, contributing editor of the Fairmont, Minn., Sentinel, is one of the finest conservative editorial voices in our district. He has kindly provided me with a recent editorial in which he argues that so long as the U.S. Armed Forces are restrained from military victory in Vietnam, the draft cannot be replaced with a volunteer army. I include his thought-provoking analysis at this point in my remarks:

ABOLISH THE DRAFT?

(By Claude N. Swanson)

There is talk of abolishing the draft, depending on voluntary enlistments for a fighting force to defend our country. The draft has never been popular. It was because of compulsory military service that our fathers, grandfathers and others before them left Europe. But, we have it here.

If the "experts" think that we could recruit a volunteer fighting force of sufficient size to protect this country, they have another "think" coming. Not under present and past conditions could this be accomplished.

Is any young man in his right mind going to volunteer to serve in a fighting force that is not permitted to win? As happened in Korea when President Truman fired General MacArthur as he was about to administer the coup de grace to North Korea. Or, as our fighting forces have been forbidden (by our non-military experts in the Pentagon) to bomb enemy shipyard docks, to set up "sanctuaries" in Cambodia and elsewhere, from which the enemy is free to attack, but which our men mustn't touch?

No, our young men are not crazy. Far from it. And they are (those who survive) the very ones that will have to pay for the mistakes of our politicians and so-called "experts."

More than 60,000 of our sons, husbands, brothers have been killed in Korea and Vietnam; a quarter of a million more have been wounded. Isn't it about time we turned our fighting men loose and let them fight to win? If not, let's call them home.

THE SHORTSIGHTED ATTITUDE OF THE ADMINISTRATION ON STUDENT FINANCIAL AID PROGRAMS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. EILBERG. Mr. Speaker, I rise today to comment on what I believe is an extremely naive and shortsighted attitude on the part of the administration with respect to its budget requests for the various programs which provide assistance to students who seek a higher education, but whose families cannot afford the full expense involved in such an undertaking. I refer especially to the educational opportunity grants program, the national defense student loan program, the college work-study program, the guaranteed student loan program, and the health professions student loan program.

A summary recently prepared by the Office of Education of the Department of Health, Education, and Welfare reveals that for the 1969–70 school year there will be only $461 million available for three major Federal student loan programs—the educational opportunity grants program, the national defense student loan program, and the college work-study program. For these same three programs, institutions have expressed a need for $814 million and regional panels have approved $682 million. I would like to insert in the RECORD at this point a table which gives a State-by-State breakdown of institutional requests for these programs, the amount approved by panels, the amount of funds which are available, and the percentage of approved requests which can be granted:

TABLE 1

	National defense student loan program, 1969–70				College work-study program, 1969–70			Educational opportunity grants, initial awards, 1969–70			
	Institutional requests	Panel approved	Funds available	Percent	Institutional requests	Panel approved	Estimated percent	Institutional requests	Panel approved	Funds available	Percent
Total	$317,873,424	$273,322,121	$155,000,000		$274,969,531	$219,327,606	74	$119,549,871	$98,707,386	$68,137,040	
Alabama	5,559,358	4,567,605	2,205,761	48.82	7,597,656	5,251,083	87	3,020,511	2,427,697	1,135,047	48.00
Alaska	112,658	112,658	66,443	58.98	377,443	318,000	60	55,500	47,500	29,874	62.89
Arizona	3,602,825	3,283,433	1,751,328	56.59	2,725,957	2,221,318	68	1,492,625	1,189,700	704,789	66.19
Arkansas	3,146,082	2,618,760	1,475,439	56.81	5,070,279	4,319,866	61	1,483,480	1,155,815	659,784	57.40
California	26,869,187	23,824,224	15,617,366	67.63	29,079,401	24,133,981	60	10,216,455	8,593,000	6,743,199	82.43
Colorado	5,268,638	5,217,574	2,271,173	45.33	3,730,432	3,695,386	60	1,803,586	1,726,095	892,782	59.16
Connecticut	3,474,497	3,465,331	1,936,537	55.88	3,373,069	2,723,998	56	1,041,300	960,500	849,996	90.65
Delaware	719,722	399,874	296,000	74.02	431,962	345,900	90	362,150	356,100	91,728	48.00
District of Columbia	3,412,894	2,276,734	1,313,675	62.98	3,350,656	1,894,303	62	515,320	500,850	500,850	100.00
Florida	7,658,976	6,566,140	3,685,089	56.12	7,042,950	5,492,481	85	3,289,079	2,428,592	1,598,722	68.23
Georgia	4,911,080	4,366,779	2,624,771	61.28	4,595,480	3,631,244	100	2,361,625	2,038,868	1,161,031	58.34
Hawaii	618,704	604,103	400,396	100.00	719,023	675,652	70	150,600	150,600	150,600	100.00
Idaho	996,507	926,156	645,988	69.75	1,229,970	1,008,333	60	268,100	268,100	266,533	100.00
Illinois	14,035,951	13,580,918	7,662,447	57.06	12,497,003	10,804,793	60	4,745,427	4,469,097	3,407,795	77.51
Indiana	10,587,483	9,935,285	4,314,574	44.89	3,938,725	3,482,860	100	2,551,212	2,315,534	1,877,875	81.11
Iowa	7,664,962	6,666,606	3,015,537	45.31	3,619,479	2,817,245	94	2,148,190	1,611,150	1,340,735	85.48
Kansas	5,330,815	4,809,668	2,637,901	54.92	3,854,041	3,123,134	61	2,087,700	1,586,960	1,175,557	75.14
Kentucky	4,938,555	4,166,986	2,418,499	59.35	5,537,984	3,942,215	68	2,032,482	1,683,903	1,085,531	65.16
Louisiana	4,223,499	3,675,058	2,906,134	79.82	4,650,012	3,972,817	100	1,477,120	1,343,375	1,306,701	97.27
Maine	1,659,655	1,556,080	625,202	40.93	1,345,324	1,191,334	65	428,150	401,650	278,601	69.99
Maryland	3,253,403	2,720,395	2,297,195	84.44	2,205,869	1,889,368	100	1,156,781	845,396	842,156	100.00
Massachusetts	16,007,471	13,665,368	5,725,832	42.66	14,332,324	11,870,188	61	3,158,550	2,853,150	2,548,358	92.32
Michigan	12,886,155	12,492,915	7,039,070	56.63	7,618,731	6,634,181	92	4,867,077	4,453,144	3,078,074	71.08
Minnesota	8,116,187	7,790,918	3,684,454	47.82	5,697,491	4,901,434	65	2,826,220	2,425,335	1,650,323	68.31
Mississippi	5,661,412	3,895,456	1,861,287	47.78	6,164,722	4,573,362	80	2,755,604	1,755,164	817,867	49.00
Missouri	8,019,845	7,189,538	3,970,379	55.57	4,976,479	4,216,213	95	2,742,753	2,237,482	1,777,335	79.91
Montana	1,476,878	1,296,170	700,015	54.01	4,665,171	4,357,031	63	645,575	593,125	306,299	53.06
Nebraska	2,775,618	2,561,908	1,495,750	58.76	2,030,892	1,830,031	64	1,137,560	899,640	638,428	75.23
Nevada	597,271	425,181	181,360	42.65	674,700	591,120	59	173,700	129,000	81,540	63.21
New Hampshire	1,807,757	1,440,152	647,734	44.98	1,818,546	1,272,394	61	568,950	456,350	285,438	63.82
New Jersey	5,517,808	4,544,329	2,747,066	62.12	5,163,952	3,823,740	92	2,289,997	1,831,329	1,183,635	68.03
New Mexico	1,915,723	1,817,018	830,641	45.71	2,760,706	2,153,498	61	850,752	723,269	368,360	53.41
New York	28,589,688	22,451,081	12,249,659	55.23	23,769,289	16,024,591	66	13,094,063	11,320,412	5,182,117	49.94
North Carolina	7,574,469	5,428,245	3,683,025	68.74	8,162,010	5,963,738	96	4,626,755	2,675,519	1,618,187	61.44
North Dakota	2,671,731	2,060,068	764,158	37.61	1,565,317	1,404,887	60	654,280	532,080	343,050	64.57
Ohio	16,678,208	15,265,021	7,545,745	50.49	7,565,418	6,473,408	100	3,973,301	3,624,911	3,368,761	93.52
Oklahoma	6,840,031	4,663,340	2,653,213	58.08	5,234,045	3,857,006	67	2,035,393	1,450,453	1,192,999	82.25
Oregon	4,178,373	3,569,683	2,050,780	60.60	8,394,234	5,461,138	62	2,019,366	1,406,798	906,164	65.65
Pennsylvania	14,692,558	12,351,520	7,811,837	64.28	9,283,305	6,964,743	100	4,158,533	3,474,995	3,470,860	100.00
Rhode Island	2,146,595	1,824,845	881,298	48.29	843,351	732,351	95	567,350	533,450	392,189	74.28
South Carolina	3,135,451	2,759,676	1,472,346	55.78	2,340,031	1,917,515	100	1,915,035	1,387,763	625,139	48.00
South Dakota	2,654,367	2,210,969	746,942	34.53	1,656,623	1,285,548	62	573,710	474,550	335,837	70.77
Tennessee	7,307,343	6,313,274	3,178,017	51.66	7,021,569	5,646,593	67	4,049,235	3,174,574	1,498,476	48.00
Texas	13,574,275	9,583,747	8,555,051	97.77	12,945,427	10,749,095	90	6,124,748	4,862,424	3,829,301	79.11
Utah	1,458,984	1,367,227	1,367,227	100.00	2,685,170	1,912,858	60	857,283	738,035	738,035	100.00
Vermont	1,069,963	994,633	492,990	49.57	667,952	532,918	77	421,800	361,450	221,634	61.32
Virginia	4,192,709	3,534,096	2,525,919	71.93	3,277,185	2,652,399	100	1,621,547	1,229,372	1,118,206	92.38
Washington	5,268,473	4,896,912	3,236,407	67.14	5,019,294	4,222,168	62	1,927,688	1,806,573	1,447,211	80.55
West Virginia	2,715,884	2,161,456	1,474,448	68.22	2,666,698	2,193,643	90	1,034,066	842,965	662,995	78.65
Wisconsin	8,355,066	7,741,458	3,894,018	50.70	7,279,561	6,482,705	60	3,686,449	3,294,898	1,729,120	53.14
Wyoming	651,783	647,653	331,979	51.26	898,302	873,478	59	326,323	297,994	143,729	50.09
Guam					131,922	131,922	100	12,600	12,600	10,576	83.94
Puerto Rico	1,283,845	1,031,845	1,030,685	99.89	666,299	666,299	100	1,159,215	741,100	463,411	62.53
Virgin Islands	6,052	6,052	3,213	53.09	20,100	20,100	100	7,000	7,000	3,500	50.00

THE EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

This program was initiated as a result of the Higher Education Act of 1963. It is designed to make a higher education avaliable to students who demonstrate exceptional financial need. A student is eligible to receive a grant under this program if he is studying full time and if his finances are extremely limited. He does not need a high academic record to qualify. Grant recipients receive $200 to $1,000 per academic year, depending on their needs. Every educational opportunity grant recipient also receives a matching grant from a scholarship program in an amount equal to the educational opportunity grant. Recipients of EOG grants may also receive Veterans' Administration payments provided that the combination of EOG money, matching award, and Veterans' Administration benefits do not exceed the student's need. Under the program these grants may be renewed for up to 4 years of undergraduate study.

This year the colleges and universities across the country have mounted an aggressive search for disadvantaged students. This is due in part no doubt to some pangs of conscience on their part, but also to the fact that such action is a requirement in order to participate in the educational opportunity grants program. As a result, the colleges and universities have turned up approximately 200,000 applicants who have been approved by review panels which examined the applications of the colleges applying for the funds. If the estimate of the money which has been requested for this program for the upcoming school year is correct, based on figures submitted by the colleges and universities this means that only about 100,000 new students will receive the assistance provided by this program as compared to over 145,000 for the past school year. In my home State of Pennsylvania this means that only about 65 percent of the need for educational opportunity grants will be met. Within the present framework of social unrest and agitation for increased opportunity, it is bad policy pragmatically, as well as in principle, to curtail one of the most promising programs to help the disadvantaged achieve the benefits of a higher education and thereby frustrate the expectations that were raised when the Congress enacted the program.

THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

The national defense education program was established under the National Defense Education Act. This program establishes loan funds at public and nonprofit private American colleges and universities, accredited postsecondary business schools, and technical institutions to permit undergraduate and graduate students to complete their education. Participating institutions in the program contribute $1 to the loan program for every $9 of Federal funds which are provided and institutions which are unable to supply the matching funds may borrow additional Federal funds for that purpose. Any accredited college or university is eligible to apply to participate in the program if it admits secondary school graduates as regular students and offers a program acceptable as full credit toward a bachelor's degree. Undergraduate and graduate students are eligible if they are carrying at least one-half of the normal full-time academic workload, are capable of maintaining good academic standing, and are in need of assistance to complete their education.

The cutback in the national defense education loan program is even more serious than that in the educational opportunity grants program. For the 1969–70 academic year, the administration recommends that only $155 million be made available for loans. This compares to institutional requests for $318 million and panel approved requests for $273 million. This is substantially below the level of $190 million in national de-

fense education loan program funds which were available during the last school year. If the program is funded at the level which has been proposed by the administration, participation will be down to 398,000. This is a significantly lesser number than the 442,000 who were supported under the program for the past school year. This situation is made even more serious in view of the tremendous enrollment increases which are expected at our colleges and universities. I believe that full funding of this program is critical, because it is this program which can be used to offset some of the dislocations which could result from the inadequate funding of the educational opportunity grants program. In my home State of Pennsylvania the funding level which the administration has requested for this program will mean that only 65 percent of the panel approved loans can be made. In 15 of the 50 States, the funds available will meet less than 50 percent of the approved requests, the lowest figures being 34 and 37 percent for South Dakota and North Dakota respectively. Utah is the only State in which the full amount of needed funds will be available.

THE COLLEGE WORK-STUDY PROGRAM

The college work-study program helps students finance their educations by providing grants to colleges and universities which support projects for student employment on and off campus up to an average of 15 hours per week during regular academic periods and up to 40 hours per week during vacation periods. All employment must be with their public or nonprofit agencies including the school itself. Federal matching funds pay 80 percent of the cost of the work-study program. The participating colleges and universities provide the other 20 percent. College work-study programs are designed to both combine with and supplement other student financial assistance programs such as scholarships, the educational opportunity grants program and student loans. Under this program, job preference must be given to students who come from families which are unable to support the full cost of a higher education for their children.

This year, the college work-study program, with carryover funds, will spend about $162 million. The administration's budget request for the program is $161.2 million. On the surface this seems to be a modest cut, but to understand its full impact two factors must be considered. First, wages paid to students participating in this program increase each year in line with the prevailing minimum wage rates. Second, the number of institutions participating in the program has recently increased by some 20 percent. As a result, on a national basis, about 20,000 fewer students will be able to participate.

THE GUARANTEED STUDENT LOAN PROGRAM

The guaranteed student loan program makes loans available to undergraduate and graduate students enrolled in eligible institutions ranging from vocational schools to degree-granting institutions. Students with adjusted gross family incomes of less than $15,000 are eligible to participate and receive Federal payments of interest charges up to 7 percent on their loans, during school years prior to the repayment period and during authorized periods of deferment. Deferment of payment may be granted during any period which the borrower is attending an eligible institution on a full-time basis, serving in the Armed Forces, Peace Corps, the Teacher Corps or VISTA. Applications for loans under this program are obtained from and submitted to lenders who are participating in the program, the schools themselves or the State guarantee agency. To participate a student needs a certification of enrollment and a statement of his family's income.

The deficiencies in the educational opportunity grants program, the national defense student loan program, and the college work study program leave a very great shortage to be met and the guaranteed student loan program is the only remaining source. This source will be further strained by the action which the administration has taken with respect to the health professions loan program. The appropriations level for this program for the 1969 fiscal year was $15 million. The same amount has been requested by the administration for the upcoming fiscal year. However, the administration has ignored the fact that there will be $15 million less for the program this year, because a $15 million revolving fund which was used for the program last year, in addition to the regular appropriation, has all but been exhausted. Since the Government is no longer selling participation sales certificates, this money will not be replenished.

The Department of Health, Education, and Welfare advises me that they expect the guaranteed student loan program to take up the slack. The idea of the administration that the health professions loan program slack will be taken up by the guaranteed student loan program is idealistic at best. This is pointed up by a report I have just reviewed on the operation of the guaranteed student loan program for this year through January 31. I was most surprised to find that 85 percent of the families whose loans are insured by the program and 93 percent of those receiving loans under the State program had incomes of less than $12,000. Even more surprising, in view of the fact that the guaranteed student loan program was designed to provide assistance to families in the middle-income brackets, is the fact that 36 percent of the federally insured loans and 57 percent of the State program loans were made to families with incomes of under $6,000. I would like at this point to include in the RECORD a table which gives the status of the program in this regard. This table points up the fact that the program is not serving that clientele for which the Congress intended it. As a result many thousands of middle-income youngsters are facing the prospect of not being able to seek a higher education:

TABLE 2.—GUARANTEED STUDENT LOAN PROGRAM

ANNUAL LOAN VOLUME

	Amount
Fiscal year:	
1966	$77,000,000
1967	248,000,000
1968	436,000,000
1969 (1st 6 months)	450,000,000+

TABLE 2.—GUARANTEED STUDENT LOAN PROGRAM—Con.

DISTRIBUTION OF LOANS

	Percent	
	State guaranteed	Federally insured
By adjusted family income:		
0 to $2,999	29.55	14.97
$3,000 to $5,999	27.15	21.38
$6,000 to $8,999	22.46	25.33
$9,000 to $11,999	13.88	23.10
$12,000 to $14,999		14.10
$15,000 and over		1.12
Distribution by sex:		
Male		63.96
Female		34.88
No response		1.16
Distribution by race:		
White		87.52
Negro and other		6.54
No response		5.94

LENDER PARTICIPATION

Type of lender	Percent of lenders	Percent of loans
National banks	40.2	46.8
State banks	45.8	40.5
Mutual savings bank	1.5	2.7
Savings and loans	4.6	5.4
Credit unions	7.8	2.6
Other	.1	2.1
Total	100.0	100.0

Two things stand out in the report which I referred to above. The first is that—contrary to the fear of many colleges—the banks have really been giving priority on loans to students from low-income families. The second is that if there is a shortage of guaranteed loan funds for the next year, it is primarily needy students who will be deprived of the assistance which the program provides and not those students for whom the program was intended since they have not been participating in the numbers we anticipated when we enacted the program. Since the operating results of the program indicate it has not provided the relief of middle- and upper-income families that was intended when the legislation authorizing the program was passed, there seems to be little reason for not adopting my bill which provides for a tax credit for educational expenditures by parents. I am particularly alarmed by the fact that the guaranteed student loan program has not been helping the students it was designed to, because it is this program which my constituents must rely on to send their sons and daughters to college. The people of the Fourth Congressional District are not wealthy and the overwhelming proportion of their incomes are below $15,000, but not as low as those families, whose children have received the advantages of the program. I think that the administration is being penny-wise and pound foolish if it thinks that the programs providing aid to students seeking a higher education are doing the job as is. It is obvious that we cannot afford anything but full funding of all these programs.

When the Higher Education Act of 1965 was passed, the prime rate of interest was 5 percent or lower. However, th credit shortage of 1966 cut sharply into the amount of funds which were available for loans under the guaranteed student loan program. Now, with the prime rate recently increased to 8½ percent, hundreds of banks and other

money lenders are telling the Government that they may have to curtail sharply or end guaranteed student loans in expectation of a real loan crunch. At stake is more than $640 million in Government guaranteed loans to about 750,000 students.

Colleges have been aware of this serious situation for some time but they are only now learning of their specific situations as they receive their notices of allocations for the various programs. Students, on the other hand, will not receive information about their requests for loans for several weeks. If as expected, the money for guaranteed loans begins to dry up, it is quite probable that a great number of students will be forced to give up their plans for a higher education. This would truly create a national emergency in higher education.

Colleges already feel that the Federal Government is guilty of a breach of faith in the management of the educational opportunity grant program and there is a very real danger that other programs will suffer the same fate if action is not taken soon by the administration. There is clearly no cheap or easy solution to the problem. One step would be an increase in national defense education loan program money of $160 million up to the full appropriations authorization of $275 million and to increase the educational opportunity grant program up to the limit for initial awards. I believe about $15 million would be needed for this. I realize only too well that $130 million cannot be added slightly to the budget but I believe that some nonessential defense spending cuts might provide the funds needed with ease. The human cost in terms of frustrated students and their parents just is not worth the price of any other approach.

On the guaranteed loan program, it appears to me that this program is at the crossroads. Some years ago a determination was made that the Government should no longer make loans directly to the students, but that the private sector should be relied upon to implement the program. We cannot expect banks and other lending institutions to make student loans on a charitable basis and get the statutory limit of 7 percent interest when they could use their increasingly limited reserves to get returns of at least 8½ percent. We must decide if we want the Government to reassume its role in making these student loans. If not, we must move to make the program more attractive for the banks without increasing the cost to the student. There are several alternative ways in which this could be achieved. First perhaps the idea of a Federal student loan bank should be explored. Second, thought should be given to legislation authorizing the Office of Education to pay the banks who make loans an interest subsidy in an amount ranging from 1 to 3 percent above the 7-percent statutory figure approved by the Congress last year. By utilizing this approach, banks could afford to make the loans without loosing money, the Government would be able to vary the interest subsidy depending on the market interest rates, and the cost to the student would remain at 7 percent. As an added inducement to the banks and other lending institutions to participate in the guaranteed student loan program, States might take action to provide that banks which have State money on deposit must make a specified dollar amount of loans or lose these deposits.

I believe further that the Office of Education should explore the possibility of State trust funds participating in the program as lenders and that some serious thought should be given to the issuance of an education bond which would be sold to the public at a 6- or 7-percent interest rate. These bonds could carry a longer maturity so that they would not compete with savings bonds. Not only would this approach make millions of dollars available for student loans, but it would no longer make it necessary for banks to make student loans at a loss or with virtually no profit.

Mr. Speaker, I believe that the House should consider the interest subsidy approach, which I have outlined briefly, as a stopgap measure until such time as it becomes apparent whether the best approach to assure the continuing availability of student financial assistance is through the private sector or with the Government making the loans directly.

Also, I encourage all my colleagues to carefully review the administration's education budget before they are faced with the appropriations bill on the floor. I believe you will be as alarmed as I am about where cuts are proposed.

MEMORIAL DAY TRIBUTE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. SMITH of New York. Mr. Speaker, our Nation has recently paid tribute to those who have given their lives so that we here in America may continue to enjoy the blessings of freedom.

On Memorial Day, May 30, 1969, a particularly inspiring message was delivered by Erie County executive, B. John Tutuska, at the veterans' section of Forest Lawn Cemetery, Buffalo, N.Y. Mr. Tutuska, former Erie County sheriff, has recently assumed the responsible and challenging duties as Erie County executive.

I commend his message to the reading of my colleagues in the Congress and include it herewith:

REMARKS BY MR. B. JOHN TUTUSKA

We stand here today in reverent tribute to the memory of those who gave their lives for America, so that Americans could live on in the traditions of American liberty and freedom.

Memorial Day in some respects is somewhat of a paradox:

It is a significant occasion—a beautiful occasion.

But it also is a sad occasion—a sacred occasion.

Why is Memorial Day a significant and beautiful occasion?

Because it personifies the sentiment of the American people for the patriots who gave their lives for the greatest cause in the whole world—our country!

Memorial Day teaches an unforgettable lesson in patriotism. It exemplifies the deep feeling that is held by young and old alike for those who died for our country—who made the supreme sacrifice in the great struggles in which America has been involved.

Memorial Day unveils a tenderness without parallel on the part of those among us here who participated in World War I or World War II—or the Korean conflict or the present Vietnam conflict. It also reveals a tenderness on the part of young people who simply know of the two world wars and possibly the Korean struggle as history—or, as in the case of Vietnam, history-in-the making.

Yes, those are the sentiments that make Memorial Day a significant and beautiful occasion.

Why is Memorial Day also a sad and sacred occasion?

Because it brings with it sad and sacred memories—as we recall anew the great and tragic events that led to the establishment of Memorial Day—a day for solemn and reverent tribute to those who gave their all for their country.

Time marches on inexorably—and in its rapid flight, time has borne us on its wings till we are half a century removed from the end of World War One—a quarter of a century since the close of World War Two. In the meantime, we have gone through a bloody Korean conflict—and are now engaged in a cruel conflict in Vietnam—a conflict which we fervently pray will be ended before another Memorial Day rolls around.

Since the end of World War I fifty years ago—and there may be some among us here today who served in what was heralded at the time as the war to end all wars—since the first World War ended half a century ago, America has been thrust into World War II—acclaimed as the war to save the world from Hitler—and then into the Korean conflict and now the Vietnam Struggle. As was the case with Korea, we are in Vietnam for the avowed purpose of protecting the liberty and freedom of people in oppressed nations—to save them from the clutches of communism.

And so it is in keeping with our American conscience that we observe Memorial Day—a day on which we remember and honor those who sacrificed and died in the wars of the last fifty years, and in the earlier wars—and also those who sacrificed and have since died. We remember them for the invaluable service they performed in defense of their country, and for humanity.

We honor our heroic and patriotic dead by being true men—and true women—by faithfully fighting the battles of our day, even as they fought, and are fighting, the battles of yesterday, and those of today. We pay to them this honor on this specific day—Memorial Day—so proclaimed originally after the Civil War and observed by North and South alike.

Memorial Day was officially proclaimed in 1868—and set for May 30th—by Civil War General John A. Logan. In doing so, General Logan in whom burned a deep love for his country and for his comrades in arms, spoke these words:

"If other eyes grow dull and other hands shake, and other hearts grow cold in the solemn trust, ours shall keep it well so long as the light of warmth, the warmth of life, remain to us."

So for more than a hundred years—since three years after the end of America's bloody Civil War—Memorial Day has been observed on May 30th each year with impressive ceremonies and patriotic parades.

Nothing I can say or do here can add to the lustre of those who in defense of their country have fallen in America's wars.

Nothing any of us can do or say anywhere at any time can make shine brighter the memory of those patriots who gave everything, even life itself, so that our nation might live, and so that right and justice might prevail.

There is no word, no action, that can speak as eloquently as the deeds of the fallen heroes that gave true meaning to the spirit of service and sacrifice.

And so we stand here today, in the veterans' section of this beautiful cemetery—under auspices of fourteen different veterans' organizations joined together for this occasion as the United Veterans Memorial Day Committee—paying humble homage to those who fought and died to preserve our American heritage, and to help freedom-loving people in other lands to gain their liberty.

Americans—and dedicated citizens of other countries—are making history these days with amazing, hitherto undreamed of journeys into space—to the moon now, to other planets, eventually.

But no matter what the future holds for mankind—no matter what new fields and new areas are developed and conquered—we shall always observe Memorial Day each year, a day consecrated to our fighting men and women who laid down their lives for their cherished America. Yes, we shall always observe Memorial Day as a special day dedicated to patriotism.

These graves around us, in this quiet and peaceful sector of this beautiful cemetery, constitute a public shrine—a mecca to which we come, as patriots, to renew our devotion to the cause for which these patriots died—our country.

Their valor preserved America—made possible a bigger and a better America—painted America indelibly on the world's landscape as the land of individual freedom and liberty. Perpetuation of our American traditions was purchased with their blood—blood that was spilled not only on American soil but on ground thousands of miles distant.

We pray to God that in the not too far distant future, the day will come when it no longer is necessary for American boys to be sent to far-away lands to fight for freedom and liberty of strange peoples.

We pray that some day it will no longer be necessary for nations to engage in war at all.

But until that day comes—we must ever remain alert and on guard against the forces that would crush our American way of life—that would deprive our people of the liberty and freedom which were earned at such heavy cost in blood and treasure. We must dedicate ourselves everlastingly to the task of maintaining the sacred heritage that we proudly call America—a sacred heritage for which those whose memories we honor today laid down their lives.

U.S. FOOTWEAR PROMOTION URGED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. NELSEN. Mr. Speaker, I wish to urge U.S. businessmen to undertake a massive selling campaign on behalf of American-made footwear. A real promotional effort is needed because foreign shoe imports are ruining the American footwear industry, and hurting U.S. leather suppliers and farm income in the process.

Shoe imports have shot up 600 percent since 1960, and more than 100 percent between 1967 and 1968. Foreign leather shoe imports were 36 percent greater last year than the year before.

As a result, U.S. footwear production is off nearly 10 percent for the first quarter of 1969, at least seven shoe factories have closed down, and growth in the domestic industry has been halted.

The American shoe industry is being jeopardized and its farm suppliers right along with it. We need to promote an American shoe-in.

FORD FOUNDATION FUNDS ANOTHER COMMUNIST OPERATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RARICK. Mr. Speaker, in my remarks last Thursday, June 19, at page 16682, I commented on the fraud called Afro-American studies. I had discussed the utter absurdity of Herbert Aptheker, the Communist Party theoretician, now employed as a professor at Bryn Mawr College as an expert in Afro-American studies.

To any who study the documentation on Comrade Aptheker, it must be obvious that the reason he, a white man, is the leading expert in Afro-American history is that he is the author, originator, and promoter of the entire scheme devised to further exploit unstable Negroes. Their resentment is whipped up in order to place Aptheker's indoctrinated troops on campuses. Now he, as an educational expert, will continue to promote racism and division of our people.

Any thinking American knows there is no such thing as Afro-American history. There is American history with a contribution played by individual Negroes.

Now with a 10 percent surtax extension facing the hard-working American people, we find that the tax-dodging Ford Foundation announces a $1 million gift to expand Afro-American studies. In reality, a subsidy to a Communist indoctrination and infiltration front.

Mr. Speaker, I include a clipping from the Washington Post for June 22 and an editorial from the Main Line Chronicle, Ardmore, Pa.:

[From the Washington Post, June 22, 1969]

HOWARD GETS $143,500 TO AID IN BLACK STUDIES

Howard University has received a $143,500 grant from the Ford Foundation to finance a new Afro-American studies department, permitting students to major in Afro-American studies for the first time in the 102-year history of the college.

The grant to Howard was part of $1 million in gifts announced by the Ford Foundation today to expand Afro-American studies.

Other schools receiving grants are Yale, Princeton, Rutgers, Morgan State College in Maryland, and Lincoln University in Pennsylvania.

The new department at Howard was authorized by the faculty and university trustees this spring. It was one of the prime demands made by students in a protracted series of protest at the school.

Vincent J. Browne, dean of Howard's College of Liberal Arts, said the Afro-American studies department would "pull together and coordinate" about 30 existing courses dealing with American Negroes. It will also develop new interdisciplinary courses, he said, cutting across the traditional fields of history, economics, sociology and government.

The department will have full-time faculty members of its own, Browne said, as well as sharing faculty members with other departments.

Students will be able to major in Afro-American studies, he said, after completing the regular general education requirements in their freshman year.

"It will be operated just as the other departments are in the college," Browne said.

The foundation's $150,000 grant to Morgan State College will be used to update and revise materials used in the school's present courses dealing with American Negroes and to prepare study guides for new courses. The materials will be printed and distributed throughout the country.

The Ford Foundation also contributed $200,000 to the National Endowment for the Humanities to help support 15 summer institutes for nearly 1000 faculty members who will teach Afro-American studies courses this fall.

[From the Main Line Chronicle, June 19, 1969]

EDUCATION OR INDOCTRINATION?

Bryn Mawr College is a free-loading guest in the community. It pays no taxes but shares our municipal services. If a college administration assumes that the community will accept academic arrogance as academic freedom, it had better be set straight.

It has become increasingly noticeable of late that the college has lowered its standards and is going in more for indoctrination than higher education. You see it in the product.

None of the faculty will admit he is a Communist—which is, by the way, a libelous word, unless party membership can be documented. But too many members of the faculty are Marxist in effect and, as we have often said, equals to the same or equal things are equal to each other.

We have had to live with this, and there is nothing the Township can do but to accept the fact that we are playing host to an institution that is corrupting the minds of young people and working with the enemies of our government.

The administration now feels bold enough to appoint one of the leading Communist Party activists to its lecturing staff. This is an affront to the community, and to the alumnae of Bryn Mawr College as well.

The real significance of the appointment is what this means to the Red Party. Dr. Herbert Aptheker, the appointee, expressed it in the following words: "It is thrilling, with wide national significance for the Communist Party." And noting that the request for his appointment was made by black and white militants, he added: "It also reflects something of what the student movement is all about, which many people have failed to understand."

The meaning we are to take from this is that the "student movement" is aiming for a Communist takeover. Non-Communists have been saying that all along.

Dr. Aptheker's life has been devoted to the spread of Communism by indoctrination of students. He is a member of the party's National Committee and a director of the American Institute for Marxist Studies.

He successfully indoctrinated his own daughter who, with Mario Savio, started all the trouble at Berkeley.

The Federal Bureau of Investigation has a whole dossier on the man, going back more than 30 years.

His call to Bryn Mawr must not be taken lightly. It has given his whole party a lift,

and its members are saying that it now puts them on a level of acceptance with the Republican and Democratic parties.

Residents of the community should let the college administration know what they think of this affront, this show of contempt for decent American opinion.

Resentment should be shown, first of all, by the alumnae, either by voice or—what is more expressive—by holding back on gifts.

Alumnae tell us that when they are solicited for gifts and when they mention with dismay the pink hue the college has acquired, they are told: "Oh, yes, but this can be changed by continued loyalty." Oh, yes? The appointment of Dr. Aptheker proves that the administration values what transient black commies want above what the public thinks of the college.

They may go in for "intellectualism" at Bryn Mawr, but they don't show much intelligence.

WHAT'S HAPPENING AT BLUE EARTH?

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. NELSEN. Mr. Speaker, a most interesting experiment involving Federal, State, and food processing industry interests has been in progress in my congressional district. This experiment, a pilot study in self-certification conducted at the Green Giant Co.'s plant in Blue Earth, Minn., is designed to assure quality control and indicates, perhaps, the direction that will prove least costly yet most effective for consumers, producers, and guardians of the public interest. The initial findings are reported in an article, "What's Happening at Blue Earth?" appearing in the April issue of FDA Papers. I include the article at this point in my remarks for the particular benefit of colleagues in the House Interstate and Foreign Commerce Committee, who also have responsibilities in this area:

WHAT'S HAPPENING AT BLUE EARTH?

(NOTE.—Will self-certification work in the food processing industry? Will it work as a practical matter in all food processing plants? What do working level FDA officials think of the concept in these early stages? How receptive are State officials responsible in the pertinent areas? What reservations does industry have or may it be expected to have about self-certification as a way of life? What room is there for improvement in self-certification for quality assurance as it has developed so far?

(Early in 1968 the Green Giant Co. decided that it couldn't afford to ignore the implications in a concept that had been under study by the FDA for some time and was already undergoing limited pilot testing in an arrangement between FDA and another large food processing firm, General Foods. Green Giant's next step was to see how self-certification might work in its own backyard. Whereupon the company, despite reservations about some features and a little uneasiness about the whole new concept of an industry-Government partnership in quality assurance, let FDA know it was willing to give self-certification a fair try for a limited number of products at its plant in Blue Earth, Minn.

(The agreement that resulted included the Minnesota Department of Agriculture as an active participant, since MDA under State law is responsible for covering canning plants. The three-way pilot plan, agreed upon in June 1968, has been under way ever since, and the participants—Green Giant, MDA, and FDA's Minneapolis District—have gained some definite impressions and reached some tentative conclusions from their separate points of view about self-certification as a working tool and how it has affected their interests or responsibilities so far. These remarks, passed on in informal narrative to Nathaniel L. Geary, Special Assistant for Quality Assurance in FDA's Bureau of Compliance, are recounted on the following pages.)

THE INDUSTRY VIEWPOINT

(By C. B. Way)

When we first heard about the Self-Certification Program, many of us had doubts about any such cooperation with a regulatory agency. The food industry had always resisted FDA attempts to get at its records. The attitudes prevailing between inspectors and inspected have been standoffish, to put it mildly. The Self-Certification Program goes against all this; thus, most of the food industry looked askance at such a program.

However, we cannot really be for or against something with which we are unacquainted. Since one company with a proven quality assurance program had, at least tentatively, accepted a Self-Certification Program, it made sense to us to investigate it. This was all we had in mind when we visited FDA in January 1968. Just to find out what it was all about.

Soon after, we tried setting up a model program for a peas and corn plant just to see how it might look. There were no definite plans by either party to implement it at that time. However, one thing led to another, and by June of 1968 we had an agreement, all duly signed, to proceed with a pilot program.

One of the philosophies we developed during this "investigation" of the program was that we thought FDA ought to know more about our business insofar as its operation affected the consumers' health. The old business of "let them do it the hard way" changed to "let us show you." It was not necessary to disclose any classified information, or to give away the keys to the vault, so to speak. We felt that if FDA were to know more about our business, it could write more realistic laws and regulations, and, more importantly, be in a better position to determine the need for various laws and regulations; or so we reasoned. To put it another way, voluntary compliance is one way to keep from being legislated or regulated out of business. Thus, while we were quite reserved about giving out information at first, these reservations soon disappeared.

During the course of this investigation, some differences had to be overcome. One was a "language barrier" or divergence of terminology. To a canner, "raw product" is the green produce as it is harvested. To an FDA'er, it is any product fed into the system, such as tin cans, salt, water, etc. Other differences of opinion as to which areas were "critical" or potentially hazardous had to be settled.

Early in the planning it was suggested that the Minnesota Department of Agriculture (MDA) be a part of this program and, thereafter, the planning meetings became three-way sessions. The agreement was signed in June 1968 by Dr. Goddard of FDA, Mr. Schwandt of MDA, and Mr. Cosgrove of Green Giant. It covered one plant, canning only peas and whole kernel corn.

Basically, the agreement provides that Green Giant will (1) make certain pertinent quality control records available to MDA and FDA, (2) submit monthly reports listing any deviations from the agreed-on specifications, (3) give to FDA and MDA a copy of all corporate quality assurance inspection reports, and (4) submit to FDA and MDA copies of any complaints received from any source about products covered by the agreement. It also says that FDA and MDA will give to Green Giant copies of their full inspection reports and complaints they receive from any source on the products covered by the agreement.

The specifications which go with the agreement are not public information. What they do is establish preventative courses of action to be taken in such areas as fill of container, pesticide residue, foreign objects, etc. They also set up courses of action to be taken when a deviation occurs or is suspected. These courses of action are all part of the company standard operating practices, and no changes were made as a result of this program. It should be noted that the program concerns itself only with product safety, not product elegance.

A very important part of the agreement is that a deviation from the agreed-on specifications does not necessarily constitute a violation of the law.

One of the things we pressed for, and which we still feel is important in selling this program to the food industry, is the complete absence of publicity, if it is ever found necessary to recall a product from the market. Normally seizures, detentions, and the like are a matter of public record. Our theory was that we were giving FDA and MDA otherwise confidential information which they would not normally have and therefore we ought to be able to recall a product from the market, if necessary, without it being a matter of public record. At this writing, no basic laws have been changed, but a change along these lines is under consideration.

Some results of the self-certification trial program have been that there is an open channel of communications between MDA, FDA, and Green Giant; there has been no increase in quality costs to the company; inspection costs to the taxpayer will ultimately be reduced; concentration of regulatory agencies' resources can be placed in areas where serious health hazards exist; and an air of mutual trust and respect among the participating groups has developed.

THE STATE VIEWPOINT

(By G. H. Steele)

Minnesota Department of Agriculture has been working with Minnesota canners in both a regulatory and service manner since 1921 when our cannery license law was first enacted.

Services rendered include quality grading, incubation for keeping quality, bacteriological and chemical analyses of ingredients and finished products, and periodic inspections of plants for sanitation compliance.

When we first learned of FDA's intention to inaugurate a pilot study for Self-Certification in Minnesota, we speculated as to what effect this might have on our cannery program and whether or not this might be Federal intervention or creative federalism.

We were invited to patricipate in the study by contributing to the limit of our resources and capabilities. As a result, we performed in our usual manner, leaving to FDA whatever laboratory and inspection work we were not able to perform.

Our philosophy always has been that every processor must carry out quality and sanitation control to the utmost of his ability to assure the best possible product for the consumer. To this end, the Minnesota Department of Agriculture should interfere only to assist and advise the processor or to take regulatory action when necessary.

The Self-Certification pilot study supplied for the first time the opportunity for FDA, MDA, and Green Giant Co. each to examine his capabilities and to evaluate procedures and methodology in use to determine if they should be continued or discarded.

At the same time, open discussion of our philosophies and programs gave each par-

ticipant a more intimate knowledge of the others and made working together much more meaningful.

For the most part, the study program as originally initiated was continued, procedures being discontinued only when they appeared to serve no useful purpose. This was done only after open discussion at monthly meetings or by notification from one of the participants.

What has this study accomplished?

It resulted in mutual trust and respect for each other, thus providing a good climate for further cooperation.

It revealed to each participant what the other was attempting to accomplish.

Certain procedures were found to have little or no value and a need for others became apparent.

Each participant saw his ideas and program evaluated by the others and for the State at least this will guide us in updating our cannery program.

The format of the agreement had to be simplified and the language of the specifications had to be given in layman's terms (the layman often being the regulatory official).

As more experience was gained in the pilot study, it became apparent that not every canner can take part in Self-Certification to the same degree as others who have greater quality control resources. Consequently, some means must be developed to supply such canners, as well as other food processors having limited control resources, with services from qualified agencies, so they can install adequate Self-Certification Programs.

From our experience, we feel that every food processor needs his own Self-Certification Program so he can give assurance from day to day that his products will retain their position in the market. Nothing short of resident inspection would accomplish this end if it were to be supplied by Government. Therefore, a processor must perform quality and sanitation control of his own products if he is to assure the best possible products for the consumer.

The Self-Certification Program appears to be the most desirable and efficient way to meet this need.

THE FDA DISTRICT VIEWPOINT

(By Horace A. Allen and James A. Davis)

Minneapolis District became involved in a self-certification program after Green Giant made preliminary inquiries of FDA in Washington early in 1968.

Most of the groundwork in setting up the agreement was handled by FDA in Washington, and in April the District made a pre-certification evaluation of the plant and facilities at Blue Earth, Minn. At about this time it became apparent that any agreement entered into by Green Giant and FDA should include the Minnesota Department of Agriculture, since this department is required by State law to cover the State's canneries. The self-certification concept was discussed with the Minnesota Department of Agriculture, and a three-way agreement was signed on June 26, 1968. This agreement covered a pilot study of self-certification at Green Giant's Blue Earth plant involving the production of canned peas and whole kernel corn.

The general requirements by FDA to protect the consumer by insisting on approved processing steps are, of course, public information. But the specific action taken by industry to put these general requirements into effect may constitute or involve trade secrets. Also available to the public is information about products recalled by industry after they leave the processor's warehouses and enter the normal distribution system to wholesalers and other distributors.

Initially the pilot study required more FDA manpower than would be given to any one plant during a normal canning season. However, we felt this was necessry to become thoroughly familiar with the plant and its operation and to be in a position to evaluate reports and information the firm would be expected to furnish when the pilot study was extended into an operational program.

As the program progressed, all parties to the agreement developed greater respect for each other's problems and abilities, and a freedom of communication evolved that has not historically characterized industry-Government relations. During some of our early meetings, occasional reservations developed, but these were quickly allayed by the frankness of our discussions. We learned that industry, because of its familiarity with a plant, was in a position to give us knowledge and information that could never be obtained through our unilateral inspections.

Our experience during this pilot study has shown us that as a regulatory agency, we can have a greater degree of confidence in the quality of the firm's product by evaluating its in-plant controls than by routine regulatory inspections and collection of samples.

THE FALLACY OF "FREEDOM" IN GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FRASER. Mr. Speaker, last September 29 the Greek people voted, by a 92-percent majority, in favor of a new constitution proposed by the military junta that has ruled Greece since a coup in April 1967. Contrary to what the junta would have us believe, the election was not conducted in an atmosphere of freedom. Opposition to the constitution was ruthlessly stifled, and dissenters faced the prospect of a jail sentence.

Nine days before the referendum an American professor, George Anastaplo, spoke directly to the point of this repression at a banquet in Athens attended by about 30 Greeks. Dr. Anastaplo is lecturer in the liberal arts at the University of Chicago and chairman of the Political Science Department at Rosary College in Illinois. The dinner at which he spoke was given for 26 members of a group from the Chicago Council on Foreign Relations, who were visiting Greece under his direction. The banquet host was the Foreign Press Division of the Office of the Greek Prime Minister.

Following is a reconstruction of Dr. Anastaplo's extemporaneous remarks at the dinner as they were printed in the May issue of the Chicago Council's publication, "Notes on World Events":

DISSENT IN ATHENS

It may seem ungracious of me, after we Americans have just been treated to a meal which it is impossible to consider in any way blameworthy, to dissent as I am now obliged to do from what has been said to us tonight in defense of the way the present Greek government conducts itself.

It should be evident to all of you by now that I would have preferred on this occasion only to listen, and thus to learn. But I cannot completely ignore the challenge we have just heard from our official host in his determined effort to induce me to say something to this gathering. An American, he complains, should not wait to say in Washington what he dare not say in Athens. I therefore consent to comment on various of the things said to us this evening, as they now occur to me.

NO FREEDOM OF DISCUSSION

We have been reminded that Greece and the United States have long been allies in defense of the free world. I need not dispute our host's observation that one form of freedom is that in which discussion appears. There is no doubt that we had an opportunity tonight to exchange opinions, to ask questions, and for our host and his colleagues to give the answers of their government. But I must challenge his suggestion that this is proof that there is freedom of discussion in Greece today. For the fact of the matter is that such a discussion as ours tonight is not now generally permitted in Greece. The only people who dare speak as freely in public as we have here are some members of the present government, a few other men with the famous names of old families, and visitors who hold foreign passports. Most Greeks dare not speak as we have, except in the privacy of their homes and even there only with relatives and friends whom they can trust. All of you Greeks here tonight must know this. It cannot be forgotten that thousands of "enemies of the regime"—men and women of the Left, Center and Right—are still held in Greek prisons without trial and without any prospect of trial.

We have been reminded that the American Constitution also followed upon a revolution. This is certainly true. But I hardly think that justifies the manner in which the constitution to be voted on in Greece next week has been brought forth. The Constitution of the United States was written by fifty-five men freely selected by the American people to represent them. Who these men were, why they were selected and by whom was known to everyone. This is not the case here. What those men produced in 1787 was discussed publicly and freely for a year and more in circumstances where no man was afraid of being officially penalized for the position he took in public. That is not the case here. Rather, we know that the most distinguished opponents of your proposed constitution—the politicians who we know have had large popular followings for years—have been for some time under house arrest and will not be released before next Monday, and only then in order to be able to vote the following Sunday on the proposed constitution. It has been made clear to them that they are not to speak publicly against the constitution. How can it be said in such circumstances that a genuinely free referendum is being held, irrespective of how the balloting itself is conducted or comes out? How can an ordinary citizen be sure that he will not be regarded an "enemy of the regime" if he should be detected voting against the constitution proposed by his insistent government?

A FREE REFERENDUM?

Yet, we have been told several times this evening that we are about to witness free balloting, that this is confirmed by the fact that some newspaper criticism of specific articles in the proposed constitution has been permitted. But we Americans know what a free election is. We know this from our own experience. We know what a free election feels like. We know what it sounds like. We know what it looks like. And we know this is not it.

Several of my fellow-citizens have this evening remarked on the fact that there are only *NAI* (YES) signs on display in Greece these days. Nowhere can one see *OXI* (NO) signs. In fact, I have the past week seen only one *OXI* chalked on a wall—and even this had been almost rubbed out. It has been suggested to us tonight that such signs are not significant, that Greeks will freely vote for what they "believe in." But does the government really believe that its monopoly of propaganda is inconsequential? Considerable money has been spent by the government on these signs, as well as on the press, radio and

film. They are intended to shape the opinions of many who can be moved by such things, and they constantly remind everyone of who is in control here and of what is expected of them. We Americans do know what to think when we see government resources and government personnel marshaled as they have been here in a massive (and no doubt successful) campaign to produce the desired result. This is no more a free referendum than similar exercises are free either in Spain or in Russia.

And yet our host and his government have tried hard to persuade us that we are witnessing a genuinely free expression of the will of the Greek people. It seems important to them that Americans believe this. We Americans may not be informed enough about or familiar enough with Greek history and Greek affairs to be able to judge other claims of this government. But, as I have said, we do have the experience and the ability and the information to judge whether an election is truly free. And when we can see that this government claim about a free referendum, of which we have heard so much, is simply without foundation, what are we to think of all the other claims that we hear from the same government about what it has done for Greece, about what its motives are, about its innocence of deliberate torture of political prisoners, and about the imminent Communist danger from which it saved Greece by seizing power last year? Are we not entitled to judge what we may not know by what we can and do know?

THE AUTHORITY TO PRESCRIBE

We have been told several times this evening that Greek affairs of recent years required drastic medicine, that a doctor must sometimes prescribe harsh measures in order to save the life of the patient. But do we not all believe that an adult is entitled to select his own doctor, and to discharge him when he chooses? By what authority does the presiding doctor prescribe what is necessary for Greece? How can the Greeks be said to have selected him, when they did not even know who he was? What diploma does he have as a doctor? What proof of his qualifications is there aside from his self-serving testimony about himself? Certainly, we cannot accept as indicative of public approval of his regimen the fact that an unarmed people does not resist a determined government which is heavily armed.

The republican precedent of the Roman dictatorship has been cited to us in justification of what has happened here since April 1967. But it should be remembered that the Roman dictator (usually a citizen of recognized merit) was given his authority pursuant to the constitutional processes of the Roman Republic—and this was done only after debate and deliberation. It should also be remembered that the Roman dictator held his power for a fixed term, a term clearly stated in advance of his appointment. We have also been cited, in justification of the suspension of civil liberties in times of emergency, the experiences of Great Britain and the United States during the Second World War. But it should be remembered that Mr. Churchill was repeatedly obliged during that war to submit himself to the will of an elected parliament. The Americans present tonight remember the difficulties President Roosevelt had with the American Congress, even in time of war. And in both cases, these wartime leaders were chosen pursuant to the constitutional processes of free people, despite the existence then of emergencies far more threatening than anything confronting Greece today.

I feel honor-bound to address myself, before I close, to the remarks made by our host about Eleni Vlachou, a lady whom he knows, from our conversation during dinner, that I respect. Every Greek here tonight knows that before the coup of April 1967 Mrs. Vlachou published the most respected newspaper in Greece. You Greeks know that hers was a newspaper of the Right, that she was strongly anti-Communist (indeed, to my mind, too much so), and that she has repudiated the claims of the army officers who made the coup about the danger of Communism from which they saved Greece. You know that hers was the newspaper that most of you, and most of the supporters of the present government, once looked up to as the best in Greece. You know that your government made serious efforts for six months after the April 1967 coup to induce Mrs. Vlachou to resume publication of the newspaper she had immediately suspended upon being confronted by your press censorship, censorship which continues to this day. To disparage her as has been done tonight is simply unrealistic and even unbecoming. To honor her for the stand she has taken and the sacrifices she has made is to honor and to nourish and perhaps even to help revive the best in the Greek spirit. We will know that a significant measure of liberty has indeed returned to Greece when Mrs. Vlachou again publishes her newspaper freely, a newspaper in which I am sure there will be things with which I would be obliged to disagree. In any event, Mrs. Vlachou's exile, like that of your King, serves as a constant reminder that things are not right in Greece at this time.

I have directed my remarks this evening to the question of liberty, to the question of whether liberty exists in Greece today. This is not the occasion to examine the advantages and the excesses of liberty, to examine its conditions and its preservation—all matters about which much needs to be said in Greece as well as in the United States. I must also reserve for another occasion my discussion of what has been happening under the present government to the Greek economy, of what has already happened to the effectiveness of the army that a handful of junior officers has usurped, of what Greece is supposed to have been saved from and saved for by this unconstitutional usurpation, of what has happened to Greek relations with its friends and allies in the West since April 1967, and of what has been happening the past seventeen months to the civil services, to the functioning of government and to the quality of life in this country.

We have been speaking tonight of liberty. Liberty is what we Americans do know something about. And when an American visitor, who respects both the truth and Greece, is confronted as we have been at such length, not only tonight but ever since our arrival in Athens, by the insistence that liberty is to be found in Greece today, he is obliged to dissent, if he presumes to speak at all.

If what Greek citizens have now is what you mean by "liberty", then we should all reconsider what we mean by "the free world."

THE DAY THE EARTH WAS LOST

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. TEAGUE of Texas. Mr. Speaker, an editorial of Tuesday, May 20, 1969, in the Kansas City Times catches the significance and the exhilaration felt by all Americans and people throughout the world in the successful flight of Apollo 10. As the editorial points out the Apollo program is truly a journey of man into a new and unknown environment. Yet this undertaking has been done with the skill and initiative inherent in the American heritage. This editorial is an articulate statement of the importance of continued support of our Nation's quest for new knowledge and capability. I commend it to your reading, and include it herewith:

THE DAY THE EARTH WAS LOST

Early in their journey to the moon, one of the astronauts—during the first TV color spectacular from space—said somewhat wistfully:

"We're looking for earth right now. We'd like to show it to you but we can't find it."

The problem, of course, was one of the spacecraft's orientation. In time—after televising the docking with the lunar lander, which appeared much easier than parking on most city streets—the astronauts found the earth. And presented the show of shows as they sped moonward. But for a moment, the words of the astronaut seemed to capture the mixed feelings that the earthbound themselves have, in this mixed-up age we live in.

But the earth was found, and the astronauts will—if all goes according to schedule—find the moon. There is, we suppose, a bit of philosophy to be derived from this, but the philosophers and poets have not yet arrived in space. They will, in due time, the trail having been blazed for them by brave technicians and pilots, by the daring who prove that even a moment of human confusion means nothing.

For now, however, the course belongs to the astronauts, and no man could question the magnificence of their performance. The television cameras recorded the sheer beauty of the takeoff, of the maneuver in space and of the earth itself receding in the background. The astronauts routinely went about their business, apparently with that flawlessness which is the essence of their life. Men below watched in awe at this thing which their fellow men had wrought.

They—the earthbound—had been found by the space-borne camera, and there they were on camera. It was reassuring. Then the astronauts sped onward, toward the moon, lonesome, yet not alone. Earth, gorgeous and mysterious, had been displayed to its residents as it had never been displayed before. What a fantastic start on another of man's incredible journeys into the unknown! Sunday, the earth. Tomorrow, the moon. In time the poets and philosophers will have much to say about that.

DR. JOHN F. McHUGH DEFINES "FREEDOM" IN MEMORIAL DAY SPEECH

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to commend a speech entitled "Footsteps for Freedom" which was delivered at West Park in Allentown, Pa., by Dr. John M. McHugh, who is principal of the Roosevelt Elementary School in Allentown, on Memorial Day 1969 to the reading of those who look at the CONGRESSIONAL RECORD.

This speech was recently called to my attention, and I believe there are points of considerable merit contained within it. I invite particular attention to the definitions of "freedom" in Dr. McHugh's remarks.

The text of his statement of May 30, 1969, follows:

FOOTSTEPS FOR FREEDOM

(By Dr. John F. McHugh)

Memorial Day, for me, has always been a special day. Perhaps it has been special because during my childhood I loved to watch the two parades in Allentown on each May 30th. I remember getting up early and trotting to Center Square to see the soldiers, to listen to the taps, and to gaze in wonder at the volley of shots fired and heard in center city. Then, I would sit on the curb and wait for the big parade to move up Hamilton Street toward West Park. I always loved a parade . . . and on Memorial Day I had a double joy of excitement because after the ceremonies in the park were completed, the parade formed again—on Turner street and proceeded back to the Square for the concluding ceremonies. On several Memorial Days I marched in these parades—always carrying the flag.

As I think back over these thirty years, I can still hear the footsteps of the units of soldiers, sailors, and marines as they marched proudly to the cadence of America's traditional marching songs. Perhaps it was these first footsteps that I heard which gave me some idea of what freedom was all about. I may have been too young to know the meaning of freedom, but I was taught in Allentown about the greatness of my country and a respect for her brave men.

What I did not know as a young child was that footsteps for freedom were heard all around the world in the name of our country. What I did not comprehend as a child was that some of these footsteps were now silenced because men gave their lives on battlefields to protect the land they loved and where I, an American, had the grand opportunity to live and to enjoy life.

I emphasize the memories of a young person to render a suggestion that the young of today listen to the footsteps for freedom.

And so today, I want to have a heart-to-heart talk with the young people of our community, and through them, with the young people of our nation.

Young Americans and Young Allentonians: Memorial Day is a day of reverence, remembrance, and respect. It is a day of reverance to Almighty God; a remembrance of the dead; a respect for the brave. But, my young friends, Memorial Day is a day for the living as well. It is a day for you and for me, for all of us, to look inside ourselves to find out personally how we feel about our God, our Country, and our respect for freedom.

Being the educator that I am, I want to ask you some questions; and while I wait and listen for your answers, I want to share some feelings that might help bridge the so-called generation gap which some people say exists in our community and nation today.

Young Americans and Young Allentonians: How do you feel about the American flag? Do you know its history? Do you know what it stands for? Does your heart swell with pride when you see it pass by? Do you give it the respect it rightfully deserves? Do you realize the symbolism of our flag, carried into battle, rallied the forces of men toward victories because men loved their flag because it represented for them the greatness of their country and their love for their nation? Do you realize that for millions of enslaved people around the globe, your flag has become the symbol of hope? The flag of America is a symbol of freedom because men died so that freedom might prevail. The footsteps for freedom have been led by the Stars and Stripes!

Young Americans and Young Allentonians: How do you feel about the Liberty Bell? Do you know its history? Do you realize that men and women were rallied by the tone of its peal during the dark days of a revolution—that the bell represents for us our independence. Have you been to Independence Hall or our own Liberty Bell Shrine to catch the feeling of what America is about—what her struggles have been, her promise kept, her greatness maintained? The Liberty Bell is a symbol and her tolling has guided the footsteps to freedom.

Young Americans and Young Allentonians: Have you met Abraham Lincoln? Do you know the story of his life? Have you learned from the lessons he taught? Are we truly brothers? Do you have malice for none and charity for all? Do you know he said that our nation was dedicated to the proposition that all men are created equal . . . that this nation shall have a new birth of freedom . . . that we are a government of the people, by the people, for the people . . . and that this nation shall not perish from the Earth! Did you know that Lincoln prayed, had faith in God, and was moved by the spirit of the Almighty during the dark days of civil strife in our nation when brother fought brother on American soil? In the parade of American Heroes, Lincoln's footsteps were for freedom!

Young Americans and Young Allentonians: Do you know our nation has been called a melting pot? Do you understand and appreciate that the greatness of our nation came into being because all races, men of all colors, and faiths in many religions contributed their worth, their culture, their traditions, and their individual dignity? Together they had a common purpose: to build a united states, and to set the course of history with America as a giant among nations. They came from different countries but they *became* Americans. A poem says it better:

"Just today we chanced to meet—
Down upon the crowded street,
And I wondered whence he came,
What was once his nation's name?
So I asked him, 'Tell me true—
Are you Pole or Russian Jew,
English, Irish, German, Prussian,
Belgian, Spanish, Swiss, Maravian,
Dutch, Greek or Scandinavian?'
Then he raised his head on high
as he gave me this reply:

" 'What I was is naught to me
In this land of liberty.
In my soul as man to man
I am just American!' "

The footsteps to freedom have been trod by men from many nations—now united as free-loving Americans.

Young Americans and Young Allentonians: Do you want to help your community? Your Nation? Yes, let your voices be heard. But, my young Americans, *let your deeds be respected!* Don't tear down that which took many years, hard work, and dedicated lives to build. And, don't build something in its stead for which someday you will be shameful. Dedicate your lives toward strengthening America—do not destroy her; for in destroying her, you will only destroy yourselves.

Now, my young Americans, I believe there is something which some of us, who are a generation or two older and perhaps a little more formally educated and experienced can share with you. It is this. You and all of us are living through a series of crises. Your age is different because you have known only the curse of crisis and never the fullest pursuits of peace. But we are in these crises together and I am afraid they will be with us for generations to come. What we need to do is adjust to crises, weather the storms, and hope that the lessons of greatness from our past history will endure our determinations to build greatnesses for the future.

Young Americans and Young Allentonians: Let's hope that our passions and our angers—grown out of our frustrations will turn into compassions and understandings—grown out of mutual respects one for the other. You need to understand that we are living in an interregnum period. One foot's in a world that's going, one's in a world that's coming. What we are going through is the price we have to pay for a new freedom. And the kind of foosteps you make will determine the kind of freedom we will have in the future.

Finally, remember that every right you have has a corresponding responsibility. Learn the history of your country well, remember the words of her heroes, and try to catch the feeling of pride exemplified by her many symbols.

Remember, too, of what America is *about*. She has problems to solve and she has progress to make. In trying to solve her problems, do not create problems, but determine the progress to be gained.

Young Americans and Young Allentonians: Your turn will come to lead us on. May your footsteps guide us toward that new freedom—a greater America, rich in traditions, and God grant, maybe you can bring us to an era of peace among men. In saluting you, we also challenge you. God Bless You in your endeavors!

CHIEF JUSTICE EARL WARREN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. SCHEUER. Mr. Speaker, during his tenure as Chief Justice of the United States, Earl Warren has consistently stood as a force for fairness and as a champion of equal justice under the law. A former district attorney, attorney general, and three-time Governor of California, Earl Warren brought to the Court a knowledge, not only of law, but also of public administration, which enabled him to understand the basic cross-currents and moral conscience of this Nation. Thus, the Court promoted true equality, while discarding hollow rhetoric and legal technicalities as contrary to the original meaning of the Constitution.

Under Justice Warren's leadership, the Supreme Court has vitalized the constitutional law of human rights. In the past 10 years, the Court has extended most of the important sections of the Bill of Rights to cover the States, thus protecting for all people those basic liberties which our Founding Fathers meant to be safeguarded from governmental interference. Specifically, the Court has strengthened the constitutional right to a fair trial by ruling that every man, rich or poor, has the right to counsel in a felony prosecution. The integrity of the electoral process has been strengthened by the Court's "one-man, one-vote" ruling, which declared that legislators represent people, "not trees or acres."

Warren demanded that true opportunity be provided for all Americans, when he wrote for the Court, in Brown against Board of Education, possibly his most famous decision, that segregation in the schools was unconstitutional, because a separate education imposed psychological burdens upon the Negro child which denied him an education equal to the one of his white counterpart. This decision made possible Supreme Court

consideration of a broad range of civil rights cases, reaching into other areas of segregated activity such as public accommodations, transportation, restaurants, and housing.

Because of his insight and integrity, Justice Warren helped open the doors which alerted the country to its responsibility for meeting the unfulfilled promises of equality for all. Associate Justice William Douglas asserts that Justice Warren "will be classified with Marshall and Hughes, who also saw the United States in large dimensions and recognized that the quality of justice is the measure of a nation's worth."

On this day of his retirement, I am honored to join in paying tribute to this man of concern and compassion, whose leadership has helped bring this country closer to realizing the ideal of a just society.

Mr. Speaker, this morning the New York Times published a very fine editorial tribute to the Chief Justice which expresses very well the views of many citizens. I am pleased to include it in my remarks:

THE CHIEF STEPS DOWN

With the retirement of Earl Warren as Chief Justice, the nation loses a man of personal courage, progressive conviction and humane understanding who has led the Supreme Court through one of the most decisive periods in the 180 years of its history.

Only three of Chief Justice Warren's predecessors—John Marshall, Roger Taney and Melville Fuller—served longer than his sixteen years and only under the early leadership of Marshall and Taney has the Supreme Court had more critical impact on the law and life of the nation. The Warren Court's school desegregation and other civil rights cases are surpassed in importance in their sphere only by the Taney Court's *Dred Scott* decision, while its reapportionment, redistricting and criminal due process decisions have consequences for the Federal system almost as great as the fundamental interpretations of the Marshall Court.

When President Eisenhower appointed Mr. Warren in 1953, there was little in his record in public life to foretell the kind of Chief Justice he would become. The school desegregation cases which were pending when he took his seat plunged Chief Justice Warren into racial and regional controversy during his very first year on the Court. But *Brown* v. *Board of Education* was a unanimous decision which evolved naturally out of several previous cases concerning racial discrimination. While the Warren Court has divided sharply on other issues, it has consistently been unanimous, or very nearly so, in striking down barriers to voting rights and forbidding public and private discrimination.

Chief Justice Warren struck a more distinctive personal note in his sensitivity to individual rights and due process. A concern for fair play, which is a synonym for due process, animated the Chief Justice and a majority of his colleagues in 1957 and subsequently in curbing the House Un-American Activities Committee, the Subversive Activities Control Board and the State Department's passport authority.

Because the apportionment of state legislatures and the districting of seats in the House of Representatives had long been considered a "political thicket" too dangerous for the Court to penetrate, grave abuses had developed in the American form of government. Beginning with *Baker* v. *Carr* in 1963, the Supreme Court under Chief Justice Warren came to the rescue of the underrepresented millions in the cities and the suburbs. If American federalism successfully masters the social crises of the coming decade, much credit will go to the Warren Court's rulings in favor of "one man, one vote" and equal districts.

These rulings were not without risk to the Court's authority and prestige because they did carry the Court into that ill-defined border zone where the judicial and the legislative powers meet and mingle. With good reason, critics of the Court contended that the justices had usurped some legislative authority. But defenders of the Warren Court replied that in the reapportionment cases as in the long stalemated issue of school segregation, years of Congressional evasion and irresponsibility made judicial intervention inevitable.

The rights of criminal offenders evoke little sympathy when rising crime rates have become a matter of national concern, but the Warren Court has moved against the tide of popular feeling. The Court has insisted that to have a lawyer, to remain silent, and to avoid being browbeaten into a confession are rights of every citizen. Future court decisions may perhaps reshape the particular definitions of this right as the unending task of judging continues, but the fundamental affirmations of the Warren Court in the field of criminal jurisprudence are in the best American tradition.

In meeting the issues of his Court service, Chief Justice Warren did not have the legal erudition of a Frankfurter or a Cardozo; the brilliant advocacy of a Hughes, or the thoroughly developed philosophy of a Holmes. He has depended instead upon an unblinking integrity, a firm common sense, and a deep feeling for the liberal and egalitarian values which moved Thomas Jefferson and the other founders of this nation. Those values must be brought to bear on the problems of each generation in live and relevant ways if the American ideal of self-government is to survive and flourish. It is to the lasting honor of Earl Warren that he contributed so effectively to that liveliness and relevance in his time.

DRAFT REFORM THROUGH RATIONAL PROCESS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. GUDE. Mr. Speaker, President Nixon's May 13 message to Congress on draft reform carried a message of greater import than perhaps first meets the eye. While the excellent proposals to improve the Selective Service System are of great significance in their purpose, the derivation of these proposals should give heart to those concerned with the notorious disregard of political action through rational, democratic process. The message here is how young people saw a problem, analyzed it, and made presentations and recommendations through established procedures to treat the problem.

This sequence is described in the following letter to the President from Mr. Jack McDonald, chairman of the Young Republican National Federation, which I commend to my colleagues:

MAY 27, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I recently received from Mr. Klein a copy of your May 13th message to Congress concerning draft reform.

Let me, on behalf of young people of all political persuasions, express appreciation to you for forthrightly proposing these much needed reforms. Your proposals, if accepted by Congress, would allow the approximately 11,000,000 American men between 18 and 26 to plan their lives with a degree of certainty which has not been available to them in the past. You will thus remove from their lives—and from the lives of their families—one of the greatest frustrations which has been thrust upon young Americans in recent years. We congratulate you on your proposals.

Let me also add our encouragement for your longer-term goal of an all-volunteer Armed Forces. While this objective may be unattainable at the present time due to the Vietnam conflict, it is a worthy goal for which our Nation should continue to strive.

You may recall in July of 1968 that the Young Republican National Federation held hearings on draft reform in Washington in preparation for the presentation of the "Youth Plank" in our Party's 1968 Platform. We received testimony from General Hershey, Senators Tower, Brooke and Dominick, numerous Congressmen, as well as leaders of youth organizations and specialists in military manpower procurement. Our recommendations, which were presented to the Platform Committee and eventually became part of our Platform, were in strong agreement with both your May 13 proposals and your search for an all-volunteer army. We are therefore indeed proud to see our recommendations for change in America move toward reality.

Maybe there is some message here for the young people of America in that we, as young citizens, saw a problem; quietly and thoroughly analysed it; worked through the established procedures available for bringing orderly change; and now, to some extent, that change has been accomplished. In short, the young people of our Nation *can* accomplish change through legitimate channels rather than by riots and revolution.

A copy of this letter is being sent to all Republican members of Congress so that they may know of our strong support of your May 13 proposals. We pledge to you our continued support both as the leader of our Party and our Nation.

Sincerely,

JACK MCDONALD,
Chairman.

MARTIN LUTHER KING—SECURITY VIOLATION BY ROWAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RARICK. Mr. Speaker, what started out as an effort to canonize Martin Luther King, Jr., has now degenerated to vitriolic attacks on J. Edgar Hoover and the FBI. In fact, several left-wing extremists including a gossip columnist even demanded the resignation of Mr. Hoover, because he told the truth.

Carl Rowan claims that through one of his sinecures in the repudiated Kennedy-Johnson administration he was enabled to eavesdrop on some of the King surveillance. Now, writing a column for his own profit, he talks about just what he wants to talk about and dismisses the balance as "barnyard gossip." This cavalier breach of security deserves attention on at least two grounds.

Should individuals who come into possession of classified security information under color of legitimacy be encouraged to peddle it in bits and pieces for their

own profit? Is not this still a crime? Should not Rowan have the opportunity to appear before an appropriate body—perhaps a committee of the Congress or even a grand jury—so that he can testify under oath as to what it was that he heard—that the American people, having no security clearance, must not be told?

Obviously Rowan can now tell the American people what caused Martin Luther King's decision to sidestep the civil rights movement and suddenly become a pro-Red leader in the peace agitation movement march in New York City. Expressly, was King's decision based on orders, because he was under party discipline?

If Rowan knows the answer, so does Ramsey Clark, and so does Nicholas Katzenbach. Can this be the reason that they are now demanding Mr. Hoover's resignation, so that this record can be destroyed and the true facts of the matter forever hidden from the American people?

If Rowan and company want to rehabilitate Martin Luther King, then it would seem that their activities would be dedicated to calling for the President to release the FBI files—not to destroy them.

In a test of credibility, J. Edgar Hoover needs no assistance—even against Rowan, Clark, and Katzenbach, and a bevy of leftwing college professors all at once. Against Robert Kennedy, under similar circumstances, the contest ended suddenly when it was realized that Hoover had the signature of the then Attorney General on the disclaimed authorization.

So that our colleagues may keep abreast of the ridiculous defense and disgusting confusion being created by people who know better, I include an assortment of news clippings over the past few days:

[From the Evening Star, June 19, 1969]

KING WIRETAP CALLED RFK'S IDEA: HOOVER REVEALS MEMO TO FBI CITED CONCERN OVER MARXISM

FBI Director J. Edgar Hoover today disclosed that wiretapping of the Rev. Martin Luther King's telephone was proposed by then Atty. Gen. Robert F. Kennedy to FBI officials in June 1963 and authorized over Kennedy's signature a few months later.

Hoover said the FBI has in its files two memorandums which make it clear that Kennedy conceived the idea of the wiretap on King and subsequently authorized the bureau to proceed with the wiretapping on Oct. 10, 1963.

The monitoring was discontinued on April 30, 1965, Hoover said.

Kennedy initiated the idea for the tap in a conversation with Courtney Evans, then assistant director of the FBI and liaison officer between the agency and the Justice Department, Hoover told The Star today.

MEMORANDUM CITED

Hoover said the FBI has a memorandum in its files from Evans to Hoover, dated in June, 1963. Evans reported that Kennedy said he was concerned about allegations that King was a student and believer in Marxism. Kennedy, according to the Evans memorandum, expressed concern that Marxism might infiltrate the race issue in the United States because of King's leadership of Negroes through his Southern Christian Leadership Conference.

Evans reported in the memo to the FBI director, Hoover said, that the attorney general was alarmed by alleged associations between King and a New Yorker with Marxist connections. Kennedy asked Evans, the memorandum said, whether it would be feasible to install electronic devices to monitor King's conversations in an effort to discover the extent of a possible threat to national security.

According to Evans' memo, the liaison man told Kennedy there were technical difficulties in installing such devices in the case of the Negro leader because he was a man who was almost constantly traveling.

Hoover told The Star that the FBI also told Kennedy at the time that they questioned the advisability of undertaking the electronic surveillance because of possible political repercussions.

On October 7, 1963, however, following subsequent discussion Hoover said he sent a memorandum to the Attorney General in which he reported that it was now technically feasible to apply telephone wire taps to King's telephone at SCLC headquarters in Atlanta, Ga., and at an unnamed address in New York City. This was, in effect, a request for authorization to proceed, the director said.

That Hoover memorandum bears the signature of "Robert F. Kennedy" in the lower left-hand corner over the handwritten date "10–10–63."

Aides to Sen. Edward M. Kennedy, D-Mass., said today he would have no comment on Hoover's disclosure.

Hoover made the bombshell disclosure today as the climax to a long series of charges and counter-charges involving Justice Department officials, the FBI and Star columnist Carl Rowan over the manner in which the conversations of King were intercepted by the Bureau.

Rowan charged in a column Sunday that the FBI had no authority to wiretap Dr. King's conversations and quoted former Attorney General Ramsey Clark as saying the implication that people thought Dr. King was a security threat is outrageous."

The following day, Associate FBI Director Clyde A. Tolson wrote a letter to Rowan in which he stated that the official wiretapping on King had the advance approval of Kennedy.

[From the Evening Star, June 20, 1969]

FBI WON'T TALK ABOUT ADDITIONAL WIRETAPPINGS

(By Carl T. Rowan)

The Federal Bureau of Investigation has refused to say whether it has ever tapped the telephones of any members of Congress as part of its job of "protecting internal security."

Clyde A. Tolson, the FBI associate director who disclosed in a letter to me that the telephone of the late Dr. Martin Luther King was tapped "strictly in the field of internal security," has also refused to say whether the FBI has tapped the telephones or bugged the homes of other civil rights leaders such as Roy Wilkins of the NAACP, Whitney Young of the National Urban League, the Rev. Ralph Abernathy of the Southern Christian Leadership Conference, or James Farmer, formerly of the Committee on Racial Equality and now an assistant secretary of Health, Education and Welfare.

In a curt exchange of letters with this reporter, Tolson takes the view that in revealing that the wiretap on King was authorized by the late Robert F. Kennedy, the FBI's purpose has "been accomplished" and "there is no need to continue this correspondence."

Thus the FBI seeks to evade the thrust of my recent column that Tolson labeled "scurrilous" by resting its case on an assortment of allegations against two dead men who cannot talk back.

First, in an all-out effort to protect the reputation of J. Edgar Hoover, the FBI has alleged that the wiretap on King was both suggested and approved by the late Senator Kennedy.

Check of records I kept on the King affair during my government days, including discussions of the matter with FBI officials, suggests that Kennedy did approve the wiretap, but that the FBI lies in stating that it was Kennedy's idea originally.

A significant point that was central to my column has been obscured by the "Hoover or Kennedy?" controversy. That is my point that the FBI can, does and will tap the phone or bug the dwelling of just about any American in the name of "internal security."

Rather than meet this point, the FBI wants the wiretapping-bugging controversy to focus on King because it possesses tape recordings and photographs that it thinks will blacken King's reputation.

(Tolson has carefully neglected to comment on my report that for years the FBI has had a small army of agents and allies roaming the country whispering the dirt about King.)

FBI strategy is based on the assumption that some of the public already hates King, others automatically despise heroes who turn out to have feet of clay, and still others are quick to adopt a holier-than-thou posture and throw the first stone. The assumption seems to be that if the FBI leaks enough degrading details about King the American people will forget the central charge in my column that the FBI found so wounding it finally decided to tell the American people part of the truth.

That charge, I repeat, is that we are a lot closer to becoming a police state than most Americans realize. Nothing illustrates this more than the current FBI campaign.

But the issue is not whether King was a saint—and perhaps this is the time for me to reveal that I have read the FBI reports based on electronic surveillance of the late Nobel prize-winner. I know how much dirt the FBI has dug up, and 90 percent of it is barnyard gossip that has nothing to do with "internal security" or "Marxist influences."

The question is: Should a powerful, police-investigative agency be permitted to tap an American's telephone, bug his home, sneak electronic devices into his hotel rooms, just because someone in the Justice Department (Hoover, Kennedy or whoever) thinks he has "Communist associates"? Ought not there be the safeguard of some court concluding that some "Clear and present danger" justifies such an invasion of a free man's privacy?

Was there a "clear and present danger" that King would endanger the nation's security. If so, why did the danger disappear on April 30, 1965, when the FBI claims it discontinued the wiretap? King was seeing the same "dangerous" people for almost three years after that.

The answer is that certain buggings and other surveillance of King did not end in April 1965. As a top government official, I read FBI surveillance reports on King long after the date when Hoover says the wiretaps were ended.

The answer is that the FBI will not admit to this later surveillance because it cannot claim that it was authorized by Attorneys General Nicholas DeB. Katzenbach and Ramsey Clark, both of whom are alive to defend themselves.

There is a fundamental point about the King affair that is valid no matter who authorized the wiretap and buggings. If the FBI had information that King was an enemy and menace to his country, we have courts and other proper channels in which to make whatever charges the FBI felt it could prove. This affords the accused a chance to face his accuser, to reply.

But the most frightful aspect of this whole business is to have FBI officials waging a campaign to destroy a man by rumor, by stealth, by whispers, by flashing dirty pictures in smoke-filled bars.

These are the legal and moral issues that the American public must face. And we must not be blinded to the reality by a shrewd campaign to make the late Robert F. Kennedy and the late Martin Luther King the villians.

[From the Evening Star, June 20, 1969]

KING WIRETAPPING DISPUTE WIDENS

(By Lyle Denniston)

Two former U.S. attorneys general, FBI Director J. Edgar Hoover and President Nixon have all entered the growing controversy over federal wiretapping on the late Dr. Martin Luther King Jr.

The new issue that last night divided Hoover and former Attorneys General Nicholas deB. Katzenbach and Ramsey Clark is whether the tap on King's telephone was the original idea of the late Atty. Gen. Robert F. Kennedy.

President Nixon, apparently rejecting the advice of a key aide, also stepped into the dispute to declare "complete confidence" in Hoover.

KEY POINT NOT DISCUSSED

However, Nixon did not discuss the question of whether it was Kennedy's idea to tap King's telephone.

The President, instead, commented only on the issue of basic authority for installing the device. He said he had "checked personally" and had found Hoover was correct in saying that no wiretaps were ever used without an attorney general's authority.

Hoover told The Evening Star yesterday that the FBI has in its files a June 1963 memorandum which—according to Hoover—showed that Kennedy had asked about the feasibility of using electronic devices to monitor King.

COUNTERATTACK

Hoover revealed the existence of two memorandums, in one of which he said Kennedy expressed concern about possible Marxist involvement with the late Negro leader.

Katzenbach, who was Kennedy's top aide, issued a statement last night saying that it is "false" to "say or imply that this tap was the original conception of Robert Kennedy."

Clark issued a separate statement describing Hoover's comments as "unfair and deceptive." He said Hoover repeatedly requested authorization for the wiretap.

Neither Katzenbach nor Clark disputed the suggestion that Kennedy had given the FBI permission to install the wiretap on King's telephone. Katzenbach said flatly that "there has never been an issue as to the fact that . . . Kennedy personally authorized each telephone wiretap—as had his predecessors and successors."

This had been the issue earlier this week, and it was the only issue on which the President commented at his press conference.

On Monday, Hoover's associate director, Clyde A. Tolson, said in a letter to Star columnist Carl T. Rowan that the device on King's telephone had been approved in writing in advance by Kennedy.

Yesterday, in another letter to Rowan, Tolson said that he had written to the columnist to "refute" a column in last Sunday's Star criticizing Hoover over the wiretapping incident. His Monday letter, Tolson said, had been written because of "your unwarranted charge that the wiretap . . . was unauthorized and illegal."

Having given his reply, the associate director said, "there is no need to continue this correspondence." This apparently amounted to a refusal to answer a series of other questions about wiretapping which Rowan had submitted to Tolson this week.

Appearing on television last night, Rowan said he had asked Tolson "how many other civil rights leaders" had been the subject of FBI wiretapping—including James Farmer, Floyd McKissick, Roy Wilkins and Whitney Young.

The question of whether an attorney general gave the FBI authority to install any wiretaps, on King or anyone else, has come up in recent years when the legality of electronic surveillance was contested in court.

For years, every administration has followed the practice that a "national security" wiretap is legal if it has been expressely authorized by the attorney general.

Tolson's letter Monday said the device used on King's telephone was used only for "national security" purposes.

But Hoover's discussion on the King wiretap with The Star yesterday switched the central question in the controversy away from the legality of the monitoring.

He discussed with Star representatives two memorandums he said the FBI had in its possession. The first of these, Hoover said, was a memo to him from Courtney A. Evans, who in 1963 was assistant director of the FBI and was the bureau's liaison man with Kennedy.

The Evans memo, Hoover said, reported on a conversation between Kennedy and Evans in which the attorney general was said to have asked about the technical feasibility of monitoring King.

The FBI chief said the Evans' memo related that Kennedy was concerned about reports that King had ties with a New York attorney with "known Communist connections," that King was a student of Marxism, but that he did not openly espouse Marxism because of his religious beliefs.

The purpose of the inquiry about electronic surveillance, Hoover's comments indicated, was to prove or disprove these reports.

Hoover also discussed a second document, in which the director said he advised Kennedy that it was technically feasible to apply wiretaps to King's telephones at two places—one on King's phones in Atlanta, Ga., and the other at an unnamed location in New York City. This memo, Hoover said, was dated Oct. 7, 1963, and contained Kennedy's signature and the date Oct. 10, 1963, at the bottom.

As a result of the October document, Hoover indicated, a wiretap was installed on King's telephone.

Former Atty. Gen. Katzenbach, who was Kennedy's deputy at the time, directly challenged Hoover's interpretation of the June 1963 memo. It was his first public attack on Hoover or the FBI.

"To say or imply that this tap was the original conception of Robert Kennedy—that he was the moving force in this situation—or that he had any doubts whatsoever as to Dr. King's loyalty or integrity is false."

"It is unworthy of the tradition of the FBI to attack in this fashion the reputation of two men who cannot defend themselves.

"Truth is seldom found in selective and partial disclosures of this type. What has been said is unfair to Sen. Kennedy and Dr. King, by no standard that I known consonant with that integrity and sense of justice which has always heretofore been the contribution of Mr. Hoover to the administration of American justice."

Former Atty. Gen. Clark's separate statement echoed these remarks. He described Hoover's statement to The Star as "unfair because it comes after Robert Kennedy and Martin Luther King have been murdered in the service of humanity and are unable to defend themselves.

"The truth of the matter cannot be denied through release of selected materials from FBI files."

Clark added that he thought Hoover's statement is deceptive in depicting Mr. Hoover as a reluctant eavesdropper of Dr. King. "He repeatedly requested me to authorize FBI wiretaps on Dr. King while I was attorney general. The last of these requests, none of which was granted, came two days before the murder of Dr. King."

The other person named in Hoover's comments—Courtney Evans, now a Washington attorney—was in San Juan, Puerto Rico, today, and was not answering his hotel telephone.

President Nixon's entry into the dispute came before the Katzenbach and Clark statements had become available.

A reporter at the White House press conference asked whether, in the aftermath of the wiretapping controversy, Hoover still had Nixon's confidence and whether any decision had been made "concerning his tenure."

Nixon replied that the director "does enjoy my complete confidence, and there has been no discussion with regard to his tenure as far as the future is concerned."

Hoover is past retirement age, but presidents have continued to grant him continuations in office from year to year.

Nixon did not stop with a direct answer to the reporter's question. He added:

"I should add further that with regard to the controversy on electronic surveillance that I checked personally into the matter as to whether or not that surveillance which had been discussed had been conducted by him and the FBI, by themselves, or whether it had, as is supposed to be the case always, been approved by the attorney general.

"I found that it had always been approved by the attorney general, as Mr. Hoover testified in 1964 and 1965."

[From the Washington Post, June 20, 1969]

KATZENBACH DISPUTES FBI ON KING TAP

Former Attorney General Nicholas deB. Katzenbach charged last night that FBI Director J. Edgar Hoover's account of why Dr. Martin Luther King's phone was tapped is false.

Katzenbach acknowledged that the wiretap was "personally authorized" by then Attorney General Robert F. Kennedy.

"But to say or imply that this tap was the original conception of Robert Kennedy . . . is false," Katzenbach said.

Other sources who held high positions in the Justice Department under Kennedy said the Attorney General approved the tap on Dr. King only after the FBI had urged him to "over and over and over again" for two years because the FBI believed Dr. King was either a communist or a tool of the Communist Party.

Kennedy's defenders spoke after President Nixon strongly supported Hoover.

Mr. Nixon told his press conference last night that his personal check had found that bugging "had always been approved by the Attorney General, as Mr. Hoover testified in 1963 and 1964."

The President made it clear that the recent disclosure of the King wiretapping and the controversy over who wanted it—Hoover or Kennedy—led him to look into the controversy personally.

Katzenbach, issuing a statement in New York, said that: "It is unworthy of the tradition of the FBI to attack in this fashion the reputation of two men who cannot defend themselves."

During Kennedy's first two weeks as Attorney General in early 1961, the other sources said, the FBI came to Kennedy and said that Dr. King was deeply involved with two members of the Communist Party.

FBI representatives repeated their charges frequently during the next two years, these sources, who held positions at assistant secretary level or above, said.

In the fall of 1963, Kennedy agreed to place a tap on King's Southern Christian Leadership Conference phone to verify or disprove the FBI allegations, the sources said.

The version of the incident that Hoover has made public is very similar—except that his account attributes the fears that Dr King was a Marxist to Kennedy.

Hoover told the Evening Star yesterday that Kennedy proposed tapping King's phone to discover if the civil rights leader was closely associated with Marxist ideas and had Marxist followers.

Hoover reportedly showed the Star two memoranda from 1963. The first, written by then assistant director of the FBI and liaison man with the Justice Department Courtney Evans, reported a conversation between Evans and Kennedy in which the Attorney General reportedly inquired whether tapping King's phone was feasible.

The second was Hoover's request for the wiretapping authorization; it bore Kennedy's signature and the date "10-10-63" in the lower left-hand corner.

An FBI spokesman made clear in response to questions that Hoover would not talk to the Washington Post. The spokesman said the Star story "speaks for itself" and would not comment further.

Evans, now in private law practice here, was reported to be en route to Puerto Rico and could not be reached.

The wiretapping of Dr. King's phone was disclosed during Cassius Clay's draft evasion hearing in Houston and has caused angry debate over the role of the FBI, a bureau of the Justice Department.

"I have never authorized installation of technical electronic devices without authority of the Attorney General," the Star quoted Hoover as saying. He said the King wiretap was stopped April 30, 1965—two months before former President Johnson issued an order banning the practice except in national security investigations.

As for his Administration's future policy on eavesdropping, Mr. Nixon said at his news conference the technique would be employed "sparingly," with concern for individual rights of privacy, "but very effectively" with the aim of protecting the United States from both internal and external danger.

The debate over wiretapping was fueled by th claim last week by Attorney General John N. Mitchell that the Executive Branch is immune from court supervision when it eavesdrops on allegedly subversive groups.

[From the Evening Star, June 22, 1969]

PROFESSORS ASSAIL STAND ON "BUGGING"

Thirteen professors from major law schools have joined to "firmly condemn" the Justice Department's new claim of unlimited power to use secret listening devices on home-front troublemakers.

In a letter yesterday to Atty. Gen. John N. Mitchell, the professors said:

"To grant such a claim would gravely threaten some of our most fundamental liberties as well as the role of law itself."

They linked the new "bugging" policy to the still-growing controversy over FBI wiretapping of the late Dr. Martin Luther King Jr. They asked:

"If Martin Luther King Jr., the Black Muslim Leader Elijah Muhammad and vigorous opponents of the Vietnam war are considered appropriate subjects for such gross violations of their rights, which groups vigorously seeking change, whether radical, liberal or conservative, is safe?"

BIG BROTHER ARGUMENT

The professors labeled the department's new theory of its power "the argument that Big Brother knows best."

Justice Department lawyers spelled out the newly broadened policy on electronic surveillance in papers filed a week ago in the pending federal case against New Left demonstrators at last summer's Democratic national convention in Chicago.

Whenever the attorney general deems it necessary to monitor secretly the conversation of groups and persons who might "foment violent disorders," the department claimed, he could do so on his own authority without getting approval in a court order.

The Fourth Amendment ban on "unreasonable" searches not approved by a court simply does not apply in such situations, the department claimed in a document filed with U.S. District Court in Chicago.

Never before had the department claimed that kind of authority except when gathering "foreign intelligence" about "external threats."

ADMITTED IN COURT

Atty. Gen. Mitchell's staff did not make this claim to power until after the department had been forced to admit, in a Houston federal court, that it had carried out extensive wiretapping and eavesdropping on Dr. King and Muhammad.

The wiretap on Dr. King has become the source of a deepening confict between FBI Director J. Edgar Hoover and two former U.S. attorneys general, Nicholas deB. Katzenbach and Ramsey Clark.

Hoover has said the late Atty. Gen. Robert F. Kennedy authorized the FBI to tap King's telephone and that it was Kennedy's original idea to do so. Both Katzenbach and Clark have said that it is "false" to attribute the proposal to Mr. Kennedy. Clark has suggested that "perhaps the time has come" for Hoover to retire.

The law professors' 800-word, strongly phrased protest to Mitchell seems likely to broaden the controversy to include current "bugging" policy in general.

Included among the 13 signers of the letter is one law dean, Louis H. Pollak of Yale. The other 12 are described as specialists in criminal and constitutional law.

The others are Anthony G. Amsterdam of Pennsylvania University, Vern Countryman of Harvard, Norman Dorsen of New York University, Steven B. Duke of Yale, Gerald Gunther of Stanford, Yale Kamisar and Arthur R. Miller of Michigan University, Kenneth W. Graham, Jr., of UCLA, Michael S. Josephson of Wayne State (Detroit), Edmund W. Kitch of Chicago University, Herman Schwartz of New York State University (Buffalo) and Alan Westin of Columbia.

"APPEARS IN CONFLICT"

The professors suggested that the Justice Department's claimed authority "appears to be in conflict" with last year's crime control law, which permits electronic monitoring to obtain evidence of riots, treason, sedition and subversion, but only with the advance approval of a federal court.

These are "precisely the crimes for which the department is seeking the authority to eavesdrop without judicial supervision."

Noting that "until just a few years ago," there was little demand for "bugging" except in "the most serious offenses like espionage, treason, kidnapping and murder," the professors commented:

"We firmly condemn this attempt to obtain such absolute power against our own people in domestic affairs."

If the department's claim to power is upheld, the professors said, this would "repudiate one of our oldest and most vital traditions"—that is, having a "neutral and detached" judge pass upon police requests for search power.

They concluded by suggesting that "the government has confessed error before in the interests of justice, and we call upon it to do so again in this instance."

[From the Evening Star, June 23, 1969]

CLAY'S LAWYERS DISPUTE FBI ACCOUNT OF BUGGING

(By Carl T. Rowan)

Attorneys for former heavyweight boxing champion Cassius Clay have filed papers in a federal court accusing FBI officials of lying about the wiretaps and buggings of the late Dr. Martin Luther King Jr. and Elijah Muhammad, leader of the Black Muslims.

Clay's lawyers said there were discrepancies between statements made here last week by FBI Director J. Edgar Hoover and other top FBI officials and testimony in a recent Clay hearing in U.S. District Court in Houston.

The brief, filed in the U.S. District Court in Houston late Friday, says the FBI has produced a "gap of credibility (that) now approaches a crater."

Clay's lawyers are seeking access to wiretap information and personnel that the government so far has avoided making available. The Clay hearings, in which the fighter seeks reversal of his conviction and five-year sentence for draft evasion, touched off the current furor over FBI wiretapping and bugging.

It was in these Houston court hearings that the government admitted that it had tapped the telephones of King and both wiretapped the phone and bugged the home of Elijah Muhammad.

A column by this reporter provoked the FBI to claim that the late Robert F. Kennedy, as attorney general, both proposed and authorized the tap of King's phones. Kennedy's successor as attorney general, Nicholas de B. Katzenbach, and his successor, Ramsey Clark, have both disputed the FBI claim that Kennedy proposed the wiretap on King, although they acknowledge that he approved it.

The brief filed in Houston could force the government to produce documents, wiretap and bugging transcripts and other information.

Here are some of the contradictions that are at issue:

1. Hoover told The Star that he had memoranda signed by Kennedy authorizing the wiretaps on King.

Kennedy resigned as attorney general on Sept. 3, 1964, but Hoover told The Star that the King wiretap was discontinued on April 30, 1965.

Since Katzenbach and Clark deny approving any King wiretaps, who approved FBI eavesdropping during the almost eight months after Kennedy left the attorney generalship?

2. The federal court brief claims that either Hoover lied in saying that the King wiretap was discontinued on April 30, 1965, or else FBI Special Agent Robert Nichols perjured himself in his Houston testimony.

"It was Special Agent Nichols who stated that the King wiretap had continued until April 4, 1968, the day of Dr. King's assassination," the brief states.

(The transcript of Nicholas' testimony has not been printed, so the brief reflects the memory of Clay's lawyer, Charles Morgan Jr. of Atlanta, and his associates. The New York Times has reported Nichols as testifying that he was in charge of the surveillance of King until May 1965 "and it was my understanding that it went on after that.")

3. The Star quoted Hoover as saying that on Oct. 7, 1963, he reported to Kennedy that it was technically feasible to wiretap telephones at headquarters of the Southern Christian Leadership Conference in Atlanta and at an unnamed location in New York.

But testimony in the U.S. District Court in Houston shows the government exhibiting

a log purported to be the result of a wiretap of King's home telephone.

This raises the question of how many King taps the FBI had, and which ones were approved by Kennedy or anyone else.

MARITIME LABOR-MANAGEMENT NEGOTIATIONS FOR ATLANTIC AND GULF COASTS ATTAIN SUCCESSFUL TENTATIVE AGREEMENTS—NOW IT IS UP TO CONGRESS TO IMPROVE THE MERCHANT MARINE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mrs. SULLIVAN. Mr. Speaker, some weeks ago I expressed the hope that the 1969 maritime labor-management negotiations would be concluded amicably and that the Nation would be spared another shutdown of its merchant marine.

This happy situation is now a fact, at least so far as the Atlantic and gulf coasts are concerned. Four leading maritime unions have signed at least tentative agreements with groups of the shipowners. The National Marine Engineers' Beneficial Association, the National Maritime Union, and the American Radio Association reached satisfactory conclusions to the negotiations with the Maritime Service Committee several days before the June 15 deadline. The Masters, Mates & Pilots organization reached a similar arrangement on June 17, before there had been any substantial disruption of shipping.

I believe the men on both the management and labor sides of the table deserve great credit for this achievement. They have negotiated agreements which provide the men and women of the merchant marine with distinct improvements in conditions for the next 3 years. They have ruled out any escalation of benefits during that period, so that shipping management can make necessary long-range plans. They have accomplished this without need of Government aid or interference in the collective bargaining process.

It has been said that strikes make front page news, and agreements between unions and employers get buried back near the classified advertisements. Whether that is so or not, I think it important to stress the merit of this collective bargaining accomplishment. It is good for the parties involved and for the Nation as a whole. These unions and employers have demonstrated their maturity and their concern for the needs of the industry and the whole country.

Now, we in Government have a responsibility, a responsibility not to waste this 3-year breathing spell, but to move ahead toward the creation of a bigger, better, stronger merchant marine. It is tragic that our merchant marine has dwindled so dangerously. Now is the time to correct that trend. The men of labor and management have shown their good faith. I hope that we in Government will do no less. I believe the citizens of the country recognize that an American merchant marine should be second to none, that it should reflect the enterprise of the Nation, the advance of our great technology, and the American belief that a laborer is indeed worthy of his hire.

It is trite, perhaps, to say that there is no reason why a nation that can plan to send men to the moon cannot develop a modern fleet of merchant ships. Let us show, on the threshold of the 1970's, that America is at least as ready to take the initiative in the peaceful competition on the high seas of this planet earth as it is in the boundless realms of space.

TESTIMONY OF DR. PAUL WOODS, COORDINATOR, NDEA, TITLE III

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FINDLEY. Mr. Speaker, in 1958, Congress, under title III of the National Defense Education Act, decided to provide funds to State and local school systems on a 50–50 basis for the purpose of purchasing instructional equipment and materials. At this time Congress declared:

States and local communities have and must retain control over and primary responsibility for public education.

The act acknowledged that—

The national interest requires . . . that the Federal Government give assistance to education for programs which are important to our defense. . . . It is therefore the purpose of this Act to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order to insure trained manpower of sufficient quantity to meet the national defense needs of the United States.

Dr. Paul Woods, coordinator for NDEA title III for the State of Illinois, believes that for this Nation to meet the new demands of technology and international relations, we shall need all the education that the Federal Government can help support on the State and local levels. He has prepared the following material as testimony for the retention of the present level of financing title III of NDEA. I am placing excerpts from Dr. Woods' statement in the RECORD today so that others in the Congress may have the opportunity to read and consider his valuable contribution to the consideration of this vitally important issue:

TESTIMONY OF DR. PAUL WOODS, COORDINATOR, NDEA TITLE III

Mr. Chairman, Members of the Subcommittee on Appropriations for Labor-HEW:

I come before you today to speak on behalf of education, and to express my extreme distress over the possibility that one of our most important and successful pieces of education legislation—Title III of the National Defense Education Act—might not be funded for fiscal 1970.

Gentlemen, you have before you an awesome responsibility. For, as you deliberate on this appropriations bill, you are doing far more than determining how many millions of dollars shall be spent on what program; you are reaching out and touching, sometimes imperceptibly, often dramatically, the lives of children—the future of this nation. Taken in that context, it is not inappropriate to suggest that your responsibility is all the more awesome because the decisions you come to in this chamber will affect not only the children of today, but the America of tomorrow. . . .

Specifically, however, I am concerned about the absence of an appropriation request for Title III of NDEA, and I am here to urge that you make an appropriation of the full amount authorized by Congress for fiscal 1970—$120 million.

Title III of NDEA (Public Law 85–864, as amended) authorizes two programs for the improvement of instruction. Part A authorizes $120 million for fiscal year 1970 to be matched by State and local school systems on a 50–50 basis for the purchase of instructional equipment and materials. The subjects covered are science, mathematics, modern foreign languages, history, geography, English, civics, reading, economics, and industrial arts. It also authorizes $10 million for administration of the program and for the employment of subject matter specialists, at the state level, to improve instruction in these ten subjects.

New legislation establishing Part B reinforces other Federal support in improving educational opportunity for deprived students.

The National Defense Education Act, including Title III, was brought into being in 1958. It passed with bi-partisan support and was signed into law by President Eisenhower on September 2, 1958. It has since been renewed four times, always with bi-partisan sponsorship, and the original three subject areas have been expanded to the ten set forth above. Corresponding with the expansion in subject areas and corresponding with the popularity and success of the program, authorizations have been increased as well.

The annual appropriations for Title III over the life of this Act have been as follows:

APPROPRIATIONS FOR TITLE III, NDEA

[In millions of dollars]

Fiscal year	Part A	
	Grants to States for equipment and materials	State administration
1959	49.28	1.35
1960	52.80	4.00
1961	47.52	3.75
1962	47.52	3.75
1963	47.52	3.75
1964	61.60	5.00
1965	70.40	5.20
1966	79.20	7.50
1967	79.20	7.50
1968	79.20	2.00
1969	75.74	2.00

These facts, I believe, point to a substantial interest in this program on the part of the Congress.

Now, for fiscal year 1970 the Administration has returned with a recommendation that no funds be appropriated for NDEA Title III, neither for Part A nor for the new Part B.

Although Title III of NDEA has not been pushed by either the Johnson or the Nixon budget personnel, the facts are that it is one of the more successful and popular education programs among the people who know it best: those who work with it in the field—the State and local educational agencies, and the school teachers and school administrators of our country.

Both the Office of Education and the Department of Health, Education, and Welfare made recommendations to the Budget Bureau that Title III be funded; the Office of Education recommended a level of $14.1 million for grants to the States, $1 million for loans to nonprofit private schools, and

$2 million for State administration; the Department of Health, Education, and Welfare recommended that $17.9 million be appropriaited for the new Part B—for direct grants to local education agencies. Although both of these suggestions of appropriations were modest to the point of being meaningless, the fact is that within the framework of the educational bureaucracy there is recognition that there is a need for the special kinds of services and programs that Title III provides.

NEEDS AS REPORTED BY STATE ADMINISTRATORS

In order to determine the bona fide needs of the States for funds under Title III of NDEA, in April of last year the National Audio-Visual Association surveyed the Title III administrators in the various State departments of education.

In reply to the survey, only 5 of the State administrators indicated that they were able to fill all requests from the local educational agencies for funds in fiscal year 1968. The other 44 who replied estimated that they could have used a total of about $31.8 million more than the $76.9 million actually spent.

The forty-nine State administrators who replied felt that a total of $116,035,417 in Federal funds would be needed under Title III for fiscal year 1969, and $128,260,000 for 1970, as compared to the $75,240,000 which was available under the fiscal year 1968 appropriation and under the 1969 appropriation.

HAS NDEA TITLE III BEEN EFFECTIVE?

At no time while recommending a reduction of funds for the purchase of equipment and the elimination of funds for supervisory services have Office of Education or Bureau of the Budget spokesmen implied any failure or unpopularity of the program. It is well that they have not. The weight of evidence demonstrates that the program has been instrumental in bringing about a very substantial improvement in education. Since 1958, when NDEA was passed, schools have been adopting the newly developed curriculums in the critical subject areas to meet the new demands of technology and international relations.

Recently, the Fairfax County School System, Fairfax, Virginia, embarked on a study designed to assess the relative achievement of fourth, fifth, and sixth grade pupils in a program saturated with visual media and contrasted with a similar program not including the media saturation. Evaluation was conducted over a period of one full school term, 1967–68, and four months of the second semester of 1967.

Results provide hard data that a program of instruction strongly supported by a heavy concentration of correlated media can make a positive influence on learning as measured by two well-known standardized tests—Lorge Thorndike verbal and non-verbal, and SRA Achievements Tests.

In November, 1968, the Research and Educational Planning Center of the College of Education of the University of Neveda, Reno, Nevada, J. Clark Davis, Director, Len L. Trout, Study Coordinator, turned in a "Study of the Bureau of National Defense Education Act Administration" for the State of California.

The results of this study are most pertinent for the deliberations of this committee. 918 questionnaires were mailed to every active, operating school district in California that had participated in Title III–A or III–B NDEA during the past three years. No place was prepared for signatures nor was any effort made to identify the respondent districts. Complete anonymity was thus insured. A total of 756 returns were received.

Question number four read: "To what extent can improved student achievement in your schools be attributed to programs initiated or assisted with Title III of NDEA?" The response was overwhelmingly weighted toward the "significant value" end of the scale. "Because the districts were involved in the planning, initiating, and funding of NDEA projects," the reporters concluded, "they recognized the value of the programs as related to student achievement."

Question five read: "To what extent do you feel that Title III of NDEA has made it possible to improve instruction in the critical areas covered by the Act?" Once again the response was overwhelming. From the report, again: ". . . almost half of the districts responding to the question indicated that NDEA had made it possible to improve instruction in the critical areas of English, civics, history, mathematics, *et al.*, in an amount of significance. Nearly as many reported that NDEA had made important contributions. The 638 reporting important or significant values greatly outweighs the 26 respondents reporting little or no value attached to the Title III contribution."

My own state of Illinois is one which has been particularly active using Title III funds to advantage. Following is a list of workshops and consultant visits in various subject areas in Illinois for fiscal year 1968, the last year for which figures are available.

ILLINOIS TITLE III NDEA, FISCAL YEAR 1968

Science: 49 workshops, 1,065 participants, 190 consultant visits.

Mathematics: 44 workshops, 1,443 participants, 466 consultant visits.

Foreign language: 13 workshops, 250 participants, 654 consultant visits.

Social studies: 28 workshops, 722 participants, 973 consultant visits.

English and reading: 79 workshops, 2,966 participants, 465 consultant visits.

Industrial arts: new program—no workshops, 200 consultant visits.

Grand totals: 213 workshops, 6,445 participants, 2,948 consultant visits.

Finally, the National Education Association, representing over one million teachers, has said of NDEA Title III, "It is the only program of Federal financial assistance for upgrading the quality of instruction in all of the major subjects of the elementary and secondary school curriculum."

This accumulation of expert opinion should not be taken lightly. Bearing it in mind, I sincerely hope you will not be taken in by vague generalities and assurances that the benefits of NDEA Title III will continue under ESEA. Instead, I ask you to be guided in your final decision by the recognition that NDEA Title III has been tried for ten years, that it has been tested and found effective, that it has been widely accepted in State and local education agencies, and that it is needed now as much as it was in 1958.

A BILL TO STRENGTHEN THE CERTIFICATE OF COMPETENCY PROGRAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. CORMAN. Mr. Speaker, I am pleased to join the gentleman from Tennessee, Chairman EVINS of the House Select Committee on Small Business; the gentleman from Massachusetts (Mr. CONTE), ranking minority member; and the members of its Subcommittee on Government Procurement, in introducing on June 17, 1969, H.R. 12188 which would strengthen the certificate of competency program of the Small Business Administration.

The bill, amending section 8(b)(7) of the Small Business Act, is designed to prevent certain procurement practices which restrict the beneficial use and purpose of the COC program and inhibit small business participation in Government procurement.

This legislation is in line with recommendation No. 26 of the House Small Business Committee's final report—House Report 1985, 90th Congress—as follows:

That, to strengthen the certificate of competency program, to increase competition and economy in Government procurement, and to preserve the integrity of the procurement process, legislation similar to H.R. 18041, introduced jointly on June 20, 1968, by all members of the subcommittee, be promptly considered by the appropriate legislative committee to amend section 8(b)(7) of the Small Business Act to prevent administrative restriction of the small business low bidder's right to appeal and Small Business Administration's authority to review, affirm, or reverse contracting officer determinations of alleged irresponsibility.

Equally disturbing to the subcommittee is that a contracting officer may determine that a small business low bidder, even though he has the capacity and credit to perform the contract, lacks the degree of *"tenacity and perseverance"* or *"integrity"* necessary, in his own judgment, to perform the contract. A spot check disclosed more than 200 such cases in fiscal year 1967 in the military departments and DSA. The report, however, does not disclose how many refusals to award contracts to the small business low bidders were based on alleged "lack of tenacity and perseverance" and how many on alleged "lack of integrity."

In such cases, DOD officials contend that the contracting officer need not refer his determination to SBA for review.

SBA testimony on this subject disclosed instances in which SBA notified the contracting officer that his determination to withhold the award based upon alleged lack of *capacity and credit* was to be reversed, whereupon the contracting officer promptly refused the award on the ground of alleged lack of *tenacity and perseverance.*

We had believed that the COC program served to encourage small business to compete against large business with knowledge and assurance that an erroneous or discriminatory refusal to award the contract to the small business low bidder for any such reasons could be reviewed and reversed by the Small Business Administration. The members of the subcommittee are understandably concerned with the discouraging effects that such practices by contracting officers have upon the small business community.

A small business firm, whether a newly found source or a veteran supplier, invited to bid in an open unrestricted procurement, realizes the risks of expense and time in preparing a proper bid. Even if he knows he can offer a lower price to the Government than his large business competitor, and even if he knows that he is *ready, willing, and able* to perform the contract for which he is invited to bid, he must now consider additional risks that have been built into the procurement process in the event that he should be the low bidder. His chance of obtaining the award will depend, in part, upon the attitude and action of the contracting officer. His low bid may be arbitrarily refused; and the review and reversal of the contracting officer's decision by SBA prevented. This condition is hardly conducive to a decision to compete and is undoubtedly a factor accounting for the increased failure rate of invited small business to bid (see Part III, A).

The beneficial purpose of the COC program is frustrated by such narrow or strained interpretations of the statute. The small business right of appeal and the scope of the independent investigation by SBA should include the issue whether the small business low bidder is *ready and willing*, as well as the issue whether he is *able*, to perform the contract in question.

As chairman of the Subcommittee on Government Procurement, I urge that prompt and favorable consideration be given to H.R. 12188.

The recommendation is based upon the following findings and conclusions of the Subcommittee on Government Procurement set forth in House Report 1975, 90th Congress:

CERTIFICATE OF COMPETENCY PROGRAM

Too often, contracting officers unjustifiably refused to award a contract to the small business low bidder because of alleged irresponsibility due to "lack of capacity or credit to perform the contract." Under such circumstances, the aggrieved small business low bidder has the right to appeal to the Small Business Administration for a Certificate of Competency (COC). If SBA, after an independent survey, reverses the contracting officer's determination, the certificate issued by SBA is binding on the contracting officer as to the contract in question. The COC program is a good one. It has saved the Government millions of dollars by enabling the awards to be made to a low bidder instead of a higher one.

The assurance of a right to appeal to SBA from an unwarranted refusal to award the contract undoubtedly encourages small business to bid. In many instances, however, either the appeal is either not taken or it is withdrawn before completion. The reasons for this vary, but are often attributable to fear of resulting disfavor, reprisal, or costly delays.

In all too many instances, the right to appeal is rendered meaningless through questionable procedures followed by contracting officers in the use of an *urgency* exception to circumvent the requirement for a COC referral. In a statement to the subcommittee, the Comptroller General of the United States described cases in which contracting officers delayed their determinations of nonresponsibility for several weeks or months, and, in one case, backdated the certificate of urgency, thus depriving the small business of its right of appeal.

AGRICULTURAL EDUCATION AND THE FUTURE FARMERS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FUQUA. Mr. Speaker, vocational education in agriculture is a program of systematic instruction in agriculture at the secondary level. Secondary programs are conducted in public schools or classes for persons whose occupational objectives require knowledge and skills in agricultural subjects. The program is conducted under a plan of cooperation between local schools, State boards for vocational education, and the Office of Education, U.S. Department of Health, Education, and Welfare.

Instruction is given by teachers who are specially trained agricultural college graduates. Teachers usually are employed on a 12-month basis. The instructional program is designed to fit the needs of the individual student, based on his capabilities and interests, and the needs of the community. Specialized occupational training programs in agriculture prepare students for occupations in agriculture production, agriculture supplies, agriculture mechanics, agriculture processing and distribution, national resources development, ornamental horticulture, and Forestry.

The FFA, an integral part of instruction in agriculture, is a national organization of, by, and for students of vocational agriculture in public secondary schools. It is an educational, nonprofit, nonpolitical youth organization of voluntary membership, designed to develop agricultural dealership, character, thrift, scholarship, cooperation, citizenship, and patriotism. FFA is an integral part of the instructional program—a teaching tool. Students must be enrolled in vocational agriculture to become eligible for membership. They may retain their membership for 3 years following their graduation from high school, or until they are 21 years of age, whichever length of time is greater.

The FFA is operated in cooperation with the Vocational and Technical Education Division, Office of Education, U.S. Department of Health, Education, and Welfare, and with the various State Boards for Vocational Education and local high school departments of vocational agriculture. The head of the agricultural education in the U.S. Office of Education serves as National FFA adviser, another agriculture educator in the Office of Education serves as national FFA executive secretary. The State adviser for each State association of the FFA is the State supervisor of vocational agriculture, and the adviser of each local chapter is the high school teacher of vocational agriculture.

The national FFA organization was launched at Kansas City, Mo., in November 1928, following many years of development of vocational agriculture student organizations in the States and local communities. Originally incorporated under the laws of the State of Virginia, the FFA was granted a charter of incorporation by act of Congress in 1950—Public Law 740, 81st Congress.

At present the FFA has approximately 450,000 active members in nearly 8,500 local high school chapters located in rural and urban areas throughout the 50 States and Puerto Rico. Similar organizations have been established in Japan, the Philippines, Columbia, Mexico, Peru, South Vietnam, Thailand, and other countries.

Through participating experiences in the Future Farmers of America, members learn how to take part in meetings, to follow parliamentary procedure, to speak in public, and to cooperate with their fellow students in programs for individual and community betterment. Local chapters sponsor recreational activities, organize educational tours, conduct safety and home improvement campaigns, and hold parent-son banquets. They have been known to organize a local chamber of commerce where none existed, and to organize and manage a community fair. They frequently take on such jobs and the landscaping and beautification of school and church grounds in the community.

Many FFA activities are designed to stimulate the members to do better work in vocational agriculture. The advancement through degrees in the organization is based largely on achievement in agriculture. Awards offered through the FFA Foundation stimulate increased effort by the students. Included among these are awards for outstanding achievement in crop farming, farm and home electrification, forestry, home improvement, livestock farming, ornamental horticulture, poultry farming, agricultural mechanics, and soil and water management. A national chapter award program recognizes local chapters that have outstanding programs of activities. Awards also are provided for agriculture safety promotion by chapters, and for public speaking.

Numerous activities in the FFA are designed to develop leadership ability and the understanding and involvement in good citizenship development programs. Local chapters and State FFA associations conduct leadership development activities. Among them are chapter officer and member development activities, instruction conducted by the local agriculture instructor and in State leadership camps and centers which operate intensive leadership sessions during the summer.

During the week of June 23 to 28, 1969, for the first time chapter FFA presidents—officers who have their senior year in vocational agriculture and FFA still ahead of them—will be attending a national leadership and citizenship conference in the Nation's Capital. Much of the conference will involve the youth in leadership development activities, through participation in panel presentations, small group discussions, and workshop planning sessions at the National FFA Center, located near Alexandria, Va., and at the Olde Colony Motor Lodge Conference Center, which is the conference headquarters.

"FFA—Emphasis Agriculture" is the theme of this important national leadership and citizenship conference. The purpose of the conference is to inspire and inform these youth, preparing for occupations in agriculture, to meet the challenges of leadership in the FFA, the agricultural industry, their communities, and our country.

The program will focus on national and international careers in agriculture, American heritage, our U.S. Government, and the opportunities in the FFA. National FFA officers will moderate thought provoking sessions at the State Department, U.S. Department of Agriculture, the Department of Health, Education, and Welfare, and on Capitol Hill. Inspiring programs are planned at historical monuments and memorials in and around the Nation's Capital. The officers will meet their congressional leaders and discuss their future in agriculture with other national leaders in government, industry, and agricultural organizations.

A final outcome of the week's activities will be a strengthened belief in the FFA motto: "Learning to do, doing to learn: Earning to live, living to serve."

HELPING CHILDREN OVERCOME LEARNING DISABILITIES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. PUCINSKI. Mr. Speaker, the General Subcommittee on Education, which I serve as chairman, will soon be holding hearings on H.R. 8660 and H.R. 9065, bills to provide assistance to children with learning disabilities.

In order for my colleagues in the House to better understand the multiple forms of learning disabilities in children—and their extent—I shall insert a series of articles on this subject in the CONGRESSIONAL RECORD.

The first of these articles discusses the symptoms of learning disabilities and how to help children overcome them.

Mr. Speaker, the article from Today's Health of May 1969 follows:

HELPING CHILDREN OVERCOME LEARNING DISABILITIES

(By Theodore Irwin)

A child may reverse letters when reading, appear clumsy, be overactive or forgetful, or have speech and spelling difficulties. These learning disabilities do not affect his intelligence. But they may mean that he needs special treatment and training.

When he reads aloud, seven-year-old Johnny reverses letters in words, saying "was" for "saw" and "cupperbut" for "buttercup." Susan, at six, can't tell left from right. In class, Bobby is hyperactive, exploding in sudden rages and tantrums. Other youngsters handle a pencil clumsily, can't concentrate, or seem confused in their speech.

Your own child may have one or more of these and other learning blocks. Yet he could be intelligent, his health, hearing, and eyesight perfectly normal. Your child would not be unique. According to Dr. James Cavanaugh, chief of pediatrics at Boston's St. Elizabeth Hospital, "one out of four American kids has some problem in regard to learning."

Often it's termed a "perceptual motor difficulty," involving impressions received through the senses and appropriate movements. It's possible—but by no means certain—that a child's special learning handicap may be due to a subtle, *slight* irregularity of brain function. The condition, or syndrome (a group of characteristic symptoms), has come to be generally known as minimal brain dysfunction (MBD) or special learning disabilities—a relatively new entity in the health field. Last May, a Congressional Subcommittee on Education conservatively estimated that one to three percent of our school population may have learning disabilities severe enough to require special remedial procedures.

This does *not* necessarily mean that if a child misbehaves or does poorly at school, his brain functioning is out of whack or that he's "retarded." He may just be a late starter, have a poor teacher, feel an emotional conflict, show an hereditary lag in development, or suffer a low-grade physical ailment. Some other innocuous hidden factor also could be responsible. Still, it is important for parents and teachers to understand, recognize, and knows what to do about MBD, if that's the eventual diagnosis.

The following careful definition of "learning disability" has been suggested by the National Advisory Committee on Handicapped Children: "Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantage."

Various states refer to learning disabilities by other names, such as educational handicaps, special learning disorders, or perceptual impairments.

An increasingly recognized element in learning failure, minimal brain dysfunction is a catch-all technical phrase for widely differing problems. When a child is diagnosed as having MBD, he may have no demonstrable brain injury, as in cases of cerebral palsy or epilepsy, which show irregular electroencephalograph (EEG) patterns.

"MBD is largely an inference, and cerebral impairment is assumed," says Dr. Norman Sher, child psychiatrist at Maimonides Medical Center, Brooklyn, New York. "The assumption is that there is anatomic damage, that it may be minute and limited to highly focal areas of the brain."

Significantly, whatever hindrance in the nervous system there may be in a mild learning-disability case is "minimal," subtly affecting learning and behavior without evident lowering of a child's general intellectual capacity. In other words, these youngsters may be smart. When tested, they achieve near average, average, even above average in intellectual functioning.

About 100 symptoms of MBD have been identified, and each affected child has his own particular cluster. Signs may show up in various combinations of impaired visual or hearing awareness, language, memory, concept-formation, or muscular function.

Among early medical symptoms are slowness or awkwardness of movement, an inability to develop a sense of up and down, a deficiency in the senses of touch, time, or distance. An MBD-child's hearing, vision, and voice may be normal, but something in his brain centers may not understand the messages received by his eyes and ears; or his brain centers may not direct his tongue and lips to talk properly.

Behavioral clues include overactivity or underactivity, lack of normal attention span, and displays of unusual and changeable emotions. Educational symptoms are detected in a child's reading, writing, spelling, and arithmetic.

Many of the characteristics, however, tend to smooth out and vanish spontaneously as the child grows older, with the natural maturing of his central nervous system. Very bright children with reading problems often learn to read later, when they're highly motivated. They compensate for their original difficulty by interest and intelligence, though they may be hampered by a spelling problem.

If the multiple symptoms confuse you, the labels being applied to MBD are even more perplexing. "Terms are often used to lend a touch of mystification to ignorance," contends Dr. Alfred L. Abrams, senior staff psychiatrist at Queens College, New York.

In an effort to clarify the lingo, a task force of 14 experts was assigned to the job by the National Institute of Neurological Diseases and Blindness. Their report revealed that some 38 terms are employed to describe conditions grouped as minimal brain dysfunction. Labels range from "association-deficit pathology" to "organic behavior disorder," "perceptual cripple," "clumsy-child syndrome," and "dyslexia."

Perhaps the most familiar and fashionable term today is "dyslexia." Simply, this means a child is a poor reader. He may reverse letters or words, "mirror write," be unable to translate symbols on a printed page into meaningful ideas, or exhibit other symptoms.

The syndrome is *not* caused by brain damage, in the opinion of Dr. Lloyd J. Thompson of the University of North Carolina Medical School. It's accounted for, he believes, by "an innate or constitutional developmental lag," and a child can catch up through special treatment. Doctor Thompson calls dyslexia "a congenital word-blindness and word-deafness" comparable to color-blindness, which is independent of intelligence. Others say that while dyslexia often accompanies MBD, an MBD child is not necessarily dyslexic.

The very existence of specific dyslexia is questioned by some knowledgeable authorities, although more than 20,000 books, articles, and reports have been published on the condition. Dr. Henry F. Eichenwald of the University of Texas Southwestern Medical School maintains that most of what's written on dyslexia is "speculation, faddism, unproven theory, uncontrolled data, or dogma presented as fact." The vast majority of otherwise normal children called dyslexic, contends Doctor Eichenwald, could do as well, perhaps better, if they were left alone to "have time heal their trouble."

Parents are apt to accept, perhaps even welcome, the dyslexic label because it's respectable—not a report-card "F." If Mary brings home a poor paper from school, her suburban mother might say, "I must find out if Mary is dyslexic."

In cases of faulty learning ability attributed to MBD, what are the causes? Medical researchers have found that neurologic disorders such as MBD are significantly linked to pregnancy complications of the mother and to prematurity. In the prenatal period there may be "insults" (physical or chemical injuries) to the embryo or fetus; at birth, anoxia (lack of oxygen) could affect the central nervous system. Or there may have been an illness or injury during the critical development years of the brain and central nervous system. Frequently, however, the cause of the brain dysfunction cannot be traced.

It's not unusual for a learning problem to be tied to emotional disturbance. They could be related, but it's hard to say whether the learning trouble triggers the emotional upset or vice versa.

Says Dr. J. G. Minskoff, director of the U.S. Bureau of Education of the Handicapped: "Parents should bear in mind that a learning-disabled child may be physically intact and intellectually normal except for one or more areas, such as learning arithmetic."

Currently, concepts, orientations, and approaches to the problem vary widely among professionals in the field. Thus, they often differ over methods of diagnosis and treatment.

How is an MBD-learning disability detected?

"Diagnosis of minimal brain dysfunction," explains Dr. John Emmett Peters, director of child psychiatry, University of Arkansas Medical Center, "is made on the basis of clinical behavior, history, psychologic evaluation, and neurologic signs. These must be evaluated against the background of environmental and interpersonal factors."

Ideally, evaluation includes both a physical and an educational checkup. The first symptoms may be observed by a parent or teacher. Initially, the question is whether anything is wrong medically. The family physician, pediatrician, pediatric neurologist, and other specialists all may play a role.

Starting with a thorough medical history and physical (including neurological) examination, a full check should be made of vision and hearing. When advisable, the physician may ask for special tests. For example, he may order an EEG to record the electrical activity within the brain or refer the child to an endocrinologist for tests of brain chemistry.

An educational or behavioral diagnosis encompasses an analysis of the child's school record, psychological tests, an assessment of his speech and coordination, his ability to

use ideas meaningfully, his language development, plus observation of behavior in a variety of situations. With all this data, a hypothesis is arrived at to see what may be expected of the child and what can be done for him.

Experts explain that in most instances MBD is an unproved diagnosis. Warning against alarming parents with an unwarranted diagnosis of "brain disorder," Doctor Abrams of Queens College recommends that, in cases where brain dysfunction can't be proven, a descriptive term such as "delayed or irregular maturation" should be used.

Specialists in the field rely on a wide range of diagnostic tools. Some exams measure visual-motor functions or visual perception. Others focus on psychological areas as related to language abilities. Many phonics tests analyze a child's ability to relate sounds and symbols. The best diagnostic clinics tend to use several of these, plus observation of the subject.

Philosophies and techniques differ among clinics throughout the country. One of the most up-to-date facilities is the Learning Rehabilitation Service at Maimonides Medical Center. Part of the Community Mental Health Center, it was started three years ago as part of the child psychiatry program headed by Dr. Norman Sher. The service, helping about 650 children a year, was developed and is now directed by a vibrant educational psychcologist, Dr. Cecelia Pollack.

In her diagnosis of a child's learning problems, Doctor Pollack looks for developmental lags, beginning with observations of behavior (distractability, attention span, etc.). She notes such factors as coordination, directional awareness, and sense of rhythm. The child is asked to skip, hop, balance on a board, face right and left, throw and catch a ball. Sunday other psychological and physical tests are given. The service has access to such hospital departments as pediatrics and neurology; when necessary, a psychiatrist, ophthalmologist, speech therapist, or other specialists are consulted.

The other morning, chubby, eight-year-old Tommy bounced in for diagnosis. Hyperactive, he moved quickly, touching one object after another as though driven. He asked, "What's this?" and reached for some thing else without waiting for an answer. On various tests, he couldn't balance himself or tell one direction from another. When Doctor Pollack moved a pencil in front of him, Tommy moved his head and shoulders with it. His eye motions were erratic. Shown a sketch of a chicken, he failed to discriminate whether it was looking up or down. The psychologist said words like "swing-sling" and "butterfly—flutterby," and Tommy was asked to tell if they were the same or different.

During three such sessions, Tommy submitted to some 30 different tests. Then Doctor Pollack called in the boy's parents to analyze his condition. Tommy had perceptual motor disabilities and poor coordination. He was unable to deal with written symbols in a meaningful way, could not combine his visual auditory, and motion senses. Emotionally, he was on the level of a three-year-old. Based on the entire spectrum of symptoms, Doctor Pollack's diagnosis was that Tommy was a learning-disabled child.

The remedial program is based on the diagnosis. Doctor Pollack believes in delineating the areas of a child's weakness, then trying to treat these specific areas. "I prefer to call ours a "rehabilitation clinic," she says. "I believe learning functions *can* be rehabilitated."

For example, seven-year-old Martha may be given various visual exercises to help her develop a sense of spatial relationships—awareness of her body in space. Later, an intersensory reading method may heighten her reading skills. Such a method combines linguistic and phonic principles, employing visual, auditory, and kinesthetic (motion) senses. Speech-sound skills, letter recognition, and reading are developed gradually.

Many training methods begin with a phonic readiness kit to develop, a "phonetic ear." These systems work with sound, build them into words, then into sentences—in a programmed sequence. Thus Martha will learn to read, write, and spell simultaneously.

Elsewhere in the nation, efforts to help the learning-disabled take multiple forms. Mild cases may be corrected by a regular classroom teacher, but only a small percentage of schools give special attention to those with more severe difficulties. Sometimes two or three schools share the time of an itinerant special teacher and a resource room. A hopeful trend is the enactment by 13 states—including California, Illinois, and New Jersey—of legislation to set up educational programs to deal with learning disabilities.

"The need for clinical teaching is apparent from the great variety of programs presented," notes Dr. Jeanne McCarthy, associate professor of education, University of Illinois. "Each child has his own learning style. A system that works for one youngster may not work for another. So the teacher must precisely match the learner and his treatment. What these youngsters need is individualized attention."

UNIT RETAIL PRICE LABELING: RELIEF FOR THE HARASSED CONSUMER

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. PODELL. Mr. Speaker, despite the 1966 Fair Packaging and Labeling Act, retailers and manufacturers of everyday household products are, more than ever before, harassing consumers with an unending variety of shapes and sizes of packages and commodities. Proliferation of containers and package sizes labeled with unlimited variations of confusing quantities and prices has virtually rendered the 1966 act meaningless.

In our system of self-service shopping, every buyer has a right to know exactly how much he is paying for a product, and how much product he is receiving. The 1966 act attempted to provide for this fundamental consumer right. For a number of reasons, neither the act nor individual initiative of private retailers or manufacturers brought about any semblance of fair containerization or price labeling. Today the situation is no better than in 1966.

To cite just one example, in a local Northwest Washington, D.C., grocery store, Ivory Liquid dishwashing soap was recently found in three different sized plastic bottles: a 32 ounce "king size" bottle for 89 cents; a 22 ounce "giant size" bottle for 59 cents; and a 12 ounce "regular size" bottle for 35 cents. On the container was a retail price marked by hand. According to the 1966 act, net quantity of the contents was imprinted on the label by the manufacturer. A housewife requiring the most economical value must stand before a shelf of goods, figuring out by herself which bottle is the most economical buy. This is done by dividing the retail price figure by the net quantity figure—in this case ounces—and is called unit retail price.

Until recently, it was assumed that the largest container was most economical. It was said it is cheaper for a manufacturer to produce in quantity. This is not necessarily so today. In the example just cited, the cheapest bottle of Ivory Liquid was the middle size "giant" 22 ounce, 59 cent item with a unit retail price of 2.68 cents per ounce. The largest sold at 2.78 cents per ounce and the smallest at 2.91 cents per ounce. This is but one example of how retailers have been convincing the unaware and unprotected consumer into paying more for less.

In light of the fact that the 1966 Fair Packaging and Labeling Act is not accomplishing what was intended, I am introducing a bill to allow American consumers the opportunity to find at a glance exact unit retail price of a product. My bill simply and effectively provides that a retailer must place on every package and item for sale both retail price and unit retail price of the product.

This bill does not impose undue hardship upon retailer or manufacturer. At present the retailer must mark every item for sale with the retail price, either by hand or machine. My bill provides that in addition to retail price he must also place on the item price per unit of weight, volume or measure. He may do this by hand, machine, or separate label which he can affix to the container.

Specific guidelines are provided in the bill for appearance and location on the container of these two figures. To reduce confusion for the retailer, such specifications are in language similar to existing specifications for the manufacturer's net quantity mark. My purpose is not to bind and intimidate the retailer, but to provide in a workable and effective manner, clarity, fairness and truthfulness in price labeling.

Mr. Speaker, every consumer should rightfully be told exactly how much he is paying for a product and how much product he is receiving. I therefore urge prompt and careful consideration of this bill in light of the obvious ineffectiveness of the present 1966 Fair Packaging and Labeling Act. We have for too long tolerated deceptive and unfair packaging and price-labeling practices, whose sole purpose is to confuse vulnerable consumers.

My bill amending portions of the Fair Packaging and Labeling Act of 1966 reads as follows:

H.R. 12322

A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by adding at the end thereof the following new subsection:

"(c) No person engaged in business in the sale at retail of any packaged consumer commodity which has been distributed in commerce, or the distribution of which affects commerce, shall sell, offer for sale, or display for sale any package containing any such commodity unless such person theretofore

shall have placed upon such package a retail price mark. The retail price mark required to be placed on a package by the preceding sentence shall—

"(1) contain information effective to disclose plainly to purchasers and prospective purchasers (A) the retail price of the entire contents of the package, and (B) the unit retail price of such contents determined in such manner as the promulgating authority specified in section 5(a) shall by regulation prescribe; and

"(2) be prepared and placed upon or affixed to the principal display panel of the label appearing on the package—

"(A) in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matter on the package,

"(B) in letters or numerals in a type size which is uniform for all packages of substantially the same size,

"(C) so that the lines of printed matter included in the retail price mark are generally parallel to the base on which the package rests as it is designed to be displayed, and

"(D) in accordance with such additional requirements relating to manner and form as the promulgating authority specified in section 5(a) may by regulation prescribe."

(b) Section 10 of that Act (15 U.S.C. 1459) is amended by adding at the end thereof the following new subsection:

"(g) The term 'unit retail price', when used in relation to the contents of a package of any consumer commodity, means the retail price of the contents of that package expressed in terms of the retail price of such contents per single whole unit of weight, volume, or measure—

"(1) in which the net quantity of contents of such package is stated upon the label appearing on such package; or

"(2) if the net quantity of the contents of such package is so stated in terms of more than one such unit of weight, volume, or measure, the unit thereof prescribed by regulations which shall be promulgated by the authority named in section 5(a)."

Sec. 2. Section 7(a) of that Act (15 U.S.C. 1456(a)) is amended by inserting after "or delivered for introduction into commerce" the following: ", or sold at retail, offered for sale at retail, or displayed for sale at retail,".

Sec. 3. The amendments made by this Act shall take effect on the first day of the seventh month beginning after the date of enactment of this Act.

LAST LETTER TELLS PROUD SOLDIER'S HOPES

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. HAGAN. Mr. Speaker, I do not believe that any oratory is needed from me to explain to my colleagues the intense feeling of pride coupled with overwhelming compassion that came over me upon reading the following article which appeared in the June 19 edition of the Flight Trainer, publication of the U.S. Army Flight Training Center and Fort Stewart, Ga., concerning a truly great American patriot, Sgt. Jeff Davis:

LAST LETTER TELLS PROUD SOLDIER'S HOPES

A moving letter, written by a Division sergeant before his death in September, speaks for virtually every American Soldier who has risked his life in Vietnam.

"It is too bad I had to die in another country; the United States is so wonderful," wrote Sgt. Jeff Davis of Manchester, N.H. "But at least I died for a reason . . . and a good one."

Davis was killed in a firefight Sept. 6 while serving with A Co., 3rd Bn., 187th Abn. Inf. near Cu Chi. Before departing for Vietnam, he wrote the letter to his fiancee, whom he later married in Hawaii. He requested that it be opened only in the event he died here.

The letter showed that Davis, fighting with bravery and pride like every other Screaming Eagle, was aware that the commitment of the 101st in Vietnam calls upon young Americans to be both diplomats and warriors. He spoke a tribute to these men, fortified with the belief that his job and the mission of his fellow Airborne troopers will someday bring peace to the people of Vietnam.

"I may not understand this war or like it, or want to fight it, but nevertheless I had to DO, and I DID," wrote the proud American. "I died for the people of the United States."

The young sergeant served with the Screaming Eagles in combat for more than nine months after arriving in Vietnam Dec. 1, 1967. During his tour, he earned a Bronze Star with "V" Device, Bronze Star Vietnamese Campaign Medal, Vietnamese Service Medal, Combat Infantryman's Badge and Purple Heart.

Davis saw compensation for his death in a future of freedom for his relatives, friends and others also who enjoy this wonderful country, who appreciate what they have and thank God every day for it.

"I died for the guys with long hair and protest signs," he continued, "the draft card burners, the hippies, the 'anti-everything' people who have nothing better to do. The college kids who think they shouldn't have to serve because they're too good. I died so these people could have a little longer time to try to get straightened out in life. God knows they need it.

"Yes, I died for the so-called 'younger generation,' of which I was a part, but for some unknown reason I never became an active member. I guess I was a 'square' or something with short hair, no police record, didn't drink or smoke (pot included) and volunteered for the service. I died for the parents of these kids also, God forgive them.

"I died so these members, active members of the 'younger generation,' could have the right to do what they do. To protest, have long hair, go to the college of their own choice, wear weird clothes, and run around mixed up with no direction at all.

"I died so they can protest the war I fought and died in. Without it, what would they protest? But I also died for the many thousands who died in this war and other wars before, for these same reasons . . . for the men who fought gallantly on the many battlefields of many wars to keep this country free. I guess that in order to gain freedom there must be war. I died for the United States."

THE ARCHAIC FEDERAL 160-ACRE LIMIT POLICY MUST BE MODERNIZED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. HOSMER. Mr. Speaker, I am pleased to be a House sponsor of legislation drafted by the senior Senator from California (Mr. MURPHY) to increase the acreage limitation of the Federal reclamation law from 160 to 640 acres and to make it possible for lands in excess of the limitation to obtain reclamation water under certain conditions.

Two other identical bills also have been introduced in the House, H.R. 9475 by Mr. TALCOTT and Mr. TEAGUE of California and H.R. 10140 by Mr. PRICE of Texas. We all are hopeful of early consideration of this important bill.

The official newsletter of the American Farm Bureau reports that the Farm Bureau also supports the objectives of these bills.

Another strong supporter of this legislation is Mr. Allan Grant, president of the California Farm Bureau. Mr. Grant is an authority on agriculture in general and California agriculture in particular. In addition to being president of the California Farm Bureau, he also is chairman of the State board of agriculture and a regent of the University of California.

For many years, he has been an outspoken advocate of modernizing the acreage limitation provisions of the Reclamation Act. In a recent issue of Western Water News, Mr. Grant addresses himself to the current proposals and the need for prompt congressional action. The article follows:

THE ARCHAIC 160-ACRE LIMIT POLICY MUST BE MODERNIZED

(By Allan Grant, president, California Farm Bureau Federation)

The 160-acre limitation on water deliveries from Federal water projects is geared to a horse and buggy type of agriculture and general economy. Congress must act, without delay, to modify and modernize this archaic law to fit our present day economy and its demands on agriculture if farmers and ranchers are to maintain their capability to meet the food and fiber needs of the United States and its foreign commitments.

In order to keep pace with the demand for food and fiber placed on agriculture in recent years, farms have been forced to mechanize their operations and increase the size of their farm units. This was necessary in order to stay in business and continue efficient production of high quality food and fiber products in the quantity needed by our growing economy and to maintain a strong, healthy citizenry. During 1968, 24 million acres of farm land changed ownership. Over half of the buyers were purchasing additional acres to add to their existing farming units in order to stay in business and earn a reasonable income for their families.

Congress, in its wisdom, has recognized that it was impractical to apply the 160-acre limitation policy to all Federal projects, even in bygone years. There are some 19 or more Federal projects where Congress has provided exemptions or modifications of the policy. Legislation has been introduced in the current session of Congress, supported by several national organizations, designed to modernize this outdated Federal policy. The California Farm Bureau Federation joins with the California State Chamber of Commerce, the Irrigation Districts Association of California and other state groups in support of the national effort seeking favorable action by Congress on this legislation.

Financial institutions, which provide credit to farmers, are becoming increasingly concerned with the effect of the application of the 160-acre limitation policy to lands already privately owned and desiring a supplemental water supply from Federally-constructed reservoirs. The security of loans is threatened. Credit risks are greater.

This is not a problem affecting only the Western reclamation states. Financial insti-

tutions, manufacturers and distributors of agricultural supplies, fertilizer, equipment, etc., in other areas, as well as the total economic structure of the country, will suffer unless Congress takes positive action correcting this archaic policy so family farms can continue to operate on an efficient, economically sound basis.

TITLE IX—A NEW DIMENSION IN FOREIGN AID—VI

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FRASER. Mr. Speaker, I hope this Congress and the new administration will make great strides in modernizing the U.S. foreign aid program. However, Prof. John Schott warns that some new approaches would be harmful rather than helpful. He cautions against multilateralizing and he warns against the fragmentation of the program. If these routes are followed, the outlook is dismal, he feels. He wrote these remarks earlier this year before the administration's proposal was made public.

The concluding section to his very thoughtful paper follows:

OUTLOOK IS DISMAL

Given these three conditions as prerequisites of a successful attempt to implement title IX, the outlook seems pretty dismal. It is generally assumed that the Nixon Administration will recommend organizational and perhaps substantive changes in the foreign aid program. To date, there has been no official indication as to what these may be. Rumors, fortified by several unofficial proposals and continuing Congressional criticisms, suggest that multilateralizing significant aspects of the foreign aid program and/or distributing several of its existing facets among a number of private and semipublic agencies will be given serious consideration. If either of these general proposals become government policy, Title IX should suffer.

The multilateral approach is a noble one and has much in its favor. Further support of existing multilateral organizations is undoubtedly in the long-term interest of this country. Many large capital projects can be effectively designed and efficiently administered by a world organization so, too, can certain humanitarian and politically-immune technical assistance activities. Title IX, however, involves undertakings of a potentially sensitive and multidimensional character. To seek to increase a country's GNP or to care for its sick and hungry is one matter; to promote increased popular participation in the benefits of development, in the implementation of development activities, and in the decision-making processes governing a country's development, is quite another.

On three grounds it appears unlikely that a multilateral agency can be optimally effective in directly influencing these latter developments: (1) by representing sovereign states with greatly differing social, political, cultural, and economic value systems, a genuinely multilateral agency seeking to realize Title IX goals could not expect from its backers the degree of single-minded, durable support required; (2) denied the forms of leverage possessed by a powerful U.S. government, a multilateral agency would more easily be victimized in delicate Title IX areas by established regimes and prevailing socio-economic elites fearful of increased popular participation in their country; and (3) lacking the variety of assistance instruments potentially at the disposal of the U.S. Government, multilateral agencies would find it more difficult to provide multi-faceted, fully coordinated programs so essential when dealing directly with the social and political framework of a country.

At the other end of the spectrum, proposals to splinter the responsibilities now under the general aegis of A.I.D., would further complicate the process of coordination, reduce leverage, disintegrate the country programming approach, and—most importantly—probably make Title IX implementation the responsibility of but one of the resulting agencies, most likely that concerned with residual technical assistance activities. Title IX would thereby become narrowly construed and be rendered largely ineffectual. What, on the contrary, is required for Title IX implementation is recognition of the fact that this mandate relates to all facets of U.S.-sponsored development efforts in the LDCs. As A.I.D.'s administrator recently said:

We want Title IX considerations to be weighed when we decide on the overall composition of a country program. When we prescribe the negotiating instructions for a program or an agriculture sector loan, when we decide on a particular capital assistance project, when we undertake and evaluate technical assistance activities, when we support the development efforts of private institutions.[1]

Title IX relates not only to *what* is done, but *how* it is done. It's implementation requires not only an expansion of the spectrum of "allowable" undertakings by A.I.D. and a reorientation of priorities along that spectrum, but conscious Title IX attention to the ways in which particular projects are undertaken and to the conditions attached to various sorts of loans and grants. It means that a feeder road can be built in the most efficient or quickest way possible primarily to increase agricultural productivity; it can also be constructed by inefficient labor-intensive methods in "uneconomic" areas primarily to ameliorate unemployment, teach laborers new skills, or promote national integration. It means that a family planning program can give first consideration to the most efficient and broadest dissemination of propaganda and devices, or it can seek more slowly to establish or strengthen indigenous groups or nascent organizations to perform this work, thereby encouraging small group activity and cooperative local undertakings at the possible sacrifice of a more greatly quickened decline in the birth rate. A sector loan can be granted only on condition that the moneys are channelled to local or intermediate governmental institutions which will have largely autonomous control over their use, thereby seeking to get a particular developmental job done while strengthening the interest and capacity of local decision-making units to perform such jobs without awaiting the sluggish administrative hand of the central government to do it for them.

Military assistance programs can begin to recognize in their training programs the uncomfortable fact that the military in many LDCs will not remain an "a-political" force. Acceptance of this would suggest that officers should be trained as much in the developmental problems and prospects of their country as in the use of sophisticated military hardware, the methods of counter-insurgency warfare, and the irrelevancies of the American way of life. The Peace Corps, without too great sacrifice of its myopic attitude towards the U.S. Government establishment, can intensify its halting and fragmentary efforts of the past to dovetail its program with that of A.I.D. and to demonstrate greater appreciation of the role of its volunteers as promoters and auxiliaries of a host country's development in contrast with the value of the overseas experience to its volunteers, (however residually important for recruiting purposes that may be). U.S.I.A. can begin to utilize its expertise in the field of communication and public diplomacy to provide needed technical assistance in these areas; they can also begin to fashion overseas programs which in fact—not just in name—give priority to the transmission or dissemination of information and skills relevant to the developmental needs, desires and capacities of the people in particular countries, as opposed to explaining away our public and private foibles and proclaiming the virtues of American-style democracy and life in suburbia.

There is good reason to despair of this more systematic, integrated and long-term approach to the foreign aid process ever becoming the reality which it should. Yet many would not be in this business if they did not foresee significant reforms taking place in the near future. It is hoped by a few of these that Title IX will constitute a catalyst for these reforms, if not their principal synthesizing element.

Perhaps these reforms may not replace old myths with new realities, but only substitute new myths for old—ethnocentric myths of the universal applicability of pluralism, popular participation and certain types of democratic institutions; egocentric myths of the infallibility of our predictive power as regards the resources of—and prospects for—political development in the new states. Hopefully, however, if Title IX becomes an important energizing force within our foreign aid establishment, greater modesty will be displayed than has been the case among many economists and technicians, and greater appreciation of the necessarily marginal impact U.S. assistance has on LDC development will prevail among the American public and their Congressional representatives.[2] It may be too much to hope that Title IX will at once broaden our horizons and limit our aspirations. There probably are not many precedents for this; but then, again, there really are no precedents to Title IX.

[1] Statement of William S. Gaud before the House Foreign Affairs Committee, March 20, 1968.

[2] It may be suggested that Title IX arrives at a particularly inauspicious time in the history of this country. When democratic principles are being so violently abused and when institutions based upon these principles appear so incapable of coping with the domestic problems confronting this country, who are we to suggest the possible applicability of these principles and institutions to the lesser developed countries of the world? Without attempting to argue here a case for seeking to uphold the dignity of the individual in varying contexts and the author's particular faith in the general validity of democratic principles, it will only be suggested that: (a) the validity of these principles is further strengthened—not brought into question—by the institutional changes now being sought so strenuously in the United States, and (b) it is to be hoped that the United States may soon recognize that we may have as much to learn from the LDCs as we may have values and skills to impart to them. Development should be—but has been inadequately seen as—a two-way street. Title IX and its broader conception of the development process may help us to recognize this simple verity.

TAX, SPEND, ELECT—THE GAME CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RARICK. Mr. Speaker, this week the House will be asked to consider a new tax bill relating to extension of the 10-percent surtax—a discriminatory tax, double taxing people who already have a duty to pay a tax—and to repeal the investment credit.

It becomes more and more difficult to explain our Government's fiscal policy and it is impossible to justify the continued theft of dollars out of the paychecks of hard-working Americans.

How, for example, can a Congressman explain a $120,000 grant by HEW to a Communist University at Ljubljana, Yugoslavia—not only a Communist country but one that hastened to recognize the Vietcong-sponsored provisional revolutionary government in South Vietnam which is killing the sons of our taxpayers?

Or how can any Member explain 8½-percent interest to our banks, business people, contractors and homebuilders when we just last week announced a U.S. Export-Import Bank loan of $14,688,000 to the Irish Government to buy Boeing jet planes. The interest rate on this loan was 6 percent.

Or, how can anyone defend $480,000,000 to the World Bank for 30-year loans at no interest—or the overall foreign aid slush funds at the discretion of diplomatic bureaucrats, estimated to be $10,428,000,000? Interest? We will be lucky even to get part of the principal back.

How can we defend the gift to the U.N. and its specialized propaganda agencies of $83,886,000 with no benefit to our people but rather deterioration of our national sovereignty and constitutionally secured individual protections?

Mr. Speaker, the overwhelming majority of the people who settled and built this land fled Europe to escape excessive taxation.

The United States of America declared its independence from the unrelenting domination of a king because of taxation without representation.

Louis XVI and Marie Antoinette lost their thrones for less than the tyranny of the taxes being piled again on the backs of our American people.

Taxes have become the curse of the continent.

Our people are being taxed federally, by the States, municipally, locally—directly and indirectly—whether they want the purported reforms or not.

Rather than a continued barrage of taxes against the people, I feel it is time that we who are charged with representing our people start earning our pay by reducing their taxes. Hard-working Americans can be the best deterrent to inflation by handling their own dollars—by enjoying the benefits of the income earned from their own initiative and ingenuity.

Regardless of all the flowery oratory, no one is fooling the man back home who knows that his savings have been wiped out and whose wife knows that groceries, clothing, and rent continue to soar. And he is getting more incensed at those who would say inflation is caused by his spending rather than by the Federal giveaways of what they first have to take away from him. He just cannot understand taking away from him the money he needed to have his daughter's teeth straightened—then sending it to Yugoslavia, or bribing rioters not to riot again.

I include a recent newsclipping:

INTEREST RATE TODAY REACHES HISTORIC HIGH

NEW YORK. (AP)—Major banks today raised the prime rate—the interest charged their biggest and best customers for loans—to a historic high of 8½ per cent from 7½ per cent, effective immediately.

An increase had been expected for some time. But the amount of the hike—a full one per cent—was surprising.

The first bank to increase the rate was Bankers Trust Co. of New York and it did so without making any comment on its reasons. Other New York banks, and then Chicago, Philadelphia and Boston banks quickly made the same move. Among the banks was Chase Manhattan and First National City of New York.

Reacting to the move, the Dow Jones industrial average dropped about 7 points shortly after the New York Stock Exchange opened.

When one bank increases the prime rate, others usually follow.

The prime rate is used in determining the interest rate charged most large corporations. Other rates, such as interest rates to consumers, are scaled upward from the prime rate.

The old rate of 7½ per cent was a record high when it was set on March 17. As recently as last Dec. 2 the rate was 6¼. A series of rate increases, usually one-fourth or one-half of a per cent at a time, had occurred between December and March.

The Federal Reserve Board has taken a number of steps to make it more expensive and more difficult for banks to borrow money. But the demand on banks for money to borrow has continued strong.

By raising the prime rate banks can afford to pay more for the money they borrow.

DISPLAYING THE STARS AND STRIPES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Mr. Edward Hunter, who publishes a monthly newsletter entitled "Tactics," called my attention recently to an article he wrote in 1965 concerning the lack of interest on the part of many Americans in displaying our American flag on July 4, Independence Day.

As I believe Mr. Hunter's article contains a message for all Americans, I welcome the opportunity to reprint it in full at this point in the RECORD.

The article follows:

WHY NOT FLY THE STARS AND STRIPES?—OUR FLAG NOW "CONTROVERSIAL"

Last year, as July 4 approached, this writer found he was without a suitable American flag. He found none on sale in the neighborhood. On Independence Day, not a flag was flying on any house in the area, and he had to go blocks before seeing the Stars and Stripes. Startled, he made a tour of the District of Columbia. One could tell where government employes lived; there seemed to be some unwritten rule among them not to display the flag of the country which even was paying their salary. Flying the flag just did not fit in their so-called "sophistication." This editor went home and ransacked closet and drawers until he found an old souvenir flag with 48 stars, 8 by 5½ inches, which he tacked at the top of a downstairs, outside window. At least it was a flag, our flag!

The fact of the matter is that the American flag has joined the word "patriotism" as 'controversial." Schools don't teach patriotism any more; it's chauvinistic and apparently a symbol of extremism. It's intolerant to fly the U.S. flag unless you fly the U.N. flag alongside, so as to show you are in the mainstream, and consider all countries the same, the same as all religions, and all the people of the world. After all, to display preference for your own country is a value judgment, and as almost any social scientist will tell you, a value judgment is "unscientific." Nobody wants to be unscientific.

Bunk and buncombe! The failure to fly the American flag, and avoidance of such words as "patriotic," are evidences of the extent to which our people are being softened up by enemy propaganda tactics, and how subtly it spreads.

This writer is going to call this situation to the attention of some leaders hereabouts. Maybe some readers will do the same, for their home areas and the national capital. Maybe the White House and our legislators might suggest American flags be available for purchase conveniently, and they be flown on July 4. Maybe federal employes can set the example.

A GREEK POLITICAL TRAGEDY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. EDWARDS of California. Mr. Speaker, for 4 years a Greek political tragedy has unfolded in Athens step by inexorable step, with the final chapter looming more tragic than all that has come before.

America's role in this political tragedy has been an inglorious one. From the time the Papandreou government fell in 1965 until the colonel's coup in 1967, the American mission in Athens was a party to the maneuvers which forestalled elections. By forestalling elections the victory of the Democratic and Liberal Center Union Party was averted, a very questionable political judgment. The political pot was allowed to boil and an atmosphere was created which encouraged a military coup.

When the colonel's coup came on April 21, 1967, it came from an unexpected source; namely, antiestablishment middle-ranking officers in the Greek Intelligence Service, a service trained and financed but not directed by the United States.

From the beginning in April 1967 several of us in Congress have spoken of the short-term and long-term political and moral consequences of America's support of the junta which has been im-

posed on the Greek people. The State Department at the beginning explained that the junta was merely interested in constitutional reform—an explanation which we did not accept and which has proved to be an utter illusion.

Furthermore, the State Department had been and is tepid in asserting the political consequences involved, yielding always to a highly questionable "military" argument based upon the junta's support of NATO. One of the jokers in this argument is no matter what the regime in Greece—conservative or liberal—it has and it will support the Western alliance.

Three outstanding articles on the Greek situation have appeared in the last few days in newspapers of national prominence. They deserve the most thoughtful attention of every Member concerned with American foreign policy and the sometimes inadvertent damage done by short-term military considerations.

Two of the articles are by Rowland Evans and Robert Novak in the June 19 and June 23 issues of the Washington Post. The third, in the June 19 Christian Science Monitor analyzes the demoralization of Greece's officer corps, civil service, and diplomatic service as a result of the dictatorship.

The articles follow:

[From the Washington (D.C.) Post, June 19, 1969]

GREECE FACING GRIM ALTERNATIVES: SALAZAR-TYPE RULE OR BLOODY REVOLT

(By Rowland Evans and Robert Novak)

ATHENS.—The Greek military dictatorship, after two years of bland assurances to Washington about restoring democracy, intends to retain power indefinitely without free elections—posing immense danger to long-range stability in the strategic eastern Mediterranean.

If the colonels who seized power April 21, 1967, on the pretext of preventing communism here ever intended any partial return to representative government, that intention is dead. Even the few politicians who have tried to cooperate with the colonels now concede that Col. George Papadopoulos, the Premier, envisions an institutionalized tyranny modeled after Salazar's 37-year dictatorship in Portugal.

Unlike our last visit there two years ago when the freshly installed junta pledged an early return to constitutional forms, the regime now regards itself as permanent. Brig. Gen. Stylianos Pattakos, Deputy Premier and the junta's No. 2 man, bristled when we asked about popular elections. "That is an internal matter that you cannot inquire about," he said. "Go ask the people on the street. Nobody wants elections."

Indeed, all objective sources here agree that the military regime would lose badly in free elections. The colonels' "revolution," attempting by edict to transform the Greeks into work-oriented puritans, has depleted what popularity the regime enjoyed in 1967. Although past Greek governments have had excellent success in rigging elections, the military regime's popular base is so low—perhaps 10 per cent—that calling elections would be equivalent to surrendering power.

Unwilling to surrender power, the colonels have turned Greece into a huge political pressure-cooker with the true feeling of the Greeks suppressed by the local gendarmerie's watchful eye. An election today probably would show a sharp leftward swing. More ominously, after two or three additional years, the pressure-cooker may explode into insurrection with Communists in leading roles.

These ominous prospects have their source in perhaps the tightest police state this side of Moscow. Violating the colonels' own new constitution, non-Communist potential foes of the regime—mainly army officers and intellectuals—are imprisoned without indictment or trials. Reports of torture are impossible to verify in detail, but maltreatment and brutalization of low-level political prisoners continue.

Former political leaders are watched constantly. They cannot speak their view, are denied passports to travel abroad, and have their mail and telephone calls monitored. One former Premier cannot move without a car full of police agents following him. All former cabinet members are tailed when they visit their old constituencies.

The regime's iron vise is even tighter on the academic world. So many teachers have been purged that the educational system is crippled. Distinguished professors are subject to humiliating interrogation by Col. John Ladas, hard-line secretary general of the Interior Ministry. University students, solidly against the regime, are intimidated by police agents attending their very classes. A further deterrent is formed by severe prison sentences given six young teaching assistants (two of whom later were tortured) for distributing anti-junta propaganda.

The first armed resistance against this tyranny has come from the right: clandestine supporters of exiled King Constantine. Infrequently reported in the controlled Greek press are daily bombing incidents in the heart of Athens (forcing the government court martial to change buildings). There have been unconfirmed reports that the royalist resistance was responsible for the recent deaths of three pro-junta officers.

Thus, 16 retired officers arrested recently are all royalists with anti-Communist records (two of them with service in the Korean war). The regime's contention that the arrested officers participated in a left-wing army plot is only a propaganda smokescreen.

Harassing though it may be, however, the royalist resistance is incapable of overthrowing a regime so vigilant against potential opposition. Remembering the existence of the anti-Nazi resistance in World War II. Greeks fear that the Communists—better organized than ever—will dominate if and when the resistance assumes major proportions.

That day remains relatively distant. Greek Communists, badly fragmented into rival segments, are passive. The Soviet Ambassador here is circumspect, declining to discuss Greek internal affairs during a recent two-hour luncheon with an anti-junta politician. The Communists know the time is not ripe for insurrection.

But heavy government borrowing and stagnant investment here the last two years are storm signals for the modest prosperity now enjoyed by Greece. If an economic recession and rising discontent with dictatorship intersect some years from now, the dismal alternatives may be these: an institutionalized police state along Salazar lines or a bloody insurrection with Red overtones. Before that happens, however, the colonels might yet be turned out by a strong stand against them from Washington—a prospect, even though unlikely, worthy of discussion in a later column.

[From the Washington (D.C.) Post, June 23, 1969]

U.S. ACTION AGAINST GREEK JUNTA IS PREVENTED BY MILITARY NEEDS

(By Rowland Evans and Robert Novak)

ATHENS.—The growing need by U.S. foreign policy for a tough stand against the Greek military dictatorship to avert ultimate political tragedy here is being undermined by the Pentagon's military requirements in the eastern Mediterranean.

Indeed, Greece poses a critical dilemma in American foreign policy. A return to Greek democracy may well depend upon U.S. repudiation of the colonels and halting all military aid. But such action conceivably could deprive the U.S., in the short run at least, of naval bases and communications guidance for the 6th Fleet and Polaris submarines vital to the nuclear deterrent.

Those military considerations prevent sharp U.S. action against the junta. But the long-run cost could be immense. At worst, perpetuated dictatorship here could trigger a popular insurrection led by the Communists. At best, U.S. permissiveness toward the military regime already is building intense anti-American sentiment which will surface in any regime that replaces the colonels without Washington's help. Thus, the long-range U.S. military position in the eastern Mediterranean is becoming dependent on permanent tyranny in Athens.

Even though military needs inhibit American diplomats, relations between the Greek government and the U.S. Embassy here—so intimate for 20 years—are icy. The junta deeply resents the absence of an American ambassador since January. U.S. diplomats do not hide their displeasure with the colonels' aim of institutionalized dictatorship.

But whatever impact this official American frigidity might have is counteracted by the U.S. Military Advisory Group here whose commander, Maj. Gen. Samuel Eaton and his subordinate officers have exercised little discretion in telling their Greek counterparts how they oppose the Embassy's fastidiousness about democracy.

Any psychological influence of the vacant Ambassador's chair is obliterated by constant shuttling in and out of Athens by U.S. officers assigned to NATO. Their photographs in friendly poses with Col. George Papadopoulos, the Prime Minister, almost daily adorn the controlled Greek newspapers. Most notorious was the reply to a Papadopoulos toast by Gen. Lyman Lemnitzer, retiring NATO commander, in which Lemnitzer conveniently omitted phrases about democracy and the rule of law while quoting from the NATO Treaty's preamble.

The same impression was given by President Nixon's shabby treatment of King Constantine, self-exiled in Rome since his bungled counter-coup in December, 1967. A tentative visit with the King during Mr. Nixon's visit to Rome early this year was cancelled after pressure from the junta. Constantine was denied a meeting with the President while in Washington for the Eisenhower funeral (although Brig. Gen. Stylianos Pattakos, the Deputy Prime Minister, had a few minutes with Mr. Nixon).

Moreover, the Greek colonels are expert at disregarding signs of displeasure from Washington. In an interview, Gen. Pattakos told us that the portion of military aid which has remained suspended since the coup of April 21 will be resumed soon. When we asked the basis for this forecast, Pattakos replied with a statement that simply is untrue: "President Nixon has promised it."

In fact, Pattakos's triumphant account of his Washington visit was so removed from reality that the State Department on April 24 issued a sharp statement indicating Pattakos had been urged to restore representative government and civil liberties. When we asked about that statement, Pattakos told us it did not represent the U.S. Government's position. Then who wrote it? "Some Communist," he snapped.

Summing up, a conservative Greek politician says. "Everybody I know thinks the American Government participated in the coup." Old-line politicians such as former Prime Minister Panagiotis Canellopoulos argue with friends that Washington cannot be blamed. But among the younger genera-

tion and particularly students, anti-American feeling is rising steadily in a land where once it was almost unknown.

Nevertheless, the United States might yet put itself on the side of democracy. The three elements whose maneuvering degraded Greek political life before the coup—the King and the two major political parties—are belatedly cooperating and ready to form an interim unity government.

Tentatively, King Constantine would return as rallying point for all Greeks with the government headed by conservative Constantine Karamanlis, who provided stability during eight years as Prime Minister and is now exiled in Paris. But neither the King nor more important, Karamanlis will return to Athens without Washington's repudiation of the junta.

Few realistic Greeks, however, believe the Nixon Administration will move decisively against the colonels. That accounts for skepticism among gloomy Greek democrats that the dictatorship can be terminated peacefully. Worse yet, they feel preoccupation with naval bases is wedding the United States to the fate of the colonels, be it a generation of tyranny or their violent overthrow and the dangerous days that would lie beyond.

[From the Christian Science Monitor, June 19, 1969]

NATO DOUBT: IS IRON FIST IN GREECE WEAKENING RELATIONSHIP WITH ATLANTIC ALLIANCE?

NICOSIA, CYPRUS.—The demoralization of Greece's officer corps and civil service by the authoritarian rule of Prime Minister George Papadopoulos has seriously affected Greece's role in the North Atlantic Treaty Organization.

It also has made it more difficult for Western European governments to supply Greece with defense equipment which NATO leaders believe Athens needs to fulfill its NATO obligations in the Mediterranean.

These are conclusions of authoritative, non-Communist and pro-Western Greek opponents of the Papadopoulos regime. They have managed to supply detailed evidence to newsmen of other countries inside and outside Greece.

The resulting picture is bleak: the Greek military establishment, government bureaucracy, and diplomatic service are reported thoroughly terrorized and weakened by the former colonels now ruling in Athens.

CORRUPTION CHARGED

Mr. Papadopoulos and his associates seized power April 21, 1967. They used a secret NATO plan reserved for the emergency of a Communist uprising. They said they were saving Greece from communism and strengthening its ties with NATO. They also pledged they would end favoritism, nepotism, and corruption.

Instead, their pro-NATO opponents charge, they have ruined Greece's reputation in the West and its effectiveness in NATO. Corruption, nepotism, and the other abuses they vowed to abolish now flourish, these opponents say, in their own power group.

On May 5, antigovernment tracts reached foreign correspondents in Athens. They were signed, "General Akritas, chief of the national resistance movement." Akritas is a legendary pseudonym of the sort politically minded Greeks love.

The tract called on Greek officers to "separate yourselves from power-hungry colleagues." It added, "the Greek people have begun to feel hate for the Greek uniform because of the same ambitious, small-time dictators."

Meanwhile, during May courts-martial tried scores of persons for subversive activities.

Earlier this month Mr. Papadopoulos told a news conference that 15 retired officers had been arrested in connection with an abortive plot to overthrow his regime.

Greek opponents of the Papadopoulos regime say that it is completely false to call the regime, as Western news media frequently do, "Army backed." They say that it seized power in April, 1967, through a ruse which deceived King Constantine and the Army's highest staff officers.

They were led to believe that a Communist take-over attempt was imminent. But the junta never produced a scrap of real evidence to support this. The King and the armed forces were tricked into opening and activating sealed orders for "Operation Prometheus," a NATO plan designed to counter such an emergency.

Purges have eliminated all but two of about 40 senior officers who functioned before the coup of 1967. These two are the regent, Gen. George Zoitakis, who was assigned the King's ceremonial functions after the King's flight, and Gen. Odysseus Anghelis, chief of the defense general staff.

A number of high-ranking officers out of favor were sent to remote frontier garrisons or obscure posts. In each of these, as in every Greek embassy or mission abroad, there is an officer of KYP, the Greek Central Intelligence Agency.

Following the Soviet model, he often holds junior rank but is always the most powerful. Those of higher, equal, and lower rank flatter him and go to him for favors. "This completely disrupts the Army's traditional hierarchy and destroys morale," says one Greek close to the Army. "Greeks cannot bear to take orders from lower-rank people."

By contrast, those who cooperate with the junta are richly rewarded.

CIVILIAN POSTS TAKEN

Fifteen officers last year followed the example of Mr. Papadopoulos, Deputy Prime Minister Stylianos Patakos, and Coordination Minister Nicholas Makarezos. They ostentatiously resigned from the Army. Two of these were Mr. Papadopoulos brothers, Constantine and Haramboulos.

These 15 and hundreds of others who have served the junta have become general secretaries of ministries; heads of government committees; chairmen of the broad of public companies; the directors of athletic teams, theaters, and the opera.

Both their income and their influence have increased far beyond what they were as officers. Constantine Papadopoulos was named general secretary of the Prime Ministry. His brother Haramboulos became general director of the Prime Minister's political office.

Their salaries and fringe benefits are many times their former military pay.

Politics always have existed in the Greek Army, a well-known Greek historian points out. But they always were factional. They never concentrated around one leader or center of power. Posts were not distributed for nonmilitary reasons or as political plums.

JOSEPH P. McCAFFREY—25 YEARS OF RESPONSIBLE SERVICE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. CORMAN. Mr. Speaker, Joe McCaffrey this month is observing his 25th year as a Washington news commentator, and I am proud to associate myself with his many friends in congratulating him on his important, honest, and dedicatory service in the public interest.

There is no other newsman in Washington, to my knowledge, who reports news more accurately, precisely and factually than does Joe McCaffrey. We in the Congress are particularly fortunate that Joe has made the daily activities of the Congress his broadcasting specialty. His daily reports have been called the "Congressional Record of the Air." Joe himself has been called "the Voice of the Congress." Both titles are truly justified.

It is not easy for the public to always understand the intricacies of complex congressional action, and unless a knowledgeable, objective commentator undertakes to interpret Congress to the listening public, a great deal of misinformation is sent along the air waves.

Joe McCaffrey is an eminently responsible and enormously able reporter and commentator. His broadcasts reflect the highest standards of excellence and he is listened to with confidence.

I have known Joe personally for many years and value his friendship. He is a warm, kindly, sincere person, and his friends on the Hill are legion. Yet, friendships never stand in the way of his first duty—to report the news fairly and accurately.

His record is a worthy example of the best in broadcasting to all the members of his profession, and I hope that Joe will continue to be the "Voice of the Congress" for many, many years to come.

THE MISSION OF MANPOWER POLICY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, Prof. E. White Bakke, sterling professor of economics at Yale University, has a long and distinguished career as a labor economist and analyst of labor market problems. In a recent publication of the Upjohn Institute entitled "The Mission of Manpower Policy," Professor Bakke demonstrates the breadth of his perspective in addressing the question of what elements must be included in a truly comprehensive manpower policy.

Because Dr. Bakke takes an unusually cosmopolitan view of what such a national manpower policy should include, and because this Upjohn Institute bulletin raises a number of problems in relation to such a manpower policy which other critics have too often neglected, I rise today to call his remarks to your attention. The excerpts I am introducing here include Professor Bakke's definition of the mission of a positive manpower policy and his summary of what the distribution of responsibilities and tasks in such a national manpower policy should be:

EXCERPT FROM "THE MISSION OF MANPOWER POLICY"

VII. THE MISSION OF A POSITIVE MANPOWER POLICY

Government manpower policymakers and administrators need to have a clear concept

of the mission for which they are responsible if they are to answer adequately these questions: How are we doing? Where do we go from here? How do we get there? The conclusion implicit in the preceding discussion is that the *de facto* concepts of mission emerging from the action programs labeled "manpower" in the United States is too narrow to provide a satisfactory criterion for answering the second and third questions, and is useful in answering the first question only to the extent that achievement is measured by the degree of effectiveness in doing what we *are* doing rather than in doing what we *could be*, or *ought to be*, doing. The "manpower" programs launched in this decade to increase the employability and employment of those who have been left out, kept out, or left behind in the system of self-support through gainful employment mark a major milestone in the recognition and acceptance by government of its responsibility to equalize for the unsuccessful few the opportunities for a secure and meaningful working life enjoyed and satisfactorily exploited by the many. In principle and purpose those efforts represent the most significant advance, since the introduction of social insurance, in the alleviation of the causes of poverty and in remedial public service to those who are the victims of the hazards to continuous and secure employment.

But even a maximum fulfillment of that mission does not exhaust the potential benefits of a positive manpower policy to the nation and all of its citizens who work for a living or desire to do so. The narrow mission does not suggest the operational field which needs to be cultivated and the whole set of essential functions that need to be performed if those potential benefits are to be realized. It might be compared to confining the mission of a conservation and water policy for a valley to draining the swamps. Important and necessary as that is, it is only a part of the task.

The definition of the whole is a precarious task. The twin dangers are that the boundaries for action suggested or set by the definition may be too limited or they may be too comprehensive. If too limited, the potential of the action for service to the individual and the nation is unnecessarily restricted. If too comprehensive, the focus for action is confusing and not operationally meaningful.

Nevertheless, since policy implies and requires a purpose, there have been much interest, concern, and discussion about manpower objectives among political, social, and economic leaders, among government officials, and among social scientists. A consideration of their published thoughts on the subject indicates a focus on several questions, the answers to all of which are important in providing clues to a necessary and appropriate mission for manpower policy. Among these questions are:

1. What target group or groups should be served and how?
2. What basic human values are to be served?
3. To what societal problems can manpower programs contribute complete or partial solutions?
4. What is the necessary and appropriate operational field for manpower policy?
5. What specific functions in the cultivation of that field are essentially and appropriately assigned primarily to manpower authorities?

Concern with the answers to each and every one of these questions provides an orientation essential to the development of the concept of the mission of a sound and workable comprehensive manpower policy. Disassociated from the answers to all the questions the answer to any one question furnishes an inadequate clue to that concept. In my judgment, however, the answers to all the questions follow and are dependent upon the determination of the boundaries and action focus of the *operational field*. In other words, a definition of manpower policy mission by reference to its essential and appropriate operational field provides the clue for an integration of the aspects of that mission whether stated in terms of target groups, support for basic human values, contribution to the solution of basic societal problems, or functions assigned appropriately to manpower authorities.

A brief consideration of these several approaches to the definition of the mission of manpower policy will indicate the reason for this judgment.

Target group mission

Sufficient attention has been given to the consequences, both positive and negative of the approach indicated in the first question, that is, definition by reference to target groups. This is the approach which has characterized the development of the concept of manpower mission in the United States, both in the explicit declaration by manpower authorities and in the implicit assumptions revealed in action taken. It is an obvious requirement of a practicable concept of mission that there should be a definite answer to the question, "Mission to whom?" If the answer to that question is to be integrated with answers which I would suggest are appropriate to the other questions, however, the "whom" will necessarily have to be defined more broadly than the disadvantaged unemployed at or on the borders of poverty and the residents of urban slums or impoverished rural areas.

The alternatives range from the inclusion of the total actual or potential labor force to limitation to specific groups in the labor force expressly disadvantaged in the matter of finding and holding jobs. There is, in my judgment, no basis other than political expediency for defining those eligible as clients of manpower services in terms narrower than the following: All citizens or permanent residents of whatever income level, educational achievement, skill status, occupation or profession, age, race, creed, sex, marital status, or employment experience (employed or unemployed) who have employment potential which is not being used, which is being inadequately used, which may not be used (i.e., become redundant) in the future, which can be used to achieve balance and growth in the economy, or which is being used in ways not consistent with legally established standards of economic or social justice.[1]

Consideration of how such a comprehensive clientele is to be served by government sponsored or supported manpower programs raises a related question. What organization premises as to program orientation will lead to the most effective and nonduplicating set of services and institutional facilities? The chief alternatives are an orientation toward client categories, e.g., youth, dropouts, disabled, aged, nonwhite, selective service rejectees, Indians, parolees, the urban or rural poor, hard-core unemployed, higher talent personnel, etc.; or an orientation toward functions and institutional facilities, e.g., planning; monitoring; counseling; placement; training; giving work experience; providing movement, education, and training allowances and grants; job creation; research; information; etc.

[1] Professor Fred Harbison's definition of the appropriate target group is similar to this: "In the broadest terms, manpower policy should be concerned with the development, maintenance, and utilization of actual or potential members of the labor force, including these who are fully and productively employed as well as those who experience difficulties in getting work."

The present policy and programs emphasize orientation toward client categories, in part because this is the way in which appeal could be made to the political instincts of legislators. The major shortcomings of this orientation are that overlapping among programs is inevitable, that different standards for the same functional services and institutional facilities are established for different client groups, and especially that the definition of the task to be carried out is influenced by the total life problem (not just employment problems) faced by any specific group. This makes the setting up of orderly guidelines as to the objectives and operations of an employment-system-oriented manpower program difficult.

The advantages of defining the manpower policy mission by reference to client groups to be served are that it keeps attention focused on facilitating a humanly equitable employment experience for disadvantaged individuals, and that it provides a ready and politically attractive reason for legislative action. The disadvantages are that it may prevent the focusing of attention on anything else, and that some such client groups are peculiarly subject to definition by reference to the political payoff for legislative attention to their needs.

Support for basic human values mission

At the other end of the spectrum from the concept of limited mission implicit in existing American manpower programs are concepts of the manpower mission which are nearly as unspecific and comprehensive as "providing the greatest happiness to the greatest number."

To make democracy a reality, not a dream; to promote social welfare; to implement the right of every American to a livelihood possible in an affluent society; to humanize the life of the forgotten among us; to establish justice as a foundation for law and order; to bring a sense of human dignity to those who have lost it or have never experienced to it; to bring all citizens into the mainstream of American life and work; to share equally the costs of technological change; to achieve fuller and more productive and humanly satisfying utilization of human resources; to enable every American to realize his full potential and to utilize it fully in his own and the nation's interest; to achieve a full realization of human aspirations—these are some of the phrases which have expressed such global concepts of the mission of manpower policy.

Walter Reuther has provided one such wide-ranging definition, and an appealing one:

"When we speak of manpower policy, we generally think first of full employment—how to create it, how to maintain it. But the proper goals of manpower policy go far beyond assurance of a job for everyone willing and able to work. The job must provide a useful and rewarding outlet for the worker's highest capacities. The work environment must promote dignity and self-respect. The work must offer opportunity for development and advancement. The job must pay a decent wage and insure the maintenance of income when the worker is unable, or denied the opportunity, to continue at work.

"All this, however is still only part of the story. Manpower policy is, or at least should be, concerned with the nature of work and the elimination of its discontents; with the preparation of human beings for creative and constructive activities and for the enjoyment of leisure; with swift and painless transition from one job to another in an economy in which advancing technology is constantly changing the educational and skill requirements for work and the occupational, industrial, and geographical distribution of employment opportunities. Manpower policy must also be concerned with

the disadvantaged individual and the disadvantaged community—with breaking down the barriers of prejudice, with provision of opportunities for the handicapped, with preventive as well as therapeutic medicine for personal or area distress.

"Most of all, however, manpower policy should aim at making obsolete such words and phrases as 'manpower' and 'labor market,' for our central concern must increasingly be with the worker as a human being rather than as an instrument of production. For example, the major purpose of education and training must not be simply to produce more effective human tools for the use of employers but, rather, more effective human beings for participation in, and for enjoyment of, all aspects of living."

Arthur M. Ross, when he was Commissioner of the Bureau of Labor Statistics, pointed to the emerging of this kind of an idealistic concept of the goal of manpower policy:

"Up to now, 'full employment' has been the most general statement of our national objective. There is considerable evidence, however, that a more ambitious and challenging goal, which might be called 'full realization of human potential' is emerging.

"Thematic statements of this type represents the ideal which is sought, not the reality which is achieved. We have almost never enjoyed full employment except in periods of war. Yet, the existence of the commitment has certainly made a difference. . . .

"The goal is to give all Americans [who are out of it] the opportunity to move into the mainstream of national life [or working life].

"Thus, a new view of the manpower goal, which concentrates on human aspirations and possibilities, as well as accumulated skills and jobseeking endeavors, is emerging. Up to now, labor-market policies (as well as labor-force statistics) have concentrated on the quantity of jobs. One hour's work—no matter what kind of work and what kind of pay—classifies an individual as employed. But jobs have not only a quantity but also a quality; they vary in capacity to contribute to the output of goods and services, to yield a decent income, and to satisfy other legitimate human aspirations.

"Recent policy declarations state that rewarding, self-respecting, and self-fulfilling employment, not merely something which qualifies statistically as a job should be the birthright of every American. . . .

"The emerging restatement of the manpower objective involves a radical concept of equal opportunity which might be called economic universalism. We are in the course of resolving that the illiterate farmhands and casual laborers in the back country and small towns of the South, the subsistence farmers and ex-coalminers of Appalachia, the inmates of the slums and ghettos of the North, and the pauperized Indians of the Southwest will all be provided with sufficient motivation, discipline, education, and training to join the parade on the broad highway of economic progress."

There are those who scoff at such idealistic goals for manpower policy, labeling them "pure rhetoric." It is a mistake to do so, for they provide a qualitative humane dimension to the goal of activity, an essential dimension when that activity is a service carried on both for and by human beings. Although such goals provide few guidelines for functional specifications, they do remind us that any action taken comes eventually into sharp focus on the life problems failures and successes, frustrations and aspirations of real human beings. Such goals reassert what can easily be forgotten, namely, that these human beings accept and support popular government with a willingness premised on their expectancy that the ultimate purpose of government is to promote and make secure *their* general welfare. They offer a challenge to any tendency to plan and operate programs as though the beneficiaries were merely resources for a productive and profitable enterprise, or numbers on a roster, or the inputs in a computerized accounting system. They announce alike to beneficiaries and administrators that man does not live by bread alone; and they stress not only the importance of what is done, but also the spirit and the climate of compassion and mutual respect in which it is done. Such goals also give meaning and significance to the efforts of those who direct and administer the projects. Bureaucrats do no live by rules and statistics alone. Moreover, while it is difficult to translate such ideal statements into programs of action, the process of invention of projects will be stimulated by a contemplation of the significance of such ambitious goals for the next steps to be taken.

But concern for the shaping of policy and practice which is consistent with progress toward realizing such common values does not distinguish those engaged in manpower tasks from those engaged in other fields of private and public activity. Manpower programs have no monopoly on making contributions to the achievement of such goals. A commitment to bringing out into life the ideal values of western democracy is an essential but not a unique feature of manpower programs. The programs of public health agencies, community development commissions, religious institutions, schools and colleges, charitable organizations, the conservation service, civil rights commissions, and public assistance agencies hopefully serve the same end of supporting basic human values.

Activities in all such institutional areas must, however, be geared operationally, not only to such ultimate objectives, the most of which are the same for all of them, but also to a specific mission which provides a direction for, and a standard for, testing the specific policies and programs in their particular area of involvement, and a guide to the appropriateness of the kind of activities in which the particular agency should be engaged.

Contribution to the solution of societal problems mission

A somewhat similar generalization is applicable to the concept of the mission of manpower policy as that of helping to stabilize and strengthen the economy and the political system. The spelling out of desirable specific characteristics of a sound economy is, however, a bit more suggestive of the particular functions required of manpower programs if they are intended to make a major contribution to full employment or low aggregate unemployment; reasonable price stability; increased productivity; a satisfactory rate of economic growth; the economic security of workers and their families; the full exploitation of the opportunities presented by technological change; the uncovering of ways to develop and use, rather than squander, our vast wealth of human resources; the avoidance of urban or rural decay; and the improvement of the chances for societal peace and harmony.

These goals do imply specific functions of collaboration for manpower authorities, but success or failure in their fulfillment is the shared responsibility of so many agencies and the consequence of so many variables outside the control of manpower authorities that such goals do not define a mission with respect to the carrying out of which the manpower authorities can be independently evaluated.

Because, however, the resources and operations of the labor market are factors so clearly related to such objectives, the collaborative relationship of manpower authorities with the others contributing to the attainment of such goals provides essential ingredients in the mission which is appropriate for those authorities. In activities which involve so many partners, it still remains necessary to determine what, in the whole set of tasks essential for moving toward such goals, is the specific task of manpower policy and practice.

Operational field mission

No operational concept of the mission and responsibilities of private or public policy and of the agencies charged with formulating and implementing it can be clearly stated until we define the nature and boundaries of the operational field within which, and with respect to the peculiar and characteristic problems of which, the contemplated action is to take place. Once that is done, the functions essential to dealing with these problems (that is, the policy in action) can be outlined; the ideal values to which the action is especially to be, or ought to be, oriented can be chosen; the reciprocal cooperative or competitive relationship of action in this operational field to the action in other operational fields can be determined; the targets of action in terms of persons and institutions can be visualized; the appropriateness of choices among alternative approaches such as authoritative direction, technical assistance, financial assistance (and in what form), advice, inspiration and stimulus, regulation and control, or other forms of participative relationship can be assessed; the balance between preventive and remedial action most likely to solve the problems presented can be calculated; and an appropriate organizational and administrative system can be devised.

Consider the definitive character of the operational field, and consequently of the mission, of the following public agencies when compared with that of the manpower authorities: Federal Reserve Board, Interstate Commerce Commission, Securities and Exchange Commission, Federal Bureau of Investigation, National Labor Relations Board, Public Health Service, Judiciary, and Bureau of Indian Affairs. Their mission has evolved over time, but the comparative definiteness of their respective operational fields has provided a framework which has kept the mission both within bounds and comprehensive enough to deal with the most critical of the problems relevant to the fields. There have been debates over the choice of values to be served. There have been border jurisdictional skirmishes with other agencies on the frontiers of their operational fields as well as rationally worked out collaboration and division of labor. There have been disputes over what groups of persons and what institutions should be the target of what kinds of action. There have been challenges that their functions were inadequately designed and, in some cases, inappropriate for the particular agency. But the understanding of the nature, problems, and boundaries of their operational fields has provided a catalytic element inducing a resolution of differences.

Now if we are going to be satisfied to accept the operational field of manpower policy in the United States as the life conditions and resources of the disadvantaged unemployed, the limited mission to increase the employability and employment of that group makes good sense. That definition provides a touchstone by reference to which target groups and institutions can be chosen. It brings into the center of attention and concern the human values which must be, and can be, supported. It gives a clue to the kinds of functions that are relevant to the problems of people in that operational field. A major weakness with respect to the organization and the carrying out of those functions is that many of them are so similar to, or identical with, the functions of those whose operational field is the world of poverty that border disputes are difficult to resolve.

The chief weakness of that definition of the operational field, however, is that its boundaries do not enclose a territory providing operational room for a policy and program serving the ends which manpower policy and program can potentially serve. If the scope of a manpower policy and program for the United States is not to be exclusively directed toward increasing the employability and employment of the disadvantaged, the boundaries named above do not mark out an adequate operational field. Nor are the derived concepts of mission, placing upon manpower authorities the opportunity and responsibility to support human values and to contribute to the solution of large economic and political problems, sufficiently focused to provide the clues to the distinctive operational field appropriate for those carrying out a manpower mission of broader scope.

How can we define the focus and boundaries of the operational field of a comprehensive manpower policy and action by reference to which the several aspects of its mission can be determined?

What's in a name?

The original term used to describe the operational field for this postwar development in specifically assigned public responsibility was "the labor market," and the relevant policy was referred to as "an active labor market policy." The mission was described as "bringing into short- and long-range balance the supply of, and demand for, labor to achieve full employment with price stability and to promote national and personal economic stability and growth." The logical sequence from the concept of operational field to that of mission originated with labor-movement economists in Sweden and was promoted with some amplification, but with no essential change in focus, generally, and particularly in Western Europe, by the Organization for Economic Co-operation and Development.

The decision to change the name of the policy from "labor market" to "manpower" was made by OECD in 1963. I was very conscious of that change, for I had been invited to deliver the orientation paper for the OECD conference of trade union leaders in Vienna on "An Active Labor Market Policy." I had prepared the paper, making extensive use of the term "labor market." Just before my departure, I received a communication from OECD that the term had been changed to "manpower." It became clear in the conference discussions that a major reason for the change was a concession to trade union objections to the impersonal, inhuman, and "commodity" concept of labor implicit in the original terminology.[2]

But it was also clear that the change in name was not meant to connote a change in the nature, scope, and mission of the efforts formerly considered to be relevant to the implementation of "labor market policy." The terms were used interchangeably throughout the conference, and the Swedes still use "labor market policy" in discussions among themselves and "manpower policy" in discussions with foreigners. There is no difference in substance. And once it becomes clear, from that substance, that the human interests and needs of people as well as the economic and political interests and needs of the nation are to be served by the policy and practice involved, any sense of conflicts is removed. It can be assumed that as long as the scope and focus of the activities which implement a policy are meeting a felt need, the name of the policy is of secondary importance. "A rose by any other name would smell as sweet."

It is not likely that the current *de facto* concept of the operational field for American policy as "the employment and life conditions of the disadvantaged unemployed," with the emphasis on direct services to persons, particularly disadvantaged persons, grows solely from the spelling out of the most obvious connotation of the label "manpower." But that word does suggest the primary emphasis on the *supply* of labor, and is not inconsistent with concern about the least employable persons constituting that supply. The word does not, however, automatically call to mind the full extent and mission of an active labor market policy and program.

I do not wish to engage in a debate whose issues are semantic. But in setting forth the concept of mission for "manpower" policy, which in my judgment provides both adequate scope and sufficient and practical operational focus for such a policy, I am going to use the term "employment policy" as more descriptive of what I have in mind than either "manpower policy" or "labor market policy."

The operational field for a more comprehensive "employment policy" is the *system and process of particularized employment* in each locality and in the nation as a whole. The adjective "particularized" is used to distinguish this policy from that which has sometimes also been referred to as "employment policy"; namely, the policy of utilizing monetary and fiscal measures to expand or contract aggregate consumer demand and industrial and business investment and activity, resulting in the derived demand for labor. The projected results of this latter policy are relevant, not simply to producing either aggregate or particularized employment but to the operation of all processes of the economy, including profitmaking, investment, government revenue and expenditures, foreign trade, and maintaining the soundness of the dollar. It is therefore properly labeled "economic policy."

The system and process of particularized employment are as important foundations for the social, economic, and political health and growth of the nation as the systems and processes of communication; transportation; banking; intrastate, interstate, and foreign commerce; industrial production; education; conservation; public health; defense and public order; taxation; wealth and income distribution; collective bargaining; religious faith and practice; the creation and support of ethical and cultural values; the administration of legal justice; political representation; and public assistance and relief. If that system of particularized employment is effectively and efficiently ordered and managed, the efforts within all of those other operational fields are likewise more effective and efficient, for its impact on what can be done in these other areas is great. The adequacy and quality of the economic, political, and social products in those fields are dependent on the quantity and quality of the particularized employment relationships organized to carry on that work. The goods and services produced by those employment relationships are the foundation not only for the economic strength of the nation, but also for the plane of living available to the people. The income from those relationships determines the degree of access of individuals and families to those goods and services. In a culture in which self-support through work is a dominant value, the opportunity and security provided by particularized employment are an essential basis for the experience and realization of self-respect and human dignity. Morever, performance in that system of employment is a major ingredient in the criteria by which individuals are judged, and therefore their social status among their fellows.

The expectancy that government will promote and undergird the general welfare leads it to meet that expectancy and to discharge the implied responsibilities by setting up agencies to cultivate and bring order and effectiveness into the operational fields of such systems and processes as communication; transportation; banking; intrastate, interstate, and foreign commerce; defense and public order; etc. It is equally important that the system of particularized employment relationships receive the same attention. That importance is increased by the obvious fact that policy in this operational field serves not only economic goals, but political and social and individual human goals as well.

A comprehensive manpower policy

Government policy and practice in this field is therefore highly significant in the promotion and sustaining of the general welfare. And because the operational field is defined as "the system and process of particularized employment," it has focus and recognizable frontiers. Stated in the most general terms, therefore, the mission of the government *employment policy* is to promote and sustain the general welfare *insofar as that general welfare is dependent on the system and process of particularized employment.*[3]

More specifically, the mission of employment (manpower) policy within this operational field is:

1. To facilitate and expedite particularized employment which is maximally productive, economically rewarding and dependable for workers and employers, individual and national growth-stimulating, and freely chosen, by:

a. Developing employability in particular people—employed, unemployed, underemployed, and nonemployed.

b. Creating, enlarging, and increasing the productivity of, and opportunities for, employment wherever and whenever these are inadequate to provide jobs for those desiring to work.

c. Providing or stimulating local and national labor market facilities and services and arrangements to bring available workers and available jobs together expeditiously.

2. To undergird the effectiveness of the above processes through:

a. Anticipating and initiating preventatives of, and correctives for, both shortages and surpluses of labor in both the short and the long run.

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[2] This was not the case with the Swedish Trade Unionists; the term "labor market" is still employed in Sweden. There have begun to appear in Swedish reports, however, signs that they are sensitive to the overtones of the term. In recent official statements and in explanations by public officials of an "active labor market policy" occur such statements as the following:

Labour market policy not only has the task of balancing economic changes, dependent on the labour market situation. It also plays an important part in facilitating structural changes. Besides this, it is subordinated to social and humanitarian considerations, which as a matter of fact were its primary task.

Obviously, to attain balance on the labour market is not the only aim of labour market policy. Its first aim is to assist individuals to find the kind of work which gives them economic and personal satisfaction.

[3] Among the students of manpower policy and practice there are a number whose definitions of objectives suggest this emphasis on the system of particularized employment as the operational field for policy. The definition of Professor Charles A. Myers, for example, is of this sort. "The central task of manpower policy is to facilitate the *employment process* [emphasis supplied], and in these times to assist in the achievement of full employment with reasonably stable prices . . . the end result is the productive employment of people."

b. Making more effective the public institutions which provide services *immediately* related to the processes named in (1) above, with respect to their organization, administration, and personnel; and stimulating such action in relative private institutions.

c. Strengthening the institutions and processes which are basic to the *general* development of employability, to the creation of employment opportunities, and to matching the two, but which have broader societal functions as well.

d. Contributing to the formulation and implementation of broad social welfare and economic policies which affect, and are affected by, the carrying out of the mission of employment policy authorities and by the system and process of particularized employment.

3. To supply resources for mission aspects (1) and (2) above by:

a. Conceptualization and the gaining of a working acceptance of the comprehensive and basic mission of employment policy and functions.

b. Continuous monitoring and evaluation of the performance of public and private agencies engaged in the three basic processes for facilitating and expediting particularized employment. (See [1] above.)

c. Periodic reports to the President, Congress, and the public concerning: (1) purpose, (2) problems, (3) program status and progress, and (4) situation and trends with the adequacy of public and private facilities relevant to fulfilling the mission of employment policy.

d. Research: its distribution and application related to basic and operational problems faced, both current and anticipatory

e. Direct operation and/or funding of mechanisms for accomplishing the mission of employment policy supplementary to or supportive of those provided in the private sector.

f. Economic support for individuals and firms appropriately assisted by employment policy programs, including allowances to encourage movement of workers to jobs and jobs to workers.

g. Financial support to institutions and organizations engaged in the development of employability and in the creation of employment opportunities.

h. Technical assistance and advice to such institutions and organizations.

i. Collaboration with other public and private agencies and organizations whose efforts also contribute to strengthen the system and process of particularized employment.

j. Identification of changing needs and the initiation and development of strategic activities and programs to meet these needs.

The integrating focus: Economic or social welfare?

By naming the policy here under discussion as "employment policy," by delineating its operational field as "the system and processes of particularized employment," and by defining its mission as "facilitating and expediting particularized employment which is maximally productive, economically rewarding and dependable, individual and national growth-stimulating, and freely chosen," one opens himself to the charge that this approach neglects the human and social aspects of that mission and concentrates dominant attention upon its economic aspects.[4] The charge is superficial. It assumes a dichotomy between economic and social welfare which in fact does not exist. The emphasis on particularized employment is made in order to give focus and organizational integration to an economic effort, the success of which is a *sine qua non* in the achievement not only of economic well-being but of human and social welfare as well.

Individuals cannot satisfy their total human needs and aspirations, and government cannot provide effective support for that achievement in the absence of rewarding, dependable, secure, and productive gainful employment. Arranging and managing the factors and processes which make that possible are chiefly economic problems. Nevertheless, because the process involves building and maintaining a relationship between human beings, an impact on the success or failure of the effort is made by every human quality, interest, predisposition, and condition of life of both employees and employers. The development of employability in people contributes to the satisfaction of their total human needs and aspirations only if that employability is useful to themselves and others, and if they can find employment in a healthy economy. That employment will be offered only if their work is considered economically advantageous to profitseeking employers, or if it is considered to supply services which can be paid for within the budget restraints of nonprofit insitutions, or if it is considered by taxpayers to be work which provides products and services for which they are willing to pay by the very economic process of taxation.

This does not mean that employment serves *only* economic ends for workers, or employers, or the public. Its doing and its rewards are important ingredients in the cement which stabilizes family and community relationships; lack of employment and inadequate rewards therefrom undermine those relationships. Experiences in gainful work develop qualities of character and moral action important to the stability of organized society. The degree of adequacy of the opportunities provided by the system and process of particularized employment is a basic determinant of the degree of experienced justice, which in turn has its impact on the commitment of people to the support of the economic, political, and social system within which they live and work.

Nor can the exclusive economic character of employment be supported by evidence that the motivation for either public or private employers is, or needs to be *solely* economic. It never has been. Private and government employers have been known to use their power to create and fill jobs to help disadvantaged and unfortunate people out of trouble, to answer the urgings of moral and religious conscience, and even to provide favors to friends when mere economic efficiency motives would have suggested another course.

The fact that the system of particularized employment is one of the most essential foundations upon which the achievement of values important to human beings is based, is as obvious as the fact that other essential foundations are the systems of public health, education, communication, transportation, industrial production and distribution, legal justice, political representation, conservation and development of natural resources, money and credit, and public assistance. But the focus of effort, the functional specifications, and the integration of required activities to build and maintain these foundations are not supplied, for those charged with responsibility in these areas, by the proclamation of their social welfare relevance. The soundness of policy and practice of agencies in some of these areas (e.g., agencies in the areas of public health, education, political representation, and public assistance) is continuously tested by whether or not such agencies make a contribution to social welfare. Manpower agencies are also subject to such testing. The human and social consequences of this relevancy to human and social welfare add significance and urgency to the work of those performing public tasks in these areas. Their concerns are broadened beyond attention to the immediate technical requirements of those tasks. But the organization and direction of their labors lose focus and integration unless the guiding principles of operation are geared to the central and dominant problems relevant to those technical requirements.

For those who plan and direct government efforts to facilitate and expedite the establishment and maintenance of a system of particularized employment which is maximally productive, economically rewarding and dependable, individual and national growth-stimulating, and freely chosen, the technical requirements are produced by the fact that the process of employment is one in which the parties are first of all exchanging what has economic value and by the fact that the exchange can take place in normal circumstances only when the supply of labor offered by one and the demand for labor made by the other are reciprocally advantageous in economic terms.

VIII. DISTRIBUTIONS OF RESPONSIBILITIES AND TASKS

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Summary

The government's role in the manpower field is in some respects new but in many respects old. Many of the activities which today are recognized as falling under the manpower umbrella have long been the concern of those chosen to carry on the nation's political affairs. For example, support for vocational rehabilitation, vocational education, land grant colleges, professional education, armed services training, and even for some aspects of general education has long provided government assistance in the development of a qualified labor force. The regulation of immigration has greatly affected the labor supply. Urban and regional development, the direction of government purchases, depressed area renewal, work relief, the encouragement and protection of invention, industrial development, and foreign trade have amplified job openings for portions of that labor force. The Employment Service and the continuous statistical activities related to the operations of the labor market have provided facilities intended to expedite and make more rational the bringing of men and jobs together. This evolution of a multiplicity of activities which have a bearing on manpower problems is one reason for the wide distribution of the responsibility for such activities among many departments and bureaus of the government.

What is new in this decade, in addition to a special effort directed toward the sponsorship of a number of training activities and special efforts for particularly disadvantaged members of the actual and potential labor force, is the effort to develop a concept of a positive manpower policy and to synchronize and integrate the support for, and administration of, the various supply, demand, and labor market facility elements involved in the implementation of that policy.

That effort has not been completely successful. One reason for this is that a workable policy necessarily assumes that the action contemplated is focused on a commonly accepted objective, or at least on a priority relationship among several objectives. That is something we are not clear about.

There are two paramount objectives which have traditionally motivated government ef-

[4] That charge has been made concerning my discussion of the premises of manpower policy in an earlier book, entitled *A Positive Labor Market Policy* (Columbus, Ohio: Charles E. Merrill Books, Inc., 1963), Chapters I and XI of that book contain an answer to the charge.

forts in the manpower field. The first is to amplify the economic strength of the nation. The volume, productiveness, and adaptability of the particularized employment relationships in the country provide the national economy with essential resources for economic stability, viability, and growth; and with the ability to meet the tests of national strength raised by war, competition in international trade, and the desires of political leaders and others to boast about the superiority of our economic system.

A second paramount objective traditionally motivating government efforts in the manpower field is to increase the economic and social well-being of the nation's individual people. The volume, productiveness, and adaptability of the particularized employment relationships in the country provide individuals with income to buy a living and give them working roles which are an important factor in determining their status in society.

The effort to achieve each of these objectives is essential to the achievement of the other. Successful efforts to increase the nation's economic strength make firmer the institutional foundation for individual economic and social well-being. Successful efforts to improve the economic and social well-being, and especially the employability, of people provide better human resources contributing to developing national economic strength.

The demands of two wars and the scare thrown into the nation's leaders by Sputnik led to an initial emphasis on the national economic strength objective.

The rapid advances in technology and both the threat and the promise of automation and the need to turn these developments into sources of national strength and growth provided an initial objective for MDTA.

The actual working objective that can be inferred from the way manpower legislation and its administration have developed in the United States in the 1960's is, however, more closely related to providing economic welfare for individual people and, in many ways, to carrying out a major aspect of the war on poverty. Indeed, if one can infer objective from practice, it can be said, I think, that the manpower policy of the 1960's is simply the latest of those policies by which government has acknowledged responsibility for the economic well-being of individual citizens, and in particular those on the bottom rungs of the economic ladder. The idea of what is appropriate and important for government to do in implementing its overall manpower role has been colored very naturally by the idea of what is appropriate and important for government to do in relieving economic distress of certain people.

A positive manpower policy must necessarily be based on objectives. The two paramount and interdependent objectives have been the economic strength of the nation and the economic and social well-being of individual citizens. I am willing to accept the second objective, the one which has come to the fore in our present manpower programs, as highly important at this time. But I am not willing to accept it as the exclusive objective, or even as the paramount objective, of a positive manpower policy and program for the future.

The concentration of attention at the present time on the problems of disadvantaged groups and on the utilization of new so-called "manpower measures," not merely with the objective of improving the employability of the disadvantaged but as a means for income maintenance, is concentration on one laudable and desirable objective of manpower policy. Unless, however, the other objective of manpower policy: namely, to increase the nation's economic strength, stability, and viability, develops a wider and more comprehensive clientele and operational field for manpower activities, those activities will simply add up to a more sophisticated form of public assistance. In my judgment that is not the end sought by a positive manpower policy and program.

To be more precise, I look forward to a time when the meaning of manpower policy and program will be provided by an emphasis related to achieving national economic strength as well as the economic and social well-being of our disadvantaged citizens in the following ways:

1. Manpower programs will emphasize the development of particularized demand in the form of jobs geared to the characteristics of the available labor supply, as well as the development of employability in individuals.

2. The supply resources and, therefore, the focus of concern will be regarded as *all* potential workers whose productive potential is underutilized, as well as the disadvantaged, be they employed or unemployed.

3. The maximum development and utilization of productive potential will amplify, though not replace, the objective of removing men from the rolls of the unemployed.

4. Labor shortages will receive as thorough remedial attention as labor surpluses.

5. The needs of, and the opportunities provided by, the national labor market will receive attention equal to that given to the needs and opportunities provided by local and state labor markets.

6. The anticipation and prevention of unemployment in particular places, among particular groups, and in particular seasons will receive attention equal to that devoted to the relief of the unemployed.

7. The total overall direction and guidance of, and financial support for, all aspects of the manpower effort will be synchronized by a single agency at the federal level and at the local level.

8. The agency referred to in (7) will be responsible for keeping the public and public officials informed about the current status and anticipated developments related to the factors influencing demand and supply in connection with employment relations supporting all goods and services consumed in the nation, and about the facilities, both private and public, for achieving balance in that supply and demand.

9. The modification and development of programs will be guided by built-in and followup evaluation procedures so that the primary reliance for progressive improvement will be empirical experience rather than brainstorming sessions.

10. Every decision with respect to economic and social welfare policies will be made in full collaboration with the manpower agency and after due consideration of the reciprocal impact of the implementation of those policies and of employment (manpower) policy on each other.

A manpower policy which can realize its potential contribution to the economic, social, and political strength of the nation and to the economic and social well-being of all its citizens is an *employment* policy, the operational field of which is the system, processes, and mechanisms of particularized employment and its dual resources of employability in people and opportunities for work. Its objective is a system of full *particularized employment* which is maximally productive, economically rewarding and dependable for workers and employers, national and individual growth-stimulating, and freely chosen. Its clientele is the total labor force now employed, to be employed, unemployed, underemployed, or ineffectively employed, whatever their type and degree of skill, industrial or occupational attachment, or condition of social or economic advantage or disadvantage.

BETTER LEGAL REMEDIES FOR CONSUMERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. ROSENTHAL. Mr. Speaker, on June 20, 1969, the National Legal Aid and Defender Association, in cooperation with the American Bar Association Standing Committee on Legal Aid and Indigent Defendants, held a seminar on consumer law problems. The participating consumer lawyers, who have been deeply involved in consumer problems over the past several years, discussed, among other topics, Federal legislation to assist the consumer and tasks facing the new National Consumer Law Center in Boston.

Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, spoke to the group about legal remedies available to combat consumer abuses. Her statement, which follows, suggests specific ways or providing consumers with new and improved remedies:

STATEMENT BY MRS. KNAUER

I am pleased to be here today since I understand this Seminar is to plan for action. I am all for that. I believe consumer abuses and possible remedies have been discussed long enough. I read speeches, articles, accounts of meetings a decade ago—or longer—to discuss consumer abuses and I find they are decrying many of the same abuses being discussed here today. It is time for action.

Of course there have been heartening signs of progress. That is why I commend the organizers of this meeting. It is time for those who have been working somewhat independently or concentrating on some specific problem or remedy to come together to assess progress, determine how the work can be better coordinated, and to develop a united plan that will accelerate progress. One of the priorities of my office will be establishment of closer liaisons with Legal Services Programs and the provision of research and other assistance.

I offer my congratulations, too, to the new Consumer Law Center at Boston College Law School under the direction of the very capable Professor William Willier. One of the priorities in the consumer area is research. Sometimes lack of *extensive* research which would prove the consumer's case overwhelmingly has materially slowed progress in securing remedies for abuses known to exist. Lack of research has permitted consumer advocates to be dismissed too often with the charge they are mere "bleeding hearts." Actually, it is a sad commentary that the consumer has been researched from his head to his toe, by the marketeers to determine what he will buy, how he can be induced to buy, when he will buy, where he will buy, and so on ad infinitum. But research as to what his *problems are,* the scope and the scale of those problems, and how they can be resolved is still in its infancy.

Also sadly lacking, and I believe a factor which has also slowed the progress of securing remedies for consumer abuses, has been the absence of a source of centralized information to assist lawmakers, educators and others.

Consumer law courses have been yet another deficiency. There has been even the more basic deficiency of text and reference material for use in such courses. Law courses, in the main, have been presented from the

strictly commercial point of view. As a result, the number of lawyers who have developed an awareness of the consumers' problems and have directed their careers to consumer law have been few. Admittedly, the development of more consumer law courses is a long range project. But it is essential to start now. Not only will this be reflected in the private bar within a few years, it will be reflected in those who serve in government, in legislatures, and in the courts.

I believe it is a reasonable statement that the private bar is the sleeping giant in this area. For obvious reasons, the organized bar has for years avoided consumer transactions. The small amount generally in controversy, the difficulties of proof, and the lack of adequate compensation for professional service have relegated the handling of consumer litigation to a very small portion of practicing lawyers. Yet no greater protection for consumers could be provided than an aroused bar, properly motivated. Not only would consumers receive greatly enhanced measures of protection, but the cost of such a program to government at all levels would be slight.

An import step to bring the private bar into the consumer protection picture is proposed in the suggested revision of the Unfair Trade Practices and Consumer Protection Law. The four keys to greater involvement as suggested in the proposed law are: (1) Minimum damage recoveries; (2) Admonitory damages, such as treble damages; (3) Class action; and (4) Payment of attorneys' fees.

Hopefully, the creation of the new Consumer Law Center will inspire and guide the creation of others throughout the country. It goes without saying that my office will seek to cooperate in every way possible.

Ideally, a nationwide program to resolve consumer problems will reach literally from the consumer's door-step to the State Capitols, to the White House, and the Congress, and to the courts at every level. It will be a working partnership, incorporating the business community, educators, consumers themselves, government at all levels, and the private bar.

There is also an increased role which I believe the National Legal Aid and Defender Association can take. (1) Documentation of the problems, particularly, of course, in the case of the poor consumer. (2) Bring test cases into the courts so that in time we will have established a broadly expanded body of reported case law. For example, three weeks from today the Federal Truth-in-Lending Law becomes effective in this country. In order to dramatize its meaning to consumers and to businessmen, I would like to see representatives of your groups file private suits of behalf of consumers for violations of the Act in our courts pursuant to the statute. I think that such ligitation will point up in a way that no other action could that Truth-in-Lending is indeed the law of the land and that it will be enforced as Congress intended. The Federal Truth-in-Lending Law provides for private remedies. Let us use them.

One of the major needs today—and one which this group can play a major role in resolving—is improvement of the grievance and redress procedure for the consumer. A key factor here is a review of the present court system. Debtor's prisons supposedly are a thing of the past—the dim, dark unenlightened past. But, imprisonment for debt as a result of the supplementary process procedure in our courts is still possible. That this should be so in America in 1969 is incredible—and intolerable.

We must also improve the small claims courts procedures. We must make wider use of consumer class suits. Given the crowded condition of court dockets and the realities of the present day market-place, perhaps courts of law are not the most satisfactory forum for settling controversies, and we should explore other possibilities.

We must also review the whole range of Federal and State laws in which the buyer does not, in effect, have equal rights with the seller. The holder-in-due-course doctrine in consumer transactions should be eliminated. As those who have long studied the consumer's problems point out, the risk of dealer fraud now rests squarely with the consumer under the system in which a financing agency can purchase installment notes free of consumer defenses or can assume this position a short time after a contract is signed. The fact that some States have removed holder-in-due-course protection from all installment sales raises a strong question as to the validity of the argument that removal of holder-in-due course protection would put finance companies out of business. Not only are financing agencies quite able to protect themselves by requiring reserve deposits, for example, from sellers of installment paper, but the self-policing that they would initiate would rebound to the benefit of consumers and ethical businessmen alike. Once a finance company knows that it has some responsibility in seeing to it that the goods or services underlying the installment contract are properly furnished, we can confidentially expect that consumer complaints will decrease in volume.

Harsh collection practices should be outlawed, especially the third party contacts. I think it outrageous that a consumer's employer, neighbor, or brother-in-law should be contacted about an alleged debt owed by the consumer. Confessions of judgment in consumer credit transactions, wage assignments, and wage garnishments should be prohibited. So should referral sales. The whole concept of repossession of goods in the consumer field should be reexamined.

Cooling-off periods should be provided in door-to-door sales contracts, so that the housewife who signs the contract in order to get rid of the persistent salesman can have an opportunity to rescind without cost and without cause.

Some of these practices have been restricted in the proposed Uniform Consumer Credit Code adopted by the National Conference of Commissioners on Uniform State Laws and introduced into a number of the 1969 State legislative sessions. We recognize that the Code provides stronger protection for the consumer than now exists in some States. But some States have stronger provisions already on the books. Many provisions of the UCCC must be changed for it to become even basically acceptable to consumers. As one example, the Code inexplicably excludes pawnbrokers from its coverage. Yet, pawnbrokers traditionally are the highest rate lenders available, and their clientele are invariably our poorer and disadvantaged citizens. Further, the Code excepts insurance companies selling insurance from its coverage, with the exception of credit insurance. And yet, automobile and fire insurance is surely often sold on credit, and the consumer who buys that service is entitled to protection. We should strive to make the Code a real consumer bill rather than one which is merely better than nothing.

Essential to the improved consumer protection framework which must be built is the establishment of strong consumer affairs offices in every State. Such offices should be adequately financed and adequately armed with basic protection laws, power to conduct investigations, hold hearings, issue subpoenas, and enforce the laws effectively. Such offices should have branches throughout the State, especially in the urban and rural ghetto areas so they are easily accessible to the poor.

Of course, one of our highest priorities both at the Federal and State level must be attention to the special consumer problems of the poor. There is unmistakable evidence that a factor in the discontent in our cities is frustration with a system which for years has permitted the unscrupulous to take advantage of those least able to pay. These frustrations and the alienation were voluminously documented by the Kerner Report. The present system has permitted laws and institutions designed for the more affluent to work special hardship on the poor and the least sophisticated. We must make the establishment work for the poor, and we must help them overcome their fears of the establishment. Certainly consumer education can help—and must be increased. Urgently needed, too, are nonprofit debt consolidation services and family financial counseling. Perhaps consideration should also be given to some form of Federal grant-in-aid programs to the States to provide this counseling. In this connection, I would urge that commercial debt-pooling practices be reviewed carefully, with a view towards outlawing or, at the least, restricting such practices. We must also devise a means to increase credit options and increase true competition in the ghetto areas so that the poor do not pay more. I stress again, we must improve the grievance and redress system. When we consider the results achieved by the Legal Defense Fund of the National Association of the Advancement of Colored People to secure equality and justice for Black Americans, we are convinced that a similar venture to eliminate the oppression of the low income consumer will meet with equal success.

I expect much from this Seminar in terms of concrete proposals which can assist consumers, and I would welcome the presentation of those proposals to my office. I want you to know that you have, in my office, a sympathetic ear and that I intend to be active in the consumer area.

The consumer, especially the poor, has waited long for effective remedies and elimination of abuses. He must soon see results. It is my intention that he will. I know it is yours.

Thank you.

NEW DRUNK DRIVING GUIDELINES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FRASER. Mr. Speaker, I have introduced a bill which I am setting out in the RECORD at the end of my remarks. It updates the District of Columbia law on driving under the influence of intoxicating liquor. A blood alcohol level of 0.10 rather than the present 0.15 would generally be evidence of being under the influence of intoxicating liquor. In addition, it would establish the legal right for an arresting officer to have a blood alcohol or similar test performed on a driver operating a motor vehicle within the District. This is the law in a vast majority of the States.

This type of legislation has been very effective in discouraging drunk driving in other parts of the country and I believe it will be very helpful in the District of Columbia. The bill follows:

H.R. 12317

A bill to promote safe driving and eliminate the reckless and irresponsible driver from the streets and highways of the District of Columbia by providing that any person operating a motor vehicle within the District while apparently under the influence of intoxicating liquor shall be deemed to have given his consent to a chemical test of certain of his body substances to determine the alcoholic content of his blood, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Implied Consent Law for the District of Columbia".

SEC. 2. As used in this Act—

(1) The term "Commissioner" means the Commissioner of the District or his designated agent.

(2) The term "District" means the District of Columbia.

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit;

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege.

(4) The term "nonresident" means every person who is not a resident of the District.

(5) The term "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

(6) The term "police officer" means an officer or member of the Metropolitan Police force, the United States Park, or the Capitol Police force, or any other person actually and officially engaged in the performance of police duties in connection with guarding the property of the United States or of the District.

SEC. 3. Any person who operates a motor vehicle within the District shall be deemed to have given his consent, subject to the provisions of this Act, to a chemical test or tests, of his blood, breath, or urine, whichever he may elect, for the purpose of determining the alcoholic content of his blood. The test or tests shall be administered at the direction of a police officer who, having arrested such person for a violation of law, has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of intoxicating liquor.

SEC. 4. Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the test administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such tests or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the test or tests taken at the direction of a police officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the police officer shall be made available to him.

SEC. 5. Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 3 of this Act and the test or tests may be given; except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of six months.

SEC. 6. If a person under arrest refuses to submit to chemical testing, he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Commissioner, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the test or tests, shall revoke his license for a period of six months; or if the person is a resident without a license to operate a motor vehicle in the District, the Commissioner shall deny to the person the issuance of a license for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

SEC. 7. (a) Whenever any license has been revoked or denied under the provisions of this Act, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect five days after service of notice on the person whose license is to be revoked or who is to be denied a license, unless such person shall have filed within such period written application with the Commissioner for a hearing. Such hearing by the Commissioner shall cover the issues of—

(1) whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while under the influence of intoxicating liquor; and

(2) whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Commissioner shall sustain the order of revocation, the same shall become effective immediately.

SEC. 8. Any person aggrieved by a final order of the Commissioner revoking his license or denying him a license under the authority of this Act, may obtain a review thereof in the District of Columbia Court of Appeals in accordance with chapter 3 of title 17 of the District of Columbia Code.

SEC. 9. (a) Paragraphs (2) and (3) of the first section of the Act of March 4, 1958 (D. C. Code, sec. 40–609a) are amended by striking out "fifteen one-hundredths" and inserting in lieu thereof in each such paragraph "ten one-hundredths" and by striking out "twenty one-hundredths" and inserting in lieu thereof in each such paragraph "eleven one-hundredths".

(b) Subsections (c), (d), and (e) of such Act are repealed.

BLACK REPARATIONS OR BLACKMAIL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. RARICK. Mr. Speaker, the Lord's servants have converted his tithes and offerings to the devil's work. See Matthew 7: 6.

So that our colleagues may understand the background on the National Black Economic Development Conference and its parents, the Interreligious Foundation for Community Organization—IFCO—and the American Baptist Convention, I include articles from the American Baptist Crusader magazine, from Christian Beacon, and newsclippings:

[From American Baptist Crusader]

THE BLACK ECONOMIC DEVELOPMENT CONFERENCE

WHAT IS IFCO?

"The Interreligious Foundation for Community Organization is a unique national coalition of Protestant, Jewish and Roman Catholic social agencies and local and regional development groups. It seeks to implement common programs and strategies of member organizations, give local assistance in technical areas, conduct research in cooperation with indigenous community groups, and raise funds for the development of mass-based community organizations."—*from an IFCO release dated Sept. 5, 1968.*

IFCO was founded in September, 1967. Currently 23 religious and quasi-religious agencies are members (membership fee: $1,000 per year). It has raised and disbursed $1,495,510.49 to about 50 community-type social-activist and/or training organizations.

The executive director is the Rev. Lucius Walker Jr., an American Baptist clergyman and an ecumenical missionary of the American Baptist Home Mission Societies. In a statement prepared for delivery at the recent ABC sessions in Seattle, Mr. Walker reported (in part): "I would also like to make it very clear that IFCO funds have not gone exclusively to militant groups. Our funds go to projects that are inclusive in their membership and promote people power so that poor minority groups can redress their grievances in society. The groups we fund represent diverse segments of community population ranging from conservative to militant. . . . The claim that we are connected with the Black Panther Party is utterly ridiculous."

HOW ARE AMERICAN BAPTISTS INVOLVED WITH IFCO?

American Baptists are related to IFCO through their Home Mission Societies which pay the annual membership fee and which, additionally, has made an unrestricted grant of $200,000 to IFCO from World Mission Campaign receipts. Two ABHMS staff members are on IFCO's board: Dr. Paul O. Madsen and the Rev. Ray L. Schroder. As noted above, the Rev. Lucius Walker Jr., IFCO's executive director, is a commissioned missionary of the ABHMS.

WHY ARE THE AMERICAN BAPTISTS INVOLVED WITH IFCO?

A statement released on May 26 by the ABHMS says:

"One denomination is limited in its resources. In IFCO we saw a viable entity through which we could combine resources with others to address massive problems. We also saw IFCO as a means of keeping in meaningful dialogue with black leadership. . . .

"But those are strategic reasons. Our prime reasons for charter membership in IFCO were (and still are) theological. The social problems of today are massive. . . . We feel a compulsion as Christians to minister to those needs. Support of community organization, with its emphasis on the right of local determination (clearly a Baptistic principle) is currently the best way known to us for carrying on this ministry."

The Home Mission Society explains that the $200,000 donation to IFCO was not included in World Mission Campaign publicity "be-

cause it did not exist at the time the literature was prepared." The release also states:

We realize that many constituents are critical of the ABHMS Board for not dramatically increasing that amount. We realize that good stewardship will require constant re-evaluation.

WHAT IS THE NATIONAL BLACK ECONOMIC DEVELOPMENT CONFERENCE?

A three-day conference April 25–27 in Detroit, Mich., called together and funded ($50,000) by IFCO attracted more than 600 black leaders from all parts of the nation. The white press was barred but black reporters were admitted. Director Walker (in the document cited above) reports:

"Throughout the conference speakers and participants concurred in total concensus on such points as the irrelevance of black capitalism . . . the dysfunction of capitalist interest in contributing to the genuine liberation of the black community and . . . an impatience with piece meal programmatic projects for the economic development of the black community. . . . These points were contained in many conference workshop and caucus resolutions and were riterated in a document that was presented on Saturday evening, title 'Total Control of Black Communities—The Only Solution to the Black Economic Development' by Mr. James Forman. At the close of this speech, Mr. Forman prsented a document that has since become known as the 'Black Manifesto' in which reparations in the total of $500 million from white Christian churches and synagogues was demanded."

After presenting the manifesto (adopted by the conference by a reported vote of 187 to 63 with many abstentions), the National Black Economic Development Conference was declared established with a Steering Committee of 24 members headed by James Forman. It first received headlines with its confrontation at Riverside Church, New York, on May 4.

ARE IFCO AND THE NATIONAL BLACK ECONOMIC DEVELOPMENT CONFERENCE RELATED?

Technically, no. At a meeting on May 6 in New York City the IFCO Board (among other things) supported "the programmatic aspects of the manifesto and the other conference resolutions" without "endorsing the strategies or tactics by which this manifesto is implemented." It suggested that no IFCO staff member serve on the Black Economic Conference Steering Committee; it urged the churches to come up with $270,000 necessary to launch the conference's activities; and it said that only money so designated and coming to IFCO "above and beyond present church commitments" would be turned over to the conference.

It is fair to say, therefore, that the Black Economic Conference was spawned under the IFCO umbrella—and IFCO is related to it as it is to 50 other organizations—but organically the two are separate.

Director Walker (in the document cited above) says, however, that "IFCO applauds itself and feels that its responsibility . . . has been justly exercised in convening the forum where such a new thrust could emanate." He also records his personal position as follows:

"In my judgment the introduction of the concept of reparations through the National Black Economic Development Conference occasioned a new level of awareness and an encouraging turn in developments within the movement of black liberation. In the years ahead our society will need to deal with the question of restitution for its maintenance of and participation in the slave economy and in a dual system that has deprived and denied black citizens equal rights in American society. The guilt of white America has never been expiated in any formal manner. The concept of reparations will allow an opportunity for formal restitution which will not only contribute to the economic development of the black community but the psychological relief of the white community that can potentially diffuse the rising tension between the races and put us on the road towards viable reform rather than the present tack that we seem to be following towards revolution and conflict in American society."

[From Christian Beacon, June 19, 1969]

ABC LEADERS HEAR FORMAN

The American Baptist Convention at Seattle, Washington, May 14–18, 1969, became the platform for James Forman and his Black Manifesto, and he received "a considerable hand when he finished." The American Baptist news-magazine *Crusader* gives a detailed account:

"The convention's most dramatic moment—though certainly not its most inspiring one—came on Saturday when Mr. James Forman, chairman of the newly-formed National Black Economic Conference, and several supporters arrived in Seattle and requested platform time to address the delegates. After a huddle of officials, it was decided to give him 15 minutes at the start of the afternoon's business session, a decision later approved by vote of the delegates who also agreed to grant another 15 minutes to any who wanted to respond.

"In the interest of adhering to his time allotment, Mr. Forman skipped most of the verbiage of his manifesto which he had read before some religious groups and in which he demands one-half billion dollars in 'reparations,' and came directly to the three demands (he said there were four but announced only three) which he levied against American Baptists.

"These were:

"(1) The deeding of all unused ABC land holdings in the South to the Black Economic Conference for conversion into cooperative farms;

"(2) A donation of $60 million to the Interreligious Foundation for Community Organization (IFCO).

"(3) A listing of the denomination's holdings in stocks, bonds and investments, and the turning over of 60 percent of the income to the Black Economic Conference.

"Mr. Forman said these sums were due the blacks as reparations for years of economic subjugation. He declared that he and his followers were prepared to die to achieve them. He received a considerable hand when he finished.

"He was followed at the podium by the Rev. Orlando E. Costas, an American Baptist clergyman from Milwaukee, who proclaimed himself a spokesman for 'The Brown American Baptist Churchmen.' In three minutes of impassioned speech Mr. Costas said that Baptists with a Spanish accent had yielded for many years to the wishes of their 'patrones' (bosses) in the American Baptist Home Mission Societies but 'no more. We have taken enough and no longer will we, the young brown churchmen, accept your paternalism and tokenism.' He proclaimed compatability with the 'black churchmen,' though some inquiry among the blacks and other Spanish-speaking American Baptists did not turn up any broad basis of support for Mr. Costas.

"Five additional speakers then addressed the delegates for three minutes each. Two of them (both white) supported Mr. Forman and his demands and two others (also white) rejected them before the Rev. Samuel B. McKinney, chairman of the Black American Baptist Churchmen, announced that his group endorsed 'the principle of reparations without necessarily agreeing with the methods of the Black Economic Conference.'"

The Baptist magazine also reports the attitudes of American Baptist leaders on this matter:

"ABC President Thomas Kilgore, Jr.: 'I don't necessarily agree with Jim Forman's tactics and I'm not sure "reparations" is the word to use but in substance I favor the idea.'

"Black American Baptist Churchmen: The Rev. Samuel McKinney, chairman, announced on the platform at Seattle that his organization 'endorsed the principle of reparations as a first step toward repentance' and that it 'endorsed the programmatic aspects of such utilization of funds without necessarily endorsing the tactics of the Black Economic Conference.'"

[From the Washington (D.C.) Post, June 7, 1969]

FORMAN, FOLLOWERS OCCUPY NEW YORK CHURCH CENTER

(By William R. MacKaye)

Negro militant James Forman and his followers yesterday disrupted the nerve center of a broad swatch of American Protestantism by occupying three full floors of the Interchurch Center on New York's Morningside Heights.

The Forman group, acting in the name of the National Black Economic Development Conference, has demanded $500 million from American religious bodies as reparations for the ill-treatment Negroes have received from whites in this country.

"These are liberated areas," Forman was quoted as saying from his command post in the headquarters of the Reformed Church of America.

On Monday we'll have a strike of all the black and Puerto Rican workers in this building and we hope white workers will support it," Forman was quoted. "We are not going to leave until we get some action on our demands."

The new occupation began Thursday when the demonstrators moved in on the 18th floor offices of the Reformed Church.

Many of the denomination's officials were in New Brunswick, N.J., preparing for their annual meeting, the General Synod, which began yesterday. But about 50 office workers were forced to leave.

Employes arriving at the eighth floor executive offices of the National Council of Churches found barricades of furniture blocking the exits from the elevators.

There was a similar scene at the 11th floor offices of the Board of National Missions of the United Presbyterian Church. Forman backers occupied the Board offices for five days last month.

A Presbyterian who holds posts in both the United Presbyterian unit and in the National Council said at midafternoon that withdrawals of the Forman forces from the eighth and 11th floors had been successfully negotiated.

The Rev. Lawrence W. McMaster Jr., an executive secretary of the Board of National Missions and an acting associate general secretary of the Council, said the occupiers left the Council's offices after R. H. Edwin Espy, the general secretary, promised to submit their demands to the organization's general board "at the earliest possible date."

He added that Forman had agreed to withdraw also from the Presbyterian floor after he was promised a meeting with the Rev. Dr. Kenneth Neigh, general secretary of the Board of National Missions, as soon as possible.

Dr. Neigh was in the hospital in Detroit yesterday, Mr. McMaster said Forman had indicated in the negotiating session he did not know Dr. Neigh was out of town.

The Interchurch Center is a 19-story building adjacent to Riverside Church, where Forman first used his tactic of calculated disruption by presenting his reparations demand at a Sunday service May 4.

It was not known how many of Forman's supporters were in the Center.

Some confusion developed at the Center over who would determine how the occupation was to be handled.

The Center's board of trustees, headed by New York banker Edmund F. Wagner, met in emergency session, according to Mr. McMaster, to decide whether to seek a court injunction ousting the occupiers.

Mr. McMaster said such a move was strongly opposed by most of the religious agencies housed in the building. The building manager's office declined to say what decision the trustees reached, but a National Council spokesman said he believed they had decided not to ask for an injunction.

Since his campaign began, Forman has also presented his reparations demand to officials of the Roman Catholic Archdiocese of New York, the Episcopal Church, the Lutheran Church in America, the Christian Church (Disciples of Christ), American Baptist Convention, and the United Methodist Board of National Missions.

[From Christian Beacon, June 19, 1969]

SOME 2,000 STRIKE AT NCC CENTER

Two thousand employees of the Church Center, headquarters of the National Council of Churches in New York, and other church bodies, walked out in a one-day strike at the call of James Forman. Forman, who is demanding that all the church organizations in the Church Center contribute to his reparations, called the sympathy strike. He estimated that 80 percent of the workers in the building obeyed his call. Other church officials insisted that only 50 percent went out. Work, however, was disrupted for that day.

SENATE—*Tuesday, June 24, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of grace and glory, at this morning altar of devotion flood our souls with a sense of Thy presence. Dispel all doubts of Thee, and of Thy divine guidance of this Nation in the processes of history. Assure us once again "that they that wait upon the Lord shall renew their strength." Grant us clean hands and pure hearts for high and holy work in this place. Equip us with a faith that dares, a love that shares, and a service that cares, until by Thy grace this shadowed earth becomes Thy kingdom of justice and truth and brotherhood. Bring us to the end of the day unashamed, with quiet mind, and the assurance of work well done. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 23, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

FISCAL 1970 FOOD STAMP AUTHORIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Joint Resolution 126, Calendar No. 254, be laid before the Senate and made the pending business.

The VICE PRESIDENT. The joint resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 126) to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

S. 2470—INTRODUCTION OF A BILL TO EXTEND THE BENEFITS OF THE FOOD STAMP PROGRAM TO ELDERLY PERSONS

Mr. SCOTT. Mr. President, will the Senator from Montana permit me to introduce another food stamp measure?

Mr. MANSFIELD. Surely.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, legislation to extend the benefits of the food stamp program to elderly persons now denied eligibility because they lack kitchen facilities, or because they are physically unable to cook for themselves. Under my bill, nonprofit, charitable organizations would be authorized to accept food stamps in exchange for cooked meals prepared either for home delivery or for consumption in community dining halls.

I welcome as cosponsors in this effort Senators ALAN BIBLE, Democrat, of Nevada; EDWARD W. BROOKE, Republican, of Massachusetts; THOMAS J. DODD, Democrat, of Connecticut; HIRAM L. FONG, Republican, of Hawaii; PHILIP A. HART, Democrat, of Michigan; VANCE HARTKE, Democrat, of Indiana; MARK O. HATFIELD, Republican, of Oregon; ERNEST F. HOLLINGS, Democrat, of South Carolina; DANIEL K. INOUYE, Democrat, of Hawaii; EDWARD M. KENNEDY, Democrat, of Massachusetts; WARREN G. MAGNUSON, Democrat, of Washington; WINSTON L. PROUTY, Republican, of Vermont; WILLIAM B. SPONG, Democrat, of Virginia; TED STEVENS, Republican, of Alaska, and EDWARD J. GURNEY, Republican, of Florida.

In the House of Representatives this bill is being introduced by Congressman JOSEPH M. MCDADE, Republican, of Pennsylvania; Congressman EDWARD G. BIESTER, JR., Republican, of Pennsylvania; and others.

Congress, in approving the Food Stamp Act of 1964, intended to help older citizens with meager incomes to buy more and better food. Under the present law, however, persons who otherwise meet age, residency, and income requirements are still not eligible for food stamps if they do not have cooking facilities in their households. If a physical incapacity or chronic illness make it impossible for persons to shop or prepare food, and if they have no one to do these things for them, these persons, too, are in effect denied the use of the food stamps. I see no reason why these citizens, who are often among the most isolated and needy in the community, should be denied the benefits which the Food Stamp Act was enacted to provide.

My bill would amend the Food Stamp Act to meet this problem. It would authorize the Secretary of Agriculture, under regulations carefully prescribed and administered by him, to designate specific church and other nonprofit organizations of a bona fide charitable nature to accept food stamps in exchange for prepared meals. Although the redemption of these stamps would assist eligible groups in the purchase of food, the stamps themselves would be issued only to individuals, who would be the direct beneficiaries of this amendment. This, I believe, is fully in keeping with the congressional intent behind the Food Stamp Act. Moreover, by engaging the cooperation of nonprofit, charitable organizations, my proposal would be in keeping also with the current focus of relying more heavily on private initiative for solutions to pressing national problems, of which one, certainly, is hunger.

Today, in communities across America, more than 50 charitable organizations are taking one approach to the alleviation of hunger through programs which offer prepared meals to "shutins" and other elderly persons who are unable to cook for themselves and who, in the absence of this assistance, might otherwise face the dismal prospect of institutionalization. These programs, relying heavily on voluntary effort, are aimed at an element of the hunger problem which,

though less noticed, is nevertheless significant and fully worthy of attention.

It was through one such effort in my Commonwealth of Pennsylvania that I first learned of the need for the legislation which I am proposing today. The meals on wheels program, operated by the Lutheran Service Society of Western Pennsylvania, currently provides such service to Pittsburgh's Northside, a section in which an unusually large number of persons live in rooming houses. A well-balanced nutritious diet is offered through two meals a day served five times weekly. Despite the extensive use of volunteers, however, food and other costs have limited the number of elderly who can be reached by this program so far to only about 50. Estimates indicate that in this one area alone, several thousand needy persons might potentially be served. My bill is designed to encourage and make possible the expansion of just such efforts, not only for Pittsburgh, but for the many communities and cities throughout the Nation where a similar situation and need exists.

It is an irony in these times of unprecedented economic achievement that the basic goal of enough to eat still remains, for too many Americans, a promise rather than reality. As a nation, we are becoming increasingly aware of the need to strengthen our food assistance programs to assure access to a proper diet for persons living on poverty level incomes and below. This administration has announced its intention to make the food stamp program a more effective vehicle for this purpose. Yet, without the changes proposed in my bill, some of our most needy older citizens will remain disenfranchised from food stamp benefits.

Mr. President, the Senate Agriculture and Forestry Committee currently has under consideration the administration's proposed food stamp program revisions. I have urged that my bill be included in these sessions as additional legislation urgently needed in order to bring the Federal Government and many communities together in a further common effort to erase hunger and malnutrition among the elderly.

Because these communities speak best for themselves, I ask unanimous consent that the following excerpts from letters which I received in response to this proposal be printed in the RECORD following my remarks and the text of my bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and excerpts will be printed in the RECORD.

The bill (S. 2470), to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 3 (e) of the Food Stamp Act of 1964 is amended to read as follows: "The term 'household' shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10 (h) of this Act."

SEC. 2. Section 3 (f) of the Food Stamp Act of 1964 is amended by adding at the end thereof a new sentence as follows: "Such term also means any private nonprofit organization referred to in section 10 (h) of this Act."

SEC. 3. Section 10 of the Food Stamp Act of 1964 is amended by adding at the end thereof a new subsection as follows:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary, food stamps issued under this Act to any elderly person may be exchanged by such person for meals prepared and served by any private nonprofit organization if—

"(A) such person does not have facilities for the preparation of food in his living quarters, or does not have reasonable access to such facilities, and the meals served by such organization are served in a common dining room and are prepared and served primarily for the benefit of elderly persons, or

"(B) such person is housebound, feeble, physically handicapped, or otherwise disabled to the extent that he is unable to prepare nutritious meals for himself, and such organization prepares and delivers meals to such person.

No elderly person who otherwise meets the eligibility requirements of this Act shall be denied a coupon allotment because he has no facilities for the preparation of food or access to such facilities. As used in this subsection, the term 'elderly person' means any person sixty-five years of age or older."

The material presented by Mr. SCOTT follows:

EXCERPTS FROM LETTERS TO SENATOR SCOTT

CALIFORNIA

Eleanor Guilford, Catholic Committee for the Aging of San Francisco: "Those of us who work in the field of aging are constantly aware of the need to reduce food costs and to arrange for inexpensive food programs for older people. . . . We would like to recommend that food stamps be available for older people to purchase in smaller amounts than $20. We would like to have the Food Stamp Act applicable to non-profit groups such as Senior Centers which serve meals to older people. Our Committee, for example, sponsors ten Parish Senior Centers."

CONNECTICUT

Joyce Ferris, Meals-on-Wheels, Inc. of Greenwich: ". . . we are serving from 18–29 people, mostly elderly. We charge what they can afford to pay and subsidize this by a fund drive annually."

DISTRICT OF COLUMBIA

George M. Pikser, Jewish Social Service Agency and Jewish Foster Home: "We have developed a new program for those aging Jews who are too sick or feeble to prepare hot food for themselves, but who otherwise do not need institutionalization. . . . For the most part the people are able to pay only a small amount of what our cost is and we accept whatever is offered. The program is very small. It is manned entirely by volunteers. . . . I feel that there may be a need for the kind of program you outline; that is, a program allowing nonprofit organizations to accept food stamps for prepared food."

William A. Wendt, Rector, St. Stephen and the Incarnation Church: "Indeed we feel a tremendous need for the type of legislation you are currently hoping to draft concerning the Food Stamp Act. We are at present feeding approximately 100 elderly people five times a week with a hot lunch type program, and for most of them it is the only nutritious meal that they eat in the course of a week."

ILLINOIS

John A. Murdock, Services to the Aging, General Board of Health & Welfare Ministries, The United Methodist Church, Evanston: ". . . based on our experiences, I would make the following suggestions:

"1. Provide means by which the poor older people can pay for balanced meals.

"2. Encourage the development of home delivered meals for the relatively few who need them and centrally served meals for the many others who need social contact as much as they need food . . ."

INDIANA

Lester J. Fox, REAL Services (Resources for Enriching Adult Living), South Bend: "The REAL Services program administers . . . the Meals-on-Wheels program that serves on the average of eighty (80) elderly persons a day who generally are homebound and unable to prepare or to have prepared adequate meals for themselves . . . Volunteers utilizing their own automobiles and equipment to maintain proper food temperatures pick up the meals at the hospital and deliver them to the clients' home . . . The meals are purchased from the hospital and delivered to the clients based on the actual cost. Older persons who are unable to pay the full cost are subsidized in part or in total by funds received from the United Fund in St. Joseph County . . . I believe the legislation you have proposed would be of great benefit in the area of adequate food services for older persons."

KENTUCKY

Opal Hughes, Boone Fork Community Kitchen, Fleming, Ken.: "We are feeding approximately 37 elderly people daily at no cost to them, 5 days a week. The elderly people that are receiving our free meals are selected on the basis of being house-confined, real real old and senile, lack of funds to provide proper diets. A number of these people may qualify for the food Stamp program, but are too old and sickly to stand in the line all day the first of the month for their food stamps." . . . "Many more people could be reached by our program if we had the funds or a food supply on a permanent basis."

MONTANA

Wilma Joe Slaughter, Daily Dinner Clubs, Rocky Mountain Development Council, Inc., 324 Fuller Avenue, P.O. Box 721, Helena: "We have 100 people attending both centers. 15 to 20 home-bounds. People of short means hesitate to come to dinner. I do feel there is a need for food stamps to be accepted in exchange for prepared food."

NEW JERSEY

Conrad J. Vuocolo, Housing Authority of the City of Jersey City, Box 8051, Five Corners Station: "We know there are thousands of individuals residing in this city alone who live in furnished rooms in such areas as the YWCA and YMCA, etc. In addition most of those who receive MEALS ON WHEELS are technically disqualified for food stamps because they are physically unable to prepare the food. Therefore we are recommending that agencies such as MEALS ON WHEELS and other non-profit organizations who are equipped to furnish low cost meals to those with limited income be considered eligible to accept food stamps in exchange for prepared food. We believe such a simple plan would eliminate the inadequate diets of many of those who are in need, and are now being denied because of the current legislative restrictions."

NEW YORK

Mary F. Champlin, Food and Nutrition Services, 613 Lafayette Building, Buffalo: "The Food Stamp Program may sound ideal; however, as you know, many in need do not avail themselves of the stamps. The amount

which has to be put out at one time and the low amounts allowed for liquid assets or cash value of life insurance in order to be eligible, work against those in great need. While the stipulation for regular and continuous purchase of stamps again may seem ideal from a nutritional standpoint, it is nevertheless difficult for those persons who have little money, have their ups and downs physically, or find it hard to cope with bad weather. We especially urge that food stamps be allowed to purchase prepared meals from non-profit meals services. That privilege would allow also more flexibility to the non-profit programs."

PENNSYLVANIA

Margaret R. Spencer, Luzerne County Bureau for the Aging, 3 East Market Street, Wilkes-Barre: "Your proposed amendment to the Food Stamp Act would be beneficial to many of our senior citizens who do not have cooking facilities or who are physically unable to prepare their own meals. The income of these people consists of Social Security benefits and/or Public Assistance and many are living below the poverty level. Any assistance they might receive by using food stamps certainly would afford an opportunity for them to enjoy a more nutritious diet."

Donald A. Nelson, Lutheran Service Society of Western Pennsylvania, 5940 Baum Boulevard, Pittsburgh: "One family of a 71-year-old mother and her 37-year-old retarded daughter are living on a total of $123 per month for both. The mother is no longer able to cook, and without the home delivered meals, the daughter would have to be institutionalized. Obviously, this cost would be considerably higher.

"A 75-year-old black gentleman was referred by the Social Service Department of Allegheny General Hospital as he did not have enough money for food each month. His income is $130 with $57 needed for rent, and he could not manage all additional expenses and eat properly.

"There are several such cases and the cycle is vicious since improper diet means more illness and less money for food."

UTAH

Mrs. V. Lucile Hutchings, Metropolitan Salt Lake Services for the Aging, 156 Westminster Avenue: "Our agency . . . for the Aging sponsors the program Meals on Wheels, which delivers a hot, nutritious noonday meal 5 days a week to Senior Citizens in the Salt Lake City area. Any Senior Citizen over 55 years of age who is physically handicapped, has a chronic illness or other condition which prevents them from shopping or preparing food for themselves, are eligible to come on the program. There is no discrimination because of race, creed, or color.

"We feel we are saving money for our local governmental agencies as the Senior Citzens Meals on Wheels recipients are able to retain their independence by remaining in their own homes, thus lessening the need for institutional care.

"Although we are charging a bare minimum fee, we still have many people who are not financially able to purchase the meal 5 days a week, and therefore purchase only 3 meals a week. We work very closely with the Welfare Department, and find about 35% of our Welfare Meals on Wheels recipients are receiving some additional funding to help them obtain the meals. Even after this help, many of them are not able to purchase a full month's meals.

"As of March 31, 1969 we were delivering over 137 meals a day, and serving an averaeg of 2,873 meals per month.

"In addition to Meals on Wheels, we have a Dining Room where any and all mobile Senior Citizens can come for hot lunch 5 days a week. . . . At the present time approximately 100 Senior Citizens attend."

WISCONSIN

Marjorie I. Jothen, The Visiting Nurse Association, 1540 North Jefferson Street: "Food Stamps help to increase the buying power for foods, but do not help people who have no means of buying or preparing the food."

PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the leadership, following the disposition of the food stamp joint resolution, to take up Senate Joint Resolution 11, Calendar No. 123, to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Smithsonian Institution.

That joint resolution will be followed by the nomination of Otto F. Otepka.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. I ask unanimous consent that following the disposal of those three items, there be a period for the transaction of routine morning business, with statements limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

FISCAL 1970 FOOD STAMP AUTHORIZATION

The VICE PRESIDENT. The Senate will now resume the consideration of Calendar No. 254, Senate Joint Resolution 126, to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

Mr. DIRKSEN. Mr. President, is Senate Joint Resolution 126 now before the Senate?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. I merely wish to observe that there is no controversy about the joint resolution. There is a general disposition that appropriations for the food stamp program ought to be increased. Obviously, they cannot be increased without legislative authorization. The present authority extends only to $340 million. The joint resolution proposes that the amount be increased to $750 million. I think there is general agreement on that also, so I know of no opposition.

Mr. MANSFIELD. That is my understanding, but the distinguished chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER) is on his way to the Chamber to make a brief statement justifying the action of the committee. I understand that the distinguished Senator from South Dakota (Mr. McGOVERN) also wishes to make a brief statement.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, this is a very simple joint resolution. The committee is now working on a revision of the so-called food stamp program. I do not believe we can conclude our work on that program until early next month.

Present law provides for an authorization of $340 million for fiscal 1970. The joint resolution before the Senate would increase that amount from $340 million to $750 million. The committee is eager to have the joint resolution enacted, so that the appropriations may be increased to the amount necessary to operate the food stamp program.

Under the program that we hope to adopt early next month, the funds that will be appropriated in accordance with this joint resolution will be spent in accord with a revised food stamp program. In the joint resolution we are not attempting to change the present Food Stamp Act in any manner except to increase the amount of the authorization. I hope there will not be any objection. I can promise the Senate that the committee will report a food stamp bill soon. We hope that if the appropriation authorization is adopted, the Committee on Appropriations will provide sufficient funds to enable the food stamp program to operate at a higher level for fiscal year 1970.

The joint resolution was reported unanimously by the Committee on Agriculture and Forestry; however, the distinguished Senator from South Dakota (Mr. McGOVERN) has some reservations which he desires to state at this time.

Mr. McGOVERN. Mr. President, first of all I wish to commend the chairman of our committee, the Senator from Louisiana (Mr. ELLENDER) for his leadership and the prompt action he has taken to the food stamp legislation. I support the resolution that is pending, which was reported by our Committee on Agriculture. I support it not as the final answer, as the Senator from Louisiana said, but as a means of securing the funds that are needed not only to keep the program operating but expanding in fiscal year 1970; and also with the understanding, as the Senator pointed out, that our committee will move as expeditiously as possible to report changes that the committee feels are in order that will improve our overall food stamp program.

I also wish to commend the Senator from Louisiana for his very patient and consistent attendance not only in his own Committee on Agriculture, of which he has been chairman for so many years, but also in the new Select Committee on Nutrition and Human Needs. It is fair to say he attended more of those sessions than any other member of the committee and he followed the deliberations of the committee at every step.

Mr. President, over the past several months the Select Committee on Nutrition and Human Needs has heard repeated criticism of the food stamp program as presently administered. From the poor themselves we have learned that the cost of food stamps is far too high, that many needy families have never even heard of the program, that others have been denied the opportunity to participate, and that those who do participate are not given enough stamps to permit them to purchase a nutritious diet. But until recently we did not know how widespread these failings actually were.

I have, and shall insert in the RECORD in a moment, two documents which illustrate how few are actually served with food stamps. The first is a Department of Agriculture study showing for each State and county, and for the Nation, the percentage of poor actually participating in the food stamp and commodity distribution programs. The second, prepared by the staff of the select committee from figures supplied by USDA, shows the drop in participation in those counties switching from commodity distribution to food stamps. These documents offer conclusive proof that the food stamp program has failed, and failed dismally, in its attempt to reach the poor of this Nation. It has failed not just in the District of Columbia, California, and Florida where our select committee has visited, but in virtually every county in which it has been implemented.

This program, a program which many have called our first line of defense against hunger and which has been operating for nearly 5 years, presently reaches only 33 percent of our 3,091 counties. What is worse, even in the relatively few counties where it does operate, the food stamp program reaches a meager 16 percent of the families who are in need of assistance.

What these figures mean, Mr. President, is that a poor American family has only one chance in three of living in a county where stamps are distributed and even if it happens to have the good fortune to live in such a county, this family still has only one chance in six of actually receiving any stamps.

These figures alone are enough to explain why citizens groups in many communities have opposed the food stamp program on the grounds that it is a "cruel hoax upon the poor." They might well have added that, rather than helping the poor, the food stamp program is at this moment actually denying 1.1 million Americans food assistance which they would be receiving if no food stamp program had ever existed. These 1.1 million people were being helped by their Government through direct distribution of surplus foods. But they had the misfortune to live in counties which switched to the new and supposedly better food stamp program. Unfortunately, under the new program they soon found that they did not qualify for assistance, that they could not afford to hand over as much as 50 percent of their total income for an adequate supply of stamps, or that they could not find time to spend hours or even days waiting in line to be certified for their stamps.

I doubt very much, Mr. President, whether many Members of Congress are aware of how very poorly the food stamp program is performing in their own States. I did not know that in South Dakota that of the 14 food stamp counties out of the total of 67 only two reach more than 10 percent of the poor and that the other 12 reach an average of 5.6 percent.

Let me cite a few other examples:

In Illinois the average food stamp county reaches 3 percent of the poor; in Iowa, 4 percent; in Nebraska, 3 percent. Unfortunately the Midwest has the worst participation record.

Comparable figures for the Northeast States show, for example, that the average food stamp county in New York serves 13 percent of those in need; Pennsylvania, 12 percent; Ohio, 9 percent.

Only in the South is the national average of 16 percent generally exceeded. In Mississippi the average food stamp county serves 25 percent of the poor; in Louisiana, 18 percent; Kentucky, 21 percent.

Much of the low food stamp participation results when counties switch from a commodity to a food stamp program. Nationally, at present, there are 40 percent fewer people on food stamps than were on commodities in such counties. In Illinois, for example, there are 68,000 poor in the 62 Illinois counties which have switched from commodities to stamps who used to receive direct food donations but now get no help of any kind.

In Missouri there has been a 67-percent drop in food program participation in counties switching from commodities to food stamps 46,000 of the 68,000 persons who received commodities before the transfer of programs are not now receiving food stamps.

These figures are, very simply, a disgrace. They prove beyond the slightest doubt that drastic reform of the food stamp program is needed, and needed now. By demonstrating that there are only eight counties in the entire Nation where the food stamp program has attained the very modest goal of serving one-half the poor, these figures make a mockery of the contention that this program, as now operated, can even begin to eliminate malnutrition.

I ask unanimous consent that the tables to which I refer, along with a brief explanation prepared by staff of the Select Committee on Nutrition and Human Needs be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. McGOVERN. Mr. President, I realize that these charges are serious, but I do not make them lightly. I ask the Senate how a program whose administrators are forbidden by law to provide the assistance in any county where local officials arbitrarily decide that the poor do not need help, whose regulations cut off the poor of one State, while helping those in another State, and whose legislative authority often requires that the poor be charged more than they can possibly afford to pay, can ever hope to reach all of the poor? The answer, of course, is that no such program will ever reach even a significant portion of the poor.

Mr. President, we now have before us Senate Joint Resolution 126, a bill to raise the authorization for the food stamp program to $750 million for fiscal year 1970. While it is perfectly clear that major legislative reforms are required before the food stamp program can become an effective defense against malnutrition, it is equally clear that the appropriation of additional money for the existing program would permit important changes to be made in the program. Testifying before the select committee last January former Secretary Freeman made the startling admission that in the operation of the food stamp program:

> Honestly, strictly speaking we are not squaring with the Congressional directive, which is that people should pay only as much as they have been spending for food. We can't do that because we don't have enough money.

He might have added that without any additional authority the Secretary could use additional funds to put an end to the inequitable practice of providing the very poor with about half the stamps they need to eat properly while providing the marginally poor with more than enough stamps.

Senate Joint Resolution 126 has been reported by the Committee on Agriculture as an emergency measure to permit the immediate appropriation of additional funds for the food stamp program. I understand the desire of its sponsors to move now against malnutrition. Because I share this desire, and in order to facilitate administrative reforms which can be implemented immediately I will vote for the resolution. But I must reemphasize my belief that $750 million is woefully inadequate. It is inadequate because it would not provide either the money or the authority to expand the food stamp program into every country in this Nation. It is inadequate because it would not provide the money or the authority to help all of the poor in the counties that now have a food stamp program. It is inadequate because it would not provide the money or the authority to offer stamps to all of the poor at prices which they can afford. And it is totally inadequate because it could not even provide either the money or the authority to insure that equally poor families in New York and Mississippi would be equally entitled to receive the help that they need.

Let me repeat, Mr. President, as an emergency measure the $750 million authorization is acceptable though inadequate. But it is no substitute for immediate action to pass a comprehensive food stamp reform bill. If this resolution were intended in any way as a substitute for immediate comprehensive reform, I suspect that many Senators including myself would prefer to move for such reform now by amending Senate Joint Resolution 126 on the floor. But I have been

assured by the distinguished chairman of the Agriculture Committee (Mr. ELLENDER) that his committee, on which I serve, will continue to work as hard as it has been working this past week, and that we can expect to complete markup of a comprehensive food stamp reform package either just before or immediately after the July 4 holiday. It is the hope of both Senator ELLENDER and myself that the Senate will pass a comprehensive food stamp bill in mid-July. It is also my understanding, Mr. President, that the 1970 agriculture appropriations bill will not be considered in the Senate until the Senate has disposed of Senate Joint Resolution 126 and that the appropriation for the food stamp program will be increased in the Senate, subject to passage by the House of Senate Joint Resolution 126.

I hope the other body also understands that the $750 million which we authorize today is a temporary emergency measure and not an effective response to the disgraceful failures of the food stamp program. The present administration has said that it may not even be able to spend that $750 million effectively unless we pass new food stamp legislation immediately. None of us favors appropriating money that cannot be well spent, and I am certain that the House does not favor waiting longer than it takes to pass a good food stamp reform bill before moving to end the shocking hunger and malnutrition which have aroused the conscience of America as have few domestic issues in recent years.

For these reasons I urge the Congress as a whole to move as rapidly as possible, first to authorize the emergency appropriation before us today and then to write a food stamp program that can turn the money which we appropriate into food for all, not just a pathetic handful, of the poor.

Mr. President, I have often heard in this Chamber the argument that we must not send our brave soldiers charging up a hill with only enough ammunition to get halfway to the top. This usually comes just before a vote to appropriate $40 or $50 billion for the Pentagon. I suggest with respect to the $750 million authorized by Senate Joint Resolution 126 that we are asking the poor to begin the long climb out of the valley of hunger and despair with less than enough ammunition to get halfway and without a gun that can fire that ammunition. So long as I am sure that we will soon rescue the poor with a properly financed, reformed food stamp program, I will vote to send them on their way up the hill now. If I thought we were sending them off with false promises, only to leave them stranded halfway up, I would vote not to send them at all.

For our sake and theirs, to save dollars and to save lives, I urge the Senate to vote today for Senate Joint Resolution 126 and next month for comprehensive reform of the food stamp program.

EXHIBIT 1

SUMMARY OF USDA ANALYSIS OF FOOD ASSISTANCE PROGRAMS

Recently the Consumer and Marketing Service of the Department of Agriculture completed a study which gave the percentage of poor persons participating in food assistance programs in each County and City administrative unit for which data was available.

Using this data, the staff of the Senate Select Committee on Nutrition and Human Needs developed the following State by State summary of participation in the Food Stamp and Commodity Distribution Programs. It should be noted that the Counties in the United States with no Food Stamp or Commodity Distribution program as of February, 1969 are not included in either the USDA data or the tables below.

Nationally, the average county reached only 10% of its poor people with its Food Stamp Program, and 18% of its poor people with its Commodity Distribution Program. Nationally, only .6% of the counties with Food Stamp Programs reach over 50% of their poor people and only 5% with Commodity Distribution Programs reach over 50% of their poor people. Again nationally the average participation rate for all poor persons living in Food Stamp counties is 16%. In Commodity counties this figure is 22%.

TABLE I.—THE PERCENTAGE OF POOR PEOPLE SERVED BY COMMODITY DISTRIBUTION PROGRAMS, BY STATE AND COUNTY

State	Number of programs [1]	Percent participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
U.S. total	1,198	18	1–92	670	468	60
Alabama	46	28	16–92	6	35	5
Alaska	([5])					
Arizona	14	24	5–63	6	6	2
Arkansas	15	13	4–42	13	2	0
California	26	23	2–48	13	13	0
Colorado	([6])					
Connecticut	4	11	3–28	3	1	0
Delaware	3	35	28–51	0	2	1
District of Columbia	([6])					
Florida	51	27	8–74	18	31	2
Georgia	72	30	11–78	23	44	5
Hawaii	([6])					
Idaho	12	21	10–71	6	5	1
Illinois	12	8	3–22	11	1	0
Indiana	68	7	1–21	67	1	0
Iowa	15	10	5–34	13	2	0
Kansas	14	7	1–39	12	2	0
Kentucky	66	14	4–40	55	11	0
Louisiana	16	46	28–61	0	10	6
Maine	15	14	2–35	11	4	0
Maryland	1	([7])	([7])	1	0	0
Massachusetts	9	21	7–34	4	5	0
Michigan	46	22	5–52	19	26	1
Minnesota	20	11	4–57	17	3	0
Mississippi	37	43	18–89	2	21	14
Missouri	63	18	1–70	34	25	3
Montana	3	30	17–65	1	1	1
Nebraska	2	31	13–48	1	1	0
Nevada	12	21	9–51	6	5	1
New Hampshire	10	13	5–23	9	1	0
New Jersey	1	([7])	([7])	0	1	0
New Mexico	10	38	17–56	1	8	1
New York	45	27	11–50	11	34	0
North Carolina	61	16	5–46	42	19	0
North Dakota	8	16	4–24	6	2	0
Ohio	18	11	4–43	15	3	0
Oklahoma	72	28	9–71	22	46	4
Oregon	35	34	4–57	6	26	3
Pennsylvania	16	10	4–23	15	1	0
Rhode Island	2	11	10–12	2	0	0
South Carolina	([6])					
South Dakota	33	9	3–23	31	2	0
Tennessee	15	13	5–51	12	2	1
Texas	138	18	2–67	97	34	6
Utah	([5])					
Vermont	([6])					
Virginia	40	18	4–33	33	7	0
Washington	([5])					
West Virginia	([6])					
Wisconsin	33	13	5–85	26	6	1
Wyoming	([5])					

[1] The number of counties includes all counties and cities for which the participation percentage was computed by USDA.
[2] Participation rate in the median county in each State.
[3] The range gives the percentage of poor people served by the counties reaching the lowest and highest percentages in the State.
[4] Some city programs are not included in USDA's data or in this summary due to lack of information on number of poor persons living in such cities.
[5] No program.
[6] No commodity program.
[7] The median and range are not given where only data were available on a single county in the State.

TABLE II.—PERCENTAGE OF POOR PEOPLE SERVED BY FOOD STAMP PROGRAMS, BY STATE AND COUNTY

State	Number of programs [1]	Participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
U.S. total	1,263	10	1–70	929	226	8
Alabama	19	16	5–42	14	5	0
Alaska	1	([5])	([5])	0	1	0
Arizona	([6])					
Arkansas	51	8	3–38	42	9	0
California	12	28	6–60	5	5	2
Colorado	52	11	3–48	45	7	0
Connecticut	3	26	23–38	0	3	0

See footnotes at end of table.

TABLE II.—PERCENTAGE OF POOR PEOPLE SERVED BY FOOD STAMP PROGRAMS, BY STATE AND COUNTY—Continued

State	Number of programs [1]	Participation in average program [2]	Participation range: Lowest to highest program [3]	Number of units reaching given percentages of the poor [4]		
				0 to 20	21 to 50	51+
Delaware	([6])					
District of Columbia	1	([5])	([5])	0	1	0
Florida	([6])					
Georgia	78	12	3–56	69	8	1
Hawaii	3	14	14–17	3	0	0
Idaho	([6])					
Illinois	83	3	1–27	82	1	0
Indiana	21	10	3–26	20	1	0
Iowa	83	4	1–28	82	1	0
Kansas	8	5	2–8	8	0	0
Kentucky	52	21	3–59	26	24	2
Louisiana	38	18	6–41	24	14	0
Maine	1	([5])	([5])	1	0	0
Maryland	19	7	1–31	18	1	0
Massachusetts	([6])					
Michigan	36	13	4–47	32	4	0
Minnesota	48	10	3–36	38	10	0
Mississippi	44	25	9–50	16	28	0
Missouri	1	([5])	([5])	1		
Montana	7	18	8–38	4	3	0
Nebraska	48	3	1–23	47	1	0
Nevada	([6])					
New Hampshire	([6])					
New Jersey	13	18	6–27	9	4	0
New Mexico	21	20	4–60	11	9	1
New York	6	13	5–24	5	1	0
North Carolina	33	9	3–32	27	6	0
North Dakota	36	8	3–25	34	2	0
Ohio	56	9	2–36	49	7	0
Oklahoma	([6])					
Oregon	1	([5])	([5])	1	0	0
Pennsylvania	49	12	2–27	43	6	0
Rhode Island	1	([5])	([5])	0	1	0
South Carolina	46	15	3–40	36	10	0
South Dakota	16	6	2–32	14	2	0
Tennessee	79	11	3–41	66	13	0
Texas	10	13	6–36	9	1	0
Utah	28	6	1–26	27	1	0
Vermont	1	([5])	([5])	0	1	0
Virginia	26	5	1–23	25	1	0
Washington	39	23	3–68	15	23	1
West Virginia	55	16	6–52	36	18	1
Wisconsin	33	7	3–25	31	2	0
Wyoming	23	9	3–34	22	1	0

[1] The number of counties includes all counties and cities for which the participation percentage was computed by USDA.
[2] Participation rate in the median county in each State.
[3] The range gives the percentage of poor people served by the counties reaching the lowest and highest percentages in the State.
[4] Some city programs are not included in USDA's data or in this summary due to lack of information on number of poor persons living in such cities.
[5] The median and range are not given where only data were available on a single county in the State.
[6] No program.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ALABAMA		
Autauga	46	
Baldwin	43	
Barbour		10
Bibb	27	
Blount	18	
Bullock		41
Butler	35	
Calhoun	18	
Chambers	33	
Cherokee	25	
Chilton	28	
Choctaw		15
Clarke		5
Clay	30	
Cleburne	30	
Coffee	25	
Colbert	22	
Conecuh	48	
Coosa	27	
Covington	27	
Crenshaw	36	
Cullman	28	
Dale	28	
Dallas		24
De Kalb	16	
Elmore	33	
Escambia	41	
Etowah	24	
Fayette	27	
Franklin	16	
Geneva	22	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ALABAMA—Continued		
Greene		42
Hale		24
Henry	47	
Houston		9
Jackson	23	
Jefferson		8
Lamar		9
Lauderdale	23	
Lawrence	35	
Lee	36	
Limestone	26	
Lowndes	92	
Macon	74	
Madison	25	
Marengo	63	
Marion	16	
Marshall	27	
Mobile		19
Monroe	55	
Montgomery		10
Perry		28
Pickens		16
Pike		10
Randolph	28	
Russell		14
St. Clair	18	
Shelby	24	
Sumter		19
Talladega	38	
Tallapoosa	27	
Walker		19
Washington		16
Wilcox	68	
Winston	23	
ALASKA		
Total		30
ARIZONA		
Apache	5	
Cochise	18	
Coconino	9	
Gila	26	
Graham	63	
Greenlee	18	
Maricopa	30	
Mohave	18	
Navajo	40	
Pima	31	
Pinal	58	
Santa Cruz	32	
Yavapai	10	
Yuma	21	
ARKANSAS		
Arkansas		6
Ashley		18
Baxter	9	
Benton	8	
Boone		3
Bradley		6
Calhoun		5
Carroll	4	
Chicot		28
Clark	11	
Clay	21	
Cleburne	11	
Cleveland	13	
Columbia		4
Conway		9
Craighead		9
Crawford		7
Crittenden		36
Cross		18
Dallas		6
Desha		15
Drew		14
Faulkner		4
Franklin	13	
Fulton	22	
Garland		5
Grant		8
Greene		8
Hempstead		4
Hot Spring	10	
Howard	8	
Independence		8
Izard		9
Jackson		16
Jefferson		14
Johnson		8
Lafayette		14
Lawrence		10
Lee		34
Lincoln		24
Little River		6
Logan		7
Lonoke		8
Madison	14	
Marion		6
Miller		3
Mississippi		23
Monroe		36
Montgomery	17	
Nevada	16	
Newton	42	
Ouachita		5
Perry		14
Phillips		37
Pike	12	
Poinsett		23
Polk		6
Pope		6
Prairie		9
Pulaski		8
Randolph		7
St. Francis		38
Saline		6
Scott	8	
Searcy	27	
Sebastian		4
Sevier		4
Sharp		9
Stone		14
Union		6
Van Buren	23	
Washington		4

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ARKANSAS—Continued		
White	17	
Woodruff	34	
Yell		6
CALIFORNIA		
Alameda		30
Amador	6	
Colusa	19	
Contra Costa		61
El Dorado	41	
Fresno	35	
Humboldt		25
Inyo	12	
Kern	43	
Kings	11	
Lake	25	
Lassen		30
Los Angeles		20
Madera	48	
Mendocino	3	
Merced	2	
Modoc		6
Monterey		40
Napa	25	
Plumas	20	
Sacramento	42	
San Francisco		17
San Joaquin	38	
San Luis Obispo	20	
San Mateo		13
Santa Barbara	35	
Santa Clara		32
Santa Cruz	20	
Shasta		57
Sonoma		20
Stanislaus	30	
Sutter	5	
Tehama	14	
Tulare	10	
Tuolumne	36	
Ventura	28	
Yolo	32	
Yuba	3	
COLORADO		
Adams		33
Alamosa		14
Arapahoe		15
Archuleta		14
Baca		4
Bent		18
Boulder		8
Chaffee		6
Cheyenne		6
Clear Creek		8
Conejos		40
Costilla		48
Crowley		13
Custer		4
Delta		7
Denver		28
Dolores		14
Eagle		11
Elbert		3
El Paso		12
Fremont		8
Garfield		5
Gilpin		(1)
Grand		4
Gunnison		12
Huerfano		17
Jefferson		8
Kiowa		6
Kit Carson		10
Lake		20
LaPlata		14
Larimer		29
Las Animas		16
Lincoln		7
Logan		8
Mesa		11
Mineral		(1)
Moffat		14
Montezuma		12
Montrose		10
Morgan		15
Otero		21
Phillips		4
Prowers		14
Pueblo		31
Rio Blanco		8
Rio Grande		19
Routt		8
Saguache		10
Sedgwick		3
Teller		9

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
COLORADO—Continued		
Washington		4
Weld		9
Yuma		3
CONNECTICUT		
Hartford: Hartford (Dist.)		26
Litchfield	3	
New Haven:		
New Haven (Dist.)		23
Waterbury (Dist.)		38
New London	16	
Tolland	5	
Windham	28	
DELAWARE		
Kent	35	
New Castle	51	
Sussex	28	
District of Columbia: Washington		23
FLORIDA		
Alachua	23	
Baker	37	
Bay	12	
Bradford	33	
Broward	10	
Collier	0	
Calhoun	41	
Columbia	35	
Dade	11	
De Soto	20	
Dixie	30	
Duval	18	
Escambia	26	
Franklin	24	
Gadsden	74	
Gilchrist	25	
Glades	29	
Gulf	37	
Hamilton	37	
Hardee	15	
Hernando	24	
Highlands	13	
Hillsborough	13	
Holmes	28	
Jackson	28	
Jefferson	51	
Lafayette	26	
Lake	10	
Lee	9	
Leon	22	
Levy	26	
Liberty	38	
Madison	39	
Monroe	8	
Okaloosa	18	
Okeechobee	18	
Palm Beach	16	
Pasco	14	
Pinellas	8	
Polk	48	
St. Lucie	23	
Santa Rosa	31	
Sumter	33	
Suwannee	29	
Taylor	28	
Union	27	
Volusia	9	
Wakulla	41	
Walton	30	
Washington	35	
GEORGIA		
Appling	24	
Atkinson	47	
Bacon	25	
Baker	50	
Baldwin		14
Banks	18	
Barrow	17	
Bartow	14	
Ben Hill		12
Berrien		4
Bibb		13
Bleckley		13
Brantley	32	
Brooks	43	
Bryan	38	
Bulloch	25	
Burke		22
Butts	35	
Calhoun		8
Camden	47	
Candler	33	
Carroll		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
GEORGIA—Continued		
Catoosa		11
Charlton		35
Chatham		10
Chattahoochee	68	
Chattooga	22	
Cherokee	11	
Clarke	12	
Clayton	13	
Clinch		14
Cobb	12	
Coffee	24	
Colquitt		12
Columbia	25	
Cook	20	
Coweta		7
Crawford	41	
Crisp		9
Dade	14	
Dawson		6
Decatur		13
De Kalb	19	
Dodge		18
Dooly	41	
Dougherty		14
Douglas	13	
Early	49	
Echols		37
Effingham	48	
Elbert		9
Emanuel	29	
Evans	32	
Fannin	15	
Fayette		6
Floyd	20	
Forsyth		3
Franklin	12	
Fulton	23	
Gilmer		5
Glascock	32	
Glynn	16	
Gordon		5
Grady		12
Greene		6
Gwinnett	15	
Habersham		5
Hall		6
Hancock		27
Haralson	19	
Harris	35	
Hart		8
Heard		13
Henry	19	
Houston		14
Irwin	35	
Jackson	16	
Jasper		14
Jeff Davis	21	
Jefferson	37	
Jenkins		12
Johnson		18
Jones		11
Lamar		6
Lanier		12
Laurens		12
Lee		34
Liberty	36	
Lincoln		10
Long	48	
Lowndes		11
Lumpkin		11
McDuffie		4
McIntosh	34	
Macon	61	
Madison		4
Marion	38	
Meriwether		14
Miller	29	
Mitchell		22
Monroe	24	
Montgomery	34	
Morgan		12
Murray	11	
Muscogee	18	
Newton	22	
Oconee		8
Oglethorpe		6
Paulding	26	
Peach		7
Pickens		5
Pierce		11
Pike		17
Polk		5
Pulaski		17
Putnam		14
Quitman	78	
Rabun		21
Randolph	36	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
GEORGIA—Continued		
Richmond		6
Rockdale	26	
Schley	35	
Screven	41	
Seminole		15
Spalding		9
Stephens		6
Stewart	39	
Sumter	37	
Talbot	33	
Taliaferro		56
Tattnall	30	
Taylor	38	
Telfair	27	
Terrell	58	
Thomas		16
Tift		12
Toombs		7
Towns		12
Treutlen		12
Turner	28	
Twiggs		21
Union	21	
Upson		7
Walker	23	
Walton		7
Ware	32	
Warren		18
Washington		15
Wayne	33	
Webster	40	
Wheeler		10
White		4
Whitfield	16	
Wilcox	38	
Wilkes		7
Wilkinson	47	
Worth	34	
HAWAII		
Hawaii		14
Honolulu		17
Kauai		(1)
Maui		14
IDAHO		
Benewah	16	
Bonner	21	
Boundary	17	
Clearwater	71	
Fremont	12	
Idaho	19	
Kootenai	26	
Latah	10	
Lewis	24	
Nez Perce	47	
Shoshone	32	
Teton	14	
ILLINOIS		
Adams		6
Alexander		12
Bond		3
Brown		2
Bureau		1
Calhoun		6
Carroll	3	
Cass		3
Champaign		4
Christian		2
Clark		1
Clay		5
Clinton		2
Colee		3
Cook		18
Crawford		3
Cumberland		3
De Witt		1
Douglas		5
Edgar		4
Edwards		1
Effingham		5
Fayette		5
Ford		2
Franklin		11
Fulton		3
Gallatin		6
Greene		4
Grundy		1
Hamilton		2
Hancock		2
Hardin		10
Henderson	14	
Henry	5	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
ILLINOIS—Continued		
Iroquois		1
Jackson		9
Jasper		2
Jefferson		9
Jersey		2
Jo Daviess	3	
Johnson		6
Kane		2
Kankakee		7
Knox		4
La Salle		2
Lawrence		12
Lee	9	
Livingston		2
Logan		1
McDonough		1
McHenry	4	
McLean		1
Macon		9
Macoupin		3
Madison		13
Marion		8
Marshall		3
Mason		4
Massac		8
Menard		2
Mercer	10	
Monroe		4
Montgomery		2
Morgan		3
Moultrie		3
Ogle	5	
Peoria		12
Perry		3
Piatt		1
Pike		5
Pope		9
Pulaski		20
Putnam		1
Randolph		4
Richland		2
Rock Island	17	
St. Clair		27
Saline		9
Sangamon		5
Schuyler		3
Scott		3
Shelby		1
Tazewell		4
Union		6
Vermilion		3
Wabash		3
Warren	7	
Washington		1
Wayne		17
White		3
Whiteside	10	
Will		1
Williamson		5
Winnebago	22	
INDIANA		
Adams	4	
Allen	18	
Bartholomew		12
Benton	1	
Blackford	9	
Boone	2	
Brown	17	
Carroll	6	
Cass	6	
Clark	13	
Clay	10	
Clinton	2	
Crawford	12	
Daviess		4
Dearborn		10
Decatur	7	
De Kalb	4	
Delaware	11	
Bubois	3	
Elkhart	5	
Fayette	9	
Floyd		11
Fountain	7	
Franklin	10	
Fulton	2	
Gibson		6
Grant	10	
Greene	12	
Hamilton	3	
Hancock	5	
Harrison		5
Hendricks	3	
Henry	6	
Howard		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
INDIANA—Continued		
Huntington	1	
Jackson	13	
Jasper	3	
Jay	4	
Jefferson	8	
Jennings	12	
Johnson	9	
Knox		6
Kosciusko	3	
Lagrange	2	
Lake		26
La Porte	11	
Lawrence	11	
Madison		7
Marion		9
Marshall		4
Martin	17	
Miami	6	
Monroe	12	
Montgomery	3	
Morgan	10	
Noble	6	
Ohio	8	
Orange	13	
Owen	10	
Parks	13	
Perry		18
Pike		10
Porter	5	
Posey		9
Pulaski	3	
Putnam		3
Randolph	7	
Ripley	6	
Rush	3	
St. Joseph	10	
Scott	19	
Shelby	4	
Spencer		11
Starke	15	
Sullivan	13	
Switzerland		6
Tippecanoe	7	
Tipton		5
Union	4	
Vanderburgh		11
Vermillion	14	
Vigo	21	
Wabash	1	
Warren	2	
Warrick		9
Washington	8	
Wayne	13	
Wells	1	
Whitley	2	
IOWA		
Adair		2
Adams		1
Allamakee	8	
Appanoose		9
Audubon		3
Benton		2
Black Hawk	34	
Boone	16	
Buchanan	9	
Buena Vista		2
Butler		2
Bremer		3
Calhoun		3
Carroll		6
Cass		5
Cedar	6	
Cerro Gordo		7
Cherokee		3
Chickasaw	10	
Clarke		2
Clay		5
Clayton		5
Clinton		7
Crawford	7	
Dallas		5
Davis		6
Decatur		6
Delaware		5
Des Moines		4
Dickinson		3
Dubuque		15
Emmet		3
Floyd		4
Franklin		2
Fremont		4
Greene		3
Grundy		2
Guthrie		2

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
IOWA—Continued		
Hamilton		5
Hancock		2
Hardin		3
Harrison		4
Henry		2
Howard		3
Humboldt		6
Ida		2
Iowa	5	
Jackson		6
Jasper		5
Jefferson		5
Johnson		5
Jones		4
Keokuk	9	
Kossuth		6
Lee		6
Linn		9
Louisa	17	
Lucas		11
Lyon		2
Madison		3
Mahaska	15	
Marion		8
Marshall		4
Mitchell		2
Monona		5
Mills		5
Monroe	16	
Montgomery		2
Muscatine	18	
O'Brien		2
Osceola		2
Page		4
Palo Alto		10
Plymouth		2
Pocahontas		4
Polk		28
Pottawattamie		10
Poweshiek		2
Pinggold		4
Sac		3
Scott		20
Shelby		1
Sioux		3
Story		7
Tama		3
Taylor		3
Union		5
Van Buren		3
Vapello		14
Warren		5
Washington		2
Wayne		4
Webster	25	
Winnebago		3
Winneshiek	9	
Woodbury		18
Worth		3
Wright		4
KANSAS		
Atchison		7
Bourbon		2
Cherokee		8
Clark	5	
Crawford		5
Elk	4	
Ford	7	
Grant	18	
Greenwood		5
Hamilton	11	
Harper	4	
Hodgeman	3	
Kearny	9	
Kingman	1	
Labette		4
Leavenworth		4
Meade	3	
Sedgwick	25	
Shawnee	16	
Sherman	15	
Wilson		3
Wyandotte	39	
KENTUCKY		
Adair		8
Allen		4
Anderson	4	
Ballard	8	
Barren	13	
Bath		19
Bell		34
Boone	6	
Boyd	27	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
KENTUCKY—Continued		
Boyle	13	
Bracken	13	
Breathitt		48
Breckinridge	18	
Bullitt	12	
Butler		10
Caldwell	17	
Calloway	8	
Campbell		12
Carlisle	16	
Carroll	12	
Carter		17
Casey		13
Christian	14	
Clark		9
Clay		43
Clinton		23
Crittenden	12	
Cumberland		18
Daviess	20	
Edmonson	25	
Elliott		30
Estill		26
Fayette	9	
Fleming	16	
Floyd		24
Franklin	19	
Fulton	40	
Gallatin	18	
Garrard	11	
Grant		6
Graves	9	
Grayson	13	
Greene	13	
Greenup	20	
Hancock	17	
Hardin	11	
Harlan		36
Hart	15	
Henderson	11	
Henry	10	
Hickman		10
Hopkins	7	
Jackson		28
Jefferson		6
Jessamine	13	
Johnson		28
Kenton		13
Knott		50
Knox		36
Larue	11	
Laurel		22
Lawrence	27	
Lee		37
Leslie		59
Letcher		30
Lewis	26	
Lincoln		14
Livingston	17	
Logan		7
Lyon	19	
McCracken	20	
McCreary		40
McLean	21	
Madison	12	
Magoffin		47
Marion	24	
Marshall	6	
Martin		53
Mason	12	
Meade	6	
Menifee		19
Mercer	15	
Metcalfe	10	
Monroe	17	
Montgomery		14
Morgan		28
Muhlenberg		7
Nelson	22	
Nicholas	22	
Ohio	21	
Oldham	15	
Owen	15	
Owsley		42
Pendleton	14	
Perry		38
Pike		14
Powell		31
Pulaski		12
Robertson	12	
Rockcastle		29
Rowan		16
Russell		13
Scott	11	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
KENTUCKY—Continued		
Shelby		3
Simpson		5
Spencer	10	
Taylor	10	
Tood		5
Trigg	21	
Trimble	10	
Union	13	
Warren	9	
Washington	16	
Wayne		20
Webster	18	
Whitley		23
Wolfe		33
Woodford	18	
LOUISIANA		
Acadia		18
Allen		16
Ascension	46	
Assumption		25
Avoyelles		31
Beauregard		8
Bienville	44	
Caddo		6
Calcasieu		19
Caldwell		15
Cameron		6
Catahoula	48	
Claiborne	45	
Concordia		20
De Soto		8
East Baton Rouge		9
East Carroll		26
East Feliciana	61	
Evangeline		41
Franklin		29
Grant	45	
Iberia		8
Iberville		25
Jefferson Davis		11
Lafayette		18
La Salle	28	
Livingston	71	
Madison		22
Morehouse		22
Natchitoches		18
Orleans		6
Pointe Coupee		26
Rapides		12
Red River		26
Richland		25
Sabine	45	
St. Bernard	53	
St. Charles	36	
St. Helena		14
St. James		13
St. John the Baptist		18
St. Landry		29
St. Martin		25
St. Mary	37	
Tangipahoa	53	
Tensas		18
Union		13
Vermilion		7
Vernon		13
Washington	45	
West Baton Rouge	61	
West Carroll		21
West Feliciana	68	
Winn		10
MAINE		
Androscoggin		19
Aroostook	35	
Cumberland	18	
Franklin	4	
Hancock	14	
Kennebec	18	
Knox	27	
Lincoln	7	
Oxford	10	
Penobscot	14	
Piscataquis	21	
Sagadahoc	24	
Somerset	2	
Waldo	7	
Washington	10	
York	11	
MARYLAND		
Allegany		8
Anne Arundel		12

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MARYLAND—Continued		
Baltimore		5
Caroline		8
Carroll		4
Charles		31
Dorchester		3
Frederick		3
Garrett		9
Harford	10	
Kent		4
Montgomery		9
Prince Georges		15
Queen Annes		4
St. Mary's		10
Somerset		3
Talbot		3
Wicomico		7
Worcester		1
Independent city		
Baltimore City		19
MASSACHUSETTS		
Bristol: New Bedford (city)	21	
Essex: Lynnfield (city)	(1)	
Franklin:		
Bernardston (city)	(1)	
Buckland (city)	(1)	
Deerfield (city)	(1)	
Springfield (city)	20	
W. Springfield (city)	(1)	
Hampshire:		
Amherst (city)	(1)	
Easthampton (city)	(1)	
Goshen (city)	(1)	
Northampton (city)	30	
Williamsburg (city)	(1)	
Middlesex:		
Cambridge (city)	15	
Lowell (city)	28	
Malden (city)	14	
Norfolk: Quincy (city)	7	
Plymouth:		
Brocton (city)	34	
Whitman (city)	(1)	
Suffolk: Boston (city)	28	
Worcester:		
Gardner (city)	(1)	
Winchendon (city)	(1)	
MICHIGAN		
Alcona	24	
Alger		19
Allegan		12
Alpena	25	
Antrim	24	
Arenac	21	
Baraga	39	
Barry		10
Bay	29	
Benzie	29	
Berrien		14
Branch	15	
Calhoun	37	
Cass	17	
Charlevoix	16	
Cheboygan	26	
Chippewa	30	
Clare		15
Clinton		7
Crawford		19
Delta	27	
Dickinson	29	
Eaton		6
Emmet	15	
Genesee		19
Gladwin	20	
Gogebic		13
Grand Traverse		16
Gratiot		10
Hillsdale		6
Houghton		24
Huron		4
Ingham		16
Ionia	12	
Iosco	21	
Iron		13
Isabella		11
Jackson		15
Kalamazoo		9
Kalkasha	52	
Kent	29	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MICHIGAN—Continued		
Keweenaw		47
Lake	35	
Lapeer		9
Leelanau		10
Lenawee	16	
Livingston	16	
Luce	31	
Mackinac		13
Macomb		11
Manistee	25	
Marquette	16	
Mason	20	
Mecosta	11	
Menominee	16	
Missaukeo	32	
Monroe		7
Montcalm	15	
Montmorency	22	
Muskegon		25
Newaygo	23	
Oakland		9
Oceana	22	
Ogemaw		17
Ontonagon		10
Osceola	20	
Oscoda	43	
Otsego	11	
Ottawa	16	
Presque Isle	19	
Roscommon	29	
Saginaw		28
St. Clair		14
St. Joseph		6
Sanilac	5	
Schoolcraft	32	
Shiawassee	21	
Tuscola	15	
Van Buren		7
Washtenaw		4
Wayne		13
Wexford	26	
MINNESOTA		
Aitkin		8
Anoka		25
Becker		13
Beltrami		17
Benton		8
Big Stone		9
Blue Earth		8
Carlton		24
Carver		5
Cass		12
Chippewa		3
Chisago		8
Clearwater	25	
Cook		34
Cottonwood	5	
Crow Wing		13
Dakota		12
Douglas	12	
Faribault	10	
Grant	11	
Hennepin		15
Hubbard		15
Isanti	8	
Itasca		18
Jackson	4	
Kanabec	7	
Kandiyohi		8
Kittson		6
Koochiching		22
Lac qui Parle		3
Lake		8
Lake of the Woods		13
Le Sueur		5
Lincoln		8
Lyon	12	
Mahnomen	24	
Marshall		7
Meeker	7	
Mille Lacs		10
Morrison	57	
Mower	56	
Murray		31
Nicollet	40	
Nobles		16
Otter Tail		16
Pennington		28
Pine		36
Pipestone		17
Polk		27
Pope	20	
Ramsey		26
Red Lake		9

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MINNESOTA—Continued		
Redwood		4
Renville		5
Rock	4	
Roseau		5
St. Louis		21
Scott	10	
Sherburne	11	
Sibley		5
Stearns		9
Stevens	7	
Swift		7
Todd	13	
Traverse	10	
Wadena		7
Waseca	9	
Washington		12
Wright		6
Yellow Medicine		4
MISSISSIPPI		
Adams	35	
Alcorn		19
Amite	51	
Attala		26
Benton	64	
Bolivar		48
Calhoun	32	
Carroll	54	
Chickasaw		21
Choctaw	43	
Claiborne		31
Clarke	52	
Clay		40
Coahoma		49
Copiah	41	
Covington		25
DeSoto		50
Forrest		18
Franklin	34	
George	51	
Greene	53	
Grenada		22
Hancock	20	
Harrison		12
Hinds		24
Holmes		48
Humphreys		40
Issaquena	61	
Itawamba		9
Jackson		14
Jasper		31
Jefferson	73	
Jefferson Davis		31
Jones		27
Kemper	44	
Lafayette	31	
Lamar		19
Lauderdale	32	
Lawrence	48	
Leake	60	
Lee		17
Leflore		43
Lincoln		18
Lowndes		19
Madison		30
Marion		15
Marshall	73	
Monroe		20
Montgomery		25
Neshoba	23	
Newton	26	
Noxubee	75	
Oktibbeha		21
Panola		31
Pearl River	22	
Perry	31	
Pike		19
Pontotoc	23	
Prentiss		14
Quitman		36
Rankin	54	
Scott		24
Sharkey	89	
Simpson		14
Smith	31	
Stone	30	
Sunflower		35
Tallahatchie		44
Tate	50	
Tippah	29	
Tishomingo	18	
Tunica		53
Union		16
Walthall	57	
Warren		15

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
MISSISSIPPI—Continued		
Washington		29
Wayne	43	
Webster	25	
Wilkinson	66	
Winston	40	
Yalobusha		24
Yazoo		40
MISSOURI		
Benton	14	
Bollinger	27	
Buchanan	19	
Butler	35	
Caldwell	1	
Cape Girardeau	18	
Carter	49	
Christian	17	
Clay	10	
Dade	13	
Dallas	24	
Daviess	11	
De Kalb	1	
Dent	25	
Douglas	21	
Dunklin	34	
Gentry	1	
Greene	23	
Harrison	10	
Hickory	18	
Howell	21	
Iron	43	
Jackson	17	
Jefferson	17	
Lewis	13	
Linn	1	
Livingston	16	
McDonald	14	
Madison	26	
Maries	12	
Marion	16	
Mercer	10	
Mississippi	54	
New Madrid	44	
Nodaway	1	
Oregon	27	
Osage	13	
Ozark	23	
Pemiscot	52	
Perry	1	
Pike	15	
Polk	27	
Putnam	14	
Ralls	11	
Reynolds	70	
Ripley	38	
St. Charles	45	
St. Clair	12	
St. Francois	31	
St. Louis	20	
Schuyler	1	
Scott	42	
Shannon	36	
Shelby	19	
Stoddard	37	
Stone	21	
Sullivan	11	
Texas	23	
MISSOURI		
Washington	44	
Wayne	43	
Webster	17	
Worth	9	
Wright	22	
Independent city		
St. Louis		15
MONTANA		
Cascade		27
Deer Lodge		18
Flathead	30	
Glacier		8
Lewis and Clark		8
Lincoln		38
Roosevelt	65	
Silver Bow		22
Valley		12
Wibaux	17	
NEBRASKA		
Antelope		3
Boone		4
Boyd		6

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEBRASKA—Continued		
Box Butte		4
Buffalo		4
Butler		2
Cedar		4
Clay		3
Cuming		3
Custer		3
Dakota		8
Dawson		4
Deuel		3
Dixon		5
Dodge		5
Douglas		23
Franklin		2
Gage		3
Garfield		4
Gosper		3
Greeley		9
Hall		5
Harlan		6
Holt		2
Howard		3
Johnson		1
Kearney		3
Keith		5
Knox	13	
Lancaster		6
Madison		1
Merrick		3
Morrill		4
Nance		1
Nemaha		3
Phelps		4
Pierce		1
Pawnee		3
Rock		6
Sarpy		9
Saunders		3
Scotts Bluff		10
Sheridan		7
Sherman		2
Stanton		3
Thayer		2
Thurston	48	
Valley		3
Washington		2
Wheeler		3
York		2
NEVADA		
Churchill	21	
Clark	13	
Elko	20	
Eureka	16	
Humboldt	51	
*Lincoln	15	
Lyon	29	
Mineral	34	
Ormsby	9	
Pershing	27	
Washoe	18	
White Pine	28	
NEW HAMPSHIRE		
Belknap	18	
Carroll	14	
Cheshire	19	
Coos	23	
Grafton	7	
Hillsborough	11	
Merrimack	15	
Rockingham	5	
Strafford	8	
Sullivan	12	
NEW JERSEY		
Atlantic		20
Bergen		6
Burlington:		
Mount Holly (city)	(1)	
Mount Laurel (city)	(1)	
North Hanover (city)	(1)	
Camden		18
Cape May		15
Cumberland		21
Essex: Newark (city)	22	
Gloucester:		
Glassboro (city)	(1)	
Washington (township)	(1)	
Monroe (city)	(1)	
Hudson		27

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEW JERSEY—Continued		
Mercer		15
Middlesex		19
Monmouth:		
Asbury Park	(1)	
Keyport (city)	(1)	
Ocean		24
Passaic		6
Salem		23
Somerset: Millstone (city)	(1)	
Sussex: Franklin (city)	(1)	
Union		12
Warren		10
NEW MEXICO		
Bernalillo		49
Catron	17	
Chaves		18
Colfax		19
Curry		19
De Baca		11
Dona Ana	34	
Eddy		25
Grant	25	
Guadalupe		41
Harding		12
Hidalgo	34	
Lea		13
Lincoln		10
Luna	41	
McKinley	47	
Mora		44
Otero		18
Quay		21
Rio Arriba		60
Roosevelt		20
Sandoval		49
San Juan	50	
San Miguel		50
Santa Fe		47
Sierra	23	
Socorro	56	
Taos		4
Torrance		32
Union		8
Valencia	47	
NEW YORK		
Albany	13	
Allegany	22	
Broome	22	
Binghamton (city)	46	
Union (city)	(1)	
Cattaraugus		12
Cayuga	28	
Auburn (city)	29	
Chautauqua	(1)	
Jamestown (city)		(1)
Chemung	32	
Clinton		14
Columbia	19	
Cortland	27	
Delaware	25	
Erie		20
Essex	30	
Franklin	44	
Fulton	38	
Genesee	28	
Greene	13	
Hamilton	31	
Herkimer	18	
Jefferson	28	
Lewis	50	
Livingston	19	
Madison	30	
Monroe	25	
Montgomery	22	
Nassau	20	
New York (city)	27	
Niagara		24
Oneida	27	
Onondaga	39	
Orleans	30	
Oswego	40	
Oswego (city)	(1)	
Rensselaer	32	
St. Lawrence	39	
Saratoga	14	
Schenectady	11	
Scoharie	29	
Schuyler	30	
Seneca	24	
Steuben	33	
Suffolk	29	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NEW YORK—Continued		
Tioga	34	
Tompkins	20	
Ulster	12	
Warren	27	
Washington	33	
Wayne		8
Westchester	18	
Wyoming		5
Yates	25	
NORTH CAROLINA		
Alexander	12	
Alleghany	15	
Anson		12
Ashe	12	
Avery	23	
Beaufort	11	
Bertie		32
Bladen		29
Brunswick		12
Buncombe	12	
Burke	5	
Cabarrus		4
Caldwell	6	
Camden	30	
Carteret	11	
Caswell	16	
Catawba		4
Chatham		6
Cherokee	13	
Chowan		11
Clay	17	
Cleveland		5
Columbus	23	
Craven	18	
Cumberland	17	
Currituck	24	
Dare		8
Davidson	6	
Davie		5
Duplin	14	
Durham		14
Edgecombe	31	
Forsyth		7
Franklin		17
Gaston	11	
Gates	19	
Graham	17	
Granville		9
Greene		26
Guilford	14	
Halifax		24
Harnett		4
Haywood	20	
Henderson	8	
Hertford	38	
Hoke	34	
Hyde	46	
Jackson	15	
Johnston	12	
Jones	40	
Lee		15
Lenoir	17	
McDowell		7
Macon	10	
Madison	23	
Martin		25
Mecklenburg	20	
Mitchell	30	
Montgomery	13	
Moore		7
Nash		18
New Hanover		8
Northampton		19
Onslow	11	
Orange		6
Pamlico	15	
Pasquotank	17	
Pender	15	
Perquimans	23	
Person		13
Pitt	37	
Richmond		4
Robeson	17	
Rockingham		3
Rowan	7	
Rutherford	7	
Sampson	15	
Scotland		18
Stokes	9	
Surry		5
Swain	22	
Transylvania	10	
Tyrrell	40	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
NORTH CAROLINA—Continued		
Union		6
Vance	28	
Wake	18	
Warren		29
Washington	39	
Watauga	15	
Wayne	22	
Wilkes	11	
Wilson	21	
Yadkin	6	
Yancey	18	
NORTH DAKOTA		
Barnes		13
Benson		21
Billings		5
Bottineau		5
Burke		5
Burleigh	24	
Cass	14	
Cavalier		18
Dickey		12
Divide		7
Dunn		5
Emmons		25
Foster	9	
Golden Valley		(1)
Grand Forks	18	
Grant		5
Griggs		7
Hettinger		7
Kidder		4
La Moure		11
Logan		7
McHenry		10
McIntosh		7
McLean		5
Mercer		6
Morton		12
Mountrail		12
Nelson		3
Oliver		7
Pembina		11
Pierce		9
Ramsey	4	
Ransom		5
Richland		7
Rolette	15	
Sargent		10
Sheridan		8
Sioux		3
Stark		13
Steele		4
Towner		9
Traill		9
Walsh	16	
Ward	21	
Williams		13
OHIO		
Adams	21	
Allen		10
Ashland		2
Ashtabula		10
Athens		12
Belmont		7
Brown	14	
Butler		9
Carroll		4
Champaign	4	
Clark		9
Clermont		23
Clinton	19	
Columbiana		10
Coshocton		3
Crawford		5
Cuyahoga		36
Darke	7	
Erie		8
Fayette	17	
Franklin		22
Fulton		2
Geauga		8
Guernsey		6
Hamilton		21
Hardin		3
Harrison		4
Highland	17	
Hocking		8
Holmes		2
Huron		6
Jackson	41	
Jefferson		21
Knox		5
Lake		7

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
OHIO—Continued		
Lawrence		26
Licking	10	
Logan		5
Lorain		27
Lucas		30
Madison	20	
Mahoning		18
Marion		9
Medina		4
Meigs		12
Miami		5
Monroe		9
Montgomery		15
Morgan		9
Morrow	6	
Muskingum		14
Ottawa		10
Perry	11	
Pickaway	20	
Pike	43	
Portage		8
Preble	7	
Richland		6
Ross		13
Sandusky		6
Scioto		19
Shelby	4	
Stark		11
Summit		17
Trumbull		15
Tuscarawas		7
Union	7	
Van Wert		4
Vinton		9
Warren	9	
Washington		5
Wayne		4
Wood		8
Wyandot		7
OKLAHOMA		
Adair	71	
Alfalfa	11	
Atoka	34	
Beckham	28	
Blaine	20	
Bryan	20	
Caddo	37	
Canadian	12	
Carter	33	
Cherokee	37	
Choctaw	41	
Cimarron	19	
Cleveland	20	
Coal	43	
Comanche	16	
Cotton	20	
Craig	18	
Creek	32	
Custer	22	
Delaware	45	
Dewey	14	
Ellis	11	
Garfield	17	
Garvin	30	
Grady	30	
Grant	9	
Greer	26	
Harper	16	
Haskell	48	
Hughes	36	
Jackson	30	
Jefferson	27	
Johnston	43	
Kay	24	
Kingfisher	13	
Kiowa	26	
Latimer	52	
Le Flore	45	
Lincoln	22	
Logan	27	
Love	33	
McClain	20	
McCurtain	53	
McIntosh	45	
Marshall	38	
Mayes	30	
Murray	30	
Muskogee	42	
Noble	18	
Nowata	32	
Okfuskee	40	
Oklahoma	37	
Okmulgee	40	
Osage	21	
Ottawa	24	
Pawnee	23	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
OKLAHOMA—Continued		
Payne	17	
Pittsburg	26	
Pontotoc	25	
Pottawatomie	26	
Pushmataha	36	
Roger Mills	12	
Rogers	23	
Seminole	40	
Sequoyah	65	
Stephens	23	
Texas	24	
Tillman	41	
Tulsa	25	
Wagoner	36	
Washington	19	
Washita	11	
Woodward	12	
OREGON		
Baker	26	
Benton	19	
Clackamas	38	
Clatsop	22	
Columbia	47	
Coos	57	
Crook	40	
Curry	56	
Deachutes	31	
Douglas	48	
Gilliam	4	
Grant	37	
Harney	25	
Hood River	50	
Jackson	24	
Jefferson	49	
Josephine	48	
Klamath	27	
Lake	37	
Lane	56	
Lincoln	34	
Linn	45	
Malheur	32	
Marion	39	
Morrow	19	
Multnomah		15
Polk	36	
Sherman	16	
Umatilla	30	
Union	17	
Wallowa	24	
Wasco	31	
Washington	24	
Wheeler	10	
Yamhill	28	
PENNSYLVANIA		
Allegheny		23
Armstrong		13
Beaver		17
Bedford	16	
Berks		8
Blair		9
Bradford		19
Bucks	17	
Butler		11
Cambria		13
Cameron		15
Carbon	9	
Centre		10
Chester	5	
Clarion		22
Clearfield		15
Clinton		10
Columbia		5
Crawford		8
Cumberland	7	
Dauphin		9
Delaware		20
Elk		7
Erie		10
Fayette		27
Forest	10	
Franklin	13	
Fulton	23	
Greene		24
Huntingdon		14
Indiana		13
Jefferson		11
Juniata		7
Lackawanna		14
Lancaster	4	
Lawrence		25

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 Census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
PENNSYLVANIA—Continued		
Lebanon	6	
Lehigh	5	
Luzerne		9
Lycoming		7
McKean		19
Mercer		9
Mifflin		10
Monroe		11
Montgomery	6	
Montour		2
Northampton		11
Northumberland		8
Perry		8
Philadelphia		18
Potter		18
Schuylkill	14	
Snyder	9	
Somerset		13
Sullivan		9
Susquehanna		9
Tioga		24
Union	16	
Venango		16
Warren	11	
Washington		16
Wayne		4
Westmoreland		12
Wyoming		6
York		14
RHODE ISLAND		
Bristol:		
Bristol (city)	(1)	
Warren (city)	(1)	
Kent:		
Coventry (city)	(1)	
East Greenwich (city)	(1)	
Warwick (city)	10	
West Greenwich (city)	(1)	
West Warwick (city)	(1)	
Newport:		
Jamestown (city)	(1)	
Newport (city)	(1)	1 N/A
Providence:		
Burrillville (city)	(1)	
Central Falls (city)		1 N/A
Cranston (city)	12	
East Providence (city)		1 N/A
Foster (city)	(1)	
Glocester (city)	(1)	
Johnston (city)	(1)	
Lincoln (city)	(1)	
North Providence (city)	(1)	
North Smithfield (city)	(1)	
Pawtucket (city)		(1)
Providence (city)		25
Smithfield (city)	(1)	
Woonsocket (city)		(1)
SOUTH CAROLINA		
Abbeville		4
Aiken		8
Allendale		24
Anderson		3
Bamberg		18
Barnwell		18
Beaufort		20
Berkeley		24
Calhoun		19
Charleston		9
Cherokee		6
Chester		6
Chesterfield		13
Clarendon		31
Colleton		16
Darlington		17
Dillon		40
Dorchester		19
Edgefield		13
Fairfield		8
Florence		26
Georgetown		36
Greenville		7
Greenwood		3
Hampton		17
Horry		16
Jasper		16
Kershaw		11
Lancaster		7
Laurens		6

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
SOUTH CAROLINA—Continued		
Lee		40
Lexington		5
McCormick		31
Marion		18
Marlboro		31
Newberry		5
Oconee		7
Orangeburg		18
Pickens		5
Richland		4
Saluda		11
Spartanburg		5
Sumter		16
Union		5
Williamsburg		40
York		14
SOUTH DAKOTA		
Beadle		6
Bennett		3
Bon Homme	6	
Brookings	8	
Brown		7
Brule	13	
Buffalo	10	
Campbell	18	
Charles Mix	21	
Clark		4
Codington		6
Corson		4
Davison		9
Day	14	
Deuel	11	
Dewey		17
Douglas	8	
Edmunds	10	
Faulk	6	
Grant	6	
Gregory	11	
Hamlin	5	
Hand	9	
Hanson	3	
Hutchison		2
Hyde		9
Jackson		8
Jerauld	5	
Kingsbury	12	
Lake		6
Lincoln		3
Lyman	7	
McCook	9	
McPherson	4	
Marshall	7	
Mellette	8	
Miner	4	
Moody	16	
Pennington		22
Perkins	9	
Potter	10	
Roberts	8	
Sanborn	6	
Todd	6	
Tripp	16	
Turner		3
Union	9	
Walworth	23	
Ziebach		32
TENNESSEE		
Anderson		25
Bedford		3
Benton	16	
Bledsoe		26
Blount		10
Bradley		8
Campbell		27
Cannon		12
Carroll	12	
Carter		18
Cheatham	20	
Chester		6
Claiborne		18
Clay		16
Cocke		10
Coffee		8
Crockett		14
Cumberland		14
Davidson		4
Decatur	13	
DeKalb		8
Dickson		6
Dyer		13
Fayette		39

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TENNESSEE—Continued		
Fentress		20
Franklin		10
Gibson	19	
Giles		6
Grainger		14
Greene	5	
Grundy		17
Hamblen	12	
Hamilton		8
Hancock		23
Hardeman	51	
Hardin		15
Hawkins		10
Haywood		41
Henderson		12
Henry		4
Hickman		14
Houston		13
Humphreys		12
Jackson		13
Jefferson	17	
Johnson		11
Knox		9
Lake		31
Lauderdale		29
Lawrence		7
Lewis		9
Lincoln		7
Loudon		9
McMinn		7
McNairy		13
Macon		6
Madison	10	
Marion		26
Marshall	11	
Maury		5
Meigs		12
Monroe		9
Montgomery		6
Moor		6
Morgan		32
Obion		4
Overton		14
Perry		12
Pickett		14
Polk		8
Putnam		9
Rhea		17
Roane		17
Robertson	13	
Rutherford		5
Scott		39
Sequatchie		23
Sevier		6
Shelby		8
Smith		7
Stewart	21	
Sullivan		11
Sumner		9
Tipton		28
Trousdale		8
Unicoi		17
Union	24	
Van Buren		11
Warren		6
Washington	8	
Wayne		10
Weakley		5
White		11
Wilsen		6
TEXAS		
Anderson	6	
Angelina	42	
Atascosa	12	
Austin	8	
Bastrop	18	
Bee	4	
Bexar		12
Brewster		12
Brooks	61	
Brown	11	
Burleson	28	
Caldwell	16	
Callahan	9	
Cameron	14	
Camp	24	
Carson	3	
Cass	18	
Cherokee	11	
Childress	7	
Cochran	18	
Coke	8	
Comanche	10	
Cooke	11	
Cottle	24	
Crosby	6	

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS—Continued		
Culberson		15
Dallam	6	
Dallas	12	
Dawson	16	
Delta	15	
De Witt	16	
Dickens	19	
Dimmit	30	
Duval	51	
Eastland	11	
El Paso		13
Falls	17	
Fannin	21	
Fayette	9	
Fisher	10	
Floyd	10	
Foard	12	
Franklin	15	
Freestone	19	
Frio	32	
Galveston	10	
Goliad	34	
Gonzales	20	
Grimes	25	
Grayson		
Denison (City)	(1)	
Guadalupe	8	
Hale	13	
Hamilton	5	
Hardeman	13	
Hardin	19	
Harris	10	
Haskell	14	
Hays	19	
Hemphill	7	
Henderson	8	
Hidalgo	17	
Hills	13	
Hockley	10	
Houston	20	
Howard	9	
Hudspeth		17
Hutchison	23	
Irion	22	
Jackson	8	
Jasper	20	
Jeff Davis		16
Jefferson	11	
Jim Hogg	58	
Jim Wells	25	
Jones	18	
Karnes	41	
Kent	18	
Kinney	55	
Kleberg	21	
Know	15	
Lamb	8	
La Salle	45	
Lavaca	11	
Lee	19	
Leon	27	
Liberty	12	
Limestone	19	
Lipscomb	3	
Live Oak	41	
Lubbock	6	
McLennan	6	
Madison	25	
Marion	33	
Martin	7	
Matagorda	17	
Maverick	44	
Madina	16	
Milam	19	
Montague	13	
Moore	4	
Morris	19	
Motley	22	
Nacagdoches	14	
Newton	23	
Nolan	15	
Nueces	8	
Orange	10	
Panola	18	
Pecos		12
Polk	19	
Potter	7	
Presidio		36
Rains	15	
Real	33	
Robertson	41	
Sabine	10	
San Augustine	18	
San Jacinto	39	
San Patricio	27	
Scurry	16	

Footnotes at end of table.

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS—Continued		
Shelby	8	
Smith	2	
Starr	67	
Stonewall	18	
Swisher	17	
Tarrant		6
Terrell		6
Terry	5	
Titus	15	
Tom Green	11	
Travis	20	
Trinity	23	
Tyler	14	
Upshur	20	
Val Verde Del Rio (city)	23	
Waller	14	
Walker	38	
Ward	27	
Washington	23	
Webb	40	
Wilbarger	13	
Willacy	39	
Williamson	10	
Wilson	15	
Zapata	57	
Zavala	28	
UTAH		
Beaver		5
Box Elder		5
Cache		3
Carbon		10
Daggett		(2)
Davis		11
Duchesne		11
Emery		6
Garfield		8
Grand		11
Iron		6
Juab		4
Kane		2
Millard		2
Morgan		4
Piute		8
Rich		1
Salt Lake		18
San Juan		26
Sanpete		6
Sevier		5
Summit		4
Tooele		4
Uintah		10
Utah		10
Wasatch		6
Washington		4
Wayne		1
Weber		19
VERMONT [4]		
Addison		(1)
Middlebury [4]		
Bennington		
Bennington [4]		(1)
Caledonia		
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Chittendon		
St. Alban's (WD)		(1)
Burlington (WD)		30
Middlebury (WD)		(1)
Morrisville (WD)		(1)
Essex		
Newport (WD)		(1)
St. Johnsbury (WD)		(1)
Franklin		
St. Alban's (WD)		(1)
Grand Isle		
St. Alban's (WD)		(1)
Lamoille		
Morrisville (WD)		(1)
Orange		
Hartford (WD)		(1)
Montpelier (WD)		(1)
St. Johnsbury (WD)		(1)
Orleans		
Newport (WD)		(1)
Rutland		
Rutland (WD)		(1)
Washington		
Montpelier (WD)		(1)
Morrisville (WD)		(1)
St. Johnsbury (WD)		(1)
Windham		
Brattleboro (WD)		(1)
Springfield (WD)		(1)

EXHIBIT 2

TABLE II.—FOOD ASSISTANCE PROGRAMS—NEEDY FAMILY (CD) AND FOOD STAMP PROGRAMS—Continued

Percent of persons participating in county and city administrative units (computation based on: (1) 1960 census of families with incomes under $3,000, (2) an average family of 4, and (3) program participation as of February 1969—Continued

[In percent]

State/Adm. unit	Commodity distribution	Food stamp
Vermont—Continued		
Windsor		
Hartford (WD)		(1)
Springfield (WD)		(1)
VIRGINIA		
Accomack	7	
Amelia		5
Amherst	11	
Appomattox	17	
Bath	16	
Bland	11	
Brunswick	15	
Buchanan	21	
Buckingham	15	
Caroline		2
Carroll	9	
Charles City		5
Charlotte	9	
Craig	13	
Cumberland	15	
Dickenson		23
Dinwiddie		6
Essex		3
Fairfax		5
Floyd	5	
Fluvanna	18	
Franklin	6	
Giles	18	
Goochland		2
Grayson		4
Greene	19	
Greenville	16	
Halifax	18	
Highland		1
Isle of Wight	27	
King and Queen	14	
Lee		14
Louisa	11	
Lunenburg	13	
Madison		4
Mecklenburg		1
Middlesex		5
Nansemond	33	
Nelson	12	
Northampton	13	
Northumberland		2
Nottoway	20	
Page	24	
Patrick	4	
Pittsylvania	22	
Powhatan	14	
Prince Edwards	18	
Rappanhannock	17	
Richmond	20	
Russell	20	
Scott	16	
Smyth		4
Southhampton		9
Surry	15	
Sussex	29	
Tazewell		15
Washington		6
Westmoreland		3
Wise		13
Wythe		2
INDEPENDENT CITIES		
Bristol		16
Chesapeake		13
Danville		7
Fairfax		(1)
Falls Church		(1)
Norfolk		7
Norton		(1)
Roanoke	9	
WASHINGTON		
Adams		35
Asotin		28
Benton		37
Chelan		34
Clallam		31
Clark		24
Columbia		31
Cowlitz		21
Douglas		28
Ferry		19
Franklin		35
Garfield		16
Grant		28
Grays Harbor		49
Island		5
Jefferson		18
King		20
Kitsap		14
Kittitas		18
Klickitat		28
Lewis		21
Lincoln		6
Mason		32
Okanogan		21
Pacific		15
Pand Oreille		18
Pierce		22
San Juan		3
Skagit		32
Skamania		68
Snohomish		23
Spokane		29
Stevens		16
Thurston		20
Wahkiakum		33
Walla Walla		35
Whatcom		20
Whitman		14
Yakima		46
WEST VIRGINIA		
Barbour		18
Berkeley		9
Boone		36
Braxton		23
Brooke		26
Cabell		14
Calhoun		28
Clay		46
Doddridge		11
Fayette		25
Gilmer		23
Grant		8
Greenbrier		14
Hampshire		9
Hancock		14
Hardy		11
Harrison		9
Jackson		18
Jefferson		9
Kanawha		20
Lewis		14
Lincoln		41
Logan		37
McDowell		36
Marion		10
Marshall		14
Mason		14
Mercer		18
Mineral		18
Mingo		52
Monongalia		8
Monroe		15
Morgan		6
Nicholas		22
Ohio		12
Pendelton		10
Pleasants		14
Pocahontas		14
Preston		14
Putnam		17
Raleigh		21
Randolph		21
Ritchie		11
Roane		19
Summers		28
Taylor		11
Tucker		15
Tyler		12
Upshur		19
Wayne		40
Webster		38
Wetzel		22
Wirt		8
Wood		10
Wyoming		41
WISCONSIN		
Adams		11
Ashland	29	
Barron		6
Bayfield		10
Brown	14	
Buffalo	11	
Burnett		7
Chippewa:		
Arthur (city)	(1)	
Bloomer (city)	(1)	
Birch Creek (city)	(1)	
Cadott (city)	(1)	
Chippewa Falls (city)	(1)	
Cleveland (city)	(1)	
Cornell (city)	(1)	
Eagle Point (city)	(1)	
Estella (city)	(1)	
New Holcombe (city)	(1)	
New Auburn (city)	(1)	
Ruby (city)	(1)	
Sampson (city)	(1)	
Stanley (city)	(1)	
Clark	8	
Columbia		4
Crawford		11
Dane	16	
Dodge	5	
Door		4
Douglas		24
Duan		7
Eau Claire		10
Florence	40	
Fond du Lac	7	
Forest		13
Grant		6
Green		3
Iowa		3
Iron		6
Jackson	16	
Juneau	13	
Kenosha	32	
Kewaunee		3
LaCrosse		12
Lafayette	14	
Langlade		7
Lincoln		13
Manitowoc	13	
Marathon	10	
Marinette		11
Marquette		4
Menominee	85	
Milwaukee		25
Monroe		7
Oconto	11	
Oneida		18
Outagamie	10	
Ozaukee	8	
Pepin		10
Pierce		4
Polk	11	
Portage	12	
Price		8
Racine	30	
Richland		5
Rock	19	
Rusk		11
St. Croix		4
Sauk	7	
Sawyer	27	
Shawano	9	
Sheboygan	7	
Taylor	14	
Trempealeau		4
Vernon		4
Washburn	27	
Washington	9	
Waukesha		9
Waupaca	9	
Waushara	10	
Winnebago	8	
Wood	16	
WYOMING		
Albany		9
Big Horn		16
Campbell		6
Carbon		16
Converse		6
Crook		2
Fremont		4
Goshen		10
Hot Springs		3
Johnson		6
Laramie		34
Lincoln		3
Natrona		16
Niobrara		4
Park		9
Platte		10
Sheridan		8
Sublette		4
Sweetwater		17
Teton		13
Uinta		2
Washakie		10
Weston		11
National average	22	16

[1] Not available.
[2] Included with Billings County.
[3] Combined with Uintah.
[4] Welfare district.

EXHIBIT 3

STATE-BY-STATE PROFILE OF THE DROP IN PARTICIPATION IN COUNTIES TRANSFERRING FROM COMMODITY DISTRIBUTION PROGRAM TO FOOD STAMP PROGRAM [1]

State	Commodity participation just before transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969	Decline in participation: Number	Decline in participation: Percent
Total [2]	2,783,108	1,478,568	1,698,891	1,084,217	40
Alabama	69,562	27,308	28,302	41,260	58
Arkansas	118,777	47,630	64,464	54,313	46
California	6,196	3,652	8,039	+1,843	([3])
Colorado	65,425	25,200	45,135	20,290	31
Connecticut	574	21,382	18,104	+17,530	
Georgia	31,325	7,316	12,086	19,239	67
Illinois	112,394	42,191	43,792	68,602	61
Indiana	49,846	22,255	35,162	14,684	29
Iowa	43,755	16,832	22,660	21,095	48
Kansas	1,820	1,034	763	1,057	58
Kentucky	196,083	95,071	119,968	76,115	39
Louisiana	113,444	66,336	66,068	47,376	42
Maine	1,070	647	2,738	+1,668	
Maryland	43,447	31,634	32,339	11,108	26
Massachusetts	[4] 133	[4] 294	[4] 134	([3])	
Michigan	217,162	113,070	86,925	130,237	60
Minnesota	47,265	21,700	27,297	19,968	42
Mississippi	295,500	176,415	178,050	117,450	40
Missouri	68,106	9,235	21,876	46,230	67
Montana	2,768	1,518	1,855	913	33
Nebraska	12,872	6,992	8,665	4,207	33
New Jersey	5,138	19,856	31,414	+26,276	
New Mexico	34,637	18,566	36,043	+1,406	
New York	54,569	33,289	36,044	18,525	34
North Carolina	19,925	9,909	11,563	8,362	42
North Dakota	1,582	1,968	2,127	+545	
Ohio	274,053	169,814	216,704	57,349	21
Oregon	31,383	9,841	11,703	19,680	63
Pennsylvania	416,685	231,241	223,197	193,488	46
Rhode Island	4,299	4,591	6,282	+1,983	
South Carolina	13,119	7,264	9,671	3,448	26
Tennessee	98,412	73,066	72,870	25,542	26
Texas	7,844	5,207	7,534	310	4
Utah	9,957	4,852	4,786	5,171	52
Vermont	2,297	3,679	4,777	+2,480	
Virginia	13,838	10,019	6,519	7,319	52
Washington	76,028	37,362	60,923	15,105	20
West Virginia	198,741	89,851	[4] 121,235	77,506	39
Wisconsin	13,529	5,551	5,958	7,571	56
Wyoming	9,681	5,224	5,253	4,428	45

[1] Includes only counties transferring during fiscal years 1961–68. Based on participation in food stamp programs on Jan. 1, 1969, as reported by USDA and on USDA publication "Participation in Needy Family Program in Projects Prior to Transfer to Food Stamp Program and Participation in Food Stamp Program" C. & M. S./CFPSS, Dec. 2, 1968. Participation in food stamp program on Jan. 1, 1969 includes only counties which have transferred from the commodity program, thus, it is not equivalent to total participation in the food stamp program. Prepared by the Select Committee on Nutrition and Human Needs.

[2] These totals vary slightly from totals in USDA table II because cities for which Jan. 1, 1969, participation figures are not available are omitted from this table.

[3] See the following table:

	Commodity participation just before transfer	Food stamp participation just after transfer	Food stamp participation Jan. 1, 1969
California:			
Humboldt	5,032	1,027	3,539
Modoc	282	59	127
Shasta	882	2,556	4,373

[4] This figure is based on the May 1968 participation, not the December 1968 participation as all the others are.

[5] Returned to commodity program.

TABLE II.—PARTICIPATION IN NEEDY FAMILY PROGRAM FOR PROJECTS BEFORE TRANSFERRING TO FOOD STAMP PROGRAM AND IN FOOD STAMP PROGRAM AFTER TRANSFERRING AND PARTICIPATION IN ALL PROJECTS OF FOOD STAMP PROGRAM,[1] BY MONTH

Month entered food stamp program	Transfers from needy family to food stamp: States [2]	Counties or cities	Persons participating: In needy family prior to transfer	Persons participating: In food stamp after transfer	Food stamp, all projects: States [2]	Projects [3]	Persons participating
Fiscal year 1961:							
May	1	1	36,673	11,287	1	1	11,287
June	4	4	52,096	33,715	5	5	38,353
Total	5	5	88,769	45,002	6	6	49,640
Fiscal year 1962:							
July	2	2	168,238	91,315	2	2	91,315
Cumulative total	7	7	257,007	136,317	8	8	140,955
Fiscal year 1963:							
October	1	1	32,285	11,500	1	1	11,500
November	3	6	50,106	28,829	4	7	31,372
December	3	3	62,728	29,321	3	3	29,321
January	2	2	79,922	20,239	2	2	20,239
February	1	1	6,536	4,717	1	1	4,717
March	8	10	214,464	91,214	8	10	91,214
April	2	2	18,705	5,163	2	2	5 163
May	2	2	90,544	46,568	2	2	46,568
June	2	5	18,231	8,894	3	6	9,386
Total	16	32	573,521	246,445	18	34	249,480
Cumulative total	19	39	830,528	382,762	21	42	390,435
Fiscal year 1964:							
September	1	1	3,423	1,264	1	1	1,264
Cumulative total	20	40	833,951	384,026	22	43	391,699
Fiscal year 1965:							
February	3	8	45,980	26,652	3	8	26,652
March	6	12	81,209	40,094	8	19	61,102
April	10	15	101,569	73,400	11	20	156,465
May	5	12	63,201	29,042	7	15	33,587
June	3	3	17,755	7,889	5	5	11,106
Total	17	50	309,714	177,077	21	67	288,912
Cumulative total	27	90	1,143,655	561,103	29	110	680,611
Fiscal year 1966:							
July [4]	5	6	84,444	36,988	5	6	37,240
September	1	2	6,807	5,267	1	2	5,267
October	4	8	43,537	24,321	5	9	29,532
November	12	25	83,854	57,070	18	32	74,119
December	10	21	95,650	45,910	16	32	125,363
January	2	2	35,133	16,422	5	5	30,342
February	1	1	33,926	20,779	4	4	33,825
March	2	4	22,079	7,987	6	9	12,173
April	9	15	53,006	21,746	18	31	55,253
May	14	45	339,356	134,217	16	57	138,012
June	9	28	87,175	36,483	15	28	38,586
Total	24	157	884,967	407,190	37	215	579,712
Cumulative total	33	247	2,028,632	968,293	41	[5] 324	1,260,323
Fiscal year 1967:							
July	2	2	7,401	4,518	2	2	4,518
August	1	1	12,984	9,167	1	1	9,167
September	1	3	4,299	4,591	2	4	16,532
October					1	1	117
November	8	38	45,878	25,787	13	62	39,926
December	14	57	100,829	60,163	20	83	79,694
January	17	91	157,256	79,489	18	112	89,291
February	10	47	103,638	64,593	14	56	68,108
March	10	22	79,402	45,445	15	35	59,655
April	14	30	51,548	27,587	17	44	36,830
May	16	49	56,821	26,134	18	60	32,094
June	9	47	124,229	63,465	14	54	70,565
Total	30	387	744,285	410,939	34	514	506,497
Cumulative to date	39	634	2,772,917	1,376,753	42	838	1,766,820

Footnotes at end of table.

TABLE II.—PARTICIPATION IN NEEDY FAMILY PROGRAM FOR PROJECTS BEFORE TRANSFERRING TO FOOD STAMP PROGRAM AND IN FOOD STAMP PROGRAM AFTER TRANSFERRING AND PARTICIPATION IN ALL PROJECTS OF FOOD STAMP PROGRAM,[1] BY MONTH—Continued

Month entered food stamp program	Transfers from needy family to food stamp: States[2]	Counties or cities	Persons participating: In needy family prior to transfer	In food stamp after transfer	Food stamp, all projects: States[2]	Projects[3]	Persons participating
Fiscal year 1968:							
July	1	1	517	277	1	1	277
August	1	1	5,187	2,946	2	2	6,452
September	1	1	5,940	3,008	3	3	7,749
October	2	4	41,750	32,025	4	5	35,113
November	1	3	574	21,382	1	2	37,922
January					1	1	1,267
February	2	2	1,069	1,024	3	4	1,631
March	11	26	42,750	32,620	18	72	72,315
April	16	56	85,929	54,539	25	103	94,932
Total	23	94	183,716	147,821	30	193	258,162
Cumulative to date	42	728	2,956,633	1,524,574	[4] 43	[4] 1,027	2,024,982
Fiscal year 1969:							
July	6	18	38,505		10	57	
August	8	24	54,806		19	83	
September	1	2	494		4	13	
October					1	1	
November	4	6	3,199		6	7	
Total	14	50	97,004		24	161	
Cumulative to date	42	778	3,053,637		[7] 43	[8] 1,186	

[1] Participation in needy family program is the peak of the 3 months prior to entering food stamp program; participation in food stamp program is the peak month nationally in fiscal year.
[2] States are counted only once in arriving at fiscal year total; also, only once since beginning of food stamp program in arriving at cumulative total.
[3] Projects expanding city to county operation or new county joining existing projects are not included as new projects.
[4] Includes District of Columbia.
[5] Rice County, Kans., withdrew Apr. 1, 1965.
[6] Cherokee County, S.C. (reentered July 1, 1968) and Hardeman County, Tenn., withdrew July 1, 1967; Nash County, N.C., withdrew August 1, 1967 (reentered Aug. 1, 1968); Marshall County, Miss., withdrew December 29, 1967.
[7] Includes District of Columbia; Massachusetts discontinued program when Amherst (city) withdrew July 31, 1968.
[8] Amherst (city), Mass., withdrew July 31, 1968; Red River, Tex., withdrew Sept. 30, 1968.

Mr. HOLLAND. Mr. President, I, too, shall vote for Senate Joint Resolution 126. During consideration of the whole food stamp situation in the Committee on Agriculture and Forestry, it was agreed that the length of time required to work out a general revision of the food stamp legislation in both Houses, and to obtain Presidential approval, was so great that the only way in which we could reflect the evident and recognized need, and go beyond the $340 million presently authorized by law for the food stamp program, would be to follow the course now being followed; namely, to authorize the chairman of the committee, the able Senator from Louisiana (Mr. ELLENDER), to present for the full committee a resolution along the lines we are now considering, increasing the authorization for fiscal 1970 to $750 million.

Since, however, there are many questions in this whole matter, I want briefly to speak as to my understanding of the situation.

My understanding was, first, that the Senator from Louisiana would be empowered to present the resolution in the speediest time possible before the final markup of the annual appropriations bill for the Department of Agriculture.

I serve as chairman of the Subcommittee on Appropriations which handles that bill and which, on yesterday, marked up that bill providing for $340 million, which was the maximum that we could provide under existing authorizations.

The full Senate committee will consider this matter and approve or disapprove the recommendations of the subcommittee of 15 which marked up this bill yesterday.

My understanding is that, after the Senate completes action favorably on Senate Joint Resolution 126, the full committee will be empowered to proceed, in accordance with the resolution we are now considering, to consider the amount up to, but not exceeding, $750 million which ought to be placed in the annual appropriations bill in its final markup by the Appropriations Committee for the food stamp program.

Mr. President, it was my understanding, at the time that we authorized our distinguished chairman to present this resolution, that it would include also a provision for the carrying forward of any unspent amount of the total appropriation for 1970.

I have just consulted with the distinguished Senator from Louisiana, who tells me that it proved to be not practical to include that in this resolution; but that he still feels that our committee is committed to include in the food stamp bill the committee is still working on a provision for carryover of any unspent amount in the 1970 appropriation to 1971, and I believe a similar commitment to carry over any unspent amount in the appropriation for 1971 into 1972, it being the present intent and decision of the Senate Committee on Agriculture and Forestry to have the new, enlarged food stamp bill cover not only the increased authorization for 1970, but also to increase authorizations for 1971 and 1972.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to Senator from Louisiana.

Mr. ELLENDER. That is the understanding. As a matter of fact, when this resolution was first presented, we had this carryover provision, but a point was made that it might be best to carry it in the bill we were considering rather than this resolution. In other words, the idea was to change no part of the present law except to increase the authorization. As the Senator knows, we have tentatively agreed on some of the main provisions of the food stamp program, and in that tentative agreement we have included language that would carryover the unused money from the appropriation of 1970 over to 1971, and any unused money from 1971 to 1972. That will be in the act.

Mr. HOLLAND. I thank the Senator. Is it the understanding of the distinguished chairman of our committee that we are working on a new bill which would cover authorizations through 1972, but not beyond that date?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. I thank the Senator for his statement.

Mr. President, this statement leaves the situation in a somewhat different posture from that which existed when we acted in the Senate Committee on Agriculture and Forestry. At that time, as the Senator from Louisiana will recall, and likewise the Senator from South Dakota, we had before us, even in executive session, authorities from the Department of Agriculture to handle this important program. Mr. Davis and Miss Kelley stated to us at that time that the maximum amount which the administration could recommend for expenditure in 1970 at this time was $610 million, which was an increase of $270 million beyond the $340 million, which is the maximum authorization in the current, existing legislation.

Since there is no provision in this legislation for the carryover feature, it would be my feeling that the full committee tomorrow should approve $610 million with the understanding that, if the new legislation passes before the conference work is completed on the annual appropriation bill, and if at that time $750 million, with the carryover feature, has become law, the conference committee would be expected to put that $750 million figure with the carryover feature into appropriation legislation. That is my understanding, and that would be my commitment if that course was carried out.

I want it distinctly understood, however, that until there is a carryover feature and unless we have some assurance that more than $610 million is needed or even can be spent in 1970, it would be my feeling that the full committee should confine itself to the evidence before it and to the request of the administration and what the administration witnesses

stated, that they were highly doubtful as to whether the $610 million could be fully spent in any reasonable method of amplifying or enlarging the present food stamp program.

However, that will be a matter for the full committee to pass upon; and in the event my own suggestion is followed, it will be a matter for the full conference committee to pass upon in the light of what has been accomplished by the Congress prior to the final action of the conference committee on the annual appropriation bill.

There are several other comments I would like to make, but I will not attempt to make them all. I just want to say, however, that at this time, in my view, the main problem we are dealing with is one of malnutrition, and not of hunger. I am sure there is some hunger in the United States; there may be some hunger in my own State; but malnutrition is that which I think this bill is principally aimed at. For that reason I want the RECORD to show that the Department of Agriculture evidently so believes because, beginning last fall, it started, out of section 32 funds which were made available, in spite of the fact that we had no specific appropriation for that purpose, to build up a program under which more information would be extended to the poverty-stricken families and those of low estate generally as to how they could have a more nutritious diet. Funds were made available for that program in mid-November and by the beginning of April more than 4,270 aides had been employed. They were recruited from the group of poverty-stricken people but under the direction of the Agricultural Extension Service, and particularly the home economics aides in the various counties of the Nation, in giving sounder information as to what does constitute a really balanced or nutritious diet. I think that approach is a sound one.

We were advised, in the testimony taken before the Appropriations Subcommittee, that the number of nutrition aides would be 5,300 by the time this June came to an end, that is, by the time we entered fiscal 1970, and that that number would increase in 1970. I think this approach is decidedly in line with the food stamp idea and the food stamp program, which is essentially a self-help program. One of the most important elements of self-help is in the choice of foods to be purchased by the use of food stamps. Because this is essentially a food stamp program, I want to make it very clear that, in my own opinion, we should never distribute food stamps without some contribution made by the individual or those who were backing him in his particular community, so that there will be an element of self-help in both the acquisition of the food stamps and, as there must be, in the use of the food stamps.

It is in the use of food stamps, as to whether they are spent for a balanced, nutritious diet, that we are going to have the answer as to whether this program is to be, in large measure, successful, as I hope it will be. The factor of the education of those who use the food stamps, and the factor of the use which they make of the food stamps in the purchase of food which will constitute a balanced, nutritious diet, will be the real test of the degree of success which we attain in this program.

Mr. President, there are many other things that I shall have to say when we get to the consideration of the basic legislation. I wish to say today that I am supporting this resolution because I think it points the way to a sizable enlargement for 1970, which I regard as necessary, of the food stamp program for the Nation. I wish to make it very clear, however, that I regard the agreement in the committee, though not represented in this resolution, that there shall be a provision for carryover of any unspent funds in the 1970 and 1971 programs, as an important and essential part of the agreement which we made in the committee, and I shall look forward to the carrying out of that part of the agreement as we proceed to draft the basic legislation, which should enlarge and replace the present food stamp bill.

I have one further comment. I do not know whether the distinguished chairman of the committee made this point. If not, it should be made. This is a completely bipartisan approach, in which the members of the Senate Committee on Agriculture and Forestry, as usual on matters coming before us, have joined in a completely bipartisan way in support of this resolution. There was no dissenting vote. All members of the committee on both sides of the aisle, as I recall, were of the conviction that we must raise the authorization for 1970, and that this is the appropriate way to do so.

I see in the Chamber the distinguished Senator from North Dakota (Mr. YOUNG), and I shall be happy to yield to him for further comment if he wishes.

Mr. YOUNG of North Dakota. Mr. President, I simply wish to state that the ranking Republican member of the committee, the Senator from Vermont (Mr. AIKEN), has been a longtime advocate of the food stamp program, and I have joined with him in supporting it these many years. We believe it is a good program, and support it fully.

Mr. KENNEDY. Mr. President, despite the grim facts revealed in testimony received by the Select Committee on Nutrition and Human Needs; despite the evidence of hunger and deprivation viewed by committee members in several communities of our Nation; despite the pleas for assistance from the Poor People's Campaign marchers; and despite the scientific evidence of malnutrition obtained by Dr. Arnold Schaefer, in his nationwide nutrition survey—despite all of these demands to put an end to hunger and suffering in our country, there are still thousands of Americans who are not yet convinced that there is a problem to be solved.

We in the Congress might appear to be at fault, because hungry Americans look to us for relief. They expect that we can provide the changes needed to improve their lives, and rightly so. We have promised and promised to help. We have enacted programs that bear a hint of making life more meaningful—when in reality these programs are a patchwork of temporary measures which do not go nearly far enough to solve this festering problem.

Today, in considering Senate Joint Resolution 126, we are asked to authorize the extension of one of these temporary measures—the current Federal Food Stamp Act. I know, as every member of the Select Committee on Nutrition and Human Needs also knows, that this program is frightfully ill equipped to meet the needs of our Nation's 30 million poor people. We are asked to extend a program that does not reach into every county where the poor are living; and even in those counties where it does operate, less than 16 percent of the poor actually receive the assistance they so urgently need if they are to have an adequate diet.

Public debates about the country's ability to feed the poor pointlessly end in a wrangle about money, loss of personal incentives, and concern over proving the relationship between good nutrition and desired productivity. But imagine, if you will, what it would mean if the Department of Defense became enmeshed in similar debates and therefore provided adequate diets for just 16 percent of the men in every military unit. In fact, in fiscal year 1970, DOD plans to expend nearly $4 billion to feed 3.5 million servicemen, an annual cost of considerably over $1,100 per person. This compares with the administration budget for food assistance for the poor, which would allegedly service 16 million poor people, at a cost of $1.226 billion, or an annual rate of $77 per person. That ratio of nearly 15 to 1 in favor of the armed services can only make the poor firmly convinced that their government is not fighting the real enemy.

It is interesting to note that DOD does not question whether there is a provable relationship between good nutrition and desired productivity before acting on its own food program.

I believe that is the message for each one of us—we in the Congress must not continue to question whether there is a provable relationship between good nutrition and desired productivity before acting on a program to feed our Nation's poor.

I shall vote for the authorization to extend the present food stamp act only because I believe this meager assistance is an emergency program that must continue until total reforms can be made to the food stamp program. Senate Joint Resolution 126 is at least a step, and for this reason I support the measure before us. We must, however, go much further and go further soon.

THE CALENDAR

Mr. MANSFIELD. Mr. President, in view of the fact that a Senator who wishes to be heard on the pending business is on his way to the Chamber, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of certain unobjected to items on the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator

from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 123, 255, and 256, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF ROBERT STRANGE McNAMARA AS CITIZEN REGENT OF THE BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 11) to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of Robert Strange McNamara for the statutory term of six years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–134), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 11 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the death of Robert Vedder Fleming, of Washington, D.C., be filled by the appointment of Robert Strange McNamara for the statutory term of 6 years.

The Board of Regents, pursuant to 20 United States Code 42, is composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and six other persons other than Members of Congress. The six Citizen Regents, two of whom shall be residents of the District of Columbia and four of whom shall be inhabitants of some State (but no two of the same State), are appointed by joint resolution of Congress and serve 6-year terms.

UPPER NIOBRARA RIVER COMPACT

The bill (S. 38) to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the upper Niobrara River compact between the States of Wyoming and Nebraska. Such compact reads as follows:

"UPPER NIOBRARA RIVER COMPACT

"The State of Wyoming, and the State of Nebraska, parties signatory to this compact (hereinafter referred to as Wyoming and Nebraska, respectively, or individually as a 'State', or collectively as 'States'), having resolved to conclude a compact with respect to the use of waters of the Niobrara River Basin, and being duly authorized by Act of Congress of the United States of America, approved August 5, 1953 (Public Law 191, 83rd Congress, 1st Session, Chapter 324, 67 Stat. 365) and the Act of May 29, 1958 (Public Law 85–427, 85th Congress, S. 2557, 72 Stat. 147) and the Act of August 30, 1961 (Public Law 87–181, 87th Congress, S. 2245, 75 Stat. 412) and pursuant to the Acts of their respective Legislatures have, through their respective Governors, appointed as their Commissioners: For Wyoming, Earl Lloyd, Andrew McMaster, Richard Pfister, John Christian, Eugene P. Willson, H. T. Person, Norman B. Gray, E. J. Van Camp: For Nebraska, Dan S. Jones, Jr., who after negotiations participated in by W. E. Blomgren appointed by the President of the United States of America, have agreed upon the following articles:

"ARTICLE I.

"A. The major purposes of this compact are to provide for an equitable division or apportionment of the available surface water supply of the Upper Niobrara River Basin between the States; to provide for obtaining information on groundwater and underground water flow necessary for apportioning the underground flow by supplement to this compact; to remove all causes, present and future which might lead to controversies; and to promote interstate comity.

"B. The physical and other conditions peculiar to the Upper Niobrara River Basin constitute the basis for this compact; and neither of the States hereby concedes that this compact establishes any general principle or precedent with respect to any other interstate stream.

"C. Either State and all others, using claiming or in any other manner asserting any right to the use of the waters of the Niobrara River Basin under the authority of that State, shall be subject to the terms of this compact.

"ARTICLE II.

"A. The term 'Upper Niobrara River' shall mean and include the Niobrara River and its tributaries in Nebraska and Wyoming west of Range 55 West of the 6th P.M.

"B. The term 'Upper Niobrara River Basin' or the term 'Basin' shall mean that area in Wyoming and Nebraska which is naturally drained by the Niobrara River west of Range 55 West of the 6th P.M.

"C. Where the name of a State or the term 'State' or 'States' is used, they shall be construed to include any person or entity of any nature whatsoever using, claiming, or in any manner asserting any right to the use of the waters of the Niobrara River under the authority of that State.

"ARTICLE III.

"It shall be the duty of the two States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

"The States agree that the United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, may collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of information necessary for the proper administration of this compact.

"ARTICLE IV.

"Each State shall itself or in conjunction with other responsible agencies cause to be established, maintained, and operated such suitable water gaging stations as are found necessary to administer this compact.

"ARTICLE V.

"A. Wyoming and Nebraska agree that the division of surface waters of the Upper Niobrara River shall be in accordance with the following provisions.

"1. There shall be no restrictions on the use of the surface waters of the Upper Niobrara River by Wyoming except as would be imposed under Wyoming law and the following limitations:

"(a) No reservoir constructed after August 1, 1957, and used solely for domestic and stock water purposes shall exceed 20 acre-feet in capacity.

"(b) Storage reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West of the 6th P.M. and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, Range 60 West of the 6th P.M. shall not store in any water year (October 1 of one year to September 30 of the next year) more than a total of 500 acre-feet of water.

"(c) Storage in reservoirs with priority dates prior to August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and from the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to June 1 of the next year and at such times during the period June 1 to September 30 that the water is not required to meet the legal requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West. Where water is pumped from such storage reservoirs, the quantity of storage water pumped or otherwise diverted for irrigation purposes or other beneficial purposes from any such reservoir in any water year shall be limited to the capacity of such reservoir as shown by the records of the Wyoming State Engineers' Office, unless additional storage water becomes available during the period June 1 to September 30 after meeting the legal diversion requirements by direct flow appropriations in Wyoming and in Nebraska west of Range 55 West.

"(d) Storage in reservoirs with priority dates after August 1, 1957, and storing water from the main stem of the Niobrara River east of Range 62 West and the main stem of Van Tassel Creek south of Section 27, Township 32 North, shall be made only during the period October 1 of one year to May 1 of the next year and at such times during the period May 1 and September 30 that the water is not required for direct diversion by ditches in Wyoming and in Nebraska west of Range 55 West.

"(e) Direct flow rights with priority dates after August 1, 1957, on the main stem of the Niobrara River east of Range 62 West and Van Tassel Creek south of Section 27, Township 32 North, shall be regulated on priority basis with Nebraska rights west of Range 55 West, provided, that any direct flow rights for a maximum of 143 acres which may be granted by the Wyoming State Engineer with a priority date not later than July 1, 1961, for lands which had Territorial Rights under the Van Tassel No. 4 Ditch with a priority date of April 8, 1882, and the Van Tassel No. 5 Ditch with a priority date of April 18, 1882, shall be exempt from the provisions of this subsection (e).

"(f) All direct flow diversions from the main stem of the Niobrara River east of Range 62 West and from Van Tassel Creek south of Section 27, Township 32 North shall at all times be limited to their diversion rates as specified by Wyoming law, and provided that Wyoming laws relating to diversion of 'Surplus Water' (Wyoming Statutes, 1957, Sections 41–181 to 41–188 inclusive) shall apply only when the water flowing in the main channel of the Niobrara River west of Range

55 West is in excess of the legal diversion requirements of Nebraska ditches having priority dates before August 1, 1957.

"ARTICLE VI.

"A. Nebraska and Wyoming recognize that the future use of ground water for irrigation in the Niobrara River Basin may be a factor in the depletion of the surface flows of the Niobrara River, and since the data now available are inadequate to make a determination in regard to this matter, any apportionment of the ground water of the Niobrara River Basin should be delayed until such time as adequate data on ground water of the basin are available.

"B. To obtain data on ground water, Nebraska and Wyoming, with the cooperation and advice of the United States Geological Survey, Ground Water Branch, shall undertake ground water investigations in the Niobrara River Basin in the area of the Wyoming-Nebraska State line. The investigations shall be such as are agreed to by the State Engineer of Wyoming and the Director of Water Resources of Nebraska, and may include such observation wells as the said two officials agree are essential for the investigations. Costs of the investigations may be financed under the cooperative ground water programs between the United States Geological Survey and the States, and the States' share of the costs shall be borne equally by the two States.

"C. The ground water investigations shall begin within one year after the effective date of this compact. Upon collection of not more than twelve months of ground water data Nebraska and Wyoming with the cooperation of the United States Geological Survey, shall make, or cause to be made, an analysis of such data to determine the desirability or necessity of apportioning the ground water by supplement to this compact. If upon completion of the initial analysis, it is determined that apportionment of the ground water is not then desirable or necessary, reanalysis shall be made at not to exceed two-year intervals, using all data collected until such apportionment is made.

"D. When the results of the ground water investigations indicate that apportionment of ground water of the Niobrara River Basin is desirable, the two States shall proceed to negotiate a supplemental to this compact apportioning the ground water of the Basin.

"E. Any proposed supplement to this compact apportioning the ground water shall not become effective until ratified by the legislatures of the two States and approved by the Congress of the United States.

"ARTICLE VII.

"The provisions of this compact shall remain in full force and effect until amended by action of the Legislatures of the Signatory States and until such amendment is consented to and approved by the Congress of the United States in the same manner as this compact is required to be ratified and consented to in order to become effective.

"ARTICLE VIII.

"Nothing in this compact shall be construed to limit or prevent either State from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

"ARTICLE IX.

"Nothing in this compact shall be deemed:

"A. To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Upper Niobrara River Basin nor its capacity to acquire rights in and to the use of said waters; provided that, any beneficial uses of the waters allocated by this compact hereafter made within a State by the United States, or those acting by or under its authority, shall be taken into account in determining the extent of use within that State.

"B. To subject any property of the United States, its agencies, or instrumentalities, to taxation by either State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payment to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes.

"C. To subject any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the compact.

"D. To affect the obligations of the United States of America to Indians or Indian tribes, or any right owned or held by or for Indians or Indian tribes which is subject to the jurisdiction of the United States.

"ARTICLE X.

"Should a court of competent jurisdiction hold any part of this compact contrary to the constitution of any State or of the United States, all other severable provisions shall continue in full force and effect.

"ARTICLE XI.

"This compact shall become effective when ratified by the Legislatures of each of the signatory States and by the Congress of the United States.

"IN WITNESS WHEREOF, the Commissioners have signed this compact in triplicate original, one of which shall be filed in the archives of the United States of America and shall be deemed the authoritative original, and one copy of which shall be forwarded to the Governor of each of the signatory States.

"Done at the city of Cheyenne, in the State of Wyoming, this 26th day of October, in the year of our Lord, One Thousand and Nine Hundred Sixty Two.

Commissioner for the State of Nebraska
s/Dan S. Jones, Jr.
Commissioners for the State of Wyoming
s/Earl Lloyd
s/Andrew McMaster
s/Richard Pfister
s/John Christian
s/Eugene P. Wilson
s/H. T. Person
s/Norman B. Gray
s/E. J. Van Camp

"I have participated in the negotiation of this compact and intend to report favorably thereon to the Congress of the United States.

s/W. E. Blomgren
Representative of the United States of America".

SEC. 2. The right to alter, amend, or repeal this Act is reserved.

SEC. 3. Nothing in this Act shall be deemed to impair or affect any rights or powers of the United States, its agencies, instrumentalities, permittees, or licensees in, over, and to the use of the waters of the Upper Niobrara River Basin; nor to impair or affect their capacity to acquire rights in and to the use of said waters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–265), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of this measure, which was introduced by Senator Hansen for himself and Senators Curtis, Hruska, and McGee, is to provide congressional consent to the upper Niobrara River compact between the States of Wyoming and Nebraska. The upper Niobrara River compact provides an equitable division or apportionment between the States of the available surface water supply of the Upper Niobrara River Basin and to provide for studies of the subsurface water supplies of the basin.

BACKGROUND

Consent of the Congress to the negotiation of the compact was granted by the act of August 5, 1953 (67 Stat. 365, as amended). A representative of the United States participated in the negotiations. The compact has been ratified by the State legislatures.

A bill similar to the present bill passed the Senate in 1966 (S. 553, 89th Cong., second sess.) but was not acted upon in the House of Representatives. Reports have been received from the Departments of Justice and the Interior and from the Bureau of the Budget expressing no objection to the enactment of S. 38.

PRESENT LEGISLATION

Section 1 of the bill grants the consent of the Congress to the compact. The compact provides for the division between the States of Wyoming and Nebraska of the waters of the Upper Niobrara River. The Upper Niobrara River is defined in the compact to mean the Niobrara River and its tributaries in Nebraska and Wyoming west of R. 55 W. of the sixth principal meridian.

The compact further provides for cooperative investigations of the ground water resources of the basin as a basis for negotiating a supplemental compact apportioning ground water.

Section 2 of the bill reserves to the Congress the right to alter, amend, or repeal the act.

Section 3 of the bill protects the rights and powers of the United States, its agencies, instrumentalities, permittees, or licensees regarding the waters of the Upper Niobrara River.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 38 be enacted.

Mr. McGEE. Mr. President, I note with satisfaction that the Senate has today given its approval to the Upper Niobrara River compact between Wyoming and Nebraska. By passing this bill, we have granted consent, if the House acts as well, to the compact dividing the available project waters supply of the Upper Niobrara River Basin between my own State and our good neighbors to the east. Congressional assent to this compact is, if anything, overdue, and I am pleased we have moved today to approve the pact.

AMENDMENT OF THE ACT OF NOVEMBER 9, 1966

The Senate proceeded to consider the bill (H.R. 4297) to amend the act of November 8, 1966, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 9, after the word "of" to strike out "$850,000'." and insert "$850,000', and adding at the end thereof a new sentence as follows: 'Authority is hereby granted for appropriated money to remain available until expended.'"

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-266), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

EXPLANATION OF AMENDMENT

The purpose of the amendment is to authorize the Commission to carry over any funds not expended in 1970 into 1971.

PURPOSE OF THE BILL, AS AMENDED

The purpose of the bill, as amended, is (1) to extend to November 8, 1970, a period of 1 year, the time within which the Commission shall submit its final report; (2) increase the amount authorized to be appropriated for carrying out the provisions of the act by $350,000—an increase from $500,000 to $850,000; and (3) authorize the Commission to carry over any funds not expended in 1970 into 1971.

STATEMENT

The aim of the act of November 8, 1966, was to establish a National Commission on Reform of Federal Criminal Laws, which would make a full and complete review and study of the statutory and case law constituting the Federal system of criminal justice and would make recommendations for revisions, reform, and recodification of the criminal laws of the United States, including the repeal of unnecessary and undesirable statutes and appropriate changes in the penalty structure.

Section 8 of the act of November 8, 1966, requires the Commission to submit a final report to the President and the Congress within 3 years of the date of enactment, and provides that the Commission shall cease to exist 60 days after submission of the final report. Section 10 authorizes $500,000 to carry out the provisions of the act. H.R. 4297 would extend the time for submission of the final report from 3 to 4 years, would increase the authorized funds from $500,000 to $850,000, and authorize the Commission to carry over any funds not expended in 1970 into 1971.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 126, a joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million.

EXTENSION OF THE 10-PERCENT SURTAX

Mr. METCALF. Mr. President, yesterday I stated my opposition to any extension of the 10-percent surtax without tax reform and expressed my intention to debate this subject at some length at the appropriate time.

Back in April of this year, President Nixon told the Congress, and I quote:

Reform of our Federal tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden.

This Administration, working with the Congress, is determined to bring equity to the Federal tax system.

No one can take issue with that statement. The President then went on to say that he was "directing the Secretary of the Treasury to thoroughly review the entire Federal tax system" and present to him "recommendations for basic changes, along with a full analysis of the impact of those changes, no later than November 30, 1969."

Now I do take issue with the fact that we are expected to take action now to extend the surtax for a full year until at the same time we are asked to wait until next year before taking any meaningful action with respect to tax reform. Such a request completely ignores the existence of a 2-year study into this same problem, together with specific proposals that would bring equity into our tax laws. The study to which I refer is the one that was conducted during the last 2 years of the Johnson administration. It was that study that served as the course outline for 28 days of hearings conducted by the House Committee on Ways and Means earlier this session.

On May 27 the Ways and Means Committee announced the first set of tentative decisions it had reached on the subject of tax reform since it had gone into executive markup of a tax reform bill. If things are being done over there the same way as when I was a member of that committee, then members of the Treasury's team are working right alongside members of the committee in executive session. I see no reason why bill language cannot be made available to the Congress now. I see no reason why we should be expected to act upon the surtax without having a tax reform package to consider right along with it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL 1970 FOOD STAMP AUTHORIZATION

The Senate resumed the consideration of Senate Joint Resolution 126, to increase the appropriation for the food stamp program for fiscal 1970 to $750 million.

Mr. JAVITS. Mr. President, I express my appreciation to the leadership and to the senior Senator from Louisiana (Mr. ELLENDER) for being kind enough to wait so that I might say a word about the $750 million emergency authorization for the food stamp program for fiscal year 1970.

As the ranking minority member of the Select Committee on Nutrition and Human Needs, I join with the Senator from South Dakota (Mr. MCGOVERN), chairman of the select committee in approving the emergency action taken by the Agriculture Committee, of which the Senator from Louisiana is the chairman.

I think that a word needs to be said also concerning the hearings which our select committee has carried on in various parts of the country. I believe that these hearings have so markedly brought to public attention what so many Americans can hardly believe to be credible, a situation which seems to be so heavily substantiated by the fact that we do have a far greater number of cases of malnutrition which can properly be labeled hunger than any American ever thought likely or possible in our country.

I feel, therefore, that the work which has been done by the select committee in this regard has been very valuable. I am very pleased and gratified to express my appreciation to the Senator from Louisiana (Mr. ELLENDER) and to the Senator from North Dakota (Mr. YOUNG) because the committee has responded so very promptly on the monetary level.

The real problem we face is a problem of outreach and participation which seem to be very much needed. I do not say that, in any sense, to blame anyone. I say it merely to point out the difficulty that exists even in my State of New York, which one would expect to be very enlightened on this score. The average county with a food stamp program there serves only an estimated 13 percent, although it could and should benefit all.

Governor Rockefeller has just signed legislation in New York that is designed to provide statewide programs that will reach out to those who should be covered by the food programs.

One finds the situation in all parts of the country. I first encountered an interesting situation which may be of some concern to my colleagues. During the course of the hearings held by the Subcommittee on Permanent Investigations of the Committee on Government Operations involving the Black Panther Party in California, especially in the bay area around San Francisco, it developed that one of the very big attractions responsible for bringing attention and people to the Black Panther Party was that it serves hot breakfasts to children.

No one looked into the matter. The policy authorities did not look into the matter of whether there was a hot breakfast program in Oakland or San Francisco.

That is a very interesting situation and shows what food may mean from a totally different point of view than we have been discussing in the realm of poverty.

The other point which I wish to make in supporting the resolution, together with the Senator from South Dakota (Mr. MCGOVERN), the chairman of our select committee, has to do with expressing deep interest in the work of the Agriculture Committee which, is working now in executive session on improving the food stamp program. I urge the committee to consider reforming the food stamp program to deal with national eligibility standards so as to make allowances for differences in the cost of living and in living standards in different parts of the country. Also, I urge that the committee consider taking into account the realities of the problems of the poor and whether the income levels below which people might be eligible for free stamps, like the one fixed by Secretary Hardin at $30 a month, are really humanistic in impact—after all, that is what the program is all about—and commensurate with geographic differences in living costs and standards.

Also, I hope that the committee will consider and deal with the possibility of authorizing the simultaneous operation of the food stamp and commodity distribution programs in some counties, which is excluded by present law; and to deal with the problem of maximum drain upon the income of an individual with respect to what he can afford to pay for food stamps. We found instances in our investigations in which the amount required to be paid for food stamps, small as it is, was nevertheless a great proportion of the income of the individual. This prevented him from getting his health care, or intruded upon the payments of rent for the modest amount of housing which he could afford. In other words, the expense became such a major dent in the very small income of the individual as to make him perhaps not indigent in respect to food, because he was getting food help, but indigent with respect to everything else. I know that the committee will consider these matters.

I take great pride in the knowledge that both the Senator from Louisiana (Mr. ELLENDER) and the Senator from South Dakota (Mr. MCGOVERN) are members of the Committee on Agriculture and Forestry. I assure Senator ELLENDER that I shall do my utmost, as the ranking member of the minority, of the Select Committee on Nutritional Human Needs, to correlate, coordinate, and cooperate as intensively as I can in dealing with the major findings which are beginning to emerge from our work, to which I note with deep satisfaction, the Agriculture Committee has given its ears, as is reflected by the joint resolution.

I favor the joint resolution and hope that it will be passed promptly by the Senate.

Mr. COOK. Mr. President, I wish to take just a moment to commend the senior Senator from Louisiana for his promptness in reporting the joint resolution to the Senate. We discussed this subject last Thursday.

I think it was his insight that resulted in the increase in funds to $750 million. It was through his efforts and his prodding that the committee overwhelmingly agreed to the increase. I feel certain that his leadership will bring about a logical compromise between the House and the Senate on the measure.

I think the Senator from Louisiana knows, as well as every member of the committee knows, that in this entire field it is not only the money that is important; it is the rules and regulations that are promulgated by the committee, as well. The standards that we set are important. To that extent, I wish to lend my support to the joint resolution and again commend the senior Senator from Louisiana for the promptness of his action.

Mr. SPONG. Mr. President, I am pleased to support Senate Joint Resolution 126.

Overcoming the hunger and malnutrition problems which exist in our Nation requires a multipronged attack. It requires making food available to those who do not have the resources to obtain it; it requires educating those who have limited funds to use them wisely; and it requires educating many persons, those with limited incomes and those with greater resources, in proper nutrition and eating habits. In addition, it requires a number of related activities, including improved education in general, family planning services and job training.

Senate Joint Resolution 126 would substantially assist in meeting one of these requirements—in making food available to those who do not have the resources to obtain it. It would increase from $340 to $750 million the authorization for the food stamp program in fiscal 1970. It would permit the fiscal 1970 appropriation for food stamps to be more than double the fiscal 1969 appropriation of $258.6 million.

The increase in funds will, however, be truly helpful only if it operates in conjunction with a reformed food assistance program which will make food more accessible and more available to those who need it. I am, consequently, hopeful that the anticipated authorization bill to reform the food stamp program will soon be reported from the Senate Agriculture and Forestry Committee and debated in the Senate.

I am somewhat concerned over Secretary of Agriculture Hardin's testimony before the Senate Agriculture and Forestry Committee on May 27, 1969, to the effect that most of the new funds would be used to improve existing food stamp programs. Certainly we need to improve existing programs, but when more than 400 localities in our Nation do not have food assistance programs; that is, when families in more than 400 cities and counties do not have access to either the food stamps or free commodities, then these areas deserve special consideration. I hope, consequently, that more of the additional funds authorized, if appropriated, will be used to encourage the expansion of programs into those areas where they do not currently exist.

We have had evidence of hunger and malnutrition presented by many sources in many areas of our States and Nation. Hopefully, Senate Joint Resolution 126, the upcoming bill to reform the food stamp program and the fiscal 1970 appropriations for food assistance and nutrition education will contribute significantly to overcoming existing problems.

Mr. YARBOROUGH. Mr. President, I believe that S. 2014, the Food Stamp Reform Act of 1969, is one of the most vital measures before the Congress today.

It has been my privilege to serve on the Select Committee on Nutrition and Human Needs since its creation. This committee, under the able leadership of the distinguished Senator from South Dakota (Senator MCGOVERN) has studied the problem of hunger in this country. We have uncovered evidence that massive malnutrition and hunger exist in parts of the Nation. In a land as prosperous as this one is, that situation is unacceptable.

In my home State of Texas, the preliminary results of a study by Dr. William McGanity of the University of Texas Medical School at Galveston show severe conditions of hunger there. They found that 5½ percent of the people surveyed had goiter which is caused by a lack of iodine. As a rule, most people get sufficient amounts of iodine from salt. But, in 10 of the 26 counties surveyed, there was no grocery selling iodized salt.

The survey found that 1 in 14, of the individuals under 10 years of age, had a serious dental problem. It was also found that 8 percent of the total population examined in Texas suffered from anemia. Two children were found who showed advanced signs of starvation. Also, the researchers found children with bow legs, rickets, and enlarged wrists—all of which are caused by a lack of vitamin D which comes from milk. They also found gum sores which are caused by vitamin C deficiency. Vitamin C is normally obtained from citrus fruits and tomatoes.

The problem of malnutrition is tragic and is most tragic in the young. The select committee received testimony that permanent brain damage can result if children do not receive proper nourishment.

The food stamp program offers one solution to the problem of malnutrition. But, during the years that this program has been in operation, it has become apparent that there are several deficiencies in this program.

In Texas, the major problem has been that few counties have a food stamp program. Under the present law, the county government must request that food stamps be distributed in the county. In Texas, 10 counties have made such a request. These counties are Bexar, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Tarrant, and Terrell. In March of this year, the most recent month for which we have data, only 39,180 people benefited from this program

The Food Stamp Reform Act (S. 2014) would eliminate this situation. The counties would be given strong incentives to initiate food stamp programs. If they still cannot do so, then a program could be started through a private agency or some other governmental unit. The important thing is that the inability of one local governmental agency to institute a food stamp program would no longer constitute a barrier to the distribution of food stamps to those who need them and are entitled to receive them.

Two other provisions of this bill would certainly have beneficial effects in Texas. First, stamps would be made available at a price which people could afford. At the present time, this is not the case, so even in the 10 counties in Texas which do have food stamp programs, the cost of the stamps is often too great for many people to bear. This may be one factor in the low rate of participation in the food stamp program in those counties which have such a program. At any rate, it is a barrier to the efficient operation of the Food Stamp Act and one which should be removed.

Also, in Texas, many poor people live in rural areas and are thus not able to obtain food stamps easily. Under the provision of this bill, stamps could be issued by mail or through food stores or post

offices. This would make obtaining the stamps considerably less of a difficulty for many people in my State.

The saddest thing about all this is that this situation exists all over the Nation. The Select Committee on Nutrition and Human Needs has revealed in its investigations of the problem of hunger that it is a national problem. The conditions of which I spoke exists in all 50 States, not just in Texas. And the food stamp program as it is now structured has the same shortcomings and the same weaknesses in the other 49 States that it has in Texas. Too few counties across the Nation have food stamp distribution programs. Too few people are being fed. The stamps are not being provided at prices which many people who need them can afford. The process for obtaining them is so difficult that many people who need them are not getting them. And this is happening all over the country, not just in Texas. I feel that this bill should be enacted to remedy this problem all over the country, not just in Texas.

As I told my constituents in February of this year, "It is within our power to banish hunger and malnutrition from our land; we have a responsibility to exercise that power. Our unparalleled agricultural abundance must be shared with all our people here at home—no American should be malnourished."

I think that the food stamp program could be a useful means to this end. Unfortunately, this program is not now operating as it should. I think that the reforms provided for in this bill are necessary if this program is to achieve its full potential for effectiveness. I give it my unqualified support.

Mr. President, I ask unanimous consent that tables showing the March, 1969, participation in the food stamp program in Texas and the March 1969 participation in all food distribution programs in my State be added at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

[Number of persons]

State/Adm. unit	Commodity distribution	Food stamp
TEXAS		
Anderson	802	
Angelina	621	
Atascosa	1,878	
Austin	642	
Bastrop	1,687	
Bee	335	
Bexar		22,616
Brewster		229
Brooks	2,400	
Brown	1,252	
Burleson	1,972	
Caldwell	1,451	
Callahan	338	
Cameron	9,172	
Camp	916	
Carson	52	
Cass	2,221	
Cherokee	1,917	
Childress	265	
Cochran	246	
Coke	96	
Comanche	848	
Cooke	847	
Cottle	[1] 571	
Crosby	224	
Culberson		140
Dallam	113	
Dallas	19,090	
Dawson	811	
Delta	649	
De Witt	1,803	
Dickens	489	
Dimmit	1,471	
Duval	3,299	
Eastland	1,106	
El Paso		8,335
Falls	2,343	
Fannin	3,009	
Fayette	1,313	
Fisher	361	
Floyd	424	
Foard	192	
Franklin	451	
Freestone	1,536	
Frio	1,681	
Galveston	3,253	
Goliad	1,028	
Gonzales	1,968	
Grimes	2,020	
Grayson		
Denison (city)	286	
Guadalupe	940	
Hale	1,461	
Hamilton	273	
Hardeman	483	
Hardin	1,592	
Harris	25,038	
Haskell	830	
Hays	1,397	
Hemphill	69	
Henderson	963	
Hidalgo	11,217	
Hill	1,895	
Hockley	689	
Houston	2,367	
Howard	707	
Hudspeth		160
Hutchison	825	
Irion	92	
Jackson	386	
Jasper	1,927	
Jeff Davis		106
Jefferson	4,046	
Jim Hogg	1,657	
Jim Wells	3,374	
Jones	1,298	
Karnes	3,047	
Kent	99	
King	dd	
Kinney	505	
Kleberg	1,922	
Knox	532	
Lamb	638	
La Salle	1,513	
Lavaca	1,406	
Lee	1,093	
Leon	1,938	
Liberty	1,771	
Limestone	2,086	
Lipscomb	38	
Live Oak	1,375	
Lubbock	2,132	
McLennan	2,625	
Madison	1,077	
Marion	1,600	
Martin	72	
Matagorda	1,861	
Maverick	3,072	
Medina	1,239	
Milam	2,289	
Montague	976	
Moore	55	
Morris	879	
Motely	292	
Nacogdoches	2,107	
Newton	1,396	
Nolan	831	
Nueces	4,516	
Orange	1,302	
Panola	1,506	
Pecos		292
Polk	1,471	
Potter	1,348	
Presidio		723
Rains	370	
Real	409	
Red River		[2]
Robertson	3,757	
Sabine	442	
San Augustine	965	
San Jacinto	1,636	
San Patricio	4,600	
Scurry	764	
Shelby	1,003	
Smith	797	
Starr	6,430	
Stonewall	194	
Swisher	543	
Tarrant		6,513
Terrell		66
Terry	235	
Titus	1,114	
Tom Green	2,136	
Travis	9,943	
Trinity	1,085	
Tyler	834	
Upshur	1,779	
Upton	204	
Val Verde		
Del Rio (City)	1,906	
Walker	1,847	
Waller	1,242	
Ward	747	
Washington	2,542	
Webb	10,705	
Wilbarger	813	
Willacy	3,477	
Williamson	1,820	
Wilson	1,010	
Zapata	1,351	
Zavala	1,709	
Texas total	262,074	39,180

[1] King County included with Cottle County.
[2] Red River County discontinued program as of September 30, 1968.

FOOD STAMP, MARCH 1969

Project area	Participation: P. A.	Non-P. A. number persons	Total	Monthly change (percent)	Coupons: Total value	Bonus value	Bonus total (percent)	Average bonus per person	Fiscal year date: Total coupons	Bonus coupons
Texas (10):										
Bexar	9,673	12,943	22,616	10	$338,848	$191,929	57	$8.49	$2,482,711	$1,367,009
Brewster	66	163	229	−7	3,890	1,657	43	7.24	32,585	13,839
Culberson	37	103	140	17	1,789	868	49	6.20	16,722	7,881
El Paso	2,860	5,475	8,335	5	123,704	68,867	56	8.26	998,684	528,828
Hudspeth	12	148	160	9	2,332	1,136	49	7.10	20,188	9,947
Jeff Davis	37	69	106	29	1,803	738	41	6.96	11,665	4,652
Pecos	24	268	292	−8	4,506	2,281	51	7.81	42,871	22,374
Presidio	113	610	723	8	10,180	5,598	55	7.74	86,839	43,555
Red River	[2]	[2]	[2]		[2]	[2]			48,259	19,227
Tarrant	3,304	3,209	6,513		110,125	46,838	42	7.19	963,151	400,447
Terrell	1	65	66	16	1,230	448	36	6.79	11,359	4,130
Total	16,127	23,053	39,180	7	598,407	320,360	54	8.18	4,715,034	2,421,889

[2] Red River County discontinued program as of Sept. 30, 1968.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 126) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 126

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(a) of the Food Stamp Act of 1964 is amended by striking "$340,000,000" and inserting "$750,000,000".

Mr. ELLENDER. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Otto F. Otepka, of Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBVERSIVE ACTIVITIES CONTROL BOARD

The PRESIDING OFFICER. The clerk will state the nomination to the Subversive Activities Control Board.

The bill clerk read the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board.

Mr. YOUNG of Ohio obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield without losing his right to the floor?

Mr. YOUNG of Ohio. I yield for that purpose.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I move to recommit the nomination of Otto F. Otepka, and on the motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YOUNG of Ohio. Mr. President, President Nixon's appointment of Otto F. Otepka to a $36,000 a year post on the Subversive Activities Control Board was an outlandish piece of political expediency. Let us hope that it does not signal a return to that era of pointless suspicion, fear, character assassination, and ruined careers that marked the so-called McCarthyism of the 1950's.

When asked about the President's decision to nominate Otepka, the White House press secretary stated:

I think the appointment speaks for itself.

It certainly does and with revolting eloquence. The question involved has little to do with national security, subversion, or anything of that nature. What is involved is an official of the executive branch sneaking information, which he was forbidden to disclose to anyone, to representatives of the legislative branch. Otepka was chief of security evaluations in the State Department. In 1963 Secretary of State Dean Rusk removed him from this post for giving confidential security files to the Senate Internal Security Subcommittee without permission. No administrator with any self-respect could permit such disloyalty, and Secretary Rusk was correct in removing this witch-hunter from his position. Even Secretary of State Rogers refused to restore the disloyal Otepka to the post from which he has been ousted.

Furthermore, it has been revealed that a fund raised by groups with close ties to the lunatic rightwing splinter group, the John Birch Society, so-called, paid approximately 80 percent of the $26,135 in legal expenses incurred by Otepka in his 4-year fight to win reinstatement as chief security evaluator in the State Department. During that period Otepka made numerous speeches at meetings of extreme rightwing gatherings. While he has denied any formal or informal connections with the John Birch Society or the Liberty Lobby, so-called, the fact is that he has attended rallies organized by Birch Society leaders. At least on one occasion he was formally introduced by a member of the Birch National Council. Furthermore, this rally was headed by Clarence Manion, a member of the national council of the "Birchsaps." When questioned about this by a reporter for the New York Times, Otepka said:

I am not going to discuss the ideological orientation of anyone I am associated with.

In his account of this incident to the subcommittee considering his nomination, Otepka offered the weak excuse that he felt he was being baited into making statements that could be used against him.

It has been established beyond any possible doubt that the Liberty Lobby, headed by Willis Carto whose Fascist inclinations and associations have been well documented, was one of his stanchest champions. That neo-Nazi lunatic group produced and distributed a film entitled "The Otepka Case" and its pamphlets consistently defended Otepka and attacked his critics.

Mr. President, it is interesting to note that J. G. Sourwine, chief counsel for the Senate Internal Security Subcommittee and one of the staff members who helped write the Judiciary Committee report praising Otepka, was the person through whom Otepka leaked the State Department documents when both were trying to smear Walt Rostow, the Kennedy-Johnson national security adviser, as a security risk. Now, I take a dim view of a man like Otepka, who seeks to play God with other people's patriotism.

Obviously, Sourwine has a personal interest in having Otepka confirmed by the Senate. Although the committee report seeks to disassociate Otepka from any formal or informal connections with the John Birch Society or the Liberty Lobby, Sourwine certainly was aware of the activity of these lunatic rightwing organizations in behalf of Otepka. He knew or should have known that Otepka has called the Liberty Lobby "a reputable organization—patriotic," and Willis Carto, the neo-Nazi who runs it, a defender of "the fine traditions of American life." Furthermore, Sourwine himself when interviewed by Joe Trento of World Wide Features, not only expressed his high regard for Liberty Lobby, but went further saying:

Liberty Lobby often requests information about individuals and issues . . . I do not hesitate to supply anything this dedicated group requests.

Yet this "dedicated group" brazenly distributes "Imperium," the Mein Kampf of American nazism.

Mr. President, in the memorandum from J. G. Sourwine to the chairman of the Committee on the Judiciary, reprinted in part 2 of the hearings on the Otto Otepka nomination, it is stated that over $21,000 of the $26,135 for legal expenses incurred for Otepka's defense was raised by the American Defense Fund organized in 1964 by James M. Stewart of Palatine, Ill. The memorandum goes on to state:

The American Defense Fund has no connection of any kind with the John Birch Society . . . according to Mr. Stewart.

The fact is that after careful research and inquiry to try to determine the names of the sponsors or directors of the American Defense Fund, I have been unable to determine any but Mr. Stewart himself. It is obvious that this is a one-man paper organization dedicated solely to exonerating Otto Otepka.

Mr. President, it has been reported to me that on June 16, 1969, 8 days ago, this same James Stewart attended a fundraising party at the home of Julius W. Butler in Oakbrook, Ill., a Chicago suburb. This is the same Julius Butler who is an admitted fundraiser for the John Birch Society and active in several John Birch front organizations. He also is a sponsor of a New England Rally for God, Family, and Country held annually near Boston, which Otto Otepka attended last year. The guests at Mr. Butler's home last week included Robert Welch, founder and head of the John Birch Society, who spoke at length spewing forth the usual John Birch lunatic obsessions. Mr. and Mrs. James Stewart, I am told, were in charge of the refreshments that were served at the meeting and were introduced to the crowd and received applause.

This is the same James Stewart who stated to J. G. Sourwine that the American Defense Fund, which is James Stewart and him only, had no connection of any kind with the John Birch Society.

Surely, Mr. President, an investigator as trained and experienced as the counsel for the Senate Internal Security Subcommittee is said to be, should on his own have questioned Mr. Stewart's statement and delved further. Julius Butler, at whose home Stewart recently attended a Birch Society rally, admitted in a telephone conversation with a reporter from

the New York Times that Otto Otepka had spoken to groups "of 15 to 20 or 30 or 40 people" at his home over the last several years. "He comes here whenever he comes to Chicago," said Butler. The New York Times also reported Mr. Butler said that in addition to his explaining his dispute with the State Department, Mr. Otepka also talks about treason in high places in Washington "and all the horrible things that are taking place."

Those Birchsaps, or Sons of Birches, as the former assistant minority leader, Tom Kuchel, of California, used to term them, are seeking to play God with other people's patriotism. They claim there are Communists in the State Department, on the faculties of our universities, and in the clergy. Of course, they could not name one.

Mr. President, as a free American, Otto Otepka has the right to join or associate with the John Birch Society or any other organization. He has violated no laws in accepting money from Birchites or Sons of Birches to use the terminology of our friend, Senator Thomas Kuchel, or other lunatic rightwing sources to meet legal costs of his unsuccessful fight for reinstatement as chief security evaluator of the State Department. However, I question whether a man with such a record—a man who unhesitatingly accepted more than $22,000 from these groups—should be confirmed for a post in which he will judge the loyalty of American citizens and organizations.

Of course, he reported to the subcommittee that he would "resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

His past record clearly belies this. In my view, any man who has accepted support from the John Birch Society, the Liberty Lobby, and organizations of that ilk has a warped concept of Americanism, has no place on the public payroll and certainly not in a position in which he will be called upon to judge the loyalty of other Americans.

Mr. President, on May 16, 1969, there appeared an excellent article on the Otepka nomination in the Washington Post entitled "Security Pooh-Bah." I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SECURITY POOH-BAH

Otto Otepka's long and unfaithful service to the State Department certainly entitled him to some reward from those on Capitol Hill who were the beneficiaries of his peculiar form of infidelity. And for a while it seemed as though President Nixon had found an innocuous, if somewhat expensive, spot for him, as a $36,000-a-year member of the Subversive Activities Control Board, an agency which has no work to perform and consequently no secrets to leak. The title probably seemed congenial, if not actually honorific, to Mr. Otepka. And President Johnson had already established a precedent for using the Board as a sinecure for the politically wounded and disabled.

But there is a scheme afoot, it appears, surreptitiously to turn the chairmanship of the SACB from a sinecure into a seat of power, from a bad joke into an ugly menace. S. 12—cited as the "Internal Security Act of 1969"—a bill sponsored by Mr. Otepka's sponsor, Senator James O. Eastland, and by a collection of the Senate's ultraconservative sedition hunters, would create in the United States Government a brand-new super-snooper agency to be designated the "Security Administration for Executive Departments" and to be "subordinate only to the President of the United States." This new agency would serve as a sort of Politburo, supervising all security clearances, would have power to initiate cases before the SACB, would conduct continuing surveys and inspections of the loyalty and security activities of all Executive agencies, would train security personnel and would exercise a variety of additional powers. Although the bill does not actually so designate him, the proper title for its Administrator would be "Commissar."

The bill contains an interesting provision: "The Chairman of the Subversive Activities Control Board may be appointed as Administrator, and if so appointed may continue to hold the position of Chairman of the Subversive Activities Control Board during any term for which he shall have been appointed and designated as such Chairman." Now, what do you suppose the architects of this legislative extravaganza have in mind? How foresighted they are! The present Chairman of the SACB, John W. Mahan, a deserving Democrat—deserving of a more honorable office—could readily be replaced by—guess who?—the refurbished Mr. Otepka, and the authors of this remarkable measure would, if they managed to get it enacted, then have their own particular darling in one of the seats of the mighty.

It is in the light of this possibility that one must evaluate the statement made by Senate Majority Whip Edward M. Kennedy that "I don't think there is room on the Subversive Activities Control Board for someone whose basis of strength is the support of the John Birch Society and the Liberty Lobby." How much more vital it is to keep such a person from the office of Security Pooh-Bah. There must be room for Mr. Otepka on the staff of the Senate Internal Security Subcommittee where he will be relatively harmless and feel entirely at home. S. 12 is a nightmare. With Otto Otepka administering it, it would become a reality.

Mr. YOUNG of Ohio. Mr. President, it is difficult to reconcile Secretary Rogers declining to reinstate Otepka with the President's nominating him to a $36,000 post, albeit in a worthless Federal agency. If the President had deliberately set out to make his administration appear ludicrous he could not have chose a better means than through promoting Otepka. This nomination is an insult to the American people. It is pure political chicanery, and the Senate should reject it forthwith.

The Otepka nomination raises an issue of more importance than the promotion of a petty, self-seeking bureaucrat. Again it raises the question as to why the Subversive Activities Control Board has been permitted to exist at all. The President's appointment of Otepka might be simply dismissed as his tossing a bone to restive rightwing elements. More important, it may be an indication that he intends to keep alive part of his past as a Communist chased by resurrecting the discredited Subversive Activities Control Board.

Mr. President, earlier today, I introduced a bill to once and for all abolish the SACB. I am hopeful that this legislation will be acted upon as swiftly as possible. It is high time to rid the Federal Government of this insidious leftover of the witchhunts, this boondoggle costing hundreds of thousands of dollars of taxpayers' money annually.

In the 19 years since its creation, the Subversive Activities Control Board has served no useful purpose and has not made a single contribution to the welfare or safety of the Nation. The major section of the statute creating it has been held unconstitutional. From 1965 through 1967, the Board did not hold a meeting and there were no cases pending before it. In fact, in 1967, Congress enacted legislation specifying that the Board had to hold at least one hearing in 1968 or go out of business. Subsequently, under great political pressure Attorney General Clark sent the Board seven cases and the Board started its hearings in September 1968. Since then, it has dealt with three cases naming minor Communist Party functionaries as members of a "Communist-action" group, a process that involved only 6 days of hearings, 1 day of oral arguments and reading of extensive FBI reports. Recently, the Board began hearings on three more cases which are nothing more than "make work" cases to keep this worthless agency in business.

Apart from the five Board members, only 10 employees remain, who do nothing today but send messages to one another and expend energy once or twice a month to draw their salaries. Their average salary is one of the highest in the entire Federal bureaucracy. This year this boondoggle is costing taxpayers more than $365,000, all completely wasted. The continued expenditure of taxpayers' money for this absurd boondoggle is unconscionable at a time when we are looking for ways to save taxpayers' money.

Mr. President, there is no need whatever to continue this virtually dead agency. According to J. Edgar Hoover, who should know, the Communist Party in the United States has lost 90 percent of its membership since reaching its numerical peak strength 25 years ago. The FBI report is that there were 80,000 Communists in the United States in 1944. The Soviet Red Army was crushing Hitler's "supermen" in Europe, and in America there was tolerance for homegrown Communists. The Soviet Union was our ally at that time and some 20 million of its finest youngsters had given their lives to help save the world from Nazi domination.

Quoting J. Edgar Hoover again, at the present time he estimates that the numerical strength of the Communist has nose-dived and instead of being 80,000, as it was in 1944, their total strength in the United States today is between 8,000 and 10,000.

In that total of 8,000 or 10,000, Mr. President, are included those FBI agents who have infiltrated—we do not know in what numbers—and are masquerading as Communists. At most, there is one Communist in the United States for every 21,000 non-Communists, the odds in favor of free institution being 21,000 to 1.

Customarily from 80,000 to 83,000 spectators sit in the Cleveland Stadium Sunday afternoons witnessing National League football games, cheering on the Cleveland Browns. Mr. President, many, many times I have been seated with those 80,000 to 83,000, and I have never felt any fear whatsoever of the Communists there. Taking the FBI calculations—and

they should be correct—then all of three people in that entire crowd of 80,000 might be Communists. Should we be afraid that those few will harm the rest of us? Furthermore, we have on our side the brains and brawn of the city and State police, the FBI, the Army, the Air Force, the Navy—and never forgetting the Marines. Do we need the five men on the Subversive Activities Control Board and some 10 employees feeding at the public trough to gallop to our aid? If it is claimed that we no longer are the land of the free, let us at least be the home of the brave.

When the SACB was created in 1950, it was a bad idea. That was my opinion then; that in my opinion now. Nothing has happened to change it. Instead, the evidence clearly and convincingly shows an effort to introduce totalitarian uniformity into political thinking. The Board, by the very fact it is permitted to exist, continues to be a challenge to the basic principles of the democratic way of life of our Republic.

In 1950, when President Truman vetoed the McCarran-Walter Act which created this bureaucratic monstrosity, he said in his veto message:

> The provisions of the act are not merely ineffective and unworkable; they represent a clear and present danger to our institutions.

His warning has been validated in numerous Supreme Court decisions which have all but nullified that legislation.

The SACB is part of that debris of the witch hunts of the 1950's, the so-called period of "Joe McCarthyism," that still lingers with us to some extent. It is a part of that era in which a number of practices were adopted which were claimed to be necessary for the national security, which would have shocked our forefathers.

Many of the nefarious laws of the McCarthy era were subsequently declared unconstitutional by the Supreme Court of the United States. I maintain that, from the standpoint of civil liberties, historians of the future will credit the Supreme Court of the United States with playing a major role in the preservation of our traditional concepts of individual liberty.

We have recovered somewhat from that era, but the Subversive Activities Control Board, unfortunately, is still with us.

Mr. President, it is obvious that today the Subversive Activities Control Board is nothing more than a sop to the right-wing and a convenient place for a President to place his friends. Senators will recall that in 1967 President Johnson nominated Simon F. McHugh, Jr., to the SACB. At the time Mr. McHugh was a minor executive in the Small Business Administration, but, more important, he was the husband of a one-time personal secretary to President Johnson.

So, he became a member of that Board by Presidential appointment, and he is now a member of the Board, although his appointment was criticized violently by some of those who are now opposing this nomination.

The Chairman is John W. Mahan, a former national commander of the VFW, who headed a Veterans for Johnson Committee in 1964. When asked by a White House aide to take a vacancy on the Board, he replied that he had never even heard of it. The other two members are Leonard L. Sells, who was an attorney for the Renegotiation Board, and John S. Patterson, neither of them with a distinguished background of public service entitling them to a $36,000 a year appointment.

Mr. President, the future safety of this country does not depend in even the slightest measure on the Subversive Activities Control Board. It does depend on citizens and leaders who realize that hunger, poverty, and unemployment pave the way to communism. Those who have appropriated the issue of communism to serve their political ends are poor reeds to lean on in a fight against communism. These are the men who will be found continually on the side of the powerful special interests. They can always be depended upon to oppose all measures to make life better for more people and to insulate them against communism—protection against dependence on old age, unemployment, and occupational hazards, the elimination of poverty, slums, and hunger and malnutrition that afflict millions of Americans, decent housing, medical care for the elderly, farm programs based on the knowledge that a healthy agriculture is potent insurance against communism, the right of labor to bargain for a fair share of the wealth it helps to create, and providing a decent education for every American child.

Mr. President, let us at all times manifest the pioneering spirit of free and courageous men and women intent on maintaining our way of life and adhering to those sacred guarantees in our Constitution. Let us reaffirm the ideals and principles that have made our Nation the hope of the world. As one who despises Communists, communism, and Communist methods, I urge that this scarecrow agency, the Subversive Activities Control Board, be discarded along with all reminders of totalitarianism in our society.

Mr. President, it is crystal clear that despite his denials Otto Otepka has strong ties to un-American extreme right-wing organizations and many of their leaders. Also, it appears that the response from J. G. Sourwine of the Judiciary Committee staff to specific inquiries of Senators HART, KENNEDY, BURDICK, and TYDINGS respecting finances and connections of Otto Otepka was inconclusive, based almost entirely on the statements of individuals involved, and seriously lacking in depth and careful research. I believe that the committee should investigate further any formal or informal connections between Otto Otepka and the John Birch Society, the Liberty Lobby, and any persons or organizations actively associated with either of these lunatic fringe groups.

Therefore, Mr. President, I move to recommit the nomination of Otto Otepka.

I yield the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the full concurrence of the minority leader, that the vote on the pending motion take place not later than 2:30 p.m.

Mr. DIRKSEN. With the understanding that at least 30 minutes of the time will be given to the proponents of the nomination.

Mr. DODD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DODD. Mr. President, I simply want to say, with all deference, that I have talked with the distinguished majority leader. That would give us how much time? The Senator mentioned 2:30. I do not know how many speakers there are.

Mr. MANSFIELD. There will be time, Senator.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Montana whether his request that the vote on the nomination take place at 2:30 o'clock will be a vote on the pending motion?

Mr. MANSFIELD. That is correct, the vote on the pending motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered. The vote on the pending motion will occur at 2:30 o'clock p.m.

Mr. MANSFIELD. Let me say that if any complications arise at that time, we will take care of them then. I want to thank the Senator from Ohio.

Mr. EAGLETON. Mr. President, earlier this year, in connection with the nomination of Walter J. Hickel as Secretary of the Interior, I had occasion to do some study and research on the advice and consent function of the U.S. Senate as it related to nominees for various governmental posts as submitted by the President of the United States. My statement on same and my reasoning in supporting Mr. Hickel's nomination will be found at page 1522 of the CONGRESSIONAL RECORD of January 22, 1969.

In that statement, I pointed out the criteria which the Senate might keep in mind in the case of a nominee for the Cabinet, the President's official family, the members of which serve at the pleasure of, at the discretion of, and to the possible embarrassment of the President of the United States.

I also pointed out that different criteria were necessarily involved in the consideration of appointees to the Federal bench, for life, or to regulatory bodies for a fixed term, where the control of and the direct responsibility to the President were absent.

I said at that time:

> The debates at the Constitutional Convention of 1787 shed little light on what criteria the Senate should apply in exercising its advise and consent authority. Through almost two centuries of experience in implementing this responsibility, different Senators under different circumstances facing different questions have exercised their prerogatives in different ways.
>
> In studying the historical evolution of this senatorial authority, I am constrained to conclude that a standard or criterion applicable to one category of nominee may not necessarily be the proper standard for another category of nominee.
>
> It is one thing to consider the background and qualifications of a potential Supreme Court Justice to be appointed for life. It is another thing to consider the background and qualifications of an appointee to an independent regulatory agency who will serve

independently of the President and often for a fixed term of years. It is still another thing to consider the background and qualifications of an appointee to the Cabinet who operates under the direction of and at the pleasure of the President.

In one of the few books devoted to the advice and consent function, Prof. Joseph P. Harris made these observations:

"The tests applied by the Senate in considering nominations vary widely, depending in part on the character and importance of the office concerned and whether the nomination is one to which the Senate gives individual attention. Well-established custom accords the President wide latitude in the choice of members of his own Cabinet, who are regarded as his chief assistants and advisers (p. 379).

"It is appropriate for the Senate to consider the philosophy and general outlook of nominees to high federal offices, particularly to regulatory bodies and to the bench. These offices stand in a different position from that of the heads of executive departments for whose actions the President is responsible (p. 384).

"The confirmation of presidential nominations to independent regulatory commissions is always of especial importance, for members of these commissions are regarded as having a special relationship to Congress. The function of the Senate in passing upon the nominations is not limited to the technical qualifications of the nominee and his fitness for the office; it is appropriately concerned with his stand on broad policies and the effect his appointment may have upon the functioning of the commission. Often the character and attitude of the officers who head an agency have as much to do with its policies as the legislation under which it operates. The Senate must therefore consider whether a nominee to a regulatory commission is in sympathy with the objectives of the laws which he will be called upon to administer, and whether he will support policies which are agreeable to the majority of the Senate (p. 178). Joseph P. Harris, 'The Advice and Consent of the Senate' (University of California Press, 1953)."

Today we consider the appointment of Otto F. Otepka to be a member of the Subversive Activities Control Board to serve for a fixed term ending August 9, 1970.

Mr. President, it is therefore the duty of the Senate to consider the nature of the position for which Mr. Otepka has been nominated and the nature of Mr. Otepka's case history as bearing thereon.

THE ROLE OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

The Subversive Activities Control Board—which I shall hereinafter refer to as SACB—was created by law in 1950. Through the years since its creation, its duties have been drastically reduced by decisions of the Supreme Court of the United States. However, in 1968 Congress granted further powers to the SACB.

The Board is now empowered to hold hearings and to compel the appearance of witnesses and the production of evidence by subpena for the purpose of determining whether groups named by the Attorney General are Communist-action or Communist-front groups, or whether named individuals are members of Communist-action groups.

Persons found by the SACB to be Communists or members of Communist-front groups are prohibited by law from holding Federal appointive positions, and from holding jobs with labor organizations or in defense facilities.

Groups found by the Board to be Communist organizations must announce themselves as such in using the mails or any broadcast media and must be denied tax-exempt status.

Finally, it should not be ignored that it is proposed in the present session of Congress in S. 12 that the aforementioned powers be considerably expanded.

The SACB is, then, a board with existing authority and prospectively, at least in the minds of the sponsors of S. 12, it will have even expanded authority in the area of adjudging, evaluating, and handling security matters and files.

To this Board Mr. Otepka has been nominated by the President.

THE OTEPKA CASE

Otto Otepka's case within the State Department began in 1963. During the course of hearings before the Senate Internal Security Subcommittee Mr. Otepka handed over to Mr. J. G. Sourwine, chief counsel of the subcommittee, some 34 documents of which 11 were classified ranging in degree of classification from "confidential" to "official use only" to "limited official use."

Otepka was charged with "conduct unbecoming an officer of the Department of State" in connection with the handing over of these papers to Mr. Sourwine. At the outset he was also charged with other allegedly improper acts, but these other charges were later dropped by the Department of State by the time the case was presented to the hearing officer.

Specifically, Otepka was charged with violating the Presidential directive of March 13, 1948, which provides, in part, as follows:

All reports, records, and files relative to the loyalty of employees or prospective employees (including reports of such investigative agencies), shall be maintained in confidence, and shall not be transmitted or disclosed except as required in the efficient conduct of business.

The report of the hearing officer is printed at pages 75–84 of the April 15, 1969, Judiciary Subcommittee hearing on the instant nomination—hereinafter referred to as the "hearing." I call to the attention of the Senate findings No. 12 and No. 42 which I read herewith verbatim:

No. 12. Based upon my consideration of all the testimony and evidence on record in the Appellant's case, I find that the Appellant delivered the two memoranda and investigative report to a person outside of the Department of State without authority and in violation of the Presidential Directive of March 13, 1948 (13 FR 1359). I find that this action is conduct unbecoming an officer of the Department of State. I find no extenuating circumstances which would mitigate the delivery of the two memoranda and investigative report to the person outside the Department. (See Hearing p. 78)

No. 42. The Code of Ethics for Government Service, 86th Congress, 1st Session, House Document No. 103, passed by the Congress of the United States on July 11, 1958, states in part:

"Any person in government service should:

"I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"II. Uphold the Constitution, laws and legal regulations of the United States and of all governments therein and never be a party to their evasion. . . ."

I consider the Presidential Directive of March 13, 1948, as a positive regulation for the conduct of Executive Branch personnel in the administration of the employee loyalty program. The Directive is reasonable enough, setting forth a procedure whereby loyalty-security information can be made available to the Congress.

Mr. President, I repeat that at this point for emphasis because I think it is vital to the case. The hearing officer said:

The directive is reasonable enough, setting forth a procedure whereby loyalty-security information can be made available to the Congress.

That is a course of procedure which Mr. Otepka did not follow.

The hearing officer went on to add:

I find that the Appellant, as an employee of the Executive Branch, is bound to the proper implementation of the Presidential Directive. The Code of Ethics for those in Government Service requires adherence to a proper regulation and requires further, that no government employee be a party to the evasion of a legal regulation. The Appellant has requested a consideration of all the circumstances of this case which he states permit him to apply a different rule, I have so examined all the circumstances of the case and find no reason to evade the application of the foregoing rule. (See Hearing p. 83)

Mr. President, on December 9, 1967 Secretary of State Dean Rusk affirmed the finding relating to Otepka, and Otepka was reprimanded, reduced one civil service grade, and transferred to duties "which do not involve the administration of personnel security functions." See hearing, page 86.

The case then moved out of the Department of State to the U.S. Civil Service Commission.

On May 20, 1968, the Chief of the Appeals Examining Office of the Civil Service Commission made his findings, again affirming the prior findings. The report, in part, reads as follows:

He [Otepka] delivered to the Chief Counsel, Senate Subcommittee on Internal Security three documents of a security nature. He had no right to take the files and records of his agency and release information which he knew may be disclosed only by the President. Furthermore, he had no right to invade the privacy of those who were named in the three documents. It is a fair conclusion that having taken this action one time, he might well do it again and it is reasonable for Management [the Department of State] to discipline him and remove him from the area where he has demonstrated capacity for harm. Therefore we conclude that the action taken by the Department of State was for a cause as will promote the efficiency of the service and that the decision to effect the action was not unreasonable, arbitrary or capricious. (See Hearings, p. 91)

On September 25, 1968, the Board of Appeals and Review of the U.S. Civil Service Commission rendered its decision in the Otepka case, again affirming the previous findings. The Board of Appeals said, in part, as follows:

The appellate record establishes that the appellant was familiar with the contents of the aforementioned Presidential Directive and that he knew of the prohibitions contained therein. Surely, the appellant, who had occupied highly responsible security positions in the Department of State, including that of Deputy Director of the Office of Security, as well as the position of supervisory Personnel Security Specialist, was un-

der a duty to uphold and comply with the Presidential Directive of March 13, 1948. His failure to do so, under the circumstances disclosed by the evidence of record, clearly constituted conduct unbecoming an officer of the Department of State, as the Department alleged. . . .

On October 5, 1968, Mr. Otepka announced in the press that he would appeal his case to the Federal courts, as was his right. However, he never did pursue that appeal, dropping the appeal of his own volition.

When President Nixon assumed office, he instructed Secretary of State Rogers to review the case.

On February 19, 1969, Secretary of State Rogers wrote to Mr. Otepka stating his conclusion that "the case had been fully and exhaustively litigated within the executive branch of the Government in accordance with applicable provisions of law and the regulations of the Department of State and Civil Service Commission" and that the case would not be reopened.

THE CASE AS IT APPLIES TO MR. OTEPKA'S NOMINATION TO THE SACB

Mr. President it appears to me that Mr. Otepka has had his full day in administrative court, so to speak, and could have had an even fuller day in Federal court had he wished to pursue that remedy.

As a governmental employee handling security matters, he has been found wanting by first the State Department hearing officer, next the Secretary of State, next the Civil Service appeals examining officer, next the Civil Service Commission, and next the Civil Service Commission Board of Appeals and Reviews. Secretary of State Rogers refused to reinstate Mr. Otepka.

Mr. Otepka knowingly and willfully transmitted State Department security documents in violation of a Presidential directive. He did so, as the hearing officer found, with "no extenuating circumstances which would mitigate the delivery of the two memorandums and investigative report to the person outside the Department." See hearing, page 78.

Mr. President, I cannot see how, under these circumstances, the Senate can now give its advice and consent—the constitutional value and validity of which most of us are now striving to restore—to elevate Mr. Otepka to a position of even higher prestige and power in the field of security.

For us to do so is to say that the record of all the previous hearings and the findings therein were baseless.

For us to do so is to say that the Senate of the United States substitutes itself as a Federal appellate court, a court to which Mr. Otepka declined to take his case.

For us to do so is to close our eyes and minds to the exhaustive hearings of record compiled in this case.

For us to do so is to reward an intentional violation of a Government security order by placing the violator in the highest echelon of security control and supervision.

For us to do so is to introduce Mr. Otepka once again into the security field after he had been transferred out of such field because of an intentional breach of security conduct.

Mr. President, this is seriously inconsistent—it is more than that: It is blindly hypocritical.

Mr. President, other Senators will present additional matters they wish to have considered by further committee hearings on this nomination. They, of course, have the right to express their doubts. For myself, without delving into any other areas and confining myself to the appendix to the transcript of the hearing before the subcommittee, on the desk of every Senator, I am satisfied that Mr. Otepka, by reason of his past conduct in the handling of security affairs, is an inadequate nominee for an even loftier position in the security field.

Therefore, Mr. President, I shall vote against the confirmation of Mr. Otepka as a member of the Subversive Activities Control Board.

I yield the floor.

Mr. GOODELL. Mr. President, I cannot in good conscience support the nomination of Mr. Otto F. Otepka to be a member of the Subversive Activities Control Board.

I have the highest regard for the principle that the President should have wide discretion in making major appointments. Nevertheless, the Constitution places upon the Senate the obligation to determine the basic qualifications of nominees.

The Subversive Activities Control Board, having been stripped of its original functions which were declared unconstitutional, now serves little or no useful purpose.

Despite its lack of usefulness, the Board can by its actions vitally affect the lives and careers of those whom it investigates. For this reason, its members ought to be men of discretion and judgment. I am not satisfied that Mr. Otepka is such a man.

The Internal Security Act which created this Board was enacted at the height of the Joseph McCarthy era. President Truman, with the full support of J. Edgar Hoover, recognized its dangers and vetoed, it saying:

This bill would work to the detriment of our national security.

The act required the registration of Communists in violation of their fifth amendment rights under the Constitution. Other of its ill-advised provisions authorized the creation of detention camps in this free country.

In 1965, the Supreme Court virtually did away with the Board by declaring unconstitutional its power to police the compulsory registration of Communists. Thereafter, the Board did nothing and did not even meet for 3 years. Nevertheless, its five members each were paid handsome salaries of $26,000 a year. Appointments to the Board became payoffs for political favors. The taxpayers paid a quarter of a million dollars a year—or over $5 million in the history of the SACB—for an agency that accomplished nothing.

Last year, Congress renewed the powers of the Board by authorizing it to hold hearings to determine whether groups or individuals named by the Attorney General are Communist affiliated. This passed the Senate by a vote of only 3 to 2, with 95 Members absent.

An amendment to this legislation provided that the Board would expire unless the Attorney General sent names to it before the end of 1968. At the last moment, the Attorney General submitted a few names to the Board to prolong its precarious existence.

The Board is not needed in order to prosecute those who actually conspire to overthrow our Government.

The Board is not needed to investigate subversives of the right or the left. The FBI has ample powers to do this.

The Board's only function is that of labeling organizations as Communist or Communist fronts. The statutory standard of what "Communist" means is so vague that this can seriously jeopardize the basic individual freedoms guaranteed by our Constitution.

The Board is directed only at the world Communist movement. It does not concern itself with totalitarian organizations of the extreme right—which can endanger our liberties just as gravely as those of the extreme left.

Useful or not, the Board nevertheless can profoundly affect the lives of those it investigates. It it determines that named individuals are members of Communist-action or Communist-front organizations, this will prevent them from holding public office and will seriously diminish their chances of obtaining or keeping private employment.

Because of its power over the lives of American citizens, the Board must be composed of men who meet high standards of fairness, discretion, and judgment.

On the basis of his record, I am not convinced that Otto Otepka has shown these qualities.

The majority report of the Senate Judiciary Committee, which has recommended his confirmation, discusses extensively whether Mr. Otepka has lied, engaged in other misconduct, or has been associated with individuals or organizations of a subversive character. It concludes that he has not.

The report does not, however, satisfactorily answer the question whether Mr. Otepka in his actions has demonstrated the caliber of judgment that would justify his being appointed to such a sensitive post.

Mr. Otepka served as the State Department's chief security investigator until 1963, when he was removed from this job. Two boards—a specially appointed State Department investigative board and a Civil Service Appeals Board—upheld his demotion.

His removal by the State Department from matters involving the administration of personnel security functions was sustained by the Democratic Secretary of State, Dean Rusk. His Republican successor, William P. Rogers, refused to reinstate him.

I do not understand a double standard by which a man who has been determined to be unfit to hold a security post in the State Department is nevertheless fit to hold an even higher ranking and higher paid position in a major Federal security agency.

If, as a Democratic and a Republican Secretary of State have determined, Mr. Otepka is not suited to pass upon sensitive personnel security matters in the

State Department, how can he be qualified to pass upon matters of a similar nature as a member of the Board?

Can it be that the Board is a "harmless" place for Mr. Otepka, because it has been inactive for so long? This consoling thought is no longer true. The Board was given renewed powers by Congress last year, and the Attorney General has been activating it by sending it the names of persons to investigate.

It may prove even more hazardous to have Mr. Otepka serve as a member of the Board than as a State Department security evaluator. In the latter post, his actions were at least reviewable by his superiors. As a member of the Board, his actions will be reviewable only by the courts.

This appointment would become still more sensitive if Congress were to enact the proposed Internal Security Act of 1969, S. 12, introduced this year and sponsored by one-third of the members of the Senate Judiciary Committee. That bill, if enacted, would create a new Security Administration for Executive Departments with sweeping investigatory powers, and provides that the Chairman of SACB may also be Chairman of this powerful new agency.

As I stated earlier, I believe the Board serves no constructive purpose. Some may disagree with this characterization. Some may contend that the Board can perform an important public disclosure function. If one were to accept this premise, it becomes even more important that the members of the Board be highly respected men, in whose judgments the public will believe.

Mr. Otepka does not enjoy this sort of public confidence. His State Department activities have generated widespread misgivings. So have widely publicized reports that he has been associated with rightwing causes. So has the vocal support he has received from extreme rightist groups which he has not fully repudiated.

In short, the Subversive Activities Control Board is the wrong agency and Mr. Otepka is the wrong man. The nomination should not be confirmed.

Mr. DODD. Mr. President, I take the floor to support the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board.

The Otepka nomination was favorably reported by the Judiciary Committee on May 29. Two members of the committee, however, signed dissenting views, while four filed individual statements. It is my belief that their dissent or reservation was based on a misunderstanding of the facts, because there has, regrettably, been a good deal of misrepresentation about the Otepka case in the press.

This is a good appointment. It is my hope that a detailed presentation of the facts will help to persuade those Senators who have expressed doubts, or who harbor doubts, about Otepka's associations, or about his conflict with the Department of State, or about his sensitivity and judgment.

The press campaign against Otto Otepka has been spearheaded by Drew Pearson, the lying character assassin and his trained jackal, Jack Anderson. Through their repeated columns carried in hundreds of newspapers across the country, they have unquestionably been able to influence other writers and commentators and, in a minor way, to influence congressional attitudes. Their success has been limited. But by dint of repeating the most outrageous lies as though they were statements of fact, they have been able to make many honest people believe that there must be some substance to their misrepresentation.

There is nothing new about this technique, of course. It is the old technique of "the big lie," at which Pearson and Anderson are past masters.

In the several columns they have written to date on the Otepka matter, Pearson and Anderson have told a total of several dozen separate lies; and their major lies, as is their custom, have been repeated over and over again.

The first column, for example, had a single sentence which contained three distinct lies, crowded into a mere 20 words. The sentence in question read:

> The classified papers which Otepka gave Dodd pertained to the security clearance of several officials, the most important being Walt Whitman Rostow.

The fact is that Otepka never gave me any papers of any kind, either inside the hearing room or outside the hearing room.

The fact is further that I hardly knew Otepka.

And the fact is finally that I never had any contact with him outside the hearing room.

The three documents which form the basis for the State Department's charge against Otepka were officially made part of the investigation record in a meeting on August 12, 1963, presided over by Senator HRUSKA. The hearing record shows that I was not present on that day.

This was lie No. 1.

The fact is, further, that Otepka turned over no documents from the personnel security files of any official.

This was lie No. 2.

And finally, the fact is that the name of Walt Whitman Rostow did not figure in any way in the several documents Otepka gave the subcommittee or in his testimony before the subcommittee or in the hearings on State Department security.

This was the third lie in the Pearson-Anderson sentence.

The purpose of this factual recitation is simply to establish once again that Pearson and Anderson are the most reckless and malicious liars who ever rated a syndicated newspaper column.

WHO IS OTTO OTEPKA?

Before I go on to deal with the major allegations that have been made against Otepka by Drew Pearson and by others, it would be appropriate to establish for the record the essential facts about Otto Otepka, about his conflict with the Department of State, and about his qualifications for the position to which he has been nominated.

Otto Otepka is an outstanding example of the self-made man who has risen from the humblest position in government to very high position by dint of his own efforts and ability.

His unbroken record of advancement over a period of 25 years is by itself a powerful proof that he enjoyed the esteem and respect of his various superiors, until he ran into difficulties with the State Department bureaucracy in 1963.

Otepka went to work for the U.S. Government in 1936.

In 1942 he became an investigator and security officer for the Civil Service Commission, and he held this position until 1943 when he enlisted in the U.S. Navy.

Otepka was honorably discharged from the Navy in 1946 with the rank of petty officer first class.

Returning to his old job with the Civil Service Commission, he continued to work as an investigator and security officer until 1953, when he was transferred to the Office of Security in the Department of State.

Otepka's outstanding competence won him advancement in August, 1953, to the position of Chief of the Evaluations Division of the State Department Office of Security.

Over the ensuing years, Otepka won nothing but praise for his performance from the top people in the Department.

In September, 1955, Mr. Dennis Flinn, the Director of the Office of Security, stated in a memorandum that Under Secretary Herbert Hoover, Jr., had "gone out of his way to express appreciation for Mr. Otepka's work," in particular, for the "form, substance, and objectivity of presentation."

In April of 1957 Otepka was advanced to the position of Deputy Director of the Office of Security, in which position he became the effective chief of the State Department's personnel security operations.

Later that year his work won special commendation from Mr. Loy W. Henderson, Deputy Under Secretary of State for Administration, who said that Otepka deserved "special commendation" for his handling of many delicate cases of security clearance for appointive office.

In 1958, Otepka received the Meritorious Service Award from Secretary of State John Foster Dulles.

In May of 1962, the Head of the Office of Security, Mr. William O. Boswell, in an official memorandum, said:

> Over the years Mr. Otepka has made a very real and substantial contribution to the Office of Security and hence to the national security.

And he praised his ability and dedication to the security program.

Even after formal charges had been brought against Otepka by the State Department, the then Under Secretary of State for Administration, Mr. William Crockett, described Otepka to the committee as "a knowledgeable, realistic security man."

Here is a man who over a period of several decades served the U.S. Government in various capacities; whose performance won him continuous advancement and repeated praise from highly demanding superiors whose record was without blemish or flaw.

This is the man whom we are now told is untrustworthy and incompetent and undeserving of the high office to which he has been nominated.

By commonsense standards of logic and justice, I say that this just does not make sense.

Now, let us examine the charges against Otepka one by one.

THE STATE DEPARTMENT'S ACTION AGAINST OTEPKA

The only argument that has been made against Otepka that has even the appearance of substance is that the State Department found it necessary to discipline him on the basis of charges brought against him by Secretary of State Rusk.

I have great respect for former Secretary of State Rusk, under whose administration the charges against Otto Otepka were initiated. But, having presided over many of the hearings on the question of State Department security, I am convinced that those subordinates who handled the Otepka case did the Department of State and Secretary Rusk himself a profound disservice.

It is perhaps the nature of bureaucracies that they must always seek to vindicate their errors. And this is probably why the State Department persisted in its mean and unreasoning campaign against Otto Otepka, even after his accusers had been dismissed for perjury.

The story of the shameless campaign waged against Otto Otepka by certain State Department officials is documented in the many volumes of hearings on the question of State Department security conducted by the Senate Subcommittee on Internal Security.

Otto Otepka had served in the field of security for a number of years when he first appeared before the Senate Subcommittee on Internal Security in 1961. At that time he held the position of Deputy Director of the Office of Security in the Department of State. His efficiency rating had always been "excellent"; and in 1958 he had received the Meritorious Service Award from Secretary of State John Foster Dulles.

But while Otto Otepka was fair, he also believed in sound security procedures. For this he incurred the wrath of certain people in the Department.

And so, they began, first, to restrict his functions.

Then they began to monitor his burn basket.

Then they locked him out of his office and denied him access to his files, although no charge had yet been brought against him.

No one suspected of espionage or disloyalty has, to my knowledge, been subjected to such surveillance and humiliation. But Otepka was not suspected of disloyalty or espionage. He was suspected very simply of cooperating with the Senate Subcommittee on Internal Security and of providing it with information that some of his superiors found embarrassing or objectionable.

On November 5, 1963, it was announced that the State Department had decided to dismiss Otto Otepka. I immediately took the floor of the U.S. Senate to protest the dismissal, which I described as a challenge to responsible government and an affront to the Senate as a whole.

Among other things, I pointed out that while State Department officials had denied under oath that a listening device had been installed in Otepka's office, the Subcommittee on Internal Security had proof that such a device was in fact installed.

In the ensuing colloquy on the floor of the Senate, there was discussion of possible perjury charges against the State Department officials involved.

The following morning, November 6, the Subcommittee on Internal Security received three letters from the State Department officials to whom I had referred without naming them: Mr. John F. Reilly, Deputy Assistant Secretary for Security; Mr. David I. Belisle, deputy to Mr. Reilly; and Mr. Elmer Dewey Hill, Director of the Division of Technical Services in the Office of Security.

It was also announced that the dismissal was revoked and that Otepka was, instead, being suspended.

In essence, the three State Department officials who originally told the subcommittee that they knew absolutely nothing about an effort to install a listening device in Otepka's office and had not been party to such effort, now told the subcommittee that their previous statements were untrue and misleading, and that they did in fact have knowledge of the installation of a device in Otepka's telephone.

Messrs. Reilly and Hill, having been caught in the act of perjury before a Senate committee, were obliged to submit their resignations.

However, it later developed that Mr. John F. Reilly was able to move on to another important position in the Federal Communications Commission because his State Department file contained no record of the fact that he had committed perjury and had been obliged to resign on this account.

As for Mr. Belisle, not only was his resignation not requested by the Secretary of State, but he has since then moved on to higher positions.

The record also established that it was Mr. John F. Reilly, the chief of the perjurers, who had framed the charges against Otepka on the basis of which the Secretary of State acted against him.

And it was under the same Mr. Reilly that an effort was made to enlarge the case against Otepka by planting phony evidence in his burn basket. When Otepka was able to demonstrate the fraudulence of this planted evidence, the State Department was obliged to drop most of the charges that had originally been brought against him.

Essentially what remained was the charge that Otepka had violated State Department regulations by allegedly turning over confidential documents relating to personnel security to the Internal Security Subcommittee.

Now I do not say that executive department employees should have the right to violate the stringent rule against revealing or turning over the contents of personnel security files. But this is not what was involved here.

Otto Otepka did not "pilfer" State Department files as has been alleged.

Nor did he turn over to the subcommittee any classified papers from the personal security files of State Department officials.

Actually, Otepka gave the subcommittee only three documents about which the State Department complained.

Otepka had informed the subcommittee that he had written a memorandum to his superior, Mr. Reilly, recommending a tightening of security procedures. Mr. Reilly denied to the subcommittee that he had received any such memorandum from Otepka. In order to prove that he was telling the truth and that Mr. Reilly was lying, Otepka gave the subcommittee a copy of his original memorandum to Reilly, which had been initialed on receipt by Reilly; and he also gave the subcommittee a copy of a memorandum written by Reilly to another State Department office in which he made reference to the Otepka memorandum.

It was of vital importance to the subcommittee to know who was lying and who was telling the truth. And I honestly cannot think of any other way in which Otepka could have handled the matter.

I doubt very much, for example, that he would have been granted permission to convey these documents to the subcommittee if he had asked his superior, Mr. Reilly, for this permission.

Here was this poor man, put in the position of being accused of having lied to the Committee on the Judiciary when he told us that he had written a memorandum to his superior, and the superior came before us and said, "He is a liar; he never did."

Faced with this charge, Otepka said, "All right, I will show you I am not a liar. Let me get that paper."

He went back to his office, got the paper, and returned, and said, "Here is the memorandum I wrote him; there are his initials. And here is his memorandum. Here they are."

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. EASTLAND. Is it not a fact that Mr. Otepka was told there was a conflict, and asked to verify, if he could, the story he told?

Mr. DODD. That is exactly right.

Mr. EASTLAND. And he did, at the request of the committee, verify it?

Mr. DODD. He did.

Mr. EASTLAND. And then the State Department fired his superiors for lying.

Mr. DODD. That is correct. I am glad the Senator added that; I meant to mention it.

This was another reason why the Secretary of State fired Reilly, because he lied about those memorandums before the Committee on the Judiciary.

Senators may say Otepka should have gone to the Secretary of State and said, "Look, this fellow Reilly went up to the Judiciary Committee and lied about me; please let me have that memorandum so I can take it to the committee and show it to them."

If he had done that, it perhaps might have been better and easier. Knowing the machinery of these big depart-

ments, I doubt that he would have gotten permission. On the whole I am convinced that Otepka did the right thing.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. MURPHY. I seem to recall having read, in connection with some controversy involving the name Reilly, that there was a question about tapping telephones.

Mr. DODD. Yes.

Mr. MURPHY. And that there was testimony that this had taken place under oath, which later proved to be false testimony.

Mr. DODD. Yes.

Mr. MURPHY. Was that the same Mr. Reilly who seems to have been involved with this matter?

Mr. DODD. Yes.

Mr. MURPHY. And he did, under oath, deny that he had any knowledge or had anything to do with tapping Otepka's phone; is that right?

Mr. DODD. Yes; he denied all that.

Mr. MURPHY. Then later, it was subsequently proved, and he admitted, that his testimony under oath had been false?

Mr. DODD. That is right. He was the same person. The Senator has identified him correctly.

Mr. MURPHY. I thank my distinguished colleague.

Mr. DODD. Otepka had also recommended to the Department of State that, in order to reduce paperwork and simplify security procedures, a very much abbreviated report form be used in the case of those employees whose background revealed no questionable or adverse information requiring further evaluation. In order to demonstrate what he meant, Otepka provided the subcommittee with a sample copy of this abbreviated report form.

Now in a purely technical sense, Otepka in this case may have been guilty of violating the Executive order dealing with personnel security files. But the real purpose of this order was to protect employees of the executive branch against the disclosure of any adverse or unevaluated information that might be contained in their personal files. And the report in question contained not a single iota of adverse information; it was a record, indeed, without a blemish of any kind.

Incidentally, I heard the Senator from Missouri (Mr. EAGLETON) say there were 34 classified documents involved. He seemed to be under the impression that Otepka had turned over to the committee 34 documents that he had no right to turn over. I do not know where the Senator got that impression, except that I suspect he probably read portions of the evidence and of the hearing exhibits without knowing all the facts.

There were, it is true, some routine documents under his control that Otepka turned over to the committee upon request. But there were only three documents involved in any charges preferred against Otepka, and I have told you about them.

The original charges did start out with a lot of other junk, but it never got anywhere, and the Secretary of State dropped these charges and they ended there.

So much for the charges brought against Otto Otepka by the Department of State. These charges held no water. Nor did they really succeed in persuading the press or the public. Nevertheless, as the result of the flimsy and baseless charges that were brought against him, Otto Otepka was subjected to a harrowing five-and-a-half-year ordeal.

From all those in the press who followed his case carefully, Otepka won very high marks for the manner in which he bore himself in the face of his long ordeal. Pulitzer Prize-winning newspaperman, Clark Mollenhoff, for example, said recently in a speech in Washington:

> Every investigation I made of Otepka's story demonstrated that he was accurate on the facts, and balanced in his perspective * * * he was amazingly objective in viewing his own case, and in judgment about the men who were alined against him. He had the restraint and judgment to draw lines between those who were actively engaged in illegal and improper efforts and those who seemed to be simply trapped into a position by carelessness or to present a united political front.

Since the charges which led to Otepka's harassment and punishment by the State Department were clearly without substance, Drew Pearson and the others who have recently assailed him have had to invent new charges to bolster the old ones.

Among other things, they have charged him with lack of qualification, with unbalanced judgment, and with extremist associations. Drew Pearson has even implied at several points that Otto Otepka is anti-Semitic.

Let me reply to these recently manufactured charges briefly, because they clearly do not merit extensive attention.

OTEPKA'S FAIRNESS

Otto Otepka had a reputation for fairness which in the 1950's won him the implicit, if not explicit, praise of certain of those who today attack him.

I recall specifically the case of Wolf Ladejinsky, an expert on agriculture in the underdeveloped countries, who had been denied clearance by the Department of Agriculture but who was then granted clearance by the Department of State on the basis of the recommendation of Otto Otepka. This conflict in clearances took more than a year to resolve, and during that time the Ladejinsky case became a nationwide cause with the liberal press and with liberals generally.

Ladejinsky's foremost defender in the press was Washington correspondent Clark Mollenhoff. For his writings on the Ladejinsky case, Mr. Mollenhoff received a special award from the American Civil Liberties Union, as well as the Heywood Broun Award of the American Newspaper Guild and several other press awards. But the real hero of the Ladejinsky case, even though his name received scant attention at the time, was Otto Otepka, and Mr. Mollenhoff is the first to confirm this.

Pearson and others who today assail Otepka would do well to reread the editorials on the Ladejinsky case that appeared in the liberal press of the time.

As for the innuendo that Otto Otepka is anti-Semitic, Pearson conveniently forgot that Wolf Ladejinsky was Jewish. There were, indeed, anti-Semitic overtones in the attack conducted against Wolf Ladejinsky. And in defending Wolf Ladejinsky, Otto Otepka also gave battle to the hidden anti-Semitism which almost succeeded in destroying Ladejinsky.

In defending Ladejinsky, Otepka demonstrated, as well, a sensitivity and fairness that other security officers would do well to emulate.

In the period before the recognition of the Soviet Union, Ladejinsky had been an employee of the American office of Amtorg, the Soviet trading organization. In the eyes of the security officers in the Department of Agriculture, this single fact was enough to disqualify Ladejinsky. Unquestionably, it was a fact which had to be carefully weighed. But Otepka took the stand that it was necessary to look at Ladejinsky's record whole and that it would be wrong to disqualify him because of a single association that had been terminated some 25 years previously.

The basic fairness which he manifested in the Ladejinsky case characterized Otepka's entire approach to problems in the delicate field of personnel security.

THE LIBERTY LOBBY, THE JOHN BIRCH SOCIETY AND GUILT BY ASSOCIATION

Another charge that Pearson has been riding hard is that Otepka has actively associated with the Liberty Lobby and the John Birch Society and that these two organizations played the principal role in promoting his appointment to the Subversive Activities Control Board.

Nothing could be further from the truth. The fact is that these two far-right organizations were unhappy about Otepka's appointment to the Subversive Activities Control Board. They preferred to have Otepka as a martyr whose name they could exploit for their own right-wing purposes rather than seeing Otepka vindicated through his appointment to the Subversive Activities Control Board by President Nixon.

As for Pearson's charge that the nomination was made because the Liberty Lobby and the John Birch Society have a long list of Congressmen whom they can manipulate because they are in their debt, I cannot think of any two organizations that have less influence on the Hill than these two misguided ultra rightist associations. I am sure on this point the opinion of the Senate would be just about unanimous.

It is probable that among Otepka's countless thousands of supporters across the country there were some members of the John Birch Society and the Liberty Lobby, who supported him because they considered him an anti-Communist.

But this is a problem that exists for liberals and pacifists as well as for those who take a strong stand against Communism.

It is, for example, a matter of record that the Communist Party and its publications in this country strongly oppose our Vietnam commitment.

It is also demonstrable that the Communist Party has participated and has urged its members to participate in and contribute to the various major anti-Vietnam demonstrations that have taken place.

But, it would clearly be ridiculous to argue or imply that because all Communists oppose our Vietnam commitment or because identified Communists have played key roles in the anti-Vietnam movement, all those who oppose our Vietnam commitment are Communists or pro-Communists.

The fact is that those who are anti-Communist, whether their domestic views are liberal or conservative, will frequently attract the support of elements with whom they have no association and for whom they have no esteem.

Similarly, the fact is that those who oppose our Vietnam commitment or oppose the ABM, whether their domestic views are liberal or conservative, will frequently find their views enthusiastically supported by the Moscow Communists and the Peking Communists and all the various New Left organizations.

WHO SUPPORTS OTEPKA?

To the extent that Otepka had serious political support, it was based primarily on reputable organizations, like the American Legion which passed resolutions on his behalf at two national conventions; the Young Republican organization; the League of Republican Women; and, on the issue of procedure, by the American Civil Liberties Union which issued a statement protesting the State Department's refusal to grant him an open hearing.

Otepka has been supported, as well, by numerous Senators and Congressmen of both parties.

Finally, his cause has been championed by editorialists, columnists, and commentators of various political views: Clark Mollenhoff of Cowles Publications; Willard Edwards of the Chicago Tribune; commentator Ron David of station WTOP; columnist Holmes Alexander; and numerous editors, including the editors of the New York Daily News; Charleston, S.C., News & Courier; Buffalo, N.Y., News; St. Petersburg, Fla., Times; Omaha, Nebr., World Herald; Los Angeles Times; Phoenix, Ariz., Republic; and St. Louis Globe Democrat.

It is patently ridiculous to charge, in the light of this record, that Otto Otepka has derived his chief support, or any significant portion of this support, from the Liberty Lobby and the John Birch Society.

THE CONFIRMATION OF OTTO OTEPKA

Mr. President, the bureaucratic procedures of the Department of State have wrought a terrible injustice in the case of Otto Otepka.

The State Department bureaucracy cannot go back on itself, because such a reversal would run counter to the nature of bureaucracy.

But the Congress of the United States does not have to be guided by bureaucratic considerations or by the past mistakes of the State Department.

The President has done the right thing in nominating Otto Otepka for the Subversive Activities Control Board, first, because it was clear that his reinstatement in the Department of State was a bureaucratic impossibility; second, because it was clear that an injustice had been done and that vindication was called for; and third, because Otepka was highly qualified for the post.

The newly manufactured charges that have been brought against Otepka by Drew Pearson and others are even more baseless than the original charges brought against Otepka by the Department of State. Even to call them "charges" dignifies them, for they are blatant examples of the technique of the big lie and of guilt by association.

Otto Otepka has for several decades served his Government with distinction in a series of important positions.

The post for which he has been recommended is a highly responsible one.

It calls for a broad knowledge of the problems posed by subversive activities and by the requirements of security.

But most important, it calls for integrity, fairness, and a capacity for balanced judgment.

All of these qualifications Otto Otepka possesses in exceptional degree.

Mr. President, I earnestly hope that the Senate will vote overwhelmingly to approve the confirmation of Otto Otepka as a member of the Subversive Activities Control Board.

Mr. FANNIN. Mr. President, I should like to speak further on the Otepka case, and furnish documentation on the facts.

The Otepka case began in 1961. Up to that time Otto Otepka had been considered an outstanding professional security officer. He had come to the State Department in 1953 as a personnel security evaluator. In 1958 he had received a meritorious award signed by Secretary of State Dulles. In 1960 his State Department efficiency report noted:

> Long experience with and extremely broad knowledge of laws, regulations . . . in the field of personnel security. He is knowledgeable of communism and its subversive efforts in the United States. To this he adds perspective, balance and good judgement.

Mr. President this was the record of Otto Otepka, valued career officer in the State Department before the time he was asked to see that certain individuals be allowed to obtain important jobs without proper security clearance. By early 1962 there were 152 security "waivers" granted to high-ranking Department personnel. Under the previous 8 years of the Eisenhower administration, only five such waivers had been granted.

In January 1962, Otepka was downgraded from Deputy Director of the Office of Security to Chief of the Evaluation Division. On June 27, 1963, he was locked out of his office, denied access to his files and placed in isolation. He also learned that his telephone had been tapped. Three of the officials who denied knowledge of this tap later reversed themselves before the Senate Internal Security Subcommittee. Mr. President, I ask unanimous consent that an Associated Press story appearing in the New York Times on January 10, 1968, be printed at the conclusion of my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FANNIN. This story, Mr. President, notes the Senate Internal Security Subcommittee has accused the State Department of dealing mildly with these three officials: John Reilly, former Deputy Assistant Secretary for Security; Elmer D. Hill, former head of the Division of Technical Services in Mr. Reilly's office; and David I. Belisle, then Mr. Reilly's Special Assistant.

It should be noted, Mr. President, that initially the State Department leveled 13 charges against Mr. Otepka. By the time of the Department hearings, 10 of the 13 charges had been dropped. By takthis action, the Department managed to prevent a probe of several prominent figures, including those who may have played a significant role in trying to force Otepka out of his job.

What was Otepka's crime, Mr. President? After more than 1,000 pages of testimony, Mr. Otepka was found guilty of "delivering two memorandums and an investigative report to a person outside of the Department of State and in violation of the Presidential directive of March 1948."

This conclusion was reached, Mr. President, without noting that these items were delivered to a duly authorized congressional committee for the purpose of proving that he had not lied in disputing the statements made by his superiors.

Mr. Otepka's "crime," Mr. President, is that he refused to rubberstamp security clearances requested by the administration in power at that time. Clearly a full investigation of the whole handling of the Otepka affair would have proved embarrassing in the extreme for many highly placed personalities. Even now, were all the facts brought to light, there would be political repercussions of considerable significance and magnitude.

Mr. President, I suggest that the opposition to the current nomination of Otto Otepka to the Subversive Activities Control Board is, for the most part, a fabrication of innuendoes and unproven statements pushed forward by those who are either willingly or unconsciously unaware of the real issues in this case.

The Otto Otepka case, Mr. President is more than the trials of one man. It is a question of whether a dedicated career civil servant is free to do his job relating to the security and well-being of our Nation; it stands as a symbol to other dedicated men and women in the service of their country, demonstrating that America wants the job done and wants the job done right in protecting and preserving our Nation.

Mr. President, I ask unanimous consent that an editorial from the Tucson Daily Citizen, Tucson, Ariz., appearing on February 5, 1968, along with the text of the brief in behalf of Otto Otepka filed with State Department hearing officer, Edward A. Dragon, as it appears in Human Events, be printed at the conclusion of my remarks as exhibits Nos. 2 and 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits Nos. 2 and 3.)

EXHIBIT 1

[From the New York Times, Jan. 10, 1968]

PENALTIES IN THE BUGGING OF OTEPKA ARE ASSAILED—SENATE PANEL SCORES SOFT TREATMENT OF THREE WHO ALLEGEDLY PLANTED DEVICE

WASHINGTON, January 9.—The Senate Internal Security subcommittee has accused the State Department of dealing mildly with three of its officials who allegedly bugged the office phone of Otto F. Otepka, the department's demoted security chief.

The subcommittee said in a report released today that the department "allowed two witnesses who had lied to the subcommittee to resign with no prejudicial material in their personnel files to prevent further Government employment, and it retained in its employment one of the trio on its payroll."

Mr. Otepka was demoted, reprimanded and reassigned for having furnished the subcommittee's counsel, J. G. Sourwine, with classified material in 1963. He appealed to the Civil Service Commission after Secretary of State Dean Rusk decided the case last December.

The subcommittee said that, because of the "soft treatment" of the three employes, "the impression has inevitably been created—and only the State Department can undo this impression—that it regards perjury before a committee of Congress as a quite minor matter."

The State Department had no comment.

The three officials were John Reilly, former deputy assistant secretary for security; Elmer D. Hill, former head of the division of technical services in Mr. Reilly's office; and David I. Belisle, then Mr. Reilly's special assistant.

The subcommittee said Mr. Reilly and Mr. Hill first denied but later admitted that they had installed a listening device in Mr. Otepka's office. Mr. Belisle, who was out of the country when the bug was installed, denied any knowledge of it, but later said he was told about it after his return, the report added.

Mr. Reilly and Mr. Hill were first suspended, then both retired. Mr. Belisle did not resign and is now an administrative officer at the United States Embassy in Bonn.

EXHIBIT 2

[From the Tucson Daily Citizen, Feb. 5, 1968]

WHY THE ATTACK ON OTTO OTEPKA?

The case of Otto Otepka shows that subversive elements are at work within the government of the United States, particularly within the state department.

Mr. Otepka is a persecuted patriot, hounded by ultra-leftists who correctly recognized him as an obstacle to their plans for America.

Until 1961, he was working chief of the state department's world-wide Office of Security. It was his job to issue security clearances for persons going into important government positions. As a loyal American, Mr. Otepka regularly refused security clearance to anyone who failed to meet the test of Executive Order 10450.

That order, issued by President Eisenhower in 1953, specified that any reasonable doubt regarding a government employe's or applicant's loyalty should be resolved in favor of national security rather than in favor of the individual.

Shortly after the national election of 1960, in which John F. Kennedy won the presidency, Mr. Otepka explained his position to incoming Secretary of State Dean Rusk and incoming Attorney General Robert F. Kennedy. The two newly appointed cabinet members asked Mr. Otepka about the possibility of security clearance for Walt W. Rostow, who is now a special assistant and advisor to the President and holds what Mr. Johnson calls "the most important job in the White House, aside from the President."

Mr. Otepka had refused clearances for Mr. Rostow in 1955 and 1957. And in 1960, he explained to Mr. Rusk and Mr. Kennedy that he would still not grant such a clearance.

In 1961, the State Department shunted Mr. Otepka out of his accustomed duties by putting him in charge of a special project in an entirely different area. At that same time, the department's security clearance procedures became lax.

In November, 1961, Mr. Otepka was demoted to chief of the evaluations division, an office he filled years earlier, in an apparent effort to make him resign in disgust. He hung on.

On June 27, 1963, Mr. Otepka was summarily dismissed from the State Department and the FBI was asked to investigate him for possible violation of the espionage laws. Incredibly, this action was based on his having given information to the Senate Internal Security Subcommittee.

In the meantime, that subcommittee had been investigating the now-notorious Otepka case and the State Department procedures which the New York Times had called "deceitful, and worse."

The committee's report came out last month in four volumes totaling 409 pages, and it amounted to a vigorous defense of Mr. Otepka and seven other security officers who were victims along with him of the State Department purge of 1963.

That report, however, fails to explain why Mr. Otepka was persecuted. What motivated his enemies? Senate Minority Leader Everett Dirksen answered that question a year ago when he said:

"Why, it is perfectly obvious what their motivation was. The ultra-leftists in the Department of State saw Otepka as an obstacle to their plans. They had to remove him—and they did."

Those plans include disarmament treaties, limitations on American development of strategic space weapons, "bridges" to the Soviet Bloc and other so-called "one-world" schemes.

Mr. Otepka no doubt was an obstacle because he was not about to give security clearance to anyone with a record of subversive affiliations. And America was safer so long as that authority was his.

Americans should demand another purge in the State Department, a purge directed this time against ultra-leftists rather than patriots.

EXHIBIT 3

FULL TEXT OF THE OTEPKA BRIEF

(NOTE.—The following is the complete text[1] of the official brief in behalf of Otto Otepka filed with Edward A. Dragon, the hearing officer who presided over Otepka's State Department appeal. This brief was submitted by Otepka's attorney, Roger Robb, a partner in the Washington, D.C., law firm of Robb, Porter, Kistler and Parkinson. The circumstances leading up to the filing of the brief and the events that have transpired since are summarized in the preceding two pages of this special supplement.)

This is an appeal from the decision of Mr. John Ordway, chief, Personnel Operations Division, sustaining 13 charges against the appellant. The charges were preferred by a letter from Mr. Ordway to the appellant dated Sept. 23, 1963. The appellant filed his answer Oct. 14, 1963. By letter dated Nov. 5, 1963, Mr. Ordway found that all 13 charges contained in his letter of Sept. 23, 1963, were sustained. Mr. Otepka appealed from this decision on Nov. 14, 1963.

Mr. Ordway's letter of Sept. 23, 1963, setting out the charges against Mr. Otepka, recites in some detail that during the period March 13, 1963, the appellant's classified trash bag, referred to as a "burn bag," was subjected to continuous and covert inspection; that these "procedures" were "instituted" by direction of Mr. Otepka's superior, John F. Reilly, deputy assistant secretary for security. The letter further recites that certain carbon paper, copies, "clipped" and torn pieces of paper, referred to in the charges, were retrieved from the trash bag.

Following his description of the surveillance of the appellant's trash bag Mr. Ordway lists 13 charges against the appellant. Charges 1, 2 and 3 allege that the appellant conducted himself "in a manner unbecoming an officer of the Department of State" and committed a "breach of the standard of conduct expected of an officer of the Department of State," by furnishing copies of two memoranda and a copy of an investigative report to Mr. J. G. Sourwine, chief counsel, United States Senate Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws, of the Committee on the Judiciary. It is alleged that the furnishing of these papers was in violation of the Presidential Directive of March 13, 1948.

"MUTILATION" CHARGE

Charges 4, 6, 8 and 10 allege that the appellant was "responsible" for the declassification of classified documents, in violation of various sections of the department's Foreign Affairs Manual. Charges 5, 7, 9 and 11 relate to the same documents referred to in charges 4, 6, 8 and 10 and allege that the appellant was "responsible" for the "mutilation" of such documents in violation of 18 U.S.C. 2071, a criminal statute.

On Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to advise him whether it was alleged that Mr. Otepka personally clipped or mutiliated the documents in question, and if not then who was alleged to have done the clipping or mutilation. On Oct. 8, 1963, Mr. Ordway responded that it was not alleged that Mr. Otepka personally clipped or mutilated the documents. Mr. Ordway did not answer the question as to the identity of the person alleged to have done the clipping or mutilation.

Charges 12 and 13, contained in Mr. Ordway's letter of Sept. 23, 1963, allege that Mr. Otepka conducted himself "in a manner unbecoming an officer of the Department of State" by furnishing to Mr. J. G. Sourwine certain questions which were subsequently put by Mr. Sourwine to Mr. Otepka's superiors, John F. Reilly and David I. Belisle, when they appeared before the Senate Internal Security subcommittee. It is alleged that the furnishing of such questions was "a breach of the standard of conduct expected of an officer of the Department of State."

By his letter of Oct. 4, 1963, counsel for Mr. Otepka requested Mr. Ordway to specify the regulation alleged to have been violated by such conduct of Mr. Otepka. Mr. Ordway responded by his letter of Oct. 8, 1963, that no allegation was made that such conduct violated a specific Department of State regulation.

Notwithstanding the decision of Mr. Ordway on Nov. 5, 1963, that all 13 charges against the appellant were sustained, the Department of State at the outset of the hearing on June 6, 1967 withdrew charges 4 to 13 inclusive. The hearing therefore related only to charges 1, 2 and 3 alleging that

[1] The text of the brief as here reprinted is exactly as in the original submitted to the hearing officer except that most parenthetical page references to other legal transcripts, appendices and exhibits have been removed, long paragraphs in the original have been subdivided into smaller paragraphs for easier reading, subheads have been inserted to break up the lengthy text. * * * The direct quotations in the brief come from testimony presented before the Senate Internal Security subcommittee or at the State Department hearing; those interested in checking the references should consult the annotated text of the brief that was inserted in the Congressional Record by Rep. John Ashbrook (R.-Ohio) on Dec. 14, 1967.

the appellant furnished certain documents to Mr. Sourwine, chief counsel of the Senate Internal Security subcommittee.

Each of the first three charges contains three elements, all of which must be proven if the charges are to be sustained. These elements are:

(1) That Mr. Otepka gave a certain classified document to Mr. Sourwine, the chief counsel of the Internal Security subcommittee of the Committee on the Judiciary of the United States Senate;

(2) That the giving of this document was a violation of the Presidential Directive dated March 13, 1948; and

(3) That this act by Mr. Otepka was conduct "unbecoming an officer of the Department of State" and "a breach of the standard of conduct expected of an officer of the Department of State."

The position of the appellant with respect to the issues posed by the first three charges was stated by his counsel in an opening statement to the Hearing Officer. Briefly, that position was and is:

(1) Mr. Otepka did in fact turn over the papers in question to Mr. Sourwine, who was acting in his official capacity as chief counsel of the Senate subcommittee.

(2) The papers given to Mr. Sourwine are not within the scope of the Presidential Directive of March 13, 1948, fairly and reasonably construed in the circumstances of this case. The papers contained information in the public domain, they did not contain loyalty or security information in the proper sense of that term, and there was no loyalty case pending or contemplated against any of the persons involved.

(3) In the circumstances of this case Mr. Otepka was under a duty to produce the specified papers as part of his testimony before the Senate committee. He was called as a witness in connection with certain testimony that had been given to the committee by his superior, John F. Reilly. He was asked whether that testimony was true or false. He said it was false, as in fact it was. In these circumstances it was his duty, imposed by his oath to tell the whole truth, to make a full disclosure to the committee, including production of the relevant documents. To the extent that Mr. Otepka failed to make a full disclosure and failed to produce the relevant documents, he would have condoned or shielded false testimony.

(4) The fact that the specified papers were classified "Confidential" or "Official Use Only" is immaterial, since Mr. Sourwine and the members of the Senate committee were authorized to receive such documents.

"GET OTEPKA" GROUP

(5) Any attempt by Mr. Otepka to bring the matter of Mr. Reilly's false testimony to the attention of his superiors in the Department of State would have been a vain and futile thing, and could only have resulted in suppression of the truth, for the reason that there was afoot in the State Department at that time, and there had been afoot for a long time previously, a well-organized conspiracy conceived, encouraged and led by Mr. Otepka's superiors, to destroy Otepka. The motivation behind this scheme to get rid of Otepka was that he constantly and resolutely insisted that sound and proper security practices be observed in the Department of State, whereas his superiors constantly endeavored to relax or bypass security restrictions or standards to the end that persons reasonably considered by Otepka to be of dubious character might be retained or appointed.

(6) With respect to the question of what constitutes "a manner unbecoming an officer of the Department of State" and what is "the standard of conduct expected of an officer of the Department of State," the position of the appellant was that the answer to this question is not to be found in any written definition, formula, or regulation, nor is it contained in the Presidential Directive of March 13, 1948. The answer must be derived from an examination and study of the patterns of conduct which in the past have been approved or disapproved by the Department of State, thereby establishing the mores or standards of the department. The conduct of Mr. Otepka must be judged against the standard so established to determine whether or not it falls below accepted standards, or is in violation of any such standards. Judged against such standards, the conduct of Mr. Otepka clearly does not fall below the standard and pattern which have been approved and accepted by the department in the past, and it is not a breach of any such standard.

The purpose of these charges is to liquidate Mr. Otepka, not because his conduct has been dishonorable, not because his conduct has been below the standards which should be expected of an officer of the Department of State, but solely because he has insisted upon the observance of proper security practices and standards, and because he has testified truthfully before a Senate committee.

This brief will examine the evidence developed at the hearing and set out the facts established thereby with respect to the foregoing issues. In accordance with the understanding reached at the conclusion of the hearing, matters of law will not be argued or discussed.

THE EXCELLENT RECORD OF OTTO F. OTEPKA

The reputation of Mr. Otepka for personal integrity is very high, and he "is regarded in his profession as one of the very best security men in the government, one of the most experienced, one of the most able" (Sourwine). His reputation and standing were attested by many witnesses who appeared before the Senate Internal Security subcommittee.

As for the testimony of Mr. Otepka before that committee, Mr. Sourwine stated, "Mr. Otepka's testimony had been very lengthy. And we have checked many, many things he has told us, and we have established, so far as we know, everything he told us was true."

Mr. Otepka was born May 6, 1915, and entered the federal service on July 1, 1936, as an assistant messenger in the Farm Credit Administration. In July 1942 he was appointed an investigator with the United States Civil Service Commission. He was employed by the Civil Service Commission as an investigator or as a personnel security specialist until June 1953, except for the period October 1943 until March 1946, when he served in the United States Navy as a personnel classification specialist.

On June 15, 1953, he transferred to the Department of State as a personnel security evaluator at the GS–13 level, in the Office of Security. On Oct. 25, 1954, he was promoted to chief of the Division of Evaluations in the Office of Security. On June 19, 1955, he was promoted to the GS–15 level, and on April 7, 1957, he was promoted to deputy director, Office of Security.

He served in this capacity until Jan. 21, 1962, when his position was abolished by a reduction in force and he was reassigned to the position he formerly held as chief of evaluations.

In 1942 and 1943 (excluding military service) Mr. Otepka's efficiency ratings as an employee of the Civil Service Commission were "Very Good," which was next to the highest rating that could be assigned. From 1946, when he returned from military service, until 1953, he received ratings of "Excellent." which was the highest attainable rating at that time.

During the period of Mr. Otepka's employment as an officer of the Department of State his performance ratings have been uniformly high and complimentary. Thus, for the period December 1953–December 1954, his supervisor's "narrative appraisal of over-all work performance" reads as follows:

"During the entire rating period officer has been chief of the Evaluations Division. In that capacity he has done an extraordinary job shaping a chaotic situation into an orderly, efficient and effective operation. He has displayed a high degree of administrative skill, an encyclopedic knowledge of pertinent rules, procedures and regulations, and a profound understanding of the history and background of subversive organizations and influence. He is gifted with the temperament, the judicial mind, and judgment which have contributed immeasurably to the thorough, objective and fair evaluations which have raised the production of his division to the highest professional standards. He is himself a drafting officer of unusual skill. His enthusiasm, willingness to give unstintingly of his time and effort, and his wholehearted cooperation have earned the respect of his superiors and subordinates alike and he has well earned a rating in the upper level of satisfactory."

"EXCEPTIONAL ABILITY"

For the period December 1954-December 1955, his supervisor's narrative appraisal of the Evaluation Division stated:

"Mr. Otepka has continued during this rating period to demonstrate exceptional ability in fulfilling the above work requirements. He has handled in an extraordinary manner cases of a highly complex and extremely sensitive nature and maintain excellent liaison relations with other areas in the department as well as other government agencies. His superior leadership enables such flexibility as to program the activities of his office to permit the expeditious liquidation of the normal workload as well as special projects assigned by higher officials within the time limitations established. He should be rated outstanding with regard to all aspects of his job requirements; however, since the established time schedule for the submission of an outstanding rating precludes the presentation of this rating, as outstanding the incumbent is being rated in the highest level with the satisfactory category."

For the period December 1955-December 1966, Mr. Otepka's supervisor recommended that his work as chief of the Evaluations Division be rated as "Outstanding." The justification for this rating stated in part:

"The subject during the rating period performed every aspect of the work requirements set forth in his job description in a superior and exemplary fashion. He has shown himself consistently to be capable of sound independent judgment, creative work, and the acceptance of unusual responsibility. His attitude, sustained effort and willingness to put the needs of the office and the department before personnel preference or convenience have set an example and provided an incentive to his subordinates and coworkers in the division and throughout the office.

"During the last several years the incumbent has directed the completion of the department's program for the re-evaluation of all employees of the department and American personnel of the foreign service under the standard as set forth in Executive Order 10450. In this effort he personnally completed a large number of evaluations on difficult or controversial cases, which have been recognized as outstanding examples of professional skill in the field of personal security evaluations. This crucial effort, which is the foundation for today's personnel security program within the department and the foreign service had to be completed by a target date established by the White House.

"In achieving this monumental task of reviewing and revalidating security clearances for thousands of employes, Mr. Otepka demonstrated exceptional executive ability in directing, training, and evaluating subordinate personnel and in other factors of managerial skill which contributed to the

creation of a productive and efficient organization.

"From its inception, the Federal Employes Security Program has been a controversial issue. Its objectives have been widely misunderstood and misinterpreted in addition to the handicaps of inexperienced assistants, paucity of standards, and shortage of time, Mr. Otepka was obliged to combat these misunderstandings and misinterpretations. This he accomplished as a result of his ability to interpret and apply security laws, and orders in a 'down-to-earth' level-headed manner, thereby avoiding much of the adverse publicity and contention which was associated with similar programs in other federal agencies.

"Other assignments of the officer which were completed during the period under review and which were of importance both to the department and to the internal security of the United States are of such a nature as to preclude for security reasons their inclusion and discussion in this record. Mr. Otepka has approached each of these assignments in the same reasonable manner and in each instance has concluded them in a manner that reflected credit upon the Department of State.

"His knowledge and experience of the entire security field resulted in his designation as the department's representative on the Subcommittee for Protection of Classified Government Data, Interdepartmental Committee on Internal Security. He has also served as the department's alternative representative on an ad hoc high-level, interdepartmental special committee studying communications intelligence security standards and practices.

"His services as a 'staff' adviser and assistant to the director of the Office of Security, the administrator of the Bureau of Security and Consular Affairs and to secretarial-level officers of the department can be categorized as truly indispensable. Mr. Otepka is a recognized authority within the government on rules, regulations and procedures affecting every phase of the federal personnel security program. He is a veritable encyclopedia of knowledge on communism and other opposing ideologies. He has above-average drafting ability with an unusual facility with words aided by a logical and trained legal mind.

"Mr. Otepka has prepared many of the communications and reports for the secretary, the under secretary or the deputy under secretary for administration relating to persons suspended or separated from the department or the foreign service under provisions of EO 10450. The same is true in connection with investigations made by Congress from time to time of the department's security program either specifically or as a part of a broader study.

"Mr. Otepka's understanding of the numerous and highly complex directives applicable to personnel security and his ability to interpret them practically and realistically has prevented his superior officers from stumbling into security administration pitfalls. He has sense for detecting danger points and bringing these to the attention of the appropriate senior officials with positive recommendations as to how they can be avoided.

"His persistent exposition of the difference between 'security' and 'suitability' risks, for example, has enabled the department to steer clear of the adverse publicity and embarrassment resulting from improperly reporting personnel security action to the Civil Service Commission and the subsequently attendant 'security numbers game' fiasco. For this, he has been cited by the administrator of SCA—Mr. McLeod, in his testimony before appropriation committees of Congress (Hearings Before the Subcommittee of the Committee on Appropriations, House of Representatives, 83rd Congress, Second Session).

"The improved relationships which the department has enjoyed with the Congress on matters relating to personnel security during the past year or two are due in no small part to the outstanding staff work done by Mr. Otepka in compiling and presenting full and complete information to the interested committees and individuals concerned" (emphasis supplied).

AWARD FROM DULLES

On June 19, 1957, the Performance Rating Committee, after considering the recommendation for an "Outstanding" rating for Mr. Otepka, decided that because of the "very stringent and limiting" criteria for an "Outstanding" rating Mr. Otepka's performance should be rated as "Satisfactory." In lieu of the "Outstanding" rating, for which he was recommended, Mr. Otepka received a Meritorious Service Award from the secretary of state, John Foster Dulles. This award, dated April 2, 1958 and signed by Mr. Dulles read as follows:

"Department of State, United States of America, Meritorious Service Award. Otto F. Otepka. For meritorious service, loyalty and devotion to duty as chief, Evaluations Division, Office of Security. Outstanding display of sound judgment, creative work and acceptance of unusual responsibilities, has reflected great credit on himself and the department and has served as an incentive to his colleagues."

For the period December 1956–1957, Mr. E. Tomlin Bailey, director of the Office of Security, submitted the following appraisal of Mr. Otepka's performance as deputy director:

"Mr. Otepka moved into his present position about the middle of April 1957. He has been constantly called upon by me for advice and recommendations, drawing upon his exceptional security background and high ability. During the whole period that he has served as deputy director we have had a shortage of senior personnel. This has required an unusual amount of detail work by him and placed upon him a primary burden in connection with the inspection of the Division of Evaluations by the foreign service inspectors. The inspectors and I relied upon him far more than anyone would ordinarily expect because of his knowledge of how its duties fitted into the other work of the office. In recent weeks, he has devoted his major effort to the study of the department's probably most celebrated security case. This has required a full application of his legal training as well as the characteristics already mentioned."

For the period December 1957–1958 Mr. Bailey filed the following appraisal of Mr. Otepka's performance as deputy director:

"I depend very heavily upon Mr. Otepka for substituting for me and advice. His long experience in the personnel security field places him among the top operating officials in this field in all of government. Much of his effort in the past year has been in the study and evaluation of the most difficult personnel case we have had in my experience, one which has been complicated from the points of view of both law and equity because of procedural errors and lack of action over the past 13 years.

"In spite of the demands of this case, Mr. Otepka has taken upon his shoulders an increased share of the operating responsibilities over these he carried at the beginning of the rating period. In addition, he has continued to serve successfully as the department's representative on an interdepartmental working committee on the application of EO 10501, the basic document providing for the protection of information by classification procedures, proper storage, controlled transmission and release."

(The "most difficult personnel case" referred to by Mr. Bailey was the case of John Stewart Service.)

For the period June 18, 1959–Sept. 30, 1960, Mr. William O. Boswell, director, Office of Security, filed the following appraisal of Mr. Otepka's performance as deputy director and acting director during Mr. Boswell's absence:

"Security being a new field for me, I have relied heavily on Mr. Otepka's advice and recommendations. He has had long experience with and has acquired an extremely broad knowledge of laws, regulations, rules, criteria and procedures in the field of personnel security. He is knowledgeable of communism and of its subversive efforts in the United States. To this he adds perspective, balance and good judgment, presenting his recommendations and decisions in clear, well-reasoned and meticulously drafted documents. "He has brought these attributes to bear during periods totaling almost four months when he has been acting director in my absence and throughout the rating period as the State Department representative on an intragovernmental committee concerned with security matters."

Mr. Otepka has received no performance ratings for the periods subsequent to the one ending Sept. 30, 1960. He attempted to secure such performance ratings by taking the matter up with his superiors, Mr. Boswell and Mr. Reilly, but without avail. Mr. Boswell subsequently testified before the Senate Internal Security subcommittee that he had made up his mind he was not going to give Mr. Otepka a performance rating unless he was directly ordered to do so by his superior, Mr. Crockett.

PATTERN OF HARASSMENT

On May 31, 1963, however, John F. Reilly, deputy assistant secretary for security, certified over his signature that Mr. Otepka's "work is of an acceptable level of competence," as a result of which Mr. Otepka was granted an administrative pay raise effective June 9, 1963.

In addition to the foregoing complimentary performance ratings and the meritorious service award received from the secretary of state, Mr. Otepka received other official commendations during the years 1955–1962.

A series of events, beginning as early as 1960, demonstrate that there was a design and purpose on the part of the appellant's superiors to "get rid of Otepka." Standing alone, none of these events would be conclusive; taken together, however, they establish a pattern fairly leading to the conclusion that Otepka's superiors at first undertook to diminish his influence and restrict his activities in security matters, and subsequently embarked upon a scheme to remove or purge him from the Department of State by a specious assignment, by harassment and by contrived charges of wrongdoing.

The events further reveal the motivation for this attack upon Otepka. Briefly stated, the motivation was that Otepka's insistence upon the observance of sound and proper security practice, and his proper refusal to approve the employment or retention of persons of dubious character and background, conflicted with the desires and policies of his superiors and of others in high places.

In October 1960 Mr. John W. Hanes Jr., administrator of the Bureau of Security and Consular Affairs and Mr. William O. Boswell, director, Office of Security, requested Otepka to undertake a special project, which was to bring up to date the personnel security files of all Department of State employes, correlating and bringing together in those files all pertinent and available personnel suitability and security information. It was estimated that this project would take two years to complete.

SPECIAL PROJECT

When he assigned Otepka to this project Mr. Boswell requested him to relinquish his position as deputy director in order that he might devote himself exclusively to the review of cases. Otepka declined to step down as deputy director.

Mr. Boswell stated at this time "that he disliked Scott McLeod and that he would take steps to eradicate the Scott McLeod image from the State Department." Otepka had served as a principal assistant to Scott McLeod. It appeared that Mr. Boswell, a Foreign Service officer, felt that during his term as administrator of the Bureau of Security and Consular Affairs, Mr. McLeod had damaged the morale and prestige of the Foreign Service.

By way of background to Mr. Boswell's aversion to the "Scott McLeod image" it should be noted that in 1956 Mr. Otepka, under McLeod's direction, prepared a comprehensive study to identify those cases of employes of the State Department on whom there had been developed a significant derogatory information of a security nature, either in the course of FBI investigations, or in the course of State Department investigations or investigations conducted by other agencies.

The study included 858 cases, together with a resume concerning each case. The information with respect to the individuals involved related principally to their sympathetic associations or affiliations with Communists or subversive organizations. Before action could be taken in the matter, however, "Mr. McLeod was appointed as ambassador to Ireland and the list and resumes were consigned to oblivion."

The prospectus for the Hanes-Boswell "special project," which Otepka submitted to Mr. Boswell in writing on May 8, 1961, referred to the 1956 list and resumes and proposed to use this material in connection with the new undertaking. The prospectus also pointed out that much personnel suitability or security information and many relevant security and intelligence reports relating to personnel had not been assimilated into the personnel security files.

Further, it was emphasized that in many cases character deficiencies on the part of employes had developed after security clearances had been granted, but had not been reflected in the files. The prospectus also referred to the fact that in certain cases derogatory information respecting employes in the department or at Foreign Service posts had been treated by their superiors on a confidential basis and withheld from the file of the employe involved.

In May 1961 Mr. Otepka organized a staff to assist him in carrying out the "special project." The members of the staff were Raymond Loughton, Harry Hite, John R. Norpel, Francis Gardner, Billy Hughes, Edwin Burkhardt, plus three clerical employes including Mr. Otepka's secretary Eunice Powers.

As we shall see, however, the special project was abandoned by direction of Otepka's superiors in April or May 1963. On June 27, 1963, Mr. Norpel and Mr. Hughes were detailed from the Division of Evaluations to the Investigations Division and Mrs. Powers was transferred to a low-level clerical job. The other members of the team were also scattered.

KENNEDY AIDED

In October 1960 a group of government officials, appointed by President Eisenhower, known as the Sprague Committee and including Allen Dulles, George Allen, Gordon Gray and C. D. Jackson, conducted a survey of United States prestige abroad for the White House. Their report was classified "Secret." The contents of the report were "leaked" by someone in the State Department to the public relations director of the Kennedy campaign headquarters, and the information so obtained was published in the New York *Times* and the Washington *Post*.

Otepka participated in the investigation of this "leak" and the identification of those involved, resulting in the separation of the employe responsible for conveying the information to the Kennedy headquarters. Subsequent to January 1961 the public relations director who received this classified information from the State Department in an unauthorized manner, and presumably passed it on to the press, became the head of the executive secretariat in the office of the secretary of state.

In December 1960 Otepka was selected to meet with Secretary of State Designate Dean Rusk and Attorney General Designate Robert Kennedy. The meeting took place in the evening, after office hours, in Mr. Rusk's temporary office. No one except Mr. Rusk, Mr. Kennedy and Mr. Otepka was present.

ROSTOW APPOINTMENT

Mr. Rusk informed Otepka that the purpose of the meeting was to discuss with him, as the top professional security officer in the State Department, his views with respect to the requirements of the department's security office for the investigation, evaluation and clearance of presidential appointees to the department. Otepka responded that he "would insist on complete adherence to the rule established by the Senate Foreign Relations Committee in 1954, stating that all executive nominations referred to it at the rank of assistant secretary or higher would be approved only upon certification to the Foreign Relations Committee that the person had been given a current full field investigation by the FBI."

A "question was raised as to whether there would be a strict adherence to the requirements for pre-appointment investigation." Otepka "recommended against the use of the emergency clearance authority"—that is, the waiver of pre-appointment investigations for officer personnel to be appointed to the department.

Having ascertained Otepka's general views Mr. Rusk informed him, at the December meeting, that the new Administration was considering the appointment of Walt Whitman Rostow to a key position in the department. He said he had gone over the substantive data in the file, which he had on his desk. Otepka was aked "what kind of security problem would be encountered regarding the appointment of Mr. Rostow to the department." Otepka responded that he was quite familiar with the file and Mr. Rusk accordingly asked for his views.

Otepka's familiarity with the file of Walt Whitman Rostow dated from 1955 when he evaluated Mr. Rostow as a prospective "key person" in a project to be undertaken under the auspices of the Operations Coordinating Board. The project was the formulation of psychological strategy in the Cold War. Persons employed on the project were required to have a security clearance under the strict standards prescribed by the United States Intelligence Board.

R.F.K.: "AIR FORCE JERKS"

As a part of his evaluation Otepka at this time reviewed the State Department file on Mr. Rostow, the CIA file and the results of reviews given to the case by both the CIA and the Department of the Air Force. The Air Force had previously made a security finding adverse to Mr. Rostow.

As a result of Otepka's findings, Under Secretary of State Herbert Hoover Jr., the chairman of the Operations Coordinating Board, decided that Mr. Rostow would not be utilized as an employe or consultant by the State Department in connection with the board's project. In other words, Mr. Rostow could not get the necessary clearance under the strict standards applicable to the Operations Coordinating Board.

Subsequently, in 1957, when Mr. Rostow was again recommended for employment in the State Department, Mr. Roderic O'Connor, administrator of the Bureau of Security and Consular Affairs, decided, on the basis of Otepka's 1955 summary, that Mr. Rostow was not desirable for employment. Mr. O'Connor's decision was predicated on the "political polices of the Administration."

After Otepka informed Mr. Rusk and Mr. Kennedy of the background of Mr. Rostow, Mr. Rusk made no comment, but Mr. Kennedy spoke disparagingly of the adverse finding that had been made by the Air Force. Specifically, Mr. Kennedy said "those Air Force guys are a bunch of jerks."

After the new Administration took office in 1961 Mr. Rostow was entered on the rolls of the White House, so that the State Department was not involved in his security clearance. He was investigated by the FBI in connection with his appointment to the White House. Subsequently he was transferred to the State Department. At present he is a special assistant to the President on National Security Affairs.

In September 1960 Charles Lyons was brought into the Division of Evaluations as deputy chief. Both Otepka and the then chief of the division, Mr. Emery J. Adams, objected to the assignment but were overruled.

The prior record of Mr. Lyons is significant. Just prior to his transfer to the position of deputy chief, Division of Evaluations, he had served for about two years as a security officer in Athens, Greece. An inspection of the post revealed that he had failed to disclose to his headquarters that there had occurred at the post 52 security violations involving official and "Confidential" material, 22 security violations involving "Secret" and "Top Secret" matters and approximately 125 security violations involving "Official Use Only" material.

These violations had occurred at different times, over a period of at least a year. Lyons ignored them all, although it was his duty to take action. Overruling the objections of Mr. Adams and Otepka to the assignment of Lyons as deputy chief, Division of Evaluations, Mr. William O. Boswell, the director of the Office of Security, wrote that "Lyons has made a serious error of judgment and must live with the consequences. In view of his demonstrated abilities and very good performance, I do not consider that this single error raises a fundamental question of his integrity, nor does it indicate such a degree of lack of respect for regulations, of reliability, or of judgment, as to warrant the action you propose.

Mr. Lyons advocated the "progressive approach" to security matters. Thus, in an efficiency rating prepared for the rating period ending Sept. 30, 1961, Mr. Lyons wrote, concerning the person being rated, and contrasting him with members of another school of thought:

"In common with other officers in the section, he is inhibited by the ultra-conservative attitude which seems to have grown up in the Personnel Security Administration of the department over the past number of years, and which is reflected in making a monument of tradition, leaving little room for individual opinion or new approaches. The result is that individual personnel security cases must be decided on a strict *corpus juris* basis, and even in their physical format must adhere to strict traditional concepts. Mr. ——— personally is of a much more liberal bent, and with the gradual dissipation which is now evident of the old guard concepts which dominated the personnel security program. I feel that Mr. ——— is well suited to be in the vanguard of the more progressive approach now demanded.

"He has a commendable distaste for red tape and if he could be made to feel that direct realistic action would not be rejected, he could do much to advance the currency and effectiveness of the Security Program."

The conduct of Mr. Lyons as Otepka's deputy was such that Otepka complained about him to Mr. Boswell. As a result, Mr. Boswell temporarily transferred Lyons into the Investigations Division and then put him

on Boswell's personal staff as executive director, thus making him his top executive assistant.

WIELAND CASE

One of the first cases examined by Otepka in connection with the "special project" was the case of a high-ranking officer, William A. Wieland. In August 1961 Otepka, who had personally evaluated this case, completed an extensive summary and analysis of the case, together with a digest containing some 136 pages.

Otepka's presentation dealt with allegations that Wieland, as the recipient of significant intelligence information indicating that Fidel Castro was a Communist and a person not to be supported by the United States, had concealed such information, made false statements, and exercised extremely bad judgment. The report and digest correlated material provided by Office of Security and FBI investigations, as well as intelligence reports. Otepka recommended that the board of the Foreign Service should consider the case, to determine whether or not Wieland had been guilty of misconduct under the Foreign Service Act.

Otepka presented his report and digest to Mr. Boswell, who had primary responsibility in the matter, but Boswell instructed him to carry the material directly to the office of the deputy under secretary for administration, Mr. Jones. Otepka complied with Boswell's instructions.

He was also instructed by Mr. Pollack, a member of the staff of the then assistant secretary for administration, Mr. Crockett, to provide a copy of his digest for Abram Chayes, the department's top legal adviser, and a copy for John Siegenthaler, special assistant to Atty. Gen. Kennedy. He furnished the copies as instructed. The connection of the attorney general with the matter was not explained.

Shortly thereafter, in September 1961, Boswell orally instructed Otepka to issue a security clearance on Wieland. Otepka replied that the department regulations and practices required a written decision on his recommendation—which was true—and that he could not act on or close out a case on the basis of an oral instruction. Otepka therefore held the case awaiting further instructions.

Late in October 1961 the Department of State announced in a press release that a general reduction in force in the department would be made, because of reduced appropriations. On Nov. 1, 1961, Boswell sent for Otepka and informed him that 25 persons in the Office of Security would be affected by the reduction in force. He stated bluntly to Otepka "your name heads the list."

He requested that Otepka voluntarily relinquish his position as deputy director in order to avoid a "bumping" procedure, which would enable Otepka to displace another career employe in his occupational specialty, with lower retention rights. Otepka refused to waive his "bumping" rights.

Boswell then sent for Elmer Hipsley, chief of the Division of Physical Security and a friend of Otepka, and told him that "your friend, Otepka, is going to displace you in your position." It turned out, however, that the "bumping" was avoided, when the position of chief, Division of Evaluations, was vacated by Emery J. Adams and Otepka was reassigned to that position, in lieu of becoming the chief of the Division of Physical Security, then headed by Hipsley.

SECURITY REORGANIZATION

The reduction in force in the Office of Security, and in particular its impact on Otepka, resulted in an inquiry by Sen. Karl E. Mundt and an investigation by the Senate Internal Security subcommittee. Both Otepka and Hipsley testified during this investigation.

In December 1961 Otepka considered the case of John L. Topping, a career Foreign Service officer who had served in Cuba during the critical period when Castro rose to power. As in the Wieland case, it was alleged that Topping had displayed strong partiality to Castro while downgrading the president of the government of Cuba.

Otepka recommended that the allegations concerning Topping be investigated by the Federal Bureau of Investigation. He pointed out that the State Department investigation of Wieland had been inept, that information about Wieland's past activities had been ignored or glossed over and that some of the investigators who were members of the Foreign Service were sympathetic to Wieland and allowed their sympathy to color their reports.

He said "that the FBI had greater resources in this kind of situation and they had done an excellent job in the Wieland case and [he] thought they should develop all of the leads in the Topping affair." Boswell insisted that Topping be investigated by the Office of Security. After Otepka's removal from participation in the day-to-day operations of the Evaluations Division, Mr. Topping was cleared and became the United States representative to the Council of the American States.

In January 1962 Boswell made a sweeping reorganization of the Office of Security. He abolished the position of deputy director, Office of Security, which Otepka held, and abolished the Division of Physical Security which Mr. Hipsley headed. From the Division of Physical Security Boswell created three separate divisions. He assigned Foreign Service officers to head two of them and made Mr. Hipsley chief of the third. Mr. Hipsley's authority was considerably reduced. Otepka's authority was also greatly reduced, when he was "bumped down" to the position of chief, Division of Evaluations.

As a result of the reorganization there were five division chiefs instead of three. The five men who had been working with Otepka on the special project were transferred with him to the Division of Evaluations. The workload of the Division of Evaluations was such that the special project team was required to give full time to routine matters and the special project was abandoned.

POINTED QUESTION

On Jan. 24, 1962, during a press conference, a newspaper reporter questioned President Kennedy about William A. Wieland, whom the reporter described as a security risk. The reporter's statement was challenged by the President. Immediately thereafter, Boswell instructed Otepka in writing to issue a security clearance for Wieland, and Otepka complied.

In February 1962, however, Otepka developed new evidence indicating that Wieland had made a false statement to Otepka and co-evaluator Harry Hite with respect to the number of times that Wieland had personally met with Fidel Castro. Accordingly, Otepka recommended to Boswell that the Wieland case be reopened, reinvestigated and readjudicated. Boswell ignored the recommendation.

Upon resuming his position as chief of the Division of Evaluations and taking immediate charge of the work of that office, Otepka reviewed the clearances that had been granted to high-ranking appointees of the Department of State in the year 1961. He found gross irregularities in the handling of these clearances.

The irregularities involved the granting of emergency clearances or waivers to persons who were being assigned to positions or nominated to positions on the presidential level requiring Senate confirmation. Waivers of investigation had been granted to persons who should have been investigated before appointment, because there was unresolved derogatory security information in their files. Clearances had been backdated so that they would conform to the actual dates when the persons cleared entered on duty. Otepka also found cases in which waivers had been back-dated, some of them as much as 40 days.

Otepka reported these matters to Mr. Boswell orally in February 1962. Although the procedures followed were in violation of regulations, Boswell was not impressed, but said in substance that these cases had been handled according to the prerogatives of management, and that Otepka was not to interfere.

BACKDATED CLEARANCES

On March 17, 1962, Otepka gave Boswell a memorandum describing the cases which he had uncovered. Boswell at this itme instructed Otepka not to participate further in the survey but to turn everything over to him and he then turned it over to the Foreign Service Inspection Corps for investigation.

This investigation confirmed the statements made by Otepka. In fact, it was discovered that in one case a clearance had been back-dated 135 days, and in another case the clearance had been back-dated 65 days. There were 152 waivers and 44 back-dated clearances.

On March 8, 1962, in the course of testimony before the Senate Internal Security subcommittee, Mr. Boswell and Mr. Jones both denied any knowledge of the backdating of clearances. On April 12, 1962, Otepka testified before the Internal Security subcommittee that he had brought the matter of the back-dating irregularities to Boswell's attention orally in the latter part of February 1962, and later had given him a memorandum in which a number of cases were identified. Otepka's testimony squarely conflicted with the testimony of Boswell.

The findings of the Foreign Service investigators with respect to back-dating irregularities were reported to the Senate Internal Security subcommittee in March, April and May 1962.

On March 8, 1962, Otepka sent Boswell a summary evaluation of a prospective presidential employe. The summary recited among other matters that in November 1960 the prospective nominee had picked up his wife bodily, carried her from their house into a public street, kicked her and had then taken her clothing from the house and strewed it on the lawn, over the shrubbery and into the street. The episode was witnessed by neighbors and was reported to the police.

Boswell returned the summary to Otepka with a note stating "the gory details of a family fight have nothing to do with security or suitability." The summary was therefore rewritten and the information concerning the episode in question was deleted, except for a brief reference to it without details. As a result the matter was not fully and properly brought to the attention of the secretary of state.

This incident troubled and confused the evaluators on Otepka's staff who, in the past, had been instructed by their superiors to present all pertinent information relating to security and suitability and to the preemployment personal conduct of individuals under consideration, for the specific attention of the responsible managerial officials. Deletion of such information was a violation of the professional duty of evaluators to report the facts in an objective manner.

In April 1962 Boswell transferred from the jurisdiction of Otepka the functions of receiving, reviewing, evaluating and disseminating intelligence information received from the FBI, the CIA and other intelligence agencies.

This function was important to the accomplishment of the work being carried out by Otepka. This had been pointed out in February 1962, in testimony before the House Judiciary Committee by Mr. John W. Hanes. Mr. Hanes emphasized the importance of the correlation of all available information by evaluators.

SISS HEARING

In his testimony before the Senate Internal Security subcommittee in April 1962, Otepka testified to the facts with respect to the handling of the Wieland case by the Department of State, so far as he knew them. Following Otepka's testimony, on April 12, 1962, the record shows that the following statements were made:

"Sen. Hruska: I want to say I have been very much impressed with your testimony, Mr. Otepka, and the fashion in which you have comported yourself here. It has been a difficult field you are in, stretching over many years, with, of course, voluminous records and complicated procedures, and I thought that it was very well done.

"Mr. Otepka: Thank you, Senator.

"Mr. Sourwine: And I would like to add that I may have been a little rough on Mr. Otepka today, for which I apologize, as far as anything personal is concerned. I have been trying to get the facts into the record. I think Mr. Otepka has done a magnificent job of trying to protect those matters which he feels he is required by the department to protect, and at the same time I will say frankly I think he has gone a long way towards putting his neck on the chopping block by answering those questions which he felt he could answer.

"And I want to suggest on the record for this member here and for those who were not here but who will read it, to me the record seems to indicate that Mr. Otepka is on the downgrade in the State Department. He is being shunted aside. He is being given lighter and lighter responsibilities. And I can come to no other conclusion than the fact his conduct in the Wieland case and other cases and his insistence upon what he considers good security is harming his career in the State Department. And I think that is a matter most to be deplored, and I urge the committee to do whatever it can."

On April 16, 1962, Mr. Boswell was succeeded as director of the Office of Security by John F. Reilly. Just before his departure, Boswell obtained and examined the security file of John Paton Davies. Although he asked Otepka questions about the file, he did not disclose the purpose of his study.

Davies was a career Foreign Service officer who had been dismissed as a security risk under Executive Order 10450. The charges against Davies involved alleged disclosure of classified information and sympathy with the cause of Chinese Communists. Otepka had evaluated the case in 1954.

John F. Reilly had served as an attorney in the Department of Justice from 1951 until 1961, when he transferred to the Federal Communications Commission. After serving for approximately 11 months with the Federal Communications Commission he transferred to the Department of State as Boswell's replacement. He was recommended to the Department of State by Mr. Andrew Oehmann, who was executive assistant to Atty. Gen. Robert F. Kennedy.

In a conversation shortly before Reilly came on duty, Boswell told him that he had been having difficulty with Otepka, that he was concerned about leaks from the Office of Security to the staff of the Senate Internal Security subcommittee, for which he suspected Otepka was responsible. He said specifically that he believed Otepka had informed the subcommittee about the back-dating of waivers, that he was upset or concerned about that.

It was Reilly's definite understanding from Boswell that he, Boswell, had been trying to "get Otepka out"; and Reilly continued this effort. In fact, in testimony before the Senate Internal Security subcommittee on Nov. 15, 1963, Reilly admitted that at some time in 1963 he might "well have said . . . facetiously" that he "went down there to get Otepka."

Although Boswell in his subsequent testimony before the Senate Internal Security subcommittee denied that he tried to get rid of Otepka or intended to indicate to Reilly that he was making any such effort, he admitted that he had discussed Otepka with Reilly and that he had in fact found Otepka "troublesome."

WAR COLLEGE PLOY

He said Otepka was troublesome because of his reluctance to accept the decisions of his superiors, and he mentioned the Wieland case matter as one instance of this difficulty. He admitted further that he had refused to give Otepka an efficiency report and was not going to do it unless ordered to do it by Mr. Crockett.

Promptly after he took office as director of the Office of Security Reilly acted to move Otepka out of that office.

On May 7, 1962, he called Otepka into his office and opened the conversation by saying "where is your rabbit's foot?" When Otepka asked what he meant, he said that Otepka had been recommended to attend the National War College course which began in August 1962 and which lasted for 10 months. He asked Otepka to indicate in writing whether he would be willing to attend the War College.

The next day, May 8, Otepka sent Reilly a memorandum stating in part, "I am pleased that I have been accorded this honor which came as a distinct surprise to me in the light of recent organizational changes in SY." The phrase "the recent organizational changes in SY" referred to the professed intention and plan of the department to utilize Otepka's special talents exclusively in personnel security administration.

Reilly directed Otepka to delete the reference to his surprise and to the recent organizational changes and to submit a statement indicating only his acceptance or rejection of the assignment. Otepka complied with this instruction.

Having received Otepka's revised acceptance, Reilly wrote a memorandum for his superiors, praising Otepka for "his ability and his dedication to the security program," and stating "Selection for the National War College is a high honor for a career officer and offers almost unlimited opportunity for career development. Therefore, although releasing Mr. Otepka will work a hardship on the Office of Security, it is my view that I should not stand in Mr. Otepka's way, and accordingly, I recommend that he be released as he has requested."

Otepka became suspicious of the motivation underlying his assignment to the National War College. Looking into the matter, he found that normally selections for the National War College are made in January and February of the year in which the term of attendance begins.

He was informed that the Office of Personnel had given no routine consideration to his selection and that the recommendation in his case had come as a surprise to that office. He was aware also that advanced training in foreign affairs at the War College was not needed in connection with his job in personnel security administration.

He inquired of Reilly as to what his future would be in the State Department in the security field, pointing out to Reilly that persons selected for the War College were returned to their jobs when their training was finished. This was true always with respect to members of the classified Civil Service as distinguished from Foreign Service officers.

Reilly informed Otepka that he would "fill in behind" him with another person, that he had no plans for returning Otepka to the field of personnel security administration and specifically he had no plans for returning him to the Office of Security; that there would be no place for him in that office.

In the light of these circumstances Otepka "smelled a rat"; that is, he concluded that the assignment was being given to him for the purpose of getting him out of security. Accordingly, on June 5, 1962, he orally requested that his nomination be withdrawn; and on June 14, 1962 he formally declined the appointment.

On June 7, 1962, two days after Otepka orally declined the assignment to the National War College, the deputy under secretary for administration, Roger Jones, testified before the Senate Internal Security subcommittee that the primary reason for the assignment of Otepka to the War College was that he "seemed to his prior supervisor, Mr. Boswell and his present supervisor, Mr. Reilly, to be a tired and worried man on whom responsibility had closed in to the point where he needed a break." Jones testified that the purpose of the assignment was to give Otepka "a chance to recharge his battery."

No previous suggestion had been made to Otepka by any of his superiors that he was tired or overworked, or that his battery needed recharging, and in fact he was neither tired, overworked nor in need of recharging.

In June 1962 Frederick Traband was assigned to Otepka's office as his deputy. Traband had been serving in the Division of Investigations, where his most significant experience was in the investigation of cases of State Department employes and applicants suspected or accused of homosexual perversion. Reilly assigned him as Otepka's deputy without consultation with Otepka.

On July 1, 1962, David Belisle was appointed as a special assistant to Reilly, in which capacity he acted as deputy director of the division. Otepka was informed that Belisle was his superior and a person with whom he, Otepka, must consult in order to get to Reilly.

STAFF FRICTION

Belisle came to the State Department from the National Security Agency, where he had served as deputy director of the Security Office. He was a friend of Reilly, who was responsible for bringing him to the Department of State. Traband and Belisle participated in the subsequent surveillance of Otepka, and signed statements from them are attached to the charges preferred against Otepka.

Friction soon developed between Traband and Raymond Loughton, a member of Otepka's staff. Loughton had come to the Department of State from the office of the secretary of defense where he was deputy chief of security. He had wide experience as an evaluator, especially in the field of Communist subversive activities, having served as a ranking evaluator on the Loyalty Review Board of the Civil Service Commission. It was Otepka's wish that in view of Loughton's extensive experience he should share in the administration of the division with Mr. Traband and this was resented by Traband.

In July 1962 the Division of Investigations considered the case of a prospective nominee to a position as ambassador. The individual involved had been the subject of an investigation by the FBI involving fraud against the government. Although the Department of Justice had ruled that no criminal prosecution for fraud was warranted, the file reflected a number of unresolved allegations bearing on the security standards and criteria of Executive Order 10450.

Loughton took the position, and Otepka concurred, that the refusal of the Department of Justice to prosecute was not controlling; that under the regulations the Department of State was required to consider the matter independently, in the context of the security standards. Reilly insisted that the Department of Justice having determined that no prosecution would lie, that was the end of the matter.

After a number of discussions between Otepka and Loughton on the one hand, and Reilly and Belisle on the other, Reilly or-

dered that the individual be cleared, despite the strong objections of Otepka and Loughton. The unresolved allegations of fraud were never resolved.

The treatment of the matter was not consistent with the regulations. It appeared to Otepka that "Mr. Reilly was simply trying to accommodate someone higher up rather than give rigid application to the security rules and criteria of the State Department."

In July 1962, at the request of Mr. Harlan Cleveland, assistant secretary of state for International Organization Affairs, Otepka talked with him about the case of Irving Swerdlow. Swerdlow had been recommended by Cleveland for a position in the Department of State. Mr. Cleveland and Mr. Swerdlow had served together in the Economic Cooperation Administration (later known as the Mutual Security Agency) and had also been associated at the University of Syracuse.

QUESTION ABOUT HISS

Mr. Cleveland asked Otepka about the delay in the security processing of Swerdlow's appointment. Otepka answered that he foresaw no early completion of the Swerdlow investigation and evaluation. He expressed doubt that clearance could be issued until a number of matters appearing in the records and files could be considered and resolved by the Office of Security, which would take a long time.

Otepka noted that Swerdlow had been dismissed as a security risk by the Mutual Security Agency, and that the top security officer in the agency had commented "that Swerdlow's security file was one of the rottenest he had ever seen." Cleveland responded with critical remarks about the administrator of the Mutual Security Agency, Harold Stassen. He said that Stassen had extreme views with respect to security.

Cleveland then asked "if there were any prospects for the re-employment of Alger Hiss in the United States government." Otepka said there was no "chance for Alger Hiss to be re-employed in any government agency because by operation of law, a person convicted of a felony is barred from a federal job. Otepka reported his conversation with Mr. Cleveland to Reilly.

Swerdlow was subsequently appointed to a position in the State Department. His case was evaluated by the man who had been described by Charles Lyons in 1961 as of a "liberal bent" and "well suited to be in the vanguard of the more progressive approach now demanded."

HARLAN CLEVELAND

As a result of his conversation with Cleveland and particularly because of Cleveland's interest in Swerdlow and Alger Hiss, Otepka reviewed Cleveland's security file. This review was also prompted by the fact that Emery Adams, then chief of the Division of Evaluations, who had handled the security clearance of Cleveland, had told Otepka that pressure was exerted on him to grant Cleveland a waiver without the completion of a background investigation.

Adams had protested, pointing to the file showing that Cleveland had interceded for 11 employes of the Economic Cooperation Administration and its successor agencies, whose removal as security risks had been sought by the Security Office. Adams recommended that Cleveland be denied a security clearance, but he was instructed to issue a clearance and did so; however, at that time he alerted Otepka to the need for maintaining the proper continuing security surveillance over the activity of Mr. Cleveland in the State Department.

Otepka's review of the file also disclosed that in his senior class year book at Princeton, Cleveland had recorded his political affiliation as "Socialist." Further, the file revealed that Cleveland had been highly critical of security procedures and security officers and had been active in recommending reforms in government security programs which "would have made it a lot easier for persons like Mr. Swerdlow to get into the government without adequate background investigation."

Pursuant to his duty to maintain a continuing security surveillance over Mr. Cleveland's activities in the State Department, Otepka established a special file in his office in which he recorded his observations as to the persons Mr. Cleveland was bringing into the department. He placed in the file portions of FBI reports and other reports of security officers of the department or of other agencies.

The file was kept in his immediate office in a small safe adjacent to his desk. As we shall see, this safe was subsequently drilled, opened and searched in the course of Mr. Reilly's clandestine surveillance of Otepka.

On July 30, 1962, the New York *Times* published a letter signed by one Leonard B. Boudin. The letter appeared under the heading "Screening U.N. Employes." In his letter Boudin complained about the security screening of U.N. employes. He said that "the careers of many devoted and brilliant international civil servants were destroyed in the hysteria of the 1950s."

BOUDIN'S COMPLAINTS

He deplored the fact that "the United States government is still enforcing President Truman's and President Eisenhower's Executive Orders which screen, on political grounds, American employes of the United Nations and other international organizations. The expressed criteria include membership on the attorney general's list; the sources include derogatory information in congressional committee files; the procedures are based on undisclosed evidence. Such screening is inconsistent with the Charter's principle . . . the present Administration would now score a major achievement if it were to . . . eliminate its so-called loyalty program in the international field." In the course of his discussion Boudin mentioned the resignation of Andrew Cordier from the U.N. secretariat.

Otepka knew that Leonard Boudin had for many years been intimately involved with the Communist party and Communist affairs. He had been active in defending persons against allegations of communism, and had represented certain officials of the United Nations who were dismissed after refusing to answer questions put to them by the Senate Internal Security subcommittee.

An official in the Department of Justice sent Reilly a clipping from the New York *Times* containing the Boudin letter of July 30, 1962. The clipping, covered by a Department of Justice "routine slip" with a personal note in longhand addressed to Reilly, reached him Aug. 1, 1962. On Aug. 3, 1962, Reilly initialed the slip and sent it, together with the clipping, to Otepka.

In August 1962 Otepka was officially informed by memoranda to the Office of Security that Harlan Cleveland wished to set up an Advisory Committee on International Organizations. Mr. Cleveland had personally selected the eight members of the committee. He wished them to be appointed immediately without preappointment investigation—in other words, he wished to invoke the waiver procedures.

Otepka objected, pointing out that earlier in the year emergency clearances had been curtailed and further pointing out that background data on certain of the individuals involved required a full investigation and a careful review of the results of that investigation before their entry on duty. Otepka documented his objections in memoranda to Reilly, one of which, the memorandum of Sept. 10, 1962, is State Department Exhibit 7, which is the basis of Charge No. 1.

COMMITTEE DISPUTE

Otepka was especially concerned about three of the men selected by Mr. Cleveland for membership on his committee. These three men were Harding Bancroft, Ernest Gross and Andrew Cordier—the same individual mentioned by Mr. Boudin in his letter. The record revealed that one or more of these men had served on the personal staff of Alger Hiss in the State Department, that all three had close and sympathetic associations with him, that they had stated they did not believe in his guilt, and that in their opinion he was not a security risk.

In Otepka's opinion this derogatory security information demanded complete resolution before these persons were appointed. Otepka brought these matters to Reilly's attention by memoranda.

The objections of Otepka were met or circumvented by Cleveland and Reilly, who decided that the members of the committee "would be entered on the rolls of the State Department as consultants, and that they would serve on an ad hoc basis, that the positions to which they would be appointed would be designated as nonsensitive rather than sensitive as initially proposed. Therefore, under the security procedures these individuals could be given assignments in the department without a prior investigation—that is, before appointment—with the explicit understanding that they would be given access to only such information as they needed in the performance of their work on the committee, and not to have any general access to any other information normally available to people in the State Department who have full clearance."

On Feb. 19, 1963, the Advisory Committee submitted a draft report to the Department of State and the report was circulated in the department. Otepka obtained a copy of this draft report from a member of the Bureau of International Organizations, which was headed by Mr. Cleveland. He discovered that recommendations in the draft report coincided with the position taken by Boudin in his letter to the New York *Times;* they would have implemented the suggestion of Boudin that pre-employment investigation of American appointees to U.N. agencies be dispensed with.

Otepka observed further that in general the draft report recommended a reversion to the program and procedures advocated and administered by Alger Hiss for the screening of American personnel in the United Nations. In this connection Otepka recalled that in 1946 Hiss had prepared a list of 200 people whose names were submitted by the State Department to the U.N. as possible appointees to U.N. jobs. It turned out that 40 of these persons who had subversive connections were later dismissed from the United Nations, and 26 of the 40 invoked the plea of incrimination while testifying before the Senate Internal Security subcommittee.

Otepka brought the February 19 draft report to the attention of Reilly, and gave him a detailed memorandum setting out the facts and Otepka's views. Otepka never learned what Reilly's views were. "He kept telling me that he didn't have time to read my recommendations and suggestions."

On April 22, 1963, the Advisory Committee submitted a revised draft of its report, from which the recommendations coinciding with the views of Boudin and Hiss had been stricken.

In August 1962 another episode, involving Otepka and proposed appointments to an Advisory Committee, reached a conclusion. This episode began in February 1962 when the State Department's Bureau of Cultural Affairs proposed the establishment of an Advisory Committee on the Arts, consisting of members who would be placed on the rolls of the State Department, and would give guidance to the department's program for sending cultural presentation abroad. The

program involved visits to the Soviet Union and its captive nations by United States cultural groups.

The names of 10 individuals who were nominated to serve on this committee were sent to Otepka by the Bureau of Cultural Affairs, with a request that the nominees be excused from completing government security questionnaires and other forms, and be placed on the rolls without investigation, but subject to post-appointment investigation.

Otepka protested strongly, pointing out that it was his duty to enforce the law and that the law required pre-appointment investigations and the completion of security processing forms. He said he would not be a party to any circumvention of required security practices.

He was particularly concerned with four of the nominees, because of their questionable past affiliations with Communist organizations and he demanded that they be subjected to full background investigations and that each of the appointees complete the required forms. These forms required the appointees to state any affiliation they might have had with organizations on the attorney general's list. Otepka was advised that one of the appointees positively refused to submit the forms and another would resist any order requiring him to complete them.

Otepka discussed the matter of the two appointees with Reilly, who "was very anxious to assist the Bureau of Cultural Affairs." Reilly "had the FBI run a special-type investigation without the use, as they normally should have had, of government security questionnaires completed by such individuals." The results of the investigation, which was in fact cursory, were submitted to Otepka.

Reilly tried to persuade Otepka to make a security determination on the basis of this investigation, without the information and explanations that would have been contained in the security forms. Reilly said that the two individuals need not fill out personal history questionnaires before appointment. In a memorandum dated June 12, 1962, Otepka rejected Reilly's proposal.

FLEXIBLE RULES?

In this memorandum Otepka insisted that a full field investigation and an interview with each nominee was necessary, in view of their associations with many Communist organizations. He stated "no professionally competent evaluator who knows the Communist movement in the United States can favorably rationalize the conduct of either person from the available data." He pointed out that full field investigations and interviews were required by the regulations, by which professional security officers were bound; and that the intellectual brilliance and distinction of the persons involved did not exempt them from compliance with the rules.

He concluded: "If the present security rules are to be tempered to suit individuals rather than government, then I think someone in authority should change the rules so that those of us on the operating level who must follow rules may not be confused as to how and when to determine the security reliability of the privileged nonconformists as compared to those who do not join or lend their support to Communist causes."

Otepka was overruled by Reilly, who in August 1962 instructed Otepka to grant security clearances to the two individuals. Otepka complied, although security questionnaires had not been filed by the appointees and no adequate investigation had been made.

However, Otepka informed the Office of Personnel of the details of the cases, and as a result one of the individuals was not appointed because of the derogatory information in his file, and the other was dropped from consideration when he refused to complete the necessary forms. The action of the personnel office of course became known to Reilly.

In August 1962 Reilly was promoted to the rank of deputy assistant secretary for security. Belisle continued to hold the title of special assistant, but in fact exercised the functions of deputy director of the Office of Security.

He and Reilly accelerated their harassment of Otepka. Belisle began to send Otepka "all sorts of hand-written notes scrawled on calendar pads, torn ends of paper or on the reverse side of memo pads criticizing [his] evaluations or questioning the content of some of [his] evaluator's reports." Neatly typed correspondence setting out evaluative findings or the position of the Office of Security was returned to Otepka "with inked or penciled notations scrawled across the face of it."

STAFF INDIGNITIES

Sometimes Mrs. Mary Catucci, secretary to Reilly and Belisle, would relay their instructions to Otepka through Otepka's secretary. On one occasion Mrs. Catucci burst into a rage, cursed Otepka and threw objects around the room. On another occasion she threw herself on a couch and tore her hair. Complaints by Otepka about this behavior brought only the comment from Reilly that this was a personal matter between him and Mrs. Catucci.

The men on Otepka's staff were subjected to the same kind of harassment and indignity. Reilly told Otepka that Gardner was puerile. He told Loughton that there was no future for him in the Office of Security, and he frequently informed Otepka that he, Reilly, had an unfavorable impression of Loughton.

Hite was reprimanded by longhand notes to him from Belisle, criticizing the content of summaries in his evaluation reports. These notes sometimes went directly to Hite without being called to Otepka's attention. Hipsley, who had taken a new position as chief of Domestic Security, found his authority so reduced and he was so harassed by members of his staff who had been brought in by Boswell and Reilly, that he decided to accept an offer from Reilly to go to Geneva, Switzerland, as a conference security officer. He was succeeded by the obscure subordinate, Joseph Rosetti. Rosetti afterwards became a member of the burn-bag team that surveilled Otepka's trash, and a statement from Rosetti is attached to the charges against Otepka.

On the other hand, Otepka's other subordinates, Traband, Sabin and Bock, seemed to be immune from criticism and were frequent visitors of the offices of Reilly and Belisle. At about this time also Belisle was designated by Reilly as his top adviser on personnel security.

In October 1962 Reilly and Belisle issued instructions that field investigators in the Division of Investigations would submit reports of investigations containing only their conclusions as to the nature of information obtained from witnesses. This changed the established security procedure whereby investigators were required to state the testimony of witnesses in detail.

NEW PROCEDURES

Under the new practice, the investigator merely listed the identity of the witnesses interviewed and then stated that no derogatory information was revealed. The new practice of course made the investigator an evaluator. Otepka protested, upon the ground that investigators were "ill-equipped by lack of training and knowledge to determine what constituted derogatory information." Reilly overruled Otepka and issued an order putting his plan into effect.

This was the origin of the controversy concerning "short form reporting" which afterwards developed before the Senate Internal Security subcommittee and concerning which both Reilly and Otepka testified at some length. The Fogltanz report, State Department Exhibit 9, which is the basis of Charge No. 3, is relevant to this controversy.

Concurrently with his order for short form reporting, Reilly authorized members of the investigation division to grant security clearances to clerical personnel if, in their opinion, a report of investigation on an applicant was entirely favorable. At the same time Reilly delegated to personnel in the file room the authority to receive the results of national agency checks from the Civil Service Commission in the case of clerical personnel, and he authorized emergency security clearances if, in the opinion of the file room personnel, no derogatory information was revealed.

Otepka protested against these orders, as relaxation of proper security practices, but to no avail.

Again, concurrently with Reilly's change in the security practices, Belisle instructed Otepka that with certain exceptions investigative reports should be withheld from the Office of Personnel. This order made it impossible for the personnel office to exercise an independent judgment as to the suitability of an appointeee, upon the basis of all the information gathered by the Office of Security. The independent judgment of the personnel office had resulted in the rejection of the two appointees to the Advisory Committee on the Arts, whose files Otepka had sent to the Personnel Office.

The new security practices instituted by Reilly and Belisle were in many respects similar to the practices which had been in effect at the National Security Agency during the period when Belisle was deputy director of the agency's Office of Security. Because of these practices the National Security Agency had failed to detect serious derogatory data in the files of Bernon F. Mitchell and William H. Martin, two crytology experts who defected to the Soviet Union.

Their defection was the subject of an investigation by the Committee on Un-American Activities of the House of Representatives, which on Aug. 13, 1962, issued a report pointing out deficiencies in the National Security Agency's security practices. The practices criticized were the same as those instituted by Reilly and Belisle, and the deficiencies identified were the same as those pointed out by Otepka to Reilly and Belisle.

WIELAND AGAIN

In December 1962, by letter to the State Department, the Civil Service Commission submitted a transcript of a portion of the hearings on the Wieland case that had been published by the Internal Security subcommittee, and the Civil Service Commission advised the department that this transcript contained new data not theretofore considered by the department. This reference from the Civil Service Commission made it mandatory to reopen the case under the provisions of Executive Order No. 10450, and the pertinent regulations.

After the clearance of Wieland in January 1962 Otepka had continually urged upon Reilly that the Wieland case should be reopened and readjudicated on the basis of new information that had come to Otepka's attention. Upon receipt of the Civil Service Commission letter, Otepka brought it to Reilly's attention.

Reilly called Otepka to his office and asked him how he felt about re-evaluating the case. Otepka said in substance that he had spent a great deal of time as the primary evaluator of the Wieland case, that he had been obliged to concentrate his attention on this and other controversial cases, instead of giving his attention to administrative duties. As a result he said his superiors had used this as an excuse to abolish his position and downgrade him. He explained that he did not wish this to happen again. Reilly told Otepka that he understood his concern.

Otepka said he would assign the case to Harry Hite, a member of his staff who had served as his co-evaluator on the first occasion when the Wieland case was considered, and that he would review Hite's evaluation. Reilly, however, said he would give the case to Robert McCarthy, that he wanted McCarthy to take a look at it and tell Reilly "what was in it."

Otepka replied that this would be a waste of time, that he was intimately familiar with the case and could tell Reilly what was in it. Reilly insisted that he wanted someone to take a fresh look at the case and the entire file was therefore given to McCarthy. McCarthy was a physical security specialist, not an evaluator.

The Wieland file was given to McCarthy in December 1962. At this time Otepka assigned the case to Hite for him to evaluate "if and when he got the file." McCarthy kept the file until April 1963, when it was turned over to Hite. When Hite received the file it contained no memorandum of McCarthy's conclusions, or any indication of what, if anything, he had done with it.

INADEQUATE REPORTS

In December 1962, Otepka complained in a memorandum to the chief of the Investigations Division that the security officer at Caracas, Venezuela, who was a Foreign Service officer, had submitted an inadequate report of investigation on another current Foreign Service officer. It was alleged that the Foreign Service officer under investigation had carried on an extra-marital affair with the wife of an American businessman and that he had also had an affair with the wife of a State Department investigator. There were also complaints that he had exerted his influence to obtain the issuance of United States visas to Venezuelans whose records disclosed Communist activities.

The report stated that the two men assigned to investigate the case had been admonished by their superiors that it might prove embarrassing if all leads were followed out too thoroughly. Robert McCarthy was one of the two investigators. Otepka took the position that a full investigation should be made.

He discussed the case with Reilly, who suggested that the investigation and evaluation be handled with discretion, saying that he knew the investigator's wife who was involved and knew her to be devoutly religious and he could not see how she could have engaged in such activity. Otepka agreed that discretion was indicated but insisted upon full investigation and resolution of the matter.

Otepka's files reflected that in 1957, while posted to the American Embassy at Mexico City, the Foreign Service officer involved in the Caracas incident had been suspended for 15 days without pay, as a result of charges that he had engaged in notoriously disgraceful conduct.

It appeared that he admitted that he had engaged in a sexual liaison with the wife of the ambassador of another nation. Furthermore, in an interview with the American ambassador, he had defended homosexuality and insisted that homosexuals should not be regarded as security risks. Following his brief suspension he had been transferred to Caracas without loss of rank.

OTEPKA OVERRULED

The case of the Foreign Service officer in Caracas was evaluated by Raymond Loughton of Otepka's staff, who recommended that he be removed as a security risk. Otepka concurred in this recommendation in a memorandum dated June 19, 1963. In this memorandum he observed that friends of the Foreign Service officer were protecting him and that the Foreign Service Officer Corps had shown bias and exercised poor judgment in withholding information from the security officer. Among these friends was Robert McCarthy.

Otepka also pointed out that John Ordway, head of the Personnel Office, who had passed judgment on the case, should have disqualified himself because as a friend of the Foreign Service officer involved, he had been interviewed and had defended him. Mr. Ordway, it will be remembered, is the gentleman who signed the letter of charges against Otepka and thereafter held that the charges were sustained.

The Foreign Service officer involved in the Caracas affair was cleared and is still with the Department of State.

The files of the security officer reflected another instance in which McCarthy had withheld information from his reports to his superiors. This occurred in 1961 when McCarthy was stationed at Caracas. The American ambassador's automobile had been attacked and burned by a mob and his briefcase containing classified documents had been stolen. Subsequently, the documents were disclosed to the public by Che Guevara, a lieutenant of Fidel Castro.

McCarthy investigated the incident and submitted his report, which Otepka found "uninformative." Otepka asked for more details, which McCarthy supplied. McCarthy "was apologetic for the ambassador's negligence and for the presence of an alien chauffeur alone in the automobile with these classified documents." Further inquiry by Otepka developed that McCarthy had entirely omitted from his report the fact, known to McCarthy, that shortly after the theft of the documents an offer had been made to return them for a sum of money.

In January 1963 the assistant secretary for administration, Mr. Crockett, designated Belisle as the head of a management survey team to inspect the functions of the Office of Security with a view to developing any needed improvement and detecting any deficiencies. In this capacity, and without the knowledge of Otepka or any consultation with him, Belisle ordered the "retirement" of valuable card indices which had been maintained in the Office of Evaluations.

These cards were useful tools for the evaluators, enabling them to determine quickly in any given case whether or not there was derogatory information in the files that should be further explored. Belisle insisted that the cards were needless records and that the evaluators could work from the files themselves. He ordered the cards wrapped up, tied and placed in file cabinets, and instructed the evaluators that the cards were no longer available to them for ready reference.

As a result, evaluators were put to great inconvenience, and material in the files concerning applicants for employment was overlooked.

In January 1963 Otepka submitted to Reilly a memorandum of the achievements of Otepka's division, to be included in a formal report to the deputy under secretary for administration. Otepka's memorandum contained a reference to the fact that the Office of Security had detected that emergency clearances for numerous high-ranking appointees had been antedated after Secretary Rusk had signed the waivers of investigation, and that this had led to discovery that many appointees had been improperly appointed without the required background investigation and without a security clearance.

Reilly sent Otepka's memorandum to Belisle with a long-hand note stating "Dave—I strongly question the wisdom of including O.F.O.'s last page [the reference to the emergency clearance matter]. It would make it look as if we were endorsing the jogging he gave Bos. & Roger Jones." The "jogging" to which Reilly referred was Otepka's testimony before the Internal Security subcommittee concerning emergency clearances. Pursuant to Reilly's objection the reference to the back-dating matter was deleted from the formal report to the deputy under secretary.

J. F. K. AIDE

In January 1963 Belisle sought to designate Joseph Rosetti to serve as the State Department's representative on the Subcommittee for the Protection of Classified Government Data of the Interdepartmental Committee on Internal Security. This committee was under the jurisdiction of the Department of Justice. Otepka had served on the committee since 1953 and was one of the two senior members.

Belisle said that Rosetti could represent the department's interest better than Otepka, because the functions performed by Rosetti were more akin to those of the committee. Rosetti was a young man whose record and achievements had been obscure until January 1961. He had at one time served as an aide to then Congressman John F. Kennedy.

In the period January 1961 to August 1962 he rose in grade from a GS–12 to a GS–15. After he was notified of his proposed designation to serve on the committee, he came to Otepka and said he was frightened at the prospect of such service, because he lacked the necessary experience. He also explained his position to Belisle, with the result that Belisle left Otepka on the committee but designated Rosetti as his alternate.

Again, in January 1963 Reilly dropped the name of Otepka from the list of key Office of Security personnel who would be available on weekends and holidays and after hours to receive information from the FBI. Reilly substituted Frederick Traband for Otepka on this list. Otepka was the only division chief omitted.

When Otepka spoke to Reilly about the omission of his name, Reilly said he was substituting Traband because Traband was an expert on homosexual matters, but that if Otepka insisted, he would restore his name to the list. Otepka did not insist, feeling that it would be pointless to do so, although he felt also that Reilly's action was a downgrading of him in the department.

DISTURBING TRANSFER

In February 1963 Reilly authorized the transfer of the intelligence reporting function out of the Office of Security to the Bureau of Intelligence and Research. This function had previously been transferred from the Division of Evaluations to the Executive Office of the Office of Security.

The effect of this transfer was that the Division of Evaluations was required to depend upon persons outside the Office of Security to decide what information should be sent to the Division of Evaluations. The result in Otepka's opinion was to deprive the Division of Evaluations of useful information which in the past it had received on a timely basis, concerning the domestic subversive scene.

This information was contained in reports from the Federal Bureau of Investigation on the activities of members of the Communist party and foreign intelligence operatives in the United States. The Division of Evaluations coordinated such information with the personnel security program.

Otepka was especially disturbed by this transfer because he knew that in the Bureau of Intelligence and Research there were a number of persons whose security files reflected activities and associations with Communists. He was concerned also because the transfer had been recommended by J. Clayton Miller, who was an office mate of William Wieland, and shared a safe with Wieland, and whose security file revealed "a very highly questionable background."

It appeared to Otepka that J. Clayton Miller and Wieland were kindered spirits, as well as office mates, and it seemed strange to Otepka that Miller was assigned to survey Otepka's office at the same time Otepka was investigating Wieland. Otepka made his con-

cern known to Reilly and Belisle, but without avail.

The security methods and procedures introduced by Reilly and Belisle became a matter of concern to other sensitive agencies in the government. There were complaints that the Department of State was not adhering to security standards. In particular, the Atomic Energy Commission and the Civil Service Commission complained that the Reilly-Belisle shortcut methods and short-form reports did not provide sufficient information for action to be taken, and did not meet government standards.

Otepka brought this situation to the attention of Reilly and Belisle on several occasions, and also discussed with them the transfer of the intelligence reporting function out of the Office of Security. Reilly and Belisle rejected Otepka's comments, saying they had made their decision. Otepka felt that it would be futile to carry his protests further, since it seemed clear to him that Reilly and Belisle had the full confidence and support of their superiors.

In February 1963 the Senate Internal Security subcommittee called Otepka as a witness. He was notified to appear by the office of the assistant secretary of Congressional Relations, and he immediately notified Reilly of this request. He told Reilly that it appeared to him that he might be asked for his views on State Department security practices and asked for Reilly's guidance. Reilly's response was only that he should tell the truth.

On Feb. 21, 1963, Otepka did appear before the committee and testified to the facts concerning the various reorganizations in the Office of Security and the procedural changes instituted by Reilly. He also testified with respect to his attempts to secure his overdue performance rating.

In the period from February 1963 to June 1963 Otepka appeared before the Internal Security subcommittee on a number of occasions. Among other subjects, his testimony related to the conduct of the Wieland case, and the back-dating of security clearances.

His appearances were arranged by notifying the State Department that his presence was requested and the record before the subcommittee showed that he had been instructed by his superiors to answer the questions fully and truthfully, and not to withhold anything. Transcripts of Otepka's testimony were furnished to the State Department, and on all of the occasions when Otepka appeared during that period a State Department observer was present.

CAREFUL WITNESS

Otepka was a careful witness, who endeavored to be precise at all times in his answers and who volunteered nothing. Otepka's attitude disturbed the chief counsel for the committee, Mr. Sourwine, who had "the feeling that he was trying to protect the department, did not want to give any information that would reflect on the department." Thus, at the hearing on March 11, 1963, while Otepka was on the stand, the chief counsel made the following statement on the record:

"The situation here, Mr. Chairman, is that every now and then we have a witness here who is testifying under oath and I think we have that situation here, a witness who is doing his best to protect the department. And I do not demean him for that. But it gets like pulling teeth to try to get the information. But if we ask the right questions, he will answer directly, because he's under oath. Now, if we get a letter from the Department of State, we will have to give a very careful analysis of the letter and then we will have to talk to somebody about what it means."

In his March 11 appearance before the subcommittee, Otepka testified concerning the proposals of the Advisory Committee on International Organizations with respect to the clearance procedures for Americans employed by United Nations agencies. The committee was interested in the similarity between the proposals of Leonard Boudin and those contained in the Advisory Committee's draft report. Otepka was asked for a copy of the draft report but declined to produce it.

Otepka obtained a copy of the transcript of his testimony and furnished it to Reilly, as he had furnished copies of his previous testimony. Reilly's only comment was "that Mr. Sourwine was meddling in the department's business."

On March 13, 1963, two days after the hearing on March 11 in which Otepka had testified, Reilly arranged for the surveillance of Otepka's burn bags. These arrangements are described in the letter of charges, Document No. 1 in the appeal file.

BURN BAGS SEARCHED

Reilly, Belisle and Rosetti together made the arrangements, which were that Traband or his secretary, Mrs. Schmelzer, would notify Rosetti when she was going to take Otepka's burn bag to the depository, she would mark the bag with an "X" and Rosetti would pick up the burn bag at the depository and bring it to Belisle's office, where Reilly, Belisle, Rosetti and another Reilly lieutenant named Terry Shea would examine the contents.

On March 18 Reilly discussed with Elmer Dewey Hill, one of his subordinates, the possibility of intercepting conversations in Otepka's office. His purpose was to find out what was going on in that office, who Otepka was talking to, and what he was saying. Reilly instructed Hill "to see if he could not come up with some technique that would not be too easily detected, and to report back to me."

Thereafter Hill repositioned the wiring in Otepka's office telephone, so as to convert it into a listening device. This modification or installation was disconnected two days later after Otepka made a complaint about trouble on his telephone line. Reilly ordered the installation disconnected, one reason for this order being that he was afraid it might be discovered. The wiring was disconnected by Hill in the evening, while Reilly stood outside Otepka's office as a lookout.

"BUGGING" DENIED

While the installation was in place Hill listened in from time to time and two reels of tape, recording Otepka's telephone conversations, were made. According to Hill's subsequent testimony before the Senate Internal Security subcommittee he turned these two reels of tape over to an individual who was a stranger to him. He swore that he did this on Reilly's instructions, and that Reilly had someone listen to the recordings.

In his testimony at this hearing, however, Reilly swore that he had no recollection whatever of any interception of Otepka's telephone conversations, or of any recordings, or of hearing any tapes played, or of ordering Hill to turn any tapes over to anybody. His mind, he said, was a complete blank on the subject, and he could neither admit nor deny the truth of Hill's testimony.

He swore also that when he was questioned about the matter by Mr. Ehrlich, of the Legal Advisor's Office, and Under Secretary Ball, in November 1963—approximately eight months after the incident occurred—his memory even then was a blank so far as telephone intercepts and recordings were concerned.

In response to a demand by counsel for Otepka that the State Department produce the recordings and any transcripts made from them, counsel for the department stated that he had been informed that the recordings had been erased and that no transcripts were made. Department counsel further stated "that there has been no identification of the stranger" to whom Hill said he gave the tapes, "although efforts have been made."

Beginning in March 1963 and continuing through May 1963, Otepka, members of his family and neighbors observed that a parked car with a male occupant frequently appeared near Otepka's home or in front of it. When Otepka notified the police authorities, the man never reappeared again. He identified himself as a "credit investigator."

At the time Reilly ordered the surveillance of Otepka's office and of his burn bags Otepka had not done anything wrong, so far as Reilly knew. Reilly swore in this hearing that the reason for his order was that he suspected that Otepka "might be privately furnishing information to Mr. Jay Sourwine, chief counsel of the Senate Internal Security subcommittee."

He said the grounds of his suspicion, in addition to his early conversation with Boswell, in which Boswell voiced similar suspicions, were (1) that in a conversation with Mr. Sourwine, shortly after Reilly took office, Sourwine asked him about a pending matter being considered within the department, which Reilly thought was the appointment of Archibald McLeish to the Advisory Committee on the Arts, and (2) that early in 1963 Sourwine had told him "shortly we are going to have Otepka here and have him testify concerning the department, and then when that is done, we will probably have a few questions for you."

SAFE OPENED

On or about March 13, 1963, on orders from Reilly, Otepka's safe was surreptitiously drilled, opened, and searched. Among many sensitive files relating to security problems which Otepka kept in this safe were the security files of Harlan Cleveland and Seymour Janow. When Otepka's burn bags were opened and examined by Reilly, Belisle and Rosetti, Reilly stated that he was especially interested in any papers relating to the case of Cleveland and Janow.

Otepka had the Cleveland and Janow files in his safe so that he might maintain a record of their activities, as his duty required him to do. With respect to Cleveland, he "was interested in seeing who he was recommending for positions in the department."

In the case of Janow, he was holding the file pending resolution of serious derogatory information with respect to Janow. Specifically, there was an allegation that Janow, while an official of the Agency for International Development, had retained a financial interest in a private business which was supplying services to AID, under contract with the federal government.

The file disclosed that the Department of the Army was still investigating Janow's involvement in this possibly illegal venture; but nevertheless, over the objections of Otepka's office, the nomination of Janow to be assistant administrator for the division of Far Eastern Affairs of AID was submitted to the Senate for confirmation, and he was confirmed Feb. 1, 1961.

The submission of the nomination to the Senate before an adequate investigation had been completed was in violation of both the Senate rules and White House policy. Accordingly, Otepka was holding the Janow file so that he might correlate the report of investigation, when received, with the file.

Following Otepka's appearance before the subcommittee on March 19, 1963, Chief Counsel Sourwine told him he had met with Reilly off the record, that he was dubious about Reilly and that he planned to call him as a witness. He asked Otepka if he would suggest questions that could be asked of Reilly.

Otepka did prepare certain questions, based upon published testimony given by Boswell in March 1962, concerning the department's plans to spend large sums of money for electronics equipment, and based also on information given to Otepka by a former department employe, George Pasquale. Pasquale's information related to the conduct of Elmer Hill, who was in charge of the electronics program.

NIGHTTIME VISIT

The carbon paper used in typing these questions was thrown into Otepka's burn bag by his secretary. It was retrieved by Reilly and the questions appearing thereon are reproduced and attached as an Exhibit to the [State Department] charges, Document No. 1.

On the night of March 24, 1963, at about 10:30 p.m. when Otepka chanced to be in his office, Belisle walked in, accompanied by Terence Shea, an investigator from the Division of Investigations, who had served with Belisle in the National Security Agency. They appeared surprised to see Otepka and said nothing for a moment; Belisle then said he thought he had seen a charwoman enter the office and he had followed her. Having been there for some time, Otepka knew that no charwoman or anyone else had come into the office shortly before he entered. Otepka concluded that Belisle and Shea were there for the purpose of conducting some sort of surveillance of his office.

On March 4, 1963, Otepka was visited in his office by George Pasquale, an electronic engineer whose employment by the State Department had recently been terminated on the recommendation of Reilly. Pasquale related to Otepka that in April 1962 he had accompanied Elmer Dewey Hill, a member of Reilly's staff, on a trip to Warsaw, Poland. Pasquale described to Otepka a number of instances of misconduct on the part of Hill during the trip. The misconduct, which had occurred in public, consisted of "vulgarities and obscenities and intoxication."

Pasquale had made a written report on Hill's conduct, but this report was sequestered by Reilly and was not placed in Hill's file. No action was ever taken against Hill, but shortly thereafter Reilly terminated Pasquale's employment.

In addition to his written report, Pasquale orally informed Belisle and Rosetti about the conduct of Hill in Warsaw. Belisle suggested that Pasquale should take his complaint to the Internal Security subcommittee, and Rosetti gave Pasquale the telephone number of the chief investigator for the subcommittee. Pasquale did take the matter up with the subcommittee.

In March 1963 the Civil Service Commission made one of its regular routine inspections, as provided in Section 14 of Executive Order 10450, into the manner in which the security program was being carried out by the Department of State. As was customary, Otepka dealt with the inspector on behalf of the department.

The inspector brought with him a list of files that he wished to examine, among them being the file in the William Wieland case and the file on Elmer Dewey Hill. The Wieland case was selected as a representative security case, and Hill's file was examined because he had taken office subsequently to the last previous inspection.

In connection with the Hill file Otepka advised the inspector to see if it contained any derogatory information. The inspector reported that he found no derogatory information in the file. Otepka then told him about the Pasquale report.

The inspector asked Reilly where Pasquale's report was and Reilly responded that he could not have this information, and "warned him not to get involved in the Elmer Hill case." After representations were made to Reilly by the Civil Service Commission the inspector was given the Hill file but it still did not include the derogatory report.

Late in March 1963, while Otepka's regular secretary, Mrs. Powers, was ill, Mrs. Schmelzer, who was Mr. Traband's secretary, substituted for her. Otepka noticed that Mrs. Schmelzer was "unduly curious" about material in Otepka's safe, containing the security files of Harlan Cleveland and Seymour Janow.

His observation of Mrs. Schmelzer's activities caused Otepka "to suspect by this time that there was something peculiar going on, and I felt that she possibly was a part of a group in my office that had been asked to maintain some sort of a surveillance over me." Because of his suspicions Otepka had the combination to his safe changed. Mrs. Schmelzer was later revealed to be a member of the burn bag surveillance team organized by Reilly and Belisle.

On April 5, 1963, Otepka was instructed to confer, and he did confer with Leo Harris, a staff assistant to the department's legal adviser, Abram Chayes. Mr. Harris wanted Otepka's views with respect to the pending attempt by a former employe of the department, who had been removed as a security risk, to gain reinstatement. The discussion related to the department's regulations precluding the re-employment of any person who had been dismissed as a result of adversary proceedings under Public Law 733.

Mr. Harris told Otepka that Reilly had endorsed a proposed change in the regulations which would permit the re-employment of former employes who had been dismissed as security risks. Harris said that consideration was being given to the re-employment of John Paton Davies, who was precluded from re-employment in the State Department by the existing regulations; that Reilly favored the proposed change which would permit the re-employment of Davies.

Otepka said he was opposed to any such change in the regulations, and pointed out that Davies had been dismissed after a hearing before a Security Hearing Board, that the vote of the Hearing Board was five to nothing for dismissal, and that Secretary Dulles had concurred. The case of John Paton Davies had been evaluated by Otepka in 1954, and it was his findings which had resulted in the dismissal of Davies as a security risk.

PHONE TAP?

It will be recalled that just before he was succeeded by Reilly in April 1962, Boswell obtained the security file of John Paton Davies, and worked on it in secrecy. Otepka's conversation with Mr. Harris in April 1963 suggested to Otepka that Reilly was carrying on a project that Boswell had started.

In April 1963 Otepka and his secretary, Mrs. Powers, noticed that Otepka's office telephone "was acting in a very peculiar manner." After dialing, the phone appeared to be dead. On other occasions a loud clattering or clicking was heard, and sometimes audible conversations of strangers on the line were heard. A member of the Domestic Security Division, called in by Otepka to listen, immediately stated "your phone is bugged." A professional engineer, Stanley Holden, was then called in to check the telephone.

Mr. Holden reported that the telephone appeared to be in a normal condition, but gave Otepka a cautious admonition that it might be tapped. He indicated he did not desire to discuss the matter further because of a possible reprisal against him. Shortly after this conversation between Otepka and Holden, Reilly appeared in Otepka's office, said he heard Otepka had been having trouble with his telephone, and remarked that he had been having trouble with his phone too.

On May 14, 1963, Stanley Holden told Otepka that the room which he, Otepka, occupied contained a concealed listening device which enabled someone at a remote monitoring point to overhear telephone conversations as well as other conversations in the room. He said the installation of this device was ordered by Reilly because Reilly was personally embarrassed by information with which he was confronted in his appearances before the Senate Internal Security subcommittee, that Reilly was upset about Otepka's testimony before the subcommittee.

Holden said that the monitoring was being done under the direction of Elmer Hill, chief of the Division of Technical Services, and that the operation was known to Rosetti, who, as chief of the Division of Domestic Operations, was Holden's immediate superior. Holden added that Belisle had enlisted Otepka's assistant, Frederick Traband, to keep Belisle informed of Otepka's activities and any remarks that he made within the hearing of Traband. At about this same time Otepka received similar information from George Pasquale reiterating that Pasquale had told Otepka before.

On several occasions during the month of May, Otepka noticed that strange sounds were coming from his telephone although the receiver was in the cradle. The sounds were a humming noise, and the sound of voices—in other words, the telephone was broadcasting. Otepka concluded from all of these facts "that there was an organized campaign being directed against me, either to purge me or to embarrass me in some way in connection with my duties."

SEVERAL CLASHES

During the month of May 1963 Otepka clashed with Reilly and Belisle or Traband in connection with several personnel security cases.

In one case Otepka and Traband interviewed a prospective appointee concerning his alleged Communist activities, and Otepka recommended against his employment on the ground that he was a security risk. The applicant was cleared after Otepka was ousted.

Another case involved a prospective appointee to the staff of the United States ambassador to the United Nations. The appointment was pushed by an assistant to Harlan Cleveland. Otepka insisted on full investigation of the individual's past activities, many of which were a matter of public record in the files of the House Committee on Un-American Activities; and in particular, Otepka urged a full investigation of an allegation that this man was involved in running arms and ammunition through the Congo to Angola in support of rebels who were seeking to drive the Portuguese from Angola. Otepka was overruled and the man was cleared and appointed.

In the third case, although the applicant was unsuitable, Traband argued that Otepka "should yield to reality because the applicant had strong political backing," that it was Otepka's "duty to accommodate the top." The applicant was rejected by the Office of Personnel as unsuitable.

A fourth case involved the wife of a deputy assistant secretary for Far Eastern affairs. The wife was an applicant for an important position in the Bureau of Intelligence and Research, specializing in Far Eastern affairs. In 1954 Otepka had considered the case of the husband and recommended that he be suspended in the interest of national security. Otepka based his recommendation on the applicant's notorious pro-Communist record on Far Eastern matters and the employment of him and his wife by the Institute of Pacific Relations, an organization which had been cited by the Senate Internal Security subcommittee as a group controlled by persons with Communist background and leanings.

The administrator of the Bureau of Security and Consular Affairs concurred with Otepka in 1954, but they were overruled. The man was not charged or suspended as a security risk. The individual's wife, who was in the department at the time, and whose record was equally bad, subsequently left the department voluntarily and was now, in May 1963, seeking to return as an intelligence specialist. Otepka objected but was overruled by Belisle and Reilly and the lady was appointed.

In two other cases in May 1963 Belisle signed security clearances for two applicants without notice to Otepka and without any proper investigation.

Full field pre-appointment investigations for all applicants and employes of the State

Department occupying sensitive positions were required by law in the absence of a waiver signed by the secretary. Belisle had granted clearances to the two applicants without any full field investigations or waivers.

Having obtained the security files of the two applicants and ascertained these facts, Otepka wrote a memorandum for the record stating that he would accept no responsibility for the clearance of the two persons because he had not been allowed to participate in the clearance processes. He noted that the requirements of the law and the regulations had not been met.

Belisle responded with a scrawled note in blue crayon demanding the files. The note said "give them to me," followed by several exclamation points.

REILLY TESTIFIES

On April 25, 1963, Reilly testified again before the Internal Security subcommittee. Returning to the department late in the afternoon, he went to Otepka's office. He appeared to be upset. He told Otepka that Sen. Dodd "had given him a bad time," after he had testified that Otepka had voluntarily disqualified himself from further participation in the Wieland case.

He asked Otepka if he could confirm to Sen. Dodd or to the subcommittee that he had in fact withdrawn from the Wieland case. Otepka responded that if called as a witness he would testify precisely about his conversation with Reilly concerning his participation in the Wieland case.

Otepka felt it was not necessary to argue the matter with Reilly at that time, since he believed that Reilly well knew when he testified that Otepka had not in fact withdrawn from the Wieland case, and he believed further "that Mr. Reilly was a very devious person who had been working hard to discredit me or get rid of me in any way he could, and I felt it unwise and very foolish to confide in him that I—what I was going to say in the event I was going to testify before that committee again."

Shortly after April 25, 1963, Mr. Sourwine permitted Otepka to see the transcript of Reilly's testimony of that day. At this time Sourwine told Otepka that all of the senators who participated in the hearing believed that Otepka had told the truth, that he was a knowledgeable security officer who always was properly responsive to the subcommittee's questions, and he further informed Otepka that Sen. Dodd, who had interrogated Reilly closely and at length, thought that Reilly was lying and was being evasive.

Sourwine said that Otepka had always done his best to protect the State Department's interests, had made no criticism of his superiors and had respected the oath that had been administered to him. Sourwine concluded in effect that Otepka "now had a problem."

Reading the transcript of April 25, 1963, Otepka observed that Reilly testified that the Division of Evaluations had been operating inefficiently when Reilly got to the State Department and that Otepka was a bottleneck, that Otepka held many things and did not delegate enough authority, especially to Traband. No such complaint had ever been made to Otepka by Reilly or Boswell, either orally or in writing.

Otepka also read Reilly's testimony, in which Reilly swore that Otepka had voluntarily excused himself from participation in the Wieland case. Reilly also assured the subcommittee that the fact that the Department of Justice had declined to prosecute Wieland for false statements made no difference in the State Department's evaluation of the case. Otepka knew this was not a fact, and it subsequently developed that Belisle had Robert McCarthy prepare a written clearance predicated on the decision of the Department of Justice not to prosecute.

In appearance before the subcommittee on April 30, 1963 and May 21, 22 and 23, 1963, Reilly at one time or another repeated his testimony that Otepka had voluntarily withdrawn from the Wieland case. With respect to the appointments of the members of the Advisory Committee on International Organizations, Reilly testified that Otepka had given him information about only one of the prospective appointees.

He further testified he had not seen the Leonard Boudin letter in the New York *Times*, discussing the matter of security clearances for the staffs of international organizations, until Otepka showed it to him. He also swore that he, Reilly, had obtained and given to Otepka the draft report of the Advisory Committee, which reflected the Boudin proposals.

The facts were that Otepka had not voluntarily withdrawn from the Wieland case, that he had specifically and in writing directed Reilly's attention to the cases of three prospective appointees to the Advisory Committee, that Reilly had received the Boudin article from the Department of Justice and sent it to Otepka with a covering memorandum, and that Otepka had obtained the draft report and given it to Reilly, together with his comments on the contents of the report.

The effect of Reilly's testimony about these matters was, first, to justify the removal of Otepka from the Wieland case, and second, to absolve Reilly of any responsibility for questionable appointments to the Advisory Committee and from responsibility for failure to perceive the similarity between the recommendations in the committee's draft report and the proposals of Leonard Boudin. It was Reilly's duty to correlate the Boudin proposals with the recommendations of the draft report; and having failed to do so, he attempted to pass the matter off by disclaiming knowledge of the Boudin letter and shifting the responsibility to Otepka.

By claiming that he had submitted the draft report to Otepka, he sought to give the impression that he had performed his duty, by alerting Otepka, whereas in fact Otepka had alerted him.

In his testimony of May 21, 1963, Reilly said that Otepka had submitted a memorandum making recommendations for short-form reporting on applicants, that these recommendations had been put into effect, and that Otepka had then testified before the subcommittee objecting to the procedure which he himself had recommended.

The fact was that Otepka had recommended short-form reports on clerical applicants alone, but that Reilly had ordered short-form reports on all non-derogatory cases of State Department applicants, a procedure which in effect turned investigators into evaluators.

When this procedure came under attack before the Senate subcommittee as one involving bad security, Reilly by his testimony attempted "to convey the impression that what he had done was precisely what Mr. Otepka had recommended and therefore, that since he had depended upon Mr. Otepka, Mr. Otepka was at fault." In connection with what he described as Otepka's "recanting" of his memorandum on short-form reporting, Reilly testified further on May 21, 1963, that Otepka struck him as mentally unbalanced and emotionally overwrought.

Following Reilly's appearance before the subcommittee on May 23, 1963, Mr. Sourwine, chief counsel for the subcommittee, communicated with Otepka and asked Otepka to come to see him at his office. As a matter of convenience to Mr. Sourwine, the meeting between him and Otepka took place after Otepka's normal working hours but there was nothing clandestine or secretive about it; in fact, during the same period of time Mr. Sourwine and members of his staff were interviewing other State Department employes with the knowledge of the department. The interview with Otepka was in accordance with the subcommittee's usual practice in preparing for hearings.

In his interview with Otepka shortly after May 23, Chief Counsel Sourwine pointed out to him that there had been sharp conflicts between Otepka's testimony and that of Reilly. He mentioned the conflict with respect to the information Otepka had given Reilly about the members of the Advisory Committee on International Organizations, and showed Otepka marked transcripts reflecting other instances of conflict or apparent conflict. "And I told him that—I forget whether I wanted him to, or the committee wanted him to, but I was attempting to convey to him that it was up to him to put up or shut up—his boss in effect had called him a liar, and if he had any evidence to support what he had told us, I wanted him to bring the evidence in and put it in the record."

EVIDENCE PRODUCED

Otepka said he was sure he could support every bit of testimony he had given, and that he would attempt to produce the evidence to support it. Sourwine gave him copies of the transcript and had them marked to indicate the conflicts, and told him to traverse all of those points, be ready to testify further with respect to all of those points, when he was called back to the stand.

As a result Otepka prepared a memorandum with respect to Reilly's testimony, giving Otepka's comments and indicating the errors in Reilly's testimony. The statements in the memorandum were supplemented by several documents supporting the testimony Otepka had already given.

The memorandum and documents were turned over to Chief Counsel Sourwine by Otepka. The memorandum was keyed to the transcript of Reilly's testimony; that is, the comments in the memorandum were keyed to specific pages of the transcript of Reilly's testimony, and traversed Reilly's testimony on the points in dispute.

According to the letter of charges the typewriter ribbon used in producing Otepka's memorandum concerning Reilly's testimony was retrieved from Otepka's burn bag by the burn bag surveillance team on May 20, 1963. The letter recites that the ribbon was read "and the contents were reproduced" as Exhibit B in the charges. Exhibit B to the charges is in fact the department's own garbled version of the memorandum which Otepka submitted to Chief Counsel Sourwine.

Attached to Otepka's memorandum commenting on and rebutting Reilly's testimony was a five-page memorandum dated Sept. 10, 1962, from Otepka to Reilly on the subject of "Francis O. Wilcox, Arthur Larson, Lawrence Finkelstein, Marshall D. Seymour, Andrew Cordier, Ernest Gross, Harding Bancroft, Sol Linowitz."

IMPORTANT MEMO

This memorandum, which is State Department Exhibit 7, is the basis of Charge 1 against Otepka. It went to the heart of the most important conflict between the testimony of Reilly and that of Otepka. Specifically, it demonstrated that on Sept. 10, 1962, Reilly had received in writing from Otepka information about the eight individuals named in the memorandum, who were prospective appointees to the Advisory Committee on International Organizations staffing and for whom emergency clearances were desired by Harlan Cleveland. Reilly had testified that Otepka had alerted him to the case of only one of the eight individuals.

Also attached to Otepka's memorandum on Reilly's testimony was a copy of a memorandum dated Sept. 17, 1962, from Reilly to George M. Czayo, entitled "Processing of Appointments of Members of the Advisory Committee on International Organization Staffing." This memorandum, State Department Exhibit 8, is the basis of Charge 2 against Otepka.

HOW MANY NAMES?

It too was directly relevant to the issue being explored by the subcommittee with respect to the conflict between Reilly and Otepka. It demonstrated that Reilly not only had received and understood the information from Otepka about the questions raised with respect to the members of the Advisory Committee on International Organization Staffing, but that Reilly had dealt with the matter himself, by sending a memorandum concerning it to Mr. Czayo. The question of how many individuals on the list had been brought to Reilly's attention by Otepka was an important and material matter pending before the subcommittee.

Although the memorandum of Sept. 10, 1962, State Department Exhibit 7, and the memorandum of Sept. 17, 1962, State Department Exhibit 8, were classified "Confidential," the members of the Internal Security subcommittee and its chief counsel had been granted clearances for access to classified information which entitled them to receive such documents.

The memoranda of Sept. 10, 1962 and Sept. 17, 1962 (State Department Exhibits 7 and 8) contain no investigative data. The only substantive data contained in the memorandum of September 10 (State Department Exhibit 7) consists of references to certain matters which had been mentioned in published reports or hearings of the Senate Internal Security subcommittee or which were otherwise in the public domain, or available to the subcommittee.

The memorandum of Sept. 17, 1962 (State Department Exhibit 8) contains no substantive data whatever with respect to the prospective appointees, but relates for the most part to the procedural steps involved in their clearance.

SHORT VS. LONG FORM

Also attached to Otepka's memorandum on the Reilly testimony was a copy of a long-form report dated May 21, 1960, on one Joan Mae Fogltanz, an applicant for a clerical position in the Department of State. This document, State Department Exhibit 9, is the basis of charge Number 3 against Otepka. It was directly relevant to the conflict between Otepka and Reilly with respect to Otepka's recommendations for short-form reporting.

On Oct. 29 1962, Otepka had submitted a memorandum to Reilly expressing the view that in cases of applicants for clerical positions, such as young ladies fresh out of high school who had no employment history and whose backgrounds were impeccable, long-form reporting was unnecessary and a waste of time. Otepka had given Reilly the lengthy Fogltanz report as a "horrible example" of a long-form report, illustrating what he was talking about in his memorandum.

Nevertheless, over Otepka's objections, Reilly ordered that short-form reporting be adopted for all non-derogatory cases, including the cases of officer applicants. Thereafter Reilly had testified before the subcommittee that his order had only carried out Otepka's recommendation and that Otepka in his testimony before the subcommittee had repudiated his own memorandum to Reilly. In an attempt to support this testimony Reilly produced and turned over to Mr. Sourwine a copy of Otepka's memorandum to him dated Oct. 29, 1962.

The Fogltanz report, which Otepka had given to Reilly with this memorandum, demonstrated exactly what Otepka was talking about in the memorandum, and confirmed Otepka's statement that Reilly knew perfectly well what Otepka's recommendation had been.

In his memorandum prepared for Mr. Sourwine and the subcommittee Otepka commented at some length on Reilly's testimony about short-form reporting and Otepka's memorandum dealing with the subject.

In addition to the two documents relating to Reilly's testimony concerning the personnel of the Committee on Staffing International Organizations, and the Fogltanz report relating to his testimony on short-form reporting. Otepka attached to his memorandum various papers and documents that were relevant to other questions which were pending before the subcommittee and concerning which Reilly had testified. Otepka's memorandum also discussed these questions.

SOURWINE'S ROLE

The documents produced by Otepka, and specifically the documents referred to in Charges 1, 2 and 3, were directly relevant to questions posed to Otepka by the subcommittee. Had he failed to produce those documents, and particularly had he failed to produce the documents referred to in Charges 1, 2 and 3, he would have failed to respond fully to the questions posed by the subcommittee. Furthermore, documents containing similar information had in the past been furnished to congressional committees, and nothing had "been said about the Truman order [Directive of March 13, 1948] preventing it."

The investigation by the Senate Internal Security subcommittee, in which Otepka and Reilly were involved, was an investigation of security practices at the Department of State. The subcommittee was "trying to get at the facts with regard to the security situation in the department."

As chief counsel for the subcommittee, Mr. Sourwine was responsible for preparing for the hearings by interviewing witnesses, arranging for their appearance, conducting the basic examination of witnesses before the committee, and doing any necessary research. In all of his dealings with Otepka, Mr. Sourwine acted pursuant to these responsibilities, in his official capacity as chief counsel of the committee, and on behalf of the committee.

Any request that he made of Otepka was a request of the Internal Security subcommittee. Moreover, everything said and done by Otepka was in response to such requests. He was not a volunteer witness, but one whose appearance had been requested by the subcommittee, who had been sent by the State Department to the subcommittee and who had testified with the knowledge of the department.

CODE OF ETHICS

Otepka did not take the matter of Reilly's false and misleading testimony up with his superiors, before submitting his memorandum and the attached documents to the subcommittee. In the light of the facts known to him he reasonably believed that for many months his superiors had engaged in or approved a campaign to harass, frustrate and discourage him so that he would abandon his key job in the department's Office of Security.

Taking the matter up through the chain of command would have required him to confide in some of the very superiors whom he believed to be engaged in the effort to purge him from the department. He knew from his long experience that employes of the department who reported on the misconduct of a superior through the chain of command were often pilloried while those guilty of misconduct were protected. In his judgment, based upon his experience, there "was a mutual protective society amongst those whose advice I might have sought."

In making his decision to submit information and documents to the Internal Security subcommittee, Otepka took into account the Code of Ethics for government service which is set out in House Concurrent Resolution No. 175, agreed to by the Senate on July 11, 1958.

This Code of Ethics includes a statement that every government employe should put loyalty to country and to the highest moral principles above loyalty to any party, person or government department. The Code was supported in the Senate by the then Majority Leader Mr. Lyndon B. Johnson, who spoke in favor of it. A copy of the Code was received by Otepka as an attachment to a State Department circular addressed to all department employes.

In his deliberations about what he should do with respect to Reilly's testimony and the subcommittee's requests for information, Otepka also gave consideration to the provision of 5 U.S. Code, Sec. 652(d) that "the right of persons employed in the Civil Service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee or member thereof shall not be denied or interfered with."

In determining upon his course of conduct with respect to the subcommittee's request for information, Otepka also considered the question of whether or not his submission of this information would contravene what he knew or believed to be the accepted standard of conduct for employes of the Department of State.

He considered his proposed or contemplated course of conduct against the pattern which he believed to have been established by the conduct of State Department officers and employes which had been approved by the department. He "was familiar with many such cases, and [he] gave consideration to the conduct of those persons with which [he] was familiar and [he] noted that their conduct was excused."

EIGHTEEN CASES

Among these cases in which infractions of regulations or other misconduct were approved or condoned by the department were the following:

(1) The case of John Stewart Service (supra) the Foreign Service officer who admitted that he had furnished 18 documents, some of them classified "Secret," to Philip Jaffe, the publisher of *Amerasia* magazine, a person on whom there was a considerable record of Communist activities and affiliations. Service was honorably retired.

(2) The case of Elmer Dewey Hill (supra) whose misconduct in Warsaw was condoned and covered up by Reilly.

(3) The case of William Wieland (supra) whose misconduct by way of false statements, misrepresentations and concealment of information was condoned by the department.

(4) The case of Charles Lyons (supra) who as a security officer in Athens, Greece, had failed to report a large number of security violations but who nevertheless was appointed deputy chief of the Division of Evaluations.

(5) The case of the presidential nominee (supra) who had publicly assaulted his wife and strewed her clothing on the lawn, over the shrubbery and in the street.

(6) The case of Irving Swerdlow (supra) who had been dismissed as a security risk by the Mutual Security Agency, but was appointed to a position in the State Department.

(7) The case of the Foreign Service officer (supra) who, while stationed in Mexico City and again while on duty at Caracas, Venezuela, had been guilty of serious sexual misconduct, including a liaison with the wife of the ambassador of another nation, but whose conduct had been condoned.

(8) The case of Robert McCarthy (supra) who had withheld information from his reports to his superiors concerning the loss of classified documents by the American ambassador at Caracas, but who became a trusted lieutenant of John F. Reilly.

(9) The case of Seymour Janow (supra) who was appointed to high office without resolution of allegations that he had been involved in an illegal conflict of interest.

(10) The case of the security officer stationed in Moscow who was enticed to her

apartment by a Russian woman. The woman turned out to be a KGB agent. Using concealed cameras, the Soviet Secret Police photographed the security officer and his Soviet companion, in bed, both being in the nude. The security officer was then confronted with the photographs and an attempt was made to induce him to spy for the Soviets. He rebuffed the attempt and reported his misconduct to his superiors. Although he had exposed himself to the most elemental recruitment tactics, known to even the greenest novice, he was not disciplined.

(11) The case of a security officer stationed in an Eastern European country. He was married to an American, who accompanied him. He gave lectures to his associates, instructing them to avoid any personal relations with foreign nationals. Nevertheless, he openly consorted with a local woman. His conduct was observed by his associates and reported to superiors. Subsequently, when his wife divorced him for his misconduct he requested the department's permission to marry his alien paramour and permission was granted, notwithstanding the fact that there was information indicating that the woman was a foreign agent. He was not disciplined, but continued as a security officer.

(12) The case of a Foreign Service officer, formerly a security officer, who owned two automobiles when he was transferred to a new post. Although entitled to have only one automobile shipped at government expense, he had the second automobile concealed in a lift van and represented it as household furnishings on the invoice. His case was referred to the Department of Justice for prosecution and he was not disciplined, except that he was required to pay for the transportation of the second automobile.

(13) The case of a Foreign Service officer who admitted to the security officers of the department and to the department's medical authorities that he had engaged in homosexual acts. The department's medical officers found him unfit to serve abroad because in their professional judgment his homosexual tendencies made him a potential security risk. He was not disciplined, but again sent abroad and assigned to a critical post behind the Iron Curtain.

(14) The case of a Foreign Service officer who, on his application form and in interviews with department personnel, concealed the fact that he had been a member of the Young Communist League and of the Communist party. He is still employed in the State Department.

(15) The case of a Foreign Service officer stationed in an Eastern European post who admitted homosexual tendencies and other personal misconduct but was given responsibility for supervising Marine guard personnel at the American Embassy. His negligence permitted foreign agents to have access to classified reports at the embassy. He received normal promotions in the Foreign Service and is still in the department.

(16) The case of a Foreign Service Officer on duty in the department who borrowed money from the State Department Credit Union and forged the endorsement of a fellow employe, a lady, to his application for the loan. This individual was given an important assignment in the White House.

(17) The case of a Foreign Service officer who, while stationed in an Eastern European country, fathered a child out of wedlock by a national in that country. Boswell, who was then director of the Office of Security, selected this man to be a security officer at a Far Eastern post.

(18) The case of a Foreign Service officer who sexually violated his own daughter but was never disciplined, and in fact was later designated as a part-time security officer at a post which did not have a full-time professional security man.

PATTERN ESTABLISHED

All of the foregoing cases were within the personal knowledge of Otepka and they all occurred in recent years, at or about the time of Otepka's difficulties with Reilly. Otepka was familiar with many other cases of a similar nature, in which the conduct of State Department employes had not resulted in disciplinary action.

These cases established a pattern and standard of conduct upon which Otepka was entitled to base his conclusion that his action in furnishing information and documentation to the Senate Internal Security subcommittee was not a breach of the standard of conduct expected of an officer of the Department of State.

Otepka requested John R. Norpel, a member of his staff and a former FBI inspector, to compile pertinent data for use by Otepka in substantiating his testimony before the subcommittee. Norpel reported to Otepka that he had mentioned the assignment to Rosetti, who in turn had reported it to Reilly, and that thereafter Reilly had told Norpel "Otepka is a nut—I came here to do a job and I am going to do it."

Later, in a conversation between Norpel, Robert McCarthy and Rosetti, McCarthy asked Norpel, "Why is Otepka fighting, what is his price to quit? Every man has a price." Norpel replied that no one could buy Otepka for any price and that his reason for fighting was to remedy wrongs and to uphold his principles.

Early in June 1963 Reilly again evinced an interest in Otepka's activity with respect to Harlan Cleveland, by sending Otepka a memorandum concerning Cleveland's security file and stating that Otepka had taken no closing action on Cleveland's security clearance. Reilly also stated that Otepka had not answered Belisle's memorandum to Otepka dated Jan. 15, 1963, on the Cleveland case. Reilly accused Otepka of dilatory tactics.

Otepka replied with documentation proving that he had answered Belisle's memorandum within seven days, and he pointed out that Cleveland had been cleared by Secretary Rusk on Aug. 11, 1961, thereby closing the case. Otepka added that if Reilly wanted to know why he, Otepka, as the chief evaluator, had Cleveland's security file in his possession he would be happy to explain it to Reilly. Reilly did not ask for the explanation.

On June 25, 1963, Otepka observed that one of his subordinates, Joseph Sabin, had put aside certain work that Otepka had assigned to him to be handled on a priority basis and was working on the security file on Seymour Janow. The next day, noticing that Sabin again was working on the Janow file, Otepka asked what it was that he was evaluating in that case.

Sabin replied that he had been instructed by Reilly to prepare a chronology of certain events in the case. Otepka noticed that Sabin had such a chronology on his desk. Otepka took the chronology and the file to his desk, where he saw that one item in the chronology made a false reference to Otepka. Otepka handed the chronology to his secretary and asked her to make a copy of it for him.

Shortly thereafter Reilly burst into Otepka's office and shouted to him, "When I assign a case to a member of your staff, I do not expect you to interfere." He accused Otepka of taking the chronology from the Janow file and asked if Otepka had it in his possession. When Otepka acknowledged that he had it, Reilly demanded that he give it to Reilly immediately. Otepka complied. Reilly then asked how many copies of it he had reproduced. Otepka said he had not reproduced any but had intended to do so.

Reilly took the file and the chronology and left Otepka's office. Within a few minutes two porters came to Otepka's office and removed Otepka's Thermofax machine. One of them told Otepka that he was removing the machine on Reilly's instructions.

On two occasions during May and June 1963 Otepka asked Traband whether he, Traband, was keeping Otepka under surveillance. On the first occasion, in May, Traband denied that he had Otepka under surveillance and this ended the matter. On the second occasion, in June 1963, Traband accompanied his denial with an angry outburst to the effect that Otepka had no right to question his integrity. It subsequently appeared that Traband was in fact acting at that time as a member of Reilly's burn bag surveillance team.

On the morning of June 27, 1963, Reilly sent for Otepka and in the presence of Belisle handed Otepka a memorandum stating in part:

"Effective immediately I am temporarily detailing you to devote your full time and attention to preparing guidelines for evaluating and developing recommendations to me relative to updating and reviewing the Office of Security Handbook. During the course of this temporary detail, you are relieved of your present official responsibilities. You will, for the duration of this assignment, occupy Room 38A05. Such stenographic and/or typing assistance as you will require to carry out these assignments will be made available as you make such needs known to Mrs. Catucci or Mrs. Mitchell."

At the same time Reilly announced to the Division of Evaluation in another memorandum that Belisle would take over Otepka's duties as chief of the division. After handing Otepka the memorandum relieving him of his duties, Reilly and Belisle accompanied Otepka back to Otepka's office. When they arrived at Otepka's office five security officers at once followed, obviously by pre-arrangement. These officers, all members of Rosetti's staff, were Rosetti himself, Robert McCarthy, Russell Waller, Joseph McNulty and Frank Macak.

Reilly asked for the combination to all of Otepka's safes and when they were produced the five security officers proceeded to change all the combinations of the safes and file cabinets and to close and lock them.

This operation, which took place in view of Otepka's subordinates, was supervised by Reilly and Belisle. While it was going on Otepka sat at his desk. For a while Reilly stood guard over Otepka, then he motioned to Rosetti to take his place and Rosetti did so. Finally Otepka told Rosetti that if he had no objection Otepka was going to lunch. Rosetti said he had no objection and Otepka went.

FILES RESTRICTED

Returning from lunch Otepka found his secretary, Mrs. Powers, in tears. She informed Otepka that Reilly had called her in and handed her a memorandum notifying her that she was being transferred to the Washington Field Office where she would be transcribing from dictaphone cylinders. This was a low-level clerical job far beneath her capabilities.

Otepka also learned that Norpel and Hughes, two of his associates, had been detailed by Reilly from the Division of Evaluations to the Investigations Division located in another building. Reilly informed them that they would be assigned to investigative duties.

After learning of the re-assignment of Mrs. Powers, Norpel and Hughes, Otepka went to Reilly's office and asked for an explanation. He found Belisle with Reilly. Reilly at first refused to give any explanation but finally said something to the effect that when he first came on board he had emphasized to Otepka "the need of institutional loyalty."

Otepka replied that he recalled no such lecture, but he wanted Reilly to know that he never had and never would subordinate loyalty to his principles and to his country to loyalty to any institution.

Otepka then asked whether he were to be permitted access to classified information. Reilly said the nature of Otepka's job did not require such access. Otepka asked if Reilly was terminating his security clearance—

which would have required a hearing—and Reilly said no, repeating the word "no" several times.

Otepka said there were materials in his office that would be relevant to his work on the handbook. Reilly replied that Belisle would accompany Otepka to his office and assist him in identifying the material that he could use. Belisle did accompany Otepka to his office and spent the rest of the day in going over Otepka's material and deciding what Otepka could keep.

On the following day Belisle announced that Reilly was leaving on a vacation, that he, Belisle, would be acting director of the Office of Security and that he was designating another man, Raymond Laugel, to sit with Otepka during the screening of Otepka's material. Mrs. Powers, Otepka's secretary, also assisted in this work, until Belisle came in and told her to "pick up your things and get out."

Otepka's safes contained many unique and valuable records and files containing personnel security data and information. These records had been collected and preserved by Otepka over the years. Many of them related to persons currently occupying key posts in the Department of State.

Otepka pointed out to Belisle that these records were particularly useful to evaluators in assuring that all relevant information was included in reports, investigations and research data on applicants and employes. Belisle responded that the records were duplications and unnecessary material that need not be kept around cluttering file cabinets; that if an evaluator needed something he could go to a central security file and rely only on that.

Files and records of Norpel and Hughes were also impounded by Reilly on June 27. The combinations of their safes were also changed and the safes were locked. Norpel, however, was permitted to return and retrieve his cigarettes from his safe.

Hughes and Norpel were assigned to routine investigations of low-level clerical applicants. Hughes had been one of Otepka's top evaluators, having been of great assistance in obtaining material on the Wieland case. Norpel who had served in the FBI for 13 years, including duty as an inspector, was also a top evaluator. Mrs. Powers, who had been Otepka's secretary for 10 years and was an expert stenotypist, was put to work transcribing from dictaphone cylinders.

Other members of Otepka's special staff, Hite, Gardner and Loughton, remained in the Division of Evaluations for the time being, but were transferred to the Bureau of Inter-American Affairs as administrative officers in March 1964. Loughton was informed by Belisle that there was no future for him in the Office of Security and he therefore accepted an assignment as a consular officer in Mexico.

Gardner accepted a similar assignment after finding that there was nothing for him to do in the Bureau of Inter-American Affairs. Hite likewise found no work for him in the Bureau of Inter-American Affairs, and he "just sat around reading newspapers and waiting for the day to pass."

Reilly testified in this hearing that Hughes and Norpel were transferred because "they were close companions of Mr. Otepka" and he wanted to get them out of the Division of Evaluations. He testified also that he knew that Norpel, Hughes, Hite, Loughton and Gardner were all friendly to Otepka or close to him.

On June 27, 1963, instructions were issued that no files from the file room were to be charged to Otepka, Norpel, Hughes or Mrs. Powers. On July 2, 1963, Traband issued instructions that Otepka was not to obtain any file or material from the Evaluations Division. On July 23, 1963, Belisle orally instructed Otepka that he was not to enter the offices of the Division of Evaluations, and that if members of that division wanted to talk to Otepka they could come to the office to which he had been transferred. Later in the day Belisle issued a memorandum to this effect. The memorandum read:

"This will confirm my instructions given to you on July 23, 1963, that you are not to have access to the space occupied by the Division of Evaluations. In the event that you require any information for the performance of your detail, you may discuss it with myself or Mr. Reilly and we, after determining the need, will make the necessary arrangements."

On July 22, 1963, the day before this order was issued, Belisle instructed the employes of the Division of Evaluations, Special Review Branch, that no information relating to any case being handled in that division should be given to Otepka and no cases should be discussed with him.

A 10 BY 14 OFFICE

Otepka was assigned to a small room some distance from his former office. The room was located on a blind corridor in the Office of Security area, directly across the hall from the electronics laboratory containing all of the department's equipment for electronic intelligence and surveillance operations.

The office had one telephone, which was an extension from the telephone located in an adjoining office where the call bell was also located. When Otepka had an incoming call it was necessary for a young lady in the adjoining office to come in and tell him, and he then would take the call on his extension.

The office, which was approximately 10 by 14 feet, contained two desks, bookcases and file cabinets. Mail reached Otepka through the person next door. None of the usual departmental circulars and regulations, and no classified material whatever, were sent to Otepka. Personal mail addressed to him, including some registered mail, was sometimes opened before it reached him.

For about a year after June 27, 1963, Otepka had no secretary. One June 27, 1963, Reilly had offered the services of his secretary, Mrs. Catucci, the lady who had theretofore cursed Otepka and torn her hair in his presence, but Otepka, not unnaturally, declined to avail himself of her services. In August 1963 Reilly suggested that Otepka might use the services of a temporary summer employe, but Otepka felt that such an employe was not the kind of person he cared to use. The services of Elmer Dewey Hill's secretary were then tendered to Otepka but were also declined.

Finally Otepka was given a dictaphone but without a transcriber, so that his dictation had to be transcribed elsewhere. A transcriber was later supplied to him, but after a short while it was taken away.

Otepka's exile to his little room under these conditions has continued to the present day. Protests by him against his working conditions have been unavailing.

On July 29, 1963, Otepka learned that agents of the Federal Bureau of Investigation were interviewing his former associates, Loughton, Norpel, Hite, Hughes, Burkhardt and Gardner. Otepka was informed by these former associates that the FBI agents had questioned them regarding their knowledge as to whether Otepka had furnished classified data to an unauthorized person, namely, J. G. Sourwine, chief counsel for the Senate Internal Security subcommittee. The former associates denied that they had any such knowledge.

They were also asked if they had seen transcripts of Reilly's testimony before the Internal Security Subcommittee and they denied having seen such transcripts, or that they had any knowledge of Otepka's having seen the transcripts.

Otepka's former secretary, Mrs. Powers, was also interviewed by the FBI, and she informed Otepka that the agents questioned her about a portion of an FBI report on Harlan Cleveland and a memorandum prepared by Otepka with respect to Charles Lyons, several memoranda concerning the appointment of certain persons to the department's Advisory Committee on International Organizations, and a note addressed to Otepka by Mrs. Powers setting out information provided to her by Mrs. Schmelzer to the effect that Mrs. Schmelzer suspected that Otepka's telephones were tapped. Mrs. Powers told the agents that all of these papers had either been prepared by Otepka or were in the safe.

On Aug. 12, 1963, Otepka was recalled as a witness by the Senate Internal Security subcommittee, his appearance having been requested by the subcommittee through the office of the assistant secretary of Congressional Relations.

On this occasion Otepka produced his memorandum with attached exhibits, which he had prepared for submission to the committee, and the memorandum with the exhibits was received in evidence and made a part of the official record of the Internal Security subcommittee.

The transcript of Otepka's testimony on this occasion, together with the text of his memorandum and attached exhibits, is printed in Part 20 of the transcript of the subcommittee's hearings, page 1699–1758, and has been received in evidence as Appellant's Exhibit A in this hearing. The transcript reflects that Otepka testified in part:

"Mr. Sourwine: Mr. Otepka, are you aware that Mr. John Reilly, in his testimony before this committee, controverted many statements previously made by you when you testified?

"Mr. Otepka: Yes; I was given to understand that it did.

"Mr. Sourwine: Did you have an opportunity to examine Mr. Reilly's testimony, the transcript of his testimony?

"Mr. Otepka: Yes, sir.

"Mr. Sourwine: Did I furnish you with a copy of this testimony and ask you to prepare a memorandum of reply covering point by point all of those instances in which you felt Mr. Reilly's testimony was inaccurate or untrue?

"Mr. Otepka: Yes, sir.

"Mr. Sourwine: Did you prepare such a memorandum?

"Mr. Otepka: I did, sir.

"Mr. Sourwine: You prepared it yourself?

"Mr. Otepka: Yes, sir; I did.

"Mr. Sourwine: Is this it?

"Mr. Otepka. That is the memorandum I prepared.

"Mr. Sourwine: That memorandum is accompanied by certain exhibits Nos. 1 through 13?

"Mr. Otepka: Yes, sir; which were intended to be used by me.

"Mr. Sourwine: The exhibits were furnished by you in connection with the memorandum for the records of this committee?

"Mr. Otepka: The exhibits were intended to be used to refresh my recollection in connection with my forthcoming testimony before this committee of which I have previously been apprised."

On Aug. 14, 1963, Otepka was called to the field office of the Federal Bureau of Investigation to be interviewed by two agents. The interview lasted through the afternoon of August 14, all day on August 15, and throughout the morning of August 16. Otepka was advised at the outset that he was being investigated to determine whether he had been guilty of violations of the Espionage Act, a criminal statute.

Among other things, he was asked whether he had turned over to Mr. Sourwine certain documents which had been in his safe, including memoranda or reports on Seymour Janow and Harlan Cleveland. He denied having turned these papers over to Sourwine.

At the conclusion of the interview he signed

the statement which is attached to the charges as Exhibit A. Otepka freely answered all the questions the agents asked him, did not conceal or attempt to conceal anything, and told the truth, because he felt he had nothing to conceal. His written statement, Exhibit A, attached to the charges, was the truth. He admitted turning over documents to Mr. Sourwine, including those referred to in the charges.

Reilly had discussed Otepka with Mr. Alan Belmont of the FBI at some time prior to June 27, 1963, while the surveillance of Otepka's burn bag was going on. According to Reilly he went to the FBI at that time because a summary sheet or a reproduction of a summary sheet from an FBI report relating to Harlan Cleveland had been found in Otepka's burn bag, and it appeared to Reilly "from this reproduction of an FBI report, or indication of it, that there might have been a mishandling of it, and I wanted then to know, and I felt it should be looked into." According tho Reilly, at that time, "Mr. Belmont merely thanked me for the information."

In the latter part of July 1963 Reilly conferred again with the FBI; they wanted to know what he knew about Otepka and who might be interviewed in their investigation.

On Aug. 14 and 15, 1963, pursuant to instructions from William J. Crockett, deputy under secretary of state for administration, Reilly issued written instructions to all personnel of the Office of Security that they were not to appear before the Senate Internal Security subcommittee, or have any contacts with or interviews by members of the subcommittee staff, without clearing in advance with Crockett personally.

While he was being interviewed at the offices of the FBI on the morning of Friday, August 16, Otepka received word through one of the FBI agents that his presence before the Internal Security subcommittee was requested, and he did appear and testify that afternoon. As he had spent the afternoon of August 14 and the entire day of August 15 in the FBI offices, he had not received the Crockett-Reilly orders of August 14 and 15 and did not receive them until the following workday, Monday, Aug. 19, 1963.

On July 29, 1963, in the course of his testimony before the subcommittee, Belisle was asked whether he had any information concerning the interception of conversations in Otepka's office. He replied that he did not. On Aug. 6, 1963, Reilly appeared before the committee and was asked whether he had ever engaged in or ordered the bugging or tapping or otherwise compromising telephones or private conversations in Otepka's office. He answered in the negative.

The charges against Otepka were served upon him Sept. 23, 1963.

On September 30 Stanley Holden informed Otepka that his present office (Room 38A05) was under "technical surveillance," meaning that the telephone was adjusted to intercept conversations in the room while the receiver was both on and off the cradle. Holden said the telephone operations were directed by Elmer Hill, who had "bugged" the telephones of other employes, including the phone of Holden himself. This information was confirmed to Otepka on October 2 in a conversation with George Pasquale.

On Oct. 4, 1963, Sen. Thomas Dodd, vice chairman of the Senate Internal Security subcommittee, delivered to Secretary Rusk a letter in which he stated that the subcommittee had knowledge of the tapping of Otepka's telephone, how it was done, and who did it.

Reilly suspected that Holden had given information to the Internal Security subcommittee about the tapping of Otepka's telephone. Accordingly, he sent Joseph Rosetti and Robert McCarthy to see Holden at Holden's house.

While there McCarthy questioned Holden about his knowledge of leaks of information to the subcommittee concerning the tapping of Otepka's telephone. In the course of the conversation McCarthy became loud and abusive and shouted at Holden, saying in effect that he was going to get Holden if Holden had been responsible for the leak and would not so inform him.

He asked Holden if he was acquainted with George Pasquale and if he had given Pasquale any information about the tapping of Otepka's telephone. He reminded Holden of his "loyalty, particularly to Joseph Rosetti." This incident occurred in October 1963.

On Nov. 5, 1963, Sen. Dodd stated on the floor of the Senate that the committee had evidence that Otepka's phone had been tapped. He mentioned the possibility of prosecutions for perjury of witnesses who had denied that the tapping occurred. The next day, Nov. 6, 1963, Reilly and Belisle addressed letters to the subcommittee, expressing a desire to "amplify" their previous testimony about bugging and wiretapping.

On Nov. 14, 1963, Belisle appeared before the committee and admitted that contrary to his previous denial he did in fact have specific information about the compromising of Otepka's telephone. On Nov. 15, 1963, Reilly appeared and admitted that his previous denials, with respect to the compromising of Otepka's telephone, had been untrue.

Shortly after his November appearance before the subcommittee Reilly resigned from the State Department by request. He left the payroll in February 1964. On Sept. 1, 1964, after a period of private practice, he became a trial attorney with the Federal Communications Commission, in which capacity he is still employed. Belisle is still employed by the Department of State.

CONCLUSION

The facts that have been recited are clearly established by the evidence. They speak for themselves so eloquently that extended argument and discussion are unnecessary.

Beginning in 1960 there was a schism between Otepka on the one hand and his superiors in the Department of State on the other, caused by Otepka's insistence upon the observance of sound and proper security practices, and his refusal to approve the employment or retention of persons of dubious character and background.

This schism was not a mere disagreement about matters concerning which reasonable men might properly differ. The cases that have been described establish a pattern of deliberate attempts on the part of Otepka's superiors to disregard or violate the security regulations and sound and proper security practices.

The evidence demonstrates that Otepka resolutely and consistently opposed these attempts and that his opposition earned him the animosity of his superiors. No other reasonable conclusion from the facts is possible.

It is not reasonable to conclude, as may be suggested, that Otepka fell into disfavor because he was inflexible and opinionated. His magnificent record and reputation, built up and acquired over the years prior to 1960, belie any such suggestion. Surely a man of his demonstrated ability, integrity and accomplishment did not become overnight an incompetent sorehead, constitutionally unable to work in harmony with his superiors, and consistently wrong.

Nor is it reasonable to conclude that the animosity of Otepka's superiors was produced only by the fact that he furnished information to the Senate Internal Security subcommittee. His cooperation with the subcommittee was a mere excuse, seized upon in an attempt to justify his removal from office.

In this connection it will be remembered that Reilly admitted in this hearing that so far as he knew Otepka had done nothing wrong when on March 13, 1963, he, Reilly, instituted his extraordinary surveillance of Otepka.

It is plain that Otepka was an impediment to those in the Department of State who were not in sympathy with the security system and who were determined to disregard or circumvent the security regulations. In furtherance of this purpose they resolved to purge Otepka by fair means or foul. They finally resorted to the tactics of the secret police and the device of synthetic charges.

PRIVATE VENDETTA?

It may be suggested that the measures taken against Otepka by Reilly and Belisle were the result of a private vendetta undertaken by them without the knowledge or approval of their superiors. The suggestion does not withstand analysis

It is obvious that the conflict was not between Otepka on the one hand, and Reilly and Belisle on the other, but between Otepka and those in high places whose actions Otepka was properly attempting to restrain. Reilly and Belisle were only the instruments of management policy.

It is not reasonable to believe that their treatment of Otepka did not have the approval and support of their superiors. By the same token, it is not reasonable to contend that Otepka should have appealed from Reilly and Belisle to those same superiors.

No claim has ever been made that Otepka has at any time failed to tell the truth, either in his appearances before the Senate Internal Security subcommittee or in his statement to the Federal Bureau of Investigation, or in his testimony at this hearing.

Moreover, it cannot be denied that in giving to the Senate Internal Security subcommittee the documents involved in the charges against him he was actuated by the highest motives. Specifically, he was correcting Reilly's false testimony; more generally, he was fulfilling his duty to assist the committee in its investigation by telling the truth. He was not a volunteer witness but one who had been regularly and properly summoned by the committee.

In view of the circumstances it is difficult to understand the contention that he conducted himself "in a manner unbecoming an officer of the Department of State," that his actions constituted "a breach of the standard of conduct expected of an officer of the Department of State," and that his dismissal is therefore justified. Assuming that his production of documents was a technical violation of some directive or regulation—which we do not concede—it is plain that many more serious derelictions on the part of officers of the Department of State have not resulted in the dismissal, but rather have been condoned.

The charges against Otepka are a makeweight, contrived in an attempt to destroy an honorable man who has done no more than his duty. The charges should be dismissed and Otepka should be commended for his actions and restored to duty.

Respectfully submitted,

ROGER ROBB,
Attorney for Otto F. Otepka.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. GOLDWATER. Mr. President, I have been interested in this case ever since it first began. I felt all along that a grave injustice had been done Mr. Otepka. I think that we have the opportunity here today to change those injustices and bring back some justice.

I have not been amused, because it is difficult to be amused by people who write in a vicious way by trying to insinuate, as some of our large eastern newspapers have been doing, that something is wrong with the man.

We keep hearing references in the debate here today to the days of McCarthy,

as if we are to assume that McCarthyism implies guilt by association and so forth.

I can recall the terrible furor the New York Times put up about McCarthyism. Yet, they are practicing it in this case.

I remember how upset the Washington Post became because Joe McCarthy and McCarthyism became evil terms. Yet, today we see the same thing going on.

This man has not been tried by the Senate. He has not been tried by any proper court of justice. He has been tried in the pages of our newspapers by some honest and some dishonest columnists, some of whom have a very consistent record of never being accurate.

Yet, I am very pleased to read in the report of the nomination of Otto Otepka a few things from other sources. The New York Daily News on March 21, 1969, in an editorial entitled "Justice For Otepka," said:

> Mr. Otepka, as a State Department security officer, was a victim of a departmental vendetta of the most contemptible kind—because he gave information to the Senate Internal Security Subcommittee headed by Senator James O. Eastland (Democrat-Mississippi). He was relegated to a meaningless State job.
>
> The President now seeks to grant Otepka a measure of belated justice. As was to be expected, professional "liberals" are trying to wreck this Presidential effort—with the other New York morning newspaper leading the snapping, snarling pack.
>
> The Senate can best rebuke these gentry by confirming the Otepka nomination forthwith. And Congress could do nothing better, we believe, than to pass a new subversive activities law reversing the Earl Warren Supreme Court decisions which have clipped so many of the SACB's original claws.

Mr. President, the April 8, 1969, issue of the Stars and Stripes, under the byline of Vera Glaser, carried this assertion:

> Otepka's two decades of experiences in the field would make him, if confirmed, the only Board member with the credentials to manage a wide-ranging evaluation operation.

Mr. Clark Mollenhoff, a Pulitzer Prize-winning reporter known for objectivity and honesty had this to say in part among other comments of his appearing in the report:

> Despite the care with which Otepka related his case, I had difficulty in believing it was as one-sided as it appeared. I made every effort I could to determine if the facts were glossed over or omitted by Otepka or the Senate committee.
>
> But there was no hint from anyone that Otepka was involved in either subversion or crime * * * No one could or would cite a case of irresponsibility or lack of balance in any Otepka evaluation * * *.

Mr. President, I think it is good that in the traditional American way this is being finally brought out to the American public.

I know that my mail reflects overwhelming support for Mr. Otepka and represents also the wish to have an opportunity to say thanks to a man who had the courage to do what was much needed at the present time; namely, supply the papers that proved him to be innocent and at the same time brought out the facts that many people had felt to be true, that there was something in the State Department not just quite right in the matter of personnel there.

I am proud to join with my colleagues in the Senate in urging a favorable vote on Mr. Otepka's nomination after we have roundly and soundly defeated the motion of the Senator from Ohio.

Mr. MURPHY. Mr. President, I join with my colleagues in enthusiastically endorsing the nomination of Otto Otepka. I, too, have had some experience in these matters. I have gone to the trouble of doing a little research to find out exactly what happened. Much of it has already been covered. I hope my colleagues will bear with me for a few moments if I repeat to some extent what has already been said. There is great conviction.

Mr. President, any fairminded person who will take the trouble to do the research necessary to gain an understanding of the facts in the Otepka case can hardly fail to come speedily to the conclusion that Mr. Otepka could not in good conscience have done anything but what he did.

All of the facts in the case are available to anyone who will take the time to read. I propose to discuss just one aspect of the case, and for the benefit of anyone who wants to go more deeply into the matter, let me say the documentation for my statements here today will be found in part 7 and 20 of the hearings of the Internal Security Subcommittee on State Department Security, 1963–65, and in part IV of the report of the same Subcommittee on State Department Security, and in the legal brief filed by Mr. Otepka's counsel, which was printed in the CONGRESSIONAL RECORD, volume 113, part 27, beginning at page 36574.

What I want to make clear here today is the background of the particular information furnished by Mr. Otepka to the Internal Security Subcommittee, which was the basis for the only three charges against Mr. Otepka, out of 13 charges originally made, which the State Department did not withdraw.

On July 30, 1962, the New York Times printed a long letter to the editor dated 6 days earlier and signed by a Leonard Boudin. Mr. Boudin is a lawyer, of sufficient notoriety, I believe, to be known to the Times management. He was a lawyer with scores of clients. He was well known as a lawyer who over the years had achieved the reputation of defending many people who had been involved or who had been apparently friendly toward the Communist cause. Among those he has represented were secret American Communists who had colonized the United Nations, during 1945 and 1946, and who invoked the fifth amendment before the Senate Internal Security Subcommittee. Mr. Boudin also represented the Communist Party U.S.A. in proceedings before the Subversive Control Board.

In his letter to the Times, Mr. Boudin complained that President Eisenhower's security screening procedures for employees of international organizations such as the U.N. were too harsh, and should be relaxed. Mr. Boudin explained he was writing to the Times because, he said:

> The public is not aware that the careers of many devoted and brilliant international civil servants were destroyed in the hysteria of the 1950's.

He also complained that information in congressional files was used against these persons.

In due course, a clipping of Mr. Boudin's letter to the Times was routed to Mr. Otepka's superior, John F. Reilly, who passed it on to Mr. Otepka on August 3, 1962, without comment. Mr. Otepka, noting that the letter praised one man who had just resigned as executive assistant to the Secretary General of the U.N., retained it for appropriate evaluation. The letter coincided with data received by Mr. Otepka a few days earlier, advising him that the Assistant Secretary of State for International Organization Affairs had proposed, after a discussion with Under Secretary of State George Ball, the formation of a committee within the State Department to be known as the Advisory Committee on International Organization Staffing. This committee was to prepare procedures for "strengthening" U.S. influence in the staffing policies of international organizations.

At the outset the Under Secretary personally selected eight persons to serve on the committee. Later he added two more as replacements.

The Under Secretary requested that all the persons selected be brought into the Department of State under a waiver of security investigation.

Here we have the ludicrous situation of those who were to write the rules for security checks being brought into the Department without being submitted to any security checks themselves.

Due to extensive research undertaken by Mr. Otepka during the Eisenhower administration, while on an assignment dealing with persons involved in loose security practices, Otepka had studied and surveyed previously hidden material which was available, and he found that the security files of three of the nominees contained unresolved derogatory information of long standing which, under the regulations of the State Department, needed to be fully resolved by a current FBI investigation and State Department evaluation, before the appointment of the individuals to positions in the Department.

Mr. Otepka's superiors, who were seeking primarily to accommodate the Under Secretary of State, disagreed with Mr. Otepka's desire for a preappointment investigation. They prevailed. The result was that these three members of the Cleveland Committee, about whom Mr. Otepka was principally concerned, entered on duty without the required investigation. Thereafter, under the protective influence of the Under Secretary of State and his helpers in the Department's Office of Security, the committee set about its task, allegedly to improve U.S. security procedures to apply to Americans employed by international organizations.

In February 1963, Mr. Otepka obtained a draft report embodying the findings and recommendations of the committee. The report contained the endorsements of the three men in question, among others. In making his analysis of this

report, Mr. Otepka opposed the committee's recommendation. The recommendation was similar to the recommendation made earlier by Mr. Boudin, in his letter to the New York Times, that the requirement for a full background investigation before appointment to a U.N. agency be eliminated. Mr. Otepka furnished his comments to Mr. Reilly, who apparently ignored them and did not transmit them to the Under Secretary involved.

Because the security procedures which the Under Secretary's group sought to strike from a Presidential order had been mutually developed by the executive branch and the Senate Internal Security Subcommittee, and since Mr. Otepka was already under a summons to testify regarding all security practices, he informed the subcommittee of the proposed changes and why he opposed them: In his judgment, the elimination of the security checks in advance of appointments to U.N. agencies would weaken rather than strengthen security operations.

I must say that I heartily agree, because, having some knowledge of the activities of those days, I believe that many, many mistakes were made, for which we are still paying dearly.

After Otepka testified, he was called as a witness by his superior, Mr. Reilly. There followed a series of appearances by the two men, which developed a substantial number of serious contradictions, which were so well reported by the distinguished Senator from Connecticut (Mr. DODD). For instance, Mr. Otepka testified that he had furnished Mr. Reilly with memoranda about the three men in question. Mr. Reilly swore Otepka had told him about only one of the proposed appointees. When Otepka's attention was called to this conflict of testimony, and he was instructed to produce what evidence he could to show that his version was correct, he produced relevant documents which showed exactly that.

The documents in question included substantive information about the three nominees in question. When the subcommittee notified the State Department of its intention to publish the names, Under Secretary of State Ball and Deputy Under Secretary for Administration William J. Crockett, waged a protracted contest with the subcommittee in an effort to suppress the publication. If successful, the State Department would have blotted out, most effectively, the main points in Mr. Otepka's case.

After 11th-hour arguments, the subcommittee ordered the publication of the documents regarding the three names, the objections of the State Department to the contrary notwithstanding. The Department had made it obvious that Mr. Otepka had stepped on some tender toes. Prominent persons, aided by left-wing elements, had been in a big hurry to go to work on the emasculation of Government security procedures.

The subcommittee's release of the documents was reported in the New York Times of October 2, 1966. The Times story quoted Mr. Crockett as saying to the subcommittee that the publication of the documents "could cause undue embarrassment and distress to the persons involved." Times Reporter John D. Morris added to this his interview with Mr. Crockett, who told him that "the publication of the Otepka memorandum was a great disservice to the men involved."

It is important to remember, Mr. President, that it was the committee, not Mr. Otepka which ordered this material published. Mr. Otepka furnished the information to the committee not for the purpose of embarrassing anyone, but for the purpose of supporting his previous testimony that he had furnished his superior, Mr. Reilly, with a memorandum about these individuals.

This is the story of the beginning of one of the most unfortunate experiences to condemn any man, I believe, who ever worked in the Government. I believe that Mr. Otepka did what he had to do, that he acted properly, and that he acted in line with his training, his duty, his tradition, and his sense of patriotism. That he should have been persecuted because of this, for a period of more than 5 years, would be beyond belief if it had not happened.

Mr. President, I submit that if we had had more men like Otto Otepka and stronger security checks in our national background during the last few years, our country would have far fewer problems than we have to face today, both at home and in our international relations.

Therefore, I have spoken most enthusiastically in behalf of Otepka, and I enthusiastically endorse his nomination. I hope that all Senators will join in this endorsement.

Mr. THURMOND. Mr. President, the case of Otto Otepka must, in final analysis, stand in the history of this Nation along with other contests and efforts to preserve the security of our great country.

This is a case of a man who stood up for his country, who stood up for his principles, who asked the question, "Is it right?" and not whether it would meet with the favor of his superiors.

Mr. President, because this man stood for what he believed in, he was ostracized in spite of the fact that what he did was legal and in accordance with the public policy of this Nation as enunciated by the Congress and public law of the Federal Government. The law to which I refer is contained in the United States Code, title 5, section 652(D) and states:

> The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any member thereof, or to furnish information to either House of Congress or to any committee or member thereof, shall not be denied or interfered with.

Mr. Otepka availed himself of this law, this statement of public policy, when he confidentially offered to the Subcomittee on Internal Security certain documents which illustrated the deterioration of security practices which were designed to protect the security of this Nation.

As a matter of fact, Mr. Otepka furnished no substantive material from personnel files that was not already a matter of record in public or in the subcommittee, and his sole purpose was to demonstrate that his description of these documents was accurate, thereby showing that his superiors had apparently lied under oath.

Mr. President, the facts of this case are not in dispute and it is now public record that when Mr. Otepka's action became known the State Department began an extraordinary campaign of harassment and intimidation. His telephone was tapped, his safe was sealed, and he was demoted to a meaningless job; and finally, in December of 1967, the then Secretary of State, Dean Rusk, ruled that Mr. Otepka was guilty of conduct unbecoming a State Department officer and issued orders prohibiting him from ever having any access to security files again. This was a summary judgment designed to punish a man who was concerned about the security of his Nation.

Now, Mr. Otepka has been vindicated. President Nixon's action in appointing Mr. Otepka to the Subversive Activities Control Board speaks for itself. In this new position, Mr. Otepka will deal with the security of this Nation and certainly no man has more clearly proven his ability to act in this field and his great dedication to the purpose of protecting his country.

The Committee on the Judiciary of the Senate has favorably reported the nomination of Otto Otepka and I concur with their finding and the majority report of the committee.

Mr. President, I support the confirmation of Mr. Otepka as a member of the Subversive Activities Control Board.

Mr. President, much has been written about the Otepka case. However, an excellent summary of the principal aspects of the case recently appeared in the weekly newspaper, Twin Circle, edited by the Rev. Daniel Lyons, S.J. For those who want to refresh their memory about the case, this article "Otepka's 5-year Struggle Ends," by Vincent J. Ryan, is one of the best summaries I have seen, and I commend it to all my colleagues. Mr. President, I ask unanimous consent that this article, from Twin Circle, March 30, 1969, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Twin Circle, Mar. 30, 1969]

OTEPKA'S 5-YEAR STRUGGLE ENDS

(By Vincent J. Ryan)

Having tried for over five years to regain his position as Chief of the Evaluations Division in the Office of Security in the Department of State, Otto F. Otepka has decided to accept from President Nixon an appointment to the Subversive Activities Control Board (SACB). This body handles cases from the Department of Justice that deal with Communist organizations and individuals.

Otepka, regarded by a fellow professional in the security field as "one of the very best security men in the government, one of the most experienced, one of the most able," was fired from his State Department job in 1963 by Secretary of State Dean Rusk, who asserted that Otepka had behaved in a manner "unbecoming an officer of the Department of State."

Otepka's "unbecoming" behavior was that he told the Senate Internal Security Subcommittee the truth about the laxity or lack of thorough security investigations in the State Department. When told by the

Subcommittee's counsel that he would have to prove his charges against the Department in order to avoid a possible perjury indictment. Otepka felt duty bound—both legally and morally—to cite specific instances and to name names.

He cited eighteen cases where security in the State Department was either lax or non-existent. And the individuals he named as responsible for such laxity were none other than his immediate superiors. And so Rusk fired him for conduct "unbecoming an officer of the Department of State."

According to the U.S. Code, "the right of persons employed in the Civil Service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee or member thereof shall not be denied or interfered with."

But in the case of Otto Otepka, civil servant, loyal American, such a right was "denied," was "interfered with."

Although fired by Rusk in June 1963, and although he appealed his ouster immediately, Otepka had to wait until June 1967 for a departmental hearing. As a result of the hearing, which was held behind closed doors, only three of thirteen charges against him were retained. And those dealt with an alleged violation of a directive that President Truman issued in 1948 forbidding government employees from divulging information from personnel security files to members of Congress.

Otepka does not deny that he provided the Senate Internal Security Subcommittee with certain information from the security files, but he had to do so to show that he, and not his superiors, had told the truth to the Subcommittee.

In December 1967 Secretary Rusk upheld the charges against Otepka, reprimanded him and demoted him, and then assigned him to work outside the security field.

Otepka immediately appealed to the Civil Service Commission. In September 1968 he lost his appeal when the Commission upheld the findings of an examiner who ruled that Rusk was legally justified to demote, reprimand and bar Otepka from security work and that the Truman directive of 1948 takes precedence over the act of Congress protecting government employees who testify before Congress.

But let's look at the record:

Otto Otepka began his government career as a messenger in 1936. By 1942 he had won a law degree from Catholic University. After services in the Navy during World War II, he returned to his position as a personnel security specialist with the Civil Service Commission.

In June 1953 Secretary of State, John Foster Dulles, brought Otepka into the Department of State to use his talents to implement Executive Order 10450 which set security standards for all federal employees. Under this directive, if there is any doubt about the loyalty or integrity of an individual the decision made by the evaluator must be in the national interest and not in the interest of the individual.

In 1958 Otepka, who had risen to the rank of deputy director in the Office of Security, received from Secretary Dulles the Meritorious Service Award for an "outstanding display of sound judgment, creative work and acceptance of unusual responsibilities."

Late in 1960, during the transition period between the outgoing Eisenhower administration and the incoming Kennedy administration, Otepka conferred with the future Secretary of State Dean Rusk about security measures and procedures at State. Specifically, Rusk wanted to know if Otepka would give security clearance to one Walt W. Rostow. Otepka replied that he had refused Rostow clearance in 1955 and in 1957 and would have to deny him clearance again. Nevertheless Rostow joined the White House staff as an assistant on national security to President Kennedy. In 1961 he transferred to the State Department, where he chaired the Policy and Planning Committee. In 1966 he transferred to the White House as special assistant for national security affairs.

When Otepka refused to clear obvious security risks, like Rostow, Secretary Rusk began to sign security waivers, a minimum of 152 of them. (During the Eisenhower administration, only five waivers were signed at State.) Rusk's waivers were even backdated to indicate that a thorough security check had been made on the particular individual.

And security matters at State continued to deteriorate.

For example, Otepka was asked one day by Assistant Secretary of State for International Organization Affairs Harlan Cleveland if he would approve the hiring of convicted perjurer Alger Hiss. (Hiss, a top State Department aide during the Roosevelt-Truman era, was convicted of perjury for denying under oath that he was a Communist.) Otepka told Cleveland that no one who has been found guilty of a felony may work for the government.

Because of his penchant for strict security checks on Department personnel, Otepka became the official Department troublemaker. He found it increasingly difficult to do any real security evaluating. In a reorganizational shuffle, he was demoted from deputy director of the Office of Security to chief of the Evaluations Division. His staff was tormented and demoralized, his telephone was bugged, and his files rifled. Matters came to a head when he testified before the Senate Internal Security Subcommittee. His testimony and that of his superiors was in direct contradiction. One of his superiors questioned his sanity. Finally the FBI was called in to investigate Otepka for possible violation of the Espionage Act. The investigation ended almost before it started. There was no case against this honest public servant.

During the 1968 Presidential campaign, Mr. Nixon promised that he would "order a full and exhaustive review of all the evidence in this case with a view to seeing that justice is accorded this man who has served his country so long and so well."

But earlier this year, in what seemed to be a setback for Otepka, President Nixon's Secretary of State William Rogers informed Otepka that all remedies for redress both in the Department and with the Civil Service Commission had been exhausted and that Otepka's only avenue of action would be the courts.

But time and money (some $50,000 to date) were running out. Otepka simply wanted vindication. He wanted to have the record show that he had done no wrong, that the best interest of his country was his only consideration. And what is more, if Otepka were to go into court, the public testimony could prove very embarrassing to a lot of people still in high places in Washington. The entire sordid story, this gallant fight for truth and justice, would become known around the world.

But more pragmatic minds prevailed. Otepka's attorney Roger Robb assured him that a Presidential appointment, in this case to the SACB, was tantamount to complete vindication. Senators Everett Dirksen (R.-Ill), Barry Goldwater (R.-Ariz.), and Strom Thurmond (R.-S.C.) also advised him to accept the Presidential appointment. And he did.

One interesting development is the introduction by Senator James O. Eastland (D.-Miss.) of S. 12, a bill which would create a Security Administration for Executive Departments. This agency would conduct all security checks on government employees now handled on a departmental basis. The administrator of the new body would be the chairman of the SACB, appointed by the President.

According to Human Events, the respected Washington weekly, "if S. 12 becomes law, it is likely that Otto Otepka will be involved in more security work than he had ever been in the State Department."

Let us hope so.

Mr. THURMOND. Mr. President, I hope the Senate will promptly approve the nomination of Mr. Otepka.

(At this point Mr. HOLLINGS assumed the chair.)

Mr. DIRKSEN. Mr. President, we agreed earlier that we would not vote before 2:30. I think we can vote by that time because evidently I am the last speaker in the procession and I shall take only a few minutes.

First, Mr. President, I would like to have printed in the RECORD an excerpt from the report of the committee on the nomination because it is as good a report as I have seen in a long time. I include therein the minority views of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. TYDINGS). I ask unanimous consent that the excerpt, together with minority and individual views, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REPORT ON NOMINATION OF OTTO F. OTEPKA

The Committee on the Judiciary, to which was referred the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the remainder of the term, expiring August 9, 1970, vice Edward C. Sweeney, deceased, having considered the same, reports this nomination favorably to the Senate and recommends that the Senate advise and consent to the appointment of the nominee.

HISTORY AND PROCEEDINGS ON THE NOMINATION

This nomination was transmitted to the Senate by the President on March 20, 1969, and has received careful consideration. No effort has been made to rush action on the nomination.

An ad hoc subcommittee (consisting of Senators Eastland, McClellan, and Hruska) was appointed in due course to consider the nomination, and notice of an open public hearing on the nomination was published in the CONGRESSIONAL RECORD of April 13, 1969.

The hearing was held on April 15, 1969. No one appeared in opposition to the nomination.

The subcommittee unanimously reported the nomination favorably to the full committee.

Thereafter Mr. Otepka, who had not been questioned at length on the occasion of his appearance before the subcommittee named to consider his nomination, was called upon to answer a detailed questionnaire with respect to his personal finances and his associations, which was made a part of the printed record under date of May 9.

On May 13, 1969, Mr. Otepka was called before an executive session of the Committee on the Judiciary and Senators were given an opportunity to question him further before the committee voted on the nomination.

With 13 Senators present, the vote was 10 in favor of confirmation and three opposed. It was agreed that absent Senators might record their votes if they wished, since the result could not be changed thereby. The final vote was 12 to 3 in favor of the nominee.

The minority asked that a written report be prepared, with the majority to be given 2

weeks (including 1 week after the preparation of the majority report) in which to file a minority report. This was agreed to without objection.

BACKGROUND AND EXPERIENCE OF THE NOMINEE

At the age of 54 (his birthday was May 6) Otto Otepka is a fine example of the best type of career civil servant, one who has risen in government through his own efforts and ability.

Mr. Otepka started working for the U.S. Government in 1936, as a messenger. For 6 years he occupied minor positions in the Farm Credit Administration and the Bureau of Internal Revenue. For 3 of those 6 years he went to law school at night.

In 1942, the Civil Service Commission appointed him an investigator and security officer, and he served in that capacity until 1943, when he entered the U.S. Navy as an apprentice seaman.

In 1946 he was honorably discharged from the Navy with the grade of petty officer, first class. He returned to his job with the Civil Service Commission, where he continued to serve as an investigator and security officer until 1953, when he was appointed as a security officer in the Department of State.

In August 1953 he became Chief of the Evaluations Division of the State Department's Office of Security.

In September 1955, the then Director of the Office of Security stated in a memorandum that Mr. Herbert Hoover, Jr., had "gone out of his way to express appreciation for Mr. Otepka's work," stressing particularly "form, substance, and objectivity of presentation."

In April 1957, Otto Otepka was appointed Deputy Director of the Office of Security, and became working head of the State Department's personnel security organization.

That same year Mr. Loy W. Henderson, Deputy Under Secretary of State for Administration, wrote a memorandum declaring Mr. Otepka deserving of "special commendation" for his handling of many "delicate" cases of security clearances for Presidential appointments.

At the State Department's Honor Awards ceremony in April 1958, Mr. Otepka received a meritorious service award.

In October 1960, Mr. Otepka's superior advised him in writing that he was being placed on special detail "to establish an organization and methods and procedures to review the security files of all Foreign Service officers and of all general schedule employees of the Department above the GS–14 level." The memo indicated Mr. Otepka was being given this job because he was "the security officer best qualified in the field of personnel security."

In May 1962, the Head of the Office of Security wrote a memorandum praising Mr. Otepka's "ability and his dedication to the security program," declaring that "over the years Mr. Otepka has made a very real and substantial contribution to the Office of Security and hence to the national security."

In September 1964, the then Under Secretary of State for Administration, Mr. Crockett, described Otto Otepka as "a knowledgeable, realistic security man."

In December 1967, the Senate Internal Security Subcommittee reported that Otepka "had established a nationwide reputation as a top security officer."

WHAT HAS BEEN CHARGED? WHAT HAS BEEN PROVED?

In the light of what appears to have been substantial efforts to develop information derogatory of Mr. Otepka, or otherwise adverse to the approval of his nomination, it is important that we understand clearly what has been charged and what has not been charged, and what has or has not been proved.

There is no evidence, and not even an allegation, that Otto Otepka ever performed an act or made a statement harmful to his country.

Even before the State Department withdrew 10 of its 13 counts against Mr. Otepka, Secretary of State Rusk and Deputy Under Secretary Crockett each testified, before the Senate Internal Security Subcommittee, that he did not consider Mr. Otepka to be a security risk.

No specific charge has been made, and there is no evidence that Mr. Otepka ever committed an unpatriotic act or uttered an unpatriotic statement.

No specific charge has been made, and there is no evidence, that Mr. Otepka ever discriminated against any person because of race, color, or religion.

No specific charge has been made, and there is no evidence, that Mr. Otepka ever said or wrote anything that could be described as "racist" in tone or purpose.

Yet Mr. Otepka has been called anti-Semitic with no stronger justification than allegations that he has been supported by a man characterized as a Nazi.

There is no evidence that Otto Otepka ever lied.

His truthfulness was called into question in 1963 when two of his superiors gave testimony contradictory to testimony already given by Mr. Otepka. Confronted with this conflicting testimony, Mr. Otepka produced documentary evidence which established conclusively that his own testimony had been truthful.

Otepka's superiors, whose testimony Otepka had refuted in this way, charged him with "conduct unbecoming a State Department officer" in bringing forth the evidence to prove that he had not lied.

There has been no direct charge that Otepka lied when he said he had no connection with the John Birch Society or the Liberty Lobby. But those who profess to disbelieve Mr. Otepka's statement challenge his veracity by necessary implication.

With regard to American Defense Fund and Defenders of American Liberties, there has been no direct charge that either organization is controlled by or is subservient to either the John Birch Society or the Liberty Lobby.

Mr. Otepka has not been directly charged with having been controlled or improperly influenced by any Nazi or Fascist or other totalitarian organization.

But, however far implications of this nature have fallen short of a direct allegation that Mr. Otepka's "basis of strength" is, in fact, "the Liberty Lobby and the John Birch Society," it seems undeniable that such questions were intended to be raised.

WHAT IS "GUILT BY ASSOCIATION"

It is not correct to label all inquiries respecting a person's contacts and dealings with other individuals, or with groups or organizations, as "guilt by association." In considering an alleged conspiracy, association and contact with others, especially when correlated with concert of action in suport of mutual objectives, may be among the most important factors for consideration.

It is, of course, highly improper to impute to any individual, in the absence of any expression or action on his own part, opinions held or actions taken by his friends or associates. On the other hand, no person should be discharged completely from responsibility for deciding whom he wants as friends, or for determining the nature and extent of his associations with other individuals or with particular groups or organizations.

If all of the support for an individual comes from a single group, or from a single stratum of our society, or from individuals, groups, or organizations which can be categorized as having joined in service to some special interest, it may not be improper to inquire whether the individual or proposal being supported partakes of or will serve or has served the same special interest. But it would be egregiously unfair to impute to a nominee or candidate, whose support comes from various levels of our social strata and from individuals, groups, and organizations having widely divergent views and organizations, a particular view or objective of just one or two of the supporting forces.

THE PROPER STANDARD

In the security field, the proper criterion (under Executive Order 10450) is whether the person whose security is being evaluated maintained "sympathetic association" with individuals, groups, or organizations known to be subversive in character. (It is noteworthy that Mr. Otepka was cleared under this standard, after an FBI investigation, before his nomination was sent to the Senate.)

The Supreme Court of the United States has used a somewhat similar standard, referring to "meaningful association."[1]

OTEPKA HAD NO "SYMPATHETIC" OR "MEANINGFUL" SUBVERSIVE ASSOCIATION

We are convinced, beyond a shadow of doubt, that Otto Otepka has had no sympathetic association with any individual, group, or organization of a subversive nature; that he has had no "meaningful association" with any such individual, or group, or organization, from which it would be proper to draw any inferences that he is or has engaged in a conspiracy, or that he has aided or abetted any such individual, group, or association in attaining any improper objectives. There is no evidence of any probative value that Mr. Otepka shares, or is even friendly to, any subversive or unpatriotic or totalitarian views or principles or activities of any such person, group, or organization.

WHO HAS SUPPORTED OTEPKA?

If the question is "Who has supported Otto Otepka?" there are many possible answers.

Veterans' organizations have passed formal resolutions supporting Otto Otepka. (The American Legion passed resolutions in Otepka's behalf at two national conventions.)

The American Civil Liberties Union supported Mr. Otepka by issuing a statement protesting the State Department's refusal to grant him an open hearing.

Otto Otepka has enjoyed the support of the Young Republican organization, and of the League of Republican Women.

Various editorialists, columnists, and commentators have supported Mr. Otepka. For instance, the New York Daily News, on March 21, 1969, in an editorial entitled "Justice for Otepka," said:

"Mr. Otepka, as a State Department security officer, was a victim of a departmental vendetta of the most contemptible kind—because he gave information to the Senate Internal Security Subcommittee headed by Senator James O. Eastland (Democrat-Mississippi). He was relegated to a meaningless State job.

"The President now seeks to grant Otepka a measure of belated justice. As was to be expected, professional 'liberals' are trying to wreck this Presidential effort—with the other New York morning newspaper leading the snapping, snarling pack.

"The Senate can best rebuke these gentry by confirming the Otepka nomination forthwith. And Congress could do nothing better, we believe, than to pass a new subversive activities law reversing the Earl Warren Supreme Court decisions which have clipped so many of the SACB's original claws."

Under the headline "Otto Otepka Kept

[1] In cases involving affiliation with the Communist Party, the Supreme Court of the United States has ruled that the association must be "meaningful" in order to be the basis for legal sanctions. See *Rowoldt* vs. *Perfetto*, 355 U.S. 115.

Personal Honor," columnist Holmes Alexander said on Saturday, March 22, 1969:

"He would not accept the hidden bribes. He would not bend the knee. He would not yield to threats. He would not accept the upward-and-out promotions that would have saved his dark, handsome, gentle, puzzled face.

"Otto Otepka's personal honor, his professional pride, his Slavic blood that runs rich with stubborn principle—all these kept him fighting for 8 years, and brought him at last to a victory that is a victory for us all—for our freedoms.

"For those who like to be around when history provides a landmark case, this is a time to remember. It will be written that Otto Otepka, civil servant, was true to his oath of office. He would not bend the regulations and grant the wholesale 'waivers' on security clearances, even at the command of the Attorney General and the Secretary of State. It will be written that Otepka struck a blow for freedom of information and for the Constitution's checks and balances, when he gave the Senate what the State Department was trying to hide. It will be written that he was made to suffer long for choosing national loyalty above what the bureaucracy called organizational loyalty."

The April 8, 1969, issue of the Stars and Stripes, under the byline of Vera Glaser, carried this assertion:

"Otepka's two decades of experience in the field would make him, if confirmed, the only Board member with the credentials to manage a wide-ranging evaluation operation."

Commentator Ron David, on station WTOP on April 12 and 13, 1969, said:

"In fact, Otepka is simply a hard-working bureaucrat who tried to do his job, and apply security standards in a uniform manner. He was attacked because he wouldn't make exceptions for political favorites—he simply wanted full investigations. He wasn't calling anyone a Communist without cause. * * * Anyone who does the research on this case necessary to testify is almost certain to conclude that Otepka is a much maligned and much harassed individual.

"Otepka is a man with lengthy experience in the security field. He has a record that shows he cleared Wolf Ladejinsky, a liberal who had been unjustly accused, by Agriculture Secretary Ezra Taft Benson, of being a security risk.

"It is not necessary to argue whether Otepka is the only man for the Subversive Activities control Board or not. He is an American citizen. He has no criminal record. He has a clean record as a Government employee for more than 30 years, and he was given the State Department's Meritorious Service Award by Secretary Dulles in 1957.

"Otepka deserves a fair break. He deserves better than the "smear" by uninformed people. I believe that most of the critics would favor Otepka if they would simply do the research."

On April 26, 1969, in an address to the Bipartisan Council Against Communist Aggression, Pulitzer Prize winning reporter, Clark Mollenhoff, paid tribute to Otto Otepka for "moderation, patience, and conscientious hard work on the seemingly impossible problems that face our society," and expressed the hope that Mr. Otepka's nomination will have been confirmed "within a few weeks." Said Mr. Mollenhoff:

"I hope his term on the SACB will be marked by the same thoughtful and balanced actions that have characterized his approach to his six years of trial * * * Otepka, managed to keep the bitterness to himself and avoided the temptation to engage in a public name-calling contest.

Mr. Mollenhoff declared:

"Every investigation I made of Otepka's story demonstrated that he was accurate on the facts, and balanced in his perspective * * * he was amazingly objective in viewing his own case, had in judgment about the men who were alined against him. He had the restraint and judgment to draw lines between those who were actively engaged in illegal and improper efforts and those who seemed to be simply trapped into a position by carelessness or to present a united political front."

Mr. Mollenhoff told his listeners:

"Despite the care with which Otepka related his case, I had difficulty in believing it was as one-sided as it appeared. I made every effort I could to determine if the facts were glossed over or omitted by Otepka or the Senate committee.

"But there was no hint from anyone that Otepka was involved in either subversion or crime * * * No one could or would cite a case of irresponsibility or lack of balance in any Otepka evaluation."

SENATORS ALSO SUPPORT OTEPKA

Numerous Senators, including those filing this report, have supported Otto Otepka in the past, and support him today.

On October 31, 1963, the members of the Senate Internal Security Subcommittee signed a letter to Mr. Dean Rusk, then Secretary of State, in which, after stating that Mr. Otepka had "performed a substantial service for his country," the Senators declared:

"We would consider it a great tragedy if the services of this exceptionally able and experienced security officer were lost to the U.S. Government."

No inference is justified that any Senator, by supporting Mr. Otepka in the past, or by supporting this nomination now, is doing the bidding of any special interest group or serving any interests except those of the United States of America. For ourselves, individually and collectively, as well as on behalf of those of our colleagues holding similar views, we reject any such implication.

WHERE OTEPKA'S STRENGTH LIES

Otto Otepka's strength lies in his record of outstanding service to his country over a period of more than 30 years, in the respect and admiration accorded him by professional security officers both in any out of the Government; above all, in his "courage in the right" as God gives him to see the right.

COMMITTEE FINDINGS

We find that Otto F. Otepka is an experienced Government administrator. He is intimately familiar with the civil service rules, regulations and personnel practices.

Mr. Otepka is recognized by the intelligence community as an outstanding security officer, especially skilled in the field of personnel security evaluations.

Mr. Otepka has a legal education, and we do not think it detracts from his merit that he had to go to school at night for 3 years in order to get his law degree.

Mr. Otepka is a man of honor, integrity, and ability. His personal and family life are exemplary. He is respected in his community and liked by his neighbors.

Otto F. Otepka is a career civil servant still in the prime of life, though with more than 30 years of service to his government and his country already behind him.

Mr. Otepka is a man of equable temperament and balanced judgment, able to be more than usually objective in his consideration of a situation.

The position for which Mr. Otepka has been nominated represents a Republican vacancy, and Mr. Otepka is a Republican.

As long ago as 1955 the then Secretary of State, Mr. Dulles, cited Otto Otepka as one who had "shown himself consistently capable of sound judgment, creative work, and the acceptance of unusual responsibility." All of the pertinent evidence available to us supports the same conclusions today.

MINORITY VIEWS OF MESSRS. KENNEDY AND TYDINGS

The undersigned members of the Judiciary Committee respectfully dissent from the report of the majority of the committee. That report omits the facts of the personnel actions relating to the nominee at the State Department. It also omits meaningful discussion of the financing of the nominee's legal efforts during his dispute with the State Department. While we have serious questions regarding the standards of "association" to which the majority appear to subscribe, we believe that application here of even much less rigorous standards would have required more careful consideration of the relevance of the nominee's major sources of financing to his suitability for the position at issue. Finally we have serious doubts as to the need for confirming any nominee at this time as the fifth member of an agency which has hardly enough work to occupy one member full time.

When created by Congress, the Subversive Activities Control Board was given exceedingly broad powers to perform what was considered to be a highly sensitive function. The broad sweep of Board power has been significantly circumscribed by the Supreme Court, where it was found violative of the individual constitutional rights of American citizens. The question before this committee is, given the purpose and intended functions of the SACB, Is the nominee qualified to hold the post of Board member? That this has been considered a high Government post is reflected not lightly in the salary accorded by the Congress to those holding the position.

To fulifill the intended functions of the office, it is clear that a member of the SACB must be capable of highly judicious conduct in the performance of his duties, and that his qualities of judicial impartiality and objectivity must be beyond reproach.

The nominee before this committee has not demonstrated these qualifications for office.

His activities in the State Department led to his removal from matters involving administration of personnel security functions. This action was sustained by a Democratic Secretary of State and pointedly not reversed by his Republican successor. In light of the latter position, taken within the current administration, it is difficult to understand the justification for nominating him to a position higher than that from which he was removed.

We have highest regard for the principle that the President ought to have the broadest possible latitude in making his appointments. However, we equally believe that the function of advice and consent places upon the Senate a constitutional obligation to verify the fundamental qualifications of such nominees as the President submits. We feel that our concerns in the areas discussed require us to exercise our advice and consent functions by declining to support the pending nomination.

EDWARD M. KENNEDY.
JOSEPH D. TYDINGS.

INDIVIDUAL VIEWS OF MR. MATHIAS

I do not believe the information of record justifies interference in the wide discretion permitted the President in submitting nominations, and did not oppose Mr. Otepka. I do not believe, however, that the record justifies or the occasion demands all of the assertions in the majority report and therefore associate myself with the separate views of Senators Bayh and Burdick.

CHARLES MCC. MATHIAS.

INDIVIDUAL VIEWS OF MESSRS. BAYH AND BURDICK

We voted in the committee to report favorably for nomination of Mr. Otto F. Otepka to be a member of the Subversive Activities Control Board because of our belief that, in the absence of convincing evidence to the contrary, the President should be allowed considerable leeway in choosing major officers. However, we do not fully concur with all the conclusions cited in the report regarding the qualifications and associations of the

nominee. Accordingly, we do not join in the majority report.

BIRCH BAYH,
QUENTIN N. BURDICK.

INDIVIDUAL VIEWS OF MR. HART

It is with reluctance that I disagree with a majority of the committee on this nomination.

A President should be permitted to have whomever he chooses to aid his administration provided the nominee possesses the temperament and ability to perform his duties, even if it is only probable that he will have duties.

A member of the Subversive Activities Control Board should be an individual whose background evidences balanced judgment and a sensitivity to the probable areas of his potential endeavors.

I am not persuaded that the nominee has demonstrated these qualities.

PHILIP A. HART.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD the introductory statement which I made when I presented Mr. Otepka to the subcommittee that heard the testimony with respect to the nomination.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. EVERETT DIRKSEN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DIRKSEN. Mr. Chairman and members of the committee, I am here to urge the approval by the subcommittee and the full committee of the Otto Otepka appointment, and his confirmation by the Senate; that is, the appointment to be on the Subversive Activities Control Board.

Frankly, Mr. Chairman, the Otepka story is a little fantastic, and I say that advisedly as a member of the Internal Security Subcommittee, and having chaired some of the hearings where Otepka was involved.

I have often thought that maybe James Bond, or Agent 007, or whatever it is, ought to write the story, but Otepka has been in the Federal service for 33 years. He came into the service as an assistant messenger in the Farm Credit Administration. Then he became an investigator and security specialist for the Civil Service Commission.

Later, he entered the U.S. Navy and he became a personnel classification specialist and then moved to the State Department in 1952 as a personnel security evaluator.

Now, his ratings, while he has been in the service have been good, satisfactory, and excellent. I read the appraisals of his service by his superiors and those appraisals were very high.

From Secretary Dulles he received the Award for Meritorious Service, but his adventure really begins in 1960 when he undertook the evaluation of 858 cases in the State Department under the Security Director Scott McLeod.

Well, Scott McLeod was subsequently appointed as our Ambassador to Ireland and somehow the whole project was then dropped. When Secretary Dulles and Gordon Gray and others proposed a survey to examine and determine why the U.S. prestige abroad was so impaired, the results were marked "Secret."

Somebody leaked it to the campaign headquarters of the late President Kennedy, and they were also published in the Washington Post and the New York Times.

Otepka investigated, and the guilty person was separated from the service.

The public relations director for the Kennedy campaign, who received the report, was later made head of the Secretariat in the office of the Secretary of State.

In December of 1960, Otepka met with Secretary Dean Rusk and then Attorney-General designate, the late Robert Kennedy. They wished to discuss the criteria to be used for security purposes. Otepka insisted that the rules established by the Senate Foreign Relations Committee should be followed.

At the time, the State Department was considering the name of Walt Rostow for appointment. The Air Force had filed an adverse report on Rostow. Herbert Hoover, Jr., who was then Under Secretary of State, deemed Rostow unqualified. The comment of the Attorney General-designate was, "Those Air Force guys are a lot of jerks." That is the end of the report.

Rostow was assigned to the White House. There was an FBI check, and later, Rostow was transferred to the State Department.

At some point in time, one Charles Lyons was named Deputy Chief of Evaluations. Neither Otepka or his associate, Mr. Adams, liked it very much. For 2 years, Lyons served as security officer in the U.S. Embassy in Athens, Greece. In that time, there were 52 violations of security regulations on confidential material; there were 22 violations involving secret and top secret matters; and, 125 violations of the rule on "Official Use Only."

That was the Lyons record.

At one point came the case of William A. Wieland who was on duty in Cuba, and it was widely publicized in Wieland's files, the allegation that he had concealed information on Cuba and Castro. Otepka's superior gave Otepka an oral instruction to clear Wieland. Otepka replied that it must be in writing, and he refused to do it unless it was in writing.

When John A. Topping was named as Cuban Service officer, Otepka insisted that Topping be investigated. Otepka was removed from the investigation. Topping was subsequently cleared to the Council of American States.

The CHAIRMAN. Now, you spoke of Wieland. He was in charge of the Caribbean—Cuban desk, wasn't he?

Senator DIRKSEN. He was.

The CHAIRMAN. Isn't it true that information from all the security agencies reached that desk?

Senator DIRKSEN. That is right.

The CHAIRMAN. And that Castro was a Communist——

Senator DIRKSEN. That's right.

The CHAIRMAN. And it never got beyond that desk to his superiors?

Senator DIRKSEN. That is right, and that is the thing that Otepka insisted on investigating and evaluating, and very properly so.

Now, when he was named to the staff of the War College, with the suggestion that it was a very high honor, he rather naively and simply inquired about his return to the State Department. He received an evasive answer, so he declined the assignment, regardless of the honor that might have been involved.

Year after year, Mr. Chairman, this sort of thing went on. He was urged to give waivers on job applicants when he knew they should be investigated for security reasons, and he steadfastly stood his ground and refused, as he understood the law, the regulations and the intent of the Congress.

There was a veritable cavalcade of superiors over the years—a Mr. Bassin, a Mr. Reilly, a Mr. Belisle, a Mr. Traband, and others. Time and time again Otepka was promoted, he was demoted, he was shifted, he was transferred, he was pressured, he was snubbed, he was ignored and he was harassed, but he stood firm. He regarded his responsibility to investigate applicants for jobs in the State Department where there was an allegation of Communist taint, as a solemn duty, and he resisted all pressures to waive such investigations or to clear such persons on instructions from his superiors.

Of the 13 charges that were made against him, 10 were withdrawn, and of the other three, only one was actually emphasized. That related to his delivery outside the Department of two memorandums and a report relating to the security investigation of a certain person. Those were delivered up here.

Mr. Otepka justified his action under section 652(d) of the Code which provided as follows: "The right of persons employed in the Civil Service of the United States either individually or collectively to petition Congress or any Member thereof or to furnish information to either House of Congress, or to any committee or member thereof shall not be denied or interfered with."

That is in the statutory code.

So, Mr. Chairman, it is a fair question whether an Executive order of the President, or the clear terms of the statute shall prevail, but in any event, the Secretary of State accepted the findings of the hearing officer when they had a hearing on Otepka and then administered discipline. Ultimately, Otepka was given leave without pay and he remains in that status as of this day.

There have been hearings and appeals, and appeals and hearings, the last of which was the appeal from the Secretary of State's findings to the Appeals Section of the Civil Service Commission and that appeal was denied.

The action taken in the Otepka case is a sad commentary on the handling of security matters in the executive branch of Government and could easily induce the belief that there was no resolute effort to prevent persons with a Communist taint from finding positions in Government. But, Otto Otepka's devotion to duty and his dedication to his country was such that he was willing to endure harassment rather than yield.

But, Mr. Chairman, the harassment is not over. Since his name has been submitted to the Senate for appointment to the Subversive Activities Control Board, the New York Times has assigned a reporter named Neil Sheehan to investigate Otepka and to smear him, at least that is what I felt after I read Sheehan's article and knew what was going on and who he was contacting.

Sheehan has been calling a number of citizens in Illinois—all highly reputable—to ascertain what Otepka was doing at certain cocktail parties.

Now, parenthetically, Mr. Chairman, I ought to interpose here and say that one reason I am interested in this is that Otepka is from Illinois. His elderly father and mother still live in Chicago. He has a brother out there who has been very successful in business, and so Mr. Sheehan took it upon himself to call a number of people. He called one James Stewart, of Palatine, Ill., director of the American Defense Fund which raised some money for Otepka's defense, and sought to pin a John Birch Society tag on Mr. Stewart.

He questioned not only Mr. Stewart but also Otepka on the latter's presence at a New England "Rally for God, Family, and Country," and sought to put a John Birch brand on that rally. It was held in Boston, and it has been taking place annually. It will make little difference what kind of a smear may come out of Reporter Sheehan's typewriter, the simple fact was that the rally was addressed by such people as Clarence Manion, former dean of Notre Dame Law School, Lloyd Wright, past president of the American Bar Association, J. Fred Schafley, who is a very prominent lawyer in Alton, Ill., and I know him very well and I know his wife very well, who has been very active politically and otherwise, and by Clyde Watts, a retired brigadier general and prominent attorney in Oklahoma City, and there were others.

Well, the very idea of trying to put a Birch tag on a rally like that, because there were a thousand people there, and as for Otepka's presence at the rally, he and his wife, who happens to be a schoolteacher and who were taking a little vacation, went up to a little town called Hingham, Mass., and while up

there, became aware of the rally, and incidentally they stayed in Hingham the entire time of their vacation; and when they became aware of the rally, they went down to Boston as did the others. This is the New York Times' way of paying Otepka back for investigating the leak of the survey on our prestige abroad, which found its way to the public relations man in the political headquarters, and then into the New York Times.

So, looking into this thing in the large, and if Mr. Chairman, I recited this record, it would take hours and hours, and I am not going to weary the committee with that kind of recital, I just conclude by saying this—if there is any man in this entire land who has demonstrated his capacity and competence as an investigator and who manifested his loyalty and devotion to the United States, that man is Otto Otepka. He is ideally suited to serve on the Subversive Activities Control Board, and I urge his approval by the subcommittee, the full committee, and his confirmation by the Senate.

I think the President is to be commended for his appointment.

Now, with respect to the Subversive Activities Control Board, you will recall the long-running fight we had after the Supreme Court decisions that were virtually putting the Board out of business. I undertook to provide all the necessary amendments, with staff, and I think we amended the Internal Security Act in at least 19 different places in order to make it conform to the Supreme Court decision. But, they tried to put the Board out of business and then they tried through their appropriations committee to knock out all the appropriations for the Board, and then, of course, it was spread all over the country, they were paying the salaries of the Board when they had nothing to do.

It was not the Board's fault, it is the culpability of the Attorney General of the United States, because under the Security Act, it is up to him to send those cases over to the Board, and he did not do so.

Now then, there was testimony before the Senate Appropriations Committee that they had perhaps a thousand cases over there, and at long last, the former Attorney General, Ramsey Clark, came to my office and said, "I am advising you today that I am sending six cases to the Board."

Since the transition from one administration to another, the new Attorney General has advised me that he has also sent some cases to the Board and there are a lot of others.

I mention, Mr. Chairman, that that is the only agency in the executive branch of this Government that has the authority and that exercises the responsibility and the duty of pursuing things in the internal security domain, and instead of trying to weaken that Board, it ought to be strengthened and it ought to be given a longer lease on life, and it ought to be given perhaps some additional authority, but for the moment at least we will leave it stand.

Otto Otepka would be an execellent member on that Board, because of his long background in the evaluation and in the investigation of those things that fall in the internal security domain.

That is it.

The CHAIRMAN. I will say I think you put your finger on it, the devotion to duty is the cause of the trouble he had.

Senator DIRKSEN. Exactly.

The CHAIRMAN. Any questions?

Senator HRUSKA. Senator Dirksen, as a result of the hearings which were held, and they were protracted and extended over a long period of time, in the Internal Security Subcommittee, with reference to the security system and the reorganization of the Bureau of Consular Serivce——

Senator DIRKSEN. Consular Security.

Senator HRUSKA. Security, there were eventually charges filed against Otepka, and they were 13 in number, as I remember. And, there was a hearing, and the hearing officer of the Department heard the testimony and found against Otepka on all 13 charges.

At a later time, however, and before the case was appealed to higher authority within the Department, nine of those charges pertaining to the burn bag evidence and to some of the other things, disclosure of documents unfairly and illegally, charges four to 13 were dismissed and cut away from the entire procedure.

What significance do you attach to the fact that that was done and the case proceeded only on three charges?

Senator DIRKSEN. Simply because of the harassment that was involved and shall I say the suspicion that existed there in the Bureau? Who shall say whether that burn bag was not loaded by somebody else when the investigators came upon it, and that I thought was made reasonably clear in the course of those hearings that I attended.

Senator HRUSKA. Then, there was bugging and wiretapping of Otepka's phone that made quite a furor at the time, and there was sworn testimony by two witnesses who were in the State Department at the time they had no recollection or no knowledge of wiretapping or bugging of Otepka's phone on his premises.

They took a letter from Senator Dodd, of Connecticut, as I remember, or maybe a speech on the Floor—the letter I think was addressed to Secretary Rusk, saying that the committee had information of bugging and wiretapping and only then were the two witnesses' memories sort of refreshed a little bit and they appeared before the subcommittee and indicated they wanted to clarify their testimony. The clarification consisted of the statement, well, now, they did remember that wiretapping was affected, that it was attempted and in some instances consummated.

Now, my further recollection is that one of these witnesses is still with the State Department, notwithstanding that rather sordid failure to recall an event as significant as wiretapping Otepka's phone.

The other one was discharged or at least he resigned and after a few months in law practice he turned up as an employee of another agency, I believe the Federal Communications Commission.

Now, here we have charges against Otepka in which he was found guilty eventually by the Secretary of State of doing things which were illegal and yet we find that the two employees involved in this bugging and wiretapping incident were not only not disciplined, but apparently they were rewarded.

Would you have any comment as to the consistency of any such judgments or any disposition of those two cases?

Senator DIRKSEN. Well, as I recall, I think I was there at one of those hearings, or more, and I thought I handed one of these particular people a screwdriver and I asked—now, show us how to bug a telephone, but he was very reluctant and didn't want to do it, and of course I could not make him do it.

Senator HRUSKA. The hearings were long. I think your statement is a very restrained version and a summary and reference to them, but I do recall this big issue came up, that apparently one of the issues was whether Otepka's loyalty should be on a parity like this, State Department first, the country and the Congress somewhere down below first priority, and that is clearly not the listing in the Code of Ethics that the State Department has promulgated, nor is it in keeping with that section 652 that you read from.

Do you agree that there is a little bit of disproportion in expecting a man to really compound fabricated testimony out of loyalty to the Department as compared to an idea of clearing up what would be even fabrications and maybe even falsehoods before the committee of the Senate which is charged by law to have oversight over all of these things?

Senator DIRKSEN. That provision in the Code is so explicit and so clear, and when duty comes in conflict with an Executive order and there is a statutory provision, it would occur to me, because of his devotion to the country, that he was quite in the right in submitting what he had there in the interest of our security.

Mr. Chairman, in connection with his testimony I think there ought to be submitted for the record a brief that Mr. Otepka's attorney filed because it is fully documented and it starts at the beginning and goes right up to the end.

Secondly, I think that Mr. Sheehan's reports in the New York Times ought to be carried in the record and third, I think the editorial which was written in pursuance of the Sheehan stories should also be in the record. I would like to see the whole business there, because that is the only way you can point out how easily it can be refuted and whether or not that isn't a punitive attitude on the part of the New York Times.

The CHAIRMAN. It will be admitted.

(The documents referred to will be found in the appendix.)

Senator HRUSKA. Mr. Chairman, I wonder if the purpose of the record, so that it would be available for general inspection of any Member of the Senate who wants to get into it, or anybody else, would it not be well to attach also and include in the record the report of the hearing officer as originally made, I believe that was Edward A. Dragon, it looks like, and his signature, and that was in December 1967; and then there was a decision on appeal to the Civil Service Commission and a decision on that, and finally the decision on appeal that was signed by Secretary Rusk on this subject.

The CHAIRMAN. It will be admitted.

(The documents referred to will be found in the appendix.)

Senator HRUSKA. I have no further questions at this time, Mr. Chairman.

Senator DIRKSEN. Mr. Chairman, Mr. Otepka may speak for himself, and I simply marvel at his "stick-to-it-tiveness" as they used to say, and his willingness to go through all of these things. He has endured all this for a 5-year period, and I suppose some adverse comment might be made with respect to the James Stewart of Palatine, Ill., to raise a defense fund for him. I don't know how Mr. Otepka would have gotten along if it had not been for that, because it certainly could not have been done out of his wife's salary, which was probably the only income he had.

So, I will salute him for his devotion to the country and to the cause of internal security.

I thank the subcommittee.

The CHAIRMAN. Is there anyone present who desires to testify against this nominee?

(No response.)

The CHAIRMAN. Mr. Otepka will you identify yourself for the record?

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Dakota (Mr. BURDICK), the Senator from Maryland (Mr. TYDINGS), and the Senator from Michigan (Mr. HART), with respect to certain matters in the nomination and with respect to Otto Otepka, which was contained in a letter to the chairman of the full committee, dated May 5, 1969.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 5, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the discussions at the Committee meeting last week, we believe that before the Committee takes up the nomination of Otto Otepka to the Subversive Activities Control

Board, there should be included in the printed record information relating to the recent questions raised about Mr. Otepka's finances and connections. In particular we suggest that the staff obtain from Mr. Otepka, and from independent inquiry if necessary, the facts on the following subjects:

1. Mr. Otepka's source of income, other than his State Department salary, since 1961.

2. The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.

3. Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.

4. The accuracy of a report that Mr. Otepka stated in response to questions about his associations: "I am not going to discuss the ideological orientation of any one I am associated with; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.

5. Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.

6. The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's pre-nomination procedures regarding Mr. Otepka.

We are confident that all the members of the Committee join us in feeling that fairness to the nominee and to the public requires that these matters, which have been raised publicly, be aired and resolved within the Committee before it passes on the nomination. We are hopeful also that Mr. Otepka will feel free to take this opportunity to make any further comments he wishes regarding the office to which he has been nominated and his suitability for it.

Sincerely,

EDWARD M. KENNEDY.
QUENTIN BURDICK.
JOSEPH D. TYDINGS.
PHILIP A. HART.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD a memorandum that was prepared with respect to the various questions that were raised.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

MAY 9, 1969.

To: Senator Eastland.
From: J. G. Sourwine.
Subject: Inquiries of Senators Hart, Kennedy, Burdick, and Tydings respecting finances and connections of Otto Otepka.

In compliance with your instructions the staff has obtained from Mr. Otepka, and from independent inquiry as necessary, the facts called for by the questions propounded.

The questions are repeated below, *seriatim*, and the facts obtained by the staff with respect to the subject matter of each question are set forth, immediately thereafter.

1. *Mr. Otepka's source of income, other than his State Department salary, since 1961.*

Since 1961, Mr. Otepka has had income, other than his State Department salary, only from the following sources: (A) interest on savings accounts and stock dividends; (B) wife's salary as a school teacher (from 1965 only); (C) daughter's salary (during 1968 only); (D) director's fees (family corporation); (E) sum received by wife in 1966 by gift and devise from her aunt.

2. *The precise sources and amounts of financing for Mr. Otepka's legal fees, living expenses, travelling expenses, and other expenses since 1961.*

LEGAL EXPENSE

Total legal expense incurred in connection with Mr. Otepka's case has amounted to $26,135, of which $25,127 represented legal fees and $1,008 represented reimbursement of cash disbursement by counsel. These legal expenses have been met by voluntary contributions from more than three thousand different contributors. Most of the contributions were in relatively small amounts, ranging from $1.00 to $100.00. Over $21,000 of this amount was raised by American Defense Fund, organized in 1964 by James Stewart of Wood Dale, Illinois (now living in Palatine, Illinois) in compliance with the laws of the State of Illinois.

Mr. Stewart volunteered his assistance, after having read in the newspapers of Mr. Otepka's intention to pursue fully all of his administrative remedies, and to take his case into the courts, if necessary. Mr. Stewart appears to have made a full accounting for the purpose of complying with State law, and also has filed an accounting with the U.S. Post Office Department.

American Defense Fund has no connection of any kind with the John Birch Society, the Liberty Lobby, or Willis Carto, according to Mr. Stewart, who stated his interest in the Otepka case was sparked by a newspaper article in September 1963, and that in the fall of 1964 he undertook to raise money for Otepka's defense after he learned that contributions from other sources were not meeting the growing legal expenses of the case. Mr. Stewart said he acted as an individual and without any assistance or prompting from any organization.

All contributions forwarded by Mr. Stewart went directly to Mr. Otepka's counsel, Mr. Roger Robb.

The remainder of the legal expense in connection with Otepka's case (between $4,000 and $5,000) was paid by voluntary contributions from individuals not associated with American Defense Fund. (Many of these contributions were made in checks mailed directly to Mr. Otepka's counsel, and checks received by Mr. Otepka personnally were turned over by him to his attorney. Mr. Otepka did not cash any such checks, nor receive or retain the proceeds therefrom.) Of these independent contributions, only one was in a very large amount, to wit: a check for $2,500 received by Otepka's counsel on April 21st, 1964, from Defenders of American Liberties, a non-profit corporation organized under the laws of the State of Illinois for the purpose of defending civil and human rights. All other independent contributions were in very much smaller amounts.

In an effort to determine the nature of the organization known as Defenders of American Liberties, the Subcommittee staff questioned both Dr. Robert Morris, first president of the organization (who resigned in 1962 to become president of the University of Dallas, and who is now president of the University of Plano) and Mr. J. Fred Schlafly of Alton, Illinois, who succeeded Dr. Morris. Both Dr. Morris and Mr. Schlafly denied any personal connection, formal or informal, with the John Birch Society, the Liberty Lobby, or Mr. Willis Carto. One of fourteen persons identified as directors of Defenders is Dr. Clarence Manion, former Dean of Law at the University of Notre Dame, who is reported to have stated he is a member of the John Birch Society. Other directors of Defenders of American Liberties, besides Mr. Schlafly, are Mr. Roger Follansbee (Chairman of the Board) of Evanston, Illinois; Dr. Edna Fluegel, chairman of the Department of Philosophy at Trinity College, Washington, D.C.; Mr. Lyle Munson, publisher, of Linden, N.J.; Mr. Bartlett Richards, of Florida; General William Wilbur of Highland Park, Illinois; Mrs. Carl Zeiss of Phoenix, Arizona; Mr. Don Tobin, realtor, of Dallas, Texas; Mr. Charles Keating, Jr., of Cincinnati, Ohio; Mr. Norris Nelson of Chicago, Illinois, former publisher of the Calumet (Illinois) News and former assistant director of the Republican National Committee; and Mr. Brent Zeppa of Tyler, Texas. None of these, according to Dr. Morris and Mr. Schlafly, is known to either of them as a member of or connected with the John Birch Society or the Liberty Lobby.

TRAVELING EXPENSES

Since 1961, Mr. Otepka has made three round trips, by air, to the West Coast, including visits to San Diego and Los Angeles, California, Portland, Oregon, and Seattle, Washington, which trips were not paid for by Mr. Otepka out of his own private funds. Two of these trips were paid for by a number of individual citizens who had no formal group or organization but who had become interested in Mr. Otepka's case as a result of newspaper publicity, and wanted to hear him discuss it. Mr. Otepka talked to these individuals at informal gatherings only, and confined himself to discussion of his own case, avoiding politics or on other matters. At no time did Mr. Otepka accept an honorarium of fee for any speech or talk. The third trip referred to above was sponsored by a formal group, which desired to give Mr. Otepka an award. Because his appearance on this occasion was to be publicly advertised, Mr. Otepka sought and obtained the State Department's approval of this trip before undertaking it.

Total amounts of income (exclusive of his own salary) available to Mr. Otepka and his family during the period in question, which became available for financing his expenses, as indicated above, were as follows:

A. Interest on savings accounts and dividends on stock owned, $1,711.00.

B. Director's fees (Web Press Engineering, Inc., Addison, Illinois, a family corporation), $100.00. (This corporation does not have any government contracts whatsoever, and Mr. Otepka does not own any stock in the corporation.)

C. Mrs. Otepka's gross earnings, before taxes, as a teacher employed by the Montgomery County (Md.) Board of Education: 1965, $3,260.00; 1966, $8,432.00; 1967, $9,217.00; 1968, $10,558.00. (Since 1968, when Mr. Otepka first went on leave without pay, his family has had to depend solely upon his wife's salary, and the earnings of his daughter (referred to below) to meet family living expenses.)

D. Mr. Otepka's daughter was first employed during 1968, and in that year earned $765.00 from the Washington Post Company (WTOP–TV) and $1,189.00 from the D. L. Printing Company, Washington, D.C.

E. By gift and bequest to Mrs. Otepka from her aunt, Mildred Simon (1966), $3,400.00.

For ready reference, information on total amounts of income available to the Otepka family during each of the years 1961 to 1968, inclusive, is shown on the chart below.

	1961	1962	1963	1964	1965	1966	1967	1968
Interest from savings	101.75	80.00	80	312	23	233.00	309	254
Stock dividends	26.88	35.46	42	59	11	24.84	47	72
Director's fees, Web Press Engineering								100
Wife's gross income (salary)					3,260	8,432.00	9,217	10,558
Daughter's gross income (salary)								1,954
Gift and bequest to wife from aunt						3,400.00		
Total	128.63	115.46	122	371	3,294	12,089.84	9,573	12,938

3. *Any formal or informal connections between Mr. Otepka and (1) Mr. Willis Carto, (2) the John Birch Society, (3) the Liberty Lobby, or (4) any other persons or organizations actively associated with Mr. Carto, the Society or the Lobby.*

Mr. Otepka states he does not have and has not had any formal or informal connections with the John Birch Society, or the Liberty Lobby, or Mr. Willis Carto, or with any other persons or organizations known to him to be actively associated with any of the above three. Mr. Otepka has met Mr. Carto, having seen him two or three times, including one occasion on which he lunched with Mr. Carto at the latter's invitation. Nothing was discussed at this luncheon except the legal aspects of Mr. Otepka's case.

4. *The accuracy of a report that Mr. Otepka stated in response to questions about his associations, "I am not going to discuss the ideological orientation of anyone I am associated with"; and, if the report is accurate, Mr. Otepka's opinion as to the applicability of a similar standard to others being considered for federal employment or otherwise under inquiry in connection with security matters.*

Mr. Otepka states: "This is substantially the tenor of an answer which I gave on two separate occasions to two newspapermen, Mr. Neil Sheehan of the New York Times and Mr. Tim Wheeler of the Daily World, both of whom were, in my judgment, seeking to bait me into making some statement that could be used against me. I would consider such an answer entirely within the bounds of propriety if made by any person under similar questioning by such reporters in like circumstances. On the other hand, in the case of a question regarding either my associations or my associates, asked of me by a representative or official of the U.S. Government having reason and authority to inquire, I should be as fully responsive as my knowledge would permit; and I would expect any other person similarly questioned by authority and with reason to be comparably responsive."

5. *Mr. Otepka's opinion as to the possibility that individuals and groups of the type generally described as "radical right" or individuals or groups generally described as "Nazi" might under certain circumstances constitute a threat to domestic security.*

"From my general knowledge of history and my 27 years of experience as a security officer, I am acutely aware of the potential dangers to the security of any country from acquisition of excessive influence by totalitarian organizations or individuals of either the right or the left. I would resist with every resource at my command any attempt to establish in this country a Nazi, or Fascist, or Communist government, or any other form of totalitarianism."

6. *The extent to which the issues raised in the preceding questions were investigated and considered in the course of the Executive Branch's prenomination procedures regarding Mr. Otepka.*

The staff has been advised by a spokesman for the Executive Branch that Mr. Otepka's nomination followed the usual course, including an investigation by the Federal Bureau of Investigation and a security clearance under the standards of Executive Order 10450.

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have printed in the RECORD a synopsis which has been prepared by the Department of Justice, and the Federal Bureau of Investigation, which is actually a synopsis of testimony by J. Edgar Hoover on May 18, 1968. I request to have printed only that testimony which begins in the middle of page 6 and goes to the end of page 12 because I think it is pertinent to this matter since Mr. Otepka is being nominated for the Subversive Activities Control Board.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMNNIST PARTY—U.S.A.

In spite of their factional differences, a "communized America," said Mr. Hoover, is the "common objective" of pro-Moscow, pro-Chinese and Trotskyite wings of the communist movement. While the Communist Party, USA, has been more open in its activities since its National Convention in 1966, "its objectives have remained the same—to destroy faith in the American system, to shake confidence in its leadership, and to subvert the ideals of its younger generation," testified the FBI Director.

"Winding as a thread through the whole fabric of the Party's program is its unswerving opposition to the war in Vietnam," said Mr. Hoover. This position was never more clearly stated than during a speech by Party leader Gus Hall at the 50th Anniversary of the Great October Revolution held last November in Moscow. According to Mr. Hoover, Hall declared that the "Communist Party, USA, will continue to regard the struggle against United States imperialism as its primary task until every last United States warship, tank, plane, soldier, and corporation have been removed from foreign soil."

The communists, Mr. Hoover told the Subcommittee, advocate the linking of civil rights and antiwar protests into ". . . one massive movement which they hope will ultimately change our Government's policies, both foreign and domestic."

In its continued effort to influence the younger generation, leading communist representatives made 54 speaking appearances on college campuses during the 1966–1967 academic year. With its desire to capitalize on the radicalism of the youthful New Left movement, the Party also hopes, through this speaking campaign, to gain recognition as a legitimate political party on the American scene.

With a self-estimated membership of 13,000 and the assistance of a reported 100,000 sympathizers, the Party plans to broaden its sphere of influence, said Mr. Hoover, through re-establishing its daily newspaper. This desire has approached realization by the inheritance of half of a Brooklyn builder's $2,600,000 estate by three trusted Party members.

DEMONSTRATIONS

Among the 700 individuals who registered for the Washington, D.C., conference of the National Mobilization Committee to End the War in Vietnam were more than 300 members of the Communist Party, its youth affiliate, the W. E. B. DuBoise Clubs of America, and other subversive organizations. This conference with others led to the massive demonstration at the Pentagon in October, 1967, where armed Federal troops were required to turn back the demonstrators whose primary purpose was to "shut down" that establishment.

Commenting on the New Left movement, which he termed as "anarchistic," Mr. Hoover testified that its primary spokesmen have "hand in hand" with the DuBois Clubs and the Students for a Democratic Society ". . . encouraged youth to resist the draft and subject the Selective Service System to harassment and agitation." Mr. Hoover emphasized that the Students for a Democratic Society is "infiltrated by Communist Party members and Party leader Gus Hall has described the organization as part of the 'responsible left' which the Party has 'going for us.' "

CIVIL RIGHTS INVESTIGATIONS

An all-time high of 5,366 civil rights cases were handled by the FBI during fiscal year 1967, said the FBI Director, and this represented an increase of 157 percent in the five-year period since 1962. These individual civil rights cases were in addition to more than 5,000 cases handled by the FBI dealing with alleged discrimination in places of public accommodation, public facility, public education and employment since enactment of the Civil Rights Act of 1964.

As an example of the priority attention the FBI gives to its civil rights investigations, Mr. Hoover cited the 1964 case of three civil rights workers who were murdered near Philadelphia, Mississippi. The FBI Director disclosed that this successful investigation cost an estmated $815,000 and, at its height, required the assignment of 258 Special Agents. "During the summer of 1967," testified Mr. Hoover, assignment of FBI Special Agents to civil rights cases "at times ranged upward to nearly 1,500" men.

ORGANIZED CRIME

During the 1967 fiscal year, FBI-investigated cases resulted in a total of 197 convictions of organized crime and gambling figures. This far outstripped any prior fiscal period, said Mr. Hoover, who noted that new record accomplishments in this field were in the offing due to "more than 600 hoodlum, gambling and vice figures awaiting trial in Federal court for violations falling within the Bureau's jurisdiction."

Based on organized crime information disseminated by the FBI to local, state and other Federal agencies—which totalled more than 287,000 items during fiscal year 1967—these other agencies arrested 3,748 vice figures, mainly on charges of gambling, prostitution, and illicit alcohol; seized more than $997,000 in currency and gambling paraphernalia; and broke up dozens of professional gambling operations handling literally millions of dollars a year in wagers. Cooperation of this type has led to the conviction of many gangland leaders cited by Mr. Hoover, who testified that the FBI has made important strides in penetrating the organized crime conspiracy.

SOVIET MENACE

Director Hoover deplored a growing public apathy ". . . toward communism, its danger to this country and also toward the activities of the Soviet Government." He noted that certain elements belittle United States responsibilities to the free world and incorrectly view those who speak out against communism as "alarmists."

Mr. DIRKSEN. Mr. President, finally, I wish to read portions of a letter. This could be the entire letter, but it is a letter addressed to a distinguished Member of this body, the Senator from Massachusetts (Mr. KENNEDY) by Mrs. Otepka.

Now, Mr. President, you know there are three heroes in this drama. The first one is Otto Otepka, who continued this vigilence for 5 long years, because he thought he was right and he did not permit his convictions to relent for one moment. He continued his struggle, and some 3,000 friends put up nickels, dimes, quarters, dollars, anything they could get, for the defense fund, and at last partially to sustain the Otepkas.

When the minority report against this nomination appeared, Mrs. Otepka wrote to the distinguished Senator from Massachusetts, and here is part of her letter. She stated:

As a working wife, I cannot personally remain silent regarding the implications of your question that you be provided with "the precise sources and amounts of the financing for Mr. Otepka's living expenses since 1961."

I want the people of this country to know that the economic reprisals taken against my husband for telling the truth to a congressional committee necessitated the following measures in order to save money for our use in the long battle to obtain justice:

1. I cut my husband's hair every two weeks.
2. I made all my clothes and my daughter's.
3. I washed and ironed my husband's shirts.
4. I dry cleaned all the family clothing.
5. I canned tomatoes and other vegetables from our home garden.
6. My husband cleaned and froze his catches of fish and crabs for frequent summer meals.
7. We seldom ate family meals in restaurants.
8. My husband bought ready-made, inexpensive but serviceable suits of clothing.
9. I went to work in order to supplement our income.

Mrs. Otepka began teaching school in 1965 in order to carry on this vigil with her husband. She is the heroine in this drama which has lasted for 5 years.

Speaking for myself, as a member of the Internal Security Subcommittee, I was determined, not only because of Drew Pearson, but also many others that I could name, that we would fight this thing through to a finish.

The finish comes today.

Mr. Otepka should have a unanimous vote of the Senate for the task that he carried on, because he has been a tremendous public servant, with a deep conviction for truth and a deep devotion to his country.

Thus, Mr. President, I am prepared to let the case rest right there. That is all I have to say.

Mr. KENNEDY. Mr. President, the Subversive Activities Control Board is an independent Federal agency which is supposed to decide whether organizations are subversive, and whether individuals are members of subversive organizations. The Board received its assignments in 1950 and 1954, with Congress overriding President Truman's veto of the 1950 legislation. Somehow, nearly 20 years later, it seems less obvious to us why five men should be paid $36,000 a year just to give us their opinions on which groups and individuals are "subversive." And in recent years the Board in fact has atrophied as its irrelevance has become apparent, and as its functioning has been constrained by Court decisions. Nevertheless, the legislation remains on the books, the Board continues to exist, and there still stands a vestige of responsibility.

We are faced here today with two basic questions:

First, does it make any sense at all to confirm a fifth member to an agency which has not had enough work even to keep one member busy? The answer to that question is easy. In a time of budgetary restraint, personnel freezes, and high defense costs, we set a bad example by allowing a job to be filled just for the sake of filling it.

Second, do Mr. Otepka's background and record indicate that he will be able to perform properly the duties of a member of the SACB? As I have indicated, these duties are not very onerous. The demands on the members' time and energy are minimal. Nevertheless, to the extent that the Board may at times be called upon to decide cases, its duties are sensitive and subtle ones, indeed. The Board acts only on the petition of the Attorney General, so that it cannot run away on its own. Yet, since it is intended as a protection against the over-enthusiasm of that official, it must undertake an independent and open-minded review of his determinations. If it is not prepared to be even more demanding than the Attorney General in its standards of proof, its insistence on fair procedure, and its recognition of the constitutional liberties of speech and association, then truly it serves no function whatsoever. Since this is the essence of its role—interposing a barrier of both substance and procedure against the possibility of excesses by the executive branch—the members of the Board should be people who have demonstrated a dedication to due process, a commitment to civil liberties, and a faith in the ability of our society to tolerate the broadest departures from orthodoxy.

I regret I cannot conclude that the nominee before us meets these qualifications. The fact is that he was the subject of disciplinary action by his superiors in the course of his former employment. Their action was sustained by the Civil Service Commission and by his subsequent superiors of the opposite political party—including, I might say, the distinguished Secretary of State Mr. Rogers, who was a former Attorney General of the United States. They are the ones who are fully familiar with his performance, and they determined that he was not suitable for the job he held, a job not unrelated to the duties of the Board. We thus have what we lawyers call an "a fortiori" situation. If this nominee was found incapable of holding a minor security post within an executive agency, how can he be qualified to hold a higher position with a security organization whose potential jurisdiction runs everywhere? We would have to have some showing of new facts evidencing a change in the man, or in the circumstances of his demotion, to justify giving him a higher post. None has been presented. In this context, there is the highest burden of proof on the supporters of the nomination to demonstrate the nominee's judgment, sensitivity, and discretion, but the additional facts about the nominee which have become available have hardly contributed to that demonstration.

I am hopeful that the Senate will exercise all due care in considering this appointment. Surely, this is not the case of a Cabinet or sub-Cabinet official who is part of the President's team and whose appointment is thus presumptively within the broadest possible discretion of the President. Instead, we are free to vote our consciences on the present nomination without any presumptions.

Mr. President, because the SACB does not need a fifth member, and because the present nominee has not demonstrated the qualifications which a member of that agency should have, I believe that we should not consent to this appointment.

Mr. MILLER. Mr. President, I hope that the motion to recommit this nomination is defeated.

It is understandable why some well-intentioned people may have been misled by some of the statements made about this nomination. All of us have read and heard suggestions that, because certain individuals supported Mr. Otepka during his long ordeal with the State Department, therefore, Mr. Otepka is branded with their particular philosophy. Those who seek to persuade their readers or listeners with such guilt-by-association logic do a disservice not only to Mr. Otepka but also to the people of our country.

A vote against this motion and a vote to confirm Mr. Otepka will put the Senate clearly on record that it will take more than the guilt-by-association technique to block the appointment by the President of one whose loyalty to our country and opposition to its enemies are beyond question.

Mr. NELSON. Mr. President, I shall vote for recommital and against confirmation of Mr. Otepka. After searching the statutes and looking at the work of the Board, I cannot find that it has a function to perform that could not better be performed by existing agencies and that, therefore, the Board itself should be allowed to pass quietly into oblivion.

Mr. President, for 20 months, from April 1966 until January 1968, the Subversive Activities Control Board did not have a single hearing. It is a Board with five members at salaries of $36,000 per year for each member, a general counsel at $26,000, an assistant general counsel at $20,200 and office expenses of $94,000 for a total 1969 budget of $344,000.

During the 18 months since January 1968, the Board has held six hearings. During the approximately 1,050 working days in the past 3 years and 2 months, the Board has held 14 days of hearings and 6 days of executive sessions on these hearings.

If the Board conducts hearings at the same pace in the future as in the past, the cost per case heard will be about $100,000. Or put another way, the Board will do about 1 good day of work for every 50 working days, which I submit is a pretty leisurely pace even for an institution as jaded as the Federal bureaucracy.

The fact is the Board does not have any function that cannot be better performed by the Attorney General, the FBI, and the appropriate committees of the Congress.

The Board has no power to investigate or initiate any action on its own.

The responsibility of investigating and gathering evidence on subversive activities of individuals and organizations is in the Congress, the FBI, and the Attorney General.

It seems rather ironic to continue spending $344,000 per year on this Board when most of its functions have been terminated by Court decisions and the rest could better be handled by other executive agencies.

The Board ought to be abolished; therefore, I shall vote against confirmation.

Mr. PASTORE. Mr. President, my position on this particular appointment is philosophic, and not personal. I quite agree with those who have said that the usefulness of this Board is past; that it should be abolished; that we are spending a lot of money for work that could

be performed by the Justice Department or FBI. For that reason, I shall vote to recommit. If that vote fails to carry, however, I cannot carry my vote against the individual and, therefore, I shall vote to confirm the nomination.

Mr. DIRKSEN. Mr. President, it would be a little refreshing on the Senate floor if, instead of telling the partial facts, the whole facts are related to the Senate for its guidance.

The distinguished Senator from Wisconsin just reflected on the Subversive Activities Control Board for 20 months of inactivity. But what is the rest of the story? Well, the rest of the story is that they were under an inhibition by a decision of the appellate court in Washington and, likewise, the Supreme Court, and they could not move a muscle. Meanwhile, the Senator's colleague from Wisconsin was trying to get the Board abolished by appearing before the Appropriations Committee to take away the funds of the Board.

I undertook to meet that Supreme Court decision, and, with staff, we had to labor to put that Internal Security Act in order to comply with the decision of the court, and it was not an easy job. But when we got it done, and the Senate put the seal of approval upon it, and likewise the House, I then went to Ramsey Clark, the Attorney General, and said, 'Under the law, you start sending cases to that Board, or you will not have heard the last of it," and I was after Ramsey Clark to do it. Finally, he sent some cases to the Board, and for the first time they could go to work.

So there were 15 months of inactivity, laboring under the difficulty of the Warrent court—if you have got to know the truth. That is wnere the decision came down. We have been around here for only 5 months. We have had an Attorney General for only 5 months, or a little less. That Board, just last week, was in California and it has conducted some very successful hearings.

Why do they not tell the Senate the whole story? It is just about time that we quit sharing with the Senate a few crumbs of fact so that they can mislead themselves.

The motion to recommit the nomination ought to be overwhelmingly voted down, in justice to Otto Otepka, because of the size of the vote by which his nomination was reported by the Judiciary Committee of the Senate.

Mr. President, we can now vote.

Mr. EASTLAND. Mr. President, the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board has been on the Senate Calendar for several weeks.

This nomination was approved by the Committee on the Judiciary by a vote of 12 to 3. There is a printed report, with individual and minority views.

In discussing this nomination, it would serve no useful purpose for me to repeat what has already been said in the committee report; except that I do want to affirm my own adherence to that report, and my own very strong feeling that Mr. Otepka is highly qualified, by temperment, education, and experience, to fill the position for which he has been nominated.

For the benefit of any who may not have given the matter particular attention before now, it might be well to put a summary of the Otepka case into the RECORD.

The story of the Otepka case has been summarized many times. One of the best jobs was done by Charles Stevenson and William J. Gill, whose article appeared in the August 1965 issue of the Reader's Digest.

Mr. President, I ask that the full text of this article may be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ORDEAL OF OTTO OTEPKA

(By Charles Stevenson, with William J. Gill)

Why have State Department employes been using the tactics of a police state to oust a dedicated security officer whose only sin seems to be loyalty to his country?

A few minutes before noon on Friday, June 27, 1963, Otto F. Otepka, chief of the U.S. State Department's security-evaluations division, was summoned to the office of his immediate superior, John F. Reilly, Deputy Assistant Secretary of State for Security. Reilly tossed him a one-page memorandum. "Effective immediately," the memo said, "you are detailed to a special project updating the Office of Security Handbook. You will remove forthwith to Room 38A05."

Within a half-hour of this ouster, Otepka's office safes and file cabinets, which contained extensive security information on State Department personnel, were seized. The same thing was happening to two veterans security officers who worked under Otepka.

These police-state tactics were used not against men suspected of subversion. They were used against men who had been trying to *fight* subversion—the professional "security men" whose job it is to try to keep the government service free of communists and persons who might fall under their influence.

The story of Otto Otepka, a tall, quiet, darkly handsome man of 50, is still without an ending, and on its outcome hang two vitally important issues. One is whether we shall, without hysterics and false accusations, fight attempts to subvert our government. The other is whether Congress—the elected representatives of the people—shall preserve our right to oversee the behavior of the officials in the executive branch.

Many kinds of subversion are practiced today by the communists. One of the most difficult to detect is "policy sabotage," a device by which seemingly innocent decisions cover up disruption and delay of crucial activities. A classic example occurred in the aftermath of World War II: Harry Dexter White, Assistant Secretary of the Treasury; withheld vitally needed shipments of gold ordered by Congress to bolster Chiang Kai-shek's currency, thus contributing to the collapse of the currency. The Nationalist armies were left unpaid and starving, an easy prey to Mao Tse-tung' communists.

This type of sabotage is doubly dangerous because it creates suspicion and confusion. Many who supported the wild charges of the late Sen. Joseph McCarthy in the early 1950's, for instance, failed to distinguish between policy sabotage and errors of judgment, and they besmirched the reputation of innocent people. Otto Otepka was never such a zealot. His very background made him respect the underdog. The son of an immigrant Czech blacksmith, he had come to Washington in 1936 as a government messenger. In 1942, after earning a law degree at night at Columbus University (now the law school of Catholic University), he became an investigator for the Civil Service Commission. Following Navy service in World War II, he returned to the commission, became an expert on communist subversion and supervised a large staff analyzing cases under the Federal Employes Loyalty Program.

It was, in part, his sense of perspective that led one veteran security officer to call him "the best evaluator in government." Secretary of State John Foster Dulles, on June 15, 1953, brought him into the State Department to carry out President Eisenhower's Executive Order 10450, designed to set security standards for all federal agencies.

By 1957 Otepka was deputy director of the Office of Security—the Department's highest civil-service security job—and working head of State's global personnel-security organization. In 1958 the State Department awarded him its Meritorious Service Award. The citation, signed by Secretary of State Dulles, declared that Otepka "has shown himself consistently capable of sound judgment, creative work and the acceptance of unusual responsibility." His 1960 departmental efficiency report noted that to his knowledge of communism and its subversive efforts in the United States "he adds perspective, balance and good judgment."

Yet, as he was receiving these plaudits from his superiors, Otepka was incurring the emnity of an influential clique in the Department who chafed at security procedures. Soon after the Kennedy administration took over in 1961, these persons began to act. Otepka found his recommendations were being ignored or overruled.

Then there occurred the strange case of William Wieland, a controversial foreign-service officer who had been Caribbean desk officer during the early days of Fidel Castro. The Senate Internal Security Subcommittee, investigating Wieland's role in U.S. support of the Cuban revolution, declared that he could not "escape a share of the responsibility" for Castro's takeover. Among other things, the subcommittee uncovered evidence that Wieland had withheld crucial intelligence reports warning of Castro's communist ties.

Conducting an investigation under specific Department orders, Otepka in 1961 reported he found no proof Wieland was a communist, but he amassed evidence that he was responsible for "policy impedance" and had "lied" both to the Senate subcommittee and to State's own investigators. Otepka recommended that higher authorities consider dismissing him as unsuitable.

For an answer, on September 18, 1961, William Boswell, an old-line foreign-service officer and at the time Otepka's immediate superior, ordered Otepka to clear Wieland immediately without the required written findings from the Deputy Under Secretary for Administration. Otepka refused.

The Department made its first formal move to get rid of Otepka less than six weeks later. On November 1, 1961, Boswell called Otepka into his office and announced that 25 Security Office jobs were being eliminated. Otepka was being demoted to chief of a 32-man evaluation staff.

Many men would have quit in disgust. Otepka stayed on, even though his old job, supposedly abolished for economy reasons, was later restored with someone else filling it.

Then John F. Reilly arrived as the new director of the Office of Security. Now Otepka's recommendations and memorandums were bounced back with critical notations. And weird things began to happen. At 10:30 p.m. on March 24 Otepka returned to his office after an evening of bowling and startled two of Reilly's aides there. Later, an electronics technician told him, "Your phone is bugged." Another reported that there were concealed listening devices planted in his office. One weekend his office safe was drilled open. And a mystery man with binoculars sat outside Otepka's home night after night.

By early 1963 the situation epitomized by the harassment of Otepka had become so critical that the State Department's entire personnel security apparatus was on the verge of collapse. The Atomic Energy Commission, in granting access to atomic secrets, refused to accept State Department investigations, and the Civil Service Commission reported to the National Security Council deficiencies and shortcomings in State's security operations.

At this point, the Senate Internal Security Subcommittee resumed its hearings. During February and March 1963 it asked Otepka whether the Department was clearing possible security risks despite warnings from the Evaluation Division. Otepka declared it was. Reilly denied this. As the hearings progressed, more and more discrepancies developed between Otepka's testimony and Reilly's rejoinders. The contradictions were so serious that on May 23 subcommittee counsel J. G. Sourwine called Otepka to his Capitol Hill office. "One of you is lying under oath," he said. "If you have evidence to prove you're right, you'd better produce it."

That night Otepka paced his basement study at home. "The Code of Ethics for Government Employees," adopted by Congress in 1958, requires all civil servants to put loyalty to country above loyalty to government departments. Federal statutes specifically guarantee their right "to furnish information to Congress shall not be interfered with."

Shortly thereafter Otepka sent the subcommittee 25 unclassified, two "confidential," six "official use only," and three "limited official use" documents and memos. Point by point these papers upheld the truth of Otepka's testimony.

Four weeks later, on June 27, Otepka was given the meaningless assignment of updating the Security Office Handbook.

On August 14, 1963, Otepka suffered the next step in his degradation—he was accused by his superiors at State of violating the World War Espionage Act. He was charged with spying *for the U.S. Senate* by turning over "confidential" documents (the papers which cleared him of perjury). After three days of questioning, the FBI threw out the case against him.

Then, on September 23, 1963, the State Department fired Otepka for actions "unbecoming an officer of the Department of State" (specifically, supplying legitimate information to U.S. Senators). Otepka appealed the case, under State Department regulations. Sen. Thomas Dodd, vice chairman of the Internal Security Subcommittee, protested to Secretary of State Rusk, but Rusk reconfirmed the proposed dismissal. Dodd then stormed onto the Senate floor on November 5, castigating the Department for "chasing the policeman instead of the culprit," and he exploded a bombshell: "Although a State Department official has denied under oath a tap on Otepka's telephone, the subcommittee has proof that the tap was installed"—a clear violation of State's own regulations.

That night the Department's top legal advisers called in Reilly and Elmer D. Hill, an electronics technician, and had them sign letters asking the subcommittee for the right to "clarify" and "amplify" their earlier sworn testimony that they had not tapped Otepka's telephone. Reilly's story now changed to:

"On March 18 I asked Mr. Elmer D. Hill to undertake a survey of the feasibility of intercepting conversations in Mr. Otepka's office. I made it clear to Mr. Hill that I did not wish any conversations to be intercepted at that time." But days later Hill confessed to the subcommittee that he had tapped "a dozen, perhaps more" of Otepka's telephone conversations under Reilly's orders.

Even after that, despite a written protest approved by the entire Senate Judiciary Committee, Secretary Rusk declared that prosecution of the Otepka case would be "vigorously pursued." Security Office division chiefs were officially notified that all who "are disloyal" to the Secretary will be "identified and ousted. We have lost face, and it's up to us to regain it."

Since then the State Department has allowed little to leak out. Otepka, waiting for the chance to fight for reinstatement, still goes to the State Department every Monday through Friday. In accordance with Civil Service rules, he still draws his $19,310 annual salary, but he is not given any useful tasks. He is, in effect, in exile within the Department, and many of his associates are afraid even to say hello to him.

Seldom has an issue reached so deep into the roots of our governmental system. For if Otepka loses his appeal, now set for October 11, it will set new precedents for conduct of government. Men like William Wieland, who withheld information about Castro, will know that they are safe from accountability. He is still in the State Department and has since been promoted. Men like Reilly, who deceived a Senate subcommittee, will know that playing the bureaucracy's game pays off—he presently holds a highpaying job with the Federal Communications Commission. And the thousands of dedicated public officials—the Otepkas and those in other government agencies—will have learned their lesson: In government, if you see something going wrong, forget it. Says Senator Dodd: "If those forces bent on destroying Otepka and the no-nonsense security approach he represents are successful, who knows how many more Chinas or Cubas we may lose?"

The American people can offer only one answer: Loud, sustained protest to President Johnson and their representatives in Congress. Until the men of Otto Otepka's stamp are safe in their jobs, with full authority to enforce a wise security program, the nation can have no reasonable assurance it is safe from enemies within.

Mr. EASTLAND. Since the two members of the committee who submitted minority views have raised the question of Mr. Otepka's activities in the State Department as an implied reason for disapproving the pending nomination, some discussion of this aspect of the Otepka case certainly appears pertinent.

The fact is, Mr. President—the sad fact is—that the actions taken against Mr. Otepka by the Department of State were in the nature of reprisals because he told the Senate Internal Security Subcommittee the truth, and disclosed wrongdoing and bad security practices within the Department.

Various issues were involved in the Otepka case.

One of the most serious of these issues was the right of a committee of this body to have access to basic documentary evidence for the purpose of establishing the truth. In this particular case, the documentary evidence was essential because officials of the Department had lied to the committee about the facts. The hearing record showed a sharp conflict of testimony, with statements made by Mr. Otepka having been flatly contradicted by subsequent testimony from officers of the Department superior to him in rank.

At this point the subcommittee demanded, and I think quite properly demanded, that Mr. Otepka bring in whatever documentary evidence might be available to support his testimony, which had been contradicted by his superiors.

Mr. Otepka met this demand by producing indisputable evidence that he had indeed told the truth, and that his superiors had lied.

This was the transmission of documents which has been referred to as a "leak." But, Mr. President, the word "leak" carries the connotation of being somehow surreptitious. There was nothing surreptitious about the production of this information by Mr. Otepka. Mr. Otepka was called to the offices of the subcommittee, and there it was demanded of him that he produce evidence, if he could, to resolve the contradictions between his own testimony and that of his superiors. Mr. Otepka produced such evidence, and it was put in the subcommittee's hearing record, and the facts with respect to the committee's demand for the evidence and Mr. Otepka's production of it were spread on the record.

If witnesses before congressional committees cannot give truthful testimony about wrong-doing or bad security within the executive branch, without facing severe reprisals from their superiors, how are the committees of Congress going to get the facts upon which to base sound legislative action?

We uphold our own prerogatives, as Members of this body, when we support the right of Otto Otepka to do what he did.

Now, Mr. President, there are some common misconceptions about the Otepka case which should be corrected.

In the first place, Mr. Otepka did not come to the committee as a voluntary informant. He was called before the committee after State Department officials had identified him as the one individual most likely to have particular information which the committee wanted.

After he came before the committee, Mr. Otepka was not a ready critic of either the State Department or of his superiors, or any of them. On the contrary, he did everything a witness honorably could do to avoid saying anything critical of either the Department or of other departmental officers.

Another misconception about the Otepka case is that the State Department's original order with respect to Otepka was upheld on appeal. This is not the case. The original order called for Otepka's dismissal. This was found not justified. The original order then was modified so as to provide for a reprimand and a reduction in grade, with a cut in pay. Mr. Otepka continued to appeal, for he felt he had done nothing deserving of any punishment. On that I agree with him.

It is noteworthy that the modification of the State Department's original order dismissing Otepka made it much more difficult for him to carry on his appeal, since a reprimand is considered to be an administrative action from which there is no right of appeal, and the right of appeal from a reassignment is much more narrow than the right of appeal from an order of dismissal.

When the State Department announced its dismissal proceedings against Otto Otepka, the Department stated that 13 separate charges against Otepka had been made; and these 13 charges were made public.

Some of these charges, couched in the language used by the Department, sounded quite serious.

For instance, there was a charge that Mr. Otepka was responsible for mutilating classified documents in violation of a criminal statute.

There was a charge that he had been responsible for improper declassification of documents.

For more than 3 years, the Department of State circulated these charges against Mr. Otepka. But when it finally got around to trying the case, the Department dropped 10 of the 13 charges.

Mr. Otepka asked for an opportunity to bring in evidence with respect to the charges the Department had dropped. He argued that he should be permitted to show that these charges were false. He argued further that the Department's action in bringing false charges against him, and then dropping those charges just before the hearings, was in itself evidence of harassment.

Mr. Otepka was denied the right to bring in any evidence with respect to the charges which the Department had chosen to drop. The Department, however, in making public announcement that the hearing on Mr. Otepka's appeal was finally about to begin, recapitulated all 13 of the charges originally made, in spite of the fact that notice already had been given to Mr. Otepka that 10 of the 13 charges were being dropped.

The only three charges retained, after 10 charges were dropped, involved allegations that Mr. Otepka gave confidential documents to an unauthorized person.

There was never any doubt at all about the facts of what happened. As I have pointed out, these facts were spread on the committee's record. The only questions at issue involved how to interpret the facts.

Mr. Otepka produced certain documents in response to the demand by the committee for evidence to establish whether Otepka, or his superiors in the State Department, had given false testimony.

Was the production of these documents, under the circumstances, a violation of an Executive order?

Was the chief counsel of the Internal Security Subcommittee of the United States Senate a so-called "unauthorized person," in spite of the fact that the documents were received by him in his official capacity, and for the purpose of having them placed in the committee's record?

Giving a document to the top staff man of a Senate committee, for inclusion in the committee's record, is just one way of giving the document to the committee. Is a Senate committee to be regarded as unauthorized to receive confidential documents?

Of course, committees of the Congress are authorized to receive confidential documents; and if committee staff members cannot receive communications for the committee, it will be difficult indeed for the committees to function.

There appears to be some danger that efforts may be made to induce Senators to vote on this nomination in accordance with their views on what powers should be exercised by the Subversive Activities Control Board, and whether Congress should take action to shore up portions of the Subversive Activities Control Act rendered inoperative or ineffective as a result of Supreme Court decisions.

Of course, neither of these issues is involved in the question now before us.

Unless there is good reason to believe this nominee is unfit for the job to which he has been nominated, the Senate should advise and consent to his appointment.

Nothing in the Otepka case provides any such reason.

Otto Otepka is a man who would not bend and did not break.

I do not mean to say that Otto Otepka lacks flexibility, where flexibility is an asset. He proved himself a good administrator, able to see both sides of a problem, quick to recognize and appreciate the viewpoints of others and willing to settle an administrative disagreement by meeting the other party half way in compromise.

Over a period of years, Mr. Otepka had substantial responsibilities for dealing with Members of the Congress, and proved himself both patient and obliging.

Otto Otepka was all these things—flexible, accommodating, patient, obliging—up to a point. Beyond that point he could not be budged. That point was where duty, honor, or morality became involved. Otto Otepka would not compromise on a matter of principle. It has always been part of his creed to do his duty as he sees it, and he has never permitted himself to be swayed from that position: not by threats, not by cozenings, not by force, and not by considerations of personal advantage.

Here lies the basis for many of the troubles which have been laid on Otto Otepka. Those who have tried unsuccessfully to coerce him, to bend him to their will against his sense of duty, his sense of honor, his loyalty to the interests of his country, or his moral principles, have wound up in a position where they either had to hate Otepka or hate themselves; and they have chosen to hate Otepka.

Mr. Otepka deserves from this body, at the very least, a vote of confidence. I hope and believe, Mr. President, that the Senate will confirm this nomination by such a substantial majority that nowhere in the world will it be possible to misunderstand or misinterpret the Senate's position.

Mr. PROXMIRE. Mr. President, during the past congressional session, several Presidential appointments and nominations have been objected to by various Members of Congress. I believe that this change in the carte blanche nomination approach for a Presidential appointment is a healthy sign. Although I intend to vote for the nomination of Otto Otepka to the Subversive Activities Control Board, I want to explain my reasons for doing so.

I am now as adamantly opposed to the Subversive Activities Control Board as I ever was, if not more so. This Board is a completely do-nothing Board which promises to continue that way unless the Supreme Court diametrically reverses its position with regard to the constitutionality of the Board's authority. It is literally in a governmental limbo.

To decide a man's qualifications for this position is completely irrelevant. In this case, a blank résumé would suffice for the job. That is why I do not believe it is fair or reasonable to judge the personality or qualifications of Otto Otepka. It is not a case of the man, but the job. My point is that the job should not exist, no matter who should be appointed.

In the 18 years of its existence, the Board has attempted to register as subversive approximately 70 individuals and organizations. But not one has actually been registered. This was because every attempt to register suspected subversives was thwarted by the courts. Attempts to register individuals merely for their associations with an undesirable organization were decided by the courts as unconstitutional.

Having no power and no authority the Board languished. With no work to do one might have expected Congress to save the American taxpayer the cost of keeping the Board in existence. But that would have been expecting too much. Through all the years, Congress went right on appropriating more than $300,000 a year while Board members and other employees went right on enjoying what must have been—and still is—the softest do-nothing job in Washington.

In 18 years the Board has wasted more than $5 million, which could, and should, have been spent on education, crime control, housing, or medical research, to cite just a few worthwhile purposes. Or the $5 million could have been retained in the Treasury to help to balance the budget or to help to provide for the possibility of reducing taxes. Admittedly, $5 million is not a tremendous sum, but I think we are entitled to expect something for our money. The SACB has been less than useless: it has brought us back to the age of the witchhunt, without contributing one iota to the Nation's security.

I call upon Congress not to grant the request for appropriations of $365,000 for the Board for the coming fiscal year. It is high time that Congress sees the folly of perpetuating this outrageous exercise in futility, and relegate the SACB to the history books. That is where it belongs.

Mr. TYDINGS. Mr. President, we are called on today to pass upon a presidential nomination requiring the advice and consent of the Senate. I raised a number of questions with respect to the nominee when the nomination was before the Judiciary Committee, and finally concluded that I could not concur in that committee's favorable recommendation of the nomination to this body. At this time I want to clarify the reasons for my opposition to the nomination of Mr. Otto Otepka to be a member of the Subversive Activities Control Board.

As we are all aware, when that Board was first created it was envisioned as a highly important watchdog over American security. In the intervening years, it has been considerably delimited in function by court decisions, to the point at

which there has been considerable discussion in this body as to the Board's continued viability. We have chosen, however, to continue its lifespan.

No one will deny the strategic importance of national security, although some may debate the most effective means of insuring it. But if we are going to have top level organizations designed to insure national security, we must have top level personnel administering them. The most potent and potentially effective security mechanism will not operate to achieve its objectives unless the people who are at its helm are capable of directing it. Mr. Otepka's record does not show him to be thusly qualified.

Rather, it reveals that, once having held a security post at the State Department, he conducted himself in such a manner that his superiors concluded it was necessary to remove him from that post. Their action was sustained by the last Secretary of State Dean Rusk, and, very significantly, after investigation was not reversed by the present Secretary William Rogers. I do not understand how the nominee, thought by the present administration to be unfit for the lesser office in the State Department, could at the same time be thought qualified for this greater office. It is a peculiar situation, at the least, where a post which raises to the status of requiring the advice and consent of the Senate is thought to require less qualification the same field of competence than one which is within the sole control of a Cabinet-level officer of the executive branch.

I strongly believe that the President should be given as much freedom as possible in making appointments which are not covered by the Civil Service. I equally believe, however, that there is a constitutional obligation in the function of advice and consent which requires more than a rubberstamp effort in the Senate. At the least, it is a requirement that in giving our approval we be assured that the candidate is fundamentally qualified to hold the office to which he is to be appointed.

After considerable deliberation, based on careful study of the nominee's record, I believe that this body would be remiss in its constitutional obligations if it consented to this nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit the nomination. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. HART), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

On this vote, the Senator from Michigan (Mr. HART) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Michigan would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Iowa (Mr. HUGHES) is paired with the Senator from Georgia (Mr. TALMADGE). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Georgia would vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Alaska would vote "nay," and the Senator from Michigan would vote "yea."

The result was announced—yeas 35, nays 56, as follows:

[No. 47 Ex.]

YEAS—35

Anderson	Hatfield	Montoya
Brooke	Inouye	Muskie
Cannon	Jackson	Nelson
Case	Javits	Pastore
Church	Kennedy	Pell
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Symington
Eagleton	McCarthy	Tydings
Fulbright	McGee	Williams, N.J.
Goodell	McGovern	Yarborough
Harris	Metcalf	Young, Ohio
Hartke	Mondale	

NAYS—56

Aiken	Ellender	Murphy
Allen	Ervin	Packwood
Allott	Fannin	Pearson
Baker	Goldwater	Percy
Bayh	Gore	Prouty
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bible	Hansen	Russell
Boggs	Holland	Saxbe
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Scott
Cook	Jordan, N.C.	Smith
Cotton	Jordan, Idaho	Spong
Curtis	Long	Stennis
Dirksen	Mathias	Thurmond
Dodd	McClellan	Tower
Dole	McIntyre	Williams, Del.
Dominick	Miller	Young, N. Dak.
Eastland	Mundt	

NOT VOTING—9

Burdick	Hart	Sparkman
Fong	Hughes	Stevens
Gravel	Moss	Talmadge

So the motion to recommit was rejected.

Mr. DIRKSEN. Mr. President, on the question of whether the Senate will advise and consent to the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board, I ask for the yeas and nays

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otto F. Otepka to be a member of the Subversive Activities Control Board? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. HART), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "yea."

On this vote, the Senator from Michigan (Mr. HART) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Michigan would vote "nay" and the Senator from Alaska would vote "yea."

On this vote, the Senator from Georgia (Mr. TALMADGE) is paired with the Senator from Iowa (Mr. HUGHES). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Iowa would vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Michigan would vote "nay."

The result was announced—yeas 61, nays 28, as follows:

[No. 48 Ex.]

YEAS—61

Aiken	Ellender	Pastore
Allen	Ervin	Pearson
Allott	Fannin	Percy
Anderson	Goldwater	Prouty
Baker	Griffin	Proxmire
Bayh	Gurney	Randolph
Bellmon	Hansen	Russell
Bennett	Hatfield	Saxbe
Bible	Holland	Schweiker
Boggs	Hollings	Scott
Byrd, Va.	Hruska	Smith
Byrd, W. Va.	Jordan, N.C.	Spong
Cannon	Jordan, Idaho	Stennis
Cook	Long	Symington
Cotton	Mathias	Thurmond
Curtis	McClellan	Tower
Dirksen	McIntyre	Williams, N.J.
Dodd	Miller	Williams, Del.
Dole	Montoya	Young, N. Dak.
Dominick	Mundt	
Eastland	Murphy	

NAYS—28

Brooke	Inouye	Muskie
Case	Jackson	Nelson
Cooper	Javits	Packwood
Cranston	Kennedy	Pell
Eagleton	Magnuson	Ribicoff
Fulbright	Mansfield	Tydings
Goodell	McCarthy	Yarborough
Gore	McGee	Young, Ohio
Harris	Metcalf	
Hartke	Mondale	

NOT VOTING—11

Burdick	Hart	Sparkman
Church	Hughes	Stevens
Fong	McGovern	Talmadge
Gravel	Moss	

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of the nomination.

The motion was agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its

reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

The message also announced that the House had passed a joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes;

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Sp4C. Klaus Josef Strauss.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON THE SIOUX TRIBE OF INDIANS OF THE CHEYENNE RIVER RESERVATION, SOUTH DAKOTA AGAINST THE UNITED STATES OF AMERICA

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings in docket No. 114, *The Sioux Tribe of Indians of the Cheyenne River Reservation, South Dakota, Plaintiff,* v. *The United States of America, Defendant,* have been concluded, with a final judgment in the sum of $1,300,000 entered against the defendant and in favor of the plaintiffs (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION AGAINST THE UNITED STATES OF AMERICA

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings in docket Nos. 350–A, 350–E, and 350–H, *The Three Affiliated Tribes of the Fort Berthold Reservation, Plaintiff,* v. *The United States of America, Defendant,* have been concluded, with a final judgment in the sum of $1,850,000 entered against the defendant and in favor of the plaintiffs (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration and effectiveness of the work experience and training project, V–277, in Los Angeles County, Calif., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare, dated June 23, 1969 (with an accompanying report); to the Committee on Government Operations.

STATISTICAL APPENDIX TO ANNUAL REPORT OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A statistical appendix to the Annual Report of the Secretary of the Treasury on the State of the Finances, for the fiscal year ended June 30, 1968, transmitted, pursuant to law, from the Department of the Treasury; to the Committee on Finance.

PROPOSED LEGISLATION TO PROVIDE BETTER FACILITIES FOR THE ENFORCEMENT OF THE CUSTOMS AND IMMIGRATION LAWS

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws" (with accompanying papers); to the Committee on Finance.

PROPOSED LEGISLATION PROVIDING FOR APPOINTMENT OF CERTAIN PERSONS IN THE NURSING SERVICE IN THE DEPARTMENT OF MEDICINE AND SURGERY OF THE VETERANS' ADMINISTRATION

A letter from the Acting Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide for appointment of certain persons in the nursing service in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the PRESIDING OFFICER:

A resolution adopted by the Young Democratic Club of Montgomery County, Ohio, remonstrating against the proposed anti-ballistics-missile plan; to the Committee on Armed Services.

A resolution adopted by the Board of Supervisors of Steuben County, N.Y., remonstrating against the inclusion of municipal bonds within the present tax reform proposal; to the Committee on Finance.

A resolution adopted by the City Council of San Fernando, Calif., remonstrating against the enactment of revenue laws which would deprive State and local government obligations of their traditional immunity from Federal taxation; to the Committee on Finance.

A resolution adopted by the City Council, National City, Calif., praying for the enactment of legislation to halt current inflationary trends in the United States; to the Committee on Finance.

A resolution adopted by joint meeting of the Western Slope District County Commissioners and San Luis Valley District County Commissioners Association, held at Montrose, Colo., praying for a complete examination relating to the funding and administration of welfare; to the Committee on Labor and Public Welfare.

REREFERRAL OF S. 2306

Mr. LONG. Mr. President, on June 5, a bill, S. 2306, was introduced by the Senator from Nebraska (Mr. HRUSKA) and referred to the Committee on Finance. The bill has to do with establishing quarantine stations for animals that come from countries with certain diseases. Because it deals with ports of entry, the bill was properly referred to the Committee on Finance. However, I understand that the Committee on Agriculture and Forestry is interested in looking into the bill as well as the Department of Agriculture. On behalf of the Senator from Nebraska (Mr. CURTIS), who is a member of the Finance and Agriculture Committees, I ask unanimous consent to rerefer S. 2306 to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on the Judiciary, with amendments:

S. 980. A bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes (Rept. No. 91–268).

By Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, with amendments:

S. 1790. A bill to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program (Rept. No. 91–269).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1076. A bill to establish in the Departments of the Interior and Agriculture Youth Conservation Corps, and for other purposes (Rept. No. 91–270).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

S. 1613. A bill to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam (Rept. No. 91–273).

By Mr. LONG, from the Committee on Commerce, with an amendment:

H.R. 4153. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 91–271).

By Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 91–272).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 2468. A bill to amend certain provisions of the Internal Revenue Code of 1954 relat-

ing to beer, and for other purposes; to the Committee on Finance.

(The remarks of Mr. DIRKSEN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN (by request):

S. 2469. A bill for the relief of Guiseppe and Francesca Menolascina; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. BIBLE, Mr. BROOKE, Mr. FONG, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. PROUTY, Mr. SPONG, and Mr. STEVENS):

S. 2470. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. SCOTT when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. YOUNG of Ohio:

S. 2471. A bill to abolish the Subversive Activities Control Board and to transfer the powers, duties, and functions thereof to the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2472. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Government Operations.

(The remarks of Mr. RIBICOFF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 2473. A bill to improve judicial machinery by granting the district courts of the U.S. jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases; to the Committee on the Judiciary.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 2474. A bill for the relief of Esperanza del Iocorro Sandino; and

S. 2475. A bill for the relief of Dr. Marcial Zamaro, Jr.; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 2476. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GOLDWATER:

S. 2477. A bill for the relief of Theodore P. Crowley; and

S. 2478. A bill for the relief of Consuela Hagler; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2479. A bill to improve the financial management of Federal assistance programs; to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

(The remarks of Mr. MUSKIE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2468—INTRODUCTION OF A BILL TO AMEND CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER, AND FOR OTHER PURPOSES

Mr. DIRKSEN. Mr. President, I introduce a bill for appropriate reference. Along with it I submit a sectional analysis of the proposed legislation and ask that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 2468), to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. DIRKSEN follows:

SECTIONAL ANALYSIS OF PROPOSED LEGISLATION "TO AMEND CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER, AND FOR OTHER PURPOSES"

Section 1. In the definition of the term "removed for consumption or sale" under the Code, would delete from the definition of the term "removals" the present exception for any beer returned to the brewery on the same day the beer is removed from the brewery.

Explanation: This change complements the change to 26 USC 5056(a) which is made in Sec. 3, below, which will authorize the brewer to make a compensating offset or deduction from the Federal beer tax for beer returned at any time to the brewer's plant from which originally removed. Retention of section 5056(a) exception would serve no purpose.

Sec. 2. Under present law, brewers are required to pay the tax on any beer shipped from the factory to commercial laboratories or otherwise for other than analysis of the beer itself. Thus, beer removed from the brewery for research in, or development or testing of, packaging materials and systems, and the like, is subject to the tax notwithstanding that it is never placed in market channels.

This section adds a new provision in 26 USC 5053 authorizing tax-free removals for such research, development, and testing, subject to such conditions and regulations as the Secretary or his delegate may prescribe. Consumer testing or other market analysis is specifically excluded from the R&D exemption.

Sec. 3. This section adds to 26 USC 5056 a new provision authorizing brewers to set off or deduct taxes previously paid or determined on beer that is returned at any time to the brewer's plant from which originally removed. As previously noted, this section and Sec. 1 above complement each other.

Explanation: Under present law and regulations, tax credit or relief on returned beer requires compliance with notice and claim procedures which, in the view of both the industry and the ATTD, are unnecessary, burdensome, and time-consuming from the standpoint of the brewer, and which make no contribution to the protection and collection of the Federal revenue. The procedural details of the new set-off authority will be prescribed by regulations which, among other things, will provide for the making and maintenance of adequate records by the brewer.

Sec. 4. This section adds a new provision to 26 USC 5056(b) extending to brewers the same privilege presently accorded to operators of distilled spirits plants for tax relief or credit in the case of third-party thefts of beer title to which has not been transferred to any third party. The same controls that are prescribed for distilled spirits thefts are established for beer.

Sec. 5. No substantive change is made by this section, which merely amends the caption of 26 USC 5056(c) by substituting the more appropriate term "Limitations" for the present caption "Date of Filing".

Sec. 6. Adds to 26 USC 5401(b) a provision authorizing the use of surety continuation certificate in lieu of new surety bonds, thus simplifying and expediting the surety procedure for brewers while at the same time assuring continued protection of Federal revenue.

Sec. 7. Expands 26 USC 5402(a) to provide expressly for continuity of brewery facilities, thus establishing specific statutory premise for the regulatory provision on this subject at 26 CFR 245.11.

Sec. 8. In keeping with industry-ATTD consensus that, in light of the controls prescribed elsewhere in the Code and its implementing regulations, no valid reason exists for continuing the now-archaic requirement for physical separation of the bottling and racking areas, this section deletes the present requirement for such separation in 26 USC 5411. In addition, for purposes of clarity, it adds "packaging and storing" of beer and other beverages among the authorized brewery uses, and substitutes the term "processing" in place of the present references to "drying" of spent grain and "recovering" of carbon dioxide and yeast. The sentence structure of the present statute is simplified.

S. 2472—INTRODUCTION OF A BILL TO ESTABLISH AN INTERGOVERNMENTAL COMMISSION ON LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference a bill authorizing a comprehensive 3-year study of Long Island Sound and the surrounding shoreline. The study will be undertaken by an independent commission consisting of members representing the Federal, State, and local governments and the many varied private interests in the future development of the sound. The commission's mandate is to develop a plan and recommendations for the constructive future use, development and preservation of Long Island Sound's unique and irreplaceable natural assets.

Long Island Sound is the largest protected expanse of salt water available to this Nation. Situated between New England and Long Island proper, the sound extends for 90 miles east and northeast from New York City to Plum Island. This great water resource, formed by glaciers thousands of years ago, now stands in the midst of this continent's greatest population center.

Year after year we have taken the sound for granted—comforted by its benign presence, inspired and rejuvenated by the myriad pleasures of its waters and shores.

But man has made his inroads on this natural playground. These advances have been, at best, a mixed blessing. Now the time has come to end our complaint acceptance of developments which wastefully disregard our environment and take a firmer hand in shaping the future of Long Island Sound.

Sec. 9—This section, which amends 26 USC 5416 by substituting the terms "package" and "packaging" for the terms "bottle" and "bottling", and defining the new terms as including kegs and barrels in addition to bottles and cans, complements the change made by Sec. 8 above in eliminating the requirement for separation of the bottling and racking areas.

Sec. 10—Adds a new 26 USC 5417 specifically authorizing the establishment and operation off brewery premises of pilot brewing plants for research, development, and test purposes relating to beer and brewery operations. Although there is considerable

support within both the industry and the ATTD for the position that adequate statutory authority already exists for pilot brewing operations in accordance with such conditions and regulations as may be prescribed, enactment of this section will dispel any lingering question on this score.

The great good fortune to have this natural body of water and shoreline at the doorstep of our largest urban complex, invites—even demands—thoughtful consideration of the potential benefits arising from the prudent use and preservation of these resources.

The same good fortune of proximity entices crass exploitation and eventual destruction. The choice is ours to make.

By reason of its unique location, the pressures of a cramped and growing population, and most of all because of man's unique ability and aspiration to utilize nature's assets for his own benefit, Long Island Sound has become the focal point of innumerable and varied development projects.

The public and private sector alike are moving rapidly to use and perhaps misuse the sound's great potential.

The coordination of these plans and projects and the building of lines of communication and cooperation between all levels of government and the private sector is a vital prerequisite for the future of Long Island Sound.

We in Connecticut have long valued the sound as a source of recreation and pleasure as well as a resource for commerce and industry. Our interest and concern now extend toward preserving a judicious balance of these uses for the benefits of future generations.

The sound's potential is limitless. Already its uses defy easy classification.

The sound is a major commercial shipping route. Its waters are the source of lobsters, crabs, clams, and oysters. Both sport and commercial fishermen are amply rewarded for their efforts.

As part of our Nation's estuarine system, the sound is an integral element in the life cycle of much of our aquatic and marine life.

Connecticut alone has 250 miles of shoreline—much of it sandy beaches. The countless inlets and coves provide opportunities for recreational swimming, fishing, and boating. Salt water sailing is enhanced by the protected location. On warm weekends, pleasure boats of all sizes and types dot the water as far as the eye can see.

Numerous offshore islands are settings of picturesque tranquillity providing refuge from the bustle of metropolitan life.

Now the beauty and potential of Long Island Sound are threatened. Today the sound is under attack—not by overt means but the insidious menace of our own carelessness.

Water pollution, shoreline erosion, the destruction of marshlands, and the loss of open spaces all diminish this great asset. The unchecked, unplanned, uncaring sprawl of metropolis threatens to engulf the sound and its shoreline.

Some will say that we overestimate the threatened danger. Much of Long Island Sound remains unspoiled and lovely. Yet this is the very reason why our concern is so relevant. Once lost, this Nation's great natural beauties are irreplaceable. It is our concern for tomorrow which calls us to act today.

But although the sound remains relatively unspoiled, the danger is clearly in sight. Toward Metropolitan New York City we are growing dense suburbs of high rise apartments. Miles of shorelines on both sides of the sound are polluted by garbage. Open space, especially along the precious shore, is at a premium or nonexistent. As far east as New Haven most of our valuable salt marshlands have been destroyed. Beaches have been closed in numerous areas. Commercial shell fishing is prohibited in 16 places along the Connecticut shore.

In the past few years Americans have learned to their sorrow the destructive and debilitating effects of haphazard and disorderly growth in our cities. It is time to take heed of this lesson and apply it to the future of other areas threatened by metropolis.

If we are to take a constructive long-term view of Long Island Sound we must understand what the sound is—what it can do and what it cannot. We must seek to preserve the delicate ecological balance for the future.

The sound is a prime area for intensive development and growth. By the year 2000, the New York metropolitan area will have over 30 million people. The great Atlantic urban complex from Maine to Virginia will house a quarter of the citizens of the United States. The 1,300 square miles of Long Island Sound will be nearly surrounded by people living in an urban environment. We will need more housing, schools, and transportation facilities. Industry and commerce will grow. More electric power will be demanded to further this growth. The question that faces us is whether in the midst of his growth and expansion, Long Island Sound will be a pleasant, scenic oasis or a dark and stagnant cesspool.

We must look into the future to resolve this question. In great part we must look to proper and perceptive planning to provide us with the blueprint. Federal, State, and local governmental plans along with private initiative must be directed in a manner consistent with best uses of the sound's potential.

Too often it seems, our own progressive programs are the culprits which ignore the environmental and ecological considerations necessary to preserve the potential of an area of great natural beauty.

Along the shores of Connecticut the bulk of lost marshlands have been the result of our desire for deeper harbors and waterways for commercial profit. Much of this dredging has been sponsored by the Federal Government.

State and Federal highways have cut off the public access to the shoreline. Today planners are considering the construction of a massive highway bridge spanning the sound. Construction of this bridge and the necessary access roads will severely burden the adjacent shoreline and perhaps blight efforts to preserve a scenic and untouched open space.

Time and time again, offshore islands have been taken over or threatened by commercial or industrial exploitation.

Already over a half dozen mammoth nuclear powerplants are on the drawing boards for construction on the sound. Yet everyone admits that we do not know the full effects of thermal pollution. The massive doses of heated water in the sound may indeed threaten the existence of the sound as we know it.

State and Federal planners are tentatively locating a major international airport here and there about the sound.

Mr. President, the net result of these programs and proposals, whether they originate in Washington, a State capital, a local governmental unit, or a corporate board room, will largely decide the future of Long Island Sound.

Our natural assets are not inexhaustible. The sound's proximity to such a large segment of our population demands that we plan for the greatest possible public benefit from its resources. Yet we have no blueprints to guide us—no indication that airports, powerplants, and highways are the greatest public benefit.

We cannot lose Long Island Sound. More importantly, we cannot afford such a loss simply for lack of foresight.

Mr. President, it is time we stopped to take a long look at the future.

Because of its location and national significance, Congress must take the lead in providing coordination and foresight in the development of this area. The future of Long Island Sound does not lie merely in prohibiting this, or permitting that element of growth. It lies in cooperation and understanding between the various segments of society with an interest in the future of the sound.

The demands of our society are complex. The resources to meet these demands are not unlimited. We must be prudent and farsighted in our use of these resources.

We know that open space must not always be sold to the highest bidder. We know, too, that technological advances do not mean progress until they are harnessed for the benefit of all. Most of all we know that within a limited space and with limited resources, a program of unplanned and unchecked developments may be disastrous.

For these reasons the legislation which I introduce today authorizes the establishment of an independent commission with a far-reaching mandate to survey the sound and shoreline, and study the public and private programs of development which are existing or contemplated in the area. With this background, the commission is to develop a plan and recommendations for the future development, preservation, and administration of the area.

The membership of the commission is suitably broad based for the task. Seven members will be appointed from various branches of the Federal Government representing the many varied interests in the development of Long Island Sound. Four members will be appointed from New York and Connecticut—two from each State. At least two members of the commission will live near the sound. Finally, the President is authorized to appoint four new members

to the commission from the private sector.

The commission will have a 3-year life. The resulting study and plan will relate to a number of important issues facing the future of the sound. Among these are the protection and enhancement of the scenic, scientific, historical and recreational values of the environment; the preservation, where possible, of the existing landscape; the elimination of water pollution, including the thermal effects; the protection of wildlife.

Furthermore, the commission will study the potential alternative uses of the natural resources and make recommendations to promote the greatest public benefits. Particular emphasis will be given to consideration of the long-range goals and priorities of governmental programs which affect the sound.

Finally, the commission will recommend the means to carry out its blueprint.

The commission, in addition to having local and State presentation, is affirmatively instructed to seek out the advice and participation of State and local groups as well as private interests. We must have the views of all interested in the sound including conservationists, industry, commerce, municipal and transportation planners and recreation enthusiasts. All have a legitimate interest and all must be heard.

The bill asks for cooperation at all levels of Government so that the final study and recommendations will have real meaning. The commission will not compromise the autonomy of any governmental unit. Instead, it will seek to encourage the initiative of all interested parties, in an effort to preserve the physical integrity of the sound and promote the public interest.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2472), to establish an Intergovernmental Commission on Long Island Sound, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. (a) The Congress finds that several executive departments and agencies of the federal government have an interest in and jurisdiction over the future development and use of the natural resources of Long Island Sound and adjacent areas. The Congress further finds that the States of Connecticut and New York and local governmental units have similar interests and jurisdiction.

The Congress finds that action to develop and preserve the natural resources of Long Island Sound and adjacent areas is of the utmost importance to the United States, and that, as a matter of national policy, these resources should be developed in a manner consistent with greatest public benefits.

The Congress declares that in order to promote the most beneficial uses of these natural resources, the Congress has a responsibility to promote effective coordination in future planning among the interested governing agencies.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) For the purposes of carrying out this policy, there is hereby established an Intergovernmental Commission on Long Island Sound (hereinafter referred to as the "Commission") which shall be composed of fifteen members as follows:

(1) four appointed by the President;

(2) two appointed by the Secretary of the Interior, one to represent the Federal Water Pollution Control Administration and one to represent the Bureau of Outdoor Recreation;

(3) one appointed to represent the Department of Health, Education and Welfare by the Secretary of such Department;

(4) one appointed to represent the Department of Housing and Urban Development by the Secretary of such Department;

(5) one appointed to represent the Department of Transportation by the Secretary of such Department;

(6) one appointed to represent the Federal Power Commission by such Commission;

(7) one appointed to represent the Atomic Energy Commission by such Commission; and

(8) four appointed to represent the States of New York and Connecticut, two appointed by the Governor of each such State, at least one of whom shall be a resident of a shoreline area adjacent to Long Island Sound.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman, and a Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall make a full and complete study of Long Island Sound and the adjacent shoreline area in the State of New York and Connecticut and survey of all federal, state and local programs existing or contemplated affecting the Sound and shoreline for the purpose of formulating a comprehensive plan providing for the future development, protection and administration of the natural assets of the area.

(b) The study and plan shall include but be limited to findings and recommendations with respect to—

(1) the protection and enhancement of the scenic, scientific, historic, and recreational values of the natural environment;

(2) the protection of existing landscape, including estuarine and marshland areas;

(3) the elimination of water pollution and protection against increasing thermal effects on the water resources, including a determination of the advisability of discontinuing all refuse dumping in the Sound;

(4) the protection of wildlife and marine life of the sound and adjacent areas;

(5) potential alternative beneficial uses of land and water resources, including off-shore islands, taking into account present and proposed future uses for industrial, commercial, transportation, residential and other purposes:

(a) particular emphasis should be given to a study and consideration of the long range goals and priorities of all federal programs affecting the Sound and the adjacent shoreline and recommendations made to effect coordination of such programs, goals and priorities;

(6) protection of adequate open spaces for future generations, taking into account potential effects of increased building and urbanization of the shoreline, and the extent to which land or interests therein and scenic or other easements will need to be acquired by the Federal, state or local governments and the estimated cost of acquiring, developing, and administering such land or interests therein and scenic or other easements, for public use and benefit;

(7) the type of Federal, state, local or coordinated action necessary to carry out such plan and otherwise to preserve and enhance the desirable values of the area, including consideration of appropriate and governmental apparatus to administer the area.

(c) The Commission shall consult with and seek the participation of appropriate state, county, town and village officials as well as other interested groups in formulating the plan.

(d) The Commission shall submit to the President, and to the Congress annual interim reports with respect to its study and investigation, and a final report with respect to its findings and recommendations not later than three years after the Commission has been fully organized.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

COMPENSATION OF MEMBERS

SEC. 5. (a) Any member of the Commission who is appointed from the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (2), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as

may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 7. The Commission shall cease to exist ninety days after the submission of its final report.

S. 2473—INTRODUCTION OF A BILL TO EXPEDITE RESOLUTION OF JURISDICTIONAL CONFLICTS

Mr. TYDINGS. Mr. President, I am today introducing, for appropriate reference, a bill to empower the district courts of the United States to resolve controversies relating to jurisdiction to regulate a public utility. Its purpose is to eliminate the enormous waste of time and money, as well as the obstacles to effective utility regulation, occasioned by the duplicative and protracted litigation that often occurs when two or more regulatory agencies assert conflicting jurisdictional claims.

Since December 14, 1967, when I introduced a similar bill in the 90th Congress, there has been widespread indication of concern about this problem and of interest in the bill. For example, the Honorable William O. Doub, chairman of the public services commission of my own State of Maryland, wrote:

I have read the bill carefully and find it to be most desirable in its stated purpose—to speed up decisions in controversies over regulatory jurisdiction.

In addition, I can tell you that the bill has the support of our Commission.

The bill has the wholehearted support of the American Bar Association. Several years ago that association made a study of the problem that the bill is designed to meet and reached the conclusion that the public interest demands the improvement in the regulatory process that the bill would afford.

It is quite apparent that there is something seriously wrong when our judicial machinery requires years of duplicative litigation through multiple State and Federal commissions and courts, at enormous expense both to the regulated company and the public treasury, just to find out which of two or more agencies asserting regulatory jurisdiction actually has it. Yet, this is exactly what happens under our present system.

The bill that I am introducing today would provide far more orderly administration of justice. It would enable a Federal court to resolve expeditiously, at the outset, jurisdictional controversies between two or more regulatory agencies. The substantive regulatory issues would then be dealt with only by the agency found to have jurisdiction and not before any agency erroneously claiming jurisdiction.

This bill, by eliminating the necessity for litigation on multiple fronts just to resolve competing claims of jurisdiction, will remove barriers to effective regulation. It will permit more expeditious resolution of uncertainties as to regulatory authority. Such uncertainties tend to inhibit both aggressive regulation by the proper agency and important investment and other decisions by private business.

Enactment of this bill would benefit the public, the regulatory agencies, and regulated business alike. It deprives no agency, Federal or State, of jurisdiction to regulate. It confers no special privilege on anyone. What it does do is accelerate the regulatory process and make it more orderly by setting up a workable procedure for resolving jurisdictional disputes promptly.

There is simply no reason for the waste and delays in our present regulatory procedures in cases involving conflicting claims of jurisdiction. I hope that the remedy provided by the bill will receive favorable consideration in this body.

I ask that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2473), to improve judicial machinery by granting the district courts of the U.S. jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2201 of title 28 of the United States Code is amended by redesignating section 2201 as section 2201(a) and by adding at the end thereof a new subsection as follows:

"(b) The district courts shall have original jurisdiction of any civil action or proceeding to resolve a controversy with respect to jurisdiction to regulate a public utility—

"(i) between two or more States or their agencies,

"(ii) between the United States or one or more agencies of the United States, on the one hand, and one or more States or State agencies, on the other hand,

upon the filing of an appropriate pleading by any such public utility or government or agency. The term 'agencies' includes all regulatory commissions and other bodies having or exercising any regulatory function with respect to public utilities. The United States or any agency of the United States may join or be joined as a party to such an action. Any State or State agency may join or, with its consent where necessary, be joined as a party to such an action. The court may declare the rights and other legal relations of the parties to such action to the extent necessary to resolve such controversy with respect to jurisdiction, and such declaration may be made without regard to whether to what extent any administrative remedies have theretofore been pursued or exhausted. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

SEC. 2. Title 28 of the United States Code is hereby amended by adding thereto the following new section:

"§ 1407. Public utility jurisdictional controversies

"Any civil action or proceeding for a declaratory judgment, under paragraph (b) of section 2201 of this title, to resolve controversy with respect to jurisdiction to regulate a public utility may be brought in any judicial district wherein is the residence or principal office of the public utility: *Provided, however,* That whenever one or more States, or agencies thereof, are parties, the civil action or proceeding must be brought in a judicial district within one of such States."

SEC. 3. The table of sections at the head of chapter 87 of title 28 of the United States Code is amended by adding at the end the following item:

"1407. Public utility jurisdictional controversies."

S. 2476—INTRODUCTION OF A BILL TO EXPEDITE DELIVERY OF SPECIAL DELIVERY MAIL

Mr. YARBOROUGH. Mr. President, today I introduce a measure that will assure the continuance of adequate special delivery mail service. To some this may seem of minor importance in and of itself—but I feel it is a measure which is symptomatic of the current overall threat to our postal system and the vital service it provides.

One of the most recent acts of our new Postmaster General has been to schedule a reduction in the number of special deliveries per day in our major cities and concurrently to propose an increase in special delivery rates. This action and recommendation are further examples of what would be in store for our entire postal service should the administration's proposed postal corporation plan be adopted.

Special delivery service is a needed middle-ground between routine mail and telegraphic service. It is a vital communications link for much of the commerce that takes place in our Nation today—particularly in our large, crowded cities. It is a service that should be maintained, and that is what this measure is designed to do.

My bill is a companion to a similar bill introduced in the House of Representatives by Representative ROBERT NIX, the able chairman of the House Subcommittee on Postal Operations. In introducing this measure I would like to underscore Congressman NIX's request of Postmaster General Blount that he delay his plan to drastically reduce special delivery service by July 1 until the Congress has at least had the opportunity to thoroughly look into this entire matter.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2476), to expedite delivery of special delivery mail, and for other purposes, introduced by Mr. YARBOROUGH was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6006 of title 39, United States Code, is amended by adding the following subsection:

"(c) Except for emergency conditions beyond his control, during normal special delivery hours, the postmaster shall arrange special delivery trips so that (a) in the central business sections delivery will be made within two hours of the time of applying the receiving postmark at the unit from which delivery is made; (b) in all other areas delivery will be made within three hours of the time of applying the receiving postmark at the unit from which delivery is made.".

S. 2479—INTRODUCTION OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1969

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill entitled the "Intergovernmental Cooperation Act of 1969." This measure is a followup to last year's legislation—Public Law 90–577—the first ever enacted in this critical field. I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

(See exhibits 1 and 2.)

Mr. MUSKIE. Mr. President, this new bill focuses on specific and sometimes controversial ways of strengthening the operations of the Federal grant-in-aid system. It is preeminently a modern management measure—a critical need of contemporary American federalism.

Mr. President, developments during recent years have produced growing concern over the administration of Federal assistance programs to State and local governments. These programs now constitute the principal tool of fiscal and functional federalism, and they have had a near-explosive growth in recent years. From 1962 to 1966, the number of separate grant authorizations more than doubled, rising from 161 to 379. During the 90th Congress, at least 42 new broad-grant programs involving well over this number in separate authorizations were enacted. As of that moment the total is well above the 420 mark. No one can tell us the exact figure with any certainty.

In dollar terms, Federal aid experienced a nearly fourfold increase between 1957 and 1967, with an average annual hike of over 14 percent. During the past 5 years alone, grant outlays have more than doubled, jumping from $10.1 billion in 1964 to an estimated $20.8 billion for the current fiscal year. According to the latest Bureau of the Budget projections, Federal grant expenditures for fiscal year 1970 will soar to the $24.5 billion mark, or more than 3½ times the 1960 figure.

These grant outlays now provide nearly 18 percent of State and local revenue. Their matching requirements have generated State and local expenditures in the order of one for every two Federal grant dollars. At the same time, State and local matching represents only about 10 to 14 percent of general expenditures from their own revenue sources. Bureau of the Budget projections for 1970 indicate that these matching funds will rise to an estimated $10 to $13 billion or nearly $5 to $8 billion more than the 1966 amount.

These findings clearly indicate that grants-in-aid are one of the major supports of our Federal system. At the time they have generated great difficulties.

Since its creation in 1962, the Subcommittee on Intergovernment Relations has undertaken a continuous study of problems of the relationships that comprise our complex federal system. In our studies of "The Federal System as Seen by State and Local Officials" and "The Federal System as Seen by Federal Aid Officials," as well as in our hearings on the Intergovernmental Cooperation Act in the 89th and 90th Congresses and on "Creative Federalism" in the last Congress, we have ample evidence that public officials at all levels are acutely aware of the adverse consequences that the profusion and excessive fragmentation of Federal assistance programs produce. Some of them follow:

First. There is an "information gap" concerning what programs, who administers them, how closely related grants differ, and the proper approach for assembling a proper application. Title II of the Intergovernmental Cooperation Act of 1968 partially fills this gap.

Second. There is a "communications gap" between top management officials and middle management program administrators at all levels—with the latter being directly strengthened by the program fragmentation and the former weakened by it. Very little has been done to close this gap, although title IV of last year's legislation, if properly implemented, could begin to close it.

Third. There is the phenomenon of "grantsmanship," a game which has attracted private consultants and others who, for a fee, guide applicants through a maze of bureaucratic procedures and complicated catalogs of available assistance programs. This game is far from over.

Fourth. There is the "promise-performance gap," where funding uncertainties, the major hurdles facing attempts to package Federal aids on a multifunctional basis, and duplicating financial management requirements have generated significant disillusionment and distaste among recipient State local officials.

Fifth. There is the matter of overlapping and duplication among various grants and a resulting situation where eligible applicants may play off two or more Federal agencies against one another, especially when grants have differing matching ratios.

Sixth. There is the gap in understanding arising from the fact that department heads, the Executive Office of the President, and relevant standing committees of Congress do not periodically receive analytical information on the operations, interrelationships, and program performance of the various grants-in-aid falling under their respective jurisdictions. Comparable, if not more severe, problems face Governors, State legislators, county executives, and mayors.

The Subcommittee on Intergovernmental Relations has identified these and other administrative problems that arise as a result of the excessive complexity and categorization of the grant-in-aid system. Moreover, the Advisory Commission on Intergovernmental Relations, of which the senior Senator from North Carolina (Mr. ERVIN), the senior Senator from South Dakota (Mr. MUNDT), and I are members, has thoroughly corroborated the extent of these difficulties, most notably in its authoritative report on "Fiscal Balance in the American Federal System."

Since its inception, the Subcommittee on Intergovernmental Relations has sought and achieved Senate passage of measures that would come to grips with various aspects of this management morass.

In the 88th Congress, we developed and the Senate passed a measure to provide for periodic congressional review of future grant-in-aid programs.

In the 89th Congress, we developed and successfully urged Senate enactment of the Intergovernmental Cooperation Act of 1965, a measure designed to achieve the fullest cooperation and coordination of activities among the levels of government.

In the last Congress, the Congress enacted the Intergovernmental Cooperation Act of 1968. In the last Congress, we also reported and achieved Senate passage of the Intergovernmental Personnel Act.

In this Congress, we have again considered legislation that will help fill the manpower gap at the State and local levels (S. 11). The proposed Intergovernmental Cooperation Act of 1969 constitutes another attempt on our part to develop meaningful solutions to clearly identifiable problems in the critical field of grant management.

In sponsoring this and earlier legislation, I have sought to underscore the significance of achieving reform within the context of the grant system. Reform is our goal, because we recognize the essential wisdom of the grant-in-aid approach. Grants are both a symbol and a system of cooperative federalism, as the report to the President of the Kestnbaum Commission on Intergovernmental Relations noted over 13 years ago. They have revealed their ability to adapt to rural, depression-rooted, and urban growth problems. For these and other reasons, the categorical grant system—while in need of reform—is still deserving of support.

The measure I introduce today seeks to strengthen and improve the management of Federal assistance programs. It deals directly with immediate and pressing problems. Specifically, it comes to grips with four basic difficulties that plague grant administration: First, the overlapping and duplication in grant auditing, accounting, and fiscal reporting; second, the complicated application procedures that impede the packaging of Federal assistance by recipient jurisdictions; third, the excessive fragmentation of grant authorizations and categories; and fourth, the problem facing the committees of Congress, Congress as a whole, departmental heads, and the President in obtaining—on a meaningful and periodic basis—adequate information regarding the operation, interrelationships, and effectiveness of grants-in-aid over which they have oversight responsibilities.

Each of these problems has been fully documented in the subcommittee studies that I have cited, as well as in the Advisory Commission's "Fiscal Balance" report. The proposed legislation implements three specific recommendations advanced in this ACIR study and another from its earlier report on "Periodic Congressional Reassessment of Federal

Grants-in-Aid to State and Local Government."

Three of the titles—relating to financial management, Federal assistance consolidation, and joint funding simplification—were considered at length in subcommittee hearings last year. In their present form, they incorporate many of the suggested changes advanced during these earlier proceedings. In addition to the Advisory Commission on Intergovernmental Relations, several major associations representing public officials throughout the Federal system—the National Governors' Conference, Council of State Governments, National Association of Counties, National League of Cities, and the U.S. Conference of Mayors—have endorsed all of or a majority of the bill's provisions.

Mr. President, I have spoken many times during the past 5 years about the management problems connected with grant administration. The Intergovernmental Cooperation Act of 1968, the intergovernmental personnel bill, and the National Intergovernmental Affairs Council legislation underscores the continuing efforts of the Subcommittee on Intergovernmental Relations to strengthen the basis of intergovernmental administration. The proposed Intergovernmental Cooperation Act of 1969 is another manifestation of this perennial concern. By focusing on the need for more uniform and less duplicative financial management, the desirability of facilitating the packaging of grant-in-aid applications, the paramount problem of achieving additional grant consolidations, and the pressing question of beefing up congressional and executive branch oversight, this omnibus measure comes to grips with well documented sources of tension and turmoil in the administration of Federal assistance programs.

Intergovernmental relations today are more intricate, and more involved, than they have ever been in our entire history. To succeed, this system must be governed by a spirit of cooperation. Yet, conflict and confusion seem to be the order of the day.

To curb this conflict and to reduce the confusion, top policymakers at all levels—the President and the Congress, the Governor and the legislature, the mayor and the council—must be in a position to plan, pass, implement, fund, and review the vital public programs this generation of Americans demands. Effective public management is crucial to both the executive and legislative branches. Efforts then to strengthen it on an interbranch, interagency, and intergovernmental level must be examined, debated, and—where worthy—enacted and executed.

The proposed Intergovernmental Cooperation Act of 1969 addresses itself to these pivotal questions. I do not overstate the case by asserting that the future of federalism depends on how well we, at the Federal level, provide meaningful answers to the critical issues dealt with by this legislation.

The bill (S. 2479) to improve the financial management of Federal assistance programs; to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 2479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1969."

TITLE I—DEFINITIONS

SEC. 101. Title I of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; Pub. L. 90–577) is amended by adding at the end thereof the following new sections:

"FEDERAL ASSISTANCE CONSOLIDATION PLAN

"SEC. 111. The term 'Federal assistance consolidation plan' means any plan involving a consolidation of two or more Federal assistance programs in the same or closely related functional area(s) and with separate statutory authorizations.

"JOINT PROJECT

"SEC. 112. The term 'joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations and one or more State programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purposes."

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

SEC. 201. Such Act is further amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization of financial reporting requirements of Federal assistance programs, to promote among Federal agencies administering such programs accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorize the Comptroller General of the United States to prescribe rules and regulations for use of audits of States and political subdivisions in meeting the responsibilities of the General Accounting Office with respect to such programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 702. Notwithstanding any other provision of law, the President shall have authority to promulgate rules and regulations simplifying and, to the extent feasible, unifying the financial reporting required of recipients under requirements of Federal assistance programs.

"RELIANCE ON STATE AND LOCAL AUDITS

"SEC. 703. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, reply on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether accounting records are maintained, and reports are prepared, in accordance with generally accepted accounting principles applicable to such programs and such recipient jurisdictions; (2) whether audits are carried out with adequate coverage in accordance with generally accepted auditing standards; and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purposes of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate the auditing requirements of such programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency shall conduct the audits for another.

"(h) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 301. Such Act is further amended by adding after title VII, as added by section 201 of this Act, the following new title:

"TITLE VIII—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 801. (a) The President shall from time to time examine the various programs of Federal assistance provided by law and shall determine which consolidations are necessary or desirable—

"(1) to promote the better execution and efficient management or individual Federal assistance programs within the same functional areas;

"(2) to provide better coordination among individual assistance programs within the same functional areas; or

"(3) to promote more efficient planning and use by the recipients of Federal assistance under programs within the same functional areas.

"(b) The Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that such purposes may be accomplished in great measure by proceeding under this title, and can be accomplished more speedily thereby than by the enactment of specific legislation.

"PREPARATION AND TRANSMITTAL OF PLAN

"SEC. 802. (a) When the President, after investigation, finds that a consolidation of individual Federal assistance programs within the same or closely related functional area(s) is necessary or desirable to accomplish one or more of the purposes set forth in section 801(a), he shall prepare a Federal assistance consolidation plan for the making of such consolidation, and shall transmit such plan (bearing an identification number) to the Congress, together with a declaration that with respect to each individual program consolidated under such plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 801(a). Each such consolidation plan so transmitted—

"(1) shall place responsibility in a single Federal agency for administration of the consolidated program;

"(2) shall specify in detail the matching formula and, where relevant, the apportionment formula for rendering Federal assistance under the consolidated program and such other relevant conditions and requirements for rendering such assistance, including planning and eligibility requirements, as may be indicated by one or more of the statutes establishing the individual programs consolidated under the plan;

"(3) shall set forth differences between such formulas, conditions, and requirements and the corresponding provisions of the statutes of each of the individual Federal assistance programs consolidated under such plan;

"(4) shall provide for the transfer or other disposition of the records, property, and personnel of individual Federal assistance programs affected by a consolidation;

"(5) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with such programs as are involved in the consolidation, as the President considers necessary by reason of the consolidation for use in connection with the functions of the consolidated program; and

"(6) shall provide for terminating the affairs of an agency or administrative unit whose programs have been transferred as a consequence of the consolidation.

"(b) Each Federal assistance consolidation plan shall provide for only one consolidation of individual assistance programs.

"(c) The President shall have a Federal assistance consolidation plan delivered to both Houses on the same day and to each House while it is in session.

"CONGRESSIONAL CONSIDERATION

"SEC. 803. (a) Except as otherwise provided in subsection (c) of this section, a Federal assistance consolidation plan shall become effective on the first day of the month following the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 90-day period, either House passes a resolution stating in substance that the House does not favor the Federal assistance consolidation plan.

"(b) For purposes of subsection (a) of this section—

"(1) continuity of session is broken only by an adjournment of the Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the 90-day period.

"(c) Under provisions contained in a Federal assistance consolidation plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

"(d) A Federal assistance consolidation plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"SEC. 804. (a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution introduced in either House stating in substance that the House does not favor a Federal assistance consolidation plan transmitted by the President in accordance with this title; and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) The following provisions shall apply with respect to a Federal assistance consolidation plan:

"(1) A resolution with respect to a Federal assistance consolidation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(2)(A) If the committee to which a resolution with respect to a Federal assistance consolidation plan has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the Federal assistance consolidation plan which has been referred to the committee.

"(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same Federal assistance consolidation plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same Federal assistance consolidation plan.

"(3)(A) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a Federal assistance consolidation plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(4)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a Federal assistance consolidation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

"(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a Federal assistance consolidation plan shall be decided without debate.

"EXPIRATION DATE

"SEC. 805. The authority of the President under section 802 to transmit Federal assistance consolidation plans shall expire three years after the date of the enactment of the Intergovernmental Cooperation Act of 1969."

TITLE IV—JOINT FUNDING SIMPLIFICATION

SEC. 401. Such Act is further amended by adding after title VIII, as added by section 301 of this Act, the following new title:

"TITLE IX—JOINT FUNDING SIMPLIFICATION

"SEC. 901. The purpose of this title is to enable States and their political subdivisions to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 902. (a) The head of every Federal department and agency administering two or more Federal assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his department or agency.

"(b) To develop the necessary departmental or agency capability to achieve the purposes of section 901, the head of such department or agency, among other actions, shall—

"(1) identify related programs within his department or agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects;

"(2) develop and promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and developemnt of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his department or agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified, and make modifications accordingly;

"(4) establish common technical or administrative rules among related Federal assistance programs administered by his department or agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) develop common accounting, auditing and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his department or agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal department and agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting departmental or agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint project as a whole;

"(3) inconsistent or conflicting departmental or agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting departmental or agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting departmental or agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting departmental or agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal department and agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects to his department or agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may prescribe rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received and from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal department or agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his department or agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necesary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"SEC. 903. (a) In order to extend selectively the benefits of joint projects and joint management funding on a Government-wide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

"(b) In order to develop the necessary capability within the Executive Office of the President for achieving the purposes of this section, the President shall have authority to exercise, with reference to interdepartmental demonstration joint projects, the same responsibilities and authorities assigned to heads of Federal departments and agencies with reference to intradepartmental joint project under subsections (b), (c), (d) and (e) of section 902.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other such departments and agencies of any powers relating to approval, under this section, or programs or classes of programs under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal departments and agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other departments or agencies to perform such activities, with respect to programs or classes of programs subject to this section. Delegation authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal department or agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected departments and agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those departments and agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the department or agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal departments and agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations wil be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"(f) Demonstration joint projects initiated under the authority conferred by this section shall not exceed 100 in any one fiscal year, and shall not exceed 250 during the period of three years during which this section is effective.

"(g) This section shall expire three years after it becomes effective, but its expiration shall not affect the administration of joint projects previously approved.

"FUNDING AND PERSONNEL AVAILABILITY

"SEC. 904. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"SEC. 905. For the purpose of audit and examination, the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

EFFECTIVE DATE

SEC. 402. Sections 902 and 903 of the Intergovernmental Cooperation Act of 1968, as added by section 401 of this Act, shall become effective 120 days after the date of enactment of this Act.

TITLE V—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 501. Section 601 of such Act is amended by adding at the end thereof the following new subsection:

"(c) If any Act of Congress enacted on or after January 3, 1971, authorizes the mak-

ing of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the Committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than 120 days before such authority is due to expire."

SEC. 502. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member of the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1969. Such reports shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each programs' statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination at headquarters and in the field with other related Federal assistance programs;

"(4) efforts to simplify and make more uniform (A) application forms and procedures and (B) financial reporting and auditing requirements and procedures;

"(5) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where such exist;

"(6) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(7) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(8) the extent to which such programs are adequate to meet the growing and changing needs which they were designed to support.

"(b) The President shall transmit to the Congress, not later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1969. Each report shall (1) summarize and analyze the findings of department and agency reports provided in subsection (a) of this section; (2) set forth such recommendations as he may deem appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental cooperation; and (3) such other matters that are considered pertinent."

The section-by-section analysis, presented by Mr. MUSKIE, is as follows:

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1969

TITLE I—DEFINITIONS

This title contains definitions of two terms used frequently in other titles of the bill.

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

Title II amends the Intergovernmental Cooperation Act of 1968 (P.L. 90–577) by adding a new Title VII which deals with the accounting, auditing, and reporting of Federal assistance funds. Section 701 sets forth the purposes of this new title: to encourage the simplification and standardization of the diverse financial reporting requirements of Federal assistance programs, to promote among Federal grant agencies accounting and auditing policies that rely on those State and local fiscal control systems which meet certain professional standards, and to empower the Comptroller General of the United States to establish rules and regulations for use of certain State and local audits in meeting GAO's responsibilities regarding Federal assistance programs.

More uniform financial reporting

Section 702 authorizes the President, notwithstanding any other provisions of law, to establish rules and regulations that will simplify and, where possible, make more uniform the financial reporting requirements associated with Federal assistance programs. The purpose here is to bring greater order to a situation where widely varying forms, differing time schedules, and divergent data requests have undermined the basic objectives of meaningful fiscal reporting on Federal assistance programs.

Federal agencies reliance on the financial management control systems of States and their political subdivisions

Section 703 declares it to be the purpose of this section that Federal agencies administering assistance programs to State and local governments shall, to the maximum extent feasible, rely on the internal or independent accounting and auditing of these programs performed by recipient jurisdictions. Under this section, heads of agencies are assigned the responsibility of determining the adequacy of the internal financial management control systems utilized by recipient jurisdictions. In meeting this responsibility, such heads will, among other things, ascertain whether accounting records are maintained and reports prepared according to generally accepted accounting principles, whether audits are carried out in a way that meets generally accepted auditing standards, and whether the auditing function is performed in a timely fashion by a qualified professional staff that is sufficiently independent—in an administrative and political sense—from program operations, so that a comprehensive and objective audit can be performed. Where such control systems are found acceptable, agency heads, in the absence of substantial reasons to the contrary, are required to accept the audits performed under such systems as a substitute for those which otherwise would be performed by their own agency personnel. The periodic sample testing technique is cited as the chief means of verifying the continuing reliability of accepted control systems.

In order to strengthen the cooperative relationships among fiscal management personnel, each Federal agency administering assistance programs is required (under Section 703(e)) to maintain continuous liaison with counterpart State and local fiscal control administrators and the interchange of audit standards and objectives and interlevel collaboration in the development of audit schedules are specifically cited as means of furthering this liaison. To reduce the proliferation of accounting and auditing systems within and between Federal agencies, Federal agency heads are required, to the extent feasible and permitted by law, to coordinate the auditing requirements of assistance programs coming under their jurisdiction (Section 703(f)) and to establish cross-servicing arrangements with other agencies for audit purposes (Section 703(g)). The Bureau of the Budget, or such other agency as may be designated by the President, is authorized to prescribe government-wide rules and regulations for the effective implementation of this section.

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

This title further amends the Intergovernmental Cooperation Act of 1968 (P. L. 90–577) by adding another title to it dealing with a new approach to achieving consolidations of Federal assistance programs.

Section 801 declares the title's basic purposes and states that the President from time to time shall examine the various Federal assistance programs and determine what consolidations are necessary and desirable in order to upgrade the management and coordination of individual programs falling within the same functional area, and to promote more efficient planning and use by recipient jurisdictions of such programs.

Section 801(b) establishes a Congressional policy with respect to Federal assistance program consolidations and declares that the better management purposes of this title can best be accomplished by its enactment.

Preparation and transmittal of plan

Under Section 802, the President, after finding that a consolidation of two or more functionally-related aid programs is necessary and desirable to achieve the purpose(s) of this title, is authorized to prepare a consolidation plan and to transmit it to Congress along with a declaration indicating his finding that the plan will further the purposes of this title.

Each consolidation plan transmitted must place responsibility in a single Federal agency for the administration of the consolidated program; specify the new, single matching formula and, where the individual programs being combined have apportionment formulas for rendering Federal assistance under the consolidated program; include other conditions and requirements for rendering such assistance, including planning and eligibility requirements, which are suggested by counterpart provisions of Federal assistance statutes affected by the consolidation plan; spell out the differences between the formulas, conditions, and requirements of a consolidation plan and those in such counterpart provisions, provide for the transfer or other disposition of records, property, and personnel of the individual assistance programs involved; arrange for the transfer of those unexpended balances of appropriations and of other funds available for the individual assistance programs affected insofar as the President considers it necessary in light of the functions authorized by the consolidated program (except that unexpended bal-

ances thus transferred may be used only for purposes authorized in the original appropriation); and make provision for terminating the affairs of an agency or administrative unit whose programs have been transferred pursuant to the proposed consolidation. With reference to the President's discretion in determining a consolidation plan's formulas, requirements, and conditions, its scope is limited by two factors: first, no such provision can be included that is not present in at least one of the individual aid programs being consolidated, and second, whenever two or more differing matching (or apportionment) ratios are present in such programs the new figure must fall within the bounds set by these ratios.

Finally, this section stipulates that each Federal assistance consolidation plan shall provide for only one consolidation of individual assistance programs and that the President when transmitting such a plan, shall have it delivered to both Houses of Congress on the same date and to each when in session.

Congressional consideration

Sections 803 and 804 of this title set forth the manner in which Congress shall consider Federal assistance consolidation plans. In all major respects the procedure here parallels the provisions that formally applied under the Reorganization Act of 1949, as amended. One major difference between the two appears in Section 803 which stipulates that a Federal assistance consolidation plan shall only become effective at the end of the first period of ninety calendar days of continuous session of the Congress after transmittal date (rather than sixty calendar days), unless between the day of transmittal and the end of the ninety day period either House passes a resolution not favoring the plan.

Expiration date

Section 805 limits the authority of the President under Section 802 to three years after the date of enactment. This provision is geared to giving both Congress and the Executive Branch an opportunity to review the operation of this title after a reasonable period of time.

TITLE IV—JOINT FUNDING SIMPLIFICATION

Section 401 further amends the Intergovernmental Cooperation Act of 1968 by adding a new Title IX dealing with joint funding simplification. Section 901 states that the purpose of the title is to enable States and localities to use Federal aid programs more effectively and efficiently, to adapt these programs more readily to their individual needs by facilitating the broader use of joint projects involving more than one aid program, and to acquire experience that would lead to additional legislative proposals regarding consolidation, coordination, and simplification of Federal assistance programs. The statement of purpose also indicates the basic organizational focus of the title (which differs from that of predecessor legislation introduced in the 90th Congress) wherein primary emphasis is given to developing widespread use of joint projects and joint funding arrangements within individual departments and placing counterpart efforts at the interdepartmental level on an experimental and limited demonstration basis.

Intradepartmental joint projects

Section 902 deals wholly with procedures involving intradepartmental joint projects and joint funding arrangements. Under it, the head of each Federal department and agency administering more than one Federal aid program is authorized to approve combined applications for joint projects requiring funding from two or more such programs falling under his jurisdiction. To develop the necessary departmental or agency capability for achieving the purposes of this title, Section 902(b) requires departmental heads, among other things, to identify related aid programs within his agency that are likely candidates for joint projects; to develop and promulgate guidelines, joint project examples, common application forms, and other materials that will facilitate development of an interdepartmental joint project program; to review the various administrative requirements of departmental assistance programs in order to identify those that might impede the expeditious processing of joint project applications and where appropriate make the necessary modifications; to establish common technical or administrative rules for related departmental assistance programs; to create common or joint application processing and project supervision procedures—including establishing a single unit for handling these functions; and to develop common auditing, accounting, and fiscal reporting procedures to facilitate establishment of fiscal and program accountability with respect to joint projects approved by him.

In order to provide the means of cutting the red tape arising from the varying procedural requirements associated with individual assistance programs, the head of each Federal department and agency administering two or more such programs is authorized under Section 902(c) to adopt, subject to such regulations as may be promulgated by the President pursuant to Section 902(f), uniform provisions regarding inconsistent or conflicting agency requirements involving financial administration, the timing of Federal payments, whether assistance must be extended in the form of a grant or a contract, merit personnel systems (but only to the extent that a proposed joint project would cause these requirements to be applied to programs not otherwise subject to them), the accountability for or the disposition of property or structures acquired or constructed with Federal assistance, and other relevant administrative and technical items defined in regulations issued pursuant to subsection (f).

To develop the intradepartmental financial arrangements necessary for expediting joint projects, each head of a department and agency administering two or more Federal assistance programs is permitted under Section 902(d) to set up a single board or panel for the review of combined applications to his department; to prescribe rules and regulations for establishing joint management funds with respect to joint projects approved by him, so that the total amount approved for any project may be accounted for as if the funds had been derived from a single aid program or authorization; to establish uniform rules and regulations governing the fiscal reporting of projects financed through joint management funds; to have access, for the purpose of audit and examination, to relevant records and other data of recipient States and local governments relating to moneys received from joint management funds authorized by him; and to establish a single non-Federal share for any joint project authorized by him and covered in a joint management fund.

Section 902(e) permits such heads of departments and agencies, subject to such regulations as may be established pursuant to subsection (f), to enter into agreements with States to extend the benefits of joint projects and joint management funds to cover combined applications involving not only assistance from programs administered by his department but also from those administered by one or more State agencies. In most instances, such arrangements will be restricted primarily to those program areas where Federal assistance is normally channeled through the States.

Under Section 902(f), the President is authorized to prescribe such rules and regulations as he deems necessary to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental projects authorized by this section. While fewer administrative problems can be expected to arise in establishing meaningful departmental joint project programs than in the case of interdepartmental projects, energetic and consistent departmental efforts may not always be forthcoming—hence, the need for this section.

Interdepartmental demonstration joint projects

Section 903 extends selectively the benefits of joint projects and joint management funding on a government-wide basis. This is done in recognition of the administrative difficulties involved in this commendable but complex undertaking. Section 903(a) authorizes the President to approve on a demonstration basis combined applications for joint projects requiring funding from two or more Federal assistance programs administered by more than one Federal department or agency.

Section 903(b) gives to the President with respect to interdepartmental projects authorities comparable to those assigned to heads of departments and agencies under Section 902(b), (c), (d), and (e). This is done in order to facilitate the development of the necessary capability in the Executive Office of the President for processing and administering interdepartmental joint projects and joint management funds.

Section 903(c) authorizes the President to establish rules and regulations requiring the delegation by heads of Federal departments and agencies to other departments and agencies of project or program approval authority insofar as it involves programs or classes of programs included in an interdepartmental joint project(s). Without this authority, it is doubtful whether the goals of this section can be achieved. Such rules and regulations may also call for the delegation to other Federal departments and agencies of powers relating to the supervision of Federal assistance programs. These rules and regulations are conditioned by the proviso that they must be appropriate to assure that the powers and functions delegated are utilized in full conformity with applicable statutory provisions or policies.

Section 903(d) is geared to permitting establishment of joint management funds on an interdepartmental basis. Accordingly, the President is authorized to make rules and regulations, not inconsistent with other applicable law, governing the setting up of joint management funds involving moneys derived from two or more Federal assistance programs administered by more than one Federal department or agency. These rules and regulations will assure that the necessary accounting, auditing, and other fiscal information will be made available to the departments involved, the Congress, and the Executive Office of the President. They also shall stipulate that any department or agency administering a joint fund shall be accountable for the total amount provided for the purposes of each account established in the fund and shall practice accounting and auditing policies consistent with new Title VII. Such rules and regulations may include procedures for determining on a periodic basis whether amounts in the account are in excess of those required, for returning that excess to participating agencies according to an equitable distribution formula, and for making returns to applicable appropriations, subject to fiscal year limitations.

Section 903(e) requires the President to submit annually to Congress a report evaluating the progress in accomplishing the purposes of this title. This report will be submitted every January beginning with the first January following the end of the first fiscal year after the effective date of this section.

Section 903(f) underscores the demonstration nature of this entire section. Consequently, individual interdepartmental joint projects initiated under its authority must

not exceed 100 in any one fiscal year nor exceed 250 during the three year life of this section.

The final subsection stipulates that this section will become effective 120 days following the date of enactment and will expire three years after it has become effective. Such expiration, however, shall not affect the administration of interdepartmental joint projects previously approved.

Funding and personnel availability

Section 904(a) is designed to help provide technical assistance to State and local governments involved in developing combined applications for joint projects. Under it, appropriations available to any Federal aid program for technical assistance or personnel training may be made available for the provision of such assistance in connection with joint projects involving that program and any other Federal aid program. In addition, the personnel of any Federal agency (pursuant to Section 904(b)) may be detailed from time to time, where necessary, to other agencies to assist in processing combined applications or in administering approved joint projects.

The authority of the Comptroller General of the United States

Section 905 states that the Comptroller General of the United States shall have access to any books, documents, papers, and records of recipients of intradepartmental or interdepartmental joint projects relating to moneys received from joint management funds for the purpose of GAO audit and examination.

Effective date

Section 402 states that sections 902 and 903 of the Intergovernmental Cooperation Act of 1968, as added by section 401 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE V—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

Section 501 of this Act amends the Intergovernmental Cooperation Act of 1968 by adding a new subsection at the end of Section 601. This amendment is designed to strengthen Congressional review procedures for grants-in-aid enacted on or after January 3, 1971 and having termination provisions of three or more years. During the year preceding the date on which the program authority is to expire, the relevant substantive Committees of Congress, either separately or jointly, will conduct studies of the program and advise their respective Houses of their findings with special reference to the factors cited in Section 601(a) (1), (2), (3), and (4). The Committee report will be filed with the respective Houses not later than one hundred and twenty days before the program is slated to expire.

Section 502 amends Title VI of the Intergovernmental Cooperation Act of 1968 by adding two new sections following Section 603 and appropriately renumbering Section 604. The first of these new sections authorizes establishment of the position of review specialist on each standing committee of the Senate and House responsible for the review, study, and oversight of two or more assistance programs. This additional professional staff member will be selected and appointed by the Chairman of the standing committee with prior approval of the ranking minority member. He would serve on a permanent basis, without regard to political affiliation, and solely on the basis of professional competence. His basic assignment would be to assist the Committee in its performance of functions assigned by this title and he would be under the joint direction of the Chairman and the ranking minority member.

The second new section (Section 605) is geared to strengthening Executive Branch oversight wtih respect to Federal assistance programs. Under it, heads of Federal departments and agencies administering more than one program would submit annually a report to Congress and the President on the operations of these programs, beginning with the first fiscal year following the date of enactment. These departmental reports among other things would cover the progress and effectiveness of administrative efforts to carry out the programs' statutory goals; the consultative procedures utilized under each program to afford recipient governments a chance to review and comment on proposed administrative regulations and basic program changes; the various intradepartmental and interdepartmental arrangements for achieving proper headquarters-field program coordination; efforts to simplify and made more uniform application forms and procedures as well as fiscal reporting and auditing requirements; the feasibility of consolidating functionally related assistance programs; the practicability of delegating more administrative authority—including project or program approval power—to departmental field offices; whether the purpose, management, administrative procedures and requirements in such programs should be changed; and the degree to which such programs are meeting the growing and changing needs they were initially designed to support.

This new section (Section 605) concludes with the requirement that the President shall submit a summary report on these various departmental studies not later than January 31 of each year following the first fiscal year after the date of enactment. This report would be a synthesis of the materials presented in the various departmental studies and would stress the broad problems confronting grants-in-aid as effective government-wide devices for intergovernmental cooperation. Presidential proposals for reform might well be a concluding feature of this report.

ADDITIONAL COSPONSORS OF BILLS

S. 815

Mr. ELLENDER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of the bill (S. 815) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for insured operating loans, including loans to low-income farmers and ranchers, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1790

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Vermont (Mr. AIKEN), the Senator from Alabama (Mr. ALLEN), the Senator from Kentucky (Mr. COOK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Florida (Mr. HOLLAND), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Iowa (Mr. MILLER), the Senator from Georgia (Mr. TALMADGE), and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO S. 338, TO PROVIDE ALLOWANCE INCREASES TO VETERANS ENGAGED IN ON-THE-JOB TRAINING, FARM TRAINING, AND VOCATIONAL REHABILITATION

AMENDMENT NO. 48

Mr. YARBOROUGH. Mr. President, on behalf of myself and the Senator from California (Mr. CRANSTON) I submit an amendment, intended to be proposed by us, jointly, to my bill, S. 338, and ask that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 48

On page 1, between lines 2 and 3, insert the following:

That section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

" 'Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time	$160	$219	$255
Three-quarters time	116	160	189
Half time	80	109	124
Institutional on-farm, apprentice or other on-job training: Full time	138	182	219

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 355 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $7.30 per month for each dependent in excess of two.

On page 1, line 3, strike out "That" and insert in lieu thereof "Sec. 2."

On page 2, between lines 3 and 4 insert the following:

"(b) the last sentence of subsection (b) of section 1677 of such title is amended by striking out '$130' and inserting in lieu thereof '$190.'"

On page 2, line 4, strike out "(b)" and insert in lieu thereof "(c)".

On page 3, line 6 strike out "Sec. 2" and insert in lieu thereof "Sec. 3".

On page 3, in the table between lines 10 and 11, strike out the figures appearing under "Column V" and insert in lieu thereof the following:

"$15
$10
$7
$10".

On page 3, immediately above line 11, insert the following:

"(b) Section 1682(b) of title 38, United States Code, is amended by striking out "$130" and inserting in lieu thereof "$190".

"(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$190".

"(d) The table (prescribing educational assistance allowance rates for eligible veterans pursuing a farm cooperative program) contained in paragraph (2) of section 1682 (d) of title 38, United States Code, is amended to read as follows:

"'Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full time	$153	$182	$211	$10
Three-quarter time	109	131	153	7
Half time	73	87	102	5.';"

"(e) The table (prescribing educational assistance allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683 (b) of title 38, United States Code, is amended to read as follows:

"'Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$116	$131	$146
Second 6 months	87	102	116
Third 6 months	58	73	87
Fourth and any succeeding 6 month periods	29	43	58.'"

"(f) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"'(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $190 per month if pursued on a full-time basis, (2) $140 per month if pursued on a three-quarter time basis, and (3) $90 per month if pursued on a half-time basis.'

"(g) Section 1732(b) of title 38, United States Code, is amended by striking out '$105' and inserting in lieu thereof '$155'.

"(h) Section 1742(a) of title 38, United States Code, is amended to read as follows:

"'(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $190 per month. If the charges for tuition and fees applicable to any such course are more than $59 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $59 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.20 that the special training allowance paid exceeds the basic monthly allowance.'"

On page 3, line 11, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

Amend the title so as to read: "To amend section 1677 of title 38, United States Code, relating to flight training, and to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters."

Mr. YARBOROUGH. Mr. President, the amendment provides for increases in allowances to veterans taking on-the-job training, vocational rehabilitation, and farm training. The increases are comparable to those provided in S. 338 for veterans taking high school and college courses under the GI bill.

Hearings begin on S. 338 today, before the Veterans Subcommittee. I call to the attention of witnesses that the amendment I am submitting today will also be part of the subject matter of the hearing.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred.

The amendment was referred to the Committee on Labor and Public Welfare.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years, vice Asher E. Schroeder.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years, vice Newell A. George, resigned.

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years, vice Carl W. Feickert.

Melvin A. Hove, of Iowa, to be U.S. marshal for the northern district of Iowa for the term of 4 years, vice Covell H. Meek, retired.

Isaac George Hylton, of Virginia, to be U.S. marshal for the eastern district of Virginia for the term of 4 years, vice Forrest F. Walker, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, July 1, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1969 AND VACCINATION ASSISTANCE ACT OF 1969

Mr. YARBOROUGH. Mr. President, I announce that the Subcommittee on Health, of which I am chairman, will conduct hearings on S. 2264, the Communicable Disease Control Amendments of 1969, which I introduced, and S. 1622, the Vaccination Assistance Act of 1969, introduced by Senator EDWARD M. KENNEDY. The hearing will be held on Monday, June 30.

In January of this year, the preliminary findings of the national nutrition study, which sampled 1,000 preschool children in poverty areas of Texas, reported that:

First, nearly one-half had not completed the DPT series for protection against diphtheria, whooping cough, and tetanus;

Second, only 43 percent had been protected against polio;

Third, 56 percent had not received smallpox inoculation; and

Fourth, 61 percent had not received a measles injection.

Last year the Vaccination Assistance Act was allowed to lapse because the Department of Health, Education, and Welfare stated that the partnership for health program would be able to fill the need. The facts stated above prove this not to be the case.

Medical authorities point out that the immunization problem is susceptible to vigorous action. But if that action is to be effective, it is essential that we have national leadership and a national commitment to combat those communicable diseases that can be prevented or controlled.

When we have the medical knowledge to prevent illness, our only responsible course of action is to take the steps that are required to insure its applicaiton. In this case, the action that is required is the enactment of Federal assistance for the control of communicable diseases.

At a recent meeting of the National Tuberculosis and Respiratory Disease Association, Dr. John L. Gompertz, president of that association, sent me a telegram of endorsement for S. 2264. I ask unanimous consent that the telegram be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MAY 28, 1969.

Senator RALPH YARBOROUGH,
U.S. Senate Office Building,
Washington, D.C.:

The National Tuberculosis and Respiratory Disease Association was extremely gratified to receive at their annual meeting here the announcement of your introduction of S. 2264, authorizing communicable disease grants.

Our Board of Directors strongly endorses this legislation because it ensures support for financing of those control measures which will reduce the incidence of tuberculosis and other communicable diseases of national significance.

The Board also acclaims your leadership in sponsoring legislation to provide a National Lung Institute to focus necessary attention on the serious and increasing respiratory diseases, such as emphysema.

Thank you for your greetings and pledge of support.

JOHN L. GOMPERTZ, M.D.,
President, NTRDA.

THE 4¼-PERCENT INTEREST RATE CEILING ON LONG-TERM GOVERNMENT SECURITIES

Mr. KENNEDY. Mr. President, at the beginning of this month, 67 of the Nation's best-known economists joined in a major economic policy statement urging the elimination of the present 4¼-percent interest rate ceiling on long-term bonds of the United States. In their proposal, the economists emphasized that their proposal was not intended to be interpreted as urging the Treasury to sell long-term bonds at higher interest rates at this time. Indeed, as the statement makes clear, many—if not all—of the economists felt that such sales would be unwarranted in view of the prevailing

high level of interest rates at the present time. What the statement does propose, however, is that the Treasury should be given the authority to issue such bonds when conditions are appropriate, without being required to wait for the interest rate to fall below the present 4¼-percent ceiling.

I am pleased to endorse the recommendations of these economists. I believe they are especially appropriate at this time, when the Nation is engaged in a serious struggle to bring inflation under control. Just as artificially low tax rates on some types of income pull investment and manpower away from their best uses in a free market system, so the artificial restraint of the 4¼-percent interest rate ceiling on Government bonds distorts the pattern of Federal borrowing and forces the Treasury into highly liquid short-term debt, thereby making the job of controlling inflation all the more difficult. At the same time, the rate ceiling, which has been in effect since 1918, unfairly penalizes people of modest means who invest in U.S. savings bonds. Quite apart from this inequity—this penalty on patriotism—the artificially low ceiling makes the savings bond less effective in our fight against inflation. A 4¼-percent rate of return is simply not high enough to lure a large flow of dollars out of inflationary spending channels and into savings, especially when prices are rising at a rate of over 4 percent each year. I believe, therefore, that the 4¼-percent ceiling should be removed in order to insure sound and flexible anti-inflationary management of the public debt, and to provide greater fairness to the buyers of U.S. savings bonds.

Mr. President, I commend the statement issued by these economists to the Members of the Senate, and I ask unanimous consent that the statement and an accompanying press release be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ECONOMISTS ON THE 4¼-PERCENT INTEREST CEILING ON U.S. GOVERNMENT SECURITIES

The undersigned join in the view that the 4¼% interest ceiling on U.S. Government securities now applicable to maturities of over 7 years should be repealed. This ceiling has been in effect since 1918. It contrasts with market yields for outstanding government bonds of over 6%. We all believe that arbitrary ceilings on prices and interest rates are inconsistent with the principles of a market economy. Our proposal in no way implies a view that the Treasury ought to sell long-term bonds at this time. Many if not all of us would regard this as distinctly inadvisable at present interest rate levels and at this particular time. The Treasury should be in a position, however, to issue long-term bonds when in its judgment this is appropriate, without having to wait until the interest rate falls below 4¼%.

In addition to these general reasons, each of us regards repeal as important at this time for some or all of the following reasons, although not each of us would subscribe to each point.

1. *Savings bonds.* The 4¼% ceiling prevents the Treasury from paying the holders of U.S. savings bonds a rate in line with what they could obtain from many savings institutions. This is harmful to the savings-bond program; but more than that, it is unfair to the many savings-bond holders who continue to buy bonds through payroll deduction.

2. *Home Financing.* The fear that a lengthening of the public debt, should it occur, would raise interest rates to homeowners is understandable, but not reliably founded. If the 4¼% ceiling was intended to give protection to competing borrowers, it probably has not served homeowners well. It has compelled the Treasury to concentrate its financing in the maturity range of up to 7 years. To the extent that this has pushed up rates on those maturities, it has given a special impulse to disintermediation, i.e., to the withdrawal of funds from savings institutions and their direct investment in marketable securities. To a saver seeking stability, these relatively short-term Treasury obligations probably are more attractive than would be a long-term bond. Since disintermediation hits housing particularly hard, the 4¼% ceiling may well have hurt rather than helped homeowners.

3. *Unstable Interest Rates.* The Joint Economic Committee of the Congress has recently urged the Federal Reserve to keep the growth rate of the money supply within certain upper and lower limits. Regardless of how one views the merit of this proposal, which many of us do not favor, its adoption would imply that, in the shorter and perhaps longer run, interest rates would be more unstable than they have been in the past. It would not be consistent, let alone economically feasible, to demand stable growth of the money supply and impose an interest rate ceiling at the same time.

4. *Monetary Policy.* The shortening maturity of the privately held public debt, from 5 years 9 months in mid 1965 to 4 years in 1969, has compelled the Treasury to enter the market with increasing frequency. On many of these occasions, the Federal Reserve has been called upon to stabilize the market. Regardless of one's view of this practice, which many of us do not favor, the danger exists that a predominantly short-term debt may interfere with monetary policy. This argues in favor of lengthening the average maturity.

5. *Budgetary Considerations.* Over the years, a lengthening of the public debt would have the desirable result of limiting fluctuations in the budgetary cost of interest on the public debt. One reason why the Federal interest burden has risen so sharply in recent years is the Treasury's concentration on short and medium-term financing made necessary at least in part by the 4¼% interest ceiling.

THE SIGNERS OF THE STATEMENT

Armen H. Alchian, George Leland Bach, William J. Baumol, Robert L. Bishop, Francis M. Boddy, William C. Brainard, Martin Bronfenbrenner, E. Cary Brown, O. H. Brownlee, Karl Brunner, James Buchanan, Lester V. Chandler, John M. Culberston, William G. Dewald, James Duesenberry, Otto Eckstein, David I. Fand.

William J. Fellner, Irwin Friend, Stephen M. Goldfeld, Robert A. Gordon, Leo Grebler, Harold M. Groves, John G. Gurley, Gottfried Haberler, George N. Halm, Alvin H. Hansen, Arnold Harberger, C. Lowell Harriss, Walter Heller, Donald D. Hester, Clifford Hildreth, Franklyn D. Holzman.

George Horwich, James Howell, Neil Jacoby, Harry G. Johnson, Peter B. Kenen, Lawrence Klein, Edwin Kuh, Abba P. Lerner, Fritz Machlup, Burton Malkiel, David Meiselman, Allan Meltzer, Raymond Mikesell, Hyman P. Minsky, Franco Modigliani, Richard Musgrave, Joseph A. Pechman.

George L. Perry, Edmund S. Phelps, Earl R. Rolph, Walter S. Salant, Paul Samuelson, Raymond Saulnier, Charles L. Schultze, Eli Shapiro, Carl S. Shoup, Dan Throop Smith, Warren L. Smith, Ezra Solomon, Harold M. Somers, James Tobin, Robert C. Turner, Henry Wallich, Murray Weidenbaum.

PRESS RELEASE ACCOMPANYING STATEMENT BY ECONOMISTS ON 4¼-PERCENT INTEREST CEILING

Complete elimination of the 4¼% interest ceiling on government bonds was advocated today by a group of 67 leading academic economists. The experts pointed out that the 4¼% ceiling, in effect since 1918, contrasted with yields on government bonds in the market of over 6%. They stressed that their proposal in no way implied that the Treasury should sell long term bonds at such rates and at this time. The experts insisted, however, that arbitrary ceilings on prices and interest rates were inconsistent with the principles of a market economy, and that the Treasury should be in a position to sell long term bonds when in its judgment this was appropriate.

The 67 economists listed several more specific reasons for repealing the 4¼% ceiling at this time, stressing that not each of them would subscribe to each point.

The 4¼% ceiling prevents the Treasury from paying holders of U.S. savings bonds a rate in line with what they could obtain from many savings institutions.

The 4¼% ceiling may have hurt homeowners, by compelling the Treasury to concentrate on short and medium term financing, which is more competitive with savings in thrift institutions. To the extent that funds were withdrawn from thrift institutions for the purchase of these Treasury securities, the institutions' ability to finance homeowners may have suffered.

Keeping the growth rate of the money supply more nearly stable, in accordance with a recent proposal by a Congressional Committee that is by no means supported by all of the experts, might in the short and perhaps the long run make interest rates more unstable. It would not be consistent to demand greater stability of money growth and simultaneously maintain a ceiling on interest rates.

Heavy short term debt, the experts also pointed out, compels the Treasury to finance frequently. During these financing periods, the Federal Reserve maintains the market on an "even keel," at some risk of having to increase the money supply unduly. Given this practice, which the experts do not necessarily endorse, a lesser frequency of Treasury financing would be desirable. This could be accomplished by lengthening the maturity structure of the debt through more long term financing.

Finally, a lengthening of the debt, it was pointed out, would make the budgetary cost of interest charges less unstable. Recent concentration on short and medium term financing made necessary by the 4¼% ceiling has contributed to the sharp rise in the Federal interest burden.

EDITORIAL TRIBUTE TO SENATOR SAM J. ERVIN, JR.

Mr. JORDAN of North Carolina. Mr. President, his hometown newspaper, the News Herald, of Morganton, N.C., for June 2, 1969, contained an editorial relating to my colleague, Senator SAM J. ERVIN, JR., entitled, "A Prophecy Proves Correct." I ask unanimous consent that a copy of this editorial be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A PROPHECY PROVES CORRECT

The 1931 session of the North Carolina General Assembly has well been described as "a lengthy rough-and-tumble sessions."

It set a record for length—145 days—which

has since been surpassed, and was characterized by much wrangling.

There was much to talk about when members of that 1931 House of Representatives got together in Raleigh today for a reunion. Eighteen of the surviving 22 members of the House had agreed to attend.

Advance press reports list as a few of the members of that turbulent 1931 House are U.S. Senator Sam J. Ervin Jr., State Treasurer Edwin Gill, former Attorney General T. Wade Bruton, Floyd Crouse of Sparta, Fred I. Sutton of Kinston, Federal Judge Algernon L. Butler of Clinton, and Secretary of State Thad Eure who was the House's principal clerk.

Wade Lucas, now a retired newspaperman, covered what he describes as the 1931 "Depression-ridden gathering of lawmakers," and has engaged in a bit of reminiscing about the proceedings which included Governor O. Max Gardner's fight against a proposed sales tax.

What caught our eyes was this Lucas observation:

"Rep. (now U.S. Sen.) Sam Ervin of Burke County was one of the outstanding members of that 1931 House. Predictions were made then that he would eventually become a political power in North Carolina and even in the nation."

The prophecies proved correct. Sen. Ervin later became county judge, filled out an unexpired term in Congress, served as a Superior Court judge, an associate justice of the North Carolina Supreme Court before beginning his long tenure in the United States Senate.

And it's surprising how many people—representing all sections of the state—still volunteer the comment that it has been the nation's loss that he never was appointed to the United States Supreme Court.

INDIAN EDUCATION

Mr. GOLDWATER. Mr. President, contrary to what has generally been believed, not all Indian education in the United States has been or is being neglected. Each year, hundreds of new Indian students enter universities in Arizona. Many are now engaged in obtaining their master's degree, and it is interesting to know that three, one Navajo and two Hopis, are now within reach of receiving their doctorates. All three of these gentlemen are friends of mine and are also native Arizonans. An interesting story about them, published in the Phoenix Gazette, should be of interest to all Members of Congress, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE AIM TO BECOME STATE'S FIRST INDIANS WITH DOCTORATES

All signs point to three "firsts" in Indian higher education in Arizona.

If plans go according to schedule, Samuel W. Billison, 44, Navajo, and Frank Dukepoo, 26, and Irvin Coin, 28, Hopis, will become the first Indians in the state to receive educational doctorate degrees.

As the first Navajo within reach of a Ph. D, Billison, born to uneducated parents in a hogan near Ganado, symbolized the paradox of progress as he works on his dissertation on education administration at the University of Arizona.

Though his permanent home at Kinlichee, 4 miles north of Ganado, is not a hogan, it does not compare with the modern Tucson home where he lives with his wife Patsy and their four sons, 2 to 7.

Unlike reservation-reared Billison, Dukepoo is a native of Parker, the fourth oldest of 11 children born to Mr. and Mrs. Anthony Dukepoo, while Coin was born in Winslow, oldest of eight children of Mr. and Mrs. Felix Coin.

The Arizona State University graduate students, however, have not severed ties with relatives and friends on the Hop. Reservation. Both visit frequently, especially to attend religious ceremonies.

"My pet peeve during a previous teaching experience was that Indian children know little or nothing about their culture," Coin said of his 1963–65 years at Coolidge Elementary School. "Those Pimas and Papagos were scared or embarrassed almost to the point of being ashamed of being called Indians."

Coin, who has been a vocal and instrumental teacher at Temple's McClintock High School, hopes to help correct "this deplorable situation among Indian youth."

He anticipates working with minority students at Pima College in Tucson when it opens in the fall of 1970. The coming school year he will be on the faculty for institute activity.

"I've found my way and I plan to help my people as best I can with a doctorate in ethnomusicology," Coin related. Through application of this subject, which is the history of music associated with culture, he means to record authentic music of all Arizona tribes.

"It takes an Indian to get the real material," he said of the proposed enterprise he feels will counteract "recordings made by people from the East and Midwest who merely are acquiring and selling distortions."

Coin, who holds bachelor and master's degrees in music from ASU, is the son of the long-time director of the Santa Fe Indian Band. He credits his father for being "a wise man and never pushing any of his children, rather encouraging us to get some place and work hard."

His father, he added, helped with college financing when loans and scholarships were insufficient. One of his scholarships was in 1961 under the program established by Eugene C. Pulliam, publisher of Phoenix Newspapers, Inc.

"The family will get back of my brother, Edward, who is 15 and a freshman at Winslow High School," he said. "He's thinking of becoming a lawyer in order to help Indians."

Dukepoo, who obtained degrees at ASU on grants and scholarships, hopes to use his doctorate to teach on the college level. The zoology teacher and lab instructor at ASU credits his switch from predental study to genetics to Dr. Charles Woolf, the school's professor in that subject.

Both Hopis are married and Dukepoo is the father of Christine, 3. They say all children they have will be taught Hopi traditions just as they were and will become acquainted with reservation life.

For Billison, the road to graduate work has been long and hard, beginning at St. Michael's School on the reservation, where the son of Navajo Sam (his only name) emerged from the eighth grade as Sam Billison. His Indian name, phonetically spelled "Haash Kai Hald Yah," means warrior.

After graduation from Albuquerque Indian High School, he enlisted in the Marines in World War II, was trained as an interpreter and ended up in amphibious reconnaissance with the 5th Division.

In order to support his family and numerous needy relatives, he taught in Oklahoma and Texas, then used the GI bill to earn a bachelor's degree in history and government at East Central State College in Ada, Okla., and a master's in city school administration from the University of Oklahoma.

As he works on his dissertation, he holds down a job as a reservation counselor for the State of Arizona to help unemployed Indians. His wife is a U.S. Public Health Service secretary in Tucson.

Planning to enter the field of Indian education, first in Arizona and then the Southwest, Billison is adamant about the future of young tribesmen.

"Whatever is going to be done really will be through Indian initiative and not through 'red power'," he declared.

REMARKS OF PRESIDENT EDGAR F. SHANNON, JR., AT FOUNDER'S DAY EXERCISES AT THE UNIVERSITY OF VIRGINIA

Mr. ERVIN. Mr. President, on April 14, 1969, the University of Virginia celebrated its founding by Thomas Jefferson. On that occasion President Edgar F. Shannon, Jr., made some remarks which are worthy of the university's founder himself. He pointed out that American colleges and universities exist in order that their faculties and students may seek the truth through rational inquiry, and that orderly dissent is an incident of rational inquiry. He declared that:

Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent.

President Shannon's remarks were most timely, and deserve the widest possible dissemination. For this reason, I ask unanimous consent that they be printed at this point in the body of the RECORD.

There being no objection, the remarks were ordered printed, as follows:

Thomas Jefferson was a revolutionary. Yet as one of the chief architects of what Julian Boyd has called "the most radical and irreversible revolution in history," he derived his conceptions not from fervid emotionalism but from a disciplined mind enlightened by the heritage of Western thought. The American revolution was radical and irreversible "because its moral proposition included the transfer of soverignty from the hereditary ruler to the individual citizen." It was a revolution dedicated not to destruction but to the creation of a new order—"a new society based on the concept of the equality of man and governed by reason and justice." This, as Boyd has indicated, is the continuing revolution that we in this country must steadfastly seek to fulfill. This is an enduring revolution, never yet fully achieved, but to be pursued with work and hope and not to be abandoned in despair and irrationality.

Like the new country, the new university that Thomas Jefferson brought into being here 150 years ago was a daring innovation. It was founded as the first true university in North America, and Jefferson aimed his secular university to develop leaders for practical affairs and public service. Devoted, in his own words, to "the illimitable freedom of the human mind"—the phrase that we have taken as the theme of the Sesquicentennial—the University of Virginia was conceived as a means of affording full opportunity for a continuously evolving aristocracy of talent and intellect instead of one, as in the old world, based upon wealth or accidents of birth. This university then has been committed from the beginning to the undergirding propositions of the republic—the equality of man and governance by reason and justice.

Freedom to teach and to learn, to seek the truth through rational inquiry, are the hallmark, not only of the University of Virginia, but generally of American colleges and universities. Through this freedom and truth have come the primary benefits to society. Now this freedom, often under attack from outside the universities, is currently being endangered by irrationality, even coercion and force from within the uiversities themselves. A minority, espousing methods that are the antithesis of the idea of a university, seem dedicated to the destruction of our so-

ciety and appear to have marked the universities as their first targets of a campaign for chaos.

The basic principles of the University of Virginia were never more pertinent to our society than they are today. Jefferson spoke somewhat grandly of the University of Virginia as intended to be "the chief bulwark of the human mind in this hemisphere." Usually we have thought of this metaphor in the context of external forces, but never before in American higher education was there greater opportunity for the University of Virginia, along with all institutions of higher learning, to be an inner bulwark for the defense of freedom and liberty in our society.

Here at the University, in Mr. Jefferson's words, "we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." He would be the first to support our protection of orderly dissent. He would no doubt share the frustration that many of us feel over the realization that advanced societies now have the knowledge and technical means to solve the problems of poverty, health, and education but thus far have failed to do so. Yet he would be concerned, as we in this university must be, that reason remain the means by which we combat apparent error. Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent. And dissent itself must not be so strident as to become a purely negative force that will rend the fabric of our institution and destroy our bright prospects for united and constructive effort.

This afternoon we honor Mr. Jefferson by honoring those among our faculty, students, and alumni who have excelled in developing the mind. We celebrate both those who by rational processes are qualifying themselves to take a leading part in "the continuing revolution" through orderly change, and those who have already been notable participants in the struggle to improve the condition of man. It is our privilege to salute those who have demonstrated in the words carved over our gateway—"the will to work for men."

THE PRIVATE SECTOR FIGHTS CRIME

Mr. PERCY. Mr. President, it is axiomatic that the fight against organized crime can not succeed without the involvement of the private sector. The problem is too pervasive to be dealt with solely by the Federal, State, and local governments. My work through the years with four outstanding civic organizations, the Better Government Association, the Chicago Crime Commission, The Chicago Association of Commerce and Industry and the Illinois State Chamber of Commerce has convinced me of this.

A private organization that is actively and directly involved in the war against crime is the U.S. Chamber of Commerce. The National Chamber is particularly well equipped to make a singular contribution in this vital area. At the local level, it has some 3,800 organization members, and 35,000 business members. These organizations are joined together by a federation which is united by the leadership of the U.S. Chamber of Commerce in Washington. Because its structure is community oriented, the National Chamber has the capability of rendering tremendous functional assistance in the areas of local crime prevention and crime control.

In Illinois, for example, approximately 3 years ago the Illinois State Chamber of Commerce started a respect for law and order program. Since that time, over 60 local law and order committees have been organized by Chambers of Commerce throughout the State, and many excellent crime prevention and crime control programs have established.

The latest program to come to my attention is the crime check program sponsored by the Greater Alton Association of Commerce, as part of a nationwide campaign to encourage citizens to support appropriate police activities and to help in detecting and preventing crime. Its primary goals are to teach individuals how to recognize questionable activities, and to encourage them to quickly report their observations to the proper authorities.

Crime check has received full support from the Greater Alton community. Not only has the area been blanketed with billboards, posters, and sidewalk stencils, crime check programs have been presented at local business, civic clubs, schools, and church organization meetings. In fact, all indications are that crime check is the most popular program to be undertaken by the Greater Alton community in recent years.

Crime check has been in operation for slightly over 2 months now, and already the program is bearing fruit. The citizens of the Alton area have a greater respect for the police, an increased awareness of suspicious situations, and are more capable of preventing crime by placing timely calls to attentive officials. The seven communities in the neighboring Wood River Township area are interested in crime check, and have asked officials from the Greater Alton Association of Commerce for assistance in establishing similar programs in the township area. In addition, 18 chiefs of police from nearby Madison and St. Clair Counties have met with members of the Greater Alton Association to gain guidance on how to foster the same kind of community wide participation in their cities.

I commend the citizens of Greater Alton for their public awareness and cooperative ingenuity in taking a significant step toward the ultimate eradication of a major social concern. I hope that the enthusiasm with which this admirable example was set will stimulate more communities to the realization that crime has become everybody's problem, a problem that requires a total effort to affect a solution.

INCREASE OF AIR TRAFFIC AT DULLES AIRPORT

Mr. BYRD of Virginia. Mr. President, as I pointed out before the Senate recently, there are some very encouraging signs that air traffic is on the increase at Dulles International Airport.

To best demonstrate what is happening at Dulles in the realization of its great potential, let me cite what has been accomplished and what is planned for in the future by one of the major carriers operating there—Pan American World Airways.

During 1963, Pan Am commenced its services into Dulles with only 471 flights, carrying approximately 10,000 passengers and 200 tons of air cargo and mail. At that time, just 24 employees were needed to do the job.

Last year, 1968, to keep up with the growing demand, Pan Am was required to operate over 3,000 flights, carrying nearly 70,000 passengers and 2,000 tons of cargo and mail. Its employee roster reached 144.

This June, its services are again to be expanded by 50 percent. These will include a daily service to the Virgin Islands, increase of Pan Am's now four-a-week service to Paris to daily flights, inauguration of three times weekly service to Guatemala and additional nonstop air freight to Europe.

By this year's end, 3,800 flights, 90,000 passengers and over 3,000 tons of cargo and mail will be carried through Dulles. This goal will be accomplished by 170 employees.

I hope all airlines will increase their use of Dulles. Looking ahead, we can say that for this great airport, the sky's the limit.

THE MEXICAN-AMERICAN

Mr. GOLDWATER. Mr. President, on May 21 an editorial, printed in Spanish, appeared in El Mexicano, published in Mexicali, Baja Calif. I have had it translated for the purpose of placing it in the RECORD. The title of the editorial, "The Great Farce," says in three words what most westerners feel about the efforts being made to ignite a feeling among Mexican-Americans against all other Americans.

I have lived my life on the border, I know these people, and I have tremendous affection for them. Therefore, it disturbs me greatly when I see eastern politicians moving along the border, trying to tell these people that they are another minority in the United States who are not being treated right.

The Mexican-American that I know is proud of his citizenship in the United States. He and his forefathers moved to this country because they wanted to; they were not driven to that decision. They have taken their places in our communities, and there has been no restriction as to the heights they can go up the ladder of American success.

They have served as politicians at every level from the lowest to the Halls of Congress, and they have served in the business and professional community likewise at all levels. I would like Senators to know that the people who live in Mexico are well aware of what is being done, particularly in California, among the so-called grape worker. I ask unanimous consent that the translation of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEXICO WARNS CITIZENS

"The Great Farce" is the title of this editorial printed May 21, 1969, in El Mexicano, published in Mexicali, B.C., the Mexican city across the border from Calexico where the recent "grape worker" march ended. The story is signed by Crostobal Garcilazo and the following is a translation:

The great sayings have been said. This "march to the frontier" was nothing but a vulgar political "farce" in which the tragedy of our farm workers was only the bait

to trap unwary people and broaden a demonstration of the Democratic Party.

There is one detail that should not escape the observer: while this Cesar Chavez, who organized this march and could not "for reasons of health" march with our fellow-countrymen who faced the desert and the sun, did not use the same reasons to stop him from appearing at the carnival in Calexico next to Senator Ted Kennedy, whose party sponsored the unsuccessful farce that, at the very least, served only as a pretext to make rude attacks against the Republican Party that governs the United States.

The main charges Ted Kennedy made against his country were "the expenditure of billions of dollars in space flights and to maintain a foolish war in South Asia." (These charges) which were heard by only a few people who were at the farce, must also have been heard by his dead brother, ex-President John Kennedy, the sponsor of both American space exploration and his country's mediation in Viet Nam.

But that is the way of politics and politicians now. The only missing thing, as Cesar Chavez himself announced, is the establishment of worker vigils (pickets) around Coachella's vineyards to prevent the Mexican "green carders" from going into these vineyards to earn a living—all of this in behalf of racial "brotherhood."

This "brotherly" treatment of our unemployed workers by the strikers is unfair because those (strikers) are being paid by the Democratic Party and they need nothing but work. At the same time, our (Mexican) laborers without work are in need of all things and have neither Mexican nor American political parties to give them even the money they need to keep their families alive.

To denounce these facts and tell the truth about the events we have just witnessed, and to unmask this great farce, our paper has spoken out against the faltering voice of the group called "The Mexicali Committee of Friends of California Workers" and warned the regional leaders that before supporting the leaders of the demonstration in favor of the strike against the grape growers of Coachella, they should investigate the leaders' honesty to see whether it was proper for the Mexican workers to give support to this movement.

As we have said in this publication before, "Seven or eight thousand families depend economically on the (Mexican) citizens that have the document known as 'the green card' that permits them to work in the United States. They are an important economic factor in our community."

In view of what has gone before, this political "farce" sponsored by Cesar Chavez sought only to have considerable effect on the interests of Mexicali. All this in the name of "brotherhood" and by taking advantage of Mexicali citizens who can't see very far.

(Four days before this editorial appeared and during the "grape worker" march to Calexico, Mexico President Gustavo Diaz and Secretary of Interior Luis Echeverria, issued a warning to Mexican citizens not to get mixed up in California's grape worker problems.

"In relation to the unrest on the other side of the border, the Baza California state government and the (Mexican) immigration services offices have persuaded Mexican workers not to take part in unseemly acts, which Mexicans should not participate in outside their own territory," said Echiverria.

In reporting this statement by top Mexican government official, Associated Press said it was clear Mexico didn't want her citizens mixed up in the California grape strike or border march.)

MISSILES AND ANTIMISSILES

Mr. GORE. Mr. President, the distinguished chairman of the Committee on Foreign Relations has written an article entitled "Foreign Policy Implications of the ABM Debate" which appears in the June 1969 issue of the Bulletin of the Atomic Scientists. I commend the article to the attention of my colleagues, and to all readers of the CONGRESSIONAL RECORD interested in this most important subject, and I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

Chairman FULBRIGHT discusses the implications of this decision on our relations with the Soviet Union, the public relations efforts of the administration in promoting public support for Safeguard, the selective declassification of military information by the administration and the relationship between the deployment of Safeguard and the deadly competition known as the arms race.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, June 1969]

MISSILES AND ANTIMISSILES—SIX VIEWS

(By J. W. FULBRIGHT)

(NOTE.—U.S. Senate debate on the Nuclear Non-Proliferation Treaty raised foreign policy questions about antiballistic missile deployment. In this analysis, written for the "Bulletin," the chairman of the Senate Foreign Relations Committee analyzes the foreign policy implications of President Nixon's "Safeguard" proposal.)

On the subject of the proposed deployment of an ABM system, it would be presumptuous for a politician to accept an invitation to write an article for a prestigious scientific journal and predicate it on the proposition that the ABM won't work—or that it will work, for that matter. I must leave to the scientists a very important factor in the current debate, the factor of the reliability of missiles and their capacity to perform as predicted. I confess, however, that as a frequent, unwitting victim of mechanical gadgets that don't work, I have some of the skepticism of the North Dakota farmer who, having observed three Minuteman test failures in a row, commented that there always seems to be a wet fuse somewhere.

My principal concern—and I believe it is a legitimate concern of all Americans and Members of Congress—is with the foreign policy significance and the domestic political aspects of the deployment of any ABM system at this time.

From the point of view of foreign policy, moving ahead now with the ABM system, modified or otherwise, has serious implications for our relations with the Soviet Union—the only nation capable of decimating us by external attack. From the point of view of domestic politics, potential expenditures for an ABM system imperil our nation from within by giving priority to military spending rather than to spending to make our domestic society worth saving. Societies are as capable of being destroyed from within as from without.

CHINESE VERSUS SOVIET THREAT

Aside from debate as to the scientific and engineering aspects of the ABM deployment, much of the discussion in the Senate has been directed at the foreign policy implications of what we are up to. Last year a number of Senators under the leadership of Senator Cooper of Kentucky unsuccessfully challenged the Johnson administration and the Armed Services Committees of the Congress on the rationale for deployment of an ABM system directed against a potential Chinese threat. This year, the administration rationale has been changed to focus on an alleged Soviet threat, and the threat itself is viewed not as a threat to cities, but as a threat to our missile sites.

While the ease and speed with which the rationale has been changed has given rise to doubts about both past and present judgments of the threats the ABM is supposed to counter, it was the debate this year on the Nuclear Non-Proliferation Treaty which triggered new questions as to the implications of the proposed ABM system.

Article VI of that Treaty commits the signatories "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." In support of that proposition, President Nixon on February 5 stated that "ratification of the Treaty at this time would advance this administration's policy of negotiation rather than confrontation with the USSR." He thus endorsed former President Johnson's pledge of the previous June that pursuant to the terms of the Treaty the United States would "promptly and vigorously pursue negotiations on effective measures to halt the nuclear arms race and to reduce existing nuclear arsenals."

It is a matter of common knowledge that the Russians have for some months now sought to begin bilateral discussions on the deployment of strategic missile systems. We have delayed our response for sundry reasons, although recently Secretary of State Rogers said that the new administration will begin negotiations as soon as the necessary background work has been completed, hopefully in late spring or early summer.

What concerns me is that at the moment in history when the two major nuclear powers have agreed to negotiate in good faith on effective measures to halt the nuclear arms race, the United States is proceeding full speed ahead to deploy a new system of nuclear missiles which cannot but be viewed by suspicious Russians as a nuclear escalation: after all, it was the GALOSH system around one city in Russia that provoked our development of MIRV (Multiple Independently Targeted Reentry Vehicles). The Committee on Foreign Relations, in its report on the Non-Proliferation Treaty, expressed its concern as follows: "The Committee believes that the administration should consider deferring the deployment of these weapons until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union." This bit of advice has fallen on deaf ears, as the President has since said that he expects to push the Safeguard system now.

ABM HUCKSTERING

In the light of this history, and this treaty commitment, I have been disturbed at administration plans—after a superficial review—to proceed with a so-called "modified" ABM system, renamed in classic Madison Avenue style, as "Safeguard" rather than "Sentinel," and designed to provide, in the words of Secretary Laird, "people protection," and to become, also in his words, a "building block for peace." Fortunately Senators are becoming familiar with public relations techniques, and I suspect the American public is not confused by such huckstering. However, there is danger that people may believe that the month-long Packard review of the Sentinel system, which gave rise to the Safeguard system, was a fresh look and justifies unquestioning support of the new plan.

I am not that sanguine. One certainly feels more comfortable relying on some kind of blue-ribbon examination of great issues. But the evidence is skimpy that the Packard review was thorough, in depth, and fresh.

I have no way of knowing with certainty, but when I asked Under Secretary of Defense Packard about the nature of, and personnel involved in, his review of the ABM system, I was not impressed. He said, "The review utilized the full staff of the Defense Department, and those people that the Department had utilized for scientific evalua-

tion." When I asked repeatedly for names of competent scientists or engineers involved in the review, Mr. Packard finally named Dr. Panofsky, of Stanford, as one he had consulted outside the Department of Defense. Dr. W. K. H. Panofsky later confirmed that he had met Secretary Packard accidentally in the San Francisco airport. He stated that "I did not participate in any advisory capacity to any branch of the government in reviewing the decision to deploy the current modified Sentinel or Safeguard system." ("Hearings," page 327.) It turned out that Dr. Panofsky had many serious questions about the Safeguard system. But then perhaps Dr. Panofsky's view was not important. He described himself as essentially an engineer and as Secretary Packard testified, he was "convinced that all these scientific matters have been checked out by competent scientists . . ." and that "in looking at this problem . . . I again concluded that this is an engineering problem; there were no uncertain scientific aspects involved."

Incidentally, readers interested in the scientific, engineering and political testimony taken by the Gore Subcommittee may obtain copies on request from the Committee on Foreign Relations. I can assure them that the Subcommittee did receive testimony from bona fide scientists raising questions regarding scientific aspects of the ABM system. So far as the Department of Defense receiving such advice, however, I note that subsequent to the hearings when Dr. Panofsky's name was mentioned, the Gore Subcommittee did receive two lists of scientists and engineers consulted by Dr. John S. Foster, Jr. on the ABM. One list included members of the Defense Science Board; the other listed members of the President's Scientific Advisory Council (PSAC) who were present at a discussion of the ABM with Dr. Foster. The only trouble with the PSAC list was that the meeting referred to took place on March 17, three days after the President had announced his decision to proceed with the Safeguard system.

POLICY INERTIA

I had hoped that one of the happy consequences of a new administration taking power in the Executive Branch of our government would be that there might be re-examination of some of the policies of the past which I believe have injured the nation in its external relations. Thus far, I regret to note, there is little evidence in the field of foreign policy that we are doing much more than carrying on. I appreciate the need for continuity, but the bureaucracy is so wedded to continuity that it is difficult to re-examine old policies and move in new directions.

The fact is that the few new political appointees at the top of great Departments like those of Defense and State must rely on the same old pros with all their experience, but also with all their built-in prejudicies and commitments to past decisions.

Departing for a moment from the ABM issue, I note, for example, that the principal political negotiator for a renewed base agreement with Spain is the man who negotiated the last agreement in 1963. The military assessments of the need for these bases continue much the same as they were 15 years ago at the time of Stalin, and reliance on the strategic air force rather than intercontinental missiles.

Once a policy gets momentum, it takes Herculean efforts, or disaster, to stop it. I suspect we would still be flying U–2s over Russia but for the shooting down of Gary Powers at a critical moment in U.S.-Soviet relations. Even policies which result in unnecessary or dangerous operations are hard to review.

Not only is it difficult for the bureaucracy to bring new ideas and approaches to policy, but there is a tendency for the average citizen, when confronted with great problems of war and peace, to take refuge from responsibility by accepting the judgment of someone else. After all, "the President knows best; he has all the facts; I will support his position."

The problem in accepting without question the decision of the President on a subject such as the deployment of the Safeguard system is that the Constitution requires Presidential action on such subjects as the ABM deployment to be treated as recommendations to the Congress, and the Congress must in the final analysis, and considering the constituency, accept or reject the President's recommendation.

A policy of reassessment is now going on with respect to the ABM and in due course the Congress will accept, or reject, the President's proposal that funds be authorized for taking first steps in deployment of the safeguard system.

POSSIBLE DEFEAT

I still have hope that the President will opt for a moratorium on Safeguard deployment before he proceeds further with the Safeguard system. There would then be opportunity to explore with the Russians the possibility of bringing the nuclear arms race under control. Furthermore, I do not like to see Presidential proposals defeated in the Senate, but that is a very real possibility on the ABM issue. One reason is that in recent months, largely as a result of the Vietnam war, the American people are beginning to ask themselves some hard questions. They are not quite as willing as a few years ago to accept "command decisions" or to view as infallible the judgments of our professional military leaders.

An Associated Press dispatch from Knoxville, Tennessee, illustrates another point—the selective de-classification of military information for a purpose. The story quotes the Chairman of the Foreign Relations Subcommittee on Disarmament, Senator Albert Gore, as charging "the Nixon administration with holding members of Congress to secrecy concerning classified military information and then making the same information public."

Senator Gore was referring to the disclosure in President Nixon's press conference of April 18, that "the United States is capable of 'reading' radar pictures of another country from miles away." Yet it was this very tidbit of highly secret information which had been given to the Committee on Foreign Relations only one day before under the admonition that its classification was so high that the top-secret, cleared, verbatim stenotypist could not take down the testimony!

READ BETWEEN LINES

What has happened is that the Executive Branch of the government shows a propensity for declassifying secret information to suit its own purposes. This has happened with respect to information about Soviet deployment of the SS–9.

I make this point because I believe it essential that citizens read between the lines of testimony of our officials, realizing that they may be wrong, that they may have been misinformed, that they may consciously or unconsciously have failed to state the relevant facts.

Thus it was when Secretary Laird told the Committee on Foreign Relations on Friday, March 21, 1969 that the Soviets with their large tonnage of nuclear weapons "are going for a first-strike capability. There is no question about that." ("Hearings," page 196.) When I questioned the Secretary on this point he said: "The development and the current deployment of the SS–9 . . . leads me to the conclusion that with their big warhead and the testing that is going forward in the Soviet Union, . . . this weapon can only be aimed at the destruction of our retaliatory forces . . ." ("Hearings," page 203.)

The fact of the matter is, however, as Secretary Laird and the administration later admitted, the Secretary was only speaking of "capability," not intent. And even on the point of the potential "capability" of the Soviet Union to launch a first strike, the administration had no new evidence. For at least two years, the Committee on Foreign Relations has received highly classified information about Soviet development of the SS–9 which heretofore and prior to Mr. Laird's unilateral de-classification, has been described as a terror weapon incapable of precise guidance and targeted on cities in order to serve as a second-strike terror weapon.

I return to my principal point: that decisions of the significance of that now before the American people with respect to commitments to build the Safeguard system must be rendered by individuals capable of political as well as military judgments. For too long we have assumed that military judgments are of such magnitude and specialized nature that ordinary mortals cannot pass upon them.

I have a sneaking suspicion that not a war has been fought but what the generals of the losing side were confident to the last few minutes that just a little more power could bring the other side to its knees. But half the time, half of the generals have been wrong. And as we well know, no military man worth his salt has ever said, "We have enough, cut the budget."

OVER 2,000 WARHEADS

My point on the ABM—or on the deployment of strategic nuclear weapons—is that someone must start somewhere.

Uncontradicted testimony received by the Committee on Foreign Relations shows conclusively that 250 nuclear warheads, allowing five for each city, would be sufficient to destroy the 50 largest cities in the Soviet Union with a population of 49 million, or to destroy the 50 largest cities in the United States with a population of 39 million. The United States has presently deployed not 250 targetable strategic warheads, but over 2,000. The Soviet Union has over 1,000 such weapons. Put another way, the United States is capable of directing 48 strategic warheads to each of the 50 largest cities in the Soviet Union, and the Soviet Union can direct 22 such warheads at each of our 50 largest cities.

How much is enough? Who acts first?

As if strategic nuclear weapons were not enough, both the United States and the Soviet Union have large military budgets concentrated on chemical and biological warfare. Tightly controlled chemical and bioloigcal warfare experiments in the United States only last year managed to kill by accident some 6,000 sheep at the Dugway Proving Grounds in Utah. One wonders what we could have done to people had we tried, instead of having only a small accident.

LAST CHANCE DOCTRINE

The mad momentum of developing better means of destroying life goes on. No head of state, or society, seems capable of putting on the brakes. We can't even lift the foot off the accelerator. It is as if we were in a drag race headed for a stone wall with the accelerator stuck. Even the teen-agers of whom we adults have been critical for so long have foresworn the old game of "chicken"; but not us realists!

I had hoped—indeed, I still hope—that with a new administration in Washington this nation might seek some new paths to rationalize our international relations. A small step would be for our new President to delay deployment of an ABM system for a few months while sounding out our principle adversary which, I assume, has an interest in survival as we do.

There is in the law a doctrine of negligence, the details of which I have long since forgotten. It is the doctrine of the "last clear chance." It was once designated as the "humanitarian doctrine" and, at the risk of being branded a bad lawyer, I would restate the doctrine as follows: Even though a per-

son be wronged by the carelessness or negligence of another, he has a duty to do what he can to avoid an accident.

I am inclined to believe that the Soviet Union and the United States are coming close to the point of no return unless one or the other makes a clear move toward avoiding the clash which will destroy us both. The ABM issue offers what may be the last clear chance.

RUSSIA TURNS BACK THE CLOCK

Mr. JACKSON. Mr. President, I have long held that in trying to reach sound judgments on issues of national safety and survival it is essential to "know your opponent." These days I am struck by the reluctance of many Americans to face up to what is actually going on in the Soviet Union.

In this connection, on June 18 I placed in the RECORD the first five articles in a series of 10 by Anatole Shub on the theme "Russia Turns Back the Clock," and wish now to call to the attention of Senators the five final articles in that series.

I recommend Mr. Shub's articles as a realistic and up-to-date interpretation of the Soviet adversary.

On June 21 the Washington Post published the following story on Soviet reaction to these articles:

SHUB STORIES STIR THREAT BY RUSSIA

The Soviet Union yesterday told the United States that it would be compelled to close the Moscow bureau of The Washington Post if the paper continued to publish a series of articles by Anatole Shub.

Alexander D. Yevstafyev, press counsellor at the Soviet Embassy, called on Adolph Dubs, acting director of the State Department's Office of the Soviet Union, and characterized the series of articles, written by Shub after he was expelled from Russia on May 28, as "filthy attacks."

According to a State Department spokesman, Dubs rejected the description out of hand and told the Soviet official that Shub was an independent journalist and The Washington Post an independent newspaper. Dubs then asked Yevstafyev why he had not complained directly to The Washington Post but got no answer.

The ten-article series will conclude on Sunday.

Shub, expelled from Russia for alleged anti-Soviet writings, was given 48 hours to leave the country, in retaliation, the United States expelled a Tass correspondent on the same terms.

Mr. President, I ask unanimous consent that the five additional articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 18, 1969]

RUSSIA TURNS BACK THE CLOCK—SOVIET SHOPS: VODKA, NO MEAT

(By Anatole Shub)

The morning before the Soviet May Day weekend, with Moscow shops about to close down for four days, several hundred Russian housewives and husbands determinedly clustered around a counter at the showplace "supermarket" on glass-fronts Kalinin Prospect. Weary sales girls ignored them.

"Tovarishchi," a woman's voice blared over the public address systems. "There is no more chicken. No more chicken. I repeat, there is no more chicken, comrades."

The crowd just stood there—some probably because they had nowhere else to go, others perhaps because they thought the announcement was a trick.

The same morning, in the Valuta Gastronom, or Dollar Grocery, for foreigners and others possessing hard currency, there was no meat at all. They had also run out of eggs.

"What are we supposed to do all weekend?" A Western housewife asked. "There's plenty of vodka," a dour salesman replied.

That afternoon, we walked along Kutzovsky Prospect near the apartment house in which Premier Kosygin, the lifelong consumer good specialist and reputed economic reformer, is said to live. We stopped at a large brightly colored stand, glass fronted and roofed with corrugated metal which proclaimed in cheerful lettering: "Fruits and vegetables."

There were some small apples and fresh carrots. The rest of the stand was occupied by canned foods, most of them from Bulgaria and other Soviet satellite states. (The Satellites export mostly low-quality produce to the Soviet Union. The rest goes West because, as a Bulgarian tomato picker once put it, "The Germans pay us, the Russians don't").

A pint can of cooked pears from Hungary, which had to be recooked to be edible, cost 1.05 rubles. The average Soviet wage is less than 30 rubles a week—worth $33 at the official rate of exchange, but closer to $7 judging both from currency speculators and the difference in consumer prices between the Valuta shops and normal Soviet shops. Fresh tomatoes last winter cost five rubles a pound, when available, at the collective-farm markets.

Yet the trouble last May Day in Moscow where the Soviet ruling class is concentrated, was not lack of money, there was just nothing to buy. A Soviet acquaintance was quick to explain the "temporary" shortages. "It's only because all the out-of-towners are thronging into Moscow for food," she said.

Three weeks later, apart from the Dollar Shop (and, probably, the special stores for high party, KGB and army chiefs), there was still virtually no meat in Moscow. Politburo agricultural specialist Dmitri Polyansky and other Party leaders had meanwhile been touring collective farms and canneries, urging another "storm" campaign to increase food production.

"Moral" rather than "material" incentives were offered—incentives like the great all-Union "Subbotnik," or voluntary Saturday, last April in which the whole country worked a day without any wages, out of sheer, "spontaneous" love of the Communist system.

At about the same time, the Soviet press, radio and television were exalting the glories of two rockets, Venus-5 and Venus-6, which (although the press did not say so) were repeating the achievements of other Venus shots years ago. The new Venus rockets were timed to compete with Apollo 10, which was signaling the impending American victory in the race to the moon—a race to which Kremlin blusterers challenged the United States in 1957, but which Soviet journalists were instructed to forget more than three years ago.

Outside our kitchen window, meanwhile, desultory construction gangs, male and female, who had been working—on and off—on a cooperative apartment house for two years, seemed nearly about to complete the exterior of the ground floor.

Nearly five years after the advent of Brezhnev and Kosygin, the Soviet economy remains an incredible mess, which is only partly concealed by Venus shots and similar bluffs which often take in even the most skeptical observers.

DIFFERENCE SINCE 1963

In September 1963, an earthquake shattered Skopje in Yugoslavia, I was impressed by two huge crane-like machines, guarded by Soviet soldiers, which Khrushchev had "personally" donated to help demolish the rubble.

Four years later in Uzbekistan, I watched official films of the 1966 Tashkent earthquake and demolition effort. Not a single one of the towering cranes so impressively dispensed to Skopje was to be seen. Nor were there any bulldozers. Instead, ruined buildings were being demolished by army tanks.

Nevertheless, I was moderately impressed by the exteriors of the new apartment houses (we were not permitted to go inside)—until an elderly woman passing our official party shouted, "Why don't they tell you there are no lights at night?"

"PUBLICITY" TEA BAGS

In Tbilisi in April 1968, the director of one of the Soviet Union's major tea factories showed us some sample tea bags. Asked where such tea bags might be bought in Moscow, he admitted they were "just for publicity."

He also proudly noted that tea consumption in Russia had increased from 50,000 to 65,000 tons since the revolution. Reminded that the Soviet population had meanwhile doubled, so that by his own figures the average Russian was drinking less tea than in 1913, this technocrat lamely avowed that this was because of a mass switch to coffee. Nobody who has read the food scenes in pre-revolutionary literature, or tried the coffee in a typical Soviet *Stolovoya* (cafeteria), would believe that.

It is pathetically easy for foreigners, solely on guided showplace tours, to assemble dozens of such experiences, and to laugh at the Soviet economy. Resident foreigners in Moscow and the privileged Valuta stores annually import several millions of dollars worth of consumer necessities from Copenhagen, Helsinki and elsewhere.

For the tourist, there is still practically nothing Russian worth buying except the traditional vodka, caviar (unavailable for rubles, prices recently doubled) and furs (pelts only—Soviet Socialism cannot make a decent coat.)

SOME IMPROVEMENT

It is customary and polite for foreigners to report that, "at least," Soviet living conditions have improved—and indeed they have since the famine winter of 1946–47 when Muscovites ate cardboard while dogs and cats disappeared from the streets.

The improvement has been minimal, however, compared with equally war-ravaged West Germany, or even Yugoslavia. Before the "Great October Socialist Revolution," however, admittedly backward Russia fed half of Europe, Faberege in St. Petersburg was world famous, and as Svetlana Alliluyeva quietly noted her father met her mother in 1917 in her worker-revolutionary grandfather's seven-room apartment. Russians also used to be a tall people, like the Swedes, and Montenegrins, before Communists began their agricultural experiments.

The Soviet living standard is no laughing matter for Soviet citizens, who must live with the reality behind the bluff contrived mainly for gullible foreigners. Of all their economic troubles, none is so depressing and frustrating as the housing situation. Stalin's heirs have in fact made considerable efforts, compared with those of their master.

HOUSING PLANS LAG

Yet, on the most optimistic projection of Soviet plans, the housing space per person in 1990 will still be less than that available to the Imperial subject of 1909. It should be added that Soviet housing plans have not been fulfilled for 14 consecutive years.

A majority of Russian city dwellers still lack even cold running water, while less than a third of urban dwellings contain a bath or shower. (This explains why, as my wife observed, the girl who stands out in a restaurant or theater audience is invariably the one who has recently washed her hair.)

The permanent housing crisis has drastically lowered the birth rate in Soviet cities—mainly through abstinence or frequent abortions (contraception means are not readily available).

On the farms, meanwhile, and among the

Moslems of central Asia, the policy is "let them grow." Two results are that nearly half the Soviet population (although mainly old people and women) are still on the farms, while before very long a majority of the Soviet population will be non-Russian.

WOMEN WORKERS

Women are "guaranteed the right to work" in the Soviet Union, and since Stalin's time have had to do so simply to make ends meet.

They are still working as hod carriers, street cleaners, housepainters, in heavy and light industry as well as the professions.

After finishing their work, they must face the chaos of shopping, although one reason for low Soviet labor productivity is that many men as well as women, particularly in office jobs, shop on company time. There would not be time enough otherwise.

Educated young women, who despite the hardship of Soviet life, insist on the experience of motherhood, often tend to regret it during the baby's first few squalling years.

The *babushkas* (grandmothers) who enabled Soviet mothers to swell Stalin's labor force are dying out. Nurseries are neither so easy to enter nor so beloved by Soviet parents as official myth maintains. Household help is difficult to obtain, diaper service a utopian dream. A hungry infant's midnight wail totally upsets the delicate emotional balance in a crowded apartment already shared by two generations, or with complete strangers.

Small wonder that in such conditions, as Yevtushenko has just observed in Novy Mir (talking about "Spain," of course):

"People are so tired, so strained,
They vent their spleen on trifles,
Becoming each other's hangman,
Forgetting who the real hangmen are."

Yet the "sullen faces," the "dead souls" of the Soviet masses are not all that different from the faces I saw in Czechoslovakia in 1963, when Novotny had reduced them to near-Soviet conditions. The same Czech and Slovak faces came glowingly alive in the revolutionary spring of 1968, when even communists came to realize that economic reform is impossible without major political change.

[From the Washington Post, June 19, 1969]

RUSSIA TURNS BACK THE CLOCK—WAR MACHINE STIFLES SOVIET ECONOMY

(By Anatole Shub)

Ten years ago, Russia's greatest mathematical economist, Leonid Kantorovich, observed that, with Russia's natural resources, efficient management would raise output anywhere from 30 to 50 per cent.

This was probably a deliberate understatement: Russia is fertile and rich in minerals and its growth rates in the last two decades of czarism match any attained under Communism.

In September, 1967, two years after Brezhnev and Kosygin had made impressive promises of agricultural and industrial reform, a group of newsmen was allowed to meet briefly with Prof. Kantorovich at his Mathematical Institute in Akademgorodok, outside Novosibirsk, in Siberia. Patiently, the father of Soviet linear programing explained the work of his institute which, he noted carefully, was not directly tied to the economy.

His Institute, Kantorovich disclosed, did work out "theoretically" optimal plans for the economy. However, he admitted, actual economic plans were "not always" based on such "theoretical" models. The economists' recommendations ofter ran into "local interests."

Kantorovich and his team had also analyzed the price structure. Their findings, he said, had been "taken into account" before the price revisions of July 1, 1967.

Asked whether the new prices "reflected" the Institute's findings, the tactful professor hesitated, then replied: "Let us say that they approach the best theoretical plans." In other words, the scientists knew what to do, but the politicians were still far from doing it.

The next day, a young Siberian electrical engineer partly explained why, when it came to the industrial reform, we should "not take so seriously what is in the newspapers." The engineer gave two examples. The first was the matter of direct contacts between enterprises, a "change" of which Moscow press agents were then making much.

"Even before the reform," the engineer said, "the enterprises knew each other's problems at least as well as Gosplan (the state planning commission). It would have been impossible to operate otherwise."

His second example was the highly publicized reduction in the number of target figures handed down by Moscow planners.

"All that means," the engineer commented, "is that we in the factories, rather than they in the ministries, do the arithmetic—but the arithmetic itself is pretty much the same."

He explained that—with 90 per cent of resources centrally allocated, prices and basic wage scales fixed, and taxes and various other charges coming "off the top"—the relatively fewer figures still determined nearly all the others which had been left to the enterprises to decide. Some, but not much, extra money would be available, if everyone worked more productively, for bonuses, plant improvement and workers' housing.

Such modest tinkering with mechanisms and cost-accounting methods produced favorable results in the early Brezhnev-Kosygin years, for reasons that were largely extraneous. Many believed that the changes announced in 1965 would be only the beginning, not the full extent of the reform.

Introduction of the changes coincided with the entry of the postwar generation into the labor force. Considerable Western machinery was imported, on favorable credit, in the climate of political detente. And the temporary easing of Party pressures on farms not only provided workers with more food, but industry with more raw materials.

However, the reform produced only one-shot results. Industrial growth rates began declining early in 1968 and continue to decline, despite massive "moral stimulation" by the Party and trade unions—"voluntary" pledges to work free overtime, "spontaneous" demands to speed up plan fulfillment and the like.

FARM CHANGES

Both managers and workers recognized that, whenever they did achieve good results, the Party bosses raised their norms and targets in customary Stalinist fashion. Thus, the "technocrats," Brezhnev, Kirilenko, Kosygin and Podgorny have now landed in virtually the same rut as the "hare-brained" Khrushchev in the early 1960s.

The changes in agriculture were partly real, to a larger extent promises, to a great extent pure propaganda. In any case, whatever the Politburo's collective intentions may have been in 1965, Brezhnev's record grain harvest of 1966 was, politically speaking, as much of a disaster as Khrushchev's previous record "virgin land" harvest had been in 1958. It encouraged the champions of *Shablon*, or Party dictation of the planting of every last poppy seed, to believe they could resume commanding and exploiting the farmers in the same old way.

Despite warnings by Dmitri Polyansky and others in 1967, promises of new fertilizer and machinery were largely ignored. The improved "guaranteed" farm-price structure became irrelevant in the wake of Party demands for "voluntary" over-fulfillment and "socialist competition."

All notions of liberalizing the basic structure of Soviet agriculture were shelved indefinitely. Besides, as Shelepin's followers gleefully noted, the rash abandonment of Khrushchev's pet crop, corn, produced a fodder shortage. The hog population of the Soviet Union began declining more than two years ago, and last winter the early slaughter of cattle and other livestock began.

Yugoslav and other East European economists noted at the time that the limited changes promised by Brezhnev and Kosygin were doomed from the start, even had the promises been kept. For the Soviet economy fundamentally remained (in the words of the late Polish Communist, Oskar Lange) "a sui generis war economy," in which all resources are administratively marshaled to maximize military strength, political repression and ambitious foreign policies.

A conservative estimate is that 60 per cent of Soviet industry works directly for the military. (Such estimates are imprecise because of the "two-track" Soviet price structure; thus, a ruble is worth only about 25 cents in consumer goods, but buys $2.50 worth of military hardware.) Armaments production is only part of the economy's accent on defense. The Soviet army maintains some 400,000 occupation troops in Eastern Europe, even fewer (before the recent buildup) on the Chinese frontier. Thus two-thirds or more of the 2.5 million Soviet soldiers are garrisoned in and around Soviet cities—often in the same barracks as the czarist regiments before them, and for the same purposes.

DRAINS ON THE ECONOMY

The cost of the KGB and other "organs" with their millions of informers is impossible to estimate, but it is certainly huge. The vast Soviet propaganda machine, perhaps 90 per cent of its cost subsidized, is another great drain on the economy. Subversion and propaganda abroad, including direct support of most "fraternal" Communist Parties, are probably as costly as the better publicized Soviet "foreign aid" to the Vietnamese Communists, Arabs and other clients.

The strategic bias of the economy has also been costly in other ways. Since 1950, when Stalin took the measure of Mao Tse-tung, investment has been frantic in Central Asia, Siberia and the Soviet Far East. Economic considerations have taken second place to the political objective of retaining, settling and fortifying the territories seized by the czars from the tottering Chinese Empire and feeble Moslem emirates.

Hundreds of thousands of Russians and Ukrainians have been settled in Central Asia, while tens of thousands of Komsomol "volunteers" are dispatched annually to Siberia and the Far East. (Still, more leave than stay.)

Tremendous dams, factories and mines have been opened in these areas—in defiance of both climate and cost—while "historic" Russia, the Ukraine and Byelorussia have been relatively neglected. More efficient Soviet peoples, such as the Armenians, Estonians and Latvians, do not reap special rewards but instead pay the freight for heroic dreams of Asian empire. In recent years, the Kremlin leaders have been pressing their East European satellites, too, to help pay for developing Soviet Asia.

Still another hallmark of Russia's unreformed war economy is the Stalinist insistence on autarchy, or complete self-sufficiency in strategic materials. Although Brezhnev and Kosygin have been shopping for Western consumer-goods equipment, foreign trade is fundamentally regarded with suspicion, and plays less of a role in the Soviet economy today than in 1929—not to speak of imperial Russia, which was part of the world market.

DILEMMAS ILLUSTRATED

In an excellent new study, "Economic Reform in the Soviet Union," a British specialist, Michael Ellman, illustrates the dilemmas to which Kremlin "do it yourself" policies lead:

"For example, the Soviet Union is going ahead with the development of copper and nickel mining near Norilsk—a town by the Arctic Ocean. Because of the inclement climate, both building and labor costs are very high. The town is more than 1000 miles from

the nearest railway, and the ore will have to be transported either by air or in shipping convoys led by an atomic-powered icebreaker. Clearly the nickel and copper produced in this way will be extremely expensive.

"The economists say, leave things to market forces. Then the Soviet Union will import copper from Chile and export manufactured goods, and this is the rational thing to do. It so happens, however, that a major policy of the Soviet government is self-sufficiency in nonferrous metals (basically for military reasons). You can't simultaneously rely on market forces and pursue this objective."

Ellman estimates that half the Soviet national income is allocated to non-economic projects, such as defense, space and non-economic investments. Many would consider this estimate conservative. In any event, to reform such an economy, mere mechanisms of the classical economic type are clearly inadequate—"politics must take command," to use Stalin's phrase. Both the Yugoslavs and Czechoslovaks, whose economies had never been so deformed as that of Stalinist Russia, discovered in their turn that purely economic reform was a pipedream without basic political change—freedom at home, opening to the world.

In Soviet cities in Siberia, the Caucasus and central Asia as well as in Russia proper I heard officials, factory managers, mayors and economists describe their recent achievements with pride then sigh the identical refrain: "Of course, we could do a great deal more were it not for the international situation."

The "international situation" is another name for a Kremlin foreign policy which, although as cautious in tactics as Stalin's, remains fundamentally aggressive.

[From the Washington Post, June 20, 1969]

RUSSIA TURNS BACK THE CLOCK—SOVIETS "SHARPEN STRUGGLE" WITH WEST

(By Anatole Shub)

When Nikita Khrushchev visited the United States in 1959, Soviet news media devoted millions of words and hundreds of pictures to reporting his voyage and his Camp David talks with President Eisenhower, whom Khrushchev publicly described as "a man of peace." An hour-long color film on Khrushchev's trip was still being shown in Soviet movie houses, and in Soviet cultural centers abroad, four years later.

When Alexei Kosygin went to Glassboro, N.J., to meet with President Johnson in 1967, however, the Soviet press reported the meeting in two-paragraph items on inside pages. No photographs were used, and there was no further mention of the Glassboro talks once they had ended.

The contrast was not merely a measure of Kosygin's relatively modest place in the Soviet power hierarchy. It symbolized the basic change in policy since Khrushchev's fall in October 1964.

The name of the old policy, which provided the title for the official collection of Khrushchev's speech, was "Peaceful Economic Competition with Capitalism." The name of the new policy, defined in numerous Kremlin documents since 1965, is "Sharpening the International Class Struggle." It is a basically hostile, intransigent policy, limited mainly by the Soviet leaders' respect for American nuclear might and fear of Communist China.

While Soviet diplomats in Western countries constantly "reassure" their interlocutors that Kremlin actions are "defensive" and "conservative," the Soviet press directs a daily torrent of abuse and hatred at the Kremlin's various adversaries and critics. It also glorifies the very "irresponsible" elements—whether Vietcong terrorists, Arab guerrillas or East Berlin Wall sentinels—whom Russian diplomats abroad seem to be "disavowing" (although nearly always in private).

Ironically, the new Soviet policies have caused greater alarm among lifelong Communists—whether in Bologna, Belgrade, Bucharest or Peking—than in bourgeois chanceries. One reason may be that these Communists know Brezhnev, Suslov, Kirilenko and Shelest personally—and, as a Yugoslav joked recently, "To know them is to suspect them."

However, so far as the West is concerned, the problem may lie in the eye of the beholder. As a shrewd Western observer put it last fall, "We are handicapped by the professional and emotional vested interest which a whole generation of diplomats and opinion-makers has acquired in detente—just as we were crippled, when the Russian situation was really open after Stalin's death, by a generation of cold-warriors."

There is a curious symmetry between John Foster Dulles's frustration of Churchill's bid for a summit meeting in the spring of 1953, and Lyndon Johnson's insistent pursuit of one after the Soviet invasion of Czechoslovakia last fall. In both cases, preconceived ideas and domestic politics, rather than Soviet reality, were decisive.

Soviet actions since October 1964, in fact, speak more clearly even than the aggressive "theoretical" articles recently penned by Gen. Alexei Yepishev, Marshal Matvei Zakharov and other Kremlin hawks, who speak of World War III with virtual relish.

Khrushchev's successors moved swiftly to intensify the arms race, seeking not only "first-strike" nuclear capability but the capacity to intervene in limited wars by land, sea and air. They accelerated rocket production, began building an anti-missile system, experimented with orbital bombs, raised new units of fleet marines and paratroopers, moved an expanded Soviet fleet into the Mediterranean and (last summer) mobilized army reserves for a series of maneuvers in Eastern Europe which has yet to end.

The Soviet leaders rebuffed Western appeals to discuss mutual troop reductions in Central Europe, which would be easy to observe and therefore enforce. They agreed cryptically to "talk about talks" on limiting the missile race after 16 months of American prompting and as a diplomatic prelude to the invasion of Czechoslovakia. There has been no sign from the Kremlin that such talks, which could last years, might be substantively productive.

MASSIVE VIETNAM PROGRAM

In Vietnam, which Khrushchev had largely ignored, his successors mounted a massive program of arms aid, estimated at $1 billion annually. Kremlin support of Hanoi's cause was partly designed to undermine the pro-American feelings of the Soviet population—a design abetted by the Johnson Administration's recourse to bombing.

However, Soviet intervention in Vietnam was also conceived as a means for achieving "unity of action" with the Chinese Communists in the "struggle against imperialism." Brezhnev, Suslov, Shelepin and Kosygin pursued this will o'the wisp for nearly two years, until Mao Tse-tung finally purged his pro-Soviet faction by means of the Cultural Revolution. Soviet-bloc aid to Hanoi, and propaganda aimed at making an American disengagement as humiliating as possible, continued long after Peking had advised Hanoi to "rely on its own forces."

East European Communists of various shadings have long believed that both the extent and nature of possible Soviet influence on Hanoi have been grossly misjudged by Western wishful thinkers. They consider Brezhnev's influence in Vietnam to be much less than that exercised by Stalin over the Yugoslav, Albanian and Greek guerrilla movements in World War II, which was very little. Nor is Soviet influence, such as it is, necessarily benign. When President Johnson announced a limited bombing halt over North Vietnam in April, 1968, Soviet media attacked his offer of negotiations as a fraud for three days—until Ho Chi-Minh surprised them by accepting it.

As for the current Vietnamese peace negotiations, a growing body of opinion holds that, insofar as any outside power might affect the outcome, the road to success in Paris lies through Peking—in the framework of a larger accommodation with China. This view remains to be tested with anywhere the seriousness accorded since 1965 to the Kremlin's allegedly peaceful desires in Southeast Asia.

WASHINGTON PREVAILED UPON

In the Middle East, Khrushchev's successors precipitated the May 1967 crisis by spreading the false report that Israeli troops were about to attack Syria. They cheered the withdrawal of United Nations border forces and Col. Nasser's closure of the Tiran Straits. They rejected various international efforts to avert war, including Gen. de Gaulle's proposal for immediate Big Four talks.

Since the Arabs' defeat, Soviet diplomats have been trying to persuade Washington to deliver what the Kremlin itself is unable to compel, namely, Israeli withdrawal and acceptance of the pre-1967 status quo. However, the diplomats' "reasonable" words (which rarely appear in the Soviet press) contrast with the activities of the Soviet military and the KGB. The military have moved advisers, instructors, warships and hardware into the area on an unprecedented scale, while the KGB has been at work among Arab guerrillas.

Early last spring, Western diplomats professed themselves encouraged when an article in Sovietskaya Rossiya contained a phrase which vaguely criticized "irresponsible elements" among the guerrillas. The very next morning, Trud, organ of former KGB chief Shelepin, published a "heroic" quarter-page photograph of "Palestine liberation fighters," with an enthusiastic caption to match. Most Soviet media continue to hail the "liberation fighters" although there have been occasional notes of criticism.

As for the "moderate" Col. Nasser, the Yugoslav Communists, who were his best friends for 15 years, have come to the reluctant conclusion that he is now in the Kremlin's pocket, and that Soviet influence in Cairo is directed toward maintaining Middle Eastern tensions indefinitely, rather than promoting a settlement with the hated Zionists.

In no other area, however, has Kremlin intransigence been as clear as in Central Europe. Even before the occupation of Czechoslovakia and the Brezhnev doctrine of "limited sovereignty" accompanying it, Khrushchev's successors deliberately enforced and maintained a hard line in Germany.

DISAFFECTION SETS IN

The entry of Willy Brandt's Social Democrats into the Bonn government (December, 1966), which offered Moscow the best opportunity in years for serious negotiations to reduce tensions, served only as a pretext for Brezhnev and Walter Ulbricht to up their ante. Moscow's harsh stance on the German question, as much as anything else, has provoked the disaffection of the Rumanian, Yugoslav and Italian Communists—who fear that the main beneficiaries will be Franz-Josef Strauss as well as the neo-Nazis, and that the Kremlin wants it that way.

Khrushchev, it will be recalled, was overthrown after (and, in large part, because) his son-in-law Alexei Adzhubei had arranged for him to visit West German. Khrushchev, perhaps realizing that Russia could no longer afford to fight on two fronts, was attempting to relax tensions in the West even as he drove toward an irrevocable break with China. Brezhnev and Suslov publicly attacked Khrushchev's plans to "sell out" East Germany even before they conspired successfully to depose him.

The new Kremlin rulers, after failing to achieve "unity of action" with Peking seemed to assume that internal disorder in China would permit them to continue "sharpening the international class struggle" against the "Western imperialists, German revanchists, Israeli aggressors" and "anti-Socialist elements and counter-revolutionaries" in Eastern Europe. Brezhnev, after occupying Czechoslovakia and threatening Rumania and Yugoslavia with various Warsaw Pact maneuvers, actually had fewer troops on the Chinese frontier at the beginning of the 1969 than Khrushchev had garrisoned there five years ago.

SOVIET REPRISAL RAID

The March 1 Chinese ambush on Chenpao Island in the Ussuri (few neutral observers doubt that the mud-spit is Chinese under international law) appeared to shock the Kremlin rulers, who had been having their way in previous frontier skirmishes and had been massing their armed forces on the western and southwestern "front." The March 1 Ussuri incident may have represented Chinese fulfillment of obligations to the hard-pressed Rumanians, who (despite general disbelief) continued to insist throughout the tense winter of 1968–69 that Peking would deter Moscow from attacking their country.

The second Ussuri incident, on March 15, is generally believed to have been a massive Soviet reprisal raid, aimed at demonstrating to Peking Russia's superior fire-power and the Kremlin's political determination to use it if necessary. However, the Soviet "victory" in the second Ussuri battle failed either to calm the unbelievable anxiety of the Soviet population with regard to China (based on ancestral memories of Genghis Khan's Golden Horde), or to remove political doubts in Communist circles as to the wisdom of the entire Soviet "two front" policy.

Some of these doubts came to the surface in a curious sequence a fortnight later when a Moscow celebration of the 50th anniversary of the Communist International was held more than three weeks late, behind closed doors. Soviet Party Secretaries Mikhail Suslov and Boris Ponomarev, as well as East German Party chief Ulbricht, were among the speakers. All the speeches were heavily censored, and Ulbricht's was held up two days before publication in Pravda or Neues Deutschland. Ulbricht left Moscow without any public indication that he had seen Brezhnev, although it developed later that he had seen him for five hours.

Despite the secrecy, censorship and arcane Communist jargon, it seemed clear that Ponomarev at least had been criticizing, and Ulbricht firmly defending, the hard line of "confrontation" toward West Germany. Suslov's published remarks were cryptic (perhaps because they were the most heavily censored), but they contained at least one verbal concession to Ulbricht's critics. Brezhnev's position may be gauged from the fact that East Berlin officials began spreading reports of his imminent overthrow and Neues Deutschland began cropping him out of official photographs.

The apparent quarrel with Ulbricht took place against the background of secret exploratory talks between Soviet and West German diplomats, in which the Russian negotiators had finally "untied the package" of long standing political demands on Bonn, conceded the need for better arrangements in divided Berlin, and seemed to require only a political green light from the Kremlin to make major progress toward realistic agreements to ease tensions in divided Germany.

Yet the green light was not given. Kremlin policy toward Germany, as toward other problems foreign and domestic, floundered in the ambiguity of the Soviet leadership crisis.

[From the Washington Post, June 21, 1969]

RUSSIA TURNS BACK THE CLOCK—STRUGGLE FOR POWER QUICKENS IN MOSCOW

(By Anatole Shub)

Who rules Russia today? The question is difficult to answer, and textbook models no longer apply.

Lenin's original Communist Party dictatorship saw annual Party congresses or conferences, with the Party Central Committee meeting, frequently, debating openly, deciding by majority vote.

Stalin established his rule through the bureaucrats of the Party Secretariat, maintained it through the security police (successively named Cheka, GPU, NKVD, MGB and now KGB), ended finally with a personal "special secretariat" which overshadowed the police as well as the Party machine.

Khrushchev tried to revive the role of the Party, held three Party Congresses, and used the Central Committee to outmaneuver his peers in the Politburo until his colleagues used the same device against him, successfully in October, 1964.

The "collective leadership" headed by Leonid Brezhnev at first sought to return to the forms prescribed in Party statutes. They held frequent Central Committee meetings in 1965 and managed to hold the 23d Party Congress in March, 1966, which revamped the Politburo, Secretariat and Central Committee in conformity with their "general line."

Within the top bodies, the ambitious Alexander Shelepin was gradually deprived of some of his posts and powers. During the anniversary year 1967, Brezhnev gradually elbowed aside Premier Alexei Kosygin and President Nikolai Podgorny, who remained representational figures in what seemed to be a ruling triumvirate, or troika.

In the Party Secretariate, Brezhnev's associate, Andrei Kirilenko, balanced the wily veteran Mikhail Suslov. Inside the government two "juniors," Dmitri Polyansky and Kiril Mazurov, balanced each other.

During the last year and a half, however, a single, continuous, traumatic experience—the Czechoslovak crisis which began in November, 1967—has gradually shattered all the neat Soviet Party forms as well as the prior calculations of individual and "collective" leaders.

As the crisis developed and climaxed with the invasion of Aug. 20, 1968, signs began to appear of both a vacuum of power and a struggle for power at the top—with effective influence frequently appearing to pass outside the constituted Party bodies, to the marshals of the Soviet army and the shadowy agents of the KGB.

In recent months, with industrial growth rates tumbling, meat shortages proclaiming the failure of post-Khruschev farm policies, the battles on the Chinese frontier casting the fundamentals of post-1964 foreign policy into doubt, the struggle for supremacy appears to have intensified within and among the various ruling Soviet institutions.

WESTERNER'S VIEW

No firm conclusions can be drawn about the outcome of the struggle, but most unbiased observers tend to share the view expressed by a seasoned Western ambassador last September: "A traumatic experience like Czechoslovakia cannot be without consequences on the Soviet leadership. It remains to be seen whether those consequences will take eight months to develop, as after the Hungarian revolution in 1956, or two years, as after the Cuban missile crisis in 1962."

It all started quietly when Brezhnev who has made his way as a centrist in all difficult situations, went unaccompanied to Prague in December, 1967. Asked to mediate between Stalinist strongarm Antonin Novotny and his Slovak and liberal foes, Brezhnev pronounced the fateful words: *Eto vashe delo, tovarishchi* "That is your affair, comrades."

Soviet hardliners still maintain that Brezhnev sacrificed the broader Kremlin interest in Czechoslovakia "stability" to a personal grudge, for Novotny had publicly criticized Khrushchev's removal and thus Brezhnev's promotion. (East European moderates, on the other hand, maintain that there would have been no 1967 crisis had not the Soviet embassy in Prague foiled the attempt by Interior Minister Rudolf Barak to overthrow Novotny, with Khruschev's support, in 1962.)

SATELLITES CALLED IN

Once the Czechoslovak revolution really got under way, with the liberation of the press in March 1968, Brezhnev no longer went to meetings unaccompanied. Other members of the troika and Politburo, as well as East Germany's Ulbricht, Poland's Gomulka and other satellite chiefs, were increasingly called in. From early April, when the Czechs began questioning the death of Jan Masaryk and reviewing the role of Soviet "advisers" in the Prague trials and purges of the 1950s, KGB pressure was strongly felt in the Soviet Press.

The leadership's reaction was the "historic" April, 1968, plenum of the Central Committee. Its proceedings were never published. But official communiques disclosed that Brazhnev had given a long report, and that the first speaker after him was Ukrainian leader Pyotr Shelest, a spokesman for the backwoods element in the Party machine.

Other noted reactionaries (such as Nikolai Gribachev of the writers union) also spoke, and the brief resolution of the April plenum proclaimed a campaign of "vigilance" against ideological enemies everywhere. "Vigilance" had also been the main slogan during Stalin's purges.

Although the Moscow national newspapers (scrutinized by thousands of resident foreigners and overseas experts) remained vague about how the Plenum resolution was being implemented, in Baku, where I happened to be a fortnight later, the local newspaper made it amply clear. It reported a meeting to discuss "implementation of the resolutions of the April Plenum" at which the first two speakers were the heads of the local KGB and MVD (police), followed by cultural commissars.

Yet the failure to publish Brezhnev's speech, even in "laquered" form, immediately raised questions as to whether he had been the leader or the led. A terrible row that Brezhnev had with Marshall Tito on April 28 could hardly have improved his position.

A few days later, two semiretired senior marshals, Ivan Koynev and Kiril Moskalenko, both considered "Khrushchevites" in their day, went off to tour Czechoslovakia. The tone of the Soviet press, starting with the Red Army paper Krasnaya Zveda, began to turn positive toward the Czechoslovak reformers.

Kosygin went to Karlovy Vary and Prague, and the result was a compromise which stabilized the situation during May and June. Part of the compromise was Prague's agreement to Red Army maneuvers on Czechoslovakia soil in June—and, as it turned out, July as well.

Yet pressure from the hardliners continued, and advocates of a "strong hand" were doubtless encouraged by developments in the United States, the power their more cautious colleagues feared most. President Johnson's political abdication and the murders of Martin Luther King Jr. and Robert Kennedy were dramatic evidence of domestic unrest, overshadowing for most Americans the issues in Prague.

In June, the Soviet government mounted a series of "atmospheric" gestures toward the United States—signing the nuclear nonproliferation treaty, ratifying the long-stalled consular convention, initialing a long-delayed cultural exchange agreement, agreeing after

years of delay to airline service between New York and Moscow, and, most important, expressing willingness to "talk about talks" on limiting the strategic arms race.

REACTION IN UNITED STATES

Washington's reaction was euphoric. President Johnson began seeking a summit meeting. Lesser "U.S. officials" were quoted as saying that Washington could, and would, do nothing to affect the Czechoslovak crisis.

The Soviet conservatives, who had been arguing that military action in Czechoslovakia might risk dangerous international consequences, were undone. In mid-July, as the crisis entered its decisive phase, Shelest was at the side of the troika in Warsaw, where together with Ulbricht, Gomulka and other Pact allies they issued the famous letter which was a clear ultimatum to Czechoslovakia.

When Prague rejected the ultimatum, nearly all the Politburo members and Secretariat officials (Kirilenko and Polyansky were "paired" at home) journeyed to the Slovak border village of Cierna-Nad-Tisou for a showdown with the Czechoslovak Presidum. This unprecedently enlarged meeting had been suggested from the Soviet side. Supposed to last a day and a half, it lasted four days. It was a clear demonstration of how uncertain the Soviet leaders themselves had become.

Cierna was followed by the Bratislava meeting with the Pact allies, to which Shelest (whom the Czechslovaks had considered most offensive at Cierna) and Suslov (whom they thought most conciliatory) accompanied the troika. Although Ulbricht and Gomulka made plain their displeasure with the Soviet Politburo's conduct at Cierna (Gomulka: "I thought we settled everything in Warsaw"), Brezhnev brought them around, or thought he did.

EVENTS MOVE SWIFTLY

The Czechoslovaks believed that the Cierna and Bratislava meetings had successfully resolved the crisis. So did everyone else who watched the happy relaxed scene at the Bratislava railroad station when the Soviet leaders departed for home next day, Aug. 4, Brezhnev and Suslov seemed particularly relieved and friendly. On returning to Russia the troika immediately went off on holiday—Brezhnev and Podgorny to Pitsunda on the Black Sea; Kosygin to a forest villa in the Moscow region.

What happened between Aug. 4 and 15, when the leaders suddenly returned to Moscow and (Aug. 16) ordered the invasion, remains a crucial mystery. Some believe that, in the absence of the troika, Politburo hardliners had mobilized an apparent majority of Secretariat functionaries, provincial barons and powerful vested-interest spokesmen (such as the KGB "professionals" and the notables of cultural and press censorship)—and that Brezhnev and Podgorny, summoned from Pitsunda, went along to avoid a Central Committee showdown which might have risked their own positions. The Central Committee did not meet, and the decision was taken by what Soviet informants called an "enlarged" session of the Politburo and Secretariat.

Others believe that the decisive influence was exerted by the marshals of the Soviet army, who had not been invited to Cierna or Bratislava. The marshals, many of them (like Defense Minister Grechko and his chief deputy, hard-nosed Marshal Ivan Yakubovsky) former proconsuls in East Germany or Poland, may have been successfully lobbied by Ulbricht and Gomulka.

These two explanations do not exclude each other. What seems most unlikely, however, is that the Soviet reversal had been produced solely by events in Prague—such as the varying welcomes accorded to Tito, Ulbricht and Rumanian leader Ceausescu, or new misconduct by the Czechoslovak press (which had become progressively more careful and self-disciplined since April, and especially since the Warsaw letter).

INVASION OPPONENTS

As the Red Army struck, it became known almost immediately, in Moscow Prague, Belgrade and elsewhere, that at least four senior Soviet figures—Kosygin, Suslov, Shelepin, Ponomarev—had argued against the invasion, mainly on tactical grounds. Some sources placed Polyansky among their number. Their counsels of caution acquired new force when the KGB botched the political coup which was to accompany the Soviet army's unopposed occupation.

Czechoslovak passive resistance, the political confusion it was sowing among the initial units of Russian soldiers, and the fear that resistance might turn active, brought about the Moscow "compromise" of Aug. 26. The KGB released Dubcek, Smrkovsky and at last "the Galician Jew" Frantisek Kriegel (the epithet is actually attributed to Brezhnev or Kosygin), who had been seized like common criminals and seemed to face the fate of Imre Nagy and other Hungarian revolutionary leaders imprisoned and finally executed in 1958.

The Soviet leaders maintained unity in the difficult weeks which followed, but toward the end of October there were new signs of trouble. KGB agents of the Novosti press agency and other Soviet journalists close to the Party Secretariat began phoning Western contacts that a Central Committee Plenum would be held shortly, at which the resignations of Kosygin "and perhaps others" would be accepted. Colleagues who received such calls had the clear impression of an effort to stimulate the "bandwagon" psychology of accomplished fact, so often decisive in Communist politics. Kosygin men in the government denied knowledge of such reports.

On the very morning of the Plenum, Oct. 30, the rumor-spreaders all called their contacts to say that plans had changed. Their Line was that Brezhnev, while willing to let Kosygin go, had informally polled important Central Committee members. A majority of these believed that Kosygin's departure at this juncture would be taken by the Soviet population and the outside world as a sign of the regime's over-all weakness.

BREZHNEV'S REPORT

There were no personnel changes at the October Plenum. Instead, Brezhnev gave a report on the international situation (which was never published) and a wordy, meaningless report on farm policy (which was published and might easily have been delivered by the deputy minister of agriculture at a provincial meeting).

Shortly afterward, Shelest accompanied Brezhnev to the Polish Party Congress in Warsaw, where the major objective was to insure the survival of Gomulka and defeat supporters of the suspected Polish nationalist (and reputed Shelepin associate), Gen. Mieceszlaw Moczar. At Warsaw, Shelest hovered over Brezhnev in a manner that recalled how Defense Minister Marshal Malinovsky had hovered over Khrushchev at the abortive Paris summit conference of 1960.

The apparent compromise reached at the October Plenum produced marked lightening of the atmosphere in Moscow during November, December and early January. A quick, apparently routine Central Committee Plenum was held in December, just before the traditional Supreme Soviet session, to approve the 1969 Economic Plan. Soon afterward, Kosygin and others went off on Christmas holiday.

In mid-January, the situation began to turn again. In Czechoslovakia, trade union strike threats foiled the first attempt to oust Smrkovsky, and this was followed almost immediately by the even greater drama of Jan Palach's suicide and funeral. Nevertheless, Soviet advocates of restraint in Prague appeared to be holding their own. There was no new intervention in Czechoslovakia, despite the new "provocations." Western diplomats reported that the Palach affair had shaken the self-assurance of Soviet government in much the same way as the Vietcong's 1968 Tet offensive had dismayed official Washington.

However, other agencies of the Soviet apparatus were plainly restive. KGB sources began planting long, detailed accounts of Kosygin's health, declared that his continued absence was a result of illness, and said that, even if he did not resign soon, most of his work would be turned over to Mazurov, Polyansky and others. Moscow movie houses began showing a long film on Polyansky's visit to Korea the previous September.

KREMLIN GATE INCIDENT

On Jan. 23, there came the still-mysterious incident inside the Kremlin's Borovitsky Gate. KGB agents next morning spread the word that someone had fired on the Soyuz cosmonauts, returning for a festive Kremlin meeting. That afternoon Foreign Ministry officials said the assailant was a "paranoid." The Tass news agency announced that evening, however, that it had been "a provocation."

A day later, a Mongolian Communist said he had witnessed the seizure of the would-be assassin, who had been in MVD (civil police) uniform. Asian diplomats, non-Communist, also claimed to have witnessed the scene from afar. All foreigners, and some Soviet sources as well, agreed that the intended target was almost surely Brezhnev. The cosmonauts' press conference failed to clear up the mystery. The Foreign Ministry seemed most anxious to throttle any speculation linking the assassination attempt to Kosygin's continued absence.

Then, from sources close to the MVD, came word that the seized man had been an army engineer, a lieutenant named Ilyin, who had come down from Leningrad and borrowed the police uniform from a relative in Moscow. No Soviet sources ever attempted to deny this account. Complete official silence thenceforth blanketed the case.

However, toward the end of February, two contradictory versions again began to spread, paralleling the conflict of the first few days. From the government bureaucracy, the story was that Ilyin was an insane loner and would soon be certified as such. From the KGB, the word was that he was part of a "counter-revolutionary gang," with high accomplices in the army and elsewhere, who would soon be tried.

LENINGRAD SUSPECTED

Suspicion again descended on unhappy Leningrad, whose Party leadership had already suffered two terrible purges—one after the murder of Sergei Kirov in 1934, another in the "Leningrad case" following the sudden death of Andrei Zhdanov in 1948 (of which Kosygin had been the most prominent survivor).

Dissidents and intellectuals reported a new crackdown in the city starting in February, and there were rumors that there had been arrests in Ilyin's army garrison. The city on the Neva was closed to resident Moscow foreigners throughout the month of March, although guided Intourists (mainly Finns escaping "dry" regulations in search of vodka unlimited) were permitted.

March 1, there came the first Ussuri incident on the Sino-Soviet frontier. The Politburo majority did not revise the "two front" policy. The Kremlin decided to boycott the Yugoslav Communist Party Congress which was opening March 10, and ordered their satellites and dependent parties to do likewise. (The order came after two Bulgarian "advance men" were already in Belgrade, and a Mongolian delegation had reached Moscow on route.)

A Warsaw Pact summit meeting had been scheduled (after the first Ussuri episode) to open in Budapest on March 17, and deputy

foreign ministers and other lower-level officials were already at work there when the second Ussuri battle took place on March 15.

Next day, on Margaret Island in the Danube, Brezhnev and Kosygin attempted, in bilateral talks, to rally their allies. By several accounts, Brezhnev was obsessed by the Chinese threat, nervous, quick to flare. But Rumania's Nicholae Ceausescu refused even to discuss any Warsaw Pact commentary on China, as his subordinates had already made clear.

CONCESSIONS MADE

Instead, the Soviets—in the person of Marshal Ivan Yakubovsky, the Warsaw Pact commander—made some concessions to satellite complaints about the Russian-dominated Pact organization. The changes were largely cosmetic, but the Rumanians professed themselves pleased. They were even more pleased by the Budapest declaration on European security, the mildest document on the German question ever signed by Brezhnev and Kosygin.

Ulbricht and Gomulka, overriden, were not pleased at all—and neither, as varying subsequent Soviet press coverage showed, were hardline elements in Moscow.

Ulbricht made his way to the seat of power soon afterwards, invited by the Soviet Institute of Marxism-Leninism (headed by one-time Suslov rival and near-victim Pyotr Fedoseyev) to attend a delayed anniversary meeting of veterans of the Communist International. A curious sequence ensued, which appeared to indicate a high-level conflict over policy toward West Germany. The conflict has yet to be resolved.

Meanwhile, in Prague, popular demonstrations had followed the Czechoslovak hockey team's victory over the Soviet team in the first of two matches in a world championship tournament at Stockholm. There had been no violence after the first hockey game, as there had been no violence among the self-disciplined Czechs and Slovaks throughout the momentous events of 1968.

However, when the Czechoslovak team won the second match, 4 to 3, new demonstration in Prague was marred by unidentified elements, who sacked the Aerofot office several hundred yards away from the demonstration's center at the statue of St. Wenceslas.

Next day, Czech Minister of the Interior Grosser quickly announced that demonstrators had also been violent in other towns, and had actually pelted Soviet army barracks with rocks at Mlada Boleslav and elsewhere. The Prague government reproved Grosser for making such an announcement before there had been an official inquiry.

MAY HAVE BEEN STAGED

Weeks later, Western newsmen in Prague said they had been unable to find anyone who had actually seen the damage at Mlada Boleslav or elsewhere in the provinces. European newspapers have charged that the Aeroflot incident in Prague was a staged provocation organized by the KGB.

Whatever happened, it was enough to bring Marshal Grechko personally on the scene within 24 hours, joined shortly afterwards by Deputy Foreign Minister Vladimir Semyonov. There was no representative of the Party Politburo or Secretariat, even though the envoys' main business was to secure the ouster of Dubcek as Party Secretary and Smrkovsky from the Party Presidium at an impending meeting of the Czechoslovak Central Committee. In all the long series of Soviet-Czech negotiations going back to Novotny's fall, it was the first time the Soviet Politburo and Secretariat were not represented—except for the period when Vassily Kuznetsov, the First Deputy Foreign Minister, was negotiating the agreement on "temporary" stationing of Soviet troops, which Kosygin came later to approve and sign.

Grechko's presence appeared to be a sign of the growing independence—in matters which vitally concernd them—of the marshals. He may conceivably have been guided from afar by Brezhnev, who had always been linked with the Soviet "military-industrial complex" and had never been known before, as Party leader, to have denied the marshals anything. However, even this possibility raised the question of who was using whom. Foreign Communists in Moscow were the most openly shocked by Grechko's role, and the failure to observe Party form.

MARSHALS' SECOND MOVE

This was the second assertion of the marshals' power in two years. Grechko himself had succeeded the late Marshal Malinovsky as Defense Minister in 1967 after more than a week of struggle, during which Party spokesmen were telling foreign newsmen that the new man would be a civilian, Dmitri Ustinov.

It would seem reasonable to assume that Soviet Party functionaries, who had gone through that previous struggle, were as disturbed as foreign Communists by Grechko's Prague mission and the rise in military influence it portended.

While the Defense Minister was detained in Czechoslovakia, and Yakubovsky was in Bulgaria supervising Pact maneuvers, preparations had begun for the traditional May Day military parade through Red Square. On or about April 15, with both marshals still abroad, the preparations suddenly ceased. Western military attaches began wondering what had happened, but their Soviet officer contacts would give no reply.

Then Party and KGB spokesmen began spreading word that the military parade would definitely be canceled, although they never satisfactorily explained why. Nearly a week of confusion and speculation followed Foreign ministry and other government officials refused to confirm or deny the reports. Defense Ministry officials said: "We don't know yet."' The parade was finally canceled, and a purely civilian demonstration arranged.

Nevertheless, atop the Lenin Mausoleum on May Day, Politburo and Secretariat members, packed closely together in two rows, divided the reviewing stand with Grechko, Yakubovsky and other bemedaled marshals and generals, who had plenty of room. When the band finished playing the Soviet national anthem, Brezhnev, into the open microphone before him, asked: "What happens next?"

[From the Washington Post, June 22, 1969]

RUSSIA TURNS BACK THE CLOCK—TOP SOVIET SHAKEUP IN 1970 LIKELY

(By Anatole Shub)

Whither Russia? The question has tormented Russia's finest minds, and the most perceptive foreign observers, since the times of Pushkin and Gogol, the Marquis de Custine and Dumas pere, nearly a century and a half ago. It continues to torment Russians and foreigners today, and largely for the same reasons:

A vast land, one-sixth of the earth's surface, which is part of Europe but not wholly European in spirit.

A profoundly spiritual people with a tragic view of life, relatively indifferent to the materialism of the West, fundamentally anarchistic and suspicious toward authority of any kind.

Great, scattered peasant masses (or sons of peasants herded into the rootless anonymity of an imported industrial civilization), and a brilliant intellectual aristocracy torn between Europe and ancestral traditions, between Western scientific, technical and esthetic values and belief in Russia's uniqueness, in its special spiritual mission.

Autocratic, centralized government unchecked by established, autonomous groups, classes and institutions—rulers trapped in the vicious circle of external expansion and domestic repression, each justifying and intensifying the other.

An imperial power strong enough to menace, inhibit and frustrate the West, but not strong enough to dominate it.

A power driven to expansion and self-assertion in Asia, yet at least semiconscious that adventure in the Orient could trigger disaster for the whole fragile structure of empire.

Cruelty and suffering, venality and selflessness, suspicion and deep loyalties, rash outbursts and unusual patience, profound insight and incredible incompetence, the terrible psychological gulf between "us" and "them," rulers and ruled, elite and masses—these and many other extremes and contradictions of Russian character and life, transmuted into high art by Gogol, Tolstoy and Dostoevsky, persist into our time, and have been reflected in the poetry of Akhmatova, Pasternak, Voznesensky and Okudzhava, the prose of Alexander Solzhenitsym. The eternal quality of "the Russian problem" is dramatized almost daily in the Soviet Union—as, for example, in the bitter political struggles which recently accompanied new productions of plays written by Chekhov and Gorky 60 years ago.

In some ways, it is easier to speculate about the immediate future of the Soviet Union—as difficult as it is to discern the relevant facts—than to contemplate where and how it will all end, if indeed it does "end," in some resolution or synthesis of the great contradictions and dilemmas which Russian history and the alien rule of dogmatic Marxism (a German ideology in origins and essence) have brought about. It is easier to visualize the alternatives in 1970 than the range of possibilities in 1984.

Yet, even in discussing the short-range future, Westerners are frequently driven to conclude, "It cannot go on this way"—but it can and often does. Changes and choices which in the West would be "inevitable" and "inescapable" in a matter of days, weeks or months have, all too often in Russian and Soviet history, been evaded for years and even decades.

For ten years now, to cite only the most obvious example, it has been clear to Westerners that the Kremlin "cannot go on indefinitely" waging political war on two fronts, against the West and against China, and on both fronts with signal lack of success. "Sooner or later, they must make a choice," Westerners, East European Communists and Soviet intellectuals have been saying for a decade.

Nevertheless, the Brezhnev Politburo has thus far not made any such choice. This evasion of the "clear alternatives" has been largely made possible (in my opinion) by the sentimental, irrational blindnes of both Washington and Peking to the move—American-Chinese cooperation—which might force the Kremlin from check to mate.

A SPATE OF CRISES

The current Soviet crisis is political, diplomatic, economic and cultural—but it has been crystallizing these last two years into a crisis of leadership, and to some extent a crisis of political institutions. To summarize bluntly (although that is always dangerous), the Brezhnev leadership has been rocked by one failure after another: defeat in the Middle East, revolution in Czechoslovakia, collapse of economic reform, slowing industrial growth rates, new crisis on the farms, restiveness among intellectuals, disaffection among youth, accelerated disintegration of the world Communist movement, the re-emergence of China on the world scene (with a resonant new anti-Soviet slogan—"the new Czars"—in place of the unappealing sectarian condemnations of "revisionist renegades").

In attempting to manage these crises, Brezhnev and his Politburo colleagues have revealed many a disagreement (the zig-zags over Czechoslovakia in the past 18 months furnish the clearest example). They have seen (whether or not they wished it so) much effective decision-making pass to the

appointed bureaucrats of the party secretariat and away from the elected, supposedly sovereign Central Committee. Numerous policy statements have been issued in the name of the Central Committee although that body has not, in fact, been meeting.

At the same time, the Politburo leaders and the party machine generally have yielded considerable power, in matters which affect them, to the army and the KGB, neither of which is under quite the firm control that Khrushchev seemed to exercise over both between 1958 and 1963. It is largely immaterial (although a fascinating mystery) how the marshals and the KGB professionals acquired this power—whether through their own initiative or through the readiness of Brezhnev and other politicians to anticipate military and police demands and thus assure contained support against political rivals. (Among the current Politburo members, Brezhnev, Kirilenko and Voronov have frequently expressed their support for the "military-industrial complex" while Suslov, Pelshe, Shelepin and Mazurov have each passed important years in KGB operations.)

A MEDIOCRE NO. 1

The real authority of the current leaders, individually and collectively, is thus considerably circumscribed—more so, in fact, than that of any previous leadership in Soviet history. Despite sporatic attempts to build a "cult" for Brezhnev, he has simply not caught on, either among the population or within the party machine (where, according to Communist observers, Suslov and Shelepin each, for different reasons, enjoys greater respect).

Despite Brezhnev's cautious "centrist" maneuvers and efforts to involve his colleagues in responsibility for controversial measures, the party General Secretary, as "No. 1," can hardly continue indefinitely to avoid accountability for the failures of the past two years. Most Moscow Kremlinologists suspect that Brezhnev has retained power as long as he has mainly through the support of the "military-industrial complex" and because of the general recognition of his mediocrity.

Brezhnev's very mediocrity is a kind of asset in view of the widespread fear that Shelepin, with his drive, intelligence and relative youth (50), could emerge as the single "strong man" who might make a clean sweep of the aging "class of 1952" and shake Russia upside down.

Kosygin, who was the only one of the 11 Politburo members to command tangible respect outside party circles, among Soviet intellectuals and managers as well as abroad, appears in the last two years to have largely forfeited the influence he commanded in 1965. He has been faulted for weakness—for his inability to check the witch-hunt among intellectuals, his failure to prevent the invasion of Czechoslovakia and, most important, his silent acceptance of the emasculation and collapse of economic reform.

As one Soviet intellectual put it: "If Kosygin could not even save the project dearest to his heart, and on which he staked his public reputation, what good is he to anyone?" (The answer may be that in the last two years Kosygin, like Soviet caviar, has been a commodity mainly for export to the West—a symbol of "reassurance" useful in calming Washington and London. But Polyansky would do as well for this purpose.)

THE LARGER QUESTIONS

It is largely pointless to speculate on the possible ups and downs of individual leaders, for there are bigger questions involved: Will the rivalries within the Politburo and secretariat prove more decisive than the sentiment that its members must now "hang together" rather than separately against the army, the KGB or ambitious provincial barons in the Central Committee? Will change, whenever and however it comes, involve merely a reshuffle of the same old cards (Kirilenko or Suslov instead of Brezhnev; Podgorny or Voronov in place of Kosygin) or a change of generations (Shelepin, Mazurov, Polyansky)? Can such changes involve major reversals of basic policy, or is the structure of the Soviet ruling class so ossified as to permit only another victory (as in 1954, 1957 and 1964) of a heterogenous "left-right" coalition—followed by continual compromises and zigzags which satisfy neither hard-line sectarians nor liberal reformers? Will the new men, old or young, civilian or military, continue to restrict Soviet politics to the self-perpetuating inner Kremlin circles, or summon support from broader social groups and the Soviet population at large?

There is, as yet, no clear answer to any of these questions. Most Moscow observers tend to be pessimistic, stressing the inertia of the ruling class as a whole and the political apathy (or fear) still governing most of the Soviet population. However, all Moscow observers agree that the outcome could be affected, in a surprising manner, by a myriad variables inside and outside the country. There is no lack of inflammable tinder; the spark to light it might come from almost anywhere, at any time.

Since the invasion of Czechoslovakia, many observers have believed that a change in the leadership might very well follow the anticlimax of the world Communist unity conference, for which Brezhnev had been pushing since 1966 (despite the skepticism of Suslov and others). However, other observers feel that the importance of the international Communist movement to the Kremlin has been considerably exaggerated in the West. Such observers note that the invasion of Czechoslovakia was undertaken, with little hesitation, despite express, face-to-face warnings from Italian, French, Rumanian, Yugoslav, Austrian and other Communist leaders that such action would doom efforts at genuine unity.

AN AUTUMN DECISION

My own hunch—it can be no more than that—is that the showdown may be precipitated by the issues involved in calling and holding the next Communist Party congress. According to the party statutes, the 24th congress should be held in or before next March. A strong case may well be made by some party leaders to hold it in connection with the centennial of Lenin's birth, April 22. In either case, the congress date must be fixed, and preparations begun, at least six months in advance—that is, this September or October.

The congress is of paramount interest to all elements in the party for two crucial reasons. It should decide on the basic elements of the next five-year economic plan (1971–75). It will also choose a new party Central Committee, which in turn traditionally involves changes in the Politburo, secretariat and Soviet government.

Obviously, the younger (40-to-55) leaders both in the Kremlin and the provinces have a strong interest in holding the 24th congress on schedule or earlier—for it is they who stand to advance. On the other hand, the senior leaders of the "class of 1952" would appear to have an equally valid interest in putting off the congress as long as possible, or at least until they have managed to compose the disagreements among themselves and present a common front to ambitious young outsiders.

In any case, the congress cannot, without serious consequences, be put off much beyond the end of 1970, because of the necessity to adopt the 1971–75 economic plan—and Soviet economic plans not only involve the total allocation of national resources but thereby shape Russia's diplomatic and military posture. Profound disagreement over these basic national priorities was already apparent long before the present leadership crisis began in 1968.

The 23d party congress, in March, 1966, adopted "directives" for the 1966–70 plan, but subsequently, no formal five-year plan was formally enacted by the government and Supreme Soviet (as had always been the practice). Instead, in December of each year, one-year target figures were announced.

The leaders could conceivably go on this way, but it would inevitably be taken as a sign of weakness and disunity as well as a breach of party statutes, state law and Soviet Communist tradition. Besides, powerful forces—individuals and groups, as well as the objective facts of life—are acting to compel a more fundamental reconsideration of national priorities.

For these and other reasons, I would be much surprised if the Kremlin leadership has not changed considerably 18 months hence, and not at all surprised if the shake-up came this summer or fall.

The longer-range perspective is much more painful to contemplate. Michel Tatu of Le Monde, by far the most astute Moscow correspondent of the postwar era and a most discerning analyst since his departure from Moscow in 1964, has expressed his belief that the Soviet Union has already entered a "prerevolutionary" phase of development. I agree, primarily because none of the current Soviet leaders or ruling institutions has shown any sign of movement toward a guided evolution (in the Yugoslav, Czechoslovak or some other indigenous manner).

Quite the contrary. And the issue of Stalin's mass murders, and responsibility for them, continues to torment Soviet society. There is, furthermore, a basic contradiction between the qualities, attributes and interests required by the jungle world of the party machine and those required by the people.

The question, however, is how long the "prerevolutionary" phase may last—a decade, a generation or even longer. I am inclined to be gloomy, but such matters of timing are totally unpredictable. The decisive catalyst might be anything from a border war with China to a riot in a Moscow butcher shop.

As he grew older, the late Josef Stalin came more and more to admire the figure of Ivan the Terrible, the cruel, mad, 16th century tyrant whose private *oprichnina* was the forerunner of both the Communist Party apparatus and the KGB. After the dread Czar's death, his son Fyodor and, at first, the usurper Boris Godunov maintained a semblance of stability for nearly two decades. But the sufferings of the population, the conflict between the new oprichnina and the old nobles, the passions of religious sectarians and the intervention of neighboring princes ultimately brought on the chaotic "Time of Troubles" when the Russian state disintegrated completely and Polish soldiery briefly occupied the Kremlin.

Many Moscow intellectuals today fear that a new "Time of Troubles" may be upon Russia sooner rather than later—and the Brezhnev regime seems quite sensitive to the parallel. For the onset of the "Time of Troubles" is the theme of one of Russia's greatest works of art, the opera "Boris Godunov," with Pushkin's verse set to Mussorgsky's somber melody. In the final act of "Boris Godunov," rebellious peasants attempt to lynch a fatuous landowner named Khrushchev.

The other Khrushchev, who ruled the Soviet Union until 1964, did not censor the reference to his operatic namesake. It took the insecurity of Brezhnev and his colleagues to make Pushkin's Khrushchev, as well as their own former leader, an "unperson."

VIETNAM TROOP WITHDRAWAL

Mr. GOLDWATER. Mr. President, a former colleague of ours, Bill Knowland, editor of the Oakland Tribune, prepared a timely editorial concerning the recent remarks of former Secretary of Defense Clark Clifford. I am not essentially in disagreement with the remarks made by Mr. Clifford, but I agree with Mr. Know-

land that the remarks could well have been made earlier, inasmuch as not a great amount of time has passed since Mr. Clifford was Secretary and the present time.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLIFFORD'S UNTIMELY REMARKS

There was a time when Clark Clifford's current Vietnam troop withdrawal proposals might have been considered personally courageous. That time is long since past.

There was a time when his proposals might indeed have been useful in de-escalating the Vietnam war. That time is also long since past.

As Secretary of Defense for former President Lyndon B. Johnson, Clifford had both the power to insist privately and the prominence to assist publicly that we do what he is now advocating

But, the pattern of the Vietnam war during the entire Johnson administration was instead one of continued acceleration.

The Nixon administration has—for the first time—reversed that pattern. It has already announced the withdrawal of 25,000 U.S. troops from South Vietnam. The de-escalation Mr. Johnson and former Defense Secretary Clifford failed to bring about is under way.

Clark Clifford's gratuitous remarks—now that he no longer bears the direct responsibility for them—are far more likely to harm them help the cause he espouses.

For, as Mr. Clifford knows far better than most, such comments from persons of his stature only unnecessarily complicate the delicate process of diplomatic negotiation.

It is perhaps unfortunate the nation did not hear from Clark Clifford when he had the power to implement what he now advocates. It is perhaps even more unfortunate that the nation is hearing from him at this late date.

THE PASSING OF SIDNEY BLISS MARKS THE END OF AN ERA

Mr. NELSON. Mr. President, the Janesville Gazette is a Wisconsin newspaper with a reputation for responsible and objective coverage of the news. Sidney H. Bliss, copublisher of the Gazette since 1937, played a vital part in building that reputation.

Varied interests, lively ideas, and active participation in community affairs were characteristic of Sidney Bliss. A strong interest in radio led him to help establish a local radio station, to pioneer in FM radio, and to broadcast a popular children's program. His ideas touched on the mechanical, the administrative, and the journalistic aspects of newspapering. Local government, charities, and service clubs benefited from his enthusiasm and leadership.

Sidney Bliss became the third generation member of his family to continue publishing the Janesville Gazette, which began in 1884.

His passing last week in Wisconsin is marked by sadness throughout the Wisconsin journalistic community, by his friends and neighbors, and by many, many others throughout the country.

I ask unanimous consent that an editorial and news article dealing with Mr. Bliss' death be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Janesville Gazette, June 18, 1969]

SIDNEY H. BLISS

In the communications arts, the secret is involvement in community relationships. Sidney H. Bliss was intimately concerned and active at the inception of such affairs in the Janesville area.

To the development of the community he lent ideas and enthusiasm that spell leadership. In the pioneering of Janesville's first radio station he originated and participated in such programs as "Uncle Sid's ABC Club" for children. He conceived the usefulness of the Janesville Gazette's annual "Land of Black Hawk" vacation edition and his foresight broadened the influence of both newspaper and radio stations WCLO and WCLO-FM.

"Sid" Bliss was immersed in the germination of community ideas, carrying through in the Chamber of Commerce, the Community Chest, special events and in such promotions as the annual Gazette-WCLO Fishing Contest.

He loved his home on Geneva Lake, the thrill of sailing, the companionship of golf, the reach of flying and especially the warmth of his friendships and family. His lot included both joy and tragedy and his life was filled with bounding hope and fulfillment.

"Sid" Bliss fully appreciated the enduring character of his newspaper and radio responsibilities. As a third generation publisher he felt the burdens of a worthy heritage. This included a loyalty and responsibility to a large audience of readers and listeners, an assurance that ideals long established will endure.

So, beyond the death of Sidney H. Bliss the strength he contributed will persist in the growing service to the public of The Janesville Gazette and the WCLO radio stations.

[From the Janesville (Wis.) Gazette, June 18, 1969]

SIDNEY BLISS RITES FRIDAY

Sidney H. Bliss, for 32 years the co-publisher and president of the Gazette Printing Co. and president of Southern Wisconsin Radio Inc., died yesterday afternoon in the Homestead Convalescent Hospital in Delavan.

He had been ill for two years, having suffered a stroke in May, 1967. He was 68 years old.

In his position as president of both corporations, Bliss was instrumental in the development of Radio Station WCLO, which he helped to establish in 1930, and in the growth of the Janesville Gazette.

During his period at the Gazette, newspapers throughout the country came into their own. The competition of radio, and then television, created a greater demand for national and international news in the local newspaper.

Bliss saw the circulation of the Gazette increase in his time from 13,000 to more than 27,000, reflecting the growth of the Janesville community which in itself has doubled in size in the past few years.

Bliss also was a key figure in the development of the new Gazette-WCLO building and the conversion of the newspaper plant from hot metal letterpress into a cold type offset type of production.

LONG RADIO HISTORY

His interest in radio extends back to his days as a teen-ager. Even before radio, Bliss had built and operated a wireless station—and had it licensed by the government from 1914 through 1917. He supervised the construction of WCLO and was directly responsible for its operation for many years. He was a charter member of the Wisconsin Network, composed of radio stations in nine Wisconsin cities and was a board member of the association. He also was a member of the board and legislative committee of Wisconsin Broadcasters Association. He was a pioneer in FM broadcasting, inaugurating WCLO-FM in 1948, long before FM had the general acceptance it enjoys today.

He is well remembered in the WCLO listening area for his popular late afternoon radio show for children many years ago—"Uncle Sid's ABC Club," in which he would read to the children, perform for them and direct them in radio playlets.

Bliss was born in Janesville on March 17, 1901, and attended Janesville schools, graduating from Janesville High School in 1919. He attended the University of Wisconsin at Madison where he was a member of Sigma Phi Fraternity.

He began his work in newspapering with the Minneapolis Journal and while there, developed techniques in classified advertising sales which subsequently were accepted by the industry as a whole.

THIRD GENERATION

He joined the Gazette in 1923, to become a third generation member of the Bliss family which has published the Janesville Gazette since 1884. He served as display advertising manager of the Gazette and also helped establish WCLO in 1930.

Upon the death of his father, Harry H. Bliss, in 1937, he and his brother, Robert W. Bliss, became co-publisher of the Gazette. At that time he also was appointed president of the Gazette and of Southern Wisconsin Radio, Inc.

For the past 35 years Bliss had lived in Fontana on Geneva Lake where he actively pursued his sailing interests. For years he raced his own Class E sloop in regattas held by the Inland Lakes Yachting Association, of which he was a member.

ACTIVE IN JANESVILLE

In Janesville he was active in the Chamber of Commerce, once served as chairman of the Community Chest drive, was a committeeman for the Boy Scout Council and was a director for many years of the Rock County Savings and Trust Co. and the Rock County National Bank. He was a member of the Lions Club and the Elks Club.

He was a member of the First Congregational Church in Janesville and the Fontana Community Church.

On Nov. 20, 1946, he married the former Rose Mary Holzmiller of Lake Geneva in Milwaukee. They had two sons, Sidney H. Jr., now a student at Milton College and Timothy R., who graduated earlier this month from Big Foot High School in Walworth. His wife was killed in a riding accident in Arizona on April 12, 1958.

Surviving, besides his sons and his brother, are his mother, Mrs. H. H. Bliss, Janesville, and his sister, Mrs. Josephine Ross, Kenilworth, Ill.

A journalism scholarship fund has been established in his name. Contributions may be made to the Rock County National Bank.

Services will be at 2:30 p.m. Friday at the First Congregational Church in Janesville with the Rev. James L. Parker, pastor of the Fontana Community Church, officiating. Burial in St. Frances de Sales Cemetery, Lake Geneva, with the Rev. Harold J. O'Connor, pastor of St. Francis de Sales Church, officiating.

Friends may call from 7 to 9 p.m. Thursday at the Overton Funeral Home in Janesville.

The Gazette and WCLO business offices will be closed from 2:15 p.m. to 3:30 p.m. Friday to permit those employers who wish an opportunity to attend the services.

DAVID LUSHER—THE PASSING OF A FINE ECONOMIST

Mr. PROXMIRE. Mr. President, too often Members of Congress tend to iden-

tify economic policy—or any other policy, for that matter—with a single individual or a handful of public servants. We forget the complexity and just plain hard work of the decisionmaking process. We forget, or never hear of, the many public-spirited civil servants, who contribute greatly to our national welfare, but stand obscured in the shadow of relative anonymity.

One of these men was David Lusher, an economists' economist, who served long and well on the President's Council of Economic Advisors. His tenure as a Council staffer spanned the terms of five Presidents and seven Council chairmen. As vice chairman of the Joint Economic Committee, I was particularly interested in his work on measures having to do with full employment and economic growth.

Mr. President, I ask unanimous consent that an obituary on Mr. Lusher, published recently in the Washington Post, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

DAVID W. LUSHER, 59, DIES; ON ECONOMIC COUNCIL STAFF

David W. Lusher, 59, a member of the senior staff of the President's Council of Economic Advisors since 1951, died yesterday at Georgetown University Hospital. He had suffered a stroke on June 4.

Mr. Lusher played a key role in guiding national economic policy while serving under five presidents and seven council chairmen. His role was appreciated by his fellow economists, if often not publicized.

An independent-minded adviser, he was noted for sticking to his judgment and not accepting a recommendation without a thorough examination of its merit. He was one of the first to argue the need for the 1964 tax cut.

Mr. Lusher's influence on the development of the council itself was great. Walter Heller, one of the council chairmen under which he served, once said, "Dave is the hub of an information system that reaches not only into all parts of Government but into private industry."

Mr. Lusher prepared many economic forecasts for the White House. Over the years he particularly focused on measures to maintain full employment and economic growth.

Born in Montreal, he graduated first in his class at McGill University and then earned master's and doctoral degrees in economics at Harvard.

He later taught at the Massachusetts Institute of Technology and Bowdoin College. He was one of the small group of professors that paved the way for American acceptance of the deficit-financing theories of John Maynard Keynes.

Mr. Lusher came to Washington in 1942 and served with the Office of Price Administration during World War II. He was a member of the Paley Commission that reviewed the Nation's postwar economic prospects.

After the war, he transferred to the United Nations' Food and Agricultural Organization, serving there until 1951.

"He had a lot of opportunities to leave for academic posts, but he never wanted to leave the center of action," a friend of Mr. Lusher said yesterday.

Mr. Lusher is survived by his wife, Edna, of the home, 3850 Tunlaw rd. nw.; a daughter, Mrs. Ellis London, of Northboro, Mass.; a son, Jonathan, of the home, and a brother, Joseph, of Montreal.

ADDITIONAL JUDGES FOR THE DISTRICT COURTS

Mr. MURPHY. Mr. President, yesterday, the Senate passed S. 952, a measure providing additional judges for the U.S. District Courts across the country.

I was pleased that included within the measure were the recommendations for additional judges in California as provided in my bill, S. 852.

S. 852, which I introduced on February 4 of this year, authorized two additional judges for the Northern District of California—bringing the total number of judges to 11—and three additional judges for both the Central and Southern Districts of California—bringing their totals to 16 and 5 respectively.

S. 952, reported out of the Judiciary Committee and approved by the Senate, provides for the same number of judges as my bill recommended.

Mr. President, the crime problem is a complex one. S. 952, providing for additional judicial manpower for the district courts, is only one part of the answer. Our approach to the spiraling crime rates must be comprehensive encompassing all phases of the crime problem—prevention, prosecution, and correctional. Last year, a major step in the Nation's war on crime was taken with the enactment of the Omnibus Crime and Safe Streets Act of 1968, which provided Federal assistance to States for planning and action programs for a comprehensive attack on crime. California, I am pleased to say, was the first State to receive a grant under this act.

Providing adequate manpower so that courts may dispose of cases before them in a reasonable time is a must. According to the annual report of the Director of the Administrative Office of the U.S. Courts, 30,714 criminal cases were commenced in U.S. district courts in 1968. The district courts were able to terminate 1,200 cases, less than the number filed. Thus, increasing the total number of criminal cases pending on June 30, 1968, to 14,763. This figure is 9 percent greater than the number pending on the same date a year earlier. Since 1955, the total number of criminal cases pending has increased by 71 percent.

Further, Mr. President, the annual report tells us that of the 14,763 criminal cases pending on June 30, 1968, 2,408 had been pending from 6 months to a year, 2,055 had been pending more than a year, but less than 2 years, and 1,974 had been pending over 2 years.

Mr. President, recently the Washington Star carried a series of articles, entitled "The Courts vs. Crime." One of the articles, "Delays Frustrate D.C. Justice, the writer says:

In criminal cases, each continuance is like a grain of sand. Enough will clog the machinery of justice—perhaps even stop it entirely in some cases.

Delays in disposing of a criminal case inevitably means that many defendants are free in the community pending their trial. Often this fact has produced tragic results.

In short, Mr. President, additional judges are direly needed in my State of California, and I certainly am pleased that the Senate has acted promptly on this measure. I hope that the House will also act expeditiously so that relief may be forthcoming to our overworked judicial system.

DR. JEAN MAYER

Mr. McGOVERN. Mr. President, President Nixon has selected as Director of the October White House Conference on Food, Nutrition, and Health one of the most outstanding experts on nutrition in the country, Dr. Jean Mayer, professor of nutrition at the Harvard School of Public Health.

Dr. Mayer was the first witness before the Select Committee on Nutrition and Human Needs. He is one of the most perceptive, energetic, and knowledgeable experts on problems related to hunger and malnutrition in the country. I do not think the President could have made a wiser choice and I am sure that the selection of Dr. Mayer will assure the success of the White House Conference.

On June 15, 1969, the Washington Post published a profile of Dr. Mayer written by Spencer Rich. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW HUNGER CHIEF ALSO PERTURBED BY OVERFED

(By Spencer Rich)

When Dr. Jean Mayer was fighting his way up the Italian coast with Allied forces in World War II, he noticed something which he now cites to illustrate a great truth about nutrition: the silent schoolyards.

"Everywhere I went in Italy, and later in France, one thing that really struck me was how quiet the children were," said the one-time Free French fighter and current Harvard professor who has been chosen by President Nixon to organize the October White House Conference on Food, Nutrition and Health.

"Usually, boys' playgrounds are like a madhouse. The children are running around, jumping, shouting, playing ball, and there are always a few fights going on," said Mayer.

"But those boys' playgrounds were not like that at all. The children were just huddled around quietly talking. This was clearly the result of decreased vitality due to mild malnutrition. And it shows that good levels of feeding do make a difference in whether you sit around and wait for something to happen or go to the next town and look for a job."

"You can't expect work and achievement out of people unless you feed them properly. It's as simple as that," said Mayer, adding that no elaborate theories of genetic differences or brain damage were needed to help explain why some children learned faster or some groups worked harder than others.

"Even the Nazis found that they couldn't get people to work, even by beating them up, unless they had food. If you have kids who've had no breakfast and no lunch, they don't need brain damage to learn nothing," said Mayer, who retains his French accent after 25 years in this country.

"Just think how the attention of a well-fed bureaucrat begins to lag if he doesn't have lunch by 1 p.m. or so. The body and mind compensate for less food by expending less energy. If you don't put fuel into a machine, it doesn't run. Nutritionists spent

the whole 19th century finding this out, but now we know it."

Mayer's story of the silent schoolyards reflects two aspects of a career: his fabulous experiences in World War II in campaigns all over Africa and Europe, and his later distinction as a nutritionist, particularly for studies on cholesterol and cardiovascular problems.

Mayer is a man of only moderate size and of mild manner, though with a touch of Gallic jauntiness. But Government officials had better put out of their heads any notion that he will be an easy mark in bureaucrat infighting over the hunger issue in the months between now and the October White House conference.

For Mayer demonstrated repeatedly on a dozen battlefields of World War II that he is a very tough man, and he has a raft of medals to prove it: Croix de Guerre, Resistance Medal, Knight of the Legion of Honor.

In the more recent past, he has shown that his fighting spirit is still alive by taking some healthy whacks at both the Johnson and Nixon Administrations for not moving fast enough on feeding the poor.

Mayer (pronounced "My Air") was born in 1920 in Paris. His father, Andre Mayer, who died in 1956, was an outstanding physiologist who at one time was president of the French Academy of Medicine and was a member of the League of Nations' Commission on Hunger in the 1930s. The elder Mayer, through discussions with Eleanor Roosevelt, who then carried the idea to President Roosevelt, helped bring about the creation of the United Nations Food and Agriculture Organization after World War II.

THREE DEGREES AT 19

Jean Mayer was only 19 when World War II broke out in 1939, but was something of a child prodigy and already held three degrees, including a master of science, from the University of Paris. In the summer before the war broke out, he visited friends of his father at Harvard and "fell in love with the place." But his desire to live and work there had to be postponed.

When the war started, he became a second lieutenant in the French armed forces. In June, 1940, as Guderian's panzer divisions were rolling back the British and French armies along the Channel coast, Mayer was captured south of Dunkirk. He was taken to a prison camp at La Rochelle but escaped after 24 hours by shooting a sentry with a gun he had managed to conceal.

"Did the sentry die?" he was asked.

"Listen, I didn't stay to find out. I just got out of there."

He escaped to Vichy France, where he worked for a time with the underground and for British Intelligence. When things got very rough, he went with false papers to the United States by a roundabout path—first to Morocco, then Martinique, the Virgin Islands, Puerto Rico and Harvard again.

"There I fell in love with a young, good-looking girl, a Vassar English major who was working at Harvard Medical School as sort of the chief of secretaries. I announced the first day I met her that I would marry her."

He did marry Elizabeth Van Huysen, in 1942, and they now have five children, but for 3½ years after the marriage he didn't see her because he was serving on North Atlantic convoys and fighting with the Free French and Allied armies in the African, Italian and Southern France campaigns.

"In London for a while, I was a member of de Gaulle's private staff, and I have great respect and affection for him. One of the things I appreciated most was his sense of humor, something you don't often hear about over here."

In Africa, he commanded a Free French battery in Gen. Montgomery's British Eighth Army. In Italy, he was a forward division observer with a Free French unit in the American Army and claims that he was in the second jeep to enter Rome.

"I fought from Cassino to Siena, and I was not too far away at the bombardment of Monte Cassino (a famous monastery shelled by Allied troops because it was being used as a German strongpoint), but my position was a little down the line."

As the only forward divisional observer who had gone through the entire campaign alive (18 others were killed), he was the most experienced and was chosen to work with the Allied fleet during the 1944 landing in Southern France.

"My job was to land before anyone else with a small commando group, phone back to Admiral Cunningham, to whom I had a direct line, and direct the fleet's fire on targets—a very risky business. It was a long week. I suppose I was the first man to land in Southern France."

Later in 1944, during the famous German Christmas Day offensive at the Battle of the Bulge, "when everything was being thrown in to stop the Germans," Mayer commanded a "green but very brave" French Resistance unit. Its job was to hold its sector of the front for two days against an attack by the Hermann Goering Division. "We did it."

After the war, he decided to work in the United States and became a U.S. citizen. "It's a great place and I just didn't want to live anywhere else. In some ways, we have more problems than others, but we're more experimental and we can solve them."

He spent three years at Yale and got his Ph.D. in physiological chemistry in 1948, then a year working in Washington as a nutrition officer for the Food and Agriculture Organization. "This is a good city, a very interesting city," he said.

There followed a 1950 doctorate in physiology at the Sorbonne and since then his association with Harvard, where he is now a full professor of nutrition, a lecturer on the history of public health and a member of the Center of Population Studies.

In addition to his rather strong views on the need for feeding the hungry, Mayer is deeply concerned with the general nutrition of the whole population. He is world-famous for some of his studies on cholesterol and cardiovascular problems, which he views as a rampaging menace to middle-aged men.

In the past 20 years, the life expectancy of American men has not increased at all, and the United States now ranks 37th in this regard, he told reporters when he was sworn in as the President's special consultant on hunger last week. "Every European country but Spain and Portugal is ahead of the United States on this," he said in an interview later.

This is due in large measure to increased heart disease and other cardiovascular problems, Mayer said, and the main causes are too much fat in the diet, too little exercise, overweight and smoking.

"There is no question that exercise is of major help," says Mayer. "I studied an isolated Swiss village where people did hard physical labor for ten or more hours a day, and despite eating sandwiches concocted of two pieces of cheese with butter between them, which is loaded with the kind of stuff that causes cholesterol, they were better off on this score than a control group of racially similar persons in Basel which did little exercise.

For his own exercise, he walks a lot and plays tennis ("badly, though").

NONPARTISAN THUMPINGS

Mayer has given both the Johnson and Nixon Administrations some hard thumpings on food over the last few years, recently as head of the National Council on Hunger and Nutrition, a citizens' group from which he resigned last week to take the White House appointment.

"It was entirely nonpartisan," said a friend. "He just wanted them to do more to help feed the poor."

In 1967, he sharply criticized the use of herbicides to kill rice crops thought to be in Vietcong hands. He has criticized former Agriculture Secretary Orville L. Freeman and, somewhat more mildly, current Secretary Clifford Hardin for not moving fast enough on emergency feeding of the poor. He has called for a large expansion of free food stamps and child feeding.

But many veterans of the ferocious political fighting over hunger think that Mayer's record of criticism is all to his advantage and that of the Nixon Administration. It has clearly established his bona fides as a fighter for hunger and will make it more difficult for his allies in the hunger crusade to criticize the intentions of the Nixon Administration. It is believed that Mayer was chosen for the White House job on the recommendation of Daniel J. Moynihan, the President's Assistant for Urban Affairs.

In his personal life, Mayer is an interesting mixture of the European intellectual and the neighborhood American. The list of his lectureships, academic degrees, visiting professorships and scholarly papers fills several pages. But he likes Duke Ellington music as well as Beethoven, enjoys a baseball game ("Obviously, if the Red Sox win the pennant, I'll be very pleased") and has served on numerous local P-TAs, school boards and Boy Scout groups in the Boston area—as well as hunger inquiries and the poverty program Community Action Board there.

True to his own nutritional teachings, Dr. Mayer has one small problem now. He needs to find a place to live that is far enough from the Executive Office Building so he can get a good long walk to work in the morning.

RESOLUTIONS ON SOUTHERN AFRICA

Mr. BROOKE. Mr. President, conditions in southern Africa continue to be a matter of great concern to those of us who believe in the goal of liberty and justice for all. The continued and enforced separation of the races is not only unnatural, it is economically senseless and politically dangerous as well.

It is for these reasons that I was particularly pleased to read recently the resolutions adopted by the executive council of the Episcopal Church in the course of its deliberations in December of 1968. The intent of these resolutions is to insure that investments of the Episcopal Church will not be placed in banks or businesses whose policies contribute to maintaining the present way of life in South Africa, but will be used to support those institutions which are promoting the education and economic assimilation of black South Africans.

I ask unanimous consent that the text of these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS PERTAINING TO THE CHURCH'S INVESTMENTS IN SOUTHERN AFRICA AS ADOPTED BY THE EXECUTIVE COUNCIL DECEMBER 11 AND 12, 1968

I. *Resolved*, That the Executive and Finance Committee, on behalf of the Executive Council, examine and apply, in relation to the investments of the said Executive Council in companies and banks doing business in southern Africa, the following criteria:

(a) Is the bank or business making credit available to or doing business in southern Africa, especially including South Africa,

South West Africa, Rhodesia, Angola and/or Mozambique?

(b) If so, how significant is this involvement in the economy of the southern African country?

(c) If the involvement is significant, what is the effect in promoting such things as: Education of Africans; Development of family life; Labor-management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions; and be it further

Resolved, That, whenever the answers to criteria (a) and (b) are positive, then decision as to whether the Council invest and/or deposit the Church's fund or continue to invest and/or deposit in such companies and banks be dependent on the *how* positive is the answer to criterion (c); and be it further

Resolved, That, nonetheless, where feasible in promoting the welfare or education of all the people of southern Africa without regard to race, the Council consider investments in such companies or banks promoting such projects.

II. *Resolved*, That the Executive Council direct the Executive and Finance Committee to consult with the banks in which the said Council has deposits or investments, and which are members of the consortium extending credit to the government of South Africa; and that, unless the said Executive and Finance Committee concludes that the involvement of the said banks is positive in respect of helping to promote the activities listed in Section (C) of Resolution I, the Treasurer be directed to terminate the Council's involvement with such banks within a reasonable period of time.

III. *Resolved*, That the Executive Council report its action on the above Resolutions to the Committee on Trust Funds and request them to examine their investments and to take appropriate action along similar lines and request that the Committee report its actions to the Council as soon as possible.

IV. *Resolved*, That the Executive Council shall report its action on the above resolutions to the dioceses and parishes and request them to examine their own investments and to take appropriate action along similar lines. To accomplish this the Council shall send the resolutions to the dioceses along with appropriate background materials and request the dioceses to draw these actions and materials to the attention of the parishes and other groups in their jurisdictions in the implementation of the 1967 General Convention's "Resolution on Apartheid".

Resolved, That this Executive and Finance Committee does not conclude that the involvement of the banks participating in the Consortium Credit to the Republic of South Africa is positive in respect of helping to promote the activities listed below:

Education of Africans; Development of family life; Labor-Management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions.

and therefore directs the Treasurer of the Executive Council to terminate the involvement of this Council with the said banks (except overseas missionary accounts, and those only until other media of exchange can be found); and be it further

Resolved, that with respect to any bank participating in the Consortium, this action by the Executive and Finance Committee shall take effect immediately after the next annual renewal date of the line of credit in question, provided that such bank shall continue its participation in such line of credit thereafter; and be it further

Resolved, That the Executive and Finance Committee offer all assistance in its power which may aid the banks to understand the significance of the proposed action in the eyes of this Church and the profound concern which led to it.

THE TRAGIC STATE OF MEXICAN-AMERICAN EDUCATION—NARRATED BY DAVID SELDEN, AMERICAN FEDERATION OF TEACHERS

Mr. YARBOROUGH. Mr. President, during the hearings on the extension of the Elementary and Secondary Education Act being held by the Education Subcommittee, so ably chaired by the junior Senator from Rhode Island (Mr. PELL), the president of the American Federation of Teachers, David Selden, testified in support of S. 2218. As an attachment to his statement he included copies of the American Teacher. One article in the May issue of that publication deals with our failure to properly educate our Mexican-American citizens. As the author of the Bilingual Education Act of 1967, I wish to call attention to this fine article which clearly indicates that we must do more to help these citizens, whom we have neglected for so long.

Mr. President, I ask unanimous consent that the article "The Tragic State of Mexican-American Education" from the American Teacher be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRAGIC STATE OF MEXICAN-AMERICAN EDUCATION

(NOTE.—Failure to provide education to hundreds of thousands of persons whose cultural heritage is "different" has resulted in shameful wastes of human resources. The melting-pot ideology that we speak of so proudly has not produced a normal climate in which all citizens are accepted on the basis of individual worth. Educators, especially, must search their consciences for an answer to the question: Is only monolingual, monocultural society acceptable in America? Never before has the need for equal opportunity for all Americans been so sharply put into focus. And no group is in greater need of equal educational opportunity than are Mexican Americans. This is a summary of the shocking report released recently by the USOE's committee on Mexican-American problems. It contains recommendations for an action program designed to immediately improve the quality of education among Mexican Americans.)

There are over five million Mexican Americans in the United States, 80 percent of whom live in California and Texas. Most of the others are found in Arizona, Colorado, New Mexico, Illinois, and Ohio. Over four million live in urban areas.

The Mexican American is the second largest minority group in the United States and by far the largest group of Spanish-speaking Americans. And we emphasize the term Americans. The fact that most of them have learned Spanish as their first language and that millions are not fluent in English makes them no less Americans. Their interests, attitudes, and aspirations do not differ from those of other Americans.

Yet they have been denied the opportunities that most other Americans take for granted. Suffering the same problems of poverty and discrimination of other minority groups, the Mexican American is additionally handicapped by the language barrier. The typical Mexican-American child is born of parents who speak little or no English, and thus Spanish becomes his only language. When he reaches school age, he is enrolled in a public school where only English is accepted. Bewildered and ashamed of his "backwardness," the Mexican-American child is quickly discouraged and drops out within a few years, enlarging the ranks of the uneducated, unskilled, and unwanted.

EIGHTY-NINE PERCENT DROPOUTS

Let's look at some shocking statistics.

The average Mexican-American child in the Southwest drops out of school by the seventh year. In Texas, 89 percent of the children with Spanish surnames drop out before completing high school.

Along the Texas-Mexico border, four out of five Mexican-American children fall two grades behind their Anglo classmates by the time they reach the fifth grade.

A recent study in California showed that in some schools over 50 percent of Mexican-American high-school students drop out between grades 10 and 11; one Texas school reported a 40 percent dropout rate for the same grades.

Mexican Americans account for over 40 percent of the so-called "mentally handicapped" in California.

Although Spanish-surnamed students make up over 14 percent of the public-school population of California, less than one-half of one percent of the college students enrolled in the seven campuses of the University of California are of this group.

These facts give tragic evidence of our failure to provide genuine educational opportunity to Mexican-American youth; and today there are nearly two million of these children between the ages of 3 and 18.

NOT ENOUGH AID

It can't be said that nothing has been done for these youngsters. The federal government, through the Elementary and Secondary Education Act (ESEA), has given a good deal of financial aid to schools for the purpose of improving the education of Mexican Americans. Although a few millions of dollars have been spent, hundreds of millions still need to be spent—and for hundreds of thousands of Americans it is even now too late. State and local agencies have spent respectable sums of money—and even more energy—in behalf of the Mexican American, but none has given the problem the really massive thrust it deserves.

INVOLUNTARY DISCRIMINATION

Money is only one problem. Perhaps an even more serious one is the problem of involuntary discrimination—that is, our insistence on fitting the Mexican-American students into the monolingual, monocultural mold of the Anglo American. This discrimination, plus the grim fact that millions of Mexican Americans suffer from poverty, cultural isolation, and language rejection, has virtually destroyed them as contributing members of society.

Another problem is that we have not developed suitable instruments for accurately measuring the intelligence and learning potential of the Mexican American child. Because there is little communication between educators and these non-English-speaking youngsters, the pupils are likely to be dismissed as "mentally handicapped." Common sense tells us that this is simply not so.

The chasm that exists between the teacher and the student in the classroom is even wider between the school and the home, where there is virtually no communication. Such lack of understanding soon destroys any educational aspiration the pupil might have or that his parents might have for him.

SIX CRITICAL ISSUES

The committee believes there are six critical issues in the improvement of Mexican-American education:

Issue No. 1: The existing educational pro-

grams for the Mexican American have been woefully inadequate and demand serious evaluation.

Issue No. 2: Instruments are lacking for measuring intelligence and achievement potential of Mexican Americans.

Issue No. 3: A very small percentage of Mexican-American students who could qualify for college work actually enroll.

Issue No. 4: Legal restrictions in various states discourage instruction in languages other than English.

Issue No. 5: There is an exceedingly high dropout rate of Mexican Americans in public schools.

Issue No. 6: Society has not recognized, or at least accepted, the need for a multilingual, multicultural school environment.

HOW CAN WE ATTACK THE PROBLEM?

The Mexican-American Affairs Unit of the U.S. Office of Education has identified four imperatives for educational success of the Mexican American:

1. Preparation of teachers with the skills necessary to instruct Mexican-American pupils in such a manner as to insure learning success. This includes bilingual capability.

2. Instruction in both English and Spanish so that the mother tongue is strengthened at the same time the pupil is learning a second language, and then using both languages concurrently. This bilingual instruction must take place in all curriculums and at all grade levels until the student is thoroughly at home with his second language.

3. Instruction to preschool Mexican-American pupils so that they are more ready to take their place with others by the time they enter school.

4. Complete programs for adults in both basic education and vocational education.

THE VEHICLES ALREADY EXIST

The vehicles for achieving the foregoing imperatives already exist:

1. Teacher preparation: Educational Personnel Development Act, Bilingual Education Act, Title I, ESEA.

2. Bilingual education: Title VII, ESEA Bilingual Education Act.

3. Early childhood education: Head Start and Follow Through, Title I, ESEA.

4. Adult basic and vocational education: Amendments to the 1963 Vocational Education Act.

BLUEPRINT FOR ACTION

Once we have faced up to the critical issues and recognized the imperatives, the committee recommends specific action on several fronts.

General

1. We must immediately begin to train at least 100,000 bilingual-bicultural teachers and educational administrators.

2. We must make use of current knowledge and encourage further research to assist in creating educational programs that promise learning success for the Mexican American.

3. We must agitate for priority funding by the U.S. Office of Education to develop educational programs immediately.

4. We must see that testing instruments are developed that will accurately measure the intelligence and achievement potential of the Mexican-American child.

5. We must promote programs to assist state legislatures in taking the necessary action to permit instruction in languages other than English.

6. We must help the various states to recognize the need for statewide programs in bilingual education.

7. We must provide assistance through federal funds, to Mexican-American students in pursuit of a college education.

8. With the leadership of the federal government, we must increase the adult basic education and vocational programs, to equip the Mexican-American adult with skills and knowledge necessary to become a partner in our economic society.

9. We must encourage parental-involvement programs at the state and local levels.

10. We must encourage state and local education agencies to use more effectively the Mexican-American personnel on their staffs.

11. We must foster a joint effort of the federal government and private enterprise to produce instructional materials that are designed expressly for Mexican-American students.

Federal Legislation

1. Increase the funding of Title VII, ESEA, to $150 million for the year 1970, to provide a minimum of $100 per child for relevant educational services for the Mexican American.

2. Increase the funding of Head Start and Follow Through by 10 percent, to provide a sufficient financial base to meet the needs of many Mexican Americans not presently served by these programs.

3. Continue the present funding level of the Migrant Education provision of Title I, ESEA.

4. Continue Title VII, ESEA, as a discretionary program administered by the U.S. Office of Education.

5. Continue Title VIII, ESEA, Dropout Prevention Act, as a discretionary program administered by the U.S. Office of Education, and increase its funding for 1970 to $50 million.

6. Increase the funding support of Title IV–A of the Higher Education Act, Educational Opportunity Grants, by 15 percent, to be directed toward college enrollment of Mexican Americans.

7. Establish a land-grant college, with specific responsibility for programs and research related to the bilingual-bicultural student.

8. Amend Title I, ESEA, to permit the use of funds for the education of Mexican Americans whose incomes may not qualify them, or, as more often is the case, whose children may not qualify because of cultural heritage.

State Legislation

1. Remove legal barriers to instruction in the public schools in languages other than English.

2. Appropriate and identify supplementary funds for support of specialized programs for the Mexican American.

Administration—U.S. Office of Education

1. Expand the responsibility of the Mexican-American Affairs Unit of the office of the Commissioner of Education, to include all Spanish-speaking professionals.

2. Continue to press for employment of Mexican-American professionals and junior professionals in all units of the U.S. Office of Education.

3. Allocate specific funds for determining the most effective direction in research for the Mexican American.

4. Develop an intensive program of information on the educational needs of the Mexican American.

Administration—Chief State School Officers

1. Seek out and employ Mexican Americans in policy and administrative positions in state departments of education, and encourage a similar program in local education agencies.

2. Set up a unit for coordinating and encouraging the development and operation of programs for the Mexican American.

3. Develop a statewide program for bilingual education.

4. Promote the redirection of priorities in the use of Title I, ESEA, funds, to focus on bilingual-bicultural programs.

5. Promote the increased involvement of the Mexican American in advisory committees in local educational programs.

AIR TRAFFIC CONGESTION

Mr. PEARSON. Mr. President, the Kansas City Times lead editorial of June 19, 1969, points out the needs for airport/airways development in our Nation and endorses the recent administration proposal as the "best approach in sight."

I think one point made in the editorial deserves emphasis and that is the inadequacies of a continued dependence on the Federal appropriations process to fund air transportation development. There must be set aside an account which can be used for airport and airway funding and which is financed by those who use and benefit from the system most.

Mr. President, as you know, the Senate Commerce Committee last year reported favorably to the full Senate a bill quite similar to the administration proposal but this body failed to take further action. It is my hope that the committee can analyze these two alternatives and come up with a workable solution to the pressing needs of air transportation.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CRISIS IN THE AIRWAYS DEMANDS A BOLD NATIONAL SOLUTION

The congestion that is all but throttling the nation's system of air transportation can be relieved only by action of comparable sweep to the interstate highway program. President Nixon has sent Congress a set of proposals which might or might not prove equal to the scale of the problem. At least they would go far to make up for years of neglect in providing for an adequate network of airways and airports.

Any air traveler, however occasional, is aware of the results of too little investment in aviation facilities. As President Nixon said in his message to Congress, air travel's purpose of saving time is not served "when passengers must wait interminably in terminals; when modern jet aircraft creep at 5 miles an hour in a long line waiting for take-off; when it takes longer to land than it takes to travel between cities, or when it takes longer for the air traveler to get to an airport than it does to fly to his destination."

It will require a great deal of money—more than has been spent during the entire century to develop the present system of airports—to end the present congestion and make flying safer. Moreover, the present situation will get much worse unless early and extensive measures to correct it are initiated. Based on current trends, air usage will double by 1975 and triple by 1980.

Against this background Mr. Nixon has proposed a 5-billion-dollar program to modernize and expand the country's airports and airways over the next 10 years. The federal contributions to the plan would be financed largely by an increased tax on airline tickets and on fuels used by general aviation. A 2.5-billion-dollar expenditure in federal aid would be matched 50–50 by state and local governments. The federal part of this funding would go into a separate account, similar to the highway trust fund now used to pay for the interstate and other federally-aided road programs.

In the past federal aid to aviation has come out of the general fund of the Treasury. The total has never exceeded 75 million dollars a year in contrast to the 250-million level that has been recommended. The inadequacy of the existing effort is indicated by the fact that Congress appropriated only 30 million for this fiscal year. That level is not nearly high enough to make air transport ready for the constantly accelerating demands of the jet age.

Approval of the presidential proposal—with

the users of aviation facilities rather than the general taxpayer picking up the federal part of the tab—is far from assured. Last year a less ambitious plan with the same main objective was pigeon-holed by the Senate's commerce committee. The objections came chiefly from general aviation's private fliers and company aircraft operators who protested higher levies on fuel.

But the clogging of the airways has reached a critical stage from the standpoint of both public convenience and safety. Training many more air traffic controllers is essential but that alone cannot solve the fundamental problem. The long-range program now before Congress is the best approach in sight.

FORCED LABOR CONVENTION SHOULD BE RATIFIED

Mr. PROXMIRE. Mr. President, the human rights provisions of the United Nations Charter dynamically reflect the reaction of the world to the horror of the Second World War and to the tyrannical regime which precipitated it. World War II conclusively proved the existence of a correlation between the outrageous behavior of a government towards a segment of its own citizenry and its aggressive policies towards other nations, between respect for human rights and the maintenance of peace. The experience of the war resulted in the acceptance of the conviction that effective international protection of human rights was one of the essential conditions of peace and progress. Indeed, our late President John F. Kennedy frequently repeated his position:

> Is not Peace in the last analysis basically a matter of human rights?

One of those basic rights is the right of man to be free from the yoke of forced labor.

When President Kennedy submitted his package of human rights conventions to the Senate for ratification in the summer of 1963, included among them was the Convention Concerning the Abolition of Forced Labor. This convention has not yet been ratified. Apparently, opposition to it has centered around the controversial first and fourth clauses of the first article which state:

> Each member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor:
>
> (a) As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; and
>
> (b) as a punishment for having participated in strikes.

Those opposed to ratification seem to be worried about the possibility of a conflict between the provisions stipulated in the convention and, first, Federal and State laws prohibiting persons who strike against the Federal or State government from accepting employment or holding office, and second, the 90-day injunction period of the Taft-Hartley Act. They claim that under the terms of this document it would be illegal to convict and sentence to prison labor violators of injunctions and those who struck against the Government. In addition, opponents wonder how this convention would affect the requirement of civilian service or labor as an alternative to military service for conscientious objectors.

But some of the leading authorities in the field of labor law dispute this line of argument. Former Secretary of Labor Willard Wirtz has concluded that the subject matter of the convention "is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, and there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that with regard to illegal strike activities, any such punishment would only come about 'as punishment for crime whereof the party shall have been duly convicted.'" Another former Secretary of Labor and a preeminent authority in this field agrees. Arthur Goldberg, former U.S. Ambassador to the United Nations, testifying before the Foreign Relations Committee's Subcommittee on Human Rights in 1963, stated that this treaty would not prohibit punishment for participation in illegal strikes, or strikes in violation of court orders. In addition, Mr. Goldberg specified that there would be no conflict under the terms of the convention inasmuch as forced prison labor would be for contempt of an injunction rather than for the act of striking itself or for holding office after striking against the Government rather than for the act of striking itself.

Mr. President, not only are the above two men highly intelligent, able, and qualified lawyers, but they also held very important and responsible positions in the previous two administrations. No one could conceivably question their loyalty to the United States and its governing Constitution or their concern for acting on behalf of the interests of the United States. In fact, Arthur Goldberg has stated more than once that we played an important part in the formulation of the human rights conventions because "actions in this area which are intended to elevate the standards of the world community are very much in the national self-interest of the United States." Hence, I am firmly convinced that when they conclude that the ratification of this convention would not perpetrate any conflict of interests, they most assuredly know what they are talking about.

I have been concentrating on the legal side of this matter, but let us not forget other considerations. Prof. Richard N. Gardner of Columbia University has stated:

> As long as the United States abstains from ratifying any Human Rights Convention in the U.N., it will necessarily diminish our influence in drafting other convention.

Moreover, Arthur Goldberg has enunciated:

> The cause of Human Rights is inseparable from the cause of peace . . . and the withholding of these rights is one of the prime causes of dangerous international friction.

Mr. President, we cannot afford to wait any longer. As Mr. Goldberg has eloquently pleaded:

> We must demonstrate that this nation will not stand aloof from a major world effort to elevate human rights.

I urge Senators to join with me in working for the immediate ratification of this Convention on the Abolition of Forced Labor.

ENDANGERED CIVILIZATION

Mr. SAXBE. Mr. President, the Sunday Star of June 22, 1969, printed an article on Mr. Will Durant, a "statesman of American letters." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVILIZATION ENDANGERED IN ITS VERY FOUNDATIONS

(By Will Durant)

(NOTE.—At 83, Will Durant, an elder statesman of American letters, has seen vast changes occur in the United States. In a recent commencement address to the graduating class of the Buckley School for Girls in Los Angeles—of which his granddaughter was a member—the noted philosopher-historian gave his views on the current turbulent American scene. Following is a partial text of the address.)

It is good that the young should rebel and the old should resist; it is essential that minorities shall be heard; and one of the admirable aspects of the contemporary scene is the patient maintenance of free speech and minority rights by democrats tempted to answer force with super-force, joining in the martial march of authoritarian governments.

But the time has come for old and young to realize that civilization is endangered in its very foundations, that the social order that tamed us from savages into citizens is weakened in all its supports, and that the fruits of democratic progress may in a generation be lost in a contest between permissive anarchy and a police state.

What can we oldsters do about it? We can listen to the cries of the disadvantaged and dispossessed, and open the ways to controlled experiment with new ideas. We can check our racial antipathies by realizing that whichever side wins in violent clash of races or classes, democracy, humanity, and security will disappear.

We can try to cleanse the avenues and halls of politics so that one need not be a millionaire to be eligible to the presidency. We can join the young in restraining our government from undertaking to police the world instead of bringing hope and health to the poor.

If we can check our rush into imperialism we have the resources to educate every American for profitable employment even in our ever more automated and computerized society. We have been clever and generous enough to spread the benefits of our inventiveness, enterprise, and skill to 80 percent of our people—the greatest achievement in economic history; we are learning to let consumption keep up with production.

Two more generations, given enlightened leadership in government and industry, may reduce the impoverished 20 percent to 15 percent, to 10 percent to 5 percent to zero. That would be the fulfillment of Amos and Isaiah; it would be the resurrection of Christ.

And what can you privileged youngsters do? First, continue to study. It is not true that education will merely plunge you into a coarsening race for material rewards; it will enlarge your understanding and make you more patient with complex problems, and the shortcomings of men.

Study the roots of our crime and corruption, our economic inequities, and our political failures, see how strong those roots are

in the processes of biology, in the nature of man, and in the centuries of history.

Reconcile yourselves to modest and gradual improvements after your proposals have faced the necessary test of conservative resistance. Continue to express your dissent and your needs, but remember to remain civilized, for you will sorely miss civilization if it is sacrificed in the turbulence of change.

Beware of those who take their vocabularies from privies; they are trying to cover up their lack of confidence in their own manhood by leveling you with themselves. Wear your hair and your feet as you like, but keep them clean, and do not add to the pollution of the air. Watch your sexual freedom that it should bring no hurt to others or yourself. Lasting affection—the most precious gift of life—is rarely won by hasty accommodation to irresponsible desire.

Do not let the pessimism of contemporary thought darken your spirits; this is the passing mood of a transitional age, when we have waged shamefully barbarous war, when the blackest sins of our history demand atonement and when some of our fairest myths have faded and left a somber emptiness where once they chastened our conduct and warmed our hearts. Do not yield to the mechanistic philosophy that grew from a physics long since rejected by physicists; man can make marvelous machines, but he is not a machine; let not the work of your hands conceal the miracle of your minds. Every one of you is a mystery of rational consciousness; every girl among you is a temple and glory of creative life.

Do not believe those dispirited spirits who call progress a delusion; progress is intermittent, but it is real. A hundred advances that I pled for in my youth—like higher wages, more humane employment, governmental checks on private industry, the partial redistribution of wealth through the welfare state, the spread of comfort and leisure, the extension of education, the multiplication of colleges and universities, the freedom of speech, assemblage, and the press, the access of every American to the ballot, to public office, to the professions, to the Supreme Court—all these have become accepted parts of the American system since my wife, Ariel, and I agitated for them in our political puberty. If the founders of our republic could return from their graves they would marvel at our advances, and would brand our pessimists as ingrates whining because perfection has not been laid at their feet.

I believe that we shall solve, or dissolve, within the limits of our nature, one after another of the problems that harass us today. Already our government, through a maze of difficulties, is seeking to end a disastrous war. Our ethnic minorities will enter in ever greater number into our high schools, colleges, and universities; they will get the courses that their pride may claim, and those that their adjustment to technology requires; they will rise in industry, in the professions, in the arts and sciences, and in public office; they will become established parts of the American scene as did our German-Americans, our Irish-Americans, our Italian-Americans, our Polish-Americans, our Jewish-Americans, even a French-Canadian-American like me.

And, like their predecessors, they will lower their birth rate as they raise their income; and the urban ghettoes will relieve their pressure and their poverty by following a hundred outlets into American life. It will take more time and patience than before, but it will come, or America will lose its meaning in the history and inspirations of humanity.

MISSION TO BIAFRA

Mr. NELSON. Mr. President, for 2 years, the Nigerian-Biafran controversy has continued taking thousands of lives and shocking concerned people throughout the world.

Many of us in the Senate have been quite active in trying to bring some relief to the thousands of helpless people who have been the victims of this civil war.

Bringing medical supplies and food through international relief organizations to the Biafrans has to some degree relieved the enormous sufferings.

But yet the death toll mounts, stories still are reported of the massive suffering that exists within the Biafran community.

In an effort to get a first hand account of the actual situation, Mr. Sherman Stock, a member of my staff traveled to Nigeria-Biafra earlier this year.

His report to me was very enlightening while at the same time quite depressing. The experiences that he encountered and the misery that he witnessed heightened my concern over this matter.

Since returning to the United States, Mr. Stock has spoken widely to organizations and individuals in Wisconsin about the seriousness of the situation in Biafra. In addition to his articulate accounts, Mr. Stock took many pictures that make his lectures even more meaningful.

Recently, Mr. Stock wrote an article entitled "Biafra at 2: A First Hand Report on How It Survives" which appeared in the Milwaukee Journal. I ask unanimous consent that this highly informative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIAFRA AT 2: A FIRST HAND REPORT ON HOW IT SURVIVES

(By Sherman E. Stock)

The converted Super Constellation flew northward in sunlight above a heavy cover of turbulent clouds that marked the start of the west African rainy season. We were carrying a cargo of 30,000 pounds of cod liver oil from the tiny Portuguese island of Sao Tome to the ragged remnants of the Republic of Biafra. I was on assignment from the office of Sen. Gaylord Nelson to observe relief operations and make recommendations regarding the role of the United States in alleviating reported mass starvation. I also had a personal reason for making this journey.

While returning home from Washington, D.C., four years ago, I had met a Nigerian education official, Godwin Chimaroke, who was on a tour of cities, including Milwaukee. I recalled favorable reports about Nigeria, a former British colony considered a model among emerging nations. However, Chimaroke spoke with great emotion and bitterness of internal troubles which threatened to erupt into major violence.

We spent much time together during his several days in Milwaukee, parted as good friends and agreed to correspond regularly.

In the next few months occasional news stories cited instances of Nigerian discord. But events moved rapidly after the June, 1966, massacre of thousands of Chimaroke's Ibo tribesmen. Within a few months the Ibos established the Republic of Biafra in eastern Nigeria. Civil war followed.

TOTAL DESPERATION

All but a few of my letters to Chimaroke were returned. Two of his reached me. Both struck a note of total desperation. The last arrived in May, 1967.

Now, about two years later, here I was crouched behind the pilot of a relief flight into Biafra in search of a highway which served as an airstrip and the only entrance to the country.

Two-thirds of the 375 mile flight was over international waters. The remainder traversed Nigerian controlled territory, where gunboats, antiaircraft weapons, MIG fighters and Ilyushin bombers regularly assaulted the food flights. All the relief aircraft had sustained damage. Four had been destroyed.

Ours was the first flight of the day. It was timed to get us to Biafra in the first minutes of darkness.

We approached the African coast at 15,000 feet, which was considered safe from ground fire. However, a faulty radar forced us to seek concealment from Nigerian aircraft in the tropical storm raging below. The turbulence proved too great, compelling us to risk descending below the clouds. We broke out directly over the coast. The Niger river delta and its tangle of outlets to the sea were clearly in view. A gunboat was below to our right. It did not fire.

As we moved inland, night swallowed the shapes and forms below. Only a geometric pattern of tiny refugees campfires interrupted the darkness. Somewhere down there was the Uli airstrip. I wondered how we could find it without lights or radar while maintaining radio silence.

TWENTY SECONDS OF LIGHT

After what seemed an interminable length of time, a radio voice from the ground broke the silence to tell us that we were approaching slightly to the right. The pilot immediately made a steep, descending bank to the left. Within a few seconds two long strings of lights flashed on for 20 seconds; any longer time would allow the crew of the Nigerian bomber that circled the field each night enough time to lock in on a target. If we weren't on the ground before the lights went out, we would be forced to pull up for another approach. Our powered landing was rough, a little off center, but within the allotted time.

The unloading operation was a marvel of efficiency. The plane was in the air again in 15 minutes. It would fly three missions that night.

I was taken through several military check points to a converted group of farm buildings called "state house."

My appearance there caused a great deal of confusion since I was expected to arrive with a group from the United States senate. Maj. Akabogo, officer in charge, moved to put me on a flight for immediate deportation. However, I convinced him it would be better to release me to the Holy Ghost missionaries until the situation was clarified. As I was about to leave the airfield for the mission at Ibi, two soldiers appeared, telling me I must be returned to the state house. We went immediately.

The major wore a grave expression. A decision had been made by a higher authority that I must be "looked after by the government."

AN EARLY CALLER

I was taken to a sparsely furnished room, which they referred to as the "VIP lounge." It was illuminated by a dim kerosene lamp around which a cloud of insects orbited. I was to spend the next eight or nine hours in the semi-darkness alternating dozing and chain smoking. Occasionally someone dashed in to extinguish the lamp when an unfamiliar aircraft was overhead. The airfield, a mile away, was bombed during the night.

About 4:30 a.m., I was awakened by the protocol assistant to the head of state. He had been routed out of bed to take personal charge of my case. He apologized for my long wait and informed me I would be taken to Umudika where I would be housed as "a guest of the government." He was sure my situation would be clarified later that day so that I could be properly "programed," a

term I was to hear many times during my nine day stay.

As we started our 50 mile journey the early morning light was brightening the eastern sky. The last of the night's relief flights roared overhead toward the safety of Sao Tome. Literally thousands of refugees clothed in tatters lined both sides of the road making their way to feeding stations.

I burdened my host with a steady stream of questions about his country, until I realized he was exhausted, as I was also. But I had one more question. Did he know a man named Chimaroke?

"Ah, yes, Godwin," he replied, "I'll notify him to come to Umudika tomorrow."

After I had slept for a few hours, the protocol assistant returned with the distressing news that my "status" had not been "clarified." The government of Biafra, I learned, had in its short existence developed its red tape to a fine art. In the absence of certain correspondence, I could not be programed. My credentials identifying me as an employe of the senate were accepted as proof of identity but word had to come through channels. Sorry. Until then I would have to stay at Umudika. How long? Possibly several days. Could I leave the fenced-in compound? No. Why was the gate guarded by armed soldiers? For my protection. Was I a prisoner? Certainly not! It was hard to tell the difference.

With no access to an American consular office and no means of communicating with anyone, I settled down with a book which I found there. I anticipated a long wait.

It was a hot day. I read, slept and took a stroll around the compound. The serenity was interrupted once by an air raid. A jet aircraft, flying at the tree top level, flashed past.

RAN GUERRILLA SCHOOL

In late afternoon three tall, bearded soldiers in camouflage uniforms arrived. The tallest one stepped forward, grinned broadly and grabbed my shoulders. I stared at him. The uniform, the beard and a 50 pound weight loss had altered his appearance—it was Chimaroke.

We talked and drank palm wine until far into the night. He was too old (41) for compulsory military service, but he had volunteered. He was the captain in charge of the guerrilla warfare school (BOFF—Biafran Organization of Freedom Fighters). He had been wounded in one of many encounters with the enemy.

He had vouched for me at security headquarters. I was free to go wherever I pleased, although I could not yet be programed.

Next morning I was taken by government vehicle to St. Finbar's Catholic church in Umuahia. For the next six days I traveled by whatever means I could obtain to all parts of the country—sleeping wherever I happened to end the day, visiting villages, refugee centers, hospitals and missions. I was able to meet and talk to ordinary Biafrans and to the personnel of the various relief organizations.

The people were bombed and strafed, ill clothed, ill fed and constantly on the move in advance of the Nigerians, who occupied nine-tenths of Biafra. They once had one of the most progressive cultures in Africa and now live without sanitation, running water, or other modern facilities—still, I found them united in their cause of independence. I repeatedly heard the wish: "If Biafra dies, I want to die with it."

DAILY TOLL CUT TO 1,000

The relief operations were amazingly efficient. About 1,500 feeding centers were operating. They accommodated up to two million people daily. This does not mean that each person receives three meals a day. If the night flights were uninterrupted by bombings or bad weather it could mean they would receive one meal every second or third day. There were some six to nine million people in the besieged country.

Deaths by starvation had been drastically reduced by these humanitarian efforts of Caritas Internationalis (Catholic Relief); the World Council of Churches (interdenominational) and the International Red Cross, Jewish groups also contributed substantially to the joint relief effort.

In the fall of 1968, 10,000 people were dying each day. Estimates of the total civilian dead since the start of the war ranged between one and one-half to two million. Daily deaths were now less than 1,000—mostly children.

My most vivid memories are of the children. The Ibo culture once centered around them. They were the future. Now they are in competition with adults to sustain their lives. They are orphaned and they are abandoned. Missionaries report that relief food is taken from them—sometimes by a starving parent.

The greatest killer and maimer of children is kwashiorkor—the disease caused by a lack of protein. Bellies bloated, arms and legs like sticks, their skin split and weeping a clear fluid, they lie motionless waiting for food or death. If they do receive protein they can recover to a point, but the damage to the heart, liver and brain cannot be fully repaired. Most doctors feel an entire generation will be lost.

A quote from a missionary priest, Father Cunningham, typifies the depth of frustration among the doctors, missionaries and other relief personnel: "We can't feed them all. Perhaps what we should do is feed only those who have the best chance of survival—say, those over 10 years and under 40. Then maybe we could insure the survival of the race. But, of course, we can't do that. God help us.

Many stories of dedication and heroism among the missionaries and other relief people were told to me:

Father McGlade was captured by the Nigerians. He was beaten and all his fingers were broken, I was told. He was deported to Ireland. He returned after four months in the hospital. He was later hit by shrapnel.

A protestant minister, the Rev. Mr. Aiken, risked his life by running in front of a relief plane to stop it from crashing into a fresh bomb crater.

Father Doheny invited me to accompany him to a feeding station on the other side of the Nigerian lines. I didn't go.

Father Udo, an African priest, was killed by bomb fragments while on his motorcycle delivering food to a needy family, on the day I was to meet him.

DAILY BOMBINGS

Although the bombings and strafings account for a relatively small percentage of Biafran deaths, they keep the people in constant anxiety. While I was in the country there were daily attacks. I have personal knowledge of five deaths at Umudika when a residential area was hit by MIG rocket fire; 19 at a refugee center at Ikot Ekpene by strafing and 49 in the marketplace at Umuahia.

As I viewed these and other attack sites, I recalled a story I had clipped from the Times of London a few days earlier. It quoted a British member of parliament, John H. Cordle, as saying: "Everyone who has ever met him knows that Gen. Gowon (Nigerian head of state) is an honorable man. He has consistently said that he has given instructions that his air force is only to bomb military targets."

On the same page, Dr. Jean Mayer of Harvard university, who had been to Biafra a few weeks earlier, observed that "hospitals, schools, refugee camps, and markets have been and are being systematically attacked by the Nigerian air force." I wished I could have taken Mr. Cordle on a fast tour of the country.

While I did not starve, as many Biafrans do, food, water and sanitation were a problem for me. However, I managed to eat something each day, mostly at missions. One night I stopped at a jungle campfire seeking directions. I was offered part of the Biafrans' meager supper—which looked like a pancake covered with caviar. It was bitter tasting. I found it was made from grated casava (a root) and covered with roasted, pulverized beetles.

I avoided all use of water, which had a multitude of living creatures swimming on and through it. I bathed only when it rained and drank palm wine or hot tea when available. One very hot day a priest miraculously produced a bottle of warm Gabonese beer. It was tremendous.

By the sixth day I had been to virtually all parts of the tiny country. I had visited hospitals, refugee camps, missions and villages. I felt I had accomplished my purpose for being there, so I decided to leave, in spite of the fact that I had not yet been programed.

PROGRAMED AT LAST

Chimaroke, who had kept track of my meandering and had sometimes secured transportation for me, agreed to get me to Uli. He had been able to catch up with me every night except one when his vehicle was damaged in a strafing. He often brought interesting companions along. The discussions generally centered on the war and what they were going to do with their country after they had won it. There was never doubt expressed about the latter point.

We commenced our trip to Uli the next day. Near the city of Orlu we were detained at a roadblock. In a short time a delighted protocol assistant arrived to inform me I had finally been cleared and programed.

We were only a few miles from the airfield. I was hot, tired, hungry, grimy and nervous. I wanted to leave. However, Chimaroke felt his government might consider it an insult if I left after all the trouble it had gone to. I spent the night at Umudika.

The next three days were busy. I met individually with cabinet officers, the chief justice of the supreme court, the head of the consultive assembly and Col. Ojukwu, the head of state. I was also the guest of honor at a dinner attended by cabinet officers. It was the best meal I had in Biafra.

I was impressed with the caliber of their leadership. They were articulate and well educated, many with advanced degrees from United States universities.

The six days I spent on my own proved a good base for the government "program" for my visit. Although the officials were obviously sincere, their message was hard sell. It could easily have caused disbelief, if I hadn't already substantiated on my own that what they were telling me was fact. When I left for Uli the second time I felt I had a well rounded understanding of the country, its leaders, its people and its problems.

LEFT TO DARKNESS

On my arrival at state house this time, I was welcomed by a smiling, good humored Maj. Akabogo. He ushered me into his office and pointed out where a 20 mm. cannon shell fired by a MIG had blasted through the roof and shattered the chair in front of his desk that afternoon. He provided me with his personal car and driver for the short ride to Uli.

My exit vehicle was an American Globemaster, with an American crew. I stood behind the pilot, gripping his backrest on takeoff. As we banked to turn south the lights of the airstrip flashed on briefly as another Globemaster touched down. The jungle returned to darkness. I thought of Chimaroke and of the thousands of refugees crowded around the campfires below—and I prayed they would all find a better day.

A WILD PITCH ON FREE CHOICE TV

Mr. MURPHY. Mr. President, there has been a substantial amount of misinformation circulated about subscription television—free choice TV.

Unfortunately, even the press can fall into this trap—as was illustrated by a story which appeared in the Washington Post of June 13, 1969.

I am sure the reporter was trying to develop an "enterprise story" in regard to the future effect of free choice TV on sports, but apparently the people he interviewed had less than perfect understanding of STV, as the quotes indicate.

The article, entitled "Sports Ready to Collect on Pay-TV," conveyed the impression that the arrival of free choice TV would mean that sports events now shown on conventional television will eventually be broadcast as pay TV fare.

Dick Bailey, Sr., president of the Hughes Sports Network, was quoted as saying that "free TV will have to worry about losing sports to pay TV."

These views, however, do not jibe with the facts. As Joseph S. Wright, chairman of the board of Zenith Radio Corp. stated last week:

> Regulations laid down by the Federal Communications Commission assure sports fans that subscription television cannot preempt sports events regularly seen on commercial TV today.

Wright said that STV poses no threat to coverage of sports events by conventional television.

Mr. Wright noted that the Federal Communications Commission has adopted a rule that prohibits STV—or free choice TV—from broadcasting a sports event that was regularly televised in the community within a preceding 2-year period.

However, he also pointed out that the FCC had gone even further in spelling out its views. In a recent FCC "fact sheet" publication, the Commission said it "does not intend to create new markets for owners of televising rights of sports events," adding that if it detected a move in this direction, it would "take appropriate action, which might include increasing the sports rule standard from 2 to 5 years."

So, Mr. President, the intention of the FCC is quite clear. The Commission in no way intends to interfere with or inhibit the operation of existing commercial TV sports programing. And it intends to take appropriate steps to prohibit STV from taking over broadcasting of these programs.

I believe the best way to correctly inform the news sources quoted by the Washington Post is to make available the fact sheet recently produced by the FCC with regard to STV.

Therefore, Mr. President, I ask unanimous consent to have the June 13, 1969, article from the Washington Post printed in the body of the RECORD. I further ask that the "Fact Sheet" issued by the FCC be printed immediately following the news article, so that no further misunderstanding will continue with regard to sports and subscription television.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 13, 1969]

SPORTS READY TO COLLECT ON PAY TV

The prospect of a bountiful new source of revenue for sports came closer to realization following the Federal Communications Commission order yesterday permitting the start of pay television.

There are legal, technical and other obstacles to be overcome before the householder will be asked to pay for his television fare, but Dick Bailey Sr., president of the Hughes Sports Network, said, "It is coming, there is no use fighting it."

Art Modell, president of the National Football League, said, "I believe it is 'way, 'way off for pro football. We're married to free TV, except for a special game or two. I could understand pay TV in an area which has been blacked out of free TV during postseason games."

Harry Markson, director of boxing for Madison Square Garden, said, "We will be most interested in the developments of pay TV."

The Garden recently contracted to show 125 sports events on community antenna television over a one-year period, including all the games of the New York Knickerbockers and New York Rangers.

Baseball Commissioner Bowie Kuhn could not be reached for comment.

Pro football already has made provisions for pay TV in the merger agreement between the two leagues which takes full effect in 1970.

With most stadiums already playing to capacity crowds and negotiations for regular Sunday game telecasts reaching the choking price, pro football recently went to prime-time Monday night telecasts for 1970 to raise an extra $8 million in revenue.

At the time of the merger between the American and National football leagues, in 1966, owner Ralph Wilson of the Buffalo Bills estimated that pay television of the Super Bowl could mean $25 million to $30 million in revenue for a game that now brings in $2.5 million from free TV.

"Wilson is probably right," president Bailey of the Hughes Sports Network said yesterday. "If I had not sold this network to Howard Hughes. I know I would be going into pay TV now instead of bucking the three conventional networks.

"Only Mr. Hughes can say what we will do now. He makes the decisions."

Bailey revealed that the Hughes network bid on the 13 Monday night telecasts for 1970, which went to the American Broadcasting Co.

"We did not bid lower than ABC," Bailey said "There were other circumstances."

Bailey added, "There is a new era coming and a lot of people will be scrambling to get into it. Free TV will have to worry about losing sports to pay TV."

But not for two years because sports events regularly shown on free TV cannot make the switch to pay TV until that much time has elapsed under the projected regulations.

[From the Federal Communications Commission Fact Sheet, May 1969]

SUBSCRIPTION TELEVISION (STV OR PAY TV)

WHAT IT IS

Pay TV is the term used to describe a television station that sends out over the air a scrambled visual and auditory signal which may be received in intelligible form only by those who pay a fee. A person who tunes in his television set to the channel on which the station operates will see a scrambled picture and hear scrambled sound unless he has an unscrambling device (sometimes called a decoder) attached to his set. If he has a decoder attached and wishes to see a particular pay TV program, he actuates the decoder and receives the program in unscrambled form. There are various ways of charging for the program. A cash box may be attached to the decoder into which money must be inserted before an unscrambled picture can be received. Other decoders record the fact that a particular program has been viewed. At the end of the month the subscriber pays for what the recording tape indicates was viewed during the month.

This type of pay TV should not be confused with community antenna television systems (CATV) which, in a broad sense, may also be called pay TV. CATVs pick up off the air the signals of television stations and transmit them by cable to the homes of subscribers, either immediately after they are picked up off the air, or after they have been picked up and brought by microwave relay to the community to be served. Typically, CATVs charge for connection of a customer's TV set to the cable, and subsequently charge a flat monthly rate for the service. Originally, the function of CATVs was to bring TV programs to communities so situated that residents could not pick up signals off the air. Some CATVs now, in addition to that function, also engage in so-called "program origination." This means that in addition to carrying the programs of television stations, they also send over the cable such things as time and weather reports, news ticker service, music, stock ticker service, local live programming, and other types of programming. The question of whether and to what extent CATVs should be permitted or required to engage in program origination is presently under study, with other CATV problems, in Docket No. 18397.

PURPOSE OF PAY TV

The purpose of pay TV is to supplement present conventional television service, not to replace it. The rules governing the service are designed to achieve that end. For example, only one station in a community will be authorized to engage in pay TV operations (it may be a new station or a presently operating station), and this sole authorization will be granted only in communities which, in addition to the pay TV station, also receive conventional commercial TV service from at least four stations. (For purposes of the rule, educational TV stations are not counted.) Since there is nothing mandatory about pay TV, this means that if residents in a community do not wish to avail themselves of the additional choice of programing that pay TV offers, they will still have at least four conventional commercial TV stations to which they may tune. It also means that in a community that receives, for example, only one or two or three conventional commercial TV services, no pay TV will be authorized.

Stating that a pay TV authorization for a station in a community will be granted only if it also receives conventional service from at least four stations does not mean that the four conventional services must be from TV stations licensed to the community in which pay TV is authorized. What is meant is that the community in which a pay TV authorization will be granted must lie within the so called Grade A service contours of four or more commercial TV stations whether they are licensed to that community or to nearby communities. Moreover, stating that the community must lie within the Grade A service contours of at least four conventional commercial TV stations means that the community must receive at least four services off the air. Service received in the community by way of CATV is not counted.

In addition to this rule, other rules are also designed to assure that pay TV will be a supplement and not a replacement for conventional TV service. Opponents of pay TV had argued that pay TV would be in a position to outbid conventional commercial TV for programs, with the result that the viewing public would have to pay for programs that they formerly saw free. This gave considerable concern to the Commission since

it wished to make sure that conventional TV would remain a viable service and that the great investment of the viewing public in television sets, purchased in the expectation of being able to receive programs from conventional TV stations, would not be nullified. It therefore adopted three rules designed to prevent, to a substantial degree, so-called "siphoning" of programing from conventional to pay TV.

One such rule prohibits pay TV stations from broadcasting series-type programs with interconnected plot or substantially the same cast of principal characters (e.g., Peyton Place, Bonanza). Since this type of program forms a substantial part of conventional TV programing, considerable protection against siphoning is afforded.

Opponents of pay TV had argued that pay TV could outbid conventional TV for sports events with the result that viewers would have to pay for seeing such events as the World Series, the Rose Bowl, the Superbowl, and similar programs that are now seen without direct charge. A rule to prohibit such siphoning has been adopted by the Commission. Without mentioning its full details, generally speaking it provides that sports events which have been regularly seen on conventional television in a community during the two years preceding proposed pay TV broadcast of the events may not be shown over a pay TV station in that community.

Opponents of pay TV expressed the view that this rule could be circumvented in various ways. For example, they stated that the owner of telecasting rights to a sports event could keep the event off conventional television for two years and thereafter realize substantial profits by showing it on pay TV. The Commission believes that this would be avoided by such owners and by pay TV stations because great adverse publicity might be generated that could redound to their detriment. In any event, in establishing pay TV service, the Commission stated that it is not its intent to create new markets for owners of televising rights of sports events. It said that it would keep operations governed by this aspect of the pay TV rules under careful observation and if it detected any untoward trends it would take appropriate action, which might include increasing the sports rule standard from two to five years.

Finally, opponents of pay TV had argued that feature films are of growing importance in conventional TV programing and that pay TV would siphon them away. It appears that, for economic reasons, conventional TV stations show the older feature films but cannot obtain feature films only recently released in motion picture theaters. To prevent siphoning of older feature films from conventional TV, the rules governing pay TV provide that, with certain exceptions, feature films shown on pay TV stations must not have been released in theaters more than two years before pay TV showing. This means that, generally speaking, feature films on pay TV must be current films, i.e., a type not generally seen on conventional TV.

These three rules should substantially protect against program siphoning. They are not designed to give 100% protection against siphoning since the Commission feels that some degree of competition between pay TV and conventional TV might result in benefit to the viewing public.

THE CONCERN OF THEATER OWNERS

A trial over-the-air pay TV operation was carried on in Hartford, Connecticut, under Commission authorization, from June 1962 to January 1969, for the purpose of developing information about an actual pay TV operation. The Hartford experience, and other information in the record of the Commission's pay TV proceeding (Docket No. 11279), suggest that about 85% of pay TV programming will consist of feature films. An additional amount of programming is expected to consist of sports events not now available on conventional TV. (An example would be the showing on pay TV of a professional football home game in the same community where the game is being played. Such games are presently blacked out to protect gate receipts at the stadium.) Under the rules adopted, at least 10% of pay TV programming must consist of other than feature films and sports events. Conceivably, this programming might consist of opera, ballet, current Broadway plays, educational, or other programming.

The fact that the programming of pay TV is expected to consist principally of current feature films is undoubtedly why motion picture theater owners are concerned about the new service. However (assuming that pay TV will catch on and be successful, which is not certain), the impact of pay TV on theaters cannot be accurately estimated. Pay TV permits the public to have three methods of viewing motion pictures: (1) theaters, (2) pay TV, and (3) conventional TV. Generally, the first two would provide current pictures, and the third, older feature films. It may be that pay TV will provide an additional audience since many pay TV subscribers might be persons who would not have gone to a theater to see current feature films but would be willing to pay to see them in their own homes.

COSTS OF PAY TV TO SUBSCRIBERS

The Hartford trial operators were prohibited from selling decoders to subscribers since it was not certain that a permanent pay TV service would be authorized at the end of the trial and the Commission considered it contrary to the public interest to let people purchase decoders which they would be left with at the end of the trial. For this reason, decoders were rented to subscribers for about 75¢ a week (whether the subscribers viewed any programs or not). There was also an installation fee of about $10 and, finally, per-program charges were collected.

Because it is not sure that pay TV will be successful, the Commission has adopted a rule that decoders must be rented but not sold to the public, so that if a pay TV operation commences and then subsequently fails, the public will not be left with decoders that are of no use.

At Hartford, the average per-program cost of feature films (over and above the rental and installation charges) was slightly over $1.00. This means that an entire family could see the film at that cost. With regard to sporting events, heavyweight title fights at the time of the Hartford trial were not shown on conventional TV. Instead, they were shown in theaters and auditoriums on closed-circuit TV. One of the Liston-Clay fights was shown on theater closed-circuit TV at Hartford at a price of $5.00 per person. It was also shown on Hartford pay TV for a charge of $3.00. A survey made after the fight showed that, on the average, nine persons were watching each subscriber's set tuned to the pay TV station.

While charges for pay TV are as yet indefinite, the Hartford trial may give some indication of what might develop. The Commission believes that the market place will regulate the charges that are made. If they are too high, people may not subscribe and the operation may fail.

OTHER PROGRAMING AND COMMERCIALS

Present Commission rules specify the minimum amount of programing that conventional TV stations must carry each week. Pay TV stations will be required to carry at least this minimum amount of conventional programing in addition to their pay TV programing. In other words, to some degree, pay TV stations will also be conventional TV stations. Commercial announcements of any kind will be prohibited during pay TV programing. They will, of course, be permitted during the station's conventional programing. The fact that pay TV will have no commercials means that programs will be seen without interruptions and that feature films will not be edited to fit into time slots as they presently are in conventional television.

PRESENT STATUS OF PAY TV

The Commission's pay TV proceeding (Docket No. 11279) commenced in 1955. On December 12, 1968, the Commission issued the Fourth Report and Order which established over-the-air pay TV as a regular broadcast service and adopted rules (other than technical standards) governing the new service. Ordinarily, it would have made the new rules effective shortly after the date of adoption and the new service would then have gone into effect. Recognizing, however, the controversial nature of the subject, the Commission made the rules effective June 12, 1969, six months after the date of adoption, so that there would be ample time for Congressional and judicial review of its action. To date the Congress has not acted. However, about three weeks after the date of adoption of the Fourth Report and Order, the National Association of Theatre Owners and the Joint Committee Against Toll TV (also composed of theater interests) filed an appeal with the United States Circuit Court of Appeals for the District of Columbia Circuit. The appeal is presently pending before that court.

On April 29, 1969, the National Association of Theatre Owners and the Joint Committee Against Toll TV filed a joint request with the Commission asking that the effective date of the pay TV rules be stayed until the completion of judicial review. In the alternative, they requested that, if the rules are permitted to become effective June 12, 1969, the Commission not grant any pay TV authorizations until the completion of judicial review. The request was opposed by Zenith Radio Corporation and Teco, Inc., participants in the Hartford trial.

On May 21, 1969, the Commission acted on the foregoing pleadings. It denied the request to stay the effective date of the rules. However, it stated that it would not grant pay TV authorizations until 60 days after the Court of Appeals issues its decision. The Commission noted that an important consideration in taking this action was that, in accord with its previously stated purpose, it would assure the fullest possible opportunity for Congressional review in the present session of Congress.

In the Fourth Report and Order the Commission stated that prior to June 12, 1969, it would adopt rules establishing technical operating standards for pay TV and that these rules, like the rules governing all other aspects of pay TV, would become effective June 12, 1969. It also stated that at the time that technical standards were adopted it would announce what information applicants would be required to file in applications for pay TV authorizations. It said that no applications could be filed until technical standards were adopted. In its Order of May 21, 1969, the Commission said that in view of the fact that applications will not be granted until 60 days after completion of judicial review by the Circuit Court it was not necessarily issuing the technical standards or application requirements before June 12, 1969, as it had previously planned to do, but that they would be forthcoming as soon as possible.

THE PESTICIDE PERIL—XIX

Mr. NELSON. Mr. President, scientists are becoming increasingly alarmed by the changes in the chemistry of the oceans—changes caused by the activities of man which can be expected to reduce the existing structure of plant and animal communities.

The Bermuda petrel, a graceful sea bird which nests on the Bermuda shore-

line and never comes into direct contact with man or the mainland, is rapidly approaching extinction. Reproduction by the petrel has declined during the last 10 years at an annual rate of 3.25 percent. If this rate continues, reproduction will fail completely by 1978.

G. M. Woodwell, of the Brookhaven National Laboratory in Upton, N.Y., and Dr. Charles Wurster of the State University of New York in Stony Brook, have reported that persistent chlorinated hydrocarbons, such as DDT, are the cause of this decline in the reproductive success of the Bermuda petrel and other carnivorous birds.

According to Dr. Wurster:

A very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Since the Bermuda petrel is apparently reached by the effects of DDT, this indicates that significant amounts of DDT residues are being passed along the food chains of the North Atlantic. This further suggests that toxic effects may exist not only among carnivorous and scavenging birds, but also among diverse aquatic animals, including even the oceanic fisheries.

From his studies of DDT levels in the environment, Woodwell concludes:

There is every reason . . . to expect that DDT alone will account for a significant degradation of oceanic ecosystems, including the oceanic fisheries, in the next decades unless its use in places where it can contaminate the living systems of the earth is halted.

It seems to me that because of the biological magnification of DDT—its increasing concentration progressively along the food chains—if it is used anywhere, freedom of contamination to living systems of our earth cannot be assured.

I ask unanimous consent that a paper presented by Mr. G. M. Woodwell at the American Association for the Advancement of Science meeting held in Dallas, Tex., and an article which appeared in Science magazine by Dr. Charles Wurster be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

CHANGES IN THE CHEMISTRY OF THE OCEANS: THE PATTERN OF EFFECTS

(By G. M. Woodwell, Biology Department, Brookhaven National Laboratory, Upton, N.Y.)

Abstract: The changes in the chemistry of the oceans reported by Dr. Goldberg can be expected to reduce the structure of plant and animal communities according to well-known patterns. The changes in structure will be similar to those observed under conditions of accelerated eutrophication in fresh water lakes. One of the most conspicuous changes involves loss of highly specialized top carnivores and there are ample signs that avian carnivores are disappearing now from oceanic communities. The present losses are due to accumulations of persistent toxic compounds, especially DDT. Evidence suggests that at current rates of use DDT residues will continue to accumulate in the next decades to levels 2 to 3 times current levels, affecting even oceanic fisheries.

Dr. Goldberg has shown conclusively that the chemistry of the oceans is changing due to the activities of man. The changes are many, they are occurring very rapidly if measured by the time required for the evolution of life, and their effects, although profound in some instances, are not easily observed. We might ask what can be said about the general pattern of these effects on living systems and their significance.

Prediction of the specific effects on natural communities of any single change in environment is usually difficult and sometimes impossible, but the broad pattern of changes brought by drastic changes in environment such as those that Dr. Goldberg has outlined are predictable. They are similar on land and in water; similar in all natural communities.

The basic pattern is one of simplification: progressive reduction of the structure of natural communities as the disturbance becomes more severe; a shortening of food chains; elimination of top carnivores and a shift toward larger numbers of a few kinds of plants and animals that are small and have rapid rates of reproduction. The pattern is familiar on land in places subject to frequent disturbance such as roadsides, unstable soils, and even cultivated lands, excluding of course the crops. In such places plants tend to be low in stature, rapidly growing, and to have rapid, often asexual, reproduction as well as other characteristics that make them particularly successful under adverse conditions. In water the problems of accelerated eutrophication provide an example that is becoming too familiar. Here enrichment with nutrients causes rapid growth of certain small plants, ultimately changing the characteristics of the water body completely. The complex food webs that in fresh water once supported trout and salmon are lost, replaced by short food chains where the consumers are plant or detritus eaters such as carp or mullet or, in the worst situations, simply anaerobic organisms of the decay food chains. Lake Erie has become the classical example although there are many others. Accelerated eutrophication of the type that Dr. Goldberg's data suggest for the oceans may be accompanied by accumulation of toxic substances speeding a shift to anaerobic conditions, becoming unquestionably "pollution."

That disturbance should cause this pattern of change is hardly surprising. The course of biological evolution is in the opposite direction, tending with time to develop greater numbers of species using the diverse and continually growing resources of environment with an ever higher degree of specialization. The specialization that accompanies the development of a diversity of species and a community that has a complex structure makes the community vulnerable to disturbance. If the disturbance is severe enough or continued, the specialists are replaced by other species that can survive the changing conditions.

There are many ways of measuring details of the structure and function of communities. One of the most comprehensive involves measurement of exchanges of energy. It is comprehensive in that it integrates details of structure and function, showing the quantitative relationships between populations. It is convenient for our purposes because it shows what occurs when the structure of any ecosystem is lost.

The energy driving natural communities is transferred from the green plants to other populations according to simple rules. For instance, it appears that only about 10% of the energy entering the plant population is available for consumption by herbivores; 10% of that entering the herbivores is available to the first level of carnivores; and so on through two, perhaps three, levels of carnivores. Clearly, there is a quantitative relationship between populations of different trophic levels. Equally clearly, populations of highly specialized carnivores at the top of the trophic structure are at greatest hazard if the structure is disturbed and we should look to them for clues that the structure is being disturbed.

It is less clear that such a trophic structure is also vulnerable to toxic substances that are concentrated by trophic-level effects. The concentration occurs because the rate of supply of the substance through the food chain exceeds the rate of loss. Losses may include chemical breakdown as well as excretion. When successive links in a food chain concentrate a substance, concentration factors of thousands or even hundreds of thousands above environmental levels are possible, putting carnivores, and top carnivores in particular, at special hazard.

It is not surprising to discover that some of the earliest signs that the structure of natural communities is being lost appear as reductions in populations of carnivores and especially of carnivorous birds. Birds of course have high metabolic rates and therefore consume large amounts of food in proportion to their own weights. They are also conspicuous and populations of rare or unusual birds, including many of the top carnivores, have been watched very closely for many years by both amateur and professional ornithologists. Changes in the populations, especially drastic reductions, are quickly recognized.

Such signs are now available for the oceans. One of the best known is the abrupt decline in the reproductive success of the Bermuda petrel which was first observed by the Bermudan naturalist, David Wingate. After considerable thought and experimentation he finally guessed, based on evidence from other carnivorous birds around the world, that the cause might be the accumulation of DDT residues. The concentrations of residues carried by the birds were later shown to be in the range known to affect reproductive success in other species, suggesting strongly that the Bermuda petrel, which never comes into direct contact with man or with areas sprayed with DDT, but rather feeds in the open ocean, is being affected by DDT residues that are passed along to it through the food webs of the North Atlantic. This observation of course means that the food webs are carrying significant burdens of DDT and leads one to guess that toxic effects must exist not only among carnivorous and scavenging birds, which are conspicuous and well known, but also among diverse aquatic animals, including even the oceanic fisheries. This conclusion is substantiated by Dr. Goldberg's data.

The question of what further changes will occur if current uses of persistent pesticides are continued is a real one. I have shown elsewhere that if DDT residues have a half-life in the environment of 10 years, which seems a minimum, and the annual release of DDT into the biosphere is 200 million pounds, then the equilibrium concentration will be approached only after 70 years. The residues circulating at the moment must be less than one-half the residues that will be circulating when chemical degradation precisely balances the releases of DDT, if current levels of use are maintained. There is every reason, then, to expect that DDT alone will account for a significant degradation of oceanic ecosystems, including the oceanic fisheries, in the next decades unless its use in places where it can contaminate the living systems of the earth is halted.

It would be a strange contradiction indeed if the agricultural and industrial interests that defend the use of DDT so recklessly on the grounds that it is needed for production of food for the earth's hungry millions, were to continue to be successful and in their success eliminate the oceanic fisheries. Adding to the irony would be the fact that these fisheries, already threatened by overexploitation and by elimination of marshes and other hazards, offer at present almost the

only short-term system for recycling the nutrient elements harvested in agriculture and dumped through civilization into our sewers and the sea. Unless harvested as fish, these nutrients are lost.

The increased burden of DDT is of course but one of the chemical changes that is occurring in the oceans. It is, however, clear now that the plant and animal communities of the oceans are being degraded as a result of the changes in oceanic chemistry caused by man. The pattern of change is clear: it is the pattern of eutrophication and pollution similar to that well known in Lake Erie and in thousands of other water bodies around the world and similar in broad outline to the changes that occur on land. We may be able to lose lakes in this way, even one of the Great Lakes, but it is very doubtful indeed whether we can afford to lose the oceans.

The solution to such world-wide pollution problems lies not simply in controlling the pollutants: it lies of course there. But it lies equally importantly in providing a general context within which there is not strong, potentially overwhelming, pressure to use the earth so intensively as to pollute it. Such a context requires that resources be large in proportion to demands made on them. That most desirable, perhaps even essential, condition can be established only if both population and the incursions on environment made by technology are limited. If pollution problems are to be controlled in the long run, not merely mitigated temporarily, and aggravated in the long run, then it must quickly become the policy of nations to limit population and to restrict those aspects of technology that degrade the common resources, including air, water and land. The changes that Dr. Goldberg reports now in the oceans prove that nations can scarcely move rapidly enough in this direction.

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DDT Residues and Declining Reproduction in the Bermuda Petrel

(By Charles F. Wurster, Jr., Department of Biological Sciences, State University of New York, Stony Brook 11790; and David B. Wingate, Department of Agriculture and Fisheries, Paget East, Bermuda)

Abstract. Residues of DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane] averaging 6.44 parts per million in eggs and chicks of the carnivorous Bermuda petrel indicate widespread contamination of an oceanic food chain that is remote from applications of DDT. Reproduction by the petrel has declined during the last 10 years at the annual rate of 3.25 percent; if the decline continues, reproduction will fail completely by 1978. Concentrations of residues are similar to those in certain terrestrial carnivorous birds whose productivity is also declining. Various considerations implicate contamination by insecticides as a probable major cause of the decline.

Many oceanic birds nested on Bermuda in 1609 when the first settlers arrived, the most abundant apparently being the Bermuda petrel, *Pterodroma cahow*. Within 20 years man and his imported mammals virtually exterminated this species; for nearly 300 years it was considered extinct. Several records of specimens since 1900 were followed in 1951 by discovery of a small breeding colony,[1] and in 1967 22 pairs nested on a few rocky islets off Bermuda. With a total population of about 100 the petrel is among the world's rarest birds.

A wholly pelagic species, *P. cahow* visits land only to breed, breeds only on Bermuda, and arrives and departs only at night. The single egg is laid underground at the end of a long burrow. When not in the burrow the bird feeds far at sea, mainly on cephalopods; when not breeding it probably ranges over much of the North Atlantic.[1]

Reproduction by *P. cahow* has declined recently. The data since 1958 (Table 1) show an annual rate of decline of 3.25 ± 1.05 percent; the negative slope of a weighted regression is significant (*P*, .015; *F* test). If this linear decline continues, reproduction will fail completely by 1978, with extinction of the species. Many recent reports have correlated diminished reproduction by certain carnivorous birds with contamination by chlorinated hydrocarbon insecticides[2-7]. As the terminal member of a pelagic food chain, presumably feeding over much of the North Atlantic, the petrel may be expected to concentrate by many orders of magnitude any stable, lipid soluble chemicals, such as chlorinated hydrocarbon insecticides, present in lower trophic levels[2,3,8]. In fact it should serve as an ideal environmental monitor for detection of insecticide contamination as a general oceanic pollutant, rather than contamination resulting directly from treatment of a specific land area[9]. When we analyzed several specimens of *P. cahow* for chlorinated hydrocarbon insecticides, all samples contained DDT residues[10].

During March 1967 five unhatched eggs and dead chicks were collected from unsuccessful petrel burrows and stored frozen. The small size of the population precluded the sampling of living birds. Samples were analyzed for DDT, *o,p*-DDT, DDE, DDD, dieldrin, and endrin by electron-capture gas chromatography; the results are summarized in Table 2. No *o,p*-DDT, dieldrin, or endrin was detected, but an independent laboratory detected a trace of dieldrin.

Certain identifications were confirmed by thin-layer chromatography[11] as follows: After Florisil cleanup[12] the unknown sample was spotted on a thin-layer plate with 1-μg authentic standard samples on both sides. After development, the unknown was masked by a strip of paper, and the standards were sprayed with chromogenic reagent.[11] When spots were visible following exposure to ultraviolet light, the masking was removed, horizontal lines were drawn between the standard spots in order to locate corresponding compounds in the unknown, and these areas were scraped from the plate and extracted with a few drops of a mixture of hexane and acetone (9:1 by volume). Injection into the gas chromatograph confirmed the presence of DDT, DDE, and DDD by showing the appropriate single peaks for these compounds. This confirmation procedure was employed because the electron-capture detector is more sensitive than the chromogenic spray reagent in detecting minute amounts of these materials.

TABLE 1—REPRODUCTIVE SUCCESS OF THE BERMUDA PETREL BETWEEN 1958 AND 1967: PERCENTAGES OF ESTABLISHED ADULT PAIRS UNDER OBSERVATION WHOSE CHICKS SURVIVED 2 WEEKS AFTER HATCHING. NUMBERS OF PAIRS OF UNKNOWN SUCCESS (NOT INCLUDED IN CALCULATIONS) APPEAR IN PARENTHESES. DATA FROM 1961–67 ARE BELIEVED TO REPRESENT THE TOTAL BREEDING POPULATION; EARLIER, NOT ALL BURROWS HAD BEEN DISCOVERED. THE DECLINE IN REPRODUCTIVE SUCCESS FOLLOWS THE LINEAR RELATION Y=A+BX (Y, REPRODUCTIVE SUCCESS; A, A CONSTANT; B, ANNUAL PERCENTAGE DECLINE IN SUCCESS; X, YEAR). THE REGRESSION, WEIGHTED BY NUMBERS OF PAIRS: Y=251.9—3.25X

Year	Pairs	Chicks	Success (percent)
1958	6(1)	4	66.7
1959	5(2)	2	40.0
1960	13(3)	6	46.2
1961	18(1)	12	66.7
1962	19	9	47.4
1963	17(1)	9	52.9
1964	17(1)	8	47.1
1965	20	8	40.0
1966	21	6	28.6
1967	22	8	36.4

Coincidental with diminishing reproduction by the Bermuda petrel is the presence of DDT residues averaging 6.44 parts per million (ppm) in its eggs and chicks. In itself this coincidence does not establish a causal relation, but these findings must be evaluated in the light of other studies. Whereas a healthy osprey (*Pandion haliaetus*) population produces 2.2 to 2.5 young per nest, a Maryland colony containing DDT residues of 3.0 ppm in its eggs yielded 1.1 young per nest, and a Connecticut colony containing 5.1 ppm produced only 0.5 young per nest; the Connecticut population has declined 30 percent annually for the last 9 years.[4] In New Brunswick, breeding success of American woodcocks (*Philohela minor*) showed a statistically significant inverse correlation with the quantity of DDT applied to its habitat in a given year. Furthermore, during 1962 and 1963, birds from unsprayed Nova Scotia showed breeding success nearly twice as great as did those from sprayed New Brunswick, where woodcock eggs averaged 1.3 ppm of DDT residues during those years.[5]

TABLE 2.—RESIDUES OF DDT (10) IN PARTS PER MILLION (WET WEIGHT) IN EGGS AND CHICKS OF THE BERMUDA PETREL, COLLECTED IN BERMUDA IN MARCH 1967; PROPORTIONS OF DDT, DDE, AND DDD ARE EXPRESSED AS PERCENTAGES OF THE TOTAL

Sample	Residues (p.p.m.)	Percentages		
		DDT	DDE	DDD
A, egg†	11.02	*37	*58	*5
A, egg†§	10.71	*34	*62	*4
B, addled egg†	3.61	15	65	20
C, chick in egg‡	4.52	33	64	3
D, chick in egg‡	6.08	33	62	5
D, chick brain‡‖	.57	30	54	16
E, chick, 1 to 2 days old	6.97	*29	*66	*5
Averages	6.44	31	62	7

*Identity confirmed by thin-layer chromatography (11).
†Egg showed no sign of development.
‡Fully developed chick died while hatching.
§Analysis 5 months later by Wisconsin Alumni Research Foundation, which also detected dieldrin at 0.02 p.p.m.
‖Not included in averages.

In Britain five species of raptors, including the peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*), carried residues of chlorinated hydrocarbon insecticides in their eggs, averaging 5.2 ppm; each of these species has shown a decline in reproduction and total population during recent years. By comparison, residues in the eggs

Footnote at end of article.

of five species of corvids averaged 0.9 ppm, and breeding success and numbers have been maintained.[6] It is noteworthy that during the last decade the peregrine has become extinct as a breeding bird in the eastern United States.[13] Residues in bald eagle (*Haliaeetus leucocephalus*) eggs averaged 10.6 ppm, and this species also shows declining reproduction and population.[7] Lake Michigan herring gulls (*Larus argentatus*), exhibiting very low reproductive success, averaged 120 to 227 ppm of DDT residues in the eggs,[3] the suggestion being that susceptibility varies widely between species.

In most of the above instances, including *P. cahow*, reduced success in breding resulted primarily from mortality of chicks before and shortly after hatching. Bobwhites (*Colinus virgianus*) and pheasants (*Phasianus colchicus*), fed sublethal diets of DDT or dieldrin, gave similar results[14]; a mechanism explaining chick mortality from dieldrin poisoning during the several days after hatching has been presented.[15]

From studies of these birds and other avian carnivores a very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Observations of aggressive behavior, increased nervousness, chipped eggshells, increased egg-breakage, and egg-eating by parent birds of several of the above species [3 6 13] suggest symptoms of a hormonal disturbance or a calcium deficiency, or both. Moreover, DDT has been shown to delay ovulation and inhibit gonadal development in birds, probably by means of a hormonal mechanism, and low dosages of DDT or dieldrin in the diet of pigeons increased metabolism of steroid sex hormones by hepatic enzymes.[16] A direct relation between DDT and calcium function has also been demonstrated and these endocrine and calcium mechanisms could well be interrelated; DDT interferes with normal calcification of the arthropod nerve axon, causing hyperactivity of the nerve and producing symptoms similar to those resulting from calcium deficiency.[17] Dogs treated with calcium gluconate are very resistant to DDT poisoning[18]; female birds are more resistant than males,[19] perhaps because of the calcium-mobilizing action of estrogenic hormones.

Of major importance, then, was the discovery that a significant ($P<.001$) and widespread decrease in calcium content of eggshells occurred between 1946 and 1950 in the peregrine falcon, golden eagle, and sparrowhawk, *Accipiter nisus*.[20] This decrease correlates with the widespread introduction of DDT into the environment during those years, and further correlates with the onset of reduced reproduction and of the described symptoms of calcium deficiency. These multiple correlations indicate a high probability that the decline in reproduction of most or all of these birds, including *P. cahow*, is causally related to their contamination by DDT residues.

Other potential causes of the observed decline for the Bermuda petrel appear unlikely. The bird has been strictly protected and isolated since 1957; and it seems that human disturbance can be discounted. In such a small population, inbreeding could become important, but hatching failure is now consistent in pairs having earlier records of successful breeding, and deformed chicks are never observed. Furthermore, the effects of inbreeding would not be expected to increase at a time when the total population, and probably the gene pool, is still increasing. The population increase results from artificial protection since 1957 from other limiting factors, especially competition for nest sites with tropic birds.[21]

It is very unlikely that the observed DDT residues in *P. cahow* were accumulated from Bermuda: the breeding grounds are confined to a few tiny, isolated, and uninhabited islets never treated with DDT, and the bird's feeding habits are wholly pelagic. Thus the presence of DDT residues in all samples can lead only to the conclusion that this oceanic food chain, presumably including the plankton, is contaminated. This conclusion is supported by reported analyses showing residues in related seabirds including two species of shearwaters from the Pacific [22]; seabird eggs [2 22]; freshwater, estuarine, and coastal plankton [2 8 22]; plankton-feeding organisms [2 8 9 22 23]; and other marine animals from various parts of the world.[8 22] These toxic chemicals are apparently very widespread within oceanic organisms [8 22], and the evidence suggests that their ecological effects are important.

FOOTNOTES

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BILINGUAL EDUCATION PROGRAMS APPROVED BY THE OFFICE OF EDUCATION

Mr. YARBOROUGH. Mr. President, in my judgment, one of the most significant new programs authorized by the 90th Congress was that contained in title VII of the Elementary and Secondary Education Act of 1965, as amended—bilingual education programs. While the bilingual programs were authorized for fiscal 1969 at the $30 million level, only $7.5 million was appropriated.

The President's revised estimates for fiscal 1970 proposes only a $10 million funding of the $40 million authorization. This is only one-fourth of the money which is so badly needed to provide America's children with language proficiency.

I have recently received a breakdown showing the cities and States in which this program is being administered. I particularly commend to the Senators of the States listed, the information developed for each of the participating school systems. It is my hope that they will find the materials helpful in their own presentations to the Senate subcommittee considering Labor-HEW appropriations for fiscal year 1970.

I ask unanimous consent that the table on bilingual education programs be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BILINGUAL EDUCATION PROGRAMS

State and city	Operating agency	Program	Language	Grant
Arizona:				
Nogales	Nogales Elementary School District No. 1	Nogales Elementary bilingual project	Spanish	$41,500
Phoenix	Phoenix Union High School System No. 210	Phoenix Union bilingual program	do	76,500
	Wilson Elementary School District No. 7	Individualizing bilingual, bicultural instruction	do	26,500
Tucson	Tucson Elementary School District No. 1	Bilingual, bicultural project	do	80,302
Total				224,802

BILINGUAL EDUCATION PROGRAMS—Continued

State and city	Operating agency	Program	Language	Grant
Arkansas: Gentry	Gentry School District No. 19	Bilingual curriculum development for Cherokees	Cherokee	$41,500
California:				
Artesia	ABC Unified School District	Portuguese bilingual demonstration project	Portuguese	33,500
Barstow	Barstow Unified School District	A bilingual program for primary children and parents	Spanish	36,500
Brentwood	Brentwood Union School District	Brentwood bilingual educational project	do	31,500
Calexico	Calexico Unified School District	Calexico intercultural design	do	125,500
Chula Vista	Sweetwater Union High School	Project Frontier	do	570,774
Compton	Compton City School District	Compton elementary bilingual education plan	do	76,500
El Monte	El Monte Elementary School District	El Monte bilingual educational project	do	51,500
Fresno	Fresno County School	Learning and communicating bilingually	do	151,500
	Fresno City Unified School District	Bilingual-bicultural title VII proposal	do	101,500
Healdsburg	Healdsburg Union Elementary School District	Bilingual education, Spanish-English	do	26,500
La Puente	Hudson School District	Bilingual understanding of educational needs of others (BUENO)	do	205,264
Los Nietos	Los Nietos Elementary School District	Bilingual-bicultural experience for children, parents, and teachers in Los Nietos School District.	do	81,500
Olivehurst	Marysville Joint Unified School District	Bilingual instructional Spanish program	do	70,500
Pomona	Pomona Unified School District	Bilingual leadership through speech and drama	do	30,500
Redwood City	Redwood City School District	Pilot bilingual program for grade 1	do	26,500
Sacramento	Sacramento City Unified School District	Early childhood bilingual education	do	101,500
St. Helena	St. Helena Unified Schools	Project bilingual education: Adelante	do	22,500
Salinas	Gonzales Union High School District	Gonzalez ESL/bilingual project	do	26,500
San Francisco	San Francisco Unified School District	Chinese bilingual pilot program	Chinese	51,500
Sanger	Sanger Unified School District	Instructional program in bilingual education	Spanish	5,1500
Santa Ana	Santa Ana Unified School District	Bilingual preschool program	do	246,500
Santa Barbara	Santa Barbara County Schools	Santa Barbara County bilingual project	do	76,500
Santa Clara	Santa Barbara County Office of Education	Spanish Dame School	do	81,500
Santa Paula	Santa Paula School District	Santa Paula bilingual education program	do	71,500
Stockton	Stockton Unified School District	A demonstration bilingual education program	do	150,500
Ukiah	Ukiah Unified School District	Ukiah Indian, Mexican-American bilingual-bicultural program	Pomo, Spanish	63,000
Total				2,562,538
Colorado: Denver	Denver Public Schools	Primary bilingual education	Spanish	101,500
Connecticut: New Haven	New Haven Board of Education	Bilingual project	do	75,000
Florida: Naples	Collier County Board of Public Instruction	Collier County bilingual program	do	55,000
Hawaii: Honolulu	Hawaii Department of Education	Hawaii bilingual education program	Japanese	53,800
Illinois: Chicago	Chicago Board of Education	Area bilingual center	Spanish	154,000
Massachusetts:				
Boston	Boston School Department	Bilingual education program	do	108,000
Springfield	Springfield Public Schools	Carew Street bilingual education project	do	80,000
Total				188,000
Michigan:				
Lansing	Lansing School District	Lansing bilingual program, junior high	Spanish	94,000
Pontiac	School District of the City of Pontiac	Itinerant bilingual teaching teams	do	91,000
Total				185,000
Nebraska: Scottsbluff	Educational Service Unit No. 18	Panhandle educational program for bilingual literacy	Spanish	59,000
New Hampshire: Wilton	Supervisory Union No. 63	Bilingualism in an open-school educational program	French	70,000
New Jersey: Vineland	City of Vineland School District	New Jersey bilingual education program	Spanish	275,000
New Mexico:				
Albuquerque	Albuquerque Public Schools	Albuquerque bicultural-bilingual education program	do	141,500
Artesia	Artesia Public Schools	Southeastern New Mexico bilingual program	do	101,500
Espanola	Espanola Municipal Schools	Espanola bilingual education program	do	26,500
Grants	Grants Municipal Schools	Bilingual-bicultural education program	Indian, Spanish	36,500
Las Cruces	Las Cruces School District No. 2	Las Cruces elementary school bilingual program	Spanish	65,500
Total				371,500
New York:				
Bronx	New York City Board of Education	The bilingual school (Public School 25, Bronx).	Spanish	230,000
New York	Two Bridges Model School District	Building bilingual bridges	Chinese, Spanish	139,000
Rochester	City School District of Rochester	Spanish English education program	Spanish	169,000
Total				538,000
Ohio: Cleveland	Cleveland Public Schools	Bilingual instruction, junior high	Spanish	69,000
Oklahoma: Tahlequah	Cherokee County superintendent of school	Cherokee bilingual education	Cherokee	98,500
Pennsylvania: Philadelphia	School District of Philadelphia	Let's be amigos	Spanish	200,000
Rhode Island: Providence	Providence School Department	Providence's program for bilingual education	Portugese	110,000
Texas:				
Abernathy	Abernathy Independent School District	Helping advance bilingual learning in Abernathy	Spanish	51,500
Amarillo	PESO Education Service Center	PESO bilingual language development project	do	101,500
Austin	Educational service center, region XIII	Region XIII bilingual education program	do	101,250
Del Rio	Del Rio Independent School District	Del Rio bilingual education program	do	51,500
	San Felipe Independent School District	San Felipe educational bilingual program	do	51,500
Edinburg	Region 1 education service center	Region 1 bilingual project	do	151,500
Fort Worth	Fort Worth Independent School District	Programa en dos lenguas	do	201,500
Houston	Houston Independent School District	Houston Independent School District bilingual education program	do	200,850
La Joya	La Joya Independent School District	Hacia nuevos horizontes	do	51,500
Laredo	Laredo Independent School District	Bilingualism for the conceptualization of learning	do	76,500
	United Consolidated Independent School District	United bilingual education project	do	51,500
Lubbock	Lubbock Independent School District	A bilingual elementary education program	do	151,500
McAllen	McAllen Independent School District	McAllen bilingual social science program	do	55,900
San Angelo	San Angelo Independent School District	English-Spanish environmental experience school	do	117,170
San Antonio	Edgewood Independent School District	Better education through bilingualism	do	151,500
	San Antonio Independent School District	Proyecto bilingual interculture	do	201,500
San Marcos	San Marcos Independent School District	Bilingual instruction for grades 1 to 3	do	161,500
Weslaco	Weslaco Independent School District	Project language	do	51,500
Zapata	Zapata Independent School District	Catch up	do	47,500
Total				2,028,670
Utah: Blanding	San Juan School District	Bilingual education project for Navajo	Navajo	66,500
Wisconsin: Milwaukee	Milwaukee Board of School Directors	Milwaukee bilingual education project	Spanish	45,258
Total grants				7,572,568

A POSITION ON HUNGER

Mr. McGOVERN. Mr. President, the Delta Ministry of Mississippi, the Mississippi Freedom Democratic Party, and the Mississippi Welfare Rights Organization on May 21, 1969, released a position paper entitled "A Position on Hunger." Their position paper demonstrates beyond any doubt the inadequacies of the present foood stamp program even in the State of Mississippi which has the highest food stamp participation rate in the country and which has a food program in every county. The statement points out that the proposal that fami-

lies with incomes of less than $30 per month be given free stamps actually "defines out most of the hungry people in Mississippi." A random sampling in the central Mississippi Delta discloses that more than 90 percent of the black families in that area have incomes of less than $3,000 per year and that 44 percent have incomes under $1,000.

Mr. President, these families are in desperate need of a food stamp program, which provides them an adequate diet at prices they can afford to pay. As the study demonstrates, the present food stamp diet of these families is totally inadequate.

I ask unanimous consent that the paper, "A Position on Hunger," be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A POSITION ON HUNGER

INTRODUCTION

Poverty conditions are so dire and desperate in this country that only massive assistance can prevent the oppressive forces of hunger and malnutrition from destroying the bodies and minds of children too young to know why. This is especially true in Mississippi where incomes are the lowest in the nation. While 21.4 percent of the families in the Nation have less than $3,000 income per year, 51.6 percent of Mississippi's families fall below this poverty line. Half of the families in the central Mississippi delta (six counties: Bolivar, Humphreys, Issaquena, Sharkey, Sunflower and Washington) have disposable incomes of less than $2500.

Conditions among the State's Black families are more shocking, with 82.9 percent earning less than $3000 per year. In the delta this over 90 percent with some Counties running as high as 98 percent. Forty-four percent of the Black families in the delta have incomes under $1000; another 34 percent are existing on $1000 to $1999; 14 percent earn between $2000 and $2999. The remaining 8 percent are above the poverty line.

These families average 5.6 persons. This means that 92 percent have less than $45.00 per person per month and 78 percent have less than $30.00 per month per person. Since the Federal poverty line is around $3000 for a family of 4, it is assumed that the standard to meet needs would be around $62.50 per person per month. This means that 78 percent of the Mississippi delta Black families have less than half the per capita income to meet the necessities of life. If one is to establish a category of dire poverty, it is the abominable level.

The Nixon Administration has proposed a food program that establishes $30.00 per month income and under per family as its criteria of extreme need, sufficient to warrant grants of free food stamps. This is the establishment of a rigid criteria for determining who is so poor that he has no bootstraps and containing no flexibility in the crucial area of family size. This criteria defines out most of the hungry people in Mississippi. This a cruel hoax.

In a random sampling, covering several communities in the delta, we found that the average poor family was one with a woman head of household and five children, living on either the income from $15.00 per week as a domestic or $70.00 per month from AFDC payments. This family currently must pay $32.00 for food stamps and receives a bonus of $48.00. They must spend 46 percent of their income on food. Even so they will only have a little over $3.00 per person per week. They will have to eat meals of low nutritional value, because they will have to feed six people each meal and only have $1.00 per meal to do it.

This average poor family—with 3 children in school and two preschool age—will have $38.00 left to spend for things other than food (unless they want to buy school lunches and spend the $18.00 for that, leaving only $20). With this $38.00 they must spend a sizable amount for shelter (rent and utilities for a two-room shack in town would cost around $25.00), education, clothes, and make payments on the furniture that they are buying. This average poverty family is left out of the President's program. A program must be designed to meet their needs.

PROPOSAL

We propose a program that will meet the needs of these people, and ask the Government to enact and implement such a program immediately. This program was devised after taking a random sampling of the needy population (the compilation of the statistics is attached). We proposed that there is a minimum nutritional need of One Dollar per person per day. Free Food Stamps must be given to families to help them meet this minimum need. For some there may be a small charge, but this should be allocated on the basis of what they need to live. The State of Mississippi Welfare Department has a scale of total minimum need, flexible according to the size of the family. Only where the income exceeds two-thirds (⅔) of this total minimum need should there be any payment. And then the payment must not be more than the excess of their income over their total need.

The following scale is illustrative of the approach:

Number in family	Established minimum need	Money needed to feed family	Breaking point for ability to pay
1	100	30	65
2	150	60	100
3	175	90	120
4	200	120	132
5	230	150	140
6	250	180	160
7	275	210	180
8	300	240	200
9	315	270	210
10	325	300	215
11	350	330	230
12	370	360	245

Those who fall below the breaking point should pay nothing for their stamps, and those above the breaking point should pay only the amount they earn that is above that point for the stamps. The amount of stamps received should match the figures in the "Money Needed To Feed" column.

In addition, special bonuses should be given to people who have health problems and for pregnant and lactating mothers.

We feel this program offers two important breakthroughs in policy: 1) that the amount needed to feed a family does not go down just because income does; and 2) the ability to pay must be related to total need.

THE DELTA MINISTRY,
OWEN BROOKS, *Director.*
THE MISSISSIPPI FREEDOM DEMOCRATIC PARTY,
Rev. CLIFTON WHITLEY, *Chairman.*
THE MISSISSIPPI WELFARE RIGHTS ORGANIZATION,
Mrs. GERALDINE SMITH, *President.*

Using our sample family of six with an income of $70.00 per month and a total food stamp allotment of $80 per month, I sample shopped at the nearest Supermarket (Safeway) to the Food Stamp Office in Greenville, Miss. on May 22, 1969. I attempted to select the best buys, while adhering to the normal practices of the poor family. The following purchases could be made for one week:

10 pounds, corn meal	$0.99
10 pounds, flour	1.13
4 pounds, lard	.99
5 pounds, sugar	.57
Salt	$0.14
Pepper	.49
4 boxes, spaghetti	.58
4 cans, tomato paste	.74
5 pounds, white potatoes	.75
4 pounds, pinto beans	.59
2 pounds, black eyed peas	.37
2 pounds, rice	.37
2 cans, corn	.43
2 boxes, grits	.50
1 box, oatmeal	.37
5 pounds, neck bones	1.25
5 pounds, pigs tails	1.45
2 chickens (wt. 2½ pounds, each)	1.40
2 packages, Jello	.24
3 cabbage heads	.45
1 package, okra	.45
2 pounds, fat back	.58
1 bottle, sirup	.79
1 pound, coffee	.79
10 packages, Kool Aid	1.00
½ gallon, milk	.61
1 pound, margarine	.20
1 dozen, eggs	.44
Subtotal	19.21
Sales tax	.96
Total	20.17

Using these purchases, we can construct the following menu:

Sunday

Breakfast: grits, eggs, and biscuits.
Dinner: chicken, dressing, peas, and cake.

Monday

Breakfast: grits, oatmeal, and biscuit.
Dinner: neck bones, spaghetti, beans, and jello.

Tuesday

Breakfast: grits, eggs, and biscuits.
Dinner: soup (pork, rice, and left over spaghetti) and potatoes.

Wednesday

Breakfast: grits, oatmeal, and biscuits.
Dinner: pigs tails, rice, cabbage & okra.

Thursday

Breakfast: grits and biscuits.
Dinner: spaghetti, corn, peas, left-over pig tails.

Friday

Breakfast: grits, oatmeal, and biscuits.
Dinner: chicken, beans, and rice.

Saturday

Breakfast: grits, and biscuits.
Dinner: neck bones, potatoes, and cabbage.

In addition, coffee for all meals; Kool Aid and corn bread for Dinners. Any attempt at a third meal, will have to come from left overs. There are notable lacks in this diet: No fruit, no red meat, no Vitamin C, milk only for one day, limited green vegetables, and just plain not enough to eat. Yet this is the best that a family can do on the amount prescribed by the current Food Stamp Program.

Shopping for the same items at a neighborhood store, frequented almost entirely by food stamp user, the results were:

10 pounds, corn meal	$1.22
10 pounds, flour	1.39
4 pounds, lard	.69
5 pounds, sugar	.75
Salt	.12
Pepper	.70
4 boxes, spaghetti	.64
4 cans, tomato paste	.80
5 pounds, potatoes (poor quality)	.50
2 pounds, rice	.39
4 pounds, pinto beans	.64
2 pounds, black-eyed peas	.39
2 cans, corn	.54
2 boxes, grits	.44
1 box, oatmeal	.39
5 pounds, neck bones	1.75
5 pounds, pig tails	1.00
2 chickens	2.00

2 packages, jello	$0.25
3 cabbage heads (poor quality)	.30
1 package, okra	had none
2 pounds, fatback	.98
1 bottle, sirup	.69
1 pound, coffee	.95
10 packages, Kool Aid	1.00
½ gallon, milk	.63
1 pound, margarine	.20
1 dozen, eggs	.55
Subtotal	19.90
Sales tax	1.00
Total	20.90

These are the stores where many poor people shop, due to credit practices and lack of transportation adding the supermarket cost of the one item not available at the neighborhood store the total, with tax, would be $21.37, or $1.20 more (6%).

The survey figures from the six counties comprise a sampling of 581 poor families. Their situation, and the situation of those thousands they represent, is shown by the following:

The number in each income bracket:	Percent
$00 to $29.99 (154)	26
$30 to $49.99 (111)	19
$50 to $99.99 (184)	31
$100 to $149.99 (81)	14
$150 to $199.99 (32)	6
$200 or more (19)	4
The source of their income:	
Male employed (205)	35
Female employed (62)	10
Male unemployed (48)	8
Female unemployed (71)	14
Welfare, social security, or pension (195)	33
The size of their families:	
1 to 3 (113)	19
4 to 5 (119)	20
6 to 8 (169)	29
9 to 11 (133)	23
12 or more (47)	9
Monthly income per family member:	
$00 to $10.99 (264)	45
$11 to $15.99 (106)	18
$16 to $25.99 (119)	20
$26 to $45.99 (70)	13
$46 to $60.99 (18)	3
$61 and over (4)	1

WASHINGTON COUNTY

A random survey was conducted during 1968 at the Delta Ministry Office in Greenville. These people came in for assistance in purchasing food stamps, getting needed clothing, etc. These were all poverty families. With incomes ranging from nothing to $200.00 per month. The following breakdown is made from the family information forms filed on these families:

Number in each income bracket:	Percent
$00 to $29.99 (105)	32
$30 to $49.99 (79)	24
$50 to $99.99 (100)	31
$100 to $200 (37)	13
The source of their incomes was:	
Male employed (112)	34
Female employed (28)	8
Male unemployed (25)	8
Female unemployed (51)	17
Welfare, social security and pension (105)	33
The size of their families was:	
1 to 3 (75)	23
4 to 5 (71)	23
6 to 8 (85)	26
9 to 11 (65)	20
12 or more (25)	8

The significant figure, we feel, is the number of dollars per month per member of the family. The government sets the poverty line at around $3000.00 for a family of four. That would be an average of $62.50 per month per member of the family. Taking the total number in the sampling, the breakdown is as follows:

Income per family member: Number:	Percent
$00 to $10.99 (140)	44
$11 to $15.99 (50)	15
$16 to $25.99 (64)	20
$26 to $45.99 (53)	16
$46 to $60.99 (12)	4
$61 and over (3)	1

To prevent any distortion in the picture, we removed from the calculations the lowest category ($00 to $29.99) and have the following data:

$00 to $10.99 (65)	27
$11 to $15.99 (47)	20
$16 to $25.99 (61)	27
$26 to $45.99 (53)	21
$46 to $60.99 (12)	4
$61 and over (3)	1

If one excludes both the upper and lower catagories, leaving only the $30.00 to $99.00 per month families we have the following:

$00 to $10.99 (53)	40
$11 to $15.99 (25)	18
$16 to $25.99 (26)	19
$26 to $45.99 (30)	22
$46 to $60.00 (1)	1

In categories II and III there are 36% employed, but still in poverty. Of these 77% are under the figure of $25.00 per person per month available for the needs of their family.

In category IV (incomes of $100 to $200 per month) over 86% have an employed member of the family. There are still 65% with less than $25.00 per person per month to spend.

YAZOO COUNTY

The Yazoo County Voters League has, in the last two months, surveyed rural families in Supervisor's Beat No. 2. They took a random sample of 100 families for use in this hunger survey.

Number in each income bracket:	Percent
$00 to $29.99 (6)	6
$20 to $49.99 (6)	6
$50 to $99.99 (32)	32
$100 to $149.99 (32)	32
$150 to $199.99 (11)	11
$200 or more (13)	13
The source of their income was:	
Male employed (62)	62
Female employed (18)	18
Male unemployed (1)	1
Female unemployed (1)	1
Welfare, social security and pension (18)	18
The size of their families was:	
1 to 3 (3)	3
4 to 5 (9)	9
6 to 8 (38)	38
9 to 11 (38)	38
12 or more (7)	7
The monthly income per family member:	
$00 to $10.99 (37)	37
$11 to $15.99 (27)	27
$16 to $25.99 (24)	24
$26 to $45.99 (7)	7
$46 to $60.99 (3)	3
$61 and over	

These are completely rural families, with a high percentage (62%) of male heads of household employed, mostly in subsistence farming. While they do grow some of their food, they are in desperate straits. These are the people being economically forced off the land and into the cities.

BOLIVAR COUNTY

A random sample of 38 families assisted by To Mound Bayou Office of Star, Inc., showed the following:

The source of their income was:	Percent
Male employed (3)	8
Female unemployed (4)	10
Male unemployed (1)	3
Female unemployed (2)	5
Welfare, social security, and pension (28)	74
The size of their families was:	
1 to 3 (5)	13
4 to 5 (13)	34
6 to 8 (12)	32
9 to 11 (6)	16
12 and over (2)	5
Number in each income bracket:	
$00 to $29.99	
$30 to $49.99 (6)	16
$50 to $99.99 (26)	68
$100 to $149.99 (6)	68
$150 to $199.99	
$200 and over	
The monthly income per family member was:	
$00 to $10.99 (23)	60
$11 to $15.99 (11)	30
$16 to $25.99 (4)	10
$26 to $45.99	--
$46 to $60.99	--

HINDS COUNTY

The week of May 12, 1969, the Hinds County Freedom Democratic Party took a survey of a target neighborhood in Edwards, Mississippi. Of 16 families interviewed the following was found:

Number in each income bracket:	Percent
$00 to $22.99 (0)	--
$30 to $44.99 (2)	12
$50 to $99.99 (7)	44
$100 to $149.99 (3)	19
$150 to $199.99 (3)	19
$200 or more (1)	6
Total	100
The source of their income was:	
Male employed (1)	6
Female employed (2)	12
Welfare, social security or pension (13)	6
The size of their families was:	
1 to 3 (8)	52
4 to 5 (4)	24
6 to 8 (2)	12
9 to 11 (1)	6
12 or more (1)	6
The monthly income per family member:	
$00 to $10.99 (1)	6
$11 to $15.99 (1)	6
$16 to $25.99 (7)	44
$26 to $45.99 (6)	38
$46 to $60.99 (1)	6
$61 and over (0)	--

ISSAQUENA AND SHARKEY COUNTIES

During April Delta opportunities served a number of families in Sharkey and Issaquena counties. In the available file there were 26 families. When we compiled the family statistics we found:

Number in each income bracket:	Percent
$00 to $29.99 (2)	8
$30 to $49.99 (6)	23
$50 to $99.99 (9)	34
$100 to $149.99 (6)	23
$150 to $199.99	--
$200 and over (3)	12
The source of their income was:	
Male employed (14)	54
Female employed (3)	12
Male unemployed (2)	8
Female unemployed	--
Welfare, social security and pension (7)	26
The size of their families was:	
1 to 3 (6)	23
4 to 5 (4)	16
6 to 8 (7)	26
9 to 11 (6)	23
12 and over (3)	12
The monthly income per family member was:	
$00 to $10.99 (9)	36
$11 to $15.99 (8)	30
$16 to $25.99 (6)	23
$26 to $45.99 (1)	3

The monthly income per family member was: *Percent*

$46 to $60.99 (2)	8
$61 and over	--

TALLAHATCHIE COUNTY

The Tutwiler Office of the Delta Ministry has been assisting families with food stamps and welfare problems. The figures below represent the 80 families that have been assisted.

Number in each income bracket:	*Percent*
$00 to $29.99 (41)	52
$30 to $49.99 (12)	15
$50 to $99.99 (10)	12
$100 to $149.99 (10)	12
$150 to $199.99 (5)	6
$200 or more (2)	3
Their source of income was:	
Male employed (13)	16
Female employed (7)	9
Male unemployed (19)	24
Female unemployed (17)	21
Welfare, social security or pension (24)	30
The size of their families was:	
1 to 3 (15)	19
4 to 5 (17)	21
6 to 8 (24)	30
9 to 11 (16)	20
12 or more (8)	10
The monthly income per family member:	
$00 to $10.99 (54)	67
$11 to $15.99 (8)	10
$16 to $25.99 (14)	17
$26 to $44.99 (3)	5
$45 to $60.99	-----
$61 and over (1)	1

NATIONAL COMMITMENTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. The resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The Senate resumed the consideration of the resolution.

AMENDMENT NO. 49

Mr. MUNDT. Mr. President, on behalf of myself and the distinguished Senator from Connecticut (Mr. DODD), both of us members of the Committee on Foreign Relations, I submit an amendment in the nature of a substitute for the so-called commitments resolution, which is now on the desks of Senators. I ask that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed in the RECORD the complete text of the amendment in the nature of a substitute which Senator DODD and I are submitting.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 49

Strike out all after the word "*Resolution*" and insert in lieu thereof the following:

"Whereas the executive and legislative branches of the United States Government have joint responsibility and authority under the Constitution with respect to the foreign policy of the United States: Now, therefore, be it

"*Resolved*, That a national commitment for purposes of this resolution means a promise to a foreign state or people to use, the Armed Forces of the United States in hostilities either immediately or upon the happening of certain events, and

"That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, no national commitment shall be made without appropriate affirmative legislative action and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate affirmative legislative action, except when such use is to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to proect United States citizens and property."

Mr. MUNDT. Mr. President, I ask unanimous consent that some of the background and history by which the so-called commitments resolution has been evolved be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

On August 23, 1967, the committee received testimony from Senator Sam J. Ervin, Jr., of North Carolina, who said that the President has come to exercise "virtually plenary power to determine foreign policy and decide on war or peace," and that "it is time for us to end the continual erosion of legislative authority and the concomitant growth of power in the executive branch, and to reassert the constitutional prerogatives of the Congress in the formulation of foreign affairs." As to the war power, Senator Ervin said that "a distinction must be drawn between defensive warfare and offensive warfare. There is no doubt whatever that the President has the authority under the Constitution, and, indeed, the duty, to use the Armed Forces to repel sudden armed attacks on the Nation. But any use of the Armed Forces for any purpose not directly related to the defense of the United States against sudden armed aggression, and I emphasize the word "sudden" can be undertaken only upon congressional legislation." [1]

Congressman Paul Findley, of Illinois, expressed the view on August 23, 1967, that the United States had become involved in war in Vietnam without taking the required constitutional steps and that "lack of compliance with constitutional procedure has had the effect of denying to our Nation a powerful unifying force." Congressman Findley recommended consideration by Congress of a joint resolution stating that "the appropriate committees of each House of Congress shall immediately consider and report to their respective bodies their determination as to whether further congressional action is desirable in respect to policies in Southeast Asia." [2]

Also testifying on August 23, 1967, Prof. W. Stull Holt, of the University of Washington, said that "aside from the making of treaties there is no constitutional or legal requirement that the President must take the advice of the Senate or any of its Members on foreign policy." The Senate's treaty power, however, "has truly suffered from erosion," said Professor Holt, as the result of recourse to executive agreements, which "are obviously used to evade the constitutional participation of the Senate in making international commitments." Professor Holt thought, however, that "in most cases the Senate can influence foreign policy through public debate and the pressure of public opinion." Professor Holt said that, although he would vote for Senate Resolution 151 if he were a Member of the Senate, he thought that "if passed it will have little or no effect," that, owing to the position of the United States in the world, "perhaps unfortunately there is no solution and * * * we must expect to learn to live with executive agreements and national commitments through them for years to come." [3]

In a written statement in support of Senate Resolution 151, Senator Peter H. Dominick, of Colorado, raised the question "as to what extent a national commitment which is binding upon the United States can result from an impromptu meeting between our President and the head of a foreign power." We are almost at the point, said Senator Dominick, where "Congress no longer is requested to advise on matters of foreign relations, only to consent to what has already been reduced to finality. We need to redefine with utmost clarity the limitations imposed upon the power of the President by the Constitution and the responsibilities clearly assigned to the Congress." [4]

The committee heard public witnesses on September 19, 1967.

Dr. Albert Lévitt, of Hancock, N.H., a former judge and constitutional scholar, strongly supported the resolution. "It is my firm belief," he said, "that the President, functioning as Commander in Chief of the Army and the Navy, cannot enter into any 'national commitments of the United States to a foreign power' unless a treaty or a statute gives him the authority to do so." Suggesting that the language of the resolution was imprecise, Dr. Lévitt recommended that the operative section be rephrased to read:

Resolved, That it is the opinion and the judgment of the Senate of the United States—

(1) that the term "national commitment" means "a promise that is made by the People of the United States"; and

(2) that a national commitment can be made to a foreign Nation, or State, or People, or Power, only, (i) in a Treaty which is made by the President of the United States, by and with the advice and consent of the Senate, or (ii) in a Law which is passed by the Congress of the United States; and

(3) that the Treaty or Law must state in express, clear, definite, precise, and explicit words what the specific national commitment is; and

(4) that the Treaty or Law must not violate, or be inconsistent with, any provision of the Constitution of the United States. [5]

Mr. George M. Montross endorsed the resolution as "a turning point, a warning that henceforth the Constitution is to be observed." "It would be incumbent upon Congress," he said, "to divest itself of the idea that a President is all wise and not subject to mistake; its members must be brought to realize that their allegiance is to the Constitution representing the people—not to the President. They must face up to the responsibility conferred upon them by the Constitution." [6]

Mrs. Cecil Norton Broy, of Alexandria, Va., said:

"I feel very strongly that our country is facing great danger in the present situation in which commitments to foreign policy are being made in the name of the United States without the participation of our legislators." [7]

The committee met in executive session to consider the resolution on September 12

[1] "U.S. Commitments to Foreign Powers," p. 194.

[2] "U.S. Commitments to Foreign Powers," p. 231.

[3] "U.S. Commitments to Foreign Powers," pp. 238, 241–242, 243, 244.

[4] "U.S. Commitments to Foreign Powers," p. 236.

[5] "U.S. Commitments to Foreign Powers," p. 282.

[6] "U.S. Commitments to Foreign Powers," pp. 305, 309.

[7] "U.S. Commitments to Foreign Powers," p. 317.

and 22, October 1, and November 1 and 16, 1967. Questions were raised as to the timing and possible short-term effects of the resolution, but members expressed little if any disagreement with the purpose of the resolution, which was finally approved by a vote of 16 to 0. In the form in which it was adopted at that time the resolution read as follows:

Whereas the executive and legislative branches of the United States Government have joint responsibility and authority to formulate the foreign policy of the United States; and

Whereas the authority of initiate war is vested in Congress by the Constitution: Now, therefore, be it

Resolved, that a commitment for purposes of this resolution means the use of, or promise to a foreign state or people to use, the armed forces of the United States either immediately or upon the happening of certain events, and

That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the armed forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property properly will result from a decision made in accordance with constitutional processes, which, in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment.

Senate Resolution 85, which was reintroduced in the Senate by Senator Fulbright on February 4, 1969, was considered by the committee in executive session on February 25, and March 12, 1969. On the latter occasion the committee had before it a letter to the chairman from the Assistant Secretary of State for Congressional Relations, William B. Macomber, Jr., enclosing the State Department's comments on Senate Resolution 85.

The State Department's comments of March 10, 1969, express substantially the same view as that expressed by Under Secretary Katzenbach in August 1967. Closely paralleling Mr. Katzenbach's view, Mr. Macomber, in his letter, asserts that "the Constitution itself has few provisions regarding foreign affairs" and that "The relationship between the executive and legislative branches in this area has therefore developed in practice through a long series of situations calling for action by the President and by the Congress."

Mr. Macomber further asserts that "a resolution could not change the constitutional powers of the President" and that it is the intention of the administration "to engage in frequent and full consultation with the Congress * * *."

In its comments on Senate Resolution 85, the Department of State professes to find the scope of resolution "unclear" and repeats Mr. Macomber's assertion that "a resolution * * * could not, in any event, change the constitutional powers of the President." The Department of State also avers that "the Constitution gives the President the power to enter into many agreements and to initiate many actions that can be considered to be commitments to other countries"; that "the President has—and necessarily must have—the power to make many commitments to foreign powers"; and that, as Commander in Chief, "the President has the constitutional power to send U.S. military forces abroad without specific congressional approval." The State Department's comments cite as instances of congressional participation in the making of foreign policy the Senate's consent to the ratification of the United Nations Charter and a number of other treaties. Finally, it is asserted that, "consistently, Congress is informed and consulted concerning both the implementation of existing commitments and policy and the planning of new initiatives," and that "the executive and legislative branches have worked and do work well together in the field of foreign affairs." On these grounds the Department of State recommends against the adoption of Senate Resolution 85. (The State Department's comments of March 10, 1969, and Mr. Macomber's accompanying letter, appear as an appendix to this report.)

Reconsidering both the amended version of the resolution which had been adopted on November 16, 1967, and the simpler, more extensive original version, the committee judged that the latter more accurately represented its own view of the problem of "national commitments." In addition, on the basis of informal soundings, the simpler version seemed also more nearly to represent a consensus of concerned opinion in the Senate as a whole. On March 12, 1969, the committee (which had been reduced in size from 19 to 15 members at the beginning of the 91st Congress) approved the resolution as printed at the beginning of this report by a vote of 11 to 1.

The primary purpose of the resolution is understood by the committee to be an assertion of congressional responsibility in any decision to commit the Armed Forces of the United States to hostilities abroad, be those hostilities immediate, prospective, or hypothetical. The committee intends the resolution to apply only to future decisions involving the use or possible use of the Armed Forces of the United States. The resolution will not alter existing treaties, acts of Congress including joint resolutions, or other past actions or commitments of the Government of the United States. As used in Senate Resolution 85, the term "commitment" is understood to refer to the use of, or promise to a foreign state or people to use, the Armed Forces of the United States either immediately or upon the happening of certain events.

The committee strongly emphasizes the nonpartisan character of the resolution. Unanimously adopted by the committee during a Democratic administration, it was withheld from the Senate floor after President Johnson's speech of March 31, 1968, lest it interfere with or obstruct in any way the movement toward peace in Vietnam which was initiated at that time. Now during a Republican administration, and with only one dissenting vote, the committee reaffirms its belief in the importance of this resolution, not as a political or partisan expression but as an assertion of basic constitutional principle.

COMMITTEE COMMENTS

"* * * The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."[8]

"* * * The experience through which the world has passed in our own day has made vivid the realization that the framers of our Constitution were not inexperienced doctrinaires. These longheaded statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. * * * The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority."[9]

Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces. So far has this process advanced that, in the committee s view, it is no longer accurate to characterize our government, in matters of foreign relations, as one of separated powers checked and balanced against each other. For causes to be detailed in the following pages, the executive has acquired virtual supremacy over the making as well as the conduct of the foreign relations of the United States.

The principal cause of the constitutional imbalance has been the circumstance of American involvement and responsibility in a violent and unstable world. Since its entry into World War II the United States has been deeply, and to a great extent involuntarily, involved in a series of crises which have revolutionized and are continuing to revolutionize the world of the 20th century. There is no end in sight to these global commotions; there is no end in sight to deep American involvement in them. Because of the indefinite duration of our country's involvement in world crisis, it is more rather than less necessary to examine the effects of this involvement on the American system of government. Unless it is believed that a government of limited and divided powers is no longer feasible, or no longer desirable, insofar as foreign relations is concerned, it is incumbent upon us to ask how such a government can be accommodated to modern world conditions.

The committee believes that changed conditions, though the principal cause of the present constitutional imbalance, are not its sole cause. It believes that events have been aided and abetted by what Justice Frankfurter called the "generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority." Both the executive and the Congress have been periodically unmindful of constitutional requirements and proscriptions, the executive by its incursions upon congressional prerogative at moments when action seemed more important than the means of its initiation, the Congress by its uncritical and sometimes unconscious acquiescence in these incursions. If blame is to be apportioned, a fair share belongs to the Congress. It is understandable, though not acceptable, that in times of real or seeming emergency the executive will be tempted to take shortcuts around constitutional procedure. It is less understandable that the Congress should acquiesce in these shortcuts, giving away that which is not its to give, notably the war power, which the framers of the Constitution vested not in the executive but, deliberately and almost exclusively, in the Congress.

More important than the allocation of blame, of which there is a fair share for all concerned, is the identification of causes and the prescription of correctives for the existing constitutional imbalance. The committee believes that the basic cause has been the unfamiliarity of world involvement and recurrent crisis to the American people and their government. Prior to 1940 foreign crises were infrequent and therefore put no lasting strain on our institutions.

Since 1940 crisis has been chronic and, coming as something new in our experience, has given rise to a tendency toward anxious expediency in our response to it. The natural expedient—natural because of the real or seeming need for speed—has been executive action. In instances such as the undeclared naval war we fought with Germany prior to the formal declaration of war in December 1941, the Korean war, the intervention in Lebanon, the two crises over Cuba, the Dominican intervention and the Vietnamese war, we have not deliberately overriden our constitutional processes; rather, we have

[8] *Myers* v. *United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

[9] *Youngstown Co.* v. *Sawyer*, 1952, 343 U.S. 593–594, Mr. Justice Frankfurter concurring.

been unmindful of them. Perceiving, and sometimes exaggerating, the need for prompt action, and lacking traditional guidelines for the making of decisions in an emergency, we have tended to think principally of what needed to be done and little, if at all, of the means of doing it.

A close analysis of recent statements on the war power by officials in the executive branch (to which further and more specific reference will be made in section 4 of the committee's comments) shows a lack of concept and clarity. Sometimes it is contended that the President has full authority as Commander in Chief to commit the country to war. Sometimes it is said that the consent of Congress is required but that this can be rendered by indirection—by broadly phrased policy resolutions, by appropriations to finance commitments already made, or, tacitly, by the failure of Congress to take some specified action. The prevailing view in recent years seems to have been that the President has the authority to commit the country to war but that the consent of Congress is desirable and convenient. The inconsistency of these statements and the offhand way in which they are made—in response to questions by Congressional committees and by the press—suggest that they have not been given serious consideration. They are, for the most part, *ad hoc* and *ex post facto*, designed to give pleasing or persuasive answer to a difficult question and, even more, to justify some action which has already been taken. Lacking consistency and constitutional foundation, these statements reflect the habit of expediency into which we have fallen in our dealings with crisis abroad. They reflect a *de facto* philosophy of executive supremacy in the making of foreign policy.

Entering our second quarter century as an active world power, we should by now be sufficiently acquainted with crisis and world involvement to be able to restore our decision making to institutional foundations. The effort to do so might, conceivably, reveal that the war power of the Congress, and perhaps the very system of checks and balances, are obsolete, in which event it would be necessary to amend the Constitution—by one of the procedures for doing so set forth in the Constitution. A constitutional amendment giving the President plenary powers in foreign policy would, in the view of the committee, be dangerous to American liberties; it could, however, be justified if our system of separated powers, checked and balanced against each other, were to prove so incapable of meeting foreign emergencies as to undermine national security. What cannot be justified is the alteration of the Constitution by expediency and inadvertency. Precedent and practice, long established, can acquire the force of law, but change is not its own justification; the mere exercise of a power does not legitimize it and, under our system of law, bad precedents can be reversed.

The committee believes that the division of powers spelled out in the Constitution is in fact compatible with our country's role as a world power. The principal purpose of that division, as Justice Brandeis noted, is liberty rather than efficiency, but, unless speed is equated with efficiency and deliberation held to be an obstacle to it, there is no reason why we cannot have under our system of government a foreign policy which is efficient as well as democratically made. Indeed, it can be argued that the division and limitation of powers are indispensable to American foreign policy.

Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country. These values are largely expressed in *processes*—in the *way* in which we pass laws, the *way* in which we administer justice, and the *way* in which government deals with individuals. The means of a democracy *are* its ends; when we set aside democratic procedures in making our foreign policy, we are undermining the purpose of that policy. It is always dangerous to sacrifice means to ostensible ends, but when an instrument such as foreign policy is treated as an end in itself, and when the processes by which it is made—whose preservation is the very objective of foreign policy—are then sacrificed to it, it is the end that is being sacrificed to the means. Such a foreign policy is not only inefficient but positively destructive of the purposes it is meant to serve.

For these reasons the committee believes that the restoration of constitutional balance in the making of foreign commitments is not only compatible with the requirements of efficiency but essential to the purposes of democracy. The committee does not share Mr. Katzenbach's view that the demarcation of authority between President and Congress can and should be left to be settled "by the instinct of the nation and its leaders for political responsibility."[10] Nor does the committee share the more recently expressed view of the Department of State, conveyed by Mr. Macomber, that, because the Constitution contained few provisions regarding foreign relations, "The relationship between the executive and legislative branches in this area has therefore developed in practice through a long series of situations calling for action by the President and by the Congress." The framers of the Constitution gave us more specific and reliable guidelines for drawing the line of demarcation, particularly as to treatymaking and the authority to commit the country to war. The latter, as we shall see, was not divided except in a very limited sense. Excepting only the necessary authority of the President to repel a sudden attack, the war power was vested in the Congress. Only in recent years has it passed to the executive, contributing to the dangerous tendency toward executive supremacy in foreign policy, a tendency which the committee hopes to see arrested and reversed.

Mr. MUNDT. Mr. President, the Committee on Foreign Relations, on November 20, 1967, by unanimous action, approved and sent to the Senate a carefully amended commitments resolution. I ask unanimous consent that the text of the resolution as it was placed before the Senate in 1967 be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 187

Whereas the executive and legislative branches of the United States Government have joint responsibility and authority to formulate the foreign policy of the United States; and

Whereas the authority to initiate war is vested in Congress by the Constitution; Now, therefore be it

Resolved, That a commitment for purposes of this resolution means the use of, or promise to a foreign state or people to use, the armed forces of the United States either immediately or upon the happening of certain events, and

That it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the armed forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property will result from a decision made in accordance with constitutional processes, which, in addition to appropriate executive action, require affirmative action by Congress specifically intended to give rise to such commitment.

Mr. MUNDT. Mr. President, so that we may see exactly what has transpired in the intervening months, I ask unanimous consent to have printed in the RECORD the commitments resolution in the form in which it is now before the Senate.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Resolved, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

Mr. MUNDT. Mr. President, I invite attention to the fact that in this long process of deliberation, what was originally expressed in 1967 as the clearcut intention of the Committee on Foreign Relations, by a unanimous vote, and what we believed then, and I believe now, to be the desire of the Senate to recapture an additional amount of control in terms of foreign policy and military ventures, has now been obscured. The target is now unclear. What the Committee on Foreign Relations was endeavoring to do in 1967 was as clear as a path to a country schoolhouse, but we now have before us a resolution that says "That it is the sense of the Senate that a national commitment by the United States to a foreign power"—and then continues to put restrictions upon it.

We have before us a resolution in which the word "commitment" is nowhere defined. It means all things to all men. I submit that it can mean far too much, or it can mean far too little. At best, it fails to spell out what I think is the desire of Congress and the country to put some specific restrictions on the use of the Armed Forces in foreign fields by executive action.

I do not propose, however, to debate the amendment today.

The PRESIDING OFFICER. May the Chair ask the Senator from South Dakota if he has offered the amendment or simply desires that it be printed?

Mr. MUNDT. I have submitted it for printing.

The PRESIDING OFFICER. Does the Senator intend that the amendment be pending at the present time?

Mr. MUNDT. No; today I am merely submitting it to be printed. I shall call it up tomorrow or at some appropriate time.

I do not propose to debate the merits of the amendment in the nature of a substitute at this time but I think Senators should have before them, in reading the RECORD, a history of the national commitments proposal.

I am sure the Senator from Connecticut and I, and other Senators, will discuss during the rest of the debate why

[10] See p. 2.

we believe this amendment is a much more prudent, positive, and impelling kind of resolution than is Senate Resolution 85 as it is now before us. Our amendment is far more clear-cut than the masterpiece of ambiguity which is now before the Senate, placed here by the Committee on Foreign Relations.

In 1967, the Senate committee spent a great deal more time deliberating on the proposal, modifying it, and changing it. This year it was handled by abrupt and speedy action at a committee meeting I was unable to attend. For that reason, I believe the Committee on Foreign Relations this year failed to spell out what every Senator, Representative, and citizen has a right to know when we deal with the historic problem of the division of powers. I hope all Senators will carefully compare Senate Resolution 85 with the Mundt-Dodd substitute which we have today introduced.

Mr. DODD. Mr. President, I am happy to join the Senator from South Dakota in submitting the amendment. He has expressed the situation exactly as it is. Our proposal is a great improvement over the resolution now before the Senate.

I can sum up my own feeling by saying that after studying Senate Resolution 85, now before us, I have come to the conclusion that it goes too far in one direction, and not far enough in the other. It is just backward, in my judgment, from the way it should be.

Tomorrow, I expect to discuss the amendment in greater detail. I hope that Senators will read the amendment. If they will do so, I think they will find that we are on the right track, the track the Senate ought to take.

Now is a bad time in history to be signaling to our opponents in the world that we seek to tie the hands of the President.

I believe that the amendment we have submitted is a distinct improvement upon the resolution which is now before the Senate, and that it will achieve what most of us want to achieve.

On many occasions since I became a Member of Congress I have heard it said, "You do not trust the President," or "You do not trust the Secretary of State," or you do not trust this person or that person.

This was the poor excuse repeatedly used to overwhelm those who resisted the delegation of congressional power to the executive.

The birds have come home to roost.

And now we rush headlong to another extreme.

And so over a period of years we have delegated one legislative power after another to the executive. It is time to correct this unfortunate situation.

But we must be temperate, reasonable, and realistic about the correction.

I am happy that the Senator from South Dakota has offered the amendment, and I am happy to join him in offering it.

Mr. GORE. Mr. President, the pending resolution is one of the most significant measures to come before the Senate in the 16 years I have been a Member of this body, not because of operative provisions, of which it has none, but because it manifests a determination on the part of the U.S. Senate to exercise an expanding and changing responsibility in the ever changing and expanding role of the United States in world affairs. The failure of the Senate to function as the Founding Fathers intended, now widely recognized, is not attributable to its many inherent structural defects, it is, rather, due primarily to our failure to perform, individually and collectively, as members of an independent, coequal branch of Government. The pending resolution can be an important step toward restoring the Senate's traditional proper function in the formation of foreign policy.

But, Mr. President, there is now open to the Senate an opportunity of a new dimension to the constitutional function of advise and consent. I speak here of a role for the Senate and for the people in participatory democracy which could not have been foreseen by our Founding Fathers, I admit, but one for which the Constitution, in my opinion, amply provides, and one which modern means of communication and the educational level of our people now make possible. I have in mind, Mr. President, a massive involvement of the people in the decisionmaking process, an educational function for the Senate and an influence for enlightened public opinion which our experience with the ABM and Vietnam issues has clearly revealed as both possible and promising.

Let me be specific, Mr. President, up to a point. Later, I shall expand a bit but, for the moment let us examine our experience with the issue of deployment of an antiballistic missile weapon system. It appeared appropriate for the Subcommittee on disarmament, of which I am the chairman, to inquire into this question which is of such great import not only upon foreign policy and the nuclear armaments race, but also upon domestic policy in allocation of national resources.

When the question was before the Senate last year and the year before, my subcommittee held exhaustive hearings behind closed doors. The committee members amassed a volume of information that caused a majority of them to oppose deployment of the Sentinel ABM system.

But, Mr. President, we hid our candles under bushels. We had but little success in imparting even to our colleagues, our concern. There was an extremely small involvement of the public in the question.

This year I recommended to the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT), and to the members of the Subcommittee on Disarmament that we involve the American people in the decision on this issue by the widest possible use of education facilities and communication functions. The chairman consented and the subcommittee members agreed.

With the aid of a competent staff and with maximum and praiseworthy cooperation of the intellectual community we proceeded to prepare and hold public seminars on the issue. The result has been an unprecedented involvement of our people in decisionmaking on an extremely sophisticated issue, a truly national debate in which millions of people, even millions of students and children, have participated. It has been, I think, a milestone in participatory democracy.

And why not? It is their lives, their country and their world that are threatened with nuclear destruction. It is their resources to be allocated.

My point, irrespective of the outcome of the issue, is that we have achieved a new and promising level in public enlightment on a complicated issue and a new and promising role for the Senate and for the people in our democratic processes.

Perhaps it will be begging the point, Mr. President, to cite the influence and effect of the education and communication role of the Senate on the Vietnam war policy. Yet, I must cite it as another milestone in participatory democracy. For years now, notably beginning with the fireside chats of President Franklin Roosevelt, U.S. Presidents have gone over the heads of Congress to the American people. This tactic was developed by President Lyndon Johnson to such an extent that a state of the Union message became a prime time television pitch to the people with a joint session of Congress as a backdrop.

During the opening day of the now famous public hearings of the Senate Foreign Relations Committee on Vietnam war policy, I said "We have been unable to reach the President, so we are going over his head to the American people."

This is precisely what we did. It had far-reaching effects. True, it promoted dissent, but it made dissent respectable; true, the war was made a deeply divisive issue, but a dangerous, bloody course of constant escalation of an ill-advised war was halted by an enlightened and an aroused public opinion; true, it plunged the Senate and Senators into the vortex of the most controversial U.S. policy decision since the Civil War, but this experience in public involvement in policy decision has widened the horizon for democratic processes, and it has widened, too, the opportunity for an enlarging role for the Senate in the exercise of the advise and consent function.

Although this is a forward-looking resolution, it is impossible to ignore the fact that its origin is the American involvement in Vietnam. This resolution cannot alter the fact that some 635,000—including those at sea and in Thailand—American boys are committed to a stalemated conflict which has torn our Nation asunder. But it may prevent future Vietnams. That is, indeed, its purpose

Great tragedies are cause for self-examination and it is fitting that we, in the Senate, examine this fundamental issue of governmental power while the Vietnam war still rages. It is fitting, not because passage of this resolution will have any direct bearing on bringing our boys home and peace to that tortured land, but because recent developments concerning our forces in Vietnam illustrate the significance of this resolution.

We now have 542,000 men in Vietnam, with an additional 90,000 elsewhere in the area who are involved in the war. The President announced at Midway that 25,000 U.S. troops will be withdrawn, half

the number generally predicted. Of these, we are advised through the press, 16,000 will remain at other bases in the Pacific, leaving a net withdrawal of only 9,000 men from the region. The President has since expressed a hope that all ground combat forces can be withdrawn by the end of 1970, as former Secretary of Defense Clifford had proposed in his article in Foreign Affairs. As far as I can determine, there is no reliable basis for such a hope unless there is a change in U.S. policy which divorces our interests from those of the Thieu government. But assuming that hope is realized, the United States would still maintain a massive presence in South Vietnam, if the recent selective leaks to the press from administration sources can be relied upon.

There is emerging, then, it seems, a strategy of gradual withdrawals that would leave behind a "residual force," as the New York Times put it, of about 200,000 at the end of 3 years. Such a policy can mean only one thing—a determination to use American troops to keep the Saigon government in power. If this strategy is followed, I think we will find the United States saddled with another South Korean-type ending, bogged down indefinitely in another Asian quagmire with neither peace nor war. And we will find the national honor committed to defend a particular government without approval, in any way, of that commitment by the Senate, by the Congress or by the people.

It is my view that the American people, if permitted a voice in whether or not our power and prestige, our resources and the lives of our men should be used to prop up the Thieu government, would reject any such commitment.

But the American people have been powerless in controlling the Vietnam war. They voted against war in 1964—and 4 months later U.S. combat troops were sent to Vietnam. In 1968, they rejected the war policy they had voted against 4 years earlier—and the killing continues without sign of ending. Is there any wonder that there is frustration and rage throughout the land?

So the American people see their leaders aiming, apparently, for the permanent colonization of South Vietnam, tied to a government whose practices are anathema to our citizens who will pay the bill for keeping it in power, all without the express consent of their elected representatives.

I have now proposed that the Senate Foreign Relations Committee undertake another involvement of the public in a study of the question of an appropriate Vietnam peace policy.

Fifteen years ago the late John Foster Dulles, then Secretary of State, assured the Senate Committee on Foreign Relations that the SEATO Treaty, which has been used to justify this war, would not commit the United States to maintaining large land forces in Asia. Just the opposite was intended, he said:

> We do not intend to dedicate any major elements of the United States military establishment to form an army of defense of this area. . . . It would involve, in the opinion of our military advisors . . . an injudicious over-extension of our military power if we try to build up that kind of an organization in Southeast Asia. . . . We do not have the adequate forces to do it, and I believe that if there should be an open armed attack in that area, the most effective step would be to strike at the source of aggression rather than to try to rush American manpower into the area to try to fight a ground war.

During the floor debate the record was replete with assurances that we would not become bogged down in Asia by ratifying the treaty.

Chairman Walter George summarized the Committee on Foreign Relations' understanding of the treaty as follows:

> The Committee is satisfied there will be no commitment in the Far East, in particular, sending troops into the mainland of Asia, without Congressional knowledge or approval.

Senator Alexander Smith, during the debate, explained:

> For ourselves, the arrangement means that we will have avoided the impracticable overcommitment which would have been involved if we attempted to place American ground forces around the perimeter of potential Chinese ingress into Southeast Asia . . . From now on, any further aggression will set in motion the defense potentialities of eight nations.

Yet, what do we see in Asia today—55,000 U.S. troops in Korea, 40,000 in Thailand, 35,000 in Japan, 25,000 in the Philippines, 40,000 on Okinawa, and thousands more throughout the area. Asia is like Uncle Remus' tarbaby. There seems to be a strange fascination there for the United States: We do not seem to know how to deal with the problem.

The Koreans appear as wide of a political settlement as they were when the armistice was signed. Fifty-five thousand U.S. soldiers, and hundreds of millions of dollars annually in foreign aid, are required to protect South Korea, yet her armed forces, population, and GNP are far greater than those of North Korea—which, as far as I know, does not have any Chinese or Soviet forces on her soil. Some 200 men from other countries help legitimize the use of the term "U.N. Forces" to characterize our involvement.

The 40,000 U.S. troops in Thailand, according to what the Foreign Relations Committee has been told, are there to support the war in Vietnam, not to become involved in Thailand's internal subversion problem. But, following the recent SEATO meeting in Bangkok the Thai Foreign Minister, Thanat Khoman, according to the New York Times, "hinted at her possible future demands for continued American commitment to the Asian mainland." The United States has no obligation under the SEATO Treaty, or any other constitutional commitment, to help Thailand combat internal subversion. Secretary of State Rusk, however, in a joint declaration with Foreign Minister Khoman in 1962, stated:

> The firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion.

Under the SEATO Treaty the United States is committed only to "consult immediately" with the other signers, in the event Thailand should be threatened by subversion. Secretary Dulles explained the obligation in this manner to the Foreign Relations Committee:

> If there is a revolutionary movement in Vietnam or Thailand, we would consult together as to what to do about it because if that were a subversive movement that was propagated by Communism it would be a very grave threat to us. But we have no understanding to put it down; all we have is an undertaking to consult together as to what to do about it . . . and then try to agree whether it calls for action.

Charges were made in the committee that the treaty was likely to commit us to involvement in local subversion problems, as Secretary Rusk implied we are committed in Thailand. In reply to such charges, Senator George told the Senate:

> (Article IV:2) . . . does not mean that the United States has undertaken to suppress, bona fide, local revolutions, by the native population, wherever they break out . . . if there were a subversive revolutionary movement in, let us say, Vietnam or Thailand, propogated by Communism, that would be regarded as a threat to us. Even in that event we would not be bound to put it down.

Thailand knows quite well that the United States is not committed under the SEATO Treaty to tackle her subversion problems. She knows that the presence of U.S. troops constitutes the real commitment of the U.S. flag and that as long as those troops remain the United States is in danger of being sucked into involvement in a civil war, as happened in Vietnam. The Johnson administration began bombing North Vietnam after the Vietcong blew up a U.S. barracks at Pleiku. What will the Nixon administration do when Thai guerrillas raid one of our bases? The U.S. Senate has never endorsed the Rusk-Khoman declaration, or the stationing of 40,000 troops in Thailand, yet the American flag is there in force and the threat of deeper involvement is great.

When the Senate was being asked to rubberstamp the Southeast Asia resolution in August 1964, following the alleged attacks on our destroyers in the Gulf of Tonkin, the Johnson administration did not consider that we were then obligated under the SEATO Treaty to come to South Vietnam's rescue. Secretary Rusk told the Foreign Relations Committee on August 6, 1964:

> The SEATO Treaty is a substantiating basis for our presence there and our effort there, although, however, we are not acting specifically under the SEATO Treaty.

Two years later, while stressing a SEATO obligation, he admitted to the committee that there was probably no legal obligation for us to go to war in South Vietnam's behalf, as we had done by that time. I think history will prove that the SEATO Treaty was far more a justification than an obligation for American intervention.

The argument has been made that this resolution "will tie the President's hands" in an era when quick response is essential. I believe that more deliberation, rather than more speed, is the imperative need today in determining U.S. policy in crisis situations.

The danger of nuclear annihilation is too omnipresent for one man to hold the power to commit our vast forces to any troublespot on the globe, for the Senate sedately to refrain from imaginative involvement of itself and of the people in decisionmaking and in policy formulation. The hasty response—in both the

executive and the legislative branches—to the Gulf of Tonkin incidents should have taught us something. Our Nation went to war in Vietnam, not in fulfillment of a binding treaty obligation, not in response to any congressional mandate, but because the President of the United States decided to do so. Former Under Secretary of State Katzenbach, fresh from the office of Attorney General, called the Southeast Asia resolution the "functional equivalent" of a declaration of war. Never in my experience has the Congress been so misled, and its intent so distorted in application, as was the case with this resolution. The proposal, presented as a device to strengthen the President's hand in taking retaliatory action against what we were told were "deliberate and unprovoked attacks" on U.S. destroyers, sailed through the Congress in response to the urgent pleadings of the President and his highest advisers. At that time we had some 20,000 advisers in Vietnam. The Congress was deceived both as to the facts about the incidents in the Gulf of Tonkin and as to the purpose of the resolution.

The policy intent of the Senate in passing the resolution is clear from the colloquy the chairman of the committee, the distinguished Senator from Arkansas, had with the junior Senator from Wisconsin (Mr. NELSON). Senator NELSON proposed a clarifying amendment to spell out the policy underlying the amendment which read, in part:

> Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict."

The Senator from Arkansas (Mr. FULBRIGHT), in reply, said about the amendment:

> It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

In fact, Mr. President, under current practices, what the President of the United States says in the field of war becomes, ipso facto, policy, or at least, is regarded as policy. We have seen this in President Nixon's off-the-cuff remarks regarding the suggestions of Mr. Clark Clifford.

Mr. President, this resolution will not tie the hands of the President any more than the authors of the Constitution intended. Congress, not the Executive, was given the power to declare war. Thomas Jefferson, in a letter to James Madison in 1789, wrote:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Congress has not followed the mandate of the Founding Fathers. We have shirked our responsibilities and handed the leash to the dog of war to the executive branch, which let our great Nation slip and slide into an Asian morass that has already cost us over 36,000 dead, 240,000 wounded, much of our world prestige, and our national unity. In treasure, one recent estimate puts the ultimate cost at $350 billion, when future veterans benefits and interest on the debt are calculated. This resolution represents a will to repossess that leash.

We live in a troubled time. Our people are disillusioned with their Government, uncertain about the national purpose, and fearful of what tomorrow holds. We in the Senate are in part responsible for this troubled state of affairs, because the Senate has failed to exercise the leadership in foreign policy, for which it is responsible under the Constitution. We have temporized and compromised when we should have stood on principle; we have consented when we should have advised, and we have by inaction created a power vacuum which the executive branch was only too willing to fill.

The Senate has belatedly bestirred itself, as I have noted, in a fruitful and promising use of education and communication functions. But let this be but a beginning. On this I shall have more to say later.

This is an unruly world of 136 sovereign nations, many ripe for the outbreak of internal or regional warfare. Former Secretary Rusk, in testifying before the Senate Armed Services Committee in 1966, implied a defense role for the United States far greater than our treaty commitments. He said:

> No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration, or U.S. military presence grants immunity to aggression.

I do not believe the United States has a duty to police the world. Yet the United States has vast and farflung commitments throughout this nervous globe. We have treaties to defend 43 countries, we provide economic aid to over 70, and military aid to about 50, and our defense establishment is postulated on fighting two and one-half wars at once. The seeds of conflict are all around us. Although we have interests around the world, they are not all of equal importance and we must learn to distinguish between what is truly important and what is only desirable. We must have a reordering of priorities abroad, as well as at home. A subcommittee of the Foreign Relations Committee, under the chairmanship of the senior Senator from Missouri (Mr. SYMINGTON) is now conducting a study in depth of our foreign commitments which, hopefully, will lead to a more realistic foreign posture for our Nation.

We can continue down the road toward unlimited executive power in foreign affairs and a Pax Americana. Or we can build a more perfect democracy and maintain the system of separation of powers set forth in the Constitution and be more discriminating in the use of America's vast, but limited, resources.

I believe that each of us was elected to exercise our best judgment on issues involving war and peace. This duty we owe to our country and to our constituency.

The people who elected us, I think, expect and deserve more from their spokesmen. This resolution is a start in making the Senate fulfill its responsibilities in foreign policy. It is but a building block on which further actions can be taken. But it is a good beginning.

MILITARY MANPOWER REDUCTIONS

Mr. STENNIS. Mr. President, I am convinced that in ordinary times—I emphasize "ordinary times"—we have no necessity to maintain approximately 3,500,000 under arms, as we do today, or anything approaching that number. I am also convinced that the surest, quickest and most effective way to reduce the tremendous military budget is to reduce the number of military personnel. Since military pay and allowances alone now account for about one-third of overall military expenditures, the budget will go down rapidly as the size of the force is decreased. This is a matter to which I have given a great deal of attention in the past. I plan to give it increased attention in the future as our manpower commitments to South Vietnam decrease.

I was pleased and gratified to learn, therefore, that as a result of withdrawals from Vietnam, the U.S. Army will be able to cut its active duty roster by about 13,000 men. This is a very welcome step in the right direction and I hope it is the beginning of a trend for the Army and for its sister services as well.

The savings which are possible as a result of these actions is underlined by the fact that it cost about $10,000 a year to maintain a serviceman on active duty. Therefore, as our disengagement from Vietnam commences—and, I hope, accelerates—I trust that a reduction in active duty military manpower will become a factor of ever-increasing importance in Pentagon planning.

I feel certain that it will, and I know that we will have the cooperation of the Department of Defense.

WASTE OF FUNDS AND INEFFICIENT USE OF BOXCARS BY THE MILITARY

Mr. PEARSON. Mr. President, a matter has been brought to my attention which shows a serious waste of Federal funds and a complete neglect of the efficient use of railcar boxcars on the part of the military.

The problem is that certain military shipping operations have incurred excessive and seemingly unjustifiable demurrage charges. The demurrage charge is the ICC regulated fine which a shipper pays to the railroad for allowing boxcars to stand on railroad tracks for unusual lengths of time. It is a progressive charge in that it increases with time. Currently, according to the ICC, the first 2 days in which a car stands unused are free; the following 4 days require a $5 per day charge for each car, the next 4 days require a $25 per day charge; and each day after the first 10 days a railcar stands on the tracks, a shipper must pay $50 in demurrage charges per day for that car. The purpose of the demurrage charge is, of course, to keep a shipper from allowing boxcars to stand on the tracks unused for excessive lengths of time.

I think that most Senators understand that at $50 a day, very few shippers who have economy at all in mind would allow boxcars to sit unused. I view the demurrage charge as a type of progressive parking fine. If I allow my

car to sit unattended in certain places on the public highway, I will probably have to pay a fine and may be towed away with additional costs. To meet this same problem on the railways, the railroads charge progressive fines called demurrage. The result is that shippers have an economic incentive to move cars quickly and efficiently.

One would expect that most shippers do not incur large amounts of demurrage charges, for it is in their best interest to organize the fast and efficient movement of their products and their resources, and through proper supervision only small amounts of demurrage charges are ever incurred. I would also think that the U.S. Government when operating as a shipper would have a similar concern to move goods quickly and use boxcars as efficiently as possible.

For this reason, it is with some degree of dismay that I find demurrage charges or "rail parking fines" amounting to almost one-half million dollars a year being paid by certain military ordnance operations. For instance, in 1967, the Louisiana Army ammunition plant in Doyline, La., paid $360,000 in demurrage charges alone. The same plant paid $246,000 in 1968. The ammunition export point at Sunny Point, N.C., incurred similar excessive charges of $395,000 and $256,000 in 1967 and 1968, respectively. The naval ordnance plant, Thorne, Nev., in 1968, paid out of the Federal Treasury $312,000 for demurrage charges.

These three military shipping operations, I hope, are the extremes of this most obvious abuse of the efficient use of boxcars and to the proper use of tax dollars. If they are not the extreme and if these plants indicate the rule rather than the exception, the Department of Defense is paying out on the order of tens of millions of dollars and possibly $100 million each year for what I view as railway parking fines. These figures indicate a most flagrant misuse of taxpayers' money and national defense resources.

In order to determine if these three cases were the exception rather than the rule, I wrote to the Chairman of the ICC almost 3 weeks ago, and the ICC has reported to me that this abuse is rather widespread. A spot check shows that the naval ammunition depot in Crane, Ind., and the Iowa ordnance plants of West Burlington, Iowa, may be incurring demurrage charges near the rate of $200,000 annually. The ICC also reports to me that smaller but significant amounts of demurrage charges have been paid at least eight more defense shipping operations. These include Puget Sound Shipyard, Bremerton, Wash.; naval ammunition depot, McAlester, Okla.; the Naval Weapons Station, Yorktown, Va.; Naval Supply Center, Norfolk, Va.; Earle, N.J.; Bangor, Wash.; Post Chicago, Calif.; and Rocky Mount Arsenal, near Denver, Colo.

What is particularly depressing to me is that in many of these cases these excessive demurrage charges were incurred during the months when serious car shortages were plaguing the economy of our country. For instance, in Thorne, Nev., during September and October of 1968, when last year's worst car shortages existed, demurrage on the order of $75,000 was paid out. Railcars needed by numerous shippers across the Nation were being detained without apparent purpose at military shipping points.

At the Louisiana Army ammunition plant in Doyline, La., on July 25, 1968, the ICC railroad service agent reported that 246 boxcars on hand for ammunition loading were incurring demurrage charges. These cars had been on hand from 1 to 57 days. And the total car days lost on these 246 cars, at that time, was 4,237. This figure is equivalent to allowing one car to sit unused for 11½ years.

During the month of August 1968, one single month, also at Doyline, $112,000 was charged and paid by that plant for demurrage. Assuming the minimum charge, the possibility exists that 750 cars sat unused and unmoved every day during that month of August. This is approximately the equivalent of one car sitting unused for over 30 years.

A check of the demurrage charges over the first months of 1969 reveals that little or no improvement is being made at these ordnance plants. For instance, in Thorne, Nev., over $100,000 had already been incurred in the first 4 months in 1969. As of May 22, over $230,000 has been accrued at the Rocky Mount Arsenal near Denver, Colo.

Mr. President, I wish to compliment the ICC for assisting me in securing this information, and I hope that if the ICC discovers further abuses in the area of excessive demurrage charges by any governmental agency that they will bring it to the attention of the Congress, for we cannot allow such an abuse of the use of public moneys.

In response to a letter from me expressing my concern over this situation the Director of Transportation and Warehouse Policies in the Department of Defense has written to me stating that the Defense Department has requested a full report on this matter from the Departments of the Army and Navy. It has been 3 weeks since I requested such a report and as yet it has not been forthcoming. The Director also assures me that it is a Defense Department objective "to avoid unnecessary demurrage" and "to effect the earliest possible release of railcars from our installations." It is somewhat satisfying to know that the Department of Defense at least has this objective in mind. I hope that their report on this matter will explain what made such excessive charges necessary. I find it difficult to believe that tens of millions of dollars in demurrage charges can be necessary under any condition.

This problem of defense ordnance plants accruing excessive demurrage charges is particularly acute because of its two-prong effect. Not only is money in the Federal Treasury being wasted on so-called railway parking fines, but these railcars are being detained at the expense of shippers across the country. In my own State of Kansas, we are now in the midst of harvest and in dire need of adequate number of boxcars. There is a boxcar shortage and I now can see that the detention of cars by military plants is seriously magnifying this shortage. Again at the same time, the Federal Treasury is paying demurrage charges through the Defense budget to railroads and no one is the better off.

It occurs to me that many of these military ordnance plants may be operating on a "cost-plus" basis, and this fact may be causing a complete disregard for the efficient use of railcars. I know that for those "cost-plus" operations, the higher the expenses, the greater the profit. From this perspective, our defense policies may well be encouraging an inefficient use of cars.

It is not my intention in this matter to place the blame for these problems and mistakes upon any individual or organization or agency of government, but I do wish to bring to the attention of those responsible and those who can do something about it a situation which can be corrected and which must be corrected. I do not believe any responsible official can allow this situation to continue any longer.

Given fiscal priorities of today, the need to assure that every Federal dollar is well spent, given the new desire to examine every resource allocated to national defense, and given my own particular concern for resolving the boxcar shortage problem, we must move immediately to correct this obvious misuse of Federal money, and improper supervision over the movement of railcars.

Mr. MAGNUSON. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I am very pleased to yield to the Senator from Washington, who is chairman of the Commerce Committee.

Mr. MAGNUSON. I join the Senator from Kansas in his pursuit of this matter. I think he will find that it is possibly prevalent throughout the whole Defense Department, not only in ordnance. We might find a clue to what happens to make the boxcar shortage. Of course, not only is it this terrific waste of money as the Senator has pointed out, but every year we go through a boxcar shortage. It is starting now again, in Colorado and Kansas, and then it moves north to the Pacific Northwest. It is quite a revelation.

I knew that the Defense Department had some cars but I never realized, until the Senator from Kansas dug into this matter, the extent to which they are keeping them in these locations.

It is ironic that the Senator mentioned Bangor, Wash., which is an ammunition loading area, but 10 miles away is a lumber mill which has been fighting with the ICC every year because it cannot get any boxcars. Perhaps we can look and see where some of them are, and save some money, which makes the situation doubly wrong. I am going to pursue it. I hope that the Senator from Kansas and I, when we get to the defense appropriation for the Ordnance Departments, will be able to ask them how much they spent last year, and how much they want next year in the budget for this purpose; and maybe we will wind up getting a few more boxcars available in Colorado, Kansas, and some of these places in Washington.

Mr. PEARSON. I want to thank the chairman, the distinguished Senator from Washington. He has been pursuing this, I think, for the past 30 years in the Senate.

Mr. MAGNUSON. Longer than that.

Mr. PEARSON. We are told that this is a problem where there are not enough boxcars, where many are not in proper repair, and that it is a problem which cannot be resolved. I believe that it can be resolved. I see no excuse for the facts as I have recited them.

Mr. MAGNUSON. It is also quite refreshing to hear from the Senator that the ICC is doing something about this phase of it. We have been trying to get them to do something on the whole boxcar shortage problem for 20 years—oh, it has been 30 years, I am sure, since we have had the problem. Each year, everyone knows there will be a boxcar shortage, but the ICC does nothing about it. But I am glad that now the ICC is helping in this matter.

Mr. PEARSON. I say to the Senator that they have been very cooperative, after they got the inquiries.

Mr. MAGNUSON. I see the Senator from Oregon (Mr. PACKWOOD) in the chair. He knows what I mean about a boxcar shortage, especially for our lumber people. It goes on every year. There is no doubt about it. There is no question that next year will be any better. They know that this year it will be starting again, as the crop moves north. I imagine next week it will start again.

Mr. PEARSON. It started last week.

Mr. MAGNUSON. Yes, it started last week.

Mr. DOMINICK. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I yield.

Mr. DOMINICK. I want to congratulate the Senator from Kansas for bringing this matter to the attention of the Senate. Having served on the Commerce Committee with the Senator from Kansas, and having been up and down the hill on this boxcar problem, I think the Senator from Kansas is making a great contribution not only in making more effective use of the taxpayers' dollars, but also in getting boxcars where we need them, at the right time, and for other purposes.

Let me make one comment. The Senator brought up the Rocky Mountain Arsenal, which is right outside of Denver, in 1969. It was at that time that we were trying to do something about moving the gases and other destructive devices which were in that ordnance depot. The Senator will remember that we were all ready to ship them, and then all of a sudden everyone in the eastern part of the country sort of panicked, questions were raised about air pollution, and so forth, and of course I am interested in that question, as to what would happen when the gases were dumped in the ocean. So, suddenly, they had to unload them. We were going to get rid of these things but we found that we were not going to be permitted to do so, so they had to be unloaded. I suspect that had something to do with that. It probably is the only answer.

Mr. PEARSON. I think that the Senator is absolutely correct. The same thought came to me as I saw that particular military installation. From the press accounts, I am sure the Senator, as he stated, will recall that a great deal of the gases, manufactured for World War I, I think, was loaded aboard the railroad cars and was all set to be moved when the order came not to make the move. I think they then instituted a panel of outstanding scientists to make a determination. So, there was some justification for that particular installation. I am pleased, in all fairness, to say that the Senator from Colorado is right on that point.

Mr. DOMINICK. I hope that the Senator from Kansas will bring out quite clearly, as he continues his investigation, all the reasons for the cost-plus fees and the cost-plus contracts, because it seems to me that it is absolutely unconscionable that either the Department of Defense or the ICC should not have been following up on these matters long ago. I do not like those kinds of contracts, anyway, especially at a time when all of us in our areas are suffering such acute shortages. This has gone on for some time, so it is not a regional matter any more. Even if the shortage is in boxcars, it seems to me they could have done something to follow up the situation to see if they could not get a free flow of boxcars to help ease the shortage.

Mr. PEARSON. I concur with the Senator. I am very grateful for his comments.

Mr. COOK. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I yield.

Mr. COOK. What bothers me the most in this situation is that he requested of the Department of Defense and of the proper officials some 3 weeks ago, that they find out what the status of it was, and the Senator has not been able to find out yet.

This, to me, is most impressive because there are military officers in every one of the plants and they know exactly how many cars come in. They should know exactly how many cars are out. They also should know exactly what the daily requirements for the boxcars are.

Apparently they are just sitting there. This is a rail line. This is a rail line siding, and they are doing nothing about it. It would seem to me that whomever the Senator requested the information from could easily have sent a wire requesting information on the daily use of cars and the number of cars presently on hand. It does not seem to me that it would take 3 weeks to get that kind of information.

This is another one of the situations which the Senator finds day in and day out, as the Senator from Washington (Mr. MAGNUSON) stated, when he said that he has been working on this for years and still has not solved the problem that we have in the Defense Department. By the way, the Senator from Kansas indicated that the low demurrage rates in one location would consist of 700 trains, or seven trains with 100 carloads each, if they could be moved across the country in a 24-hour period. They are just sitting on sidings, and the taxpayers of this country are paying demurrage charges. Not only do I think it is a matter that should be looked into; I think it is a national disgrace. I hope the Senator will continue to pursue this matter, because, obviously anybody who has this number of cars on a siding at any one time must have cars for which the taxpayers are paying at the rate of $50 a day.

Mr. PEARSON. In my statement I actually misquoted the demurrage rates. Actually, the $50 per day charge did not go into effect until May 1 of last year. So if the figures I have cited here are incorrect, it merely means there were a greater number of cars at the ordnance plant than I have indicated here. But I have waited 3 weeks for a response from the Defense Department.

The ICC also wrote the Department of Defense. It compiled the figures I have cited here today, within those same 3 weeks. It is simply a case of the Department of Defense not seeing the urgency of responding to the question raised, or perhaps the Department found it not expedient to do so.

I thank the Senator from Kentucky.

Mr. President, I yield the floor.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 25, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 24, 1969:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1974 (reappointment).

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, of Pennsylvania, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

DISTRICT OF COLUMBIA COUNCIL OF GENERAL SESSIONS

George H. Goodrich, of Maryland, to be an associate judge of the District of Columbia Court of General Sessions for the term of 10 years to fill a new position created by Public Law 90–579, effective October 17, 1968.

William S. Thompson, of the District of Columbia, to be an associate judge of the District of Columbia Court of General Sessions for the term of 10 years vice Andrew J. Howard, Jr., deceased.

U.S. ATTORNEY

Bethel B. Larey, of Arkansas, to be U.S. Attorney for the Western District of Arkansas for the term of 4 years vice Charles M. Conway, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate June 24, 1969:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board for the remainder of the term expiring August 9, 1970.

HOUSE OF REPRESENTATIVES—*Tuesday, June 24, 1969*

The House met at 11 o'clock a.m.

Rabbi Alfred Cohen, Young Israel of Canarsie, Brooklyn, N.Y., offered the following prayer:

How good and how pleasant it is for brethren to dwell together in unity.—Psalms 133: 1.

Our Father in Heaven, source of all goodness and truth, cause Thy countenance to shine upon us, that we may be able to follow the path of righteousness. Give us strength to champion the cause of justice and to act with loving-kindness to all men.

May it be Thy will that all men be united for good, that suffering and evil be stricken from the face of this earth, and that all your creatures live in peace, harmony, and tranquillity.

Bestow Thy blessing of wisdom upon our President and Vice President and upon the Members of this august body. Let their deliberations bring glory to this wonderful land; may they serve as a beacon of light for others, illuminating their path, standing as a source of strength for those who may falter or fall.

Grant them success in their endeavors. Let peace prevail, and grant an abundance of joy and contentment in the hearts of all our brethren, that they may praise Thy name for evermore. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 214

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William H. Bates, late a Representative from the State of Massachusetts.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

CHICKEN-IN

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, the Honorable ROGERS C. B. MORTON and I are cosponsoring a bipartisan "Chicken-In" from 5 to 7 o'clock this afternoon in the House caucus room. We are inviting Members and their staffs to flock to the party which will feature new hotdogs containing chicken meat.

We do not expect, however, that congressional consumers will be able to tell the new product from the old. In fact, this is the point of the whole affair. Hotdogs containing poultry meat are just as tasty and just as nutritious as other hotdogs.

After attending our "Chicken-In" we believe that others will agree that good, wholesome chicken with all of its protein is a worthy ingredient for an all American favorite which should not be treated differently from other meats.

While the presence of chicken should certainly be included on the ingredient label, it would be a rank discrimination and confusing to housewives to require that the product label or name indicate the presence of chicken. A new product would seem to be offered—when in fact, the hotdog is still the same hotdog.

COORDINATION OF TRANSPORTATION FACILITIES

(Mr. WEICKER asked and was given permission to address the House for 1 minute.)

Mr. WEICKER Mr. Speaker, I am introducing into the House today a bill entitled "The Federal Transportation Act." It specifically relates to two areas of greatest need, that being coordination of our transportation facilities, and a permanent fund from which to finance the improvements so needed in this area.

I draw the attention of my colleagues to a special order which I have requested for later today on this subject.

The fact remains that there has been no coordination between our rail, highway, air, and water facilities in the United States. There is much talk of voluntary coordination, and yet whether at the State level or at the Federal level, this coordination has not come to pass. The time is now to use the power of the purse at the Federal level to emphasize coordination rather than just expansion.

The essence of this bill is to see that there will be no Federal funds granted for any particular transportation project unless it is part of an overall plan.

H.R. 1412, THE PUBLIC BROADCASTING ACT

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, on Thursday, June 19, 1969, I made a statement regarding H.R. 4212, the Public Broadcasting Act, before the Subcommittee on Communications and Power of the Interstate and Foreign Commerce Committee, which I would like to submit for inclusion in the RECORD. It follows:

STATEMENT OF CONGRESSMAN JEROME R. WALDIE

Mr. Chairman, members of the subcommittee: I would urge you gentlemen to give favorable consideration to H.R. 4212 extending the Public Broadcasting Act.

Knowing of the value of public television and the service it performs in my own area which is served by Station KQED in San Francisco, I would also urge that the Subcommittee approve the appropriation of $20 million for the Corporation of Public Broadcasting as an absolute minimum for facilities under the Public Broadcasting Act covering the period 1971 to 1975.

James Day, President of KQED, recently wrote to me and made an eloquent statement which I would like to be included in the record:

"The social needs and opportunities for public television increase with each passing day but our abilities to satisfy these demands remain severely circumscribed by limited funding. Expansion of facilities is a major need of all existing stations. The Corporation for Public Broadcasting has already made notable contributions to public service and is certain to do far more with financing more in accord with its mission of nationwide service."

Mr. Chairman, I agree wholeheartedly with Mr. Day's statement and I do hope that this Subcommittee approves H.R. 4212 and the appropriation of $20 million.

SHOE FACTORY SHUTS DOORS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, in this morning's Boston Herald there was a story headed "Shoe Factory Shuts Doors." The article reads as follows:

HAVERHILL.—Two hundred and fifty employes of the Kramer Shoe Co., 24 Essex St., encountered locked doors yesterday morning when they reported for work, ending a 35-year operation.

The firm had been engaged in production of women's novelty shoes.

The company will not reopen, according to attorney Philip Strome of Salem, who represents the creditors.

The closing was described as a complete surprise by P. Joseph McCarthy, manager-treasurer of the Haverhill local of the United Shoe Workers of America, AFL–CIO, who said many of the workers will be absorbed by other companies in the area.

McCarthy said he and other union representatives met Friday with Barton Kramer, company owner, to discuss provisions of the contract.

Mr. Speaker, I bring this to the attention of the House because this is happening every week throughout our entire Nation. Small shoe factories that are usually family owned firms, which have been in operation 30 or 35 or 40 years, are finding the competition of the foreign imports too much. These factory people are going out of business and the employees are losing their jobs. When the defense contracts slow down in this Nation, we are going to find out that the textile industry and the shoe industry as well as many other industries are not going to be in operation.

This Nation needs an economic cushion to fall back on once our defense work slows down.

Last week the cochairman of the Ad Hoc Committee on Footwear—our former late beloved colleague, the Honorable William Bates, of Massachusetts, and I sent a message signed by 305 Members of Congress to Presiednt Nixon. Shoe imports have been increased by 600 percent since 1960. Let us all hope the message we have sent to the White House will accomplish some good.

NEAR RIOT AT DULLES

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, apparently it takes a will of iron and the stamina of a fullback to travel these days on some air carriers.

This morning I received a telephone call from a constituent, who reported she had been waiting all night at Dulles International Airport, with 250 other passengers, to depart on a vacation trip to Europe.

She was highly upset, not so much by the delay as the fact that the carrier, Overseas National Airways, had not bothered to tell the passengers what was wrong or to make any effort to ease their discomfort.

I checked with the airport manager, and was told that for about 3½ hours, between 2:30 and 6 a.m., some 450 passengers from at least two Overseas National flights were milling around Dulles. At that time of night, the airport snack bar is manned by a single employee. All other eating facilities are closed, and I understand that frustrated passengers were on the verge of rioting.

Although the carrier never told the passengers this, failure to assemble a complete flight crew apparently was responsible for the delay. By the time a flight engineer could be located—in Buffalo—and brought to Dulles, the duty time of other crew members had expired, thus forcing the plane to remain on the ground.

As I see it, chartered airlines, like Overseas National, have a good thing. Perhaps too much of a good thing. They are guaranteed full passenger loads, and they squeeze their customers in like sardines—250 on a single plane.

Perhaps they should show a little regard for the fare-paying passengers in return. Many of the people making these chartered trips are elderly citizens who have scrimped and saved for years for their tickets.

What a way to begin the vacation of a lifetime—dumped at Dulles like so much excess baggage.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the Committee on House Administration may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 10TH ANNIVERSARY OF OPENING OF ST. LAWRENCE SEAWAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 17

Whereas the Saint Lawrence Seaway, as a joint project of Canada and the United States, has been of inestimable benefit to the United States and the entire North American Continent; and

Whereas the tenth anniversary of the official opening of the Saint Lawrence Seaway occurs on June 26, 1969; and

Whereas the Governors of the eight States bordering on the Great Lakes plan to sponsor appropriate ceremonies during the period from June 26, 1969, through July 7, 1969, to observe the tenth anniversary of the Saint Lawrence Seaway: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the great benefits the Saint Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-Saint Lawrence Seaway system, but throughout the entire United States and the North American Continent, and commends the celebration, during the period from June 26, 1969, through July 7, 1969, of the tenth anniversary of the opening of the Saint Lawrence Seaway to all Americans.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 1 strike out all "whereas" clauses.

The amendment was agreed to.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I simply want to know if there is any expense to the U.S. taxpayers involved in this concurrent resolution?

Mr. ROGERS of Colorado. No, sir; there is not.

Mr. HALL. I thank the gentleman.

Mr. McEWEN. Mr. Speaker, it gives me great pleasure to support this resolution.

My congressional district contains all of the American facilities of the St. Lawrence Seaway, including the headquarters of the St. Lawrence Seaway Development Corporation located at Massena, N.Y.

Our late, beloved President Eisenhower rated the passage of the legislation which authorized this mammoth project and its subsequent construction among the highest achievements of his administration.

It is most fitting, and a source of deep personal joy to me, to know that President Nixon will travel to Massena to participate in the 10th anniversary ceremonies to be held there on June 27. It was 10 years ago that Mr. Nixon, the then Vice President, joined with Queen Elizabeth II in dedicating the International Friendship Monument at the Moses-Saunders power dam which links our country and Canada and which has now been operated as a joint project by these good neighbors for so many years. This time Mr. Nixon will join with Canadian Prime Minister Pierre Trudeau for this wonderful occasion.

Thus, I am proud and delighted to support this resolution in which Congress marks the 10th anniversary of the opening of the St. Lawrence Seaway.

The SPEAKER. The question is on the concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of June 19, 1969, I call up House Joint Resolution 790, making continuing appropriations for the fiscal year 1970 and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 790

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1970, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1969 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1970:

Department of Agriculture and Related Agencies Appropriation Act;

Treasury, Post Office, and Executive Office Appropriation Act; and

Independent Offices and Department of Housing and Urban Development Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision (except a provision authorizing the filling of positions) which is included in an appropriation Act enumerated

in this subsection but which was not included in the applicable Appropriation Act for 1969, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1969;

activities for which provision was made in the District of Columbia Appropriation Act, 1969;

activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969: *Provided*, That not to exceed $8,100,000 shall be available from the appropriation for the fiscal year 1970, granted under the heading "Elementary and secondary educational activities" in such Act, for use by the Department of the Interior under section 103(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as amended;

activities for which provision was made in the Legislative Branch Appropriation Act, 1969; except activities provided for in subsection (c) of this section;

activities for which provision was made in the Military Construction Appropriation Act, 1969;

activities for which provision was made in the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969;

activities for which provision was made in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Department of Transportation Appropriation Act, 1969;

activities for which provision was made under section 307 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969;

activities of the Civil Aeronautics Board;

activities of the Interstate Commerce Commission;

activities under the Foreign Military Credit Sales Act;

activities under the Juvenile Delinquency Prevention and Control Act of 1968;

activities of the American Revolution Bicentennial Commission; and

activities of the National Water Commission.

(c) Such amount as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1970.

(d) Such amounts as may be necessary for continuing activities for State administration under title III, part A, and title V of the National Defense Education Act of 1958, and under title II of the Elementary and Secondary Education Act of 1965, as amended, but at a rate for operations not in excess of the current rate: *Provided*, That the amount made available in this paragraph for such activities shall be charged to such appropriations as may be made available for the fiscal year 1970 for the purposes of grants to local educational agencies under titles I and III of the Elementary and Secondary Education Act of 1965, as amended.

(e) Such amounts as may be necessary for Federal and non-Federal administrative expenses under the appropriation for "Grants and expences", Office of State Technical Services, Department of Commerce, but at a rate for operations not in excess of the current rate.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity or (c) October 31, 1969, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title IV of the Second Supplemental Appropriation Act, 1969.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1969.

SEC. 107. Any appropriation for the fiscal year 1970 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the joint resolution be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I am reluctant to interpose a point of order, but I believe this is of such interest, even though we meet under constrained circumstances today to expedite the business, having delayed yesterday out of respect for our deceased comrade, that we should have a quorum present for the consideration of House Joint Resolution 790; so I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Alexander	Gallagher	O'Hara
Anderson, Calif.	Green, Pa.	Passman
Blatnik	Harvey	Pepper
Brasco	Hathaway	Poage
Brown, Calif.	Hébert	Powell
Carey	Ichord	Pryor, Ark.
Celler	Kirwan	Purcell
Clark	Kluczynski	Reifel
Clay	Lennon	Ronan
Corbett	Lipscomb	Rostenkowski
Corman	McClure	Roybal
Dawson	McDonald, Mich.	Ryan
Eckhardt	Macdonald, Mass.	Satterfield
Ellberg	Mailliard	Stokes
Fallon	Mills	Stuckey
Fish	Murphy, N.Y.	Symington
Foreman	Nedzi	Thompson, N.J.
Fulton, Tenn.		Vigorito
		Wold

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries be permitted to sit for the purpose of taking testimony this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. TAFT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this has been cleared with the ranking Republican minority member of that committee?

Mr. DINGELL. In reply to the inquiry of the gentleman from Ohio I will state that the matter has been cleared with the leadership on that side of the aisle, and with the very distinguished and able ranking minority member, the gentleman from Washington (Mr. PELLY).

Mr. TAFT. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONTINUING APPROPRIATIONS, 1970

The SPEAKER. The gentleman from Texas (Mr. MAHON) is recognized.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, almost since the memory of man runneth not to the contrary, it has been necessary in late June of each year to pass a continuing resolution making it possible for the Federal Government to have funds with which to operate at the beginning of the new fiscal year, July first.

This resolution provides funds for the operation of the entire Federal Government. Without it, the functions of Government would come to a screeching halt next Tuesday. If this resolution is approved by Congress it will govern the pattern of Government spending in the interim between the 1st of July and the enactment of the applicable Appropriation Acts for fiscal 1970, on October 31.

WHY THE DELAY?

The question might be asked: "Why the necessity for a continuing resolution?" The answer is simply that this year, particularly, Congress got off to a slow start with legislation and appropriation bills. The budget of the outgoing administration was submitted on time in January, but the new administration had to have some time in which to evaluate and revise the budget, formulate its legislative and fiscal recommendations, and present them to the Congress.

On April 15, the present administration submitted a revised budget, thus putting the Committees on Appropriation of the House and the Senate in position to proceed with certainty as to the needs and requirements as the new administration saw them. We had already been in the process of holding some hearings for several weeks, but with the new budget we were able to better proceed.

BILLS RECEIVED TO DATE

Mr. Speaker, as of this date, five appropriation measures have been passed by the House; three of them were supplementals for fiscal 1969, the other two were regular bills for fiscal 1970. As to the latter, one was the Treasury-Post Office bill, and the other was the Agriculture bill.

Later today, we are to have the appropriation bill of some $14 billion for the independent offices-Housing and Urban Development Department bill before the House.

DELAYS IN ENACTMENT LAST 10 YEARS AND CONTINUING RESOLUTIONS LAST 20 YEARS

Let me further say that none of the 13 regular appropriation bills for 1970 will be enacted into law before June 30 next.

It has been said that this is the first time in history that we have not cleared through the House and Senate, and secured final enactment of at least one of the regular appropriation bills for the new fiscal year before the beginning of that year.

On the contrary, three times in the decade of the sixties, this same thing has happened. It happened in calendar 1964, calendar 1962 and calendar 1961. So there is nothing unprecedented about the pending resolution.

Under leave to extend, I include the statistical story on this point:

THE APPROPRIATION BILLS—LAST 10 YEARS

Session and fiscal year	Signed into law before July 1	Signed into law after July 1					
		During July	During August	During September	During October	During November	After November
90–2 (fiscal year 1969)	1	2	5	1	4		
90–1 (fiscal year 1968)	1	2		1	2	6	2
89–2 (fiscal year 1967)	2		1	2	3	4	
89–1 (fiscal year 1966)	2	2	2	3	2	1	
88–2 (fiscal year 1965)		1	7	3	1		
88–1 (fiscal year 1964)	1	1			2		8
87–2 (fiscal year 1963)			4	1	7		
87–1 (fiscal year 1962)		1	6	6			
86–2 (fiscal year 1961)	5	5	1	3			
86–1 (fiscal year 1960)	2	5	4	4			

CONTINUING RESOLUTIONS—REGULAR ANNUAL ACTS

For 1948: Section 102 of Public Law 122, 80th Congress, approved June 27, 1947, 61 Stat. 187; amended by section 2 of Public Law 161, approved July 3, 1947, 61 Stat. 245.

For 1950: Public Law 154, 81st Congress, approved June 30, 1949.

Extended by Public Law 196, 81st Congress, August 1, 1949; Public Law 246, 81st Congress, August 18, 1949; and Public Law 305, 81st Congress, September 8, 1949.

For 1951: Public Law 585, 81st Congress, June 29, 1950. Extended by Public Law 627, 81st Congress, July 31, 1950.

For 1952: Public Law 70, 82d Congress, approved July 1, 1951. Amended and extended by Public Law 97, 82d Congress, July 31, 1951; Public Law 132, 82d Congress, August 29, 1951; and Public Law 156, 82d Congress, September 28, 1951.

For 1953: No continuing resolution but obligations incurred between June 30 and date of enactment of Act ratified and confirmed by section 1414, Supplemental Appropriations Act, 1953.

For 1954: Public Law 91, 83d Congress, approved June 30, 1953.

For 1955: Public Law 475, 83d Congress, approved July 6, 1954.

For 1956: Public Law 123, 84th Congress, approved June 30, 1955.

For 1957: Public Law 658, 84th Congress, approved July 3, 1956.

For 1958: Public Law 85–78, 85th Congress, approved July 1, 1957. Amended and extended by Public Law 85–134, August 14, 1957.

For 1959: Public Law 85–472, 85th Congress, approved June 30, 1958. Amended and extended by Public Law 85–572, approved July 31, 1958.

For 1960: Public Law 86–76, 86th Congress, approved July 1, 1959. Public Law 86–118, 86th Congress, approved July 31, 1959. Public Law 86–224, 86th Congress, approved September 3, 1959.

For 1961: Public Law 86–569, 86th Congress, approved July 2, 1960.

For 1962: Public Law 87–65, 87th Congress, approved June 30, 1961; and Public Law 87–182, 87th Congress, approved August 30, 1961.

For 1963: Public Law 87–513, 87th Congress, approved July 1, 1962; Public Law 87–564, 87th Congress, approved July 31, 1962; Public Law 87–625, 87th Congress, approved August 31, 1962; and Public Law 87–724, 87th Congress, approved September 29, 1962.

For 1964: Public Law 88–55, 88th Congress, approved June 29, 1963; Public Law 88–109, 88th Congress, approved August 28, 1963; Public Law 88–162, 88th Congress, approved October 30, 1963; and Public Law 88–188, 88th Congress, approved November 29, 1963.

For 1965: Public Law 88–325, 88th Congress, approved June 29, 1964.

For 1966: Public Law 89–58, 89th Congress, approved June 30, 1965; Public Law 89–96, 89th Congress, approved July 30, 1965; Public Law 89–159, 89th Congress approved, September 1, 1965; Public Law 89–221, 89th Congress, approved September 30, 1965; and Public Law 89–256, 89th Congress approved October 15, 1965.

For 1967: Public Law 89–481, 89th Congress, approved June 30, 1966; Public Law 89–549, 89th Congress, approved August 31, 1966; and Public Law 89–611, 89th Congress, approved September 30, 1966.

For 1968: Public Law 90–38, approved June 30, 1967, continue to August 31, 1967. Public Law 90–75, approved August 29, 1967, continued to September 30, 1967. Public Law 90–102, approved October 5, 1967, continued to October 23, 1967. Public Law 90–134, approved November 13, 1967 (D.C. Appropriation Act), continued to November 9, 1967 (sec. 18). Public Law 90–162, approved November 28, 1967, continued to December 2, 1967. Public Law 90–218, approved December 18, 1967, continued to December 20, 1967.

For 1969: Public Law 90–366, approved June 29, 1968, continued to July 31, 1968. Public Law 90–447, approved July 31, 1968, continued to September 30, 1968. Public Law 90–541, approved October 1, 1968, continued to October 12, 1968.

OPERATION OF THE RESOLUTION

Under this resolution, at midnight on the 30th of June, the camera will click, figuratively speaking, and the status quo under the resolution at that time would be maintained with respect to Government spending for the forthcoming fiscal year, until the applicable Appropriation Act is enacted.

The resolution provides that in cases where one House has passed a bill, but where the other House has not passed it, then the governing factor would be the 1969 rate or the rate provided in the bill as passed by the House, whichever is lower.

If, as is the case with 10 of the regular appropriation bills which have not yet passed either House, then the controlling factor would be the 1969 rate or the budget estimate, whichever is lower, with a few exceptions which I shall mention.

The SPEAKER. The time of the gentleman from Texas has expired.

(Mr. MAHON asked and was given permission to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, in case there is a program—and there are a few—which are ongoing programs, but for which there is nothing included in the revised budget, that is, if the budget estimate is zero, then we have taken care of those situations in a limited way so

as to permit the organizational setups to continue, but not to make grants.

So, Mr. Speaker, if I may say so, this is I believe a well-drawn, very fully considered, and in my judgment a very acceptable solution to the problem which confronts us.

The reason I have so much confidence in the accuracy and the wisdom of the provisions of this resolution is the fact that Congress has gone through this exercise so many times, and it has, insofar as I am aware, served every legitimate need as an interim solution to keep the Government operating pending enactment of the regular bills.

As I look down the dim corridors of time, I can foresee that this procedure may continue ad infinitum in view of the fact that it takes time to process the appropriations for this big Government. It takes time for the legislative committees to authorize—and the legislative committees are authorizing more and more and more and more.

If they do not bring their bills before us early in the year, they tend to slow down the processes of Government and delay adjournment. That is what we are threatened with this year.

Certainly, no one would want to deny the legislative committees full time—and we have only had 6 months time as of now, to consider these legislative proposals which are before them.

THE 1969 RATE FOR OPERATIONS

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. May I inquire, as to this continuing resolution, what effect it has upon the expenditure limitation placed by the last Congress on Government programs generally? Does that continue in the same manner as it has applied in the fiscal year 1969 which will expire on the 1st of July?

Mr. MAHON. The gentleman raises a very pertinent question. As I indicated, the Director of the Bureau of the Budget will be standing by on midnight on June 30, next week, and he will take a picture, so to speak, of the status quo, and the status quo will obtain for the next 4 months, or until Congress provides otherwise through enactment of the regular appropriations for the whole fiscal year.

The whole thrust, generally, is to continue at the lowest of one of two rates, as explained in the committee report, and where that rate is the fiscal 1969 rate, then that rate, as it has been affected by the current year expenditure limitation, will generally obtain.

And while the so-called expediture ceiling law will not continue, because it applies only to fiscal 1969, in effect it will have an impact on the various programs of the Government during this interim. It will, for the reason I mentioned, have some influence on the rate of obligation and spending.

I call the gentleman's attention to page 2 of the resolution, which states:

(4) whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate—

And the current rate was, in many, many instances, affected by the Revenue and Expenditure Control Act of 1968.

I continue to read—

or the rate permitted by the action of the one House, whichever is lower—

That applies when some action has been taken on a bill—and before the 1st of July the House will have taken action on three.

When no action has been taken on any appropriation bill, the language on page 3, line 11, would apply:

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

This applies generally to activities encompassed in the 10 bills still unreported. There are a few, a handful of items where there is no budget estimate, and for them separate subsections (d) and (e) of the resolution make special provision.

The SPEAKER. The time of the gentleman has again expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. If I understand correctly, under the resolution it would not be possible for any new grants to be approved after July 1. I have in mind this situation: In my district the city and county of Denver is proposing a model cities program. If the application is acted upon before July 1, 1969, then the funds for fiscal 1969 would be available, but if the Director fails to approve it before July 1, could it still be approved under this authorization?

Mr. MAHON. The gentleman speaks of last year's money. This resolution provides that programs in operation may be continued, and the model cities program is a continuing program. In a sense this is not a resolution designed to start anything or to stop anything.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Responding to the inquiry of the gentleman from Colorado, if your project is only on the Secretary's desk, it would not involve the expenditure of any money during the life of this resolution. They are not that far along with the program.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Then, I take it, the answer that the gentleman from North Carolina has given is that if the application is on the Secretary's desk and it should not be approved before July 1, then the Secretary would still be in a position under this regulation to approve it?

Mr. JONAS. I would think so. There will not be any expenditure. They do not move that fast.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There is the provision in the resolution with relation to one House having approved an appropriation but the other has not. Later today I understand we will be considering an appropriation bill dealing with the Department of Housing and Urban Development. If we approve a certain amount, would that money then be available for approval by the Secretary of my model cities project?

Mr. MAHON. From the gentleman's explanation, I would say that "no year" as continuing money is involved, and the provision, as indicated on page 2, states: "but at the rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower."

In other words, the project may well involve funds previously appropriated. My off-the-cuff feeling is that the gentleman's project is not in jeopardy insofar as any effect the pending resolution might have upon it.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I share in what the gentleman from Texas just said, that the gentleman's project is not in jeopardy because of this resolution, but I might say to the gentleman from Colorado that the House and the Congress do not approve individual model city projects. We simply approve the amount of money that may be used. It is then up to the Secretary of Housing and Urban Development to approve the project. The money is there and will continue to be available under this resolution. So I do not believe the gentleman's project is in jeopardy, but this is a matter for the Secretary to approve. I do not believe this will stop the gentleman's project if it is approved by the Secretary.

The SPEAKER. The time of the gentleman from Texas has expired.

THE APPROPRIATION BUSINESS OF THE SESSION

Mr. MAHON. Mr. Speaker, under leave granted, I include excerpts from the committee report on the pending resolution, setting forth in some explicit detail the status of the appropriation business of the session; an approximation of the expenditure impact of actions on the appropriation bills to date; the amounts of the revised budget for 1970 not yet reported upon; and related information:

THE APPROPRIATIONS BUSINESS OF THE SESSION

Three of the 13 regular annual appropriation bills for fiscal 1970 and 3 supplemental measures relating to fiscal 1969 have been reported to the House.

The regular 1970 bills are: Treasury-Post Office; Agriculture; and Independent Offices-HUD, which is on the calendar.

The 1969 supplemental measures are: Unemployment Compensation; Commodity Credit Corporation; and the Second Supplemental, which has passed both Houses.

The work of the Committee on Appropria-

tions was unavoidably delayed this year because of the change of administration. The former administration released its budget on January 15. This budget was reviewed by the present administration and the review was released to the Congress on April 15. Committee hearings on several of the bills yet unreported are completed; others are well along. Hearings have not commenced on two bills. Barring delays that may arise on account of delays in processing the annual reauthorization bills, the appropriations business should move right along.

Session totals (House)

In the 6 measures of the session, *including the Independent Offices-HUD bill as reported,* the House has considered new budget (obligational) authority requests of $30,062,696,606; approved $28,805,288,766; with consequent aggregate reductions of $1,257,407,840.

Bills for fiscal 1969 in the House

The 3 measures for fiscal 1969 processed through the House involved requests of $5,400,006,956 of new budget (obligational) authority and requests for release of $82,463,000 of reserves under Public Law 90–364. The House approved $4,819,212,766, plus release of $82,766,000 of such reserves. Thus the House reductions were $580,794,190 against new budget authority requests; there was an increase of $303,000 in the release of reserves.

Bills for fiscal 1970 in the House

In the 3 bills for fiscal 1970—including the Independent Offices-HUD bill as reported—the House has made net reductions of $676,613,650 in new budget (obligational) authority. The totals are: Requests, $24,662,689,650; approved, $23,986,076,000; reduction, $676,613,650.

The 1970 expenditure reduction impact (House)

Since the budget *requests* and the *bills* are stated on the basis of "new budget authority" it is of course easy to report comparisons of congressional actions on this basis. But for several reasons it is virtually impossible to make a precise translation of the effects of those actions on the budget estimates (not "requests") of 1970 outlays (expenditures and net lending). There are several imponderables not within the scope of the bills that can and do effect expenditure (disbursement) rates and timing. Carryover balances are involved. Uncertainties of deliveries; unforseeable administrative changes; construction schedule changes; lag of expenditures behind obligations for various research and other grants; and so on. All that can be done is to undertake reasonable approximations of the expenditure reductions.

Specifically, as to House actions in the 3 appropriation bills for 1970—again, including the Independent Offices—HUD bill as reported:

1. $676,613,650 has been cut from new budget (obligational) authority requests.

2. Based on tentative approximations, these would translate into net reductions of $99,000,000 from the projected budget expenditures (outlays) for 1970. (The 3 bills as reported, $202,000,000, less an offsetting floor amendment of $103,000,000—*not,* however, counting in any impact of the farm payments limitation). (Note.—In addition, Second Supplemental Bill, 1969 may have some impact, but this might be offset by slippage of time so as to throw some budgeted 1969 expenditures into 1970.)

For general reference purposes of Members and others, it may be of interest to call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on). One such report has been issued this year, and another is due shortly.

Summary of bill totals to date

A summary of the totals of new budget (obligational) authority on the appropriation measures for fiscals 1969 and 1970 to date follows:

SUMMARY OF APPROPRIATION BILL TOTALS OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, 91ST CONG., 1ST SESS.

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law, without further or annual action by the Congress]

	New budget (obligational) authority		
	Bills for fiscal 1969	Bills for fiscal 1970	Bills for the session
A. House actions:			
1. Budget requests considered	$5,400,006,956	$24,662,689,650	$30,062,696,606
2. Amounts approved by House	4,819,212,766	23,986,076,000	28,805,288,766
3. Change from corresponding budget requests	−580,794,190	−676,613,650	−1,257,407,840
B. Senate actions:			
1. Budget requests considered	5,850,305,334		5,850,305,334
2. Amounts approved by Senate	5,495,669,644		5,495,669,644
3. Change from corresponding budget requests	−354,635,690		−354,635,690
4. Compared with House amounts in same bills	[1] +676,456,878		[1] +676,456,878
C. Enacted:			
1. Budget requests considered	1,036,000,000		1,036,000,000
2. Amounts enacted	1,036,000,000		1,036,000,000
3. Comparison— With corresponding budget requests			

[1] Includes substantial amounts based upon budget requests not considered by the House.

THE 1970 NEW BUDGET (OBLIGATIONAL) AUTHORITY AMOUNTS YET TO BE REPORTED ON IN APPROPRIATION BILLS

The 10 remaining appropriation bills yet to be reported from the Committee on Appropriations *presently* involve *specific* requests for new budget (obligational) authority *for 1970* of about $109,678,000,000, as follows:

Interior	$1,390,000,000
State, Justice, Commerce, Judiciary	2,466,000,000
Public Works-AEC	4,177,000,000
Labor-HEW	18,588,000,000
Legislative (excludes Senate items)	305,000,000
Defense	75,278,000,000
Transportation	1,744,000,000
District of Columbia	184,000,000
Foreign Assistance	3,629,000,000
Military Construction	1,917,000,000

Several of these bills hinge to one extent or another on annual or periodic reauthorization bills.

THE 1970 NEW BUDGET (OBLIGATIONAL) AUTHORITY TOTALS NOW PENDING

Under the unified budget concept, the tentatively estimated total new budget (obligational) authority proposed in the revised 1970 budget released April 15, and relating to fiscal 1970, is $219,600,000,000, *gross,* and $205,900,000,000 *net* of certain transactions treated as offsets for budget summary presentation purposes only. Most of this would be in the technical form of what has always been known as "appropriations".

The revised 1970 budget also proposes $1,661,000,000 in advance new budget (obligational) authority for fiscal 1971 for title I elementary and secondary education grants, for mass transit grants, for the Appalachian program, and for the 19th decennial census.

The $219.6 billion breaks out as follows:

Category	*Amount (rounded)*
Grand total, gross amount (Apr. 15 budget review)	$219,600,000,000
Deduct amounts that arise from previous permanent-type legislation that does not *require* action in bills this session (interest, social security and other trust funds, etc.)	−80,700,000,000
Remaining portion requiring current action	$138,900,000,000
Deduct amounts acted upon by House (in the 3 appropriation bills for 1970)	−24,488,000,000
Remaining portion still requiring current action	114,412,000,000
Consisting of:	
Amounts presently involved in specific budget requests pending in connection with the 10 unreported appropriation bills	109,678,000,000
Remainder (Amounts in revised budget for later submittal for supplementals under present law or upon enactment of proposed legislation; allowance of $2,800,000,000 in the overall total for July 1, 1969, civilian and military pay raise; allowance for contingencies; etc.)	4,734,000,000

NOTE.—Excludes $1,661,000,000 of budget requests for advance fiscal 1971 funding in the 1970 bills.

Mr. BOW. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I join with the gentleman from Texas in urging the House to adopt this resolution. I think it is something that must be done in order to have an orderly and expeditious execution by various agencies.

I reiterate what the gentleman has said, that the rate of expenditures in the current fiscal year 1969 or the budget request for 1970 will apply where no action has been taken by either the House or the Senate—and if there are more restrictive provisions in some of the amounts approved by either the House or the Senate, then that lowest amount will apply. I would suggest that this is the proper manner in which to carry on.

No appropriations bills have yet passed both Houses.

This is the usual continuing resolution which we have had for a number of years because of Congress' inability to get Government programs funded by June 30.

The resolution permits continuation of government activities at the lowest of the following:

First, the rate of expenditures in the current fiscal year—1969;

Second, the budget request for fiscal 1970 where no action has been taken by either House or Senate; or

Third, the more restrictive amount approved by either House or Senate.

So far, no appropriation bill for fiscal 1970 has become public law. The House has acted on two, the Treasury-Post Office and Agriculture bills, and we anticipate debating the independent offices bill today. The other body has not acted on any 1970 appropriation bills.

The only variations in this resolution from those of past years are two: First, we have set a date of October 31 for expiration of the continuing resolution, and that seems a reasonable approach since Congress will be taking a summer recess from the close of business on August 13 to September 3. Second, either former President Johnson or President Nixon proposed some changes with respect to education and grants for State technical services, and until such time as Congress has resolved those proposals the continuing resolution would permit spending for administrative items in those areas at the current rate.

Specifically, these items are set forth in section 101 (d) and (e) and they provide respectively as follows:

(d) Such amounts as may be necessary for continuing activities for State administration under Title III, Part A, and Title V of the National Defense Education Act of 1958, and under Title II of the Elementary and Secondary Education Act of 1965, but at a rate for operations not in excess of the current rate: *Provided*, That the amount made available in this paragraph for such activities shall be charged to such appropriations as may be made available for the fiscal year 1970 for the purposes of grants to local educational agencies under Titles I and III of the Elementary and Secondary Education Act, as amended.

(e) Such amounts as may be necessary for federal and non-federal administrative expenses under the appropriation for "Grants and expenses", Office of State Technical Services, Department of Commerce, but at a rate for operations not in excess of the current rate.

I should point out that the Appropriations Committee, as has been the case in the past, is ready to report all of its bills in a timely fashion. However, we are delayed by the fact that much authorizing legislation must be enacted into law before we can properly fund programs requiring legislative extension.

The following programs require legislative authorization before proper funding by the Appropriations Committee can be provided:

Recommended 1970 amounts requiring additional authorizing legislation

[In thousands]

FUNDS APPROPRIATED TO THE PRESIDENT	
Appalachian regional development programs	$112,500
Military assistance	650,000
Economic assistance	$2,280,900
Office of Economic Opportunity	2,048,000
Peace Corps	99,800
Total, funds appropriated to the President	5,191,200
COMMERCE	
Economic development assistance: Development facilities	128,331
International activities:	
Salaries and expenses	166
Export control	5,358
U.S. Travel Service: Salaries and expenses	1,300
National Bureau of Standards:	
Research and technical services	3,480
Special foreign currency program	150
Maritime Administration:	
Ship construction	15,918
Operating-differential subsidies	142,177
Liquidation of contract authorization	(52,223)
Research and development	7,700
Salaries and expenses	5,174
Maritime training	6,164
State marine schools	2,040
Total, Commerce	317,958
DEFENSE—MILITARY	
Procurement of equipment and missiles, Army	2,587,460
Procurement of aircraft and missiles, Navy	3,235,500
Shipbuilding and conversion, Navy	2,631,400
Procurement, Marine Corps	57,800
Aircraft procurement, Air Force	3,775,200
Missile procurement, Air Force	1,486,400
Research, development, test, and evaluation:	
Army	1,849,500
Navy	2,211,500
Air Force	355,400
Defense agencies	500,200
Emergency fund, Defense	100,000
Military construction:	
Army	370,900
Navy	360,100
Air Force	355,400
Defense agencies	72,500
Army National Guard	72,500
Air National Guard	13,200
Army Reserve	10,000
Naval Reserve	9,600
Air Force Reserve	5,300
Family housing, Defense	607,800
Homeowners assistance fund, Defense	0
Total, Defense-Military	23,815,960
HEALTH, EDUCATION, AND WELFARE	
Consumer Protection and Environmental Health Services: Air pollution control	21,900
Health Service and Mental Health Administration: Comprehensive health planning services	18,000
Office of Education:	
Elementary and secondary education	9,397
Education for the handicapped	60
Social and Rehabilitation Service:	
Assistance for repatriated U.S. nationals	316
Development of programs for the aging	$28,360
Total, Health, Education, and Welfare	78,033
HOUSING AND URBAN DEVELOPMENT	
Fellowships for city planning and urban studies	500
INTERIOR	
Bureau of Commercial Fisheries: Construction of fishing vessels	6,000
National Park Service: Management and protection	125
Bureau of Reclamation: Construction and rehabilitation	172
Office of Saline Water: Saline water conversion	26,000
Federal Water Pollution Control Administration: Pollution control operations and research	57,730
Total, Interior	90,027
TRANSPORTATION	
Coast Guard: Acquisition, construction, and improvements	82,800
Federal Highway Administration:	
Highway beautification (contract authorization)	85,000
Traffic and highway safety	23,000
Total, transportation	190,800
ATOMIC ENERGY COMMISSION	
Operating expenses	1,963,800
Plant and capital equipment	350,509
Total, Atomic Energy Commission	2,314,309
National Aeronautics and Space Administration	3,715,527
Other independent agencies:	
National Science Foundation	490,000
Commission on Civil Rights	550
American Revolution Bicentennial Commission	225
Appalachian Regional Commission	890
Small Business Administration: Salaries and expenses	5,000
National Commission on Reform of Federal Criminal Laws	260
Total, other independent agencies	496,925
Grand total:	
Budget authority	36,211,239
Liquidation of contract authorization	52,223

CHANGING THE FISCAL YEAR

Mr. Speaker, I would suggest I believe some study should be made to determine if a change in the fiscal year is needed. It has been giving me some concern, and I think we should make a very careful study. Each year we come in with requests for continuing resolutions every 30 or 60 days, and now until October 31. This means that until October 31 the Government agencies will not know what funds they have or how to plan. I think perhaps it would be well if the Congress

would make a study to see whether or not we should make a change in the fiscal year.

I do not know why we have the fiscal year starting in July. I think we should do something constructive in trying to get away from this question of these continuing resolutions. Perhaps a change in the date of the fiscal year would be the proper thing to do.

Mr. LANGEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Speaker, I commend my colleague for the very appropriate remarks he has just made relative to the possibility of changing the fiscal year. This is a suggestion on which I had occasion to submit legislation last year, and I have resubmitted it again this year.

I think it is sheer folly that we expect the respective departments of Government to go on for sometimes 3 or 4 or even 6 months without any direction by Congress as to expenditures. This is what happens under the present system whereby we leave them in limbo as to whether or not we want them to expand their programs or we want to retard their programs. They are not therefore able to do any kind of planning as far as their expenditures are concerned.

I think millions of dollars could be saved in a more orderly administration and better planning, all to the benefit of domestic programs and the financial status of the country. It is for that reason that a year ago I introduced legislation to accomplish this purpose and have reintroduced it again this year. I agree that any study that would throw some light on the advantages that might be achieved by changing the fiscal year to begin on January 1 ought to be made.

Mr. BOW. Mr. Speaker, I thank the gentleman from Minnesota. He has been a fine member of our committee and has contributed much to some fiscal policies.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the chairman of my committee, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I believe a great deal of merit is encompassed in the proposal that we consider—and I underline the word "consider"—changing the fiscal year. This is the 24th day of June, and a well-functioning, alert legislative branch, it seems to me should have been able, in an ordinary year—this is an exception, a new administration just coming into power—to move pretty far along in 6 months.

If we extended the fiscal year until October 1, would we be able prior to September 15 really to get going in high gear and get these bills handled?

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Bow was allowed to proceed for 5 additional minutes.)

Mr. MAHON. If we extend it to January 1, would we try to crowd into the period from Christmas until New Year the passage of much of the major legislation?

What I am trying to say is that we need to consider more than merely the date for the beginning of the fiscal year. We need to consider the adoption of better legislative habits. I believe the gentleman from Ohio would agree that the time has come when Members are so heavily involved in respect to many problems it is increasingly difficult for us to get our work done.

I do not have the answer to this problem. I know that reorganization proposals are pending.

We cannot now, within the standing rules, bring out of the Appropriations Committee some of the important measures because there is a lack of legislative authorization for them.

Will there be authorization by the 1st of July?

Will there be authorization by the 1st of August?

Will there be authorization by the 13th of August, when we are to take a recess?

It is impossible to say.

I would hope, when we come much nearer to the end of the year and certain appropriation bills have not been passed we will recall the discussion on this bill.

Mr. BOW. I would suggest to my distinguished chairman, on the latter point about the responsibility of the Appropriations Committee, I am sure the chairman realizes practically every subcommittee of the Appropriations Committee has completed its work and is now waiting for authorizations from legislative committees. I had as a part of my earlier remarks a list of the authorizations which are still necessary. There are some 39 or 40 of them. This shows that until we get these authorizations, unless we go and get a rule, we cannot bring in these bills.

I suggest again, I am not in favor of bringing in the appropriation bills with rules. It seems to me we have to bring them in with authorizations.

This is not a question of the Appropriations Committee not having completed its work, but of a great list of authorizations which are necessary.

The gentleman asked, can we get through? I believe we can. I can recall when the late and distinguished and beloved John Taber was chairman of the Appropriations Committee we completed all of our bills by May except one, and that was the foreign aid bill, and I believe that came out in July. There was a time when we were able to do this.

The authorizations are holding us up. The gentleman said we should consider this. I am not saying what we should do as to the fiscal year, but I agree with the gentleman that we should consider it. It is a matter having to do with the orderly process of government. It may be necessary to change the fiscal year so that the agencies will have some idea as to what their appropriations actually will be.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. When the opportunity is presented I shall ask for unanimous consent to place in the RECORD certain pertinent information in regard to the record of the Congress in past year on this matter of securing continuing resolutions and on the status of the bills and so forth, which I believe will be illuminating.

I think we all need to take stock. There are portions of this report which I trust may receive the careful attention of the Members of the House.

I thank the gentleman for yielding.

Mr. LANGEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman further.

Mr. LANGEN. I want to express my further agreement with the chairman of the full committee and point he has made. Certainly the problem which we face is not one created by the Committee on Appropriations. In fact, they are ahead with their work. But it is the authorizations that are holding us up.

In that connection I should add my further agreement to his thought that we might well speed up the work of this Congress by a little better attendance on Mondays and Fridays and lengthening the week in order to meet the demands of the Government.

The fact remains however that appropriations are not made on time year after year. Further emphasizing the need to change the fiscal year. I made some remarks on this subject yesterday. I shall include them in the RECORD at this point:

STATEMENT BY MR. LANGEN, JUNE 23, 1969

Mr. Speaker, it is time for the whole Congress to recognize that our present fiscal year is an obstacle to good government and public welfare. By having the fiscal year begin on the first of July we are raising the overall level of governmental spending, depriving the underprivileged and the poor of effective and efficient programs, delaying cooperative Federal programs by as much as a year and casting a certain doubt on the credibility of governmental statistics. I strongly urge immediate consideration of my proposal for a calendar fiscal year, which would cure these present deficiencies. Although change of a long-established custom is difficult to achieve in government, my proposal would not cause hardship on any governmental body or agency and would, on the contrary, alleviate or even eradicate difficulties and hardships now suffered by both government and the public. Early passage of this proposal would greatly facilitate the minor technical changes needed for the government and the public to adapt to the calendar fiscal year.

It has been a long-recognized fact that appropriations bills are seldom finalized by the first of July, which is the present legal beginning of the fiscal year. The Congress has, by a continuing resolution each year, authorized each program to continue spending at a level which would not exceed the lower of either the budget or the previous year's appropriations. Once a department or agency has begun spending money at this artificial level, it would experience difficulties in readjusting to a substantial decrease in appropriations from the artificial level set by continuing resolution. Naturally, "Parkinson's Law" would take care of any increase and the additional money would be spent—even if not wisely or efficiently. In either case tax dollars would be wasted in inefficient spending caused by inadequate or no advance planning. Efficient administration is clearly the key to seeing that every dollar spent on social programs will benefit the poor and the underprivileged to the greatest degree possible rather than being lost in a cumbersome bureaucracy due to lack of direction.

Let's take a hypothetical case to show just how failure to finalize appropriations bills before the beginning of the fiscal year would raise the overall level of governmental spending. Suppose that Program A had been appropriated $1,000,000 one year and the budget called for the same amount for the next year. However, although the Congress had indicated no particular controversy with respect to the program, the final appropriations passed in December was for only $500,000, that is, 50% of the spending level authorized by the continuing resolution. One can readily see that the administrators of Program A, counting on at least a continuance of the appropriations level of $1,000,000 would have spent by the end of December almost all of the $500,000 appropriated.

Even if the administrators eventually saw the possibility of a cut in appropriations they might choose to discount an appropriations cut and continue to spend on the basis of the resolution, counting on a supplemental appropriation if there is a cut. In a case of this type the administrators would have a clear case for a supplemental appropriation on the grounds that the Congress itself—by its failure to finalize the appropriations bill by the beginning of the fiscal year—caused the program to spend all its money with the fiscal year only half gone. If the Congress then wishes the program to continue, it will be forced to pass a supplemental appropriation for the remainder of the fiscal year, thus raising the overall spending level higher than the Congress originally intended. If the Congress is trying to keep to a budget ceiling, as it now is, some other program may then have to suffer in order to furnish funds for the supplemental appropriation. In this way and to this degree the Congress loses its control over executive spending and may exceed its own self-imposed fiscal limitations.

My proposal for a calendar fiscal year would eliminate this problem forever because the fiscal year would begin on the first of January *after* all the appropriations bills have been finalized prior to adjournment in December (or earlier). More importantly, with advance notice of the final appropriations each department or agency would have an opportunity to plan ahead efficiently for the increase or reduction of a program; and the tax dollar, being utilized more efficiently, will then produce the greatest actual benefit to those individuals the program was intended to reach.

Now we all surely want the greatest portion of each dollar appropriated for social programs to benefit the poor and underprivileged directly. However, we deprive the poor and the underprivileged of the maximum benefit of these programs—and thus raise the administrative costs of social programs—when we allow the whole Poverty Program to go without direction. The present authorization expires in about two weeks, a new authorization bill is not yet ready and funds cannot be appropriated to administrative agencies that no longer exist. What greater chaos could exist? Even with stopgap legislation, to continue the programs at their present level cannot restore the proper order or enough direction for efficient administration. With the fiscal year beginning on the first of July, it is almost impossible for the Congress to complete hearings and make appropriate changes in the bill for this most complex and vital program. When all of this is allowed to occur, the one to suffer the most is the one who most needs help: the poor and the underprivileged.

In most of the national social and public works projects, the nature of the legislation requires funding jointly from Federal, state and even local sources. Sometimes the state has to match Federal funds in a certain ratio or the Federal government has to reimburse the state for certain types of expenditures. In either case the particular project will probably be delayed. Detailed planning cannot be accomplished in the first case until the state or local community knows just how much money it needs for the project, while in the second case, the state or local community may not start the project until there are appropriated funds out of which they can be reimbursed.

Vocational schools thought that they had found a way out of the latter situation by budgeting grants to students under the Vocational Education—Work-Study Program at the beginning of each fiscal year. Naturally, they expected to be reimbursed from funds for that purpose which had been appropriated regularly each year. In fiscal year 1968 such funds were given to the Neighborhood Youth Corps in the Department of Labor and earmarked for distribution by the Office of Education. However, in fiscal year 1969, although sufficient funds were appropriated to the Department of Labor for use in the Vocational Education—Work-Study Program, the funds were not earmarked and were to be administered by the Neighborhood Youth Corps itself under an administrative reorganization. The vocational schools could not get the funds from the Office of Education as before and were left with the idea that no such funds existed. Only recently—and after most of the funds had been expended—were some schools able to determine the true facts and obtain partial reimbursement. The primary cause of this problem can be laid to the July first fiscal year and the inability of Congress to finalize appropriations bills by this deadline. Otherwise the schools would not have had to anticipate the Federal funds in their own budgets each year and make themselves subject to possible loss of their operating funds if funds for the program were not available.

Having the fiscal year begin on the first of July also makes programs subject to certain physical environmental factors which can cause delay in the execution of the program. Construction projects, particularly in the northern states, cannot be started in the winter months—which may last as long as from October to April. Some of these projects, such as road construction and buildings, require a substantial part of the primary construction to be completed before the winter months if the whole project is not to be started anew in the spring. In fact, they may not be started until the following spring even if the appropriations were finalized by the first of July, since considerable advance planning is needed and sometimes the primary construction itself cannot be completed in four months. However, in all of these cooperative efforts there would be adequate time for advance planning to be completed and for construction to be started if the funds were made available for a calendar fiscal year. Seasonal problems and delays could then be avoided.

While upsetting basic economic and social planning, the July first fiscal year also casts doubt on the credibility of government statistics. Most of the government is geared to the fiscal year and has a tendency to collect figures which pertain to the fiscal year and not to the calendar year. Individuals and private concerns rarely put out facts and figures for public consumption unless they cover a calendar year. Corporate annual reports, for instance, are required by law to cover the calendar year. When faced with the need to correlate and make sense out of all the thousand types of figures available, even an expert may throw up his hands in dismay. Even in the government itself the Department of Agriculture generally uses the July first fiscal year for its foreign trade statistics while the Commerce Department employs the calendar year for the same statistics. Who is truly able to reconcile these two sets of figures or even determine whether they are in agreement? A calendar fiscal year would solve most of this problem and help avoid costly duplication of fiscal year versus calendar year figures.

My proposal, Mr. Speaker, for a calendar fiscal year would not only lead us out of the difficulties I've just described but would also save the Federal government millions of dollars. The types of difficulties are not hypothetical, but represent very real problems which face our government each year. Much money could be saved by the orderly administration and clear direction which a calendar fiscal year would bring, and the Congress would have more time for deliberations on the complexities of fiscal matters and on administrative regulation. Most legislation is far too complicated to be started and finished within six months. The plain fact of the matter is that when the Congressional leadership provided for an August recess, it tacitly said that it did not expect to finish conducting its business before August. Nevertheless, almost all pressing business is completed prior to adjournment—be it in October, November, December or earlier. The money saved and the efficiency gained by giving just those six months is so valuable and so important that we cannot afford to wait to pass this legislation.

Do we want our programs to accomplish all that they were originally intended to do? Do we want to save millions of dollars in efficient administration? If we do, then now is the time to give all governmental bodies the fiscal certainty which is necessary for sound planning and for orderly, effective and efficient administration.

Mr. BOW. Mr. Speaker, I am delighted to yield now to the gentleman from Illinois (Mr. PUCINSKI).

EFFECT OF LOWER INTERIM RATES ON FINAL APPROPRIATIONS

Mr. PUCINSKI. Mr. Speaker, I believe both the distinguished chairman of the committee, the gentleman from Texas (Mr. MAHON), and the gentleman from Ohio, the ranking minority member (Mr. BOW), have made a very compelling case for support of this resolution. The question which I would like to pose to either of the gentlemen is if we say in this resolution that these agencies will continue for 4 months at their 1969 level, can we then expect the Committee on Appropriations to reduce the 1970 appropriation by a comparable amount? In other words, these agencies that ask for a substantial increase in their appropriations for 1970—can we expect a reduction from the Committee on Appropriations for them for the 4 months that they are going to be instructed to operate at the 1969 level, or are we going to give them their original request for 1970 and give them a windfall for the remaining 8 months of the fiscal year?

Mr. BOW. As the gentleman will find if he examines the actions of the Committee on Appropriations in the past, he will see the committee seldom, if ever, grants the original budget request. There are usually reductions. In some cases there are increases, but I will say to the gentleman that it is the history of the committee that we do not always give the original request. The rate of expenditure will be either the 1969 level, the budget request for 1970 where neither House has acted, or the lesser amount of House and Senate actions; whichever is the lowest amount.

The SPEAKER pro tempore. The time of the gentleman has again expired.

(Mr. BOW asked and was given per-

mission to proceed for 3 additional minutes.)

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am glad to yield to the chairman of the committee.

Mr. MAHON. It should be pointed out that the level of spending for the next 4 months will not necessarily be as provided in this resolution. If the House and the Senate take action and we enact into law an appropriation bill, then the agencies in that bill will be taken out from under the resolution. They would henceforth proceed under their regular appropriations, which could be higher or lower. But any funds expended during fiscal year 1970 under this resolution will be taken into consideration in fixing the amount, and any funds expended in the interim under this resolution are chargeable against whatever is made available in the regular appropriation bills. So nobody will get a windfall as a result of this.

Mr. BOW. There will be no windfall.

Mr. PUCINSKI. I would like to thank the chairman for this explanation, because, as he knows and as every Member of this House knows, it is a common practice of these agencies when they get a windfall in the last 2 or 3 weeks of the fiscal year that they go helter-skelter. They think it is a crime to turn back money to the Federal Government, and so they enter into all sorts of foolish contracts in order to spend the last dollar appropriated for that particular fiscal year. In the frame of the gentleman's explanation we can look forward to a reduction commensurate with the period of time that they operate at the 1969 level within the framework of this resolution.

I thank the gentleman for his explanation.

Mr. PATTEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from New Jersey.

Mr. PATTEN. Thank you.

All I want to say is what part the administration downtown has in holding us up. I heard different committtee members say that they cannot proceed because there has not been a determination of where we are going, like in the OEO.

Mr. BOW. Mr. Speaker, I would say to the gentleman that Congress has the responsibility to say where we are going, and it seems to me that when we try to pass this back down town, the gentleman then is saying the thing that they said to me over the years: "You are delegating the authority downtown."

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. BOW. Mr. Speaker, I will say "no," that I refuse to yield to the gentleman from New Jersey because I already have one gentleman from New Jersey standing, and that is enough.

I will be delighted to say to the gentleman that I do not believe this complaint has come from any dircetions from downtown. We have had the new budget. We have worked on it. We have been ready to report on some of it.

Mr. PATTEN. Mr. Speaker, I did not say that critically. I support my President. I support our Commander in Chief. I am not one of these cheap politicians. I am a statesman, and I did not say that critically.

Mr. BOW. With that last remark I agree with the gentleman.

Now, Mr. Speaker, I will be happy to yield to the other gentleman from New Jersey the soon-to-be judge who is going to leave us. Each time I am on my feet the gentleman has given us some pearls of wisdom. I am going to miss the gentleman when he is sitting up there on the judicial bench. However, I do hope that I never get caught going through New Jersey, and have to appear before the gentleman.

Mr. JOELSON. Mr. Speaker, I thank the gentleman for yielding. The gentleman is so kind and gracious that I hesitate to point out an inconsistency, but I do want to recommend and to point out that Congress should have control over appropriations and over spending, and not the executive branch.

I remember the last session very well.

Mr. BOW. The gentleman has lectured on that subject several times, and has not convinced me as yet.

Mr. JOELSON. I remember the last Bow amendment, where the gentleman wanted to abdicate the authority to the executive branch.

Mr. BOW. Mr. Speaker, I do hope the gentleman understands his legal procedures a little better than he understands the Bow amendment, because if the gentleman does not then the gentleman is going to be reversed, because it was just the reverse situation in the Bow amendment. It did not give the authority downtown. It said that this was how much you are going to have, and you cannot spend any more.

Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS of Colorado. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I take this time for the purpose of attempting to clarify the situation as it relates to Government employees.

As the chairman of the committee knows, because of certain restrictions the departments are unable to even hire employees to take the place of those who may have retired, or to supplement in certain instances.

I would like to know from the chairman of the committee as to what effect this continuing resolution may have on that law.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, the gentleman has raised a very important and pertinent question. The Revenue and Expenditure Control Act of 1968 provided a limitation on personnel—and heaven knows there ought to be a limitation on personnel, and it is hoped that one can be worked out which is reasonable and acceptable. But section 201 of the Revenue and Expenditure Control Act is not practical, and is not workable, but because it is permanent law it will be in operation after the end of this fiscal year unless legislation to the contrary is passed.

In the appropriation bills which have already passed the House for fiscal 1970, we removed certain agencies from the operation of this section, and in the second supplemental appropriation bill which has already passed the other body, there is an amendment to repeal section 201 outright.

We expect to go to conference with the other body on that matter later this week. I do not know what the conference will decide, but I would assume that section 201, to which the gentleman refers, will be blunted or wholly obliterated.

Mr. ROGERS of Colorado. Of course, that will depend on what is agreed on in conference. I trust the conferees on the part of the House will recognize the inconsistencies that may have developed and that this will be eliminated from our system.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Colorado has expired.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, let me ask the distinguished chairman of the committee what happens under the proposed resolution to the Members' pay increase, since the housekeeping committee has not acted on this question?

What happens to this salary grab of February of this year, so far as the Members are concerned? Will Members be paid at the old rate or will they be paid at the new rate?

Mr. MAHON. I believe that when the photograph, so to speak, of the status quo is taken on the night of June 30 at 12 o'clock, it will disclose that Members are now drawing pay at the new rate and that this would obtain during the fiscal year 1970 until action to the contrary is taken. I believe that is a fair interpretation.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BOW. It would seem to me that the House took care of that situation for fiscal 1969 last week, last Tuesday, under the resolution we passed taking care of the pay for the post office and others. And I think that Members will be paid at the increased pay rate under this resolution.

Mr. GROSS. If I may ask the chairman, what is so magical about the date of October 31, 1969, the termination date of this resolution?

Mr. MAHON. Someone just facetiously said that that is the day after Halloween.

Mr. GROSS. I would say to the gentleman that it would be more appropriate to relate it to April Fools Day.

Mr. MAHON. I would call the gentleman's attention to page 1 of the report in regard to the matter. The report states:

> The time period covered by the accompanying resolution is limited to the four-month period, July 1–October 31, 1969. Anything shorter than that is judged to be unrealistic, especially since the membership is proceeding under the announced plan of a mid-August recess extending beyond Labor Day, and the further fact that large segments of the budget have not been authorized by the Congress.

Another continuing resolution will have to be sought just prior to October 31

if we do not complete the appropriation bills by that date. But I hope sincerely, and I choose the word "hope" with care, that we may not need another continuing resolution.

Mr. GROSS. The gentleman says he hopes sincerely, and I sincerely hope that he is right. But would the gentleman be amenable to an amendment to the resolution making the termination date December 31, 1969—just to be on the safe side? I think that comes nearer to being right than October 31. You will note that we paid no attention whatever to the Reorganization Act and its date of July 31 each year for the termination of Congress.

Would the gentleman agree with me that Congress ought to take action toward abolishing that July 31 date, for it is utterly meaningless?

Mr. MAHON. It needs to be studied very carefully. But I would not think we ought to extend the expiration of the pending resolution beyond October 31.

This gives us an objective. I am sure Congress will industriously work toward passing the legislation and doing its job because, when we go home, we want to be able to point with pride to our achievements, on both sides of the aisle, and I hope we will be able to do that. I think we have done a fair job so far as this session is concerned, and we can do a better job as we move along.

Mr. GROSS. From the lack of progress made so far in this session of Congress, would we have any right to point with pride to the enormous amount of work done here? I doubt that anyone can go out with a straight face and point with pride to the work done by this session of Congress thus far, and half of this year is already gone.

Mr. MAHON. The gentleman would probably agree with the gentleman from Texas that virtue does not always reside in passing legislation. Often there is virtue in not passing legislation.

Mr. GROSS. But in the end do we not wind up by passing it, to our sorrow most of the time, even if we long delay action? We wind up passing it anyway.

Mr. MAHON. Some of it, including this measure, is necessary for the ongoing operations of the Government, as the gentleman knows.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert pertinent extractions in regard to the continuing resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE TO EXTEND ON SENATE CONCURRENT RESOLUTION 17

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Senate Concurrent Resolution 17.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TO EXTEND THE TIME FOR THE MAKING OF A FINAL REPORT BY THE COMMISSION TO STUDY MORTGAGE INTEREST RATES

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g) of the Act of May 7, 1968 (Public Law 90–301) is amended by striking out "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969," and inserting in lieu thereof the following: "The Commission shall make an interim report not later than July 1, 1969, and shall make a final report of its study and recommendations not later than August 1, 1969,".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION FOR FISCAL YEAR 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 448

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 448 provides an open rule with 2 hours of general debate for consideration of H.R. 12167 to authorize appropriations for the Atomic Energy Commission for fiscal year 1970.

The bill authorizes an appropriation in the total amount of $2,454,284,000—$1,973,282,000 for operating expenses and $481,002,000 for plant and capital equipment.

The authorization request submitted by the Atomic Energy Commission included $1,963,800,000 for operating expenses and $484,252,000 for plant and capital equipment, a total request of $2,448,052,000. The request was a 6.5-percent reduction from the authorization for fiscal year 1969.

Generally, the Commission's authorization request reflects estimated costs in two broad categories of effort; namely, military and civilian applications. Military applications primarily include the nuclear weapons and naval propulsion reactors programs, and portions of several other programs such as special nuclear materials and security investigations. Approximately 53 percent of the authorization request is attributable to the military applications. The civilian applications of atomic energy comprise about 47 percent of the total request.

The authorization requests are exclusive of certain adjustments such as revenues received and cost of work for others which must be considered in calculating the net authorization.

The Joint Committee recommended both increases and decreases in the authorizations for many of the AEC programs. This was done to provide for a higher level of effort on several of the high-priority programs. The recommended authorization for fiscal year 1970 is about two-tenths of 1 percent more than the amount requested.

Mr. Speaker, I urge the adoption of House Resolution 448 in order that H.R. 12167 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule, if adopted, would provide 2 hours of general debate on the bill authorizing funds for the Atomic Energy Commission. I shall not repeat the figures which have just been read by the distinguished gentleman from California, but I would point out this is only two-tenths of 1 percent more than the amount requested by President Nixon, and it is $164 million less than

the amount authorized to the Atomic Energy Commission last year.

When the distinguished gentleman from California (Mr. HOLIFIELD), the chairman of the committee, appeared the other day before the Rules Committee and asked for a rule on this bill, he described the authorization as one of the most austere that has been reported by the committee in recent years. Since it has been my privilege to serve on that committee, as well as on the Rules Committee, I can add to what the gentleman has said: The conviction that because of the very searching scrutiny that was given the budget estimates by the Joint Committee on Atomic Energy, reductions have been made where they should have been made and in a very few places—as will be indicated I am sure under time authorized by the rule—the committee has recommended some increases. They are increases that are not really very significant in total amount, and yet I think it will be shown they are very significant as far as the impact they will have on such programs as those dealing with the civilian atomic energy power and those programs dealing with Plowshare, or the peaceful uses of atomic energy.

Mr. Speaker, I concur in what the gentleman from California has said and recommend adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD).

The motion was agreed to.

The SPEAKER pro tempore (Mr. ALBERT). The Chair designates as Chairman of the Committee of the Whole the gentleman from Massachusetts (Mr. BURKE), and the Chair requests that the gentleman from California (Mr. SISK) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) with the Chairman pro tempore (Mr. SISK) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 1 hour, and the gentleman from California (Mr. HOSMER) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, before I start explaining the bill, I would like to say that our purpose today is not to take the 2 hours unless it is called for by the action of the Members of the House. We are presenting to the Committee today a bill which has had several months of intense scrutiny. We have resolved all differences between the members and have come to a point of unanimity in presenting this bill to the House. So we are not in controversy on any item in the bill.

Members are aware we were delayed in the consideration of this bill about 2½ or 3 months because the Johnson budget which came up to the Hill on January 16 was recalled by the new administration, and we received the revised budget on April 15. So outside of our staff studies and our study of the whole subject matter we started our hearings right after April 15, and we continued them until we had all of our witnesses testify. Therefore, the authorization bill was delayed for a month or so because of the late receipt of the final approved bill by the Bureau of the Budget.

This bill would authorize appropriations to the AEC totaling $2,454,284,000 for both operating expenses and plant and capital equipment funds for the fiscal year 1970. For comparative purposes I might note that the recommended amount is $64 million less than the amount requested in the budget submitted by President Johnson on January 15. It is $6.2 million, or two-tenths of 1 percent, more than the amount requested in the budget submitted by President Nixon on April 15. But, most significantly, it is about $164 million less than the amount authorized to the AEC in the fiscal year 1969, and this in spite of the fact that we have had an increase in the need for military expenditures. We have absorbed those military expenditures in the bill and we have of course had to reduce some civilian applications in order to do that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman stated what was authorized for last year?

Mr. HOLIFIELD. Yes.

Mr. GROSS. Would the gentleman give us the figure for the actual appropriations for last year for the purposes of this agency?

Mr. HOLIFIELD. I will supply that figure. I do not have it at hand at the moment.

Mr. GROSS. What was the figure the gentleman gave with respect to the Nixon budget?

Mr. HOLIFIELD. The figure I gave was $6.2 million more than the Nixon budget.

Mr. GROSS. It was $6.2 million.

Mr. HOLIFIELD. Out of a $2.5 billion appropriation. It is less than two-tenths of 1 percent, I might say to the gentleman, but it is still $164 million less than last year's authorization. I will give the appropriation figure. The staff will provide that in just a moment.

(Mr. HOSMER furnished the appropriation figure in debate.)

Mr. GROSS. I thank the gentleman.

Mr. HOLIFIELD. As to the balance between military and civilian applications of atomic energy, approximately 53 percent of the recommended authorization is for military uses, and the remaining 47 percent for civilian uses. I might say that just a few years ago it was predominantly military, but during the past few years we have been able to bring into existence many new uses for atomic energy in the civilian application field, and we are pushing ahead on this because there is great promise and in fact great realization from civilian uses of atomic energy at this time.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. KOCH. Are any of these moneys to be used for MIRV or the ABM?

Mr. HOLIFIELD. These moneys are not to be used for the deployment of the ABM. They are for research and development in weapon requirements furnished to the committee by the President through the Department of Defense, so there is no money in here for the deployment of the ABM. This has nothing to do with the subject matter of whether the Congress will or will not approve the so-called Safeguard system.

Mr. KOCH. How about MIRV?

Mr. HOLIFIELD. On the MIRV, we have research and development for missile warheads. Missile warheads for all of our missiles; the missile warheads that are on Minuteman, the missile warheads that are on Poseidon, the missile warheads that would be on Sprint, Spartan, and SRAM. The research and development in that field is applicable to all of the missile development of the United States.

Mr. KOCH. I thank the gentleman.

Mr. HOLIFIELD. Mr. Chairman, included in the civilian category is $121 million for the operational costs and $234 million for plant and capital equipment for the high energy physics program, for which the AEC has been designated by the President as executive agent on behalf of the entire Federal Establishment.

Turning to the provisions of the bill itself, section 101(a) of H.R. 12167 would authorize appropriations of $1,973,282,000 for "Operating expenses" of the AEC. On page 3 of the Joint Committee's report, you will find a summary of the committee's recommended authorization for the AEC's major programs and subprograms. A more detailed discussion of each of these areas will be found in the report section entitled "Committee Comments," beginning on page 6. As you will note from the referenced table, the committee has recommended decreasing the funding for some programs while increasing others in an effort to provide the necessary funds to maintain AEC's higher priority programs at a viable level. If any Members have any questions, I will be happy to respond to them.

Let me point out the major areas which have been affected by the Joint Committee's actions. The more significant increases recommended by the committee were for the civilian power reac-

tor program, $7.3 million; the naval nuclear propulsion program, $4 million; and the AEC's Plowshare program, $10.5 million.

The AEC's civilian power reactor program is primarily directed toward the development of the breeder reactor which will generate more nuclear fuel than it consumes during operation, thus providing this Nation with a virtually limitless supply of energy. I cannot overemphasize the benefits which this Nation will derive from the successful development of this technology, which, I might add, looks extremely promising.

In two other areas, neither of which involves large sums of money but both of which hold great importance to humanity, the committee has voted to restore funds to the budget. One of these programs involves development of an implantable radioisotope heat source power converter for powering a heart pump. If a radioisotope-powered heart device can be developed it will be of inestimable value to heart surgeons and the thousands upon thousands who suffer from heart disease. The committee has recommended an increase of $800,000 to the AEC budget to initiate development of this device.

The committee has also recommended a minimum increase of $750,000 to permit continuation of the modest, but nevertheless important, food irradiation program, through which it is believed that the feasibility and safety of preserving food by low dose radiation will be established. In a world which knows hunger the potential humanitarian returns of this program more than justify this investment.

If we could produce refrigeration in many parts of the world to take care of the foods and if we could develop a substitute for the expensive refrigeration equipment which is needed in tropical countries and substitute radiation, which kills bacteria in the food itself and thereby prevents decay, this would be a tremendous accomplishment. It will enable fish that are caught in the ocean, for instance, to be transported for thousands of miles without refrigeration. You can see what this would mean in bringing protein into the interior of these nations, from the seacoast. It would also be a great boon to the fish industry of our own country and other countries.

The recommended increase of $4 million for the naval nuclear propulsion program would bring the total authorization for that important program to $125,855,000. I need hardly point out to this body that it has been primarily through the efforts of Congress that this Nation has developed its superior nuclear submarine capability. The Joint Committee believes that particular vigilance must be exercised if we are to maintain that superiority. As indicated in a special committee print issued yesterday, copies of which are available in the Chamber, there is considerable cause for concern over the significant progress the Soviets are making in submarine development and construction.

For example, according to unclassified information, the Soviets now have a force of 375 submarines, all of which were built following World War II, including at least 65 nuclear submarines.

In comparison, the United States has 143 submarines, of which 82 are nuclear and 61 are diesel. Most of the diesel-powered submarines, I might mention, are of World War II vintage. Thus the Soviets have now an advantage of about 230 submarines.

However, the most startling information relates to the Soviets' vigorous building program. They have a capability of turning out one submarine a month and have already completed seven of their latest Polaris-type submarines. For reasons that escape me our Navy has no Polaris submarines under construction or planned. Thus, all available evidence indicates that by the year 1973 or 1974 the Soviets will have a ballistic missile submarine fleet equal in size to that of the United States. Moreover, it is also believed that the Soviets will add about 70 nuclear-powered submarines to their fleet by 1974, whereas the United States will add but 26. I believe the seriousness of this situation will be further underscored by speakers who will follow me.

I should like to go back through the halls of memory for a moment to call the attention of the Members to the fact that beginning in World War II Hitler had 56 submarines and he sunk millions and millions and hundreds of millions of tons of shipping right off our coast with those 56 submarines.

Now, today the Soviets have 375 submarines to our 143, almost three times as much as we have, And if we would get into any kind of trouble in which we needed submarine warfare, we would be at a disadvantage of about 3 to 1 at this time, with the Soviets.

Mr. KOCH. Mr. Chairman, would the gentleman yield for a question?

Mr. HOLIFIELD. I will be glad to yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I thank the gentleman for yielding.

In looking through the committee's report to try and find out for my own information what is involved with respect to the ABM and MIRV, I find that there is a listing of $135 million with respect to the ABM covering research, development, and testing.

I would like to know whether we could ascertain what the amounts are with respect to the testing of the MIRV, and also suggest to the gentleman this: that those of us who are opposed to the MIRV are not talking about deployment, but are talking about testing, and therefore would we not, by supporting this bill and supporting funds for the testing of MIRV, have already then made a commitment which we are not willing at this time to do?

Mr. HOLIFIELD. The gentleman of course can make up his own mind as to what he is willing to do, but I will answer the first question by saying that I find it impossible to say precisely how much research and development would go toward MIRV, toward those warheads that go on the Minuteman, the Poseidon and the SRAM, and for Safeguard, which the Congress has authorized, because in the research and development and testing of warheads you are crossing the technological border from one missile to another.

Therefore I would say it will be very difficult to take out of this whole research and development on nuclear warheads and bombs that part you would use in a MIRV warhead.

Mr. KOCH. Mr. Chairman, would the gentleman yield further?

Mr. HOLIFIELD. I yield further to the gentleman from New York.

Mr. KOCH. Mr. Chairman, it is my understanding with respect to MIRV that the crucial question to be determined is whether or not there will be testing. It is not the same as the ABM, where the testing has occurred, and it is a question of deployment. With MIRV the key question is, Does it work? And that is ascertained after you have tested it. Therefore the major decision to be made by Congress is do we or do we not test in advance of having asked the Soviets whether they will agree with us that there should be no testing on both sides. Therefore my question to the gentleman is have we not crossed that bridge once we authorize funds which will permit the testing of the MIRV under this authorization?

Mr. HOLIFIELD. Mr. Chairman, I might say to the gentleman that Congress crossed that bridge a long time ago. We passed legislation for research and development. We have already tested in-flight facsimiles of MIRV. The Soviets are testing them. We have had uncontradicted intelligence of the fact that they are testing multiple reentry vehicles, and we also have tested multiple reentry vehicles.

Now let me be very clear on this matter. These were not nuclear warheads, these were facsimile components of the warhead that will be of the same size and shape and weight as a nuclear component. The nuclear components themselves are tested in underground holes deep in Nevada, as a rule. Some of those holes are 6,000 or 7,000 feet deep, some not so deep. The warheads themselves are tested there. However, the flight of the missile is tested usually from Vandenburg down range into the Pacific Ocean using facsimiles.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 5 additional minutes.

Mr. EDMONDSON. Mr. Chairman, would the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I know the gentleman from New York has a high regard for the New York Times and its news columns, and the New York Times for June 24 contains a report on Secretary Laird's news conference on the subject of the Soviets and testing to the point that they are testing multiple warheads for their SS–9 missile which is capable of knocking out three Minuteman missiles simultaneously.

Mr. HOLIFIELD. That is right. That is unclassified information which has been revealed by the President and also by the Secretary of Defense. They have testified in public on that matter and

they testified at great length in executive session giving the details of this.

We do know that these tests have been conducted. This is not something that we have been talking about that might happen. It is something that has already happened in the Soviet Union. We know they are trying to learn how to put a cluster of warheads inside a missile nosecone and they have had some test flights as we have had.

Mr. EDMONDSON. I also want to concur wholeheartedly with what has been said here about the need for our going ahead with research and development testing for each of the potential applications of the various weapons systems that are under consideration at this time.

The development work on a nuclear component is potentially applicable to the number of weapons systems which may or may not use the MIRV concept.

I think this is part of the reason why it is impossible to nail down a specific amount, aside from the question of classification, why it is impossible to nail down a specific amount and say that this is an amount allocated to MIRV.

Mr. HOLIFIELD. These are the problems. The gentleman is exactly right. These problems are being worked on by a number of different laboratories, problems of physics, and engineering and design of the nuclear weapon. They are applicable to other weapons, the same as they would be to the Minuteman or the Poseidon.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the gentleman.

Mr. KOCH. Is it the gentleman's position that a vote for this bill is a vote for the testing of MIRV in addition to other aspects of the bill?

Mr. HOLIFIELD. I will again explain. My evaluation of a vote for this bill would be a vote to continue research and development of missile warheads.

But if the gentleman is against any kind of warhead and if he believes that we should stop our research and engineering and we ought to stop our development of missile warheads while letting the Soviet Union go ahead and develop theirs, then I say if he takes that position, he should vote against the bill.

Mr. KOCH. I want to make clear that I do not take that position. But I believe there is a strong body of opinion in this House and in the other body and in this country which takes the position that until there has been a discussion with the Soviet Union to the effect that neither one of us ought to continue with MIRV or a comparable weapon, we ought not to do any testing because it is the testing itself in effect which if successful says, Yes, it does work, which is the crucial factor in this decision to test. Successful testing of the MIRV by us as the Soviet Union may make it impossible to arrive at an agreement to bar the MIRV and the consequent escalation that would follow.

It is my position and I submit the position of others, that before we take that crucial step, we ought to say to the Soviet Union, "We want to have one last chance with you to see whether both of us will stop at this point and before we go to that brink." That is my position.

Mr. HOLIFIELD. Let me say to the gentleman that I am a supporter of disarmament and I helped pass that legislation in this House and took a very strong stand on it. If any man in this world knows the horrors of nuclear warfare, I think I know about it because I have seen the tremendous explosions of megaton nuclear weapons in the South Pacific.

I know that if we have any massive nuclear weapon exchanges by one of these nations with any nation in the world, it will be a catastrophe for humanity.

I yield to no man in this House or in this Nation in his desire for peace in this world. But, I am not so naive and innocent to think that we can unilaterally stop our research and development and the production of weapons, and the maintenance of our military strength and at the same time have no control over the Soviet Union's purposes or programs.

We have been going after this goal of disarmament for several years. We have made numerous advances and propositions to the Soviet Union. Up to this date we have not had very much success, I might say. It took us many, many years to get the Limited Nuclear Test Ban Treaty.

I am not for unilateral stopping at this time of MIRV, Minuteman, Poseidon, nuclear submarines, planes, or any other element of military power which at this time keeps a balance of power in the world and prevents the Soviet Union from dominating the world, as its ideology calls for it to do. I am against giving them this opportunity of elevating them up to one position and keeping us at another. I am for keeping it even, at least, and the way to keep it even, I will say to my friend, is for us to continue research and development, to continue production, to continue to keep our power equal or superior to theirs, because we do not intend to use it aggressively. But their ideology calls upon them to use their military power aggressively.

Therefore, I say it is naive, in the strongest sense of the word, for the gentleman to advocate our stopping unilaterally the development of military power and the enhancement of the military power of the United States, while the Soviet Union continues their programs of military improvement.

Mr. KOCH. Mr. Chairman, will the gentleman yield further?

Mr. HOLIFIELD. Yes; I yield to the gentleman from New York.

Mr. KOCH. Will not the gentleman agree that there is a difference between research and development and the other category of testing? In addition to that, does the gentleman agree that there is a difference between unilateral disarmament, which the gentleman discussed a moment ago, and an offer made to the Soviet Union to say in effect that, "Before we go on, we say to you that this is the last chance. Will you agree with us not to test, not to pursue this weapon?" Then if they say, no; if they do not pick up that offer, then we could proceed.

Mr. HOLIFIELD. That is the same argument that has been made before to stop every weapon program in the United States. It was presented in relation to the hydrogen bomb. The gentleman was not in the House at the time. I happened to be in the House and I was chairman of the subcommittee within the joint committee that studied it. A tremendous number of scientists were involved. Among them were J. Robert Oppenheimer, chairman, Center for Advanced Studies, Princeton, N.J.; James B. Conant, president of Harvard University; Lee DuBridge, president of the California Institute of Technology; Enrico Fermi, of the University of Chicago; I. I. Rabi, of Columbia University; Hartley Rowe, vice president of the United Fruit Co.; Cyril Smith, director of the Institute for the Study of Materials, University of Chicago; Oliver E. Buckley, president, Bell Telephone Co., and others. They said, "Do not make the hydrogen bomb. Do not do it. If we do not do it, the Russians will not do it."

I was chairman of the subcommittee that studied the subject, with the gentleman from Illinois (Mr. PRICE) and other Members of the House at that time, and a Member of the Senate.

We came back from a study in the fall of 1949 with the deep conviction that we had to find out if the hydrogen weapon could be made. We had very little evidence at that time that the Russians were working on it, but we made this recommendation against the advice of all these famous people, including three people—a majority—on the Atomic Energy Commission, who said, "Do not do this. Do not make the hydrogen bomb. If we do not do it, the Russians will not." The AEC's prestigious General Advisory Committee was saying the same thing.

As a result of our recommendation, in January 1950, President Truman initiated the hydrogen bomb project on a crash basis. Nineteen months later we proved its feasibility and successfully exploded a hydrogen device.

Ten months later—I want to emphasize that—10 months later the Soviets exploded a hydrogen weapon. That was in August 1953.

Now, who was right and who was wrong? This Congress said that we had to protect the United States. We could not wait for the Russians to give us some kind of mythical agreement, which they might or might not fulfill. We in this Congress decided that we had to protect the United States, and we took the step against the advice of some of the greatest scientists in the United States at that time. We were right and these great scientists, who were all right in their own disciplines, who were experts in their certain fields—they may be great physicists or great in some other field—but when they get into the field of judgment on these things which we have to deal with in this Congress, they are about as naive as some other people I could mention.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the chair-

man for yielding, and I thank him for refreshing the memories of a lot of us in this House about the history of the hydrogen bomb development. The chairman has, I think, made the point very, very clear that a continuation of the testing and research and development program is absolutely essential if we are going to be in a position to make any kind of agreement or a deal with the Soviet Union regarding deployment.

It takes two to make a deal and ordinarily we have to have something to give on both sides. We know the Soviet Union is going ahead now with testing of a MIRV capability, and for us to stand still and not develop that capability is going to put us in a position where we have nothing to offer the Soviet Union that is of really demonstrable value to them if we reach the point, which is still in the realm of speculation, of sitting down and negotiating an agreement. It is easier to negotiate from strength than from weakness—and the Soviet will never negotiate an agreement or keep an agreement with a nation that is not dealing from strength. That is their history and that is the record.

The CHAIRMAN. The time of the gentleman from California (Mr. HOLIFIELD) has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman from California (Mr. HOLIFIELD) an additional minute.

Mr. Chairman, will the gentleman from California (Mr. HOLIFIELD) yield?

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, the figures that were requested by the gentleman from Iowa (Mr. GROSS) are the following: Fiscal year 1969 appropriations to the Atomic Energy Commission were $2,570,874,000. The authorization sought by legislation before us today is $116,590,000 less than that, namely, the sum of $2,454,284,000.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for furnishing those figures. The bill then, is substantially less than the appropriation of last year.

Mr. HOSMER. It certainly is.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, it is a pleasure for me to rise with the distinguished chairman of the Joint Committee on Atomic Energy and to join him in urging passage of H.R. 12167.

I believe that Mr. HOLIFIELD has effectively conveyed to you the spirit in which the Joint Committee reviewed the Atomic Energy Commission's authorization request for fiscal year 1970. Every effort has been made to wring the maximum out of each dollar which the Joint Committee has recommended for authorization. As a result, the Joint Committee was able to report out a bill which is approximately $164 million less than the authorization for fiscal year 1969 notwithstanding the inclusion in this bill of an aditional authorization of $217 million for the 200-billion-electron-volt accelerator as requested by both the Johnson and Nixon administrations. The total authorization recommended for fiscal 1970 represents a 6.2 percent overall reduction from fiscal year 1969 despite the obvious increase in the cost of doing business.

Approximately 37 percent of the AEC budget is for the nuclear weapons program, which entails production and surveillance of, research and development on, and the testing of nuclear weapons. The administration requested $828,300,000 in operating expenses for this program in fiscal 1970 and the committee has recommended approval of the entire amount. As noted in the committee report at page 10, the AEC weapons program for fiscal 1970 reflects a sizable increase in combined production requirements for numerous complicated weapons systems, such as the Poseidon, Minuteman, and short range attack missile—SRAM. This workload is the most formidable ever undertaken by the AEC production complex.

As the committee report notes, the recommended authorization for the weapons program includes $135 million associated with the AEC's responsibilities in connection with the ABM program. This $135 million is devoted entirely to research and development and testing of nuclear warheads to be employed in the ABM system. Accordingly, this amount of money will be required regardless of the decision made in this fiscal year on deployment of the Safeguard system.

With respect to another AEC program associated with the military uses of atomic energy—the naval propulsion program—the committee has recommended approval of $125,855,000 for fiscal 1970 operating costs. This represents a recommended increase of $4 million over the funds included in the President's budget request. This increase partially restores a reduction of funds for development work on improved nuclear submarine propulsion plants made during the administration's budget review process. These additional funds will enable the Commission to proceed with its advanced development program for nuclear propulsion reactors.

The other program which I should like to specifically mention is the Plowshare—civilian applications of nuclear explosives—program. You will note that the Joint Committee has increased the requested authorization by $10.5 million to a total operating fund authorization of $25 million. The committee feels very strongly that the $25 million level is the minimum necessary to meet our domestic commitments and to fulfill the obligations we will be assuming internationally. The commitments of the Atomic Energy Commission to the Interoceanic Canal Study Commission call for four more cratering projects before the Canal Commission submits its report in December 1970. Funds for only one of these were included in the administration's budget. The Joint Committee is recommending authorization of sufficient funds to complete one more of these experiments in fiscal 1970.

The credibility of our international commitments as embodied in the nuclear Nonproliferation Treaty, particularly article V, demands that we proceed to develop the technology to enable us to make available to the nonnuclear signatories of that treaty the benefits from any peaceful applications of nuclear explosions. If the intent of that treaty is to be realized, those nations must be assured that they will suffer no economic detriment by relinquishing the right to develop or acquire nuclear capabilities and such assurances will only result from a demonstrative endeavor by the nuclear powers to fulfill their obligations.

If there are any questions about the bill or the accompanying report thereon, I shall be very happy to respond.

As noted by the gentleman from California, Chairman HOLIFIELD, H.R. 12167 has been reported by the Joint Committee without dissent. I am confident that the bill which the Joint Committee has recommended to the Congress is sound and I believe that it warrants your favorable consideration.

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. EDMONDSON) such time as he may consume.

Mr. EDMONDSON. Mr. Chairman, I support this bill and believe it is essential to the security of our country and continued development of our naval defense forces.

The bill before you provides the following amounts to be applied in developing nuclear propulsion plants for submarines and surface warships: $125,855,000 in operating expenses for research and development; $9,550,000 for capital equipment; and $4,400,000 for modifications to the expended core facility in Idaho, for a total of $139,805,000.

The amount recommended for fiscal 1970 operating expenses includes restoration of $4,000,000 in operating funds which had been deleted from the AEC request during the administration's review of the budget. Such restoration will permit the most important of the desired work on advanced development of naval propulsion reactors to move ahead. This effort involves a wide range of reactors from the high-powered, long fuel life plants for the two-reactor aircraft carrier to the advanced, high-performance submarine propulsion plants.

There are two distinct facets of this development program. One involves an advanced test core to ascertain the long-range effects of irradiation on materials. The other is development of a completely unique core concept applicable to both submarine and surface vessels. These activities of course involve classified data. The available declassified information is published in the Joint Committee print, "Naval Nuclear Propulsion Program, 1969," at pages 18 and 19 and 28 to 31.

STATUS OF U.S. NAVAL NUCLEAR REACTORS

The committee conducted its annual, in-depth review of the naval nuclear power program in April. As indicated in the record of these hearings and in the committee's report, there is reason for considerable concern over the U.S. nuclear submarine program relative to the Soviets both as to technology and production. The committee has summarized

the situation in both of these respects on pages 12 and 13 of its report, and Chairman HOLIFIELD reviewed the figures in his remarks.

While this country seems to be applying the brakes to our nuclear submarine program the Soviets are rapidly accelerating theirs. Not only do the Soviets have a much larger total submarine force—375 versus 143 for the United States—but the current emphasis being placed on nuclear submarines by the Soviets is estimated to place them ahead of us in about 18 months. The same situation exists relative to advanced technology. The addition of the $4,000,000 to the budget recommended by the committee is intended to reverse the trend at least in the field of advanced technology.

POLARIS SUBMARINES

The committee report, on page 12, also covers the phenomenal advances the Soviets are making in building ballistic missile submarines—a present capacity to produce one a month. It is estimated that, since we are not building any more Polaris submarines, the Soviets will take the lead in this area also in the early 1970's.

The Polaris fleet is, of course, our most invulnerable strategic weapons force. A number of Members of Congress have been asking how long we can depend on keeping this force safe from a massive attack. The question is, can we depend indefinitely on the invulnerability of the Polaris submarines?

In response to that question, I should like to quote Admiral Rickover's comment of this question as it appears on page 132 of the hearing print I mentioned a few moments ago:

> Let me first say that based on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines which they are on station. However, there is no assurance that this situation will prevail for long.
>
> There is, in fact, evidence that the Soviets are actively engaged in a determined effort to acquire the capability to neutralize or destroy our Polaris force. They have developed and they continue to develop faster and quieter submarines. They are experimenting in all phases of submarine and antisubmarine warfare—we are not. In fact, during the past year alone they have developed several new types of nuclear submarines; we have developed only one new type in 10 years. It is clear that a major objective of their naval programs is to invalidate our own Polaris system.

Any doubt that exists on this point serves to emphasize the importance of increasing our efforts in the advanced submarine program to preserve that invulnerability of our Polaris type submarines.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I call attention to the fact that under the authorization provided for in this bill, the Atomic Energy Commission is of course the executive agent for the whole Federal Establishment with respect to our high energy nuclear physics program. I am pleased to note that by this legislation we have completed the authorization of approximately $217 million as the necessary funds to complete the funding for the 200-billion-electron-volt accelerator project which is going to be located in western Illinois.

I should point out, I believe, that the State of Illinois has gone ahead with its commitment to do some things in connection with that project. They committed themselves to provide, first of all the site of 6,800 acres of farm lands lying just beyond metropolitan Chicago, necessary to locate this new facility.

I am proud to say that Illinois has now virtually fulfilled its commitment to the project. At a cost of some $26 million the State has acquired this site and has deeded the land to the Federal Government.

There have been other areas where they have made important progress as well. Some 14 communities in the vicinity of the project, with a total population of almost 400,000, have enacted open-housing ordinances. In addition, the city of Chicago, which is of course only about 25 miles from the site, has passed the ordinance.

These were commitments made by the State and by authorities of the State of Illinois at the time the decision was made to locate the project in our State, and I am proud those commitments have been kept.

I want to say in conclusion that I support this legislation. I concur with what the chairman said earlier on the floor, as one who has suggested openly and continues to suggest the desirability of our President taking the initiative of proposing a moratorium on MIRV testing. I see nothing inconsistent between that position and the position we take in this bill, that until such time as the executive branch has made that decision we have to continue to provide the research and development capability to maintain the defenses of our country.

My mind goes back to the time when we adopted the partial Nuclear Test Ban Treaty, which I believe most of us on this committee, if not all of us, supported at that time. A very important element in the decision to support that treaty was the decision that at the same time certain basic safeguards would be maintained, and among them the ability to maintain a readiness to resume testing if there were a breach or a violation of the treaty. We have maintained our national laboratories and we have maintained our research and development capability in that regard.

Even so, when we get to talking about this particular weapons system, I believe we have to draw a distinction between the research and development capability and the political system which has to be made at the level of the President himself as to whether or not a mutual moratorium should be called for with respect to the flight testing of this weapons system.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I am happy to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Is it not true in respect to research and development on any kind of device that one has to test it in order to know whether the theories are working out or not? In other words, testing is a part of the development of the device.

In the case of the multiple warhead for reentry, we cannot test a nuclear weapon coming into the atmosphere because of our treaty which precludes us from exploding anything like that in the atmosphere, but we can, under the treaty, test those warheads underground, where they do not vent any radiation beyond our national boundaries, and we can test dummies of the same size, shape, and weight inside the nose cone of a missile and determine how they act.

This is what we are talking about when we talk about testing. We are testing, actually, dummies in this instance, but of the same size, shape, and weight as the nuclear components of the multiple warhead, what they would be if we were really using them in warfare.

Mr. ANDERSON of Illinois. Yes. I quite agree with the gentleman from California. I believe this is compatible with and is a part of the whole research and development function of Government. Certainly we cannot just try to carve out or divorce that particular feature from the research and development capability we have sought to give the Commission by the funding in this bill.

I just want to repeat that urging, as I do, the President to pursue what he himself referred to as constructive proposal on the part of those Members of the Senate who recently filed a resolution urging a mutual moratorium, I think it would be the height of folly for us to consider any unilateral suspension and unilateral cessation by stripping ourselves of the capability to continue the research and development and testing function. So, in support of what I spoke of earlier, I do not want to confuse that with the notion that I think this bill is one that ought to have the support of the Members of this body.

(Mr. PRICE of Illinois (at the request of Mr. HOLIFIELD) was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Chairman, as chairman of the Joint Subcommittee on Research, Development, and Radiation, I have a special interest in that section of the bill before you dealing with the 200-billion-electron-volt accelerator.

More than 4 years ago the Subcommittee on Research, Development, and Radiation held a week-long series of hearings covering the entire field of high energy physics. Those hearings stressed the relationship and importance of high energy physics to the scientific leadership of this Nation. Central to those hearings was a full-scale review of a high energy physics national policy report from the executive branch requested by the Joint Committee. It had become increasingly clear to the committee during the 1960's that an overall national policy in high energy physics was imperative for the guidance of the Congress and the taxpayers. The requested report was transmitted to the Congress by the President in January 1965. The single most important recommendation

in that policy report, and one on which the subcommittee spent a considerable amount of time during those hearings more than 4 years ago, concerned the extension of proton energy. The specific recommendation called for—construction of a high-energy proton accelerator of approximately 200 billion electron volts in accordance with technical specifications developed by LRL, to be operated as a national facility. This machine should be authorized for design in fiscal year 1967, and for construction in fiscal year 1968.

It should be pointed out that an earlier panel report—Ramsey panel, 1963—made to the President's Science Advisory Committee and to the AEC's General Advisory Committee had a similar recommendation as the next most important step to be taken in the field of high-energy physics. It should also be pointed out that an extensive design study on such a machine had been underway at the Lawrence Radiation Laboratory during the years 1963 to 1965.

The years 1965 and 1966 were spent on a vigorous nationwide search for the most appropriate location possible in the United States for such an important basic research facility as the 200-billion-electron-volt accelerator laboratory. After some 99 meetings on this matter the Atomic Energy Commission, advised by a special committee of the National Academy of Sciences, selected a site in Du Page and Kane Counties, Ill., some 25 miles west of Chicago.

In the President's fiscal year 1968 budget request for project authorization it developed that the project scope had been curtailed for budgetary reasons. My subcommittee held hearings and reviewed in detail the proposed reduced scope and management of this project. The subcommittee and the full Joint Committee not only concluded that the accelerator should not be reduced in its initial scope but also that consideration should be given to building into the machine the possibility of going to much higher energies at some later date. That year Congress authorized and appropriated $7,333,000 for design of the project.

During its authorization hearings for fiscal year 1969 the committee was most pleased to hear from the Laboratory Director, Dr. R. R. Wilson, that he and his key staff had not only managed to design the machine to reach its original intensity goal of 3×10^{13} protons per pulse but also had incorporated an option to go to a higher energy than 200 billion electron volts at some later date. And Dr. Wilson and his staff had accomplished all this within the budgetary guidelines laid down by the executive branch—some $60 million less than the original cost estimate without the option of higher energy.

In the budget submitted last year extraordinary efforts were made to reduce both project obligations and project costs for that year. A minimum construction program restricted to key starts that bore directly on Dr. Wilson's construction time table was proposed. Such a minimum program required commitments of approximately $25,000,000. This additional amount was authorized but actual appropriations were only $12,074,000. At this time all available funds have been committed. The laboratory director and his staff are now awaiting fiscal year 1970 appropriations in order to return to their construction schedule, which calls for an initial beam to be available in July 1972.

This is an exceedingly complex and technical national research facility. No machine in this energy range, nor with the novel and innovative features designed by Dr. Wilson and staff, has ever been built. More than 2 years ago the U.S.S.R. succeeded in bringing into operation the Serpukhov accelerator. This proton accelerator quickly reached an energy of 84 billion electron volts. The highest energy machine in the United States is the alternating gradient synchrotron at the Brookhaven National Laboratory, on Long Island, with an energy of 33 billion electron volts. The U.S.S.R. will continue to have the highest energy machine in the world until the 200-billion-electron-volt machine becomes operational. It is therefore very significant to note that any substantial reduction in the appropriations for fiscal year 1970 will serve to extend the duration of the U.S.S.R.'s advantage in the frontier science of high energy physics—the field of science concerning itself with the most fundamental laws governing the constitution of matter and the elementary particles of which all matter is constituted.

Also most important are the adverse effects that continued piecemeal authorization and inadequate appropriations have on the efficient and economically planned construction schedule as well as the morale and cohesiveness of the present laboratory staff. A loss of the skilled team now assembled at the site would inevitably strike a severe blow to the entire project. This staff has already very vividly shown its potential. At present, construction of the laboratory is solely dependent upon the dollars available, as contrasted to a schedule utilizing the most efficient marshalling of the laboratory staff and its contractors. Continued inadequate funding would very probably disrupt the well planned construction schedule and result in a substantial cost overrun.

The key staff—the 75 or so accelerator physicists and engineers that have been assembled under Dr. Wilson's leadership—are critical to the success of this project. They are among the very best in their fields and represent an important national asset. They have been attracted to this project because of the challenge it represents and because the planned schedule is a fast and efficient one that will bring the machine into operation at the earliest possible moment, with the maximum impact in the scientific world. Loss of these people, or a loss of morale due to a considerably lengthened schedule, will have a serious impact on the quality of the accelerator and the quality of research that will come from it. As Dr. Wilson has stated:

> Second rate scientists and engineers build second rate facilities, and do it very expensively.

As indicated earlier the 200-billion-electron-volt machine is a highly complex scientific instrument actually comprised of four accelerators that successively bring the accelerated particles up to the desired energy. The design and construction schedules are closely interlocked with one another. Therefore the initiation and completion of many phases of the project are completely dependent on earlier phases. A continuous balance must be struck among the three major phases of the project—design, construction and procurement of long-lead time components.

The Joint Committee is impressed with the significant progress that has been made on this project despite a history of budgetary stringency and reductions. The committee feels that further budgetary restraints will affect the schedule and our international position vis-a-vis the U.S.S.R. in this important basic research field.

The committee is also of the opinion that further budgetary reductions will serve to increase the total cost, result in the loss of key personnel and ultimately reduce the quality of the important research that should be possible with this machine. The committee held its hearings on the national policy for high-energy physics in March 1965—more than 4 years ago. This project—the most important recommendation contained in that policy—is to be a national facility and requires a national commitment. The Joint Committee believes strongly that full authorization this year is essential and that appropriations in the order of the amount requested in the President's fiscal year 1970 budget should be made if the success of this project is to be assured.

There are fundamental questions in physics today that can only be answered by the very high energy and the high intensity that will become available from this machine. For example, a question that has plagued physicists in recent years is the host of new subnuclear particles that have been discovered, at times seemingly without order in a field where order is generally an underlying principle. With the capabilities of this machine it will be possible to search for an elementary set of building blocks that may form the basis for all matter and life.

Some tremendous advancements that have been made in this country are directly attributable to or associated with accelerators. In the late 1930's, for example, work on accelerator research resulted in large advances in the development of high-powered transmitting tubes which were basic to the development of radar and continue to be an integral part of radar systems. In this time period, the basis of all modern computer circuits had its origin in the circuits developed for particle detection devices. At the present time the techniques being developed for pattern recognition in connection with the analyses of high-energy-physics research data are finding application in biomedical work, and in air and space surveillance activities. Moreover, certain accelerators are currently being used for medical treatment and for

the irradiation of food to increase its shelflife.

Mr. Chairman, high-energy physics is important to education, it produces a quantity of highly talented scientists, and it contributes profoundly to modern technology. For these reasons I heartily endorse the fiscal year 1970 high-energy-physics program recommended to you by the Joint Committee and, in particular, the full authorization of the 200 Bev national accelerator which the committee has recommended.

Mr. YOUNG. Mr. Chairman, I rise in support of H.R. 12167 and in doing so wish to speak on a portion of the AEC authorization bill in which I have a particular interest.

I refer to that segment of the physical research program known as controlled thermonuclear research. There is little doubt in my mind that this research program holds as much promise for the future as did splitting the atom under controlled conditions in that first atomic pile under the west stands of Stagg Field in Chicago on December 2, 1942.

If the controlled fusion process can be harnessed for the production of electric energy—and qualified scientists believe it can be so harnessed—this Nation and the world will have a virtually limitless source of power. Moreover, if thermonuclear energy is put to this beneficial use, we shall have not only the most abundant source of power ever known to man, extractable from ordinary water, but the least environmentally offensive source.

Significant scientific advances have already been made, especially very recently, in the area of plasma density and confinement time by scientists both in this country and in the Soviet Union. This involves plasma, completely ionized gas, at millions of degrees centigrade. However, much remains to be accomplished before our Nation's vast capacity to consume electrical energy will have this source of power upon which to rely.

In 1965 the Joint Committee asked the AEC to commission a comprehensive study of this entire program in order to establish goals and ascertain the probabilities of practical accomplishments. An AEC select review committee, comprised of eminent scientists from within and without Government, made a searching inquiry into the entire program. In its comprehensive technical report the select committee recommended that the manpower resources, particularly scientists and engineers, be doubled within 5 years in order to assure the influx of vigorous and imaginative thought.

Shortly thereafter, the AEC issued a policy and action paper on the controlled fusion program which thoroughly discussed the state of the art, the options for progress and the need for application of greater resources. That paper noted that the accomplishment of the ascertainable goals would require a net annual increase in operating funds of approximately 15 percent over a 5-year period plus an annual requirement for major device fabrication of $3 to $4 million. Under that formula the funding for this program in fiscal 1970 should be at a level of over $40 million. The bill before you recommends authorization of $27,800,000—more than $12 million below that level.

This is an area of endeavor in which the Nation can ill afford the luxury of less than a sustained effort. The Joint Committee has exercised restraint in recognition of the total budgetary situation. The recommended authorization of $27.8 million is the amount considered to be an absolute minimum necessary to maintain this program at the proper level of effort to sustain the momentum generated by recent successes. I wish I could be supporting an even greater authorization for this program, but, mindful of the limitations of the national budget, I can only heartily endorse this portion of the authorization as reported.

Mr. SCHEUER. Mr. Chairman, today I cast my vote against the bill authorizing an appropriation of $2.5 billion for the Atomic Energy Commission. I vote with knowledge that the programs to be funded by this appropriation may well have merit and may well be justified. The merit of these programs, whatever they are, are far outshadowed, however, by the urgent need for the Federal Government to apply its resources to the problems of our cities and the problems of the poor.

I believe we have failed to establish rational national priorities. Therefore, I cannot place my stamp of approval on an authorization of $2.5 billion, $828 million of which is to be devoted to the production of nuclear weaponry, while the urgent need for funds for our cities is being ignored.

As a candidate for the Democratic nomination for the mayor of the city of New York, I have for 6 months observed with painful intensity the problems of New York City, problems most of which are national in cause and origin, and not of our city's design or creation, but problems which nevertheless typify the dilemma of all our major cities.

Mr. Chairman, I must report to you that New York City is strangling; that well-conceived programs to revive our cities are being starved for funds; that unless we in Congress carefully examine our current pattern of allocating available national resources, we can expect only an increase in the mounting hatreds and bitterness now building, escalation in the frightful polarization now taking place between groups of people within the city.

Congress must recognize its responsibility for this frightening situation. Through gross mistakes in the distribution of our resources, we have contributed mightily to the disintegration of our cities.

I know that New York City does have the talent, the knowledge, and the programs to solve the problems with which it is struggling.

What our city does not have are the resources.

The time has come for us to examine all of our programs—marginal, desirable, and indispensible—programs for national defense, atomic energy, space, public works, transportation and programs for our cities—for the purpose of establishing a sound and sane system of national priorities.

Mr. RYAN. Mr. Chairman, the bill before us (H.R. 12167) would authorize the appropriation of $2,454,284,000 to the Atomic Energy Commission for the fiscal year 1970. This amount, which is recommended by the Joint Committee on Atomic Energy, is $64,318,000 less than the authorization requested by AEC in its original budget request, but $6,232,000 more than its revised request of $2,448,052,000.

Certain areas of this bill are of special concern. Let me discuss each of these areas separately.

First, under the category of weapons, $135 million has been recommended by the committee for "research, development, and testing of ABM components"—committee report, page 10. The report notes:

> What the AEC will have purchased with the construction and equipment funds provided through fiscal year 1970 are capability and capacity.

In addition to the clear intent of the report, the debate and legislative history on the floor should clearly indicate that approval of this authorization does not in any way infer approval by the House of deployment of the Sentinel ABM system.

A decision on whether or not to approve the administration's recommendation that the Sentinel anti-ballistic-missile system be deployed will come before the House at a later date, at which time I would hope it will be possible to obtain a separate vote on that issue.

A second area of concern is $26,900,000 which the committee has recommended for the final phases of the development of the NERVA I engine.

I have on several occasions pointed out to this body the ill-advisability of proceeding with the NERVA program, for which NASA—despite its determination to proceed with research and development—has yet to define a mission, let alone ask the House to approve a mission.

During the debate on the NASA authorization bill on June 10, I cautioned the House:

> Before authorizing more money for this program, at least we should be aware of what NASA intends for the future.

The report of the Joint Committee on Atomic Energy on H.R. 12167 reinforces my belief that a mission must be defined and submitted to Congress. On page 15 of the report, the committee noted that it continued "to be concerned that no mission has yet been planned for the nuclear rocket." While the committee suggested possible missions for the nuclear rocket, including manned and unmanned lunar missions, unmanned deep space missions, and manned or unmanned earth orbital missions, the fact remains that no mission has as yet been approved by Congress.

As I said on June 10, the testimony from the past several years in the House Committee on Science and Astronautics makes it perfectly clear that the NERVA program is, at least as far as NASA is concerned related to the promotion of

glamorous and costly manned space flight, specifically a manned mission to Mars. Its purpose is interplanetary travel.

While such a mission may not have been approved by Congress as yet, we should recognize that further investments in the NERVA program will increase the pressure to approve whatever purpose NASA ultimately determines for the program. For as investments in the program mount, NASA will argue that, if the investments are not to be wasted, we must proceed with whatever mission NASA advocates.

Such a mission may, however, entail spending billions of additional dollars on a program of dubious national priority. The NERVA program, which is expected to ultimately cost some $2 billion, is the forerunner of a manned Mars mission which I estimated last year would cost perhaps as much as $200 billion into the 1980's.

Given the potential of the NERVA program for increased cost over the next few years, it is doubly important that Congress establish a rational allocation of our resources between our domestic social needs and the space program. Beyond that, we must set priorities within the space program itself. This means objectives must be stated and a balance established between manned and unmanned space flights.

When the costs of a manned Mars mission may be as much as $200 billion—$200 billion which will be vitally needed in such domestic areas as housing, education, and the abatement of pollution in our air and water—should Congress quietly allow the pressure to build for the adoption of such a goal? I think not. And yet, as we pour more and more money into a program for which no mission has been approved, that is precisely what will happen.

Mr. KASTENMEIER. Mr. Chairman, it is with considerable doubt and reservation that I vote for authorizing appropriations for the Atomic Energy Commission for fiscal year 1970, particularly in view of the unsatisfactory report of the Joint Committee on Atomic Energy recommending $135 million in operating expenses for research, development, and testing of ABM components, and the many hundreds of millions of dollars for the development of other nuclear weapons such as the monstrous MIRV. I question the wisdom of such a policy, since strategic talks on arms control with the Soviet Union will begin in the near future.

However, I am pleased with the general direction of the debate we have had in the House on this measure since we are moving toward the central question of the use of nuclear energy for military purposes. Whether we have erred in supporting this authorization bill will be made clear in the forthcoming months, and whether this is the last AEC authorization that is supportable remains to be seen.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,973,282,000, not to exceed $121,000,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 70-1-a, waste storage tanks and tank farm waste handling systems, Richland, Washington, $10,000,000.

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, $1,300,000.

Project 70-1-c, waste encapsulation and storage facilities (AE only), Richland, Washington, $1,200,000.

Project 70-1-d, contaminated water control facilities, Savannah River, South Carolina, $1,500,000.

Project 70-1-e, equipment test facility, Oak Ridge, Tennessee, $5,700,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70-2-b, improvement of gaseous diffusion plant electrical distribution systems, Paducah, Kentucky, $1,700,000.

(3) ATOMIC WEAPONS.—Project 70-3-a, weapons production, development and test installations, $10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 70-4-a, high temperature sodium facility, Pacific Northwest Laboratory, Richland, Washington, $6,300,000.

Project 70-4-b, research and development test plans, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

Project 70-4-c, modifications and alterations to expended core facility, National Reactor Testing Station, Idaho, $4,400,000.

Project 70-4-d, modifications to reactors, $1,000,000.

(5) REACTOR DEVELOPMENT.—Project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, $560,000.

(6) PHYSICAL RESEARCH.—

Project 70-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $650,000.

Project 70-6-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $700,000.

Project 70-6-c, accelerator improvements, Cambridge and Princeton accelerators, $200,000.

Project 70-6-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $680,000.

Project 70-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, $640,000.

Project 70-6-f, accelerator improvements, medium and low energy physics, $130,000.

Project 70-6-g, modification to Heavy Ion Linear Accelerator, Lawrence Radiation Laboratory, Berkeley, California, $2,650,000.

(7) ADMINISTRATIVE.—Project 70-7-a, computer building, AEC Headquarters, Germantown, Maryland, $1,850,000.

(8) GENERAL PLANT PROJECTS.—$37,650,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication to capital equipment not related to construction, $172,525,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (6) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (5), and (7) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b)(8) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(8) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACT.—Section 101(b) of Public Law 90–56, as amended, is further amended by striking from subsection (4) thereof the figure "$32,333,000" for project 68-4-f, 200-Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "$250,000,000."

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—PROJECT DEFINITION PHASE.—(a) The Commission is hereby authorized to conduct the Project Definition Phase of a Liquid Metal Fast Breeder Reactor Demonstration Program, under cooperative arrangements with reactor manufacturers and others, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of $7,000,000 is included in section 101 of this Act.

SEC. 107. The Commisison is authorized to appoint persons as employees to positions in the Atomic Energy Commission without regard to the provisions of section 201 of Public Law 90–364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope that I shall not take the full 5 minutes. I know the need for expediting the business of the House

today, but I have two general sets of concern about which I believe more general information is needed and I know I would like to have, in addition to that which is in the committee report.

First of all I would like to know the status of or what happened to the experimental gas-cooled reactor which we built at Oak Ridge.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from California.

Mr. HOSMER. Which reactor is the gentleman talking about?

Mr. HALL. The EGCR.

Mr. HOSMER. The experimental gas cooling program?

Mr. HALL. That is right.

Mr. HOSMER. As I recollect it, that experiment served its purpose. It demonstrated the feasibility of further activity in the gas-cooling area. Indeed today industry has taken up the gas-cooling approach at Peach Bottom, in Pennsylvania, where there is a producing gas-cooled reactor, I think with a 50,000-kilowatt capacity, on a commercial utility line which was built as a part of the demonstration program in which the AEC participated. As a follow-on to Peach Bottom, at Fort St. Vrain, in Colorado, the Public Service Co. of Colorado, in cooperation with the General Atomics Corp., and with the AEC, is building a large production powerline station on this principle.

Mr. HALL. I thank the gentleman for that part of the information which he volunteered. I think he anticipated my second question, about the Fort St. Vrain projector, indeed, all of the power reactor demonstration program projects. The Fort St. Vrain project, according to the committee's own report, encountered considerable problems, and the committee has been asked by the joint commission to keep it advised on a timely basis of the status of these efforts toward a reconfiguration of that project. Is that not true?

Mr. HOSMER. That is true.

Mr. HALL. But my original question, Mr. Chairman, goes back to the status of the experimental gas-cooled reactor that was a part of the TVA authorization and built on contract by Union Carbide and TVA at Oak Ridge. I believe, if you will search the records, you will find that it was never completed.

I would like to know how much money we put into that out of the taxpayers' pockets before it was thrown overboard, as so many of these cooperative projects and power reactor demonstrations are being thrown overboard.

I want it understood that I am in favor of this bill. I believe in atomic energy. I think it is here to stay. I believe the committee has brought in a good report. Certainly it is forthright and honest, but I believe that the Members and the taxpayers need an answer to some of these questions.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, I do not personally recall that the TVA was a partner in any cooperative gas-cooled reactor. The AEC has had some experiments on its own, and at the present time the TVA is actually buying a 2,000-megawatt nuclear reactor for its system, but these are neither gas-cooled or in cooperation with the AEC. Perhaps the chairman of the committee will recollect something that I have not in connection with this.

Mr. HALL. The gentleman may be right on the details, technically; as to whether it was to furnish power to the TVA under contract or was being built experimentally and TVA was to benefit from the power therefrom. I am not knowledgeable enough to speak authoritatively and from memory in this area, but I think I do know that toward the end of the completion for this type reactor that it was stopped.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, there was a reactor, I might say, at Oak Ridge, but this was an experimental reactor. We spent quite a bit of money on that. I am going to be frank. We have spent on research and development several hundred million dollars over the period of the atomic energy program. In some cases the committee itself has stopped projects when we thought we had all the scientific information that we could get out of the project. We did not let the project run on; when we got to the end of what we thought was the end of advanced technology in that project then we stopped the project. In many instances the technological information and development of the reactor in such a case which we had stopped was then used in another reactor which eventually brought out a successful reactor.

Mr. HALL. The gentleman in the well fully understands the advantages of research and development, testing and evaluation; as well as advantages from so-called fallout. However, would this same explanation that the gentleman has given, apply to the Malibu nuclear plant which the committee has recommended——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 3 additional minutes).

Mr. HALL. Mr. Chairman, as I started to say, would the same explanation given by the gentleman apply to the cooperative power reactor demonstration programs? At least three out of the five mentioned in the committee report have been modified, discontinued for cause, or were not properly thought out in the first place; or these civilian consultants and benefactors have not been able to bear their portion of the matching funds. I report, is the same general explanation applicable to these power reactor demonstration projects, to the effect that we found acceptable plans not coming to pass?

Mr. HOLIFIELD. Let me say to the gentleman that in 1962 and 1963 the committee authorized two reactors in California. One was the so-called Malibu plant, and one was for the Southern California Edison Co.

Mr. HALL. Is that the same one as the Bolsa Island project?

Mr. HOLIFIELD. That was a later project.

Mr. HALL. But the Bolsa Island project fell through.

Mr. HOLIFIELD. The Bolsa Island project did not proceed because of the escalation of prices. But let me get back to the question.

The gentleman will find an explanation on page 34 of the report.

Mr. HALL. I will say to the gentleman that I have read the report thoroughly.

Mr. HOLIFIELD. Yes, I am sure you have.

The Southern California Edison Co. is producing electricity from its nuclear reactor and it is the most advanced plant now on the line in the United States.

The engineers and scientists believe it will be competitive with other types of fossil fuel and other types of electrical generating plants.

In the case of the Malibu plant, they had trouble in getting a site, local authorization for the site.

So there will never be any money to build on that one.

That was announced in the past, the time when they could avail themselves of that particular cooperative venture because it was to help develop the technology which has now been developed. Therefore, they are not at this time eligible for any help.

As I stated before, the Los Angeles Water and Power Department could not get the siting because of local governmental opposition.

Mr. HALL. I commend the committee on its oversight and review of these projects and continuing to classify and nullify them where there will be no additional civilian or military fallout, where the arrangements cannot be completed.

I will ask the gentleman finally, Has the Commission completed the Sefor reactor satisfactorily, in northwest Arkansas near Fayetteville? Are you happy with it?

Mr. HOLIFIELD. No. This reactor is being completed by partnership between the Federal Government and 17 privately owned utilities, also a German concern is participating in the venture. This is considered to be one of the most advanced reactors for the purpose of improving this breeding factor that I spoke of sometime ago. We are learning a great deal from it at the present time. We are continuing to learn.

I would say that that plant should operate for another two or three years to get the advance technology we need in that field.

Mr. HALL. I will ask the gentleman one final question.

Can he, as chairman of this committee which has oversight and review function of the Atomic Energy Commission, assure me that we are closing these experimental and cooperative civilian demonstration reactor projects down on time, in order to still get the greatest fallout from the technical evaluation and yet not waste the taxpayers' money in order to continue at the insistance of a local concern?

Mr. HOLIFIELD. I believe that is true. The gentleman from Ohio (Mr. MCCULLOCH) is on our committee and we had a research reactor in his district which much to our regret we decided needed to be shut down, and notwithstanding the fact that it was in the gentleman's district, he finally agreed it

should be closed down, and we did close it down.

We will continue to watch carefully all research and development and we will not allow any experimental device to continue beyond the point of what giving us a good scientific return.

Mr. HALL. I thank the gentleman.

Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have a detailed discussion on the MIRV program which I think is of overwhelming concern to all of us. I will not have a chance in the time allocated to get into it all because I have some questions I would like to direct to the chairman.

But I do think it is clear that there is a real problem here—both of escalation and of foreclosing the option of negotiating an enforceable limitation on MIRV deployment.

At the appropriate time I will be circulating among my Democratic colleagues the substance of the Brooke resolution. The reason I am doing this is, I feel that this is the most effective way to dramatize the concern that all of us have about this expensive and very critical weapons development.

Some of us feel that we ought to take the initiative. I personally would hope that we could do that. I think it is essential that we come to grips with the MIRV issue and the separate resolution that has already been introduced by Senator CRANSTON and Senator BROOKE in the other body.

MIRV MORATORIUM

Mr. Chairman, we are today engaging in the first dialog in the House of Representatives on the critical issue of the development and deployment of multiple independently targeted reentry vehicles.

This discussion comes at a crucial time—a time when the President and the National Security Council are preparing the American position for the upcoming strategic arms limitation talks with the Soviet Union, and at a moment when time is fast running out on our chances of ever being able to have an enforceable arms control agreement limiting MIRV's.

I would like to state at the outset that it is my firm conviction that the United States should at this time halt all testing of our MIRV system, and that further testing should be deferred at least until the arms limitation talks begin, and longer if the Soviets refrain from testing their multiple warhead systems. And in any event the United States should strongly press for mutual moratorium on MIRV's in these talks.

I recognize that not all Members of this body share this conviction. Moreever, I recognize that not all Members of this body are as familiar with the MIRV issues as they would like to be. Accordingly, I would like to take a few minutes to outline the issues as I see them, and to explain the reasons underlying my conclusions.

THE STATE OF THE ART

At the outset it is important to understand how very far along in MIRV development we are, and to understand what it is that we know about Soviet developments in this area.

The United States has present plans to use MIRV's on two types of missiles—the Minuteman III land-based ICBM's and the Poseidon submarine-based missiles. These plans call for the deployment of MIRV's on 500 out of 1,054 of our ICBM's and on 496 of the 656 missiles on our nuclear submarines. The Minuteman III is a new last stage which will be fitted on the existing missile launchers for the Minuteman force. The Minuteman III will carry one to three warheads and is assumed to contain sophisticated penetration aids like chaff and decoys. The Poseidon will carry 10 to 15 warheads, and can apparently also carry penetration aids.

Minuteman III missiles are expected to cost about $10 million each. The Poseidon missiles are expected to cost between $7 and $10 million each. It will also cost about $80 million to overhaul and convert each of the 31 Polaris nuclear submarines to carry the large Poseidon missiles. Thus total MIRV costs may be on the order of $10 to $15 billion, without including research and development costs.

In the current fiscal year 1970 budget there is $2,074,000,000 for the Minuteman III and Poseidon programs. This is more than twice the amounts in the budget for the Safeguard ABM.

The Poseidon and Minuteman III MIRV's both employ a bus concept. This means that one propulsion and guidance mechanism directs all of the individual warheads carried by the missiles. After the main missile boosters have cut off, the propulsion unit on the bus makes minute adjustments in speed and direction, and after each of these adjustments releases another warhead, directing it to a different target.

The Soviet Union is at the present time testing at least two different concepts employing multiple warheads. In one concept, three warheads each in the 5-megaton range can be delivered in a pattern. Intelligence data available in the United States has not conclusively determined whether these warheads are independently targetable or whether they are merely multiple warheads like the ones we have had on our Polaris missiles since 1962 which deliver three warheads in a fixed shotgun-like pattern. President Nixon indicated last week, however, that even if the Soviet warheads are not independently targetable, he regards them as a threat to our ICBM's because the pattern of the Soviet warheads is much like the layout of our Minuteman fields.

The second Soviet concept being tested involves the delivery of a string of up to 10 warheads. Each of these warheads would land in a separate location, but they would not be capable of being independently targeted.

THE STRATEGIC SITUATION

MIRV's have at least two strategic roles. MIRV's can increase the number of targets which can be struck by a given missile launcher force. And MIRV's can increase the probability that an enemy ABM will be penetrated.

MIRV's will affect the strategic balance only if one side perceives the MIRV warheads of the other to be either so large, or so accurate, or so numerous, as to be able to destroy a significant portion of its land-based ICBM's in a first strike, and thereby threaten the credibility of its deterrent.

Thus the crucial question with regard to the MIRV is whether one side sees its adversary's MIRV as a hard target—ICBM—killer. If so that side may perceive a threat to its deterrent and may have to take steps to maintain its assured destruction capability.

The U.S. Defense Department and the President have seen the possible Soviet deployment of large numbers of SS–9 ICBM's with MIRV's as potential hard target killers and not as mere ABM penetrators. Accordingly, the administration has perceived a threat to the land-based portion of our deterrent forces, and has recommended the deployment of an ABM to add to the credibility of our deterrent.

It is not clear how the Soviet views our plans to deploy MIRV warheads on our Minuteman III ICBM's and on our Poseidon submarine-launched missiles. There is information in the public domain which might induce the Soviets to fear our MIRV's as first-strike weapons, and there is other evidence which might convince the Soviets our MIRV's did not pose such a threat.

It is clear that U.S. experimentation with MIRV began, not to develop a system to penetrate antimissile defenses, but to develop a system to increase the number of military targets we could strike with our given force of missile launches. In July 1968, Dr. John Foster testified to the Senate:

> The MIRV concept was originally generated to increase our targeting capability rather than to penetrate ABM defenses. In 1961–62 planning for targeting the Minuteman force, it was found that the total number of aim points exceeded the number of Minuteman missiles.

Since there are scarcely 200 Soviet cities worth targeting, and there were their plans for 800 Minuteman missiles, it must be assumed that these numerous "aim points" were missile sites and other military targets. However, experimentation in the early 1960's showed that with the guidance systems then available, MIRV's could not be made accurate enough to effectively take out these military targets. Accordingly, the early MIRV concept was dropped. But today both the Pentagon and the Soviets are aware of the hard target kill potential of MIRV's.

As far back as November 1967, Paul Nitze testified to the Joint Committee on Atomic Energy that with the same accuracies, ten 50-kiloton warheads were 1.2 to 1.7 times more effective in destroying hardened missile silos than was a single 10-megaton warhead. And since 1967, high defense officials have been making public statements indicating that the MIRV's now being developed will have greater accuracies than any of the single warhead missiles now deployed. Public reports have indicated that our MIRV's are designed to accuracies of less than a quarter of a mile. Furthermore, public reports also indicate that we are working on guidance technology which would permit warheads to actually home in on missile silos.

And perhaps most convincingly of all from the Soviet's point of view is the statement made at least three times this year by Secretary Laird in support of the $12.4 million request for improved guidance for the Poseidon MIRV. Secretary Laird testified:

This is an important program since it promises to improve the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets.

Thus, there are a good many reasons for the Soviets to fear that our MIRV is a first-strike weapon—just as we fear their MIRV is a first-strike weapon.

Recently, perhaps in an effort to allay Soviet apprehensions, the Pentagon has been putting out information on the size of our MIRV warheads—Minuteman III, 200 kilotons; Poseidon, 50 kilotons, and their expected accuracies—one-quarter mile—which indicates that our MIRVS's are not particularly good weapons for destroying missile silos. But it is not at all clear that the Soviets either believe the information as to the size of the warheads or as to the expected accuracies. Moreover, conservative Soviet defense planners would have to assume that our MIRV's were both larger and more accurate than we claim them to be.

Thus, there is good reason to believe that the Soviets will see our MIRV deployment as a threat to their land-based deterrent and that they will thus have to take further action to expand or protect their ICBM forces.

In presenting this evidence on the first-strike capabilities of our MIRV's, I do not contend that we are trying to achieve a first-strike posture with regard to the Soviets. But I do contend that it is perfectly plausible, if not exceedingly likely, that the Soviets fear our MIRV as a potential first-strike weapon.

If they do feel threatened by our MIRV's they will certainly respond with further deployments, just as we have done with the Safeguard ABM. And thus the arms race will be escalated another costly notch.

FIRST STRIKE

One more point is worth making about MIRV and the possibility of a first strike. Not only is MIRV deployment likely to escalate the arms race by forcing the other side to deploy offsetting offensive or defensive weapons, but MIRV deployment actually makes the likelihood of a first strike greater.

If a MIRV-equipped missile is destroyed on the ground in its silo, several warheads will be destroyed. Thus, there is a considerable advantage to an attacker if he can destroy MIRV missiles in their silos, as in a first-strike attack.

Furthermore, once a MIRV-equipped missile is launched, it has the potential to destroy several of the enemy's missiles in their silos. Thus, again there is an advantage to the side that launches first.

This foreboding pressure to strike first is further heightened when one or both sides have city defense ABM systems. That side which has both MIRV and ABM might conclude that by attacking first, enough of the other side's missile force would be destroyed so that the ABM would be effective in meeting the diminished retaliatory attack by the other side.

Thus, should one or both sides deploy MIRV's or both MIRV's and ABM, in times of high tension, there will be greater pressure to strike first than there is now.

ARMS CONTROL

If MIRV deployment both makes the threat of a first strike greater and further escalates the arms race, it seems fair to ask what can be done to stop its deployment by both sides.

This question is, of course, the subject of the arms limitation talks. But whether those talks will ever have a realistic opportunity to discuss and decide the possibility of a mutual moratorium on MIRV deployment is in doubt. This doubt arises for two causes.

First, surveillance satellites which are capable of counting and locating ABM and ICBM missile sites, are not capable of distinguishing missiles with MIRV warheads from those with single warheads. The photographic and other equipment carried by these satellites is not capable of piercing the shroud covering the missile, nor of seeing through the concrete covers of the missile silos. Thus without on-site inspection, it is not possible to police an arms control agreement barring MIRV development.

Second, if a MIRV deployment moratorium cannot be enforced through satellite verification, and on-site inspection is not allowed, such a mutual moratorium could only be enforced if both sides were convinced that the other side had not proceeded far enough with its MIRV testing to justify deployment in secret of the MIRV warheads.

This point—the time at which one side is observing the MIRV test of the other concludes that even if tests were halted immediately they could no longer have high confidence that the tests had not proceeded far enough that the MIRV might be deployed secretly—is the point generally referred to as the point of no return in MIRV testing.

There is a good deal of controversy as to whether the point of no return has already been passed in the U.S. testing program. If it has not already been passed, it seems certain that it will be passed if the tests are continued successfully through this summer. By that time the tests will be better than half over, and most of the major tests will have been completed.

At this point the United States has conducted at least 13 MIRV flight tests. The tests of the Poseidon MIRV have been called "highly successful" by the Pentagon. The Minuteman III tests have been stretched out, but Secretary Laird still expressed confidence that the system would perform as intended by the time it is deployed in 1971.

Thus, there is some question as to whether the Soviets could ever be convinced that we were not secretly deploying MIRV's even if we were to stop testing right now. However, there is a chance that they might be so convinced. In order to offer them that chance in the arms talks, it might be that we have to halt testing of MIRV's now and provide the Soviets with the opportunity to agree to a MIRV moratorium before the point of no return is passed.

TIMING

In deciding whether the United States can afford to defer MIRV testing and therefore MIRV deployment for a while longer, it is important to remember that the Pentagon justifies the MIRV as an ABM penetration system. In fact in this year's posture statement, the Pentagon notes:

MIRV deployment is necessary because we must continue to plan our strategic offensive forces on the assumption that they (USSR) will have deployed some sort of an ABM around their major cities by the mid-1970's.

Yet at this time we have no intelligence estimate which indicates that the Soviet Union will have such a city defense ABM deployed in 1971 when the first U.S. MIRV's will become operational. In fact, the leadtime for city defense ABM deployment is considerably longer than the leadtime for MIRV deployment. Thus, we could actually wait until there was firm evidence of a Soviet nationwide ABM before we put MIRV's on our missiles.

These leadtime differentials, and the fact that the U.S. MIRV deployment is scheduled for several years in advance of the threat it is said to meet, indicate that we could tolerate a few months delay in MIRV development with no loss in security.

CONCLUSION

Thus, Mr. Chairman, with MIRV development we face another costly escalation in the arms race which will not contribute to the increased security of either side. Moreover, this development will make a nuclear first strike strategy considerably more attractive than it is now.

These awesome prospects can be avoided if we can get a mutual moratorium on MIRV testing and deployment with the Soviet Union. Whether we can work out such a moratorium depends in part on not going too far in our MIRV testing. Since deferring these tests for a few months would not jeopardize the national security, and might actually contribute to that security should an agreement be reached, I strongly urge the members of this body to advocate and support a halt on U.S. MIRV development pending the commencement of the SALT talks and continuing thereafter so long as the Soviet Union refrains from testing its multiple warheads, and in any event pressing for a mutual moratorium on MIRV development in these talks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I regret that the general debate was so abbreviated that I was not present to hear the previous discussion between the chairman of the Joint Committee and my colleague, the gentleman from New York (Mr. KOCH).

First, I would like to say that I share very intensively the concern that my colleague, the gentleman from California, has expressed with regard to the further testing of MIRV weapons. Some weeks ago I introduced a resolution in the House, which now has 29 cosponsors. I

regret that the gentleman from California prefers the form of resolution that was introduced in the other body by Senator BROOKE. But that is his privilege. I do not know that there is any enormous difference between the two. In any event, I think it is of great importance that the disarmament talks—the SALT talks—proceed with the utmost urging, and there is no doubt that a mutual freeze on the development of the MIRV weapon, as well as on the deployment of the ABM, would be helpful to our national security, as well as making possible a better use of our national resources.

But as I understand it—having had a conversation with the distinguished chairman of the Joint Committee—there is nothing in this legislation which purports to make any decisions with regard to either of these questions.

I have also discussed the matter of the ABM part of it with Senator GORE of the other body, and he assured me he had agreed to the Joint Committee's report on that basis. The report specifically states that the funds requested for ABM would be needed whether or not we decide to proceed with deployment of the ABM safeguard system. I assume that the same is true with regard to the MIRV.

May I ask the gentleman, the chairman of the Joint Committee, whether I am correct in my understanding that this legislation before us does not, if passed, constitute any decision by this body with regard to the desirability of proceeding with the deployment of the ABM safeguard system.

Mr. HOLIFIELD. Mr. Chairman, that is my understanding, that the money in this bill is for research and development of all type warheads and has nothing to do with deployment.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman.

Would I be correct in my understanding that the same is true with regard to the question of the testing of the MIRV weapons, that that decision is presently in the hands of the President and the Defense Department, and there is nothing in this legislation to indicate a decision one way or another on that?

Mr. HOLIFIELD. That is my understanding, with this qualification, that the research and development and testing of warheads that has been going on—as the gentleman knows—since 1945, continues.

In the case of these different types of warheads, the scientific technology used in one warhead is applicable to the other. When it comes to testing the nuclear warhead for Minuteman or Poseidon, or if there should be a MIRV type, the nuclear warheads are tested underground and are not tested in flight.

However, there are flights in which dummy components of what we would call a multiple reentry vehicle would be tested by the flight of missiles. We are continuously testing missile flights to Kwajalein Island from the U.S. air base at Vandenburg. There have been in the past multiple reentry vehicle tests both by the United States and the Soviet Union. This is nothing new, but they have always been dummy components and not the real thing.

Mr. BINGHAM. I thank the chairman.

In passing, I might say it was my understanding from testimony of the Defense Secretary Mr. Packard and testimony we heard coming from Secretary Laird that tests conducted by the Soviet Union have been, as far as is apparent, of MRV's, multiple reentry vehicles, and not MIRVs multiple independently targetable reentry vehicles.

I would like to explain to the gentleman, as far as testing underground is concerned, that is not the matter that we who are in favor of suspending flight tests have in mind. We are not concerned with underground tests.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous request, Mr. BINGHAM was allowed to proceed for an additional minute.)

Mr. BINGHAM. Mr. Chairman, it is not the underground testing we are concerned about. It is the flight tests which are under the control of DOD, as I understand it, that would indicate to the Soviets that at a certain point we have developed an operational MIRV. That is what we are concerned about.

I understand this legislation does not make any decision with respect to whether those tests should be continued or not. Is that correct?

Mr. HOLIFIELD. Mr. Chairman, again I will have to repeat what I said to the gentleman, and I am trying to phrase my words carefully.

Testing of the missile with the component dummy parts has occurred in the past 2 or 3 years. It is occurring now and will continue to occur, and at a specific time when the tests are considered to be successful, it will be assumed then that there would be a utilization of it by putting nuclear components in the warheads of our Minuteman and Poseidon or any other missile we thought it was adaptable to.

Mr. BINGHAM. I understand that, Mr. Chairman. What I am concerned about is that we not come to a point later in the session when perhaps somebody debating a resolution such as the gentleman from California (Mr. COHELAN) is talking about, or my resolution, might run into the argument, "Oh, no; we decided that question when we passed the AEC authorization bill."

I want to be sure we will not be foreclosed from debating that when the time comes by reason of the fact that we pass this legislation.

Mr. HOLIFIELD. I am sure the gentleman will be given that opportunity under the rules of the House. I will be happy to discuss that matter with him at that time.

Mr. BINGHAM. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. HARSHA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and fifteen Members are present, a quorum.

The gentleman from Illinois, (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Chairman, I have listened with great care and great interest as well to the remarks both of the gentleman from California (Mr. COHELAN) and of the gentleman who just addressed the Committee, the gentleman from New York (Mr. BINGHAM).

I spoke on this subject earlier today when we were under general debate on this bill, and I indicated I was firmly of the conviction that there was no inconsistency between a position in support of this legislation—I refer, of course, to the authorizing legislation for the Atomic Energy Commission—and a position which I took last week expressing the hope that the President of the United States would take the initiative of proposing a mutual moratorium on the further flight testing of MIRV.

The gentleman from California has mentioned that he is circulating a counterpart of the so-called Brooke resolution among his Democratic colleagues. I intend to do the same among my Republican colleagues, because I see the desirability at this particular juncture in history of trying to take some positive action of trying to seize the initiative for a mutual moratorium.

However, I would take issue with my friend from New York, who referred to the resolution which he introduced in this body earlier this month, which now has some 29 cosponsors, and which he feels is not substantially different from the resolution I will circulate, the so-called Brooke resolution. I have before me a copy of that resolution, and I find, on page 2, subparagraph 2 of the resolving clause:

> That the United States should defer further MIRV testing until every effort has been made to achieve a mutual freeze on MIRV development.

It seems to me that represents a substantial difference between the position of those of us who are urging a mutual moratorium. The so-called SALT talks, which presumably will begin between the 31st of July and the 15th of August, could well go on for a period of several years. The Soviets might well argue that during all this period they were trying to reach an agreement with us on a mutual freeze on MIRV development. During all that time they would be free, under the gentleman's resolution, as I understand it, to continue flight testing because no agreement had actually been arrived at. It seems to me we would then be running the very considerable risk that they would be testing to our disadvantage.

So I want to make it clear that I perceive a very definite distinction between the gentleman's resolution and the one I intend to circulate.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Is it not true that the Brooke resolution does contemplate a first move by the United States to suspend the MIRV

testing, to be continued as long as we are satisfied no MIRV testing is going on on the other side.

Mr. ANDERSON of Illinois. That is not my understanding. My understanding of the Brooke resolution is that it proposes we say to the Soviets, "If you will indicate to us that you will stop further flight testing of this weapon, we will do the same and continue to desist from testing until such time as you have broken the moratorium."

Mr. BINGHAM. If the gentleman will yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. The gentleman is mistaken, I believe. I do not have the resolution in front of me, but it does not contemplate any prior agreement of that kind.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will be glad to yield to the gentleman from California.

Mr. COHELAN. I have a copy of the resolution which is contained on page 16150 of the RECORD of June 17. The gentleman in the well is correct. It reads as follows:

> The Government of the United States should declare its intention to refrain from additional flight tests of the MIRV vehicles so long as the Soviet Union does so.

Now, while I have an opportunity, I would like to make this observation if the gentleman will yield further.

Mr. ANDERSON of Illinois. Yes.

Mr. COHELAN. I would prefer personally that we take the initiative. In the remarks I made earlier, which I hope Members will read, I advance the argument on this question and point out why we should act and why we can afford the risk. However, I am actually sponsoring, along with my colleague from Illinois (Mr. ANDERSON), the Brooke resolution. I do this because I believe most Members can and will support that position. It will also draw attention to the cost and arms escalation of this critical weapons development.

Mr. ANDERSON of Illinois. Now, if I may, I would like to explain why it is I am proceeding on the assumption that we should get some indication from the Soviet Union that they agree to this moratorium. I think it was in 1958 that former President Eisenhower proposed a moratorium, you will recall, on testing in the atmosphere. This went along until September 1961. I should go back and say that at the time President Eisenhower made his proposal there was no real indication from the Soviet Union that they agreed to the moratorium. Things ran along until September 1961, you will recall, when all of a sudden the Soviets broke the moratorium. Without as much as a "by your leave," they proceeded to resume testing in the atmosphere.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(Mr. ANDERSON of Illinois asked and was given permission to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. I think we have to have a decent regard for history in this respect and recall that particular example. Therefore I suggest when we propose a moratorium that even though we take the initiative in the sense that we make the proposal, because it certainly has not been forthcoming as far as I know from the Soviet Union, that we will still expect some indication on their part that they are assenting to the moratorium and are not going to proceed with flight testing of this particular weapons system.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(Mr. ANDERSON of Illinois, at the request of Mr. BINGHAM, was allowed to proceed for 2 additional minutes.)

Mr. BINGHAM. Will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. I want to pursue the question as to whether the Brooke resolution calls for a prior agreement on the part of the Soviets. It is quite clear, I believe, from the penultimate paragraph of the resolution, that it talks about the achievement of an agreement, but the final paragraph of the resolution refers to action that the United States indicates it is prepared to take provided the Soviet Union will do the same; not provided that they agree to do the same but that they will do the same. There is a lot of difference. You do not have to have prior agreement but simply action by the United States and a response by the Soviets at the same time without explicit agreement. Then you proceed to try to reach an agreement.

Mr. ANDERSON of Illinois. I will simply say in reply to the gentleman from New York that I have tried to familiarize myself with the literature in this area and the debate which surrounded the introduction of this resolution in the other body. It seems to me that the legislative history, if you can call it that, of this resolution to date indicates as far as its sponsor is concerned that what he had in mind was a mutuality of obligation. I take that mutuality of obligation to extend to this business of indicating somehow that one side will agree in advance they will not test while the other side is similarly not testing.

Mr. BINGHAM. If the gentleman will yield for one further comment?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. If that is so, it seems to me it is most unfortunate, because then no MIRV freeze will occur until we can arrive at an agreement.

The gentleman knows how difficult it is to arrive at agreements with the Soviet Union.

Mr. ANDERSON of Illinois. I would have to disagree with the gentleman. As a matter of fact, the very reason I am suggesting that we ought to propose a moratorium in this country is to avoid the necessity of waiting while these long and perhaps even tedious negotiations drag on in Geneva, or Vienna, on trying to come up with an overall disarmament agreement. It seems to me there would be no great difficulty involved in arriving at an informal agreement with the other side with respect to the testing of MIRV.

Mr. BINGHAM. Could the gentleman think of an instance where we have been able to arrive at such an informal agreement with the Soviet Union without going through all of the agony of negotiations?

Mr. ANDERSON of Illinois. I think the gentleman will agree with me that we have reached a point in history which is a sufficiently critical juncture that we ought to be willing to try to take the initiative and make such an attempt, even though the chances are not very bright in that regard.

Mr. Chairman, last Thursday evening President Nixon held a press conference in which he discussed a wide range of subjects. Of particular interest to me was his announcement that he intended to begin strategic arms limitation talks with the Soviet Union around the first part of August, subject, of course, to Soviet acceptance of this invitation.

I think the President is to be commended for sensing the urgency of these talks and for rejecting any further delay in their commencement. I would hope that the Soviet Union will agree to the July 31 target date so that we may begin substantive discussions on checking the dangerous arms spiral.

Last week, before this body, I expressed my concern over the delay in arms talks and over the development of MIRV missiles, the multiple independently targetable reentry vehicles that both we and the Soviets are contemplating deploying. I expressed the belief that we should seriously consider proposing to the Russians an immediate and mutual moratorium on MIRV flight tests pending a formal agreement at the conference table.

I am disturbed by the fact that if a halt in these tests is not called soon, it may be too late to work out an agreement acceptable to either side. MIRV would introduce a warhead counting problem that could only be checked by onsite inspections, something neither side is likely to agree to. In addition, MIRV would signal a new escalation in the arms race that would not only involve great costs but would imperil the delicate balance of terror being maintained by both sides. The technology of MIRV is such that the greater it is perfected in accuracy, the more provocative it becomes as a potential first strike weapon capable of knocking out hardened missile targets. The introduction of MIRV will consequently put both us and the Russians in a constant state of fear over both the capabilities and intentions of the other side.

I was, therefore, encouraged by President Nixon's reference last Thursday to a mutual moratorium on MIRV flight tests as "a very constructive proposal." The President went on to say that the administration is "considering the possibility of a moratorium on tests as part of any arms control agreement." I think the President was correct in ruling out a "unilateral stopping of tests on our part." This would be unwise and a foolish risk that we could not afford to take. I have proposed a mutual moratorium and I was pleased with the President's comment:

> Only in the event that the Soviet Union and we could agree that a moratorium could

be mutually beneficial to us, would we be able to agree to do so.

However, I wish to reiterate my belief that a MIRV test moratorium cannot await a formal agreement at the SALT conference. We must head off this escalation now before either side is capable of deploying the weapon. I would urge the President to follow up the remarks made at his press conference by proposing to the Soviets that we both cease MIRV testing as of July 31 and that the moratorium continue for the duration of the talks. I think both we and the Soviets are extremely apprehensive about the Pandora's box which would be opened by MIRV and that we both realize, in the President's words, "that a moratorium could be mutually beneficial to us."

Mr. Chairman, for these reasons, I have decided to introduce in this body, a resolution identical to the one introduced in that other body by Senator BROOKE, calling upon the President to propose to the Soviet Union an immediate and mutual moratorium on MIRV flight tests. I intend to circulate this resolution among my colleagues on this side of the aisle and urge them to cosponsor it with me. At the same time, the gentleman from California (Mr. COHELAN) will be circulating the same resolution among his colleagues on the other side of the aisle for the same purpose. I would ask that all the Members of this body study the resolution carefully, consider its merits and its urgency, and join us in expressing our concern over this crucial issue.

Mr. Chairman, at this point in the RECORD, I wish to include certain editorials and articles pertaining to this proposal and I call these to the attention of my colleagues.

The articles follow:

[From the Wall Street Journal, June 20, 1969]

MR. NIXON ON MIRV

President Nixon says his Administration is considering a joint Soviet-American moratorium on tests of multiple warhead missiles, but rules out any unilateral suspension on our part. Good enough, but we hope the U.S. sounds out the Soviets on some sort of informal moratorium in advance of the arms talks that may start later this summer.

When combined with missiles of appropriate size and accuracy, a MIRV (multiple independently targetable reentry vehicles) capability could be used for a nuclear first strike taking out much of the opponent's retaliatory force. Yet the posture of mutual deterrence, the bedrock of whatever stability a nuclear world can hope to find, depends more than anything else on each side's confidence that its retaliatory forces are secure from any such attack. MIRV technology threatens that confidence, and thus directly threatens nuclear stability.

President Nixon's remarks recognize the special importance of multiple warheads in suggesting a MIRV test moratorium as part of the arms control agreement. Such an agreement, though, is likely to take years of negotiation. The time during which the President's suggestion of a MIRV test moratorium remains feasible is measured in months at best.

A limitation on MIRV seems conceivable only while it remains in the test flight state, when both we and the Soviets can easily monitor the other's efforts. Once operational confidence is gained, any limitation could be enforced only through detailed on-site inspection of missiles, a possibility that flies in the face of the Soviet's historic opposition to any inspection of that kind.

Once MIRV is operational, each side would be forced to assume the other had deployed it. This would not absolutely preclude arms limitation, but it would force the nuclear race up to its next plateau in spending and warhead proliferation. Each side would in fact, feel forced to proceed with its own MIRV. And since anti-ballistic missiles are the logical strategic response to MIRV, the question on the ABM would not be whether to deploy the current Safeguard proposal, but whether ABMs could be held to anything like the Safeguard's limited size.

Now, the United States is only a few months away from operational confidence in the key independent guidance technology, though it is not testing multiple warheads large enough to be especially useful in attacking the Soviet's hardened retaliatory missiles. The Soviets apparently are testing multiple warheads of this counterforce size, but their independent guidance capability seems much further in the future.

Anything the U.S. can do to stop the Soviet tests is manifestly in the American national interest. The U.S. MIRV would be absolutely necessary only if the Soviets deployed a large city-defense ABM system, a project with a long lead time allowing the U.S. to pick up MIRV development. Thus, the U.S. has little to lose and a great deal to gain from a mutual MIRV test suspension.

That is not to say the Soviets would necessarily feel they would suffer from such a limitation, for no doubt they would prefer that the U.S. does not deploy MIRV. Since their interest in arms talks probably stems from a desire to limit strategic spending, also, they would presumably see the advantage in not being forced on to the next plateau. Thus there is at least some chance the Soviets would agree to a test moratorium provided it is offered to them before they feel the U.S. has perfected its own technology.

In endorsing a mutual test suspension and commending Senator Brooke's activity in its behalf, President Nixon demonstrated that he understands this analysis of the MIRV problem. The same logic leads to the next step, approaching the Soviets immediately, while a mutual test suspension remains in the realm of possibility.

[From the New York Times, June 20, 1969]

MR. NIXON AND MIRV

No decision Richard Nixon will face as President is likely to be more momentous than the decision he faces within the next few days on the proposal to suspend the flight-testing of MIRV multiple-warhead missiles. Mr. Nixon yesterday described this proposal as "constructive" and said he would favor it if the Soviet Union would agree to do the same. But his attack on a "unilateral" suspension (of tests only the United States is now conducting) and his statement that this move must be part of an arms control agreement (which may take years to negotiate) confuse the issue.

Immediate suspension of MIRV tests is essential to keep the door open for a strategic arms agreement with the Soviet Union that would freeze the existing nuclear balance, head off further escalation of the missile race and assure security to both sides. Continued testing for even a few more weeks threatens to take the world past a point of no return into an expensive and dangerous new round in the missile race. It promises a five-fold multiplication of nuclear delivery vehicles in the American strategic missile forces—from 1,700 to about 8,000, an expansion that the Soviet Union would doubtless match. Even if limits on Soviet and American missile strength were later to be set at these higher levels, an era of nuclear nervousness would be almost sure to replace the present situation of stable mutual deterrence.

The bipartisan resolution introduced this week by Senator Brooke of Massachusetts and 40 other Senators urging the President to seek an immediate moratorium with the Soviet Union indicates a growing realization in Congress that MIRV testing is now the main governor on the arms race. It is more urgent than the issues that have dominated the missile debate in recent months, such as the Safeguard antiballistic missile (ABM) system, or the Soviet offensive SS–9 missiles and defensive ABM deployments.

These systems can be fully discussed in the approaching strategic arms talks with the Soviet Union. They take years to build and there is time to negotiate cut-offs long before their expansion will significantly affect the nuclear balance. Moreover, they can be monitored easily by reconnaissance satellite without on-site inspection. MIRV is a wholly different matter.

The United States already has staged fourteen full-systems flight tests of silo-based Minuteman III and submarine-launched Poseidon missiles carrying from three to twelve MIRV warheads. The first two of 31 Polaris submarines to be refitted at great expense for the big, MIRV-tipped Poseidon missiles already have gone into drydock for that purpose.

The Johnson Administration proceeded on schedule with MIRV flight-tests last August after advice from the Joint Chiefs of Staff that two years would be required to test to operational confidence. Within two months, it was thought, missile talks with the Soviet Union would be under way to halt MIRV and other aspects of the arms race. But the Soviet-American talks were delayed three months by Czechoslovakia, then another seven months so far by the determination of the Nixon Administration to re-examine the strategic balance and the American negotiating position at leisure.

Meanwhile, the American MIRV tests have moved much faster than the Pentagon originally indicated and operational confidence may now be reached in a matter of weeks, if the tests continue—a year ahead of schedule. Continuation of the testing this summer thus threatens to carry the world irrevocably into the MIRV era. MIRV can only be headed off in the test stage, since tests can be detected with relative assurance. Once deployed, MIRV can only be detected by on-site inspection more intrusive than even the United States, not to mention the Soviet Union, would be likely to accept. Satellite cameras cannot tell whether a missile is carrying one or ten warheads.

The American national interest lies overwhelmingly in heading off Soviet MIRV tests before they begin or, at least, before they get very far. The best way to achieve that would be suspension of American tests so long as the Soviet Union refrains from testing as well. An alternative would be an immediate approach to Moscow for a jointly announced test moratorium now. Postponement of this approach until the overall strategic arms talks begin in August—or, even worse, until agreement is reached there—would risk the true security interests of the United States and the world.

[From the New York Times, June 22, 1969]

CAN THE ARMS RACE BE STOPPED IN TIME?

(By Peter N. Gross)

WASHINGTON.—One day early in August, some Russian Diplomats and some American diplomats are planning to sit down together in Vienna, or maybe in Geneva, to decide whether there is anything they can do about setting some limits to the power each nation has to destroy the other.

President Nixon plunged into the final preconference review with his National Security Council last week, evolving the negotiating position the United States will take when it begins the long-heralded Strategic Arms

Limitations Talks with the Soviet Union. In Washington's jargon, this new and by far most ambitious round on disarmament talks has the label SALT; the acronym is the only whiff of whimsy in the grim and awesome undertaking. What is and is not discussed in these talks, for which, at his press conference on Thursday, President Nixon set an opening target date of July 31, will shape global strategy for a decade to come.

TECHNOLOGY ADVANCES

As an opener, the Administration is likely to propose a freeze on deployment of both superpowers' arsenals of land-based intercontinental ballistic missiles. Such is the advance of military technology in the 18 months since the missile talks were first contemplated that this once formidable proposal now looks like about the easiest place to begin.

There is reasonable parity now on these ICBM's; the Russians with 1,200 already in place or nearly so, the United States with about 1,000 Minutemen and 54 giant Titan II missiles.

From this relatively straightforward proposition, the talks could move into limitations on the other weapons systems, the bombers that once were the center of United States strategic defenses, the submarines that serve as mobile missile launchers, and on into the more sophisticated weapons of multiple warheads and antiballistic missile systems. That, at any rate, is the design of the talks as now projected from the American side.

The principle of this negotiating strategy is to start with what is already deployed before trying to regulate advanced weapons that are scarcely operational. It is a strategy full of pitfalls—and not only those set by the adversaries.

From the start of his Administration, President Nixon has made a point of consulting in detail with the European allies before deciding anything with the Russians. He sent one of his longtime aides, Robert Ellsworth, as his ambassador to the North Atlantic Treaty Organization.

If the task were simply to inform the European Governments what the United States hoped to achieve with the Russians on limiting advanced weaponry of the superpowers, Mr. Ellsworth's job in the coming weeks would be relatively easy. Instead, the Administration believes it has to impress upon the NATO partners that the opening of missile talks does not mean that conventional European defenses can be relaxed. On the contrary, American diplomats argued, any agreement to limit strategic weapons might well make the maintenance of regional and conventional forces more crucial, for there is where the pressure could be turned on in the years to come.

DISSENT IN SENATE

Strangely enough, President Nixon has taken less care in his consultations in another direction—with the Democratic Congress. Consequently the loudest voice challenging the Administration's SALT position is coming, not from nervous allies or, as yet, suspicious Russians, but from the United States Senate. Legislators of his own party complain that the President is neither listening to their views nor bothering to inform them of his. Testimony from top Administration officials at formal hearings strikes the Foreign Relations Committee, the center of the opposition, as contradictory and cavalier. There is rumbling of a new "intelligence gap," as differing assessments of Soviet nuclear capabilities are called to the Senators' attention.

A bipartisan group of 39 Senators joined in sponsoring a resolution last week calling for a mutual moratorium on flight tests of multiple warhead systems as the first item of business in the arms talks. At his Thursday news conference, Mr. Nixon rather grudgingly called their suggestion "constructive insofar as they themselves are thinking about it"; he said the Administration was considering such a moratorium "as part of any arms control agreement."

But across the executive branch it seemed clear that limitations on the new generation of weapons would be well down on the conference agenda, and by the time the two sides got to doing anything about it, both ABMs and multiple warheads might well be operational on both sides.

If that point is reached, the Senatorial critics say, it's the point of no return and there would be little likelihood of any agreement to limit these new weapons. Modern intelligence devices are perfectly able to determine how many missiles are deployed on launching pads; there is no way short of on-site inspection to know how many warheads are on board each missile. Neither country has shown much interest in on-site inspections so far—therefore, the critics say, there is no reasonable chance of an enforceable agreement once the multiple warheads now being tested become part of each country's arsenal.

What the Russians think about these points remains to be seen. Administration experts frankly admit that they have no real idea of how the Kremlin sees the forthcoming talks unfolding; all they know, they say, is that the Soviet Union is pushing ahead on the development of new weapons as fast as the United States, if not faster. The time for stopping such development, called for by the Senators, has already passed.

This is the cloud under which the SALT undertaking now stands. The old underlying purpose—the prevention of a new spiral of costly arms production—is dangerously close to being defeated before the talks even begin.

[From the Washington Post, June 22, 1969]

BUT PENTAGON BANKS ON IT: MIRV SEEN ADDING TO "MAD MOMENTUM"

(By Richard Harwood and Laurence Stern)

In the euphemistic phrasing of the war business, the new gadget is called a "bus." Its passengers are little warheads that could be dropped off "with a very nice area effect," as the Pentagon puts it, at such places in the Soviet Union as Minsk and Tomsk.

The official acronym is "MIRV" (as in Mervin). The letters stand for "multiple independently targeted re-entry vehicle." They are rapidly replacing "ABM" as the symbolic focus of the arms control debate in the United States.

To many scientists and politicians, MIRV is the newest and most deadly accelerator of "the mad momentum of nuclear armaments." It insures, Sen. John Sherman Cooper told the Senate last week, that the United States and the Soviet Union can, in a single stroke, "multiply the number of deliverable nuclear warheads in the world by a factor of 3 to 10."

To the managers of the Pentagon, MIRV offers one of the best hopes for slowing down the arms race. It is, in their view, a trump card in the forthcoming arms negotiations with the Soviet Union. If the Soviets agree to abandon efforts to defend their cities against American missiles, then the United States could agree, the Defense Department suggests, to abandon or limit the deployment of MIRV.

President Nixon hinted as much Thursday when he said he is willing to talk with the Russians about a MIRV moratorium.

Actually the first indication of the Administration's negotiating flexibility on MIRV came nearly three months ago in a little-noticed exchange between Deputy Defense Secretary David Packard and Sen. Albert Gore (D-Tenn.)

Gore asked: "Do you have any doubt that it is our intention to replace the Polaris with the Poseidon?"

Packard's response was: "It is our intention, Mr. Chairman, unless we conclude some agreements that would dictate otherwise."

Pentagon officials have some suggestions as to the general terms of such an agreement.

"If they tell us they are not going to defend their cities," said one spokesman, "we'll lose a lot of interest in MIRV. Since its purpose is to penetrate Russian cities' defenses, MIRV is negotiable."

Authoritative officials speak of a formula under which both sides would freeze the number of offensive missile sites and move into "thin" antiballistic missile systems. "That would, in effect, be disarmament," in the view of one Pentagon expert.

A more modest step, as some see it, would be a mere mutual freeze on the number of delivery vehicles, or buses. "If they freeze their delivery vehicles they can MIRV up to the kazoo and they would have no first strike," an official said.

This means, however, that each side would have to make the worst assumptions about how much megatonnage lies in the silos of the prospective enemy.

It could still be a prescription for further arms stockpiling by both the Soviet Union and United States.

As with all of the scenarios on nuclear war and its probabilities, MIRV has created deep divisions in both the scientific and political communities in the United States. It suggests to some that American war planners are seeking a "first-strike" capability against the Soviet Union. It suggests to others that the Defense Department is a sucker for gadgets, that it will buy any new weapon that comes along, irrespective of need. It suggests to still others that the Nixon Administration is not serious about arms control.

The view from the Pentagon on these issues is both reassuring and confusing. It is based on the promise that security is, in effect, found in insecurity, that the best hedge against a nuclear war is, in Robert McNamara's words, "the certainty of suicide to the aggressor." That is what is meant by the "balance of terror."

That balance, the Pentagon maintains, could be upset by the United States in only two ways—an infallible system of defense (ABM) protecting the country from "suicide" or an infallible system of offense to destroy virtually all Soviet weapons in a sneak attack.

MIRV has been called, by its critics, the forerunner to that kind of "first-strike" offensive system. But the Defense Department rejects the argument.

The main reason offered is that MIRV's warheads are too small and too inaccurate for use against Russian missile silos. The MIRV "bus" to be installed on the new Minuteman III missile, according to Defense officials, will carry from two to three 200-kiloton warheads. The "bus" on the new Poseidon submarine missile will carry up to 15 warheads of about 50 kilotons each (the Hiroshima bomb was 20 kilotons.)

In order for a 200-kiloton warhead to have a 70 per cent chance of knocking out a silo, it would have to land no farther than 200 yards away; a 50-kiloton warhead would have to land no more than 140 yards away.

This kind of accuracy, says the Pentagon, is not possible today nor in the foreseeable future; the best that can be done now is to guide a warhead to within about 440 yards of its target.

That is close enough to kill a target—a silo, for example—when large weapons are used, such as the 1-megaton warheads currently installed in Minuteman and Polaris. But it is too far away for smaller warheads to be effective.

Thus, MIRV's only present usefulness, its promoters insist, would be against "soft" targets such as cities.

There is general, although not unanimous,

agreement in the scientific community that this description of MIRV's limitations is essentially correct.

But the Pentagon itself has cast doubt on this presumption by the conflicting statements it has issued. Although it now insists that MIRV is ineffective against silos, it took precisely the opposite view in January, 1968 when it put out a statement saying that "each new MIRV warhead will be aimed individually and will be far more accurate than any previous or existing warhead. They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Melvin Laird implied the same thing when he told Congress in March of this year that he planned to spend $12.5 million to improve the Poseidon guidance system and thereby make it more effective against "hardened" targets, meaning missile silos.

Statements of this kind have alarmed many scientists, such as Wolfgang Panofsky, the Stanford physicist who was a member of the President's Science Advisory Committee from 1959 to 1964 and chairman of its panel on defense.

"They (such statements) are essentially threatening to the Soviets," Panofsky said, "and are technically wrong . . . From Laird's statement the Russians could not help but draw the worst possible judgment (about MIRV) . . . My own view is that this generation of MIRV is not a first-strike threat to the Russians. The verbiage that has gone with it is more of a threat than the technical side."

The "technical side," however, continues to bother MIRV critics such as Dr. Leonard Rodburg, a physicist at the University of Maryland. There may be, Rodburg says, limitations on MIRV's accuracy today. But there is no scientific barrier to far greater accuracy in the relatively near future, he believes. The work of such guidance experts as Dr. Charles Draper of the Massachusetts Institute of Technology may make it possible fairly soon to put a small MIRV warhead almost "on the silo door", Rodburg says. "With that kind of accuracy," he said, "you could destroy a silo with a satchel charge."

Whatever the implications of the Pentagon's conflicting descriptions of MIRV's mission, the present policy is to stress the limitations of the weapon. Dr. Roland Herbst, the Defense Department's deputy director of research, said last week that pinpoint accuracy for MIRV may be achieved "at some time in the future" but it is "not in the neighborhood at this moment."

Military pressure to develop MIRV began as early as 1962. Defense Secretary Robert S. McNamara at first said "no" to the new weapon. His reasoning was that the United States could already kill as many targets as it wanted to without going into MIRV deployment.

But at that time there were also military intelligence readings that the Russians were building an ABM system around Moscow. It turned out afterwards that what intelligence originally proclaimed to be ABM defenses were actually anti-aircraft installations to guard against advanced American bombers that McNamara never deployed.

The Pentagon debated two alternatives to the Soviet ABM. One was the use of penetration aids such as chaff and decoys for offensive missiles. The second was MIRV.

The first course was dropped on grounds that effective radar could distinguish incoming warheads from decoys and shoot them down—an argument that, ironically, opponents of the U.S. ABM used and Pentagon scientists dismissed. MIRV proved highly attractive to the military.

It promised a capability to hit more targets without violating McNamara's self-imposed freeze on the number of delivery vehicles. "MIRV was the best route to numbers," was one Pentagon spokesman's way of putting it.

And so, in an atmosphere of supersecrecy, the Defense Department began developing MIRV. No one mentioned the awesome acronym publicly until 1965 when a Pentagon official made reference to it at a press background session.

Pentagon newsmen were so astonished at the disclosure that they went back to their briefer and asked if he had really intended to let MIRV out of the bag. Everyone agreed to delete the reference to the new weapon system.

It was almost two more years before MIRV surfaced publicly. But it was overshadowed in the strategic weapons debate by the ABM.

MIRV's development as a "city-busting" weapon is now continuing on a schedule that calls for the first warheads to be installed on two nuclear submarines in January, 1971. If the development is carried out as planned it will cost, according to present estimates, about $17 billion—$7 billion for Poseidon, $10 billion for Minuteman III.

At present there are no clear answers to where the Russians stand on MIRV development. Last fall they tested the SS–9 missile with three huge warheads—presumably five megatons each. Whether these were guided warheads or simply gravity bombs, such as the Polaris A–3 missile has carried since 1962, is uncertain.

But no expert disputes the possibility that the Russians could quickly bring their MIRV technology abreast of the United States.

If both sides then proceeded to full-scale MIRV programs, their nuclear arsenals would increase enormously. The United States today possesses approximately 2350 strategic warheads, as against about 1100 for the Soviet Union. By MIRVing, the American arsenal could be raised to 8766 warheads with no increase in the number of delivery vehicles; the Russian arsenal could be raised to 5150.

This prospect is not disturbing to the Pentagon at the present time. The military reasoning is that both sides still would be left without a first-strike capability.

Disarmament proponents are less sanguine. They see MIRV's development as simply another useless step in the "mad momentum" of the arms race, a step that, if nothing else would divert billions needlessly to weapons that neither side requires.

[From Time magazine, June 27, 1969]

ARMS CONTROL: THE CRITICAL MOMENT

(NOTE.—The central fact today in the confrontation between the United States and the Soviet Union is that progress in technology has made it both necessary and possible to place restraints on the nuclear-arms race. The technological stars and planets are now in favorable conjunction—and they will not stay that way for long.)

Last week, after months of delay, the U.S. Government began to act on that warning from William C. Foster, head of the Arms Control and Disarmament Agency in the Johnson Administration. For the first time, President Nixon's National Security Council devoted a full session to defining the negotiating positions that the U.S. will take when it discusses possible limits on nuclear weapons with the Soviet Union. A second Security Council meeting is scheduled for this week. The President also announced that, if the Soviets agree on time and place, SALT—the long-awaited strategic arms limitation talks—will begin between July 31 and Aug. 15.

UPSET BALANCE

The risks that William Foster describes are real. Central to them is a frightening new weapon called MIRV, for "multiple independently targetable re-entry vehicle." MIRV, even more than the antiballistic missile, threatens to upset the uneasy balance of deterrence that the U.S. and the U.S.S.R. have achieved. It may also set off a domestic debate that could surpass in fervor the acrimonious ABM dispute.

Both the U.S. and the U.S.S.R. are already testing multiple missile launchers, although the U.S. is believed to have a wide lead. The Pentagon argues for continuing the tests, and for development of MIRV, on the grounds that the U.S. system is nearly operational and stopping tests would simply give the Russians a chance to catch up. The technical teams at work on MIRV in private industry would have to be disbanded, and they could not be rapidly reassembled in case the U.S.S.R. makes a dramatic breakthrough. On the other hand, the President is under considerable pressure to suspend MIRV tests, thereby demonstrating to the Soviets, a deep U.S. commitment to arms control in anticipation of SALT.

Massachusetts Republican Edward Brooke last week lined up 39 Senators of both parties as cosponsors of a "sense of the Senate" resolution urging a halt to testing—if the Russians reciprocate. Nixon espoused the Brooke position cautiously, saying that "only in the event that the Soviet Union and we could agree that a moratorium on tests could be mutually beneficial to us, would we be able to agree to do so."

WARHEAD NOSE COUNT

Unless such a moratorium is agreed to early in SALT, many experts believe, the chance of real progress toward arms limitation is small. If both the U.S. and the Soviet Union proceed to MIRV deployment, the ensuing uncertainty would make a freeze on nuclear weaponry almost impossible to achieve. Policing an agreement to regulate the number of warheads installed in missiles would not be feasible. Spy satellites can count launch vehicles, but not their contents. Even an inspector on the ground would have to take a missile nose cone apart and physically count the number of warheads inside. Neither side will readily agree to let the other's technical experts get so close to the business end of its nuclear arsenal. By contrast, enforcing a ban on flight tests would be relatively easy. Each side can observe the rival's launches from a distance.

Further, mutual deterrence would be put in question. Since MIRV would multiply many times the number of warheads either side could deliver against the other, a thin ABM system like Safeguard would not be sufficient to preserve enough of the defender's missiles to allow him to strike back effectively after a massive surprise attack. Thus, the temptation to deliver a pre-emptive strike in an acute crisis like the Cuban missile confrontation would increase. This new step-up in the arms race,[1] coupled with the Safeguard ABM, would cost the U.S. at least $20 billion and could lead to far vaster expenses if each side continued to expand its arsenal. These huge expenditures would bring no increase in security. More likely, both sides would become more vulnerable to attack.

Even in the absence of immediate new weapons deployments, the business of arms control is tremendously complex. Past agreements, such as the 1963 partial ban on nuclear-test explosions, were reached only after long negotiations and after Moscow and Washington came simultaneously to the conclusion that potential benefits outweighed the risks. Distrust between the two nations remains basic and deep. Intelligence experts and strategists deal in short-range "estimates" and long-range "assumptions" on what the other side is doing now and might

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[1] A recent study by the Arms Control and Disarmament Agency estimated that the nations of the world have expended more than $4 trillion on wars and weaponry thus far in the 20th century. At the present rate of increase in military outlays, another $4 trillion will be spent in the next decade.

do later. Military and intelligence professionals tend to be pessimists, and hence hawks. China's nuclear development has added a new factor of uncertainty. Despite these difficulties, both the U.S. and the Soviet Union recognize the immense stakes involved in arms limitations and seem prepared to go ahead.

SLIPPED LINKAGE

The President even seems willing to give up, at least for the present, his strategy of using arms talks as a carrot to gain other understandings. Nixon took office believing that the Johnson Administration had mistakenly pursued an arms pact with the U.S.S.R. without regard to basic political conflicts between the two countries. "What I want to do," he told his first presidential press conference, "is to see to it that we have strategic-arms talks in a way and at a time that will promote, if possible, progress on outstanding political problems at the same time in which the U.S. and the Soviet Union, acting together, can serve the cause of peace."

The goal that became known as "linkage" has turned out to be more difficult to achieve than he thought. Nixon hoped to calm the Middle East by working with the Soviets, but last week he admitted: "I see very little defusing." The Russians are evidently content not to have genuine peace between the Arab nations and Israel, but a state of controlled tension. Nixon wanted Moscow to help him get a settlement in Viet Nam by applying pressure on the North Vietnamese. Although the Russians reportedly have tried, Hanoi remains intransigent at the Paris peace talks. He also sought to reopen conversations on the status of Berlin; the Russians have not responded. While the Soviets rejected linkage of all these issues from the start, they have at least sounded eager to pursue an arms agreement. For now, that may have to suffice.

BUSLOAD OF MEGATONS

The standard ballistic missile carries only one nuclear warhead. That has long seemed inefficient to Pentagon planners, considering the huge cost of missiles and the space required to store them. In the early 1960s, they developed the first improvement: a multiple warhead known as MRV (for Multiple Re-entry Vehicle). It is a relatively crude device that drops unguided from missiles in clusters of three warheads. Some MRVs have been placed on presently operational Polaris missiles. A further and major refinement is MIRV (Multiple Independently Targetable Re-entry Vehicle), which is similar to MRV but has its own propulsion and guidance systems.

Missiles equipped with the MIRV device have been compared to a space bus that travels above the atmosphere emitting warheads over specific targets. MIRVs could be carried only by the next generation of missiles—the Navy's Poseidon and the Air Force's Minuteman III, which will probably be operational within two years. Both have been successfully tested with MIRVs.

The Minuteman version, with a range of 7,500 miles, carries up to three warheads (each under one megaton) and some chaff that is released to confuse enemy anti-ballistic missile radar. Present plans call for deployment of 500 MIRVed Minuteman III's, in addition to 500 Minuteman II's with single warheads. All would be housed in 90-ft.-deep silos, located at least seven miles apart to prevent an enemy warhead from destroying two sites.

The Poseidon version can carry up to twelve warheads and has a 2,900-mile range. The Poseidon MIRVs are thus of the "low kiloton" type, designed to be used against cities, while the Minuteman III's might be used to hit the adversary's ICBMs in hardened silos. The Navy has begun to refit two of its Polaris submarines to handle Poseidons. According to present plans, 496 of the 656 missiles now aboard submarines will carry MIRVs.

Accordingly, by the mid-1970s the Navy and Air Force could be capable of launching a total of more than 8,000 warheads, compared with 2,700 presently.

The Russians, meanwhile, have completed a series of multiple-warhead test shots in the Pacific. A U.S. destroyer monitoring the tests reported that the SS–9 missile, which had never before flown more than 3,200 miles, is now capable of reaching most of the U.S. The reconnaissance vessel also learned that before the SS–9 splashed into the Pacific, the missile delivered three separate warheads. Since the SS–9, with a multiple warhead, can carry up to 15 megatons, Defense Department officials warn that it is a serious threat to U.S. missile installations. A five-megaton blast within a mile of a missile silo will destroy it.

Defense Secretary Melvin Laird has said that the Russians are not yet capable of launching MIRVs. But in his press conference last week, President Nixon hinted that the Soviets have developed some sort of control system for their MIRVs.

Intelligence reports have shown that the SS–9's reentry vehicles splashed down in a pattern. That design, when superimposed on a map of U.S. missile sites, was found to coincide with the distribution of ICBM silos. "There isn't any question," Nixon said, "that it is a multiple weapon, and its footprints indicate that it just happens to fall in somewhat the precise area in which our Minuteman silos are located."

The President's "footprint" statement was yet another disclosure of normally secret intelligence material to bolster the chances for approval of the embattled ABM. For the White House regards its Safeguard anti-ballistic missile system as the answer to the presumed Russian MIRV threat. Among his other warnings, Secretary Laird has said that the Russians are developing an ABM system of their own that can "loiter for a period of time until a specific target is selected."

More significant than stray tidbits of security data, of course, are the calculations of just what kind of weapons the Russians will actually build, and in what numbers. On this crucial point, the experts seem to disagree.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a careful reading of the letter of the gentleman of New York set out under date of June 20 would indicate, I think, the concern that my colleague the gentleman from Illinois (Mr. ANDERSON) has. I read, and I think I am reading in context from Mr. BINGHAM'S letter:

> I intend to offer a simple amendment to the AEC authorization fiscal year 1970 legislation specifying that no funds authorized in the legislation be expended for MIRV flight tests prior to—
>
> Prior to—
>
> the convening of the projected U.S.-Soviet arms control talks and until—
>
> And until—
>
> the possibility of a mutual U.S.-Soviet freeze on MIRV's has been thoroughly explored and considered at such talks.

What concerns me about this type of suggestion, I will say to my colleagues: Should progress be halted on strengthening U.S. capability for deterrents until we begin discussions with the Russians on the basis of the record of the Soviet Union? Let me give you just an example:

On August 22, 1958, President Eisenhower announced that the United States would not test atomic or hydrogen weapons for 1 year unless testing was resumed by the Soviet Union. This pledge led to an informal moratorium which was kept by the Kennedy administration. During the period of 1958 to 1961, representatives of the United States and the Soviet Union met in Geneva to work out ways and means of developing a nuclear test ban agreement.

However, while these negotiations were in progress the Soviets on August 30, 1961, suddenly announced that they were resuming atmospheric nuclear testing. On September 1, 1961, they began their test series, thus breaking the informal moratorium.

The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons in the atmosphere.

The largest test was a terror weapon of approximately 60 megatons—equivalent to 60 million tons of TNT—detonated on October 31, 1961, despite a resolution adopted on October 27, 1961, by the United Nations appealing to the Soviet Union to refrain from carrying out such a test.

It was just a year later that the Soviet Union brought the world to the brink of nuclear war when it placed offensive nuclear weapons in Cuba. At that time President Kennedy said:

> This action also contradicts the repeated assurances of Soviet spokesmen, both publicly and privately delivered, that the arms buildup in Cuba would retain its original defensive character, and that the Soviet Union had no need or desire to station strategic missiles on the territory of any other nation.

And that quotation comes from President Kennedy's statement made on October 22, 1962.

Past Soviet words and actions have not always coincided, whether we remember their invasion of tiny Finland before World War II, or last August, when they invaded helpless Czechoslovakia.

History is replete with examples of nations that have attempted to negotiate or have sought to appease aggressors from their position of weakness.

I, for one, agree we should negotiate with the Soviet Union at any time and at any place. But I strongly oppose unilateral disarmament in the hope, and what I consider the vain hope, that the Soviet Union will not repeat the pattern that it has repeated over all the years we have tried to reach some kind of peaceful agreement through international conferences.

Mr. CEDERBERG. I want to compliment the gentleman in the well, the gentleman from California, for the statement he is making. It is a statement in the best long-term interests of the United States. I join him in his remarks.

Mr. HOLIFIELD. I thank the gentleman.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. COHELAN. While, as I have indicated, I favor the principle of the Brooke

resolution, I personally would go further on the theory that we can afford the time. I would ask the distinguished gentleman the following questions:

Do you not agree that the MIRV's are justified by our defense planners as a means of securing penetration of ABM defenses? Is not that basically the thrust of it?

Mr. HOLIFIELD. Will the gentleman repeat his question?

Mr. COHELAN. My question is, Do you agree that our MIRV's are justified by our defense planners as a means of assuring penetration of ABM defenses?

Mr. HOLIFIELD. That is the Soviet ABM defenses?

Mr. COHELAN. Yes.

Mr. HOLIFIELD. I think that might very well be one reason. But there are a number of reasons.

If you have a multiple warhead—that is, multiple parts in the warhead—let us say three or five or seven or whatever the number might be—you gain the advantage of a spray shot that you have with a shotgun as against a rifle shot. A rifle shot is concentrated. There are other advantages but that would be one advantage.

Mr. COHELAN. But the gentleman would agree that in the literature this is one of the primary purposes for developing the MIRV; that is, to penetrate ABM defenses. Is this not one of its primary purposes in keeping the strategic balance?

Mr. HOLIFIELD. Yes. It would be useful if there is an ABM system in being in the Soviet Union. Yes, it would be useful. But I also say that the Soviets are testing multiple warheads, and for us to deny ourselves the same privilege and the same right to keep up with the Soviet advances in technology, I think is nothing less than suicidal.

Mr. COHELAN. Is it not true in terms of their particular defenses that our intelligence does not permit us to come to the conclusion that they have anything there that we cannot handle at the present time? The point being that we can afford a little time because of the seriousness of this virtual quantum jump in weapons development. Would the gentleman say that that would be reasonable?

Mr. HOLIFIELD. I am not willing to concede that we should stop in our research and development and that we can afford that time, as the gentleman says.

To deny ourselves anything—I do not concede that that is for the benefit of the security of the United States.

They can stop this tomorrow if in the disarmament negotiations they come in and say, "Let us stop this." We can sit down and say, "All right, we will stop." They can do that with respect to nuclear weapons. They can also stop the development of nuclear submarines that they are turning out at the rate of one per month and we are turning out at the rate of 1½ a year.

Mr. COHELAN. Would the gentleman agree that our research is several years ahead of theirs?

Mr. HOLIFIELD. I will not speculate how far they have gone or how far we are ahead of them.

At one time I can remember when we had the atomic monopoly and many said it would be 10 years before the Soviets got an atomic bomb. They got it just 4 years later. They exploded one in August 1949. We exploded our first device in 1945.

In the late 1940's and early 1950's there were many who said we should not develop a hydrogen bomb. In 1953 the Soviets exploded a hydrogen bomb. Obviously they were working on it for some time.

I do not know what they may be working on. I have some ideas. Some of them I can express and some I cannot because of their classification. But I am not willing to say that the Soviets are fools and that their trained scientists are not capable of making just as good weapons as we make.

They certainly made long-range missiles with 5,000- and 6,000-mile ranges, and they exploded a 60-megaton weapon. We never exploded anything anywhere near that large. I am not saying we could not. I know that we could. But I am not willing to compromise the strength of the United States on the basis of what the Soviets might or might not do.

(On request of Mr. COHELAN, and by unanimous consent, Mr. HOLIFIELD was allowed to proceed for 2 additional minutes.)

Mr. COHELAN. Mr. Chairman, if the distinguished chairman of the committee will yield again, does the chairman not now feel that this is a momentous breakthrough in the arms race?

Mr. HOLIFIELD. It is an important breakthrough, but not any more than the nuclear submarine or the hydrogen bomb or any other major advance in weapons systems.

Mr. COHELAN. You do not feel that this is in any way going to destabilize the strategic balance?

Mr. HOLIFIELD. I certainly do not, no more than I think the ABM would destabilize, because they already have 67 ABM's around Moscow. They have several hundred additional in the Tallinn system, and you can guess what that constitutes. I am saying they have in existence devices such as the multiple reentry vehicle. I do not know what degree of sophistication they have achieved. I do not think anyone else in the United States knows. And neither do they know the sophistication of our weapons.

Mr. COHELAN. Let me ask one final question, to which I think I know the answer. As the distinguished chairman of this committee, would you favor a mutual moratorium in which both the United States and the Soviet Union would halt MIRV testing and deployment?

Mr. HOLIFIELD. Yes, and not only MIRV testing, but nuclear submarine building, plane building, and all other forms of warfare—if we could get a genuine mutual agreement to disarm, coupled with on-site inspection, so that we would know we were not being played for suckers. But as long as we have not been able to get mutual inspection, I say we cannot go on Soviet promises, because history has shown they have not always kept their promises.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words.

I actually had not intended to participate in the debate but merely to listen. I was intrigued by the presentation of the distinguished chairman of the Joint Committee and his response to several questions. I, at first, believed and was worried that passage of this bill, which includes a sum of money to be used for the testing of MIRV, would in some way be a decision made by this Congress on a matter that is so momentous that it ought not be the subject of an hour or less debate, but rather be the subject of a comprehensive debate. That it is a controversial subject is apparent by the fact that at this point there are several pending resolutions concerned with the testing of MIRV.

There is the Bingham resolution, the Cohelan resolution, and the Brooke resolution, all of which indicate the concern of Members of both Houses that the question of whether or not we should proceed with the MIRV be given further consideration. I was reassured on that point by the colloquy which took place between my colleague, JONATHAN BINGHAM, and the distinguished chairman, when it was made clear that passage of this bill did not in any way foreclose the real debate on MIRV which is yet to come, and I am now reassured that we are not backing into something unintentionally.

I would assume, as I am sure everyone else in the House does, that when a momentous decision involving billions of dollars and the escalation of the arms race would be undertaken, that it would be undertaken in a knowing way, in a concrete way, that is to say, at a time when everybody would know what they were doing. When the distinguished chairman said he did not believe in unilateral disarmament, I think he spoke for every Member of this House. I do not think there is any Member in this House who believes in unilateral disarmament. The real question, and the one that is not going to be debated in 5 minutes by this Member or any other Member, is, are we doing something which will prevent mutual disarmament when we proceed with the testing of MIRV? There is at least a considerable body of opinion which believes that the testing of MIRV might be irreversible in its consequences, and there are many of us who want to reflect on that and want to have considered discussions with respect to it before we make such a decision. The fact that the Chairman made very clear that this House will have an opportunity to make that decision at a later time and in a more deliberate way reassures me, and I thank him for that reassurance.

Mr. HOSMER. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I think this is about the end of the debate. I would like to bring forth a few facts, amongst which is the so-called MIRV is not some strange new weapon that suddenly developed from nowhere. It is no more than an ordinary progression in refinement of the original missiles we developed in a rather crude and unsophisticated state, which are gradually being improved, as is normal with any weapons system throughout

the history of man. All of which is normal and expected and anticipated. MIRV is not any unbalancing shocker, as many would have us believe. It is no surprise to anyone familiar with defense or nuclear strategy.

The question has been raised as to whether or not the MIRV is a first-strike weapon. On that let us just look at what deterrence is. It is a capability to strike back devastatingly if somebody else starts something and nobody is going to start something unless he has a clear first-strike capability to eliminate his victim's capability to strike back. MIRV or no MIRV makes no difference in this regard. A multiple warhead missile is no more or no less a first-strike weapon than a single warhead missile. Total cumulative relative strategic power determines the first-strike issue.

As a matter of fact, one of the gentlemen who is quite often quoted on this subject, that is Wolfgang Panofsky, says the only first strike danger about MIRV is the talk that is going around about it being a first-strike weapon, when in fact it is no such thing and probably never can be.

Now if I may proceed, the converse of MIRV, of course, is simply going to a larger number of missiles with single warheads, which the Soviet Union has been doing up to the present time. But they have also been developing a MIRV capability—and let me assure Members of that and let me assure Members also, that no one can assure Congress the Soviet Union is not developing such a capability. It has been revealed they have conducted multiple intercontinental ballistic missile warhead tests. They have dropped them in the Pacific. By the pattern of the fall of these warheads we cannot tell whether these were unguided or individually guided warheads simply because individually guided reentry vehicles can be programed to fall in a random pattern so that their guided or unguided feature will never be disclosed.

With this kind of capability for deception in mind, I want to advise the gentlemen who have been endorsing the moratorium idea, that there is a pitfall in it they apparently overlook insofar as MIRV is concerned. We cannot tell what the other side is doing, and particularly we cannot tell what they are doing so long—so long, gentlemen—as these individual warheads are inside a nose cone of a single missile.

If we want to make sense in this area, we must limit or put a moratorium on the number of delivery vehicles—which is something we can check on—and not something which is inside those missiles, the warheads to wit, which we cannot check on.

Otherwise, we may be walking into a trap. Many of us were around here in the old days, when we had the Limited Test Ban Treaty to contend with. We found out that during those negotiations and our forbearance from nuclear testing was taken by the Soviets as nothing more than an opportunity to prepare for their tests behind the screen of a gentleman's agreement not to test.

Let me say this: This Nation today might not be a free nation except for the activities carried on by two men in this Chamber today—Chairman HOLIFIELD and Representative PRICE. They were the men who in the days of the H-bomb argument helped this Nation resist the temptation to disarm itself by a unilaterial decision to forgo development of the H-bomb. Incidentally, every single one of the arguments being made today against MIRV were made by the opponents of the H-bomb a decade ago. It is all the same—all the same, tired old arguments are being dragged out—only the players have changed. If it were not for Congressman HOLIFIELD and Congressman PRICE and their persuasiveness in behalf of the defense of this Nation, we would not have got the H-bomb just months earlier than on that shocking day the Soviets burst theirs on the world. It was as shocking a day almost, I remind Members, as that day on which sputnik orbited around the world—when the Soviet Union again surprised us with their capability to develop hardware of sophistication equal to ours.

I suggest that the Members of this body look to real experts who know atomic weapons and understand nuclear strategy—experts like Congressmen HOLIFIELD and PRICE—for advice in these vital defense matters. I respectfully suggest that some people new on the scene, have not forgotten the lessons of the past. They just never were around to learn them in the first place. Therefore they are neither reliable prophets nor knowledgeable advisers.

Mr. HOLIFIELD. Mr. Chairman, I should like to ask unanimous consent that all debate cease in 5 minutes. We have discussed this thoroughly. This MIRV and ABM deployment situation is not exactly in the bill. It is something to come in the bill from the Armed Services Committee later on. While it is interesting, we have a $14 billion appropriation bill in the wings waiting to come on, with the gentleman from Tennessee (Mr. EVINS) and his committee. Unless there is a strong feeling we should have extended debate, I ask unanimous consent that all debate cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. LOWENSTEIN) is recognized.

Mr. LOWENSTEIN. Mr. Chairman, I yield to no one in my respect for the gentleman from California and the gentleman from Illinois.

That, of course, is not at issue. I am curious about one thing. What is the objection to the resolution proposed by Senator BROOKE and cosponsors by 39 other Members of the Senate on the question of the testing and development of MIRV?

Of course we are not now debating MIRV specifically, but if we could agree on that very constructive and sensible resolution, we could proceed in general rapport on this matter. That would be a healthy, if unexpected, turn of events, it seems to me.

Is there disagreement about the proposal of Senator BROOKE, in which he has been joined by so many of his colleagues of both parties? I hear whispers here about the judgment—even about the concern for their country—of some Members of this House who have raised questions about MIRV. Does anyone doubt the judgment or the concern for the future of this country of these 40 Sentors as well? Could we not undertake to conduct the discussion about this matter without drifting off into silly innuendoes?

In there anything in the Brooke resolution that is objectionable to anyone here? If so, may we hear what, so we can consider any objections on their merits?

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from California.

Mr. HOSMER. This whole business of a moratorium is a negotiating tool in connection with the SALT talks, the strategic arms limitation talks, proposed for August between the United States and the U.S.S.R. The moratorium idea is a negotiating tool which should be in the hands of the administration, but should not be thrust in its hands by action of Congress, an action not requested of Congress by the administration. It is to be carefully noted that this negotiation tool, even in administration hands proved to be useless and dangerous in connection with the limited test ban talks. For this reason, that is, previous failure, no use of it since has been attempted. It was not used in the case of the outer space treaty talks or in the case of the nonproliferation treaty talks, nor is it being used in connection with the current talks on barring weapons of mass destruction on the ocean bottoms.

Those who now want precipitously to legislate a moratorium ought to reflect a little on the weakness of the reed on which they seek to lean.

That, in short, is my objection on the merits.

The CHAIRMAN. The gentleman from New York (Mr. BINGHAM) is recognized.

Mr BINGHAM. Mr. Chairman, I just wanted to make a couple of things clear.

First, I too believe in the deterrent theory. It is our deterrent which assures the security of this country, and I certainly do not want to do anything to interfere with our maintenance of an effective deterrent. But I do not believe either the ABM or the MIRV are needed for that purpose.

Second, with regard to the remarks made by the distinguished chairman of the Joint Committee, I certainly do not believe we should proceed on the assumption that the Soviets are nice people, that they are easy to deal with, or that they have good motives. I have no such illusions. But I do believe we can achieve agreement with them on matters that are of mutual interest to us, as we did in the case of the Test Ban Treaty and as we did in the case of the Nonproliferation Treaty. I hope I am correct in saying the distinguished chairman is in agreement we did the right thing in pressing for both those treaties and that we are better off for having both those treaties.

The CHAIRMAN. The gentleman from Missouri (Mr. HALL) is recognized.

Mr. HALL. Mr. Chairman, I have heard

some statements here that are of questionable basis in fact and certainly not germane to this debate.

It is a matter of record that we started the research and development in the authorizing Committee on Armed Services at least 3 years before there was any evidence of the opponent's anti-ballistic-missile capability or intent.

Second, while negotiations might be worthwhile, after one is thrice rebuffed one begins to realize it "takes two to Tango." Any American knows if you get in bed with a rattlesnake you expect to get bit.

I am for this bill the way it is.

The CHAIRMAN. The gentleman from New York (Mr. PODELL) is recognized.

Mr. PODELL. Mr. Chairman I would like to associate myself with the remarks of the gentleman from New York (Mr. BINGHAM) regarding funds for the proposed MIRV system of weapons. It is growing increasingly obvious that this system is the rebirth of the Hydra of old Greek mythology. A many-headed ICBM would replace single-warhead missiles we now possess in such numbers.

At one stroke ICBM's on both sides would rise from single threats to multiple ones to each party. Instead of a single warhead, there will be from three to 10 under each nosecone. Such a weapon is unwarranted at this time.

We must weigh our options carefully. At this time there is no pressing need for such a conversion of our major weapons systems by MIRV installation. As of today, there is a slim chance that meaningful disarmament may be made reality through effective inspection by spy-in-the-sky satellites. These are now so sophisticated that they are able, from their Polar orbits, to delineate individual telephone lines. Therefore, they would be able to provide a meaningful system of inspection if some disarmament was attempted under existing conditions.

However, if each power was able to lift the nosecone from each missile and replace its single warhead with from three to 10 individually targeted warheads, the best spying system available or projected would have no way of finding out or ascertaining how many warheads comprised the other side's capability. A terrifying element would be injected instantly into the geopolitical equation of each power. Was the other side attaining a first strike capacity?

Only an element of doubt is necessary. The arms race and its insane momentum takes over from there. Once the question exists, the other side must take immediate steps to match it. Hence, a new escalation to the arms race confronts us, and the mad roller coaster ride downhill toward inevitable destruction goes even faster. We are all captives on the same roller coaster.

For these reasons, I believe my colleague's points are exceptionally well made. There is no reason why we must at this point swiftly begin to MIRV our missiles, complete testing of the concept or appropriate money for warhead development or production. We already can kill our opponents many times over. If this system is developed, we shall be able to kill them a few more times over. Hurrah.

It is wisdom of a far-seeing sort as well as the essence of moderation of hold off on procurement, development, and testing of this weapon. I concur with my colleague in his excellent effort to avoid this latest move toward frustration of final hopes for disarmament.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended and for other purposes, pursuant to House Resolution 448, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HARSHA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 406, nays 3, not voting 23, as follows:

[Roll No. 87]

YEAS—406

Abbitt	Bolling	Clausen, Don H
Abernethy	Bow	Clawson, Del
Adair	Brademas	Clay
Adams	Brasco	Cleveland
Addabbo	Bray	Cohelan
Albert	Brinkley	Collier
Alexander	Brock	Collins
Anderson, Calif.	Brooks	Colmer
Anderson, Ill.	Broomfield	Conable
Anderson, Tenn.	Brotzman	Conte
Andrews, Ala.	Brown, Mich.	Corbett
Andrews, N. Dak.	Brown, Ohio	Corman
Annunzio	Broyhill, N.C.	Coughlin
Arends	Broyhill, Va.	Cowger
Ashbrook	Buchanan	Cramer
Ashley	Burke, Fla.	Culver
Aspinall	Burke, Mass.	Cunningham
Ayres	Burleson, Tex.	Daddario
Baring	Burlison, Mo.	Daniel, Va.
Barrett	Burton, Calif.	Daniels, N.J.
Beall, Md.	Bush	Davis, Ga.
Belcher	Button	Davis, Wis.
Bell, Calif.	Byrne, Pa.	Dawson
Bennett	Byrnes, Wis.	de la Garza
Berry	Cabell	Delaney
Betts	Caffery	Dellenback
Bevill	Cahill	Denney
Biaggi	Camp	Dennis
Biester	Carter	Dent
Bingham	Casey	Derwinski
Blackburn	Cederberg	Devine
Blanton	Celler	Dickinson
Boggs	Chamberlain	Diggs
Boland	Chappell	Dingell
	Chisholm	Donohue
	Clancy	Dorn
	Clark	Dowdy
		Downing
		Dulski
		Duncan
		Dwyer
		Eckhardt
		Edmondson
		Edwards, Ala.
		Edwards, Calif.
		Edwards, La.
		Eilberg
		Erlenborn
		Esch
		Eshleman
		Evans, Colo.
		Evins, Tenn.
		Fallon
		Farbstein
		Fascell
		Feighan
		Findley
		Fish
		Fisher
		Flood
		Flowers
		Flynt
		Foley
		Ford, Gerald R.
		Ford, William D.
		Foreman
		Fountain
		Fraser
		Frelinghuysen
		Frey
		Friedel
		Fulton, Pa.
		Fulton, Tenn.
		Fuqua
		Galifianakis
		Garmatz
		Gaydos
		Gettys
		Giaimo
		Gibbons
		Gilbert
		Goldwater
		Gonzalez
		Goodling
		Gray
		Green, Oreg.
		Green, Pa.
		Griffin
		Griffiths
		Gross
		Grover
		Gubser
		Gude
		Hagan
		Haley
		Hall
		Halpern
		Hamilton
		Hammer-schmidt
		Hanley
		Hanna
		Hansen, Idaho
		Hansen, Wash.
		Harsha
		Harvey
		Hastings
		Hawkins
		Hays
		Hechler, W. Va.
		Heckler, Mass.
		Helstoski
		Henderson
		Hicks
		Hogan
		Holifield
		Horton
		Hosmer
		Howard
		Hull
		Hungate
		Hunt
		Hutchinson
		Ichord
		Jacobs
		Jarman
		Joelson
		Johnson, Calif.
		Johnson, Pa.
		Jonas
		Jones, Ala.
		Jones, N.C.
		Jones, Tenn.
		Karth
		Kastenmeier
		Kazen
		Kee
		Keith
		King
		Kleppe
		Koch
		Kuykendall
		Kyl
		Kyros
		Landgrebe
		Landrum
		Langen
		Latta
		Leggett
		Lennon
		Lipscomb
		Lloyd
		Long, La.
		Long, Md.
		Lowenstein
		Lujan
		Lukens
		McCarthy
		McClory
		McCloskey
		McClure
		McCulloch
		McDade
		McDonald, Mich.
		McEwen
		McFall
		McKneally
		McMillan
		MacGregor
		Madden
		Mahon
		Mailliard
		Mann
		Marsh
		Martin
		Mathias
		Matsunaga
		May
		Mayne
		Meeds
		Meskill
		Michel
		Mikva
		Miller, Calif.
		Miller, Ohio
		Minish
		Mink
		Minshall
		Mize
		Mizell
		Mollohan
		Monagan
		Montgomery
		Moorhead
		Morgan
		Morse
		Morton
		Mosher
		Moss
		Murphy, Ill.
		Murphy, N.Y.
		Myers
		Natcher
		Nelsen
		Nichols
		Nix
		Obey
		O'Konski
		Olsen
		O'Neal, Ga.
		O'Neill, Mass.
		Ottinger
		Passman
		Patman
		Patten
		Pelly
		Pepper
		Perkins
		Pettis
		Philbin
		Pickle
		Pike
		Pirnie
		Podell
		Poff
		Pollock
		Preyer, N.C.
		Price, Ill.
		Price, Tex.
		Pucinski
		Quie
		Quillen
		Railsback
		Randall
		Rarick
		Rees
		Reid, Ill.
		Reid, N.Y.
		Reifel
		Reuss
		Rhodes
		Riegle
		Rivers
		Roberts
		Robison
		Rodino
		Rogers, Colo.
		Rogers, Fla.
		Ronan
		Rooney, N.Y.
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roth
		Roudebush
		Ruppe
		Ruth
		Ryan
		St Germain
		St. Onge
		Sandman
		Schadeberg
		Scherle
		Schneebeli
		Schwengel
		Scott
		Sebelius
		Shipley
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Springer
		Stafford
		Staggers
		Stanton
		Steed
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Stubblefield
		Sullivan
		Symington
		Taft
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, Ga.
		Thomson, Wis.
		Tiernan
		Tunney
		Udall
		Ullman
		Utt
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Waldie
		Wampler
		Watkins
		Watson
		Watts
		Weicker
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wold
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young
		Zablocki
		Zion
		Zwach

NAYS—3

Conyers	Saylor	Scheuer

NOT VOTING—23

Blatnik	Kluczynski	Pryor, Ark.
Brown, Calif.	Macdonald, Mass.	Purcell
Burton, Utah	Mills	Roybal
Carey	Nedzi	Satterfield
Gallagher	O'Hara	Stuckey
Hathaway	Poage	Thompson, N.J.
Hébert	Powell	Wolff
Kirwan		

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pryor of Arkansas.
Mr. Kirwan with Mr. Burton of Utah.
Mr. Carey with Mr. Gallagher.
Mr. Satterfield with Mr. Roybal.
Mr. Mills with Mr. Wolff.
Mr. Brown of California with Mr. Kluczynski.
Mr. Stuckey with Mr. Blatnik.
Mr. Macdonald of Massachusetts with Mr. Nedzi.
Mr. Purcell with Mr. O'Hara.
Mr. Hathaway with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That during the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, all points of order against the provisions contained under the following headings are hereby waived: "Appalachian Regional Development Programs" beginning on page 3, line 22, through page 4, line 3; "Independent Offices—Appalachian Regional Commission" beginning on page 4, line 15 through page 4, line 21; "National Aeronautics and Space Administration" beginning on page 21, line 13, through page 23, line 3; and "National Science Foundation" beginning on page 23, line 5, through page 25, line 2.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

Mr. Speaker, the three specific waivers of points of order are necessary because the items on which the waivers are given or proposed by this resolution have not been authorized by law. I explained this to the House during the colloquy between the majority and minority leaders last Thursday. The items are, as anyone who listened to the reading of the resolution knows, the National Aeronautics and Space Administration, the National Science Foundation, and a part of the Appalachian development programs. The waiver makes it possible for Members of the House to work their will on the specific provisions of the appropriation, and the Committee on Rules felt that it was wiser to handle the matter in this fashion rather than permitting a situation to develop in which the Senate almost surely would add the items on the Senate side when the matter came up, and the only participation of the House would be in conference, and on the conference report.

Therefore the Committee on Rules recommends the waiver on these three points of order.

I urge the adoption of the resolution.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in and agree with the remarks made by the gentleman from Missouri (Mr. BOLLING) in explanation of House Resolution 449, and urge the adoption of the resolution.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, last July the President signed into law a bill which originated in the Committee on Science and Astronautics and which was the culmination of 3½ years of work. This is Public Law 90–407 which revised and streamlined the organic act of the National Science Foundation.

That law contains a provision requiring annual authorization of the Foundation's budget from this point forward. It was a provision not sought by this committee. It was added in the Senate and agreed to in conference.

When the conference report came before the House on June 27, 1968, no Member of the House raised any objection to the authorization provision or any other part of the bill. The only discussion was between the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and myself. He sought and I gave assurance that the annual authorization legislation would be handled as early as possible in each session.

We have tried very hard to fulfill both the law and our promises to expedite the legislation—only to have our efforts largely wasted as a result of this highly irregular rule.

Mr. Speaker, our committee takes its responsibilities under the law seriously. We began, as early as last October, holding extensive conferences with NSF officials in preparation for our new duties. The Foundation was most cooperative, and by the time the 1970 budget became available we had worked out an efficient modus operandi.

As all Members know, however, the change in administration caused delays in the budget process this year. So while our Science Subcommittee, under the leadership of the gentleman from Connecticut (Mr. DADDARIO), could and did hold comprehensive hearings on the NSF program as promulgated under the previous administration, we felt obligated not to begin the decisionmaking processes of committee action on the bill until we were apprised of the position of the current administration.

This same situation applied to the National Aeronautics and Space Administration, whose annual budget must also be authorized and whose program had been the subject of extensive hearings during February, March, and April.

The revised budgets were not available until April 15 for NASA and April 18 for the Foundation, at which time completely new bills were forwarded by the administration. Nonetheless, subcommittee and full committee action was completed by May 14 on both bills. On the basis of this action a clean NASA bill was introduced and a legislative report filed on May 19. House action took place on June 10.

With regard to the National Science Foundation, the legislative report was filed on June 5. On June 12, in accordance with procedures established by the Rules Committee, a letter was dispatched to the Rules Committee requesting a hearing for the bill and asking for a 1-hour open rule. We have not yet received a hearing on this bill.

Meanwhile, a rather strange thing has occurred. On last Thursday, June 19, the rule we are now debating was suddenly reported from the Rules Committee. According to the RECORD of June 18, it was not scheduled before the Rules Committee. Moreover, the RECORD discloses that a legislative report on the independent offices appropriations bill had not at that time been filled. Still further, the RECORD, at page H5029, shows the majority whip as stating that I was one of those requesting this rule waiving points of order with respect to the as yet unauthorized NASA and Foundation budgets.

The gentleman was misinformed. I requested no such thing. Neither, so I understand, did the chairman of the Public Works Committee.

It is true that the distinguished chairman of the Appropriations Committee called my office and left word concerning his bill. But the message I received was that the committee would report on the independent offices appropriations bill on Thursday and that "a rule will be sought because the authorization bill has not been enacted" which deals with NASA and the Foundation. But I certainly did not request nor acquiesce to such a rule and had no idea that the Appropriations Committee would receive a report from its subcommittee and seek a rule on an unnumbered bill without a legislative report the very same day. In fact, under established procedures, I did not think this was possible.

Apparently, Mr. Speaker, we have one set of regulations for the Appropriations Committee and another set for the other committees. At least our committee has been told by the Rules Committee that hearings on a rule are granted only after receipt of a written request and after the

legislative report on the bill in question has been available to members of the Rules Committee for 24 hours. I assumed that these procedures would apply equally to the Appropriations Committee on those occasions where a rule is required.

All of this mystifies me. I do not see the emergency that requires us to render existing law and authorizing procedures moot in order to rush this bill through. We are losing the entire advantage and point of the authorizing procedure by putting the appropriations cart before the horse. Surely there are other appropriations bills ready which do not involve annual authorization. Or, if not, why cannot the authorization agencies in this complicated package be put into separate legislation as had been done at times in the past.

Mr. Speaker, I do not wish to belabor the matter, but I do hope that in the future our procedures can be handled in such a way that the purposes of the authorization process, as required by law, are not defeated.

Mr. BOLLING. Mr. Speaker, I am delighted to yield to the gentleman from Connecticut (Mr. DADDARIO.)

Mr. DADDARIO. Mr. Speaker, I should like to associate myself with the remarks of the gentleman from California, the chairman of the Committee on Science and Astronautics. His comments, in my view, have been particularly wise and perceptive.

It makes very little sense to me for Congress to inaugurate a review procedure designed to promote well-informed, effective legislation on the one hand—and then ignore that procedure through preemptive appropriations on the other. Not only this, but do it in a fashion which flouts the established procedures of the House.

Granting the need and desirability for expediting our appropriations legislation, this rule today is inexcusable—especially as regards the National Science Foundation.

The proper authorization bill for the Foundation has been before the Rules Committee since June 12. If we were in all this big a hurry for the independent offices appropriations bill, we could have been on the floor with the authorization bill last week. Why, then, are we now going at the whole thing backward—and precisely in the manner which so often subjects Congress to stringent censure for passing ill-advised, meat-ax legislation?

Mr. Speaker, this is no criticism of the very capable individual gentlemen who serve on the Appropriations Committee. Theirs is an extremely difficult task, one growing increasingly complex with each passing year—and they perform it well.

Yet there are times when authorization processes can be of marked assistance to all members by permitting in-depth inquiries into Federal programs which may be unusually intricate, complicated, specialized, delicate, or otherwise deserving of particular scrutiny. One of these, Congress has determined, is the highly valuable but not always easy-to-understand program of the National Science Foundation.

Last fall, as soon as Chairman MILLER assigned the NSF authorization function to the Science Subcommittee which I chair, we began extended planning, spadework, background study, and conferences with Foundation personnel. This continued for months until, in mid-March this year, we opened hearings on the NSF budget for fiscal 1970.

Those hearings ran from March 17 through April 1. They were followed by executive sessions of the subcommittee and long, careful staff work. I could not begin to cite an exact figure, but I do know that many, many man-months of effort went into this overall endeavor.

From it has come a revised and sensible authorization bill—one based on the knowledge and perception that long concentration permits—plus a definitive report which explains what this program is about, where it is strong, where it is weak, and to what extent it appears worthy of congressional support.

Mr. Speaker, we are inviting the kind of public derogation that hurts the Congress as an institution by this rule—a rule which comes to us unscheduled, the result of special treatment not accorded to other committees, and which, in my opinion, is most unwise.

How can we legislate intelligently on those programs which properly require authorization when the House has not even been appraised of what those programs are about? The answer is "We cannot." We are simply going by guess and by God. If we were permitted the appropriate time to take up the authorization bill first—which is the normal, recommended procedure of the House—we could handle this matter in a far more feasible and responsible way.

Mr. BOLLING. Mr. Speaker, approximately 3 minutes before I called up this rule, the gentleman from California, the chairman of the Committee on Science and Astronautics, indicated to me for the first time that he was concerned about it.

The Journal for some time has carried the fact that I introduced the rule, and on Thursday last, in a colloquy that actually occurred betwen the acting majority leader and the minority leader, the acting majority leader deferred to me, and in answer to a question by the gentleman from Iowa (Mr. GROSS), I explained, on Thursday last, why the Committee on Rules had granted the rule.

I think that establishes very clearly the fact that I had the rule, and what is in the RECORD and also in the Journal.

In point of fact, I, who controlled this rule for a limited time, had I known of the complaint in a timely fashion, might have consulted the leadership about not calling it up, but nobody bothered to advise me that he was concerned until 3 minutes before the debate began.

The Committee on Rules acted in good faith and in no remarkable fashion. We often have a request of the Appropriations Committee—and from other committees—which backed up by the leadership is honored by the Committee on Rules.

I frankly regret very much that the situation has arisen as it has, and I regret to find myself unable to do other than I have done.

Mr. Speaker, I continue to urge adoption of the rule.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think if the gentleman will check, he will find I checked with the chairman of the Committee on Rules as soon as I saw him to find out who was handling the rule. I appealed to two other members of the Rules Committee whom I thought might be handling the rule. Had I known the gentleman was handling it, I would have talked to him when I saw him in the library this morning. I did not know he was handling the rule until I saw him on the floor now.

Mr. BOLLING. Mr. Speaker, it is clear the gentleman did not know it. I merely wished to state it is clearly in the RECORD on two different occasions.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Speaker, will the gentleman advise whether or not it is the procedure of the Rules Committee to ask committees asking for a rule to make a formal request to that committee? If that is so, is that formal request submitted in a way so that other committees can make a determination as to whether or not a rule will in fact come before the Rules Committee?

If I may continue, please, on Thursday last week I was representing the Science and Astronautics Committee to get a rule on a bill which covers the standard reference data legislation. This had been before the Rules Committee, and it was taken up just before noon. At that time there was no indication to the Committee on Science and Astronautics, and I do not believe there was any indication in the Rules Committee, that the Appropriations Committee was going to ask for a rule.

Mr. BOLLING. I think actually the facts are a little different, but I do not desire to argue with the gentleman.

I think the indications from the Rules Committee are that it came to the committee a little earlier. I do not want to trust my memory on that, so I am not stating that as a fact. That is the procedure, that even the extreme kind of procedure the gentleman suggests is one that is often followed in emergencies when the Committee on Appropriations in a bipartisan way is in agreement and when the leadership in the House is in agreement.

If there was an error made, I regret it deeply. The only point to which I spoke was that on the timing of the complaint, as far as this Member was concerned, there was an opportunity from Thursday to date to indicate some objection, none of which I have heard.

I actually do control the bill, as a member of the Rules Committee, for 7 days.

Mr. DADDARIO. Mr. Speaker, if the gentleman will yield further, I would have no objection to rules being granted under conditions of emergency, but my contention is so such emergency in fact exists in this instance.

Mr. BOLLING. Frankly, it was not granted on grounds of emergency. It was granted on the basis of a request in writing from the chairman of the Committee on Appropriations and concurred in by the ranking minority member of the Committee on Appropriations.

I made it quite clear in the beginning that had I had any warning of the concern of members of the Committee on Science and Astronautics prior to approximately 3 minutes before I called up the rule, we might have been able to work out something that would have been satisfactory to everybody.

The problem of being timely is a problem. I am not critical of the gentleman. I believe he is correctly protecting his jurisdiction. I merely am correctly doing my job.

Mr. DADDARIO. My remarks to the gentleman from Missouri, Mr. Speaker, are directed toward the assumption that the Rules Committee does have the right to grant a rule in conditions of emergency. It appears to me that this informal relationship between the Appropriations Committee and the Rules Committee is unfortunate. I regret it as much as the gentleman from Missouri does.

I raise the point, as does the chairman of the committee, so that we will be more careful about how we handle matters as important and as delicate as this.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I merely rise to confirm what the gentleman from Missouri has said, that as of Thursday last the gentleman from Missouri (Mr. BOLLING), and the gentleman from Iowa engaged in a rather extended colloquy concerning the proposed rule waiving points of order on this appropriation bill. Certainly the information was available to members of the Committee on Science and Astronautics, that the rule would be a rule waiving points of order, because it was discussed at some length last Thursday.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I recognize the fact that the gentleman from Iowa raised this point on Thursday last. The fact remains, however, that was just one opportunity to raise the point. And I am pleased that he did. However, the rule is up before us today. This, then, is another opportunity to do so. This is certainly a time to have added discussion about it. That is exactly what we are doing, and I would hope the gentleman would not object to that.

Mr. BOLLING. Mr. Speaker, this gentleman does not object to a discussion, but the implication of some of the things which have been said might be misread. This gentleman merely wanted to make it clear that the Rules Committee acted in a relatively normal fashion.

There has been some implication that the Rules Committee has a special relationship with the Appropriations Committee. That is not the case. The Rules Committee has no special relationship with the Appropriations Committee. It has informally granted rules to many other committees in conditions of emergency or exceptional conditions.

But the Rules Committee does have a special relationship with the leadership on both sides. When the leadership is interested in having a matter scheduled and interested in the Rules Committee considering exceptional procedures, the Rules Committee, whether it agrees with the leadership or not, is inclined to do so. That is the only exceptional relationship the Rules Committee has, to my knowledge.

I have spent almost half a lifetime on the Rules Committee trying to change it, so I rather object to the notion that we have some special relationship with a committee of which, on occasion, I have been substantially critical.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I am delighted to yield.

Mr. DADDARIO. I would expect, Mr. Speaker, that the gentleman from Missouri would admit that the chairman of the Committee on Science and Astronautics should be considered a part of the leadership of this great body and that he was in no way informed about this situation nor was his consent obtained at the time that this rule was granted.

Mr. BOLLING. I will be delighted to answer that. The responsibility of the gentleman from Missouri is a limited one. His is not the responsibility to go behind a decision made by the leadership of the House of Representatives as it relates to matters in terms of a legislative proposition. The only time he does so he does so in public and very clearly. As a member of the Committee on Rules he does not ask the Speaker and the minority leader whether or not they have consulted a variety of people.

The responsibility of the gentleman from Missouri is a relatively limited one, thank God.

Mr. DADDARIO. Mr. Speaker, will the gentleman from Missouri yield further?

Mr. BOLLING. To my friend from Connecticut I am delighted to yield.

Mr. DADDARIO. I appreciate that.

Mr. Speaker, as I understand it, the RECORD of Thursday last shows that a colloquy took place on this particular subject and that the question was asked as to how come the Rules Committee was granting a waiver in these three cases. It is my understanding that the RECORD shows that someone in reply to that said that permission had been granted by the chairmen of the legislative committees.

The RECORD here shows that at least in the instance of the Committee on Science and Astronautics such permission was not in fact obtained.

Mr. BOLLING. As I said before, I hesitate to trust my memory, but by some accident I reread this morning the colloquy—at least my part of it—and I am not aware that I indicated that in my reply. If I did, I am happy to stand corrected, because I am not aware of having heard anybody say it was approved by the committee. When I made the motion in committee there was an argument made by a member of the Committee on Rules that if the committee approved of the legislation, we should grant the waiver, and if the committee had not approved, we should not. My argument was that we were granting a waiver of points of order regardless of where it was in the committee process simply because there was no authorization in the law. I did not get into the committee business at all, so I do not know if anybody else in that conversation said that. I do not even remember the chairman of the Committee on Appropriations saying anything to that effect.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I really did not intend to have an extended conversation on this. The leadership is interested in having another matter getting out. They would like to have the Rules Committee action on the tax bill.

Mr. YATES. Will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Illinois.

Mr. YATES. What would happen in the event a rule were voted down or no rule presented? Could not then the Committee on Appropriations bring up a later bill containing appropriations for the agencies that have no authorization?

Mr. BOLLING. My distinguished friend from Illinois is a member of the Committee on Appropriations and he has a better idea than I as to what they would do. I hope that long service on that committee gives him better equipment to understand it than I would ever have.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, on page 16635 of the CONGRESSIONAL RECORD for Thursday, June 19, there was a colloquy between the distinguished gentleman from the Committee on Rules and my distinguished friend from Iowa, Mr. GROSS, in which Mr. GROSS asked:

> If the gentleman will yield further, the question I would like to ask the gentleman from Missouri, a member of the Rules Committee is, Who is making this request for waivers of points of order?

Then Mr. BOGGS answered:

> Mr. Speaker, the chairmen of the respective legislative committees have made this request.

I submit that no one had asked my opinion. I did not happen to be here, but as far as I know, no one was authorized from the Committee on Science and Astronautics to make that agreement.

Mr. BOLLING. Let me assure the gentleman there was no mistake in the RECORD. I answered no further to the questions of Mr. GROSS, and if that answer was made, it was not by me.

Mr. MILLER of California. The answer was made by a responsible Member.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker,

I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12307, with Mr. EDMONDSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from North Carolina (Mr. JONAS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the independent offices and Department of Housing and Urban Development appropriations bill for fiscal 1970.

This bill provides funding for some 18 agencies and the Department of Housing and Urban Development.

We began hearings on the bill on February 4. Hearings continued for a period of 4 months and included many witnesses. The hearings covered more than 5,000 pages of testimony and exhibits in four volumes of published hearings.

This bill has been thoroughly considered and priorities established after careful analysis and much discussion. We are, of course, cognizant of the inflationary spiral. We are also cognizant of the demands upon our resources and the budget by the war in Vietnam.

This bill is a big bill—but a good bill—a bedrock bill that makes substantial cuts and reductions while at the same time financing important domestic programs.

This bill touches the lives of virtually all Americans.

Let me at the outset commend and congratulate all members of the subcommittee. There are nine other members of the subcommittee and all contributed significantly to this bill.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Illinois (Mr. SHIPLEY), the gentleman from Connecticut (Mr. GIAIMO), the gentleman from Virginia (Mr. MARSH), the gentleman from Arkansas (Mr. PRYOR), and the ranking minority member of the committee, the able gentleman from North Carolina (Mr. JONAS), the gentleman from New Hampshire (Mr. WYMAN), the gentleman from California (Mr. TALCOTT), and the gentleman from Pennsylvania (Mr. MCDADE).

All have made significant contributions in bringing this bill to the floor of the House.

Mr. Chairman, let me also compliment our two very able and efficient committee clerks—Homer Skarin and Hunter Spillan—both are very valuable and efficient.

There are four titles in the bill.

The independent offices and agencies are carried in title I and the Department of Housing and Urban Development in title II.

As I indicated before, this is a big bill and time will not permit a detailed discussion of all the items.

I recommend the reading of the report to all the Members of the House. I commend the hearings—I am inserting with my remarks a summary table at this point in the RECORD—giving a summary breakdown by agencies and the amounts recommended in the bill.

The table follows:

SUMMARY OF ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE BILL

Agency or item	Revised budget estimates	Recommended in bill	Bill compared with budget estimates
National Aeronautics and Space Council	$524,000	$500,000	−$24,000
Office of Emergency Preparedness	10,645,000	9,995,000	−650,000
Office of Science and Technology	1,958,000	1,875,000	−83,000
Appalachian regional development programs	462,500,000	445,000,000	−17,500,000
Disaster relief	45,000,000	45,000,000	
Appalachian Regional Commission	890,000	890,000	
Civil Service Commission	157,120,000	155,450,000	−1,670,000
Federal Communications Commission	23,950,000	21,600,000	−2,350,000
Federal Home Loan Bank Board	8,400,000	8,400,000	
Federal Power Commission	16,650,000	16,000,000	−650,000
Federal Trade Commission	19,940,000	19,500,000	−440,000
General Services Administration	530,793,600	541,413,000	+10,619,400
National Aeronautics and Space Administration	$3,715,527,000	$3,696,983,000	−$18,544,000
National Science Foundation	500,000,000	420,000,000	−80,000,000
Renegotiation Board	4,140,000	3,640,000	−500,000
Securities and Exchange Commission	20,416,000	19,750,000	−666,000
Selective Service System	69,321,000	67,375,000	−1,946,000
Veterans' Administration	7,670,701,000	7,705,192,000	+34,491,000
Civil Defense (DOD)	75,300,000	64,200,000	−11,100,000
Civil Defense (HEW)	4,000,000	6,000,000	+2,000,000
Department of Housing and Urban Development	2,042,638,000	1,658,326,000	−384,312,000
Total	15,380,413,600	14,907,089,000	−473,324,600

By way of overall summary, the original Johnson budget provided for $18,197,672,000. The revised Nixon budget recommended $15,380,413,600, or a cut and reduction from the original budget of $2,817,258,400.

Our committee is recommending $14,907,089,000, a further cut and reduction from the revised budget of $473,324,600.

Let me point out for the RECORD that cuts and reductions claimed in the revised Nixon budget largely represent "paper savings" or "bookkeeping savings."

Most of the reduction—$2½ billion—simply reflects the elimination of advanced funding for urban renewal and model cities programs in HUD for 1971.

We considered more than 100 items in this bill, and more than 50 items were cut and reduced; 57 to be exact.

The budget figure was accepted in a number of instances and in only six areas were increases made—mostly in programs of the Veterans' Administration.

The bill represents a cut of 3 percent below the revised budget but 18 percent below the original budget submitted to the Congress in January of this year.

Let me highlight some of the major actions of the committee.

FUNDS APPROPRIATED TO THE PRESIDENT AND EXECUTIVE OFFICE OF THE PRESIDENT

For the National Aeronautics and Space Council the committee recommends $500,000.

This Council advises the President on policies, plans, and programs in connection with space programs.

DISASTER RELIEF

The committee recommends the full $45 million requested to meet the balance of requirements resulting from the major floods last spring in the upper midwest and on the west coast.

Hopefully, this amount should also be sufficient to assist in disaster work that may be required during the year.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

The committee recommends a total of $445 million for the Appalachian Regional Commission and its programs.

This is a cut and reduction of $17,500,000 from the revised budget request.

For the Appalachian highway program the committee recommends $175 million for 1970 and advance funding of $175 million for 1971.

Following extensive testimony on the matter, the committee felt that advance funding was necessary to assure continuing continuity and efficiency in the highway program which is running behind schedule.

The committee recommends $95 million for the funding of other Appalachian programs such as health and housing, land stabilization, vocational education, assistance to local development districts, among others.

As a separate item the committee recommends the budget estimate of $890,-

000 for the administrative expenses of the Appalachian Regional Commission.

The Appalachian program represents a true Federal-State partnership for progress.

The initiative for participation in the various programs must come from the States themselves.

The achievements and benefits of this program are visable in many parts of Appalachia in the form of new and improved hospitals, health centers, airports, vocational trade schools, and school buildings, among others.

However, most of the objectives of the highway program have yet to be accomplished.

This program embraces 397 counties in 13 States—nearly one-tenth of our population.

CIVIL SERVICE COMMISSION

The committee is recommending $162,814,000 for programs of the Civil Service Commission.

These funds are for salaries and expenses of the staff of the Commission—the programs of the employees health benefits program—annuities under special acts—and other programs of the Commission.

On page 7 of the report the committee again calls attention to the deficit in the civil service retirement fund.

We are recommending an appropriation of $73 million to this fund, and again urge that legislation be passed to place this fund on a sound basis.

FEDERAL COMMUNICATIONS COMMISSION

The budget proposes $23,950,000 for salaries and expenses of the FCC and the committee recommends an appropriation of $21,600,000—$2,350,000 less than the budget estimate and an increase of $880,000 over 1969, including adjustments for a pending pay act supplemental.

FEDERAL POWER COMMISSION

The budget estimate for salaries and expenses of this Commission is $16,650,000.

The bill provides an appropriation of $16 million—which is $650,000 less than the amount requested.

FEDERAL TRADE COMMISSION

The committee recommends $19,500,000 for salaries and expenses of this Commission—a cut and reduction of $440,000 below the budget estimate, but an increase of $2,550,000 over 1969, including pending supplementals.

GENERAL SERVICES ADMINISTRATION

The committee recommends $541,413,000 for the many varied programs of the General Services Administration—the Federal Government's landlord, housekeeper, and service agency.

The committee has made cuts and reduced eight items in the bill for GSA and recommends increases in two items. The two increases are for completion of the Federal Building in Chicago and for repairs on Government-owned buildings to protect our current investment in these buildings.

No new projects are proposed for construction in the GSA budget.

Concerning construction of public buildings—we are recommending funds for eight projects, all except Chicago are budgeted, and funds for all have previously been provided but due to rising costs, some additional funds are made necessary to make awards.

A list of construction projects funded in this bill appears on page 10 of the report.

The one project added was the completion of the Federal Office Building at Chicago, Ill.—the committee added $13,285,000 for this project. This is all that GSA needs to complete the project. A total of $37,029,000 has been appropriated to date on this project.

The committee feels that it would be wasteful and uneconomical to defer completion of this building. The substructure is completed.

Funds are also provided for the substructure of the FBI Building on Pennsylvania Avenue, here in Washington.

For repair and maintenance of existing Federal buildings, the committee recommends $70 million which is $8,400,000 above the budget, but $10 million below the 1969 level.

These buildings must be maintained in good condition—any other course would be wasteful and shortsighted.

The backlog in maintenance, repair, and modernization of GSA's 4,900 public buildings at the beginning of fiscal 1970 will total $457,700,000.

The repair funds we are recommending represent 1.5 percent of the $4,500 million estimated replacement cost of the buildings.

For operating expenses of the Public Buildings Service the committee recommends $301,500,000 for operation and management of federally owned and leased space.

This is $7,619,000 below the budget estimate of $309,119,000—and a net increase of approximately $7,750,000 over the funding level of 1969.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Another one of the major items in the bill is NASA.

For the programs of NASA we recommend $3,696,983,000.

This is $63,544,000 below the original budget and $18,544,000 below the revised budget.

The appropriation recommended is also $269,394,000 below the authorization bill which recently passed the House.

Basically NASA operations are divided into three funding programs: Research and development, construction of facilities, and research and program management, or administrative operations.

The breakdown for the funding for each of these services is included in the report on page 12.

The committee shares our Nation's pride in the fantastic accomplishments of the national space program.

Our achievements in space are outstanding.

The NASA team which has made the space program a resounding success deserves to be commended and congratulated.

We have come a long way from Sputnik and here on the eve of the moon landing we do not want to take any action which might impair or dampen the space program.

The space program has been pared down from a level of about $6 billion to less than $4 billion.

Next month a landing is planned on the moon, and an earthman will walk on the scarred lunar surface for the first time.

This earthman will be an American—and NASA has advised me that the American flag will be planted on the moon by the Apollo 11 flight.

This is appropriate as the United States is the proven and demonstrated leader in space exploration.

As the Washington Star commented in a recent editorial, we have come to expect miracles from our space team as routine occurrences.

NATIONAL SCIENCE FOUNDATION

The committee considered a total budget estimate of $500 million for NSF and recommends appropriations of $420 million.

The Foundation will have a carryover balance of $20 million from 1969 and have a program level higher than this year.

We are recommending an appropriation of $18 million more than last year plus the $20 million carryover balance for the Foundation for 1970.

The funding of NSF has tripled in the last decade, and the committee feels that the funds in the bill will provide an adequate level of funding for next year.

RENEGOTIATION BOARD

The bill contains $3,640,000 for salaries and expenses of the Renegotiation Board.

This is $500,000 less than the $4,140,000, requested in the budget.

The Renegotiation Board pays its own way.

Since the Board's inception, the determinations of excessive profits have totaled $975,505,785 and voluntary refunds and price reductions have totaled $1,315,753,071.

The Board is now experiencing the full impact resulting from the Vietnam conflict procurement.

VETERANS' ADMINISTRATION

Concerning the Veterans' Administration, the original Johnson budget proposed an appropriation of $7,740,985,000 for 1970.

These estimates were amended and pared down by the Nixon budget to provide a new total of $7,670,701,000 which is $70,284,000 less than the original budget request.

The committee feels that in some important areas the amended budget does not adequately provide the needed and required resources for the Veterans' Administration.

Generally the committee is recommending the original budget rather than the revised Nixon budget—especially for medical care and rehabilitation and grants for State nursing homes.

Increases are also provided for hospital construction.

More than 4 million new veterans have been added to the rolls in the past few years, and veterans continue to be added at about 840,000 a year or 70,000 a month.

While the number of veterans is increasing the Congress is also passing new laws and liberalizing veterans' benefits so increased appropriations are needed.

I repeat, Mr. Chairman, the increases

are in the Veterans' Administration and generally the committee has adopted the original budget recommendations rather than the revised recommendations.

We have provided the full budget amount of $5,041,355,000 for compensation and pensions.

Compensation and pensions are provided by law and cannot be cut and reduced.

We provided the full budget request of $742,200,000 for readjustment benefits.

This is for the returning veteran seeking an education.

We provided the full amount for insurance and indemnities.

For medical care we are recommending an increase of $17,600,000 over the revised budget for a total of $1,541,701,000.

This will provide for 123,700 beds in VA facilities—treatment of 864,695 inpatients—and the care of more than 7,400,000 medical outpatients.

For construction of hospitals and domiciliary facilities, we recommend that $13,935,000 be added above the revised budget.

The committee found several important projects had been deleted.

The committee provides for a total appropriation of $69,152,000 for construction of needed hospital and domiciliary facilities that are advanced or underway.

We are recommending an increase of $3 million over the amended budget for the construction of State nursing homes.

This item provides for the States to build nursing homes for the veterans in their States and is on a matching fund basis.

The recommended level of $4 million is the amount needed.

CIVIL DEFENSE

The bill recommends $64,200,000 for civil defense activities in 1970 which is $11,100,000 less than the budget estimate but an increase of $3,660,000 over the amount appropriated in 1969.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Chairman, title II of the bill deals with the Department of Housing and Urban Development.

May I say that there are more than 70 programs administered by the Department of Housing and Urban Development.

Among the many programs administered by HUD are urban renewal, model cities, advanced planning, open-space land acquisition, neighborhood facilities, and a diverse number of mortgage credit programs to provide housing for low-income families.

This Cabinet-level Department is growing by leaps and bounds, expanding its programs and its commitments.

This is to be expected because of the many problems with which cities of all sizes and our metropolitan areas are faced.

Mr. Chairman, we continue to hear the tired refrain that Congress has failed to respond to the problems of our cities.

Nothing could be further from the truth.

We have responded—and we are responding in this bill.

I should point out that the total amount appropriated reflects only in a minor way the total involvement of the Federal Government in meeting the challenges of our cities.

To put the picture in perspective, let me summarize briefly, Mr. Chairman, some of the appropriations made for urban programs.

At the beginning of the new fiscal year the Department will have over $18 billion available for expenditure that has previously been provided by the Congress.

This bill includes new appropriations of $1,658,326,000 for all programs of the Department of Housing and Urban Development for the next fiscal year.

The committee attempted to analyze the numerous Federal programs designed to aid and assist our cities.

The budget states that the Federal commitment to our cities is estimated to be about $38 billion, for 1970. Later information indicates a new total approaching $43 billion.

This includes all types of assistance in the form of loans, grants, guarantys, and other commitments.

So, Mr. Chairman, Congress has acted and is acting decisively in a substantial way to help solve the problems of our cities.

The Housing Act of 1968 was perhaps the most extensive and comprehensive and far-reaching legislation affecting our cities ever passed by the Congress—and the Housing Act of 1968 was only the last of many such acts.

Assistance to our cities has doubled in the last 6 years.

It is true that our cities continue to be beset with problems as population pressures mount—but it is just as true that money and appropriations alone will not solve these problems.

In the last analysis the main thrust for solution must come from the communities themselves. The Federal Government can provide resources—and this bill provides substantial resources—but there must be cooperative assistance from local government, business, and industry in addition to taxpayers' dollars.

A major source of new funding is going to provide housing for lower income families.

The four basic low-rent housing programs are:

Public housing: Almost 1 million units built or approved to date at annual cost of more than $654 million. Another $150,000,000 contract authority for annual contributions becomes available in 1970. The payments on the new authority will require up to $6,000,000,000 in appropriations, eventually.

Rent supplements: More than 103,000 units built or approved at an annual cost of $72 million. The bill adds $50,000,000 annual contract authority. The total cost of this is $2 billion.

And the two new housing mortgage credit programs of interest subsidies for low rent units.

Homeownership assistance—section 235 of Housing Act of 1968: More than 32,000 units built or approved at an annual cost of $25 million. An increase of $40 to $50 million annual contract authority is pending in a supplemental appropriation bill, and $80 million more is in this bill.

Rental assistance program—section 236: More than 29,000 units built or approved at an annual cost of $25 million. An increase of $40 to $50 million is also pending for this program in a supplemental bill and another $70 million increase is proposed by the committee.

The amounts we appropriated for these programs generally have to be multiplied by 30 to 40 years to get the estimated total cost or commitment.

The current annual contract authorizations for the programs through 1969 will be $856,250,000.

When multiplied by 30 to 40 years the results are multi-billion-dollar expenditures for low-income housing.

Let me repeat, $856,250,000 will be the amount of expenditures for commitments annually for low-income housing presently authorized through 1969.

The budget for 1970 proposes an additional $450 million in annual contract authority for low income housing programs, including $150 million in new authority becoming available for public housing.

HUD estimates that the approximate cost of the new commitment for 1970 will range from a minimum of $7,500 million to a maximum of $17 billion in future years as annual contract payments are provided.

The total cost of the additions included in the bill will be between $6 and $13 billion.

In addition to these commitments of annual contract authorities for these four basic housing programs, Congress has approved loan and grant assistance for below the market interest rate loans under section 221(d)(3) of the Housing Act of 1961 and financing of housing for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended, for a total of almost 150,000 units—with a total cost of more than 1½ billion dollars.

In addition, appropriations to date for many other urban programs include the following:

Grants for water and sewer facilities totaling $530 million.

Grants for comprehensive planning, totaling $235 million.

Grants for open space lands for parks totaling $300,577,000.

Planning advances for public works totaling $83 million.

Loans for construction of public facilities totaling $563 million.

Grants for demonstration housing totaling $12.8 million.

Grants for urban renewal programs totaling more than $5 billion.

The original budget for HUD submitted by President Johnson was for $4,744,608,000 and the Nixon revised budget reduced this amount to $2,042,638,000.

The committee is recommending total appropriations of $1,658,326,000 for all programs of HUD for the next year, plus a commitment for contract authority for payments up to $13.2 billion.

As I indicated earlier, the large reduction in the revised budget estimates results from deletion of advanced funding of $2.5 billion dollars for urban renewal and the model cities programs for 1971.

We have provided for this advance funding in the past to assure orderly and efficient planning of these projects.

These so-called reductions are in reality paper savings—bookkeeping savings.

The claim that these bookkeeping and funding delays are actually "savings" is simply an effort to make a "show" of savings rather than a savings of substance.

As will be noted in the report—page 18—we are recommending a simplification and consolidation of some of the various HUD programs.

Secretary Romney has indicated that a number of consolidations are underway.

I repeat again, the four principal low-income housing programs are public housing, which we have had for almost 35 years—the rent supplement program, which is a private enterprise approach to public housing, as the properties remain on the tax rolls and are run by private business, not the Federal Government, and the two mortgage interest subsidy programs, homeownership—section 235—and rental housing assistance, section 236.

NEIGHBORHOOD FACILITIES

Concerning other programs administered by HUD such as the neighborhood facilities program which provides for grants covering two-thirds of the cost of the facilities, the committee is recommending $40 million—a reduction of $5 million from the amended budget.

ALASKA HOUSING

For Alaska housing the committee is recommending the full budget amount of $1 million.

REHABILITATION LOANS

For rehabilitation loans the committee is recommending $45 million which is $5 million below the budget request.

PLANNING GRANTS

For comprehensive planning grants for States and metropolitan areas, the budget request is $60 million, and the committee is recommending $50 million—a reduction of $10 million—which we think will amply take care of the estimated grants for 1970.

NEW TOWNS—NEW COMMUNITIES AND CITIES

In the new community assistance program, testimony indicates that HUD has some 27 proposals—27 prospects—for the building of completely new cities—cities like Reston, Va., or Columbia, Md., for example.

This is a new program, and we recommended $2,500,000 of the $5 million budgeted to stimulate private builders in this connection.

OPEN SPACE

For the open space land program, the committee is recommending $75 million of the $85 million recommended—a cut of $10 million. This continues the 1969 level of funding.

These are 50–50 matching grants—Federal and local.

WATER AND SEWER

For the grants for water and sewerage facilities the committee has approved the full $135 million requested.

In this program there is a $15 million carryover balance which will give HUD a $150 million program level for water and sewer grants.

URBAN RENEWAL

The original budget request for urban renewal was $1,500 million including $250 million additional funding for 1970 and $1,250 million advanced funding for 1971.

The advanced funding proposal was deleted by the Nixon amended budget.

The sum of $750 million was provided in the bill last year so this amount is available for 1970.

The committee recommended an additional $100 million which will provide $850 million for urban renewal programs in 1970.

In addition, I would point out that HUD has a carryover reserve balance estimated at one and a half billion dollars in urban renewal funds—to be exact $1,502,455,000, and contract authority on projects underway of $3 billion, so the total unexpended balance of control authority is about $4.5 billion. So this program will be generously funded.

MODEL CITIES

Concerning the model cities program, we all know that the purpose of this program is to enhance the existing capability of local governments to respond to the needs of blighted and decayed neighborhoods that need upgrading.

A total of 150 cities are participating in this program.

The Department makes grants to pay up to 80 percent of the cost of planning and developing model city programs.

These are followed by supplemental grants to carry out approved model cities programs.

The original budget proposed $1,250 million advance funding for 1971.

However, the Nixon budget has cut out the full amount recommended for advanced funding.

The revised budget has also changed the formula whereby the urban renewal programs within the model cities are handled under the regular urban renewal program.

With the advanced funding eliminated—the budget recommendation was $675 million. The committee is recommending $500 million for model cities—a further reduction of $175 million.

Some of the cities are taking longer than originally anticipated to develop sound plans.

There is, therefore, a very substantial carryover balance of unobligated funds in the model cities program. None of the $312,500,000 appropriated last year for model cities has yet been obligated, making a total of $812,500,000 that can be used in 1970.

URBAN TECHNOLOGY AND RESEARCH

Let me mention two other programs of HUD—urban technology and research and fair housing.

The budget proposed an appropriation of $30 million for urban research.

The committee has recommended $25 million which is $5 million below the revised budget request.

However, it should be pointed out that research assistance for HUD has more than doubled over the last year.

FAIR HOUSING AND EQUAL OPPORTUNITY PROGRAMS

Concerning the fair housing and equal opportunity programs, the committee recommends an appropriation of $3 million.

This is a cut of $7,500,000 from the budget estimate.

However, the appropriation represents a 50-percent increase over the amount provided last year.

I would point out that other departments such as the Department of Labor, Civil Service Commission, and Department of Justice are concerned with fair housing, and this program is mushrooming and growing fast and the committee feels that the 50-percent increase should be sufficient.

There are other programs, Mr. Chairman, in HUD.

However, I have attempted to highlight the major ones.

In summary, the committee is recommending $1,658,326,000 in appropriations for HUD for 1970. There is also provided new contract authority for payments that would require up to $13 billion in future years. This is part of the large Federal commitment to programs going into our cities that approaches $43 billion, as I mentioned earlier.

Altogether the bill provides $14,907,089,000—a cut and reduction of $473,324,600 from the revised budget and $3,290,583,000 from the original budget submitted.

This bill has been thoroughly studied and thoroughly considered. Its passage is essential to assure the continued operations and services of some 20 agencies of Government which affect the lives of all Americans.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. When the gentleman talks about the $1,502 million carryover, that really is not quite correct. It is not a carryover at all.

The $1,502 million is not legally committed, but it is a reservation which has been made. As soon as a community comes in and files an application with the Department of Housing and Urban Development there is an immediate reservation of a grant made to that community. The gentleman knows that as well as I do.

Mr. EVINS of Tennessee. Yes. But there is a $4.9 billion urban renewal program underway. HUD is converting this program into incremental funding, providing the amount required on a yearly basis.

Mr. BOLAND. I should like to address myself to a statement the gentleman made with reference to the $1.5 billion carryover. That figure is not correct. That $1.5 billion is already reserved for programs that are ongoing programs, where applications have been approved. One would expect that the cities whose applications have been approved would believe that the Government would fulfill its commitment and that there would be money provided, and that as their plans are approved the money would be available to them to carry out the plans.

Actually, this is not a carryover; it is a reservation.

Mr. EVINS of Tennessee. The gentleman would agree that the advance funding proposed in the original budget for urban renewal was deleted by the Nixon budget?

Mr. BOLAND. There was an advance funding off $1,250 million, which was deleted.

Mr. EVINS of Tennessee. There is $750 million in advance funding for 1970 which was provided last year, and $100 million in this bill, which is $850 million new and fresh money for urban renewal, besides the unexpended amount.

Mr. BOLAND. That is true. The amount appropriated in 1969 was $750 million for the advance funding for 1970. There was $312.5 million add-on for urban renewal, and that brings it to $1 billion something. Then there was $1,060 million. Then there was $18 million carryover from 1968 to 1969. So the total amount made available for urban renewal in 1969 was $1,080 million, and we are making less available this year. I do not believe we ought to do that. That is precisely why I intend to offer an amendment. At least this year they are entitled to as much as last year.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend from North Carolina.

Mr. JONAS. The facts are that HUD has on hand previously appropriated funds, unspent, for urban renewal of $4,922,564,000, of which $1,502,445,000 has not even been obligated, but it is on their books as being reserved.

Did not the witnesses testify before our committee that as they moved from 6 or 8 or 9 years of planned urban renewal development to the 1-year incremental funding they would expect to recoup substantial amounts of the $1.5 billion in reserved funds, as they move to that 1-year program?

Mr. BOLAND. Mr. Chairman, will the gentleman yield so that I may respond?

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Part of what the gentleman from North Carolina says is correct. There is an opportunity to recoup, I think, as the program continues on, but the recoupment—really the fallout—is not very heavy.

It is less than 20 percent, according to the testimony which the gentleman adduced, according to his own questioning in the committee. So really what can be recouped is not very sufficient. All I am saying is that the $1.5 billion is really not legally committed. You are not legally bound to pay it, although you are morally bound to pay it, because there is an obligation to let the communities know when their applications have been approved and when the reservations are made and their plans are made and are coming in that if the plans are approved, the money ought to be there to pay for it. It is precisely how this program has been carried out over the years, and I do not believe we should change it under this administration.

Mr. EVINS of Tennessee. The Secretary of this Department is considering some changes, I will say to my friend.

Mr. BOLAND. I will agree with the gentleman. There was a major revision when they failed to come in with new funding.

Mr. EVINS of Tennessee. The gentleman will agree that there will be $850 million new funds available for 1970.

Mr. BOLAND. That is true. But we ought to give them another $100 million, and even with that they will have less money to spend in 1970 than they have in 1969.

Mr. EVINS of Tennessee. We are talking about only one program here of more than 70 programs in HUD. No one wants to hurt their programs.

Mr. BOLAND. The committee has been very generous and you and the gentleman from North Carolina have been magnificent in funding all of their programs, but here I think we are making a mistake.

Mr. EVINS of Tennessee. I now yield to my friend, the gentleman from Connecticut (Mr. GIAIMO), a member of the committee.

Mr. GIAIMO. I would like to associate myself with the comments of the gentleman from Massachusetts (Mr. BOLAND). I think we have to be very careful that we do not damage a very good program and one which has been very popular throughout the years with many of our cities and which has done very effective work. This is the urban renewal program. We have to be careful when we speak of carryovers or unexpended or unobligated funds that we speak very carefully, because all of us who have had dealings with HUD know that most of their funds are reserved and they are reserved for long periods of time, until the city comes in with a complete application and is in a position to ask for the funds. It does not do any good to talk about expenditures. Most of the funds are money appropriated in prior years and upon which our cities are desperately depending. We have to make certain that these funds are available to them.

I would like to make one other point, Mr. Chairman; that is, in the same area of urban renewal where we cut out advanced funding you will recall several years ago the Congress brought the funding of the urban renewal program under the direct appropriation method. We avoided some of the objectionable features that we had in the past under the contract authority-type of funding. At that time we did work out a gentlemen's agreement that we would have advanced funding for a year in advance so that the cities could properly plan in advance and so that HUD could properly plan with the cities on a 2-year basis. Now we are cutting it out, and I believe it is a mistake, and I think it will mean that cities will not have the certainty in their future planning and thus we will hurt this program.

Mr. EVINS of Tennessee. The gentleman is addressing himself to an administration proposal. As I said earlier, this is cutting out the urban renewal advanced funding. I agree with the gentleman.

Mr. JONAS. Will the gentleman yield?

If the gentleman is using too much of his time, I will be glad to yield him some of mine.

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. While we are on urban renewal I think the RECORD ought to be as clear as we can make it.

In addition to the sums we have been talking about here for the last 10 minuates, we are obligated at some date in the future to appropriate money to liquidate $3,005,500,000 of used contract authority that HUD used before we closed the back door to it. I think we ought not to overlook the fact that at some future date this money will have to be appropriated.

It is part of this program. This is not a miniscule program, this is one of the biggest programs the Government has, and here is about $10 billion of funds that have already been made available to HUD.

May I make one other comment, and then I will stop. I have the latest figures furnished us, dated March 31, 1969, from HUD, in which they provide their unreserved balance. I know there is a difference between reserved funds and obligated funds.

You can legally obligate funds when you sign a contract and write it down on the book as being obligated, but when we talk about unobligated balances, the answer is always made that "Well, we have a lot of reservations that have not become formal obligations"—but the unreserved balance as of March 31, 1969, for urban renewal, according to HUD's own statement, is $807,163,001.31.

I believe it is time for the record to show what we are doing in urban renewal, and how much unspent, unobligated and unreserved funds we have on hand—and if there is any slowdown in the program, do not blame the Committee on Appropriations. The blame should be placed on HUD, if anybody is to be blamed for it.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding, Mr. Chairman, because, like some of my colleagues who have spoken previously, I have been deeply concerned by the cuts that have been made; mainly, the cut of $150 million for urban renewal and the cut relating to the enforcement of Fair Housing.

I asked the Assistant Secretary for Urban Renewal and Housing Assistance, Mr. Cox, for some figures and for some information. What he told me was this: That with the $750 million in advance funding, and with the funds obligated earlier, and the $100 million which you make available for urban renewal, you have a total of $850 million, instead of what the administration asked for in its revised budget of $1 billion; that is, $750 million in advance funding and $250 million.

This means you will have reduced the amount that will be available for new urban renewal projects and for new neighborhood development programs in all cities in the country, including the model cities, from $275 million down to $125 million.

They tell me that this sum is just not enough to meet the priority needs of the program, and especially the model cities as well as to fund new NDP programs.

Now, I was intrigued to listen to the discussion a few minutes ago about all this money that is available for these programs, and the reservations of money. I had a pretty painful experience of my

own in this regard a few days ago. My own community had obtained a capital grant reservation of $3.7 million back in 1967. Then at the urging and upon the advice of the people down at the Department of Housing and Urban Development in September of last year they went along with the idea that they ought to convert into the so-called neighborhood development program, and they did. They converted their program, and then they asked just for $1.7 million instead of $3.8 million, and guess what? There is no money. There is no money there to fund this particular neighborhood development program.

Mr. EVINS of Tennessee. I do not know about the cuts the gentleman from Illinois is talking about, but I do know what the officials have told us. They are generally satisfied with the generous appropriations all through the programs that we have provided here.

Mr. ANDERSON of Illinois. Mr. Chairman, I was further informed by the Assistant Secretary that there are some 95 new applications which represent some $110 million, and how are they going to fund those out of the $125 million?

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. May I respond to my good friend, the gentleman from Illinois. What I am saying to you is—they have $1.5 billion in contract authority which is not obligated. Actually, they have $5 billion in undispersed funds. They can recoup from the $1,500 million the money they will need to take care of these NDP programs when they convert from long-range planning to 1-year incremental funding.

Mr. Chairman, there are a number of other programs, but let me summarize by saying again that the committee is recommending $1,658,326,000 in new funding for HUD, plus contract authority, which could result in expenditures of $13.5 billion.

The bill has been thoroughly studied and its passage is essential. We recommend it to the committee and urge the adoption of the pending appropriation bill.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I am quite concerned about our space program, as I am sure the gentleman from Tennessee is concerned.

As the gentleman said earlier, for the past 4 years we have cut approximately $500 million each year and on a number of budgets this year.

I think a very important statement was made to the gentleman's committee in hearings where Dr. Payne said that anything less than $3.8 billion or $3.9 billion was a going-out-of-business type of decision in program areas that are valuable and vital to the overall position of the United States.

This year NASA asked the Bureau of the Budget for $4.6 billion, then $4.2 billion and they finally were given $3.7 billion.

The authorizing committee authorized $3.966 billion. Your committee is appropriating $3.696 billion.

Mr. EVINS of Tennessee. That is correct.

Mr. TEAGUE of Texas. Now the President has appointed a special task force to study our space program. That report will not be in until late in the year in September or October.

I wonder what the position of the gentleman would be if his task force comes in and says that we have appropriated not enough money and we are in a going-out-of-business type thing so far as the space program is concerned.

Can the gentleman tell me what his attitude would be toward a supplemental appropriation if the administration asked for more?

Mr. EVINS of Tennessee. In the first place, I would say to the gentleman from Texas that this is not in a going-out-of-business type of situation nor are we approaching that.

This bill carries $3.696 billion new money for space activities. We think this will provide an outstanding program for the United States.

As I said earlier, nobody has said anything about drastically cutting the space program, especially in view of the moon landing shot which is scheduled for next month. So there has been very minor changes in the space program request.

Mr. TEAGUE of Texas. Does the gentleman from Tennessee set himself up as a greater authority than Dr. Payne as to what our space program is?

Mr. EVINS of Tennessee. I think the members of our committee have lived with this for 15 years, and we have some knowledge about the space program, as does the gentleman from Texas and other members of his committee.

Mr. TEAGUE of Texas. Our committee has been living with it for 10 years and I think we conducted hearings over 10 times the hearings of your committee and our committee just does not agree with that when there were only 52 votes against our $3.9 billion.

Mr. EVINS of Tennessee. I commend the gentleman and I respect his study and his advocacy of the space program. No one wants to do anything to impair the space program. I said in my statement that the $18.5 million cut is minor compared to the the total provided for space activities.

Mr. TEAGUE of Texas. Will the gentleman answer my question?

Mr. EVINS of Tennessee. Certainly we will look sympathetically upon a statement from any official of the National Aeronautics and Space Agency.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. I hope my friend from Texas sticks around for the reading of the bill. I understand an amendment may be offered to take another $100 million out of it. I think we will do pretty well to have this bill stand up as it is written.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield further?

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I understand the gentleman who is supposed to offer the amendment is not going to offer it.

Mr. EVINS of Tennessee. Very good. I appreciate that.

Mr. JONAS. I hope no amendments will be offered. We have a good bill, and it ought to be approved.

Mr. EVINS of Tennessee. I am asking for support of the national space program.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from California.

Mr. MILLER of California. I wish to compliment the gentleman and the subcommittee on its knowledge. I think it was Thomas Jefferson who said that the Congress of the United States consists of a group of committees, and it is run by a group of committees.

Mr. EVINS of Tennessee. I was talking about the matter of funding, and I think there is room for many points of view in arriving at a proper amount. We try to do the best we can. I would hope that we are as able to fix upon the proper appropriation as your committee is in the matter of determining what it regards as the proper authorization. These are difficult decisions.

Mr. MILLER of California. Perhaps you are——

Mr. EVINS of Tennessee. And I include my friend in that statement. Let me say to my friend that we approved the exact figure which his committee recommended for administrative operations. This is an area in which there has always been complaint, the number of jobs and employees. We approved in this bill the exact figure which the Space Committee recommended for general administrative operations.

Mr. MILLER of California. I congratulate the gentleman.

Mr. EVINS of Tennessee. So we are on the same wavelength.

Mr. MILLER of California. I regret that the gentleman did not accept a few more of our recommendations. I understand the pressure he is under. I understand also the great knowledge of the committee on this subject, but I do think the Committee on Science and Astronautics, though it has dealt with this problem 5 years less than the Appropriations Committee——

Mr. EVINS of Tennessee. The gentleman is a recognized authority.

Mr. MILLER of California. It does have a little knowledge in the field.

Mr. EVINS of Tennessee. For which we have great respect.

Mr. MILLER of California. That goes right back to you, my friend, and you know it.

Mr. EVINS of Tennessee. I yield to the gentleman from New Hampshire (Mr. WYMAN), a member of the committee.

Mr. WYMAN. I merely want to observe that the reduction from the budget figure for the NASA appropriation has been less than one-tenth of 1 percent. I think that is coming pretty close to full funding and I really do not believe the gentleman from Texas (Mr. TEAGUE) or the gentleman from California (Mr. MILLER) have valid cause for complaint.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to my friend, the

gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, the point is that agency actions combined with the legislative actions of the Science Committee, have reduced the budget of NASA by $1 billion since 1968. This represents $500 million each year. We have done the job, along with your Appropriations Committee and subcommittee.

In fact, if one looks at the overall history of the NASA budget it is readily apparent that this year's budget is at the lowest level since 1964. The agency requests have declined from a peak of $5,712,000,000 in fiscal year 1964 to this year's low of $3,715,327,000, a decline of almost $2.0 billion in just 7 years. Annual authorization enacted by the House has declined from a peak of $5,350,800,000 in fiscal year 1964 to this year's level of $3,966,377,000 which represents a reduction in annual authorization levels of almost $1.4 billion.

Appropriations have dropped from a peak of $5,250,000,000 to a recommended low this year of $3,696,983,000, a reduction in the annual level of appropriations of over $1.5 billion.

If we are going to have a viable and progressive space program, we cannot permit the level of effort to continue its downward trend. The program must level off and the Congress must see to it that a stabilized level of effort is put forth. This is necessary to assure that our Nation maintains its forward progress, and in fact its preeminence in space.

Likewise we should review the chronology of this year's program. President Johnson's budget request for space in fiscal year 1970 was $3,760,527,000. President Nixon's amended budget request was $3,715,527,000. The amount passed by the House for new authorization on June 10 was $3,966,377,000. We now have before us a recommended level of appropriations for fiscal year 1970 of $3,696,983,000.

Consequently there is a difference of $269,394,000 between the amount authorized by the House and the amount now under consideration for appropriations.

I should also remind my colleagues that as a result of my amendment on the floor of the House early this month on the NASA authorization bill, $327,070,000 in prior years' authorization was cut from the obligational authority available to NASA. So, there have been severe reductions to the space program already.

Another point about it is this: The military space budget is not being reduced. The military, on both space and aeronautics research, is increasing its level for these activities by over one-half billion dollars this year. So while the NASA level is going down, the military is going up.

I would like to point out that the Air Force and the DOD have requested a net increase of over $515 million in the fiscal year 1970 budget over that for fiscal year 1969 for astronautical space and research and development programs. That means something. Going to up it a half billion dollars, when NASA is reducing its budget.

In fact, in space they are reporting a net increase of more than $128 million alone in the military space programs as well as a net rise of $387 million in aeronautical research and development.

One other point is this: The Manned Orbiting Laboratory has been canceled by the Air Force and the Department of Defense. There is $300 million worth of Gemini equipment, that is, the two-man NASA spacecraft equipment, that has been transferred.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. FULTON of Pennsylvania. Mr. Chairman, may I have another minute?

Mr. JONAS. I yield 1 minute to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. NASA is going to have to absorb the expenses of Air Force astronauts and the equipment being released by the Air Force, as well as all of the maintenance and repair expenses associated with the MOL program. The cost of this will be in excess of $100 million just to protect the $300 million worth of investment. I hope it will be remembered that this event has taken place very recently and the actions by the Appropriations Committee as well as the authorizing committee did not take this transfer into account. We probably will be back here again with further requests to compensate for the increased costs that will accrue to NASA as a result of the transfer.

I thank the gentleman from Tennessee and the gentleman from North Carolina.

I request permission to revise and extend my remarks.

I think it would be beneficial to the Members of the House if a complete chronology of actions taken to date on the fiscal year 1970 NASA program were made available. I insert a summary at this point:

COMMITTEE ON SCIENCE AND ASTRONAUTICS

FISCAL YEAR 1970 NASA AUTHORIZATION AND APPROPRIATION—BUDGET LEVEL COMPARISONS (NEW OBLIGATIONAL AUTHORITY)

[In thousands of dollars]

Program	Initial budget request	Amended budget request	Committee action	Recommended authorization	House Appropriations Committee action
Research and development:					
Manned space flight:					
Apollo	$1,651,100	$1,691,100	+$75,700	$1,766,800	
Space flight operations	236,627	225,627	+129,200	354,827	
Advanced missions	2,500	2,500		2,500	
Subtotal (MSF)	1,890,227	1,919,227	+204,900	2,124,127	
Space science and applications:					
Physics and astronomy	119,600	117,600	−5,000	112,600	
Lunar and planetary exploration	146,800	138,800	−7,000	131,800	
Bioscience	32,400	20,400	+7,000	27,400	
Space applications	135,800	128,400	+10,000	138,400	
Launch vehicle procurement	124,200	112,600	+1,600	114,200	
Subtotal (SSA)	558,800	517,800	+6,600	524,400	
Sustaining university program	9,000	9,000		9,000	
Advanced research and technology:					
Space vehicle systems	30,000	27,500	+2,500	30,000	
Electronics systems	35,000	33,550	+1,450	35,000	
Human factor systems	23,600	22,100	+1,500	23,600	
Basic research	21,400	20,250	+1,150	21,400	
Space power and electric propulsion systems	39,900	36,950	+2,950	39,900	
Nuclear rockets	36,500	36,500	+13,500	50,000	
Chemical propulsion	25,100	22,850	+5,250	28,100	
Aeronautical vehicles	78,900	77,700	+3,200	80,900	
Subtotal (ART)	290,400	277,400	+31,500	308,900	
Tracking and data acquisition	298,000	278,000	+15,000	293,000	
Technology utilization	5,000	5,000		5,000	
Total, R. & D	3,051,427	3,006,427	+258,000	3,264,427	$3,000,000
Construction of facilities:					
Electronics Research Center	8,088	8,088		8,088	
Goddard Space Flight Center	670	670		670	
J. F. Kennedy Space Center	12,500	12,500		12,500	12,300
Langley Research Center	4,767	4,767		4,767	0
Manned Spacecraft Center	1,750	1,750		1,750	
Wallops Station	500	500		500	
Various locations	26,425	26,425		26,425	
Facility planning and design	3,500	3,500		3,500	
Total, construction of facilities	58,200	58,200		58,200	53,233
Research and program management:					
Manned space flight	$307,450	$307,450	−$3,450	$304,000	
Space science and applications	88,053	88,053		88,053	
Advanced research and technology	195,600	195,600	−1,700	193,900	
Headquarters	59,797	59,797	−2,000	57,797	
Total, R. & P.M	650,900	650,900	−7,150	643,750	643,750
Recapitulation:					
Research and development	3,051,427	3,006,427	+258,000	3,264,427	3,000,000
Construction of facilities	58,200	58,200		58,200	53,233
Research and program management	650,900	650,900	−7,150	643,750	643,750
Grand total	3,760,527	3,715,527	+250,850	3,966,377	3,696,983

Likewise, I consider that my colleagues should be apprized of the actions taken by the Bureau of the Budget prior to the submission of the amended budget and as compared to the level of appropriations recommended by the House Appropriations Committee. I insert in the RECORD a table reflecting these comparisons.

Fiscal year 1970 NASA budget

The budget guidelines from the previous Administration were, in effect, that NASA should submit estimates for a minimum program for continuing on-going programs, include only new starts or extensions considered absolutely essential, and wherever possible, defer new programs and leave the decisions to the new Administration. The amount requested under these guidelines was $4.2 billion. In addition NASA did present to the Bureau estimates of a program necessary to move this nation toward a position of world leadership in space and aeronautics. These estimates totalled about $4.7 billion. The table below reflects NASA's request in comparison with that allowed in President Nixon's FY 1970 Budget after his consideration of all the needs of the Federal Government and the revenues available to meet such needs.

BUDGET LEVEL COMPARISONS

[In millions]

	Fiscal year 1970 budget estimates	$4.2 billion level	$4.7 billion level	Appropriations committee recommendations
Apollo	$1,691.1	$1,777.5	$1,950.3	
Space flight operations	[1] 343.1	403.1	473.1	
Advanced missions	2.5	7.5	10.0	
Physics and astronomy	117.6	149.5	156.5	
Lunar and planetary	138.8	138.8	202.2	
Bioscience	20.4	47.1	64.4	
Space applications	128.4	161.8	199.8	
Launch vehicle procurement	112.6	128.0	132.0	
Sustaining university program	9.0	39.0	57.0	
Basic research	20.25	20.6	24.8	
Space vehicle systems	27.5	30.9	37.7	
Electronic systems	33.55	38.2	52.6	
Human factors systems	22.1	24.2	32.3	
Space power and electric propulsion systems	36.95	41.0	44.5	
Nuclear rockets	36.5	36.5	50.0	
Chemical propulsion	22.85	35.6	44.1	
Aeronautical vehicles	77.7	100.5	100.5	
Tracking and data acquisition	278.0	310.3	310.3	
Technology utilization	5.0	5.0	7.2	
Total, R. & D	3,123.9	[2] 3,495.1	[3] 3,949.3	3,000.0
Research and program management	650.9	[2] 644.1	[2] 665.0	643,750.0
Construction of facilities	58.2	79.2	83.2	53,233.0
Total, NASA	3,833.0	4,218.4	4,697.5	[3] 3,696,983.0

[1] Includes $117.473 million from fiscal year 1969 which has been reserved from apportionment by BOB (Revenue and Expenditure Control Act reductions).
[2] Not adjusted for conversion of certain support service contract operations at the Goddard Space Flight Center which amounts to $7.3 million.
[3] Does not include $117.473 million in reserved apportionment.

Also it might be well to review the potential budget operating plan for fiscal year 1970 based upon the proposed level of appropriations now before the House. Assuming the adoption of the House Appropriations Committee recommendation for fiscal year 1970 NASA appropriations amounting to $3,696,983,000, the potential budget plan for next year would be $3,814,456,000. This is arrived at by adding the $117,473,000 reserved from apportionment pursuant to the Revenue and Expenditure Control Act of 1968.

The NASA budget operating plan for fiscal year 1969 totals $3,877,520,000. Consequently, even at best, NASA can only expect to come up with an operating plan that will be $63,064,000 less than available in the current fiscal year.

Although the final determination as to how to apply limited resources to priorities is the prerogative of the Administrator, it is quite evident that many of the forward-looking plans proposed by the Committee on Science and Astronautics in its report to the House will have to be scrapped, and I might add, to the detriment of our position of world leadership in space.

For example, planned improvements to the Saturn V launch vehicle needed to obtain a more effective and useful vehicle will not be possible; operations funds for flights beyond Apollo 11 will probably have to be curtailed with possible impact upon safety of operation; a heavy reduction in the Apollo applications program will probably be necessary which will:

First, delay the initiation of Apollo application flights 5 months—when the program has already been delayed 18 months;

Second, suspend production of Saturn IB vehicles Nos. 213 and 214 with subsequent increase in costs to complete the vehicles later;

Third, delay the availability of a backup workshop and telescope mount by an additional 3 to 4 months beyond the 5 months already expected; the development of a low-cost transportation system in the form of a space shuttle vehicle planned for fiscal year 1970 will undoubtedly be reduced to nothing more than a paper study. A badly needed laboratory for the study of aircraft noise abatement will be deleted from the program.

Other programs such as basic research, nuclear rockets, aeronautics, human factors systems, earth resources satellites, and many others will be adversely affected by these serious budget limitations.

The Congress must prevent the destruction of our national space program. The National Aeronautics and Space Administration budget has been thoroughly reviewed by both the Science and Astronautics Committee and the Appropriations Committee. This program has been cut an average of $500 million a year since 1968. To maintain a balanced space program, an absolute minimum of $3,708,377,000 is required to maintain our options. This budget only "holds the line" for our space program. Major decisions by the administration on space are being developed by the President's Space Task Force. The Department of Defense has canceled the manned orbiting laboratory program. We cannot, we must not destroy the rapidly eroding scientific and technological base required to support future space effort. Our national security, scientific, and technological prominence depends on how wisely the Congress acts with regard to the space budget.

I sincerely hope that within the limited resources to be provided that NASA will be able to proceed with the Saturn V follow-on program as recommended by the Committee on Science and Astronautics.

The Saturn V is the most powerful launch vehicle ever to be developed, produced, and proven in space. Possessing six times the payload capability of the Nation's intermediate-size booster, the Saturn V is the free world's largest booster and the only launch vehicle capable of lifting large payloads into earth orbit or carrying out manned missions to lunar distances. The United States has no immediate plans to develop any other booster of equal or greater power, since the Saturn V provides the Nation with the basic launch vehicle capability to carry out a variety of space operations in the 1970's. Development of the proposed space shuttle will provide a low-cost transportation system for carrying 12 to 25 tons of payloads into a low-earth orbit.

In the range of large payload weights, the Saturn V is the Nation's sole means of launching 125 tons into earth orbit, sending 50 tons out to lunar distances, and landing 20 tons on the lunar surface. Therefore, this versatile launch vehicle is the key to capitalizing on the gains of the Nation's first decade in space and realizing returns on the skills, technology, equipment, and facilities created in Apollo. The Saturn V provides the payload capability required for a progressive space program in the 1970's, including continued lunar exploration and future missions such as the space station or deep-space missions.

To take advantage of these opportunities and to preserve the technological strength of the United States, it is essential to provide for follow-on production beyond the 15th Saturn V launch vehicle—the last one in the current program. Additional Saturn V's are required to continue a sound space program through the next decade and to prevent disruption or loss of the gains of the first 10 years in space.

These follow-on Saturn V's will be able to benefit from the increased performance capability and simplified design that can be derived from the proposed J–2S engine.

The Committee on Science and Astronautics recommendations provides funding for follow-on production beyond the 15 Saturn V launch vehicles for Apollo,

the last of which will be delivered in 1970. The production capability created since 1959 is already dissipating at a rapid rate, and continuation of the sharp downward trend will result in expensive shutdown and startup costs. The great industrial capability created over the last 9 years will be lost through dispersion of skilled manpower, degradation of tooling, and loss of manufacturing qualification status.

To a great extent, the longer the restart operations are delayed, the more the reestablishment of the program takes on the aspects of a new R. & D. effort. At the present time, the United States can reverse the sharp downward trend on Saturn V employment and retain the valuable and specialized skills created for Apollo and demonstrated so dramatically in the results of the Saturn V flights to date.

It is clear, in terms of efficient use of skills and equipment, that the longer the gap is the more difficult and costly it is to reestablish production.

The additional $52.2 million recommended by the committee will provide for procurement of long-lead materials and equipment, including subsystems and components; retention of necessary contractor manpower; and reactivation of critical suppliers and vendors. These funds involve the three stages—S–IC, S–II, and S–IVB—and the F–1 and J–2 engines.

Immediate action to provide the critically needed additional funding for Saturn V follow-on activity will prevent the continuing loss of this broad-based industrial competence and stem the downward employment trend at the major Saturn V contractor plants across the country. Piecemeal funding would increase the difficulty of reinstituting follow-on Saturn production.

In addition to preventing the further erosion of skilled manpower resources and providing the follow-on launch vehicles that must be produced if the United States is to be ready to pursue the great opportunities for space operations in the 1970's, immediate approval of this additional $52.2 million in fiscal year 1970 authorization will facilitate the progress toward a lower production cost.

NASA has indicated that future Saturn V's can be produced and checked out at lower costs than those incurred before. This objective could be achieved by taking full advantage of the learning experience accumulated to date, and by moving toward a simplified, standardized launch vehicle with increased performance at a lower cost. Timing is critical in the sense that if the major production base is lost, the start up operations, the requalification requirements, and the loss of learning will inevitably obviate the ability to achieve potential cost reductions. For reasons of basic economy and efficiency, as well as continued progress in space into the next decade, we should proceed with this most important program.

Mr. JONAS. Mr. Chairman, I yield myself such time as I may use.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, the space program has been drastically reduced since fiscal 1965. In 1965 appropriations were approximately $5.25 billion. Today, the Appropriations Committee proposes a budget of $3.696 billion, approximately $300 million under the fiscal 1969 appropriations. Furthermore, the appropriations are approximately $270 million below the total authorization recently approved by the House and $18 million less than requested by NASA. Although the amount in contrast to previous cuts is relatively small, we have reached a place in our space program where relatively small amounts of funding will provide increased benefits to the program. On the other hand, reduced funding will not only lengthen the time until these programs will be of value to us but may in the long run cause their cancellation.

Many who oppose the space program speak in terms of reaching our goal by getting to the moon. They fail to understand that our goal is not just reaching the moon, but gaining the knowledge and technology to operate in space. Many who oppose the space program speak of the great problems in our cities, but fail to recognize the tremendous benefits to all Americans resulting from our space program. On three previous occasions in this Chamber, I have related specific spinoff benefits. There is no need to repeat these remarks except to emphasize that these benefits are received here on earth.

The continuing cuts in the space program must come to an end. If the present trend continues we will soon be out of space. If the present trend continues, the U.S.S.R. will soon surpass us in space. If the present trend continues, we will have wasted the billions of dollars previously invested in our space program.

Undoubtedly in the near future the U.S.S.R. will score another space first, like Sputnik, and we will react in the same manner, pouring money into our space program. Now is the time to provide adequate funding in an orderly manner as proposed by the Committee on Science and Astronautics and approved by the House. It will be too late and too costly if we have to catch up again.

It is my hope that if the bill as submitted by the Appropriations Committee is approved, the House will be receptive to new proposals as expected in September from the Committee appointed by President Nixon to set new goals from the space program. Also at that time I hope that NASA will be in a position to testify for increased spending in our space program in contrast to the position presently taken by NASA.

Mr. JONAS. Mr. Chairman, our distinguished colleague from Tennessee (Mr. EVINS), who is the chairman of the subcommittee which conducted the hearings and marked up the bill before you, has just delivered a masterful analysis of it. In addition, the subcommittee has prepared a 47-page report containing a discussion of line items in the bill and setting forth the basis upon which the committee recommends approval of the bill today. This report is available to all Members and I commend it to your review. If it does not contain answers to all of your questions, members of the subcommittee on the floor today will try to supply them.

I do not intend to repeat the analysis made by my friend from Tennessee but will make a few general comments and then discuss in some detail the provisions of title II which contains the appropriations for the Department of Housing and Urban Development. Other members of the subcommittee will discuss the provisions of the bill appropriating funds for 18 independent offices and agencies of the Government.

I think it is worthy of repeating that the subcommittee began the hearings on this bill on February 4, 1969, and they continued for 4 months. The testimony was reduced to writing and is printed in four volumes containing more than 5,000 pages.

The original L. B. J. budget called for new appropriations in the amount of $18,197,672,000. The revised Nixon budget reduced the orginal one by $2,817,258,400. But $2,500,000,000 of this reduction is a paper cut and is accounted for by deleting 1971 advance funding for urban renewal and model cities. The remaining cuts in the revised budget amount to $317,258,400 and are all firm cuts.

So the subcommittee started off considering a revised budget calling for the granting of new obligational authority—appropriations—in the amount of $15,380,413,600. The total cuts made by the subcommittee amount to $473,324,600. The bill before you for consideration today therefore calls for $14,907,089,000 of new appropriations—new obligational authority.

But the bill also grants the Department of Housing and Urban Development new annual contract authority in the amount of $205,500,000, a reduction of $102,000,000 from the $307,500,000 requested in the revised budget. In addition, HUD will have new contract authority in the amount of $150,000,000 available from permanent legislation for use under the public housing program. This means that in fiscal year 1970, HUD will have a total of $355.5 million in new annual contract authority.

It is therefore fair to point out that the total cuts made by the committee from the revised budget include $473,324,600 in reduced new obligational authority plus $102,000,000 in reduced new annual contract authority, or a total of reductions from the revised budget of $575,324,600.

At this point it should be noted that when we speak of new annual contract authority we are not talking about a one-shot appropriation but of authority granted the Department to sign contracts obligating the Government to pay the amount authorized each year during the life of the contract, which in this instance will be for a maximum of 30 or 40 years depending upon which section of the Housing Act is involved. So when I say the bill includes $205,500,000 in new annual contract authority, and when I say that HUD will actually have $355,500,000 in new contract authority for fiscal year 1970, you should understand this means that when the con-

tracts are signed the Government will be obligated to pay $355,500,000 each year during the life of the contract, which could run for 30 or 40 years.

Right here it is fair to point out that the Department contends that many of these contracts will be liquidated before the full 30- or 40-year period is exhausted but no one can tell for sure in advance when that will occur, so we must assume that there is at least a contingent liability imposed on the Government by this bill alone to pay out $205,500,000, plus the additional $150,000,000 in new contract authority for the public housing program, each year for a maximum of 30 or 40 years.

It is well understood that the appropriations made today will not all be expended in fiscal year 1970. Some of the funds appropriated in this bill will not be expended until 1971 and beyond. Some of the money projected for spending in fiscal year 1970 will be taken from previously appropriated but unspent funds that have accumulated in the department and agencies involved. This is made dramatically clear in the chart shown on page 60 of the original 1970 "Budget in Brief," which shows that of the funds projected for spending in 1970, $85.9 billion, will come from unspent funds appropriated in prior years; and that of the new obligational authority requested in the budget, $100.7 billion is projected for spending in years beyond 1970. It also shows that at the end of fiscal year 1970, $239.2 billion will remain in unspent authority for outlays in years beyond 1970.

I bring these figures to your attention in order to emphasize that there is a substantial difference between the amount of money appropriated in a given year and the amount of the spending program projected for that year.

With that distinction having been made as a background, you will be interested to know that our committee estimates that the cut of $473,324,600 from new obligational authority requested in the revised budget will result in reducing projected expenditures for fiscal year 1970 by approximately $115 million.

The reduction of $102,000,000 in new annual contract authorizations will not have any effect on expenditures in fiscal year 1970, since expenditures under this new contract authority will fall due in years beyond 1970.

HUD

Now let me invite your attention to that part of the bill which deals with the new obligational authority and the new annual contract authority granted to the Department of Housing and Urban Development. The bill now under consideration appropriates $1,658,326,000 in new money—new obligational authority—to the Department of Housing and Urban Development. But to say that the bill grants HUD $1,658,326,000 in new money does not tell the entire story. The remainder of the story must be told in order that Members interested may know that substantial additional spending authority is granted in this bill and is otherwise available to HUD.

For example, you will recall I have heretofore pointed out that the bill grants new annual contract authority to HUD in the amount of $205,500,000. It must be remembered that this is not a 1-year spending authorization but is an authorization to make a contract calling for the expenditure of that amount of money every year during the life of the contracts which will run for a maximum of 30 or 40 years or until the contracts are liquidated if they are liquidated in less than that length of time. This new contract authority is applicable to the following programs:

[In millions]

Homeownership assistance (sec. 235)	$80.0
Rental housing assistance (sec. 236)	70.0
Rent supplements	50.0
College housing which, with funds available from other sources, will support a $300 million program in 1970	5.5
Total	205.5

MAGNITUDE OF SPENDING AUTHORIZED

If the bill under consideration today is enacted, and if the pending supplemental is enacted, the outstanding authority for annual contract payments under the homeownership, rental assistance, rent supplement, and public housing programs will be at least $856,250,000 per year. When you consider that the Government is obligated, when these contracts are signed, to pay out that amount of money each year for 30 or 40 years, you can begin to visualize the magnitude of the obligations imposed upon the taxpayers by actions taken in Congress this year and in previous years.

The new annual contract authority which will become available to HUD on July 1, 1969, will impose a liability upon the Government to spend between $6 and $13.5 billion. But remember that we are now only talking about the liability of the Government imposed by this one bill under consideration today, including the new contract authority for public housing which became available July 1, 1969, and this does not take into account liabilities under previous legislation.

TOTAL PRICE TAG OF FOUR PROGRAMS

The total price tag of the four programs now under discussion: homeownership, rental assistance, rent supplements, and public housing, if we stop with this bill and do not grant any additional funds for these programs in the future, will be as follows:

Maximum liability (from inception through this bill)	$42,000,000,000
Minimum liability (estimated by HUD under various assumptions)	$26,250,000,000

FALSE CHARGES

I am concerned over repeated charges that Congress is not doing much for the cities; that Congress never touches the defense budget but is always cutting social programs including housing assistance for the poor; or that it is very easy to persuade Congress to appropriate vast sums of money for agriculture but Congress pays little heed to the plight of the cities.

The truth of the matter is that this branch of the Congress last year cut $4.8 billion from the budget submitted for the Department of Defense and $260 million from the budget submitted for military construction—this does not take account of subsequent supplementals. Recently I read a statement by the chairman of the House Committee on Armed Services which indicates that, while the defense budget has increased 75 percent since fiscal year 1959, Federal expenditures for health and welfare have increased 210 percent and expenditures for education and manpower training have increased 630 percent. I have not had an opportunity to verify these figures but they are on the record now and I am sure if they are incorrect someone will point that out.

MAGNITUDE OF FEDERAL URBAN AIDS

I do know that Federal funds providing various sorts of assistance to urban areas have increased substantially since 1964. I will include as a part of my remarks at this point a table showing some of the HUD programs being funded in the bill before you. They are not all included nor have I included the very substantial sums provided for administrative expenses. But I am listing a few of the more significant programs and the new funds and new contract authority provided in this one bill:

Department of Housing and Urban Development

Public housing, annual subsidy	$473,500,000
(This money is to pay the subsidy on existing housing units. Many have deteriorated and are now having to be rehabilitated. PHA will spend on this program in FY 1970—$16,000,000.)	
New PHA contract authority available from permanent legislation	150,000,000
(This is $150,000,000 a year for a maximum of 40 years.)	
Homeownership (sec. 235) annual contact authority	80,000,000
(This is $80,000,000 a year for a maximum of 30 years.)	
Rental housing assistance (sec. 236) annual contract tract authority	50,000,000
(This is $70,000,000 a year for a maximum of 40 years.)	
Appropriations for homeownership and rental assistance payments due next year on existing contracts	46,500,000
Rent supplements-annual contract authority	50,000,000
(This is $50,000,000 a year for a maximum of 40 years.)	
Appropriation for payments due next year on existing contracts	23,000,000
Low and moderate income sponsor fund	2,000,000
Urban renewal:	
In this bill	100,000,000
From advance funding last year	750,000,000
Total urban renewal	850,000,000
Rehabilitation loan fund	45,000,000
Model cities	500,000,000
(This is in addition to $948,000,000 appropriated in 1967, 1968 and 1969).	

Department of Housing and Urban Development—Continued

Grants for basic water and sewerage facilities:	
In this bill	$135,000,000
Carried forward from this year	15,000,000
Total for basic water and sewerage facilities	150,000,000
Open space land programs	75,000,000
Comprehensive planning grants	50,000,000
Community development training programs	3,000,000
Grants for advance acquisition of land	2,500,000
Grants for neighborhood assistance	40,000,000
Urban research and technology	25,000,000
College housing: new annual contract authority	5,500,000
(This sum plus funds from prior year actions will provide a college housing loan program of $300,000,000 which is the same level as this year.)	
Appropriation for payments of interest subsidy on college housing loans	2,500,000
Participation sales: Payment of insufficiencies (subsidy)	56,238,000
Funds appropriated to the President	$1,719,700,000
Includes disaster relief (70%); O.E.O. (75%); Appalachian Development (25%).	
Department of Agriculture	947,500,000
Includes Extension Service (50%); Soil Conservation Service (25%); Consumer Protection, Marketing and Regulatory (70%); Special Milk, School Lunch, Food Stamps and Surplus Commodities (70%); Water and Waste Disposal (25%), Housing (25%).	
Department of Commerce	166,000,000
Economic Development Administration activities (70%).	
Department of Defense	723,000,000
Construction of National Guard and Reserve Armories (100%); Civil Defense, including research, shelter survey and marking (100%); civil works (70%).	
Department of Health, Education, and Welfare	10,082,900,000
Including a variety of programs listed at 70%, one program (impacted aid) at 90%, and one (libraries and community services) at 50%.	
Department of Housing and Urban Development	3,189,200,000
Includes a variety of programs ranging from 100% down to 75%.	
Department of the Interior	495,500,000
Includes variety of programs such as water pollution control, grants for waste treatment works, Office of Saline Water, Bureau of Outdoor Recreation, Geological Survey, Bureau of Reclamation—ranging from 90% (grants for waste treatment works) down to 25% (Geological Survey).	
Department of Justice	210,000,000
Includes law enforcement and community relations service (70%).	
Department of Labor	1,086,900,000
Manpower Training (80%); Unemployment Compensation and employment service from the trust fund (85%).	
Department of Transportation	3,363,800,000
Includes airports (90%); highways (55%); safety (75%); high-speed ground transportation (90%); urban mass transportation (100%).	
Independent agencies	109,600,000
Atomic Energy Commission—Civilian Power Reactor development (80%); General Services Administration—Construction of public building (90%); Veterans' Administration—Medical care for non-service connected pensions (70%); construction of hospitals, domiciliaries and nursing homes (90%).	
Direct loans, loan insurance, and loan guarantees	18,526,000,000
Farm Home Adm. (25%); Economic Development Adm. (70%); Department of HUD (Range 25%–100%); Veterans' Adm. 90%); Small Business Adm. (70%); loans to District of Columbia (100%).	

It should be understood that the foregoing list of programs does not even scratch the surface of Federal urban aids. The 1970 budget document states that about $38 billion will be spent in 1970 on various forms of Federal aid to the cities, as compared to $21 billion in 1964. In August of 1966, former Secretary Robert C. Weaver, in testimony before the Senate Subcommittee on Executive Reorganization, testified that the total of Federal aids to urban communities would be about $27 billion, as I remember his figures, and he attached a table to his testimony showing a breakdown of that total. So you will see from these references that the Federal commitment for urban, social, and community development aids has gone up from $21 billion in 1964 to $38 billion in 1970, according to the statement in the budget.

But the most recent statement I have seen listing Federal financial aids to urban communities was issued by HUD on May 16, 1969. It gives the total of such aids as $42.9 billion in 1970. In that statement HUD explains that the Department figures differ from those of the Bureau of the Budget because HUD uses the Census Bureau definition of urban territory while the Bureau of the Budget uses the standard metropolitan statistical concept of metropolitan areas, and that in addition the Budget Bureau analysis includes only aids to State and local governments while HUD includes aids to private groups and individuals as well as some direct Federal construction activities. Regardless of which method is used, both totals are impressive and reflect the magnitude of the annual Federal commitment of tax dollars in aid to cities and urban dwellers. I will include at this point an extract from the material submitted to the subcommittee by HUD showing an itemization of the $42.9 billion by department and project:

It should be noted that in estimating the proportion of Federal programs affecting urban areas, as shown in the foregoing table, the following formula was used:

Seventy-one to 100 percent for programs which by their nature would be overwhelmingly directed toward cities;

Fifty to 70 percent for programs directly affecting individuals and, therefore, likely to be distributed on the basis of population; and

Twenty-five percent for development programs directed at smaller communities wherein a minority of the population can be classified as urban dwellers.

GROWTH AT HUD

All of the press reports I have read discussing this bill have called attention to the cuts the committee made from the budget as submitted. One wire service sent out a report all over the country detailing how much was cut from this program and how much from that one. An editorial in one of Washington's paper's last Sunday charged that Congress was underfunding one of the programs covered in the bill before you. That program happens to carry an appropriation of $500,000,000 this year following one of $625,000,000 last year for a program that has not gotten off the ground yet—still the charge of underfunding was made. My mail is full of letters from mayors and other special pleaders for more spending urging "full funding." Bless their hearts—they do not realize that if Congress fully funded all outstanding authorizations the printing presses could not turn out enough money to do what they advocate.

I think the time has come when someone should talk about what this bill does, how much money it appropriates, and what Congress is doing for the poor who need housing and for the cities of the country. I have heretofore listed some of the programs that receive additional funds under this bill but I believe it will be helpful to those who wish to understand the total impact of this bill on the taxpayers by listing a few of the key programs. The following comments are made therefore for the purpose of putting the facts on the record for the information of all concerned, and not for the purpose of criticizing the programs. If the people know the facts, I am sure they will conclude that we are doing all the country can afford, considering its many other obligations, in these fields.

After all, there is some limit to the burdens we should impose upon the taxpayers, especially since most of them are hard-working individuals who are hard pressed to support their own families, make the payments on their own mortgages, and make substantial payments of taxes to local, State, and Federal governments. They are the salt of the earth and unfortunately they are the forgotten men and women of this generation. We should have mercy upon them. They are at the breaking point. It will be tragic if Congress fails to heed their calls to be a little more prudent in spending their money.

I offer an analysis of the following programs for the RECORD:

PUBLIC HOUSING

When I first came to Congress in 1953, public housing was the principal tool being used by the Government to provide housing for low-income families. Under this program the Government obligates itself to make annual contributions—subsidies—to liquidate capital indebtedness over and above what is available from residual receipts from rents. The following facts will show how this program has grown since 1950—page 249, volume 4 of hearings:

1950

Number of units	116,549
Fixed annual payments	$21,321,123
Less available from residual receipts to reduce Government subsidy	$16,105,911
Total subsidy paid	$6,215,212
Percent of fixed charges paid by the Government subsidy	29.2
Average subsidy per unit	$42.41

1970 (estimated)

Number of units	853,835
Fixed annual payments	$468,500,000
Less available from residual receipts to reduce Government	$34,500,000
Regular subsidy	$434,000,000
Additional subsidies	$23,500,000
Total annual subsidy for debt amortization	$457,500,000
Additional subsidy to be used in rehabilitation of deteriorating units	$16,000,000
Total of Federal subsidies for public housing in fiscal year 1970 included in the bill under consideration today	$473,500,000
Percent of fixed charges paid by Government subsidy	91.4
Average subsidy per unit	$554.55

Summary 1941–70 public housing

Total fixed payments	$3,760,687,536
Less total amount available from residual receipts to reduce Government subsidy	570,000,898
Total of Government subsidies under regular programs	3,190,686,638
Plus subsidies under supplemental program	78,942,189
Cost to taxpayers of public housing from 1941 through 1970	$3,269,628,827

The foregoing tables show how the cost of this program has grown from $6,215,212 in 1950 to $473,500,000 in 1970, and the total cost of the program through 1970.

All of the money shown in the foregoing tables as subsidies came from the taxpayers of the United States, and was appropriated by Congress to provide low-rent housing for the poor—$3,269,628,827 to date. Yet the charge continues to be made that Congress is doing very little to provide housing for the poor.

Public housing has cost the taxpayers to date—through fiscal year 1970—$3,269,628,827. The annual subsidy has climbed from $6,215,212 in 1950 to $473,500,000 and will continue to climb as new units are activated and as the older units continue to deteriorate and have to be rehabilitated. As previously stated, there is $16,000,000 in the bill before you to remodel and rehabilitate existing public housing units, and $150,000,000 in new contract authority is available to HUD in fiscal year 1970 to execute new contracts calling for that sum to be committed for annual subsidies in addition to subsidies now being paid.

MODEL CITIES

Since the billions spent on public housing and urban renewal had hardly made a dent on slum clearance, new programs called rent supplements and model cities were inaugurated. I would now like to say a word or two about model cities.

The following table will show how this program has fared at the hands of Congress:

Fiscal year 1967 appropriations	$11,000,000
Fiscal year 1968 appropriations	312,000,000
Fiscal year 1969 appropriations	625,000,000
Total appropriated	948,000,000
Fiscal year 1970 appropriation under consideration today	500,000,000
Total	1,448,000,000

The only money expended so far on model cities is for planning and administrative expenses.

If implementation of the model cities program is moving at a snail's pace, do not blame Congress because all we do is appropriate the money. We do not administer the program. If more speed is desired by the critics, the way to get it is to persuade HUD to move faster instead of urging Congress to appropriate more money.

I certainly am not advocating that HUD become careless with money appropriated by Congress. I want HUD to scrutinize carefully the plans proposed by the cities. All I am saying is that Congress does not deserve the repeated charge that we are underfunding this program. The record shows that Congress is putting up model cities money faster than HUD can spend it efficiently.

There is a difference between deliberate speed and unreasonable delay. An example of what I call unreasonable delay was the delay of the previous Secretary of Housing and Urban Development in announcing the selection of the first cities to participate in the program. All the applicant cities had their proposals filed with the Department by May 1, 1967. But the Secretary delayed until November of that year before he even announced his selections. This was a delay of more than 6 months. If there had existed at HUD a sense of urgency, which Congress is frequently charged with failure to have, this 6-month delay could have been cut in half.

URBAN RENEWAL

Then along came urban renewal and from an humble start of $8,000,000 in 1953 that program has also grown like Topsy so that by 1969 the appropriation was for $1,062,500,000 for urban renewal, including the add-on for urban renewal projects in model cities. The cumulative appropriations for urban renewal through 1969 amount to $5,782,000,000 including $750,000,000 made available last year for advance funding in fiscal year 1970. Another $100,000,000 is provided in this bill, which will make available a total of $850,000,000 for urban renewal in fiscal year 1970, and will increase the cumulative total to $5,882,000,000 for urban renewal.

Just to show the magnitude of taxpayer liability under this program, I must point out that, in addition to the appropriations mentioned above $3,005,500,000 in contract authority has been used under the old back door to the Treasury approach and Congress eventually will have to appropriate that amount of money to liquidate the contracts.

This money also comes from the taxpayers and has been appropriated by Congress to clean up slums. Yet the critics are not satisfied and repeat the charges that Congress is neglecting the cities.

RENT SUPPLEMENTS

And then another rent subsidy program was inaugurated under the name of "Rent Supplements." But by whatever name it is called, it is still a program under which the Government subsidizes the rent of selected eligible tenants. It is another low-income rent subsidy program.

This program is not financed by direct appropriations, except that Congress does have to appropriate the money to discharge the subsidy obligations and the amount included for that purpose in the bill before you today is $23,000,000. But to encourage sponsors to build rental housing units, HUD must sign contracts obligating the Government to pay the annual subsidy—the difference between what the tenant pays and the economic rental value of the unit. The amount of the subsidy payable each year is fixed by the amount of contract authority granted to HUD by Congress.

Now the bill before you today includes $50,000,000 in new contract authority for the rent supplement program. Adding this to previously granted contract authority creates a cumulative annual contract authority of $122,000,000. This means that HUD can sign contracts binding the Government to pay out $122,000,000 a year in rent supplements—subsidies—for a maximum of 40 years. This one program alone, if we stop it at the end of 1970, could cost the taxpayers about $5,000,000,000.

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

These programs are authorized under sections 235 and 236 of the Housing Act of 1968. They, too, are designed to assist low-income families to either acquire homes under section 235 by subsidizing the interest, or to rent dwellings by subsidizing the interest the builder has to pay in order that he can rent them for less than the economic rent.

These programs, as is the case with respect to the rent supplement program, are financed by Congress granting annual contract authority to HUD. Including $80 million of contract authority granted in this bill for the section 235 program, the cumulative annual contract authority for section 235 projects, including the pend-

ing supplemental which contained $40 million when it left the House, amounts to $145 million. This means that HUD can sign contracts binding the Government to pay $145 million a year for a maximum of 30 years in interest subsidies under section 235. This one program could cost the taxpayers $4,350,000,000.

The cumulative total of contract authority granted to HUD under section 236, including $70 million in the present bill and $40 million in the pending supplemental, will be $135 million which HUD can obligate the Government to pay each year for a maximum of 40 years. This one program could cost the taxpayers $5,400,000,000.

It should be noted again that HUD estimates that the payments will not have to continue for the maximum of 30 years with respect to section 235 projects or for the maximum of 40 years for the section 236 and rent supplement projects. HUD estimates that payments will only have to be made as follows:

Seventeen years for section 235 projects.

Twenty-one years for section 236 projects.

Thirty-nine years for rent supplement projects.

Forty years for public housing projects.

Even if HUD's estimates turn out to be accurate, I submit that we are still talking about billions. If we stop section 235 in its tracks, $145,000,000 a year for 17 years is $2,365,000,000. If we stop section 236 in its tracks, $135,000,000 a year for 21 years is $2,835,000,000. And if we stop rent supplements now, $122,000,000 a year for 39 years is $4,758,000,000.

Yet the charge continues to be made that Congress is not doing very much to provide housing for the poor. I submit that the foregoing figures will disprove these charges. I think it is a shame that they continue to be made in the light of the record.

AVAILABILITY OF FUNDS AT HUD

To those who continue to charge that Congress is "starving" HUD for funds, I will point out that HUD will have on hand at the beginning of the new fiscal year—July 1, 1969—a total of previously appropriated but unspent funds amounting to $20,544,329,000. Of that total $7,049,671,000 is expected to be obligated by June 30, 1969, leaving $13,494,658,000 not even obligated. However, of the unobligated total, $2,653,777,000 will be reserved by June 30, 1969. This means that HUD will start the new fiscal year on July 1, 1969, with $10,840,881,000 of previously appropriated funds not even obligated and not even reserved. The following table will tell the story, and the figures are taken from material furnished by HUD to the subcommittee:

SUMMARY OF UNSPENT, UNOBLIGATED, AND UNOBLIGATED AND UNRESERVED FUNDS

Program	Unspent	Unobligated	Unobligated and unreserved
Renewal and housing assistance (neighborhood facilities, urban renewal, rehabilitation loans, public housing, housing for the elderly, college housing)	$10,396,542,000	$5,782,157,000	$4,025,688,000
Metropolitan development (comprehensive planning grants, open-space programs, water and sewer facilities, urban transportation, public facility loans)	1,038,825,000	377,539,000	294,935,000
Model cities and governmental relations	455,557,000	121,310,000	121,310,000
Urban technology and research	20,141,000	5,010,000	5,010,000
Mortgage credit (rent supplements, homeownership and rental assistance, community disposal operations, FHA fund, GNMA activities)	5,828,869,000	4,420,140,000	3,605,436,000
Federal Insurance Administration	550,512,000	537,404,000	537,404,000
Departmental management	4,873,000	1,098,000	1,098,000
Loans to FNMA	2,250,000,000	2,250,000,000	2,250,000,000
Total	20,544,329,000	13,494,658,000	10,840,881,000

ANALYSIS OF FUNDS UNOBLIGATED BUT RESERVED

Renewal and housing assistance	$1,756,469,000
Metropolitan development	82,604,000
Mortgage credit	814,704,000
Total	2,653,777,000

RECAPITULATION

Total unspent	20,544,329,000
Obligated	(7,049,671,000)
Unobligated	13,494,658,000
Reserved	(2,653,777,000)
Unobligated and unreserved	$10,840,881,000

Now, no one expects HUD to spend or even obligate in a given year all of the funds appropriated that year. And I am certainly not recommending that HUD dish out appropriated funds without adequate planning and supervision. We all want to eliminate the possibility of waste and extravagance by precipitate action. But it does seem to me that with the vast amount of money available in unobligated and unreserved funds, some of the critics who constantly charge Congress with being niggardly with funds for HUD should direct their attention to the Department.

If HUD is going to continue at a snail's pace in providing housing for the needy and in implementing the model cities and other programs with available funds, Congress should not be blamed for scrutinizing closely the requests for new money and new contract authority. It should be remembered that Congress does not administer these programs. All we do is authorize and fund them. It does seem to me that the record should convince those most critical that Congress does not deserve to be made the whipping boy of those who believe greater speed should be shown in providing housing and other aids to the cities.

Let me hasten to say that Secretary Romney and his associates are not responsible for the building up of these large unobligated and unreserved balances. Nor is he responsible for the delays that have characterized the model cities program and other programs in the past.

He has only been in office 5 months. The Department of Housing and Urban Development is too vast and complicated for a new man, however able, to get it all under control in a few months. HUD administers some 70-odd separate programs and the Department has 15,000 employees. There is too much shuffling of papers, too much bureaucracy and too many separate programs for this department to operate efficiently. The subcommittee recommends that the new Secretary consolidate some of the programs, streamline some of the operations and eliminate some of the bureaucracy.

Secretary Romney, although he has been aboard only 5 months, has already started a reorganization and consolidation program and the subcommittee commends him for his initiative.

The Secretary has had wide experience as a businessman and I think he is to be commended for his announced determination to fight to bring housing costs down and to inaugurate new methods, techniques and managerial approaches to home building. These have been used successfully in other fields so the Secretary asks himself why should they not be tried in the housing field. More power to him in that effort. I am sure he can count on support from the subcommittee because we are all as anxious as anyone to solve these pressing urban problems.

CONCLUSION

I would commend to the attention of the Secretary of Housing and Urban Development, and indeed to the Bureau of the Budget and officials of the Government at every management level, and also to Congress, what is happening at FNMA—Fannie Mae—since its recent transition from Government management to private ownership.

The Washington Daily News carried in its June 16, 1969, issue an article about what is happening at Fannie Mae written by Louis Cassels, UPI senior editor, which should be required reading for every Government official who has a management responsibility. That article follows:

IT WORKED AT FNMA—URGE 50-PERCENT U.S. JOB AXE

(By Louis Cassels)

Raymond H. Lapin, an executive with experience in government and business, contends many federal agencies could cut their payrolls in half and still get their jobs done.

He currently is carrying out a reduction of more than 50 per cent in the staff of the Federal National Mortgage Association (FNMA), which he heads.

FNMA, known as "Fannie Mae," will be able to get along with 484 employes instead of 1,020, because it has ceased to be a government agency an ' has become a privately-owned corporation, he said.

Fannie Mae continues to be a government-sponsored corporation performing a public purpose—stabilizing the mortgage market by buying and selling home mortgages from pri-

mary lenders such as banks and savings institutions.

STOCKS SHOOT UP

But it now belongs legally to 7,000 shareholders who have bought its stock.

Thanks in part to the operating economies Mr. Lapin is achieving, stock has been a choice investment for early purchasers, who have watched shares rise from $70 last year to about $250 at present.

Mr. Lapin acknowledged that part of the staff reduction resulted from installation of new computer systems.

"But automation is not the whole story; in fact, it's the least important factor," he said.

"The main reason we've been able to cut down on staff is that we're doing things as a corporation that we wouldn't have been able to do as a government agency."

PAPER WORK DOWN

For example, Fannie Mae has drastically reduced and simplified the amount of paper work.

"Government procedures are often dictated by an obsessive desire to avoid any possibility of fraud or error, however small," he said. "Under the laws and regulations now governing federal agencies, you cannot use the 'management by exception' methods which are standard in private business."

"Management by exception" means, among other things, settling for spot checks rather than demanding a review of each and every transaction. It also connotes a willingness to accept the risk of small losses thru error or fraud rather than spend much larger sums trying to make sure they can't happen.

PAPER REVIEW

"As a Government agency, we had lawyers reviewing papers that could have been handled by a trained clerk," he said. "And we insisted on bringing everything into Washington for review. Now we delegate responsibility to the lending institutions from whom we buy mortgages to make sure that the titles and other paperwork are in order."

Mr. Lapin said he also has detected "a subtle but extremely significant change in the psychology of supervisors."

"In government agencies, there is a tendency for a person's job rating—and therefore his salary—to be based on the size of the staff he directs and the amount of paperwork his section handles. Thus there is a negative incentive for a supervisor to think up ways to handle things more simply and get along with fewer employes.

"But we are now able to reward supervisors on the basis of their success in streamlining operations and reducing costs. This gives them a personal stake in finding better ways to get our work done," he said.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. JONAS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I wonder if the gentleman from North Carolina now is telling us that it is not the Congress responsibility for not funding housing units for the 6 million people living in substandard housing because HUD has not built one unit this year. They are talking about building industrialized homes which will take them 22 months before they put any homes in process. We are at the present time 20 percent under the starts of 1968. We are failing in starts at 3 percent per month, and we have been since the first of the year. Is the gentleman telling us that HUD has all of the money for model cities for which they have not given a dime? They have money for 218 which they have cut off. They have money for 202 for housing for the elderly which they now claim funds have been exhausted. Are we to believe now that HUD has all of this money uncommitted and you will not give a dime in order to give people decent, safe, and sanitary housing?

Mr. JONAS. I will say this to the gentleman from Pennsylvania. I do not think he can blame Secretary Romney for this situation. He has been there only 5 months. However, I can tell you how his predecessor handled model cities. He had all of the plans in his office on the 1st of May and did not even select the first cities for 6½ months. What kind of a delay is that? I am not talking about approving plans; but I am talking about selecting the cities. If there had been the sense of urgency in the Department about this program that Congress is charged in the press with not having, he could have cut that time down to 2 months, in my opinion, or at least cut it in half. Mr. Romney did not build up this $10 billion in unobligated and unreserved funds. That has been building up over the years. We have talked to him about it, though, and he has testified before the committee that he intends to consolidate a number of these programs and make a special effort to start moving them toward building houses instead of talking about building them.

The reason I am making this point today is that I am concerned at the mail I receive from various mayors around the United States as well as from my own district and from various organizations. Then I picked up last Sunday's paper, published here in Washington, and saw the charge that Congress is underfunding the model cities, when I know we have given them $1.4 billion in the last 4 years and they have not spent a dime of it up to today except on administrative expenses and planning. It seems to me that some of these people who are urging full funding and who are critical of Congress and pointing out we are making cuts which we think are reasonable in the new money they are asking for are making unjustified criticisms.

We think some of this comment should be directed at the Department, because Congress does not administer these programs. We do not run them. All we are asked to do is authorize the programs. The gentleman's committee does that. Our committee funds them. I am saying to you that the Department has on hand $20 billion of previously appropriated and unspent money of which $10 billion is not even reserved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I yield myself 5 additional minutes. I yield further to the gentleman from Pennsylvania.

Mr. BARRETT. I want to point out that I have the greatest respect and admiration for the Committee on Appropriations. I am not in any way condemning them for their actions. I do think after hearing the gentleman now that if HUD had come in and asked for more money for 235 and 236, you probably would have given them more money.

Mr. JONAS. No; that is not correct. They asked for more money than the committee allowed.

Mr. BARRETT. But may I make this point——

Mr. JONAS. If I may correct the gentleman, they asked for $100 million in 235, and $100 million in 236, and the committee allowed $80 million for section 235 and $70 million for section 236.

Mr. BARRETT. But the committee cut down 20 and 30 percent. You cut down 20 percent in 235, and you cut down 30 percent in 236, and now certainly if we are to give these people help and give it to them rapidly we must have adequate money to put into these different sectors of the housing program.

Under these conditions we cannot operate. I can say this very frankly, and cut off the 1971 money. You allow them to operate only through 1970. Now, unless we can project these programs we cannot carry out the program that we set up for the next decade; namely, to build 26.2 million homes in the next decade.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, I would say that is up to the authorizing committee of the House. I have stated that the gentleman has done a very good job, and we have alluded to it in the Committee on Appropriations, and we have been generous in funding these programs.

When we talk about a slowdown in housing, I would say that the high interest rate situation was the largest contributing factor to this slowdown in the housing situation at the present ime.

The interest rates are at an alltime high. That is really what is causing the slowdown in private construction, and in other construction.

Mr. BARRETT. Mr. Chairman, will the gentleman yield further?

Mr. JONAS. I will be happy to yield just as soon as I make one remark with regard to what the gentleman from Tennessee said, as to the question of the high interest rates having to bear part of the blame, but that is not all of the problem. You have the problem of the high cost of lumber, the high cost of materials, the high cost of labor—you saw what the building trades did here in Washington the other day after striking. They are going to be getting about $5 or $6 an hour. You have a lot of built-in problems about housing. I believe that housing is in trouble, and I believe that high interest rates, high cost of money, high cost of materials, and high cost of labor are all responsible.

But I would say this: I think Secretary Romney had a lot of courage when he appeared before the building trades convention and urged them to restrain their demands for increased pay. And he was roundly booed. But he is determined if possible to get these costs down, and he proposes to inaugurate new techniques and new procedures—and more power to him. I am willing to give him a chance to prove that he can do for housing what he did for the automobiles. I believe he can, and I believe he is determined to do it, and I commend him for his dedication and his courage and his determination.

Now I will yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I thank the gentleman for yielding again. I would just like to tell the gentleman from Tennessee, for whom I have great love and respect, that if he thinks the prime interest rate increase from 7.5 to 8.5 percent has slowed down the new housing starts up to this date, over this very short period of time, then let the gentleman make an observation of this at the next year.

As was pointed out, we are 20 percent below the housing starts of 1968. What will it be when people are asked to buy a home in the $15,000 range, and they have to pay from $1,000 to $1,200 more because of the increase in the prime interest rate?

Mr. Chairman, again I thank the gentleman for yielding.

Mr. JONAS. The gentleman is correct. That is one reason why we think we gave them all of the new obligational authority that they are going to be able to use.

If you can tell me when these interest rates are going down and when the cost of materials is going down and when these other built-in costs are going to come down, I can tell you when they can start obligating more of this money.

I do think that unless conditions change markedly in the new fiscal year coming up, I do not believe they will be able to obligate all the money we have given under this bill.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. HANNA. I just want to bring in focus the point made by the gentleman from Pennsylvania about the 202 projects. I think we must not delude ourselves, a lot of the money we are talking about will not go to build new units.

I asked that question of the Secretary of HUD as to what would happen to the 202 program with new 236 money and he replied to me as follows:

The number of completed 202 projects potentially eligible for refinancing at this time, under this 236 program, there were 29 projects with 4,402 dwelling units.

These will convert. Of those which are going to be completed within this year, there are 120 projects with 18,677 units, and these will convert.

Of those in the pipeline, there are 107 applications which will add up to more than these other two categories combined.

That means that these are units that will not be new units under 236 but merely be redirected as commitments on this new money. We are phasing out old programs. We are not putting on line money in new units that were projected in the omnibus bill our committee drafted. My chairman knows this so I would like to see the RECORD clearly reflect this situation.

Mr. JONAS. I would like to say, and the gentleman from California, of course, knows it, but for the record, that 202 is not the only program under which we provide housing for the elderly. We do it under public housing, and we are committed to that for 40 more years with another $150 million in contract authority in this bill; that is $150 million a year for 40 years, just under this bill, plus the fact that we have about $4 or $5 billion already invested in public housing, and we are now having to rehabilitate the public housing units that were first built—and we have $16 million in this bill to do that.

Also, the elderly are eligible for rent supplements. You have a special subsidy of $120 a year in public housing for the elderly. So the elderly do not have to rely only on 236.

Mr. HANNA. It is correct and also very accurate to state that we have set a housing goal of a total of 26 million homes in 10 years. I would point out to the gentleman and the rest of the gentlemen in the House that we are not getting anywhere near such goal with the kind of funding that we have for programs which are now being telescoped together, and part of the slippage is in the number of units being converted.

Mr. JONAS. Of course, we are not getting these homes under the programs we have been running since 1941.

When I first came here, public housing was the only tool the Government had. Then we came along with urban renewal, and then we came along with rent supplements, and all these programs were sold to the Congress on the idea that they were going to clean up the slums with them and provide housing for the needy. Those programs proved to be a failure in doing the job.

So we came up with 236 and 235, and we keep superimposing additional programs on those that are not working, but we still go ahead with those that are not working.

I am hoping we can consolidate some of these programs and not waste so much time shuffling papers down at HUD and cut out some of the bureaucracy and start building houses instead of just talking about them.

I am willing to give the new team a year to see what it can do.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I certainly agree with the gentleman. We need more action and less rhetoric in the housing program. But I think the gentleman will agree with me that if the Secretary is contemplating complete industrialized homes, and he will not have those homes on the market for 22 months, our plan to meet the 26 million homes in the next decade would cause us to build 365 homes per year. We will be behind almost 750,000 homes when he begins his industrialized program. But I want to say to the gentleman we have just gone through 2 weeks of hearings on the housing goals. The architects and engineers come in and they say that it is not workable. You cannot build a new town with prefabricated homes. You cannot put industrialized homes in a city where the architectural designs are different. It is just not going to be that simple. The Secretary has not made these points yet. I am quite sure if he were to put money into these programs which would give the low- and moderate-income people homes immediately, we would have a better chance of getting an industrialized system that he advocates functioning more quickly.

Mr. JONAS. Will the gentleman from Pennsylvania agree with me that we really do not deserve all the criticism that Congress has been receiving, when the facts show that they have $20 billion of appropriated money down there that is unspent?

Mr. BARRETT. I agree with the gentleman implicitly.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, the House today is faced with a decision of fundamental importance. Will we face up to our domestic problems, or will we close our eyes to growing unrest in the cities and the grinding crush on middle-class Americans and pretend that we can do business as usual. This appropriation bill will largely set the dimensions of our attack on housing and urban development problems this year. We already have ample evidence that the plight of those who live in our urban ghettos, the plight of those to whom we have promised so much, is becoming worse instead of better. Now we are asked to endorse a shortsighted cut in the housing aids approved by the last Congress by an overwhelming majority.

Mr. Chairman, the critics of Congress will have a field day if we fail to fight for the interest of our constituents today. Last year we passed the biggest housing act of history with a huge bipartisan majority and went home and campaigned on what we had done. Today we are called on to back up that promise and this appropriation bill, quite frankly, does not do that. No one who has walked through the slums of our towns and cities, and our rural areas as well, can come away indifferent to the suffering and misery of those condemned by race or income to life in these conditions. These people have one ray of hope and that is that our democratic political system will recognize their problems, in fact has recognized their problems, and will in fact take action on them.

Mr. Chairman, this bill is not just a slum bill, this bill contains the authorization for our whole array of housing programs designed to help every American family. Every Member who has been home recently must recognize the increasing burden imposed on middle-income Americans. They are being crushed between the burden of heavy taxes—more than their fair share—and the pressure of constantly rising prices. Home buyers already confronted with record high mortgage interest rates, are now hit with a jump of a full 1 percent in the prime rate which inevitably will price many people out of the market for homes because they simply cannot afford to buy when the financing costs far more than the house itself. For families of moderate income who can afford decent housing only with the margin of assistance provided by the interest subsidies from last year's act, we are now saying that we have discounted our promises by 20 to 30 percent.

By the end of this week what message

will we have to take home? That we have voted to confirm high taxes, have done nothing about high interest rates, but we have taken back some of the money we promised to help provide good housing and good communities for them. In this bill alone we see that the Department of Housing and Urban Development, which accounted for only 13 percent of the total requested, has taken 80 percent of the cut. In contrast, the space agency, which loomed nearly twice as large in the original request, has been cut only 4 percent. And even worse the GSA request has actually been increased. Is our position to be that low- and moderate-income families must carry the whole burden of fiscal policy but we must not disturb our scientists and we are willing to build more Government office buildings, but not low-income housing. And on top of this we are now told that we need $10 billion for the ABM system. In recent hearings it was pointed out to us that on a scale of 1 inch per billion dollars, the Department of Defense line would be some 80 times that of the Department of Housing and Urban Development and now we are told that we must trim even that 1 inch that goes for the wide-ranging responsibilities of Housing and Urban Development.

Mr. Chairman, I have the greatest admiration for the hard-working and conscientious members of the Committee on Appropriations, but in my judgment we are confronted with an insupportable position.

This bill has been brought to the floor for action by the entire membership of the House. That does not mean routine endorsement—that means an opportunity for the House to work its will. I urge all of my colleagues to live up to that responsibility and support the amendments which will be offered today to redress the balance and provide more adequate funding for basic needs in the field of urban renewal and fair housing.

Mr. Chairman, the bill we have before us today, providing appropriations for most of our programs in the field of housing and urban development, is one of the most important which Congress will act on this year. The money which we make available, or fail to make available, to carry out these programs will have much to do with determining the size and effectiveness of our attack on slum housing and urban blight over the next 12 months. All of us know the magnitude and gravity of the problems of our towns and cities and we must also fully recognize their urgency. The need for a full-scale effort to improve housing and communities is not debatable—it must be undertaken right now.

Last year's Housing Act provided a wide array of new programs and additional authorization for existing programs to make possible an increase in the production of housing for low- and moderate-income families, and stepped-up activity to eliminate slums. That same act which passed both Houses of Congress by substantial margins, committed us to a national housing goal of 26 million units in the coming decade, including 6 million for low- and moderate-income families, and also reaffirmed the 1949 policy statement calling for a decent environment for all American families.

Mr. Chairman, the budget transmitted to the Congress in January called for the appropriation of the funds needed to carry out the high hopes raised by the Housing and Urban Development Act of 1968. Unfortunately, these requests have already been sharply trimmed by the administration. These later requests have dropped forward funding for model cities and urban renewal which are so important to enable local government to plan with confidence for the future. They also trimmed most of the other dollar requests, including the figures for urban renewal, model cities, 3-percent rehabilitation loans, fair housing, and many other programs. It is highly regrettable that these minimum, in fact inadequate, figures have now been cut further.

There is no more conscientious or harder working committee in either body than the Committee on Appropriations. However, the effect of these cuts pose a serious threat to all of our efforts, Federal, State, and local, public and private, to meet the goals we have set for ourselves.

The Subcommittee on Housing has just completed 2 weeks of hearings on the National Housing Goals set forth in the Housing and Urban Development Act of 1968 which passed both Houses of Congress by substantial majorities. Those hearings made it clear that far from accelerating housing production to achieve the objectives we have set for ourselves, we are actually falling behind. This is particularly true in the case of housing for low and moderate income groups. We received further evidence that there has been a sharp decline in the supply of vacant homes available for rent or sale because of the decline in production. When Secretary Romney testified before the Appropriations Committee on HUD's 1970 budget, he stated:

> The element of cost that is going up fastest in term of a family's budget is housing.

The Secretary further pointed out that the shortage of housing is contributing to inflation in this vital sector of our economy.

Against this background of housing shortage, we find ourselves suddenly confronted with a jump in prime interest rate to 8½ percent and a restrictive monetary policy whose foremost victim is home mortgage finance. The result inevitably will be a further curtailment of housing starts while most low- and moderate-income families will be priced out of the market for decent housing. In effect, the average American is being told to step aside to leave sufficient credit for the high-income borrower, big business, and speculators. Many of the laws enacted by Congress have sought to strengthen the home buyer's hand in the credit market, but today we are seeing those efforts nullified. At a time when the administration has stopped the highly successful program of 3-percent loans for housing for the elderly and seems grimly determined to end the FHA below-market interest rate program for rental and cooperative housing on the grounds that our new interest subsidy programs should carry the whole load, we are presented a bill which cuts those interest aids for both some ownership and rental housing. Personally, I am convinced that the urgent needs of today demand that we make use of all programs now on the books.

Nowhere do these cutbacks hit harder than in the ghettos of our cities. The urban renewal program, which seeks to improve blighted areas through rehabilitation and through the use of a minimum of half of the land in residential projects for low and moderate income housing, has been sharply cut. The model cities program has been sharply cut. At the same time, the funds for fair housing, which offer hope to ghetto residents that they may have a free choice of housing, have been deeply slashed. Is our message to these underprivileged people to be that we are neither willing to help fix up blighted areas nor are we willing to help them move out of the slums.

Mr. Chairman, the bill before us involved budget requests of $15 billion. The Department of Housing and Urban Development accounted for only 13 percent of that total, but it has suffered 80 percent of the cutback. In contrast, NASA accounted for nearly twice as much of the original request but took only 4 percent of the reduction. I do not see how we can carry this message back to our constituents and I hope that today we will take action to redress the balance.

Mr. Chairman, it is hard to explain to the people back home how some people can talk about $10 billion for ABM without mentioning the state of the economy, but then when we get down to programs which directly affect the American people, we find almost every single item cut down or deferred. The man in the street can recognize the need for both a strong defense posture and action to meet domestic problems, but he cannot understand the disproportion between the two in reports coming out of Washington. In recent hearings it was pointed out to us that on a scale of 1 inch per billion dollars, the Department of Defense line would be some 80 times that of the Department and Urban Development and now we are told that we must trim even that 1 inch that goes for the wide-ranging responsibilities of HUD. It has always been my understanding that to be strong from without, a nation must be strong within. It is America's high standard of living and sense of compassion and fair play that has given us our position of world leadership.

Mr. McDADE. Mr. Chairman, in rising to support the independent offices and Department of Housing and Urban Development appropriation bill for 1970, I do so with the knowledge that this is a prudent piece of legislation. It is economical in every area of responsibility; it is in most cases generous where generosity is needed. I have some disagreements I shall later discuss.

I must compliment my colleagues on the subcommittee for the splendid work they have done in the preparation of this bill. I believe the whole House will see in the bill the fruits of the long hours we spent in its preparation.

I want to extend a particular vote of

thanks to the distinguished chairman of the subcommittee and to the equally distinguished senior member of the minority for the gracious help they extended me during the preparation of this bill. I would single out their most courteous agreement with my own amendment to supplement the mine restoration portion of the Appalachian regional development programs appropriation with $2,000,000. This is money which is sorely needed and which will be spent wisely.

For every Member of the House, this bill must appear to be one of great weight. It carries the appropriations for some of the most significant agencies and for some of the most far-reaching programs in our Nation. I shall not detail the entire range of agencies or programs which will be funded under this bill, but I hope I may point to just a few of the specifics which seem to me to be very important.

I have mentioned the Appalachian regional development programs. These are, as the committee report notes, joint Federal-State efforts to attack regional problems which would be beyond the power of the States alone to solve. In my own congressional district we have seen these programs executed; and in the particular instance of their use in combating mine fires, they have been literally saviors of some of our communities.

When the Appalachian Regional Development Commission first came before Congress, I was not only one of its vigorous supporters, but was also one of the cosponsors of the legislation. Nothing that has happened since then has caused me to withdraw that enthusiastic support one jot. The Commission has not burgeoned into an unwieldy bureaucracy. It has, instead, done precisely the excellent job all of us hoped to see when it was created.

In the Commonwealth of Pennsylvania, this is one Federal program which is held in the highest regard. It has built roads, built hospitals, assisted in vocational education, and has performed a multitude of other valuable services. As I noted earlier, it has been enormously significant in the battles we have waged in the anthracite region against mine fires. Now we can proceed with the restoration of land in that region, in the highest traditions of conservation. I would certainly single out this appropriation as one which is a wise and necessary one.

In like manner, I would point with enthusiasm at the money recommended for the Veterans' Administration. Here we were faced with an original budget proposal for $7,740,985,000, and an amended proposal for $7,670,701,000, more than $70,000,000 lower than the original. I believe we did the right thing in choosing to add that $70,000,000 to the amended proposed budget, to bring the funding up to the maximum level.

All of us in Congress are aware that over the past several years we have added a great number of veterans to the rolls which already existed. For these, as well as for the older veterans, it is vitally important that there be available excellent hospital facilities to take care of their needs. It would have been improvident for us to look to this portion of the appropriations for 1970 for reductions. The debt we owe these veterans is one which must have the highest priority. We cannot give them less than the finest. I know the House will be vigorous in support of our action in this matter.

I will not take more of the Committee's time in commenting on this bill. I know my colleagues here in the House have given the committee report their earnest study; I am certain they will give the bill their enthusiastic support. It was written with an acute consciousness of the fiscal responsibilities which every subcommittee of the Appropriations Committee must face in these difficult times. It was also written with a determination to fund those programs which America needs today, and to fund them as adequately as our resources would permit. From NASA to the regulatory agencies, from the Civil Service Commission to the General Services Administration, we have worked many, many hours to bring the best possible bill before the House.

Except for a few items where I am in disagreement, I believe this bill can be supported.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, the appropriations bill before us today contains a recommendation of $3,696,983,000 to be appropriated for the continuation of our national space program. This represents a large amount of money. However, this represents a reduction of almost $300 million from last year's appropriation A series of events are occuring which are of the utmost importance to this Nation. First, it is likely that we will land and return men from the moon in the month of July. Second, it has been announced that the manned orbiting laboratory program of the Department of Defense has been canceled. Third, the budget before you today represents a continued reduction over the past 3 years in our commitment to a national space program.

Each year since 1966 that NASA budget has been reduced on an average of one-half billion dollars. At a point in our history when we are achieving new and heretofore unbelievable goals in space exploration and utilization, our Nation stands a chance of scrapping all of these hard-won gains. Since 1966 the total scientists, engineers, and technicians working on our national space program have declined from approximately 420,000 to 190,000 in the current year. Major technical teams throughout the country are currently being disbanded. Facilities once available and capable of developing and constructing the many pieces of hardware required for an effective program in space in the next decade are now disappearing from the space program. In terms of people and capability the vast national space effort which we have so painfully developed since the crisis of sputnik is being dissipated. This budget fails to support a vigorous and an aggressive space effort.

As I mentioned before, the manned orbiting laboratory program of the Department of Defense has been canceled. This lends even more emphasis to the need to assure that the one manned space flight program remaining to this Nation is adequately supported and continued in the decade ahead.

Limited funds are included in this budget for Saturn V follow-on production. However, there will still be a gap in the production of this Nation's only large space booster. Funds were recommended and approved by the authorizing committee for the improvement of the Saturn V vehicle, including the uprating of the second- and third-stage engines, development of modification kits to improve the operational capability and reliability of the vehicle, and other improvements. These funds are not included in the bill before us today.

The authorizing committee also approved $75 million for the initiation of the development of technology essential to the development of a low-cost shuttle system which would be available in the mid-1970's for use in conjunction with a space station. A portion of this same $75 million would also be available to assure the development of a large earth orbital space station. This space station would be the beginning of a significant earth resources survey effort portending major returns to this country from the utilization of space.

The budget before this body has been reduced by $39 million for Apollo operations. This was done on the basis that, if a successful lunar flight was concluded in July of this year, that the number of Saturn V launches in 1970 would be reduced to four. It was the view of the authorizing committee that, even with the successful lunar landing of Apollo 11, these funds should be included to assure maximum capability for training of astronauts for future flights. We could not afford to compromise the safety of the astronauts either in the areas of operations or in the reliability of the Saturn V vehicle.

This budget does include funds for lunar exploration. However, if we are to achieve a balanced program, it is important that these other areas which I have discussed are adequately funded.

Our national well-being as a technologically progressive nation, our national security, and our future economic vitality all hinge on our ability to remain in the forefront of science and technological achievement. If we hope to achieve these goals and remain a healthy and aggressive nation, we must support our national space effort. Our action today should include an increase in the NASA budget to the level as previously recommended by the authorizing committee. Only then can we hold the line on the decimation of one of the most important undertakings by this country in the 20th century.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the gentleman. There has been a great deal of discussion lately about our national priorities, and this bill is a very fortuitous instrument for looking at our priorities. There is funding in this bill for many agencies, among which are the National Aeronautics and Space Administration and Housing and Urban Development.

The National Aeronautics and Space Administration was cut by $18 million; the Housing and Urban Development was cut by $384 million. There is funding in this bill for three flights to the moon, and there is partial funding in here for an additional six flights to the moon beyond the three that are funded in the bill.

I wish there was as much consideration given to the building of neighborhoods and homes in which our people live on this planet as there is for the Space Agency. I say this not in derogation of the Space Agency. It has done a wonderful job. The plight of the cities, however, is so great that I think we have to start paying a little more attention to them. I would have preferred to defer at least one flight to the moon. One flight to the moon costs $100 million. There would have been $100 million saved if one flight to the moon had been deferred. I would like to have seen that money allocated to housing, to the urban renewal program, to the programs under sections 235 and 236, which are so desperately needed. I would have liked to see it used for the model cities program, for unfortunately this bill does not provide sufficient funds for those programs.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Carolina.

Mr. JONAS. Just on that point. I hope the House does not have the feeling that I am opposed to helping the cities or that our committee is. We developed some facts, and I will put a table in the RECORD to accompany my remarks, showing how the Federal Government is spending $43 billion a year on aid to urban communities. I have been making that statement for some time now, and somebody says, "Well, give us a list." I have the list, and it will be included in my remarks tomorrow, showing a breakdown of where the money comes from, and under what programs it is supplied.

Mr. YATES. Mr. Chairman, I am glad the gentleman raised that point. That point is raised in the report of the committee and it alludes to the fact that the budget shows there are $38 billion in aid that is made available for the cities.

The fact is, if the gentleman looks at the budget document itself, he will note that actual aid to the cities is given in the sum of $16½ billion, not $43 billion. I called the Bureau of the Budget yesterday, because of the discrepancy between the figures. I said, "How do you account for the fact that tabulation O–6 of your budget document shows aid to the cities of $16 billion, and the Committee on Appropriations has stated in its report the figure is really $38 billion, possibly $43 billion?" He said that the Committee on Appropriations has used the figure prepared by HUD, rather than by the Bureau of the Budget, that HUD uses as a population of 2,500 as basis for a city. The Bureau of the Budget uses as a basis for an urban community a population base of 50,000—a proper basis.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. JONAS. Mr. Chairman, the difference, according to HUD, comes about by reason of the fact that, as the gentleman said, HUD uses in determining what is an urban community the figures used by the Bureau of the Census. The Bureau of the Budget uses metropolitan standard statistical areas.

Mr. YATES. It uses a county unit.

Mr. JONAS. There is one other difference. The Bureau of the Budget uses only funds made available to Government units, and HUD uses funds that go to individuals.

Mr. YATES. Yes, except for this fact, that the HUD figures use the county unit, the assistance given to the entire county, rather than to a city. It is the aid given to the entire community, because that is the smallest unit that is available for this kind of tabulation. It is not a fair tabulation at all. The Bureau of the Budget compilation is much more accurate, and I suggest that is the one that ought to be used.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JONAS. Mr. Chairman, I will yield the gentleman from Illinois 5 minutes.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I would like to say very briefly I liked the statement of the gentleman from Illinois, that we ought to be concerned with the people in the communities in this country. It seems to me the gentleman's statement made an analogy and money is not being spent as effectively as if it were being spent in the urban renewal areas, in the ghetto areas.

We are asking for $10.5 billion for the ABM's. It seems to me that if this is done, as we hear, it is if we are to be strong from without Certainly we must be strong also from within. Is there any better way to become strong from within than to give people decent and safe and sanitary housing and good environment?

Mr. YATES. Of course not. The gentleman is entirely correct. I thank the gentleman for his contribution.

Mr. Chairman, we are on the threshold of our greatest triumph in the field of space exploration—we all look forward to the first lunar landing which is scheduled next month. One gets an interesting perspective of the earth when it is viewed from the moon. The spectacular photographs which resulted from the last Apollo mission showed our planet in all its glory. The brilliant blues of the ocean and the varying hues of the land mass blended to produce a beautiful inspiring vision of the earth. One of the astronauts as he orbited 70 miles above the moon has been quoted as saying:

> * * * in the vast loneliness up here on the moon * * * you realize just what you have back there on earth * * * a grand oasis in the great vastness of space.

But, Mr. Chairman, regrettably, the earth is not an oasis for all its citizens, and many elements of our earthly existence are not visible from a lunar vantage point. It is impossible, for instance, to see a slum from the moon, but there are so many Americans who live in slum neighborhoods and who raise their children under conditions which can give us no pride. We have been trying to find the way to good housing for our people with Government help for more than 30 years—without success. Perhaps it is because we have not committed ourselves to that task with the same zeal and devotion and commitment that went into the space program. There is progress, but we are so far from our goal.

Yes, the space program is an outstanding success. But is it an outstanding success to an old man or an old woman, who has been waiting in line for months and for years for an apartment under the housing for the elderly program? Where is his housing at a price he or she can afford to pay. Yet funds for the housing for the elderly program are cut in this bill. They are in section 236, which the committee cut by 30 percent.

It is certainly fair to ask about our values when $384 million, nearly 20 percent, is cut from the housing budget in the name of fiscal responsibility, while only $18 million is pared from a $3 billion space budget.

Mr. Chairman, it is the establishment of priorities like these that have alienated so many young people from their Government.

We could certainly afford to stretch out the space program. We could afford to stretch out some of the trips to the moon that are presently under contemplation. But we can no longer afford to withhold available resources which are drastically needed to meet basic human requirements.

In the larger scheme of things, this planet of ours can be compared to a spaceship, and it is only reasonable to expect that we should put this spaceship of ours in order, with all its astronauts, before we commit too many resources to building new space vehicles to take us to another world.

Having made this earth more livable, perhaps we can look back on it from space and, as Archibald MacLeish stated it:

> See the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. KYL. I would not want to detract from what I say seriously was a beautiful statement by the gentleman, but I should like to have someone at some time answer one question. I have just finished looking at a set of new figures. We have had now, for a long time, many programs—perhaps inadequate programs—to help feed, clothe, and house our citizens. The latest set of figures I have seen shows that a higher percentage of Americans today are hungry, a higher percentage live in poor houses, and a larger percentage of them are needy than was demonstrated when all these programs originally started. We obviously have not moved in the right direction.

Mr. YATES. I believe we have moved

in the right direction, but we are not committed to that movement as strongly as we should be, I say to the gentleman.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, I want to call attention to some of the unfortunate and dangerous effects that will be felt on the programs of the National Science Foundation, if the Appropriations Committee reduction is sustained.

A reduction of $80 million will take available funds for fiscal year 1970 down to $440 million. At that level, the foundation simply will find it impossible to perform its program at the same level as in fiscal year 1969, which was a level well below that of fiscal year 1968.

It must be remembered that because of a new method of calculating, no funds were provided in fiscal year 1969 for institutional grants for science. Hence, those funds, $15 million, artificially inflated the fiscal year 1969 level, and in fiscal year 1970 the NSF will be without that $15 million flexibility.

More specifically, however, the proposed reduction would have the following very bad effects:

There will be no increase for the scientific research project support. This action will result in a reduction of approximately 300 grants below the number projected in the budget, and would, in effect, be less than the level of support during fiscal year 1966.

This reduction in the number of grants would have its principal impact on promising younger investigators, many of whom are actively engaged in research and education at the developing academic institutions.

The resultant reduction in research and educational effectiveness at academic institutions is not in the national interest, since it would adversely affect directly or indirectly the quality of training and education of many promising and committed students who will provide the backbone for the country's future scientific and technological capability. The relatively nominal budget reduction is being achieved at a very high risk to the research and education programs of a significant number of academic institutions and students.

Also, there will be continued severe curtailment in support for specialized facilities and equipment. The billions of dollars invested in military, space, and civil technology in past years have made possible for the use of science many effective new forms of instrumentation for the conduct of research. Increased funds are necessary to make available the more sophisticatd and effective research instrumentation and facilities which modern technology has produced.

There must be a balance in the distribution of resources so that the instrumentation and facilities available for scientific research, especially in academic institutions, does not become so outmoded as to substantially reduce the effectiveness of the research and educational efforts in these institutions.

Continued short-term budget reductions in the facilities and instrumentation areas will surely impose very substantial long-term hazards to the excellence of American science.

Mr. Chairman, I am seriously concerned about impairment of effective national research programs implied in NSF budget cuts.

The National Science Foundation provides the core support for a number of large national and international research efforts which are extremely important in the national interest.

These include: the Antarctic research program, the ocean sediment coring program, weather modification, international biological program, and the global atmospheric research program.

The effectiveness of these efforts involves a continuing commitment and increased funding in a number of instances during 1970 in order to accomplish the scientific objectives. Curtailment or deferral of research in these coordinated programs is frequently not feasible. Adequate funding must be provided or there will be a substantial scientific research and economic loss to the United States.

From the national interest viewpoint, it is necessary that we build a stronger scientific capability in the environmental and ecological areas. The international biological program, which directly focuses on ecological and environmental problems, and the global atmospheric research program, which focuses on a better understanding of the atmospheric interactions with the surface of the earth are extremely critical components of any long-term national effort to improve the quality of our environment.

To neglect the longer-term gains in these scientific disciplines to achieve a short-term budget reduction could prove to be a costly expedient.

Many of us are alarmed by forced curtailment of the sea-grant program. The national sea-grant program is a unique effort to adapt the proven land-grant college concept to the development of the resources of marine areas.

This important effort is focused on involving qualified academic institutions and nonprofit scientific organizations in research, education, and the dissemination of information in the marine sciences with special emphasis on applied aspects.

It is the kind of program which has broad potential economic benefits. Over the last several years the nucleus of a national sea-grant program has evolved through the cooperation and interest and financial participation of many academic institutions.

The Foundation's commitments to these academic institutions have been premised on increased funding over the years.

Fiscal year 1970 is a critical period in the evolution in this national effort in the marine sciences and technology. A budgetary situation which would force the Foundation to freeze the funding levels in this program would be a step backward for the ocean sciences at a time when the national interest requires an expanded scientific effort in this area.

Mr. Chairman, I turn now to the proposed reductions in support for computing activities, for research in education.

As a product of scientific innovation, computer systems are now an essential tool of business and government. The annual investment in computing hardware and software by government and business possibly totals $2 to $3 billion a year.

In view of the proven utility of computer systems, it is prudent to invest in a modest Foundation program of $22 million to support facilities and projects related to application of computer technology to the conduct of scientific research and to education. Here again, a modest investment has high potential long-term benefits, possibly greater than the benefits that computer systems have brought to government and commerce.

There seems to be no economic gain to risking the benefits in these important research and educational areas for nominal short-term budgetary reductions.

Also, of very grave concern is the funding for institutional grants for science. The budget reduction will force an exceptionally drastic choice on the NSF.

Since 1961, the Foundation has used the institutional grants for science as a principal technique for stimulating and balancing research and science education improvements in a large number of academic institutions. For some years there has been a need for a more equitable means of distributing these grants, and in fiscal year 1969 the decision was made to convert from an NSF base to a Federal Government base for computing these grants.

As a result of that decision, the awarding of these grants was deferred until early in fiscal year 1970, so that necessary information could be compiled from Federal agencies and used to compute the amount of the award for each institution. This is an important program which will assist about 600 academic institutions at a budgeted cost of $18 million.

Under the reduced budget level, the Foundation would be forced to reduce other programs $15 million below the 1969 level in order to fund this program within the reduced budget level available for fiscal year 1970. Such an action would further depress support in the research and science training areas below a critical level.

Finally, Mr. Chairman, it is extremely important to point out that, although the National Science Foundation's appropriations were increased from $152,773,000 in fiscal year 1960 to $420,400,000 in fiscal year 1965, the funding provided since fiscal year 1965 has not been sufficient to meet the actual rising cost of Foundation sponsored research and science education programs.

Indeed, the $400,000,000 appropriated for fiscal year 1969, and the amount of $418,000,000 proposed for fiscal year 1970 are both below the amount appropriated for fiscal year 1965.

If we apply an adjustment of 5 percent per year for the inflation which has occurred since fiscal year 1965, the net effect of the proposed $418,000,000 appropriation will be to fund NSF supported activities at a level approximately 25 percent below that supported in fiscal year 1965.

Mr. Chairman, I submit that certainly is not in the public interest. It represents

a very disastrous error in assigning our public expenditure priorities. I urge stronger, not weakened support for basic science.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia, a member of the committee.

Mr. MARSH. Mr. Chairman, I should like to bring to the attention of the committee the very difficult job which occurs in respect to a bill of this type, with the competing demands for the Federal dollar.

I would not want to leave the impression that those of us on our side of the aisle do not support the very fine work which has been done by the subcommittee chairman, and I certainly concur in his remarks as well as the remarks of the ranking minority member the gentleman from North Carolina (Mr. JONAS).

I would point out that our subcommittee handling a broad spectrum of Federal endeavor very much recognizes and is aware of the tremendous problems which exist not only in funding in reference to our cities but also in respect to the demands of the age of science and our explorations into outer space.

First of all, there is tremendous difficulty in allocating funds. Second, there is difficulty in assigning priorities to the allocation of those funds. The subcommittee is very concerned that in the funding of new programs as well as old programs that these funds be in a position to be spent best for the interests of the entire Nation.

I would also like to bring to the attention of the House certain statements that appear in the testimony of the General Services Administration, part 3, pages 501 and 502 of the committee hearings, which relates to the part that GSA plays when there is a relocation or centralization of regional offices of the Federal Government. In that regard, I call your attention to the statement on page 9 of the committee report which indicates that the GSA was not consulted and did not make recommendations for the recent announced move of regional offices to the various regions of the United States. The result of this has caused the committee to be concerned about the effective work of these various Federal agencies and their service to the public, as well as the best use of existing Federal facilities and Federal buildings such as the one built especially for HEW at Charlottesville at a cost in excess of $2 million.

I believe the debate today points out the tremendous problems occurring in the Federal budget and the tremendous demands made on the subcommittee. I can assure this House of the dedication and the effort of the leadership of this subcommittee and the ranking minority member as well as the work of the staff in order to see that this allocation is done in the national interest. I support this bill and urge its passage.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from California (Mr. DON CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today for the purpose of appealing and drawing attention to the Public Works Appropriations Subcommittee's cutback of President Nixon's budgetary program recommendation for the city of Napa, Calif.

For the past few years, I have been working closely with the city of Napa officials on a combined downtown redevelopment and flood control project which is already underway. So that these two combined projects, each of which depends on the other, can go forward together, it is absolutely essential that adequate funding be authorized this year.

Therefore, I am hopeful and urging that this project be reconsidered during the amending process.

Mayor Ralph Trower of Napa has wired me requesting restoration of funding for this vital project to the figure recommended by President Nixon.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I rise in support of this bill.

At this time I would like to make one or two observations. We have talked a lot this afternoon about priorities. Several Members appear to feel that we ought to give more attention to the people in the cities and to facilities in the cities and such concerns as housing programs, than we give to space shots. I would like to remind these gentlemen that when we look at this whole bill, we see the total requests are $15.4 billion, roughly and the committee's action was to appropriate $14.9 billion. The budget has been reduced only by something less than 5 percent and this by a committee that is trying to hold the line in the face of a fiscal crisis at a time when interest rates are rising and inflation is our No. 1 domestic concern. It is all very discouraging.

The principal cuts that have been made are in the Department of Housing and Urban Development and in the National Science Foundation. The whole reduction for the national space program is only $18 million out of almost $3.7 billion.

The problem that I want to address myself briefly at this point is that there really is not any satisfactory answer that has been given to us as to what is going to happen to our space program in future years.

I call the attention of my colleagues to the hearings in which, at page 682 of part 2 the head of the manned space flight program in NASA when asked about what equipment would remain after Apollo 11, replied:

> We will have, after Apollo 11, nine Saturn V's, nine Command Modules, and nine lunar modules available.

And at page 685 where the Administrator of NASA said:

> It is the combination then of using the 10 Saturn V's in a lunar program and using up some of our Saturn I–B's that are not mothballed in our Apollo applications program that we are proposing as the U.S. Manned Space Flight program for the next few years.

So we have equipment for carrying out nine more attempts to land on the moon. But the question is—with this hardware all purchased and with these flights so successful—and we hope and pray that the one next month will be equally successful—a lot of us are becoming increasingly concerned with where we are going to go after the moon? Is our space program going to be able to use all these tremendous Saturn V's?

It is suggested by NASA that there are going to be a number of Saturn V flights to land on different places on the moon; that the moon's topography varies very much, as for example the east and west coasts of the United States, and that there are places with plains and places with mountains that may produce different substances. But frankly, it is almost certain now that the moon is virtually wholly barren, and we do have urgent spending problems on earth. Yet what to do with all these huge rockets? They cannot be adequately mothballed. It is very expensive to mothball them. They have cost the American taxpayer a lot of money, hundreds of millions of dollars. We have tracking and data acquisition facilities all over the world costing nearly $300 million annually to keep up. We have a vast manned space flight capability at Houston, and the capability of the various facilities in the NASA program around the world. But where is man to fly in space after the moon? What are we going to do with this vast space complex in this situation?

Someone in the course of this debate suggested that the military space program funding is increasing while the civilian space program funding is decreasing. I suspect that in the future this may become more of a pattern in space appropriations than in the past because in terms of the manned space flight, despite the capability that scientists have supposedly developed to enable man to live on his own excrement, to travel in a space capsule beyond the moon means a time en route and return to the nearest planet that is utterly beyond man's capability. And stars are so far away that it is completely impossible for man to go to them and to come back to earth.

So if we are going to have a manned space flight program in the future other than going to the barren moon, it would seem that manned space flight program will be confined to somewhere between here and the moon. Yet as we learned the other day the manned orbiting laboratory program has now been deferred and so what are we going to do in the future? Are we going to develop and orbit some type of a laboratory between here and the moon, or are we going to be sure that we develop the strength and manned capability to intercept and if necessary knock down any enemy object that might get into orbit between here and the moon, that might exert a profound influence upon life on earth, possibly a capability to destroy life on earth?

Yet for this type of program we do not need the Saturn V's, the smaller Saturns are enough. But we have the Saturn V's in being. They cost hundreds of millions of dollars, more than $20 billion in the aggregate. So the added lunar expeditions are projected.

Testimony before us was that the total

cost of the Apollo program alone in the space program was $23.9 billion to date, including the Saturn hardware. The problem that we have now is that we must stay with the space program or lose its in-house capability. This is out of the question now. So again I say we need to fund this program as and where it is funded in this bill for at least this next fiscal year.

With reference to the space study group that is said to be going to operate this year while they might come back with a supplemental, I suspect what they will also come back with is a new policy and approach in our space programs emphasizing additional military factors. We must stay loose and play it by ear vis-a-vis the Soviet missions in space for the next few critical months and even years. Our program may need changing depending on what develops.

It is important for all to understand that we have to keep our on-going space capability. There is $46 million in this bill to continue to fund our ability to manufacture more Saturn V's above what we have now should we need them in the future. We must fund that capability lest the full apparatus of manufacturing capability fall by the wayside. This would be wasteful. It would be a grievous error in judgment to let our space capability fall by the wayside now. Not the least of the proposals that may be made to the Congress before those that are reviewing this subject get through may be an increased role for these space facilities and capabilities in an ABM system possibly certain incremental parts of the space program can be incorporated in ABM at great savings to the country.

So Mr. Chairman, there is justification for our space appropriations at the levels at which they are funded.

I certainly support the bill and hope this body will also give it overwhelming support when it comes to a vote.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. I have listened with much interest to what the gentleman has said.

I would like to divert the attention of the committee and of the gentleman from New Hampshire to that language which appears on page 24 of the bill, as it is before the House as reported by the subcommittee and by the full committee, which is a restriction on the appropriations contained in this appropriation bill.

I have two questions I would appreciate the chairman answering or the gentleman from New Hampshire or the gentleman from North Carolina.

The language on page 24 reads that if an institution of higher education receiving funds hereunder—that is applicable, am I correct, only for the National Science Foundation?

Mr. EVINS of Tennessee. The gentleman is correct. That is the well-known Wyman amendment.

Mr. STEIGER of Wisconsin. Second, are there any students receiving funds from the National Science Foundation or does this money go solely to members of the faculty?

Mr. EVINS of Tennessee. There is no denying of funds to the institution. The denial of funds might run to one individual.

Mr. STEIGER of Wisconsin. The language on lines 13, 14 and 15 reads then the institution shall deny any further payment to, or for the benefit of, such individual.

Am I correct in assuming that is, because this is an appropriation bill, the length of time for which payment could be denied under this section would be for 1 year or for the length of the fiscal year for which money is appropriated?

Mr. WYMAN. In response to the question of the gentleman, I would answer that it applies only to funds made available by this appropriation bill for whatever length of time they remain available.

Mr. STEIGER of Wisconsin. So that it would be applicable for all of the funds as they are either spent in the next fiscal year 1970 or those which carry over that relate to this specific bill.

Mr. WYMAN. That is correct, only as to the dollars which can be identified as having had this restriction attached to them.

I would call the gentleman's attention to the fact that this is repetitious of a previous similar restriction applied to similar appropriations in the previous fiscal year.

Mr. STEIGER of Wisconsin. I understand that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, this is a crucial appropriations bill. Other Members have discussed most of the sections which provide over $15 billion for 18 agencies. I will discuss the proposed appropriations for the Veterans' Administration. We have labored long. We have tried to evaluate the various priorities between the subject agencies of this bill and the many other priorities which must be considered and weighed at this time for this fiscal year.

The original budget for the Veterans' Administration or veterans programs in 1970 was amended to provide a total of $7,670,701,000.

The committee feels that in some important areas the amended budget does not adequately provide the needed and required resources for the full veterans programs administered by the Veterans' Administration. The committee is recommending the original budget request rather than the revised budget request for medical care and grants for State nursing homes. Increases are also provided for hospital construction. More than 4 million veterans have been added to the rolls in the past few years, and veterans continue to be added at about 840,000 a year, or 70,000 a month. More lives are being saved now by reason of timely action and improved medical and hospital care. In many instances the injuries are more serious and demand greater attention from VA facilities.

The bill provides the full budget request of $5,041,355,000 for compensation and pensions.

The average number of recipients of compensation is estimated at 2,393,000, and the average number of recipients of pensions is estimated to be 2,590,000 in 1970.

Some 94.9 million—or 48 percent of the total population of the United States—are potentially eligible for veterans benefits.

The committee recommends the full budget request of $742,200,000 for readjustment benefits. Vietnam veterans are returning and increasing numbers are using their eligibility for benefit programs of training and education.

In addition to transfers of $6,500,000 in unobligated balances from other insurance accounts, an appropriation of $7,253,000 is required for this item for 1970.

The committee recommends an increase of $17,600,000 for a total of $1,541,701,000 for medical care. This will provide for 123,700 beds in Veterans' Administration facilities; treatment of 864,695 inpatient beneficiaries; 7,474,000 medical outpatient treatments; increased cost of drugs, supplies and equipment; and other essential operations of this program.

The committee recommends an appropriation of $54,638,000 for medical and prosthetic research, which is the same amount as the amended budget request. This provides an increase of $6,620,000 over the proposed funding level of 1969, which should be adequate for the activities in this area in 1970.

The bill contains $220,865,000 for general operating expenses. This is the same total as the amended budget request. However, the committee has made a reduction of $2,200,000 in data management activities and has allowed the use of these funds for personnel in reducing the backlog in benefit programs.

At this time the Veterans' Administration is experiencing major demands for veterans benefits and services and major workload increases in all of its programs—educational and training assistance, housing credit assistance and insurance, and medical care and treatment, both inpatient and outpatient—medical and dental.

The expansion in demand for benefits and services for veteran beneficiaries must be provided for in view of the veterans legislative entitlement.

The provision of new and expanded benefits authorized by the 90th Congress represents a legal commitment by the U.S. Government—but even more importantly a moral commitment by the people of the United States to our veterans who have sacrificed the most in the preservation of our freedom and liberties. The increase in workload is directly attributable to an increase in the number of veterans. The veteran population continues to grow, as Vietnam servicemen return to civilian life at the rate of more than 70,000 per month—840,000 a year. More and more veterans qualify for more and more benefits as time increases and ages increase.

In this context, our moral commitment perhaps is greatest and the need most urgent in the area of providing high quality medical and dental care and sufficient health resources to meet the requirements of our returning veterans from Vietnam. For this reason, strong support must be given—by all concerned—to the increase of funds for the VA appropriation, "Medical care." Our

support of an appropriation increase of $17.6 million, to a level of $1,541,701,000, is essential if medical and dental workload requirements are to be met on a timely basis. Likewise, our support is essential if modern, high quality medicine is to be available to the returning veterans.

If any group of persons of our own citizens is entitled to the highest quality of medical and dental care, it is the military personnel injured in combat—on our behalf.

New and specialized diagnostic and treatment programs and facilities must be made available if the needs of the Vietnam veterans are to be met—and the health needs of these veterans are both grave and numerous. The total inpatients are estimated at 864,695 in 1970 and the total medical and dental outpatients are estimated at 7,659,846.

For these reasons and others, endorsement of the increase of $17.6 million—and related employment increase of 3,586—is a duty of all citizens. These increases will provide the necessary resourcse to both operate a quality medical system and meet the pressing legitimate requirements of the veteran beneficiaries.

These increases will permit activation of new and expanded Veterans' Administration hospitals on a timely schedule basis rather than on a deferred basis. Specifically, it will be possible to operate these hospitals at originally planned dates and at originally planned program levels in lieu of later and higher cost levels. These hospitals are located in Columbia, Mo.; Gainesville, Fla.; Miami, Fla.; and San Juan, P.R.

These increases will permit the planned activation of new medical services which otherwise would have to be deferred until later years. While the activation can be easily deferred, their need cannot—it is simply not possible to defer the transplantation of a damaged kidney; it is simply not possible to defer repair of a damaged heart which requires open heart surgery; and, it is inhuman not to provide rehabilitation services for the blind or prosthetic treatment, devices and training to the veteran who has lost an arm or leg or suffered some other grevious injury.

These small increases will permit meeting the outpatient medical and dental requirements of the returning veterans on a timely basis which might not otherwise be provided at all.

These increases will permit planned expansion of Veterans' Administration education and training programs—medical residents and interns; dental residents and interns; nurses; rehabilitation therapists; audiology and speech pathologists, and so forth. In view of the national shortages of trained health service personnel, this expansion is necessary to the delivery of health services—to veterans as well as the entire population.

In short, these program improvements are needed and needed now. The needs are now and cannot be met at a later date. To meet our obligations and fulfill the veteran needs now, requires a "Medical care" increase of $17.6 million.

There is also an additional requirement of $20 million which may materialize for increased wage board salaries when this requirement has been firmed up.

Only the three modernization and air-conditioning projects most urgently needed were added to the budget estimate. This proposed increase is $13,935,000.

There is also $3,000,000 added to the revised budget for grants for construction of State nursing homes, to continue this program at the current year level.

A few words about the National Science Foundation appropriation:

The committee considered and recommends an appropriation of $418,000,000. This is an increase of $18,000,000 over the appropriation provided for the current year. The Foundation will have a carryover balance of $20,000,000 from 1969. This amount together with the recommended appropriation will allow total obligations of $438,000,000, or a net increase of about $3,000,000 over the estimated current year obligations. The funding level of Foundation programs has more than tripled in the last decade, and the committee feels the funds in the bill will provide a generous level of funding for 1970, $58 million more than last year.

The bill includes language for the purchase of one aircraft instead of the two requested. This will enable the Government to take title to an aircraft which has been fully paid for under a lease-purchase contract.

The language carried in the bill last year prohibiting institutions of higher education from making payments to or for the benefit of any individual who has refused to obey a lawful regulation or order of the institution is retained and continued.

Scientific activities—special foreign currency program: The budget includes a request for the Foundation to use $3,000,000 in foreign currencies for programs other than those in its regular program. The estimate includes $2,000,000 for collecting, translating, abstracting, and disseminating foreign scientific and technological information, and $1,000,000 for support of research and other scientific activities. Testimony received by the committee supported the request for translations, but no specific details were provided as to where the $1,000,000 for research and other scientific activities would be conducted, nor who would do the research. The committee recommends only the $2,000,000 proposed to obtain the translations and abstracts and has specifically deleted the funds for the proposed foreign research activities program.

All of the agencies made requests for large and expensive increases. These requests were generously supported by both the Johnson and Nixon administrations.

At a time when we are at war; at a time when there is growing evidence of a widespread taxpayers' revolt; at a time when inflation is cruelly stealing the savings and dwindling the assets of many of our elderly and citizens on limited incomes; at a time when the administration is recommending a continuation of the surtax to reduce private spending—we simply must treat the spending of other persons' money in a highly fiduciary manner. This means that we cannot simply open the appropriation spigot and walk away. We must be frugal. The committee has acceded to the loud and persistent importunings of the spenders and tax users.

I believe we cannot extend the new obligational authority further without stretching our fiscal limit to a dangerous condition. I earnestly urge the passage of this bill.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. DADDARIO).

Mr. DADDARIO. Mr. Chairman, I have asked for this time to ask the chairman of the committee, the gentleman from Tennessee (Mr. EVINS) a question.

Considering the fact, Mr. Chairman, that both the previous administration and the Nixon administration have felt it to be of significant importance to support the funding of the National Science Foundation in the amount of $500 million and did so at a time when recommendations for cutting in other places were made, could the chairman kindly advise me as to why it was that the National Science Foundation received a most serious cut in the amount of some $79 million, or some 16 percent of the amount approved by this and the last administration?

Mr. EVINS of Tennessee. I will say to my friend that after the committee reviewed the programs of the National Science Foundation, we appropriated some $20 million more than they had last year. They will also have a $20 million carryover. We also learned in the examination that there will be a carryover which is obligated but unspent of $611,121,000.

Mr. DADDARIO. Did the gentlemen in taking those facts into consideration also reflect retrospectively to last year when the committee chaired by the gentleman cut the National Science Foundation some $100 million, or 20 percent of its budget?

Mr. EVINS of Tennessee. I will say to my friend that we did take those matters into consideration. We also took into consideration the fact that the funding of the National Science Foundation has about tripled since 1960, so the budget has continued to escalate.

Mr. DADDARIO. I would like to ask the gentleman since he brings up that point, and everyone should be aware of the fact that the budget has been increased by three times, that during this period the research and development support in this country, which up until 1965 was supported at the rate of some 20 percent each year, has now reached a point of diminishing returns. During this time there has been also a transfer of activity from other agencies to the National Science Foundation in the amount of some $19 million; that the research and development programs in most of the agencies have receded, and that those agencies look to the National Science Foundation to do their basic research: Has this been taken into consideration by the gentleman and his committee?

Mr. EVINS of Tennessee. The gentle-

man is a very able chairman of the Science Subcommittee which handles the authorization for the National Science Foundation. I would say we have taken into consideration those matters. We also took into consideration the fact that the funds have tripled since 1960, and maybe with the present budgetary situation they may have reached the peak, at least for the time being, until the Vietnam war is over.

Mr. DADDARIO. Mr. Chairman, the report indeed points out, and rightly so, that the budget of the Foundation has tripled in the last 10 years. However, to put this in a proper perspective, it should also be pointed out that until 1966, the total Federal research and development budget was growing at an average annual rate of 20 percent per year. Since that time, the Federal research and development expenditures have remained relatively constant, and, in fact, in the last couple of years have declined both in an absolute sense and more importantly through the inflationary squeeze. Now what this means is that other agencies have cut back their support of research, and in particular, basic research. In fact, since 1965, the National Science Foundation has had to assume a larger and larger role in support of basic research, and in 1970 will be required to fund $19 million in projects formerly supported by the Department of Defense and other agencies.

For example, the Department of Defense decided to terminate its support of astronomy and nuclear particle physics. One of the facilities supported by the Department of Defense is the Arecibo Observatory in Puerto Rico, which is managed by Cornell University. This observatory does ionospheric studies for the Department of Defense, but the reflector is also used for important basic research in radio astronomy. The Department of Defense proposes to transfer this facility to the Foundation in October 1969, and the Foundation has agreed to assume operational control. However, under the budget recommended by the Appropriations Committee, I seriously question if the Foundation could afford to take over the facility. I would also point out in this regard that we had a meeting with Dr. John Foster, the Director of D.D.R. & E., and he stated unequivocally that if NSF did not take over the funding, that the Department of Defense could close the facility.

Dr. Foster has to live within the confines of his budget also, but the closure of Arecibo would certainly be a tragic loss to the astronomy community.

Also, with the reexamination of the Department of Defense research being conducted by many universities, it is likely that our universities will be turning more and more to the Foundation in the years ahead.

Mr. Chairman, the action recommended here this afternoon by the Appropriations Committee to reduce the National Science Foundation budget by 16 percent—a reduction of $80 million—is a deplorable situation. It is a distortion of reality.

The accomplishments of the NSF over the last two decades have been meritorious. No single Federal agency has been more committed to or instrumental in the strong growth and welfare of scientific research and scientific education in this Nation than the National Science Foundation. No Federal agency has done more to provide the solid foundation upon which the scientific excellence of this Nation rests than the National Science Foundation. And no Federal agency is more worthy of strong congressional support than the NSF.

Less than 1 year ago, the Congress indicated its strong support not only for the past achievements of the Foundation but for its future development, by passing Public Law 90–407, amending the NSF Act of 1950. Embodied in this act was the hope that the Foundation would soon be able, with congressional support, to fulfill its chartered responsibility to assume an across-the-board leading Federal role in the support of all areas of science.

But what has happened since then? In fiscal year 1969, the NSF appropriations were cut $100 million, a cut of over 20 percent from its budget request and $70 million below its fiscal 1968 operating level. No other major Federal agency suffered such a percentage cut in fiscal year 1969.

In fiscal 1970, President Johnson recommended $500 million for the Foundation. This decision was upheld by the incoming Nixon administration. At a time when every other major Federal agency was being cut back, the Foundation's budget was sustained, thus affirming both the support and the hopes in the Foundation's future.

And now the Appropriations Committee, with its recommended action, plans to cut back the Foundation again. That committee maintains that its fiscal 1970 action will allow a net increase of $3 million over the $435 obligation level for fiscal 1969. This, as I have said earlier, is a distortion. It is clear to me that this fiscal 1969 obligation level will have to be increased by at least $40 to $45 million if the fiscal year 1970 funds are to support activity levels equivalent to those supported in fiscal year 1969 and by a larger sum if NSF is to fulfill the role we expect from it.

The scientific and technological capabilities of this Nation and the ability of mission agencies to support broad areas of scientific research are becoming increasingly questionable. And therefore, the role of the National Science Foundation, as the balance wheel within the Federal Government, is becoming increasingly important and critical.

The ability of this Nation to maintain its preeminence as a world power is largely dependent upon its successful pursuit of scientific knowledge and sound technology. Let me point out to you that the Soviet Union is quite conscious of science and research as a national priority and has devoted considerable effort, both scientific and monetary, toward the creation of Soviet leadership in the world technological race.

Between 1955 and 1965 the proportion of Soviet gross national product devoted to scientific research and development has increased from approximately 1.5 to approximately 3.1 percent. We in the United States today are barely devoting 3 percent of our GNP to research and development. Moreover, the Soviet Union presently spends between 10 and 12 percent of their research and development budget for basic research while the United States is currently spending only about 9 percent.

Whereas both the Soviet Union and European countries have been hampered largely by what might be called a management gap, relative to the United States, it is clear that this gap is closing. Thus, soon will be closing the gap in the area of scientific and technological excellence.

The Foundation does play and will play a dominant role within the United States in furthering the Nation's goals in science and technology, and we in the Congress can do no less than see that it has the adequate funding base to perform its essential supportive functions.

A final word, we should never forget that the advances we must have in technology to meet critical problems of the day can only be obtained through continuing basic research. If we ignore the later, you can be sure our Nation will founder.

Mr. KOCH. Mr. Chairman, I am concerned today that in the appropriation bill before this body, there is a severe reduction in the budget request for the National Science Foundation—a 16-percent reduction of nearly $80,000,000. The cut has been made my the committee despite the fact that the authorization reported out by the Science and Astronautics Committee on June 5—which authorized an appropriation of $477,605,000—has not yet been considered by either the House or the Senate.

On July 18, 1969, new legislation for the National Science Foundation was signed into law which greatly broadened and further defined the scope and nature of Foundation activities. NSF was authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. The social sciences was added to the list of scientific disciplines eligible for Foundation support. The Foundation's role in the collection of scientific data was expanded to provide a central clearinghouse for scientific and technical information and to provide a source of informaton for policy formulation by other agencies of the Federal Government.

The Foundation's work includes research in all the scientific disciplines, such as the natural sciences, physical sciences, social sciences, mathematics, and engineering. Its functions lie at the heart of the tremendous and growing commitment of adopting technological advances and scientific discoveries to social needs.

Unlike research activities in other agencies of the Federal Government, the Foundation is the only agency specifically charged by the Congress with assuring the health and vigor of American science. NSF funds to carry out this mandate comprise approximately 17 percent of Federal funds for the support of academic science and about 12 percent of Federal funds for basic research.

Yet the history of funding has shown that Congress has reneged on its mandate. In fiscal 1969, NSF appropriations were cut $100,000,000, a cut of over 20 percent from its budget request and

$70,000,000 below its fiscal 1968 operating level. No other major Federal agency suffered such a percentage cut in fiscal 1969.

Despite the increased obligations of the Foundation, imposed in part by congressional mandate, the committee's reduced appropriation for NSF is a denial of the need for solving some of our critical social and environmental problems with the best scientific tools available.

By limiting the appropriation to $418 million—which represents a net increase of $18 million over the fiscal 1969 appropriations, but only a $3 million increase in total budget obligations—the committee has in fact reduced the Foundation's budget. The 6-percent inflation factor over the last year requires an increase of about $24 million in the NSF budget to maintain parity. Yet the committee in its action has refused even this.

Mr. Chairman, what we are talking about is a modest request to provide increased funding for basic scientific research—a request which pales before such incredibly costly schemes as the C–5A transport, the Safeguard ABM system, and many others.

Scientific research does not operate on a fiscal year timetable, as some in Congress seem to think, and the annual juggling of research grants by the Foundation because of budgetary considerations leaves many scientific projects in jeopardy. Additionally, a number of other agencies have had to cut back in their support of research, and in particular, basic research. This has contributed to the expansion of the Foundation's role, and in 1970, NSF will be required to fund $19 million in projects of other agencies.

The problems of pollution, of public health, the urban sprawl, the national defense, transportation, communication, nutrition or population control, demand solutions requiring more science to provide new technologies. As the sponsor of a Mass Transit Trust Fund bill in this Congress, I seek the application of relevant and timely technologies to the urgent need in urban and suburban centers for fast, efficient transportation. The role of the sciences is critical to a large-scale attack on this major urban problem.

Congress has made a commitment to the Foundation in its support of science education and scientific research and to the people of this Nation who stand to benefit from the application of such research. I trust that this Congress will honor such commitments and reconsider the level of NSF funding for the coming year. If not, we are pennywise and pound foolish.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill under consideration, and in doing so, would like to commend the Committee on Appropriations for their efforts in recommending only those amounts deemed necessary according to demonstrated need. The result of their efforts has been a general reduction of appropriation, limitation and contract authorization in all areas save six.

Mr. Chairman, I am aware of the difficulty constantly facing the Appropriations Committee in reporting out only those budgetary appropriations for the various departments and agencies of the Federal Government which are vital and necessary. In attempting to reduce to basic necessities amounts requested for spending, pressure is constantly brought upon the members of the committee to regard a certain area as being of such vital importance that it should be exempted from budgetary restrictions.

Constant demands are made upon the members of the committee by those who have certain priorities and interests in the area of spending. We have seen this in today's consideration of appropriations for various independent Federal agencies and the Department of Housing and Urban Development. Polite deference is generally paid to the need to reduce spending, but always the point is pushed that a particular area is of such importance that it should be exempted from budgetary restraint.

Mr. Chairman, I have always been a strong advocate of sparce Federal spending, believing that the major reason for inflation and fiscal problems is the failure of the Federal Government to limit its use of public tax moneys. Yet, as we begin consideration of appropriations for fiscal year 1970, I would like to point out one area which I believe Congress must recognize as being of utmost importance—the area of research and development currently being carried out in behalf of health care. If we can appropriate billions for space exploration when we do not know what to make of the discoveries, or millions to agencies to regulate our lives, then adequate financial consideration must be paid to disease prevention and control and for programs of the National Institutes of Health relating to neurological research and personal and mental health.

Beyond the consideration of this bill, as we consider future appropriations, we must be aware that those who pay taxes to this Nation should receive maximum return for their tax moneys. There can be no greater return for the individual citizen than research and development into the areas of health and welfare, thereby enabling the citizens of this Nation to lead richer and fuller lives.

Mr. Chairman, as we debate the funding of these agencies, let us bear this in mind.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman from North Carolina yielding. I wish to take only a minute to ask the gentleman from New Hampshire a question to further clarify the language on page 24 of the bill.

First, are we aware of any funds which have been withheld as a result of actions taken by the last Congress?

Mr. WYMAN. No, unfortunately the record of such action by the educational institutions to whom the authority was made applicable and in whose sole discretion implementation of relief under the section was possible has been disappointing in the extreme.

Mr. STEIGER of Wisconsin. Would the gentleman also perhaps clarify why the language relates solely to one who has willfully refused to obey a lawful regulation or order of such an institution, rather than including, for example, those who have been convicted by a court, which is the language which is contained in the NASA authorization bill passed by this House not very long ago?

Mr. WYMAN. I was the author of this language, but not the author of the language relating to conviction. I attempted to make it possible for institutions to deal with individuals who willfully refused to obey their rules without being required to wait for court conviction and the process of trial, conviction, appeal, and so forth, which usually involves a very substantial delay. This language is intended to give the institution some leverage with that small group of individuals, who are being helped with tax money while in college, and yet who abuse that privilege by disobeying the institution and willfully disrupting its administration. That is the reason for the difference between the two.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman from New Hampshire responding to my question.

I should say, Mr. Chairman, I am rather apprehensive about the proliferation of penalties, which can be applied both as a result of the actions of the Congress in appropriation legislation and in authorization legislation.

It seems to me there is a very real need to have a relatively single set of criteria by which one judges what action can be taken by the institution. I would propose at the appropriate time to offer an amendment which would be the substance of the language of the Committee on Education and Labor's legislation, which it now has under consideration, in the hope that we might be able to avoid this duplication and proliferation of criteria, which the institutions I am afraid will find confusing and which will make it more difficult for them to apply what the sense of the Congress is as given to them.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield further, this is not a proliferation. This is the original provision. This is a reprint of the first attempt to provide relief to universities having this type of problem. This was enacted last year before there even was a Defense Education Act provision with the sponsorship of the committee to which the gentleman makes reference and of which he is a member.

There is no question, but what it would help to fashion a single triggering formula. The difficulty is to find a formula that is equally applicable to all institutions. Hopefully legislation on this subject will someday be manadatory.

I certainly hope at some time this Congress will make it a criminal offense to bar ingress or egress or otherwise trespass upon, takeover or wilfully interfere with any institution in this country which receives Federal financial assistance. That should be a separate Federal criminal offense. I have a bill pending in this Congress to do just this, which I might say is not repressive in any way. It ought to be a crime.

Mr. STEIGER of Wisconsin. Mr. Chairman, may I say to the gentleman from New Hampshire, that could be construed to be the language we passed in the Civil Rights Act, but I would only

suggest to the gentleman that the Secretary of Health, Education, and Welfare in his testimony before the committee pointed to the dichotomy and the discrepancy between sections 411 and 504—411 as the Wyman amendment and the Scherle amendment—which in both cases makes it difficult to know what should be done.

Mr. Chairman, I am grateful to the gentleman from North Carolina for his graciousness in yielding this time. Under the 5-minute rule we will discuss this more clearly.

Mr. JONAS. Mr. Chairman, we have no further requests for time.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California (Mr. COHELAN) such time as he may consume.

Mr. COHELAN. Mr. Chairman, I am very concerned about some of the cuts in this bill and I will act at the appropriate time to restore them. I am especially grateful to the statement by the gentleman from Illinois (Mr. YATES) with reference to sections 235 and 236.

We hear a good deal these days about national priorities—about the allocation of Federal resources for defense, for space exploration, for social welfare, for urban programs, and for pollution control.

This bill which we are now considering allocates the priorities amongst $18 billion of our Federal revenues. The priorities found in this bill, to my mind, leave a good deal to be desired.

I do not believe these priorities reflect the priorities of this country.

Do the American people really believe that the 10th flight of men to the moon—a flight which will cost $350 million—is seven times more important than the $50 million which the committee has denied to the 235 and 236 low-cost housing assistance programs?

Mr. Chairman, I have the privilege of representing the urban communities of Oakland and Berkeley, Calif. In these communities I know there are literally thousands of families living in dilapidated, unsanitary housing. I know, too, that these families would like desperately to be able to afford decent housing.

How are these people to get the chance to live in decent quarters?

How can there be more low-cost housing when we cut back on the Federal support for such housing?

How can we justify to these people the $1,700 million we are spending on the manned space program this year while we cut $50 million from the request of $200 million for housing and rental assistance?

President Johnson in his budget requested the appropriation of the full authorization of $100 million for interest subsidies for homeownership assistance and of the $100 million for interest subsidies for low-cost rental housing.

President Nixon made the same requests.

Both Presidents Nixon and Johnson requested supplemental appropriations this year for both these programs, and the committee and the House granted substantial supplemental funds.

The committee and the House cannot be ignorant of the need for these funds.

How then can their denial be explained?

Some Members have claimed that these 235 and 236 funds represent contractual obligations for the Government for the next 30 years. In this they are correct. And in this very point lies the enormity of what we do when we cut out $50 million in these programs. The $50 million denied this year represents the denial of 30 times that sum in housing assistance. In a word, this seemingly small reduction of $50 million denies a billion and a half dollars in Federal assistance in the future.

For every dollar invested in 235 or 236 housing assistance we build $12 worth of housing. And so for every dollar we deny, we deprive those who need it of $12 worth of housing.

Mr. Chairman, I deplore these cuts. I strongly urge that these funds be restored.

There are other reductions in this bill to which I object.

I do not believe that it serves the national interest to allocate our resources in such a way that we spend more than a billion and a half dollars to send men to the moon, and at the same time cut back by nearly a fifth the funds we allocate to the National Science Foundation for the support of basic science.

Remember, the 10th and last flight of men to the moon costs $350 million. This bill reduces appropriations for the NSF from nearly $500 million to $418 million. Do the Members of this body really believe that mankind will learn more from the 10th flight of men to the moon than it will from the expenditure of another $100 million on basic research? I think not.

There is an urgent need for these funds and I strongly urge that we vote to restore the cut.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, in addition to air and water pollution, people of this Nation are becoming increasingly concerned with noise pollution, especially by the jet aircraft in urban and suburban areas.

Efforts to reduce jet aircraft noise have been scattered among many agencies and locations. It was the unanimous recommendation of the Committee on Science and Astronautics to support the Nixon Administration budget proposal for a noise reduction facility at Langley, to cost a very minor amount, in this year's authorization and appropriation bill, of $4.7 million.

I would trust when we reach the amendment stage that efforts may be made to restore this aircraft noise reduction facility at Langley. If the gentleman from Tennessee may be constrained to oppose it, I hope he will oppose it with less than his usual vigor, because I believe this particular item will be extremely useful in cutting noise pollution which plagues so many people throughout the Nation.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, in discussing the bill pending before the House, I am particularly concerned with the funding for housing and urban development and the effects of the cuts in this bill on our national housing goals.

Twenty years ago the Housing Act of 1949 established the National Housing goal of a decent home and a suitable living environment for every American family. Twenty years have passed and not only have we not neared the goal, but the crisis in housing has grown worse. There is today no more urgent priority facing Congress than the crisis in housing.

The Housing and Urban Development Act of 1968, which showed Congress recognition of the true dimensions of this problem, proposed a goal over the next decade of the construction and rehabilitation of 6 million housing units of low- and moderate-income families. The act states:

> The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949 . . . The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of 26 million housing units; 6 million of these for low- and moderate-income families.

This lofty statement reflects an appreciation of the magnitude of the housing crisis. This appreciation proved to be hollow as the Congress failed last year to appropriate the full amount authorized for the rent supplement program, the section 235 homeownership and section 236 rental assistance programs, and model cities and urban renewal. Again this year the proposed appropriations fall pitifully short of providing the adequate financial resources which must be committed to this task if our goal is ever to be realized.

Today housing conditions continue to grow worse. Some 7.8 million families still cannot afford to pay for decent, wholesome housing. Some public officials have decided that the shortage will have to be met by the private sector. But, as the December 1968 Report of the President's Committee on Urban Housing points out, private enterprise alone cannot correct these housing deficiencies. That report states:

> We conclude that new and forseeable technological breakthroughs in housing production will not by themselves bring decent shelter within economic reach of millions of house-poor families in the predictable future. To bridge the gap between marketplace costs for standard housing and the price that lower income families can afford to pay, appropriations of Federal subsidies are essential and must be increased.

The enormity of the problem confronting us is clear. Yet in the first 2 years of the 10-year housing goal established by the HUD Act of 1968, production schedules have not been met.

One reason for this lag is the failure of Congress to provide adequate funding for programs which could reduce the critical shortage in housing which today exists in our major urban areas.

The goals are worthwhile and essential. The programs are promising, creative, and constructive. But they are starved. The people of this Nation who live in inadequate, unsafe, and unsanitary housing have thus far been given

no more than promises—promises which provide no shelter. The hopes of millions for a decent home are inflated by the goals we pronounce as essential and by the programs we propose to meet these goals. But year after year these hopes are burst by the cutting edge of minimal appropriations. This endless cycle of promise and disillusionment can only result in the most bitter frustration. How long can we ask anyone to retain faith in our pledge if time and again our pledge is proven to be hollow? The people who occupy our Nation's slums did not require this Congress to inform them that their housing is inadequate. When the Congress showed signs of recognizing this reality, the expectation arose throughout the country that something would be done to solve the problem. With appropriations such as those we consider today, who would not be made cynical?

The original budget request for the Department of Housing and Urban Development for fiscal year 1970 was $4.5 billion. The revised budget request of $2 billion represented the deletion of $2.5 billion in advance funding for fiscal year 1971.

This bill proposes a total HUD budget of $1.7 billion or a 20-percent reduction of the revised budget. Here we see the vast appropriations gap between promise and reality.

I will now discuss in greater detail several sections of the HUD program.

SECTION 235

The President's National Advisory Commission on Civil Disorders called for a massive attack on slum housing and the establishment of an ownership supplemental program to open opportunities for low-income families to become homeowners.

The programs under section 235 provide payments based on the difference between 20 percent of the homeowners monthly income and the monthly mortgage payment.

The 3-year authorization for the section 235 program in the HUD Act of 1968 proposed a production goal of 500,000 units during that period of time. Only 66,000 units could be funded by last year's appropriations of $65 million. Further, only 106,600 units can be funded at the current appropriation level of $80 million. At that production rate, we will not even reach one-half of the 3-year production goal.

SECTION 236

Section 236 assistance benefits reduce the market interest rate—which includes principal, interest, and cost of insurance premium—to an amount commensurate with an interest rate of 1 percent. The tenant pays not more than 25 percent of his income.

The HUD Act of 1968 envisioned a total of 720,000 units of housing to be funded over a 3-year period.

The appropriations for fiscal year 1969 of $65 million represents the production of between 66,000 and 88,000 units. The present bill, reducing the revised budget request by 30 percent calls for $70 million—meaning that only 92,400 to 112,200 units could be funded during the coming fiscal year. Thus, if appropriations continue at the proposed level, we will at best fall short of our goal by some 520,000 units, or 70 percent of the goal.

RENT SUPPLEMENT

The rent supplement program is the private sector complement to the low-rent housing program. Under the program the Federal Government pays an amount equal to the difference between 25 percent of the tenant's monthly income and the market rental cost. The aim of the program is to enable private enterprise to take a larger measure of responsibility in fulfilling our housing needs.

But, as with other housing programs, inadequate funding has resulted in the program having very little impact. If we are to gain more momentum in meeting the needs of low-income families, then this program must be adequately funded.

The bill before us again deprives the rent supplement program of sufficient funding to give real substance to this promising program. The fiscal year 1969 budget requests were slashed by over 50 percent. This year, the $50 million appropriation represents a 50-percent cut from the request. At that level we can expect to produce 42,300 units. The cumulative 10-year figure for production at this level fails abysmally to meet the rent supplement share of the 10-year goal.

URBAN RENEWAL

Beginning in 1970, the urban renewal programs under the renewal and housing assistance section will include urban renewal activities in the model cities. There will be no separate title under model cities for this program as there has been in the past.

The original Johnson budget requested $1.5 billion for this program. This included $1.25 billion in advance funds for fiscal year 1971. The revised budget requests $250 million for urban renewal, and deletes all advance funds, thus removing the possibility of advance planning by local authorities and leaving them uncertain as to their program's future. The committee has reduced this to $100 million, this represents a reduction of $150 million or 60 percent from the revised budget.

MODEL CITIES

The principal objective of the model cities program is to enhance the existing capability and commitment of local governments to respond to the needs of blighted and decayed neighborhoods that need upgrading. A total of 150 cities are participating in the program. The Department of Housing and Urban Development may make grants to pay up to 80 percent of the cost of planning and developing model city programs. These are followed by supplementary grants to carry out approved model cities programs.

The original budget request for this program was $2 billion. This included $1,250,000,000 for advance funding for fiscal 1971. The revised Nixon budget deletes all advance funding and also reduces funds for fiscal year 1970. Again, the localities cannot plan in advance. Of the $750 million for fiscal year 1970 requested in the Johnson budget, the revised budget requests $675 million. This is a reduction of $75 million from the Johnson budget. The committee proposes a total expenditure of $500 million. This is $175 million below the Nixon budget and $250 million below the Johnson budget.

The committee would have us believe that this frontal lobotomy is merely minor surgery. They tell us, "Some cities are taking longer than originally anticipated to develop sound plans."

In fact, there is a large backup of urban renewal programs. These programs must be funded if we are to rid our cities of their slums and meet the 10-year national housing goals.

FAIR HOUSING

The fair housing section of the budget request was subject to the highest percentage cut. The revised request was $10.5 million, $4 million below the original request. The committee's slashing left $3 million, 71 percent below the revised request and 79 percent below the original request. In the committee's own words:

Progress is beginning to appear in these areas.

Why then, are we now asked to pull the rug out from under the Department and seriously hamper any efforts to meet its responsibilities under the Civil Rights Act of 1968, just as "progress is beginning to appear"?

Mr. Chairman, it is the duty and responsibility of this Congress to insure that the Housing and Urban Development Act of 1968 achieves the goals that were first outlined in 1949. It is time to fulfill that promise and liberate millions of long-suffering Americans from the blight of inadequate housing.

In sum, this appropriation bill—like so many others considered by the House in the past several years—betrays a serious misordering of priorities. If the recommendations of the committee are approved, the National Aeronautical and Space Administration will receive $3,696,983,000 for the coming fiscal year. By contrast, all of the programs of the Housing and Urban Development will receive $1,658,326,000. It is, apparently three times as important in the committee's view that we continue the exploration of space than that we meet the unmet needs of millions of Americans suffering from inadequate housing and living environments. As the committee report notes:

Our achievements in space are outstanding (Committee Report on H.R. 12307).

It is regrettable that no such boast can be made for our national housing program.

Mr. EVINS of Tennessee. Mr. Chairmain, I yield to the gentleman from New York (Mr. BINGHAM) for a unanimous-consent request.

Mr. BINGHAM. Mr. Chairman, the recommendations of the Committee on Appropriations with regard to housing programs are discouraging, for it is clear that the committee has indicated that we are not yet ready to face up to our responsibilities, responsibilities enunciated as long ago as 1937 by the Housing responsibilities, responsibilities enunciments in eliminating unsafe and unsanitary housing, in remedying the acute shortage of decent low-income housing

and alleviating present and recurring unemployment.

In 1949, the 81st Congress reaffirmed this goal, calling for—in noble language—"the realization as soon as feasible of the goal of a decent home and a shortage of decent low-income housing, suitable living environment for every American family. Last year, the 90th Congress restated the purpose of the acts of preceding Congresses, but found, not surprisingly, that it "has not been fully realized for many of the Nation's lower income families."

The President's Committee on Urban Housing recommended last December that the Nation commit itself to a goal of producing at least 6 million federally subsidized dwellings for families in need of housing assistance by 1978. During the entire 30-year history of Federal housing subsidies, only 800,000 subsidized units have been built, so it is clear that, if we are to come even close to this goal, we must make more than the empty commitment of words that we have satisfied ourselves with. We must provide the money. If we do not, we shall have perpetrated a hoax on every American without adequate housing, for the promises we have so solemnly made in passing legislation will have been found to have been empty.

Last year, I introduced the jobs-in-housing bill, which authorized funds to construct 2 million public housing units over the next 4 years. I gave it that name because one of its major purposes was the creation of good jobs where they are most needed—in the ghetto. This legislation would have provided for a public works program that would serve two goals: the creation of housing that we so badly need and the creation of jobs that are useful and dignified for tens of thousands of Americans. I remind my colleagues of this legislation at this time in order to call their attention to how much more remains to be done than the small gesture that we make here today toward bringing about a solution to the pitiful housing situation that exists in our country.

We see military cost overruns that run into the billions for tanks, planes, and helicopters, some of which will never be operative, and we nod approvingly. We talk of deploying an ABM system that we are not sure we need and that we are not sure will work, at a cost that would certainly be more than $10 billion, and of the MIRV, which threatens to be one of the greatest and most expensive barriers to world peace ever developed and we solemnly say that this system, like other military weapons systems, is vital to our national security, and the cost be damned.

In contrast, we seem unable to raise our imaginations higher than $100 million for urban renewal, a cut of $650 million from last year, and only $200 million for the three sections of the Housing Act that provide the stimuli for the construction of new housing: homeownership assistance, rental housing assistance, and the rent supplement program.

Mr. Chairman, it is my profound hope that the Congress will soon come to a realization of what our Nation's priorities should properly be, and make the kind of commitment to our needs at home that we seem to have made in recent years to the defense industry. The vast majority of the American people, the Harris poll has indicated, would support large-scale Government programs to make jobs available to all unemployed Americans and programs to tear down and rebuild urban ghettos. But the Congress, it seems, has lagged behind its constituency.

Mr. Chairman, how much longer can we hide our heads in the sand?

Mr. TEAGUE of Texas. Mr. Chairman, I rise to express my appreciation and that, I am sure, of the entire Committee on Veterans' Affairs to the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON), and the chairman of the Subcommittee on Independent Offices, our former colleague on the Committee on Veterans' Affairs, the able gentleman from Tennessee (Mr. EVINS), for their action and that of their colleagues in bringing to the House today a Veterans' Administration budget which we can support in good conscience. The revisions in the budget which were announced shortly after the new administration took office would have worked considerable havoc in the Veterans' Administration program and in view of the increased workload of the Veterans' Administration would have been particularly detrimental to returning Vietnam veterans who in many instances will be having their claims for compensation, medical care, and education processed for the first time following their discharge.

I include at this point in my remarks information which I have received concerning the increased workload in the Veterans' Administration for the first 9 months of 1969, over the comparable period in 1968: Outpatient visits up 286,679; dental examinations, up 22,043; dental treatments, up 15,500; new prosthetic appliances, up 22,844; social work caseloads, up 6,999; mental hygiene clinic cases, up 3,905; clinical laboratory weighted work units, up 5,197,661; prescriptions filled, up 1,003,013; compensation and pension claims, up 226,113; education applications and authorizations, up 445,455; education counseling actions, up 22,547; loan guarantee appraisal requests, up 18,336; guardianship beneficiaries, up 61,357; contact personal interviews, up 112,992; and contact telephone interviews, up 1,787,097.

I also shall include as a part of my remarks a table of comparisons and appropriations and estimates for Veterans' Administration matters which I believe will show in concise detail the matter which we are dealing with here today.

Again, Mr. Chairman, I want to express my appreciation for the fair and equitable appropriation which has been devised under the leadership of the two gentlemen, and their colleagues, that I previously mentioned.

Mr. Chairman, I also want to mention in this regard the action of the Committee on Veterans' Affairs in reporting H.R. 693, and the House in passing this bill which, among other things, repeals personnel ceilings applicable to the Veterans' Administration. The Senate has already taken action of a slightly different variety in this connection with the bill, H.R. 11400, and has taken a different approach with regard to control of appropriations. I am happy to note, however, that the Senate under the leadership of Senator TALMADGE has adopted an amendment which will clearly exempt all veterans benefits and services. While I would not appear to instruct the conferees, I do hope that such an exemption can be worked out in the final version of this matter.

The table referred to follows:

COMPARISON OF APPROPRIATIONS AND ESTIMATES

	1966 appropriation [1]	1967 appropriation [1]	1968 appropriation [1]	1969 appropriation	1970 estimate submitted by departments and staff offices	1970 VA estimate submitted to Bureau of Budget	January budget estimate, 1970	April amended budget estimate, 1970	H.R. 12307 as reported in House June 19, 1969, H. Rept. 91-316
Compensation and pensions	$4,430,000,000	$4,474,000,000	$4,605,500,000	$4,654,336,000	[2] $5,078,800,000	[2] $5,078,800,000	[2] $5,041,355,000	$5,041,355,000	$5,041,355,000
Readjustment benefits	41,500,000	369,400,000	427,200,000	612,000,000	[2] 671,000,000	[2] 742,200,000	[2] 742,200,000	742,200,000	742,200,000
Veterans insurance and indemnities	10,536,000	4,138,000	5,150,000	9,350,000	[2] 9,253,000	[2] 9-253,000	7,253,000	7,253,000	7,253,000
Medical care	1,209,412,000	1,292,875,000	1,361,593,000	1,420,264,000	[2] 1,618,903,000	[2] 1,593,469,000	1,541,701,000	1,524,101,000	1,541,701,000
Medical and prosthetic research	41,258,000	44,258,000	45,850,000	46,850,000	73,096,000	68,380,000	59,638,000	54,638,000	54,638,000
Medical administration and miscellaneous operating expenses	13,496,000	14,312,000	13,975,000	14,200,000	19,004,000	19,004,000	17,327,000	16,994,000	16,950,000
General operating expenses	162,238,000	182,437,000	189,221,000	195,000,000	232,287,000	232,287,000	223,065,000	220,865,000	220,865,000
Construction of hospital and domiciliary facilities	90,511,600	52,125,000	52,600,000	7,926,000	110,568,000	110,568,000	96,368,000	55,217,000	69,152,000
Grants for construction of State nursing homes	2,500,000	4,000,000	4,000,000	4,000,000	5,000,000	5,000,000	5,000,000	1,000,000	4,000,000
Grants to the Republic of the Philippines	386,000	1,136,000	1,325,000	1,776,000	1,362,000	1,362,000	1,362,000	1,362,000	1,362,000
Construction of Corregidor-Bataan memorial	1,400,000								
Payment of participation sales insufficiencies			665,000	9,505,000	5,716,000	5,716,000	5,716,000	5,716,000	5,716,000
Soldiers' and sailors' civil relief	25,000								
Total	6,003,262,600	6,438,681,000	6,707,079,000	6,975,207,000	7,824,989,000	7,866,039,000	7,740,985,000	7,670,701,000	7,705,192,000

[1] Includes supplementals. [2] Excludes proposed legislation.

Mr. OTTINGER. Mr. Chairman, this appropriation bill is one of the most critical measures to come before the 91st Congress, particularly those provisions affecting the Department of Housing and Urban Development. I think it should be stated clearly on the record that the administration came to Congress with very modest requests and that the Committee on Appropriations reduced those almost beyond recognition.

The HUD budget recommended by the previous administration was $4,744,608,000, which included $2.5 billion advance funding for the urban renewal and model cities programs. The new administration requested a budget of $2,042,638,000 and the committee has cut that by $384,312,000 to a total of $1,658,326,000.

Let there be no doubt: the administration, despite its pronouncements about meeting the crisis in our cities and fulfilling the mandate of Congress to achieve our housing goals, really submitted a barebones budget request. In several respects it was seriously deficient, but the recommended appropriations before us today are so emasculated as to defy credulity.

The administration requested $250 million for urban renewal; the bill before us calls for only $100 million.

The administration requested $10.5 million for the fair housing program, and in his testimony before the subcommittee Secretary Romney stated:

> The Department has heavy obligations and responsibilities in these matters and we take them very seriously. We have the responsibility to see to it that fair housing is really fair, and equal opportunity really equal.

Yet, the bill before us calls for a 71-percent reduction, to $3 million, although the hearing record clearly justifies the administration request.

I support fully amendments that will be offered to restore these cuts, and I urge my colleagues, most of whom have expressed concern over our national priorities, to back up their statements with their votes when these amendments come before them.

There are other areas in which drastic and unjustified cuts in the HUD budget request have been made.

The new administration requested $675 million for the model cities program, an effort which for the first time gives cities, large and small, a chance to comprehensively attack such problems as housing, transportation, pollution, health, and crime.

Yet, the appropriation bill before us today contains only $500 million. Can we expect anything but slow progress if we continue to starve this type of program?

Although rehabilitation of inadequate housing offers a speedy and attractive alternative to our monolithic and often self-defeating public housing program, it, too, is taking a serious cut in the proposed bill. The administration requested $50 million and the committee has reduced this by $5 million.

The administration requested $60 million for comprehensive planning grants to aid States, metropolitan areas, and small communities to carry out programs of community development. That request was cut 16 percent by the committee, although there is nothing in the hearing record to justify such a reduction.

The committee also recommends a $10 million reduction in the $85 million administration request for the open space land program, one of the most popular and valuable HUD programs at this time when land for parks, recreation and open space in our cities and suburbs is becoming so scarce. Cuts in this program today will surely make themselves felt in the years ahead.

Congressional approval of these budget cuts in the name of fiscal integrity or anything else will be nothing short of a travesty. The programs in the HUD appropriations are not city programs as opposed to rural programs. They are programs designed to meet serious problems which affect all Americans, and our Nation as a whole. They deserve our full support.

Mr. PIRNIE. Mr. Chairman, I would like to add to what has already been said on the subject of civil defense at the State and local levels—where civil defense must be effective if it is to be of any value—by reading some short excerpts from a statement of policy adopted by the Governors' Conference, in February 1968. And I quote:

> The States and their political subdivisions have accepted the joint partnership responsibility for civil defense as contained in Section 2 of the Federal Civil Defense Act of 1950, as amended. Accomplishing the purpose of this Act requires stable and viable organization at local and State levels. With the training and financial assistance measures of the above Act, such organization has become increasingly effective and valuable to the defense effort of this nation. This increasing effectiveness has been repeatedly demonstrated during major State and local natural and man-made disasters. Countless lives have been saved. Property damage and personal suffering have been reduced in the face of the threat of floods, hurricanes, tornadoes, blizzards and earthquakes by the use of the Civil Defense organization and such systems as warning, communications, shelter and emergency information.

Despite this fine record of progress and achievement, appropriations for civil defense have since 1962 progressively declined to a dangerously low level.

The National Governors' Conference recognized "the severe competition for tax dollars and the difficulty of Congress in apportioning funds," but pointed out—

> No prudent businessman or family head would neglect to pay his insurance premium.

The Governors suggested that $1 per capita per year would be a reasonable "insurance fee for the protection of American lives in both peace and war."

The 1962 appropriation of $207,600,000 did, in fact, provide somewhat over $1 per capita for civil defense purposes—but the 1969 appropriation of $60,915,000 provided only 27 cents per capita.

Mr. Chairman, the facts speak more eloquently than I can. They tell us that our clear duty to our constituents and to the Nation is to provide sufficient funds on a continuing basis to meet the obligations of the Federal Government under the Federal Civil Defense Act of 1950, as amended.

Mr. HALPERN. Mr. Chairman, today when Congress is being challenged to reorder the Nation's spending priorities, it is deplorable that the Department of Housing and Urban Development's budget for fiscal year 1970 has been cut by $384 million to only $1.65 billion. Economy is one thing, but shortsightedness is another. It is not economic to deprive America of its essential housing needs. If anything it is a blow to the economy.

This bill is a 19-percent cut for the Federal agency entrusted with realizing the Nation's housing goal of a decent home for every American family within a decade. I believe if America cannot find the willpower to tax itself to rebuild our cities, giving the poor and the residents of the inner cities the same opportunities for a better life that earlier generations of Americans had, then history is not going to deal kindly with the 91st Congress.

For over a year has gone by now since the President's National Advisory Commission on Civil Disorders shocked us with its conclusions that only a massive effort—including building 6 million housing units in the next 5 years for low- and moderate-income families—could alleviate racial tensions and urban chaos. And what has our response been to that landmark national study? Aspirins, simply aspirins, when the urban disease needs major surgery.

In a senseless disregard for the millions toiling in deprivation amidst the decay of our slums, how in good conscience could the House Appropriations Committee ask us to approve this appropriations bill?

Funds for model cities, the program that is doing the most to stir the hopes of the poor, was appropriated only $500 million. This is $175 million less than the Nixon administration's request and $125 million less than that approved in fiscal year 1969.

And funds for urban renewal are similarly slashed, from $250 million to $100 million. This is a sham, suggesting to America's poor that we have little concern for their future. The rationale that the urban renewal program will be phased out in favor of new funding programs under the 1968 Housing Act—neighborhood developments, homeownership, and rental housing assistance programs—is specious thinking. The requested increased annual contract authorization for each of these programs was only $100 million—certainly not enough to implement Congress' goals for the Housing Act. Yet even these modest funding requests were cut back. Only $80 million for section 235, the homeownership program, and $70 million for section 236, the rental housing program, was approved. This is only seed money and does not come near meeting the annual incremental budget increases intended to reach the law's $5.3 billion, 3-year housing goals.

But perhaps in its long-range significance, the most callous budget cut within the suggested HUD Appropriations Act, is the cynical emasculation of the 1968 fair housing law. Talk about respect for law and order, here is the law that will quickly become a mockery of democracy if Congress does not enact

an effective level of funding to enforce its provisions.

As the law is now, it is little more than words of good intentions. The Johnson administration scaled the request to $10.5 million and the Appropriations Committee has now reported out a meager $3 million appropriation—an incredible $7.5 million cut.

How can Congress make meaningful its own commitment to the poor if we deny HUD funds to implement the fair housing act? Without greatly increased appropriations, HUD can not set up a meaningful national strategy to implement the law's provisions or staff regional and local offices where citizens can bring their unfair housing complaints.

But the fair housing fund reduction is even more important in light of recent findings of the National Urban Coalition in its followup to the President's Riot Commission study.

It was found that white city dwellers have sharply increased their flight from cities to the suburbs, while the great migration of southern Negroes to northern cities continues. The result is an everspreading urban ghetto of poor blacks unequipped to cope with urban life.

Based on new census figures, the study found that before 1960, whites left the city at a nationwide average rate of 140,000 a year. Between 1966 and 1968, the rate increased to half a million.

Conversely, the Negro population in central cities increased by some 370,000 people a year from 1960 to 1966. But in the last two years, the increase dropped to about 100,000 a year, mostly from births, with migration contributing only a little.

As a result of this hardening of racial separation in terms of where people live, the question arises whether racial polarization is becoming a permanent American institution. The only major weapon at our disposal for halting this trend is the fair housing law which would make suburbia more accessible to black Americans. While we ponder the appropriations for the Department of Housing in the year 1969, then, it would be wise for us to recall that the President's Advisory Commission warned that we would be running the risk "of a seriously greater probability of a major disorder, worse, possibly, than those already experienced," if we do not start reordering our social priorities, building homes, and creating job opportunities for the poor. The funds being offered for HUD today offer little toward meeting the Nation's immense housing needs. Unless the funds for housing are sharply increased, then perhaps as the National Urban Coalition prophetically suggested:

> The nation in its neglect may be sowing the seeds of unprecedented future disorder and division.

Mr. Chairman, in these circumstances, I fervently appeal to the House to correct the committee's shortsightedness, and restore the funding requests so vital to these programs.

Mr. ROGERS of Florida. Mr. Chairman, I notice from the report that the committee is recommending an increase of $2 million over the President's request for civil defense services provided by HEW. This is more than offset by an $11 million reduction in DOD civil defense items. The net result is a reduction from the President's request, as I understand the bill before us.

My concern is with funds for emergency health services, and my question is whether or not the $2 million you have added to the President's HEW request includes funds for these purposes.

The Emergency Health Services budgets have provided 18 packaged hospitals, 20 hospital reserve disaster inventory units, and two natural disaster hospitals which are positioned in and round south Florida. These units are most important to us because of our position right in the middle of the hurricane belt.

Civil defense officials in Florida have advised me that many of these hospital units were recently recalled for modernization. They were to be returned to their local areas within 90 days, but delays have now caused the program to be only 60 percent complete after 6 months. These hospital units are now located in a refitting plant outside Florida, along with other similar units from throughout the Southeastern United States. If funds are not provided, the remaining 40 percent of the work required to return these units to duty will not be completed, causing the warehousing of all the units. This of course will leave Florida and other States without the benefit of these emergency hospitals.

Whoever planned this work—and I intend to have our Health Subcommittee look into it—certainly let the matter get out of hand. We find that all too often in all branches of Government. But the fact remains that the hurricane season has come on us again, and many of our vital hospital units are sitting in a factory only 60 percent complete.

Mr. RARICK. Mr. Chairman, I find that in representing the hard-working taxpayers of my district I cannot support H.R. 12307 in its present condition. This appropriations bill as submitted to us for a vote is nothing but a hodgepodge of agency funding coupled with appropriations for various bodies which would be most objectionable to my constituents.

I have already voted for the authorizations on NASA, Veterans' Administration, and for every defense bill. I am tired of having the appropriations measures for necessary governmental agencies snarled up with such radical schemes as community development programs, model cities programs, fair housing programs, equal employment programs, and a myriad other boondogles.

This bill has been decorated like a Christmas tree to place Members on the horns of a dilemma—if one wants to vote for the good he has to go along with the bad. Sooner or later enough Members will tire of this political modus operandi and will insist that the appropriations bills funding Government operations be taken up individually or by related categories so there can be a meaningful vote to better reflect the constitutents' feelings at home. Until that day arrives the only way to express disapproval of the free riders in the bill is to vote against the entire measure.

If Members start voting against these conglomerate appropriations measures, I think the day not far off before we can see the opportunity for selective voting on individual appropriations. If this bill fails it will not be the defeat of the programs, because we all know the Appropriations Committee will be back in Monday morning with a revised bill somewhat sweetened to remove some of the most obnoxious features.

And soon we take up a new bill—proposed legislation to extend the 10 percent surtax on our people. For me to vote for H.R. 12307 in its present state would mean that I should, in good conscience, support the surtax bill to provide the moneys we are now asked to appropriate.

The great majority of my people oppose any extension of the 10-percent surtax and I do not propose to cast their vote for all of the funding contained in this bill.

Mr. HALPERN. Mr. Chairman, I am delighted that the provision of H.R. 12307 dealing with the Veterans' Administration contains appropriations for funds beyond the original request of the Administration. Veterans are being added to the rolls at a rate of 70,000 a month and while budget cuts in the interest of economy are commendable, it would have been shortsightedness to make a cut in an area as vital as this one. I feel any such reduction would be a blow to the economy and surely not in the public interest.

The budget submitted to the committee was $7,670,800,000. The committee increased the amount over $34 million, submitting a request for $7,705,400,000 as contained in this legislation.

I am particularly pleased to note that the Appropriations Committee chose to recommend funding beyond the original request in areas related to medical care. This is a vital area and it is vital that we provide for those who have sustained injuries while in the service of our Nation. The increase of over $17 million will provide over 123,000 beds in Veterans' Administration facilities. The $16 million added to the proposed budget is earmarked for the construction and modernization of hospitals and State nursing homes.

In a statement on June 5, President Nixon said:

> Veteran benefit programs have become more than a recognition for services performed in the past; they have become an investment in the future of the veteran and his country.
>
> I compliment the Appropriations Committee for submitting a budget which reflects a recognition of this and I urge my colleagues to join in voting, to a man, in favor of the proposed funding.

Mr. KOCH. Mr. Chairman, this Congress today is being tested. It has before it the first appropriations bill this season which deals with one of the major problems of our cities and a basic need of our citizens. The availability of decent housing should rank high in our national priorities. Throughout our country there

are millions of our fellow citizens who are living in substandard slum housing.

In the city of New York alone, according to a statement made on March 9, 1968, by New York City Housing and Development Administrator Jason Nathan, there are more than 800,000 families living in substandard apartments constituting about a third of the apartments in the entire city—and the percentage grows each day.

Twenty years ago, Congress recognized that every American family should have a decent home, and 19 years later, out of the original recognition came the Housing and Urban Development Act of 1968 which laid out an extraordinary plan to build and rehabilitate 6 million housing units for low- and middle-income families over the 10 years, out of a total of 26 million housing units to be built in this period.

But this was only rhetoric. In the first 2 years of that program we have not maintained the housing schedules. Why? Because that act has never been adequately funded. Surely it was not beyond expectation that this year the Congress would finally accept its responsibility and fund for the first time the housing legislation which had promised so much and had provided so little.

President Johnson requested $4½ billion. President Nixon reduced that request to $2 billion, a reduction of more than 50 percent. And now this Congress has before it a budget reduced to $1.7 billion.

What does this mean to our low income citizens living in slum apartments? What does this mean to our middle class not able to find new apartments at reasonable rental so that they are required to double up and remain in long outgrown space or move into luxury buildings paying rentals far in excess of their income ability to pay?

What it means can be demonstrated by comparing the figures of what had been promised in 1968 and what we will receive in this year.

The section 236 program provides benefits for rental assistance so that the tenant pays no more than 25 percent of his income for rent. In 1968, the legislation envisioned a total of 720,000 units of housing to be funded under this program over a 3-year period. If we do not increase the appropriations, we will build only a total of 200,000 units—520,000 units less than what had been promised. And our performance will be rated as follows: We were only able to build 30 percent of what had been promised.

Similarly, the reductions for rent supplements mean the low-income tenants who might have moved into better housing will be half of what had been contemplated.

Urban renewal has been slashed by 60 percent from the revised budget. The model cities program, originally budgeted by President Johnson at $750 million, has been revised and reduced in this bill to $500 million. Is it any wonder that those living in the ghettos and who see decay all about them say to themselves that the decay is not only physical in this country but also moral. How can we in the same breath vote twice as much for our space program as we will for our housing program? I am a member of the Science and Astronautics Committee which has jurisdiction over the NASA space program, and I believe in that program. I am convinced, however, that if this Congress turns its back on the needs of our people living in our decaying cities and looks only to the glamor of moon shots, we will find that such a perversion of priorities will be more than costly to this country. It has within it the possibility of destroying the very fabric of our democratic society. The people of this country will not tolerate forever the refusal of the Congress to meet their basic needs. It is distressing and grotesque that every amendment offered on this floor today to merely restore in small part the funds that were requested as a bare minimum by the Secretary of Housing and Urban Development, George Romney, has been defeated. This Congress has made no serious attempt to keep the housing promises it made just a year ago. It is a credibility gap with enormous and tragic consequences.

Mr. EVINS of Tennessee. Mr. Chairman, we have no further requests for time, and suggest that the Clerk read.

The CHAIRMAN. All time has expired.

Mr. YATES. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Blackburn	Hébert	Rivers
Brown, Calif.	Kirwan	Roybal
Cahill	Landrum	Satterfield
Carey	Macdonald, Mass.	Scheuer
Celler	Mills	Slack
Clark	Morgan	Smith, N.Y.
Dent	Morton	Stuckey
Fallon	Nedzi	Thompson, N.J.
Flynt	O'Hara	Van Deerlin
Gallagher	Poage	Weicker
Garmatz	Powell	Widnall
Gaydos	Pryor, Ark.	Wolff
Gray	Purcell	
Hathaway		

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of Iowa) having assumed the chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12307, and finding itself without a quorum, he had directed the roll to be called, when 391 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $281,000 for land and structures; not to exceed $10,000 for improvement and care of grounds and repairs to buildings; not to exceed $500 for official reception and representation expenses; special counsel fees; and services as authorized by 5 U.S.C. 3109; $21,600,000.

Mr. HARVEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question I would like to direct to the chairman of the subcommittee. I noted that the committee recommended with regard to the FCC an appropriation of $21.6 million. I am aware, also, that this is $880,000 over 1969. I am also aware it is $2.35 million less than the budget as set out in the report. But it seems to me from reading the hearings that this $880,000 increase is made up entirely of salary increases and fixed expenses such as moving a monitoring station and other things. I have to point out that all of the money for research and policy studies has been taken out completely. I point this out to the chairman because as one who serves on the Communications Subcommittee of the Committee on Interstate and Foreign Commerce and who is often critical of the FCC, I would point out that the chief criticism directed at this agency is that it is said to have no mind of its own. It is said that it too closely reflects the views of the broadcasting industry. We have been through this over and over again with regard to the tremendous problems we are facing on CATV at the present time, the spectrum allocation, and land mobile use, and other things. If all of the money for research and policy studies is taken out, I do not see how you can expect them to have any mind of their own and do other than reflect the mind of the broadcasting industry. This is a sad thing. I will not offer an amendment to increase it, but I just wanted to bring this to the attention of the chairman.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the chairman.

Mr. EVINS of Tennessee. I thank the gentleman.

We certainly agree with his views regarding the FCC. We think that with more than 1,600 employees they should do a better job. Some of the funds for research can be taken out of the regular budget. The main thing that they appealed for was staff. We think that within the funds provided, some provision can be made for the research program.

Mr. HARVEY. Mr. Chairman, I would disagree with the gentleman, but I believe it is too late to add anything that would assist in the situation. I therefore yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $500 for official reception and representation expenses, $16,000,000.

Mr. JONAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes, but I do wish to take a minute or two to invite the attention of the Members to what is stated in the report about the appropriation for the Federal Power Commission. We were asked to

grant 55 new positions, but the committee approved funds for only 10 new positions. And the committee believes they should be used in the regulatory activities of the Commission, particularly in the gas pipeline field, and not in what they call "reliability analysis."

Mr. Chairman, I wanted to make that clear as a matter of legislative history because it was certainly the intention of the committee to deny the Commission the 27 new positions it sought for that analysis.

Mr. MARSH. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Virginia.

Mr. MARSH. Mr. Chairman, I simply wish to say that I would like to concur in the observations made by the gentleman from North Carolina, and to commend the gentleman for his leadership in this regard.

Insofar as the attitude of the committee is concerned, I believe the gentleman has very accurately stated that attitude of the committee, and the stand that the committee took with respect to the new positions.

Again I wish to say that I join with the remarks made by the gentleman from North Carolina.

Mr. JONAS. I thank the gentleman from Virginia in corroborating my statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $53,233,000, to remain available until expended.

AMENDMENT OFFERED BY MR. DOWNING

Mr. DOWNING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWNING: On page 2, line 22 strike the amount of "$53,233,000" and insert in lieu thereof the amount of "$58,000,000".

Mr. DOWNING. Mr. Chairman, this is an extremely important amendment. It is important to you. It is important to me. It is important to our children and to the generations to come. This does not further our efforts to get to the planets faster. It just tries to clear up some of the mess made by man's progress.

Mr. Chairman, this amendment increases the appropriation by $4.7 million to provide a noise reduction facility which will directly attack the problems of noise created by aircraft including human reactions to noise and techniques for noise reduction. Already about $332,000 has been spent for preliminary expenses such as plans and designs. If you pass this amendment, we can proceed immediately to attack this urgent problem and to solve it.

In 1951 the Douglas DC–6B generated noise levels of about 105 decibels during an approach, and 106 decibels on takeoff. By 1963 the Boeing 707–320B was generating noise levels of 121 decibels on an approach and 130 decibels during takeoff. Since noise levels above 120 decibels cause discomfort and levels over 135 decibels normally cause pain, the problem to communities surrounding airports is now acute.

This problem will not diminish. It is highly probable that the introduction of new generations of aircraft may produce even higher noise levels. Therefore, it is essential that the problem of noise be attacked directly with a research program that will permit the development of more quiet aircraft and concurrently increase our knowledge concerning human response to different characteristics of noise.

The high noise levels in communities around airports are cause for concern regarding the health and well being of millions of our citizens. The problem has aroused bitter complaints and its seriousness will increase with time because of the greater anticipated traffic density and the increased use of larger and more powerful aircraft. Noise has been singled out by the National Academy of Engineering as one of the three most critical problems standing in the way of continued orderly development of our air transport system. The other two are air traffic control and airport and support-facilities. The public at large is well aware of the antisocial nature of noise. Noise considerations have made the siting of new airports a most difficult task. This is borne out in the lengthy negotiations for new airport sites in New York, Los Angeles, and London areas.

It has been NASA's charter to seek timely solutions to the practical problems of aviation through basic research. The Aircraft Noise Reduction Laboratory for which funding has been requested in the NASA 1970 budget is urgently needed at this time to fulfill NASA's responsibility for reducing this pollutant of man's environment.

The Langley Research Center has now the most experienced and prominent noise research group in the Federal Government. Recent achievements by Langley researchers have shown possibilities of substantial reductions in aircraft approach noise by engine duct modifications. This is the result of basic and developmental research over a period of many years. It establishes an understanding of the fundamentals of noise generation. This development during the past year offers us a ray of hope of future significant noise reductions.

A prominent feature of the Aircraft Noise Reduction Laboratory will be its capability for obtaining fundamental design information on noise reduction systems containing airflow. For the first time, noise reduction may be considered at the earliest phases of design. It can be integrated with aerodynamic performance to achieve the most economical noise reduction possible. This involves the development of more precise rules for application of noise reduction materials and techniques, and for the reduction of noise at the source. A better appreciation of those aspects of the noises that are detrimental to our communities should follow.

The Aircraft Noise Reduction Laboratory has been carefully considered at many levels in the Government. It has passed unanimous on NASA's detailed reviews, the concurrence of DOT—FAA—and others. Although not stressed in any of the hearings to date, it is assured that, in addition to direct applicability to the very serious noise problems of commercial aviation, it is also capable of supporting research on many other noise-related problems in aeronautics, high-speed ground transportation, and of an industrial nature. It is, therefore, dismaying to find that this unique national laboratory, capable of coping with the problems of aircraft noise reduction has been deferred from NASA's fiscal year 1970 budget. The restoration of funds for this vital facility is desperately needed at this time. I urge you to vote for this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the amendment close in 8 minutes, the last 2 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment. I think the House ought to be apprised of the fact that more than 40 million Americans who now live near jet airports are suffering the intolerable problem of high jet noise levels. There are some very disturbing studies being concluded now by various medical authorities which show the psychological impact which people suffer when they are exposed to excessive noise.

A couple of years ago I attended the first International Conference on Jet Noise. Representatives of 27 major nations attended that conference. It is a world problem. The gentleman from Virginia, in offering the amendment, does give us a workable, intelligent way to try to move toward some solution of the problem.

My district is immediately east of O'Hare Field, the world's busiest airport. There are 2,500 daily operations over O'Hare Field. The jet noise on arrival and departure is unbearable in large sections of the entire area surrounding that field.

I urge adoption of the amendment as a first meaningful step toward finding some answers to jet noise abatement.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, as it now appears in the committee report on independent offices appropriations, a laboratory of vital importance to the Nation will be deferred, if not eliminated. I am referring to the aircraft noise reduction facility at Langley Research Center. The amount involved is $4,767,000 of which $3,180,000 is for construction and $1,587,000 is for equipment and instruments.

The Members of the House are well aware of the concern that has been expressed here for many years over the almost intolerable impact of aircraft noise on every major community in the country. Solutions to the problem have been strongly urged by Federal, State, and local political leaders of broad re-

sponsibilities. The solutions can only be achieved through sound, specifically directed research. And yet, this bill would defer the only laboratory in the United States that would be capable of conducting such scientific research. The work presently being done in this area is unique—no other similar effort is presently underway. And it is being done on a makeshift basis because of inadequate NASA facilities and because the necessary research tools to move forward in the work do not as yet exist. The NASA budget request, as authorized by the House, would prudently support such research. I urge the House to restore that support to NASA today.

The other minor facility, the high-pressure gas maintenance operations facility at Kennedy, estimated to cost $200,000 has been cut from the program by the House Appropriations Committee. This facility is absolutely essential to provide working space for 70 personnel now housed in trailers with primitive sanitary facilities. This project must be restored.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I also rise in support of the amendment offered by the gentleman from Virginia. I believe by the expenditure of a very small amount of money, $7 million, we can make substantial progress in producing quieter engines and reducing the noise of aircraft, while combating noise pollution, which afflicts our urban and suburban areas. We are on the verge of a breakthrough in this area, and by concentrating this work at Langley in an intelligent fashion, I think we can save a great deal of money and, in addition, genuinely reduce the noise which afflicts so many people around airports.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to ask someone how many millions of dollars we are already spending on noise abatement.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. I will say to the gentleman that there is $3.6 billion in this bill for NASA. The Space Agency has a number of facilities in the United States. We have wind tunnels in Virginia; we have wind tunnels in Ohio; we have wind tunnels in California.

Private industry is studying the noise problem, and we do not think it wise to build a new noise study facility at this time. So this is the reason this item was deleted.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, this is one of the items in the committee with which I disagree. My own judgment is this facility ought to be built. I think the hearings indicate quite clearly why this should be so.

I asked Dr. London of NASA, who is in charge of this activity, and he indicated there was no facility now in existence that would cope with this problem.

Mr. GROSS. Mr. Chairman, if we are on the threshold of a breakthrough as was suggested by the gentleman from West Virginia, why do we not wait and save $5 million?

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, the committee considered this item very carefully. If this was the only facility in the county engaged in this work, that would be a different matter, but there are others. This is another research project which will duplicate many others that are in existence.

The committee gave NASA $53 million in the bill for construction of facilities, and we thought that would be adequate to carry on their program.

Mr. Chairman, I hope the Committee will sustain the action of the subcommittee.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS), the chairman of the committee, to close the debate.

Mr. EVINS of Tennessee. Mr. Chairman, I commend the distinguished gentleman for trying to restore the provision to build the facility in his district. We also have deleted a request for a facility to provide permanent housing for certain staff at Cape Kennedy. We think both of these can be deferred.

Mr. Chairman, we gave this careful screening. This was a new facility. We felt we should not build this facility at this time, so we deleted the amount of money for this project.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. DOWNING).

The question was taken; and on a division (demanded by Mr. DOWNING) there were—ayes 48, noes 56.

Mr. DOWNING. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879), the National Sea Grant College and Program Act of 1966, (33 U.S.C. 1121–1124), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; purchase of one aircraft; maintenance and operation of three aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; uniform or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $418,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *And provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 23, line 21, after "services;" strike "$418,000,000" and insert "$451,000,000".

Mr. GIAIMO. Mr. Chairman, the result of the adoption of this amendment will be to add $33 million to the bill, most of it to go to the institutional support for scientists.

The National Science Foundation was cut $79 million under the budget request of President Nixon, the revised budget request. Last year we cut the National Science Foundation $100 million.

The statement has been made that the budget of the National Science Foundation has tripled within the past 10 years. It has grown significantly, but the reason for this is that the United States was lagging behind in upgrading science instruction and capability and lagging behind in assistance to the universities which could and must do the job.

Let me stress that institutional support for the sciences will primarily assist small universities and colleges, not the large ones. Over 65 percent of this money will go to approximately 600 institutions in this country which spend less than $65,000 a year on scientific research. This money will enable them to upgrade and develop their scientific capabilities.

Consider my own city of New Haven, where one immediately thinks of the great University of Yale, but immediately forgets that the greater number of the college students in my city of New Haven are not to be found in Yale, a relatively small university, but in Quinnipiac College, Southern Connecticut College, and New Haven College, which educate the great bulk of our people who are demanding and insisting that they go to college to get an education.

These institutions are suffering very badly in their scientific capability because they do not have the money or the endowment or the capability of developing their scientific laboratories and scientific faculty, or offering inducements to young people to study and to do scientific work at these institutions.

This money is particularly designed to help these very institutions.

We have cut the National Science Foundation badly in the last year, $100

million. They have absorbed much of this cut and tried to do the best they could under the critical budgetary circumstances, which prevailed last year. We are now trying to cut them $79 million again, and I say it is too drastic. I say that we should use judgment in dealing with the National Science Foundation, which has done a good job, which has done an excellent job in upgrading the knowledge and particularly the scientific capability of the American people.

I urge the House to abide by the budget request sent down to us both in the original Johnson budget and in the revised budget of President Nixon, and to restore $33 million of this cut, which I am convinced will be necessary and wisely used by the National Science Foundation.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 8 minutes, the last 4 to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut (Mr. DADDARIO) is recognized.

Mr. DADDARIO. Mr. Chairman, I rise in support of the amendment offered by my colleague from Connecticut (Mr. GIAIMO). I do this in recognition of the fact that we are exactly in the situation he has described, and that the recommendation he makes will be of great help to every emerging university in this country.

There is not much time to go further into this, but I would like to remind everyone again that President Nixon has supported full funding for the National Science Foundation.

Mr. Chairman, heretofore, institutional awards have been made in early June, on the basis of research support by NSF alone during the 12-month period ending on the preceding March 31. Beginning in fiscal year 1970, the Foundation will base the formula determining the size of the grants on the total research support from all Federal agencies except the Public Health Service, which has its own program of this type. Since the only feasible 12-month period to use for this purpose is the fiscal year, it will be necessary to make the awards around October rather than June.

As a result of this shift, and since it was the Foundation's understanding that a 4-month delay would have no adverse effect on the institutions, the Foundation decided to absorb $15 million of the $100 million fiscal year 1969 cut in its budget. Hence no funds were used for this program in fiscal year 1969, and $18 million for institutional grants has been budgeted for fiscal year 1970 which will be used to make the October 1969 awards. Consequently, a fiscal year 1970 budget essentially identical to that of fiscal year 1969 will, in fact, mean that somewhere around $15 to $18 million will have to be taken out of all other programs in order to provide funds for the institutional grants for science awards or the program would have to be terminated.

At the funding level of $18 million for this program in fiscal year 1970, awards would be made to about 600 different institutions throughout the country. In fact, every university which supports Federal research would receive funds under this program, which they could then use, in their discretion, to develop and improve their science capabilities. It should also be remembered that what we are talking about here is many of our universities which are just beginning to develop into centers of excellence and not the large universities which have been the scene of various campus disorders. Through the sharp reductions in the graduated formula used to calculate the amount of the grants, over 60 percent of the grants go to schools which conduct less than $65,000 worth of research per year.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I rise in opposition to the amendment, and I would read one sentence from the committee report:

> The funding level of foundation programs has more than tripled in the last decade. The committee feels the funds in the bill will provide a reasonable level of funding for 1970.

The only thing that I call my colleagues' attention to is that nearly every day all Members of Congress receive sheets from the National Science Foundation showing the hundreds and hundreds of thousands of dollars in research grants to university professors being made across the country. It seems to me that they have become independent contractors, who are living on the National Science Foundation grants and have given up the art of teaching and being professors. Too many are turning their classes over to assistants and graduate students, and spend their time and talent to writing papers, reports, and findings, all on Federal funds.

Mr. Chairman, I believe this amendment is not in order and I believe the cut in the program is justified.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I hope that the Members will read what is said in this report about this item. You will see there, if you turn to it, on page 13, that the bill contains $18 million more than the one last year. There is a $20 million carryover. That means $38 million more than was available last year. We are infinitely worse off from a fiscal standpoint than we were last year. We are getting ready to increase or to have a vote on increasing taxes this week. It would be nice if we had unlimited funds to double this appropriation. But we had to consider $15 billion in appropriations and the money available is limited. The committee considered this very carefully and made its recommendation. We thought it would be satisfactory in view of the desperate fiscal situation our country is in. We do not have this money. If we do not raise taxes, it will have to be borrowed, and we already owe more than we can ever pay on the national debt, although some people seem to think we can keep on borrowing and keep the dollar sound and stop the run on our gold. I do not think we can do it indefinitely. We should be prudent in the amount of money we appropriate.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate.

Mr. EVINS of Tennessee. Mr. Chairman, it is with reluctance that I disagree with my very fine colleague, the able gentleman from Connecticut (Mr. GIAIMO), a very valuable and helpful member of this committee. He did make a reservation on this matter when we discussed it in the committee. We considered it thoroughly in the committee. They have a budget request of half a billion dollars. We are recommending $418 million for the National Science Foundation. They could make further grants if we appropriated more money.

We are giving them an additional $18 million over 1969, plus $2 million of foreign currencies to translate scientific data. We are giving them $20 million more than last year, plus the fact that they have obligated but unspent funds of $611,121,000 that will carry into 1970. So they have a large unspent carryover for Foundation programs. We are appropriating more money than last year. With the budgetary situation and with the war in Vietnam the committee felt that the Foundation should take a reasonable cut. We recommend that this amendment be defeated, even though I dislike to disagree with my friend on the committee.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and on a division (demanded by Mr. GIAIMO) there were—yeas 31, noes 72.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEIGER of Wisconsin: On page 24, strike all after the comma on line 6 down through the period on line 15 and insert in lieu thereof the following:
>
> "Whenever an institution of higher education has been subject to a substantial disruption and there are reasonable grounds to believe (1) that an individual attending, employed by, or teaching or doing research at such institution, who is receiving Federal assistance hereunder, has engaged in conduct, after the date of enactment of this section, which involved the use of (or assistance to others in the use of) force or the threat of force or the seizure of property under control of such institution to prevent faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies, and (2) that such conduct was of a serious nature and contributed to such disruption, then such institution shall give notice to such individual and initiate proceedings to determine whether he engaged in such conduct. If the institution of higher education determines, after hearing, that such individual did engage in such conduct and that such conduct was of a serious nature and contributed to a substantial

disruption of the administration of such institution, then such institution shall deny any further payment to, or for the benefit of such individual any of the funds hereunder."

Mr. RYAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will state that the gentleman's point of order comes a little late.

Mr. RYAN. Mr. Chairman, I was on my feet.

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin (Mr. STEIGER) had obtained a unanimous-consent request prior to the gentleman from New York being observed by the Chair.

The Chair will ask the gentleman if the gentleman was on his feet prior to the unanimous-consent request made by the gentleman from Wisconsin?

Mr. RYAN. The gentleman was on his feet at the point the amendment was read.

The CHAIRMAN. The gentleman from New York was on his feet during the reading of the amendment?

Mr. RYAN. That is correct.

The CHAIRMAN. The Chair will state that the gentleman was simply not observed by the Chair prior to the granting of the unanimous-consent request of the gentleman from Wisconsin. Unless the gentleman from Wisconsin desires to make a unanimous-consent request that his previous unanimous-consent request be vacated, the Chair will state that there is no way the gentleman from New York can be heard on his point of order.

Mr. STEIGER of Wisconsin. Mr. Chairman, I do not wish to make such a request.

The CHAIRMAN. The gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes in support of his amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. STEIGER) is recognized in support of his amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I will admit I rise with some hesitancy to offer a substitute to the language contained in this appropriation bill. I would prefer to delete this language. I do so, however, as I indicated I would at the time of general debate, because I have a very serious concern about the varying provisions of the law which this Congress is apparently undertaking which relates to the withholding or cutting off of aid to students who are engaged in a number of actions which serve to disrupt an institution of higher education.

The language in the subtsitute is that language which is now before the Committee on Education and Labor. My reason for offering this as a substitute to that which is contained in the bill is twofold, first, because I think this language is clear, concise, equitable, and reasonable, for an institution to know how to apply it, and second, because I think the Congress has an obligation not to attempt to make the job of administering a college so difficult by applying different rules and regulations and different criteria to a variety of Federal programs which we in the Congress authorize and appropriate money for.

That is exactly what we do, and what we have done and what I think we ought not to do.

So my effort here is to suggest that this is a rational substitute. It is tough and it says to an institution of higher education that you shall have a hearing and if there is a finding that there has been such action by one who receives aid under this particular provision of the appropriation bill aid shall be withheld to that individual.

I would urge the Committee this afternoon to adopt this approach in order for us to begin to give some degree of rationality to our efforts to see that those who are invoking violence or to see that those who are found to have disrupted an institution are not going to be eligible for Federal governmental support.

I think that is a perfectly reasonable and legitimate position for this Congress to take. Frankly, I do not think we ought to go beyond that, but that is purely a personal view.

I think this approach is supportable and I hope the Committee will agree to it and adopt the substitute. I hope we can begin to have a better understanding of what we do.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the chairman of the subcommittee.

Mr. EVINS of Tennessee. I will say to my friend that the language in the bill was proposed by the gentleman from New Hampshire last year and was adopted and there is identical language in the bill this year.

The gentleman from Wisconsin wants to change that and proposes an amendment that he thinks is a perfecting amendment to make better what the committee has considered and which was in the bill last year.

I am not sure that the gentleman from Wisconsin has given it the thorough consideration that the full committee and the subcommittee has given to this matter. The identical language was adopted last year on this matter.

Mr. STEIGER of Wisconsin. May I say to the distinguished gentleman from Tennessee that I understand that, but I asked the gentleman from New Hampshire (Mr. WYMAN) as to whether or not any action had been taken to implement any of the restrictions adopted by any previous Congress similar to the Committee on Appropriations language and the answer is "No." Thus, new language is needed.

I think this approach would be more sensible.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 8 minutes, the last 2 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, does the gentleman's request apply to the pending amendment only?

The CHAIRMAN. It is the understanding of the Chair that it applies to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) and all amendments thereto.

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

Would an amendment to the Steiger of Wisconsin amendment, in the nature of a substitute, be subject to the same time limitation?

The CHAIRMAN. It would cover the Steiger of Wisconsin amendment and amendments offered thereto in the course of the time limitation. It is the understanding of the Chair that it would.

Mr. ERLENBORN. Under the circumstances then, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLENBORN. Mr. Chairman, if the gentleman would yield to me, or whoever has the floor, I would suggest that we see how many amendments there are and how many Members wish to be heard before such a request is made.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that the time on the pending amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

SUBSTITUTE AMENDMENT OFFERED BY MR. ERLENBORN FOR THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment in the nature of a substitute for the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN as a substitute for the amendment offered by Mr. STEIGER of Wisconsin: On page 24, line 5, strike the colon and substitute a period, and strike all of the following language to and including line 15.

Mr. ERLENBORN. Mr. Chairman, my substitute amendment would in effect strike this provision from the bill. I think that we are taking the wrong road when we begin to amend each appropriation bill, each authorization bill, and we are going to come up with a dozen or more different provisions, each one to be enforced by the administrators of our colleges and universities. In this Congress we are going to have to address ourselves to the problem of student unrest in one comprehensive piece of legislation so that the school administrators will have to enforce only that one provision. If we are going to have one thing in the NASA bill providing for a cutoff of funds under certain circumstances, and another different provision in the HUD and independent offices bill, and when the HEW appropriation comes along, another and different provision, we are going to have so many confusing and conflicting sets of rules and regulations it will be impossible for the administrators of the colleges and universities around this country to enforce them. I think we are taking the wrong road when we treat this in a piecemeal fashion.

I think the Committee on Education

and Labor should act. A majority of the members of that committee, I believe, are ready to act.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I would support the gentleman from Illinois if I had any confidence that the Committee on Education and Labor was going to report a bill which would put into one section language providing for the cutoff of aid instead of different requirements on each bill that comes along. But I do not think that that is necessarily going to happen. We have not been able to get a quorum most of the days in our committee, and when we do get a quorum, the dilatory tactics of some members prevent us from ever coming to a decision on the question. I think we had better keep some language in the bill. If we adopt the amendment of the gentleman from Wisconsin (Mr. STEIGER) at least it is the same language we are trying to develop in our Education and Labor Committee.

Under the language offered by the gentleman from Wisconsin (Mr. STEIGER), it would be the responsibility of each institution at which students who are receiving Federal aid are attending to decide whether a disruption is of a serious nature and who the students or faculty are who caused it. The responsibility of each institution is much more clear in the amendment than it is in the bill before us.

The Chair recognizes the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN) and in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Actually, the language offered by the gentleman from Wisconsin is stronger than the amendment in the appropriation bill which applies solely to the National Science Foundation. This language was the same as the first amendment on this subject originally adopted over a year ago, so it has not resulted in a proliferation of other formulas that restrict educational activities. This was the first formula. There have been some added, as in the National Education Act last year, but this was the first. It would be a mistake to strike this section as the gentleman from Illinois proposes and if there is no point of order that can be made against the amendment offered by the gentleman from Wisconsin (Mr. STEIGER), I hope it will be accepted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I think it would be a mistake to write legislation with respect to student unrest on the floor tonight. I think further that anything which represents punitive legislation could imperil the freedom of higher education. Indeed we need no further legislation.

If I understand the substitute amendment offered by the gentleman from Illinois, he opposes the amendment offered by the gentleman from Wisconsin and he moves to strike, on page 24, lines 6 through 15. Is that correct?

Mr. ERLENBORN. Yes.

Mr. REID of New York. Mr. Chairman, I support the position the gentleman from Illinois (Mr. ERLENBORN) has taken, and if we are to take any action I would strike the language of the bill. I think this is a very complex and sensitive and indeed dangerous subject. I urge Members not to act on the subject in haste or emotion.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, would the gentleman leave institutions with no legislative tools, with nothing at all available as a sanction except to expel the students in these circumstances?

Mr. REID of New York. As the gentleman perhaps knows, it is my position that the National Commission on the Causes and Prevention of Violence, under Milton Eisenhower, has correctly evaluated the matter and feels the universities are now moving firmly and clearly at their own initiative and with appropriate resort to the courts where necessary. Any Federal control over higher education or involvement in the internal affairs of universities would be a serious and tragic mistake. Either we have freedom of higher education or we do not. There can be no compromise on this principle any more than there can be with freedom of the press.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

I think the Congressman from Illinois (Mr. ERLENBORN) is absolutely correct, that if we do have 15 different types of amendments it will be impossible for the executive branch to administer them. However, to delete all reference to campus rioters might well be misinterpreted by the minority who seem to believe that Congress should say nothing at all about the major disruptions on campuses today. I think probably the opponents of any legislation in this area would prefer to have 15 different amendments, because they realize that memorandums would be sent out from the executive departments saying one amendment conflicts with another, so we would have an administrative monstrosity—impossible to put in operation. So I was glad to hear the gentleman from New Hampshire (Mr. WYMAN) say he accepts the amendment offered by the gentleman from Wisconsin (Mr. STEIGER). This has much to recommend it, so that the same language would be in every amendment which is added to a bill. I would prefer only one bill from the Education and Labor Committee which would be comprehensive, but if we should fail in that, then the riders attached to the various bills should be worded in the same fashion so there would be no administrative conflict.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, I had finished what I had to say. I simply rise in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER). I hope we have some kind of administrative order come out of this kind of question.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate on the two amendments.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) and the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. Chairman, this is language which has been thoroughly considered in the subcommittee and by other committees. It was adopted last year.

I was somewhat surprised to hear the gentleman from New Hampshire (Mr. WYMAN) opposing his own amendment. It has been adopted in conference and it has been adopted in the Senate.

Mr. Chairman, the language in the bill is clear and it is language we can live with. This gives authority to the college administrator to make a decision as to whether funds shall be withdrawn from a student. The Government does not run this. Each State does not run it. The colleges and universities themselves make the decisions. If there is violation of a lawful order, that decision is made by the educational institutions. This backs up the educational institutions.

I think we would be better off if we can leave the present language in the bill.

Mr. PUCINSKI. Mr. Chariman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, the gentleman from Wisconsin made an impassioned speech before the House Committee on Education and Labor the other day, opposing the bill before our committee as being too tough. I suggest we stay with the committee.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN) for the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 51, noes 85.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 69, noes 83.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or partici-

pations in Direct loan revolving fund assets or Loan guaranty revolving fund assets authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), $5,716,000.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask some member of the committee the meaning of this $5,716,000 payment for participation sales insufficiencies. What does this mean?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Some of the housing loans and veterans loans were made at less than market interest rates. So the Treasury Department conceived the idea of taking these loans and putting them in a pool and offering participation certificates in the public market. You can purchase a participation certificate that yields a higher interest rate than the loans which are pledged. The Veterans' Administration pledged certain of their loans to this pool. This appropriation provides for this difference in interest rates. The requirement is fixed by law. This is a debt of the Treasury which must be paid, I will say to my good friend.

Mr. GROSS. Then this is occasioned by inflation and the increased interest rates?

Mr. EVINS of Tennessee. I would say that the decision made concerning marketing these loans is this: The Government has various loans, housing loans, Veterans' Administration loans, which are low interest rate loans. They can put them in a pool and sell participation certificates on the pool. We must provide appropriations for the difference between the interest rate of those loans and the interest rate of the participation certificates This is an obligation of the Veterans' Administration which they must pay. It is a debt of the Government.

Mr. GROSS. Now let me ask a related question. The report indicates that this bill calls for the spending of $14,907,000,000. I assume that is correct.

Mr. EVINS of Tennessee. It represents an 18-percent cut from what was submitted to us in January.

Mr. GROSS. Just a minute. Are you or are you not looking directly at a substantial additional amount in an oncoming supplemental appropriation for the automatic pay increase on July 1? Do you have any idea of how much the pay increase as of July 1 will affect the totals in this bill? How much by way of supplementals are we looking at right down the road?

Mr. EVINS of Tennessee. I can say I do not know of anyone in the House who agrees with the gentleman more than I do with regard to supplementals. I deplore them. However, I hope we will not have any supplemental bills offered. We have already had two this year.

Mr. GROSS. I understand that but I am trying to get a comparison between what was spent for these agencies last year, and what we are looking at for the next fiscal year, 1970. I cannot seem to get a clear picture of what we are looking at down the road in this bill.

Mr. EVINS of Tennessee. What we are recommending by way of new appropriations in this bill would take care of participation sales insufficiencies which is an obligation of the Government.

Mr. GROSS. Confronted as we are with more and more inflation, I would like to know what we are looking at in this bill. Obviously it is more than $14,907,000,000 because we know a supplemental appropriation bill will be offered in the near future to take care of additional spending by these agencies.

Mr. EVINS of Tennessee. If the gentleman will yield further, like the gentleman, I deplore inflation. It is very bad, and we must do everything we can to stop it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $100,000,000 to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 35, line 1, strike out "$100,000,000" and insert "$200,000,000".

Mr. BOLAND. Mr. Chairman, I will not take the entire 5 minutes, because I believe this House recognizes what this amendment is, and the significance of the amendment.

What the amendment does is merely to restore $100,000,000 of the cut that was made by this subcommittee.

This administration recommended $250 million for the urban renewal program. This was cut to $100 million by the subcommittee. My amendment restores $100 million to this program, and it would still be less by $50 million from the request made by the administration for fiscal year 1970.

Mr. Chairman, I might say that this amount is less than the amount appropriated for urban renewal in this fiscal year 1969.

In addition to the $100 million that is appropriated by this subcommittee, there is a forward advance of $750 million that will become available on July 1 of this year, making a total for urban renewal for fiscal year 1970 of $850 million. But this is $223 million less than was appropriated, or was made available for this program in fiscal year 1969.

To my knowledge this is the only program in the entire bill that comes up with less money in fiscal year 1970 than it had in fiscal year 1969.

The administration recommended $250 million for this urban renewal program. It deleted from the recommendation of the Johnson budget $1.25 billion for forward funding of this program in fiscal year 1971.

Mr. Chairman, it is my judgment, as one who sits on the majority side of this committee, and who supports the recommendation made by the Nixon administration, that it will come up with some recommendation with respect to forward funding, and forward advance for urban renewal. I do not have to argue the merits of this program. Those Members who live in some of the larger cities, and even those who live in some of the smaller communities recognize the value of this program. This program has revitalized and has renewed some of the core cities, and some of the core towns. My argument here is that the money which has been recommended by the subcommittee is not sufficient to meet the applications that have been rolling in under this administration.

There is now as of May 31, 1969, a backlog of applications totaling $1.8 billion for this program.

Again I would remind the House this program comes up with less money in the fiscal year 1970 than it had in 1969. I think that is one of the strongest points we have here. I urge the adoption of this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. YATES. The gentleman stated that there is less money in this budget than there was in the year 1969. Are the needs of the cities less this year than they were last year?

Mr. BOLAND. No, I would say the needs of the cities are continuing to increase. There are 680 applications now before the Department of Housing and Urban Development totaling a figure of $1,800,000,000 that cannot be funded unless we make the same provision that I propose to make in this amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I rise to see if we cannot agree on a limitation of time on this amendment. I ask unanimous consent that the time be limited to 8 minutes, with 2 minutes being reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, a time when a scarcity of mortgage funds and sky-high interest rates threaten to retard all levels of housing and redevelopment construction in America is no time for the Federal Government to cut back its commitment to assist low- and middle-income housing.

The HUD appropriation bill now before us represents committee cuts of more than one-third in five vital urban programs. Administration requests for homeownership, rental housing, urban renewal, rent supplements, and model

cities total $1,225,000,000. This bill slashes $425,000,000 from this amount.

I am particularly concerned about axing $150,000,000 out of a $250,000,000 request for now obligational authority for urban renewal programs. This is a program of proven long-standing success which should not be slowed down to this extent.

It is inconceivable that HUD can carry out its proper role in providing urgently needed funds for housing and redevelopment under the budget restrictions placed upon it in this bill. The Housing Act of 1968 was a pledge by Congress to meet the housing needs of millions of people in middle- and lower-income levels. We are now being asked to renege on this pledge to help provide decent housing at prices our people can afford.

The Nixon administration carefully reviewed Johnson budget requests for all of these programs and it has recommended responsible levels of funding for each of them, consistent with Federal budgetary and economic pressures.

It is one thing for Congress to make prudent and sizable cuts in wasteful or nonessential portions of the Federal budget, but to ax huge sums from badly needed housing and urban programs is just not responsible.

I ask my colleagues to recall the pledge we made last summer when we passed the landmark Housing Act of 1968, and to act this afternoon to honor that pledge.

We cannot permit a backward set of priorities to hamstring these vital urban efforts.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, the independent offices and HUD appropriation bill includes a number of serious cuts in the proposed funding of housing programs on top of reductions already made from the January budget submission. All together HUD, which accounted for only 13 percent of the total in this bill, has suffered 80 percent of the cutback. While it would be desirable to restore many of the reductions, two items stand out as particularly urgent—urban renewal and fair housing.

The Housing and Urban Development Act of 1968 authorized $1.4 billion for the urban renwal program for fiscal year 1970. Against this the program has received $750 million in advance funding in last year's appropriation bill, but the administration's request for an additional $250 million has been cut 60 percent to only $100 million. The administration's own budget figures show a backlog of pending applications currently of $2.4 billion. At this rate it would take almost 3 years just to provide for applications already in hand.

The many purposes of the urban renewal program all deserve high priority. They include the elimination of slums, the halting of urban blight, the provision of new and rehabilitated housing, the strengthening of municipal tax bases, and the strengthening of the economic and social life of towns and cities of every size—and more than half of the 1,022 communities with active urban renewal projects are in the under 25,000 population group. In a word, adequate funding of the urban renewal program is fundamental to carrying out our national housing goals first expressed in the Housing Act of 1949 and reaffirmed and strengthened in 1968.

The principal victims of this cutback would be low-income nonwhite families living in ghettos. The urban renewal program is becoming an increasingly important factor in housing through legislative amendments in recent years emphasizing code enforcement, rehabilitation, and the requirement that a high proportion of urban renewal land be used for low- and moderate-income housing. Urban renewal has now been cut back twice since January.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MCDADE).

Mr. MCDADE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

I think all of us have to recognize that housing in the United States of America is one of our major problems.

In the next 30 years we are going to have 100 million more people in this country. Unless we can begin to develop methods to produce housing for our cities, our Nation is going to face continual decay, continual problems, continual difficulties. This is the basic tool which is used by the Department of Urban Affairs to prepare sites in which we can put housing in the cities, large and small, may I remind you, in this country. Some 1,400 cities, over and under 50,000 people, participate in this program. You may hear the argument made that they have a lot of money down at HUD to do the job. Ask your local public authorities who administer this program what their forward funding position is and you will soon realize how tight this program is. I urge the adoption of the amendment of the gentleman from Massachusetts.

(By unanimous consent, Mr. BOLAND, Mr. YATES, and Mr. BARRETT yielded their time to Mr. ANDERSON of Illinois.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, it is with humility, I can assure you, genuine humility, that I undertake to challenge the judgment of the distinguished members of the House Appropriations Committee. It is not often, I think you will agree, that I take the well of this House in an effort to dispute any of the figures that they have reported in an appropriation bill, but I do so today. I do so because I have taken the trouble to communicate with what is my administration downtown. I call it my administration. I have communicated with the Office of the Assistant Secretary for Renewal and Housing Assistance, Mr. Lawrence M. Cox, Assistant Secretary. I talked to him personally and tried to find out what the facts are. I cannot claim the degree of expertise I wish I could and that some of the distinguished gentlemen who have spoken earlier today can. And I wish I had been here during the entire time of debate today, but I have been running back and forth between here and the Rules Committee, trying to do a job up there.

But this is what I have been told by the Assistant Secretary for Urban Renewal and Housing Assistance, that if we go ahead with this reduction, we will have available only $850 million in the coming fiscal year, and that "the amount of money available for new urban renewal projects and new neighborhood development projects"—these are the programs where you can with incremental funding begin to rehabilitate some of the blighted neighborhoods in the core areas of our cities—"that if you reduce this appropriation by the suggested amount, you will have only $125 million instead of $275 million that the administration requested in their budget," in their revised budget that came to this Congress, and that "this $125 million would have to be distributed among the following and would not be adequate to meet the priority needs of the program, especially the model cities."

Then they list the four categories of programs that have to be funded under this amendment:

The new neighborhood development programs, including model cities areas;

Expansion of existing NDP's;

New conventional projects in new localities;

Finally, new conventional projects in existing programs.

I am further told that there are no less than 95 new first-year neighborhood development program applications, asking for money for the current or the coming fiscal year; that those total $110 million alone.

We simply have not got the money to do the job if we go along with this particular reduction. I would agree that our cities certainly need the help just as much today as they did during fiscal 1969. We have a new Secretary of Housing and Urban Development. He is a man who, I think, has the extra dimension that the President talked about when he introduced his Cabinet last December. I do not want to shackle him. I do not want to tie his hands. I want to give him the funds that I understand he needs to get the job done. I hope the amendment of the gentleman from Massachusetts is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. JOELSON).

Mr. JOELSON. Mr. Chairman, the cities of this Nation are crumbling and deteriorating in bleakness and ugliness, and those of us who want to protest the cut in funds in order to save them are given 45 seconds to do so. I think this is a measure of our concern. It appalls me. It makes me apprehensive. I think I am a spectator at a great, great tragedy. I yield back the balance of my 45 seconds.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, obviously one cannot say much in 45 seconds, but I must call to the attention of the com-

mittee a few facts. Now, you talk about their not having any money. They have $4,922,564,000 in this program unspent. If anyone in HUD tells you that is not so, tell them I am quoting from their own figures.

They have $1.5 billion unobligated, and they are changing their approach to urban renewal from a 6- or an 8-year program to a 1-year incremental program. If they do that, and the gentleman from Illinois says they already have $91 million in applications, they will recoup a lot of this money that is in the pipeline waiting for 6 or 8 years to expire before it is spent. Whatever they recoup will be available for use under the NDP program. My prediction is they will have substantial funds made available by that route and of course, whatever they do recoup will be added to the $850 million in new money that will become available on July 1, 1969.

The CHAIRMAN. To close the debate, the Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, if there is any complaint we hear, it is that we cut out advance funding. This year the administration decided not to do it for budgetary reasons. Last year we provided the advance funding, so there will be $850 million of new fresh money for urban renewal in 1970.

As the gentleman from North Carolina stated, they have $1.5 billion unobligated and they are changing the program. They have a total of $5.8 billion unexpended and $850 million in new funds, and we think this is enough for next year.

Mr. Chairman, we urge defeat of the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. BOLAND), there were—ayes 84, noes 85.

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND, and Mr. EVINS of Tennessee.

The Committee again divided, and the tellers reported that there were—ayes 101, noes 111.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COLLEGE HOUSING

For payments authorized by section 1705 of the Housing and Urban Development Act of 1968, $2,500,000: *Provided*, That the limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under such section is increased by $5,500,000.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 35, at the end of line 24, strike the period and insert the following: "*And provided further*, That none of the funds appropriated by this act for payments authorized by section 1705 of the Housing and Urban Development Act of 1968, shall be used to formulate or carry out any grant or loan to any institution of higher education unless such institution shall be in full compliance with section 504 of Public Law 90–575."

Mr. RYAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RYAN. I make a point of order on the ground that this amendment is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SCHERLE) wish to be heard on the point of order?

Mr. SCHERLE. Yes, Mr. Chairman, I do.

The CHAIRMAN. Would the gentleman from New York restate his point of order, please?

Mr. RYAN. I submit, Mr. Chairman, that the proposed amendment is legislation on an appropriation bill and not in order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa (Mr. SCHERLE), the author of the amendment, on the point of order.

Mr. SCHERLE. Mr. Chairman, the amendment is in order because it is in conformity with rule 21, clause 2. Jefferson's Manual in pages 426–427, specifying that amendments to appropriation bills are in order if they meet the qualifications of the "Holman Rule."

My amendment is germane, negative in nature, and shows retrenchment on its face. It does not either impose any additional or affirmative duties or amend existing law.

Very simply, my amendment states that none of the funds appropriated in this section will be given to institutions of higher education if they do not comply with the present law, section 504—Public Law 90–575—of the Higher Education Amendments of 1968.

In support of my amendment, I cite section 843 of the rules of the House discussing the Holman rule under rule 21:

Although the rule forbids on any general appropriation bill a provision "changing existing law," which is construed to mean legislation generally, the House's practice has established the principle that certain "limitations" may be admitted. It being established that the House under its rules may decline to appropriate for a purpose authorized by law, so it may by limitation prohibit the use of the money for part of the purpose while appropriating for the remainder of it (IV, 3936; VII, 1595). The language of the limitation provides that no part of the appropriation under consideration shall be used for a certain designated purpose (IV, 3917–3926; VII, 1580). And this designated purpose may reach the question of qualifications, for while it is not in order to legislate as to the qualifications of the recipients of an appropriation the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications (IV, 3942–3952; VII, 1655). The limitation must apply solely to the money of the appropriation under consideration (VII, 1596, 1600, 1720), and may not be made applicable to money appropriated in other acts (IV, 3927, 3928; VII, 1495, 1525). The limitation may not be applied directly to the official functions of executive officers (IV, 3957–3966; VII, 1673, 1678, 1685), but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation (IV, 3968–3972; VII, 1583, 1653).

The CHAIRMAN. The Chair is prepared to rule and holds that the amendment is a proper limitation. Therefore, the Chair overrules the point of order.

The gentleman from Iowa (Mr. SCHERLE) is recognized for 5 minutes in support of his amendment.

Mr. SCHERLE. Mr. Chairman, this amendment is identical to the one which the House adopted by an overwhelming vote of 329 to 61 in the supplemental appropriations bill last month. It states simply that no institution of higher education shall be eligible for college housing funds from section 1705 of the Housing and Urban Development Act of 1968 unless such institution shall be in full compliance with section 504 of the Higher Education Facilities Act, as amended by Public Law 90–575.

Since enactment of section 504 last fall, there have been over 250 campus disruptions, resulting in millions of dollars in property damage yet not one single educational institution has invoked the mandatory cut-off of Federal aid. This is a deliberate, flagrant violation of the law.

Relatively few colleges have held hearings but none, to my knowledge, have invoked the mandatory cut-off of financial aid to those students who were receiving Federal assistance and who engaged in serious campus disruption.

Recently I received a letter from Orion C. Hopper, Jr., dean of students at Upsala College in East Orange, N.J., in which he concedes that a hearing was held by their college judicial board. He states that three students receiving Federal aid were found to have been involved in a serious campus disruption. Regardless of the arguments made by the college as to why they did not suspend the Federal assistance to the three students, the law is clear that the college "shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individuals under any of the programs specified" to such individuals.

My amendment would serve notice on the colleges that failure to comply with section 504, which requires that hearings be held if there is a serious campus disorder, will result in the school being ineligible for Federal assistance. Under the present law, if a college fails to comply with section 504, there is no penalty for not complying with the law.

This amendment would affirm the policy outlined in HEW Secretary Finch's recent letter to college and university presidents setting forth the mandatory provision in the act requiring that hearings be held to determine if any student receiving Federal assistance had contributed to serious campus disorder which prevented teachers or students from pursuing their educational objectives.

I urge the adoption of this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the chairman of the committee.

Mr. EVINS of Tennessee. I will say to the gentleman from Iowa, his amendment is identical with the intent of the Wyman language which applies to the National Science Foundation. His amendment would apply to college housing loans of HUD. It has been previously

adopted on a supplemental bill. We therefore will accept the amendment.

Mr. SCHERLE. Thank you, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NEW COMMUNITY ASSISTANCE

For supplementary grants as authorized by title IV of the Housing and Urban Development Act of 1968 (42 U.S.C. 3911), $2,500,000, to remain available until expended.

Mr. HANNA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes, but I had intended to introduce an amendment to extend the funds for Secs. 235 and 236, and the rent supplement programs. I will not do so.

However, I believe that this RECORD should indicate that the appropriation approaches that we have been using for these kinds of programs are demonstrably not performing to the needs of our country, and they are not performing in conformance with what I understand to be a basic tenet of the Republican Party.

Mr. Chairman, I would point out to the gentleman that under the funding that is now being appropriated under this bill that we are going to fall short of asking to put on the line the capability of the private sector. The private sector does not operate on a yearly budget. The private sector has to operate on the basis of how long it takes to get into a partnership with the Government, and they have to see in this approach enough money so that it makes it worthwhile to go through all of the problems of trying to be a partner.

The money that has been constantly referred to as being in HUD is already money committed to get partners on the line, and those partners are still having a hard enough time to perform with us.

Mr. Chairman, here we are undercutting here a program so that it cannot provide the impetus, and we are saying that we are going to save the people, and we are showing ourselves as great Americans because we refer to this money at this time for this program, and we are saving the people from a great indebtedness—balderdash.

It does not save the people at all, because if we really want this problem to be solved, we will not solve it in this way. There is going to be a point somewhere down the line on maybe one of the other departments of the government, whether State or local, who will have to pay for the problem.

So, Mr. Chairman, I suggest to the Members that somewhere very soon if we are really going to solve the basic problems of America we are not going to be doing it by this process, and by holding these programs to a limit of 1 year.

If we want the private sector of America to work with us, to be a partner, we had better prove to them that it pays off, and that we really mean it. And I do not see in these programs many inducements for many partners to get on the line with us. And I do not care who you point to, or what you blame—and I certainly do not say this as any criticism of the Committee on Appropriations. I am not speaking to the committee, I am speaking to the House of Representatives, and the processes of the House, and the traps we have dug for ourselves in the terms of how we measure ourselves as to whether we are big savers or big spenders.

The sole measurement down the line, Mr. Chairman, will be: Do we solve the problem? I do not believe that we are solving it in the programs that we now have on the books with the kind of approach that does not build very much of a partnership to be on the line with us from the private sector, so that we can really solve the problems of the size that we have today.

Mr. Chairman, I would hope this House in its wisdom would come to grips with what I believe is a necessity for the handling of the more fundamental problems that we will when we pass this bill. But I do not know whether or not we can really summon up the kind of strength, the kind of inducement and the kind of performance that can take the vitality that exists in the private sector and put it in partnership with us.

Every program that you want to look at in HUD right now in the Department of Housing as it was, all of them ultimately stifled the incentive of partnership and ultimately came to the point where there were so many confusions and so many disappointments that the people who were in the program decided they would get out.

That is the reason the FHA, the one covering over 80 percent of the housing covered is going to have 25 percent of the housing covered.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr Chairman, I think the gentleman is making an excellent speech. I certainly do not disagree with him or with his remarks and observations.

Mr. HANNA. I would hope that this is the appropriate place to bring our attention to this question, Mr. Chairman, at the point which we are discussing how we are going to fund. We are talking about $14 billion plus of the peoples' money. I wonder just how wisely we are approaching this particular problem of housing for people in this bill which takes so much money. I think there is a better way to do it than what seems to be demonstrated here.

AMENDMENTS OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer two amendments which are at the Clerk's desk and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. YATES: On page 39, line 22, strike out "$80,000,000" and insert "$90,000,000."

On page 39, line 24, strike out "$70,000,000" and insert "$90,000,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES) in support of his amendments.

Mr. YATES. Mr. Chairman, during general debate I spoke about the paradox of this bill which cuts national space agency's $3 billion budget by $18 million and cuts the housing agency's $2 billion budget by $384 million.

The reason I bring this point up is because a few days ago I was privileged to hear on television an interview at which two of the younger Members on the Republican side were being interviewed about their experience in interviewing college students on the campuses throughout this country.

I was impressed by what they said. They said they found the vast majority of students to be fine, intelligent, idealistic men and women. They said they were impressed also by the views of young people on the Nation's priorities.

I think it was the gentleman from Michigan (Mr. RIEGEL) who said that one of them had said to him that it was unfortunate in this country that we placed greater emphasis on our flights to the moon than we do on providing a decent neighborhood and a decent home in which people can live. How right they are. How much better it might be if a space flight were deferred and the $100 million saved allocated for housing for the elderly or the needy.

Mr. Chairman, this is a bill that was cut to the bone when it came before this Appropriations Committee. The Johnson budget called for a $4 billion budget for housing in this country. The Nixon administration cut that request by almost $3 billion.

So that emasculated housing program budget was even further reduced by the actions of this committee.

The distinguished gentleman from Illinois (Mr. ANDERSON) spoke about his administration and spoke about his Secretary of Housing and Urban Development, Mr. Romney. Well, this is what Mr. Romney said about the sections to which my amendments are directed, section 235 and section 236. I will read from page 12 of the hearings.

He said:

First, I want to give special mention and emphasis to the fact that President Nixon's budget, like the original budget, calls for release of the full amounts of contract authority authorized by the 1968 act for the federally assisted homeownership and rental housing programs under sections 235 and 236 of the National Housing Act, as well as an additional $100 million of authority for the rent supplement program.

This is what Secretary Romney said:

I cannot emphasize too strongly the importance of these authorizations and the need to have them at the earliest possible time.

Yet, in spite of the request of Secretary Romney, the Appropriations Committee cut section 235 by $20 million and section 236 by $30 million, a 20-percent cut in one instance and a 30-percent cut in the other.

My amendment does not provide for full funding. My amendment provides for a 10-percent cut in each program.

The cities in your district have no money left for sections 235 and 236. I know that in my own district in Chicago there are so many applications that have been approved and are awaiting funding under these particular sections.

I point out to you, too, if you are interested in housing for the elderly programs, that that, too, is in jeopardy because of the cuts that have been made. The housing for the elderly program has been merged with title 236. That program is cut by $30 million. I do not know whether your districts are like mine, but in my district people over age 65 are lined up for blocks presenting their applications for an opportunity to live in the decent housing that the Federal program provides for them.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. BINGHAM. I commend the gentleman for his amendments. I think they provide a modest and minimum increase in what the committee recommended, although they do represent a reduction in the budget requests. I hope the gentleman's amendments will be approved.

Mr. YATES. I thank the gentleman for his contribution. I wanted the full funding for the two programs, but I am trying to be a realist here. The Appropriations Committee will never let anything be fully funded. Even the Space Agency was cut by $18 million.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the Yates amendments and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I had prepared and have pending at the desk an amendment which would fully fund the section 236 program by providing $100 million. I certainly defer to the distinguished gentleman from Illinois (Mr. YATES) and support him in his effort to fund it at least in the amount of $90 million.

We must recognize that Congress made a commitment last year when we passed the Housing and Urban Development Act of 1968, at which time Congress said that over the next 10 years some 6 million units of low- and moderate-income housing would be constructed. One of the most innovative features of that legislation was the interest subsidy program—the section 236 rental assistance program and the section 235 homeownership program. Neither one has been fully funded.

Now we have the opportunity, by supporting these amendments, to fund them almost to the authorization and almost to the request of the Nixon administration.

The section 236 rental assistance program provides assistance payments to reduce the market interest rate—which includes principal, interest, and cost of insurance premiums—to an amount commensurate with an interest rate of 1 percent. The tenant pays no more than 25 percent of his income.

The Housing and Urban Development Act of 1968 envisioned a total of 720,000 units of housing to be funded over a 3-year period. The total appropriation for fiscal year 1969 of $65 million, including the supplemental appropriation bill which is still pending in the other body, represented potential production of between 66,000 to 88,000 units. The fiscal year 1970 appropriation of $70 million in the present bill reduces the revised budget request by 30 percent, which means that between 92,000 to 112,200 new units will be funded during the coming fiscal year.

If section 236 is funded at the recommended level, the goal for 3 years cannot possibly be met. To allow a cut of the revised request by 30 percent is unacceptable.

Therefore, the pending amendment to H.R. 12307 increasing the appropriation by $20 million for fiscal year 1970 to carry out the low-income rental and cooperative housing programs administered under section 236 of the Housing and Urban Development Act of 1968 should be supported, and I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I want to take this opportunity to commend again the gentleman from Illinois (Mr. YATES) for his very eloquent plea for restoration of these funds, and I want to associate myself with his remarks. I simply wish to say in the time I have that I cannot think of a more important area in the entire bill, as far as my district is concerned, where there are enormous needs for housing and rental subsidy.

Mr. Chairman, in my visits to my district this question constantly comes up, about how we can get money for these particular programs in the amounts sufficient to do the job.

Mr. Chairman, I urge full support for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, it seems to me that when we cut the agricultural budget 2.5 percent, it is eminently unfair to treat the large cities in this manner on a subject that is most vital to them, when the cities are accepting immigrants from other parts of the country. When the cities are accepting immigrants, it makes the lives a bit more difficult in the inner cities because of lack of housing. I think the least Members can do is support any amendment that will ease the plight of those who live in the central cities.

I think the gentleman from Illinois is not asking too much by asking Members to restore the small sum in his amendment. I sincerely hope in the hearts of Members they will realize the justice of his request and support his amendment.

Mr. Chairman, the committee feels that sections 235 and 236 are among the most promising programs in the Department and should contribute substantially to alleviating housing problems for lower income families. Yet it recommends a $20 million cut in section 235 appropriations and a $30 million cut in section 236 appropriations. I cannot understand this.

The need for restoration of funds for both these programs is amply demonstrated by the huge backload of requests for funding under them. According to the Department, as of June 1, there was a backlog of requests for section 236 housing assistance of 125,000 units. In another week they expect that figure to reach 160,000 units. These are requests for funding under the program of rental housing assistance which have, with the exception of 12,000 units which have been requested by the States, all passed the stage of initial feasibility. If money were available today many could be immediately funded. At an average cost of $804 a unit—this is before the recent increase in interest rate—construction of these 125,000 units would cost over $100,000,000. This is the appropriations level requested by the Nixon administration. It is sufficiently "bare-bones" as it is that it would not permit the approval of even one new unit beyond those which now have applications pending. I cannot understand, and I certainly disagree, with a set of priorities which do not even fund this minimal level.

If the appropriations level for section 236 is not restored, the effects on New York City will be particularly adverse. New York State has a backlog of requests for 46 projects, or 14,132 units—$15 million in assistance payments. Of that number 41 of these 46 projects or 13,085 of the units are for New York City.

I believe the Congress needs to do a turnabout on national priorities. We cannot afford to cut the HUD appropriations bill 18 percent.

I urge the adoption of the pending amendment to restore at least a part of this cut.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. JOELSON).

Mr. JOELSON. Mr. Chairman, I think this bill provides too much for space and too little for the cities.

I heard a story about a little girl whose grandmother gave her a pin cushion for her birthday. The little girl wrote a letter and said:

> Dear Grandma: Thanks for the pin cushion. It is just what I wanted—but not very much.

Well, we are saying to the people of the cities that we are concerned about them—but not very much.

I think if it were not so sad, it would be very funny.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I too rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES). I aline myself with the thinking expressed by the gentleman from Illinois. I urge this committee to support the gentleman in his efforts to furnish these funds that are needed in a very desperate way. There is a desperate need in our cities and urban communities.

The CHAIRMAN. The Chair recognizes

the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, the cut in this bill is only 3 percent. I also wish to say that we are now talking about $90 million next year for 235 and $90 million for 236. It is $90 million for next year and the next year and the next year, and so on, for a maximum of 30 years for section 235 and for a maximum of 40 years for section 236. That figures out to a maximum liability under section 235 of $2.7 billion and a maximum of $3.6 billion under section 236.

We are not talking about money that will be spent next year. We are talking about giving the department contract authority to bind the taxpayers of this country to pay out $90 million a year, for up to a maximum of 30 or 40 years.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close the debate.

Mr. EVINS of Tennessee. Mr. Chairman, we have heard the speeches which have been addressed to the cuts in this bill. I thought somebody would point out the substantial increases that have been provided in this bill for the housing programs.

If I had time I could show the four main programs, as I attempted to do earlier in the debate on this bill, such as rent supplements, for which we have provided $50 million additional contract authority, which could mean $2 billion in future expenditures; and for the public housing program $150 million new money is provided, which means that could cost $6 billion in cost over a 40-year period; and for section 235, we are providing $80 million and for section 236, $70 million. The resulting expenditures could add up to $2.4 billion for section 235 and $2.8 billion for section 236. To total up these four main housing programs means a possible $13.2 billion of expenditures in future years.

I would think people would be pleased with these increases. The remarks have been addressed to the cuts in the bill. We have $13.2 billion, in possible expenditures for future years included in this bill, of mortgage credit for housing under four main programs. So we are providing generously in this bill for the housing programs.

I do not see why we should be talking about cuts. We should emphasize the large increases. I would think our friends in the cities would be very pleased with the large increases this bill provides. The need is great, and the funds in the bill are directed at meeting the needs of our urban centers.

I ask that the two amendments offered by the gentleman from Illinois be defeated.

The CHAIRMAN. All time has expired on the two amendments being considered en bloc.

The question is on the amendments offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 71, noes 96.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENT SUPPLEMENT PROGRAM

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, $23,000,000: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by $50,000,000: *Provided further*, That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ryan: On page 40, line 7, strike out "$50,000,000" and insert in lieu thereof "$100,000,000."

Mr. RYAN. Mr. Chairman, there is a stark contrast in this bill between the appropriations of some $3.7 billion for the National Aeronautics and Space Administration and some $1.6 billion for HUD. Let us look at the budget request which was submitted by the administration for the rent supplement program and compare that with the amount recommended in the appropriation bill. We find that the $100 million budget request has been cut exactly in half, by 50 percent, to $50 million.

My amendment would increase the rent supplement appropriation to $100 million for fiscal year 1970, the amount originally requested by the present administration. The rent supplement program has been hailed as the private sector complement to the low-income public housing program. The aim of the program is to enable private enterprise to take a larger measure of responsibility in fulfilling our urban housing needs.

If we are serious—and there is often a great deal of lip service paid in this House to the private enterprise concept—the program offers a unique opportunity to involve private enterprise in providing this housing which is so necessary for all of our people both in the cities and rural areas. Unfortunately, this program has been inadequately funded. Last year the program was cut by over 50 percent from an authorization of $65 million to $30 million. This year it was cut exactly 50 percent from the budget request of $100 million to the appropriation of $50 million.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. WYMAN. Is the gentleman aware of the fact that the figure to which his amendment makes reference, $50 million, is actually $2 billion?

Mr. RYAN. I am aware of the fact that the amendment would provide an increase for annual contract authorization in the next fiscal year. To project the cost over the next 30 or 40 years will not take away from the point that I am trying to provide more rent supplement housing for the next fiscal year. This amendment would exactly double what the Committee on Appropriations has recommended and match what the Nixon administration asked the Congress to do. That is the important point: How many units of housing will be provided through the rent supplement program. The committee's figure of $50 million represents 42,300 units, whereas my amendment represents 84,600 units assisted.

Mr. FARBSTEIN. Will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. FARBSTEIN. Does the gentleman from New Hampshire realize that there are no funds available at the present time and all rent supplement funds have been used up? Does he know that?

Mr. WYMAN. I disagree with the gentleman.

Mr. JONAS. If the gentleman will yield, I do not know that, and it is not true.

Mr. FARBSTEIN. It is a fact that all rent supplement moneys for this year have already been used up.

Mr. JONAS. They have accumulated $132 million a year.

Mr. FARBSTEIN. I disagree with the gentleman. I am sorry.

Mr. RYAN. The $50 million which my amendment would add would provide only some 42,000 units of additional housing for the next fiscal year. In view of the great need and the commitment made by the Congress last year to provide in the next 10 years, 6 million units of low- and moderate-income housing, this is a drop in the bucket. It is clear that at this level of appropriations the rent supplement program will not answer the needs or fulfill the commitment that this Congress has made. This is a promising and vital program, and yet it is being starved for funds—at a time when our urban needs are mounting and the crisis in our cities is more acute than ever.

At current appropriation levels, the rent supplement program will never reach its maximum potential. If Congress refuses to appropriate sufficient funds for the program to have a substantive impact, a vital part of our national housing program will have been frustrated. At a time when the condition of housing in our major urban areas is deteriorating daily, a refusal to grant necessary funds to the rent supplement program will have disastrous results. The housing needs of our urban areas will not evaporate. On the contrary, they will only grow more acute and more difficult to meet the longer Congress delays making the appropriations to housing programs that are necessary.

There is no hesitation about appropriating $3.7 billion in this bill for the space program. To shortchange the rent supplement program in the face of the massive spending on the military and space budgets is a gross injustice to those millions of Americans who live in desperate need of adequate housing.

I urge that the $50 million for rent supplements deleted by the Appropriations Committee be restored and that an appropriation of $100 million be approved.

Mr. EVINS of Tennessee. Mr. Chairman, if there are no requests for time,

let me say that I oppose the amendment and urge that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING PROGRAM

For expenses necessary to carry out the functions of the Secretary of Housing and Urban Development under the provisions of title VIII of the Civil Rights Act of 1968 (82 Stat. 81), $3,000,000.

AMENDMENT OFFERED BY MR. M'DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDADE: On page 41, line 8, strike out lines 8 through 13, and insert the following:

"FAIR HOUSING AND EQUAL OPPORTUNITY

"For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), section 3 of the Housing and Urban Development Act of 1968 (82 Stat. 476), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Executive Orders 11063 (27 Fed. Reg. 11527) and 11246, as amended (30 Fed. Reg. 12319, 32 Fed. Reg. 14303), $5,000,000."

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes in support of his amendment.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I will be delighted to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, the committee has the amendment offered by the gentleman from Pennsylvania, who is a member of the committee. The amendment was considered by both sides of the aisle, and we accept the amendment.

Mr. McDADE. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDADE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EDMONDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 388, nays 6, not voting 37, as follows:

[ROLL. NO. 89]

YEAS—388

Abbitt	Caffery	Evans, Colo.
Abernethy	Camp	Evins, Tenn.
Adair	Carter	Farbstein
Adams	Casey	Fascell
Addabbo	Cederberg	Feighan
Albert	Celler	Findley
Alexander	Chamberlain	Fish
Anderson, Calif.	Chappell	Fisher
	Clancy	Flood
Anderson, Ill.	Clark	Flowers
Anderson, Tenn.	Clausen, Don H.	Foley
		Ford, Gerald R.
Andrews, Ala.	Clawson, Del	Foreman
Andrews, N. Dak.	Clay	Fountain
	Cleveland	Fraser
Annunzio	Cohelan	Frelinghuysen
Arends	Collier	Frey
Ashbrook	Collins	Friedel
Ashley	Colmer	Fulton, Pa.
Aspinall	Conable	Fulton, Tenn.
Ayres	Conte	Fuqua
Baring	Conyers	Galifianakis
Barrett	Corbett	Gaydos
Beall, Md.	Corman	Gettys
Belcher	Coughlin	Giaimo
Bell, Calif.	Cowger	Gibbons
Bennett	Cramer	Gilbert
Berry	Culver	Goldwater
Betts	Cunningham	Gonzalez
Bevill	Daddario	Goodling
Biaggi	Daniel, Va.	Gray
Biester	Daniels, N.J.	Green, Pa.
Bingham	Davis, Ga.	Griffiths
Blanton	Davis, Wis.	Grover
Blatnik	Dawson	Gubser
Boggs	de la Garza	Gude
Boland	Delaney	Haley
Bolling	Dellenback	Hall
Bow	Denney	Halpern
Brademas	Dennis	Hamilton
Brasco	Dent	Hammer-schmidt
Bray	Derwinski	
Brock	Devine	Hanley
Brooks	Dickinson	Hanna
Broomfield	Diggs	Hansen, Idaho
Brotzman	Dingell	Hansen, Wash.
Brown, Mich.	Donohue	Harsha
Brown, Ohio	Dorn	Harvey
Broyhill, N.C.	Dowdy	Hechler, W. Va.
Broyhill, Va.	Downing	Heckler, Mass.
Buchanan	Dulski	Helstoski
Burke, Fla.	Duncan	Henderson
Burke, Mass.	Dwyer	Hicks
Burleson, Tex.	Eckhardt	Hogan
Burlison, Mo.	Edmondson	Holifield
Burton, Calif.	Edwards, Ala.	Horton
Bush	Edwards, Calif.	Hosmer
Button	Edwards, La.	Howard
Byrne, Pa.	Eilberg	Hull
Byrnes, Wis.	Erlenborn	Hungate
Cabell	Eshleman	Hunt
Hutchinson	Montgomery	Scott
Ichord	Moorhead	Sebelius
Jacobs	Morgan	Shipley
Jarman	Morse	Shriver
Joelson	Moss	Sikes
Johnson, Calif.	Murphy, Ill.	Sisk
Johnson, Pa.	Myers	Skubitz
Jonas	Natcher	Slack
Jones, Ala.	Nelsen	Smith, Calif.
Jones, N.C.	Nichols	Smith, Iowa
Jones, Tenn.	Nix	Smith, N.Y.
Karth	Obey	Snyder
Kastenmeier	O'Konski	Springer
Kazen	Olsen	Stafford
Kee	O'Neal, Ga.	Staggers
Keith	O'Neill, Mass.	Stanton
King	Ottinger	Steed
Kleppe	Passman	Steiger, Ariz.
Kluczynski	Patman	Steiger, Wis.
Koch	Patten	Stephens
Kuykendall	Pelly	Stokes
Kyl	Pepper	Stratton
Kyros	Perkins	Stubblefield
Landgrebe	Pettis	Stuckey
Landrum	Philbin	Sullivan
Langen	Pickle	Symington
Latta	Pike	Taft
Leggett	Pirnie	Talcott
Lipscomb	Poage	Taylor
Lloyd	Podell	Teague, Calif.
Long, La.	Poff	Teague, Tex.
Long, Md.	Pollock	Thompson, Ga.
Lowenstein	Preyer, N.C.	Thomson, Wis.
Lujan	Price, Ill.	Tiernan
Lukens	Price, Tex.	Tunney
McCarthy	Pucinski	Udall
McClory	Quie	Ullman
McCloskey	Quillen	Utt
McClure	Randall	Vander Jagt
McCulloch	Rees	Vanik
McDade	Reid, Ill.	Vigorito
McDonald, Mich.	Reid, N.Y.	Waggonner
	Reifel	Waldie
McEwen	Reuss	Wampler
McFall	Rhodes	Watkins
McKneally	Riegle	Watson
McMillan	Rivers	Watts
MacGregor	Roberts	Weicker
Madden	Robison	Whalen
Mahon	Rodino	Whalley
Mailliard	Rogers, Colo.	White
Mann	Rogers, Fla.	Whitehurst
Marsh	Ronan	Whitten
Martin	Rooney, N.Y.	Widnall
Mathias	Rooney, Pa.	Wiggins
Matsunaga	Rosenthal	Williams
May	Rostenkowski	Wilson, Bob
Mayne	Roth	Wilson, Charles H.
Meeds	Roudebush	
Meskill	Ruppe	Wold
Michel	Ruth	Wright
Mikva	Ryan	Wyatt
Miller, Calif.	St Germain	Wydler
Miller, Ohio	St. Onge	Wylie
Minish	Sandman	Wyman
Mink	Satterfield	Yates
Minshall	Schadeberg	Yatron
Mize	Scherle	Zablocki
Mizell	Scheuer	Zion
Mollohan	Schneebeli	Zwach
Monagan	Schwengel	

NAYS—6

Brinkley	Gross	Rarick
Griffin	Hagan	Saylor

NOT VOTING—37

Blackburn	Green, Oreg.	Murphy, N.Y.
Brown, Calif.	Hastings	Nedzi
Burton, Utah	Hathaway	O'Hara
Cahill	Hawkins	Powell
Carey	Hays	Pryor, Ark.
Chisholm	Hébert	Purcell
Esch	Kirwan	Railsback
Fallon	Lennon	Roybal
Flynt	Macdonald, Mass.	Thompson, N.J.
Ford, William D.		Van Deerlin
	Mills	Winn
Gallagher	Morton	Wolff
Garmatz	Mosher	Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hebért with Mr. Morton.
Mr. Kirwan with Mr. Cahill.
Mr. Carey with Mr. Esch.
Mr. Mills with Mr. Burton of Utah.
Mr. Brown of California with Mr. Mosher.
Mr. Macdonald with Mr. Railsback.
Mr. Pryor of Arkansas with Mr. Blackburn.
Mr. O'Hara with Mr. Hastings.
Mr. Hays with Mr. Winn.

Mr. Garmatz with Mr. Lennon.
Mr. Fallon with Mr. Rarick.
Mr. Powell with Mr. Roybal.
Mr. Nedzi with Mrs. Chisholm.
Mr. Flynt with Mr. Purcell.
Mr. Gallagher with Mr. Murphy of New York.
Mrs. Green of Oregon with Mr. Young.
Mr. Hawkins with Mr. Thompson of New Jersey.
Mr. Hathaway with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include tables, charts and other printed facts.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 11400, SUPPLEMENTAL APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, EVINS of Tennessee, NATCHER, FLOOD, BOW, JONAS, CEDERBERG, and DAVIS of Wisconsin.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, and any other information concerning the tax bill or other matters at this time.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman, H.R. 12290, the surcharge extension bill will be put over until a later date. We will go on with the program as previously announced with that one exception.

Tomorrow we will consider H.R. 7906, the Interstate Taxation Act.

Mr. Speaker, I must advise the House that it may be necessary to meet later in the week due to conference reports or other resolutions which we might have to consider.

Mr. GERALD R. FORD. Mr. Speaker, I would ask the gentleman if it is anticipated that we will meet Thursday?

Mr. ALBERT. We will meet on Thursday.

Mr. GERALD R. FORD. But because of the funeral services for our former colleague there will be no legislative business on Thusrday, but possibly we will meet on Friday?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I know that the distinguished majority leader was as disappointed as I was for the reasons that we could not consider the Surtax Extension and Investment Credit Repeal Act.

Could the distinguished majority leader give us any guidance as to that? I have been asked many times in the past three-quarters of an hour when the bill will come up.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman. We want to discuss this matter with the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) before we make any definitive statement of the date when the matter might be called up.

We can say for the benefit of Members of the House that it will not be called up next week.

Mr. GERALD R. FORD. I know from conversation with the distinguished majority leader that the chairman, the gentleman from Arkansas (Mr. MILLS) did ask that it be put over for good and valid reasons so far as he is concerned. But I know the gentleman from Oklahoma shares my feeling that it is important to pass the tax bill, and I know he will program it and schedule it as quickly as possible because we as a nation cannot afford to have the potential ill effects in the economy if this matter does not come to the floor of the House and does not get the approval of the House.

There are many, many elements both at home and abroad that are concerned about any lack of action on the part of the Congress in considering this bill.

Mr. ALBERT. I would say to the distinguished gentleman that there is no reason for any fear that this matter will not be brought up or that this is a postponement which indicates that there is opposition to the bill from the standpoint of the leadership. We intend to program this matter when the distinguished chairman of the Committee on Ways and Means is ready to bring it to the floor.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. PUCINSKI. Will somebody offer some explanation or suggestion as to why this bill is not coming up tomorrow?

I understand a rule has been granted and this legislation expires June 30. Those who are seriously in doubt about wanting to extend this legislation might want to know why we are waiting until after the Fourth of July.

Is anybody prepared to give us some explanation? What happens after the first of July when the surtax expires? I have been hearing statements by Mr. Stans and various others about the great catastrophe that will sweep the country if this legislation is not extended. What happens on the first of July? Is somebody prepared to tell us?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. This matter, as I indicated before, has been put over at the request of the distinguished chairman of the Committee on Ways and Means.

Mr. PUCINSKI. I am sure the leadership of this House wants to call this legislation up and the leadership is most cooperative. I know the leadership is doing everything it can to bring this matter up. But I am somewhat intrigued by the machinations of the Committee on Ways and Means in now putting this over.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Perhaps it is that they want you to enjoy your independence on Independence Day.

Mr. PUCINSKI. That is, independence from the surtax—I presume that is what the gentleman means.

Mr. GERALD R. FORD. Let me say to the gentleman from Illinois, I have consulted with the leadership and I believe they share my view and my belief that this is a mattter of the highest priority. They are concerned about repercussions that might take place if there is any failure on the part of the Congress to act affirmatively. I just hope and trust that our friends at home and those abroad will not misconstrue this, what I hope is, only a temporary delay. I hope there are no adverse economic repercussions by the fact that we are not acting expeditiously. I believe very strongly that the legislation must be approved and it would, I think, be disastrous if it was not enacted in due course as quickly as possible.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. There is no reason for anyone to have any concern along the lines expressed by the gentleman in his statement just now.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I agree with the distinguished majority leader. I have no doubt that the leadership will not call up this legislation. Of course they will call it up. I think the leadership is committed to that. But I wonder if someone in the House is prepared to speculate on whether or not this delay on this very urgent matter that we have heard drums beating about here now for some time does not indicate that perhaps the votes

are just not there. The fact remains there are many who are very seriously concerned about continuing this tax program for a whole year, when last October all over this country there were promises that there was not going to be an extension of the surtax. I remember people coming into my district and saying, "You are not going to have a continuation of the surtax if certain things happen on election day." So I wonder if this delay is perhaps being caused by reason of the fact that the votes just are not there.

The SPEAKER. The time of the gentleman has expired.

WAKE UP, AMERICA

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, because of the vast publicity that has been given to disorder and violence on the Nation's campuses, the daily reporting in newspapers, on television, and radio, emphasis is constantly given to the misguided youth who have disrupted the educational processes at many of our universities and colleges and little attention is given to those young Americans who work diligently for the betterment of our Nation.

Recently the Winter Haven Daily News-Chief, one of the fine newspapers of the State of Florida, featured as an editorial excerpts from an excellent article by Tom Donnelly, executive vice president of the U.S. Jaycees.

Certainly the members of Mr. Donnelly's organization have exemplified the finest in service to the enrichment of their communities, States, and Nation. Mr. Donnelly expresses his own awareness to the fact that the people of our Nation must wake up to the forces that work among us that would destroy our institutions. His example is the turmoil on our campuses, where misdirected and rebellious young people are playing into the hands of those who would bring about complete chaos and rebellion in the United States.

We must remember that free education will be lost if college administrators and trustees surrender to radical dissenters. Most of all we must remember that a free society cannot survive if such lawlessness is allowed to continue. It is time we restore law and order in every area. It is time the people of the Nation heeded the words of Mr. Donnelly and other clear-thinking Americans. The excerpts from Mr. Donnelly's article follow:

WAKE UP, AMERICA

Wake up, America—before it's too late!

Our nation is being burned down around our ears, and we sit back and watch, and capitulate to the torch bearers. American youth—terribly misguided and misled—are trying to "restructure" the country that has given them more than any other nation on this earth could.

Personally, I'm sympathetic with a number of the student demands for more constructive involvement in campus affairs. There are grievances in many cases that should be investigated and corrected. I'm glad that the U.S. Jaycees can present both sides of the picture.

One problem itself has grown to the point where the television screen recently reported the incident at Cornell—a group of Negro students marching out of the administration building they had occupied, by armed force. They looked like a band of guerrilla fighters, rather than students interested in an education. And even more sickening was what happened the next day—the complete capitulation, and that's all it could be called, to their every demand by the Cornell administration. Am I crazy, or is that anarchy of the highest degree?

Here at U.S. Jaycee headquarters we have in our employ many people, with many different political views . . . the extreme liberal, the conservative, the moderate. In recent discussion, everyone seemed to agree that something must be done—a halt must be called, now!

Anyone who thinks that the SDS—the chief cause of all the trouble in all the campuses across the nation—is not heavily membered with avowed young Communists . . . is living in a dream world. Read the papers, the magazines, watch the newscasts, talk with concerned students. It's there—plain as day! We are in the growing stages of a revolution that could sweep this nation into chaos just as sure as Mao is a Chinaman.

I'm certainly not an alarmist, a Bircher, or a Racist . . . I'm merely a political moderate who is fast becoming a frightened American—frightened for the future of this great country.

Let's get tough with these young punks! We can either surrender every institution of higher learning in the nation to them, or we can begin showing them they don't rule our world—not yet!

THE 1970 CENSUS

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, the controversy over the 1970 census boils down to a simple question of values: Is it more important to tabulate an accurate head count than to ascertain the number of color television sets in the United States?

Unquestionably, both of these objectives cannot be attained in the 1970 census as it now stands. And there is some question if either of them can be, when we consider the great proportion of the population which will ignore the census questionnaires or willingly accept the penalties rather than be subjected to another Government intrusion into their personal and private lives.

I introduced legislation in June 1968, and again in January of this year which would eliminate the criminal penalties for failure to answer personal questions on the 1970 census and reduce the number of mandatory answers.

I am not only opposed to the criminal penalties of a $100 fine and 60 days imprisonment attached to the subjects on the questionnaire. I strongly believe the nature and number of questions constitute an invasion of privacy.

That a Government agency should require the American people to reveal information that is strictly personal and private seems to me to be outrageous and a burden to the public.

Does a Government agency have the right to inquire of a man or woman how many times they have been married, or how the first marriage ended? Further, do we really need to know the answers to all the foolish questions which in no way relate to the number of people in this country?

I fail to see the justification for such items listed on the questionnaire as means of transportation to and from work, rent paid, kind of heat, whether the home has a bathtub or shower, whether the householder has a clothes washer and dryer, television, radio, dishwasher, food freezer, and other similar questions.

Considering these questions, Mr. Speaker, I cannot believe the penalties. Should a person be fined $100 or jailed for 60 days for refusing to answer these questions? Are we to allow hundreds of innocent people to acquire criminal records for refusing to answer them?

The Congress must consider the purpose of the census, an accurate count of the number of people in this country, and bring the questions into proper focus upon that purpose. The questions have no place on a census aimed at enumerating the population, and if they are allowed to remain in the 1970 census they may very well defeat its purpose.

There seems to me to be only one solution. The number of mandatory questions contained in the questionnaire must be cut down to seven: Name, address, age, sex, head of household, race or color, and persons in home at time of census, and criminal penalties must not be attached to other questions.

Demanding cooperation is no way to get it. And in view of the 3-percent undercount in 1960 when almost 6 million people were not counted, I think for the census in 1970 we should concentrate on achieving the greatest amount of cooperation possible.

Committee hearings on all census bills have been completed. I hope that a reform measure can be brought to the floor of the House as soon as possible.

THE SUPREME COURT AND THE POWELL CASE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, in some sectors of the public press, the supremacy of the Supreme Court is being hailed as the new order in this country. The Court is represented to the people as the benign and beneficent ruler of men, remote from the people, and immune to public influence, men who will shape this Nation to their own desires of the political order.

These views of court or judicial supremacy can only be described as a perversion of the constitutional order. This Government was instituted as a government of law, and not of men. The powers of the Congress, the Executive, and the judiciary are prescribed in the Constitution, and the sole lawful means of changing those orders is also prescribed. To suggest that the Supreme Court can by judicial fiat alter the constitutional powers, is to mock the Constitution. All perceptive peoples know that in recent years they have legislated by opinion and de-

cree, wrapped in sacrosanct robes of judicial opinion.

Questions of constitutional powers have more than academic significance for this House. We face for the first time in the history of the Congress an attempt of the Supreme Court to usurp jurisdiction over the qualifications of Members of this House. The Constitution is explicit in providing that—

> Each House shall be the judge of the election, returns, and qualifications of its own Members.

This provision expressly contradicts the conclusion of the Court that only the constitutionally specified requirements of age, citizenship, and residence define the qualifications of Members. The Court not only would require this House to admit knaves and scoundrels, but it issues this edict in defiance of the constitutional powers of this House.

Mr. Speaker, this House stands at a great crossroads. Either we shall reject the Court usurpation and sustain the Constitution, or we shall supinely submit to the spreading judicial tyranny, and sublimely admit to coequal branches of Government, being off balance. There is no compromise which can evade the issue. Either we here and now reject the decision of the Supreme Court in the case of ADAM CLAYTON POWELL, as an illegal usurpation of powers not constitutionally vested in the judiciary; or we invite the destruction of our system of a balanced representative form of government in a republic under a constitution in this country. The genius and success of the latter for the last 175 years is the ability to change as necessary, from within, by due process, and never by fiat or dictation.

JUDICIOUS MIX OF MONETARY AND FISCAL POLICIES REQUIRED

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, 3 years ago we began to experience the first clear sign that extraordinary measures were needed to control the inflationary pressures on our economy. At that time it was evident that the monetary restraints then in force, mainly in the form of higher prime rates of interest and reserve requirements, were having little impact on excess demand and rising prices.

In September 1966, I said that "efforts to curb inflation must be shifted from restrictive monetary policy to selective fiscal restraints." My fear was then and is now that a continued overemphasis on monetary policy in controlling inflation can have a severe detrimental effect on the economy generally. More specifically, an overemphasis on monetary policy has a direct and harmful impact on some of the most basic and critical needs of this country. For example, the housing shortage is not alleviated by the alarming rise in interest rates which puts the ability to purchase a home beyond the reach of many Americans, especially the young and the old.

Nor is the capacity of our municipalities to finance their expanded functions enlarged by the necessity of competing in the bond market with Federal and private issues having yields greatly exceeding those which local governmental units can afford.

Beyond this, the harm caused by inflation affects the well-being of every American. The latest Consumer Price Index indicated that the rise in consumer prices over the past 3 months was the steepest in 13 years. The cost of medical care services has gone up nearly 8½ percent in 1 year. Prices for transit fares, food, furniture, and used cars are also at the highest levels in years. This situation is causing severe hardships to all Americans, especially those on fixed incomes like most of our elderly.

Attempts to cure this illness in our economy must combine judicious utilization of both monetary and fiscal tools. Reliance on one to the neglect of the other merely distorts the economy and causes misallocation of investment and savings resources. Recognizing this hard and inescapable fact, I voted for continuation of excise taxes on telephone service and automobiles and for reductions in nonessential Federal expenditures during fiscal year 1969.

Another fiscal restraint which I support is repeal of the 7-percent investment tax credit. It was enacted at a time when a lagging economy needed stimulation. There is little doubt that this device has outlived its usefulness in terms of beneficial business expansion at this time. Its principal effect now is that it adds an unchecked supply of fuel to the fires of inflation.

And so, Mr. Speaker, the nub of the matter is this: Our restrictive monetary policies have not produced the intended results. Our fiscal policies, in the form of limitations on Federal spending and retention of excise taxes on certain goods and services, although certainly efficacious, need continuation.

But more than that, we must retain the surtax which is due to expire in less than 2 weeks. I favor extension of the surtax at the current rate of 10 percent until December 1969 and at a rate of 5 percent from January through June of 1970.

Few things are more distasteful than advocacy of higher taxes. However, in the situation we now face, the alternatives are few and worse. None will deny that devaluation of the dollar would have serious repercussions extending far beyond the United States. Nor is the prospect of wage-price controls more appealing.

I want to make it unmistakably clear that continuation of the surtax must be coupled with further reductions in nonessential Federal expenditures. I recently cosponsored a resolution calling for a searching reexamination—by the administration and the appropriate congressional committees—of all military commitments and expenditures so that the following ends may be achieved:

First. Reduce such expenditures in fiscal 1970 as substantially as possible consistent with the security of the United States; second, eliminate excessive and wasteful spending practices; third, halt the present trend of constantly increasing defense expenditures.

Other areas of Federal spending can also stand similar scrutiny.

Two months ago, I presented, what I consider to be, essential tax reform proposals to the Ways and Means Committee. I said then that what is needed is a fundamental, rather than a patchwork, restructuring of our tax laws so that greater equity and simplicity could be achieved. That goal must not be allowed to vanish as a result of our deliberations on the surtax.

The national economy requires retention of the surtax for a reasonable time and the American taxpayer requires more equal treatment from our tax laws. Both are indispensable goals.

CPL. FRED TRAYLOR KILLED IN VIETNAM—ONLY SURVIVING SON

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I rise today to share with this House one of the saddest experiences I have had as a Member of the Congress. Each of us has had numerous men from our districts killed in Vietnam. I know many of you have attended funeral services for these men just as I have.

In May of 1966 the Howard Traylor family of Heflin, Ala., lost their son Wayne in Vietnam. Shortly afterward their younger son, Fred, enlisted in the Marine Corps. Because there were only two sons in the family, Fred qualified under the only-surviving-son regulation but because his drill instructor told him he might not be promoted if he hid behind this regulation and also because of his great patriotism, Fred waived his right to be an only surviving son.

Then because of his family's anxiety, Fred changed his mind and tried to have his waiver reconsidered but it was turned down. He asked me for help and I was unable to get the Marine Corps to reconsider, so Fred went to Vietnam. Last Tuesday, June 17, 1969, Cpl. Fred Traylor was killed in action in Vietnam.

Mr. Speaker, there is no better supporter of a strong defense system for America in this Congress than I am, there is no greater believer in what we are doing in Southeast Asia than the Congressman from the Fourth District of Alabama. But, Mr. Speaker, there is something wrong with a system which refuses to allow the only remaining son of a family who has already given one son in Vietnam, to change his mind and not go into a battle zone. There was no question but that he qualified as an only surviving son.

I have today written to the Secretary of Defense, asking that he take steps to prevent such situations from happening in the future. It is difficult for the Howard Traylor family to understand why they must give two sons for their country while there are many thousands of men who have not yet had to serve their country. I find this difficult to understand too. I sincerely hope that the Secretary will give immediate attention to this situation so that no such incidents are allowed to happen in the future.

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(Mr. BURTON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, on June 17, my distinguished colleague, the Honorable OGDEN R. REID, placed in the RECORD findings of the U.S. study team on its trip to Vietnam. This study team was composed of such distinguished Americans as James Armstrong, bishop, United Methodist Church; Anne M. Bennett; Allan Brick, director of national program, Fellowship of Reconciliation; JOHN CONYERS, JR., Member of Congress; Robert Drinan, S.J., dean, Boston College Law School; Peter W. Jenkins, pastor, Congressional Church, Wimbledon, England; John de J. Pemberton, executive director, American Civil Liberties Union; Seymour Siegel, rabbi, professor of theological seminary; and Arnold E. True, rear admiral, USN (retired).

From reading this report, it is obvious that while it is our stated policy to protect and guarantee freedom in South Vietnam that very little actual political and religious freedom exists there.

Just the following day, June 18, I read an article in the New York Times which stated that four members of a liberal opposition group in South Vietnam, had been summoned for police inquiry.

More specifically, I should like to bring this most serious situation to the attention of my colleagues and to commend my distinguished colleague, JOHN CONYERS, JR., for his untiring efforts as a member of the U.S. study team, which visited Vietnam and produced this report. The article follows:

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terrance Smith)

SAIGON, SOUTH VIETNAM, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliatiton" were ordered to report for questioning by the National Police.

Summonses were delivered by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellectuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position at the Paris peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

"I WILL PUNISH THEM"

"From now on," the President said, pounding his fist for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, The Saigon Daily News, was closed on such a charge. It was the 32d paper shut down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the Lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front, or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "nationalist elements acceptable to both sides."

The purpose of the reconciliatory government, according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committee's statement, but he promised that he would look into the matter.

The summonses issued tonight were delivered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "If the Government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

ON ENDING DISCRIMINATION

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the Voting Rights Act of 1965, for the first time in American history, put the Federal Government into the business of passing judgment on voter qualifications of the various States.

It does this on a basis carefully prescribed to apply in only a few States. And it attempts to deal with only one aspect of the voting process.

In discussion relating to possible extension of the Voting Rights Act I believe it is very important to decide whether we really want to begin setting up Federal standards in voting. I would argue that the Federal Government ought to stay out of this field. But if Federal standards are imposed, they should be applied even-handedly, both in terms of geographic regions and in terms of all pertinent aspects of the voting process.

If we are going to ban literacy tests then let us do it openly and above board and evenly across the country. Let us do it evenly both in writing of the law and its enforcement.

But let us go further than that and consider not just one problem, but others. What about the cases of fraud that have apparently turned up time and time again in some counties of the Nation?

What about vote-buying, multiple voting by one person, and irregularities in tabulation? Are we properly to ignore these?

There should be no discrimination in voting. We can all agree to that. But by the same token, there must not be any discrimination in applying Federal voting laws evenly to all parts of the country. Let us not have any more laws aimed at one small section of the country.

SELF-SERVING STATEMENT BY MAX M. KAMPELMAN

The SPEAKER. Under a previous order of the House the gentleman from Iowa (Mr. GROSS) is recognized for 40 minutes.

Mr. GROSS. Mr. Speaker, I noted with more than passing interest that on June 5, a long and self-serving statement by one, Max M. Kampelman, was inserted in the CONGRESSIONAL RECORD.

It was a statement that had been prepared for delivery by Kampelman at the Senate hearing on his nomination to be president of the City Council of Washington.

When it was revealed that Kampelman was one of the architects of an alleged multi-million-dollar swindle of the Agency for International Development, and when certain other aspects of his life were exposed, Kampelman withdrew his name rather than face questioning which would have brought to light still other machinations in which he has involved himself.

Mr. Speaker, I am intrigued by the timing of the insertion of this statement in the CONGRESSIONAL RECORD. It was written in the fall of 1967, nearly 2 years ago.

Why has it been publicized at this particular time?

Could it possibly have something to do with the fact that Kampelman's Napco Industries, Inc., the firm that operated the infamous AID swindle, has

been accused in Federal court by the Justice Department of deceit, false claims, and breach of contract in this case?

It will be remembered that Kampelman became officially associated with the NAPCO crowd in 1955 when, shortly after he resigned as the then Senator Hubert H. Humphrey's top assistant, he was hired as NAPCO's Washington counsel.

Several years later, when the multimillion-dollar scheme to defraud AID had been devised, Kampelman became a director of a NAPCO subsidiary that was an essential part of the conspiracy. And, more recently, he was made a director of NAPCO itself.

Since Kampelman has now chosen to have his self-serving statement aired publicly, defending his associates in NAPCO as being "among the finest people that I have had the privilege of working with." I should like to discuss this organization further.

NAPCO, you will recall, is a Minneapolis firm whose former president, the late Max E. Rappaport, was a close friend of and heavy contributor to Humphrey.

Humphrey pulled out all the stops in pushing the deal whereby NAPCO hoodwinked the Government's foreign aid agency out of nearly $4 million in order to unload NAPCO's obsolete and worn out gearmaking machinery on India.

Humphrey wrote letters to, among others, the Administrator of AID, the Chairman of the Export-Import Bank, an Assistant Secretary of the Treasury, an Under Secretary of State, the Director of the Development Loan Fund, and the U.S. Ambassador to India.

There can be no question that Humphrey's special "interest" in the loan to NAPCO, and his unbounded praise of Rappaport and others associated with this scandalous operation went a long way toward inducing AID to make the loan that has now resulted in Federal charges of deceit, false claims, and breach of contract.

In his recently published statement Kampelman says that he is "proud of his relationship" with the NAPCO crowd, and Humphrey wrote in 1961 that they "are highly reputable" men.

These paeans of praise are doubly interesting when one examines NAPCO's dealings with the Government of Israel in the mid-1950's.

Mr. Speaker, Kampelman and Rappaport tried to foist off on the Israeli Government much the same type of deal they pulled on the AID agency, and I am informed that Humphrey also had his hand in this one.

In late 1955 or early 1956, the Israeli Purchasing Mission in this country purchased 15 supposedly new trucks from NAPCO. Kampelman was NAPCO's Washington representative.

Eleven of these trucks were shipped before the Israelis discovered they were little more than junk.

Perhaps it will be remembered that in the fall of 1967, when I first called attention to the NAPCO gearmaking plant that was palmed off on Indian purchasers as so much junk, I did not make that charge idly, nor do I do so today when referring to these trucks.

The Israeli Government was, to put it mildly, outraged over such treatment from those it had every right to believe would deal honestly.

It requested, and received, two independent inspection reports on the remaining four NAPCO trucks which were awaiting shipment from New York.

Mr. Speaker, let me quote from one of these reports, dated July 18, 1956, which was made to the Office of the Israeli Government, room 1718, Fish Building, 250 West 57th Street, New York City:

This contract was made as requested to investigate a condition wherein the Government of Israel Representatives accused the Federal Motor Truck Company (a division of NAPCO Industries) of using war surplus material in fifteen (15) army vehicles recently purchased. Our purpose in making this contract was merely to identify equipment used in these vehicles.

Continuing to quote from the report:

In any event, the writer, with Mr. Cohen and Major Rafaeli (identified as T. Cohen and Maj. Robert Rafaeli, representatives of the Israeli Government), examined one of the trucks which was at the Mott Haven Company on Bruckner Blvd., and 144th St., Bronx, N.Y. This vehicle, Model T600RS, Serial 180191 was in the process of being completely dismantled by the Mott Haven Company.

Examination of this vehicle revealed the following:

"Rear rear axle markings 75780 WX 9, date stamping not legible.

"Front rear axle marking 75764 WX 11, dated, F-25-45."

"The markings on both gear carriers, as well as on the front axle had been ground off.

"On all axles, as well as on the transfer case there were from three to four coats of paint and under the paint the metal was covered with rust.

"The wheel bearing surfaces were approximately .025" undersize, which, in the writer's opinion, was caused by grinding off of the rust.

"Some of the spur gears in the axles, as well as some gears in the transfer case appeared to have been used gears.

"The brake linings on some of the shoes had been replaced with different size rivets. The brake drums were very badly rusted and the wheel stud nuts in two of the drums were not staked or prick punched.

"The rubbers in the torque rods were badly deteriorated and cracked. Writer was told that the vehicle had the wrong transmission in it and that the Gar Wood Hoist was rebuilt.

"All in all," said the report, "this is the worst piece of junk the writer has ever had the experience of examining, especially when the vehicle was supposed to be new. It appeared that the only new parts on the vehicle were the engine and the steering post."

That was the conclusion of one expert who examined the goods sold to Israel by these so-called estimable Napco officials.

But the Israeli authorities went to even greater lengths to verify their suspicions.

On June 28, 1956 they retained the internationally respected Bureau Veritas, the Paris-based society which has been in existence since 1838.

I have, Mr. Speaker, a copy of Bureau Veritas Report 7470, dated July 20, 1956. It is a seven-page indictment of this junk, ranging from the absence of lock washers or any method of locking nuts onto brake drum studs; rusted and worn parts; unevenly and irregularly welded drive shafts; rear springs that were more than 4 inches too long and an inch too wide and that were damaged and painted several times; and the installation of used, worn, and damaged gears in a housing that appeared to be unused but was a surplus item.

In addition, Bureau Veritas discovered such defects as a cross-threaded wheel locking nut which prevented the proper installation of the wheel; cracked axle frame mounting brackets and a deteriorated component in an air brake diaphragm assembly.

There was not even a spare wheel.

This was the type of junk that Max M. Kampelman and Max Rappaport unloaded upon the Army of the State of Israel.

Mr. Speaker, officials at the highest level in the Pentagon were notified of this fraudulent transaction by the Israeli Government shortly after it was discovered.

The considerable publicity in 1967, concerning the leading role played by Kampelman in the scandalous fleecing of AID of nearly $4 million, again gave the Pentagon more than adequate notice of the character of NAPCO's officials.

Yet I have discovered, Mr. Speaker, that NAPCO was given more than $2 million in military contracts during 1968—the last year of the Johnson-Humphrey administration.

Here we have the sorry spectacle of a politically favored company reaping fat contracts from the Defense Department, whose officials knew its unsavory reputation, while, across town, the Justice Department was accusing it of deceit, fraud, false claims, breach of contract, and conspiracy.

Until such time as NAPCO or any other firm establishes its innocence of charges of wrongdoing, or demonstrates on the basis of performance that it will do business honestly and decently, it should be barred from a single dollar of business with the Federal Government.

CHIEF JUSTICE WARREN

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. CORMAN), is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on former Chief Justice Earl Warren.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CORMAN. Mr. Speaker, one is rarely as privileged as I am this afternoon, for I have the special honor to pay a richly deserved tribute to the Chief Justice of the United States, Earl Warren, as he begins his retirement from the Supreme Court.

When the title was conferred upon him on October 5, 1953, as the 14th Chief Justice in this Nation's History, it was

clear to those who knew him that he was eminently suited for that responsibility and that the contribution he would make to that office would be significant and lasting.

Chief Justice Warren set the highest standards for the highest Court in the land. He became a force for promoting justice and protecting individual rights—a Chief Justice who recognized that the Constitution is a living embodiment of the words inscribed over the Court's entrance—"Equal Justice Under Law." Rarely before has a man fitted the title so well—and the title the man.

As Earl Warren leaves the Court after 16 years of wise and strong leadership, he takes his rightful place with those other great Chief Justices who have been placed by history in that special category of men who were not only notable jurists but statesmen with the wisdom and courage to help the Nation honor its commitment to the rule of law and equal justice for all.

Earl Warren began his life in my home State of California. Born of immigrant parents who had been brought to the United States in infancy, his Norwegian father and Swedish mother settled first in San Diego and then moved to Los Angeles where Earl Warren was born on March 19, 1891.

The Chief Justice's social outlook stems from the circumstances of his youth. His father was a railroader who lost his job and home when the workers organized and struck for better working conditions. Those were the days when employers refused to rehire strikers. That disturbing episode in his early life left its mark and undoubtedly explains why the needs of people have always been important to him.

He was reared in an atmosphere of love and devotion and very little money. Matt Warren, who exerted much influence on his son, was determined that the boy would receive the formal education that he had been denied.

Earl Warren's interest in law began early in his life. Bakersfield, where the family had moved, was still something of a lawless frontier town when Earl Warren was growing up. When the violence of a Saturday night brawl shifted to the court, he would stop on his way home from school to watch the proceedings in this county courthouse. The Chief Justice has said that his determination to become a lawyer goes so far back that he can hardly remember ever having been without it.

He was admitted to the California bar in the spring of 1914, having worked his way through college and law school at the University of California at Berkeley. His first post was in the legal department of the Associated Oil Co. at San Francisco. Discharged as a first lieutenant at the end of World War I, he became clerk of the judiciary committee of the California Assembly, the beginning of a long and distinguished career of public service.

From there, Earl Warren became the deputy to the Oakland city attorney; later the district attorney of Alameda County. His strong commitment to law and order, which lies at the core of the Chief Justice's being, surfaced in the years he was district attorney of Alameda County. He successfully fought to rid the county of crime, and gained a national reputation for honesty and devotion to good government. He was reelected to this office in 1930 and again in 1934.

As a candidate in 1938 for attorney general of California, he promised a nonpartisan administration and was elected as the nominee of all three parties: Democratic, Republican, and Progressive—in a cross-filing procedure. His remarkable job of reorganizing that office presaged his expertise in later years as Governor of California and as Administrator of the Federal courts when he became Chief Justice of the United States.

In 1942, Earl Warren became a candidate for Governor of the State of California. He announced his candidacy by declaring that—although a Republican, he would seek the support of both parties. and that he could do this honorably because he was an independent and, therefore, in a position to serve the people fairly regardless of political differences—a credo to which he held fast in all the years of public service. And, in the November election of that year, he carried every county in the State.

His popularity continued to increase in his first 2 years as Governor. Relations with the State legislature were effective and his efforts for the people were clearly defined. In 1946, he received both the Republican and Democratic nomination for Governor, becoming the first of California's Governors in 32 years to win a second term.

Earl Warren's political interests during those years took him into the national scene, serving first as an alternate delegate to the 1928 Republican National Convention, to become a favorite son nominee for the Presidency in 1944, and to an announced candidate for President in the 1948 campaign. When the nomination went to Thomas Dewey, he accepted his party's Vice Presidential bid, and with the loss of the election, Earl Warren in 1950 was reelected to a third term as Governor of California.

There were few critics during the years that Earl Warren served as Governor. His belief that government should be active and positive in serving people and that the highest State office should be administered on a nonpartisan basis gave credibility to the realization that it was certainly more than political power that led the people of California to elect him three times.

He searched for competence rather than political qualifications in his appointments. Honesty, integrity, administrative excellence were the hallmarks of his administrations. California's fast-growing heterogeneous population gave rise to immense problems for the State government. Governor Warren had an extraordinary sense of knowing exactly where to seek help for ideas on how best to govern. He bypassed political parties and went directly to the people—to citizens' committees and the like. He used his own civil service as a source of information, and revived the Governor's council and used it freely and consistently. He adhered strictly to the principle of an independent legislature, and when he decided not to run for reelection as Governor for a fourth term, it was because of a deeply ingrained belief that periodic change was necessary.

Governor Warren had no idea then that the highest judicial post in the Nation would soon be offered to him. Five days after the announcement on September 3, 1953 that he would not seek reelection, Chief Justice Vinson died. On September 30, President Eisenhower announced to the Nation his intention to designate Gov. Earl Warren as Chief Justice of the United States. His reputation for integrity, honesty, experience in Government, and law convinced the President that the Governor "was a man who had no ends to serve except the United States."

On October 4, 1953, Earl Warren resigned as Governor of California, and the next day he donned the robes of the 14th Chief Justice of the United States.

A new era was inaugurated in the Supreme Court.

Up to this point in his life, Earl Warren had achieved the so-called "American dream." His life read like a vertiable Horatio Alger story. From poverty, he rose through his own efforts to the governorship of one of the largest States in the Nation and served through three elected terms. His own political party had selected him to be its Vice Presidential nominee and he was accorded—at age 62—the second highest honor this country can bestow upon a citizen—the Chief Justiceship of the United States.

Had he been willing to do so, he could have well served the country and the Court in a strictly traditional sense. The issues before the Court when the Chief Justice took office called for a choice of carving out new judicial frontiers or following established precedent. The power to broaden the meaning of certain constitutional concepts that had lain dormant for many years now could be exercised to meet the revolutionary changes and needs of the second half of the 20th century—or things could go on as they were. He could have taken the latter road, but instead he acted to set the country on a course that would wipe out the legal basis for discrimination, break the deadlock on reapportionment—and would safeguard individual rights.

Like another great American 100 years before him, who saw the injustice of people shackled in slavery and knew that man's inhumanity to man could not exist in a nation that called itself free, Chief Justice Warren could not preside over a court without making certain that the basic principles inherent in the Constitution would be made a reality for all citizens—those who came from slavery: Those who lived as free men. He sensed a growing concern in America. about individual liberty, and he acted on his assessment with the full strength of his public reputation, leadership ability and ideals—which were a natural part of his character and experience.

While the Chief Justice has only one vote on a bench where nine strong, decisive jurists sit, it is unquestionably

true that the times have enabled Chief Justice Warren to play a special part in the history of the Supreme Court. Under his leadership, the Court has demonstrated its capacity to meet with conviction and wisdom the challenges of changing times in our society.

Not since Abraham Lincoln has any American done as much as has Chief Justice Warren to give the Negro the legal right to live in dignity and equality as a human being. In the 1954 landmark decision of Brown against Board of Education, segregation in our school system was halted and the decision signaled the demise of all aspects of racial segregation in American life.

A monumental Warren opinion in 1966 made the Constitution's guarantee of due process a reality for all men. The right for every arrested person to see a lawyer before being questioned by the police; the right to be informed of the nature and cause of an accusation; the guarantee that no one shall be compelled in any criminal case to be a witness against himself—these were the constitutional rights that the Court upheld in its Miranda decision.

It was repugnant to the Chief Justice to see a penniless prisoner standing without counsel before the power of the court of law. The right to counsel is a fundamental right and essential to a fair trial, he held, and in Gideon against Wainwright, he made certain that this right, embodied in the sixth amendment, was protected.

The fourth amendment's protection against unreasonable searches and seizures was buttressed in the Mapp decision by the Court's declaration that evidence illegally seized in violation of this amendment could not thereafter be used in court.

The first amendment was upheld. In the face of villification and abuse, the guarantee of freedom of speech was reaffirmed.

The Chief Justice once was asked to name his most important decision. Without hesitating, he replied, "Reynolds against Sims, of course."

With the decision on reapportionment, the "one-man, one-vote" rule became a cardinal principle in the democratic process of Government. In reading the opinion, the Chief Justice declared simply that "legislators represent people, not trees or acres—and are elected by voters, not farms or cities or economic interests." The decision on reapportionment may be the most significant step taken by the Court in the last hundred years. The issue begged for reform, especially in view of the inaction—year after year—of State legislatures to uphold their own constitutions—and in 1964 the voice of a statesman, as well as a jurist, was heard in the land. The Chief Justice provided the indispensable leadership for a solution of this problem.

Such were the opinions handed down by the Supreme Court under Chief Justice Warren. In Mallory, in Miranda, Mapps, Gideon against Wainwright, and in many others, the court fulfilled the promise of the Constitution that men, rich or poor, black or white, have equal rights under law.

The Warren court, through decision after decision, set aside the outrages and indifference to legal rights that were prevalent in American life—official racism, abuse of police authority, an unbalanced political system, intolerance of free expression—these and many more. Not always in the history of this Nation has the Supreme Court been able to demonstrate its capacity to insure the human rights guaranteed by the Constitution.

The Warren court did so. The impact of these historic decisions will be a true and lasting monument to Chief Justice Warren.

Added to his already impressive career, the Chief Justice in 1963 accepted the duty to head the sensitive Commission inquiring into the assassination of President John F. Kennedy—even though he strongly believed that members of the Court should not be involved in extrajudicial matters.

Ten months later—when the ordeal came to an end—it was evident that the report bore the strong imprint of the Chief Justice's renowned judicial expertise. His capability for administration was evidenced in the high standards of work he set for himself and for the Commission members. Warmth and kindness were reflected in his treatment of witnesses in the painful process of testimony.

It is not possible for me, with my tremendous respect and admiration for the Chief Justice, to say less than I have about him. I could say more—much more—for I have barely touched the highlights of the character and achievements of this great and good man.

With his sense of history and understanding of people—his decisiveness and courage—his calm and serenity in the face of opposition—the Chief Justice represents the promise of America for all the world to behold. Because he understands human failings, he sees the potential for good in people. In an age of political sophistication and cynicism, his greatest virtues are his simplicity, his humanity and openness, his instinctive courtesy and decency in every situation.

Added to these qualities are the training, experience, and knowledge of a brilliant prosecutor, an expert administrator, and a distinguished jurist. His whole personality reflects to a remarkable degree the concept of justice. The wisdom with which he reached his decisions and administered the Court will inspire Americans for many generations to come. He has served his Nation with exceptional distinction—and he deserves the gratitude of all Americans as he and Mrs. Warren begin their retirement years.

The Nebraska Law Review dedicated its November 1968 issue to the Chief Justice. It is rewarding to read the brilliant and laudatory dedications. Among these is an open letter to the Chief Justice from Charles Morgan, Jr., director of the southern regional office of the American Civil Liberties Union.

I must at this point mention briefly one of the Chief Justice's interests that has no bearing whatever on jurisprudence. It is a very human interest. As one of the most enthusiastic baseball fans in the Nation, it is reported that the Chief Justice is a walking encyclopedia of baseball lore—and that he has not missed a world's series game, either in person or on television, for 14 years.

Mr. Morgan, in his letter, relates a warm, personal incident at a baseball game, which I am sure the Chief Justice will long remember.

Mr. Morgan writes:

Several years ago I took my wife and our then eleven year old son to the baseball game at Yankee Stadium. Searching for a taxicab to the airport we stood near the Yankee club house exit.

Hundreds of children clamored for autographs from Ralph Houk and shouted "Yogi!" "Yogi!" You and two other men walked unnoticed to a waiting automobile.

My son waved at you. You waved back.

I felt it strange that children sought the Yankee catcher and let the Chief Justice of the United States, out of uniform and unrecognized, walk by.

But those children were happily seeking their own heroes at an age when others not too long ago marched stiff-legged as a part of the Hitler youth.

Our children do not yet have an equal chance to grapple with the opportunity that is the hope of this land, but the Warren court has opened doors and kept alive the chance that their dreams may be realized. And, perhaps our children will do more to make a still better life for all of us.

And then—I thought—why should those children have recognized you? It sometimes takes time for men—let alone children—to recognize those who've fought their battles for them and kept them free.

And Mr. Morgan continues:

So thank you, Mr. Chief Justice, for fifteen years of building constitutional walls of protection and bridges of equal access for all Americans.

I agree. Earl Warren could have done no greater good for his country than to have served as Chief Justice of the United States. And, the country could have given him no more fitting honor than to have placed him there.

Mr. Speaker, a distinguished California author, John Downing Weaver, 2 years ago wrote a penetrating biography about Chief Justice Warren, entitled, "Warren, the Man, the Court and the Era." In his book, John Weaver caught the full essence of the man and his times.

In the fall of 1968, Mr. Weaver was a contributor to the University of Pittsburgh Law Review issue, which was dedicated to the Chief Justice. His article, in a sense, is a brief digest of his larger work on the Chief Justice.

In closing our tribute to the Chief Justice, I believe it would be fitting to quote from John Weaver's article in the Pittsburgh Law Review, for it reflects, briefly and precisely, the greatness that is Chief Justice Warren:

ARTICLE BY MR. WEAVER

It is ironical that this courtly, God-fearing family man, who sleeps with the Bible within reach, who has never been known to tell an off-color story and who first came into prominence as a tough but scrupulously fair prosecutor should round out his half-century of public service presiding over a tribunal charged with coddling atheists, pornographers and criminals. In fact, he is a deeply religious lawman.

He grew up in a lively California town where ranch-hands and oilfield workers crowded the muddy streets on Saturday night, shooting and knifing one another in drunken quarrels over cards and women. They would awaken in the county jail on Monday morning, and when they came to trial in the county courthouse in Bakers-

field, Matt Warren's tow-headed son was likely to be sitting in the courtroom, his bicycle parked outside. The law, he had decided long ago, was to be his life.

He began in Oakland in the 1920's, putting bootleggers, cardsharps and crooked politicians behind bars. When he first ran for Governor of California in 1942, he was accused of being a mean sort who "reveres policemen, deputy sheriffs and investigators." Actually, it is the law he reveres, and it is the law he has devoted fifty years to—enforcing, administering and interpreting.

As a county prosecutor in 1936, he could have played down his role in a controversial waterfront murder case which jeopardized his political career and his personal safety. Instead, he lumbered past picket lines, ignored the threats made on his life and packed the defendants off to prison. As he saw it, he had no choice but to do what he had taken an oath to do.

As Chief Justice, he felt equally certain that he had no choice but to plunge into the "political thicket" of malapportioned legislative districts. Justice Frankfurter went to his grave arguing the other side of the question. In 1946 when it came before the Court in Colegrove *v.* Green, Justice Frankfurther spoke for a 4-to-3 majority. "It is hostile to a democratic system to involve the judiciary in the politics of the people," he wrote, thus leaving about two-thirds of the American people with no recourse except to the rural legislators who had partially disenfranchised them.

Justice Frankfurter did not live to see the "one man, one vote" doctrine applied to seats in Congress and in state legislatures by *Wesberry* and *Reynolds*, but Warren seemed to be speaking directly to his view of the judiciary's chaste abstention from any involvement with "the politics of the people," when he declared that "a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us."

In electing to write the majority opinion in *Reynolds*, the Chief Justice put himself in the embarrassing position of having to reverse a stand he had taken in 1948. As Governor of California, he had opposed reapportioning the State Senate on the basis of population. "Why didn't you turn the opinion over to somebody else to write?" a friend asked him that summer, and he replied with characteristic bluntness: "I wasn't going to let anybody say I didn't have the guts to write it myself."

The Chief Justice was sixty-two years old when he came to the bench. He had held three important jobs in California. To each of them he had brought the same abundant energy, good nature and stubborness he brought to the Court. In each job, he had begun by rounding up a first-rate staff and had ended by overhauling the administrative machinery and leaving the office stronger and more efficient than he had found it.

As district attorney of Alameda County (1925–39) he had set up a model law enforcement agency and succeeded in getting local lawmen to work together as part of a streamlined, statewide system. As Attorney General (1939–43), he had modernized an antiquated office and made it second only to the Governor's in power and influence. As Governor (1943–53), he had shored up the foundations of California's remarkable university complex, reorganized the prison system, provided modern medical care for the mentally ill, beaten back the oil lobby to build new freeways, waged a losing fight for compulsory health insurance, and left his successor a superb civil service run on nonpartisan lines by highly respected officials who were reappointed time and again by subsequent Governors, both Republican and Democrat.

As Governor and as Chief Justice, Warren had the historic good fortune to find himself holding the center of the stage in a period of revolutionary change. During his decade in the State Capitol, he presided over California's wartime industrialization and postwar growth. During his fifteen years on the bench, he presided over the Court at a time when an accumulation of assorted injustices could no longer be swept under the judicial rug.

Black children were attending public schools that were considerably more "separate' than 'equal', and penniless prisoners were being put on trial without assistance of counsel. Even when a lawyer was appointed to represent an impoverished defendant in court, his conviction might already have been assured by a confession wrung from him in the station house by force, by guile, or simply by taking advantage of his ignorance of his right to silence and to counsel.

The Chief Justice is a hard-working, plain-speaking man who took an oath to 'administer justice without respect to persons and do equal right to the poor and to the rich. . . .' In Washington, as in Oakland and Sacramento, he has done his best to do what he swore he would do, and in the process he has grown to greatness.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, I rise to express some words of tribute to one of the most outstanding Chief Justices in the history of this Nation. I rise to acclaim the judicial leadership, personal integrity, and profound devotion to public service of Earl Warren.

Perhaps the most appropriate tribute any one of us can make to this great Chief Justice is to recall some of the landmark decisions that he has rendered over the course of the past 16 years; decisions which held segregation in public schools to be invalid; or which held that malapportionment in State legislatures was challengeable on the basis of the equal protection clause of the 14th amendment. Consider, for example, these words written by Chief Justice Warren in Reynolds against Sims, decided only 5 years ago:

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our [state] legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system . . .

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.

Every Member of this House has experienced the impact of the reapportionment decisions, and every citizen of the Nation, I believe, benefited from them.

The gist of the historic end of "separate but equal" public education in Brown against Board of Education was put in these words by Earl Warren:

To separate [Negro children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.

In the course of his tenure as Chief Justice, the Court has rendered many significant decisions interpreting numerous parts of the Bill of Rights. Many of these cases involved denials or abridgments of rights guaranteed by the first, fourth, fifth, sixth, and eighth amendments to the Constitution. These cases required the Court to apply constitutional standards concerning the right possibly to assemble, to petition the Government for redress of grievances, the right of free exercise of religion, the right to be secure against unreasonable searches and seizures and the right to due process of law, among other matters. All of these decisions have focused on the exercise of governmental power vis-a-vis the individual citizen.

The Warren court, as it has come to be known, has given contemporary definition of the safeguards constitutionally required in criminal procedures and law enforcement. Illustrative is the Court's opinion written by the Chief Justice in Miranda against Arizona. There, the Court dealt with custodial police interrogation and the necessity for procedures to protect the rights guaranteed under the fifth amendment to the Constitution. It held that a person in custody must be informed that he has a right to remain silent, that anything he says may be used against him in court; he must be clearly informed that he has a right to consult with a lawyer and to have that lawyer with him during the interrogation and that if he is indigent a lawyer will be appointed to represent him. The Chief Justice made clear that the majority was concerned also with the impact of its decision on law enforcement:

In announcing these principles, we are not unmindful of the burdens which law enforcement officials must bear, often under trying circumstances. We also fully recognize the obligation of all citizens to aid in enforcing the criminal laws. This Court, while protecting individual rights, has always given ample latitude to law enforcement agencies in the legitimate exercise of their duties. The limits we have placed on the interrogation process should not constitute an undue interference with a proper system of law enforcement. As we have noted, our decision does not in any way preclude police from carrying out their traditional investigatory functions. Although confessions may play an important role in some convictions, the cases before us present graphic examples of the overstatement of the "need" for confessions.

In addition to his service on the bench, Chief Justice Warren exemplified qualities of outstanding leadership in both judicial administration as presiding officer of the Judicial Conference of the United States and also as a citizen. His service as Chairman of the President's Commission on the Assassination of President Kennedy gave reassurance to a grief-stricken people and provided stability at a time of national crisis.

Earl Warren's career as Chief Justice is reminiscent of the career of John Marshall, the fourth Chief Justice of the

United States. History records Marshall as an influential progressive force in the growth of our political institutions, but also records that he was continually the center of heated public controversy throughout his career on the Court. So, too, Earl Warren has been the focus of virulent, irrational criticism, but I am confident that history will record him as an outstanding humanitarian, judicial scholar, and national leader. His impact on American jurisprudence will be deep and lasting. His devotion to the cause of justice exemplifies the highest ideals of a nation committed to government under the rule of law.

Mr. CORMAN. Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. I thank the gentleman for yielding.

Mr. Speaker, our forefathers wrote a constitution to make this a country where it would be safe to be unpopular. Chief Justice Earl Warren understood and nobly carried out that purpose during his service. Those who really love freedom will be forever in his debt.

I thank the gentleman for yielding.

Mr. CORMAN. Mr. Speaker, I yield to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Speaker, I would like to compliment my friend from California for having made such an eloquent statement and for honoring Chief Justice Warren who has done great honor to this country in the years that he has served so nobly and so well as Chief Justice of the Supreme Court. I want to thank my friend for having given all of us here today an opportunity to join with him in praising the former Chief Justice.

Mr. OTTINGER. Mr. Speaker, I am pleased to join in this tribute to Chief Justice Earl Warren. It is a tribute he richly deserves and I am confident that years from now, the perspective of history will more than justify the words uttered here today.

When President Eisenhower announced his choice for Chief Justice of the United States in 1953, he described him as follows:

> A man whose reputation for integrity, honesty, middle-of-the-road philosophy, expertise in government, experience in the law, were all such as to convince the United States that here was a man who had no ends to serve except the United States, and nothing else.

For those who expected Earl Warren to be a bland middle-of-the-roader with a static, technical approach to the law, the past 16 years must have been traumatic, indeed, for the years of the Warren court have seen sweeping changes in the fabric of our society—changes in which the Supreme Court and its Chief Justice have been intimately involved.

Less than a year since he became Chief Justice, Earl Warren read a unanimous decision in Brown against Board of Education that set off a series of convulsive changes in our Nation's schools—changes which have not yet reached a climax. He said:

> In the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

Ten years later, in 1964, the Chief Justice announced another landmark ruling, enunciating the one-man, one-vote principle in Reynolds against Sims:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

These two rulings are indicative of the concern and compassion which marked Supreme Court decisions under the leadership of Earl Warren. In interpreting the Constitution as a living, viable set of principles, the Warren court reached deep into the conscience and being of America.

The retiring Chief Justice has served his country long and honorably. There are many of us who sincerely hope that his wise judgment will be available to the councils of government for many years to come. In the final analysis, I can only share the sentiments expressed by Associate Justice Tom C. Clark:

> The worth of the United States—in the long run—and the worth of the individuals composing it will be the greater for Earl Warren having been their Chief Justice.

Mr. FRASER. Mr. Speaker, I am honored today to join many of my colleagues in paying tribute to the retiring Chief Justice of the U.S. Supreme Court, Earl Warren. Beyond any doubt, Justice Warren has earned his place as one of the greatest—many observers think the single greatest—Chief Justices in the history of our Nation.

Justice Warren has been described as a simple man. Among the adjectives applied to him by his biographers are "jovial," "warm," "realistic," and "pragmatic."

Of Scandinavian ancestry, Justice Warren is the son of a woman who lived in my State of Minnesota. His origins are modest; he grew up in a five-room frame house in Los Angeles. Throughout his long life he has shown compassion for minority groups and for his fellow Americans who have needed help, sometimes against great odds. His compassion has influenced some of the historic decisions made by the Warren court since his appointment in 1953. These decisions have done much to strengthen the constitutional rights of all Americans. "Landmark" is an appropriate—though much-overworked—adjective applying to the Warren court, particularly in the Court's decisions on school desegregation, voting rights, and protection of the rights of persons accused of criminal acts.

Justice Warren's well-deserved reputation as a civil libertarian has brought him censure and abuse from racists and radical rightists who have for years made "Impeach Earl Warren" one of their shrillest and most persistent slogans. Others, and I am proud to list myself among them, look upon the libertarianism of the Court during the last 16 years as a lasting service to the preservation of our national ideals.

According to what I have read about him, the 14th Chief Justice is not renowned so much for his legal scholarship as for his down-to-earth realism and pragmatism. He is a product of a political background. Before his appointment as Chief Justice, his legal experience was concentrated in government, first as a district attorney and later as attorney general of California. He was a distinguished Governor of his State, serving an unprecedented three terms. In 1948 he was his party's candidate for Vice President of the United States.

In a March 13, 1966, article in the New York Times magazine, marking Justice Warren's 75th birthday, the author referred to the "result-minded pragmatism and power of Earl Warren." He summarized much of Justice Warren's effectiveness, I think, in the following two paragraphs:

> It is precisely that sort of pragmatism that a Supreme Court Justice most needs today—when half the cases the Court hears deal with some new issue or new angle of individual rights and liberties, subjects which took up barely 2 per cent of the Court's calendar 30 years ago. Further, almost every case the Court now deals with is a public law case, involving, if not a constitutional question, the interpretation of a statute or the overseeing of an administrative agency.
>
> That is why Justice Brennan, who spent 7 years on various New Jersey courts, dealing with private litigation over wills and property rights and torts and trusts and such, laughs at the notion that prior judicial experience is worth 2 cents to a Supreme Court Justice, except in learning how to put on a robe. That is why such learned legal scholars as Holmes and Cardozo made their greatest contributions on state courts, not on the Supreme Court. And that is why such politically-minded realists as Marshall and Warren might have been failures as state—or even lower Federal—judges but can become giants as Supreme Court Justices.

Mr. Speaker, my views about Chief Justice Warren are reinforced by those of my father, Everett Fraser, who now lives in retirement in Washington. Before retiring 4 years ago at the age of 85, he was law professor and dean at the Georgetown University and University of Minnesota Law Schools and professor at the Hastings College of Law in San Francisco, Calif.

My father, having joined the Hastings faculty in 1949, lived in California during the Warren governorship. He approved highly of Governor Warren's appointment to the Supreme Court. My father believes that public or political experience such as Justice Warren had is important preparation for the Supreme Court. Because of the unique responsibilities of the Supreme Court, he said the other day, "I regard the work of an outstanding Chief Justice as equal in many respects to the work of an outstanding President."

The absence of Earl Warren from the Supreme Court inevitably will be felt, directly or indirectly, by all Americans. He has left his footprints in the sands of American history, as the Washington Post cartoonist, Herblock, graphically recorded a few days ago. As the Chief Justice's illustrious public career comes to an end, we wish him success in retirement.

Mr. MOORHEAD. Mr. Speaker, retiring Chief Justice of the United States, Earl Warren, will go down in history as one of our greatest leaders and most dedicated public servants. Not since the formative days of the Republic when John Marshall presided over its deliberations has the Supreme Court played so dynamic a part in American affairs

as during the 15½ years that Earl Warren has been the Chief Justice of our Nation. In this difficult era of turbulent social change the Supreme Court under his leadership has protected and expanded our constitutional liberties and served effectively as guardian of a living Constitution related to current realities.

The whole of Earl Warren's lifetime in public service has been dedicated to his conviction of the equality of all men, politically, racially, and economicaly, before the law. If through the years the Court's work is well done, he said in 1953 when he accepted President Eisenhower's call to be Chief Justice:

> The home of every American will always be his castle—every human life will have dignity and there will forever be one law for all men.

This was the guiding principle behind such great milestones as Brown against the Board of Education, Baker against Carr, and Gideon against Wainwright, the principle that the worth of every human being should be the first concern of the rule of law.

By example, Chief Justice Earl Warren has taught us to realize that law is not an arid game of words, to be played only in libraries, but the organizing principle of society; that law is part of life, and that it must be studied and practiced in its full context of history, philosophy, and social experience. Above all, he expounded the basic lesson of Justice Holmes' "Common Law"—that the law must make sense—make sense in what it does and what it says, and make sense as a vital force in public policy.

Earl Warren's term of office has been a period of intense and threatening social conflict. Major social change is never accomplished without some conflict, and the Supreme Court's decisions of the last 15 years have often been controversial. The Chief Justice has not evaded his share of responsibility, nor has he sought trivial solutions. Instead, he has calmly applied the law, meeting the test of history head on, and without flinching, confident that his farsighted views would be accepted in the end because they are right.

Of course, no Chief Justice controls or dominates the strong-minded independent associates who sit with him on the Supreme Court. Earl Warren has served the Court as a catalyst, finding common ground in crucial situations to harmonize their differences and fostering among them a recognition of their common purposes. His robust, healthy good humor, good will, and good sense have done much to unify the Court in spirit if not in opinion and give it a sense of direction and force in meeting emergent issues.

It was Earl Warren who wrote the historic opinion—and for a Court made unanimous in no small measure by his leadership—in the 1954 decision that toppled the whole structure of segregated public schools—and of other forms of racial discrimination as well. Under his guidance, the Court has given new assurance of religious liberty and strengthened our constitutional separation of church and state.

The Warren court entered the political thicket of malapportionment in Congress and in State legislatures and wrested from it a redress of the rural dominance which had for so long frustrated solution of our Nation's mounting urban problems. It has secured for all Americans the restraints imposed upon law enforcement by the Bill of Rights, protection for the little man, the poor and illiterate, as well as for the rich and powerful.

No Chief Justice has better served his Court or his country than has Earl Warren. Under his guidance the Supreme Court has led America forward irrevocably toward true justice and equality under law. I have no doubt that Earl Warren will be judged one of the staunchest and most perceptive of our Chief Justices, true in every sense to the duties of the post, and to the purposes of the Constitution. I join my countrymen in paying tribute to a man whose contribution to our Nation's welfare has been immeasurable. He has earned our most profound respect and gratitude, and I wish him many rewarding years in his richly earned retirement.

Mr. ASHLEY. Mr. Speaker, with the retirement of Earl Warren yesterday, we are losing a great Chief Justice. I believe that his life and career are representative of the best that America has to offer.

Earl Warren is an authentic Horatio Alger, the son of a Norwegian-born railway-car repairman who used to tell him that the family was too poor, on a $70 monthly wage, to give him a middle initial.

When his son was barely 4 years old, Methias Warren followed Eugene V. Debs' American Railway Union on a futile strike against the Southern Pacific and lost his job. He later prospered as a master car repairman and small property owner until he was bludgeoned to death over his account books in a still unsolved robbery-murder in 1938. But Methias Warren never forgot his hard times, and he would not let his son forget either. From the age of 10 on, Earl Warren worked summers and after school, driving an ice wagon, delivering papers, selling books door-to-door, and doing odd jobs as a freight hustler and farmhand.

While deputy district attorney in Alameda County, Calif., for 5 years and district attorney for 13, he was bothered by the power he wielded:

> I never heard a jury bring in a verdict of guilty but that I felt sick at the pit of my stomach.

But he followed his conscience, won many such verdicts, dispatched a succession of grafting public officials to jail, and never suffered a reversal on appeal.

In 1942, he won a first term as Governor of California by 342,000 votes, then a second in 1946 when he won both major party primaries, and an unprecedented third term in 1950 by 1.1 million votes. He was, as he had promised, safe, sane, and liberal, and assiduously bipartisan as well. He built highways, hospitals, and schools; won welfare and prison reforms, and three times went down fighting for a State health-insurance program.

Earl Warren brought to the governorship a philosophy which placed the welfare and progress of the State above any small consideration of party or group. In the implementation of that philosophy he exerted quiet, steady pressure toward his objectives, refusing to be jarred off course by the pleadings of special interests or lured off the deep end by plausible propositions which attached rewards to compromises of principle.

It was this implacable dynamism, this liberalism of deed rather than word, that made Earl Warren an outstanding Governor and that he brought with him to the bench.

In September 1953 President Eisenhower announced his intention "to designate Gov. Earl Warren as Chief Justice of the United States" because he "wanted a man whose reputation for integrity, honesty, middle-of-the-road philosophy, experience in government, experience in the law, were all such as to convince the United States that he was a man who had no ends to serve except the United States." It was widely assumed at the time that Warren's appointment was a reward for party loyalty.

However, from the very beginning, Earl Warren failed to fit the stereotype. Instead, he became the ideal Chief Justice, a leader setting a high standard for the highest court in the land. He abandoned partisan politics, moderate Republican or otherwise, and became a force for fairness, for "equal justice under the law." Warren has been very simply a constitutionalist. However, considering the truly radical doctrines of equality embodied in that revolutionary document, that remains extremely inflammatory to this day. It seems clear that in future years the decisions on individual liberties and civil rights of the Warren court will be recognized for their historical awareness, not for any historical indifference. For, underneath Earl Warren's opinions can be found a deep recognition that the Constitution is a living document, in need of preservation by a Court of understanding, concern, and compassion.

Consequently, the true and lasting monument of the Chief Justice will be the impact of the decisions of the Warren court, many of which bear Earl Warren's name. For in the final analysis the Warren court has been dedicated to promoting justice and protecting individual rights and that, ideally, is what America is all about.

The first of the landmark decisions which were to characterize the Warren court came on May 17, 1954, when the Chief Justice, writing for a unanimous court, read the opinion in Brown against Board of Education:

> To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely to be undone. . . .
>
> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate education facilities are inherently unequal.

Later he expanded this view to other matters affecting relations between the black and white races, as the Court struck down segregation in public accommodations, transportation, restaurants and other areas.

Furthermore, the executive and legislative branches followed the Court's lead. Thus, President Eisenhower sent Federal

troops into Little Rock, Ark., in 1957 to enforce admission of Negroes to Central High School, and Congress enacted the Civil Rights Act of 1964 prohibiting discrimination in places of public accommodation. Also, Earl Warren's clear observation that separate facilities are inherently unequal was sadly echoed in the Kerner Commission Report on the direction that our society is moving in.

In a second landmark decision, Reynolds against Sims, the Court moved to right the electoral balance between the overrepresented farmer and the underrepresented city dweller. Writing the majority opinion, Warren laid down the guiding principle of one man, one vote.

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.
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> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that might strike at the heart of representative government. And the right of suffrage can be denied by a debasement of dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

This decision represented one more giant stride to make America live by its own promise, to make the system work on its own terms.

In the area of criminal procedure—one of the major determinants of a "civilized" society—the Court moved to assure all criminal suspects equal rights. Thus, in Miranda against State of Arizona, Warren wrote:

> The current practice of incommunicado interrogation is at odds with one of our nation's most cherished principles—that the individual may not be compelled to incriminate himself. Unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

Thus, the Court placed strict limitations on the admissibility of confessions. During Earl Warren's tenure, it also banned evidence obtanied by illegal search and seizure, placed strict limitations on the use of lineup identifications, and moved to guarantee both rich and poor the right to counsel at all relevent stages of the criminal procedure. In essence, the Court moved to make it clear that the police, in the administration of the law, are not above it.

Our forefathers conceived this Nation as an escape from tyranny and its founders devised its basic charter as a protection to the unalienable rights of both the rich and the poor, the ignorant and the educated, the black and the white. And in that instrument they created the Court as every man's protector of those national privileges. The cases that I have mentioned, therefore, have a universal bearing and impact. While the executive and legislative branches perhaps acted merely to contain ferment, the Warren court moved to strengthen the great instruments of power in a democratic society—the right to vote, the right to be tried fairly, the right to equal opportunity, and the right to voice one's opinions freely. Thus the Court was fair and true to the promise of the Constitution.

The impact of the Chief Justice and the Warren court on our society was well stated by former Associate Justice Tom Clark:

> If a civilization is ranked according to its system of justice, I submit that ours is the most enlightened civilization in history. Moreover, the fifteen-year period covering Chief Justice Warren's tenure has added more stature to our judicial system than any era in our history. Beyond question, the rights of man have been enlarged and extended further and given more constitutional protection than ever before. This is not to say that the Chief Justice brought this about singlehandedly. He would be the first to say that it was the Court that accomplished it. But as one who was on the Court, I add that it might well have never been done without him. As I have noted, he is a man of action. By this, means that he never dodged any of the issues nor hid behind any of the technicalities that afford avoidance and delay. He met the question head-on, considered all of its ramifications and came up with his own honest and sincere answer. He was an indefatigable worker in the vineyard—an equal among equals—but always responding to the duties of Chief Justice with humility, friendliness and integrity that was his hallmark. He was an example that not only endeared him to each of us but stimulated greater achievement in all of us.

It is most fitting that the Congress honor this man today, for he is responsible for much of our finest legislation. John Stuart Mill once said:

> The worth of a state, in the long run, is the worth of the individuals composing it . . . a state which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished.

The worth of the United States—in the long run—and the worth of the individuals composing it will be greater for Earl Warren having been their Chief Justice.

Mr. FARBSTEIN. Mr. Speaker, it was my distinct privilege and honor to serve with Chief Justice Earl Warren as representatives of the U.S. Government designated by the then President Lyndon Johnson at the independence day ceremonies of the Republic of Barbados some years ago. During that time, my wife and I had occasion to spend several days with the Chief Justice and his charming wife. I found him to be an extremely forthright individual, quite friendly and warm—a very decent human being.

In the years he served on the highest Court of the land, Mr. Warren has weighed many decisions with the utmost interest of maintaining the integrity of the Court. Chief Justice Warren launched his historical Supreme Court career with the landmark decision of 1954—Brown against Board of Education. He has protected the individual's rights by the several decisions which reaffirm due process of law.

As a result of these controversial opinions handed down on such issues as racial integration, rights of suspected criminals, subversives, and the prerogatives of States, Chief Justice Warren has made the pursuance of greater justice and the guarantee of personal freedom the keystone of his tenure.

In setting this tone, he has made it clear that the Court cannot permit flagrant violations of constitutional liberties in view of the dire consequences which they are almost certain to bring about.

We cannot necessarily measure a man's deeds and whether they are of far-reaching effect with the time he serves his country. However, in the case of Chief Justice Earl Warren, we do not have to differentiate. His deeds are commensurate with his service. To most men, 15 years would be a short time in which to accomplish much. Mr. Warren in this brief period, was able to influence the history of the United States for the next 100 years.

It is my opinion that his name will go down in history as one of the Supreme Court greats in the class of Marshall, Holmes, Brandeis, and Cardoza.

Mr. REUSS. Mr. Speaker, I join in saluting Chief Justice Earl Warren on the occasion of his retirement from a long and distinguished career in public life.

During his 16-year tenure as Chief Justice, Earl Warren was a prime mover in Court decisions that have played a fundamental role in our constitutional history.

Just 2 months after the former California Governor assumed his post at the head of the Nation's highest tribunal, he read the famous decision reversing the "separate but equal" doctrine of school segregation, a decision that signaled the beginning of today's social revolution in America.

Since 1954, the Warren court has handed down many other landmark decisions, such as that on reapportionment which have sought to safeguard individual and minority rights.

Chief Justice Warren has been a leader of those who sought to exorcise the poisons of hatred and prejudice in our Nation. The work of the Court under Chief Justice Warren in promoting racial justice may well have been its greatest achievement.

Earl Warren has been in the public service for 30 years. All Americans can be proud of his record. While he has left the bench, his accomplishments remain with us. We know that in years hence we shall continue to have access to his wise counsel and judgment.

Mr. DADDARIO. Mr. Speaker, it is rare, indeed, when a nation recognized the greatness of a man who is still in the midst of his career. Earl Warren, 14th Chief Justice of the United States is such a man. For 15 years, he has led the highest court of the land with integrity. During an era of intense and threatening social conflict, he has set the calm tone necessary for the important work of the Supreme Court.

As a judge and a lawyer, Earl Warren has set a fine example, for the other Supreme Court Justices, for judges and lawyers all over our land, and for the young people of this country, who lack for heroes.

We recognize the devotion and hard work that Earl Warren has put into his office, as well as the results of that dedication. Chief Justice Warren has been a champion of humanitarian law: Believing that the Constitution of the United States was written for the people of this country, he has led the Court in making decisions that have improved the lives of our citizens.

On the occasion of his retirement, I should like to add my voice to the hundreds of others raised in tribute to this outstanding servant of humanity. I believe that time will demonstrate how very unique and progressive was the Supreme Court under the leadership of Earl Warren.

Mr. CLAY. Mr. Speaker, Earl Warren not only served as Chief Justice of the United States—but he is chiefly responsible for justice heretofore not realized by black citizens of this Nation. Some men see only law—other men's vision includes people as they relate to the law. Earl Warren saw people suppressed by the law as applied and said, "It is not right."

There is no means by which we can pay due tribute to this man. In our own time—we simply cannot do it. It will take more words, more effort, more concern, and more understanding than we can produce in the century which remains. Due tribute will be made, however, and there is not a doubt in my mind but that this man, Chief Justice Earl Warren, will stand in the annals of history as a landmark to this Nation of law and to the institution which serves as the third branch of our Government.

"Inflexibility of institutions," they will say, "need not be the rule," and then they will cite Earl Warren's court. "Responsiveness to the people and to the times is possible," they will say, and then, they will cite Earl Warren. "For 200 years, minorities were denied equal protection of the law—and then, there was Earl Warren's court—when black men started an ascent toward equality in the United States." And they will say, "With this court, all Americans shared in the realization of true citizenship, when equal rights and protections of the law were set down."

The texts will go on and they will elaborate on the character and the sensitivity of Earl Warren who stood nobly as the Chief Justice of the United States and read the climate of the country. Cases such as Brown against Board of Education, Gideon against Wainright, and Baker against Carr—will be noted in history books as well as in law books. And there may even be one paragraph to the effect that this Court not only endured but plunged on in the midst of cruel and harsh criticism inflicted upon the Chief Justice and the men who served with him.

Personally, I must tell Justice Warren what he has meant to me and to the people I represent.

Prior to your court, Chief Justice Warren, my family and I had to travel from St. Louis to California in knowledge of the fact that we could not find overnight accommodations. We sought out the correct labels and signs in order that we might find restrooms, drinking fountains and sometimes, even the right gasoline station.

Prior to your court—Justice Warren, black men stood in stark fear of arrest—because color stood as the only judge and jury—and physical injury or intimidation was inflicted with total disregard for citizenship or manhood

Prior to your court, Justice Warren, we sought to educate our children in underfinanced and undermanned schools. Sometimes, we sent them miles from home—on past the new schools—to the old facility which served black children.

Prior to your court, Chief Justice Warren, there were many who felt black people would never be admitted to this society. When we were struck by the hopelessness of racism, you gave us hope. When black ghettos were ready to explode, you helped to relieve the pressure.

To those who insist you made law—I say no—you only gave it the meaning it was intended to have. You did not write any new paragraphs into the existing Constitution, you merely erased the heavy marks which hid the words which were always there. There was no juggling of the written word—merely an effort to put the puzzle back together. For when you assumed your office, you found your charge torn in a million pieces and scattered across the 48 States. That was 1953, when men had assumed precedence over the law by taking from it only what served their immediate and prejudiced purposes.

To those who say you shaped the law—I say yes, thank God—he breathed life back into the law when he found it on the brink of death.

It will be known that Justice Warren survived attacks because they held no meaning for Americans. Meaning is in truth and truth may now be found in the laws which passed in review before him. Truth—that is what Americans have learned to demand—but when truth is given, some Americans yearn for a return to lies. To abide the truth when it casts doubt upon personal bias or value—is not always a simple matter. But to provide the truth as Chief Justice Earl Warren has done through his courageous leadership of the Supreme Court—stands at the height of difficult honesty. The fact that he stood for it when simpler paths courted his attention—speaks for the greatness of this man.

I commend Earl Warren, I honor Earl Warren, and I say—thank you. May the influence you have brought to bear upon our democratic form of government serve to inspire and to encourage those who aspire to serve this Nation.

Mr. BELL of California. Mr. Speaker, yesterday marked the end of an era in judicial history. Earl Warren has retired as Chief Justice of the U.S. Supreme Court.

Two years ago Chief Justice Warren said:

> I believe that the strength of our system in this country depends on the infusion of new blood into all our institutions.

Acting on this conviction, Chief Justice Warren has graciously stepped down from his position of responsibility and power leaving the way open for new leadership on the highest court in the land.

Exaggerated praise and criticism alike have accompanied many decisions made by the Warren court. Many unwarranted attacks have been made upon the Chief Justice himself.

Earl Warren did not shrink from even the most severe critics. Rather, he gave the Court his loyalty and full support with integrity and quiet dignity in the best traditions of the office he held. And he performed his duties with a consistent view to the maintenance of human rights and "equal justice under the law" for all Americans.

Throughout his long career of public service Earl Warren has fairly served those he represents. Recognized for independent leadership in California, he received the gubernatorial nomination from both the Republican and Democratic parties.

History will determine the greatness of Earl Warren as Chief Justice. History will be the ultimate judge of the Warren court and the measure of its impact on the quality of life in America.

Earl Warren has served his country well for many years. I join those who now rise to praise him. And I wish him well in his retirement from a distinguished career which cannot be easily emulated.

Mr. VAN DEERLIN. Mr. Speaker, I feel I have known Earl Warren throughout most of my adult life. I was barely out of college when he began acquiring fame as our racket-busting State attorney general in California. And later, Mr. Warren was such a success as Governor that it seemed we had never had another one—he was and still is the only person ever to win election three times to our State's highest office.

But it was after he moved to the Federal Government, as Chief Justice, that he really began to place his mark on history.

In civil rights, criminal law, and voting rights, the Warren court has blazed new paths through what I firmly believe has been an enlightened interpretation of our Constitution.

Justice Warren and his court have been under heavy attack, and at times I have quarreled with some of the High Court's decisions.

Nevertheless, I believe the Court, over the past 16 years, has been consistent in a way that reflects the highest kind of credit on Justice Warren and his associates.

If we examine the great decisions in which Mr. Warren has played such a vital part, we find that virtually all of them were intended to uphold the integrity of the individual when confronted with the massive power of the state. Although some of the rulings have been highly controversial, I think we can all appreciate them a little better if we contemplate the alternatives.

I suspect that the very controversy which has attended so much of Mr. Warren's work on the High Court attests to his effectiveness. Could the Nation possibly have been as well served if Earl Warren and his colleagues had been content with a bland, passive role; stayed out of the limelight, and permitted injustice to go unanswered by our final court of appeals?

Mr. BINGHAM. Mr. Speaker, as we mark the end of the Warren court, it is with deep respect that we express our gratitude to Earl Warren for his outstanding contribution to American Government. During his tenure as Chief Justice, Mr. Warren led the Court in

bringing compassion and purpose to our legal system. At a time when the Nation needed strong guidance, Earl Warren had the courage to give modern meaning to the concept of "a living Constitution."

His record is replete with achievements in many areas of the law. The diversity of his Court's work reflects both the breadth of Mr. Warren's scholarship and his brilliance as a student of the law, and the vitality of his leadership as Chief of the American judicial system.

As the impact of Mr. Warren's work expands over the years, it shall be for future generations of Americans to realize the full scope of the Court's precedents. But if there is to be one thought in our minds today when we review the decisions of the Warren court, it is that during these past 14 years the Supreme Court has given even deeper meaning to its fundamental principle of "Equal justice under law."

Mr. HOLIFIELD. Mr. Speaker, I join today with my colleagues in expressing best wishes to Chief Justice Earl Warren on his retirement. With the close of the Court's present session, he leaves that august body after 16 years of service under four presidents.

Earl Warren was a distinguished public official in California, serving as district attorney of San Francisco, attorney general of the State for 4 years and three terms as Governor of California—1943 to 1953. As a Californian he has not only served his State well, but he has brought additional honor to all Californians in his 16 years of service as Chief Justice of the Supreme Court of the United States. I salute him as one of the greatest public servants of our time.

This is also a momentous occasion for the country, for with the end of the Warren court, we close an important chapter of social progress. We hope, however, that Mr. Warren's retirement does not mean an end to the great period of progress which began under his direction at the Court. To turn back the clock in the many areas of recent decisions would be a tragedy for the Nation; to refine and strengthen these decisions by further precedents would do much to insure the continued progress we have now begun in the area of human rights and individual liberty. Though many of its decisions have been controversial, the cases brought before the Court were indicative of the spirit of the Nation, as the issues of human rights moved to the forefront of public concern.

Earl Warren has been the embodiment of that spirit. Calling himself a friend of social progress, he has stated:

> In government, as in all other affairs of life, it is not so much the size of the steps that determine progress as it is the directions in which the steps are taken.

It is my opinion that the Supreme Court, under Chief Justice Warren's direction, has rendered exemplary decisions in the field of individual rights.

The era of the Warren court began in 1953, with his appointment to fill the vacancy caused by the death of Chief Justice Fred Vinson. At the time, the Court was sharply divided on a case pending before it, Brown against Board of Education. Seven months later, a unanimous ruling was read by Chief Justice Warren, stating that racial segregation in public schools was unconstitutional. In it, he stated:

> We conclude that in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

This action set the stage for future decisions championing civil liberties. It was also the beginning of a change in the Court, reflecting the mood of the Nation. Further civil rights reform included consistent rulings against all forms of racial discrimination. A 1968 ruling banning discrimination in the sale or rental of housing was based on an 1866 law. These decisions have no doubt provided impetus to minority groups in their struggle for equality—a struggle which must continue. I am hopeful that these decisions will not be reversed, sending us into a regressive period of judicial and national history.

The Supreme Court which Earl Warren joined in 1953 consisted of men with widely varying philosophies. The change of the Court to a cohesive body has been gradual, due to the types of cases brought before it, the succession of Justices, and the direction of the man to whom we pay tribute today. Often faced with eloquent presentations by both sides, his guidance has been a catalyst to the Court to meet on common ground and resolve their differences.

Another issue of magnitude confronted by the Court was the need for reapportionment in both State legislatures and congressional districts.

While opposition to malapportionment had been growing in most of the States, it was not expected that the Supreme Court would take action on individual complaints. Precedents were against judicial intervention and the entire matter was thought to be politically volatile. Moreover, few of the States took action to correct severe inequalities in representation. Fear was expressed that our democratic government was in danger.

In 1962, the Warren Court heard its first case dealing with apportionment and legislative districting in Baker against Carr. The 6 to 2 decision directed a Federal court to hear a challenge to Tennessee's State Legislature, where no reapportionment had been made since 1901. This ruling opened the Federal judicial doors to future reapportionment cases.

The Court's first ruling on the one-man, one-vote theory came in 1963 in which they stated:

> Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in the geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment.

This case dealt with a county unit system of primary elections for statewide offices, which was specifically designed to give more weight to rural areas in the electoral process. In 1964, the same principle was applied to congressional districts and, the same year, the State legislatures of 15 States were found to be unconstitutional by the Supreme Court in Reynolds against Sims.

Mr. Speaker, history will record the decisions made by the Supreme Court under the Chief Justice Earl Warren's direction, and will judge accordingly. I have no doubt that this era will be regarded as one of the Court's greatest, taking its place with the Marshall era of 1801–35. It has often been said that the Supreme Court is the conscience of our Nation, and Earl Warren has embodied that conscience and spirit. We have shared with him an important era of growth in our national life and a broadening of the concept of liberty for all men. I want to wish him good health and commend him for the distinguished service he has given to the Nation as its Chief Justice.

Mr. WALDIE. Mr. Speaker, yesterday marked the end of the Warren court and many have said that a unique period of American life and history has ended as well.

I would doubt that assessment. To me the Warren court has indeed held its last session, but the Warren epoch, the beginning of a period in which striking events will take place is here because of the Warren court and because of the dynamic leadership of Chief Justice Earl Warren.

I say this marks a beginning, because the decisions of the Supreme Court, under the leadership of Chief Justice Warren, relating to the equality and rights of minorities; the rights of the accused and the rights of the voter to fair representation all have had a profound impact on the American social structure, not only today, but will have such an effect for many, many years to come.

Judge Walter Schaefer of the Illinois Supreme Court recently commented on the effects of Justice Warren's court on American life.

Judge Schaefer said:

> The Court is taking our ideals down from the walls where we have kept them inscribed to be pointed at with pride on ceremonial occasions, and is now putting flesh and blood on them. Coming face-to-face with our ideals and looking them in the teeth is not always a comfortable process, nor is it always an easy one.

Judge Schaefer's assessment is most correct. The Warren court and the Chief Justice have been the targets of criticism by those who felt the discomfort of facing our exalted ideals face to face. And, Mr. Speaker, that discomfort was long overdue.

This entire Nation now faces a period of discomfort and reassessment. A period of change largely resultant of the great decisions of a great Court.

We now enter the Warren epoch—an age of facing up to our ideals—and no one can forget the great man who launched that period in our history.

We have had a Court of truth and honor. Now we must live up to that Court and pursue the ideals that are renewed with the flesh and blood given them by the Court. The flesh and blood of Brown against Board of Education, Baker

against Carr, and Miranda against Arizona.

We are a fortunate Nation indeed, Mr. Speaker, to have had such a Court and such a Chief Justice.

Mr. BOLLING. Mr. Speaker, I am most pleased to join today in a tribute to the retiring Chief Justice of the United States, Earl Warren.

Just as in a sense the history of this House of Representatives is contained in the history of its Speakers, so the history of the Supreme Court, a coordinate branch of the Federal Government, may be read in the judicial positions of its Chief Justices, beginning with that of John Marshall of Virginia. It may be said that the Congress has not been consistent in respect to its attitude toward the Supreme Court during the 180 years of this Republic. However, I believe it can be fairly stated that the Supreme Court has secured a firm position of respect—and perhaps even distant affection—in the minds of most Americans. Indeed, I would advance the judgment that in recent years the Supreme Court, during the 16 years of Chief Justice Warren's administration, has served the country well. In three vital respects, it has rescued the Congress from its follies and from its derelictions. It has struck down enforced legal segregation in the public schools; it has forced a neglected redistricting of both congressional and State legislative districts; and, third, it has insisted that all Americans, whether indigent or affluent, colored or white, mentally deranged or genius, should have the same constitutional guarantees. I suggest that the stature of the Congress would be far improved than at present if it had in fact not left the affirmation of so many of the rights of all Americans to the responsibility of the Supreme Court. Learned lawyers may dispute in learned language in learned law school journals aspects of the Warren court—such as its "liberal" and its "conservative" leanings. However, I believe the record under Chief Justice Warren is already written, bold and wise. Its influence as watchman of our guarantees has generally been an affirmative and constructive one. As Chief Justice, Earl Warren represents, in the words of a former law clerk, "the consensus of decent opinion." A frequent question he asked prosecutors who appeared before the Supreme Court was: "Yes, but were you fair?" How decent that is.

In support of my characterization, Mr. Speaker, I will close these remarks with four direct quotations of the Chief Justice—three of these from Court decisions for which Earl Warren wrote the majority decisions.

First. Brown against Board of Education—1954, school desegregation decision:

> To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely ever to be undone . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.

Second. Reynolds against Sims—1964, one-man-one-vote reapportionment:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

Third. Miranda against State of Arizona—1966, police questioning standards:

> The current practice of incommunicado interrogation is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself. Unless adequate protection devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

Fourth. Address as Governor to a committee of the California State Legislature:

> The heart of any constitution consists of its bills of rights, those provisions that secure to the people their liberty of conscience, of speech, of the press, of lawful assembly, and the right to uniform application of the laws and to due process.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am delighted at this opportunity to pay official homage to Earl Warren as he retires from the Chief Justiceship of the United States. The 16 years of his leadership of the Supreme Court have been remarkable years; years of economic growth and scientific progress without parallel; but also years of turmoil and trouble; years in which the Supreme Court has come to grips with thorny and difficult problems basic to our very democratic beliefs and ideals.

Much can be said about the performance of Chief Justice Earl Warren and the Supreme Court during these years. I would like to stress the Court opinions which opened the doors to citizens hitherto excluded from the basic amenities and opportunities of our American society.

THE DOORS TO PUBLIC FACILITIES AND PUBLIC ACCOMMODATIONS

Earl Warren and his Court are perhaps best known for opening the public schoolhouse door to all, without regard to color or race. In 1954, he wrote for the Supreme Court that the States could no longer send white children to one school and Negro children to a different one, because "separate education" was inherently unequal and because State required segregation stamps the badge of inferiority on the hearts and minds of young Negro schoolchildren to a degree which can never later be undone.

In logical progression Earl Warren and his Court ruled that the States and municipalities can no longer bar Negro citizens from parks, playgrounds, golf courses, or make them ride on the back of the city bus. This discrimination violated the 14th amendment guarantee of the "equal protection" of the laws.

When Congress made it unlawful for private proprietors to discriminate on the basis of race, the Supreme Court agreed that the Federal Government has constitutional authority to prevent the Heart of Atlanta Motel, and Ollie's Barbeque in Birmingham—and all other hotels and restaurants licensed to serve the public—from operating on a "whites only" basis.

In these and other decisions involving invidious racial discrimination, the Earl Warren Court refused to turn back the clock to the pre-Civil War period and instead made every effort to eliminate from present society the vestiges of servitude and slavery from that unhappy period of history.

THE DOORS TO POLITICAL PROCESSES AND PEACEFUL CHANGE

The Warren court opened wide the doors to political processes and peaceful change.

It opened the newspaper columns to those who wished to run an "institutional advertisement" soliciting funds or political support; by holding that the newspapers could not be sued because of error in small detail unless the newspaper published the libelous material with knowledge of the error and actual malice or intent to defame. The Court theorized that in our society debate on public issues should be "robust and wide open."

For those who lacked the financial resources to buy advertising space in newspapers, the Warren court opened the streets as a place for the dissemination of views. Apart from uniform regulations regarding the time, place, and manner of parades, the city officials could no longer deny a permit to Martin Luther King, the White Citizens League, or any other group merely because the city authorities disapproved of the views expressed by the marchers. The theory here, of course, is that all points of view are entitled to be presented in the marketplace of ideas.

The Warren court extended the right of peaceful protest from the street into the public library. It held that Louisiana could not punish those engaged in a peaceful "stand in" under the State trespass law, because their peaceful "silent, reproachful presence" was a protected form of protesting their exclusion—because of race—from the public facility. The Court reached a contrary result when the protest against segregation—on this occasion, on the driveway and lawn of a city jail—interfered with the operations of the municipal facility.

Peaceful protest, if meaningful, leads to political action, and the Warren court opened the ballot booths to hitherto excluded groups. It struck down the so-called "literacy" barriers, education tests—"traps" in reality—when administered in a fashion to exclude most blacks even Ph. D. graduates hired by the State to teach at the Negro institutions of higher education. It upheld the power of Congress to entirely eliminate any educational qualification for voting in those situations where the States first denied Negroes an education, and then used their illiteracy as justification for denying them the right to vote.

Most importantly, the Warren court established the principle of one-man, one-vote, and struck down the gerrymandered voting districts and systems whereby the strength of a citizen's vote could be diluted by his race, his place of

residence, or other invidious classification.

The Warren court opened the nominating processes by which political parties—in this instance, the "George Wallace" Party—could present themselves for voter approval. It struck down stringent and impossible to realize signature and petition requirements which eliminated in fact, if not in theory, all but the two major parties from the ballot.

Finally, the Warren court made the whole preliminary political processes meaningful with its decisions that those elected to State or Federal legislative office—Julian Bond in Georgia, and Adam Clayton Powell in Washington, D.C.—could not be denied their seats if they met the constitutional requirements of age, citizenship, and residence. Otherwise, the whole political process goes for naught. Why bother to speak, to vote, to run candidates for office, if the victorious candidate can be denied his seat because of his race, or because his political views are repugnant to the majority of legislators. However, the Warren court did not hold, and this is important, that the Congress is precluded from expelling a Member for abuse of his high prerogative once he has assumed office.

THE DOORS TO KNOWLEDGE; FREE INQUIRY AND LIBERTY OF CONSCIENCE

The Warren court freed the American people from official censorship; and affirmed a constitutional right of access to the media of communication.

The Warren court was the first Supreme Court in our history to declare that the exhibition of motion pictures is a form of communication protected by the first amendment; and it struck down State and local laws giving a government appointed body the right to censor out those films which for religious, racial, political or sexual reasons were thought unfit for public viewing.

The Warren court also gave new freedoms to the circulation of books and periodicals. The Court was very careful to make sure that obscenity could not be purveyed for commercial exploitation; but it refused to permit the censorship of books and magazines of social value, merely because there might be an occasional passage appealing to the prurient interest.

However, the Warren court recognized a variable concept of obscenity—that a movie or book or magazine might be obscene in the hands or eyes of an infant, but only tedious trash in the hands or eyes of an adult. Accordingly, the Warren court permitted the States and municipalities to impose higher standards on the sale of books or on theater admissions when children are concerned. But under no conditions may a State reduce the adult reading materials to the level thought appropriate for children.

The Warren courts also tussled with the Post Office Department, and ruled that the Post Office had no constitutional authority to compel public registration as a prerequisite to receiving what the Post Office considers to be foreign Communist political propaganda.

The reverse side of the coin of free inquiry, is the right to be free of compelled indoctrination. The right of choice, and the right of rejection, are obvious corollaries. Therefore, the Warren court held that the New York Board of Education—or Board of Regents as it is called—had no power to write a prayer and compel its daily recitation by school children. This is the kind of law respecting the establishment of religion which is prohibited by the first amendment. Similarly, neither the States of Pennsylvania nor Maryland were permitted to require the reading of the King James version of the Bible, or the recitation of the Lord's Prayer, as part of a daily, compelled devotional exercise. This does not mean that the Bible is excluded from the classroom. Far from it. It can be read, studied, and appreciated in any context other than a religious or devotional exercise. Nor does this mean that the state must be hostile to religion. The Warren court sustained a New York law authorizing the distribution of free textbooks of a nonsectarian nature to all students, including those attending private, denominational, parochial schools.

The Warren court protected the political scruples of persons employed in industries and shops where the majority of employees voted for union representation. The Court held that Congress could validly authorize the majority union and employer to enter into agreements requiring all employees—union members and nonunion employees alike—to pay their fair share of the costs of union economic programs. But the Court called a halt when the unions sought agreements requiring all employees to contribute to the political programs of the unions. Interference with the pocketbook is permissible, but not interference with the political conscience.

Finally, the Warren court came to the aid of those with conscientious scruples against war, but who are unable to phrase their beliefs in a way which meets traditional tests and standards. Since the very first Continental Congress, this country has respected and protected those with religious beliefs against participation in war in any form. The 1948 Universal Military Training and Service Act continued this tradition by excluding from military obligation those who are opposed to war by reason of "religious training and belief." The Warren court held that this religious training and belief was not restricted to an orthodox training or a belief in the traditional anthropomorphic deity; but also includes the broader concept of "a power or being or faith to which all else is subordinate or upon which all else is ultimately dependent."

THE DOORS TO PROCEDURAL DUE PROCESS AND A CIVILIZED CRIMINAL PROCEDURE

For many years in our country the well-to-do have known and enjoyed a civilized criminal procedure. The Mafia, and other organized criminals, also were informed of their rights by private counsel, and enjoyed these rights to the hilt. But for the poor and the destitute, it was a different story. The rich tax-evader went to court with a battery of lawyers. The "mobster" knew of his right to "habeas corpus." But the indigent charged with crime neither knew of his rights or, if so informed, had the financial wherewithal to make them effective. For him, the Bill of Rights was a hollow mockery. Worst of all, no one seemed to care about his plight—that is to say, until the Warren court seized upon the issue.

In the 16 years of Earl Warren's Chief Justiceship, the Supreme Court has taken long strides in opening the doors to due process to the indigent charged with crime.

It gave him access to a court-appointed lawyer, paid by the State, to defend him against the criminal charges which might result in serious penalties—in the case of Earl Gideon, an elderly indigent charged with the felony of breaking into a Florida pool hall with the intent to rifle the loose change in the cigarette machine.

It gave access to a trial by jury: to Negroes in Louisiana charged with assault and battery with a maximum potential penalty of 3 years imprisonment; to businessmen charged with contempt of a Federal court order enforcing a Government agency's mandate to cease and desist from false and misleading business practices; to everyone everywhere when charged with something more serious than a "petty" offense.

It gave the right to a "speedy trial"—in the case of Duke zoology Professor Klopfer, charged with "trespass" in a segregated North Carolina restaurant—when the prosecuting authority chose not to proceed with the case, nor to dismiss it, but instead to leave it hanging over the professor's head, ready to fall at the whim of the State authorities.

It gave the right to confront one's accusers, to cross-examine adverse witnesses, to subpena friendly witnesses for the defense—techniques long thought essential to the development of the truth, but not applied in some State courts until the issues reached the Warren court.

It assured the right of privacy, by forbidding the Federal Government to snoop with the electronic bug in a public telephone booth; and by forbidding the Florida authorities to tap the telephone lines of suspected "bookmakers."

Most of all, it insisted that the indigent and uneducated be made aware of the rights long known and enjoyed by others—the right to be informed that they need not answer any police questions once suspicion of crime had focused upon them; the right to know that anything they chose to say could be used against them; the right to enjoy the assistance of counsel; and the right to know that counsel would be appointed at State expense to assist them in the difficult hours closely following arrest.

These rights, and others, have been enshrined in the Bill of Rights since the founding of this Nation; but it was not until the Earl Warren chief justiceship that the Supreme Court made them a reality in the police stations and trial courts throughout our land.

The former President Johnson assessed Earl Warren as "the greatest Chief Justice of them all."

Prof. William M. Beaney of Princeton

University recently wrote of the Warren court:

> Generations hence, it may well appear that the Supreme Court was the institution that did the most to help the nation adjust to the needs and demands of a free society.

But whatever the ultimate verdict of history, it is manifest that the bold, aggressive strokes by the Warren court on behalf of society's outcasts and underdogs represent the epitomy of fair play to which all Americans ultimately respond.

The famous rulings of the Warren court—school desegregation, school prayer; one-man, one-vote; the right of criminal defendants not to be isolated and browbeaten into confusion—were not without risk to the Court's authority and prestige. But Earl Warren did not seek easy popularity by bowing to the pressures of conformity. Instead, to his everlasting credit, he made the Supreme Court relevant to the burning issues of our time with decisions and opinions which reflected the same deep passion for the liberal and egalitarian values which much earlier had moved Thomas Jefferson, Andrew Jackson, Woodrow Wilson, Franklin Delano Roosevelt and countless others who founded and kept our Nation one and indivisible.

Mr. MEEDS. Mr. Speaker, as Chief Justice Earl Warren steps down from the bench of our highest Court, Americans turn to reflection. The focus of this reflection is on the role of the Supreme Court in the molding of our society.

Few will deny that these are times of great moments for the United States—external stresses and internal strains. For the last 15 years the Supreme Court has been at the center of these internal strains. And Chief Justice Warren has been at the center of that Court.

The case that sparked the era and set its tenor was the unanimous Brown against the Board of Education of Topeka. Justice Warren's opinion can be compared to Lincoln's Gettysburg address for its brevity and poignancy. And like Lincoln's address, it will be remembered. The Civil War and the Gettysburg address gave many their freedom. Nearly 100 years later, Brown against the Board of Education made that freedom a right to many.

Under the leadership of Chief Justice Warren, the Court went on to enforce the criminal's rights given by the Constitution, but which were merely words on paper for so long.

Additionally, we received the apportionment decision which guarantees that each citizen's vote will carry nearly equal weight and effect in Congress.

In sum, during the tenure of Mr. Chief Justice Earl Warren, we have seen a Supreme Court undaunted in its seeking of justice, at a time when other organs of our society were not up to the task.

For his leadership and courage, we thank Mr. Warren.

Mr. ANDERSON of California. Mr. Speaker, today I rise to pay tribute to one of the outstanding men of this century, our Chief Justice Earl Warren.

I feel privileged to be able to regard him as a close friend as well as a leader. During my tenure in the California Legislature, he was Governor of our State. Actually, I took office the same day he was sworn in, and I am convinced he will go down in history as one of the great Governors of California.

History will also regard him as one of our great Chief Justices. I choose to repeat the recent words of former President Harry Truman on the occasion of the Chief Justice's appointment as Chairman of the International Order for the Advancement of Peace:

> Earl Warren's reputation in the world community symbolizes justice, understanding and compassion for all peoples of all Nations.

These words aptly sum up that for which Earl Warren has stood throughout his public life, including his service in California as a district attorney, State attorney general and three-term Governor, as well as for the last 15 years during which he has served as Chief Justice of the Supreme Court of the United States.

These words also suggest what in the best and most meaningful sense is so often called the "Warren Court." As Chief Justice, Earl Warren has headed the Supreme Court during a time of unprecedented turmoil and change in the world and the Nation. It has been a time when the Court has been called upon to decide some of the most significant and controversial issues ever to come before it.

The decisions of the Court under Chief Justice Warren's leadership, as many others have pointed out, have had a revolutionary impact on our legal, social, and political structures. It no doubt is unfair both to the Chief Justice and to the Court to label it and the decisions it has made during his tenure with the name of one man. The Court's responsibility is a collective one, while at the same time each Justice is responsible in the Court's collective judgments for his own decisions. Yet there is no doubt that Earl Warren has been particularly suited by his experience, character, and abilities to head the Supreme Court during a period marked by "judicial activism" and, as has been said by Justice Schaefer of the Illinois Supreme Court, by its intentions to put "flesh and blood" on our constitutional ideals. One does not have to agree with all or each of the specific decisions of the Court in the Warren era. But history will not fail to recognize the tone and quality of the leadership Earl Warren has provided as the Court has sought to fulfill the substantive meaning of our constitutional rights, concepts and ideals.

In a recent statement on the work of the Court over the past 15 years, the Chief Justice mentioned those decisions which he thought were the most important rendered by the Court in this period. These were *Brown* v. *the Board of Education*, 347 U.S. 483 (1954), the first of the school desegregation cases, which spurred and dramatized a national awakening to the problem of racial justice in our society; *Baker* v. *Carr*, 369 U.S. 186 (1962), which required a reapportionment of the State legislatures in accord with precepts of justice in political representation during a time when the Nation's population has shifted massively to great metropolitan areas; and *Gideon* v. *Wainwright*, 372 U.S. 355 (1963), which symbolizes the Court's concern with civil liberties in the field of criminal procedure.

This summary by the Chief Justice of the Court's work during his tenure reflects Earl Warren's passionate concern for justice under the law that has distinguished his leadership of the Supreme Court, and the judicial philosophy which has guided his and the Court's decisions during this period in its history. This concern and philosophy were given eloquent expression by the Chief Justice himself in an address made in 1968 after he announced his impending retirement from the bench. The following excerpt from this speech deserves to be repeated as a testimony to his long record of public service to the Nation:

> Justice in individual cases is the basis of justice for everyone. A failure to protect and further anyone's individual rights leads to justice for no one . . . Justice will be universal in the country when the processes as well as the courthouse are open to everyone. This can occur only as the institutions of justice, the courts and their processes are kept responsive to the needs of justice in the modern world. Such a goal will be accomplished only as all elements of the legal system, the law-makers, practicing attorneys, legal scholars and judges, recognize the ever-changing effects of the law on society and adapt to them within the principles which are fundamental to freedom.

Mr. MIKVA. Mr. Speaker, the custom has developed in this country of designating a particular era of the Supreme Court of the United States by the name of its Chief Justice at that time. In the case of Chief Justice Warren, however, it is more than custom which dictates that a portion of Supreme Court history should be identified by his tenure as Chief Justice. Earl Warren has left a singular imprimatur on the Court. Part of the uniqueness of Chief Justice Warren is his gentleness, a gentleness that belies the strength of his convictions and of his leadership. As a lawyer who had the privilege of arguing to the Warren court, I can testify to the effects of this unusual mixture. His questioning during oral argument had none of the needling qualities of a Frankfurter or a Jackson. It was almost with relief that one turned to his questions. Only later did the advocate realize that the good humor and gentility of tone in no way softened the incisiveness of the probe. One can argue whether times make the man or man makes his time. However, no one merely could be "passing through" while so many momentous decisions were being handed down. The Warren court construed and interpreted the Constitution and laws of the United States during a powerful and permanent changing of the guard in this country. Those critics who insist that the Court precipitated the changeover are more than offset by those who recognize that the problem was segregation in the schools, not the ending of it; that the problem was malapportionment of the legislative bodies, not an undoing of it; that the problem was a set of standards for criminal justice that penalized the poor, not the decisions which remedied that evil. In short, to say that Chief Justice Warren presided over a very active court was merely to

acknowledge that the Warren court was faced with a backlog of justiciable problems that brooked no delay in their solution.

History will treat Chief Justice Earl Warren very well. It cannot help but record that notwithstanding the diversity and severity of the strains put on the Court during his Chief Justiceship, this gentleman's capacity to lead never faltered.

As the New York Times said on Monday:

> He has depended . . . upon an unblinking integrity, a firm common sense, and a deep feeling of the liberal and egalitarian values which moved Thomas Jefferson and the other founders of this nation. Those values must be brought to bear on the problems of each generation in live and relevant ways if the American ideal of self-government is to survive and flourish. It is to the lasting honor of Earl Warren that he contributed so effectively to the liveliness and relevance in his time.

Mr. OLSEN. Mr. Speaker, I take great pleasure in joining with the gentleman from California in paying tribute to Chief Justice Earl Warren as he retires from the Supreme Court. Mr. Warren has spent 50 years in service to the public as district attorney of Alameda County, attorney general of California, Governor of California, Republican candidate for Vice President in 1948 and, of course, Chief Justice of the Supreme Court. That is an enviable list of accomplishments.

Today we honor Mr. Warren for his work as Chief Justice. It has been stated that the single most important appointment made by the late President Eisenhower was his selection of Mr. Warren as Chief Justice. As history now stands this statement is correct.

The Warren court has presided over an era of great political, social, and legal changes. Three decisions handed down by the Warren court are, in every sense of the word, landmark decisions. In Brown against The Board of Education, the Supreme Court had the effect of laying the groundwork for the abolition of discrimination because of color, race, and creed. It followed up that decision with supplementary and correlative ones that included areas other than schools. The result of these decisions was tantamount to social revolution.

In Gideon against Wainwright the right of the indigent to legal counsel was guaranteed. Other decisions in this area have given further protection to the rights of those accused of criminal activities.

Baker against Carr has become known as one-man, one-vote, and has brought about balanced and more equal political representation. This decision may have a more far-reaching affect than any of the others.

While it is true that the temper of the times demanded most of these decisions and while it is also true that the makeup of the Supreme Court encouraged activism it is also true that the court might not have functioned so effectively and so self-assuredly had it not the guiding hand of Earl Warren.

Sixteen years is not a long period of time; yet, this is all the time that Earl Warren and his fellow Justices needed to bring about the monumental changes that were necessary and for which future generations will be thankful.

Mr. Speaker, as Earl Warren leaves public life we all owe him a debt of gratitude for his staunch support and protection of the rights of all individuals.

Mr. CHARLES H. WILSON. Mr. Speaker, the end of an era is upon us. This end, however, does not mean the conclusion of a philosophical drive that has manifested itself through the judicial pronouncements of our courts since 1953. No, our Nation is fortunate in that the momentum of justice and reason shall continue unabated, regardless of the loss of men of great wisdom and strength. The end of the era to which I am referring is rather the stepping down of one of these men, one of the foremost architects of change through law, the navigator and captain for 16 years of that vessel of justice which is the Supreme Court of the United States: Mr. Chief Justice Earl Warren.

Since October 5, 1953, when this great American from California took his seat as the titular leader of the judicial branch of Government, the Court has asserted itself as a catalyst for progressive political and social change, striking down inequities, righting wrongs that had been previously ignored, and providing hope for an increasing number of Americans who were giving up dreaming the dreams that all Americans are entitled to have.

In the civil rights field, the Court of the Warren era, with the name Warren accurately serving as a descriptive adjective, swept aside the "separate but equal" educational facilities concept as racist propaganda, pointing out that segregated facilities for white and black students were "inherently unequal" and denied equal protection of the laws guaranteed by the 14th amendment of the Constitution. This decision, *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), was followed by *Brown* v. *Board of Education*, 349 U.S. 294 (1955), which directed local school officials to move with all deliberate speed to end segregation in public schools.

Mr. Warren as leader of the Court has himself led the way in protecting the rights of individuals from abridgment by either Federal, State, or local government, public or private corporations or businesses or even by single individuals who were in position to discriminate and thereby effect the general public. Consequently, in 1964, the Court acted to mitigate various delaying tactics utilized to forestall desegregation and served notice that desegregation must be brought about and accomplished as quickly as possible. The underlying principles of these cases have recently been reaffirmed in Goston County, N.C., against United States—June 2, 1969—which held that the previous maintenance of segregated schools systems in that county required the denial of the North Carolina county's request under the Voting Rights Act of 1965 for judicial reinstatement of literacy tests because such tests, when viewed in light of the previous deprivation of equal educational opportunities for black residents who are now of voting age, had the effect of abridging the right to vote because of race. The majority opinion stated:

> (A)ffording today's Negro youth equal educational opportunity will doubtless prepare them to meet, on equal terms, whatever standards of literacy are required when they reach voting age. It does nothing for their parents, however.

Another potential wrong has been eliminated by a sensitive and observant Court.

Other civil rights decisions mark the Warren era. The poll tax, a device utilized in some areas to keep Negroes from voting, was declared unconstitutional and the right of the franchise was returned to many of our citizens who had been illegally denied it. *Harper* v. *Virginia State Board of Elections*, 383 U.S. 663 (1966). State laws forbidding interracial marriages were struck down as violating the equal protection and due process provisions of the Constitution. *Loving* v. *Virginia*, 388 U.S. 1 (1967). Discrimination in the sale or rental of property was declared to be prohibited under the old Civil Rights Act of 1866. *Jones* v. *Mayer*, 389 U.S. 968 (1968). These cases but illustrate the tenor of the Court that the Chief Justice presided over; the tenor being that of equality of law for all citizens.

The Court under Warren did not shirk from conflict with other branches of Government. In 1960 through its decision in *Gomillion* v. *Lightfoot*, 346 U.S. 339, political redistricting along racial lines was held to be in violation of the 15th amendment and accordingly forbidden. Only last week, Mr. Chief Justice Warren writing the majority—7-to-1—decision in Powell against McCormack once again asserted the Court's role as the ultimate interpreter of the Constitution, a role that I believe has helped make this country as strong as it is today by withstanding attacks and abuses upon fundamental liberties and rights.

Baker v. *Carr*, 369 U.S. 186 (1962), provided for the review of State electoral apportionment by Federal courts. *Westberry* v. *Sanders*, 376 U.S. 1 (1964), applied the "one-man, one-vote" rule to congressional districts. Though much discussion concerning these decisions has gone on and various criticisms have been leveled at them, it cannot be denied that Mr. Warren and the Court have always acted in good faith, honestly interpreting the Constitution, which is their role, and protecting the rights of each and every citizen.

Americans have become very familiar with cases dealing with the rights of defendants in criminal actions. *Gideon* v. *Wainwright*, 372 U.S. 335 (1963), stipulated that indigent defendants are entitled to the assistance of counsel in all serious cases. *Escobedo* v. *Illinois*, 378 U.S. 478 (1964), and *Miranda* v. *Arizona*, 384 U.S. 436 (1966), concerned informing suspects of their various constitutional safeguards. Criticism of these decisions have also been leveled at the Court. We must, however, bear in mind that in order for our Nation to be free, its citizens must be afforded the liberties that our land ostensibly holds out to its people. Mr. Warren has been a man whose life has been based upon the

words engraved upon the Supreme Court Building—"Equal Justice Under Law." Nowhere in the history of mankind, not even under the Athenian city-State democracy, have the rights of all the people been as zealously and effectively protected as they have under Earl Warren's guardianship of the Supreme Court and the laws of the United States.

The time has now come for us to try to express our gratitude, though no expression that we voice today can measure the debt that this Nation owes Mr. Warren for a lifetime of public service. Sixteen years as Chief Justice of the Supreme Court, 16 years during a most turbulent period in American history, in and of itself dictated that this man would have a tremendous impact on the course that our country followed. If the crises that our Nation faces today are to be solved, if the elements of divisiveness and alienation are to be thwarted, if our Nation is to progress toward foreign and domestic peace and all Americans are to enjoy the good life that should belong to all citizens, then the magnitude of the debt to Earl Warren begins to emerge for all to see. All I can say is that Americans of all races, religions and creeds can sleep better tonight because Earl Warren passed this way.

Mr. BURTON of California. Mr. Speaker, in 1789, James Madison wrote to Thomas Jefferson concerning the need for a bill of rights saying such a document would "be a good ground for an appeal to the sense of the community" and that the liberties declared therein would "acquire by degrees the character of fundamental maxims and as they become incorporated with the national sentiment, counteract the impulses of interest and passion."

Madison added almost parenthetically, although somewhat prophetically, "independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights."

Yesterday, the resignation of Chief Justice Earl Warren brought to a close a chapter which history may well refer to as the Court's golden era in the defense of individual rights and the fulfillment of the Madison view of the Court as a bulwark against the "impulses of interest and passion" that threaten those rights.

The Washington Post on the occasion of his 75th birthday said:

> Not since the formative days of the Republic when John Marshall presided over its deliberations has the Supreme Court played so dynamic a part in American affairs as during the dozen years since Earl Warren became Chief Justice of the United States. Great issues of individual rights, not yet ready for judicial decision in the first century and a half of the country's territorial and economic development, presented themselves inescapably for adjudication. A willingness on the part of Justices to meet issues when they become ripe for resolution * * * is really nothing more than a recognition of the Supreme Court's responsibility to serve effectively as guardian of a living Constitution related to current realities—and to serve especially as guardian of the spirit of liberty characterizing that Constitution.

Earl Warren has for 16 years been the guardian of our living Constitution.

When asked in 1953 how he would classify himself, Earl Warren is reported to have responded by quoting Abraham Lincoln:

> I am a very slow walker, but I never walk backward.

Warren added:

> And so I like to feel that while I also am a slow walker, I always like to walk forward and it is a sad day for me if I go to bed at night thinking we have not made some progress.

In the 16 years he has served as Chief Justice he has never walked backward. He has moved this Nation forward, lending the weight and prestige of his high office to the struggle for equal rights for all persons and has been an outspoken defender of the civil liberties guarantees of our Constitution.

His has been a life of public service spanning some 50 years. I join with my colleagues in honoring him today, although his works and service do him greater honor than it is in our power to bestow.

I can only add, as one who deeply respects and admires this great civil libertarian and humanitarian, my wish for him of years of health and a full enjoyment of a well-earned rest and my prayerful hope for this Nation that we may draw upon his strength, moral leadership, and continue to hear his voice whenever those liberties he so tirelessly and steadfastly defended should be in jeopardy.

Mr. EDWARDS of California. Mr. Speaker, we of this group of Congressmen here today in this historic House Chamber are sharing a unique experience. It is extremely unlikely that any of us will again during our lifetimes have the privilege of meeting like this and celebrating the life and accomplishments of a man comparable in stature to Chief Justice Earl Warren.

In the years that we here have been in Washington, Congress has had some shinning moments—legislative acts, where we have broken new ground in our efforts to create a just and humane society. We all wish there had been more, that we could have, by our legislative efforts, risen to the heights dreamed of by our founders. That we did not was not because we did not try. Our country is incredibly complicated, large, and difficult to govern.

The genius of our separation of Federal power into three parts, legislative, judicial, and executive is not just the protections to the people through checks and balances. Perhaps more significantly it offers three opportunities for greatness instead of one. A first Congress can enact a bill of rights whether or not the President or the Supreme Court share its vision. A President Franklin D. Roosevelt can move the country forward despite a reactionary court. And a Warren Supreme Court, with little help from a laggard Congress and White House, can through its decisions, help the country take a giant step toward our national goal of equal justice under law.

The philosophy of the Warren court can well be spelled out in the experience of another great Justice of the Supreme Court.

One day in his 71st year Justice Oliver Wendell Holmes was riding the train from Boston to New York. He took out an envelope and scribbled on the back of it:

> For most of the things that properly can be called evils in the present state of law I think the main remedy is for us to grow more civilized.

I repeat this because it seems to me to sum up best what the Warren court has meant to our country—to help it grow more civilized. The new Court will be different. Each lawyer views the law through his own eyes. But I venture to predict that the great decisions of the Warren court—the decisions that have done so much to make our society more civilized—will not be reversed regardless of how many vacancies President Nixon will fill.

Let us examine some of the most controversial decisions of the Warren court in the light of today's realities.

Already, time, events, history itself are proving the great decisions. Breathtaking though they may have been when announced, they are being found by lawyers and judges to be firmly grounded in the Constitution.

Who would speak today against Gideon against Wainwright? As emotions have cooled, we see that Gideon is exactly what the Court said it was—a restatement of the sixth amendment that says clearly that "in all criminal prosecutions the accused shall have the assistance of counsel for his defense."

Before Gideon defendants had been entitled to counsel only if tried in Federal court for felonies. All the Warren court did was read the plain language of the Constitution.

Although it caused a storm in 1954, few lawyers or judges today would dissent from the Brown case. Again the Warren court restated a clear constitutional mandate:

> No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.

Segregated schools, said the unanimous Court, are "inherently unequal." Who today, 15 years later, could responsibly say otherwise?

So it goes with all of the great decisions protested initially by a noisy, often bigoted, minority as rewriting the Constitution.

Americans are now entitled to be free from illegal searches by local police as well as Federal police. As prescribed in the first amendment, religious services may not be held in public schools. The vote of one person for Congressman, State legislator, and local supervisor now counts as much as his neighbors. All of these and many more historic decisions are generally accepted now as sound constitutional law.

The Chief Justice's roots are deep in my own native State of California. He was born in California, attended public schools in California, and is an alumnus of both the undergraduate and law schools of our great University of California. In the few treasured private conversations I have enjoyed with him, his interest in and affection for our State

and its people always made the visits delightful.

As district attorney of California's Alameda County, as attorney general, and later Governor of California, his record of public service left legacies of fairness, honesty, and ability, his successors have found difficult to equal, impossible to surpass.

As the Chief Justice of the United States I am suggesting that historians will rank Mr. Warren as the greatest in our history. Certainly the Court under Earl Warren did more to strengthen the rights of the individual than it ever did in the previous 162 years of its existence.

I include in my remarks, Drew Pearson's excellent article "Warren a Molder of U.S. History," which appeared in the Washington Post June 23, 1969:

WARREN A MOLDER OF U.S. HISTORY

(By Drew Pearson)

DEAR DANNY: A very great man retires from the Supreme Court today. He is also a very much criticized man. But when you grow older you will find that the greater a man is, the more he is criticized. George Washington for instance, was probably more severely criticized by the newspapers during his last term than any President in history.

You are now in the fourth grade. And by the time you are in college Earl Warren will be regarded as a man who molded America as much as any of our great Presidents.

Though he handed down hundreds of important decisions, I think the two which molded America most were, first, the school desegregation decision; and, second, the one-man, one-vote decision which gave a break to our long neglected cities.

In your history book you will learn how for 100 years Negroes had not been getting a fair break in this country. This is why the school desegregation decision is so important. For if Negroes can get the same education as white men, eventually they can be able to take their place economically alongside of white men. Of course, we're now in the throes of much turbulent readjustment, but turbulence always comes with readjustment, and we'll get over this in time.

The other problem which Chief Justice Warren tried to resolve grew out of the fact that this country has become largely urban, whereas it used to be rural. As people moved to the big cities and the suburbs they did not have equal rights in the state legislatures, which had long been stacked in favor of rural areas. So the Chief Justice, in a very bold and sweeping opinion, readjusted the balance of voting strength in this country.

He did it just in time, for the big cities had already started to boil over from lack of improvements, lack of money, and neglect.

HE NEVER DUCKED

Another great quality of Earl Warren's was that he didn't duck tough issues. One of the last decisions he handed down was one which he could have ducked, namely that of Adam Clayton Powell. Powell is a Negro Congressman who had misbehaved rather flagrantly and who was barred from taking his seat in Congress when elected by his own people.

The Chief Justice knew it would infuriate Congress if he told them they were wrong in refusing to seat Powell. There is nothing Congressmen hate more than being told they are wrong—especially a white Congress regarding a Negro.

Nevertheless, the Constitution was quite clear that only the people, not the Congress, have the right to decide whom they will send to Washington.

He has traveled to Bolivia, the most out-of-the-way country of South America; to Ecuador, which is right on top of the Equator; and to Colombia; also to the Communist countries of Bulgaria, Rumania, Yugoslavia and Russia.

I once asked him whether it was a good idea to have it known that he had visited these countries. He replied that these countries were very important in regard to peace and he wanted to know more about them. "I am not going to sit in isolation just because I am on the Supreme Court," he said.

He even traveled with me through Montenegro to the edge of the Albanian border, where, after World War I, I worked with a Quaker reconstruction unit. It was very hard traveling over very high mountains, and we had to get up about 5 o'clock every morning. But not once did he complain.

The Chief Justice loves to swim. He stays in the water like an old sea dog—much longer than your grandfather—in the Black Sea off the Turkish coast, in the Aegean Sea off Greece, and in the Adriatic off Yugoslavia. Once President Tito of Yugoslavia warned him to be careful about the sharks, but he kept on swimming just the same.

And despite all the dull, dry legal papers he has had to read during his 16 years on the Court, the Chief always kept in touch with the sports world. "I read the sports pages first," he once told me, "because they record men's achievements. Then I look at the first page because it records men's failures."

Once after dinner on the mid-Pacific island of Maui, your grandmother asked Mr. Warren about a certain crucial period of his life when he was running for Vice President in 1948 with Gov. Tom Dewey of New York.

"If you had won and been elected Vice President," she asked, "would you be the same Earl Warren you are today?"

"No, I don't suppose I would," he replied. "I expect I would have been just another member of the Establishment."

That remark illustrates how history is made. If Gov. Dewey had not lost that election to President Truman—and it was a very close election, influenced by such small things as a railroad engineer who backed his train at the wrong time—we would not have had a very strong man molding our history for the last 16 years. As he retires today the critics will be delighted. But I predict the history books when you are in college will describe Earl Warren as one of the truly great men of our day.

Have a good time in Maine and do more swimming than studying. You'll get plenty of that next fall.

Love,

YOUR GRANDFATHER.

Mr. LEGGETT. Mr. Speaker, on October 5, 1953, 16 years ago, Earl Warren was sworn in as the 14th Chief Justice of the U.S. Supreme Court. These last 14 years have been among the most tumultuous, far reaching, and controversial in the long history of the Court.

The Chief Justice of the U.S. Supreme Court in terms of official power or influence does not stand any higher than the other eight members. The Chief Justice differs from the Associate Justices only in his administrative duties; yet, the Court for the past 14 years was the "Warren Court," in fact as well as name, for Earl Warren dominated his tenure by force of personality and intellect. This was a cohesive and unified Court presided over by a Chief Justice who was "Chief" in the best sense of the word.

At a time when America was beginning to come out of that paranoic phase of its existence known as the McCarthy Era, Earl Warren took over the leadership of a divided Court and paved the way to justice, social equality, and unity in this country.

Many people have argued that the Supreme Court has overstepped the bounds of judicial restraint and pushed the country too far too fast. If the Court has been moving fast it is only in relation to the legislative branch which has not moved fast enough. The era since World War II has been a period of massive change and dislocation in this country as well as the rest of the world. Congress has been deficient in recognizing this change and has in many ways remained entrenched in its archaic traditions. For this reason, the Supreme Court under Earl Warren seemed to be outpacing us while it brought unity and justice to our system.

The Warren court decided an incredible number of cases which stand as landmarks on the constitutional landscape. Chief Justice Warren wrote a number of these opinions himself. I do not intend to enumerate the individual cases as they are well known and have been fully discussed before. The impact of some has already been felt. The impact of others will not be seen for some time. Yet, one common thread runs through all of the decisions of the Warren Court. This thread is the affirmation of the American system, and the American standard of justice.

The American system has lately fallen into ill repute by the demagogs of the left and right, but neither of these factions seems to understand the basis of this system as set out in the Constitution. Our system is not substantive—not exemplified by a specific decision or law. Our system is a set of procedures which form the basis by which we make our subtantive decisions.

In its basic premise the Constitution says:

Follow the procedures set out herein and the resulting decisions will reflect our form of democracy and justice under the law.

The Warren court recognized this and in its leading cases reaffirmed the American system, reaffirmed the strength of constitutional procedure which is the strength of our country. The Warren court let the chips fall where they may, and many times these chips fell hard on one group or another, but we are better for it.

Many of the important opinions of the Warren court have been in the area of criminal law and specifically, the methods by which the police can gain evidence. Often the police complain that they are hampered in their attempts to get convictions under these restrictions. The record does not bear this out however. The rate of conviction in court has not diminished, only the rate of apprehension. In other words the police have not been apprehending the criminal at a sufficient rate. The fault lies not with the Supreme Court, but with the legislatures which have been deficient in providing the necessary funds for adequate law enforcement. The Supreme Court has been a convenient scapegoat behind which the parsimonious legislatures have been hiding. It is time to pinpoint the blame and stop spreading the fiction that

protection of the rights of the individual is the cause of crime.

Yesterday marked the end of the Warren era, and the former Chief Justice has announced plans for a long vacation. This is a deserved rest after having served our country so well. I am sure all my colleagues in the House join me in wishing Chief Justice Warren a long, happy, and productive retirement.

Mr. MATSUNAGA. Mr. Speaker, it was that most distinguished advocate of judicial restraint, Justice Felix Frankfurter, who wrote:

> Law is not a system of abstract logic, but the web of arrangement, rooted in history but also in hopes, for promoting to a maximum the full use of a Nation's resources and talents.

No words could better describe the working philosophy of Chief Justice Earl Warren's 16 years of service on the Supreme Court, years of momentous changes in American life, changes inextricably associated with the major decisions of the "Warren Court."

Essentially a man of action, Chief Justice Warren came to the Court as a seasoned political leader who had never lost an election and whose comprehension of the American scene had been progressively shaped by time and experience. Sensitivity to change and intellectual growth characterized his fundamental approach and gave an open-ended, optimistic temper, allied with a deep humanitarianism, to his influence on the Court. He became, as it were, the instrument for ideas whose time had arrived—in at least three major areas of our national life: First, the aspiration of American Negroes for full participation in the mainstream of our society; second, the protections and restraints which shield the accused from all forms of coercion by police power; and, third, the rising demand for an egalitarian franchise in apportionment—as reflected in the slogan, "One Man—One Vote." In these, as in other areas such as obscenity and censorship laws, prayers in public schools, and the like, Chief Justice Warren defined the judgment of the Court with fearless integrity regardless of consequent controversy.

In this manner, he came to symbolize the hopes for justice and equality on the part of millions of Americans, even as he also became the object of the fear and hate of others. His view of the Court as the active instrument of constructive social change was clearly in tune with the needs of the time, and calls to mind those discerning words of Justice Holmes regarding "the secret root from which the law draws all the juices of life—considerations of what expedient for the community concerned" including "the felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious." In his understanding of the law as rooted in experience Chief Justice Warren has exemplified a deeply American strain of practical idealism from which ideological bias has been markedly absent.

As the Court and our Nation confront anew the continuing problems and unfinished tasks of our American democracy, we do so in the strength of the achievements wrought by the Warren Court, defining the basic concerns of our day with that honesty, simplicity, fairness, humanity, and courage which constitute the spirit of Chief Justice Warren and his legacy to present and future years. As one of many grateful Americans, I join my colleagues in congratulating Chief Justice Warren upon his retirement and in wishing him and Mrs. Warren the best that life can hold in their new future.

Mr. RYAN. Mr. Speaker, rare is the man who truly symbolizes and embodies an epoch of history or a great social movement. Rarer still is the man who fits this description not because of myth or mystique built around him by others, but because of tangible contributions he has made. Such a man is Earl Warren.

Chief Justice Warren's career in public service began 50 years ago as clerk for the Assembly Judiciary Committee of the California Legislature. In 1925 he became the district attorney of Alameda County, and following 14 years of service in that position he was in 1939 elected attorney general of California. In 1943 Earl Warren was chosen Governor of California. His 10-year administration marked a period of rapid growth in the State and progressive governmental action. It will be 16 years ago this September that President Eisenhower appointed him Chief Justice.

The Supreme Court of the past 16 years has been termed the "Warren court." If this label is justified, Chief Justice Warren should indeed be proud. The Supreme Court, under his leadership, in the spirit of judicial activism, has had considerable impact on constitutional law by deepening and making more meaningful individual equality and by making real the guarantees of the Bill of Rights for millions of Americans.

Chief Justice Warren himself selected the following cases as the most important during his tenure: Baker against Carr, Brown against Board of Education, and Gideon against Wainwright.

Baker against Carr opened the apportionment cases which, following the notable Wesberry and Reynolds against Sims cases, established firmly the principle of "one man, one vote" for all governmental bodies.

Through the Brown decision, a landmark in the struggle for equality in America, the Court outlawed racial segregation in education as unconstitutional.

Our Nation's system of criminal justice has been one in which often the rights enjoyed by the rich and educated are not available to the poor and ignorant, thereby making real justice too often an illusion. Here, as in so many other areas considered by the Warren court, the decisions in the Gideon, Escobeda, Miranda, Mallory, Mapp, and Wade cases are of historic significance for they guarantee equality of treatment to all in substance and not just in form.

Chief Justice Warren's term will also be remembered as one in which the Court faced up to the complex issuse of religious liberty and freedom of speech. The Warren court's church-state decisions affirm the principles that Government must remain neutral on religious matters.

In other decisions the Court displayed concern for the small businessmen and consumers in conflict with price fixers and trusts, and established a body of Federal contract law to govern collective bargaining.

Chief Justice Warren's term has not lacked its critics. Many of the most vocal sloganeers of "law and order" are the very same people whose violent and persistent attacks on the Court have affected public reaction to our courts and undermined public trust in our laws.

If, as some commentators have suggested, the period of judicial activism which has characterized the Warren court is likely to diminish with the retirement of Chief Justice Warren, we may take comfort that the philosophy of judicial restraint relies heavily on precedent and is unlikely to reverse the progress of the Warren court.

But what of the vacuum which will be so deeply felt with Chief Justice Warren's retirement? The role of the Supreme Court in our society is a great one, but in the words of Prof. Paul Freund of Harvard:

> In the long run, the health of our society cannot depend on the Supreme Court . . . Our hope is in the political branches, particularly in an assertion of leadership by the Congress in working out sensible reforms. I would hope this next period would . . . be known as . . . one of legislative activism.

For the past 16 years the Warren court has been leading the struggle for social and economic justice for all. The retirement of Earl Warren as Chief Justice is a severe blow to those who have supported that struggle. For those of us who remain in public life—particularly those of us in Congress—the burden is now on us to build upon the framework which Earl Warren has done so much to construct.

I include at this point in the RECORD an article by James Reston from the New York Times of June 18 which aptly summarizes the work of Earl Warren.

I also include the editorial from the New York Times of June 23 and an article by Fred P. Graham which appeared in the New York Times of June 23.

[From the New York Times, June 18, 1969]

JUSTICE WARREN GOES OUT WITH A BANG

(By James Reston)

The argument against the Warren Supreme Court was that it was too eager to intervene, that it had lost the art of judicial restraint, and was too inclined to reach out for supremacy over the other two co-equal branches of the Federal Government.

In his farewell opinions after a remarkable and historic career as the nation's foremost judge, Chief Justice Warren almost seemed to go out of his way to provide evidence for the charge.

There was a strong argument in both the Adam Clayton Powell case and in the El Paso Natural Gas case for what Kipling once called "the art of judicial leaving alone," but that has never been Mr. Justice Warren's most prominent characteristic. His tendency has been to insist on saying a thing is right or wrong, even if he had to pass what others regarded as the bounds of judicial restraint, and this is clearly what he did in these two cases.

Warren Burger, who will be Mr. Warren's successor, had refused to pass judgment on the House of Representatives in the Powell case "because of the inappropriateness of the

subject matter for judicial consideration," and he deplored "the blow to representative government were judges either so rash or so sure of their infallibility as to think they should command an elected co-equal branch in these circumstances."

Chief Justice Warren, dramatizing the difference between his philosophy and his successor's, regarded a decision against the House not as an improper intrusion into the affairs of Congress, but a duty.

"Our system of government," he wrote in the Powell case, "requires that Federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the courts avoiding constitutional responsibility."

THE EL PASO CASE

Justice Warren's opinion in the El Paso case is even more eloquent of his interventionist philosophy. This was an antitrust case in which all the parties had agreed to abide by the lower court's decision. There was no appellant. The Supreme Court did not hear oral argument in the case or debate on the merits. Nevertheless, the majority opinion by Chief Justice Warren said that, regardless of the agreement by the parties, the Supreme Court had a right to look and see whether its instructions had been carried out and it found they had not.

This, said Justice John Marshall Harlan and Potter Stewart, "discarded . . . all semblance of judicial procedure . . . in the headstrong effort to reach a result that four members of this Court believe desirable."

THE MODERATE APPROACH

Judge Burger's view in the Powell case was that "courts encounter some problems for which they can supply no solution," and that this is not necessarily a cause for regret or concern. The framers of the Constitution, he pointed out, had many hard choices and willingly took many risks.

"To allow, for example, total immunity for speech, debate and votes in the Congress," he noted, "risked irreparable injury to innocent persons if false or scurrilous charges were made on the floor of a Chamber; to allow the Executive exclusive power of foreign relations risked unwise decisions which might lead to war; to tolerate the essential supremacy of constitutional interpretation in a Supreme Court meant the risk of unwise decisions by a transient majority. But that is the way our system is constructed. . . ."

Judge Burger's way in the Powell case was to avoid decisions that would show lack of respect for another branch of the Government, bring about a confrontation between that branch and the Court, and "at best be a gesture hardly comporting with our ideas of separate co-equal branches of the federal establishment." Judge Warren's way was the opposite. He believed Powell was punished unconstitutionally, in part, perhaps, because Powell was uppity and black, so he intervened and left the bench with a bang.

What is even more interesting than the rightness or wrongness of the decisions in the Powell and El Paso cases is that they may mark the high tide of the Warren Court's philosophy and the beginning of a more cautious Court under Judge Burger.

For ironically, these two decisions are bound to give greater force to those who are now arguing to President Nixon that the Warren Court had strayed too far beyond proper judicial boundaries, and appealing to him to appoint another justice of Judge Burger's judicial temperament to the seat vacated by the liberal Justice Fortas.

[From the New York Times, June 23, 1969]

THE CHIEF STEPS DOWN

With the retirement of Earl Warren as Chief Justice, the nation loses a man of personal courage, progressive conviction and humane understanding who has led the Supreme Court through one of the most decisive periods in the 180 years of its history.

Only three of Chief Justice Warren's predecessors—John Marshall, Roger Taney and Melville Fuller—served longer than his sixteen years and only under the early leadership of Marshall and Taney has the Supreme Court had more critical impact on the law and life of the nation. The Warren Court's school desegregation and other civil rights cases are surpassed in importance in their sphere only by the Taney Court's *Dred Scott* decision, while its reapportionment, redistricting and criminal due process decisions have consequences for the Federal system almost as great as the fundamental interpretations of the Marshall Court.

When President Eisenhower appointed Mr. Warren in 1953, there was little in his record in public life to foretell the kind of Chief Justice he would become. The school desegregation cases which were pending when he took his seat plunged Chief Justice Warren into racial and regional controversy during his very first year on the Court. But *Brown v. Board of Education* was a unanimous decision which evolved naturally out of several previous cases concerning racial discrimination. While the Warren Court has divided sharply on other issues, it has consistently been unanimous, or nearly so, in striking down barriers to voting rights and forbidding public and private discrimination.

Chief Justice Warren struck a more distinctive personal note in his sensitivity to individual rights and due process. A concern for fair play, which is a synonym for due process, animated the Chief Justice and a majority of his colleagues in 1957 and subsequently in curbing the House Un-American Activities Committee, the Subversive Activities Control Board and the State Department's passport authority.

Because the apportionment of state legislatures and the districting of seats in the House of Representatives had long been considered a "political thicket" too dangerous for the Court to penetrate, grave abuses had developed in the American form of government. Beginning with *Baker v. Carr* in 1963, the Supreme Court under Chief Justice Warren came to the rescue of the underrepresented millions in the cities and the suburbs. If American federalism successfully masters the social crises of the coming decade, much credit will go to the Warren Court's rulings in favor of "one man, one vote" and equal districts.

These rulings were not without risk to the Court's authority and prestige because they did carry the Court into that ill-defined border zone where the judicial and the legislative powers meet and mingle. With good reason, critics of the Court contended that the justices had usurped some legislative authority. But defenders of the Warren Court replied that in the reapportionment cases as in the long stalemated issue of school segregation, years of Congressional evasion and irresponsibility made judicial intervention inevitable.

The rights of criminal offenders evoke little sympathy when rising crime rates have become a matter of national concern, but the Warren Court has moved against the tide of popular feeling. The Court has insisted that to have a lawyer to remain silent, and to avoid being browbeaten into a confession are rights of every citizen. Future court decisions may perhaps reshape the particular definitions of this right as the unending task of judging continues, but the fundamental affirmations of the Warren Court in the field of criminal jurisprudence are in the best American tradition.

In meeting the issues of his Court service, Chief Justice Warren did not have the legal erudition of a Frankfurter or a Cardozo; the brilliant advocacy of a Hughes, or the thoroughly developed philosophy of a Holmes. He has depended instead upon an unblinking integrity, a firm common sense, and a deep feeling for the liberal and egalitarian values which moved Thomas Jefferson and the other founders of this nation. Those values must be brought to bear on the problems of each generation in live and relevant ways if the American ideal of self-government is to survive and flourish. It is to the lasting honor of Earl Warren that he contributed so effectively to that liveliness and relevance in his time.

[From the New York Times, June 23, 1969]

WARREN ERA ENDING TODAY AFTER 16 YEARS OF REFORM—BURGER SEATING TO CLOSE TIME OF CONTROVERSY AND MIXED RESULTS

(By Fred P. Graham)

WASHINGTON, June 22.—The Warren era ends at the Supreme Court tomorrow, after 16 years of bold reforms that have brought raging controversy and mixed results.

When Chief Justice Earl Warren turns over the Court's center seat to his successor, Warren E. Burger, one of the most ambitious and active eras in the Court's history will end.

Mr. Warren intends to disappear from the public scene for several months, going first on a fishing trip to Alaska and then on an autumn jaunt to the Far East, where he will attend a conference in New Delhi on World Peace Through Law.

He will depart on a strong note after issuing a historic opinion last Monday in the Adam Clayton Powell case.

In declaring that the House of Representatives acted unconstitutionally in 1967 when it refused to seat the Harlem Democrat, the 78-year-old Chief Justice asserted for the first time that the Supreme Court had jurisdiction to settle constitutional questions involving internal Congressional matters.

RESULTS OF DECISIONS

It is too soon to tell whether this will result in a damaging conflict between Congress and the Court or if Congress will accept the Court's judgment.

But even if a donnybrook is avoided over the Powell case, Earl Warren will step down as a controversial figure. The John Birch Society's "impeach Earl Warren" campaign was dropped several years ago, but the genial, strong-willed Chief Justice has remained as a symbol of judicial liberalism that sets conservative teeth on edge.

The controversy over the liberal Warren Court fed on opposition—mostly from political conservatives—against decisions that hobbled government loyalty-security programs, banned prayer and Bible reading in the public schools, outlawed segregation and malapportionment and limited police action.

Thus, much of the outcry over the Warren Court has been a measure of whose ox has been gored.

Conservatives have tended to denounce the Court (President Eisenhower was said to have called his appointment of Mr. Warren the "biggest damfool mistake I ever made"), while only liberals would be expected to agree with Lyndon B. Johnson's assessment of Mr. Warren as "the greatest Chief Justice of them all."

Yet one complaint about the court has cut across the political spectrum. It has been said on both sides that the Supreme Court acted too much like a legislature and not enough like a court—that it translated its own notion of wise policy, into constitutional dogma.

These critics complain that in the long run, the development of Supreme Court Justices into Platonic guardians to substitute their wisdom for legislative and executive decisions will undermine American democracy, and that the left is more likely than the right to be the ultimate loser.

In a news conference shortly after he announced his intention to retire, Mr. Warren listed what he saw as the three most significant decisions of the Warren era. They were:

1. Baker v. Carr in 1962, which opened the way for legislative and Congressional reapportionment.

2. Brown v. Board of Education in 1954, which declared school segregation unconstitutional.

3. Gideon v. Wainwright in 1963, which held that all defendants in serious criminal cases were entitled to legal conusel.

The verdict of most legal experts is that the reapportionment decisions have been a success, in the sense that reapportionment has been achieved without as much difficulty as many had expected. Despite would become mired in the "political thicket," redistricting has been widely accomplished, and the initial outcry has died down.

"The mood, even among politicians, is that the decisions are acceptable; the accommodations have largely been made," Robert B. McKay, an expert on reapportionment law, said recently.

RESISTANCE IN SOUTH

Every state legislature has made some districting adjustment, he said, and only nine states still have significant discrepancies in the numerical size of their Congressional districts.

School segregation is a much subtle matter. Last year about 20 per cent of the Negro children in the 11 Southern states were in integrated schools.

But resistance to desegregation is rising in many Southern communities, where the belief is strong that the South is being told to achieve levels of integration that are not required in the North. Northern neighborhood segregation has kept school integration at token levels.

Because of this apparent legal double standard, the Supreme Court may encounter increasing resistance in trying to eliminate all-black schools.

The idea that defendants should be represented by lawyers at their trials had already been accepted by all but five states when Gideon v. Wainwright was announced.

The decision's importance was in establishing the principle that poor people must be furnished the means to exercise their legal rights, in addition to the rights themselves.

This has led to the establishment of public defender and legal aid offices across the country and other efforts to provide more legal assistance to poor people.

The cases following from the Gideon decision have precipitated a controversy over counsel in the police station and the authority of the police to question suspects.

The Court, meanwhile, has tacitly acknowledged some of the practical problems by declining to apply the Gideon decision to misdemeanor cases.

As a result of charges in many quarters—including some respected legal ones—that the Warren Court had made criminal procedures too brittle, President Nixon made a point of selecting a Chief Justice who rejects much of what the Warren Court has done on the subject of defendants' rights.

Thus Mr. Warren leaves amid a rising chorus of complaints that the hallmarks of the Warren Court—bold, aggressive moves on behalf of society's underdogs—were carried to excess in the criminal field and that the Court's idealism outstripped its practical sense in this regard.

HISTORY'S VIEW

His departure has also been tarnished by a public controversy over off-the-bench activities by former Justice Abe Fortas and Justice William O. Douglas.

Mr. Warren had hoped to persuade the Court to adopt restrictions on extrajudicial conduct before he left, but he failed.

Many observers feel that, in the long view, history will treat the Warren era well.

"Generations hence," Prof. William M. Beaney of Princeton recently wrote of the Warren Court, "it may well appear that what is supposedly the most conservative of American political institutions, the Supreme Court, was the institution that did the most to help the nation adjust to the needs and demands of a free society."

Regardless of the verdict of history, Earl Warren seems obviously satisfied with the results of his tenure. At his final news conference, he was asked to describe the major frustrations of the period.

He paused for a long moment, then broke into a wide smile and replied that he could not think of any.

"It has not been a frustrating experience," he said.

FEDERAL TRANSPORTATION ACT

The SPEAKER pro tempore (Mr. JACOBS). Under a previous order of the House, the gentleman from Connecticut (Mr. WEICKER) is recognized for 30 minutes.

Mr. WEICKER. Mr. Speaker, I am introducing today a bill titled the "Federal Transportation Act." This piece of legislation has been designed to unsnarl the chaotic transportation mess that exists in our Nation today. There is no question in my mind that unless we engage in new thinking and create new policies in the field of transportation, the United States in the 1970's will provide more inefficient transportation than it did in the 1950's. In that 20-year interval, we have engaged both in the Government sector and the private sector in a headlong dash of expansion of transport facilities for the sake of expansion. The key to the next 20 years must be service. In order to properly understand this legislation, it is necessary to view the deeds of the past and the trends of the future.

One of our great national strengths is the unbounded enthusiasm which we as a nation generate for a particular project at a particular moment of time. The American people have, at one time or another, exploded enthusiastically for a short period of time for a particular mode of transportation. For example, the fifties and sixties will go down in our history, I am sure, as an unparalleled period of highway construction; the sixties have been renowned for large airport construction; the twenties and thirties for railroads; the early 20th century for waterways. Now all of these projects taken individually are highly commendable, but certainly no one can argue that they are interrelated. And so today, airports sit in the middle of nowhere, unattended by rail or highway links, highways do not connect with rail terminals, bus systems do not relate to railroads, and so on.

The answer always seems to be another highway, another airport, another railroad, another port, rather than fully utilizing and locking together the pieces of our national transportation jigsaw puzzle. Why does this situation continue? The reasons are twofold: First, aside from the lipservice given at the State and Federal level by various department heads as to coordination, there has been no way heretofore to insist that such coordination take place. Human nature being what it is, each department pushes only the projects within its area of expertise. Each department head continues to build his own empire. Coordination is never reduced to writing, but rather remains the subject of occasional lunch meetings or news media interviews.

The second stumbling block has been the enormous pressure exerted at the State and Federal levels by transportation lobby groups and by elected officials whose reelection depends on gaining a transportation bone for their particular political subdivision.

This bill attacks both of these problems in the following ways. First, it says to the States that no Federal money will be expended for any particular transportation project unless it can be clearly shown that the project is part of an overall transportation plan for the State.

Second, it sets up a transportation trust fund which is distributed not on the basis of political emergencies or national fads, but rather on a formula basis that takes into account land area, population, and centers of largest populations. I know that this type of legislation is going to involve an eyeball-to-eyeball confrontation between new concepts and the old ways of doing things. But certainly, the past several years, months, weeks, and even days have produced example upon example of collapsing rail systems, throttled airports, and superhighways that have become super parking lots. By 1975, there will be 30 million more people in the United States than there are today, there will be 20 million more cars, there will be four landings and takeoffs for every one today. If the demand for transportation keeps pace with the economy, then during the next 20 years our transportation network must double. Unless something is done, the keep-our-nose-above-water policies of today will result in a drowning within 6 years. The biggest mistake this Nation could make would be to expend additional millions on transportation and have the facilities so created conform to the system as it exists today.

Just the numbers involved in what is the biggest consumer service in the United States today will demand ingenuity, creativity, and the courage to stand up to what exists but does not serve particularly well. That is the type of action the American traveler expects from the American politician.

VIETNAM AND MIDWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, on June 8 President Nixon conferred with South Vietnamese President Thieu at Midway Island. At the conclusion of that meeting, President Nixon announced that 25,000 U.S. troops would be withdrawn from South Vietnam by the end of August.

After his return to the United States in his televised address to the Nation on June 11, the President said that the Midway Conference was "an opening of the door to peace," and called upon Hanoi

to respond to his initiative in withdrawing 25,000 troops.

Five long years after President Johnson's decision to Americanize the war in Vietnam, and after 36,000 American deaths, Congress should not accept uncritically President Nixon's judgment that the proposed withdrawal of 25,000 troops represents a significant step toward peace, but should judge for itself the adequacy of the President's action. Several crucial questions must be asked and answered to gain an understanding of the significance of the 25,000 troop withdrawal. First, does the President's action represent any substantive change in the U.S. policy? Second, will the withdrawal of 25,000 American troops reduce the fighting in Vietnam—a prerequisite to a negotiated settlement in Paris? Third, is this withdrawal likely to lead to the rapid disengagement of American troops? And fourth, will President Nixon's decision lead to the broadening of the present Saigon government which is necessary if a non-Communist coalition of South Vietnamese is to be developed which can compete effectively with the National Liberation Front when it is finally possible to have free elections?

In a recent radio interview with me, Gov. Averell Harriman, U.S. Chief Negotiator at the Paris talks under President Johnson, expressed his views on these questions and provided some perspectives which I believe should help the Congress in evaluating the significance of the Midway Island announcement.

Governor Harriman said the withdrawal of only 25,000 troops was "disappointing" adding that he had hoped that the President would withdraw 60,000 which, he said, would have been a significant number. He said:

I think it is too little to have an impact, particularly as both President Nixon and President Thieu went out of their way to say that this is not a reduction in forces but our troops are being replaced by the Southern forces.

Governor Harriman questioned whether this was really an important move toward peace saying:

What have we got to tell them? How is this opening of the door?

The Governor's comments underline a very important point; namely, that the withdrawal of 25,000 troops does not represent a deescalation in the fighting but rather a shifting of a small part of the military burden to the South Vietnamese Army. As a consequence, the level of violence on both sides, which Governor Harriman called "the No. 1" obstacle to progress in the Paris talks, has not been reduced.

In evaluating whether or not the withdrawal of 25,000 troops is indicative of any substantive change in policy and any shift in military strategy, Governor Harriman's comments again are useful:

In spite of the fact that in his May 14 speech, which had some constructive features, the President said, "I rule out a military solution," he has not yet given orders to General Abrams to reduce the violence. I felt that would have been in January the first thing we would have done after we had all (the U.S., Hanoi, the N.L.F. and Saigon) gotten together. It took a little time to get them together, but the first subject of discussion would have been mutual reduction of violence. They (North Vietnam) indicated by their actions in November—where they disengaged in the northern provinces of South Vietnam, took 90 per cent of their troops out . . ., some of them as far north as 200 miles—that they were ready to move in that direction. Of course, the government of Saigon didn't show up, and we lost the momentum.

Governor Harriman went on to say:

We've lost momentum since January, too. No discussions that I know of have taken place. I don't think that just withdrawal of a few troops will have the effect.

Governor Harriman also spoke of the kind of action which might move the Paris talks toward real progress:

I think the President should say, "I am prepared to go a long way to reduce violence. I am prepared to change the orders to General Abrams, if you will join with me in that." I think that the world would be with the President if he should do such a thing. I think we missed that in this communique and we miss a very fundamental issue which I think has to be dealt with.

Despite President Nixon's statement that he "rules out a military victory," the fact that the military strategy of aggressively seeking out the enemy and putting maximum pressure on him remains was reinforced by Governor Harriman, who said:

I used to say (to the North Vietnamese negotiators in Paris) "these attacks of yours are not helping the atmosphere for a peaceful solution," and just as soon as they stopped them, our generals would say "Ah, we've won."

It doesn't make sense—

The Governor said—

to think that people can come to political understanding and peaceful solution as long as each of us is trying to kill the other, and trying to gain some new advantage of the other. Since we're the ones that issued the all-out orders to [General] Abrams, I think it's fair to say that we're the ones that have got to take the lead in stopping the violence. We can't expect the other people to do it.

The replacement of 25,000 American troops by South Vietnamese forces will not result in the deescalation in the fighting which is a prerequisite to achieving a negotiated settlement at Paris. Moreover, since the orders to General Abrams have not been changed, it is reasonable to conclude that the Midway announcement does not represent any basic change in the military strategy which has been pursued—at great loss of life—for the past 5 years.

Another issue, which is of great importance to the future political development of South Vietnam, is the state of democracy and democratic institutions under the Thieu-Ky regime.

Governor Harriman expressed disappointment "at the continued restrictions and restraints and persecution of the opposition in Saigon," and "President Thieu's unwillingness to create a democratic atmosphere." Governor Harriman said:

He [President Thieu] talks about the NLF putting down their arms and joining the democratic processes of his country, but without democratic processes I don't know how you'd expect them to lay down arms. You've got to guarantee the other side security and safety to carry on a campaign and be able to vote." Governor Harriman pointed out, "If we are to have freedom of election, he's got to create a climate of freedom in order to let those elections be held.

Regrettably, the Midway Conference had no apparent effect on the state of democratic institutions in South Vietnam. Indeed, upon his return from Midway, President Thieu held a press conference at which he said:

From now on, those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people.

A statement hardly calculated to encourage freedom of speech.

Two weeks ago, another newspaper in Saigon was closed, the 37th newspaper to be closed since the Saigon government announced a little over a year ago that it was giving up censorship.

Last week, four members of an opposition group who had called for the formation of a "government of reconciliation" were ordered to report to the Saigon police for "questioning." The group included Tran Ngoc Lieng, the lawyer who defended Trong Dinh Dzu—the runnerup to President Thieu in the presidential election, who is still in jail. Gen. Doung Van Minh, for whom there is political support in South Vietnam, is still unable to participate in political life. And many student leaders, who have protested the policies of President Thieu, are in jail.

That is the state of "democracy" under President Thieu.

The repression of the Saigon government is inimical not only to our own values but to the political future of South Vietnam as well. As Tran Ngoc Lieng, head of the committee which advocates a government of reconcilliation, told the New York Times on June 17:

If the government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole national movement will suffer as a result.

On all four questions, then—whether or not there has been any change in policy; whether or not there will be a reduction in the violence; whether or not the Nixon administration intends to carry out rapid disengagement of U.S. forces; and whether or not the Saigon government is to be broadened to include important segments of the population not now represented—the results of the Midway Conference fall far short of a decisive and courageous reversal of Vietnam policy. In March of 1968, candidate Richard Nixon said:

The next President must end the war.

After 5 months in office President Richard Nixon has yet to take the necessary steps to bring about a prompt termination of the war in Vietnam which the American people had been led to expect.

Congress must assert its own role and make clear to the President that it will no longer support a policy which was repudiated by the American people in

the primaries and general election last year.

Mr. Speaker, I include at this point in the RECORD the text of my June 16 interview with Gov. Averell Harriman. I also include an article by Peter Grose, from the June 16 New York Times, which outlines the call of former U.S. representative to the Paris peace talks, Cyrus R. Vance, for a cease-fire in Vietnam which would end the "search and destroy" military strategy, an article by Terrence Smith, from the June 18 New York Times, and a June 19 New York Times column by Tom Wicker, which describes the lack of political freedom in South Vietnam under President Thieu. The articles follow:

TRANSCRIPT OF INTERVIEW BETWEEN CONGRESSMAN WILLIAM F. RYAN AND GOV. W. AVERELL HARRIMAN

This is Congressman William F. Ryan reporting to you from Washington. Over the past five years few issues have generated as much controversy and criticism within Congress and, indeed, among the American people as a whole as the war in Vietnam. What began as a small commitment of American troops has escalated to the point that today nearly 540,000 American troops are engaged in the conflict in Southeast Asia. And as of May 31, over 35,700 American servicemen have died as a result of military action.

A few days ago President Nixon met with South Vietnamese President Thieu at Midway Island in the Pacific Ocean. At the conclusion of that conference the President announced that he was withdrawing 25,000 troops from Vietnam by the end of August.

In order to assess the significance of this meeting at Midway and the President's announcement, as well as the substance of the Nixon Administration's overall policy in Vietnam, I have invited the former chief negotiator for the United States at the Paris Peace Talks—Governor Averell Harriman of New York—to appear with me on this program this afternoon to discuss the implications of the Midway conference and to comment on the progress of the talks in Paris.

I am delighted that he is able to be with us today. For few men in public life enjoy the respect and prestige of Averell Harriman. As a result of his service in the cause for international peace under five Presidents he has earned the gratitude of the entire nation for his tireless efforts to reduce sources of international tension and instability. President Kennedy called upon him in Laos. President Kennedy again called upon him as the principal United States negotiator for the Nuclear Test Ban Treaty. Again he was called upon by President Johnson to become chief negotiator at Paris where he served for almost nine months. His efforts resulted in the resolution of procedural questions and the construction of the framework through which we hope a final settlement will be achieved.

For this as well as many other arduous assignments in the course of his long career he has earned the respect and gratitude of the American people. Governor Harriman, it is a pleasure to have you join us on our program today. I am sure our listening audience will appreciate being able to hear your views on the course of the tragic situation in Southeast Asia.

Governor HARRIMAN. Bill, I'm so glad to be with you. You have taken a very constructive and vigorous position in the Congress and I respect you for it. You don't always go the routes that are popular but you go the routes that you believe are in the interests of the people. Therefore, it is a pleasure for me to be with you and talk about some of the things that are mutually concerning us.

Congressman RYAN. Thank you very much, Governor, I am particularly happy that you can appear at this time in the aftermath of the visit by President Nixon to Midway Island and his announcement of the withdrawal of 25,000 American troops, and the statement which he made upon his return to the effect that "now the door to peace has been opened." I just wonder if, Governor, you would be willing to comment on your reaction to the President's statement. Has he, by withdrawing or suggesting that he's going to withdraw 25,000 American troops, really changed the strategy which he has been following? Is this tokenism? What is your evaluation of what is happening now with respect to the war in Vietnam?

Governor HARRIMAN. Well, let me first say I don't want to term it tokenism. I want to say it's disappointing. I want to make a very definite record of the fact that I wish President Nixon success. Nothing is more important to the people of our country than getting peace in Vietnam. And so I want to help in every way I can. So when I question what's being done it's because of my earnest desire that progress should be made. Now this figure is disappointing. Even last year there was talk of withdrawing troops and everybody talked about 50,000 as the number. I had hoped that when there was gossip about the agreement to withdraw troops that he'd step it up from 50,000 to 60,000. To take 60,000 home at the time would have been a significant figure. But 25,000 I think is too little to have an impact, particularly as both he and President Thieu went out of their way to say that this is not a reduction in forces. Our troops are being replaced by the Southern forces. Therefore, what have we got to tell them? How is this the opening of the door?

And I'm particularly disappointed that more discussion hasn't taken place in Paris, which is what we would have done if we had carried on our negotiations, for mutual reduction of violence. I think that could have been successfully negotiated and that would have tremendously reduced the number of killings, which is awful. Since we're on the road to peace, I don't see any objective in killing South Vietnamese and killing innocent South Vietnamese people.

Congressman RYAN. I think the point you made, Governor, about the fact that the plan to withdraw 25,000 troops and substitute for them South Vietnamese forces points up one of the real difficulties with the Administration's position. And that is: is the Administration really planning to reduce the level of violence or to de-escalate the fighting or is it merely planning to shift the burden of the fighting over to the South Vietnamese and then hope that the level will keep up so that we can pursue as we have in the past some kind of a military solution?

Governor HARRIMAN. Well, in spite of the fact that in his May 14 speech, which had some constructive features, the President said, "I rule out a military solution," he has not yet given orders to General Abrams to reduce the violence. I felt that would have been in January the first thing we would have done after we had all [the United States, Hanoi, Saigon, and the NLF] gotten together. It took a little time to get them together, but the first subject of discussion would have been mutual reduction of violence. They [North Vietnam] indicated by their actions in November—where they disengaged in the northern two provinces of South Vietnam, took 90% of the troops out of the country, some of them as far north as 200 miles—that they were ready to move in that direction. Of course, the government of Saigon didn't show up and we lost the momentum. And we've lost momentum since January, too. No discussions that I know of have taken place. I don't think that just withdrawal of a few troops will have the effect. I think the President should say, "I am prepared to go a long way to reduce violence. I am prepared to change the orders to General Abrams, if you will join me in that." I think that the world would be with the President if he should do such a thing. I think we missed that in this communique and we miss a very fundamental issue which I think has to be dealt with. Incidentally, I gained the impression from the talks in Paris that we'd make no progress on the peaceful settlement until we reduce the violence and work towards a cease-fire.

Congressman RYAN. Was it your opinion that after the cessation of the bombing of North Vietnam last October and November that the North Vietnamese would be willing to pull back and reduce the violence? In fact, you have said that they had withdrawn some 90% of their troops in the two northern provinces above the 17th parallel.

Governor HARRIMAN. And they did other things to reduce their military action. That was my impression. I know some of the military claim that it was only because they'd been forced to do it, but the fact of the situation justified our belief that it was a political action on their part, and we might have been able to respond to that at the time if the Saigon government had appeared in Paris as we expected them to do. So we had very much in mind detailed discussion with the North Vietnamese and the NLF and how we were mutually going to reduce the violence. I speak of violence, Bill, not just military action because what I'm talking about is forcing them to stop throwing bombs within Saigon and some of these other cities which are killing innocent people, even down to the village level. I fear if we're going to have an election we've got to end violence on both sides. You've got to have a cease-fire. We've got to move in that direction. We'd better quit trying to find a military solution. Now, unfortunately, our military actions don't fully conform to what the President said: that he was ruling out a military solution. Why not move to peace—physically?

Congressman RYAN. I certainly agree with you. It seems to me that that is where the President really has missed an opportunity, because coming in as the new Chief Executive without having been responsible for decisions made in the past he could have, it seems to me, used this opportunity to take steps which perhaps the previous Administration felt it couldn't take.

Governor HARRIMAN. I am sure we could have gotten an agreement. If all four sides had sat down together. We were still fighting. We are still out fighting, even though we've begun the Peace Talks, and this is the mistake, too, as you say.

I also was disappointed in the manner in which President Thieu acted. President Nixon said, you'll remember, "We agreed on all points." And Thieu agreed on the President's May 14 speech. Then he goes back and has a press conference, and if it's actually reported accurately, as I believe it is, that he said that he was going to severely punish anybody that opposes a coalition government, as that would be against the provisions of the Constitution which he upholds. Now, President Nixon has never said, as far as I know, that he's opposed to a coalition. He has said that he's against the imposition of a coalition government and therefore, a discussion of a coalition government seems to be a perfectly normal thing to have go on. You can be against it if you want to.

I'm disappointed also at the continued restrictions and restraints and persecution of the opposition in Saigon. Did you notice today, during this week, rather, the government closed another paper? This is the 37th newspaper that the government has closed since they announced a little over a year ago that they were going to give up censorship.

Congressman RYAN. Now, how could there be freedom of speech and freedom of expression in South Vietnam if newspapers are

constantly under the threat of being closed down?

Governor HARRIMAN. Well, the obvious answer to that is no, Bill. There can't be and there isn't. And the people are put in jail. Mr. Dzu is still in jail. He was the one who lost in the election. Thieu got 33% of the vote. That wasn't a very large percentage of the people who voted, particularly when you know that the elections were only held among about ⅔ of the population. So 33% is not a majority President. And the runner-up is still in jail because he had the temerity to suggest that it was time to talk to the NLF about a settlement. Why they won't release him, I don't know. It's because Thieu now has even on his own game indicated that he doesn't want to have any opposition around. I think it hasn't come out yet, but we've been very firm and definite with Thieu. If we are to have freedom of election, he's got to create a climate of freedom in order to let those elections be held.

Congressman RYAN. I agree with you, and one of the problems that throughout our experiences in South Vietnam seems to me has been prevalent is that the Saigon government has pretty much done as it pleases, whether it's to hold off negotiations arguing over the size of the table or whether it's to ignore the desire of the United States to have open and free elections and to have freedom of speech and press in Saigon. Now, how can or should the Administration deal with this question of the Saigon government and its intransigence on so many questions?

Governor HARRIMAN. Well, I think I don't want to blame President Thieu for everything. He has made some progress in land reform. He's made some progress in economic development and I don't want to condemn him for all things. But we're now discussing the question of freedom of discussion leading to free elections. In that, I think his record is pretty bad. Of course, we've got a very good method of talking to him and that is, unless you do this, we're not going to continue a line of trying to support this government. They're very much in our hands. Even after 25,000 are out, there will be well over 500,000 Americans there. He won't last very long if we pull out our troops.

President Nixon has one very good thing in his May 14 speech. He took a commitment to the people of South Vietnam, not to any one group. I was glad to see Secretary of State Rogers say, "We are not wedded to any one group." I think we ought to act that way, and not appear to be trying to force the present government on the people. Now, if they [Thieu-Ky] can win the election, which they may well be able to do, they've got to begin broadening the base, to bring in the other elements. There are a lot of Buddhists. There are a lot of different groups that are not included in the government and you'd have a much stronger position if they were. It would dilute his own personal power, but it would very much strengthen the position of the government. Now, I don't think that the NLF would gain a large percentage themselves. But they're going to try to form a front, and I think it's high time that President Thieu forms what you could call a non-communist group or anti-NLF front or whatever else you wanted to call it. He hasn't done that yet, and that must be done.

Congressman RYAN. I certainly would agree with you. For the benefit of our listening audience, this is Congressman William F. Ryan, and I'm talking to Averell Harriman about the situation in South Vietnam. I agree, Governor, as a number of us have said for a long time, that it is necessary for the South Vietnamese government to be broadened to include other elements, to include people such as the candidate whom you mentioned who's in jail.

Governor HARRIMAN. I'm not certain that he personally . . . I'm not talking about any one individual.

Congressman RYAN. But he's representative of a point of view.

Governor HARRIMAN. He represents a group that wants peace. And he may or may not be the best leader.

Congressman RYAN. What do you view now, aside from the failure so far to reduce the level of violence—what do you view as the principal obstacles to the achievement of a settlement of the war?

Governor HARRIMAN. I would just like to underline again the reduction of violence, the reduction of losses on both sides, an end to the killing, is number one. That's what we would have done if we'd have stayed there to negotiate. We haven't even started that. I'm sorry to say that from all I hear, and I hope I'm wrong, that no progress has been made on any field since January; that's five months. It's high time that we get into discussion.

Now among the things that you've got to discuss on the political side which probably must go along with military reduction is the question of how you are going to organize a free election. That's why I emphasize so much President Thieu's unwillingness to create a democratic atmosphere. He talks about the NLF putting down their arms and joining the democratic processes of his country, but without democratic processes I don't know how you'd expect them to lay down arms. You've got to guarantee the other side security and safety to carry on a campaign to be able to vote, and none of these matters have been discussed, which I would have thought would be among the number one subjects on the political side to talk about.

They have proposed a coalition government. The President now suggests that there be a combined commission of both the NLF and Saigon; maybe that's a good idea. But we've got to get down to discussing these matters in detail. We're very slow in doing it. We've waited a long time.

Congressman RYAN. And the killing continues, the violence continues.

Governor HARRIMAN. And I believe, it's my firm belief, I may be wrong that we will not get the real, the political, solution until we reduce the violence. It doesn't make sense, Bill, to think that people can come to a political understanding and peaceful solution as long as each of us is trying to kill the other, and trying to gain some new advantage of the other. Since we're the ones that issued the all-out orders to [General] Abrams, I think it's fair to say that we're the ones that have got to take the lead in stopping the violence. We can't expect the other people to do it. Incidentally, when they stopped the violence last year, our Generals said, "Ah, we've got them licked." It's rather interesting. I used to say when they were attacking us that "these attacks of yours are not helping the atmosphere for peaceful solution"; and just as soon as they stopped them, our Generals would say, "Ah, we've won." Now I don't blame the Generals for this. That's their job. But the country, the President, have all decided we want a peaceful settlement. Let's act that way.

Congressman RYAN. I think you make an excellent point, and I just wonder how we're going to bring about a political settlement unless we're really willing to reduce military activity. Once we start talking about a political settlement, what do you think the North Vietnamese will be willing to agree to? Do you think they'll agree to some kind of election procedure in which they are represented on a Commission?

Governor HARRIMAN. I can't tell you because we didn't talk political settlements as we didn't want to do it without the Saigon government. But I can tell you they made it very plain that progress would not be made as long as there was violence. If we're going to talk peace, we've got to draw the line and say this is where we stand today. But there are other things that bother me too. We ought to begin to cut the cost of this war. Nothing has been done to cut the cost of the war. I hear stories about the [Battleship] New Jersey going out there again. I wish that the cost-effectiveness of the whiz kids which used to be in the Pentagon would be set to work to analyze how we can reduce this cost because you know better than I do how much we need the savings to get on with what's needed to be spent on life here at home. I'm very much concerned that the spokesmen for the Pentagon say they are going to take all the savings and more besides for the new weapons systems. This just doesn't make sense to me.

Congressman RYAN. I think this is a very critical point. We're spending presumably about $30 billion a year on the war in Vietnam. There are many of us who have hoped that, once the war ends, that money can be transferred to beginning solutions to many of our domestic needs. And yet it's perfectly clear that many of the generals in the Pentagon believe that the money will be transferred right over to new weapons systems. And it will continue to be used for the military budget to compensate, as they say, for technology, which wasn't pursued during the time of the war in Vietnam.

Governor HARRIMAN. I don't blame the Generals. It's their job to make recommendations. But what should be done under the President's direction is to chop it. If the Bureau of the Budget doesn't do it, I would hope the Congress will do it because I agree with you. As Walter Reuther said yesterday, there should be $20 billion taken out of the military budget. I don't know what the right figure is but many of my business friends feel the same way. We have to use our resources in a sensible way. Certainly we've neglected the needs here at home. Urban requirements of all kinds, our education system and the poverty program, hunger and everything else—all the things that you've been fighting for and you know about all the things that ought to have a precedence over the military. I'm not for disarming but certainly when you're spending $80 billion a year, or now, if we cut it to $60 billion, we would have roughly adequate expenditures, to justify, to take care of our security.

You know our security isn't based only on arms. We are not secure because we bristle with missiles and guns, but also the strength of our economy, the social strength, the moral force of our country at home and abroad make this a strong nation. Vietnam has reduced our social life here at home, divided our people, and I'm afraid I've been to 50 countries under President Johnson and except for a few Asian countries, they are all opposed to us. They don't understand what we're doing. Our moral force in the world will be increased again when we get this war out of the way and begin to take an interest in the peaceful developments which are so essential for us and for everybody else.

Congressman RYAN. I couldn't agree with you more Governor Harriman and this brings to mind of course the fact that the public is beginning to awaken, particularly in the light of the controversy over the ABM. I wonder if you have any thoughts now on the effort on the part of the Pentagon, particularly the Secretary of Defense, to persuade people into believing that the ABM is necessary because of the capability or the possibility of a first strike on the part of the Russians.

Governor HARRIMAN. I'm frankly shocked by this talk of trying to scare people into making expenditures which are unjustified. There's talk about special intelligence information. Senator Symington said if you knew all the information you'd realize that there was no need for the ABM. Now ABM is a symbol of trying to scare the country

into doing something which is unnecessary because somebody wants it.

Now I had something to do with negotiations with the Russians, including the Test Ban Agreeement, and I can assure you that this will not help us, the continuation of the ABM or the testing of MIRV. If we want to come to an agreement or a hold on development we ought to hold the deployment. I'm not against research and development at all, but we ought to hold back on deployments and wait and see what can be done. I'm also disappointed that the President hasn't taken President Johnson's initiative and the agreement to hold nuclear restraint talks. I don't know why he didn't start in February. It's now been five months and nothing has been done.

Congressman RYAN. On the basis of your long experience with the Russians, do you believe it's possible to negotiate agreements for reductions of tensions, reduction of arms, arms control?

Governor HARRIMAN. Well, I want to say that it's too early to hope for an overall detentè as they call it, an overall agreement, but in certain fields I'm satisfied that they want to come to an agreement on nuclear restraint for two reasons. One they want to cut their costs, reduce their costs, and they don't want to go into vast new expenditures which technology requires and secondly, they are afraid of nuclear war. They are just as afraid of nuclear war as we are and it's very important that we come to an understanding in this field.

In addition to which we can get their help in trying to work in the Middle East. Although we can't impose a settlement there, we do want to put pressure on the Arabs for a reasonable settlement, although they [the Soviets] want to continue to compete for control there. But they did help us in Vietnam and they may help us there again. So in selected areas we can come to an understanding, as we have in the past. But we mustn't be pulled aside into believing we can come to an agreement on everything. Maybe someday we can, a generation from now, but we can't do it today. Their actions in Czechoslovakia shocked us all. It's still offensive, the manner in which they behaved.

Congressman RYAN. The President, during his campaign, and the *New York Times* at various times, have suggested that perhaps discussions with the Russian will help to resolve the question in Vietnam. There is even some speculation that there may be some talks either taking place or contemplated with the Russians on the question of a Vietnam settlement. Have you any information on that?

Governor HARRIMAN. I talked to the Russians about that and asked for their help and they did help when we got into some narrow problems. They helped us both in November to create a situation that made it possible for the President to end the bombing and also in January when they probably helped on the shape of the table and other procedural questions. I know they'll help us because they have. They want to see a Southeast Asia strong enough and independent enough to check Peking's advances. They are more concerned with Peking than they are with us and in certain areas such as India and Pakistan, we found ourselves in a parallel position. But that doesn't mean that we can have an overall settlement. They still won't compromise, they are still supporting movements in South America. We still have to have our guard up. Let's make progress where we can.

Congressman RYAN. I was very concerned by the President's speech to the United States Air Force Academy in Colorado recently, and I wonder how you reacted to that speech?

Governor HARRIMAN. I must confess that his speech writers did him a great disservice. And I resented what was said at that time. I hope he didn't think it through before he made it. There are some casualtiies in Vietnam. The biggest casualty, of course, is the loss of life to our young men. But the other tragedy is the division in our country and the setback of the social progress that could have been made. Freedom of speech is a casualty, the right to criticize the military when we don't agree with them. That cannot be a casualty. We must maintain that right and no one must be called unpatriotic because they expressed opinions of being opposed to military action. Anyway, he talked as if he was criticizing people who were opposed to this spectacle of Hamburger Hill. That was a great tragedy. We must speak out against things like that. We must also speak out against the continuation of unnecessary violence, orders from the President. I want to join today in speaking out against that. My hope is that things will change before we've lost more ground and lost more lives.

Congressman RYAN. Thank you very much Governor Harriman for having spent this time with us this afternoon. I think that all of us are grateful to you for your insight into the problems that confront us around the world, for your great service to our country, and for what you have done only recently at Paris in trying to lay the ground work for a final settlement on that tragic war. It was a pleasure to have you appear on our program.

Governor HARRIMAN. I want to congratulate you, Bill, Congressman Ryan, for the courageous battling that you are doing here in Congress. Keep up the good work.

Congressman RYAN. Thank you very much. This is Congressman William F. Ryan speaking to you from Washington, having just interviewed Governor Averell Harriman, who was the United States' chief negotiator at Paris last year.

[From the New York Times, June 16, 1969]

VANCE BACKS CALL FOR CEASE-FIRE BY ALL SIDES IN VIETNAM

(By Peter Grose)

WASHINGTON, June 15.—Cyrus R. Vance, former United States representative at the peace talks in Paris, broke his self-imposed silence on President Nixon's negotiating strategy today and called for a "standstill cease-fire" by all sides in Vietnam.

Mr. Vance, who was deputy to Averell Harriman, the senior negotiator for the Johnson Administration, thus joined Mr. Harriman in urging a deliberate reduction of the level of combat as a means to move the peace talks forward.

Mr. Vance has been consulted several times privately by White House and State Department policy advisers since his return to private law practice in February, but until now he has avoided public statements.

"I have been thinking the whole situation over," he said in a telephone interview from his home in New Jersey, "and I think the time has come to try stirring up support for a new initiative that stands a real chance of moving us toward peace."

He avoided criticism of the Republican Administration, but the fact that he spoke out publicly, indicated a mounting impatience with the slow progress of the negotiations under President Nixon.

Mr. Vance discussed his position in the interview after stating it in a letter to Clark Kerr, former president of the University of California at Berkeley, who is now chairman of the National Committee for a Political Settlement in Vietnam. This organization, previously known as the Negotiation Now! Committee, is a private group of prominent academic, business and religious figures.

In his letter, made public by the committee's headquarters in New York, Mr. Vance endorsed the group's five-point program for a peace settlement.

"It is a constructive military and political package," he said. "If our Government put it forward as official policy and then the other side turned it down, it would be clear who is impeding progress."

The points of the program are the following:

A standstill cease-fire by all sides in Vietnam.

An international peacekeeping force to oversee the cease-fire, a political settlement, the withdrawal of all outside military forces and the protection of minorities.

Prompt free elections under the jurisdiction of a joint electoral commission, with both sides agreeing to accept the result of the election.

A land reform program giving title to the tenants farming the land and providing compensation to landlords.

Extensive medical aid and relief to refugees and economic development aid channeled through the United Nations.

The case-fire proposal is the most controversial point of this program, and the one in which the Nixon Administration has shown the least interest so far.

In the last month Mr. Harriman has spoken out several times in favor of an agreement on the mutual reduction of hostilities leading to a cease-fire.

"To be realistic we cannot expect the Vietcong to stop their attacks as long as we are exerting maximum military pressure on them," he said in a speech to the American Jewish Committee a month ago. "I do not believe we can make substantial progress in talks in Paris unless the tempo of the fighting and violence is reduced by both sides."

[From the New York Times, June 18, 1969]

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliation" were ordered tonight to report for questioning by the National Police.

Summonses were delivered this evening by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellectuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position in the Paris peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

I WILL PUNISH THEM

"From now on," the President said, pounding his fist for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, The Saigon Daily News, was closed on such a charge. It was the 32d paper shut

down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front, or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "nationalist elements acceptable to both sides."

The purpose of the reconciliatory government, according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committee's statement, but he promised that he would look into the matter.

The summonses issued tonight were delivered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "If the Government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

[From the New York Times, June 19, 1969]

IN THE NATION: THE WRONG HORSE IN SAIGON

(By Tom Wicker)

WASHINGTON, June 18.—Tran Ngoc Lieng is a slender intense man who keeps a law office in his pleasant villa on a street snarling with motorbike traffic not far from downtown Saigon. As a lawyer, he defended Truong Dinh Dzu, the presidential candidate who was thrown in jail for advocating a coalition government with the National Liberation Front; as an activist, he is a member of a most unusual committee of Catholic and Buddhist leaders working to free Thich Thien Minh, a monk jailed on political charges; and as a politician, Lieng is the official leader of the Progressive National Committee, which advocates a new "government of reconciliation" for South Vietnam.

Lieng makes no effort to hide his dim view of the Thieu-Ky regime. Sitting under one of the revolving overhead fans that cool the high-ceilinged Saigon villas even in the brutal heat of Southeast Asia, he was asked by one recent visitor whether the present Government had any support at all among the South Vietnamese people.

"Certainly not," Lieng replied, without hesitation. And when asked if he was expressing this and other pungent views for publication, he replied at some length that he was anxious to be quoted, that South Vietnam was in such bad shape that the consequences to him did not matter; what was important was that the world should know about the political repressions and lack of support of the Thieu-Ky regime.

NON-COMMUNIST NATIONALISTS

Some informed Saigon political figures are not sure whether Lieng's patriotism or his political ambition moves him the most. For the moment, however, his activities have put him on a collision course with President Thieu; now Thieu has struck back by summoning four close associates of Lieng for national police questioning; and all of this suggests much of what is wrong with South Vietnamese politics and the American role in Saigon.

This is because Lieng is equally outspoken in his opposition to the Vietnamese Communists, is opposed to a coalition government because he fears the Communists would take it over, and believes that the real salvation of South Vietnamese freedom lies in "nationalist" forces that are not Communist but that give no real support to Thieu and his American-sponsored regime.

He compares such South Vietnamese nationalists to "grains of sand"—innumerable but separate. Defeating the Communists politically, Lieng believes, will require that they be unified behind leaders they respect and a program they can support—neither of which he finds in the Thieu-Ky regime. Hence, the Progressive Nationalist Committee's proposal for a "government of reconciliation," composed of men acceptable *both* to the N.L.F. and to non-Communists (Gen. Duong Van Minh is frequently cited as one such man), and empowered to prepare and organize elections to determine the political future of South Vietnam.

FOR POLITICAL COMPETITION

Lieng talked of these ideas politely and with restraint to a visiting American, but there was ample fire and brimstone in the remarks of two of Lieng's younger associates—Chau Tam Luang, secretary general of the committee and widely considered its "action man," and Le Duy Tam, who, ironically, perfected his fluent English while teaching Vietnamese for the State Department in Washington. Luang, at least, was one of those summoned by Thieu's national police.

Luang and Tam asserted in uncompromising language that the greatest political difficulty for nationalist forces is the adamant and overpowering American political, military and economic support for the Thieu regime. While that support continues, they bitterly insisted, few Vietnamese believe it possible either to oust Thieu or to force him to abandon the repressive police tactics that alienate the South Vietnamese people—much less persuade him to broaden the appeal of his Government by bringing into it Buddhist leaders or men like General Minh. And that, they said, is why it is so difficult to organize an effective non-Communist opposition, and why the real strength of non-Communist forces in Vietnam is not being organized for the ultimate "political competition" with the N.L.F.

If this is accurate (and many Vietnamese were eager to tell an American, a few weeks ago, that it was all too accurate), what a final, baleful irony may be added to the long and tragic record of American folly in Vietnam! If in backing the military-oriented, politically repressive Thieu regime against all pressures and until the last muffled groan, the United States succeeds only in easing the way for a Communist government in South Vietnam, the bankruptcy of cold war diplomacy will have been reached not with a bang but a whimper.

FURTHER INCURSIONS BY FOREIGN FISHING FLEETS IN OUR WATERS MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. POLLOCK) is recognized for 3 minutes.

Mr. POLLOCK. Mr. Speaker, the fines imposed by the Federal Government upon the two Japanese fishing boat captains arrested recently in Alaskan waters off Norton Sound for fishing within the U.S. contiguous zone are pitifully inadequate and only encourage more violations. One captain was fined $5,500 after it was necessary to fire warning shots across the bow of his vessel as he made a run for open sea. The other captain was fined $3,500. Of a herring fleet of 40 Japanese vessels, 20 were observed illegally within either the territorial waters or contiguous zone within the 12-mile limit off Alaska.

It has been estimated that each of these vessels harvest approximately 8 tons of herring per day and sell them in Japan for $210 per ton, thus the gross of $1,680 per day for about a 10-day season is worth $16,800 per violating vessel. Had the 20 vessels observed in our waters reaped such an illegal harvest, the venture would have brought a gross income of $336,000. If half the vessels were observed, it is reasonable to conclude that the other half of the fishing fleet also intended to participate, thus conceivably doubling the income to $672-000 for the 10-day period. The small fines imposed by the Federal court, presumably upon the advice and consent of the Justice Department and the State Department, make it a worthwhile gamble.

I am getting sick and tired of our Alaskan fisheries being exploited by illegal foreign incursions without decisive action being taken to punish the violators. Under international treaty we can confiscate the violating vessel or vessels and all gear, provisions and catch, and, in addition, arrest and fine each man of the 15-man crew the sum of $10,000 per man. We must show the Japanese, the Russians and the Koreans that we mean business. The alternative is continued rape of our fisheries resources. The real paradox is that we sock it to our own violating fishermen with arrest, stiffer fines by far, and confiscation of gear. This makes no sense at all. When are we going to wise up? We have far too few vessels and aircraft for patrolling our 34,000-mile coastline.

The U.S. Coast Guard, the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game must be provided the men and equipment to adequately confront this blatant and willful

encroachment of our priceless fisheries. The longer we wait the more serious the situation becomes.

I call upon the Secretary of State, the Attorney General, the Secretary of Interior and the Secretary of Transportation to meet with the congressional delegation from Alaska for the purpose of determining a future course of action to discourage further incursions by foreign fishing fleets, hopefully to include agreement for far stiffer penalties for violations and for substantially reinforcing our detection and enforcement capabilities.

PAYMENT LIMITATIONS WILL NOT HURT CALIFORNIA COTTON—THE BEST IN THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, I rise today to respond to what I respectfully consider to be an incorrect analysis of the effect of my amendment on the California cotton crop presented in the other body on June 18, 1969.

It was suggested there that the effect of my amendment would be to force California cotton growers to replant nearly half of their acreage now producing cotton to alfalfa and other crops thereby depressing the market for these crops.

I would hesitate to challenge any Member of that body on the economics of farming in his home State but an experienced cotton production analyst in the Department of Agriculture states "that alfalfa is the nearest competitor for cotton in the Imperial and the San Joaquin Valleys of California, but returns from cotton at world price levels generally exceed those from alfalfa by nearly $100 an acre."

That conclusion was reached in an article published in "Cotton: 1969 International Edition," Meister Publishing Co., Memphis, Tenn., May 1969. Its author is Dr. Grover C. Chappell, formerly staff economist in Secretary Freeman's office and now the top economist in the Agricultural Stabilization and Conservation Service.

Dr. Chappell points out that California boasts the finest quality cotton grown in the Nation—cotton which can compete with world prices even "if there were no diversion program" at all.

And it will be recalled that my amendment by no means puts an end to the diversion program; it merely puts a stop to those payments in excess of $20,000 per producer.

Dr. Chappell's analysis is buttressed by the recent comments of Dr. John A. Schnittker, former Under Secretary of Agriculture:

> Large cotton payments, on the other hand, have been justified, not to reduce output but to increase it. No one will argue that limiting payments will lead to a cotton surplus.

This conclusion is also supported by Dr. Walter W. Wilcox, senior specialist in agriculture, in his recent study, "Large Farm Program Payments and Implications of Proposals for Limitations." Legislative Reference Service, Library of Congress, Washington, D.C., February 19, 1969.

The recent discussion in the other body noted that there are mandatory acreage controls on cotton, but it neglected to point out that less than 75 percent of the acreage allotment for 1969 was planted.

Finally, I must comment on the suggestion, made by some opponents of my amendment, that an appropriations bill is not the proper vehicle for the proposed change and that there should be a more orderly transition from the present program.

I would agree that the present circumstances are less than ideal, but those of us who have seen over the years the implacable resistance to such changes shown by those in charge of both Agricultural Committees know that this is the only way for the majority to work its will.

If a payment limitation is approved which also repeals the "snapback provision" and authorizes the Secretary to allow those affected by payment limitations to increase their cotton acreage within limits, if they wish, as Dr. Schnittker and I have proposed, more rather than less cotton will be grown in California.

Secretary Hardin reports that 773 California cotton producers received payments in excess of $20,000 under the cotton program in 1968. Three of these were large corporations receiving payments in excess of $1 million—one in excess of $3 million. Three more received over half a million, while 21 received over $200,000, and 63 received more than $100,000.

Unless we act now these large growers will receive even higher payments under the 1969 cotton program. These are not payments for acreage diversion. They are an unwarranted waste of Government funds going largely to wealthy corporations which compete with family farms. Such excessive payments should be stopped now—not some time in the future.

In order to reassure those of my colleagues who voted for the Conte amendment that it will not put California cotton producers out of business, and to clarify the issue further for the Members of the other body who will be debating this issue in the near future, I present the following excerpts from Dr. Chappell's authoritative article to be included in the RECORD at this point:

COTTON LOOKS GOOD AGAINST OTHER U.S. CROPS

(By Grover C. Chappell)

The Economic Research Service of USDA has delineated the U.S. cotton belt into 18 subregions based mainly on soil types and climatic conditions. Within each of these 18 subregions, conditions for growing cotton are fairly homogeneous but conditions vary considerably between the different areas. In Table 1, these subregions are listed in order of the apparent ability of cotton to compete for land with other crops. Table 1 also sets forth the enrolled acreage in the 1968 program, the projected yield for the subregion, the acreage diverted at 6 cents, the average size of allotments within each subregion, and the crop or crops that are most competitive with cotton.

For example, considering only the cash returns over cash costs, it appears that alfalfa is the nearest competitor for cotton in the Imperial and the San Joaquin Valleys in California, but returns from cotton at world price levels generally exceed those from alfalfa by nearly $100 per acre. At the other extreme, soybeans or corn in the Coastal Plains and the Southern Piedmont area of the Southeastern region appear to return $5 to $30 per acre more than cotton at market prices for each crop.

The 18 subregions of the cotton belt have been divided, somewhat arbitrarily, into four groups. From the standpoint of the ability of cotton to compete for land, these groups might be described as "best," "good," "fair," and "poor." Typically, in the "best" group, the return from cotton would be $40 to $100 per acre above that of the next best alternative crop. In the "good" group, cotton seems to have an advantage ranging from about $5 to about $30 per acre. In the "fair" group, the advantage for cotton ranges from about $5 per acre to a disadvantage of about $5 per acre. In the "poor" group, soybeans or corn appear to return $5 to $30 per acre more than cotton.

HIGH ALLOTMENT CONCENTRATION

Note that the "best" and "good" groups have a high concentration of cotton allotments and a high proportion of the total acreage enrolled in the 1968 program. With the exception of the Brown Loam area, cotton tends to be grown on fairly large farms in these groups, and with the exception of the Rolling plains and Gulf Coast of Texas, yields per acre are high. In the "fair" group, we have two areas with small farms and two with large farms; allotments are not highly concentrated except in the Lower Rio Grande Valley.

The only areas in which other crops seem to have a distinct advantage over cotton at world price levels are the Black Belt, the Eastern Coastal Plains, the Western Coastal Plains, and the Southern Piedmont. These areas contain a fairly small proportion of the enrolled acreage and a low concentration of allotments. Cotton allotment per farm is low.

TABLE 1.—COTTON: ACREAGE ENROLLED, AND DIVERTED AT 6 CENTS, PROJECTED YIELD AND COMPETITION, BY REGION, 1968

Subregion	Enrolled acreage (acres)	Acres per farm	Diverted at 6 cents (acres)	Projected yield (pounds)	Nearest competitor
Imperial Valley (W-2)	97,213	115	9,938	1,617	Alfalfa.
San Joaquin Valley (W-1)	643,439	101	9,751	1,102	Do.
Upper Rio Grande (W-7)	85,013	29	2,510	798	Do.
Brown Loam (SE-7, 8)	377,755	17	62,159	671	Corn and soybeans.
Mississippi Delta (SC-1)	1,946,146	50	150,317	678	Soybeans.
Total	3,149,656		234,675		
Gulf Coast of Texas (SC-4)	407,453	48	49,887	444	Grain sorghum.
Northeast Arkansas (SC-2)	474,354	33	50,015	537	Soybeans.
High Plains (SC-7)	2,183,253	93	391,927	539	Grain sorghum.
Rolling Plains (SC-6)	1,709,356	56	396,188	305	Do.
Southern Arizona (W-3-6)	291,600	156	45,987	1,127	Alfalfa.
Total	5,066,016		925,004		

TABLE 1.—COTTON: ACREAGE ENROLLED, AND DIVERTED AT 6 CENTS, PROJECTED YIELD AND COMPETITION, BY REGION, 1968—Continued

Subregion	Enrolled acreage (acres)	Acres per farm	Diverted at 6 cents (acres)	Projected yield (pounds)	Nearest competitor
Clay Hills (SE-5)	340,346	11	87,027	558	Corn.
Lower Rio Grande Valley (SC-5)	413,805	41	78,613	495	Grain sorghum.
Limestone Valley-Sand Mountain (SE-4)	458,653	14	128,209	559	Soybeans.
Black Prairie (SC-3)	1,128,125	48	235,078	271	Grain sorghum.
Total	2,340,929		528,477		
Black Belt (SE-6)	215,894	18	53,734	487	Soybeans.
Eastern Coastal Plains (SE-2)	821,624	18	199,499	478	Soybeans and corn.
Western Coastal Plains (SE-3)	325,623	17	84,768	490	Soybeans.
Southern Piedmont (SE-1)	302,789	13	92,847	427	Do.
Total	1,665,930		430,848		

If one assumes that virtually all of the 3.1 million acres enrolled in the first five subregions listed in table 1 would be planted to cotton at world price levels if there were no diversion program, and that 85 to 90% of the 5.1 million acres enrolled in the second group, about half of the 2.3 million acres in the third group, and about one-half of the 2.4 million acres enrolled in the program but not included in the main subregions listed here, and about one-third of the 1.7 million acres in the bottom group, then one might conclude that about two-thirds of the nearly 15 million acres enrolled in 1968 can compete with other crops at world price levels for cotton. If this acreage were weighted by yields per acre, this proportion might rise to about 75%.

A QUARTER CENTURY OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, this month marks the 25th year of broadcast service for "the most listened-to man in Washington," ABC news commentator Joe McCaffrey.

Since his first broadcast assignment covering the allied invasion of Normandy in 1944, Joe McCaffrey has compiled a reputation for fairness and factuality in news reporting that has won him the acclaim of his colleagues and the admiration of those he covers.

Joe McCaffrey is a three-time winner of the Emmy for Special Interview Programs in Washington. For any broadcast journalist, this is an admirable track record.

But it is no accident. To Joe McCaffrey anything less than accurate, complete and fair reporting is less than satisfactory. It is this kind of performance that has won him the nightly place in our living rooms he has occupied since television's early days.

At this milestone in his career, I congratulate Joe McCaffrey on all he has done, and predict that his next 25 years in broadcasting will be as excellent as the quarter century he is now completing.

AN END TO TAX INJUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 60 minutes.

Mr. TUNNEY. Mr. Speaker, when the injustices that continue to exist in America are listed why is it that such little attention is given to taxes? Perhaps it is because injustices in taxation are not so obvious or because there is a widespread feeling that tax inequities are less serious than other forms of injustice. But excepting only the enforcement of our Bill of Rights, there is no clearer indication of America's commitment to justice and equality than in the way our Government places the burden of taxation on our people.

Unfortunately, America's record for justice in taxation is not only poor but getting worse. On the issues that really count, our taxes are inequitable to such an extent that they threaten to undermine our unity as a nation and our federal form of government. Our national unity is based on a sense of justice and fairplay that is deeply opposed to special privileges for any particular group or broad segment of society. And nowhere in American life has this idea of fairplay been a greater source of controversy than in our tax policies. Indeed, our Nation was born out of revolution sparked by a sense of outrage at the injustices of arbitrary taxation.

Yet, because of the growth of special tax advantages and preferential policies, America's tax burden has become so unfairly distributed that it is a source of deep frustration and widespread divisiveness. Out of policies that unduly favor the influential we may well be losing that sense of community which in the past has permitted us to resolve our minor differences and govern overselves through majority rule without resort to coercive discipline. In taxation especially, we must counter the growing feeling that justice is no longer as certain as it once was.

Each of us is taxed by often as many as a half dozen different layers of government. Because of the wide variations that can exist even within the same county it can be risky to generalize about tax inequities. But despite these variations, our major tax problems are primarily caused by the Federal Government since it is the country's largest tax collector by far. Although there are many sources of injustice in our system of taxation, I believe that three of them form the key to our present difficulties: first, Federal tax loopholes that grant special privileges to certain of the wealthy and to politically influential interest groups; second, ruinous inflation that in effect is a second tax which hits hardest on middle- and low-income groups—so hard in fact that it has virtually wiped out increases in salaries for many families; and, third, Federal budgetary and tax policies which give an overwhelming emphasis to the financing of our foreign operations and which cause the financing of our domestic needs to fall on what has developed into an unjust tax—the property tax, a tax which is not based on a person's economic capacity to pay.

All three of these injustices are the cause of a special kind of hardship so that it is not easy to say which of them is worst and therefore the one that must be our primary target for reform. However, in all probability the worst of all is the tax loopholes which last year resulted in 381 families with tax sheltered incomes in excess of $100,000 paying absolutely no Federal income tax at all. Twenty-one of the 381 were millionaires, not in assets of course but in their annual incomes of more than $1 million. Twenty-one income millionaires paying no taxes whatsoever is such a blatant injustice that it cannot help but cause deep resentment throughout America.

But it is not only those with the highest incomes who can benefit from the present tax structure. A recent Government report showed 24,084 individuals with adjusted gross incomes of $10,000 or more in 1964 paid no tax. They had gross incomes totaling $523,515,000.

Special loopholes which only a privileged few can take advantake of are unfortunately nothing new. A few years back the Secretary of the Treasury reported that one man with especially intelligent lawyers paid not a single penny of tax on an annual income of $23 million.

Because these examples are so flagrant one would think that vigorous action is being taken to stop this type of tar avoidance. But instead, tax avoidance is rapidly on the rise. In just 12 years' time, the elimination of all taxes by those with incomes in excess of $1 million has increased fivefold and for those with incomes greater than $200,000 a year there has been a sevenfold increase. This rapid increase in tax avoidance is faster than the number of people entering these income categories over the same period of time. This fact leaves little doubt that as people get richer they can also pay less taxes by taking advantage of legal tax loopholes. As a matter of fact, two-thirds of those taxpayers in the 65-percent bracket, pay less than 30 percent of their incomes in taxes.

As bad as it is, the complete avoidance of taxes by those with substantial income is only a small part of the story of tax loopholes. Of much more critical importance are the millions of peope who pay some taxes but only a small portion of what they might have paid without the safe protection of favorable deductions, exemptions, et cetera. Last year between $50 and $60 billion in potential Federal taxes was lost because of the legal deductions that can now be made under our tax laws. Since these deductions are in effect subsidies for special purposes they must be regarded as "tax expenditures" just like regular budgetary expenditures for which taxes are actually collected. These subsidies, however, never appear in our budget and conse-

quently there is no convenient means of comparing the priority of the purposes they serve with the priority of actual expenditures when budgetary cuts or tax increases are considered. Therefore, this $50 to $60 billion in tax subsidies—amounting to over one-third of all Federal taxes actually collected—has a built-in safety feature which can substantially protect it from congressional review.

A major portion of these tax expenditures are made for very legitimate purposes and do not result in any seriously unfair advantages for anyone. For example, State and local taxes, mortgage payments, and medical expenses are the kind of deductions that are of major benefit to the middle- and low-income groups who pay the overwhelming majority of Federal taxes. These deductions serve purposes which enhance the quality of life in America by making a home easier to afford financially, by easing the burden of medical expenses on family incomes and by providing the tax base for school districts and municipalities. Indeed, for purposes such as this the present allowance for tax deductions is probably not adequate enough.

But this is not the whole picture. Not all of the purposes for which tax deductions exist are within easy reach of the middle- and low-income groups who form the main body of American taxpayers. Loopholes are the kind of deductions which do not appear on the 1040 tax form, which require skilled legal advice to take advantage of, and which do not benefit all taxpayers equally.

On the basis of principle, I feel it is wrong for more than 50 percent of anyone's income to be taken in taxes—no matter how rich they are. There are many solid reasons why such high tax rates are wrong, but the most important one is a purely practical reason. Because excessive taxes tend to kill initiative and precludes the accumulation of capital for reinvestment, loopholes are created so the scheduled tax rate does not have to be paid. Unfortunately so many loopholes evolve in the process that our tax structure becomes weakened by special subsidies and preferences. As a long-range goal I believe that we should move toward eliminating all loopholes and deductions other than the standard ones and at the same time reduce the tax rate. A lower tax rate applied without special privileges would result in far greater justice for all taxpayers than the present system provides.

Because I feel so strongly that the injustices in our taxes must be brought to an end I have introduced in the Congress a bill called the Tax Reform Act. Instead of attempting the politically unrealistic approach of taking on all the special interest groups who now enjoy loopholes, this bill calls for a minimum tax which those with large incomes have to pay no matter how many deductions or exemptions they may have. The bill also reduces the special privilege that the oil and gas industry has gotten by the depletion allowance and it completely eliminates the use of tax free municipal bonds for industrial development purposes. The bill includes provisions that close other tax loopholes. Of course the bill will not eliminate the injustices in our tax system all at once, but it will start a new trend toward justice in taxes—a goal which concerns me and should concern every American.

In the general area of tax reform it is clear that there should also be a repeal of the 7-percent investment tax credit—one of the major stimuli to the present inflation. We must curtail multiple surtax exemptions for corporations, eliminate unlimited charitable deductions and end accelerated depreciation on speculative real estate.

Like a lot of other taxpayers, I am most distressed that the Nixon administration has given such little attention to tax reform. The President refuses even to consider reducing the privileged subsidy of the gas and oil industry and on May 20 the Secretary of the Treasury urged the Congress to enact the renewal of the tax surcharge without comprehensive tax reform. I simply cannot understand why the President would call for sacrifices by the middle- and low-income taxpayers of America who pay the great majority of our taxes when he is unwilling to push as hard for tax reform. Because I find this disregard for justice in our tax policies to be totally unacceptable, I pledge that I will not vote for a year's extension of the tax surcharge—the war tax as President Nixon has called it—unless and until the Congress has an assurance that it will be accompanied by meaningful tax reform. A 6-month extension of the surcharge, through the 31st of December 1969, would be a measure I could support because it would keep pressure on the administration and the Congress to enact a tax reform package in this first session of the 91st Congress.

A major explanation by the Nixon administration for this low-priority interest in tax reform is their concern about inflation. They say that the tax surcharge cannot be discontinued because of the need to curb the pressures causing one of the most severe inflations since the end of World War II. Obviously everyone wants to curb inflation but the use of the tax surcharge as a principal anti-inflationary weapon merely adds another injustice on those who have had to bear the primary burden of the inflation: the middle- and low-income families of America. These are the families who have seen their salary and wage increases virtually wiped out by a skyrocketing inflation which has resulted in an 11-percent increase in prices in just 3 years. The tax surcharge is in effect demanding greater sacrifices of those families on whom inflation has hit the hardest and therefore have the least amount of money with which to pay an extra tax. At the same time the profiteers of inflation are not being taxed on anywhere near a proportionate basis to the financial windfalls that have come their way through nearly 4 years of inflation.

For example, a family which last year had an average take-home pay of $92 per week should this year have an average take-home pay of $98 because of the cost of living allowances in most labor contracts. But in actual purchasing power this family has only $77.62 per week take home as compared with $77.30 last year—a minute 30-cent increase. Yet it is just such families as these who have to pay the major part of the $11 billion tax surcharge. And keep in mind that because there was no withholding from weekly paychecks for this surcharge, these families had somehow to find these extra funds on April 15 from salaries and wages already seriously depleted by an inflation that this year is almost double what it was last year when the tax surcharge was enacted.

Why is it that those who have suffered the most from inflation are now being asked to shoulder the major burden for bringing inflation under control? At first glance a 10-percent tax surcharge on all families sounds like equal treatment for everyone. But just as inflation has virtually wiped out the salary and wage increases of middle- and low-income families it has not had the same impact on high-income families, especially those whose income come from stock dividends, sales of stocks and property having inflationary rises in their price, and in professional salaries which have been a major contributor to inflation. Because the tax surcharge is yet another privilege for those who have profited from the windfalls of inflation while hitting so unfairly on middle- and low-income families, it has become a source of added frustration and deeper divisiveness in America. For most Americans the surcharge is the "last straw" in rousing them to such anger over the injustices in our taxes that we now face the prospect of not merely a taxpayers' revolt but a full-scale revolution.

Although the injustices arising from tax loopholes and the unfair distribution of the burden of the tax surcharge are the most obvious forms of tax inequities they are far from being the most serious. The root cause of our tax injustice is the fact that Federal income taxes which account for two-thirds of all taxes collected in America are used almost entirely for financing our foreign operations while financing for our domestic needs must fall on the two most over used taxes of all—the property tax and the sales tax—which are not based on a family's economic capacity to pay. As a result, middle income families in America are being taxed so highly that, in the property tax especially, the rates not infrequently approach the point of confiscation. In numerous instances such families have actually been forced out of their homes because property taxes have become more than their inflation-threatened incomes can bear.

Because privileged families are not paying the same proportion of their income in local taxes as the middle income families are, our domestic needs, especially in education, are not being met due to the lack of funds. Such a system in which the middle-income families are having to pay a disproportionate share of the local taxes for domestic purposes while certain privileged families are still not even paying their fair share for Federal taxes cannot long endure. These injustices will not only cause even deeper divisiveness in our society but they will choke off our domes-

tic institutions from the funds they need for survival. And if such divisiveness grows unchecked our security as a free people will more certainly be threatened from within rather than from without.

Let us take a closer look at the situation. Last year about $220 billion were collected in taxes in the United States. This figure was about 25 percent of our national income which is a smaller percentage of taxation than that paid by any developed nation in the world except Japan—a nation which has virtually no military establishment or foreign operations and instead relies on the United States for its defense. Two thirds of all these taxes were collected by the Federal Government—about $150 billion—and the remainder—or about $70 billion—were collected by States and localities. Of the Federal taxes, about 75 percent or approximately $112 billion were spent for foreign and military operations including the interest on the Federal debt which is due primarily to the expense of past wars. About 10 percent of these Federal taxes—between $15 and $20 billion—were made available to States and localities for health, welfare, education, and housing, giving them a total of between $85 and $90 billion for our domestic needs.

A comparison between expenditures for our foreign and military operations and those for our domestic needs can put more forcefully into perspective the totally different tax bases used to finance these two areas of governmental activity. For example, the expenditure by all levels of government the year before last for elementary and secondary education in the United States was roughly comparable to the expenditures of funds on the Vietnam war. The total governmental expenditure for elementary and secondary education in 1966–67 was about $31.9 billion while the cost of the Vietnam war was just under $30 billion. In budgetary terms, therefore, the priority of keeping the Saigon government in power has been as high as the priority given to the education of about 50 million young Americans. Whether one approves of the Saigon government or not—and for my part I feel strongly that it has been a corrupt regime unwilling even to make sacrifices for its own survival—it is beyond belief that any responsible American leader can feel that the education of the youth of America is no more important than in sustaining the privileges of the generals in Saigon.

But this is far from the whole story. Of the $25 to $30 billion that is still being spent each year for the Vietnam war the total amount comes from the Federal Government and accounts for the expenditure of almost 20 percent of all Federal taxes. Elementary and secondary education, on the other hand, has been receiving only about $2 billion from the Federal Government or an expenditure accounting for around 1.5 percent of all Federal taxes. It is hard to believe that the U.S. Government is spending almost 15 times more money on the Vietnam war than it is on the education of the 50 million young people who are students in our elementary and high schools. It is hard to believe that our priorities as a nation have become so twisted that the talents and skills of our youth—which after all are the real source of our wealth and power as a nation—are less important than this devastating war.

But these misplaced priorities are compounded into an even greater injustice because of the radical difference between the tax base for Federal expenditures and the tax base for domestic needs. Federal taxes are, of course, levied on income and as the national income of the country increases through the growth of our economy, taxes or rather the tax base can be expected to increase, too. Our concept of justice in Federal taxes is that our wealth as a nation must be taxed in direct proportion to the amount of this wealth each family receives every year. In other words, this concept is based squarely on the belief that the only just basis for taxation is a family's ability to pay as measured by the income it receives. Moreover, there is also the belief that the greater a family's income the greater its responsibility to contribute to the public good through a higher tax rate. These principles of justice in taxation are often summarized by the saying that "with the privileges afforded by increases in income must also come a greater burden of responsibility." It is this concept of justice that has been the foundation of the 20th-century America's sense of community. And despite the gross inequities caused by tax loopholes, the tax surcharge and inflation, this concept of justice in Federal taxation is as sound as when it became a part of our tradition by the enactment of the income tax.

Unfortunately, this concept of justice applies in effect only to the financing of America's foreign operations and not to financing our domestic needs. Of the approximately $70 billion raised last year through State and local taxes, over two-thirds or about $47 billion was collected from property and sales taxes. Both of these taxes, unlike Federal taxes, are not based on the ability to pay, but instead are based on the essential expenditures that families must make in order to house, clothe, feed, and transport themselves. The rationalization for the use of these two forms of taxation hardly add up to a concept of justice. The assumption has been that a family's home and its expenditures to maintain itself are adequate reflections of a family's wealth. Regrettably this assumption overlooks the fact that as family incomes rise a smaller portion is spent for housing and essential expenditures. Although families with larger incomes do have more expensive houses and buy more luxury goods which results in higher amounts of property and sales taxes, these amounts are nowhere near the proportion of taxes they would be paying if their incomes—instead of their expenditures—were taxed for domestic purposes.

Because middle income families must spend a higher proportion of their income on essentials than do the wealthy. they are having to pay the primary share of the property and sales taxes which finance our domestic needs. This unjust situation is even worse than it might appear. The reason is that unfortunately the costs of our domestic needs, especially education, have been rising faster than has our total national income in America. This means that in a vain attempt to keep up with costs, property and sales taxes have also been increasing faster than incomes—especially for middle income families. For instance, in the 5-year period from 1957 to 1962 to cite one of the most extreme examples—State and local expenditures rose by 48 percent or almost double the rate of increase in our national income which was 27 percent for the period.

California, of course, was not exempt from this trend of rapidly rising taxes. In 1953–54, property taxes mounted to $1 billion; by 1962–63, 9 years later, they had nearly tripled to $2.7 billion; and only 6 years later in 1968–69, they had risen to $4.6 billion, a 460-percent increase in 15 years or a 30 percent per year increase. Of course, California's population was on the rise too, so that this was not a per capita or per family increase. But let me cite an example from my home county of Riverside which I believe is typical of a more general situation statewide. In 1958, one Riverside homeowner paid $341 in annual property tax, yet 10 years later his property tax bill had jumped to $614, an increase of over 80 percent. The increase between 1967 and 1968 alone was 11 percent which is probably the present average rate for annual increases in property taxes statewide. For families which are not receiving at least an 11-percent annual increase in income, property taxes are digging ever deeper into family finances. Here is yet another reason along with inflation, the tax surcharge and the tax loopholes favoring the few, which cause middle income families to protest justifiably that they are being taxed to death.

The result has been that California voters have in just the past 2 school years—1966–68—defeated 170 tax referendums and 218 school bond propositions which would have raised property taxes even further. A startling 52 percent of all ballot propositions designed to provide more funds for California schools have been defeated since 1966 and the rejection rate seems to be on the rise. All too often when the voters go to the polls they are faced with the unjustified choice of either voting to reduce the quality of education on the one hand or voting to reduce the quality of their housing on the other. How can we expect people not to have a sense of frustration and outrage?

And for those families living on an inflation threatened retirement income there is only one choice in the voting booth. To vote for higher property taxes would in many instances mean a vote to be forced out of their homes because of intolerable tax rates. These retired families account for nearly 2 million of our citizens or about 10 percent of all Californians and they probably comprise nearly 20 percent of our voters. They must go to the polls to save their homes by voting down higher property taxes on their fixed incomes. But they probably know better than anyone else the vital necessity of good schools and their understandable personal frustration over unfair circumstances in which they are placed is no small part of the divisiveness which separates one segment of our society from another. And just think of

the low income family which is not retired and which has children of school age. If they vote down taxes, they are in effect penalizing their children from having the chance to escape from yet another low-income job because of inadequate education. How can their frustration be resolved?

It is apparent that the rapid increase of State and local expenditures must be attacked on several levels. Nonessential expenditures must be eliminated. New sources of revenue must be found. Duplication of services and inefficiency must be eradicated.

Insofar as tax policy is concerned, it is easy enough to say that States and localities should adopt or increase income taxes because they are the only taxes based on the capacity to pay. But politically this has been virtually impossible. It is not hard to imagine what would happen to a proposal for a city income tax in Los Angeles for example. In trying to use income taxes as a major form of revenue, States and localities are in direct competition with the Federal Government whereas in sales and property tax they are not. Moreover, there has also been a great reluctance to raise State income taxes because of the intense competition between States over the location of industry. Finally, it has been politically difficult to raise State income taxes while Federal income taxes have been taking such a large bite.

Consequently, the buck has been passed to local governments and they have had to rely on the property tax in a vain attempt to provide the services Californians need to maintain the quality of our life. And since the property tax is both the least just and the least popular tax we now have it has simply not been able to provide the funds. The result is the kind of chronic shortage which has now caused a projected $32 million deficit in the budget for the upcoming year in the Los Angeles school district.

Taking a long range view of State and local expenditures, it is certain that they cannot indefinitely exceed national income by a 2-to-1 margin. Belt-tightening will be necessary. We need to recognize, however, that local public services have been starved of funds in the past, and that for at least the next decade a major investment must be made.

This requires a reordering of our national priorities. Where it is prudent to do so, defense expenditures should be reallocated to serve domestic needs. The space program ought to be reduced in the future, consistent with postlunar landing needs. In addition, our tax system must be changed. The time for action is now while we are still in the beginning stages of a crisis of confidence over the injustices in our taxes and over the budgetary deficits for our schools and public services.

As I have indicated, a primary source of our tax difficulties is privilege. The privilege of those who earn their income from tax sheltered sources. It is the privilege that results in the tax surcharge throwing the major burden on those who have suffered the most from the inflation rather than those who have profited the most. It is the privilege that permits those with tax-protected income to escape their responsibility in financing our domestic needs by not having to pay their fair share in State and local taxes. It is the privilege that results in the middle-income families having to bear the major burden of financing the cost of domestic needs—costs which have for more than a decade been rising faster than our national income; and middle-income families whose incomes have not been rising as fast as have the taxes imposed upon them.

Although tax reform will be a badly needed first step in making our Federal taxes more nearly equitable such reform will not by itself confront the major injustice in our taxes—the financing of our domestic needs from taxes on family expenditures instead of taxes on family incomes. Since it seems politically unrealistic to expect that either State or local taxes will be able to shift to a tax base on incomes, I feel that we must have as a matter of the most urgent priority a Federal Tax-Sharing Act of the sort that I have introduced into the Congress. This act would share 2 percent of the aggregate taxable income reported on Federal income tax return, with the States. If it were enacted this year it would result in about $7 billion being distributed to the States, about $650 million of which would come to California. This figure is about 10 percent of the State budget and could provide the vital margin of funds that could resolve the various crises in school financing which may well result in drastic cuts in our school programs next September.

Only a clear understanding of the need for an equitable tax structure and for a fair distribution of the tax burden can prevent increasing pressure for a "taxpayer revolt" in this country. In attacking inflation we should not magnify the present inequities in the taxation of American citizens by the Federal Government. Tax reform must accompany a surcharge extension.

ANTISEMITISM IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on May 16, 1969, the Government of the Soviet Union added another black page to its long and bloody history of repression, injustice, and anti-Semitism. An innocent Soviet Jew, Mr. Boris Kochubyevsky, was unjustly sentenced to 3 years imprisonment on charges that he had slandered the Soviet State.

Mr. Kochubyevsky's real crime was not that he had slandered the Soviet State, it was simply that he had supported at a factory meeting Israel's right to defense in the June 1967 war. This, plus the fact that he referred to Babi Yar where most of the Jewish population of Kiev was slaughtered by the Nazis, as the spot where "here lies a part of the Jewish people." This, sir, was his real crime. Mr. Kochubyevsky's statement was said to have been "bourgeois-nationalist Zionist propaganda." Perhaps this is the label given to any statement of truth in the Soviet Union.

Mr. Speaker, I hereby demand in the name of universal justice and humanity that Mr. Kochubyevsky be released immediately and subsequently be permitted to emigrate to Israel which was his original intention.

Mr. Speaker, I should like to introduce into the RECORD some of the details of the Kochubyevsky case and Mr. Kochubyevsky's courageous letter to Mr. Brezhnev, the general secretary of the Communist Party of the Soviet Union. I believe that after reading this letter my colleagues will be deeply moved as I was. The personal courage of Mr. Kochubyevsky and his quest for personal and religious freedom makes me proud of the fact that I am a fellow Jew.

How ironic it is, sir, that Mr. Kochubyevski's trial took place in the same courtroom where Mendel Beilis, also a Russian Jew, was tried over half a century before on charges of the ritual murder of a child. Mr. Beilis after almost unendurable hardships was subsequently acquitted. Mr. Kochubyevsky's case as was the trial of Mendel Beilis are representative of outright acts of gross anti-Semitism.

What is rather strange is that in tzarist Russia where anti-Semitism was rather a large-scale disease, Mr. Beilis was finally acquitted. In contrast the Soviet Union of today which claims no anti-Semitic tendencies has imprisoned an innocent man. In fact the court at the original hearing had established that there was insufficient evidence to support the charges against Mr. Kochubyevsky.

The imprisonment of Mr. Kochubyevsky is a despicable mockery of what the Soviets call justice; our own Nation's most basic principle, the underlying foundation on which this Nation stands. Whenever any human being is deprived of his freedom it becomes a matter of deep concern for all freedom-loving men.

I trust the conscience of the world, of humanity, will not permit this gross act of anti-Semitism to be forgotten. I hope this voice raised as it is in his behalf will be heard and, having been heard, will be acted upon.

THE CASE OF BORIS L. KOCHUBIYEVSKY

The attached letter speaks for itself. A few biographical details are in order.

Boris Lvovich Kochubiyevsky was born in Kiev, the Ukraine, in 1936. His parents were killed by the Nazis at Babi Yar, the charnel house on the outskirts of Kiev where tens of thousands of Jews were slaughtered in September 1941.

The boy was brought up in an orphanage and attended a trade school. Later, he received an engineering degree from the Kiev Polytechnical Institute. He had no Jewish education or culture and his wife, Larisa Aleksandrovna Kochubiyevsky, is non-Jewish. Still, his experiences as a Jew in the Soviet Union made him always aware of his Jewish origins.

In June 1967, at a meeting organized at his factory to protest "Israeli aggression," Kochubiyevsky heatedly rejected the official line and upheld Israel's right of defense. At a subsequent meeting of his factory trade union, his action was discussed and he was asked to resign, which he refused to do.

At a memorial meeting at Babi Yar in February 1968, Kochubiyevsky once more overtly contradicted an official Soviet line. This time he protested the Soviet policy of minimizing or even keeping silent about the Jewish massacre at Babi Yar.

In May 1968, he finally succumbed to

pressure and resigned his job. That summer, he and his wife applied for exit permits to Israel; they were refused. But in November, they were given permission to leave and were told to appear at the passport office on November 28 to pick up their documents. That morning, however, their apartment was searched and many of his letters were seized, among them protest letters written to Soviet authorities.

The following week, Kochubiyevsky was arrested. His wife, after refusing pressures to leave him and divorce him, was expelled from the Teachers College where she was a student, and from the Komsomol. His arrest was based on Article 187, Chapter 1, of the Ukranian criminal code, and it cited his statements at the above-mentioned occasions.

On January 20, 1969, his pretrial examination was concluded by the local prosecutor's office and submitted to the court—where, however, it was sent back for further investigation. The court stated that the evidence was insufficient to support the charge that he intended to disseminate anti-Soviet slanders.

The petition to the United Nations signed on May 20, 1969 by fifty-five Soviet intellectuals, calling for an investigation of the "repression of basic civil rights in the Soviet Union," protests the trial and sentence of Kochubiyevsky the week before to three years in prison.

The text of his letter to the Soviet authorities follows:

TEXT OF KOCHUBIYEVSKY LETTER

NOVEMBER 28, 1968.

To: The Secretary General of the CPSU Central Committee—Brezhnev; The First Secretary of the (Ukraine CP) Central Committee—Shelest

Copy: To the Investigator of the Prosecutor's Office of the Shevchenko; Region of the city of Kiev—V. V. Doroshenko

From: The accused of slander against Soviet reality—B. L. Kochubiyevsky, Jew

I am a Jew. I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia.

I want to live in Israel.

This is my dream, this is the purpose not only of my life, but also of the lives of hundreds of generations which preceded me, of my ancestors expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to go to a Jewish theater. What is bad in this? What is my crime? Most of my relatives were shot by the fascists. My father was killed and his parents were killed. Were they alive now, they would stand at my side: Let me go!

I have appealed with this request many times to various authorities and I have achieved only this: Dismissal from my job; the expulsion of my wife from the Institute; and, to crown it all, a criminal charge of slandering Soviet reality. Of what does this slander consist? Is it slander that in the multi-national Soviet State only the Jewish people cannot teach its children in Jewish schools? Is it slander that in the USSR there is no Jewish theater? Is it slander that in the USSR there are no Jewish papers? Incidentally, no one even denies this. Perhaps it is slander that for over a year I have not succeeded in obtaining an exit permit for Israel? Or is it slander that people don't want to talk to me, that there is no one to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a State in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet laws.

I have an affidavit from relatives; all the formalities have been observed. Is it for this that you are starting a criminal case against me?

Is it for this that a search has been made at my house?

I don't ask you for recommendations for mercy. Listen yourselves to the voice of reason:

Let me go!

As long as I am alive, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this—I shall anyway, if I live long enough to be freed, be ready even then to make my way even on foot to the fatherland of my ancestors.

KOCHUBIYEVSKY.

CONSTITUTIONAL CRISIS—SIMPLE HONEST SOLUTION

The SPEAKER pro tempore under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, article 3, section 1, the Constitution of the United States, provides for one constitutional court, that being the Supreme Court.

Only under its original jurisdiction can it rely on direct constitutional authority. On all appellate jurisdiction whatsoever it must depend upon specific authority granted by laws enacted by Congress. All other Federal courts depend entirely on the laws of Congress for all authority they exercise.

Congress has plenary power to grant and withdraw all or any part of this jurisdiction as it sees fit.

In the recent Supreme Court decision of Powell against McCormack, the Court in a 7-to-1 decision ruled that the district court had jurisdiction to render judgment against this House, by authority supposedly granted in 28 U.S.C. 1331(a)—although this interpretation was denied by the House through its attorneys.

From page 26 et al of the Supreme Court opinion:

Respondents next contend that the Court of Appeals erred in ruling that petitioners' suit is "authorized by a jurisdictional statute," i.e., 28 U.S.C. § 1331(a) (1964 ed.). Section 1331(a) provides that district courts shall have jurisdiction in "all civil actions wherein the matter in controversy . . . arises under the Constitution . . . ." Respondents urge that even though a case may "arise under the Constitution" for purposes of Article III, it does not necessarily "arise under the Constitution" for purposes of § 1331(a). Although they recognize there is little legislative history concerning the enactment of § 1331(a), respondents argue that the history of the period when the section was first enacted indicates that the drafters did not intend to include suits questioning the exclusion of Congressmen in this grant of "federal question" jurisdiction.

Respondents claim that the passage of the Force Act[1] in 1870 lends support to their interpretation of the intended scope of § 1331. The Force Act gives the district courts jurisdiction over "any civil action to recover possession of any office . . . wherein it appears the sole question . . . arises out of the denial of the right to vote . . . on account of race, color or previous condition of servitude." However, the Act specifically excludes suits concerning the office of Congressman. Respondents maintain that this exclusion demonstrates Congress' intention to prohibit federal courts from entertaining suits regarding the seating of Congressmen.

We have noted that the grant of jurisdiction in §1331(a), while made in the language used in Article III, is not in all respects coextensive with the potential for federal jurisdiction found in Article III. See *Zwickler* v. *Koota*, 389 U.S. 241, 246, n. 8 (1967). Nevertheless, it has generally been recognized that the intent of the drafters was to provide a broad jurisdictional grant to the federal courts. See, *e.g.*, P. Mishkin, The Federal "Question" in the District Courts, 53 Col. L. Rev. 157, 160 (1953); J. Chadbourn and A. Levin, Original Jurisdiction of Federal Questions, 90 U. Pa. L. Rev. 639, 644–645 (1942). And, as noted above, the resolution of this case depends directly on construction of the Constitution. The Court has consistently held such suits are authorized by the statute. *Bell* v. *Hood, supra; King County* v. *Seattle School District No. 1, supra.* See *e.g., Gully* v. *First Nat'l Bank in Meridan*, 299 U.S. 109, 112 (1936); *The Fair* v. *Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

As respondents recognize, there is nothing in the wording or legislative history of § 1331 or in the decisions of this Court which would indicate that there is any basis for the interpretation they would give that section. Nor do we thing the passage of the Force Act indicates that § 1331 does not confer jurisdiction in this case. The Force Act is limited to election challenges where a denial of the right to vote in violation of the Fifteenth Amendment is alleged. See 28 U.S.C. § 1344 (1964 ed.). Further, the Act was passed five years before the original version of § 1331 was enacted. While it might be inferred that Congress intended to give each House the exclusive power to decide congressional election challenges,[2] there is absolutely no indication that the passage of this Act evidences an intention to impose other restrictions on the broad grant of jurisdiction in § 1331.

VI. JUSTIFIABILITY

Having concluded that the Court of Appeals correctly ruled that the District Court had jurisdiction over the subject matter, we turn to the question whether the case is justiciable.

It seems that some Federal judges continue to encounter difficulty in reading and interpreting the laws enacted by Congress. Here the Supreme Court rules that it has jurisdictional authority when the body which enacted the law says it did not grant that mandate.

Remedial action would then appear simple—Congress need but retrieve the jurisdiction it claims it did not grant by reenactment of its intent in such clear, unambiguous terms that even the Supreme Court will not encounter difficulty in reading the law.

I, yesterday, introduced such a bill—H.R. 12327—I will include it in my remarks. I encourage our colleagues to support this simple, honest solution to a constitutional crisis.

I also include an analysis and interpretation of the constitutional issues prepared by the Legislative Reference Service, Library of Congress. They follow:

H.R. 12327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no court of the United States shall have either original or appellate jurisdiction in any action in which the Congress, or either House thereof, or Member, officer, or employee of the Con-

[1] Act of May 31, 1870, c. 114, 16 Stat. 146. The statute is now 28 U.S.C. §1344 (1964 ed.).

[2] See Cong. Globe, 41st Cong., 2d Sess., 3872 (1870).

gress or either House thereof, in his official capacity, is a party.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION—ANNOTATIONS OF CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES TO JUNE 22, 1964

THE APPELLATE JURISDICTION OF THE SUPREME COURT

Subject to limitation by Congress

Unlike its original jurisdiction, the appellate jurisdiction of the Supreme Court is subject to control by Congress in the exercise of the broadest discretion. Although the provisions of Article III seem, superficially at least, to imply that its appellate jurisdiction would flow directly from the Constitution until Congress should by positive enactment make exceptions to it, rulings of the Court since 1796 establish the contrary rule. Consequently, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases. This rule was first applied in Wiscart *v.* Dauchy [1] where the Court held that in the absence of a statute prescribing a rule for appellate proceedings, the Court lacked jurisdiction. It was further stated that if a rule were prescribed, the Court could not depart from it. Fourteen years later Chief Justice Marshall observed for the Court that its appellate jurisdiction is derived from the Constitution, but proceeded nevertheless to hold that an affirmative bestowal of appellate jurisdiction by Congress, which made no express exceptions to it, implied a denial of all others.[2]

The McCardle case.—The power of Congress to make exceptions to the court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction even in pending cases. In the notable case of Ex parte McCardle,[3] a Mississippi newspaper editor who was being held in custody by the military authorities acting under the authority of the Reconstruction Acts filed a petition for a writ of *habeas corpus* in the Circuit Court for Southern Mississippi. He alleged unlawful restraint and challenged the validity of the Reconstruction statutes. The writ was issued, but after a hearing the prisoner was remanded to the custody of the military authorities. McCardle then appealed to the Supreme Court which denied a motion to dismiss the appeal, heard arguments on the merits of the case, and took it under advisement. Before a conference could be held, Congress, fearful of a test of the Reconstruction Acts, enacted a statute withdrawing appellate jurisdiction from the Court in certain *habeas corpus* proceedings.[4] The Court then proceeded to dismiss the appeal for want of jurisdiction. Chief Justice Chase, speaking for the Court said: "Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause." [5]

Although the McCardle case goes to the ultimate in sustaining congressional power over the Court's appellate jurisdiction and although it was born of the stresses and tensions of the Reconstruction period, it has been frequently reaffirmed and approved.[6] The result is to vest an unrestrained discretion in Congress to curtail and even abolish the appellate jurisdiction of the Supreme Court, and to prescribe the manner and forms in which it may be exercised. This principle is well expressed in the "Francis Wright"[7] where the Court sustained the validity of an act of Congress which limited the Court's review in admiralty cases to questions of law appearing on the record. A portion of the opinion is worthy of quotation: "Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while other are not. To our minds it is no more unconstiutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies the power to regulate in all things. The whole of a civil appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is a matter of legislative discretion."[8]

THE POWER OF CONGRESS TO REGULATE THE JURISDICTION OF THE LOWER FEDERAL COURTS

Martin v. Hunter's Lessee

The power of Congress to vest, withdraw, and regulate the jurisdiction of the lower federal courts is derived from the power to create tribunals under Article I, the necessary and proper clause, and the clause in in Article III, vesting the judicial power in the Supreme Court and such inferior courts as "the Congress may from time to time ordain and establish." Balancing these provisions, however, are the phrases in Article III to the effect that the judicial power "shall be vested" in courts and "shall extend" to nine classes of cases and controversies and the question of what is the force of the word "shall." In Martin *v.* Hunter's Lessee,[9] Justice Story declared obiter that it was imperative upon Congress to create inferior federal courts and vest in them all the jurisdiction they were capable of receiving. This dictum was criticized by Justice Johnson in his dissent, in which he contended that the word "shall" was used "in the future sense," and had "nothing imperative in it."[10] And for that matter, in another portion of his opinion, Justice Story expressly recognized that Congress may create inferior courts and "parcel out such jurisdiction among such court, from time to time at their own pleasure";[11] and in his *Commentaries* he took a broad view of the power of Congress to regulate jurisdiction.[12]

Plenary power of Congress over jurisdiction

Neither legislative construction nor judicial interpretation has sustained Justice Story's position in Martin *v.* Hunter's Lessee. The Judiciary Act of 1789, which was a contemporaneous interpretation of the Constitution by the Congress, rests on the assumption of a broad discretion on the part of Congress to create courts and to grant jurisdiction to and withhold it from them. This act conferred original jurisdiction upon the district and circuit courts in certain cases, but by no means all they were capable of receiving. Thus suits at the common law to which the United States was a party were limited by the amount in controversy. Except for offenses against the United States, seizures and forfeitures made under the imposts, navigation, or trade laws of the United States, and suits by aliens under International Law or treaties, that whole group of cases involving the Constitution, laws, and treaties of the United States was withheld from the jurisdiction of the district and circuit courts,[13] with the result that original jurisdiction in these cases was exercised by the State courts subject to appeal to the Supreme Court under section 25. Jurisdiction was vested in the district courts over admiralty and maritime matters and in the circuit courts over suits between citizens of different States where the amount exceeded $500, or suits to which an alien was a party.[14] The act of 1789 empowered the courts to issue writs, to require parties to produce testimony, to punish contempts, to make rules, and to grant stays of execution.[15] Finally, equity jurisdiction was limited to those cases where a "plain, adequate, and complete remedy" could not be had at law.[16]

This care for detail in conferring jurisdiction upon the inferior courts and vesting them with ancillary powers in order to render such jurisdiction effective is of the utmost significance in the later development of the law pertaining to congressional regulation of jurisdiction, inasmuch as it demonstrates conclusively that a majority of the members of the first Congress regarded positive action on the part of Congress to be necessary before jurisdiction and judicial powers could be exercised by courts of its own creation. Ten years later this practical construction of Article III was accepted by the Supreme Court in Turner *v.* Bank of North America.[17] The case involved an attempt to recover on a promissory note in a diversity case contrary to § 11 of the act of 1789 which forbade diversity suits involving assignments unless the suit was brought before the assignment was made. Counsel for the bank argued that the circuit courts were not inferior courts and that the grant of judicial power by the Constitution was a direct grant of jurisdiction. This argument evoked questions from Chief Justice Ellsworth and the following statement from Justice Chase: "The notion has been frequently entertained, that the federal courts derive their power immediately from the Constitution; but the political truth is, that the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the federal courts, to every subject, in every form, which the Constitution might warrant." [18] The Court applied § 11 of the Judiciary Act and ruled that the circuit court lacked jurisdiction.

Eight years later Chief Justice Marshall in distinguishing between common law and statutory courts declared that "courts which are created by written law, and whose jurisdiction is defined by written law, cannot transcend that jurisdiction." [19] This rule was reaffirmed in the famous case of U. States *v.* Hudson & Goodwin [20] on the assumption that the power of Congress to create inferior courts necessarily implies "the power to limit the jurisdiction of those Courts to particular objects."[21] After pointing to the original jurisdiction which flows immediately from the Constitution, Justice Johnson asserted: "All other Courts created by the general Government possess no jurisdiction but what is given them by the power that creates them, and can be vested with none but what the power ceded to the general Government will authorize them to confer." [22] To the same affect is Rhode Island *v.* Massachusetts,[23] where Justice Baldwin declared that "the distribution and appropriate exercise of the judicial power must therefore be made by laws passed by Congress and cannot be assumed by any other department * * *."

A more sweeping assertion of congressional power over jurisdiction was made by the Supreme Court in Cary *v.* Curtis,[24] which bears more directly upon the issue than some of the earlier cases. Here counsel had argued that a statute which made final the decisions of the Secretary of the Treasury in tax disputes was unconstitutional in that it deprived the federal courts of the judicial power vested in them by the Constitution. In reply to this argument the Court speaking through Justice Daniel declared: "The judicial power of the United States * * * is (except in

Footnotes at end of article.

enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) * * * and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good." Continuing, Justice Daniel said: "It follows then that courts created by statute, must look to the statute as the warrant for their authority; certainly they cannot go beyond the statute, and assert an authority with which they may not be invested by it, or which may clearly be denied to them." [25]

The principles of Cary *v.* Curtis were reiterated five years later in Sheldon *v.* Sill [26] where the validity of § 11 of the Judiciary Act of 1789 was directly questioned. The assignee of a negotiable instrument filed a suit in a circuit court even though no diversity of citizenship existed as between the original parties to the mortgage. The circuit court entertained jurisdiction in spite of the prohibition against such suits in § 11 and ordered a sale of the property in question. On appeal to the Supreme Court, counsel for the assignee contended that § 11 was void because the right of a citizen of any State to sue citizens of another in the federal courts flowed directly from Article III and Congress could not restrict that right. The Supreme Court unanimously rejected these contentions and held that since the Constitution had not established the inferior courts or distributed to them their respective powers, and since Congress had the authority to establish such courts, it could define their jurisdiction and withhold from any court of its own creation jurisdiction of any of the enumerated cases and controversies in Article III.[27] Sheldon *v.* Sill has been cited, quoted, and reaffirmed many times.[28] Its effect and that of the cases following it is that as regards the jurisdiction of the lower federal courts two elements are necessary to confer jurisdiction: first, the Constitution must have given the courts the capacity to receive it, and second, an act of Congress must have conferred it. The manner in which the inferior federal courts acquire jurisdiction, its character, the mode of its exercise, and the objects of its operation are remitted without check or limitation to the wisdom of the legislature.[29]

Judicial power and the administrative process.—Although the cases point to a plenary power in Congress to withhold jurisdiction from the inferior courts and to withdraw it at any time after it has been conferred, even as applied to pending cases, there are a few cases in addition to Martin *v.* Hunter's Lessee [30] which slightly qualify the cumulative effect of this impressive array of precedents. As early as 1856, the Supreme Court in Murray's Lessee *v.* Hoboken Land and Improvement Co.[31] distinguished between matters of private right which from their nature were the subject of a suit at the common law, equity, or admiralty and cannot be withdrawn from judicial cognizance and those matters of public right which, though susceptible of judicial determination, did not require it and which might or might not be brought within judicial cognizance. Seventy-seven years later the Court elaborated this distinction in Crowell *v.* Benson,[32] which involved the finality to be accorded administrative findings of jurisdictional facts in compensation cases. In holding that an employer was entitled to a trial *de novo* of the constitutional jurisdictional facts of the matter of the employer-employee relationship and of the occurrence of the injury in interstate commerce, Chief Justice Hughes, speaking for the majority fused the due process clause of Amendment 5 and Article III, but emphasized that the issue ultimately was "rather a question of the appropriate maintenance of the Federal judicial power," and "whether the Congress may substitute for constitutional courts, in which the judicial power of the United States is vested, an administrative agency * * * for the final determination of the existence of the facts upon which the enforcement of the constitutional rights of the citizen depend." To do so, contended the Chief Justice, "would be to sap the judicial power as it exists under the Federal Constitution and to establish a government of a bureaucratic character alien to our system, wherever constitutional rights depend, as not infrequently they do depend, upon the facts, and finality as to facts becomes in effect finality in law." [33]

Judicial power versus nonjudicial functions.—The power of Congress to confer jurisdiction on the lower federal courts is qualified by the rule that before Congress can vest jurisdiction in the inferior courts, they must have the capacity to receive it. The capacity of the lower judiciary to receive jurisdiction is defined in the enumeration of cases and controversies in Article III. Consequently in vesting courts with jurisdiction, Congress cannot go beyond this enumeration.[34] It follows from the rule that constitutional courts can perform only judicial functions that Congress, in vesting courts with jurisdiction, cannot impose upon them nonjudicial duties such as administering pensions,[35] deciding issues subject to later executive or legislative action,[36] rendering advisory opinions, or opinions which are not final and conclusive upon the parties [37] or taking jurisdiction of matters from which any essential element of the judicial power has been abstracted.[38] To be sure, Congress may clothe some matters of an administrative nature with the mantle of a case or controversy and thereby make it a matter of judicial cognizance, as it has done with naturalization proceedings,[39] the administration of certain laws relating to the expulsion of aliens,[40] the limited administration of funds received from the Government of Mexico to compensate American citizens for claims against that government,[41] and, of course, the traditional administration of bankrupt enterprises through the medium of a receiver.

Judicial power under the Emergency Price Control Act.—The plenary power of Congress to withhold and restrict jurisdiction was given renewed vitality by the Emergency Price Control Act of 1942 [42] and the cases arising therefrom. Fearful that the price control program might be effectively nullified by injunctions, Congress provided for a special court and special procedures for contesting the validity of price regulations. In Lockerty *v.* Phillips,[43] the Supreme Court sustained the power of Congress to confine equity jurisdiction, to restrain enforcement of the act to the specially created Emergency Court of Appeals, with appeal to the Supreme Court. The Court went much farther than this in Yakus *v.* United States,[44] and held that the provision of the act confering on the Emergency Court of Appeals and the Supreme Court exclusive jurisdiction to determine the validity of any regulation or order, and providing that no court should have jurisdiction or power to consider the validity of any regulation, precluded the plea of invalidity of such a regulation as a defense to its violation in a criminal proceeding in a district court. Although Justice Rutledge protested in his dissent that this provision of the act conferred jurisdiction on the district courts from which essential elements of the judicial power had been abstracted,[45] Chief Justice Stone declared for the majority that the provision presented no novel constitutional issue.

Legislative control over writs

The authority of Congress to regulate the jurisdiction of the lower federal courts includes that of controlling the power of the courts to issue writs in cases where they have jurisdiction and to regulate other ancillary powers generally.[46] Among some of the more notable restrictions in this regard are the limitations on the power of courts to issue injunctions, particularly in the field of taxation and labor disputes. By the act of March 2, 1867,[47] Congress provided that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court." There have never been any constitutional doubts concerning this provision, which was strictly applied for many years [48] until 1916 when the Supreme Court began to make exceptions [49] which in the later cases [50] made the provision so inefficacious that by October, 1935, more than 1600 suits had been filed to restrain the collection of processing taxes under the Agricultural Adjustment Act.[51] None of these cases, however, raises any issue other than that of statutory interpretation, and since 1936 the Court has interpreted the exceptions to the statute somewhat more strictly.[52]

Injunctions in labor disputes: the Norris-LaGuardia Act.—The Norris-LaGuardia Act of 1932 [53] is significant for its restrictions on the powers of the federal courts to issue injunctions in labor disputes in the form of requirements for hearings followed by findings that unlawful acts are threatened and will be committed unless restrained, or if already committed will be continued; that substantial injury to the property of complainants will ensue; that as to the relief granted greater injury will be inflicted upon complainants by denying relief than will be inflicted on defendants by granting it; that the complainants have no adequate remedy at law; and, finally, that the public officials charged with the protection of complainants' property are either unable or unwilling to do so. This act has been scrupulously applied by the Supreme Court, which has implicitly sustained its constitutionality by construing its restrictions liberally [54] in every case except United States *v.* Mine Workers,[55] where it was held that the statute did not apply to suits brought by the United States to enjoin a strike in the coal industry while the Government technically was operating the mines.

FOOTNOTES

[1] 3 Dall. 321 (1796). Justice Wilson dissented from this holding and contended that the appellate jurisdiction, as being derived from the Constitution, could be exercised without an act of Congress or until Congress made exceptions to it.

[2] Durousseau *v.* United States, 6 Cr. 307 (1810).

[3] 6 Wall. 318 (1868); 7 Wall. 506 (1869).

[4] 15 Stat. 44 (1868).

[5] 7 Wall. 506, 514. The Court also took occasion to reiterate the rule that an affirmation of appellate jurisdiction is a negative of all other and stated that as a result acts of Congress providing for the exercise of jurisdiction had "come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to * * * it." It continued grandly: "* * * judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer." Ibid. 513, 515.

[6] *See* especially the parallel case of Ex parte Yerger, 8 Wall. 85 (1869). For cases following Ex parte McCardle, *see* Railroad Co. *v.* Grant, 98 U.S. 398, 401 (1878); Kurtz *v.* Moffitt, 115 U.S. 487, 497 (1885); Cross *v.* Burke, 146 U.S. 82, 86 (1892); Missouri *v.* Pac. Ry. Co., 292 U.S. 13, 15 (1934); Stephan *v.* United States, 319 U.S. 423, 426 (1943). *See also* United States *v.* Bitty, 208 U.S. 393, 399–400 (1908), where it was held that there is no right to appeal to the Supreme Court except as an act of Congress confers it.

[7] 105 U.S. 381 (1882).

[8] Ibid. 386. *See also* Barry *v.* Mercein, 5 How. 103, 119 (1847); National Bank of Baltimore *v.* Peters, 144 U.S. 570 (1892); Amer. Const. Co. *v.* Jacksonville Railway Co., 148 U.S. 372 (1893); Colorado Central Mining Co. *v.* Turck,

150 U.S. 138 (1893); St. Louis & Iron Mountain Ry. *v.* Taylor, 210 U.S. 281 (1908); Luckenbach S.S. Co. *v.* United States, 272 U.S. 533 (1926).

[9] Wheat, 304 (1816).

[10] Ibid. 374.

[11] Ibid. 331. This recognition, however, is followed by the statement that "the whole judicial power of the United States should be at all times, vested either in an original or appellate form, in some courts created under its authority."

[12] *2 Commentaries*, §§ 1590–1595.

[13] 1 Stat. 73, §§ 9–11.

[14] Ibid.

[15] Ibid. §§ 14, 15, 17, 18.

[16] Ibid. § 16.

[17] 4 Dall. 8 (1799).

[18] Ibid. 9.

[19] Ex parte Bollman, 4 Cr. 75, 93 (1807). Two years later Chief Justice Marshall in Bank of the United States *v.* Deveaux, 5 Cr. 61 (1809), held for the Court that the right to sue does not imply a right to sue in a federal court unless conferred expressly by an act of Congress.

[20] 7 Cr. 32 (1812).

[21] Ibid. 33.

[22] Ibid.

[23] 12 Pet. 657, 721–722 (1838).

[24] 3 How. 236 (1845).

[25] Ibid. 244–245. To these sweeping assertions of legislative supremacy Justices Story and McLean took vigorous exception. They denied the authority of Congress to deprive the courts of power and vest it in an executive official because "the right to construe the laws in all matters of controversy is of the very essence of judicial power." In their view the act as interpreted violated the principle of the separation of powers, impaired the independence of the judiciary, and merged the executive and judicial department. Dissent of Justice McLean, pp. 264 and following.

[26] 8 How. 441 (1850).

[27] Ibid. 449.

[28] Rice *v.* Railroad Company, 1 Bl. 358, 374 (1862); The Mayor *v.* Cooper, 6 Wall. 247, 251–252 (1868); United States *v.* Eckford, 6 Wall. 484, 488 (1868); Ex parte Yerger, 8 Wall. 85, 104 (1869); Case of The Sewing Machine Companies, 18 Wall. 553, 557–558 (1874); Morgan *v.* Gay, 19 Wall. 81, 83 (1874); Gaines *v.* Fuentes, 92 U.S. 10, 18 (1876); Jones *v.* United States, 137 U.S. 202, 211 (1890); Holmes *v.* Goldsmith, 147 U.S. 150, 158 (1893); Johnson Company *v.* Wharton, 152 U.S. 252, 260 (1894). Plaquemines Fruit Company *v.* Henderson, 170 U.S. 511, 513–521 (1898); Stevenson *v.* Fain, 195 U.S. 165, 167 (1904); Kentucky *v.* Powers, 201, U.S. 1, 24 (1906); Venner *v.* Great Northern Railway, 209 U.S. 24, 35 (1908); Ladew *v.* Tennessee Copper Co., 218 U.S. 357, 358 (1910) Kline *v.* Burke Constr. Co., 260 U.S. 226, 233, 234 (1922). *See also* Lauf *v.* E. G. Shinner & Co., 303 U.S. 323 (1938); Fed. Power Comm'n. *v.* Pacific Co., 307 U.S. 156 (1939).

[29] The Mayor *v.* Cooper, 6 Wall. 247, 251–252 (1868). The rule of Cary *v.* Curtis and Sheldon *v.* Sill was restated with emphasis many years later in Kline *v.* Burke Constr. Co,. 260 U.S. 226, 233–234 (1922), where Justice Sutherland, speaking for the Court, proceeded to say as to Article III, §§ 1 and 2: "The effect of these provisions is not to vest jurisdiction in the inferior courts over the designated cases and controversies but to delimit those in respect of which Congress may confer jurisdiction upon such courts as it creates. Only the original jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the general government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution. * * * The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it. * * * And the jurisdiction having been conferred may, at the will of Congress, be taken away in whole or in part; and if withdrawn without a saving clause all pending cases though cognizable when commenced must fall."

See also Carrol *v.* United States, 354 U.S. 394, 406 (1957), wherein it was held that inasmuch as clear statutory mandate, as distinguished from colorable authority, is the basis for appellate jurisdiction in a given case, the Court of Appeals for the District of Columbia lacked jurisdiction, either under nationwide jurisdictional statutes or under statutory provisions peculiar to the District of Columbia, to review an interlocutory appeal by the Government from an order granting suppression of evidence in a pending criminal case. "* * * [I]n a limited sense, form is substance with respect to ascertaining the existence of appellate jurisdiction."

[30] 1 Wheat. 304 (1816).

[31] 18 How. 272 (1856).

[32] 285 U.S. 22 (1932).

[33] Ibid. 56–57. *Cf.*, however, Shields *v.* Utah Idaho R. Co., 305 U.S. 185 (1938).

[34] The Mayor *v.* Cooper, 6 Wall. 247, 252 (1868); Kline *v.* Burke Constr. Co., 260 U.S. 226, 233, 234 (1922). *See also* Hodgson *v.* Bowerbank, 5 Cr. 303, 304 (1809) where Chief Justice Marshall disposed of the effort of British subjects to docket a case in a circuit court, saying, "turn to the article of the Constitution of the United States, for the statute cannot extend the jurisdiction beyond the limits of the Constitution."

[35] Hayburn's Case, 2 Dall. 409 (1792).

[36] United States *v.* Ferriera, 13 How. 40 (1852); Gordon *v.* United States, 117 U.S. 697 (1864); Muskrat *v.* United States, 219 U.S. 346 (1911).

[37] In addition to the cases cited in note 63, *see* C. & S. Air Lines *v.* Waterman Corp., 333 U.S. 103, 113–114 (1948).

[38] In addition to the cases cited in notes 62, 63, and 64, *see* Radio Comm. *v.* General Electric Co., 281 U.S. 464, 469 (1930); Postum Cereal Co. *v.* Calif. Fig Nut Co., 272 U.S. 693 (1927); Keller *v.* Potomac Elec. Co., 261 U.S. 428 (1923). *See also* the dissenting opinion of Justice Rutledge in Yakus *v.* United States, 321 U.S. 414, 468 (1944).

[39] Tutun *v.* United States, 270 U.S. 568 (1926), where the Court held that the United States is always a possible adverse party to a naturalization petition.

[40] Fong Yue Ting *v.* United States, 149 U.S. 698 (1893), where the Court sustained an act of Congress requiring the registration of Chinese and creating agencies for the expulsion of aliens unlawfully within the country and for the issuance of certificates to those entitled to remain. The act provided for special proceedings in such cases and prescribed the evidence the courts were to receive and the weight to be attached to it. The procedure was held to cointain all the elements of a case—"a complaint, a defendant, and a judge—*actor, reus, et judex*." pp. 728–729.

[41] La Abra Silver Mining Co. *v.* United States, 175 U.S. 423 (1899). Here the Court sustained an act of Congress which directed the Attorney General to bring a suit on behalf of the United States against the appellants to determine whether an award made by an international claims commission was obtained by fraud. The Court of Claims was vested with full jurisdiction with appeal to the Supreme Court to hear the case, decide it, to issue all proper decrees therein, and to enforce them by injunction. The Court regarded the money received by the United States from Mexico as property of the United States. This together with the interest of Congress in national honor in dealing with Mexico was sufficient to enable it to authorize a suit for the decision of a question "peculiarly judicial in nature." pp. 458–459.

[42] 56 Stat. 23 (1942).

[43] 319 U.S. 182 (1943).

[44] 321 U.S. 414 (1944).

[45] Ibid. 468.

[46] *See infra*, pp. 567–585.

[47] 26 U.S.C. 7421.

[48] *See* for example: Snyder *v.* Marks, 109 U.S. 189 (1883); Cheatham *v.* United States, 92 U.S. 85 (1875); Shelton *v.* Platt, 139 U.S. 591 (1891); Pacific Whaling Co. *v.* United States, 187 U.S. 447 (1903); Dodge *v.* Osborn, 240 U.S. 118 (1916).

[49] Dodge *v.* Brady, 240 U.S. 122, 126 (1916).

[50] Hill *v.* Wallace, 259 U.S. 44 (1922); Lipke *v.* Lederer, 259 U.S. 577 (1922); Miller *v.* Nut Margarine Co., 284 U.S. 498, 509 (1932).

[51] Enjoining the Assessment and Collection of Federal Taxes Despite Statutory Prohibition, 49 Harv. L. Rev. 109 (1939).

[52] Allen *v.* Regents, 304 U.S. 439, 445–449 (1938).

[53] 47 Stat. 70 (1932); now contained in 29 U.S.C. 101–115.

[54] Lauf *v.* E. G. Shinner & Co., 303 U.S. 323 (1938); New Negro Alliance *v.* Grocery Co., 303 U.S. 552, 562–563 (1938); Drivers' Union *v.* Lake Valley Co., 311 U.S. 91, 100–103 (1940).

[55] 330 U.S. 258 (1947), Virginian *v.* Federation, 300 U.S. 515 (1937), in some ways constitutes an exception to section 9 of the statute by sustaining a mandtory injunction issued against an employer on the petition of employees on the ground that the prohibition of section 9 does not include mandatory injunctions, but "blanket injunctions which are usually prohibitory in form." For other acts of Congress limiting the power of the federal courts to issue injunctions *see* pp. 577–582.

AND THE POOR GET POORER—A PAINFUL SCENARIO IN THREE ACTS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the words of this title are borrowed from an old popular song which seems to be more true with each passing day. Everywhere we look, there is an offensive on the part of those who have, against those who are striving or who have not. Such an offensive takes several forms, especially noticeable in recent weeks. Act one began with the banks. Our curtain rises as our bankers, with a vicious twist of their moustaches, and an evil chuckle, raised the national prime interest rate to 8½ percent, increasing their contribution to the squeeze on millions of lower- and middle-income people in this country. Inflation mounts daily, and instead of tax relief, we get higher interest rates which benefit major lending institutions alone. If this is relief, where is suffering and agony? The probably post mortem fate of the perpetrators of this act will definitely be extremely warm.

Yet this is but act one of this grotesque scenario being played out at the expense of lower- and middle-income wage earners and taxpayers. Act two begins with the surcharge. It should be entitled, "Special Interests Come First."

By a margin of one vote and under a closed rule, the proposed surtax extension is to be brought to the floor of the House for a vote. No amendments are possible, which would offer tax reform alternatives.

Various remedies have been tried to halt inflation. All have failed. From the

surtax to higher interest rates, they have resulted in further burdens upon the already overstrained lower and middle income taxpayers of this country.

Meanwhile, need for tax reform of the most meaningful kind is so obvious as to be blatant. Ignoring it is the one thing Congress does not dare to do. Instead then, of meaningful tax reform, which we can easily enact, we are confronted with a request for continuance of this obnoxious surtax upon those who need reform the most. This tax is a continuance and worsening of an already unjust and intolerable situation. The people of the United States have a right to know just what the score is.

Why should we stand by, watching in helpless frustration while vested interests of this country, already swollen with tax privilege, grow fatter as the people grow thinner financially? Why should the oil depletion allowance remain untouched as the surtax is shoved into the faces and down the gullets of the American people? How dare the Congress go down this road while the wealthy in so many cases pay no tax at all?

Capital gains and the overseas depletion allowance are untouched while the surtax is shoved forward as a cure for inflation. Nonsense. It is the same specious logic as that used by the bankers when they raised the prime interest rate last week. It is the argument the butcher uses as he approaches the slaughteree with blade poised.

It is my hope that the surtax will be defeated. Should we not have tax reform as a prime order of the day in its place? Is it not time that we stood up for the national interests rather than the special ones?

Our third act is one of stark tragedy because it begins in soaring triumph and ends in total defeat. Nice guys do finish last, I guess, as was once said. Several weeks ago, on the floor of the Congress, a major evil in American life was dealt a long overdue blow when farm subsidies to any one farmer were limited to $20,000. At long last the very wealthy farmers and ranchers of the Nation were yanked back squealing from the public trough by the scruff of the neck by the House of Representatives. This state of affairs has long been a national scandal, as the vast majority of city and suburban taxpayers paid and paid and paid through our unbalanced tax system to swell coffers of wealthy farmers. The rich did get richer. These gentlemen, often conservative to the point of reaction, are often those who bellow the loudest against Caesar Chavez and the Farm Workers Union, who demand so exorbitantly of them. They plea for terrible concessions, the right to organize a union among them.

Now a committee of the other body, the Agriculture Appropriations Subcommittee, to be exact, has eviscerated this painfully attained reform with a quick twist of the legislative knife. Hurray for the people and reform.

So our scenario comes to an abrupt end, and the curtain lowers, as a bitterly disappointed national audience hisses, boos, and throws ripe fruit and vegetables—union picked—at the stage. Curtain calls are requested only to get players within better range.

Our hero has failed. The black hatted gents have won the prize. Sir Galahad has been unhorsed. The big guys with fat cigars are strolling chuckling over to the bank, counting huge rolls of greenbacks. Only the poor and the middle class and average taxpayer has been harmed. But after all, they are only in the overwhelming majority, are they not?

EARL WARREN—PUBLIC SERVANT, CHIEF JUSTICE, INTERPRETER AND REALIZER OF THE AMERICAN DREAM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, an era ends as Earl Warren steps down as Chief Justice of the United States. Our gains are great because of his work. He shall live in the hearts of the dispossessed and downtrodden wherever a spark of human dignity and individual liberty flickers and struggles to flare into bright flame. All efforts of his detractors are as waves beating vainly on a rocky shore seeking to destroy it.

Chief Justice Warren gave the Court a role aimed at confronting the challenge of national evolution of our institutions. Successfully, he helped update those institutions, preparing us for tomorrow's inevitable challenges. Millions had almost lost faith in what America meant to them. Under his judicial leadership, the Court faced unflinchingly up to its responsibilities, nurturing change and opting for advocacy of reform within the framework of the Constitution.

Today our political system is painfully opening wider, reflecting realities of an urban America because of the Warren court. Under him, the Court took America by the hand, blotting out much of the legal stain racism had imprinted upon our national brow. Rights of the individual before the law were more clearly outlined than ever before, defined and proclaimed in the face of organized opposition which even now rages over the face of our land.

Above all, Earl Warren has taken our lip service to justice and rights of the individual, translating them into everyday realities for millions of Americans. In the end, we shall be the freer and stronger because of these assertive actions. He sought to end the concept of a poor man's law and a rich man's justice. For this alone, he deserves our praise and respect. Because of his efforts, a free marketplace of ideas is a reality, as is use of Government power to aid the helpless.

Earl Warren has not bowed down publicly before America's ideas. Rather, he has breathed new life into them, keeping institutions viable for those yet to come.

Even now a storm of reaction rages unchecked across the face of the Republic. It shall rage further, worsening before all is calm. During this time, he shall be pilloried in worse terms than in the past. No matter. Our stand has been taken. A high tide mark of freedom has been boldly reached. Others shall follow, thrusting light into the face of darkness and emulating his courage.

"Equal Justice Under Law" are the words chiseled above the Court's entrance. They shine brighter today because of this man. All the words of hate shall leave them untarnished. Many men live lives of fear and hatred. Others live to exploit their fellows. Still others degrade and lie to them, utilizing simple catchwords of fear and demagogery. Earl Warren lives his life to free his fellow men. No finer accolade can be offered. America will be increasingly proud to have produced, nurtured, and placed him high on her roll of honor.

END HIGHWAY SLAUGHTER CAUSED BY DEFECTIVE TIRES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the National Highway Safety Bureau in 1968 tested automobile tires for compliance with minimum Federal tire safety standards. About 9 percent of tested tires failed to meet those standards. It is estimated that approximately 220 million tires are sold annually in America. If tests are any indication of the quality of tires on American roads, then somewhere around 19.8 million new unsafe tires are put on our roads each year.

Some 55,500 people were killed last year on our highways. Two million Americans were injured. This human waste was caused in part by faulty automobile and truck tires.

The National Traffic and Motor Vehicle Safety Act of 1966 imposed upon automobile manufacturers the responsibility of notifying owners of safety-related defects in their cars, and provided for repairs. No such responsibility for tires was imposed upon tire manufacturers. Some responsible tire manufacturers tried to recall defective tires, but soon found it is virtually impossible, because no record was available of tire owners and their addresses. Tire manufacturers do not keep records of tire location after tires leave the factory. A uniform system of keeping track of tires from factory to dealer to purchaser is vitally needed as well as a uniform system of identification and notification.

Mr. Speaker, I am introducing a bill which would establish a system for recalling safety-related defective tires from both dealers and purchasers. The bill extends the 1966 National Traffic and Motor Vehicle Act to cover tire manufacturers. Under it, the same provisions would be placed in effect for recall of tires as are now imposed upon automobile manufacturers for recall of defective cars. Tire manufacturers would have to develop procedures for keeping track of their tires after they leave the factory, to facilitate their recalling them, if necessary.

I am joining my colleague, Congressman MIKVA, of Illinois, in this bill, which was originally introduced in the Senate by GAYLORD NELSON. It has already received wide support outside of the Congress. The Rubber Manufacturers Association, for example, recently stated their opinion that the bill provides a real possibility for a practical tire recall pro-

gram. The present administration has also expressed its support.

Mr. Speaker, the staggering numbers of maimed and dead people from highway accidents should be reason enough for Congress to act with dispatch on this life-saving measure. Every new accident caused by defective tires is a memorial to congressional inaction.

THERMAL POLLUTION DISCUSSED, BUT CLEVELAND FIGHTS POLLUTION OF THE LANGUAGE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I was delighted to see the following excellent editorial which appeared recently in the Claremont, N.H., Daily Eagle. The Eagle did not write it; it was written by that excellent newspaper, the Berkshire Eagle, which serves the district so ably represented by our colleague, the gentleman from Massachusetts (Mr. CONTE). But my Eagle was sharp-eyed—and impressed—and ran it, for which I am grateful.

The editorial has put the question of so-called "thermal pollution" into good perspective. It is a term we have heard a good deal and we are going to hear it much more. As a member of the Public Works Committee I am deeply concerned with matters of pollution. Great work is going to be done in these fields—great work has to be done—but as we set out to accomplish it, I implore all interested parties—I hope not futilely—to use accurate terms. There is nothing which so frustrates the successful solution of a public problem as the need to cut through a lot of emotional, inaccurate verbiage. As the Berkshire Eagle correctly states: "The language is already polluted enough."

The editorial follows:

THERMAL POLLUTION: AN OVERHEATED ISSUE

A new scare phrase, "thermal pollution," has come into increasing use. Radical conservationists habitually use it when speaking of atomic power plants. A projected plant on Lake Champlain and a plant under construction on the Connecticut River just above the Massachusetts line have the sensitive-nosed environmentalists in full cry.

What they are referring to is the raising of the temperature of river or lake water used for cooling in the creation of atomic energy. This water is "polluted" by heat, not by radioactivity. In fossil-fueled power plants, water is also used for cooling in the energy-producing process and is returned to the stream or bay at a higher temperature.

Heretofore, this process water has never been labeled "polluted," since ordinarily, the term connotes fouling pure water or air with some noisome, noxious or toxic liquid, vapor or substance. To call heated water polluted is like saying that to take a hot shower is to pollute . . .

Granted, artificially raising (or lowering) the temperature of a stream or lake will change the character of the fish and plant life and possibly riparian vegetation, depending on the degree. But this is alteration, not pollution, since the latter term is to raise the same anxiety when a stream is charged with fumes from various forms of combustion to the extent that smog is created.

Radical alteration of a stream's temperature, of course, requires concern and attention, but few figures are cited by either side of the controversy. If the shad of the Connecticut River are to be replaced by alligators and the riverside elms by palm trees, advance warning certainly is indicated. But environmental alterations are not necessarily all bad. Kay Annin's recent report from the Maine coast that some alteration of the seawater temperatures has brought shrimp to the Maine fisheries was succulent news. If an atomic plant at Machiasport can bring down the price of lobster, praise be.

More light and less heat on the whole subject is clearly indicated. The language is already polluted enough.

THE REVEREND YARDLEY URGES THOUGHTS FOR LIVING AS WELL AS DEAD ON MEMORIAL DAY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, Memorial Day just past brought forth a moving statement by the Reverend Theodore Yardley, pastor of my own church, St. Andrews Episcopal Church in New London, N.H.

His thoughts come in the form of a letter published June 12 by the Argus-Champion, the newspaper in neighboring Newport.

Mr. Yardley reflects on the meaning of the war in Vietnam, reflections which so many, probably most Americans, feel. He calls on us all to remember the lonely living as well as the dead at this time. The lonely living are those who bear the brunt of battle, suffering hardship and risk of injury and death with the stoic conviction that their country, this citadel of freedom, is doing the right thing, no matter how badly it may have bungled the job.

The lonely living to be remembered are also their kinfolk and loved ones at home who move through the routine of each day, their fears unspoken. To these the Reverend Mr. Yardley's words will have special meaning.

The men in the field are isolated from the confusion and raucus turmoil at home. They are distant from the incessant attacks upon the very premises of our democracy, who has taken us into such a difficult and costly war. But these constant attacks have an eroding quality and raise doubts at home. Mr. Yardley's words provide no certain answers but they are deeply felt reflections. We can agree with him that no matter what the outcome of this war, it was entered into with honor and is fought by men of honor in the defense of that most precious and honorable possession which any man can have—indivdual liberty.

The Reverend Yardley's letter follows. I commend it to all my colleagues:

THE REVEREND THEODORE YARDLEY URGES THAT WE REMEMBER THE LIVING ON FIGHTING FRONTS THIS MEMORIAL DAY

To The Argus-Champion:

In several conversations recently I have been alerted to the fact that some of the loneliest Americans today are those whose sons or husbands are willingly serving in Vietnam or other danger spots.

While all the cracker-barrel or cocktail party debates swing high on What A Dreadful Mistake It Is, or If The President Would Only, these people remain silent. They are thinking of some gentle man, who has no more desire to kill than men at home, who believes in what he and his buddies are doing. He lives his days and nights under discipline and danger. He sees our military effort first hand, snafus and all.

This is a time of great confusion. If television and some pundits could run the world it would all be over, no doubt! But no one of us can know what the nation should do, absolutely. But at a time when so many of the voices seem to be downgrading what is, after all, a tradition of very long standing—that of holding off would-be world conquerors, might we have a thought this Memorial Day not only for the dead, but for those in danger, and for their relatives at home. They believe just as sincerely as the "doves," and with a great investment of themselves.

Let's afford them the same freedom to do their rather old-fashioned "thing" that we afford to those whose "thing" is currently more "in style."

THEODORE YARDLEY.

TAX-EXEMPT STATUS OF STATE AND LOCAL GOVERMENT BONDS

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, among the many tax reform proposals being suggested before the tax-writing committee of this Congress is the plan to remove the tax-exempt status of State and local government bonds.

While at first glance this may seem to be an excellent place to begin true tax reform and provide real tax relief, there is a great deal more to consider on this issue than meets the eye.

I have sought the advice of city officials in my own congressional district on this matter. Among the replies I received was one from Ernest C. Marriner, city manager of the young city of Lafayette, Calif., Mr. Marriner is well recognized among his colleagues for his knowledge of municipal finances and taxation.

I would like, Mr. Speaker, to include the text of his letter regarding tax-exempt bonds for the benefit of the Members of Congress:

CITY OF LAFAYETTE,
Lafayette, Calif., June 15, 1969.

Congressman JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR JERRY: Thank you for seeking my views on the proposal to remove the tax-exempt status of State and Local Government Bonds.

My feelings on this subject are mixed, but I am categorically opposed to a simple removal of the exemption unless it is part of a very comprehensive overhaul of both local government financing and the federal income tax structure. Especially with the slowness of many State Legislatures to adjust to the financial and economic facts of life, it would be grossly unfair at this time to remove the exempt feature of these bonds. Some State laws, as you know, set a maximum interest rate which local political jurisdictions can pay, and simultaneously prohibit discounts on the sale of those bonds. As a result, even with the tax-exemption feature, some local bonds are just not marketable today.

The removal of tax-exempt status is usually coupled with some gimmick, such as a federal subsidy to make up the difference in cost to the city; or direct federal loans at

rates comparable to tax-exempt market rates. Such gimmickry would be merely a sop and a patchwork arrangement. I don't like it and I am philosophically opposed to income tax exemptions. However, I am also opposed to the present methods of financing local government, especially the education function. I would like to see Congress speed the day of federal income tax sharing with the States and Local Governments, so that we could completely restructure our finances. In conjunction therewith, the tax exempt status of municipal bonds should be removed, letting us compete with private firms for available funds in the open market; and at the same time, lots of other changes should be made in our federal income tax laws, in agricultural subsidies, in the welfare system, etc.

For now, however, please do not try to plug a "loophole" in the income tax laws at the expense of State and Local Government.

Yours very truly,

E. C. MARRINER,
City Manager.

FASCELL DISCUSSES THE PRIVATE SECTOR'S RESPONSIBILITIES IN THE FIGHT AGAINST ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, there is little question that the chances of ridding this country of organized crime are greatly enhanced by a resolve to do so on the part of the private sector. Government cannot fight the battle alone.

It is, therefore, very encouraging to note the expanded efforts of the U.S. Chamber of Commerce and other private groups in the critical area.

Recently I had the privilege of appearing on the national chamber's radio program "What's the Issue?" over the Mutual Broadcasting System. Since the subject under discussion is timely and of concern to all Americans; and I believe ought to have the widest possible dissemination. I am hereby making it available to my colleagues and other who are interested:

INTERVIEW OF CONGRESSMAN DANTE B. FASCELL, CHAIRMAN, HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON LEGAL AND MONETARY AFFAIRS, ON "WHAT'S THE ISSUE?", JUNE 19, 1969

Mr. PANTOS. This is George Pantos of the Washington staff of the Chamber of Commerce of the United States. In the studio today is Congressman Dante B. Fascell of the 12th Congressional District of Florida, which includes the city of Miami. Mr. Fascell has been a member of Congress since 1954. Among his responsibilities is that of serving as Chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs. For more than two years, this Committee has been conducting a study of the adequacy of efforts against organized crime. In a recent speech before the House of Representatives, Congressman Fascell alluded to the necessity of engaging the private sector, especially the business community, as active partners in the fight against organized crime. We shall discuss facets of this speech later in the program.

Also with us today is Wayne Hopkins, Senior Associate for Crime Prevention and Control of the National Chamber, who will join Congressman Fascell in the discussion of organized crime and how it affects businessmen.

SUBCOMMITTEE OBJECTIVES

To get the questioning started, Congressman Fascell, what are the basic objectives of the Legal and Monetary Affairs Subcommittee?

Mr. FASCELL. Well, primarily we're interested in determining the adequacy and efficiency of the Federal Government's effort in fighting organized crime. We have spent considerable time detailing exactly what tools we have, what techniques we are using, and how effective they are. Our report indicates that we aren't doing everything we should. Therefore, our basic objective is to bring an awareness both at the Federal and local levels.

There are many facets to the fight against organized crime. It takes the involvement of the federal, state, and local governments, although the fight is primarily a local one. More importantly, it takes awareness and participation of the citizen. This is where the National Chamber can play an important role, because it is uniquely equipped with members all over the country. I am delighted that Mr. Hopkins is here today representing the Crime Prevention and Control Section of the National Chamber. I think it is very important to know what the Chamber is doing in this fight.

Mr. HOPKINS. Thank you, Congressman, for your kind remarks here and also on the floor of the House. The National Chamber is unusually equipped in terms of a sound marketing system. There are 2700 local chambers of commerce throughout the country and many hundreds of them are developing or have developed Crime Prevention and Control Committees. These committees in turn are the basic structure whereby citizens come together in a voluntary way. After they identify the problems which are most important in crime or whatever it might be in terms of the community, they develop avenues of approach. One of the areas today that is being identified so strongly everywhere is that of organized crime, and we appreciate the work that your committee is doing on this. Do you have any results of the subcommittee so far to show that beneficial changes are taking place?

RESULTS OF THE SUBCOMMITTEE'S STUDY AND GOVERNMENTAL RESPONSIBILITIES

Mr. FASCELL. Yes, we can say that most of our recommendations have been picked up by the Administration and put into effect. Our basic recommendation, of course, was that there be better coordination and a greater concentration of effort at the federal level. There are now 26 federal agencies either directly or indirectly involved in the fight against organized crime. We found that coordination was a real problem and that what we needed was central direction, determined emphasis, and strong leadership. It should be emphasized that while the fight against organized crime is basically a local problem, the Federal Government does have a responsibility because organized crime knows no city or state boundaries. Therefore it must be a joint effort, and this is where the National Chamber comes in.

It's also important to recognize that organized crime is defeatable. That is another one of our findings: It is defeatable with a strong joint effort. It cannot exist anywhere where people make up their minds that they're just not going to put up with it.

WHAT ORGANIZED CRIME IS

Mr. HOPKINS. We have businessmen who are willing to participate in fighting organized crime but very few of them, I believe, sincerely understand what organized crime is. Could you give a definition as to what is organized crime, how big it is, and what activities it is engaged in?

Mr. FASCELL. Well, organized crime, of course, means an unlawful activity. When we say it is organized, we mean that it is highly organized and disciplined, with chains of communication and command. Its leaders are engaged in supplying illegal goods and services to a great number of people all over the country. It is large, with several thousand people involved directly in its operation. They engage in, but are not necessarily limited to, things like gambling, loansharking, narcotics, prostitution, labor racketeering, and all the rest. We are talking about a highly skilled and modern operation, most businesslike in its approach. It subverts the entire social and economic fabric of our country.

ANNUAL REVENUES OF ORGANIZED CRIME

Mr. HOPKINS. Do you have any figures in terms of the revenue that is involved in organized crime?

Mr. FASCELL. Well, we have all kinds of estimates. The best estimates that we have so far, for example, in gambling are anywhere from $7 billion to $50 billion a year; most people estimating about $20 billion a year gross revenue with a net gain of about $6 billion on gambling alone, on which no taxes are paid. From loansharking estimates run between $300 to $350 million a year, and narcotics from $20 to $300 million a year. We just don't have any hard figures. But the best figures come from the Department of Justice, the Internal Revenue Service, and the President's Crime Commission. So it is a big business in every sense of the word.

Mr. HOPKINS. We heard the other day that the valuation on the properties belonging to organized crime are worth about $150 billion and that in another 15 years, on the basis of 5% appreciation, organized crime will have about $600 billion worth of equity.

Mr. FASCELL. This shows how fantastic the involvement of organized crime is. One syndicate is estimated to have real estate worth $300 million. And we are talking about, as you pointed out, $150 billion with normal accretion taking it to $600 billion. We are talking about a big chunk of the national economy of this country. It would take care of a lot of our problems, wouldn't it? Just the taxes alone would take care of our problems.

WHAT THE PUBLIC AND THE BUSINESS COMMUNITY CAN DO

Mr. HOPKINS. Your committee report and the President's Crime Commission alluded to the great amount of public apathy which exists about organized crime. We have talked about businessmen not understanding just what organized crime is, but how can the National Chamber, Congress and others make the public more aware of the threat of organized crime and its impact on society?

Mr. FASCELL. One of the first things to do is to make the public aware that organized crime basically operates in the consensual field. That is, it takes the consent of the individual in order to make organized crime profitable, for example, in off-track gambling, you have to have someone willing to bet 10¢ or $2; with regard to narcotics, you have to have somebody willing to destroy his life in order to sell narcotics. So we have to have tremendous awareness on the part of the public. Right now we just don't seem to have the full strength of awareness in the American people that is needed to eliminate this odious octopus. We have to use every avenue that we can through public awareness programs. This is one of the things that our subcommittee is interested in and that is why we are so anxious to work with the National Chamber. Because the National Chamber has leaders in the business community, it can play a tremendous role and make a significant contribution. I think frankly that the Chamber of Commerce of the United States can and ought to take the leadership in this because, primarily, we are involved with the business community and the adverse effects on that community by organized crime. But this effort should not be limited to business groups alone. Organized crime affects the whole society and therefore

we ought to try to interest every other kind of organization in the country to join the National Chamber in this fight.

CAPABILITIES OF THE NATIONAL CHAMBER TO FIGHT ORGANIZED CRIME

Mr. HOPKINS. Thank you for your confidence in the organization. The National Chamber has about 35,000 business, professional, and industry leaders as members, as well as 2,700 state and local chambers and 1,100 trade associations across the country. This represents an underlying membership of about five million people. It is interesting to note that at the National Chamber's Annual Meeting this year there was an Action Forum on Crime. During the Forum, Henry Petersen, who was head of the Organized Crime and Racketeering Section of the Justice Department, said that 10 years ago it would have been impossible to bring together 325 law enforcement officers from all over the country to a meeting to discuss organized crime. And yet at the Action Forum there were 325 businessmen who were interested. This is an indication that businessmen are becoming interested and concerned.

Mr. FASCELL. Well, it follows a pattern within the government itself. The efforts against organized crime by the Federal Government have been sporadic. The Federal Government must take leadership that is felt by all law enforcement circles in this country. We must keep the momentum going both at the federal enforcement level and the public awareness level.

RELATIONSHIP OF THE GENERAL RISE IN CRIME TO ORGANIZED CRIME

Mr. HOPKINS. At a recent meeting of our Advisory Panel on Crime Prevention and Control, organized crime was identified as the major problem we face. When the identification was made, many people questioned it, feeling that street crime was the most important problem. Now can you tell us something as to the relationship between these two areas. Is there a connection between street crime and organized crime?

Mr. FASCELL. There is a very close connection between the rise of crime generally and organized crime. For example, there are many robberies and embezzlements and larcenies that are committed by victims of organized crime—such as drug addicts, gambling losers, or loanshark victims. This adds to the general crime rise. I don't frankly see any direct relation between organized crime and so-called violence in the streets or disorder in the streets, in that sense. As a matter of fact, it might be said that organized crime is probably just as much interested in law and order in that sense as anyone, because they don't want any attention attracted to themselves at all. They are very much against disorder which would arouse the public or the law enforcement officials. They want to keep a lid on it, too. So at least to that extent, we might say we are together on the subject. While disorder and violence in the street is a great concern, I don't see any direct relationship between that and organized crime.

ORGANIZED CRIME'S INFILTRATION OF LEGITIMATE BUSINESS

Mr. HOPKINS. Has your subcommittee uncovered evidence that organized crime is infiltrating large and small businesses?

Mr. FASCELL. No question about that, Mr. Hopkins. We have shown that organized crime is infiltrating every kind of business—hotels, restaurants, trucking, vending machines, manufacturing—you name it. You can see what the impact is. Organized crime is becoming a competitive force in legitimate business fields, and by having an illegitimate source of revenue, it has a tremendous competitive advantage over legitimate businessmen in the field.

Mr. HOPKINS. Is organized crime getting into banking activities, Congressman?

Mr. FASCELL. Well, we raised that question and the evidence tends to indicate that they plan to work their way into banking in various areas of the country. The truth of the matter is that nothing is safe. They've got much money to invest and they want legitimate fronts for their money, there is no question about that. They are spreading all over the landscape, in economic terms.

Mr. HOPKINS. According to testimony concerning legislation pending before the McClellan Subcommittee, the present law doesn't allow law enforcement officials to do anything about it at the moment. But I understand that some of the legislation would put some curbs on the use of this money, at least, in interstate commerce.

Mr. FASCELL. Well, anything that we can do to inhibit the flow of illegal money, of course, will be a very useful thing. The advantage that they would have in the use of this money is certainly very obvious. Also, once they get into a legitimate business, just think what else they can do. They inhibit normal competition by the use of fear or techniques of one kind or another that the average businessman just can't cope with by himself.

Mr. HOPKINS. What are some of the ways to control organized crime activities in view of the tremendous revenues that they get through their loansharking, gambling, and different operations? In your committee hearings, has there been testimony given as to how to cut down on the revenues that are available to organized crime syndicates other than just through sound law enforcement?

Mr. FASCELL. The enforcement of the present laws is one way to do it. Better law enforcement means adopting the modern techniques, such as having central direction and the opportunity for greater surveillance. In other words, using every modern available tool is the only way to get at these people and to cut off their sources of revenue.

Mr. HOPKINS. The other day, I saw a statement that a community that makes up its mind that it is not going to have organized crime can control it. Do you feel that way?

Mr. FASCELL. I don't think there is any question about it. A great part of organized crime's operational costs goes into payoffs of one kind or another. They actually subvert your whole economic system, your whole enforcement system, the whole fabric of society. However, once the people are aware of this, once they make a decision that they don't want it, once the pressure is on, both in the business community and in the nonbusiness community, organized crime cannot exist.

Their whole ability to take money is based on the consent of the victim. The gambler pays his money to an organized crime figure. A narcotics addict pays his money to an organized crime syndicate. This is the way they exist. They live off the lifeblood of the victims and once the general public makes up its mind it is not going to participate or to allow participation, then I don't think organized crime can exist. But this has to be coupled with a very strong up-to-date centrally-directed enforcement capability.

CENTRAL DIRECTION OF THE FIGHT AGAINST ORGANIZED CRIME

Mr. HOPKINS. Congressman, have you detected, since the new Administration has taken office, that the central direction you just referred to has been applied more generally than in the past?

Mr. FASCELL. In recent years, I think it has been a continuing thing. In all fairness, I want to say that it has continued under both Administrations. However, it is most welcome that this Administration is moving to increase that effort in terms of new programs, more personnel, increased budget, and a determination that a real strong drive will be made against organized crime. And that is the kind of action that is needed. It is also going to require continued determination at the Department of Justice level, with a strong backing from the President and Congress in order to get this job done.

COOPERATIVE PROTECTIVE ASSOCIATION AGAINST ORGANIZED CRIME

Mr. HOPKINS. Your subcommittee is the only congressional committee that has ever studied the adequacy of the effort to combat organized crime. Where does your committee go from here?

Mr. FASCELL. Obviously we've got a lot of things that we can explore. First of all, we want to continue our oversight on the many agencies of the Federal Government that are involved in the fight and to be sure that this central effort and direction continue. We want to continue the stimulation of public interest and awareness in groups, such as the Chamber of Commerce of the United States. Here is where I think we have a real potential—through public awareness and public participation—to bring to bear the pressures of aroused citizens on this problem.

For example, let's take the case of the businessman who suddenly feels there is the threat of organized crime activity in his legitimate business area and knows that he can't cope with it individually. There has been no violation of any law, but he feels the heat. There is some way that the National Chamber, through its crime prevention section, could give this man some help. Maybe he could file a complaint saying "I've got a problem." An investigator could be sent who could round up all the facts. If warranted, the National Chamber could then use its nationwide publicity program or take some other action which the individual businessman cannot take. But businessmen operating cooperatively through the National Chamber and similar groups could bring this kind of pressure to bear. I think this is where the subcommittee would like to lend some help, in stimulating some more activity like that of the National Chamber.

Mr. HOPKINS. We are now publishing a deskbook on organized crime for businessmen. It has been put together at the request of businessmen and through the help and guidance of the Justice Department. This diskbook includes a tab system that points out all of the various kinds of organized crime and then suggests that the person concerned call either the Justice Department or the FBI to invite them in to consult about it. If he wants to know more about a subject, he can turn to pages so-and-so and read more about it.

The Justice Department tells us one of the reasons businessmen shy away from getting involved is because they don't want to be incriminated. This deskbook is one way of leading them in the right direction. What do you think of such a book?

Mr. FASCELL. There is no question about it, Mr. Hopkins, this is very, very important because it does several things. Through cooperative action there is strength in action. When a person thinks he has to act by himself and bear the brunt of the whole thing by himself, when he is fighting one of the largest, illegal activities in the whole world, he is most unwilling to take that fight on. But let him know that the full weight of an organization, such as the National Chamber, is behind him in a cooperative, protective system for its members and those who are related to them. Then I think you're going to see a tremendous amount of improvement with law enforcement officials in dealing with organized crime.

Mr. PANTOS. Thank you, Congressman

Dante Fascell of Florida, and Mr. Wayne Hopkins of the National Chamber, for a most stimulating discussion.

THE SMOKING AND HEALTH QUESTION

(Mr. CARTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, it has been pointed out in these debates that the smoking and health question has often been treated as a highly emotional issue. This is probably what accounts for the interjection into these proceedings of what may well be the biggest red herring that has ever been dragged across the halls of Congress.

I refer, Mr. Speaker, to the unfounded and altogether unique comment of the gentleman from Texas that the Cigarette Labeling and Advertising Act of 1965 and its successor, H.R. 6543, do not preempt the Federal Communications Commission's proposed ban on cigarette advertising. Certainly, the FCC believes that the act preempts its proposed rule. In the committee hearings on H.R. 6543, Chairman Hyde of the FCC stated, not once or twice, but about a half a dozen times, that if the preemption provisions of the Labeling Act were continued the proposed ban would be preempted. And during the very week of these debates before this House, the Washington Post reported statements from Henry Geller, General Counsel of the Federal Communications Commission, on at least two occasions to the effect that passage of H.R. 6543 would prevent the Commission from putting its ban into effect. Indeed, we do not have to rely only on the Commission's Chairman and its General Counsel, because the full Commission itself, in at least three official pronouncements, has taken the same position. I refer to the "fairness doctrine" rulings of the Commission on June 2 and September 13, 1967, and to its notice of proposed rulemaking on February 5, 1969.

It is clear from the language and the history of the 1965 Labeling Act and from the almost unanimous opposition to the FCC's proposal voiced at the recent Commerce Committee hearings that H.R. 6543 would absolutely prohibit the FCC or any other Federal, State, or local governmental body from attempting to bar the advertising of cigarettes. No change whatsoever is necessary in the bill reported by the committee in order to preempt the unauthorized and unwarranted advertising ban proposed by the FCC.

WHAT THE COMMUNICATIONS ACT OF 1934 IS ALL ABOUT

(Mr. CLANCY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLANCY. Mr. Speaker, I am today introducing legislation which seeks to correct a method recently employed by the Federal Communications Commission which has resulted in much consternation among our Nation's broadcasters.

A broadcaster is granted a license for a fixed period of time. Issuance of the license is based upon a finding that the prospective licensee will, in the words of the Communications Act, operate in the "public interest, convenience, and necessity."

Renewal of this license is based upon a showing by the licensee that he has operated in the public interest and continued service in the public interest is what the act requires for renewal.

Recent actions of the FCC indicate that the use of the word "renewal" is inappropriate. Now, it is intimated, it is not a "renewal" process, but is an "issuance" process.

Before these recent FCC decisions, station licensees assumed that prior record of service in the public interest would be of paramount importance in the license renewal process. Such an assumption apparently was incorrect as it now appears that any newcomer may pit his promises of performance against the actual performance of the existing licensee. This change is obviously unfair to the licensee who has adequately served his community.

The legislation I am submitting today seeks to correct this injustice by requiring that the FCC make a threshold determination with respect to the performance of the licensee. If the FCC finds that the licensee has been operating in the "public interest, convenience, and necessity," it should renew its license. If the Commission finds that the licensee has not operated in the public interest, then opportunity will be offered to new applicants to apply for the facility which has been vacated.

I strongly emphasize that this bill does not in any way seek to protect the unprincipled broadcaster—but it does recognize the importance of a long-term commitment to serve the public interest, and that is what the Communications Act of 1934 is all about.

OPENING SUMMER CONCERT OF WATERGATE SEASON

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, I want to draw the attention of the House to a situation which I think is disgraceful by all standards of American conduct.

I have been informed that Government funds and facilities were used last week to present topless dancers to an unsuspecting audience composed of children and adults who came to enjoy a supposedly cultural occasion.

I refer, Mr. Speaker, to the opening summer concert of the Watergate season last Wednesday evening, sponsored by the District of Columbia Recreation Department and the National Parks Service.

The featured participants were the Arthur Hall's Afro-American dancers. The female dancers in the company were nude from the waist up. There was not even the saving grace of the so-called pasties.

Interestingly enough, the District of Columbia Recreation Department only recently excused their failure to plan for opening of swimming pools in the city until mid-June by pleading lack of funds. Yet they seem to have had adequate funds to provide for this most disgraceful performance.

Mr. Speaker, when the Congress has lost such complete control over use of taxpayers' funds and the land and facilities paid for by the taxpayers so as to permit a situation such as this, I say there is something greatly wrong in America.

Nude dancers are barely within approved limits of our society when they perform within closed halls, charging admission, and through advance advertising make their prospective audience aware of the expected type of performance. But at the Watergate summer concert series it has been customary for many years for parents to bring their children, and indeed they are encouraged to do so. To thrust upon this unsuspecting audience the nude appearance of females during a lengthy dance is certainly not an appropriate use for Government funds.

I cannot understand the reasoning of the officials in the National Park Service and the District of Columbia Department of Recreation which could have lead to a decision to include this dancing group in a Watergate summer series. I am shocked and dismayed at such a tragic indignity being forced upon families with Government sponsorship.

SECRETARY KENNEDY—THE DO-NOTHING CABINET OFFICER

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, during the Banking and Currency Committee's current investigation into the prime rate increase, it became obvious that the Treasury Department plans to do nothing to help protect the people against these disastrously high interest charges.

Mr. Speaker, on the opening day of the hearings, we had before us Secretary of the Treasury, David M. Kennedy. Repeatedly, I sought information from Mr. Kennedy about what the Treasury Department had done to hold back the interest rate increase and what it planned to do to roll these high interest rates back to a reasonable level.

The answer was that the Treasury had done nothing and planned to do nothing.

Mr. Speaker, the Nation, for all intents and purposes, does not really have a Secretary of the Treasury. The testimony of Mr. Kennedy made it plain that this office is vacant in the Nixon administration.

Something should be done when a public official charged with a public responsibility fails to carry out his duties.

Mr. Speaker, to illustrate the do-nothing attitude of the Secretary of the Treasury, I place in the RECORD the following exchange which occurred on Thursday, June 19, before the Banking and Currency Committee. It pretty well tells the story of Secretary of the Treasury, David M. Kennedy:

Mr. PATMAN. I asked you if you did any-

thing yourself to stop this increase or to discourage it.

Secretary KENNEDY. And I answered your question; if you mean did I call the banks and ask them as you did or make a bold statement, no.

Mr. PATMAN. Not necessarily call them, but did you do anything? If so, tell me what it was.

Secretary KENNEDY. There was really nothing I could do.

Mr. PATMAN. You did not do anything then because you said there is nothing you could do?

Secretary KENNEDY. There is no legal possibility of me rolling that back.

Mr. PATMAN. Did you discuss that with the banks about rolling it back?

Secretary KENNEDY. No, I did not.

Mr. PATMAN. Did you discuss it with anybody?

Secretary KENNEDY. No.

Mr. PATMAN. Why didn't you?

Secretary KENNEDY. Why should I?

STRONG BANK HOLDING COMPANY BILL WINS OPENING TEST, 20 TO 15

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the effort to gain approval of a strong public-interest-oriented bill to regulate one-bank holding companies has taken a giant step forward in the Banking and Currency Committee. An attempt to table my bill, H.R. 6778, as amended by Representatives REUSS and MOORHEAD, was defeated by a straight party line vote of 20 to 15 in the opening markup session on the legislation this morning. All 20 Democrats on the committee voted for the strong bill with all 15 Republicans voting to table.

The 20-to-15 vote is doubly significant since it effectively blocked the consideration of a weaker bank holding company bill introduced by Representative STANTON, of Ohio. The Stanton bill would have been before the committee had the tabling motion carried. The 20-to-15 vote was, in effect, a vote for consideration of the Patman bill, H.R. 6778, and against consideration of the Stanton bill, H.R. 12130.

The Democratic bill before the committee has been hammered out in a series of caucuses over the past few weeks. Working with all of the Democrats on the committee, Representative REUSS and Representative MOORHEAD have drafted various amendments strengthening and refining the original, H.R. 6778. The changes that have been made have been suggested by many Democrats, including myself and Mr. REUSS and Mr. MOORHEAD.

The Democrats on the committee are in general agreement on this strong bill to regulate the one-bank holding companies and prevent them from entering nonbanking enterprises such as insurance and travel agencies.

Mr. Speaker, all of the Democratic amendments being considered to H.R. 6778 are in keeping with the original philosophy of H.R. 6778. The Democratic amendments, like the original H.R. 6778, are designed to keep banks in the banking business and allow them to move into only those areas closely related to banking. The bill, as approved in caucus, will spell out specific areas of activities beyond which the bank holding companies may not go.

Mr. Speaker, the Banking and Currency Committee also voted this morning, 23 to 5, with three members voting present, to open all of the markup sessions on this bill to the public and the press. The public should know the full details of this vital legislation and I think the committee made an excellent decision in opening the doors. In fact, Mr. Speaker, I think the committee should consider making all sessions open to the public at all times. We have nothing to hide and secrecy can only benefit special interest groups.

Mr. Speaker, the parliamentary moves made this morning by Representative REUSS and Representative MOORHEAD were done with the full understanding of myself and the other Democratic members. The parliamentary procedures have now enabled us to have before us in the markup session in the strongest possible version of H.R. 6778. This strengthened version of H.R. 6778 is now the business before the committee, thanks to the moves and the votes of this morning.

The committee will resume markup on this bill at 10 a.m., Thursday, in open session.

PRIME RATE INCREASE DENOUNCED ACROSS THE COUNTRY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the increase in the prime lending rate, which was imposed on the Nation by the large commercial banks in New York and Chicago, has struck a note of anger throughout the 50 States.

Mr. Speaker, I have received 500 to 600 letters and telegrams from nearly every State expressing deep concern over this interest rate increase and the fact that the Federal Government allows the big banks to exact this charge on the American people.

Mr. Speaker, I place in the RECORD a letter and a copy of a resolution adopted by the Cleveland AFL–CIO last week, deploring the increase in the interest rate. It is typical of the reaction of labor organizations throughout the Nation.

The material follows:

CLEVELAND AFL–CIO,
Cleveland, Ohio, June 13, 1969.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PATMAN: The Cleveland AFL–CIO Federation of Labor, at its regular meeting held June 11, 1969, adopted the enclosed resolution deploring the recent announcement that our nation's banks plan to increase prime interest rates to eight and one-half per cent.

We felt that our action might be of interest to the Banking and Currency Committee.

Sincerely yours,

PATRICK J. O'MALLEY,
President.

SEBASTIAN LUPICA,
Executive Secretary.

RESOLUTION

This Cleveland AFL–CIO Federation of Labor, representing 150,000 members and their families herewith goes on record as vigorous and vehemently denouncing and deploring the action of this nation's bankers in raising their prime interest rate to an all time high of 8½ per cent—an interest charge which is identified as "usury" by Ohio law.

By their indecent disregard of the public interest, the bankers have reached into the pocket books of every American family and business concern.

Their "public be damned" policy of outrageously high interest rates will increase the cost of housing to the point that untold thousands of working men will be unable to buy badly needed homes. This will result in a substantial cut back in home construction, costing the jobs of large numbers of building trade workers, and starting a chain reaction of unemployment that could prove disastrous to the national economy—including the banking industry.

These interest rate raising bankers are the same economic enemies of the people who cry out that unions are "causing inflation" when they seek modest wage increases for their members.

In raising the interest rates they charge to record levels, these bankers make no move to increase the interest they pay to their depositors. They make no mention of the fact that the earnings of the nation's banks—before this rapacious rate increase—were already at record high levels.

By threatening the stability of the economy and putting a financial squeeze on every individual and corporation in the country, these greedy bankers are also undermining the ability of this nation to maintain the economic strength it needs to carry the burdens of the "Free World" in international affairs.

This Cleveland AFL–CIO Federation of Labor herewith goes on record as urging the federal government to take immediate and effective action to roll back the unfair and inexcusable money grab of the bankers.

The Executive Secretary is herewith instructed to communicate this position, by copy of this resolution, to President Richard Nixon, to Secretary of the Treasury David M. Kennedy, to Senators Stephen M. Young and William B. Saxbe, and to Congressmen Charles Vanik, Michael Feighan, Louis Stokes, William Minshall and Charles Mosher.

We urge the national administration and our representatives in Congress to see that the bankers are compelled to lift this crown of economic thorns which they are pressing down upon the public's brow.

Mr. Speaker, the homebuilding industry has been hardest hit by this drastic increase in interest rates. And thousands of Americans are being priced out of decent homes. Mr. Speaker, illustrative of the letters I have received from homebuilders is the following from Mr. Harold P. Hill, a builder in Houston, Tex. I place this letter in the RECORD:

HOUSTON, TEX.,
June 18, 1969.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: I am a Home Builder, and this inflation is undermining the ability of many good citizens to become home owners.

In the past year, we have seen the cost of homes increase in price, and the monthly payment increase approximately 35% or in my price range from $130.00 a month to $175.00 and a great majority of this rests with the cost of money.

When the cost of money increases to material suppliers and contractors about 50%

in two years (6½% money to 9½%), and the home buyer interest has increased more than 25%, we have inflation so unfair to the home buyer.

The Home Builders throughout the United States support many actions that will help control and slow down the inflation. It will never be done by raising interest rates; that does not create more money.

This last increase in the prime interest rate hike was absolutely uncalled for, and may be the stroke that starts a back slide that our country does not want. If it goes unchecked for a few weeks, home building will be caught in a 5% to 10% cost increase.

Do not permit a hike in mortgage interest rates, as this sanctions further inflation.

Roll back the prime rate from 8½%.

Vote out the 7% investment tax credit, this turned out unfair in competition of money and a great tax loss to the government.

Keep the surtax or "war" tax as proposed by our President.

Cut government spending, adopt a $10 Billion budget surplus.

We look to you to help govern our economy as well as our life, safety and health.

Investigate the money changer.

Let us all *support* our Honorable Wright Patman and his stand on interest rates.

Home building represents a $35 to $40 billion industry. If we are given a chance, we can house all Americans and at a decent price they all can afford.

Our Washington office, the National Association of Home Builders, sent the following telegram to the White House, June 10th:

"Prime rate increase unwarranted, unnecessary, and in cynical disregard national interest and of public beset by galloping inflation. Disheartening blow to our members supporting your anti-inflation program and who are vigorously attempting persuade Congress of need extending surtax and support of your fiscal program. Bank action will harm consumers, small businessmen, home buyers and renters, and millions of people employed in housing industry. It will enormously damage already difficult task of providing low income housing. We appeal to you to use your influence immediately to seek a rollback of prime rate and other necessary actions by lenders as their responsible part in anti-inflation fight."

I plead with you to roll back this unwarranted inflation.

Let us support our President.

Sincerely yours,

HAROLD P. HILL,
Builder.

Mr. Speaker, many bankers, outside of the big money centers of Chicago and New York, likewise are deeply concerned about the high interest rates. All of them do not share in the concept of charging anything the traffic will bear. Mr. Speaker, I place in the RECORD a letter that I have received from Mr. B. D. Bray, president of the Peoples Bank of LaGrange, Ga., and a copy of Mr. Bray's letter to his local newspaper concerning the prime rate increase:

PEOPLES BANK OF LAGRANGE,
LaGrange, Ga., June 10, 1969.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: I am in complete agreement with your recent statements concerning the extremely high interest rates which exist in our nation today.

Enclosed is a copy of a letter recently written to the Editor of our local newspaper which might be helpful to you.

If you have any comments concerning the enclosed letter, I would appreciate hearing from you.

Very truly yours,

B. D. BRAY.

PEOPLES BANK OF LA GRANGE,
La Grange, Ga., June 10, 1969.

EDITOR,
The La Grange Daily News,
La Grange, Ga.

DEAR EDITOR: In view of recent decisions by many of the nation's larger banks to raise the prime rate of interest from 7½% to 8½%, it is my opinion that it is time for the Federal Reserve Board of Governors, along with the cooperation from the Executive Branch of our Government, to completely inform the people of our country as to the objectives and purpose of approaching solutions to an overheated economy, rapid inflation, and the extremely high cost of living.

By increasing interest rates, it appears that the problems are not being controlled, and it is the opinion of the writer that this approach is merely speculative, and is not doing the job that it is supposed to do. In an economy such as ours today, large amounts of money are needed to keep pace with supply and demand; therefore, high interest rate is no deterrent for borrowing the necessary capital needed. An example of this is "Why should a creditor hesitate to borrow money at 8½% interest when his return can be 20% or more from the money he has borrowed?"

What are the solutions to our economical problems that exist today? The President of the United States should have a meeting with the chief executive officers of the one hundred or more largest corporations in our nation. He should convince them to cooperate, without undue pressure, to voluntarily agree to cooperate in any way that they possibly can; not because they have to but because they want to cooperate. Their influence among our nation's other businesses would have a tremendous effect by their setting the example of honesty and sincerely trying to help solve the economical problems of today. Of course, the second way to help curb this tremendous inflationary situation is for the Federal Government to curtail its spending in every possible way.

There are other solutions to our problem, but in my opinion these are the prevailing ones as I see them at this time.

Very truly yours,

B. D. BRAY,
President.

Mr. Speaker, the Cooperative League of the USA represents 20 million families across the Nation. This organization's executive committee adopted a resolution on June 12 denouncing the prime rate increase and pointing out the hardship that it has created for the millions of cooperative members in the Nation. Mr. Speaker, I place a copy of the letter from the Cooperative League and its executive committee's resolution in the RECORD:

THE COOPERATIVE LEAGUE
OF THE USA,
June 13, 1969.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PATMAN: The Executive Committee of the Cooperative League of the USA has asked that I express to you the great concern they have with the rapidly rising inflationary spiral caused by the recent increase in the prime rate and the resulting detriment to our entire society. We commend you for your alertness to this issue and the leadership you have taken to reverse the dangerous trend.

The League's resolution action is enclosed and your efforts to resolve these problems will be most appreciated at this time.

Sincerely,

STANLEY DREYER,
President.

HIGH INTEREST RATES AND INFLATION

(Resolution of the executive committee of the Cooperative League of the USA, passed at its June 12, 1969, meeting, Chicago, Ill.)

We, the Executive Committee of the Cooperative League of the USA view, with serious concern, the continuing rise in interest rates about which our board expressed unanimous concern in January, 1968.

We are dismayed at how spiraling interest costs and the accompanying rounds of inflation are permitted to occur apparently unchecked or undisciplined. It is evident that current regulations are not adequate and that new methods and new actions need to be implemented.

Such high interest rates are regularly passed on to agricultural producers and all consumers and have devastating effects on the ability of our nation to solve its problems. The extortionate level of interest rates cannot help but suppress nearly all housing efforts of middle and low-income people and bring hardship and disarray to life plans of the home buyer, the college student, farmers, the small businessman and others.

On behalf of the 20 million families represented in our membership, we ask the Executive and Legislative bodies of our government to call a halt to these economic trends and to take all reasonable means to roll back the interest rates commensurate with the known needs of the country.

Be it resolved that copies of this resolution of deep concern be communicated promptly to the President, chairman of the Federal Reserve Board, chairman of key Congressional committees, and others in authority.

PAUL NEVILLE—A SOURCE OF NEWS POWER

(Mr. McCARTHY was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, last Sunday marked the untimely death of Paul Edwin Neville, executive editor of the Buffalo Evening News. At the age of 50, this leader died and has left Buffalo and the Nation with a gap in the select ranks of those who provide qualities of high dedication and uncompromising courage in these troubled times.

It has been said that democracy is not so much the running of government as the responsibility of the people. Paul Neville exemplified this ideal. Both as executive editor of the News and as a respected civic leader he met this challenge of responsibility.

Early in his career with the Buffalo Evening News, Paul Neville created a department in the paper called "news power." The purpose of this department was to provide a means for people to find answers to problems that the normal channels of responsibility have failed to solve. News power made the Buffalo Evening News a useful source of power for every citizen. It provided what would be called today, a channel for peaceful dissent. As Mr. Neville himself said:

I also think that a newspaper in a community should be ready, willing, and able to get things done for people when regular channels of accomplishment fail for any variety of reasons.

Paul Neville had a strong sense of responsibility to all members of the community. He instituted additional news

coverage of events in the black community.

Paul Neville was also a leader in the highly technical aspects of his profession. Under his leadership the Buffalo Evening News added a lively arts page. It pioneered use of color in the food and women's pages. These additions have made the Buffalo Evening News an interesting and attractive paper to its thousands of readers.

Newspaper editors throughout New York State knew Paul Neville and knew of the hard-hitting voice of the community that he developed with the Buffalo Evening News. In addition to reading his paper, they also could not help but feel the strong force of his personality when he was president of the New York State Society of Newspaper Editors. And this reputation also traveled throughout the American newspaper community when he was director of the American Society of Newspaper Editors and the Associated Press Managing Editors Association.

Paul Neville was a dynamic leader. His massive, rugged appearance reflected on the surface the qualities that he always practiced in action. He radiated energy—and that energy was directed to the highest ideals of the community. Unfortunately, his life was brought to a close at the early age of 50.

I know that all of Buffalo joins me in mourning the passing of this outstanding community leader. He shall be missed.

MORE COURT "JUGGLING"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the public must be constantly amazed at the antics of the Supreme Court. After handing down decision after decision wherein one branch of the Federal Government or State and local governments are told how to conduct their constitutional business—and the Court has admitted they were legislating because the Congress or State legislatures failed to pass laws to the Court's liking—that judicial body raised the issue of "separation of powers" in a simple and unimportant matter over whether or not the President of the United States should speak before the Court in the swearing-in ceremony for Chief Justice Burger.

For 16 years, the Supreme Court has trampled on every concept that even remotely touched separation of powers. The recent Powell decision is but one example of a long series of decisions that have, in one way or another, usurped or infringed upon the power and majesty of the legislative and executive branches of the Federal Government. The Court has steadfastly attempted to impress the public that it is supreme over both the legislative and executive branches of the Government, when in fact the Court is supreme only in the judicial system.

According to the Associated Press, the Court had to do a "delicate bit of juggling" in order to allow the President to speak because "some of the Justices felt that the Constitution's separation of powers would be transgressed were the President to participate directly in a Supreme Court function." Perhaps the point of this juggling was a means whereby the Court could establish some credibility that it still considered the concept of separation of powers as a valid one. The facts of the matter, in terms of Court decisions, would lead to an opposite conclusion. I trust that our colleagues have not been impressed or led astray by this little byplay. The Court has a long way to go—all of it uphill—before it can expect to regain the confidence of the public or the Congress that it is truly interested in the precepts of our Founding Fathers that the Court is a separate but equal entity of the Federal Government.

WALTER REUTHER—CARRYING ON THE FIGHT FOR A SOVIET AMERICA

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, now that Walter Reuther, the titular head of the United Auto Workers, has taken over the Teamsters, and we find SDS dissidents, financed in part by the UAW, involving themselves in labor disputes it may be of value to our colleagues to refresh their memory on just who this Walter Reuther is.

In his sworn testimony before a committee of this House, in 1938, Mr. Herman Luhrs, chairman of the Joint Americanism Commission of the American Legion at Flint, Mich., and a long-time member of the Department Subversive Activities Committee, related the Communist connections of Walter, Victor, and Roy Reuther. He also introduced, under oath, the famous Reuther letter, written by Walter and Victor from the U.S.S.R., in which they call for a Soviet America.

Mr. Speaker, I include Mr. Luhrs' testimony on the Reuther brothers, and several current related newsclippings follow:

INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES

(Hearings before a Special Committee on Un-American Activities, House of Representatives, Seventy-Fifth Congress, Third Session, on H. Res. 282, to investigate (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation)

FRIDAY, OCTOBER 21, 1938

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE SPECIAL COMMITTEE TO INVESTIGATE UN-AMERICAN ACTIVITIES,

Washington, D.C.

TESTIMONY OF HERMAN LUHRS

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Mr. Luhrs, you are chairman of the joint Americanism committee of the American Legion, at Flint, Mich., are you not?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. And a member of the department subversive committee?

Mr. LUHRS. Yes, sir. That committee is composed of delegates from the six Legion posts at Flint, Mich. That joint Americanism committee consists of committeemen from each of the six Legion posts at Flint, Mich.

The CHAIRMAN. How long have you been interested in this character of work?

Mr. LUHRS. I have been a member of the Americanism committee for possibly 7 or 8 years.

The CHAIRMAN. You have had occasion to make an active investigation with regard to subversive activities in that area, have you not?

Mr. LUHRS. Yes, sir. My interest was first aroused in 1933, when the Duncan-Baldwin bill was introduced at Lansing. There was some question of the bill being opposed by pressure from subversive groups, which forced this bill back onto the platform in public debate. At that time our past department commander, now deceased, Mr. Lester O. Moody, was our proponent of the bill, and, also former Governor Brucker.

The CHAIRMAN. We have had some testimony on that bill. The sum and substance of it is that outstanding Communists opposed and fought the bill.

Mr. LUHRS. Yes, sir. They were not only the Communists fighting the bill about whom you have had testimony.

The CHAIRMAN. Have you run into the organization known as the Professional League for the Protection of Civil Rights?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Who heads it?

Mr. LUHRS. I think the chairman of the league is Rev. Bolens, of Detroit. That started in Flint, Mich. The first time we saw this movement was in a lecture by Walter Reuther, which happened on March 18, 1933, when Walter Reuther spoke at the Masonic Temple. He had spent 33 months in Europe.

Mr. MOSIER. In Russia?

Mr. LUHRS. Yes, sir. He told the audience that he went through Germany, Italy, and other European countries. He had traveled through them on a bicycle, spending 33 months in Europe, most of the time in Russia.

The CHAIRMAN. He was praising Russia and the wonderful things that had been accomplished there?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. His speech was given as a lecture for the League for Peace and Democracy, was it not?

Mr. LUHRS. No, sir; at that particular time he made his speech under the auspices of the Young People's Socialist League, which was the forerunner of the League for Protection of Civil Rights.

He mentioned the fact that the people in Russia who did good work had a red flag on their machines; but if they did poor work they had a burlap sack placed on them. It was not unusual to hear men talk about Russia. At this meeting Walter Reuther was asked this question: "Do you believe in religion and God or in science as a religion?" His answer was, "We do not believe in God but that man is God." That is when we first began to check on Reuther's subversive activities.

The CHAIRMAN. You have a copy of a letter that was written by Reuther from Russia, have you not?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Where is that letter?

Mr. LUHRS. I have it here.

The CHAIRMAN. It is a copy of the letter?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Do you know that it is a correct copy of the letter?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. You may read the letter,

or you may take it up in order when you come to it.

Mr. LUHRS. Following the lecture of Walter Reuther there was a series of meetings held in a hall adjoining the Methodist Church, on Court Street, in Flint, under the auspices of the League for Industrial Democracy. Several meetings were held at that time, and occasionally speakers were brought in there. We kept watching them. We knew that they were a front organization, but we were not able to do much about it until they brought Roger Baldwin in there. So far as Roger Baldwin's record is concerned, I refer you to House Report No. 290, where he testified in favor of the overthrow of the Government by force and violence.

The CHAIRMAN. Roger Baldwin wrote a book or an article in 1935 in which he said that communism was the goal.

Mr. LUHRS. Yes, sir.

The CHAIRMAN. That has been introduced in evidence. He is the head of the American Civil Liberties Union.

Mr. LUHRS. Yes, sir; the American Civil Liberties Union made its appearance in Flint and the first meeting was held at the Durant Hotel on February 11, 1936. The League for Industrial Democracy had stopped holding meetings in the Court Street Church and that was later changed to the Contemporary Problems Club. L. R. Manning, the chairman of the meeting, made the statement that due to circumstances they were unable to hold any meetings under the auspices of the League for Industrial Democracy. At the first meeting after the change D. Goodwin Watson was the first speaker. He spoke at the Y.M.C.A. hall. I have a letter that Dr. Goodwin Watson sent to the superintendent of our schools at Flint, wherein he invited him to take a trip to Russia. I mention this to tie him up with the front organization. He starts out by saying:

"The most fascinating cultural transformation today is that of the Soviet Union, and we shall have excellent opportunities to get first-hand experience in some of their achievements and deficiencies.

I have spoken of the Contemporary Problems Club, and I will say that they were people who were citizens of Flint, and who I cannot say were Communists, but they were sympathetic toward this movement. I have a long list of names here of people who attended the meetings. One of the most outstanding speakers that came there under the auspices of the organization was Mary Van Kleeck. She spoke in room 217, Y.W.C.A., on April 24, 1937. Her subject was Creative America. She went on to present the matter, as she saw it at that time, and was very critical of the American Legion and the D.A.R. She was asked the question, "What is the churches' position in regard to this new changing social order?" Mary Van Kleeck was very much embarrassed by the question, but she finally answered that "The church of tomorrow will be one of antichurch Christianity." She said that under the changing order, it would be antichurch. Whereupon, Miss Van Kleeck left the meeting, as she was scheduled to give a talk at the Pengelly Building, which is the headquarters of the U.A.W.U. in Flint.

Then a meeting of the American Civil Liberties Union was held on February 25, 1937. That was during the sit-down strike in Flint. The meeting was held in the ballroom of the Durant Hotel. The protest meeting, in January 1937, was first announced in a closed Communist meeting in Detroit, with Weinstone presiding.

The CHAIRMAN. How was that?

Mr. LUHRS. The first announcement was made in a closed Communist meeting in the city of Detroit.

The CHAIRMAN. The first announcement of what?

Mr. LUHRS. The meeting of the American Civil Liberties Union. At this meeting several resolutions demanding the impeachment of Judge Black and Police Chief James V. Willis were offered. The speakers were Prof. Robert Lovett, M. Sugar, Weinstone, Victor and Roy Reuther, Frank Martell, Robert Traverse, and Mr. Kruse, who was an organizer. There were several other meetings held around, and there was the Emergency Peace Campaign. I think you have had some testimony as to the nature of that organization. We have members of the department committee in other towns investigating certain of those activities.

I happened to go to Lansing on May 22, 1937, where a meeting of the Conference for Protection of Civil Rights at Lansing was held. Reverend Bolen, of Detroit, was chairman of the meeting, and the speakers on the program were John Read, of Lansing, who represents the American Federation of Labor at Lansing; Pat O'Brien, of Detroit, Robert Travis, of Flint, who spoke twice at the meeting; Walter Bergman, a professor at Ann Arbor; Robert Passage, who was very active in union forces around the city of Flint, and who had a bodyguard with him that day, and a man by the name of Charles Gates was present speaking for Senator Diggs, both of whom are colored. There was also present Genevieve Evanoff, a school teacher of Flint, Mich., and the wife of Mike Evanoff, a U.A.W.U. lawyer from Flint, who was one of the speakers. Mr. Weinstone, the secretary of the Communist Party of Detroit, was a speaker, and there was a man named Mr. Hammer, who was shot in Fisher No. 2 riot in Michigan. Reverend Knox, of Detroit, was also there. The object of the meeting was the approving of bills pending before the State legislature at Lansing. One of the things we were most interested in was the definite subversive nature of the meeting. When Mr. Weinstone spoke, he ended his speech dramatically by holding up $10, and saying that it was donated to the Communist Party. They approved a list of bills that day. There was quite a large amount of Communist literature, including the Daily Worker, the official organ of the Communist Party, which was sold at this meeting.

Then another meeting that popped up at Flint was held in the National Guard Armory.

The CHAIRMAN. What kind of meeting was it?

Mr. LUHRS. An antilynching bill meeting or demonstration.

The CHAIRMAN. Was that sponsored by the League for Protection of Civil Rights?

Mr. LUHRS. No, sir; it was sponsored by the U.A.W.U. The audience was quite small at this particular meeting. Several telegrams were read in the meeting asking that they be recorded as being unable to come to the meeting. One in particular was from Gov. Frank Murphy saying, "Wish you every success. Regret I am unable to be with you." They had the usual kind of telegrams from all over the State of Michigan. I have here a copy of the Daily Worker that was bought at that meeting.

Now, we will go down to recent meetings. There was the anti-war demonstration held in the Flint Park dance hall. They expected 4,000 people to be at this meeting, but there were only 300 people in attendance. Kermit Johnson was active in arranging this meeting, and Reverend Atkins, district superintendent of the Methodist Church, was chairman. The speakers included Maynard Krueger, of the University of Chicago, who made quite a lengthy talk. Homer Martin also made a speech.

Mr. MOSIER. When was that meeting held?

Mr. LUHRS. May 21, 1938.

Then, we had another meeting on July 21, 1938, sponsored by the local committee for the support of Spanish democracy, which was affiliated with the North American Committee to Aid Spanish Democracy. The purpose of the meeting was to raise funds for medical supplies, doctors, hospitals, and nurses for the Loyalist Government of Spain. Rev. Michael O'Flannigan was a speaker at this meeting.

The CHAIRMAN. Was the Daily Worker sold at that meeting?

Mr. LUHRS. No, sir; it was not sold there.

The CHAIRMAN. Let us go briefly into the report you have.

Mr. LUHRS. I merely bring that in to show the type of meetings that were held.

There was another meeting of the Flint Committee to Aid Spanish Democracy. Then, in Detroit, there was a meeting at the Cass Technical High School, when Senator Robert La Follette spoke. The chairman of the meeting was Rev. Fred G. Poole, of Detroit, and he was assisted by Rev. John H. Bollens, chairman of the Civil Rights Federation, who also spoke.

Mr. MOSIER. When was that meeting held?

Mr. LUHRS. On February 28, 1938, at 8:30 p.m.

The CHAIRMAN. Was that sponsored by the Conference for the Protection of Civil Rights?

Mr. LUHRS. Yes, sir. There was such a mass of Communist literature at this meeting that it took the Detroit police department approximately 48 hours to clear it out.

The CHAIRMAN. What was that?

Mr. LUHRS. There was so much of this literature that it was not cleaned up until approximately 48 hours after the meeting was held. That gave the school children a good chance to pick up this literature.

The CHAIRMAN. I suppose there was a notice in the lobby that the same literature could be obtained at a certain book store.

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Collective security material.

Mr. LUHRS. Yes, sir; it was the general run of their literature.

On February 19, 1938, they had a speaker to come to Flint by the name of G. William Kunze. Mr. Kunze was the representative from the German bund, and this was the first Nazi meeting held in Flint. The chairman of the meeting was Erie Betterman, 1228 Pershing Street. He was a roomer at the home of the former city manager, Mr. William Findlater. Mr. Findlater was discharged by the city because of the riot at the Mary Fea Candy Co. He acted as chairman of the meeting, and stated that he was the bund agent at Flint, Mich. However, we watched that movement closely, and found that Betterman got very little support from Michigan people in Flint. There have been no bund meetings held since that time. At that particular time, I asked Mr. Kunze a few questions. I asked if he was paid by the German Government, or if he was paid by the German bund in New York. He stated at that time that his expenses were paid by the bund movement in New York.

We had occasion to visit Detroit on two occasions. One was a huge anti-Nazi rally, and there were about 5,000 people at that meeting. I learned from the men who were in charge of selling the literature there that $2,000 worth of subversive and Communist literature was sold at this meeting. Victor Reuther was a speaker at this meeting. They took in a very large amount of money. I recall particularly a statement made by Victor Reuther that they had to have money to carry on this movement. He said, "Dig down in your pockets, and if you owe the landlord money, let him wait." He said, "This movement must go on."

There was another meeting on January 18, 1938, of which Earl Reno was chairman. Mr. Hathaway, editor of the Daily Worker, was a speaker.

The Lovestone group held a series of meetings. One was held at Detroit, December 12, 1937, when J. Lovestone was the speaker. We also had occasion to attend a meeting where Earl Browder was the speaker. When Weinstone and Browder were in Flint, they had several meetings. Mr. Savage acted as chairman of one of those meetings. They had

several men coming in there as speakers. Victor Reuther spoke on January 13, 1938.

The reason I mention these names so much is because different members of the U.A.W.U. interested in the activities of this subversive movement come to us and ask us to point out the members who are members of the Communist Party.

At a meeting at Flint a delegation from Buick Liberty Motor Post No. 310, American Legion, attended a Communist meeting in Flint, where Mother Bloor was the main speaker. She painted a rosy picture of Soviet Russia and said how much better off the people of that country were than those here in America.

William Weinstone was a speaker on several occasions, and on one occasion William Weinstone did not get there, and Eugene Fay spoke in his place. He was formerly educational director of the U.A.W.U. Last spring he was cited by the Communist Party for obtaining 30 new members.

On May 11, 1938, an organizational meeting was held at 109½ West Second Avenue, upstairs, to start a labor institute which was described as a new organization. It was the first meeting. Walter Reuther was billed as the main speaker. However, after about an hour's delay, he did not show up. About 200 people attended, and Roy Reuther spoke instead of Walter Reuther. A man named Sloan was chairman of the committee, and he was assisted by Kermit Johnson, of Flint, a Chevrolet worker. Roy Reuther made quite a lengthy speech, and the thing that interested me particularly was his reference to the American soldier. He said a man was crazy to put on a uniform, and that he would much prefer his blue suit to any uniform that could be placed on him. When Roy Reuther talked about an hour, and Walter Reuther did not put in an appearance, they served free beer and sandwiches. The audience was not made up of the usual riffraff that you see at these meetings, but some of the women were in evening clothes, and there was an orchestra playing. There was dancing. Kermit Johnson told them that they should sing a song before they adjourned, and the song sheets were passed out. It was the Russian International, which was sung twice. I have a copy of the statement put out at this meeting with me here, advocating a boycott of Chevrolet.

Kermit Johnson led the group in singing the Russian International. The one I was particularly watchful of at this time was Roy Reuther, who stood at a Communist salute, singing the Russian International. This song was sung not only once, with great gusto, but it was sung twice. They sang it through both times.

Communist literature was also passed out at this meeting.

The CHAIRMAN. Let us hurry on, Mr. Luhrs. You have given a pretty good background now.

Mr. LUHRS. To get down to the Reuthers, we made quite an extensive check on them, due to the fact that we had so many requests from the U.A.W.A. to do that. The whole town was beginning to get suspicious of these two men, owing to their active part in the strike at that time.

I had occasion to get a copy of this letter which was sent from Russia to Merlin Bishop. Do you want me to read this letter?

The CHAIRMAN. Yes; read the letter.

Mr. LUHRS. The letter says:

"DEAR MEL AND GLAD: Your letter of December 5 arrived here last week from Germany and was read with more than usual interest by Wal and I. It seemed ages since we had heard from you, so you might well imagine with what joy we welcomed news from Detroit. It is precisely because you are equally anxious I know to receive word from the 'Workers' Fatherland' that I am taking this first opportunity to answer you.

"What you have written concerning the strikes and the general labor unrest in Detroit plus what we have learned from other sources of the rising discontent of the American workers, makes us long for the moment to be back with you in the front lines of the struggle; however, the daily inspiration that is ours as we work side by side with our Russian comrades in our factory"—

And he has "our" underlined—

"the thought that we are actually helping to build a society that will forever end the exploitation of man by man, the thought that what we are building will be for the benefit and enjoyment of the working class, not only of Russia but the entire world, is the compensation we receive for our temporary absence from the struggle in the United States. And let no one tell you that we are not on the road to socialism in the Soviet Union. Let no one say that the workers in the Union of Soviet Socialist Republics are not on the road to security, enlightenment, and happiness.

"Mel, you know Wal and I were always strong for the Soviet Union. You know we were always ready to defend it against the lies of reactionaries. But let me tell you, now that we are here seeing all the great construction, watching a backward peasantry being transformed into an enlightened, democratic, cultured populus, now that we have already experienced the thrill, the satisfaction of participating in genuine proletarian democracy, we are more than just sympathetic toward our country"—

"Our" is underlined again—

"we are ready to fight for it and its ideals. And why not? Here the workers, through their militant leadership, the proletarian dictatorship, have not sold out to the owning class like the S.P. in Germany and like the Labor Party in England. Here they have against all odds, against famine, against internal strife and civil war, against sabotage, against capitalist invasion and isolation, our comrades here have maintained power, they have won over the masses, they have transformed the 'dark masses' of Russia into energetic, enlightened workers. They have transformed the Soviet Union into one of the greatest industrial nations in the world. They have laid the economic foundation for socialism, for a classless society. Mel, if you could be with us for just 1 day in our shop you would realize the significance of the Soviet Union. To be with us in our factory Red Corner at a shop meeting and watch the workers as they offer suggestions and constructive criticism of production in the shop. Here are no bosses to drive fear into the workers. No one to drive them in mad speed-ups. Here the workers are in control. Even the shop superintendent has no more right in these meetings than any other worker. I have witnessed many times already, when the superintendent spoke too long, the workers in the hall decided he had already consumed enough time and the floor was then given to a lathe hand who told of his problems and offered suggestions. Imagine this at Ford's or Briggs'. This is what the outside world calls the 'ruthless dictatorship in Russia.' I tell you, Mel in all the countries we have thus far been in, we have never found such genuine proletarian democracy. It is unpolished and crude, rough and rude, but proletarian workers' democracy in every respect. The workers in England have more culture and polish when they speak at their meetings, but they have no power. I prefer the latter.

"In our factory, which is the largest and most modern in Europe, and we have seen them all, there are no pictures of Fords and Rockefellers, or Roosevelts and Mellon. No such parasites, but rather huge pictures of Lenin, * * * etc., greet the workers' eyes on every side. Red banners with slogans "Workers of the world unite" and draped across the craneways. Little red flags fly from the tops of presses, drill presses, lathes kells, etc. Such a sight you have never seen before. Women and men work side by side—the women with their red cloth about their heads, 5 days a week (our week here is 6 days long). At noon we all eat in a large factory restaurant where wholesome plain food is served. A workers' band furnishes music to us from an adjoining room while we have dinner. For the remainder of our 1-hour lunch period we adjourn to the Red Corner recreation, where workers play games, read papers and magazines or technical books, or merely sit, smoke, and chat. Such a fine spirit of comradeship you have never before witnessed in your life. Superintendent leaders and ordinary workers are all alike. If you saw our superintendent as he walks through the shop greeting workers with "Hello, Comrade," you could not distinguish him from any other worker.

"The interesting thing, Mel, is that 3 years ago this place here was a vast prairie, a waste land, and the thousands of workers here who are building complicated dies and other tools were at that time peasants who had never before even seen an industry, let alone worked in one. And by mere brute determination, by the determination to build a workers' country second to none in the world, urged on by the spirit of the revolution, they have constructed this huge marvelous auto factory which today is turning out modern cars for the Soviet Union. Through the bitter Russian winters of 45° below they have toiled with bare hands, digging foundations, erecting structures; they have, with their own brute strength, pulled the huge presses into place and set them up for operation. What they have here they have sacrificed and suffered for; that is why they are not so ready to turn it all over again to the capitalists. That is why today they still have comrades from the Red Army on guard at the factory at all times to prevent counterrevolutionists from carrying on their sabotage.

"About a 20-minute walk from the factory an entirely new Socialist city has grown up in these 3 years. Here over 50,000 of the factory workers live in fine new modern apartment buildings. Large hospitals, schools, libraries, theaters, and clubs have sprung up here and all for the use of those who work, for without a worker's card one cannot make use of these modern facilities. Three nights ago we were invited to the clubhouse in "Sosgor" (Socialist City) to attend an evening of enjoyment given by the workers of the die shop. Imagine, all the workers with whom we daily work came together that evening for a fine banquet, a stage performance, a concert, speeches, and a big dance. A division of the Red Army was also present as guests. In all my life, Mel, I have never seen anything so inspiring. Mel, once a fellow has seen what is possible where workers gain power, he no longer fights just for an ideal, he fights for something which is real, something tangible. Imagine, Mel, Henry Ford throwing a big party for his slaves. Here the party was no gift of charity from someone above, for we own the factory, we held the meeting and decided to have the party, and it was paid for from the surplus earnings of our department. What our department does is typical of the social activities which are being fostered throughout the entire factory and the entire Soviet Union.

"Mel, we are witnessing and experiencing great things in the Union of Soviet Socialist Republics. We are seeing the most backward nation in the world being rapidly transformed into the most modern and scientific, with new concepts and new social ideals coming into force. We are watching daily socialism being taken down from the books on the shelves and put into actual application. Who would not be inspired by such events?

"And now my letter is getting long and still I have said little, for there is so much to say and so little time in which to do it. We have written Merlin and Coach"—

I might say that Merlin Bishop is a brother of Melvin Bishop. Melvin Bishop was the

educational director of the C.I.O. "Coach" is a nickname they have for Roy Reuther. [Continuing:]

"We have written Merlin and 'Coach' rather lengthy letters and have requested they forward them to you to save duplicity of material. I believe there is little in this letter which they have not already received, so there will be no need of your forwarding this to them.

"A word about your letter. You mentioned that * * *."

Roy Reuther typed this letter from the original letter, and he left out a portion of it right there. He says:

"Keep your eye on the S.P. It being affiliated to the Second International I am not so certain it is 'drifting' in the right direction, certainly not in the light of recent events."

The S.P. is an organization in Germany.

"Let us know definitely what is happening to the Y.P.S.L. and also the Social Problems Club at C.C.C. * * *"

The Y.P.S.L. is a Young People's Socialist League, and the Social Problems Club is an organization in the C.C.C. camps.

"Carry on the fight for a Soviet America.

"VIC and WAL."

Mr. MOSIER. That letter was written by Victor and Walter Reuther?

Mr. LUHRS. I would take, from the way it is signed, "Vic. and Wal.," that the letter was written by Victor Reuther.

Mr. MOSIER. To whom?

Mr. LUHRS. To Melvin Bishop. It is addressed to "Dear Mel and Glad." It is Melvin Bishop and his wife, Gladys.

Mr. MOSIER. What is the date?

Mr. LUHRS. January 20, 1934. This was sent from Abmozazoof, Topkini.

Mr. MOSIER. That is a place in Russia?

Mr. LUHRS. Yes. His address is printed on the back—"Victor G. Reuther, B. Paumep, Anepikarakin 11, Don. 4," and then this name that I gave you on the top—"C.C.C.P., U.S.S.R."

Melvin is a brother of Merlin, of course, as I mentioned.

The CHAIRMAN. I think we have about as much of that as we need. Is there anything more that you think is important that we ought to ask?

Mr. LUHRS. Well, I could go on about how the Communists work in the schools. It would take quite a little while to finish it at this time.

The CHAIRMAN. You mean you have information about how they began working in the school system?

Mr. LUHRS. Yes; and about how they work in the U.A.W. It leads right up to the strikes.

[From the Washington Post, May 26, 1969]

TEAMSTERS, UAW LAUNCH ALLIANCE

(By William J. Eaton)

The soft-voiced man who is running the Teamsters while James R. Hoffa is in Federal prison joins with Walter P. Reuther today to launch a new labor power center with an initial membership of nearly 4 million.

About 500 delegates are attending the first national conference of the Alliance for Labor Action—a potential rival of the huge AFL–CIO, which expelled the Teamsters in 1957 and saw Reuther's United Auto Workers go off on its own last year.

The Teamster views will be expressed by Frank E. Fitzsimmons, 61, general vice president of the giant union, a relatively conservative counterpart to Reuther, the legendary liberal who parted company with the AFL–CIO on grounds it lacks "social vision and dynamic thrust."

"Fitz," as he is called, is taking a low-key cautious approach to the work of the new organization. He sees it primarily as an extension of traditional trade union cooperation on organizing, bargaining and community programs.

Fitzsimmons is careful to leave the door open for the two unions to travel separate roads on endorsements of political candidates. The Teamsters often have been more concerned with state and local elections than presidential and Congressional races.

In some respects, the UAW–Teamster alliance is like forming a coalition of Americans for Democratic Action and the American Legion to work out a program on patriotism. Even though both groups may believe in the concept, their clashing traditions and personalities might hinder real co-operation.

Reuther and his union were on George Meany's side when the AFL–CIO threw out the Teamsters on charges that they were dominated by corrupt elements—meaning, among others, Jimmy Hoffa. If Hoffa is released from prison and resumes control over the truckers union, it might present an insuperable barrier for the new Alliance.

Both unions have promised to put up 10 cents per member each month to build the Alliance's treasury. That could provide a yearly income of $4.2 million and each union is expected to provide some organizers for joint projects, too.

Fitzsimmons says Reuther first approached him with the Alliance plans in April, 1968, at the funeral of the Rev. Dr. Martin Luther King Jr. in Atlanta. They met a week later and finally adopted a working agreement last July. At least a dozen meetings have been held to discuss detailed plans.

The Teamsters are willing to let Reuther make most of the speeches, but they want and will receive an equal voice in decisions on the Alliance's actions. No executive director has been chosen for the organization yet—a selection that may reveal the speed and direction of the Alliance's course.

Meany and the AFL–CIO executive council already have served warning that AFL–CIO affiliates cannot join the Alliance without risking expulsion from the federation. Nevertheless, many observers from AFL–CIO unions are expected to attend the conference to take a look at the unlikely labor combination.

Labor Secretary George P. Shultz is scheduled to address the conference at the Washington Hilton today.

[From the Washington Post, May 26, 1969]

BLACKS FORM UNION WITH AID FROM UAW

SUFFOLK, VA., May 25.—Cleveland Robinson, a former school teacher and Negro immigrant from Jamaica, heads a new union formed by blacks unhappy with the AFL–CIO.

The organization, the National Council of Distributive Workers of America, hopes to get on its feet with a grant of $125,000 and 200 organizers from Walter Reuther's United Auto Workers.

About 75 persons, most of them Negroes, voted to break away from the Retail, Wholesale and Department Store Union (RWDSU) of the AFL–CIO and form an independent labor organization at a meeting here Saturday.

Robinson said the main reason for the break with the AFL–CIO was that there are no blacks in its top posts.

He said the new union would "represent all the oppressed workers in the country," including blacks, Puerto Ricans, Mexican-Americans and whites.

[From the Washington Post, June 16, 1969]

SDS AIDING THREE LABOR STRIKES

The drive by the Students for a Democratic Society to forge a national coalition with workers has netted roles in three labor strikes and posting of two small cards on a Texas defense plant's walls.

An Associated Press spot check around the country found little evidence SDS members are getting on factory payrolls.

Tangible results so far are two cards—not necessarily posted by SDS members—that turned up on walls at the Ling-Temco-Vought Aerospace Corp. plant at Grand Prairie, Tex.

SDS appeared on the signs in large letters above and below the slogan, "If you're no part of the solution, you're part of the problem."

But SDS groups have had little trouble associating themselves with three strikes.

In Washington, about 30 SDS-led students are marching side-by-side with truck drivers and warehousemen striking the Curtis Brothers Furniture Co.

The striking truck drivers and warehousemen say they want no association with SDS. But they say the students are helping the strike and have taken no strong measures to keep them away.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. WOLFF (at the request of Mr. PODELL), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS); to revise and extend their remarks and to include extraneous matter to:)

Mr. DUNCAN, on June 24, for 30 minutes.

Mr. MESKILL, on July 9, for 60 minutes.

Mr. HALPERN, today, for 5 minutes.

Mr. CONTE, today for 10 minutes.

Mr. POLLOCK, today, for 3 minutes.

Mr. HOSMER, on June 30, for 15 minutes.

(The following Members (at the request of Mr. CORMAN); to revise and extend their remarks and to include extraneous matter to:)

Mr. REUSS, for 10 minutes today.

Mr. TUNNEY, for 60 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. VANIK, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL and to include extraneous matter.

Mr. WALDIE in two instances and to include extraneous matter.

Mr. ANDERSON of Illinois to revise and extend his remarks and include extraneous matter during general debate on H.R. 12167.

Mr. KOCH to extend his remarks following those of Mr. DADDARIO on the Science Foundation.

Mr. ROGERS of Florida (at the request of Mr. EVINS of Tennessee) during debate in the Committee of the Whole today on the independent offices and Department of Housing and Urban Development appropriation, 1970.

Mr. TEAGUE of Texas (at the request of Mr. EVINS of Tennessee) during debate in the Committee of the Whole today on

the independent offices and Department of Housing and Urban Development appropriation, 1970.

Mr. MADDEN in two instances and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS), and to include extraneous matter:)

Mr. QUILLEN in four instances.
Mr. POLLOCK in two instances.
Mr. BROCK in two instances.
Mr. ANDREWS of North Dakota.
Mr. TAFT.
Mr. MCKNEALLY.
Mr. CARTER.
Mr. WYATT.
Mr. ESHLEMAN.
Mr. WHITEHURST in two instances.
Mr. STEIGER of Arizona in two instances.
Mr. REID of New York in two instances.
Mr. ESCH.
Mr. ASHBROOK.
Mr. BROTZMAN.
Mr. FRELINGHUYSEN.
Mr. WYDLER.
Mr. BELL of California.
Mr. BROYHILL of Virginia.
Mr. SHRIVER.

(The following Members (at the request of Mr. CORMAN) to extend their remarks and include additional matter:)

Mr. JONES of Tennessee.
Mr. MCFALL.
Mr. ABBITT in two instances.
Mr. JACOBS in two instances.
Mr. EILBERG.
Mr. GONZALEZ in two instances.
Mr. DINGELL in two instances.
Mr. BINGHAM in three instances.
Mr. MOORHEAD in six instances.
Mr. BOLAND in two instances.
Mr. FOUNTAIN in two instances.
Mr. NICHOLS.
Mr. UDALL in eight instances.
Mr. RARICK in three instances.
Mr. PUCINSKI in ten instances.
Mr. EDWARDS of California.
Mr. THOMPSON of New Jersey in two instances.
Mr. BRADEMAS in six instances.
Mr. KYROS in two instances.
Mr. BENNETT in two instances.
Mr. RODINO in two instances.
Mr. ANDERSON of California.
Mr. DE LA GARZA.
Mr. WOLFF.
Mr. RIVERS.
Mr. GALIFIANAKIS.
Mr. FRASER.
Mr. ICHORD.
Mr. PATMAN.
Mr. KASTENMEIER.
Mr. HAMILTON.
Mr. POWELL in two instances.
Mr. DENT.
Mr. DULSKI.
Mr. BRASCO.
Mr. EDMONDSON in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes;

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An Act to incorporate the National Education Assocation of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Sp. 4c. Klaus Josef Strauss.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes.

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Specialist Four Klaus Josef Strauss.

ADJOURNMENT

Mr. TUNNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 25, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

884. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project V–277 in Los Angeles County, Calif., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

885. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes; to the Committee on Public Works.

886. A letter from the Acting Administrator of General Services, transmitting copies of a prospectus for alterations at the General Accounting Office Building, Washington, D.C., pursuant to the provisions of the Public Buildings Act of 1959; to the Committee on Public Works.

887. A letter from the Acting Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide for appointment of certain persons in the Nursing Service in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Report entitled "Improved Manpower Management in the Federal Government—Examples for the Period July–December 1969" (Rept. No. 91–323). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91–324). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 453. Resolution for consideration of H.R. 12290, a bill to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes (Rept. No. 91–325). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 12337. A bill to provide for the elimination of restrictions on the holding of any interest in, or on the transfer of, real property based on race, color, national origin, or religion that are contained in instruments affecting title to real property which are filed in the Office of the Recorder of Deeds of the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANNUNZIO:

H.R. 12338. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BENNETT (for himself, Mr. SIKES, Mr. HALEY, Mr. FASCELL, Mr. ROGERS of Florida, Mr. PEPPER, Mr. FUQUA, Mr. GIBBONS, and Mr. CHAPPELL):

H.R. 12339. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. BIESTER:

H.R. 12340. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. BROWN of Michigan:

H.R. 12341. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. BURKE of Florida:

H.R. 12342. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in benefits, to increase the minimum survivor's benefit, and to liberalize the retirement test; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 12343. A bill to provide that the historic San Francisco Mint shall be made a national monument; to the Committee on Public Works.

By Mr. BUTTON:

H.R. 12344. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12345. A bill to amend title 39, United States Code, to provide work clothing for postal field service employees engaged in vehicle repair or maintenance, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLAY:

H.R. 12346. A bill to amend the Internal Revenue Code of 1954 to increase (by providing an additional $600 exemption) the personal income tax exemption allowable with respect to certain dependents; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 12347. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mr. ABBITT, Mr. WHITEHURST, Mr. BROYHILL of Virginia, Mr. DANIEL of Virginia, Mr. SCOTT, and Mr. WAMPLER):

H.R. 12348. A bill to amend the River and Harbor Act of 1965 to increase the authorization for the Chesapeake Bay Basin study, the construction of a hydraulic model of the Chesapeake Bay Basin and associate technical center; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 12349. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN:

H.R. 12350. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of application for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 12351. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 12352. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. KUYKENDALL:

H.R. 12353. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLORY:

H.R. 12354. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. MARSH:

H.R. 12355. A bill to amend chapter 44 of title 18, United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 12356. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. NICHOLS:

H.R. 12357. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 12358. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 12359. A bill to provide an improved and enforceable procedure for the notification of defects in tires; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 12360. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 12361. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12362. A bill to provide for the addition of certain lands to the Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12363. A bill to authorize the Secretary of the Interior to designate within the Department of the Interior an officer to establish, coordinate, and administer programs authorized by this act, for the reclamation, acquisition, and conservation of lands and water adversely affected by coal mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12364. A bill amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 12365. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12366. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12367. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

H.R. 12368. A bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12369. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 12370. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 12371. A bill to create a commission to make a comprehensive study and investigation of the discharge of oil and other pollutants from vessels, onshore and offshore facilities, and other sources into or upon the navigable waters of the United States or adjoining shorelines; to the Committee on Public Works.

H.R. 12372. A bill to coordinate national conservation policy by establishing a Council of Conservation Advisers, and for other purposes; to the Committee on Rules.

H.R. 12373. A bill to establish a Council on Environmental Quality, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STAGGERS:

H.R. 12374. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER:

H.R. 12375. A bill to facilitate the movement of persons and goods in interstate commerce, and to aid in eliminating the burdens on interstate commerce which result from lack of adequately coordinated transportation facilities in many parts of the United States, through a comprehensive program of Federal assistance to States and localities to aid in the provision of such facilities; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 12376. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 12377. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and to contribute to flood control, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDREWS of Alabama:

H.R. 12378. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 12379. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 12380. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 12381. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 12382. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KEITH:

H.R. 12383. A bill relating to the compensation to be paid to owners of riparian property which is taken by the United States; to the Committee on Public Works.

By Mr. McDADE:

H.R. 12384. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. ROYBAL:

H.R. 12385. A bill to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital; to the Committee on Interior and Insular Affairs.

H.R. 12386. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment

in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 12387. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 12388. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF:

H.R. 12389. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. DOWDY (for himself and Mr. DENNIS):

H.J. Res. 791. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. BRASCO:

H.J. Res. 792. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.J. Res. 793. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. BUTTON:

H.J. Res. 794. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CLAY:

H.J. Res. 795. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 293. Concurrent resolution support of gerontology centers; to the Committee on Education and Labor.

By Mr. WOLD:

H. Con. Res. 294. Concurrent resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower; to the Committee on House Administration.

By Mr. BUTTON:

H. Res. 452. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 454. Resolution creating a select committee to study the impact of East-West trade and assistance to nations which support aggression, directly or indirectly; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 12390. A bill for the relief of Antonio Caputo; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 12391. A bill for the relief of Dolores M. Maga; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 12392. A bill for the relief of Dr. Pedro Cho Eng Co; to the Committee on the Judiciary.

By Mr. CÓRDOVA:

H.R. 12393. A bill for the relief of Maria del Carmen Fernandez Fernandez; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 12394. A bill for the relief of Paolo Raffaelli; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 12395. A bill for the relief of Earl J. Krotzer; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12396. A bill for the relief of Lucien Le Minez; to the Committee on the Judiciary.

By Mr. KING:

H.R. 12397. A bill for the relief of Mrs. Antoinette L. Brown; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 12398. A bill for the relief of Domenico Annibale; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 12399. A bill to authorize the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Kerin W.* to be documented as a vessel of the United States with coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. WIGGINS:

H.R. 12400. A bill for the relief of Tae Pung Hills; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

156. The SPEAKER presented a petition of Doug Shear, Arlington, Tex., relative to taxation of State and local government securities, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

OPPOSITION TO PAY TV

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. CELLER. Mr. Speaker, from time to time, over the past 12 years, it has fallen to me to inveigh and warn against a seductive but potentially lethal expedient whose adoption would threaten the continued existence of one of the most cherished and widely enjoyed fruits of modern technology—the privilege of receiving television programs without charge.

I refer to the proposed authorization of so-called subscription TV–STV—a technique formerly and more candidly referred to as "pay TV," because if it is authorized and instituted, we, the viewing public, will pay and pay and pay. We will pay not only the subscription price which, at first, will no doubt be moderate. Much more significantly, we will pay in the siphoning off of the better program which will slowly but surely be withdrawn from the present sphere of free broadcast entertainment, with a steady decline in the quality of TV fare available under what is left of the free reception system.

As I take the floor today on this perennial issue, I shall necessarily repeat much that I have had to say time and time again. I must do so because there is nothing really new about this ill-conceived proposal which would destroy TV as we know it and would turn the price of a TV set into a mere downpayment, subject to further charges, program by program, till the end of time.

Today, I shall merely summarize the principal reasons why pay TV should be rejected.

First. The radio spectrum is a precious natural resource which belongs to the people, not to licensees. There is and will always be a critical shortage of frequencies. Free TV, with all its faults, and they are many, has become a birthright of all Americans and must be carefully preserved.

Second. The promise of better and more diverse program sources is a mirage. True, the best of present TV fare will be diverted to the pay TV channels, but this only means that we will have to pay for what we now receive without charge. Sports events and first-run movies will be among the first to go.

Third. It is now established that between 20 and 30 percent of our population would not be in a position to afford pay TV service. The proposal would create a caste system among television viewers, between those who can and those who cannot afford to pay.

Fourth. The promise that pay TV will be required to abstain from commercials cannot be kept. If pay TV succeeds, it will generate irresistible pressures for added advertising revenue.

Fifth. The admission of pay TV to the already heterogeneous roster of activities that are being inadequately regulated by the Federal Comunications Commission will further compound existing confusion concerning the relationships among broadcasters, networks, CATV, and satellites.

Sixth. The Hartford pay TV experiment has not been an outstanding success. It hardly warrants further disruption of communications patterns. But whether pay TV would succeed or whether it would fail, it ought not to be unloosed at the expense of the viewers of free TV.

Mr. Speaker, the FCC has given us fair warning that it will shortly begin processing applications for subscription television authorizations. The Commission has done this in the face of concerted and repeated opposition expressed in Congress, and particularly by the distinguished Committee on Interstate and Foreign Commerce of the House, and in

the face of grave, unresolved doubt concerning its legal authority to authorize subscription television.

In the circumstances, I urge the distinguished Committee on Interstate and Foreign Commerce to report favorably for enactment H.R. 420, introduced by the gentleman from Michigan (Mr. DINGELL) to amend the Comunications Act of 1934 so as to prohibit the granting of authorizations to broadcast pay TV programs.

Mr. Speaker, we must act promptly for it is later than some of us may think.

AUTHORITY AND POWER IN THE UNIVERSITY COMMUNITY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 24, 1969

Mr. SPONG. Mr. President, this spring the Nation has witnessed the most violent and disruptive period that our colleges and universities have ever experienced. At institution after institution across the country the educational process was brought to a halt by confrontations between students, faculty, administrators, and police. News reports reflected the hostility, suspicion and misunderstanding which have come to characterize relations between the various elements at so many of our schools.

President Edgar F. Shannon, Jr., of the University of Virginia, noted in his recent address at commencement exercises in Charlottesville that "one of the tragedies of the current national student unrest is the dissipation of energy so critically needed to solve overwhelming human problems of race relations, poverty, pollution of the environment, and the decay of the cities. In his dispassionate and scholarly remarks Dr. Shannon placed in perspective the rights and responsibilities of the students on the one hand and the university as an institution on the other. He discussed the distinction, in the academic context, between authority, which derives from "regard or esteem," and power, which is the "capacity for action or force."

Dr. Shannon's address is characterized by that very "devotion to reason" which he ascribes to the University of Virginia and to its founder, Thomas Jefferson. At a time when feelings on all sides are inflamed, when competing forces are inclined to shun reason and authority for emotion and power, Dr. Shannon's approach has a particular relevance. I ask unanimous consent that his address be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS AT THE FINAL EXERCISES OF THE UNIVERSITY OF VIRGINIA, JUNE 8, 1969

(By Edgar F. Shannon, Jr., president)

Mr. Rector and Visitors, Members of the Faculty, Members of the Graduating Class, Ladies and Gentlemen: It is a privilege, as President of the University of Virginia, to welcome you to these graduation exercises. This year we not only felicitate the recipients of degrees, but continue to celebrate the 150th anniversary year of the granting of the charter of this institution. I am particularly happy, therefore, to bring my personal greetings to the members of the Sesquicentennial year class and to express my very best wishes to each of you. I expect that many of you will be back to celebrate the Bicentennial of the University and to be received into the Thomas Jefferson Society of Alumni at your 50th class reunion.

In a very few minutes I shall have the pleasure of conferring upon you the various degrees which each of you has earned, and I shall begin by saying to you that I do so by authority vested in the General Faculty and by it delegated to me.

Authority is not a much favored word or concept just now. But if, as someone has said, "vocabulary is the opiate of the radicals," it behooves us to consider the meaning of a word that is central to our proceedings.

The charter of any university, public or private, is established through the authority of the state, and the authority to grant degrees originates from this source. But it is authority in its best sense which gives health and wholeness to a university and which binds an entire society together. This is not authority based on command, but authority which authenticates *itself* by the respect that it draws from those who recognize its validity.

Accordingly, the authority of the General Faculty rests not primarily in the legal prerogatives of the University but in the academic standing of the faculty as teachers and scholars. The value of our enterprise here rests in the ability, training, experience, perception, understanding, and accomplishment—that is, the professional competence —of these men and women.

In a reecnt article, Robert Brustein explores the decline of professional attitudes evidenced in university faculties in the United States today. "During a time when all authority is being radically questioned," he writes, "faculty members are becoming more reluctant to accept the responsibility of their wisdom and experience and are, therefore, often willing to abandon their authoritative position in order to placate the young."

Furthermore, Brustein exposes the current tendency to draw a false analogy between universities and the body politic. Although there are many democratic procedures and elections involved in conducting the business of a faculty and in the operation of a university, the faculty are not the elected representatives of the students or of any constituency. A meeting of a faculty is a professional meeting and not one to be confounded with a meeting of the House of Representatives of the United States.

The faculties of the University of Virginia, whom I salute, maintain an authority based on professional standards and qualifications; and their recognized quality and distinction enhance the validity of each of the degrees which you, as members of the graduating class, receive.

In a time of civil and academic strife, it is instructive to pursue the meaning of authority a step farther and to note the distinction between *authority* and *power*. As Robert A. Nesbit has written recently:

"The most dangerous intellectual aspect of the contemporary scene is the widespread refusal of thinking men to distinguish between authority and power. They see the one as being as much a threat to liberty as the other, but this way madness lies and the ultimate sovereignty of power. There can be no possible freedom in society apart from authority. It is out of . . . [the] disposition toward fruitful self-discipline that authority emerges, and its legitimacy is recognized. Abolish the disposition and you equally abolish the capacity for liberty."

Authority rests upon regard or esteem. By definition, it stems from the influence of character and from mental or moral quality. In contrast, power is the ability to act, the capacity for action or force. Where authority is disregarded or where it fails, power in the sense of force or coercion takes place. The experience of several American universities in the last two years offers terrible testimony to this fact. The contemporary thrust for power by certain students in some universities seems to derive from a basic misconception of the nature of a university. With a limited few, this thrust is an announced ruthless and calculated step toward the destruction of one of society's central institutions.

As Nesbit wisely observes, "Authority, unlike power, is not rooted in force alone, whether latent or actual. It is built into the very fabric of human associations. Civil society is a tissue of authorities. Authority has no reality save in the allegiances of the members of an organization. . . ."

The allegiances of this and any university must be inspired by the purposes of the institution and the people who animate them. The faculty and administrative officers, in the quality and distinction of mind and character and their commitment to ideals, must be worthy of allegiance. The students, in their dedication to learning and their responsibility for their own actions, must be worthy of respect, regard, and trust. Within the university there must be vision and progressive change, while at the same time recognition that change is not an end in itself, and that change can lead to debilitation and paralysis, as well as to increased strength and vigor.

This University, so innovative in its founding, must be ready, as it has been, to modify its practices and seek fresh means to engage the enthusiasm and release the creative talents of all its members—on either side of thirty. We must discover ways of understanding various approaches to goals held in common and be willing to reconcile differences without anger and discord. We must be able to disagree over methods without impugning each other's motives and without self-righteousness and dogmatism.

The University will count upon your help, as graduate students and alumni, to make the educational experience on these Grounds increasingly stimulating and significant. As all of you know, excellence comes by devotion to high standards of discipline and performance—usually a lonely, time-consuming, and demanding effort. It does not result from passionate outbursts and emotional diversions or from a mere search for power for power's sake.

I believe we would all agree that force and coercion make impossible pursuit of the central purposes of a university—attainment of knowledge, thought exercised upon knowledge, and the discovery of new knowledge through free inquiry. There can certainly be no genuine intellectual activity by either students or faculty under conditions of intimidation or disruption.

As J. C. Helms has written about the events at Harvard this spring, the violence, noise, and chaos that occurred there for some ten days may have brought to many a new sense of euphoria and togetherness, but very little higher learning. At Cornell, where the shattering of authority caused the loss to that institution of President James A. Perkins, who has been one of the most perceptive, innovative, and dedicated leaders in American higher education, forty-one senior professors last month issued a statement as to the conditions for teaching and scholarly work that a university must maintain. They are quoted as saying, "We recognize the need for many substantial changes. There are, however, essential conditions for preserving our integrity as teachers and fulfilling our responsibilities to students. For the sake of both teachers and students, we must have

freedom to inquire, to teach, and to learn without intimidation. We must maintain standards of professional judgment and scholarly achievement."

Internal force or threat of force against freedom to teach, to speak, and to hear can be as mortal as external interference with the processes of a university.

Universities are losing public allegiance at the very time when they need increased public support and understanding, and when universities are more essential to the failure and the vitality of American society than ever before. When even a small minority of students and faculty attempts to politicize and radicalize universities and to make them instruments of political power, authority succumbs to power; and force must frequently be brought in, or will be sent in by governors or other civil authority, to restore and preserve basic order.

The fabric of the university has been rent whenever this has occurred, and no one yet knows how much time will be required to mend it. In the words of Meyer Abrams of Cornell, "The university was designed as an open forum and was not designed to cope with violence." One of the tragedies of the current national student unrest is the dissipation of energy so critically needed to solve overwhelming human problems of race relations, poverty, pollution of the environment, and the decay of cities. The capabilities of strong and compassionate minds are being distracted and wasted by disorder. The trained and disciplined mind searches not for scapegoats but for reasons and solutions.

The mind is man's primary human attribute, and reason has been his chief means of advancement. Reason, of course, is the ultimate source of authority in any university and in a democratic nation. If reason is lost in the academy, it is certain to be lost in the nation and supplanted with raw power and repression.

Here at the University of Virginia our hallmark is devotion to reason. I like to think that the authority of reason, so deeply woven into the fabric of this University by Thomas Jefferson, is the chief explanation why student dissent here during the past academic session has been carried out through orderly processes and discussion rather than by threats and physical damage. In founding the university of Virginia, Jefferson argued that any error was always to be tolerated so long as reason remained free to combat it. His appeal for the correction of evils in society was always to the common reason of the free men of that society. To be truly free a man must be educated. Hence the reliance on reason in this University and the authority that it gives to you, its graduates, as you enter the life of the nation.

According to John Gardner, in his book *No easy Victories*, "Each preceding generation has had its great work to perform—founding the nation, conquering the wilderness, settling the land. Ours is to make a livable society for every American."

Our society *is* deeply concerned over the inequalities that remain within its own ranks. We must find the means of bringing millions of black and other still disadvantaged Americans into the full range of the opportunities our country affords. We must find the means of challenging the idealism and energies of youth to creative participation in quickening the human quality of national life. We must support and encourage, as expressed in the words carved over our gateway, "the will to work for men." These tasks will not be accomplished by despair and destructive rage. These and similar tasks will yield to hope and determination, to forbearance and perseverance, to study and imagination, and to faith in what Mr. Jefferson envisioned as the continuing and constructive American revolution.

THE RIGHT TICKET BUT THE WRONG TRAIN

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. FOUNTAIN. Mr. Speaker, I recently heard a sermon I shall long remember. It was beautifully preached to a National Presbyterian Church congregation by Dr. Lowell Russell Ditzen, director of the National Presbyterian Center on Nebraska Avenue here in Washington.

The title itself, "The Right Ticket But the Wrong Train," in addition to being both intriguing and meaningful, is a sermon. This was the kind of sermon all of us periodically need to hear. It is not always pleasing to stand before life's mirror and see yourself yesterday, today and tomorrow, but all of us need to do it more often.

How many of us make plans that are never carried out—commitments to ourselves and others which are never kept. We start out in the right spirit and with the best of intentions, but too often never get any further; or if we do, too frequently we have "the right ticket" but end up on "the wrong train."

Someone has said, "The life of every man is a diary in which he means to write one thing, but he writes another; and his humblest hour is when he compares the diary as it is with what he had hoped to make it." With that thought in mind and to afford everyone an opportunity to read it, I am placing in the RECORD Dr. Ditzen's sermon, "The Right Ticket But the Wrong Train":

THE RIGHT TICKET BUT THE WRONG TRAIN

(A sermon by Lowell Russell Ditzen, D.D., LL.D., L.H.D., Litt. D.)

Text: *"Father, give me the portion of the goods that falleth to me."*—(Luke 15:12.)

Scripture: Luke 16:11–32; II Kings 17:1–12.

If you have talked to a person coming to America to make this land his or her home, you know how keen is the anticipation of that newcomer. You will be aware, too, of the strange ideas many such pilgrims have about this country and of the odd adventures that befall some. Usually they have a destination in mind, but little knowledge as to how to get there and much misinformation as to what the place is like.

Up in the Mohawk Valley of New York tales are circulated that come from several generations past, when waves of Welshmen migrated to that area. A number settled in and about a little town called Remsen. See it now and it's a couple of stores and a dozen houses. But first comers had written back such glowing accounts of Remsen that some eager settlers landing at New York City and seeing the skyscrapers there, exclaimed, "If this is New York City, what must great Remsen City be!"

A more recent arrival, an emigre from the decimations of Europe before the second World War, arrived destined for Philadelphia. He made his way to the Pennsylvania Station where he bought the right ticket. But through errors unbeknown to him, he got on the wrong train and ended up at Atlantic City. When told he wasn't where he expected to be, he couldn't believe it. Surely he was in Philadelphia! It was stamped right there on his ticket. Hadn't he planned and dreamed for months and miles of being with his relatives to begin a new life in Philadelphia? This must be some strange American joke. You couldn't fool him! But the people at the station refused to be convinced that Atlantic City was Philadelphia. Finally they got the idea across: "Friend, you may have purchased the right ticket, but you're traveled on the wrong train!"

Now are there not those, who in the journey of life, with the best of intentions and the finest of beginnings, get on the wrong train, and when the journey is over, find to their dismay they are where they didn't want to be at all?

I have yet to meet a sensitive and mature couple who come to the time of their wedding without being willing to get the right ticket. There is receptiveness to the counsel that it takes a lot of cooperation and forgiveness and sharing and sacrifice to make a successful marriage and a happy home. That they understand. They have the right ticket. But there are some, who, in the adventure of marriage, end up where they didn't want to be at all: hopes unrealized; sweet anticipations turned rancid; love gone. They had the proper destination in mind at the beginning, but they ended up far from the anticipated goal.

We've known individuals who started out with a strong purpose to make a success in business or some calling. They're going to the top and they have the resources, it would seem, to get there. But while they seem to have their hands on the right ticket, not a few of them find, when the journey is over, that they aren't where they intended to be at all. They got on the wrong train. I've often wished that some Ph. D. student would analyze the "most likely to succeed" individuals in high school annuals. Did they make it? Or did they end up in a far country where no one gave them any attention?

Jesus portrays the thought we're feeling after in an indelible picture of a young man saying, "Father, give me the portion of the goods that is due unto me."

Who will deny that young man in that moment? In the promise of his budding manhood he wants to go away from home to make his own way. He probably is compelled by a vision that sees himself coming back home laded with honors and successes from afar. He had the right ticket. But the way of transport he unwittingly boarded took him to a country way off from the end of which he dreamed. Ask him when he starts off in that moment of high purpose and enthusiasm, if he's intending to end up scrapping with pigs for bits of garbage, and he'd say, "That ridiculous. Not on your life." But he ended up there just the same.

This theme of ours, it seems to me, ought to say something to us as Churchmen.

For generations, the Christian Churches, Jewish Synagogues, and other major world religions have been preaching the dream of the brotherhood of man—the idea and the ideal of a kingdom of righteousness and mercy for the total family of mankind. Millions of spiritually motivated people have responded with enkindled hearts to that high hope. But God knows that time after time, with that right ticket, we have zoomed over the wrong roadbed, ending up in wars which lead us into economic depletions, political confusions, and social disruptions. No question about the right ticket, but certainly the wrong train.

Let the Church talk not alone about the ideal of peace in the world, but let's all, who are a part of its life, pray and work in the day by day steps that will give such a dream a semblance of possibility. We each can practice greater justice and mercy toward the people whose lives touch ours. We can elevate our professions and make our businesses more equitable in their opportunities and

and services. The alabaster cities need foundations in the here and now.

Certainly, this thought of ours suggests the importance of discipline.

That word comes from the Latin word "discipulus" which has its rootage in the idea "to learn." The word is related to "disciple." A disciplined person is a learning person. He has subjected his life to a purpose, a principle, or a teacher, and so he becomes committed to a definite order and regime. That's necessary, isn't it? Mustn't something comparable to that be given priority in any field of activity if an individual wishes to achieve?

In Machiavelli's classic book, "On the Art of War," he emphasizes the factors that make for success in military struggle. One, he says, is the battle. Then analyzing what makes for success in such engagements, he comes to the determining factor of discipline. "Good order," he writes, "makes men bold. Few men are brave by nature, but discipline makes them so." Isn't that true? Some of you as mothers have had a grand vision of a home of beautiful order and peace, of children going into the world with a mature and high spirit. But what determines whether that dream is to become a reality? Isn't it in the daily battles with the irritations, intrusions, and tasks that drag one down and could make the vision wane? Isn't it "discipline," the fighting for self-control, the learning to grow, to let the heart be enlarged by forgiveness and patience and love?

You men represent many different fields of science, business, and the professions. Don't each of you know no matter what our specialized area, that it's the keeping of appointments, analyzing minute facts, meeting tiny details, that decides whether or not our goal is realized? Who will deny that "discipline" is the sesame to help get through each day and to carry tasks to large fulfillment?

And shouldn't this word of ours give a prod to all of us as Americans? We have a magnificent ideal in our heritage that comes to the living present saying, "this is to be a nation of free men, who in their freedom will build together for the common good—granting equal and increasing opportunities for all." That is a ticket for corporate living that has been purchased at the price of deep thought and painful effort of generations. But, if, with that ticket we try to ride on the roadbed of individual and group selfishness, God help us, because we'll end up where we didn't want to be at all. No strong nation in the past was destroyed from the outside. There was an inner deterioration which rotted the core of corporate life. When outside pressure came, the structure fell.

The other day I entered a New York taxi to find the driver a lady. Before we reached our destination she had given me her life history, which included a chapter when she returned for a time to her native Puerto Rico. "But I just had to come back to America. This really is the most wonderful country in the world. I want my children to grow up here." How right she is! But we need to remind ourselves of this fact. We need to appreciate and constantly protect what our fathers brought into being.

The time is at hand for us as Americans to say to ourselves and each other, "It's really ourselves that we have to overcome. Our pettiness, our indulgence, our carelessness, our warrings of groups against groups, our lack of reponsiveness to public responsibility—these are our real enemies! Let's defeat them! We have the right ticket. Let's be sure we stay on the right train!

There are so many wonderful things about that story of the prodigal son. The picture of that enthusiastic young man, brought up in a fine home, setting out to make his way in the world, hos opulent that is in its suggestiveness! But he made mistakes and sank low.

The words, *"he came to himself,"* are suggestive. Though he got into a pathetic state, there was still great good in him. He rediscovered, in his abject state, that self of high potential which he had forgotten. We should remember, that, as we are moved to wipe off the slate some individual who may have deflected from "the accepted way" that there is latent hope and will and goodness in that person. One of the first functions of the Christian is to keep alive in himself and cultivate in others that "good and best self" which is in every man. How said that no one tried help the prodigal when he really hit bottom—when he needed help most of all. One of the proofs of our really trying to be Christ's disciples is to give the helping hand and heart to the prodigals of our time.

Then note that the prodigal remembered, when he was really down and out, that he still had a home and a father. Jesus, in telling the parable, was telling more than a story of just one boy and his father. He was trying to tell us that God is like that father, and that we all are like the prodigal son. Being human beings, we at times do foolish things. We end up where we don't want to be. But the love and the compassion of the Father is always concerned for us, reaching out toward us.

As we realize our foolishness, sincerely repent and return to our home, we are forgiven, offered a new start and a fresh opportunity. What an undergirding and comforting assurance that truly is!

There was nothing questionable about the prodigal son's beginning. He had a good ticket, but he got on the wrong train, ending up where he didn't want to be. Yet, coming to himself, seeing his folly and remembering his Father, he went back home where he was received again into the family circle where he belonged.

So it can be with us! We have a Father and an Eternal citizenship! We may wander far. But the Father's love follows us no matter how lost we may seem. That will redeem us as we turn our steps to that home from whence we came.

DR. RICHARD WEIGLE: OUTSTANDING AMERICAN EDUCATOR

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, June 24, 1969

Mr. TYDINGS. Mr. President, in the June 1 issue of the New Mexican, there appears an article paying a well-deserved tribute to Dr. Richard Weigle, on his 20th anniversary as president of St. John's College. St. John's is a small liberal arts college founded in 1784 in Annapolis, Md.; it is one of Maryland's finest educational institutions. St. John's has recently opened a second campus in Santa Fe, N. Mex.

Education has been a vital part of our American heritage since the days when our forefathers first landed on these shores. The belief in education on the part of generations of Americans has resulted in the finest educational system in the world. Today, all Americans have the right to and the opportunity for a free public education.

From the recognition of this right, however, has arisen the continuing problem of the impersonalization of education in the large megaversity, which faces our education today. It is to this problem that Dr. Weigle has offered a fresh and successful approach.

The article calls attention to the efforts of this deeply committed educator to enlarge the concept of liberal arts studies to include active student participation in their own educational experience. This has been realized through closer teacher-student relations brought about by his stress on the intellectual development of the student through the use of a combined liberal arts and great books curriculum.

In 1949, Dr. Weigle gave up a promising career in the State Department to devote his life to the ideal of a academic independence at St. John's. Since then, he has greatly strengthened the financial and academic status of the college. The expansion to New Mexico opens a new chapter in the history of their fine school. More importantly, Dr. Weigle has changed the skepticism toward his concept of education by other colleges and universities to recognition of its success. More and more of these other schools are restructuring their curricula along the lines of St. John's. The success of Dr. Weigle's ideals at the Annapolis campus has brought him national prominence.

Richard Weigle has had a profound effect on American education. In an age of technology and great size, he has shown that a small liberal arts school, where teachers teach rather than just publish, can play a significant role in the educational process. He has reaffirmed the value of a liberal arts education and bring credit to St. John's and to Maryland.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ST. JOHN'S DR. RICHARD WEIGLE OBSERVES 20 YEARS AS PRESIDENT

Dr. Richard D. Weigle is observing his twentieth anniversary this year as president of St. John's College, which now has campuses both at Annapolis, Md., and Santa Fe.

When Dick Weigle came to Annapolis from the U.S. State Department in 1949, he was considered a competent young administrator with a solid background in education and international relations.

At that time the St. John's concept of liberal education, initiated 12 years earlier by Scott Buchanan and Stringfellow Barr, generally was looked on as a successful experiment. However, many observers had serious doubts as to whether the small, private college could survive with its academic independence and idealism intact.

In the 20 years since then, St. John's not only has survived as an institution, but has triumphed as an educational ideal. It has inspired other colleges and universities throughout the country to offer variations of the St. John's program. This is partly because of its intellectual appeal and partly because its liberal arts-great books curriculum brings teacher and student together and makes students active participants, rather than bystanders, in their own education.

Under Weigle's leadership, the Annapolis campus was strengthened financially, as well as academically, building up a $9 million endowment fund.

In the fifties, St. John's went co-educational. When the student population reached the 300 mark, believed at that time to be the appropriate size for a true learning community, President Weigle proposed an unusual expansion plan.

He urged the establishment of a second college and the site chosen was half a continent away—Santa Fe. The Board of Visitors

and Governors approved the plan in 1961, and the new $5 million campus enrolled its first students three years later.

As the president of a college with two distinct campuses, Weigle is concerned with the diverse interests of two faculties, two student bodies and two communities.

He participates actively in the academic life of the college, often attending student seminars on the two campuses. He taught a special class, called a "preceptorial", this year at Santa Fe on the Chinese classics.

He plays a prominent role in national educational circles, including such organizations as the Association of American Colleges, which elected him chairman a few years ago. He also has headed the association's Commission on Liberal Education and served as director of the Independent College Funds of America.

When asked recently to describe President Weigle, a fellow-educator used such phrases as "constant concern for St. John's", "disciplined", "highly rational" and "very selfless".

Weigle received his first degree from Yale University when he was 19. Later he went back to Yale for his M.A. in 1937 and Ph.D. in 1939. He began his teaching career as an instructor in English at Yali Union Middle School (Yale-in-China) in Changsha, Hunan in the mid-thirties.

During the three years before the United States entered World War II, he served as an instructor and assistant professor in history, economics and international relations at Carleton College, Northfield, Minn.

After service with the U.S. Army Air Force in China in the war, he entered the U.S. State Department. He was executive officer in the Office of Far Eastern Affairs when he resigned to go to Annapolis.

Born in 1912 in Northfield, Minn., he is the son of Luther A. Weigle and the late Clara B. Weigle. The elder Weigle is Dean Emeritus of the Yale Divinity School and chairman of the committee which brought out the Revised Standard Version of the Bible.

In 1942 Richard Weigle married the former Mary Grace Day of Madison, Wis. They are the parents of two daughters, Mary Martha and Constance Day.

LEGISLATION TO REVISE THE QUOTA CONTROL SYSTEM ON THE IMPORTATION ON CERTAIN MEAT AND MEAT PRODUCTS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. NICHOLS. Mr. Speaker, I am today introducing legislation which would revise the quota control system on the importation on certain meat and meat products. This legislation is vitally important to cattle farmers of our country who find themselves competing more and more for a market with meat and meat products which are being brought into this country from all over the world.

There are those, who refer to such legislation as "protectionist" legislation. I personally am willing to admit that I am introducing this legislation in part to protect the cattle farmers of our country, who have invested a tremendous amount of money in land equipment and stock to produce fresh red meat for the American consumer. I also am willing to admit I am introducing this legislation in part to protect the consumer of meat products, who wants to buy fresh meat rather than meat butchered in some foreign country and shipped to stores here.

Mr. Speaker, I would like to submit at this point a statement on the need for such legislation by Mr. Bill House, president of the American National Cattlemens Association. President House, as a spokesman for the American beef cattle industry, makes a very good case for revising our importation laws. His statement follows:

LINCOLN, NEBR., June 12.—"The outlook both for immediate and long-range supplies of manufacturing grade beef is good," said Bill House, President of the American National Cattlemen's Association.

House set the record straight concerning accusations put forth by the Meat Importers' Council in an address at the annual meeting of the Nebraska Stock Growers Association in Lincoln. The ANCA spokesman said, "Cow slaughter this year is running six to seven percent above last year's pace. In 1964, 8.3 million head of commercial cattle were slaughtered . . . last year the total was 9.8 million head . . . a jump of 15.3 percent."

The Cedar Vale, Kansas rancher said that recent scare tactics employed by the Meat Importers' Council concerning declining domestic commercial beef supplies have no foundation. House stressed the fact that the American cattlemen has proven he is perfectly able to supply all qualities of beef our consumers demand with the most wholesome product obtainable anywhere, and still have enough production left over to export to beef-deficient countries.

President House reassured the American consumer that the U.S. beef cattle industry will continue to produce enough manufacturing grade beef. House said, "In 1914 there were 15.5 million beef cows . . . in 1969 there were 36.1 million . . . a healthy increase of 132 percent. These animals, combined with the slaughter of dairy cows, illustrate very clearly the trend that cattlemen are keeping more females in their herds."

House zeroed in on the total beef import picture and said, "It is obvious that domestically-produced supplies of beef have been more than adequate to meet demand, and all projections reveal that this will continue in the future."

House reiterated the need for modifications to the 1964 Meat Import Act in order to further help stabilize the domestic beef cattle industry. House said, "Ever-increasing quantities of imported beef create uncertainties and distort the economic picture, which could have long-range effect on domestic supplies to the detriment of U.S. consumers." House saluted Senator Roman Hruska (R-Nebr.) for his efforts to amend the Import Act and modify the flow of the more than one billion pounds of fresh, chilled, and frozen beef pouring into the United States.

PUBLIC OPINION OF U.S. SUPREME COURT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 24, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the Gallup poll, appearing in the Roanoke Times, dated June 15, 1969, showing that public confidence in the U.S. Supreme Court has steadily declined since 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Roanoke Times, June 15, 1969]

U.S. OPINION OF HIGH COURT HAS DECLINED

(By George Gallup)

PRINCETON, N.J.—When Warren E. Burger assumes his role as chief justice, he will head a Supreme Court that is at a relatively low point in public esteem.

Six years ago, in 1963, when the American people were first asked to record their attitudes toward the Supreme Court, 43 per cent gave the court a favorable rating ("excellent" or "good"). Five years later, in 1968, the percentage had declined to 36 per cent. In the latest survey, conducted May 23 through 27, the comparable percentage was 33 per cent.

Among adults today, 8 per cent rate the court as "excellent," 25 per cent say "good," 31 per cent say "fair," and 23 per cent say poor." The final 13 per cent have no opinion.

An important factor behind the court's decline in public favor, as judged by the views expressed in surveys, is on the growing feeling that the court is "too soft" on criminals. Others complain that the rights of the individual are being protected at the expense of society as a whole. Another fairly large group argue that the court's role should be one of "interpreting" rather than "making" laws.

The latest results show no significant change in favorable attitudes over the last 12 months. It was during this period that Abe Fortas resigned as a Supreme Court justice following the disclosure that he had accepted funds for service to the foundation of Louis E. Wolfson, who was convicted of stock manipulation.

While 23 per cent give the Supreme Court a rating of "poor," an increase of 8 percentage points since 1963, many citizens interviewed applaud this body for helping to move society forward at an impressive pace while fully protecting the rights of individuals and minority groups.

Much of the explanation for the ratings given the Supreme Court can be seen in the public's reaction to widely discussed decisions made by the court in the last 15 years. The public favored three of these decisions, opposed three and was evenly divided on one.

A majority of the American people favored the 1954 ruling on desegregation in schools, the 1964 ruling on reapportionment, and the 1965 ruling on distribution of birth control information.

Majorities opposed the 1963 ruling on religious practices in public schools, the 1965 ruling on communist registration and the 1966 ruling on admissibility of confessions as evidence in trials.

They were evenly divided on the 1967 ruling on interracial marriages.

This was the question asked in the current study and in three previous surveys:

In general, what kind of rating would you give the Supreme Court—excellent, good, fair or poor?

The latest results, based on interviews with 1,515 adults, and the trend:

[In percent]

	1969	1968	1967	1963
Excellent	8	8	15	10
Good	25	28	30	33
Fair	31	32	29	26
Poor	23	21	17	15
No opinion	13	11	9	16

A citizen's evaluation of the Supreme Court bears a close relationship to his educational attainment. Forty-three per cent of the college-trained give the court an "excellent" or "good" rating, while only 25 per cent of persons with a grammar school background do so.

Younger adults are more favorably disposed toward the court than are older persons; 46 per cent of persons in their 20s give the Supreme Court a favorable rating. Democrats rate it somewhat higher than Republicans, while southern whites are far more critical of the court than are northern whites.

When new appointments are made by President Nixon, the public would prefer a conservative to a liberal by a 2-to-1 ratio. This is seen in a further question asked in the same survey.

Although the survey was conducted before the selection and confirmation of Burger, a conservative on law-and-order, it is unlikely that the public's views following his selection would be much different.

With one vacancy left to fill, the appointment of a conservative would give the Burger court a more conservative tone and could tip the balance in a number of important future decisions. Close decisions of the Warren court have included those involving the legal rights of suspected criminals, the civil rights of various groups, the vote laws of states and the apportionment of congressional districts and other political boundaries.

This question was asked in the survey:

When new appointments are made by the President to the Supreme Court, would you like to have these people be people who are liberal or conservative in their political views?

Here are the latest results and the trend, showing attitudes slightly less liberal than one year ago:

Who Should Fill Vacancies?

[In percent]

	1969	1968
Liberals	25	30
Conservatives	52	51
No opinion	23	19

Marked differences are found on the basis of educational attainment, with college-trained most people inclined to favor liberal appointments. This is consistent with results to the previous question which show people with a college background the most likely to be favorably disposed toward the Supreme Court.

People reached in the survey who favor the appointment of liberals would likely agree with a 40-year-old Detroit physician who said, "We've got to keep the country moving. Only liberals can match the times."

Those with opposite views would be likely to side with a 33-year-old salesman from Pennsylvania who said, "We've got to calm things down. It's time for the pendulum to swing back from the left where it's been going since 1932."

TEACHING ETHICS AND MORALITY IS IMPORTANT NATIONAL OBJECTIVE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSP OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BENNETT. Mr. Speaker the nine Democratic House Members of the Florida congressional delegation today are introducing a bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles. The content and nature of the instruction would be prescribed by State school agencies.

Introducing the bill with me are Congressmen ROBERT L. F. SIKES, JAMES A. HALEY, DANTE B. FASCELL, PAUL G. ROGERS, CLAUDE D. PEPPER, DON FUQUA, SAM M. GIBBONS, and BILL CHAPPELL.

There is a great need in America today for broad instruction in the development of man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation and the Federal Government can give stimulus to this through the grant procedure.

The teaching of ethics and instruction in moral values are a proper function of our schools, especially in view of recent Supreme Court rulings prohibiting prayer and Bible reading in public schools. Educational programs of this nature and textbooks for such have already been developed in some school systems in the Nation.

The curriculum and academic instruction in morals and ethics could take the form of assembly programs or individual classes. Lessons of courage, heroism, and good works developed from actual stories and biographies of great men and women could be the teaching avenue.

Programs on the growth of the freedom of worship—how it became part of our Constitution; on patriotism—how brave men fought to preserve our freedom; on good citizenship—why it is important to obey the law and on the objective history of religion, which the Supreme Court has approved, could all be topics of classroom discussion.

J. Edgar Hoover has said that we have as a society failed our youth by failing "to teach them the meaning of discipline, restraint, self-respect, and respect for law and order and the rights of others." The teaching of moral and ethical standards belongs in the home, church, and school.

The juvenile crime rate is growing at a much faster rate than the overall crime rate and this is an indication of failure to teach our children the difference between good and bad. The latest figures show that arrests of juveniles for serious crimes increased 50 precent in 1967 over 1960, while the population in the juvenile age group, 10–17, increased only 22 percent.

If we are to reverse the rising crime rate, costing the Nation $27 billion annually, then we must concentrate on the problem where it hurts the most: our young people.

The legislation we are introducing today will attack the problem at the roots and through strong classroom teaching of moral and ethical values our young people will be better able to cope with the challenge of right and wrong.

A copy of the bill follows:

H.R. 12339

A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such state agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years."

SEC. 2. Section 804 of such Act is amended by inserting after "this Act" the following: "(other than section 807)".

RUSSIA AND THE "PUEBLO" AFFAIR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 24, 1969

Mr. THURMOND. Mr. President, Reader's Digest has just published an article which may be of critical importance for public understanding of our relations with the Soviet Union. It is an account by the escaped Czechoslovak defector, Gen. Jan Sejna, of his conversations with Soviet Defense Minister Marshal Andrei Grechko in May, 1967—8 months before the seizure of the U.S.S. *Pueblo.*

According to Sejna, Grechko boasted to his Czech comrades that the Soviets intended to assist the North Koreans in the capture of a U.S. intelligence ship. He quotes Grechko as saying:

We have decided to humble the Americans. Just as we humiliated them in the air by shooting down the U–2, we are going to humiliate them at sea by grabbing one of these ships.

He further quotes Grechko as follows:

Our Korean comrades of course, are not capable of carrying this off without us; but we will guide and protect them.

Sejna further says that the Czech military apparatus was informed of the capture of the *Pueblo* in the following manner by the principal Warsaw Pact representative in Prague:

During the night we learned that, with the collaboration of our Korean comrades, we have achieved a great success.

Mr. President there is no way of verifying General Sejna's story, although the Digest says that all cross-references were checked and found accurate. However, the story is consistent with what we know about the close relationship of the North Korean Communists with the Soviet Union. I ask unanimous consent that the article, "Russia Plotted the *Pueblo* Affair," be printed in the Extensions of Remarks of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COMMUNIST GENERAL'S STARTLING CHARGE: RUSSIA PLOTTED THE "PUEBLO" AFFAIR

(By General Jan Sejna)

(NOTE.—General Jan Sejna is one of the highest-ranking communists ever to defect to the West. Until February 1968 he was the Czechoslovak Communist Party senior secretary assigned to the Ministry of National Defense, charged with political control of the Czechoslovak Ministry and General Staff. As such, he dealt almost daily with the Soviet

marshals, generals and agents who rule Eastern Europe as a Soviet colony, and was privy to many military and political secrets of the Warsaw Pact nations.

(During 1967 and early 1968, in the struggle for control of the Czechoslovak Communist Party, he was accused of siding with the forces of arch-Stalinist Antonin Novotny. The general contends that he represented a group of politicians and young officers opposed to hard-line military men seeking their own gain in the political intrigue that has characterized the turmoil in Prague. Nevertheless, when Novotny lost, Sejna fled to the United States—bringing with him a perspective of the communist world rarely before available to the West.

(The following article, the first he has released since his flight, is excerpted from Sejna's forthcoming book. Much of what he reports here cannot be confirmed because of the rarefied circles in which he moved. But he has been interviewed at length by Digest editors, and specific references that could be cross-checked have been painstakingly investigated. No contradictions have been discovered.)

I first learned in May 1967 that the Russians were planning to capture an American intelligence ship—eight months before the USS *Pueblo* was seized off Korea. Some dozen Czechoslovak and Russian generals had gathered at the state guest villa in Prague for a luncheon honoring the Soviet defense minister, Marshal Andrei Grechko. I remember that the meal of delicate Czechoslovak fish, beef soup with liver dumplings, veal roulade, cream tarts and fruit was especially excellent. Our three-hour conversation was fueled by Italian aperitifs, Russian vodka, red and white Bulgarian wines, and some truly fine French cognac which we had liberated from the Germans.

Marshal Grechko, whom I had often encountered at Warsaw Pact conferences and during private visits in Prague, is taciturn to the point of rudeness when sober. But when he consumes too much vodka and Cinzano, he becomes a belligerent, loose-tongued braggart. Drinking heavily that afternoon, he embarked on his favorite subject—the invincibility of the Soviet armed forces—with emphasis this time on the multiplying might of Russian sea power.

He admitted that the Soviet Union had been powerless to intervene during the Cuban and Middle East crises because of the supremacy of American naval forces. The refusal of Nikita Khrushchev to allot enough money to develop a powerful Soviet fleet was a primary reason why the Russian military supported his ouster. But now Soviet naval strength was growing and would soon challenge the Americans on all the oceans of the world.

"It is absolutely insolent the way the Americans sail their damn ships around as if they owned the water," Grechko declared. "Their espionage ships come right up to our shores to spy on our communications. But I can tell you this: we have decided to humble the Americans. Just as we humiliated them in the air by shooting down the U–2, we are going to humiliate them at sea by grabbing one of these ships."

Marshal Grechko did not specify when, where or how the Russians expected to commander a U.S. ship. But he indicated that the seizure would be accomplished somewhere in the Pacific, in collaboration with the North Koreans. The Russians, he said, did not want to stage an incident in waters which might involve the Warsaw Pact in a confrontation with NATO. The Black Sea also had been ruled out because the world looked upon it as "a Russian lake"; loss of an American ship there would not be sufficiently "sensational." The Pacific had been chosen because it was considered an American preserve.

As I listened to Grechko, it became apparent that the Russians were almost as intent upon hurting the Chinese as upon hurting the Americans. "Our Korean comrades, of course, are not capable of carrying this off without us," Grechko said. "But we will guide and protect them. This will again show them that it is we, not the Chinese, upon whom they can depend. They will see that we *act* while the Chinese simply bray and posture."

General Josef Vosahlo, deputy minister in charge of the Czech air force, asked, "Is there not a danger that the American reaction could cause serious complications?"

"Don't worry about that," Grechko replied. "The Americans haven't dared to blockade Haiphong, because they know that our ships would shoot their way through. They won't do anything about an incident like this, either. We are not afraid of them, and that is what the whole world will see."

Grechko's arrogance made me privately want to doubt anything he said that day. Still, I wondered. I had disbelieved Khrushchev in 1961 when he secretly let us know that within a few months a wall would be erected to seal off West Berlin. I now also recalled a conversation I had had in March 1966 with Grechko's predecessor, Marshal Rodion Malinovsky, a much more prudent man. He had confided that the Russians suspected American ships of being extremely effective in ferreting out Soviet secrets. "Mark my word," he had vowed, "we are going to do something about those ships."

In the months following the Grechko luncheon, nothing related to his boasts came to my attention, and I almost forgot about them. Then, on the morning of January 24, 1968, I received a call from the secretariat of the National Defense Minister, informing me that "an unusually important announcement" would be made at the morning briefing. In the ministry council chamber, Soviet Colonel General Aleksandr Kushchev, the principal Warsaw Pact representative in Prague, rose.

"During the night we learned that, with the collaboration of our Korean comrades, we have achieved a great success," he began. We all were stunned as he announced that the *Pueblo* had been hijacked and was at the moment in communist custody.

"The entire operation went off smoothly—incredibly smoothly," Kushchev reported. "The *Pueblo* crew, to a man, capitulated. They did not fire a shot. Frankly, we thought it would be much more complicated. The Americans were so bewildered that they failed to destroy thousands of documents. It will take our experts quite a while to analyze them. We may have a gold mine.

"We've all heard about what a great communications and command system the Americans have," Kushchev went on. "How they use computers, how they can respond instantly to an attack. Well, yesterday it took Washington literally hours to pull itself together and even begin to react. This is a precise example of how the most advanced military technology cannot compensate for a lack of will and leadership."

Kushchev bragged on about the propaganda triumph. "On the one hand, it is a humiliation for the United States: we have made clear that the Americans do not rule the seas anymore. On the other, this is a disgrace for China. It proves to the entire socialist camp that the Soviet Union helped North Korea gain stature, while the loudmouthed Chinese could do absolutely nothing."

No one in the room doubted that capture of the *Pueblo* was a great coup. However, I and some of my fellow officers could not quite accept Kushchev's account of it. Accustomed as we were to Soviet propaganda exaggerations, we simply could not believe that the crew had not attempted some resistance to prevent the capture of thousands of valuable documents.

In the next few days, though, other Soviet officers confirmed Kushchev's version. Also, I began to see indications that the intelligence information the Russians were extracting from the *Pueblo* was immensely valuable.

At the weekly general staff briefing on February 23, we heard an extraordinarily detailed analysis of the deployment and operations of American naval forces in the Pacific. The source was identified as the *Pueblo*. Furthermore, we were told that, by using codes found aboard the ship, the Russians now were able to read previously indecipherable American messages that they had been recording on tape.

I derive no pleasure in recounting this American defeat and Soviet victory. I report these details now because I think they carry with them a message of importance to the people of the United States and the West:

The Soviet Union today is increasingly dominated by a militaristic clique of marshals who, with few exceptions, are perilously ignorant of the West. These narrow-minded hard-liners understand and react only to the prospect of superior force. Signs of weakness tempt them to risk ever more irresponsible adventures.

Unless they are convinced that the American government and the American people are prepared to resist future aggression, then more aggression is inevitable. On the basis of my personal experiences with these men, I know that each time one of their military gambles pays off, they edge closer to the brink. And by recklessness and miscalculation, they are likely to plunge the world into the war that ordinary men everywhere desperately want to avert.

RIDING THE COLORADO RAPIDS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. UDALL. Mr. Speaker, the U.S. Information Agency's publication, Topic, has just published an interesting article for its overseas readers on the experience of boating through the Grand Canyon of Arizona.

"Riding the Colorado Rapids" is an exciting pictorial essay by Patricia Caulfield, describing a trip she and 12 others took through the Grand Canyon. Not satisfied to view the canyon from its rim, as do most sightseers, they ran the river for 15 days, covering 300 miles.

The article recreates the thrill of riding one of America's great "white water" rivers, an experience several of my colleagues shared with me 3 years ago and which a number of us plan to repeat during the August recess this year.

Without objection I will insert the text of Miss Caulfield's article in the RECORD at this point:

RIDING THE COLORADO RAPIDS

(By Patricia Caulfield)

Our sturdy little dories made a smooth line through the stretch of quiet water with the rhythmic slap-slap of the oars the only sound punctuating the continuous rumble of distant thunder. This muted rumbling would soon engulf us in another ear-splitting roar—this we knew well from 15 days of hurtling through hundreds of great and small rapids (one dropped 30 feet in 400 yards) in the capricious Colorado River. As we neared the last bend in the smooth waters before the river took a giant tumble down a precipitous, boulder-strewn drop, we braced ourselves for the jolting ride. It plunged our small crafts down steep drops and submarined them through walls of water beating off the rocks.

Suddenly in mid-rapids one boat was upended, flipped over and tossed about like a cork in a storm. For a long minute we watched the churning water, until its three passengers, buoyed by their life jackets, surfaced and floundered to safety on the sandy shore while their dory careened onward downstream.

Our 300-mile journey from Lee's Ferry, Arizona to Lake Mead, Nevada was nearly over and we would soon go our separate ways. Thirteen in all, our ages ranged from 15 to 66, our home states from Maine to California, our occupations from student to housewife, from bronco buster to magazine editor. Our common ground was a wish to see the Grand Canyon from its mile-deep floor, instead of from its rim, as most people do, and to see it the hard way by running the rapids of the Colorado River. In its passage through the Grand Canyon it is the most difficult stretch of "white water" in the world.

INFLATION WHOSE RESPONSIBILITY?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. WHITEHURST. Mr. Speaker, inflation is probably the second most important problem which confronts our Government today. There have been so many suggestions made to bring a solution to this problem, but I have been very much impressed by a statement made by Mr. Angus Powell, president of the Lea Companies, with the thought that his comments are of particular significance to the Members of this body. I take pleasure in inserting Mr. Powell's comments in the RECORD:

INFLATION WHOSE RESPONSIBILITY?

(By Angus Powell)

Inflation is the most sinister, and the most deceptive, of all the problems that face America today. It is economic opium in that at first it delights the participants as they take their various "trips," and once addiction prevails, disaster is the result.

Too many persons in this country never give a second thought to the fact that the United States of America is not a "super country" that can withstand anything. By comparison, I remember so well the amazing baseball record of the late Lou Gerhig. He played in 2,130 consecutive games and made a phenomenal batting and fielding record. Those feats earned him the title, "The Iron Man of Baseball." But before the eyes of millions of Americans, their "Iron Man" contracted a terminal disease and died a relatively young man before his career had ended.

This can happen to America if we are not careful, courageous, and honest with one another.

What is inflation doing to this country?. . . Have we really got the disease? . . . What are some of its important causes? . . . What should be done about it?

WHAT INFLATION IS DOING TO THIS COUNTRY—SOME HIGHLIGHTS

(1) Senator Miller (Rep.—Iowa), in a speech before the Senate in June, 1968, asserted that in the past seven years inflation has added $100 Billion to the cost of all purchased goods and services. Further, it has stolen $32 Billion from our personal savings. It has devalued our life insurance and pension reserves by $30 Billion, and has sliced $15 Billion from the value of Government and other bonds.

One of the tragic hangovers resulting from inflation is *the undeniable moral effect it has on our nation*—it steals from the elderly and thrifty, and literally makes "suckers" out of them. It encourages everyone to distrust his government. Mr. George Champion, Chairman of the Board, Chase Manhattan Bank, in a recent speech referred to the above by quoting an international banking executive, who put his finger on the crux of the matter when he said, in effect, "the people of a country will remain healthy only as long as their country has sound money."

This year the interest charges on the Federal debt will exceed $15 Billion, up from $9 Billion in 1960, and the average interest rate is up about 33.3%, from 3.3% to 4.4%. How much money does this mean? Senator Harry Byrd, Jr. (Dem.—Va.), said in a public statement last summer that if the Federal Government were to levy a 100% tax on all income over $10,000 ($20,000 on joint return), the revenue produced would amount to $13.2 Billion—not nearly enough to pay the interest on the national debt.

(2) Cost of Living. Today the dollar will buy what 39c would in 1939. The cost of living is rising at an alarming rate . . . it rose 2% in 1965, 3.3% in 1966, 3% in 1967, and the estimated rate in 1968 is 4.5%. Quoting Senator Miller again, at the rate of 4.5% increase, the cost of living and the loss in value of cash convertible assets will amount to more than our Federal income tax. In some areas of our country the rate is a 5% increase annually. When this rate is compounded over a ten-year period, the increase amounts to the astounding figure of 65%.

(3) Effect on Home Purchases. In a section of one of our large metropolitan areas, a moderately priced home in 1964 sold for $14,900. The identical home today sells for $21,500—a 44% increase.

(4) According to the U.S. Bureau of Labor Statistics, wages in July, 1968, were the highest ever recorded, amounting to $109.16 per week. In 1957–59 dollars, this amounts to $79.25 slightly more than it was three years ago. In addition, local and state tax increases have to be accounted for.

(5) I am serving on the Boards of three educational institutions—a college preparatory school, a state teachers college, and a theological seminary—and it is tragic to see what inflation is doing to the operation of these institutions. Their sources of income cannot keep up with the uncontrollable costs facing them at every turn. The relative salary level of Ph.D. and M.A. degree holders is shockingly out of proportion to what it was just a few years ago. This group of extremely important citizens in our country, along with millions of other salaried and fixed income persons, is caught in a giant squeeze play. Little wonder that these groups are restless! A nation never can be strong if large segments of its people do not enjoy the same opportunities for benefits that other groups in our country enjoy.

WHAT ARE SOME OF THE CAUSES OF INFLATION?

The answer one gets to this question is colored to a large extent by the person who gives it. Labor leaders blame business; business blames excessive government spending, pro-labor laws, and unreasonable wage demands by labor operating under favorable monopolistic laws; Government—except for the period 1952–1960—has thrown its weight decidely behind labor leaders' demands. The truth is, all three of the above groups are involved in the answer to this question. The following are the main causes:

(1) Federal Government spending—outside of war essentials—far exceeds safe limits. One clear example . . . since 1960, about 500,000 employees have been added to the Federal payroll. I read recently that since 1960, the Federal Government has cost the taxpayers nearly $1 Trillion, which exceeds the total cost, including all wars, of operating the Government from 1789 to 1954. The Federal Government—except for the period 1952–1960—has vigorously followed the economic theory of "spend and spend; tax and tax." In 1967, our deficit was $25 Billion.

(2) Wage increases in industry have exceeded increases in productivity. Mr. George Champion recently pointed out that productivity during the past decade increased about 3% annually on the average, attributed almost entirely to capital expenditures. Wage increases today are 6.5% annually and in many sections of the country are phenomenally higher in the building trades.

Mr. A. H. Raskin, Assistant Editor of the editorial page of The New York Times, writing in the February, 1968 issue of Saturday Review, points out in his article, "Profit Sharing In The Paycheck," that: "Collective bargaining has become a dog chasing its own tail, with inflation eating up wage increases before workers ever get a chance to spend them." He points out also that: "The interrelatedness of the economy and the mammoth size of the bargaining units in steel, automobiles, aluminum, railroads, shipping, and most other large industries, make it ridiculous to suggest that the adverse effects of irresponsible labor-management decisions can be neatly contained." He expresses the same concern and hope that a great majority of the American people share when he makes the plea that: "Some day, someone in the White House or on Capitol Hill will address himself seriously to the problem of providing workable statutory safeguards against victimization of the country by abuses of concentrated labor-management power."

Realizing that about 65% of the cost of all products manufactured in the United States is represented, directly and indirectly, by labor costs, it can be seen what is happening to cost in the normal three-year labor contract period. For example, a $3,000 automobile has about $2,000 (65%) worth of labor in its cost. At the present rate of increase, the total increase in three years will amount to about 20%, or $400. Productivity increases, at best, can be expected to offset the above amount by $200, or one-half of the increase. The balance will have to come out of the profit column or be passed on in price increases.

Already the rate of return on invested capital in American industry has dropped from 13% in 1965 to 11% today—a drop of more than 15%. Therefore the availability of capital from modernization and expansion is caught in a double squeeze—the supply is diminishing and replacement costs are increasing rapidly. It also is important to note that many persons in America think American businesses are making as much as 20% net profit in sales. The fact is, the average is about 5%. The success of our entire free enterprise system rests upon this relatively small percentage figure.

WHAT MUST BE DONE ABOUT INFLATION?

It must be stopped as soon as possible, not just slowed down. Surgery can do the job now . . . tomorrow the disease could be terminal. Let us never forget what Arnold Toynbee pointed out in his history of civilization. He said: "Nineteen out of a total of twenty-one of the world's great civilizations were destroyed from within, and only two of them were conquered by an outside enemy."

Thankfully, I am convinced there is an answer to this critcal problem, but before we can take even a step, we in America must be willing to put the needs of our country first. Those who will direct and execute this program in the government, labor, business, and professional sectors, must level with the people and give them a new brand of leadership with integrity being the foundation of this leadership. Americans today, thanks to our communications media and educational systems, are the most intelligent and the best informed people the world has ever known. The great majority of them will not stand for doubletalk. They are paying an

enormous tax, which amounts to about one-and-one-half-days pay per week, and they have a right to demand intelligent and fair action.

PLAN OF ATTACK

Before any plan of attack on inflation can succeed, there must be a willingness on the part of government, labor and business, to do what is necessary to curb it. In short, the Government must drastically cut its political and non-essential spending, and balance its budget as soon as possible. Labor must work more closely with business management in an attempt to produce more goods in proportion to wage increases granted. Big business must lead the way in holding down prices as its part in this attack on inflation.

A great deal has already been written about cutting government expenditures, and I shall not pursue this phase of the subject further. I will direct my remarks to the field of business and labor because it is here that the vital organs of our free enterprise system must function in harmony for a common objective and for a common good.

To this question there is a sound answer which has tremendous possibilities. First, we must look eyeball to eyeball at *some basic facts* which are benchmarks in our country today, and recognize their existence:

1. We live in a politically oriented society and, by definition, the majority rules . . . the elected make our laws.

2. Highly organized minorities can have an unusually large influence on all levels of the political sector.

3. Elected representatives are extremely sensitive to the will of the control element in their electorate—they always have been and always will be.

4. In the past twenty-five years, America has been caught up in a combination of massive revolutions which have overlapping causes and effects at certain points. It is amazing how well we have digested these upheavals. I refer to:

(a) The social revolution—integration and mass education.

(b) The economic revolution—the greatest boom in the history of mankind; it has resulted, temporarily at least, in the greatest affluence for the greatest number of persons that the world has ever known. The base of the great middle class in America has been broadened substantially.

(c) The moral revolution—which manifests itself in so many directions:

(i) Massive problems as a result of the disregard for law and order.

(ii) Frustration of the Church and churchmen.

(iii) Basic degeneration of established moral codes in our society.

(d) Continuation of the industrial revolution. We are in an entirely new chapter in this vital area. Businessmen have created a society that is completely *interdependent*—i.e., automation, assembly-line production, highly coordinated marketing and distribution systems, and widely distributed stock ownership.

5. America is a nation whose existence and growth depend upon its business economy. If America fails economically, America fails overall, and becomes another statistic for Mr. Toynbee's loss column. No nation can grow or survive without a sound economy.

American business today has the greatest responsibility it ever has had—not only to its stockholders and employees, but to the American people and our nation. Likewise, it has its greatest challenge and opportunity.

WHAT CAN BUSINESS AND THE GOVERNMENT DO TO STOP INFLATION?

In the first place, business leaders must broaden their scope of interest and involvement, and provide more leadership in areas most of them overlook or are fearful of becoming involved in. The business leader's role should be more positive and broader in concept. Businessmen spend too much time being against something. They are on the defensive too often and not on the offensive enough.

Business leaders have got to recognize that it is they who have created, to a large extent, the interdependent society in which we live—that equity owners, management, and workers, are completely dependent on one another. No business can function without any one of the three categories performing. The big step that must be taken by business leadership is to *involve all employees*—not only as workers, but as partners. Company employees are not going to tolerate much longer a situation wherein they as a group in our business system are treated like a fifth wheel when it comes to dividing up the "kitty"—in plain simple truth, *they want a piece of the action,* because they feel they deserve it.

Fortunately, there is hard evidence that, in most cases, those companies which have ventured into well-designed employee stock ownership and profit-sharing plans have prospered extremely well. Already there are at least sixty-five national corporations, employing 5,000 or more employees, that have profit sharing and/or stock ownership plans in force, each tailored to the individual needs of each respective business. Among them are companies such as Sears Roebuck, Eastman Kodak, Kroger, Motorola, J. C. Penney, Standard Oil of California, Bank of America, Texas Instruments, and thousands of smaller companies.

In fact, the world's highest paid industrial employees, working for the world's largest manufacturer of welding equipment, have both a profit-sharing and stock ownership plan: The Lincoln Electric Company has been a forerunner in proving conclusively what can be accomplished when owners, management, and hourly-paid employees join together in all aspects of the business to generate unusual success for all concerned and, in the process, sell its product on the low side of the market-price structure.

To summarize: In order to defeat inflation and assure continued sound growth, Government and business must concentrate on the preservation and encouragement of those factors which serve as the foundation of our free enterprise system. Business must do those things that bring labor, management and stockholders together: This country can not endure much longer the *divisiveness* which exists today. The Government must back up and direct its attention more to the role of impartial referee and rules-maker and encourage the private sector to enter the problem-solving area which the Federal Government has excessively invaded. Of course, the Federal Government will have to continue in some of these areas, but to nowhere near the extent to which it is involved today. Tremendous sums of money can be saved in this way and at the same time private enterprise will be adding to the tax till.

WHAT CAN THE FEDERAL GOVERNMENT DO TO SPEED THIS PROGRAM?

Chief Justice John Marshall said years ago, "The Power to tax is the power to destroy." Let us never forget this.

Conversely, the way the power to tax is employed can substantially encourage business to adopt specific courses of action. This is a well established principle already employed by the Federal Government.

Therefore, I urgently recommend to our President and the Congress the following plan as a major program in the broad range attack on inflation. Monetary controls alone can not accomplish the total job.

THE FEDERAL GOVERNMENT PHASE OF THE ATTACK

(1) Any corporation, bank, business, or partnership would be permitted to deduct 6% of capital invested, figured in accordance with accepted accounting rules, as a business expense in arriving at pre-tax operating profits, provided:

(a) Said corporation, bank, business, or partnership paid out such an amount in cash as a dividend or partnership share.

(b) If said corporation or bank stock is listed or publically held, it must have in force an approved stock purchase plan under which a substantial percent of the stock of the company or bank would be made available over a period of time for this purpose, with the total shares involved not to exceed eventually 25% of the equity ownership, unless the company itself wishes it to do so. The objective of this provision would be to encourage every qualified employee to accumulate a meaningful amount of his company's stock.

(c) Each corporation, bank, business, or partnership would have to have an approved profit-sharing plan. In order to be appproved it would have to have substance, and be approved by the IRS.

(2) Any corporation, bank or partnership electing to adopt (1) above would be given broad legal assurances that would protect it against strikes. It is obvious that if a company has a broad stock ownership plan for its employees (if it is a listed company) and a profit-sharing plan of substance which is divided among all employees, strikes cannot be justified on any basis except as a tool of power to be used by power-oriented labor leaders. The day has passed when the working man needs massive protection from his management.

This plan would not be a scheme to weaken the importance of the unions. Rather enlightened union leadership would see the great benefits to be attained for all employees as the result of it. Furthermore, it would commit everyone to the essential task of working toward the best objectives of the business and its customers. The labor leaders' role would change significantly from that of instilling fear and encouraging distrust in management, to the objective of encouraging creativity, productivity, service, and cost reduction under a climate where everyone gains—including, of course, the customer, who is everyone's final boss.

(3) *Hold the line on price increases.* Under conditions which exist today, this is not going to be done voluntarily. It could happen in three ways, however, two of which could be dangerous; the third incorporates interesting possibilities:

(a) The Government could freeze wages and prices—a strong possibility if present trends continue.

(b) A major depression would depress prices, but the other effects would be disastrous and many businesses and people would be seriously hurt.

(c) The Government, through a tax credit plan, could materially restrict price escalations on a voluntary basis. For example:

Any business that did not increase prices during its fiscal year would be allowed a tax credit of 10% of net pre-tax profits. This percentage would be reduced according to a diminishing scale that would vary in proportion to the amount of total sales of a company which did not carry a price increase during the year. As an example, if 50% of a company's sales comprised items whose prices were increased, this company would be able to take a 10% credit on only 50% of its profit. Additional ground rules, far less complicated than many present tax regulations, could be established to cover the size of those increases a company did make under the plan.

In conclusion, we are talking about a vital decision and course of action for America. What I have outlined above obviously would have to be checked out and evaluated in terms of tax revenue for the Government. It is a plan designed to motivate people and assure sound growth and, at the same time, attack our most violent and deceptive enemy—inflation. This plan will correct, in part at least, one of the outrageous practices of double taxation with which stockholders and corporations are saddled today, because

it will permit business to take a reasonable tax deduction on capital invested. The fact that this money would have to be paid out to stockholders would mean that the money would go into widespread circulation and still would generate taxable income on an even wider base. When one accounts for the stimulating effects that this program would have on our economy, I am certain that tax revenues would increase.

This is a positive regeneration plan insofar as financial, commercial, and industrial growth is concerned. It would bolster the foundations of our free enterprise system. It also could be tailored to the public utilities and transportation fields. While there is no substitute for good management in any operation, private or public, stock ownership and/or profit sharing plans have achieved outstanding results in many companies. Moreover, it is significant to note that these companies are usually more competitive, sell at lower prices, and pay out more in taxes.

One of the major thrusts of this program is to make every employed American a capitalist in the truest sense. Only in this way will our free enterprise system survive, only in this way will the latent possibilities of the vast majority of our countrymen be challenged. An informed, involved, and participating citizenry is our greatest bulwark against Communism and general deterioration. It is our best assurance that we in America will remain a vibrant, energetic, and strong nation, dedicated to freedom, opportunity and equal justice for all. Such a program would revitalize America at this time of unusual crisis.

NEW JERSEY NEWSPAPER ASKS SECRETARY KENNEDY TO ANSWER CHARGES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. PATMAN. Mr. Speaker, my mail has reflected a growing concern over Secretary of the Treasury Kennedy's obvious conflicts of interest.

Many people are questioning the Secretary's failure to explain his financial ties to the Continental Illinois National Bank despite my repeated requests for the information.

An editorial from the May 11 edition of the Newark, N.J., News has just come to my attention and this editorial plainly illustrates the concern being expressed across the country. Mr. Speaker, I place this editorial in the RECORD:

PATMAN VERSUS KENNEDY

Treasury Secretary David Kennedy owes the nation more than silence over his continuing financial relationship with the Continental Illinois National Bank & Trust Co., which he headed until he took over his federal post.

Rep. Wright Patman, D-Tex., chairman of the House Banking and Currency Committee and a nemesis of Treasury leaders, wants Mr. Kennedy to explain how he can take an objective view of banking matters in view of the fact his remuneration from the bank has exceeded his income from the government.

Mr. Kennedy has ignored the suggestion that he answer questions before the House Committee. An aide pointed out the secretary put some of his bank shares in a trust over which he exercises no control, and sold other stock acquired last month under an option plan.

But there has been no direct reply to Mr. Patman's demand that Mr. Kennedy renounce a $200,000 severance allowance he is to receive from the bank after he leaves government service. Nor has there been any statement on charges he receives a $4,800 monthly pension, has accepted $600,000 in a profit-sharing plan, and benefits from having the bank pay most of the cost of his life and health insurance.

Considering that his department exercises jurisdiction over national banks and is involved in the dispute over regulation of one-bank holding companies, such as the one recently set up by Continental Illinois, Mr. Kennedy should take advantage of the opportunity to testify on the questions of propriety which justifiably have been raised.

CONSERVATION LEGISLATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. REID of New York. Mr. Speaker, today I am introducing a package of 13 conservation bills, the passage of which is vital if we are to protect this country's natural beauty from the onslaught of lumber companies, housing developers, miners, and other groups who would destroy it.

Four of the bills have as their purpose the enlargement of existing national parks or the establishment of additonal ones. In my judgment, the bill establishing the Redwood National Park, passed by this body last summer, failed to include some of the most important stands of redwoods—those along Skunk Cabbage Creek and in the Bald Ridge-Emerald Mile area. One of the bills I am introducing today would correct that omission. Others would provide for the establishment of the Channel Islands National Park in the State of California, authorize the Secretary of the Interior to study the most feasible and desirable means for establishing certain areas as marine sanctuaries, and increase the authorization for the Cape Cod National Seashore.

In addition to protecting the few remaining areas of great natural beauty in this country, I feel it is vital that we do more to improve the quality of the Nation's waterways. Therefore, I am introducing today a bill identical to S. 7, originally sponsored by Senator MUSKIE, and one identical to H.R. 6296, originally sponsored by the gentleman from California (Mr. TUNNEY). Mr. TUNNEY's bill, which would create a commission to make a comprehensive study and investigation of the discharge of oil and other pollutants from vessels, onshore and offshore facilities, and other sources, should do much to help prevent future disasters similar to those which have spoiled parts of the California coastline in the past year. Senator MUSKIE's bill deals with vessel pollution and thermal pollution, as well as oil polution. We must deal forcefully with all three of these problems if we are to improve the quality of our waters, or even maintain their present deteriorating quality.

Coal mining operations have attracted a good deal of attention in recent weeks because of their effect on the men who run the mines. Too often, we forget that mining operations also affect the surrounding countryside, causing stream pollution, loss of fish and wildlife habitat, and other damage to natural beauty. The Mined Lands Conservation Act, originally introduced by the gentleman from West Virginia (Mr. HECHLER), would authorize long-range programs for the reclamation, acquisition, and conservation of lands and water adversely affected by coal mining operations. If it is adopted by the Congress, it can go far toward repairing the damage that has already been done in many parts of the Nation, and perhaps help prevent such damage in the future.

In addition to protecting the physical resources of this country, we must pay more attention to the preservation of its animal resources. To that end, I am introducing today legislation which would provide for a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; a bill to establish a national policy and program with respect to wild predatory mammals; and legislation to govern the use of pesticides and other chemicals.

Perhaps most important, if this country is ever to have a sensible and well-planned conservation policy, is the establishment of a Council of Conservation Advisers or a Council on Environmental Quality. The President has already announced the formation of such a council—composed of several Cabinet members and the President's science adviser, and chaired by the President—and I am heartened by his step in this direction. However, I feel we need a permanent council, composed of experts in environmental problems and their solution, who could conduct continuing studies of Government programs affecting the environment and recommend national policy to promote the improvement of our environmental quality. I, therefore, hope the Congress will take early action on a measure of this kind, and on the other bills which I have introduced today.

CRITICS OF VIETNAM WAR GIVE COMFORT TO ENEMY

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. DE LA GARZA. Mr. Speaker, recently I received a communication from a lady in my congressional district. She sent me the following editorial which she suggested I share with my colleagues, which I now respectfully do:

CRITICS OF VIETNAM WAR GIVE COMFORT TO ENEMY

The dawn of this Memorial Day finds thousands of American servicemen on duty throughout the world and by the time the day ends, more will have died in defense of freedom in Vietnam.

It is particularly fitting that this nation pause to honor these Americans.

They, and they alone, stand between Communist aggression and the right of others to live as they please.

They are protecting a guarantee—a solemn promise made by the United States to South Vietnam that Americans would offer protection in the event of aggression. They are paying the price to assure the survival of the free world.

These patriotic Americans, most of whom come from the mainstream of life, greatly overshadow the dissenters, the self-styled leaders, the headline hunters and the stupid who are actively aiding and abetting the enemies of this country.

It is particularly incredible that a young senator who has never worn the uniform of his country should, from the safety and comfort of his Washington office, adversely criticize the action of a field commander in Vietnam. It is even more incredible that a senior senator should call his own nation an aggressor and brand its young fighting men with the stigma of "fighting an illegal war."

But there is no cure for these people. They are exercising their right of free speech which is being guaranteed to them by the Americans they so freely criticize. They are also prolonging the Vietnam War by giving hope to the enemy in a most wanton and reckless fashion.

But the fluent speaker in the halls of Congress, the mob leaders and their followers—Americans all—fail to recognize the responsibility that accompanies the right of free speech.

It would be well for them to talk to an infantry rifleman or a shotgun rider on a helicopter. There they could get a lesson in the responsibilities of a citizen.

History will by-pass these deluded people because, in the final analysis, they contribute nothing to their nation or its people. They are the losers.

The only way to fight a war is to fight to win. Any other way amounts to appeasement and appeasement leads a nation on the downward path.

There are many markers along the road to freedom—Nathan Hale, Gettysburg, Abraham Lincoln, the Argonne, Omaha Beach, Bataan, Porkchop Hill, and Vietnam.

"We as military men," wrote an Army sergeant in 1965, "are welded by regulations, tempered by discipline, and share the strongest dedication to our country. Our ultimate challenge comes in war, and, perhaps in mortality.

"But we are also heirs to a responsibility which grows in magnitude by the hour.

"We accept this responsibility because we are Americans and we are free men."

It is to the men of this nation who accept responsibility and who take up each challenge so that we can live in honor and dignity and freedom, that Memorial Day is dedicated.

STATEMENT ABOUT PRESIDENT NIXON'S MESSAGE ON AIRPORTS AND AIRWAYS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BROTZMAN. Mr. Speaker, the President's recent message on air transportation addresses itself squarely to one of the most vexsome problems of modern society. In our airplanes and airports, we see, as cleary as anywhere in contemporary America, the two-edged results of our technological progress. Designed to bring speed and pleasure and efficiency and simplicity to our lives, air transportation has also brought with it a host of new frustrations and complexities and delays and dangers.

It is at that moment when one is circling endlessly over an airport that he begins to ask some of the most penetrating questions about modern technology. The reason that progress has been accompanied by frustration is simple, I believe. Progress has come without adequate planning. In just 10 years, the number of passenger trips made by airlines has tripled, and the use of air freight has been multiplied five times. And because our total transportation systems were not ready for this acceleration, the quality and efficiency of service has, in many cases, declined. Now we discover that similar increases are expected in the next 10 years.

We would be foolish, indeed, if we failed to learn the lesson of the last decade and failed to plan intelligently for the growth that is coming. The President's message provides us with a basis for such intelligent planning. It calls for an increase in the construction of facilities and equipment which is appropriate to the expected increase in demand for air service. It provides, too, for additional research and development so that our technological progress can be equal to the demands of the coming decades. It establishes a principle whereby those who use the airlines and those who run them will see their taxes which are related to air travel applied directly to airport and airway programs.

The President's program is realistic because it anticipates that additional revenues must be generated. The Congress will, I am sure, work closely with the administration to make certain that the formulas which are devised for these revenue sources are realistic.

Intelligent and responsible planning is needed now if we are to reduce the snarls and frustrations which threaten the future of air transportation. The President's proposals deserve our support, for they are both intelligent and responsible.

ADDRESS BY JOHN E. DAVIS, NATIONAL DIRECTOR OF CIVIL DEFENSE, DEPARTMENT OF DEFENSE, TO THE NORTH DAKOTA DEPARTMENT CONVENTION OF THE AMERICAN LEGION

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ANDREWS of North Dakota. Mr. Speaker, last week the North Dakota American Legion Convention was held in Grand Forks.

One of the featured speakers at this year's gathering was the Honorable John Davis, former Governor of North Dakota, past national commander of the American Legion, and current national director of civil defense. The major portion of this distinguished man's speech dealt with the immediate need of the ABM.

Because of the interest of my colleagues and the American people and the urgency of this matter, I insert in the RECORD the speech of the Honorable John Davis:

ADDRESS OF JOHN E. DAVIS

I am more than delighted that my first major speaking engagement as National Director of Civil Defense is here at home, before so many old friends and fellow Legionnaires. I felt deep regret, of course, at leaving North Dakota once again, but I could not easily decline the opportunity and the privilege of serving with Secretary Laird and Secretary Resor in the administration of President Nixon.

I have been on the job in Washington less than a month. But I have seen more than enough to make me extremely proud of America's new leadership and its dedication to the basic simple virtues which Americans have cherished since the founding of our Nation.

Americans cherish peace—but peace with honor and justice. This is what we strive for today in our continuous confrontation with the Communist world.

For Americans, Government must be the servant and not the master of our people; so we listen to the views of all, not just a few, as we chart our Nation's course. But we will not confuse freedom to dissent with license to destroy our great national institutions.

We cherish the freedoms for which so many Legionnaires have fought and sacrificed; and for this reason, we insist on a miiltary defense for this Nation second to no other in the world.

As your National Commander in 1966 and 1967, and in my present post, I have concerned myself with the state of our national defenses and with the nature of the threats to our security. I have found no substantial reason yet to convince me that we can drop our guard against aggression. There is, in fact, a need today to further strengthen our defenses.

We are the first generation of Americans to live in an age of nuclear weapons. It is a most perilous age, because while we have mastered the technology of the nuclear weapon, we have not yet been able to establish, in concert with other nuclear powers, the necessary political, social and moral guarantees against its use. This age, these weapons, will be an acid test of our national patience and our determination to do what is necessary and right to preserve our way of life and to provide future generations with some degree of security against the nuclear threat.

In the absence of international agreements to control or banish nuclear weapons our national policy has been one of deterrence—that is, maintaining the offensive strength necessary to destroy an aggressor should he launch an attack against us. And it is true that our nuclear striking power today could survive an attack by all of the nuclear weapons now in the Soviet inventory and still retaliate with a blow which would destroy the Soviet Union as a Nation.

Because deterrence is so necessary to the survival of our Nation, we must make every reasonable effort to protect our retaliatory forces. This is the reason for the decision to deploy the Safeguard ABM System. We see certain trends in Soviet deployments and developmental activities which, if continued, could lead to substantial threats to our nuclear retaliatory forces. First, there is the continuing deployment of the Soviet SS–9 intercontinental ballistic missile which can carry a warhead of up to 25 megatons. And as far as we can see at this time, such a missile would have only one military use—to erode our Minuteman deterrent capability.

At the same time, we are faced with a rapid growth in the Soviet nuclear powered submarine fleet, comparable to our Polaris. Soviet submarine-launched missiles pose a grave threat to our bomber force by cutting the time in which our forces could react to a Soviet first strike.

If these threats materialize, we would be left to rely primarily on our nuclear submarines for our retaliatory force. This is a formidable force and one which we are confi-

dent is safe now from detection and destruction by the Soviets. But we can be sure they are working on ways to counter Polaris. It would be unwise to rely on any single component of our nuclear force to ensure our survival—and it has long been our policy not to do so.

Neither do we believe that Safeguard erodes the possibility of fruitful negotiations for arms control. First, merely by responding to the recent Soviet developments which I have described, we are serving notice that we are prepared to take the necessary steps to ensure our security. Secondly, by responding with a *defensive* system designed so that it shall not escalate the arms race, we have served notice on them that we seek the kind of stability which could be achieved in an arms control agreement.

I am sure this audience is aware that the Defense Department has requested approval of Congress to locate one of our Safeguard installations near Grand Forks Air Base. I believe that it is essential that, not just the immediate situation, not just the cost in dollars, but the long-range threat which I have discussed be very seriously considered in any public debate over the deployment of Safeguard. I know the voice of the Legion will be powerful in speaking out on a matter so essential to our security and perhaps to our national survival.

However important it may be, protection for our missiles is not the most fundamental purpose of our national defense structure. Basically, ultimately, the defense establishment must be concerned with saving the lives of our citizens. This is where civil defense fits into the national security structure.

Civil defense is *the* major element in our national defense program which is solely and directly concerned with saving lives in a nuclear attack. President Nixon touched on this very point when he announced a determination to deploy Safeguard. In response to a question at his March 14 news conference, the President reminded the press that he had ordered a study of the shelter program, and I quote, "to see what we can do there to minimize American casualties." End of quote.

What is our civil defense capability right now?

If the Soviets should strike today, millions of Americans could be killed by the blast and fire effects of the attack. But tens of millions more would survive blast and fire and face the hazard of radioactive fallout. Our present civil defense system—based on a system of public fallout shelters supplemented by home shelter—could save these millions of Americans—and what I am talking about is the lifethread of our Nation.

Furthermore, fallout protection for our population can be purchased at such low cost, in terms of today's defense expenditures, that it would be difficult to explain why the Nation should not take this simple, inexpensive, logical step toward giving our people a maximum chance to survive in a nuclear war.

We've got to look on civil defense as the low-cost insurance we take out, as a Nation, to guard against the perhaps improbable, but certainly not impossible event of nuclear war or nuclear accident.

We must not accept the premise advanced by some, that because fallout shelters will not save people from blast and fire, we should abandon efforts to save those millions whose lives can be saved by such pragmatic and inexpensive civil defense measures. We do not abandon our fire departments because firemen are sometimes unable to save burning buildings, and we should not allow the national civil defense effort to be degraded by "all or nothing at all" demands.

In the short time during which the national civil defense program has been my responsibility, I have not absorbed all of its many and complex details, but one of the principles we must follow has become immediately apparent to me. The program must be carried out by a close partnership of the Federal, State and local governments, working with private institutions, the schools, industry, commerce and voluntary service organizations such as the Legion.

From personal experience, I know how loyally the Legion has supported the national civil defense program before Congress and other national leadership groups, and at the local level.

As National Commander in 1967, I sent letters to each one of the 17,000 Post Commanders in the United States, calling on them to support local civil defense shelter plans. I saw the 1967 convention reaffirm our concern for civil defense and specifically ask Departments, Districts and Posts to urge building owners of qualified buildings to cooperate by licensing their structures as public shelters. At the same time, the convention called on Congress to restore funds cut from the civil defense budget.

More importantly, Legionnaires at the Post level have made significant contributions of time and energy to local civil defense projects such as licensing and stocking public shelters. I earnestly hope for the continued cooperation and assistance of The American Legion in the complex tasks that lie ahead.

As a Governor, I became well aware of the role of civil defense in natural disaster. I have been impressed by the reports that came into the Pentagon about civil defense action in Ward County to evacuate, feed and shelter the victims of the April floods. I intend to be continually alert to see how our efforts to help local civil defense prepare for nuclar emergencies can provide better benefits in readiness to cope with natural disasters.

I am hopeful that more can be done by the Federal Government and perhaps by my agency, to aid communities threatened or struck by floods, hurricanes, tornadoes, forest fires and other peacetime catastrophies. Upon taking the office of National Director, I was naturally curious to get a first hand report on the status of civil defense in my home state. I have learned that the shelter surveys of the Office of Civil Defense turned up excellent results in North Dakota. This county of Grand Forks, for example, provides more than enough approved public shelter space for its population.

In the rural areas of the State, OCD's home shelter survey indicated that significant shelter exists in homes with basements to make up for deficits in large, public shelter space. And our Community Shelter Planning program is well under way in the state to explain to every citizen what to do and where to go in a nuclear attack emergency or, in other words, to make sure that shelter is used effectively if it is ever needed.

Not all of our States and communities are so fortunate. For some time to come, the Nation will face a shortage of shelter space because not all the spaces found are located where they are needed. We find an overabundance of space in downtown areas and shortages in the suburban and rural areas of the Nation.

OCD is attacking this problem through intensive research and development of low-cost shelter design techniques and through a constant appeal to builders and architects to plan for shelter areas in new building projects. In our budget for Fiscal Year 1970, we have requested Congress for authority to make small payments to building owners based on the extra expense they may incur in providing shelter in their buildings. We hope for an increase in our financial contributions to the States and localities to help them meet the rising costs of local programs.

We will continue to build up our national warning capability, to help in the establishment of emergency operating centers for government officials and to provide improved training and professional development programs for local civil defense personnel.

I have said that this is a most perilous age. This is all the more true because none of us likes to think about the prospect of nuclear war. Some of us tend to hope that if we don't look at it, it will go away. Others will argue that our resources are too limited to afford the defenses that we need.

I believe that any potential aggressor must be made to understand that we will not rely on speculation and wishful thinking alone to deter an attack.

If we were to chart the facts about Soviet weapons development alongside of our own steps in this field in the past few years, I believe we would find a definitely ascending curve on the Soviet side compared with a stationary, if not descending curve in our own development effort. Coming at this point in time, Safeguard represents a minimum, nonprovocative, essential step to preserve a reasonable balance between the great nuclear powers.

To those who argue that America's resources are too limited to support an adequate defense and carry on our vital domestic programs, I can only say that the modern history of the United States has been mainly the story of a nation superbly capable of marshalling resources to meet a severe threat or an actual emergency. I think I need only point to the landing in Normandy 25 years ago this month to recall the sacrifices we are capable of in defense of our country.

Let me say, in conclusion, that while we must be realistic about the facts of nuclear life, we need not be pessimistic. There is hope for meaningful negotiations between the United States and the Soviet Union to place some limitations on arms development.

I believe, however, that we must exercise great patience and negotiate from a position of strength. I further believe that this administration has the leadership and the vision and the dedication needed to improve the chances for peace, to make this a safer world for us and our children. I ask you to give our President and all our leaders your full support to achieve this goal.

JACKSONVILLE, FLA., SHERIFF IMPROVES POLICE IMAGE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BENNETT. Mr. Speaker, Sheriff Dale Carson of Jacksonville, Fla., is one of our Nation's outstanding law-enforcement officials. A former agent of the Federal Bureau of Investigation, Sheriff Carson has introduced a "police youth patrol," which will help bridge the gap between young people and police officers.

Sheriff Carson is attacking the generation gap and he seeks to give the youth of Jacksonville an important outlet for communication and discussion with adults. I applaud this idea of a "police youth patrol," and commend to your attention an editorial from the June 17, 1969, Jacksonville Journal, which I insert in the RECORD at this point:

YOUTH PATROL GOOD IDEA

Sheriff Dale Carson's proposed Police Youth Patrol is an imaginative idea that should pay off.

Police-community relations are of concern in nearly every major city these days.

Law enforcement officers are often bitterly accused of unspeakable assaults on personal freedoms and human dignity and as often stoutly defended as the sole remaining bul-

wark against a threatening tide that would sweep the nation to eternal perdition.

Neither image is entirely true, of course.

Police are human, like the rest of us. Their patience is often sorely tried and sometimes they are overzealous in the performance of their duties. They make mistakes.

But for the most part they are men trying to do a difficult job as best they know. Their responsibilities are great and the debt most of us owe to them is correspondingly large.

They are not enemies of society or even of individuals within it—or not the law-abiding ones, at least.

They are certainly not the tools of repressive government—out to break the back of any legitimate, peaceful dissent or protest movement.

Carson's plan, which calls for a close association between individual youths and policemen who are going about the business of performing their duties, should help to correct the distortions in the image.

His big problem will be in persuading those who have the most inaccurate image that they need to participate. Most of them probably will be firmly convinced that they are completely justified in thinking of policemen as pigs and that the whole idea is to somehow brainwash them.

If he can succeed in this, however, the experience will straighten out a lot of thinking.

"I am of the opinion," the sheriff said, "that if the young people could see that we spend more than 90 percent of our time helping people and less than 10 per cent of our time arresting people they would have a clearer understanding of our position in society."

We are of the same opinion. And we wish the sheriff well in his undertaking.

TRIBUTE TO MRS. EDWARD F. McMANUS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BOLAND. Mr. Speaker, I am pleased to advise my colleagues of a well-deserved and outstanding honor that was recently bestowed on one of my constituents, Mrs. Edward F. McManus of Palmer, Mass.

Recently she was selected as one of only four high school teachers from across the Nation to receive a Distinguished Secondary School Teaching award at Harvard University.

In writing to advise Mrs. McManus of her selection Dean Fred L. Glimp wrote:

You were nominated for this honor by Thomas Francis Rooney of the Class of 1969, and you were warmly supported in this nomination by your school administration and associates. The Harvard Faculty Committee responsible for selecting the recipients of the awards judged you to be representative of the finest traditions of your profession.

In receiving the award which included a generous cash payment, Mrs. McManus received the following citation:

MARY McMANUS

Mary McManus, housewife, mother, inspired teacher, first citizen of Palmer, Mass. Her intellectual standard is rigorous; her range of sympathies, extraordinary. Knowing the power of both the oral and the written word, she has shown countless young people how great literature may enrich their lives.

My colleagues will note that, in addition to praising Mrs. McManus' teaching skills, Harvard also took note of her outstanding citizenship. I am in a position to confirm that appraisal. Although I take some partisan pride in her active participation in the Democratic town committee, it must also be noted that she has long been a trustee of the Palmer Public Library. Further, since the recent tragic fire in Palmer with its drastic effects on employment and the general economy, Mrs. McManus has been a driving force in the recently formed Overall Economic Development Committee of Palmer that is doing a great deal to revitalize that community.

And so, Mr. Speaker, you and my colleagues can see why I take such pride in her accomplishments. Mary McManus is not only an outstanding teacher; she is truly the "First Citizen of Palmer."

I insert in the RECORD at this point a recent story in the Springfield Union about Mrs. McManus' achievement.

PALMER ENGLISH TEACHER TO GET HARVARD AWARD

PALMER.—Mrs. Mary McManus, English department head at Palmer High School, will be one of four teachers from across the country to receive a distinguished secondary school teaching award at Harvard University.

She was chosen by the Harvard faculty committee as representative of the finest traditions of the teaching profession.

Mrs. McManus was nominated by Thomas F. Rooney, an alumnus of Palmer High and a senior at Harvard. Mrs. McManus was his English teacher during his high school years.

The award will be presented to Mrs. McManus June 11 at a reception and dinner in the Harvard Faculty Club. She will be recipient of a certificate of award, together with a check for $1200. She also will be invited to attend the Harvard commencement exercises June 12.

Mrs. McManus has taught at Palmer High since September of 1956 and was made English department head March 1, 1964. Before coming to Palmer, she spent five years teaching Latin and English at Warren High School.

CIVIL DEFENSE MEETS BUDGET DISASTER

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. STEIGER of Arizona. Mr. Speaker, recently I have received from my district a number of letters taking bitter and even violent exception to the cuts made by the Bureau of the Budget on Civil Defense funds for fiscal year 1970.

Some of these letters were from old friends of mine, men whose opinions I value and respect.

One letter which I insert in the RECORD at the conclusion of my remarks illustrates why the funding proposed by the Bureau of the Budget—approximately $75.3 million, or 15 percent more than has been recommended by the Appropriations Committee—is insufficient to maintain an on-going program in Arizona at even the level of fiscal year 1969. It would not permit inclusion of any of a number of local governments in Arizona that wish to join in the civil defense program and would probably result in a reduction in the level of civil defense activities by municipalities, towns, and counties that have been in the program for years.

Let me quote just a few lines from this letter to illustrate how these people feel about the cut in civil defense money:

In the area of supplies, you will note that, again, 1963 offered the top funding in this area. There are many items of equipment that are absolutely and completely necessary for efficient operation during a catastrophe. True, many of these items can be used from day to day; i.e., mobile radio equipment, mobile warning systems, search and rescue equipment, etc., but almost invariably these items will not be acquired by any small political subdivision or entity because they are not absolutely essential for day-to-day use. The plain fact is that they can be done without in normal operations of cities and counties, but the day that disaster strikes, the lack of these items will cause tremendous loss of life.

Referring only to so-called matching funds, I am assured that $1 of Federal matching funds for civil defense may generate as much as $10 in State and local funds and services devoted to the same purpose.

I have the greatest respect for the capable and very hard-working members of the Committee on Appropriations. However, I must confess that I find myself at a loss to understand the reason for the continued reduction in funds for the National, State, and local civil defense programs.

The letter referred to follows:

ARIZONA CIVIL DEFENSE AND DISASTER ASSOCIATION,
Prescott, Ariz., April 22, 1969.

Congressman SAM STEIGER,
126 Cannon House Office Building,
Washington, D.C.

DEAR SAM: Reference is made to the letter of 8 April 1969 from Paul Rosenblatt and the enclosure therein.

Specifically, I should like to take violent exception to this enclosure which was in the form of a letter directed to you from one Joseph Laitin, Assistant to the Director of the Bureau of the Budget. To say that this is one of the most inane, naive, and just plain stupid letters that I have ever had the misfortune to read, is putting it mildly. This letter not only answers nothing but presents only a small portion of the problem. If you view the overall picture, this letter in itself answers very clearly and points up the exact problems which I have brought to your attention in previous correspondence.

Let's take the letter step by step. First, let us look at the funding in the table contained in this letter. If you will look at the Personnel and Administrative Expenses, you will note that the funding in 1968–69 and proposed funding for 1970 is approximately a 5% increase. This does not cover by any manner or means the increment raises that are generally granted for cost of living increases. It also leaves no room for increased Civil Defense activity and does not even permit the adoption of Civil Defense budgets by political entities that have heretofore not been tied to Civil Defense activity. For instance, right here in Yavapai County there are several cities that are looking to increase their Civil Defense activity as part of their constitutional and charter directives. These cities can expect no funding from the Personnel and Administrative Expenses under the present budget.

Right at this time, instead of expanding Civil Defense activity, the State Office of Civil Defense and Emergency Planning is looking to means to curtail the program due

to lack of funding. A priority system is being established that will offer first, funding to joint City-County operations, followed by County operations, City operations, etc. There is simply no way, with today's increased costs, that even the Personnel and Administrative present level can be continued. There should be at least a 15% increase in Personnel and Administrative Expense in the budget.

Next, we move to Emergency Operations Centers. These are essential for adequate direction and control in the event of any emergency or disaster, nuclear or otherwise. Maximum funding for these was reported in 1963 as in the letter. Nevertheless, there was sufficient funding in 1967–68 to continue the program as more states, cities and counties recognized the need for Emergency Operations Centers, either through experience or through other means, and they continued to be developed. Such was the case in Pavapai County. Our experience in the disaster period of 1967 clearly indicated the absolute necessity for an Emergency Operations Center in the Verde Valley. We proceeded to develop this center along the guidelines established by the Office of Civil Defense and it was funded accordingly by the county with the anticipation of matching funds as indicated by members of the Office of Civil Defense Region 7 during predevelopment conferences. When the first phase of the operation was completed we found that there was no funding available for the completion of the project. The entire development was dependent uopn the Federal Funding as provided in the Civil Defense Act. With the reduction of the budget in 1969 by more than 50%, we were left "holding the bag." Such has been the case in many other states, counties and cities throughout the country.

Under the present proposed budget for fiscal year 1970 there is no relief in sight. Many programs will have to be dropped. This, we feel, is a complete disservice to the public and will leave them virtually defenseless in the event of nuclear catastrophe.

In the area of supplies, you will note that, again, 1963 offered the top funding in this area. There are many items of equipment that are absolutely and completely necessary for efficient operation during a catastrophe. True, many of these items can be used from day to day; i.e., mobile radio equipment, mobile warning systems, search and rescue equipment, etc., but almost invariably these items will not be acquired by any small political subdivision or entity because they are not absolutely essential for day to day use. The plain fact is that they can be done without in normal operations of cities and counties, but the day that disaster strikes, the lack of these items will cause tremendous loss of life. Furthermore, this program alone was the Heart of the Civil Defense Operation. To be basic, it attracted City Councils and Boards of Supervisors to extend their Civil Defense operations because it meant the acquisition of equipment that ordinarily would be unobtainable. A small part of this program was the acquisition of surplus property on a matching fund basis. This has been totally discontinued.

The statement in Mr. Laitin's letter regarding a grant of $3,000,000 to a single state or county in one year is totally irrelevant and has no bearing on any facts contained within any of our correspondence. It is readily apparent that he did not read or perhaps did not understand the simple language of our letter. We merely mentioned that $3,000,000 of State, City, and County funds will go unused in fiscal year 1969 because appropriated as matching funds for Federal matching funds in like amount. This amount covered the entire United States, not one state, as Mr. Laitin stated.

The balance of Mr. Laitin's letter is just so much "gobbledygook" and it says absolutely nothing. We can find no relationship between the ABM System and attempts on the part of Civil Defense to assure national survival of the people of this nation.

Again, we say that this letter is a perfect example of the double-talk of Government in attempting to do a "snow job" and avoid rocking the boat.

Our only comment on page 2 of this letter is to state that the third sentence in paragraph three "While Civil Defense budgets have been reduced, we believe they are sufficient to provide for a creditable Civil Defense program." is totally without foundation. The Civil Defense program is crippled; it is staggering, and it will collapse unless Congress and the President of the United States take steps quickly and forcibly to prevent it. Civil Defense, under present world conditions, is the only certain means available at our command which will assure maximum survival in the event of nuclear holocaust.

With respect to Mr. Laitin's comments on the staffing of the Federal Civil Defense, we again draw to your attention the fact that the personnel levels are not consistent with the present administration of the program. At regional levels, the personnel generally are approving programs for which there is no funding or disapproving programs which have merit. All such approval or disapproval is granted after the particular situation has been thoroughly studied at state level. It is at state level that the approval or disapproval should come. These are the people that are concerned with the problems and the great mass of governmental directions in the form of directives, guides, pamphlets, etc., can do little or nothing to change the situation as it exists at the state and local level. Many of these people perform functions that have already been researched by state staffs; hence the duplication of effort. Furthermore, nine times out of ten, it is the people at state level who influence the people at Federal level to approve projects that are not only needed but necessary for a complete Civil Defense program.

In closing, I should like to clearly state that in no way do we concur with the final sentence of Mr. Laitin's letter. The information furnished does not, in any way, satisfy your constituents, the people of the State of Arizona, and I am not talking for myself alone but for the members of the Arizona State Civil Defense and Disaster Association. We are alarmed and concerned at the situation and fully expect you and the other elected representatives to the Congress of the United States from the State of Arizona to do everything within their power to alleviate this situation before it becomes another "lost cause."

It would be appreciated if you would contact Paul Fannin, Barry Goldwater, John Rhodes and Mo Udall and furnish them with copies of this letter.

Thank you for your continued interest and cooperation. It is sincerely hoped that something will be done to correct the inadequacy in the Civil Defense program prior to the final adoption of the fiscal year 1970 budget.

Kindest personal regards.

Sincerely,

WILLIAMS H. BEERS,
President.

AHEPA YOUTHS TO PROMOTE U.S. FRIENDSHIP WITH GREECE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. KYROS. Mr. Speaker, the Order of AHEPA—American Hellenic Educational Progressive Association—has initiated many commendable projects and programs promoting friendly relationships between the people of the United States and the people of Greece. Since its establishment in 1922, the Order of AHEPA has been cited many times by our Government for its contributions in the field of international affairs. The fraternity now has 780 local chapters and auxiliaries located in the United States, Canada, Australia, the Bahamas, and Greece.

This summer, the Order of AHEPA is offering two programs through which young Americans will have the opportunity to establish lasting friendships with the youths of Greece while steeping themselves in the traditions of Western civilization. I would like to bring these two excellent projects to the attention of my colleagues, for under these programs, 244 American high school students will travel and study in Greece, visiting many sites of archeological, historical, religious, and cultural significance.

One hundred of these students have been awarded scholarships under the AHEPA-Anatolia College summer in Greece scholarship program. These students will attend 6 weeks of classes at the Anatolia College of Salonika, which is an American school supported by American contributions. They will study the Greek language, history, heritage, and modern institutions; they will also take weekend field trips to sites such as Phillipi and Mount Olympus. In addition, these youthful ambassadors of American friendship will live in Greek homes for 5 days, learning the ways of Greek living while conveying our good wishes and strengthening the strong ties between the American and Greek peoples. Their stay in Greece will end with a tour of Athens and a number of Greece's historic cities and isles.

The AHEPA-Anatolia program proved to be so popular that the AHEPA youth summer in Greece program was established to bring 144 additional American students to the cradle of western civilization. These youths will spend 5 weeks in the vicinity of Athens and will benefit from many study and sightseeing programs.

I would like to commend the AHEPA Educational Foundation and AHEPA's supreme president, Gus Cherevas, for their dedicated work in establishing these two programs. I would also like to congratulate the 244 students, who are members of the Orders of the Sons of Pericles and the Maids of Athens, for their academic records which entitled them to be selected for these activities. I wish them all a pleasant and interesting summer.

A BILL TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

HON. EDWARD JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. JONES of Tennessee. Mr. Speaker, I recently introduced a bill amending

the Agricultural Marketing Agreement Act of 1937, as amended, to make needed changes in the authority to incorporate class I base plans in Federal milk marketing orders.

This legislation has the strong support of the Nation's dairy farmers.

The present authority has been used for a class I base plan in only one marketing area. This one base plan is in dire need of revision, which can only be accomplished under the proposed legislative authority. Moreover, dairy farmers in other marketing areas are desirous of developing base plans, but cannot do so until the revised legislation is enacted.

My bill, H.R. 11853, would revise the authority requested by representatives of the National Milk Producers Federation, which speaks for the Nation's dairy farmers.

First, the bill removes the termination date. It takes time to develop a plan. Dairy farmers are reluctant to develop a plan which may be terminated even before it is put into operation. To operate to best advantage under such a base plan, many farmers would adjust their farming operations. This they cannot do for a period limited by a termination date.

Also, the bill improves the methods under which new producers may obtain bases and allows established producers to share equitably in the benefits of market growth.

This bill would authorize the use of histories of marketings by dairy farmers, not limited to a single period of time, so that bases can be updated. New producers would be able to obtain bases in a fair manner and thereafter participate in the same manner as established producers.

The bill also provides for the reduction of bases to producers who fail to deliver milk allocated to them in proportion to the share of sales, for their benefit.

These changes are needed to allow dairy farmers to develop base plans, which are consistent with their needs.

The purpose of a base plan authorized by this bill is to enable farmers to know just how much milk they can market and receive a price for it closely related to the class I—fluid milk—price. By knowing this, they can plan production. This prevents the artificial buildup of milk production by a farmer in order to obtain a maximum size base.

The base plan applies only to the distribution of money among dairy farmers supplying Federal milk marketing orders, and involves no cost to the Government.

It took nearly 2 years to put the first base plan into operation under the original base plan legislation. Because of the time required to set up such a plan, it is important that this legislation be passed as soon as possible.

WORLD TRADE OPPORTUNITIES

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to call my colleagues' attention to the United Nations development program report of 1968, and an article in the May 5, 1969, issue of International Commerce by John L. Malone. This material gives an example of the valuable role of the United Nations, in cooperation with private American firms, in speeding the process of economic growth in the underdeveloped nations. The material follows:

WORLD TRADE OPPORTUNITIES—UNDP APPROVED PROGRAMS OFFER GOOD PROSPECTS FOR ELIGIBLE U.S. BUSINESSMEN

(By John L. Malone)

The Governing Council of the United Nations Development Program (UNDP) recently approved a record number of new development programs. Projects approved at this session include many large-scale preinvestment prospects involving the training of specialists in research and economic planning in agriculture, industry, public utilities, housing, health and sanitation education, building and physical planning, social welfare, public administration and other economic services; mineral, water, land, fishery and various natural resources surveys.

Projects approved at the last session, which was held in January, as well as future UNDP projects for developing countries are carried out by the United Nations and 14 other participating and executing agencies.

Firms interested in availing themselves of these potential opportunities under the auspices of the UNDP should, after reviewing data contained in a narrative summary available from International Liaison and Trade Opportunities (ILTO) Staff, BDSA–541, U.S. Department of Commerce, Washington, D.C. 20230, direct their inquiries to the relevant executing agency (this summary is known as Stage 2).

A list of the participating and executing agencies and their addresses follow:

UN/United Nations—Director, United Nations Technical Co-Operation Office, Department of Economic and Social Affairs, United Nations, New York, N.Y. 10017.

ILO/International Labour Organization—Chief, Field Department, International Labour Organization, 154 Rule de Lausanne, Geneva, Switzerland.

FAO/Food and Agriculture Organization of the United Nations—Assistant Director General, Programme and Budget, Food and Agriculture Organization of the United Nations, Cia delle terme di Caracalla, Rome, Italy.

UNESCO/United Nations Educational, Scientific and Cultural Organization—Director, Bureau of Relations with International Organizations and Programmes, United Nations Educational, Scientific and Cultural Organization, Place de Fontenoy, Paris, VIIe, France

ICAO/International Civil Aviation Organization—Director, Technical Assistance Bureau, International Civil Aviation Organization, International Aviation Bldg., 1080 University St., Montreal 3, Canada.

WHO/World Health Organization—Deputy Director-General, World Health Organization, 20, Avenue Appia, Geneva, Switzerland.

IBRD/International Bank for Reconstruction and Development—Projects Department, Development Services, International Bank for Reconstruction and Development, 1818 H St., NW., Washington, D.C. 20453.

ITU/International Telecommunication Union—Chief, Technical Co-operation Department, International Telecommunications Union, Place des Nations, Geneva, Switzerland.

WMO/World Meteorological Organization—Chief, Technical Co-operation Division, World Meteorological Organization, 41, Avenue Guiseppe Motta, Geneva, Switzerland.

IAEA/International Atomic Energy Agency—Deputy Director-General for Technical Assistance, International Atomic Energy Agency, Kaerntnerring 11, Vienna 1, Austria.

UNIDO/United Nations Industrial Development Organization—Director, Technical Cooperation Division, United Nations Industrial Development Organization, Felder Laws, Felder Strasse, Vienna, Austria.

UPU/Universal Postal Union—Schoshaldenstrasse 46, Berne 3000, Switzerland.

IMCO/Inter-Governmental Maritime Consultative Organization—22 Berners St., London, W.1, England.

IADB/Inter-American Development Bank—1818 H St., NW., Washington, D.C. 20453.

ADB/African Development Bank—Abidjan, Ivory Coast.

UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND)

Total U.S. contract awards in 1968 within the total U.N.D.P. program:

Total contracts	14
Amount awarded	$3,789,000

Cumulative total contracts awarded to U.S. contractors, including 1968:

Total contracts	80
Amount awarded	$16,506,000

UNITED NATIONS DEVELOPMENT PROGRAM (SPECIAL FUND)

AMERICAN FIRMS AWARDED SUBCONTRACT, WITH TOTAL COST OF AWARDED CONTRACT, COUNTRY AND PROJECT DESCRIPTION (1968 CONTRACTS ONLY)

Headquarters (country) and name of contractor	Cost of contract (U.S. dollars)	Location, name, and agency of project
United States:		
Battelle Institute	65,000	Pakistan: Pre-Investment Studies for the Promotion of the Fertilizer and Petrochemical Industries (UNIDO).
Louis Berger, Inc. (in association with KAMPSAX, Denmark).	1,625,000	Indonesia: Highway Assistance and Transport Co-ordination Study (IBRD).
Development and Resources Corp.	479,000	Afghanistan: Khnduz—Kkanabad Irrigation Feasibility Study (FAO).
Ellicott Madi Corp	94,500	Yugoslavia: Pilot Land Reclamation Project on the Lower Neretva (FAO).
Fairbanks Morse International Inc.	406,300	Romania: Establishment and Operation of Pilot Irrigation Stations in the Danube Plain (FAO).
United States—Continued		
Geophysical Service Inc.	480,000	Trinidad and Tobago: Seismic Survey in the Marine Area between Trinidad and Tobago (U.N.).
Geoscience	170,000	Poland: Sub-Surface Exploration for Potassium Salts (U.N.).
GTS Corp	37,800	India: Institute for Petroleum Exploration Dehra Dun (Phase II) (U.N.)
National Lead Co	3,000	Bolivia: Centre for Petroleum Development Santa Cruz (U.N.)
Roscoe Moss Co	13,400	Bolivia: Feasibility Study and Demonstration of Agro-Industrial Development in the Abapo–Izazag Region (FAO)
Stanford Research Institute	296,400	Regional (Africa): Survey of Transport Studies in Africa (IBRD)

UNITED NATIONS DEVELOPMENT PROGRAM (SPECIAL FUND)—Continued

AMERICAN FIRMS AWARDED SUBCONTRACT, WITH TOTAL COST OF AWARDED CONTRACT, COUNTRY AND PROJECT DESCRIPTION (1968 CONTRACTS ONLY)—Continued

Headquarters (country) and name of contractor	Cost of contract (U.S. dollars)	Location, name, and agency of project
United States—Continued		
Theodore Riedeburg Associates	30,000	Rwanda: Pilot Plant for Industrialization and Pyrethrum Production, Mukingo (UNIDO).
Tuoluene Corp	48,300	Guatemala: Pre-Investment Study on Forestry Development (FAO).
United States—Continued		
U.S. Air Force	40,000	Regional (Americas): Eradication of the Mediterranean Fruit Fly (IAEA).

MAJOR ORDERS FOR SUPPLIES AND EQUIPMENT AND CONTRACTS AWARDED TO U.S. FIRMS, INCLUDING NAME OF SUPPLIER AND TOTAL COST OF CONTRACT AWARD

Country and name of supplier	Cost of order (U.S. dollars)	Description of equipment
United States:		
Acker Drill	17,284	Drilling equipment.
American Coldset	14,073	Do.
Ann Arbor Instrument Works Inc.	14,413	Machine-tool dynamometer.
Jarrel Ash Co	36,598	Atomic absorption spectrometer.
Beckman Instruments	40,560	Spectrophotometer.
Bendix International	31,195	Instruments.
Bisset Berman Corp	10,053	Fishing equipment.
Carrier International Ltd	17,704	Air-conditioning equipment.
Cenco	12,968	Physics laboratory equipment.
Chrysler Corp	50,090	Vehicles; boats.
Collins Radio Co	11,193	Telecommunication equipment.
Deere & Co	38,209	Agricultural machinery.
Digital Equipment Corp	52,500	Data processing equipment.
Denver Equipment	10,970	Gyratory crusher.
Dukane Corp	13,792	Language laboratory.
Eastman Kodak Co	12,214	Microfile equipment.
Export Oil Field	32,512	Drilling equipment.
E. J. Longyear	11,313	Do.
Marine Construction & Design Co.	22,278	Fishing equipment.
Motorola Communications International Inc.	11,314	Telecommunication equipment.
Owens Illinois	24,698	Laboratory equipment.
Perkin-Elmer	11,679	Gas chromatograph.
Pensalt Chemical	13,306	Freeze dryer.
Picker International Corp	42,659	X-Ray diffraction and fluorescent equipment.
Prater Pulverizer Co	28,163	Agricultural machinery.
Radio Research	20,482	Mobile radar.
Raytheon Inc	104,140	Radar parts.
Sabin St. Germain	19,741	Testing machine.
United States—Continued		
Scott-Engineering Sciences	34,386	Thermodynamics and refrigeration training equipment.
Singer Co	10,850	Spectrum analyser.
Soiltest Inc	10,365	Engineering laboratory equipment.
Speedstar Division	17,312	Drilling equipment.
Sprague & Henwood	39,314	Wireline equipment.
Tektronix Inc	10,282	Oscilloscopes and accessories.
Uniflow Manufacturing Co	15,123	Freezing plant.
Victoreen Instrument Co	15,672	Ionization chamber.
Westinghouse Air Brake Co	55,214	Drilling equipment.
Fisher Scientific Co	22,817	Chemical laboratory equipment.
Fort Motor Co	27,231	Vehicles; drilling equipment.
Fortune Electronic	83,148	Photographic equipment.
General Electric	10,799	Dynamometer.
General International Export	19,545	Engineering laboratory equipment.
General Motors	60,617	Vehicles.
General Precision System Inc	12,216	Aircraft.
Geophysical Instrument	39,938	Geophysical equipment.
W. & L. Gurley	11,763	Hydrological instruments.
Halliburton Co	17,709	Autoclave.
Haver-Lockhart Labs	14,844	Clinical and surgical equipment.
IBM	708,108	Electronic data processing.
Jeep, pickups	33,397	Vehicles.
Kaiser Jeep International Corp.	31,200	Do.
Kay-Fries Chemicals, Inc	10,200	Torula yeast.
Lab Cage, Inc	11,366	Laboratory cages and accessories.
Leopold & Stevens	32,904	Hydrological equipment.
Lewis Refrigeration	13,125	Laboratory freezing equipment
Leyland Motor Co	62,486	Vehicles.

HEARINGS ON STUDENTS FOR A DEMOCRATIC SOCIETY

HON. RICHARD (DICK) ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ICHORD. Mr. Speaker, the House Committee on Internal Security for the past 3 months has been investigating intensively the revolutionary nature and activities of the Students for a Democratic Society and is presently conducting its second hearing, the first basically on activities at Georgetown University here in Washington, the second on Kent State University at Kent, Ohio.

This morning Dr. Robert I. White, president of Kent State, reiterated a point which has come up time and time again with regard to campus disorders.

Dr. White testified that the SDS made its initial attempt to disrupt the normal processes of the university on November 13, 1968. He commented:

After several days of propagandizing, they were successful in forming a pre-planned and much hoped for (i.e., on the part of S.D.S.) coalition with the Black United Students (B.U.S.). The focal point of their combined efforts was the disruption of an Oakland Police recruiting visit.

He continued:

While the recruiting activity was temporarily disrupted and while campus tensions were on the fringe of large scale disorder for several days, it should be noted that all students desiring to be interviewed did so, that there were no serious outbreaks of violence, that there was no destruction of University property. After this initial confrontation, much to the credit of B.U.S., they proceeded without alliance and pursued their grievances in an orderly and constructive manner.

It was Dr. White's next sentence which has been the thread which showed up in the Georgetown hearing and again today in the Kent State hearing. His comment was:

Unfortunately, some aspects of the Oakland Police confrontation were distorted in the public press.

This concerns me a great deal for, as you know, one of the Nation's, indeed, the world's leading schools of journalism, that of the University of Missouri, is located at Columbia in my district. Just a few days ago, one of the eminent members of that faculty, Dr. John C. Merrill, whose recent book, The Elite Press, is getting international attention, chanced to speak at Marymount College in nearby Alexandria, Va.

He made this comment:

Minority and eccentric views and news get disproportionate coverage. I think what we have presently is a "reality" gap. The press' picture of what's going on is quite different from what's really going on.

Dr. Merrill continued:

It is quite natural that there is a credibility gap, and it is not all the government's fault. The press bears responsibility for much of it. The American people can't tell from the press what the majority of campus students and faculty are thinking and doing. But we know every time an SDSer picks up a picket sign or sits outside a dean's office.

Much of what the press reports may be part of what's going on, but it gives the wrong emphasis or picture. It may be truth but is not the whole truth, or even an attempt at a balanced truth.

Dr. Merrill's comment bolsters what I have long contended—and I am glad to see the universities, especially my own alma mater, and our academic journalists speak up on the matter. One of the great needs of the press and the country is for a more balanced perspective in the reporting of campus violence.

Dr. Merrill believes the press presents a fragmented, crazy-quilt view of the world, playing up negative aspects. He says the mass media need not be trapped into using anything because it is "news." I could not agree with him more.

Dr. Merrill, billing his remarks to Marymount students under the title, "The Press and Social Upheaval," he judged that the press is being used by loud, active minority groups and is presenting the atypical to make it appear as the typical. He described it thus:

The press naturally tends to overstress the sensational, noisy, atypical, loud, colorful, unusual. This usually means the minority activities in society.

The press, he says, allows itself to be used by skilled propagandists, extremists, bigots, and revolutionaries—and it is the latter with which I, as chairman of the Committee on Internal Security, am

particularly concerned. Dr. Merrill explained:

These propagandists know the press feeds on sensation, the lurid and the irresponsible statement and act. They are playing the press like a master musician plays a piano.

The press' role in reporting upheavals, Dr. Merrill said, "was good quantitatively but not qualitatively." Correlative to this, he made this point:

News executives can always select—in effect they define news by what they select. If they don't use a story about 30 students sitting in front of a dean's office, in a sense it is not news.

He believes further—and I can only concur—that overplay of riots and demonstrations is contagious.

"Too much coverage of explosive but isolated incidents simply spreads them," he declared:

A TV program can make it look as if the entire student body and faculty are behind SDS, for instance, when actually there are perhaps only 100 out of 15,000.

There is no doubt in my mind that expectation of media coverage affects events. Some events are even called off when no news media are present.

He asserted that TV cameras are no more "objective" than newspaper or magazine reporters. He continued:

TV generally is far more dangerous to social stability than the press. It is more dramatic, more selective, more superficial, more stimulative, more action-filled. It is less complete, less interpretive, less fair. Television makes a pretty poor showing generally as a complete news medium. It's really an entertainment medium and is geared to that purpose.

Dr. Merrill said he was not exonerating newspapers:

They make a pretty poor showing, generally. They still are more interested in scoops, even when TV is sure to beat them. They still present an undigested, unsynthesized version of reality. They give snippets—bits and pieces—of news and views.

Dr. Merrill said minority extreme groups trying to destroy and disrupt society need to be put in proper perspective and exposed by mass media. He specifically mentioned SDS, which he referred to as Students for the Demolition of Society.

He asserted that the mass media currently are contributing to the social upheaval "by giving loud, atypical, dangerous persons TV and press space—thereby saying, in effect—

These are important people. Generally they are simply paranoid persons, would-be or actual authoritarians feeding off publicity and notoriety.

Professor Merrill also accused the mass media of helping to "create" a generation gap through playing up differences, of perpetuating an aura of suspense, promise of worse things to come, and by "legitimatizing revolution as what is bound to happen."

Dr. Merrill concluded that social upheaval can be quite dangerous to the whole society unless channeled into nonviolent, peaceful dialog, and democratic solutions.

"The mass media must concern themselves with consequences to society—and even to themselves—of the extreme elements," he said:

In these days of social upheaval, the mass media are not doing a good job in reporting or giving meaning to it all. They must do better or their days are numbered.

The mass media had better wake up before they create a monster that will tear apart our whole social fabric, including the mass media.

Dr. Merrill's warning is not one to be taken lightly. In light of the testimony and facts which have come before the Committee on Internal Security, in view of the tragic reports of campus disorders which have blotted the campuses across this country, I hope the mass media do wake up before this monster is created, or if it is already created, before it moves out to grasp our entire society within its maw.

There is one real ray of hope in all this. I understand Dr. Merrill was given an ovation by the students at Marymount College who heard him. This gives me great hope. I hope the other great schools of journalism throughout this country give Dr. Merrill's words and advice the attention they deserve.

RULES FOR REVOLUTION

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. HALL. Mr. Speaker, paraphrasing Santayana we know that those who ignore the lessons of history are destined to relive its errors. A retired friend of mine forwarded the enclosure entitled "Rules for Revolution" as a reprint from "New World News" in February 1946. Along with his letter he stated in part:

The attached article "Rules for Revolution" was printed in February 1946. Perhaps the United States Supreme Court either does not accept these basic tactics or is revolutionary itself!

I strongly recommend that Members, and the people who read the CONGRESSIONAL RECORD, review this and note the startling conclusion of the path we tread as we neglect history's lesson. I insert this article in the RECORD at this point:

RULES FOR REVOLUTION

On a dark night in May, 1919, two lorries rumbled across a bridge and on into the town of Dusseldorf. Among the dozen rowdy, singing "Tommies" apparently headed for a gay evening were two representatives of the Allied military intelligence. These men had traced a wave of indiscipline, mutiny, and murder among the troops to the local headquarters of a revolutionary organization established in the town.

Pretending to be drunk, they brushed by the sentries and arrested the ringleaders—a group of 13 men and women seated at a long table.

In the course of the raid the Allied officers emptied the contents of the safe. One of the documents found in it contained a specific outline of "Rules for Bringing About a Revolution." It is reprinted here to show the strategy of materialistic revolution, and how personal attitudes and habits of living affect the affairs of nations:

"A. Corrupt the young. Get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

"B. Get control of all means of publicity and thereby:

"1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays, and other trivialities.

"2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

"3. Destroy the people's faith in their natural leaders by holding these latter up to ridicule, obloquy, and contempt.

"4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

"5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

"6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

"7. By specious arguments cause the breakdown of the old moral virtues: honesty, sobriety, continence, faith in the pledged work, ruggedness.

"C. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."—From New World News, Feb. 1946.

FBI CITES RECORD ON KING WIRETAP

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. EDMONDSON. Mr. Speaker, during recent months we have heard considerable controversy about reported Government wiretapping of the late Dr. Martin Luther King, Jr., with disputed versions of the Federal Bureau of Investigation's authorization for such action. The record has now been set straight and a detailed accounting given of the events which preceded authorization by the Attorney General for the FBI action.

I place in the RECORD an article from the Washington Evening Star of June 19, setting forth specific details on authorization of the wiretap in question.

The Star article states these disclosures "climaxed a long smoldering controversy over the role of the FBI." The article should also serve to end the controversy and any further irresponsible reporting on the subject.

FBI Director Hoover has documented his account of the record and the record now speaks for itself.

The Star article follows:

KING WIRETAP CALLED R.F.K.'S IDEA—HOOVER ASSERTS MEMO TO FBI CITED CONCERN OVER MARXISM

(By Jeremiah O'Leary)

Wiretapping of Dr. Martin Luther King Jr.'s telephone was proposed to the FBI by then Attorney General Robert F. Kennedy in June, 1963, and authorized by him in writing later that year, FBI Director J. Edgar Hoover told The Star today.

Hoover revealed the contents of two memorandums in one of which Kennedy expressed concern about possible infiltration of the race issue by Marxists and spoke of allegations that the Negro leader was closely associated with Marxist ideas and followers.

That memorandum to Hoover, dated June, 1963, was written by Courtney Evans, then assistant director of the FBI and liaison man with the Justice Department. It reported the substance of a conversation Evans had just had with Kennedy in which the Attorney General asked about the feasibility of installing electronic devices on King's telephones. King headed the Southern Christian Leadership Conference.

CONCERNED ABOUT ALLEGATIONS

Kennedy, according to the Evans memo, was concerned about reports that King was a student of Marxism, that he was associating with a New York attorney with known Communist connections, but that he did not openly espouse Marxism because of his religious beliefs. The Evans memorandum indicated Kennedy wanted to know if it was technically feasible to use electronic devices to prove or disprove these allegations.

The Evans memo said Evans replied to Kennedy that King was a man who traveled almost constantly and that it was extremely difficult to use wiretaps effectively in such cases.

Hoover told The Star that FBI officials also informed Kennedy at that time that they doubted the advisability of undertaking electronic surveillance of Dr. King because of possible political repercussions.

However, the second memorandum cited by Hoover shows that on October 7, 1963, the FBI chief reported to Kennedy that it was then technically feasible to apply wiretaps to King's telephones at two places, one of them at an unnamed location in New York.

That memorandum constituted the FBI's request for authority to proceed with the wiretap proposed by Kennedy four months before. The document bears in the lower left-hand corner the signature, "Robert F. Kennedy," and under the name the date "10-10-63."

Hoover did not indicate to The Star when the surveillance was started but said the taps were discontinued on April 30, 1965. At that time Nicholas Katzenbach was serving as Attorney General.

Asked about the results of the electronic surveillance today, Hoover declined comment.

The FBI director told The Star: "I have never authorized installation of technical electronic devices without written authority of the Attorney General."

Today's disclosures climaxed a long smoldering controversy over the role of the FBI, a subordinate bureau of the Justice Department, in using wiretaps or other electronic devices in investigative matters. The matter came to a head Sunday when Carl Rowan, a columnist for The Star, charged that the FBI had no authority to wiretap Dr. King's conversations. He quoted former Attorney General Ramsey Clark, who succeeded Katzenbach, as saying "the implication that people thought Dr. King was a security threat is outrageous."

The Rowan charges prompted Associate FBI Director Clyde A. Tolson to write to Rowan early this week defending legality of the King wiretaps.

"For your information," Tolson said in his letter, "the wiretap on Martin Luther King, Jr., was specifically approved in advance in writing by the late attorney general of the United States, Mr. Robert F. Kennedy."

Tolson added that the monitoring device was "strictly in the field of internal security and therefore was within the provision laid down by the President of the United States."

Evans, now a Washington lawyer, was en route to Puerto Rico today and could not be reached for comment. However, Tuesday night Evans said he had no recollection of whether a wiretap authorization directed at King had ever been involved in his discussion with Kennedy.

Aides to Sen. Edward M. Kennedy, D-Mass., said today he would have no comment on Hoover's disclosure.

Friends of Robert Kennedy had suggested in recent days that, during 1964, in the period after the assassination of President John F. Kennedy, the attorney general's interest in some of his official affairs had flagged. However, the assassination came nearly six weeks after Robert Kennedy signed the authorization for the King wiretap.

Hoover and Kennedy, after the latter became a New York senator, accused each other of being responsible for use of hidden microphones in investigations.

Evans figured in that controversy when Kennedy made public a February, 1966, letter to him from Evans which made the point that the use of hidden microphones was not Kennedy's responsibility but suggested he may have directly approved the use of wiretaps on phones. That letter said the FBI sent national security wiretap requests to Kennedy for approval.

It is reliably reported that Kennedy was reminded by the FBI that it still had in its files the authorizations signed by him as Attorney General for telephonic wiretaps. However, Hoover did not disclose at that time any names of persons under wiretap surveillance with Kennedy's approval.

At that stage, Kennedy and Hoover broke off the public exchange of charges as if by mutual consent. This was regarded partly as due to Kennedy's realization that his signed authorizations were still in FBI files, partly to the FBI's desire not to have special attention drawn to its investigative techniques nor to engage in a battle with the Kennedy forces that could have political overtones.

The Justice Department on Tuesday declined a direct answer when asked for documentation of Tolson's contention in his letter to Rowan. But earlier this month, a Justice Department spokesman said Hoover was "accurate in every respect" in his repeated statements that all wiretaps were being authorized in advance and in writing by the Attorney General during the timespan of the controversy.

A Justice department spokesman, asked today if Attorney General John N. Mitchell had given Hoover permission to discuss the contents of secret documents of the King wiretapping, replied simply, "no comment."

However, the spokesman recalled that the attorney general had declined to authorize disclosures in court of the basic authority for the wiretapping. Such disclosures had been demanded by defense lawyers in the Houston draft evasion hearing for former boxing champion Cassius Clay. It was during that hearing that the King wiretapping was officially revealed for the first time.

FLIGHT

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. GALIFIANAKIS. Mr. Speaker, on Friday, April 11, I had the privilege of participating in ceremonies at the University of North Carolina Morehead Planetarium. The planetarium, which has previously distinguished itself as the site of U.S. astronaut training in celestial navigation under the able direction of Mr. A. F. Jenzano, was the site of an extraordinary sight and sound show entitled "Flight." This mixed-media blend of creativity and technical ability presents the evolution of man's intrigue with flying and his experiences in achieving contact with the outer atmosphere.

Under the brilliant direction of Capt. Normal D. Sauvage, U.S. Air Force, a university staff of 18, through the cooperation of approximately 50 companies, individuals, departments, and foundations, used slides, movie film clips, live TV, narration, music, and live dancers to take the audience through a 1 hour, smartly paced, smooth running, substantive, sensitive, historical experience. His artistic prowess was shown throughout the production in his imaginative and effective treatment of contrasting media.

The show will not be limited to the Fourth District. It has been graciously invited to Vienna, Austria, for the Third International Planetarium Director's Conference for a July 11 performance.

Lt. Gov. H. Patrick Taylor, Jr., served as honorary chairman of "Flight," which is dedicated to the memory of Mrs. Estes Kefauver, the great and gallant lady who as the first Adviser on Fine Arts for the U.S. Department of State, implemented and directed the art in the Embassies program which brought new dignity and dimension to American visual arts, especially as an important factor in international relations.

FEDERAL EMPLOYEES ANTI-ABM PETITION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. EDWARDS of California. Mr. Speaker, an event of significance occurred Friday, June 6, when members of the Federal Employees for a Democratic Society presented Congress with a petition signed by 1,731 Federal employees opposed to the anti-ballistic-missile system.

Five Congressmen and two representatives of other Congressmen received the petitions and joined in praise of the courage of the employees signing the petition and in support of their position.

It took great courage for Federal employees to take such a stand, but Federal employees do not lose their rights of citizenship, including the right to petition, by becoming Federal employees.

Mr. Speaker, I submit the statement of the petitioning Federal employees for inclusion in the RECORD as follows:

FEDERAL EMPLOYEES ANTI-ABM PETITION

Traditionally federal employees have been a conspicuously silent group. Many believe it to be inappropriate to speak out on politically sensitive issues, in view of their official positions. Others recall the McCarthy era and live in fear of jeopardizing their jobs or their next promotion. I am here this morning to tell you that this timidity must come to an end and is coming to an end.

Federal Employees for a Democratic Society (FEDS), in its efforts against the Anti-ballistic Missile System (ABM), directly represents approximately 2,000 federal employees who have, thus far, signed the FEDS sponsored petition to Congress opposing the deployment of the ABM. The petition states, There is no convincing evidence that the ABM system will reduce the threat of nuclear destruction; instead, its construction may well accelerate the nuclear arms race, making eventual disarmament impossible. The Administration has failed to rebut the considerable body of evidence developed

within the scientific community indicating that this system is of doubtful reliability and utility and is not necessary to defend the United States from nuclear attack. There is a danger that the military-industrial complex is urging deployment of the ABM system to serve its own interests rather than the national welfare. This is the type of danger against which President Eisenhower warned.

We call upon Congress to begin to shift the nation's resources from the machinery of war to the solution of complex domestic social problems. We believe that poverty, hunger, racial tension, crime and environmental pollution are the most serious and immediate threats to our national security.

As the petition indicates, FEDS efforts on this issue transcends the goal of just defeating the ABM. We are asking for a thorough re-structuring of our national budget to meet the needs of a rapidly deteriorating American society. The ABM is an outstanding symbol of the kinds of decisions this nation is faced with. There are an estimated 22 million Americans living in poverty, about 10 million of these are suffering from malnutrition. The drop-out rate in our public schools system is 28 percent, and in many of our urban areas the rate approaches 50 percent. Our higher education system is facing possible total destruction, mainly because it considers the needs of the military-industrial complex while ignoring the educational needs of our youth. Air pollution is reaching lethal quantities because having clean air conflicts with the profit motive. The nation's Blacks, Puerto Ricans, Mexican-Americans and Indians continue to be treated as second class citizens.

These are only a few of the major domestic problems facing us today, but they alone pose a greater threat to our national security than all our real or potential foreign enemies. For the past 20 years we have been committed to military overkill, which has squandered an intolerable portion of our human and economic resources. We must now make the commitment to build a better society for all, not a stronger military.

We believe that defeating the ABM could mean the beginning of a realization that a spiraling nuclear arms race can benefit no one; the beginning of a realization that serious domestic ills must be given the highest priority.

THE POVERTY PROGRAM

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ESHLEMAN. Mr. Speaker, Mr. John M. Yancey, professor of psychology at Elizabethtown College in my congressional district, was interviewed concerning the poverty program by our evening newspaper, the Lancaster New Era. I feel some of his comments are worthy of being placed in the RECORD and shared with others. Excerpts from the newspaper article follow:

THE POVERTY PROGRAM

The war on poverty is failing because it gives financial rewards to people who spurn ambition, and it penalizes ambitious people who try to better their lot in life.

This is one of the views of John M. Yancey, professor of psychology at Elizabethtown College and coauthor of the controversial *Poverty in the Garden Spot* report that was published in 1966.

"The war on poverty needs to be reversed," Professor Yancey says. "Both nationally and locally, it should be revised to reward those who make a genuine effort to improve themselves and to adopt the values of the people who are taxed to pay for poverty programs.

"For those who refuse to hold jobs or who resist efforts at self-improvement, the anti-poverty program should include a penalty system," he said.

Yancey is convinced that the majority of the poor in Lancaster County could do better—except that they don't know how to go about it; that existing welfare systems are set up so as to discourage them from going about it as they must.

The key to continuing failure of the war on poverty at federal, state, and local levels, Professor Yancey believes, lies in the segregation of society into the poor and the affluent.

"There are some middle class who are poor," he observed, "and there are some lower class who are not poor."

"It is not a problem of economics. It is that the lower class is different. They have different attitudes on how our world should operate," he continued.

"We are trying to solve this class problem by giving the lower class money. Rather we should tell them that if we give them money they first should learn how to save money. They should learn to change their attitudes and values," Yancey said.

Yancey complains that poverty programs today are based on need, not on behavior.

"I think middle class people would be willing to support programs more than in the past," Yancey said, "If they could see the results they want to see. I think business and industry want to see behavior changing and I think they would support programs to a far greater degree than now if they could see the changes."

"People seem to have no understanding of how our resources are developed; how we get food to eat; how we get houses built."

"Someone has to work," he went on.

"It is not all in Washington where Congress can open a storehouse and put it in a truck and deliver it."

"In OEO (Office of Economic Opportunity and Community Action Program), Social Security, Medicare and the many charitable agencies," Yancey said, "I don't see anything that pretends to say to people that they will get help only so long as they start behaving the way I want them to behave."

"All of the welfare programs", Yancey says, "have shaped people in patterns of dependency. Now is the time to try to shape these people in the pattern of the good old get up and go. . . . Shape them this way until they get out of poverty then cut it off."

HOUSE JOINT RESOLUTION 486

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution by the city of Gardena, Calif., urging the creation of a Presidential commission between the United States and Mexico to help control the flow of narcotics and dangerous drugs between our two countries.

This resolution asks the President to set up a joint commission with the Mexican Government as Congressman DICK HANNA and I proposed in House Joint Resolution 486.

Mr. Speaker, it is my hope and that of many people in California that President Nixon will take the necessary steps to set up such a commission. This is especially important because all of the evidence indicates that use of narcotics is now increasing throughout the country. Recent notice has been given to estimates that perhaps as high as 35 percent of students in our college campuses on occasion used marihuana.

I am including in the RECORD a copy of the resolution by the city of Gardena and a copy of the bill we have introduced:

RESOLUTION OF GARDENA, CALIF., CITY COUNCIL

Whereas, the continuing increase in the use of narcotics and dangerous drugs by the minors in our country not only constitutes a major problem to society, but presents an extreme danger to the user, as well; and

Whereas, it is believed that the most effective way to stop the illicit traffic in narcotics and dangerous drugs into our communities is to cut off the supply at its source, and that there should be established a joint presidential commission between the United States and Mexico to undertake an action program to control the flow of narcotics between the two countries; and

Whereas, on the 24th day of April, 1969, the South Bay Councilmen's Association passed and adopted its Resolution No. 10, recommending and urging the creation of a commission to control the flow of narcotics and dangerous drugs between the United States and Mexico;

Now, therefore, be it resolved, that the City Council of the City of Gardena, California, does hereby endorse said resolution of the South Bay Councilmen's Association and urge the creation of such a commission in an effort to halt the illicit flow of narcotics and dangerous drugs between the two countries; and

Be it further resolved, that copies of this resolution be forwarded to Secretary of State William P. Rogers; to Attorney General John N. Mitchell; to Secretary of Health, Education and Welfare Robert H. Finch; to United States Senators Alan Cranston and George Murphy; to Congressman Glenn M. Anderson; and to the member cities of the South Bay Councilmen's Association.

Attest:

RUTH F. MORGAN,
Deputy City Clerk of the City of Gardena, Calif.

H.J. RES. 486

Joint resolution to request the President to negotiate with the Mexican Government for the purpose of setting up a joint United States-Mexican commission to investigate the flow of marihuana, narcotic drugs, and dangerous drugs between the United States and Mexico

Whereas Mexico is the primary source of supply for narcotic drugs and dangerous drugs brought into the southwestern part of the United States; and

Whereas these narcotic drugs and dangerous drugs are subsequently distributed throughout the United States; and

Whereas 100 per centum of the marihuana seized by the enforcement officials in the southwestern part of the United States comes from Mexico; and

Whereas the smuggling of narcotic drugs and dangerous drugs into the United States poses the largest single problem for collectors of the customs and for the Federal courts in the southwestern part of the United States; and

Whereas the use of narcotic drugs and dangerous drugs by juveniles has greatly increased due to the easy accessibility of such drugs from Mexico: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President

is requested to initiate negotiations with the Government of Mexico for the purpose of setting up a joint United States-Mexican commission to investigate and to recommend appropriate solutions concerning the flow of marihuana, narcotic drugs, and dangerous drugs between said countries.

SUNSET ECLIPSES DDT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. UDALL. Mr. Speaker, Sunset magazine, a fine Western publication, this week took another responsible step in the public interest by banning advertising for DDT and five other insecticides which hold their potency for years.

The magazine also plans a major article telling consumers of safer substitutes and it will revise its garden books to bring them in line with new findings.

Sunset is to be commended for these actions. All of us everywhere seem to be acquiring DDT in our systems as it and similar products work themselves to every part of the globe. There are those who argue that it hasn't been proven that accumulation of DDT is bad for us. But I have yet to hear of some responsible study showing it is good for us. If I have my "druthers" when I dine I will skip the DDT, thank you.

Following is the text of the Sunset announcement:

SUNSET MAGAZINE MOVES AGAINST DDT AND FIVE OTHER INSECTICIDES

MENLO PARK, CALIF.—*Sunset* Magazine announced this week an immediate ban on accepting advertising for products containing DDT and five other insecticides, and is revising all of its *Sunset* gardening books to recommend substitute products, according to Lane Magazine & Book Company president, L. W. (Bill) Lane, Jr.

The move came after a continuing concern and a six-month intensive study convinced the magazine's gardening staff and management that damage to wildlife and the eventual possibility of harm to humans is far too great to offset the product advantages for use in home gardens.

The announcement is especially significant in view of the fact that *Sunset* currently carries more insecticide and pest-control advertising than any other non-farm magazine in the country.

Lane also announced that the magazine will publish a comprehensive report on the subject in its August issue, listing 19 acceptable substitute products for use around the home and recommended methods for getting rid of present supplies of the insecticides. He emphasized that many of the substitute products have been included in recent and all current printings of *Sunset* publications. The magazine's ban on product advertising goes into effect with the same August issue, which is the first issue going to press following the announcement.

Sunset's garden editor Joseph F. Williamson said that research and checking with all responsible authorities convinces him that the new restrictions imposed by the California Department of Agriculture are a step in the right direction, but that more controls are needed.

Sunset's decision not to accept advertising precedes the January 1, 1970, ban ordered by the State of California directive on only two insecticides—DDT and DDD.

Three other states—Arizona, Wisconsin, and Michigan—have passed or proposed legislation to control the use of DDT and related chemicals.

The *Sunset* article will also recommend that four other insecticides immediately be taken off the market for home gardening—aldrin, dieldrin, endrin, and toxaphene. They are also included in the ingredients not acceptable for *Sunset* advertising. Williamson explains that the major problem with these stems from what scientists call "nondegradability." Other kinds of insecticides "break down" or change into harmless substances within hours or days after application. These retain their chemical potency, wherever nature may take them, for years after application.

Williamson reports that manufacturers are actively cooperating in the drive to market substitute products that offer the benefits of insect control without the hazards of DDT and its related compounds. Some have voluntarily eliminated DDT products from their lines. Nevertheless, according to a *Sunset* survey of retail outlets, it still is currently contained in 35 products in the Western garden supply market.

Scientists report that certain forms of wildlife (California brown pelicans, peregrine falcons, bald eagles, and Dungeness crabs, to name a few) have taken enough DDT into their systems to make many adults no longer capable of reproducing, thus threatening their species with extinction.

Lane noted that not accepting certain categories of advertising is not new to *Sunset*. The publication, with a circulation of close to one million in Western America, has a long list of products that it does not accept in its advertising pages. "In the case of tobacco and hard liquor, we dropped advertising of such products 25 years ago," Lane said, "not because we set ourselves up as crusaders, but because we felt they didn't fit in the atmosphere of our family-oriented magazine. But in the case of insecticides, our readers expect us to be authorities; we can't very well accept advertising for products we would not endorse or recommend in our editorial pages."

In addition to publishing *Sunset* Magazine, the company is a major book publisher. Melvin B. Lane, publisher of *Sunset* Books, reports that revisions already are being made on all of the firm's garden books to conform with the new findings on insecticides. New printings are underway and will be completed by Fall. The company publishes nearly a half million garden books a year. Sales of its top seller, The Western Garden Book, have exceeded 1.3 million copies since first published.

EXCERPTS FROM FLAG DAY ADDRESS, MACARTHUR MEMORIAL, NORFOLK, VA., JUNE 14, 1969, BY ALF J. MAPP, JR.

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. WHITEHURST. Mr. Speaker, on Saturday, June 14, 1969, I had the opportunity to participate in Flag Day ceremonies at the Douglas MacArthur Memorial in Norfolk, Va. At that time, I was much moved by remarks made by Prof. Alf J. Mapp, Jr., who is on the faculty at Old Dominion College. Mr. Mapp emphasized the great danger in America of the diversity that is alienating us one from another. His comments seemed so pertinent that I would like to place them in the RECORD for the benefit of all Members and those who read this journal. Mr. Mapp's message deserves the attention of all of us. It follows:

EXCERPTS FROM FLAG DAY ADDRESS BY PROF. ALF J. MAPP, JR.

If the flag to which we pay tribute today is to remain the symbol of a vital and virile force among the nations, we must see that our historic source of strength does not become our fatal weakness. We have often gloried in the rich variety of cultures that have contributed to our land and have boasted of the diversity that has made us strong. And properly so! But this diversity is now threatened by a paradox. We Americans are great organizers and we have turned our genius for organization to the task of organizing our diversity. One of the great blessings of diversity has been the climate that it afforded for individualism. But individualism is now assailed by organized diversity. The individual is beset with appeals to think and act in conformity with a majority of his ethnic group, or economic group, or occupational group, or else be branded a traitor to his class.

This same tendency to line people up under a banner of narrow dedication is evident even in the realm of political ideology. We are no longer building a diversified nation where the attributes of one group complement another; we are in danger of fragmentizing the nation into groups spending their strength in savage in-fighting. Too many people have abdicated the power of individual decision in exchange for comfortable surrender to doctrinaire liberalism or doctrinaire conservatism. They never have the painful task of deciding a vital question on its merits. Having uncompromisingly labeled themselves, they know at once how to label everything else. In many cases they belong to organizations prepared to tell them how they—as good conservatives—should think about every issue that confronts them as citizens. On acquiring a life membership a man might almost as well give his proxy on the great questions of his lifetime. On those questions where the lines between conservatism and liberalism might be blurred even in the eyes of the most doctrinaire, the reliable computer might be called into service to determine where a man's allegiance lies.

An organization notifies its members that a legislator voted "wrong" 80% of the time. Another organization notifies its members that the same man voted "right" 75% of the time. The "rightness" or "wrongness," of course, depends upon the extent of conformity to the program of the group issuing the statement. The man who is concerned only with the estimate of the group to which he belongs has his decision made for him and also enjoys the comforting assurance of being "right."

Space age survival requires spacious thinking. There is no safety in scurrying retreat into the narrow warrens of organized conformity. If Americans do not reassert their right to think as individuals, the stripes in that flag in which we glory today will represent a stratification destructive of national unity. But if we have the courage and the energy to reassert our hard-won privilege of decision making, the starry blue firmament that also adorns it will proclaim before the whole world the measure of our aspirations for ourselves and for all mankind.

UPDATING OUR FISHING FLEET

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. POLLOCK. Mr. Speaker, yesterday I introduced legislation which would

amend the U.S. Fishing Fleet Improvement Act. This legislation will offer fishermen a 50-percent Government subsidy for the purchase of any American-made fishing vessel. In addition, it will authorize low interest loans for the remainder of the purchase price. A further aspect is an authorization for the administration to accept as trade-in, existing vessels used by the American fishing industry with the requirement that these vessels not be allowed to compete with the new vessels in the fishing industry.

Our fishing fleet is in dire need of updating and without this subsidy American fishermen are unable to replace their out-of-date vessels with modern equipment.

Mr. Speaker, we must update our fishing fleet and I propose this legislation as a vehicle for this modernization.

OBSCENE TELEPHONE CALLS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ROGERS of Florida. Mr. Speaker, I have noticed an advertisement which I would like to call to the attention of my colleagues regarding obscene telephone calls.

General Telephone & Electronics points out in its ad that they have worked and developed a system so that a person who is harassed by obscene telephone calls can take steps which might lead to the capture of the caller.

I would like to commend General Telephone & Electronics for the work they are doing in the field. I think this is one important way industry can and is helping to aid in enforcing the law which we passed last year.

At this time I would like to include in the RECORD the text of the advertisement:

A WARNING TO PEOPLE WHO MAKE OBSCENE PHONE CALLS

You're sick. Not clever, but sick.

Because the calls you make aren't jokes. They're crimes. By local law and now, by Federal law.

Congress has just recently passed a bill that can fine you and send you to prison for 6 months if you're caught and convicted.

And you will be. Because now the odds are on our side, not yours.

We can say that because as General Telephone—the second largest telephone operating company in the country—we know what's being done about you.

Although we don't have it throughout our entire system yet, today's special telephone equipment can not only trace back and identify your phone from the receiving party's end; it can also identify any number you call from your end.

And don't think you can beat it by keeping your call short, either.

Because it can also prevent you from disconnecting. As long as the party you call doesn't hang up, the line will remain open. No matter what you do.

And while they keep the line open, they can make another call. To us.

Then there's the work being done on the voice print—an electronic picture of the human voice.

If yours is taken, it's as good as getting your fingerprints. That's how distinctive your voice is. No matter how good you are at disguising it.

And if all that isn't enough to stop you, remember this the next time you get the urge to call:

We haven't told you everything.

GENERAL TELEPHONE & ELECTRONICS.

MIRV SEEN ADDING TO MAD MOMENTUM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BINGHAM. Mr. Speaker, one of the primary contentions of those of us who have expressed concern over the development by the United States and the Soviet Union of a new generation of weapons systems characterized by the use of multiple, independently targetable reentry vehicles—MIRV—is that testing of these weapons might jeopardize planned United States-Soviet arms control talks. The Communist party newspaper, Pravda, and the Soviet foreign affairs monthly, Mezhdunarodnaya Zhizn, have recently published Soviet reactions to the Nixon administration's missile program, making specific reference to the development of MIRV. A report from the New York Times summarizing these Soviet statements follows.

In addition, a most interesting analysis by Richard Harwood and Laurence Stern of the growing debate over MIRV testing by the United States appeared in the June 22 edition of the Washington Post. I feel certain that the Members of the Congress and many readers of the RECORD will find this analysis enlightening.

Finally, the New York Times has recently published two thought-provoking editorials on the question of MIRV testing which also appear below:

[From the New York Times, June 11, 1969]

PRAVDA VOICES SOVIET DISPLEASURE WITH UNITED STATES OVER MISSILE POLICIES AND DELAYS ON ARMS-CONTROL TALKS

(By Bernard Gwertzman)

Moscow, June 10.—The Communist party newspaper Pravda today underlined Soviet displeasure with the Nixon Administration's missile program and its delay in beginning strategic arms-control talks with the Soviet Union.

An article by Boris G. Strelnikov, the newspaper's Washington correspondent, was the latest in a number of Soviet commentaries indicating dissatisfaction with the apparent desire of the United States to proceed with new defensive and offensive missile systems, and with the failure to set a date for the start of arms-control talks.

A commentary in the current issue of Mezhdunarodnaya Zhizn, a foreign affairs monthly, said that development of the Safeguard antimissile system the MIRV offensive system could only complicate future Soviet-American negotiations.

MIRV is the acronym for multiple, independently targetable re-entry vehicle.

"The development of these defensive and offensive systems would lead to a qualitative new step in the nuclear arms race and would add billions to the already large and burdensome military expenditures," the commentary said.

"It would open the way to further aggravation of international tensions, first of all in the mutual relations between the two most powerful world powers, the United States and the Soviet Union," it added.

"It would strengthen the mutual distrust between states and would make more complicated the already difficult negotiations on disarmament, "the commentary continued." The destructive force of nuclear rockets would be raised to an unparalleled level."

The Pravda article, apparently reflecting current Soviet thinking, said the Nixon Administration seems to believe that development of new arms systems would be "a trump card" for future negotiations with the Soviet Union.

"In other words, some in the United States would like to start the dialogue from a position of strength," Mr. Strelnikov said, "If this Pentagon thesis, which is incompatible with improving Soviet-American relations would be approved, it would be a great miscalculation for the United States," he added.

"Practice has shown long ago that any attempts to negotiate with the Soviet Union from a position of strength would doom the talks to failure in advance," Mr. Strelnikov said.

Most Western diplomats here believe that Moscow decided last year to go ahead with arms-control talks with the United States on the assumption that a rough balance of power existed between the two nations.

The Soviet Union now appears to be saying that if the United States begins preparations for large-scale deployment of new weapon systems, this could upset the balance of forces.

So far, the comments in the Soviet press have not ruled out the start of negotiations, but the delay by the United States on deciding on a time for the talks has been criticized.

Pravda said that the United States "has still not taken any practical steps" to begin the talks, which were to have begun last fall. They were postponed in the tense period following the invasion of Czechoslovakia by five Warsaw Pact nations led by the Soviet Union.

"At first it was said in Washington that the United States would be ready to enter into negotiations this spring," said Pravda. "Then they began to talk about the summer and now about the fall."

The article took no notice of a statement last week by Secretary of State William P. Rogers that he still believed the talks would start this summer.

There has been an effort among Russians, expressed privately by diplomats and publicly by the press, to disabuse the United States of the thought that Moscow feels itself under pressure to begin arms-control talks.

Some observers have argued that the Soviet Union wants arms reductions to be able to allocate additional resources to its civilian economy. The Pravda article rejected this viewpoint.

It said that Washington was making "a miscalculation" if it thought that the Soviet Union was more interested than the United States in starting negotiations. It said that some Americans, believing this "miscalculation," were talking about the forthcoming talks as "a sort of market where the American side will check the price for any agreement."

Pravda criticized Secretary of Defense Melvin R. Laird, saying he was carrying out "anti-Soviet propaganda in the spirit of the worst traditions of the cold war."

[From the Washington (D.C.) Post, June 22, 1969]

MIRV SEEN ADDING TO "MAD MOMENTUM"

(By Richard Harwood and Laurence Stern)

In the euphemistic phrasing of the war business, the new gadget is called a "bus." Its passengers are little warheads that could be dropped off "with a very nice area effect," as the Pentagon puts it, at such places in the Soviet Union as Minsk and Tomsk.

The official acronym is "MIRV" (as in Mervin). The letters stand for "multiple independently targeted re-entry vehicle." They are rapidly replacing "ABM" as the symbolic focus of the arms control debate in the United States.

To many scientists and politicians, MIRV is the newest and most deadly accelerator of "the mad momentum of nuclear armaments." It insures, Sen. John Sherman Cooper told the Senate last week, that the United States and the Soviet Union can, in a single stroke, "multiply the number of deliverable nuclear warheads in the world by a factor of 3 to 10."

To the managers of the Pentagon, MIRV offers one of the best hopes for slowing down the arms race. It is, in their view, a trump card in the forthcoming arms negotiations with the Soviet Union. If the Soviets agree to abandon efforts to defend their cities against American missiles, then the United States could agree, the Defense Department suggests, to abandon or limit the deployment of MIRV.

President Nixon hinted as much Thursday when he said he is willing to talk with the Russians about a MIRV moratorium.

Actually the first indication of the Administration's negotiating flexibility on MIRV came nearly three months ago in a little-noticed exchange between Deputy Defense Secretary David Packard and Sen. Albert Gore (D-Tenn.)

Gore asked: "Do you have any doubt that it is our intention to replace the Polaris with the Poseidon?"

Packard's response was: "It is our intention, Mr. Chairman, unless we conclude some agreements that would dictate otherwise."

Pentagon officials have some suggestions as to the general terms of such an agreement.

"If they tell us they are not going to defend their cities," said one spokesman, "we'll lose a lot of interest in MIRV. Since its purpose is to penetrate Russian cities' defenses, MIRV is negotiable."

Authoritative officials speak of a formula under which both sides would freeze the number of offensive missile sites and move into "thin" antiballistic missile systems. "That would, in effect, be disarmament," in the view of one Pentagon expert.

A more modest step, as some see it, would be a mere mutual freeze on the number of delivery vehicles, or buses. "If they freeze their delivery vehicles they can MIRV up to the kazoo and they would have no first strike," an official said.

This means however, that each side would have to make the worst assumptions about how much megatonnage lies in the silos of the prospective enemy.

It could still be a prescription for further arms stockpiling by both the Soviet Union and United States.

As with all of the scenarios on nuclear war and its probabilities, MIRV has created deep divisions in both the scientific and political communities in the United States. It suggests to some that American war planners are seeking a "first-strike" capability against the Soviet Union. It suggests to others that the Defense Department is a sucker for gadgets, that it will buy any new weapon that comes along, irrespective of need. It suggests to still others that the Nixon Administration is not serious about arms control.

The view from the Pentagon on these issues is both reassuring and confusing. It is based on the promise that security is, in effect, found in insecurity, that the best hedge against a nuclear war is, in Robert McNamara's words, "the certainty of suicide to the aggressor." That is what is meant by the "balance of terror."

That balance, the Pentagon maintains, could be upset by the United States in only two ways—an infallible system of defense (ABM) protecting the country from "suicide" or an infallible system of offense to destroy virtually all Soviet weapons in a sneak attack.

MIRV has been called, by its critics, the forerunner to that kind of "first-strike" offensive system. But the Defense Department rejects the argument.

The main reason offered is that MIRV's warheads are too small and too inaccurate for use against Russian missile silos. The MIRV "bus" to be installed on the new Minuteman III missile, according to Defense officials, will carry from two to three 200-kiloton warheads. The "bus" on the new Poseidon submarine missile will carry up to 15 warheads of about 50 kilotons each (the Hiroshima bomb was 20 kilotons).

In order for a 200-kiloton warhead to have a 70 per cent chance of knocking out a silo, it would have to land no farther than 200 yards away; a 50-kiloton warhead would have to land no more than 140 yards away.

This kind of accuracy, says the Pentagon, is not possible today nor in the foreseeable future; the best that can be done now is to guide a warhead to within about 440 yards of its target.

That is close enough to kill a target—a silo, for example—when large weapons are used, such as the 1-megaton warheads currently installed in Minuteman and Polaris. But it is too far away for smaller warheads to be effective.

Thus, MIRV's only present usefulness, its promoters insist, would be against "soft" targets such as cities.

There is general, although not unanimous, agreement in the scientific community that this description of MIRV's limitations is essentially correct.

But the Pentagon itself has cast doubt on this presumption by the conflicting statements it has issued. Although it now insists that MIRV is ineffective against silos, it took precisely the opposite view in January, 1968 when it put out a statement saying that "each new MIRV warhead will be aimed individually and will be far more accurate than any previous or existing warhead. They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Melvin Laird implied the same thing when he told Congress in March of this year that he planned to spend $12.5 million to improve the Poseidon guidance system and thereby make it more effective against "hardened" targets, meaning missile silos.

Statements of this kind have alarmed many scientists, such as Wolfgang Panofsky, the Standford physicist who was a member of the President's Science Advisory Committee from 1959 to 1964 and chairman of its panel on defense.

"They (such statements) are essentially threatening to the Soviets," Panofsky said, "and are technically wrong . . . From Laird's statement the Russians could not help but draw the worst possible judgment (about MIRV) . . . My own view is that this generation of MIRV is not a first-strike threat to the Russians. The verbiage that has gone with it is more of a threat than the technical side."

The "technical side," however, continues to bother MIRV critics such as Dr. Leonard Rodburg, a physicist at the University of Maryland. There may be, Rodburg says, limitations on MIRV's accuracy today. But there is no scientific barrier to far greater accuracy in the relatively near future, he believes. The work of such guidance experts as Dr. Charles Draper of the Massachusetts Institute of Technology may make it possible fairly soon to put a small MIRV warhead almost "on the silo door," Rodburg says. "With that kind of accuracy," he said, "you could destroy a silo with a satchel charge."

Whatever the implications of the Pentagon's conflicting descriptions of MIRV's mission, the present policy is to stress the limitations of the weapon. Dr. Roland Herbst, the Defense Department's deputy director of research, said last week that pinpoint accuracy for MIRV may be achieved "at some time in the future" but it is "not in the neighborhood at this moment."

Military pressure to develop MIRV began as early as 1962. Defense Secretary Robert S. McNamara at first said "no" to the new weapon. His reasoning was that the United States could already kill as many targets as it wanted to without going into MIRV deployment.

But at that time there were also military intelligence readings that the Russians were building an ABM system around Moscow. It turned out afterwards that what intelligence originally proclaimed to be ABM defenses were actually anti-aircraft installations to guard against advanced American bombers that McNamara never deployed.

The Pentagon debated two alternatives to the Soviet ABM. One was the use of penetration aids such as chaff and decoys for offensive missiles. The second was MIRV.

The first course was dropped on grounds that effective radar could distinguish incoming warheads from decoys and shoot them down—an argument that, ironically, opponents of the U.S. ABM used and Pentagon scientists dismissed. MIRV proved highly attractive to the military.

It promised a capability to hit more targets without violating McNamara's self-imposed freeze on the number of delivery vehicles. "MIRV was the best route to numbers," was one Pentagon spokesman's way of putting it.

And so, in an atmosphere of supersecrecy, the Defense Department began developing MIRV. No one mentioned the awesome acronym publicly until 1965 when a Pentagon official made reference to it at a press background session.

Pentagon newsmen were so astonished at the disclosure that they went back to their briefer and asked if he had really intended to let MIRV out of the bag. Everyone agreed to delete the reference to the new weapon system.

It was almost two more years before MIRV surfaced publicly. But it was overshadowed in the strategic weapons debate by the ABM.

MIRV's development as a "city-busting" weapon is now continuing on a schedule that calls for the first warheads to be installed on two nuclear submarines in January, 1971. If the development is carried out as planned it will cost, according to present estimates, about $17 billion—$7 billion for Poseidon, $10 billion for Minuteman III.

At present there are no clear answers to where the Russians stand on MIRV development. Last fall they tested the SS–9 missile with three huge warheads—presumably five megatons each. Whether these were guided war heads or simply gravity bombs, such as the Polaris A–3 missile has carried since 1962, is uncertain.

But no expert disputes the possibility that the Russians could quickly bring their MIRV technology abreast of the United States.

If both sides then proceeded to full-scale MIRV programs, their nuclear arsenals would increase enormously. The United States today possesses approximately 2350 strategic warheads, as against about 1100 for the Soviet Union. By MIRVing, the American arsenal could be raised to 8766 warheads with no increase in the number of delivery vehicles; the Russian arsenal could be raised to 5150.

This prospect is not disturbing to the Pentagon at the present time. The military reasoning is that both sides still would be left without a first-strike capability.

Disarmament proponents are less sanguine. They see MIRV's development as simply another useless step in the "mad mo-

mentum" of the arms race, a step that, if nothing else, would divert billions needlessly to weapons that neither side requires.

[From the New York Times, June 12, 1969]

MORATORIUM ON MIRV

The biggest challenge that confronts the National Security Council in its discussion this week and next of negotiating tactics for the impending Soviet-American strategic arms limitation talks is to find a way to get the Soviet Union to call off its test program for multiple warheads (MIRVs).

But Mr. Kosygin, like Mr. Nixon, obviously is not a "unilateral disarmer." One way to entice Mr. Kosygin into a MIRV test suspension would be to offer to suspend American MIRV tests—or even actually to suspend them with the announcement that they would not be resumed so long as the Soviet Union refrained from testing its multiple warheads.

This is precisely what a bipartisan group in the Congress has proposed in resolutions introduced on their behalf by Representative Jonathan Bingham, Democrat of New York, and Senator Clifford P. Case, Republican of New Jersey. The Administration has thus far failed to respond.

Instead, American MIRV tests continue. Secretary Rogers insisted last week that the tests would not injure chances for agreement with Moscow on missile curbs. But, when pressed on this by the Senate Foreign Relations Committee, he conceded that it would raise "new problems of inspection." Once MIRV is deployed, it could be subjected to arms control only if there is a degree of on-site inspection that the United States itself would have difficulty accepting, not to mention the Soviet Union.

The irony is that Soviet MIRVs, fitted atop the big SS–9 missile, could become a threat to the American deterrent. Each SS–9 could carry three five-megaton warheads, each of which, with an accuracy of a quarter of a mile, could destroy a Minuteman silo. But the first generation of American MIRVs, fitted atop Poseidon and Minuteman III missiles, would be too small with present accuracies to be used against underground Soviet missiles.

The United States already has enough offensive missiles to absorb a Soviet first strike and, in retaliating, to destroy the Soviet Union many times over. Yet it is preparing to increase its number of anticity missiles with MIRV, presumably to saturate a heavy Soviet antiballistic missile system which Moscow no longer is deploying. In so doing, it is encouraging the Soviet Union to deploy MIRVs that constitute a counterforce threat.

The madness of the missile race stands forth clearly in these facts. The Administration evidently is too much the prisoner of the Joint Chiefs of Staff to take the essential step of seeking a MIRV test moratorium. Early Congressional passage of the Bingham and Case resolutions would appear to be the only way to stimulate this vital step.

[From the New York Times]

MR. NIXON AND MIRV

No decision Richard Nixon will face as President is likely to be more momentous than the decision he faces within the next few days on the proposal to suspend the flight-testing of MIRV multiple-warhead missiles. Mr. Nixon yesterday described this proposal as "constructive" and said he would favor it if the Soviet Union would agree to do the same. But his attack on a "unilateral" suspension (of tests only the United States is now conducting) and his statement that this move must be part of an arms control agreement (which may take years to negotiate) confuse the issue.

Immediate suspension of MIRV tests is essential to keep the door open for a strategic arms agreement with the Soviet Union that would freeze the existing nuclear balance, head off further escalation of the missile race and assure security to both sides. Continued testing for even a few more weeks threatens to take the world past a point of no return into an expensive and dangerous new round in the missile race. It promises a five-fold multiplication of nuclear delivery vehicles in the American strategic missile forces—from 1,700 to about 8,000, an expansion that the Soviet Union would doubtless match. Even if limits on Soviet and American missile strength were later to be set at these higher levels, an era of nuclear nervousness would be almost sure to replace the present situation of stable mutual deterrence.

The bipartisan resolution introduced this week by Senator Brooke of Massachusetts and 40 other Senators urging the President to seek an immediate moratorium with the Soviet Union indicates a growing realization in Congress that MIRV testing is now the main governor on the arms race. It is more urgent than the issues that have dominated the missile debate in recent months, such as the Safeguard antiballistic missile (ABM) system, or the Soviet offensive SS–9 missiles and defensive ABM deployments.

These systems can be fully discussed in the approaching strategic arms talks with the Soviet Union. They take years to build and there is time to negotiate cut-offs long before their expansion will significantly affect the nuclear balance. Moreover, they can be monitored easily by reconnaissance satellite without on-site inspection. MIRV is a wholly different matter.

The United States already has staged fourteen full-systems flight tests of silo-based Minuteman III and submarine-launched Poseidon missiles carrying from three to twelve MIRV warheads. The first two of 31 Polaris submarines to be refitted at great expense for the big, MIRV-tipped Poseidon missiles already had gone into drydock for that purpose.

The Johnson Administration proceeded on schedule with MIRV flight-tests last August after advice from the Joint Chiefs of Staff that two years would be required to test to operational confidence. Within two months, it was thought, missile talks with the Soviet Union would be under way to halt MIRV and other aspects of the arms race. But the Soviet-American talks were delayed three months by Czechoslovakia, then another seven months so far by the determination of the Nixon Administration to re-examine the strategic balance and the American negotiating position at leisure.

Meanwhile, the American MIRV tests have moved much faster than the Pentagon originally indicated and operational confidence may now be reached in a matter of weeks, if the tests continue—a year ahead of schedule. Continuation of the testing this summer thus threatens to carry the world irrevocably into the MIRV era. MIRV can only be headed off in the test stage, since tests can be detected with relative assurance. Once deployed, MIRV can only be detected by on-site inspection more intrusive than even the United States, not to mention the Soviet Union, would be likely to accept. Satellite cameras cannot tell whether a missile is carrying one or ten warheads.

The American national interest lies overwhelmingly in heading off Soviet MIRV tests before they begin or, at least, before they get very far. The best way to achieve that would be suspension of American tests so long as the Soviet Union refrains from testing as well. An alternative would be an immediate approach to Moscow for a jointly announced test moratorium now. Postponement of this approach until the overall strategic arms talks begin in August—or, even worse, until agreement is reached there—would risk the true security interests of the United States and the world.

EPISCOPAL CHURCH COUNCIL RESOLVES TO END INVOLVEMENT WITH BANKS EXTENDING CREDIT TO THE REPUBLIC OF SOUTH AFRICA

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. REUSS. Mr. Speaker, the Episcopal Church Council, through several resolutions, has taken action to end its involvement with banks participating in the consortium credit to the Republic of South Africa if those banks renew that credit, as scheduled, early next year.

I commend the council's action, and include the text of the resolutions herewith:

RESOLUTIONS PERTAINING TO THE CHURCH'S INVESTMENTS IN SOUTHERN AFRICA AS ADOPTED BY THE EXECUTIVE COUNCIL

Resolved, That the Executive and Finance Committee, on behalf of the Executive Council, examine and apply, in relation to the investments of the said Executive Council in companies and banks doing business in southern Africa, the following criteria:

(a) Is the bank or business making credit available to or doing business in southern Africa, especially including South Africa, South West Africa, Rhodesia, Angola and/or Mozambique?

(b) If so, how significant is this involvement in the economy of the southern African country?

(c) If the involvement is significant, what is the effect in promoting such things as:

Education of Africans; Development of family life; Labor-management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions;

And be it further

Resolved, That, wherever the answers to criteria (a) and (b) are positive, the decision as to whether the Council invest and/or deposit the Church's fund or continue to invest and/or deposit in such companies and banks be dependent on *how* positive is the answer to criterion (c); and be it further

Resolved, That, nonetheless, where feasible in promoting the welfare or education of all the people of southern Africa without regard to race, the Council consider investments in such companies or banks promoting such projects.

Resolved, That the Executive Council direct the Executive and Finance Committee to consult with the banks in which the said Council has deposits or investments, and which are members of the consortium extending credit to the government of South Africa; and that, unless the said Executive and Finance Committee concludes that the involvement of the said banks is positive in respect to helping to promote the activities listed in Section (C) of Resolution I, the Treasurer be directed to terminate the Council's involvement with such banks within a reasonable period of time.

Resolved, That the Executive Council report its action on the above Resolutions to the Committee on Trust Funds and request them to examine their investments and to take appropriate action along similar lines and request that the Committee report its actions to the Council as soon as possible.

Resolved, That the Executive Council shall report its action on the above resolutions to the dioceses and parishes and request them

to examine their own investments and to take appropriate action along similar lines. To accomplish this the Council shall send the resolutions to the dioceses along with appropriate background materials and request the dioceses to draw these actions and materials to the attention of the parishes and other groups in their jurisdictions in the implementation of the 1967 General Convention's "Resolution on Apartheid."

Resolved, That this Executive and Finance Committee does not conclude that the involvement of the banks participating in the Consortium Credit to the Republic of South Africa is positive in respect of helping to promote the activities listed below:

Education of Africans; Development of family life; Labor-Management relations and the collective bargaining process; Increased skills of the African labor force and integration into higher levels of leadership; Equalization of wage scales, pension provisions and social security; Hospitalization and other benefits; Breaking down of the pass law system and other restrictions

and therefore directs the Treasurer of the Executive Council to terminate the involvement of this Council with the said banks (except overseas missionary accounts, and those only until other media of exchange can be found); and be it further

Resolved, that with respect to any bank participating in the Consortium, this action by the Executive and Finance Committee shall take effect immediately after the next annual renewal date of the line of credit in question, provided that such bank shall continue its participation in such line of credit thereafter; and be it further

Resolved, That the Executive and Finance Committee offer all assistance in its power which may aid the banks to understand the significance of the proposed action in the eyes of this Church and the profound concern which led to it.

NATIONAL DAIRY MONTH

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include an editorial which appeared in the Delaware County Mirror of Stamford, N.Y., on June 18, 1969, on the observance of National Dairy Month. Representing as I do a dairy producing area, I want to take advantage of this opportunity to bring to the attention of the House membership the great nutritional value of milk and other dairy products.

The article follows:

DAIRY MONTH

We are observing National Dairy Month and judging by the interest shown by readers and advertisers in our own Four-County Area, it's a time for paying real tribute to the entire dairy industry from producers right on through to the processors, distributors, manufacturers, sales people and consumers.

In this region interest naturally centers on the dairy producer.

In the dairy farms nestled in our valley and the surrounding area we have a lasting and solid treasure. It is worth keeping and strengthening.

That is what makes National Dairy Month more than just another in a long series of catch phrases where we are concerned.

With New York state ranking second in milk production in the entire nation, it is not surprising that for most farmers in this area milk provides the principal source of income.

Now one of the biggest industries in the United States, dairying is dependent upon the public consumption of milk and its by-products for continued prosperity. But this is only one reason why we should all use these essential foods. Milk provides a prime source of vitamins and minerals needed for the healthy development of youngsters and the well-being of adults.

Comparatively inexpensive on a basis of value received, milk is one of the soundest investments for the family food dollar. It is to the advantage of all that so many of our area farms have been converted to the production of this health-giving food.

In the interest of the area economy, as well as from a standpoint of good nutrition, milk is vitally important to all of us. The more of it we consume the more we help ourselves in more ways than one.

THE GUIDELINES RACKET: CONSPIRACY OF CIVIL RIGHTS AGENCIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RARICK. Mr. Speaker, to those who have observed and followed the guidelines manipulations—it eventually becomes quite apparent that there is a working relationship between HEW and the Justice Department. These bureaucrats operate by force, half-truths and deception to move the American people toward the desired goals and stated purposes of the minority which plots the course of our country.

The American people are more and more observing that when provisions of law enacted by the Congress do not conform to the desires of the conspirators, the law is simply ignored, or rewritten as "guidelines." Who are the criminals—those people who may disobey the illegal guidelines, or those bureaucrats who write the guidelines in defiance of the law?

Mr. Benjamin Ginzburg, a retired civil servant and informed patriot of Arlington, Va., has prepared an execellent memorandum on what he terms the "Guidelines Racket", which I include following my remarks, accompanied by a newsclippping from the New York Times of May 31 referred to in his memorandum.

The articles follow:

MEMORANDUM ON THE "GUIDELINES RACKET"

(By Benjamin Ginzburg)

I am a retired civil servant, whose last post was that of Research Director for the U.S. Senate Subcommittee on Constitutional Rights. I have devoted some of my leisure to testifying before Congressional committees on public issues (*e.g.,* I testified against the confirmation of the Abe Fortas as Chief Justice) and to protesting abuses of power (when I come across such things) by government agencies. In March and April of this year I came across linked abuses by 1) the Equal Employment Opportunity agencies, 2) Office of Civil Rights of HEW, and 3) the Housing Assistance branch of HUD. In all three cases, the authority of the Civil Rights Act of 1964 was being invoked in support of policies that not only were not authorized by that law, but were in several cases specifically forbidden. Since all this was being done under cover of the authorization by the Civil Rights Act that the various agencies may develop guidelines or interpretations of the substantive provisions, I baptized the linked abuses as the "guidelines racket."

Here is some of the evidence about the linked abuses. At the end of March, Senator Dirksen protested to a Senate committee that the Equal Employment Opportunity agencies were harassing businessmen by seeking to impose Negro employment quotas—something which the Civil Rights Act of 1964 specifically forbids. Most of the press omitted the reference to employment quotas and merely reported Dirksen's complaint about the harassment of businessmen—a complaint which they proceeded to dismiss as motivated by the Senator's desire to protect employment discrimination. Since I knew from personal acquaintance with the experience of one firm that there was substance behind the Dirksen complaint, I wrote letters to the New York Times and Washington Star taking them to task for their attacks on Dirksen. Neither letter was published.

In the last week of March, the press reported that the Office of Civil Rights of HEW issued orders to the heads of state college systems with a past history of segregation (Pennsylvania and Maryland, among others) directing them to desegregate their colleges under penalty of forfeiting all Federal financial assistance. I was aroused by a startling passage in the desegregation orders. The passage reads: ". . . *to fulfill the purposes and intent of the Civil Rights Act of 1964 it is not sufficient to maintain a nondiscriminatory admissions policy if the student population continues to reflect the former racial identification of that institution.*" The reason why I was startled by this passage was that I had just finished reading the text of the Civil Rights Act of 1964 and found that it defined "desegregation" as nondiscrimination in the assignment or admission of pupils or students. That act also prohibits the assignment of students in order to overcome racial imbalance. I wondered therefore how the order could be implemented—how the racial identifiability of a predominantly Negro or a predominantly white college could be overcome—without running afoul of the law. Shortly after the orders were issued, the Star carried a story about the perplexity of the Maryland educators, with one of them coming up with a "Rube Goldberg" proposal for the state to grant scholarships to Negroes good only in predominantly white colleges and scholarships to whites good only in predominantly Negro colleges!

On April 20 I came upon tell-tale evidence that the Department of Housing and Urban Development was also among the agencies abusing the authority of the Civil Rights Act of 1964. The evidence came in the course of an article by Ben Gilbert in the Washington Post praising the Regency House project for the elderly poor and urging that it be put through without delay. The Regency House is a luxury apartment house with air conditioning and a swimming pool situated in the high income area of upper Connecticut Avenue. Under the plan, which barring last-minute legal difficulties has now been signed, sealed and delivered, families of elderly poor will occupy apartments in this house and pay about one third of the commercial rents charged to present occupants. Gilbert, using official sources, defined the new policy adopted by HUD requiring the location of public housing projects in high income areas as follows:

"Nearly a year ago, Don Hummel, then HUD assistant administrator for renewal and housing assistance, told local housing authorities to do what they could to locate public housing outside the ghettoes, *in ac-*

cordance with the nondiscrimination requirements of the 1964 Civil Rights Act. [Emphasis my own] Hummel pointed to a 1967 low-rent housing manual directing authorities to select sites 'which will afford the greatest opportunity for inclusion of eligible applicants of all groups regardless of race, color, creed, or national origin, thereby affording members of minority groups an opportunity to locate outside of areas of concentration of their own minority group.'"

The low-rent housing manual is supposed to function as a set of guidelines for the application of the provisions of Title VI with regard to nondiscrimination in public housing projects. But what are the housing provisions of Title VI? They are included in a general paragraph reading as follows:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In my simple mind I could not help wondering about the magic that derives the Ben Gilbert paragraph, with all its tortuous formulations, from the simple language of Title VI.

A friend of mine, a retired government lawyer, suggested that I might be able to clear up my difficulties in understanding the policies of these various agencies by asking them for the legal opinions (that is to say, opinions of their own counsel) on the basis of which the policies which I am complaining of were adopted. I realized that in the case of the Equal Employment agencies the policies complained of were probably not put in writing, but in the case of the other two agencies (HEW and HUD) I followed my friend's suggestion and wrote letters on April 22 asking for the respective legal opinions justifying the policies I was questioning.

To date I have not received a satisfactory answer from either agency, but as a result of correspondence, conversation and research my worst fears have been confirmed. We are in the presence of a conspiracy by civil rights agencies to frustrate the will of Congress and carry out policies pushed by minority group agitators—policies which are doctrinaire and destructive of the welfare of the nation as a whole, including the welfare of the minorities.

To begin with HUD, I addressed my letter of April 22 to Secretary Romney. Under date of May 5, Assistant Secretary Lawrence M. Cox replied that "the Secretary has asked me to reply, and I shall do so shortly." On May 26 he wrote to Congressman Broyhill (whose assistance I had requested) assuring him that a detailed reply was being prepared for me. I am still waiting for that reply, but I learned in conversation (June 2) with Mr. Notti, of his office, some of the reasons for the delay. He told me that the adoption of the new site policy for public housing projects was not preceded by a legal opinion justifying the policy from the point of view of legal authority, but that the lawyers had simply cooperated with other officials in drawing it up. For this reason, he explained, it was necessary to prepare a legal justification from scratch in answer to my inquiry, and this required careful preparation and clearance, particularly in view of the fact that it was expected that I would publicize the agency reply. I wrote Mr. Cox yesterday expressing my amazement at the novel development in government, whereby the administrators of a great agency embark on a policy without a written statement of the legal authority therefor. I thought it was on a par with trying to run a business without possessing a fire insurance policy.

From HEW I received a reply dated May 22 and signed by one Burton Taylor, civil rights specialist. The letter simply asserted the proposition for which I wanted a reasoned proof—to wit, that "under Title VI of the Civil Rights Act of 1964, state college systems which had previously segregated components must take steps to eliminate the racial identifiability of institutions within the system if a nondiscriminatory admissions policy has not had this result." The letter appended three court case references, and it turned out that the one court case which dealt with education on the college level *rejected* the demand that colleges have to take steps to eliminate racial identifiability, in addition to maintaining a nondiscriminatory admissions policy. This decision has been affirmed by the Supreme Court (over the objection of Justice Douglas).

The fact that HEW was taking a position in advance of what the Supreme Court is willing to accept and is being "more Catholic than the pope" led me to delve into the mysterious relationship between HEW's Civil Rights Office (which is charged to withhold funds from school boards not meeting the desegregation requirements specified in the Civil Rights Act) and the Department of Justice (which brings and stimulates suits to further interpret and apply the Supreme Court's *Brown* decision of 1954). I found unexpected help in a New York Times front page article on May 31, which while lauding the work of the two agencies explained how they cooperated.

The Times article describes the cooperation between the two agencies under the Democrats and indicates that the Nixon Administration proposes to intensify the cooperation. "Under the Democrats," the article declares, "these two approaches by the two departments were used as parallel devices. *Frequently, when a requirement for desegregation was made stiffer by the Health, Education and Welfare Department, the Federal courts, under the prodding of Justice Department officials and other civil rights lawyers, would stiffen their requirements to conform to the new desegregation standards.* It worked the other way, too, with the Health, Education and Welfare Department using a new court standard as leverage to gain acceptance of a similar change in its own guidelines."

The last statement is a bit of a euphemism, for the evidence is that the HEW uses a court decision not for the purpose of catching up but for the purpose of staking out new ground in advance of the court decision which it hopes to get the Supreme Court (via collusion with the Justice Department) to accept later on. But what stands out in the Times article is the admitted (and even boasted of) fact that the HEW operates on a progressive interpretation of the definitions and standards set down in the Civil Rights Act of 1964. In other words, it operates by the procedure of tightening the screws after the public has become accustomed to a degree of pressure.

There is of course nothing wrong with Congress writing a law that goes into effect in specified stages. But the fact remains that Congress did not write such a law in Title VI of the Civil Rights Act of 1964. For a bureaucratic agency to interpret a specific statute progressively—calculating each time what they think they can get away with—is an unspeakable outrage on the American people. Never mind that the Supreme Court has succumbed to the vagaries of a progressive interpretation of its original decision in the *Brown* case of 1954. (The Supreme Court problem will have to be dealt with at the proper time.) Supreme Court decisions applying (as in the *Green* case) "higher standards of desegregation" in court cases brought before it do not legitimize—in my opinion—the higher standards used by HEW in administering its responsibilities under the Civil Rights Act of 1964. If Congress has chosen that funds should be cut off from school boards and institutions which do not meet the standard of desegregation defined as nondiscrimination, that standard should remain the standard for cutting off funds regardless of what the Supreme Court does in court cases brought under the Brown decision.

Still less can HEW use Supreme Court decisions on public schools as authority for what it wants to do in the case of colleges. It cannot count on future decisions of the Supreme Court to legitimize its grab for power, particularly when the facts are that in its own court cases the Supreme Court has rejected that HEW standard.

If we combine the revelation that HEW uses a progressive interpretation of the law with the confession by HUD that it operates without a legal justification of its new policies, the picture we get is a truly alarming one. The Executive Department gets Congress to pass a law, and it accepts provisions that it does not like. But the next day it sticks the law into its pocket, and carries out policies which violate the law. This is a corruption of democratic government that is far more serious and far more dangerous than the mere monetary corruption of a few officials. This is a corruption that turns a government of laws into a government of invisible men, and turns our democracy into a dictatorship.

[From the New York Times, May 31, 1969]

INTEGRATION PLAN WOULD JOIN WORK OF TWO U.S. AGENCIES—HEALTH AIDES WEIGH ACTION WITH JUSTICE DEPARTMENT ON THE NATION'S SCHOOLS—EFFICIENCY IS THE AIM—CASES INVOLVING CUTOFFS OF FEDERAL FUNDS WOULD BE LINKED WITH LAWSUITS

WASHINGTON, May 30.—The Department of Health, Education and Welfare is studying a plan that it says will desegregate schools more efficiently and smoothly in both the North and the South.

Under the proposal the Health, Education and Welfare Department and the Justice Department would work together with the Federal courts.

The plan, which has been discussed for several weeks and has been the source of some press speculation, would differ markedly in a procedural way from the approach used by the Johnson Administration.

Whether it would result in a substantive difference—that is, in more or less desegregation—is difficult to estimate.

EXERTING TWO LEVERAGES

Under the present system, the Justice Department, acting on a citizen's complaint, can bring a lawsuit against a school district to force the district to remove racial barriers, or to speed their removal if desegregation seems to be lagging.

In another part of Washington, the Department of Health, Education and Welfare attacks segregation with a different weapon. It can, and in many cases has, cut off Federal funds to school districts that are found to be violating the Civil Rights Act of 1964 by maintaining racial discrimination.

All the districts that have lost funds are in the South. The Nixon Administration has said it will move against Northern segregation, but that is in early stages.

COMPLEMENTARY ACTION

Under the Democrats, these two approaches by the two departments were used as parallel devices. Frequently, when a requirement for desegregation was made stiffer by the Health, Education and Welfare Department, the Federal courts, under the prodding of Justice Department officials and other civil rights lawyers, would stiffen their requirements to conform to the new desegregation standards.

It worked the other way, too, with the Health, Education and Welfare Department using a new court standard as leverage to gain acceptance of a similar change in its own guidelines.

Some Republicans, noting the continuing turmoil and uncertainty surrounding school

desegregation, have decided that this two-headed approach in the executive branch can be improved upon.

They believe the operation will run more smoothly if the two departments work together on the same cases instead of each pursuing its own.

The Health, Education and Welfare plan is mainly the work of Robert H. Finch, Secretary of the department, and such top associates as Leon Panetta, head of the agency's Office for Civil Rights. Under it, the Justice Department would bring a suit against a district or a group of districts and the Health, Education and Welfare Department would be prepared to cut off funds for those districts if they did not comply with the resulting court order to desegregate.

The Justice Department, for its part, would be prepared to file suits against other districts whose funds had been cut off by the health agency and that had simply accepted the loss as the price of keeping segregation.

The Justice Department might be especially helpful in bringing suits against districts with Negro majorities. These have been the most difficult for the Health, Education and Welfare Department to deal with.

BEING TESTED IN CAROLINA

The cooperative approach is being tested in a South Carolina case now pending before a four-judge Federal Court panel.

Twenty-two South Carolina districts with token integration in schools were taken to court in an effort to speed their desegregation. The plaintiffs were individual Negroes in some cases and the Justice Department in others.

The four judges on March 31 ordered the 22 districts to work with Health, Education and Welfare experts to draft acceptable desegregation plans. They had 30 days to produce the plans, but that deadline was extended.

The judges said on March 31 that they would approve any plan agreed to by the defendants and the education department unless the plaintiff—an individual or the Justice Department, as the case might be—should persuade the court that the plan did not meet constitutional standards.

PLAN FROM AGENCY

For districts that did not agree to a plan, the Health, Education and Welfare Department was to submit a plan on the district's behalf.

Officials of the department argue that this approach, or some variation of it, would prevent the discrepancies that sometimes now exist between those districts operating under the department's compliance plans and those operating under court-ordered plans.

They concede that the block suit approach as in South Carolina, may be an ideal procedure but difficult to fulfill. The Justice Department is short of men and money in its Civil Rights Division, and filing suits on such a vast basis would require much of both.

LAW AND ORDER

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. WYATT. Mr. Speaker, during his tenure as Attorney General of the United States, Mr. Ramsey Clark did little to create a sense of urgency for action to meet the serious breakdown in law and order in so many areas of our country. Now that he is out of Government, Mr. Clark has gratuitously called for the retirement of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

While Attorney General Mr. Clark quite obviously was privy to the procedures governing the use of electronic surveillances by the Federal Bureau of Investigation allowed only with the full approval of the Attorney General. Yet, when Mr. Clark had some power as Attorney General to hasten the retirement of Mr. Hoover, he apparently did not exercise it. Under the circumstances no creditability can be given Mr. Clark's call for Mr. Hoover's retirement, nor should it be.

In the absence of Mr. Clark as Attorney General we have seen an upsurge in zeal to enforce existing laws against crime and civil disorders, which were mounting when he was the chief law enforcement officer of the land. In Washington, D.C., where bank robberies under Clark were almost a daily occurrence, we have seen a dramatic change with bank robberies, now a rarity.

Mr. Hoover, the great Director of the Federal Bureau of Investigation, needs no defense, but I could not let Mr. Clark's bogus call for his retirement go unchallenged.

MEMORIAL DAY SERVICE REMARKS OF HON. JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RIVERS. Mr. Speaker, one of the names that will live forever in the memory of all Americans, one of the hallowed names of our tradition, is Belleau Wood, where, in the fateful summer of 1918, Americans fought one of the decisive battles of World War I. For the Memorial Day service this year at the Belleau Wood Cemetery at Chateau Thierry, France, the guest speaker was the exceptionally articulate Assistant Secretary of the Navy for Manpower and Reserve Affairs, the Honorable James D. Hittle.

In his address, Assistant Secretary Hittle vividly recreates the importance of that memorable battle and reminds us once again not only of the great sacrifices Americans have made to the freedom of France, but also the great contribution that Frenchmen once made to the freedom of America. He says that the bond between France and the United States was forged in combat and is for all eternity.

I urge all my colleagues to read this moving address, which follows:

REMARKS BY HON. JAMES D. HITTLE

Ladies and Gentlemen: Today we are gathered in remembrance of those who have fought in the defense of freedom. Such a memorial service as this is good in many ways. It is good because, in the hectic pace of today's life, there is a tendency even by the most well-meaning, to forget things that are more important than the problems of the moment. We are all too often forgetful of the fact that the good things we have—our freedom, our way of life, are not so much the products of our own efforts as they are the heritage which has been passed to us by those whom we remember with this memorial service.

These things that make France and America great are in many ways the peculiar attributes and possessions of our Nations and, in a sense, of the free world. What we enjoy and accept as almost routine and commonplace are the objects of envy by those who do not have them.

Oppression has always had as it prime target the destruction of freedom. The reason is simple—oppression can never conquer while an example of freedom still exists by which the oppressed can gauge the nature of the tyranny that has engulfed them.

This freedom, which above all else is the foremost feature of our governmental institutions and beliefs, has been assailed and attacked by oppressors. We enjoy this beneficence because those whom we pause to remember today, fought and died so that we could live as we do.

This memorial service is an opportunity for remembering many things—achieved and preserved by suffering, bravery, God-fearing and God-trusting determination; that those who brought forth our independence on the bloody field of battle lit the torch of freedom which has been handed down from generation to generation of our departed comrades; that each generation of veterans has manned the shell-torn ramparts of freedom, holding high that torch.

Thus, this is a memorial service for remembering, for reverent recollection, for realistic reflection.

We remember that month of mortal suspense of June 1918. The Imperial German Armies had commenced their fourth offensive and were on the road and marching for the capital of France.

We remember that moment of history when the American troops were committed for the first time under American command.

We remember that it was in these now-quiet woods where one of histories' most vicious and decisive battles was fought. It was here in Belleau Wood where the enemy and the defenders of freedom both knew they would find the strategic key that opened or locked the door to Paris.

We remember that far more was at stake than these woods which are only about one mile square. At issue were the lives of brave men, the fate of Paris, the fate of France, and in a real sense—the fate of freedom.

We remember that it was in these strategic and historic woods that the German Imperial Forces massed on 16 June 1918, and that nine days later, on June 25th the United States Army and Marines were able to report: "The hills are entirely ours."

We remember the tremendous and tragic cost of that decisive and necessary victory. Almost a thousand Americans were killed and over three thousand wounded. And, as the smoke of battle cleared, as the ebbing gunfire was lost in echoes rolling across the shell-torn French countryside, as the stretcher-bearers brought in the wounded and dead, this ground was transformed by the ordeal of combat into hallowed shrine at which we now reverently gather.

Before the bitter conflict of World War I was over, the thousands of Americans who died in the battles of Belleau Wood and in Marne Valley during the fateful Summer of 1918, were joined in eternal rest by the thousands of other Americans who fought shoulder to shoulder with the soldiers of France and our other Allies in the common defense of a common freedom.

We remember, those who died that freedom might live. Here that sacrifice was made by the young men who came to France because here was where freedom was threatened. Each who marched toward the sound

of enemy guns has enshrined himself forever on the honor roll of freedom. Young men like:

Corporal Bert Evert Ames, Croix de Guerre, from the farmland of Kansas;

Private William F. Bell, Croix de Guerre, from New York;

Corporal Robert A. Burhans, Croix de Guerre, from Michigan;

Navy Gunner Walter R. Cornell, Distinguished Service Cross, from Illinois; and

Corporal William Hanson, Distinguished Service Cross, from Oregon.

These young men were but a few of the thousands who found eternal rest where they paid the supreme price for our freedom.

We remember, also, that once again, in World War II, oppression challenged freedom. And, once again, American young men left their homes, their pleasant land, and their loved ones. Once again, they stood shoulder to shoulder with the French in defense of the freedom in which French and Americans have long been united.

We remember, by honoring these fallen of World Wars I and II, the lamentable lesson of history—that each generation in its time must be willing and ready to continue, with utmost determination, the struggle to preserve our independence and freedom. This, in essence, is at once the heritage, the responsibility, and the task which has been passed to us, and which we must pass on as intact and secure as we received it.

And, something else that we must remember is this: On this Memorial Day, while we are honoring the American dead who fell in defense of freedom in France, Americans are honoring and remembering Frenchmen who fell to bring freedom to America.

We must never forget that were it not for the support of the French nation and the sacrifice of French fighting men, America would not have become a free and independent nation.

It was George Washington and our other Revolutionary leaders who realized that we must have help from France to win our freedom. It was in February of 1778 that Benjamin Franklin, our first ambassador to France, signed, on behalf of the United States, the Treaty of Alliance with France. That Treaty bound our two nations together in our struggle for freedom.

That Alliance was more than a casual diplomatic nicety. France delivered the military support America so direly needed. The French assistance to George Washington's Army is an inspiring story and it should be told frequently.

It is the story of seven first-line regiments of the French Army that came to America. It is the story of the skillful generalship of one of Europe's most able commanders, Count Rochambeau.

It is the story of how this eminent French General willingly subordinated himself to George Washington and served our cause of freedom ably and loyally.

It is the story of French Regulars with whom Rochambeau and Lafayette marched southward along the Atlantic seaboard to the fateful battle of Yorktown. There, fighting bravely alongside Washington's Continentals, the soldiers of France helped us gain our independence.

It is the story of a French Fleet under Admiral De Grasse, who at that critical moment of history engaged the British Fleet and sent it scudding northward. It is the story of how this naval battle, beyond sight of the Virginia capes, in which a French Fleet under a French Admiral, without a single American soldier present, sealed the fate of the Imperial British Forces in Yorktown and assured victory for French and American arms in our Revolutionary War.

On the historic battleground of Yorktown, there is a monument. On that monument are inscribed the names of the soldiers of France who fought and died there to help bring freedom to America. Among them are these sons of France:

Privates Etienne Cortois, Antoine Francois, and Joseth Desmont of the Bourbannais Regiment;

Privates Jean Francois Aimont, Nicolas Bourden, and Jacques Antoinne Chatillori of the Agenois Regiment;

Privates Jean Bidot, Andre Carar, and Sidet Castail of the Touraine Regiment; and

Captain Jean De Sireiul of the Gatinais Regiment.

Americans today reverently remember and honor these and the other brave sons of France who left their homeland, their pleasant fields, and their loved ones. Not only are their names enshrined on the solemn monument of Yorktown; their names are etched deeply into the hearts of all who love freedom.

And so at this memorial service, we remember the gallant French and American fighting men who have done their duty and marched on, leaving to us both the heritage of freedom they created and preserved, and the responsibilities of its stewardship. The spirit that characterized this memorial service is eloquent proof that the memory and reverence for our departed French and American heroes is not just for a day but for the ages.

By your presence here today you have demonstrated again the eternal truth that the memory of those who fought the good fight cannot die.

You have demonstrated, also, that between France and America there is a bond—

Forged in combat.

Tempered in the crucible of conflict,

Sanctified by blood shed in the defense of freedom,

A bond of French-American fraternity that is for eternity.

AN OLD-FASHIONED MOTHER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BURTON of Utah. Mr. Speaker, it was my pleasure this week to meet a choice constituent on her first visit to Washington. She is Mrs. Alta Cutler Rust from Vernal, Utah. I think Mrs. Rust and her family are so modest that the people of Utah should know something of their accomplishments.

Eighteen years ago her husband died suddenly and left her with five sons, ages 5 to 14. Mrs. Rust, who was a graduate nurse, immediately took up nursing in the hospital, and has made a wonderful home for her boys and has instilled in them the principles that have made America great.

Richard Dilworth, her oldest son, has his Ph. D. from the University of Wisconsin and is on the faculty at the University of North Carolina. He is a young man with great promise who has his feets squarely on the ground in the face of the present discontent and dissent on the campuses. The next son is David, who is also a schoolteacher. He teaches in his home town of Vernal. His degree is from Brigham Young University. Joseph, the third son, graduated toward the top of his class in law school from the University of Utah 2 years ago. The fourth son, Harold, is a graduate of the Air Force Academy. As a matter of fact, Harold graduated first in his class from the Academy. The youngest son, Marvin, still has a few months to go before he receives his degree from Brigham Young University.

All five sons are devout L.D.S. church members and have been married in the Temple. Four of the sons have been on missions for the Church of Jesus Christ of Latter-Day Saints. The fourth son, Harold, was L.D.S. Servicemen's Group Leader at the Air Force Academy and is going on to special training for the Defense Department. Three of the boys are Eagle Scouts.

These young men believe in the old-fashioned virtues of making their own way, of hard work, and of upholding the institutions which have made our country great. This is a family to whom adversity has been a challenge. I am very proud of Mrs. Rust.

WELFARE MOTHERS IN ACTION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. CARTER. Mr. Speaker, recently my attention was brought to an editorial entitled "Welfare Mothers in Action." The conduct of the mothers at the national conference of social welfare would definitely not win friends nor favorably influence people. Actions such as those recounted built antagonism toward recipients.

I submit this editorial for your perusal.

WELFARE MOTHERS IN ACTION

(By Thurman Sensing)

Some of the ugliness and moral cowardice on the national scene these days is almost beyond belief. Certainly, it is hard to believe what happened at the recent National Conference of Social Welfare in Washington. Yet it did happen.

The Washington Post was handicapped in its reporting of the shocking events at the conference, for much of what was said could not be printed in a family newspaper.

The 5,000 social workers who gathered in the capital for their annual meeting were subjected to a stream of four-letter obscenities. Members of welfare "rights" organizations jumped on the stage and took over the microphones. They shouted vile words at the audience of social workers. These workers were called "racist pigs" and members of the "white imperialistic oppressive society." Such terms were mild compared to other words and phrases employed. The Washington Post referred to "obscene" demands made by the welfare mothers.

But that wasn't all. When one of the captive audience attempted to lead a mass walkout from the conference room a human chain of welfare mothers blocked the exits. Dr. George A. Wiley, head of the welfare protesters, declared nobody was going to leave until thousands of dollars were anted up for more of the poor to attend the national conference by getting contributions. With that, plastic ice buckets were passed around for financial contributions.

The Post reported that it was necessary for the temporary ballroom dividing wall to be removed in order for the delegates to the conference to escape.

This unspeakably crude and insulting session was not the last, however. Wiley and his

welfare mothers carried out other interruptions of the proceedings during the remaining days of the conference. Unscheduled speakers, who broke into the meeting, included black social workers, Puerto Ricans, an Indian and a young woman who shrilled that she was a former mental patient and an ex-drug addict.

The social workers apparently were stunned by the experience. One of them told a reporter: "I said to myself this couldn't happen to US."

As shocking as the behavior of the welfare mothers, was the craven attitude of the outgoing president, Dr. Arthur S. Flemming, who also is president of the National Council of Churches. He didn't order the silencing or removal of the welfare mothers who shouted obscenities at the delegates. On the contrary, against the advice of some of his board members, he refused to stop anyone from speaking. When the time came to turn over the presidential gavel to the incoming president, Dr. Flemming bragged "I did not use this gavel once this week—I didn't think it was appropriate."

The public has no idea of what the delegates thought of Dr. Flemming's toleration of obscenity-shouting disruptionists. But many Americans familiar with the story of these shocking events in Washington must be sickened by Dr. Flemming's attitude. The country simply cannot afford mental confusion or moral leniency in confrontations with barbarians. This is what America really faces today, and which was manifested at the social workers conference in Washington—barbarism.

Educated men and women who refuse to apply the remedies of law and order when confronted by savage behavior, as in the case of the welfare mothers at Washington, are exposing the nation to rule by barbarians.

It is a mistake to think of barbarism and savagery as features of the ancient past or remote jungle areas. Even the most advanced societies can be exposed to primitivism within. The methods used by the welfare "rights" organizations are manifestations of this primitivism. In New York City, members of welfare "rights" have attacked city welfare officers, broken furniture and upset files—all because they weren't getting the size relief payments they demanded. Toleration of this kind of violent behavior is impossible if America is to remain a civilized country. Some people, like Dr. Flemming, apparently regard toleration as the ultimate virtue, but it is obvious from the ugly events of our time that excessive toleration is a major evil. It opens the door to the worst excesses in human behavior.

It is time for all Americans to view toleration in perspective and to insist that the organizations to which they belong adopt a get-tough policy with respect to disruptionists.

LITTLE PEOPLE HURT AGAIN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RODINO. Mr. Speaker, I, as so many other legislators, businessmen, and people of all walks of life, was concerned and shocked by the recent full percentage increase of the prime interest rate from 7½ to 8½ percent. I am heartened that the Banking and Currency Committee is currently holding hearings regarding the spiraling rise of interest rates and I think that the following editorial from the Nutley, N.J., Sun hits the nail on the head when it states that "Little People Are Hurt Again":

LITTLE PEOPLE HURT AGAIN

(By Frank A. Orechio)

The recent increase in the prime interest rate to 8½% is bad news for all of us little people who have to work for a living and on occasion find it necessary to finance capital improvements in business and the numerous items that ambitious home owners buy to make them feel they are sharing a piece of the technological progress of the Twentieth Century.

Interest on automobile loans must now go higher. Interest on home repair loans will cost more. Interest on loans for the purchase of furniture and various kitchen appliances will make these purchases cost more.

There is nothing anyone buys on time today that wouldn't cost more than it did before the interest hike.

We hear Washington politicians talking about ways and means to keep down inflation. We hear Washington officials talking about maintaining the surtax on the income tax in order to control inflation.

Nothing in the field of economics has happened in recent months more devastating to the pocketbook of the little man than the outrageous increase in the interest rate.

It is time a meaningful investigation of this problem is conducted at our state and national levels. The policy of uncontrolled interest rate rises cannot be endured by people who already are over-burdened and are finding it difficult to make ends meet.

Is there one legislator willing to take on the burden of protecting the little man against the financial lobbies? We hope so.

SPORTS READY TO COLLECT ON PAY TV

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. DINGELL. Mr. Speaker, a recent article in the Washington Post carried the headline "Sports Set To Collect on Pay TV." Because of the significant impact that pay television may have on the American public, I ask unanimous consent that the text of that article appear in the RECORD at the end of my remarks.

Most people think that pay TV, now authorized under Federal Communications Commission action, would merely supplement their present free television programing.

The fact is pay television would soon be the sole outlet for much of the most widely viewed programing which is freely available today.

Pay television interests naturally will look toward the purchase of broadcast rights of the most popular events, since these would provide them the greatest revenue.

A subscriber base of only 16 percent of the television homes in this country paying only $2 per week would generate approximately $1 billion for the pay television licensees. The tremendous economic power could then be wielded to outbid existing free television networks for the biggest drawing events. This same strategy could apply to recent movies and entertainment programing highlighting the big-name stars.

An argument offered by the pay TV advocates is that programing on free television would be supplemented by pay television. The truth is that it would be supplanted instead of supplemented.

In this time of grave concern over the lack of communication between the different segments of our society, it should be noted that, according to the fourth report and order of the FCC, approximately 30 percent of all families in the United States could not afford to subscribe to pay TV.

Further, as the top-rated programs are siphoned off free television by pay TV, those public service programs and news shows which depend on the financial support from other programing would be eliminated.

Congressional responsibility is being tested by the FCC. I urge my colleagues to join in an effort to block this ridiculous scheme. It is this body which will bear the brunt of that charge should we defer to the FCC. Gentlemen, I suggest in the strongest terms that we will be rightly accused of being derelict in our duty if we let an administrative agency foist pay TV on the American public.

The text of the Washington Post article follows:

SPORTS READY TO COLLECT ON PAY TV

The prospect of a bountiful new source of revenue for sports came closer to realization following the Federal Communications Commission order yesterday permitting the start of pay television.

There are legal, technical and other obstacles to be overcome before the householder will be asked to pay for his television fare, but Dick Bailey Sr., president of the Hughes Sports Network, said, "It is coming, there is no use fighting it."

Art Modell, president of the National Football League, said, "I believe it is 'way, 'way off for pro football. We're married to free TV, except for a special game or two. I could understand pay TV in an area which has been blacked out of free TV during postseason games."

Harry Markson, director of boxing for Madison Square Garden, said, "We will be most interested in the developments of pay TV."

The Garden recently contracted to show 125 sports events on community antenna television over a one-year period, including all the games of the New York Knickerbockers and New York Rangers.

Baseball Commissioner Bowie Kuhn could not be reached for comment.

Pro football already has made provisions for pay TV in the merger agreement between the two leagues which takes full effect in 1970.

With most stadiums already playing to capacity crowds and negotiations for regular Sunday game telecasts reaching the choking price, pro football recently went to prime-time Monday night telecasts for 1970 to raise an extra $8 million in revenue.

At the time of the merger between the American and National football leagues, in 1966, owner Ralph Wilson of the Buffalo Bills estimated that pay television of the Super Bowl could mean $25 million to $30 million in revenue for a game that now brings in $2.5 million from free TV.

"Wilson is probably right," president Bailey of the Hughes Sports Network said yesterday. "If I had not sold this network to Howard Hughes, I know I would be going into pay TV now instead of bucking the three conventional networks.

"Only Mr. Hughes can say what we will do now. He makes the decisions."

Bailey revealed that the Hughes network bid on the 13 Monday night telecasts for 1970, which went to the American Broadcasting Co.

"We did not bid lower than ABC," Bailey said. "There were other circumstances."

Bailey added, "There is a new era coming and a lot of people will be scrambling to get into it. Free TV will have to worry about losing sports to pay TV."

But not for two years because sports events regularly shown on free TV cannot make the switch to pay TV until that much time has elapsed under the projected regulations.

COOK COUNTY EMERGENCY COMMUNICATIONS PATROL, INC.

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. COLLIER. Mr. Speaker, most people are against crime, but few are willing to try to do something constructive about the problem. Among those who are trying to help the police in their efforts to prevent crime and to apprehend those who commit crimes are the members of the Cook County Emergency Communications Patrol, Inc.

This nonprofit organization, which has headquarters in Melrose Park, in my district, is licensed by the Federal Communications Commission. It is composed of volunteers whose main objective is to assist law enforcement agencies. Its director, Robert Ruge, received the American Legion's Award for Law and Order this year.

Through the use of its citizens band radios, the emergency communications patrol has helped reduce vandalism in the schools. Radio equipped cars patrol the various school districts, the base station of the patrol being located in the police station.

Mr. Speaker, having received permission to extend my remarks, I submit an article in which the organization discusses its program. My colleagues will, I am sure, agree with me that it is better to cooperate with the police, as these public-spirited citizens are doing, than to hamper and harass them, as altogether too many irresponsible people are doing.

The article follows:

THE CITIZEN, COMMUNICATIONS, AND LAW ENFORCEMENT

This article is written so you, the public, will understand your responsibility to your fellow man. This title was chosen because it is felt that these are just three of the things that would make this country safer. With the rising crime in our country today, citizens need to help each other in any way that they can. Every time a crime is committed you, the public, take it upon yourselves to blame the law enforcement agencies when in reality had you, the public, remembered your responsibility to communicate with the proper authorities, many of these crimes could have been prevented. For the abovementioned reasons, a group of concerned citizens formed an organization to act as an extra pair of eyes and ears for our law enforcement agencies.

This organization realizes that one of the most important means of assisting our law enforcement agencies is communications. There are three ways that we can communicate with our law enforcement agencies: the telephone, appear in person, or, in our case, the two way radio (citizens band radio).

It is the object of our organization to assist all law enforcement agencies as well as the public. We have, within our organization, people, from all walks of life, who are willing to try to make our nation safe at all times.

Please help our law enforcement agencies by communicating with them if you see any suspicious or unlawful acts. Don't turn your backs on someone in need, because some day that someone might be you.

FOR WHAT PURPOSE?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. OBEY. Mr. Speaker, recently a newspaper in my district, the Stevens Point Daily Journal, published an editorial which I believe sums up the feelings of a good many American people and a good many GI's. I commend it to the attention of my colleagues, as follows:

FOR WHAT PURPOSE?

The more than 50 Americans who died in the recent assault on "Hamburger Hill" in South Vietnam must have believed they were fighting for something. Men do not fight that well without a purpose.

"Hamburger Hill" is officially considered an American victory. The hill was taken, and enemy forces withdrew after sustaining heavy casualties.

But somehow it is difficult to rejoice. Only in this topsy-turvy war could a tragedy of the magnitude of "Hamburger Hill" be billed as a victory. The fact is that those men may have died needlessly. A week after their sacrifices, American forces abandoned the hill.

Either the objective had military value or it did not. If it was worth taking, it is now worth occupying. If it was not strategically or tactically vital, the sacrifices were not justified.

Maj. Gen. Melvin Zais shed light on the subject when he said that the only importance of "Hamburger Hill" was that enemy forces occupied it. He added that his mission was to destroy those forces.

In a few words, General Zais has given an insight into what is wrong with the conduct of the war in Vietnam. We no longer measure progress by the number of strategic positions captured, the amount of territory taken from the enemy, or the extent to which we destroy his supplies and deny him the ability to wage war. We now measure it in terms of the number of enemy soldiers killed.

In previous wars, killing was incidental to the achievements of the war's objectives. Review the brilliant strategies of Gen. Douglas MacArthur in World War II. He did not waste men. He bombed the enemy stronghold at Weewak, in New Guinea, apparently attempting to soften the defenses in preparation for a major landing of troops there. But instead he by-passed Weewak and sent his forces against lightly-defended Hollandia, farther up the coast, sealing off the enemy's strength at Weewak and avoiding the murderous sacrifice of lives that would have resulted in a frontal assault on that bastion.

Next he diverted attention to the strategic importance of the island of Palau as the next target, and he started to soften that stronghold. But there was no landing on Palau; the troops instead established a beachhead on Leyte, in the Philippines, where the enemy's capacity to resist was comparatively weak.

In the war going on today in Vietnam, America seeks not to win, but only not to lose, and killing seems to have become an end in itself. Body counts of enemy dead seems to have replaced traditional standards of judging military success.

WORKMEN'S COMPENSATION FOR MINERS SOUGHT

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. MOLLOHAN. Mr. Speaker, the House will in the next few weeks consider health and safety legislation to protect this Nation's coal miners. This legislation is a very necessary step in an industry that once again has become a vigorous competitor in supplying power to the Nation's industrial plants and to its homes.

There are other measures that must accompany coal mine health and safety legislation. One of these measures, H.R. 8789, is under consideration now in the General Subcommittee on Labor of the House Committee on Education and Labor. The purpose of this bill is to grant workmen's compensation to the men injured in the mines who have not been covered by State workmen's compensation laws because of injuries prior to passage of such laws.

This effort is being carried out in conjunction with efforts at the State level to improve existing State workmen's compensation statutes. The following letter is part of this effort. It comes from the president of a labor organization charged with the protection of the interests of the vast majority of coal miners in our Nation. The United Mine Workers of America has by long years of experience in protecting the rights of miners developed an unparalleled expertise in the field of compensation and this letter deserves the careful attention of every Member of the House. The letter follows:

MAJOR IMPROVEMENTS IN THE RECENTLY ENACTED "BLACK LUNG" COMPENSATION LAW SOUGHT

DEAR GOVERNOR MOORE: The last regular session of the West Virginia legislature passed a bill which provided compensation payments for the victims of coal workers' pneumoconiosis, or as it is more commonly termed, "black lung." The legislation as finally enacted, however, fell far short of what we believe coal miners suffering from black lung should receive. This is the reason I have urged that you include in the call for the upcoming extraordinary session of the legislature an item relating to the workmen's compensation as it pertains to coal workers' pneumoconiosis.

I now reiterate my request that you include the subject of black lung in your call. If you do this we intend to ask the legislature to strengthen the section of the West Virginia workmen's compensation law dealing with coal workers' pneumoconiosis in the following way:

1. We want a redefinition of the term "occupational pneumoconiosis" which would eliminate any specific reference to X-ray diagnosis. In our view, occupational pneumoconiosis is a disease of the lungs caused by the inhalation of minute particles of dust resulting from coal mining.

2. We would like a broadened "presumption" clause which would provide for the presumption of black lung where the employe has been exposed to the hazards caused by coal dust for a period of five years during the ten years preceding the date of his last exposure and where the employe has sustained a respiratory disability. Of course, we recognize that the presumption could be rebutted by the industry.

3. We would like to extend the period during which a man can reopen his coal workers' pneumoconiosis claim after receipt of the last payment under a permanent disability award from one year to five years. We do this because black lung is a progressive disease and it is apparent to us that the one-year limitation, as it is currently written, is too short to fully cover the individual's case.

4. We would like an amendment to the current statute so that the permanent disability from occupational pneumoconiosis will be related to the employe's ability to perform his usual occupation.

5. We feel in all justice the coal miner deserves the same medical benefits when he has contracted black lung as are payable to victims of industrial accidents—and we want him to receive them. Black lung is an occupational hazard and we can see no reason why its victims should not be entitled to medical care.

6. We would like to change the time limitations for the filing of claims for black lung so that they may be filed within three years from the date of the last exposure, or one year from the date when the miner first learns that he has contracted black lung, whichever last occurs. Because black lung is a progressive disease and is so insidious in the way it develops in the lungs of a coal miner, we firmly believe that the miner should have the maximum latitude on the time period in which he must file to secure compensation.

7. The present medical boards have not been able to keep pace with the number of claims pending. We feel that serious consideration should be given to procedures which will shorten the time required for board action, either within the two-board structure or by a significant change in that structure if such a change is more feasible.

8. Finally, we believe the code should be amended to permit a civil action by the employe in the event of an accident where the cause of the accident was gross negligence on the part of the employer.

I earnestly believe that the foregoing amendments will go far toward strengthening the compensation bill in West Virginia and will be highly beneficial to the coal miners in your state.

Your favorable consideration of our request is urgently sought and will be very greatly appreciated.

Sincerely yours,

W. A. BOYLE.

REVERENCE FOR THE LAW

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. WYDLER. Mr. Speaker, we all are aware that there are many problems and controversies about the right of protest and dissent in this Nation today. The bounds of protest and dissent, and how they fit in with our laws and institutions of society is something that has been discussed in many different viewpoints since this Nation was founded.

There are so many different viewpoints and so many different ideas on this subject, that I often wonder if our young people can sift through the maze of information and take out the basic facts for a background on this subject.

Judge James F. Niehoff of the Nassau County District Court from my home county recently write an article in a local club publication that explained the basic facts. Judge Niehoff in his article, "Reverence for the Law" covers this complex topic in such a simple and concise manner, that anybody can understand what is involved and grasp the legal concepts. For those people who find themselves at a loss, when asked to explain the matter of what dissent and protest is about, I urge them to read Judge Niehoff's piece. At this point, I insert Judge Niehoff's article:

REVERENCE FOR THE LAW

The struggle for equal justice under law and the preservation of the dignity and liberty of the individual has been of paramount concern to Americans. This Nation has grown from 13 small colonies into the greatest democracy in the history of the world because the overwhelming majority of our people have observed the law steadfastly and faithfully.

Despite the fact that today Americans enjoy greater freedom than ever before we are told by certain dissidents in our midst that our society is so intrinsically evil that it must be altered drastically even smashed—and that unlawful means including violence is justified to accomplish such goal. Right thinking men and women of all races and creeds shun such views. They recognize that responsible protest has a vital place in our well ordered system of government and is entitled to constitutional protection. However, disobedience of the law, mob rule, and violence do not constitute "responsible protest". The right to protest does not confer upon the protestor a license to infringe upon the liberties of others. Nor does the right to protest confer upon the protestor a license to choose the laws he will obey and those he will disobey. Government as we know it could not survive for a day if it permitted any group to obey only those laws with which it agreed. And, surely it is manifest that violence breeds corresponding violence, with an end result of anarchy. History teaches us that anarchy leads to a strong government—even a dictatorship.

If we hope to pass on to future generations the American heritage of justice and liberty it will be necessary for us to demonstrate our reverence for the law in the days that lie ahead.

McCAFFREY HONORED FOR 25 YEARS SERVICE AS WASHINGTON CORRESPONDENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks I should like to take this opportunity to join many of my colleagues in honoring our good friend, Joe McCaffrey at WMAL-TV on 25 years service as a Washington correspondent.

Most of us agree, I feel sure, that Joe McCaffrey knows more about what is happening at the Capitol than almost any other man, and that he reports the events here with complete fairness and impartiality.

It is a pleasure to congratulate Joe on 25 years of outstanding service and to wish him many more years of success in his field.

LEARNING DISABILITIES, PART 2—THE DISTURBED CHILD IN THE CLASSROOM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. PUCINSKI. Mr. Speaker, yesterday I inserted an article in the RECORD outlining the general definitions of learning disabilities in children.

The Subcommittee on Education will soon be holding hearings on legislation to mitigate the special problems of children afflicted with learning disabilities. One of the purposes of this legislation is to provide teachers in classrooms with the skills and tools to reach these children.

Following is an article written by a teacher who has encountered disturbed and disruptive children in her classes. Emotional disruption can be one symptom of a learning disabled child. Mrs. Katharine F. Tift, the article's author, was formerly an educational therapist with the Hillcrest Children's Center here in the Nation's Capital. Her suggestions are helpful to teachers and it is our hope that the legislation we will soon take up in our subcommittee will provide further suggestions and methods for teachers who encounter learning disabled children on a regular basis in their classrooms.

Mr. Speaker, Mrs. Tift's article from the NEA Journal of March 1968 follows:

THE DISTURBED CHILD IN THE CLASSROOM

(Katharine F. Tift, teacher of English and civics, Kensington Junior High School, Montgomery County, Md.)

If you are assigned a student whose daily action foul up the learning climate in your classroom, you must have feelings of frustration, and even of fury, at times. The purpose of this article is, first, to reassure you that you are not inadequate because you wish the child would disappear forever and, second, to suggest specific ways for dealing with problems which arise because he does not disappear.

One note of clarification: If the comments which follow seem overly simple, it is because emotional illness is overly complex. Little attempt will be made here to analyze the causes of emotional disorder; rather, the goal is to provide practical suggestions for dealing with those surface behaviors which disrupt your classroom.

Try to visualize a "typical" disturbed child. DC is a ten-year-old whose social behavior much of the time is at a three-year-old level. The minute your back is turned he runs his pencil across a neighbor's worksheet, he dips water from the fishbowl into the clay barrel, or he shoves and trips others without warning. He keeps you on edge be cause of his destructive actions but masters just enough subject matter and conforms just enough to your demands to keep you from telling your principal: "Either he goes or I do." (You can't ask to have him transferred; the other teachers have DC's too!)

When you first get such a student, a useful step is to check with other staff members who have come in contact with him. Does your school counselor have a case record for him? Did *other* teachers find your DC disruptive in *their* group situations?

If the answers are No, put aside this article and, instead, ask a peer whom you trust

to visit your classroom for a day. Tell him to observe *your responses* to the youngster, rather than vice versa. If your friend's findings lead you to seek guidance for *yourself*, be thankful for the experience! As you acquire insights into your own feelings, everyone—especially you—will be the winner.

Once you feel confident, however, that *you* are not largely responsible for this "enemy" action in your classroom, take the next step of acquainting yourself with the general nature of DC's disease. What *is* emotional disturbance? Where does it come from? In what different ways does it manifest itself? For meaningful answers to these questions, try the following activities:

1. See the motion picture, *David and Lisa*. (Your principal might arrange a showing for his whole staff.)

2. Visit an accredited school for emotionally disturbed children. (Observe there for a day and talk with different staff members.)

3. Read at least one book which deals with the emotionally disturbed child in the classroom. (In my opinion, one of the best texts to date is *Conflict in the Classroom: The Education of Emotionally Disturbed Children*, edited by Long, Morse, and Newman. Wadsworth. 1965.)

As you follow up these suggestions, you will become increasingly aware that the behavior which angers you is a *signal* of an illness, just as red spots are a signal of measles. You will understand that a disturbed child does not have a disease of destroying property or hurting people; these are but symptoms of his emotional disorder. And you will be reassured, once again, that *you are not responsible for his illness*.

The completion of step one (ascertaining that you'll be part of the solution, not the cause of the problem) and step two (becoming aware that emotional illness has deep environmental roots, that it is very complex, and that you alone won't "cure" it) frees you to ask the constructive "How can I help this DC and thus help all of us in the group?" instead of the defensive "Why is he doing this to *me*?"

For a third positive step, read about the following classroom situations, imagining yourself as the teacher in each of the three.

Situation number one: As you sit with a reading circle, you see the children stop reading and begin to stare across the room at DC, who is drawing pictures on the floor with chalk.

Your response to help DC goes something like this. You say clearly, for all to hear, "DC, I'm unhappy because my reading students are looking at your pictures instead of at their books. Tim [Tim is a dependable "normal"] will you help DC erase the chalk from the floor and then you and he may carry some books to the library for me."

COMMENTS

1. DC is relieved because (a) his unacceptable behavior was clearly defined, and (b) provisions were made enabling him to stop the behavior.

2. Tim experiences an ego boost. He has helped another human, and thus his concept of self-worth is enhanced.

3. Other class members feel secure; DC's behavior did not take their teacher from them.

4. You enhance your self-concept by dealing constructively with a challenging situation.

Question: But DC had unmet needs! Shouldn't he have been allowed to work them out on the floor with the chalk? The pictures weren't hurting anything!

Answer: Nonsense. DC's behavior was destroying the learning climate in your classroom. Furthermore, if DC had been permitted to continue unchecked, he would have experienced progressive feelings of:

Guilt ("Teacher is mad at me. I'm bad.")

Panic ("Help! I'm losing control!")

Anger ("Why won't someone *stop* me?")

Situation number two: DC keeps interrupting a small discussion group. You feel the children's annoyance at him, and this intensifies your own impatience with his behavior.

You let the tone of your voice, as well as your words, communicate the group indignation. "DC, you're butting in and taking other people's turns. I don't like to have you take over while I'm talking! Now, I want you to get the cards box so we can help you take turns. Okay?"

You know from experience that your students all enjoy this game. The card box referred to holds about 50 blank 3 x 2 cards. Each person receives the same agreed-upon number of cards, and every time a student speaks he must put one of his cards back in the box. When someone's cards are used up, he cannot talk until everyone else's cards are gone. (The students learn through trial-and-error how many times they are willing to permit DC to speak, and thus commit themselves to speaking.)

COMMENTS

1. DC is grateful that his unacceptable behavior was identified with honest directness. (A disturbed child cannot tolerate a honey-sweet. "Let's not do that anymore," ladled out through clenched teeth. It comes through to him as, "I'm pretending to like you, but only because I'm afraid of my real thoughts. I wish you'd drop dead.") The other students are also grateful because your acknowledgment of resentment allows them to feel comfortable with, instead of guilty about, their anger toward him.

2. Again you've given prompt assistance with impulse control, involving other group members. By playing a game that structures "equal rights," the pupils have a pleasurable as well as constructive role in helping their classmate.

3. You feel better and better. As you involve everyone in helping DC, it becomes "our" class instead of "my" class. A family bond begins to evolve.

Question: But DC is getting extra attention. Is that fair?

Answer: Who said life is fair? An emotionally ill person is a dependent person and requires extra attention. Don't you, as an adult, pay extra taxes to provide for patients in prisons and mental hospitals?

Situation number three: DC refuses to do a written assignment at his desk.

Withdrawal behavior presents a special challenge. Your first response might well be to hypothesize *why* he is refusing:

Too short an attention span? Call on a dependable pupil: "Jill, here is my stopwatch. Would you see how long it takes DC to complete his worksheet? DC, see if you can finish it before ten minutes are up."

He just can't do the work? "DC, I want you to do at least the first sentence now. I'll sit here and help you with it.

He simply won't do the work? "DC, I'm sorry you aren't ready to write today. Maybe tomorrow you'll be able to." (Coaxing or pleading will only reinforce the behavior you wish would go away.)

Comment: Of course there's a chance that none of these approaches will work. If he shows total resistance, keep your cool and retreat for awhile.

Question: But doesn't that mean he wins?

Answer: Wins? Who declared war? This child is *not* attacking you; he is just protecting himself from real or imagined danger.

Question: Well, after I've retreated for awhile, should I try again to get him involved?

Answer: Of course. Does a doctor make out a single prescription, and then abandon his patient if it doesn't work?

In the above three incidents, you responded differently to different problems, but your approach each time included:

1. Stating clearly to the child what his inappropriate behavior consisted of

2. Identifying your own feelings about this behavior

3. Providing a supportive structure for a change of behavior

4. Using, whenever appropriate, the participation of other students in this supportive structure.

Incorporating these basic steps, you can deal with a variety of disruptive classroom situations. DC could be a girl instead of a boy, of course. (While statistically we have more disturbed boys than girls, how many giggly girls disrupt a lesson because they were brought up as "first a female" while they heard their brothers challenged to be "serious students" first of all?)

Or instead of being age 10, DC could be 4 or 14. (Although he may be emotionally ill, a high school student must have mastered a fair amount of impulse control to survive in that structure.) Also, DC's behavior could take the form of *repression* of hostile feelings rather than expression of them. (A silent resister can sometimes hold up group effort more effectively than the loud-mouthed extrovert.)

(One unholy situation which has not been discussed is what to do when a *number* of DC's are placed in your already overcrowded classroom. In my opinion, you'll have to give up. The only, question is how you go about throwing in the sponge.)

In the foregoing discussion, our disturbed child was compartmentalized as though he were much different from his peers. In reality, no clear line can be drawn between "healthy" behavior and that which isn't so healthy. Each of our students moves up and down his own continuum of neurotic responses which he employs to master a particular environment at a particular time. But the disturbed child makes *compulsive responses* which occur *day after day* and which *interfere regularly* with classroom goals.

While there are constructive ways to cope with a DC, such as those suggested above, as long as a teacher is asked to contain sick psyches while he teaches subject matter, he will have cause for deep frustration. Happily, there is help on the horizon in addition to that which may be available to your school system from experts in special education. One form this help is taking is the study carrel, with CAI (computer assisted instruction). R. Louis Bright of the U.S. Office of Education predicts that within another decade "almost the entire acadamic portion of instruction will be on an individualized basis in most schools."

If this forecast becomes fact—and if subject matter is fed into machines, to be reached for by each learner as he becomes ready to assimilate it—DC's behavior will no longer stop other pupils from getting academic instruction.

No longer will you, the teacher, face the dilemma of *"his* needs or *theirs?"* Rather, with the help of educational technology, you will have added time for those caring relationships which every human hungers for and which bring to him a sense of self-worth. You will have more time, through small-group encounters, to help each of your students experience individual growth by making important contributions to the needs of others.

CADETTE SCOUTS TOUR NATION'S CAPITAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. JACOBS. Mr. Speaker, on June 13, 1969, Cadette Scouts No. 928 of Lawrence Township, Ind., came to the Capital for a 4-day trip to learn as much as possible in that time about what goes on in Washington, and to see the things of historical

value which are so numerous in the District. The girls went on a tour of the White House, the FBI, the Smithsonian, the National Art Gallery, the National Archives, and saw the monuments and many other cultural and historical sights. I showed them the floor of the House of Representatives, and they had breakfast in the Speaker's Dining Room.

The leaders of the group were Mrs. Terrence Sewell, Mrs. Ezio Baseggio, Mrs. Thomas Pease, and Mrs. Joseph Mattingly. The girls that came to Washington were: Connie Barker, Maria Baseggio, Penny Berry, Peggy Conner, Cindy Ewing, Barbara Elliot, Janeen Hayes, Bonnie Herin, Kathy Mattingly, Denise Pauli, Andy Pease, Kittie Reid, Carla Sewell, Debbie Thompson, Vickie Vanderpool, Marilyn Wells, Leslie Wimmenauer, and Jane Myers.

The leader's son, Craig Sewell, has shown himself to be a scholar and an athlete at Lawrence Central High School. As a member of the National Honor Society, it is no surprise that Craig is going to attend Harvard College in the fall. He won the Lion's Award Scholarship of $200 as the outstanding athlete for breaking the record for the butterfly for the swimming team. I want to congratulate Craig for his success, and wish him well at Harvard.

FOURTH DISTRICT SCHOLARSHIP TRIP

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. MANN. Mr. Speaker, the service clubs of my congressional district have long expressed an active interest in the young people of their communities. This has been evidenced in many ways. One program, in particular, deserves special mention and I am proud to bring it to the attention of my colleagues.

On Sunday, June 22, eight rising high school seniors arrived in Washington from Greenville, Spartanburg, and Laurens Counties for the second leg of the newly initiated Fourth District scholarship trip.

This trip, sponsored by local service clubs, is designed to give outstanding students from my district an opportunity to tour the Nation's Capital for 4 days and observe all facets of our Government in action. The agenda on this trip includes such activities as a Peace Corps briefing, attendance at both sessions of Congress, meetings with officers of the House and Members of both Houses, and a tour of the Supreme Court.

These young people are all deserving students selected on the basis of outstanding scholarship, leadership, and participation in school activities.

Through the financial sponsorship of various service clubs, two trips from the Fourth District were made possible. These sponsors in the Fourth District are certainly to be commended for their efforts and support in this regard for they have recognized the importance of training our young leaders and stimulating their interest in, and knowledge of, governmental processes.

The students participating in this second trip and their sponsors are as follows: Patrica Bennett, a student at Beck High School, daughter of Mr. and Mrs. John T. Bennett, sponsored by the Greenville Rotary Club; Anita Bowles, of J. F. Byrnes High School, daughter of Mr. and Mrs. A. E. Bowles, sponsored jointly by the Greer Kiwanis and Greer Exchange Clubs; Mary Washington, a student at Gray Court-Owings High School, daughter of Mr. and Mrs. W. M. Washington, sponsored by Watts Mill; William Adair, student at Clinton High School, son of Mr. and Mrs. Forest Adair, sponsored by the Clinton Lions Club; Barry Gray, of Pacolet High School, son of Mr. and Mrs. Elston Gray, sponsored by the Pacolet Lions and the Ruritan Club; Clarence Hammond, a student at Sterling High School, son of Mr. and Mrs. C. E. Hammond, sponsored by the Greenville Rotary Club; Lewis Cason, a student at J. L. Mann High School, son of Mr. and Mrs. Bill Cason, sponsored by the Pleasantburg Rotary; and Bill King, a student at Travelers Rest High School, son of Dr. and Mrs. Joe M. King, sponsored by the Travelers Rest Lions Club.

On their behalf, and on behalf of the people of the Fourth District, I wish to thank all the organizations, schools, and individual people who have contributed to making the Fourth District scholarship trip a reality.

REEVALUATION OF EAST-WEST TRADE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ASHBROOK. Mr. Speaker, if the free nations of the world coordinated their efforts to preserve and extend the areas of freedom as well as the Communist nations do in advancing their policy of tyranny, perhaps more human beings would be enjoying their God-given rights today. A good case in contrast is the war in Vietnam in which the United States and its allies defend the South Vietnamese against a Communist takeover while the Communist regimes are alined with Ho Chi Minh.

At the recent World Communist Conference the Communist regimes implemented their support by issuing an appeal to all workers to boycott supplies bound for U.S. troops in South Vietnam. As a Reuters dispatch in the Chicago Tribune of June 11 points out, the boycott idea was first put forth at an international Communist-sponsored labor union meeting in Moscow last summer.

Here in the United States one organization which has used the boycott approach but against the Soviet Union has been the International Longshoremen's Association and for many years has refused to handle Soviet goods. According to a New York Times article of June 2, for the first time in many years a Russian ship with a Russian cargo is on schedule to land cargo at an American port. We therefore have the ludicrous policy, if the Times account is true, of extending the red carpet to a nation which has been the chief supporter of the enemy in Vietnam by supplying planes, antiaircraft equipment and other armaments. The insanity of our policy is all too apparent when we remember the toll in American lives which recently surpassed the over 33,000 battle deaths we suffered in Korea.

To complicate matters further, a Senate subcommittee recently voted to liberalize controls on U.S. exports to the Soviet Union and other Communist countries of Europe. This was in contradiction to the administration's recent policy against a slackening of restrictions in East-West trade.

It seems to me that now is the appropriate time to push for the establishment of a House select committee to review the complex issue of East-West trade. During the last Congress over 120 Members of the House introduced this legislation which, unfortunately, did not get out of committee. I am again this year introducing similar legislation which, it is hoped, will receive favorable action and which could, if enacted, reevaluate our policy in this all-important area.

I insert the text of the legislation, along with the above-mentioned newspaper items, in the RECORD at this point:

[From the Chicago Tribune, June 11, 1969]

BOYCOTT GI SUPPLIES, REDS ASK

Moscow, June 10.—The Kremlin-sponsored World Communist conference today unanimously adopted an appeal to all workers to boycott supplies bound for United States troops in South Viet Nam.

The 75-nation conference, in its fifth day, issued the call in a document giving full support to North Vietnamese and Viet Cong proposals toward ending the Viet Nam war.

Neither North Viet Nam nor the South Vietnamese Communists, who have remained neutral in the China-Russia dispute, have sent delegations to the conference.

WORKED OUT WITH HANOI

Conference spokesman said the document was worked out in conjunction with "our Vietnamese comrades," and that an East German delegation has gone to Hanoi for this purpose.

The boycott appeal was first made at an international communist-sponsored labor union meeting here last summer.

The document adopted today congratulated the Vietnamese Communists on their "historic successses scored in the struggle against United States imperialism," and support the communist position at the Paris peace talks.

PUT END TO INVOLVEMENT

It demanded that "Thailand, New Zealand, Australia, and the South Korean puppet regime, as well as the German Federal Republic and Japan, put an end to their overt or disguised involvement in the United States agression in Viet Nam."

The document set July 20, anniversary of the signing of the 1962 Geneva agreements on peace in Indo-China, as a day of international solidarity with the Vietnamese Communists.

The conference heard a speech from the head of the Cuban observer mission to the conference, Carlos Rafael Rodriguez.

DETAILS NOT DISCLOSED

No details of his speech were given, but sources believe he may have answered pointed remarks from Wladyslaw Gomulka, Polish leader, that guerrilla warfare, while

right for some parties under some conditions, could not be turned into a rule, for the world revolutionary movement.

The chilly relationship between Cuba and Russia has appeared to thaw in recent months, and observers said Rodriguez' speech could be an indication of how far this trend has progressed.

Cuba had refused to participate in preparation for the conference and only at the last moment decided to send an observer delegation.

[From the New York Times, June 2, 1969]

SOVIET GOODS ENTER DESPITE I.L.A. BAN

(By George Horne)

Some Soviet commercial shipments are probably entering East Coast ports despite an embargo imposed by the International Longshoremen's Association, which has a rigid anti-Communist policy, according to the head of the union.

Thomas W. Gleason, president of the I.L.A. has reported the "discovery" of Russian goods arriving here in containers from West Europe.

There is no official Government policy against Russian ships or Russian goods carried in ships of other nations, but for many years the militant dock union has refused to handle any Soviet goods.

Mr. Gleason said last week that to avoid the I.L.A. ban on such cargoes, the Soviet Union was known to be sending merchandise to Rotterdam, where it is packed in containers, which are becoming standard packaging for ocean commerce.

"We have already caught some of it, and when we find such cargo we simply put it back in the container and refuse to let it land," he said.

Mr. Gleason was commenting on a report that for the first time in many years, a Russian ship with a Russian cargo is on schedule to land cargo at an American port. She is to sail from a Siberian port for Portland, Ore., some time this month.

The vessel will probably have no trouble landing her cargo, since longshoremen of the big union on the West Coast, the International Longshoremen's and Warehousemen's Union, has an open policy on Communist cargoes.

The ship, the Orsha, is scheduled to carry a shipment of titanium to the Oregon port. It will be the first big Russian cargo to come to this country in many years.

According to shipping records, the last large Russian cargo in the Port of New York arrived in 1950. It became the subject of a State Crime Commission inquiry.

Investigating conditions on the then crime-ridden waterfront, the commission heard testimony in 1952 of a big shipment of Russian furs, valued at more than $3-million. The I.L.A. refused to handle them and for a while the two ships that had brought them stood idle at a dock in Elizabeth, N.J.

However, after the ships had sailed, it was discovered that the cargo had been secretly unloaded during the night.

A fur merchant explained to investigators that he had been called to a secret meeting with two minor officials of an I.L.A. local in New Jersey. As representative of the various importers awaiting the furs, he paid the two men $70,000 as a bribe, and the fur shipments were brought ashore.

[From the New York Times, June 19, 1969]

HOUSE UNIT BACKS EASED RED TRADE—OVERRULES NIXON'S POLICY—FAVORS RELAXED CONTROLS

(By Edwin L. Dale Jr.)

WASHINGTON, June 18.—A Senate subcommittee voted by 8 to 2 today to override President Nixon's recommendations and approve a liberalization of controls on United States exports to the Soviet Union and other Communist countries of Europe.

Three Republicans joined five Democrats to approve a major modification of the Export Control Law, which expires June 30 and will be extended in one form or another. The Administration had asked for a simple extension of the present law, which has been interpreted strictly to limit exports of hundreds of categories of goods to Communist countries.

The bill approved by the subcommittee today leaves considerable discretion in the hands of the President and does not guarantee significant liberalization of controls. But, if enacted, it would represent a clear expression of Congressional sentiment and would be expected to bring a change in the way controls are administered.

OUTLOOK IS UNCERTAIN

The full Banking Committee is expected to give its approval of the bill, or a very similar one, on Friday. But the situation in the House is less certain.

The bill would abolish the requirement that 50 per cent of any agricultural products sold to European Communist countries be shipped in American-flag vessels.

It would also permit the President to limit exports only in cases where they have military significance. He can now cut off goods that contribute to the "economic potential" of a Communist country.

The bill would apparently end the present practice under which export licenses to some Communist countries are granted more liberally than to others, but it would allow the President to continue a total ban on trade.

A motive behind the Senate drive toward liberalization of controls has been complaints of American business concerns that they are being denied profitable sales at the expense of competitors in Western Europe and Japan.

H. RES. 847

Whereas Americans are being killed in Southeast Asia and the peace of all free nations is threatened by the Communist war of aggression in Vietnam, by the explosive division of world interests in the Middle East, and by the activation of cold war fronts in Latin America; and

Whereas the United States has no territorial ambitions and seeks only to remain free and strengthen oppressed peoples in their determination to work out their own destinies within the whole family of man; and

Whereas there is a need to determine the impact that East-West trade has on the national interest and international commitments of the United States: Now, therefore, be it

Resolved, That there is hereby created a select committee to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

SEC. 2. The committee is authorized and directed to conduct a full, complete study and investigation of:

The impact of East-West trade on the productivity and capability of nations which directly or indirectly supply North Vietnam, North Korea, the Middle East, Cuba, or any Communist faction within any nation in Latin America, or elsewhere with military, technical, economic, or financial assistance;

The extent of the participation of international organizations, institutions, groups, or financial arrangements such as guaranteed credits, with which the United States is associated, in aiding nations that supply North Vietnam, North Korea, the Middle East, Cuba, or any Communist faction within any nation in Latin America, or elsewhere with military, technical, economic, or financial assistance;

The effectiveness of United States laws, regulations, commitments, and policies governing trade with and aid to nations which directly or indirectly supply North Vietnam, North Korea, the Middle East, Cuba, or any Communist faction within any nation in Latin America, or elsewhere with military, technical, economic, or financial assistance.

SEC. 3. For the purpose of carrying out this resolution the committee or any subcommittee thereof is authorized to sit and act during the present Congress at such times and places within the United States, including any territory, Commonwealth, or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

MARGARET MYER, WASHINGTON CORRESPONDENT FOR DALLAS TIMES HERALD, REPORTS ON HER VISIT TO SOVIET UNION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Miss Margaret Myer, correspondent in Washington, D.C., for the Dallas Times Herald, has recently returned from a trip to the Soviet Union and other satellite countries in Eastern Europe. She has reported on this trip in a series of articles, and under leave to extend my remarks in the RECORD I wish to include her article for June 19 in which I believe she has included a most significant statement which I would like to set forth here in my introduction:

Space exploration is, without question, the best thing America has going for it in the Soviet Union and, next to freedom, the best thing going in the satellite countries.

The article follows:

WASHINGTON.—To return to the United States from three weeks in East Europe and find business executives for peace in Vietnam picketing in front of the White House and poor people's campaigners picketing in front of the Department of Health Education is a rude reminder that better housing, better food, better clothing and freedom of expression do not a paradise make.

That reminder can, in effect, be found among Americans one encounters in a tour of the Soviet satellites.

Two young adult men from Ohio seemed almost angry that they had not been confronted during four days in Leningrad by any display of anti-American feeling over Vietnam.

They were unimpressed, at the same time, by interest they could have elicited from Russians in another American endeavor—the space shot.

Apollo 10 was aloft at the time and, had they asked, they would have learned that al-

most any Russian they were liable to meet could tell them of the progress of the "American cosmonauts."

This was not because Russians were glued to television sets watching live color telecasts from the moon. They weren't. The pictures were not available to them (although they were available and avidly followed in Poland a few days later). The Russians had sufficient interest that they were following American exploration in space via brief accounts in their newspapers and on radio.

Space exploration is, without question, the best thing America has going for it in the Soviet Union and, next to freedom, the best thing going in the satellite countries.

No western thriller (the television series Bonanza is a big hit in Poland) grips the people as does the courage and bravery of men who explore the unknown with only the little-understood technology of scientists to assure their safe return.

The two Americans from Youngstown, Ohio, thought "the money could be used for better things."

"Sending men to the moon," they complained with disgust, "when we should be concentrating on getting men out of Vietnam."

Maybe they are right. Sen. Edward Kennedy has expressed something of the same attitude.

It is true that American presence in Vietnam is dimly regarded in East Europe. Soviet citizens seem convinced our presence there is imperialist aggression (they do not taunt visitors with the subject but will give an impression when asked). Soviet satellite citizens view American involvement in Southeast Asia as folly.

Persons in Poland and Hungary expressed the opinion that the Vietnamese do not know the value of freedom and America is wasting itself in a thankless endeavor.

America is still regarded in East Europe as the fountain of freedom. One gets the impression that East Europeans follow the space shots not only because of the drama that surrounds each launching but also because of the competition they represent between America and the Soviet Union.

The United States has, wisely, shared its accomplishments in space with the world. Every daring feat reflects credit on the Nation. But, something more is involved. The bravery of the astronauts has a universal appeal that cuts through the strictures of national boundaries.

Sen. Kennedy and the two young men from Youngstown, Ohio, may be right but they haven't been talking to the man from England who said of the success of Apollo 10:

"It gives us all hope."

THE "ESTABLISHMENT" IS DEFENDED

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. HAGAN. Mr. Speaker, everyday as we read our papers, listen to the radio, or watch television we are confronted with reports of trouble and turmoil on our campuses—students rioting and shouting and making demands about everything. We are easily led to believe these troublemakers and dissenters are in the majority. We do not see or hear much about the "young silent generation," the students who are earnestly going about the business of working and learning and preparing themselves to meet the challenge of tomorrow. All over this Nation they are graduating by the thousands from high schools and colleges. I thank God for them. They will be the backbone of our country, they will accept the responsibilities of citizenship, and they will continue to achieve and accomplish the things that will keep this Nation great.

An example of one of these fine young people is Robb Holmes, a senior at Griffin High School in Griffin, Ga. He was the winner of the Georgia Power Co.'s annual Jack McDonough Editorial Award which is presented to the writer of the best editorial on free enterprise published in a Georgia high school newspaper. Robb Holmes received a $500 scholarship to the Henry W. Grady School of Journalism, a bronze plaque, and a portable electric typewriter. It is a pleasure for me to bring his editorial to the attention of my colleagues as reprinted in the Forest Blade of Swainsboro, Ga.

[From the Forest Blade, June 11, 1969]

THE "ESTABLISHMENT" IS DEFENDED

Great American Tradition of today: protest. Protest the establishment. Few are willing to defend the establishment today.

Protest is valuable. It is probably necessary in a democracy. But what of the establishment? What is the establishment? The establishment is many things, and there are many things to be considered before one speaks out against the establishment as a whole.

Just where does one go to learn about the establishment? Students of the establishment are few. Therefore, it would seem natural that textbooks on the establishment would be few, but this is not so. There are thousands of them printed daily in the United States. Millions of people read them every day and take them for granted. They are the newspapers.

Buy a newspaper. Sit down and read it. On the front page you will probably find a story on the war in Vietnam. There may also be a story on demonstration protesting our involvement in Vietnam. If the demonstration was violent or destructive, the police certainly dispersed it, or attempted to, and arrested the leaders. If, however, it was peaceful, the demonstrators were allowed to continue exercising on their basic Constitutional rights.

Look on the inside pages of your newspaper. Read the ads; the advertisements for many competitive products and services, competitively priced. Look at the choice you have as to what to buy, and try to imagine a country, where there are few of those basic freedoms, and coincidentally, where there is no competition among businesses.

Read the editorials. Maybe you'll read a scattering indictment of an administration proposal for a tax increase, or something equally popular.

As you read you may ask, "What kind of government is this, anyway?"

(This is not a statement on the military establishment. Like many others, I view the war with mixed feelings; partially for, somewhat against, but mainly bewildered and not understanding. Nor is this a statement on the social establishment or longstanding injustices. This is a statement on what kind of government this is.)

This is a democracy. One of its oldest and most essential elements is the free enterprise system, and that's part of the establishment.

Take a look at those who favor the abolition of free enterprise. They are almost invariably failures, in most cases by their own fault, for under the free enterprise system each individual controls his destiny to a greater extent than under any other system.

That is why free enterprise is almost necessary to a democracy. Abolish free enterprise and the government decides the success or failure of the businessman, the individual. When the government controls the individual's fate, it quite effectively controls his entire life—including his vote. Suddenly opposition to the government in power almost vanishes. There being no opposition to the state, the government in power becomes self-perpetuating and democracy becomes a cruel farce.

Granted, democracy, along with free enterprise, is frequently confusing, often infuriating, and the decisions made by the people are sometimes as bad as those made by a despotic ruler. But when compared to other existing forms of government, democracy looks very, very good.

Of course, free enterprise is not exactly necessary to a democracy. There are such things as socialist democracies—for a little while, anyway. Usually in such governments, half of the establishment eventually falls. Either socialism falls to free enterprise or democracy falls to tyranny. Unfortunately, the latter is usually the case.

Last year Czechoslovakia came very near to establishing an effective and humane socialist democracy. If the Czechoslovaks had not been betrayed by their supposed allies, their experiment might have succeeded. We'll never know.

As it is, we do know this:

Although there are many forms of government and many different economic systems, only one combination has been found to be practical and to approach in any way having the interests of humanity at heart. That is the combination of democracy and free enterprise, the basis of American government.

Many parts of the American establishment need to undergo drastic change. Even our economics could stand much improvement. But these facts in no way justify or recommend junking the entire system.

The American system is certainly no paradise, but a better system has yet to show itself. Until one does we would do well to work within the framework of the existing system. This is free enterprise: you may work and attempt to make something of yourself, or you may never attempt to do anything, never do anything—and then, of course, blame your failure on the establishment.

TITLE IX: A NEW DIMENSION IN FOREIGN AID—IV

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. FRASER. Mr. Speaker, other obstacles to carrying out the congressional mandate in title IX of the Foreign Assistance Act are found in the State Department, in shortcomings in academic literature on modernization, and in some resistance in host countries. Professor Schott spells out these external obstacles, as follows:

OBSTACLES OUTSIDE THE AGENCY

Owing to the broad policy implications of Title IX, its implementation also meets with a number of formidable obstacles outside the framework of the Agency proper. Not the least of these has been the obstructionism of the State Department. Many Foreign Service Officers view Title IX either as a bureaucratic encroachment on their own prerogatives in the field of overseas political analysis,

or as a significant threat to important U.S. short-term interests in the LDCs. To the extent Title IX broadens A.I.D.'s responsibilities, it must also, however, broaden the Department's. Yet, constrained by their representational responsibilities and the *status quoism* of traditional diplomacy, the State Department cannot be enthusiastic about a mandate that associates the U.S. Government with a cause that, to the uniformed or pernicious, can be described as a kind of overt C.I.A. operation.

Although recognizing Title IX implementation as an operational responsibility of A.I.D., State Department officials tend to view it as far too delicate a mandate to entrust to an Agency presumed to be unattuned to the subtleties of international diplomacy. The result is disastrous to Title IX: as it is an A.I.D. mandate, State feels no responsibility to respond to it; as it affects U.S. foreign policy, it is primarily a State Department concern and ought not to be A.I.D.'s. In consequence, State tends to take a negative posture towards any explicit attempt by A.I.D. to implement it. And given the present concept of the Country Team and Ambassadorial responsibility for all aspects of the U.S. presence in a particular country, this negativist posture can be effectively enforced.

An inherent conflict can exist between the development activities of A.I.D. and the representational role of State. This becomes particularly evident if one chooses the broader construction of Title IX. To holders of this view, Title IX was intended to counter previous foreign aid programs seen to shore up existing regimes and reinforce the present holders of social and political power in aid-recipient countries; it was designed to cause U.S. foreign aid, on the contrary, to seek the dispersal of political power and to support the forces of responsible social and political change. Such a construction of Title IX is understandably anathema to many State Department officials, particularly if those primarily responsible for implementing this mandate are to be the narrow-gauged agricultural technicians and the "apolitical" macro-economists who constitute the stereotypical A.I.D. officials.

This is not to say, however, that if State Department officials would only take a more positive view of Title IX, the Department would be appropriately organized and staffed to provide the guidance and coordination which Title IX's implementation requires. Unfortunately, the contrary is the case; just as A.I.D. is today improperly staffed to pursue Title IX objectives, so is the Department. The "change in approach" which the HFAC suggested might be required of A.I.D. will also be required of State—for the formulation of appropriate policies toward individual LDCs, for the analysis of long-run social, economic, and political forces in LDCs, and for the coordination of all appropriate U.S. foreign policy instruments as they may bear on the implementation of Title IX.[11]

A second major external obstacle faced by A.I.D. is the paucity of operationally-useful knowledge about the processes of social and political modernization. Despite the unabating flow of academic works with "political development" in their titles, their reading is a discouraging exercise for anyone interested in devising activities which may significantly contribute to these processes. So painful a labor becomes even more disagreeable if the reader dares seek in such literature operationally useful criteria by which to measure the success of relevant assistant efforts. Hiding behind the facade of academic respectability and the desire for methodological perfection, many academicians who might otherwise lend a hand in this important work deign not to do so. Rather, they have concentrated upon describing and explaining the operations of existing political systems to the exclusion of developing concepts and techniques for improving them. Without their assistance, however, the "operator"—lacking basic information and prescriptive commentary—either flounders, doggedly persists in the convenient ways of the past, or throws up his hands in despair. Unless ways can be devised to enlist the scholarly community in operational problems and to make existing knowledge available to the operator in terminology he can understand and utilize, a sophisticated approach to Title IX's implementation will prove appreciably more difficult.[12]

Presumed or actual host country sensitivity to direct U.S. Government activity in the field of political development constitutes another major obstacle. For those who believe that a U.S. foreign aid program should avoid political development activities, this becomes an effective argument against even broaching the subject with friendly governments. The signatories to the Charter of Punta del Este, for instance, may have declared their interest in achieving "broader social justice within the framework of personal dignity and political liberty." But, regrettably, this can scarcely be considered a compelling counter-argument: the Alliance may be seen as an abysmal failure precisely on this score, if one has the temerity to appraise its progress after but seven dismal years. Far from living up to their professed interest in the "democratization" of their states, the parties to the Alliance have, in general, refused to consider this aspect of the Charter as a meaningful prescription, just as the United States has been reluctant to press for relevant reforms.

It should be unnecessary here to dwell on the supporting argument that the implementation of Title IX involves "interference in the internal affairs" of sovereign states. Yet it is remarkable how often this argument is employed. Suffice it to say that in a world so highly interdependent as today, this whole line of reasoning is woefully obsolete. Noninterference has become a practical impossibility; indeed, one interferes by not interfering. The relevant questions concern the type, magnitude and duration of the interference, not the interference itself. Besides this, of course, is the fact that foreign aid programs are cooperative undertakings agreed to by host-governments (however much armtwisting is often erroneously reputed to be involved) and that no more "interference" could conceivably be foreseen by implementing Title IX than has already been effected by many of A.I.D.'s rural development activities and counter-insurgency programs.

All of A.I.D.'s current economic undertakings, however, cannot help but have profound social and political ramifications in aid-recipient countries. It is Title IX's argument that the U.S. interest will be served not only by anticipating such consequences of its programs before blindly undertaking them but also by taking these consequences systematically into account when programming its foreign aid activities. In so doing, however, A.I.D. becomes *ipso facto* engaged in the business of political development.[13]

It is obvious that individual aid-recipients are unreceptive to certain economic development activities; so are they likely to be respecting political development activities. Yet it is reprehensible to generalize from the particular and assume that *all* political development activities will prove equally resented everywhere; it also demonstrates a rather perverse understanding of Title IX and the field of political development. Two points need here only be made: First, the spectrum of potential political development activities is extraordinarily broad, ranging from locating a road or similiar capital project so as to contribute to national integration to the provision of direct assistance to particular "modernizing" political parties. Within such a spectrum, it would be difficult not to find a way to "do" political development in any given aid-recipient country if only the interest of operators was aroused and the perspicacity of knowledgeable advisers was employed. Secondly, and closely allied to this point, is the fact that implementing Title IX in a particular country may entail doing nothing at all, e.g., when an increase in popular participation could prove counter-productive given the level of that country's institutional development, or when any form of aid through whatever U.S. instrumentality would likely contribute to the perpetuation of an intolerably undemocratic regime or the maintenance of a closed socio-economic elite. As long as Title IX is not so narrowly defined as to insist upon the encouragement of particular types of institutions having rigidly defined characteristics or so broadly defined as to be utterly meaningless, there are a wide range of realistic options available to U.S. foreign aid administrators for responding significantly to Title IX. The major problem is more one of determining relative priorities among available alternatives than of identifying the alternatives themselves.

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[11] Title IX, to be an effective stimulant of a new approach in foreign aid, must be associated with the activities of other governmental agencies with significant overseas responsibilities—particularly the Defense Department, the Peace Corps and the United States Information Agency. To make certain that all these agencies undertake compatible and mutually reinforcing developmental activities in individual countries must be the responsibility of the State Department, if only because it is now normally expected to perform this role, and because no other agency currently exists which is capable of doing so.

[12] The problem, of course, lies not alone with the aloof academician. His aloofness has been encouraged by inordinately tight government research budgets (except as available to the Defense Department), the unnecessarily bureaucratic administrative and security requirements imposed upon those performing government-sponsored research, the extraordinarily haphazard and inept determination of research priorities by government officials, and the sometimes sarcastic references by A.I.D. and other bureaucrats to the "irrelevance" of contract research to the decision-making process and actual overseas operations.

[13] It is argued by many in A.I.D. that Title IX's implementation should be confined only to so indirect an approach as this. Such a position enables A.I.D. to remain an agency concerned exclusively with economic development, although permitting economic analyses and project evaluations to be infused at various stages of the programing process with social and political development considerations.

SALUTES TO SIERRA LEONE AND JORDAN

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

A SALUTE TO SIERRA LEONE

Mr. POWELL. Mr. Speaker, on April 27, 1961, the former British colony of Sierra Leone attained her independence. At this point, I would like to salute the progress of Sierra Leone, and extend my best wishes for a continuing prosperous and successful future for the nation.

Sierra Leone is situated in the tropical area of West Africa, a region noted for its wet rainy climate and its lush vegetation. A large part of the population is made up of the Mende, the Limba, and other tribal peoples. An equally important part of the population is the descendants of the freed slaves for whom the colony was originally founded. In fact, the spirit of the colony's founding is reflected in the name of the capital, Freetown.

Despite their diverse backgrounds, the Sierra Leoneans have been able to work together for their nation. One of the positive legacies of the colonial period was the educational system, which provided a well-educated manpower pool for the nation to draw on in the development process. The educational system is being further expanded, and increasing numbers of Sierra Leoneans are now able to make important contributions to their nation's development. The University College at Fourah Bay is known throughout Africa, and has been important and successful in the education and training of Sierra Leoneans.

The economy is expanding quite rapidly. There are rich resources of iron ore now being developed. The exports of this ore, especially to Japan, are creating an important source of revenue. Also of great potential are the rutile—titanium ore—deposits, currently being developed by a group of American and European interests. Sierra Leone has most of the world's high-grade deposits of this mineral, which is used in the making of many modern alloys. There has been an increase in foreign investment in Sierra Leone, and tourism is on the rise. The tourist industry has been greatly helped by the construction of new facilities, especially at some of the beach areas, which are reputed to be the loveliest beach areas in West Africa. Another great aid to the development of Sierra Leone is the port at Freetown; it is the finest natural harbor in the West African area, with good, modern dock facilities. Sierra Leone's economic development is well on its way toward the goal of modernization.

Sierra Leone learned the art of responsible self-government from her British mentors; she has demonstrated a capacity to manage her own affairs. This has been a great aid in her continuing forward progress. I wish to congratulate Sierra Leone on her progress since 1961, and am happy to extend my greetings to one of the newest and most successful members of the "family of nations."

A TRIBUTE TO JORDAN

Mr. Speaker, the Hashemite Kingdom of Jordan received her independence in March 1946, after years of struggle and frustration. The modern Jordan was created out of the area known as the Kingdom of Trans-Jordan. The area west of the Jordan River, known as the West Bank, was controlled by Arab forces during the fighting, and became part of the new Kingdom of Jordan. The West Bank, which included parts of the historic city of Jerusalem, tended to be more developed in economic and manpower terms than the eastern side of the Kingdom. However, the two areas of the new Kingdom fitted together well, and Jordan's development after 1950 has been impressive.

The gross domestic product, one indicator of economic development, rose from a 1954 level of 51 million dinars to a 1964 level of 140 million dinars. This great increase reflects many things—the stability of the nation under the rule of King Hussein, the increase in the level of tourism, the relatively large amounts of foreign aid that have been available, and the earnings sent home by Jordanians employed in other areas. Light industries such as woolen mills and phosphate mining have also been developed, with great success.

The economy has been able to continue and in some instances, prosper, despite the severe disruptions created by the June war of 1967. The war caused many serious problems for Jordan, not only economic, but also political and social. At this point, Jordan's major concerns are, naturally, those problems, for example the refugee problem, which stem from the June war. But despite the problems, Jordan is more than holding its own. For example, in Amman, the capital city, there is a building boom, and the retail businesses are thriving.

A very large measure of credit is due to King Hussein. Jordan, under his rule, has become a remarkably stable nation; this stability has no doubt contributed greatly to the forward progress of the nation. Hussein's diplomatic efforts over the years have insured the availability of relatively large amounts of foreign aid and foreign good will. Hussein's stature throughout Jordan and the Arab world has served well as a unifying force for the nation. Perhaps Hussein's major contribution to his nation has been the many efforts he has made on the behalf of peace in the often troubled Middle East area. His efforts as peacemaker are, indeed, worthy of gratitude by the rest of the world. I take this opportunity to salute both the King and his nation on their progress and success in creating a nation. I am pleased to extend my best wishes to Jordan in her development efforts, and wish her a stable and happy future.

DUBUQUE, IOWA, TAKES LEAD IN LOCAL PLANNING-PROGRAMING-BUDGETING

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. CULVER. Mr. Speaker, I would like to bring to the attention of the House today a pilot planning-programing-budgeting program underway in Dubuque, Iowa, which has significant implications for improved economy and efficiency in local programs, not just in Dubuque, but in all Iowa communities and cities of similar size throughout the country.

The project, which was developed through the initiative of a creative city government in Dubuque, is being financed in part by the Department of Housing and Urban Development, with the State's share absorbed by the community itself.

The objective of the program is to develop a model fiscal management system in Dubuque, which can then be made available for other cities, counties, and school systems in Iowa, with the ultimate objective of a uniform budgeting system for all units of government in the State.

All of us in this House are very much aware that, as the functions of government at every level—city, State, and Federal—have expanded to meet the demands of the citizens each serves, efficiency and economy of government operations has suffered.

As a member of the House Government Operations Committee and a sponsor of legislation to bring about executive and legislative reorganization, I am deeply concerned about these trends and strongly feel that this should be a matter of priority attention for the 91st Congress.

The project in Dubuque represents such an effort at the local level, and deserves our attention and commendation as well as the support it already has received from the Department of Housing and Urban Development and the State.

Recently, the Dubuque Telegraph-Herald carried an article by Tom McDougall, explaining in more detail the PPB system, and under unanimous consent I include it at this point in the RECORD, for the information of the Members of this body:

[From the Dubuque (Iowa) Telegraph-Herald, June 8, 1969]

PPB: A NEW WORD AROUND CITY HALL THESE DAYS

(By Tom McDougall)

PPB will be a big word in Dubuque after this summer.

It stands for Planning-Programming-Budgeting, and as the name implies it is a system of budgeting that goes far beyond the listing of expenditures.

You won't hear many Dubuquers, even those who are close to that sort of thing, talking with authority on PPB. At least not yet.

Nor will you find any books on it at the Carnegie-Stout Public Library. Look a little and you will find some obscure government publications devoted to it, and you will find that books have indeed been written about it. But you won't find them here.

But PPB is coming to Dubuque, and with it should come a major reform of the city's financing system.

In a nutshell, PPB is an information-gathering system that will list all the functions of the city not only according to the cost of each as is now done, but also according to the objectives each hopes to achieve and with alternate ways to achieve the same objectives.

A PPB program involves five steps:

1. Specify the objectives of each program.

2. Analyze its output—that is, the degree to which it achieves its objective.

3. Measure total costs of the program, not just for one year but for several years ahead as well.

4. List and analyze alternate ways of achieving the objectives, together with the cost of each alternative.

5. Establish the program in a systematic way.

PPB has been in use for several years now in many departments of the federal government, notably the Defense Department, and it has both its critics and its admirers.

The critics say it has the potential to lull decision makers into accepting bad programs

by attempting to change political facts into numbers.

Even PPB supporters admit that this is a possible pitfall. They stress that PPB does not do away with political decisions, but only makes it easier to follow the right course of action once the decision is made.

A PPB study has already been underway for about two weeks to switch Dubuque over to the new system.

It is the first such study conducted in Iowa, and its results will be applicable to other cities, counties or school boards that wish to use it. Because of this, the League of Iowa Municipalities has taken on the sponsorship of the study and has obtained a $40,000 federal Department of Housing and Urban Development (HUD) grant to pay half its cost.

The city is paying the remaining $40,000 of the cost.

Baxter, McDonald and Co., a managerial consulting firm from Berkeley, Calif., has already been hired to do the study and its consultants have been popping in and out of City Hall for the past two weeks.

A secondhand portable class-room that soon will be moved in next to City Hall will serve as the firm's headquarters when school is out in the Western Dubuque Community School District, but until then the consultants will continue squeezing in their work in whatever space they can find.

Allen Baxter, the founder and president of the nine-man firm, is among the consultants in Dubuque.

Baxter, a tall loquacious man, was a philosophy professor at the University of California before starting into the consulting business 10 years ago. The firm's eight other consultants have specialties ranging from engineering to accounting, for Baxter, McDonald and Co. specializes in solving all manner of managerial problems.

The firm attained its reputation for the PPB angle of its work after a study it conducted in California analyzing the financial aspect of intergovernmental relations.

That a philosopher—albeit one whose field delved especially into economic philosophies—should lead a PPB study is not so surprising as it may sound.

For despite the financial connotation of PPB and its ultimate tendency to contain numbers, especially those preceded by dollar signs, it is not entirely an accounting procedure.

It goes beyond that—certainly into the fields of political decision-making, and perhaps so far as to touch philosophy itself.

Basically it is an information-gathering system, enabling city officials to gather all known relevant facts on a particular subject and to sort them in meaningful ways.

The prime elements of PPB are, firstly, objectives and, secondly, alternative methods by which the objectives can be met. (PPB users prefer the word "trade-offs" to "alternatives" but essentially they mean the same.)

Basically PPB provides a format within which decision-makers can define their objectives specifically, then list the combined and alternative methods by which the objectives can be reached, together with estimated costs of each.

With this information at hand the decision-makers—in Dubuque's case the City Council, the city manager and the department heads—can quickly determine which objectives they wish to obtain and which methods will attain them in the most economical or the most effective way.

A certain amount of this type of data is already used in decision-making and always has been, but not in an organized way.

We have a foggy idea of our objectives—usually much foggier than we think—and we realize that one method could cost more or less than another, but we have no format in which to arrange these random thoughts.

We are especially vague on our objectives. Baxter explained that in their simplest terms objectives should be aimed at seeking either maximums or minimums. For example, a program could be aimed at minimizing expenses, or at maximizing profit, or at maximizing public knowledge, and so forth.

He then asked this reporter what the objective is for, say, the Police Department.

"To minimize crime," this reporter answered smugly.

"Well," Baxter answered "what about the policemen who are called out to save a cat caught up in a tree?"

The answer? There is no specific answer as yet, and that's one of the things the study is all about. It will help each city department head to define precisely what his objectives are, a task that can involve some real soul-searching.

This step is only the first of PPB, but in itself it can have an immense effect. When specific objectives are known it will become clear immediately whether they are being attained, or whether they are even worthwhile.

Baxter stresses, however, that it is not he or his colleagues who will define the objectives; this will have to come from the individual involved. His task is to show how to arrive at usable objectives and how best to list ways of carrying them out.

This point is important, he stresses, because it brings out the fact that PPB in itself is no guarantee of success. A properly developed PPB approach can show the best way to achieve an objective, but if the objective itself is bad then the resulting course of action will remain bad despite PPB.

He gave as an example a hypothetical military decision. If the objective were, say, to drop a certain tonnage of bombs on a given area of North Vietnam for a minimum cost, PPB could probably show the most efficient way of doing it. But whether it is right to drop the bombs in the first place—that is, whether the objective is sound—is a decision of another sort.

In other words, PPB will not do away with political decisions and it will not eliminate the possibility that the hypotheses behind those directions may be unsound.

But once the decision has been made to pursue an objective it can show the best way to carry it out. It can also, by the very act of spotlighting the objective, reveal the flaws in it and therefore guide decision makers away from bad objectives.

Once an objective has been defined the next step it to list ways in which it is to be carried out. Under the PPB concept the last should be as complete and far-reaching as possible and should take in as much as possible not only what the city is doing but what the county, the schools and private organizations are doing.

Under the hypothetical heading of health, then, would go not only the work of the City Health Department but also that of other departments—the Building Department's housing inspections for instance—and of other agencies such as the schools' free lunch programs, the activities of the city's three hospitals and so forth.

Once all the data, or as much as can be gathered, is listed, administrators can tell at a glance exactly what the city is doing to meet the objectives—in this case, to keep its citizens healthy—and how much it is costing for each phase of the objective.

Once this is done there can be added to the list whatever alternative ways can be used to meet the same objective and the projected costs for each.

Obviously, with such a wealth of data at his fingertips an administrator will find it much simpler to make the correct decisions for meeting objectives. It will also point out most of the flaws there are in the traditional means of meeting the objectives, thereby making them easy to eliminate.

Baxter is quick to point out again, though that PPB will not make the decisions. That is still the job of the administrators and the politicians. But PPB is a data gathering system that will enable leaders to see what the effects, economic or otherwise, of those decisions will be.

Once the first PPB plan is drawn up with its sets of forms and instructions, city officials themselves will be able to take it over, merely updating each category of information as needed.

But the first set of PPB data will be drawn by the consultants. They will both draw the blank forms and fill them in with information they glean from the city, the county and other agencies.

Once the plan is drawn up its skeleton will be made available for other cities, counties or school systems in Iowa so they too can switch over.

Hopefully, the result of this will be something the state government has hoped to see for some time: A uniform budgeting system for all units of government in Iowa. With such a uniform system comparing data from one city with that of another will no longer be like comparing apples and oranges because the facts from each will be tabulated in essentially the same format.

HOOSIER STATE BANK OF HAMMOND, IND., REFUSES TO RAISE INTEREST RATES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. MADDEN. Mr. Speaker, John F. Wilhelm, president of the Hoosier State Bank in Hammond, Ind., is contacting the banks in northwest Indiana in an effort to oppose the large eastern bank combinations who have raised the prime interest rate.

Older Members of the House remember when Andrew Mellon was Secretary of the Treasury under three Presidents in the 1920's. Secretary Mellon's high-interest policy helped dry up buying power for millions of working people and was a major cause in bringing on the Great Depression of the early 1930's. Secretary of the Treasury George Humphrey, during the first months of the Eisenhower administration raised interest rates several times and it aided in bringing on three smaller depressions in the 1950's.

I congratulate President John Wilhelm, of the Hoosier State Bank in Hammond, Ind., in his drive to maintain a lower interest policy and thus protect buying power, building expansion, and help preserve our prosperity.

I am hereby submitting an article from the June 17 Gary, Ind., Post Tribune which includes excerpts from President Wilhelm's letter which was received in my office last week:

AREA BANKER TELLS MADDEN INTEREST TO STAY SAME HERE

WASHINGTON.—Hoosiers are battling the big banks' boost of prime interest rates to 8½ per cent.

What appears to be a trend among smaller banks to stand fast against the higher rates has reached the attention of Congress, particularly the House Banking and Currency Committee, which will hold hearings on the escalation later this week.

Heading the hold-fast brigade is the Hoosier State Bank of Hammond, whose

president, John F. Wilhelm, wrote U.S. Rep. Ray J. Madden, D-Gary:

"I have discussed this matter with the majority of banks in Lake County, and I think you can rest assured that we have no intention of following the New York banks' example."

Wilhelm is expected to be invited by the committee to express his views on the matter.

Rep. Wright Patman, D-Tex., committee chairman, announced the hearing will start Thursday afternoon. Treasury Secretary David Kennedy, Attorney General John Mitchell and a representative of the Federal Reserve have been called to testify.

On Friday, the banks which raised their rates will explain why to the committee. The committee already has summoned six of the big banks.

They are Bankers Trust of New York, First National Bank of New York, Chase Manhattan Bank of New York, Continental Illinois National Bank of Chicago and Riggs National Bank of Washington.

On Saturday or Monday, the banks—such as Hoosier State—who have decided not to raise rates, will be asked as witnesses. Their views are more in accord with that of Patman and his committee.

Wilhelm, in his letter to Madden, said he was "very upset" with the turn of events which has caused the prime interest rate increase.

"I want you to know personally that the Hoosier State Bank will not raise its rates because of this temporary situation," he said.

Wilhelm said he wanted to make a few things clear to "Mr. Patman and his group."

"It seems," he said, "That they would have the nation believe that the commercial banks, each and every one of us, is ready to start 'socking' our customers the top dollar for their money. You could also jump to the conclusion that the banking industry is having a 'merry old time.' This is not true."

THE BANKERS' DILEMMA—INTERNAL AND EXTERNAL

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. McFALL. Mr. Speaker, the increase in prime interest rates from 7½ to 8½ percent by many large banks, application of truth-in-lending regulations, prospects for stronger Federal legislation over lending institutions, and information on bank robberies were among topics discussed by Irvine H. Sprague, Director of the Federal Deposit Insurance Corporation, at a banking industry meeting in Milwaukee recently.

Sprague, whose home is Stockton, Calif., was a member of the White House staff prior to his appointment to the Board of Directors of FDIC last year. Previously he had served as deputy director of the California Department of Finance for 4 years and was my administrative assistant slightly more than 6 years.

His remarks before the Wisconsin Bankers Association on June 17 were of particular interest because of the great public attention focused on activities of the banking industry.

I commend to your attention two news articles describing Director Sprague's address. The first article appeared June 18 in the Milwaukee Sentinel and was entitled: "Bankers Told Image Fading." The second, published in the June 18 edition of American Banker, was: "FDIC Analyzing Bank Crime Data in Effort To Implement Effective Protection Program." They follow:

[From the Milwaukee (Wis.) Sentinel, June 18, 1969]

BANKERS TOLD IMAGE FADING

(By Ray Kenney)

The recent prime interest rate increase has tarnished the banking industry's image in congress and will affect banking bills now in the legislative hopper, members of the Wisconsin Bankers Association were told Tuesday

Irvine H. Sprague, a director of the Federal Deposit Insurance Corp., Washington, D.C., and a former member of President Johnson's White House staff, tossed away his text at a WBA convention session at the Pfister hotel here and told state bankers some things that many of them didn't want to hear.

There is no possibility of a delay in truth in lending regulations, despite appeals from many banks that "We're not ready" for the July 1 implementation of the regulations.

New advertising regulations, scheduled for release later in the day Tuesday to eliminate "substantial abuses," will be "tough."

One bank holding companies will be subject to "a fairly strong bill this fall."

Congress is "extremely interested" in the bankers' decision to boost prime interest rates from 7½ to 8½% in an historic and unprecedented move last week.

Many bankers feel, according to the FDIC official, that the criticism will blow over.

"I don't read it that way," said Sprague, who has acted as a congressional liaison man, in one capacity or another, for 16 years.

When he first was named to a six year term on the FDIC's three member board of directors last July, Sprague said, congressmen used to ask, "How are you getting along with your banker friends?"

Last weekend, at a cocktail party, he added, the question was reworded to, "How are you getting along with your greedy banker friends?"

"I think that's indicative," he told several hundred WBA members. "The congressmen tell me that bankers are very smart . . . they ought to be able to find a way to hold interest rates down.

"I think what I am really saying is that the image of the banking industry is going down hill a little bit and it's going to affect you when legislation you are interested in comes aboard. Make no mistake about that," Sprague said.

In the area of one bank holding companies, and the possibility of approval of Rep. Patman's bill to bar them, Sprague said the issue apparently will reach the house floor. However, he said, compromises may have to be reached.

"I think we'll see a fairly strong bill this fall," he said. "Jurisdiction (over the one bank holding companies) probably will go to the federal reserve, and, I think, we'll probably see a grandfather clause, and some definition of what a bank really is," he said.

He indicated that the First National City Corp., the New York holding company built around the First National City Bank of New York, would not have backed away from the acquisition of the Chubb Corp., American agents for a British insurance group, if Citycorp did not also believe the measure restricting the operation of one bank holding companies would not be a strongly worded measure. Citycorp backed away from the acquisition of Chubb Corp. last week in the face of justice department objections.

Sprague had been scheduled to speak on the new bank protection act, which requires banks to implement extensive security policies and procedures.

Statistical data presently is being fed into FDIC computers and will be circulated among the nation's bankers, he reported. The early statistics are too general to permit conclusions, he pointed out.

For example, he said, Wisconsin banks are way below the emerging average for photo surveillance equipment, and below the average number of security guards, but the state also is below the national average for bank robberies.

"I sort of wish I hadn't asked for the figures," Sprague shrugged.

Banks must file written security programs with the FDIC by July 15, he warned. The agency "is more concerned with the spirit of the law than the letter of the law," he added.

"We're not trying to make things more difficult for you, we are trying to make it difficult for robbers and burglars."

[From the American Banker, June 18, 1969]

FDIC ANALYZING BANK CRIME DATA IN EFFORT TO IMPLEMENT EFFECTIVE PROTECTION PROGRAM

MILWAUKEE.—As part of a review of the effectiveness of the Bank Protection Act of 1968, the Federal Deposit Insurance Corp. has undertaken what it calls "the first methodical effort to analyze cause and effect in bank crimes in this country."

Addressing the 78th annual convention of the Wisconsin Bankers Association at the Pfister Hotel and Tower, Irvine H. Sprague, a director of the FDIC, said that from report forms received from banks, "we hope to pinpoint areas of high crime incidence; to isolate the factors that make a banking office vulnerable to crime and those that protect it."

The FDIC is analyzing statistics gleaned from reports on bank crimes committed during the past five years as required under regulations implementing the bank protection laws.

"Until we do know more about the cause and effect of bank robbery, the rule of common sense is the best guide we have to protecting a bank office," he declared. "Some banks that do not now have them obviously need alarm systems. All banks should have 'bait' money. Many more banks probably should have cameras installed—simply because they are in high crime areas."

Mr. Sprague said that, starting next month, FDIC examiners will make compliance checks "a regular part of their examinations."

Some requirements of the law will be mandatory "in about a month—with July 15 the deadline for completion of a written security program for each banking office."

By Jan. 1, 1979, he said, vault lights, bait money, bullet-resistant shields for walk-up or drive-in teller cages and other items will be mandatory.

In cases where a bank security officer has chosen not to install cameras or other devices, "the examiner will want to look at a statement of reasons for that decision and at the names of the law enforcement people who were consulted," he asserted.

"For the first year this procedure will be as new to the examiners as it is to you," he told the bankers. "They are not going to expect perfection."

Mr. Sprague said the examiners "will be looking for signs that you are making both an effort and reasonable progress toward making your bank and the people who work in it and use it safer."

The FDIC officer told the delegates: "I think you will find that the spirit of this law is going to be as important to us in this first year as the letter of it."

"We do not expect to eliminate bank robbery or burglary in 12 months. But if we have not reduced it by the end of 1970, we will be turning to the information we are now collecting in an effort to determine why.

If our approach is not working, we will modify it."

In other action, delegates passed a resolution supporting extension of the 10% surtax as an anti-inflationary measure and urging establishment of a banking school—similar to the Midwest Banking Institute of the University of Minnesota—at Morris, Wis., through the University of Wisconsin.

The convention ends Wednesday.

PRESIDIO: CLEMENCY DENIED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. KOCH. Mr. Speaker, on May 8, I wrote to Army Secretary Stanley Resor and urged that he follow the example of Navy Secretary John H. Chafee in relieving those involved in the *Pueblo* incident of the possibility of any disciplinary action, and that he, Secretary Resor, act immediately with similar compassion in directing that the mutiny charges against the 27 Presidio prisoners be dropped. It is important to note that my recommendation was not simply that no disciplinary action be taken, but rather that the mutiny charges be dropped, for certainly the charge of mutiny is a severe one ordinarily reserved for graver or seditious acts and not the kind of infractions which took place in this case.

I now have a response from Secretary Resor who seems to be content in letting "the orderly review process" go forward and to let this black mark in our Nation's history of military justice remain.

Secretary Resor seemingly is in agreement with the Judge Advocate General's decision in reducing the confinement portion of the imposed sentences to 2 years for three of the defendants. This step the Secretary labels as "a matter of clemency preliminary to the appellate review of the convictions and the sentences."

In his letter, the Secretary continued:

I do not believe that any additional clemency action is justified at this time.

I find it a bit difficult to agree that a 2-year prison sentence for this kind of act comes under the clemency umbrella. A majority of the Presidio defendants have recently been sentenced to only 6 months. What kind of rationale supports sentences that have varied from 6 months to 15 years for precisely the same offense?

I am submitting for the RECORD a copy of my May 8, 1969, letter and a copy of Secretary of the Army Stanley Resor's response of June 21, 1969:

MAY 8, 1969.

Hon. STANLEY RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

DEAR SECRETARY RESOR: I very much appreciate receiving a letter on March 26 from your General Counsel, Mr. Jordan, who enclosed a comprehensive fact sheet concerning the Presidio trials. I am sure that you have monitored the continuing trials and are prepared to see that justice is done in these matters.

I would, however, like to call to your attention how speedily Navy Secretary John H. Chafee acted on May 6 when, upon receiving the recommendations of the court of inquiry charged with the responsibility of investigating the Pueblo incident, he overruled the court of inquiry and announced that no disciplinary action will be taken against anyone involved. He could have awaited the outcome of the court martial which would have ensued and let the matter work its way up the military trial calendar until it reached him and then exercised clemency. If he had done that, think of the months and perhaps years of trial and tribulation which everyone involved would have had to suffer.

Surely, the powers vested in Navy Secretary Chafee do not exceed those vested in you with respect to the Presidio incident. I urge you to direct that all pending mutiny charges be dropped and to remit or suspend all unexecuted portions of any sentence as a matter of clemency.

I believe that you would be rendering a great service to the young men involved and to the country at large if in your wisdom you emulated the very charitable act of Navy Secretary John H. Chafee.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF THE ARMY,
Washington, D.C., June 21, 1969.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: I have carefuly considered your letter of May 8, 1969 in which you cite the decision of Secretary Chafee in rejecting disciplinary action against members of the Navy involved in the *Pueblo* incident. You have suggested that I extend clemency to the men known as the "Presidio 27" by directing that all pending mutiny charges be dropped and that all unexecuted portions of any sentences be remitted or suspended.

By all accounts, there is abundant evidence that those involved in the Presidio incident deliberately defied the stockade authorities and refused to end their sit-down and return to their places of duty. These facts provided a clear legal basis for preferring some court-martial charges against them and for the convening authority, the Commanding General, Sixth U.S. Army, to convene courts-martial for trial of the charges without the prior approval of any superior authority.

Whether it was an over-reaction to charge the prisoners with mutiny has been the subject of a debate which probably will continue for some time. The sentences imposed in the trials of the first three men to be convicted have also been criticized as excessive. I support the action of The Judge Advocate General in reducing the confinement portion of those sentences to two years, as a matter of clemency preliminary to appellate review of the convictions and the sentences.

I do not believe that any additional clemency action is justified at this time. The records of the initial trials are now being studied by a Board of Review. This initial appellate review could result in the mutiny charges being reduced to a lesser offense, followed by a further reduction of the sentence. The Board of Review may also consider, with regard to the appropriateness of sentences, results of the mutiny trial recently concluded at Fort Ord, in which the most severe sentence to confinement, after a conviction of mutiny, was 15 months, and two defendants were convicted of lesser included offenses. As you are aware, the cases are also subject to final review by the Court of Military Appeals.

The cases are being handled strictly in accordance with the procedures outlined in the Uniform Code of Military Justice. In the review, the rights of the accused will be fully protected and all mitigating circumstances will be fully considered. Accordingly, I see no reason at this time to intervene in this orderly review process.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

COLUMBUS, IND.-BASED ARVIN INDUSTRIES IS CELEBRATING ITS 50TH ANNIVERSARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. HAMILTON. Mr. Speaker, this year, Arvin Industries, one of the country's foremost manufacturers of automotive components, electronic products, electrical appliances, and architectural products, is celebrating its golden anniversary.

The growth of this industry, based in Columbus, Ind., is a success story with few parallels. Now listed among the 500 largest U.S. industrial corporations, it had its beginning 50 years ago with three founder-employees, each of whom invested his future, his talent, and $3,000 of his treasure.

Today, the firm has subsidiaries in 16 U.S. cities, as well as in Hong Kong and in Tokyo. A work force of some 8,000 men and women turned out products which last year sold for more than $147 million.

This kind of success just does not happen. It comes about because of the dedication and the hard work of many people—people who have faith in the firm, in the free enterprise system, and in the United States.

Because I know so many people in the Arvin family, it is a special pleasure for me to join so many friends of Arvin Industries around the world in wishing the firm continued success.

I wish to submit at this time an excellent article incorporating the remarks of Arvin's top executives at a recent shareholder's meeting in Columbus.

The account, written by George Thomas, business news editor of the Columbus Republic, reads as follows:

GOLDEN ANNIVERSARY: FIFTY YEARS FORWARD WITH ARVIN

(By George Thomas)

"Fifty Years Forward" is the theme of the golden anniversary this year of Arvin Industries here, and it was only appropriate that shareholders attending the company's annual meeting Thursday at Donner center not only be given an insight into the industry's future but also a look into its past.

Eugene I. Anderson and James K. Baker, executive vice-presidents, shared remarks directed at the company's future while T. Earl Robinson, vice-president of finance and treasurer, gave a presentation of Arvin's history.

Mr. Robinson, who joined the company in 1928 at Indianapolis, traced the history of Arvin back to Jan. 1, 1919, when it was founded as the Indianapolis Air Pump company by the late Quintin G. Noblitt, the late Frank H. Sparks, and Albert G. Redmond, now retired and living in Lansing, Mich.

Mr. Robinson told how the three men started the company with a $3,000 investment in a building rented for $10 a month. The first year's production, he said, was near-

ly 40,000 tire pumps. Sales amounted to $60,000, and the profit approximately $10,000.

Later in his talk with the use of color slides, Mr. Robinson explained how the company grew from one small rented room in 1919 to operations today in 20 cities, in nine states and two foreign countries.

From a total of 720 square feet of floor space the first year, he said the company expanded to 665,000 square feet in 1945 and today has approximately 3,400,000 square feet in all of its facilities.

In the neighborhood of sales, he said that from the $60,000 in 1919 the company's sales volume had grown to $167,477,000 at the end of 1968, and net earnings for the firm over the 49-year period had risen from $10,000 to $6,543,000 after taxes for 1968.

Starting out as the Indianapolis Air Pump company, the firm was incorporated as the Indianapolis Pump and Tube company in 1921, Mr. Robinson said. The name was changed to Noblitt-Sparks Industries, Inc., in 1927, and continued under that banner until 1950 when it became as it is now known today—Arvin Industries, Inc.

Mr. Robinson dwelled at length on the early leaders of the company and their accomplishments. Besides the founders, they included Glenn W. Thompson, now chairman of the board who has been with the company 45 years; Eldo H. Stonecipher, now president of Arvin who has been with the company 37 years; Harlan Foulke, vice-president and secretary who has been with Arvin 43 years, and Richard Arvin, whose name the company's products now bear.

Diversification of products manufactured by the company started in the fall of 1920, according to Mr. Robinson, when Mr. Arvin came to the partnership with some patent claims he owned on an automobile heater. The Indianapolis Air Pump company built the heaters which were sold to the Arvin Heater company, another partnership that did the distributing. A year later the Indianapolis Air Pump company bought out Mr. Arvin, Mr. Robinson said.

Other products in those early years, he said, were Arvin hotair heaters, Arvin coaster wagons, Arvin hot-water heaters and the Noblitt electric water heater that was tried as a new product in 1930.

Because of operating costs the electric water heater wasn't feasible at the time, but from this apparent failure, Mr. Robinson said, came a product, a fan-forced electric room heater, in 1931 that has been an outstanding product of the company ever since.

His talk included how the company established a plant in Greenwood in 1923 and plants at Columbus and Seymour in 1925, and then moving of the general offices to Columbus in 1931.

Other highlights mentioned by Mr. Robinson were the company's entrance into the field of manufacturing other automotive parts such as the famed Arvin muffler, the work of its sale force in securing automotive business and government contracts during the second world war.

"In spite of the tremendous progress that was achieved during the past 50 years," Mr. Robinson said, "I am certain that the growth in the next 50 years is going to demonstrate how well these about whom I have talked have built, by this company setting such a blistering pace that the growth of the first 50 years will seem puny by comparison."

Mr. Anderson and Mr. Baker said they felt that Arvin's corporate growth and improvement must of necessity evolve from a corporate plan, and that such a plan should extend a minimum of five years into the future.

They said the 5-year plan will indicate direction of corporate growth, it will indicate rate or speed of the identified directional growth, it will include a method for the evaluation of the effectiveness of growth, and it will possess adequate flexibility to permit change in the plan to accommodate technological, political, social and economic changes of the future.

Their presentation followed an introduction by Mr. Stonecipher, who said that most of the company's efforts are based on plans for the future. "Management can do nothing about the past," he said, "but the experiences in the past can guide in the future."

Reflecting on the past 50 years, he said, "We have had 50 years of success, and they were successful or we wouldn't be here today."

CONSERVATION OF LONG ISLAND SOUND

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. WOLFF. Mr. Speaker, a bed of concrete; or a closed-off salt water lake; or a highly polluted victim of raw sewage; or a graveyard for fish killed by thermal pollution; or a place of natural beauty ruined by a patchwork of bridges.

These are obviously undesirable, yet possible, descriptions of the future of Long Island Sound.

I do not seek to unduly scare boaters, swimmers, fishermen, and those who admire the natural beauty of the Sound.

But this resource is in danger of destruction as a result of unplanned development and too little cooperation between the State and local governments surrounding Long Island Sound. In an era when environmental concern is rising rapidly the Sound has been the stepchild of progress and we must prevent its unnecessary destruction.

The Sound is, of course, an unusually large body of water so accessible to a metropolitan area. Its 1,299 square miles makes it more than twice as large as Puget Sound and 50 percent larger than Cape Cod.

The benefits of Long Island Sound are many: It is a beautiful product of nature; it is a vital transportation link in the Northeast; it is an excellent recreation spot attracting thousands of boaters and millions of swimmers on both sides of the Sound; it is an ideal fishing ground for sport and commercial fishermen and yields plentiful amounts of shellfish; it is a welcome, peaceful haven for thousands of commuters who turn to the Sound on weekends as a respite from the workday world.

The Third Congressional District includes the entire shoreline of the Sound in Nassau County. Included in this area are Little Neck Bay, Manhasset Bay, Hempstead Harbor, Oyster Bay, and Cold Spring Harbor. Thus my interest in conserving the Sound and its shoreline and providing for their planned development consistent with ecological needs.

The legislation that Senator RIBICOFF and I shall introduce today is not designed to impede constructive progress. Rather we seek an Intergovernmental Commission to provide for the cooperation of all appropriate governmental bodies in studying the Sound and its shoreline and recommending what steps might be taken to protect it from the ravages of master builders, polluters, and others who would rob us of this resource.

This legislation is an extension of a bill I introduced in the past and I wish to thank Senator RIBICOFF for his active interest in this matter.

SCANNING THE ARTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BRADEMAS. Mr. Speaker, a recent column in the Kansas City Star, "Scanning the Arts," by Henry C. Haskell, is a most thoughtful summary of some of the arguments for adequate support of the arts and humanities.

I insert the article at this point in the RECORD:

[From the Kansas City Star, May 4, 1969]

SCANNING THE ARTS

(By Henry C. Haskell)

Somewhat less than four years ago—on September 29, 1965, to be exact—President Johnson signed into law a bill establishing the National Foundation on the Arts and the Humanities. That action was hailed at the time as a major development in the formulation of public policy. And there was much rejoicing among those who felt that here, finally, our federal government had accorded belated recognition to one of the most important fields of human activity. Alas, as anybody familiar with the ways of government should have foreseen, the battle was far from won.

Since then, Congress has actually appropriated the munificent total of 32 million dollars for various programs under this project, plus an additional 4 million in matching funds and another 4 million to cover administrative costs. In the last fiscal year, alone, Washington spent more than 5 billion dollars on furthering the natural and social sciences, with nearly 95 per cent of that amount going to basic and applied research on behalf of the former. The support assigned to the arts and humanities still represented less than 1 per cent of this imposing aggregate.

Such comparative figures, of course, can be misleading. Adequate research in the nuclear, biological and space sciences tends, by its very nature, to be enormously expensive, as against the funding required to carry on corresponding work in the humanistic area. It may also be argued that as a nation, we've had far longer experience in backing our scientists. Of necessity, the two "endowments" (one for the arts, the other for the humanities) which comprise this particular national foundation have had to proceed at the start largely on an experimental basis.

Moreover, not only have the various current crises in American society focused attention on what scientific research is able to contribute, but the achievements of such research can be readily perceived, whereas the impact of investment in the arts and humanities is likely to be deferred. We're an impatient people, no doubt, who put great store on quick and easily discernible results. Nevertheless, admitting all these circumstances, it still seems to me hard to justify the apparent reluctance with which Congress has been moving to underwrite its 1965 decision.

For clarity, let's erase the artificial distinc-

tion made between the arts and the humanities in the original legislation. They're a single ball of wax, even if there was a mechanical convenience in separating them for administrative purposes. So, let's talk about the whole humanistic operation as embracing the arts, in addition to such disciplines as history, archaeology, anthropology, literature, philosophy and jurisprudence, which are traditionally assigned to the humanities. I'd include the social sciences among them. But that may be a more controversial position.

In the protracted struggle to secure recognition for the humanities as worthy of direct national assistance (of the sort already granted the natural sciences), many compelling arguments were advanced by some of our most distinguished citizens. It was pointed out how seriously we'd lagged in this respect. It was noted how great an imbalance had gradually been created by the neglect of humanistic studies in our recent concentration on the spectacular potentialities of scientific research. To control the vast physical forces we were unleashing, it was contended, we urgently needed to know more about ourselves and about the lessons of the past, as they bear on the present and future of mankind.

Evidently, our legislators were sufficiently convinced, in principle, to *authorize* such an endeavor. But only just, in the face of so many other demands, they've given its implementation thus far an exceedingly low priority. (Having been previously chastened, the two endowments are now seeking combined program appropriations of no more than 13 million for fiscal 1970.)

My own impression is that the case for beefing up the humanities today is, if anything, even stronger than it was in 1965. We're confronted by a growing value crisis in Western society. As perhaps never before, young Americans are questioning many of the basic assumptions their elders had taken for granted. The more militant among them, especially on college and university campuses, exhibit signs of rejecting these earlier accepted premises *in toto*. Yet if some of us in the older generation complain that they're acting recklessly, without troubling first to become knowledgeable about our common heritage, how deeply have we, ourselves, examined it?

A spirit of alienation is abroad in the land, not limited to any one age group or any one race. Protests—and confrontations—multiply. Some of them appear contradictory. Others seem curiously trivial. And it's often contended that most of them are primarily concerned with dissent, as such; that they don't add up to a constructive alternative which can then be backed by responsible action. These are the typical symptoms of a society in the process of being torn from its accustomed mooring. But what's to replace those norms that are being so widely challenged?

One major function of the humanities, I take it, is to provide a solid base for change, so that we don't in our haste simply repeat follies of the past which experience has demonstrated can lead to disappointment or worse. With honorable exceptions, how many contemporary humanists have been performing that function? How many have allowed themselves to become beguiled by pseudoscientific attitudes, as the fashion of the moment, or have turned increasingly career-oriented, at the expense of transmitting a humanistic vision from one generation to the next?

Is it possible that over the last half century or more the humanities in America have emerged as more and more of an esoteric study for specialists and that we may now be paying the price for this trend in a widespread feeling that they have no practical application to our daily lives? As I see it, in essence the National Foundation on the Arts and the Humanities was set up to help correct that dangerous misapprehension. Thirteen million dollars won't go far. But at least it's something about which we can write our congressmen.

STUDENTS WHO DO NOT MAKE HEADLINES

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. DENT. Mr. Speaker, in this day of dissension, disinterest, and disloyalty, it is refreshing to learn of a group of college students who still believe college is a place of learning, growing, and serving.

I salute, and I believe Congress will salute, the students at Thiel College in Greenville, Pa. These students may be called squares and scornfully labeled as not very hep. The loudmouthed, bewhiskered few that take over, refuse to learn, to grow, or to serve, cannot understand that they will only get out of life what they put into it. If they sow discontent, they will harvest discontent. If they sow disrespect, they will harvest disrespect. If they practice power and violence, they will reap the same. The laws of nature being what they are, for bad seeds sown one can expect more thistles and thorns than the fruits of good will.

The students at Thiel College represent, not the minority, but in fact the great majority of children. Left alone they can and will make their grievances known, they always have. They will do what needs to be done whenever and wherever the need is known.

The following editorial sums up the case for the Thiel College so very well:

STUDENTS WHO DO NOT MAKE HEADLINES

It's high time somebody investigated the unconventional behavior of students at tiny Thiel College in Greenville, Pa.

A group of Phi Theta Phi fraternity brothers staked a walkathon through more than a dozen nearby communities and raised $1,630 which they donated to Children's Hospital in nearby Pittsburgh.

The Chi Omega sorority sisters have adopted a Navajo Indian girl in New Mexico and contribute to her support. At Christmas time they sing carols at the St. Paul Home for the Aging.

Thiel students raised almost $1,000 for college-related charities and the local Community Chest. They are regular donors at the Greenville Hospital Blood Bank.

Each week a group of Thiel students visits St. Paul Children's Home to tutor orphans. The Sigma Phi Epsilon fraternity house is the scene of an annual Christmas party for these youngsters.

Students teach Sunday evening parish classes at St. Michael's Church. In the summer they paint, repair and do odd jobs in Greenville community centers to help create a better atmosphere for local youngsters.

SENATE—*Wednesday, June 25, 1969*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore.

Maj. Walter Kennedy, divisional secretary, Indiana headquarters, the Salvation Army, Indianapolis, Ind., offered the following prayer:

Gracious and Eternal God, Thou who art from everlasting to everlasting.

We bow our heads and our hearts before Thee in grateful adoration, for Thou art a great God and worthy of our praise. We give Thee thanks for men and women who are dedicated to public service.

Awaken all of us gathered in this Chamber this day to our need of Thee that our talents and energies may be used to meet the great needs of our country and of the world.

Create within us a divine discontent so that we are dissatisfied with life as it is. Give us wisdom to continue with dignity and confidence to enact laws based upon the great principles laid down by our Founding Fathers.

We further pray, O Heavenly Father, that You will give Your continued strength to the President, to his Cabinet, and to the Congress of our beloved United States.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 24, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under "New Report."

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The PRESIDENT pro tempore. The clerk will state the nomination under "New Report."

The legislative clerk read the nomination of Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed, and the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

NO TAXATION WITHOUT REFORM LEGISLATION

Mr. METCALF. Mr. President, our tax system is supposed to be based on the premise that the more money a man makes, the more taxes he pays. Yet when we examine statistics of people in high-income brackets, we find a complete breakdown in the fairness of the individual income tax.

For example, in 1967 there were 155 tax returns with adjusted gross incomes above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million. But these figures do not measure the full degree of tax escape at this level. As former Assistant Secretary of the Treasury Stanley S. Surrey pointed out when he testified before the House Committee on Ways and Means on February 27, these figures only reflect adjusted gross income and not actual incomes. This means that items such as tax-exempt interest, full capital gains, excess percentage depletion, farm tax losses, excess real estate depreciation, and intangible drilling expense deductions were not included in the total amount of income when searching for the number of individuals with incomes above $200,000 and $1 million who are now paying no tax. Figures for those who escape tax in this group would be even more startling if excluded items such as I have just listed were added to adjusted gross income figures.

The point of all this is that a 10-percent surtax imposed on someone who has substantial income but files a nontaxable return is not going to do anything to curb inflation. Even under the new math 10 percent of zero is still zero. So when we get right down to it, those who are already suffering from the injustices of our existing tax system are being asked to take on an additional inequitable burden. They are being asked to bear practically the full load for the surtax.

As I have stated before, I do not intend to vote for a bill to extend the surtax unless I have before me at the same time some meaningful tax reform legislation. The action taken yesterday in the House of Representatives indicates that a majority of the Members of that body feels the same way that I do. I suppose if I had to adopt a motto for the extended debate that is certain to take place in the Senate over this issue, it would be: "No taxation without reform legislation."

(At this point, Mr. ALLEN assumed the chair.)

WINNERS OF THE 1969 McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, each year I sponsor a competition for Wyoming high school juniors in which a panel of disinterested judges selects winners, one boy and one girl, to spend a week in my office in Washington. The contest is designed to stir up interest among high school students in national and international questions.

The competition is limited to juniors in high school with the thought in mind that their essays would stir interest on their part that they could carry back to their high schools during their senior year. Always I have found the winners to be students of high merit, who have a great interest in their Government and its affairs, and who are students of exemplary conduct. This year is certainly no exception.

This is the seventh year for the competition. The 1969 winners of the McGee Senate Internship Contest are with me in Washington. They are Miss Debbie Davidson, of Burlington High School, Burlington, Wyo., and Pete Williams—who has a namesake in this body—of Natrona County High School, Casper, Wyo.

I wish to pay special tribute to the caliber of the competition they represent, for this, indeed, was one of the high years. The subject of the essays this year was "Our President: How Should We Choose Him?" Frankly, it was a study of our electoral college system. The essays were constructive and contributed a great deal to my own thinking. I quickly add that were their ages to permit it, I think the two winners could make a valuable contribution to a discussion of this question on the floor of the Senate.

Mr. President, it would take considerable time to relate the accomplishments of these two outstanding students, but let me say a few words about each. Debbie, who maintains a straight 4.00 grade average, has been a class officer all through school thus far, and served as vice president of her student council and president of her class this past year. Pete ranks very near the top in a class of 609 at Natrona County High School, where he is president of the National Honor Society and a student senator, as well as one of three students elected to represent the young people of his student community on a committee which also includes nine adults and which is designed to improve the dialog among students and adults.

Mr. President, I ask unanimous consent that the essays written by Debbie Davidson and Pete Williams be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

ELECTION OF A PRESIDENT?

(By Debbie Davidson, Burlington High School, Burlington, Wyo.)

"It becomes more apparent with every election that a less complicated, more streamlined voting system is needed,"[1] stated the late President Eisenhower. This is only one of the *numerous* outcries against the present election method. Each voting year this problem is seen more vividly by hundreds of voters. More and more Americans are realizing that it is not only time for a change, but time for *action*.

Careful study and consideration of the election process of a President convinces me that the best and most appropriate change in this system would be to abolish the Electoral College and use the "direct election method." I think the Electoral College should be eliminated because it is unable to give accurate results; it is unfair to minorities in the various states; it is unjust to the majority popular vote; it is hazardous and can lead to violence in the settling of disputes; and it can easily break down as a result of misfortune or outright fraud.

The Electoral College has, in almost every election in our history, distorted the popular vote because of its unit-vote system. Comparing two extreme examples one notes that in "1860 the vote for Stephen A. Douglas equaled 74 per cent of Abraham Lincoln's popular vote, but less than 7 per cent of his electoral vote. Yet Franklin D. Roosevelt in 1936 had about 60 per cent of the popular vote, but 98 per cent of the electoral vote."[2]

This distortion of popular vote is especially unfair to minorities in the states. No Republican in Georgia, no Democrat in Vermont, no minority party member in any state can depend on his vote being counted. Far worse, their votes are often tallied against them, thus the almost 3,000,000 popular votes cast for Thomas E. Dewey in New York in 1944 were converted in the Electoral College to votes for Franklin D. Roosevelt. Inevitably, the canceling of votes cast for minority parties helps maintain the unwanted essentially one-party areas such as the "Solid South."[3]

Yet, the Electoral College may also be unjust to these same majority parties because at any time a President may be elected with fewer popular votes than another candidate. This was evidenced in 1876 when Samuel J. Tilden, the Democratic candidate, received a majority of the popular vote, but Rutherford B. Hayes clinched the election by a single electoral vote—185–184. Twelve years later Benjamin Harrison became President even though Grover Cleveland had 100,000 more popular votes.[4]

Besides being inaccurate and unjust to various groups, the system is hazardous and can lead to violence in the settling of disputes. At least twice the country has come close to pandemonium when the Electoral College floundered. One instance occurred in the 1800 election when Republican candidates Jefferson and Burr drew the same number of electoral votes. No doubt existed that the electors intended Jefferson for the presidency and Burr for the vice-presidency, but the final vote had to be cast in the House according to law. "Because of violent feeling

[1] Norman Cousins, "Our Election-Day Paper Curtain," *Saturday Review*, (June 8, 1968), 34.

[2] James MacGregor Burns, "The Electoral College Meets—But Why?" *Direct Election of the President*, XXI, No. 4 (1949), 170.

[3] *Ibid.*

[4] James I. Dolliver, "History Of The Electoral System," *Presidential Election Reforms*, XXV, No. 4 (1953), 115.

against Jefferson, it took thirty-six ballots in the House to break the deadlock." [5] The above example clearly indicates the future possibility of one President finishing his term without a new President to succeed him—Result: Stock market crash? Nuclear war? Anarchy with its accompanying violence? Can we risk these possibilities?

Included with this possible chaos and other faults is the fact that the Electoral College can easily break down as a result of misfortune or outright fraud because electors are not bound legally to vote for the man they are pledged to support—precedents exist for independent action. In a close race electors might die or become ill leaving confusion which could easily result in numerous arguments.[6] Then, too, the chicanery of secret intrigues are always possible when the decision falls to the House; the election might be bought over by the opposition throwing the whole process into a mock procedure. For instance, in 1800 the opposing party, the Federalists, tried to induce Jefferson to agree to retain Federalist officials in return for their support in the disputed election. Also in the election of 1824, Andrew Jackson was defeated by John Quincy Adams in a contest decided in the House of Representatives. Jackson had a plurality of the popular vote cast, but at that time the electors in Vermont, New York, Delaware, South Carolina, Georgia, and Louisiana were chosen by the legislatures, and no popular votes were recorded in those states.[7]

At the beginning of our democracy, perhaps the Electoral College was necessary for the transition from kingly rule to democratic rule. The founding fathers probably knew that there needed to be some check on the elections of the President because the people with their old ideas and customs, poor communication systems, and little or no education were not ready for the responsibility of a "direct election." Yes, the Electorial College was probably the best answer then, but times have changed! It is now ineffectual, undemocratic, and outdated as was shown in the preceding paragraphs. We are now ready for the *Direct Election of the President!*

Perhaps the strongest point in favor of this process is that the people are now accustomed to the idea of democracy. They want to know that their vote actually counts in the election of the President no matter how small of a minority they represent. Perhaps this is the reason the percentage of people voting in the U.S. is lower than that in numerous other countries who have fewer democratic rights. With a direct vote, hopefully this situation will change. Possibly, we would again begin to realize that THE PEOPLE ARE THE GOVERNMENT, and that by voting for the man of their choice they are adding their voice to the government of the United States.

By directly electing the President, the candidate chosen by the majority of the people (the one with the most popular votes) would always become the new President. It is important to us who still believe in the ideals of our Constitution that the people elect their Presidents as they do their governors, their Congressmen, their mayors, and other political officers; thereby, not allowing the ludicrous possibility of a minority President making decisions that affect the future of the majority.

In conclusion, this system would take away most of the inefficiencies, hazards, and injustices of the Electoral College. The preceding facts against the Electoral College illustrates election possibilities of confusion, disorder, dispute, and political unfairness. Fortunately, thus far, we have avoided a national crisis. However, as important as law and order is in our lives today, we cannot leave it a matter of mere chance any longer. We, the people, need to control our government and I feel this can best be done through the *direct election of our president!*

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OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Pete Williams, Natrona County High School, Casper, Wyo.)

In May of 1787, about forty men sat in a hot room in Philadelphia. They argued, planned, debated, wrote, created, and drafted for four months. At the end of this period of time, they submitted their work to the public for approval. They called it the Constitution of the United States of America, and this document laid down the fundamental workings of American democracy. But one of the touchiest points of the Constitution was the establishment of the electoral college. It has most recently come under fire since Richard M. Nixon squeaked by former Vice-President Hubert H. Humphrey in a neck-and-neck race for the highest office in the land. Nixon's lead over Humphrey was hardly overwhelming. The figures had to be read to four and five significant digits before Nixon's lead became apparent. Yet Nixon did score a substantial majority of electoral votes, which at best seems an inconsistency. Many Americans are now asking themselves and their Congress, "Our President: How Should We Choose Him?"

We chose our most recent president, Richard Nixon, by using the status quo—the electoral college which was formed by the "Founding Fathers" at the Constitutional Convention in 1787. They had a great deal of trouble deciding how the president should be chosen. Some favored electing him by having each state legislature cast one vote, but the representatives from the large states were opposed. Others wanted direct election by Congress, which was decided against because of violation of separation of power. Direct popular election was vetoed because it was feared that a popular president might seize power. Finally it was concluded that the president should be chosen, as stated in Article II, Amendment XII, by electors equal to the number of Senators and Congressmen in each state who meet on the first Monday after the second Wednesday in December and vote according to the way in which their state voted. (However, as proven by time, the elector need not vote according to the whim of his state, as has happened about six times in United States history.) The president of the Senate then counts the ballots in the presence of Congress, and the person with a majority of electoral votes moves to the White House.

But the electoral college has had several problems in its history. Basically, it has enabled a president to be elected with fewer popular votes than his opponent. Such was the case when John Quincy Adams became president in 1824, even though Andrew Jackson had the popular vote. Similarly, Rutherford B. Hayes became president, yet Samuel Tilden had the popular vote as was the situation when Benjamin Harrison defeated the later president Grover Cleveland. The electoral college simply does not provide for an accurate determination of the people's will.

Back in 1787, without television, radio, widely circulated newspapers and magazines, the populace was not sufficiently well informed. The Constitutional Convention did not want the people to have direct vote. Alexander Hamilton, who favored government by an aristocratic few said,

"A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment necessary to choose proper candidates for the candidacy." [1]

Thus the electoral college is not responsive to the people, nor do the people have an equitable representation. Connecticut's total vote was six thousand more than Tennessee's in 1968, but the latter had three more electoral votes. In Alaska, there is one electoral vote for every 75,000 people. But in California, an electoral vote represents 393,000. Obviously, this gives less populous states like Wyoming a clear cut advantage. But democratically, no state, regardless of population, should have any advantage over any other state. The electoral college is an undemocratic element in a supposedly democratic society.

But to protest and disagree with the present system is inadequate. Alternatives and solutions must be proposed. Nationally, there have been four suggestions for replacing or repairing the electoral college declared by the 1967 American Bar Association commission to be "archiac, undemocratic, complex, ambiguous, indirect, and dangerous." [2]

The first proposal is to modify the status quo by having each state's electoral vote divided according to the popular vote. Now, all of the state's votes go to the majority winner in that state, regardless of how close an opponent comes to winning. But under the new system, the number of electoral votes a candidate receives would be directly proportional to his total state-wide vote. For example, in Wyoming, if Hubert Humphrey had received 100,000 votes in the last election, and Richard Nixon had won 50,000, Humphrey would have received two electoral votes (⅔ of the total vote) and Nixon one electoral vote (⅓ of the total vote). However, critics say that this idea would be harmful to America's two party system making it easier for minority parties to nibble at a majority of the leading candidate's vote.

A variation on this theme is a second idea supported by Senator Karl Mundt. Here the electoral votes would be rationed into districts, most likely concurrent with Congressional districts, and the winner in each state district would win the district's one vote. In addition, the overall winner would get two bonus points, similar to gin rummy. There are two basic problems here. First, this represents no change for a sparsely populated state like Wyoming. The winner would still get three electoral votes. In addition, this could cause large state political machines to gerrymander districts in favor of a certain political party.

The third proposal would merely abolish the electors. The state would have its election in the normal way, and the candidate with the majority of votes would automatically receive all of the state's electoral votes. The only change would be that there were no

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[5] John B. Andrews "Plea for Direct Election," *Presidential Election Reforms*, XXV, No. 4 (1953), 118.

[6] Ruth C. Silva, "State Law on the Nomination, Election, and Instruction of Presidential Electors," *Direct Eelection of the President*, XXI, No. 4 (1949), 90–91.

[7] Dolliver, *loc. cit.*

[1] Metropolitan School Study Council, Bureau of Publications, *Participating in Presidential Elections*, (New York, 1964), p. 42.

[2] "Archaic and Dangerous," *Newsweek*, (Dec. 30, 1968), p. 23.

more electors or meetings on the first Monday after the second Wednesday in December. This, of course, is no significant change from the established procedure. The electoral votes would still determine the president, and hence the problems, as previously mentioned, would still remain.

By far the most significant and promising plan is to do away with the electoral system. The next president would then be chosen by direct popular vote, the winner being the candidate with forty percent or more of the votes. If no candidate were to receive that, a run-off election would be held between the top two plurality scorers. There would be several advantages to this plan. There would be no confusion over "unpledged" electors. There would be no more bias on certain "key state", nor would the wishes of people in different states be represented any differently in the total count. A vote in Alaska would have exactly the same influence as one in California. But most importantly, it would be absolutely impossible for a man to become president of the United States without the majority of Americans behind him. With a majority president in office, he would have more public backing and could perhaps be more productive.

But such a procedure would require a constitutional amendment. And when, as Tennyson said, "The old order changeth, yielding place to new", there would be a great deal of controversy and disagreement. As President Nixon noted, "The electoral system is deeply rooted in American history . . .".[3] It will take a great deal of public backing to persuade the President and Congress that a change is indeed in order. A Gallup poll after election day showed that no less than 81% of the populace favors direct election of the president.[4] Possibly, the task might not be as difficult as alleged.

Regardless of the system, the public is due for a change. This is not to say that the men of wisdom who framed our constitution were in error. On the contrary, they did what was best for the time. Thanks to their clear thinking, the Constitution has kept the United States intact for some 182 years. But part of the beauty of America is the politics of change. The Constitution is not a rigid, unyielding, task-master. It is a loyal servant that can bend to the needs of the times. This was immediately apparent when the Bill of Rights was added, and has continued to manifest itself in the form of no less than twenty four constitutional amendments. Now it is time for another change. The American citizen is better informed today than ever before in history. Through the mass media, he now knows the issues and answers of the candidates better than any of his ancestors. In other words, he is now adequately qualified to vote for the man who will make all the vital decisions for his country.

In 1787, the public was merely being educated, but it has continued to learn more and more about politics as the years have progressed. It is now time for the American citizen to be graduated from the electoral college and choose the president himself.

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3. "Archaic and Dangerous", *Newsweek*, December 3, 1964, pp. 22–23.

4. "Renovation Scheme", *Newsweek*, March 3, 1969, pp. 22–23.

5. "Electoral College: Reform Ahead?", *U.S. News & World Report*, March 3, 1968, p. 5.

[3] "Renovation Scheme," *Newsweek*, (March 3, 1969), p. 23.

[4] "Archaic and Dangerous," *Newsweek*, (March 30, 1968), p. 24.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

DEPARTMENT OF DEFENSE— CONFLICT OF INTEREST

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, yesterday, I sent a letter to the Attorney General calling on him to act on testimony before the Subcommittee on Economy in Government, of the Joint Economic Committee. The testimony appeared to bring out what was a clear violation of the conflict-of-interest laws and regulations.

I enclosed pages 631 to 634 of the transcript of our hearings for June 10, 1969, when Mr. Merton Tyrrell testified, and I also referenced excerpts from a memorandum from Mr. A. E. Fitzgerald to Air Force Gen. J. W. O'Neill, which appeared on page 1044 of the transcript for Friday, June 13, 1969.

The testimony related to five Air Force officers who dealt with the Minuteman missile contracts. They retired and went to work for the company, the Autonetics Division of North American Rockwell or the parent company, where they had represented the Government on contracts the company held.

Two of the men were Air Force plant representatives at the company. A third was the guidance and control project officer in charge of the guidance systems the company was making. A fourth was in charge of the Ballistic Systems Division pricing for the Air Force before he retired and went to work for the company. A fifth was the general in command of the Ballistics Systems Division who dealt with the company on these contracts.

The problem is presented most forcefully in an excerpt from Mr. Fitzgerald's memorandum to Gen. J. W. O'Neill. In it he stated:

> In formulating a broad management improvement plan for Minuteman I believe you should consider the problem posed by the mass migration of Air Force officers into the management ranks of contractors with whom they have dealt.

Mr. Fitzgerald continues:

> The Air Force Plant Representative (AFPR) . . . who revoked our clearance at Autonetics is now a division manager at Autonetics. His predecessor, equally protective of the contractor's interest, is also now employed by North American Aviation. The procurement officer who blocked access by the Minuteman Program Control Office to Autonetics contract negotiation records is now employed by North American Aviation. The immediate superior of the project office who was excluded from Autonetics' plant is now employed by Autonetics. The officer cited to me as responsible for killing the cost reduction project I contracted to perform at Autonetics is now employed by North American Aviation.

It is quite clear that these officers represented the Government in connection with the Minuteman missile system and the guidance and control systems of the Minuteman missile with the North American Rockwell Co. and its Autonetics Division subsidiary. It is also clear that they went to work for the company following their retirement from the service.

Title 18, section 207 of the United States Code certainly appears to make such action illegal. It provides that anyone who has been an officer or employee of the Government and then "knowingly acts as agent or attorney for anyone other than the United States in connection with a judicial or other proceeding, application, request for a ruling or other" and I emphasize "other proceeding, determination, contract, claim, controversy, charge, accusation or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, shall be fined, etc."

It is clear that these men participated personally and substantially as officers of the Government in a wide variety of decisions affecting North American Rockwell.

As high-placed employees of the Autonetics Division of North American Rockwell and of the parent company which did some $668 million in defense work in 1968 there appears to be every reason to believe that they acted as agents for the company in connection with proceedings and contracts or other particular matters in which they were involved as specific parties when they were agents and officers of the U.S. Government.

It is one thing for a military or civilian officer of the Government to retire and go to work generally for a company doing business with the Government. It is another thing for those who represented the Government in the plant and in direct negotiation and supervision of contracts with a particular company to then go to work for that company.

As I wrote to the Attorney General:

> If this is not a conflict of interest, then the laws and the DOD directives are not worth the paper they are written on.

Mr. President, I ask unanimous consent that the letter I sent to the Attorney General and the excerpts from the transcript of the hearings which I mentioned be printed in the RECORD; as well as a letter I received from Mr. Barry Shillito, Assistant Secretary of Defense for Installations and Logistics.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., June 23, 1969.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

MY DEAR ATTORNEY GENERAL: On Tuesday, June 10, 1969, the Subcommittee on Economy in Government of the Joint Economic Committee heard testimony from Mr. Merton Tyrrell, Executive Vice President of the Performance and Technology Corporation. Mr. Tyrrell had performed work for the Defense Department and the Air Force in connection with the cost efficiency of the production of the guidance and control systems for the Minuteman Missile. In the course of his work he had visited the plants of the contractor and conferred extensively with representatives of the Air Force and the company.

During his testimony, Mr. Tyrrell mentioned what he believed were the harmful effects on efficiency and costs when military or civilian Defense Department contracting, procurement, and plant representative officials go to work for the very firms where they have previously represented the Government on contracts held by these companies.

Under questioning by me Mr. Tyrrell gave a number of specific examples where the plant representatives of the Air Force retired and went to work directly for the company (Autonetics Division of North American Rockwell) where they had just been representing the Government on contract work for the Air Force. In this case, the four men mentioned by Mr. Tyrrell worked on the Minuteman contract for the Air Force and then went to work for the Minuteman contractor. Two of them had been plant representatives for the Air Force. A third was the guidance and control project officer for the Air Force. A fourth was in charge of BSD pricing for the Air Force before he retired and went to work for the company.

In addition to these four, a memorandum provided by the Air Force indicates that the General in Command of the Ballistics Systems Division who dealt with the company on these contracts, also went to work for the company. (See p. 1044, Friday, June 13, 1969 transcript of hearings).

In 1968, North American Rockwell, the parent company, was the 9th largest defense contractor and had contracts worth some $668 million in that year. As of February 1969, they employed over 100 retired military personnel of the rank of Colonel or Navy Captain and above.

I am enclosing copies of pages 631–634 of the transcript of the hearing where the testimony is given.

I am forwarding this testimony to you for action. If true, and I have no reason to doubt the testimony, these acts appear to be a clear violation of the conflict of interest laws, regulations, Executive Orders, and codes of ethics laid down by the Defense Department, the Civil Service Commission, and by the Congress. If these acts are not a violation then, contrary to the repeated representations and statements by the Defense Department, either the laws are toothless or their enforcement is feeble. If this is not a conflict of interest, then the laws and the DOD directives are not worth the paper they are written on.

I say this because when I made public the list of almost 2100 former retired officers of the rank of Colonel or Navy Captain and above who in February of this year were working for the 100 largest defense contractors, I received reassurances that the laws and regulations against conflict of interest were effective from no less a person than the Assistant Secretary of Defense for Installations and Logistics, the Honorable Barry J. Shillito.

Concerning these former officers, Secretary Shillito wrote,

"Their employment, as is the case of all of our approximately 700,000 retired military personnel, is covered by regulation and laws which are designed to prevent conflict of interest."

In reference to the conflict of interest statutes (P.L. 87–649, 87–778, and 87–849 plus the policies and procedures implementing them in DOD Directive 5500.7), Secretary Shillito said:

"We feel these controls are sound and are working."

I therefore urge you to take immediatae action in this case as well as any others brought to light by our hearings.

When government contracting officers and representatives—whether civilian or military—leave the government and go to work directly for a company where they have just been representing the government on contracts with that company, there certainly appears to be a prima facie case of a serious conflict of interest.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

EXCERPTS FROM JUNE 10, 1969, HEARINGS OF THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, PAGES 631–634

Senator PROXMIRE. Thank you gentlemen, very much.

Mr. Tyrrell, this is one of the most shocking examples of waste and extravagance that I have seen in the years I have been in Washington.

As I understand it, on Minuteman overall, we have been told by a witness before our committee last November, there was a profit of 42 percent on invested capital. Now, in your statement you refer to the harmful effects as you put it "of the switchover of personnel between Government and industry," the very thing Senator Goldwater and I were discussing, that is, procurement officials who go to work for the industry, and sometimes industry officials who come in and go to work in procurement. Can you explain what you mean specifically, how much of a problem was it on Minuteman—let me put it this way—first, how many Defense Department officials, civilian or military, made the switch over to the contractor?

Mr. TYRRELL. Well, in the area of the guidance and control area alone, there were a number of them. For example, the Air Force Plant Representative when we first arrived there, Colonel Roland, retired and went to work for Autonetics. Another Air Force Plant Representative while we were there, Colonel Yockey, retired and went to work for Autonetics.

Senator PROXMIRE. What jobs did these men hold in the Defense Department before they went to work?

Mr. TYRRELL. They were the Air Force Plant Representative who was locally stationed at the contractor's plant and who in effect headed up the administrative administration of the guidance and control contracts.

Senator PROXMIRE. Isn't there a law that prohibits a procurement official from going to work for the contractor with whom he is dealing within a period of two years?

Mr. TYRRELL. I am not a lawyer, sir, and I could not tell you if there is a law to that effect.

Senator PROXMIRE. At any rate, you know as a matter of fact that these men did work on the Minuteman contract for the Air Force?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. And then went directly to work for the Minuteman contractor?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. What were their jobs with the contractor when they went to work for them?

Mr. TYRRELL. Yockey I believe is a director of the business operations there.

Major Klecker, who was the guidance and control project officer, is assistant program manager at Autonetics.

I am not familiar with Colonel Roland's title.

Senator PROXMIRE. Are there other people whose names you could give us?

Mr. TYRRELL. Well, as I mentioned, Major Klecker, who was the project officer, went to work for Autonetics.

Additionally, when we first arrived there there was a Colonel Richard Cathcart who subsequently retired and went to work for Autonetics. And he was the head of the PSD pricing before his retirement.

Senator PROXMIRE. In your judgement, is this prevalent in defense industry in its relationship with the Defense Department?

Mr. TYRRELL. I think it is relatively prevalent. We see it quite frequently. And a number of personnel or military people do retire at a relatively early age, and they quite frequently go to work for the defense contractors.

Senator PROXMIRE. Is it your conviction that this is one of the reasons why there is a soft attitude toward cost overrun and why there isn't the kind of strict surveillance and discipline which you recommend?

Mr. TYRRELL. I think it probably relates to that. I am not sure whether it is the sole cause. I think one of the things that tend to create the softness as you phrase it is this team concept that I brought out in my statement, wherein they consider themselves all members of the same team. And it becomes rather difficult, then, for them to disassociate themselves. And I don't think it is conscious collusion as was pointed out by the Senator, it is something that has just evolved.

They are all part of the same group.

Senator PROXMIRE. Autonetics is a division of North American; is that correct?

Mr. TYRRELL. Yes, it is.

Senator PROXMIRE. And what companies made up the contract or team to which you refer on page 3?

Mr. TYRRELL. There were eight major associate contractors in the Minuteman program.

The Autonetics divisions of North American Rockwell is the guidance and control contractor.

The Boeing company is the integrating contractor, and produces some of the aerospace vehicle equipment.

The Thiokol Wasatch Division produces the first stage motor.

Aerojet General, Sacramento the second stage motor.

Hercules Bokas Works did produce the third stage motor.

Sylvania Electronics the electronics system.

The General Electric Systems Department the Mark XII re-entry system.

Avco Lycoming missile systems division the Mark XI re-entry.

Senator PROXMIRE. You say 490.4 million dollars was the original cost of the research and development for the Minuteman II as of 1962?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. What were the total original estimates including R&D and production as of 1962?

EXCERPTS FROM DECEMBER 15, 1967, MEMORANDUM FROM A. E. FITZGERALD TO AIR FORCE GEN. J. W. O'NEILL INCLUDED IN HEARINGS FROM FRIDAY, JUNE 13, 1969

In formulating a broad management improvement plan for Minuteman, I believe you should consider the problem posed by the mass migration of Air Force officers into the management ranks of contractors with whom they have dealt. The AFPR who revoked our clearances at Autonetics is now a division manager at Autonetics. His predecessor, equally protective of the contractor's interest, is also now employed by North American Aviation. The procurement

officer who blocked access by the Minuteman Program Control office to Autonetics contract negotiation records is now employed by North American Aviation. The immediate superior of the project officer who was excluded from Autonetics' plant is now employed by Autonetics. The officer cited to me as responsible for killing the cost reduction project I contracted to perform at Autonetics is now employed by North American Aviation.

It is of course impossible to assess the effect of impending employment by contractors on the actions of officers still on active duty. I am sure that many of the individuals I have cited had no idea of going to work for North American at the time they were so vigorously protecting the interests of that company vis-a-vis the Government. On the other hand, it is perfectly clear to me that these same officers studiously avoided any action which might offend their ultimate employer.

Lest you accuse me of being unfair to North American and the officers they have employed, I concede that the condition I have described is not unique. Indeed, it is common enough to be our next national scandal. However, the fact that it is so widespread makes it imperative that the practice and its corrosive effect on our stewardship be controlled.

I believe publicity is the solution to the problem just cited. However, I do not have strong convictions on this point. I should like to discuss it with you further.

LETTER FROM MR. BARRY SHILLITO TO SENATOR PROXMIRE

ASSISTANT SECRETARY OF DEFENSE,
INSTALLATIONS AND LOGISTICS,
Washington, D.C., April 10, 1969.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Joint Economic Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: In further response to your letter of 20 January 1969 concerning the employment of retired military officers by defense contractors, attached are letters from the final six of the 100 parent companies.

With all contractor replies now in, I would like to make some observations concerning the employment of approximately 2,100 senior retired military officers by the 100 top defense contractors. Their employment, as is the case for all of our approximately 700,000 retired military personnel, is covered by regulations and laws, which are designed to prevent conflicts of interest. In my view, our nation has great need today for the skills and professional expertise of our retired military personnel, both commissioned and noncommissioned. They are serving, after honorable careers in uniform, in positions of responsibility throughout our society. In this regard, I am mindful of the thousands of retired people who are in teaching and health and welfare positions, as well as other areas of public service. I am also aware of the contributions which retired people are making to industry.

There are several statutes, as you know, that limit the activities of both civilians and officers after leaving federal service, as well as while in the service. Those covering retired military personnel are more restrictive than those applicable to civilians. The adequacy of these statutes was the subject of congressional consideration in 1962 at the time of enactment of Public Laws 87–649, 87–778, and 87–849. These statutes are referenced, together with DoD policies and procedures implementing them, in DoD Directive 5500.7, a copy of which is attached. We feel these controls are sound and are working. I also feel there should be greater public knowledge of the many checks and balances which exist—government wide—in the acquisition of major weapons systems. Decisions governing major programs are made at high levels with participation by many individuals both military and civilian within the Defense establishment and are subjected to congressional reviews and scrutiny by the Comptroller General. The best weapon to guard against the possibility of impropriety or lack of objectivity is the continued application of the system of checks and balances provided by established legislative and executive processes of our government and in continued surveillance of our program and acquisition processes by Defense Department managers, by the Congress, and by others.

In my letter to you of 26 February 1969, I stated that additional information was being developed. All of our compilations are not yet completed. However, I believe the factors involved in current higher employment of retired officers by the top 100 defense contractors, as compared to 1959, can better be assessed by examining other related data now available that bears on the causes and provides a degree of perspective. For example:

1. INCREASE IN NUMBER OF RETIRED OFFICERS

In 1959, there were approximately 18,600 retired officers with the rank of Colonel or Navy Captain, or higher, receiving retirement pay. The total number of these officers employed then by the top 100 contractors, as reported in letters from those firms, was about 767, or about 4.1% of the total. In 1968 there were about 38,000 retired officers in the same category. Of these, based on letters recently received from the top 100 contractors, about 2,122 are currently employed by them or about 5.6% of the total. This apparent increase must be assessed in context with the increased numbers of business entities that now employ them, as well as other factors discussed below.

2. MERGERS AND ACQUISITIONS

It will be noted from the published lists of the top 100 firms for FY 1958 and FY 1968 there have been many mergers and acquisitions that in some cases compress the current total retired officer hirings into fewer firms, compared with 1959. Examples are McDonnell-Douglas and Ling-Temco-Vought. Other examples include, North American's merger with Rockwell-Standard; Litton Industries' acquisition of Ingalls Shipbuilding; Ford's acquisition of Philco, and many others. Also, there are about 131 more corporate or company entities listed under the 100 parent firms as covered in the FY 1968 list than in the FY 1958 list. Additionally, many acquisitions and consolidations may not be apparent from the firm names or from entities described in the FY 1968 published list of 100 firms and affiliates. This may occur when the acquired firm is absorbed within the acquiring corporation as an operating element and its government contracts and other sales commitments are executed in the name of the acquiring corporation, with no change in the corporate identity. These facts would tend to distort the comparison of present employment totals with the 1959 totals.

3. INCREASE IN BUSINESS ACTIVITY

I believe it is worth noting that for the 16 firms specifically mentioned in your recent statement, total dollar sales (defense and nondefense) increased from about $23.9 billion in CY 1958 to about $47.3 in CY 1968, almost double. This is due in part to the mergers and acquisitions mentioned above. In the same period, total employment of individuals by these firms increased from about 1,084,000 persons to about 1,608,000 persons, an increase of almost 50%. Although comparable employment figures for FY 1959 have not been compiled for most of the top 100 firms, it might be of interest to note that 89 of the 100 firms, which currently employ 2,073 of the listed retired officers, now employ a total of about 6,537,753 persons. This comes out to about .0003% of the total employees.

4. POSITIONS HELD BY RETIRED OFFICERS

It is clear from the recent contractors' letters that a large number of the listed officers are either employed in separate corporate entities or divisions that are entirely commercial in nature, or their position descriptions indicate non-defense activity. For example, the reply from American Telephone and Telegraph Company shows that of the nine retired officers listed, one is with the New York Telephone Company, two are with the Pacific Telephone and Telegraph Company, one with the Ohio Bell Telephone Company, and one is a methods specialist in restaurant management. There is a large number of positions that cannot, by their description alone, be categorized clearly as defense or non-defense in nature. However, of the operational entities below the parent corporate level (under which many of the larger firms have grouped retired officer employees) very few are engaged exclusively (100%) in defense work.

5. THE MILITARY RETIREMENT SYSTEM

Military career officers generally retire at much younger age than civilian employees both in Government and in industry. With many productive years remaining and frequently with heavy financial responsibilities, such as in providing educations for their children through the college level, the vast majority of these officers find it desirable or an economic necessity to seek employment after retirement. While many are specially qualified to continue their federal service in a civilian status, there are statutory restraints. In seeking private employment, they are frequently faced with age bars and "rigid promotion from within" policies of many firms. Thus, they are motivated to seek those types of employment for which they are particularly qualified and where there is a need for their expertise. One of these areas, of course, is the performance of functions incident to research, development and production of military hardware.

6. FEWER OFFICERS OF HIGHEST RANKS NOW EMPLOYED

While a few firms did not identify the specific ranks of the listed individuals either in the 1959 or the recent survey, it appears that approximately 249 retired generals and admirals were employed in 1959 by the top 100 defense contractors (FY 1958 listing). The recent survey discloses that the total number of retired officers in these ranks increased from about 2,580 in 1959 to about 3,485 in 1968.

7. INACCURACIES IN DATA

In compiling data from DoD records on dates of retirement and dates hired by contractors (mentioned in my 26 February letter to you), we are finding errors. Some contractors have incorrectly listed individuals as retired officers (drawing retirement pay). Evidence of this is contained in the attached letter of 25 March 1969 from Honeywell, Inc. Honeywell is rechecking its officer listings and expects that instead of 26 officers there may be no more than 5. We have noted other errors that are apparent on close examination of the listings, such as inclusion of lower ranking officers. These adjustments will reduce the 1969 employment totals. You will be informed of any corrections based on our review of service records.

In summary, this Department is fully aware of the concern expressed in President Eisenhower's farewell address to the nation in January 1961. He stated then that "we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions," and that "we recognize the imperative need for this development." At the same time, he said, . . . "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial com-

plex." In my view, the Department of Defense is fulfilling its share of responsibility to the nation that we all bear in this effort. I feel it is important, in this regard, that the Congress and the public be aware of the factors I have outlined that put in perspective the increased employment of retired officers by the top 100 contractors. I am concerned that without benefit of this additional information, some may gain the impression that there is an abnormal upsurge or serious disproportionate growth in employment of retired officers in this segment of our national economy. In my view, the facts do not warrant those conclusions. We respectfully request that this letter be placed in the Congressional Record in amplification of the information published on 24 March 1969.

As indicated in my earlier letter, additional information bearing on these questions will be furnished when compiled.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense,
Installations and Logistics.

Mr. PROXMIRE. Mr. President, in this latter record, Mr. Shillito assured me that existing laws and regulations are so effective that the Nation has little to concern itself about when almost 2,100 former, high-ranking military officers are working for the 100 largest defense contractors.

OUR ARMED FORCES HAVE BEEN IN EUROPE FAR TOO LONG

Mr. YOUNG of Ohio. Mr. President, as early as April 1963, I spoke out, urging the withdrawal of a large number of our troops from Western Europe. Since then I have on many occasions continued to urge that we reevaluate our military and naval requirements in Europe with a view toward bringing home hundreds of thousands of military personnel with their dependents, as well as thousands of civilian employees stationed in nations of Europe.

Today, more than 300,000 men of our Army, Navy, Air Force, and Marines are stationed in Europe with their 255,000 dependents. Of that number, 209,450 servicemen are stationed in West Germany, along with 146,000 dependents. All this, at great expense to American taxpayers, 24 years following the end of World War II.

In addition, there are more than 15,000 U.S. citizens who are civilian employees of our Armed Forces in Western Europe. Then, of course, in addition to these civilian employees, 12,534 dependents of such employees are in Western Europe, of whom more than 8,000 are in West Germany.

The time is long past due for us to withdraw at least four divisions of our Armed Forces from Western Europe. World War II was ended nearly 25 years ago. Are we going to police all Europe for another 25 years? Such a probability—and it is a probability—really seems preposterous.

The United States contributes approximately one-third of the manpower and almost 80 percent of the cost of defending Western Europe. The fact is that today the Western European nations are strong enough, both militarily and economically, to provide for a much greater share of their defense needs. Following the devastation caused by World War II, Western Europe completely rehabilitated itself, largely with money supplied by American taxpayers.

That seems to be our habit. We sent millions of men to Europe to crush Nazi Germany. Then, we provided aid to restore her. Now we are spending billions of dollars in Southeast Asia and are sacrificing the priceless lives of American youngsters. A few years hence, after the bloodletting stops, no doubt we shall be sending billions of dollars to restore Vietnam, which had been devastated by a civil war and then by our occupation.

West Germany is now a thriving and dynamic region of greatly expanded economic, political, and potential military capacity.

The United States is the only member of the NATO alliance that has met its commitment 100 percent. The only other NATO nation that has come up to even 80 percent of its commitment has been West Germany. Based on gross national product, West Germany is the third richest country in the entire world, ranking next to the United States and the Soviet Union. The West German mark is one of the world's strongest currencies.

Surely, it is outrageous and unthinkable that nearly a quarter of a century following the end of World War II, the United States continues to maintain 200,000 officers and men of our Armed Forces in West Germany. Just why should we be protecting this powerful nation in this manner and to this extent, particularly at a time when there is no threat of aggression from the Soviet Union, because that nation is having a hot time with Communist China and suffering battle casualties in military engagements along the border with Communist China?

West Germany has a conscription law which drafts some of its nationals for a period of 18 months only, while young American draftees are required to serve for 2 years. Furthermore, the total number drafted is insignificant compared with the draft in our Nation under our selective service laws.

Very definitely, the United States should withdraw troops from West Germany instead of sending more troops over to protect a country well able to defend itself.

The expense of maintaining our Armed Forces and their dependents in Europe accounted for $1.5 billion of our foreign exchange deficit in 1967. This is in addition to the more than a billion dollars spent annually in Western European countries by our servicemen and their families stationed there and by American civilians employed in Europe by the Department of Defense.

It is crystal clear that bringing hundreds of thousands of officers and enlisted men and their dependents home from Spain, Belgium, West Germany, and other European nations would reduce the drain on our gold supply and help to solve our balance-of-payments problem.

Furthermore, whatever men of our Armed Forces are sent to Western Europe for a tour of duty in the future should be sent for a period of not more than 13 months, and with no dependents. If there really is a need for our troops in Europe, then we should have a lean, trim, combat-ready force stationed there, not hundreds of thousands of men of our Armed Forces living like "squawmen" with their wives and children.

Many sergeants are living there with their wives and children. I know from experience as a private in time of war that the sergeants run the Army. Any sergeant who is worth his salt—and they are all worth their salt—would not have his wife and children there if there were an imminent danger of attack.

Furthermore, families of our officers, from captain on up to general officers, with their servants and fine homes, "never had it so good." Many of those officers buy Mercedes automobiles, paying for those foreign-made automobiles with American dollars. Anyone who goes to Garfinckel's department store can hear the chatter of the wives of majors and colonels who are buying luggage to go to Europe, looking forward to a luxurious life there.

Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Following World War II, a bitter cold war was raging with the Soviet Union, and there was a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. He is dead. The threat of military aggression by the Communists against Western Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. In fact, the Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people.

Furthermore, it is the nuclear umbrella of the United States that provides the real protection for Europe and West Germany, not large numbers of ground troops. In addition, by our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States in a matter of hours.

The nations of Western Europe can today provide the necessary troops to defend themselves, instead of continuing to depend on us. Let their young men be conscripted and drafted into their own armed forces. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the Germans and French? Under the shelter of our protection, these nations have waxed prosperous while our fiscal and monetary problems have grown steadily more serious.

We should immediately return at least half of the highly trained professional fighting men now stationed in Western Europe to the United States.

It is a stupid policy on the part of the Secretary of Defense and the generals of our Joint Chiefs of Staff to maintain in West Germany six of our best combat divisions, made up in large part of enlisted men and commissioned officers who are career soldiers. Undoubtedly, they are

the finest and best equipped soldiers who have served any nation under the bending sky of God.

Mr. President, the reduction in U.S. Armed Forces in Western Europe might very well induce the leaders of the Soviet Union to make a similar reduction in its military forces in eastern and central Europe. Such action would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe, and go far toward promoting the hope that all of us entertain—to live in a period of international peace and contentment.

THE HOSPITAL STRIKE IN CHARLESTON, S.C.

Mr. MONDALE. Mr. President, on May 15, 1969, a bipartisan group of 17 Senators wrote to President Nixon and urged him to use the prestige of his office to bring the hospital strike in Charleston, S.C., to a satisfactory resolution. The President has not responded to our appeal.

It is now June 25, and the strike continues. Tensions have heightened in Charleston, and there is an atmosphere which hauntingly reminds us of a similar strike in Memphis in another year.

My original concern in this matter has been intensified by a series of events occurring over the past several weeks.

As of Thursday, June 10, it appeared that the Charleston strike was near settlement, due in large part to HEW's recommendation of June 5 that the 12 workers, whose dismissal triggered the strike, be rehired. Then, on that day, the director of the hospital, Dr. William M. McCord, suddenly withdrew the formal offer to settle which the hospital had previously made. At the same time, it was reported in the Charleston newspapers that Secretary of Health, Education, and Welfare Robert Finch had been the object of political pressure and had given some assurance that he would take an independent look at HEW's position. This statement, which Secretary Finch did not repudiate, changed an encouraging situation into one which is now rapidly deteriorating.

This is most unfortunate. HEW has been negotiating with the hospital since July 1968 over a number of violations of civil rights laws, including violations of Executive Order 11246, which requires an equal opportunity employment policy on the part of Federal Government contractors. These violations are so substantial that it took a nine-page, single-spaced letter from a HEW official to Dr. McCord to list all of them.

This letter was written last September, but the situation is no different today. The evidence of the hospital's continuing failure to comply with Executive Order 11246 is particularly relevant to the issues in the strike, for it includes the firing of the 12 workers, the denial to blacks of opportunities for higher positions, and the failure to have an affirmative equal opportunity hiring program.

If HEW indeed intends to relax its pressure, its reasons for doing so are plainly, overtly, and shamefully political. For the record clearly shows that the hospital has failed to comply with the Executive order; and the law requires that Federal funds should be cut off if it does not come into compliance.

Mr. President, this is a very serious matter. There are thousands all over the country who are watching to see whether nonviolence can work in Charleston and whether justice will prevail. If the dispute is not settled, there is grave danger that frayed tempers and thinned patience lead to a tragedy in Charleston which could have the most serious implications for the domestic tranquillity of city after city around the Nation.

So this is not merely a labor dispute. It is a civil rights matter, and the good faith of the Government's civil rights policy is at stake—good faith which has already seriously been brought into question by recent actions involving schools and other Government contractors.

If this matter is to be resolved justly and expeditiously, it is essential that Secretary Finch publicly state that he intends to stand by HEW's original intention to enforce the Executive order. All rumors, leaks, and intimations to the contrary must be repudiated, so that the hospital officials and others in South Carolina will know exactly where they stand—that they must obey the law or lose their Federal funds. That is the only way this dispute can be resolved. I hope that Secretary Finch will take that path. It is so clearly the right and proper thing to do.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD:

First, HEW's letter to hospital officials concerning violations of Executive Order 11246.

Second, a telegram which I sent to Secretary Finch on June 14, 1969, asking HEW to stand behind its recommendation to the hospital that the 12 workers be rehired.

Third, an article entitled "Hospital Strike Now Political Football," written by Rudolph A. Pyatt, and published in the Charleston, S.C., News and Courier of June 15, 1969.

Fourth, an article entitled "Political Infighting Balks Charleston Hospital Pact," written by Bruce Galphin, and published in the Washington Post of June 16, 1969.

Fifth, an editorial entitled "Secretary Finch and the Charleston Strike," published in the Washington Post of June 18, 1969.

Sixth, an editorial entitled "The Charleston Strike," published in the Washington Post of June 18, 1969.

Seventh, an editorial entitled "The Charleston Cycle," published in the New York Times of June 23, 1969.

Eighth, an article entitled "Charleston Calm As Negroes March," written by James T. Wooten, published in the New York Times of June 23, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Atlanta, Ga., September 19, 1968.

Dr. WILLIAM M. MCCORD,
President, Medical College of South Carolina, Charleston, S.C.

DEAR DR. MCCORD: Unforeseen circumstances prevented me from writing to you on the schedule I promised. I sincerely hope the delay has not been too inconvenient for you. I apologize for the length of this communication, but I am attempting to spell out all of our findings and recommendations as clearly and concisely as possible.

Our review was concentrated in three major areas. They were, a) Equal Educational Opportunities, b) Equal Health Opportunities, and c) Equal Employment Opportunities. I will list both our findings and recommendations for each of these areas of investigation.

EQUAL EDUCATIONAL OPPORTUNITIES

Findings

1. The Medical College of South Carolina had not established an affirmative program designed to attract Negro students.

2. There was no systematic or comprehensive recruitment program for predominantly Negro schools.

3. The minority community had not been informed of loans or scholarships that were available to them.

4. There were segregated housing advertisements on the college's bulletin boards.

5. Students were placed with practicing physicians for the purpose of receiving on-the-job training. It appears from reports that some of these physicians practiced racial discrimination.

6. The Medical College Hospital is owned and operated by the Medical College of Charleston. Physicians at the hospital have faculty status—all are white. In order to practice medicine in the hospital, physicians must be members of a specialty board. No Negro physicians in Charleston County are members of a specialty board. There are several Negro physicians in Charleston.

7. The School of Pharmacy places students for "apprenticeship" training with some pharmacies that engage in discriminatory practices.

8. The fraternities in the School of Pharmacy discriminate racially in membership requirements.

9. The School of Allied Sciences has affiliations with white schools only. This policy tends to limit the potential of the Negro students of the State of South Carolina.

Recommendations

1. That the Medical College catalogue, brochures, and other printed promotional material and applications clearly indicate the nondiscriminatory policy of the college.

2. That comparable action be taken to recruit Negro students to pursue a medical education at the Medical College. These steps should include:

a. Broad dissemination of information as to the availability of a medical education, and the availability of financial assistance to undergraduate colleges and to high school counselors (especially to Negro colleges and high schools) in the state, and to Negro colleges throughout the eastern and southeastern states.

b. Due to the history of discrimination, special efforts should be directed toward the pre-med advisors at Negro undergraduate colleges and possibly high schools to help motivate more Negroes and minority group members toward a medical career.

c. The Medical College might consider developing a recruitment team from all of its related schools (e.g., Pharmacy, Nursing, Allied Sciences, etc.) which could make concentrated recruitment efforts, some of which

would be directed specifically toward minority students. Various techniques should be developed which would have considerable potential for recruitment of minority group students including:

(1) Contact with Negro professional, civic, and social groups to elicit their help in recruitment, and in dispelling the image of the Medical College as a segregated institution.

(2) Promotion of visits to the Medical College by Negro pre-med students over the state.

(3) Visits to Negro college campuses by Medical College staff.

(4) Sponsorship of health-related career days, especially for Charleston County High Schools.

3. That the College assure itself that no arrangements are made between the college and private physicians for the purpose of teaching students when the physician discriminates on the basis of race in his practice.

4. That the Medical College assure itself that no notices for rental or sale of living quarters are posted or lists kept by the College unless such housing is available to all students without regard to their race.

5. That the School of Pharmacy assure itself that every pharmacy to which they refer a student for work in an "apprenticeship" arrangement, will accept those who are referred without regard to race.

6. That the fraternities that have engaged in racially discriminatory policies and practices be informed of the College's posture on civil rights and asked to change. If they do not comply, that the organization should be banned from campus by the administration.

7. That the School of Allied Sciences establish affiliations with Negro colleges in the state immediately in order to give all students of South Carolina an equal educational opportunity.

Since the School of Nursing has not previously enrolled non-white students, the following steps are recommended:

1. There are several non-white persons who have applied and have been admitted to study practical nursing. Persons in this category should be screened carefully as potentials for full professional training as graduate nurses.

2. That predominantly Negro schools be informed of the opportunities and policies in the School of Nursing.

3. That continuous attempts be made to identify students with potential at the high school level. Local Negro school counselors can be of great help in this endeavor.

EQUAL HEALTH OPPORTUNITIES

Findings

1. There were no written nondiscriminatory policy statements.

2. It was alleged that the clerk at the admission office called the floor and gave the nurse the race of the patient, and asked what bed assignment should be made. This suggests that room assignments might follow a racial pattern.

3. We were informed in the community that patients were shifted around to achieve a bi-racial mix in anticipation of the H.E.W. visit. When white patients complained about rooming with Negroes, the Negroes were moved.

4. No comprehensive or systematic methods have been used to notify all of the people of Charleston (both Negro and white) of the hospital's nondiscriminatory policy.

5. Mr. Porter, who was assigned the responsibility for civil rights, has not developed any kind of affirmative action program. The subject of civil rights has not been a formal part of the staff meeting agenda.

6. It was alleged that courtesy titles are seldom used and staff members are often rude to Negro patients at the clinics.

7. Service (non-paying) patients and private patients are separated and are alleged to be treated differently.

8. It was alleged that senior medical students attend to private patients, while junior medical students attend service patients.

9. There is some degree of desegregation in the wards, but the separation of the service and private patients has created an apparent imbalance.

10. From interviews and observation, private patients appear to have received better nursing and other care than service patients. The majority of the private patients are white.

11. Private patients have three visiting periods per day; service patients have only one. It was alleged that on one floor, a white patient's sister was allowed to visit while the Negro patient's sister was not allowed to visit.

12. It was also alleged that husbands of Negro patients are not allowed in the labor room, while husbands of white patients are.

13. In many parts of the hospital, it was found that there are still essentially "dual" restroom facilities, although "white" and "colored" signs have been removed. It is apparent that these signs have only recently been removed because outlines of the old signs are still visible. This suggests the possibility that old customs are still being practiced in the use of these facilities.

14. In the out-patient clinic, patients appear to be seen on a first-come, first-served basis, however Negro patients are told to wait in Room 18, while white patients are told to wait in Room 53. However, it was alleged that when an observer who appeared to be concerned with civil rights procedures was seen near the admitting station, patients were told to wait in either Room 18 or Room 53.

15. White staff members were observed acting in what appeared to be a rude manner to Negro out-patients. Courtesy titles were not being used.

Recommendations

1. That policy statements regarding nondiscriminatory practices be written and widely distributed immediately.

2. That room assignments be made at the admitting desk without regard to the patient's race.

3. That a daily racial census be taken and forwarded to the Office for Civil Rights each week for one month, and thereafter upon request.

4. Since everyone will not read distributed material, and since it is the responsibility of the administration to see to it that everyone understands his/her responsibility, it is recommended that seminars be conducted which include the following topics: (a) specifics of the application of Title VI to hospitals; (b) Title 45; (c) H.E.W. guidelines; (d) equal opportunity in hospitals and all health programs; (e) the Federal dollar and nondiscrimination; (f) the Civil Rights Act of 1964; and (g) civil rights obligations of staff members at all levels. A schedule of when and where these meetings are held should be kept for your record.

5. That discussions of developments in civil rights accomplishments be placed regularly on the agenda at staff meetings.

6. That all staff be specifically instructed about the necessity for the use of courtesy titles. The breach of this policy should be dealt with severely by the administration.

7. That the quality of service be equalized immediately as between private and service patients.

8. That waiting rooms be truly integrated.

9. That staff restrooms be posted as such and all staff be advised accordingly.

EQUAL EMPLOYMENT OPPORTUNITIES

Findings

1. Bulletin boards did not have Equal Employment Opportunity (EEO) posters.

2. Personnel policy statements did not reflect contractor's equal opportunity posture.

3. There was no Equal Employment Opportunity Officer.

4. Advertisements for employment do not reflect that the facility is an equal opportunity employer.

5. Recruitment and employment sources were not informed of contractor's posture on EEO.

6. The old established personnel policies and procedures precluded affirmative action, which was needed to guarantee equal employment opportunity.

7. Interview reports are evaluated by a clerk who does not have personnel experience.

8. Applicants are given a written test that has not been validated. For some job categories, the test is irrelevant.

9. Some job descriptions require in-house experience for jobs that minorities have not had the opportunity to get. There is no training program to fill this gap.

10. Department heads and supervisory staff are not conversant with the contractor's position regarding equal employment opportunity.

11. Employment patterns clearly suggest a stratification of employees with regard to race, i.e., administrative and professional positions are occupied by whites; nonwhites are concentrated in service and non-skilled categories.

12. The application for employment requires each applicant to submit a photo.

13. The contractor (Medical College of Charleston) has not taken appropriate steps to insure the compliance under Executive Order 11246 by the company building the new addition to the Medical College.

Recommendations

1. That there be a proper display of posters at key points such as main lobby, personnel office, and all employee bulletin boards.

2. That there be put in writing a firm equal employment opportunity policy statement to be disseminated to all department heads and supervisory personnel.

3. That an equal employment opportunity officer be appointed. This officer will assume the duties of, (a) disseminating information concerning equal employment opportunity; (b) keeping surveillance over the implementation of the equal employment opportunity policy; (c) planning equal employment opportunity actions and goals; and, (d) evaluating equal employment opportunity progress.

4. That all advertisements contain the tag line, "An Equal Opportunity Employer."

5. That all recruitment and employment sources be notified of the contractor's posture on equal employment opportunity. It will be desirable to receive an acknowledgement of this notification. This may be done by leaving space at the bottom of the letter for endorsement, or in any other manner which the contractor chooses.

6. That purchase orders contain a reference to Executive Order 11246. This will serve to notify sub-contractors of their responsibility to the prime contractor in accordance with Executive Order 11246.

7. That all personnel procedures serve to support affirmative action as exacted by Executive Order 11246.

8. That all department heads and supervisory personnel be made fully conversant with the contractor's position with regard to equal employment opportunity.

9. That training programs support the total equal employment opportunity effort.

10. That persistent efforts be made to break the old patterns of stratified racial employment which have concentrated white employees in administrative and professional positions, while shunting non-whites into the unskilled and service categories.

11. That the equal employment opportunity officer maintain a day-to-day file relating to the problems and progress of the implementation of the equal employment

opportunity policy of the Charleston Medical School.

12. That anything that would identify the applicant, and which might cause him/her to be subjected to discriminatory acts, not be a part of the application form. Such information should not be a part of the employee's personnel folder.

13. That the contractor (Medical College of Charleston) take the necessary steps to ensure that the building contractors who are currently constructing the new physical plant for the school, comply fully with the requirements of Executive Order 11246 in all phases of their employment.

In your response to the recommendations which are set forth above, it will be helpful if you will structure your reply so as to address yourself to each of the three areas separately. Upon receipt of your letter, this office will evaluate your response and then advise you of our findings.

Please let me say once again, on behalf of our staff, that we appreciate your cooperation and that of your entire staff on whom we called. Your personal concern and intentions to correct problem areas made our task much easier than it would have otherwise been.

Sincerely yours,

HUGH A. BRIMM,
Chief, Contract Compliance Branch, Office for Civil Rights.

JUNE 14, 1969.

Hon. ROBERT H. FINCH,
Department of Health, Education, and Welfare, Washington, D.C.:

I am extremely concerned about the continuing labor strife in Charleston, South Carolina, involving hospital workers and the city hospitals.

It is my understanding that the two sides were very close to a settlement of their dispute, due in large part to HEW's recommendations to hospital officials that the 12 workers whose dismissal precipitated the walkout be rehired.

However, on June 12, 1969, these hospital officials informed the union that their settlement offer was being withdrawn.

In light of this development, it is vitally important that HEW stand behind its original recommendation concerning the rehiring of these 12 workers. If the recommendation is withdrawn, there may be no end in sight to the strike.

I commend you and the department for your original recommendation in this matter, I urge you not to take any action which would prolong this potentially dangerous labor situation.

WALTER F. MONDALE,
U.S. Senate.

[From the Charleston (S.C.) News and Courier, June 15, 1969]

HOSPITAL STRIKE NOW POLITICAL FOOTBALL

(By Rudolph A. Pyatt)

WASHINGTON.—The 12-week-old Charleston Hospital strike has developed into a political football now being fumbled in the nation's capital.

Caught in the center of the scramble this week was Secretary of Health, Education and Welfare, Robert H. Finch.

Finch, in a familiar role since becoming head of HEW, found himself having to placate members of Congress who take a dim view of federal guidelines.

This past week Finch performed a nifty routine as he attempted to allay the fears of at least two members of the South Carolina delegation.

In the wake of an HEW letter to Dr. William M. McCord recommending certain changes to be instituted at the college and hospital, Finch found himself breakfasting with Rep. L. Mendel Rivers, receiving a letter and telephone messages from Sen. Ernest F. Hollings and giving assurances to Sen. Strom Thurmond.

The activity of those three members of the delegation produced some rather curious developments here. At the same time, the net effect of the attention given Finch by Thurmond and Rivers has had a damaging effect on negotiations in Charleston, a source close to the situation told this reporter.

When it appeared the strike at the two Charleston hospitals would explode into an embarrassing and violent episode, several members of the House and Senate pleaded with President Nixon to intervene.

Hollings, Thurmond and Rivers, silent until then, took exception to the "meddling" by their colleagues.

Still Hollings and Thurmond were guarded in their public comments on the strike and related matters. Rivers, after HEW agreed last month to investigate a complaint by 12 employes who had been fired by the Medical College Hospital, wrote a letter to Finch demanding that he review HEW's policies in handling the complaint.

Finch replied to Rivers' May 21 letter but the congressman complained "it wasn't satisfactory."

Meanwhile, HEW's contract compliance branch chief wrote a letter to Dr. McCord June 5 recommending that the dismissed 12 employes be rehired with retroactive pay.

Three key sections of that letter which was made public last week apparently spurred Rivers, Hollings and Thurmond into action while paving the way for a threatened strike of nurses and doctors at the Medical College Hospital.

In addition to the recommendation that the 12 employes be rehired, the letter also stated that a HEW investigation "has established one basic fact, which is, that the Medical College of South Carolina together with its hospital facilities is in non-compliance with the requirements of Executive (presidential) Order 11246."

The letter to McCord further stated: "in order to continue as a government contractor it will be necessary that the Medical College develop an affirmative action program in equal employment opportunity as set forth in the rules and regulations of the executive order."

After reading the letter, a member of the state's congressional delegation here, noting that Dr. McCord had requested that the letter be written, said it allowed the Medical College to put the onus on the federal government. "That way they (the hospital) could always say 'we had to yield to pressure from HEW in meeting these demands,'" the member reasoned, asking that he remain anonymous.

The letter from HEW's Hugh Brimm to Dr. McCord states in part:

"Pursuant to your request following our discussions on June 3 with you and members of your staff and Mr. Robert Alexander from Governor McNair's office, I am sending this communication."

But the most curious development Thursday was a strongly unequivocal statement by Leon Panetta, director of HEW's Office of Civil Rights.

"At this level of the office of civil rights, we are proceeding according to our letter to Dr. McCord," Panetta insisted. An aide to Panetta said he was fully aware of the meeting between Finch and Rivers earlier that day.

Just what Finch told Dr. McCord has not been determined.

Whatever it was may have had a key bearing on McCord's decision at the last minute not to rehire the 12 employes after all.

The offer to rehire the 12 was made last Monday but was withdrawn late Thursday.

A spokesman for the striking hospital workers, obviously disappointed over seeing the prospects for a settlement shattered, told this reporter Friday:

"We suddenly realized what happened. We know that Mendel Rivers, Fritz Hollings and Strom Thurmond applied pressure to the White House, and Finch, through Thurmond and Rivers makes this representation that he's going to investigate the matter personally. Meantime no funds would be withdrawn.

"So I gather that the real motivating factor for offering to rehire the 12 was based on the earlier HEW recommendation and for no other reason."

The Spokesman concluded: "McCord has gotten encouragement from somebody."

He added that is the feeling of the strikers that Finch's alleged statement is "indicative of a long, drawn-out and extended process during which time the Medical College of course will be able to continue without the 12 and still receive benefit of the funds.

"That sort of explodes the settlement right in our faces, whereas if there was an imminent threat of a withdrawal of funds, they would rehire the 12 workers."

Oddly enough, the administration ignored the requests of non-South Carolina congressmen to intervene in the strike but it now finds itself very much involved—apart from the question of unionization.

The involvement has become deeper, it appears, because of Washington politics. Secretary Finch, ever the politician—some say he has designs on the presidency—while saying what Rivers and Thurmond wanted to hear, may have succeeded in giving the Southern Christian Leadership Conference a new lease on life in Charleston. At the same time Thursday's events served to satisfy nurses and doctors who were reportedly ready to abandon the sick in favor of non-humanitarian principles in much the same manner as the strikers they have criticized.

On the other hand, Finch has not made a public statement about his conversations with Rivers, Thurmond or Dr. McCord.

But given Finch's past performances, he may respond to someone of more liberal bent by reminding them that the Nixon administration last week Wednesday announced plans for a major crackdown on government contractors who practice racial discrimination in jobs.

That in effect is what the June 5 letter to Dr. McCord is all about. Rehiring of the 12 employes is only part of the package, HEW officials say.

[From the Washington (D.C.) Post, June 16, 1969]

POLITICAL INFIGHTING BALKS CHARLESTON HOSPITAL PACT

(By Bruce Galphin)

Just before 6 p.m. last Thursday, leaders of striking hospital workers in Charleston, S.C., were in a jubilant mood. That night was to be the climax of their costly, 12-week-old walkout. A compromise settlement had been approved by all parties, and they were about to put it in writing.

Then an officer of the Medical College of South Carolina telephoned William Saunders, who as a member of the Charleston Community Relations Committee had helped forge the agreement.

A hitch had developed, the college officer said, and there wasn't any point in having the meeting until it was straightened out. He would call again the next day.

Forty-five minutes later, Saunders discovered what the hitch was. A messenger brought him a one-sentence note from Dr. William McCord, president of the Medical College and director of its hospital. It read:

"Please be advised that the offer to employ the 12 discharged workers made on June 9, 1969, is now withdrawn as of Thursday, June 12."

Firing the dozen black nonprofessional workers had triggered the strike, and rehiring them was an irreducible demand of the union—with the strong but coincidental support of the U.S. Department of Health, Education and Welfare.

So the strike continues. The union—Local 1199B of the Drug and Hospital workers—

and the Southern Christian Leadership Conference say they will escalate demonstrations. The longshoremen's union is talking of tying up the port of Charleston. Moreover, the situation is now ensnarled by Federal-state conflicts, Democratic-Republican feuding, and internal GOP squabbles.

What had happened to the settlement? Even Gov. Robert E. McNair—who reportedly had approved its terms two days before—is believed to have been caught off balance by McCord's reversal.

For one thing, South Carolina Republican state chairman Ray Harris made it a partisan issue. He warned that voters would hold Democrat McNair and other officials accountable if the 12 workers were rehired. McNair may challenge Republican Sen. Strom Thurmond in 1972.

State Republicans also are embarrassed that a Republican-ruled HEW has taken a strong rehiring position.

Sen. Ernest F. Hollings and Rep. Mendel Rivers, Democrats, and GOP Sen. Thurmond made protestations to HEW. As a result, HEW Secretary Robert H. Finch said the rehiring proposal was subject to review—but that was no more or less than Atlanta compliance officials had said.

It was also reported that several doctors and nurses at the Medical College had threatened to resign if the 12 were rehired. Some doctors actively sought help through Republican Party contacts.

But the prime suspect, in the union's eyes, is Dr. McCord himself. Even in a state where anti-unionism prevails, few match his vehemence on the subject. He once told employes the union was only after their money, and on another occasion remarked: "I am not about to turn a $25 million complex over to a bunch of people who don't have a grammar school education."

The strike began with the March 17 firing of 12 Negro workers who, in Dr. McCord's view, deserted their posts but who in their own view, merely came to his office on free time to present grievances.

Within 11 days, more than 400 nonprofessional workers had walked out of the medical college and Charleston County Hospital. The basic issues include not just rehiring the 12 but union recognition, wages and grievance procedures.

In the meantime, and unknown to the workers, HEW had been conducting since last July 31 its own investigation of the Medical College—a routine check on whether it was meeting standards for Federal contractors. (The college receives about $8 million in construction money and $4 million for research and other grants.)

In a still-unreleased letter dated Sept. 19, 1968, Dr. Hugh A. Brimm of Atlanta, HEW's regional contract compliance chief, notified the hospital of nine "findings" relating to equal educational opportunities, 15 relating to equal health opportunities and 13 to equal employment opportunities.

Some of the "findings" were indisputable fact. Others were allegations. Some of the items:

All the physicians at the hospital were white, although there are several Negro physicians in Charleston.

The School of Pharmacy placed students for "apprenticeship" at institutions practicing racial discrimination.

"We were informed in the community that patients were shifted around to achieve a biracial mix in anticipation of the HEW visit."

Nonpaying patients—mostly black—allegedly received poorer doctors' and nursing care than paying patients—mostly white.

Personnel policies precluded action on equal employment. For example, some job descriptions required in-house experience in work from which Negroes had been excluded. There was no training program to allow Negro employees to upgrade skills.

"Employment patterns clearly suggest stratification of employes with regard to race: i.e., administrative and professional positions are occupied by whites; non-whites are concentrated in service and nonskilled categories."

Dr. McCord and HEW officials then engaged in months of correspondence, deadline-extensions and delays on a compliance agenda.

Coincidentally, the union filed a complaint about the firings with the Atlanta compliance office and, without realizing it, became a party to the deliberations.

On June 5, Brimm wrote McCord a letter stating that investigation had "established one basic fact, which is that the Medical College of South Carolina, together with its hospital facilities, is in noncompliance with the requirements of Executive Order 11426 . . ."

The letter said the hospital would have to adopt an affirmative equal employment program. "As a first step" of good faith, Brimm "recommended" rehiring the 12.

McCord had vowed never to rehire them, but an HEW order involving $12 million in Federal aid provided a face-saving out. He and the hospital trustees agreed to rehire the 12.

There also was progress elsewhere. Charleston's business and tourism had been crippled by SCLC's marches, boycotts and "shop-ins" and by the nightly curfew and the month-long National Guard presence. Mayor J. Palmer Gaillard appointed a committee to deal with the crisis, and it has played an important role in seeking a settlement.

The first breakthrough came in early June when the state announced it would raise the state minimum wage to $1.60 an hour July 1. The hospital workers now earn $1.30 or a few cents more, and it is believed the union would settle for the $1.60 figure.

Union recognition remained a problem. McNair maintains the state cannot recognize unions because the Legislature sets state workers' wages. (Actually the state does recognize several railroad unions, and Medical College trustees are empowered to set salaries). However, the union is willing to settle for less than full recognition—as it did in organizing New York hospital workers in 1959.

That left only the issue of grievances, and on June 5 negotiators reportedly agreed on a plan for worker-elected appeals panels.

Seemingly, the strike was all but over.

Then last Thursday came Dr. McCord's message withdrawing his agreement to rehire the 12 fired workers.

And by the weekend, the SCLC, the union local and the Charleston black community were preparing to renew demonstrations.

[From the Washington (D.C.) Post, June 18, 1969]

SECRETARY FINCH AND THE CHARLESTON STRIKE

Secretary Finch of the Department of Health, Education and Welfare holds a key to settlement of the bitter and potentially explosive six-week-old strike of hospital workers in Charleston, S.C. A word from him that he intends to enforce Federal guidelines against discrimination in employment, it seems, will provide the necessary spur to get the dispute settled. Early last week it appeared to have been settled until word reached Charleston that members of the South Carolina congressional delegation had persuaded Secretary Finch to hold off any fund cutoff.

Apart from the guidelines question, the dispute is important because it represents an effort by low paid public employes in the South who are usually black to use the machinery of collective bargaining to improve their lot. Traditionally, the South has resisted this extension of collective bargaining. A similar strike of black garbage workers in Memphis in 1968 was settled only after the assassination of Dr. Martin Luther King, Jr. As in Memphis, the Southern Christian Leadership Conference has intervened in Charleston on behalf of the strikers.

Complicating the Charleston dispute is the claim by Sen. Strom Thurmond (R-S.C.) that he has been able to persuade Secretary Finch before the latter departed for a vacation to withhold any fund cutoff "pending a personal investigation." Democrats Sen. Ernest F. Hollings and Rep. L. Mendel Rivers similarly have intervened. When word of their intervention reached Charleston, the understanding that had been carefully worked out between the two public hospitals and the union of hospital employes with the help of Gov. Robert E. McNair blew up. Union officials despair of putting the agreement back together again without word from Mr. Finch that he intends to enforce the employment guidelines, or failing that, without a call to other unions and civil rights organizations to broaden the dispute into a major national issue. Already, SCLC is planning night marches and "escalated" demonstrations to dramatize the matter.

The sticking point is the question of rehiring twelve employes whose discharge precipitated the strike. Among the dozen are the president of the union and its most active members. Governor McNair skillfully got around a previous refusal to bargain on wages by raising the applicable minimum wage from $1.30 an hour to $1.60 an hour. The union, in turn, was prepared to finesse the question of union recognition, but not the question of reinstatement. Although the trustees of the Medical College of South Carolina which operates one of the hospitals authorized the rehiring of the twelve, the president of the college, Dr. William McCord, said that he was not going to do so. Dr. McCord's announcement was made as word reached Charleston that a Federal fund cutoff was not imminent.

HEW's regional compliance office in Atlanta has come up with a list of 37 findings against the college hospital indicating a pattern of discrimination in treatment of patients, students and employes. Those allegations relating to employes are relevant to the strike, and all are a matter of concern as far as the expenditure of HEW funds is concerned. But the immediate issue is the strike. It should be settled in Charleston and not be allowed to take further national overtones. Secretary Finch can help accomplish this end by giving assurances that the guidelines will be enforced.

[From the New York Times, June 18, 1969]

THE CHARLESTON STRIKE

It takes no great cynicism to suspect political pressure on a high level in the lost opportunity for a settlement of the racially explosive hospital workers' strike in Charleston. On June 9 Dr. William McCord, president of the Medical College of South Carolina, announced that he was prepared to reinstate twelve Negro employees who had allegedly abandoned their posts by coming to his office to present grievances. In the following three days, agreement was reached on all other issues in the three-month-old strike, including a raise from the wretched $1.30 an hour which most of the 400 strikers were getting.

Then, on June 12, minutes before the jubilant principals were to sign the agreement with the blessings of Governor McNair, word came that Dr. McCord had withdrawn the offer to take back the workers.

If there was no explanation of Dr. McCord's arbitrary reversal in Charleston, there was a plausible explanation in Washington. Earlier in the day Senator Strom Thurmond and Representative L. Mendel Rivers of South Carolina had paid a call on Robert H. Finch, Secretary of Health, Education and Welfare. Secretary Finch was a key man in

the situation, since it was his department's apparent willingness to withdraw Federal funds from the state's hospitals for noncompliance with the Civil Rights Act which had in all likelihood induced in Dr. McCord the earlier mood of conciliation. The views of the two South Carolina statesmen on the subject of the strike were known to reflect those of the state's Republican chairman, who had warned that if the twelve workers were reinstated, Governor McNair and others would be held politically accountable. Senator Thurmond was able to come away with assurances by Mr. Finch that no Federal funds would be cut off pending a thorough investigation by the department, whose regional office had already found a forbidding list of violations.

If it is too much to expect Dr. McCord to account for his sudden about-face, it is reasonable to expect a clarification from Mr. Finch, who has been notably sensitive on racial problems in the past. Even now a strong statement from him, promising a swift probe and appropriate action, might induce another 180-degree turn by Dr. McCord.

[From the New York Times, June 23, 1969]

THE CHARLESTON CYCLE

Lingering prospects for an early settlement of the Charleston hospital workers' strike have been gravely jeopardized by the worst violence in the three-month history of the struggle. Although both sides share responsibility for the weekend flare-up, the rising tension in Charleston was foreseeable—and foreseen—and is the inevitable consequence of a chain reaction that started last week in Washington.

With a settlement apparently only hours away, Robert H. Finch, Secretary of Health, Education and Welfare, issued a statement that at the very least left up in the air the question of whether his department seriously intended to cut off Federal funds for two South Carolina hospitals unless they corrected certain violations of the Civil Rights Act reported by its own regional office.

The Secretary's call for another investigation, following a conference with Senator Strom Thurmond and Representative L. Mendel Rivers, was seen as a delaying action taken just as the strike was on the point of settlement. From that frustrating moment events took a highly predictable course: Dr. William M. McCord, president of the Medical College of South Carolina, went back on his agreement to reinstate the twelve workers, whose firing had touched off the strike. His action, arrogantly unexplained, triggered the decision of the Southern Christian Leadership Conference to "lift non-violence to a new level."

Charleston authorities in turn banned the proposed night march as inflammatory and were defied, with arrests following the defiance and rioting following the arrests.

Just as the vicious cycle started in Washington, it can be ended there. Let Secretary Finch state unequivocally that funds to the Charleston hospitals amounting to twelve million dollars, will be cut off for further noncompliance, and it is extremely probable that Dr. McCord will once more see the light—or at least feel the heat. There would be nothing unduly coercive in that approach; it was precisely to effect such compliance that the Civil Rights Act was passed.

[From the New York Times, June 23, 1969]

CHARLESTON CALM AS NEGROES MARCH—HOSPITAL STRIKE SETTLEMENT IS REPORTED IMMINENT

(By James T. Wooten)

CHARLESTON, S.C., June 22.—The second day of summer slipped serenely into this city's history with the peaceful integration of traditionally white churches and a noisy but non-violent parade through the quaint streets by striking Negro hospital workers and their supporters.

Although there has been no substantial abatement of the tensions that prompted a dusk-to-dawn curfew, strike leaders have shown a marked hesitancy to create confrontations that might result in arrests and violence. A short march last night ended when the police ordered the Negroes to go home, and in another demonstration today the marchers followed a route approved in advance by local officials.

As the result of a spur-of-the-moment idea, typical of techniques being used by the Southern Christian Leadership Conference in its campaign here on behalf of the striking workers, small groups of Negroes visited several all-white churches this morning. Except for a minor scuffle involving television newsmen and a non-churchgoer, there were no incidents.

SETTLEMENT SEEMS NEAR

The reluctance of Negro leaders to continue aggressive demonstrations in the tradition of previous campaigns is thought to be the result of an imminent settlement to the strike, which began March 20 when 12 Negro workers were discharged from the South Carolina Medical College Hospital.

According to informed sources nearly every issue in the dispute has been resolved to the mutual satisfaction of both Local 1199B, the all-Negro union pressing the strike, and officials of the college hospital and the county institution where Negro employes are also on strike.

It is known that on Friday afternoon, a few hours before the Rev. Ralph David Abernathy was arrested and jailed, Gov. Robert E. McNair spoke with representatives of the S.C.L.C., the organization founded by the late Rev. Martin Luther King, Jr. As a result of that conversation, there was an agreement on conditions for the settlement, including the re-employment of the dozen workers who were dismissed.

TWO WERE ARRESTED

That night, however, Mr. Abernathy, president of the conference, and an aide, the Rev. Hosea Williams, were charged with inciting to riot following a three-hour rally at a Negro church and both are being held in $50,000 bail. Their arrest, according to the sources, represents an unexpected impediment to a quick settlement of the strike.

Tomorrow, officials of the medical college are to meet in Atlanta with representatives of the United States Department of Health, Education and Welfare, which has already recommended that the employes be rehired, one of the primary demands of the workers. Other union requests, such as those for higher wages and a grievance system, have been met through a new state employe wage and classification system.

One theory about the caution of the civil rights leaders who have guided the long strike is that they have no desire to place Governor McNair in a position that would make a settlement appear to be a capitulation to their demonstrations and their demands.

CITE LACK OF LAW

The position of both the county and the state hospitals has been that there can be no negotiation with the union because there is no enabling statute that allows government institutions to deal with labor organizations.

That barrier apparently has been removed by the union's agreement to be satisfied with something a bit less than formal recognition, such as the willingness of the hospital to establish payroll contributions to an employes' credit union.

The remaining issue is the re-employment of the discharged workers. The board of trustees of the college hospital has agreed to do so on recommendation of the Health, Education and Welfare Department. However, the hospital's president, Dr. William M. McCord, has refused, saying that wholesale resignations of doctors and nurses will result if the workers are allowed to return.

The presence of Negroes in traditionally all-white churches this morning was, in most places, ignored by regular worshipers. One exception was St. Michael's Episcopal Church, the oldest in this peninsula city, where about 15 Negroes, including some children, were invited to an informal reception with punch and cookies in the church's parish house following the morning service.

As they left the sanctuary, television newsmen filming their departure were heckled and then attacked by a man in shirtsleeves who was angry at their presence near the church. A parishioner called the police, but another canceled the request and there was no further disturbance.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. EVINS of Tennessee, Mr. NATCHER, Mr. FLOOD, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, and Mr. DAVIS of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ISSUED IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Office of the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in May 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

REPORT ON PROPOSED ALTERATIONS AT THE GENERAL ACCOUNTING OFFICE BUILDING

A letter from the Acting Administrator, General Accounting Office, transmitting, pursuant to law, a prospectus for proposed alteration at the General Accounting Office Building, Washington, D.C.; to the Committee on Public Works.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a study of the acquisition of peripheral equipment for use with automatic data processing systems, dated June 24, 1969; to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Cispus Job Corps Civilian Conservation Center Under the Economic Opportunity Act of 1964, Randle, Wash., Department of Agriculture, Office of Economic Opportunity, dated June 25, 1969; to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of Connecticut; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 9

"Resolution memorializing Congress to enact certain welfare legislation

"Resolved by this Assembly:

"Whereas the question of welfare assistance is of paramount importance to the entire United States of America; and

"Whereas the disparity of payments among the several states and the lack of national standards of assistance have created crisis situations in state fiscal management;

"Now therefore, be it resolved, That the Congress of the United States be memorialized to take immediate action to enact legislation which will include the following provisions:

"The financing by the federal government of all welfare payments throughout our nation; the establishment of uniform national standards for all welfare assistance; the continued administration by the individual states and towns of welfare from the local level and emphasis on training and incentive programs, as well as programs, as well as programs designed to reunite families receiving welfare assistance; and

"Be it further resolved, That the Clerks of the House and Senate cause copies of this resolution to be sent to the Speaker of the United States House of Representatives, to the President of the United States Senate and to the members of the United States House and Senate from Connecticut.

"CHARLES M. MCCOLLAM, Jr.,
"Clerk of the Senate."

"PAUL B. GROOBERT,
"Clerk of the House."

"Attest:

"ELLA T. GRASSO,
"Secretary of the State."

A resolution adopted by the city council, city of South San Francisco, State of California, concerning the taxation of State and local government bonds; to the Committee on Finance.

A telegram, in the nature of a petition, from the President, African American Repatriation Association, of Philadelphia, Pa., praying for a redress of grievances; to the Committee on the Judiciary.

A petition, signed by Mrs. Roscoe Smith, and sundry other members of the Antioch United Methodist Church, of Roaring Gap, N.C., praying for the enactment of legislation relating to pornography, and so forth; to the Committee on the Judiciary.

By Mrs. SMITH (for herself and Mr. MUSKIE):

A joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO REVISE THE PRESENT SYSTEM OF ADMINISTERING FEDERAL GRANTS

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Federal Government's preeminence in the income tax field has led to a greater need for unrestrictive sharing of such revenue with state and local governments by means other than its complex system of categorical grants-in-aid; and

"Whereas, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

"Whereas, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

"Whereas, unless the trend toward restrictive categoric federal grants is reversed, these grants will so entwine themselves that the state's freedom of movement will be significantly inhibited; and

"Whereas, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

"Resolved: That We, your Memorialists, most sincerely recommend and urge the Congress of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants-in-aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax-sharing programs or block grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

"Resolved: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State.

"In Senate Chamber, June 12, 1969. Read and adopted, Sent Down for Concurrence, Ordered Sent Forthwith.

"JERROLD B. SPEERS,
"Secretary."

"House of Representatives, June 13, 1969. Read and adopted, In Concurrence.

"BERTHA W. JOHNSON,
"Clerk."

"Attest:

"JOSEPH T. EDGAR,
"Secretary of State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Banking and Currency, without amendment:

S.J. Res. 122. A joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949 (Rept. No. 91–275).

By Mr. RUSSELL, from the Committee on Appropriations, without amendment:

H.J. Res. 790. A joint resoution making continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91–274).

By Mr. YARBOROUGH, from the Committee on Appropriations, with amendments:

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–278).

By Mr. NELSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 621. A bill to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes (Rept. No. 91–276).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid (Rept. No. 91–279).

DEPARTMENT OF AGRICULTURE ANNUAL APPROPRIATION BILL—REPORT OF A COMMITTEE (S. REPT. NO. 91–227)

Mr. HOLLAND. Mr. President, for the Committee on Appropriations I submit the committee report on H.R. 11612, the annual appropriations for the Department of Agriculture and related agencies. The bill is reported with amendments.

Mr. President, I ask unanimous consent that the report of the committee, which contains no dissenting views, be printed.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed.

ADDITIONAL ASSISTANCE FOR AREAS SUFFERING A MAJOR DISASTER—REPORT OF A COMMITTEE—SEPARATE VIEWS (S. REPT. NO. 91–280)

Mr. BAYH. Mr. President, from the Committee on Public Works, I report

favorably, with an amendment, the bill (S. 1685) to provide additional assistance for areas suffering a major disaster, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the separate views of the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina;

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma;

William L. Osteen, of North Carolina, to be U.S. attorney for the middle district of North Carolina;

Fred C. Sink, of North Carolina, to be U.S. marshal for the middle district of North Carolina;

John P. Milanowski, of Michigan, to be U.S. attorney for the western district of Michigan;

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina;

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

S. 2480. A bill for the relief of Anastassios Klepetsanis; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2481. A bill for the relief of Dr. Farid M. Fuleihan; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. JACKSON, Mr. MAGNUSON, Mr. YARBOROUGH, Mr. AIKEN, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FANNIN, Mr. GOODELL, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mr. YOUNG of North Dakota and Mr. YOUNG of Ohio):

S. 2482. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later under the appropriate heading.)

By Mr. MUSKIE (for himself and Mr. GOODELL):

S. 2483. A bill to establish a system of general support grants to State and local governments; to allow partial Federal income tax credit for State and local income tax payments; to authorize Federal collection of State income taxes; to enlarge the Federal estate tax credit for State death tax payments; and to permit States or local taxing authorities to tax property located in Federal areas; to the Committee on Government Operations.

(The remarks of Mr. MUSKIE when he introduced the bill appear later under the appropriate heading.)

By Mr. INOUYE:

S. 2484. A bill to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of Hawaiian papayas; to the Committee on Agriculture and Forestry.

By Mr. HARRIS:

S. 2485. A bill to amend title 5, United States Code, with respect to civil service retirement credit for employees injured in line of duty, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MCGEE:

S. 2486. A bill to authorize the Secretary of the Interior to provide grants to the State of Wyoming to assist in a program to seal abandoned coal mines and to fill voids in abandoned coal mines; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MCGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. YARBOROUGH, Mr. CRANSTON, Mr. EAGLETON, Mr. INOUYE, Mr. MONDALE, Mr. RANDOLPH, and and Mr. STEVENS):

S. 2487. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear under the appropriate heading.)

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 2488. A bill to amend section 4(h) of the Commodity Credit Corporation Charter Act so as to authorize the Commodity Credit Corporation to insure loans made to farmers for the construction on purchase of grain storage facilities for storage of grain on the farm; to the Committee on Agriculture and Forestry.

By Mr. HARRIS (for himself and Mr. BELLMON):

S.J. Res. 127. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971; to the Committee on Foreign Relations.

(The remarks of Mr. HARRIS when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. HARRIS:

S.J. Res. 128. Joint Resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning on the first Sunday in April of each year as "Volunteer Week"; to the Committee on the Judiciary.

S. 2483—INTRODUCTION OF THE INTERGOVERNMENTAL REVENUE ACT

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, the Intergovernmental Revenue Act, on behalf of myself and Senator GOODELL. I ask unanimous consent that the text, a section-by-section analysis of the bill and exhibits be printed in the RECORD following these remarks. The bill and the exhibits were prepared by the Advisory Commission on Intergovernmental Relations, of which I am privileged to be a member. I am introducing the bill at the request of the Advisory Commission for purposes of discussion and further study.

Senator GOODELL has long been a strong advocate of Federal revenue sharing with the State and local governments, and has sponsored major bills on this subject in 1967 (H.R. 4070) and in this session (S. 50). The first title of the proposed Intergovernmental Revenue Act would create a system of revenue sharing that is closely analogous to that proposed by him in his S. 50 bill introduced earlier this year.

The central objective of the Intergovernmental Revenue Act is to help redress the fiscal balance of our federal system. It would do this by:

First, supplementing the tax base of States and localities, through a system of Federal general support payments; and

Second, encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

It is designed to put new life into our federal system by strengthening the fiscal base of States and local governments.

Urgently needed steps must be taken toward redressing the growing fiscal imbalance among the levels of our Government. This imbalance poses a grave threat to the integrity of our federal system of shared power.

While the Federal income tax has given the Central Government of this Nation a strong fiscal base, capable of growing as the economy expands, the fiscal base of our State and local governments, however, has not had the same strength and growth potential. Consequently, many State and local governments face a financial squeeze today, and have become increasingly dependent on Federal grant-in-aid programs in order to meet rising demands for public services.

The fiscal crisis that has followed is a product of rising State and local expenditures, outdated State and local tax systems and increasingly, interarea competition for a limited amount of tax dollars.

The current revenue-producing abilities of State and local governments cannot keep pace with rising public expenditures. Many of our State and local governments still have outdated tax structures. Only a minority have a built-in capacity to provide for revenue growth as the economy grows. Those States and municipalities with modern tax structures have suffered from interstate and interarea competition, losing affluent taxpayers to neighboring lower tax areas.

In sum, this is the problem of fiscal imbalance. It has been carefully documented by the Advisory Commission on Intergovernmental Relations in its landmark 1967 report, "Fiscal Balance in the American Federal System." That report made a number of major recommendations for reform many of which have been developed in detail in this proposed legislation.

One proposed remedy for this crisis concerns revenue sharing. Under that proposal, the Federal Government would distribute a portion of its tax revenues to States and localities without speci-

fying a particular use of the funds. The States and local governments receiving these payments would be free to determine for themselves how to use the grants. The Federal Government does not now provide this type of general support payments to States and localities, and instead makes grants-in-aid for specifically defined purposes, often with extensive controls.

The objective of distributing, from Federal revenues, percentage of personal income to States and local governments without Federal controls would be to provide greater vigor to State and urban governments. It would supplement these governments' local tax base, thus enabling them to strengthen their administrative apparatus, supply better public services, and meet pressing social needs more effectively.

General support grants to State and local governments date back 130 years, when the Federal Government on a one-shot basis, distributed the surplus accumulated in the National Treasury to the States. Today, many States have their own systems of revenue sharing with local governments analogous to proposals made for its adoption at the Federal level.

As a concept, revenue sharing has been endorsed by the National Governors' Conference, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislative Leaders, and the National Association of Counties. In the 90th Congress alone, over 110 Members of Congress sponsored or cosponsored over 90 revenue-sharing payments to States and local governments for fiscal year 1970. Under the distribution formula of the bill, it is estimated that on a nationwide basis about 49 percent of these payments would be allocated to States, 22 percent to major cities, 12.5 percent to urban counties, and 16 percent to the support of local schools.

A unique feature of this bill is that it combines revenue sharing with tax credits to reinforce the fiscal independence of State and local governments. Revenue-sharing supplements the tax base of States and localities. Tax credits help strengthen the tax base of States and localities, by creating an effective incentive for improving their tax systems.

To assist States in adopting or strengthening their own income tax systems, the bill authorizes the Treasury to collect State personal income taxes under terms mutually agreeable to the Secretary of the Treasury and the appropriate State officials.

The proposed income tax credit would result in an estimated Federal revenue loss of $2.6 billion in the first year of its operation. The offsetting State revenue gain is difficult to estimate, as it depends on how many States adopt the income tax or upgrade their existing income tax, but in the long run the State gains should exceed the Federal loss because the States will be collecting $1 for each 40 cents of Federal credit.

By combining revenue sharing with tax credits, the bill will help achieve the complementary objectives of supplementing and modernizing State and local tax systems. It will assist in assuring that States and localities keep up their own tax efforts after they begin receiving general support payments from the Federal Government. It will constitute an important step toward eliminating the serious interstate and interarea taxing disparities that have placed the most progressive taxing jurisdictions at a competitive disadvantage.

Mr. President, I hope that the bill can be given early consideration in the Senate. The fiscal crisis confronting our State and local governments is deserving of prompt resolution and this alternative is one well worth exploring.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, section-by-section analysis, and exhibits will be printed in the RECORD.

The bill (S. 2483), to establish a system of general support grants to State and local governments; to allow partial Federal income tax credit for State and local income tax payments; to authorize Federal collection of State income taxes; to enlarge the Federal estate tax credit for State death tax payments; and to permit States or local taxing authorities to tax property located in Federal areas, introduced by Mr. MUSKIE (for himself and Mr. GOODELL), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Revenue Act".

DECLARATION OF POLICY

SEC. 2.(a) The Congress affirms that the governments of the United States and of the several States and their political subdivisions bear jointly and severally the duty and responsibility to safeguard the quality of American life; that the States and local communities have and must retain control over and primary responsibility for the provision of most domestic public services and facilities for the population of the Nation; and that to fulfill these commitments the States and their political subdivisions must have access to an equitable share of the Nation's fiscal resources which the Congress now commands and influences through the tax system of the Federal Government.

(b) Therefore, the Congress hereby declares it to be the policy of the United States to federalize the Federal income tax; to reduce impediments to the use of personal income taxes by the several States; to facilitate the exercise of adequate powers of taxation by the several States and their political subdivisions; and to provide general support payments to help States, cities, and counties to finance their own programs and set their own priorities to help solve their unique and most crucial problems.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

DEFINITIONS

SEC. 101. For purposes of this Act—

(1) "Secretary" means the Secretary of the Treasury;

(2) "State" means the several States and the District of Columbia;

(3) "trust fund" means the General Support Trust Fund established by this Act;

(4) "taxable income" means taxable income as defined in Section 63 of the Internal Revenue Code of 1954 as shown by returns made by individuals of the tax imposed by chapter 1 of such Code;

(5) "total personal income" means the aggregate personal income for residents of a State as reported in the official reports of the Department of Commerce;

(6) "local revenue ratio" of a city or county means the ratio, for the most recent annual period for which usable data are available, between—

(A) the total receipts from all taxes imposed by such city or county; and

(B) the total receipts from all taxes imposed by the State and all its political subdivisions;

(7) "population ratio" of a city or county having a population between 50,000 and 99,999 shall be the percentage by which the population of the city or county exceeds 50,000; and

(8) "local school tax ratio" means the ratio between—

(A) the total receipts from all taxes imposed by public school systems which are administratively and fiscally independent of any other government and are classified for Census Bureau reporting of governmental data as independent school district governments; and

(B) the total receipts from all taxes imposed by such independent school districts and the State government.

GENERAL SUPPORT TRUST FUND

SEC. 102. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the General Support Trust Fund. The trust fund shall consist of such amounts as may be appropriated to such fund as provided in this section.

(b) There is hereby appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1969, and for each fiscal year thereafter, an amount, as determined by the Secretary equal to the amount obtained by adding (A) 1 percent of aggregate taxable income reported on Federal individual income tax returns filed during the preceding fiscal year, and (B) 25 percent of State personal income tax collections for the preceding fiscal year and dividing the sum by two. In no event shall the amount so appropriated for any fiscal year be less than any amount appropriated for the preceding fiscal year.

(c) Beginning with the first quarter of the fiscal year beginning July 1, 1969, the Secretary shall, not less than once each quarter, transfer from the general fund of the Treasury to the trust fund the amounts appropriated by subsection (b). Such transfers may, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts referred to in subsection (b). Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred. Computations by the Secretary under this section shall be final and conclusive.

(d) In each of the first three years following the enactment of this Act, the Secretary shall deduct an amount not to exceed 1 percent of the amount appropriated to the trust fund for the purpose of enabling the Secretary to carry out his duties and responsibilities, including the provision of any requisite statistical or data gathering activities required under this Act. The Secretary is hereby authorized to spend the amount so deducted for such purposes as in his discretion will facilitate the equitable distribution of the General Support Trust Fund established by this Act.

BASIC PAYMENTS

SEC. 103. (a) Subject to the provisions and qualifications of this Act, the Secretary shall, during the fiscal year beginning July 1, 1969,

and during each fiscal year thereafter, pay to each State from amounts appropriated to the trust fund for the fiscal year in which payments are made, a total amount equal to the entitlement of the State under section 104. Such payments shall be made in installments periodically during any fiscal year but not less often than once each quarter. Proper adjustments shall be made in the amount of payment to each State to the extent that payments previously made were in excess of or less than the amounts required to be paid. Adjustments in payments by the Secretary under this section shall be final and conclusive.

STATE ENTITLEMENT

SEC. 104. (a) The Secretary shall determine the basic entitlement of each State to an amount of the trust fund during the fiscal year beginning July 1, 1969, and during each fiscal year thereafter as provided in this section.

(b) The total entitlement for each State for each fiscal year shall be the amount equal to the amount appropriated to the trust fund multiplied by the ratio of the product obtained by multiplying the total resident population of each State for the fiscal year by the tax effort factor of each State and then dividing such product by the sum of such products for all States.

(c) For purposes of subsection (b), a State's tax effort factor for any fiscal year is the result obtained by dividing (1) the annual total of taxes plus the net profits from the operation of State-owned liquor stores collected by the State and its political subdivisions by (2) the total personal income of individuals residing in the State for a closely related annual period.

(d) For purposes of subsection (b), a State's tax effort ratio factor for any fiscal year is the ratio of the State's tax effort factor as defined in subsection (c) for the latest fiscal year to the State's tax effort factor for the immediately preceding fiscal year.

QUALIFYING AGREEMENTS WITH THE SECRETARY

SEC. 105. (a) In order to be qualified to receive the payments provided for by this Act, the Governor of a State, with the approval of the legislature, shall enter into an agreement with the Secretary to undertake—

(1) to adhere to the same methods of public scrutiny and debate over the use of funds and the same budgetary process, laws, and responsibility with respect to the fiscal control and accountability for all payments received under this Act as it does with respect to State funds derived from its own taxing powers and to report annually to the Secretary at such time as he may prescribe, on the disposition of such payments. This report shall include a five-year projection of State government expenditures. The Secretary shall have no power either to approve or disapprove State expenditures of payments received under this Act;

(2) to impose no restrictions on the use of funds distributed to political subdivisions which are not applicable to the use of funds which its political subdivisions derive from their own taxing powers other than to prohibit a political subdivision from spending any portion of the funds distributed to it for purposes which are in conflict with any State plan enacted into law dealing with the utilization and development of the State's human and physical resources or particular aspects thereof;

(3) to confirm by annual reports filed with the Secretary following each of the first three years after the effective date of this Act, that the State distributed to each city and county government for which an allocable share is specified in this Act, a total amount not less than the sum of the annual amount allocable to that government under this Act plus all amounts it received from the State during the State fiscal year that ended in calendar 1969 or to demonstrate to the satisfaction of the Secretary that any failure to meet this requirement is entirely offset by the intervening transfer from the local government to the State of financial responsibility for direct support of particular services or facilities;

(4) to adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from any funds received by a State or its political subdivisions under this Act;

(5) to make reports to the Secretary, the Congress, and the Comptroller General in such form and containing such information as they may reasonably require to carry out their functions under this Act; and

(6) to make the distributions out of the payments of the State entitlement received by it to certain cities and counties as provided under subsection (b) and to school districts as provided under subsection (e).

(b) Each State shall distribute in each fiscal year out of payments of the State entitlement—

(1) to each city and county having within its boundaries a population of 100,000 or more an amount not less than the product obtained by multiplying (A) the general support entitlement for the State under section 104 by (B) twice the local revenue ratio of the city or county; and

(2) to each city and county having within its boundaries a population between 50,000 and 99,999 an amount not less than the product obtained by multiplying (A) the general support entitlement for the State area under section 104 by (B) a fraction representing the product of (i) twice the local revenue ratio of the city or county, and (ii) the population ratio of the city or county.

(c) To encourage States to take the initiative in strengthening the fiscal position of major cities and counties and to maximize flexibility in the use of the authorized general support payments for meeting the particular needs of differing State-local fiscal systems, the Secretary shall accept an alternative plan for the use of general support funds made available to major cities and counties under this section provided the plan is enacted by the State legislature and conforms to at least one of the following conditions:

(1) each major city and county receives a total amount under the State alternative plan equal to or greater than the general support payment it would otherwise have allocated to it under the provisions of this section.

(2) The city and county councils or governing bodies, representing at least half of the cities and counties entitled to receive at least 50 percent of general support payments otherwise required to be distributed, concur by formal resolution, that the State's alternative plan will result in the use of general support funds that accords better with the requirements of the State and its cities and counties than could be achieved by distributing the funds to cities and counties in accordance with the formula set forth in this Act.

(d) The proposed State alternative plan as authorized in subsection (c) shall be submitted to the Secretary with such supporting information as he may require annually not later than 90 days preceding the fiscal year to which the plan pertains. In the event of the acceptance of such an alternative plan, its provisions shall govern the use of funds otherwise allocated by this Act to cities and counties.

(e) Each State shall distribute to school districts in each fiscal year out of the State entitlement an amount not less than the product obtained by multiplying the local school tax ratio by the amount of the State entitlement remaining after the distribution to cities and counties under subsection (b).

(f) Determination under this section of this Act shall be made by the Secretary on the basis of the most recent acceptable data available from the Department of Commerce.

POWERS OF THE SECRETARY

SEC. 106. (a) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section. For the first three fiscal years following the enactment of this Act, the Secretary shall reimburse, with funds provided to him in section 102(d), Federal agencies for the cost of providing any data which in his discretion are necessary for the proper administration of this Act. For subsequent fiscal years there are authorized to be appropriated sums sufficient to enable Federal agencies to provide information required by the Secretary for the administration of this Act.

(b) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any undertaking required by section 105, the Secretary shall notify the Governor that further payments under this Act will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments to such State under this Act.

JUDICIAL REVIEW

SEC. 107. (a) Any State which receives notice under section 106 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is this consistent with preceding sentence and is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

REPORT BY SECRETARY

SEC. 108. The Secretary shall report to the Congress not later than the first day of March of each year on the operation of the trust fund during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the trust fund during the preceding fiscal year; an estimate of the expected appropriation to, and disbursements to be made from, the trust

fund during the current fiscal year; and any changes recommended by the Secretary concerning the operation of the trust fund.

CONGRESSIONAL STUDY

SEC. 109. (a) The Appropriations Committee and the Finance Committee of the Senate and the Appropriations Committee and the Ways and Means Committee of the House of Representatives shall conduct full and complete studies, at least once during each Congress, with respect to the operation of the trust fund and its relation to the financing of State and local governments and report findings to each House, respectively, together with recommendations for such House, respectively, together with recommendations for such legislation as they deem advisable.

(b) This section is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 40 as 41; and

(2) by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for the taxable year, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) State and local income taxes.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof or by the District of Columbia. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Change of election.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) Adjustments on payment of accrued taxes.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(c) CROSS REFERENCE—

"(1) for deductions of State and local income taxes, see sections 164 and 275.

"(2) for right of each partner to make election under this section, see section 703(b)."

(b) Section 275(a) of such code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 40 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

SEC. 202. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"SEC. 40. State and local income taxes.
"SEC. 41. Overpayments of tax."

(b) Section 37(a) of such code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest) and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46 (a) (3) of such code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof, a semicolon and the word "and"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

(d) Section 703 of such code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a) (2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraph (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164 (a) with respect to State and local income taxes;" and

(3) by amending subsection (b) to read as follows:

"(b) ELECTIONS OF THE PARTNERSHIP.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 40 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of United States), and any election under section 615 (relating to exploration expenditures) or under section 617 (relating to additional exploration in the case of domestic mining), shall be made by each partner separately."

EFFECTIVE DATE

SEC. 203. The amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

FEDERAL COLLECTION

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. Federal collection of State income taxes.

"(a) GENERAL.—Where the law of any State or possession of the United States imposes an income tax, on the request of the proper officials of such State or possession authorized to make such request pursuant to State law the Secretary or his delegate is authorized in his discretion to enter into an agreement with such State or possession, under which, to the extent provided therein, the Secretary or his delegate will administer and enforce such income tax in behalf of such State or possession.

"(b) COSTS.—As a part of any agreement entered into pursuant to subsection (a), the Secretary or his delegate shall require that such State or possession pay to the Treasury Department the cost of the work or services performed (including material supplied) in administration and enforcement of such tax."

(b) The table of sections for chapter 77 of such code is amended by adding after the item relating to section 7516 the following new item:

"SEC. 7517. Federal collection of State income taxes."

(c) Subsection (c) of section 7809 of such code (relating to deposit of collections) is amended—

(1) by striking out "and" in paragraph (2);

(2) by renumbering paragraph (3) as paragraph (4); and

(3) by inserting a new paragraph (3) immediately following paragraph (2) as follows:

"(3) Work or services performed (including material supplied) pursuant to section 7517 (relating to Federal collection of State income taxes); and"

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

ALTERNATE CREDIT

SEC. 401. Section 2011 of the Internal Revenue Code of 1954 (relating to credit for State death taxes) is amended by adding at the end thereof the following new subsection:

"(f) ALTERNATIVE CREDIT.—

"(1) ALLOWANCE OF CREDIT.—In lieu of the credit authorized by subsection (a) for estate, inheritance, legacy, or succession taxes, the tax imposed by section 2001 may be cred-

ited with the amount of any estate tax actually paid to any State in respect of any property included in the gross estate (not including any such tax paid with respect to the estate of a person other than the decedent) of a decedent dying after December 31, 1971.

"(2) MAXIMUM AMOUNT OF CREDIT.—The credit allowed by this subsection shall not exceed the appropriate amount stated in the following table:

"If the taxable estate is—	The maximum credit shall be—
Not over $5,000	2.4% of the taxable estate.
Over $5,000 but not over $10,000.	$120 plus 5.6% of the excess over $5,000.
Over $10,000 but not over $30,000.	$400 plus 10% of the excess over $10,000.
Over $30,000 but not over $50,000.	$2,400 plus 16% of the excess over $30,000.
Over $50,000 but not over $100,000.	$5,600 plus 22% of the excess over $50,000.
Over $100,000 but not over $150,000.	$16,600 plus 24% of the excess over $100,000.
Over $150,000 but not over $500,000.	$28,600 plus 6% of the excess over $150,000.
Over $500,000 but not over $1,000,000.	$49,600 plus 7% of the excess over $500,000.
Over $1,000,000 but not over $2,500,000.	$84,600 plus 9% of the excess over $1,000,000.
Over $2,500,000 but not over $5,500,000.	$219,600 plus 12% of the excess over $2,500,000.
Over $5,000,000 but not over $8,000,000.	$519,600 plus 14% of the excess over $5,000,000.
Over $8,000,000 but not over $12,000,000.	$939,600 plus 15% of the excess over $8,000,000.
Over $12,000,000	$1,539,600 plus 16% of the excess over $12,000,000.

"(3) REQUIREMENT OF STATE CERTIFICATION.—"The provisions of this subsection shall apply in the case of the estate of a decedent dying before January 1, 1972, only if his death occurs after the Governor of the State imposing the tax for which the credit is claimed certifies to the Secretary or his delegate—

"(A) that the estimated annual revenue level of the death taxes of such State has been increased by an amount which is not less than the amount which the Secretary or his delegate shall have certified to the Governor as the amount by which (i) the estimated aggregate credits determined under this subsection on the basis of Federal estate tax returns filed during the calendar year 1968 from his State exceed (ii) the aggregate credits claimed under subsection (a) on such returns, and

"(B) that under the applicable provisions of law such increase in death taxes is effective with respect to estates of decedents dying before January 1, 1972.

"(4) DEFINITION.—As used in this subsection with respect to the District of Columbia, the term 'Governor' means the Commissioner of the District of Columbia."

TECHNICAL AMENDMENTS

SEC. 402. (a) Section 2011 (b) of the Internal Revenue Code of 1954 (relating to amount of credit for State death taxes) is amended by striking out "the credit allowed by this section" and inserting in lieu thereof "the credit allowed by subsection (a)".

(b) Section 2011 (e) of such code (relating to limitation in cases involving deduction under section 2053(d)) is amended—

(1) by striking out "subsection (a)" each place it appears in paragraphs (1) and (2) (B) and inserting in lieu thereof "subsection (a) or (f)(1)";

(2) by striking out "subsection (b)" in paragraphs (2)(A) and (2)(B) and inserting in lieu thereof "subsection (b) or (f)(2)"; and

(3) by inserting "in any case where the credit is determined under subsection (a)" after "subparagraph (A) of that paragraph" in paragraph (3).

TITLE V—TO PERMIT STATE AND LOCAL TAXING AUTHORITIES TO TAX PROPERTY LOCATED IN FEDERAL AREAS

SEC. 501. Title 4, United States Code, is amended by inserting after section 105 the following new section:

"§ 105A. Same; property tax

"(a) Subject to the provisions of subsection (b), no person shall be relieved from liability for payment of any otherwise applicable property tax levied by any State, or by any duly constituted taxing authority therein having jurisdiction to levy such a tax, on the ground that all or part of the property taxed is located in a Federal area. Such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area were not a Federal area.

"(b)(1) Before a State or taxing authority may levy and collect a tax as provided in subsection (a), an agency designated for that purpose by the President must have certified that persons owning property subject to taxation under this section or living or working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights, privileges, and tax-supported services as if the area were not under exclusive Federal jurisdiction. In no case shall such certification be given unless those persons permanently residing within such areas are afforded the same rights to vote and to hold public office as those available to persons permanently residing in such State outside of such areas.

"(2) The designated agency shall have the authority to revoke certification upon its determination that the State no longer adheres to the requirements of paragraph (1) of this subsection.

"(c) For the purpose of this section, a property tax means any tax imposed directly on, or measured by the value of, real or personal property or any interest in real or personal property.

"(d) Nothing in this section shall affect—

"(1) any of the rights, privileges, and protections afforded by section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574); or

"(2) the provisions of section 408 of the Housing Amendments of 1955 with respect to the taxation of an interest of a lessee from the Federal Government in or with respect to any property covered by a mortgage insured under the provisions of title VIII of the National Housing Act in effect prior to August 11, 1965.

"(e) The provisions of this section shall apply only to taxes levied on or after January 1, 1971."

SEC. 502. The analysis of chapter 4 of such title, immediately preceding section 101, is amended by inserting between items 105 and 106 the following new item:

"105A. Same; property tax."

SEC. 503. (a) Section 107(a) of title 4, United States Code, is amended by inserting immediately after "105" a comma and "105A,".

(b) Section 108 of such title is amended by striking out "sections 105–110" and inserting in lieu thereof "sections 105, 105A, 106, 107, 108, 109, and 110."

(c) Section 109 of such title is amended by inserting immediately after "sections 105" a comma and "105A,".

SEC. 504. Section 1343 of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (4) the following new paragraph:

"(5) To secure equitable or other relief to prevent the collection of taxes contrary to the provisions of section 105A of title 4 or other provisions of law."

The material presented by Mr. MUSKIE follows:

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL REVENUE ACT

Section 1 provides that this legislation may be cited as the "Intergovernmental Revenue Act."

Declaration of policy

Section 2 affirms the "federal" character of the governmental system of the United States and contains the declaration of Congressional policy to federalize the Federal personal income tax, reduce Federal tax impediments to more intensive use of State personal income taxes, facilitate the exercise of adequate powers of taxation by States and localities and establish a system of general support (revenue-sharing) payments to the States and major units of local government.

Confronted with the diversity of objectives in fashioning a program to aid State and local governments, this legislation proposes that a variety of techniques including revenue sharing and income and death tax credits be combined into a remedial measure that will:

Redress the unequal distribution of taxable resources and thereby help create a fiscal environment that will enable States and localities to exercise wider latitude in determining their budgetary priorities.

Strengthen the financial base of State and local governments with revenue sources that grow as the national economy expands.

Reward States and major local units that go the extra mile on tax effort to respond to their own expenditure requirements.

Arm States with the revenue source that enables them to enlarge their fiscal flexibility, diversify their tax systems, and adjust the distribution of tax burdens for family size as well as other equity considerations.

Reduce State vulnerability to and political leaders concern with tax competition from other States based solely on their making intensive use of the personal income tax.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

Section 101 defines several terms used in this title of the Act.

General Support Trust Fund

Section 102 establishes the General Support Trust Fund in the Treasury of the United States and provides for annual appropriations to the trust fund. The section directs the Secretary of the Treasury to determine the annual appropriation to the trust fund as an amount equal to either (a) the result obtained by adding (i) 1 percent of Federal individual taxable income and (ii) 25 percent of State personal income tax collections and dividing the sum by 2 or (b) the amount appropriated to the trust fund for the preceding year, whichever is greater. The last sentence of subsection (b) protects States and localities from a cutback resulting from a recession. The section also requires the Secretary to transfer from the general fund to the trust fund quarterly on the basis of estimates and subsequently adjust the trust fund transfers to reflect the precise formula determination.

In fiscal 1970 the appropriations to the

trust fund under this act would approximate $2.8 billion determined as follows:

[In billions of dollars]

(A) 1% of Federal Individual Taxable Income	3.8
(B) 25% of State Personal Income Tax Collections	1.8
Sum of (A) and (B)	5.6
Result of dividing sum by 2	2.8

Initially, growth in the State income tax collections factor will outrun growth in the Federal individual taxable income factor because of State tax rate increases and new State income tax enactments. Thus, in the near term, the general support fund will rise faster than the growth of the Federal individual income tax base. The trust fund appropriation will continue to grow at a fairly rapid pace even after all the States have entered the personal income tax fold because of the responsiveness of this tax to growth in the national economy.

This section further provides a percentage set aside, for the first three years following enactment, to be used by the Secretary of the Treasury to fulfill his administrative and data gathering responsibilities under this title.

Basic payments

Section 103 requires the Secretary of the Treasury to make quarterly payments from the trust fund to the qualifying States and adjust subsequent payments to reflect any previous over or under payments.

State area entitlement

Section 104 directs the Secretary of the Treasury to determine by formula, the amount of the entitlement to the trust fund for each State. The formula specified in this section allocates to each State area an amount that depends on the population and relative tax effort in each State. It recognizes that responsibilities are divided in different ways as between State and local governments in each State. Each State thus shares in the fund in proportion to its population and State-local tax effort—the respective indicators of a State's revenue needs and the response made to these needs.

The Secretary would obtain for each State its:

(A) resident population;

(B) tax effort, i.e., the result of dividing the annual total of State and local taxes plus profits of State-owned liquor stores by the total personal income of individuals in the State; and

(C) tax effort ratio, i.e., the result of dividing the current tax effort (B) by the tax effort for the previous period.

After multiplying each of the factors (A, B, and C) for each State, the products are added to determine the sum for the 50 States and the District of Columbia. This total becomes the denominator for calculating a ratio between each State's population-tax effort product and the total population-tax effort product for all States. The amount of the trust fund multiplied by this ratio for any State yields the amount of that State's entitlement.

The use of two tax effort factors in the formula provides a bonus to States which maintain and increase their tax effort. The factors also protect the National Government against attempts by States to replace State-local tax effort with funds from revenue sharing.

Qualifying agreements with the Secretary

Section 105(a) requires the Governor of a State with the approval of the State legislature to enter an agreement with the Secretary in order to qualify to receive revenue sharing payments. States would pledge to adhere to these conditions:

(1) Financial control and accountability over payments to the State of the same type the State gives to State funds;

(2) Preparation and submission to the Secretary of a five-year projection of State government expenditures along with a report on the disposition of revenue sharing payments in order to subject the spending of the funds to the usual budgetary processes. The Secretary has no power either to approve or disapprove the plan or the expenditures.

(3) Maintenance of the unrestricted character of the funds distributed to cities and counties, except that a State could prohibit cities and counties from spending the money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources.

(4) Confirmation by report to the Secretary that in each of the first three years after the effective date of the act that the State did not reduce its grants out of its own funds to eligible cities and counties because of the Federal aid assured to these governments under this act. It is thus the intent of the act that the States not reduce their grants out of their own funds to eligible cities and counties.

(5) Adherence to all Federal laws in connection with any activity or program supported by funds provided in this Act so that these funds do not perpetuate practices that conflict with national policy.

(6) Submission of reports as necessary to the Secretary, the Congress, and the Comptroller General to help them carry out their responsibilities under this act;

(7) Distribution of the funds within the State required under other provisions of Section 105, described below.

Distribution of State entitlement

Section 105 (b) requires each State to pay over to cities and counties of 50,000 population a portion of the State entitlement in accordance with a formula that varies the payment to each city and county on the basis of its local revenue ratio, i.e., the ratio between its tax receipts and the total tax receipts of the State and its localities plus State liquor store profits. The amount of local tax receipts is assumed to implicitly reflect variations in local tax effort.

Specifically, the pass-through requirement in this act provides that (a) cities and counties of 100,000-plus population receive an amount equal to the product of multiplying the State entitlement by two times the local revenue ratio, and (b) cities and counties of 50,000-plus population receive an amount equal to the product of multiplying the State entitlement by two times the local revenue ratio multiplied further by the percentage by which the city or county population exceeds 50,000. This population modification for the cities and counties in the 50,000 to 100,000 size class avoids the possibility of drastically different treatment for cities and counties just below and just above the minimum population of 50,000.

The 50,000 population cutoff figure is designed to reconcile the competing demands of "federalism" and "urbanism." By drawing the line at 50,000, Congress still leaves each State with considerable discretion in the allocation of revenue sharing payments to its units of local government, a policy that accords with the tenets of federalism.

By specifying payments to the 872 counties and cities above the 50,000 mark which account for approximately 75 percent of the nation's population, Congress includes virtually all of the local jurisdictions experiencing the most severe fiscal tensions. The use of the multiplier of two times the local revenue ratio is designed to reflect the national urgency of the urban fiscal crisis.

It is estimated that on a nationwide basis, this formula allocates 22 percent of the trust fund to cities and 13 percent to counties.

To encourage States to take the initiative in strengthening the fiscal position of cities and counties and to maximize flexibility in the use of general support payments for meeting the particular needs of differing State-local fiscal systems, this section requires the Secretary to accept an alternative State plan that meets either of two conditions:

(1) Each city and county will receive more under the State alternative plan than it is entitled to under the statutory formula; or

(2) An alternative State plan is accepted by formal resolution of the city and county legislative bodies representing, at one and the same time, half of those entitled to receive payments under the statutory formula, and those entitled to receive at least 50% of the amount designated by the statutory formula for cities and counties.

Under the second of these conditions, a State with the concurrence of cities and counties, may carry out a plan that would shift financial responsibility for a major function such as support for public schools or public assistance from the local governments to the State.

In recognition of the contribution that locally imposed school taxes make to aggregate State and local tax effort, Section 105(e) further designates part of the State entitlement for support of local schools. The amount spent for this purpose is determined by multiplying the payment to the State (after subtracting the amount allocated to cities and counties) by the ratio of separate school taxes to State and separate school taxes. It is estimated that on a nationwide basis this requirement allocates 16 percent of the trust fund to school support.

Powers of the Secretary

Section 106 directs the Secretary to obtain the requisite statistical data, reports and other materials he needs to discharge his responsibilities under this title. This section also gives the Secretary authority to reimburse Federal agencies for the cost of providing any data necessary to the administration of this act from the funds allocated for the Secretary by a percentage set aside in the first three years following the enactment of the act. It further authorizes appropriations after the first three years to support the continuing information requirements of the Secretary under this act.

This section also empowers the Secretary, after giving notice and conducting a hearing, to stop payments to a State that fails to comply with the agreements required under the act until such time as corrective action is taken.

Judicial review

Section 107 permits a State to file a petition for review of the Secretary's action in the appropriate United States Court of Appeals. The scope of the judicial review authority is spelled out and includes final appeal to the Supreme Court.

Report by the Secretary

Section 108 requires the Secretary to report to the Congress on the operation of the trust fund for the preceding and current fiscal years. He must file a statement of the actual and estimated appropriations and disbursements from the trust fund and may recommend changes in its operation.

Congressional study

Section 109 charges the respective Appropriations and Legislative committees of both the House and the Senate to conduct a full and complete study with respect to the operation of the trust fund at least once during each session of Congress. This section explicitly provides that the Congress retains the same rule-making authority with respect to these rules as it does with other rules.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

Section 201 amends the Internal Revenue Code by renumbering Section 40 as 41 and

inserting a new Section 40 that permits individuals to elect, in lieu of deductions, to take full credit against their Federal income tax liability an amount equal to 40 percent of their State and local income tax payments. The section defines State and local income taxes so as to include only those that apply to net income (after personal exemptions and dependent allowances). It pins down the period in which the taxpayer changes his election of the Section 40 credit or deductions. It spells out the methods to be used in accounting for adjustments on payments of accrued taxes claimed as Section 40 credits. It also incorporates cross references and the necessary technical and conforming amendments to other sections of the Internal Revenue Code.

The effect of the partial Federal tax credit on State use of the income tax cannot be predicted with certainty. Nonetheless, the thrust of the credit will be to encourage greater State use of this revenue source. Assuming the credit stimulates State income tax effort to a moderate degree, the Federal revenue forgone during the second year of the operation of the credit may be more than offset by the increasing State income tax receipts. Once State income tax receipts pass this threshold, State gains should overshadow Federal revenue loss because the States will be collecting one dollar for each forty cents of Federal credit.

Section 202 contains technical amendments.

Section 203 makes the amendments to the Internal Revenue Code contained in this title effective with taxable years beginning after the date of the enactment of this act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

Section 301 adds a new section to Chapter 77 of the Internal Revenue Code to allow the proper officials of any State and the Secretary of the Treasury to enter into an agreement for Federal administration and enforcement of that State's income tax. It requires that the State pay to the Treasury Department the cost of any work or services performed as a result of the agreement.

If the States, on their part, evidence a willingness to enter into the agreements authorized under this section, the day may come when taxpayers of a State can discharge both Federal and State tax liabilities with a single set of tax officials. States have tended increasingly to conform their income tax laws to the Federal Internal Revenue Code. The prospects of working out a mutually accepted agreement have thereby been enhanced. Currently, several States are considering the enactment of a personal income tax for the first time. If the Secretary of the Treasury had this authority, one or more of these States might immediately take steps to enter into an agreement in order to avoid the cost of establishing its own income tax administrative machinery.

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

Section 401 amends the Internal Revenue Code by adding a new subsection at the end of section 2011 to restructure and liberalize the Federal credit for State death tax payments in return for State enactment of: (a) an estate tax in States now using an inheritance tax in order to ease taxpayer compliance and tax administration burdens; and (b) revised estate tax rates to pick up the increases in the Federal credits so that their effect is to raise State revenue rather than to reduce State taxes.

Taxpayer compliance and tax administration are frequently difficult under the present system of Federal estate and gift taxes and State estate, inheritance, and gift taxes. Jurisdictional conflicts frequently arise. State revenue from death taxes fluctuates from year to year. This section replaces the present Federal estate tax credit for State death tax payments with a two-bracket credit. This two-step credit gives the States a larger part of the revenue produced by the lower tax brackets—taxable estates up to $50,000—and reserves for the Federal government the portion of the revenue produced by the larger estates. This section would make the liberalized credit applicable to decedents dying after December 31, 1972 to give States time to make appropriate adjustments in their tax laws to obtain the revenues involved. The budgetary impact of this section would build up gradually after the first few years.

Section 402 contains technical amendments.

TITLE V—PROPERTY TAXES IN FEDERAL ENCLAVES

Section 501 adds a new section 105A to Title 4 of the United States Code. This new section permits the imposition and collection of property taxes on privately owned real and personal property within Federal areas, such congressional consent to take effect (or terminate) State-by-State upon certification (made or withdrawn) by an agency designated by the President that persons living and working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights and privileges and tax supported services as those available to other residents of the State.

Under the provisions of Title V the National Government would permit States and their localities to tax the personal property of private individuals located in areas under exclusive Federal jurisdiction. This privilege would be accorded only if the State could demonstrate to the satisfaction of the Department of Justice that all persons residing in such Federal enclaves enjoy the same rights and privileges accorded to residents of the State. Adoption of this provision would not result in a direct revenue loss to the National Government—it would, however, result in some personal property tax gain to those local governments that have Federal enclaves located within their jurisdictions.

In view of recent economic trends, the rise in local tax rates and an estimate that States and localities in 1961 would have gained about $10 million a year, it seems reasonable to estimate the current revenue gain would be on the order of $20 million annually.

Sections 502 and 503 contain technical amendments, and Section 504 establishes a legal remedy to prevent collection of unauthorized taxes.

INTERGOVERNMENTAL REVENUE ACT OF 1969

EXHIBIT A.—ESTIMATED FEDERAL TRUST FUND APPROPRIATION FOR FISCAL YEARS 1970, 1971, AND 1972 UNDER THE PROPOSED FORMULA FOR GIVING EQUAL WEIGHT TO 2 FACTORS—1 PERCENT OF FEDERAL TAXABLE INCOME AND 25 PERCENT OF STATE PERSONAL INCOME TAX COLLECTIONS

[Amounts in billions]

	1 percent of Federal taxable income (estimate)	25 percent of State income tax collections [1]	Trust fund, cols. 1+2+2
Fiscal year:			
1970	$3.8	$1.8	$2.8
1971	4.1	2.6	3.35
1972	4.4	3.5	3.9

[1] Assumes adoption of Federal tax credit proposal in 1969 and that its acceleration effect on State personal income tax collections is moderately strong as shown in exhibit E for 1970 and 1971 and that collections for 1969 are $7,200,000.

Source: ACIR staff estimates.

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands)	Percent of United States	Amount (thousands)	Percent of United States	Per capita	Per $100 S–L taxes	As applied	Current effort only	Amount	Percent of U.S. average
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	197,863	100.000	$3,000,000	100.000	$15.16	$4.88			$3,159	100
Alabama	3,540	1.789	47,490	1.583	13.42	6.93	−12	−10	2,163	68
Alaska	272	.137	3,750	.125	13.79	4.48	−9	−11	3,738	118
Arizona	1,634	.826	30,150	1.005	18.45	5.80	+22	+21	2,720	86
Arkansas	1,968	.995	27,720	.924	14.09	7.08	−7	−6	2,099	66
California	19,153	9.680	333,000	11.100	17.39	4.19	+15	+16	3,665	116
Colorado	1,975	.998	33,090	1.103	16.75	4.83	+11	+14	3,135	99
Connecticut	2,925	1.478	37,710	1.257	12.89	3.88	−15	−13	3,969	126
Delaware	523	.264	7,560	.252	14.46	4.27	−5	−7	3,642	115
District of Columbia	809	.409	10,410	.347	12.87	3.78	−15	−18	4,123	131
Florida	5,995	3.030	93,660	3.122	15.62	5.69	+3	+1	2,853	90
Georgia	4,509	2.279	62,100	2.070	13.77	6.13	−9	−9	2,541	80
Hawaii	739	.373	15,090	.503	20.42	5.02	+35	+28	3,331	105
Idaho	699	.353	12,570	.419	17.98	6.00	+19	+17	2,575	82
Illinois	10,893	5.505	126,600	4.220	11.62	3.90	−23	−19	3,750	119
Indiana	5,000	2.527	73,920	2.464	14.78	4.80	−2	−4	3,196	101
Iowa	2,753	1.391	41,220	1.374	14.97	4.49	−1	+5	3,109	98
Kansas	2,275	1.150	34,800	1.160	15.30	4.86	+1	+4	3,060	97
Kentucky	3,189	1.612	44,280	1.476	13.89	6.52	−8	−10	2,426	77
Louisiana	3,662	1.851	59,670	1.989	16.29	6.25	+7	+10	2,456	78
Maine	973	.492	14,910	.497	15.32	5.60	+1	+4	2,657	84
Maryland	3,682	1.861	58,320	1.944	15.84	4.87	+4	−2	3,421	108
Massachusetts	5,421	2.740	91,230	3.041	16.83	4.56	+11	+7	3,541	112

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE—Continued

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands)	Percent of United States	Amount (thousands)	Percent of United States	Per capita	Per $100 S–L taxes	As applied	Current effort only	Amount	Percent of U.S. average
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Michigan	8,584	4.338	$122,430	4.081	$14.26	$4.35	−6	−3	$3,396	108
Minnesota	3,582	1.810	63,300	2.110	17.67	4.95	+17	+17	3,116	99
Mississippi	2,348	1.187	36,930	1.231	15.73	7.92	+4	+6	1,896	60
Missouri	4,603	2.326	62,880	2.096	13.66	5.25	−10	−12	2,993	95
Montana	701	.354	11,340	.378	16.18	5.29	+7	+10	2,765	88
Nebraska	1,435	.725	19,290	.643	13.44	4.95	−11	−11	3,081	98
Nevada	444	.224	7,470	.249	16.82	4.43	+11	+7	3,583	113
New Hampshire	686	.347	9,690	.323	14.13	5.15	−7	−6	3,053	97
New Jersey	7,003	3.539	96,960	3.232	13.85	4.40	−9	−12	3,668	116
New Mexico	1,003	.507	16,230	.541	16.18	5.86	+7	+10	2,477	78
New York	18,336	9.267	367,380	12.246	20.04	4.38	+32	+25	3,759	119
North Carolina	5,029	2.542	70,200	2.340	13.96	6.24	−8	−6	2,439	77
North Dakota	639	.323	10,110	.337	15.82	5.93	+4	+5	2,487	79
Ohio	10,458	5.285	121,470	4.049	11.62	4.57	−23	−20	3,213	102
Oklahoma	2,495	1.261	38,460	1.282	15.41	5.97	+2	0	2,643	84
Oregon	1,999	1.010	33,060	1.102	16.54	5.07	+9	+8	3,063	97
Pennsylvania	11,629	5.877	161,790	5.393	13.91	4.89	−8	−9	3,187	101
Rhode Island	900	.455	12,060	.402	13.40	4.54	−12	−7	3,328	112
South Carolina	2,599	1.314	35,370	1.179	13.61	6.91	−10	−9	2,213	70
South Dakota	674	.341	11,010	.367	16.34	5.68	+8	+12	2,590	82
Tennessee	3,892	1.967	53,550	1.785	13.76	6.50	−9	−9	2,394	76
Texas	10,869	5.493	137,490	4.583	12.65	5.53	−17	−14	2,744	87
Utah	1,024	.518	17,340	.578	16.93	5.76	+12	+14	2,604	82
Vermont	417	.211	6,840	.228	16.40	5.28	+8	+15	2,825	89
Virginia	4,536	2.292	65,160	2.172	14.37	5.91	−5	−10	2,804	89
Washington	3,087	1.560	49,980	1.666	16.19	4.45	+7	+9	3,521	112
West Virginia	1,798	.909	27,360	.912	15.22	6.65	0	−1	2,334	74
Wisconsin	4,189	2.117	69,180	2.306	16.51	4.66	+9	+14	3,156	100
Wyoming	315	.159	6,450	.215	20.48	5.59	+35	+26	3,002	95

EXHIBIT C.—SHARED REVENUE ALLOCATIONS BY TYPE OF GOVERNMENT (WITH $3,000,000,000 TOTAL)

State	Amounts (thousands)					Percent				Exhibit: State taxes as percent of S–L taxes
	Total	State governments	Major cities	Major counties	School districts	State governments	Major cities	Major counties	School districts	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	$3,000,000	$1,476,443	$666,292	$374,532	$482,765	49.22	22.12	12.48	16.09	52.4
Alabama	47,490	33,248	5,917	5,324	3,001	70.01	12.46	11.21	6.32	71.3
Alaska	3,750	2,977	----------	772	1	79.39	----------	20.60	.02	68.5
Arizona	30,150	15,273	4,661	3,935	6,281	50.66	15.46	13.05	20.83	57.3
Arkansas	27,720	21,138	704	529	5,348	76.26	2.54	1.91	19.29	72.5
California	333,000	121,689	54,679	90,443	66,190	36.54	16.42	27.16	19.88	43.8
Colorado	33,090	15,553	5,526	3,805	8,206	47.00	16.70	11.50	24.80	49.0
Connecticut	37,710	26,660	11,034	----------	16	70.70	29.26	----------	.04	48.1
Delaware	7,560	5,446	921	637	557	72.04	12.18	8.42	7.37	78.8
District of Columbia	10,410	----------	10,410	----------	----------	----------	100.00	----------	----------	----------
Florida	93,660	49,201	11,014	16,559	16,885	52.53	11.76	17.68	18.03	53.2
Georgia	62,100	40,031	5,850	7,862	8,357	64.46	9.42	12.66	13.46	65.8
Hawaii	15,090	8,153	6,815	122	----------	54.03	45.16	.81	----------	73.2
Idaho	12,570	9,576	----------	334	2,660	76.18	----------	2.66	21.16	63.4
Illinois	126,600	54,794	26,662	10,229	34,915	43.28	21.06	8.08	27.58	44.6
Indiana	73,920	38,010	7,362	8,870	19,677	51.42	9.96	12.00	26.62	50.0
Iowa	41,220	22,151	2,786	2,993	13,290	53.74	6.76	7.26	32.24	50.9
Kansas	34,800	20,078	2,436	3,619	8,667	57.70	7.00	10.40	24.91	49.6
Kentucky	44,280	30,581	4,145	2,506	7,048	69.06	9.36	5.66	15.92	68.5
Louisiana	59,670	40,408	8,807	4,219	6,236	67.72	14.76	7.07	10.45	72.3
Maine	14,910	13,849	656	227	178	92.88	4.40	1.52	1.19	53.1
Maryland	58,320	16,983	17,344	23,993	----------	29.12	29.74	41.14	----------	53.6
Massachusetts	91,230	55,176	32,952	3,102	----------	60.48	36.12	3.40	----------	47.7
Michigan	122,430	64,050	20,176	12,182	26,022	52.32	16.48	9.95	21.25	56.0
Minnesota	63,300	34,145	6,634	7,818	14,704	53.94	10.48	12.35	23.23	51.6
Mississippi	36,930	27,827	1,928	1,488	5,687	75.35	5.22	4.03	15.40	67.0
Missouri	62,880	29,740	14,198	4,188	14,754	47.30	22.58	6.66	23.46	51.3
Montana	11,340	7,619	43	663	3,015	67.19	.38	5.85	26.59	45.2
Nebraska	19,290	7,630	2,677	1,431	7,551	39.55	13.88	7.42	39.14	34.9
Nevada	7,470	4,029	196	1,829	1,417	53.94	2.62	24.48	18.97	51.5
New Hampshire	9,690	4,821	1,041	303	3,525	49.75	10.75	3.13	36.38	41.5
New Jersey	96,960	36,890	19,159	19,770	21,141	38.05	19.76	20.39	21.80	37.7
New Mexico	16,230	12,419	1,860	524	1,526	76.52	11.46	2.62	9.40	74.5
New York	367,380	81,040	232,405	37,326	16,610	22.06	63.26	10.16	4.52	48.3
North Carolina	70,200	52,861	5,012	12,327	----------	75.30	7.14	17.56	----------	74.6
North Dakota	10,110	7,005	----------	133	2,972	69.29	----------	1.32	29.40	50.8
Ohio	121,470	50,310	20,626	12,487	38,047	41.42	16.98	10.28	31.32	45.6
Oklahoma	38,460	25,462	3,600	1,546	7,852	66.20	9.36	4.02	20.42	62.2
Oregon	33,060	16,724	3,055	3,104	10,177	50.59	9.24	9.39	30.78	53.3
Pennsylvania	161,790	81,190	33,685	13,073	33,843	50.18	20.82	8.08	20.92	55.1
Rhode Island	12,060	8,040	3,999	----------	21	66.67	33.16	----------	.17	53.7
South Carolina	35,370	28,813	828	1,556	4,173	81.46	2.34	4.40	11.80	77.2
South Dakota	11,010	6,348	130	269	4,263	57.66	1.18	2.44	38.72	43.1
Tennessee	53,550	28,334	14,405	10,780	31	52.91	26.90	20.13	.06	62.4
Texas	137,490	70,985	26,123	11,934	28,448	51.63	19.00	8.68	20.69	53.6
Utah	17,340	9,687	1,516	2,330	3,807	55.87	8.74	13.44	21.96	60.4
Vermont	6,840	4,920	----------	25	1,895	71.93	----------	.36	27.70	61.5
Virginia	65,160	34,470	18,128	12,563	----------	52.90	27.82	19.28	----------	59.2
Washington	49,980	33,856	4,528	4,813	6,783	67.74	9.06	9.63	13.57	71.3
West Virginia	27,360	20,268	804	1,042	5,245	74.08	2.94	3.81	19.17	70.8
Wisconsin	69,180	41,891	8,885	9,007	9,427	60.55	12.80	13.02	13.63	62.0
Wyoming	6,450	4,094	----------	40	2,316	63.47	----------	.62	35.91	48.3

EXHIBIT D.—NUMBER AND POPULATION OF AIDED MAJOR CITY AND COUNTY GOVERNMENTS

State	Net total population, aided cities and counties, 1960		Aided cities				Aided counties			
			Number		Population		Number		Population	
	Number (thousands)	Percent of State total	Total	With 1960 population of 100,000 or more	Number (thousands)	Percent of all city population	Total	With 1960 population of 100,000 or more	Number (thousands)	Percent of all county population
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	133,303	74.3	314	130	64,045	54.6	558	276	114,738	72.5
Alabama	1,887	57.8	6	3	872	46.5	13	5	1,887	57.8
Alaska	83	36.7					1		83	50.0
Arizona	1,047	80.4	2	2	652	68.1	4	2	1,047	80.4
Arkansas	517	28.9	3	1	219	23.2	5	1	517	28.9
California	15,275	97.2	41	14	7,548	65.8	32	22	14,535	97.0
Colorado	1,368	78.0	3	1	655	53.5	9	5	874	69.4
Connecticut	873	34.4	8	4	873	67.6				
Delaware	446	100.0	1		96	54.1	3	1	446	100.0
District of Columbia	764	100.0	1	1	764	100.0				
Florida	4,235	85.5	10	4	1,364	47.8	21	11	4,235	85.5
Georgia	1,696	43.0	6	3	950	44.9	9	7	1,696	43.0
Hawaii	561	88.6	1	1	500	100.0	1		61	46.2
Idaho	151	22.6					2		151	22.6
Illinois	8,379	83.1	15	3	4,584	55.1	23	14	8,379	83.1
Indiana	2,937	63.0	9	6	1,401	47.0	18	9	2,937	63.0
Iowa	1,024	37.1	7	1	663	34.8	9	5	1,024	37.1
Kansas	928	42.6	3	3	496	32.1	6	4	928	42.6
Kentucky	1,375	45.3	3	1	514	37.4	11	3	1,375	45.3
Louisiana	2,100	64.5	5	3	1,138	57.1	12	5	1,242	51.8
Maine	690	71.2	1		73	20.2	6	3	690	71.2
Maryland	2,713	87.5	1	1	939	67.2	9	4	1,774	82.1
Massachusetts	5,143	99.9	19	5	2,323	82.2	11	9	4,348	99.9
Michigan	6,525	83.4	19	5	3,232	59.9	22	16	6,525	83.4
Minnesota	1,859	54.5	4	3	954	37.6	8	3	1,859	54.5
Mississippi	674	30.9	1	1	144	15.1	8	2	674	30.9
Missouri	2,634	61.0	6	2	1,515	50.0	9	3	1,884	52.8
Montana	152	22.5	2		108	27.1	2		152	22.5
Nebraska	499	35.4	2	2	430	44.4	2	2	499	35.4
Nevada	212	74.4	2		116	58.5	2	1	212	74.4
New Hampshire	405	66.7	1		88	28.7	4	1	405	66.7
New Jersey	5,969	98.4	14	6	1,675	39.4	19	16	5,969	98.4
New Mexico	537	56.5	1	1	201	32.8	6	1	537	56.5
New York	16,016	95.4	15	8	9,853	79.0	35	18	8,234	91.5
North Carolina	2,901	63.7	7	3	727	37.9	30	8	2,901	63.7
North Dakota	67	10.6					1		67	10.6
Ohio	8,323	85.8	18	8	3,664	52.5	40	16	8,323	85.8
Oklahoma	1,042	44.8	3	2	648	38.6	6	2	1,042	44.8
Oregon	1,268	71.7	2	1	424	43.8	9	4	1,268	71.7
Pennsylvania	10,630	93.9	14	5	3,584	50.5	41	27	8,627	92.6
Rhode Island	424	49.4	4	1	424	73.1				
South Carolina	1,451	60.9	3		230	25.8	13	4	1,451	60.9
South Dakota	145	21.3	1		66	16.4	2		145	21.7
Tennessee	1,981	55.5	4	4	1,139	58.6	10	4	1,581	49.9
Texas	6,340	66.2	21	11	4,375	58.3	27	16	6,340	66.2
Utah	666	74.7	2	1	260	39.7	4	3	666	74.7
Vermont	74	19.0					1		74	19.0
Virginia	2,041	51.4	10	4	1,244	65.4	7	3	797	33.6
Washington	2,381	83.5	3	3	887	51.2	13	5	2,381	83.5
West Virginia	1,046	56.2	3		223	26.9	12	2	1,406	56.2
Wisconsin	2,789	70.6	7	2	1,213	43.3	19	9	2,789	70.6
Wyoming	60	18.2					1		60	18.2

EXHIBIT E.—ESTIMATED STATE INCOME TAX COLLECTIONS AND FEDERAL REVENUE FORGONE FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

[Amounts in billions]

Hypothetical conditions	1st year, 1970		2d year, 1971		3d year, 1972	
	State income tax collections	Federal revenue forgone	State income tax collections	Federal revenue forgone	State income tax collections	Federal revenue forgone
I. No change in present law that permits deduction of State tax payments when computing Federal tax	$8.5	[1] $1.9	$10.0	[1] $2.2	$12.0	[1] $2.6
II. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is relatively weak [2]	9.4	[1] 3.9	12.0	[1] 5.0	15.6	[1] 6.6
III. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is moderately strong [3]	10.6	[1] 4.5	14.0	[1] 5.9	19.2	[1] 8.1
IV. Congress adopts ACIR-type tax credit proposal and its acceleration effect on State income tax collections is strong [4]	11.9	[1] 5.0	16.5	[1] 6.9	22.8	[1] 9.6

[1] Assumes an average State income tax write-off against Federal tax of 22 percent under present law and 42 percent under ACIR-type credit.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 20 percent 2d year, and 30 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the break-even point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collection attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 40 percent 1st year, 65 percent 2d year, 90 percent 3d year, and no further acceleration in collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

EXHIBIT F.—ESTIMATES OF FEDERAL REVENUE FORGONE AND STATE-LOCAL REVENUE GAIN IN THE FIRST 3 YEARS AFTER THE ENACTMENT OF THE PROPOSED INTERGOVERNMENTAL REVENUE ACT OF 1969

[Amounts in billions]

Titles	1970	1971	1972
FEDERAL REVENUE FORGONE			
Title I (revenue sharing)	$2.8	$3.4	$3.9
Title II (State income tax credits)	2.6	3.7	5.5
Title III [1]	0	0	0
Title IV (State death tax credits)			.7
Title V [2]	0	0	0
Total Federal revenue forgone	5.4	7.1	10.1
STATE-LOCAL REVENUE GAIN			
Title I	2.8	3.4	3.9
Title II	2.1	4.0	7.2
Title III			
Title IV			.7
Title V			
State-local revenue gain	4.9	7.4	11.8

[1] Federal collection of State income taxes.
[2] Authorizing State-local property taxes in Federal enclaves.

Source: ACIR staff estimates.

Mr. GOODELL. Mr. President, today I have joined my distinguished colleague, Senator MUSKIE, in sponsoring the Intergovernmental Revenue Act.

The Intergovernmental Revenue Act was prepared by the Advisory Commission on Intergovernmental Relations. Senator MUSKIE has served with great distinction on that Commission, as has the Governor of my State, the Honorable Nelson A. Rockefeller, and other leaders of this Nation who have been concerned with renewing and strengthening our federal system of government. A product of years of study by the Commission, the bill is designed to put new life into our federal system by reinforcing the fiscal base of States and local governments.

I have for the past 10 years been active in promoting one of the major reforms embodied in this bill—Federal revenue sharing with State and local governments. I sponsored comprehensive legislative proposals on this subject in 1967, H.R. 4070, and again this year, S. 50. The first title of the proposed Intergovernmental Revenue Act would create a system of revenue sharing which closely resembles that proposed by me in my S. 50, introduced in January of this year.

The proposed Intergovernmental Revenue Act has my full support.

I. OBJECTIVES OF THE BILL

The bill is an urgently needed step toward redressing the growing fiscal imbalance among the levels of our Government—an imbalance that has been posing a grave threat to the integrity of our federal system of shared power.

The Federal income tax has given the Central Government of this Nation a strong fiscal base, capable of growing as the economy expands. The fiscal base of our State and local governments, however, has not had the same strength and growth potential, and has not been keeping pace with the rising demands being made upon State and local treasuries. As a result, State and local governments have been increasingly facing a financial squeeze, and have become increasingly dependent on Federal grant-in-aid programs in order to meet rising demands for public services.

This fiscal crisis facing States and municipalities has been a product of rising expenditures, outdated tax systems and interarea competition for tax dollars.

Sharply rising welfare, education, and other costs have been making unprecedented demands on State and municipal budgets. These spiraling costs have been especially acute in the great urban centers, with their grave problems of poverty and urban blight.

The revenue-producing abilities of State and local governments have not kept pace with these rising expenditures. The majority of States and local governments still have outdated tax structures. Only a minority have made full use of the income tax, with its built-in capacity to provide revenue growth as the economy grows. Those States and municipalities that have modernized their tax structures have suffered from interstate and interarea competition, losing affluent taxpayers to neighboring lower tax areas.

The problem of fiscal imbalance has been carefully documented by the Advisory Commission on Intergovernmental Relations in its landmark 1967 report, "Fiscal Balance in the American Federal System." That report made a number of major recommendations for reform that are developed in detail in the Intergovernmental Revenue Act.

The central objective of the Intergovernmental Revenue Act is to help restore fiscal balance in our federal system. It would do this by supplementing the tax base of States and localities, through a system of Federal general support payments; and, encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

II. REVENUE SHARING

Title I of the proposed act would create a new system of Federal revenue sharing, closely analogous to that proposed by me in my Federal Revenue Sharing Act, S. 50, introduced earlier this year.

"Revenue sharing" refers to a plan by which the Federal Government distributes a portion of its tax revenues to States and localities without specifying a particular use of the funds. The States and local governments receiving these payments would be free to determine for themselves how to use the grants. The Federal Government does not now provide this type of general support payments to States and localities, and instead makes grants-in-aid for specifically defined purposes, often with extensive Federal controls.

By returning to State and local governments a stated share of Federal tax revenues without Federal controls, revenue sharing will give greater vigor to States and urban governments. It would supplement these governments' local tax base, thus enabling them to strengthen their administrative apparatus, supply better public services, and meet pressing social needs more effectively. It can put new life in our federal system by giving greater emphasis to decentralized decisionmaking, initiative, and innovation.

The Intergovernmental Revenue Act is not offered as part of a plan to cut back projected expansions of Federal grant-in-aid programs or as a substitute for portions of existing grant-in-aid programs. Instead, it is conceived as a supplement to existing Federal grant programs, designed to strengthen States' and local governments' fiscal base.

General support grants to State and local governments date back 130 years, when the Federal Government on a one-shot basis, distributed the surplus accumulated in the National Treasury to the States. Many States have their own systems of revenue sharing with local governments analogous to proposals made for its adoption at the Federal level.

Ten years ago, the introduction of a number of bills in Congress stimulated considerable interest in the idea of revenue sharing. I introduced one of the earliest of these bills, in 1959.

As a result of the interest generated by these bills, Walter W. Heller, former Chairman of the Council of Economic Advisers, conducted an important study of the matter in 1964. Mr. Heller recommended the adoption of a revenue-sharing system with States. This proposal was supported by a Presidential task force headed by Joseph A. Pechman of the Brookings Institution. These studies received widespread public attention—so much so that revenue sharing is often spoken of as the "Heller-Pechman plan," although its history antedated the Heller and Pechman studies.

Thereafter, congressional interest in revenue sharing continued to grow. In 1967, while a Member of the House of Representatives, I introduced a comprehensive and detailed statutory scheme for revenue sharing—H.R. 4070—including an allocation formula based on States' population and tax effort, and a mandatory "pass through" of a portion of revenue-sharing payments to localities. It served as a model for many of the subsequent legislative proposals on this subject.

The Advisory Commission on Intergovernmental Relations recommended the adoption of Federal revenue sharing in its 1967 "Fiscal Balance" report.

The concept of revenue sharing has also been endorsed by the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislative Leaders, and the National Association of Counties. In the 90th Congress, over 110 Members of Congress sponsored or cosponsored over 90 revenue-sharing bills.

This year, the National Advisory Commission on Urban Problems, headed by former Senator Paul Douglas, of Illinois, urged the adoption of a Federal revenue-sharing system. The Douglas Commission proposed a special formula requiring states to pass on to cities and urban counties a specified portion of the revenue-sharing payments they receive from the Federal Government. This formula was included in slightly modified form in my revenue-sharing bill, S. 50, introduced earlier this year, as well as in the the proposed Intergovernmental Revenue Act.

On the basis of present estimates, the proposed act in its first year of operation—fiscal 1970—would provide about $3 billion of revenue-sharing payments to States and local governments. Under the distribution formula of the bill, it is estimated that on a nationwide basis about 49 percent of these payments would be allocated to States, 22 percent to major cities, nearly 13 percent to urban counties, and 16 percent to the support of local schools.

The act would create a revenue-sharing trust fund and appropriate into this fund an amount based on 1 percent of the Federal individual income tax base and 25 percent of State income tax collections.

The amounts in this trust fund would be allocated in the first instance among the States according to population and tax effort. The tax effort factor serves as a bonus to States that are making above-average tax efforts, and as deterrent against States reducing their own taxes in expectation of receiving revenue-sharing assistance.

The bill gives recognition to the legitimate claims of urban governments by requiring a specified portion of revenue-sharing payments to be "passed through" by States to cities and urban county governments having more than 50,000 population.

Specifically, each city and urban county would be entitled to a share of the State's revenue-sharing payments equal to twice the ratio that the city's or county's taxes bear to the total State and local tax receipts in the particular State concerned. This approach has the following advantages:

Basing the formula on local taxation would allocate the largest share to the most populous and most "active" metropolitan governments. It would, moreover, restrict the amount of payments to urban county governments which are relatively "dormant"; that is, which impose few taxes and provide few services.

The formula would take into account the variation in State-local fiscal relations throughout the Nation. The shares it would allocate between the State government and metropolitan governments in a given State would depend upon their relative shares of the total burden of State and local taxation.

The formula serves automatically to allocate payments between cities and urban counties which have overlapping boundaries.

To provide flexibility and to encourage States to take the initiative in strengthening the fiscal position of major cities and counties, the bill would authorize a State, by statute, to establish an alternative plan for application of revenue-sharing payments otherwise earmarked for major city and county governments. To assure that the alternative plan provides adequate funds, the bill would require that it either, first, provide each major city and county with more aid than they would be entitled to receive under the statutory formula, or else, second, that it be accepted by resolution of the local legislative bodies representing at least half of the cities and counties eligible for assistance.

The bill also would assure support for local schools, by requiring that a State spend a specified portion of its revenue-sharing payments for school purposes. This would be determined by a formula measured by the ratio of school taxes to State taxes plus school taxes. It is estimated that on a nationwide basis this requirement allocates 16 percent of revenue-sharing payments to school support.

III. TAX CREDITS

A unique feature of the Intergovernmental Revenue Act is that it combines revenue sharing with tax credits to reinforce the fiscal independence of State and local governments.

Revenue-sharing supplements the tax base of States and localities.

Tax credits help strengthen the tax base of States and localities by creating an effective incentive for improving their tax systems.

By combining revenue sharing with tax credits, the proposed act will help achieve the complementary objectives of supplementing and modernizing State and local tax systems. It will assist in assuring that States and localities keep up their own tax efforts after they start receiving general support payments from the Federal Government. It will constitute an important step toward eliminating the interstate and interarea taxing disparities that have placed the most progressive taxing jurisdictions at a competitive disadvantage.

Title II of the bill creates a Federal income tax credit for payment of State and local income taxes. The amount of the credit would be equal to 40 percent of the amount of State or local income taxes paid by the taxpayer in the taxable year.

At present, the Internal Revenue Code authorizes a deduction for State and local taxes paid. However, this deduction provides only a limited benefit to taxpayers in the lower tax brackets and no benefit to taxpayers who do not itemize their deductions. Under the bill, a taxpayer could elect to continue to take the deduction in lieu of the credit, but this election would be attractive only to the more affluent taxpayers who are in the 40-percent-plus tax brackets.

To assist States in adopting or strengthening their own income tax systems, title III of the proposed act authorizes the Treasury to collect State personal income taxes under terms mutually agreeable to the Secretary of the Treasury and the appropriate State officials.

The proposed income tax credit would result in a Federal revenue loss of $2.6 billion in the first year of its operation. The offsetting State revenue gain is difficult to estimate, as it depends on how many States adopt the income tax or upgrade their existing income tax. In the first year, the State gains would probably be less than the Federal revenue loss, but in the long run the State gains should exceed the Federal loss because the States will be collecting $1 for each 40 cents of Federal credit.

Title IV of the bill would increase and restructure the Federal tax credit for each State estate tax payments. The new credit would be available only in States which adopt an estate-type tax—that is, a tax upon the entire estate of the decedent, instead of the inheritance tax; that is, tax upon the heirs—that many States have. Moreover, the credit would be available only if the State adopts a high enough rate to recapture in State estate tax collections an amount equal to the enlarged Federal tax credit.

Because it is difficult to predict how quickly various States will enact legislation to substitute estate taxes for their present inheritance taxes and to increase their tax rates to "pick up" the increase in the available tax credit, it is difficult to estimate the timing of the impact of the proposed estate tax credit upon Federal estate tax collections. For 2 or 3 years, it will have no appreciable revenue impact. In the long run, say 5 years, the State revenue gain and Federal revenue loss might each approach $1 billion.

The final title of the bill, title V, would permit States and localities to tax personal property of private individuals located in enclaves therein under exclusive Federal jurisdiction, provided that those residing in the enclave have the same privileges, rights, and tax-supported services accorded to other residents outside the enclave. This title would result in some personal property tax gains to those States and local governments that have Federal enclaves within their jurisdictions, but would not cause any direct Federal revenue loss to the Federal Government.

S. 2486—INTRODUCTION OF A BILL PROVIDING GRANTS TO THE STATE OF WYOMING TO SEAL ABANDONED COAL MINES

Mr. McGEE. Mr. President, I introduce, for appropriate, reference a bill to authorize the Secretary of the Interior to provide financial assistance to the State of Wyoming for the purpose of filling voids in abandoned coal mines in my State. This bill is directed to the situation which has resulted in Rock Springs, Wyo. Unfortunately, the Rock Springs area was undermined for the removal of coal deposits many years ago when far too little attention was directed to proper mining practices or the conditions in which the area was left when mining activities were terminated. Earlier this year many property owners in Rock Springs were subjected to rather severe property damage due to earth slippage or subsidence as a result of the underground voids which remained from previous mining activity.

This damage alone has resulted in losses of several thousands of dollars, and of course, this type of loss is not covered by the ordinary home insurance policy. This has resulted in severe hardship on these homeowners, and this, in and of itself, presents a most serious situation. The threat of further slippage, however, poses an even greater threat—a threat which could spread to other areas of the city and inflict far greater damage to both life and property.

We must keep in mind the fact that where we have a situation involving unstable subsurface conditions, there is the ever-present danger of ruptured utility lines—water and natural gas. With these conditions we have a constant threat of underground fires, and this could quickly result in damage and destruction which would reach catastrophic propor-

tions. Past experience has shown that these underground fires are both costly and difficult to control. The health and welfare of the residents of Rock Springs would certainly be affected if there was any substantial breakage of water and sewer lines. These are situations which we should avoid to every extent possible, and my bill is introduced with this in mind.

The Bureau of Mines in the Department of the Interior has had considerable experience with this type of problem and has had some degree of success in filling these mine voids. By act of July 15, 1955—30 U.S.C. 571 et. seq.—the Secretary of the Interior was given authority to make financial assistance available to the Commonwealth of Pennsylvania for this type of corrective work. It is my understanding that a considerable amount of work has been accomplished under the authority and conditions contained in that act. My bill would authorize similar activity by the Bureau of Mines in Wyoming.

Also, when the Appalachian regional bill was enacted by Congress in 1965, Public Law 89–4, a provision was included in the bill to authorize the Secretary of the Interior to make grants to the States comprising the Appalachian region for the purpose of filling the voids in old and abandoned coal mines in that area.

It is clear, then, that the Congress of the United States has recognized a responsibility to assist the States in filling the voids in these old abandoned coal mines, but the present legislative authority is apparently limited to the two specific areas involved in the Pennsylvania and Appalachia Acts. With this recognized statement of policy and responsibility, there does not appear to be any logical reason why this policy should not be extended to other areas of the country in which this troublesome problem occurs.

At the present time we do not know the entire scope of the involved area underlying Rock Springs. The Bureau of Mines has been conducting a study of the area in order to accurately define the magnitude of the problem. It is my understanding that the Bureau's report should be available in about a month or the latter part of July. When this report is available, we shall be in a better position to evaluate the scope of the problem together with an estimate of the probable costs involved in correcting it. It is clear even at the present time, however, that we are facing a significant and a most costly problem and one that will require finances far beyond available local and State resources. In other words, some Federal financial assistance will be necessary if we hope to remove this threat of further damage to one of Wyoming's principal cities and industrial areas.

For these reasons, I am introducing this bill today with the hope that it might receive early and favorable consideration by the Congress. By early and favorable consideration of my bill, I feel the Congress has the opportunity to prevent a most serious situation from reaching catastrophic proportions.

The people of Wyoming are most grateful for the efforts which personnel from the Bureau of Mines have made and continue to make in an effort to resolve this matter. The Bureau unquestionably has the qualified personnel and expertise to contribute significantly to the ultimate solution to this problem. We look forward to working with them in the months ahead. The Bureau, however, will need additional legislative authority and funds, and I would hope that the Congress will provide both with as little delay as possible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2486) to authorize the Secretary of the Interior to provide grants to the State of Wyoming to assist in a program to seal abandoned coal mines and to fill voids in abandoned coal mines, introduced by Mr. MCGEE, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 2487—INTRODUCTION OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and other Senators, I introduce, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act. This act provides workmen's compensation benefits for some 1 million privately employed workers subject to Federal jurisdiction—chiefly longshoremen and ship repairmen working on navigable waters of the United States. Its provisions have been extended to other private employment, including employees in the District of Columbia, and employment by contractors at U.S. bases overseas.

While the workmen's compensation statutes of many other jurisdictions have been updated to reflect increases in the cost of living in recent years, and to provide more adequate protection, the Longshoremen's and Harbor Workers' Compensation Act has not been amended since 1961. Improvements are consequently long overdue.

One of the chief features of this bill relates to the weekly benefits paid to totally disabled workers. Under the law such a worker receives two-thirds of his wage as weekly compensation while totally disabled; however, this is subject to a maximum of $70 a week. This bill would increase that weekly maximum to $132, and the minimum benefit from $18 to $36.

Other features of the bill include payment of compensation would be permitted without a waiting period when the disability exceeds 14 days rather than 28 days presently required, compensation on behalf of dependents would be extended to those in a student status from 18 to 23 years of age, the time for giving notice of injury and filing claim with respect to latent injury would be extended, the liability of employers with respect to subsequent injuries suffered by employees with preexisting physical impairments would be limited, thereby encouraging the employment of handicapped persons, benefits would be extended to cases of disfigurement of the neck and other normally exposed parts of the body, and, provision would be made for further financing of special funds by increased payments from $1,000 to $5,000 from employers in fatal injury cases where there are no survivors, and, in addition, by assessments upon insurance carriers and upon self-insurers.

Mr. President, in 1966 the Congress amended the Federal Employees Compensation Act to provide improvements which we recognized were necessary. It is the purpose of this bill to deal with the other major area of Federal workmen's compensation responsibility, by making the benefits of the Longshoremen's and Harbor Workers' Compensation Act more realistic in light of today's living costs and to modernize its provisions in other respects. Most of the workers covered by this act are engaged in extremely hazardous work, for longshoring is one of the most dangerous of any occupations. Indeed, marine cargo handling ranks the highest of all industries in terms of injuries per man-hours of work.

It is, therefore, especially appropriate that we now enact legislation which will insure more adequate compensation protection for these workers and their families.

Mr. President, I ask unanimous consent that the provisions of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2487), to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1969."

STUDENT BENEFITS

SEC. 2. (a) Section 2 of such Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body, or

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed

to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

"(b) The last sentence of section 2 (14) of such Act is amended to read as follows: "'Child,' 'grandchild,' 'brother,' and 'sister' include only persons who are under eighteen years of age, and also persons who, though eighteen years of age or over, are (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) are students as defined in paragraph (19) of this section."

(c) Section 8(d) of such Act is amended by striking out the words "under the age of eighteen years" wherever they appear therein.

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 3. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1426, 33. U.S. 906) is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days."

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 4. (a) Section 6(b) of such Act is amended by striking out "$70" and inserting in lieu thereof "$132", and by striking out "$18" wherever it appears, and inserting in lieu thereof "$36".

(b) Section 14 of such Act is amended by striking out subsection (m).

COST OF REEXAMINATION

SEC. 5. The last sentence of section 7(e) of such Act is amended to read as follows: "The deputy commissioner may charge the cost of such examination to the carrier or self-insurer."

DISFIGUREMENTS

SEC. 6. Section 8(c) (20) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500, shall be awarded for serious disfigurement: (A) of the face, head, or neck; or (B) of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

COMPENSATION AT END OF SCHEDULED AWARD

SEC. 7. Section 8(c) of such Act is further amended by adding the following new paragraph:

"(23) With respect to any period after payments under paragraph (c) (1) through (c) (20) have terminated, compensation shall be paid as provided in subsections (a) and (b) of this section if the disability is total, or, if the disability is partial, 66⅔ per centum of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or other employment."

SPECIAL FUND

SEC. 8. (a) Section 8(d) of such Act is amended by adding the following new paragraph (6):

"(6) If there be no surviving wife, dependent husband, or child, then to the special fund established under section 44(a) of this Act."

(b) Section 44(c) of such Act is amended to read as follows:

"(c) Payments into such fund shall be made as follows:

"(1) Each employer shall pay $5,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this Act to compensation for such death.

"(2) When the amount in the fund at the beginning of the calendar year is less than $300,000, each carrier or self-insurer shall be obligated to make prorated payments into the fund based on the gross premiums collected by the carrier for risks during the preceding fiscal year or the amount of premiums a self-insurer would have had to pay during the preceding fiscal year for compensation insurance.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund."

(c) Section 44 is further amended by adding the following new subsection (h):

"(h) The proceeds of this fund shall be available for payments under section 8 (f) and (g), under section 18 (b), and under section 39 (c): *Provided*, That payments authorized by section 8 (f) shall have priority over other payments authorized from the fund: *Provided further*, That at the close of each fiscal year the Secretary of Labor shall submit to the Congress a complete audit of the fund."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 9. (a) Section 8(f)(1) of such Act is amended to read as follows: "In any case in which an employee having an existing permanent physical impairment suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section (8)(c)(1)-(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent physical impairment, the employer shall provide, in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in section 44."

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

SEC. 10. (a) Section 9(a) of such Act is amended by striking out "$400" and inserting in lieu thereof "$800".

(b) Section 9(e) of such Act is amended by striking out "$106" and inserting in lieu thereof "$198", and by striking out "$27" and inserting in lieu thereof "$54".

DETERMINATION OF PAY

SEC. 11. Section 10 of such Act is amended by adding the following new subsections:

"(f) Each June 30th the Secretary shall determine the percent change in the weekly wage level in the longshore industry during the preceding year. Effective the first day of the third month following this determination, compensation payable on account of disability or death which occurred more than one year before that first day, and which occurred after enactment of this subsection, shall be increased by the percent rise in the wage level.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. However, the weekly compensation after adjustment shall reflect an increase of at least $1."

TIME FOR NOTICE AND CLAIMS

SEC. 12. (a) Section 12 (a) of such Act is amended to read as follows:

"NOTICE OF INJURY OR DEATH

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

SEC. 13. Section 28 (a) of such Act is amended by adding the following new sentence: "In cases where an award is made or increased after payment under the Act is resisted, a claim for legal services approved by the deputy commissioner or a court shall be added to the compensation award and become a lien upon such award in the amounts so fixed."

TECHNICAL AMENDMENT

SEC. 14. Section 3(a)(1) of such Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall become effective six months after the date of enactment of this Act.

Mr. CRANSTON. Mr. President, I rise to explain briefly a qualification to my cosponsorship of S. 2487, a bill introduced today by the distinguished chairman of the Labor Subcommittee, the junior Senator from New Jersey, to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes.

I fully agree with Senator WILLIAMS that the substantive revisions made in the bill are long overdue in order to provide economic comparability to the injured longshoreman and harbor worker and their families and to correct other deficiencies in the present act. At the same time, however, I am not fully convinced of the justification of the amount of the dollar increases in sections 4 and 10 of the bill, relating to the minimum and maximum weekly disability benefit rates and dependent death benefit rates, respectively, in terms of the level of similar compensation under the workmen's compensation laws of the many States.

I expect to follow the hearings on this bill carefully before reaching a judgment

on the appropriate amount of such increases and will welcome the presentation of all views on this or any other issue raised by the bill.

SENATE JOINT RESOLUTION 127—INTRODUCTION OF A JOINT RESOLUTION RELATING TO INTERNATIONAL PETROLEUM EXPOSITION

Mr. HARRIS. Mr. President, I introduce, for myself and for the junior Senator from Oklahoma, a joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Okla., from May 15 to May 23 in 1971.

The most important aspect of this exposition is not the impetus it gives to an already thriving and productive oil industry in Oklahoma, nor is it even the benefit it brings to the petroleum industry nationally. The greatest contribution of the International Petroleum Exposition is that it is truly international. Over the past two decades it has welcomed the representatives of over 50 nations throughout the world and stands as a dynamic and working symbol of cooperation in an all-important sphere.

I stress international, for I know that what is traded goes beyond technical ideas and modern equipment. An integral part of the exposition has always been a practical exchange of international good will.

The International Petroleum Exposition in Tulsa, the oil capital of the world, is a forum for progress which helps oilmen throughout America. It benefits us all even more by aiding those nations in the developing world who may leave it better able to seek the kind of progress which America's petroleum industry has offered to all of us.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 127) authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971, introduced by Mr. HARRIS (for himself and Mr. BELLMON), was received, read twice by its title, and referred to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 128—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE A WEEK OF EACH YEAR AS VOLUNTEER WEEK

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a joint resolution designating the first week in April as Volunteer Week.

Motivated by their deep concern for their communities and their country, millions of volunteers throughout the United States serve without pay in the fields of health, recreation, education, welfare, culture, community action, and politics. This common desire to serve draws volunteers of all ages, from all neighborhoods, from all ethnic groups, all religious and all political persuasions. They serve at all hours of day and night, many being on call 24 hours a day, such as volunteer firemen, those serving in suicide prevention or with other distressed persons. They share their many talents and skills on highly sophisticated jobs or on simple but necessary jobs.

Accordingly to a recent Gallup poll, 69 million people are prepared to donate their time and energies to some form of volunteer effort. Of these, 60 percent said they would be willing to serve in dealing with local problems such as housing, recreation, traffic, welfare, or health.

The contribution being made by volunteers throughout this Nation is truly outstanding. This contribution should be recognized and accordingly I offer the joint resolution to designate a week of each year as Volunteer Week.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 128) to authorize the President to issue annually a proclamation designating the 7-day period beginning on the first Sunday in April of each year as "Volunteer Week," was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS—REMOVAL OF COSPONSOR OF JOINT RESOLUTION

S. 745

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 745) to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1790

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2073 AND S. 2074

Mr. SCOTT. Mr. President, at the request of the Senator from Illinois (Mr. DIRKSEN), I ask unanimous consent that, at their next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of the bills (S. 2073) to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors, and (S. 2074) to prohibit the use of interstate facilities including the mails for the transportation of salacious advertising.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2375

Mr. CASE. Mr. President, on June 12 I introduced for Senator HART and myself S. 2375, a bill to amend the Civil Rights Act of 1964 to authorize the Attorney General to initiate school desegregation suits based on his finding that discrimination exists in a school district.

Since then a number of other Senators have expressed a desire to cosponsor this bill. Therefore, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Dakota (Mr. McGOVERN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. BROOKE), and the Senators from New York (Mr. JAVITS and Mr. GOODELL) may be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2470) to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. RES. 19

CORRECTION OF S.J. RES. 7

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at their next printing, the name of the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of the joint resolution (S.J. Res. 19) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, and that his name, which was inadvertently added to the joint resolution (S.J. Res. 7) be removed as a cosponsor of that measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE GREAT PLAINS CONSERVATION PROGRAM

Mr. YARBOROUGH. Mr. President, on January 15, 1969, the Senator from South Dakota (Mr. McGOVERN) and others, of whom I was one, introduced a bill in the Senate to extend the Great Plains conservation program for 10 years. The names of the cosponsors of that bill are as follows: Mr. McGOVERN, Mr. ANDERSON, Mr. BURDICK, Mr. DOLE, Mr. HARRIS, Mr. McGEE, Mr. MANSFIELD, Mr. METCALF, Mr. MONTOYA, Mr. NELSON, Mr. PEARSON, Mr. TALMADGE, and myself.

At the conference of the subcommittee of the Committee on Appropriations this week, it was agreed in the Appropriations Committee that a composite Great Plains conservation bill would be reported to the Senate by the Committee on Agriculture, cosponsored by all Senators who had cosponsored any of the several Great Plains bills now pending in the Senate.

The bill was reported June 24, 1969, committee report No. 91-269, Calendar 260, S. 1790, but by a clerical error several Senators' names were omitted as cosponsors, including my name. I ask unanimous consent that my name be added as a cosponsor of S. 1790, and that the bill, as so corrected, be printed in full at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, ordered to be printed in the RECORD, is as follows:

S. 1790

A bill to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights, to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract."

SEC. 2. Section 16(b)(2) of said Act is amended to read:

"(2) the Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary,

SEC. 3. Section 16(b)(7) of said Act is amended to read:

"(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That (A) during the period ending December 31, 1971, (i) the total cost of the program (excluding administrative costs) shall not exceed $150,000,000, and (ii) for any program year payments shall not exceed $25,000,000; and (B) during the period beginning January 1, 1972, (i) the total cost of the program (including administrative costs) shall not exceed $250,000,000, and (ii) the cost of the program for any year (including administrative costs) shall not exceed $25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act."

Amend the title so as to read: "An Act to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 25, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

DEVELOPMENT AND IMPROVED MANAGEMENT OF NATIONAL FOREST COMMERCIAL TIMBERLANDS—AMENDMENTS

AMENDMENTS NOS. 50, 51, AND 52

Mr. BENNETT. Mr. President, I rise to submit three amendments, intended to be proposed by me, to S. 1832, a bill which I have cosponsored with the distinguished chairman of the Banking and Currency Committee, the distinguished majority leader, and several others of my Senate colleagues.

I wish again to reiterate my support for the overall approach contained in the National Timber Supply Act of 1969. The hearings conducted by the Housing Subcommittee of the Banking and Currency Committee on the high cost of plywood and other lumber certainly showed the need for immediate action by the Federal Government. I again call upon the administration to make its legislative desires known to the Congress. I trust the Senate Agriculture Committee will also move quickly on S. 1832.

The first amendment which I offer deals with section 5 of the bill. Under the bill language, lumber revenue moneys credited to the special Treasury fund are available only when appropriated therefore, by Congress. I feel this approach leaves us basically where we are today. While section 5 would set up a fund, we have no guarantee that timber revenue money would be available for improved management procedures and practices in our national forests.

My amendment to section 5 simply makes the money in the fund available for expenditures by the Secretary of Agriculture, until and unless the right to use the money is suspended in whole or in part by the Congress. Of necessity, the first sentence of section 6 is also amended to strike out the appropriation reference to section 5.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 50) was referred to the Committee on Agriculture and Forestry.

Mr. BENNETT. Mr. President, my second amendment will be added to the end of section 6 and authorizes the Secretary of Agriculture to transfer funds generated by one national forest for use in other national forests. I realize that there is concern about this prospect, but I think such an amendment is absolutely necessary. We obviously have some national forests in better condition than others, and I think it would be unwise to overmanage a given national forest simply because funds generated by the particular area cannot be used elsewhere.

I think the specific national forests are protected by the language which requires the Secretary of Agriculture to

determine that there is an excess of funds before any transfer can be made.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 51) was referred to the Committee on Agriculture and Forestry.

Mr. BENNETT. Mr. President, my third amendment is in the form of a new section at the end of the bill which requires the Secretary of Agriculture to submit a report to the Congress not later than January 31 of each year, regarding the expenditures under this act during the preceding fiscal year. The report would also include plans and estimates for the next fiscal year.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 52) was referred to the Committee on Agriculture and Forestry.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Wade H. Ballard, III, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years, vice Milton J. Ferguson.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, July 2, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. YARBOROUGH. Mr. President, I wish to announce that the Committee on Labor and Public Welfare will hold a public hearing on the nomination of Luther Holcomb to be a member of the Equal Employment Opportunity Commission on Monday, June 30, 1969, at 9 a.m. in room 4232 New Senate Office Building.

CONTINUATION OF SUSPENSION OF DUTY ON HEPTANOIC ACID

Mr. LONG. Mr. President, from the Committee on Finance I report H.R. 4229 with a committee amendment to continue the 10-percent surtax withholding schedules in effect for 1 additional month. I ask unanimous consent that the Senate proceed to the consideration of the bill (H.R. 4229).

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid, reported with an amendment, after line 6 to insert a new section, as follows:

SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out "June 30, 1969" in subsection (a)(1) and inserting in lieu thereof "July 31, 1969";

(2) by striking out "July 1, 1969" in subsection (a)(2) and inserting in lieu thereof "August 1, 1969"; and

(3) by striking out "July 1, 1969" in subsection (c)(6) and inserting in lieu thereof "August 1, 1969".

(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Nicholas Costanzo, of New York, to be Superintendent of the U.S. Assay Office at New York, N.Y., which was referred to the Committee on Banking and Currency.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1970

Mr. RUSSELL. Mr. President, I understand that the favorable report of the Committee on Appropriations on House Joint Resolution 790 has been filed at the desk. This is a joint resolution to enable the departments of Government to continue to function in the absence of their regular appropriations bills.

Mr. President, I ask unanimous consent that the joint resolution may be considered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LONG. Mr. President, I would suggest that the Senator's request be amended to provide that the pending business (H.R. 4229) be temporarily laid aside, and that it will again become the business of the Senate after the consideration of the joint resolution has been concluded.

Mr. RUSSELL. It would automatically come back before the Senate.

Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated.

The BILL CLERK. A joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, the Committee on Appropriations met this morning and, in view of the fact that the present fiscal year will come to a close at midnight next Monday, June 30, authorized the chairman of the committee to call up the joint resolution at today's session of the Senate.

House Joint Resolution 790 provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1970, have not been enacted. Specifically, the joint resolution continues funds available until October 31, 1969, or until the enactment of the regular annual appropriation bills.

As of today, the House of Representatives has passed three regular appropriation bills—the Agriculture, Treasury-Post Office-Executive Office, and Independent Offices and Department of Housing and Urban Development appropriation bills for the fiscal year 1970.

This morning, the Committee on Appropriations met and ordered reported to the Senate the Department of Agriculture appropriation bill, which was reported by the Senator from Florida (Mr. HOLLAND). The Treasury-Post Office-Executive Office appropriation bill was also ordered to be reported by the Senator from Texas (Mr. YARBOROUGH). In summary, then, 10 regular annual bills have yet to be reported by the House committee. The Senate committee is engaged in hearings on several bills; however, the actual bills are not before the committee at this time.

In view of the status of the provisions for the operation of the executive offices of Government, and because of the proposed congressional recess during the month of August, the committee felt that the expiration date provided in this joint resolution—October 31—was by no means unrealistic.

Mr. President, the joint resolution provides as follows:

In those instances where an appropriation bill has passed both Houses of the Congress, but has not yet been enacted, and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued at a rate for operations not exceeding the fiscal 1969 rate or the rate permitted by the one House, whichever is lower.

In those instances where neither House has passed the particular appropriation bill, appropriations are provided for continuing projects or activities con-

ducted during fiscal year 1969 at the current rate, or the rate provided in the budget estimate for fiscal year 1970, whichever is lower, and under the most restrictive authority. In addition, in this latter instance, if there is no budget estimate for a particular item but it is a continuing program from fiscal year 1969, special provision is made in the resolution for minimum continuation until the matter is resolved in the processing of the regular appropriation bill affecting the activity.

As in other continuing resolutions, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, it seems to me to be imperative that if the executive branch of the Government is to function, the joint resolution should be passed. I therefore urge the passage of House Joint Resolution 790.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

CONTINUATION OF SUSPENSION OF DUTY ON HEPTANOIC ACID

The Senate resumed the consideration of the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid.

The PRESIDING OFFICER. The clerk will state the committee amendment to the pending bill.

The bill clerk read as follows:

SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out "June 30, 1969" in subsection (a)(1) and inserting in lieu thereof "July 31, 1969";

(2) by striking out "July 1, 1969" in subsection (a)(2) and inserting in lieu thereof "August 1, 1969"; and

(3) by striking out "July 1, 1969" in subsection (c)(6) and inserting in lieu thereof "August 1, 1969".

(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969.

Mr. LONG. Mr. President, the amendment is to a bill to continue the suspension of duty on heptanoic acid. It is not a controversial bill—I am sure it would pass on the Consent Calendar. The amendment is more significant. It is one which would provide a 1-month extension of the existing withholding tax rate.

Mr. President, the amendment is necessary if the House is to be permitted the necessary time to send us a revenue bill, on which it has been working for 7 months now. We shall endeavor to report within that time limit, if we can, but that may be difficult for the Senate committee to do. We may have to ask for more time, but it is agreed within the Finance Committee, that when we report the bill, we will also report recommendations with regard to tax reform.

We invite all Senators who have amendments they would like to offer on the subsequent bill, should the House send it to us, to make their amendments available to the Committee on Finance and to be prepared to appear with any witnesses they may want to bring in who will support their positions on the tax reform proposals in which they are interested.

The committee, in voting for the 30-day extension, voted for what it believed will be a major tax reform. We intend to repeal the investment tax credit as of April 18, which is the House date. It is our judgment that the investment tax credit cannot be justified, and we intend to vote to repeal it with that effective date. We therefore thought that all Senators interested should know about it. That will be the committee recommendation. Of course, Senators can offer other amendments, but it was the consensus of the committee that we should make clear, at least in reporting on this matter, that we intend to recommend that position on the investment tax credit.

Please understand, Mr. President, that what we are talking about here is not an extension of the tax, but merely an extension of the withholding. If it should be the judgment of the House or Senate, as the case may be, that the existing surtax of 10 percent should not be continued, then there would be a rebate owed to the taxpayers by the Secretary of the Treasury, when returns are filed next year, for the overwithholding which would result as a matter of continuing this tax rate for an additional 1 month.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. I support the position of the committee as outlined by its chairman. The approval of this 31-day extension does not in any way mean an extension of the tax rate itself, nor does it commit anyone to the surtax or to the extension thereof. It merely extends the same withholding tables for a period of 30 days in order to give Congress an opportunity to work its will between now and the end of that period.

As the chairman points out, should, perchance, there be no extension of the surtax it would mean that the taxpayers would have overpaid and would have that much extra credit at the end of the next fiscal year when they face up to the full tax obligation.

I think that this is a measure which must pass. It needs to be passed immediately in order to avoid business companies having to change their computers with new withholding tables, which could possibly be reversed in the next few days when Congress acts on the extension of the surcharge.

Mr. LONG. Basically this is an amendment to avoid chaos and confusion while Congress acts on the matter.

Mr. WILLIAMS of Delaware. That is correct.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. DIRKSEN. Mr. President, this is a matter of transcendent importance. Business and industry now resort to computer devices in order to figure out all the withholdings, and to change over is a colossal job and extremely expensive. Just an instance in point, with respect to the Treasury Department forms, if they had to be done over to meet the situation, the cost would be approximately a quarter of a million dollars. For industry and business, it would be even more expensive. So the measure must be passed in order to avoid confusion.

I want to add my voice, also, and say that, when we get around to it, the surtax also must be approved, because its impact on the economy will be enormous. I think we had better face up to it, first and last.

Mr. HARTKE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. HARTKE. I should like to ask the Senator from Louisiana exactly what is the full implication of this proposal. Is it an implied consent that the surtax will be continued and that the intention is to remedy the financial and fiscal crises, which will provide for some kind of tacit approval of what has been going on in the past year?

Last year, during his campaign, President Nixon said that the surtax would be allowed to expire on June 30, 1969. I know that he has changed his mind, but I personally think he was right when he made that statement. I agreed with him at the time he made it, and I agree with him today. It appears to me that this measure takes as a basic assumption the fact that the tax will be continued.

The question left, then, is whether other amendments concerning reform measures will be added to this tax as it ultimately comes over to us from the House. As I have indicated to the chairman of the committee, I want to be recorded as voting against this proposal, and any other kind of gadgetry which is being proposed.

There is plenty of time. The President repudiated his campaign pledge earlier this year. One of the first things he did after he entered the White House was to repudiate his campaign pledge regarding the surtax. Who convinced him of that, I do not know. Someone advised him, I am sure.

The surtax was justified on three grounds. One was that it would reduce the interest rate. It does not take an expert to know that interest rates are now at a historic high, and there is indication it will go still higher. The second point was that it would reduce the cost of living. The only satisfying aspect about the cost of living figures that were released yesterday was the fact that they were the lowest of the year, but for the entire year of 1969, they have shown a tremendous inflationary rise which has been fired, in my opinion, by restrictive, artificial restraints placed on the gigantic economic machine of the American business community, and all we are doing is adding to the confusion.

So what happened? The cost of living for April and May increased the most it ever has in 18 years.

The third thing the advocates of the surtax said—and I argued against this at the time—was that it would obviate the necessity for an increase in the na-

tional debt limit. The first message President Nixon sent to Congress was a request that demonstrated the complete absurdity and stupidity of the surtax. The first message that came to us asked for a $12-billion increase in the national debt ceiling.

Here was a program the administration had been selling on three basic points. Not only has it failed on all three points; it has put our financial condition and the whole financial community in turmoil.

These prophets of gloom and doom are trying to force the American economy to its knees, trying to make it genuflect, and to put into practice some artificial theories. They have come before us at the last minute and have said, "We have to have this emergency measure to keep the country going."

I would be the last one to say we ought to force business to change the withholding rates, but I want to know if there is, on the part of the leadership of the Republican or the Democratic Party, an admission that implies, tacitly or otherwise, consent to the extension of the surtax. I do not want to be on record as doing that. I want to try to make it possible to pass a tax reform bill. I want to try to bring down the cost of living to relieve the credit crunch which is on us. I want to bring down the interest rates.

I would like to have an admission that the passage of this measure is not to be construed as an implication that we are going to go along with the surtax extension.

Mr. LONG. Mr. President, so far as I am concerned, a vote for this measure does not bind any Senator to vote for the surtax. All the measure does is extend the 10-percent withholding rate for 31 days—to be precise, from June 30 to July 31. If the Senator wishes, he can vote against the measure; but he need not be concerned that anyone will owe any more taxes. If the measure passes, and the Senate or the House, as the case may be, should decide it does not want to pass the surtax extension, the taxpayers would be entitled to have the additional amount which they paid as a result of the continuing rates refunded to them when they filed their returns at the end of the year.

So the measure does not commit the Senate, nor will it commit the House, if it is passed in the House, to an extension of the surcharge. It merely gives Congress the time to act. It only continues the withholding tax rate, and does not commit the Senate or the House, if it is passed, to extend the surtax. If the House did not want to pass such a bill, it could vote it down.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, the present proposal to extend the present withholding tax rates for 31 days is to afford an opportunity for the House of Representatives to pass the surtax extension within that period of time.

Yesterday, at the luncheon meeting of the majority policy committee, it was voted unanimously to have a 3-month extension of the withholding rates, during which time a full review of reform could be accomplished in an orderly legislative manner.

The full text of the resolution which was adopted by the policy committee is as follows:

Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:

That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,

That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax.

Mr. President, with the passage of this bill today, the Senate is taking no action that is inconsistent with the action of the policy committee yesterday. Because of the timing of the decision arrived at by the policy committee on yesterday, it was not possible to report to the full Democratic caucus the matters which have since developed in the Finance Committee, nor was is possible to report the action taken by the Democratic policy committee yesterday to the distinguished minority leader for his edification and the edification of his colleagues.

It is still the hope of the leadership that prior to the passage of any surtax for another year, meaningful tax reform will be considered simultaneously.

Therefore, if and when the House of Representatives passes the extension of the surtax and the measure arrives in the Senate, it is the Senate's intention to seek, if necessary, a further extension of the withholding rates to permit a full review of meaningful tax reform in an orderly legislative manner by the appropriate Senate committee.

It is noted that the chairman of the Finance Committee, now managing the bill, the Senator from Louisiana (Mr. LONG), attended yesterday's meeting of the policy committee and joined in its deliberations. The action about to be taken today is interpreted as totally consistent with the sentiment of those deliberations.

Mr. HARTKE. Mr. President, will the Senator yield to me, because this is the question I was asking?

Mr. MANSFIELD. I yield.

Mr. HARTKE. In other words, so far as the policy committee is concerned, it does not give consent to the extension of the surtax, implied, tacit, or in any fashion whatsoever? All that the policy committee has said, as I understand it, in substance, is that it is going along with the continuation of the withholding rates at the present level until such time as the Finance Committee can proceed to have hearings, not alone on the surtax, but also on meaningful reform in the field of taxation? Is that correct?

Mr. MANSFIELD. That is correct.

Mr. HARTKE. Coming back to the question about being bound, I want to make it perfectly clear that, I or any other Senator are not bound, as a result of the Senate's action today. If any Senator comes back and says, "Well, we have agreed in substance that the surtax is going to be extended, the only reservation being that there must be meaningful reforms passed with it," that will not be a correct statement of the Senate's action today. I did not want to get into that trap.

Mr. MANSFIELD. No Senator is bound in any way by the passage of this bill. His freedom of action is preserved.

Mr. HARTKE. I want to make it clear to the ranking minority member of the committee, as well as to the chairman, that by taking this action at this time, statements will not come back from the Finance Committee to the effect that we have in substance agreed that there would be an extension of the surtax, but the only thing that would be left would be amendments attached thereto.

As the Senator from Delaware and the Senator from Louisiana know, I have given consideration even to attaching to a tax bill, whenever it comes before us, if there is one, proposals for the modernization of social security.

What I am asking, therefore, is merely to know whether or not, in the consideration of the bill, there is any implied or tacit agreement that the surtax extension itself would not be left open for dispute or discussion or that this action was in fact approval of the need for extension of the surtax.

I would like to know the opinion of the chairman of the committee and the ranking minority member in that regard.

Mr. LONG. Mr. President, the amendment preserves entirely the right of the Senator from Indiana and, for that matter, of any other Senator to oppose any extention of the surtax whatever. It does not commit even the Finance Committee, or any member of it, to vote for an extension of the surtax. It is not a consent type of arrangement whatever. It is an extension of the existing tax rate for withholding purposes long enough to give the House, and hopefully the Senate, an opportunity to take action on the surtax bill on its own merits.

The policy committee acted yesterday, expecting that the House would be voting on its tax bill today. That is not going to be the case, according to what I read in the newspapers, and what I hear from House Members. So we do not know how many of the 30 days we are asking for that the House will actually consume. But it is clear that at least 30 days will be needed for the Senate to act. We will do the best we can in the time available to us.

The resolution of the policy committee indicated that we should report within the quarter, which would be 92 days. We were hoping to report prior to that time. We would expect to recommend meaningful tax reform. We voted in the committee that we intend to recommend a repeal of the investment credit as one of the meaningful tax reforms we have in mind.

Mr. HARTKE. Mr. President, will the Senator yield at that point?

Mr. LONG. I yield.

Mr. HARTKE. Are we committed to that proposition? Is that an implied statement or direct statement that repeal of the investment credit is going to be attached to the bill as an important tax reform? I know that economists will come before us, and one of them will be Mr. Pierre A. Rinfret, who was Mr. Nixon's adviser, and he will say

that if we repeal the investment credit we will be doing the wrong thing. He will say that such a tax change would be a step in the wrong direction.

Mr. LONG. So what we voted, as I understand it, in that connection—and that is not a part of the resolution; that is simply in the committee report—was that a majority of the committee intend to recommend to the Senate, the repeal of the investment credit. But that does not bind any members of the committee who wants to vote otherwise. I think I can say to the Senator that it is the sentiment of the committee, and a consensus of a majority of the committee, that we intend to make that recommendation on one bill or another, even if the House of Representatives does not send us this one.

Mr. HARTKE. So we have taken a position to vote, in the committee, without a hearing, without any testimony whatsoever, and the committee has made a decision already, without any hearings, as to whether or not this is in the best interests of the Nation's economy.

We have not had any growth in this country for years. Since 1966, the wage earner of the United States has not had a real increase in his take-home pay, to enable him to purchase more groceries or to help him pay his rent. His prices are going up and up, and he cannot make ends meet.

Mr. President, I want to change that policy. I do not want to keep the country on this merry-go-round. I want to get away from this bad economic policy, and start doing business the American free enterprise system way, to move this gigantic machine forward, and let it pay its bills. We demonstrated for 4 years before the adoption of present invalid economic theories that such unrestricted economy policies would work.

We have followed the yo-yo system on the investment tax credit: we put it on; we took it off; we were going to take it off for a year; but within 6 months we put it right back on. Now we are proposing to take it off again. We have done the same thing with the excise taxes. We have been ruled by indecision. I wonder how the poor businessman, or the man trying to keep his family going, could keep on a budget under such circumstances, if he had one.

But I do want assurance that this amendment carries with it no implied consent on the part of the Finance Committee that by its adoption we are going on record as favoring the continuation of the surtax.

I would like the surtax to die now, and be given a decent burial. But I am sure the Senate is going to agree to this amendment. I understand that fully. But I want to make it crystal clear that this is not, in effect, an implied consent, whether we say so or not, that the surtax shall continue.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. WILLIAMS of Delaware. The chairman has already emphasized, and I concur, that the adoption of this amendment does not in any way bind any Senator, whether he be a member of the committee or not, on his vote on the surtax proposal, or on the investment tax credit when they come before the Senate.

As to the suggestion by the Senator from Indiana regarding his desire to have a chance to work for meaningful tax reform, at the White House yesterday, as the minority leader can substantiate, I made this same point. I stated that when this tax bill comes before the Senate certain tax reforms will be considered, and I personally have some of them in mind. I mentioned specifically the one on which the Senator from Indiana and I always concur; and that is, to reduce the depletion allowance which favors some industries.

I welcome the Senator's support, I shall be with him in trying to accomplish that, as well as many other proposals, when the time comes. The Senator from Indiana will be afforded by both the chairman of the committee and the rest of us ample opportunity to present any proposal he may wish as an amendment to the tax bill when it comes over from the House of Representatives. The approval of this 30-day extension of the withholding rate does not in any way bind him or any other Senator as to what he will do at that time.

Mr. HARTKE. Following that just one step further, we have had indications from the chairman of the Committee on Ways and Means that he does not intend to hold hearings on social security.

Inflation is like an open, running ulcer in this country; and the biggest sore, as far as the people are concerned, is that being suffered by the elderly people on social security who, even if they receive the 7-percent increase that President Nixon has recommended—which I think is too small—it would be eaten up by the end of the year. They will be in worse shape than they are now. Is there any type of assurance we can receive from the chairman of the committee and the ranking minority member, who speaks for the administration, that we will see some efforts made to provide some relief this year for the people on social security? We are willing to tax the people, but are we willing to take care of those people who are hurt worst by inflation?

Mr. WILLIAMS of Delaware. Mr. President, I cannot say what the House of Representatives will do about hearings, but there will be an opportunity to offer any proposals here as amendments if they have not already included such provisions in the bill.

I share the concern of the Senator from Indiana over the manner in which the elderly citizens of this country have been pauperized over the past few years as a result of the inflationary spiral. I suggest that the best manner to correct that inflationary spiral is for the Senator to join those of us who are trying to hold the Government's expenditures within its income.

As long as Congress continues to spend, as we have done in the past 6 years, an average of about $8 to $10 billion a year more than we take in we are gradually not only bankrupting the country but pauperizing the elderly by creating this inflation. As a Member of the Senate I assure the Senator that I shall lead the effort to roll back some of the expenditures of this Government so that we can live within our income. Really, that is the only way to curb inflation, not just expressing concern or sympathy, for sympathy does not taste very good when it is all you have to put on the table.

Let us give them some real relief from the ravages of inflation. That can only be done by you and me and other Senators joining together in cutting down the cost of this Government, which is completely out of hand. I assure the Senator I shall be there voting for these reductions, and I hope we can have his support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. GORE. Mr. President, I concur in the statement made by the distinguished majority leader that the intent of the amendment is not in any sense inconsistent with the resolution of the policy committee, because the intent of the policy committee was to preserve and reserve fully the right of the Senate, and to assert the intention of the Senate, to consider tax reform with respect to and in connection with the extension of the surtax.

The pending amendment, as the distinguished chairman has pointed out, does not extend the surtax even for 30 days. It merely relates to the withholding tables; and I concur in the action of the committee, as well as the statement of the majority leader.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARRIS. Mr. President, a representative of the administration, the Secretary of the Treasury, Mr. Kennedy, appeared before the Committee on Finance today, and requested that the Senate amend a House revenue measure to extend the present withholding rates under the 10-percent surcharge, and send that back to the House of Representatives, so that they could act upon it before the end of this fiscal year.

I think that has both its good and its bad aspects. It would have been better if the administration had acceded to that kind of request on the part of a great many people earlier, when this matter was before the House Committee on Ways and Means. At that time, despite the requests from many Members of the House of Representatives and others, that the administration ask for a shorter extension of the surtax until such time as the House and Senate could take up the related matter of tax reform, the administration, as I understood, insisted upon a full 1-year extension of the tax under the bill which is now pending in the House of Representatives.

I think that was a mistake; and the request of Secretary Kennedy before the Committee on Finance this morning is, of course, an admission, now, that they have gone about it in the wrong way, and that they should have agreed to the shorter extension earlier. Had they done so, we would not now find ourselves having to respond, at the last minute, in a rather unusual way—that is, by initiating a revenue measure in the Senate

rather than in the House of Representatives, as the Constitution provides.

But I believe there is something good about this action. First, it has been made quite clear in the House of Representatives, I take it—or else Secretary Kennedy would not have come before the Finance Committee this morning with his request—that a permanent extension of the surcharge tax cannot now pass the House of Representatives unless it is coupled with some kind of meaningful tax reform.

So I think, from the action that the Senate is about to take now, that we can draw the conclusion that the possibilities of real tax reform, of one kind or another, are very good during this session of Congress. We should make it clear today that the Senate does not agree that it will consent to extension after extension of the withholding rates; that if we come up to the deadline again, and the bill has not come over from the House of Representatives, and we agree to another extension; and then, if we come up to the deadline again, and have the Secretary of the Treasury coming in and saying, "As a practical matter, you have just got to extend this one more time," we will not agree to do so, and continue to do so and put off tax reform.

We discussed that matter in the Committee on Finance this morning, and I think it was made rather clear by the chairman himself and by other members of the committee that the committee, or at least a majority of the committee, does not propose to be a party to such a procedure.

We are saying that we recognize the special problems that we face, the special problems that will confront a great many businesses in the country if they have to withhold under one set of facts, and then change around and withhold under another set of facts. Therefore, recognizing the emergency, Secretary Kennedy has brought to us, we say, that it is an emergency, and that we will not be coming before the Senate time after time, asking for temporary extensions of withholding rates, but that we want to get down to business and really consider the question of permanent tax rates as well as tax reform.

I think there is another good aspect of the action we are proposing to take this afternoon, as has been pointed out by our distinguished chairman. And that is that as of now at least, a majority of the Committee on Finance has decided that it wants to repeal the 7 percent investment credit. In my judgment, such credit presently adds fuel to the inflationary fire and should be repealed. The Committee on Finance, or a majority of it, has now said that.

Furthermore, we continue to hear discussion, as the distinguished chairman of the committee has said, as to when the repeal should be made to take effect. The majority of the Committee on Finance has now agreed on the date when that repeal would take place.

Our intent is simply to relieve an emergency, but then say to the House of Representatives, "Send us a bill and send it to us in time that we can have hearings" so that we can report out a bill coupled with tax reform and not have it come up here again, all of a sudden, with some kind of emergency action which the administration has asked us to take.

Mr. DIRKSEN. Mr. President, the observation of my friend, the Senator from Oklahoma, that the Secretary appeared here and that his appearance is an admission they started wrong is about as romantic and fanciful as anything I can think of.

The Secretary was there, in case the committee wanted to advise with him. He came only to tell the committee what a real, bewildering problem was confronting the Treasury and the business and industrial people of the country insofar as the computering of their withholding taxes is concerned, and the tax treatments involved.

It was not an admission at all on his part. He appeared at the invitation of the Committee on Finance to give the committee the benefit of his knowledge.

Let us not have my friend the Senator from Oklahoma tell the Senate that all the tax reform is on that side of the aisle. We on the minority side have been trying to get tax reform for years, and we have not gotten anywhere. The Senator now complains about the repeal of the so-called dividend credit. Let me remind the Senator that he voted for that dividend credit before. Only a couple of Senators voted against it. And I was in the same boat with the Senator. I voted for it.

I asked this morning that the chairman be careful about the language submitted here so that it would not step on anyone's toes and would not confine anybody. A good many people have come to me to indicate that there ought to be some exceptions.

I said to the Committee on Finance that I can vote either way. I try to maintain some flexibility in the matter. But I do not want anyone's hands tied, and I do not want anyone's voice stilled when he has a chance to speak. However, let us not hear the statement that the Secretary was there to admit an error. If there was an error, it was in the delay in another body of Congress that I cannot mention under the rules of the Senate.

Mr. HARTKE. Mr. President, I intend to vote against the extension, although I am not going to ask for a rollcall vote.

I think this is in fact, in spite of all the comments to the contrary, an endorsement of an extension of the surtax, which I do not want to be a part of. Too many people have been hurt by inflation. I do not believe we should continue to put this burden on their backs.

I think if we want to move the country along, we ought to pay our bills under the system we have used in the past; namely, to expand the economy instead of having inflation.

I have said personally for a long time that I consider this an inflationary measure. I believe it is bad economics and bad propaganda.

We are now going to put another 31-day extension on the measure. If that is not putting the cart before the horse, I do not know what it is.

Mr. LONG. Mr. President, I think the Senator from Indiana made it very clear that he would not vote for the measure in any form, even if we were to include the social security amendment.

Mr. HARTKE. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4229) was read the third time and passed.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read:

An Act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax.

S. 2482—INTRODUCTION OF THE NATIONAL KIDNEY DISEASE ACT OF 1969

Mr. JAVITS. Mr. President, I introduce for myself, the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON). The Senator from Texas (Mr. YARBOROUGH), the chairman of the Labor and Public Welfare Committee; and 36 other Senators from both parties, the National Kidney Disease Act of 1969, to launch a national comprehensive cooperative medical program for the treatment of kidney disease, to control and reduce kidney disease by preventative and detection programs, and to provide research support for kidney disease programs.

A companion measure is being introduced today in the House of Representatives by Representative EDWARD G. BIESTER, JR., of Pennsylvania, and more than 80 Members of that body. The bill has the active support of the principal organization engaged in the fight against kidney disease, the National Kidney Foundation, composed of affiliates in every section of the country, each of which is assisted by a medical advisory board of local physicians concerned with kidney disease.

In recent years, kidney diseases have steadily gained as a matter of vital concern for Federal and institutional research and service efforts. The increased interest stems from the development of dramatic but expensive techniques for the diagnosis and prevention of the end-stage disease. The success of these expensive therapeutic approaches—along with other research advances in understanding kidney disease—have led to an increasing demand that we do more to avoid the chronic diseases and death that result from a lack of availability of these facilities for modern diagnosis and treatment.

As the Public Health Service's report on kidney disease states:

The significance of these diseases in terms of human suffering and death charges as to develop programs which will have the maximum impact on human well-being.

The sad statistics of human suffering and death are that over 7,800,000 Americans suffer from kidney disease and that over 50,000 of them die of end-stage kidney disease.

But the saddest statistic is the cruel fact that 8,000 died needlessly, merely for lack of money. These 8,000 were ideal candidates for treatment by kidney transplant or the artificial kidney—dialysis. But only 450 patients received transplants and 550 began artificial kidney treatments last year. Thus, for every eight patients who could be returned to normal lives through these lifesaving treatments, the American medical profession must allow seven to die.

This bill, by providing, first, for grants for the construction, equipment, planning, establishment, and operation of regional cooperative medical programs for research, training, and patient care in the field of kidney diseases; second, for the establishment of local advisory groups; third, for the creation of a National Advisory Council on Kidney and Kidney-Related Diseases; fourth, for the establishment of special treatment and training center information; and fifth, for an Office of Kidney Disease and Kidney-Related Diseases to establish a special program to combat kidney disease. By dealing with all these areas, this bill fulfills recommendations of the blue-ribbon Gottschalk Committee on Chronic Kidney Disease, contained in a report to the Director of the Bureau of the Budget. For these purposes, a total of $74 million would be authorized for the next 5 fiscal years.

Cosponsoring this bill with Senators JACKSON, MAGNUSON, YARBOROUGH, and me are Senators AIKEN, BENNETT, BIBLE, BURDICK, CANNON, CHURCH, CRANSTON, DODD, FANNIN, GOODELL, GORE, EAGLETON, GRAVEL, HARRIS, HART, HATFIELD, HOLLINGS, HUGHES, INOUYE, MCCARTHY, MCGOVERN, METCALF, MILLER, MONDALE, MOSS, MURPHY, MUSKIE, NELSON, PELL, PROUTY, RANDOLPH, RIBICOFF, SCHWEIKER, SCOTT, YOUNG of North Dakota, and YOUNG of Ohio.

In detail, this bill would:

First, establish an Office of Kidney Disease and Kidney-Related Diseases within the Health Services and Mental Health Administration and provide that all functions of the National Institutes of Health relating to kidney disease or kidney-related diseases shall be performed by such office.

Second, provide incentive grants for the construction, equipment, planning, establishment, and operation of cooperative medical programs, for research, training, and patient care in the field of kidney disease. Cooperative medical programs are an arrangement among a group of public or nonprofit private institutions engaged in research, training, diagnosis, and treatment relating to kidney disease; but only if such group is situated within a geographic area composed of any part or parts of any one or more States, and consists of one or more medical centers, one or more clinical research centers, and one or more hospitals.

Third, provide that planning grants and grants for the establishment and operation of cooperative medical programs can only be made after first, consultation with the National Advisory Council on Kidney and Kidney-Related Diseases; and second, if such national medical programs planning, establishment, and development is recommended by a local advisory group consisting of practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, and representatives of other organizations, institutions, and agencies concerned with activities of the kind to be carried on or under the program and members of the public familiar with the need for the services provided under the program.

Fourth, establish a National Advisory Council on Kidney and Kidney-Related Diseases of persons selected by the Secretary and who would consist of the Surgeon General and 16 leaders in the fields of the fundamental sciences, the medical sciences, or public affairs, and who would serve 4-year staggered terms.

Fifth, require the Secretary to establish special treatment and training center information through establishment and maintenance of lists of facilities in the United States capable of providing the most advanced methods and techniques in the diagnosis and treatment of kidney disease or kidney-related diseases, with such other information, including the availability of advanced specialty training in such facilities, and have the Secretary consult with interested national professional organizations to make the information the most useful.

The prohibitive costs of comprehensive kidney treatment were fully described in a Wall Street Journal article on March 10, 1969, entitled "The Cost of Living; Some Kidney Patients Die From Lack of Funds for Machine Treatment," written by Jim Hyatt. I ask unanimous consent that the full text of the article be printed in the RECORD as part of my remarks.

There is an urgent need for this legislation because, as Dr. Carl W. Gottschalk, chairman of the Committee on Chronic Kidney Disease, said in his report:

> Until treatment capability meets demand, agonizing decisions concerning patient selection are inevitable.

There must be action at the Federal level to provide the professional skills and facilities, the prevention techniques, and the research that will defeat kidney disease.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the analysis and article will be printed in the RECORD.

The bill (S. 2482), to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The material presented by Mr. JAVITS follows:

SECTION-BY-SECTION ANALYSIS—NATIONAL KIDNEY DISEASE ACT OF 1969

Section 1—*Short Title: National Kidney Disease Act of 1969.*

Section 2—*Declaration of Policy.*

(1) The lack of trained individuals, available facilities, research and equipment for the diagnosis, evaluation, treatment and prevention of kidney disease is a major health problem.

(2) Techniques have been developed for the diagnosis and prevention of disease which would save lives, and yet, at the same time, people continue to progress to chronic kidney disease and death only for the the lack of facilities for diagnosis and treatment.

(3) Basic research is needed into the nature of diseases of the kidneys and the problems of kidney transplantation; in developing mass testing procedures for the early detection of kidney disease; and for the development of more effective and economical devices for blood purification.

(4) There is an urgent need for a comprehensive program to combat kidney disease through the combined efforts of the Federal, State and local governments, medicine, universities, nonprofit organizations and individuals.

Section 3(a)—*Amends Public Health Service Act to add new title:*

"TITLE X—EDUCATION, RESEARCH, TRAINING, AND DEMONSTRATIONS IN THE FIELD OF KIDNEY DISEASE"

Purposes: To encourage cooperative arrangements in the field of kidney disease to secure for patients the latest advances in the diagnosis and treatment of kidney disease.

Appropriations: Appropriations are authorized for construction planning and equipment grants for cooperative medical programs relating to kidney disease: $8 million for FY 1970; $11 million for FY 1971; $17 million for FY 1972; $18 million for FY 1973; and $20 million for FY 1974. The maximum Federal participation in the costs of construction of facilities and built-in equipment grants is 90%.

Definitions: The terms "cooperative medical program," "Medical Center," "clinical research center," "hospital," "non-profit," and "construction" are defined.

Planning Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases (established by the new Section 1005) is authorized to make grants to public or nonprofit private agencies for planning the development of comprehensive medical programs. Applications for grants must meet criteria including the designation of a local advisory group, comprised of concerned professionals and the lay public, to advise in the formulation of plans for establishment and operation of the Regional Medical program.

Cooperative Medical Program Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases, is authorized to make construction, planning and equipment grants to public or non-profit private agencies for the establishment and operation of cooperative medical programs. Grants under this section may be made only if it meets criteria and is recommended by the local advisory group. The usual financial reports and Davis-Bacon Act compliance is specified.

National Advisory Council: The Secretary shall appoint a National Advisory Council on Kidney and Kidney Related Diseases which shall consist of the Surgeon General and 16 leaders in the fields of fundamental sciences, medical sciences, or public affairs. They serve four-year staggered terms. The Council shall advise and assist the Secretary in the preparation of regulations and policy matters regarding the administration of this title, consider all applications for grants

under this title and make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under this title.

Regulations: The Secretary, in consultation with the Council, is authorized to prescribe regulations for approving grant applications, and coordinated programs assisted under this title with all other kidney disease or kidney-related diseases programs.

Special Treatment and Training Centers: The Secretary is authorized to establish and maintain a current list of facilities capable of providing the most advanced methods in the treatment and diagnosis of kidney disease.

Report: The Secretary shall submit to the President and to the Congress a report with recommendations regarding activities under the title in the field of kidney disease before June 30, 1973.

Records and Audit: Each recipient of the grant shall keep such records as prescribed.

Multi-Program Services Project Grants: Funds appropriated shall be available for grants to any public or non-profit private agency for services which will be needed by any two or more cooperative medical programs..

Section 3(b)—*Renumbering of Sections.*

Section 3(c)—An Office of Kidney Disease and Kidney-Related Diseases is established within the Health Services and Mental Health Administration. All of the functions of the National Institutes of Health relating to kidney disease or kidney-related diseases shall be performed by such office.

[From the Wall Street Journal, Mar. 10, 1969]

SOME KIDNEY PATIENTS DIE FOR LACK OF FUNDS FOR MACHINE TREATMENT—ARTIFICIAL ORGAN WORKS WELL, BUT USE IS COSTLY; FEDERAL GRANTS, DONATIONS DWINDLE—INSURNACE DOESN'T MEET BILLS

(By Jim Hyatt)

The effort to treat suffers from chronic kidney disease by machine, which once promised to save thousands of lives a year, is floundering for lack of financial support.

High costs have plagued the so-called artificial kidney program from the outset. Hospital bills for the twice-weekly machine blood "washings" that take over the kidneys' vital function of removing blood wastes and adjusting body chemistry now run from $10,000 to $20,000 annually per patient. That's the main reason only about 1,700 Americans currently receive the treatments, while an estimated 8,000 people will die this year for lack of them.

But even this far from adequate situation is deteriorating. Federal grants have been running out at the 14 hospitals designated by the U.S. Public Health Service about three years ago as demonstration centers for the process; without Government help, some of them have had to reduce the number of cases they handle.

Some private hospitals have been forced into similar cutbacks because of difficulties in attracting donations to support patients who can't pay the cost themselves. Indeed, private support of any kind has been slow in coming.

COMING OUT SECOND BEST

"The cost per capita of the treatment is an overwhelming drawback when we approach organizations for help," says Dr. Frederic B. Westervelt, director of the kidney care demonstration center at the University of Virginia School of Medicine in Charlottesville. "They say, 'Look what we can do for $10,000 a year—we can give 20 people an artificial leg.' When they measure what they think is the greatest good for the greatest number, we come out second best."

As a result of this lack of funds, hospital committees that once spent weeks agonizing over which artificial kidney candidates would receive the life-giving treatments, called hemodialysis or simply dialysis, now find that the decision has been taken out of their hands. "Who gets the care here now is determined purely by ability to pay—we don't like it, but that's the way it is," says Dr. Daniel Leb of the Louisville (Ky.) General Hospital's kidney center, run by the University of Louisville School of Medicine.

Physicians' chagrin over the financial obstacles to the treatment is heightened by the highly advanced state of artificial kidney technology. The prototype of the present artificial kidney machine, which resembles a squat old-fashioned washing machine, was developed in 1943 in Holland by Dr. Willem J. Kolff, who now is a resident of the U.S. The patient is connected to the machine, and his blood is pumped through a series of tubes, coils and filters.

The key element of the device is a thin cellophane membrane immersed in a saline solution. Through the process of osmosis, wastes in the blood that otherwise would accumulate and cause death pass through the membrane into the solution. At the same time, vital chemicals normally added to the blood by healthy kidneys pass from the solution into the blood. The "cleansed" blood then is returned to the body.

A SURGICAL BREAKTHROUGH

For a number of years, the machine could be used only when a few treatments would suffice—such as in cases of acute infections—because the surgery required to connect the patient to the machine was difficult and dangerous. In 1960, however, a team of specialists from the University of Washington devised a system that made the artificial kidney available to individuals who had suffered irreparable kidney damage and needed frequent blood washings. In minor surgery, they permanently inserted small plastic tubes in an artery and vein in a patient's arm or leg. During dialysis, the machine is easily connected to the body through those tubes; when the treatment is finished, the tubes are plugged and covered with a small bandage.

Recently, some doctors have improved on this method. By increasing the flow of blood through an artery and a vein, they enlarge them to the point where they can be easily punctured with large needles for connection to the kidney machine. This makes the mechanics of dialysis about as simple as giving blood.

Dialysis is time consuming; the twice-weekly treatments take from six to 13 hours each, depending on the patient and model of machine used. But it is painless, and patients undergoing the life-long treatment can lead a nearly normal life. Clyde Shields of Seattle, who nine years ago received vein and artery implants from the University of Washington team and became the first person to start regular dialysis by machine, still is regularly employed as a mechanic. He is 49 years old.

THE ROLE OF TRANSPLANTS

Treatment by kidney machine isn't the only alternative open to victims of kidney failure. Kidney transplant operations have been performed since 1954 with a high and growing rate of success. Up to last year, three-fourths of the transplant patients who received a kidney from a blood relative had survived for at least one year after the operation (people have two kidneys but can live with just one). The one-year survival rate for a person who received a kidney from a cadaver was 45%.

The utility of this operation is limited, however. Many kidney patients might not survive a transplant operation because of poor general physical condition, and not nearly enough suitable organs are available for those who could benefit. Only about 2,000 kidney transplants have been made in the past 14 years, an average of less than 150 a year.

Moreover, transplant candidates often require dialysis. They usually must undergo the treatment while awaiting an organ, and they must fall back on the machine if the operation fails.

Amid the general gloom over the outlook for artificial kidney treatment, some see a hopeful sign in the recent trend for more patients to receive machine dialysis at home instead of in a hospital. The savings from such a move can be substantial. The first-year bill for home dialysis, including $3,000 to $4,000 to purchase the artificial kidney machine itself and fees for training a family member to run it, usually total about $10,000. After that, it costs $3,000 to $5,000 a year to maintain the machine and buy the various components and chemicals that must be changed after every use.

About 200 of the 1,700 Americans on machine dialysis currently are treated at home, and some kidney specialists say they have high hopes that the number will rise sharply in the next few years. In 1967, the U.S. Public Health Service moved to accelerate the trend by setting up 12 home treatment training centers around the country and promising them $4 million over a five-year period.

But many experts in the field strongly doubt that home care will assume the majority of the treatment burden in the near future. They point out that some patients don't have a relative who can assume the job of operating the complex artificial kidney, others don't have homes where the treatments can be safely carried out and still more have strong fears about entrusting themselves to the care of a family member when a mistake could prove fatal. Moreover, even patients who intend to purchase their own artificial kidney must receive hospital dialysis for several months while a relative is being trained to run the machine.

THE FINANCIAL SQUEEZE

To date, the financial squeeze has been hardest on the hospitals picked by the Federal Government in 1965 and 1966 to demonstrate the feasibility of the widespread use of artificial kidneys. The Federal grants—which totaled $2.5 million—paid the operational costs of the kidney centers and permitted them to admit patients who couldn't pay for their own treatments. Federal funds for medical projects go only for research or treatment-demonstration purposes, not for daily general patient care, so the centers knew the funds might not be renewed when the grants expired. But many of them felt that the Government wouldn't cut them off after having made a commitment.

Since it became clear that the grants would stop in the wake of the Government economy drive caused by the war in Vietnam, the centers have moved to pare their rolls. None have summarily cut off any patients, but when a patient receives a transplant or moves to home care, he isn't replaced.

The center at Cleveland's Mt. Sinai Hospital, for instance, now has only 17 patients on dialysis, down from 30 in 1967; its Federal grant expired Dec. 31. The unit at the University of Alabama Medical Center in Birmingham now only accepts patients likely to receive transplants fairly quickly; if new funds can't be obtained, it plans to phase out its artificial kidney program as soon as other facilities can be found for its 15 present patients.

PAY IN ADVANCE

The center at Hennepin County General Hospital in Minneapolis, whose Federal grant expired Dec. 31, now requires some prospective patients to put $12,000—funds for at least one year's care—in an escrow account before they can begin dialysis. "A couple of people have felt they'd rather die than spend the amount of money involved," says one doctor at the hospital.

A bill now pending in Congress would commit new Federal money for artificial kidney programs, but its prospects for passage

aren't clear now. A similar bill made little headway last year.

The outlook for developing other sources of funds is even less bright. Only a half dozen states support dialysis patients, and few others show signs of following. New York has the largest state program; according to Dr. Ira Greifer, medical director for the National Kidney Foundation. Medicaid in New York helps pay dialysis bills for more than half of the state's 400 dialysis patients and the state has set up a Kidney Disease Institute to coordinate the various public and private kidney treatment projects. But state officials say that about 900 New Yorkers a year need the treatments, and their efforts help only a fraction of those who need financial help.

Ordinary types of health insurance often pay some costs of dialysis but typically fall far short of meeting the actual expenses. The average maximum major medical policy benefit of $10,000 "just about covers the preliminary steps to start a patient on dialysis," says L. A. Orsini, an official of the Health Insurance Association, a New York-based trade group.

A few companies now offer kidney treatment policies. Western States Life Insurance Co. in Sacramento, Calif., for instance, sells a $50,000 maximum benefit group policy for an organ transplant or dialysis. However, most private insurers have been reluctant to enter the field.

Persons covered by the Federal Medicare program for the elderly receive little aid for dialysis. Medicaid, the Federally assisted program adopted by some states to help low-income people pay medical expenses, provides more aid—$25 for each in-hospital dialysis treatment—but still leaves substantial bills.

What's left for some kidney disease sufferers, then, is charity. While organized support for kidney care has been slow in coming, instances abound of local largess in individual cases. Last Christmas, for example, residents of Whitesville, Ky., a town of fewer than 1,000 raised $26,000 in four days for Roscoe French, a 33-year-old carpenter for whom machine dialysis represented the only chance at life.

Even well-off victims may end up needing charity. "If you aren't indigent when you start dialysis, you soon will be," says one physician.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that when the Senator from North Carolina (Mr. ERVIN) completes his remarks, I may be recognized for certain remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NATIONAL COMMITMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the resolution.

SENATE RESOLUTION 85—SYMBOL OF THE SENATE'S RESPONSIBILITY TO THE AMERICAN PEOPLE

Mr. ERVIN. Mr. President, Senate Resolution 85, the so-called national commitments resolution, signifies what hopefully may be an important watershed in our Nation's constitutional history. The resolution is evidence of the fact that the Senate has once again become alert to its responsibilities in the field of foreign affairs. This resolution is a declaration that the Senate henceforth will insist upon its constitutional prerogatives. And it is a promise to the American people that the Senate intends to discharge its obligations as the representative of the people's voice in the making of foreign policy. As such, I support the resolution wholeheartedly, and urge its adoption.

While I support the resolution and commend the efforts of the junior Senator from Arkansas in bringing it forth, I cannot help observing that it is unfortunate that such a declaration by the Senate has become necessary. The resolution is testimony to the fact that over the course of the past 50 years, and especially since World War II, the power to make foreign policy has shifted almost entirely to the President. This trend has gone so far that a theory has developed that the making of foreign policy is solely the President's prerogative. This view is held by a large segment of the Nation's political scientists. It is shared by much of the public and, needless to say, it is forcefully espoused by the executive branch as well.

Under this theory, Congress is considered to be little more than a rubberstamp of the executive branch. The functions of Congress is to approve what the Executive does in foreign affairs, to appropriate the money it seeks without question or cavil, and to give its automatic consent and support to whatever policy comes from the executive branch. As the foremost advocate of this theory, the Department of State often makes little effort to hide its belief that foreign policy is much too important and much too complicated to be left to the untutored mercies of mere Senators and Representatives. In its view, foreign affairs must be exclusively the concern of experts, of which class the Department considers itself the epitome. The Department and those who share its views make the common mistake of confusing information for knowledge, and knowledge for wisdom. They are ignorant of that definition which is singularly appropriate in this context—that an expert is one who knows about nothing.

This feeling that the Senate intrudes upon the President's constitutional duties when it seeks to participate in the formulation of foreign policy reflects a state of affairs which has existed for some time. It is not a happy moment when the Senate must in a resolution declare that foreign policy is a product of "action taken by the executive and legislative branches of the U.S. Government." This is clear from the plain words of the Constitution. Unfortunately, because of the abdication of its constitutional responsibilities over the past decades, the point has now been reached when the Senate must try to regain—first symbolically, as by the adoption of the resolution—and then in practice, its coequal role in the formulation of foreign policy.

The present low state of the Senate's power in the field of foreign policy was forcefully brought home to me during hearings conducted by the Subcommittee on Separation of Powers in mid-1967. The Subcommittee on Separation of Powers was established earlier in that year to examine the doctrine of division of powers established by the Constitution and to evaluate its modern strength and significance. At its first hearings, the subcommittee received testimony from the Senator from Arkansas (Mr. FULBRIGHT) and from the then Senator from Oregon, Mr. Morse, outlining their views of the responsibilities of Congress in the making of foreign policy. In their testimony they described the persistent trend to Executive supremacy in this field. The Senator from Arkansas (Mr. FULBRIGHT) summarized the major events which have marked the decline of congressional influence in foreign policy:

> The authority of Congress in foreign policy has been eroding steadily since 1940, the year of America's emergence as a major and permanent participant in world affairs, and the erosion has created a significant constitutional imbalance. Many, if not most, of the major decisions of American foreign policy in this era have been executive decisions. Roosevelt's destroyer deal of 1940, for example, under which 50 American ships were given to Great Britain in her hour of peril in exchange for naval bases in the Western Hemisphere, was concluded by executive agreement, ignoring both the treaty power of the Senate and the war power of the Congress, despite the fact that it was a commitment of the greatest importance, an act in violation of the international law of neutrality, an act which, according to Churchill, gave Germany legal cause to declare war on the United States. The major wartime agreements—Quebec, Tehran, Yalta, and Potsdam—which, as it turned out, were to form the de facto settlement of World War II, were all reached without the formal consent of the Congress. Since World War II the United States has fought two wars without benefit of congressional declaration and has engaged in numerous small-scale military activities—in the Middle East, for example, in 1958, and in the Congo on several occasions—without meaningful consultation with the Congress.

That the Congress shares constitutional power with the executive branch in the making of foreign policy is clear, as I have said, from the plain words of the Constitution itself. In his statement to the subcommittee, Senator Morse summarized the powers in the field of foreign policy allocated to the President and to Congress:

> Scholars in the field generally recognize that under the Constitution the powers in the field of foreign policy and war were divided between Congress and the President. The President was made Commander in Chief of the Army, Navy, and militia when called into service. He was given the power to receive Ambassadors and other Public Ministers and the duty to see that the laws be faithfully executed.
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> Congress was given the power to declare war, to raise and support armies and provide and maintain a Navy, to make rules governing these forces, to provide for organizing and calling forth the militia, and to regulate

commerce with foreign nations. In addition, Congress was to make all laws necessary for carrying out the powers vested in the Government and was given the power of the purse through the provision that no moneys could be drawn from the Treasury without an appropriation by law.

In addition, of course, the Senate has the responsibility of confirming appointments to diplomatic posts and by two-thirds vote must give its "advice and consent" to treaties before they become effective.

Despite this constitutional power and responsibility, the post-World War II years have seen a failure on Congress part to play an active, creative role in the making of foreign policy. The report on the resolution by the Foreign Relations Committee traces the reasons for this decline:

[T]he basic cause has been the unfamiliarity of world involvement and recurrent crisis to the American people and their government. Prior to 1940 foreign crises were infrequent and therefore put no lasting strain on our institutions.

Since 1940 crisis has been chronic and, coming as something new in our experience, has given rise to a tendency toward anxious expediency in our response to it. The natural expedient—natural because of the real or seeming need for speed—has been executive action.

In other words, the trend to Executive supremacy is a product of the cold war and of recurrent and almost constant crisis in which the stakes are often the very survival of this country and the world. Since the United States became the major actor in world affairs, we have become involved in almost every event everywhere on the globe, and even our noninvolvement is a key element in the affairs of other nations. The sheer size, complexity, and critical nature of America's foreign policy has led to a feeling that only the President with his advisers can adequately formulate as well as execute foreign policy.

Congress itself acquiesced and supported the preeminent role of the Executive. Understandably, Congress became reluctant to question the judgment—before the fact—of the President and his advisers. The salutary principle of a nonpartisan foreign policy—"Politics stops at the water's edge"—developed into a withdrawal of Congress from any significant role in the formulation of foreign policy.

Evidence of this withdrawal of Congress from its constitutional obligations can be seen in almost every aspect of our policy. In the years since World War II, for example, the treaty power which the President shares with the Senate has atrophied. Since 1946, the United States has become a party to more than 5,000 international agreements, but only 245 of them have been treaties. The great bulk are executive agreements. The executive agreement, of course, is a purely executive contract. Unlike the treaty, which requires two-thirds approval by the Senate, the executive agreement can be negotiated and executed without Senate advice or Senate consent. For the most part, the public and the Senate are not even aware when these executive agreements are made or what they contain.

In an effort to obtain a fuller understanding of the use of executive agreements and their influence on the distribution of power between the Executive and Congress in the field of foreign policy, the Subcommittee on Separation of Powers recently asked the Department of State to analyze all of the executive agreements entered into since World War II. The Department of State was requested to collect all the agreements, classify them by subject matter, and state the legal or constitutional authority under which they were made.

It took the Department almost 4 months to prepare the report the subcommittee requested on these 5,000 executive agreements. Their report totals almost 300 typewritten, legal-sized pages. It is not, I must stress, a reprint of the agreements nor an exhaustive analysis of their terms, their legal effect, or even their legal underpinning. It is merely a listing by subject matter of the agreements and a listing by citation of the authority for each.

The accompanying memorandum by the Department states:

From time to time comparisons are made between the number of treaties and the numbers of so-called executive agreements made during the same period. It will be observed . . . that this study covers nearly 5,000 international agreements other than treaties made during the period 1946–1968. During the same period, and not counting certain earlier treaties which were brought into force during the period, 245 treaties (121 bilateral, 124 multilateral) were made and brought into force and have been published or are in the process of being published in the Treaties and Other International Acts Series and the permanent statutory volumes (UST). A comparison merely on the basis of total figure is, of course, meaningless.

While it is true that the mere enumeration of these agreements is not conclusive proof that the executive agreement has supplanted the treaty, it is enough to warrant a full-scale study of the importance of the executive agreement and its effect on the Senate's role in treatymaking.

The Senate cannot take at face value the assertion by the Department that every agreement is properly based upon constitutional authority and that all are consistent with congressional delegations of authority and existing law. Many of them, it appears, were made according to the President's "inherent powers" to conduct foreign policy. But what those "inherent powers" consist of, and whether executive agreements signed under such authority trespass on the Senate's treaty powers, are questions which the Senate ought to answer for itself if it is to give substantive meaning to the resolution.

The quantitative increase in the use of executive agreements in recent decades has been matched by an increase in their qualitative standing. Where once the executive agreement was a decidedly subordinate instrument reserved for international "housekeeping" arrangements, now it is often alleged that the executive agreement stands on an equal footing with the treaty. It is commonly asserted, for example, that anything which can be done by treaty can be done by executive agreement. Thus, the President, under this view, has the power to determine whether the Senate will play any role in making foreign commitments by his choice of using executive agreements or formal treaty. The logical result of such a theory is to make a dead-letter of the Senate's prerogatives under article II, section 2.

The executive agreement also may be in the process of becoming equivalent to the treaty in its effect on domestic law. Treaties, under the Constitution, are part of the supreme law of the land and prior, inconsistent statutes are inferior to provisions of treaties. Until recently, executive agreements were not thought to have this same legal standing. But the controversy last year over the international Anti-Dumping Code suggests that the executive branch would like to see even this distinction erased.

The international code was negotiated during the Kennedy round of international trade negotiations despite a prior warning from the Senate that the authority to negotiate did not extend so far as to authorize an agreement to prevent dumping of goods on the international market which was at variance with existing statutory law. Nonetheless, the U.S. representative negotiated an agreement which was in a number of respects inconsistent with the Anti-Dumping Act passed by Congress in 1921. Although the executive branch never actually conceded that there was a conflict between the two, it was generally agreed that the two were inconsistent. In my judgment this was a clear attempt on the part of the executive branch to utilize an executive agreement to repeal or modify prior existing statutory law adopted by Congress.

As a result of the dispute which arose over the 1967 code, the Senate adopted a provision in the Renegotiation Amendments Act of 1968 which would have suspended the code. However, the compromise language adopted by conference committee permits the code to come into effect but states that in the event of a conflict between the 1967 code and the 1921 act the latter is to govern. It is possible to interpret this series of events as precedent for the principle that executive agreements can modify prior inconsistent statutes unless the Congress takes affirmative steps, as it did in this case, to make clear that the prior legislation is still primary. If such a theory were accepted, then all legal distinctions between executive agreements and treaties would be eliminated. Executive agreements made by the President would then become part of the supreme law of the land without the necessity of ratification by the Senate.

If Congress is to reassert its prerogatives in foreign policy, as Resolution 85 declares, then one of its first tasks should be to scrutinize all past executive agreements to assure itself that each was made under proper legal and constitutional authority. Even more important, the Senate should demand to be informed of all future executive agreements as they are being negotiated and should satisfy itself that the United States is not entering into an international commitment by exclusively executive action which should instead be a product of the joint Senate-Presidential function of treatymaking.

The increase in use and importance of the executive agreement has been matched by the reduced role of the Senate in the treatymaking process itself. Treaties are now reserved for the most solemn of international commitments. It sometimes appears that the President submits international agreements in treaty form when he wishes to give particular public stature to an agreement. With the fanfare and publicity given to such agreements, the Senate has little actual power to alter their terms, or even express its views on the nature and scope of the obligations they represent. Invariably Senate misgivings about terms of treaties are represented as obstructionist tactics. The argument is repeatedly heard that so much time and trouble has gone into negotiations that nothing can be permitted which would jeopardize the agreements which have been reached.

The Subcommittee on Separation of Powers' hearings contain an editorial from the New York Times of March 10, 1967, which epitomizes this attitude. The Times said:

> A treaty is a contract negotiated by the executive branch with the government of one or more other countries. In the process there is normally hard bargaining and the final result usually represents a compromise in which everyone has made concessions. Thus when the Senate adds amendments or reservations to a treaty, it is unilaterally changing the terms of a settled bargain. The practical effect of such action is really to reopen the negotiations and force the other party or parties to re-examine their previously offered approval.
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> Every time the Senate exercises this privilege it necessarily casts doubt upon the credibility of the President and his representatives and weakens the bargaining power of the United States in the international arena. The Senate's power to do this is unquestioned, but it is equally unquestionable that this power is best used only to express the gravest of concerns, especially in a period of crisis such as is posed by the Vietnam war and efforts to end it.

The Department of State is not aware of the fact that the Senate's ability to "advise" on major treaties is generally nullified by the pressures which are brought to bear to obtain its "consent." As long ago as 1953, Secretary of State Dulles displayed a commendable approach to the problem. He said:

> The Constitution provides that the President shall have power to make treaties by and with the advice and consent of the Senate. This administration recognizes the significance of the word "advice." It will be our effort to see that the Senate gets its opportunity to "advise and consent" in time so that it does not have to choose between adopting treaties it does not like, or embarrassing our international position by rejecting what has already been negotiated out with foreign governments.

The fact is, however, that the executive branch in practice prefers to take full advantage of the position expressed in the New York Times.

As an example of this approach at work I would cite the recent Senate action on the Nonproliferation Treaty. Certain Senators, including myself, were seriously concerned about the nature of the commitment that the treaty imposed upon the United States. Our concern was that the United States was obligating itself to come to the aid of any nation signing the treaty that was thereafter attacked with nuclear weapons or threatened with nuclear blackmail, and that this commitment went beyond our obligations under the United Nations Charter. Our belief that the Nonproliferation Treaty could be the basis for a major expansion of U.S. overseas commitments was based on a resolution passed by the United Nations Security Council and a simultaneous statement of the United States in the United Nations, both of which occurred only 11 days before the treaty was signed. These declarations were clearly for the purpose of assuring nonnuclear nations that signed the treaty that they would be protected from nuclear attack and blackmail. In my opinion, the resolution and U.S. statement amounted to a thinly veiled commitment that we would come to their immediate assistance. In other words, the United States was giving an implicit guarantee of protection to these nations as the price for their accepting the treaty.

Since supporters of the treaty denied that this was the correct interpretation of these statements and assurances, I introduced a reservation to the treaty to make their judgment crystal clear. My purpose was to make certain that no nonnuclear nation would sign the treaty under the misapprehension that the United States, by these words, had made a national commitment to send our boys into battle again to die, without authorization from the Congress of the United States. As I said at the time of the debate on the treaty, we have had much less than this get us into war in the past. I said:

> We are in a war today, a war in which over 32,000 American boys have been killed in South Vietnam. We were placed in that war by the act of the President of the United States. He did not have a single statement to make as strong as this reply of the United States to the resolution in the United Nations Security Council to justify his actions.

The reaction from the Department of State to Senate efforts to clarify the treaty was that any attempt to attach a reservation would destroy the delicate political agreement that had been reached. If a reservation were adopted, the treaty would have to be renegotiated. In the words of the Department, a reservation would cause "a stampede which might very well mean the demise of the treaty." Even my alternative of adopting an "understanding"—which is a purely domestic matter between the President and the Senate—was rejected. Again, the argument was that such a step might be misinterpreted by other nations and destroy the treaty's acceptability to them.

It is my feeling that the Senate had an obligation to make clear its views on the nature and extent of the commitments contained in the treaty. It was evident that the Senate was not in favor of any new commitment of the United States to defend nations attacked or threatened by nuclear weapons other than those imposed by existing treaty obligations. It is my judgment that the Senate ought to have made this interpretation explicit in the form of a "reservation," or at least an "understanding." Our experience in the past has shown us that vague words which all agree at one moment in history mean one thing, can at another point in time be used as the basis for quite a different purpose. What individual Senators may think deep in their hearts about the meaning of a treaty is irrelevant if its words and legislative history mean something else entirely. In acts as important as the ratification of treaties, the Senate has an obligation to make explicit its views on the nature and limits of the obligations which the United States is incurring. And especially in so critical an area as nuclear policy we should be extremely reluctant to substitute private faith in unofficial assurances for explicit limitations that no one can mistake or misinterpret. In the past, we have seen to our dismay what can result from vaguely worded grants of power or authority.

The story of the Nonproliferation Treaty is illustrative of the low state to which the Senate's role in treatymaking has fallen. Since treaties are reserved for major declarations, and there is no room for reservations or understandings, the Senate generally is left with little choice but to approve them, lest the President be repudiated in the eyes of the whole world. As a consequence, major treaties do not offer much room for the Senate in the exercise of its "advice and consent" function.

Of course, the reduced role of the Senate and Congress in foreign policy is best illustrated by the events leading up to our major involvement in Vietnam. As has happened all too often in recent years, the President sought congressional approval of his actions in the heat of crisis. The Congress always finds it difficult to refuse a President when he calls for national support at such a moment. There has been much debate over the legal character and effect of the Tonkin Gulf resolution. In my judgment the resolution did authorize the President to put the Armed Forces into Vietnam, however wise a decision that may have been.

Debate on the meaning of the resolution has led in turn to a consideration of the larger question of whether the President has inherent power to commit U.S. forces to fight overseas in the absence of congressional authority. Those who hold to this view argue that in these modern times the President must and does have the independent power to employ American armed might in the world in order to safeguard our national security. Implicit in this view, and perhaps explicit, is the idea that the Constitution is outmoded. I cannot agree with such a view.

In Youngstown Sheet & Tube Co. against Sawyer, the famous case on the legality of President Truman's seizure of the steel mills during the Korean war, the issue of the President's "inherent war powers" was raised. Mr. Justice Black's opinion in that case contained what I regard as the most ringing reaffirmation of the doctrine of separation of powers that has ever been made. In rejecting the contention that the President had the power to seize the steel mills as an exercise of his authority as Commander in Chief, Justice Black said the power belonged to Congress. The existence of a crisis was no excuse for going beyond the words of the Constitution. Justice Black said:

The founders of this nation entrusted the law-making power to the Congress alone in both good and bad times.

I do not claim to be an expert on the subject of the war powers of the President or of the Congress. I have, however, given a lot of thought and study to it. I have concluded that a distinction must be drawn between defensive warfare and offensive warfare. There is no doubt whatever that the President has the authority under the Constitution, and, indeed, the duty, to use the Armed Forces to repel sudden armed attacks on the Nation. But any use of Armed Forces for any purpose not directly related to the defense of the United States against sudden armed aggression, and I emphasize the word "sudden," can be undertaken only upon congressional authorization. In other words, the power of the President as Commander in Chief of the Army and Navy under the Constitution, when not acting pursuant to congressional authority, is wholly defensive in nature; Congress and Congress alone, by virtue of its constitutional right to declare war, has the power to authorize the employment of the Armed Forces of the United States in offensive warfare.

My position that the power of the President to employ the Armed Forces of the United States is limited to defensive warfare—that is, to resist any attacks upon the United States—and that Congress has the constitutional power to declare war, and that only Congress can authorize the President of the United States to use the Armed Forces of the United States in offensive war, is sustained by three separate provisions of the Constitution.

The first is found in clause 11 of section 8 of article I of the Constitution, which expressly provides that Congress shall have the power to declare war. That refers to wars which may be designated as offensive wars.

Then there are two provisions in the Constitution which recognize that this country can fight in its own defense without any authorization by Congress.

The first of these is found in clause 3 of section 10 of article I of the Constitution, which provides that no State shall engage in war unless actually invaded or in such imminent danger as will not admit of delay. Under his provision even a State can go to war to defend itself against invasion or imminent threat of invasion, without the consent of the National Government.

The other provision of the Constitution is found in section 4 of article IV. It provides that "the United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invision."

Those constitutional provisions make these two propositions crystal clear: First, that the President has no power under the Constitution to put this Nation at war when the war is offensive in nature; and, second, that the President, or even a State, can fight in self-defense to repel invasion, without the consent of the Congress.

When the people of the United States adopted the Constitution, vesting in Congress alone the power to authorize offensive warfare, they contemplated that the Members of the Senate and the Members of the House of Representatives should determine, in the exercise of their own judgments, whether sufficient justification exists for committing the Armed Forces of the United States to offensive warfare before they authorize the waging of such warfare. They did not intend that the Members of the Senate and House of Representatives should abdicate their constitutional power and responsibility by delegating to the President the power to engage in offensive warfare or by acquiescing after the fact in such an improper utilization of the Armed Forces.

If, as some believe, the Constitution has become outmoded in respect to which branch should exercise the war power—a view with which I strongly disagree—then the Constitution should be changed by the amendment processes and not by extra-legal action of the President and the Congress. I am not impressed with the recitation of precedents to support de facto constitutional amendments. Even 200 years cannot make constitutional what the Constitution declares is unconstitutional.

Mr. President, when the Senate seeks to regain its constitutional role in the field of foreign affairs, much more is at stake than a formalistic observance of a paper distribution of powers, prerogatives, and functions. The framers of the Constitution did more in devising that document than merely deal out the elements of power among three branches of the Government. They recognized that in a government resting ultimately on the consent of the governed, a balance must be struck between the need to have power and exercise it, and the need to control power and keep it disciplined. They sought to strike a balance between tyranny on the one hand and anarchy on the other. This principle was recognized as applicable to foreign policy as well as to domestic policy. It was for this reason that they gave Congress and especially to the Senate such important responsibilities in this field. The Senate's ultimate responsibility is to make certain that our Nation's foreign policy remains responsive to the wishes of the people. This is because in a democratic society, no policy, however enlightened, can long survive without the consent and support of the people.

The importance of the congressional role in formulating foreign policy lies in mobilizing and expressing popular support. Through the Congress, the people have a voice and a way to make it heard. Neither the Department of State, nor the Supreme Court, nor even the President can perform this great function of giving expression to the people's wishes on an issue.

This is the lesson that the debacle in our Vietnamese policy has taught us. Because foreign policy had become the province of the Executive, the decisions and the policy of the United States were not made with the active participation of the people. Instead, policy was made exclusively within the executive branch. The Congress, the Senate, and the country were asked to support that policy, which for some time they did, but they were never asked for their consent, and they never had a hand in the making of the policy. Regardless of the merits of our decision to wage war in Vietnam, it has become tragically clear that the people will not support forever a policy which is made for them, but without them.

The consequences of this failure to observe the Constitution are all too evident. True, no Supreme Court decision has adjudged the war in Vietnam as unconstitutional on the grounds that Congress adopted no formal declaration of war and because the Senate gave no effective advice and consent. Instead, the declaration of unconstitutionality has come from the judgment of the people. We see the decree everywhere. For the first time in our memory, an incumbent President was forced from office. Young men whose fathers and brothers volunteered to serve their country now desert to Canada and Scandinavia rather than bear arms in the country's cause. Thousands march on Washington and picket the White House, the Capitol, and the Pentagon. Now we have riots and violence on our university campuses. ROTC programs are being forced out of schools, and there is dissension and antiwar activity even among those in uniform.

Perhaps not all the anarchy we see today has been caused by the Vietnamese war and the way in which we became involved. No one can say. But no one can say that the war was not the cause, or at least the catalyst. And I cannot shake the feeling that ultimately the reason so many are now disrespectful and unresponsive to authority is because authority was disrespectful and unresponsive to the Constitution in the making of our policy in Vietnam.

Sadly, if we needed proof, we once again can see the wisdom of the framers' determination that the representative branch of the Government should play a key role in the making of foreign policy. Senate Resolution 85 does not fulfill that constitutional responsibility. It merely testifies to an awareness of it that had been lost for far too long. Adequate exercise of the Senate's functions in making policy requires a constant, forceful assertion of that role in all proper circumstances. If the Senate has once again become sensitive to its responsibilities, then proof must be in its actions.

But we must be wary of mistaking opposition pure and simple for the partnership in policymaking that is required between President and Congress. The Senate's responsibility is not fulfilled by obstructionism any more than by abdication of judgment and unthinking acquiescence. The Senate did not exercise its constitutional responsibilities 50 years ago by driving us into isolationism, neutrality, and blind pacifism. The tragedy of World War II should be proof enough that isolation, pacifism, and a blindness to the realities of national security is not the way for the Senate to "advise and consent" in foreign policy.

I commend the Senator from Arkansas for his efforts to bring this resolution to the attention of the Senate, and for his efforts to reawaken a stronger sense of the Senate's constitutional responsibilities.

While we may not always agree on the direction in which the Senate should

exercise its responsibilities in foreign affairs, I think we have always been together on the need for a more vigorous Senate role. The Senator has performed a public service of the first importance in causing this debate on the constitutional obligations of the Senate.

(The following proceedings occurred during the presentation of Mr. ERVIN's address:)

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I am glad to yield to my distinguished colleague from North Carolina.

Mr. JORDAN of North Carolina. In the exhaustive study that the Senator has instructed the State Department to make and present to his committee, has the Senator been able to estimate the cost of these treaties to the American taxpayers?

Mr. ERVIN. No, I did not make an effort to do that. The number of treaties were, of course, relatively small compared with executive agreements.

Mr. JORDAN of North Carolina. Is it not true that some of the treaties have carried enormous expenditures of moneys for such purposes as the building of dams and the establishment of boundaries, so that when we entered into these agreements they finally cost us a large amount of money?

Mr. ERVIN. The Senator is correct. Most of the agreements along that line are done under the foreign aid program and they are approved by Congress, although not by my colleague from North Carolina and myself.

Mr. JORDAN of North Carolina. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to make some observations. May I have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I wish to make certain observations respecting the resolution which is before the Senate. I support the national commitments resolution as submitted by the Senator from Arkansas (Mr. FULBRIGHT). I should like to advance some of the reasons why I support it, and to state my understanding of what it means, as well as its significance.

First, I wish to make it clear that the resolution, as I understand and support it, is concerned with major issues of the highest national interest, not with the routine conduct of foreign affairs. I consider the most important aspect of the resolution to be the use of the words "national commitment."

A national commitment, Mr. President, is not a policy action, is not chasing bandits into Mexico, is not dealing with a redress of the rights of some American who might be imprisoned or whose liberty might otherwise be restrained. In short, it is a major national action, which is of a solemn character so far as the country is concerned, and of such a nature that it could involve us in war or in a national change of position of comparable magnitude and gravity.

I have in mind the two illustrative poles; one, a commitment which puts us in military bases, for example, where the forces of the United States represent a trip-wire if there be any military action and the other pole a commitment, for example with respect to arms limitation or arms control which would change the position or posture of the United States in a major way.

I think the specific words "national commitment" represent the most critical aspect of the resolution. I know the Senator from Arkansas, our chairman, recognizes that, and has sought to refine and clarify the use of those words. Unless they are very clearly understood by Congress, the country, and the world, the resolution really loses its major impact.

Mr. President, we are not seeking to tie the President's hands, nor are we asking that he seek congressional approval every time he wants to do something in the foreign affairs field.

In my judgment, it is essential that the President of the United States be an activist in international affairs, and I am confident that President Nixon will be a wise and prudent activist in his conduct of the Nation's diplomacy. The world situation and the safeguarding of our national interests demand nothing less. Indeed, it is widely recognized that skill and wisdom in foreign affairs is one of the greatest tests of Presidential success in modern times.

It is a fact of life, nonetheless, that no President can be successful in foreign policy, in the long run, unless he enjoys a relationship of mutual trust, confidence, and responsiveness with the Congress, and especially with the Senate. The almost total breakdown of communication and mutual responsiveness concerning the Vietnam war which characterized the previous administration's relationship with the Senate, during its last 18 months or so, is a vivid and tragic example of the damage to our Nation, and to our political system itself, which can result from a breakdown of the indispensable rhythm of responsive interplay between the Senate and the President. The Nation has paid a heavy price for this lesson. Today the Senate—as a continuing body— is intact, but the administration of President Johnson was virtually destroyed politically as a result of unresponsive unilateralism with respect to the Vietnam war.

I do not believe that the present administration—nor any of its successors in the foreseeable future—is likely to forget the lesson of Vietnam with respect to the question of relations with the Senate.

Senator FULBRIGHT and other distinguished Senators have given much thought and attention to the pre-Vietnam history of the problem of the diminishing role of the Senate and House in the field of foreign affairs, and national commitments in particular. In my judgment, they have performed a real service in presenting this full historical perspective, with the committee report tracing trends well back into the last century.

Nonetheless, I do not think anyone would seriously dispute the assertion that had it not been for our experience in Vietnam, and especially our experience with respect to the Gulf of Tonkin resolution, we would not be debating the resolution now before us.

I share the belief that the Senate has witnessed in practice during recent decades a serious diminution of its constitutionally intended powers and influence with respect to the establishment of solemn national commitments in the international field, and I repeat, particularly in respect to national commitments, which is what this resolution refers to.

If the legislative history is inquired into, I hope it will have been made crystal clear—and if I can inspire our chairman to make it even more clear, I shall feel that my time on the floor has been very worth while—precisely what is meant by the term "national commitment." A national commitment is an obligation upon the United States of a nature which could involve us in war, or which represents a vital change of national position with respect to matters of comparable magnitude and gravity.

It seems to me that we ought to ask ourselves as we deal with the pending resolution what brought about the diminution in the impact of Congress on the foreign policy of the country. In part, the answer lies in the extraordinary growth of Presidential powers in all fields of national endeavor during this century and especially since 1933 and 1945. Clearly, this dramatic extension of Presidential authority has been a historical process in response to changing conditions and circumstances. The men who have occupied the office of President in these years have been men of strong will and self-assertion, but the growth of the Presidency has been something essentially other than the product of individual self-assertions. By comparison, the power and prestige of the Congress has seemed to have shrunk during these decades—despite the presence of many individual grants in the Senate and the House.

In my judgment it is crucial that we as Senators also examine the other side of the coin. What is it that we as Senators have done, or failed to do, to permit such an erosion of our power and influence? It is in the context of this question that I feel that Senate Resolution 85 takes on its real significance.

Authority rests with those who exercise it. No resolution of itself is going to add a whit to the power and the authority of the Senate. Conversely, I believe that we will have all the authority and influence we need or want—if we exercise the authority available to us. In short, the wisdom, the skill, the vigor, and the vigilance of the Senate as a body—and of Senators as individuals—is what will count in practice. Our relationship to the Executive—by its very nature—must be both competitive and cooperative. We can be both competitive and cooperative in sterile and unproductive ways, or we can be competitive and cooperative in ways which bring credit and strength to ourselves, to the President, and to the

Nation. We should vie for the laurels of excellence in statesmanship and wisdom, in a common and joint pursuit of the Nation's highest interests. In the deepest sense, the roles of the Senate and the Presidency are complementary—it is the great wisdom of the framers of the Constitution that they profoundly designed to be so.

I sense three specific meanings in the passage of the resolution. First, quite frankly it is an admission by the Senate that we have been diffident in exercising our constitutional powers and responsibility. A resolution by the Senate which confesses its own irresolution of the past is a matter of significance and hope.

Second, I see this resolution as a concrete response to the desire, perhaps I should say the demand, of the American people that—now—the Senate play its full role in the national security field, especially with respect to nationa commitments. It has been a great source of strength and gratification to me and to my colleagues that our efforts—particularly with respect to Vietnam and the nuclear arms race—have elicited such strong and broad popular support from the people we represent. In our differences with President Johnson over the Vietnam war there is no doubt that the Nation approved and supported the role we played and the efforts we made to recapture control of policy for the majority which opposed the course the Nation had been set upon. In this resolution we are giving an earnest to our constituents that we will play the role they want us to play—the role we must pay if the whole scheme of things in this Nation is to work.

Third, I see this resolution as a signal to the executive branch that it must adjust itself psychologically and procedurally to a new reality—the reality that the Senate will not again shrink from its responsibilities or yield its constitutional power with respect to national security issues and the solemn undertaking of national commitments.

The Senate is given the broad role of advice and consent in foreign affairs. In military affairs, its powers are quite specific: the authority, with the House, to declare war, and the authority to raise and regulate the armies of the Republic. Under the Constitution, these are exclusive powers of Congress and there is no need for reticence in asserting them—provided we do so with prudence, wisdom, and foresight, in cooperation with the President for the good of the Nation.

I am grateful to the Senator from Arkansas for his leadership and for having brought the Senate to the point at which we are today.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Mr. President, I deeply appreciate the remarks the Senator has made both with regard to the resolution and to my part in it. I feel a strong responsibility for doing something about the matter.

I certainly was not aware of how far we had gone in the Senate and how little we had been conscious of our responsibilities in certain cases, specifically those dealing with the Vietnam war.

I do appreciate what the Senator has said.

I think this will be significant not only for those of us—and particularly me—who have gone through the last several years in which the Senate's role has been eroded, but it will also be helpful to future Senators to have had a resolution like this adopted.

I believe the Senator's words are wisely put with respect to that.

I also appreciate the Senator's comments because they disabuse the minds of some people who are not familiar with the background of the pending resolution concerning any suspicion that there may be anything partisan about the matter.

I repeat that the resolution was submitted last year under a Democratic administration. It is not intended in any way to reflect upon the present administration. It is simply a statement of a principle which I think is applicable at all times and under any administration.

Mr. JAVITS. Mr. President, I think President Nixon is a very spirited President. I can hardly conceive of his feeling that the pending resolution curtails his powers. I am sure that he will not allow them to be curtailed.

I consider the resolution to be a unilateral expression by the Senate of its determination not to yield the constitutional powers which have been given to it and an expression that it will exercise them.

A President would be thinskinned indeed who felt that the pending resolution is an attack upon him or an attempt to clip his wings or indicate that we were going to be obstructionist and petty.

Mr. FULBRIGHT. Mr. President, the Senator is correct. It is addressed more to some Senators than to the Executive. It is a statement that we are going to be more conscious of our responsibilities in the future.

Mr. JAVITS. The Senator is correct. We have been burned. The Senator has been burned because he, unhappily, handled the Gulf of Tonkin joint resolution.

Mr. FULBRIGHT. The Senator is correct. Anyone who thinks there is anything partisan about the matter is entirely wrong.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I was present in the Chamber only at the end of the speech of the distinguished Senator from New York. However, I agree entirely with his three conclusions. He said, first of all, that the Senate has been indifferent and irresolute, not down through the years, I might add, but down through the decades.

I agree with the Senator's second conclusion: that the bipartisan resolution is an earnest effort on our part to be responsible to the people we represent in our respective States as well as to the people of the Nation as a whole.

And I agree with the Senator's third conclusion: that the resolution represents a reaffirmation of our responsibility—a responsibility that has been eroded in the past.

I think the time is long past due when we should face up to the fact that this is a matter, as the distinguished Senator has indicated, that applies not so much to the Executive as to some Senators.

It is something that we, as Senators, must face up to and carry out if we are to face up to our bounden responsibility.

I congratulate the Senator for a fine statement and for his extremely fine work.

Mr. JAVITS. Mr. President, I am grateful to the Senator.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished senior Senator from Connecticut (Mr. DODD) there be a time limitation on the pending resolution of 1 hour to a side, the time to be divided equally between the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from South Dakota (Mr. MUNDT).

Mr. MUNDT. Mr. President, reserving the right to object, I thought our understanding was that after the speech by the Senator from Connecticut I would call up my amendment and there would be 1 hour to a side.

Mr. FULBRIGHT. Mr. President, reserving the right to object, it is my understanding—and I have been negotiating this matter, and I thought other Senators so understood—the Senator from Kentucky intends to propose a slight change in my resolution. I thought he would have the right to offer that change as a perfecting amendment to the resolution; and that the Mundt-Dodd substitute would be voted on. That is what I understood would be the procedure.

Mr. MUNDT. I am not familiar with the amendment of the Senator from Kentucky.

Mr. FULBRIGHT. I gave a copy to the distinguished majority leader.

Mr. MUNDT. I would still want to offer my substitute.

Mr. FULBRIGHT. It would save one step or one vote, and it would be orderly. The amendment is on the desk of the majority leader. I have a copy. The Senator from South Dakota was not here. I do not think it would take any more time. Then the Senator's amendment would be offered as a substitute, and we would have the vote on that measure.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. MANSFIELD. I yield.

Mr. MUNDT. Assuming I call up my amendment, would not the Senator from Kentucky still have the right to offer his

perfecting amendment to the author, and he have the right to accept it?

Mr. FULBRIGHT. His proposal is not a substitute. It is an amendment to my resolution. It is a perfecting amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

Mr. MUNDT. Mr. President, I did not get an answer to my parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky would have the right to offer a perfecting amendment to the original language.

Mr. FULBRIGHT. I was not clear about that. It is satisfactory.

Mr. MANSFIELD. Mr. President, I am glad the Senator from South Dakota corrected me.

Mr. President, I ask unanimous consent that at the conclusion of the speech by the Senator from Connecticut (Mr. DODD) there be a time limitation of 2 hours on the Mundt-Dodd substitute, the time to be equally divided between the Senator from South Dakota, with the permission of the Senator from Connecticut, and the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, is there objection?

Mr. MUNDT. I have no objection.

The PRESIDING OFFICER. The Senator from South Dakota should offer his substitute before the Chair rules on the request of the Senator from Montana.

AMENDMENT NO. 49

Mr. MUNDT. Mr. President, I call up my amendment in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

Resolved, That a national commitment for purposes of this resolution means a promise to a foreign state or people to use the Armed Forces of the United States in hostilities either immediately or upon the happening of certain events, and that it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, no national commitment shall be made without appropriate affirmative legislative action and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate affirmative legislative action, except when such use is to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to protect United States citizens and property.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. FULBRIGHT. Mr. President, the Senator from Kentucky has just entered the Chamber. I want him to understand that he will have an opportunity to offer a perfecting amendment to the resolution.

Mr. MANSFIELD. Mr. President, the Chair has so ruled, has it not?

The PRESIDING OFFICER. The Chair has ruled that a perfecting amendment would be in order.

Is there objection to the unanimous consent request of the Senator from Montana to limit debate? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if I may have the attention of the chairman of the Committee on Foreign Relations, with respect to the time under the control of the chairman of the Committee on Foreign Relations, I should like to ask unanimous consent that 20 minutes be allocated to the Senator from Indiana (Mr. HARTKE).

Mr. FULBRIGHT. Out of how much time?

Mr. MANSFIELD. Out of the hour.

Mr. FULBRIGHT. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, the issue of how much power the Constitution confers on the President and how much it confers on the legislature in the field of foreign relations is an extraordinarily complex one.

I support the general proposition that there has been an erosion of the power of the legislative branch which requires correction. This is the ostensible purpose of Senate Resolution 85.

I voted for this resolution in the Foreign Relations Committee. I did not, however, have an opportunity to read the majority report which was drafted after the vote because, under the rules of the Committee, reports are circulated before publication only to those members of the Committee who specifically request permission to see the text. This I overlooked.

This report is an important document because if the resolution is approved, the report will become part of the legislative history on which future interpretations of the language of the resolution will be based.

A careful study of the majority report has left me with mixed emotions about the intent and wording of the actual resolution.

There are parts of the majority report which, in my opinion, make an important contribution to the understanding of the problem and which I can support without reservation. On the other hand, there are other sections of the report about which I have the gravest reservations.

Reconsidering Senate Resolution 85 in the context of the majority report, it is now my conviction that Senate Resolution 85 is not a satisfactory vehicle because in certain respects it does not go far enough, while in other respects, it goes too far.

First of all, I understood most of the discussion which took place in Committee as concerned with commitments leading to military involvement or opening the way to military involvement. On reexamination, the resolution turns out to be very vague on this point because it does not really define what is meant by a commitment.

If the language of the resolution is interpreted literally, there should be no executive agreements of any kind with foreign countries; all future agreements should take the form of treaties.

It is my own opinion that there have been far too many executive agreements on matters of substance that should properly have come before the Senate in treaty form.

But it makes no sense to insist that the Senate be required to ratify every single executive agreement, no matter how trivial the subject matter.

I do not, for example, think it is necessary to encumber the Senate with the ratification of an agreement providing for exchange tours by symphony orchestras or providing for a mutual encouragement of tourism through the easing of visa requirements.

On this point, I believe that the purpose of the resolution should be clarified by adding a clause which defines a national commitment as a promise to a foreign state or people to use the Armed Forces of the United States in hostilities, either immediately or upon the happening of certain events.

The second major respect in which the resolution is defective is that it calls for no change in the procedure that has heretofore been followed in the ratification of treaties, a procedure which denigrates the hallowed words "advise and consent" and in most cases presents the Senate with a fait accompli when it is called upon to ratify a treaty.

I shall have more to say about this matter.

The third major weakness I see in the resolution is that its sweeping language would make it impossible for the President of the United States to use our Armed Forces to protect the national security except in the case of an actual armed attack on our country.

And this would be true no matter how grave the emergency that confronted us or how brief the time available for response.

I cannot agree with the finding of the majority report that this is compatible with modern conditions.

The fact is that we live in a gravely divided world and in the nuclear age. The postwar period has abounded in crises, and the chances are that we shall face many more crises before, in God's good time, a solution is found for the cold war.

THE QUESTION OF THE CONSTITUTION

From a constitutional standpoint, there have been impressive arguments and quotations from authorities on both sides of Senate Resolution 85.

The administration has pointed out that when John Marshall was a Member of Congress in 1799, he noted:

> The President is the sole organ of the Nation in its external relations and its sole representative with foreign nations. * * * He possesses the whole Executive power.

The majority report, on the other hand, appears to argue that, because Congress alone has the power to declare war, the executive branch cannot constitutionally involve the United States in military action outside its own frontiers without the prior specific sanction of Congress. The report quotes a number of historical precedents in support of this position.

Neither side, I am afraid, can make a conclusive case on constitutional grounds for the simple reason that the Constitution is flexible enough so that intelligent men can interpret it either way.

I note at this point that the Senator from Idaho in his very able presentation in support of Senate Resolution 85 last Friday, conceded that the constitutional delineation of authority is anything but ironclad. This is what he said:

First of all, I would agree that the precise limit of the authority delegated to the Congress by the Constitution, or the precise limit of the Presidential authority, is subject not only to reasonable argument, but from time to time, in the ebb and flow of history, there have been changes in the precise lines of demarcation.

How we decide to interpret the Constitution, therefore, should depend in the final analysis on recent experience and on the requirements of national security in a period of recurring crises, when events sometimes move with the speed of hurtling missiles.

As a general rule, I would support the argument that, except in emergency situations where there is no time for congressional action, our forces should be committed only pursuant to the ratification of treaties or to joint resolutions of authorization by Congress.

It is my conviction, however, that in the present perilous state of world affairs, it is fortunate that the United States has a Constitution which makes it possible for our President, in crisis situations, to react immediately and vigorously when, in his considered opinion and in the opinion of his advisers, our national security is imperiled.

The rigidity of the resolution's language and its total lack of flexibility worry me all the more because the impression is inevitably created that the resolution constitutes an ex post facto condemnation not merely of our intervention to defend South Vietnam against Communist aggression, but also of our intervention in the Greek-Turkish crisis of 1946, in Korea in 1950, in the Syria-Lebanon crisis of 1957, and in the Dominican Republic crisis of 1965.

Hindsight estimates are always easier than estimates made under the pressure of the moment. But in retrospect it does seem to me that there might have been time for congressional action in the case of the Greek-Turkish crisis, and that the Truman Doctrine, therefore, probably should have taken the form of formal agreements with the Greek and Turkish Governments, subject to congressional approval.

I do not pretend to any certainty about this estimate, however, because the situation at the time was precarious and the Communist guerrillas were at the gates of Athens.

But in Korea and in the Syria-Lebanon crisis and in the case of the attempted Communist coup in the Dominican Republic, several days' delay might have made it too late to do anything.

Even a 24-hour delay might have had disastrous consequences.

These were situations where the United States had to act immediately, or not act at all and suffer disaster.

There were no formal commitments in the case of Korea or in the case of Syria-Lebanon or in the case of the Dominican Republic.

In the case of Korea there was a danger which might have justified a prior commitment. But we foolishly took it for granted that the Communists would not make a full-scale aggressive military attack on South Korea.

In the case of Syria-Lebanon, not merely was there no way of foreseeing the emergency which arose overnight, but, in advance of the crisis, political considerations would have made it virtually impossible for either the U.S. Government or the Syrian or Lebanese Governments to enter into a formal agreement.

In the case of the Dominican Republic crisis, a commitment prior to the attempted Communist coup would have made no sense because there appeared to be no threat. Once again, a completely unforeseen situation arose on an overnight basis which posed a clear threat to our national security.

I know that there were some who said in the period prior to the Cuban missile crisis that we should not get overly excited about Castro, because he was, at worst, a nuisance rather than a dagger pointed at our throat.

We were soon to find out that, despite the natural tendency to hope for the best, the Castro regime was, in fact, a dagger pointed at our throat, and, in reality, it was the worst.

The existence of a Communist stronghold in the heart of the Caribbean poses a continuing threat to our own security and to the security of the Americas. This threat would have been magnified many times over if the attempted Castro-Communist coup in the Dominican Republic had succeeded, because it would, in effect, have turned the entire Caribbean into a Communist lake.

I believe that history will accord our Presidents high marks for the courage and dispatch with which they moved in each of these situations.

In an age of nuclear weapons and blitzkrieg and totalitarian governments, the enactment of Senate Resolution 85, in its present inflexible form, would be an invitation to Communist aggression in both Europe and Asia.

It would, in effect, tell the Communists in advance that the U.S. Commander in Chief had been rendered powerless to react immediately, as Harry Truman did in Korea, as Dwight Eisenhower did in Syria-Lebanon, as John F. Kennedy did at the time of the Cuban missile crisis, and as Lyndon Johnson did at the time of the attempted Communist takeover in the Dominican Republic.

On rereading the resolution, I am not prepared to accept the categorical statement that every single national commitment by the United States must "necessarily and exclusively" result from "affirmative action taken by the executive and legislative branches through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

Nor can I agree with the finding of the majority report that this categorical stipulation is compatible with modern conditions.

In the complex and interdependent world in which we live, it is naive to argue, as the report appears to do, that the constitutional power of the President to use our Armed Forces to protect the Nation applies only in the case of an actual armed attack on the United States. As we have learned in two World Wars, our own security can be threatened by events that occur in faraway places.

The recurring talk that one hears today about why we should not get involved in faraway places rings an all-too-familiar historical bell for those of us who recall the course of events that plunged humanity into World War II.

It recalls the well-intentioned folly of that tragic statesman, Neville Chamberlain, when he sought to justify the surrender of the Sudetenland to Hitler by saying that—

Czechoslovakia is a faraway place about which we know very little.

Chamberlain and the British people were very soon to discover that Czechoslovakia was not so far away after all, and that geographic distance did not provide them with the security that they had hoped for.

This is a lesson of recent history which would bear repetition to those who today tell us that Vietnam or Korea are "faraway places." In fact, given the incredible advances in technology since World War II, it is probably no exaggeration to say that Vietnam is as close to us today as Czechoslovakia was to Britain in 1939.

It would be blind isolationism to limit the President to taking action only if and when our own territory is brought under attack by an enemy.

WEIGHING THE RELATIVE DANGERS

Admittedly, there are dangers in conceding to the President the limited power to commit American forces in crisis situations where the national security is menaced but where there is no time for congressional action.

It is my belief, however, that the danger of a Presidential decision is largely imaginary because no President would act to commit American troops without the advice and support of his experts and of the National Security Council and the Cabinet.

Every President, moreover, inevitably acts with public opinion in mind because, so long as our country remains a democracy, he has to think in terms of continuing political support for his administration and for his party. This basic fact of political life, too, militates against arbitrary or whimsical decisions in the field of foreign policy by any President.

On the other hand, there is a very real danger that we will be faced with crisis situations where even 24 or 48 hours' delay could have disastrous consequences.

In his speech in support of Senate Resolution 85, the Chairman of the Foreign Relations Committee suggested that we have now concentrated so much power in the hands of the President in the field of foreign policy that, by contrast, the Soviet emphasis on collective decision-making sounds "almost Jeffersonian." He quoted Premier Kosygin as saying:

In our country it is the collective that works. And herein lies our strength. If one makes a mistake, others set him right.

Premier Kosygin, of course, was talking about the Soviet Politburo, the small group of Communist tyrants who rule the Soviet peoples with absolute power. I am sure that he did not mean that questions of foreign policy are submitted for discussion to the rubber stamp Congress of Soviets or even to plenary sessions of the executive committee of the Communist Party.

Moreover, the record is clear on the point that the Soviet Politburo does not have to contend with any challenge to its decisions by a foreign relations committee of the Soviet Congress, or with any other challenge within the Soviet Union.

But, more than this, it is misleading to imply that any American President would act, even in the gravest crisis, purely on the basis of his personal predilection.

When President Johnson acted in the Dominican Republic crisis, for example, he did so on the basis of the unanimous recommendation of all the officers of our Embassy in Santo Domingo, and of all the State Department and White House officials concerned with Dominican Republic affairs. The decision, moreover, was not so much a personal decision as a decision of the National Security Council and of the Cabinet.

Above all, I want to take issue with the charge made by the Senator from Arkansas in his opening statement that the conduct of our foreign policy in recent policy in recent years has been moving our country both in the direction of becoming an empire and in the direction of a dictatorship. "If America," he said, "is to become an empire, there is very little chance that it can avoid becoming a virtual dictatorship as well."

I take issue with this statement on both scores.

America has not sought and does not seek to become an empire or to acquire colonies or to impose its rule on other nations.

On the contrary, the entire thrust of our foreign policy since the close of World War II has been anti-empire.

On the one hand, it has been directed toward the dissolution of the old Western colonial empires.

On the other hand, it has been directed against the expansion of the Soviet empire in Central Europe and the creation of parallel Communist empires on a regional basis by Mao Tse-Tung and Ho Chi Minh and Fidel Castro.

The world we seek is a world of free nations, where the strong and the weak alike can live without fear of attack or of organized subversion from abroad.

In the several situations where we have intervened, it has not been for the purpose of establishing our own empire, but for the purpose of defending free nations and preventing expansion of the Communist empire.

I am aware that no administration is infallible, and that the best administration can make mistakes.

Admitting the possibility of mistake, however, I think it is the grossest kind of distortion to argue that the executive power about which the Senator from Arkansas complains has moved our country in the direction of dictatorship or threatens to move it in that direction.

The fact is that the post-World War II period, which seemed to be the prime target of the Senator's criticism, has in our country been characterized by the most rapid and most remarkable expansion of freedom and civil rights in history, notwithstanding the massive contraction of freedom within the expanding Communist empire.

Most of us now in the Senate remember the battle for real freedom in the very recent past.

We remember the debates and we remember the votes.

We know the hard fight to win those victories.

We know where we all stood on those basic issues of freedom.

And history will not forget.

THE ABDICATION OF CONGRESS

Mr. President, as I have already indicated, I agree with the purpose of the resolution insofar as it points to an erosion of the constitutional power of Congress in the field of foreign affairs.

This erosion has not been due exclusively or even primarily to usurpation by the executive branch.

To a very large degree, it has been due to the fact that there has in recent decades been a marked tendency on the part of Congress tc voluntarily abdicate its legitimate powers to the executive branch.

I, myself, have had occasion to complain many times since I first entered the Congress in 1953, about the erosion of the legislative power, especially in the field of foreign policy; about the excessive willingness of Congress to leave decisions to the President's discretion, and about the growing tendency to take executive action without consulting Congress and to substitute executive agreements for treaties.

I recall, for example, that when the sale of wheat to the Soviet Union was discussed in the Senate in October 1963, I urged the President and his advisers not to attempt to accomplish through a questionable executive action what they could not accomplish through the legislative process.

I said:

Without any approval from Congress, in fact, in the face of expressed Congressional disapproval, our government is to sell to Russia subsidized wheat at a price substantially below that paid for it by the American taxpayer. This would be, in effect, an initial subsidy to Russia of more than 100 million dollars. Only a few weeks ago this would have been unthinkable, as it was in 1961 when Congress passed Public Law 87-128 which states the Sense of Congress that subsidized agricultural commodities should not be made available to the Soviet Union or to countries dominated by the U.S.S.R.

In a second statement on October 8, 1963, I again urged the administration to act in consultation with Congress and I submitted a resolution calling for the establishment of a Select Committee on the Sale of Surplus Agricultural Produce to Communist Countries.

The resolution specified that the committee should submit its report to the Senate no later than January 31, 1964, and it declared it to be the sense of the Senate "that no sale of wheat or agricultural surplus should be concluded with the Soviet Union or any other Communist country until the results of the study are available for the guidance of the administration."

In my statement supporting the resolution I said that the proposed sale of wheat to the Soviet Union was a matter of very great importance that had serious implications, for better or for worse, from the standpoint of the free world.

I said further that it was the kind of matter that called for conscientious study and which should be the subject of careful consultation between the executive and the legislative branches.

The Foreign Relations Committee held no hearings on this resolution and took no action on it. And my recollection is that only a very small number of Senators expressed support for the position I then took.

The attitude of the majority of the Senate and of the Foreign Relations Committee at the time apparently was that this entire matter should be left to the discretion of the executive branch, and that there was no need for consultation with Congress.

The period prior to the Soviet wheat crisis of 1963 had been one of intense and unremitting cold war activity on the part of the Kremlin.

In November 1958 there was the Berlin ultimatum. This ultimatum was followed by a whole series of missile-rattling perorations by Mr. Khrushchev; by the bloody riots in the Panama Canal; and the establishment of a Communist regime in Cuba in January of 1959.

In August of 1960 there was the unilateral Soviet resumption of atmospheric testing of nuclear weapons. In the same month there was the attempted Soviet takeover in the Congo.

In the month of December 1960 the Communist insurrection was launched in Laos with overt Soviet military backing.

In August 1961 there was the Berlin wall.

In October 1962 there was the Cuban missile crisis.

It was against this background that the United States, by executive action in October 1963, moved to save the Soviet Government from the consequences of its own disastrous agricultural policies.

This we did by selling them several hundred million dollars' worth of wheat at a subsidized price, with concessions on freight rates and on long-term credits thrown in, and without conditions of any kind.

We did not ask that they call off the cold war. We did not even ask that they identify the wheat they were receiving from the United States as American wheat. We asked nothing.

I do not mean to imply by this that I was completely opposed to the sale of wheat to the Soviet Union. But, as I said at the time, I think it would have been better to give them the wheat, provided it was properly identified, rather than sell it to them on terms so disadvantageous to ourselves.

For saving the Soviet Government at the time from the critical food shortage which threatened it, we have been repaid over the intervening years by the Vietnam war, by the Mideast war of 1967 which the Soviets fomented, by the invasion of Czechoslovakia, and by a

stepped-up campaign of political subversion in many parts of the world.

This, of course, should surprise no one.

I make this point only to underscore the fact that the national interest was directly involved in the sale of wheat to the Soviet Union and that Congress should have played an active role in the decision.

I relate this entire incident for the purpose of establishing that I am not any Johnny-come-lately on the proposition that Congress has abdicated too much of its power to the executive branch.

Among other things, I believe that we must seek to reverse this trend through a new set of rules under which the Senate will not be called upon to rubberstamp treaties that have already been negotiated but will, instead, be actively consulted during the initial planning for treaties and agreements.

Although the Senate Resolution 85 says nothing about this, I am convinced that the Senate will never be able to play its proper constitutional role in the conduct of foreign affairs unless its advice and consent become far more than the formalities they have been for many years.

Let me illustrate this point by recounting some recent history.

In March of this year the Senate ratified the Nuclear Nonproliferation Treaty. I voted for this treaty; but, in the course of the debate, I offered two understandings to the resolution of ratification aimed at strengthening the treaty and making it more effective.

The first understanding was directed against a repetition of the Czechoslovak invasion which, incidentally, took place little more than a month after the treaty was signed, in flagrant violation of the language of the preamble.

This understanding simply provided that after the treaty had been ratified, any attack directed against the independence of another country by a nuclear weapons state party to the treaty, would be regarded as a violation of the spirit of the treaty justifying the withdrawal of the other signatories.

The second understanding was:

> The United States shall deposit its instrument of ratification simultaneously with the Soviet Union, at a time to be agreed upon.

These understandings, even though they did not alter a single word of the treaty, were rejected by the great majority of the Senate and the Foreign Relations Committee, apparently on the theory that it is inadvisable to tamper in any way with a resolution of ratification.

But, despite the fact that the Senate refused to incorporate these understandings in the resolution of ratification, I was informed at a later date by an authoritative source that the administration did intend to hold out for the simultaneous deposit of the instruments of ratification, as had been proposed by my second understanding.

What all of this boils down to is that a majority of the Senate seemed prepared to downgrade to a mere formality the Senate's role in advising and consenting to the ratification of the Nonproliferation Treaty.

It is not merely the Nonproliferation Treaty that is involved, although this is the most recent case in question.

On most major treaties that have come before the Senate, in my experience, the terms of the treaty have been negotiated without any serious consultation with the Senate, and the Senate, in consequence, has been confronted with a fait accompli.

On the one hand, it is difficult, if not impossible, to alter the wording of a treaty after it has been negotiated, especially when it has been negotiated on a multilateral basis as was the case with the Nonproliferation Treaty.

On the other hand, Senators, even though they may have grave reservations about individual clauses of a treaty are always reluctant to refuse ratification because of the obvious damage that such a refusal would do to our world standing and to the administration's conduct of foreign affairs.

I myself have been in this position a number of times, and I know that this holds true for many of my colleagues.

One of the most dramatic instances I recall was the Nuclear Test Ban Treaty of 1963.

I supported this treaty, and I have reason for believing that my resolution of May 27, 1963, which was cosponsored by 33 other Senators, had a good deal to do with making the treaty possible.

But when the treaty was presented to the Senate for ratification in August 1963, we discovered that the wording, for some reason which has never been explained, not merely prohibited test explosions of nuclear weapons in the atmosphere, but also prohibited nuclear explosions for peaceful purposes under international supervision.

Now it appears that both the Soviet Union and the United States are moving in the direction of correcting this original blunder.

But when the treaty came before the Senate, and when some of us expressed concern about this aspect of the treaty, we were told that we must not seek to amend it because this might jeopardize the agreement; that we should not rock the boat.

All this points to the conclusion that the time for the administration to seek the advice of the Senate on a treaty is not after it has been negotiated, but before negotiations are entered into and, repeatedly, in the course of the negotiations.

Mr. President, as a matter of general principle, I favor maximum consultation between the administration and Congress whenever such consultation is possible.

I favor it not only where treaties and national commitments are involved, but also on vital issues of foreign policy like the sale of wheat to the Soviet Union.

I agree that American forces should not be committed in any situation unless this commitment is supported by affirmative legislative action.

I also believe that this general principle must not be interpreted so inflexibly that it leaves no room for immediate response in crisis situations.

To put an end to the circumvention of Congress by Executive agreements, I would like to see an understanding between the executive and the legislative branches stipulating what types of matters should be handled by Executive agreement, and what types should be submitted in treaty form for ratification by the Senate.

Mr. President, I believe that the substitute amendment which Mr. MUNDT and I introduced yesterday, and which is at the clerk's desk, is the best answer to our problem.

I believe that this amendment is superior to the original text of Senate Resolution 85 in the following ways.

First, it provides a clear definition of a national commitment.

Second, it establishes the general principle that "no national commitment shall be made without appropriate affirmative legislative action, and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate legislative action."

Third, it recognizes the fact that situations may arise in which the President will have to act without delay to meet a direct and immediate threat to the national security or to protect U.S. citizens and property.

I believe that the language of this substitute resolution accomplishes what Senate Resolution 85 set out to do, more specifically, more effectively, and more flexibly.

I hope that it will receive the earnest consideration of Senators and that it will be adopted by the Senate.

But, as matters stand now, in view of the world situation, I cannot vote for Senate Resolution 85.

It is for these reasons that I have joined the Senator from South Dakota in submitting the substitute amendment, and for no other reason.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, do I correctly understand that the Senate is now operating under a unanimous-consent agreement?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The quorum will be charged to whose time?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Kentucky as much time as he may require.

Mr. COOPER. Mr. President, I send to the desk amendments en bloc.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that his amendments be in order at this time?

Mr. COOPER. Yes. Mr. President, I ask unanimous consent that my amendments be in order at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I wish to make sure the RECORD will show that after the proposal is offered and has been accepted, it will still be subject to amendment.

The PRESIDING OFFICER. It would not be subject to amendment unless the unanimous consent request is made that the amendments be considered as original text for the purpose of amendment.

Mr. COOPER. Mr. President, I ask unanimous consent to modify the text of the resolution offered on behalf of the Committee on Foreign Relations so that it will read in conformity with the language which has been agreed upon by the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) and me.

The PRESIDING OFFICER. Is the Senator from Kentucky also asking that this language be considered as original text for the purpose of amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DIRKSEN. I do not object, Mr. President. I only want the RECORD to show that the amendments will be open to amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The amendments offered by Senator COOPER are as follows:

On page 1, line 1, after "That" insert the following: "(1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2)".

On page 1, lines 2 and 3, strike out "to a foreign power necessarily and exclusively results" and insert in lieu thereof "results only".

On page 1, line 5, strike out "through" and insert in lieu thereof "by".

On page 1, lines 5 to 7, strike out "convention, or other legislative instrumentality specifically intended to give effect to such a" and insert in lieu thereof "statute, or concurrent resolution of both Houses of Congress specifically providing for such".

Mr. FULBRIGHT. Mr. President, I yield 20 minutes to the Senator from Indiana.

Mr. HARTKE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

RESOLUTION ON NATIONAL COMMITMENTS

Mr. HARTKE. Mr. President, I wish to speak in favor of Senate Resolution 85. The resolution is neither a proposed law nor an amendment to the Constitution. It is, in the refreshingly modest language of the Senate report, an invitation. An invitation "to the executive to reconsider its excesses, and to the legislature to reconsider its omissions, in the making of foreign policy, and in the light of such reconsideration, to bring their foreign policy practices back into compliance with the division of responsibilities envisioned by the Constitution."

Despite the valid practices and procedures established in the last century, during this century, and particularly in the last 20 years, U.S. foreign policy has been conducted in a manner dangerous to democracy in the United States, to the freedom of its people, and to their welfare. While the exact extent of Congress' role in the formation of foreign policy is not clear, it is clear that Congress does have a constitutionally vested role and that in two important areas of foreign affairs, that of the war powers and of approving treaties, Congress' role is exclusive.

The usurping of Congress' role in the last 20 years has resulted in a growing belief in and a dangerous acceptance of the executive's right to commit this country to war under all circumstances. During the Glassboro summit, several commentators and the State Department cautioned the public not to expect too much from the summit, because Mr. Kosygin representing the Soviet Union did not have the same authority to commit his country that President Johnson had. Apparently, few were aware of the irony that the representative of the most popular based government had more personal power than the representative of an autocratic and monolithic government. Under Secretary of State Nicholas Katzenbach, in his testimony before the Senate Foreign Relations Committee on August 16, 1967, made probably the most extreme statement of this new concept of constitutional nullity. It amounted to a doctrine that the constitutionally defined role of Congress is merely a historical curiosity, and the Senate's function to advise and consent is merely a matter of executive courtesy. The Senate is not expected to advise but to approve.

The present resolution brings into question the wisdom of concentrating foreign policy decisions in one branch of government and the concomitant abandonment of constitutional safeguards and congressional oversight. Gibbon, in the "Decline and Fall of the Roman Empire," wrote:

It was on the dignity of the Senate that Augustus and his successors founded their new empire . . . In the administration of their own powers, they frequently consulted the great national council, and seemed to refer to its decision the most important concerns of peace and war . . . The masters of the Roman world surrounded their throne with darkness, concealed their irrestible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed . . . Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation, that the Senate and the people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom.

I do not suggest an analogy between imperial Rome and the United States, but in both, military action abroad has weakened legislative controls at home. Time and time again Congress has discovered that U.S. foreign policy is determined or conditioned by actions that it neither directly authorized nor implicitly knew.

Only a newspaper story alerted Congress to the possible danger of a NATO-like alliance with Spain being made by military memorandum. The stationing of some 50,000 American soldiers in Thailand has changed the nature of our commitment to that country—a commitment in no way suggested by any existing treaty.

Low-level military and civilian officials have frequently undertaken a course of action, attributed in only the most theoretical sense to Presidential decision, which in incremental steps has determined the shape and direction of U.S. foreign policy. The ill-fated introduction of Chiang Kai Shek's forces into Burma has left a residue of difficulties in that country. It has also created persisting problems in Laos, and in Northern Thailand, where about 1,200 miles of Thai territory are under the de facto administration of Kuomintang troops.

The transporting by our military of large numbers of Cambodian South Vietnamese, after providing training with our forces and with the South Vietnamese Army, across Cambodia to the Thailand frontier, where they are mounting attacks regularly into Cambodian territory, cannot but affect and undermine U.S. foreign policy. Clearly if Congress is to have a responsible role in the field of foreign policy it has to be advised of such situations.

Southeast Asia is not the only place that activities of minor U.S. officials, unknown to the President or Congress, are determining action which will shape our foreign policy. Although everyone now says that we cannot be the world's policeman, we have in the past, and I expect are presently, maintaining a constabulary for small South American countries. Not only does the United States support South American armies and police, but U.S. soldiers have on occasion engaged in actual combat against native rebels. U.S. rangers have battled the forces of Yon Sosa and Cesar Montes, two Guatemalan guerrilla leaders. Green Berets have also been in Colombia.

The control of local violence should be the exclusive province of local authorities. U.S. intervention in a situation whose eventual outcome and underlying justice is far from clear, is extremely unwise.

What is clear, however, is that these activities do affect our relationships with South American countries. I wonder if there is any connection between this kind of U.S. activity and the recent reception afforded Governor Rockefeller.

In any case, what is important for this discussion is that Congress does not know the full extent of U.S. activities in South America. These various examples are to me sufficient justification and adequate reason for the adoption of Senate Resolution 85.

I would like to discuss some of the arguments in opposition to this resolution. One argument views this resolution as a battle of wills between the Senate

and the President and rather unnecessarily concludes with its belief in a strong President. I also believe in a strong President—and a strong Nation, for that matter. But the concept of a strong President is not involved in this resolution. What is involved is accountability. This resolution holds that decisions involving the continued existence of this country shall be made by people accountable for their actions. We have an elaborate network of safeguards to protect a person's liberty at home but no procedural checks on millions of American soldiers being sent abroad to die. Should not there be some way to relate action abroad to foreign policy and policy to action?

Discussion of this resolution and of similar topics use the language of law and of political science without acknowledging the diffuse reality behind the neat phrases. While we call the President Commander in Chief, he will never be like Henry V a leader of a small band of brothers. The President is the organizational head of an extremely complex bureaucracy and a vast military apparatus. With the best of will, he can only know a fraction of what is happening.

This resolution, suggesting that certain kinds of actions be undertaken only with congressional approval and with the knowledge of high governmental officials, will strengthen rather than weaken the Presidency. It should be remembered that unexercised legislative power does not flow smoothly and directly to the President but rather is diffused throughout the bureaucracy to be arbitrarily exercised in darkness.

Some argue that the language of this resolution is not precise. But I would argue that a degree of imprecision is necessary because the relationship between the legislative and executive branch in the formation of foreign policy must remain, to some degree, ambiguous and flexible. This resolution merely confirms the existence of that relationship without defining it.

I would think that those bothered by the resolution's lack of precision would be even more concerned about the multitude of our vague commitments and the various ways they are established. Nothing could be as vague and as ill-defined as some of our commitments. No American soldier will die because this resolution is vague. Can we say the same about our commitments?

Besides these treaties of vague commitments, various policy statements, Executive orders, Executive assertions, and Executive letters are cited as evidence of our commitments abroad. For example, on October 25, 1962, a letter by President Kennedy to Crown Prince Faisal of Saudi Arabia, stated:

> Under your firm and enlightened leadership, I am confident Saudi Arabia will move ahead successfully on the path of modernization and reform which it has already chartered for itself. In pursuing this course, you may be assured of full United States support for the maintenance of Saudi Arabia's integrity.

This letter now is cited as constituting a commitment by the United States. I leave to the imagination of my colleagues the possible interpretations of this broad assurance.

Others argue that the urgency of the modern world renders congressional approval impractical. No one would suggest hindering the President's ability to respond to sudden attack. The fact, however, that action can be taken within hours does not make it necessary or wise. Also, many of our questionable actions abroad were the cumulative result of a series of gradual steps. Certainly, in a nuclear holocaust, a declaration of war would be an antiquated concept. Paradoxically, however, the looming presence of a possible nuclear holocaust lessens the possibility of the use of nuclear weapons and increases the likelihood that future wars will be fought by conventional means. In such situations, congressional confirmation is not only possible but necessary.

Finally, there is the allegation that support of this resolution "smacks of neoisolationism." Instead of neoisolationism I believe that we have gone from isolationism to interventionism without ever having arrived at internationalism. Our past isolationism and our present interventionism results from the same sense of moral and national superiority. This resolution seeks not to end U.S. involvement in world affairs, but to seek an involvement that does not abuse our power abroad nor impair our free institutions at home. One does not have to be a pacifist to find something amiss in the charge of the light brigade.

In conclusion, I would suggest two further actions that will help Congress establish a more reasonable, reasoned, and responsible foreign policy. I suggest a thorough review by Congress of all executive agreements. Seeking approval always entails some risk of rejection and personal pain. Secretary of State John Hay reflected this personal pain, perhaps to a heightened degree, when he wrote:

> A treaty entering the Senate is like a bull entering the arena. No one can say just how and when the final blow will flow. But one thing is certain—it will never leave the arena alive.

The executive branch of Government increasingly uses the executive agreement to escape the ordeal of dealing with the Senate. As the committee report states, in many instances, the traditional distinction between the treaty as an instrument of a major commitment and the executive agreement as an instrument of a minor one has been reversed.

In 1939, 10 treaties and 26 executive agreements were concluded by the United States. In recent years, there has been a startling increase in the number of executive agreements compared to the number of treaties. In 1936, nine treaties were concluded to 248 executive agreements.

In 1964, 13 to 231.
In 1965, 5 to 197.
In 1966, 10 to 242.
In 1967, 10 to 218.
In 1968, 57 to 226.

Obviously, our increasing involvement in world affairs justifies many of these executive agreements. I believe, however, that a thorough congressional evaluation of these executive agreements would reveal many that are more properly a matter for treaty. Also, such an evaluation would reveal various commitments that should be appreciated by Congress.

I also suggest that the Secretary of State submit to Congress a yearly posture statement. A Secretary of State posture statement would be a healthy counterbalance to the Secretary of Defense posture statement and would help to formulate foreign policy on the basis of diplomatic rather than military considerations. Since military actions abroad, and even weapons systems, are justified as necessitated by our foreign commitments, it is imperative that Congress have a clearer understanding of those commitments. The Secretary of State posture statement would outline our overseas commitments and analyze their present needs, indicate their future development, and relate these commitments to the military posture of the United States.

Mr. President, the first order of business before us is to approve Senate Resolution 85, to make unmistakably clear the sense of this body with respect to constitutionally appropriate procedures for undertaking national commitments. Having done that, I would most earnestly urge the Committee on Foreign Relations and its distinguished chairman to follow up this magnificent service to the Nation with steps to implement the two suggestions I have offered this afternoon: A thorough review of all existing executive agreements and a requirement that the Secretary of State provide Congress with an annual posture statement.

Taken together, these three actions can contribute importantly to a restoration of that reasonable and necessary balance in our constitutional system from which we have so dangerously departed.

Mr. FULBRIGHT. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator for a fine contribution to the debate on this subject. He has taken a great interest in it in the past, and I think he has made a great contribution to a better understanding of what the committee is trying to do.

Mr. HARTKE. I thank the distinguished chairman of the Committee on Foreign Relations.

Mr. COOK. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. How much time does the Senator from Kentucky require?

Mr. COOK. Ten minutes.

Mr. FULBRIGHT. Mr. President, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOK. Mr. President, the Constitution is clear in pointing out that the power to declare war is exclusively vested in the Congress with one important exception: the undisputed authority of the President to repeal a sudden attack on the United States. Much has already been said, and does not need repeating by a freshman Senator, about the instances of erosion of this constitutional authority, primarily during the last 50 years, by acts of the Executive and subsequent acquiescence by Congress to the consequences of those acts. My colleagues, Senators FULBRIGHT and

CHURCH, among others, have traced in great detail, the examples of Executive encroachment, or should I say congressional deference, in the area of foreign troop commitments. Now, the time has come for the Senate, having been apprised of the facts, to render its judgment.

Several alternatives to Senate Resolution 85 have been suggested. I favor and shall vote for the substitute proposal offered by the senior Senator from my own State (Mr. COOPER). The Cooper substitute is, in my view, preferable to Senate Resolution 85, because it clearly defines the term "national commitment" rather than relying entirely upon the committee report and legislative debate to establish meaning. In addition, this definition is rightly limited to the commitment of Armed Forces or financial resources abroad. Further, the substitute specifically pronounces that it would be the sense of the Senate that a national commitment, as defined previously, would result only from affirmative action taken by the Executive and the Congress by means of a treaty, statute, or concurrent resolution of both Houses.

The substitute for Resolution 85 offered by the distinguished Senator from South Dakota (Mr. MUNDT) would seem to be unsatisfactory, in that it includes language which would allow the Executive to act in the absence of congressional authority to "meet a direct and immediate threat to the national security." While I commend the Senator for his position that some resolution is needed indicating the sense of the Senate that the Congress intends to be heard before future foreign troop commitments are made, I fear that his language would give the Executive an unsolicited and ill-advised carte blanche in the name of national security to deploy forces about the world at will.

Also, the Mundt substitute contains another exception to that kind of national commitment which would require congressional authorization. This would allow the executive to commit troops "to protect U.S. citizens and property." This exception, in my opinion, would be extremely unwise because this excuse has already been used entirely too often to justify unauthorized foreign troop commitments by the executive, the most recent example of which was the intervention in the Dominican Republic in 1965. If a situation arises in which our citizens and property in a foreign land are in great jeopardy and the executive can demonstrate this danger to the satisfaction of Congress, I am certain this branch would not fail to support any legitimate action.

Mr. President, I feel that Congress would be in a poorer position under the Mundt substitute than it is now. At the present time, in the absence of a resolution, any liberty the executive takes is through its own initiative, accompanied by the acquiescence of Congress. Under the Mundt resolution, the executive is almost invited to ignore Congress in committing troops to foreign lands and is given the option of declaring its action as necessary for the "national security" or needed "to protect U.S. citizens and property." Historically, too many ill-advised actions have been taken by this Nation under these guises. Definitions of the terms "national security" or "to protect U.S. citizens and property" are too vague and varied to be meaningful as a restriction on the executive. Again, I commend the Senator for his feeling that some resolution is needed, but I would respectfully suggest that a much stronger proposal, such as the Cooper substitute, is required.

The main arguments which have been raised against the passage of any resolution are:

First, that foreign affairs are just too complicated for the average citizen, including Members of Congress, to grasp; and

Second, that great speed is necessary to respond to grave threats to the Nation's survival.

The rebuttal to these contentions can be briefly stated. Members of Congress, especially the Senate, not only have the intelligence but a constitutional responsibility in the area of foreign commitments. In addition, in a number of situations in recent years which were hastily labeled emergencies, American policies would have profited from brief delays to facilitate proper deliberation.

It is important to remember, as the Senator from Idaho (Mr. CHURCH) so articulately put it recently:

> Nothing in the Constitution prevents and no one in the Congress would ever try to prevent the President from acting in a genuine national emergency.

It is also true that a sense-of-the-Senate resolution cannot bind the President, but I think it important that the Senate, as a body, make known its intention to regain its constitutional prerogatives.

It has been said many times before, but certainly bears repeating, that a national commitments resolution passed by this body is not directed at any President as an individual. Support for such a resolution has been found under both a Democratic and a Republican President, and it cuts across party lines and transcends ideology. Passage of this resolution is merely a long overdue notice to the Presidency, as one of the three branches of our Government, that the Congress will again be heard in the matter of foreign troop commitments of this country.

As Prof. Hans Morgenthau pointed out recently in the New Republic, the resolution imposes no constitutional obligation upon the President, but does provide "a political weapon." The importance of this resolution, as that very "political weapon," should not be underestimated because it signals an end to congressional acquiescence to unauthorized commitments of American men and financial resources abroad.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. FULBRIGHT. I wish to commend the junior Senator from Kentucky for his penetrating and appropriate remarks about the resolution and also about the constitutional relationship between the executive and legislative branches of Government. When I was a first-term Senator, in the same position as the junior Senator from Kentucky, if a similar debate and question had been before the Senate and my attention had been drawn to the responsibilities of the Senate, as the senior Senator from Kentucky (Mr. COOPER) has done in connection with this resolution, I think I would have been a better Senator. I know I missed some opportunities to assert the proper function of the Senate when I was a junior Member of this body.

I am particularly pleased to have the junior Senator from Kentucky take the interest in this matter that he has. I am quite certain that he is making a better contribution to the future government of the country by reason of his participation in this debate.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. COOK. I yield to my colleague from Kentucky.

Mr. COOPER. I commend my colleague on a powerful and well-reasoned speech, a speech which shows that he has studied this subject carefully and is familiar with the constitutional process. As a new Member of the Senate, his study of this broad question has made a great contribution to all of us. I think it should give my colleague great satisfaction.

Mr. DIRKSEN. Mr. President, I yield 15 minutes to the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I rise only to set the record straight on my position in this particular debate, particularly as my name was used and some comments were used on page 4 of the report on Senate Resolution 85 as issued from the Senate Foreign Relations Committee. On page 4 of that report I printed part of the statement which I made concerning Senate Resolution 151. I issued the statment at that time, 2 years ago, to set forth my views on the importance of taking action to clarify the relationship between the President and Congress with regard to "national commitments." I have not changed my position at all as to the importance of defining who has the power to make certain commitments, but I do not want my colleagues in the Senate to misinterpret the statement made in 1967 as favoring the specific language in the resolution that was Senate Resolution 151 and is now Senate Resolution 85.

It seems to me that any wording we adopt should reflect the exact position of the Senate as to where this power lies, and any resolution must make it clear that what we are talking about is the commitment of Armed Forces in hostilities in other countries against other states or people.

So, Mr. President, I ask unanimous consent that the full text of my 1967 statement be printed in the RECORD at this point in order to clarify my position.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETER H. DOMINICK, SENATE RESOLUTION 151

Mr. Chairman and distinguished members of the Committee on Foreign Relations, within the entire framework of inter-governmental relations there exists a lack of a clear definition as to the meaning of the word "commitment." It is evident in domestic programs as well as in our relations with other nations. I commend the distinguished Chair-

man for his authorship of this resolution and the committee for undertaking action to clarify this term as it applies to actions by representatives of this government and representatives of any foreign power. Your resolution could well open the door to clarification of precisely what constitutes a national commitment and the specific requirements for its binding creation. It is of immense importance to define just who, in fact, has such power. I believe the records should provide answers as whether such power can be delegated and if so to what extent and under what circumstances can the power to commit this nation be delegated. Of particular significance would be a determination as to what extent a national commitment which is binding upon the United States can result from an impromptu meeting between our President and the Head of a foreign power. In the past, such meetings have produced agreements which, while not having status of treaties, have had the effect of binding this nation to fulfill obligations of enormous and far reaching proportions. And we have seen the Vice President assume the power to obligate our taxpayers for large financial expenditures without prior consultation with the Congress.

It strikes me that the situation which now confronts us occured to our forefathers as they labored to draft our Constitution. I believe this concern was inherent in George Washington's admonition against foreign entanglements.

I do not believe that an after-the-fact briefing can qualify as consultation within the meaning of our Constitution. More nearly what exists today is that Congress no longer is requested to advise on matters of foreign relations, only to consent to what has already been reduced to finality.

We need to re-define with utmost clarity the limitations imposed upon the power of the President by the Constitution and the responsibilities clearly assigned to the Congress. At present there exists the interpretation that the Senate has but four ways in which it may exercise any degree of control in our foreign relations. But, are they adequate?

First. The right of review and confirmation of Presidential appointees has, in terms of present day concepts, been rendered relatively ineffective.

Second. The Senate is called upon to advise and consent to treaties in an almost perfunctory manner, and most often after the fact.

Third. The power to declare war has been circumvented by the assertion of the powers of the President as Commander in Chief of the Armed Forces.

Fourth. The responsibility imposed upon Congress to raise and support armies has been seriously undermined for the reason that once the President has committed our Armed Forces into conflict Congress has no alternative but to provide for their effective support.

None of the foregoing four Congressional responsibilties seem realistic in this day and age when it has become acceptable for the President to move our troops into any area at any time whenever he determines that we have a "commitment" to do so.

Congress has not been asked to declare war since 1941, and even then we were in fact already at war. Since 1941, we have been involved in two major conflicts and numerous incidents of American military personnel being sent into hostile areas without prior consultation with Congress. The most recent of such incidents occurred last month and involved our sending C–130 jet aircraft into the Congo.

There is serious room to question whether this action could be justified under the constitutional authority of the President, as Commander-in-chief, to order American military personnel to foreign soil to repel attack, protect the lives and property of U.S. citizens, or to fulfill United States treaty obligations.

It is of utmost importance that any ambiguity which exists, by interpretation or otherwise, in the limitations imposed by the Constitution upon the powers of the President and the responsibilities and powers of the Congress be clarified.

I appreciate the opportunity to be heard on this question of such overriding importance to the future of our nation.

Mr. DOMINICK. Mr. President, as has been stated here, Presidents, with very few exceptions, did seek the authority of Congress prior to committing our Armed Forces to hostile actions against other states through the 19th century. No exact date or event can mark the turning point, but the direction was clear early in the 20th century. It has accelerated in the past 20 years.

The most flagrant use of power by a President without congressional authorization, or even consultation, was in 1967, when President Johnson acted in the Congo incident. In a letter to the President, in which 17 of my colleagues in the Senate joined, I expressed my deep concern about the unilateral action taken by the executive department in deploying American military aircraft, materiel, and personnel into the area, without prior consultation with appropriate committees of Congress. The public was told that the purpose was to insure safety of Americans in the area, and then later told that the action was motivated by the need of the Government of the Democratic Republic of the Congo for logistical support. Our aircraft and personnel engaged in missions to transport Congolese troops, vehicles, food, and communications equipment around the Congo, and also transported aviation fuel for Congolese jet fighter aircraft manned by Ethiopian-trained pilots. The United States had no political commitments which necessitated such involvement in a local, internal dispute. The safety of American civilian personnel could have been insured through use of civilian aircraft.

At this point I ask unanimous consent to have printed in the RECORD my letter of July 28, 1967, together with the names of Senators who cosponsored it with me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
July 28, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have veiwed with serious concern the recent events that have transpired in the Democratic Republic of the Congo and are utterly dismayed by the unilateral action taken by the Executive Department in deploying American military aircraft, materiel and personnel into the area.

This action was taken without prior consultation with appropriate committees of Congress, and the public was told that the purpose was to insure safety of Americans in the area. After the deployment, we were told that the action was motivated not for such purpose, but by the need of the government of the Democratic Republic of the Congo for logistical support.

It is our understanding that these aircraft and our personnel have engaged in more than 35 missions during which we have transported Congolese troops, vehicles, food and communications equipment around the Congo, and have transported aviation fuel for Congolese jet fighter aircraft manned by Ethiopian-trained pilots.

It is our considered judgment that we have no political commitments necessitating such action; that the United States should not interject its military aircraft and personnel into a local, internal dispute; that the safety of American civilian personnel could have been insured through use of civilian aircraft; and that we cannot police the world.

For the foregoing reasons, we, the undersigned:

(1) express our strong disapproval of your action in sending American military personnel, materiel and aircraft into the Congo;

(2) object most strenuously to the Executive Department's taking any such action without first consulting with and obtaining approval from the appropriate committees of Congress; and

(3) urge you most strongly to reconsider your decision and to order our military aircraft, materiel and personnel back to their appropriate bases.

Respectfully,

PETER H. DOMINICK, CARL T. CURTIS, CLIFFORD P. HANSEN, WALLACE F. BENNETT, NORRIS COTTON, KARL E. MUNDT, JAMES B. PEARSON, STROM THURMOND, JOHN G. TOWER, LEN B. JORDAN, EVERETT M. DIRKSEN, HOWARD H. BAKER, JR., GEORGE MURPHY, ROMAN L. HRUSKA, BOURKE B. HICKENLOOPER, FRANK CARLSON, JOHN J. WILLIAMS, and PAUL J. FANNIN, *U.S. Senators.*

Mr. DOMINICK. Mr. President, this was the type of action without congressional authorization that I feel Congress might prevent. It typified the increasing use of this Executive power by then President Johnson.

I was interested in the observation made by the senior Senator from South Dakota (Mr. MUNDT) in the hearings in 1967 on Senate Resolution 151. He noted, after the conference between Mr. Johnson and Mr. Kosygin at Glassboro, that the press and some members of the State Department observed that not much should be expected from the conference—this because Mr. Kosygin, representing Russia, did not have the same authority to commit his nation as did President Johnson. My distinguished colleague noted that this was shocking when he realized that President Johnson was representing a Republic and Mr. Kosygin represented a political monopoly, or autocracy, or dictatorship, or whatever form of government it might be considered.

One of the major arguments against a commitments resolution should be discussed, however. That argument, as discussed in the minority views in the report, indicates that the time allotted to react and defend the country in a crisis is too short. This argument continues to the effect that a decision must be made in less time than it takes to assemble a quorum of Congress, and this resolution, or any similar one, would tie the hands of the President in making emergency decision.

This points out the major problem raised by this debate. The constitutional provisions setting out the powers of Congress to declare war and the powers of the President as Commander in Chief are no longer sufficient in today's times. Senate Resolution 85 and the Fulbright-Cooper substitute certainly do not resolve this problem. The proposal of Senator MUNDT also falls far short of re-

solving the problem, but it at least would not tie the hands of the President to deal with the rapid changes which occur daily throughout the world. It does allow the President to meet a direct and immediate threat to national security and repel an attack on the United States.

Mr. President, no Senator would intend or state that the President should not act to defend this country against sudden attack, or to protect its national security in an emergency. Should missiles suddenly be fired from Cuba against targets in or surrounding the United States, the President clearly has and should have the power and duty to repel that attack.

In 1962, in the Cuban crisis, we faced that problem. The threat was not from Cuba; it really was from the Soviet Union. In that instance, there was time to consult with Congress; and there would have been time to consult with Congress in 1967, when military personnel, planes, and supplies were sent to the Congo.

These points illustrate what I am trying to make clear for the record. The President has the authority and duty to use whatever force is necessary to repel a sudden attack on this country. The President should not, however, have the sole power to commit Armed Forces for military assistance in hostilities in other countries, unless the national security or the protection of U.S. citizens and U.S. property is involved.

The language of Senate Resolution 85, as reported from the committee, and even as revised in the proposed Fulbright-Cooper amendment, as I understand it, seems to me to be too broad. The original resolution did not even define what a "national commitment" is; and in the Fulbright-Cooper amendment we go beyond the question of use of Armed Forces, and include other kinds of action involving only financial aid. It further requires affirmative action by both branches of Congress before anything can be done.

As I say, it seems to me that this is too broad. I think in the future, arguments would arise as to its meaning, and I believe that the President's hands would be tied beyond the degree to which we should tie them. It also seems to me to go beyond the balancing concept we are trying to reach, by giving, in effect, absolute veto power to Congress. It could amount to absolute control; and in this age of ever-contracting time and distance, it is my opinion that the President must be able to act more rapidly than these proposals would permit.

My distinguished colleague from South Dakota (Mr. MUNDT), however, has offered a substitute which, in my opinion, is far better than the original wording. I wish to state that I shall probably support that substitute. However, I would not want that part of the final clause of the Mundt substitute including the words "to protect U.S. property" to be construed as advocating any kind of return to the so-called "gunboat philosophy." This is not the intent, I am sure, of the sponsor. It certainly would not be my intent, and I am sure it is not the intent of most Senators.

We should be clear, as I think the Mundt substitute makes it clear, that the authority that has been granted to the President by prior treaties, statutes, or other legislative actions will not be affected. Under treaties now in effect, each respective country determines its defense contribution. This is determined by the constitutional processes of the country, after which the matter reverts, as I see it, to the Senate of the United States.

What I am trying to say, Mr. President, is that we are faced here with an extremely difficult problem. This country must pursue peace, and is trying to do so. We should not, however, leave the impression that our Armed Forces cannot be committed under any circumstances without congressional action.

We must define the limitations imposed upon the power of the President, while not crippling him so that he is unable to move. It appears to me that the Mundt substitute is the better way of getting at this problem. Unless we review or clarify our position, and talk about it as we have been, the power of Congress in foreign relations may well be reduced to words, and the mere formality of confirming whatever action any President may wish to take. Any resolution which is passed by the Senate should, it seems to me, restrict the commitment of Armed Forces in hostilities for military assistance to other countries, unless the authority to do so is granted either by the Constitution or by affirmative action of Congress.

Mr. President, none of us want to withdraw into a fortress America. This country is too young, too involved in foreign affairs, and too much the shield of other nations to be forced into that position. I, for one, believe that, as the leader of the free world, we must maintain flexibility in our response, but I do not wish to see the power of the Senate reduced in the field of foreign affairs to a simple affirmation, after the fact, of anything that any President may wish to do.

It is for that reason that I have taken the floor to explain my opposition to the pending resolution and my support for the Mundt amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I wish to address particularly the distinguished Senator from Arkansas and also the distinguished Senator from Kentucky.

All time would have to be exhausted before the Fulbright group of proposals is open for amendment; but the distinguished Senator from Arkansas, as chairman of the committee and manager of the bill, could, of course, amend his own version if he saw fit to do so.

If the Senator will look at his copy of the resolution, I would respectfully suggest that in line 4, after the term "armed forces," he insert the words "in hostility."

Mr. President, there is a reason for this suggestion. A day or two ago I went over that old list of either express or implied commitments, which began with 1790, when we first began to function as the United States of America. There is probably no place on earth where we have not sent troops at some time without any confrontation involved. In such cases, there were no hostilities as such; there was a state of disorder, and either American citizens or their property were in jeopardy. Such situations included not only China on many occasions, but what was then Russia, and even Siberia, as I recall.

I listed perhaps a dozen or 15 such cases: I did not read the entire list into the RECORD. I could have done so, because the list was supplied to me.

But in no case could one say that there existed a hostile situation as such, with a true confrontation between our forces and those of another country. Probably in some cases the size of our force did not exceed 100 sailors or 100 soldiers. It might have been 200, or it might have been 500; but the situation did not involve hostility as such. Perhaps the situation to which they addressed themselves had to be reported one way or another, by whatever communication was available, in order to apprise the Government in Washington of what was happening.

Conceivably, if such actions as that came within the purview of this resolution, we might have had to have discussion on the Senate floor, or on the House floor, and then a message would have had to go back, and by that time the damage could have been done.

So it would occur to me that the Senator's proposal could be reinforced, and probably would be infinitely better, if the words "in hostility" were inserted in line 4, and likewise in line 6, after the words "armed forces."

That is the first suggestion I would make to the chairman of the Committee on Foreign Relations, and I shall be happy to yield for any comment that he may wish to make.

Mr. FULBRIGHT. Mr. President, I certainly hope the implication is clear that by agreeing to station our Armed Forces abroad the reference is to substantial numbers of armed forces. As a matter of fact, situations such as the Senator has mentioned, involving nations in which there are few people, or the incident is minor, are authorized by legislation. They do not conflict at all with what we have in mind here.

I have in mind the type of agreement that has recently come to my notice in some detail, in Spain and in another country which I hesitate to mention in public, because the matter has not yet been publicized. I am referring to secret executive agreements which commit our forces to the support of another country.

I think they should not be secret. I think they are of such consequence that Congress, the Senate particularly, because of its authority in the area of treaties, should be aware of such commitments. The one in question involves the lives of our citizens as well as, in many cases, a substantial financial resource of the country.

What I am really saying is that I do not know why the Senator wishes to restrict the resolution to hot-war situations. A commitment to station abroad forces which are not fighting, forces which we hope will perhaps never fight, is nevertheless an important commitment.

As I understand what the Senator is saying, it is that such action should not be subject to senatorial approval. It is only in the case of hostilities that the Senator wants us to be in on the matter, so to speak. Do I correctly understand the Senator?

Mr. DIRKSEN. The Senator is correct.

Mr. FULBRIGHT. Another case that is even more serious—and perhaps I should hesitate to speak of it right now because I think it would be premature—is the Spanish case, which has already been thoroughly aired.

I do not approve of the making of such an agreement in secrecy by the Executive. And it would have been made in secrecy. I would never have known of it. I think the Senator from Illinois would not have known of it. He probably would not have. The Senate would not have known it had it not been for a newspaper reporter who, in some fashion that I do not know about, revealed the matter.

This agreement involved a substantial undertaking involving the possibility of our involvement in internal warfare because our troops participated in what they call a "scenario," in joint maneuvers with Spanish forces, inside Spain.

I do not raise the matter because I disapprove of Spain. What I am talking about is American action in making agreements that can be far-reaching in terms of both the number of men we would expose to armed hostilities—if they should break out—and a great deal of money.

As representatives of the taxpayers of the United States, we ought to have something to say about such commitments. We ought to know about them. I think it is a proper function of the Senate.

I do not approve of any Executive making commitments on his own authority. This is not pointed at the present Executive because the Spanish arrangement, for example, was made under the previous administration, was negotiated last fall, and was authorized by the former Secretary of State for the Chief of Staff. I do not think we ought to be bound by that kind of an agreement.

We are saying that we are not going to be bound unless we approve of the commitment. We are not saying that we will not approve of it. It may well be that, if it were submitted to the Senate, the Senate would approve of it. However, does not the Senator from Illinois think he ought to know of the existence of a commitment?

Mr. DIRKSEN. This was all, I am sure, a part of the negotiation that covered the Spanish bases.

We have a very extensive base at Torrejon, about 17 miles outside Madrid. Some years ago I went to look at it.

Mr. FULBRIGHT. I have been there.

Mr. DIRKSEN. In addition, I think we have a nuclear base at Palarmes.

Of course, our leases were coming to an end there, and there was an indisposition on the part of the Spanish Government to continue the leases.

As a matter of fact, I remember that when I was there it was my privilege to have a session with President Franco. Even at that time, the question was raised of those bases being so close to the capital city of Madrid that they might well be moved elsewhere or be abandoned altogether. Out of the delicacy of the whole matter, probably, some agreement had to be negotiated. If that were the case, I do not know that we have to quarrel too much if there was an element of secrecy about it. A condition of secrecy, may have existed in Spain at the time to justify grouping it somewhat on the classified basis. I think one can easily make an argument about it.

Mr. FULBRIGHT. Mr. President, of course I realize that all Presidents do not like to be bothered with the Senate and treaties.

If we want to undertake to carry out our alleged obligation with respect to Spain—and it is extensive—I think it ought to be by approval of the Senate.

Just recently, on the weekend of June 14, a newspaper article discussed the matter in some detail. A more detailed description of our military involvement with Spain is provided by the article, which refers to the joint maneuvers being held in Spain to put down a theoretical rebellion in that country.

That is all very well. I am not promoting any rebellion in that country, but I think it is a Spanish affair and is not our affair. I do not wish to have us committed in that fashion, which I would say is quite unorthodox at the present time, and secret. I do not wish us to be committed in that way.

We are all talking about the possibility of another Vietnam, and it could be another Vietnam in Spain. It could be a civil war. However, I hesitate to put it in those terms, because I do not think it will be. I want it to be certain, however, that we would not take a part in it, and I do not want to approve action by us in the concerns of that country or any other country. I can think of some internal problems. I do not think the United States ought to do it.

Mr. President, newspapers on the weekend of June 14 carried stories—one of which I have already referred to—which clearly indicate why some Members of Congress are disturbed at the manner in which the executive branch is handling its military involvements abroad. I refer to Flora Lewis' story—and others in the Washington Post and New York Times—which described how U.S. military forces have over the past years taken part in joint maneuvers in Spain to practice putting down a theoretical rebellion in that country.

In discussing this matter, I intend to stick closely to the facts disclosed in these newspaper articles. The existence of these joint maneuvers was, as Miss Lewis wrote, originally brought to the attention of the Foreign Relations Committee by the staff of Senator SYMINGTON'S Subcommittee on Commitments and Agreements Abroad. It is my understanding that at the appropriate time, the full details of the subcommittee's findings will be made public.

But based on the news stories alone, there is much for us to be concerned about as we debate this resolution on commitments.

Why were U.S. Army forces brought in from Germany to train to put down the scenario of an "internal rebellion" in Spain? Who authorized such activities?

The news stories indicate that U.S. military commanders in Europe worked out the exercises—and the U.S. Embassy in Madrid was not aware of the scenarios or details of the maneuvers.

What the stories do not mention is the Spanish side of this affair. Certainly the Spanish military commanders were aware of what was being practiced—and since Spain's military represent a key element in the Spanish Government, it must be assumed that the exercises had approval at the highest level.

To carry out these exercises required joint planning on the part of United States and Spanish military officers. Plans covering United States intervention in Spain thus exist. And, in fact, based on the results of the exercises, they provide a tested contingency battle plan in the event that a real insurgency develops in Spain. The foreign policy implications of this type of activity are obvious. But apparently no one in Washington—either in the Pentagon or the State Department—knew about the exercises or cared enough to study them in detail.

Spain, after all, appears relatively quiet these days; with all our other commitments around the world, this one receives little attention at the high policymaker level.

Indeed, why should Spain receive high level attention? The United States has no defense treaty with Spain—it has only an agreement covering use of certain joint military facilities. Furthermore, since the inception of this agreement, various administrations and Secretaries of State have gone to great lengths to reassure both the Congress and the American people that no commitment exists to defend Spain from internal or external forces. At most there was a vague commitment to defend the bases themselves.

While saying that, however, these same officials were unaware of what was being done to establish de facto—through practice maneuvers—what could not be done de jure.

Not all of them were unaware, however. When Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, with State Department knowledge, told his opposite numbers on the Spanish High General Staff that U.S. forces in Spain "give Spain a far more visible and credible security guarantee than any written document," he was telling the Spanish what they wanted to hear, and what—fortified by the maneuvers—they have come to believe.

According to one news report, the State Department and the Pentagon are now going to review scenarios of future joint military exercises in Spain and other countries.

That is not enough.

Taking Spain as one example, the question can be asked why do we have joint maneuvers in the first place? Do we want a military alliance with Spain? If so, there is, under our form of government, a constitutional way to go about negotiating and then ratifying such an arrangement in the form of a treaty.

If the executive branch does not believe—for whatever reason—that it can get congressional approval for such a treaty, it should not seek other means to accomplish that end. For by tamper-

ing with what may appear to be our unwieldly constitutional process in a little matter like Spain today, we may one day wake up to find ourselves involved in the Vietnam of tomorrow.

Mr. President, I ask unanimous consent that several pertinent press items be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 14, 1969]

MANEUVERS IN SPAIN STIR STUDY: U.S. REVIEWS ROLE IN JOINT WAR GAMES

(By A. D. Horne)

Plans for U.S. military exercises abroad are now being reviewed in detail by the Pentagon and the State Department as the result of a trip to Spain this spring by two Senate investigators.

Walter Pincus and Roland Paul—chief investigator and counsel, respectively, of the Senate Foreign Relations subcommittee on U.S. Security Agreements and Commitments Abroad—discovered that in at least two joint training exercises with Spain, U.S. troops played the role of suppressors of a domestic rebellion.

Their findings are described in detail on Page A25 by Newsday columnist Flora Lewis.

Reports last February that Spain was being offered strong commitments during negotiations over extension of the 1953 base agreement resulted in a storm of Congressional criticism. The United States and Spain are on the verge of signing a two-year extension of the agreement.

The latest report is also likely to cause a stir in Congress. On Monday, the Senate is expected to begin debate on a resolution, sponsored by Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.), to keep the Executive Branch from making any national commitment to a foreign power without formal Senate concurrence.

In reporting out the Commitments Resolution April 16, the Committee raised the possibility that the Spanish bases agreement could involve the United States in a real situation like that of the hypothetical training exercises later uncovered by Pincus and Paul.

"In practice," the Committee's report suggested, "the very fact of our physical presence in Spain constitutes a sort of quasi-commitment to the defense of the Franco regime, possibly even against internal disruptions."

The Spanish Embassy here found this suggestion "gratuitously offensive" and "detrimental to Spanish sovereignty." An Embassy official stated that "Spain would neither accept nor request, in any hypothesis whatsoever, under the shield of the agreements with the United States, U.S. intervention in her internal affairs."

U.S. officials generally agree that Spain has no need for American assistance against internal threats.

But when Pincus and Paul arrived in Spain several days later and visited the U.S. air bases at Torrejon near Madrid and Moron near Seville, they asked about the 1967 and 1968 joint exercises called "Pathfinder" I and II.

They were shown the scenarios for both exercises, in which troops from "Samland," under a "security treaty" with the host country, practiced putting down a staged rebellion.

These scenarios, they learned, had been prepared by staff officers and never reviewed by either the U.S. Embassy in Madrid or the Pentagon. While they constituted no official commitment for U.S. action in similar but real situations, they furnished ample targets for future embarrassment.

As a result of the "Pathfinder" disclosures, the State and Defense Departments issued new rules this spring requiring that they be furnished not only general descriptions but also scenarios of all future training exercises abroad.

These scenarios, in which troops taking part in maneuvers are given names and roles—often thinly disguised versions of actual situations—in the past were reviewed only at the level of the commanders running the exercises. Now they are being forwarded for review to Washington.

There will be a "Pathfinder" III in Spain this year. It is a safe bet that its scenario will not deal with internal insurgency.

UNITED STATES AFFIRMS GI'S IN SPAIN CONDUCTED ANTI-REBEL TRAINING

WASHINGTON, June 14.—The State Department acknowledged today that United States forces had conducted joint maneuvers in Spain recently to practice putting down a theoretical rebellion against the Spanish Government.

Officials said a review was under way to prohibit such practices in the future. They refused comment on the present nature of the United States commitment to the government of Generalissimo Francisco Franco.

The "war games" exercises were first disclosed in a copyrighted article by Flora Lewis, a syndicated columnist of Newsday, the Long Island paper.

The assumption of the exercise was that "infiltrators" would try to stir up the people to fight against the Franco regime, Miss Lewis reported.

The new development in the controversy over United States relations with Spain came about before a Senate vote next week on a resolution intended to reassert Congressional control over United States commitments abroad.

The nature of the present United States commitment to Spain is vague. The United States has no mutual security agreement with the Franco Government, but it does rent two air fields and a submarine base in Spain. The base agreement was renewed recently for two years and the Senate Foreign Relations Committee was assured at the time that there was no hidden commitment to the Franco regime.

A State Department spokesman declined to say today whether the United States is committed to help defend Spain.

While confirming that the maneuvers took place, he indicated that they had been undertaken without the department's knowledge.

[From the Washington Post, June 14, 1969]

JOINT UNITED STATES-SPANISH MANEUVERS RAISE QUESTIONS IN CONGRESS

(By Flora Lewis)

Senate investigators, working under new orders to dig out what really happens in the wake of U.S. commitments abroad, have found that American troops were used in joint maneuvers to practice putting down a theoretical rebellion in Spain.

There have been at least two major exercises of this type in the last two years, named Pathfinder Express I and II, and a number of minor ones named Sarrio. The troops were flown to Spain from Germany and on at least one occasion parachuted into northern Spain to "round up and destroy guerrillas."

The assumption of the exercise was that "infiltrators" arrived in Spain and stirred people to fight against the Franco regime. Both the "infiltrators" and the "guerillas" were assumed to be anti-Franco Spaniards, not invading foreigners.

Details of the exercises were not known to American civilian officials until recently. They were conducted by the U.S. military command in Europe, and the U.S. Embassy in Madrid received only summaries of the operations that made them sound like routine maneuvers against a hypothetical foreign aggression.

The maneuvers do not commit the United States to help Franco, nor constitute any formal pledge of support. American participation is explained on the grounds of the value of learning the terrain.

However, those Spaniards who have learned about it draw the conclusion that the United States probably is willing to intervene to protect the regime. The Franco government has faced growing opposition recently, and has made free use of its police and armed forces to put it down.

The political impact of American troops exercising in Spain in such circumstances is scarcely lessened by the fact that their presence represents no U.S. political decision.

This is one of the reasons why, for the first time in years, the Senate Foreign Relations Committee has told the Administration that it has no intention of rubberstamping the executive agreement on renewal of U.S. Base rights in Spain.

Partly because of unsavory revelations emerging little by little on what the base deals have involved, partly because of the new mood of challenge on Capitol Hill, there are going to be tough hearings on the new agreement.

Until now, the Committee tended to accept whatever agreements the Executive Branch worked out with foreign governments, without much probing. Now the feeling is that the procedure of executive agreement has been abused, and that the only way for the Senate to recover a real influence on foreign commitments is to assert itself even when it isn't asked to ratify a formal treaty.

The new agreement about to be signed provides for a grant of $50 million worth of arms to Spain in return for two more years of base rights. That is a drastic cut from the deal that was about to be made early this year, then dropped.

Nonetheless, Sen. J. William Fulbright, who heads the Foreign Relations Committee, has told the State Department that he isn't satisfied. He wants to know why the United States should pay at all, if the bases are so important to Spain. And he may bring up the maneuvers to question what relations with Spain are really about.

The issues involved are fundamental, arising from the general sense of ill ease at the way American foreign obligations have slipped out of public and even, in some cases, official civilian awareness and influence.

The challenge isn't directed to the Nixon Administration as such, because the trouble has been building up since World War II. In a sense it goes back a little further, to the time when President Roosevelt used the device of executive agreements to help what later became America's allies because he knew Senate isolationists would block treaties.

In the last decade or so, the use of executive agreements has become a pattern that worked to diminish the role of Congress in foreign affairs. Though it isn't his fault, the mood on Capitol Hill is bound to make for growing tension between Mr. Nixon's Administration and Congress.

Behind it all is the Vietnam war and its frustrations. This mood isn't isolationism, as Mr. Nixon suggested, but a sense of having been hoodwinked too long and a demand to know what is really going on.

[From the Washington Post, June 21, 1969]

UNITED STATES, SPAIN EXTEND BASES AGREEMENT

The United States extended its bases agreement with Spain for 15 months yesterday in a quiet anticlimax to a long controversy.

By an exchange of diplomatic notes at the State Department, Secretary of State William P. Rogers and Spain's Foreign Minister Fernando Maria Castiella y Maiz kept the 1953 agreement in force until September, 1970. If no new agreement is negotiated by then, the U.S. will have another year to pull

out of its Polaris submarine base at Rota, its Strategic Air Command base at Torrejon near Madrid and two less-used air bases at Moron and Zaragoza.

The United States will give Spain military equipment worth $50 million, plus up to $35 million in new Export-Import Bank loans for arms purchases.

The two nations announced that Rogers invited Castiella to return in mid-July for negotiations "to determine the new relationship of cooperation . . . that would follow the present agreement."

Castiella, in a separate statement, stressed that "the era of foreign military bases had ended" and that Spain "must become an active participant on an absolutely equal footing" in a new agreement covering "economic, scientific, technical and cultural aspects."

The bases, he declared, "will become exclusively Spanish bases" and the two nations will negotiate U.S. use of "specific facilities . . . in conditions concretely agreed on in accordance with possible contingencies."

Because of "a great series of international crisis culminating in the Vietnam war," Castiella said, U.S. "Public opinion has entered into a sort of trance of introspection over the foreign obligations of its government and the urgent need to limit its international commitments . . ."

Much of the domestic controversy over the Spanish bases agreement has centered on charges that it constituted a national commitment, entered into by the Pentagon and the State Department without Senate approval.

To this, the State Department declared yesterday that "the defense agreement contains no commitment to Spain, and the present extension does not alter that situation."

U.S. officials said, however, that the joint declaration, signed by Castiella and Secretary of State Dean Rusk at the agreement's first extension, in 1963, remains in effect.

According to the Rusk-Castilla declaration, "a threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the framework of its constitutional processes."

Apart from the commitment issue, American opponents of the agreement have charged that its cost has exceeded the value of the bases, and that it has given international respectability to the 30-year-old dictatorship of Generalissimo Francisco Franco. In both the United States and Spain, military officials have been more eager to extend the agreement than their diplomatic counterparts.

[From the New York Times, June 18, 1969]

PROPPING UP FRANCO

Congressional concern over a still-unsigned executive agreement extending American base rights in Spain is more than justified by the disclosure that United States forces have conducted joint maneuvers in Spain to practice putting down a theoretical rebellion against the Spanish Government.

To use American troops thus in direct support of the Franco regime represents an unconscionable perversion of United States principles and policy. The exercises, which have been acknowledged by the State Department, underline the ominous import of a Pentagon memorandum which State has tried to disavow. The memorandum, as paraphrased by the Senate Foreign Relations Committee, asserts that "the presence of American armed forces in Spain constitutes a more significant security guarantee to Spain than would a written agreement."

This is too high a price to pay for four bases that are in part obsolete and in any case could be replaced by other arrangements. The 10,000 American troops currently stationed in Spain have no business propping up regimes like Franco's.

One of the most disturbing aspects of the Spanish affair is evidence that the American military entered into its unsavory liaison with Franco's soldiers without adequate consideration of the political implications and without effective civilian control. It is up to the President and Congress to look beyond Spain in order to make sure that the Pentagon is always an instrument and never an initiator of American foreign policy.

[From the New York Times, June 24, 1969]

A COSTLY ALLIANCE

Only this much can be said for the fifteen-month extension of the agreement covering four American military bases in Spain: It is preferable to Washington's original offer of $175 million in arms aid for the Franco Government in return for a five-year base renewal. It would have been far better if the United States had simply informed Spain many months ago that the bases were no longer required and the 10,000 Americans manning them would be withdrawn within the specified year.

What remains most disturbing about this affair is the clumsy and devious behavior of both the Johnson and Nixon Administrations. The latest display of clumsiness was the pitch for bringing Spain into NATO by the new American ambassador, a political appointee, in a speech to the American club in Madrid. Robert C. Hill's gratuitous remarks will hardly persuade those member governments that have taken NATO principles seriously enough to bar the Franco regime.

Of greater importance is the Administration's fuzziness about the extent of the commitment to defend the Franco regime. The State Department said last week that the agreement "contains no commitment to Spain." But a 1963 declaration, now renewed, says "a threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of concern to both countries, and each country would take such action as it may consider appropriate . . ."

The military advantages of such a relationship with the oppressive Franco regime must be weighed against the heavy political costs to the United States. These costs could soar and that relationship could become the focus for virulent anti-Americanism in Spain itself when General Franco passes from the scene. The Nixon Administration should decide right now that the temporary renewal of the base agreement will be the last—and the Pentagon should plan accordingly.

[From the Washington Post, June 18, 1969]

ENVOY SAYS UNITED STATES FAVORS SPANISH ENTRY INTO NATO

MADRID.—The United States favors Spain's entry into the North Atlantic Treaty Organization, the U.S. Ambassador to Spain, Robert C. Hill, said yesterday.

Hill set out this view in a speech to the American Club and said that he hoped "neighboring countries, which received both before and since the war so much help, will one day get the idea."

Hill said Gen. Andrew J. Goodpaster, new chief of NATO forces, arrives in Spain Wednesday for a 48-hour visit. "I'll let you draw your own conclusions from that visit," he said.

Mr. FULBRIGHT. Mr. President, as a further example of the ease with which the United States becomes committed—or at least misleads foreign governments as to our commitment—I cite the recent press release issued by the Department of State on the renewal of the Spanish base agreement.

On June 20, the Committee on Foreign Relations was given a copy of a draft joint press statement to be issued by the Spanish Foreign Minister and the Secretary of State. It was an announcement of a 2-year extension of our base agreement with Spain, by which the United States undertook to provide $50 million of military grant assistance to Spain over a 2-year period, and to finance some $35 million worth of military purchases through the facilities of the Eximbank.

We all know—or should know—that the funds to give effect to this promise to Spain must be authorized and appropriated by the Congress.

But do the Spanish know this? Indeed, do our own negotiators know this?

There is some doubt, because the press release to which I have just referred reads as follows:

In conjunction with this extension, the United States Government, as authorized by the Congress, *will* provide grant military assistance and credit facilities to Spain for the purchase of military equipment.

The clear implication to me in reading this paragraph is that Congress has already authorized extension of the Spanish agreement, and that the United States "will provide grant military assistance and credit facilities to Spain for the purchase of military equipment." This, of course, is not true.

I leave it to Senators to judge whether this is poor draftsmanship, a Freudian slip, or a commitment of the kind we are trying to discourage by the pending resolution.

I ask unanimous consent to insert at this point the draft joint press release to which I have referred.

There being no objection, the joint press release was ordered to be printed in the RECORD, as follows:

DRAFT JOINT PRESS STATEMENT

Spanish Foreign Minister Castiella and Secretary of State Rogers today exchanged diplomatic notes extending the Defense Agreement of September 26, 1953, until September 26, 1970. Under the terms of the extension the two Governments will use this period to determine the new relationship of cooperation between the two countries that would follow the present Agreement. Secretary Rogers has invited Spanish Foreign Minister Castiella to return to Washington about July 15 to continue the negotiation which opened today.

In conjunction with this extension, the United States Government, as authorized by the Congress, will provide grant military assistance and credit facilities to Spain for the purchase of military equipment.

Mr. FULBRIGHT. Mr. President, in all honesty the Senator says there may be some delicate circumstances in Spanish life that would require the information to be classified. Perhaps there is something. They have a different kind of government, and certainly they do not have our idea of the relationship between the Executive and the representatives of the legislature—they call it the Cortes.

As I understand our constitutional system, I think it gives the Senate the responsibility to approve or disapprove the making of agreements of this character.

That is the sum and substance of it. In the words that I believe the Senator from Illinois used not too long ago, I guess I am a strict constructionist when it comes to the Constitution with regard to this kind of obligation in an area that involves the lives of our young men and

vast amounts of our money. I think it is far more important than in some other areas that the Supreme Court has involved itself in, or some other Government activities.

That is about the sum and substance of it.

I do not know why the Senator from Illinois does not feel the same way, because he is a strict constructionist in other areas. Why is he not in this area?

Mr. DIRKSEN. He is, and he always tries to be mindful that neither by this kind of resolution nor by a statute of any kind can we impair the constitutional power of the President.

Without belaboring the Spanish matter too much, it is a fact that Spain has been our so-called second line of defense. I think that militarily that is well known.

In the interest of our national security, obviously if there is an impairment of that defense line, if a situation develops over there and the President and the National Security Council see it as such, I doubt very much whether we dare to be inhibited by the words we write into a resolution of this kind.

Mr. FULBRIGHT. Mr. President, does the Senator wish to argue about the merits of those bases in Spain?

In the discussions we had in committee with the representatives of the Department of State, it appears to me that these bases are largely obsolete.

The Spanish do not allow us now to base strategic aircraft at the great base of Palarmes. When I was there, and I guess when the Senator from Illinois was there, before the accident, it was a strategic air base.

Mr. DIRKSEN. It was.

Mr. FULBRIGHT. Two of the bases have been put on standby. They are closed but exist for emergency use only. The Senator knows that the bases were operating at a time when airpower was considered to be far more important than it is today with the growth of the missiles. That is not new to the Senator. There is a very grave question, I would say, as to whether those bases are very important at all. I think it is marginal as to whether we have any need for them in our own defense because of the change in the nature of warfare.

If one wants to argue the merits of whether this is a good agreement and in our interest, that is another matter. I was not seeking to make that argument. I do make the argument that whatever their use is and whatever the amount of money—whether $50 million or $500 million and 10,000 or 50,000 men—it is the kind of agreement that the Senate ought to approve or disapprove. I think the Senate has a proper function to carry out in matters of this kind.

I am not prepared to turn over to the military authorities and the executive authorities the negotiation of these agreements without the Senate knowing anything about them and approving or disapproving them. I think it is our responsibility to approve or disapprove them.

Mr. DIRKSEN. Mr. President, I make only one response to the observation that these bases are of doubtful value.

I do not know why we put in all the time and preparation to provide the necessary funds to continue these leases, because certainly that would not have been done without the best expert military judgment in our country. I am sure the Senator will agree to that.

Mr. FULBRIGHT. Mr. President, the Senator has great faith in them. However, when the matter of the bases was raised, our original terms were to extend the leases for 5 years. We offered Spain $175 million in addition, of course, to keeping up our troops and everything else. The Spanish originally requested $1 billion, approximately, as lease money.

What they have finally agreed on, just a few days ago, was a 2 years' extension as of last September and a $50 million lease. In other words, it is a very temporary extension to give time to consider more thoroughly whether they are worth extending or not.

In other words, here was a tremendous change in the view of the Executive, within the space of 2 or 3 months, as to how important they are. I think the change came about purely as a result of attention being drawn to the leases, first, by press reports, and then by the Foreign Relations Committee and the Senate.

With some hundreds of bases abroad, once they are established, a kind of inertia—or perhaps one should say momentum—sets in. The leases are renewed, and they are continued without enough consideration because of the size and complexity of our Government. I reject the idea that in each of these cases of renewal of bases there is some kind of superior wisdom on the part of the colonel or general to whom is designated the duty of negotiation.

In the Spanish case, the Secretary of State requested the Chairman of the Joint Chiefs of Staff to negotiate and he turned it over to General Burchinal, who then became the negotiator.

If the Senator feels all of our military people are so infallible in this respect, I do not share his feeling. They are doing their duty. They do not have the responsibility of weighing all the various considerations I feel the Senator from Illinois and I have. I speak of the cost relative to other costs, and relative to other bases we have, the precedent this sets for bases in Turkey, Libya, and elsewhere. This is one of the few bases where we pay rental, although the bases are just as much for the defense of Spain as they are for ours. I do not see why we should pay any rent at all, because the Spaniards were just as much protected if there is a need of protection as we were.

Originally the only threat was from Russia—and these leases were originally made in the time of Stalin, when there was a much greater active threat from Russia than today. Many circumstances have changed since the original lease of the base was negotiated.

Mr. DIRKSEN. I can offer an historical postcript. The Senator from Arkansas may or may not remember, but I do remember. When I was on the Western Front 51 years ago, we did pay rent for the trenches. I think that was established. I always thought that was an amazing thing.

Mr. FULBRIGHT. Did the Senator approve of it?

Mr. DIRKSEN. Oh, I was probably too young to approve of it.

Mr. FULBRIGHT. Does the Senator now approve of it?

Mr. DIRKSEN. I was thinking only in terms of my own skin and how to get back home after we won a victory.

Mr. FULBRIGHT. Does the Senator now approve of it?

Mr. DIRKSEN. As an historical reflection, I think the wells of anger rise a little now and then.

I have another suggestion or two. I refer to the second paragraph, or the third paragraph, in the first line, after the word "that," that there be inserted the word "future," so that the wording will read:

That it is the sense of the Senate that future national commitments by the United States

And then insert—

will result only from affirmative action.

In the substitute resolution, we do carry the word "future" and also the words "in which the United States is not already involved."

It comes to mind that we are much involved in Vietnam. That appears to be a commitment.

Mr. FULBRIGHT. That is a commitment ostensibly in pursuance of a resolution of Congress.

Mr. DIRKSEN. Oh, yes.

Mr. FULBRIGHT. I do not know why that resolution—which I regard as faulty—is pertinent to this.

Mr. DIRKSEN. But suppose other commitments have to be made which are somewhat collateral, but not in pursuance of it. That would become something new. But we go back, or think of this in terms of the future, and make sure it is prospective and not retrospective.

Mr. FULBRIGHT. Yes, but certainly, by and large, I would say I could hardly think of one of those cases which would not be in the future. Let us assume that a secret agreement has been made already, involving a commitment to send country X 10 divisions. I hesitate to use names. Suppose it has been agreed by one of our colonels or generals, or whoever represented us, or represented the President, that we would furnish 10 divisions in a country's defense and supply it with whatever money is necessary. Suppose that that agreement has already been made and we did not know about it. What is the Senator's attitude toward that? Does not the Senator think we should know about it? Does not the Senator think it is perfectly proper to take the attitude that we should know about it and think it should be submitted for approval, and that, therefore, the Senate is not going to accept it as binding unless the Executive presents it to us for our approval?

Mr. DIRKSEN. How far should we go back to dig up something?

Mr. FULBRIGHT. I do not think we would have to go back very far. I was not thinking of that, but one such case has been brought to my attention involving a commitment that has already been made. I thoroughly disapprove of its being done in this fashion. I am not saying it has no merit. I say it should be submitted for the approval of Congress, because it has broad implications.

I am merely saying that I do not want us to get into a situation like Vietnam by a process of creeping commitment. I am conscious about that situation because I played a small part in it, which I have regretted. I think it should be above board when there is this kind of commitment.

Mr. DIRKSEN. It runs through my mind that either in the resolution that came out of the committee in 1957, either Resolution 181 or 157, they used the word "future." I do not have that language before me.

Mr. FULBRIGHT. The Senator could be correct.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I shall yield to the Senator, but first I wish to make one further statement. Then, I shall yield to the Senator.

The original words were agreed to by the Senator from Georgia and myself. The language was changed in committee primarily at the request of and on the urging of the former Senator from Iowa. When I reintroduced it this year, I again discussed it with the Senator from Georgia. He much preferred simpler language for a sense-of-the-Senate resolution. He does not believe, and I do not much believe either, that in these circumstances it is wise or healthy to be too specific. That is the way that developed.

Mr. DIRKSEN. I can only add one thought, and then I shall yield the floor.

I had reference to Senate Resolution 187, and the committee reported it on November 20. That measure contained the language "circumstances which may arise in the future," and pertained to a situation in which the United States is not already involved. That resolution was reported by the committee. I thought it was. I think it is desirable now.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield the floor.

Mr. CURTIS. If it is not made prospective—in the future—I would like to know what arrangements that might come under the definition of national commitments would be repudiated by this resolution.

Mr. DIRKSEN. That is the question. That is the way confusion arises when subsequently the language is interpreted.

Mr. CURTIS. Is it not true that it finally gets down to a matter of interpretation?

Mr. DIRKSEN. Yes, definitely.

Mr. CURTIS. I say that because I always believed that President Johnson, when he asked for the Tonkin resolution, thought he was getting the consent of Congress to do what he proceeded to do. Other people have regarded that measure differently.

I think that before we are called upon to vote on this resolution we should know whether or not it is confined to a prospective application. If it is not, what national commitments or arrangements have been regarded as national commitments by some that this repudiates?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield the floor.

Mr. COOPER. I think the purpose of this language is clear and uncomplicated. It provides that the use of our Armed Forces abroad on foreign territory, or the promise to use them abroad shall not be a national commitment unless Congress, in one of the three ways prescribed by the resolution, approves.

Mr. CURTIS. I wish to ask a question in that connection. Are the high seas regarded as foreign territory?

Mr. COOPER. No.

Mr. CURTIS. So this measure does not involve a commitment to use naval forces to blockade something.

Mr. COOPER. It does not apply to the high seas. It is limited to their use on foreign territory.

I think I can clarify the situation. It has been suggested that the words "in hostilities" be inserted.

I wish to emphasize that if a war began or was in progress, and the United States became involved because our troops were there, had been threatened or fired upon, the President would have the constitutional power and duty as commander in chief to defend those troops wherever they might be.

The question we ask is this: Where the United States is not involved and hostilities are in progress, should our Armed Forces be sent to that country without the approval of Congress? The resolution intends that they should not be sent without congressional approval. I doubt that we could ever agree that our Armed Forces should be committed to war without the approval of Congress.

That is one purpose. I will go on now to another purpose.

Mr. CURTIS. First, may I ask one brief question?

Mr. COOPER. Yes.

Mr. CURTIS. I can understand the position of the distinguished Senator from Kentucky with reference to armed forces, but what does "financial resources" mean? Does that mean financial resources in connection with armed forces, or the war effort?

Mr. COOPER. No.

Mr. CURTIS. Or does it mean loans?

Mr. COOPER. No.

Mr. CURTIS. Grants in aid? What does it involve? Does it involve some of the lending agencies in which the United States carries the greater share of the burden?

Mr. COOPER. If the Senator will read that clause, it relates to a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States. The Senator from Arkansas spoke on that point. It is intended to mean that if the President of the United States—and usually it is a member of the executive department—at a lower level, makes a promise in the form of an executive agreement, or by some other means, to use our Armed Forces, or to provide financial resources to assist a foreign country, that promise or agreement should not become effective as a national commitment of this country until it has been approved by Congress.

Mr. CURTIS. It would take financial resources that could lead us into war?

Mr. COOPER. No.

Mr. CURTIS. I thought that was what the Senator just said.

Mr. COOPER. It is clear, just as the Senator from Arkansas pointed out in his example. If the President or his deputies, say the Secretary of State, the Secretary of Defense, or other officials, promise to another country, that if, upon the happening of an event, our Armed Forces shall be used, or that we shall assist that foreign country by the payment of money, then that promise should be known by Congress, and should be approved by Congress. This is the type of situation which may lead us into a war without Congress having either knowledge of the agreement or giving its approval to the agreement.

Mr. CURTIS. I still do not quite get the sense in which it refers to the financial resources.

Mr. COOPER. Well, I can give the Senator several examples. Assume the President is going abroad——

Mr. FULBRIGHT. That is right. The Vice President, too.

Mr. COOPER. And he states that the United States will make available to this country so many millions of dollars. That promise cannot become effective, as the Senator knows, until it is approved by Congress.

Mr. CURTIS. It can put Congress on the spot, because Congress has to make good on the commitments.

Mr. COOPER. Of course, and I do not think the Senator would like to see that happen.

Mr. CURTIS. I should like to know what objection there is to making this prospective to use the word "future," if we reject the idea of making it prospective. I should like to know what situation would invalidate or repudiate it.

Mr. COOPER. As the Senator from Arkansas pointed out so well, the resolution is the result of our joint labors. It has my name on it, but it is our work. We cover three situations.

The first concerns a situation where there are hostilities taking place. We say that our troops should not be committed to that war on foreign territory unless Congress approves.

Second, as the Senator from Arkansas has pointed out, suppose the President or his Secretary of State or Secretary of Defense, or perhaps the commanding officer of our Armed Forces, makes an agreement with another country that upon the happening of a certain event in which our interests are threatened, we agree to send troops, or to make our financial resources available. That is the type of situation, as I said a while ago, that may involve us in war. We would like to protect ourselves against that kind of situation.

Mr. CURTIS. My point is. Does the Senator mean future national commitments—future national commitments or national commitments? What are we repudiating?

Mr. COOPER. I am coming to that. In my third point, which is one objected to by the Senator from Illinois, we say, "the Armed Forces of the United States on foreign territory."

That is intended to say to the President of the United States, not to send large numbers of our troops to be stationed in another country where their very presence will probably bring about their engagement in war. The troops are there and, should hostilities commence in the area, our troops may be fired upon; and our national honor at stake. Without

any determination or decision by the Congress, or the people we would become engaged in a war.

I am sure that neither President Eisenhower, President Kennedy, nor President Johnson ever intended or believed that we would become involved in a major war in Southeast Asia, although this was not their intention, we nevertheless are involved because of the gradual sending of troops over a period of time.

The Senator asks me what it refers to. It can only refer to what might happen in the future.

Mr. CURTIS. Then why not say so?

Mr. COOPER. But there are certain things which have occurred in the past. For example—and if I am wrong, I hope that the Senator will correct me—we have entered into treaties with countries all over the world. Our Pacific area treaties, for example, provide that in case of armed attack each party agrees that it will "act to meet the common danger in accordance with its constitutional processes." In that event, the United States must decide what action to take by its constitutional processes. The resolution would require that in the use of the Armed Forces that the President come to Congress and ask for approval. This is an obligation undertaken in the past, the execution of which calls for actions that may be prospective.

In this connection, Mr. President, I ask unanimous consent that my individual views to the committee's report on Senate Resolution 187 in 1967, which discusses these situations involving the use of our Armed Forces, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. COOPER

Senate Resolution 151 in its original form expressed the sense of the Senate that a "national commitment" by the United States to a foreign power requires affirmative action by the executive and legislative branches "through means of a treaty, convention or other legislative instrumentality specifically intended to give effect to such a commitment." So broadly defined, the term commitment would seem to include all forms of economic aid as well as military assistance. In addition, the resolution would seek to limit the authority of the President to enter into executive agreements in requiring their approval by the Congress. In my opinion and in that of other committee members, it was felt that such a resolution would unduly restrict the President in the conduct of our country's foreign affairs.

It is my view that the concern of the Senate and of the country today relates to the assignment of our troops abroad where no military action exists at the time but where the presence of troops in a foreign country, should they be attacked, could set in motion a series of events that would involve our country in a war without the determination of the Congress that the sending of the armed forces was necessary and in our country's best interests.

Therefore, to avoid situations of this type in the future, I felt it more appropriate that the resolution seek to place certain limitations on the deployment of our armed forces outside the United States in a foreign country without congressional authorization. When the committee considered S. Res. 151, I offered an amendment to this end. When my amendment was not adopted, I voted for the amended resolution reported by the committee which is designed to accomplish the same purpose by a somewhat different method.

The text of my amendment and a brief explanatory note are set forth below.

"AMENDMENT RELATING TO THE ASSIGNMENT OF UNITED STATES ARMED FORCES TO DUTY IN FOREIGN COUNTRIES

"*Resolved*, That it is the sense of the Senate that, prospectively, a commitment by the United States to assign its Armed Forces to duty outside the United States for the purpose of providing military assistance to or aiding in the defense of a foreign country, government, or regime results only from affirmative action taken by the Legislative and Executive branches of the United States Government by means of a treaty, statute or concurrent resolution of both Houses of Congress specifically providing for such assignment."

1. My proposed amendment would have no constitutional or legal effect. Its purpose is to advise the President and thus to inhibit the assignment by the President—except with the approval of the Congress—of the armed forces outside the United States to assist in the defense of another country either by the immediate engagement of the United States armed forces in war or to place the United States armed forces on foreign territory where they could become progressively involved in belligerent activities and engage the United States in war.

2. As the amendment applies only to the use of the armed forces in aid or defense of another country, it does not express any intention to invade the constitutional power of the President as commander-in-chief to use the armed forces to defend the United States, to defend members of our armed forces wherever they are, and to safeguard American lives and property—which is his constitutional right and duty.

3. It would not affect the authority of the President as commander-in-chief to deploy armed forces for their training and maneuvers outside the United States, such as the customary maneuvers of the United States Navy.

4. It would not prevent the training of foreign forces in the United States, as is now done.

5. It would not, in my view, prevent the use of military advisors abroad providing they were so limited in number that it could not be intended that they would engage in military operations. The report could spell out precisely the intention of the committee on this point.

6. In the case of the treaties to which the United States is now a party and under which the United States is pledged to provide assistance to certain specified countries through its "constitutional processes" when the security of these countries is threatened, the amendment would assert that "constitutional processes" means the approval of the Congress.

7. It does not define the word "commitment" which might be subject to differing interpretations but does state the circumstances under which the United States would be committed, namely, by the affirmative action of both the executive and legislative branches.

In summary, my amendment is intended to require the specific approval of the Congress before the United States armed forces can be assigned by the President to provide military assistance to or aid in the defense of another country, although at the time no belligerent or hostile acts are taking place. Its purpose is to prevent in the future the progressive involvement of the United States in a series of events leading to war as has been the case in Vietnam.

Mr. FULBRIGHT. If the Senator from Kentucky would yield on the point he mentioned a while ago, that the attention of the committee has been called to what is still a secret agreement. It was made by executive members and not published. No request for approval has been submitted to Congress on it. If we want to add that to it, and there may be others, so that I think it would have the effect of saying that all those already made, even though we do not know about them, even though already made, we would have to honor them.

Mr. CURTIS. Would not the Senator want to repudiate them?

Mr. FULBRIGHT. I might want to consider.

Mr. CURTIS. But the Senator would not know what they were.

Mr. FULBRIGHT. That is right. I might not know what they were. I do not know whether the Senator would want to affirm them even though he did not know what they were, the way it is.

Mr. CURTIS. I do not think we would want to approve them.

Mr. FULBRIGHT. It is true that it would not have any effect in the future.

But let me give the Senator one example of some of the things we had in mind. If the Senator will recall, Vice President Humphrey once made a statement that the policy of the previous administration was to bring the Great Society to Asia when the war was over. Was that a commitment or not? That was a statement made by a very important official of our Government, like many other statements made after a fine banquet, when everyone is in a good humor and we are trying to say something pleasant to people, as we do sometimes in our lives. But we do not mean them too seriously.

However, I have the impression that in foreign countries, those statements are taken to be commitments because under their system of government they do not have a congress which has to approve these things. I think that is one very important aspect of this problem, which is to give notice to foreign countries that real commitments of our wealth—and armies especially—should be made in accordance with constitutional processes. Being a good friend, in good humor, one may make statements, but they should not be taken too seriously.

In February 1966, Vice President Humphrey declared that the United States would provide all necessary assistance to enable Thailand and other countries, if they were threatened by Communist aggression, to defend themselves. That is a very broad statement by a Government official, one which I think should not be taken seriously. What we are saying in this resolution is that all of those people should listen, if we make any such arrangement as that, so that they will know that a commitment should first have the approval of Congress.

I do not think there will be much danger from any former commitments that I know of. Of course, all of them that I know of, with few exceptions, have been approved by Congress, in pursuance of legislative action or treaty.

Mr. CURTIS. If those in the past are binding, they are still binding.

Mr. FULBRIGHT. Oh, yes.

Mr. CURTIS. Even though we say the sense of the Senate is that they are not.

Mr. FULBRIGHT. I do not think the resolution says that. All those made in pursuance of legislative action are certainly binding. Is the Senator saying that, if there were certain agreements we knew nothing about, involving a commitment, an obligation or an unknown amount of money, that the Senator does not think we should repudiate them, once they came to light, even though the Senator should think they are very dangerous to the security of this country?

Mr. CURTIS. No. All I am saying is that if I vote for a resolution that is anything other than prospective, I would like to be informed as to what it is.

Mr. FULBRIGHT. How can I inform the Senator if I do not know anything about it? I am raising questions about those agreements I do not know anything about.

Mr. CURTIS. Are there any of those that the Senator knows about?

Mr. FULBRIGHT. There is one that I do not like.

Mr. CURTIS. Which is that?

Mr. FULBRIGHT. As I suggested, it is a secret one, and I do not want to create any undue controversy that involves another country. I shall be glad to show the Senator what we have in the committee about it. It is still secret.

I want to make clear that the only reason I used the Spanish question as an example is not that I in any way criticize the Spanish people. I have great affection for the Spanish people. I used it simply because it is an example of an agreement that we did not know anything about, and that did not come to light until recently. It is no better or worse than many others. It is our own people I am faulting, not the Spanish people. I want to make clear that I am not criticizing what the Spanish did about it. I am criticizing our own Government, not the Spanish. They are very sensitive. Whatever I may have said should not be interpreted as a criticism of Spain.

Mr. CURTIS. The junior Senator from Nebraska feels that all commitments should be made in a constitutional fashion.

Mr. FULBRIGHT. That is all I am saying.

Mr. CURTIS. But I do not want to take action that reflects upon the good name of past Presidents or Vice Presidents who may have gone around the world making promises of a more abundant life by the use of millions of American dollars, because, as a matter of fact, they made such promises in my State and did not deliver on them, and we are not a foreign territory.

So in laying down the rule for the future, I would not want my vote to reflect on the good name of those retired public servants.

Mr. FULBRIGHT. We are not reflecting on the names of those officials. As we have tried to make clear, in my own view and that of others, through the years the Senate—and I have participated in it—has been rather negligent in its responsibility under the Constitution in not having checked more carefully on the executives. I am not reflecting on anyone specifically. I only used an example. The Senator more or less forces me to use examples of how these things happen. That is why I used the example. I did not mean to reflect on anyone.

Let us assume that a secret agreement is made that we are to send troops to a certain country which is threatened and that those troops will be under the command of the local general. That is something which is very sensitive. I am not sure Senators would agree to that. Suppose we did not know anything about such an agreement because it had not been made public. I do not know whether the Senator from Nebraska or the Senator from Illinois would at all agree to it.

Mr. MUNDT. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MUNDT. I wonder if we could get a little clearer definition of what is involved in the term "financial assistance" or "financial resources."

Mr. FULBRIGHT. There have been so many examples of aid to foreign countries.

Mr. MUNDT. Let me give a specific example. The Senator is a member of the Banking and Currency Committee, as I understand.

Mr. FULBRIGHT. No, I am no longer a member. I was once a member.

Mr. MUNDT. As I understand it, we have made a commitment to aid other countries to support the pound with American dollars, which is a part of our financial resources. We have all kinds of international monetary programs in the interest of the collective protection of the free world's monetary system. One country that is in a little better financial position helps another. For psychological and financial reasons, these agreements are usually secret because of the psychological impact on the currency of a country. Would this resolution prohibit the United States from fulfilling a commitment it made to support, let us say, the pound of England?

Mr. FULBRIGHT. Before I answer, let me inquire of the Chair whose time is being used. We started on the time of the Senator from Illinois.

The PRESIDING OFFICER. We are operating on the time of the Senator from Arkansas.

Mr. FULBRIGHT. We began this interlude on the time of the Senator from Illinois. When did we begin on my time?

Mr. MUNDT. When the Senator from Illinois yielded the floor.

The PRESIDING OFFICER. When the Senator from Illinois yielded the floor.

Mr. FULBRIGHT. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes, and the Senator from South Dakota has 20 minutes.

Mr. FULBRIGHT. I will just take a minute. I think it ought to be on the Senator's time, but I will yield myself 2 minutes, and then I will take my seat.

Every one of those agreements has been approved by legislation of Congress. Every one of them conforms, to my knowledge, with the sense of the Senate resolution. I know of no executive agreements in which the executive has gone beyond its authority in supporting the pound or other currencies. They are all subject to legislation having to do with international banks or our own Treasury.

What I am talking about, and what I am suggesting, is that one cannot go off to one of these countries and, in a spirit of great friendship, or for any other reason, make a commitment of foreign aid of $500 million, for example, if it is not authorized in a bill. All that the Senator has suggested has been consistent with legislation that has been enacted. All we are trying to say is, "Do not go around spreading cheer to a foreign country without being authorized by Congress." I do not see anything wrong with that. All of a sudden there seems to be an idea that we ought to let the executive go about making promises without authority. Every one of the kinds of commitment the Senator has mentioned has, I think been authorized by legislation or a treaty—mostly by legislation—so I do not see why that should bother anyone.

Mr. MUNDT. I associate myself entirely with the idea that no President or Vice President or other governmental official should go around and endeavor to commit us to a big foreign aid program. They cannot do it now, in fact, as a firm commitment. We have cut them down in the past; we can do it again.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. It is very embarrassing to review what a President or a Vice President has done.

Mr. MANSFIELD. Mr. President, will the Senator yield one-half minute to me?

Mr. FULBRIGHT. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I think what we ought to keep in mind is that what we are trying to accomplish is a partnership with the President, a strengthening, and not a diluting, of his hand.

Insofar as the Department of Defense and the Department of State are concerned, the difficulty lies in the fact that as a practical matter, it is difficult for a President to reach down to the lower and middle departmental levels—for which he has responsibility, nevertheless—and know fully what is going on. The matter of the Spanish bases, for example, was inaugurated by the Secretary of State from within his Department. Direction was given to the Chairman of the Joint Chiefs of Staff, General Wheeler, who in turn gave it to General Burchinal, who was located in West Germany. General Burchinal then carried on negotiations which I assume the President of the United States did not know about, and which certainly this President, President Nixon, is not responsible for.

All we are trying to do—and I want to emphasize this, and I could repeat the example over and over again—is to establish an accommodation, a partnership, which will strengthen the President's hand. It will include the legislative branch, as it should be included under the Constitution and deny to no one any

of the responsibility that elected officers of the Government are obligated to exercise. That includes the President, the Vice President, and Members of Congress who have to go back and explain to the people who we represent just what we are doing, the basis on which we have done it, and why we take the action we take.

So this mention of weakening the President's hand or tying his hands is nothing but a lot of balderdash. It just will not hold up. It is not true. We ought to recognize that we are settling a matter of fundamental interest to this body, and doing so with a view to strengthening the hand of the President, rather than weakening it.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Mr. President, in view of the fact that the distinguished Senator from Arkansas shows some reluctance to insert an amendment in the resolution now before us, along the lines I have suggested, it would have been done by amendment, and then we would have to have a vote. I do not know that I would want to take the time of the Senate to have a vote on that matter. If we did not vote on it, the next matter in order would be the substitute of the Senator from South Dakota and the Senator from Connecticut. Is that correct?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from South Dakota and the Senator from Connecticut.

Mr. DIRKSEN. My particular inquiry is as to whether that amendment is the first one on which the vote will occur.

The PRESIDING OFFICER. That would be the first one.

Mr. DIRKSEN. I think we ought to have the yeas and nays. I request the yeas and nays.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, first, I wish to express my appreciation to the Senator from Connecticut (Mr. DODD), to the minority leader, and to other Senators with whom I have consulted over the past few days as to what to do about the resolution, Senate Resolution 85. Unhappily, I was in my State at the time the Foreign Relations Committee met, so I was not recorded and had no opportunity to try to change any of the language as the resolution came out of committee.

I was, however, present 2 years ago, in 1967, on the day we brought out of the committee, by unanimous vote, the resolution of that year. As I studied the two resolutions, I became more and more concerned about the ambiguity of Senate Resolution 85.

Fortunately, we are now confronted with a substitute for Senate Resolution 85, because the chairman has accepted the Cooper substitute and our choice is now between the Mundt-Dodd resolution and the Cooper substitute for Senate Resolution 85, with or without amendment.

I add just a word or two as to what motivated me to raise the question and precipitate the dialog, and to try to bring about a more detailed and definite understanding of what we were about, through the presentation of what has been called the Mundt-Dodd substitute and the debate and the revision of Senate Joint Resolution 85 which it has precipitated.

The longer I studied Senate Resolution 85, and tried to relate it to the committee report which, in the main, was the same Senate committee report written for the previous resolution 2 years ago, which was altogether different in verbiage, the more I became convinced that it would be bad policy for the Senate, in trying to reassert additional authority in connection with the determination of where our troops are used and where our money is spent—and I definitely applaud and approve of that endeavor—to agree to a resolution as ambiguous as Senate Resolution 85 as it read prior to the adoption of the Cooper substitute, wherein we simply said:

> Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it
>
> *Resolved*, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

Commitment, obviously, as one analyzes the word, could mean anything to anyone. Consequently, it could have had some highly mischievous ramifications.

Former Defense Secretary Clifford has appeared before our committee, for example, and has been giving widescale publicity to a scheme he has to reduce American participation in the Vietnam war, which may or may not have merit, and may or may not be utilized. He proposes that at some future juncture, about 2 years from now, perhaps, we can withdraw our American ground troops and commit ourselves to continue the fighting in Vietnam by providing an air umbrella with whatever necessary air power needs to be involved. That kind of commitment could not be made had we adopted Senate Resolution 85 in its original form, as presented by the Committee on Foreign Relations.

We are about to try new approaches in the Paris peace talks. Every few weeks, someone on our side comes up with some new suggestion or some new approach—eight points, four points, 10 points—and if we are ever going to make any progress in the Paris talks, I suppose it will be through a process of commitment by commitment, on minor steps, until finally we reach the happy day when there can be a comprehensive meeting of minds.

But if we tie the hands of the Executive from making any commitment whatsoever, we would absolutely stultify any chance for progress at the Paris peace talks; and that would be something which the Senate, in trying to show its capacity to help govern the world, help control the Armed Forces, help protect this country, should not engage in, in such ambiguous fashion.

We have the same thing in Korea. We have a DMZ, and a lot of trouble, a lot of border attacks. The North Koreans keep coming down, and there is considerable hostility, mostly between North Koreans and South Koreans. Some have suggested that they pull back the forces on both sides of the DMZ, to keep them far enough apart so that kind of bloody business could be stopped.

That would, however, also require some kind of commitment on our part. Certainly commitments such as that cannot be brought up for debate on the floor of the Senate. We have to provide some kind of power in the Executive to move by degrees and by agreements or commitments on minor points as we engage in negotiations, and this brings me to my greatest concern of all about Senate Resolution 85, as it was originally presented to the Senate.

I ask unanimous consent that the original language of Senate Resolution 85 be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> *Resolved*, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

Mr. MUNDT. Everybody is hoping and praying we are going to have some negotiations between the United States and the U.S.S.R. about the limitation of nuclear weapons and nuclear arms. If in fact we are going to have those negotiations, and make any progress, certainly we are going to have to be in a position to make some commitments as we go along by way of negotiations; because you simply do not bring these conclusions, full blown, into being. We give a little, they give a little; we make a little gain, and if we have to run back on each of those commitments, and have a big debate in the Senate, we are never going to get anywhere negotiating with the Russians, or anyone else, in important matters of that kind.

So Senator DODD and I, after consulting with a number of other Senators, have suggested this substitute. I still think it is preferable to the Cooper substitute for Senate Resolution 85, although I want to be perfectly candid, and say that I think the Cooper substitute is much better than the original text of Senate Joint Resolution 85. However, we cannot legislate retroactively. There is a sound constitutional provision against ex post facto legislation. I think we would be on sounder ground if we made clear in the language of the Cooper substitute what is made clear by the discussion in the Senate; namely that we are talking about the future. We spell that out in the Mundt-Dodd substitute. We also make it clear that what we are trying to do is what the country itself wants to have done, and that is to make it dead certain that we are not going to have, again, armed forces used in

hostilities on foreign territory, without appropriate prior affirmative legislative action.

We spell it out clearly and objectively. We do not get involved in any ambiguities of what the use of American troops means, whether in hostilities or not in hostilities. We do not tie the hands of the President against some contingency when we might find it important to utilize the prestige, the presence, and the authority of the United States.

We provide for what is necessary to repel an attack on the United States, or to meet a direct and immediate threat to the national security, or to protect U.S. citizens and property, in recognition of the fact that the President shall, of course, be able to exercise his constitutional authority and put the Armed Forces to work protecting this country against attack.

The Cooper substitute, I think, implies that. It does not say it specifically, but the Mundt-Dodd substitute makes it clear.

If we are to establish guidelines—and I am in favor of them—for the President and the State Department, I think those guidelines should be just as clear, specific, and definite as possible. After all, this is a sense of the Senate resolution, and if we pass a sense of the Senate resolution which makes no sense, as I think was true of the original language of Senate Resolution 85, certainly our advice is not going to be heeded very seriously.

If, on the other hand, we adopt a resolution which is clear, specific, and definite, I suspect that the average President, Secretary of State, and Secretary of Defense are going to take it seriously enough to consult with us more freely and more frankly than they have in the past. That, in fact, is what we all desire. So I think it is important to use words of precision and words of clear definition.

Mr. President, I shall vote for either resolution, as the Senate prefers. I think that the substitute presented by Senator DODD and myself is a little more precise, a little more meaningful, and a little tighter, and so I favor its adoption. But I say, again, I wish to congratulate publicly Senator DODD, the minority leader, and other Senators who worked hard with me in bringing before the Senate this substitute which, if nothing else, has resulted in a much improved version of Senate Joint Resolution 85 on which we can work our will in the Senate.

Our action has focused enough debate and enough discussion, and brought about enough compromise and sufficient change, so that whatever we do is preferable to what we would have before us otherwise.

I recommend to my colleagues the approval of the substitute resolution which we shall be voting upon in a very few minutes, in the subsequent rollcall vote.

Mr. President, I reserve the remainder of my time.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. MUNDT. I yield.

Mr. HOLLAND. I have just one question. What was the Senator's purpose in limiting his substitute to matters of national security; that is, involving the use of the Armed Forces, and not covering in words money commitments, property exchanges, or any of the other things?

Mr. MUNDT. The reason it did not include the phrase that is in the Cooper substitute about financial resources is simply that we were building on the evolutionary history of this resolution in the Senate which had been dealing with Armed Forces and hostile forces all through its development.

Furthermore, when we take overt action by sending in troops, it is an irrevocable action. We cannot pull them back. Then the power and prestige of the country become involved. But if a Vice President or someone else makes a statement, "We are going to get you $100 million," it is not irrevocable. We in Congress have very frequently declined to deliver on such promises to people abroad. I think that is so well understood now, because we have failed to deliver frequently enough, that even the foreign auditor who hears these unauthorized so-called good will promises has about the same kind of skepticism about them that the American voter has when he hears a political promise in a hot campaign. He takes it with a grain of salt.

Mr. HOLLAND. It is, then, the Senator's intention very carefully to limit his substitute resolution so that it covers only the use of the Armed Forces, or commitments to use the Armed Forces, is that correct?

Mr. MUNDT. That is correct.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have studied the Cooper substitute for Senate Resolution 85, and I can find absolutely nothing in it that would tie the hands of the President or impair his right and duty to protect our Nation whenever the need might arise, as authorized by the Constitution.

Speaking of commitments, we have made hundreds of them, all of which, to the best of my knowledge, have been authorized by Congress. As far as I know, the President has made no commitments whatsoever but those which have been authorized by Congress, and I do not think he intends to. We have had programs which provide for commitments: the Peace Corps, upon which we had hearings this morning, provides for commitments; Public Law 480 authorizes commitments; as do international banks, multilateral banks, and other organizations. We have authorized the Kennedy round of customs and tariffs, and many other things; I cannot go through them all.

As to any fears about any agreements or commitments which might be made with Russia, no commitment which could be made with Russia or any other country would be valid until it had been approved by the Senate.

For example, I refer to the Antarctic agreement with Russia. We have made many agreements with Russia. There were the Limited Test Ban Treaty and others.

I believe it would be in the interest of our country to enact this measure so that if some day we have a President who is inclined to run wild and ignore the desires of the people of the United States or Congress, there would be at least some brake on his operations.

I am sure that President Nixon has no such intention. I can see nothing at all in the pending resolution which would impair his constitutional authority.

Mr. MUNDT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Each side has 5 minutes remaining.

Mr. MUNDT. Mr. President, I yield 4 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I talked at great length on this question in the early days of this discussion. I do not intend to repeat it now.

I think on reflection of the dialog we have had we are still neglecting the sensitive question, and that is: How do we really undate the mechanism for the Senate participating in crises decisionmaking in a world that is changing, in a time element that has been shrunken, in a geographical factor that has diminished?

I think we still fail to come to grips with those who have a concern, and a rightful concern, as I see it, when we find circumstances around the world in which, as a genuine effort on the part of someone to head off a worse explosion, a President or Chief Executive finds it important to make a tentative agreement.

A tentative agreement sometimes is then taken up and followed because of the reaction of a potential competitor or an enemy. The result is that we find ourselves pretty inhibited and pretty encroached upon in the Senate in terms of our decisionmaking by actions that a President may well have in good conscience been compelled to make.

I believe we would be more realistic still if we were to address ourselves to some form of mechanism that would make it possible for the Senate to act in an advisory capacity, in a consulting capacity, in a meaningful directive.

There could be a special select committee of the Senate, a special relationship in regard to the Foreign Relations Committee, or whatever it may be. I think we are missing the point. We are not going to be able to follow the Foreign Relations Committee as we have always known it and still address ourselves to the crisis factor.

I petition again the importance of our getting on with the matter.

The resolution will be adopted, I am sure, very quickly and with a substantial margin. However, I think we would be missing the point if we were not to address ourselves to the heart of the matter.

A few days ago, one columnist, Roscoe Drummond, suggested the appointment or selection through some device of a high-powered Senate committee that could act on a moment's notice in a crisis and be in close consultation with the President and the Senate, and overcome

obvious elements involving the cumbersome procedures of the Senate, the difficulty of getting some kind of consensus, and the difficulty of getting some kind of decision without parading before the whole world what our secrets are. I believe we need to focus on this.

I would hope, even as we adopt the measure—and I intend to vote against it—that the chairman of the Committee on Foreign Relations and relevant groups in the Senate will proceed to address themselves to moving up a notch or two on the timeliness of the crisis capability of the Senate.

I still intend not to support the resolution. However, that is no longer a meaningful or relevant factor at the present time.

I remind the Senate that we ought to move farther down the road in the nuclear age to responsible policymaking and a responsible capacity in these times.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. SYMINGTON. Mr. President, the reasons for the pending resolution are well expressed in what the press says is the first major policy address since 1966, an address that was delivered by Gov. Alf Landon in Manhattan, Kan., yesterday.

Governor Landon stated:

America has oversold its strength, its faith and its hopes.

He further said:

We have oversold our military might. Despite our obvious strength, we cannot make all things happen that we would like to have happen, nor prevent all things from happening that we do not want to happen.

We have oversold the capacity of our economy. Despite our obvious affluence, we cannot finance world security, world development, the Vietnam war, and the elimination of poverty at home—all at the same time.

We have oversold the dollar. Despite the dollar's being one of the world's most stable currencies and monetary value bases, we are witnessing its decline and vulnerability.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article in question, entitled "Landon Says United States Is Overextended," as it appeared today in the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LANDON SAYS UNITED STATES IS OVEREXTENDED—STRENGTH, FAITH AND HOPES OF NATION HELD OVERSOLD

MANHATTAN, KANS., JUNE 24.—Alf M. Landon said here today that "America has oversold its strength, its faith and its hopes."

The Republican Presidential candidate of 1936, addressing the students and faculty of the summer school at Kansas State University, made the comment during a sweeping survey of contemporary foreign policy issues.

He expressed concern over demands for protectionist trade legislation and he called on President Nixon for "tact and, above all, equity" in approaching central foreign policy issues.

Mr. Landon, who is 81 years old, said:

"I strongly believe that many of the problems concerning our attempted world posture derive from the fact that America has oversold its strength, its faith, and its hopes in relation to its abilities and resources.

"We have oversold our military might. Despite our obvious strength, we cannot make all things happen that we would like to have happen, nor prevent all things from happening that we do not want to happen."

SEES LIMIT ON NATION

"We have oversold the capacity of our economy. Despite our obvious affluence, we cannot finance world security, world development, the Vietnam war, and the elimination of poverty at home—all at the same time." He continued:

"We have oversold our will and resolve. We are the most generous people of the world, the most committed to the protection of freedom, the most altruistic, but despite those qualities, there are limits beyond which we cannot reasonably exercise our will and resolve to assume alone the role of world policeman and benefactor.

"We have oversold the dollar. Despite the dollar's being one of the world's most stable currencies and monetary value bases, we are witnessing its decline and vulnerability.

"The United Nations has been oversold. Established to achieve world peace, the United Nations—after 24 years—is far from realizing its purpose, and its goal will remain a distant dream so long as the major powers—including the United States—act unilaterally on major world issues, and so long as Communist China—representing one-fourth of humanity—is unrepresented in that body."

Mr. Landon, who was Governor of Kansas before his unsuccessful bid to defeat President Franklin D. Roosevelt, now lives in Topeka and holds the title adjunct professor of political science at Kansas State University.

His last previous major policy address was in December, 1966, when he inaugurated a lecture series named after him at Kansas State.

Mr. SYMINGTON. Mr. President, to me this address is, in effect, a clear and precise summation of why this resolution is important to the future security and well-being of the United States.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I support the pending resolution as originally drafted, or as revised by the Senator from Kentucky and the Senator from Arkansas.

It seems to me that it is important, and the hour is late but not too late, for the Senate to go on record that the Chief Executive over the years has assumed too much authority.

I think the resolution of the Senator from Arkansas is an appropriate resolution.

I think it is desirable for the Senate to put itself on record as saying that any commitments made in the name of the United States are not national commitments unless the elected representatives of the people have participated in that matter by their votes.

Mr. President, I think also it is important to let other countries throughout the world know that in a democracy like the United States, the Chief Executive alone cannot make commitments on behalf of this country, but that for a commitment to be a valid national commitment, it must be participated in by the congressional branch, the elected representatives of the people.

Mr. President, I am pleased to support the pending resolution as revised by the Senator from Arkansas and the Senator from Kentucky.

I hope this will be the beginning of the Senate reasserting itself in the field of foreign policy. The Senate has a grave responsibility in this regard.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes remaining.

Mr. FULBRIGHT. I yield 1 minute to the distinguished junior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. SPONG. Mr. President, I will support Senate Resolution 85, as amended by the Senator from Kentucky, not because it will in and of itself change our foreign policy, but because I hope it will signal a beneficial change in the process of our foreign policy.

A Senate resolution cannot change the Constitution. It cannot force a President to modify his approach to foreign policy. It cannot provide Congress with new powers or authority. And, it cannot guarantee that the United States will have a more lucid or intelligible foreign policy or that this Nation will avoid undesirable situations and involvements in the future.

It can, however, suggest procedures which, if followed, would lead to a more precise and more understandable foreign policy—a more fully explained and more widely debated policy.

There have been criticisms of U.S. foreign policy in recent years and criticisms of a lack of policy. There have been criticisms of specific policies and commitments and there have been criticisms of failures to speak and act. It has been said that the United States has not formulated or directed foreign policy, but has only responded to crises and events.

The criticisms and the dissatisfaction resulting from the courses taken stem, I believe, from imprecision in foreign policy and misunderstanding of what policies and commitments do exist. These misunderstandings are prevalent not only among Members of Congress, but also among U.S. citizens, and among our allies, and opponents throughout the world.

There is, first of all, confusion over the number of countries to which the United States is committed. It can be argued that the United States is committed to all of the other 125 members of the United Nations. It can be said that the United States is committed only to the 42 nations with whom it signed regional or bilateral collective defense treaties between 1947 and 1955. Or, it may be argued that the United States is committed to 65 or more nations, when pledges in executive agreements, resolutions, and understandings are added to those contained in treaties.

The question of numbers partially derives from questions over what types

of agreements actually constitute U.S. commitments. While there is no argument over the legality of commitments in the U.N. Charter or in treaties, there is question as to how valid Executive agreements, understandings, and similar instruments are.

Finally, there is question over the exact meaning of commitments. The U.N. Charter and most treaties commit the United States to consult with other nations, in the case of certain events or happenings, to determine action to be taken, and policies to be followed. Do these commitments then mean that action cannot be taken without further authorization by Congress, or may the President follow a course which he simply deems to be consistent with the proposed terms of a treaty or agreement?

These uncertainties are partially responsible for confusion and uncertainty in U.S. foreign policy. These ucertainties can be ameliorated by adherence to the processes envisioned in the commitment resolution.

A resolution, if adopted and followed, can indicate what commitments are considered valid and, in broad outline, what a commitment means. The discussion which would take place in determining new commitments would contribute to understanding of the meaning and extent of U.S. policy. This would help delineate the extent and depth of all U.S. commitments. It would signal when new commitments are made.

Such a course would provide the information necessary for U.S. citizens to develop a greater understanding of their Nation's policy.

It would indicate to foreign nations—both friendly and unfriendly—U.S. intent and purpose. Such a course would udoubtedly diminish the possibility of miscalculation and unwanted confrontations.

For these reasons, I favor the national commitments resolution as modified by the amendment offered by Senator JOHN SHERMAN COOPER. It would fully define the meaning of commitments and specify how they can be made. In doing so, it would help remove questions and uncertainty about U.S. goals.

In considering this resolution, we must, however, be mindful of several things. First, a resolution is not a panacea for the Vietnam war and it is not an absolute guarantee against future misadventures. As the saying goes, hindsight is better than foresight. We now know how Vietnam happened and we wish it had not. With or without this resolution, it is unlikely that either the President or Congress would knowingly venture into a similar situation. But parallels do not always occur, and the test of U.S. foreign policy in the future—whether directed by the President or Congress—will be determined by our ability to recognize new situations and threats which would lead to unwanted involvements and preclude their happening. Hopefully, the resolution will lead to a clarification of U.S. foreign policy and will provoke the type of debate and discussion necessary to indicate the possible consequences of policies the Nation pursues.

Finally, I believe we must remember that the President must have some flexibility in foreign policy. The evidence is quite clear that some delay in acting after the Gulf of Tonkin incident would have had little consequence. Had the United States, however—and I am not arguing that it did—wished to intervene in Czechoslovakia or Greece, it would not have had the time for congressional action before being presented with a fait accompli. Much as I wish it were otherwise, I do not feel that we can completely rule out the possibility that there will not be an occasion where the President has to act rapidly. In adopting this resolution, I do not believe the Congress of the United States should indicate that it believes the need for rapid action is forgone or that it should mislead the American people into believing that such a situation will never again arise.

With these two considerations in mind, however, I believe the procedures envisioned by the resolution should be adopted as constructive and clarifying to U.S. foreign policy.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, in closing, I thank the Senator from Kentucky for his very fine contribution to this matter. I think his suggestions have certainly improved the resolution. I have accepted his suggested amendments and join in advocating his revised version, which reads as follows:

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

It is a bipartisan effort of members of the committee on both sides of the aisle trying, in my view, to reestablish the proper constitutional functions of the Senate of the United States.

It has nothing whatever to do with any kind of partisan matter. It is no reflection upon any of the present members of the executive branch in any way.

In a way, we are saying in the resolution that from here on we are going to be much more conscious of our responsibility and much more careful in the approval of obligations of major importance to our country.

I think it will have a very beneficial effect upon the attitude of foreign countries toward our country.

If we live up to it and make it convincing to them, I believe it will, in the future, help us avoid some of the troubles that have arisen in the past not because anyone intended for trouble to arise, but because many of our people have a very gracious way of saying nice things to people—involving promises beyond their authority—and the other nations have not always understood our constitutional system, which we believe is a good system. I believe it is.

I appreciate the assistance and cooperation of Senators on both sides of the aisle, particularly the members of the committee.

The Senator from Vermont has made a great contribution to the development of the pending resolution, which I now hope the Senate will agree to.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from South Dakota has 1 minute.

Mr. MUNDT. Mr. President, I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DIRKSEN. Mr. President, first, I compliment the distinguished Senator from South Dakota (Mr. MUNDT) and the distinguished Senator from Connecticut (Mr. DODD), both of whom are members of the Committee on Foreign Relations, for giving abundant attention to the matter and developing a substitute that I believe is far more satisfactory than Senate Resolution 85, which is pending before the Senate.

I think they have done excellent work. I rather regret the fact that the word "future" does not appear and that the words "in hostilities" do not appear in the Cooper-Fulbright resolution. However, that is neither here nor there. The matter has been fully discussed.

As I recall, the first vote will occur on the substitute offered by the Senator from South Dakota and the Senator from Connecticut.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment in the nature of a substitute offered by the Senator from South Dakota (Mr. MUNDT) and the Senator from Connecticut (Mr. DODD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from

Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

If present and voting the Senator from California (Mr. MURPHY) would vote "yea."

The result was announced—yeas 36, nays 50, not voting 14, as follows:

[No. 49 Leg.]

YEAS—36

Allott	Fannin	Mundt
Baker	Goldwater	Packwood
Bellmon	Griffin	Pearson
Bennett	Gurney	Prouty
Boggs	Hansen	Schweiker
Cotton	Hruska	Scott
Curtis	Jackson	Smith
Dirksen	Jordan, Idaho	Stevens
Dodd	Long	Thurmond
Dole	Magnuson	Tower
Dominick	McGee	Williams, Del.
Eastland	Miller	Young, N. Dak.

NAYS—50

Aiken	Fulbright	Mondale
Allen	Gravel	Montoya
Anderson	Harris	Muskie
Bible	Hartke	Nelson
Brooke	Hatfield	Pastore
Burdick	Holland	Pell
Byrd, Va.	Inouye	Percy
Byrd, W. Va.	Javits	Proxmire
Cannon	Jordan, N.C.	Randolph
Case	Kennedy	Saxbe
Church	Mansfield	Spong
Cook	Mathias	Stennis
Cooper	McCarthy	Symington
Cranston	McClellan	Talmadge
Eagleton	McGovern	Yarborough
Ellender	McIntyre	Young, Ohio
Ervin	Metcalf	

NOT VOTING—14

Bayh	Hollings	Russell
Fong	Hughes	Sparkman
Goodell	Moss	Tydings
Gore	Murphy	Williams, N.J.
Hart	Ribicoff	

So the amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The question now recurs on the adoption of the resolution.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, while many Senators are in the Chamber, I should like to ask the distinguished majority leader about the program for the remainder of the day.

Mr. MANSFIELD. Mr. President, it is anticipated that following the disposal of the pending resolution, the Senate will proceed to the consideration of H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of Congress. We intend to do that at this time because we have the distinguished chairman of the Committee on Post Office and Civil Service in the Chamber, and other interested members.

Then we have anticipated that tomorrow we will take up one or two bills, one of which the distinguished Senator from Washington (Mr. MAGNUSON) is interested in, having to do with amending section 502 of the Merchant Marine Act of 1936.

Following that, it is hoped to take up—not necessarily in this order—S. 2416, a bill to authorize appropriations to the Atomic Energy Commission; and S. 1708, a bill to amend title I of the Land and Water Conservation Fund Act of 1965. S. 853, a bill to establish the Sawtooth National Recreational Area in the State of Idaho I understand will be available for consideration next week. Other matters on the calendar will be disposed of during the remainder of this week and early next week.

Mr. MAGNUSON. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. On the Executive Calendar is the nomination of Charles H. Meacham, of Alaska, to be Commissioner of Fish and Wildlife, in the Department of the Interior. Is it the intention of the majority leader to take that nomination up?

Mr. MANSFIELD. Yes; I understand that the minority views have been filed and that it will be possible to take up that nomination tomorrow—or on Friday, at the latest.

Mr. MAGNUSON. I ask this because the distinguished Senator from Alaska (Mr. GRAVEL) is now occupying the chair.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. When is it the intention of the Senator from Montana to take up the Department of Agriculture appropriation bill, which was reported today from the Committee on Appropriations?

Mr. MANSFIELD. As I mentioned to the distinguished Senator from Florida recently, an agreement has been reached with the distinguished Senator from Mississippi (Mr. STENNIS), and as we know, the Senator from Mississippi states that the Defense authorization bill is being marked up and will soon be ready for consideration.

It is my intention to lay it before the Senate on July 3 and make it the pending business on our return from our 1-day vacation over the 4th, or on July 7.

I suggested to the Senator that if he wanted to work in the Agriculture appropriation measure sometime after that, and could work out an arrangement with the distinguished Senator from Mississippi, the chairman of the Armed Services Committee, it would be perfectly agreeable. But as of now, all things going as planned, we will lay the Defense Department authorization bill before the Senate on July 3, make it the pending business, and start debate on July 7.

Mr. HOLLAND. We have discussed the possibility of delaying for 1 day only the bill which will be handled by the distinguished Senator from Mississippi—again in an arrangement worked out with the Senator—with the belief that we can dispose of the Agriculture appropriation bill in 1 day and with the fact clearly in mind that we need to take it to conference. I wonder whether it is possible to work out any such arrangement.

Mr. MANSFIELD. In that respect, I would be at the will of the distinguished Senator from Mississippi, to whom I feel I have already made a commitment. I would appreciate his comments, if he would care to make some at this time.

Mr. STENNIS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I have this to say, Mr. President: Of course we could not guarantee that we could get this bill finished. We have been making good headway in the markup and expect to continue work. But this is a large bill, and ABM is just one item in it. In going over the major items, we can see that it will take time. We have finished the hearings, but we are examining the bill very thoroughly.

As an illustration, on a major matter today, we asked the chief of the Air Force to come in for some additional testimony. So we just have that, and we have not taken up the ABM. That was excepted to start with, we will come to that last.

Mr. MANSFIELD. Of course, I would say that the commitment I have made depends upon the bill being marked up and ready to be brought up.

Mr. HOLLAND. We worked pretty hard to get the Agriculture appropriation bill on the calendar. I believe it is the first annual bill on the calendar. I make no request for any preference of any sort, but I want to advise both the majority leader and the Senator from Mississippi (Mr. STENNIS) that progress in conference on that bill will bear very greatly upon the food stamp bill which is to come later, even beyond the construction of that bill, and it bears also on various other matters of legislation which have got to follow. I am eager to have the agriculture bill go to conference at the earliest date possible, not because of any particular interest of my own in these items, and I have mentioned only one, but because I think it is necessary to get this matter underway in conference as speedily as we may. I am sure that the distinguished Senator from Louisiana (Mr. ELLENDER), the chairman, will agree with me that it is important to get this particular appropriation bill in conference at the earliest possible date.

Mr. MANSFIELD. I assure the distinguished Senator that the leadership will do its very best.

I now yield to the Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, with respect to this Defense authorization bill, I would hope, because of its complexity, that we do not rush consideration on the floor. A tremendous amount of money is involved.

I have listened to the discussion of it in the Committee on Armed Services and in the Committee on Appropriations, and I think I know as much as my limited capacity can absorb about it in the time space in question. But there are still some aspects of the bill I do not fully understand.

If that is true of a member of the committee, it could be at least as true about Members of the Senate who are not on these committees and who are most interested in this bill this year for many reasons.

I would respectfully present that bills which have to do with authorization or appropriation are often considered as to be started in the House of Representatives. Now I do not say for one minute that the House should tell the Senate what to do. But there does not seem to

be any reason for any great hurry, because the House has not even started authorization hearings on either the Army or Navy.

I would hope that when we come to floor discussion this year, with all this accelerated interest because of the ABM discussion and the increasingly dangerous drains on our economy, that every Senator when he sees the gigantic sums coming up in the bill, will have an opportunity to really study it before he casts his vote on what could be the most important piece of legislation considered during this session of Congress.

Mr. MANSFIELD. I can assure the Senator and the Senate that the Defense authorization bill is not going to be considered in just a week or two. It is going to take a long time. We might as well face up to it. I would hope that Senators would follow the admonition of the Senator from Missouri and read with great care and in great detail the hearings which will be on their desks at that time.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I wish to associate myself with what the Senator from Missouri has said. There ought to be a reasonable period between the time when the bill is reported and the time when it is taken up, so that we may have a chance to read it.

Mr. MANSFIELD. Mr. President, a reasonable time has been set. A commitment has been made. As far as I am concerned, that commitment will be honored. There will be plenty of time to listen to and participate in the debate when the bill is before us. I simply have made an effort to accommodate every Senator in good faith.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I have no objection to anything the Senator from Montana has said or to anything the Senator from Missouri or the Senator from Mississippi had said. It seems to me we all know there is going to be a lengthy debate on the military construction bill. It is for that reason that I have discussed with the Senator from Mississippi and the majority leader the process of working in the Agriculture appropriation bill during the general time of debate on that bill, which I hope very much can be done, because there are critical matters that need to go to conference that, I am sure, all Senators know are contained in the Agriculture appropriation bill this year.

I hope the distinguished Senator from Mississippi will agree to allow, early in the week after our return from the July 4 weekend, a day, and I am perfectly willing to come in at the earliest hour that is acceptable and to stay here as long as is acceptable that night, in an effort to get the bill passed that day, which I believe can be done.

Some serious matters will be discussed in connection with the bill.

I see the distinguished Senator from Delaware (Mr. WILLIAMS) on his feet now. I am sure he will have at least one very serious matter in connection with that bill. I do not want in any way to preclude him from being heard to the extent he wants to be heard, and that is true of other Senators. However, I do think, in the interest of the Senate, and agricultural people all over the Nation, and many others who are affected by the food stamp and other provisions of the bill, we should do everything possible to get it to conference at an early date. That is the reason why I brought it up.

I am glad the minority leader is on the floor, because I hope that he, too, will help us to work out an early date by which we can get the bill considered, passed, and to conference.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered——

Mr. HOLLAND. Mr. President, I want to be heard.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I intend to vote, and vote gladly for the resolution in the form which it now has.

I had a very lengthy colloquy some days ago with the distinguished Senator from Arkansas and the distinguished Senator from Idaho on the resolution. I note that the Senator from Kentucky, who was present during that colloquy, whether because of that colloquy or because of his own feelings in the matter, has suggested amendments which have been accepted by the Senator from Arkansas and which are now a part of the amended resolution.

I just want to say that there is no question of creating any adverse effect against executive agreements in general as a result of this resolution. That is obviated because the amended resolution now deals with two specific subjects, and only with them, one of which is national security and the other of which is the obligation to pay money from our assets to other nations.

I think that the resolution, as so limited, relates to two matters which are very clearly of national importance and should clearly be defined as to national commitments.

I think the resolution, as reworded, does prevent the meaning of the term "national commitment," as it is used in the resolution, from being obscured; but, instead, makes it rather clear that "national commitment" as now mentioned in the amended resolution relates only to two things, and that is, first, the use of our Armed Forces or any commitment to use them, and, second, the payment out of our moneys to other nations. When so limited, I think the resolution will be helpful both to the Senate and to the executive, and will not be hurtful to friendly nations that have agreements of some sort or another with us.

I have questioned the Senator from Arkansas, and I think I understand that he is trying to create here a resolution which shall govern us, the executive, and other nations in the world as to our foreign relations in the future. I hope that he means—and it is my understanding that he means—that relations now existing that are known to us are not affected in any way, and that if there are any not known to us now and that do become known to us, we should allow them to stand, and they will stand, on their own merits as they are brought to us from time to time.

In the form it now is, I think it is an excellent resolution. I shall vote for it.

I congratulate the Senator from Arkansas both upon his authorship and upon his being willing to accept what I think are excellent limitations as contained in the amendments of the Senator from Kentucky, as they have been submitted and as they are now incorporated in that resolution.

Mr. FULBRIGHT. I thank the Senator from Florida.

Mr. STENNIS. Mr. President, I wholeheartedly support Senate Resolution 85, which deals with our national commitments. The primary purpose of this resolution is to reassert the congressional responsibility in any decision to commit our Armed Forces to hostilities abroad. I believe that this purpose is both sound and salutory. It certainly is in harmony with the intent of the framers of our Constitution.

I feel very strongly that the resolution, if adopted, will be the first step whereby Congress, and especially the Senate, can reestablish its coequal role in foreign relations. The resolution asks only that the legislative branch be consulted during the decisionmaking process with respect to national commitments. It is not enough that we be informed on an after-the-fact basis and then handed the responsibility to provide the men, money, and material resources to fulfill commitments already made by the executive branch. The adoption of the resolution, in my judgment, will contribute substantially to the restoration of the constitutional balance between the executive and legislative departments.

I have long been concerned by the extent and nature of our worldwide commitments and our ability to respond to them. There are 40 countries with which we have formal agreements committing us to assist them militarily in the event of aggression. I do not favor, of course, turning our back on any of our existing commitments and, as I understand the resolution, it will have no effect on existing treaties, acts of Congress, including joint resolutions, or other past actions or commitments of the Government of the United States.

I have been concerned with this problem and with the question of whether we are overextended for quite some time. In 1954 I opposed the sending of our first troops to South Vietnam. I have opposed some of the treaties by which we assumed military commitments and obligations. I warned against our potential involvement in the Congo situation and also opposed the sending of troops to the Middle East during the war in 1967.

I also strongly supported the proposal by former Senator John Bricker, of Ohio,

to amend the Constitution with respect to the treatymaking power. In testifying before a subcommittee of the Judiciary Committee in 1952, Senator Bricker stated that the primary purpose of his amendment was "to prohibit the use of the treaty as an instrument of domestic legislation, and to prevent its use as a vehicle for surrendering national sovereignty."

Specifically, the Bricker amendment provided that a provision of a treaty which conflicted with the Constitution should not be of any force and effect: that a treaty should become effective as internal law only through legislation which would be valid in the absence of a treaty; that Congress should have the power to regulate all Executive and other agreements with any foreign nation or international organization; and that all such agreements should be subject to the same limitations as imposed on treaties.

Unfortunately, on February 26, 1954, the Bricker amendment failed to win support of the necessary two-thirds of the Senate and therefore failed of passage.

My concern about the extent of our commitments resulted in the Preparedness Investigating Subcommittee, which I have the privilege to chair, holding extensive hearings on our worldwide military commitments in 1966 and 1967. These are the hearings in which then Secretary of State Dean Rusk made the now-famous statement that—

> No would-be aggressor should suppose that the absence of a defense treaty, congressional declaration, or U.S. military presence grants immunity to aggression.

Although Secretary Rusk disclaimed that this was its purpose or meaning, this statement comes perilously close to casting us in the role of policeman of the world—a role which we have neither the manpower nor the materiel resources to fulfill.

If you look back over the years to the Korean war, the intervention in Lebanon, the two crises over Cuba, the Dominican intervention, and the war in Southeast Asia, the importance of this resolution becomes clear. While it would not be legally binding upon the President and could not, of course, change his constitutional powers, it would at least be an assertion by the legislative branch of the Government that we do not intend in the future to be unmindful of our constitutional powers and responsibilities.

Basically, what this resolution attempts to do, as I understand it, is to make it plain that Congress, particularly the Senate, will insist that it is given the opportunity to express itself on the validity of foreign commitments before they are extended and especially before any of them are implemented by the commitment of American troops on foreign soil. This is a wise and proper objective, and I hope that this resolution will be adopted by an overwhelming vote.

Mr. PASTORE. Mr. President, if the Senator from Florida had not risen to say what he did say about this resolution, I would have said the very same thing.

When I first read and studied the resolution, I had some doubts and qualms about it, because I did not want to participate in anything that would have been offensive to the administration. I therefore had my doubts, which I expressed before the policy committee. At that time we discussed the proposed amendment on behalf of the Senator from Kentucky (Mr. COOPER), which I think clarifies the definition.

As I see it now, with the incorporation of the Cooper amendment, there is no question in my mind that it is not offensive to the administration. It is nothing more than an attempt to create a sense of partnership between the legislative and executive in certain matters which are very important not only to the legislative process but also to the commitment of American troops.

I see nothing wrong with it. Therefore, I shall vote for it.

Mr. McGEE. Mr. President, Senate consideration of Senate Resolution 85 has been dragging on since last Thursday. It would seem that by now the mood of the Senate is rather clear. Much as I disagree with the resolution, I recognize that in all probability it will be adopted.

Nevertheless, I want the record to show that I consider this to be a regressive and unrealistic step. It is regressive in the sense that it would call into question the legitimacy of the President's role in the formulation and implementation of foreign policy, a development that unquestionably is a necessary response to the demands of the modern age. It is unrealistic in that it fails to provide for placing the responsibility the President now holds into hands equally decisive and determined.

One reason that Senate Resolution 85 has gotten so much attention is that under the pressure of events, the Senate has allowed its sphere of authority and responsibility in foreign affairs to be eroded. In a recent article in the Christian Science Monitor, Roscoe Drummond underscored this point:

> First, it needs to be understood that Congress has not lost powers because anybody has taken anything from it, but because Congress has failed to exercise the powers it possesses.

The question to ask is how the Senate can cut out a new role for itself. Mr. Drummond went on to suggest one possibility; that Congress might bring into being a counterpart to the National Security Council, perhaps in the form of a joint congressional committee.

In any event, if the Senate is to succeed in achieving this new role, it, too, must update its procedures in the foreign relations field as well as upgrade its sense of responsibility by focusing more and more on larger and larger questions. The Senate could afford to address itself well in advance of crises to the broad outlines and directions of American policy. This becomes far more constructive as well as influential than in responding principally to crisis situations after the fact.

The Senate's role in foreign policy of the future can best be achieved by deeds rather than by words—at least of all by the sense-of-the-Senate resolution.

The role of the Senate Foreign Relations Committee in the policy process is whatever it decides it to be. Thus, the committee can hide behind the shelter of a resolution, or it can stand on its deeds.

In fact, it would seem to be more important that the committee and the Senate involve itself with the decision elements implicit in an ABM system as the current International Organization and Disarmament Affairs Subcommittee has been undertaking—the Gore group—or the question of policy toward mainland China; or to reexamine our foreign policy assumptions and commitments in many of the critical areas of the world, as the Subcommittee for U.S. Security Agreements and Commitments Abroad—Symington group—is now doing.

In the final analysis, then, the Senate through the Foreign Relations Committee should preserve its role in national policymaking by deeds and actions rather than by lamenting its role in a sense-of-the-Senate resolution.

My sentiments on Senate Resolution 85 are clear. I would have voted against it had it come to a vote today.

In view of the excellence of Mr. Drummond's article alluded to earlier, I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 24, 1969]

HOW CONGRESS CAN RECLAIM ITS POWER

(By Roscoe Drummond)

WASHINGTON.—Congress is always fretting about its loss of power and initiative to the President and the Supreme Court.

It should. Something needs to be done and can be done. The time is ripe for Congress to repair the balance.

But, first, it needs to be understood that Congress has not lost powers because anybody has taken anything from it, but because Congress has failed to exercise powers it possesses.

Every activist president from Franklin Roosevelt to Lyndon Johnson has enlarged the role of the executive by using more decisively the powers the Constitution gives him—a process enhanced by the focus which radio and television give to the White House.

Congress has lagged behind.

In two landmark decisions—public desegregation and the one man, one vote ruling providing for reapportionment of state legislatures—the Supreme Court has done more to change the face of the nation than anything Congress had done in two decades.

It was always open to Congress to act in these two areas. It failed to do so.

What can be done? What should be done?

One thing is sure: what Congress is presently trying to do won't work. It is trying to increase its powers by attempting to decrease the president's.

This was the stated objective of the original draft of the Fulbright resolution which prescribed that the president as commander in chief must not use the armed forces outside the United States without prior approval by the Senate. That would have meant that President Kennedy couldn't have acted, as he did successfully to get the Soviet missiles out of Cuba. That would have meant that President Eisenhower could not have acted promptly in sending United States troops to Lebanon. That would mean that no president could act quickly, as needs require in this uncertain and turbulent world.

But the resolution has been so watered

down that it is nearly meaningless, except that it cannot fail to plant doubts in the minds of America's allies and adversaries that the president is losing his freedom of initiative. He isn't, in reality, because no resolution by Congress can amend the president's constitutional powers.

They are broad and, in my judgment, have been used prudently. I know of no foreign policy or foreign military commitment which has not had Senate approval. SEATO (the Southeast Asia Treaty Organization) was overwhelmingly ratified by the Senate. Every military action which President Johnson took in Vietnam had explicit authorization in the Tonkin resolution, also overwhelmingly approved.

There are valid reasons why Congress should recover the powers and initiative which it has lost through neglect. It can do this by effectively using the great powers it possesses—the power of the purse, the power of scrutiny and review, the power of congressional advocacy.

But it can do this only when it is willing to organize and equip itself with the means to do the job.

For years the initiative has always been with the president in part because he has in his hands the means to achieve a coordinated global view of foreign policy, military policy, and domestic policy. The instrument is the National Security Council.

Congress urgently needs the same kind of instrument so it can look at the whole of United States policy, not merely at its separate parts. What is needed is a joint congressional committee on national security to match the work of the National Security Council.

At the present time, at least six different committees in each House—12 in all—examine the bits and pieces of foreign, political, and military commitments and defense spending, and no single committee of Congress ever looks at the whole.

No wonder Congress falters in its job.

No wonder Congress accomplishes so little in supervising and controlling defense spending despite the fact that its powers are great. It deals separately with symptoms, not with causes.

When Congress matches the National Security Council with a joint congressional security committee, it will galvanically recover powers it has long allowed to erode.

Now is the time. It's needed.

Mr. TYDINGS. Mr. President, in the course of the last half century, America has become the foremost power in the world. We have taken a truly global interest in foreign affairs, not only to protect our own interests abroad but also to protect the interests of free men everywhere. The executive branch has rightfully been accorded primary responsibility for formulating our foreign policy.

In order to support our foreign policy, we have relied on our tremendous military might. The consequences of military commitment, however, go far beyond world politics. The ultimate responsibility for deciding when our troops should be committed or deployed in support of our foreign policy belongs to Congress.

But as we have become a world power, the Executive has usurped the role of Congress. All modern Presidents have attributed to themselves the power to employ our troops in foreign hostilities. Too often Congress, as a body, has not even been consulted; and when it has, Congress has succumbed to an emotional need for a momentary expression of national unity. In the recent case of the Tonkin Gulf resolution, it has done so while acting under erroneous or insufficient information. It is time that the resulting imbalance between executive and congressional power was corrected.

The most obvious reason for correcting this imbalance is that it is contrary to the Constitution. When committing our troops to foreign hostilities without specific congressional approval, the Executive ignores the constitutional provisions which give to Congress the exclusive power to declare war and which requires the President to get the advice and consent of the Senate before entering into foreign commitments. Senator CHURCH, in a recent, excellent address, outlined some of the possible consequences of this executive illegality. If, as some have suggested, the "declaration of war" or "advice and consent" provisions of the Constitution are outmoded, they should be amended by the appropriate procedures. Only after thorough debate in the National and State legislatures can we be sure that a change in the basic document of our political system is warranted. Respect for the law of the land requires that extra-legal mechanisms for effecting change be avoided, even if the reasons for that change are sound.

But I do not believe that the reasons are sound. For one thing, excessive executive independence in making military commitments can have harmful effects on our foreign policy. Our present policy of unilateral military peacekeeping has too often been blindly employed to enforce the status quo—to support governments whose domestic policies are repugnant to the ideals of personal freedom and individual dignity which we in America treasure so highly.

An example is our implied readiness to support the regime of the Spanish dictator Franco, upgraded to the status of a de facto commitment by a military memorandum and recent counterinsurgency exercises. Although the administration has disavowed the existence of any formal commitment, its de facto status remains unchanged.

Another example is our failure to cut off military aid from the Greek military junta. Even though Greece is without the most basic of civil liberties, we have continued to supply this repressive regime with weapons and ammunition.

Thus, the absence of legislative scrutiny of our national commitments has led to accepting the inevitability of military support for unwise foreign policies. Only if we in Congress assert our constitutional right to control national commitments can this unfortunate trend be reversed.

I believe, however, that there is an even more fundamental reason for reasserting Congress' foreign policy power. By abdicating our right to control military commitments we are seriously undermining Congress' role in setting national priorities. If the Executive can independently decide when to deploy America's Armed Forces, it essentially has the final say in determining how a large proportion of our resources will be expended. But resource allocation is Congress' most important function—indeed, it is a decision which Congress must control if the constitutional checks and balances system is to have any meaning at all. Without this power, Congress would be nothing more than an ornament, whose only purpose would be to give automatic approval to the decisions of an all powerful Executive.

Our Founding Fathers hoped to spare America from such a catastrophe by implanting in our political system the doctrine of separation of powers, and, in particular, by reserving to Congress the power to make war and to approve foreign commitments.

Thomas Jefferson explained that our Constitution transferred the war power "from the Executive to the legislative body, from those who are to spend to those who are to pay." In other words, the legislature was to determine whether, from their standpoint, a proposed war would be worth the costs.

In fact, costs of war have become far greater than they were when Jefferson wrote. Today we are spending $30 billion a year in Vietnam; the total cost of the war to date has been over a hundred billion, far in excess of all previous foreign wars with the exception of World War II.

The noneconomic costs of military intervention have become even more alarming. Only three decades ago conscription was unknown without a formal declaration of war; the President, when engaged in "nonwar" military involvement, was prohibited from drawing on our vast manpower resources. When he had to go to Congress to ask for a draft, the legislature had an opportunity to evaluate the worth of large-scale military intervention. But ever since 1948, our Presidents have had a conscription system continuously at their disposal. The consequence in Vietnam has been the easy and "politically painless" deployment of a total of more than a million of our young men to battle, with a loss of over 36,000 of their lives and the wounding of hundreds of thousands more. The total number of reported casualties is more than any previous foreign war with the exception of World War II.

But even as the costs of military involvement have increased, we have also developed a greater awareness of other areas of need which we feel have a claim for priority consideration. Today there are an ever-increasing number of desperate domestic needs; but what we sometimes forget is that the resources available to meet these needs are not unlimited. Our involvement in Vietnam, for instance, has led not only to tremendous cost in men and treasure, but it has also forced us to forego alternative uses of these resources—training our manpower for peacetime activities instead of war, and spending our budget on programs to build lives instead of weapons to destroy them. But as our involvement in Vietnam grew, we were told that we could afford both "guns and butter"; in other words, the choice of how our resources were to be allocated was obscured.

It might be suggested that Congress has the opportunity to make the resource-allocation choice when it passes on defense appropriations. It is true that, in many areas, national priorities are established through the appropriations

process. But once our military might has been committed to action, we cannot undercut our fighting men. The issue on a single defense appropriation bill becomes couched in terms of whether we can afford to give our boys less than maximum protection. Congress never has the opportunity to decide if we can afford to have them risking their lives at all—in other words, whether our priorities permit allocating a significant portion of our manpower and economic resources to certain military objectives. The only way to have Congress make that decision is to restore to it the power to approve or disapprove our foreign military commitments.

A military commitment is the most significant economic resource allocation decision which our Nation faces. The Government, through its budget, currently controls a full 20 percent of our national economic resources: almost $200 billion. We now allocate over two-fifths of that amount to national defense; and almost one-sixth to the Vietnam war. The amount spent in Vietnam is more than what we spend on all domestic education and other major social programs combined.

We argue long and hard over how our resources should be spent domestically, and every increase in domestic spending is meticulously examined before Congress gives its approval. And when inflationary dangers force us to decrease Federal spending, it is these programs that are always cut. But the amount we spend in Vietnam is actually scheduled to increase by 10 percent during the coming year.

Thus, without meaningful congressional approval, we have assigned the highest of national priorities to the defense of President Thieu's government in South Vietnam. And the Executive has made a decision at Midway that the preservation of a corrupt and totalitarian government is worth thousands more American lives and billions more of our taxes.

Such a decision should be made openly—in the free debate of our Legislature, not in the backrooms of the Pentagon, CIA, State Department, or even the White House. Only by making an open decision to commit our troops to military action can we be sure that the decision is a deliberate one. It is a decision which should be made in line with our democratic principles, with the interests of all our people represented.

The perspective of the President is that of a single individual, and the advice of his officials is given from the competent but narrow viewpoint of a professional, frequently with a parochial self-interest. Only Congress is responsive to the widely divergent interests of the electorate, and only a decision by Congress can come close to reflecting all the interests of our citizenry.

Perhaps most important, it is a decision which must be made with cognizance of all the other competing claims on our resources. This is the most essential requisite of an optimum determination of our priorities. Congress has long ago ceased to be the primary initiator of new Government programs, having sacrificed that role to the Executive. But the Executive is only one of the advocates who come before Congress to plead their case; other interests in the private sector also present their claims to us. Only Congress has the responsibility to adjust these competing claims in the form of enacted law.

Thus, setting national priorities is Congress' primary role, and one for which it is best suited. By passing Senate Resolution 85 we can begin to reassert our role in determining what priority should be given to the most significant of commitments—the commitment to use military force.

Some have said that in making that decision democratically—by our elected Legislature—valuable time will be lost. But Congress can act quickly and deliberately when necessary. The possible loss of a few hours is well worth the security of knowing that the decision to deploy our troops has been made after careful consideration of the consequences.

Senate Resolution 85 is a proper mechanism for correcting the executive overreaching of the past. One of my colleagues, arguing in opposition to the resolution, has said that henceforth military commitments not cleared with Congress would risk being "clouded with the aura of illegitimacy." But this should not be an objection to the resolution—rather, it reflects the facts is an argument in its favor. A major military involvement is illegitimate, I believe, without congressional approval. Perhaps a source of the discontent with Vietnam is the absence of meaningful congressional legitimization of our involvement there.

Thus, not only does respect for the Constitution demand adherence to the principles expressed in this resolution, but our whole system of government—and the function of Congress as a representative of our people and a resource-allocating institution—requires it. I urge the passage of Senate Resolution 85 as the first step in reasserting Congress' power to control military commitments.

Mr. TOWER. Mr. President, I have followed the debate of the past few days with considerable interest and have observed than many valuable arguments have been presented on both sides. Senate Resolution 85, for all of its brevity, raises numerous vast and complicated issues reaching far back into American history and forward into the future of this country and the world. I will comment briefly on the considerations that seem to me most pertinent.

Senate Resolution 85 purports to clarify the meaning of the term "national commitment." Having read the resolution, however, I do not feel that the term is less obscure. Is this a particular type of "national commitment" that is defined, or is this the only type? The resolution does go on to say that it is a "national commitment by the United States to a foreign power" that is concerned, and that is some help. Moreover, we have received boundless assurances from the supporters of Senate Resolution 85 that what is referred to therein is a "substantial" commitment, and, further, that the proponents of this measure have no difficulty with executive agreements arising in pursuance of existing treaties which have been duly ratified by the Senate. But, in point of fact, the resolution makes no effort to discriminate between what is substantial and what is not. Nor is it clear what sort of connection between a treaty which the Senate had acted upon and an executive agreement pursuant to that treaty is acceptable and what sort is not, although a wide range of possibilities is conceivable. Far from clarifying the definition of the term "national commitment," Senate Resolution 85 seems only to leave the question in a greater state of confusion than it was beforehand.

The amendment offered by the Senator from South Dakota goes a long way toward relieving the uncertainties posed by Senate Resolution 85. It specifies that what we are concerned with is a military commitment. While this is perhaps less ambitious, it is also infinitely more successful in conveying a precise meaning. It does not raise the questions of what is "substantial" or which executive agreements are in pursuance of treaties but only of what is military action "to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to protect U.S. citizens and property."

It has been argued again and again by the opponents of Senate Resolution 85 during the course of this debate that it is essential for the President to have wide flexibility in the field of foreign relations in order to respond swiftly and appropriately to the mercurial exigencies of international diplomacy in this nuclear age. I for one do not think this is unreasonable. Nor do I feel that the current balance of power between the executive and legislative branches threatens to "impose tyranny or disaster on the country" as the committee report suggests. The President wields vast authority in the realm of foreign affairs, but, far from becoming a tyrant, he is ever and always answerable to the people and the Congress. The committee report assumes that a national commitment that might involve the deployment of American troops can be brought to the floor of the Congress, debated, and passed, all in sufficient time to act before the time for acting has flown. Once this may have been true, but the speed of transportation and communication and the devastating extent of the force that can be delivered instantaneously deprives us of the luxury of such a leisurely procedure. If the President were to take it upon himself to act wildly beyond the bounds of prudence, he would find himself subject to checks by the Congress. On the other hand, if the President were to bring an urgent and reasonable request before the Congress, it would be granted—but, perhaps, too late. It becomes a question of whether we trust our duly elected President to execute his office faithfully or whether we trust our enemies to extend us the courtesy of withholding any precipitate action until we have decided what our response will be.

The amendment offered by Senator MUNDT recognizes the unfortunate fact that we cannot anticipate every possible threat that would constitute an immediate danger to our national security and, therefore, leaves the President free to

act to counter such a threat without qualifications.

In his study, "The American Presidency," Clinton Rossiter observed:

In a country over which industrialism has swept in great waves, in a world where active diplomacy is the minimum price of survival, it is not alone power but a vacuum of power that men must fear.

I can think of no one who has been more reluctant than I to pass far-reaching authority into the hands of the Executive. But, faced as we are in the world with powerful enemies who are capable of acting swiftly and without consultation or debate, we must remain constantly prepared to meet with equal celerity any threat to our national security. We cannot predict with real accuracy what form such a threat might take. Can we therefore prescribe, as Senate Resolution 85 seeks to do, the means by which such a threat should be answered? I do not believe we can.

I am not overly sanguine as regards the immense power of the President. We should not look with perfect equanimity on the vast authority of the Presidency. We should be careful about giving the President additional powers, alert to abuses of those he already holds, and aware that the present balance of the Constitution is not a cause for unlimited self-congratulation. But we can look on it, at least, with as much equanimity as we do upon the present state of the Union. For the strengthen of the Presidency is a measure of the strength of the America in which we now live and of her place in the world.

The PRESIDING OFFICER. The question is on the adoption of Senate Resolution 85, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN), would each vote "Yea."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

If present and voting, the Senator from California (Mr. MURPHY) would vote "nay."

The result was announced—yeas 70, nays 16, not voting 14, as follows:

[No. 50 Ex.]

YEAS—70

Aiken	Gravel	Muskie
Allen	Harris	Nelson
Anderson	Hartke	Packwood
Baker	Hatfield	Pastore
Bible	Holland	Pearson
Boggs	Hruska	Pell
Brooke	Inouye	Percy
Burdick	Javits	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Cannon	Kennedy	Saxbe
Case	Long	Schweiker
Church	Magnuson	Scott
Cook	Mansfield	Spong
Cooper	Mathias	Stennis
Cotton	McCarthy	Stevens
Cranston	McClellan	Symington
Curtis	McGovern	Talmadge
Dole	McIntyre	Williams, Del.
Eagleton	Metcalf	Yarborough
Eastland	Miller	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Ervin	Montoya	
Fulbright	Mundt	

NAYS—16

Allott	Fannin	McGee
Bellmon	Goldwater	Smith
Bennett	Griffin	Thurmond
Dirksen	Gurney	Tower
Dodd	Hansen	
Dominick	Jackson	

NOT VOTING—14

Bayh	Hollings	Russell
Fong	Hughes	Sparkman
Goodell	Moss	Tydings
Gore	Murphy	Williams, N.J.
Hart	Ribicoff	

So the resolution (S. Res. 85), as modified, was agreed to, as follows:

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

The preamble was agreed to, as follows:

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it has been some time since the Senate has witnessed a debate of such outstanding caliber, on an issue of such transcendent importance. The thoughtful and provocative discussion generated by the issue presented with the resolution on national commitments has added immeasurably to the purpose and effect of the resolution.

Simply stated, the Senate has acted to reassert its historical and constitutional role. The overwhelming approval of the resolution has greatly strengthened the partnership that exists between the executive and legislative branches. The Senate has spoken clearly and unequivocably in this regard and I think every Senator may take great pride in this achievement.

I wish to thank especially the Senator from Arkansas, the able and distinguished chairman of the Committee on Foreign Relations. His leadership on this resolution was truly exemplary. I understand that he and the distinguished Senator from Georgia (Mr. RUSSELL), who himself is unexcelled in his special expertise in this area, conferred about the question of the commitments of this Nation some time ago. Thereafter, Senator FULBRIGHT and his committee conducted an exhaustive review of the historical and constitutional role of the Senate with respect to the foreign military and financial obligations of this Nation. This effort culminated in the Senate's commitment to reassert its role. And this fact was overwhelmingly expressed today.

So to Senator FULBRIGHT, to Senator AIKEN, the ranking minority member of the committee whose efforts, as always, were absolutely indispensable and to Senator RUSSELL, and to the members of the Committee on Foreign Relations, the Senate is deeply indebted.

The able and distinguished Senator from Kentucky (Mr. COOPER) should similarly be singled out for his contribution. What has been achieved with this, the Fulbright-Cooper resolution on national commitments, was accomplished in large measure because of the efforts of Senator COOPER. His participation, his fine appreciation of the issue was essential to this success.

Other Senators, too, played vital roles in obtaining such outstanding success. The Senator from Tennessee (Mr. GORE), the Senator from Idaho (Mr. CHURCH), and the Senator from Missouri (Mr. SYMINGTON) added their immense wisdom to the discussion. The Senator from Wyoming (Mr. MCGEE) must also be thanked for articulating with such typical skill and great advocacy his own strong views on the matter.

For their part, the Senate also is deeply grateful for the diligent and extremely capable efforts of the minority leader, the distinguished Senator from Illinois (Mr. DIRKSEN), and for those of the distinguished Senator from South Dakota (Mr. MUNDT) and the distinguished Senator from Connecticut (Mr. DODD). Their support of an alternative proposal contributed, I think, a good deal to the high level discussion obtained.

Once again, to Senator FULBRIGHT, to Senator COOPER, to Senator AIKEN, and to all the members of the Foreign Relations Committee go our deepest thanks. Indeed, every Senator may be justly proud of such an outstanding achievement.

Mr. COOPER. Mr. President, my substitute resolution is not intended to reflect upon any past President and I am certain that President Nixon from his experience and devotion to both the executive and legislative branches understands fully their separate and joint powers and responsibilities.

Mr. President, I would like to read into the RECORD two comments, one by the late Senator Robert Taft and one by President Taft which are appropriate to

a consideration of the scope and purposes of the resolution before us today.

In commenting on the powers of the President as Commander in Chief, the late Senator Robert Taft made this observation in his book "A Foreign Policy for Americans":

> There is one very definite limit—and I think it is admitted by every responsible authority who has discussed the problem—on the President's power to send troops abroad: he cannot send troops abroad if the sending of such troops amounts to the making of war. I think that has been frequently asserted; and whenever any broad statements have been made as to the President's power as Commander-in-Chief to send troops anywhere in the world the point has been made that it is always subject to that particular condition.

President Taft in a series of lectures entitled "The Chief Magistrate and His Powers" comments how a series of events could involve our country in a war without the determination of the Congress that the sending of the Armed Forces was necessary and in our country's best interest. He states:

> The President is the Commander-in-Chief of the army and navy, and the militia when called into the service of the United States. Under this, he can order the army and navy anywhere he will, if the appropriations furnish the means of transportation. Of course, the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the army and the navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence.

Mr. President, in concluding my remarks, I wish to express my thanks to the distinguished chairman of the committee (Mr. FULBRIGHT) for the opportunity to work with him on the resolution. I also express my thanks to Mr. William Haley, my legislative counsel who has worked assiduously on the resolution and the difficult problems concerning the powers of the executive and legislative branches.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. UTT were appointed managers on the part of the House at the conference.

RECENT DEVELOPMENTS IN THE ENFORCEMENT OF CIVIL RIGHTS LAWS

Mr. JAVITS. Mr. President, I have received disturbing reports that the administration plans to make major changes in the school desegregation program. These reports are of serious concern to me, and to others who have worked for equal education opportunity legislation over the last 12 years. If these reports are true, the Department of Health, Education, and Welfare plans to reduce greatly the incentive for school systems still segregated to comply with the law. More than 800 school districts—out of 20,000 in the Nation—are now working under plans which call for complete compliance by September 1969. Failure to comply will result in the loss of Federal aid to the district. This hardly seems a severe penalty in view of the fact that the Supreme Court ordered desegregation 15 years ago, and Congress passed title VI of the Civil Rights Act of 1964, 5 years ago, but certainly all incentive to comply will be destroyed if deadlines are adjusted or abolished.

Such a change would be a tragic step backward and a serious breach of faith with a large part of our population. While the black communities in these school districts are the primary beneficiaries of Federal enforcement of the law, the moderate white community looks to Washington, too. Frankly, unless school officials can demonstrate that failure to comply will result in the loss of Federal funds, the chances are that moderate local school officials may be forced to capitulate to the hard-core segregationist element in each community.

The Department's obligation, therefore, is twofold: to enforce the law and to provide backing for men of good will in those communities faced with the problem. A pullback of effort here in Washington will have an electric and deleterious effect throughout the country, for not only will our own efforts be slowed, but these of leaders in each community as well.

While I have waited long before saying this, I believe it is now time to express my profound concern with recent actions of Federal Government departments in the area of civil rights and ask, with all the urgency at my command, that these policies be reviewed and changed. Here are some major considerations:

First. In the early days after the inauguration, I had considerable correspondence with the Department of Defense about the proposed awarding of contracts to certain textile firms which had a policy of segregation in hiring. This correspondence was carried on in the hope that the facts would convince the appropriate officials. Nevertheless, the contracts were awarded without first securing compliance with the law from the firms. I was disappointed, but I was assured that compliance would be forthcoming. But the very real incentive for complying, of course, was removed as soon as the contract was awarded. These matters are still in the works, as I understand it, but unresolved.

Second. A bipartisan group of Senators recently urged the President to send a Federal mediator to Charleston, S.C., to assist in the settlement of the hospital workers strike in that city. The President's decision on this request, of course, does not involve civil rights, but HEW's decision in the case most certainly does. The strike was begun after 12 employees of the hospital were fired—allegedly because they had left their duty stations in order to present demands to hospital administrators. The Office of Civil Rights Enforcement of the Department of Health, Education, and Welfare found that the dismissals were because of race and ordered that the 12 be reinstated or the hospital would face the loss of a large Federal VA contract. Agreement was tentatively reached, which not only provided for the reinstatement of the 12 but substantial wage increases as well. This agreement has now been repudiated by the hospital administrators, or other officials in South Carolina, and it is rumored that HEW will not enforce the threatened cutoff. What is going on here? Is there, or is there not, racial discrimination in this case? Does the law not provide for cutoffs in such circumstances? Why the sudden shift of policy—and what does it mean for the future of hospital desegregation?

Third. Hundreds of thousands of heretofore disenfranchised Negroes have been registered to vote in the South under the Voting Rights Act of 1965 which provides for Federal registrars in areas where voter discrimination has taken place. That law expires next year and it seems evident that any law which is so badly needed and is working so well should be extended. And yet there are concerns that the administration may not support the extension of the law. The Attorney General has postponed five times his appearance before the House Judiciary Committee on this subject—which at least gives me hope that a final decision has not yet been reached. Federal registrars and Federal poll watchers are absolutely essential if the advances of the past 4 years in securing voting rights are not to be destroyed. I urge the Attorney General to support extension of the 1965 Voting Rights Act.

The party of Lincoln has an obligation to do far better than these "straws in the wind" have indicated. We have traditionally been supporters of civil rights legislation—in 1957, 1960, 1964, and 1965. A large percentage of Republicans—as well as Democrats—voted for the civil rights bills and cloture in this Chamber.

In 1964, the distinguished Senator from Illinois (Mr. DIRKSEN) was the architect of the landmark historic Civil Rights Act. If some within the party would change this direction, I would remind them—and the administration—that there are others of us who feel just as strongly that these laws should be enforced fairly and with conviction by our Republican administration. Personally, I would never stand mute while our country—or my party—takes any other course.

I speak out now because once a fact is accomplished, once the administration's honor and prestige is on the line, it is hard to change. Therefore, with the risk I run, as a person who is loyal to the President and who believes in him, I wanted to say these things so that all can take heed.

THE SAIGON GOVERNMENT

Mr. COOK. Mr. President, in a recent commencement speech in my State I dis-

cussed the matter of sources of current student unrest. I said at that time:

To many students the source is inextricably intertwined with the course of the Vietnam war into which we plunged ourselves, against the warnings of many about the consequences of involvement in Asian land wars. There is a widespread feeling throughout the land not only among the student generation but others as well, that the war was not only conceived in bad military advice but has been nurtured to a position of support for a corrupt government which is pitted against the egalitarian demands of its people.

Unfortunately, my worst suspicions about the Saigon regime have been confirmed once again. In the New York Times of June 24, 1969, and the Washington Post of this morning, there appeared a news article indicating that the magazine Newsweek might be permanently banned from South Vietnam, because of a recent article appearing in its June 23 issue entitled, "Vietnam Exodus: A Favored Few." The story adds that the particular issue in which the article appeared has, in fact, been barred from public sale.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM EXODUS: A FAVORED FEW

To the statesmen charged with settling it, the end of the Vietnam may still seem a long way off. But many of South Vietnam's more affluent and sophisticated citizens are not so sure, and already they have begun to hedge their postwar bets. Hundreds of them have slipped out of the country to self-imposed exile in Europe or the United States, and many hundreds more are clamoring to leave. "When the war ends, it will mean a coalition government," explains a Saigon university student. "Then the Communists will be here, and that will destroy the South Vietnam we all love. So we want to get out."

That desire is widespread in South Vietnam. According to one unofficial estimate, the number of passports and exit visas issued by the Ministry of the Interior has increased by about 60 per cent in the past year. And of the 400 or so travelers who leave South Vietnam legally each week—mostly on tourist or other short-term visas—about half never return to their homeland. Others who have been denied a visa pay huge bribes to have themselves smuggled out of the country. Because the exodus is acutely embarrassing to the Saigon regime, government spokesmen are unwilling to say exactly how many of their countrymen have gone into exile. "If someone in my department were to release figures on the number of Vietnamese who have settled abroad permanently, it would create a scandal," says one Interior Ministry official. "And that would probably ruin my own chances of getting out."

PARANOIA

In theory, it is virtually impossible for a South Vietnamese citizen to leave his country for good. Passports and visas for even brief trips abroad are issued only after exhaustive paper work—and usually the payment of a large "fee." One wealthy couple had to come up with $16,700 recently to enable their teenage son to join them in Paris. Draft-age males are not allowed to leave at all unless two military officers above the rank of major sign a guarantee that they will return. And even when all the legal and financial requirements have been met, travel documents still may not be forthcoming. "The government is paranoid," a young Vietnamese coed told Newsweek's Paul Brinkley-Rogers last week. "They are certain that everyone wants to leave Vietnam forever. Many people do. I guess that's why the government is paranoid."

"What makes you mad," growls a young man who has been unable to leave the country, "is that the officials who won't let us go will be the first to clear out when the time comes. We all know that they have bank accounts in Europe and that their children are studying abroad." Indeed, it appears that some highly placed South Vietnamese have already begun to think about the unthinkable. The wife of President Nguyen Van Thieu bought a house in Switzerland earlier this year; when she returned to Saigon, she left her three children in Rome. And the wife of Gen. Cao Van Vien, the South Vietnamese Chief of Staff, has deposited three of her four children in Switzerland.

EXILES

Some South Vietnamese officials whose duties have taken them overseas have already decided not to return. Former Information Minister Pham Xuam Thai was sent to France last year as an observer at the Paris peace talks. But when he was ordered to return to Saigon he abruptly disappeared. According to a Vietnamese friend who has seen him in Paris, Thai is now supporting himself as a janitor and waiter. Ho Huu Tuong, a member of the South Vietnamese House of Representatives, also went to Paris about six months ago as a tourist, but when his three-month visa expired he stayed on. So far, repeated pleas from his constituents and fellow legislators have not persuaded him to return, and he is said to have set up housekeeping with a Vietnamese lady friend whom he managed to spirit out of his homeland. The most imaginative official defector, however, may have been a former assistant to the South Vietnamese military attaché in Thailand. When his tour of duty was over, he decided to remain in Bangkok where, to qualify for a job and a Thai passport, he joined the Bangkok Breadmakers Guild.

Many private citizens also have been able to feather foreign nests. One illegal but effective way to get out of Vietnam is to claim French citizenship (which can be conferred upon any descendant of a French soldier). Currently, the blackmarket price for "proof of French parentage" in Saigon is said to be $2,800. Would-be émigrés who fail to get either French or Vietnamese travel documents can be smuggled out of the country on foreign ships at a cost of $1,100 each (although unscrupulous freighter captains have been known to turn over their illegal passengers—and part of their fares—to South Vietnamese officials before leaving territorial waters). The overland route to sanctuary in Cambodia is even more expensive; that trip costs $5,570 because the smugglers must pay off South Vietnamese officials, Cambodian border guards—and the Viet Cong.

Leaving South Vietnam with some semblance of legality can be even more complicated. One Saigon businessman began the process by dispatching his oldest son to Tokyo, ostensibly to study the pearl business (South Vietnam, as it happens, has no pearl beds). Then, a few months later, he took his two other sons on a visit to Tokyo, paying $550 to each of the army officers who guaranteed their return. Next, the businessman's wife and two more children got permission to attend the oldest boy's wedding in Tokyo. Eventually, most of the family found its way to France, and the father returned to Saigon to run his import-export business. His Parisian bank account now totals $1.6 million. "Saigon is the easiest place to make money," he says, "and France is the place to spend it."

POTS AND PANS

A few of the expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese. Even in the best of circumstances, however, life in exile can be bleak. "No matter how wealthy they are," says one Saigon society matron, the people who flee discover that life abroad is not as soft as it was here. Wives who have never touched pots and pans are now in charge of the cooking."

The Saigon government is doing what it can to stem the flow of émigrés. For one thing, it has warned army officers that if the young men they vouch for do not return to South Vietnam, the responsible officers will be sent to jail—a provision of the law that so far has not been enforced. But the government's reach is not very long, and it would seem that until South Vietnam's underpaid civil servants are somehow shielded from temptation, the exodus will go on. "We could send security men overseas to bring these people back," remarks one official. "But if we did, our agents would probably vanish, too."

Mr. COOK. This is just another of many examples, Mr. President, of suppression by the Saigon regime. And this time they even went so far as to suppress one of our publications. Is it any wonder that the people of South Vietnam have so little faith in the government which currently resides in Saigon? These people have experienced suppression of free speech and the closing of their own newspapers for many years, and now we are finding out for ourselves how the Saigon regime operates to eliminate dissent regardless of the verity of the criticisms.

The suppression of the Newsweek article lends great support to the validity of its assertions. In that regard, I have today sent to the Secretary of State a letter requesting answers to certain questions raised by a careful reading of the article in Newsweek and the news stories in the New York Times and the Washington Post. My questions in the letter were these:

(1) Is the news story representation accurate when it says "political officers (of our embassy) are urging newsmen to play down the matter on the ground that a nation at war must take precautions to protect its morale"?

(2) The Newsweek article reports that "a few expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese." How many South Vietnamese "expatriates" are living in the United States? What are they currently doing for a living? What were the circumstances surrounding their exodus from South Vietnam? What were their positions in private and/or public life while in South Vietnam? To the best of your knowledge, what is the estimated financial worth of each? Who are the sponsors of these people in the United States?

Mr. President, I ask unanimous consent that the full text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 25, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In the New York Times of June 24, 1969, and the Washington Post of this morning, there was a news article indicating that the magazine Newsweek might be barred from South Vietnam

because of an article appearing in its June 23 issue entitled, "Vietnam Exodus: A Favored Few". The story adds that the issue which the Saigon regime found so objectionable has, in fact, been barred from public sale.

The essence of the story is that many high-level South Vietnamese officials are preparing to leave the country in anticipation of a communist victory or a victory by any of the elements currently disenchanted with the government. My questions to you are essentially these.

(1) Is the news story representation accurate when it says "political officers (of our embassy) are urging newsmen to play down the matter on the ground that a nation at war must take precautions to protect its morale"?

(2) The Newsweek article reports that, "A few expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese". How many South Vietnamese "expatriates" are living the United States? What are they currently doing for a living?

What were the circumstances surrounding their exodus from South Vietnam? What were their positions in private and/or public life while in South Vietnam? To the best of your knowledge, what is the estimated financial worth of each? Who are the sponsors of these people in the United States?

As you know, I am extremely concerned about continuing reports of corruption, profit-making, and general disregard for the Vietnamese people by the Saigon regime. Your prompt attention to these inquiries would be greatly appreciated.

With best wishes.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, I am confident that the Secretary will do his best to supply answers to the questions I have raised. These answers, Mr. President, are important to the American people. What kind of government are we continuing to prop up by our military presence? How many rich South Vietnamese are growing richer by our continued presence? I think it important, Mr. President, that no settlement of the Vietnam war be contingent upon the continued existence of the current Saigon regime. The South Vietnamese people deserve a better fate: the legacy of 40,000 dead young Americans demands no less.

THE IMPLEMENTATION OF THE GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, as it states, the chief purpose of the gun control law enacted last year is to support Federal, State, and local law enforcement officials in their fight against crime and violence. No regulations, the Congress said, would be implemented, save those that are necessary to effectuate the purpose of the law.

I appreciate the difficulties faced by the Treasury Department in drafting regulations implementing this law. Legislative intent is not always an easy matter to construe. What is clear is that any regulations must fall squarely within the authority granted the Secretary of the Treasury.

Senators will recall that in the section of the law concerning the restrictions on the importation of sporting weapons, Congress created a special exception for members of the Armed Forces serving abroad. That exception was made through a floor amendment offered by the distinguished Senator from Nebraska (Mr. HRUSKA), who was so closely involved with the development of this legislation. Specifically, Congress said the exception would apply to any member of the U.S. Armed Forces who is on active duty outside the United States.

It came to my attention that this excepting provision was being interpreted by the Alcohol, Tobacco, and Firearms Division of the Treasury Department—the agency responsible for the enforcement of this law—as applying only to an Armed Forces member whose permanent duty station is located abroad. Acting upon this interpretation, the Division had been denying the importation privilege to servicemen who indeed are on active duty outside the United States—the designation assigned by Congress—but who do not have a permanent duty station abroad—the words used by the Treasury Department. In so doing the Department had not only misread the intent of Congress, it had rendered meaningless the plain language employed.

What made this amply clear—to me at least—was the fact that Congress did choose to use the expression "permanent duty station" elsewhere in the law. It did so in assigning a special definition of what "resident" means in the case of a member of the Armed Forces where it says in the definitions section:

> A member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

In this section the statute refers specifically to "permanent duty station." If Congress intended to make the importation exception applicable only to servicemen having a permanent duty station abroad, I think it simply would have used the language again. But it did not choose to adopt such a narrow criterion and the importation exception refers to "any member of the U.S. Armed Forces who is on active duty outside the United States."

The hardship imposed by the Treasury Department's failure to give any meaning to this provision of the law was brought to my attention by Army Maj. Lones W. Wigger, a Montanan and a man who has compiled a truly remarkable record in using firearms for sport. He is a national prone champion; a five-time national position champion; he was twice national indoor champion; a member of the Pan American Team of 1963 and the Olympic Teams of 1964 and 1968 where he won gold and silver medals, setting two world records. Additionally, he has won all major service marksmanship awards including the Distinguished Rifle Badge, and two badges for excellence in competition.

Major Wigger was denied a license to import the firearms he needs to pursue his remarkable talents. He was denied the license though he was assigned on active duty outside the United States and otherwise met the express terms of the military exception to the import restrictions provided by Congress. When he attempted to import weapons through a third party licensee at the suggestion of the Treasury Department, they arrived in a damaged and unusable condition. For a man of his particular talent who has represented his nation as a marksman with such distinction, such a procedure was neither adequate nor desirable.

In my opinion, there is no question that Major Wigger met the provisions of the law passed by the Congress. And I am happy to say that the agency now agrees.

I realize, of course, that it is not desirable to extend the exception to every individual who happens to be on a 2- or 3-day sojourn overseas. However, I do think that any serviceman who is on active duty outside the United States and who otherwise meets the provisions of the law should be accorded the full benefit of the wishes of Congress in creating the exemption. I feet, as I have said, that the statute as written is clear in this regard. So I am quite pleased that the agency responsible has changed its position.

Mr. President, I ask unanimous consent that my correspondence with the Treasury Department on this matter be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., May 23, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This refers to your letter of May 15, 1969, concerning the application of Major Lones W. Wigger, Jr., to import four .22 caliber target rifles from West Germany. This application was resubmitted upon the suggestion of Mr. Cecil M. Wolfe, a member of my staff, so that we might reevaluate our position with respect to the individual importation of firearms by members to the Armed Forces on temporary duty outside the United States.

After careful consideration, I find that I again must decline to approve Major Wigger's individual permit to import the four rifles. I am enclosing a copy of my letter to Major Wigger returning his application. In addition to the reasons given in my letter to Major Wigger, it is hoped the following remarks will fully clarify my position in this matter.

Section 925(a)(4), Title 18, United States Code, provides that *"when established to the satisfaction of the Secretary to be consistent with the provisions of this chapter* and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, or importation into the United States to the place of residence of any member of the Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty-day period immediately preceding the transportation, shipment, receipt or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes * * * and (B) *intended for the personal use of such member."* [Italics Supplied.]

As pointed out in my letter to Major Wigger I do not believe it would be "consistent with the provisions" of Chapter 44 to hold that a member of the Armed Forces on active duty in the United States is eligible for this exemption solely because of a temporary duty assignment which takes him outside the United States. I believe that Congress intended that this privilege be applicable only in connection with a permanent active duty assignment such as would preclude a simultaneous permanent duty station in this coun-

try. This view is borne out by statements of Senator Hruska who introduced the floor amendment which became Section 925(a)(4) of Title 18, United States Code. Senator Hruska indicated that his amendment was intended to prevent a hardship with respect to overseas servicemen who had acquired firearms to participate in sporting activities at their overseas assignments and who would otherwise experience difficulty in transporting or shipping these personally owned firearms to their homes in the United States. CONGRESSIONAL RECORD, volume 114, part 21, page 27145. This justification is not applicable to a member of the Armed Forces on active duty in the United States, who acquires a firearm in connection with a brief overseas assignment on official business.

An individual American citizen, who goes overseas is precluded by the Gun Control Act from personally importing a firearm back into the United States. However, he may have the importation accomplished for him if he utilizes a firearms licensee in his home state and the firearm is "generally recognized as particularly suitable for sporting purposes." I believe, to be consistent with the provisions of the law, I must hold that Major Wigger is subject to the same restriction. I, therefore, do not feel that I can approve his application.

I hope the foregoing satisfactorily explains my position in this matter.

Very truly yours,

HAROLD A. SERR,
Director, Alcohol, Tobacco, and Firearms Division.

JUNE 2, 1969.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: I have a letter of May 23 from Mr. Harold A. Serr, Director of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, explaining your Department's reasons for not granting Major Lones W. Wigger a license to import sporting weapons under the Gun Control Act of 1968. Mr. Serr was aware that the Major was assigned on active duty outside of the United States and otherwise met the express terms of the military exception to the import restrictions provided by Congress in the Gun Control Act of 1968. After thoroughly considering all of the points raised by the letter, I find that the sole basis for denying the application rests upon the fact that the regulations promulgated by your Department pursuant to the Gun Control Act construe a member of the Armed Forces on active duty outside the United States to mean only one whose *permanent duty station* has been transferred abroad. Such a construction, it is said, was within your discretion.

I do not agree. And with this letter I wish to lodge my protest for the manner in which this matter was handled and especially for your Department's failure to give any meaning at all to the words of the exception that were so carefully chosen by Congress.

First of all, I should point out that Major Wigger has compiled a truly outstanding record as a marksman and has represented our nation with great honor at national and international competitions. I understand that Mr. Serr was made fully aware of this fact. But for the record I should point out that his achievements include the following: National Prone Champion; five-time National Position Champion; twice National Indoor Champion; member Pan American Champion 1963 and the Olympic Teams of 1964 and 1968 where he won Gold and Silver medals, setting two world records; World Championship Team (1966), winning four Gold medals. Additionally, he has won all major service marksmanship awards including the Distinguished Rifle Badge and two badges for Excellence in Competition.

In spite of his achievements, Major Wigger has never sought special consideration though certainly his unique contributions I would think demonstrate his entitlement beyond question. I only raise this point in view of the fact—as Mr. Serr was advised—that in the past when Major Wigger attempted to import weapons through a third party licensee (as your Department suggested he do), the weapons arrived in a damaged and unusable condition. I would think you would agree that for a man of his particular talent who has represented his nation so well in this endeavor such a procedure is neither adequate nor desirable.

I raise this matter also because the discretion given you under this particular law permits you to allow a variance from the licensing procedures established. I favor your having such discretion so long as it is exercised reasonably. I would think that the special considerations of this case are so compelling and of such urgency that allowing such a variance would have been amply justified. That you failed so to act has disturbed me very much.

With regard to the discretion that is claimed for you respecting the provision of the Gun Law that excepts servicemen from import restrictions, I might point out that nowhere in the law has Congress given you the authority to render meaningless the words it chose in designating those entitled to the exception.

Specifically, I refer to the construction of the phrase "on active duty outside the United States"—the words that designate those members of the Armed Forces who may import weapons. Your department says that these words must mean that the serviceman has a permanent duty station abroad as though Congress could not itself have made such a specific designation. Indeed, Congress did choose expressly to employ the phrase "permanent duty station" when defining a serviceman's place of residence. It seems elementary that in construing any statute—especially one containing sanctions of a penal nature—the words must be taken in their strictest sense. Having used the phrase "permanent duty station" elsewhere in the Act, Congress knew very well the meaning of that expression. But Congress did not choose to use it when designating those who would be entitled to the exception here. Instead, it granted the dispensation to any serviceman who is on active duty outside the United States, not only to those who have a permanent duty station abroad. In short, your construction in the Wigger case, and no doubt in other cases, has rendered meaningless the use of those words. If a narrower dispensation were felt necessary by Congress, it would simply have again chosen to use the expression "permanent duty station".

It is clear that whatever your discretion may be under this Act, I am quite confident that it does not authorize you to render meaningless the words of a law enacted by Congress. If such discretion existed our entire system of government would be jeopardized.

In the circumstances, I would hope that a more satisfactory resolution of this problem could be achieved. It may well be that the only solution lies in an amendment that places beyond doubt the meaning of this provision of the Gun Law.

Sincerely,

MIKE MANSFIELD.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., June 5, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR MANSFIELD: Your letter to Secretary Kennedy dated June 2, 1969, protested the ruling of Mr. Harold A. Serr, Director, Alcohol, Tobacco and Firearms Division, covering the importation exemption in 18 U.S.C. 925(a)(4) for members of the Armed Services. That ruling was made by Mr. Serr in his letter to you dated May 23, 1969, and, in pertinent part, held that the exemption was applicable "only in connection with a permanent active duty assignment such as would preclude a simultaneous permanent duty station in this country." You suggest that under the plain meaning of the statutory language, the exemption should be available to any serviceman who returns to this country from an overseas active duty assignment. The Service has also received similar criticisms from others. The Secretary requested that I review this matter and answer your protest.

The language of section 925(a)(4) would support your suggested interpretation of the exemption. However, I cannot say that the interpretation incorporated in the ruling is unsupportable.

The Congressional purpose of 18 U.S.C. Chapter 44 was stated in section 101 of P.L. 90-618 (82 Stat. 1213). That purpose included the statement that the Chapter "* * * is not intended to * * * provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this * * *" Chapter.

Upon reconsideration, I have concluded that the restrictive ruling is not necessary "to implement and effectuate" Chapter 44. Further, a relaxation of the ruling will not unduly hamper the enforcement of the law. Under these circumstances, it is held that members of the Armed Forces returning to the United States from an active duty assignment overseas are entitled to the section 925(a)(4) exemption, provided, of course, that the other requirements of the section are met.

Under the relaxed ruling, the Service will place more emphasis on the section 925(a)(4) qualifying requirement that sporting firearms imported by servicemen must be intended for their own use. This, I believe, is necessary to prevent possible commercial importations by members of the Armed Services.

Any future applications to import firearms submitted by Major Wigger will be acted on under this ruling.

Your interest in the proper implementation of the Gun Control Act of 1968 is sincerely appreciated. Please advise if I may be of any further service.

Sincererly yours,

RANDOLPH W. THROWER,
Commissioner.

FLY IT, IT IS YOURS

Mr. ERVIN. Mr. President, former President Woodrow Wilson, on the subject of the American flag, said:

It has no other character than that which we give it from generation to generation. The choice is ours. It floats in majestic silence above the hosts that execute those choices whether in peace or war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us and of the records they wrote upon it.

To those of us who believe those lines to be true and who have been greatly saddened and disturbed by the senseless actions of anarchists and others, here and abroad, as they burn, mutilate, and otherwise desecrate our flag, I am happy to offer a measure of comfort by calling attention to the "Fly It, It's Yours" campaign of the High Point, N.C., television station, WGHP-TV.

This program was conceived to stimulate community interest in the American flag and its proper display through the medium of television. It started 4 weeks prior to Flag Day, June 14, and will conclude on July 4. In addition to broadcasts concerning the flag, its history and

meaning, WGHP–TV has made flags available to the public at cost as well as various printed materials to supplement the on-the-air activities. Furthermore, the station has worked with leaders in the community, civic associations, and other interested citizens in an effort to promote communitywide awareness of the traditions and high ideals which "Old Glory" symbolizes.

As I salute WGHP–TV for the excellence of "Fly It, It's Yours" program, I commend to all of us who wish for our flag to retain its rightful place the words of Supreme Court Justice John M. Harlan in *Halter* v. *Nebraska* 205 U.S. 34, 43 (1907):

To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

I ask unanimous consent that a letter and an editorial statement from Mr. Philip J. Lombardo, general manager of WGHP–TV, which gives the details of this program be printed in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

WGHP–TV,
High Point, N.C., June 16, 1969.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Four weeks prior to National Flag Day, June 14, 1969, WGHP–Television began a project that we feel certain will be of great interest to you. In order to stimulate interest and to make our community again aware of the traditions and high ideals for which the Flag of the United States is a visible symbol, WGHP–Television began on May 19, 1969, to dedicate its time and efforts to encouraging the observance of National Flag Day. Through July 4, 1969, we will make available, to all citizens who would display the emblem of our Union, at cost, a fine quality American Flag. This will be a non-profit campaign in the community interest.

In conjunction with this campaign the television station has taken a definite stand on the desperate need for a personal display of love of country, and each member of our staff and all "air" personalities have offered their time and energies "gratis" for commentaries on the air and for all the duties surrounding the actual sale of Flags and mailing. We have also compiled information regarding the history of National Flag Day, the speech proclaiming June 14 National Flag Day by President Woodrow Wilson in 1916, the proper way to display our Flag and the most significant dates on which we display the Flag. This has been sent, with a reprint concerning the history of the Flag from *Reader's Digest*, to all area teachers, professors, student leaders, civic leaders and ministers in a sincere hope that they will use the information for lectures, discussion groups, and/or sermons, as the case may be. In addition, announcements on our airways have been dedicated to news features, commentaries and public service messages aimed at encouraging patriotic interest in displaying the American Flag.

After having been on the air with this for just two weeks, we have received a tremendous response, not only in actual Flag orders from across the State and from South Carolina and Virginia, but in genuine concern from our citizens for more patriotic display of our Flag. We have been especially pleased with the enthusiasm and interest that we have received from the non-profit community service organizations in our area. As a result of this, WGHP–Television will be working "hand-in-hand" with the Salvation Army, Boy Scouts of America, Girl Scouts of America, Y.M.C.A., Y.W.C.A., public libraries and many other interested citizens.

WGHP–Television is very proud to be a voice in the communities that we serve as a broadcasting facility, and we constantly strive to ascertain the needs and desires of our fellow citizens. Through our continual contacts with community leaders, it has become openly apparent in recent weeks that a need for awareness and rededication to the ideals for which our Union stands is sought by each person with whom we talked. Our current campaign is a direct result of this local expression of concern. It is an endeavor that we as a television station have undertaken because we strongly believe that patriotism and the expression of that personal feeling by displaying the emblem of our country is an action of which we need to remind each other frequently. We believe that the display of the American Flag is the best way to begin. We have faith in this Union and your leadership. Amid all of our other problems, we sincerely hope that this will bring encouragement to you and your colleagues.

Sincerely yours,
PHILIP J. LOMBARDO,
General Manager.

A STATEMENT OF POSITION BY WGHP–TV PRESENTED BY PHILIP J. LOMBARDO, GENERAL MANAGER

It should be apparent to WGHP–TV viewers, through our daily schedule of news and entertainment programs, that station management stays abreast of the needs and desires of our community . . . and contributes, in every feasible way toward fulfilling these needs.

It should *also* be apparent, through its programming, that station management strives to contribute measurably to community efforts of betterment.

Therefore, it is *only* in matters of extreme importance that the *voice* of management is heard on the air.

Such is the case now.

We feel that the time has come for a renewed dedication of love of country.

These days, there are perhaps a number of definitions for the word *patriotism*, for it, like religious faith, is a very personal expression. The essence, though, of *any* definition is simply love of country.

We feel that the word patriotism should be heard more often . . . that the feeling should be expressed more often; and we know of no better way to begin, than to show, and be proud of, our symbol of national unity . . . the American flag. Such action demonstrates that we, as citizens, appreciate the many privileges that come with being an American citizen. With this in mind, channel eight is embarking on an energetic campaign of encouraging people to "Fly It, It's Yours." We will, make available during the coming weeks, the history of the flag, the history of National Flag Day, President Woodrow Wilson's 1916 speech proclaiming June 14 as National Flag Day, the most significant dates on which the flag is flown, and instructions on the proper way to display the American flag . . . to all teachers, student leaders, college professors, and ministers in our area. This is being done in hopes that they will find an opportunity to use the information in a class lecture or project, or a sermon, as the case may be.

Channel eight will also be encouraging individual expressions of patriotism by making available, without profit, American flags. All of our on-the-air personalities will be actively participating by broadcasting reminders of the importance of the flag. They will also be appearing at area shopping centers to demonstrate in a personal way, that channel eight is sincere in this effort, and we hope that you will display your patriotism by displaying an American flag.

"Fly It . . . It's Yours."

TIME FOR CONGRESS TO ACT ON HOUSE HUNTING BLUES

Mr. PROXMIRE. Mr. President, an article entitled "House Hunting Blues," published in today's Wall Street Journal, clearly describes the plight of the home buyer and the homebuilder as a result of the high interest rate policy of the administration and the Federal Reserve.

Effective interest rates for mortgages in May averaged 7.64 percent—and this was before the prime rate went to 8.5 percent.

In some places, seven to eight points were demanded by financial institutions for housing loans. Points are nothing more than an advanced payment of interest and are used to circumvent usury laws or ceilings on mortgage interest rates.

In addition, the size of the downpayments have been rising and the price of the houses themselves have gone up as much as 1 percent per month.

The higher price for houses, the increases in the interest rates, the larger downpayments, and the demand for points have all worked effectively to greatly reduce the demand for privately built conventional housing.

Once again, the policies, and lack of policies, of the administration and the Federal Reserve Board have made housing bear an unfair and unreasonable burden. Once again, housing has borne the brunt of high interest rates and tight money policies.

In the meantime, the fundamental means of fighting inflation have been studiously avoided. We cannot stop inflation by tinkering with monetary policy and by merely raising interest rates.

We need to cut expenditures—especially those for unneeded and wasteful military items, the excessive spending for the space program, and for highways and other public works. And this will take Presidential and administration leadership which until now has not existed.

This is the way to stop inflation. But such policies have not been forthcoming. In the meantime, housing has once again been required to take an unfair burden in the fight against inflation. And even worse, it is a burden and a sacrifice which is unlikely to solve the basic problem.

I ask unanimous consent that the Wall Street Journal article, detailing the particular problems in the homebuilding industry as a result of the excessively high interest rate policies now being pursued, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 25, 1969]

RISING INTEREST RATES, HOME PRICES DISCOURAGE MANY WOULD-BE BUYERS—HOUSING START FORECAST DIPS BELOW YEAR-AGO FIGURE; DOWN PAYMENTS RAISED

A Philadelphia accountant who has combed the Main Line suburbs for the past six

months in search of a home tells a tale of woe.

"The prices are simply outlandish," he moans. "We started out looking at the $35,000 level, but when you mention that price to a broker he just laughs. We looked at one house for $43,000 that had ceilings so low that you couldn't maneuver—you'd have to walk around like a hunchback. Another place for $42,000 had a tiny kitchen. It also was dark, dingy and dirty."

The accountant has slowed his search lately, but not because he wants a home any less. "With interest rates like they are, we probably couldn't get a mortgage even if we found a decent place," he says gloomily.

The Philadelphian's plight illustrates the extreme difficulties home hunters all around the country are having these days. Bankers, real estate brokers and people in the market for houses agree that the current housing squeeze is the worst in recent years. Few predict it will get better in the months ahead.

Behind this situation is a demand for money from all sectors of the economy that has sent interest rates soaring to all-time highs. On June 9, bankers raised their prime rate—the interest they charge their most credit-worthy corporate customers—to a record 8½% from 7½%. It was the fifth prime rate boost since December and the first full percentage-point increase since 1945.

Mortgage interest rates also have been rising sharply. The Federal Home Loan Bank Board reports that the effective interest on conventional new home loans averaged 7.64% in May, up from 7.3% in January and 6.84% in May 1968. Savings and loan associations are the nation's biggest mortgage lenders, and in recent months their supply of new funds has slackened as depositors have sought higher returns elsewhere. This trend may reduce their lending activity.

The maximum interest rate that lenders can charge on mortgage loans guaranteed by Federal agencies still stands at 7½%, but it's expected to rise to 8% shortly to reflect money market realities.

High-priced money is threatening to dry up the already meager supply of homes on the market. Builders complain that money for construction loans is scarce at precisely the time they need more of it to cope with rising labor and construction materials costs. The result is a cutback in their home-building plans.

The National Association of Home Builders, a Washington-based trade group, earlier this year predicted that about 1.7 million new homes would be started in 1969, about 13% more than in 1968. Six weeks ago it revised that estimate to forecast a 3% drop for the year. Now "we are going to have to revise that figure down again" as a result of the effects of the most recent prime-rate increase, says Michael Sumichrast, chief NAHB economist.

A shortage of new homes means that prices of existing homes are going up rapidly—more than 1% a month in some metropolitan areas. But homeowners are reluctant to cash in on this bonanza because it would entail braving the bruising housing and mortgage markets again for another home.

SCARED OFF

"A guy will hear about the big prices people are paying for homes and come in to see about selling his," says Frank La Rosa, a real estate broker in Westbury, Long Island, N.Y., "When he sees the current interest figures, he says, 'My God, I can't give up my 5% mortgage for those rates.' He decides to add a room to his present house."

Mr. La Rosa says he currently has about 25% fewer home listings than at this time a year ago.

The situation is much the same elsewhere. "I could get you $3,500 more for your home today than last year," Cleveland real estate man Lloyd A. Lehman tells one former customer. "But I can't guarantee you that I'd be able to find you another home."

The mortgage money-housing pinch is especially severe in states where usury laws have pegged the maximum interest rates that banks can charge on conventional home loans well below the returns available from other types of lending. In Illinois, Michigan and Pennsylvania, for instance, the maximum mortgage interest rate is 7% (though banks can get 7½% on loans guaranteed by the Federal Housing Administration and the Veterans Administration). In New York and New Jersey, it's 7½%.

Lenders in some areas can circumvent those limits by tacking service fees known as "points" on home loans they make; a "point" is equal to 1% of the amount of the loan, and it must be paid in cash when the loan agreement is completed.

In Michigan, where the law doesn't permit lenders to add "points" to conventional home loans, many have simply stopped making such loans. They are adding up to seven points on FHA-backed mortgages.

In the Chicago area, some financial institutions responded to the latest prime-rate increase by boosting their points on 7½% FHA loans to 8½ from five. At that rate, the service charge on a $20,000 mortgage comes to a whopping $1,700.

DOWN PAYMENT REQUIREMENTS RISE

Lenders also have moved to make it tougher on potential borrowers by raising down-payment requirements in the Chicago area, down payments on conventional mortgages range from 30% to 40% of the home price, up from 20% to 25% just two months ago. Savings and loan concerns in Chicago insist they still are investing most of their funds in local home mortgages, but real estate men dispute this.

"The lenders have let us down completely," asserts one real estate salesman in a suburb north of Chicago. "They're either sitting on their money waiting for the usury rate to go up (such a bill currently is pending in the Illinois legislature), or buying out-of-state mortgages at higher rates. I've had four deals collapse in the last two weeks because my people couldn't get mortgages."

Home lending hasn't stopped in New York and New Jersey, but many lenders have cut back their activity by accepting mortgage applications only from their own depositors or from customers of real estate men with whom they do a lot of business. And a few of them have begun casting a warier eye on loan applications from savings account holders.

"The other day we gave a $22,000 mortgage at 7½% with a 25% down payment to a man who had a $2,800 savings account with us," says Cadman H. Frederick, vice president of Suffolk County Federal Savings & Loan on New York's Long Island. "It turned out he deposited the $2,500 the day he asked for the loan and withdraw $2,400 of it the day after he got his mortgage. From now on we're going to check on how long people have had savings accounts with us."

Low and middle-income house hunters are feeling the housing squeeze most. Rising building costs have pushed many new homes out of their reach, and they are having an increasingly tough time making the monthly payments required by today's high interest rates.

In Philadelphia, for instance, A. P. Orleans & Co., a large building concern, offered row houses for $17,000 a year ago; the same house sells for $18,500 today. "We are rapidly losing the bottom of the market," says Edward Borowsky, the firm's sales manager.

In San Francisco, "there's slim pickings in the $20,000 to $25,000 range," says Lee Barrett, president of Leland Barrett Realty Co. Real estate men there say few houses are being built to sell at those prices, and price increases have taken existing homes out of that bracket.

According to some real estate men, the housing pinch also is affecting the well-to-do. Says Joe George, manager of William E. Doud Real Estate in the prosperous Los Feliz section of Los Angeles: "The $100,000 homes aren't selling as well as they used to. People just don't want to borrow that kind of money at today's interest rates." (Mortgage interest runs as high as 9% in Los Angeles.)

At best, the housing pinch is causing home buyers to lower their standards and stretch their budgets. Mr. and Mrs. Charles Williams started out last March looking for a three-bedroom home near New York; they wanted to pay about $25,000 and to put $5,000 down. The Williamses' found a $25,000 home in Fanwood, N.J., but they had to put down $5,900 and settled for two bedrooms and an attic they will have to convert into a third bedroom. "After three months of looking, we felt lucky to get what we did," says Mrs. Williams.

A Philadelphia machine shop superintendent and his family fared worse. They sold their 23-year-old row house for $12,000 two months ago because "the way the neighborhood was changing, we figured it was no longer safe for our daughters," says the wife. After looking at some 30 homes in suburbs north of the city, they settled for an apartment. "We found just one house in our price range—at $24,900," she says. "The roof leaked and the floors needed refinishing. It would have cost us another $5,000 to make it livable."

VALEDICTORY—FRANK M. GOLLOP

Mr. HATFIELD. Mr. President, today's youth are rebelling. No one can argue that point. They are rebelling against what they see as the hypocrisy of a complacent generation. While I do not condone the violence that has erupted on some of our college campuses, I do believe that the youth of today are telling this country some very important things. I think that it is up to all Americans to listen. They do not disbelieve in the basic ideals upon which this country was founded. Rather, they condemn the lack of full implementation of these ideals.

I hope, Mr. President, that we will become not repressive against our young people, but receptive to their thoughts and their uncompromised idealism. We should begin to listen to intelligent voices in all segments of our society.

For the benefit of Senators, I ask unanimous consent to have printed in the RECORD the valedictory address given by Frank M. Gollop at the University of Santa Clara on June 14, 1969. I commend this address for its clarity, its maturity, and its honesty.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Aristotle once said, "Man, by his very nature, desires to know." It is this age-long impulse to know that which is true and to follow that which is good which has been the determining factor in lifting mankind through history.

This quest progresses, however, only through the medium of clash. Political revolutions, for example, are inaugurated by a growing sense that existing institutions have ceased to adequately meet the problems. In much the same way, scientific revolutions are inaugurated by a growing sense that existing theories have ceased to function adequately in the exploration of nature. Whenever the

"status quo" has been recognized as failing, the time for change has arrived.

It is this very sense of society's malfunctioning that is the catalyzing agent for the present social revolution. In short, twentieth century institutions are failing to answer questions, basic to man's existence. For example:

How can a Black or Brown man become convinced of his self-worth and our sincerity when the press continually misrepresents his activities, when his political representatives are unresponsive to his hunger, and when business will not employ him?

How do we cure America's poverty when society insists on sending a man to the moon?

How can an eighteen year old boy justify killing another youth, a Vietnamese, whom he has never met?

America's youth has only recently intuited this sense of malfunctioning and is presently searching for solutions. While the feasibility and worth of many suggestions may be legitimately questioned, one thing is certain: the record clearly shows that the needed remedies cannot be measured in a test tube, argued in Congress, or satisfied by economic graphs. The present crisis is significant because it provides an occasion for the complete structural retooling of society.

And so, in desperation, youth are turning not to science, not to politics, not to business but to the university—for here imaginative solutions have traditionally been sought.

But, unfortunately, rather than uncovering centers of imaginative thought, students are finding that the primary reasons for a college's existence seem to be found either in the mere knowledge conveyed to the students or in the mere opportunities for research afforded to the faculty. Consequently, facing urgent problems, an unresponsive structure, and incapable universities, students are protesting.

The challenges they are leveling at campus administrators across the nation, and Santa Clara was no exception this year, is based on a premise which I think Alfred North Whitehead summarizes so well in the statement, "The justification for a university is that it preserves the connection between knowledge and the best of life by uniting the young and the old in the imaginative consideration of learning." The true university imparts information, but it imparts it imaginatively. This is the function it must perform for society. A university which fails in this respect has no reason for existence.

The atmosphere of excitement arising from imaginative consideration, transforms knowledge. A fact is no longer a bare fact; it is invested with all its possibilities. It is no longer a burden on the memory; it is as Whitehead said, "energizing as the poet of our dreams, and as the architect of our purposes."

Youth is imaginative and, I am encouraged by the belief that, if the imagination be strengthened by experience this energy can in great measure be preserved through life. The tragedy of the twentieth century world is that those who are imaginative have but slight experience and those who are experienced have feeble imaginations. The true university must weld both together in a balanced tension. It is this transformation of Santa Clara from a good school of education into a center of imaginative thought that this graduating class has witnessed this year.

Admittedly, this transformation is far from complete, but the direction has surely been established. During this past year, Santa Clara has become aware of the power students must have in determining university policy and has imaginatively created the "President's Council;" Santa Clara has become conscious of the unconscious racism on campus and has imaginatively created an ethnic studies program and a scholarship fund for minority students; and, most recently, Santa Clara has become aware of the freedom and responsibility necessary to successful community living and, I am confident, will imaginatively create a dormitory policy promoting student maturity.

It is in this increasingly potent atmosphere of continual re-evaluation and change that our imaginations have been nourished, our experiences broadened, and our development encouraged.

Inevitably, the puzzling question is asked: If Santa Clara has become imaginatively aware and creative in such a short time, how has it been able to do so both quickly and non-violently? The answer, I believe, is simple: Beyond our obvious advantage of limited size and our blessing of freedom from state censorship and control, Santa Clara is singular in that it is Christian.

A presumption of an ultimate unity directs Santa Clara's education. It finds expression in a sense of wholeness and openness to all expressions of humanness.

Man exists in brokenness and separation; his life is fragmented. Consequently knowledge is necessarily diffused and the unity of understanding possible for Man is an imperfect one. As C. P. Snow and others have suggested, this fragmentation results in the impoverishment of culture.

A Christian education involves the recognition that knowledge is fragmented and that disciplined study and investigation requires division, specialization and concentration. But combined with this acceptance, is an insistence that real understanding and wisdom cannot be compartmentalized, that the various methods and expressions of man's knowledge are parts of a greater whole, and that this whole is one truth.

Santa Clara has been able to move quickly and effectively because its imaginative creativity works from and builds on a foundation of unifying wholeness rather than like many state institutions, from a sea of transient experiences.

With all this in mind, I would like to address myself for a moment solely to those who have come to witness the graduates receive their diplomas.

Remember, the mind is never passive. It is perpetual activity, delicate, receptive, responsive to stimulus. Its life cannot be postponed until the university has finished sharpening it. Whatever interest is attached to the classroom's subject matter must be evoked here and now; whatever powers are strengthened in the pupil, must be exercised here and now; and whatever possibilities of mental life are imparted must be exemplified here and now. Imagination cannot be acquired once and for all, and then kept indefinitely in an ice box to be produced periodically in stated quantities.

With this in mind, view campus disorders not with fear but with pride for the imaginative life is not a stage of life but a way of living. Surely, I condone neither the destruction of property nor harm to anyone—this should be made clear; but let me also make clear that while the pressure placed on university officials has been great—for many, unbearable—their obligation to society is large.

Given the urgent need for change, the inability of the present structure, and given the hope of a university, then the only thing we have to fear is society's intoleration of imagination.

Finally, addressing myself to the students, I pose one fundamental challenge. While the initial discipline of imagination requires that there be no responsibility for immediate action and while no concrete organization must be established, we all face the burden of leaving the womb. No longer will we be able to enjoy the university's leisure, its freedom from restraint, its freedom from harassing worry, the great variety of experience, and the stimulation of other minds diverse in opinion and equipment. Reflection on this has made me fully aware of what so many before me have referred to as the "cold cruel world."

Four years have taught us much. Gaining from the realism and experience of others, our idealism has been tempered so that our consciences are strong and our convictions firm. My only challenge to this class is to employ our imaginations and maintain our convictions.

To make my point perfectly clear, I point to those male graduates who have decided to wear the white arm band of protest against the military. I sincerely applaud your courage and will always guard your right to follow your imagination and your conscience. I only hope that you will carry your message beyond the campus boundaries by living a life consistent with your convictions. In short, when your student deferment expires, I ask you to reread your published statement of today and employ the courage you have displayed by applying for the status of a conscientious objector. For once having left the university womb, to compromise by joining a reserve unit, to evade the draft by changing your address, or to escape it all by leaving the country would make today's protest, at most, superficial. Remember, a life of inconsistency and continual compromise is worse than the most complacent patriot.

The gift which the university has offered us is the old one of imagination, the lighted torch which passes from hand to hand. It is a dangerous gift. Left free, there is nothing it will not question, reconsider, analyze. Left free, convictions will result which while they must continually be re-evaluated, must be acted upon in a consistent, unified life.

To all present, I suggest that if we are timid as to that danger, then the proper course is to shut down our universities. With the class of 1969, I share the final thought that not to be timid to that danger is the greatest gift that we could ever give to the University of Santa Clara.

THE UNIVERSITY OF WISCONSIN-MILWAUKEE CHANCELLOR ON "THE STATE AND THE UNIVERSITY"

Mr. NELSON. Mr. President, I wish to bring to the attention of the Senate a speech given by Dr. J. Martin Klotsche, chancellor of the University of Wisconsin-Milwaukee, entitled "The State and the University."

Dr. Klotsche is an eminent educator, and in his long service to the University of Wisconsin at Milwaukee has built it into a world renowned university with an enrollment of nearly 17,000. In his long and distinguished career at the University of Wisconsin-Milwaukee, he has emphasized service to the urban society in which the university is located and from which its students come and return to. His success in this important approach has made the school an intricate part of the Milwaukee community and it now functions in a wide variety of community activities.

Dr. Klotsche stresses decentralization of university control and independence in decisionmaking so that the university can best serve the many demands made on it. He also recognizes that the "university above all else must strive to be respected rather than popular. It cannot be all things to all people and expect to survive."

I ask unanimous consent that Dr. Klotsche's "Chancellor's Night" speech of February 18, 1969, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Chancellor's Night is an appropriate occasion to call attention to the important role that both the university and the city play in our society, for both the metropolis and the urban university are assuming dominant positions in the closing decades of this century. That we are an urban society has now been fully documented. In 1960, 70 per cent of our population lived in cities, while five American cities—New York, Chicago, Los Angeles, Philadelphia and Detroit—accounted for 20 per cent of the nation's total population. Eighty-five per cent of our population increase between 1950 and 1960 occurred in the 212 standard metropolitan areas. During that period our urban population increased in all 50 states of the Union; in four states it doubled. In contrast, our rural population declined in 28 states.

The urban trend in this country is irreversible, for a society based on science and technology is inevitably urban. Whether we like it or not, our cities are here to stay.

And so are our universities. They have always been important institutions in our society, but with a rapid industrialization and advance in science and technology, they have become central in providing trained manpower, in advancing new knowledge and breakthroughs, and in applying that knowledge to the problems of the day. And the university in the city has a peculiarly unique function to address itself to the problems of the city and participate actively in the struggle for the survival of our cities.

It should come as no surprise to anyone that institutions as volatile as the city and as the university should both find themselves in deep trouble. At every turn our cities are plagued with problems, whether traffic and parking, environmental pollution, recurring fiscal crisis, racial tensions, or aggravated problems in the ghettoes. Our universities, too, are in distress. Student protests, disruption and violence are prevalent on many college campses. Universities everywhere are faced with increasing financial strains. Increasing demands are made upon them for services, and therefore they are overextending themselves, often carrying on activities beyond their resources. Our urban universities are no exception.

Yet, in their common struggle for survival, the city and the urban university have much in common. The city is the university's laboratory. In a very real sense it is the campus of the university. Its schools, its courts, its welfare agencies, its businesses, its medical and health facilities, its governmental institutions, are all learning situations for university students. The problems of the city present ideal case studies for the student and scholar, and provide unparalleled clinical situations. Opportunities for volunteer service and involvement in community action are unlimited.

The university in turn makes its impact felt on the city. Its graduates are placed in industry, government and education. Its faculty are sought after by public and private bodies to advise and consult. Its public service contributions can be significant. It enriches the artistic, cultural and intellectual life of the area.

There was a time when the university could remain in the ivory tower and take a detached role. But now it must step down from its ivory tower, whether it likes it or not, for the problems of the city can no longer be ignored. How the university can best involve itself in the life of the city is not easy to determine, and the terms on which the university should participate are not easy to define.

For the university is not a monolithic structure with all power and authority vested in the office of the chancellor. One cannot properly speak of "the university" with decision-making responsibilities emanating from one central source. Rather, the university is a highly decentralized institution consisting of a number of component parts. It has schools and colleges, departments, centers and institutes, each with its own responsibilities and programs and a high degree of independence in such matters as faculty appointments, program development, and academic thrust. To an outsider such decentralization may appear to border on anarchy, but inside the university there is strong sentiment that this is what gives to the university vitality and freshness, even though it often becomes difficult, at times impossible, for the university to organize its resources for an attack on a community problem.

The problems of the university committed to an urban role are also made difficult because the resources of the university are not unlimited, while requests for services, involvement and participation are constantly mounting. It therefore becomes necessary for the university to establish priorities and to determine on a highly selective basis what should be attempted and where it should put its chips. In so doing it must be prepared to say "No" to many requests and incur the disfavor of those who have been denied its services. The university above all else must strive to be respected rather than popular. It cannot be all things to all people and expect to survive.

Now let me report more specifically on the state of the University of Wisconsin-Milwaukee. Where are we here in Milwaukee and where do we want to go?

1. Our enrollment continues to increase steadily at a rate of about 8 per cent a year. Last fall we enrolled almost 17,000 students and should reach the 20,000 mark in the biennium of 1969–71. At the undergraduate level we still draw predominantly from this metropolitan area, with only about 3 per cent of our undergraduate students from out of state. Our undergraduates have other interesting characteristics. Our student profile shows that they are older, that a higher percentage are married, and that more of them are working than is the case on a residential campus such as Madison.

Our student body is less activist than is the case elsewhere, although there are now indications of greater student involvement in the affairs of the community and a more substantial interest in the affairs of the community and the nation. We had our own black demands last spring, are engaged in discussions now on this matter, and no doubt will have many more before the year is out. The number of our black students is still a relatively small percentage of our total (not more than 2 per cent), but we are working hard to increase the number of disadvantaged students enrolled here.

We are most encouraged by the results of a new experimental program that was begun last fall. A group of about 75 high-risk students, not admissible by normal standards, was admitted through a careful program of selection, based not so much on the traditional tests but on such factors as personal motivation and individual consultation. On admittance, individual counseling and tutoring programs were developed for each student, and at the end of the semester 63 per cent of them survived their academic program.

We are indeed encouraged by this result and intend to expand and further develop this program.

Our graduate enrollments have shown the greatest growth. To be sure, enrollments plateaued off this year because of uncertainties related to the draft, but we feel this is only temporary. There are now over 2,500 students enrolled in more than 50 Master's and eight Ph.D. programs. They represent 15 per cent of our total enrollment compared to 5 per cent ten years ago. In time, one fourth of our enrollments will be graduate students.

We also are continuing to develop our programs for the part-time student. There are now almost 4,000 in this category, many of them enrolled in evening and late afternoon hours. The university in the city has a special responsibility to the adult who wants to continue to learn to keep up in his own field, to assist in his professional advancement, or to contribute to his personal self-fulfillment. We view with some concern recent proposals to limit the enrollment of the University of Wisconsin—Milwaukee, if this should result in discouraging the expansion of our continuing education program.

2. We are pleased with the results of our faculty recruitment in spite of tough competition which we face in the academic market place. There are over 2,000 institutions of higher learning in this country competing for college and university teaching talent. The State University of New York alone needs to recruit 15,000 new faculty members by 1975. We now have almost 700 full-time faculty members, and our departments and administrators are engaged in a year-round effort to recruit new faculty. In our areas of concentration related to our urban mission, we are attracting distinguished people with world-wide reputations. Our Center for Great Lakes Studies is attracting national attention because of the faculty who are teaching and conducting research there. The Fine Arts Quartet, in residence on this campus, is world renowned. The College of Applied Science and Engineering this year attracted a core of three faculty members, specialists in engineering materials, from the Massachusetts Institute of Technology, as a result of a generous gift from the Pelton Steel Company of Milwaukee. Our theoretical physics group is nationally known and last year attracted to this campus physicists from all over the world.

3. In the area of program development we have now finally resolved the question of major status. There are now to be two major public universities in the State of Wisconsin—one in Madison and the other in Milwaukee—offering in addition to undergraduate work a wide variety of professional and graduate programs leading to the doctorate. There are now eight professional schools at the UWM, and a medical school has been approved by the Board of Regents and the Coordinating Council for Higher Education. We are particularly pleased with the development of our two newest professional schools. We already have over 425 students enrolled in our School of Nursing, and our School of Architecture which was created in July of 1968 will have over 100 students enrolled in the third year of the program in the next academic year. We now have eight approved Ph.D. programs at the UWM and plan to add other doctoral programs at the rate of about one a year until we reach a goal of 20 or 25. We do not intend to duplicate or match the Madison campus in the development of doctoral programs, but we do intend to be selective and concentrate on specialties that are unique to Milwaukee. The approval by the Board of Regents at its February, 1969, meeting of a Ph.D. in Economics with an urban emphasis is a case in point.

4. Our building program continues to move ahead in a most satisfactory manner. Last spring we dedicated our Fine Arts Center. We now have under construction three residence halls which, when completed in the fall of 1970, will house 2,000 students. Ground has also been broken for a new heating plant, and an expanded Union will be started this spring and should be completed within two years. Our Science Complex which will house our College of Applied Science and Engineering, our Math-

ematics Department and Computer Center is under construction on the west end of the campus. These buildings will have parking facilities attached to them, thereby adding 1,000 additional spaces for this purpose. A General Classroom Building, to house our School of Education and our School of Social Welfare, is in the planning stages, as is a Chemistry Building. Total expenditures for these projects represents a capital outlay of $50 million.

5. Extramural support for the UWM has also been most encouraging. In 1967–68 we passed the $7,000,000 mark in gift, contract and nonstate support for the UWM. In 1956 the total was only a modest $9,000, but we have shown a substantial increase each year since then. A National Science Foundation grant of one half million dollars was given to UWM this past year to develop our Surface Studies program, an interdisciplinary program developed by our Physics and Chemistry Departments in conjunction with the College of Applied Science and Engineering. Milwaukee's Eschweiler family made a substantial contribution for a special professorship in our newly created School of Architecture.

And yet we still have much to do, especially in the area of our public image in this community. We are at least five years ahead of the public understanding of what is going on on this campus. We are continuously at work on the matter of our image. We have created in the last year two advisory committees, one to the School of Business Administration, the other to the College of Applied Science and Engineering. Our Friday evening programs at the Manfred Olson Planetarium have proved so popular that they now are repeated a second time on the same evening. Our School of Fine Arts lists 44 major cultural attractions during the next three months, most of them available to the general public.

Yet we find that parking nuisances, concern over obscenity incidents and neighborhood opposition to our westward expansion at times overshadow our more positive contributions to the city.

We graduated from this University in June, 1968, and this January, 1,700 persons. These young men and women are trained for business, engineering, nursing, education, fine arts, and social welfare. Two-thirds of them will remain in Milwaukee. Last year our School of Education certified 400 teachers, 90 per cent of whom remained in the State of Wisconsin. Our faculty in increasing numbers are serving the metropolitan area as consultants and actively participating in a wide variety of community activities. The Harbor Commission, the Urban Coalition, the Model Cities program, the committee for the reorganization of city government, the Urban Observatory, are but a few examples. I have already referred to the varied cultural activities offered by the University and the visits to the Planetarium, which last year attracted over 25,000 people. Out-of-town visitors are coming to Milwaukee because of the University, and the existence of the University in this community makes Milwaukee a more attractive place to live in and thereby assists business and industry in recruiting personnel.

Contrary to the view of some who contend that the University deteriorates the neighborhood, it is worth mentioning that property values in the immediate area of the University have risen over 30 per cent in the last four years. Once a final decision is made on the expansion of the campus, we can proceed with an orderly and systematic development of the neighborhood. New business and commercial expansion and housing undertaken by private developers will follow, all of which will add substantially to the city's tax base. With a payroll of close to $15 million, much of which is being spent in this area, another $5 million spent for goods and services, $50 million now programmed for construction, and additional secondary spending stimulated by these dollar expenditures, the University's contribution to the economy of the area now approaches $80 million a year.

The University is clearly an important asset to the community.

It provides education to many young people who otherwise could not attend college.

It makes it possible for a large number of adults to continue their education.

It provides trained manpower in many professional areas now in short supply.

Its faculty achieve research breakthroughs and contribute new knowledge and insight to the improvement of the city.

It provides a wide variety of cultural and educational programs that improve the quality of city life.

It contributes substantially to the economy of the region through payrolls, spending, goods and services.

We are more than an institution that provides low cost education to commuting students, although this should not be ignored as a factor of importance. But in addition we are an institution that affects every aspect of this community's life. We supply trained manpower. We contribute our research talent. We extend our services through expanded programs of outreach.

Our future will not be denied us. We are in the mainstream of American higher education. We are the *urban campus* of a truly great university that has a long tradition of service to the state, nation and world.

AUSTRALIAN ADVANTAGES UNDER THE INTERNATIONAL GRAINS ARRANGEMENT

Mr. HARRIS. Mr. President, I rise to speak at this time with reference to the International Grains Arrangement under which U.S. wheat producers and exporters have operated for the last year.

This past Monday, June 23, there began an International Grains Arrangement meeting in London to discuss the many problems of the world wheat market and the internal difficulties of the IGA itself. At this time, when a comprehensive review of the agreement is being made, it is incumbent upon the Senate of the United States, which approved this treaty a year ago, to take a hard look at at least two of the most striking inequities which have occurred since adoption of this agreement.

I am speaking first of all about the advantages which one of the signing nations, Australia, has taken to the detriment of other member nations, especially the United States.

It is no accident that Australia has been able to undercut our prices in many world markets. By setting up a freight formula based on inefficient vessels and transport techniques, and then doing their actual shipping in larger more modern vessels which are chartered at reduced rates, they have appeared to stay within the price ranges set by the agreement while, in fact, their alleged "compliance" is a covert violation of the spirit of the arrangement.

Under the IGA, the United States is not able to take similar advantage of freight flexibilities since our rates are set by the convention, supposedly as a basis for the other nations to calculate from. I am sure the Australians would not want this situation reversed, with all of the flexibilities in our favor instead, and should therefore be willing to renegotiate the treaty to include a realistic freight calculation schedule. At the very least, they should be willing to comply more fairly under the present system until this problem has been worked out.

Second, I am concerned about the probable loss of a large share of the U.S. wheat market in Taiwan to France. The French have sold wheat at such low prices that there is no way to compete with them under the IGA. We would like to think that no violation of the agreement's minima has occurred but are left almost no choice given the exceedingly low prices at which France is offering its wheat in Asia. Full cooperation by France, as a representative of the European Common Market, is absolutely essential for the present arrangement to operate fairly. Situations like the recent one in Taiwan should be of grave concern to all member nations, not only to the United States.

Our wheat farmers have enough problems already with a reduced market and lower prices generally to have to bear the further burden of countries which refuse to meet their responsibilities under this supposedly cooperative and mutually beneficial agreement.

If nothing is done at London this week, Australia and France should be seriously concerned that our patience may be running out with regard to our support of the provisions of this agreement which are so much to their advantage.

REPRESENTATIVE FINDLEY ON THE COST OF GROWING COTTON

Mr. TALMADGE. Mr. President, Representative PAUL FINDLEY, of Illinois, made use of a remarkable argument before Congress on April 30, 1969, in his effort to have limitations imposed on payments to farmers under the Food and Agriculture Act of 1965. Referring to "a recent study at Louisiana State University," he said: [1]

> The university study implies that, due to economic factors, farmers there would continue to plant cotton even though a payment limitation is imposed. This was clear in the study's analysis of competitive crops to which cotton farmers could turn. In other words, the limitation would not reduce profit on cotton production to such an extent that the land would be planted to other crops. Said another way, taxpayers need not make payments over $20,000 in order to get cooperation in the cotton program.
>
> The same economic factors obviously apply throughout the land of cotton.

Later, on June 10, Representative FINDLEY placed in the RECORD the study on which the above argument was obviously based. It turned out to be a brief analysis entitled "Soybean-Cotton Competition" by Dr. Clyde St. Clergy, farm management specialist with the Louisiana Cooperative Extension Service.

This incident serves to illustrate the extreme distortions of information which are being used to mislead people about the nature of the limitations issue. Dr.

[1] CONGRESSIONAL RECORD, April 30, 1969, p. 10868.

St. Clergy himself is clearly on record as an opponent of payment limitations. He delivered an address entitled "The Case Against Payment Limitations" on March 25, 1969, before the Southern Region Extension Public Affairs Committee.[2] In this address, he made no reference to his study of "Soybean-Cotton Competition" for the obvious reason that he himself recognized it shed no meaningful light on the issue.

Comparing Mr. FINDLEY's conclusions from the study with the actual content of the study itself, let us ask three questions:

First. What does the study actually show about the profitableness of growing cotton?

The study makes no reference to profits and no pretense at measuring the profitableness of cotton production. The only cost figures given are the so-called "variable costs," from which Dr. St. Clergy excludes both the cost of ginning[3] and the interest and depreciation on machinery and equipment. These excluded items of cost are equal to 66 percent of the amount included by St. Clergy under "variable costs" if we take as our authority a study by Hamill and Woolf of Louisiana State University, which St. Clergy used in his analysis.[4] This calculation is based on a cost analysis for medium and large farms, using four-row equipment, in an efficient cotton-growing area of Louisiana in 1967. In addition there are the costs of land ownership, general overhead, and management, which Hamill and Woolf did not attempt to measure. According to the U.S. Department of Agriculture, land and general overhead account for some 23 percent of the total cost of producing cotton in the United States.[5]

Second. What does the study show about the farmer's ability to continue cotton production if limitations are imposed?

There is a theory that the consumers in the United States can count on getting the cotton produced to supply their needs, so long as the farmer's "variable costs" are covered by the income he receives from cotton, and he has no better alternative. Mr. FINDLEY, using St. Clergy's indication that the margin above "variable costs" would be more per acre in Louisiana in 1969 for cotton than for soybeans, draws the conclusion that American farmers will go right on growing cotton even if they are placed under limitations in 1970 and later years.

St. Clergy's study sheds no light on this question one way or the other. The study was designed to help Louisiana farmers make a one-time decision between cotton and soybeans at a time when the decision was right upon them. To do this, St. Clergy had to assume that the farmer had the equipment to grow either crop and therefore would incur the depreciation and interest costs of owning the equipment whether he used it or not. Accordingly these big costs—which are seven times as much per acre for cotton as for soybeans—were excluded from his definition of the "variable costs" to be considered. But if Mr. FINDLEY thinks farmers can go on growing cotton in future years without regard to the cost of buying and owning machinery, he is no great farm economist.

On this point alone, his conclusions become completely invalid. But of course, if farmers are going to stay in production across future years, they must have a reasonable expectation that they can cover all their costs, including the big range of fixed and overhead costs, and that in addition they will get a reasonable return for their effort and investment, just as other business men must do. A reasonable return must include adequate incentive to keep on working and investing in the face of the risks involved, and cotton production is a high risk enterprise.

Third. What does the study show about the comparative production costs of cotton and other farm enterprises?

St. Clergy's cost figures, in addition to having such a limited definition, took account of only one alternative crop in only one State, Louisiana. Even for this comparison, Louisiana's average yield per harvested acre in the last three seasons was 24.7 bushels of soybeans as compared with 620 pounds of cotton, whereas for the 10 other States which grow a substantial amount of both crops, the average was 23.6 bushels of soybeans compared with 435 pounds of cotton. Obviously the yields of cotton were much more attractive, as compared with soybeans, in Louisiana than in the rest of the region.

It is just ridiculous to look at St. Clergy's figures and say, "The same economic factors obviously apply throughout the land of cotton."

Mr. President, in his statement of June 10, Representative FINDLEY referred to those areas where "wealthy farmers get the biggest payments for not growing crops." The campaign to kill the payments program is built on the false and demagogic claims that it is "for not growing crops." Only a minor part of the cotton payments made under the act of 1965 has ever consisted of the diversion payments, designed to discourage plantings above 65 percent of allotments. The largest, or "wealthy" cotton farmers generally tended to plant the full allowed acreage and thus avoid diversion payments altogether. For the growing season now underway, there are no diversion payments at all to cotton producers which are conditioned on diverting acreage. The true purpose of the payments is to help farmers produce cotton and sell it at low, competitive prices in spite of the high cost of production.

A great illusion is being nurtured about the huge size of a few cotton producers. Our national leaders should try to encourage true perspective on the really huge size of our whole country today. If they profess concern for the welfare of consumers, they should relate the cotton problems to the fact that American consumers now spend about 47 billions—yes billions—of dollars annually on clothing, plus a great deal more on other textile products in homefurnishings and other fields. It is extremely important to consumers that our cotton production system be kept alive as a vigorous competitor to the small handful of synthetic fiber companies which are tending more and more to dominate the textile scene. Consumers want and need cotton products, but cotton cannot survive unless it meets the challenge of the synthetics in research, advertising, and all the modern techniques of production and merchandising. One synthetic producer now gets about 1.3 billions—yes, billions—of dollars annually from the sale of fiber in this country. This is about as much as the market value of all the cotton grown by all 300,000 cotton producers combined. Yet Representative FINDLEY deplores the "trend toward bigness" among farmers, not among synthetic competitors. Cotton desperately needs the innovative influence and leadership of its large producers if it is to contend successfully against the enormous firms which are absorbing its markets. The cost-price squeeze applies to the large as well as the small producers. If the larger ones are killed off or driven out of cotton by discriminatory limitations, all cotton producers and all textile consumers will suffer.

It is a supreme irony that Representative FINDLEY selected Dr. St. Clergy's study to use in his campaign against payments to the larger farmers "for not growing crops." The truth is that the occasion for the St. Clergy study was the very fact that diversion payments to cotton had been generally eliminated with respect to the 1969 crop. He was trying to help Louisiana farmers make short-term decisions under this very situation.

Dr. St. Clergy himself, whom Representative FINDLEY has chosen to publicize, points his finger straight at the connection between welfare and limitations in the address mentioned above. If payments are to be withheld from all farmers except those of very modest size, then the question is immediately raised whether the farm programs of the future will "continue to be directed toward maintenance of an efficient agricultural plant that will guarantee the consuming public a steady supply of commodities at fair prices."

Or will they, he asks, become "welfare oriented" programs. It would be a good idea for Representative FINDLEY and all those of kindred minds to ponder Dr. St. Clergy's conclusion:

> If limitations are going to be enacted, then I contend that farm programs should be placed under the administration of the Department of Health, Education, and Welfare.

CONSERVATION IN THE CITIES

Mr. NELSON. Mr. President, earlier this spring Mrs. Donald E. Clusen, of Green Bay, Wis., spoke at the 34th North

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[2] Mimeographed address, distributed by Louisiana Cooperative Extension Service.

[3] Ginning is excluded on the assumption that this cost will be offset by the gross revenue from the sale of cottonseed. This assumption is supported by experience in most years of the past, but the cottonseed support prices announced for 1969 indicate that this is a most unreliable assumption for the future.

[4] *Data for Farm Planning in the Ouachita River Valley Area of Louisiana*, D.A.E. Research Report No. 374 (Louisiana State University, Agricultural Experiment Station, June 1968).

[5] *Costs of Producing Upland Cotton in the United States, 1964* (Agricultural Economic Report No. 99) with Supplement for 1965 and preliminary report for 1966.

American wildlife and natural resources conference general session in Washington, D.C., on the topic "Broadening Conservation's Constituency."

Mrs. Clusen's remarks centered on the problems of promoting conservation in an urban environment. Mrs. Clusen said:

The most predominant block is lack of identification on the part of "city people" with conservation groups.

Mrs. Clusen went on to say that conservation is more than just a national park, an oil slick off the Pacific coastline, or a summer vacation. Conservation relates to the total environment, including all the physical discomforts of urban life. The challenge is to the conservationist, to bring the relevancy of conservation issues to city problems and to create an awareness on the part of city dwellers to this relevancy.

Mrs. Clusen, the second vice president of the League of Women Voters of the United States, has long been concerned with the quality of the environment. As national chairman of the Water Resources Committee of the League of Women Voters, she has often been a speaker at land and water use conferences and at conservation group meetings and service clubs. She has often given testimony on behalf of the League before various committees of the House and Senate in Washington, urging passage of legislation to promote comprehensive long-range planning for conservation and development of water resources and improvement of water quality.

I ask unanimous consent that Mrs. Clusen's speech to the North American wildlife and natural resources conference be printed in the RECORD so that all may have the benefit of her thoughtful comments on broadening conservation's constituency.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BROADENING CONSERVATION'S CONSTITUENCY

(By Mrs. Donald E. Clusen, at the 34th North American Wildlife and Natural Resources Conference General Session, Mar. 5, 1969, Washington, D.C.)

On behalf of the League of Women Voters I should like to congratulate you upon the choice of theme for your conference this year—"Conservation In An Urbanizing Society." This choice denotes a concern and an awareness of the fact that the problems of human resources and natural resources are inextricably interwoven. My organization shares this attitude with you and welcomes the dedicated conservationist as an ally in trying to find the means to cope with the monumental problems facing people and with the relationship of people to their physical environment.

The need and the dimensions of the resource crisis of the 1970's has been well documented and eloquently expressed during the past two days of this conference. It is altogether appropriate that this final session be devoted to the actions needed for the job ahead. The League is honored to have this opportunity to share with you our thoughts on how to broaden the base of those who seek solutions to conservation problems in an urban age.

It occurs to me that there is merit in attempting to identify the blocks which exist before trying to propose solutions. Therefore, I pose the basic question: Why haven't people in cities flocked to conservation's banner? Supported conservation causes in large numbers? Assisted in funding conservation needs enthusiastically? Applied the skill and knowledge of the conservationist to urban environments? I am sure there are many psychological and human factors involved in the response to this question, but in our few moments here together I should like to suggest three basic blocks to the acceptance of conservation's cause by urban leadership and to propose three basic remedies for these blocks.

To my mind, the first and most predominant block is lack of identification on the part of "city people" with conservation groups. Conservationists have somehow failed in semantics and in human contact with those who live in urban areas, failed to communicate real concern for their physical environment and their conservation problems. If you live in an over-populated area with little or no open space, few parks, only an occasional tree—if you are accustomed to the fumes which accompany city life, unable to swim in the closest river, it is difficult for you to relate these problems to the image which is evoked by the word "conservation." To the average urban dweller "conservation" means something which has to do with the Grand Canyon, the deer hunter, the fisherman, and the bird watcher but has little or no relevance to the city dweller and his daily problems of existing in a metropolis. If he thinks about these things at all, it is in terms of making his vacation plans or the amount of his tax dollar that is being spent to support camp grounds, clean up the oil slick off the California coast, or build a dam in the West. It is something "out there," and those who are conservation adherents are, to him, for the most part, almost as alien as a man from outer space. It would never occur to the usual city resident, unless he has deep roots in the soil or an unusual concern for his environment, to seek out the local chapter of any of the numerous conservation groups in his area. The city dweller simply does not identify the word "conservationist" with himself nor the word "conservation" with his urban physical discomforts.

The second major block follows along the same line. In addition to lack of identification with conservation groups, the urbanite fails to identify his environmental problems as conservation problems. He knows he can't swim in the river at his doorstep because it is polluted—or catch fish in it—or go boating on it—but he fails to make the connection between this fact and the conservation groups which worked so hard during the setting of water quality standards last year. He knows the trees on his block are dying—or being removed to make way for a wider street or an urban renewal project—but he makes no connection between this loss of trees and the work of conservation groups with urban planners and city engineers and the state resource agency to save some greenery—some open space—in the city. He knows that when it rains his newly-developed area is a sea of mud, his basement is flooded, his street impassible, but he doesn't think of this in terms of the work conservation groups have done in the establishment of building procedures to prevent soil erosion or to achieve comprehensive planning. The urban man does not regard any of these problems as conservation problems. He sees them as problems of city government, or the price of progress, or a fact of life with which he is so accustomed to coexist that he ceases to see it at all.

The third block to vital growth in conservation groups from the urban segment is lack of awareness on the part of the latter of the aid—the expertise, the warmth, the helping hand—which is available to him from conservation interests, both public and private. Somehow in the barrage of words from conservationists, we have failed to convey the message that we care for people as well as trees; for the city as well as the country; for man as well as moose; for the city park as well as the national park. We have also failed to give high visibility and priority to the tools and the technology possessed by conservationists to remedy some of the ills of the city. We have not related well the know-how and willingness of conservation leaders to serve the cause of urban environmental problems—nor have we crossed the semantics barrier which exists.

There has been much debate in the past few years about the terms "conservation" and "preservation." To the uninitiated the meaning of either term and the distinction between them is cloudy. In the minds of city dwellers, the issue is no more resolved than it was in the last century. I personally prefer the definition of Dr. Raymond F. Dasmann, Director of Environmental Studies for the Conservation Foundation, who says, "Conservation is now defined as the rational use of the environment to achieve the highest quality of living for mankind." This definition has relevance to urban areas and sets forth a goal and a hope of a quality environment for urban as well as rural areas.

These three blocks then, I see as the major problems—

City dwellers don't identify with conservation groups;

City dwellers don't see their environmental problems as conservation problems;

City dwellers are unaware of the tools and the willingness of conservationists to assist them.

How to overcome these problems? I am going to propose in explicit and somewhat elementary terms some possibilities to you, because I believe that this is the point at which we must cease to be philosophical and be practical; this is the point at which we must stop being theoretical and become concrete.

First, conservationists must show a renewed interest in the people and the leaders and get to know those who live in the city. We must go to them—where they live—and speak their language. This power structure will not be the one with which we are accustomed to dealing, and it will not always be either pleasant or polite. There will be resistance and disbelief, apathy and a tendency to regard you as dreamers who live in an unreal world. You will need to seek out, at every opportunity, the leaders of urban groups, the spokesmen for the ghettos of the inner city, the heads of labor unions, the officials of city government. You will need to work to identify the people who are interested in the cities and the people who live in the cities. As in approaching any other new audience, you will need to make new contacts and learn about them in advance. What are their goals? What motivates them? You will need to be prepared for rebuff, for you will be seeking out not conservation's natural allies—as we so often recommend—but its un-natural allies!

Urban dwellers do not automatically care about the same things as conservationists and so the burden of proof is on you—to commit yourselves for the long haul; to prove that you care what happens in the cities; to show that you are willing, indeed eager, to accept these citizens as co-workers and make their causes yours. You will need to work more intensively with the ward politician, the city planner, the urban renewal architect, the businessman's luncheon group, the community action boards.

The mantle of purity and the aura of pristine virtue which surrounds the concept of conservation in the minds of the man on the city street must be blown away. You will need to demonstrate graphically your willingness to identify with the city. An im-

portant principle of opinion-building—the identification principle—is involved. To accept an idea or a point of view, the people we are trying to reach must see clearly that it affects their personal desires, their hopes, or their interests. Identification has to do with self-interest. The problems which concern conservationists must be made meaningful to city people in ways that are observable and measurable from the point of view of their lives, in ways they will understand, in ways that will cause them to act.

How do we do this? Mainly it requires the ability to see things as others see them. We must project ourselves into the minds of other individuals or groups whose background and point of view may be quite different from our own. Such projection requires understanding and imagination, but you are imaginative people. Developing this ability to understand the attitudes and emotions of others will make the difference in bridging the communications gap which faces conservationists as they attempt to enlist city residents for their causes.

In order to further identify conservation groups with urban residents, we need to face the second block—that of helping these citizens to see their environmental problems as conservation problems and our goals as relevant to them. Perhaps the best way to achieve this is to try to bring it all closer to home. For example, those who live in the city do care about where their children play; they do want to be able to find a green belt and some open space in or adjacent to the city proper. These are goals which they can understand and can identify with close to home, and it is with these immediate concerns that conservationists must cope if they are going to reach and motivate this wider base.

People do not buy ideas separated from action—either action by the sponsors of the idea or action which people themselves can take to prove the merit of any idea. Unless a means of action is provided, people tend to shrug off appeals to do things.

Another basic axiom is that people must be involved in the selection of the goal in order to care about its achievement. Therefore, it behooves us, in opening our dialogue with the city, to attempt to find out what not only the leaders but the people want in the regeneration of their city.

When you know what the people who live there want for their neighborhoods, you will know how you can help them take some productive action to get it. One good case history of a small project in a major metropolitan area—a new park established or an old one saved—a place for walking, picnicking, relaxing, just beyond the city limits—a small waterfront area which offers brief respite from a bustling city—any of these things will do more to bring adherents to conservation from the ranks of the population of that city than thousands of acres added to a national park 2000 miles away.

The need is great for higher visibility to be given to the desire and the ability of conservationists to assist in achieving a quality environment in urban areas. We must devote as much thought, as much creativity, and commit as much personnel and funds to this end as to reaching citizens in other areas of American life. Conservation programs, publications, possibilities for action must be made a part of the program of every organized group in the city if the message is to be extended. A great deal more needs to be done through the schools and children need to be reached at a much earlier age.

Young urban people will determine the environmental decisions of tomorrow. Their attention must be caught today.

Go to the schools, the news media, the power structure, the community organizations, the government in the cities and volunteer your group's ideas, personnel, and funds to help in rejuvenation of this nation's cities—for failure to do so leaves the ultimate resolution of these questions in the hands of people to whom conservation is only a word.

These then are the challenges and choices which I see for conversationists who want to broaden their constituency. The challenges: lack of identification of city residents with conservation groups, lack of relevancy of conservation issues to city problems, lack of awareness of what conservationists can and are willing to do to aid in rebuilding our cities. The choices: to show an interest in urban problems and to meet urban residents on their ground and speak their language; to bring conservation causes closer to home; to make available and to commit with renewed vigor and open-mindedness, conservation's talents and money to these ends.

In our ultimate desire to preserve the future, we cannot afford to neglect the present. Entire generations grow with scarcely the existence of a green tree naturally grown or a cluster of wild flowers in a field. What dreams can we expect of eyes which have known only sooty concrete and steel? Evermore, urban man finds himself a particle of a metropolis but part of no community; alone against all the problems and nothingness a world beyond his ken has devised. And yet it need not be so. Never before in the history of the world has man possessed so much wealth and power, been master of so much technique and knowledge. It would truly be ironic if he could not bond all that experience and strength to the service of the preservation of his chosen home.

There is, in this room today, the imagination and the knowledge to lead the way to a new understanding of the relationship between conservation and the urban community. The continued survival of the new broader definition of conservation may very well depend upon how well the communication gap with this new constituency can be bridged. It deserves your best men and women, your greatest sense of purpose, your highest priority. Knowing you, I believe you will accept this challenge as you have so many others.

TO INSURE A LASTING AND SECURE PEACE

Mr. PROXMIRE. Mr. President, U Thant, Secretary General of the United Nations, has expressed his opinion that—

> The establishment of human rights provides the foundation upon which rests the political structure of human freedom; the achievement of human freedom generates the will as well as the capacity for economic and social progress; the attainment of economic and social progress provides the basis for true peace.

He is only one of many distinguished public figures who have been able to perceive the important relationship between the safeguarding of human liberties and the maintenance of world harmony and peace.

To insure a lasting and secure peace, nations and peoples all over the world must be ready to fully accept the idea that human rights can and must be secured through international cooperation. Today, I would like to talk about the violation of one of the most basic of human rights which occurs whenever forced labor is present.

The United Nations has not been the only world body working to improve the plight of the oppressed worker. In fact, the constitution of the International Labor Organization—ILO—recognizes that labor is not a commodity. The ILO constitution guarantees all human beings, irrespective of race, creed, or sex, the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. To this end, the ILO has gradually built up a body of 128 international labor conventions and 131 recommendations, the majority of which deal with the protection of certain fundamental human rights and freedoms. One of these is the prohibition of forced labor.

Back in 1951, the U.N. and ILO jointly established an ad hoc committee to study forced labor. That committee found that systems of forced labor currently practiced by a number of nations not only threatened fundamental human rights but also jeopardized the freedom and status of the worker.

This report served as the stimulus for a series of other studies undertaken by the ILO, some in conjunction with the Economic and Social Council of the United Nations. On each occasion, sufficient incriminating evidence was found for repeated condemnations of forced labor as contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights.

In 1956, the ILO urged that action be taken towards the elimination of forced labor wherever it might exist. The U.N. commended the ILO for the action it had taken and expressed its interest in having the ILO take further action. The Economic and Social Council requested the Secretary General to transmit to the Director General of the ILO any information which might be received concerning forced labor. The ILO was, at the same time, invited to include in its annual report to the Council an account of the action taken in this field.

The following year, the International Labor Conference unanimously adopted a new convention—the abolition of forced labor. President Kennedy submitted this convention to the Senate in 1963 where it has lain dormant since then. The opposition to this treaty has centered around the interpretation of clause No. 4 of the first article which states:

> Each member of the International Labor Organization which ratifies this convention undertakes to suppress and not to make use of any form of forced or compulsory labor as a punishment for having participated in strikes.

Detractors of the convention claim that this clause could be construed to prohibit enforcing sanctions against public or Federal employees who strike their employers. For example, it has been suggested that clause No. 4 would pave the way for New York City teachers to strike in direct violation of New York State's Conlin-Wadlin Act. But former Attorney General Ramsey Clark has this to say about the Forced Labor Convention:

> (1) The provisions of the convention are wholly consistent with our Constitution and require no implementation by the Congress or by the legislatures of the States as the rights under these conventions have been enjoyed by American citizens for many years.
>
> (2) The provisions of this Forced Labor Convention actually fall far below our own existing standards of human decency.
>
> (3) The test as to whether a convention is domestic in nature is whether it is an appropriate matter of international concern

and human rights are clearly matters of great international concern.

(4) We must maintain our leadership in the field of human rights.

Mr. President, let us, as Members of the Senate, make the ratification of this convention one of our most pressing concerns. For as Professor Gardner has said:

Ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

THE ABM AND THE GAITHER REPORT

Mr. JACKSON. Mr. President, I believe it can be useful to see the debate concerning the ABM in historical perspective, and particularly, in relation to certain findings of the Gaither Committee, on the issue of missile defense. That Committee is the largest independent study which has been made of deterrence and safety in the nuclear age, and it reported to President Eisenhower on November 7, 1957.

This historical perspective on the ABM debate is now possible, thanks to a statement submitted to the Senate Armed Services Committee this week by Robert C. Sprague, who, during the last half of 1957, directed the Gaither study. Dr. Sprague submitted his statement to the committee in response to a request from Senator STENNIS, chairman of the Armed Services Committee.

I believe Mr. Sprague's full statement will be of great interest to all Members of Congress, and I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ABM: DETERRENCE AND THE IMPACT OF A TECHNICAL BREAKTHROUGH IN THE NUCLEAR AGE

(A Statement to the Senate Armed Services Committee by Robert C. Sprague, June 23, 1969)

QUALIFICATIONS

Perhaps I should begin by outlining briefly my qualifications for having an opinion worth considering in connection with President Nixon's recommendation for the installation of a thin ABM system about which there is much controversy.

I graduated from the United States Naval Academy in 1920, from the Naval Post-Graduate School in 1922 and received an M.S. degree in Naval Architecture from MIT in 1924. Radio, later identified as electronics, had been my hobby since 1910.

In 1926 I founded the company now known as the Sprague Electric Company for the manufacture of a tone control device and a new type capacitor used in it. The company today is the largest manufacturer of basic "passive" electronic components—capacitors, resistors and inductors—and an increasingly important manufacturer of "active" electronic components—transistors and integrated circuits.

We have over 4,000 electronic and electrical equipment manufacturers as customers. Last year we supplied these basic components to over 200,000 different manufacturing specifications. Less than 3% of our business is directly with the United States Government and as a general supplier to the industry approximately 22% is renegotiable.

Our products have a high technical content and undergo rapid obsolescence. The company employs about 800 engineers and scientists, and about 100 of these are engaged in advanced research and development.

So I continually find myself, as I am sure do members of the Committee, in the position of having to make important decisions on priorities and essential expenditures in areas in which I am not a professional in a technical sense.

I completed my education prior to the discovery of quantum mechanics, nuclear physics, and solid state physics. Yet I have to make important decisions involving new technologies in which I do not have technical expertise and which can have a dramatic impact on the security and profitability of the company, and about which our scientists and engineers have frequent disagreement!

I believe I may be able to make a useful contribution to the Committee's consideration of the ABM from two points of view which, I believe, from reading the testimony already submitted, are new to the Committee.—

First, for the reasons just stated and having to do with important business decisions in highly technical areas.

Secondly, as a citizen outside of government who, between the fall of 1953 and the first of January, 1958, spent the equivalent of four years concentrating on problems of air defense—first against bombers carrying atomic weapons, then bombers carrying nuclear weapons and finally against missiles carrying nuclear weapons. During this period I made such a study for the Preparedness Sub-committee of the Senate Armed Services Committee.

My final report was submitted to President Eisenhower, following which I was appointed civilian consultant to the National Security Council on our Continental Defenses. In 1954 I was also advisor to the Killian Committee which studied our strategic defensive and offensive position vis-a-vis Russia, including a study of our intelligence activities and the problem of the security of our worldwide communications in the event of a nuclear attack.

Finally, during the last half of 1957, I directed the so-called "Gaither" Study which, among other things, was charged with investigating the deterrent value of our retaliatory forces and the economic and political consequences of any significant shift of emphasis and direction in defense programs.

During this period, I had access to all classified material which might conceivably be of importance to the particular matter at hand, including policy papers of the National Security Council, reports of annual War Gameings of postulated future nuclear attacks on the United States; classified documents of the Defense Department, including those of the Joint Chiefs of Staff; classified studies made for various branches of the Government by not-for-profits, such as by the Rand Corporation; National Intelligence Estimates of the Central Intelligence Agency and of the Intelligence Branches of the Several Services; the results of the atomic and nuclear tests available from the Atomic Energy Commission, including the "Ivy" test in the Pacific—the first test of a fusion device; and finally, information, classified and unclassified, from the Office of Defense Mobilization.

In addition, I personally visited typical installations of the Air Defense Command and of the Strategic Air Command. I was also briefed by the experts at MIT and Lincoln Laboratories on work going on there in connection with active defense plans and programs, including the SAGE Air Defense Program.

I also received numerous personal briefings by senior military personnel and weapons and systems planners and analysts.

Since that time, I have kept reasonably up-to-date as a Trustee of the Mitre Corporation and of the Hudson Institute.

When asked to join the Committee (established by Dean Acheson and Paul Nitze) to Maintain a Prudent Defense Policy, I made arrangements for classified briefings so that I could up-date the knowledge which I acquired during the 1950's in this area of national interest.

To my surprise, I found this rather easy to do as I still retain, in an approved security file, my full notes on the classified material to which I was exposed during these several endeavors. *I found that nothing really has changed in Air Defense since January 1, 1958 except the numbers—the number of missiles available to the U.S. and the U.S.S.R., the improved accuracy of the missiles, the size of the warheads, and improvements in the radars and computers.*

IF DISTINGUISHED SCIENTISTS DISAGREE?

There is, I believe, an analogy between the position in which members of the Senate Armed Services Committee find themselves in considering the ABM matter and the position in which I find myself from time to time in determining priorities and approving large expenditures (not large by national standards but large relative to my company's total capital).

In my 43 years in industry and as a consultant in National Defense matters I have formed two strong opinions which are today Cardinal Rules I follow in making important decisions in highly technical areas:—

Rule No. 1: In assessing the potential of any important new field of technology involving new processes or systems—*Half the scientists, or at least a large fraction, are usually wrong.*

Rule No. 2: If a significant percentage of scientists agree, or only sometimes if one or two agree, that something new can be done—*It can be.*

Just three examples of the first of these rules in the defense area are the development of nuclear warheads based on the fusion reaction, the development of long-range ballistics missiles with high accuracy, and particularly the development of the Polaris missile system.

In the 1950's when the Killian Committee and the so-called "Gaither Committee" looked at the Polaris system, the successful completion of that program was given a very low probability. Indeed, it was much lower than the probability of success of an ABM system is considered to have at this time.

The problem of underwater navigation to a point so accurate in the ocean that a missile can be launched with any reasonable probability of hitting a target was unsolved, the problem of developing a stable platform from which to launch solid-propellant missiles under water had not been solved nor had solid-propellant missiles themselves been perfected, and a communication system to permit continuous worldwide contact with our submerged submarines on station had still to be proven.

In civilian affairs, one of the most dramatic instances of technical experts disagreeing on a comparatively simple matter appeared in testimony leading to a settlement of one of Boston's greatest disasters and most complicated litigation.

On January 15, 1919, a huge molasses tank located on Atlantic Avenue in Boston and owned by the U.S. Industrial Alcohol Co. burst, pouring a stream of molasses down Atlantic Avenue in some cases over three feet deep. Thirty people lost their lives, most of them by drowning in molasses; numerous horses, dogs, and cats were killed; and there was a great property damage. Suits for very large damages were brought by 129 plaintiffs! The Superior Court in Boston turned over this complicated case to an "Auditor" in the person of Mr. Hugh Ogden. Mr. Ogden was a distinguished Boston attorney who, towards the end of World War I, was Judge Advocate General of the Rhine District.

Whether the company was or was not liable apparently depended on whether "secondary" stresses in the tank were the cause of the failure or whether the failure was caused by "primary" stresses and consequently improperly designed.

Distinguished technical experts testified on both sides of the question. In his findings and report to the Court, Mr. Ogden made this thought-provoking statement:

"I have listened to men upon the faith of whose judgment any capitalist might well rely in the expenditure of millions of structural steel, swear that the secondary stresses in a structure of this kind were negligible and I have heard from equally authoritative sources that these same secondary stresses were undoubtedly the cause of the accident. Amid this swirl of polemical scientific waters it is not strange that the auditor has at times felt that the only rock to which he could safely cling was the obvious fact that *at least one-half the scientists must be wrong.*" (Italics Mine.)

I believe Mr. Ogden's conclusion merits serious consideration when considering the conflicting technical testimony before your Committee.

IMPACT OF A TECHNICAL BREAKTHROUGH

My company's business is highly competitive and technical. An important technical breakthrough by our competition could be fatal if not matched at a particular point in time by our own proven competence and implementation. I will give you two dramatic examples. In the early 1950's the invention of the transistor was a technical breakthrough with dramatic implications for the electronic components industry, not fully understood nor appreciated at that time. Later, in the early 1960's, monolithic integrated circuits were invented, which made possible functional circuits involving 40 and more discrete components—capacitors, resistors, diodes and transistors—all in an area the size of the head of a pin.

In the early days of both these inventions there were many uncertainties and disagreements concerning the eventual costs, reliability, and performance of these devices. Initially they were outrageously costly and very unreliable.

In considering transistors and their possible impact, I received strongly divergent opinions from our scientists, several maintaining that they would never be important commercially and others maintaining that in time they would replace vacuum tubes.

So, we hedged our bets by setting up a modest research and development activity. We did not do so as daringly and with the money and manpower several of our competitors allocated to their development of these new devices, and it was not until recently that we became large volume producers of silicon transistors. Although we vacated an early dominant position in our industry for these devices by our lack of aggressiveness, due to continuing research since the early 1950's we had the basic technical competence which made possible our late commercial start. But others are the present leaders . . .

The matter of integrated circuits, however, was even more critical. For transistors mostly replaced vacuum tubes and opened up new markets not possible to tube circuits. The only competitive impact here was loss of opportunity in a new field of technology and the impact that the change to transistor circuits in the industry was to have on components—capacitors and resistors—and particularly components designed for tube circuits.

But, with integrated circuits we were faced with the possibility that, if they proved reliable and could be economically produced, we might lose a large part of our existing business in capacitors and resistors because of this new technology. So, here was a question, if not of survival, at least of a dramatic impact on our regular business.

About six years ago I was asked to give a talk in Chicago to members of our industry on the future of integrated circuits. At that time the production of these devices was very small and their cost so astronomical that they could only be used in military and space applications where size and weight were of the utmost importance.

The highest recovery then achieved on an individual silicon device, a transistor or diode, was around 80%—in other words, eight shippable units out of ten started down the production lines. As there were an average of about 40 silicon devices processed on a single chip of silicon at that time, all of which had to work to create a functional circuit, it appeared that the number of recoverable units could be calculated from the equation $(0.80)^{40}$. (*This is the type of failure prediction that has been presented to your committee in connection with missiles and the ABM system.*) It works out that $(0.80)^{40}$ is a small fraction of 1% (about 0.14%) and that was the order of the industry's experience at that point in time. As a result, I made a statement to the rather sophisticated audience which I was addressing that these devices could have important military and space applications, but because of their very high costs they would never be competitive with discrete components for use in entertainment electronics equipment, i.e. radios, televisions, tape recorders, etc. And no one disputed my calculation nor my statement!

Fortunately, in spite of what appeared to be valid mathematics at the time and based on the strong recommendation of only one of our scientists that *the risk of being wrong was too great to hazard,* we initiated an active development program in this new area of technology. We set up a pilot line at considerable expense, staffed it with 40 scientists, engineers, and technicians and undertook to manufacture, on a pilot basis, a particular integrated circuit. You may be interested, but surprised, to learn that this costly operation produced on the average 2500 units a week for nine months before a single satisfactory unit was produced! This seemed to prove my earlier mathematics were valid. But the week we produced our first satisfactory unit, 30% were good!

And today, functional circuit chips, more complicated than the one above described, are being produced in our Worcester plant with recoveries in the 25–30% area and a new integrated circuit device on a prototype line is being produced with a yield of 65%. Further, the cost of these devices this year reached a level where they are now competitive with assemblies of discrete components performing the same function. As a result they are being increasingly used in television and radio sets!

Sprague Electric's investment to achieve a competitive position in this vital area now totals around 33 million dollars. For a company with capital of around 60 million dollars, this is a really significant investment in an area where we believe it had to be made *in the event what has happened might happen, as viewed from a point in time six years ago.*

ABM is *such* a technical breakthrough in the business of maintaining an "Assured Deterrent" as were the invention of the transistor and later of monolithic integrated circuits in making possible dramatic improvements in electronic components. Other important breakthroughs in the weapons business were warheads using the fusion reaction and the development of accurate long-range ballistic missiles.

It also takes from five to ten years to develop a new system or process, work out the bugs and develop its full potential. This cannot be done by only continuing research and development. A reasonable lead time (which could be quite short) in achieving this competence can be very critical in a competitive sense.

The United States does not have 100% assurance that a satisfactory Arms Control Treaty will be reached with the Soviets or, if negotiated, that it will be faithfully adhered to by them anymore than my company can have reasonable assurance that a competitor will not take advantage of a technical breakthrough to destroy us. Therefore, it behooves one, either as a company or as a nation, to exploit to the fullest any such important technical breakthrough which has a potential of placing us as a nation in an intolerable bargaining position at some uncertain time in the future. The "Cuban Missile Crisis" was resolved in our favor because we were at *that* time in a very strong and more than equal competitive position.

The resources of the United States, despite our domestic problems, are more than adequate to exploit the technical breakthrough of ABM—involving the expenditure of a few billion dollars per year of our gross National Product of 900+ billion per year (approximately one-tenth of one percent of our GNP). My company spends about 8% of our sales dollar to try to insure that we won't be destroyed by technical breakthroughs of our competitors.

We are under continuing pressure to improve the lot of our workers—better personal identification, higher wages, more fringe benefits, etc. etc.—just as the United States has major problems to improve our cities and the lot of our underprivileged citizens. But, in spite of these pressures we must do what needs to be done, not only to survive but to remain in a strong competitive position.

THE "GAITHER" REPORT

To place the debate concerning an ABM in historical perspective, it may be worthwhile mentioning several findings of the so-called "Gaither Committee".

This was probably the largest independent study which has been made of deterrence and Survival in the nuclear age. Mr. Rowan Gaither was the original Director of the study and I was his Co-Director. When he had to withdraw during the middle of the study due to illness, I was appointed Director and Mr. William J. Foster was named Co-Director.

The report of the panel was made to President Eisenhower and members of his Senior Civilian and Military Staff on November 7, 1957.

One of the assignments of the panel was to study the deterrent value of our retaliatory forces and the economic and political consequences of any significant shift of emphasis or direction in defense programs.

The panel therefore examined active and passive defense measures from two standpoints—their contribution to deterrence, and their protection to the civil population if war should come by accident or design.

This was a very large effort involving some 113 full-time and part-time staff, advisors and consultants. The participants are shown in Appendix B.

The panel, in the preparation of its report benefitted from information sources of broad scope, and, in many cases, of great sensitivity; and the membership assessed the implications of this knowledge and directed its findings to the problems confronting the panel.

The Steering Committee had full responsibility for the report.

It is of possible interest to note that the Steering Committee and its technical advisor, who were collectively responsible for the final report, was made up of one college president; a senior member of a prominent consulting firm; a senior executive of a large foundation and more recently a college president; three scientists; a staff member of the prominent not-for-profit advisors to the Government; the president of the Brookings Institution; and three businessmen.

I might also mention that the members of the Steering Committee, who were responsible for the conclusions, recommendations

and final drafting of the report, were *unanimous* in their recommendations.

It is particularly interesting at this time that one of the highest priority recommendations was for an ABM system to protect our SAC bases against a possible future Russian missile attack.—In other words, a "Safeguard" missile defense system!

The report also contained a time table forecasting the *Characteristics* and *Effects* of four future periods, the one for the 1970–75 period, as it turns out, with great accuracy. Also stated were the devastating implications of a technical breakthrough during this period by either the U.S. or the U.S.S.R. Specifically mentioned as such a technical breakthrough was a *high certainty missile defense against ballistic missiles.*

As only the number, sizes of nuclear warheads and accuracies of the missiles now available to the U.S. and U.S.S.R. are different, and the components of the System—Radars, Computers and Missiles—are much further developed than those in the Nike-Zeus system considered at that time, *the need for installation of an ABM system today appears to be even more valid than it was in November of 1957.*

THE PROBLEM OF COMPLEXITY

I can assure the Committee, based on my early exposure in depth to the problems of developing a reliable missile system, nuclear warheads and the Polaris missile system and other complex systems, that while the ABM system is complex, the components for the proposed ABM Safeguard system are more fully advanced and better tested than were the components of any of these other systems when I first studied them.

There is one point in connection with the problem of software which may be worth mentioning. Software for programming the computers at the missile sites, *while essential,* is not beyond the present state of the art. It is more complicated, but not dramatically so, than the software programming for the Space Track Radar in Florida, which successfully tracks and identifies literally thousands of space objects, satellites and fragments.

What is more complex, *but not essential,* at least, initially, is the netting of the system to make it even more effective. With an adequate effort I have no doubt that this software programming can be worked out by the time the radars, missiles and computers are located on sites in 1973 and 1974, if a large and competent professional team is assigned to the job.

It is also certain that the programming and effectiveness of the system can be improved over the years and *it is exactly this type of improvement we urgently need to work on, as soon as possible, with a deployed working system.* We will urgently need this experience as the Russians now have the opportunity to obtain some of this experience with their ABM system around Moscow, even though their missiles may be less effective than our Spartan and particularly our Sprint missiles.

Of all the testimony and literature I have read on the subject, the statement before your Committee, by Freeman J. Dyson of the Institute for Advanced Study at Princeton, was most to the point and I quote:

"In the long run the battle between offensive and defensive technology is a battle of information. If the defense knows where the offensive warheads are, it is not too difficult to destroy them. For the last 20 years the offensive has had an overwhelming advantage, but this advantage is being reduced as defensive information-handling capability improves. In the long run, I believe the defense will prevail because the defense will have more accurate and timely information than the offense. Defensive batteries within a hundred miles of the battle should ultimately be able to out-maneuver incoming offensive vehicles controlled from a command center 5000 miles away on land or in a submarine off-shore. The offensive command will be fighting the battle blind, without any possibility of quick reaction to defensive moves. I consider that it is only a question of time, perhaps ten or twenty years, before these inherent advantages of the defense become actual. The time that it will take to overturn the doctrine of the supremacy of the offensive will of course depend on *political decisions* as well as on technological developments." (Italics mine.)

It took over ten years to develop the SAGE Air Defense System. Unfortunately, the entire system was never implemented as designed. For reasons of economy the control centers, including the large vital computers, were placed in vulnerable above ground buildings which could be destroyed by low over-pressures, instead of in hardened sites as planned. Some protection, however, was secured later by dispersal of the system.

It also took ten years and more to develop accuracy, hardening and penetration aids for our Ballistic Missile Systems.

Much has been mentioned about the invulnerability of Polaris as an "Assured Deterrent" and there is no indication whatsoever that this position is not valid today. However, it is not inconceivable to imagine developing a system to destroy essential underwater communication from the main land by introducing artificial static at the wave lengths used or as needed in the event of a crisis situation. Nor does it seem entirely impossible, with adequate effort, to develop a capability of tracking our Polaris submarines to their designated underwater stations. And in a crisis situation to destroy them or render them ineffective.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, I consider it absolutely essential to our competitive position and continuance as the leader of the Free World to do whatever is necessary to be in the position of operating a deployed ABM system, so that there would be little possibility that our major national "competitor", the U.S.S.R., or any other nation could, overtly or covertly, develop in the years immediately ahead greater competence in this new important area of deterrent technology.

It is also my belief, for the reasons stated, that it might drastically weaken our bargaining position with the Soviets during the mid-1970's if we do not proceed at this time to deploy the ABM system proposed by the President.

Finally, I invite your attention to a quotation from Herman Kahn, one of the contributors to a new book, *Why ABM? Policy Issues in the Missile Defense Controversy.* This is a collection of papers by the staff and fellow members of the Hudson Institute, of which Mr. Kahn is the director, and which will be published early next month:

"It would greatly and appropriately help the cause of the proponents of ABM if ABM were generally perceived (and presented) as a shield designed to facilitate both current arms control negotiations and, eventually, comprehensive and lasting arms control measures. It is important for the two objectives to be pursued in parallel and jointly."

I, therefore, respectfully recommend that implementation of the "Safeguard" ABM system be recommended by your committee and funded by the Congress.

APPENDIX A

BIOGRAPHICAL HIGHLIGHTS OF THE STEERING COMMITTEE OF THE GAITHER COMMITTEE

Robert C. Sprague, *Director*—Chairman and Founder of Sprague Electric Company; Consultant on Continental Defense to National Security Council, 1954–58; Director of "Gaither Committee"; Ex-President and Chairman of Radio-Electronic-Television Manufacturers' Association; Fellow of The Institute of Electrical and Electronics Engineers; Life Member of Corporation of Massachusetts Institute of Technology; Former Chairman of Federal Reserve Bank of Boston.

William C. Foster, *Co-Director*—Under-Secretary of Commerce 1946–48; Deputy Administrator of ECA, 1950–51; Deputy Secretary of Defense 1951–53; Vice President, Olin Mathieson Chemical Corp. 1955–58; Director, U.S. Arms Control & Disarmament Agency 1961–.

James P. Baxter III—President, Williams College, 1937–61; Deputy Director, OSS, 1940–43; Author and Pulitzer Prize Winner in History (1947).

Robert D. Calkins—Dean of School of Business, Columbia University 1941–47; Vice-President General Education Board 1947–52; President, the Brookings Institution, 1952–1967; Vice-Chancellor and Professor of Economics, University of California at Santa Cruz, 1967–.

John J. Corson—Deputy Director General UNRRA 1944–45; Executive Washington Post 1945–50; Management Consultant, McKinsey & Co. 1951–66; Professor of International Affairs, Princeton University 1962–66; Author.

Edward P. Oliver, *Technical Advisor*—Senior Staff Member, Systems Science Department, Rand Corporation; Formerly Rand Project Leader on Manned Bomber Study, Liaison Representative at SAC Operations Analysis Division and Liaison Representative at Headquarters, USAF.

James A. Perkins—President, Cornell University 1963–69; Vice President, Swarthmore College 1945–50; Vice President, Carnegie Corp. 1951–53; Trustee, Rand Corp.; Member of Advisory Committee to U.S. Arms Control; Member of President's Special Committee on Nuclear Proliferation; Member, Presidential Panel of Consultants on Foreign Policy.

Robert C. Prim—Research Mathematician, Bell Telephone Laboratories, 1949–58; Director, Mathematics and Mechanical Research, Bell Telephone Laboratories, 1958–61; Special Assistant to the Director, Defense Research & Engineering, 1961–63; Vice President, Research, Sandia Corp. 1963–64; Vice President, Data Systems Division, Litton Industries 1964

Hector R. Skifter—Member, National Defense Research Committee 1942–45; President, Airborne Instruments Laboratories, Inc. 1945–59; Assistant Director of Defense Research & Engineering, 1959–60; Vice President, Cutler-Hammer, Inc., 1960–64; Fellow of the Institute of Electrical and Electronics Engineers. (Deceased, 1964)

William Webster—Former Chairman of the Research and Development Board of Department of Defense; President and Chief Executive New England Electric System; Former Deputy Chairman, Federal Reserve Bank of Boston.

Jerome B. Wiesner—Staff Member, MIT Radiation Laboratory, 1942–45; Associated with Massachusetts Institute of Technology since 1946 in various posts, including Associate Director of Research of Laboratory for Electronics (1949–52), Dean of Science (1964–66) and Provost of the Institute (1966-); Chairman, The President's Science Advisory Committee and Special Assistant to the President on Science and Technology, 1961–1964; Fellow of the Institute of Electrical and Electronics Engineers; Author.

APPENDIX B

MEMBERSHIP OF THE GAITHER COMMITTEE

STEERING COMMITTEE

Director—Sprague, Mr. Robert C., Sprague Electric Company.

Co-Director—Foster, Mr. William C., Olin-Mathieson Chemical Corp.

Baxter, Dr. James P. III., Williams College.

Calkins, Dr. Robert D., Brookings Institution.

Corson, Mr. John J., McKinsey and Company.

Perkins, Dr. James A., Carnegie Corporation.
Prim, Dr. Robert C., Bell Telephone Labs.
Skifter, Dr. Hector R., Airborne Instruments Labs.
Webster, Mr. William, New England Electric System.
Wiesner, Professor Jerome B., Massachusetts Institute of Technology.
Technical Advisor—Oliver, Mr. Edward P., Rand Corporation.

ADVISORY PANEL

Gaither, H. Rowan, Jr., Ford Foundation.
Carney, Admiral Robert B., Westinghouse Electric Co.
Doolittle, General James H., Shell Oil Company.
Hull, General John E., Manufacturing Chemists Assoc.
Kelly, Dr. Mervin J., Bell Telephone Laboratories.
Lawrence, Dr. Ernest O., Radiation Laboratory, University of California.
Lovett, Mr. Robert, Brown Bros., Harriman.
McCloy, Mr. John J., Chase Manhattan Bank.
Stanton, Dr. Frank, Columbia Broadcasting System.

SCIENCE ADVISORY COMMITTEE—SUBCOMMITTEE

Fisk, Dr. James B., Bell Telephone Laboratories.
Killian, Dr. James R., Jr., Massachusetts Institute of Technology.
Rabi, Dr. I. I., Science Advisory Committee.
Higinbotham, Dr. William A., Brookhaven National Lab.

EXECUTIVE STAFF

Beckler, Mr. David Z., Science Advisory Committee.
Ford, Lt. Colonel Vincent T., United States Air Force.

INSTITUTE FOR DEFENSE ANALYSES OFFICERS

McCormack, General James, Jr., President.
Hill, Dr. Albert G., Vice President and Director of Research.

PROJECT MEMBERS

Alexander, Dr. Sidney S., Massachusetts Institute of Technology.
Barrer, Mr. Donald Y., IDA/WSEG.
Berkner, Dr. Lloyd V., Associated Universities, Inc.
Bissell, Mr. Richard M., Central Intelligence Agency.
Booth, Dr. Eugene T., Columbia University.
Booth, Mr. Richard P., Bell Telephone Laboratories.
Bouricius, Dr. Willard G., International Business Machines Corp.
Bradley, Dr. William E., Philco Corporation.
Butler, Mr. William E., Chase Manhattan Bank.
Carulli, Mr. Leonard, McKinsey and Company.
Clifford, Dr. Joseph M., IDA/WSEG.
Contos, Dr. George A., IDA/WSEG.
Cross, Mr. James E., Center for International Study.
Daniel, Dr. John H., IDA/WSEG.
Elliott, Dr. Edwin O., Operations Evaluation Group.
Emberson, Dr. Richard, Associated Universities, Inc.
Frantz, Mr. William J., Boeing Aircraft Corporation.
Fredericks, Dr. J. Wayne, Ford Foundation.
George, Mr. Edwin B., Office of Defense Mobilization.
Hall, Dr. William M., Raytheon Manufacturing Co.
Hansen, Dr. Robert J., Massachusetts Institute of Technology.
Hanson, Dr. Joseph O., U.S. Information Agency
Hartgering, Lt. Colonel James, Walter Reed Medical Center.
Hawkins, Mr. Robert A., AVCO Manufacturing Company.
Horton, Mr. H. Burke, Office of Defense Mobilization.
Hutchins, Mr. William R., Raytheon Manufacturing Corp.
Jones, Mr. Chandler W., Narragansett Electric Company.
Keeny, Mr. Spurgeon M., Jr., Office of Secretary of Defense (R&E).
Klotz, Mr. John W., Office of Secretary of Defense (R&E).
Knox, Omar E., Colonel, USAF, IDA/WSEG.
Kybal, Mr. Dalimil, Lockheed Aircraft Corp.
Lawson, Dr. Joel S., University of Illinois.
Lawwill, Dr. Stanley J., Strategic Air Command.
Lincoln, Colonel George A., United States Military Academy.
Lindsay, Mr. Franklin A., McKinsey and Company.
Longacre, Dr. Andrew, Syracuse University.
Marshall, Dr. Andrew W., Rand Corporation.
McMillan, Dr. Brockway, Bell Telephone Laboratories.
McMillan, Dr. Edwin M., University of California.
McRae, Dr. Vincent V., Operations Research Office.
Merritt, Dr. Melvin L., Sandia Corporation.
Michael, Dr. Donald N., Dunlap & Associates.
Minshull, Mr. William H., Jr., Hughes Aircraft Corporation.
Navoy, Mr. Anthony J., IDA/WSEG.
Nelson, General Otto L., Jr., New York Life Insurance Co.
Newmark, Dr. Nathan M., University of Illinois.
Nichols, Mr. Guy W., Jr., New England Electric System.
Nitze, Mr. Paul H., School of Advanced International Studies.
Pechman, Dr. Joseph H., Committee for Economic Development.
Popenoe, Mr. Oliver, Office of Defense Mobilization.
Rodgers, Dr. Franklin A., Lincoln Laboratory.
Rohrbacher, Dr. Bruce W., McKinsey and Company.
Sanchez, Mr. Luis R., Rand Corporation.
Siebert, Dr. William McC., Massachusetts Institute of Technology.
Smith, Lt. Colonel Glen A., Central Intelligence Agency.
Stockley, Mr. Robert, Federal Civil Defense Administration.
Stone, Dr. Donald C., Springfield College.
Strope, Mr. Walmer E., U.S. Naval Radiological Laboratory.
Taylor, Mr. Norman H., Lincoln Laboratory.
Van Atta, Dr. Lester, Hughes Aircraft Co.
Walters, Mr. Lawrence R., IDA/WSEG.
White, Mr. William L., Stanford Research Institute.
Whitmer, Dr. Robert, Ramo-Wooldridge Corp.
Wine, Major Paul H., USAF, NORAD.
Wood, Mr. Marshall K., Office of Secretary of Defense (S&L).
York Dr. Herbert F., University of California.

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, last week it was reported that the Nixon administration is considering softening the school desegregation guidelines. These reports deeply disturbed me, and a number of other Senators in both parties, who have in recent months been urging the administration to support the existing guidelines, and to continue the established practice of fair and firm implementation of the school desegregation program.

The tragic consequences of any softening of these desegregation guidelines were clearly spelled out in an editorial in this morning's issue of the Washington Post. The editorial, entitled "A Double Standard for Desegregation," states very accurately that a relaxation of the desegregation deadline "will have rewarded those who have held out the longest and humiliated those who have argued to their white southern brethren the necessity and advantage of going along with the law."

Mr. President, I ask unanimous consent that this editorial, a copy of the letter I sent President Nixon last Friday protesting any move to soften the school desegregation guidelines, and my statement on school desegregation guidelines be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A DOUBLE STANDARD FOR DESEGREGATION

"He told us that he was going to do more for the underprivileged and more for the Negro than any President has ever done." The remark was made by Hobson Reynolds, head of the Negro Elks Organization, upon emerging from a meeting between half a dozen Negro leaders and President-elect Nixon in January, a short while before the inauguration. Since that time it has become plain that anything Mr. Nixon might have had in mind in the way of domestic programs with a price tag, would have to yield to the pressures of a costly war and an overheated economy.

One would have surmised, however, that this circumstance would put an obligation on the President to affirm his good faith in other ways. It hasn't quite turned out like that. On the contrary, where civil rights of the admirably old-fashioned, cost-free, constitutional kind are concerned, the only signal the Administration has emitted clearly is one of internal confusion and weakness. The most ordinary move in the execution of laws on the books becomes, somehow, the subject of an endless political debate within the Administration; decisions are fought over where none are required to be made, since the statutes and court interpretations of them already exist; and—incredibly—there is even some movement toward undoing the body of law that has been so painstakingly built up in the past few years by Republican and Democratic legislators alike. The Voting Rights Act of 1965 is in jeopardy. Now we learn that there is terrific pressure within the Administration to reinterpret a Supreme Court ruling affecting HEW's enforcement policies under Title VI of the Civil Rights Act of 1964—which is to say, the school guidelines.

If the Administration really means to slip the autumn of 1969 deadline which has been set for compliance with the terms of what was after all a 1954 Supreme Court decision, it will have done a number of things. First it will have established two sets of standards for desegregation of schools in the South: one judicial standard and one which is more lenient fixed by itself. It will also encourage those several hundred Southern school districts that are in the reluctant process of yielding at last to a Court ruling more than fifteen years old to try to renegotiate their plans. It will have rewarded those who held out longest and humiliated those who argued to their white Southern brethren the necessity and advantage of going along with the law.

The social ordeal of the South will go on for a long while; but the legal tests in this

matter were nearing an end. A show of weakened resolve in Washington can only prolong the agony and create more disruption than it can possibly contain.

JUNE 20, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am extremely disappointed to learn that the Administration is considering softening the school desegregation guidelines. I have followed the Title VI school desegregation program very closely over the past few years, and have in recent months been critical about certain statements and actions of the Administration with respect to this program.

My criticism ceased, however, when Secretary Finch stated clearly and unequivocally on several occasions recently that the current school desegregation guidelines are going to be enforced. I applauded the Secretary for his statement in an April 21 press conference that "the guidelines which are in existence are going to be enforced," and when he endorsed the existing guidelines more specifically in a letter of May 8 to Senators Williams (N.J.), Eagleton, Hughes, Cranston and myself. The Secretary wrote that:

"The law is clear, and so is our responsibility to enforce it. We are continuing to require school systems which have failed under freedom of choice plans to abolish discrimination to adopt a more meaningful and effective method which will accomplish the task by the fall of 1969. We shall allow delays beyond that date only where there are substantial impediments, such as the need for new construction. This is in accordance with the policy followed by the previous Administration. I believe it is important that the Title VI program maintain the momentum that has been established. . . ."

This position must be supported clearly and firmly. The school desegregation program is at a critical point, and any suggestion of change, uncertainty or vacillation will destroy the progress in recent years, and be a breach of faith with the school districts that have voluntarily come into compliance.

As one who is deeply concerned about the fair and firm enforcement of civil rights programs, I urge you to clarify this ambiguous situation by publicly announcing that your Administration will support the current school desegregation guidelines.

Sincerely,

WALTER F. MONDALE.

STATEMENT OF SENATOR WALTER F. MONDALE ON SCHOOL DESEGREGATION GUIDELINES

The commitments of this nation to black school children in the South are long overdue. Since the 1954 Supreme Court decision in *Brown* v. *Board of Education,* southern school districts have been obligated to end school segregation and to disestablish dual school systems. Yet 16 years later, equal educational opportunity is still not a reality for the great majority of black children living in the South.

Despite this fact and despite long delays of Southern school districts to come into compliance with Title VI of the Civil Rights Act of 1964 and the continuous mandates of the courts, the Nixon Administration is reportedly now planning to give still more time to foot-dragging school districts not to comply by softening the school desegregation guidelines. Reportedly, the Administration is considering either eliminating the 1969–70 deadline for ending the dual school system and/or reinterpreting the Supreme Court's *Green* decision requiring school boards to come up with desegregation plans that promise realistically to work *now.*

The principles governing school desegregation have been firmly established in law, administrative and educational practices since enactment of Title VI of the Civil Rights Act of 1964. To change, formally or informally, the school desegregation guidelines at this point will do irreparable harm to black and white school children in the South who are entitled to an integrated quality education, to the cause of integration in the nation, to the moderate, law abiding white Southern leadership who have attempted to comply with the law, and to the tenuous remaining confidence of many black leaders and black citizens in the ability and willingness of the Federal Government to honor its commitments to them—commitments promised since 1954.

Those school officials who have been the most vocal against the guidelines are the very ones who have done the least to comply. Their contention that it is impossible to comply with the guidelines is false and belied by the hundreds of districts who have complied. Moreover, their bad faith should not be now rewarded with Federal capitulation which justifies their foot-dragging stance and undercuts progress already made in other law abiding school districts.

HEW officials estimate that 1,016 school districts have completely eliminated the dual school system since September of 1965. Another 234 are scheduled to complete the process this Fall, and another 96 have approved HEW plans to eliminate their dual school systems in September 1970. While many of these school districts experienced little difficulty in complying because they are small or have relatively small numbers of black students, a large number of this group are substantial districts with large numbers of black students. Leadership and a firm stand by Federal and local officials is the key to the progress in these districts.

(Attached is a more detailed memo which gives specific examples of some school districts in the South who have achieved substantial desegregation).

School districts with good desegregation plans already approved by HEW are moving now to renegotiate such plans in view of the 1970–71 desegregation plans developed by HEW in 21 South Carolina school cases under court order. Aiken, South Carolina, which has a 33% black student population, which is 35% desegregated this year, and which has a good plan, has withdrawn its plan and is now attempting to negotiate a 1970 plan with HEW. Another South Carolina school district, Chester County, which has a 48% black student population and is presently 35% desegregated, has also notified HEW that it will not deliver on its 1969–70 plan to completely eliminate the dual school system. This kind of action represents the trend. It is encouraged by HEW's lack of firmness. Further changes by HEW and the Justice Department at this point can only erode the hardwon progress of a decade, reward lawlessness and say clearly to minorities that the Nixon Administration will disregard their needs.

At a time when we hear great cries for easing spending in our domestic programs, great talk of inflation, and see the slashes in budgets of our domestic programs, the least this Administration can do is to enforce existing laws where no great outlays of money are required. To do less is to do nothing. To do less is to subvert the law. To do less is to encourage bitterness. To do less is to rob tens of thousands of black and white school children in the South of an opportunity to have a decent, good, integrated education and to learn together in preparing for this country's future.

A DRAFT PROPOSAL

Mr. BOGGS. Mr. President, William Prickett, a very perceptive lawyer from Wilmington, Del., has written an article about the draft in the June issue of the American Bar Association Journal.

Mr. Prickett states that this country needs a draft law which "combines certainty and fairness."

He proposes a system under which every young man in the country perform service for his country—in the Armed Forces, if he is able, in one of the various civilian services if he is not. Mr. Prickett proposes liberal exemptions should serve longer when they go on active duty.

I believe that Mr. Prickett has made a careful, objective study of the Selective Service System and has made some thoughtful proposals. He is to be commended for it.

Mr. President, I ask unanimous consent to have Mr. Prickett's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRAFT PROBLEMS: A BOLD ANSWER

(By William Prickett)

Solicitor General Erwin N. Griswold, former dean of the Harvard Law School, spoke with grim clarity in a speech before the American Law Institute in May of 1968 about the growing lawlessness that marks American society, particularly its youth. As a factor "contributing to emotion and to strong reaction," he cited our draft laws—their inequities and the real or apparent arbitrariness of administration. "To some extent," he said, "this [arbitrariness] is inherent in the system of local administration—which has a measure of merit—but in our colleges and universities, there are students who come from many different places, and the different policies of different draft boards sometimes stand out rather starkly when they are placed side by side."

A less widely recognized impact of the draft is the presence in our universities, particularly our graduate schools, of many students who, though able, are not really motivated toward intellectual life or professional training and who therefore take their energy out in other activities. Yet another effect is the increase in early marriage and parenthood, the Dean pointed out.

"Finally," he observed, ". . . the draft has all but made effective academic discipline impossible."

Why is this? The students who have misbehaved at Columbia, or California, or Stanford, or wherever, should be expelled, you say. Their conduct surely merits that, as far as the University is concerned. But what happens if they are expelled, or even suspended for a year? They cease to be students, they are immediately classified I-A, and are very likely to be drafted. Perhaps that is what should be done. But it does convert the academic penalty into something potentially far more serious, and many Faculty members, who usually participate in disciplinary actions, have not been willing to take such a responsibility.

Dean Griswold thus states the problem, but does not offer any solution. Uncomfortable memories of the Dean's tax class remind me that this was often the way: The Dean would state a tax problem with clarity and force and then ask some hapless student for the answer. Boldness very occasionally served when adequate research or preparation was lacking. The following, then, is a bold answer to one part of the problem the Dean poses.

The present draft law is wrong from every point of view. The uncertainties it creates begin for young men at about the age of 16 and may continue until the age of 26. These uncertainties are created not only by

international crises but by the vagaries of standards in selecting those who are required to do military service. Even worse, the present system puts a definite premium on the avoidance, if not the evasion, of military service. It makes even honorable young men magnify small or create fanciful physical disabilities in order to avoid apparently useless and possibly dangerous years with the military. It gives early marriage to a teenage sweetheart the added allure of possibly avoiding military service. Finally, as the Dean points out, the draft induces many college students who are not properly qualified or motivated to embrace the scholarly world of graduate school in the hope of avoiding military service.

From the military point of view the draft is not satisfactory. While the need of the armed services for manpower varies from time to time, the military establishment of the United States does need a substantial number of young men each year. It needs a "mix" of privates, company-grade officers and specialists on a continuous basis in order to fill the ranks of privates, noncommissioned officers, specialists and officers. Those who serve in today's Army must be physically and mentally well qualified. It has been reported that only about half of the young men of America are in fact qualified at present. The military establishment needs a firm, fair national policy that will provide the manpower necessary for the defense commitments of the United States. The manpower policy must, however, be flexible enough to respond to the varying needs of the country, depending on the international situation at any given time.

What young men of America need is a law that combines certainty and fairness, that allows a young man to plan his education, his family and his career, allows him to fulfill honorably his legitimate obligation to his country and deals equally with all: rich, poor, ignorant, intelligent, white and black. The military services need a law that provides them with the quantity and quality of men that enable them to meet the military obligations of the country. Can the varying needs of the military establishment for adequate manpower and the legitimate desires of the youth of the United States for certainty and fairness be satisfactorily reconciled in a new law? The rest of this paper is to show it can.

The lottery system should be rejected. A lottery system honestly run might be fairer than the haphazard draft system currently in force, but it seems undesirable that the high obligation of doing military service should depend on the turn of a card or the drawing of a lot. In addition, that system would not solve the problem of the uncertainty. In fact, it might increase the uncertainty in that one's obligation to serve would not be entirely dependent on the extent that one could magnify physical defects or on the vagaries of the local board, but on the whim of Lady Luck.

It should be adopted as national policy that every young man, except those in jail or mental institutions, be required at some time in his life to perform a period of federal service. (As will be explained further on, "federal service" does not necessarily mean military service.) Having established that principle, it remains to work out a system under which this service would be performed.

In order for the system to work, it should have built into it incentives, so that each individual youth would do his federal service at the optimum time, from his point of view as well as the point of view of the Armed Forces of the United States. Furthermore, since the basic objective is to fill the military manpower requirements of the Armed Forces, the period of service should be no longer than is necessary from their point of view.

The largest need of the military is for privates, apprentice seamen and basic airmen. From the point of view of the military, the optimum age for a private, airman or apprentice seaman is 18. From the point of view of most young men, it is easiest and best to do military service at 18. The majority have not married nor have they started on their trade, profession or career. Therefore, one would start with the proposition that the shortest period of military service would be for young men who enter the military service after their eighteenth birthday or graduation from high school, whichever occurs sooner. (A premium on graduation from high school might well be built into the system.) The basic period of service for those entering at 18 or after graduation from high school would have to be determined by the minimum time it would take the military to train the young men to be militarily useful or to utilize their services in time of actual crisis or warfare. Thus the basic period might have to vary from time to time.

This is all very well for the young man who is not going to college. This system would enable him to get his military service in at the optimum time for him and the military service. But what about those who are going to college? The young men that are going to college should not, under any circumstances, be excused from service. On the contrary, since the college man usually enjoys more benefits than others before going to college and is likely to enjoy more benefits from the country after college, he should be required to give something more by way of federal service. On the other hand, college students should be freely deferred on the justification that the military service needs college graduates, not as privates, but as junior officers. From the point of view, then, of the military, college men should be encouraged to enter the military service when they have completed their college education rather than before. However, in order to make it clear that deferment of federal service during a period when a man is in college is not a favor to those lucky enough to go to college, the period of service after college should be somewhat longer than the period required of those who enter military service at 18 or upon graduation from high school. For example, if it were determined that the period of service for the 18-year-olds should be eighteen months, then the period for the college graduate should be set at twenty-two or perhaps twenty-four months. Of course, if a student dropped out of college, was expelled or failed, he would be required within a reasonably short time to perform his federal service obligation. The period of obligation would be correspondingly longer because it had been deferred.

Early marriage would in no way exempt the individual from performing his national service obligation. However, a girl might think twice about an early marriage to a youth she knows is certainly going to have to do his federal service.

All very well for the high school graduate and those going to college, but what about those who are going on to graduate school? Their situation should likewise be examined first in terms of the needs of the military establishment. The military, for example, needs doctors. Therefore, those who are going to enter the medical field should not be encouraged to do their military service as privates, nor should they be encouraged to do their military service after the completion of college. Rather, incentives should be built into the system to encourage them to do their service as doctors. Not only should they be freely deferred through college and medical school (and perhaps even internship), but the Government might well pay for their last year of medical school if necessary. However, at the end of their medical education, the young doctors would have a service obligation that would be somewhat longer than that of the 18-year-old or the college graduate. Of course, the doctor's rank and military pay would be commensurate with the training he had received and his professional status. The military would also expect that a man of his age and professional standing might be married.

As for graduate students whose specialty would have no value in the armed services, they would have already had the choice of doing the minimum service as privates when they turned 18 or doing military service for a somewhat longer period when they graduated from college. If, however, they elected to continue their education into graduate school, they would then have at the end of that period a correspondingly longer period of service to perform, either as privates or as officers if qualified. For example, if the basic period for the 18-year-old was eighteen months and for the college graduate twenty-four months, the graduate student might be required to do thirty or thirty-two months of service. Of course, the period of service required of 18-year-olds, college students and graduate students would have to be reviewed and set from time to time (*i.e.*, every two years) in view of the current necessities of the military service and in order to readjust incentives for the young men to do their military service at the optimum time from their own point of view as well as that of the Armed Forces.

This basic plan would provide the military with the manpower it needs and would make the manpower available at a time when the individual is best suited for the tasks for which the military needs him. At the same time, it would eliminate the uncertainty that exists today and that is so unfair and disturbing to our young men. It would reverse the situation that puts a premium on the avoidance or evasion of military service and that, by encouraging deception, is thought by some to warp the moral fiber of each young generation.

However, the proposal as yet does not contain any alternative for the many young men who genuinely do not meet the high physical and mental requirements of the military service today. If those who cannot qualify physically or mentally are entirely excused from the obligation of federal service do not the same incentives remain that currently encourage the avoidance or evasion of military service? The answer is that the inability to qualify for military service because of physical or mental defects should not be the basis for the total avoidance of federal service. Those who could not meet the high standards for military service would still have the basic obligation to perform a service to the United States. The Peace Corps, the reconstitution of the Civilian Conservation Corps and service in state and federal hospitals and mental institutions all provide vast unfilled opportunities for service. However, federal service other than military service should not be an easy short-term alternative to the rigors of military service. It should be at least as lengthy as corresponding military service and just as arduous. In the second place, nonmilitary federal service should not be the basis for the many rights and benefits that accrue to those who have served in the Armed Forces. These benefits and rights should be reserved to the young men who are able to perform military service for the country. In other words, the alternative form of service for those not physically or mentally qualified for military service should not be made attractive enough so that the physically and mentally qualified young men would prefer to do this service rather than do their military service. On the other side of the coin, it seems likely that many handicapped persons would welcome the opportunity to serve in a limited way.

The present draft applies only to young men, and my proposal speaks only of the young men of the nation. However, in these days of equality, the obligation to do federal service for the country should not be

confined to the young men, but should be made to apply to the young women as well.

Of course, it is obvious that there would be heavy "costs", financial and otherwise, in carrying out these proposed reforms, and it might be that the costs are too high. However, this suggested revision of the basic federal service law would solve many of the problems which American youth is having in connection with the draft and would help stem some of the growing lawlessness.

PROBLEMS OF OUR POLICE DEPARTMENTS

Mr. DODD. Mr. President, Chief of Police James F. Ahern, of New Haven, Conn., made an important presentation before the U.S. Conference of Mayors in Pittsburgh on June 17.

Chief Ahern's remarks are valuable to all of us who are interested in solving the multitude of problems which face the police departments of our great metropolitan areas.

I ask unanimous consent to have Chief Ahern's statement printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PROBLEMS OF OUR POLICE DEPARTMENTS

Police departments need a great deal of help, but have yet to receive it. In general, politicians, government officials and citizens provide more rhetoric than financial support; more criticism than constructive ideas. In many ways, this country's leaders are trapped in the words of fifty years ago, wanting the police to walk a beat and talk with a brogue.

Law and order means many things to many people. To some it means the repression of the rights of the poor, the outspoken and the millions who crowd our ghettos. To others it means tough law enforcement for everyone but them. And to still others, it means a concern about rising crime rates and violence in the streets.

But when it comes to talking about the causes underlying present conditions, why police operate the way they do, what they need to perform better, there is mostly silence.

There are good reasons why police in this country are the way they are today. Most local politicians have traditionally used police departments for political ends. In some ways, present political leaders are paying the price for past errors. More recently, office-seekers in their election campaigns or in so-called "public debates" on law and order too frequently have sent clear signals to individual police officers that old behavior, old traditions, old faults are not only to be encouraged, but worthy of support. They have said, in effect, that any changes in the past few years are really a passing thing. Law and order is political issue, in most cases, raises the expectation among police and the community that regression to former times is the order of the day; that police officers are not "really" accountable for their actions and conduct.

If this country's leaders really believe that violence should be decreased, and that police departments should be improved, then mayors, governors, Congressmen and members of the executive branch are going to have to provide the support. And that support must consist of more than lip service, and tongue clacking about teenage drug addiction, or increasing crime. It will mean money; it will mean sensitivity to the problems. In short, it will mean substantial backing for police, even when it challenges other bureaucracies. Support will mean resisting the emotional pleas for a return to past practices.

I am not suggesting that police departments operate alone or independent of civilian control. In fact, civilian control (is crucial.) But the role of the political structure—for the general well-being—should be to develop broad policy for a department to implement and to insure that that policy is supported so that it can be effectively realized.

One reason why this support is important now is that for the first time financial aid is becoming available.

The 1968 Crime Control Act represents an effort by the Federal Government to assist local police. It provided, I thought, the opportunity to develop a rational, and useful strategy for improving police departments. But things have not worked out that way. I realize there has been a change in administration and substantial staff turn-over during the past months. But there is no indication that the Federal Government, working through a conglomerate of newly established state agencies, has a strategy, focus, or any real understanding of the problems faced on the local level.

Although the law itself is not without problems, it does provide the Federal Government with enough latitude to get things moving.

But action has not come. States have been slow to set up administering agencies. When established, they have tended to exclude urban law enforcement officers, and just as important, representatives of the cities. This, it seems to me is amazing considering that serious crime and social problems are an urban phenomenon.

One of the key aspects of the Act is the planning support it provides. Planning funds—desperately needed at the local level—have been allocated in such a way as to limit their ability to result in cogent programs.

More importantly, however, the regional approach to criminal justice planning if it continues along these lines with present support will widely miss the mark, solving in five or ten years hence, if at all, problems faced today in major urban areas.

The apparent strategy of the Federal Government concerning planning funds is questionable from its impact point of view. But also it raises substantial questions concerning the role of State planning agency staff and their governing boards.

In Connecticut, the twenty-eight-member planning committee has one urban representative from the State's largest city, one police chief from a major city, one suburban chief and the State police commissioner. All other members represent various interests, primarily on the State and Federal level. Three-quarters of the representatives are attorneys. This committee controls the programs, despite the fact that 75 percent of the action money will be spent by municipalities and their local police departments. While Connecticut may be unique, no state provides adequate police or urban representation and the Federal Government is permitting, in fact encouraging, this pattern to continue.

Police departments and the cities they serve need more dollars; they need new kinds of talent; they need to develop institutions which can change to meet the needs of today. And they need them administered by those most aware of the problems.

Police must take fresh approaches, acquire new techniques and skills, modernize all levels of activity. These things must happen quickly, if we are to make our cities better places to live. Patterns of the past must be altered to meet the demands of today. Civil service, for example, while an important objective in the early 1900's may be less than helpful today. Its restrictions once protected employees who had no labor unions. Today it means that lateral entry is an impossible dream.

Police departments need to develop new recruitment methods. Begin attracting better educated men and need to prepare them to handle the wide-range of human problems that police are involved in.

It shocks me that police officers in this country are recruited at the high school level and expected to perform as the best educated in the community. Most police departments give only a few weeks of training. Then expect their men to deal with some of the most complex people problems facing us.

We must develop ways that individuals with new types of skills can enter the police and have a rewarding career in law enforcement. Police need computer programers, personnel specialists, skilled trainers, administrators and highly trained specialists to deal with addicts, young men and women and other difficult problems.

New Haven has begun to make some of these moves. The Mayor and others in the city have supported the Department's request for new civilian help—more than 50 positions in the past 14 months. They have realized that money is needed to bring the Department to grade level so to speak. But we still have a long way to go.

As I mentioned earlier, all of the things police departments need require both financial and moral support. The days when police departments can be manipulated for political ends must cease if we are to live up to the expectations of the community.

Mayors and other political leaders have an important role to play in all of this. The police are crucial to a city's operation. Police, after all, come in contact with more citizens than any other municipal agency. How mayors back their police will be a central factor in how these organizations function and, hopefully, change in the coming years.

MORE ABUSES AND FRAUD IN MEDICARE AND MEDICAID

Mr. WILLIAMS of Delaware. Mr. President, on May 14, I described to the Senate some of the more glaring abuses in the medicare and medicaid programs which have been uncovered in the course of the Finance Committee's investigation.

During the past weeks I have received a great many letters and telephone calls from public-spirited individuals all over the country giving information about abuses and frauds in medicare and medicaid. Every one of these cases is being carefully evaluated, and where appropriate, followup investigation initiated.

Questions have been raised as to whether we have adequate laws to cope with these fraud cases. To clear up any misunderstanding I shall ask that sections 231 and 232 of title 31 of the United States Code, which set civil penalties for fraud such as those perpetrated under medicaid and medicare, appear in the RECORD at the conclusion of my remarks along with sections 286, 287, and 1001 of title 18 of the United States Code, Thus actual and prospective defrauders of medicare will be able to familiarize themselves with some of the penalties they face for cheating the taxpayers.

It should be noted that section 231 provides for payment to the Government of double the amount defrauded plus $2,000. Of course, these are just civil penalties. Criminal prosecution under sections 286, 287, and 1001 of title 18 of the United States Code is also available

as another means of deterring potential abuses or of assuring adequate punishment of those defrauding the United States. Those provisions provide for fines of up to $10,000 and imprisonment of up to 5 and 10 years.

In this connection citizens who are aware of fraudulent activities in the medicare program should report such cases to the Department of Justice through their local U.S. attorney. It would be helpful if a copy of the material given to the Department of Justice were also sent to the Committee on Finance for its information.

Additionally, I expect that the Social Security Administration will want to furnish every hospital, nursing home, physician, laboratory, and other supplier of services under medicare with summaries of sections 231 and 232 of title 31 and sections 286, 287, and 1001 of title 18 and related statutes. Of course, they would also want to add an appropriate penalty statement to the forms used by hospitals, nursing homes, and doctors in claiming payment.

Mr. President, sections 231 and 232—"the False Claims Act"—date back to the Civil War. At that time many persons attempted to exploit the tremendous increase in governmental purchases of goods and services by defrauding the Federal Government. I would like to read from the floor statement of Senator Jacob Howard, who managed the bill in the Senate. I think my colleagues will find that the situation of 100 years ago has disturbingly direct relevance to the present medicare-medicaid situation. Senator Howard said:

> The country, as we know has been full of complaints respecting the frauds and corruptions practiced in obtaining pay from the Government during the present war; and it is said, and earnestly urged upon our attention, that further legislation is pressingly necessary to prevent this great evil, and I suppose there can be no doubt that these complaints are, in the main, well founded.—(The Congressional Globe, February 14, 1863, page 952)

It is interesting to note that the House was not satisfied with the Senate bill's provision for double damages plus a $2,000 penalty. The House bill required that any person convicted of defrauding the Government "be punished by imprisonment of not less than 1 nor more than 5 years, or by fine of not less than $1,000 and not more than $5,000." The Senate quickly accepted the House amendment.

I ask unanimous consent that sections 286, 287, and 1001 of title 18 of the United States Code and sections 231 and 232 of title 31 of the United States Code be printed in the RECORD.

There being no objection, the sections of the United States Code were ordered to be printed in the RECORD, as follows:

TITLE 18 UNITED STATES CODE—CRIMES AND CRIMINAL PROCEDURE

SECTION 286. CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious, or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years or both.

SECTION 287. FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1001. STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter with the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, canceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

TITLE 31, UNITED STATES CODE—MONEY AND FINANCE

SECTION 231. LIABILITY OF PERSONS MAKING FALSE CLAIMS

Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so uses or to be used, who makes or delivers the same to any other person wtihout a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other persons not having the lawful right to pledge or sell the same, shall forfeit and pay to the United States the sum of $2,000 and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

SECTION 232. SAME; SUITS; PROCEDURE

(A) The several district courts of the United States, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(B) Except as hereinafter provided, such suit may be brought and carried on by any person, as well for himself as for the United States, the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the United States Attorney, first filed in the case, setting forth their reasons for such consent.

(C) Whenever any such suit shall be brought by any person under Clause (B) of this section notice of the pendency of such suit shall be given to the United States by serving upon the United States attorney for the district in which such suit shall have been brought a copy of the bill of complaint and by sending, by registered mail, or by certified mail, to the Attorney General of the United States at Washington, District of Columbia, a copy of such bill together with a disclosure in writing of substantially all evidence and informatiaon in his possession material to the effective prosecution of such suit. The United States shall have sixty days, after service as above provided, within which to enter appearance in such suit. If the United States shall fail, or decline in writing to the court, during said period of sixty days to enter any such suit, such person may carry on such suit. If the United States within said period shall enter appearance in such suit the same shall be carried on solely by the United States. In carrying on such suit the United States shall not be bound by any action taken by the person who brought it, and may proceed in all respects as if it were instituting the suit: Provided, That if the United States shall fail to carry on such suit with due diligence within a period of six months from the date of its appearance therein, or within such additional time as the court after notice may allow, such suit may be carried on by the person bringing the same in accordance with clause (B) of this section. The court shall have no jurisdiction to proceed with any such suit brought under clause (B) of this section or pending suit brought under this section whenever it shall be made to appear that such suit was based upon evidence or information in the possession of the United States, or any agency, officer or employee thereof, at the time such suit was brought: Provided, however, That no abatement shall be had as to a suit pending on December 23, 1943, if before such suit was filed such person had in his possession and voluntarily disclosed to the Attorney General substantial evidence and information which was not theretofore in the possession of the Department of Justice.

(D) In any suit whether or not on appeal pending on December 23, 1943, brought under this section, the court in which such suit is pending shall stay all further proceedings, and shall forthwith cause written notice, by registered mail, or by certified mail, to be given the Attorney General that such suit is pending, and the Attorney General shall have sixty days from the date of such notice to appear and carry on such suit in accordance with clause (C) of this section.

(E)(1) In any such suit, if carried on by the United States as herein provided, the court may award to the person who brought

such suit, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount which in the judgment of the court is fair and reasonable compensation to such person for disclosure of the information or evidence not in the possession of the United States when such suit was brought. Any such award shall in no event exceed one-tenth of the proceeds of such suit or any settlement thereof.

(2) In any such suit when not carried on by the United States as herein provided, whether heretofore or hereafter brought, the court may award to the person who brought such suit and prosecuted it to final judgment, or to settlement, as provided in clause (B) of this section, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount, not in excess of one-fourth of the proceeds of such suit or any settlement thereof, which in the judgment of the court is fair and reasonable compensation to such person for the collection of any forfeiture and damages; and such person shall be entitled to receive to his own use such reasonable expenses as the court shall find to have been necessarily incurred and all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: Provided, That such person shall be liable for all costs incurred by himself in such case and shall have no claim therefor on the United States.

MARITIME COLLECTIVE BARGAINING

Mr. MAGNUSON. Mr. President, I believe it is worthy of special notice that four of the Nation's leading maritime trade unions and a number of associations of shipowners have reached agreement on new 3-year collective-bargaining contracts, without more than minor interruption to maritime services on the east and gulf coasts.

This is a most welcome development. It underscores once again the vitality of the American institution of free collective bargaining. It is also worthy of note that the new agreements were worked out by the parties themselves. There was no need of Government intervention, and they did not call for it.

Three of the unions were able to reach tentative agreements with the Maritime Service Committee and other shipping groups ahead of the June 15 deadline. These unions were the National Marine Engineers' Beneficial Association, the American Radio Association, and the National Maritime Union. The fourth union—the Masters, Mates & Pilots—reached substantial agreement on June 17, less than 48 hours after the expiration of the old contracts, for a major portion of their contracts.

Maritime labor agreements are detailed and complex instruments. It was a major accomplishment to reach agreement so promptly, in view of past difficulties on the American waterfronts. So I compliment the leaders of these fine organizations, and the representatives of the shipowners, for a splendid piece of work which well served our national interest.

I hope that on the basis of this accomplishment, we may use the next 3 years of labor-management stability in the maritime industry to develop a program for building the American merchant marine. Such a step is long overdue. We now have no excuse for delay. We must act before we are hopelessly outstripped on the high seas.

WASTE AND INEFFICIENCY IN DEFENSE DEPARTMENT

Mr. GOLDWATER. Mr. President, in the past, the Senator from Wisconsin (Mr. PROXMIRE) and I have been trusting enough of each other that we have put communications to one another in the RECORD after having them delivered.

When I read in the evening paper of Monday and the morning paper of Tuesday the uncalled-for remarks of former Secretary of Defense McNamara, I wrote the Senator from Wisconsin a letter, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 24, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR BILL: You will recall that when I appeared before your subcommittee several weeks ago, I raised the question of why former Secretary of Defense Robert McNamara had not testified on the question of waste and inefficiency in the defense establishment during his tenure.

You explained that Secretary McNamara had been invited but that his duties as President of the World Bank were keeping him so busy that he was unable to accept the subcommittee's invitation. I read in today's newspapers that Mr. McNamara has not been too busy to grant an extended interview on the matters which your subcommittee is investigating.

Because of some of the things former Secretary McNamara is quoted as having said in that interview, I believe it is more imperative than ever that he be heard by your group. For example, the UPI quoted McNamara as stating that he spent much of his time "fighting a Congress that wanted to spend too much on useless military projects." I think we who serve in Congress are entitled to know what he is referring to.

At another point Mr. McNamara is quoted as saying, "any number of times I was ordered to begin work on a project which was totally wasteful."

This, too, needs amplification and explanation from the man who guided the destinies of the Defense Department during the longest and most notorious period of waste and inefficiency that any government department has ever incurred.

It goes without saying that Mr. McNamara probably was not referring to the multibillion dollar TFX project for which he himself must bear almost complete responsibility.

In all events I should like you to renew your invitation to Mr. McNamara in light of his recent publicized remarks.

Sincerely,

BARRY GOLDWATER.

Mr. GOLDWATER. Mr. President, I have urged, as the reader can see from my letter, that in view of the fact that Mr. McNamara stated—

Fighting a Congress that wanted to spend too much on useless military projects.

And again stated that—

Any number of times I was ordered to begin work on a project which was totally wasteful.

I think Mr. McNamara should be brought before the committee to state precisely what the projects were and who forced him to take an action that he, as Secretary of Defense, certainly did not have to take unless he wanted to. Mr. McNamara's explanation to the invitations by the Senator from Wisconsin has been to the effect that, as head of the World Bank, it would be improper for him to do so. In view of the fact that he does not feel it improper to hold press conferences on the same subject, I think his first excuse is a lame and useless one.

O'CALLAHAN AGAINST PARKER AND MILITARY JUSTICE

Mr. ERVIN. Mr. President, recently in O'Callahan against Parker the Supreme Court, by a five-to-three vote, ruled that courts-martial have no jurisdiction to try offenses committed by service personnel if those offenses are not "service-connected." While I am anxious to protect the constitutional rights of servicemen—and have sponsored legislation to that end—I find that there are several disquieting features to the opinion of the Court, written by Mr. Justice Douglas. Furthermore, the problem of military jurisdiction is of such significance that the opinions in O'Callahan deserve close consideration by the public and the Congress.

In the first place, it seems clear that in most quarters the assumption prior to O'Callahan was that the status of persons in the military permitted Congress to subject them to trial by court-martial, regardless of the nature of the crime, where committed, and whether in peacetime or in wartime. Certainly the Uniform Code of Military Justice is predicated on this assumption, and many service personnel have been tried for civil-type offenses of the very kind that were allegedly committed by Sergeant O'Callahan. If the O'Callahan case is given retroactive effect, which would seem a logical inference with respect to trials by courts-martial that lacked jurisdiction over the offense, then it is clear that the Federal courts will soon be flooded with petitions for habeas corpus and suits for backpay or other relief. While I recognize that over the years there have been those scholars who questioned military jurisdiction over civil-type offenses, such as murder, rape, larceny, burglary, and housebreaking, it does appear to me that here again the Supreme Court has changed the Constitution, rather than interpreted it.

Second, if the Constitution is to be modified, I am reluctant to see it modified by a five-to-three decision of the Supreme Court when one member of the majority, the Chief Justice, was scheduled for almost immediate retirement. The present situation as to the composition of the Court, which is now in transition, signifies that the rule established in O'Callahan will be shrouded in uncertainty. The obvious question is how much weight will the new members of the Supreme Court give to a fundamental constitutional decision rendered on the eve of change in membership in the Court. Will they feel free to overrule the case as soon as an occasion presents it-

self, or will its effect be gradually whittled away in the future by distinctions based on the particular facts? Frankly, I think it unfortunate that in these circumstances a divided court has chosen to decide the issue in the first instance, rather than setting it for reargument.

In the third place, the element of uncertainty that now exists is heightened by the failure of the majority in O'Callahan to provide meaningful guidelines for the future exercise of military jurisdiction. The basic criterion employed is whether the offense was "service-connected." Interestingly, the concept of service-connection has not in recent years played any part in military justice. I am informed that a computer search reveals that the words "service-connected" appears only one time in 37 volumes of the opinions of the Court of Military Appeals and the military boards of review. In that solitary instance, United States against Kelley, 22 CMR 723—1956—the factor of service-connection was not material to any issue in the case. In the U.S. Code the concept of service connection has been used chiefly in determining availability of veterans benefits and disability retirement pay. In that context, the concept has been given a very broad scope. See 38 U.S.C. section 101(6) and 38 U.S.C. section 105. In fact, under these statutes service personnel are deemed to be acting in line of duty—and injuries under such circumstances are service-connected—even when they are on authorized leave. Certainly, a broad concept of service-connection is appropriate in deciding who is entitled to the benefits which Congress has intended for military personnel. But it seems clear from Justice Douglas' opinion that he would not accept a broad interpretation in deciding the scope of court-martial jurisdiction. Under the circumstances, there is considerable ambiguity in the touchstone which the Court proposes to utilize in determining military jurisdiction.

In the fourth place, I am concerned about some of the practical consequences that may flow from the decision. I have already mentioned some of these consequences if the decision is held to be retroactive. Let me note that some equally unpalatable consequences will be encountered if the *O'Callahan* case is determined to have extraterritorial applicability and to apply to service personnel stationed overseas. In terms of its logic, such a result would be perfectly consistent with the majority opinion, although it is not necessitated by that opinion. In any event, if courts-martial cannot try military personnel for civil type offenses committed overseas, the consequence will be that either they will be tried in the foreign courts of the country where the offenses are committed or else will go unpunished. The former alternative hardly conduces to a protection of the constitutional rights with which the majority opinion in O'Callahan is concerned. The latter alternative is not consistent with justice. In this same connection, I should mention that up to the present time the United States has been successful in obtaining from foreign governments a significant percentage of waivers of their jurisdiction over American service personnel, even when those governments possessed primary jurisdiction under the terms of the NATO Status of Forces Agreement or other treaties. However, the United States cannot request a waiver of jurisdiction by a foreign government when it lacks jurisdiction to try the service personnel for the offense involved. Admittedly, Congress might seek to ameliorate the problem by extending the special and maritime jurisdiction of Federal civil courts to include non-service-connected offenses committed by American military personnel overseas. But this solution, if constitutionally permissible, raises any number of practical problems.

Even in the United States some practical problems inhere in the result reached by the majority in O'Callahan against Parker. In a case concerning the right of military personnel to sue the Government under the Federal Tort Claims Act for torts suffered by them while they were acting in line of duty, the Supreme Court noted that it would be ironic to have the rights of service personnel, who have no choice as to where they must serve, hinge on the law of the place where they happen to be located when a tort occurs. See Feres against United States, 340 U.S. 135 (1950). The O'Callahan case signifies that in a substantial number of criminal cases servicemen will be tried according to the substantive and procedural law of the State where they happen to be stationed, generally without their choice, rather than be tried by a court-martial, pursuant to a Uniform Code of Military Justice. Admittedly, the State courts already have concurrent jurisdiction in many instances and so, even prior to O'Callahan, military personnel were not insulated against State court trial. Also, there has been increasing standardization of State court trials, as the Supreme Court has turned the Bill of Rights into a Code of Criminal Procedure. Even so, I am concerned about the consequences of a decision which removes the possibility of a trial by court-martial pursuant to uniform standards prescribed by the Congress for military personnel.

This leads me to my fifth point. I think it quite unfortunate that the majority opinion makes several disparaging references to military justice. By so doing, Justice Douglas has, in effect, tended to minimize the very significant advances and improvements in military justice that have been made in recent years—such as the adoption of the Uniform Code of Military Justice in 1950, the recent enactment of the Military Justice Act of 1968, and the able opinions of the Court of Military Appeals. I would be the last person to claim that military justice is flawless. Indeed, the hearings of the Subcommittee on Constitutional Rights in 1962 and 1966 provided documented insights into deficiencies. Some of these deficiencies have since been corrected by legislation, court decision, or administrative regulation. Some still exist, for example, in the field of administrative discharges, and these, too, I trust will soon be corrected. Indeed, I have introduced legislation to this end.

However, in fairness, it should be noted that the record of the civil courts is not completely without blemish; otherwise, there would have been no occasion for many recent decisions by various Federal and State appellate courts. Justice Douglas' opinion derides "so-called military justice." In fairness to the conscientious judge advocates who administer that system, it should be remembered that: First, courts-martial were excluding evidence obtained by unreasonable search and seizure or by wiretapping long before the Supreme Court first informed State courts in Mapp against Ohio, 367 U.S. 643—1961—that they must apply the exclusionary rule in such instances; second, in courts-martial qualified lawyers were provided without cost to defend service personnel, indigent or otherwise, in all major criminal cases long before Gidgeon against Wainwright, 372 U.S. 335—1963—required appointment of counsel for indigents in the State courts; third, article 31 of the Uniform Code of Military Justice enacted a warning requirement for military investigations long before the Supreme Court in Miranda against Arizona, 384 U.S. 436—1966—adopted such a requirement for Federal and State courts—and, indeed, Chief Justice Warren relied on the military practice in seeking to justify the warning; fourth, defense counsel in courts-martial are in a far better position to obtain pretrial discovery of the prosecution's case than would be true in Federal district courts under rule 16 or in most State courts; fifth, verbatim records of trial by court-martial were provided as a matter of course and without cost to the accused, long before Griffin against Illinois, 351 U.S. 12—1956—imposed this burden on the State courts; and, sixth, appellate review of appropriateness of sentence takes place in the system of military justice, but is still unavailable in the Federal courts and in almost all State courts. Furthermore, the Court of Military Appeals has made clear that most constitutional safeguards are fully applicable to service personnel. Admittedly courts-martial do not proceed on the basis of grand jury indictment; but, at least until the Supreme Court expressly overrules Hurtado against California, 110 U.S. 516—1884—there is no requirement that State court prosecutions be based on indictment.

Taking all the circumstances into account, I hope that clarification can soon be provided with respect to the present murky legal situation concerning court-martial jurisdiction. Meanwhile, I trust that Congress will closely follow developments with a view to considering corrective legislation that may seem desirable and constitutionally permissible.

MEDICARE—PLANNED ELIMINATION OF FLAT PERCENTAGE ALLOWANCE

Mr. EAGLETON. Mr. President, many hospital officials in my State have written me to express their deep concern about the planned elimination by the

Department of Health, Education, and Welfare of the flat percentage allowance as an element applied to allowable cost in computing reimbursement for hospitals and extended care facilities participating in medicare.

This allowance—2 percent for nonprofit hospitals and 1½ percent for proprietary hospitals—is scheduled to be dropped by HEW as of June 30, 1969.

The hospital officials and trustees who have written me are worried that this reduction in medicare reimbursements will have to be borne by nonmedicare patients. They are also upset, because the decision was taken by HEW without consultation with the American Hospital Association, the designated representative of hospitals the Nation over in matters concerning medicare.

The Social Security Administration has begun a study of the present principles under which reimbursements are made to hospitals for medicare patients. This study would have been more timely if it had been made, and proposals for revisions in reimbursement principles outlined, before the discontinuance of the percentage allowance is to take effect. As matters stand, hospitals are operating under a cloud of extreme financial uncertainty. This is a situation that must be clarified at the earliest possible date.

Mr. President, I ask unanimous consent that an excellent editorial dealing with this subject, which appeared in the June 13, 1969, edition of the Cape Girardeau, Mo., Southeastern Missourian be printed in the RECORD, a series of letters from knowledgeable hospital administrators in my State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUREAUCRATIC DOUBLECROSS

The nation's hospitals, which without question made Medicare work, are the victims of a bureaucratic double-cross by the Department of Health, Education and Welfare.

St. Francis and Southeast Missouri Hospitals here have joined the chorus of protest arising across the country to the unilateral decision of the government agency to remove a two per cent cost factor from Medicare reimbursements to hospitals.

The two per cent was put into the program at its outset to compensate the hospitals for factors which could not be recognized otherwise by formula or cost analysis. It is calculated on the base of Medicare payments made to the hospitals.

Principal among these intangible costs was the extra amount of nursing care required by the elderly. Studies across the country are unanimous that it does cost more to care for the elderly than for other patients.

It is, however, exceedingly difficult—and most expensive if it is done right—to calculate down into hours and dollars and cents the extra amount of time the nursing staff of a hospital must give to these older patients.

It is not only that. Hospitals can calculate only raw costs. They cannot include capital improvements—many brought on by the added Medicare load—as a part of Medicare costs. If money is borrowed, Medicare would pay only a part of the interest. As one hospital administrator put it, "There is no way they would help us get off the ground."

When a hospital must buy equipment, even though it became necessary because of the Medicare load, the government will pay only a share of interest and depreciation. Nothing is allowed for growth and development.

Indicative of the added cost brought to hospitals because of Medicare is a study by the American Hospital Association showing a 20 per cent increase in administrative and general manhours to comply with the reporting requirements of Medicare.

Is it any wonder the hospitals fought for a percentage factor over the costs allowed by the government? It was their only way of meeting the added and intangible costs brought on by the program.

And now the Department of Health, Education and Welfare says this factor will terminate July 1.

Hospital officials are particularly distressed at this unilateral and high-handed action. In 1965 and 1966 when the program was being initiated, HEW people courted the hospitals to gain their participation. They called it a patrnership in medicine and made every effort to gain hospital participation, knowing the program would not work without wholehearted co-operation of these institutions.

Now that Medicare is off the ground, the promises have been forgotten, as all too often is the case with government agencies. The department knows full well it would not be the government—HEW to be exact—which would feel the wrath of the public if hospitals were to withdraw, but the hospitals themselves. They have the hospitals over a barrel and they know it.

Even more galling to the nation's hospitals is the fact that the government agency promised there would be prior consultation with the American Hospital Association before it would make any changes in Medicare.

The AHA received only a blunt notification that the two per cent factor would be ended on July 1. There was no effort by the administration to renew the "partnership" of 1966. Efforts of AHA to see Secretary Finch of HEW were rebuffed.

A meeting is being held today between lesser officials and those of AHA. We hope it is fruitful, but in view of the position of the government up to now hold little hope.

One thing is certain. The government has not played fair with the nation's hospitals. There must be a solution to this problem. Hospitals cannot continue to absorb costs that rightfully should be borne by Medicare without either (1) lowering patient care or (2) passing these charges on in even higher costs—contrary to the law HEW defends—to non-Medicare patients.

CEDAR COUNTY MEMORIAL HOSPITAL,
El Dorado Springs, Mo., May 2, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am interested in the rescinding of the 2% above cost for Medicare patients in hospitals. Didn't the Federal Government go into contract with hospitals for this service and wasn't the 2% a part of that contract? If they can do this we don't have to adhere to their regulations. We haven't been consulted, only told that it would be rescinded on a given date.

I am wondering if there is a man in Congress that has ever owned a business that can say he could operate for cost without a profit factor.

As sure as you do this the hospital is doomed. There can be no growth or better services rendered if this is to happen. In our hospital, Medicare is the most of our census so this leaves us without a source of revenue for improvement or expanded services.

In the first place Medicare does not cover all of our costs. You should all know just how many deductions are substracted on a cost report. We have numerous patients that are transferred to another hospital the same day in which we have incurred much expense and we are not allowed a days care charge. How do you propose to pay for items like these?

I hope you will all vote against this measure and see that the public gets what was contracted for and not allow a recession in hospital care.

Sincerely,

JOHN P. BISHOP,
Administrator.

ST. JOSEPH HOSPITAL,
St. Charles, Mo., May 5, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: We are writing to you in regard to a Bill which will be coming before Congress. At the present time hospitals are being reimbursed on historical costs plus two per cent for all Medicare patients. If this two per cent factor is removed from the reimbursable rate, our hospitals will not be able to replace assets used by Medicare patients, because of the well-known inflationary trend in costs.

If the hospital must replace assets at a higher cost level, the non-Medicare patients will be paying for the assets used by Medicare patients. This will be in contradition to the fundamentals of the Medicare regulation.

It is therefore, imperative that the hospitals receive a cost plus factor large enough to replace supplies and equipment in the inflationary market.

We will appreciate your assistance in preventing this proposed change from passing.

Sincerely yours,

Sister M. FRANCIS CLARE BROWN, S.S.M.,
Administrator.

ST. FRANCIS HOSPITAL,
Cape Girardeau, Mo., May 6, 1969.

Senator THOMAS EAGLETON,
St. Louis, Mo.

DEAR SENATOR EAGLETON: It is our understanding that the 2% over allowable costs which Medicare has been adding to their reimbursement to hospitals is to be discontinued effective July 1, 1969.

This allowed compensation over and above other Medicare defined costs was to compensate hospitals for expenses admittedly necessary for the operation of a hospital, but which were not includable in the Medicare cost statement.

An example of such a real, but non-allowable cost is free service, whether this be in the form of outright charity or whether it be bad debt. As you well know, when a patient is brought to our door unconscious, hemorrhaging, crushed, or severely sick or injured, as many of our patients are, we are not permitted to ask him for credit references, credit cards, or advance payments, and then check these out before admitting him. We must admit him, spend money for labor, supplies, and equipment necessary to treat him and then hope he will pay us for our out-of-pocket expenses. Last year we were left "holding the bag" for $57,000.00 by such patients. Medicare will allow bad debts of Medicare patients only who do not pay their deductibles. This catagory of bad debts is insignificant when compared to the bad debts and free service of non-medicare patients. We maintain that this $57,000.00 is a legitimate cost of doing business and should therefore be equally born by all patients served by the hospital. If we are not reimbursed for this expense by someone, we will of necessity have to close our doors in which case we will be unable to serve even Medicare patients.

When Medicare refuses to accept its share of this cost, we have but one choice, and that is to pass it on to an ever decreasing

percentage of private pay patients, which of course is most unfair. Last year 43% of our total charges were to Medicare patients. We feel that Medicare should therefore have paid us 43% of $57,000.00 or $24,510.00. The 2% allowance which is (or was) intended to cover not only this expense, but other like indirect expenses amounted to only $13,561.00 for St. Francis Hospital last year. Now even this small amount, we understand, is to be discontinued.

We simply cannot go on carrying such a large number of patients who do not pay their fair share of our costs. We ask that you therefore, please take whatever action is necessary to at least prevent this 2% allowance from being eliminated. Your efforts in this regard will certainly be appreciated.

Sincerely,

JOHN J. KEUSENKOTHEN,
Controller.

POPLAR BLUFF HOSPITAL,
Poplar Bluff, Mo., May 6, 1969.

Honorable THOMAS EAGLETON,
St. Louis, Mo.

DEAR SENATOR EAGLETON: We would like to protest the reduction in re-imbursement to hospitals under Public Law 89-97.

Hospitals have worked long and hard to make the Medicare Program work for the benefit of the elder citizens of this nation. The Medicare payments in their present form, do not adequately reimburse hospitals for the care rendered to these patients.

We feel that Medicare should assume its proper burden, final audits should be made current—, we have not as yet had finalization of our 1966, 1967 or 1968 audits.

We urge no cut in Medicare reimbursement be made until hospitals and Government have jointly reviewed the entire reimbursement matter.

Sincerely,

LILLIAN CLANAHAN,
Administrator.

CONCORDIA LUTHERAN CHURCH,
Maplewood, Mo., May 6, 1969.

Hon. THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: For a little over one year I have been serving as a trustee on the Board of Directors of Lutheran Hospital here in St. Louis. In the course of that time I have become somewhat disturbed between the patient costs in the hospital and the reimbursement rate from Medicare. The president of the hospital has explained this to us time after time and has said that the rate for reimbursement from Medicare either does not cover all the services or at least does not cover the total cost of the Medicare patients.

And now I have just heard that there may be a reduction in Medicare reimbursement. Frankly, I think that once the government has established its rate and the hospitals have adjusted their way to conform to this rate that then a reduction in reimbursement is not only highly undesirable but may even pose some threat to the good medical care in hospitals.

I want to ask you specifically is it true that the department of Health, Education, and Welfare plans to remove the 2% allowance which they have granted in the past to hospitals for Medicare? Is this simply going to be withdrawn without adequate consultation with hospitals?

Why should the private patients in the hospital assume any more costs of the patients who are there under the Medicare reimbursement program? I think this is most serious and deserves your immediate attention.

I not only await your reply; I trust you will use the influence of your office to make certain that adequate medical care will be given to the seniors of our nation through proper Medicare reimbursement programs.

Cordially yours,

JOHN E. MEYER.

KANSAS CITY AREA HOSPITAL ASSOCIATION,
Kansas City, Mo., May 6, 1969.

To: Administrators.
Re: Medicare Reimbursement.

During the past few days, you have received material from AHA, Missouri Hospital Association and KCAHA concerning the reduction in medicare reimbursement by eliminating the 2% allowance.

We join both AHA and MHA in urging that you and your trustees use every means of communication to your congressmen to ask their help in seeking a delay of this unilateral action of HEW until the entire matter of medicare reimbursement can be reviewed by the hospitals with the government.

The seriousness of this whole medicare question can be seen in these statistics, which are provided as factual support in approaching your congressmen. A survey of nine of our hospitals having 3,028 beds indicates the following:

Present annual losses from unallowable costs	$651,600
Estimated annual loss as a result of disallowance of 2%	404,000
Total anticipated annual loss	1,055,400

The anticipated total annual medicare loss per bed is $349. The anticipated per bed annual loss on disallowance of the 2% only is $134.

Projected for all Association hospitals except Veterans, the annual overall medicare loss would be $2,018,257. The 2% allowance reduction amounts to $775,095 annually.

It is unlikely that most congressmen are acquainted with the background of this crippling HEW administrative order. It is imperative that they be informed of its consequences.

RUSSELL H. MILLER,
President.

RESEARCH HOSPITAL AND MEDICAL CENTER,
Kansas City, Mo., May 8, 1969.

Hon. THOMAS F. EAGLETON,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: We wish to express our deep concern over the recent HEW decision to withdraw the additional 2% allowance presently included in Medicare reimbursement methods and about cost reimbursement methods in general.

Reimbursement by Medicare is presently based on 102% of our actual costs of operation less any costs determined by those who interpret Medicare regulations to be non-allowable. As examples, we are not reimbursed for expenses related to Coffee Shop, Barber Shop, Beauty Shop, Gift Shop and Community Development operations, although these are obviously a part of the overall costs of operation and these facilities are available to both Medicare and non-Medicare patients and visitors.

We must also exclude the costs for telephone and television, even though these important services are used by all patients, including Medicare patients, and are provided within our regular daily service charge.

We were, as a result of Medicare reimbursement methods, paid approximately $55,000 less than actual costs of services to Medicare patients during 1967, even considering reimbursement to be at the 102% rate.

The recent decision by HEW to disallow the 2% factor will obviously cause our present sizeable underpayment to increase significantly. In fact, the underpayment for 1967 would have been increased by $48,000, if the 2% had been withdrawn at that time. Underpayments of such major proportions must obviously be offset by charges to non-Medicare patients. This certainly is contrary to our understanding of the original intent of the Medicare Law, i.e., that no discrimination in charges or services should be made between Medicare and non-Medicare patients. This is pointed out clearly in HEW Manual HIR-4 (12-68), subpart D, paragraph 405, 402., which states in part, "The share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients." This is obviously not supported by present reimbursement methods. Considering these facts, we strongly recommend that the recent decision to withdraw the 2% allowance be withheld; moreover, that current reimbursement methods be revised to comply with the original stated intent of the Medicare law so that reimbursements for all Medicare patients cover the entire cost of hospitalization.

We are enclosing for your information, copies of two letters which have been mailed to our Trustees. Both letters are from Ray R. Eppert who has been selected by the American Hospital Association to serve as trustee spokesman on the matter of Medicare Reimbursement. One letter is directed to the Trustees of the nation's hospitals and the other to the President of the United States.

Your support to prevent the withdrawal of the 2% allowance will be greatly appreciated.

Cordially,

ROBERT E. ADAMS,
Executive Director.

SAINT JOSEPH HOSPITAL,
St. Joseph, Mo., May 12, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: Our hospital, a Missouri not-for-profit corporation, has been furnishing care to the aged of Northwest Missouri for many years. We have participated in the Medicare program since it's beginning in July of 1966, as provider No. 260090.

We have been reimbursed under the standard formula proposed by the Social Security Administration. This formula spells out the costs recognized by Social Security Administration and eliminates others not thought by Social Security Administration to effect their patients. Needless to say, these eliminated expenses are impossible to eliminate and still run an efficient care unit. Social Security Administration adds to their recognized cost a 2-per cent allowance to cover unrecognizable or overlooked cost of care.

In our case the eliminated costs for fiscal year ended June 30, 1968 amounted to over $195,000. Our 2 per cent allowance amounted to $64,000. Thus, even with the 2 per cent allowance, we are underpaid on our *costs* for Medicare patients.

According to the latest notice as of July 1, 1969 Social Security Administration will no longer pay us the 2 per cent allowance. This action would greatly effect our financing.

We are very much concerned that the Social Security Administration did not consult the associations thru which our thoughts have always been presented, namely, American Hospital Association, or Catholic Hospital Association, regarding the cut-back in reimbursement to us as providers.

Another subject which we are vitally interested in is Public Law 90-490 which has to our knowledge no appropriation for implementation. We, as an institution providing aid to the acute ill, have a great need for nursing personnel and would favor any financing for qualified nursing schools.

We would appreciate your efforts in regard to a fair review of the financing cut-back in Medicare reimbursements to providers and appropriations for Public Law 90-490.

Sincerely yours,

Sister MARY HELEN NEUHOFF,
Administrator.

JOHNSON COUNTY MEMORIAL HOSPITAL,
Warrensburg, Mo., May 12, 1969.

Mr. THOMAS EAGLETON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: Our hospital has just received the information which indicates that HEW plans to cease paying hospitals the 2 per cent allowance on Medicare patients after July 1, 1969.

This action would mean, using Medicare figures to date, that our small hospital would have been cut short on expenses claimed of $45,000.00 in the short time Medicare has been operating.

There are many areas which are equally unfair as far as Medicare reimbursement is concerned. One of these in our hospital is the fact that our Nurses Call and Communication System is tied to our television in each patient's room—therefore, the entire Nurses Call and Communication System costs (approximately $3,000.00 per year) are deducted from Medicare payment.

We respectfully request your assistance in obtaining full and reasonable discussion of the American Hospital Association's Statement on Financial Requirements of Health Care Institutions. The statement clearly points out the costs of operation and capital needs of hospitals which are not now being paid for by the Medicare system.

Continued non-payment of the proper share of the costs of health care needs by Medicare will, no doubt, have serious effect on the future of the voluntary health care system of the United States.

Sincerely,

JOHN L. INNES,
Chairman.

BETHESDA GENERAL HOSPITAL,
St. Louis, Mo., May 14, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR MR. EAGLETON: From the inception of the Medicare Program, Bethesda General Hospital has made every attempt to assure the "Partnership in health" concept which was advocated by the Federal Government. We have assumed considerable responsibility in making this partnership a lasting relationship which could achieve success over a period of time. We, along with other voluntary nonprofit charitable hospitals, have demonstrated our willingness to cooperate with the Government at the various levels necessary.

Hospital charges are set at a level which will produce sufficient income to operate the hospital at an optimum level of acceptable care, and the hospital is dependent upon income from its charges in order to continue and progress. Under the Medicare Program, income from patient care has been considerably less than the billed charges which are needed. This has been true under the present reimbursement formula, which includes the two percent factor which is about to be dropped. The recent announcement of the Department of Health, Education, and Welfare concerning the reimbursement change for providers of care to social security administration beneficiaries, was made without any consultation with the American Hospital Association. Such an abrupt announcement, which has such a radical impact on hospital financing, causes hospitals to wonder if the "Partnership in health" relationship is likely to have a future. Hospitals across the nation were shocked and disappointed to have this pronouncement thrust upon us through the news media.

We respectfully urge the Department of Health, Education, and Welfare, and our elected representatives, to carefully study the Medicare reimbursement problems as they exist today.

Further, we urge HEW to maintain full communication with the American Hospital Association, which is the official voice of the hospitals of our nation. Unless we can arrive at an equitable solution to the reimbursement problems for social security recipients, the nation's voluntary hospital system will soon be in dire financial straits.

We respectfully solicit your interest and support on this critical subject.

Cordially,

JOHN F. NORWOOD,
Administrator.

NORTH KANSAS CITY
MEMORIAL HOSPITAL,
May 14, 1969.

Senator THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

The North Kansas City Memorial Hospital heard with great alarm the proposed elimination of the two percent of operating costs which has until now been added in the computation of Medicare costs. We believe that the hospitals of this nation cannot permit the recent decision to remove the two percent Medicare allowance—a part of the reasonable costs guaranteed by the law—to stand without vigorous protest. The inadequacy of the reimbursement formula without this two percent will place the hospitals of this country in an even worse condition than they have been since they started the care of Social Security patients almost three years ago.

There are two major reasons why the Medicare reimbursement formula has placed this and other hospitals in an extremely dangerous financial position:

1. Bad Debts and Free Service Excluded: At first glance the logic used by SSA in excluding all Bad Debts and Free Service except as they apply to Medicare patients seems sound. When a second look is taken, however, the problem of fairness to all patients and hospitals shows the inequity of such logic. This can be broken down as follows:

(a) If Commercial Insurance carriers and Blue Cross took the same attitude then the only ones left to pay for non paying are the self insured patients.

(b) Why, then, should the self insured patient who always pays his bill, pay for the non paying patients any more than Medicare, Commercial Carriers or Blue Cross patients. I might add that the self insured patients are very few and if only they paid for non paying patients their charges would be extremely high.

(c) If no third party or self insured patients pay for the non paying patient then where is the hospital to look for reimbursement for these patients?

In hospitals where Medicare represents over 50% of their patients this bad debt situation is critical. Hospitals are not like the normal business. If a patient (customer) presents himself for needed medical care the hospital must provide it. The patient's credit record can not be considered if the medical care is needed.

2. The rapid advances in medicine have made equipment obsolete very rapidly. New techniques make expensive equipment necessary almost daily. As a result of this, it is necessary for hospitals to make a gain in order to maintain a status quo. The two per cent, even if computed on what hospitals consider as total costs, is not generally considered to be an adequate gain. In addition to new expensive equipment the hospital must be able to expand to meet the ever increasing population they serve. This is more of a problem than in the past because:

(a) Few contributions are made by wealthy residents, industry and the public in general than in the past.

Federal funds are very difficult to obtain for new construction, especially by metropolitan hospitals.

(c) Governmental hospitals are in a difficult position because they are unable to bet new bonds passed. The public, already feeling they are overtaxed, do not eagerly vote for more taxes.

The hospitals, faced with these problems, find they must pay for construction out of revenue. At this time, the only way for hospitals to have construction covered under Medicare is to go in debt. The hospital that tries to accumulate cash so as to not pay interest is at a disadvantage.

At this time if the two percent is eliminated it will cost our hospital $22,000.00 this year. In addition the bad debt situation discussed above costs another $28,000.00. When you consider that our hospital only has 25% Medicare patient days and a $5,000,000.00 budget you can see what this means to a large institution with a high volume of Social Security patients.

The North Kansas City Memorial Hospital earnestly solicits your help in the restoration of the two percent and, if anything, increasing it or changing the SSA's attitude toward Bad Debts and Free Service. If something is not done we fear the hospitals of the country will be in a very serious financial situation.

CHARLES F. CLAASSEN,
Administrator.

ALBANY, MO.,
May 15, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR MR. EAGLETON: As a member of the Gentry County Memorial Hospital Board in Albany, Missouri, I am greatly disturbed over Medicare reimbursements to our hospitals.

The way this is affecting our hospital and many others, is that Medicare Patients include 70% of patient care. While the other group is about 30%. Many of the other group are nonpaying cases, whose bills in time have to be charged off our books. If the 2% is unpaid by the Government, it has to be charged on Regular Patient Cost, so you can easily understand why hospital costs are skyrocketing as they are, when Medicare is not paying its total cost, even at 102%.

I also noticed that Congress has passed Public Law #90–490, which helps the different schools of nursing through the country, and is so badly needed, but as yet no appropriations have been made.

I am urging you to further investigate this serious situation and give it your wholehearted support.

With kind personal regards, I am,
Most Sincerely,
(Mrs. J. H.) BERNICE FLOWERS DEGGINGER.

AURORA COMMUNITY HOSPITAL,
Aurora, Mo., May 16, 1969.

The Honorable THOMAS EAGLETON,
St. Louis, Mo.

DEAR MR. EAGLETON: This letter is prompted by a notice that H.E.W. is eliminating the two percent over cost being paid on medicare patients to Hospitals.

We strongly object to this move for the following reasons:

At the present time we feel that we are not even breaking even at the present rate of payments. Medicare does not allow certain expenses in the hospital which we still have to maintain. There is no allowance for bad debts, still our largest loss for bad debts is on medicare patients.

Our costs have increased greatly because of restrictions and record keeping demanded by H.E.W. The extra survey forms, keeping up on S.S.A. requirements, attending seminars and all other red tape more than uses up the two percent over costs (medicare calculations) that we receive.

I have talked to many Administrators in this area and we all agree that we, as a group of Hospitals, if represented by our Hospital

Association, should refuse to participate in the Medicare Program.

There is absolutely no reason why the Hospitals should be the goat in supporting a health program that apparently cannot financially support itself.

Respectfully yours,

LEONARD BISBY,
Administrator.

SOUTHEAST MISSOURI HOSPITAL,
Cape Girardeau, Mo., May 21, 1969.

Re: HEW Proposal to Eliminate 2 Percent Factor in Medicare, Medicaid Reimbursement.

The Honorable THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: As a trustee of Southeast Missouri Hospital, I am concerned with the current and continuing provision of quality health care to the citizens of our service area which includes much of southeast Missouri and southern Illinois. This concern, along with our confidence in the Medicare Program was shaken recently as I learned of the move to curtail what knowledgeable persons in the health field already have demonstrated is an inadequate reimbursement rate for the care of Medicare patients. It has also been repeatedly demonstrated that greater costs are involved in the care of these older persons, a number of which the reimbursement formula does not recognize.

It is inconceivable to me that this announcement was made without any prior consultation with the American Hospital Association whom we designated to act on behalf of the nation's hospitals to make Medicare work initially and on a continuing basis. It is also inconceivable that hospitals have not received full payment for the care rendered Medicare patients back to the beginning of the program in 1966. This underfinancing by Medicare cannot continue without erosion of the resources of hospitals or subsidization of Medicare's rightful share of hospital cost by others.

All of us are concerned with rising hospital and medical costs, and if this proposed curtailment in reimbursement was motivated by a desire to dramatize or curtail this rise, it has most certainly missed the mark. It is our observation that the Medicare Program has been a major factor in creating demands that account for this cost rise and the many "regulations" have all but eliminated innovation and experimentation which might have led to more economical provision of this care.

The impact of this 2% factor at our 200-bed hospital has amounted to $40,000 yearly. This is too large a sum to pass along to our few remaining patients who pay the established charges for our services!

I urge you to exert every influence possible to assure that full discussion of this and subsequent changes in the implementation of the Medicare-Medicaid programs is held with the representative of the providing agencies. I also urge that you do whatever is possible to see that this unwise decision is not implemented. Its consequences for Southeast Missouri Hospital and all hospitals throughout our country would be devastating.

Sincerely yours,

JOHN T. LAMKIN,
Secretary-Treasurer.

ST. ANTHONY'S HOSPITAL,
St. Louis, Mo., May 22, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

SIR: To my great distress, I have read that the Department of Health, Education and Welfare is going to eliminate from Medicare and Medicaid payments to not-for-profit hospitals the two per cent of operating costs allowed under the reimbursement formula costs which are not otherwise recognized.

In my opinion, this action will compound an already grave situation. Social Security payments to hospitals, even in their present form, do not adequately reimburse our medical facilities for the care and services that are being given to Medicare and Medicaid patients. A reduction by two per cent in these payments could bring about a crisis situation in many of our nation's hospitals.

With the advent of Medicare and Medicaid, the Federal Government and our health system contracted to provide medical services to the elderly and medically indigent at a bargain rate of cost plus two per cent. This in effect forces the private pay and commercially insured patient to subsidize the program through increased Social Security payments and higher hospital bills. That is, if our hospitals are to continue to grow and develop at the same rate as they have during the past 50 years.

I seriously doubt that our Federal Government would be so foolish as to even attempt to contract for defense equipment, highways, etc., at such a low rate.

While the great majority of this country's hospitals are not-for-profit organizations, I know of no industry that can long stay away from bankruptcy without generating sufficient funds from revenue to assist in its capital needs.

Hospitals are no exception.

The Department of Health, Education and Welfare should abandon its proposed action concerning the reimbursement formula, and indeed recognize the need for additional money to be placed in funds to assure the continuing ability of hospitals to expand and provide new equipment.

Sincerely,

BOB HYLAND.

KANSAS CITY, MO.,
May 22, 1969.

Senator THOMAS F. EAGLETON,
The U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: As a trustee of Baptist Memorial Hospital here in Kansas City, I wish to solicit your support in prevailing on the Health Education and Welfare Agency to rescind their announced intention, dated April 15, 1969, to eliminate the two percent over-riding allowance to cover part of the costs of Medicare and Medicaid patients in hospitals.

This matter has received a great deal of attention by the administrative staff and trustees of our hospital. Calculations by the financial people indicate the elimination of this allowance will increase the daily cost of "non-Medicare patients" by a minimum average of 60 cents per day. You will agree, I believe, there is no fairness in passing such charges along to patients who do not benefit in any way from the Medicare program.

Again, I shall greatly appreciate your good offices in attempting to have this HEW announcement rescinded.

Sincerely yours,

JOE E. CULPEPPER.

INDEPENDENCE SANITARIUM & HOSPITAL,
Independence, Mo., May 22, 1969.

Senator THOMAS EAGLETON,
Senator Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: At our Board of Trustee meeting this last week we were advised of the action whereby the Department of Health, Education, and Welfare plans to cease paying the 2% allowance in addition to specific costs of Medicare billings to our patients.

You are acquainted with the fact that HEW already requires that we put away 3% of a patients' bill subject to eventual audit of our books of Medicare patient accounts by Medicare auditors. Finally, in March, two months ago, we received $32,000.00 which was due us from our audit of December, 1967. Now they want to reduce monies paid on these patients' expenses by the 2% which hospitals were hoping to use to replace equipment used in care of the patients. The combination of these accounting practices make it real difficult for us in this hospital, and therefore, we petition you to give consideration to maintaining the cost of patient care plus 2% billing practices announced by the Medicare program from its inception.

Otherwise, we do not see wherein it will be possible for us to operate with any degree of efficiency and expectancy to serve the patient with quality care and keep our equipment replaced on a desirable program in support of the care our doctors are striving to give.

We therefore request your sincere consideration and action in this matter.

Respectfully submitted,

W. WALLACE SMITH,
Chairman, Board of Trustees.

(P.S.—It may interest you to note that since the inception of Medicare we have a greater volume of paper work. We now average 7½ weeks time to collect the patient account, whereas up to July 1, 1966 our patient accounts were turning over in 4½ weeks. In this period of time our receivables due to many elements have increased from $330,000.00 to $780,000.00. The attached information may also be of interest to you.)

BARNES HOSPITAL,
St. Louis, Mo., June 6, 1969.

Re: Secretary Finch's announcement of the deletion of the 2% allowance on Medicare patients' hospital bills.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR TOM: I am speaking on behalf of Barnes Hospital in St. Louis where I happen to be chairman of the Board of Trustees. I can assure you that even with the 2% allowance Barnes Hospital is losing money on Medicare patients if you interpret the actual cost of servicing the patients. As you know, most of the patients are older and they require more than the average amount of nursing care; therefore, younger patients are actually paying part of their costs. Also you know that the Medicare reimbursement formula on depreciation costs is based on an historical cost basis rather than on current appraised values.

The hospital's trustees and administrators accepted Public Law 89–97 (Medicare) in good faith, thinking that the 2% allowance would be continued. It's disappointing to the hospitals now to be told that this 2% is going to be withdrawn because they had no opportunity for testimony or consultation on the consideration of hospital needs. Inadequate financial reimbursement impairs the integrity and threatens the hospital's ability to serve the sick and injured.

In the interest of Medicare, the care and welfare of our older people, and in the interest of private voluntary not-for-profit hospitals, I suggest that Secretary Finch or other responsible officers of Health, Education and Welfare meet with the American Hospital Association to reconsider the arbitrary decision that has been made to reduce reimbursement to hospitals.

Most sincerely,

RAYMOND E. ROWLAND.

DEACONESS HOSPITAL,
St. Louis, Mo., June 10, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: I write to you relative to the report that the Department of Health, Education and Welfare proposes to eliminate the two percent of operating costs from the Medicare payments to not-for-profit hospitals.

It is an established fact that Medicare

payments to hospitals currently do not adequately reimburse them for the care and the services offered to beneficiaries. The proposed elimination of the two percent of operating cost payments will further magnify and aggravate a most critical condition in our hospitals. It is already evident that the private patients are paying more than their just share of the total cost of providing patient care due to the inequities currently in force in the Medicare reimbursement formula. The further loss of the two percent of operating costs could become a critical problem for most, if not all, not-for-profit hospitals.

It is my sincere hope that the Department of Health, Education and Welfare will recognize that hospitals have need for additional funds as they seek to improve the quality of patient care in the decade of the 70's and that the Department shall, therefore, disavow its announced intentions to eliminate the two percent of operating costs.

Your assistance in bringing such a response will be deeply appreciated.

Very truly yours,

CARL C. RASCHE,
Administrator.

ST. JOHN'S MEDICAL CENTER,
Joplin, Mo., June 10, 1969.

The Honorable Senator THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: You must be fully aware of the present issue on Medicare reimbursement wherein the American Hospital Association, on behalf of the hospitals, has strongly protested the proposed elimination from the Medicare payments of the two percent allowance as a proper component of reasonable cost, guaranteed under the law.

On behalf of St. John's Medical Center, I am making this appeal to you to support the stand of the American Hospital Association. Even with the two percent factor, the present Medicare reimbursement formula is still inadequate for the following reasons:

1. It does not sufficiently recognize the greater nursing costs involved in caring for older patients.

2. Non-Medicare patients are bearing substantially the entire burden for the acquisition or replacement of equipment in an ever-rising cost market, expansion of existing services, creation of new improved services and retirement of debt.

Furthermore, since the American Hospital Association is the Medicare reimbursement representative for more than ninety percent of the hospitals, and since the proposed elimination of the two percent factor is the result of an administrative budget decision and not the result of discussions and negotiations with our said representative, it is just and proper that no modifications be made until there has been full evaluation of the current formula with specific consideration of Medicare's responsibility to assume its proper burden as outlined in the AHA's Statement on the Financial Requirements of Health Care Institutions and Services.

We know we can depend on your support on this important issue, its effect having a very great impact on our hospital operation.

Truly yours in Christ,

Sister MARY TERENCE, R.S.M.,
Administrator.

THE DEXTER MEMORIAL HOSPITAL,
Dexter, Mo., June 21, 1969.

Re: Medicare Reimbursement.

Hon. THOMAS EAGLETON,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR: I am on the Board of Directors of the Dexter Memorial Hospital, which was organized under the Not-For-Profit Corporation Act, and was built by private donations and a matching Hill-Harris Grant. We have qualified under the Medicare Reimbursement Program, administered by the Department of Health, Education and Welfare, and our per-diem has been established at $36.33 per day. Previously, under this program, when a Medicare patient enters the hospital that patient pays a deductible amount of $44.00. Medicare then reimburses the hospital in an amount determined by multiplying the number of days the patient stays in the hospital by the per-diem rate. This reimbursement, generally, must cover all charges made by the hospital, including room and board, drugs, lab, etc. The hospital, in participating in the Medicare Program, must accept the reimbursement amount paid by Medicare in full payment of all charges made by the hospital to the patient. Thus, if a particular patient were in the hospital for a period of five days and had extensive tests, his bill could well amount to $400.00 or $500.00. Yet, Medicare would pay only $181.65, and the hospital would have to write off the remainder of the bill.

In addition to the reimbursement allowed by Medicare, which is based on cost studies made for each particular hospital, Medicare has been allowing an additional two per cent over cost. However, after July 1, 1969, HEW is going to eliminate the two per cent allowance. This would be very detrimental to all hospitals, as the present Medicare formula does not adequately reimburse hospitals for care rendered to Medicare patients. This is a particularly serious problem in our hospital, and in other hospitals in rural areas, as 50% to 60% of our patient load consists of Medicare patients.

I would like to cite you a few examples of the writeoffs we are sustaining under present Medicare schedules. We had one patient who was in the hospital three days, whose total bill was $163.95, on which Medicare paid $64.99, and on which we had a writeoff of $93.36. Another patient was in the hospital four days, and had a total bill of $189.20, on which Medicare paid $101.32, with a writeoff of $82.28. Another patient was in the hospital four days, with a total bill of $277.25 on which Medicare paid $101.32, and the patient paid the deductible $44.00, leaving a writeoff of $80.93.

The American Hospital Association has requested HEW to forestall this action eliminating the two per cent factor until the complete reimbursement schedule can be restudied. The Association has appointed a special task force to work with the Social Security Administration on this problem. We would like to enlist your assistance in this matter, and would request that you contact the appropriate officials in the Department of Health, Education and Welfare to delay this elimination until the reimbursement system can be completely restudied, as requested by the American Hospital Association. Your assistance and cooperation will be greatly appreciated.

Sincerely yours,

JOHN WM. RINGER,
President, Board of Directors.

AN IMPROVED TRANSPACIFIC AIRLINE SERVICE HAS BEEN TOO LONG DELAYED

Mr. TOWER. Mr. President, yesterday saw the writing of another unhappy chapter in the long-contested transpacific air route case. New and improved service to Hawaii is not yet started. A final decision issued in January authorizing new service March 5 has been repeatedly stayed since that time. It was stayed again yesterday. I think that the Civil Aeronautics Board and the administration must now advise the American people: Why has this needed service been so long delayed? And, when may we expect ultimate resolution?

The hardships visited on the traveling public of the United States by delaying the improvements in service to which they have been many times found entitled is intolerable. The burden put upon the carriers authorized to provide the service through a now five times delayed effective date in the new authorization is now unbearable. The lack of use of new tourist facilities in Hawaii is damaging to the economy of our 50th State and the travel of our citizens to foreign lands rather than Hawaii affects adversely our Nation's gold flow.

On May 28, 1969, certificates of public convenience and necessity authorizing the vast bulk of the international air transportation in issue in the transpacific case became final and effective. I do not perceive why a similar finality is denied for the mainland-Hawaii awards that were made in the domestic decision announced last January. Because of the long standing need of the public for improved service and a final Board decision which left unresolved only a relatively minor issue, the carriers have acted in reliance upon a final decision and have prepared to provide needed public service. Plans for inauguration in March were delayed first to April, then to May, then June, July, and finally their effectiveness has been further stayed by a Board order issued yesterday.

The impact of these repeated delays in terms of public service denied and in terms of the economy of the country is substantial. Literally hundreds of people have been employed, trained, and positioned at various cities throughout the country. Aircraft have been made ready. Station installations have been made, ticket offices opened, and reservations taken, but the public has repeatedly forfeited the opportunity to use the needed new service as the effective date of the certificates has been repeatedly delayed.

Personnel have been employed and trained to provide the service necessary to operate the flights to Hawaii. Facilities for reservations, ticketing baggage and freight handling and all the additional services necessary to operate have been leased or built and this represents a sizable commitment. The continuing delay makes employment suffer, the public suffer, and certainly the airlines and their stockholders will continue to suffer until their decision is final. The United States cannot permit such unproductive expenditure of dollars. It weakens our fiscal system, and perhaps most significantly in the long run, the United States and the dollar will suffer.

It is not my intent to be critical of either the Board or the administration. Congress does, however, have a responsibility to oversee the function of the Civil Aeronautics Board, and its relations with the administration. When, as here, there is no apparent reason for the delay in the carrying out of these functions, I must repeat: Why the delay? and When may we expect the final decision? This is the least to which the public, and the airlines and the Congress are

entitled. Certainly there must be some area for planning, some program to permit early implementation of service and some way to curtail the current waste of funds.

The uncertainty reflects most poignantly in the newly employed persons whose job future is at stake. It is the kind of uncertainty that they and we should not have to face unless there is some good and sufficient reason.

If there is an explanation for the delay, that explanation should be presented promptly. If there is no reason, and I perceive none, service between the mainland and Hawaii should be permitted to start before final resolution of the relatively less important service needs of the South Pacific.

Travel and tourism are a multimillion dollar industry in the United States. They are particularly so in our 50th State, Hawaii, which is dependent on air transportation to bring visitors to the islands. I therefore again ask: Why the delay in this service? When may we expect the service to start? I ask not just on behalf of the mainland people who want to visit Hawaii, not just on behalf of the airlines who have spent many hundreds of thousands of dollars in preparation for this service, not just on behalf of airline employees whose livelihood may be dependent on getting this service inaugurated, not just for airline shareholders who have seen their investments eroded by falling prices, but more particularly on behalf of the people of the State of Hawaii who have devoted hundreds of thousands of dollars to new installations, to employment creating tourist attractions, and to the facilities that will be utilized by this ever-increasing number of Hawaiian visitors.

The commitment to Hawaiian tourism is important not just to Hawaii, but to the Nation as a whole. One of the significant contributors to the U.S. adverse balance of payment is the dollars spent in foreign lands by American travelers. To the extent these people will travel to and from such garden spots of our own Nation as Hawaii, the adverse affect on the balance of payment will be curbed.

I have reviewed only briefly the great and unrecoverable damage being done to many interests by the repeated delay of final implementation of the decision already made. There can be no reason to examine further these questions that have already been examined in such great depth over many weeks of hearings and literally tens of thousands of pages of records. Decisions are not always easy to make, but they must be made if progress is to continue. A decision has been made here. Continued progress awaits only its implementation. It is for these reasons that we now ask the Board and the Administration these two critical questions: Why has this long needed new service been repeatedly delayed? When will the public interest be finally vindicated by permitting implementation of the required new service to Hawaii?

THE QUIET MAJORITY

Mr. BIBLE. Mr. President, as I have observed in the past, it is unfortunate that so much attention is focused on the unruly campus militants and so little on the vast majority of American college students who are orderly and responsible. The noisy rabble can make the front page and get prime-time television news coverage by disrupting a university, defying the law, and mouthing obscenities—all in the name of change. Then there is the quiet majority. These students think they should try to get an education while they are going to college. They think that change should be achieved in an orderly manner through responsible student government and the nonviolent democratic process.

They get their education. They create change. But little attention is directed their way.

I should like to direct some attention their way, for a change. Let us turn for a moment from the strife-torn campuses and look at a more typical institution of higher learning—the University of Nevada.

They have not had any violence in Nevada. Only the administration has been occupying the administration building. No fires. No threats. No marches. The only confrontations have been orderly. And the change has been orderly.

This was duly noted—and little publicized—in the commencement address at the university's Reno campus a few weeks ago. I ask unanimous consent that this address, as highlighted in the university's staff newsletter, be printed in the RECORD, so that the quiet majority will get at least a little of the attention it deserves.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

COMMENCEMENT DRAWS MANY PLAUDITS

The University's first outdoor commencement and President N. Edd Miller's pinch-hit remarks in the absence of the scheduled speaker, Chancellor Roger Heyns, drew plaudits from faculty, students and townspeople alike.

Here are excerpts from Dr. Miller's remarks:

"In this time of great unrest and even of tragic violence on many college campuses, it seems appropriate to say a few words about change on the campus.

"Educational institutions are often glacial in making changes and often even in recognizing the need for change. There is a need, however, now being recognized, for greater involvement, wider participation in the affairs of the University, and greater relevance of the University and its programs to the society in which it exists. This need for change is being met in various ways on different college campuses. Sometimes it comes with disruption and even violence; sometimes it comes through rational open discussion. For this to occur, a climate must exist that encourages free and open and candid discussion of issues and wide participation in decision making.

"On this campus, I submit, change is taking place, but in an orderly and peaceful way. All segments of the University community—regents, administration, faculty, staff, and students—have worked hard to create an open climate for orderly change.

"So, I would like to discuss with you the class of 1969 as a case history of student involvement in appropriate ways in the life of the University.

"I feel a special, personal attachment to this Class. We have entered the University as freshmen in 1965 and I have followed the activities and progress of this group of University citizens with care, interest and enthusiasm. The members of this graduating class have made a distinguished record for themselves in the University.

"Not only in academic achievement but in many other ways this Class has had a significant impact on the University. Under the leadership provided by members of this Class important changes have taken place in the life of the University.

"I think it important to say to all of you that our student body has been active as have student bodies on other campuses across the country. They have, however, channeled their concerns and their activities through organized student government and have expressed themselves in orderly fashion. Unfortunately, no headlines these days accompany this kind of orderly change, but I assure you headlines and commendation are much deserved. They have achieved much and have accomplished their goals without disruption to the processes of the University. Protest and dissent we have had, but these points of view have been expressed freely, openly, and without violence. The people of this state should be proud of this group of students at the University of Nevada.

"I commend to all of you this group of graduates of the University and assure you that our society is in good hands with the kind of people represented here. To the graduates I offer my warmest congratulations and best wishes and my hope for continued success in all your endeavors in the years ahead."

THE PESTICIDE PERIL—XX

Mr. NELSON. Mr. President, for 7 days now the romantic and legendary Rhine River in Europe has been contaminated by a substance which has killed nearly every fish in its waters from St. Goar to the North Sea—a distance of more than 200 miles.

According to this morning's Washington Post, a state of emergency was proclaimed along the riverbank in three German states. In the Netherlands, major cities including Amsterdam and Rotterdam stopped taking Rhine drinking water and switched to reservoirs, leaving Rotterdam with only a week's supply.

Millions of fish are lying dead along the banks, and millions more have drifted into the nets of Rhine fishermen, filling them so full that they have to be cut open. Yet, no one knows exactly what is causing this catastrophe.

However, analysis by the Dutch Government Health Service has discovered the presence of the insecticide, Endosulvan, in the dead fish.

This tragic killing is frightening. Worse still, it has happened before in many other locations. According to the New York Times:

In 1960 pesticides wiped out astronomical numbers of fish in the lower Mississippi. Industrial wastes long ago exterminated shad in the Delaware, shellfish in the Merrimack, and practically everything in the Hudson for at least ten miles below Albany.

The quality of our environment is in serious trouble. All nations are involved, for the manner in which the inhabitants of one country treat their environment affects the environment of their neighbor's. We can no longer afford to be careless. This is especially the case regarding the use of pesticides.

I ask unanimous consent to have printed in the RECORD an article entitled "Mystery Pollution Kills Fish in Rhine," written by Joe Alex Morris, and published in the Washington Post of June 25, 1969; an article entitled "Two Nations Act in Rhine Poisoning Crisis," written by David Binder, and published in the New York Times of June 25, 1969; and an editorial entitled "The Deteriorating Environment," published in the New York Times of June 25, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 25, 1969]

MYSTERY POLLUTION KILLS FISH IN RHINE

(By Joe Alex Morris)

BONN, June 24.—The fish in Germany's romantic Rhine River have been dying by the millions this week as a mysterious poison has turned more than 100 miles of river into a piscatorial wasteland.

A state of emergency was proclaimed along the riverbank in three German states. In the Netherlands, major cities including Amsterdam and Rotterdam stopped taking Rhine drinking water and switched to reservoirs. This left Rotterdam with only a week's supply.

In both countries, public warnings were broadcast over the radio and by river patrol boats to stay out of the water and not to eat river fish. In some places, small boys were reported selling dead fish scooped up from the surface.

Farmers organized emergency brigades to keep their livestock from wandering to the river.

No human casualties have so far been reported. Despite round-the-clock efforts to identify the poison, it was still a mystery today.

[Later in the day, news agencies quoted the Dutch government health service as saying that the poison probably was an insecticide called Endosulvan. An analysis of dead fish taken from the river showed the presence of this insecticide. The source of the insecticide was still not known.]

About 3.5 million Germans drink water from the Rhine, a heavily polluted stream under the best circumstances.

The poisoning, which is considered a catastrophe here, apparently started somewhere near Bingen, where legend says the Lorelei serenaded sailors and drew them to destruction.

Experts are leaning to the theory that a dangerous cargo fell from one of the many barges that make the river Europe's most heavily traveled waterway, and split open on the legendary rocks. The first dead fish were discovered Thursday near Bingen.

The river has since been awash with dead fish, floating downstream with their bellies up. Included were tons of river eels that inhabit the river deeps and normally are not affected by the water flow.

Analysis has determined that the fish died from suffocation, caused by paralysis of their breathing organs. Authorities in Coblenz reported today that tests there showed the contamination had passed their area, but, in a test near Bonn, fish from pure-water sources died in seven minutes after being put into the Rhine.

Officials said it was impossible to predict the ultimate effects. But they tended to minimize any danger to human life.

As for the fish life, "we never had such a catastrophe before," said one North Rhine-Westphalia official. "The Rhine will be biologically kaput for years to come."

The students at Heidelberg may also refrain a long time before singing the traditional drinking song that goes:

"If the water of the Rhine were golden wine,
Then I would gladly be a little fish."

[From the New York Times, June 25, 1969]

TWO NATIONS ACT IN RHINE POISONING CRISIS

(By David Binder)

BONN, June 24.—Dead fish by the millions floated in the northern part of the Rhine today as an unidentified chemical spread for the fifth day over more than 200 miles of the river in West Germany and the Netherlands.

So far no effect has been detected in the drinking water. But waterworks along the German banks have set up special testing facilities to guard against letting contaminated water through to householders.

[Dutch health authorities said that the substance had been identified as a insecticide that posed little danger to humans, United Press International reported from the Hague.]

Cattleowners have been warned to keep their herds away from the river. A report from The Hague said that both Amsterdam and Rotterdam, which get the major part of their drinking water from the river, had closed their Rhine conduits. Rotterdam has large reservoirs while Amsterdam uses wells in the nearby dunes.

River police warn constantly through loudspeakers against swimming in the Rhine. This has been a dubious sport for more than a decade because of steadily increasing amounts of industrial waste being dumped into the stream.

Authorities of the State of Rhineland-Palantinate have narrowed the source of the chemical to a site near St. Goar, a medieval winegrowers town in the middle of the renowned "Romantic Rhine" stretch of ancient castles and steep vineyard slopes. The Rhine, 820 miles long, flows from the Alps to the North Sea and passes or borders on Switzerland, Leichtenstein, Austria, Germany, France and Netherlands.

In a telephone interview an official said that the state government was working on the theory that a barge dumped a "granulated" chemical substance into the stream sometime Wednesday night. Dead fish were noticed in increasing numbers below St. Goar starting Thursday.

LITTLE INDUSTRY IN AREA

The river police at Mainz and Düsseldorf are searching records for all ships that passed St. Goar at the time. The police acted on the basis of a criminal warrant filed by the Rhineland-Palatinate State Attorney against an unknown perpetrator.

Officials in Mainz have virtually ruled out the possibility that the chemical emanated from an industrial source, since the area around St. Goar has almost no industry and the Rhine water a few miles upstream at Wiesbaden, just below the great chemical factories of Mannheim and Ludwigshafen, has been tested and found relatively clean and abounding in fish.

The theory of a granular pollutant holds that the substance sank to the bed of the Rhine at St. Goar and continues to contaminate the water from there down stream.

However, a top official of the North Rhine-Westphalia Government said that his experts were working on the theory that the problem came from nerve gas containers sunk at the end of World War II at St. Goar. The official, who asked not to be identified, said the specialists had established that the containers would have taken 25 years to rust through in fresh water.

The estimate of 25 years could point to a time close to the arrival of allied troops on the Rhine in World War II. Allied troops crossed the Rhine in March, 1945.

Fish taken from other German streams and placed in the Rhine near Düsseldorf today died in seven minutes. However, chemists working aboard two laboratory ships plying between Düsseldorf and Mainz have been unable to isolate the specific cause from the 1,000 or so other foreign substances to be found in the waterway.

For example, potash mines on the French and German banks of the Rhine daily pour 30,000 tons of waste salts into the river. While new purification plants on the German stretch have gradually reduced the impurities in the last year, the Rhine remains a filthy and foul-smelling stream.

Major waterworks at four sites below St. Goar have set up aquariums filled with trout, a highly sensitive fish, to determine if the Rhine poison is blocked by filtering processes used for water for households.

According to river authorities, almost every fish in the river below St. Goar has been killed since Thursday. Millions are lying along the banks. Millions more—carp, eels and bream—have drifted into the nets of Rhine fishermen, filling them so full that they have to be cut open open.

[From the New York Times, June 25, 1969]

THE DETERIORATING ENVIRONMENT

Secretary General U Thant has taken time out from the usual preoccupation of United National officials with saving the world from war to sound the alarm against a slower but dangerously advanced form of global suicide.

In a report to member nations, based on the studies of an advisory group preparing for a world conference in Stockholm in 1972, the Secretary General warned of a general deterioration of the world's environment which is heading the planet toward catastrophe without so far arousing the concern of more than a small fraction of its inhabitants. If urgent action is not taken to arrest the pollution of air, land and water, "the future of life on earth could be endangered."

Within hours of Mr. Thant's report, as though to lend it emphasis, word comes from West Germany and Holland of millions of dead fish floating down the Rhine, poisoned by some as yet undertermined substance. Apart from the loss of marine life itself, the danger of contamination is considered so serious that the cities of Amsterdam, Rotterdam, and The Hague have switched to emergency sources of drinking water.

The coincidence of the two events is dramatic, but such massive fish-kills as the one on the Rhine are tragically no longer novel. In 1960 pesticides wiped out astronomical numbers of fish in the lower Mississippi. Industrial wastes long ago exterminated shad in the Delaware, shellfish in the Merrimack, and practically everything in the Hudson for at least ten miles below Albany—a stretch of water that according to an authority on the subject "can only be described by an ichthyologist with the pen of Dante."

The United Nations report, which is concerned with all aspects of the threatened environment, differs from many such warnings in two respects, both impressive. First, it links the dangerous deterioration of world resources to the simultaneous growth in population, which may be expected to require progressively more of those resources while—unless the lessons of ecology sink in—it reduces their yield still further. And, second, the report puts emphasis on the global nature of the problem. Rich and poor nations alike are involved and vitally affected by each other's treatment of the common environment. They have therefore no alternative but to work together in their "one biosphere within which space and resources, though vast, are limited."

SMALL BUSINESS CAUGHT IN TRIPLE CREDIT SQUEEZE—ADMINISTRATION SHOULD RELEASE $170 MILLION IN SBA LOAN AUTHORITY NOW

Mr. BIBLE. Mr. President, I invite the attention of the Senate to the credit

problems of small business firms, which are becoming increasingly acute.

Earlier this month, the Select Committee on Small Business, on which I serve as chairman, concluded preliminary hearings on the legislative oversight of the Small Business Administration.

Evidence developed in the course of this inquiry indicates that the executive branch has reduced the business loan program of the Small Business Administration by 58.48 percent for fiscal year 1969. In other words, for the 12 months ending on June 30 of this year, the White House has allowed SBA to loan only about two-fifths of the sums budgeted and approved by both Houses of Congress for this period. The amounts withheld are in three categories as follows:

SBA BUSINESS LOANS

[In millions of dollars]

Fiscal year 1969	Direct loan program	Immediate participation loans (SBA share)	Small business investment company program
Loan authorization approved by Congress	77	184.0	30.0
Loan authorization committed	18	94.1	8.7
Loan authority remaining on June 20, 1969	59	89.9	21.3
Total			170.2

The officials of the SBA testifying at our hearings agreed that if this remaining $170 million of loan authority is not released by the end of the fiscal year, it will lapse and therefore become permanently unavailable for any assistance to the 5½ million small business firms of this country.

In an effort to restore this loan money, I have, on behalf of the Small Business Committee, forwarded to the White House a letter urging the President and the Bureau of the Budget to take all steps necessary to assure that this loan authority is carried forward on the books for a period adequate to actually make it available to small business borrowers through the approval and disbursement of the loans attributable to this authority.

The urgent need for such action can be demonstrated by a brief review of what is happening in the private money markets.

STRINGENCY IN PRIVATE CREDIT MARKETS

As the Members of this body are aware, the prime bank interest rate has risen five times in the past 7 months, in the following sequence:

Increase in prime interest rate, December 1968 to date

	Percent
On Dec. 2, 1968, from 6.25 percent (6.0 percent for some banks), to	6.5
On Dec. 18, 1968, to	6.75
On Jan. 7, 1969, to	7.0
On Mar. 17, 1969, to	7.5
On June 10, 1969, to	8.5

The March increase to a then record high, in the words of one reporter: "received the silent approbation of Government officials who had warned Americans not to expect any relief soon from the highest interest rates in history in light of today's overheated economy." [1]

There followed, 2½ months later, the most recent and unprecedented jump to 8½ percent. To realize how unusual this full point increase was, it must be remembered that of the 33 changes in the prime rate since World War II, all of the shifts from 1945 to 1955 were of one-fourth point. After 1956 there were nine changes of one-half point. The June 10, 1969, rise has been the only change as large as 1 percent ever made in the prime rate, either up or down.[2]

Of course, other money market instruments have followed suit—and continue to escalate along with bank rates of interest.[3]

In the real world of finance, it is recognized that this prime rate states the basic cost of money to national corporations with the finest credit ratings. It thus tells only part of the story.

A factor not reflected is the "compensating balance." These are funds which borrowers are informally required to maintain on deposit in noninterest paying accounts at the lender's bank. The level of compensating balances is now about 20 percent, meaning that "the best corporate customers are paying an effective rate—of interest—of 10.6 percent." [4]

Another consideration is that relatively few loan applications are granted the "prime rate." Every month the Federal Reserve System publishes a tabulation of the interest rates on various sizes of loans. The most recent table, covering February 1969 when the prime rate was 7 percent, demonstrates that it is the big borrowers who get the premium rates, while small businesses must accept interest rates scaled up to 1½ points above the prime:

BANK RATES ON SHORT TERM BUSINESS LOANS, FEBRUARY 1969

Interest rate (percent per annum)	Size of loan: $1,000 to $9,000	$10,000 to $99,000	$100,000 to $499,000	$500,000 to $1,000,000	$1,000,000 and over
	Percentage distribution of dollar amounts				
7 or less	16.3	18.9	28.4	38.1	59.2
7.01 to 7.49	13.6	13.1	24.8	33.2	24.6
7.5 to 7.99	30.8	36.1	25.1	15.8	10.7
8.0 to 8.49	26.8	19.6	13.6	8.8	3.9
8.5 and over	12.3	12.3	8.3	4.0	1.6
Total	[1] 100.0	100.0	[1] 100.0	[1] 100.0	100.0

[1] Numbers may not add due to rounding.

Source: Federal Reserve Bulletin, May 1969, table A31.

Not only are the large corporations favored with lower interest rates, but they can and, as the Wall Street Journal points out, have taken other self-protective measures:

> But for large segments of the economy, especially big corporations and financial institutions other than commercial banks, the credit squeeze is less painful than in 1966 . . . major national companies have thus far managed to insulate themselves in large degree against credit restraint. They are bidding aggressively for funds in the commercial paper market, in which they offer unsecured corporate promissory notes for short-term funds at high interest rates. In addition, following the 1966 crunch, the companies rushed to establish firm loan commitments with their banks, refunded short-term debt into long and accumulated assets that could quickly be turned into cash. These preparations have paid off in recent months.[5]

The Journal believed these factors explain "the easily overlooked fact that broad Government policies of stringent credit restraint hit various kinds of borrowers unevenly" and specifically weigh most heavily upon small businesses, governmental borrowers, and the housing industry—which is also predominantly composed of small firms.

With this background in the private sector, a massive cutback of 58½ percent in the public credit program of the SBA—which is intended to be the lender of last resort—puts the small business community between the jaws of a vise, crushing it from two directions.

The full impact of these forces, we fear, is immediately ahead.

Financial statistics show that the ratio of loans to bank deposits, a commonly accepted measure of credit pressures, stood at 71 percent in May 1969, significantly higher than during the tightest period of the 1966 credit shortage. Because of a new method in calculating required reserves at the end of the month, commercial banks have postponed the effect of tax borrowings and other recent credit demands until the end of this month so that "their problem is still ahead." [6]

Reports emanating from the International Monetary Conference of the American Bankers Association were that

[1] "Interest Raised to 7½% High; Move Backed in U.S. Fight on Inflation," by Frank C. Porter, *Washington Post*, March 18, 1969, p. A1:8.

[2] "Comments on Credit," Salomon Brothers & Hutzler, June 20, 1969, p. 4.

[3] See for instance, "Bankers' Acceptances Rates Rise ⅛ Point; GMAC, Chrysler Unit Lift Fees on Paper," *Wall Street Journal*, June 23, 1969, p. 4:3.

[4] "How the Crunch Hits; Money Squeeze Falls On Various Borrowers With an Uneven Impact; States and Cities, Mortgage Seekers Suffer, but Big Concerns Don't Fare Badly," by Charles N. Stabler, *Wall Street Journal*, June 20, 1969, p. 1:6.

[5] "How the Crunch, etc.," *loc. cit.*

[6] "Comments on Credit," *loc. cit.*, p. 1.

we may see still another increase in interest rates in the near future.[7]

INVESTMENT TAX CREDIT IN JEOPARDY

However, there is a third element on the horizon, the administration's proposal to repeal the investment tax credit. The Secretary of the Treasury and other administration witnesses have refused to consider a continuation of the credit for small business firms.

On May 20, a statement was presented to the Ways and Means Committee of the House of Representatives on behalf of myself, as chairman, and the Senator from New York (Mr. JAVITS), as ranking minority member of the Small Business Committee. We urged the committee to retain the investment tax credit for small business firms and farmers up to $25,000 in investment, with a cutoff at $1 million in income, so that large firms would not gain a windfall from a measure intended as relief for small business.

We pointed out the particular advantages of the tax credit to small and dynamic companies, which have the greatest needs for growth capital, and the entire free enterprise system which would flow from continuing the credit for small firms only. We also emphasized that there would be a "substantial revenue gain" from the adoption of our proposal, probably over $3 billion. This is so because truly small firms account for a very minor share of existing investment tax credits and not as high as is being claimed by some Treasury Department spokesmen.

On June 12, the Senator from Alabama (Mr. SPARKMAN) expressed his judgment that the investment tax credit should be retained at the $150,000 level of investment for balance of payments, among other compelling reasons. I was impressed by the Senator's historical research on the subject. It reminds us that the Treasury Department, in 1961, after considering a wide variety of tax devices for bringing us abreast of foreign governments in the tax field, chose the investment tax credit, "primarily because it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives."[8]

I hope that the House, the Committee on Finance, and the Senate, will consider these contentions as the current surtax legislation moves through the Congress.

THESE THREE FORCES ARE CONVERGING ON SMALL FIRMS

In the meantime, the prospects are that a combination of the three forces I have described: that is, record interest rates and intensifying stringency in the private money markets: the cutback of 58½ percent in the public SBA lending programs; and the proposed elimination of the investment tax credit for small business, will create intolerable financial pressures on smaller and independent businesses.

Under these circumstances, small firms which would ordinarily survive will go out of business. Others that would have been successful will be less so, or will experience reverses that may take years to overcome. Others which may escape setbacks will be denied their fair share of economic expansion. The system of free enterprise itself—ease of entry, competition, and growth of firms supplying new products and services—will be impaired. Opportunities for men of imagination and enterprise will be limited.

Mr. President, as one commentator has said, "money markets are reeling under the cumulative pressure of a tight-money policy that keeps squeezing, squeezing, squeezing."[9]

In my judgment, it is primarily small business that is getting caught in this triple squeeze. It seems apparent that the small and independent firms are absorbing more than their share of the restraints on the economy. I feel that they should not in the future continue to bear a disproportionate part of the sacrifices necessary to achieve the country's domestic and international goals.

I wonder if there are any other domestic programs which have been reduced by three-fifths in a single year. I am concerned that small business, because it is not strong enough to protect itself, has been singled out for the worst treatment.

The members of our committee share this concern. Many of us have discussed these matters in detail, and several, including the Senator from Alaska (Mr. GRAVEL), have made timely and important contributions to the committee's work in this area.

WHAT CAN BE DONE

Fortunately, there are steps which can be taken that will provide some measure of relief to hard-pressed small firms. One of these is to free the SBA loan authority already provided by the Congress. Accordingly, I have urged the White House, in the letter to President Nixon to which I referred, to take immediate action in order to release the $170.2 million in SBA loan authorizations, and to take all other action which may be necessary to assure that the funds are carried over on the books of the SBA until the actual loans can be approved and disbursed. Of course, if any further congressional action is needed to reach this result, we urge the President to inform us of this, with his recommendations. The important thing is to get the job done.

Mr. President, it seems unfortunately clear that small business is headed for a credit crisis. I hope the administration will do what it can to avoid it. The action we have suggested can be taken now to mitigate some of the most undesirable consequences.

I, therefore, call upon the administration to begin its relief to the small business community by releasing the full amount of the lending authority for the section 7(a) business loan programs and small business investment company lending, together with other steps which are necessary to implement this action which are administrative and, therefore, conveniently within the control of the executive department.

We on the Small Business Committee stand ready to cooperate in these matters and will continue to do all we can in the Senate to meet this gathering emergency with affirmative and effective action.

For the information of all who are concerned, I ask unanimous consent that our letter to the President requesting release of SBA loan authority for fiscal year 1969 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE
ON SMALL BUSINESS,
Washington, D.C., June 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I respectfully call your attention to several fact situations which I believe are placing the 5½ million small businessmen of this country in an economic straitjacket as a result of skyrocketing bank interest rates and the absence of direct loan money from the Small Business Administration.

The Senate Select Committee on Small Business, of which I have the honor to be Chairman, has just concluded the preliminary phase of hearings on the legislative oversight of the Small Business Administration. Many of our members have expressed deep concern at the drastic reductions in both the budget requests for the SBA loan programs and Executive action reducing loan commitments substantially below amounts approved by the Congress.

According to our Committee's calculations, there remain, within SBA Section 7(a) financial assistance and investment company programs, loan authorizations totaling more than $170 million which will expire if not released before the end of this fiscal year. The amounts are in three categories, as follows: for the direct business loan program $59 million; for SBA's share of immediate participation loans $89.9 million; and for the SBIC lending program $21.3 million, for a total of $170.2 million.

It is my understanding that the release of such authority is for lending rather than spending, so that the budgetary "expenditure" features of these loans would be subject to an immediate offsetting repayment of principal and interest. Moreover, the amounts to be loaned are already in the SBA revolving fund so that no new "appropriations" would be required. Accordingly, expenditure controls would appear to be only a secondary consideration in this matter.

You will recall that last April the Department of Agriculture obtained release of $41 million for the Farmers Home Administration under similar conditions. I feel that small business is entitled to at least comparable treatment in government loan money availability in the face of credit needs of small business which, in the tightening money market, are becoming increasingly acute.

The prime bank rate has reached 8½% and other market instruments have followed suit, raising interest rates to their highest peaks in 100 years. Small, independent, and family businesses, which are less creditworthy than large national firms, customarily pay interest rates scaled upward from the prime.

With this background in the private sector, a cut in the public lending program of last resort in the order of 58.5% is creating

[7] "Another 'Prime' Rate Rise May Be Needed, U.S. Bankers, Meeting in Copenhagen, Say," by Richard F. Janssen, *Wall Street Journal* June 17, 1969, p. 4:2.

[8] "The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business." Remarks on the Senate floor by Senator Sparkman, June 12, 1969, pp. 15582–15584.

[9] "Money Market Crisis Could Hit This Month," by Peter S. Nagan, *Washington Post*, June 8, 1969, p. G3:3.

a massive squeeze on our 5½ million small businessmen.

Therefore, immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation. This may be done administratively, beginning with the release of the full $170.2 million in Congressionally approved loan authority for fiscal year 1969 SBA and SBIC loan programs. This should extend to all necessary technical and implementing measures, which will allow this authority to be carried over on the books until these small business loans can be approved and disbursed. I urge that you instruct the Budget Bureau before June 30 to take the administrative action which is conveniently within your control, and to recommend to Congress whatever additional action may be needed to preserve the budget authority I have described so that it will not become permanently unavailable to the SBA and the small business community.

Very respectfully,

ALAN BIBLE, *Chairman.*

SBA LOAN FUNDS SHOULD BE RELEASED BEFORE JUNE 30

Mr. GRAVEL. Mr. President, the legislative oversight hearings of the Select Committee on Small Business now in progress clearly indicate that the executive branch has been gradually tightening the noose around the loan programs of the Small Business Administration.

As a junior member of this distinguished committee, I strongly support its most recent efforts to obtain economic justice for smaller firms. I commend the chairman, the Senator from Nevada (Mr. BIBLE), for his decision to reconvene the hearings in mid-July so that we may continue our scrutiny over the kind of assistance available to smaller firms from the Small Business Administration, the Department of Commerce, and the Nixon administration as a whole.

At this time, as Senator BIBLE has pointed out, there are few reasons for optimism.

From the testimony at the committee's public hearings June 10–12, it appears that SBA's lending funds have been drastically reduced several times within the past year and a half, and that the direct business loan program of the agency is, in fact, at a complete standstill.

These cutbacks have been of two types; first, reduced requests for funds in the President's budget, and, second, action by the Budget Bureau to roll back lending authority below congressionally approved budget levels. The results have been the same in both cases—the permanent unavailability of loan funds which small businessmen need and Congress is willing to provide through SBA programs. In fact, the results of these executive actions have been cumulative.

Chairman BIBLE has asked for the details of each of these reductions—how they were made and how deeply they have cut into SBA's capacity to do its job. The complete statistics will become available next month, but we are now in a position to review the preliminary figures already on the public record.

It was startling for me to learn that, for this year and next year, the SBA business loan program will actually show a minus figure for net lending, as shown in the following table:

MAJOR CREDIT PROGRAMS—COMMERCE AND TRANSPORTATION

[In millions of dollars]

Agency and programs	Fiscal years 1967 actual	1968 actual	1969 estimate	1970 estimate
Small Business Administration	101	176	−16	−46

Source: The Budget of the U.S. Government, for fiscal years 1969 (p. 115) and 1970 (p. 111).

This means, Mr. President, that more money is being taken out of the SBA loan program than is repaid in the principle and interest. For the 1970 fiscal year just ahead, the back-up will amount to nearly $50 million, which I believe should be immediately available for relending.

The amounts committed in loans by the executive branch are far below the levels which Congress has been willing to appropriate and has actually appropriated during this period. For instance, for fiscal year 1968, Congress approved a loan authority budget level of $88.3 million for the direct loan program. Of this, the executive branch would only commit $54 million. For fiscal year 1969 the SBA should have been provided with at least the previous year's $88 million, plus the restoration of the $34.3 million withheld in 1968 together with some extra funds to grow on. In fact, however, they were only allowed to request budget authority for a far lower direct loan level for current year ending June 30, 1969. Congress approved $77 million for this fiscal year. But the agency was not even allowed to commit this much. The figure was cut all the way back to $18 million. That $18 million was the amount that finally became available for direct loans after all of the cutbacks.

SBA LENDING HAS BEEN VIRTUALLY HALTED

As a consequence SBA ran out of direct loan authority midway through the year. The agency was forced to issue a directive virtually closing down the direct and participation business loan program in the following language:

> As far as FA (financial assistance) programs are concerned the 7(a) direct and immediate participation program levels have been most affected. Our FY 1969 Congressional appropriations submission reflected $77 million for 7(a) direct loans and $184 million for the SBA share of the IP (immediate participation) loans. While the original estimate of the effect of the Congressional action for these loans was a FY 1969 level of $155 million, $41 million direct and $114 million IP (SBA share), further analysis of income and expenditures has resulted in reductions to $18 million for 7(a) direct and 94.1 million for IP.
>
> In view of our first half year allocations, rates of approval and expenditures, and existing backlog, it became necessary to cut off immediately further acceptance of 7(a) direct loan applications. At the same time it was deemed essential that we preserve for the balance of the fiscal year as much of our 7(a) IP program as possible.
>
> However, with $52,4 million already allocated for 7(a) IP loans, only $41.7 million (SBA share) will be available for the last six months of the fiscal year; less than $7 million per month nationally.

The cutbacks in the direct loan authority by the executive branch left an unused $59 million in congressionally authorized budget loan level for fiscal year 1969. This authority can be turned over to the Small Business Administration provided action is taken before June 30. As long as the authority is released by that date it will not lapse and will be available for present or future use in the direct loan and participation programs. If this loan authority is not released, it will revert to the U.S. Treasury and will no longer be available for use in any SBA lending program.

Mr. President, anyone who has been reading the newspapers these days is aware of the compelling reasons of taking such action.

SMALL BUSINESS IS NOT KEEPING PACE

Although the economy has been expanding at a rapid rate, small firms have been precluded from gaining their fair share of these advances by the shortage and expense of capital. Defense procurement has flown up and away because of Vietnam but the small business share of military purchases has declined from 21.8 percent in 1966 to 16 percent in the last half of 1968. Corporate profits have likewise soared 32.8 percent, or almost one-third between 1964 and the beginning of 1969, but 50 giant companies at the summit of our economy account for 39.8 percent of all industry profits, according to the annual Fortune 500 survey.

A comparison among some of the advances in national income, with particular attention to professional firms, farm businesses, and other proprietorships which are predominantly small business, is contained in the following table:

Advances from 1964 to the beginning of 1969

[In billions of dollars]

	Percent
Proprietors' income:	
Business and professional	+18.9
Farm	+24.3
Corporate profits (after taxes)	+32.8
Gross national product	+36.1
Wages and salaries	+38.1

Source: "Federal Reserve Bulletin," May 1969, Tables A66 and A67.

It thus appears to me that the income of smaller and independent businessmen and farmers in this country are lagging behind most of the other indicators. One of the leading disabilities of the small businessman in this regard has been the steep climb, since 1965, of the prime interest rate to 8½ percent. Other forms of commercial financing have risen accordingly. As dizzy as the present peaks are, there have been newspaper reports that interest rates may even go higher before they turn down. In addition to this, the Federal Reserve Board, as a prudent anti-inflationary measure, is "reducing liquidity" in our financial system, which boils down to the fact that banks will end up with less money to loan at higher prices.

As the chairman of our committee has said:

> It has been acknowledged that new and small firms are normally under capitalized. The small local, or family firm, or any company with a new product is simply not in a position to compete for credit with a huge national corporation.

This is the background in the private money market against which the

massive cutbacks in the public loan program of the Small Business Administration should be viewed. I can think of no reason why small and independent businesses should be paying a disproportionate price for the Nation's involvement in Vietnam while the giant corporations net record profits, which are not even subject to an excess profits tax such as existed during all of the major armed conflicts of this century.

As I have said, the Small Business Committee will reexamine the Small Business Administration and the Department of Commerce with respect to these matters during July. We will be collecting further information upon which to base the committee's ultimate findings and recommendations.

ACTION SHOULD BE TAKEN

In the meantime, there is action which can be taken by the executive branch which can provide substantial relief. That is the release of the $170.2 million in loan authority which the executive branch has impounded for fiscal year 1969, and which will lapse if it is not released by the end of this month. There is a precedent for such a decision in the release of $41 million for Farmers Home Administration loans in April of this year. It seems to me that the small businessmen of this country are entitled to comparable treatment.

I therefore join in the call upon the Bureau of the Budget and President Nixon to release this $170.2 million SBA loan authority before June 30, including the $59 million for direct loans; the $89.9 million representing the SBA share of IP—immediate participation—loans and $21.3 million representing loan assistance to small business investment companies. In other words, I am asking for the release of the full $170.2 million for all SBA programs which the Congress approved for these programs before the end of fiscal year 1969. I understand that Chairman BIBLE has officially made this request in a recent letter to the White House, and I wish to give that recommendation my unqualified endorsement.

As the committee investigation proceeds, I shall continue to do all that I can to support a rebuilding of the SBA direct loan program as well as other SBA and Federal programs which can benefit the small business firms of Alaska and the rest of the Nation in the months and years ahead.

SENATOR GRIFFIN ANSWERS ABM DOUBTS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Griffin Answers ABM Doubts," published in the Chicago Tribune of June 24, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 24, 1969]

GRIFFIN ANSWERS ABM DOUBTS

(By Willard Edwards)

WASHINGTON, June 23.—The answer came suddenly to Sen. Robert P. Griffin [R., Mich.], removing doubts about his vote on a great national issue, dissolving a mood of brooding irresolution.

For those citizens confused by the uproar of conflicting claims about an anti-ballistic missile [ABM] system for the United States, it may be comforting to learn that many responsible members of Congress, like Griffin, have been similarly bewildered.

The story of how Griffin made up his mind is instructive. He told it with typical candor, confessing the difficulty he found in understanding scientific arguments about the feasibility of the ABM. He could not but be impressed by the fact that a majority of the scientific community were opposed to it.

In the end, he did what reasonable men do in reaching a difficult decision. He drew upon his own knowledge and experience to apply common sense to a problem in a field where he was a novice and in which the experts themselves were quarreling.

Griffin is an authority on labor legislation [co-author of the Landrum-Griffin act] and it occurred to him that President Nixon, in forthcoming arms control negotiations with Russia, was in the position of a party to a labor dispute. Immediately, he knew what his stand had to be.

Let him tell the story:

"I delayed a long time before deciding. I am not a scientist. I found it very difficult to understand and evaluate the arguments of the impressive experts on both sides of the ABM question. Most seemed to be opposed to it."

"I thought back into history. Back in World War II, many in the scientific community said the atomic bomb could not be developed or not developed in time. The fact had to be faced that the Germans were in the process of developing it. I wonder what the world would be like today if we had decided against developing the bomb and Hitler had won that race.

"Again, in the development of the hydrogen bomb, many scientists said it couldn't be done. But it was done and it kept us ahead of the Soviet Union. I wondered where we would have been, during the missile crisis in Cuba, if we hadn't been as strong as we were at that time.

"Then I decided to look at the issue from a different point of view. Everyone is concerned about the arms race. Opponents of the ABM seem to regard it as an impediment to the possibility of reaching arms control with the Russians. I began to realize that just the opposite was true.

"It came to me that President Nixon, as he prepares to sit down at the negotiating table with Russia, is like a labor union leader negotiating with management on a contract.

"In such cases, the union members are almost always asked for strike authorization in the event of nonagreement. Many times, union members are not really in favor of going on strike at that point but they NEVER turn down their negotiators. It would be devastating for the members to repudiate their bargainers just as they sit down at the negotiating table.

"I can't imagine the Congress of the United States rejecting the President on his ABM proposal and thereby damaging his ability to negotiate in a meaningful way with the Soviet Union. I can't conceive it pulling the rug from under our chief negotiator as he's about to sit down at the table.

"And that's what we will be doing if we spurn his leadership in this difficult and complex situation."

Until last week, Griffin was one of the "undecided" senators wooed by both sides in an almost evenly divided chamber. His vote appeared to assure the Nixon administration of a clear majority—at least 51—when the final roll is called.

INCREASING CRIME RATES EMPHASIZES THE NEED TO ENACT S. 9, CRIMINAL INJURIES COMPENSATION ACT

Mr. YARBOROUGH. Mr. President, I would like to call the attention of my colleagues to an article which appeared on page A–11 of the Washington Post of Wednesday, June 25, 1969. This article reveals that the rate of reported crime is up 10 percent for the first 3 months of this year alone. The figures for the District of Columbia are particularly shocking.

These statistics underline the need for enactment of my bill, S. 9, the Criminal Injuries Compensation Act. As I have pointed out on numerous occasions, our present legal system concentrates on the criminal and virtually ignores the plight of the victims of crime. My proposal would correct this wrong, at least in the District of Columbia and certain other federally administered areas where it would apply.

This bill is now pending before the Judiciary Committee. I hope that hearings can be scheduled and that we can get action on this measure soon.

Mr. President, I ask unanimous consent that the article entitled "FBI's Statistics Show U.S. Crime Up 10 Percent," which appeared in the Washington Post on Wednesday, June 25, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FBI'S STATISTICS SHOW U.S. CRIME UP 10 PERCENT

Reported crime rose 10 per cent in the United States during the first three months of this year, according to statistics released by the FBI yesterday.

A breakdown showed the District of Columbia rated sixth highest in the Nation for the number of murders in that period.

Nationally, crimes of violence increased at double the rate of crimes against property. The Northeastern states received the brunt of this increase with 26 per cent more violent crime than for the same three months last year.

The statistics comparing the first three months in Washington this year with the corresponding period last year tell the following story:

Murders this year, 63, last year, 41; forcible rape, 77 and 53; robberies, 2788 and 1777; aggravated assaults, 707 and 705; burglary, breaking or entering, 4872 and 4007; larceny $50 and over 2177 and 1567, and auto theft, 2098 and 1948.

The report stated that crime in the Nation's suburban areas rose 11 per cent in the first quarter, one per cent more than in the cities.

IN THE NATION: TURNABOUT AMONG LIBERALS

Mr. CHURCH. Mr. President, Mr. Tom Wicker, writing in yesterday's New York Times, speaks favorably of the national commitments resolution in an article in which he takes note of "a new reliance by liberals on congressional responbility."

The article is highly pertinent to the current debate. Accordingly, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 1969]

TURNABOUT AMONG LIBERALS

(By Tom Wicker)

WASHINGTON, June 23—Senator Frank Church of Idaho is generally considered a

liberal Democrat; and the most distinguishing feature of a liberal Democrat in recent decades has been that he believed in a strong Federal Government—hence, necessarily, in a powerful Presidency.

But Church took the Senate floor the other day to criticize, among other things, Franklin Roosevelt's World War II "destroyer deal," the manner in which Harry S. Truman put American forces into the Korean war, and the theory of a bipartisan foreign policy. The Roosevelt and Truman actions have been cited for years as splendid examples of the "strong Presidency" in action; and bipartisanship on foreign policy obviously tends to strengthen the hand of whatever President may be conducting the policy.

NATIONAL COMMITMENTS

Church was speaking in favor of the "National Commitments Resolution," and the strange circumstances surrounding this document are not limited to the fact that it was devised by liberals to restrain Presidents; its leading opponent is that pillar of Republican conservatism, Everett Dirksen, playing a most unfamiliar role as a defender of Presidential power.

The resolution expresses the sense of the Senate that "a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches"—for instance, a treaty or some other such "legislative instrumentality." Its intent is to restrain a President from making a commitment on his own to some foreign government, then claiming it as a "national commitment" that has to be honored by Congress.

THE VIETNAM EXPERIENCE

This resolution springs unquestionably from the Vietnam experience—an obscure "commitment" first made by President Eisenhower to the Diem regime in 1956, extended by President Kennedy, then transformed by President Johnson into a major war. The Tonkin Gulf Resolution, in which Congress voted Mr. Johnson a blank check it did not expect him to use, added an extra sting to the experience.

But even the resentments and disillusionments of the Vietnam years would hardly cause men with a broad outlook on the world, such as Church and J. W. Fulbright of Arkansas, to vote to "tie the President's hands" in the conduct of foreign affairs; they know well that under the Constitution all American Presidents who wanted to exercise it have had such a strong hand in foreign policy that Woodrow Wilson could say that it was virtually unlimited.

In fact, the commitments resolution—upon which the Senate soon will vote—will not tie any President's hands because he still would have exclusive power to act in any real national emergency, and because at other times the Senate would have no power of enforcement. Resolution or no resolution, Presidents will go on conducting American foreign affairs largely as they see fit, as long as the Constitution makes it possible and practicalities make it necessary.

The resolution might, however, put President Nixon and perhaps his successor on notice that at least this Congress and maybe its successor (things being as cyclical as they are) are in a mood to be much tougher on the whole question of national commitments—making a strong protest when, for example, promises are made to Spain that seem out of all proportion to the value of American bases there; or conducting determined investigations of other dubious American involvements abroad. This kind of sentiment is strong already in Congress, and the debate on the resolution may well generate more.

Perhaps there might be developed, too, a more questing public attitude toward national commitments. Does any government, no matter how inept or reactionary, deserve American assistance if its only virtue is anti-Communism? Obviously not, but then what is the American role in the world? What kind of assistance can we usefully offer? To whom and when?

GIVING PRESIDENTS PAUSE

Not only the people and Congress but Presidents themselves need to ask such questions more urgently and answer them more thoughtfully; and if pointed Senate action makes Presidents think long and hard before making far-reaching commitments, so much the better.

The Senate resolution is interesting, moreover, in that it seems to signal a new reliance by liberals on Congressional responsibility, a sharp departure from the old attitude of investing more and more power in a Presidency already too nearly out of control for comfort.

THE TEXAS FEDERATION OF WOMEN'S CLUBS SUPPORTS 100,000-ACRE BIG THICKET NATIONAL PARK IN SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, at their convention on May 7, 1969, the Texas Federation of Women's Clubs ratified a resolution asking the Congress to pass immediately my bill, S. 4, which calls for the establishment of a Big Thicket National Park containing at least 100,000 acres in southeast Texas.

The Texas Federation of Women's Clubs recognizes the necessity of preserving this beautiful and unique wilderness now, before its destruction is complete. The Big Thicket originally covered 3.5 million acres. Now, only 300,000 acres remain. Because of the many benefits a Big Thicket National Park would offer to the State, region, and Nation, the Texas Federation of Women's Clubs has made the preservation of at least 100,000 acres of the Big Thicket a special project.

Mr. President, I ask unanimous consent that the resolution of the Texas Federation of Women's Clubs be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

BIG THICKET NATIONAL PARK BILL

Whereas park officials the length and breadth of our country proclaim an overstrain on park facilities—due to the awesome increase of the nation's population—and plead for acquisition of additional land suitable for park use while such land is still procurable; and

Whereas the area of East Texas known as the Big Thicket, by nature of its unique ecology, great natural beauty, multifarious plant and animal life, and abundant fresh water supplies, has since 1938 been successfully approved by the National Park Service as a highly desirable site for a National Park; and

Whereas such a park at this site offers the certainty of many benefits—esthetic, scientific and economic—to nation, state and region; and

Whereas preservation of the Big Thicket has been declared a special project for the Texas Federation of Women's Clubs; therefore be it

Resolved, That the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Ratified May 7, 1969.

ADDRESS BY SENATOR CLIFFORD CASE ON THE QUESTION OF OUR NATIONAL SECURITY

Mr. BROOKE. Mr. President, on Monday, June 23, the distinguished senior Senator from New Jersey (Mr. CASE) addressed the annual convention of the American Library Association in Atlantic City, N.J., on the matter of our national defense.

At that time, Senator CASE pointed out, as he has done so often and so eloquently in the past, the dangers inherent in a continuation of the arms race. In his determination to educate the public as to the real dangers of MIRV, Senator CASE discussed the technical features of this new weapons system, the serious problems it would pose for inspection efforts, and the imminence of the last opportunity for a moratorium on tests and deployment.

I commend the Senator for his continuing efforts, and ask unanimous consent that the text of his address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PARTIAL TEXT OF ADDRESS BY SENATOR CLIFFORD P. CASE TO THE OPENING GENERAL SESSION, ANNUAL CONVENTION, AMERICAN LIBRARY ASSOCIATION, IN CONVENTION HALL, ATLANTIC CITY, N.J., JUNE 22, 1969

It is a great privilege to discuss with you tonight a concern that lies close to the heart of every American—the security of our country in a turbulent and hostile world.

For thirty years, this concern has overshadowed—when it has not completely dominated—our public and private lives.

For almost as long, this concern has focused on the portent of holocaust that is implicit in the nuclear arms race.

And it is about this arms race that I wish to speak.

The United States and the Soviet Union—not to mention Great Britain, France, and Communist China—have spent untold billions to acquire and perfect nuclear arsenals of unimaginably destructive power.

So frightening are these weapons, in fact, that to insure against their ever being used has long been the central objective of American strategic weapons policy.

To that end, we have placed major reliance on the concept of deterrence. Specifically, we have sought to persuade the Soviet Union that it would be suicidal to launch a nuclear attack against the United States because we would always retain the capacity to destroy them in return.

That we have had and continue to have such a capacity—that is, the weapons to assure destruction of the Soviet Union even after a massive first-strike against the United States—is unquestioned.

Nor does anyone question the fact that the Soviet Union exercises a similar deterrent against us. Both nations, in short, possess what is called a "second-strike capability" vis-a-vis the other, and it is this delicate "balance of terror" that has served—so far—to bar the use of nuclear weapons by either side.

Today, however, both nations are poised to cross the threshold of a new and potentially disastrous phase of the strategic arms race. And that is why the fullest public understanding of the issues involved is of such urgency.

Both the United States and the Soviet Union are about to introduce entirely new families of offensive missiles, the characteristics of which could destroy all hope of re-

lying on mutual deterrence to prevent nuclear war.

These new weapons are called MIRVs—an acronym for Multiple Independently Targetable Re-entry Vehicles.

Not only do MIRVs mean more than one warhead for each Intercontinental Ballistic Missile or ICBM—and our plans call for from three to fourteen warheads per missile—but each warhead would be capable of attacking a separate target.

At a minimum, the actual deployment of MIRVed missiles by both nations—at the cost of many additional billions over the next few years—would bring us to a point of no greater security than exists today.

The gravest threat of MIRV, however, is to the concept of deterrence. For such weapons point to the possibility of destroying so many of the other side's offensive missiles before they could be fired that a "first strike" would no longer so clearly be suicidal.

It is the development of such a first-strike capability that is so worrisome to all who have looked closely at the strategic weapons problem. Indeed, Secretary of Defense Laird has based the Administration's case for building the Safeguard anti-ballistic missile system on the contention that the Soviets are "going for a first-strike capability" by adding MIRVs to their largest missiles.

All of this would appear to be beyond the rational control of man were it not for two facts:

First, neither the United States nor the Soviet Union has fully developed MIRVs.

Second, both nations are preparing to enter bilateral negotiations for a Strategic Arms Limitation Treaty.

Taken together, these facts offer a real if fleeting opportunity to stay the mad momentum of nuclear armaments.

This week, more than forty members of the United States Senate joined in urging a moratorium on the further testing of MIRVs by both nations.

I myself have proposed an even more direct initiative. I believe that President Nixon should immediately suspend flight tests of MIRVs for so long as the Soviet Union does the same.

Along with Senator Brooke of Massachusetts, who has done so much to raise this issue to the fore, I know of nothing that is so certain to insure that the strategic arms race continues on an upward spiral as the deployment of MIRVs.

Today, thanks to independent surveillance systems, both the United States and the Soviet Union can count the other's offensive missiles and estimate with some assurance the damage they might do.

But once these missiles can be fitted with multiple warheads, and especially MIRVs, such assurance will not be possible.

Yet the only real hope of avoiding the deployment of MIRV warheads by both sides is to ban the testing of MIRVs before they have been fully developed.

And that moment is rapidly approaching. Indeed, when I first raised this question with Secretary Laird when he appeared before the Foreign Relations Committee three months ago, he said we would be deploying MIRVs "not in the too distant future."

The United States has already conducted quite a number of MIRV flight tests with Poseidon and Minuteman III missiles. The Soviet Union has also conducted flight tests of multiple warheads in the Pacific.

Whether they are testing true MIRVs or simpler MRVs—that is, multiple re-entry vehicles without independent guidance—has been a matter of some dispute in the intelligence community.

(Incidentally, my colleagues on the Foreign Relations Committee and I will be meeting with Secretary Laird and the Director of Central Intelligence tomorrow morning to clarify this matter.)

But whether the Soviets are testing MIRVs or simply MRVs is truly beside the point. For it is undisputed that the United States is substantially ahead of the Soviets in MIRV technology. And no one can maintain that a mutual moratorium on flight tests would enable the Soviets to overcome our lead.

More importantly, I know of no one who is prepared to dispute the proposition that, once MIRVs are fully tested by either or both sides, there would be no way of checking on compliance with an agreement *not* to deploy MIRVs except by detailed, on-site inspections which the Soviet Union would never agree to and we would not be likely to either.

The importance of immediate action to stop MIRV flight tests *now*—before they have been completed by either side—cannot, therefore, be overestimated. Upon taking this action *now* may well depend the possibility of any effective limitation on strategic armaments by agreement between our country and the Soviet Union.

On Thursday evening, the President indicated that talks might begin in early August. He said that he was considering the possibility of a moratorium on MIRV tests as part of any arms control agreement. But he rejected the initiative I have proposed, as being not in our interests.

Again, let me state, to avoid any possible misunderstanding, what my proposal is. It is very simple. It has two parts.

The first part is that, without waiting for anyone else, we immediately stop all flight tests of our MIRVs.

The second part is that we not resume such flight tests so long as the Soviet Union does not resume such tests.

I wholly disagree with the President that my proposal is not in our national interest. My proposal would entail no risk to our national security for these reasons:

We are substantially ahead of the Soviets in MIRV technology.

We can monitor their flight tests—as they can monitor ours. If they resume tests, we will know.

We can maintain our readiness to resume testing, as we must assume the Soviets would also do.

We can resume tests immediately should they decide to do so.

Obviously, this is not unilateral disarmament, or anything approaching it.

Certainly President Eisenhower did not think so when, just over ten years ago—on October 31, 1958—he announced that the United States would conduct no further tests of nuclear weapons in the atmosphere for so long as the Soviets did likewise.

The Soviets observed that moratorium for three years, until September 1, 1961, when they resumed testing. The United States then conducted further tests of its own. But the moratorium, even though broken, unquestionably paved the way for the partial Test Ban Treaty of 1963, which the Senate ratified by a vote of 80 to 19.

If we are ever to conclude a Strategic Arms Limitation Treaty with the Soviet Union, the terms of that agreement must be such that the President, the Senate, and the American people can be confident of our ability to detect violations that might jeopardize our safety.

We can have no such confidence once the Soviets have fully tested MIRV warheads. Nor could they have any such confidence once we have reached that stage.

Indeed, there is good reason to believe that, somewhere short of full testing, both nations would have to conclude that it was too late to enter a moratorium on testing with sufficient insurance that the other side could not deploy.

To speak then of a moratorium as part of an overall agreement that no one anticipates reaching for several years is tragically wide of the mark.

In fact, such an approach can only buttress what has been authoritatively reported to be the Defense Department's position.

This, in brief, is that the die has already been cast and that both the United States and the Soviet Union inevitably must proceed with the full development and deployment of MIRVs and of anti-ballistic missile systems, before entering into any agreement to freeze strategic weapons.

Such a prescription is the very antithesis of arms control. If adopted as the position of the United States Government, it would lead, in my judgment, to an intolerable escalation of arms.

At this critical juncture in the formation of national policy, it is not only proper but essential that the Legislative Branch seek to prevent the Executive Branch from leading our nation across a threshold of no return.

The only path to national security in the nucelar age lies in arms control, not in the proliferation of weapons.

The plateau on which the United States and the Soviet Union now stand is one that may be uniquely suited to a mutual halt.

We have not months, perhaps not many weeks, before it may be too late. If we wait for a mutual agreement to limit MIRV testing and deployment, the chances are we shall be too late. Under my proposal we would seize the initiative. We would do something while there still may be time. We would not just talk about doing something until the deadline for action has passed.

We must seize this opportunity to take the initiative before the inexorable forces of technology decree the defeat of man's best hope.

SENATOR MILLER ON "CAPITOL CLOAKROOM"

Mr. MUNDT. Mr. President, on June 18, the program "Capitol Cloakroom" consisted of an interview by several leading CBS news analysts and the distinguished senior Senator from Iowa (Mr. MILLER). Because of the timely nature of the questions discussed and the able and perceptive answers provided by my colleague from Iowa, I ask unanimous consent that a transcript of the program be printed in the RECORD.

Mr. President, I heard this panel discussion on my car radio and I found it to be both lively and informative.

I especially commend to my colleagues Senator MILLER'S highly pertinent and very informative discussion of the pros and cons of the ABM controversy.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

CBS CAPITOL CLOAKROOM, JUNE 18, 1969

Participating: Senator MILLER, ROGER MUDD, GEORGE HERMAN, and DAVID DICK.

Q. Senator Miller, is the ten percent tax surcharge necessary to block runaway inflation?

Q. Senator, is the anti-ballistic missile issue being stalled to let passions cool in the Senate?

Q. What does the Republican rejection of Mayor John Lindsay signify?

Q. Welcome to Capitol Cloakroom, Senator Miller. Your committee membership—Finance, Agriculture, Joint Economic and the GOP Senatorial Campaign Committee—prompts a long list of questions and we'll begin with Finance, with your permission, and taxation and inflation. The other day the House Ways and Means Committee cleared a modified extension of the ten percent tax surcharge, ten percent until January and five percent until June. As you in favor of it and

do you think it's necessary to stop or block what Treasury Secretary David Kennedy fears will be runaway inflation.

A. Well, I'm in favor of it and as far as its necessity is concerned I think you know that the best thinking in the Administration certainly is that it is necessary. However, let's put it in perspective. It's necessary only as a part of a package. The ten percent surcharge by itself is not going to do the job on inflation. If you're going to do a job on the inflation problem, you have to work on it on both the monetary and the fiscal sides of the ledger. On the monetary side, I think that the Federal Reserve Board is increasing the money supply at a very moderate rate and it has increased the rediscount rate substantially, which results in higher interest rates. And that takes care of that one side. The other side of the ledger is the fiscal side, and that means taxes and spending and you have to have both. During the debate at the time the surcharge was first proposed, it was brought out, I think, very clearly that nobody who was voting for the ten percent surcharge expected this to have an anti-inflationary impact immediately (in fact, not for several months, if not years), because people who would have to pay more taxes and still wanted to make purchases would dig into their savings and make the purchases just the same. And it was sounded loud and clear that the best way to have an immediate impact on the inflation picture was to have a curb in federal spending. And that's why we insisted, you may remember, that if we were going to respond to President Johnson's surcharge request that President Johnson would also have to be willing to accept a $6 billion reduction in federal spending. And so, with the passage of the surtax, this is not going to get the job done unless the Congress cooperates with the Administration in holding down federal spending too. And with that kind of a package we can do a job on inflation.

Q. Holding down how much?

A. Well, certainly holding it down to the extent that the amount of federal borrowing is going to be minimized, preferably eliminated.

Q. During the course of a great deal of this testimony about why the surtax in 1968 didn't control inflation any better than it did, there was a good deal of sort of backward looking that perhaps the Federal Reserve Board had been working in the opposite direction from the surtax. Do you think something should be done, as has often been suggested here, to get the Federal Reserve Board in a little better coordination with the Administration and with Congress?

A. Well, there are two schools of thought on this, as you well know. One is to have the Federal Reserve Board exist as a very independent body; the other is to make it subject to Administrative dictates. I can see where either school of thought could prevail at a given period of time. However, my personal view is that the independence of the Federal Reserve Board is going to be best in the long run, and will not be changed subject to the whims of an Administration which may be in and out of office. But certainly the Federal Reserve Board by increasing the money supply at an unduly fast rate last year went contrary to the fiscal policy which Congress and the Administration itself had dictated. And now they have confessed to their error and we will trust that they will not fall into a similar error in the future.

Q. Senator, there's a portion of this bipartisan effort which includes removing some low-income families from the rolls and there are some members of Congress who refer to this as a "sweetener." Is this the extent of tax reform that you expect this year?

A. No. Most of us expect to have two packages of tax measures. The first one I refer to as a "mini-package," which consists of the ten percent surcharge, "sweetened" up, if you wish to use that term, by certain measures such as the removal of a number of low income taxpayers from the impact of federal income taxes, such as repeal or modification, at the very least, of the investment tax credit. Maybe one or two other items. That's the mini-package; that's the one that we need to get out of the way very, very quickly.

Q. And continuing the excise taxes.

A. And continuing the excise taxes. Now, as a follow-on however, I think that there is great expectation that the House Ways and Means Committee will send out a package, a substantial package, of tax reform proposals sometime by mid-summer or the latter part of the summer; and then, if the session continues on through the fall, as all indications are that it will, then the Senate Finance Committee will get around to working on that and probably have this second package out by the end of the year. The second package, of course, would include a number of things, not the least of which would be substantial reform of tax exempt private foundations, and this alone could occupy a considerable amount of the time of the Congress. But I think two packages are due this year.

Q. You didn't mention reform on the twenty-seven and one-half percent oil depletion allowance. Do you favor that?

A. Well, I have always opposed the arbitrary, meat-ax approach to cutting down on percentage depletion, be it percentage depletion in the oil and gas industry or percentage depletion in other minerals. And, you know, this could go clear down to five percent percentage depletion on sand and gravel. I think that the Administration's proposal in the form of a minimum tax approach is a pretty good way of handling this. Now, in other words, we might argue about whether there should be a change in percentage depletion; we might argue whether there should be a change in longterm capital gains; whether there should be a change in tax exempt municipal bond interest. But there's one thing I would hope we could get together on and that is that regardless of where this tax exempt income comes from, people should pay a certain amount of tax. And that's what the minimum tax approach is all about. And I think that it's a very good way of dealing with this problem, certainly in the short run. It avoids all the arguments, when you meet each one of these items head on, and at the same time I think it satisfies the bulk of the American tax paying public by assuring them that regardless of where this comes from people are going to pay some taxes.

Q. Senator, in discussing inflation with monetary experts in the government, many say that there's a growing body of evidence that the greatest enemy the Administration has is what they call inflation psychology, that people now believe inflation is a permanent part of our lives, almost a self-fulfilling prophecy. If they believe prices go up, they're going to go up. How does the Administration combat that?

A. Well, Roger, we all have our ideas on it. I have my own and I'm very glad you asked that question. I think that a good many of your so-called smart money people are counting on the Congress to not change its spots. And, as you well know, over the last eight years the Congress has had the proclivity of running our federal government billions and billions of dollars deeper in debt year after year after year. Now, you still have generally the same makeup of the Congress in 1969, and some of the smart money boys are betting on the fact that the Congress is not going to change its spots and it's going to continue to appropriate more money than the federal government takes in and, of course, if they do, then we're going to have continued inflation and high interest rates.

Q. Well, the Congress isn't primarily to blame for inflation, is it?

A. Oh, I think it is. This is where it starts, because, when a majority of the members of Congress vote to run your federal government billions and billions deeper in debt, as night follows day you're going to have inflation. Now you can talk about wage increases and price increases as aggravating inflation, and, of course, if they're unduly high they will aggravate inflation. But it starts right here on Capitol Hill. And until you have a majority of the members of Congress who refuse to vote more spending than we take in, you're going to have more inflation. And so I can understand why some smart money people are counting on the Congress not changing its policy and continuing the inflationary fiscal policies that they have followed here for the last eight years. I don't think they will this year. And when the people of the United States find that Congress is going to hold a rein on federal spending and is going to meet the fiscal requirements by coupling spending and taxing in a package that will bring us out pretty well, even-steven, then the inflationary psychology will go out of the window. Now, that won't happen, however, until later on this year when we have taken action on our appropriation bills. And so I personally do not think that the inflationary psychology will tone down enough to start getting the job down on inflation until probably this fall.

Q. And to do your part you'd be willing to vote against appropriations that would help Iowa?

A. I've said on the floor many times that Iowa, by my vote, will be pleased to take its fair share of reduction of spending in order to do a job on inflation.

Q. What's the impact on all of this balance between income and outgo of the federal government of the tax reform bill. Will it bring in more money or will it bring in less? This is the second package, the tax reform package.

A. Well, according to the Administration's proposals and desires, you know they desire to have a package which will pretty well even out; in other words, there will be some areas which will cost the revenue and there will be others which will bring in more revenue. For example, closing some of the loopholes on tax exempt foundations unquestionably will bring in more revenue. On the other hand, if there is a liberalization of moving expense deductions, that will cost the revenue. I think it would be very unfortunate if the package was not a relatively balanced package so that income and outgo would be just about the same.

Q. One of the things they're talking about cutting when they start talking now about cutting expenses is what used to be sacrosanct—military spending. One of the items that everybody's been accepting as a sort of symbol is the anti-ballistic missile. Now there was a big fuss here a couple of weeks, a month ago and you haven't heard much about it lately. Is it being quietly stalled so that we'll forget about it?

A. Well, I don't know. The leadership would probably tell you that it's not being deliberately stalled at all. There's no particular hurry on it. After all, you want to realize that this is an issue which was, I think, prematurely got out into the open. It's a part of the military authorization measure, and that isn't going to be due out until July anyhow. And in previous years, as I recall, the military measure doesn't come out until July or August. And until it does come out for action, then we're not going to meet this issue headon with roll call votes in the Senate. I just think that it was prematurely raised.

Q. The President raised it, though, did he not?

A. Well, I think the President raised it in that he took a position on it. But even before the President raised it, there were speeches being made about the anti-ballistic missile. Actually, you remember, this

was raised at least two and, I think, three times last year. We had three different debates down here on the floor, at various stages of our legislative program, on the anti-ballistic missile. So, it's pretty much old hat.

Q. Are you in favor of the President's Safeguard proposal?

A. Yes, I am. And I want to make it very clear that I understand, and I think most of us who favor it, understand, that there are some good decent, conscientious American citizens who disagree with us. It's a very difficult thing for the average human being, certainly the average voter, to make a judgment on this. It's a very difficult thing for the average Senator, because we're not scientists. I'm not a physicist. What do I do when somebody says "well, the ABM won't work," and someone else says "the ABM will work"? And they're both scientists.

Q. Why did you decide it would work, then?

A. Well, I placed my chips in the basket of Dr. Wigner, the Nobel Laureate of Princeton University.

Q. Why him?

A. Well, I'll tell you. Of all the physicists in the world, he's the only one that has received the four top awards for physics—Nobel Peace Prize, the Fermi Award, the National Science Medal and one other. He is preeminent in his field. I'll take him compared to a thousand other physicists.

Now, when they achieve his recognition, maybe I'll be more inclined to listen to them. It's a case of where you put your chips. You want to play golf. Are you going to put your chips with Jack Nicklaus or some unknown or somebody who's just starting in?

Q. Dr. Hans Bethe?

A. Well, all I can tell you is this: There's nobody in the physics field who has attained the achievements that Dr. Wigner has attained.

Q. But his awards were not in recognition for his work in the ABM field, were they?

A. Well, the question is one of physics as to whether the ABM will or will not work.

Q. Well, it's a question of testing it, isn't it? Don't both sides admit you really won't know until you test it?

A. No, I don't think so. I think that your physicists like Dr. Wigner will tell you that it will work. Of course, you have to have testing to check out certain things. The development of the hydrogen bomb should be recalled. You may remember one noted physicist, Dr. Oppenheimer, said it wouldn't work. Since then he has come up with an admission that he was wrong.

Q. Senator, in the taxpayers' mind it seems that there are misgivings that the Nixon Administration may be losing ground on two fronts—the inflation crisis at home and a speedy conclusion of the war in Vietnam. Do you share that concern?

A. Well, I certainly am concerned about both of those points. And I don't know about anybody who isn't. However, I don't think the Administration is losing ground. And I don't think that it should either lose ground or gain ground. I think it would be very shortsighted for anybody to expect that a new President and a new Administration and a new Congress could get this inflationary momentum tailed back in a relatively short period of time. As a matter of fact, I don't think that anybody, certainly not me, certainly not the President's Council of Economic Advisers, certainly not the chairmen of various committees around here, really appreciated the impact on this economy of ours of the $25 billion budget deficit that we had a year and a half ago. I don't think anybody dreamed what that impact was. And we're beginning to find out what a horrible impact it had, and it's just going to take a while to work it out; and you're going to have to have both the Congress and the Administration working together. If the Congress doesn't work with the Administration by getting this budget of ours into a reasonable balance, it's going to get worse.

Q. Senator, before we shift to politics, may I ask you if you believe inflation to be a permanent part of our lives?

A. No, and I think it would be most unfortunate for anybody to say so. I understand that there are some so-called "new economists" who preach that doctrine. Of course, when they do, they're flying in the face of a national economic policy which was declared in a bi-partisan bill passed by Congress in 1946 known as the Employment Act of 1946, which set forth twin goals for our national policy objectives. Those twin goals are full employment and a stable dollar. And when they said a stable dollar, they weren't talking about inflation as being a permanent fixture in this country. For somebody to come along and say you can't attain both of those goals—if you're going to have full employment you've got to have inflation or if you're going to have a stable dollar you're going to have unemployment—is a confession of failure of the capitalistic economic system. And I'm not about to join in such a confession.

Q. Does a stable dollar mean no yearly rise at all?

A. That's right.

Q. Or does it mean what was sometimes talked about in the Eisenhower years as two percent a year.

A. No, a stable dollar means a stable dollar-period. And I'm pleased to say that, for the first time in nine years, I have heard a spokesman for the Administration, Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, state that the objective of this Administration is zero inflation.

Q. Senator, I'd like to ask you a specific political question. What does the Republican rejection of Mayor John Lindsay mean to you?

A. Well, first of all, this is pretty early to give you a definite answer. In any election there has to be a certain amount of very careful analysis, lest you make some premature judgments. I don't think that the analysis has been made that would enable one, that is in depth, to answer that question. It'll entail some polling, I'm sure. In the second place, I want to emphasize this: And that is that New York City politics is an area of its own. The New York Republican Party, the New York City Republican Party, the New York City Democratic Party, are not by any means indicative of the national parties or the national scene.

Q. But if you back up and take the victory of the former police chief in Minneapolis or Yorty in Los Angeles, New York may be indicative, mightn't it?

A. Now, I'll agree with you. If you can bring in other cities around the country besides New York City, then you may well find a pattern. But to take New York City by itself and say here's what happened in a primary election in New York City; therefore, this is a national trend would be most erroneous. Now, if you're going to bring in Minneapolis and Los Angeles and New York, and you seem to see a pattern forming there I think you have a point. And the point seems to be that people want to have safe streets, and they want to have a firmer attitude towards crime and violence. And certainly that is what the analyses show as the cause of the Minneapolis election and probably, to some extent, the Los Angeles election.

Q. What I was trying to get at was what effect that trend would have on you and the Senate. Would it slow down the Senate; would the trend of law and order be felt here on the Hill?

A. I think that it will be observed, but I have the feeling that the law-and-order, and reduction and minimization of violence and crime trend arrived on Capitol Hill loud and clear a year or two ago. In other words, I think that what happened in Minneapolis, for example, really is a revelation of what we had revealed to us last year at the time we were taking action of Safe Streets bill.

Q. Now you have a half dozen members of the Senate who are liberals, mostly Democrats who are elected by less than 55 percent. Do you think that these liberals are now endangered in 1970? I mean, the half dozen who are up in 1970.

A. Well, I would have to tell you this, as a member of the Republican Senatorial Campaign Committee, that any elections with that kind of a margin we deem to be marginal seats and they are in our target sights.

Q. Hugh Scott in Pennsylvania?

A. Well, I thought you were talking about Democratic seats.

Q. I'm talking about liberals in general.

A. Well, now, if you're talking about Republican seats where there's a 55 percent vote, then they're going to be in the target sights of our Democratic friends. That's the way we play the ballgame. And those are marginal seats by either party's definition.

Q. Who'll be the easiest Democratic Senator to knock off in '70, Senator?

A. Well, I don't think that we have concluded that there would be anyone who would be easiest, but I can tell you that there are about a dozen of those seats that we think we have a real chance of picking up. The reason is that there has been a Republican trend. We have Republican governors in a good many of those states. The people seem to be responding more to Republican philosophy and to Republican candidates, especially if they are, as they usually have been lately, young, attractive, dynamic people with progressive and yet responsible viewpoints. So, I think that . . . I wouldn't single out any particular one; I just tell you that there are twelve that are in our target sights as real possibilities.

Q. In the thirty seconds we have, are you willing to join your Republican colleague, Senator Goodell, in challenging your party leader, Mr. Dirksen, to remove his opposition to the appointment of Dr. Knowles to the HEW?

A. Well, I haven't made a thorough study of the Dr. Knowles appointment. I am somewhat distressed by the impasse that has existed for a long time. But I have the feeling that Senator Dirksen has some points to support his position. I would like to have this thing debated a little more behind closed doors than it has been to date. I think that it, perhaps, will be. I have had my attention invited to a record during a hearing which indicates that Dr. Knowles might have some tough sledding if he comes up for confirmation in the Senate.

Q. We've got to close our doors now, Senator. Thank you for being with us on Capitol Cloakroom.

INFORMATION CONCERNING FUNDS FOR IMPACT AREA LEGISLATION

Mr. YARBOROUGH. Mr. President, because I know of the great interest Senators have in the impacted areas legislation—Public Law 874—I bring to their attention the most current information on the impact of the administration budget proposals on the school districts affected in each State. I feel sure that this information can be most useful to each Senator in coming to his own evaluation of the adequacy of the funding proposed.

Mr. President, I ask unanimous consent that the letter addressed to me under date of June 12, 1969, by the Honorable James E. Allen, Jr., and the

appended tables be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D. C., June 12, 1969.

Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to provide the latest information that is available regarding entitlements to school districts under Title I of Public Law 81-874, in response to your letter of May 16. The table (enclosure A) shows the number of "a" and "b" children and the amounts for each, by Congressional District, for Fiscal Year 1968.

Initial applications for Fiscal Year 1969 funds are being processed now, many having been received near the deadline date of March 31, 1969. Approximately one-fourth of the 4,560 applications have not been processed. Precise entitlements for each applicant will not be known until final data is submitted by each applicant by September 30, 1969. The 1968 amounts are estimated to increase by approximately 32 percent in 1970. (One of the difficulties in projecting estimates for every applicant is that the rate of payment per child varies from State to State and, in many States, from school district to school district.)

A second table (enclosure B) presents a fairly accurate picture of the effect that the 1970 budget request would have on each State. Amounts required for full funding and for funding only "a" pupils and Section 6 are shown for each State, as well as the difference between the two. The difference would be that amount necessary for funding category "b" pupils and other Sections of the Act. Being a State table, it cannot indicate school districts that will not receive any entitlement because they educate only category "b" pupils. Also, it does not show the school districts which will receive only a small entitlement because they educate mostly "b" pupils and only a few "a" pupils.

It is estimated that categories "a" and Section 6 pupils will number about 457,000 in 1970; there will be approximately two and one half million "b" pupils in 1970.

Sincerely yours,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Alabama:						
1	234	5,179	$59,853	$662,342	$722,195	4
2	516	7,543	131,982	964,674	1,096,657	6
3	730	10,468	186,719	1,338,753	1,525,472	12
4	329	7,634	84,152	976,312	1,060,464	12
5	25	1,035	6,395	132,366	138,761	3
7		2,126		271,894	271,894	3
8	802	23,784	205,136	3,041,736	3,246,871	15
4 and 6 (Birmingham)		1,236		158,072	158,072	2
All	2,636	59,005	674,236	7,546,149	8,220,386	57
Alaska: At large	15,240	14,304	10,386,230	2,805,128	13,191,358	23
Arizona:						
1	808	4,463	253,217	644,748	897,965	12
2	5,144	15,968	1,465,351	2,563,003	4,028,355	47
3	10,354	3,566	2,769,995	501,154	3,280,149	52
1 and 3 (Phoenix)	1,495	3,280	386,443	497,190	883,632	18
All	17,801	27,277	4,875,006	4,215,095	9,090,102	129
Kansas:						
1	1,029	689	263,198	88,116	351,314	2
2	1,804	7,579	461,427	969,278	1,430,705	13
3	20	2,439	5,116	311,924	317,039	28
4	45	4,049	11,510	517,827	529,337	14
All	2,898	14,756	741,250	1,887,145	2,628,395	57
California:						
1	2,644	10,385	832,685	1,701,343	2,534,028	31
2	1,145	5,538	398,880	943,519	1,342,399	63
3	2,716	31,471	824,451	5,138,340	5,962,790	15
4	7,735	18,794	2,449,964	3,007,474	5,457,438	21
7		1,857		292,505	292,505	3
8	1,494	4,058	471,242	678,963	1,150,205	4
9	32	7,090	10,112	1,164,858	1,174,970	12
10	152	8,759	45,115	1,430,040	1,475,155	16
11	4	4,437	$1,470	$698,488	$699,957	12
12	5,454	9,406	1,723,471	1,513,311	3,236,782	18
13	6,528	24,311	2,045,580	3,955,919	6,001,499	34
14	229	10,885	72,142	1,749,706	1,821,848	14
15	87	7,988	27,408	1,300,464	1,327,871	18
16	1,144	4,707	350,812	757,200	1,108,012	16
17		370		51,393	51,393	1
18	8,516	3,767	2,721,284	605,988	3,327,271	20
19		1,773		279,274	279,274	2
20		467		73,560	73,560	1
23		3,836		611,941	611,941	5
24		2,653		417,887	417,887	3
25	6	1,613	2,595	289,685	292,280	5
27	66	8,025	22,002	1,359,061	1,381,063	11
28	8	2,238	2,520	361,100	363,621	6
31	2	396	556	80,573	81,128	2
32	1,616	7,342	509,088	1,156,475	1,665,564	1
33	3,976	21,007	1,236,558	3,363,425	4,599,982	28
34		9,559		1,482,427	1,482,427	13
35	4,706	20,846	1,425,672	3,621,179	5,046,852	40
36	686	4,778	215,813	718,868	934,681	5
37	41	18,898	14,069	2,971,763	2,985,832	7
38	1,829	8,862	574,111	1,412,858	1,986,969	19
35-37 (San Diego)	7	48	3,142	10,773	13,915	1
17 19-22 24 26-32 (San Diego)	1,175	22,598	370,160	3,559,524	2,929,684	1
7-9		2,466		388,432	388,432	2
5 and 6 (San Francisco, Calif.)	2,034	6,950	640,771	1,094,729	1,735,500	1
9 and 10		94		13,057	13,057	1
36 and 37 (San Diego, Calif.)	5,587	26,430	1,760,073	4,163,121	5,923,194	1
34 and 35		2,354		370,790	370,790	1
19 and 20	19	601	5,986	94,667	100,652	1
17, 21, 23 and 32 (Los Angeles, Calif.)		301		41,809	4,1809	1
17 and 31		314		43,614	43,614	1
28 and 17		2,000		315,030	315,030	1
8 and 9	3	7,975	945	1,256,182	1,257,127	2
7 and 8	162	7,999	51,035	1,259,962	1,310,997	1
All	59,803	346,246	18,809,711	55,801,277	74,610,988	461
Colorado:						
2	317	19,326	116,287	3,847,371	3,963,658	14
3	4,669	29,308	1,902,913	5,662,301	7,565,214	28
4	931	5,854	366,115	1,070,934	1,437,049	31
All	5,917	54,488	2,385,314	10,580,607	12,965,921	73
Connecticut:						
1		368		78,890	78,890	2
2	2,515	5,354	1,116,319	1,007,239	2,123,558	23
3	41	2,444	14,476	482,188	496,663	4
4		989		169,361	169,361	1
5		1,078		199,967	199,967	4
6		1,348		284,998	284,998	6
All	2,556	11,581	1,130,794	2,222,643	3,353,437	40
Delaware: At large	25	4,406	7,874	693,857	701,731	11
District of Columbia: At large	973	37,321	299,217	5,738,477	6,037,694	1
Florida:						
1	3,764	25,797	962,756	3,299,178	4,261,934	6
2	256	4,054	65,480	518,466	583,946	5
3	1,227	12,471	313,842	1,594,916	1,908,758	1
4	10	4,681	2,558	598,653	601,211	3
5	3,055	32,912	781,408	4,209,116	4,990,524	2
6	982	5,084	251,176	650,193	901,369	1
8	5	3,876	1,279	495,702	496,981	1
9	96	81	24,555	10,359	34,914	2
10		501		64,073	64,073	1

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Florida—Continued						
12	1,944	1,939	$497,236	$247,979	$745,215	1
11 and 12	1,664	6,521	425,618	833,971	1,259,589	1
All	13,003	97,917	3,325,907	12,522,605	15,848,512	24
Georgia:						
1	659	5,140	168,559	657,355	825,914	8
2	1,000	3,773	255,780	482,529	738,309	6
3	622	24,521	159,095	3,135,991	3,295,086	13
4		3,995		510,921	510,921	2
6	178	9,190	45,529	1,175,309	1,220,838	6
7	33	15,778	8,441	2,017,848	2,026,289	11
8	575	4,257	147,074	544,428	691,501	10
9		1,211		154,875	154,875	4
10	468	12,068	119,705	1,543,377	1,663,082	6
4 and 5 (Atlanta)	117	9,057	29,926	1,158,300	1,188,226	2
All	3,652	88,990	934,109	11,380,931	12,315,040	68
Hawaii: At large	15,964	34,788	4,296,232	4,681,073	8,977,305	1
Idaho:						
1	384	5,272	149,342	808,391	957,733	35
2	2,026	8,335	640,857	1,119,846	1,760,703	23
All	2,410	13,607	790,199	1,928,237	2,718,436	58
Illinois:						
4		448		95,627	95,627	4
6	5	258	2,038	52,589	54,628	1
10	4	280	3,017	105,591	108,608	1
12	2,931	5,200	1,424,337	1,217,513	2,641,850	30
13	339	13,904	171,280	2,925,714	3,096,993	3
14	73	5,590	27,503	1,207,643	1,235,146	31
15		568		89,183	89,183	8
16	34	683	11,894	107,826	119,721	5
17	9	2,401	2,546	445,073	447,620	19
18	20	3	5,659	424	6,083	1
19	11	2,968	3,779	527,299	531,078	13
20		158		33,783	33,783	3
21	50	1,293	14,147	184,188	198,334	11
22	2,418	3,329	1,002,278	706,337	1,708,616	9
23		832		133,700	133,700	9
24	1,887	7,481	632,036	1,251,141	1,883,176	31
14 and 17		206		29,142	29,142	3
All	7,731	45,593	3,300,514	9,112,774	12,413,288	182
Indiana:						
2		162		24,439	24,439	1
5	1,494	1,953	563,626	309,658	873,283	6
6	9	1,700	2,309	218,042	220,351	16
7	5	2,202	1,283	291,704	292,987	18
8	157	2,754	40,274	353,228	393,502	13
9	87	7,741	24,339	1,029,123	1,053,463	44
10		301		39,631	39,631	3
11	342	6,531	105,525	1,252,243	1,357,768	5
All	2,094	23,344	737,355	3,518,067	4,255,422	106
Iowa:						
1	80	4,637	32,682	947,177	979,859	16
2	4	97	1,634	19,814	21,448	2
3	36	54	14,707	11,030	25,737	1
4	62	3,058	25,329	624,642	649,971	9
5		1,612		315,680	315,680	10
6	396	938	161,778	191,601	353,378	3
7		909		185,677	185,677	2
All	578	11,305	236,130	2,295,621	2,531,752	43

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Kansas:						
1	24	272	$7,208	$40,845	$48,053	7
2	5,705	8,774	1,732,354	1,326,576	3,058,930	29
3	140	6,814	42,046	1,023,224	1,065,271	23
4	800	14,575	240,264	2,188,655	2,428,919	14
5	1,483	4,930	445,389	740,314	1,185,703	41
All	8,152	35,365	2,467,261	5,319,614	7,786,875	114
Kentucky:						
1	126	4,855	32,228	620,906	653,134	17
2	24	5,876	6,139	751,482	757,620	12
3	13	11,516	3,325	1,472,781	1,476,106	3
4		87		11,126	11,126	2
5	1	826	256	105,637	105,893	6
6	42	4,562	10,743	583,434	594,177	12
7	7	31	1,790	3,965	5,755	1
12		256		32,740	32,740	1
All	213	28,009	54,481	3,582,071	3,636,552	54
Louisiana:						
1		520		66,503	66,503	1
2		1,765		225,726	225,726	1
4	1,329	6,433	339,932	822,716	1,162,648	2
6	17	2,446	4,348	312,819	317,167	2
8	246	7,156	62,922	915,181	978,103	4
1–2	123	3,718	31,461	475,495	506,956	1
All	1,715	22,038	438,663	2,818,440	3,257,103	11
Maine:						
1	1,061	5,468	367,113	885,183	1,252,296	36
2	3,537	2,927	1,295,046	440,073	1,735,119	38
All	4,598	8,395	1,662,159	1,325,256	2,987,415	74
Maryland:						
1	1,334	5,994	450,895	1,010,938	1,461,833	4
2	1,531	7,269	539,586	1,280,943	1,820,529	1
5	1,418	49,850	499,760	8,784,567	9,284,327	2
6	619	6,152	202,213	998,669	1,200,882	4
8	169	32,368	59,562	5,703,889	5,763,451	1
6 and 8		1,905		335,699	335,699	1
3, 4, and 7 (Baltimore)	111	12,814	38,851	2,119,604	2,158,455	2
1 and 3	2,769	11,223	753,279	1,526,552	2,279,831	1
All	7,951	127,575	2,544,146	21,760,861	24,305,007	16
Massachusetts:						
1	15	3,916	6,914	943,733	950,647	24
2	2,239	4,139	1,056,379	993,977	2,050,356	9
3	2,007	3,456	1,137,180	850,427	1,987,607	33
4	15	2,992	9,888	780,145	790,033	14
5	216	6,894	149,496	1,778,118	1,927,614	21
6	36	2,989	18,355	711,927	730,282	22
7	17	3,793	8,219	994,250	1,002,469	11
8	58	942	38,741	254,025	292,765	3
10	63	1,828	26,479	478,661	505,140	10
11	227	3,645	114,321	815,910	930,731	11
12	2,121	5,687	1,209,820	1,428,076	2,637,895	40
8, 9, 11 (Boston)	13	3,069	6,778	800,012	806,789	1
3 and 10		16		6,400	6,400	1
4 and 5	2	80	1,598	31,970	33,568	1
All	7,029	43,446	3,784,668	10,867,629	14,652,297	201
Michigan:						
2	27	488	7,249	65,512	72,761	2
3	382	3,090	102,563	414,817	517,380	7
8	12	251	3,222	33,696	36,917	4

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Michigan—Continued						
9	17	345	$4,564	$46,315	$50,879	3
10	1,794	1,019	481,671	136,796	618,467	3
11	4,037	2,905	1,083,894	389,982	1,473,876	24
12	1,475	3,340	396,023	448,378	844,401	11
15		380		51,013	51,013	2
16	33	44	8,860	5,907	14,767	1
1, 12–14, 16 and 17 (Detroit)		4,832		648,672	648,672	1
All	7,777	16,694	2,088,047	2,241,086	4,329,133	58
Minnesota:						
1		616		87,835	87,835	4
2	24	15	6,844	2,139	8,983	1
3	121	4,073	34,507	580,769	615,276	9
4		4,460		635,951	635,951	5
5		2,520		359,327	359,327	1
6	98	30	27,948	4,278	32,225	2
7	1,072	963	305,713	137,314	443,027	18
8	950	2,391	270,921	340,933	611,854	15
All	2,265	15,068	645,933	2,148,546	2,794,479	55
Mississippi:						
1	910	976	232,760	124,821	357,580	2
3	8	757	2,046	96,813	98,859	1
4	269	623	68,805	79,675	148,480	2
5	1,993	11,282	509,770	1,442,855	1,952,625	13
All	3,180	13,638	813,380	1,744,164	2,557,644	18
Missouri:						
1		937		140,414	140,414	3
2	30	5,314	8,659	797,293	805,952	10
3	89	418	26,751	62,819	89,570	1
4	2,440	17,917	733,391	2,840,484	3,573,875	40
5		656		98,587	98,587	1
6	2	2,525	601	378,731	379,332	14
7	11	1,692	2,814	216,390	219,203	17
8	2,891	4,657	868,365	625,414	1,493,779	29
9	23	1,376	5,883	199,559	205,442	11
10	11	35	2,814	4,476	7,290	1
11		101		12,917	12,917	1
1 and 3	15	4,680	4,509	846,921	851,430	2
All	5,152	40,308	1,753,786	6,224,005	7,877,791	130
Montana:						
1	1,695	4,577	874,010	791,861	1,665,872	64
2	6,079	5,353	2,100,117	797,953	2,898,070	46
All	7,774	9,930	2,974,128	1,589,814	4,563,942	110
Nebraska:						
1	408	1,336	162,543	266,125	428,668	8
2	3,523	7,420	1,408,528	1,478,027	2,881,555	8
3	354	3,147	136,467	626,867	763,333	34
All	4,285	11,903	1,702,538	2,371,018	4,073,556	50
Nevada: 99	3,841	17,336	1,055,276	2,381,446	3,436,723	13
New Hampshire:						
1	1,560	5,783	678,110	1,211,364	1,889,475	35
2	5	685	2,225	161,461	163,685	7
3		68		10,180	10,180	1
13		49		9,786	9,786	1
All	1,565	6,585	680,335	1,392,790	2,073,125	44

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
New Jersey:						
1	35	5,700	$14,025	$1,375,228	$1,389,253	44
2	30	2,185	12,055	504,330	516,384	20
3	1,676	11,050	740,228	2,686,546	3,426,774	49
4	1,970	2,721	633,966	636,310	1,270,276	19
5	124	3,100	55,063	752,677	807,740	18
6	3,124	9,282	1,651,918	2,268,089	3,920,006	37
13	125	305	62,073	75,728	137,801	1
10 and 11		759		188,452	188,452	1
All	7,174	35,102	3,169,327	8,487,360	11,656,686	189
New Mexico:						
1	5,502	24,024	1,407,302	3,072,429	4,479,731	12
2	3,719	10,529	951,246	1,346,554	2,297,800	13
At large	9,103	6,620	2,328,365	846,632	3,174,997	14
All	18,324	41,173	4,686,913	5,265,615	9,952,528	39
New York:						
1	542	9,491	370,783	2,161,843	2,532,626	44
2		1,838		428,365	428,365	9
3		603		144,031	144,031	2
4	791	381	374,002	89,951	463,953	2
5		245		57,851	57,851	1
25	8	143	5,617	50,484	56,100	2
27	1,059	3,273	441,285	681,930	1,123,215	6
28	3	301	1,250	62,713	63,963	3
29	101	4,815	42,289	1,077,560	1,119,849	20
30	1,717	2,081	715,474	433,576	1,149,050	19
31	163	1,072	67,922	223,351	291,273	7
32	1,213	5,406	505,457	1,126,340	1,631,797	16
33		1,710		356,279	356,279	6
34	136	735	56,671	153,137	209,808	2
35	155	1,467	64,589	305,649	370,238	10
38		497		103,550	103,550	5
40	498	399	207,517	83,132	290,648	3
54		1,363		283,981	283,981	1
6–24 (New York City, NY)	1,250	16,800	726,538	4,882,332	5,608,870	1
1 and 2 (New York City, NY)		528		150,690	150,690	2
All	7,636	53,148	3,579,393	12,856,745	16,436,138	161
North Carolina:						
1	1,858	5,326	475,239	681,142	1,156,381	10
3	1,743	12,708	445,825	1,625,226	2,071,051	8
4	5	350	1,279	44,762	46,040	1
7	494	18,862	126,355	2,412,261	2,538,617	7
9	2	771	512	98,603	99,115	2
11	294	982	75,199	125,588	200,787	4
All	4,396	38,999	1,124,409	4,987,582	6,111,991	32
North Dakota:						
1	3,221	1,605	969,682	241,231	1,210,913	20
2	3,415	1,237	1,050,315	187,163	1,237,478	24
All	6,636	2,842	2,019,997	428,394	2,448,390	44
Ohio:						
1		63		12,163	12,163	1
2		949		147,112	147,112	5
3	1,830	10,973	468,077	1,829,256	2,297,333	12
4		310		43,203	43,203	2
5		217		37,594	37,594	2
6	40	3,286	10,231	495,328	505,559	23
7	162	12,988	41,436	1,809,638	1,851,074	20
8		235		30,054	30,054	2
9		490		94,602	94,602	1
10	3	1,282	767	183,573	184,340	11
11						2
12	10	2,908	2,558	371,904	374,462	5

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Ohio—Continued						
13		1,060		$176,558	$176,558	9
14	24	799	$6,139	134,576	140,715	4
15		672		119,312	119,312	3
17		3,084		441,813	441,813	11
23		3,767		727,276	727,276	10
24		2,685		454,508	454,508	6
20–22 (Cleveland, Ohio)		1,655		319,523	319,523	1
12–15 (Columbus, Ohio)	1,368	11,219	355,512	2,092,023	2,447,535	7
1 and 2		499		96,339	96,339	2
All	3,437	59,141	884,721	9,616,354	10,501,075	139
Oklahoma:						
1	500	7,426	163,494	1,230,050	1,393,543	32
2	1,810	4,419	468,678	575,812	1,044,490	88
3	209	3,829	54,985	493,891	548,876	56
4	710	4,636	195,361	607,937	803,299	73
5	208	18,259	65,186	2,643,224	2,708,410	32
6	6,180	14,820	1,645,180	1,961,670	3,606,850	69
4 and 5	408	8,867	138,418	1,504,109	1,642,527	1
All	10,025	62,256	2,731,302	9,016,693	11,747,995	351
Oregon:						
1	401	566	156,492	114,334	270,826	7
2	634	4,016	263,862	816,998	1,080,860	40
3	40	2,796	27,332	545,877	573,209	4
4	185	2,505	80,215	520,860	601,076	17
All	1,260	9,883	527,901	1,998,069	2,525,970	68
Pennsylvania:						
6		340		45,693	45,693	2
7		1,866		394,277	394,277	11
8	13	2,554	3,673	441,134	444,807	6
9		967		168,504	168,504	3
10		1,893		254,400	254,400	8
11		1,230		173,274	173,274	6
12		5,330		716,299	716,299	12
13		947		239,432	239,432	4
15	131	332	58,346	73,935	132,281	1
16	63	2,557	16,933	365,500	382,433	12
17		1,856		267,810	267,810	4
18	53	98	21,389	19,774	41,163	1
19	124	5,283	33,426	739,706	773,132	16
23						1
26		110		17,365	17,365	1
27		745		123,960	123,960	4
14, 20 and 27 (Pittsburgh)		2,720		491,811	491,811	4
8 and 13		348		63,045	63,045	1
1–5 (Philadelphia)	566	15,681	205,611	2,848,218	3,053,829	1
16 and 17 (Harrisburg)	80	648	24,112	94,473	118,585	4
All	1,030	45,505	363,490	7,538,610	7,902,101	102
Rhode Island:						
1	1,823	4,982	723,673	1,053,742	1,777,416	8
2	1,212	5,193	495,104	1,044,242	1,539,346	15
142	1	875	448	195,934	196,382	1
All	3,036	11,050	1,219,225	2,293,919	3,513,144	24
South Carolina:						
1	3,984	24,218	1,019,028	3,097,240	4,116,268	16
2	233	15,019	59,597	1,920,780	1,980,377	13
3	39	379	9,975	48,470	58,446	3
4		638		81,594	81,594	1
5	998	1,605	255,258	206,263	460,532	1
6	123	790	31,461	101,033	132,494	1
All	5,377	42,649	1,375,329	5,454,381	6,829,710	35

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
South Dakota:						
1	480	1,688	$165,965	$291,821	$457,786	21
2	5,556	4,690	1,921,043	809,952	2,730,995	47
All	6,036	6,378	2,037,007	1,101,774	3,188,781	68
Tennessee:						
1	36	4,359	9,208	557,473	566,681	8
2	25	8,814	6,395	1,127,222	1,133,617	9
3	5	3,532	1,279	451,707	452,986	10
4	896	8,767	229,179	1,121,212	1,350,391	16
5		2,522		322,539	322,539	1
6		5,420		693,164	693,164	7
7		1,464		187,231	187,231	9
8	36	2,105	9,208	269,208	278,417	6
9	1,029	3,513	263,198	449,278	712,475	1
7 and 8		6,000		767,340	767,340	1
All	2,027	46,496	518,466	5,946,373	6,464,840	68
Texas:						
1	84	10,613	21,486	1,357,297	1,378,782	36
2		261		33,379	33,379	4
3	5	2,107	1,279	269,464	270,743	2
4	332	3,069	84,919	392,494	477,413	14
5	11	1,732	2,814	221,505	224,319	6
6		1,116		142,850	142,850	13
7						2
8	20	2,916	5,116	372,927	378,043	3
9	4	4,709	1,023	602,234	603,257	7
10	877	4,721	224,319	603,769	828,088	10
11	3,610	13,446	923,366	1,719,609	2,642,975	37
12	986	24,629	252,199	3,149,803	3,402,002	16
13	1,417	7,423	362,440	949,327	1,311,768	20
14	325	6,233	83,129	797,138	880,267	5
15	251	1,497	64,201	191,451	255,652	5
16	3,339	20,440	861,348	2,604,980	3,466,328	12
17	1,945	7,916	497,492	1,012,377	1,509,869	24
18	682	2,905	174,710	371,520	546,230	8
19	403	1,730	103,079	221,250	324,329	4
20	838	45,142	214,344	5,773,210	5,987,554	11
21	691	4,756	176,744	608,245	784,989	13
22		659		84,280	84,280	2
23	296	7,158	75,711	915,437	991,148	18
3, 5, 6, and 13 (Dallas)	16	3,300	4,092	422,037	426,129	1
7, 8, and 22 (Houston)	2	2,754	512	352,209	352,721	1
20, 21, and 23 (San Antonio)	3,621	988	1,712,733	146,448	1,859,181	4
All	19,755	182,220	5,847,054	23,315,242	29,162,296	278
Utah:						
1	2,329	33,617	595,712	4,299,278	4,894,990	18
2	788	13,114	201,555	1,677,149	1,878,704	10
All	3,117	46,731	797,266	5,976,428	6,773,694	28
Vermont: At large	11	626	3,219	98,558	101,778	14
Virginia:						
1	4,791	38,849	1,332,491	5,126,733	6,459,225	10
2	3,269	24,985	1,017,709	3,714,117	4,731,826	3
3		4,499		662,101	662,101	3
4	1,478	13,776	378,043	1,761,813	2,139,855	9
5	4	445	1,023	56,911	57,934	1
6	31	3,838	7,929	527,049	534,978	6
7		133		17,009	17,009	1
8	207	14,590	55,183	2,215,710	2,270,893	12
9		3,021		386,356	386,356	7
10	739	64,964	291,271	13,006,663	13,297,934	5
All	10,519	169,100	3,083,650	27,474,462	30,558,111	57

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Washington:						
1	190	6,132	$53,916	$870,039	$923,955	6
2	2,162	7,768	614,319	1,103,174	1,717,493	30
3	367	4,538	119,988	648,311	768,299	32
4	1,634	10,466	464,287	1,502,354	1,966,641	46
5	2,575	4,305	734,043	612,331	1,346,375	32
6	5,654	26,944	1,604,436	3,822,950	5,427,385	18
7	175	3,877	49,376	550,088	599,464	11
All	12,756	64,030	3,640,365	9,109,246	12,749,612	175
West Virginia:						
2	50	1,770	12,789	226,365	239,154	6
3		590		75,455	75,455	1
4	1	714	256	91,313	91,569	1
All	51	3,074	13,045	393,134	406,179	8
Wisconsin:						
2	555	2,187	160,020	402,414	562,435	8
3	80	4,014	29,943	740,205	770,148	21
7	124	188	46,412	35,183	81,595	5
8	29	522	10,854	97,690	108,544	3
10	373	521	144,303	101,395	245,698	9
4, 5, and 9 (Milwaukee)	41	2,374	15,346	444,282	459,628	1
All	1,202	9,806	406,879	1,821,169	2,228,048	47
Wyoming: At large	2,113	4,142	1,016,467	641,865	1,658,333	24
Guam: At large	3,647	5,977	932,830	764,399	1,697,228	1
Virgin Islands: At large		330		42,204	42,204	1
Total, all	348,703	2,221,876	115,523,133	347,325,001	462,848,135	4,235

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, TITLES I AND III, PUBLIC LAW 874, AS AMENDED

State or outlying areas	1970 estimated entitlement	1970 budget request	Difference
Total	$650,594,000	$187,000,000	$463,594,000
Alabama	12,129,000	2,362,000	9,767,000
Alaska	17,664,000	13,935,000	3,729,000
Arizona	12,014,000	6,526,000	5,488,000
Arkansas	3,444,000	958,000	2,486,000
California	100,922,000	25,225,000	75,697,000
Colorado	17,227,000	3,109,000	14,118,000
Connecticut	4,410,000	1,503,000	2,907,000
Delaware	2,303,000	1,388,000	915,000
Florida	22,231,000	5,013,000	17,218,000
Georgia	20,606,000	5,749,000	14,857,000
Hawaii	11,914,000	5,741,000	6,173,000
Idaho	3,579,000	1,044,000	2,535,000
Illinois	16,537,000	4,280,000	12,257,000
Indiana	5,673,000	982,000	4,691,000
Iowa	3,366,000	310,000	3,056,000
Kansas	11,168,000	3,302,000	7,866,000
Kentucky	10,402,000	5,604,000	4,798,000
Louisiana	4,375,000	770,000	3,605,000
Maine	3,987,000	2,213,000	1,774,000
Maryland	32,584,000	3,387,000	29,197,000
Massachusetts	20,427,000	5,971,000	14,456,000
Michigan	5,948,000	2,852,000	3,096,000
Minnesota	3,736,000	846,000	2,890,000
Mississippi	3,397,000	1,115,000	2,282,000
Missouri	11,048,000	2,176,000	8,872,000
Montana	6,052,000	3,960,000	2,092,000
Nebraska	5,887,000	2,286,000	3,601,000
Nevada	4,583,000	1,426,000	3,157,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—Continued

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, TITLES I AND III, PUBLIC LAW 874, AS AMENDED—Con.

State or outlying areas	1970 estimated entitlement	1970 budget request	Difference
New Hampshire	$2,745,000	$904,000	$1,841,000
New Jersey	15,358,000	4,251,000	11,107,000
New Mexico	12,539,000	6,147,000	6,392,000
New York	22,777,000	6,027,000	16,750,000
North Carolina	13,414,000	6,864,000	6,550,000
North Dakota	3,203,000	2,664,000	539,000
Ohio	14,023,000	1,182,000	12,841,000
Oklahoma	15,666,000	3,695,000	11,971,000
Oregon	3,407,000	791,000	2,616,000
Pennsylvania	11,324,000	856,000	10,468,000
Rhode Island	4,533,000	1,585,000	2,948,000
South Carolina	10,801,000	3,589,000	7,212,000
South Dakota	4,741,000	2,697,000	2,044,000
Tennessee	8,549,000	705,000	7,844,000
Texas	38,467,000	7,709,000	30,758,000
Utah	8,953,000	1,055,000	7,898,000
Vermont	153,000	4,000	149,000
Virginia	43,624,000	7,442,000	36,182,000
Washington	16,755,000	4,852,000	11,903,000
West Virginia	544,000	18,000	526,000
Wisconsin	2,952,000	571,000	2,381,000
Wyoming	2,120,000	1,275,000	845,000
District of Columbia	7,484,000	374,000	7,110,000
Guam	2,255,000	1,247,000	1,008,000
Puerto Rico	6,131,000	6,067,000	64,000
Virgin Islands	67,000	0	67,000
Wake Island	396,000	396,000	0

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 258, H.R. 265. I do this so that the bill will become the pending business for tomorrow.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 265) to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 26, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 25, 1969:

U.S. ASSAY OFFICE

Nicholas Costanzo, of New York to be Superintendent of the U.S. Assay Office at New York, N.Y.

CONFIRMATION

Executive nominations confirmed by the Senate June 25, 1969:

DEPARTMENT OF JUSTICE

Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, June 25, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In every nation he who fears God and does what is right is acceptable to Him.—Acts 10: 35.

O God, our Father, who hast bidden us to let our light so shine before men that they may see our good works and glorify Thee, grant us grace to be faithful leaders of our people, thoughtful in our thinking, wise in our wisdom, genuine in our goodness, and with hearts ever open to Thee. Weave our lives and the life of our Nation into the struggle for freedom and justice and peace in our world.

Guide Thou our President, our Speaker, and these Members of Congress in their endeavor to find a just basis for the ending of war and in their efforts to discover a strong foundation for international cooperation and peace.

Awaken in our people an abounding good will and tie it to an adventurous willingness to work with Thee for the good of all.

To this end we commit our lives in the spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4297. An act to amend the act of November 8, 1966.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 38. An act to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska;

S. 952. An act to provide for the appointment of additional district judges, and for other purposes;

S.J. Res. 11. Joint resolution to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 126. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750,000,000.

SECOND CONGRESSIONAL DISTRICT OF MONTANA RETURNS TO THE FOLD

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I have an important announcement to make, that the Second Congressional District of Montana has returned to the Democratic fold.

The new Member is John Melcher, of Forsyth, Mont., a former State senator and former member of our house of representatives in Montana. He is a veterinarian and operates as well a feed lot and cattle business. He is a very progressive and fine Representative for Montana and, of course, for the United States.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. This is one of the most important elections held in this country for a long time. It was certainly pleasing to me to hear the gentleman from Montana make his announcement, as I am sure it has been pleasing to all Members on both sides of the aisle, because we are getting into the Congress a very fine addition to our ranks.

I think it is very significant that John Melcher has won an election in a district that has not gone Democratic since 1958, in a district that President Nixon carried last fall by 17,670, and our former colleague, Mr. Battin, carried by 44,136 in the last general election. This district has been Republican by votes of 55 percent in 1962, 54 percent in 1964, 60 percent in 1966, and 68 percent in 1968.

This is the third out of four special elections that have been won by Democrats this year. This is one of two districts that have been held by Republicans. This makes this Congress only two short of the majority we had in the last Congress. We are on our way. We are going to have our majority back.

QUALIFICATIONS FOR APPOINTMENT TO SUPREME COURT

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the American people have been shocked beyond measure at some of the recent decisions of our Supreme Court and the conduct of some of its members.

I have the highest esteem for the legal profession and for the judges serving with devotion and dedication, both State and Federal throughout the Nation; however, I do believe that the time has come in a democracy such as ours to set qualifications for membership and tenure of office for the Supreme Court. The time has come to provide for a review of the stewardship of its members. If we are ever to curb the excessive power of the Supreme Court and preserve our freedom, now is the time. The highest ethical standards of conduct are absolutely necessary in the highest court of our land. Standards of conduct are necessary for the Congress and the executive branch as well.

Mr. Speaker, I join many of my colleagues in introducing legislation which would set qualifications and tenure for members of the U.S. Supreme Court. My bill would require that members be natural-born citizens of the United States who have attained at least 35 years of age upon taking office. It would require that a person must have served as either a Federal or State judge or some combination of both for at least 10 years, and at least 5 years of this time shall have been served as an appellate judge. The appointment to the Court would be for 10 years. A Justice may serve for more than one 10-year term with the consent of the Senate. Members of the Court shall hold their offices during good behavior and adherence to high ethical standards.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries be permitted to sit this afternoon for the purpose of taking testimony during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COUNTING THE VOTES ON SURTAX EXTENSION

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, in the years gone by I have heard a great deal of moaning and groaning from the other side about arm twisting from the executive branch. A member of the press has just told me the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), had told the press a few minutes ago he had 170 votes on his side for the tax bill.

Mr. FORD should know more about how many votes he has on that side than I do, but just as a precautionary matter it might be wise for him to review his addition, because I think he may be a little high on his estimate.

THE NEED FOR IMMEDIATE TAX REFORM

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, the delay which has been afforded in the consideration of the surtax in the House of Representatives provides those on both sides of this issue an opportunity to reflect on their positions.

The American people have a right to know how President Nixon stands on basic tax reforms to close major loopholes. They have already heard that he wants to extend the surtax.

How does President Nixon stand on oil depletion allowance reduction, imposition of capital gains at death, minimum tax on wealth, and reducing stock options?

During the past few weeks of deliberation on the surtax and tax reform, it has seemed clear that the administration has had a sufficient majority of its own party in the House to protect loopholes in the law. It is now high time that the mandate of the American people be recognized by the administration, and those gapping tax loopholes be closed forthwith. To do so, it is likely that the Democrats in the House could produce the necessary votes to complement Republican support for this proposition.

If the President does not intend to stand firmly behind tax reform now, then the American people have a right to know.

In the absence of firm commitments in favor of strong tax reforms from the President and his administration, prospects for any action on the surtax will indeed be grim, next Monday, or next month.

I have already been informed by WRIGHT PATMAN, chairman of the House Banking and Currency Committee and Joint Economic Committee, that he has now expressed his opposition to extension of the surtax. It is my hope that any other Members committed to the passage of the surtax will now review this position. The administration must understand that there can be no further action on the surtax without a clear-cut program of meaningful, revenue-producing tax reform. This responsible position deserves the support of every Member of the House of Representatives.

PERSONAL EXEMPTION INCREASE—PROGRESS REPORT

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as promised in a letter to our colleagues dated June 13, I am keeping the House posted on the progress of my drive to find additional Members to support a bill to raise the personal exemption amount to

$1,000. Today I have introduced a bill along with 24 of our colleagues that would effect this needed reform in the income tax laws. I am extremely pleased to report that in addition to the Members joining me on this new bill, eight others have introduced similar legislation in the past 2 weeks.

When I began the drive, I pointed out that 155 Members were in support of various proposals to raise the personal exemption amount. As it stands now, there are 185 Members supporting the legislation. The goal is 218 Members and I am more and more confident that the remaining 33 supporters will come forward and join the bandwagon that is forming. I plan to introduce another bill with additional Members, and invite those who wish to join this crusade to call my office.

With 218 Members supporting H.R. 12120 and similar bills, we are convinced that the Committee on Ways and Means will include this reform in the package of tax reform legislation for this year. The real winner in this movement is the middle-income taxpayer. That taxpayer has been ignored far too long, yet he is the one that carries the heaviest burden of Federal income taxes. Raising the personal exemption amount is a first step toward providing this taxpayer with the relief he so justly deserves.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Andrews, Ala.	Hébert	O'Hara
Ashley	Heckler, Mass.	Ottinger
Blatnik	Hull	Pelly
Buchanan	Joelson	Pepper
Button	Kirwan	Powell
Carey	Kuykendall	Pryor, Ark.
Clark	Landgrebe	Rees
Diggs	McDonald, Mich.	Rosenthal
Esch	Mailliard	Rostenkowski
Fisher	Mann	Satterfield
Gallagher	Miller, Calif.	Scherle
Gettys	Mills	Stephens
Gude	Murphy, N.Y.	Stuckey
Hagan	Nedzi	Thompson, N.J.
Hawkins		Wolff

The SPEAKER pro tempore (Mr. HOLIFIELD). On this rollcall 387 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON ELECTIONS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration may sit during general debate today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROVIDING FOR AN ADDITIONAL CLERK FOR ALL HOUSE MEMBERS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–327) on the resolution (H. Res. 357) providing for an additional clerk for all House Members, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 357

Resolved, That, effective on the first day of the first month which begins after the date of adoption of this resolution, there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to increase the basic clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico by an additional $2,500 per annum, and each such Member and Resident Commissioner shall be entitled to one clerk in addition to those to which he is otherwise entitled.

With the following committee amendment:

On page 1, after line 9, insert the following: "SEC. 2. Until otherwise provided by law, the increases in rates of pay provided by section 2(b) of House Resolution 441, Ninety-first Congress, shall be paid out of the contingent fund of the House of Representatives."

The SPEAKER pro tempore. The gentleman from Maryland (Mr. FRIEDEL) is recognized for 1 hour.

Mr. FRIEDEL. Mr. Speaker, House Resolution 357 authorizes each Member, as he needs, one additional clerk, and an increase in his basic clerk-hire allowance of $2,500.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, if this proposal called for additional clerk-hire for those Members whose districts are of such size they can justify a need for additional help I would not object to it. I do object.

In the first place, I doubt the need.

In the second place, I believe the timing in this kind of activity is all wrong. At a time we are talking about a surtax and investment credits and increases in salaries for all kinds of groups across the country I believe we not only discredit to our good sense, but also do violence to this institution which we represent.

I hope there are sufficient Members here who are willing to stand up and be counted when we do have a vote on this matter, because I intend to ask for a rollcall.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. GROSS. What is the cost of this legislation?

Mr. FRIEDEL. Well, it is almost impossible to predict. Even at the present time every Member does not use his full clerk-hire allowance. It is difficult to say how many will need it. If they do not need the additional allowance, the money is not spent.

Mr. GROSS. Is it not a fact that this can run to about $3.6 million?

Mr. FRIEDEL. Is that $3.6 million?

Mr. GROSS. Yes, sir.

Mr. FRIEDEL. If 100 percent of the Members utilized the additional allowance it could approximate that figure. However, the fact is that a vast number of Members do not currently use all of their allowance and we could hardly expect all Members to utilize this additional sum.

Mr. GROSS. Just a minute. What is the limit on a base pay of $2,500?

Mr. FRIEDEL. I believe it amounts to $7,897.

Mr. GROSS. The gentleman says it is a little more than $6,000. It is $7,500, is it not? The gentleman knows, I am sure, it is at least $7,500. Would he care to multiply 436 by $7,500, as the possible cost of this resolution?

Mr. FRIEDEL. The gentleman is using the case that every Member would take advantage of it, and that has not been proved over the years.

Mr. GROSS. I might just as well assume that every Member would take advantage of it as that not all Members would take advantage of it.

Let me ask the gentleman this question: Where is it proposed to get the money to foot this kind of bill?

Mr. FRIEDEL. Where is what? I did not follow the question.

Mr. GROSS. Where is it proposed to get the money for this kind of bill?

Mr. FRIEDEL. This money will come out of appropriations to the contingent fund.

Mr. GROSS. Out of what?

Mr. FRIEDEL. The contingent fund.

Mr. GROSS. Do the taxpayers provide that money?

Mr. FRIEDEL. Certainly.

Mr. GROSS. It would come out of the pockets of the taxpayers, would it not?

Mr. FRIEDEL. What about the mail we are getting from our taxpayers? Every Member is piled up with mail. The mail is stacked up. It is hard to answer all the letters. We have our staffs working until 7, 8 or 9 or even later at night, and on Saturdays and Sundays. Some Members require large staffs to properly answer their mail and serve their constituents.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Louisiana.

Mr. PASSMAN. If I understand this legislation correctly, it is to provide additional funds for Members who need an additional secretary for their office or offices to expedite replies to the tens of thousands of letters and inquiries they receive annually from their constituents. Of course, it is on a monthly basis and no unused portion can be carried over from one month to another. The money is not given to the Member, but only makes it possible for him to employ a secretary, with money being paid directly to the secretary and not the Member. Is that correct?

Mr. FRIEDEL. Absolutely.

Mr. PASSMAN. It is a fact that if a Member does not need an additional secretary, then the money is never paid out. In my case, I have not used approximately $160,000 gross of the allotment available to me for clerk hire during my tenure in Congres. I might ask the chairman to verify the fact that if a Member does not need the money for hiring

additional personnel, he does not have to use it, does he?

Mr. FRIEDEL. No, sir.

Mr. PASSMAN. I am of the opinion that many other Members are turning back or not using much of their clerk-hire accounts. I do not believe that I should pass judgment on other Members' needs for a staff for handling their correspondence.

Now, I should like to ask my good friend from Iowa (Mr. GROSS), who is a Member who likes to answer his mail, if he is able to turn back, or maybe I should say not use all of his clerk-hire allowance?

Mr. GROSS. Yes, I have. For 20 years.

Mr. PASSMAN. Well, do you not give other Members credit for possessing the same integrity and turning back or not using the portion they do not need?

Mr. GROSS. I do not know whether they will or not.

Mr. PASSMAN. I think they will. I am willing to trust the Members, and I believe that you can, too.

Mr. GROSS. I do not think any of them need it.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from California.

Mr. TEAGUE of California. I happen to have a constituency of approximately 800,000 people. I do not want to stand up here and appear to be trying to be more pure than my brothers, but I have no trouble answering my mail. I do not think this is needed, and I am going to vote against it.

Mr. FRIEDEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will count.

Two hundred and nineteen Members are present, a quorum.

The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HALL. Mr. Speaker, a parliamentary inquiry. Is the Chair rendering an opinion on the vote on final passage of the resolution?

The SPEAKER pro tempore. The Chair announced the vote on the amendment to the resolution.

Mr. HALL. I thank the Chair.

The SPEAKER pro tempore. The question is on the resolution.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 195, not voting 33, as follows:

[Roll No. 91]

YEAS—204

Adams	Annunzio	Bolling
Addabbo	Ashbrook	Brademas
Albert	Ayres	Brasco
Alexander	Baring	Brock
Anderson, Calif.	Barrett	Brooks
	Bell, Calif.	Brown, Calif.
Anderson, Ill.	Biaggi	Brown, Mich.
Anderson, Tenn.	Bingham	Broyhill, Va.
	Blackburn	Burke, Mass.
Andrews, N. Dak.	Blanton	Burton, Calif.
	Boggs	Burton, Utah
Byrne, Pa.	Hanna	Ottinger
Carter	Hansen, Idaho	Passman
Celler	Hansen, Wash.	Patman
Chamberlain	Harvey	Perkins
Chisholm	Hathaway	Pettis
Clark	Hawkins	Philbin
Clausen, Don H.	Hays	Podell
	Hechler, W. Va.	Pollock
Clay	Helstoski	Preyer, N.C.
Cohelan	Hicks	Price, Ill.
Conyers	Hogan	Pucinski
Corman	Holifield	Purcell
Culver	Horton	Rees
Daddario	Howard	Reid, N.Y.
Daniels, N.J.	Hungate	Reifel
Davis, Ga.	Johnson, Calif.	Reuss
Dawson	Jones, Ala.	Riegle
Delaney	Jones, Tenn.	Rivers
Dent	Karth	Rodino
Dickinson	Kastenmeier	Rogers, Colo.
Dingell	Kee	Rogers, Fla.
Donohue	Kluczynski	Ronan
Dulski	Koch	Rooney, N.Y.
Eckhardt	Kyros	Rooney, Pa.
Edmondson	Leggett	Rosenthal
Edwards, Ala.	Long, La.	Roybal
Edwards, Calif.	Long, Md.	Ryan
Edwards, La.	Lowenstein	St Germain
Eilberg	Lukens	St. Onge
Evans, Colo.	McCarthy	Sandman
Fallon	McClory	Scheuer
Farbstein	McCloskey	Schwengel
Fascell	McDonald, Mich.	Shipley
Feighan	McEwen	Sikes
Fish	McFall	Sisk
Flood	Macdonald, Mass.	Slack
Flowers	MacGregor	Smith, Iowa
Foley	Madden	Staggers
Ford, Gerald R.	Mailliard	Steed
Ford, William D.	Mann	Steiger, Wis.
Fraser	Mathias	Stokes
Frelinghuysen	Matsunaga	Teague, Tex.
Friedel	Meeds	Tiernan
Fulton, Pa.	Mikva	Tunney
Fulton, Tenn.	Minish	Udall
Fuqua	Mink	Ullman
Garmatz	Mollohan	Van Deerlin
Giaimo	Moorhead	Vander Jagt
Gibbons	Morgan	Vanik
Gilbert	Morton	Waggonner
Gonzalez	Moss	Waldie
Gray	Murphy, Ill.	Whalen
Green, Oreg.	Nichols	Wiggins
Green, Pa.	Nix	Wilson, Charles H.
Gubser	Obey	Wright
Gude	O'Konski	Wyatt
Halpern	Olsen	Young
Hamilton	O'Neill, Mass.	Zablocki
Hanley		

NAYS—195

Abbitt	Cowger	Jarman
Abernethy	Cramer	Johnson, Pa.
Adair	Daniel, Va.	Jonas
Andrews, Ala.	Davis, Wis.	Jones, N.C.
Arends	de la Garza	Kazen
Aspinall	Dellenback	Keith
Beall, Md.	Denney	King
Belcher	Dennis	Kleppe
Bennett	Derwinski	Kuykendall
Berry	Devine	Kyl
Betts	Dorn	Landgrebe
Bevill	Dowdy	Landrum
Biester	Downing	Langen
Boland	Duncan	Latta
Bow	Dwyer	Lennon
Bray	Erlenborn	Lipscomb
Brinkley	Eshleman	Lloyd
Broomfield	Findley	Lujan
Brotzman	Fisher	McClure
Brown, Ohio	Flynt	McCulloch
Broyhill, N.C.	Foreman	McDade
Buchanan	Fountain	McKneally
Burke, Fla.	Frey	Mahon
Burleson, Tex.	Galifianakis	Marsh
Burlison, Mo.	Gaydos	Martin
Bush	Goldwater	May
Byrnes, Wis.	Goodling	Mayne
Cabell	Griffin	Meskill
Caffery	Griffiths	Michel
Cahill	Gross	Miller, Ohio
Camp	Grover	Minshall
Casey	Hagan	Mize
Cederberg	Haley	Mizell
Chappell	Hall	Monagan
Clancy	Hammer-schmidt	Montgomery
Clawson, Del		Mosher
Cleveland	Harsha	Myers
Collier	Henderson	Natcher
Collins	Hosmer	Nelsen
Colmer	Hull	O'Neal, Ga.
Conable	Hunt	Patten
Conte	Hutchinson	Pelly
Corbett	Ichord	Pickle
Coughlin	Jacobs	Pike
Pirnie	Sebelius	Wampler
Poage	Shriver	Watkins
Poff	Skubitz	Watson
Price, Tex.	Smith, Calif.	Watts
Quie	Smith, N.Y.	Weicker
Quillen	Snyder	Whalley
Railsback	Springer	White
Randall	Stafford	Whitehurst
Rarick	Stanton	Whitten
Reid, Ill.	Steiger, Ariz.	Widnall
Rhodes	Stephens	Williams
Roberts	Stratton	Winn
Robison	Stubblefield	Wold
Roth	Sullivan	Wydler
Roudebush	Taft	Wylie
Ruppe	Talcott	Wyman
Ruth	Taylor	Yates
Saylor	Teague, Calif.	Yatron
Schadeberg	Thompson, Ga.	Zion
Scherle	Thomson, Wis.	Zwach
Schneebeli	Utt	
Scott	Vigorito	

NOT VOTING—32

Ashley	Hébert	Pepper
Blatnik	Heckler, Mass.	Powell
Button	Joelson	Pryor, Ark.
Carey	Kirwan	Rostenkowski
Cunningham	McMillan	Satterfield
Diggs	Miller, Calif.	Stuckey
Esch	Mills	Symington
Evins, Tenn.	Morse	Thompson, N.J.
Gallagher	Murphy, N.Y.	Wilson, Bob
Gettys	Nedzi	Wolff
Hastings	O'Hara	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Cunningham.

Mr. Kirwan with Mr. Bob Wilson.

Mr. Carey with Mr. Morse.

Mr. Miller of California with Mrs. Heckler of Massachusetts.

Mr. Murphy of New York with Mr. Hastings.

Mr. Evins of Tennessee with Mr. McMillan.

Mr. Wolff with Mr. Button.

Mr. Thompson of New Jersey with Mr. Esch.

Mr. Rostenkowski with Mr. Diggs.

Mr. Gettys with Mr. Mills.

Mr. Gallagher with Mr. Stuckey.

Mr. O'Hara with Mr. Pryor of Arkansas.

Mr. Blatnik with Mr. Satterfield.

Mr. Pepper with Mr. Ashley.

Mr. Nedzi with Mr. Joelson.

Mr. Symington with Mr. Powell.

Mr. JOHNSON of California changed his vote from "nay" to "yea."

Messrs. GOLDWATER and ROTH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7906, INTERSTATE TAXATION ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the

bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 906 as an amendment to the bill. At the conclusion of the consideration of H.R. 7906 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 438 provides an open rule with 2 hours of general debate for consideration of H.R. 7906 to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. The resolution also makes it in order to consider, without the intervention of a point of order, H.R. 906 as an amendment to the bill. This provision was made in the rule because a question of germaneness could be raised.

H.R. 7906 is identical to H.R. 2158 which was adopted by the House in May of last year, including an amendment identical to H.R. 906 prohibiting the double taxation of personal income.

The bill deals with liabilities for State and local corporate net income taxes, capital stock taxes, and sales, use, and gross receipts taxes with respect to the sale of tangible personal property.

Mr. Speaker, I urge the adoption of House Resolution 438 in order that H.R. 7906 may be considered.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Speaker, I rise in support of the rule, and also the bill, H.R. 7906. I shall not have an opportunity to speak on the bill later.

Mr. Speaker, the Interstate Taxation Act of 1969 has the two desirable qualities of being responsive to the States' pressing needs for increased revenues and to the business community's desire to have some degree of uniformity in the varied and constantly changing State and local tax laws. The net effect will contribute to a healthy national economy.

My interest in this legislation is not new. In the 87th Congress I introduced H.R. 3055 defining the power of the States to impose tax assessments on sales in interstate commerce. Many of the principles of that bill were subsequently incorporated into H.R. 2158, the Interstate Taxation Act of 1968, which is identical to the bill presently under consideration.

The need for congressional action in the area of interstate taxation has been long recognized and this remedial legislation is overdue. From the ratification of the Constitution to the present day, courts have had the problem of reconciling the States' interest in taxing enterprises doing business in their jurisdiction with the Nation's interest in maintaining the free flow of interstate commerce. The courts received no direction from Congress in striking this difficult balance and the result has been a multiplicity of State and local tax laws which have proved difficult to enforce and burdensome on business. The effect has been an impediment to the free flow of commerce and a loss of State revenues.

In 1959 in the wake of two Supreme Court decisions holding that a company engaged exclusively in interstate commerce in a State could be required to pay an income tax in that State and the Court's later refusal to review a State court decision upholding an income tax on a company whose only contacts in the State were the solicitation of orders, Congress moved to act in this area. The result was Public Law 86–272, prohibiting State income taxation of companies whose only presence in the State was the solicitation of orders. It also authorized a comprehensive review of taxation of interstate commerce.

A year later, through the enactment of Public Law 87–17, the study was expanded to encompass State taxation. A Special Subcommittee on State Taxation of Interstate Commerce was formed thereunder and commenced the long-awaited review. The measure before us today embodies the recommendations of that study.

H.R. 7906, in six major provisions, offers guidelines to resolve the most serious of the many problem areas of State taxation of businesses engaged in interstate commerce. The bill provides, first, a uniform jurisdictional rule based on the maintenance of a business location for the imposition of corporate net income, capital stock, and sales use and gross receipts taxes with respect to the sale of tangible personal property; second, an optional two factor—property and payroll—apportionment formula for smaller companies for the division of net income or capital; third, rules in the sales and use tax area for locating sales for tax purposes in the State of destination, credits for prior sales or use taxes paid, exemption of household goods for new residents, uniform treatment of freight charges, accounting for local sales taxes, conclusiveness of resale and exemption certificates, and encouragement of direct payment of sales or use tax by business buyers; fourth, prohibits charges for out-of-State audits; and fifth, provides a remedy for geographical discrimination by the States in the sales tax and gross receipts tax area.

The bill clarifies the congressional intent to enact additional remedial legislation in this area whenever necessary by a further provision for a continuing evaluation by Congress of State progress in resolving problems not dealt with in the bill. This section takes on greater significance since the measure in its present form excludes corporations whose gross receipts exceed $1 million. While the burden of complying with the numerous and complex State and local tax laws falls more heavily on small corporations, large corporations are by no means exempt from the hardships presented, and a review of State tax structures may at a future date make clear that larger corporations should be included in the coverage of this remedial legislation.

While some States may experience a slight loss of revenues with the enactment of this bill, the long-term effects of the measure should increase State revenues through an overall increase in economic growth and the greater ease of compliance with, and enforcement of, State and local tax laws. In my own State of Connecticut, it is calculated that the passage of this bill will increase corporate income tax revenues by .13 percent, with no significant loss in sale and use tax revenues.

This bill will benefit State governments, the business community, and the Nation as a whole, and I hope the House will act favorably on this urgently needed measure.

Mr. YOUNG. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I wish to reaffirm my oppositions to the restrictions on State and local powers of taxation contemplated by H.R. 7906, this year's version of the Interstate Taxation Act.

Within California there is united opposition to this legislation by State and local governments and the business community. The opposition of the California Legislature has been expressed by resolution. The adverse views of Governor Reagan have been conveyed to the members of the California delegation. Major business associations, including the California State Chamber of Commerce, California Manufacturers Association, and the California Retailers Association, together with many individual businesses, large and small, are actively working against passage of this bill.

This legislation was generated by a study authorized by Congress in 1959. Any justification for such Federal restrictions existing at that time has now largely disappeared.

All but four sales tax States now grant credit for sales or use taxes paid to another State on the same transaction. Most local sales taxes are administered at the State level. No State currently charges for out-of-State audits. Tax reporting procedures have been simplified.

Of the 39 States which have a corporation income tax law, 23, including California, have enacted the Uniform Division of Income for Tax Purposes Act. Also, 29 of the 41 States with corporation or personal income tax laws are presently using the Federal income tax base, with some modifications, as the base for State purposes. Major portions of the income tax laws in four more States are modeled on the Federal law.

Action by the States in organizing a multistate tax commission and compact will further accelerate this movement toward standardization. On this record, the States have earned, and should be accorded by Congress, an opportunity to resolve any remaining problems of interstate business without being subjected to arbitrary and synthetic rules which would favor one group of taxpayers over another.

Mr. YOUNG. Mr. Speaker, I yield 30

minutes to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. Speaker, I withdraw my point of order.

The SPEAKER. The gentleman from Louisiana withdraws his point of order.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. WAGGONNER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 92]

Ashley	Hansen, Wash.	O'Hara
Button	Hébert	Ottinger
Carey	Heckler, Mass.	Pepper
Clark	Holifield	Pike
Clay	Ichord	Powell
Cohelan	Joelson	Pryor, Ark.
Cunningham	Kirwan	Purcell
Dickinson	Kleppe	Rarick
Diggs	Leggett	Reid, N.Y.
Edwards, Calif.	McMillan	Rivers
Edwards, La.	Martin	Rosenthal
Esch	Miller, Calif.	Rostenkowski
Evins, Tenn.	Mills	Ruppe
Fallon	Mollohan	Satterfield
Gallagher	Montgomery	Steiger, Ariz.
Garmatz	Murphy, N.Y.	Thompson, N.J.
Gettys	Nedzi	Wilson, Bob
Hanna	Nix	Wolff

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid.

PROVIDING FOR CONSIDERATION OF H.R. 7906, INTERSTATE TAXATION ACT

The SPEAKER. The gentleman from California (Mr. SMITH) is recognized for 30 minutes.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman yielding.

I take this time to inform the House that in the light of the message which has just come from the Senate that it is my intention, after disposition of the rule now before the House, to ask unanimous consent to consider the Senate amendments to that bill which involves the extension for 31 days of existing withholding rates.

Mr. BURTON of California. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. BURTON of California. Mr. Speaker, I may object to the unanimous-consent request.

I would like to ask the distinguished gentleman from Louisiana if he can inform the House as to the status of the Senate repeal of the AFDC freeze that is costing my own community and our own State untold millions of wasted administrative dollars while they await congressional action.

I wonder if the distinguished gentleman from Louisiana can give the House a report on that very vital matter that is affecting most of the States of the Nation including our own State at considerable taxpayer expense while we await the action of the House on that matter.

Mr. Speaker, our own Governor of California, Governor Reagan, has repeatedly asked that we deal with this.

I merely want to pin down while we are in this more favorable context, whether or not the House is going to fish or cut bait on this matter that is of such great concern to my own local community and to our State government as well.

Mr. BOGGS. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, it is my information, may I say in reply to the gentleman from California, that the matter is on the Speaker's desk, and that the House has not yet agreed to a conference, and I have not as of this minute been authorized by the chairman of the committee to agree to a conference.

I will say to the gentleman that so far as I am personally concerned, I have been opposed and continue to be opposed to that freeze.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I can say to the gentleman that I have been in support of lifting that freeze and the ceiling imposed upon the State under the present law and relieve them from the problems they would have to face up to on June 30.

Certainly, I think it is incumbent that we act on the ceiling before June 30.

I do not know what the leadership has done with respect to going to conference and whether there is a hangup somewhere.

Mr. BURTON of California. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield briefly to the gentleman.

Mr. BURTON of California. Mr. Speaker, as the distinguished gentleman from Wisconsin knows, and as does the distinguished gentleman from Louisiana, this problem was brought to the attention of the Committee on Ways and Means several months ago. It was predicted then that there would be millions of taxpayers' dollars wasted unless we dealt with this matter in some definitive way before the end of the fiscal year.

This matter has not been dealt with and the taxpayers of this country have been forced, as a result of our inaction, to waste literally millions of dollars reshuffling welfare applications.

This is at a very late stage of the game. The House is not going to be in session tomorrow, as I understand it because of the death of our distinguished colleague, Mr. Bates, of Massachusetts. We may well not be in session on Friday and I do think it is about time that the House acted responsively on this matter and definitively and I intend if I am on the floor, before acceding to the unanimous consent request, I believe I have a right as one Member to give the firmest of assurances at least to the people of my community and the people in our State that we are not going to have this sword of Damocles hanging over their head, while we contemplate, if you will pardon the expression, this legislative navel.

Mr. SMITH of California. Mr. Speaker, may I suggest to the distinguished gentleman that he endeavor to get the answer to that question before the unanimous-consent request is made or to obtain it if possible when the unanimous-consent request is made under a reservation of objection at which time Members can go into this question.

I would like to get into the matter at hand and get it over with if we possibly can.

Mr. Speaker, this resolution, House Resolution 438, provides for an open rule with 2 hours of general debate for the consideration of the bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. The rule also makes in order the consideration of H.R. 906, introduced by the gentleman from Iowa (Mr. SMITH).

H.R. 906 has to do with imposing taxes on individuals. The main statement or explanation of it is that no State or political subdivision shall impose for any taxable year an income tax on the income of any individual which was earned or derived during any period while the individual was not a resident of the State, except to the extent the income was earned or derived from sources within the State.

The Rules Committee felt that this was a good place to consider that question, in this Interstate Taxation Act.

H.R. 7906 is identical with H.R. 2158, which passed the House on May 22, 1968 by a vote of 284 to 89. H.R. 906 is identi-

cal with an amendment placed into H.R. 2158 on the House floor when that matter was considered last year. The bill did not pass the other body.

Mr. Speaker, as the Members know, this is somewhat of a controversial bill. Some States are for it, some are against it. Some businesses in one State are for it, and some of the same businesses in another State are opposed to it. The officials of the State of California are opposed to it. I personally favor the bill. I think it is a start in the right direction toward having some equalization of taxes throughout the 50 States.

The purpose of the bill is to establish Federal criteria to be followed by the several States in their taxing policies with respect to out-of-State businesses.

Until 1959 such businesses had few problems with the States. If they were not physically in a State with a business location—a sales force and a stock of goods—they were as a general rule not taxed because they were an interstate corporation and State taxation was considered to be an encumbrance on interstate commerce. In 1954 the Supreme Court held that a corporation was taxable on the portion of its income earned within the taxing State even if it were not engaged in intrastate business there. In 1960 the Court held that a State could require sellers in interstate commerce to collect its sales and use taxes. This second decision, more than the first, spurred Congress to action. H.R. 7906 is an attempt to define what contacts a business must have within a State to come within its jurisdiction for tax purposes.

Three taxes, net income, capital stock, and a gross receipts tax are covered by title I. Under the bill, no firm doing less than $1 million Federal net taxable income will have a tax obligation to any State unless it has a business location within the State. Three tests are provided, any one of which will give the firm a business location for tax purposes: First, owned or leased property within the State; second, a full-time employee whose duties are more than taking orders; or third, maintaining a stock of goods for sale.

Under title II, if a firm is liable for State income taxes, it has an option of determining how much of its income is subject to taxation. Current State formulas use three factors: payroll, property, and sales within the State. The Federal formula does not include sales, only the first two. This has caused some concern among a number of States.

Title III covers sales and use taxes and their collection by out-of-State sellers. Here no $1 million limitation applies; all interstate companies selling in a State can be required to collect and remit such taxes if they meet the jurisdictional tests provided by the bill. An interstate sale must have its "destination" in a State in order for that State to impose a sales tax or require the seller to collect it. The three tests of title I are carried over—owned or leased property, full-time employee, and an inventory of goods—and a fourth test is added; jurisdiction is found if the company regularly makes household deliveries in the State. As in title I, only one test needs to be met to subject the company to taxation.

Mr. Speaker, I urge the adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding. Is it his understanding that the waiver of points of order applies only to the text of the bill H.R. 906, which will be submitted as an amendment, and that the rest of the bill H.R. 7906 will be subject to a point of order?

Mr. SMITH of California. H.R. 906 relates to another subject matter. It would not be germane on the bill as a whole. The bill H.R. 7906 is subject to amendment. The bill H.R. 906 would be in order and could not be objected to. As far as objection to any other part of H.R. 7906, the rule does not contain any waiver of points of order. The rule provides for the offer by the gentleman from Iowa (Mr. SMITH) of H.R. 906 as an amendment to the bill, and H.R. 7906 can be amended by the House during the debate.

I have no further requests for time. I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I simply request my colleagues to be sure to check with their local governments, their State governments, and Governors, and State legislatures as to the position they will take on this bill on State taxation on interstate commerce H.R. 7906.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 8644, SUSPENSION OF DUTY ON CRUDE CHICORY ROOTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, this would send the bill to conference?

Mr. BOGGS. If the gentleman will yield, that is correct.

Mr. GROSS Are the amendments germane to the bill? Does the gentleman know?

Mr. BOGGS. That is a matter the conferees would have to determine in any event. All this does is send the bill to conference.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and UTT.

SUSPENSION OF DUTY ON HEPTANOIC ACID

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 1, after line 6, insert:

"SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

"(1) by striking out 'June 30, 1969' in subsection (a)(1) and inserting in lieu thereof 'July 31, 1969';

"(2) by striking out 'July 1, 1969' in subsection (a)(2) and inserting in lieu thereof 'August 1, 1969'; and

"(3) by striking out 'July 1, 1969' in subsection (c)(6) and inserting in lieu thereof 'August 1, 1969'.

"(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969."

Amend the title so as to read: "An Act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I think we should have an explanation, and I yield to the gentleman from Louisiana for an explanation of the Senate amendments.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding and I appreciate the request of the gentleman from Wisconsin, the distinguished ranking minority member of the Ways and Means Committee.

The purport of this Senate amendment is to extend the "surcharge" withholding rates for the 1-month period from June 30, 1969, through July 31, 1969. It has no permanent effect insofar as tax liability is concerned, but it is vital for the administration of the Internal Revenue Code. As of now it would be literally impossible for the employers of the country to change their computerized machinery that is required to set up different withholding tables in the various firms in the country. So that is all it does. It is merely a continuation of the present situation so that there will be time to consider the surcharge and related matters without upsetting the present withholding.

Mr. BYRNES of Wisconsin. Mr. Speaker, I address this question also to the gentleman from Louisiana. I understand this also is essential for those employers who do not have the luxury of a computer and who have to make up these withholding tables and payrolls and do it within a day or two.

If we did not do this, we would revert, unless the surtax extension was signed by the President by Monday night, to the old withholding tax that was in effect prior to the imposition of the surtax.

Then, if we did extend the surtax at some point, they would have to revert

again and go back to the current tables. This would create, as I understand it, an intolerable situation for workers and employers.

Mr. BOGGS. Plus an intolerable situation in the Internal Revenue Service in attempting to administer the law, whatever it might be.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from California (Mr. BURTON) if he desires to have me do so.

Mr. BURTON of California. I thank the gentleman from Wisconsin.

I had previously asked the gentleman whether at this very late stage of the game it was the gentleman's impression, assuming the gentleman had a point of view with reference to the AFDC freeze, whether or not the position requested by the Secretary of Health, Education, and Welfare, the position requested by most of the Governors of the country, the position requested by every single authority in the field of public assistance, was going to be given favorable recognition by a repeal of this provision which has been found to be unworkable, a repeal that is now in conference?

If I understood the gentleman from Wisconsin correctly, I understood it was the gentleman's indisposition to concur in the Senate amendments in conference. Is that understanding correct?

Mr. BYRNES of Wisconsin. Well, let me suggest to the gentleman, I believe it is impossible to tell the gentleman what can happen in a conference. I am going to try to support the position of the House. But as far as this issue is concerned, I believe the House disposition is to recede and concur basically in the amendment adopted by the Senate.

I believe our position in the House is, if I would interpret it correctly as a conferee, that the ceiling should be lifted. It would be my intention to be inclined to go along with the objective of the Senate amendment. I believe that is generally what the gentleman desires.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Louisiana.

Mr. BOGGS. I will state I personally concur in the position taken by the gentleman from Wisconsin. Until this moment we were unable to make any statement to the gentleman. Unless we have the conference and unless we act, the gentleman will have no relief when June 30 arrives.

Mr. BURTON of California. The gentleman from California had previously queried the gentleman from Wisconsin. I understand very clearly what the gentleman has said.

Before I make my objection to this unanimous-consent request I will pose the question just one more time.

This matter has been pending before the committee, and the gentleman is a distinguished member of the Committee on Ways and Means. The question has been pending for a number of years. I am sure the gentleman has an opinion. I would merely like to have the gentleman's view as to whether or not he will support his administration's position that the freeze be repealed. That lends itself to a "yes" or "no" answer. If the gentleman feels this is not the proper forum for such a response, it would be my intention, as I have told the gentleman privately, to withhold consent.

This matter has been unduly delayed, perhaps just as the surtax matter has been unduly delayed. The Ways and Means Committee has an onerous schedule. We are now confronted with some difficult problems. They will be difficult problems in the months ahead. Perhaps we can get this one question behind us.

Mr. BYRNES of Wisconsin. Mr. Speaker, in conjunction with my reservation, let me respond to the gentleman in this way: In the first place, I do not intend to be threatened as to what my position is or is not. I am very glad to state to the gentleman what my current general feeling is with respect to the freeze. I will say it is this, Mr. Speaker: I believe the freeze would do grave injustice—and I stated this months ago—and that the freeze should be lifted. This is the freeze that under law would go into effect July 1. I believe it would be impossible for the States to live within that freeze which was imposed a year ago.

I still feel, however, we have a very serious problem, and therefore the freeze should be lifted and the States be permitted to continue under the present basic law so far as receiving aid for dependent children from the Federal Government is concerned.

I further believe that there is a problem that we have to face up to at some time or other as to how we cope with the very serious problem of dependent children and dependent children's families in this welfare area. This is a most serious problem for the States and the Federal Government as well as the people involved. I would be inclined in my own personal view in order to keep that currently before us not necessarily just to eliminate the freeze but to lift the freeze so as to give us an opportunity to look into what might be a desirable approach in this very difficult area. As I say, the freeze has to be lifted for a period and for a period sufficient for the States to make any plans that they have to make. It would be my thought that it should be lifted for at least a year, but in that time and so as to keep it before the committee and keep the issue alive, I think it is well that we do have our attention constantly focused on it by not repealing the ceiling completely. That is my personal view. As to what would happen in conference, I think it is completely inappropriate to suggest as to what one can or cannot do in a conference. As far as I am concerned, I point out that I am one individual Member, but I do not intend to be browbeaten or blackmailed by having it suggested that I have to take a position that conforms with that of the gentleman from California as a conferee of this House. As a conferee I intend to do what I think is best for this House and for this country and not just act on the basis of what the gentleman from California believes that he thinks is right.

Mr. BURTON of California. Mr. Speaker, I am sure the gentleman from Wisconsin does not mean to imply that the gentleman from California is citing only his own personal views on this matter. If the gentleman was listening—and he always does, and so therefore I am sure that he did listen—to the recital of the great number of authorities and responsible people of both political parties concerned with regard to the undue delay on this question, I am sure that the gentleman realizes that it was not merely a personal opinion. I am sure that the gentleman from Wisconsin further realizes that if we should take such immediate action on this withholding matter, the gentleman from California has a right—nay, I say he has a duty—to get the same kind of immediate action as it affects the potential recipients of AFDC who may be adversely affected either on July 2, 1969, or 1970 so that they get the same kind of immediate relief.

Mr. BYRNES of Wisconsin. Just so that the record may be clear—and then I will yield to the gentleman from Louisiana—I have told the gentleman from California months ago of my desire to cooperate and to see that this freeze was lifted. I thought it would be absolutely improper for any of the States affected by this to have to put into effect what would result from a freeze. I assured him of my cooperation and still assure him of my cooperation and belief that the States should not have to face up to the problem that the freeze would impose. I think it is very unfortunate, Mr. Speaker, that because of a situation which I think the gentleman from California understood, that was beyond the control of any of us, there was a gap here in taking care of this Senate amendment when it came over. I think it is very appropriate that the gentleman from California called our attention today to the fact that it was sitting here on the Speaker's desk and a conference had not been appointed and the conferees had not met. I think it is most appropriate that this matter be resolved immediately. If I had known about it, I would have done what I could have to see that it did go in that direction. Conferees have now been appointed, and I am sure that they are going to meet and do what is right as far as this House, and as far as the country are concerned. Why we have to be threatened with creating chaos for the workers of this country and the employers of this country in making out their payroll next week is beyond me. That we should be threatened that we will create that chaos unless we agree ahead of time on what as conferees we are going to do and what i's will be dotted and what t's will be crossed I think is absolutely unreasonable and preposterous.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BURTON of California. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

INTERSTATE TAXATION ACT

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the

State of the Union for the consideration of the bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7906, with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. MACGREGOR) will be recognized for 1 hour.

The Chair recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York, the distinguished chairman of the House Committee on the Judiciary (Mr. CELLER).

Mr. CELLER. Mr. Chairman, the Interstate Taxation Act—H.R. 7906—is a measure which has already won the strong approval of the House of Representatives. In the last Congress, the Committee on the Judiciary reported an identical bill—H.R. 2158—sponsored by former Representative Edwin Willis, of Louisiana. Last year that bill passed the House by a large majority of 284 to 89. Unfortunately, however, there was not sufficient time remaining in the session for full consideration of the bill by the other body.

As I pointed out during the debate last year, the Interstate Taxation Act, H.R. 7906, embodies a program that is essential if we are to preserve one of our most cherished economic principles—the principle that our national market is common to all of our States and that the flow of interstate commerce ought not to be unduly impeded. When our States joined together in ratification of the Constitution in 1789, they enshrined this principle in the commerce clause and affirmed it as one of the cornerstones of their Union. Throughout our history, the commerce clause has been one of the major sources of our economic strength. In recent years, however, a serious erosion of the principle of the commerce clause has taken place due to the proliferation of State and local taxes.

In 1959, problems arising from State taxation of interstate commerce reached critical proportions in the celebrated Northwestern Portland Cement Company case. The Supreme Court made it clear that only Congress can appropriately deal with the vexing problems that arise from a plethora of conflicting State and local tax laws. At that time, both the Court, as well as the business community, turned to us for guidance. As a result, the late Senator Harry Byrd, of Virginia, and the late Representative Francis Walter—both of whom served in Congress with great distinction—sponsored legislation which gave Congress a mandate to remedy the situation. It was this legislation, Public Law 86–272, that gave rise to the extensive study that the Judiciary Committee conducted.

The Special Subcommittee on State Taxation of Interstate Commerce, which was initially chaired by former Representative Edwin Willis, of Louisiana—another legislator of great distinction—began its study 8 years ago. At that time it was already apparent that interstate business was being seriously burdened. In the ensuing years the situation has grown progressively worse, and there has been an even greater outcry for relief.

With all 50 States and many thousands of local governments each taxing interstate commerce according to their own individual sets of rules, the cost of compliance often exceeds the actual amount of tax liability. Small businesses located in one State are subjected to taxation in far away States in which the businessman owns no property, has no employees, and is without political representation. Often tax liabilities are determined by negotiations with the tax administrator rather than by clearly established rules of law.

As the States reach farther and farther to impose smaller and smaller liabilities on more and more out-of-State companies, tax administrators are called on more and more to enforce the unenforceable and businessmen to comply with the impossible. Noncompliance and nonenforcement are the rule rather than the exception. Since the system has grown unworkable, it is essential that a national policy of the type embodied in H.R. 7906 be adopted which will preserve the taxing autonomy of our States and at the same time reaffirm the basic principle of the commerce clause.

In the last Congress, the House of Representatives clearly recognized the need for such a policy when it passed this proposal by an overwhelming majority.

Mr. Chairman, the solutions provided by this proposal are all based on the obvious necessity for Congress to provide jurisdictional standards—so that no State can infringe upon its sister States by imposing its own nationwide tax system. The jurisdictional rule established in this bill is logical, simple, and fair. Reduced to its essence, this bill provides that generally no businessman will be taxable in any jurisdiction in which he does not either employ labor or maintain tangible property. Such a rule is not only consistent with basic notions of fair play, it is also in accord with the practical realities of our modern economy. At the same time, the rule accords sufficiently with the revenue requirements of the States so as to preclude the possibility of depriving any State of a significant amount of revenue.

The passage of H.R. 7906 will be of immense benefit to the business community, to the integrity of our Federal system, to the vitality of our States, and to the efficient functioning of our courts. I strongly urge that the House of Representatives once again adopt this measure. It was sorely needed when we passed it by an overwhelming majority last year. Today the need for its prompt enactment is even greater.

Mr. MACGREGOR. Mr. Chairman, I yield such time as he may use to the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Chairman, I rise in support of H.R. 7906, the interstate taxation bill. On January 23 of this year, I introduced H.R. 4178 which is identical in all respects with the bill we are now considering and which is identical with the bill that was reported by the Judiciary Committee last year and was passed last year by this body. The vote was overwhelming: 284 to 89, as Congressman SMITH of California has indicated.

The history of this legislation reflects well on the Congress.

There are some who criticize Congress as the fallen branch of our tripartite Government. It is said that Congress only reacts to Executive proposals but does not imaginatively and creatively seek solutions to problems.

To those doubters, I proffer H.R. 7906. This legislation is indeed, the child of Congress.

Congress perceived the need.

Congress initiated the study.

Congress drafted the bill.

We have spent 7½ years of labor on this bill—four volumes of hearings and four volumes of exhaustive and thorough analysis of the problem.

The bill accurately reflects those tireless efforts. It sets a standard of excellence for the legislative process. Thus, with pride, I lend my name to that long list of men who support this bill.

The problem of multiple State taxation of businesses operating in interstate commerce is not a simple one. The issues are many and complex.

But ultimately, the search has been for some golden mean, some rule to balance the competing interests of State revenues and of free commerce. The bill achieves a golden mean. It is fair.

There are those who would argue that a State should be allowed to tax a business even though it is in no way located in the State.

There are those who would argue that a State should be allowed to require a business to police the collection of the State's sales and use tax even though it is in no way located in the State.

I can well appreciate how these arguments would appeal to State and local tax collectors. Their task is to raise revenue and to do so as painlessly as possible.

Certainly, it is advantageous for State and local tax collectors to deflect the impact of their taxes onto those without political representation in the State.

But is that fair? Is that good for the country?

Today, American business is burdened with conflicting, chaotic, and multiple taxation by the States. It is time for Congress to act.

Congress has invoked the commerce clause of the Constitution to enact laws in the areas of crime, welfare, and civil rights. Now it invokes the commerce clause to foster the interstate flow of goods. Clearly, this legislation is constitutional.

For we are once again confronted with the problem that led to the calling of the Constitutional Convention of 1787, the imposition of State taxes on out-of-State businesses. Our forefathers recognized how mischievous this problem could be. They realized that a national common market was the necessary predicate of national prosperity.

I stand before this body today to reaffirm the constitutional principle of the American common market. That principle has served us well. We are the richest nation on this earth. That principle merits the continued support of every Member of this body.

No one can deny that State taxation of interstate commerce is a definite problem. No one can deny the right and the duty of Congress to remedy this problem. Yet the States have voiced two practical objections to this legislation.

The first is loss of revenue. This objection is without merit. The record shows that the States—at present—are not collecting taxes from businesses which are not located in the taxing State. The Special Subcommittee on Interstate Taxation found that there was 97.5 percent noncompliance in the income tax area and 93.5 percent noncompliance in the sales and use tax area—volume 1 at 303 and volume 3 at 729.

That is a despicable situation. Impossible laws breed disrespect for law at a time when respect for law is essential to our national well-being. Impossible laws allow tax commissioners to exercise wide discretion to discriminate and to harass businesses with impunity. Impossible laws jeopardize the very existence of small businesses. For in most States, there is no statute of limitations on tax liability. Thus every year, the small businesses—many of whom do not realize that they are liable—get deeper and deeper in debt.

The second objection is that the bill favors interstate business over local business. This is not true. There are no tax havens in this country, and none are created by this legislation. The bill operates not to favor interstate business by making it tax-free but rather to promote uniformity and efficiency in the collection of State taxes.

To those who worry about their local industry, let me say again that the out-of-State competition is not complying with the local tax laws, because, realistically, they are impossible to enforce. Thus, by establishing that interstate business need no longer do the impossible, the bill does not tip the balance against local industry.

Moreover, there is a provision in the bill—often overlooked—that would extend State sales-and-use-tax jurisdiction to areas now off limits to tax collectors.

In *Miller Bros. Co.* v. *Maryland*, 347 U.S. 340 (1954), the Supreme Court ruled that a State could not require an out-of-State business to collect sales and use taxes for the State even if the business regularly delivered products in its own vehicles across State lines to consumers within the State.

Section 101(2) of the bill changes that result. A State would be permitted to require the out-of-State business to collect the sales and use tax if it "regularly makes household deliveries in the State." This would not only fill State coffers but would also protect local retailers who now suffer from unencumbered competition from across-the-border businessmen.

Local businessmen in border areas have been seriously disadvantaged by the Miller Bros. rule. We change that. H.R. 7906 would permit businessmen on both sides of a border to compete according to the same rules.

Hence, it is evident that the two objections are groundless. The bill does not rob States of their revenue, nor does it discriminate against local business.

In summary, the bill lays down a golden rule. It strikes a balance by invoking commonsense in an area of confusing, chaotic, and complex tax laws.

But beyond that, on a higher level, this bill says much for the integrity of the lawmaking process. In the 13th century, the philosopher, Thomas Aquinas, discussing the nature of law, wrote that a law that is impossible to obey is not really a law at all.

Certainly, the maze of State tax laws is impossible to obey. There are thousands of small businesses that employ fewer than five people yet market their products nationally.

How is it possible for such a business to comply with the 38 corporate income tax laws, the 38 sales and use tax laws, the 37 capital stock tax laws, and the eight gross receipts tax laws, all imposed by the States?

Moreover, how is it possible for such a business to comply with over 2,300 sales and use tax laws, over 1,000 gross receipts tax laws, and over 100 corporate income tax laws which are imposed at the local level?

Certainly, in exercising our constitutional duty to promote the free flow of interstate commerce, we as lawmakers must fashion a rule that is possible to obey, a rule that will command the respect of the business community, a rule that will preserve the integrity and the obligation of law.

H.R. 7906 is such a rule.

I urge its passage, and I ask your support.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill before us today—the proposed Interstate Taxation Act—is the product of one of the most comprehensive and exhaustive studies ever conducted by Congress. It is a bill which has fundamental importance for our Nation's commercial life, and has the warm endorsement both of industry and labor. This bill passed the House of Representatives last year by a strong majority of 284 to 89. Unfortunately, however, passage by the House occurred too late in the session for the Senate to consider the bill.

H.R. 7906 is identical to the bill that was reported in the last Congress by the Committee on the Judiciary. As many of you will recall, that bill was later amended on the floor to include a provision prohibiting the double taxation of personal income, which was sponsored by Representative NEAL SMITH of Iowa. Since the Judiciary Committee conducted no study of the personal income tax problem, we felt that we ought not to include this provision in the bill. However, I personally support the amendment and plan to vote for it when it is offered.

It has now been almost a decade since the Judiciary Committee first received a mandate from Congress to study the problems of State taxation of interstate commerce. In 1959, the Supreme Court—after having handed down more than 300 full-dressed opinions relating to the taxation of interstate commerce—made it clear in the celebrated Northwestern Portland Cement case that it looked to Congress to provide reasonable standards. At the same time, the business community found itself so overwhelmed by diverse and chaotic State and local tax requirements that it, too, turned to Congress to establish standards. As a result, in the 86th Congress, we enacted Public Law 86–272 which gave rise to the Special Subcommittee on State Taxation of Interstate Commerce.

Starting in 1959, we established an advisory committee of distinguished experts from the business community, from the academic community and from State governments. From 1961 to 1966, under the chairmanship of Representative Edwin Willis, the special subcommittee devoted 5 years to an extensive study communicating with every State tax administrator in the United States, officials of numerous cities and counties, and literally tens of thousands of businessmen all over the country. The material published by us occupies eight full volumes and has become the definitive work on this subject.

Mr. Chairman, our study amply documents the need for this legislation.

We ascertained that of the several hundred thousand companies engaged in interstate commerce half have fewer than 20 employees, a substantial number have fewer than 10 employees, and a significant minority have fewer than five. Yet, these companies typically sell their products in many States, and even among those companies which are so small that their annual gross proceeds are less than $200,000, a considerable number sell their products in a truly nationwide market.

The number of jurisdictions taxing these companies is staggering. There are in effect at the State level 41 sets of corporate income tax laws, 44 sales and use tax laws, 37 capital stock laws and eight gross receipts tax laws of general applicability. In addition, to compound further the chaos and confusion, business taxes are rapidly proliferating on a local level—with sales taxes already imposed by about 3,000 localities, gross receipts taxes by over 1,000 and corporate income taxes by more than 200 local governments.

Under the circumstances, it is not surprising that this chaotic system has broken down. The business community simply cannot afford the facilities necessary to comply with the present rules. Correspondingly, the States themselves do not have the facilities necessary to enforce their laws. As a result, noncom-

pliance and nonenforcement are the rule rather than the exception.

In addition to imposing insurmountable compliance burdens on the business community, the present system of State taxation of interstate commerce is also replete with inequities that result in the overtaxation of some taxpayers and the undertaxation of others. In the income tax area, for example, some companies are now taxable on more than 100 percent of their profits while other similarly situated companies are paying a tax on much less than 100 percent. Clearly this is a situation which Congress has the responsibility to eliminate.

At the same time the present system also contains a number of inequitable laws that give to locally based companies benefits that are not available to competitors who are based outside of the taxing State. There is no doubt that such laws both run counter to the basic purposes of the commerce clause of the Constitution and violate sound tax principles of evenhandedness.

In addition to representing a serious threat to our Nation's economic life, the present system has created among our taxpayers a highly undesirable attitude. Faced with unfair and unworkable rules, taxpayers generally have developed a widespread resistance to the assumption of State tax liabilities. Rather than file tax returns under circumstances in which the tax itself is often exceeded by the cost of preparing the return, taxpayers in many cases have understandably disregarded the State and local laws. If this situation is to be remedied—and State and local tax laws complied with—Congress simply must provide a system of uniform rules which are both workable and equitable.

To provide a proper system, the Interstate Taxation Act establishes simple and equitable guidelines. Title I of the bill provides uniform jurisdictional standards for each of the four types of taxes which were included in our study: corporate income taxes, capital stock taxes, sales and use taxes, and gross receipts taxes. Under these standards a company would not be subject to the jurisdiction of any State in which it does not maintain a "business location," which is defined to include: the owning or leasing of real estate, the maintenance of a localized employee, or the regular maintenance of a stock of tangible personal property for sale in the ordinary course of business.

There are two significant exceptions to the basic jurisdictional standard. One exception occurs in the sales and use tax area in the form of a provision which makes an out-of-State seller liable for the collection of a tax if he regularly makes household deliveries in the State. The other exception to the basic "business location" standard occurs in the income and capital stock tax areas, and involves the exclusion from the jurisdictional rule of those corporations which have an annual net income in excess of $1 million.

Title II provides a supplement to the jurisdictional standard in the form of a limit on the percentage of income or capital which can be taxed in those cases in which a company is taxable in more than one State. Under title II, the maximum percentage of income or capital which is taxable is determined by a simple two-factor formula based on property and wages. This is also a standard which is reasonable and fair—and which will substantially reduce the severe compliance problems currently faced by small businesses.

Title III provides uniform rules in the sales and use tax area. Under this title, any possibility of an interstate sale being subjected to double taxation is entirely removed.

Title IV provides for continued congressional scrutiny of the problems left unresolved by the bill.

Title V contains definitional provisions. In addtiion, it prohibits States from imposing discriminatory taxes on interstate commerce, as well as from requiring an out-of-State taxpayer to pay for the traveling expenses and living expenses of auditors.

In considering this bill in its entirety, it is important to note that each State and subdivision retains complete freedom to impose whatever type tax it chooses. No Federal agency is given any authority whatsoever over State tax matters. The bill will create no cost whatsoever for the Federal Government.

In terms of its effect on the States, it is important also to note that in the long run this legislation will bring about an overall increase of the revenues of all of the States. This increase will be due to two factors: On the one hand, State revenues will be increased as a result of the economic growth that will be stimulated by the removal of the trade barriers currently impeding interstate commerce. On the other hand, State revenues will be increased as a result of the greater ease of enforcement and compliance which will be obtained under the uniform standards established by H.R. 7906.

In providing equitable standards for the taxation of interstate commerce, this bill will assure the survival of the many small businesses in the United States which ship goods in interstate commerce. At the same time, it will replace the present chaotic system with reasonable and practical rules—so that each taxpayer will be able to ascertain with certainty just what his liabilities are. Clearly, this type of certainty is essential if tax laws are to operate properly.

Because of the basic reforms that this proposal will bring, H.R. 7906 will make a major contribution to the Nation's economic life. I believe that the strong support for this bill which has been expressed by both industry and labor is testimony in itself to the fact that these reforms are needed. Thus I am submitting for the RECORD a representative list of some of the groups which are urging that this bill be enacted. I would like to add my voice to theirs in urging my colleagues to pass this measure once again.

Mr. Chairman, at this time I include a representative list of national associations supporting the proposed Interstate Taxation Act, H.R. 7906:

LIST OF NATIONAL ASSOCIATIONS SUPPORTING H.R. 7906

National Association of Manufacturers.
National Association of Wholesalers.
International Ladies' Garment Workers Union.
United States Chamber of Commerce.
National Council of Salesmen's Organizations.
American Association of Nurserymen.
Magazine Publishers Association.
National Small Business Association.
American Textile Manufacturers Institute.
Direct Mail Advertising Association.
Manufacturing Chemists Association.
National Food Brokers Association.
Automotive Services Industries Association.
Financial Executives Institute.
Apparel Industry Association.
Printing Industries Association.
National Frozen Food Association.
Northamerican Heating & Airconditioning Wholesalers Association.
National Candy Wholesalers Association.
Laundry & Cleaners Allied Trades Association.
National Equipment Distributors Association.
National Association of Electrical Distributors.
Wholesale Stationers' Association.
National Association of Sporting Goods Wholesalers.
Southern Industrial Distributors' Association.
Association of Institutional Distributors.
National Building Material Distributors Association.
American Movers Conference.
Movers' & Warehousemen's Association of America.
Society of American Florists.
Point-of-Purchase Advertising Institute.
Automotive Wholesaler Trade Association Executives.
Farm Equipment Wholesalers Association.
National American Wholesale Lumber Association.
Air-Conditioning & Refrigeration Wholesalers.
Screen Process Printing Association.
Food Services Equipment Industry Association.
American Advertising Federation.
National Electronic Distributors Association.
American Institute of Supply Association.
Manufacturers Agents National Association.
American Textbook Publishers Institute.
National Kitchen Distributors Association.
Laundry and Cleaners Allied Trades Association.
National Sash & Door Jobbers Association.
Shoe Service Institute.
Administrative Management Society.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I would ask the chairman of the subcommittee one question for the information of the House:

Would the gentleman from New Jersey advise the Committee who the ranking minority member of this special and able subcommittee was over the last 6 or 7 years, and until January 3, 1969?

Mr. RODINO. The former ranking member is now the Governor of the great State of West Virginia, and our former colleague, then Congressman Arch Moore, who was a very ardent supporter of this bill.

Mr. McCULLOCH. Mr. Chairman, one further question:

Will the gentleman from New Jersey advise the Committee the names of the chairmen of the House and Senate committees who yielded jurisdiction for the study of this important legislation by the Committee on the Judiciary of the House?

Mr. RODINO. On the Senate side it was the distinguished Senator from Virginia, Senator Harry Byrd, Sr., and on the House side, the distinguished chairman of the House Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS).

As a matter of fact, I might say for the enlightment of the House that it was at the insistence of Senator Harry Byrd, Sr., that this study was then undertaken and initiated by Congressman Willis.

Mr. McCULLOCH. I thank the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. COLLIER. I have just one clarifying question, if I may.

I listened carefully to the gentleman's explanation and it poses one question in my mind. Perhaps you could throw some light on it and inform me because I have had an inquiry along these lines very recently.

In the event that a man is a manufacturer's representative and handles possibly eight or 10 or 12 different lines and rents a sales office which he operates, in behalf of those firms that he is representing, would he in that case be leasing?

Mr. RODINO. That is correct.

Mr. COLLIER. What would his status be, however, in light of the fact that he, as most manufacturer's representatives, is operating as an independent contractor? He does not handle the contract or the goods, but merely in sum and substance is an order taker and the product on the order that he has taken is shipped directly from a company out of the State to his customer.

Mr. RODINO. He would be liable since he is leasing or renting property which brings him within the jurisdiction or the standards or the jurisdictional formula that we set up.

Mr. COLLIER. Would there in that instance really be a principal-agency relationship inasmuch as he would be operating on a sort of multiple order taking basis as an independent contractor? In that instance, if your response is correct, would each of those manufacturers that he represents be liable to the extent of the volume of business that he did for each?

Mr. RODINO. Now I understand the gentleman's question a little more clearly.

If he is an independent contractor who is leasing, then he is liable. The company is not liable because it does not come within the requirements of the formula we have set up.

Mr. COLLIER. If it receives the order and it receives the payment from the individual customer, and generally he is drawing on a commission basis—he would be liable. But the company that received the payment directly from the customer and did in fact ship the goods, would not be liable, is that correct?

Mr. RODINO. That is correct unless the company had a business location in that area.

Mr. COLLIER. I thank the gentleman.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. TAFT. I believe the gentleman said a few moments ago that the bill does not affect in any way the choice or type of tax of a State or local government that might be involved.

I wonder just looking at the first few lines of the bill which states:

> No State or political subdivision thereof shall have power—
>
> (1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;
>
> (2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or
>
> (3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

In other words, as I understand, all of these things can be done today. State taxes can be and are imposed in those areas or there would not be a need for the bill.

Is it not necessarily true, then, that this bill does amount to a limitation on the types of taxes or the choice of tax an individual State might make?

Mr. RODINO. The limitation is a jurisdictional limitation but not as to the type of the tax that may be imposed.

Mr. TAFT. It restricts the type of sales tax or gross receipts tax and type of income tax; is that not correct?

Mr. RODINO. If you want to put it that way, yes. I would state that the main thrust is to set up these jurisdictional standards without in any way actually limiting the imposition of taxes.

Mr. TAFT. If the gentleman will yield further, I have one or two additional questions on which he might be able to be of some assistance. Why was the exclusion level of $1 million inserted? In other words, as I understand, corporations with an average net income in excess of $1 million would not be helped in any way by this bill. As I understand, we would set up really two classes of taxpayers, one of which might be paying a tax under certain circumstances, where a competitor that might be somewhat smaller might not be paying the same tax, although they may be in the same business and in the same State. In my opinion, this might very well violate the rule of the uniformity in the constitutions of some of the States.

Did the committee consider that question? What comment would the gentleman make in relation to that?

Mr. RODINO. Yes, the committee did consider that question. The problem that developed as a result of the chaos and confusion that confronted the smaller companies in those areas was great. The larger companies were not confronted with the same problem. The exhaustive study conducted by the subcommittee reveals that there are, in fact, a number of serious problems which presently confront the larger corporations. However, because tax problems of the large corporations, I would say, invariably do involve complex questions of international tax policy as well as questions of State and local tax policy, the subcommittee recommended that those measures be postponed pending a further evaluation of the steps taken by the States in this area.

As a result, we have title IV in the bill, which gives this committee continued oversight once the measure is enacted, so that if problems develop in this area, they will also be dealt with.

Mr. MacGREGOR. Mr. Chairman, will the distinguished gentleman from New Jersey yield to me so that I may make a further reply to the question of the gentleman from Ohio?

Mr. RODINO. I yield to the gentleman from Minnesota.

Mr. MacGREGOR. In further response to the inquiry of the gentleman from Ohio, I think it should be candidly said that the legislative work product of the special subcommittee in this area sounds in pragmatism if not in logic. During the tortuous course of the development of this legislation, it is no secret that tax administrators in several States, and to a lesser extent the Governors thereof, voiced loud complaints to the subcommittee about the losses in revenue that would accrue if we were not to incorporate a $1 million limitation on the applicability of the provisions of this statute. The subcommittee in its wisdom, wishing to be responsive if possible to this plea from the tax collectors across the face of the land, consulted by way of hearings with representatives of both small and large businesses. It did appear to us as though the incorporation of a $1 million net sales limitation, which was suggested to the subcommittee by one of the most knowledgeable of the State tax administrators—such suggestion seeming to meet with the approval of small and big business—was a prudent step for us to take in seeking to develop legislation which would attract the strongest possible support across the broadest range of opinion and interest.

I am pleased that the chairman of the subcommittee, the gentleman from New Jersey (Mr. RODINO), called attention to title IV of the bill. Title IV of the bill imposes on the Committee on the Judiciary of the House of Representatives a continuing responsibility during the course of the first 4 years following passage of the bill, should that come about, to evaluate the operation of the bill and, specifically, to consider the ramifications of the million-dollar test.

Mr. TAFT. I thank the gentleman.

Mr. ICHORD. Mr. Chairman, will the gentleman from New Jersey yield?

Mr. RODINO. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I compliment the gentleman from New Jersey first of all for the very competent manner in which he has handled a very complicated subject, but, as the gentleman well knows, I have considerable reservation about this legislation primarily be-

cause of the supposed effect upon the State of Missouri. I would like to inquire of the gentleman as to who prepared the summary on pages 11 and 12 of the report as to the effect of H.R. 7906 on the various States of the Union?

Mr. RODINO. Mr. Chairman, the staff of the subcommittee went into an exhaustive study in the preparation of these estimates.

Mr. ICHORD. Mr. Chairman, I just concluded a conversation with the Governor of the State of Missouri, and he stated that his experts in State government are still estimating that this bill will result in Missouri losing between $25 and $50 million of sales and use tax revenues. I notice in the summary that the staff indicates the loss in Missouri will not exceed 0.09 percent.

Missouri's take from the sales and use tax is approximately $350 million. This is only one-tenth of 1 percent of what the staff represents. One percent would only be $3 million. Here the State is estimating $25 to $50 million.

I cannot see how the State could possibly be that far off. I would question the study of the staff before I would question the conclusions of the State of Missouri.

Mr. RODINO. I would say to the gentleman that I am not surprised since we have heard from several of the tax administrators and those people who have jurisdiction over the tax revenues of the State, and the same complaint has been made. Invariably their figures are much higher and I might say in my judgment exaggerated.

Mr. ICHORD. Of course, it is very difficult for the staff. I did not mean to be disparaging to the staff of the committee, but it is very difficult for them to make a study of the varying tax laws of the different States.

Mr. RODINO. I would say to the gentleman from Missouri that the staff did not do this in just 1 day or 1 month or 1 year. It took all of 6 years to compile these estimates.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 7906. Along with many other members of the Committee on the Judiciary, I am a coauthor of an identical measure, H.R. 4178.

Mr. Chairman, I should like to correct some printing errors in the report which accompanies the bill presently under consideration. H.R. 7906.

On page 1 of the report, under the paragraph entitled "Purpose of the legislation," on line 5 of the first paragraph, the date "1978" appears. Those of us serving on the Committee on the Judiciary like to think we are looking ahead, but we did not really look ahead 9 years. That vote refers to a vote taken in the House last year and the date, of course, should be "1968."

On page 11 of the committee report, under the subheading "Arkansas," in discussing the effects of the adoption of H.R. 7906 on State revenues, the words appear under Arkansas, "Corporate income tax: 0.06 percent." To those words should be added the word "loss" so that the report would read for Arkansas: "Corporate income tax: 0.06 percent loss."

On page 14 of the committee report, under the State of Washington, under "Sales and use tax" there is an error in the amount, which should read "0.1 percent" instead of "1.01 percent."

Mr. Chairman, during the course of the debate on the rule the distinguished Member of the House Committee on the Judiciary, the gentleman from Missouri (Mr. HUNGATE) suggested that before members of this committee or of the House voted on this bill they should consult with their tax administrators in their respective States and with their Governors. I believe that is an excellent suggestion. While they are on the telephone I might suggest they ask the operator to put them in touch with a representative group of small businessmen in their respective States. They would get quite a different answer if they were to consult with the small businessmen, who increasingly, with a relatively small plant and a limited number of employees, operate frequently by mail order in a number of States. In short, Mr. Chairman, this is a small-businessman-taxpayers' benefit bill instead of a tax collector's dream.

Mr. ADAMS. Mr. Chairman, will the gentleman yield ?

Mr. MACGREGOR. I yield to the gentleman from Washington.

Mr. ADAMS. The problem that we have is we deal with the small intrastate businesses who are in competition. If we ask them, particularly in a State which has a sales and use tax and is dealing with border States shipping in small commercial items, we find our small State businesses have a great deal of difficulty. They are paying the State tax, and the interstate operation is not, and they may be within 15 or 20 miles, of the border and easily reached by truck delivery.

Mr. MACGREGOR. I hope the gentleman will listen to all the debate and carefully read the RECORD after he has cast his affirmative vote, because he will find that this bill which overturns the Miller Brothers helps the company in one State with reference to unfair competition from a competitor across the State line instead of hurting the company within the State as the gentleman suggested.

Mr. Chairman, the present system of State taxation of interstate commerce does not work. The flaws cannot be remedied by State action alone. At the present time, we are confronted with a situation in which the tax administrators of each State and local subdivision will assert that they have the power to reach across their own borders for the purpose of regulating companies which make their sales across State lines. In effect, each jurisdiction is attempting to impose its own nationwide tax system.

It is an uncontroverted fact that nonenforcement of the present jurisdictional limits of the State and local governments is the rule and not the exception. Conversely, noncompliance on the part of the local taxpayers is also the rule and not the exception. The State and their subdivisions do not have the administrative agencies necessary to enforce their present rules in an evenhanded way. Likewise, small businesses do not have the clerks, typists, accountants and tax lawyers necessary to comply with these rules.

These facts were clearly documented in the four-volume study made by the Special Subcommittee on Interstate Taxation. Based on the experience of thousands of companies, the subcommittee learned that noncompliance was the rule in 97 percent of the income tax cases and 93 percent of the sales and use tax cases where the businesses were located outside the taxing state.

The fact of widespread nonenforcement and noncompliance—uncontroverted in the hearings before the Special Subcommittee on Interstate Taxation—is a clear indication that practical and workable standards must be created. If we do not act to create them in the Congress, I assure you they will be created piecemeal by the courts. I would suggest to the members of this committee that it is far preferable to establish standards through the medium of action by the elective Representatives of the American people rather than by the case-by-case, hodgepodge method of decisions in the Federal judiciary.

Obviously, the chaos and confusion which characterizes the whole area of State taxation of interstate commerce stems primarily from the absence of meaningful jurisdictional standards. As each individual tax collector reaches further there and further beyond his own State borders, more and more taxpayers are exposed to compliance problems that stagger the imagination. As a result, any legislative solution must address itself to the basic question of the circumstances in which a company located in one State can be called on to pay taxes to or within another State. Unless we face this basic jurisdictional issue, we in the Congress will evade our responsibility to all of the States, and to the entire small business community of America.

In analyzing the details of H.R. 7906, I would suggest that each Member of Congress consider the insurmountable problems which are now facing small companies in his or her own State. A typical small company has less than 50 employees—in fact, a great many of them have less than 10 employees. Notwithstanding its size, such a small company in your State often sells its products in many other States—States in which it owns no property, and has no local employees. As a result, many such companies are exposed to liabilities in all or most all of 50 States, as well as in thousands of local jurisdictions. It is preposterous to assume that such a company can comply with the differing tax requirements of all of these jurisdictions. By laying down simple and practical jurisdictional standards, title I of H.R. 7906 will give the small companies the type of protection that is obviously needed.

Title I provides that the small company in your State cannot be taxable by another State unless it maintains what

is referred to as a "business location" in the other State. Now the term "business location" is a word of art which is used throughout the entire bill, and defined in section 511 to include: First, the owning or leasing of real estate; second, the maintenance of a stock of goods for sale in the regular course of business; or third, the presence of a local employee whose activities consist of more than the mere solicitation of orders.

I recognize that some of the tax administrators oppose these jurisdictional standards, and have created the impression that the only effect of title I is to impose limitations on present State taxing powers over interstate commerce. Let me point out to you that this is not the case, for there is a basic exception to title I which actually extends the jurisdictional reach of the States beyond the limits already established by the U.S. Supreme Court.

If I may respectfully have the attention of the gentleman from Washington (Mr. ADAMS), I will now directly respond to the point which he raised.

This exception appears in section 101 (2) which allows the States to impose sales tax collection requirements on all out-of-State sellers who regularly make deliveries to households in the State. This provision reverses the Supreme Court's decision in Miller Brothers against Maryland. The reversal of the rule in this case has long been advocated by the tax administrators themselves, and has also been recommended by the Advisory Commission on Intergovernmental Relations. It is regarded by the Judiciary Committee as an important means of strengthening State taxing powers in an area where local retailers clearly need protection from out-of-State competitors.

When all of the jurisdictional standards in title I are considered in their entirety, and in the light of the 6-year study conducted by our subcommittee, it becomes clear that under these standards the States generally will be able to continue to impose their business taxes on most of the companies which are currently complying with State laws, and will, in the sales tax area, be able to reach an even larger number of companies than they now reach. At the same time, the typical small company located in your State will be relieved of the responsibility of having to comply with a completely unworkable system of multi-State, multicounty, and multicity taxation.

That the subcommittee has molded legislation which will achieve fair and workable jurisdictional standards without causing the States to suffer revenue losses is made clear by the subcommittee's State-by-State analysis which appears on pages 11 through 15 of House Report 91–279, which accompanies this legislation.

Although title I provides the basic relief which is essential for all of the small companies, further measures designed to reduce compliance problems also appear in title II and title III.

Under title II, if a small company in your State is taxable on its income or capital in another State it may determine its liability under an extremely simple and practical formula. Under that formula no State will be able to tax a greater percentage of income or capital than the percentage arrived at by computing the proportion of tangible assets in the State and wages paid to employees in the State. This simple formula has several features which will not only reduce the compliance problems of small companies, but will also greatly increase the administrative efficiency of the State tax collectors.

First of all, since the formula does not contain a sales factor, it will not be necessary for a small company to keep detailed records of each interstate shipment. Second, since all of the company's income is subjected to the same simple formula, no disputes can arise with respect to the allocation of a wide variety of specialized items such as dividends, capital gains, rents, patent royalties, interest on bonds, and so forth.

These features of the formula in title II will so simplify the administration of corporate income tax laws that all of the States which impose income taxes will benefit.

Title III of H.R. 7906 will likewise increase the efficiency of compliance and enforcement in the sales and use tax area. For example, section 301(a) of title III applies a uniform rule for locating sales—a practical rule which conforms to the present practice of most of the States. Section 301(b) also provides a uniform standard for the imposition of use taxes so that such a tax cannot be imposed on a company that does not have a business location in the State, nor on an individual who does not have a dwelling place in the taxing State.

Section 301(c) of title III provides for a system of reciprocal credits so that each State will be required to give a credit for prior sales or use taxes imposed by other States. This system of reciprocal credits is one with which all of the State tax administrators are in agreement. However, there are, in fact, still some States which do not grant such credits. As a result, section 301(c) will complete the task of providing a nationwide uniform system of reciprocity.

Section 305 of title III is of particular significance. It provides a standard for the taxation of interstate sales by local governments. Because of the widespread proliferation of local sales and use taxes this provision will protect small companies all over the United States from being completely overwhelmed by the jurisdictional assertions of more than 3,000 political subdivisions, each of which is currently taxing interstate commerce according to its own individual rules. Clearly, the compliance problems under this intolerable situation are enormous. Section 305 in itself will spare thousands of small companies the price of countless weeks and months of labor in filling out tax forms which is often more costly than the actual tax dollars involved.

Now the three titles which I have reviewed contain the major substantive provisions of H.R. 7906. Each provision is based on a sound and logical principle, and has been formulated so as to both reduce the compliance problems of the small companies and to increase the efficiency of States tax administration. At the same time there is no single provision which is designed to protect any special interest, or to prejudice the interest of any State.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MacGREGOR. Mr. Chairman, I yield to the gentleman from New York, (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I thank the distinguished gentleman from Minnesota for yielding for several questions. Before propounding those questions, let me say that I support the goal of this legislation, and I propose to vote for it on its final passage.

However, in a study of this legislation several questions have arisen. In checking with my own New York State Tax Commission I found that they would like to have these matters discussed on the floor as part of the legislative history.

First, Mr. Chairman, I wonder if the gentleman from Minnesota could discuss a little further the impact of title II with respect to the factors that are to be considered in determining the maximum percentage of income or capital to be taxed. Apparently this is to be based on the property and payroll proportionate formula, and does not allow any receipts factors such as is currently involved in most allocation formulas used by the States.

It seems to me, Mr. Chairman, that this might result in some degree of discrimination against the industrial States which have, of course, located in them the property and the payrolls that are to be the basis of the maximum percentage of income to be taxed.

Mr. MACGREGOR. Mr. Chairman, the gentleman from New York has raised a significant point. It was one of the principal problems or hurdles faced by the special subcommittee in the consideration of this legislation. This partcular hurdle was known as the three-factor formula versus the two-factor formula. In fact, early drafts of the bill did include as an additional factor the factor which the gentleman has indicated, and we did for some time favor in the subcommittee a somewhat more comprehensive formula based on the three factors instead of the ultimate two-factor formula, which we now have. Again, in the course of the legislative development of this bill, and with due consideration to the interests of the industrial States, and with the argument which the gentleman from New York has so well propounded, it was the determination——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MACGREGOR. Mr. Chairman, I yield myself 3 additional minutes.

It was the determination of the subcommittee that it was wiser and more equitable to all of the States to adopt the two-factor formula which is contained in the bill, for it would promote efficient enforcement by the States and compliance by the taxpayer.

Mr. CONABLE. Mr. Chairman, the second question is this:

I wonder if any discussion was had in the committee on section 305, which re-

stricts the classification of interstate sales according to geographic areas in the State?

Now as I understand it, the section does not affect locally imposed sales and use taxes which are State administered and uniformly applied.

However, in our State we have a municipal tax administered by the municipality to a substantial extent.

It seems to me, looking at the committee report on page 13 where it states that New York State would suffer no significant loss of sales and use taxes, that this statement must relate to the State itself and not to the municipalities which I think would doubtless suffer substantially sales tax losses as a result of this provision, section 305.

Mr. MACGREGOR. May I respond to the gentleman from New York who was kind enough to raise this point with me before the formal debate began.

I cannot improve by interpretation the clear language expressed in lines 24 and 25 on page 10 of the bill and the top four lines on page 11 of the bill which read as follows:

> No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries.

With respect to the second point the gentleman made, I think it is a fair criticism, if you will, to indicate page 11 through 15 of the committee report where we have endeavored to indicate the only loss of revenue which our exhaustive studies show will be suffered by the States. It was impossible for us to determine, notwithstanding the exhaustive 4-year study that was made and the voluminous materials gathered, and evaluate with accuracy to determine the loss of revenue to the individual subdivisions because they are approximately 3,000 in number at the present time.

Mr. CONABLE. Does not the gentleman agree with me then that if a State does have a number of municipally administered taxes, it may have a substantial impact on municipal revenues in the State?

Mr. MACGREGOR. I could not so agree because I have no factual data on which to base such a conclusion.

Mr. CONABLE. I have some reservations about the double standard implicit in this million dollar differentiation that is made. I do not believe, in the answer that the gentleman gave earlier to a question from the gentleman from Ohio (Mr. TAFT), that he specified this million dollar standard applies only to income and to capital stock tax provisions; is that not correct?

This million dollar standard, this double standard, does not apply to the sales tax; is that correct?

Mr. MACGREGOR. That is correct.

Mr. CONABLE. I thank the gentleman very much for that further elucidation.

Mr. RODINO. Mr. Chairman, I yield to the gentleman from Ohio (Mr. FEIGHAN) such time as he may consume.

Mr. FEIGHAN. Mr. Chairman, I wish to commend the very distinguished and able chairman of the subcommittee, the gentleman from New Jersey (Mr. RODINO) as well as those members of the subcommittee, both past and present, who have worked so arduously in producing such a good bill.

I also want to commend the gentleman from New Jersey (Mr. RODINO) for his very clear and concise presentation.

I would like to mention two very outstanding former tax administrators of the State of Ohio under two administrations of different parties, both of whom came to Washington to testify on behalf of this legislation.

One is Mr. Bill Evitt the tax administrator under former Gov. John Bricker who subsequently was a Senator and also Mr. Emory C. Glander tax administrator under Gov. Frank J. Lausche who also subsequently became a U.S. Senator.

Mr. Chairman, the European Common Market was formed to facilitate and promote trade among its member nations. Every member of the Common Market is able to trade freely with every other member.

The United States is also a member of a common market—the "American common market." By that, I mean that each State in our Nation has free access to markets in every other State. Our common market, in fact, is much older than the European version. Indeed, this principle of free trade among the States is the backbone of our great American economy.

Yet our "American common market" is in danger. For several years now American business has been working under an ever-increasing handicap: our many State and local tax laws. With the growing volume of interstate business in today's age of rapid and efficient transportation, the tendency of local and State governments has been to reach out for increased revenues from out-of-State businesses, resulting in a serious burden being placed on the shoulders of participants in interstate commerce.

H.R. 7906, the Interstate Taxation Act, will help to alleviate that burden. This bill, which is identical to one which I cosponsored, will limit the taxing power of a State over the smaller out-of-State firms doing business within that State's boundaries. Basically, a firm would have to meet a certain standard before the State could levy corporate income taxes, sales or use taxes, capital stock taxes, or gross receipts taxes on that firm. This "business location standard" is based on the firm's property, employment, and inventory located within the State in question.

H.R. 7906 will also first, provide a uniform method for establishing the maximum percentage of income which can be taxed by any one State; second, reduce multiple sales taxes and facilitate the collection responsibilities of the interstate seller; and third, provide for continued study of the subject of State taxation of interstate commerce by the House Judiciary Committee and the Senate Finance Committee.

This bill is identical to an earlier one, H.R. 2158, which was passed last year by the House by a vote of 284 to 89. Unfortunately the bill was adopted too late in the session for the Senate to give this important measure its full consideration.

Mr. Chairman, I hope that the bill now before us, H.R. 7906, will receive the wholehearted support of the House.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Washington.

Mr. ADAMS. I ask the Chairman of the Committee if I might yield the 5 minutes that I have to the gentleman from Missouri, and participate in this debate at the same time.

Mr. RODINO. Before I yield 5 minutes, may I inquire of the Chair how much time the gentleman from New Jersey has consumed?

The CHAIRMAN. Forty-three minutes have been consumed, with 17 minutes remaining after the gentleman from Missouri has finished.

Mr. RODINO. I yield 2 minutes to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Washington not to exceed 2 minutes.

The CHAIRMAN. The gentleman from New Jersey has already yielded to the gentleman from Missouri 5 minutes. You may yield additional time later.

Mr. ADAMS. Mr. Chairman, I rise in opposition to this bill. I wish to indicate that the Members of the Washington delegation will oppose the bill. We have carefully tried to examine the statement on page 14 of the report as to the revenue losses to the State. We find that an examination of the information with which we were supplied only 12 firms doing business in the State of Washington replied to the questionnaires of the staff, whereas the State revenue people have examined 6,000 of the out-of-State registered taxpayers, and their estimates indicate there would be a biennial loss—the State operates on a 2-year basis—of $72 million in tax revenues to the State of Washington during this period.

I also want to indicate by sections how this loss will occur. Basically, it generally occurs in two situations, one being from the change in collections from out-of-State taxpayers when ordered by the State when they sell into our State from those States that do not have sales and use taxes. The other basically is in the jurisdiction to tax where the mail-order firms and those who are using consigned goods and have the ability to operate in our State without paying a sales and use tax. These are two basic areas of tax avoidance.

The advocates of the proposed Interstate Tax Act, H.R. 7906, continue to understate the potential loss of revenue to the various State and local governments in the Nation from enactment of the proposed bill. For example, recent figures released by the Subcommittee on State Taxation of Interstate Commerce suggest that the loss in sales and use tax revenue to the state of Washington would be a maximum of 1.01 percent

of the present yield and that there would be no significant loss in the state's business and occupation—gross receipts—tax revenues. These estimates apparently came from a staff report made several years ago by the Subcommittee on State Taxation and were based upon nationally compiled business statistics and not from data from the State's tax files and tax statistics. The Washington State Department of Revenue has pointed out errors in these figures on previous occasions, but this has not been acknowledged or considered by the subcommittee. Based upon the Washington State Department of Revenue's latest estimate of the impact of H.R. 7906 upon the State's revenue for the biennium beginning July 1, 1969, the total potential revenue loss to the State would be $72 million. The total potential loss in sales and use tax revenues is equal to approximately 5 percent of the estimated yield from those sources for the 1969–71 biennium and the total potential business and occupation tax loss is approximately $20 million. The total potential loss is more money than was appropriated by the Washington Legislature from the general fund for the combined operations for all of the executive departments of State government, the legislative operations, and the judicial branch for the 1969–71 biennium.

II. SUMMARY OF REVENUE LOSS BY SECTIONS

H.R. 7906 has been passed by the U.S. House of Representatives and is now pending before the U.S. Senate. The estimates herein of the impact of revenue loss to be suffered by the State of Washington under the provisions of H.R. 7906 replace previous estimates of April 17, 1967. In addition to the estimates, which have been revised to the 1969–71 fiscal biennium, a brief discussion as an appendix has been attached which discusses the relationship of these estimates to the estimates of Washington's revenue losses under the bill as they were presented to the House for consideration.

H.R. 7906 replaces H.R. 16491 as introduced in the Congress in the fall of 1966 and, as amended, contains only one change from H.R. 16491 which would have any impact upon revenues of this State. The change is in the form of an addition to section 511 providing the general rule on "business location." It adds a third provision to the rule and the rule may now be summarized as follows: "Business location" is considered as first, owning or leasing of real property; second, having one or more employees "located" in the State under section 513; or third, maintaining stocks of goods for sale in the ordinary course of business.

The added provision broadens the rule to the advantage of the States. It is qualified, however, to the extent that property on consignment and in the hands of and offered for sale by a consignee may not be considered as stock maintained by the consignor. This qualification would limit the application of the stock of goods provision of the "business location" rule to goods held in a warehouse in this State by an out-of-State vendor and would to an extent limit any revenue change which would result from the inclusion of the third item above in the section.

Detail of the amounts and reasons for the losses are contained herein. They are summarized as follows:

[In millions]

Immediate loss	$34.6
Potential loss	35.9
Total potential loss	[1] 70.5

[1] Revised impact on an aggregate basis as of May 1969, $72.0 million.

III. DETAILS OF REVENUE IMPACT ESTIMATES BY SECTION

TITLE I—JURISDICTION OF TAX

Section 101(2): This section provides that no State shall have the power to require a seller to collect sales or use tax with respect to sales of tangible personal property unless the seller has a business location in the State or regularly makes household deliveries in the State. Based on anticipated levels of payments a net biennial loss of $15.8 million can be expected in connection with out-of-State vendors which do not meet the proposed technical requirements for a "business location" in this State, but which are presently collecting sales and use tax with respect to sales to Washington residents by reason of substantial local sales activity—solicitation and order-taking by salesmen and employees or independent agents or the maintaining of stocks of goods in the hands of a consignee which are offered for sale on the account of the consignee. This net loss is based upon a gross loss reduced by an estimated amount which would be recovered through voluntary reporting and/or a substantial increase in audit activity as to Washington consumers and, in addition, by the fact that it would be possible to require sales tax collection by certain out-of-State firms which regularly make household deliveries into the State.

Additional potential losses of $25.5 million per biennium are projected as the result of changes in modes of business operations permitting tax avoidance by the elimination of business locations in the State. See additional comments under section 511 and 513 below.

Section 101(3): This would prevent the State from imposing the business and occupation tax with respect to the sale of tangible personal property unless the seller has a business location in the State. It would result in a loss of business and occupation tax revenue from out-of-State manufacturers and other businesses in regard to their wholesaling and retailing activities in this State.

With respect to foreign taxpayers which are reporting business and occupation tax under present Washington statutes which would be exempt with enactment of the interstate taxation act, because of the business location limitations provided in the act, it is estimated that a biennial tax loss of $5.6 million would occur. This would be primarily represented by firms making wholesale sales in the State. As in the instance cited above, changes in methods of operation would undoubtedly occur causing increased revenue losses of $10.4 million per biennium. See section 511 and 513 for comments regarding the "business location" and "location of employee."

TITLE III—SALES AND USE TAXES

Section 301(b): This would restrict the imposition of use tax with respect to the use of tangible personal property of persons without a business location in the State or a resident individual. We estimate a biennial loss here of $3.9 million. Under the terms of this provision Washington would lack authority to tax nonresident firms in connection with tax on advertising materials, executive cars, and other business property used in the State.

Section 303 provides for the deduction of "freight charges or other charges for transporting tangible personal property to the purchaser" if such charges are separately stated by the seller. Present law allows the deduction of actual freight or delivery charges which are billed separately to the buyer and which are paid as an advance for the buyer from the place where title passes. Thus, this section would expand the deduction to include any freight or transportation charge which is designated as such on the invoice. There is no requirement that the charges represent actual freight costs. Hence, the freight deduction is completely subject to manipulation by the seller. We predict a minimum revenue loss of $2.2 million under this section.

Section 304 provides sales and use tax immunity to business buyers making out-of-State purchases, simply by furnishing the seller with the purchaser's registration number without any provision for a stipulation that the purchase is for resale or is an exempt sale. The present law and procedures require the seller to prove that such sales are in fact immune from these taxes. Part (2) of the section permits a purchaser not registered with the department of revenue for the payment of taxes to make exempt purchases merely by presenting the seller with a certificate stating a reason for exemption. Without the proviso for the issuance of immunity numbers, as contained in the previous bill (H.R. 11798), the department of revenue will have no way of controlling or auditing such purchases for use tax purposes. This provision would cause a biennial loss in tax revenue of $1.9 million. It is important to note that this estimate is based upon the presumption the department of revenue would be in a position to recover a portion of the unpaid tax through initiating a greatly expanded audit program and conducting regular audits of accounts not presently given audit coverage but which, as holders of registration numbers, would have to be checked in order to determine whether or not their immune purchases were valid and to ascertain that use tax had been reported on taxable items. Without this expanded audit program the revenue loss would be much greater than the figure stated.

TITLE V

Section 504: The definition of use tax, as provided in this section, is so broad that it would include a use tax that is complementary to a general sales tax and a use tax complementary to some types of special sales taxes including, for example, cigarette and gasoline taxes. Under section 301(b) a State could not impose its use taxes with respect to such items shipped from an out-of-State location to an out-of-State individual who picked them up at a post office or

a terminal of a common carrier in this State. This could lend legality to substantial bootlegging operations in items such as cigarettes. An estimate of the revenue losses which might be expected in this context is difficult to determine. Past experience has shown that legal loopholes are quickly utilized and there is every indication that biennial revenue losses in regard to cigarette taxes would total at least $2.1 million per biennium.

Section 511(a): This section defines "business location" as the term is used in section 101 (2) and (3). It restricts the term to a person first, owning or leasing real property in the State; second, having one or more employees in the State; or third, maintaining stocks of goods in the State for sale in the ordinary course of business.

Condition (2) regarding "location of employees" is discussed further under section 513. The definition would remove firms from tax liability that have only a stock of goods in this State held in the hands of a consignee and offered for sale on the account of the consignee. Stocks of goods held by consignees under such conditions now constitute "doing business" on the part of the out-of-State vendor and make such vendors liable for gross receipts taxes. Such vendors are now also liable for the collection of sales and use taxes whenever retail sales are made by the vendor to purchasers in this State, whether the goods are shipped from points in or outside this State. Estimated revenue losses that would accrue under this definition are included under Section 101 (2) and (3).

Section 513 (a) (b) (c) (d): The "location of employee" in the State is defined in this section. Under its provisions an employee's activity creates tax liability for his employer when his services are performed entirely in this State or when his services outside the State are only incidental to his instate activities. When his services are both in and out of the State and the employer maintains a place of business from which the employee regularly leaves and returns, the employee's instate sales activities create tax liability. Such place is known as the employee's "base of operations." Where the employer does not maintain a place of business in the State, the solicitation of orders by the employee does not create tax liability if the orders are sent outside the State for approval or rejection and are filled by shipment or delivery from a point outside the State.

Washington law, under authority of U.S. Supreme Court decisions, presently makes retail sales solicited by a resident salesman or sales agent, under such conditions of approval and delivery, as described above, subject to sales or use taxes but not to gross receipts taxes. In cases where the employer has only a stock of goods, or goods held on consignment in this State, orders filled from such stocks become subject to the gross receipts tax as well as sales and use taxes. The proposed bill would remove sales from goods held in the hands of a consignee and offered for sale on the account of the consignee from tax liability. The estimate of the revenue loss that would occur under these conditions is included under section 101(2)(3).

Section 513(e): This section holds that an employee installing or repairing tangible property resulting from an interstate sale cannot be considered located in the State if such services are incidental to the sale. At present such installation or repair services, whether performed by the vendor's employees, or by a subcontractor, make the entire sale subject to sales, use, and gross receipts taxes. This liability occurs regardless of any other conditions of liability surrounding the sale. The proposed bill will exempt the gross amount of many sales of considerable size, such as the installation of a generator in a power dam on the Columbia River. An estimated biennial revenue loss of $3.1 million can be expected under this section.

SUMMARY OF BIENNIAL REVENUE LOSS TO THE STATE OF WASHINGTON DURING THE 1969-71 BIENNIUM WITH THE ADOPTION, BY CONGRESS, OF H.R. 7906

[In millions]

Title and section	Immediate impact with passage of H.R. 7906 (biennial loss)	Additional potential loss with changes in business modes of operation
I. 101(2)	−$15.8	−$25.5
I. 101(3)	−5.6	−10.4
III. 301(b)	−3.9	
III. 303	−2.2	
III. 304	−1.9	
V. 504	−2.1	
V. 513(e)	−3.1	
Immediate loss	34.6	
Potential loss		35.9
Immediate loss		34.6
Total potential loss [1]		70.5

[1] Revised impact on an aggregate basis as of May 1969, $72.000.000.

SUMMARY OF BIENNIAL REVENUE LOSS TO THE STATE OF WASHINGTON DURING THE 1969-71 BIENNIUM, BY TYPE OF TAX, WITH THE ADOPTION, BY CONGRESS, OF H.R. 7906

[In millions]

Type of tax	Immediate impact with passage of H.R. 7906 (biennial Loss)	Additional potential loss with changes in business modes of operation
Sales	−$23.9	−$25.5
Business and occupation	−8.6	−10.4
Cigarette taxes	−2.1	
Immediate loss	34.6	
Potential loss		35.9
Immediate loss		34.6
Total potential loss		[1] 70.5

[1] Revised impact on an aggregate basis as of May 1969, $72,-000,000.

Mr. HUNGATE. I thank the gentleman for his contribution.

Mr. Chairman, it has somewhere been said that one with God is a majority. This was not true in the last Congress on this bill, but I am going to give that saying another chance.

We are considering this bill regarding State taxation of interstate commerce at a time when all States and local political subdivisions are desperate for funds and additional methods of raising revenue. This bill proposes to exempt any corporation from State income taxes, capital stock taxes, use taxes, and gross receipt taxes in many specific and technically defined areas. Although the language is possibly inevitably legalistic, a reasonable construction would appear to be that the only foreign corporations on which a State could levy these taxes after this act became effective would be those which would meet one or more of the following tests:

A business location in the State, regular household deliveries in the State, or corporations with an annual income exceeding $1 million. Those corporations averaging $1 million are called excluded corporations.

I propose to offer an amendment to change the definition of excluded corporation from one averaging $1 million income per year to one averaging $500,000 annual income per year. This would seem to me to come closer to our definition of small businesses, as our desire would be and is, I am certain, to avoid unduly burdening small businessmen, while seeing the larger corporations, so far as possible, make their fair contribution to local, State, and municipal government bodies. I would submit that in most areas of most of our States, I believe, a corporation with an average annual income of $500,000 to $1 million would not generally be considered to be a small business.

Mr. Chairman, as we talked about small business, my colleague from Minnesota made reference to my request that Members contact their Governors and State tax officers. I hope Members will and have done so.

In Missouri, the Governor and the State legislature represent the small businessmen. It would be well for us to contact the small businessmen too, but in my State the Governor and the State legislators represent the small businessmen.

It has been stated that we have several organizations—some 50—who support this bill. I suggest that 50 States do not support this bill through their legislatures and Governors. I wonder if anyone could tell me—and I would yield—the names of the States or any State Governors who are supporting the bill, if my distinguished subcommittee chairman has that information.

Does Mr. Moore support this bill, does the gentleman know?

Mr. RODINO. Mr. Chairman, if the gentleman will yield, Mr. Moore was a great supporter of this bill. Mr. Moore worked on this study and helped develop the bill and he supported it wholeheartedly.

Mr. HUNGATE. Could the chairman tell me the names of any other Governors who support this measure?

Mr. RODINO. The former Governor of Vermont supported this bill.

Mr. HUNGATE. Any current Governors?

Mr. RODINO. I am sorry, I do not have that at the present time.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RODINO. I yield the gentleman 2 additional minutes.

Mr. HUNGATE. Mr. Chairman, am I correct or incorrect that the tax administrators from Ohio—whatever their

proper title is—who favored this measure were not those currently in office? I understood those named would have been serving under Governor Bricker and Governor Lausche.

Mr. RODINO. We believe that is a correct statement.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I happen to know the gentlemen referred to, and they were very distinguished gentlemen, but I would say it is a long time since they were tax commissioners for Ohio. Since then they have been among the more successful tax practitioners in Ohio.

Mr. HUNGATE. Mr. Chairman, I appreciate the gentleman's contribution. It is worth while as always.

Mr. Chairman, when we talk about the average annual income exceeding $1 million, what do we mean? Is that for 1 year or 2 years, or is it for 20 years, or for the life of the corporation?

Mr. RODINO. We apply a 5-year period to average the net taxable income.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman.

I also thank the gentleman for yielding and I thank the distinguished chairman of the subcommittee and the ranking minority member for their courtesy which they have always extended me throughout our discussion or disagreements on this measure.

I still urge the House to reject this measure.

In discussing the present chaotic tax system we have, it was said that if we pass this bill we will be able to look forward to reasonable regulations written in Washington and enforced from here—and I am sure we have all had experience with those.

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WALDIE. Mr. Chairman, I am opposed to the enactment of H.R. 7906. In stating my opposition, I would like to review the arguments given in support of the bill.

It is contended that this bill is designed to assist small business. Our analysis in California shows that many of the companies that would be exempted from sales and use tax collections are large organizations that operate throughout the United States. We note that one of these companies is in the top 50 of the 500 largest industrial corporations listed by Fortune in its May 15, 1969, issue. I will place at an appropriate time in the RECORD an exhibit which lists some of the different types of businesses that would gain immunity from sales and use tax collections. The tax loss on the 25 companies listed in the exhibit would be more than $2,500,000 per year and these are merely a few of hundreds of companies that would be exempted.

What causes this problem? It occurs because under H.R. 7906 a company is not considered to have a business location in the State if its only activity consists of the solicitation of sales by employees, or others, for acceptance or shipment from an out-of-State location. An interstate business can have any number of full-time employees engaged in selling activities in a State without establishing a business location for the employer. There are many companies that operate in this manner and many more will be so organized if the tax advantage is given. It is this feature that would enable many corporations to exploit the national market and in the aggregate make billions of dollars of sales without being subject to State or local sales or use taxes.

The presence of such solicitors operating in direct competition with local businesses should subject their employers to the same tax burdens as the local businesses. Otherwise, the local businesses are operating at a tax disadvantage which, in the case of California, is 5 percent.

It is contended that the revenue loss to the States would be insignificant. This is a highly misleading argument. The report of the Judiciary Committee is inaccurate and understates tenfold the California loss on sales and use taxes. It may be assumed that similar errors were made with reference to other States.

The corporation income tax provisions will also adversely affect California's revenues and create tax advantages for out-of-State business over locally based businesses. Such businesses already have a substantial advantage. Under existing Federal jurisdictional restrictions, some corporations employing salesmen within this State make sales of more than $10 million annually without incurring tax liability. The bill would further extend immunity from State taxation. It would also permit most interstate corporations to determine their California income by the bill's tax formula or by using California's existing formula. This provision would require all such corporations to make a double computation in order to determine the method producing the smallest amount of tax. Certainly such a requirement is contrary to the special subcommittee's avowed intention of striving for greater simplicity.

The proposal would significantly curtail State taxing jurisdiction. The enforcement of State taxing laws would be severely hampered at a time when revenue requirements are increasing at an unprecedented rate.

It is also contended by some that the State tax administrators are the principal opponents of this bill. This is not the case in California where the California State Chamber of Commerce, the California Manufacturers Association, and the California Retailers Association all actively oppose H.R. 7906. In addition, local government would be adversely affected and the League of California Cities and County Supervisors Association oppose the bill.

It is contended that Congress must act to provide uniform rules that will eliminate unreasonable and widely varying State practices. This may have been a valid argument when the subcommittee started its study in 1960, but this is no longer the case. The States have acted in recent years to remove substantially all of the inequities to which objections were made. The Multistate Tax Compact provides an excellent medium for accomplishing additional standardization in State tax administration. Federal intervention is not warranted.

I urge a no vote on H.R. 7906.

Mr. MACGREGOR. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I did not favor this bill when it came before the House the last time for the very reasons that have been stated by some of the speakers today. I feared that it would impair the revenues of the State of Illinois unduly, and that we would suffer as a result of it, and that it would have other adverse effects in my State.

That fear has been pretty much eliminated from my thinking at this time, and I feel that the main purposes of this legislation are to eliminate duplication and to end inequities. In the application of this legislation the States would receive the revenues which they legitimately should have under their sales, use, capital stock, and income tax laws.

I do not know of any legislation that has had more thorough or more careful study than this legislation.

I do not know a legislative prerogative which is more legitimately exercised than this, nor one which the Congress has been more admonished to exercise than this authority we are exercising through this legislation.

All of us who are lawyers are aware of the many U.S. Supreme Court and other Federal and State court cases dealing with the subject of multiple sales and use taxes. We are aware of the problems which are encountered by the courts in their efforts to legislate guidelines for interpreting the conflicting State laws which exist today.

As a matter of fact, we are responding today to the admonishment of the courts to set legislative guidelines which can benefit the businessmen, the individuals, and all of the citizens of the country who are involved in interstate transactions.

So as a result of the careful and thorough study, the extensive hearings that have been held, the effort to respond to legislative demand, the effort to provide equity where inequity exists, the effort to eliminate duplication where that exists—and it exists throughout the Nation—we are afforded an opportunity today to do something quite constructive.

I might say that an amendment will be offered by the gentleman from Iowa (Mr. SMITH) which would help to secure to the States their fair share of revenues from income taxes and yet at the same time avoid duplication. I intend to support the amendment when it is offered.

No legitimate State taxes will be authorized under this bill. No extensive Federal bureaucracy will be created by enactment of H.R. 7916.

In the interests of equity and equality, the Interstate Taxation Act should be passed.

Mr. MACGREGOR. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, in 1966 when the present mayor of New

York, the Honorable John Lindsay, left Congress, I was privileged and honored to be appointed to the Subcommittee on State Taxation of Interstate Commerce to fill that vacancy. During the balance of the 89th Congress and during the 90th Congress I served as a member of the subcommittee.

I am not a member of the subcommittee in the present Congress.

A year ago, when identical legislation was reported to the House, I wrote separate views. My position, as stated in those separate views, was not an out-and-out opposition to any legislation in this field. As a matter of fact, I stated then, and my position has not changed, that I believe the jurisdictional standards set forth in the bill are fair, and they are equitable, and they are understandable and they are simple.

The part of the bill to which I objected a year ago—and my position has not changed in this regard, either—was an objection to the concept of title II. Title II has to do only with income tax questions, and it makes provisions with regard to a corporation earning income of less than an average annual income of $1 million. In order to generate $1 million of annual income an ordinary business has to have several million dollars worth of sales. So it is not a small business, really.

But any business which generates an income of not more than a million dollars is permitted under title II to some preference. Such a corporate business can choose either to pay a State income tax, and its jurisdiction to that State is admitted, in accordance with that State's laws, or it may choose to pay according to a two-factor formula which may be very foreign to that State's tax system.

I made this argument and a year ago I offered an amendment to strike title II from the bill. I do not intend to offer such an amendment this year for the reason that I went to the well and I lost, and I have not seen any particular growth in sentiment for the view that I have expressed. In other words, I do not see that the States are particularly troubled about title II, although I disagreed with it in philosophy.

The States a year ago, or at least my State, were very quick in reaction. They repeatedly told me of their opposition. A year ago I heard from my Governor and I heard from my State attorney general. Even the legislature of the State of Michigan a year ago resolved against this legislation. I must say that I have not heard from any of them this year. I have, however, heard from my State commissioner of revenue. Also last night and this morning I heard from one of the assistants in the attorney general's office of my State. The question that was raised to me on the telephone this morning was the very question that has been presented here previously today, that is to say, a challenge to the accuracy and the validity of the effect of this legislation on State revenues as it is set forth in the last three or four pages of the committee report. It says there, as to the State of Michigan—and I state this so as to put it on the record—according to the information set forth on page 13 of the committee report, with regard to sales and use taxes, Michigan will suffer no significant loss, it says, and there will be a maximum possible loss which could not exceed more than one-tenth of 1 percent. The sales and use tax revenues of the State of Michigan at the present time are $790 million. One-tenth of 1 percent of that figure would amount to only $790,000. However, I am informed that the State, yesterday, pulled out of its computer the use tax payments of its out-of-State sales taxpayers, businesses which under the definitions in this bill do not have a business location in Michigan, and it was found the revenue loss from this category of taxpayer alone would be not $790,000 but $7,580,134.21. I am informed of that by my State attorney general's office as of noon today.

So I submit, Mr. Chairman, that I do not think we should rely upon the accuracy of the statements in the back end of this report as to the effect of this bill on State revenues.

However, I say that the concepts of this bill do not disturb me, because up until 10 years ago no State thought that it could tax any out-of-State taxpayer unless that taxpayer engaged in an intrastate business within that State. In other words, unless you had a local business in that State, the State could not reach you. Then 10 years ago, in 1959, the Supreme Court of the United States started amending the law in this field. They amended it and the States woke up the next morning and found out that they had a great deal more tax power than they ever imagined they had.

The effect of this legislation now before us is simply to put the situation back as it was before the Supreme Court started to amend the law. Now, Mr. Chairman, from that standpoint I believe that this legislation is all to the good. I am disturbed about the concept of title II. I believe that the small businessmen are going to realize that title II is not going to give them what they think they are going to get, but I guess the only way they can learn is to learn through experience, so I am willing to let them learn it, and I am prepared to vote for the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, I would like to clarify the effect of title II of this bill on foreign commerce.

As a former member of the Special Subcommittee on State Taxation of Interstate Commerce, Congressman CORMAN from California was one of the original sponsors of this legislation in the 89th and 90th Congresses. In this regard, the bill offered by Congressman CORMAN, H.R. 5501, is identical to H.R. 7906. It is my understanding that title II of this proposal in no way increases the tax burdens on corporations engaged in foreign commerce as compared with corporations engaged only in interstate commerce. I am sure that the gentleman from New Jersey will agree.

Mr. RODINO. Mr. Chairman, I would like to say to the gentleman from Pennsylvania that his statement is accurate, and I agree completely. Title II of the bill is intended solely and only as a limitation upon the tax otherwise payable by a business which is engaged in interstate commerce, or foreign commerce. The taxing jurisdictions already have the mechanism which avoids taxing the income from foreign commerce. This act will in no way change, nor suggest a change, in the present practice with respect to businesses that operate abroad.

Mr. EILBERG. Although the bill does not contain a specific provision to that effect, the result is implied; is it not?

Mr. RODINO. I would say to the gentleman that, yes, it is implied. All we have done here is to clarify and make more certain the method of arriving at the tax liability.

Mr. EILBERG. Mr. Chairman, as a member of this subcommittee, there are many misconceptions about H.R. 7906, the Rodino bill, on State taxation of interstate commerce.

To summarize, here are some quick facts which I hope will clear up some of these misconceptions.

H.R. 7906 is not a tax bill. It will impose no taxes of any kind, Federal, State, or local.

Second, H.R. 7906 is purely bipartisan. Laboring hard for more than 8 years, dedicated members of both major parties amicably worked together to produce and perfect this bill.

Third, H.R. 7906 will not deprive any State of any significant revenues it is now receiving, and if enacted would insure all the States greatly increased revenues through continued expansion of the mutually beneficial interstate commerce which has made this Nation the richest in the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODINO. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. EILBERG. Fourth, H.R. 7906 simply provides the essential jurisdictional ground rules for a healthy business growth throughout all 50 States, by ending in a workable way the present and increasingly chaotic interstate tax procedures of most States.

Fifth, H.R. 7906 will afford direly needed protection to small businesses now plagued by a deadly maze of State and local tax liabilities, the enforcement of which would wipe out most such companies and their employees.

Mr. Chairman, for all these reasons—and for the many others cited here today and recorded in the voluminous hearings on this subject—I urge my colleagues on both sides of the aisle to vote for immediate passage of H.R. 7906.

Mr. MACGREGOR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I would like to ask a couple of questions to help clarify some of the language of the bill, if I may have the attention of the gentleman from New Jersey and the gentleman from Minnesota as well.

I would like to call attention to section 522 of the bill. That section is entitled "Prohibition Against Geographical Discrimination" and provides among other things that no State law may impose a

greater sales, use or gross receipt tax upon tangible personal property originating from without the State than it would impose upon identical personal property originating from within the State.

In other words, as I understand it, this section is intended to prohibit a State from raising tariff barriers to the free flow of commerce by discriminating tax rates.

Since the term "gross receipts tax" is defined in section 505 in terms of any tax other than a sales tax measured by gross volume of business, in terms of gross receipts, or in any other terms, was it the intention of the committee to apply the term "gross receipts" to a tax measured by the value of crates of eggs, for example, barrels of oil, for example, or even gallons of wine, for example?

Mr. RODINO. Yes; the gentleman is correct.

Mr. WIGGINS. Under that interpretation then, Mr. Chairman, is it also true that a State is prohibited from imposing a discriminatory gross receipt tax which would have the effect, for example, of giving preferential tax treatment to wine produced domestically over wine produced in another State?

Mr. RODINO. Yes.

Mr. WIGGINS. I thank the gentleman for that clarification.

Mr. MACGREGOR. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, I rise in opposition to H.R. 7906. My opposition to this bill is based on what I believe to be the real issue involved; namely, tax dollars. And I urge my colleagues to consider this for a moment.

Last year when the Interstate Taxation Act was before us in the House, I showed how the revenue loss to the State of Washington, as estimated by the staff of the Special Subcommittee on State Taxation of Interstate Commerce, was both unreliable and grossly understated. At that time I submitted for the RECORD some data which proved that the subcommittee's choice of a formula to measure revenue loss was internally inconsistent and the method selected was devised to give the impression of minimal tax impact.

Let me just say now, Mr. Chairman, that although the losses estimated to the State of Washington were substantial last year, they are even more so now. I am advised that as the result of economic changes, our potential revenue loss at this time has risen to $72 million a biennium.

I am further advised that California has just prepared a similar memorandum to one prepared by the State of Washington which shows substantial losses to that State, too. If this is true of these two States, I submit that my colleagues should look closely at the question of reliability of committee figures with respect to the States and the people they represent in the Congress.

Mr. Chairman, I am interested in simplicity of taxation and I am interested in uniform jurisdictional rules. I am not, however, interested in additional jurisdictional limitations which would, in effect, relieve out-of-State businesses of tax liability in my State, thus giving them an unfair advantage, competitively, over those businesses located in my State. And that, I believe, is really what H.R. 7906 would do.

Rather than pass a bill such as H.R. 7906, Mr. Chairman, I believe we should give encouragement and support to the States, which have been moving effectively to bring greater uniformity into their taxing systems. A majority of States have, within the past several years, adopted specific legislation to provide the uniformity which the Judiciary Subcommittee had recommended. The Multistate Tax Commission now has 18 regular members and 10 associate members. Utah and North Dakota are the 17th and 18th regular members, effective May 13 and July 1 of this year. Tennessee became the 10th associate member last week on June 19.

The multi-State tax compact is either currently being considered or is expected to be considered shortly by the legislatures of several other States. Still other States are considering associate membership.

This, Mr. Chairman, is an outstanding record on the part of the States in a short period of time. Their action dramatically demonstrates recognition on the part of the States of their own problems and a vigorous and affirmative program to correct those inequities that do exist. And I feel that these actions by State and local governments should be commended and encouraged rather than discouraged and declared useless as I believe this Federal legislation, at this time, would do.

Mr. MACGREGOR. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Chairman, I have been deeply impressed by the knowledge and the depth of inquiry on this legislation. I mean this in all sincerity.

I do not know why the bill disturbs me as much as it does, but I opposed it last year and stated I thought it was confusing and dangerous then. And I still do. I suppose perhaps this comes from the fact that in my youth I practiced a good deal of law in this field.

But now I remember with some caution the words of Alexander Pope:

A little knowledge is a dangerous thing.
Drink deep or taste not the Pierian spring.

But I do think some questions ought to be asked because the field is so complex. I do not think there has been a very full assessment of the proposal by the country generally or by responsible local officials throughout the country.

I think the Senate was wise in taking a long look at this bill last year. It was said earlier a couple of times that the bill passed the House and then went to the Senate, but too late for any action.

It passed this House and went to the Senate on May 22, 1968, and as I recall, the Senate did not adjourn until sometime in mid-October. Perhaps that was too short a time. In fact, perhaps the Senate ought to take the same 7 years that the House has taken in reexamining this bill and trying to clean it up before we put it into effect and correct some of the possible ramifications that might develop from it.

But, as I said, I do not intend to challenge the knowledge of the members of the Committee on the Judiciary, I respect their ability as lawyers and respect the time and the work that they have put into this bill.

For that reason I intend in the remaining few minutes to raise just a few questions for consideration by the Senate when the legislation gets over to the other body. Some of the questions are as follows:

Is there any State association of tax officials, or is there any group of Governors in the Governors Conference or otherwise that has examined this proposal from the other side of the fence?

I think there are also some practical and constitutional questions that are bound in the bill. It seems to me it was clear from the answer of the distinguished gentleman from New Jersey to my first query to him some minutes ago that the bill does in a very real sense impose new Federal limitations upon the State taxing power. Is that not a dangerous precedent for us to be setting at a time when we seem all too often to be taking power away from the States, when the lesson we should have learned is that sometimes it is better to keep our nose out of such affairs and leave them to the States to handle unless there is some crying national need involved—and I do not believe that is true here.

Is not the approach of the interstate compact, which I recognize has not made satisfactory progress, a better approach than a statutory approach?

I wonder, too, if the setting aside of practically all of the court precedents in connection with State-taxation matters, which I believe is the effect that this bill will have, will not be a lawyer's dream rather than a taxpayer's dream. And will taxpayers not be paying out more in legal fees to lawyers to attempt to get new interpretations of the various ramifications of this bill on the State tax laws than they would be paying for the admittedly bothersome redtape which is involved in complying with some of the State tax statutes?

I wonder, too, if the bill does not violate, as I indicated earlier, the uniformity-rule provisions that many States have in their constitutions with regard to taxation, in that it sets up two different classes of taxpayers who may be taxed differently, even though they are competing with each other.

There was some mention also of the Miller case. I had explained to me what the effect of that case would be on household deliveries, but it seems to me that here again we have two possible classes of taxpayers who are in competition with each other. On the one side is the man who is shipping across a State line into a State and making household deliveries, but is also making plant deliveries, and therefore, under the present language, would have to pay a tax on the plant deliveries as well as the household deliveries, and the other man is not making any household deliveries but is simply a straight wholesaler making merely plant deliveries.

I wonder why there is an exclusion of

cost of out-of-State audits? This apparently applies as well to excluded corporations. Would not that make it extremely difficult, in the case of banks and many other institutions? I understand that we are to go into bankholding company legislation. This seems to me to raise a lot of questions as to whether or not the elimination of the cost of doing a proper audit in order to see that taxes are paid should properly be eliminated by the Federal Congress.

What about subsidiaries and subcorporations? This is not, in my opinion, really covered here. Are we going to pierce the corporate entity as we do in the case of the antitrust laws? Otherwise will there not be subsidiaries set up to avoid taxes?

These are some of the questions I hope the Senate will go into in examining this legislation.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I rise in support of the bill H.R. 7906. I have supported this bill since the Supreme Court decisions in 1959 and 1960 made legislation similar to this imperative if we are to provide reasonably uniform treatment of taxation by the States on income derived from interstate commerce.

I associate myself with the remarks which have been made in support of this bill by the gentleman from New Jersey and by the gentleman from Minnesota and by others.

I have worked very closely with the members of the Judiciary Committee, including the gentleman from New Jersey (Mr. RODINO), who is now chairman of the Subcommittee on State Taxation of Interstate Commerce. Prior to that, during his service in this body, I worked very closely with the gentleman from Louisiana, Mr. Willis. Of course, I have worked with the minority members, including the gentleman from Minnesota (Mr. MACGREGOR), Governor Moore, of West Virginia, a former Member of this body, and with the other members on the minority side.

I have long recognized the crying need for legislation of this kind. This is a difficult bill to understand fully and to comprehend. It is even more difficult to explain this bill fully, to those who are interested in it so that they, too, can listen and understand it. I think the remarks made by the gentleman from New Jersey, the gentleman from Minnesota, and others in support of this bill have been illuminating and clear and should have resolved the doubts of anyone who might have been otherwise inclined to oppose this legislation.

When this legislation was first proposed, I supported it, because I thought it was right, and I supported it because I thought it was absolutely necessary.

When the Governor of my State and the revenue commissioner of my State initially came out in strong opposition to it, I recognized immediately I was going to have to do my homework on this subject if I were going to be able to withstand any assaults they made on me and other members of the Georgia delegation who supported legislation which at that time the Governor and commissioner opposed. The Governor and revenue commissioner of our State came to us and asked us to oppose the concept and the principle of this legislation on the theory it would cost the State of Georgia several million dollars, in State revenues.

After having become knowledgeable enough on this subject and after having discussed it with the tax experts, including the revenue commissioner of my State, I readily admitted to him that it might cost the State of Georgia some money, but I sought to convince the Governor and the revenue commissioner of my State that whatever the State lost in revenue, it would be made up to the taxpayers—businessmen who engaged in interstate commerce outside the State of Georgia and by consumers within the State of Georgia who would benefit tenfold or more in ratio to the small loss of revenue that the State of Georgia might incur.

It took a long time to get this point of view across, but finally the Governor of our State, and the revenue commissioner, came up with a proposal which was submitted to the Committee on the Judiciary and accepted by the Committee on the Judiciary, and by the subcommittee which handled this legislation, which met all of the objections which the revenue officials of our State had theretofore had. We worked out an effective compromise in language without compromising principle.

Mr. Chairman, we feel this is legislation which will be of tremendous benefit to businessmen in Georgia who are engaged in a substantial amount of interstate commerce. It will also be a matter of substantial savings to consumers in Georgia who buy goods which come into Georgia through the means of interstate commerce. This bill might well be named—in addition to the title it bears—a bill for the benefit of consumers and for small businessmen.

Mr. Chairman, I listened with a great deal of interest to the very persuasive arguments made by the gentleman from Missouri (Mr. HUNGATE), a distinguished lawyer, when he gave the disadvantages which would accrue to his State if this bill should become law.

I would say to the gentleman from Missouri and also to the gentleman from Washington (Mr. ADAMS) who engaged in a colloquy with him, that it is true that the figures which were cited by the gentleman from Missouri and the gentleman from Washington (Mr. ADAMS) might very well be accurate, but I would say to the gentleman from Missouri, whatever loss might accrue in revenues to the State of Missouri would be more than made up in savings to businessmen and manufacturers and consumers in his State of Missouri.

We in Georgia are surrounded by four States and the Atlantic Ocean, We were confronted once with the same arguments which I am sure have been made to the gentleman from Missouri. We have tried to work this matter out consistent with what is right and what is necessary.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. MACGREGOR. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Missouri.

Mr. HUNGATE. I would inquire in what way this would be made up in sales?

Mr. FLYNT. I did not say it would be made up in "sales." I said it would be made up in "savings" to consumers and in both gross and net income to the manufacturers in the State who are engaged in interstate commerce without any substantial loss to any State.

That is true for the reason that it would clear the air of uncertainty as to what States other than the State of Missouri could do to those very people who are engaged in interstate commerce.

The people who have told me they are concerned about the need for this legislation have told me it takes additional tax counsel and additional clerical and inhouse legal and tax experts to advise them as to what they might expect not only from what other States can do but from what other States will do even if permitted to levy unreasonable and discriminatory taxes against them.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. RODINO. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FLYNT. I believe that if the gentleman from Missouri and others who have expressed opposition to this legislation would undertake to find out the need for clarification which is necessary to avoid discriminatory and sometimes double taxation which accrues to manufacturers who engage in interstate commerce, and also to avoid additional costs to consumers who are required to buy goods coming in through interstate commerce, most of their objections could be reconciled.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield again to the gentleman from Missouri.

Mr. HUNGATE. Could the gentleman tell me why the breaking point of $1 million? If it is a good bill, why is it not good for everyone?

Mr. FLYNT. I believe that question could be more properly answered by the members of the subcommittee who are the floor managers of this bill, but if I have time, I shall be glad to give my reasons why I think so.

One reason—and perhaps not the only reason but certainly a compelling reason—is to get some legislation of this kind on the books so that we can know what it will do. If it becomes necessary to extend the figure beyond $1 million or to reduce it we can do it if and when we have had the benefit of experience with this legislation which we are advocating the passage of today.

Mr. HUNGATE. I thank the gentleman for his answer and his comments.

Mr. FLYNT. Mr. Chairman, this is sound legislation, and while it may not be perfect it is a necessary step in the right direction. I urge its passage and I hope that it will receive an overwhelming majority in the House of Representatives.

Mr. MACGREGOR. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I oppose H.R. 7906 as I did last year when a similar bill was before the House, and for the same reasons.

For one thing, I should point out that, contrary to the committee report on this bill, its enactment would substantially decrease State revenues. As far as my own State of Washington, a careful study by our State officials this year indicates that this Interstate Taxation Act would reduce my State's income by $72 million per biennium. Likewise, I understand other States would be adversely affected.

I remind my colleagues that witnesses for 46 States testified on this bill in 1967, and they pointed out that this legislative approach could cost the States dearly in income, shift the burden of taxation among taxpayers, and impede their administration of their own tax laws.

The members of the Multistate Tax Commission, meeting in Houston, Tex., just this past June 20, decried the passage of H.R. 7906, again stating that it would seriously decrease State and local revenues beyond normal economic growth levels. Their feeling was that preferential immunity and exemptions inevitably must decrease actual State and local revenues.

The statement released by the Multistate Tax Commission at their Houston meeting said that even more fallacious is the allegation in the committee report that the States have imposed trade barriers on the national economy. Unprecedented prosperity and the record high gross national product levels refute the existence of such barriers.

The member States of the Multistate Tax Commission urge Congress to consider realistically the revenue impact of the proposed bill on State and local governments as well as the competitive disadvantages which the bill inflicts upon local businesses which will not be able to qualify for the prefential tax immunities which the bill would create.

Mr. Chairman, I would hope my colleagues would evaluate the effect of this bill on the revenues of their respective States. And I urge my colleagues to consider the matter and vote this bill down.

Mr. MACGREGOR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FISH), a member of the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, as a subcommittee member and a sponsor of an identical measure, H.R. 10166, I rise in support of this bill, H.R. 7906.

I commend the gentleman from New Jersey, the distinguished chairman of the subcommittee, for his able leadership once again in steering this bill to the floor.

This is a good and necessary bill and a help to all small businesses engaged in interstate commerce, to protect them from unequal tax burdens.

I now insert in the RECORD a letter from the New York commissioner of taxation and finance to the chairman of the Committee on the Judiciary, the distinguished gentleman from New York (Mr. CELLER), dated June 20, 1969:

STATE OF NEW YORK, DEPARTMENT OF TAXATION AND FINANCE,
Albany, June 20, 1969.

* * * * *

The New York State administration agrees that interstate business should have protection from unreasonable state and local tax requirements. However, as Governor Rockefeller stated in his letter to you, dated January 13, 1967, several changes are still needed to make this bill acceptable.

Specifically, a provision is necessary in Title II for a receipts factor based on destination. Without such a provision, the economic climate of New York and other highly urban industrial states would be seriously impaired. This change would not only make the bill more equitable but would bring it more nearly into conformity with the allocation procedures now employed in almost all of the states.

A second change needed in the bill is the elimination of Section 305 which restricts the classification of interstate sales according to geographic areas of a state. Unless this change is made, the bill would virtually preclude the continuance of local taxes of the type now imposed in New York State. While business in general would undoubtedly be gald to avoid the necessity of collecting and segregating local sales taxes, the importance of local nonproperty taxes in preventing unbearable taxes on property is also well recognized. Thus, until a more satisfactory alternative is available, nothing should be done to destroy this local tax source.

A third necessary change is the elimination of the double standard for treating firms above and below one million dollars of average annual income. This distinction would create confusion and inequities for New York firms that are taxable in other states. A corporation might fall in one class in one year and in the other class the next year. With most state constitutions requiring uniformity of treatment, this arbitrary distinction represents an undesirable innovation which would result in much litigation.

In addition to the above changes in the Interstate Taxation Act, which New York has previously requested, I should call your attention to the undesirable effects that would result from enactment of H.R. 906, which the Rules Committee has recommended for consideration as an amendment to H.R. 7906.

This latter bill is not relevant to legislation regulating business taxes, since it relates to individual income taxes. Furthermore, hearings have not been held on this proposal and the states have not been given any other opportunity to present their views.

The domicile test which this proposal would establish as the sole criterion of taxation of income earned in another state would conflict with the present New York rules under which nondomiciliaries who maintain homes in New York and who spend more than 183 days here, are taxed as New York residents. This might be interpreted as preventing our taxing the New York rental income and/or various types of New York business income received by nondomiciliaries.

Superimposing a special set of domicile rules on our existing statutory resident and nonresident definitions and procedures could also require drastic changes in our statute which would have significant revenue effects. For example, it is probable that the proposed legislation would not permit us to tax income from intangibles owned by nondomiciliaries who are presently taxable as New York residents under the permanent-place-of-abode/183-day test of our statute.

Our present statute on the application of the personal income tax to nonresidents reflects almost fifty years of administrative experience in this complex area. We believe it is worth noting that the uniform definition of "resident" recommended by the Advisory Commission on Intergovernmental Relations is, with only one minor difference, derived verbatim from our statutory provision. (See Commission Report A–27 (dated October 1965) entitled "Federal-State Coordination of Personal Income Taxes—page 30).

While I believe that the subject of personal income taxes should not be included in any bill on the taxation of interstate business, I have indicated substantive objections to the present proposal for your information.

Sincerely yours,

JOSEPH H. MURPHY,
Commissioner.

Mr. MACGREGOR. Mr. Chairman, I now yield 4 minutes to the gentleman from Idaho (Mr. MCCLURE).

Mr. MCCLURE. Mr. Chairman, I, too, rise in opposition to this measure, as I did a year ago.

I want to make further reference to the report of the Multistate Tax Commission to which the gentleman from Washington (Mr. PELLY) made reference. I would like to read that to you, because I think it is revealing with regard to experts' opinions from several States who have studied this matter not from the standpoint of uniformity, necessarily, as this committee's staff has done, but from the standpoint of the impact on the States and the prerogatives which this bill invades which properly belong to the States.

STATES DECRY CREATION OF HUGE TAX LOOPHOLE, CONDEMN H.R. 7906

Contrary to the report of the House Committee on the Judiciary issued on June 2, 1969, the Interstate Taxation Act (H.R. 7906) will substantially decrease state revenues if enacted into law. This emphatic assertion was made today, June 19, 1969 by the Multistate Tax Commission at its conference in Houston.

The House Judiciary Committee Report stated that H.R. 7906 would increase rather than decrease state revenues. The report claimed that the bill would increase state revenue by:

(1) Promoting economic growth by removing alleged "trade barriers" between states; and

(2) Producing greater ease of enforcement and compliance.

Analysis of the Committee's six-year study fails to disclose any valid statistical support for these conclusions.

The member states of the Multistate Tax Commission recognize that normal economic growth will increase revenues. However, it is patent that H.R. 7906, now commonly known as the "Rodino Bill" will seriously decrease state and local revenues beyond normal economic growth levels. Preferential immunity and exemptions inevitably must decrease actual state and local revenues.

Even more fallacious is the allegation in the Committee Report that the states have imposed trade barriers on the national economy. Unprecedented prosperity and the record high gross national product levels refute the existence of such barriers.

The allegation that the proposed bill would ease compliance and thereby would increase state revenues is wrong. The member states of the Multistate Tax Commission have found that H.R. 7906 would actually have the reverse effect. The compliance costs under H.R. 7906 would be increased for multistate corporations subject to tax. This is so because the bill would result in corporate taxpayers having to make one computation in order to determine their liability under existing state law and a second computation in order to determine their tax liability when taking into account the preferential options afforded by H.R. 7906.

The true effect of the bill is not only to decrease state revenue and increase compliance and administrative costs, but also to grant many multistate firms the opportunity to exploit many state markets free of tax consequences. It would exempt these firms from paying their fair share of state and local taxes. In addition, it would cause corporations to re-arrange their business to take advantage of the exemptions and preferential treatment arbitrarily provided by the bill.

The Committee Report also lists by individual states certain percentages which it claims reflect maximum possible revenue losses. If these percentages were correct, the total revenue loss for all of the states would be approximately 12½ million dollars per year (according to the 1967 tax revenues of the various states published by the United States Bureau of the Census). In point of fact, there are several states each of which would suffer a loss much greater than 12½ million dollars if the bill were to pass; and every state would suffer a loss of revenue many times greater than that estimated by the Committee Report.

The member states of the Multistate Tax Commission urge Congress to consider realistically the revenue impact of the proposed bill on state and local governments as well as the competitive disadvantages which the bill inflicts upon local businesses which will not be able to qualify for the preferential tax immunities which the bill would create.

GEORGE KINNEAR,
Chairman.

Mr. Chairman, I have checked with my State, and they state, instead of what is said in the committee report that there would be a .01 percent of loss to the State of Idaho, that they would lose $3 million in corporate income tax revenues.

Further, that there would be 1,600 corporations now paying use and sales taxes that would escape taxation if this measure is passed.

Mr. Chairman, I believe what we are doing, instead of closing loopholes at a time when we are talking about tax reform and closing loopholes, is that we are opening a new loophole for the large corporations, one in which they will save millions of dollars, which burden will be transferred to the small businesses that the committee says are going to be aided by the bil. If there is a loss of revenue to a State it must be made up by other taxpayers. There is such a loss of revenue.

These consumers, these small businessmen who are supposed to be aided by the passage of this legislation will be picking up the burden that the large, multi-State corporations will succeed in shifting from their shoulders to the shoulders of the small taxpayers.

I support the efforts of the gentleman from Iowa (Mr. SMITH) to avoid multiple taxation of individuals and regret that he intends to attach it to this legislation. It should stand on its own. I will have to oppose the bill even though this desirable provision is added.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I would like today to express my strongest support for a vitally needed piece of legislation, H.R. 7906. The same relevant considerations that led to last year's overwhelming nonpartisan vote in the House in favor of this measure apply now, and perhaps with greater force because still another year has passed with our Nation's commerce impeded by the lack of a rational, fair system for the taxation of interstate commerce.

As a member of the Special Subcommittee on State Taxation of Interstate Commerce, I have been shocked and disappointed to learn during the course of the long and thorough study of this matter, that it is frequently easier to market American products in foreign countries than it is for our small businesses in particular to make shipments to other States here at home. As a result of the increasing dissatisfaction over the burdensome and wasteful manner in which interstate companies are obliged to pay their State taxes, I, along with many of my concerned colleagues in this House, have introduced identical legislation to meet the clear need for remedial action.

I wish to emphasize the point that under this bill one State's gain will not necessarily mean another State's loss since it is expected that this proposal will bring about an increase in the revenues of all States. This will come about as a result of the removal of the trade barriers between the States and also because of the greater ease of compliance which will be obtained under the uniform standards established by H.R. 7906.

Mr. Chairman, if our national market is to be open to all of our citizens, and if our small business enterprises are not to be drowned in a sea of paper, the passage of this bill is imperative, I urge all of my colleagues to consider the benefits that will certainly flow from this bill and cast their votes accordingly. At a time when trade barriers between nations are still a cause of controversy and a waste of effort and resources, it is incumbent upon our own Nation to smooth the flow of commerce across our own internal boundaries and thereby stimulate greater economic benefits for producer and consumer alike.

Mr. MACGREGOR. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, the Interstate Taxation Act—H.R. 7906—now before the House, is desperately needed by the small businessmen of Iowa and of the Nation. I am pleased to give this important legislation the unqualified support it deserves.

Many small- and medium-sized businesses of southwest Iowa manufacture products which would be readily marketable in other States. These enterprises are hampered and discouraged from expanding their production and marketing in other States despite the fact that they have no employees, offices, or property in any State except Iowa. They would be subjected to an increasing maze and multiplicity of varied, confusing, and burdensome State and local tax laws and regulations in almost every State in which they would attempt to do business.

The great administrative problems which now result from any interstate operations has thwarted many firms in their aspirations of marketing their products even in immediately adjacent States. As a result of this situation, the great "American common market" is being increasingly fractionalized, with consequent economic loss to business, to the consumer, and to the Nation generally.

Since 1961, the House Special Subcommittee on State Taxation of Interstate Commerce conducted exhaustive hearings and studies on this serious situation. As a result, the House Judiciary Committee recommended enactment of H.R. 2158, the Interstate Taxation Act, in the 90th Congress. I was pleased to join with the great majority of my colleagues in passage of that legislation, and I urge the House today to pass H.R. 7906, the bill identical to H.R. 2158 as reported in the 90th Congress.

H.R. 7906 is designed to protect business, particularly small- and medium-sized businesses, from conflicting and chaotic multiple-State taxation. It provides national guidelines which allow interstate business to pay its fair share of State and local taxes, with reasonable assurance as to what its obligations are, and with confidence that it will not be subjected to multiple and unfair taxation or intolerable bookkeeping and other compliance burdens.

I generally am opposed to any legislation which diminishes power of the individual States and tends to centralize power in the Federal Government, and so carefully scrutinized the present bill. I am satisfied that H.R. 7906 is an appropriate and reasonable exercise of Federal legislative authority. It provides vitally needed protection for the basic principle to which our great economy owes so much of its success—the principle that our national market is common to all our States and open to all our citizens—yet it provides minimal Federal interference with State taxing discretion and revenue. No Federal administration or supervision would be provided under this legislation. The bill's guidelines are essentially procedural, and will permit State and local governments to pursue their tax policies with respect to interstate companies in a manner consistent with the realities of a multistate or nationwide business.

The Interstate Taxation Act provides a uniform jurisdictional rule based on the maintenance of a "business location" for imposition of corporate net income, capital stock, and sales use and gross receipt taxes with respect to the sale of tangible personal property. Net income or capital of smaller companies could be divided under an optional two-factor—property and payroll—apportionment formula.

In the sales and use tax area, the bill provides rules for locating sales for tax purposes in the State of destination, credits for prior sales or use taxes paid, exemption for household goods of new residents, uniform treatment of freight charges, accounting for local sales taxes, conclusiveness of resale and exemption certificates, and encouragement of direct payment of sales or use tax by business buyers. Out-of-State audit charges would be prohibited. A remedy would be provided for geographical discrimination by the States in the sales tax and gross receipts tax area. The bill further provides for a continuing evaluation by Congress of State progress in resolving any

problems still not solved by the present legislation.

Study of this matter has convinced me that immediate Federal legislation is necessary, in the absence of sufficient States agreeing to any multistate compact solution, if appropriate relief is to be provided American business from an intolerable situation. I believe the stimulant that enactment of H.R. 7906 will provide for expansion of production and sales by Iowa businesses will widely benefit the economy of Iowa and provide substantially increased State and local revenues in the long run, and will benefit the Nation generally. H.R. 7906 provides a reasonable and proper Federal legislative approach to a difficult problem without imposing a new set of Federal bureaucratic superstructure, and it deserves full support by this House, by our companion body, and by the administration.

Mr. MACGREGOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I rise today to join with the State of Oregon and other signatories to the multistate tax compact in opposition to H.R. 7906, a bill which would provide a system for the taxation of interstate commerce. This bill, in the opinion of those States which are making substantial progress in developing their own approach to interstate taxation, is unnecessary and possibly harmful.

Admittedly there has existed for a number of years a problem in this area of interstate taxation. But a growing number of States have moved to solve this problem, and they have moved on a sound basis. After careful study and extensive discussion a compact was created which any State is free to join, on either a full membership basis or an associate membership basis. This compact, known as the multistate tax compact, now has 18 full members and an additional 10 associate members. These numbers have steadily grown and will continue to grow if H.R. 7906 is defeated in this Congress.

Not only does this multistate tax compact have the point of superiority of being an agreement voluntarily arrived at and agreed to by those States which have lived with and studied this problem most carefully.

The multistate tax compact is also an approach to the basic problem which is considerably superior to H.R. 7906. The compact provides for greater uniformity, simplicity, and equity in this field of interstate taxation, without the anticipated tax losses to some States foreseen in the passage of H.R. 7906.

The multistate tax compact contains provisions which better promote uniformity in apportionment so as to avoid multiplicity or duplication of taxation. It provides a simple way for a company having a minimum amount of sales—$100,000 or less annually—to pay a flat rate on such sales without having to file a complicated return.

It gives taxpayers a forum within which to obtain a uniform determination as to apportionment problems, which would be binding on all compact states. It is so constructed that no taxpayer would pay a greater amount of taxes and no State would lose jurisdictional benefits by joining the compact.

I urge that H.R. 7906 be defeated and the individual States be truly encouraged to continue not only to push their sound and constructive solution to this particular problem of interstate taxation, but also to move forward into similar creative State-level solutions to other problems of similar importance.

Mr. MACGREGOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it would be delightful if we, the members of this subcommittee, could say to the Members of the House that all 50 of our States plus the District of Columbia have come forward and have participated in a meaningful interstate compact to take care of all the problems raised over the last decade by the proliferation of sales taxes, use taxes, and income taxes. That has not been the case.

Ample time has been provided to the States to deal with this matter. Really only one alternative remains—that this House give a resounding vote of approval in a few minutes following the adoption of the amendment to be offered by the gentleman from Iowa (Mr. SMITH) to H.R. 7906.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Chairman, the enactment of this legislation into law will solve a very troublesome situation in the State of Iowa.

I heartily support the measure and commend the committee for bringing it to the floor of the House.

Mr. MACGREGOR. I thank the gentleman from Iowa (Mr. GROSS) for his gracious remarks.

Mr. Chairman, I have no further requests for time and yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I rise in support of this legislation.

I compliment the gentleman from New Jersey for the long and tireless hours he has devoted in bringing this legislation to the floor of the House and to say that I am proud to have been a member of the subcommittee that he has chaired.

Mr. RODINO. I thank my colleague.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I merely will conclude by saying reference has been made to a multistate compact. I would like to inform the House that during the protracted and prolonged hearings we held, I inquired of many of the tax administrators who urged the adoption of a tax compact whether after a period of some 4 years if they were not able to bring about a multistate tax compact would they then support a measure such as this?

I did not receive an affirmative answer from any one of the State tax administrators.

The heart of the question is whether or not we are going to be able to eliminate the chaos and confusion and permit interstate commerce to flow so that companies can do business in the common market of America.

I think this bill does that and I urge its support.

Mr. Chairman, I yield back the balance of my time.

Mr. DORN. Mr. Chairman, the Interstate Taxation Act represents the fruits of nearly 10 years of study and discussion on the part of the Congress. It is time to enact this bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

Some objections have been raised that this legislation might abridge States rights. Nothing could be further from the fact. This program, to bring order and equity to the taxation of interstate commerce and to relieve American business in every State of avoidable burdens and unnecessary costs, was initiated by such able legislators as the late Senator Harry Byrd of Virginia, and Francis Walter of Pennsylvania, as well as Ed Willis of Louisiana. These men were devoted to the autonomy of State and local governments.

As a Member of Congress who has consistently opposed any form of Federal encroachment on the rights and powers of the separate States, I can assure you that the present measure will, rather than abridge the powers of State governments, will strengthen the States.

The success of the American economy is owed primarily to free and expanding trade within the borders of our Nation. We were the first "common market" and every citizen has benefited in one way or another from the free flow of trade among our States, unimpeded by tax or tariff barriers.

It will preserve and enhance the benefits of a free and expanding trade to establish uniformity in State taxation rather than follow a course which would lead to one State imposing taxes on businesses domiciliary in another State.

We owe it to both the businessman and the consumer to protect interstate commerce from unnecessary burdens, all of which add to the cost of doing business and ultimately to the price that people must pay for goods and services.

We need, in particular, to insure that every small businesman in your State and in mine is able to share in the advantages of a free and expanding national market.

In my State of South Carolina this measure will mean that a local businessman can maintain all of his assets and all of his employees in South Carolina and sell the national market without the burden of taxes in which he has no business location and no political representation.

In today's highly competitive world it is vital that we relieve small business of unnecessary burdens and costs which impede his ability to compete. This legislation will accomplish that and it could

well mean the difference between failure or survival for the small manufacturer, the wholesaler, the retailer, and others engaged in interstate commerce from a base within a single State or several States.

While such businessmen may not play a large part in the vast American economy, they are of great importance to their local communities and we strengthen our States by strengthening their ability to compete in the total U.S. market; for their payrolls, their profits and their taxes are vital to the economic well-being of our States.

I am supporting this measure and I so urge my colleagues as enlightened legislation which will set uniform standards benefiting business in whatever State it may be situated and thus benefiting the State itself.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 7906 which seeks to foster commerce among the States by setting up a workable and equitable system of State taxation of interstate commerce.

It was my privilege, early in the first session of the 90th Congress, to testify before the distinguished members of the House Judiciary Subcommittee which was at that time considering the results of a study of many years on the problems of interstate businesses posed by overlapping State tax requirements and liabilities. As one who had sponsored an earlier version of this bill in the 89th Congress, I was most impressed with this subcommittee's grasp of the problems posed in this area.

The Subcommittee on State Taxation of Interstate Commerce skillfully molded testimony heard from numerous Members of Congress, from State tax commissioners, and from businessmen into a commendable bill, H.R. 2158, which this body passed last year.

The problem, simply stated, is this. The States and localities are badly in need of additional revenue. The tax-budget squeeze has grown worse at the State level in every succeeding year. Thus, the States have not hesitated to reach out with their taxing powers, to claim jurisdiction over income that is not wholly generated within a given State, or that is generated by a business located in several States.

The result of these sincere and, in some cases, necessary efforts on the part of the States to generate more revenue has been an intolerable paperwork task, and often, an inequitable tax result for the businesses operating interstate.

In many cases, businesses without access to sophisticated computer bookkeeping systems, and without legal departments well staffed with tax experts have found it impossible to determine how much tax is owed, on what income, and to which State or States.

This burden of double taxation and paperwork has fallen hardest on the shoulders of the small businessman who has interstate operations. As a member of the Select Committee on Small Business, I am particularly sensitive to the need for this legislation for these people.

This legislation provides reasonable guidelines for levying and collecting certain taxes in the realm of interstate commerce by the several States. It seeks to untangle the web of conflicting taxation that many businessmen find themselves caught in. It is worthy of our full support at this time, so that in this Congress, the Senate will have adequate time to consider this legislation before adjournment next year.

Mr. Chairman, I also want to lend my support to the well-considered amendment offered by our distinguished colleague from Iowa (Mr. SMITH) to provide similar protection from double taxation for individuals who for occupational or other reasons have residences, domiciles or abodes in more than one State.

In our increasingly mobile society, the States must recognize the difficulties their overlapping rules which determine "residency" for tax purposes cause for many families. Mr. SMITH is to be commended for taking the initiative in providing fair Federal guidelines in the area of individual income tax as well.

I trust our colleagues will join in the support of this amendment.

Mr. HANNA. Mr. Chairman, last year, the House passed H.R. 2158, sacrificing the interests of local business communities in the name of uniformity. Except for the provision as to double taxation of personal income, left out of this year's bill, H.R. 7906 is identical to 2158.

The House was wrong in passing H.R. 2158 last year. We would be wrong in passing H.R. 7906 this year.

The Special Subcommittee on State Taxation of Interstate Commerce, began hearings on this subject matter 8 years ago. The need for reform in this field of taxation was then clear. But this fact, as well as the obvious fact of the painstaking and dedicated efforts of this subcommittee, should not in and of themselves insure the passage of 7906. The bill must rise or fall depending upon its own virtues. I believe its faults are greater than its virtues.

I find at least four major faults with this bill. The first is that the "excluded corporation" provision is inadequate. A second, and potentially more serious fault is that the phrase "business location," in section 511 of this bill, is ill defined.

These two faults alone are enough to make us stop and think seriously about passing this bill—even if this bill were to achieve the objectives its authors claim it has achieved. But there are two other things wrong with this bill. First of all, the bill does not establish a uniform system of State taxation of interstate commerce—and a desire for uniformity in this field of tax law was what originated the whole process of subcommittee hearings and reports that has resulted in this piece of legislation.

And finally, there is one other flaw in this bill. It was pointed out by the gentleman from Michigan (Mr. HUTCHINSON), 2 years ago, to his fellow members of the Judiciary Committee, and I do not know why they have not followed his advice on this. The gentleman from Michigan (Mr. HUTCHINSON), told them then "Get rid of the two-factor system," the system the committee wanted to use for apportioning the income tax of interstate companies. Mr. HUTCHINSON told them "Get rid of the two-factor system, and substitute the three-factor system instead. All the States use the three-factor system." Uniformity demands that the Judiciary Committee use the three-factor system in its bill too. But we still have the two-factor system incorporated into this bill.

I would like to go over each one of these four points I have brought up in more detail to show you exactly what my objections to them are.

The first point I mentioned had to do with the "excluded corporation" clause. This provides that interstate companies with an average sales earnings of over a million dollars are susceptible to State taxation. But, in H.R. 7906, it only applies to the income tax and not the sales tax provision of the bill. It should apply to both.

Then, there is the matter of section 511 of this bill—what I shall call the business location clause. The crux of this bill lies in the way this section is applied. Chairman CELLER, in his excellent Fordham Law Review article, summed up the importance of this phrase, "business location." He described the effect of 2158 as follows:

> A company would not be subject to the jurisdiction of any state in which it does not maintain a "business location," which is defined to include: the owning or leasing of real estate, the maintenance of a localized employee, or the regular maintenance of a stock of tangible personal property for sale in the ordinary course of business.

There you have the three criteria for "business location," as explained by Mr. CELLER himself. The first and third criteria—owning or leasing of property, and maintenance of merchandise in the area—can both be evaded by some types of companies. For example, neither criterion covers any type of company which uses independent salesmen taking orders from customers within the State, and then mailing the merchandise to the customer after the sale is made.

But the second criterion—"maintenance of a localized employee"—is the weakest of all.

Section 513 of the bill defines a "localized employee." This section is so weak as to be nearly meaningless. Almost anybody doing substantial business in more than one State can avoid coverage by section 513. For example, a company doing business in both Kansas City, Mo., and Kansas City, Kans., can rotate its salesmen continuously across the border and back again, and escape paying sales or income tax to either State; 513 does not cover salesmen if they do not have their services localized in one State, or if they do not have a base of operations in one State.

The inequity of 513 is obvious. Suppose the kind of company I just mentioned, doing half its business in Missouri and half in Kansas, has 10 salesmen. If five of its salesmen worked permanently in Kansas City, Mo., and five worked permanently in Kansas City, Kans., under 7906, it would have to pay income, sales, and use tax to both States. But, now suppose the company decides to shift all its salesmen around—back and forth from one city to the other, so that each salesman spends half his time in Kansas, and

half his time in Missouri. Under 7906, the company cannot be taxed by either State. There is no real uniformity in a bill that brings about two situations like that.

Take a greeting card company operating in both Kansas City, Kans., and Kansas City, Mo. The salesmen travel to different cardshops in the area—all they carry with them are catalogs of card samples to show to the retailers. Under 7906, this company cannot be taxed by either State. It owns or leases no real property in either Kansas or Missouri. It does not maintain a stock of tangible personal property for sale in the ordinary course of business—all the salesmen carry around with them are the card catalogs, and these salsemen, traveling back and forth from Missouri to Kansas, do not have a base of operations in either State.

So this company, under 7906, would pay no income, sales, or use tax to either Missouri or Kansas. But it is doing business in both States. It depends for its livelihood upon the retailers in both States, the better the business climate is in both States, the more the company prospers. But the State governments cannot touch it, and I believe that is inequitable.

A great jurist, Chief Justice Stone in one of the landmark Supreme Court cases of our time, said a quarter of a century ago:

> To the extent that a corporation exercises the privilege of conducting activities within a state, it enjoys the benefits and protection of the laws of that state. The exercise of that privilege may give rise to obligations.

Stone said that imposing a tax on the corporation was such a justifiable obligation. H.R. 7906 clearly goes against the spirit of what he said.

I am not arguing that no reform is needed. Mr. CELLER points out in his law review article that some companies, with relatively small annual earnings operate in what he called "a truly national market" and, by so doing expose themselves to a multitude of State taxes. No one is denying that it is unfair to require such companies to meet all the requirements imposed upon them. Such diversity is inequitable.

But the Federal legislation itself does not establish as great a degree of uniformity upon State taxation of interstate companies as do the recent cooperative efforts of the States themselves. Working through the multi-State tax compact, and the Uniform Division of Income for Tax Purposes Act, the States have developed a program that establishes a more uniform system, and is broader in scope, than is H.R. 7906.

So we are faced now with a far different situation than our distinguished former colleague, Mr. Willis, was faced with when his subcommittee began studying this situation back in 1961. We all gratefully acknowledge the tremendous achievement of the Special Subcommittee of State Taxation of Interstate Commerce. It has worked long hours. It has compiled a brilliant four-volume work that is a masterpiece in its field. It has brought to the attention of all of us, the need for reform in this specialized area of tax law. The work it has done is of inestimable value.

But the greatest contribution of this subcommittee has not come from any proposed Federal legislation resulting from its efforts. Its contribution has come from the fact that the issuance of this report in itself provided the needed impetus for the States to go ahead and establish reforms on their own. The State reforms are more than adequate. Some students in the field believe that the State standards, particularly in regard to the three-factor formula for determining corporate income tax, are technically better than the Federal standards.

I should now like to draw your attention to the basic reason why I feel the State standard is preferable to the Federal standard. It is the same thing Mr. HUTCHINSON was talking about 2 years ago. H.R. 7906 uses a two-factor formula to determine the amount of income tax to be collected on those interstate companies that do have a business location within the State. The Uniform Division of Income for Tax Purposes Act, adopted by 18 States, includes the more comprehensive three-factor formula. This formula considers property, payroll, and receipts. It is used individually by all the States. Thus, the States adopting the Uniform Division Act for interstate corporation taxation, have achieved uniformity with the individual State corporation tax systems, with the adoption of H.R. 7906, such uniformity would be destroyed.

The rationale of the Special Subcommittee on State Taxation of Interstate Commerce, in originally recommending the two-factor system was that this would result in easier administration of the tax laws. But many people feel the two-factor system is inequitable. Mr. HUTCHINSON, during Judiciary Committee hearings in the 89th Congress, proposed that the two-factor system be eliminated from any proposed legislation, and persuaded half of the committee to go along with him.

The difference between using a two- or a three-factor system can have sizable consequences. For example, the difference between corporate income taxes collected by the District of Columbia, using the two-factor system instead of the three-factor system, would be over 20 percent. New York State would lose $13 million in corporate tax revenues, if the two-factor system was used instead of the three-factor system. These figures come from the special subcommittee report itself. It appears that any State with large consumer interests will be adversely affected by H.R. 7906's use of the two-factor system. Both urban and rural States will be hurt by the two-factor system. For example, the difference to Montana between using the two- and three-factor system for collection of corporate income taxes would be 47 percent.

Why, then, did the Judiciary Committee adopt the two-factor formula? Why did it disregard the warning of Congressman HUTCHINSON, who stated, ". . . it was made abundantly clear the two-factor formula would have had drastic effects in shifting tax burdens. It would have had a violent effect on the tax base of many of the States and would also have created radical shifts in the liabilities of large numbers of companies."

The two-factor system was so obviously inequitable that the Judiciary Committee made it optional. Mr. HUTCHINSON stated that this was not enough. I agree. The two-factor system will damage States with large proportions of consumers. Former Governor Sawyer of Nevada, representing the Western States' Governors' Conference, asked for its deletion. Governor Sawyer, speaking during hearings on a predecessor to H.R. 2158 and H.R. 7906, said:

> Enactment of H.R. 11798 or similar legislation would have a profound impact on the revenues, revenue structures, and hence the economy of each of the several States represented in the Western States' Governors Conference.

So we see there are two basic deficiencies in the two-factor system. First, as Governor Sawyer, and the Special Subcommittee Report, pointed out, it cuts into State corporate income tax revenues. And second, it encourages diversity, instead of uniformity, of methods of corporate taxation. If a company is taxable by a State, it is subject to the three-factor system which all the States use. But if the same company does business in another State, but does not have a business location there, the two-factor system may then apply to it. Thus, with 7906 in effect, there is no uniformity. A company may have to pay two types of corporate income tax—one, under the State three-factor system; the other, under the Federal optional two-factor system. Without 7906, the three-factor formula is applied across-the-board by all the States. With 7906, the uniformity as to formula is destroyed. The Uniform Division Act, on the other hand, maintained this uniformity by adopting the three-factor system.

Having gone over what I consider to be the four major faults of the bill, we now come to the question, should this bill, even with its deficiencies, still be passed by the House? In deciding this question, we must remember that the issue of reform in the area of State taxation of interstate commerce, has already been preempted by the States themselves.

The real issue before us today is not reform of the tax laws. The real question is—now that significant State action has been taken, should Congress still proceed to pass its own law on the subject? The argument of those in favor of 7906 is, "yes—for the sake of uniformity." But we have seen that application of 7906's two-factor system will result in diversity, not uniformity.

Mr. Willis, in arguing last year for the passage of H.R. 2158, said:

> There are still a few diehard tax collectors against this bill. But who is for it? Business is for it.

California businessmen are not for it. The California Chamber of Commerce has taken a strong stand against H.R. 7906. The California manufacturers' association voted unanimously to oppose it, and I cannot believe that there are not businessmen in other States who feel the same way about this bill.

What does this bill give us then? Behind a facade of uniformity in application of tax laws, it works to the detri-

ment of local businessmen everywhere. It deprives State governments of needed revenue. Business leaders in California have studied the bill, and are against it. The executive department of the State has studied the bill, and is against it. But we were told last year, that the only people opposing this legislation were a few "diehard tax collectors."

I have saved what I consider to be the most serious objection to this bill for last. How will 7906 affect State collection of revenues? What impact will 7906 have in a period of our history when we are asking States to carry more and more of the burden of providing needed governmental services? How will 7906 affect the revenues available to the States for this purpose?

I have looked over the report issued by the Judiciary Committee, accompanying H.R. 7906. A list printed in the back of this report shows that the States would not suffer a revenue loss by passage of this bill. For example, the report tells us that the loss of corporate income tax in California, would be "insignificant." The loss of revenue to California from sales and use taxes is listed as only .07 of 1 percent. That is some $4 million right there. And that is not even considering the argument of tax authorities in California that the Judiciary Committee estimate of tax revenue loss is only one-fourth of the probable figure. So the loss of revenue, for this one State alone, will run anywhere from $4 to $16 million.

But, for the sake of argument, let us take the Judiciary Committee's low estimate of $4 million loss of tax revenue. The Judiciary Committee considers that $4 million is insignificant. I am not aware of any State government that would look upon the loss of $4 million of tax revenue as insignificant.

I can think of many ways that a State could put the sum of $4 million to good use. It could be used to finance a new project for educationally handicapped children. Local communities could use their portion of the revenues obtained from sales and use taxes, to increase pension benefits of firemen and policemen.

I do not depreciate the immense contributions of Chairman CELLER, of the past and present subchairmen of the Special Subcommittee on State Taxation of Interstate Commerce, Mr. Willis and my distinguished colleague, Mr. RODINO, or of the late chairman of the Senate Finance Committee, Senator Byrd, all of whom took a part in the process that has led to the introduction of this bill. I believe that their goals have already been largely realized through the development of State-initiated tax reforms in the field of interstate corporation taxation. We ought now to give the States the opportunity to finish the job they have undertaken—before we endeavor to step in and finish the job for them.

Mr. SCHWENGEL. Mr. Chairman, I join today in urging support for H.R. 7906, the Interstate Taxation Act. Having served in the Iowa Legislature for 10 years and now here in the Congress for 13 years, I am well aware of the problems business has encountered in the interstate tax area.

The tax laws of the respective States are voluminous. It is almost impossible for relatively small businessmen operating across State lines to do just the paperwork required by the various State laws.

As one who believes strongly in the importance of what I call the fifth great freedom, the freedom of movement, of men and goods, I feel this legislation is important and should be passed.

The bill before us was not hastily drawn, but came after years of study. It gives Congress the opportunity to provide uniform standards to be observed by the States in levying taxes on income derived from within the State from the conduct of business activity which is exclusively interstate in nature. The situation todays works a real hardship.

At the present time the average businessman is faced with a costly and bewildering maze of different laws and regulations in each State in which he does business. At present the various State tax laws covering interstate commerce are so diverse and so complex as to create widespread inequities. This complexity leads to confusion for auditors and administrators as well as taxpayers.

The defects are not limited to a particular form of tax or to particular States. Jurisdictional statements are often unclear, and guidelines for determining the amount of the tax due are vague or ambiguous. Inevitable byproducts are the widespread rejection of all tax obligations in States where companies have no business locations and inaccuracy in tax computations where reporting does occur.

This bill, H.R. 7906, will do a great deal to rectify a bad and unfair situation. Businessmen throughout the Nation will welcome a general solution which substitutes order and realism for the presently existing uncertainty and confusion. It will provide the certainty, uniformity, evenhandedness, and simplicity which businessmen everywhere need. Interstate companies will be relieved of the red tape and uncertainties now incident to their tax payments, and will be assured that their competitors are paying their fair share. At the same time administration will be greatly aided by adoption of a set of rules that will assure a far higher level of compliance than now exists. It will enable every businessman, wherever he may have his home base of operations, to determine without difficulty the tax liability he will incur in each State in which he sells his wares.

Companies doing interstate business will be relieved of the likelihood of overtaxation. Uniform rules for the assignment of the tax base will protect the seller in interstate commerce from multiple taxation.

Most small businesses will have the decided advantage of having the prospect of having to pay business taxes only in the single State where they have an actual business location, even though their sales may be made in other States. In the case where small businesses do have business locations in one or more other States, the uniform and simplified report requirements called for in this bill will make possible far more accurate compliance with the taxes of those States from records which are easily maintained.

As an aid to a better understanding let us look at how various kinds of businesses and businessmen would be more specifically affected by H.R. 7906. Manufacturers would have most of their tax liability limited to their own home State. Wherever feasible, the out-of-State manufacturer would be relieved of liability to collect a tax on sales of wholesalers or other middlemen. The interstate wholesaler who has an office and a warehouse in one State and supplies customers in adjoining States will be relieved of income and capital stock taxes levied by States other than his home State. Similarly as to retail sales taxes, business making all sales at wholesale will generally be freed of all out-of-State liability if they obtain registration numbers from their customers. Finally, the retailer with stores in a number of States will find his compliance work significantly simplified. Mail-order retailers will not be required to collect taxes outside their "home State."

Let me assure those who fear that their own States might be in danger of losing revenues by this measure that available evidence does not bear out any justification for this fear. No tax is recommended for imposition or repeal. No change in any State tax rate is required. No businesses have been freed from State taxation. No businesses would be exposed to harmful tax-free competition from outside the State. And, perhaps most significant of all, the loss in revenue theoretically available from out-of-State companies will in almost all cases approximately be offset by a gain in revenue from companies located in the taxing State. The measure will work a change in taxpayers among the States, but the net effect of this exchange of revenue will be small.

Thus the simplification and more orderly collection procedures for taxation of interstate commerce will be, in the first instance, of great benefit to small businesses everywhere, but will also represent a great step forward in more equitable and more efficient collection of State and local taxes.

The arguments here presented along with the testimony and the excellent debate so far on the House floor dictates the immediate passage of this legislation and so I urge its favorable consideration by every Member of the House.

Mr. CORMAN. Mr. Chairman, I was pleased that the House last year took favorable action on the Interstate Taxation Act, and regretted that there was not sufficient time after House action to permit the Senate to consider the measure so that final enactment could have resulted.

As a former member of the special subcommittee of the Judiciary Committee that wrote this legislation in the past two Congresses, and having introduced the bill again during this Congress, I strongly urge my colleagues to approve the measure today so that it can go to the Senate in ample time to be considered this year.

The genesis of this legislation was the Supreme Court ruling in a series of 1959 cases dealing with State powers to tax

interstate commerce. The Court ruled that a State could tax that portion of an out-of-State company's income earned within its borders.

The first legislation in 1959 that concerned itself with the complexities of State taxation of interstate commerce was Public Law 272, in the 86th Congress, which only provided relief to the businessman under a very special condition, but also authorized a thorough study of the entire matter. From that time, until today's debate, the House Judiciary Committee has made comprehensive studies of the subject, introduced measures, held extensive hearings, amended and reported a number of bills—and today, I believe, we have before us the best result that all previous deliberations could produce.

Mr. Chairman, I shall not go into the technical aspects of the bill, but I would like to remind the House that for quite a number of years the conduct of the Nation's business has been seriously hampered because of the multiplicity of varied State and local tax laws. The vast proliferation of State taxation programs has caused tremendous difficulties in conducting interstate business, particularly in what we term small businesses.

Our modern society has placed increasing demands on State and local governments, and taxes on the State and local levels have had to be increased to meet the demands for new revenue. New tax programs have been established, and this has led to the present difficult situation, to which this legislation responds.

The problem in collecting and reporting taxes on sales in each State in which business is carried on has become an insurmountable one to the businessman. The burden of compliance often exceeds the amount of the tax that must be paid.

The provisions of the legislation will set guidelines to allow interstate business to pay its own share of State and local taxes, while assuring the businessman that he is not being taxed unfairly and that the cost to him of complicated bookkeeping and compliance with conflicting taxing procedures will no longer be a burden to him.

Enactment of the legislation will ease this burden for the businessman within a very short time,, and it is imperative that he be given this sorely needed relief.

The committee's study also has revealed another positive result if the legislation is enacted. In the long run, the proposal will reflect itself in an overall increase in States' revenue—for two reasons: first, economic growth would be stimulated by the removal of trade barriers; second, it would be easier to enforce and gain compliance with tax laws.

Mr. Chairman, the committee report on the 90th Congress legislation stated:

> Students of America's history have been unanimous in reminding us that our economy, which is the wonder and envy of the world, owes its success largely to one of our oldest and most cherished principles—the principle that our national market is common to all of our States and open to all of our citizens.

The bill before the House today reaffirms this principle and its provisions will preserve it.

I urge the House to give the Interstate Taxation Act its complete support again this year, as it did last year, and to again vote favorably on this much-needed legislation.

Mr. SKUBITZ. Mr. Chairman, I have received a wire signed by the members of The Kansas Joint Legislative Committee on Taxes urging me to vote against this bill.

Now, the committee report indicates that the loss of taxes to Kansas would be minimal. In fact, the committee staff tells me that the loss on corporate income tax would be less than .02 percent. That the loss of sales tax would be less than .80 percent. Dollarwise, I am told it would amount to less than $200,000. This is far out of line with the State estimate of $15,000,000.

This afternoon, I called State department of revenue. I was told that the immediate loss would be $7,000,000 and the potential loss could reach $15,000,000. I was also told that one corporation doing business in Kansas could under the provisions of this act escape payment of $257,000 in taxes. Because of the confusion that exists, I shall vote against this measure.

Mr. PHILBIN. Mr. Chairman, this bill, H.R. 7906, which is designed to prohibit the double taxation of personal income, was passed by the House last May by a vote of 284 to 89.

However, the bill was not reached during the session by the other body and did not pass, hence it is before us once again for our second consideration.

In the broad sense, the purpose of the bill is to preserve, reaffirm, and revitalize the basic principle of free competition provided by the commerce clause of the Constitution to insure free access to every market in the Nation by every farmer and craftsman, and others who are in business.

The basic concept of this principle is that the individual States would not impose customs, duties, or regulations which would exclude the free and ready flow of traffic from one State to another in all parts of the Union.

With the growth of the country, and particularly with the new tax techniques adopted by the several States, some serious problems have developed which could threaten the freedom of commerce that we have always enjoyed in this country. This bill aims to lay down procedural guidelines on permitting State and local governments to pursue their tax policies with respect to interstate companies in a manner consistent with the realities of a multistate or nationwide business.

The fears of those who may see in this measure some uncalled-for interference with the free flow of trade business are unfounded, and I believe that the bill will work out favorably and clarify the question as to what is interstate commerce and what is strictly intrastate commerce.

Obviously, it is important to protect legitimate American businesses which are being subjected to increasing kinds of diverse, conflicting, and overlapping tax laws and regulatory practices which are often beyond their capabilities to handle, and are, moreover, in the nature of harassment and discrimination.

Various tax administrators and some members of the business community have furnished valuable information to the House committee, and their suggestions were embodied in amendments which were approved by the committee during the 90th Congress.

Thus, the definition of business location requires proof of regular maintenance of a stock of tangible personal property in the State for sale in the ordinary course of business.

There is also provision for tax incentives to attract industry into a State, and to implement water or air pollution abatement.

I do not believe that the doubts and fears expressed by some of the opponents of the bill are tenable. I am of the opinion that this bill will be a proper, effective vehicle to clarify existing laws governing interstate commerce, and to furnish helpful guidelines for business, large and small, and ordinary citizens to follow, when they are engaged in interstate business.

I commend the able committee for its hard work and its good judgment in bringing this bill before the House. I believe it will be approved by a large vote, as I think it deserves to be, because it will bring the light of reason, law, and clarification in some areas where they are urgently needed.

Mr. BUCHANAN. Mr. Chairman, I am testifying for the second time on behalf of the Interstate Taxation Act, which although approved by the House last year failed of passage in the Senate. My strong support for this measure comes from a conviction that the present chaotic system of a multiplicity of tax laws administered by the 50 States and thousands of local jurisdictions, imposes a serious impediment to the free flow of commerce among all the States. This free flow of interstate commerce is essential to our Nation's continued economic progress but is, in my judgment, greatly dependent upon some sort of national guidelines which would allow interstate businesses to pay a fair share of State and local taxes without being subjected to multiple and unfair taxation or unreasonable compliance burdens.

H.R. 7906 would provide these much-needed guidelines, as well as a degree of assurance for interstate businesses as to what their legal obligations are. I think it should be noted that this legislation is the result of over 6 years of comprehensive study of interstate tax problems by the Subcommittee on State Taxation of Interstate Commerce. The Congress provided the mandate for this study with the passage of Public Law 86–272. The core of that study is found in title I of H.R. 7906, which establishes uniform jurisdictional standards for each of the four types of taxes covered by the bill: corporate net income taxes, capital stock taxes, sales and use taxes, and gross receipt taxes. Basically, these standards prohibits a company from being subject to the jurisdiction of any State in which it does not maintain a "business location"; that is, the owning or leasing of real estate, having one or more employees located in the State, or regularly maintaining a stock of tangible

personal property for sale in the ordinary course of business.

I strongly request, therefore, that the House pass this meritorious legislation. At the same time, however, I would like to state my strong conviction that H.R. 7906 does not go far enough in that the transportation industry in general and the moving industry in particular—as represented by the irregular common carriers—are not covered under the bill with respect to ad valorem taxes imposed by some of the States. A clear need has, in my judgment, been established for the inclusion of this industry under the provisions of the Interstate Taxation Act.

The very nature of an interstate household mover's business is to make itself available to move anyone anywhere at anytime. The mover's service is a call-and-demand service, on irregular routes and over extensive distances. It is, furthermore, a business subject to wide fluctuations in volume during the various months of the year. It is estimated that some 12 million families are being moved yearly by this industry, with 60 to 70 percent of such moves occurring during the summer months.

In order to provide their essential service, movers must take great risks and are necessarily subject to a multiplicity of State and local tax requirements. The mover's inability to know at any time the extent of his tax liability is a great burden to him individually and to the industry collectively. In the vast and intricate body of State tax laws, changes are always in process. As a result, the mover can never know from day to day what the latest requirements may be of all the taxing jurisdictions.

One of my constituents was assessed by a neighboring State for more than $2,000 in ad valorem taxes within a year. Yet, this mover had no terminal or property within the particular State. He was, in effect, a victim of double taxation since he was already paying ad valorem taxes in Alabama. Since he was not a resident of the other State and owned no tangible or intangible property there, he was a victim of taxation without representation.

My constituent, as well as countless others like him, has had vehicles and shipments detained drivers arrested and fined, although there was no intention to violate the law—only human inability to keep up with the law. The very complexity of the system invites harassment and abuse. Audits made years after a particular tax year may result in large penalties as the outgrowth of a good-faith dispute over uncertain procedures of one of a multitude of taxing bodies.

It is my sincere opinion that movers are not trying to escape taxation. There is simply a clear need for a rational system of taxation which will prevent double and multiple taxation currently experienced by many interstate movers. Without such rules, the inequities, the uncertainties, and the complexities which now exist will continue to multiply with the result that the net revenue from these taxes will decrease, while the cost of compliance increases.

Because, in my judgment, relief for the interstate movers is clearly in order if the future of such an important industry is to be made secure, I have already conveyed the above sentiments to the disguished sponsor of H.R. 7906, Hon. PETER RODINO, who is also Chairman of the Judiciary Committee's Special Subcommittee on State Taxation of Interstate Commerce. I am certainly pleased that his response indicates both an awareness of the need for a solution to this problem and an intention to consider it pursuant to title IV of H.R. 7906. It is certainly my hope that relief will be granted to interstate movers and I invite the Senate in its consideration of H.R. 7906 to consider the abuse of this important segment of our economy.

At this point I include in the RECORD a copy of Mr. RODINO's letter on this subject:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 20, 1969.

Hon. JOHN BUCHANAN,
House of Representatives,
Washington, D.C.

DEAR JOHN: I have your letter of June 18, 1969, concerning my bill, H.R. 7906, the proposed Interstate Taxation Act.

I share your view that the complex problems currently faced by the household moving industry require some equitable and reasonable solution.

Although corporations engaged in the moving of household goods are treated as excluded corporations under H.R. 7906, the need for relief of this industry is, in my opinion, already clear. As a result, it would seem to me that the problems faced by the moving industry ought to eventually be given consideration under Title IV of my bill, which provides for continued Congressional oversight over those problems left unresolved by the other titles of the bill.

With respect to this matter, the Committee report which accompanied H.R. 7906 states specifically on page 4 that during the course of the study conducted by our subcommittee, "data was accumulated that led the subcommittee to conclude that 'in some excluded areas the need for uniform rules is already clear' (report, p. 1164), and during the course of the hearings testimony confirmed this conclusion at least with respect to the household moving industry and also substantiated the need for further evaluation by Congress of the progress being made by the States in those problem areas not covered by the bill."

I very much appreciate the warm support that you have given to my proposal and want to assure you that I shall continue to exert every effort to bring about the prompt enactment of this sorely needed measure.

Sincerely,

PETER W. RODINO, Jr.,
Chairman, Special Subcommittee on State Taxation of Interstate Commerce.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Taxation Act."

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD.

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL TWO-FACTOR FORMULA.

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment frac-

tion which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except —

(1) property which has been permanently retired from use, and

(2) tangible personal property rented out by the corporation to another person for a term of one year or more.

(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semi-annual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) EMPLOYEES NOT LOCATED IN ANY STATE.—If an employee is not located in any State, the wages paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

(d) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

SEC. 204. ZERO DENOMINATORS.

If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 205. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 206. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 202(c) and 203(c), as a reference to location in the political subdivision.

TITLE III—SALES AND USE TAXES

SEC. 301. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) IMPOSITION OF USE TAX.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall effect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

(c) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

(d) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) MOTOR VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

SEC. 302. EXEMPTION FOR HOUSEHOLD GOODS, INCLUDING MOTOR VEHICLES IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

SEC. 303. TREATMENT OF FREIGHT CHARGES WITH RESPECT TO INTERSTATE SALES.

Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 304. LIABILITY OF SELLERS ON SALES TO BUSINESS BUYERS.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

SEC. 305. LOCAL SALES TAXES.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE IV—EVALUATION OF STATE PROGRESS

SEC. 401. CONGRESSIONAL COMMITTEES.

The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART A—DEFINITIONS

SEC. 501. NET INCOME TAX.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

SEC. 502. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

(a) CAPITAL STOCK TAX.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) CAPITAL ACCOUNT TAX.—A "capital ac-

count tax" is any capital stock tax measured by number of shares, par or nominal values of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 504. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 505. GROSS RECEIPTS TAX.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

SEC. 506. EXCLUDED CORPORATION.

(a) IN GENERAL.—An "excluded corporation" is any corporation—

(1) more than 50 percent of the ordinary gross income of which for the taxable year—

(A) is derived from regularly carrying on any one or more of the following business activities:

(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

(ii) the furnishing of—

(I) telephone service or public telegraph service, or

(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

(iii) the sale of electrical energy, gas, or water;

(iv) the issuing of insurance or annuity contracts or reinsurance; or

(v) banking, the lending of money, or the extending of credit;

(B) is received in the form of one or more of the following:

(i) dividends;

(ii) interest; or

(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a) (5) (B) of the Internal Revenue Code of 1954); or

(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

(2) which is a "personal holding company" as defined in section 542 of the Internal Revenue Code of 1954 or a "foreign personal holding company" as defined in section 552 of such Code; or

(3) which has an average annual income in excess of $1,000,000.

(b) ORDINARY GROSS INCOME.—The term "ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

(c) AVERAGE ANNUAL INCOME.—A corporation's "average annual income" with respect to any taxable year (in this subsection referred to as the "computation year") shall be determined as follows:

(1) The period to be used in making the determination (in this subsection referred to as the "averaging period") shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

(2) (A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

(4) (A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2) (B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

(d) AFFILIATED CORPORATIONS.—For purposes of subsection (c), two or more corporations are "affiliated" if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" shall not be taken into account in determining whether two or more other corporations are "affiliated".

SEC. 507. SALE; SALES PRICE

The terms "sale" and "sales price" shall be deemed to include leases and rental payments under leases.

SEC. 508. INTERSTATE SALE.

An "interstate sale" is a sale with either its origin or its destination in a State, but not both in the same State.

SEC. 509. ORIGIN.

The origin of a sale is—

(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

SEC. 510. DESTINATION.

The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

SEC. 511. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State, or

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller.

(b) EXCEPTION.—If a corporation's only activities within a State consists of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 101, to own or lease real property within that State for purposes of section 202, or to have an employee located in the State for purposes of section 203.

(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business (or in a case described in the last sentence of section 204), that person shall be considered to have a business location only—

(1) in the State in which the principal place from which its trade or business is conducted is located, or

(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

SEC. 512. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) RENTED-OUT PERSONALTY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

(b) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATIONS.—The term "base of operations", with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

(A) in the case of rented-out property, it is not in the possession of a lessee, or

(B) in the case of moving property which is not rented out, it is not in operation.

regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 513. LOCATION OF EMPLOYEE.

(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

(1) the employee's service is localized in that State, or

(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

(b) LOCALIZATION OF EMPLOYEE'S SERVICES.—Service of any employee shall be considered to be localized in a State if—

(1) the service is performed entirely within that State, or

(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

(c) EMPLOYEE'S BASE OF OPERATIONS.—The term "base of operations," with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

(f) The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

SEC. 514. HOUSEHOLD DELIVERIES.

A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision.

SEC. 515. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 516. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 517. TAXABLE YEAR.

A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 518. VALUATION DATE.

The "valuation date", with respect to a capital stock tax, is the date as of which capital is measured.

PART B—MISCELLANEOUS PROVISIONS

SEC. 521. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 522. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 523). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 523. APPLICABILITY OF ACT.

Nothing in section 101 or in any other provision of this Act shall be considered—

(1) to repeal Public Law 86–272 with respect to any person;

(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act.

SEC. 524. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income or capital stock tax imposed on an excluded corporation.

SEC. 525. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 526. EFFECTIVE DATES.

(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Title II of this Act, and the provisions of section 101 and this title (except section 525) insofar as they

relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this Act, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this Act. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this Act, effective for the first taxable year to which title II applies.

(b) OTHER PROVISIONS.—The remaining provisions of this Act shall take effect on the date of the enactment of this Act.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 12, after line 3, insert the following new title:

"TITLE V—TAXATION OF INDIVIDUALS

"SEC. 501. REDUCTION OF MULTIPLE TAXABILITY.

"(a) IN GENERAL.—No State or political subdivision thereof shall have the power to impose an income tax on the income or to establish the rate of taxation on the income of any individual—

"(1) which was earned or derived during any period while the individual was not domiciled in the State except to the extent the income was earned from sources within the State, or

"(2) which was earned or derived from sources without the State during any period while the individual was domiciled in the State except to the extent the tax exceeds any income tax paid on such income to the State (or political subdivision) in which the income was earned or derived.

"(b) DEFINITION.—As used in subsection (a), the term 'earned' means acquired by labor, service, or performance and does not include the mere receipt of interest or dividend payments which are merely a return upon an investment and are not paid as a result of labor, service, or performance rendered."

Mr. SMITH of Iowa (during the reading). Mr. Chairman, in view of the fact that this is the bill, H.R. 906, verbatim, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, as was mentioned during debate earlier, last year when this bill was before the House, I presented an amendment to the bill which was adopted overwhelmingly. It was amended on the floor and this bill is that amendment of last year, as amended, verbatim.

After this amendment is adopted, assuming it will be, I will offer another amendment to make it conform to the bill.

The purpose of the amendment is to prevent double taxation of individuals or multiple taxation of individuals, as far as income tax is concerned. The principal bill deals with corporations, and this amendment deals with individuals as far as the income tax is concerned. It leaves a preference to the domiciliary State to levy an income tax, but it permits another State to levy a tax to the extent that money is earned or derived from sources within that State. It also provides that the domiciliary State must give credit for the tax owed and paid on income in the other State.

In other words, it prevents double taxation.

Some State commissioners are claiming that by practice this is what they now do. Indeed, I think most of them do as a matter of practice, although many of them do not have to, and if they want to, they can gouge many taxpayers any time they really want to.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from South Carolina.

Mr. RIVERS. Does the gentleman's amendment deal with a Member of Congress living in Maryland, Virginia, and other places nearby? For example, two distinguished Members of this House were compelled to pay income tax in the State of Maryland. Would the amendment prevent that kind of disgraceful, small act on the part of any State toward a Member of Congress whom they know represents another State? They are taking away from people portions of their salary under the guise of their being domiciled in that State.

Mr. SMITH of Iowa. To the extent that they do not have income earned or derived from sources in those States, it would. I would say, however, to the gentleman, Congressmen are only a few of the 1 million people who find themselves in this position. I would be opposed to legislation that would single out Members of Congress for separate treatment.

Mr. RIVERS. I am speaking for Members of Congress. Members of Congress cannot talk back. I live in the State of Virginia, where they do not practice that sort of smallness. But they do in the State of Maryland.

Members of Congress have raised their voices. I think this is one of the smallest things I have seen in my 30 years in Congress.

Mr. SMITH of Iowa. What I was getting ready to say is that Virginia does not apply it to Members of Congress. Washington, D.C., by law, exempts Members of Congress. But other people do not always get that kind of treatment. What this will do is to apply the same treatment across the board to all people.

Mr. RIVERS. A man selects the domicile in which he desires to live.

Mr. SMITH of Iowa. Yes. We would not interrupt or change the definition of domicile. That is well defined in the law. If one can meet the requirements that are now in the law as to domicile, then that is the primary State for income tax purposes.

Mr. RIVERS. Would an employee of your office or an office of a Member of the other body receive the same treatment?

Mr. SMITH of Iowa. If he were domiciled in one of these States he would be liable for income tax there.

Mr. RIVERS. What about a Federal civil service employee?

Mr. SMITH of Iowa. The State in which he is domiciled has the preference on his tax.

Mr. RIVERS. Even though outside the city of Washington, if you had 100,000 civil service employees, they could elect another State?

Mr. SMITH of Iowa. No, I think domicile is pretty clearly defined in the law. In addition to selecting a State for the domicile, you have to have some other indications as to what in fact is one's domicile. They usually need a home there, to vote there, and do some other things.

Mr. RIVERS. It does not change the basic law of domicile.

Mr. SMITH of Iowa. No, it does not change the law of domicile.

I would also like to discuss briefly some examples: It involves people who move from one State to another during a year. This involves large numbers of people in the United States. They inevitably find in many cases that they end up owing a tax on their entire income in both States, the State from which they moved and the State to which they moved. Soldiers' wives are involved in that. Many of them will go to work near where their husbands are stationed. They find that because they have a place of abode in that State, in addition to the State where they are domiciled, both States can, if they want to, tax the entire income for the entire year.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. Airline pilots, businessmen, and others find themselves in that situation. A number of people have summer homes or they have winter homes. They may find that due to that fact, they may owe a tax in three States, if the tax commissioners were to enforce their laws.

I do not think it is necessary for an extended colloquy concerning the amendment. I think ultimately it will save the State tax system, because if we do not do something, people will become so disgusted, Congress may outlaw the State income tax entirely.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I congratulate the gentleman for his work. I would like to have him make one point crystal clear, and that is there is no attempt by this amendment to prevent any State from taxing any income an individual may have or earn in his own State. Is that correct?

Mr. SMITH of Iowa. That is correct. There is no tax shelter here at all. The domiciliary State has a preference on the income, and it can even tax any

income earned in another State if the other State did not levy a tax on it.

Mr. ASHBROOK. Is it not also correct if a person would be subject to tax in various States, for instance in Ohio and in Florida, under the gentleman's amendment the person can be taxed under both States? It does not remove from any State any power to tax a resident if he is or is not domiciled in that State.

Mr. SMITH of Iowa. To the extent he earned income from sources in that State.

Mr. ASHBROOK. That is correct. I thank the gentleman for making that clear.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, this is just an implementation, in other words, of the full faith and credit provision of the Constitution?

Mr. SMITH of Iowa. That would be a good way to put it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I thank the gentleman for bringing this to the floor. This is something which has to do with preventing the possibility of double taxation. I think this is a very constructive step.

Mr. HUNT. Mr. Chairman, I rise in support of the amendment to prohibit the taxation on an individual's income in its entirety in more than one State. In my estimation it is simple equity and many of the arguments advocating a uniform and equitable system of taxation among the several States for businesses and corporations, thus providing relief from the multiplicity of State and local taxes contributing to multiple taxation, apply equally to individuals in principle.

However, there is a situation involving taxes on the incomes of individuals which I feel has not been given the consideration it is due. This is the situation where an individual is domiciled in a State that does not levy an income tax and works in a State where either a State income tax is imposed or the political subdivisions of that State are empowered to levy such taxes based on income. I am personally familiar with the case of New Jersey, a State which does not have an income tax law, and Pennsylvania which, although it does not levy a State income tax, has authorized its political subdivisions to impose such taxes. The city of Philadelphia imposes a 2-percent wage tax on everyone who earns an income within its jurisdiction. This rate will increase to 3 percent effective July 1. The tax is levied at the full rate on residents, nonresidents, and out-of-State residents as well.

I believe, Mr. Chairman, we should look at an individual's tax liability in terms of an aggregate tax burden. For example, the total State and local tax burden in Pennsylvania averages $94.57 per $1,000 of personal income, roughly approximating the $92.83 State and local tax liability in New Jersey. A statistically representative New Jersey resident who works in Philadelphia and pays a 2-percent gross income tax—3 percent beginning July 1, 1969—however, would have $20 per $1,000 of personal income added to his total tax bill, assuming his personal income consists entirely of his wages or salary. Thus, he would pay $20 more tax per $1,000 of personal income than a comparably situated resident of New Jersey who works in New Jersey and $18.26 per $1,000 more than a resident of Pennsylvania who works in Pennsylvania.

With respect to taxation and benefits, I am fully cognizant of the fact the courts have consistently recognized that equal tax burdens do not necessarily require equal benefits. I do not infer from the attitude of the courts in this regard that it is a mandate to any taxing jurisdiction to gouge the helpless taxpayer, especially the nonresident who has no voice at the polls or representation in the disposition of his tax dollar. Rather, I believe the courts view this issue of taxes versus benefits as one to be resolved as fairly as practical by the political instruments of government. There exists no standard by which State and local taxing jurisdictions may apportion the tax burden between residents and nonresidents taking into consideration the relative benefits derived by each class. In this connection, I include the following table, entitled "Local Income Tax Bases, 1967," taken from an information report, M–43, of the Advisory Commission on Intergovernmental Relations, covering "State and Local Finances, Significant Features, 1966 to 1969":

TABLE 42.—LOCAL INCOME TAX BASES, 1967

City	Nonresident rate relative to resident rate	Business taxed [1]		Resident income base includes—				Reciprocal city tax credit allowed	Personal exemptions allowed	Personal deductions allowed	Tax withheld on wages and salaries
		Incorporated	Unincorporated	Wages, salaries, similar income only	Income earned out of jurisdiction	Capital gains	Dividends				
New York, N.Y.	[2]	Yes	Yes	No	Yes	Yes	Yes	No	$600 each [3]	Yes	Yes.
Philadelphia, Pa.	Same	No	Yes	Yes	Yes	No	No	No	No	No	Yes.
Detroit, Mich.	Half	Yes	Yes	No	Yes	Yes	Yes	Yes	$600 each	No	Yes.
Baltimore, Md.	Zero	Yes	Yes	No	Yes	Yes	Yes	No	$800 each	Yes	Yes.
Cleveland, Ohio	Same	Yes	Yes		Yes		No	Yes	No	No	Yes.
St. Louis, Mo.	do	Yes	Yes	Yes	Yes	No	No [3]	No	No	No	Yes.
Cincinnati, Ohio	do	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes.
Pittsburgh, Pa.	do	Yes	Yes	No	No	No	No	Yes	No	No	Yes.
Kansas City, Mo.	do	Yes	Yes	Yes	Yes	No	No [3]	Yes	No	No	Yes.
Columbus, Ohio	do	Yes	Yes	No	Yes	No	No	Yes	No	No	Yes.
Louisville, Ky.	do	Yes	Yes	Yes	No	No [3]	No	No	No	No	Yes.
Toledo, Ohio	do	Yes	Yes	No	Yes	No	No	Yes	No	No	Yes.
Akron, Ohio	do	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes.
Dayton, Ohio	do	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes.
Flint, Mich.	Half	Yes	Yes	No	Yes	Yes	Yes	Yes	$600 each	No	Yes.
Youngstown, Ohio	Same	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes.
Erie, Pa.	do	No	Yes	No	Yes	No	No	Yes	No	No	Yes.
Canton, Ohio	do	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes.
Scranton, Pa.	do	No	Yes	Yes	Yes	No	No	No	No	No	Yes.
Allentown, Pa.	do	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes.
Grand Rapids, Mich.	Half	Yes	Yes	No	Yes	Yes	Yes	Yes	$600 each	No	Yes.

[1] Charitable, religious, educational, and other nonprofit organizations exempt in most cases. Tax generally confined to income stemming from activities in city.

[2] Nonresidents taxed on an entirely different basis from residents. The rate is markedly lower. Instead of deductions, an exclusion related to income level is allowed. The exclusion of $3,000 on income up to $10,000 drops to $2,000 for income over $10,000, to $1,000 for $20,000 to $30,000 income, to none for income over $30,000.

[3] Except where derived in connection with the conduct of a business.

Source: Tax Foundation, Inc., "City Income Taxes," research publication No. 12 (new series)

The table compares city income taxes imposed on nonresidents with those on residents. You will note that while most cities, including Philadelphia, impose the same tax rate on both residents and nonresidents, other cities—New York, Baltimore, Detroit, Flint, and Grand Rapids—impose different rates. Three of these impose only half the resident rate on nonresidents.

Just as there exists a pressing need for the establishment of an equitable system for the taxation of interstate commerce, as embodied in the legislation now before us, I firmly believe there is an urgent need to create a national standard for the levying of taxes on the incomes of out-of-State residents as compared with residents. Insofar as the taxation of residents and nonresidents within the same State is concerned, I feel this is justifiably within the sole jurisdiction of the political instruments of the State governments. I cannot subscribe, however, to the argument that to set a national standard respecting income taxes on out-of-State residents is an undue limitation on the State taxing powers.

It is my feeling that a taxpayers' re-

volt is not only confined to our discussions of Federal taxes, but to State and local taxes as well. When President Nixon said:

We shall never make taxation popular, but we can make taxation fair.

He struck a note of optimism to which the American people appeal now for action. I believe it is the responsibility of the Congress to effect a fair and equitable system of taxation at all levels of government to the extent of its jurisdiction.

I favor the Smith of Iowa amendment and urge the Judiciary Committee to give serious consideration to the issue of State and local income taxes as they affect out-of-State residents to cover the situation described by my remarks. The tax credit provisions of the amendment will not benefit New Jersey residents and the residents of other States, where State or local income taxes are not imposed, who must pay out-of-State income taxes. The resulting inequitable and discriminatory aggregate tax burdens should be remedied by appropriate legislation.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman. I thank the gentleman for yielding. I support the amendment offered by the gentleman from Iowa (Mr. SMITH) as I did last year. Last year, when we discussed this amendment on the floor of the House on May 22, I not only supported this amendment but offered a clarifying amendment to it. This year I am pleased that the gentleman's amendment includes that amendment, as I think it will strengthen the purpose of his endeavor. As the gentleman from South Carolina (Mr. RIVERS) has already pointed out, I feel that this measure is essentially a clarification of the constitutional mandate expressed in the full faith and credit clause, and I hope that the House will again vote to approve the amendment and the bill.

Mr. RODINO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to state that although I did not, in consultation with the gentleman from Iowa, accept the amendment as a committee amendment, nonetheless I supported the amendment the last time it was proposed and I support it now. I think it is a good amendment.

Mr. MACGREGOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have no objection to the amendment offered by the gentleman from Iowa (Mr. SMITH).

Mr. CEDERBERG. Mr. Speaker, I move to strike the last word.

(By unanimous consent, Mr. CEDERBERG was allowed to speak out of order.)

ANNUAL DINNER IN LONGWORTH BUILDING—ARRIVAL OF PRESIDENT

Mr. CEDERBERG. Mr. Speaker, I take this time just to make this announcement, that tonight is the night of the annual dinner for the House of Representatives in the Longworth Building. Of course all Members are invited. We hope they will be there.

The President is going to be our guest. He will be there at about 6:15. We hope as many Members as possible can be there at that time to greet the President when he arrives.

Mr. PELLY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I strongly support this amendment by the gentleman from Iowa (Mr. SMITH) because I believe it would correct a situation under which the State of Alaska recently imposed an income tax on many nonresidents who are domiciled in my State of Washington. These individuals who have no vote in Alaska, or have no benefits such as education of their children in Alaska schools are taxed because they sail on a ship that enters Alaska waters or are truck drivers and airline pilots and fishermen, who although nonresidents, must pay Alaska income taxes just because they must visit Alaska in their jobs.

Therefore, Mr. Chairman, I urge the House to support the Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer a conforming amendment.

The Clerk read as follows:

Amendment Offered by Mr. SMITH of Iowa: On page 2, strike out all of the table of contents following the item which relates to section 401, and insert the following:

"TITLE V—TAXATION OF INDIVIDUALS

"Sec. 501. Reduction of multiple taxability.

"TITLE VI—DEFINITIONS AND MISCELLANEOUS PROVISIONS

"PART A. DEFINITIONS.

"Sec. 601. Net income tax.
"Sec. 602. Capital stock tax; capital account tax.
"Sec. 603. Sales tax.
"Sec. 604. Use tax.
"Sec. 605. Gross receipts tax.
"Sec. 606. Excluded corporation.
"Sec. 607. Sale; sales price.
"Sec. 608. Interstate sale.
"Sec. 609. Origin.
"Sec. 610. Destination.
"Sec. 611. Business location.
"Sec. 612. Location of property.
"Sec. 613. Location of employee.
"Sec. 614. Household deliveries.
"Sec. 615. State.
"Sec. 616. State law.
"Sec. 617. Taxable year.
"Sec. 618. Valuation date.

"PART B. MISCELLANEOUS PROVISIONS.

"Sec. 621. Permissible franchise taxes.
"Sec. 622. Prohibition against geographical discrimination.
"Sec. 623. Applicability of Act.
"Sec. 624. Prohibition against out-of-State audit charges.
"Sec. 625. Liability with respect to unassessed taxes.
"Sec. 626. Effective dates."

On page 12, line 4, strike out "TITLE V" and insert "TITLE VI".

On page 12, line 7, strike out "SEC. 501." and insert "SEC. 601."

On page 12, line 13, strike out "SEC 502." and insert "SEC. 602."

On page 12, line 22, strike out "SEC. 503." and insert "SEC. 603."

On page 13, line 3, strike out "SEC. 504." and insert "SEC. 604."

On page 13, line 11, strike out "SEC. 505." and insert "SEC. 605."

On page 13, line 17, strike out "SEC. 506." and insert "SEC. 606."

On page 19, line 9, strike out "SEC. 507." and insert "SEC. 607."

On page 19, line 12, strike out "SEC. 508." and insert "SEC. 608."

On page 19, line 15, strike out "SEC. 509." and insert "SEC. 609."

On page 20, line 3, strike out "SEC. 510." and insert "SEC. 610."

On page 20, line 8, strike out "SEC. 511." and insert "SEC. 611."

On page 21, line 18, strike out "SEC. 512." and insert "SEC. 612."

On page 23, line 22, strike out "SEC. 513." and insert "SEC. 613."

On page 26, line 3, strike out "SEC. 514." and insert "SEC. 614."

On page 26, line 8, strike out "SEC. 515." and insert "SEC. 615."

On page 26, line 11, strike out "SEC. 516." and insert "SEC. 616."

On page 26, line 17, strike out "SEC. 517." and insert "SEC. 617."

On page 26, line 22, strike out "SEC. 518." and insert "SEC. 618."

On page 27, line 2, strike out "SEC. 521." and insert "SEC. 621."

On page 27, line 13, strike out "SEC. 522." and insert "SEC. 622."

On page 27, line 22, strike out "523" and insert "623".

On page 28, line 8, strike out "SEC. 523." and insert "SEC. 623."

On page 29, line 1, strike out "SEC. 524." and insert "SEC. 624."

On page 29, line 8, strike out "SEC. 525." and insert "SEC. 625."

On page 29, line 21, strike out "or".

On page 30, line 5, strike out the period and insert "; or".

On page 30, after line 5, insert the following new paragraph:

"(3) an income tax on the income of any individual—

"(A) which was earned or derived while the individual was not domiciled in the State, except to the extent the income was earned from sources within the State, or

"(B) which was earned or derived from sources without the State while the individual was domiciled in the State, except to the extent the tax exceeds any income tax paid on such income to the State (or political subdivisions) in which the income was earned or derived."

On page 30, line 15, strike out "SEC. 526." and insert "SEC. 626."

On page 30, line 18, strike out "525" and insert "625".

On page 31, after line 3, insert the following new subsection:

"(b) TAXATION OF INDIVIDUALS.—Title V of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act."

On page 31, line 4, strike out "(b)" and insert "(c)".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, this is a conforming amendment that fits the previous amendment into the bill and renumbers the sections and makes it coincide as to scope and effective date.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: On page 15, line 9, strike out "$1,000,000" and insert in lieu thereof "$500,000".

Mr. HUNGATE. Mr. Chairman, this amendment relates to page 15, line 9, as indicated, and makes only one change in the bill. It would change the definition of an "excluded corporation" from one with an average annual income in excess of $1 million to one with an average annual income in excess of $500,000.

So far as I can ascertain, on the latest year for which I can get figures, the Commerce Department advises me there are some 5,700 corporations with net incomes exceeding $1 million, as of 1965.

The Internal Revenue Service says that there were 5,722 corporations with a net income of $1 million or more as of 1965. The figures I received on those between $500,000 average income and $1 million income show that it would add 5,037 corporations to the total. The excluded corporations are the ones over which your States will retain the powers that they now have to raise the revenue that they so desperately need. In essence this is the only change that my amendment would make. I would suggest that those who have an income of over $500,000 average per year might be something larger than most of us would think of as small business, which is what we are particularly anxious to help. In short, this amendment would change the number of corporations from some 5,700 which would be paying taxes to your States after the enactment of this measure and double it to something over 10,000.

Mr. Chairman, I urge the adoption of my amendment.

Mr. MACGREGOR. Mr. Chairman, I rise in opposition to the amendment.

First of all, let me say the amendment is presented to us here for the first time. It was not presented during the deliberations of the Committee on the Judiciary on this matter where it could have been accorded thoughtful study.

I yield to the gentleman from Missouri if I am in error.

Mr. HUNGATE. Will the gentleman yield whether he is in error or not?

Mr. MACGREGOR. I will yield if he says that what I said is inaccurate, and then I will be pleased to yield for whatever comment he wishes to make.

Mr. HUNGATE. Let me say that the facts that I base this on are accurate. But that does not mean anything. The point I want to make is: Was not the amendment which I just offered discussed in the Committee on the Judiciary?

Mr. MACGREGOR. We discussed at some length in the special Subcommittee on Interstate Taxation what dollar amount was an appropriate limitation.

Mr. Chairman, to conclude—perhaps I should say to continue, although I will be concluding very shortly—we are considering this matter for the first time and we do not know what its effect would be. I appreciate the fact that the gentleman from Missouri may be presenting this with accurate information, but I repeat that we do not know what its effect would be. The lowering of the amount of the limitation should be given careful committee consideration.

Second, I suggest to the gentleman that inflation being what it is in the last 4 years, $500,000 a few years ago is the same as $1 million today. I appreciate that the gentleman wishes in good faith to restrict the bill to small business, but there are many small businesses doing business with an annual volume of close to $1 million.

Mr. Chairman, I ask that the amendment be defeated.

If the gentleman is sincere—and I am sure he is—he will have an opportunity to argue the case before the other body.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I merely want to reiterate what the gentleman from Minnesota (Mr. MACGREGOR) stated; namely, that this amendment was never offered.

I would point out to the Committee that one of the most outstanding tax administrators, Mr. Cox of Georgia, when discussing this matter with the committee suggested that his was a likely compromise. The $1 million figure was one which was considered at great length. We know what the effect of a $1 million exclusion would be. We certainly do not know what the effect would be if it were reduced to $500,000.

I would also state to the gentleman from Missouri that with title IV in the bill, which gives us the opportunity to oversee what is being done in these taxing jurisdictions, the committee would have an opportunity to oversee this. Should problems arise in this area then under the provisions of title IV of this bill, we would be able to make adjustments.

For that reason I believe this amendment is not timely and I urge its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HUNGATE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. TAFT

Mr. TAFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAFT: On page 30, line 21, after the word "ending", add "two years"; and on line 24, delete "first" and substitute "third"; and on page 31, line 5, delete "on" and substitute "two years after".

Mr. TAFT. Mr. Chairman and members of the Committee, I shall not take but a minute to explain this very simple amendment. I do not expect it will be adopted, but I believe it is a reasonable and a sound and a precautionary amendment, and perhaps if the amendment is not adopted here it may give warning to the Senate of some of the problems that may arise if legislation of this sort is passed.

Mr. Chairman, the only effect of the amendment would be to delay the effective date of this measure, if passed, for a period of 2 years. I should point out to the Members that many legislatures in the States have biennial sessions, and a 2-year delay in putting it into effect would give them a chance to adjust their thinking insofar as any revenue changes are concerned, as in the case of the State of Washington, or also to adjust their tax laws should there be any change in their tax laws necessary to eliminate some very, very difficult questions that I believe would arise if we simply slap on the legislation as passed on top of their present State tax structure.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I might say that this problem has been under discussion and under consideration for some 10 years now. It has become clear that there is a necessity to eliminate the chaos and confusion now, to relieve these companies which are unduly burdened by the various vexing questions relating to State taxation of interstate commerce.

Mr. Chairman, I believe that any unnecessary delay would unduly saddle them, and would be unjust and unfair.

For those reasons, I would urge the defeat of the amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I thank the gentleman for yielding.

This appears to me, I would say to the gentleman from New Jersey, to be a very reasonable amendment. If the summary in the report is wrong, and the figures of the Missouri revenue people are correct, they will lose $25 to $50 million. Does not the gentleman from New Jersey believe, if this is true, that we should give the States some opportunity to change or readjust their tax laws so that they can make up the $25 million or the $50 million loss? Because the Federal Government is not the only agency of government that is having difficulty getting enough tax revenue. The State governments have just about as severe a problem as the Federal Government has, and they are going to have to get that money some place.

Mr. RODINO. I recognize that the gentleman offers this argument in all sincerity and probably with some justification.

I might say, however, this argument was advanced some 4 years ago as well. Together with that, I might say the figures and the estimates are in dispute. Those who support this bill and the study, in my judgment, and others, have shown there would be a stimulation of commerce and that revenue would be flowing into the various States as a result of the elimination of the chaos and confusion. I think we would find the States would not be adversely affected.

In addition, we have title IV of the bill which provides a safeguard whereby the committee would be able to exercise oversight once this measure is enacted.

Mr. ICHORD. The committee makes no recommendations for what fields of taxation the States can explore in order to make up for this possible loss of revenue?

Mr. RODINO. The committee makes no recommendation as to that.

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the best arguments in opposition to the amendment offered by the gentleman from Ohio (Mr. TAFT) were uttered by the gentleman from

Ohio (Mr. TAFT) during the course of general debate. The gentleman from Ohio (Mr. TAFT) then referred to the fact that this matter has been 7 years in study in the House Committee on the Judiciary and that it would probably be 7 years in study in the other body before it was passed.

We have delayed a long, long time already in dealing with the vexatious problem that confronts countless small enterprises across this country.

I am sure that the other body is not going to act precipitously on this matter. I would hope that toward the end of next year it would act, but I really do not expect it will act before that time.

I suggest that there will be ample time for the other body to consider whether or not we should wait until after the 1970 State legislative sessions before making this law effective.

I do not believe there is a need to legislate delay in this matter. The guidelines are clear and sufficient. Further State legislation will be unnecessary.

Mr. Chairman, I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TAFT).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, pursuant to House Resolution 438, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MAY

Mrs. MAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. MAY. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. MAY moves to recommit the bill H.R. 7906 to the Committee on the Judiciary.

Mr. RODINO. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. TAFT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 87, not voting 34, as follows:

[Roll No. 93]

YEAS—311

Abbitt	Esch	Mann
Adair	Eshleman	Marsh
Addabbo	Evans, Colo.	Martin
Alexander	Fascell	Mathias
Anderson, Ill.	Feighan	Mayne
Anderson, Tenn.	Findley	Meskill
Andrews, Ala.	Fish	Michel
Andrews, N. Dak.	Fisher	Mikva
Arends	Flood	Miller, Ohio
Ashbrook	Flowers	Minish
Aspinall	Flynt	Minshall
Ayres	Ford, Gerald R.	Mizell
Baring	Ford, William D.	Monagan
Barrett	Foreman	Montgomery
Beall, Md.	Fountain	Moorhead
Belcher	Fraser	Morgan
Bell, Calif.	Frelinghuysen	Morse
Berry	Friedel	Morton
Betts	Fulton, Pa.	Mosher
Bevill	Fulton, Tenn.	Moss
Biaggi	Galifianakis	Murphy, Ill.
Bingham	Garmatz	Murphy, N.Y.
Blackburn	Gaydos	Myers
Blanton	Giaimo	Natcher
Boland	Gibbons	Nichols
Bolling	Gilbert	Nix
Bow	Goldwater	Obey
Brademas	Goodling	O'Konski
Brasco	Gray	Olsen
Bray	Green, Oreg.	O'Neal, Ga.
Brinkley	Green, Pa.	O'Neill, Mass.
Brock	Griffin	Ottinger
Brooks	Gross	Passman
Broomfield	Grover	Patten
Brown, Ohio	Gubser	Pepper
Broyhill, N.C.	Gude	Perkins
Broyhill, Va.	Hagan	Philbin
Buchanan	Haley	Pike
Burke, Fla.	Hall	Pirnie
Burke, Mass.	Halpern	Podell
Burton, Utah	Hamilton	Poff
Bush	Hammer-schmidt	Pollock
Byrne, Pa.	Hanley	Powell
Byrnes, Wis.	Harsha	Preyer, N.C.
Cabell	Harvey	Price, Ill.
Cahill	Hastings	Quie
Camp	Hathaway	Quillen
Carter	Hechler, W. Va.	Railsback
Casey	Heckler, Mass.	Reid, Ill.
Cederberg	Helstoski	Reid, N.Y.
Celler	Henderson	Reifel
Chamberlain	Hogan	Reuss
Clancy	Holifield	Rhodes
Clark	Horton	Riegle
Clay	Howard	Rivers
Cleveland	Hull	Roberts
Cohelan	Hunt	Robison
Collier	Hutchinson	Rodino
Collins	Jacobs	Rogers, Fla.
Colmer	Jarman	Rooney, N.Y.
Conable	Johnson, Pa.	Rooney, Pa.
Conte	Jonas	Rosenthal
Corbett	Jones, N.C.	Roth
Corman	Jones, Tenn.	Roudebush
Coughlin	Kastenmeier	Ruth
Cowger	Keith	Ryan
Culver	King	St Germain
Daddario	Koch	St. Onge
Daniel, Va.	Kuykendall	Sandman
Daniels, N.J.	Kyl	Satterfield
Davis, Ga.	Kyros	Saylor
Davis, Wis.	Landrum	Schadeberg
Dawson	Langen	Scherle
de la Garza	Lennon	Scheuer
Delaney	Lloyd	Schneebeli
Denney	Long, Md.	Schwengel
Dennis	Lowenstein	Scott
Dent	Lujan	Smith, Calif.
Derwinski	Lukens	Smith, Iowa
Devine	McCarthy	Smith, N.Y.
Dickinson	McClory	Snyder
Dingell	McCloskey	Stafford
Donohue	McCulloch	Stanton
Dorn	McDade	Steed
Dowdy	McDonald, Mich.	Steiger, Wis.
Downing	McEwen	Stephens
Dulski	McKneally	Stokes
Duncan	Macdonald, Mass.	Stratton
Dwyer	MacGregor	Stubblefield
Edwards, Ala.	Madden	Stuckey
Edwards, Calif.	Mailliard	Sullivan
Eilberg	Marsh	Symington
Erlenborn	Martin	Taylor
	Mathias	Teague, Calif.
	Mayne	Teague, Tex.
	Meskill	Thompson, Ga.
	Michel	Thomson, Wis.
	Mikva	Tiernan
	Miller, Ohio	Udall
	Minish	Utt
	Minshall	Vander Jagt
	Mizell	Vanik
	Monagan	Vigorito
	Montgomery	Wampler
	Moorhead	Watson
	Morgan	Watts
	Morse	Weicker
	Morton	Whalen
	Mosher	Whalley
	Moss	Whitehurst
	Murphy, Ill.	Whitten
	Murphy, N.Y.	Widnall
	Myers	Wiggins
	Natcher	Williams
	Nichols	Winn
	Nix	Wold
	Obey	Wright
	O'Konski	Wyatt
	Olsen	Wydler
	O'Neal, Ga.	Wylie
	O'Neill, Mass.	Wyman
	Ottinger	Yates
	Passman	Yatron
	Patten	Young
	Pepper	Zablocki
	Perkins	Zion
	Philbin	Zwach
	Pike	
	Pirnie	
	Podell	
	Poff	
	Pollock	
	Powell	
	Preyer, N.C.	
	Price, Ill.	
	Quie	
	Quillen	
	Railsback	
	Reid, Ill.	
	Reid, N.Y.	
	Reifel	
	Reuss	
	Rhodes	
	Riegle	
	Rivers	
	Roberts	
	Robison	
	Rodino	
	Rogers, Fla.	
	Rooney, N.Y.	
	Rooney, Pa.	
	Rosenthal	
	Roth	
	Roudebush	
	Ruth	
	Ryan	
	St Germain	
	St. Onge	
	Sandman	
	Satterfield	
	Saylor	
	Schadeberg	
	Scherle	
	Scheuer	
	Schneebeli	
	Schwengel	
	Scott	
	Smith, Calif.	
	Smith, Iowa	
	Smith, N.Y.	
	Snyder	
	Stafford	
	Stanton	
	Steed	
	Steiger, Wis.	
	Stephens	
	Stokes	
	Stratton	
	Stubblefield	
	Stuckey	
	Sullivan	
	Symington	
	Taylor	
	Teague, Calif.	
	Teague, Tex.	

NAYS—87

Abernethy	Hanna	Pickle
Adams	Hansen, Idaho	Poage
Albert	Hansen, Wash.	Price, Tex.
Anderson, Calif.	Hays	Randall
Annunzio	Hicks	Rarick
Bennett	Hosmer	Rees
Biester	Hungate	Rogers, Colo.
Boggs	Ichord	Ronan
Brotzman	Johnson, Calif.	Roybal
Brown, Calif.	Jones, Ala.	Sebelius
Brown, Mich.	Kazen	Shipley
Burleson, Tex.	Kee	Shriver
Burlison, Mo.	Kleppe	Sikes
Burton, Calif.	Landgrebe	Sisk
Caffery	Leggett	Skubitz
Chappell	Lipscomb	Slack
Clausen, Don H.	Long, La.	Springer
Clawson, Del	McClure	Staggers
Cramer	McFall	Steiger, Ariz.
Dellenback	McMillan	Taft
Eckhardt	Mahon	Talcott
Edmondson	Matsunaga	Tunney
Edwards, La.	May	Ullman
Foley	Meeds	Van Deerlin
Frey	Mink	Waggonner
Fuqua	Mize	Waldie
Gonzalez	Mollohan	White
Griffiths	Patman	Wilson, Bob
	Pelly	Wilson, Charles H.
	Pettis	

NOT VOTING—34

Ashley	Gallagher	Nedzi
Blatnik	Gettys	Nelsen
Button	Hawkins	O'Hara
Carey	Hébert	Pryor, Ark.
Chisholm	Joelson	Pucinski
Conyers	Karth	Purcell
Cunningham	Kirwan	Rostenkowski
Diggs	Kluczynski	Ruppe
Evins, Tenn.	Latta	Thompson, N.J.
Fallon	Miller, Calif.	Watkins
Farbstein	Mills	Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Latta.
Mr. Kirwan with Mr. Cunningham.
Mr. Kluczynski with Mr. Ruppe.
Mr. Miller of California with Mr. Thompson of New Jersey.
Mr. O'Hara with Mr. Nelsen.
Mr. Mills with Mr. Watkins.
Mr. Evins of Tennessee with Mr. Joelson.
Mr. Fallon with Mr. Pryor of Arkansas.
Mr. Pucinski with Mr. Nedzi.
Mr. Farbstein with Mr. Button.
Mr. Rostenkowski with Mr. Wolff.
Mr. Gallagher with Mr. Hawkins.
Mr. Casey with Mr. Conyers.
Mr. Ashley with Mr. Diggs.
Mr. Purcell with Mr. Karth.
Mr. Blatnik with Mr. Gettys.

Mr. MAHON changed his vote from "yea" to "nay."

Mr. BOLAND changed his vote from "nay" to "yea."

Mr. ABERNETHY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CONCURRING IN THE SENATE AMENDMENTS TO H.R. 4229—TO CONTINUE FOR A TEMPORARY PERIOD THE EXISTING SUSPENSION OF DUTY ON HEPTANOIC ACID

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 455) providing for concurring in the Senate amendments to H.R. 4229 (Rept. No. 91-328), which was referred to the House Calendar and ordered to be printed:

H. RES. 455

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11400, SUPPLEMENTAL APPROPRIATIONS, 1969

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers on the part of the House on the bill H.R. 11400 may have until midnight Friday, June 27, to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time in order to ask the distinguished majority leader the program for the remainder of this week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, as previously announced, we will not have any legislative business tomorrow, but we expect on Friday to consider the Senate amendment to H.R. 4229 which authorizes a 30-day withholding tax provision as a temporary measure.

Also, on Friday we may have the conference report on H.R. 11400, the second supplemental appropriations bill for fiscal year 1969, and we may also have the conference report on H.R. 8644, which relates to the freeze on aid to dependent children.

Then, on Monday, we are rescheduling the surtax bill, which is H.R. 12290, pursuant to the request of the distinguished chairman of the Committee on Ways and Means, made to the leadership today. That will be under a 4-hour closed rule.

Mr. GERALD R. FORD. That will be programed and scheduled and voted on Monday next?

Mr. ALBERT. That is what we expect.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON FRIDAY, JUNE 27

Mr. ALBERT. Mr. Speaker, for the benefit of Members many of whom have asked that this request be made, I ask unanimous consent that when the House adjourns on Thursday it adjourn to meet at 11 o'clock a.m. on Friday.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what will be the necessity, or what will be the rule providing for the supplementary surtax resolution?

Is it to be 1 hour?

Mr. ALBERT. If the gentleman will yield, it is for 1 hour, and the amendment provides for a 30-day extension.

On that, Mr. Speaker, if the gentleman will yield, I defer to the majority whip.

Mr. BOGGS. Mr. Speaker, that is correct.

Mr. GROSS. Mr. Speaker, how much time for debate will be allowed on the bill?

Mr. BOGGS. Mr. Speaker, the bill does not come up until Monday.

Mr. GROSS. Then what is programed for Friday?

Mr. BOGGS. Mr. Speaker, the rule provides for adoption of the Senate amendments, and there will be 1 hour of debate under the control of the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

Mr. GROSS. That is all?

Mr. BOGGS. That is all.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I would like to ask the majority leader, will there be any other legislative business next week?

Mr. ALBERT. Yes.

Mr. ANDREWS of Alabama. Does the gentleman have the schedule at this time?

Mr. ALBERT. I do not. There are at least two other bills that are eligible, but I would like to defer that until Friday.

Mr. ANDREWS of Alabama. But the only one the gentleman is certain of is the tax bill for Monday?

Mr. ALBERT. I am as certain as I can be, and of course there are always reservations, but we expect to consider it on Monday.

Mr. GROSS. Mr. Speaker, further reserving the right to object, what was the other bill we will be taking up on Friday?

Mr. ALBERT. As I indicated, there are two conference reports—others may be ready on Friday—but as far as I know there are two: One is the conference report on the AFDC freeze and the other is the conference report on the supplemental appropriation bill.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8644, SUSPENSION OF DUTY ON CHICORY ROOTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on H.R. 8644, to make permanent the existing temporary suspension of duty on crude chicory roots.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

JOE McCAFFREY OBSERVES 25TH YEAR OF SERVICE ON CAPITOL HILL

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, it is fitting, I think, that we take the opportunity to honor Joe McCaffrey as he observes his 25th year of service on Capitol Hill. No news correspondent in our time has shown a warmer or more sympathetic understanding of the U.S. Congress than has Mr. McCaffrey. His interpretations of legislative maneuvering are consistently to the point, clear, and accurate. They find a large and appreciative audience which has learned to rely on his observations and his conclusions. You can always find him where things are happening. He is a friend to every Member of Congress, and in turn each Member respects his judgment and his reverence for the finest traditions of reporting. He is an honor and an ornament to the news media, and especially to the television and radio programs on which he speaks so effectively and so gracefully.

Mr. Speaker, when I consider my personal relations with Joe McCaffrey, I am inclined to echo the words of admiration spoken some years ago for another newsman of unimpeachable integrity:

Some day I'll pass by the Great Gates of Gold,
And see a man pass through unquestioned and bold.
"A Saint?" I'll ask, and old Peter'll reply:
"No, he carries a pass—he's a newspaper guy."

May the Hill have many more years of Joe McCaffrey, and may all his days be days of contentment and satisfaction with a job well done. And may the Lord watch over his goings in and coming out from this day hence forth and forever more.

CRISIS OF CONFIDENCE HOLDS BACK SURTAX

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, the problem of mustering support for an extension of the surtax can be traced directly to a "crisis of confidence" about the Nixon administration's Treasury Department.

Mr. Speaker, many people in this Nation do not have confidence that Secretary of the Treasury David M. Kennedy will push for real tax reform if the surtax is extended. These people know that Secretary Kennedy is tied to the big interests in this country and they doubt that he will have the courage to buck them in a showdown fight over tax reform legislation.

So long as Secretary Kennedy maintains his massive financial ties to his former bank, the Continental Illinois National Bank of Chicago, the people and the Congress cannot have confidence that he will carry out his duties in the interests of the public. Today, he receives a $4,800 monthly pension from the Continental Illinois National Bank and has his health and life insurance paid by the bank. He has already benefited from a $1,400,000 stock option while in office and has a promise of a $200,000 payment from the bank the moment he leaves office.

In short, Mr. Kennedy is receiving much more from the bank than he is from the Federal Government for the performance of his official duties.

With this background it is difficult for the American people to have confidence in a Secretary of the Treasury who will not sever his ties to his former employer. It is difficult for the people to believe that such an official will fight for tax reform that is opposed by so many of his former associates in the banking and business world.

The Secretary's performance—and his outside financial ties—have created a severe crisis of confidence—a new credibility gap in the Federal Government.

Mr. Speaker, I supported the surtax as a necessary economic measure in the last Congress. I have announced my support of extension of the tax in this Congress, but now I am beginning to have serious doubts whether we can expect Mr. Kennedy and his cohorts at the Treasury to back tax reform once the extension is enacted.

It is unfair to saddle the people with this 10-percent surtax if there is no concrete assurance that the big boys will be forced to pay their fair share through the closing of these tax loopholes. The American people are angry over high taxes and high interest rates and they want more than tepid promises from a Secretary of the Treasury who holds such massive interests in the financial world.

Mr. Speaker, I am now convinced that this Congress should not vote an extension of the surtax—for any extended period—until the tax reform measures are reported to the floor and incorporated as a package with the surtax.

The Congress could continue the tax for 2 or 3 weeks by resolution while the administration and its illustrious Secretary of the Treasury got behind a tax reform measure. These 2 or 3 weeks will give the administration plenty of time to muster the support on the Republican side of the aisle.

Let us see if the Secretary of the Treasury is willing to tax his former allies in the banking and business community before we vote this surtax. It is a chance for the Secretary to put up or shut up on tax reform if he really wants it.

This should be a broad set of tax reforms covering every conceivable loophole. And this would mean closing the loopholes through which the commercial banking industry receives millions of dollars in subsidies. For example, the so-called bad debt reserve is a tax loophole through which the financial institutions escape nearly a billion dollars in taxes every year.

Will the Secretary have the courage to close this loophole while he receives his pension from the Continental Illinois National Bank?

The Secretary has failed miserably in preventing the banks from raising interest rates. He refused to do anything—to say anything—to stop the latest prime rate increase from 7½ to 8½ percent. His comments were almost an open invitation for the banks to raise the rates.

Last week, he was before the Banking and Currency Committee and stated that he did nothing and would do nothing to roll back these high interest rates.

Mr. Speaker, it is predictable that Secretary Kennedy's attitude on tax reform will end up like his views on high interest rates. He will not do anything meaningful in either area. He will let the public be gouged both by taxes and by high interest rates.

Mr. Speaker, it is obvious that if we want something done about tax reform and high interest rates, we are going to need a new Secretary of the Treasury—one who can put the public interest ahead of his private interests.

Earlier this year, the Joint Economic Committee, of which I am chairman, supported extension of the surtax but specifically coupled it with the call for tax reforms. This was a sound position and it is one which should be followed now.

The Joint Economic Committee deliberated this issue and took a very firm stand on the great need for tax reform. The committee called for immediate action to reform the Federal revenue structure and we also pointed out that it was "essential for many other reasons and long overdue":

> Despite pressing matters of immediate fiscal policy, we must not lose sight of the objective of revenue reform. This is an opportune time to accomplish this long-delayed job, as the public is giving strong support to this effort. Revenue reform will also eliminate some of the objections to using the tax system for short-run stabilization. It will eliminate many of the manifest inequities in the present tax structure that permit numerous individuals with high incomes to avoid paying their just share of support of Federal programs.

I would like to stress the fact that the committee argued against letting the surtax extension be an excuse for inaction on tax reform. The language is as follows:

> It is imperative that extension of the surtax and excises should not be the excuse for relaxing efforts to tighten control over expenditures, to increase economy and efficiency in Government, to eliminate obsolete or low priority items in the budget, and to drastically revise the tax system to produce a larger tax base, tax equity, and steady economic growth. In the longer run, no fiscal policy can long succeed unless these objectives are realized.

So, today, I am withholding my unqualified support of the extension of the surtax until such time as we have a tax reform bill and until Secretary Kennedy is willing to come to Capitol Hill and fight for these reforms.

TRAGIC SITUATION IN NORTHERN IRELAND

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, I rise today to direct the attention of my colleagues to the tragic situation in Northern Ireland. Today a bipartisan group of 104 Members of this body asked President Nixon by letter to express our distress over discrimination against Roman Catholics in Northern Ireland. The tragedy of a policy of discrimination is written in the histories of many nations. I believe it would be foolish for the Government of Northern Ireland to ignore the clear and persuasive lessons of history.

I should like to take this opportunity to commend the gentleman from California (Mr. BURTON), for his leadership and effort to the end that this discrimination cease.

Our letter said, in part:

> The opportunity to seek and obtain employment and housing without regard to religion, race, creed or national origin must be guaranteed, if the cause of human dignity is to be advanced by this generation, as the cause of freedom was advanced by our common forefathers.

We ask the President to convey our feelings to Prime Minister James Chichester-Clark of Northern Ireland and to Prime Minister Harold Wilson, not for our benefit but for the good of their nations and the people of Northern Ireland. The question in Northern Ireland is the issue of civil rights, but the rights sought are human rights inalienable and innate. All people who cherish liberty and justice must support and insure equal protection and equal rights under the law. The issue of civil rights is the concept of humanity for what makes us human is our concern for our fellow man and our protection of his interest as our own.

We ask the President to inform the people of Northern Ireland of our pledge of friendship and support in solving this problem, which is tearing their nation and hurting all of its citizens.

I am particularly disturbed, as are my colleagues, that intolerance and discrimination are encouraged by and rooted in the laws of Northern Ireland. We all well know that prejudice cannot be uprooted in a day, but when discrimination is founded in law, intolerance is fed and flourishes.

On Saturday, June 28, the civil rights movement of Northern Ireland will hold a mass rally and march for civil rights. The participants will march from Strabane to Derry to demonstrate their support for equal opportunity and equal protection under the laws. I would like my colleagues and the Nation to focus

their attention on this demonstration and let the people of Northern Ireland know that we support them in their attempts to peacefully change harmful practices and discriminatory laws. We hope to see responsible men on all sides remove the blinds of hate and to bind the wounds of recent conflict.

I urge President Nixon to make known to the leaders of Northern Ireland and of Great Britain our hope that the rights and safety of these marchers will be protected. The state must protect its citizens and the rights of the minority.

I am somewhat disturbed by information I have received regarding the possibility that 8,000 special police reserves will be called up. If these forces known as B-Specials are being called up merely to free the regular forces from daily duties so that the regular police will be able to protect the marchers then all is well. However, if this special constabulary is used to harass the marchers or to assist the extremist, then I am sure that only violent confrontation will result.

In the past, unfortunately, the B-Specials have failed to protect the civil rights demonstrators and have in several cases joined with those extremist who sought to do the marchers harm. During the dairy riots, the allegations of police brutality and collusion with the Ian Paisley extremist arose because of the activities of the special constabulary and not primarily of the regular police.

Because of this and similar incidences, the Catholics in Northern Ireland regard this special force as a political militia and do not expect fair treatment at their hands.

I urge the Government of Northern Ireland to protect these marchers, to insure their safety and thereby demonstrate that the police are not a political tool and that the safety of all citizens is the concern of government.

No people is free unless all are free; no man is secure unless all men are secure. I urge the President to express our concern, and I urge all my colleagues to focus attention on June 28.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, I should like to be associated with the remarks of my distinguished colleague from Massachusetts (Mr. O'NEILL) and to commend him, for he has eloquently and forthrightly expressed the concerns which prompted us to initiate this letter to President Nixon.

The right of free men to petition for redress of grievances must be the concern of all free men. The cause of human dignity transcends geographic bounds or political lines of demarkation.

Thus, we in the Congress who joined together to express our concern to President Nixon and to request of him that he relay that concern to the Governments of Great Britain and North Ireland did so to strengthen the common cause of human dignity, to urge that reason prevail over prejudice, that hate and violence bred of past differences not continue to blind men to present needs.

We will watch as free men seek to call attention to their plight by peaceful demonstration in North Ireland June 28 and it is our fervent hope that the rights of these marchers and their safety will be guaranteed.

I am inserting at this point in the RECORD, the full text of the letter of June 24 to President Nixon, together with the names of my colleagues who joined in signing it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 24, 1969.

PRESIDENT RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We the undersigned Members of Congress are greatly concerned about the present situation in Northern Ireland. The policy of the Government of Northern Ireland is one designed to discriminate against the Catholic minority in the area of jobs, housing and equal voting rights, among other things.

We are mindful that neither intolerance nor prejudice is unique to any geography or people. They exist wherever reason gives way to passion. However, we know that laws, as an expression of a Government's principles, can discourage and help eliminate the practice of discrimination. Therefore, we are even more disturbed that intolerance and discrimination are encouraged by and rooted in the laws of Northern Ireland. Any society purporting to be democratic must ensure equal protection and equal rights under the law.

The right of all citizens to vote in elections at all levels of government and the guarantee that the vote of each citizen weighs equally is essential in a free society.

The opportunity to seek and obtain employment and housing without regard to religion, race, creed or national origin must be guaranteed, if the cause of human dignity is to be advanced by this generation, as the cause of freedom was advanced by our common forefathers.

Whenever injustice exists, free men everywhere are required by conscience to speak. Thus it is, viewing the oppression of the Catholic minority in North Ireland, we request you to express, through our State Department, to Prime Minister James Chichester-Clark of North Ireland and Prime Minister Harold Wilson of Great Britain, our grave concern. We hope that you will make known this concern to the peoples and Governments of Ireland, Northern Ireland and Great Britain, and also make known our fervent hope and pledge of friendship and support in solving this problem which is the concern of every man who cherishes liberty and justice.

We hope these expressions will urge responsible men on all sides to remove the blinds of hate, to put aside the smoldering memory of past offenses and to bind the wounds of recent conflict. We hope for the sake of all the people of Northern Ireland that these changes occur soon, for no Nation can remain free when any of its people are oppressed.

As we strive to strengthen the common bond that unites all members of our society, we urge the people and Government of Northern Ireland to do the same. It is only in such a climate of shared humanity that concern for historic differences can give way to concern for the real and pressing problems of today.

Sincerely,

THOMAS P. O'NEILL, JR., PHILLIP BURTON, JOHN W. MCCORMACK, Speaker of the House; THOMAS E. MORGAN, WILLIAM S. MAILLIARD, JOHN E. MOSS, GEORGE BROWN, JR., DON EDWARDS, AUGUSTUS HAWKINS, FRANK E. EVANS, WILLIAM L. ST. ONGE, EMILIO Q. DADDARIO, DANTE B. FASCELL, PATSY MINK, ABNER J. MIKVA, WILLIAM T. MURPHY, MELVIN PRICE, DANIEL J. RONAN, JOHN BRADEMAS, EDWARD P. BOLAND, JAMES A. BURKE, HAROLD D. DONOHUE, HASTINGS KEITH, PHILIP J. PHILBIN, SAMUEL N. FRIEDEL, JOHN CONYERS, JR., CHARLES C. DIGGS, LUCIEN N. NEDZI, DONALD M. FRASER, JOSEPH E. KARTH, WILLIAM "BILL" CLAY, ARNOLD OLSEN, DOMINICK V. DANIELS, HENRY HELSTOSKI, JAMES J. HOWARD, CHARLES S. JOELSON, JOSEPH MINISH, PETER W. RODINO, JR., FRANK THOMPSON, JR., JOSEPH P. ADDABBO, MARIO BIAGGI, JONATHAN B. BINGHAM, DANIEL E. BUTTON, HUGH L. CAREY, THADDEUS J. DULSKI, LEONARD FARBSTEIN, SEYMOUR HALPERN, EDWARD I. KOCH, ALLARD K. LOWENSTEIN, RICHARD D. MCCARTHY, MARTIN B. MCKNEALLY, JOHN M. MURPHY, RICHARD L. OTTINGER, BERTRAM L. PODELL, ADAM C. POWELL, BENJAMIN S. ROSENTHAL, WILLIAM F. RYAN, JAMES H. SCHEUER, LESTER L. WOLFF, JR., THOMAS L. ASHLEY, MICHAEL A. FEIGHAN, CHARLES A. VANIK, WILLIAM A. BARRETT, JAMES A. BYRNE, JOHN H. DENT, JOSHUA EILBERG, DANIEL J. FLOOD, JOSEPH M. GAYDOS, WILLIAM J. GREEN, WILLIAM S. MOORHEAD, ROBERT NIX, FERNAND J. ST GERMAIN, ROBERT O. TIERNAN, HENRY B. GONZALEZ, ROBERT W. KASTENMEIER, HENRY S. REUSS, CLEMENT J. ZABLOCKI, R. LAWRENCE COUGHLIN, JIM WRIGHT, WILLIAM H. BATES, CORNELIUS E. GALLAGHER, JOSEPH M. MCDADE, JOSEPH P. VIGORITO, LEONOR K. SULLIVAN, FRANK J. BRASCO, JAMES R. GROVER, THOMAS J. MESKILL, GILBERT GUDE, CHARLES WILSON, TORBERT MACDONALD, MARTHA GRIFFITHS, PETER KYROS, MARGARET M. HECKLER, F. BRADFORD MORSE, ROBERT N. GIAIMO, JAMES M. HANLEY, FRANK J. HORTON, EDWARD J. PATTEN, SILVIO O. CONTE, JEFFERY COHELAN, JACOB H. GILBERT, FLORENCE P. DWYER, SHIRLEY CHISHOLM.

Members of Congress.

Mr. O'NEILL of Massachusetts. I want to thank the gentleman from California for the work he has done in regard to this matter.

SUPREME COURT DECISION ON ADAM CLAYTON POWELL, JR.

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. ROGERS of Colorado. Mr. Speaker, the Supreme Court of the United States in case No. 138, October term, 1968, handed down a decision on June 16, 1969, in the case of ADAM CLAYTON POWELL, JR., and others, petitioners, against JOHN W. MCCORMACK and others.

I believe this to be a historic decision and I ask unanimous consent that the decision be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Supreme Court decision follows:

[Supreme Court of the United States—No. 138, October term, 1968]

ADAM CLAYTON POWELL, JR., ET AL., PETITIONERS, v. JOHN W. McCORMACK ET AL.

(On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit, June 16, 1969)

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

In November 1966, Petitioner Adam Clayton Powell, Jr., was duly elected from the 18th Congressional District of New York to serve in the United States House of Representatives for the 90th Congress. However, pursuant to a House resolution, he was not permitted to take his seat. Powell (and some of the voters of his district) then filed suit in Federal District Court, claiming that the House could exclude him only if it found he failed to meet the standing requirements of age, citizenship, and residence contained in Art. I, § 2, of the Constitution—requirements the House specifically found Powell met—and thus had excluded him unconstitutionally. The District Court dismissed petitioners' complaint "for want of jurisdiction of the subject matter." The Court of Appeals affirmed the dismissal, although on somewhat different grounds, each judge filing a separate opinion. We have determined that it was error to dismiss the complaint and that Petitioner Powell is entitled to a declaratory judgment that he was unlawfully excluded from the 90th Congress.

I. FACTS

During the 89th Congress, a Special Subcommittee on Contracts of the Committee on House Administration conducted an investigation into the expenditures of the Committee on Education and Labor, of which Petitioner Adam Clayton Powell, Jr., was chairman. The Special Subcommittee issued a report concluding that Powell and certain staff employees had deceived the House authorities as to travel expenses. The report also indicated there was strong evidence that certain illegal salary payments had been made to Powell's wife at his direction. See H.R. Rep. No. 2349, 89th Cong., 2d Sess., 6–7 (1966). No formal action was taken during the 89th Congress. However, prior to the organization of the 90th Congress, the Democrat members-elect met in caucas and voted to remove Powell as chairman of the Committee on Education and Labor. See H.R. Rep. No. 27, 90th Cong., 1st Sess., 1–2 (1967).

When the 90th Congress met to organize in January 1967, Powell was asked to step aside while the oath was administered to the other members-elect. Following the administration of the oath to the remaining members, the House discussed the procedure to be followed in determining whether Powell was eligible to take his seat. After some debate, by a vote of 364 to 64 the House adopted House Resolution 1, which provided that the Speaker appoint a Select Committee to determine Powell's eligibility. 113 Cong. Rec. 16 (daily ed. Jan. 10, 1967). Although the resolution prohibited Powell from taking his seat until the House acted on the Select Committee's report, it did provide that he should receive all the pay and allowances due a member during the period.

The Select Committee, composed of nine lawyer-members, issued an invitation to Powell to testify before the Committee. The invitation letter stated that the scope of the testimony and investigation would include Powell's qualifications as to age, citizenship, and residency; his involvement in a civil suit (in which he had been held in contempt); and "[m]atters of . . . alleged official misconduct since January 3, 1961." See Hearings on H. R. Res. No. 1 before Select Committee Pursuant to H. R. Res. No. 1, 90th Cong., 1st Sess., 5 (1967) (hereinafter Hearings). Powell appeared at the Committee hearing held on February 8, 1967. After the Committee denied in part Powell's request that certain adversary-type procedures be followed,[1] Powell testified. He would, however, give information relating only to his age, citizenship, and residency; upon the advice of counsel, he refused to answer other questions.

On February 10, 1967, the Select Committee issued another invitation to Powell. In the letter, the Select Committee informed Powell that its responsibility under the House Resolution extended to determining not only whether he met the standing qualifications of Art. I, § 2, but also to "inquire into the question of whether you should be punished or expelled pursuant to the powers granted . . . the House under article I, section 5, . . . of the Constitution. In other words, the Select Committee is of the opinion that at the conclusion of the present inquiry, it has authority to report back to the House recommendations with respect to . . . seating, expulsion or other punishment." See Hearings 110. Powell did not appear at the next hearing, held February 14, 1967. However, his attorney was present, and he informed the Committee that Powell would not testify about matters other than his eligibility under the standing qualifications of Art. I, § 2. Powell's attorney reasserted Powell's contention that the standing qualifications were the exclusive requirements for membership, and he further urged that punishment or expulsion was not possible until a member had been seated. See Hearings 111–113.

The Committee held one further hearing at which neither Powell nor his attorneys were present. Then, on February 23, 1967, the Committee issued its report, finding that Powell met the standing qualifications of Art. I, § 2. H.R. Rep. No. 27, 90th Cong., 1st Sess., 31 (1967). However, the Committee further reported that Powell had asserted an unwarranted privilege and immunity from the processes of the courts of New York; that he had wrongfully diverted House funds for the use of others and himself; and that he had made false reports on expenditures of foreign currency to the Committee on House Administration. *Id.*, at 31–32. The Committee recommended that Powell be sworn and seated as a member of the 90th Congress but that he be censured by the House, fined $40,000 and be deprived of his seniority. *Id.*, at 33.

The report was presented to the House on March 1, 1967, and the House debated the Select Committee's proposed resolution. At the conclusion of the debate, by a vote of 222 to 202 the House rejected a motion to bring the resolution to a vote. An amendment to the resolution was then offered; it called for the exclusion of Powell and a declaration that his seat was vacant. The Speaker ruled that a majority vote of the House would be sufficient to pass the resolution if it were so amended. 113 Cong. Rec. 1942 (daily ed. March 1, 1967). After further debate, the amendment was adopted by a vote of 248 to 176. Then the House adopted by a vote of 307 to 116 House Resolution No. 278 in its amended form, thereby excluding Powell and directing that the Speaker notify the Governor of New York that the seat was vacant.

Powell and 13 voters of the 18th Congressional District of New York subsequently instituted this suit in the United States District Court for the District of Columbia. Five members of the House of Representatives were named as defendants individually and "as representatives of a class of citizens who are presently serving . . . as members of the House of Representatives." John W. McCormack was named in his official capacity as Speaker, and the Clerk of the House of Representatives, the Sergeant-at-Arms and the Doorkeeper were named individually and in their official capacities. The Complaint alleged that House Resolution No. 278 violated the Constitution, specifically Art. I, § 2, cl. 1, because the resolution was inconsistent with the mandate that the members of the House shall be elected by the people of each State, and Art. I, § 2, cl. 2, which, petitioners alleged, sets forth the exclusive qualifications for membership.[2] The Complaint further alleged that the Clerk of the House threatened to refuse to perform the service for Powell to which a duly-elected Congressman is entitled, that the Sergeant-at-Arms refused to pay Powell his salary, and that the Doorkeeper threatened to deny Powell admission to the House Chamber.

Petitioners asked that a three-judge court be convened.[3] Further, they requested the District Court grant a permanent injunction restraining respondents from executing the House Resolution, and enjoining the Speaker from refusing to administer the oath, the Clerk from refusing to perform the duties due a Representative, the Sergeant-at-Arms from refusing to pay Powell his salary and the Doorkeeper from refusing to admit Powell to the Chamber.[4] The complaint also requested a declaratory judgment that Powell's exclusion was unconstitutional.

The District Court granted respondents' motion to dismiss the complaint "for want of jurisdiction of the subject matter." *Powell* v. *McCormack*, 266 F. Supp. 354 (D.C.D.C. 1967).[5] The Court of Appeals for the District of Columbia Circuit affirmed on somewhat different grounds, with each judge filing a separate opinion. *Powell* v. *McCormack*, 129 U.S. App. D.C. 354, 395, F.2d 577 (C.A.D.C. Cir. 1968). We granted certiorari 393 U.S. 949 (1968). While the case was pending on our docket, the 90th Congress officially terminated and the 91st Congress was seated. In November 1968, Powell had again been elected as the representative of the 18th Congressional District of New York, and he was seated by the 91st Congress. The resolution seating Powell also fined him $25,000. See H.R. Res. No. 2, 91st Cong., 1st Sess., 115 Cong. Rec. 21 (daily ed., January 3, 1969). Respondents then filed a suggestion of mootness. We postponed further consideration of this suggestion to a hearing on the merits. 393 U.S. 1060 (1969).

Respondents press upon us a variety of arguments to support the court below; they will be considered in the following order. (1) Events occurring subsequent to the grant of certiorari have rendered this litigation moot. (2) The Speech or Debate Clause of the Constitution, Art. I, § 6, insulates respondents' action from judicial review. (3) The decision to exclude Petitioner Powell is supported by the power granted to the House of Representatives to expel a member. (4) This Court lacks subject matter jurisdiction over petitioners' action. (5) Even if subject matter jurisdiction is present, this litigation is not justifiable either under the general criteria established by this Court or because a political question is involved.

II. MOOTNESS

After certiorari was granted, respondents filed a memorandum suggesting that two events which occurred subsequent to our grant of certiorari require that the case be dismissed as moot. On January 3, 1969, the House of Representatives of the 90th Congress officially terminated, and Petitioner Powell was seated as a member of the 91st Congress. 115 Cong. Rec. 22 (daily ed., January 3, 1969). Respondents insist that the gravamen of petitioners' complaint was the failure of the 90th Congress to seat Petitioner Powell and that, since the House of Representatives is not a continuing body[6] and Powell has now been seated, his claims are moot. Petitioners counter that three issues remain unresolved and thus this litiga-

Footnotes at end of article.

tion presents a "case or controversy" within the meaning of Art. III: [7] (1) whether Powell was unconstitutionally deprived of his seniority by his exclusion from the 90th Congress; (2) whether the resolution of the 91st Congress imposing as "punishment" a $25,000 fine is a continuation of respondents' allegedly unconstitutional exclusion, see H.R. Res. No. 2, 91st Cong., 1st Sess., 115 Cong., Rec. 21 (daily ed., January 3, 1969); and (3) whether Powell is entitled to salary withheld after his exclusion from the 90th Congress. We conclude that Powell's claim for back salary remains viable even though he has been seated in the 91st Congress and thus find it unnecessary to determine whether the other issues have become moot.[8]

Simply stated, a case is moot when the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome. See E. Borchard, Declaratory Judgments 35–37 (2d ed. 1941). Where one of the several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy. See *United Public Workers* v. *Mitchell*, 330 U.S. 75, 86–94 (1947); 6A, J. Moore, Federal Practice ¶ 57.13 (2d ed. 1966). Despite Powell's obvious and continuing interest in his withheld salary, respondents insist that *Alejandrino* v. *Quezon*, 271 U.S. 528 (1926), leaves us no choice but to dismiss this litigation as moot. Alejandrino, a duly appointed Senator of the Philippine Islands, was suspended for one year by a resolution of the Philippine Senate and deprived of all "prerogatives, privileges and emoluments" for the period of his suspension. The Supreme Court of the Philippines refused to enjoin the suspension. By the time the case reached this Court, the suspension had expired and the Court dismissed as moot Alejandrino's request that the suspension be enjoined. Then, *sua sponte*,[9] the Court considered whether the possibility that Alejandrino was entitled to back salary required it "to retain the case for the purpose of determining whether he [Alejandrino] may not have a mandamus for this purpose." *Id.*, at 533. Characterizing the issue of Alejandrino's salary as a "mere incident" to claim that the suspension was improper, the Court noted that he had not briefed the salary issue and that his request for mandamus did not set out with sufficient clarity the official or set of officials against whom the mandamus should issue. *Id.*, at 533–534. The Court therefore refused to treat the salary claim and dismissed the entire action as moot.

Respondents believe that Powell's salary claim is also a "mere incident" to his insistence that he was unconstitutionally excluded so that we should likewise dismiss this entire action as moot. This argument fails to grasp that the reason for the dismissal in *Alejandrino* was not that Alejandrino's deprivation of salary was insufficiently substantial to prevent the case from becoming moot, but rather that his failure to plead sufficient facts to establish his mandamus claim made it impossible for any court to resolve the mandamus request.[10] By contrast, petitioners' complaint names the official responsible for the payment of congressional salaries and asks for both mandamus and an injunction against that official.[11]

Furthermore, even if respondents are correct that Powell's averments as to injunctive relief are not sufficiently definite, it does not follow that this litigation must be dismissed as moot. Petitioner Powell has not been paid his salary by virtue of an allegedly unconstitutional House resolution. That claim is still unresolved and hotly contested by clearly adverse parties. Declaratory relief has been requested, a form of relief not available when *Alejandrino* was decided.[12] A court may grant declaratory relief even though it chooses not to issue an injunction or mandamus. See *United Public Workers* v. *Mitchell*, supra, at 93; cf. *United States* v. *California*, 332 U.S. 19, 25–26 (1947). A declaratory judgment can then be used as a predicate to further relief, including an injunction. 28 U.S.C. § 2202 (1964 ed.); see *Vermont Structural Slate Co.* v. *Tatko Brothers Slate Co.*, 253 F. 2d 29 (C. A. 2d Cir. 1958); *United States Lines Co.* v. *Shaughnessy*, 195 F. 2d 385 (C. A. 2d Cir. 1952). *Alejandrino* stands only for the proposition that, where one claim has become moot and the pleadings are insufficient to determine whether the plaintiff is entitled to another remedy, the action should be dismissed as moot.[13] There is no suggestion that Powell's averments as to declaratory relief are insufficient and his allegedly unconstitutional deprivation of salary remains unresolved.

Respondents further argue that Powell's "wholly incidental and subordinate" demand for salary is insufficient to prevent this litigation from becoming moot. They suggest that the "primary and principal relief" sought was the seating of Petitioner Powell in the 90th Congress rendering his presumably secondary claims not worthy of judicial consideration. *Bond* v. *Floyd*, 385 U.S. 116 (1966), rejects respondents' theory that the mootness of a "primary" claim requires a conclusion that all "secondary" claims are moot. At the *Bond* oral argument it was suggested that the expiration of the session of the Georgia Legislature which excluded Bond had rendered the case moot. We replied: "The State has not pressed this argument, and it could not do so, because the State has stipulated that if Bond succeeds on his appeal he will receive back salary for the term from which he was excluded." 385 U.S., at 128, n. 4. *Bond* is not controlling, argue respondents, because the legislative term from which Bond was excluded did not end until December 31, 1966,[14] and our decision was rendered December 5; further, when *Bond* was decided, Bond had not as yet been seated while Powell has been.[15] Respondents do not tell us, however, why these factual distinctions create a legally significant difference between *Bond* and this case. We relied in *Bond* on the outstanding salary claim not the facts respondents stress to hold that the case was not moot.

Finally, respondents seem to argue that Powell's proper action to recover salary is a suit in the Court of Claims, so that, having brought the wrong action, a dismissal for mootness is appropriate. The short answer to this argument is that it confuses mootness with whether Powell has established a right to recover against the Sergeant-at-Arms, a question which is inappropriate to treat at this stage of the litigation.[16]

III. SPEECH OR DEBATE CLAUSE

Respondents assert that the Speech or Debate Clause of the Constitution, Art. I, § 6,[17] is an absolute bar to petitioner's action. This Court has on four prior occasions—*Dombrowski* v. *Eastland*, 387 U.S. 82 (1967); *United States* v. *Johnson*, 383 U.S. 169 (1966); *Tenney* v. *Brandhove*, 341 U.S. 367 (1951); and *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880)—been called upon to determine if allegedly unconstitutional action taken by legislators or legislative employees is insulated from judicial review by the Speech or Debate Clause. Both parties insist that their respective positions find support in these cases and tender for decision three distinct issues: (1) whether respondents in participating in the exclusion of Petitioner Powell were "acting in the sphere of legitimate legislative activity," *Tenney* v. *Brandhove*, *supra*, at 376; (2) assuming that respondents were so acting, does the fact that petitioners seek neither damages from any of the respondents nor a criminal prosecution lift the bar of the clause; [18] and (3) even if this action may not be maintained against a Congressman, may those respondents who are merely employees of the House plead the bar of the clause. We find it necessary to treat only the last of these issues.

The Speech of Debate Clause, adopted by the Constitutional Convention without debate or opposition,[19] finds its roots in the conflict between Parliament and the Crown culminating in the Glorious Revolution of 1688 and the English Bill of Rights of 1689.[20] Drawing upon this history, we concluded in *United States* v. *Johnson*, *supra*, at 181, that the purpose of this clause was "to prevent intimidation [of legislators] by the executive and accountability before a possibly hostile judiciary." Although the clause sprung from a fear of seditious libel actions instituted by Crown to punish unfavorable speeches made in Parliament,[21] we have held that it would be a "narrow view" to confine the protection of the Speech or Debate Clause to words spoken in debate. Committee reports, resolutions, and the act of voting are equally covered, as are "things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson*, *supra*, at 204. Furthermore, the clause provides not only a defense on the merits but also protects a legislator from the burden of defending himself. *Dombrowski* v. *Eastland*, *supra*, at 85; see *Tenney* v. *Brandhove*, *supra*, at 377.

Our cases make it clear that the legislative immunity created by the Speech or Debate Clause performs an important function in representative government. It insures that legislators are free to represent the interests of their constituents without fear that they will be later called to task in the courts for that representation. Thus, in *Tenney* v. *Brandhove*, *supra*, at 373, the Court quoted the writings of James Wilson as illuminating the reason for legislative immunity: "In order to enable and encourage a representative of the publick to discharge his publick trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of the liberty may occasion offense." [22]

Legislative immunity does not, of course, bar all judicial review of legislative acts. That issue was settled by implication as early as 1803, see *Marbury* v. *Madison*, 1 Cranch 137, and expressly in *Kilbourn* v. *Thompson*, the first of this Court's cases interpreting the reach of the Speech or Debate Clause. Challenged in *Kilbourn* was the constitutionality of a House resolution ordering the arrest and imprisonment of a recalcitrant witness who had refused to respond to a subpoena issued by a House investigating committee. While holding that the Speech or Debate Clause barred Kilbourn's action for false imprisonment brought against several members of the House, the Court nevertheless reached the merits of Kilbourn's attack and decided that, since the House had no power to punish for contempt, Kilbourn's imprisonment pursuant to the resolution was unconstitutional. It therefore allowed Kilbourn to bring his false imprisonment action against Thompson, the House's Sergeant-at-Arms, who had executed the warrant for Kilbourn's arrest.

The Court first articulated in *Kilbourn* and followed in *Dombrowski* v. *Eastland* [23] the doctrine that, although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employees who participated in the unconstitutional activity are responsible for their acts. Despite the fact that petitioners brought this suit against several House employees—the Sergeant-at-Arms, the Doorkeeper and the Clerk—as well as several Congressmen, respondents argue that *Kilbourn* and *Dombrowski* are distinguishable. Conceding that in *Kilbourn* the presence of the Sergeant-at-Arms and in *Dombrowski* the presence of a congressional subcommittee counsel as defendants in the

Footnotes at end of article.

litigation allowed judicial review of the challenged congressional action, respondents urge that both cases concerned an affirmative act performed by the employee outside the House having a direct effect upon a private citizen. Here, they continue, the relief sought relates to actions taken by House agents solely within the House. Alternatively, respondents insist that Kilbourn and Dombrowski prayed for damages while Petitioner Powell asks that the Sergeant-at-Arms disburse funds, an assertedly greater interference with the legislative process. We reject the proffered distinctions.

That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision. *Kilbourn* decisively settles this question, since the Sergeant-at-Arms was held liable for false imprisonment even though he did nothing more than execute the House resolution that Kilbourn be arrested and imprisoned.[24] Respondents' suggestions thus ask us to distinguish between affirmative acts of House employees and situations in which the House orders its employees not to act or between actions for damages and claims for salary. We can find no basis in either the history of the Speech or Debate Clause or our cases for either distinction. The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. A legislator is no more or no less hindered or distracted by litigation against a legislative employee calling into question the employee's affirmative action than he would be by a lawsuit questioning the employee's failure to act. Nor is the distraction or hinderance increased because the claim is for salary rather than damages, or because the litigation questions action taken by the employee within rather than without the House. Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves.[25] In *Kilbourn* and *Dombrowski* we thus dismissed the action against members of Congress but did not regard the Speech or Debate Clause as a bar to reviewing the merits of the challenged congressional action since congressional employees were also sued. Similarly, this action may be dismissed against the Congressmen since petitioners are entitled to maintain their action against House employees and to judicial review of the propriety of the decision to exclude Petitioner Powell.[26] As was said in *Kilbourn*, in language which time has not dimmed:

"Especially is it competent and proper for this court to consider whether its [the legislature's] proceedings are in conformity with the Constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine in cases regularly brought before them, whether the powers of any branch of the government, and even those of the legislature in the enactment of laws, have been exercised in conformity to the Constitution; and if they have not, to treat, their acts as null and void." 103 U.S., at 199.

IV. EXCLUSION OR EXPULSION

The resolution excluding Petitioner Powell was adopted by a vote in excess of two-thirds of the 434 Members of Congress—307 to 116. 113 Cong. Res. 1956–1957 (daily ed. March 1, 1967). Article I, § 5, grants the House authority to expel a member "with the Concurrence of two thirds."[27] Respondents assert that the House may expel a member for any reason whatsoever and that, since a two-thirds vote was obtained, the procedure by which Powell was denied his seat in the 90th Congress should be regarded as an expulsion not an exclusion. Cautioning us not to exalt form over substance, respondents quote from the concurring opinion of Judge McGowan in the court below:

"Appellant Powell's cause of action for a judicially compelled seating thus boils down, in my view, to the narrow issue of whether a member found by his colleagues . . . to have engaged in official misconduct must, because of the accidents of timing, be formally admitted before he can be either investigated or expelled. The sponsor of the motion to exclude stated on the floor that he was proceeding on the theory that the power to expel included the power to exclude, provided a ⅔ vote was forthcoming. It was. Therefore, success for Mr. Powell on the merits would mean that the District Court must admonish the House that it is form, not substance, that should govern in great affairs, and accordingly command the House members to act out a charade." 129 U.S. App. D.C., at 383–384, 395 F. 2d, at 606–607.

Although respondents repeatedly urge this Court not to speculate as to the reasons for Powell's exclusion, their attempt to equate exclusion with expulsion would require a similar speculation that the House would have voted to expel Powell had it been faced with that question. Powell had not been seated at the time House Resolution 278 was debated and passed. After a motion to bring the Select Committee's proposed resolution to an immediate vote had been defeated, an amendemnt was offered which mandated Powell's exclusion.[28] Mr. Celler, Chairman of the Select Committee, then posed a parliamentary inquiry to determine whether a two-thirds vote was necessary to pass the resolution if so amended "in the sense that it might amount to an expulsion." 113 Cong. Rec. 1942 (daily ed., March 1, 1967). The Speaker replied that "action by a majority vote would be in accordance with the rules." *Ibid.* Had the amendment been regarded as an attempt to expel Powell, a two-thirds vote would have been constitutionally required. The Speaker ruled that the House was voting to exclude Powell, and we will not speculate what the result might have been if Powell had been seated and expulsion proceedings subsequently instituted.

Nor is the distinction between exclusion and expulsion merely one of form. The misconduct for which Powell was charged occurred prior to the convening of the 90th Congress. On several occasions the House has debated whether a member can be expelled for actions taken during a prior Congress and the House's own manual of procedure applicable in the 90th Congress states that "both Houses have distrusted their power to punish in such cases." Rules of the House of Representatives, H. R. Doc. No. 529, 89th Cong., 2d Sess., 25 (1967); see G. Galloway, History of the House of Representatives 32 (1961). The House rules manual reflects positions taken by prior Congresses. For example, the report of the Select Committee appointed to consider the expulsion of John W. Langley states unequivocally that the House will not expel a member for misconduct committed during an earlier Congress.

"[I]t must be said that with practical uniformity the precedents in such cases are to the effect that the House will not expel a Member for reprehensible action prior to his election as a Member, not even for conviction for an offense. On May 23, 1884, Speaker Carlisle decided that the House had no right to punish a Member for any offense alleged to have been committed previous to the time when he was elected a Member, and added, 'That has been so frequently decided in the House that it is no longer a matter of dispute.'" H. R. Rep. No. 30, 69th Cong., 1st Sess., 1–2 (1925).[29]

Members of the House having expressed a belief that such strictures apply to its own power to expel, we will not assume that two-thirds of its members would have expelled Powell for his prior conduct had the Speaker announced that House Resolution 278 was for expulsion rather than exclusion.[30]

Finally, the proceedings which culminated in Powell's exclusion cast considerable doubt upon respondent's assumption that the two-thirds vote necessary to expel would have been mustered. These proceedings have been succinctly described by Congressman Eckhardt.

"The House voted 202 votes for the previous question[31] leading toward the adoption of the [Select] Committee report. It voted 222 votes against the previous question, opening the floor for the Curtis Amendment which ultimately excluded Powell.

"Upon adoption of the Curtis Amendment, the vote again fell short of two-thirds, being 248 yeas to 176 nays. Only on the final vote, adopting the Resolution as amended, was more than a two-thirds vote obtained, the vote being 307 yeas to 116 nays. On this last vote, as a practical matter, members who would not have denied Powell a seat if they were given the choice to punish him had to cast an aye vote or else record themselves as opposed to the only punishment that was likely to come before the House. Had the matter come up through the processes of expulsion, it appears that the two-thirds vote would have failed, and then members would have been able to apply a lesser penalty."[32]

We need express no opinion as to the accuracy of Congressman Eckhardt's prediction that expulsion proceedings would have produced a different result. However, the House's own views of the extent of its power to expel combined with the Congressman's analysis counsel that exclusion and expulsion are not fungible proceedings. The Speaker ruled that House Resolution 278 contemplated an exclusion proceeding. We must decline respondents' suggestion that we overrule the Speaker and hold that, although the House manifested an intent to exclude Powell, its action should be tested by whatever standards may govern an expulsion.

V. SUBJECT MATTER JURISDICTION

As we pointed out in *Baker* v. *Carr*, 369 U.S. 186, 198 (1962), there is a significant difference between determining whether a federal court has "jurisdiction over the subject matter" and determining whether a cause over which a court has subject matter jurisdiction is "justiciable." The District Court determined that "to decide this case on the merits . . . would constitute a clear violation of the doctrine of separation of powers" and then dismissed the complaint "for want of jurisdiction of the subject matter." *Powell* v. *McCormack*, 266 F. Supp. 354, 359, 360 (D. C. D. C. 1967). However, as the Court of Appeals correctly recognized, the doctrine of separation of powers is more properly considered in determining whether the case is "justiciable." We agree with the unanimous conclusion of the Court of Appeals that the District Court has jurisdiction over the subject matter of this case.[33] However, for reasons set forth in Part VI, *infra*, we disagree with the Court of Appeals' conclusion that this case is not justiciable.

In *Baker* v. *Carr*, *supra*, we noted that a federal district court lacks jurisdiction over the subject matter (1) if the cause does not "arise under" the Federal Constitution, laws or treaties (or fall within one of the other enumerated categories of Article III); or (2) if it is not a "case or controversy" within the meaning of that phrase in Article III; or (3) if the cause is not one described by any jurisdictional statute. And, as in *Baker* v. *Carr*, *supra*, our determination (see Part VI, § B (1) *infra*) that this cause presents

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no nonjusticiable "political question" disposes of respondents' contentions [34] that this cause is not a "case or controversy." [35]

Respondents first contend that this is not a case "arising under" the Constitution within the meaning of Article III. They emphasize that Art. I, § 5, assigns to each house of Congress the power to judge the elections and qualifications of its own members and to punish its members for disorderly behavior. Respondents also note that under Art. I, § 3, the Senate has the "sole power" to try all impeachments. Respondents argue that these delegations (to "judge," to "punish," and to "try") to the Legislative Branch are explicit grants of "judicial power" to the Congress and constitute specific exceptions to the general mandate of Article III that the "judicial power" shall be vested in the federal courts. Thus, respondents maintain, the "power conferred on the courts by article III does not authorize this Court to do anything more than declare its lack of jurisdiction to proceed." [36]

We reject this contention. Article III, § 1, provides the "judicial Power . . . shall be vested in one Supreme Court, and in such inferior Courts as the Congress may . . . establish." Further, § 2 mandates that the "judicial Power shall extend to all Cases . . . arising under this Constitution. . . ." It has long been held that a suit "arises under" the Constitution if petitioners' claims "will be sustained if the Constitution . . . [is] given one construction and will be defeated if it [is] given another." [37] *Bell* v. *Hood*, 327 U.S. 678, 685 (1946). See *King County* v. *Seattle School District No. 1*, 263 U.S. 361, 363–364 (1923). Cf. *Osborn* v. *Bank of the United States*, 22 U.S. (9 Wheat.). 738 (1824). See generally, C. Wright, Federal Courts 48–52 (1963). Thus, this case clearly is one "arising under" the Constitution as the Court has interpreted that phrase. Any bar to federal courts reviewing the judgments made by the House or Senate in excluding a member arises from the allocation of powers between the two branches of the Federal Government (a question of justiciability), and not from the petitioners' failure to state a claim based on federal law.

Respondents next contend that the Court of Appeals erred in ruling that petitioners' suit is "authorized by a jurisdictional statute," *i.e.*, 28 U.S.C. §1331(a) (1964 ed.). Section 1331 (a) provides that district courts shall have jurisdiction in "all civil actions wherein the matter in controversy . . . arises under the Constitution . . . ." Respondents urge that even though a case may "arise under the Constitution" for purposes of Article III, it does not necessarily "arise under the Constitution" for purposes of § 1331 (a). Although they recognize there is little legislative history concerning the enactment of § 1331 (a), respondents argue that the history of the period when the section was first enacted indicates that the drafters did not intend to include suits questioning the exclusion of Congressmen in this grant of "federal question" jurisdiction.

Respondents claim that the passage of the Force Act [38] in 1870 lends support to their interpretation of the intended scope of § 1331. The Force Act gives the district courts jurisdiction over "any civil action to recover possession of any office . . . wherein it appears the sole question . . . arises out of the denial of the right to vote . . . on account of race, color, or previous condition of servitude." However, the Act specifically excludes suits concerning the office of Congressman. Respondents maintain that this exclusion demonstrates Congress' intention to prohibit federal courts from entertaining suits regarding the seating of Congressmen.

We have noted that the grant of jurisdiction in § 1331(a), while made in the language used in Article III, is not in all respects coextensive with the potential for federal jurisdiction found in Article III. See *Zwickler* v. *Koota*, 389 U.S. 241, 246, n. 8 (1967). Nevertheless, it has generally been recognized that the intent of the drafters was to provide a broad jurisdictional grant to the federal courts. See, *e.g.*, P. Mishkin, The Federal "Question" in the District Courts, 53 Col. L. Rev. 157, 160 (1953); J. Chadbourn and A. Levin, Original Jurisdiction of Federal Questions, 90 U. Pa. L. Rev. 639, 644–645 (1942). And, as noted above, the resolution of this case depends directly on construction of the Constitution. The Court has consistently held such suits are authorized by the statute. *Bell* v. *Hood*, *supra*; *King County* v. *Seattle School District No. 1*, *supra*. See, *e.g.*, *Gully* v. *First Nat'l Bank in Meridian*, 299 U.S. 109, 112 (1936); *The Fair* v. *Kohler Die & Specialty Co.*, 288 U.S. 22, 25 (1913).

As respondents recognize, there is nothing in the wording or legislative history of § 1331 or in the decisions of this Court which would indicate that there is any basis for the interpretation they would give that section. Nor do we think the passage of the Force Act indicates that § 1331 does not confer jurisdiction in this case. The Force Act is limited to election challenges where a denial of the right to vote in violation of the Fifteenth Amendment is alleged. See 28 U.S.C. § 1344 (1964 ed.). Further, the Act was passed five years before the original version of § 1331 was enacted. While it might be inferred that Congress intended to give each House the exclusive power to decide congressional election challenges,[39] there is absolutely no indication that the passage of this Act evidences an intention to impose other restrictions on the broad grant of jurisdiction in § 1331.

VI. JUSTICIABILITY

Having concluded that the Court of Appeals correctly ruled that the District Court had jurisdiction over the subject matter, we turn to the question whether the case is justiciable. Two determinations must be made in this regard. First, we must decide whether the claim presented and the relief sought are of the type which admit of judicial resolution. Second, we must determine whether the structure of the Federal Government renders the issue presented a "political question"—that is, a question which is not justiciable in federal court because of the separation of powers provided by the Constitution.

A. General considerations

In deciding generally whether a claim is justiciable, a court must determine whether "the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded." *Baker* v. *Carr*, *supra*, at 198. Respondents do not seriously contend that the duty asserted and its alleged breach cannot be judicially determined. If petitioners are correct, the House had a duty to seat Powell once it determined he met the standing requirements set forth in the Constitution. It is undisputed that he met those requirements and that he was nevertheless excluded.

Respondents do maintain, however, that this case not justiciable because, they assert, it is impossible for a federal court to "mold effective relief for resolving this case." Respondents emphasize that petitioners asked for coercive relief against the officers of the House, and, they contend, federal courts cannot issue mandamus or injunctions compelling officers or employes of the House to perform specific official acts. Respondents rely primarily on the Speech or Debate Clause to support this contention.

We need express no opinion about the appropriateness of coercive relief in this case, for petitioners sought a declaratory judgment, a form of relief the District Court could have issued. The Declaratory Judgment Act, 28 U. S. C. § 2201 (1964 ed.), provides that a district court may "declare the rights . . . of any interested party . . . whether or not further relief is or could be sought." The availability of declaratory relief depends on whether there is a live dispute between the parties, *Golden* v. *Zwickler*, 394 U. S. 103 (1969), and a request for a declaratory relief may be considered independently of whether other forms of relief are appropriate. See *United Public Workers* v. *Mitchell*, 330 U. S. 75, 93 (1947); 6A J. Moore, Federal Practice ¶ 57.08(3) (2d ed., 1966); cf. *United States* v. *California*, 332 U. S. 19, 25–26 (1947). We thus conclude that in terms of the general criteria of justiciability, this case is justiciable.

B. Political question doctrine

Textually Demonstrable Constitutional Commitment

Respondents maintain that even if this case is otherwise justiciable, it presents only a political question. It is well-established that the federal courts will not adjudicate political questions. See, *e.g.*, *Coleman* v. *Miller*, 307 U. S. 433 (1939); *Oetjen* v. *Central Leather Co.*, 246 U. S. 297 (1918). In *Baker* v. *Carr*, *supra*, we noted that political questions are not justiciable primarily because of the separation of powers within the Federal Government. After reviewing our decisions in this area, we concluded that on the surface of any case held to involve a political question was a least one of the following formulations:

"A textually demonstrable constitutional commitment of the issue to a co-ordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determinaton of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question." *Id.*, at 217.

Respondents' first contention is that this case presents a political question because under Art. I, § 5, there has been a "textually demonstrable constitutional commitment" to the House of the "adjudicatory power" to determine Powell's qualifications. Thus it is argued that the House, and the House alone, has power to determine who is qualified to be a member.[40]

In order to determine whether there has been a textual commitment to a co-ordinate department of the Government, we must interpret the Constitution. In other words, we must first determine what power the Constitution confers upon the House through Art. I, § 5, before we can determine to what extent, if any, the exercise of that power is subject to judicial review. Respondents maintain that the House has broad power under § 5, and, they argue, the House may determine which are the qualifications necessary for membership. On the other hand, petitioners allege that the Constitution provides that an elected representative may be denied his seat only if the House finds he does not meet one of the standing qualifications expressly prescribed by the Constitution.

If examination of § 5 disclosed that the Constitution gives the House judicially unreviewable power to set qualifications for membership and to judge whether prospective members meet those qualifications, further review of the House determination might well be barred by the political question doctrine. On the other hand, if the Constitution gives the House power to judge only whether elected members possess the three standing qualifications set forth in the Constitution,[41] further consideration would be necessary to determine whether

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any of the other formulations of the political question doctrine are "inextricable from the case at bar." [42] *Baker* v. *Carr*, *supra*, at 217.

In other words, whether there is a "textually demonstrable constitutional commitment of the issue to a coordinate political department of government" and what is the scope of such commitment are questions we must resolve for the first time in this case.[43] For, as we pointed out in *Baker* v. *Carr*, *supra*, "[d]eciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation and is the responsibility of this Court as ultimate interpreter of the Constitution." *Id.*, at 211.

In order to determine the scope of any "textual commitment" under Art. I, § 5, we necessarily must determine the meaning of the phrase to "judge the qualifications of its members." Petitioners argue that the records of the debates during the Constitutional Convention, available commentary from the post-Convention, pre-ratification period, and early congressional applications of Art. I, § 5, support their construction of the section. Respondents insist, however, that a careful examination of the pre-Convention practices of the English Parliament and American colonial assemblies demonstrates that by 1787, a legislature's power to judge the qualifications of its members was generally understood to encompass exclusion or expulsion on the ground that an individual's character or past conduct rendered him unfit to serve. When the Constitution and the debates over its adoption are thus viewed in historical perspective, argue respondents, it becomes clear that the "qualifications" expressly set forth in the Constitution were not meant to limit the long recognized legislative power to exclude or expel at will, but merely to establish "standing incapacities," which could be altered only by a constitutional amendment. Our examination of the relevant historical materials leads us to the conclusion that petitioners are correct and that the Constitution leaves the House [44] without authority to exclude any person, duly elected by his constituents, who meets all the requirements for membership expressly prescribed in the Constitution.

a. The Pre-Convention Precedents: Since our rejection of respondents' interpretation of § 5 results in significant measure from a disagreement with their historical analysis, we must consider the relevant historical antecedents in considerable detail. As do respondents, we begin with the English and colonial precedents.

The earliest English exclusion precedent appears to be a declaration by the House of Commons in 1553 "that Alex. Nowell, being Prebendary [*i.e.*, a clergyman] in Westminster, and thereby having voice in the Convocation House, cannot be a member of this House . . . ." J. Tanner, Tudor Constitutional Documents: 1485–1603, at 596 (2d ed. 1930). This decision, however, was consistent with a long-established tradition that clergy who participated in their own representative assemblies or convocations were ineligible for membership in the House of Commons.[45] See 1 E. Porritt, The Unreformed House of Commons 125 (1963); Taswell-Langmead's English Constitutional History 142–143 (11th ed. T. Plucknett 1960). The traditional ineligibility of clergymen was recognized as a standing incapacity.[46] See 1 Blackstone's Commentaries *175. Nowell's exclusion, therefore, is irrelevant to the present case, for petitioners concede—and we agree—that if Powell had not met one of the standing qualifications set forth in the Constitution, he could have been excluded under Art. I, § 5. The earliest colonial exclusions also fail to support respondents' theory.[47]

Respondents' remaining 16th and 17th century English precedents all are cases of expulsion, although some were for misdeeds not encompassed within recognized standing incapacities existing either at the time of the expulsions or at the time the Constitution was drafted in 1787.[48] Although these early expulsion orders occasionally contained statements suggesting that the individual expelled was thereafter ineligible for re-election, at least for the duration of the Parliament from which he was expelled,[49] there is no indication that any were re-elected and thereafter excluded. Respondents' colonial precedents during this period follow a similar pattern.[50]

Apparently the re-election of an expelled member first occurred in 1712. The House of Commons had expelled Robert Walpole for receiving kickbacks for contracts relating to "foraging the Troops," 17 H. C. Jour. 28, and committed him to the Tower. Nevertheless, two months later he was re-elected. The House thereupon resolved "[t]hat Robert Walpole, Esquire, having been, this Session of Parliament, committed a Prisoner to the *Tower* of *London*, and expelled [from] this House, . . . is incapable of being elected a Member to serve *in this present Parliament* . . ." *Id.*, at 128. (Emphasis added in part.) A new election was ordered, and Walpole was not re-elected. At least two similar exclusions after an initial expulsion were effected in the American colonies during the first half of the 18th century.[51]

Respondents urge that the Walpole case provides strong support for their conclusion that the pre-Convention English and colonial practice was that members-elect could be excluded for their prior misdeeds at the sole discretion of the legislative body to which they had been elected. However, this conclusion overlooks an important limiting characteristic of the Walpole case and of both the colonial exclusion cases on which respondents rely: the excluded member had been previously expelled. Moreover, Walpole was excluded only for the remainder of the Parliament from which he had been expelled. "The theory seems to have been that expulsion lasted as long as the parliament . . ." Taswell-Langmead's, *supra* at 584, n. 99. Accord, 1 Blackstone's Commentaries *176. Thus, Walpole's exclusion justifies only the proposition that an expulsion lasted for the remainder of the particular Parliament, and the expelled member was therefore subject to subsequent exclusion if reelected prior to the next general election. The two colonial cases arguably support a somewhat broader principle, *i.e.*, that the assembly could permanently expel. Apparently the colonies did not consistently adhere to the theory that an expulsion lasted only until the election of a new asesmbly. M. Clarke, Parliamentary Privilege in the American Colonies 196–202 (1943).[52] Clearly, however, none of these cases supports respondents' contention that by the 18th century the English Parliament and colonial assemblies had assumed absolute discretion to exclude any member-elect they deemed unfit to serve. Rather, they seem to demonstrate that a member could be excluded only if he had first been expelled.

Even if these cases could be construed to support respondents' contention, their precedential value was nullified prior to the Constitutional Convention. By 1782, after a long struggle, the arbitrary exercise of the power to exclude was unequivocally repudiated by a House of Commons resolution which ended the most notorious English election dispute of the 18th century—the John Wilkes case. While serving as a member of Parliament in 1763, Wilkes published an attack on a recent peace treaty with France, calling it a product of bribery and condemning the Crown's ministers as " 'the tools of despotism and corruption.' " R. Postgate, That Devil Wilkes 53 (1929). Wilkes and others who were involved with the publication in which the attack appeared were arrested.[53] Prior to Wilkes' trial, the House of Commons expelled him for publishing "a false, scandalous, and seditious libel." 15 Parl. Hist. Eng. 1393 (1764). Wilkes then fled to France and was subsequently sentenced to exile. 9 L. Gipson, The British Empire Before the American Revolution 37 (1956).

Wilkes returned to England in 1768, the same year in which the Parliament from which he had been expelled was dissolved. He was elected to the next Parliament, and he then surrendered himself to the Court of King's Bench. Wilkes was convicted of seditious libel and sentenced to 22 months' imprisonment. The new Parliament declared him ineligible for membership and ordered that he be "expelled this House." 16 Parl. Hist. Eng. 545 (1769). Although Wilkes was re-elected to fill the vacant seat three times, each time the same Parliament declared him ineligible and refused to seat him. See 11 L. Gipson, *Supra*, at 207–215.[54]

Wilkes was released from prison in 1770 and was again elected to Parliament in 1774. For the next several years, he unsuccessfully campaigned to have the resolutions expelling him and declaring him incapable of reelection expunged from the record. Finally, in 1782, the House of Commons voted to expunge them, resolving that the prior House actions were "subversive of the Rights of the Whole Body of Electors of this Kingdom." 22 Parl. Hist. Eng. 1411 (1782).

With the successful resolution of Wilkes' long and bitter struggle for the right of the British electorate to be represented by men of their own choice, it is evident that, on the eve of the Constitutional Convention, English precedent stood for the proposition that "the law of the land had regulated the qualifications of members to serve in parliament" and those qualifications were "not occasional but fixed." 16 Parl. Hist. Eng. 589, 590 (1769). Certainly English practice did not support, nor had it ever supported, respondents' assertion that the power to judge qualifications was generally understood to encompass the right to exclude members-elect for general misconduct not within standing qualifications. With the repudiation in 1782 of the only two precedents for excluding a member-elect who had been previously expelled,[55] it appears that the House of Commons also repudiated any "control over the eligibility of candidates, except in the administration of the laws which define their [standing] qualifications." May's Parliamentary Practice 66 (13th ed. Webster 1924). See Taswell-Langmead's supra, at 585.[56]

The resolution of the Wilkes case similarly undermined the precedential value of the earlier colonial exclusions, for the principles upon which they had been based were repudiated by the very body the colonial assemblies sought to imitate and whose precedents they generally followed. See M. Clarke, *supra*, at 54, 59–60, 196. Thus, in 1784 the Council of Censors of the Pennsylvania Assembly [57] denounced the prior expulsion of an unnamed assemblyman, ruling that his expulsion had not been effected in conformity with the recently enacted Pennsylvania Constitution.[58] In the course of its report, the Council denounced by name the Parliamentary exclusions of both Walpole and Wilkes, stating that they "reflected dishonor on none but the authors of these violences." Pennsylvania Convention Proceedings: 1776–1790, at 89 (1825).

Wilkes' struggle and his ultimate victory had a significant impact in the American colonies. His advocacy of libertarian causes [59] and his pursuit of the right to be seated in Parliament became a *cause celebre* for the colonists. "[T]he cry of 'Wilkies and Liberty' echoed loudly across the Atlantic Ocean as wide publicity was given to every step of Wilke's public career in the colonial press. . . . The reaction in America took on sig-

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nificant proportions. Colonials tended to identify their cause with that of Wilkes. They saw him as a popular hero and a martyr to the struggle for liberty. . . . They named towns, counties, and even children in his honour." 11 L. Gipson, *supra*, at 222.[60] It is within this historical context that we must examine the Convention debates in 1787, just five years after Wilkes' final victory.

b. Convention Debates: Relying heavily on Professor Charles Warren's analysis [61] of the Convention debates, petitioners argue that the proceedings manifest the Framers' unequivocal intention to deny either branch of Congress the authority to add to or otherwise vary the membership qualifications expressly set forth in the Constitution. We do not completely agree, for the debates are subject to other interpretations. However, we have concluded that the records of the debates, viewed in the context of the bitter struggle for the right to freely choose representatives which had recently concluded in England and in light of the distinction the Framers made between the power to expel and the power to exclude, indicate that petitioners' ultimate conclusion is correct.

The Convention opened in late May 1787. By the end of July, the delegates adopted, with a minimum of debate, age requirements for membership in both the Senate and the House. The Convention then appointed a Committee of Detail to draft a constitution incorporating these and other resolutions adopted during the preceding months. Two days after the Committee was appointed, George Mason, of Virginia, moved that the Committee consider a clause " 'requiring certain qualifications of landed property & citizenship' " and disqualifying from membership in Congress persons who had unsettled accounts or who were indebted to the United States. 2 The Records of the Federal Convention of 1787, at 121 (M. Farrand rev. ed. 1966) (hereinafter cited as Farrand). A vigorous debate ensued. Charles Pinckney and General Charles C. Pinckney, both of South Carolina, moved to extend these incapacities to both the judicial and executive branches of the new government. But John Dickinson, of Delaware, opposed the inclusion of any statement of qualifications in the Constitution. He argued that it would be "impossible to make a complete one, and a partial one would by implication tie up the hands of the Legislature from supplying the omissions." *Id.*, at 123.[62] Dickinson's argument was rejected; and, after eliminating the disqualification of debtors and the limitation to "landed" property, the Convention adopted Mason's proposal to instruct the Committee of Detail to draft a property qualification. *Id.*, at 116–117.

The Committee reported in early August, proposing no change in the age requirement; however, it did recommend adding citizenship and residency requirements for membership. After first debating what the precise requirements should be, on August 8, 1787, the delegates unanimously adopted the three qualifications embodied in Art I, § 2. *Id.*, at 213.[63]

On August 10, the Convention considered the Committee of Detail's proposal that the "Legislature of the United States shall have the authority to establish such uniform qualifications of the members of each House, with regard to property, as to the said Legislature shall seem expedient." *Id.*, at 179. The debate on this proposal discloses much about the views of the Framers on the issue of qualifications. For example, James Madison urged its rejection, stating that the proposal would vest "an improper & dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution. A Republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected, as the number authorized to elect. . . . It was a power also, which might be made subservient to the views of one faction agst. another. Qualifications founded on artificial distinctions may be devised, by the stronger in order to keep out partisans of a [weaker] faction." *Id.*, at 249–250.[64]

Significantly, Madison's argument was not aimed at the imposition of a property qualification as such, but rather at the delegation to the Congress of the discretionary power to establish any qualifications. The parallel between Madison's arguments and those made in Wilkes' behalf is striking.[65]

In view of what followed Madison's speech, it appears that on this critical day the Framers were facing and then rejecting the possibility that the legislature would have power to usurp the "indisputable right of the people to return whom they thought proper" [66] to the legislature. Oliver Ellsworth, of Connecticut, noted that a legislative power to establish property qualifications was exceptional and "dangerous because it would be much more liable to abuse." *Id.*, at 250. Gouverneur Morris then moved to strike "with regard to property" from the Committee's proposal. His intention was "to leave the Legislature entirely at large." *Ibid.* Hugh Williamson, of North Carolina, expressed concern that if a majority of the legislature should happen to be "composed of any particular description of men, of lawyers for example, . . . the future elections might be secured to their own body." *Ibid.*[67] Mr. Madison then referred to the British Parliament's assumption of the power to regulate the qualifications of both electors and the elected and noted that "the abuse they had made of it was a lesson worthy of our attention. They had made the changes in both cases subservient to their own views or to the views of political or Religious parties." *Ibid.*[68] Shortly thereafter, the Convention rejected both Gouveneur Morris' motion and the Committee's proposal. Later the same day, the Convention adopted without debate the provision authorizing each House "to be the judge of the . . . qualifications of its own members." *Id.*, at 254.

One other decision made the same day is very important to determining the meaning of Art. I, § 5. When the delegates reached the Committee of Detail's proposal to empower each House to expel its members, Madison "observed that the right of expulsion . . . was too important to be exercised by a bare majority of a quorum: and in emergencies one faction might be dangerously abused." *Id.*, at 254. He therefore moved that "with the concurrence of two-thirds" be inserted. With the exception of one State, whose delegation was divided, the motion was unanimously approved without debate, although Gouverneur Morris noted his opposition. The importance of this decision cannot be over-emphasized. None of the parties to this suit disputes that prior to 1787 the legislative powers to judge qualifications and to expel were exercised by a majority vote. Indeed, without exception, the English and colonial antecedents to Art. I, § 5, cl. 1 and 2, support this conclusion. Thus, the Convention's decision to increase the vote required to expel, because that power was "too important to be exercised by a bare majority," while at the same time not similarly restricting the power to judge qualifications, is compelling evidence that they considered the latter already limited by the standing qualifications previously adopted.[69]

Respondents urge, however, that these events must be considered in light of what they regard as a very significant change made in Art. I, § 2, cl. 2, by the Committee of Style. When the Committee of Detail reported the provision to the Convention, it read:

"Every member of the House of Representatives shall be of the age of twenty-five years; shall have been a citizen of [in] the United States for at least three years before his election; and shall be, at the time of his election, a resident of the State in which he shall be chosen." *Id.*, at 178.

However, as finally drafted by the Committee of Style, these qualifications were stated in their present negative form. Respondents note that there are no records of the "deliberations" of the Committee of Style. Nevertheless, they speculate that this particular change was designed to make the provision correspond to the form used by Blackstone in listing the "standing incapacities" for membership in the House of Commons. See 1 Blackstone's Commentaries *175–176. Blackstone, who was an apologist for the anti-Wilkes forces in Parliament,[70] had added to his Commentaries after Wilkes' exclusion the assertion that individuals who were not ineligible for the Commons under the standing incapacities could still be denied their seat if the Commons deemed them unfit for other reasons.[71] Since Blackstone's Commentaries were widely circulated in the Colonies, respondents further speculate that the Committee of Style rephrased the qualifications provision in the negative to clarify the delegates' intention "only to prescribe the standing incapacities without imposing any other limit on the historic power of each house to judge qualifications on a case by case basis." [72]

Respondents' argument is inherently weak, however, because it assumes that legislative bodies historically possessed the power to judge qualifications on a case-by-case basis. As noted above, the basis for that conclusion was the Walpole and Wilkes cases, which by the time of the Convention, had been denounced by the House of Commons and repudiated by at least one State government. Moreover, respondents' argument misrepresents the function of the Committee of Style. It was appointed only "to revise the style of and arrange the articles which had been agreed to . . ." 2 Farrand 553. "The Committee . . . had no authority from the Convention to make alterations of substance in the Constitutions voted by the Convention, nor did it purport to do so; and certainly the Convention had no belief . . . that any important change was, in fact, made in the provisions as to qualifications adopted by it on August 10." [73]

Petitioners also argue that the post-Convention debates over the Constitution's ratification support their interpretation of § 5. For example, they emphasize Hamilton's reply to the antifederalist charge that the new Constitution favored the wealthy and well-born:

"The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the national government. Its authority would be expressly restricted to the regulation of the *times*, the *places*, the *manner* of elections. *The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.*" The Federalist 371 (Mentor ed.). (Emphasis added in part.)

Madison had expressed similar views in an earlier essay,[74] and his arguments at the Convention leave no doubt about his agreement with Hamilton on this issue.

Respondents counter that Hamilton was actually addressing himself to criticism of Art. I, § 4, which authorizes Congress to regulate the times, places, and manner of electing members of Congress. They note that prominent antifederalists had argued that

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this power could be used to "confer on the rich and *well-born* all honours." Brutus No. IV, N.Y. Journal, Nov. 29, 1787, p. 7. (Emphasis in original.) Respondents' contention, however, ignores Hamilton's express reliance on the immutability of the qualifications set forth in the Constitution.[75]

The debates at the state conventions also demonstrate the Framers' understanding that the qualifications for members of Congress had been fixed in the Constitution. Before the New York convention, for example, Hamilton emphasized: "[T]he true principle of a republic is, that the people should choose whom they please to govern them. Representation is imperfect in proportion as the current of popular favor is checked. This great source of free government, popular election, should be perfectly pure, and the most unbounded liberty allowed." 2 Debates on the Federal Constitution 257 (J. Elliot ed. 1876) (hereinafter cited as Elliot's Debates).[76] In Virginia, where the Federalists faced powerful opposition by advocates of popular democracy, Wilson Carey Nicholas, a future member of both the House and Senate and later Governor of the State, met the arguments that the new Constitution violated democratic principles with the following interpretation of Art. I, § 2, cl. 2: "[A]s it respects the qualifications of the elected. It has ever been considered a great security to liberty, that very few should be excluded from the right of being chosen to the legislature. This Constitution has amply attended this idea. We find no qualifications required except those of age and residence which create a certainty of their judgment being matured, and of being attached to their state." 3 Elliot's Debates 8.

c. Post-Ratification: As clear as these statements appear, respondents dismiss them as "general statements . . . directed to other issues."[77] They suggest that far more relevant is Congress' own understanding of its power to judge qualifications as manifested in post-ratification exclusion cases. Unquestionably, both the House and Senate have excluded members-elect for reasons other than their failure to meet the Constitution's standing qualifications. For almost the first 100 years of its existence, however, Congress strictly limited its power to judge the qualifications of its members to those enumerated in the Constitution.

Congress was first confronted with the issue in 1807,[78] when the eligibility of William McCreery was challenged because he did not meet additional residency requirements imposed by the State of Maryland. In recommending that he be seated, the House Election Committee reasoned:

"The Committee proceeded to examine the Constitution with relation to the case submitted to them, and find that qualifications of members are therein determined, without reserving any authority to the State Legislatures to change, add to, or diminish those qualifications; and that, by that instrument, Congress is constituted the sole judge of the qualifications prescribed by it, and are obliged to decide agreeably to the Constitutional rules. . . ." 17 Annals of Cong. 871 (1807).

Lest there be any misunderstanding of the basis for the committee's recommendation, during the ensuing debate the chairman explained the principles by which the committee was governed:

"The Committee of Elections considered the qualifications of members to have been unalterably determined by the Federal Convention, unless changed by an authority equal to that which framed the Constitution at first; that neither the State nor the Federal Legislatures are vested with authority to add to those qualifications, so as to change them. . . . Congress, by the Federal Constitution, are not authorized to prescribe the qualifications of their own members, but they are authorized to judge of their qualifications; in doing so, however, they must be governed by the rules prescribed by the Federal Constitution, and by them only. These are the principles on which the Election Committee have made up their report and upon which their resolution is founded." *Id.*, at 872.

The chairman emphasized that the committee's narrow construction of the power of the House to judge qualifications was compelled by the "fundamental principle in a free government," *id.*, at 873, that restrictions upon the people to choose their own representatives must be limited to those "absolutely necessary for the safety of the society." *Id.*, at 874. At the conclusion of a lengthy debate, which tended to center on the more narrow issue of the power of the States to add to the standing qualifications set forth in the Constitution, the House agreed by a vote of 89 to 18 to seat Congressman McCreery. *Id.*, at 1237. See 1 A. Hinds, Precedents of the House of Representatives § 414 (1907) (hereinafter cited as Hinds).

There was no significant challenge to these principles for the next several decades.[79] They came under heavy attack, however, "during the stress of civil war [but initially] the House of Representatives declined to exercise the power [to exclude], even under circumstances of great provocation."[80] Rules of the House of Representatives, H.R. Doc. No. 529, 89th Cong., 2d Sess., § 12, at 7 (1967). The abandonment of such restraint, however, was among the casualties of the general upheaval produced in war's wake. In 1868, the House voted for the first time in its history to exclude a member-elect. It refused to seat two duly elected representatives for giving aid and comfort to the Confederacy. See 1 Hinds §§ 449–451.[81] "This change was produced by the North's bitter enmity toward those who failed to support the Union cause during the war, and was effected by the Radical Republican domination of Congress. It was a shift brought by the naked urgency of power and was given little doctrinal support." Comment, Legislative Exclusion: Julian Bond and Adam Clayton Powell, 35 U. Chi. L. Rev. 151, 157 (1967).[82] From that time until the present, congressional practice has been erratic;[83] and on the few occasions when a member-elect was excluded although he met all the qualifications set forth in the Constitution, there were frequently vigorous dissents.[84] Even the annotations to the official manual of procedure for the 90th Congress manifests doubt as to the House's power to exclude a member-elect who has met the constitutionally prescribed qualifications. See Rules of the House of Representatives, H.R. Doc No. 529, 89th Cong., 2d Sess., § 12, at 7–8 (1967).

Had these congressional exclusion precedents been more consistent, their precedential value still would be quite limited. See Note, the Power of a House of Congress to Judge the Qualifications of its Members, 81 Harv. L. Rev. 673, 679 (1968).[85] That an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date. Particularly in view of the Congress' own doubts in those few cases where it did exclude members-elect, we are not inclined to give its precedents controlling weight. The relevancy of prior exclusion cases is limited largely to the insight they afford in correctly ascertaining the draftsmen's intent. Obviously, therefore, the precedential value of these cases tends to increase in proportion to their proximity to the Convention in 1787. See *Myers* v. *United States*, 272 U.S. 52, 175 (1926). And, what evidence we have of Congress' early understanding confirms our conclusion that the House is without power to exclude any member-elect who meets the Constitution's requirements for membership.

d. Conclusion: Had the intent of the Framers emerged from these materials with less clarity, we would nevertheless have been compelled to resolve any ambiguity in favor of a narrow construction of the scope of Congress' power to exclude members-elect. A fundamental principle of our representative democracy is, in Hamilton's words, "that the people should choose whom they please to govern them." 2 Elliot's Debates 257. As Madison pointed out at the Convention, this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself. In apparent agreement with this basic philosophy, the Convention adopted his suggestion limiting the power to expel. To allow essentially that same power to be exercised under the guise of judging qualifications, would be to ignore Madison's warning, borne out in the Wilkes case and some of Congress' own post-Civil War exclusion cases, against "vesting an improper & dangerous power in the Legislature." 2 Farrand 249. Moreover, it would effectively nullify the Convention's decision to require a two-third vote for expulsion. Unquestionably, Congress has an interest in preserving its institutional integrity, but in most cases that interest can be sufficiently safeguarded by the exercise of its power to punish its members for disorderly behavior and, in extreme cases, to expel a member with the concurrence of two-thirds. In short, both the intention of the Framers, to the extent it can be determined, and an examination of the basic principles of our democratic system persuade us that the Constitution does not vest in the Congress a discretionary power to deny membership by a majority vote.

For these reasons, we have concluded that Art. I, § 5, is at most a "textually demonstrable commitment" to Congress to judge only the qualifications expressly set forth in the Constitution. Therefore, the "textual commitment" formulation of the political question doctrine does not bar federal courts from adjudicating petitioners' claims.

2. Other considerations

Respondents' alternate contention is that the case presents a political question because judicial resolution of petitioners' claim would produce a "potentially embarrassing confrontation between coordinate branches" of the Federal Government. But, as our interpretation of Art. I, § 5, discloses, a determination of Petitioner Powell's right to sit woud require no more than an interpretation of the Constitution. Such a determination falls within the traditional role accorded courts to interpret the law, and does not involve a "lack of respect due [a] coordinate branch of government," nor does it involve an "initial policy determination of a kind clearly for nonjudicial discretion." *Baker* v. *Carr*, *supra*, at 217. Our system of government requires that federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict[86] that such an adjudication may cause cannot justify the courts' avoiding their constitutional responsibility. See *United States* v. *Brown*, 381 U.S. 437, 462 (1965); *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U.S. 579, 613–614 (1952) (Frankfurter, J., concurring); *Myers* v. *United States*, 272 U.S. 52, 293 (1926) (Brandeis, J., dissenting).

Nor are any of the other formulations of a political question "inextricable from the case at bar." *Baker* v. *Carr*, *supra*, at 217. Petitioners seek a determination that the House was without power to exclude Powell from the 90th Congress, which, we have seen, requires an interpretation of the Constitution—a determination for which clearly there are "judicially manageable standards." Finally, a judicial resolution of petitioners' claim will not result in "multifarious pronouncements by various departments on one question." For, as we noted in *Baker* v. *Carr*,

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supra, at 211, it is the responsibility of this Court to act as the ultimate interpreter of the Constitution. *Marbury* v. *Madison*, 1 Cranch 137 (1803). Thus, we conclude that petitioners' claim is not barred by the political question doctrine, and having determined that the claim is otherwise generally justiciable, we hold that the case is justiciable.

VII. CONCLUSION

To summarize, we have determined the following: (1) This case has not been mooted by Powell's seating in the 91st Congress. (2) Although this action should be dismissed against respondent Congressmen, it may be sustained against their agents. (3) The 90th Congress' denial of membership to Powell cannot be treated as an expulsion. (4) We have jurisdiction over the subject matter of this controversy. (5) The case is justiciable.

Further, analysis of the "textual commitment" under Art. I, § 5 (see Part VI, Section B(1)), has demonstrated that in judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution. Respondents concede that Powell met these. Thus, there is no need to remand this case to determine whether he was entitled to be seated in the 90th Congress. Therefore, we hold that, since Adam Clayton Powell, Jr., was duly elected by the voters of the 18th Congressional District of New York and was not ineligible to serve under any provision of the Constitution, the House was without power to exclude him from its membership.

Petitioners seek additional forms of equitable relief, including mandamus for the release of Petitioner Powell's back pay. The propriety of such remedies, however, is more appropriately considered in the first instance by the courts below. Therefore, as to Respondents McCormack, Albert, Ford, Celler, and Moore, the judgment of the Court of Appeals for the District of Columbia Circuit is affirmed. As to Respondents Jennings, Johnson, and Miller, the judgment of the Court of Appeals for the District of Columbia Circuit is reversed and the case is remanded to the United States District Court for the District of Columbia with instructions to enter a declaratory judgment and for further proceedings consistent with this opinion.

It is so ordered.

FOOTNOTES

[1] Powell requested that he be given (1) notice of the charges pending against him, including a bill of particulars as to any accuser; (2) the opportunity to confront any accuser, to attend all committee sessions where evidence was given, and the right to cross-examine all witnesses; (3) public hearings; (4) the right to have the Select Committee issue its process to summon witnesses for his defense; (5) and a transcript of every hearing. Hearings on H.R. Res. No. 1 before Select Committee Pursuant to H.R. Res. No. 1, 90th Cong., 1st Sess., 54 (1967).

The Select Committee noted that it had given Powell notice of the matters it would inquire into, that Powell had the right to attend all hearings (which would be public) with his counsel, and that the Committee would call witnesses upon Powell's written request and supply a transcript of the hearings. *Id.*, at 59.

[2] The complaint also attacked the House Resolution as a bill of attainder, and *ex post facto* law and as cruel and unusual punishment. Further, petitioners charged that the hearing procedures adopted by the Select Committee violated the Due Process Clause of the Fifth Amendment.

[3] The District Court refused to convene a three-judge court and the Court of Appeals affirmed. Petitioners did not press this issue in their petition for writ of certiorari, apparently recognizing the Validity of the Court of Appeals' ruling. See *Stamler* v. *Willis*, 393 U.S. 217 (1969).

[4] Petitioners also requested that a writ of mandamus issue ordering that the named officials perform the same acts.

[5] The District Court entered its order April 7, 1967, and a notice of appeal was filed the same day. On April 11, 1967, Powell was reelected to the House of Representatives in a special election called to fill his seat. The formal certification of election was received by the House on May 1, 1967, but Powell did not again present himself to the House or ask to be given the oath of office.

[6] Respondents' authority for this assertion is a footnote contained in *Gojack* v. *United States*, 384 U.S. 702, 707, n. 4. (1966): "Neither the House of Representatives nor its committees are continuing bodies."

[7] The rule that this Court lacks jurisdiction to consider the merits of a moot case is a branch of the constitutional command that the judicial power extends only to cases or controversies. See *Sibron* v. *New York*, 392 U.S. 40, 57 (1968); R. Robertson & F. Kirkham, Jurisdiction of the Supreme Court of the United States §§ 270–271 (R. Wolfson & P. Kurland ed., 1951); S. Diamond, Federal Jurisdiction To Decide Moot Cases, 94 U. Pa. L. Rev. 125 (1946); Note, Cases Moot on Appeal: A Limit on the Judicial Power, 103 U. Pa. L. Rev. 772 (1955).

[8] Petitioners do not press their claim that respondent McCormack should be required to administer the oath to Powell, apparently conceding that the seating of Powell has rendered this specific claim moot. Where several forms of relief are requested and one of these requests subsequently becomes moot, the Court has still considered the remaining requests. See *Standard Fashion Co.* v. *Magrane-Houston Co.*, 258 U.S. 346, 353 (1922). Respondents also argue that the seating of Petitioner Powell has mooted the claims of Powell's constituents. Since this case will be remanded, that issue as well as petitioners' other claims can be disposed of by the court below.

[9] Alejandrino's brief did not consider either the possibility that his request for injunctive relief had become moot or whether his salary claim required that the Court treat the propriety of his suspension. No brief was filed on behalf of respondents.

[10] After discussing the insufficiency of Alejandrino's averments as to the officer responsible for his salary, the Court stated: "Were that set out, the remedy of the Senator would seem to be by mandamus to compel such official in the discharge of his ministerial duty to pay him the salary due. . . ." 271 U.S., at 534. That the insufficiency of Alejandrino's averments was the reason for dismissal is further substantiated by a later passage: "As we are not able to derive from the petition sufficient information upon which properly to afford such a remedy [mandamus], we must treat the whole case as moot and act accordingly." *Id.*, at 535.

[11] Paragraph 18b of petitioners' complaint avers that "Leake W. Johnson, as Sergeant-at-Arms of the House" is responsible for and refuses to pay Powell's salary and prays for an injunction restraining the Sergeant-at-Arms from implementing the House resolution depriving Powell of his salary as well as mandamus to order that the salary be paid.

[12] Federal courts were first empowered to grant declaratory judgments in 1934, see 48 Stat. 955, 10 years after Alejandrino filed his complaint.

[13] It was expressly stated in *Alejandrino* that a properly pleaded mandamus action could be brought, 271 U.S., at 535, impliedly holding that Alejandrino's salary claim had not been mooted by the expiration of his suspension.

[14] Respondents do not supply any substantiation for their assertion that the term of the Georgia Legislature did not expire until December 31. Presumably, they base their statements upon Ga. Code Ann. §§ 2–1601, 2–1603 (Supp. 1968).

[15] Respondents also suggest that *Bond* is not applicable because the parties in *Bond* had stipulated that Bond would be entitled to back salary if his constitutional challenges were accepted, while there is no stipulation in this case. However, if the claim in *Bond* was moot, a stipulation by the parties could not confer jurisdiction. See, *e.g.*, *California* v. *San Pablo and Tulare Railroad Co.*, 149 U.S. 308, 314 (1893).

[16] Since the court below disposed of this case on grounds of justiciability, it did not pass upon whether Powell had brought an appropriate action to recover his salary. Where a court of appeals has misconceived the applicable law and therefore failed to pass upon a question, our general practice has been to remand the case to that court for consideration of the remaining issues. See, *e.g.*, *Utah Pie Co.* v. *Continental Baking Co.*, 386 U.S. 685, 704 (1967); *Bank of America National Trust & Savings Assn.* v. *Parnell*, 352 U.S. 29, 34 (1956). We believe that such action is appropriate for resolution of whether Powell in this litigation is entitled to mandamus against the Sergeant-at-Arms for salary withheld pursuant to the House resolution.

[17] Article I, § 6, provides: "for any Speech or Debate in either House, they [Senators and Representatives] shall not be questioned in any other place."

[18] Petitioners ask the Court to draw a distinction between declaratory relief sought against members of Congress and either an action for damages or a criminal prosecution, emphasizing that our four previous cases concerned "criminal or civil sanctions of a deterrent nature." Brief for Petitioners, at 171.

[19] See 5 Debates on the Federal Constitution 406 (J. Elliot ed. 1876); 2 Records of the Federal Convention 246 (Farrand rev. ed. 1966) (hereinafter cited as Farrand).

[20] The English Bill of Rights contained a provision substantially identical to Art. I, § 6: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 W. & M., Sess. 2, c. 2. The English and American colonial history is traced in some detail in A. Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk U. L. Rev. 1, 3–16 (1968), and L. Yankwich, The Immunity of Congressional Speech—Its Origin, Meaning and Scope, 99 U. Pa. L. Rev. 960, 961–966 (1951).

[21] *United States* v. *Johnson*, 383 U.S. 169, 182–183 (1966).

[22] 1 The Works of James Wilson 421 (McCloskey ed. 1967).

[23] In *Dombrowski* $500,000 in damages was sought against a Senator and the chief counsel of a Senate Subcommittee chaired by that Senator. Record, pp. 10–11. We affirmed the grant of summary judgment as to the Senator but reversed as to subcommittee counsel.

[24] The Court in *Kilbourn* quoted extensively from *Stockdale* v. *Hansard*, 9 AD. & E. 1, 114, 112, Eng. Rep. 1112, 1156 (Q.B. 1839), to refute the assertion that House agents were immune because they were executing orders of the House: "[I]f the Speaker, by authority of the House, order an illegal Act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles's warrant for levying ship-money could justify his revenue officer." Kilbourn eventually recovered $20,000 against Thompson. See *Kilbourn* v. *Thompson*, 11 D.C. (MacArth. & M.) 401, 432 (Sup. Ct. 1883).

[25] A Congressman is not by virtue of the Speech or Debate Clause absolved of the responsibility of filing a motion to dismiss and the trial court must still determine the applicability of the clause to plaintiff's ac-

tion. See *Tenney* v. *Brandhove*, 341 U.S. 367, 377 (1951).

[26] Given our disposition of this issue, we need not decide whether under the Speech or Debate Clause petitioners would be entitled to maintain this action solely against members of Congress where no agents participated in the challenged action and no other remedy was available. Cf. *Kilbourn* v. *Thompson*, 103 U.S. 168, 204–205 (1880).

[27] Powell was "excluded" from the 90th Congress, *i.e.*, he was not administered the oath of office and was prevented from taking his seat. If he had been allowed to take the oath and subsequently had been required to surrender his seat, the House's action would have constituted an "expulsion." Since we conclude that Powell was excluded from the 90th Congress, we express no view on what limitations may exist on Congress' power to expel or otherwise punish a member once he has been seated.

[28] House Resolution 278, as amended and adopted, provided "That said Adam Clayton Powell . . . be and the same hereby is *excluded* from membership in the 90th Congress . . . ." 113 Cong. Rec. 1942 (daily ed. March 1, 1967) (Emphasis added)

[29] Other Congresses have expressed an identical view. The Report of the Judiciary Committee concerning the proposed expulsion of William S. King and John G. Shumaker informed the House:

"Your committee are of the opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is a purely legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes 'each house to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.' This power is evidently given to enable each house to exercise its constitutional function of legislation unobstructed. It cannot vest in Congress jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone." H.R. Rep. No. 815, 44th Cong., 1st Sess., 2 (1976).

See also 15 Cong. Rec. 4434 (1884) (ruling of the Speaker); H.R. Rep. No. 81, 42d Cong., 3d Sess., 8 (1873) (expulsion of James Brooks and Oakes Ames); H.R. Rep. No. 179, 35th Cong., 1st Sess., 4–5 (1858) (expulsion of Orsamus B. Matteson).

[30] We express no view as to whether such a ruling would have been proper. A further distinction between expulsion and exclusion inheres in the fact that a member whose expulsion is contemplated may as a matter of right address the House and participate fully in debate while a member-elect apparently does not have a similar right. In prior cases the member whose expulsion was under debate has been allowed to make a long and often impassioned defense. See Cong. Globe, 42d Cong., 3d Sess., 1723 (1873) (expulsion of Oakes Ames); Cong. Globe, 41st Cong., 2d Sess., 1524–1525, 1544 (1870) (expulsion of B. F. Whittemore); Cong. Globe, 34th Cong., 3d Sess., 925–926 (1857) (expulsion of William A. Gilbert); Cong. Globe, 34th Cong., 3d Sess., 947–951 (1857) (expulsion of William W. Welch); 9 Annals of Cong. 2966 (1799) (expulsion of Matthew Lyon). On at least one occasion the member has been allowed to cross-examine other members during the expulsion debate. 2 A. Hinds, Precedents of the House of Representatives § 1643 (1907).

[31] A motion for the previous question is a debate-limiting device which, when carried, has the effect of terminating debate and of forcing a vote on the subject at hand. See Rules of the House of Representatives, H.R. Doc. No. 529, 89th Cong., 2d Sess., §§ 804–809 (1967); Cannon's Procedure in the House of Representatives, H. R. Doc. No. 610, 87th Cong., 2d Sess., 277–281 (1963).

[32] R. Eckhardt, The Adam Clayton Powell Case, 45 Tex. L. Rev. 1205, 1209 (1967). The views of Congressman Eckhardt were echoed during the exclusion proceedings. Congressman Cleveland stated that, although he voted in favor of and supported the Select Committee's recommendation, if the exclusion amendment received a favorable vote on the motion for the previous question, then he would support the amendment "on final passage." CONGRESSIONAL RECORD, vol. 113, pt. 4, p. 5031. Congressman Gubser was even more explicit:

"I shall vote against the previous question on the Curtis amendment simply because I believe future and perfecting amendments should be allowed. But if the previous question is ordered, then I will be placed on the horns of an impossible dilemma.

"Mr. Speaker, I want to expel Adam Clayton Powell, by seating him first, but that will not be my choice when the Curtis amendment is before us. I will be forced to vote for exclusion, about which I have great constitutional doubts, or to vote for no punishment at all. Given this raw and isolated issue, the only alternative I can follow is to vote for the Curtis amendment. I shall do so, Mr. Speaker, with great reservation." *Id.*, at 5031.

[33] Although each judge wrote a separate opinion, all were clear in stating that the District Court possessed subject matter jurisdiction. *Powell* v. *McCormack*, 129 U.S. App. D.C. 354, 368, 384, 385; 395 F. 2d 577, 591, 607, 608 (C. A. D. C. Cir 1968).

[34] We have determined that the case is not moot. See Part II, *supra*.

[35] Indeed, the thrust of respondents' argument on this jurisdictional issue is similar to their contentions that this case presents a nonjusticiable "political question." They urge that it would have been "unthinkable" to the Framers of the Constitution for courts to review the decision of a legislature to exclude a member. However, we have previously determined that a claim alleging that a legislature has abridged an individual's constitutional rights by refusing to seat an elected representative constitutes a "case or controversy" over which federal courts have jurisdiction. See *Bond* v. *Floyd*, 385 U.S. 116, 131 (1966). To the extent the expectations of the Framers are discernible and relevant to this case, they must therefore relate to the special problem of review by *federal* courts of actions of the *federal* legislature. This is of course a problem of separation of powers and is to be considered in determining justiciability. See *Baker* v. *Carr*, 369 U.S. 186, 210 (1962).

[36] Brief for Respondents, at 39.

[37] Petitioners' complaint is predicated, *inter alia*, on several sections of Article I, Article III, and several amendments to the Constitution. Respondents do not challenge the substantiality of these claims.

[38] Act of May 31, 1870, c. 114, 16 Stat. 146. The statute is now 28 U.S.C. § 1344 (1964 ed.).

[39] See Cong. Globe, 41st Cong., 2d Sess., 3872 (1870).

[40] Respondents rely on *Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597 (1929). *Barry* involved the power of the Senate to issue an arrest warrant to summon a witness to give testimony concerning a senatorial election. The Court ruled that issuance of the warrant was constitutional, relying on the power of the Senate under Art. I, § 5, to be the judge of the elections of its members. Respondents particularly rely on language the Court used in discussing the power conferred by Art. I, § 5. The Court noted that under § 5 the Senate could "render a judgment which is beyond the authority of any other tribunal to review." *Id.*, at 613.

Barry provides no support for respondents' argument that this case is not justiciable, however. First, in *Barry* the Court reached the merits of the controversy, thus indicating that actions allegedly taken pursuant to Art. I, § 5, are not automatically immune from judicial review. Second, the quoted statement is dictum; and, later in the same opinion, the Court noted that the Senate may exercise its power subject "to the restraints imposed by or found in the implications of the Constitution." *Id.*, at 614. Third, of course, the statement in *Barry* leaves open the particular question that must first be resolved in this case: the existence and scope of the textual commitment to the House to judge the qualifications of members.

[41] In addition to the three qualifications set forth in Art. I, § 2, Art. I, § 3, cl. 7, authorizes the disqualification of any person convicted in an impeachment proceeding from "any Office of honor, Trust or Profit under the United States"; Art. I, § 6, cl. 2, provides that "no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office"; and § 3 of the 14th Amendment disqualifies any person "who, having previously taken an oath . . . to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." It has been argued that each of these provisions, as well as the Guaranty Clause of Article IV and the oath requirement of Art. VI, cl. 3, is no less a "qualification" within the meaning of Art. I, § 5, than those set forth in Art. I, § 2. A Dionisopoulos, A Commentary on the Constitutional Issues in the Powell and Related Cases, 17 J. Pub. L. 103, 111–115 (1968). We need not reach this question, however, since both sides agree that Powell was not ineligible under any of these provisions.

[42] Consistent with this interpretation, federal courts might still be barred by the political question doctrine from reviewing the House's factual determination that a member did not meet one of the standing qualifications. This is an issue not presented in this case and we express no view as to its resolution.

[43] Indeed, the force of respondents' other arguments that this case presents a political question depends in great measure on the resolution of the textual commitment question. See Part VI, Section B(2), *infra*.

[44] Since Art. I, § 5, cl. 1, applies to both Houses of Congress, the scope of the Senate's power to judge the qualifications of its members necessarily is identical to the scope of the House's power, with the exception, of course, that Art. I, § 3, cl. 3, establishes different age and citizenship requirements for membership in the Senate.

[45] Since the reign of Henry IV (1399–1413), no clergyman had sat in the House of Commons. 1 E. Porritt, The Unreformed House of Commons 125 (1903).

[46] Because the British do not have a written constitution, standing incapacities or disqualifications for membership in Parliament are derived from "the custom and law of parliament." 1 Blackstone's Commentaries *162; see *id.*, at *175. The groups thus disqualified as of 1770 included aliens; minors; judges who sat in the House of Lords; clergy who were represented in their own convocation; persons "attainted of treason or felony"; sheriffs, mayors, and bailiffs as representatives for their own jurisdictions; and certain taxing officials and officers of the Crown. *Id.*, at *175–176. Not until the exclusion of John Wilkes, discussed *infra*, did Blackstone subscribe to the theory that, in addition, the Commons could declare ineligible an individual "in particular [unspecified] circumstances . . . for that parliament" if it deemed him unfit to serve on grounds not encompassed by the recognized standing incapacities. As we explain, *infra*, this position was subsequently repudiated by the House in 1782. A Clerk of the House of Commons later referred to cases in which this theory was relied upon "as examples of an excess of . . . jurisdiction by the Commons; for one house of Parliament cannot create a disability unknown to the law." May's Parliamentary Practice 67 (13th ed. T. Webster 1924).

[47] In 1619, the Virginia House of Burgesses challenged the eligibility of certain delegates on the ground that they did not hold their plantations under proper patents from the Virginia Company in England. See generally, 7 The Federal and State Constitutions, Colonial Charters, and Other Organic Laws 3783–3810 (F. Thorpe ed. 1909) (hereinafter cited as Thorpe). One of them, a Captain Warde, was admitted on condition that he obtain the necessary patent. The others, representatives from Martin's Brandon plantation, were excluded on the ground that the owner of the plantation had claimed that his patent exempted him from the colony's laws. See Journals of the House of Burgesses of Virginia: 1619–1658/59, at 4–5 (1915); M. Clarke, Parliamentary Privilege in the American Colonies 133–134 (1943). The questions presented by these two cases, therefore, seem to be jurisdictional in nature; that is, an attempt was made to gain representation for plantations over which the assembly may have had no power to act. Thus viewed these cases are analogous to the exclusions for failure to comply with standing qualifications. They certainly are not precedents which support the view that a legislative body could exclude members for mere character defects or prior misconduct disapproved by the assembly. See generally, M. Clarke, *supra*, at 132–204; J. Greene, The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies: 1689–1776, at 171–204 (1963).

[48] For example, in 1585 the Commons expelled a Doctor Parry for unspecified misbehavior. A Compleat Journal of the Votes, Speeches and Debates of the House of Lords and House of Commons Throughout the Whole Reign of Queen Elizabeth, of Glorious Memory 352 (D'Ewes ed. 1708); and in 1628 Sir Edmund Sawyer was expelled because he had sought to induce a witness to suppress evidence against Sir Edmund in testimony before the House 1. H. C. Jour. 917.

[49] In expelling Sir Edmund Sawyer in 1628, the Commons declared "him to be unworthy ever to serve as a Member of this House." *Ibid.* Almost identical language was used in the expulsion of H. Benson in 1641. 2 *id.*, at 301. But by 1642, the formula had been changed to "disabled to sit any longer *in this Parliament* as *a Member of this House* . . . ." *Id.*, at 703. (Emphasis added.) By the 18th century it was apparently well established that an expulsion by the House of Commons could last no longer than the duration of the Parliament from which the member was expelled. See I Backstone's Commentaries *176.

[50] For example, in 1652, the Virginia House of Burgesses expelled two members for prior conduct disapproved by the assembly, Journals of the House of Burgesses, *supra*, at 85; and in 1683, Rhode Island expelled a member "from acting in this present Assembly" for refusing to answer a court summons. 1 S. Arnold, History of the State of Rhode Island and Providence Plantations 289 (1859). See generally, M. Clarke, *supra*, at 173–204.

[51] In 1726, the Massachusetts House of Representatives excluded Gershom Woodle, who had been expelled on three previous occasions as "unworthy to be a Member." 7 Journals of the House of Representatives of Massachusetts 1726–1727, at 4–5, 15, 68–69 (1926). In 1758, North Carolina expelled Francis Brown for perjury. He was reelected twice in 1760 and excluded on both occasions; however, when he was elected at the 1761 general election, he was allowed to take his seat. 5 Colonial Records of North Carolina 1057–1058 (1887); 6 *id.*, at 375, 474, 662–663, 672–673 (1888). There may have been similar exclusions of two men elected in 1710 to the New Jersey Assembly. See M. Clarke, *supra*, at 197–198.

[52] Significantly, the occasional assumption of this broader expulsion power did not go unchallenged, M. Clarke, *supra*, at 196–202; and it was not supported by the only parliamentary precedent, the Walpole case.

[53] Pursuant to a general warrant, Wilkes was arrested, his home ransacked, and his private papers seized. In his later election campaigns, Wilkes denounced the use of general warrants, asserting that he was fighting for liberty itself. See 11 L. Gipson, The British Empire Before the American Revolution 213–214 (1965).

[54] The issue before the Commons was clear: could the Commons "put in any disqualification, that is not put in by the law of the land." 1 Cavendish's Debates 384 (ed. J. Wright 1841). The affirmative answer was somewhat less than resounding. After Wilkes' third reelection, the motion to seat his opponent carried 197 to 143.

[55] The validity of the House's action against Wilkes rested to a large extent on the validity of the Walpole precedent. Taswell-Langmead's, *supra*, at 585. Thus, the House of Commons resolution expunging, as subversive to the rights of the whole electorate, the action taken against Wilkes was also a tacit repudiation of the similar action taken against Walpole in 1712.

[56] English law is apparently the same today. See May's Parliamentary Practice 105–108 (17th ed. B. Cocks 1964).

[57] The Council of Censors was established by the 1776 Pennsylvania Constitution. It was an elected body that was specifically charged with the duty "to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution." Pa. Const. of 1776, §47, 5 Thorpe 3091. See Introduction to Pennsylvania Convention Proceedings: 1776–1790, at IV (1825).

[58] In discussing the case, respondents characterize the earlier action as an *exclusion*. The Council of Censors, however, stated that the general assembly had resolved that the member "is expelled from his seat." Pennsylvania Convention Proceedings, *supra*, at 89. The account of the dissenting committee members suggests that the term expulsion was properly used. They note that in February 1783 the assembly received a letter from the Comptroller General charging the assemblyman with fraud. Not until September 9, 1783, did the assembly vote to expel him. Presumably, he held his seat until that time. But, even if he had been excluded, arguably he was excluded for not meeting a standing incapacity, since the Pennsylvania Constitution of 1776 required assemblymen to be "most noted for wisdom and *virtue*." Pa. Const. of 1776, § 7, 5 Thorpe 3084. (Emphasis added.) In fact, the dissenting members of the Committee argued that the expelled member was ineligible under this very provision. Pennsylvania Convention Proceedings, *supra*, at 89.

Respondents cite one other exclusion during the period between the Declaration of Independence and the Constitutional Convention 11 years later. In 1780 the Virginia Assembly excluded John Breckinridge because he was a minor. Minority, of course, was a traditional standing incapacity, and Professor Warren therefore appears to have been correct in concluding that this exclusion was probably based upon an interpretation of the state constitutional requirement that members must be duly qualified according to law. Va. Const., 7 Thorpe 3816. See C. Warren, The Making of the Constitution 423, n. 1 (1928). Respondents, based upon their misinterpretation of the Pennsylvania case just discussed, criticize Professor Warren for concluding that there had been only one exclusion during this period. Our research, however, has disclosed no other cases.

[59] Wilkes had established a reputation both in England and the Colonies as a champion of free elections, freedom from arbitrary arrest and seizure, and freedom of the press. See 11 L. Gipson, *supra*, at 191–222.

[60] See R. Postgage, That Devil Wilkes 171–172, 173–174 (1929). During the House of Commons debates in 1781, a member remarked that expelling Wilkes had been "one of the great causes which had separated . . . [England] from America." 22 Parl. Hist. Eng. 100–101 (1781).

The writings of the pamphleteer "Junius" were widely reprinted in colonial newspapers and lent considerable support to the revolutionary cause. See 3 Dictionary of American History 190 (1940). Letter XVIII of the "Letters of Junius" bitterly attacked the exclusion of Wilkes. This letter, addressed to Blackstone, asserted:

"You cannot but know, sir, that what was Mr. Wilkes's case yesterday may be yours or mine to-morrow, and that, consequently the common right of every subject of the realm is invaded by it . . . . If the expulsion of a member, not under any legal disability, of itself creates in him an incapacity to be elected, I see a ready way marked out, by which the majority may, at any time, remove the honestest and ablest men who happen to be in opposition to them. To say that they will not make extravagant use of their power would be language unfit for a man so learned in the laws as you are. By your doctrine, sir, they have the power: and laws, you know, are intended to guard against what men may do, not to trust what they will do." 2 Letters of Junius, Letter XVIII, at 118 (1821).

[61] See C. Warren, *supra*, at 399–426.

[62] Dickinson also said that a built-in veneration for wealth would be inconsistent with the republican ideal that merit alone should determine who holds the public trust. 2 The Records of the Federal Constitution of 1787, at 123 (M. Farrand rev. ed. 1966) (hereinafter cited as Farrand).

[63] On August 10, a delegate moved to reconsider the citizenship qualification. The delegate proposed to substitute a three-year requirement for the seven-year requirement already agreed upon. The motion passed. *Id.*, at 251. However, when this proposal was considered on August 13, it was rejected. *Id.*, at 265–266.

[64] Charles Pinckney proposed that the President, judges, and legislators of the United States be required to swear that they possessed a specified amount of unincumbered property. Benjamin Franklin expressed his strong opposition, observing that "[s]ome of the greatest rogues he was ever acquainted with, were the richest rogues." *Id.*, at 249. He voiced the fear that a property requirement would "discourage the common people from removing to this Country." *Ibid.* Thereafter, "the Motion of Mr. Pinkney [*sic*] was rejected by so general a *no*, that the States were not called." *Ibid.* (Emphasis in original.)

[65] "That the right of electors to be represented by men of their own choice, was so essential for the preservation of all of their other rights, that it ought to be considered as one of the most sacred parts of our constitution. . . . That the law of the land had regulated the qualification of members to serve in parliament and that the free holders . . . had an indisputable right to return whom they thought proper, provided he was not disqualified by any of those known laws . . . . They are not occasional but fixed: to rule and govern the question as it shall arise; not to start up on a sudden, and shift from side to side, as the caprice of the day or the fluctuation of party shall direct." 16 Parl. Hist. Eng. 589–590 (1769).

[66] *Id.*, at 589.

[67] Wilkes had made essentially the same argument in one of his early attempts to have the resolutions denying him a seat expunged: "This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority, and expel whom you please, the House of Commons will be self-created and self-existing. You may expel till you approve, and thus in effect you nominate. The original idea of this House being the representative of the Commons of the realm will be lost." 18 Parl. Hist. Eng. 367 (1775).

[68] Professor Warren concluded that "Madi-

son's reference was undoubtedly to the famous election case of John Wilkes . . . ." C. Warren, *supra*, at 420, n. 1. It is also possible, however, that he was referring to the Parliamentary Test Act, 30 Car. II st. 2, c. 1 (1678), which had excluded Catholics as a group from serving in Parliament.

[69] Professor Charles Warren, upon whose interpretation of these events petitioners rely, concluded that the Convention's decision to reject Gouverneur Morris' proposal and the more limited proposal of the Committee of Detail was an implicit adoption of Madison's position that the qualifications of the elected "were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution." 2 Farrand 249–150. See C. Warren, *supra*, at 420–421. Certainly, Warren argued, "[s]uch action would seem to make it clear that the Convention did not intend to grant to a single branch of Congress . . . the right to establish any qualifications for its members other than those qualifications established by the Constitution itself . . . . For certainly it did not intend that a single branch of Congress should possess a power which the Convention had expressly refused to vest in the whole Congress." *Id.*, at 421. See 1 J. Story, Commentaries on the Constitution of the United States § 625, at 445 (1873). Although Professor Chafee argued that congressional precedents do not support this construction, he nevertheless stated that forbidding any additions to the qualifications expressed in the Constitution was "the soundest policy." Z. Chafee, Free Speech in the United States 256 (1941).

[70] See 10 W. Holdsworth, A History of English Law 540–542 (1938).

[71] Holdsworth notes that in the first edition of Blackstone's Commentaries Blackstone enumerated various incapacities and then concluded that "subject to these standing restrictions and disqualifications, every subject of the realm is eligible [for membership in the House of Commons] of common right." 1 Blackstone's Commentaries *170. Blackstone was called upon in Commons to defend Wilkes' exclusion and the passage was quoted against him. Blackstone retaliated by writing a pamphlet and making two additions to later editions of his *Commentaries* in an effort to justify the decision of Parliament. W. Holdsworth, *supra*, at 540–541.

[72] Appendix D to Brief for Respondents, at 52.

[73] C. Warren, *supra*, at 422, n. 1. Professor Warren buttressed his conclusion by noting that the Massachusetts Constitution of 1780 "contained affirmative qualifications for Representatives and exactly similar negative qualifications for Senators." *Ibid.* Apparently, these provisions were not considered substantively different, for each house was empowered in identical language to "judge of the elections, returns, and qualifications of their own members, *as pointed out in the consultation.*" Mass. Const., Pt. 2, c. I. § 2, Art. IV, 3 Thorpe 1897, and § 3, Art. X, 3 Thorpe 1899. (Emphasis added.) See C. Warren, *supra*, at 422–423, n. 1.

[74] In No. 52 of The Federalist, Madison stated:

"The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention. [He then enumerated the qualifications for both representatives and Senators.] . . . Under these reasonable limitations, the door of this part of the federal government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession or religious faith." The Federalist 326 (Mentor ed. 1961).

[75] Respondents dismiss Madison's assertion that the "qualifications of the elected, . . . being at the same time more susceptible of uniformity, have been very properly considered and regulated by the convention," as nothing more than a refutation of the charge that the new national legislature would be free to establish additional "standing incapacities." However, this conclusion cannot be reconciled with the pre-Convention history on this question, the Convention debates themselves, and, in particular, the delegates' decision to require a two-thirds vote for expulsion.

[76] At the same convention, Robert Livingston, one of the new Constitution's most ardent supporters and one of the State's most substantial landowners, endorsed this same fundamental principle: "The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights." 2 Elliot's Debates 292–293.

[77] Appendix D to Brief for Respondents, at 62.

[78] In 1799, during the 5th Congress, 1st Session, the House considered expelling Matthew Lyon, a Republican, for sedition. The vote to expel, however, was 49 to 45, and broke down largely along partisan lines. Although Lyon's opponents, the Federalists, retained a majority in the 6th Congress, to which Lyon was reelected, and although there were political advantages to be gained from again trying to prevent him from taking his seat, there was no effort made to exclude him. See P. Dionisopoulos, A Commentary on the Constitutional Issue in the Powell and Related Cases, 17 J. Pub. L. 107, 123–127 (1968).

[79] Another Maryland representative was unsuccessfully challenged in 1808 on grounds almost identical to those asserted in the challenge of McCreery. See 18 Annals of Cong. 1848–1849 (1808). In 1844, the Senate declined to exclude John M. Niles, who was accused of being mentally incompetent, after a special committee reported him competent. Cong. Globe, 28th Cong., 1st Sess., 564–565, 602 (1844). In 1856, the House rejected an attempt to exclude Samuel Marshall for violating an Illinois law prohibiting state judges from running for other offices. 1 A. Hinds, Precedents of the House of Representatives § 415 (1907) (hereinafter cited as Hinds). That same year, the Senate refused to exclude Lyman Trumbull for violating the same Illinois law. *Ibid.*

[80] Between 1862 and 1867, both the House and Senate resisted several attempts to exclude members-elect who were accused of being disloyal to the Union during the Civil War. See, *id.*, §§ 448, 455, 458; Senate Subcommittee on Privileges and Elections, Senate Committee on Rules and Administration, Senate Election, Expulsion and Censure Cases, S. Doc. No. 71, 87th Cong., 2d Sess., 21 (1962) (hereinafter cited as Senate Cases).

[81] That same year the Senate also excluded a supporter of the Confederacy. Senate Cases 40. The House excluded two others shortly thereafter, one for the same offense, and another for selling appointments to the Military and Naval Academies. See 1 Hinds §§ 459, 464; 2 Hinds § 1273.

[82] This departure from previous House construction of its power to exclude was emphasized by Congressman William P. Fessenden. "[T]he power which we have under the Constitution to judge the qualifications of members of the body is not a mere arbitrary power, to be exerted according to the will of the individuals who may vote upon the subject. It ought to be a power subject to certain rules and founded upon certain principles. So it was up to a very later period, until the rebellion. The rule simply was, if a man came here and presented proper credentials from his State, to allow him to take the ordinary oath, which we all took, to support the Constitution, and be admitted, and if there was any objection to him to try that question afterward." Cong. Globe, 40th Cong., 2d Sess., 685 (1868).

[83] For example, in 1870, the House refused to exclude a Texas Congressman accused of a variety of criminal acts, 1 Hinds § 465; but in 1882 and again in 1900 the House excluded a member-elect for practicing polygamy. 1 Hinds §§ 473, 477–480. Thereafter, it apparently did not consider excluding anyone until shortly after World War I, when it twice excluded Victor L. Berger, an avowed Socialist, for giving aid and comfort to the enemy. Significantly, the House committee investigating Berger concluded that he was ineligible under the express provision of § 3 of the Fourteenth Amendment. 6 C. Cannon, Precedents of the House of Representatives §§ 56–59 (1935) (hereinafter cited as Cannon). Berger, the last person to be excluded from the House prior to Powell, was later reelected and finally admitted after his criminal conviction was reversed. 65 Cong. Rec. 7 (1923).

The House next considered the problem in 1925 when it contemplated excluding John W. Langley for his alleged misconduct. Langley resigned after losing a criminal appeal, and the House therefore never voted upon the question. 6 Cannon § 238. The most recent exclusion attempt prior to Powell's occurred in 1933, when the House refused to exclude a Representative from Minnesota who had been convicted of sending defamatory matter through the mail. See 77 Cong. Rec. 73–74, 131–139 (1933).

The Senate has not excluded anyone since 1929; in that year it refused to seat a member-elect because of improper campaign expenditures. 6 Cannon § 180. In 1947, a concerted effort was made to exclude Senator Theodore C. Bilbo of Mississippi for allegedly accepting gifts from war contractors and illegally intimidating Negroes in Democratic primaries. See 93 Cong. Rec. 3–28 (1947). He died, however, before a decision was reached.

[84] During the debates over H.R. Res. No. 278, Congressman Celler, chairman of both the Select Committee and the Judiciary Committee, forcefully insisted that the Constitution "unalterably fixed and defined" the qualifications for membership in the House and that any other construction of Art. I, § 5, would be "improper and dangerous." CONGRESSIONAL RECORD, vol. 113, pt. 4, p. 4998. See H.R. Rep. No. 484, 43d Cong., 1st Sess., 11–15 (1874) (views of minority); H.R. Rep. No. 85, 56th Cong., 1st Sess., 53–77 (1900) (views of minority). In the latter report, the dissenters argued: "A small partisan majority might render the desire to arbitrarily exclude, by a majority vote, in order to more securely intrench itself in power, irresistible. Hence its exercise is controlled by legal rules. In case of expulsion, when the requisite two-thirds can be had, the motive for the exercise of arbitrary power no longer exists, as a two-thirds partisan majority is sufficient for every purpose. . . . The power of exclusion in a matter of law, to be exercised by a majority vote, in accordance with legal principles, and exists only where a member-elect lacks some of the qualifications required by the Constitution." *Id.*, at 76–77.

[85] "Determining the basis for congressional action is itself difficult since a congressional action, unlike a reported judicial decision, contains no statement of the reasons for the disposition, one must fall back on the debates and the committee reports. If more than one issue is raised in the debates, one can never be sure on what basis the action was predicated. Unlike a court, which is presumed to be disinterested, in an exclusion case the concerned house is in effect a party to the controversy that it must adjudicate. Consequently, some members may be inclined to vote for exclusion though they strongly doubt its constitutionality." 81 Harv. L. Rev., at 679.

[86] In fact, the Court has noted that it is an "inadmissible suggestion" that action might be taken in disregard of a judicial determination. *McPherson* v. *Blacker*, 146 U.S. 1, 24 (1892).

OPINION OF MR. JUSTICE DOUGLAS

While I join the opinion of the Court, I add a few words. As the Court says, the important constitutional question is whether the Congress has the power to deviate from or alter the qualifications for membership as a Representative contained in Art. I, § 2, cl. 2, of the Constitution.[1] Up to now the understanding has been quite clear to the effect that such authority does not exist.[2] To be sure, Art. I, § 5, provides that "Each House shall be the judge of the Elections, Returns and Qualifications of its own Members. . . ." Contests may arise over whether an elected official meets the "qualifications" of the Constitution, in which event the House is the sole judge.[3] But the House is not the sole judge when "qualifications" are added which are not specified in the Constitution.[4]

A man is not seated because he is a Socialist or a Communist.[5]

Another is not seated because in his district members of a minority are systematically excluded from voting.[6]

Another is not seated because he has spoken out in opposition to the war in Vietnam.[7]

The possible list is long. Some cases will have the racist overtones of the present one.

Others may reflect religious or ideological clashes.[8]

At root, however, is the basic integrity of the electoral process. Today we proclaim the constitutional principle of "one man one vote." When that principle is followed and the electors chose a person who is repulsive to the Establishment in Congress, by what constitutional authority can that group of electors be disenfranchised?

By Art. I, § 5, the House may "expel a member" on a vote of two-thirds. And if this were an expulsion case I would think that no justiciable controversy were presented, the vote of the House being two-thirds or more. But it is not an expulsion case. Whether it could have been won as an expulsion case, no one knows. Expulsion for "misconduct" may well raise different questions, different considerations. Policing the conduct of members, a recurring problem in the Senate and House as well, is quite different from the initial decision whether an elected official should be seated. It well might be easier to bar admission than to expel one already seated.

The House excluded Representative-elect Powell from the Ninetieth Congress allegedly for misappropriating public funds and for incurring the contempt of New York courts.[9] Twenty-six years earlier, members of the upper chamber attempted to exclude Senator-elect William Langer of North Dakota for like reasons.[10] Langer first became State's Attorney for Morton County, North Dakota, from 1914 to 1916, and then served as State Attorney General from 1916 to 1920. He became Governor of the State in 1932 and took office in January 1933. In 1934 he was indicated for conspiring to interfere with the enforcement of federal law by illegally soliciting political contributions from federal employees and suit was filed in the State Supreme Court to remove him from office[11] While that suit was pending he called the State Legislature into special session.[12] When it became clear that the court would order his ouster, he signed a Declaration of Independence, invoked martial law, and called out the National Guard.[13] Nonetheless, when his own officers refused to recognize him as the legal head of state, he left office in July 1934. As with Adam Clayton Powell, however, the people of the State still wanted him. In 1937 they re-elected him Governor and, in 1940, they sent him to the United States Senate.

During the swearing-in ceremonies, Senator Barkley drew attention to certain complaints field against Langer by citizens of North Dakota, yet asked that he be allowed to take the oath of office "without prejudice, which is a two-sided proposition—without prejudice to the Senator, and without prejudice to the Senate in the exercise of its rights [to exclude him]." [14]

The matter of Langer's qualifications to serve in the Senate was referred to committee which held confidential hearings on January 9 and 16, 1941, and open hearings on November 3 and 18, 1941. By a vote of 14 to 2, the committee reported that a majority of the Senate had jurisdiction under Art. I, § 5, cl. 1, of the Constitution to exclude Langer; and by a vote of 13 to 3, it reported its recommendation that Langer not be seated.[15]

The charges against Langer were various. As with Powell, they included claims that he had misappropriated public funds [16] and that he had interfered with the judicial process in a way that beclouded the dignity of Congress.[17] Reference was also made to his professional ethics as a lawyer.[18]

Langer enjoyed the powerful advocacy of Senator Murdock from Utah. The Senate debate itself raged for over a year.[19] Much of it related to purely factual allegations of "moral turpitude." Some of it, however, was addressed to the power of the Senate under Art. I, § 5, cl. 1, to exclude a member-elect for lacking qualifications not enumerated in Art. I, § 3.

"Mr. MURDOCK. [U]nder the Senator's theory that the Senate has the right to add qualifications which are not specified in the Constitution, does the Senator believe that the Senate could adopt a rule specifying intellectual and moral qualifications? [20]

"Mr. LUCAS. The Senate can do anything it wants to do . . . . Yes; the Senate can deny a person his seat simply because it does not like the cut of his jaw, if it wishes to." [21]

Senator Murdock argued that the only qualifications for service in the Senate were those enumerated in the Constitution; that Congress had the power to review those enumerated qualifications; but that it could not—while purporting to "judge" those qualifications—in reality add to them.

"Mr. LUCAS. The Senator referred to article I, section 5. What does he think the framers of the Constitution meant when they gave to each House the power to determine or to judge the qualifications, and so forth, of its own Members? [22]

"Mr. MURDOCK. I construe the term 'judge' to mean what it is held to mean in its common, ordinary usage. My understanding of the definition of the word 'judge' as a verb is this: When we judge a thing it is supposed that the rules are laid out; the law is there for us to look at and to apply to the facts.

"But whoever heard the word 'judge' used as meaning the power to add to what is already the law?" [23]

It was also suggested from the floor that the enumerated qualifications in § 3 were only a *minimum* which the Senate could supplement; and that the Founding Fathers so intended by using words of the negative. To which Senator Murdock replied—

"Mr. President, I think it is the very distinguished and able Senator from Georgia who makes the contention that the constitutional provisions relating to qualifications, because they are stated in the negative—that is, 'no person shall be a Senator'—are merely restrictions or prohibitions on the State; but —and I shall read it later on—when we read what Madison said, when we read what Hamilton said, when we read what the other framers of the Constitution said on that question, there cannot be a doubt as to what they intended and what they meant.[24]

* * * * *

"Madison knew that the qualifications should be contained in the Constitution and not left to the whim and caprice of the legislature.[25]

* * * * *

"Bear in mind, that the positive or affirmative phraseology was not changed to the negative by debate or by amendment in the convention, but it was changed by the committee of which Madison was a member, the committee on style." [26]

The Senate was nonetheless troubled by the suggestion that the Constitution compelled it to accept anyone whom the people might elect, no matter how egregious and even criminal his behavior. No need to worry, said Murdock. It is true that the Senate cannot invoke its majority power to "judge" under Art. I, § 5, cl. 1, as a device for excluding men elected by the people who possess the qualifications enumerated by the Constitution. But it does have the power under Art. I, § 5, cl. 2, to expel anyone it designates by a two-thirds vote. Nonetheless, he urged the Senate not to bypass the two-thirds requirement for expulsion by wrongfully invoking its power to exclude.[27]

Mr. LUCAS. The position the Senator from Utah takes is that it does not make any difference what a Senator does in the way of crime, that whenever he is elected by the people of his State, comes here with bona fide credentials, and there is no fraud in the election, the Senate cannot refuse to give him the oath. That is the position the Senator takes?

"Mr. MURDOCK. That is my position; yes.[28]

* * * * *

"My position is that we do not have the right to exclude anyone who comes here clothed with the proper credentials and possessing the constitutional qualifications. My position is that we do not have the right under the provision of the Constitution to which the Senator from Florida referred, to add to the qualifications. My position is that the State is the sole judge of the intellectual and the moral qualifications of the representatives it sends to Congress." [29]

"Mr. MURDOCK [quoting Senator Philander Knox]. 'I know of no defect in the plain rule of the Constitution for which I am contending. . . . I cannot see that any danger to the Senate lies in the fact than an improper character cannot be excluded without a two-thirds vote. It requires the unanimous vote of a jury to convict a man accused of a crime; it should require, and I believe that it does require, a two thirds vote to eject a Senator from his position of honor and power, to which he has been elected by a sovereign State.' " [30]

Thus, after a year of debate, on March 27, 1942, the Senate overruled the recommendation of its committee and voted 52 to 30 to seat Langer.

I believe that Senator Murdock stated the correct constitutional principle governing the present case.

FOOTNOTES

[1] U.S. Const., Art. I, § 2, cl. 2.

"No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen."

[2] The Constitutional Convention had the occasion to consider several proposals for giving Congress discretion to shape its own qualifications for office and explicitly rejected them. James Madison led the opposition by arguing that such discretion would be "an improper and dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Gov't and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution." 2 Farrand, Records of the Federal Convention of 1787 249–251 (1911). Alexander Hamilton echoed that same conclusion:

"The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed

in the Constitution, and are unalterable by the legislature." The Federalist No. 60, at 371 (1961).

And so, too, the early Congress of 1807 decided to seat Representative-elect William McCreery on the ground that its power to "judge" was limited by the enumerated qualifications.

"The Committee of Elections considered the qualifications of members to have been unalterably determined by the Federal Convention, unless changed by an authority equal to that which framed the Constitution at first. . . . Congress, by the Federal Constitution, are not authorized to prescribe the qualifications of their own members, but they are authorized to judge of their qualifications; in doing so, however, they must be governed by the rules prescribed by the Federal Constitution, and by them only." 17 Annals of Congress 871 (1807) (remarks of Rep. Findley, Chairman of House Committee of Elections).

Constitutional scholars of two centuries have reaffirmed the principle that congressional power to "judge" the qualifications of its members is limited to those enumerated in the Constitution. J. Story, Commentaries on the Constitution 462 (5th ed. 1902); C. Warren, The Making of the Constitution 420–426 (1937). See also remarks by Emmanuel Celler, Chairman of the House Select Committee which inquired into the qualifications of Adam Clayton Powell, Jr., and which recommended seating him:

"The Constitution lays down three qualifications for one to enter Congress—age, inhabitancy, citizenship. Mr. Powell satisfies all three. The House cannot add to these qualifications." CONGRESSIONAL RECORD, vol. 113, pt. 4, p. 4998.

[3] *Baker* v. *Carr*, 369 U.S. 186, 242, n. 2 (DOUGLAS, J., concurring).

[4] The question whether Congress has authority under the Constitution to add to enumerated qualifications for office is itself a federal question within the particular expertise of this Court. *Baker* v. *Carr*, 369 U.S. 186, 211. Where that authority has been exceeded, redress may be properly sought here. *Marbury* v. *Madison*, 1 Cranch. 137. Congress itself suspected no less in deciding to exclude Rep. Powell.

"[C]ases may readily be postulated where the action of a House in excluding or expelling a Member may directly impinge upon rights under other provisions of the Constitution. In such cases, the unavailability of judicial review may be less certain. Suppose, for example, that a Member was excluded or expelled because of his religion or race, contrary to the equal protection clause, or for making an unpopular speech protected by the first amendment. . . . Exclusion of a Member-elect on grounds other than age, citizenship, or inhabitancy could raise an equally serious constitutional issue." H.R. Rep. No. 27, 90th Cong., 1st Sess., 30 (1967).

See also CONGRESSIONAL RECORD, vol. 113, pt. 4, p. 4994.

[5] Case of Victor Berger, 6 C. Cannon, Precedents of the House of Representatives of the United States, § 56 (1935).

[6] 6 C. Cannon, Precedents of the House of Representatives of the United States, §122 (1935).

[7] See, *e.g.*, *Bond* v. *Floyd*, 385 U.S. 116.

[8] 1 A. Hinds, Precedents of the House of Representatives of the United States, § 481 (1907).

[9] CONGRESSIONAL RECORD, vol. 113, pt. 4, p. 4997.

[10] S. Doc. No. 71 on Senate Election, Expulsion and Censure Cases from 1789 to 1960, 87th Cong., 2d Sess., 140 (1962).

[11] Hearings on A Protest to the Seating of William Langer, before the Senate Committee on Privileges and Elections, 77th Cong., 1st Sess., at 820 (Nov. 3, 18, 1941) (hereinafter Hearings).

[12] Hearings, at 821.

[13] Hearings, at 820.

[14] 87 Cong. Rec. 1–2 (1941).

[15] S. Rep. No. 1010, 77th Cong., 2d Sess. (1942).

[16] It was alleged that he had conspired as Governor to have municipal and county bonds sold to a friend of his who made a profit of $300,000 on the purchase, and purportedly rebated as much as $56,000 to Langer himself. Hearings, at 822–823.

[17] At the retrial of his conviction for conspiring to interfere with the enforcement of federal law, he was said to have paid money to have a friend of his, Judge Wyman, be given control of the litigation, and to have "meddled" with the jury. Hearings, at 20–42, 120–130.

[18] He was charged as a lawyer with having accepted $2,000 from the mother of a boy in prison on the promise that he would obtain his pardon, when he knew, in fact, that a pardon was out of the question. He was also said to have counseled a defendant-client of his to marry the prosecution's chief witness in order to prevent her from testifying against him. And finally, it was suggested that he once bought an insurance policy during trial from one of the jurors sitting in judgment of his client. Hearings at 820–830.

[19] 87 Cong. Rec. 3–4, 34, 460 (1941); 88 Cong. Rec. 822, 828, 1253, 2077, 2165, 2239, 2328, 2382, 2412, 2472, 2564, 2630, 2699, 2759, 2791, 2801, 2842, 2858, 2914, 2917, 2959, 2972, 2889, 3038, 3051, 3065, 5668 (1942).

[20] 88 Cong. Rec. 2041.

[21] *Ibid.*

[22] 88 Cong. Rec. 2474.

[23] *Ibid.*

[24] 88 Cong. Rec. 2474.

[25] 88 Cong. Rec. 2483.

[26] 88 Cong. Rec. 2484.

[27] Although the House excluded Adam Clayton Powell by over two-thirds vote, they were operating on the assumption that only a majority was needed. For the suggestion that the House could never have rallied the votes to exclude Powell on the basis of a two-thirds ground rule, see Note, 14 How. L. J. 162 (1968); Comment, 42 N. Y. U. L. Rev. 716 (1967).

[28] 88 Cong. Rec. 2488.

[29] 88 Cong. Rec. 2490.

[30] 88 Cong. Rec. 2488. Senator Knox of Pennsylvania had defended Senator-elect Reed Smoot of Utah in 1903 against charges that he ought to be excluded because of his affiliation with a group (Mormons) that countenanced polygamy. S. Doc. No. 71, 87th Cong., 2d Sess., at 97.

OPINION OF MR. JUSTICE STEWART, DISSENTING

I believe that events which have taken place since certiorari was granted in this case on November 18, 1968, have rendered it moot, and that the Court should therefore refrain from deciding the novel, difficult, and delicate constitutional questions which the case presented at its inception.

I

The essential purpose of this lawsuit by Congressman Powell and members of his constituency was to regain the seat from which he was barred by the 90th Congress. That purpose, however, became impossible of attainment on January 3, 1969, when the 90th Congress passed into history and the 91st Congress came into being. On that date, the petitioner's prayer for a judicial decree restraining enforcement of House Resolution No. 278 and commanding the respondents to admit Congressman Powell to membership in the 90th Congress became incontestably moot.

The petitioners assert that actions of the House of Representatives of the 91st Congress have prolonged the controversy raised by Powell's exclusion and preserved the need for a judicial declaration in this case. I believe, to the contrary, that the conduct of the present House of Representatives confirms the mootness of the petitioners' suit against the 90th Congress. Had Powell been excluded from the 91st Congress, he might argue that there was a "continuing controversy" concerning the exclusion attacked in this case.[1] And such an argument might be sound even though the present House of Representatives is a distinct legislative body rather than a continuation of its predecessor,[2] and though any grievance caused by conduct of the 91st Congress is not redressable in this action. But on January 3, 1969, the House of Representatives of the 91st Congress admitted Congressman Powell to membership, and he now sits as the Representative of the 18th Congressional District of New York. With the 90th Congress terminated and Powell now a member of the 91st, it cannot seriously be contended that there remains a judicial controversy between these parties over the power of the House of Representatives to exclude Powell and the power of a court to order him reseated. Understandably, neither the Court nor the petitioners advance the wholly untenable proposition that the continuation of this case can be founded on the infinitely remote possibility that Congressman Powell, or any other Representative, may someday be excluded for the same reasons or in the same manner. And because no foreseeable possibility of such future conduct exists, the respondents have met their heavy burden of showing that "subsequent events made it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur." *United States* v. *Concentrated Phosphate Export Assn.*, 393 U.S. 199, 203.[3]

The petitioners further argue that this case cannot be deemed moot because of the principle that "the voluntary abandonment of a practice does not relieve a court of adjudicating its legality . . . ." *Gray* v. *Sanders*, 372 U. S. 368, 376.[4] I think it manifest, however, that this principle and the cases enunciating it have no application to the present case. In the first place, this case does not involve "the voluntary abandonment of a practice." Rather it became moot because of an event over which the respondents had no control—the expiration of the 90th Congress. Moreover, unlike the cases relied on by the petitioners, there has here been no on-going course of conduct of indefinite duration against which a permanent injunction is necessary. Thus, it cannot be said of the respondents' actions in this case, as it was of the conduct sought to be enjoined in *Gray*, for example, that "the practice is deeply rooted and long standing," *id.*, or that, without judicial relief, the respondents would be "free to return to [their] old ways." *United States* v. *W. T. Grant Co.*, 345 U. S. 629, 632.[5] Finally, and most important, the "voluntary abandonment" rule does not dispense with the requirement of a continuing controvery, nor could it under the definition of the judicial power in Article III of the Constitution. Voluntary cessation of unlawful conduct *does* make a case moot "if the defendant can demonstrate that 'there is no reasonable expectation that the wrong will be repeated.'" *Id.*, at 633.[6] Since that is the situation here, the case would be moot even if it could be said that it became so by the House's "voluntary abandonment" of its "practice" of excluding Congressman Powell.

The petitioners' proposition that conduct of the 91st Congress has perpetuated the controversy is based on the fact that House Resolution No. 2—the same resolution by which the House voted to seat Powell—fined him $25,000, and provided that his seniority was to commence as of the date he became a member of the 91st Congress.[7] That punishment, it is said, "arises out of the prior actions of the House which originally impelled this action." It is indisputable, however, that punishment of a House member

Footnotes at end of article.

involves constitutional issues entirely distinct from those raised by exclusion,[8] and that a punishment in one Congress is no legal sense a "continuation" of an exclusion from the previous Congress. A judicial determination that the exclusion was improper would have no bearing on the constitutionality of the punishment, nor any conceivable practical impact on Powell's status in the 91st Congress. It is thus clear that the only connection between the exclusion by the 90th Congress and the punishment by the 91st is that they were evidently based on the same asserted derelictions of Congressman Powell. But this action was not brought to exonerate Powell or to expunge the legislative findings of his wrong-doing; its only purpose was to restrain the action taken in consequence of those findings—Powell's exclusion.

Equally without substance is the petitioners' contention that this case is saved from mootness by application of the asserted "principle" that a case challenging allegedly unconstitutional conduct cannot be rendered moot by further unconstitutional conduct of the defendants. Under this hypothesis, it is said that the "Court can not determine that the conduct of the House on January 3, 1969 has mooted this controversy without inferentially, at least, holding that the action of the House of that day was legal and constitutionally permissible." If there is in our jurisprudence any doctrine remotely resembling the petitioners' theory—which they offer without reference to any authority—it has no conceivable relevance to this case. For the events of January 3, 1969, that made this case moot were the termination of the 90th Congress and Powell's seating in the 91st, *not* the punishment which the petitioners allege to have been unconstitutional. That punishment is wholly irrelevant to the question of mootness and is in no wise before the Court in this case.

The passage of time and intervening events have, therefore, made it impossible to afford the petitioners the principal relief they sought in this case. If any aspect of the case remains alive, it is only Congressman Powell's individual claim for the salary of which he was deprived by his absence from the 90th Congress.[9] But even if that claim can be said to prevent this controversy from being moot, which I doubt, there is no need to reach the fundamental constitutional issues that the Court today undertakes to decide.

This Court has not in the past found that an incidental claim for back pay preserves the controversy between a legislator and the legislative body which evicted him, once the term of his eviction has expired. *Alejandrino* v. *Quezon*, 271 U.S. 528, was a case nearly identical to that before the Court today. The petitioner was a member of the Senate of the Philippines who had been suspended for one year for assaulting a colleague. He brought an action in the Supreme Court of the Philippines against the elected members of the Senate[10] and its officers and employees (the President, Secretary, Sergeant-at-Arms, and Paymaster), seeking a writ of mandamus and an injunction restoring him to his seat and to all the privileges and emoluments of office. The Supreme Court of the Philippines dismissed the action for want of jurisdiction and Alejandrino brought the case here,[11] arguing that the suspension was not authorized by the Philippine Autonomy Act, a statute which incorporated most of the provisions of Article I of the United States Constitution.[12]

Because the period of the suspension had expired while the case was pending on certiorari, a unanimous Court, in an opinion by Chief Justice Taft, vacated the judgment and remanded the case with directions to dismiss it as moot. To Alejandrino's claim that his right to back pay kept the case alive, the Court gave the following answer, which, because of its particular pertinency to this case, I quote at length:

"It may be suggested, as an objection to our vacating the action of the court below, and directing the dismissal of the petition as having become a moot case, that, while the lapse of time has made unnecessary and futile a writ of mandamus to restore Senator Alejandrino to the Island Senate, there still remains a right on his part to the recovery of his emoluments, which were withheld during his suspension, and that we ought to retain the case for the purpose of determining whether he may not have a mandamus for this purpose. . . . It is difficult for the Court to deal with this feature of the case, which is really only a mere incident to the main question made in the petition and considered in the able and extended brief of counsel for the petitioner, and the only brief before us. That brief is not in any part of it directed to the subject of emoluments, nor does it refer us to any statute or to the rules of the Senate by which the method of paying Senators' salaries is provided, or in a definite way describe the duties of the officer or officers or committee charged with the ministerial function of paying them.

* * * * *

". . . the remedy of the Senator would seem to be by mandamus to compel such official in the discharge of his ministerial duty to pay him the salary due, and the presence of the Senate as a party would be unnecessary. Should that official rely upon the resolution of the Senate as a reason for refusing to comply with his duty to pay Senators, the validity of such a defense and the validity of the resolution might become a judicial question affecting the personal right of the complaining Senator, properly to be disposed of in such action, but not requiring the presence of the Senate as a party for its adjudication. The right of the petitioner to his salary does not therefore involve the very serious issue raised in this petition as to the power of the Philippine Supreme Court to compel by mandamus one of the two legislative bodies constituting the legislative branch of the Government to rescind a resolution adopted by it in asserted lawful discipline of one of its members, for disorder and breach of privilege. We think, now that the main question as to the validity of the suspension has become moot, the incidental issue as to the remedy which the suspended Senator may have in recovery of his emoluments, if illegally withheld, should properly be tried in a separate proceeding against an executive officer or officers as described. As we are not able to derive from the petition sufficient information upon which properly to afford such a remedy, we must treat the whole cause as moot and act accordingly. This action on our part of course is without prejudice to a suit by Senator Alejandrino against the proper executive officer or committee by way of mandamus or otherwise to obtain payment of the salary which may have been unlawfully withheld from him." 271 U.S., at 533, 534–535.[13]

Both of the factors on which the Court relied in *Alejandrino* are present in this case. Indeed, the salary claim is an even more incidental and subordinate aspect of this case than it was of *Alejandrino*.[14] And the availability of effective relief for that claim against any of the present respondents is far from certain. As in *Alejandrino*, the briefs and memoranda submitted by the parties in this case contain virtually no discussion of this question—the only question of remedy remaining in the case. It appears from relevant provisions of law, however, that the Sergeant-at-Arms of the House—an official newly elected by each Congress[15]—is responsible for the retention and disbursement to Congressmen of the funds appropriated for their salaries. These funds are payable from the United States Treasury[16] upon requisitions presented by the Sergeant-at-Arms, who is entrusted with keeping the books and accounts "for the compensation and mileage of Members."[17] A Congressman who has presented his credentials and taken the oath of office[18] is entitled to be paid monthly on the basis of certificates of the Clerk[19] and Speaker of the House.[20] Powell's prayer for a mandamus and an injunction against the Sergeant-at-Arms is presumably based on this statutory scheme.

Several important questions remain unanswered, however, on this record. Is the Sergeant-at-Arms the only necessary defendant? If so, the case is surely moot as to the other respondents, including the House members, and they should be dismissed as parties on that ground rather than after resolution of difficult constitutional questions under the Speech and Debate Clause. But it is far from clear that Powell has an appropriate or adequate remedy against the remaining respondents. For if the Speaker does not issue the requisite certificates and Congress does not rescind Resolution 278, can the House agents be enjoined to act in direct contravention of the orders of their employers? Moreover, the office of Sergeant-at-Arms of the 90th Congress has now expired, and the present Sergeant-at-Arms serves the 91st Congress. If he were made a party in that capacity, would he have the authority—or could the 91st Congress confer the authority—to disburse money for a salary owed to a Representative in the previous Congress, particularly one who never took the oath of office? Presumably funds have not been appropriated to the 91st Congress or requisitioned by its Sergeant-at-Arms for the payment of salaries to members of prior Congresses. Nor is it ascertainable from this record whether money appropriated for Powell's salary by the 90th Congress, if any, remains at the disposal of the current House and its Sergeant-at-Arms.[21]

There are, then substantial questions as whether, on his salary claim, Powell could obtain relief against any or all of these respondents. On the other hand, if he was entitled to salary as a member of the 90th Congress, he has a certain and completely satisfactory remedy in an action for a money judgment against the United States in the Court of Claims.[22] While that court could not have ordered Powell reseated or entered a declaratory judgment on the constitutionality of his exclusion,[23] it is not disputed that the Court of Claims could grant him a money judgment for lost salary on the ground that his discharge from the House violated the Constitution. I would remit Congressman Powell to that remedy, and not simply because of the serious doubts about the availability of the one he now pursues. Even if the mandatory relief sought by Powell is appropriate and could be effective, the Court should insist that the salary claim be litigated in a context that would clearly obviate the need to decide some of the constitutional questions with which the Court grapples today, and might avoid them altogether.[24] In an action in the Court of Claims for a money judgment against the United States, there would be no question concerning the impact of the Speech and Debate Clause on a suit against members of the House of Representatievs and their agents, and questions of jurisdiction and justiciability would, if raised at all, be in vastly different and more conventional form.

In short, dismissal of Powell's action against the legislative branch would not in the slightest prejudice his money claim,[25] and it would avoid the necessity of deciding constitutional issues which, in the petitioners' words, "touch the bedrock of our political system [and] strike at the very heart of representative government." If the fundamental principles restraining courts from unnecessarily or prematurely reaching out to decide grave and perhaps unsettling constitutional questions retain any vitality, see *Ashwander*

Footnotes at end of article.

v. *TVA*, 297 U.S. 288, 346–348 (Brandeis, J., concurring), surely there have been few cases more demanding of their application than this one. And those principles are entitled to special respect in suits, like this suit, for declaratory and injunctive relief, which it is within a court's broad discretion to withhold. "We have cautioned against declaratory judgments on issues of public moment, even falling short of constitutionality, in speculative situations." *Public Affairs Press* v. *Rickover*, 369 U.S. 111, 112. "Especially where governmental action is involved, courts should not intervene unless the need for equitable relief is clear, not remote or speculative." *Eccles* v. *Peoples Bank of Lakewood Village*, 333 U.S. 426, 431.

If this lawsuit is to be prolonged, I would at the very least not reach the merits without ascertaining that a decision can lead to some effective relief. The Court's remand for determination of that question implicitly recognizes that there may be no remaining controversy between the Petitioner Powell and any of these respondents redressable by a court, and that its opinion today may be wholly advisory. But I see no good reason for any court even to pass on the question of the availability of relief against any of these respondents. Because the essential purpose of the action against them is no longer attainable and Powell has a fully adequate and far more appropriate remedy for his incidental back pay claim, I would withhold the discretionary relief prayed for and terminate this lawsuit now. Powell's *claim* for salary may not be dead, but this *case* against all these respondents is truly moot. Accordingly, I would vacate the judgment below and remand the case with directions to dismiss the complaint.

FOOTNOTES

[1] 1 See, *e.g.*, *United States* v. *Concentrated Phosphate Export Assn.*, 393 U.S. 199, 202–204; *Carroll* v. *President and Commissioners of Princess Ann*, 393 U.S. 175, 178–179.

[2] See *Gojack* v. *United States*, 384 U.S. 702, 707, n. 4 ("Neither the House of Representatives nor its committees are continuing bodies."); *McGrain* v. *Daugherty*, 273 U.S. 135, 181. Forty-one of the present members of the House were not members of the 90th Congress; and two of the named defendants in this action, Messrs. Moore and Curtis, are no longer members of the House of Representatives. Moreover, the officer-employees of the House, such as the Sergeant-at-Arms, are re-elected by each new Congress. See n. 15, *infra*.

[3] See also *United States* v. *W. T. Grant Co.*, 345, U.S. 629, 633; *United States* v. *Aluminum Co. of America*, 148 F. 2d 416, 448. The Court has only recently concluded that there was no "controversy" in *Golden* v. *Zwickler*, —— U.S. ——, because of "the fact that it was most unlikely that the congressman would again be a candidate for Congress." *Id.*, at ——. It can hardly be maintained that the likelihood of the House of Representatives' again excluding Powell is any greater.

[4] See also *United States* v. *W. T. Grant Co.*, 345 U.S. 629, 632–633; *Local 74, United Bhd of Carpenters & Joinders* v. *NLRB*, 341 U.S. 707, 715; *Walling* v. *Helmerich & Payne, Inc.*, 323 U.S. 37, 43; *Hecht Co.* v. *Bowles*, 321 U.S. 321, 327; *United States* v. *Trans-Missouri Freight Assn.*, 166 U.S. 290, 307–310.

[5] With the exception of *Gray*, the "continuing controversy" cases relied on by the petitioners were actions by the Government or its agencies to halt illegal conduct of the defendants, and, by example, of others engaged in similar conduct. See cases cited, *supra*, nn. 1, 3, 4. The principle that voluntary abandonment of an illegal practice will not make an action moot is especially, if not exclusively, applicable to such public law enforcement suits.

"Private parties may settle their controversies at any time, and rights which a plaintiff may have had at the time of the commencement of the action may terminate before judgment is obtained or while the case is on appeal, and in any such case the court, being informed of the facts, will proceed no further in the action. Here, however, there has been no extinguishment of the rights . . . of the public, the enforcement of which the Government has endeavored to procure by a judgment of a court . . . . The defendants cannot foreclose those rights nor prevent the assertion thereof by the Government as a substantial trustee for the public under the act of Congress, by [voluntary cessation of the challenged conduct]." *United States* v. *Trans-Missouri Freight Assn.*, 166 U.S., at 309. The considerations of public enforcement of a statutory or regulatory scheme which inhere in those cases are not present in this litigation.

[6] Certainly in every decision relied on by the petitioners the Court did not reject the mootness argument solely on the ground that the illegal practice had been voluntarily terminated. In each it proceeded to determine that there was in fact a continuing controversy.

[7] House Resolution No. 2 provided in pertinent part:

"(2) That as punishment Adam Clayton Powell be and he hereby is fined the sum of $25,000, said sum to be paid to the Clerk to be disposed of by him according to law. The Sergeant at Arms of the House is directed to deduct $1,150 per month from the salary otherwise due the said Adam Clayton Powell, and pay the same to said Clerk until said $25,000 fine is fully paid.

"(3) That as further punishment the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 91st Congress."

The petitioners' argument that the case is kept alive by Powell's loss of seniority, see *ante*, at —, is founded on the mistaken assumption that the loss of seniority is attributable to the exclusion from the 90th Congress and that seniority would automatically be restored if that exclusion were declared unconstitutional. But the fact is that Powell was stripped of seniority by the action of the 91st Congress, action which is not involved in this case and which would not be affected by judicial review of the exclusion from the 90th Congress. Moreover, even if the conduct of the 91st Congress were challenged in this case, the Court would clearly have no power whatsoever to pass upon the propriety of such internal affairs of the House of Representatives.

[8] Article I, § 5, of the Constitution specifically empowers each House to "punish its Members for disorderly Behaviour."

[9] The salary claim is personal to Congressman Powell, and the other petitioners therefore clearly have no further interest in this lawsuit.

[10] The Philippines Senate was composed of 24 Senators, 22 of whom were elected, and two of whom were appointed by the Governor General. Alejandrino was one of the two appointees. See 271 U.S., at 531–532.

[11] Under the Philippine Autonomy Act, 39 Stat. 545, this Court had jurisdiction to examine by writ of error the final judgments and decrees of the Supreme Court of the Philippine Islands in cases under the Constitution or statutes of the United States. A subsequent statute substituted the writ of certiorari, 39 Stat. 726.

[12] "Section 18 [of the Autonomy Act] provides that the Senate and House respectively shall be the sole judges of the elections, returns and qualifications of their elective members, and each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel an elective member. The Senators and Representatives shall receive an annual compensation for their services to be ascertained by law and paid out of the Treasury of the Philippine Islands. Senators and Representatives shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place." 271 U.S., at 532.

[13] The petitioners rely on the following passage from *Bond* v. *Floyd*, 385 U.S. 116, 128, n. 4, as dispositive of their contention that the salary claim prevents this case from being moot:

"A question was raised in oral argument as to whether this case might not be moot since the session of the House which excluded Bond was no longer in existence. The State has not pressed this argument, and it could not do so, because the State has stipulated that if Bond succeeds on this appeal he will receive back salary for the term from which he was excluded."

I do not believe that this off-hand dictum in *Bond* is determinative of the issue of mootness in this case. In the first place, as the Court in *Bond* noted, it was not there contended by any party that the case was moot. Moreover, contrary to the implication of the statement, the legislative term from which Bond was excluded had not ended at the time of the Court's decision. (The Court's decision was announced on December 5, 1966; Bond's term of office expired on December 31, 1966.) In any event, he had not been seated in a subsequent term, so the continuing controversy had not been rendered clearly moot by any action of the Georgia House, as it has here by the House of Representatives of the 91st Congress. No one suggested in *Bond* that the money claim was the only issue left in the case. Furthermore, the considerations which governed the Court's decision in *Alejandrino* were simply not present in *Bond*. Because of the State's stipulation, there was no doubt, as there is here, see *infra*, at ——, that the Court's decision would lead to effective relief with respect to Bond's salary claim. And finally, there was no suggestion that Bond had an alternative remedy, as Powell has here, see *infra*, at ——, by which he could obtain full relief without requiring the Court to decide novel and delicate constitutional issues.

[14] *Alejandrino* was the only petitioner in the case, and since he was an appointed Senator, it appears that there was no group of voters who remained without representation of their choice in the Senate during his suspension.

[15] 2 U.S.C. § 83.

[16] U.S. Const., Art. I, § 6; 2 U.S.C. § 47.

[17] 2 U.S.C. §§ 80, 78.

[18] 2 U.S.C. § 35.

[19] 2 U.S.C. § 34.

[20] 2 U.S.C. § 48.

[21] The respondents allege without contradiction that the Sergeant-at-Arms does not have sufficient funds to pay Congressman Powell's back salary claims. Separate appropriations for the salaries of Congressmen are made in each fiscal year, see, *e.g.*, 80 Stat. 354, 81 Stat. 127, 82 Stat. 398, and, according to the respondents, "it is the custom of the Sergeant to turn back to the Treasury all unexpended funds at the end of each fiscal year." Thus, the only funds still held by the Sergeant are said to be those appropriated for the present fiscal year commencing July 1, 1968.

[22] "The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, ..." 28 U.S.C. § 1491. The district courts have concurrent jurisdiction over such claims only in amounts less than $10,000. 28 U.S.C. § 1346.

[23] *United States* v. *King*, —— U.S. ——. The petitioners suggest that the inability of the Court of Claims to grant such relief might make any remedy in that court inadequate. But since Powell's only remaining interest in the case is to collect his salary, a

money judgment in the Court of Claims would be just as good as, and probably better than, mandatory relief against the agents of the House. The petitioners also suggest that the Court of Claims would be unable to grant relief because of the pendency of Powell's claim in another court, 28 U.S.C. § 1500, but that would, of course, constitute no obstacle if, as I suggest, the Court should order this action dismissed on grounds of mootness.

[24] It is possible, for example, that the United States in such an action would not deny Powell's entitlement to the salary but would seek to offset that sum against the amounts which Powell was found by the House to have appropriated unlawfully from Government coffers to his own use.

[25] Relying on *Bank of Marin* v. *England*, 385 U.S. 99, 101, the petitioners complain that it would impose undue hardship on Powell to force him to "start all over again" now that he has come this far in the present suit. In view of the Court's remand of this case for further proceedings with respect to Powell's remedy, it is at least doubtful that remitting him to an action in the Court of Claims would entail much more cost and delay than will be involved in the present case. And the inconvenience to litigants of further delay or litigation has never been deemed to justify departure from the sound principle, rooted in the Constitution, that important issues of constitutional law should be decided only if necessary and in cases presenting concrete and living controversies.

PRO DDT: ITS USE SAVES UNTOLD LIVES

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include a letter from Thomas H. Jukes.)

Mr. WHITTEN. Mr. Speaker, the attacks on essential chemical pesticides, insecticides and fungicides continues. These attacks threaten our standard of living, our greatly improved health, and our increasing length of life. Perhaps the most bitter attack has been directed toward DDT.

As perhaps most of you know, as chairman of the Agriculture Appropriations Subcommittee I have done a great deal of study in this area, and wrote the book "That We May Live," published by D. Van Nostrand Co., Princeton, N.J.

In this connection, I feel it would be very much worthwhile for the membership to read the letter which I have attached to my remarks, sent by Mr. Thomas H. Jukes to Senator GAYLORD NELSON in response to a speech made by Senator NELSON on the Senate floor on May 5, 1969, which appears on page 11348 of the CONGRESSIONAL RECORD of that date. Mr. Jukes is a biochemist, a professor of medical physics, and associate director of the space sciences laboratory of the University of California at Berkeley.

The letter follows:

BERKELEY, CALIF., *May 14, 1969.*

HON. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: I have read with interest your remarks on page 11348 of the *Congressional Record* for May 5, 1969, and I hope you will permit me to discuss some of the matters you have mentioned.

(1) Your first point concerns the selective toxicity of DDT. You state, "Most pesticides, especially DDT and the chlorinated hydrocarbons, cannot distinguish between man's friends and man's enemies. They are almost as lethal to the beneficial insects and creatures as they are to destructive ones."

DDT is relatively innocuous, at recommended conditions for use, to warm-blooded animals and it kills some of the most dangerous pests that confront us; pests that are not deadly in themselves, but are carriers of lethal diseases, including malaria, yellow fever, typhus fever, plague and many others. In addition, many intestinal diseases are carried by houseflies. What "friends" of man can outrank this array of mortal enemies? Some beneficial insects are killed by DDT, of course, but some, such as honeybees, are resistant. So are earthworms (Scientific American, April 1969). I would not suggest that we can get "something for nothing," but the balance is heavily in favor of DDT. Wild animals benefit from DDT, because parasitic insects, ticks and lice suck the blood of animals and carry animal diseases including cattle fever, piroplasmosis, sleeping sickness and heartworm. Even oysters have been claimed to benefit from destruction of barnacles by DDT.

These facts have been lost in the clamor. I refer you to the monumental bibliography of 3404 references compiled by the Division of Biology and Agriculture, National Academy of Sciences, June 1959 (Technical Report, WADC, 55–16, Volume III).

The balance is overwhelmingly in favor of DDT. No humanitarian, cognizant of malaria and typhus, can reach any other conclusion.

(2) Your second point states,

"From the information that has been available to my office, only a few studies—including one at a prison and another at a chemical plant—have been reported. One of the greatest difficulties in evaluating the effects of pesticides on human health has been the lack of any comprehensive research."

The two studies which you mention, both of which were carried out by the U.S. Public Health Service, were comprehensive in scope and demonstrated the breakdown of DDT and excretion of a water-soluble metabolite of DDT by the human body. Moreover, the Montrose Study reached back for 19 years, a period which is almost equal to a generation.

I do not think we can expect so long an experiment to be repeated. The Georgia prisoner study involved a tremendous amount of work, because the subjects were dosed daily for about two years. How many scientists can be induced to spend their time in repeating toxicity tests with a substance that has been found harmless? There is too much other work to do, with the *real* threats to our environment, such as smog and water pollution.

There are many other observations on the low toxicity of DDT, of course, such as the body-dusting program for typhus, carried out on thousands of people without adverse effects; the spraying of millions of houses in India; and other reference material which I enclose. Dr. J. M. Barnes has commented:

"Unfortunately DDT is relatively slowly metabolized and excreted by the mammal and by virtue of its solubility characteristics tends to get laid down in tissue fat. Here it would have remained as an innocent and unrecognized passenger but for the fact that the chemists invented a sensitive chemical method since further enhanced by the gas-liquid chromatographic technique capable of detecting the chlorine and indicating its source even in minute quantities. Thus it has become possible to establish an anxiety neurosis in respect to a few parts per million of a compound in a tissue such as fat where a few parts per thousand in the whole animal are of no toxicological importance. Unless epidemiological studies on the health of people who have been heavily exposed to DDT for 20 years or more reveal an unsuspected long-term toxic effect, this insecticide will go down in history as one that has killed more insects and saved more people than any other substance."

DDT in large doses (5 grams) is being used as an antidote for barbiturate poisoning in attempted suicides, so Dr. Richard Rappolt of San Francisco informs me.

(3) In your third point, you cite the concentration of DDT along the "food chain." Professor S. A. Peoples has shown that a plateau is reached at which intake is balanced by breakdown and excretion in dairy cattle. However, you support your statement by citing DDD rather than DDT. DDD is not DDT. DDD was used in Clear Lake because it is harmless to fish, in contrast to DDT. Very little water flows out of Clear Lake, so that the DDD did indeed tend to concentrate. Despite Miss Carson's lyrical prose on the grebes, the inhabitants of the Clear Lake area continued to demand gnat control. When the control program was switched to mythyl parathion, the grebes came back (see enclosure). Concentration must be expressed in terms of quantity and effect.

(4) Your fourth point is that I erred in stating that the campaign against DDT was emotional and unscientific, and you mentioned three scientists. One of them was Dr. Risebrough, who made the following emotional statement in *Nature* for January 1969:

"The peregrine falcon is a species long highly revered and respected. G. H. Thayer has described it as 'the embodiment of noble rapacity and lonely freedom'."

A reverence for rapacity, however, is not the only matter to be considered.

I listened to an impassioned speech on pesticides by Dr. Risebrough in Berkeley in December 1968, in which he impugned the motivation and integrity of various scientists whose views differed from his, including Dr. Donald Spencer, an animal ecologist who worked for 29 years with the U.S. Fish and Wildlife Service. Dr. Risebrough also said that the results reported by scientists were dependent on the origin of their research funds. Numerous other examples of emotionalism could be cited, including Miss Carson's diatribes in which she accused reputable agricultural scientists of Lysenkoism. After Miss Carson's book, many people with various types of scientific training went on a sort of emotional binge against DDT. The Audubon Society in 1962 collected dead robins; the cause of death unidentified; and exhibited them in glass cases to arouse public sentiment against pesticides. Justice Douglas stated that a new Bill of Rights was needed against the "poisoners of the human race." I enclose a recent unscientific outburst that quotes Professor Cottam of the University of Wisconsin. Many opponents of DDT attempt to reinforce their attacks by verbal assaults on the free enterprise system, which they say is responsible for pesticides. The following passage was omitted by the *Washington Post* from my article.

"Incidentally, Communist China claimed to have produced 17,478,000 tons of insecticides in 1958, and to have applied 60 pounds to every acre of cultivated land in China in the same year. Benzene hexachloride and DDT were described as 'the mainstay in chemical control' of insect pests."

I criticized the 1963 report of the Wiesner Committee (the Panel on the Use of Pesticides) without response. Only one agricultural scientist (Dr. Horsfall) was on the committee. The others had little or no involvement with problems of food production or public health. They included two biochemists, a psychologist, a physical chemist and an anatomist. Their remoteness from realism is shown in the sentence quoted by you.

"Elimination of the use of persistent toxic insecticides should be the goal."

Insecticides have to be toxic to insects, of course, so this word is superfluous. The use of *persistent* insecticides is the greatest weapon of people in the tropics against the shortening of human life. No responsible

committee should make such a statement. It contrasts poorly with the excellent recommendation, quoted by you, that was made by the Environmental Pollution Panel of the President's Science Advisory Committee in 1965. Such research has been going forward, primarily in the laboratories of chemical industry, for many years. Further sensational newspaper attacks on pesticides will discourage it. Indeed, it is my understanding that Esso has already discontinued its program in this field because of the propaganda by Rachel Carson and her imitators.

(5) My fifth point concerns your statement that Dr. Wurster has answered "forcefully and directly" the many points raised by me in my article. I am not aware that this is so. I did not see Dr. Wurster's article or manuscript prior to publication, but I have now read it in the *Congressional Record*. From it, I learn that Dr. Wurster, an organic chemist, regards the saving of millions of human lives as "glamorous"; an interesting view of the motivation of the medical profession. (Has Dr. Wurster ever had typhus fever? Two of my scientist friends had it in the 1930's, and one of them died from the disease). I do not agree with his statement that DDT residues are more widely distributed than any other man-made chemicals. What about fall-out from nuclear bomb tests? What about the numerous chemicals from smog, industrial wastes, etc., that either cannot be detected or have not been looked for? What about chlorinated biphenyls?

He speaks of four properties of DDT:

(1) "Toxicity to almost all animal life rather than simply the insect pest." This statement is meaningless unless reduced to a quantitative basis.

(2) Persistence, so that it remains in it's original toxic form for a decade or longer. This depends entirely on the environment in which DDT finds itself. It is broken down by bacteria and by resistant houseflies, for example.

(3) Mobility.

This is a general property of matter in the dispersed state.

(4) Solubility properties that cause it to be accumulated by living organisms.

This is not an injurious property *per se*—it is a property of calcium, for example. We are brought back to the point of whether the accumulation is injurious and, if so: is the balance of effects in favor of or against DDT?

His statement that "up to 90 percent of all the birds in a community" have been killed by DDT, I simply do not believe. I criticized Dr. Wurster in "Science" (February 16, 1968) for extrapolating a sample of 12 robins to a "total" of 500 to 550. I do not trust such arithmetical gymnastics. Nor do I believe for one moment his statement that "hundreds, perhaps thousands, of municipalities in the Eastern United States have killed millions of birds" with DDT.

Dr. Wurster speaks of "large fish kills" from DDT. Yet the U.S. Fish and Wildlife Service have repeatedly reported that petroleum wastes kill so many more fish than do pesticides that the number killed by pesticides is almost insignificant by comparison. The story about liver enzymes I discount because DDT has been shown to affect the enzymes in question at extremely low levels (1 ppm of diet) and much higher levels of DDT (50 to 100 ppm) have been shown not to affect reproduction in rats or in several species of birds. The studies with rats were carried out by the Food and Drug Administration.

Dr. Wurster states that it is "irrelevant" to cite data from herbivorous birds such as "pheasants, quail, ... turkeys and other game species." Dr. Wurster needs to study ornithology: turkeys in California used to be raised on grasshoppers. Moreover, the data are not irrelevant, because pheasants and quail have been shown to be resistant to high levels of DDT in the diet, and pheasants have been found to contain extremely high levels of DDT as a result of consuming rice treated with DDT. There is another defect in this argument,—the data on the carnivorous birds selected by Dr. Wurster, such as ospreys and bald eagles, are poor because these birds are currently subject to other environmental effects, and there is a lack of controlled observations as I pointed out in my article.

His statement that a million salmon fry "were killed by DDT in Michigan hatcheries" has insufficient evidence to make it acceptable, and I am told it was more likely the result of a disease in view of later findings. Nor do I accept his inference that declines in commercial species of ocean fish are due to DDT. I saw the California sardine and the soupfin shark virtually disappear from the ocean off the California coast prior to World War II. The ocean is a lot bigger than Clear Lake.

Finally, since you cited Dr. Wurster as unemotional, I point out that his statement, "The propagandists with vested interest try to tell us that the food and fiber for a starving world depend on the continued use of DDT", in addition to being nonsense (other pesticides are far more profitable) is an emotional attempt at rabble-rousing.

With best regards,

THOMAS H. JUKES.

PRICE FOR SURTAX EXTENSION

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, there are many congressional liberals who are saying, and rightly so, that the price for their vote for the surtax is meaningful tax reform. I agree with that. But there is an even higher price which we should be demanding, and that is reform in the allocation of our national resources.

We are told by some that responsible men must support an extension of that surtax—that inflation can be beaten only with tight money and with the surtax. Let us look at these allegations in light of developments in the past year.

We have had tight money—in fact, we have had five hikes in the prime interest rate in the past 7 months. The most recent 1-percent increase is the sharpest jump in this century, and the prime interest rate is now at an unprecedented level of 8½ percent. Yet high interest rates have not stopped borrowing by large borrowers; they have only increased the burden on the small ones.

Certainly past experience has shown that trying to curb inflation solely by relying on tight money is like trying to pull a freight train with a gnat.

We have had the surtax a year. It has taken millions of dollars into the Federal Treasury and out of circulation in our economy. Yet, we have had a 5.4-percent increase in the Consumer Price Index from April of 1968 to April of 1969. Certainly other measures are in order.

Leaving aside the economic arguments, one could still accept the surtax if it would provide the revenue to meet the real needs of this Nation:

First, an attack upon pollution and the destruction of our environment;

Second, an attack upon our education needs;

Third, an adequate program for medical facilities and hospital construction;

Fourth, an adequate restructuring of manpower training programs; and

Fifth, a really significant reform of out-dated and self-defeating welfare programs.

But a review of the Nixon budget for fiscal year 1970 reveals that not even a serious attempt to meet these needs will be made.

That budget shows that:

First, while $1 billion has been authorized to aid local units of government for pollution abatement, the administration has only budgeted $214 million.

Second, while $295 million was authorized for hospital construction and modernization, the administration budgeted only $153.9 million.

Third, while $3.6 billion has been authorized for ESEA programs, the administration has budgeted only $1.4 billion.

Any thoughtful person would expect that with the further imposition of the surtax, the Federal Government would at least begin to close the cavernous gap between its promises and performance, its obligations and its actions. Tragically, the budget shows it has no such intention.

This means purely and simply that we are spending our money in the wrong places.

It means that our spending priorities are not in order.

It means that even with a continuation of the 10-percent surtax we will not have the money to meet the needs of a modern society.

It means that we will merely be adding additional millions to our present misallocation of fiscal resources.

We cannot afford that.

That is why, given the lack of determination on the part of both this administration and this Congress to rearrange our priorities, and put first things first, I will not—unless circumstances change—vote for an extension of the surtax.

CONGRESSMAN BOB ECKHARDT STATES HIS POSITION ON THE 10-PERCENT INCOME TAX SURCHARGE

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, at this time we find ourselves constantly besieged with dramatic statements from the White House and Treasury telling of the dire consequences of a failure to pass legislation extending the 10-percent income tax surcharge before the end of this month. There seems to be almost a sense of panic over this; we are said to face anything from a case of German-type hyperinflation to a stock-market-crash depression. I am not going to be panicked into choosing a Nixon-type compromise: give a sop to the poor, continue tax dodges for the rich, and stick the middleman. There is a logical and practical alternative, one that will keep the pressure on the administration for tax reform. It would preserve and continue the economic restraining effects of the surcharge while allowing time for further consideration of its need.

While I do not fully agree with some of my colleagues that no action whatsoever should be taken on the surcharge until a tax reform bill is presented, I do believe that we need to serve notice on

the President that he will not have his way on this tax legislation without some firm, concrete action on tax reform.

What I am proposing is that Congress pass legislation extending the present withholding rate, which includes the 10-percent additional tax, without actually extending the surtax itself. The benefits of this action are many:

First. We would be able to avoid legislating on such an important matter under the pressure of a deadline.

Second. Many economists are convinced that we will be in the throes of a dangerous economic slowdown in the first quarter of 1970. If the Congress took no action other than to extend the withholding rate, the economy would be blessed by a great influx of spending money to the public at the time of its greatest need; that is, at tax refund time. If inflation is controlled or reversed, Congress would simply pass legislation lowering the withholding rate to its normal level.

Third. The Congress, without engaging in a blind guess, would then be able to decide if the surtax was or was not needed. Congress is pretty good at "hindsight," and it could use it. If the inflation continued unabated the surtax could be enacted retroactively while none of the necessary economic effects would be lost in the interim. Retroactivity would not hurt the taxpayer because he would have paid his taxes by the previous withholding.

Fourth. Tax reform minded Representatives will have the leverage that they have so long sought in this area. We will be able to put the heat on the President to push for tax reform without risking the soundness of the economy by a too early relatxation of fiscal restraint.

Fifth. Also, Congress would retain a real budget control. We could be satisfied that the cuts that are made by the administrative forces are not made in the programs most vital to cities and to the poor. Likewise, that some reductions are made in areas of extravagance like some military boondoggles. With the surtax question impending after the budget cuts, Congress would have potent bargaining strength.

But if we are to reduce exorbitant interest rates, we must take other restraining action. Repeal, flatly, the 7-percent investment credit with no loopholes for those interests who loudly protest.

The actual tax take would be a little less under my plan than in the case of an immediate extension of the surtax. This is because so many people are not subject to withholding and also because people might react to this action by increasing their spending in expectation of a large tax refund.

To counter these possibilities, I would favor an excess profits tax similar to those established during the Second World War and the Korean war. It is unfair for most to suffer increased wartime burdens while others enjoy increased wartime profits. I fully concur with the efforts of Senator McGOVERN in this area.

I think this program is reasonable and fair. I am open minded about alteration in procedure, but I shall not vote for a tax before assurances are made that the big squeeze will not continue to be on the middle-income taxpayer while the great benefits go to the war contractor, and inflation and military expenditures steal the chicken from the poor man's pot.

ONE-BANK HOLDING COMPANY ACT

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, yesterday the Committee on Banking and Currency began executive sessions on the pending one-bank holding company legislation. I offered a substitute, and in view of the fact that a motion to table this substitute was defeated by a vote of 15 yeas and 20 noes, it would appear that this substitute may be the vehicle for marking up the one-bank holding company legislation.

In order that other Members and the public may have an opportunity to study this substitute, I include the substitute at this point in the RECORD:

SUBSTITUTE OFFERED BY MR. MOORHEAD

§ 1. Amendments to the Bank Holding Company Act

(a) Section references in this section refer to the sections of Public Law 511, 84th Congress, as amended.

(b) The first section is amended by striking "of 1956".

(c) Section 2(a) is amended to read:

"SEC. 2. (a) (1) Except as provided in paragraph (2) of this subsection, 'bank holding company' means any company that has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) No company is a bank holding company by virtue of

"(A) its ownership or control of shares acquired by it in connection with its underwriting of securities if the shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(B) its control of voting rights of shares acquired in the course of a proxy solicitation if the company was formed for the sole purpose of participating in that solicitation.

"(C) its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition.

"(D) its ownership or control of shares acquired by it of any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of its owners, and deposits of public moneys."

"(3) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company."

(d) Section 2(b) is amended (1) by inserting "limited partnership in which the value of the interests of the general partners is less than 25 percent of the value of the interests of all of the partners," immediately after "means any corporation," and (2) by inserting "in which the value of the interests of the general partners is 25 percent or more of the value of the interests of all of the partners" immediately after "any partnership".

(e) Section 2(d) is amended to read:

"(d) (1) Any given company is a subsidiary of any person having control over it.

"(2) Any given person has control

"(A) over any company which is a corporation if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, has power to vote 25 percent or more of any class of voting securities of that corporation.

"(B) over any company which is a corporation or trust if the person controls in any manner the election of a majority of its directors or trustees.

"(C) over any company if the Board determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of that company.

"(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any person who directly and indirectly holds with power to vote less than 5 percent of any class of voting securities of a given corporation does not have control of that corporation.

"(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2)(C) of this subsection, a person may not be held to have had control of any given corporation at any given time unless that person, at the time in question, directly and indirectly held with power to vote 5 percent or more of any class of voting securities of the corporation, or had already been found to have control in a proceeding under paragraph (2)(C)."

(f) Section 2 is amended by adding at the end thereof the following:

"(i) The term 'person' includes natural persons, companies, and all other entities cognizable as legal personalities.

"(j) The term 'thrift institution' means (1) a domestic building and loan or savings and loan association, (2) a cooperative bank without capital stock organized and operated for mutual purposes and without profit, or (3) a mutual savings bank not having capital stock represented by shares.

"(k) The term 'antitrust laws' means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1–7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12–27), and any other Acts in pari materia.

"(m) Neither this Act nor any regulation or order under this Act may be raised as a defense in any action under the antitrust laws, except that no criminal action may be brought under the antitrust laws based solely on an activity which the defendant was at the time specifically authorized to perform by an order of the Board, nor may damages be awarded in any civil action under antitrust laws based solely on such an activity."

(g) Section 3(a) is amended to read:

"SEC. 3. (a) (1) Except as provided in paragraph (2) of this subsection, without the prior approval of the Board under this section,

"(A) no action may be taken that causes any company to become a bank holding company.

"(B) no action may be taken that causes a bank to become a subsidiary of a bank holding company.

"(C) no bank holding company may acquire direct or indirect ownership or control of any voting shares of any bank if, after the acquisition, the holding company will directly or indirectly own or control more than 5 percent of the voting shares of the bank.

"(D) no bank holding company or subsidiary thereof, other than a bank, may acquire all or substantially all of the assets of a bank.

"(E) no bank holding company may merge or consolidate with any other bank holding company.

"(2) The prohibitions of paragraph (1) of this subsection do not apply to

"(A) the acquisition of shares by a bank in good faith in a fiduciary capacity, if the

shares (including any stock dividends or securities subsequently acquired by virtue of, in exchange for, or in the exercise of preemptive rights or privileges of, the shares originally acquired) are acquired in kind as part of the corpus of an estate or trust (other than a company as defined in section 2(b)) which is committed to the bank for administration, and the bank owns no shares of the same company which it has purchased (other than in the exercise of preemptive rights or privileges) for its own account or with funds under its control in any capacity.

"(B) shares acquired by a bank in the regular course of securing or collecting a debt previously contracted in good faith and which are disposed of within a period of two years after acquisition.

"(C) additional shares acquired by a bank holding company in a bank in which the bank holding company owned or controlled a majority of the voting shares prior to the acquisition."

(h) Section 3(d) is amended by changing "the effective date of this amendment" to read "July 1, 1966,".

(i) Section 3 is amended by adding the following new subsections at the end thereof:

"(e) The Board shall immediately notify the Attorney General of any approval by it of any proposed acquisition, merger, consolidation, or other transaction required to be approved under this section (referred to in this section as a 'bank acquisition'). If the Board finds that it must act immediately to prevent probable failure of a bank, a bank acquisition may be consummated immediately upon approval. In all other cases, a bank acquisition may not be consummated before the thirtieth calendar day after the date of approval by the Board. No action under the antitrust laws arising out of a bank acquisition may be brought after the expiration of this thirty-day period. The commencement of such an action shall stay the effectiveness of the Board's approval unless the court otherwise specifically orders. In any such action, the court shall review de novo the issues presented. In any judicial proceeding attacking any bank acquisition approved pursuant to this Act on the ground that the transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the Board is directed to apply under this section. Upon the consummation of a bank acquisition in compliance with this section and after the termination of any antitrust litigation commenced within the period prescribed in this subsection, or upon the termination of that period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this section exempts any bank holding company involved in such a transaction from complying with the antitrust laws after the consummation of the transaction.

"(f) If any action brought under the antitrust laws arising out of any bank acquisition approved by the Board, the Board and any State banking supervisory agency having jurisdiction within the State involved may appear as a party of its own motion and as of right, and be represented by its counsel.

"(g) Any bank acquisition as to which no litigation was initiated by the Attorney General prior to July 1, 1966, shall be conclusively presumed not to have been in violation of the antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2).

"(h) Any court having pending before it after June 30, 1966, any litigation initiated under the antitrust laws by the Attorney General with respect to any bank acquisition shall apply the substantive law set forth in this section."

(j) Section 4(a)(1) is amended by striking "after the date of enactment of this Act".

(k) Section 4(b) is amended by changing "After two years from the date of enactment of this Act, no" to read "No".

(m) Section 4(c)(5) is amended to read:

"(5) shares acquired and held in the manner, kinds, and amounts specifically permissible for national banks under Federal statute law and regulations issued pursuant thereto;"

(n) Section 4(c)(8) is amended to read:

"(8) shares of any company all the activities of which are or after its acquisition are to be authorized under subsection (e) or (f) of this section;"

(o) Section 4(c)(9) is amended to read:

"(9) shares lawfully acquired and owned on December 31, 1968, in any company organized under the laws of a foreign country and which is principally engaged in banking or other financial operations outside the United States;"

"(p) Section 4 is amended by adding at the end thereof the following new subsections:

"(e) Except for functions performed by a bank holding company which is a bank, or by subsidiaries whose shares are held under section 3 or under one of the other subsections of this section, and except for functions authorized under subsection (f) of this section, a bank holding company and its subsidiaries may perform no functions other than those set forth in the following numbered paragraphs of this subsection. The enumeration of these functions does not enlarge the powers which any bank holding company or subsidiary would otherwise possess under the laws under which it is organized, incorporated, or created, and their exercise is subject to such restrictions and requirements as the Board may by regulation or order prescribe to prevent undue concentrations of resources, decreased competition, conflicts of interest, or unsound banking practices.

"(1) Acting as principal or as agent to make, buy, sell, endorse, or otherwise deal with secured and unsecured personal and business loans, including mortgage loans.

"(2) Leasing property under any arrangement whereby the lessee is

"(A) obligated to pay over the term of the lease an amount equal to the entire cost of the property plus a finance charge, and

"(B) entitled to ownership of the property at the end of the term of the lease either for a nominal consideration or for no consideration.

"(3) Acting as investment adviser, subject to the prohibitions of subsection (g).

"(4) Performing bookkeeping and other data-processing services utilizing equipment acquired primarily for the purpose of servicing the bank holding company or its subsidiaries, but nothing in this Act authorizes the performance of auditing or other professional functions in the field of accounting.

"(5) Extending and collecting business and personal credit originated through the use of credit cards or other lawful means of identification or control of accounts.

"(6) Acting as trustee, executor, administrator, guardian, or in other personal fiduciary capacities.

"(7) Acting as trustee, registrar, transfer agent, paying agent, or in other business and corporate fiduciary capacities.

"(8) Providing, either as principal or as agent, insurance which

"(A) insures the life of a debtor pursuant to or in connection with a specific credit transaction, or

"(B) provides indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled.

"(9) Making equity investment in community rehabilitation and development corporations organized and operating principally for one or more of the following purposes:

"(A) providing better housing and employment opportunities for persons of low and moderate income.

"(B) assisting persons of low and moderate income to acquire and develop business enterprises.

"(C) participating in urban renewal projects.

"(f)(1) A bank holding company or its subsidiary may carry on any activity of a financial or fiduciary nature if the Board finds, on the record after opportunity for hearing, that the carrying on of the activity in question by the applicant (in the case of an order authorizing the activity on the part of a particular company) or by bank holding companies or their subsidiaries generally (in the case of a regulation authorizing the activity on the part of all companies similarly situated), under the limitations and conditions set forth in the order or regulation,

"(A) would not result in a violation of the antitrust laws;

"(B) is closely related to the business of banking or of managing or controlling banks; and

"(C) is in the public interest when carried on by a bank holding company or its subsidiaries.

"(2) In the event of the failure of the Board to act on any application for an order under this subsection within the ninety-one day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.

"(3) Whenever the Board finds that the conduct of any given activity by a bank holding company or subsidiary would be in the public interest but cannot be authorized under the terms of this Act, the Board shall forthwith transmit its finding to the Congress, together with such recommendations for legislative action as it deems appropriate to the circumstances.

"(g)(1) Except as provided in paragraph (2) of this subsection, for the purpose of any provision of Federal law the following activities are neither necessary, incidental, nor related to carrying on the business of banking or of managing or controlling banks, and are not in the public interest to be carried on by banks or bank holding companies or subsidiaries thereof:

"(A) Engaging in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, or of interests in any such securities, whether or not any such interests are redeemable and whether or not the securities to which any such interests relate are in a fund or account or are subject to discretionary sale or purchase.

"(B) Acting as an investment manager or investment adviser of or for any person engaged in any activity described in subparagraph (A) of this paragraph.

"(2) The prohibitions of paragraph (1) of this subsection do not apply to

"(A) the issuance by any bank of certificates of deposit, passbooks, acceptances, checks, or other evidences of banking liabilities.

"(B) the issuance by any bank holding company or subsidiary thereof of stock, bonds, notes, or other evidences of capital loaned to or invested in the company or subsidiary itself and not in any fund or account for reinvestment.

"(C) dealing in and underwriting securities which are by the terms of paragraph 'Seventh' of section 5136 of the Revised Statutes exempted from the limitations and restrictions contained in that paragraph as to dealing in and underwriting investment securities.

"(h) Under such conditions as the Board may by regulation prescribe to prevent abuse of the administrative process, application to the Board for modification of any order issued under subsection (e) or (f) of this section may be made by any person who

would be a proper party to a proceeding, at the time of the application, to issue the order in question de novo.

"(i) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of the performance by a bank holding company or subsidiary thereof of any activity not permitted under this section, or performed under an order or regulation of the Board beyond the scope of the Board's authority, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue."

(q) Section 5(b) is amended by adding at the end thereof the following new sentence: "In any proceeding for the issuance of a regulation or order under section 4, the Board shall invite the views of the Attorney General as to the competitive factors involved, and the views of the Comptroller of the Currency and the Federal Deposit Insurance Corporation as to all factors specifically made relevant in section 4 to the proceeding in question."

(r) Section 11 is repealed.

§ 2. Amendments to Federal Deposit Insurance Act

(a) In this section, section references are to the Federal Deposit Insurance Act unless otherwise specified. So much of section 18 (c)(1) (12 U.S.C. 1828(c)(1)) as precedes subparagraph (A) thereof is amended to read:

"(c)(1) Except with the prior written approval of the responsible agency, which shall be the Board of Governors of the Federal Reserve System in the case of any insured bank which is a bank holding company or a subsidiary of a bank holding company, and which shall be the Corporation in the case of any other insured bank, an insured bank may not".

(b) Section 18(c)(2) is amended by inserting "shall be the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is a bank holding company or a subsidiary of a bank holding company and otherwise" immediately after "the responsible agency, which".

(c) Section 18(i)(1) is amended to read:

"(i)(1) An insured State nonmember bank may not reduce the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures, without the prior consent of

"(A) the Board of Governors of the Federal Reserve System if it is a bank holding company or a subsidiary of a bank holding company.

"(B) the Controller of the Currency if it is a District bank not described in subparagraph (A).

"(C) the Corporation if it is not a bank described in subparagraph (A) or (B)."

(d) Section 18(i)(2) is amended (1) by changing "No" to read "An", (2) by changing "shall" to read "may not", and (3) by inserting "without prior written consent of the Board of Governors of the Federal Reserve System if it is a bank holding company or a subsidiary of a bank holding company, and otherwise" immediately after "approving such conversion,".

(e) Section 3 (12 U.S.C. 1813) is amended by adding the following new subsection at the end:

"(r) The term 'bank holding company', and the term 'subsidiary' with reference to a subsidiary of a bank holding company, have the same meanings as in the Bank Holding Company Act of 1956."

(f) Sections 21 and 22 (12 U.S.C. 1830, 1831) are redesignated as sections 24 and 25, and the following new sections are inserted immediately after section 20:

"SEC. 21. (a) Any insured bank which holds any securities in a fiduciary capacity at the end of any calendar quarter shall, not later than thirty days thereafter, file a statement with the Securities and Exchange Commission setting forth the descriptions and amounts of the securities so held.

"(b) Statements filed pursuant to this section need not disclose the number of beneficiaries for which the bank is acting, or any information about the fiduciary relationships or the beneficiaries thereof, but shall otherwise be in conformity with such regulations as the Securities and Exchange Commission may prescribe.

"(c) For the purposes of this section, the term 'securities' has the same meaning as in the Securities Act of 1933.

"SEC. 22. (a)(1) The prohibitions of this subsection apply to any transaction—

"(A) whose effect may be to substantially lessen competition or tend to create a monopoly in any type of credit or property transactions or in any type of services, and

"(B) which is engaged in by an insured bank, a bank holding company, or any subsidiary of a bank holding company, all of which are referred to hereinafter in this subsection as institutions.

"(2) An institution to whose transactions the prohibitions of this subsection apply may not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding

"(A) that the customer shall obtain some other credit, property, or service from the institution itself or, if the institution is a bank holding company or subsidiary of a bank holding company, from either that company or any subsidiary of that company; or

"(B) that the customer shall not obtain credit, property, or services from a competitor of the institution itself or, if the institution is a bank holding company or a subsidiary of a bank holding company, from a competitor of either that company or any subsidiary of that company.

"(b) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (a) of this section. It is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"(c) In any action, civil or criminal, brought by or on behalf of the United States under subsection (a) of this section, subpenas for witnesses may run into any district, but in civil actions no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

"(d) Any person who is injured in his business or property by reason of anything forbidden in subsection (a) of this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

"(e) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of subsection (a) of this section, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue."

(g) The following section is inserted immediately before section 24:

"SEC. 23. (a) Except as provided in subsection (b) of this section, a person who is a director, trustee, officer, or employee of an insured bank may not at the same time be a director, officer, or employee of

"(1) any other insured bank.

"(2) any other company which is a bank holding company or a subsidiary of a bank holding company.

"(3) any insured institution as defined in section 401 of the National Housing Act.

"(4) any insurance company.

"(5) any broker or dealer registered under the Securities Exchange Act of 1934, or be a proprietor or general partner of any such broker or dealer.

"(b) Subsection (a) of this section does not prohibit

"(1) the holding by any individual of any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies in the group is a bank holding company and all of the rest of them are subsidiaries of that holding company.

"(2) service by any individual in any office or position with any life insurance or annuity company organized and operated without profit to any private shareholder or individual exclusively for the purpose of issuing insurance or annuity contracts to or for the benefit of individuals engaged in the service of educational institutions.

"(3) service by any individual who is a director, trustee, officer, or employee of a thrift institution in any office or position in

"(A) any insurance company the capital stock of which may not by law be owned by any person other than a thrift institution.

"(B) any corporation or association without capital stock organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of shares or deposits in, thrift institutions.

"(C) any corporation or association organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for thrift institutions, but only if 85 percent or more of its income is attributable to providing such reserve funds and to investments.

"(D) any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of those institutions, and deposits of public moneys."

§ 3. Amendment to National Housing Act

Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"SEC. 411. (a) Except as provided in subsection (b) of this section, a person who is a director, trustee, officer, or employee of

an insured institution may not at the same time be a director, officer, or employee of

"(1) any other insured institution.

"(2) any other company which is a savings and loan holding company or a subsidiary of a savings and loan holding company.

"(3) any insured bank as defined in section 3 of the Federal Deposit Insurance Act.

"(4) any insurance company except an insurance company the capital stock of which by law may not be owned by any person other than a mutual savings bank.

"(5) any broker or dealer registered under the Securities Exchange Act of 1934 or be a principal or a general partner of any such broker or dealer.

"(b) Subsection (a) of this section does not prohibit

"(1) the holding by any individual of any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies in the group is a savings and loan holding company as defined in section 408 of this title and all the rest of them are subsidiaries of that holding company.

"(2) service by any individual in any office or position with any life insurance or annuity company organized and operated without profit to any private shareholder or individual exclusively for the purpose of issuing insurance or annuity contracts to or for the benefit of individuals engaged in the service of educational institutions.

"(3) service by any individual who is a director, trustee, officer, or employee of a thrift institution in any office or position in

"(A) any insurance company the capital stock of which may not by law be owned by any person other than a thrift institution.

"(B) any corporation or association without capital stock organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of shares or deposits in, thrift institutions.

"(C) any corporation or association organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for thrift institutions, but only if 85 percent or more of its income is attributable to providing such reserve funds and to investments.

"(D) any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of those institutions, and deposits of public moneys."

§ 4. Mutual savings banks

(a) Except as provided in subsection (b) of this section, a person who is a trustee, director, officer, or employee of a mutual savings bank other than an insured bank may not at the same time be a director, trustee, officer, or employee of

(1) any other mutual savings bank which is not an insured bank.

(2) any insured bank as defined in section 3 of the Federal Deposit Insurance Act.

(3) any insured institution as defined in section 401 of the National Housing Act.

(4) any company which is a bank holding company as defined in the Bank Holding Company Act of 1956 or a savings and loan holding company as defined in section 408 of the National Housing Act.

(5) any insurance company except an insurance company the capital stock of which by law may not be owned by any person other than a mutual savings bank.

(6) any broker or dealer registered under the Securities Exchange Act of 1934, or be a principal or a general partner of any such broker or dealer.

(b) Subsection (a) of this section does not prohibit

(1) the holding by any individual of any number of positions as director, trustee, officer, or employee of any number of companies within any given group of companies if one of the companies in the group is either a bank holding company as defined in the Bank Holding Company Act or a savings and loan holding company as defined in section 408 of the National Housing Act and all the rest of them are subsidiaries of that holding company.

(2) service by any individual in any office or position with any life insurance or annuity company organized and operated without profit to any private shareholder or individual exclusively for the purpose of issuing insurance or annuity contracts to or for the benefit of individuals engaged in the service of educational institutions.

(3) service by any individual who is a director, trustee, officer, or employee of a thrift institution in any office or position in

(A) any insurance company the capital stock of which may not by law be owned by any person other than a thrift institution.

(B) any corporation or association without capital stock organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of shares or deposits in, thrift institutions.

(C) any corporation or association organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for thrift institutions, but only if 85 percent or more of its income is attributable to providing such reserve funds and to investments.

(D) any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of those institutions, and deposits of public moneys.

§ 5. Effective dates

(a) Except as otherwise specified in this section, the provisions of this Act become effective upon enactment.

(b) Section 4 and the amendments made by sections 2(g) and 3 become effective on the first day of the third calendar year which begins after the date of enactment.

AMERICAN GI'S CALL TROOP WITHDRAWAL A HOAX

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I was very disturbed to read an Associated Press dispatch from Dong Tam, South Vietnam, which said that the first American infantry battalion scheduled to be withdrawn from Vietnam is going home in name only and the men are angry and bitter.

The AP quoted one first lieutenant as saying they are kidding the public, telling folks the 3d Battalion is going home when in fact only the colors and standards are going home.

Under President Nixon's withdrawal order, the 3d Battalion, 60th Infantry, of the U.S. 9th Infantry Division is scheduled to fly to the United States July 8 for demobilization. But it will actually be a composite battalion of 900 men.

The Associated Press states that men with a few months to serve in Vietnam will be transferred to other units. Their places on the trip home will be filled by soldiers from other battalions who have completed or almost completed their 12-month tours.

The Associated Press quotes one soldier as saying:

We don't feel good about people going home with our patches on their uniforms.

Many of the men have already received letters from home and are angry that their families will be disappointed.

Mr. Speaker, this AP dispatch confirms what I said in Chicago last Sunday that widespread talk of troop withdrawals from Vietnam could be a cruel hoax on the American people because it obscures the fact that more than 548,000 American troops will be sent to Vietnam this year and that the 25,000 troops ordered withdrawn by President Nixon is only half of the additional 50,000 troops that were sent to Vietnam in 1968.

I said that the current debate between President Nixon and Senate leaders over long-range plans for an American troop pullout offers no comfort to the families of the 326,000 American boys who will be sent to Vietnam during the remainder of 1969, nor to the families of the 222,000 soldiers who have already been sent to Vietnam thus far this year.

Most Americans are not aware that under our rotation policy, the Pentagon must this year replace more than 548,000 American soldiers sent to Vietnam during 1968.

I am going to place in this RECORD at the conclusion of my remarks the table on rotation for this year and I do this to show how misleading are these very detailed reports about troop withdrawals.

It is quite obvious to me that talk about troop withdrawal only prolongs the war in Vietnam and obscures the fact that the United States will continue to suffer huge losses if a cease-fire or some other meaningful forward movement is not agreed to at the peace talks in Paris.

This huge shipment of American boys to Vietnam during 1969 really fortifies my demand that the administration give the Communists until noon, August 1 of this year to agree to a complete halt in hostilities.

If such a halt in this needless slaughter is not effectuated by noon, August 1, 1969, I believe the United States should serve notice on North Vietnam that we will resume the bombing and that we will take whatever other military steps are necessary to bring this war to a military conclusion.

The figures which I am placing in the RECORD today were compiled for me by the Defense Department and so far as I know we see here for the first time the replacement requirements of troops going to combat in Vietnam.

I am not all persuaded by the argument that other troops come home and this is merely a replacement for the boys coming home from Vietnam.

I have been told by responsible spokesmen in the highest places of our Government that a study now exists that shows some 200,000 American troops could be withdrawn from combat duty immediately and not be replaced if the United States resumed bombing Communist military supply routes in the North.

The bombing halt a year ago released 400,000 North Vietnam troops from home

guard duty. Of these, we know that 100,000 are now fighting our American troops in South Vietnam; another 100,000 have taken over the demilitarized zone and are now waging aggression and artillery attacks on American installations near the DMZ. Forty to fifty thousand North Vietnamese troops are stationed in the north end of Laos and the rest are in North Vietnam's major cities intensifying defenses in anticipation of a renewal of bombing of North Vietnam.

Those who argue against bombing of North Vietnam apparently are oblivious of the fact that Prince Souvanna Phouma, Prime Minister of Laos, recently persuaded the United States not to halt its bombing of North Vietnamese troops in north Laos.

Prince Phouma quite properly stated that a halt in American bombing of north Laos would give Hanoi's four Communist divisions in Laos a military advantage.

It is incredible to me that American bombers can continue to bomb Communist supply lines in Laos but are not permitted to bomb similar lines in North Vietnam which provide ammunition for use against American soldiers.

There are those who continue to naively argue that the bombing pause is causing some sort of morale problem in North Vietnam because since the destruction ended the North Vietnamese are very difficult to discipline. This is about the silliest argument I have ever heard and I am grateful for dispatches from the Washington Star foreign service which clearly indicate that the bombing halt is proving advantageous to North Vietnam.

Our own soldiers in South Vietnam reflect the disgust with the bombing pause. Time magazine on June 20 quoted an Army specialist fourth class who said: "I think our biggest mistake was stopping the bombing of the North."

Mr. Speaker, I am sure that every American wants to end this war as quickly as possible. But the fruitless negotiations in Paris, with no end in sight to hostilities, forces us to conclude that on the basis of present American losses, the number of American soldiers killed in action since the bombing pause started will soon exceed our total losses since we first became involved in Vietnam in 1961.

I am herewith placing in the RECORD the monthly replacement necessary to maintain the present operational levels in Vietnam. Let there be no mistake. Those who talk about withdrawal of troops obscure the reality of the following replacement timetable as prepared by the Department of Defense.

The table follows:

For 1969	
January	51,900
February	48,400
March	42,000
April	41,000
May	39,300
June	43,600
July	49,400
August	41,300
September	82,100
October	48,300
November	39,900
December	46,700
Total	573,900
Less	25,000
Total	548,900

EQUITABLE TAX REFORM SHOULD MAKE UNNECESSARY ANY EXTENSION OF THE SURTAX

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, it is incumbent upon Members of Congress to provide an equitable tax system for all Americans. Former Secretary of the Treasury, Joseph W. Barr, discussed the possibility of a "taxpayer revolt if we do not soon make some major reforms in our income tax." The possibility of such a revolt is not remote when we consider the causes of this malcontent. The 1967 Internal Revenue statistics were astounding in their revelation that 155 Americans with earnings over $200,000 paid no taxes and even more deplorable, 21 of these individuals earned more than $1,000,000 and escaped without returning any money to Washington. Certainly, such loopholes in our tax system are unfair.

The tax loopholes force good, decent, hard-working people to bear a larger burden of taxation than is necessary. The Federal tax problem is also compounded by a tremendous volume of State and local taxes which all citizens must pay. There is no question of the undue hardship imposed on many middle-class families by the Federal tax bite and the economic blow is equally severe on the poor.

In addition to plugging loopholes, there are other changes needed to provide equity in our tax program. Primary consideration should be given to an increase in the personal tax exemption. The high cost of living and inflation has worked an extreme disadvantage on millions of average families. The Cleveland Press, one of Ohio's outstanding papers, earlier this year listed 20 sources of taxation for most Americans and disclosed that a man with a wife and two children earning $7,500 a year will pay $2,077.05 in taxes. With such a tax bite, the average man would have to work from January 1 until April 11 to pay all his taxes. These people need relief and they deserve it. They are interested in increasing individual tax exemptions, and I am trying to help them through my bill to raise exemption to $1,200.

With the present level of inflation and the spiraling cost of living, $600 is no longer a realistic exemption. No one can support any member of his family for this amount. In 1948, when the Congress raised the personal tax exemption from $500 to $600, the House Ways and Means Committee stated:

> There is no evidence that income, after taxes, although it has increased very considerably during the past two years, has not kept pace with the cost of living. This increase in the cost of living is the reason your Committee's bill provides a $100 per capita increase in exemptions from $500 to $600.

I think the same rationale can be used this year to enact an increase in the present $600 exemption.

Undoubtedly, every Member has received many letters protesting the extension of the 10-percent surtax. In addition to such letters, I have been presented with petitions signed by more than 24,000 persons urging an end to the surtax and an increase in the personal exemption. Signatures on these petitions were obtained by volunteer workers, going from house to house, without any remuneration. The circulators and signers are hardworking, sincere people who feel that the present taxes are extremely burdensome. The drive to collect these signatures was spearheaded by two energetic, efficient women, Mrs. Margaret Kulak and Mrs. Mary O'Malley, who labored tirelessly to organize this campaign.

It is my firm belief that, if adequate steps are taken to eliminate the inequities in our tax laws, there would be no need for a surtax extension after June 30. The surtax should be permitted to lapse. If the necessary steps are taken to provide the required revenues anticipated from the surtax by wiping off the books the outrageous benefits which have long sheltered the wealthy, there would be no need to extend the surtax beyond the June expiration date. An unfair additional tax, the surtax only compounds the problem by adding to the burdensome tax already shouldered by those who can ill afford it. A surtax cannot be assessed on those who have avoided paying any taxes.

Secretary of the Treasury David M. Kennedy and the Honorable Paul W. McCracken, Chairman of the President's Council of Economic Advisors, recently testified before the House Ways and Means Committee that a December 31, 1969, termination of the 10-percent surtax and a subsequent reduction of the surtax to 5 percent until June 30, 1970, would provide the administration with a $6.3 billion dollar surplus. I believe that we should have a comprehensive tax reform package presented to us before reenacting any surtax in order that we could more accurately assess the need for Federal income. The fact that the vote on the surtax has been postponed until July 7 does not alter my view on the need for tax reforms, reforms which are critically needed to increase Government revenues and eliminate rampant injustice in our tax system. It is my firm conviction that tax reform is desperately needed to avoid erosion of the fundamental public respect for the tax law. This respect is the very foundation of the tax system and its successful administration.

MOSS COMMENDS AGENCY HEAD FOR ORDER AGAINST OVERCLASSIFICATION

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, for many years now, I have fought a continuing battle against the overclassification of documents, files and records by Federal agencies. I have long felt that the American people were not getting all the information they need to understand and properly evaluate the decisions being made by our civilian and military leaders. Such information is absolutely essential to the success of our form of government.

Therefore, I find it refreshing indeed

to read an order recently issued by Dr. John A. Hannah, the new Administrator of the Agency for International Development. Dr. Hannah states categorically that the overclassification of documents hampers freedom of information. He has instructed AID employees to take a hard look at all documents to make certain they are not overclassified. I commend him for this action and I hope other agencies will follow suit.

The text of his order, which was issued on June 13, follows:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C.

To all AID employees:

Since assuming the duties of Administrator of A.I.D., I have observed indications of what appears to me to be overclassification of documents which have been generated by Agency officials in Washington, D.C., and overseas.

Overclassification hampers freedom of information, weakens the classification structure, overburdens storage facilities, delays the handling of documents, and may even defeat the purpose for which the documents were intended. Classified information should not be included in an otherwise unclassified document unless needed for substance and clarity. A common error which seems to be a principal factor in overclassification is the practice of assigning a classification to limt distribution. This is neither desirable nor effectve but most assuredly can be counterproductive. I strongly urge each official, in preparing an Agency paper, to take a hard look to determine whether, in fact, the document requires a classification and, if so, assure that the lowest proper classification is assigned to the material.

As you are aware, classified information does not have to remain classified. When material is assigned a classification it should also be assigned a group marking to effect its automatic downgrading or declassification when the material no longer requires its original degree of protection. I request, therefore, that each office keep its classified information under continuing survey, and downgrade or declassify such information, whenever possible, consistent with security regulations set forth in 5 FAM 900 (Manual Order 631.1).

JOHN A. HANNAH.

THE ATLANTIS PROJECT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, now that man is well on the way to conquering space, the next area of operation is the sea.

The world's marine systems are concerned almost exclusively with operations on or near the surface of the sea. The world's navies operate to control the surface of the sea. Submarine warfare is directed toward surface craft, other submarines and land targets. Military submarines are restricted to depths not significantly greater than the continental shelves.

Our Navy has been concerned with the development of a deep water rescue and research vehicle. One of these vehicles was able to photograph the remains of the submarine *Scorpion*.

The Atlantis program, which has been conducted exclusively by industry in cooperation with the University of Miami, has done a tremendous amount of research on an undersea facility. Initially, Atlantis will be an undersea site for basic research, experimentation, development of design criteria, and evaluation of equipment designs. Atlantis is directed toward developing the technologies required for operations at great depths.

This program has a significant national defense potential, and I urge the Department of Defense and the Congress to fully examine the possibilities offered by the Atlantis program as an offensive and defensive weapon, as well as an opportunity to learn the mysteries of deep-sea submergence.

A summary of the Atlantis project follows:

THE ATLANTIS PROJECT—A NATIONAL OCEAN RESEARCH AND DEVELOPMENT PROGRAM

THE WORLD OCEAN

The ocean, which covers more than 70% of the earth's surface, is commonly owned by all the sovereign nations of the world. Individual persons do not own any part of this area.

The strategic and tactical importance of the sea has been demonstrated consistently since the days of the Greek and Persian wars.

During the 16th and 19th centuries the use of the sea resulted in the spread of Western culture and civilization to much of the world, and formed the basis for much of the international political-legal system that exists in the world today.

During the middle of the 19th century the discovery of offshore oil deposits stimulated national interest in the sea bed and subsoil of the continental shelf. The Truman Proclamation during 1945 claimed an area about three times the size of Texas, and the substance of the Truman Proclamation was incorporated into the Conventions at the U.N. Conference on Law of the Sea at Geneva during 1958.

TECHNOLOGY AND LAW OF THE SEA

Technology is rapidly developing which will allow mankind to occupy and control the bottom of the ocean in the same manner that he already enjoys on the surface of the land.

It is appropriate today to consider what this ability to occupy the ocean will mean, and to consider the extensions of present laws which hopefully will reduce conflicts. Political issues resulting from attempts to extend national sovereignty in the ocean require analysis as to who will lose and who will gain by such an extension. It is necessary to consider alternate situations and to devise systems which will work under these conditions.

The ability to identify available technological options will help to develop a capability to choose the optimum path, rather than to allow circumstances to dictate the choices.

The existing law of the sea was developed primarily for military, navigational, and fishing purposes—and deals with the surface of the sea and not what is beneath it. Existing and future technology will promote military uses of the sea, and will be in advance of many commercial applications. The same technology will be used for commercial purposes unless there is an economic restriction against its use.

Within the next ten years strategic and tactical locations may be established by nations within the ocean, and there may be a tendency to deny access to the ocean around these installations.

The Conventions on the High Seas and the Convention on the Continental Shelf were instances of timely extensions and resolutions on the effect of new technology. Since their enactment in 1958, there have been great strides made in underwater technology, and it is essential that the legal aspects of the problems be examined in order to develop reasonable approaches to the use of the balance of the seas before incompatible national problems arise.

TECHNOLOGY AND NATIONAL POLICY

Within the next decade considerable effort must be expanded to assess the military significance and economic importance of the continental shelf and the deep ocean. We will need to develop vehicles and installations which can give us the capability to prohibit any power unfriendly to us from controlling strategic and tactical locations in the ocean.

The technology of the sea will evolve from the technology normally associated with naval architecture and marine enginering, and in addition it will employ technologies of the type developed for space, for medicine, and for many of our defense programs.

The development of ocean capabilities may significantly alter the balance of national capabilities in the world. The United States is in a unique position because of our extensive aerospace industry, defense industry, advanced capabilities in medicine, and the offshore oil industry. The spectrum of technology, if properly employed, will insure that this nation has the capability to explore and develop the resources of the ocean for the benefits of mankind.

A NATIONAL OCEAN TEST FACILITY REQUIREMENT

In "Effective Use of the Sea", a report of the Panel on Oceanography, of the President's Science Advisory Committee, June 1968, a recommendation was made that a responsible program be initiated for the development of undersea technology and provision for national ocean test facilities.

In the Report of the President to Congress on Marine Resources and Engineering Development, "Marine Science and Activities—A Year of Plans and Progress, March 1968", it was stated that an objective should be to accelerate the development of resources of the marine environment, extend human knowledge of the marine environment, encourage private investment enterprises in exploration, technological development, marine commerce, and economic use of the resources of the marine environment. The Report recommended that these activities be accomplished with close cooperation among all interested agencies, public and private. Special emphasis should be placed upon "Intensifying work in Deep Ocean Technology—to provide a reservoir of advanced engineering knowledge upon which the Navy can draw to meet requirements of future military systems. The same reservoir of technology may contribute to industrial engineering activity and development of deep sea resources."

The Report goes on to say, "The universities and private research laboratories are key sources of basic knowledge and manpower needed by our participants. The full development of this nation's ocean enterprise involves comparative activity by industry, regional authorities, state and local governments, and the academic community."

The Ocean Engineering Program of the U.S. Navy, published by the Oceanographer of the Navy during September 1967, says that the Navy has accepted the responsibility to help develop the undersea technology needed for effective use of the sea in the military, economic, social and political sense. "This must be a cooperative venture—a science—industry—Navy team." The Report goes on to say, "The focal project established for the deep ocean technology program is an experimental man-in-the-sea floor base. The technology developed to establish a manner one-atmosphere sea floor laboratory will provide options for improving man's use of the seashore by projecting commercial marine facilities seaward from urban areas." The Report concludes, "The spin-off value of the national

oceanographic program of development . . . comes about through the interaction of scientists and engineers acting in the government—industry—academic milieu."

NATIONAL OCEAN GOALS AND OBJECTIVES

The Report of the Commission of Marine Science, Engineering and Resources, "Our Nation and the Sea," published in January 1969, indicates that the nation can achieve the capability to operate at the 2,000 foot depth within a relatively short time if basic research and development are accelerated. The Commission recommended that the United States fully utilize the continental shelf and slope to the 2,000 foot depth and establish as a goal the capability to explore the ocean to depths of 20,000 feet by 1980. The Commission also recommended a Continental Shelf Laboratories National Project, "to provide a national capability for research, development, and operations on the continental shelf. The National Project should be jointly planned and operated in consultation with industry and the scientific community."

ATLANTIS PROGRAM OBJECTIVES

The Atlantis Program is a joint University, industry, regional approach to design, fabricate, emplace, and operate this continental shelf test and evaluation facility.

Initially, Atlantis will be an undersea test and evaluation site for basic research, experimentation, development of design criteria, evalution of equipment designs, and for proving underwater operating procedures. Its evolution to become an operating center for larger and more complex installation is anticipated. It will provide an operating capability at continental shelf depths approaching the known limits for effective work of men in the sea. Developments will be directed toward eventual operations at greater depths wherein man-in-the-sea operations are supplemented by work performed by submersibles and remote operating equipment.

Atlantis is the prototype program for deploying a system of undersea stations, which in conjunction with other national defense systems, could provide the ability to control the sea down to extreme depths. Industrially, it is a research and development program for ocean resources development. Educationally, it will provide an experimental program, a laboratory and field training sites for the aggressive extension of the knowledge of the sea.

NATIONAL SECURITY REQUIREMENTS

The world's marine systems are concerned almost exclusively with operations on or near the surface of the sea. The world's navies operate to control the surface of the sea. Submarine warfare is directed against surface craft, other submarines, and land targets. Military submarines can dive to depths not significantly greater than those of the continental shelves.

The Navy is concerned with the development of an operating capability for accomplishing any mission which might require the exploration of the continental shelf. It is logical to extend this capability first from continental shelf depths of less than 1,000 feet to the 6,000 foot depth of selected ridges and sea mounts, next to the 12,000 foot depths of the ocean floor, and finally to the abyssal plains and trenches of the deepest ocean waters.

A significant national defense potential is the development of a prototype station of a system of anti-submarine warfare (ASW) stations deployed along the Mid-Atlantic Ridge and selected sea mounts in the Pacific Ocean. As ASW command and control centers, these stations could extend our anti-submarine defenses to a distance from our shores where submarine-launched missiles become an air defense problem.

The Atlantis program will provide for the development of improved ocean systems, including offensive and defensive weapons, identification and tracking of surface and undersea craft, secure underwater logistics systems, and some initial approaches to deep submergence weapons and vehicles.

INDUSTRIAL REQUIREMENTS

A continental shelf test and evaluation facility is required by industry to develop equipment and techniques for more efficient drilling, mining, fishing, mineral extraction, construction and salvage operations. The facility will support industry efforts by the development of undersea industrial complexes and operations.

Undersea construction is fundamental to any industrial activity in the ocean. Engineers will require the same type of knowledge relating to undersea construction as presently exists for land construction. Undersea construction will require the development of methods for determining soil compactibility, stability and erosion of large areas under the sea. Site survey techniques must be developed for more precise measurement and more effective presentation of data.

Offshore petroleum activities will include the completion of wells on the bottom and the development of high density petroleum complexes associated with the storage and transport of petroleum products.

EDUCATION AND RESEARCH

Education and research will include physical oceanography, geology, biology, and undersea training. As an educational and training activity, the Atlantis Program will provide an opportunity for faculty and student participation in basic and applied research projects, as well as a training facility for underwater laboratory management and operations. The laboratory will provide an opportunity for scientists and engineers to operate for long periods in a submerged station where marine life and its effect can be observed and measured in its environment for extended periods of time.

ATLANTIS PROGRAM DEVELOPMENT

The Atlantis Program objectives, systems advantages, and a systems description was developed by the Department of Ocean Engineering, Institute of Marine Sciences, University of Miami, and Chrysler Corporation's Space Systems Division. At the completion of Phase A in January 1968, a presentation was made to the office of the Oceanographer of the Navy, and Admiral O. D. Waters responded in a letter which said, "I consider you are undertaking a very worthwhile project with a tremendous potential value to industry, education, and the government. Your approach appears basically sound from the general information provided by your presentation, and you have already done a commendable job in achieving support and cooperation from industry, local government, and a multi-university effort."

Phase B, completed in December 1968, included analysis and optimization of several concepts and their sub-systems, preliminary design of the station, its installation, and the development of preliminary program definition.

A report and Atlantis Program Proposal was submitted in January 1969 as a result of this effort. The response from Vice Admiral J. D. Arnold, Vice Chief of Naval Material, said in part, "The potential value of your proposal is well recognized. Your University/industry team has already taken a major step towards providing the nation with a manned underwater laboratory; and this has gained special significance since the publication of the Report of the Commission on Marine Science, Engineering, and Resources, 11 January 1969, which established a National Project for a Continental Shelf Laboratory. With an input of cooperative Federal planning and operation, the Atlantis Program appears to meet all major requirements for becoming a National Continental Shelf Laboratory. In this regard, the Navy is forwarding the Atlantis Program Proposal to the Secretary of the Navy, suggesting that it be presented to the Marine Science Council as a possible candidate for the initial National Project for a Continental Shelf Laboratory, with separate funding as a national project."

Chrysler Corporation Space Systems Division led the industrial team responsible for the Phase B effort with over all responsibility for systems integration, main structure design, and configuration control.

Air Reduction Company, Inc. of Murray Hill, New Jersey, is responsible for the hyperbaric facility and related systems.

J. Ray McDermott, Inc. of New Orleans, La., is responsible for site preparation and installation and retrieval.

Minnesota Mining and Manufacturing Co. of St. Paul, Minn. is responsible for the main habitat manipulators and hydraulics.

Raytheon Company of Portsmouth, R.I., is responsible for electronic and communication systems.

Sanders Nuclear Corporation of Nashua, N.H., is responsible for power sources and consideration of a nuclear power system.

Ling-Temco-Vought Aerospace Corporation of Dallas, Texas, is responsible for systems reliability integration and operations and maintenance analysis.

General Precision Systems is responsible for development of a systems simulation concept.

Gulf Universities Research Corporation, a consortium of universities along the Gulf of Mexico, is responsible for providing support for experiment integration. This effort is concerned with identifying uses which will be made by governmental agencies, industry, and universities of Atlantis as a test and evaluation facility.

STATUS AND SUMMARY OF THE ATLANTIS PROGRAM

As of June 1969, the University-Industry Atlantis team has completed and published Volume IV of their program proposal—"Mission and Experiment Plan," which supplements the basic proposal and contains the mission and experiment plan for the first two-year operational deployment of the Atlantis undersea laboratory. It presents details of each experiment project, the utilization of laboratory systems, and outlines the administrative plan for managing the Atlantis experiment program.

The recommendation by Admiral Arnold has been submitted to the Vice President as Chairman of the Marine Council, by the Secretary of the Navy.

Widespread congressional support of the Atlantis Program has been indicated by numerous letters from Senators and Congressmen to the President's Science and Technology advisor and the Director of Defense, Research, and Engineering.

The Atlantis Program effort is intended to include more than the Navy requirement for national security systems development. It is intended to integrate total requirements for a national continental shelf test and evaluation facility which will be operated in the national interest.

A group of universities, industries, and the political and business leaders of a region have combined their resources and talents in the work accomplished to date.

Federal support for the Atlantis Program now is in the national interest, to maintain the momentum of the University-Industry team effort which has been demonstrated during the past eighteen months.

THE VOICE OF THE PEOPLE IS HEARD THROUGHOUT THE LAND

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the announcement in Detroit that ultraliberal Mayor Jerome P. Cavanagh, who ap-

parently reads the newspapers, will not run for another term can but reflect the grassroots command from decent, hard-working, taxpaying Americans to have done with the foolishness from the left.

In the 1968 elections, the heir apparent of the administration was soundly repudiated at the polls. His platform could satisfy less than 40 percent of the voters, despite the free flow of tax money to the cities. In 1969 the voters of Los Angeles, Minneapolis, New York, and other cities have plainly spoken at the polls.

Since January, we have seen Abe Fortas, who was intended to become Chief Justice of the United States, resign from the bench in disgrace. We have seen Earl Warren retire, ending the sorry era of the "Warren Court" with the bitter whine that the low esteem in which the Court is held is due to the misconduct of Abe Fortas and William O. Douglas. And we now see William O. Douglas on the run, looking for a place to hide, fearing the further disclosures which will lead to his impeachment.

Mr. Speaker, last November the people elected a President who had compaigned on promises to change the direction of the preceding administration. The people were fed up with higher and higher taxes—coupled with no-tax privileges for such favored left-wing operations as the Ford Foundation. They were fed up with a program of mollycoddling criminals to the point where it is unsafe to be on the streets—even unsafe to remain in your own home at night. They were totally fed up with a no-win war, where our men die daily because their Government will not support them in combat—but continues to encourage trade with their enemy and those who supply their enemy with the munitions and implements of war.

The American people still await any significant action by the present administration to redeem the promises made in that campaign. They have seen no reduction in Federal spending which was supposed to be a condition of the 10-percent Johnson surtax. Now the Johnson surtax is about to become the Nixon surtax.

The anti-inflation theory behind this tax on a tax is patently assinine, and the people know it. You simply cannot tell people that if they spend the dollar which they have earned, it will lead to inflation, but if the Government takes it away from them and spends it, some alchemy takes place so that the spending does not become inflationary.

Mr. Nixon must learn from Mr. Lincoln, who had something to say about fooling all of the people all of the time.

Mr. Speaker, there are not enough votes in this House to pass an extension of the surtax at this time. The Members have been hearing from their constituents. Everyone knows that the delay in acting on the measure is for the purpose of permitting time for arm-twisting in the name of party loyalty.

It is appropriate to again point out that people discipline political parties—and politicians—at the polls. We all should read our mail, and perhaps try to evaluate the news as did the Mayor of Detroit. I ask that clippings and a typical letter from one of my constituents in Amite, La., follow.

The clippings follow:

[From the Washington Evening Star, June 24, 1969]

CITES CONCERN FOR FAMILY—DETROIT'S MAYOR CAVANAGH SAYS HE WON'T RUN AGAIN

DETROIT.—Detroit Mayor Jerome P. Cavanagh, who in 1961 became the first of a generation of "bright young mayors" claiming to solve the problems of the nation's cities, announced today he would not seek another term.

"The time has come for me to give greater consideration to the lives of my children," the 41-year-old, two-term Democratic mayor told a press conference. He was divorced in 1968.

Cavanagh said he still thinks the majority of the people in the city of Detroit support him.

He said the results of recent mayoral elections and primaries in New York, Los Angeles and Minneapolis, which have been interpreted as showing growing conservatism among urban voters "made my decision more difficult."

"If there was one thing that could have compelled me to run, it was these results," he explained.

Cavanagh, a liberal, indicated he thought it important that liberals stay and fight the growing trend of conservatism among urban voters.

Cavanagh, who has custody of four of his eight children, emphasized the burdens of his office and family responsibilities in announcing his decision.

"It was not an easy decision to reach," he said. "I have served nearly eight years in a job that has been described as one of the most difficult in America, next to the presidency."

Cavanagh, whose city in 1967 was the scene of one of the nation's worst racial riots in modern history, said he was proud of the record of his administration.

"I believe we have made municipal government more responsive and relevant to all the people of the city," he said.

Thirteen candidates already are in the mayor's race.

Cavanagh lost a Democratic primary election for the U.S. Senate in 1966 to former six-term Gov. G. Mennen Williams.

United Press International reported that Cavanagh's decision not to seek a third term appeared to stun his aides.

At a private meeting before the news conference, UPI said, many of the mayor's staff people arrived wearing "Cavanagh Cares" buttons, anticipating the launching of a campaign.

The mayor did not say what his plans would be when his term ends in January.

During the Johnson administration, Cavanagh was often mentioned as a possibility for a major federal appointment.

ASSIST BAR, JUDICIAL CONFERENCE—WARREN TO HELP DRAFT RULES

(By Dan Thomasson)

Retired Chief Justice Earl Warren will assist the American Bar Association (ABA), and the Judicial Conference in moulding a new set of ethical standards for Federal jurists, congressional sources said today.

Within moments after the swearing in ceremony for his successor, Warren T. Burger, yesterday, Mr. Warren expressed to friends his continuing concern over the loss of public confidence in the judicial system—an erosion attributable largely to the outside activities of former Associate Justice Abe Fortas and Justice William O. Douglas.

AMITE, LA.,
June 19, 1969.

HON. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This letter is being written by me—"Me" being a plain debt ridden, sur-taxed Southern American housewife. There are many more in the South—North—East—West—just like "Me."

My son volunteered for duty in Vietnam, not because he believes in "the war," but because his friends are "there" and the action is "there" and Old Glory is "there." This is a promise. I will not stand idly by on the sidelines with tears in my eyes and watch while the "black nationalist flag" replaces "Old Glory." I heard this happened in New Orleans. The first time it happens before my eyes—Old Glory will retain her place or blood will flow. And so many people misunderstand this same feeling that many Southerners have for the "Stars and Bars." This grand old flag is respected, not so much as a symbol of rebellion, but rather as a banner under which our ancestors fought honorably for the cause of States Rights. We were defeated because we were physically overwhelmed. "Might" still does not make "right." It is still my belief and my interpretation of the Constitution that towns, Parishes and States can better understand local problems and run their own affairs than the Federal Government. What does a Cajun know about building an igloo? What does an Alaskan know about crawfishing?

Since the Federal Judges take wide circles in interpreting the constitution and use this to their own advantage, has the possibility of a very simple and plain amendment to the Constitution been considered? For instance, why not introduce an amendment to the Constitution stating:

"Matters involving the education of children shall be left in the hands of individual local school boards and local school boards shall see to it that tax monies are distributed equally to each school for each educable child."

Now that seems simple enough. Another thing, I don't like the phrase "federal monies." Those Federal monies, friend, belong to me and all the other surcharged-tax paying Americans in the United States and not to the Supreme Court and HEW. And it seems to me we have an awful lot of "taxation without representation."

One thing more, don't feel bad because "The Supreme Court" let Adam Clayton Powell back in Congress. It stands to reason if that bunch don't believe in God, then they've got to go along with the Devil.

Sincerely,

JERRY PULLIAM.

OEO FRAUD

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I have come across the most flagrant case of misrepresentation and outright fraud by a Government agency that it has been my experience to see.

The Office of Economic Opportunity has deceived the Congress, other agencies of Government and the American people by its underhanded and self-serving system of evaluating projects.

At great expense, OEO hires outside organizations to evaluate projects. They thus give the impression that the evaluation is an independent one, unprejudiced and unbiased. Then these evaluation reports, in the name of these supposedly independent firms are given wide circulation in support of OEO programs. They are even used by committees of Congress and by the General Accounting Office.

I have written proof, from one of these evaluating firms, that there is nothing independent about these reports at all.

The so-called "specialists" who conduct the investigations are handpicked by OEO itself, not the evaluation firm, so that OEO can dictate the result of the evaluations.

Not even the evaluation firm, which receives the financial benefit of this arrangement, approves of it. It is a clear deception, hidden from those who would read such a report on the letterhead of an outside organization thinking that it is an independent effort.

It is a fraud.

On June 10, in previous remarks about the evaluation of South Florida Migrant Legal Services Program, Inc., I pointed out to the House that Volt Information Sciences Services, Inc., was given a contract by OEO and paid to evaluate that project for refunding.

My investigation shows that OEO itself picked the four-man evaluation team, not Volt. Three of the four selected by OEO had close enough connections to the program to be disqualified. Volt says that they would not select individuals with potential conflicts of interest. But OEO did not permit Volt to make the selections. OEO did so itself.

One individual in particular, the team chairman, is listed as a "Volt consultant" on the report. Yet, the records of the OEO program being investigated show that this man was also the Washington representative of this same program.

OEO selected as chairman of an evaluation team, a Washington liaison man of the project to be evaluated. And OEO required its supposedly independent evaluation firm to pay this man for his services and submit his report as its independent evaluation.

The President has asked Congress to extend OEO for another 2 years. He has appointed a new Director, Don Rumsfeld, and given him Cabinet rank within the new administration. The President and Mr. Rumsfeld have taken over responsibility for a program which requires their immediate attention. Judging from the results of the November election, a majority of Americans voted against many of the policies and practices of the Johnson-Humphrey administration. Their votes, either for Mr. Nixon or for Mr. Wallace, were a clear mandate for change within the White House and the executive branch. Certainly, the poverty program must be high on the list of those programs and policies which must be drastically reformed.

I urge the President and Mr. Rumsfeld to immediately suspend all contracts which give OEO the right to select members of supposedly independent evaluation teams, and to repudiate any existing evaluation reports which have been submitted in this fraudulent manner. I call on them to immediately suspend the South Florida Migrant Legal Services Program, Inc., and to conduct a full and complete investigation, including an audit of all expenditures of the $800,000 given this program, to determine why OEO found it necessary to handpick evaluators rather than permit an honest investigation prior to recommending refunding of this program. And I urge them to authorize a new migrant legal services program, operated by responsible members of the Florida Bar Association and local bar associations, to provide legal services for the migrant and rural poor.

For the RECORD, here is documentation indicating the extent of these conflicts of interest:

First, excerpts from evaluation report, indicating team members.

Second, letter from Volt, confirming contract and fees.

Third, excerpts from project records indicating potential conflicts.

Fourth, letter from Volt confirming OEO selection of evaluators.

The material follows:

EXCERPT FROM EVALUATION REPORT

To: Christopher Clancy, Acting Director, OEO Legal Services.

From: John G. Murphy, Jr., Volt Consultant, Professor of Law, Georgetown Law Center, Washington, D.C.

This report summarizes the findings of a four man evaluation team sent to inspect the South Florida Migrant Legal Services Program April 14–17, 1969. Others on the team were Stuart Land, a member of the firm of Arnold & Porter, Washington, D.C.; Michael Trister, Director of the North Mississippi Rural Legal Services Project; and A. C. Strip, a Columbus, Ohio, attorney representing the Legal Aid Committee of the American Bar Association.

LETTER FROM VOLT DATED JUNE 2, 1969

DEAR CONGRESSMAN ROGERS: Thank you for your letter of May 21, 1969. We have reviewed the performance of four Volt specialists in the performance of a task assignment relating to the South Florida Migrant Legal Services Program, Inc., under the provisions of OEO Contract B89–4391. The results of this review are as follows:

This task was accomplished by the four specialists identified in your letter.

The specialists were or are to be paid fees and incidental expenses as follows:

John G. Murphy, Jr.; a fee of $280 for four days' professional services, per diem of $60, and travel expenses of $177.49.

Stuart Land; no fee, per diem of $52, and travel expenses of $189.00.

Michael Trister; a fee of $280 for four days' professional services, per diem of $60, and travel expenses of $177.49.

A. C. Strip; a fee of $300 for four days' professional services, per dem of approximately $40 and travel expenses to be determined.

It is not Volt's policy or practice to have anyone other than Volt regional representatives select specialists to be engaged for specific assignments.

Volt does not knowingly assign specialists to tasks in which the specialists have interests in the case.

Sincerely yours

DR. DAVID M. SNYDER,
Vice President.

EXCERPT FROM THE REPORT OF EXECUTIVE DIRECTOR, SOUTH FLORIDA MIGRANT LEGAL SERVICES PROGRAM, INC., TO THE BOARD OF DIRECTORS, DECEMBER 20, 1967

"Also while at Georgetown he (SFMLS Assistant Director) met Professor John G. Murphy, Jr., Co-Director, Legal Internship Program, Georgetown University Law Center, who has agreed to act as the Program's liaison man in Washington. His function will be to contact various government agencies upon our request and forward to us such information as he may acquire from these agencies."

LETTER FROM VOLT, DATED JUNE 16, 1969

DEAR CONGRESSMAN ROGERS: It was a pleasure to meet with you and your staff members to discuss your concerns on the project evaluation which was recently conducted on the "South Florida Migrant Legal Services Program, Inc., of Miami, Florida.

As I pointed out, we have a contract with OEO to provide the necessary qualified personnel, facilities, materials and services required to furnish services of specialists and provide assistance and support to OEO/CAP in developing, conducting and administering programs under Titles II and IIIB of the Economic Opportunity Act of 1964, as amended.

Our contract states, "although the Contractor is responsible, OEO, may however, make recommendations to the Contractor relating to the specialists. No specialists shall be permitted to provide services under this contract if he proves to be unacceptable to OEO." Needless to say, we are not happy with this clause.

In the past, OEO with few exceptions has reserved the right to select the specialists to provide technical assistance to the Legal Services Program.

It is our desire, Mr. Rogers, to have complete authority in the selection of specialists for specific assignments. This procedure would enable us to provide quality services which would cause a more effective program.

If we can be of further assistance to you in the future, please feel free to call on us.

With warmest regards.

THERON J. BELL,
Director, Public Affairs.

INDEFINITE WITHHOLDING OF CERTIFICATION FOR DOMESTIC AIR ROUTES TO THE PACIFIC

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, the announcement yesterday by the CAB that it was indefinitely withholding the issuance of certification for the domestic routes to the Pacific has added confusion and disbelief to practically all certificated air carriers in America.

This is the fifth delay, at the request of the White House, which the CAB has granted. This delay is causing deep financial injury to many of the carriers involved. It is causing great inconvenience to the public; it particularly leaves Hawaii in an uneasy status.

The Trans-Pacific case has shuttled back and forth several times from the White House to the CAB. During this time the Board has withheld these domestic routes pending some decision by the White House and each time the White House has apparently sent it back for some reason. At the President's own request, the Board last week apparently has recommended to the White House a carrier to the South Pacific with connections from the eastern seaboard to the Midwest and to the South Pacific, following the President's guidelines. If this recommendation was made and not accepted by the White House, the public is entitled to know the reason. If the Board has not made a recommendation or has not given sufficient information to the White House, that reason should be known. If there are other reasons for which this Trans-Pacific case cannot be settled, the public is entitled to know the reason.

Meanwhile, these carriers which have been granted domestic routes, yet have not been granted the certificates because the routes are attached to the Trans-Pacific case, have been expending considerable funds in anticipation of the start of the routes.

It is not fair that they be kept in the dark or strapped to a heavy financial expenditure for an indefinite period of time. They must anticipate the inauguration of the flights, air pilots, hostesses, and other crewmembers, hire advance personnel and establish some kind of office, as well as many other heavy expenses.

The failure to release these domestic routes has a serious impact on several carriers. One carrier may even go bankrupt if this expense is continued, and other carriers have spent $2 to $3 million in anticipation.

In short, Mr. Speaker, the delay in the Trans-Pacific case appears to be without good explanation. On the face of it, it appears unbelievable the way this case has been and is being handled. I call on the CAB and the White House to proceed with an order to settle this controversy. The public and the air carriers are entitled to better treatment.

POLITICAL IMPRISONMENT

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LOWENSTEIN. Mr. Speaker, not long ago, the South African Government released from political imprisonment one of South Africa's most distinguished citizens, Robert Sobukwe, the leader in happier days of the Pan African Congress.

The civilized world, so long accustomed to dark tidings from South Africa, blinked at the unfamiliar flicker, and hoped for better things to come, perhaps even for a return toward the minimal standards, of a rule of law so long banished from their troubled land.

Now comes the Lenkoe affair and with it, apparently, the early end of fragile hope.

A Lesotho citizen named James Lenkoe was suddenly taken from his home near Johannesburg by the special branch of the South African police. A day later he was found hanging in a cell in a prison in Pretoria. He had been questioned all day, and his wife was told that he had then hanged himself.

During the subsequent postmortem, however, the eminent American pathologist, Dr. Alan Moritz, testified that an injury on Mr. Lenkoe's body had been caused by electric shock. The suspicion that Mr. Lenkoe was in fact electrocuted has grown with the odd behavior of the South African Government since the body was discovered.

Allegations of torture in South African prisons are, of course, not new, but the South African Government has always professed indignation at these allegations.

Now that Government has, among other things, seized the passport of Mr. Joel Carlson. Mr. Carlson is the lawyer who represented Mr. Lenkoe's widow, and who developed evidence of torture in the Lenkoe case. Dr. Moritz said he is "very distressed" by the action against Mr. Carlson, but "not at all surprised."

My experience in Johannesburg made me feel that Mr. Carlson was living dangerously by crusading for human rights—that he was regarded by the government as a public enemy.

Many Members of this House are also very distressed—distressed by the renewed evidence of mistreatment of South African political prisoners, and distressed by the harassment of those who seek to show up such mistreatment and whose efforts one would think would be hailed by the South African Government if its professed indignation about such charges was an indication of a desire to correct such conditions where they exist.

The harassment of Mr. Carlson has provoked a protest from the Lawyers' Committee for Civil Rights Under Law, a group whose members include many of the most distinguished leaders of the American bar. The statement of the lawyers' committee follows:

The Lawyers' Committee has been advised that the South African government has taken away Mr. Carlson's passport, thereby restricting his movements outside the country. The Lenkoe inquest, as a result of the diligence of Mr. Carlson, associated counsel, and the testimony of Dr. Moritz and medical colleagues in South Africa, has cast doubt on the manner of Lenkoe's death. This case has over the past few days received considerable publicity, which has not been favorable to the police and prison officials.

In the opinion of the Lawyers' Committee, any interference with and harassment of an attorney who has, under instructions from others, carried out his duties in the highest tradition of the legal profession, would be totally unwarranted. The Lawyers' Committee intends to continue to instruct and support Mr. Carlson in carrying out his professional responsibility. We hope that he will not be interfered with, and that his freedom to travel, particularly while engaged in counseling clients, will not be infringed. The Lawyers' Committee will seek to continue its interest in the above matters, and its established professional association with Mr. Carlson in the interests of the preservation of the rule of law, which includes the right of any counsel to carry out his duties in dignity and to protect the rights of his clients without intimidation.

The Anglo-Saxon bar has an ancient tradition that lawyers have a duty to defend in court persons accused of crime, no matter how unpopular or dangerous, and to be protected in their exercise of this responsibility by the bar, the courts and, indeed, all arms of a civilised government. We hope that this tradition can and will be preserved by our South African brethern at the bar.

At the same time that these sad events have been taking place, two reporters of the leading Johannesburg newspaper, the Rand Daily Mail, are being brought to trial on charges of publishing false information about prison conditions. In Parliament, the Government has proposed legislation that would add to the immunity from legal procedure of the security police. The New York Times editorial of June 19 summarized the situation as clearly and fairly as anyone could:

SOUTH AFRICAN "JUSTICE"

While trying to maintain the trappings of proper legal procedure, South Africa's Nationalist Government adds steadily to its arsenal of police-state laws and practices. Legislation now in Parliament would make the country's notorious security police immune from any effective public scrutiny.

The Bureau of State Security is already shrouded in secrecy, but the new bill provides severe punishment for any disclosure of a "security matter," specifically including any matter related to security police activities. No evidence could even be given in court if the Prime Minister or anyone designated by him declared it prejudicial to state or public security.

The timing of this move to give security police even greater immunity is not accidental. It is unquestionably related to the Government's seizure last week of the passport of Joel Carlson, an eminent white civil rights lawyer, and to the trial of Laurence Gandar and Benjamin Pogrund of The Rand Daily Mail on charges of publishing false information on prison conditions.

Mr. Carlson is involved in a case which has produced sensational evidence of the use of electric shock torture by security police. This corroborated one Rand Daily Mail disclosure as well as some testimony at the Gandar-Pogrund trial.

James Lenkoe, a Lesotho national, was seized by security police at his home near Johannesburg and his wife was later notified that he had hanged himself in his cell. She contacted Mr. Carlson, who obtained a second post-mortem which aroused the suspicion that Mr. Lenkoe had been electrocuted. Now an eminent American pathologist, Dr. Alan Moritz, has told an inquest that beyond reasonable doubt an injury on Mr. Lenkoe's body was caused by electric shock.

However the court cases turn out, this much is clear: Mr. Carlson has lost his passport because he was too skilled, even when up against monstrous laws and the apartheid system, in protecting the rights of Africans and exposing police barbarism. Messrs. Gandar and Pogrund have been brought to trial not because their disclosures were false but for serving as alert and courageous critics of a tyrannical regime—and thus serving the cause of press freedom everywhere.

The South African Government would be wise to cease its harassment of Mr. Carlson, and to cooperate fully in investigating the circumstances attending Mr. Lenkoe's death. If it is found that Mr. Lenkoe was tortured, one would hope that the government would want to bring those responsible to justice.

The South African Government should also be aware that the trial of the two journalists will be closely watched, that the impression abroad is that those responsible for appalling prison conditions should be punished, not those who expose such conditions.

In the most precise sense of the word, it is the South African Government that is now on trial, not those who are in its political prisons, nor those who seek to make more humane the conditions in those prisons.

The questions of the sugar quota for South Africa and of the continuing permission for South African Airways to land in this country are now under public scrutiny. It is thus both appropriate and inevitable that the behavior of the South African Government should be observed carefully by Americans concerned about how their landing fields are used and how their money is spent.

AMERICAN ASTRONAUT NEIL ARMSTRONG

(Mr. FOREMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FOREMAN. Mr. Speaker, the eyes of the world are looking for that day when American Astronaut Neil Armstrong steps onto the surface of the moon. In New Mexico—our residents are very proud of this feat—especially since many components of the lunar land-

ing craft were tested at the NASA facility near Las Cruces. Mr. James Carpenter, a public information officer for the Las Cruces schools, is one of these New Mexicans. He has suggested—and the Las Cruces Chamber of Commerce agrees, that all America should fly our Nation's flag on that eventful day. Mr. Carpenter believes a feeling of national pride unequaled since World War II should sweep over our Nation with the success of Apollo 11. Mr. Speaker, I include a letter from the Las Cruces Chamber of Commerce to President Nixon in the RECORD at this point:

JUNE 17, 1969.

President RICHARD NIXON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The nation and the world know that the actual landing on the moon will culminate centuries of wonderment by peoples of the world. It also represents years of research, development, testing and planning by thousands of United States scientists.

Mr. Jim Carpenter, a citizen of Las Cruces, New Mexico, has suggested what could be the thoughts of two hundred million United States citizens; that when Neil Armstrong touches down on the moon concurrent recognition of this momentous occasion be made by a nation-wide display of our country's flag. We are all aware that the mission is fraught with danger and that successful accomplishment is not a foregone conclusion. Nevertheless we may hopefully prepare for honoring the occasion. Should this event occur during the hours of darkness, flags could be displayed during the following daylight hours.

The Las Cruces Chamber of Commerce, Las Cruces, New Mexico, wholeheartedly supports this proposal and respectfully asks you to issue an appropriate proclamation establishing procedures for observing this proud and memorable date.

Very respectfully yours,
CHARLES A. PINNEY,
Executive Manager.

MILITARY PROCUREMENT

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, according to a local publication, former Secretary of Defense Robert McNamara was interviewed by the Boston Globe the other day. He is reported to have said:

No amount of military hardware can buy us security and that is a fact we have yet to learn. . . . The Congress, you see, has bought Defense items the way women buy perfume If it costs more they conclude it must be better. Anything that's shinier, brighter, prettier they think the generals and "our boys" ought to have.

I spent much of my time fighting a Congress that wanted to spend too much on useless military projects. Any number of times I was ordered to begin work on a project which was totally wasteful.

I must confess that I am not surprised at this display of contemptuous attitude toward Congress on former Secretary McNamara's part. I certainly hope the World Bank is not being administered as poorly as the Department of Defense was under him.

The cost overruns and the failure of expensive military equipment of today are the direct responsibility of the systems analysts and the "management experts" of Mr. McNamara's regime.

Mr. McNamara well knows that Congress buys nothing. He should know, since he bought as little as possible; what he did buy turned out to be quite expensive, and in some cases, quite ineffective.

I need not belabor the TFX problem which was the result of a McNamara decision, probably the greatest blooper in American military procurement history. Mr. McNamara was blinded by one concept—commonality—and the taxpayers will be paying for that mistake for years to come.

Mr. McNamara wanted to destroy, for practical purposes, the military reserve structure of this Nation. The Congress prevented that.

Mr. McNamara refused to change our newest aircraft carrier the *John F. Kennedy* to nuclear propulsion despite the vigorous protests of the Navy and Congress. President Nixon pointed out during his campaign that—

Most naval authorities around the world describe that decision as an irretrievable and major mistake.

Mr. McNamara turned down the Navy's request to build the high-speed submarine. If he and his systems analysts had been permitted to have their way we would have stopped building any nuclear submarines after this year. Thank God the Congress and Secretary Clifford reversed that disastrous decision.

Mr. McNamara did not want to build nuclear-powered frigates, but wanted to continue studies instead. Had Mr. McNamara had his way, we would still be studying nuclear power, while the Russians are building more and more nuclear-powered submarines to be able to sink what Navy we have.

If Mr. McNamara, as quoted, said that no amount of military hardware can give us security, then certainly he misled the American people during the 7 years he reigned as supreme purchaser of military equipment in the Department of Defense.

Is he now joining the growing list of people who told Congress one thing while they were in Government, and now, when they are out, tell us the opposite?

Mr. McNamara was a great advocate of the parity concept. That is: Do not try to be superior to the Soviet Union in anything, and they will be good boys and not try to surpass us. That was his theory in ballistic missiles and that was his theory in naval ship construction.

As a result, the Russians are overtaking us, so far as naval supremacy is concerned. They vastly outnumber us in submarines. They outnumber us in cruisers. They outnumber us in amphibious vessels. They outnumber us in minesweepers.

We know that the Russians have at least six new prototype fighters flying. All we have at this point is the F–111, and that is not an air-to-air fighter.

Vice Admiral Rickover would not be on active duty today if Mr. McNamara had had his way. Thank God we had people like Chairman HOLIFIELD, the late Honorable William Bates, and Chairman RIVERS, or Admiral Rickover would have been kicked out and nuclear-powered propulsion would have been set back and America would have suffered.

So poorly prepared were we when the *Pueblo* was seized—thanks to McNamara—that we could not even go to the rescue of one of our own naval vessels in a Korean harbor. Yet, he wasted a billion dollars on the useless "McNamara line" across Vietnam.

History will prove him to have been our most expensive Secretary. A Secretary who produced little but cost effectiveness studies and a huge management bureaucracy—about 50 times larger than when he took over—a bureaucracy which is still stifling our Defense Department.

Morale hit a new low under his regime, so far as the military profession is concerned. But the greatest crime of all was the concept of gradual escalation, which he imposed on our military leaders in Vietnam. The skeletons of 36,000 American boys attest to the brilliance of that decision.

Tears came to McNamara's eyes as he related to a congressional committee his son's concern that his integrity was being questioned in the TFX issue. But now he is reported to have revealed his contempt of Congress with the declaration: "I defied Congress, crept as close to the edge of the law as possible and got away with it because of some damn good lawyers in the Pentagon."

The magic of Mr. McNamara's spell has come and gone. The damage he did while he was here was enough. The least he could do now is to keep quiet—before he does the Nation more harm.

OUTSIDE INCOME OF FEDERAL JUDGES

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, recently the Judicial Conference met. One of the matters they met to deal with was the question of outside income and whether Federal judges ought to be able to earn outside income. I think it was laudable that they decided to prohibit Federal judges from receiving outside income without obtaining permission first.

However, there are two rather glaring deficiencies in the actions taken by the Judicial Conference which lead me to believe that there is still a pressing need for legislation. No. 1, they do not include the members of the Supreme Court within the rules. No. 2, they failed to provide any enforcement provisions.

For these reasons, Mr. Speaker, I have taken most of the recommendations of the Judicial Conference and put them into a bill. I have provided that all judges including Supreme Court Judges, come within the scope of the bill. I have added to it as well some enforcement provisions, so if indeed some of the judges continue to do what they have done in the past, then we, the Federal Government, will have a right to enforce the provisions to prevent them from violating their trust.

The matter of judicial independence

and integrity has recently become a matter of national concern. When discussing this issue it is important to realize that two distinct aspects of judicial independence have been involved. The first relates to the relative position of the Supreme Court as one of the three equal branches of Government under our system of separation of powers. The other aspect is equally important and relates to the fundamental requirement that our judicial structure remain totally free of outside influences separate from those exerted by Congress and the executive branches of Government. To allow one branch of our Government to dominate and detract from the effectiveness of the other two is one thing, but for a branch to lose independence to private interests outside the governmental structure based upon financial or personal gain of its members is even more insidious.

There can be no question that judges and Justices are individuals and subject to the temptations and desires that exist within every human. The law has long recognized, however, that certain positions in our society require that those who hold them put aside those interests and conflicts which would detract from their independence and impartiality. A judicial assignment is a position of high trust and requires more than a discretionary denial or avoidance of inconsequential conflicts. It demands that not only actual conflicts be eliminated, but that appearances of conflicts also be assiduously avoided.

Perhaps no conflict of interest detracts more from the dignity and integrity of a judicial position than a financial conflict, whether proven or implied. Of the many social contacts maintained by judicial officers none is so pernicious as an economic relationship. Nothing impunes a judges' motives as effectively as the suggestion that his decision was tempered or affected by financial ties or the prospect of personal economic gain. What makes this charge so treacherous is the fact that innocent and distant relationships are just as damning as those which actually altered a judicial mandate.

Our Federal judicial system and its esteemed members have, in the past, been forced to conduct their nonjudicial activities without an objective set of standards by which to gage their conduct. While every foreseeable conflict does not lend itself to the application of objective criteria and would not therefore be diminished by their existence, financial relationships cannot be so classified.

The time has come to recognize that our Federal judicial system must once and for all be removed and protected from future financial involvements that have impugned its activities and diminished its effectiveness in the past. Our Nation requires a full-time judiciary devoted to the impartial application of the law of the land. As long as financial conflicts of interest are possible, our courts will never be above suspicion.

As a Nation whose basis for orderly existence is founded upon respect for the law, such a condition cannot be allowed to exist. In an effort to completely remove the cloud of financial conflict of interest from our Federal judicial system. I am introducing legislation which would prohibit the receipt of income for services from sources other than the United States except in those instances where specific authorization was obtained prior to performing the service. In addition, there is provision for the annual disclosure of the nature and extent of investment income in order that it be revealed and made subject to the light of public scrutiny.

Mr. Speaker, the bill I introduce is based in large part upon the recent recommendations of the Judicial Conference of the United States. It does, however, vary in certain significant aspects. First, it applies to all members of the Federal judiciary, including members of the Supreme Court. Certainly the reasons for requiring financial disclosure by lower court judges are equally applicable to those who sit on our highest court. Of what use is a code of ethics for our Federal judicial system that specifically excludes the Supreme Court from its provisions?

In addition, the legislation I propose would strengthen the Judicial Conference proposal by providing that violations would constitute a high misdemeanor. Conviction of such an act would provide grounds for impeachmnt under article II, section 4, of the Constitution.

Service on the highest court of our land and on the other Federal courts is not and can never be a part-time job. The increasing pressures of crowded court dockets on both the trial and appeal levels require constant attention. It is no longer possible to adequately deal with the issues and problems now facing our courts on other than a full-time basis.

The integrity of our Federal courts should no longer be a matter of discussion and debate. There should be no question about such matters. If there is basis or reason for such discussions, the judiciary has failed to meet its responsibility to remain above suspicion.

Mr. Speaker, I intend to circulate my bill to allow those who so desire to join me as cosponsors. In this regard I would welcome their support and interest in this endeavor. The bill follows:

H.R. 12434

A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 454 of title 28, United States Code, is amended to read as follows:

"§ 454. Practice of law by justices and judges; additional compensation; disclosure of financial information.

"(a) No judge or justice appointed under the authority of the United States shall engage in the practice of law.

"(b) Except as provided in subsection (c), no judge or justice appointed under the authority of the United States shall accept compensation of any kind, whether in the form of loans, gifts, gratuities, honoraria, or in any other form, for services performed or to be performed by him, other than that compensation provided by law for the performance of his judicial duties.

"(c) A judge or justice may accept compensation other than that provided by law for the performance of judicial duties if, upon application of such judge or justice, the judicial council of the circuit (or in the case of a judge or justice on a court which is not part of a circuit, the judges or justices of the court who are in active service) approves the acceptance of such compensation upon a determination that—

"(1) the services are in the public interest or are justified by exceptional circumstances, and

"(2) the services will not interfere with his judicial duties.

The services to be performed and the compensation to be paid under this subsection shall be reported to the Judicial Conference of the United States and made a matter of public record.

"(d) Each judge or justice shall file annually (commencing May 15, 1970 for the preceding calendar year) with the Judicial Conference of the United States, on forms to be approved by the Judicial Conference, a statement of his investments and other assets held by him at any time during the year as well as a statement of income, including gifts and bequests, from any source, identifying the source, and a statement of liabilities.

"The statements shall be kept on file with the Judicial Conference and available for such use as the Conference and the Judicial Councils of the circuits may require, as well as for public disclosure as determined by the Judicial Conference to be in the public interest, pursuant to regulations promulgated by the Conference.

"(e) Any judge or justice who violates subsection (a), (b), or (d) is guilty of a high misdemeanor."

Sec. 2. The item relating to section 454 in the table of sections for chapter 21 of such title is amended to read as follows:

"454. Practice of law by justices and judges; additional compensation; disclosure of financial information."

EXPROPRIATION IN PERU

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, on October 9, 1968, the Government of Peru expropriated the assets of the International Petroleum Co., a U.S.-owned company in Peru.

I suppose any national government has the right to take control of foreign owned property, but certainly the owners have a right to fair compensation.

This principle is given recognition in our law by the Hickenlooper amendment to the Foreign Assistance Act of 1961 as well as section 408(C) of the Sugar Act. The Hickenlooper amendment provides that when any country expropriates U.S.-owned property and fails to provide compensation within 6 months then U.S. assistance programs are suspended.

On April 9 the 6-month period expired without compensation by Peru. The State Department agonized for some time about what to do, and decided to do nothing.

This was hailed as a victory. Specifically, one report said it was a "triumph of diplomatic one-upmanship" by the United States.

On the day before the expiration of

that 6-month period, April 8, a crowd of people in Lima attacked the U.S. Information Service there with rocks and Molotov cocktails. They charred a front door and shattered a large window.

Since that time Peru has seized American fishing boats operating within what Peru claims as 200-mile coastal waters but well outside of the 12-mile zone which has been considered as an international standard and which this country recognizes.

Yesterday, according to news reports, the Peru Government expropriated land holdings including substantial land owned by citizens of this country.

Mr. Speaker, these are facts which are on the record for all to see.

I call upon our Government today to suspend all programs of assistance to the Government of Peru in accord with the Hickenlooper amendment.

I say to my colleagues that if provisions of the foreign assistance legislation cannot be implemented, then further appropriations for the program should be seriously questioned.

One would think that after 20 years of trying to make defeats look like victories in our diplomatic dealings with other countries, we would catch on. But we do not.

Neither Peru nor any other country is going to stop harassing the United States so long as we knuckle under to every outrage perpetuated on us, calling it a new and greater triumph.

Let us use some commonsense in our dealings with other countries, just once.

DAVIS—THE UNIVERSITY THAT MRAK BUILT

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, this month at the Nation's leading agricultural college—the University of California at Davis, in my congressional district—the chancellor will retire.

Emil M. Mrak is perhaps as unseemly a name as SPIRO T. AGNEW—both describe important Americans. Mrak assumed chancellorship of the old Cal Aggie College 10 years ago and carefully managed the broadening of the curriculum, the development of a new law school, the development of a new medical school, and a college enrollment expansion from 2,500 to 11,100 this spring.

The Davis campus for my money and my daughter, Diana, is the best in the West, and Mrak made it that way.

By personalizing the university administration, Emil Mrak has helped to bridge the gap between students and faculty and sometimes the larger gap between faculty and administration.

During the Davis-Mrak years, many wonderful things happened in American agriculture. Mrak was one of the first to detect and become alarmed at the agricultural pollution of our economy and he took steps to effect change. At Davis, we invented the quick frozen dried method of dehydration and more agriculture machinery than any other specific center in the country.

The university that Mrak built was described in the University Centennial magazine last year, as follows:

DAVIS

This campus, spreading over 3,800 acres in the Valley, lies beside a small town, surrounded by rich farmlands. It physically resembles an Ivy League campus, with hundreds of trees, green and spreading over sprawling lawns. Here students and professors alike bicycle along paths without cars.

It retains some of the flavors of rural life, only a nostalgic memory on most larger American campuses today. The informality, friendliness, and an effective honor code at exam time are characteristics of the campus.

These stem from what was once called the University Farm, founded 63 years ago at Davis to help the California farmer. Davis has since grown into a general campus with 10,000 students, and there are plans for 9,000 more. But the origins in agriculture remain evident in the style and prestige of the place.

The College of Agricultural and Environmental Sciences has made many contributions to agriculture, still the state's leading industry, and since 1922 the college has offered four-year undergraduate programs. Annually, it attracts hundreds of foreign students from developing countries where techniques learned at Davis can help in grappling with desperate problems related to hunger. Its scientists have helped provide resources for connected studies such as the new Institute of Ecology and a National Center for primate Biology.

The latter relates especially to the School of Veterinary Medicine, established in 1946. This school, in turn, is planning coordinated research with the School of Medicine, which will take in its first students next fall. At the same time, many studies at the Food Protection and Toxicology Center have significance far beyond the farmer's fields.

Today, the College of Letters and Science offers programs in 26 departments. The College of Engineering and the Law School are expanding rapidly. Research includes a Radiobiology Laboratory for studying long-term effects of radiation and the Crocker Nuclear Laboratory for the study of low and medium energy physics. The Institute of Governmental Affairs concentrates on state and local government problems, and there is a new Center for the Administration of Criminal Justice.

Amid this increasing complexity, the campus administration is striving to retain the warmth of earlier days. Nearly half the students live on the campus, and recreational areas are being expanded. So far, the efforts have succeeded. Students, specializing in nuclear engineering or political science, adopt the "Aggie" nickname and use it as a theme for activities on the campus. The rustic flavor is generally enjoyed as a tradition, although certain segments of the student body now treasure it for its vanishing virtues.

Emil Mrak is not complacement over his success nor is he oblivious to the problems facing Davis and other universities in the coming few years.

I fervently hope that the university continues to grow in the Mrak mold with his keen communication and understanding. I would hope that we would really not learn to love and cherish the Mrak years as an end in and of themselves, but a sturdy foundation upon which future western education was built.

Last week Ron Blubaugh in the Sacramento Bee described his final interview with Emil Mrak—my candidate for a great American. The article follows:

UCD'S MRAK FEELS DISTORTED NEWS IS HELPING DESTROY UC

(By Ron Blubaugh)

DAVIS.—Emil M. Mrak will not be retiring this summer with the usual buoyant feeling that goes with the completion of a job well done.

Instead, Mrak will carry a certain sense of sadness with him from the chancellorship of the Davis campus of the University of California. It is a sadness rooted in a belief that no matter what he has done, the University of California is suffering, perhaps fatally.

"My feeling is that there are forces out to destroy the University of California," Mrak said in a recent interview. "I am convinced myself, that if it is not already destroyed, it is badly damaged.

"I have told my wife I am almost sorry I did not terminate my chancellorship last year. It is so discouraging. We don't have any money. I have to spend all my time keeping peace."

Mrak has been a UC faculty member for 32 years, the last 10 as Davis chancellor. He cannot recall a more difficult period for the university or for higher education.

"The great strength of a democratic society is its university system," he said. "I think the forces out to destroy the university are aiming at democracy. I am so depressed about the thing because I almost wonder if our society is on the way out. I really worry for my children."

If such remarks seem unusually candid, they will come as no surprise to long-time acquaintances of the chancellor. He has a reputation for being blunt.

"He says what he thinks," is the way Dave Ernst, UC Davis student body vice president, described Mrak. "That is what people appreciate about him."

More than one reporter can personally attest that Mrak speaks directly—and in no vague terms. He has been known to evaluate the work of a newsman in salty sailor words. So strongly does he feel about the news media that he accords it a special place in his analysis of the grief of higher education.

DISTORTED VIEW

As the chancellor sees it, campus woes start with the actions of a radical group of students. The news media distort these activities by larger-than-life reporting. This leads to an adverse reaction by the general citizenry bringing pressure on politicians who then lash out at the campus.

"I have always said the left started working on labor and was not successful so it now is working on the universities," Mrak explained. "There are relatively few who are nihilists but they are out to destroy everything. They are always looking for an issue. More moderate students then join in on the issue and something happens that gets them all going. It ends up with the madness of crowds."

Then come the news media.

"We have some people who read and believe the newspapers when what they have is inaccurate; and believe the television when it is so perverted," Mrak said. "These actions of the newspapers and television create what the destructionists want. They are marvelous fuel on the fire. It helps them."

Angry as he can be with the newspapers, it is television which really raises Mrak's ire. Television can create the illusion that the viewer sees the event when in reality he sees only a portion of it.

TV INCIDENT

"I am really disturbed by television," he said. "When I was in Costa Rica (two weeks ago) there was a group of 50 to 75 students outside the presidential palace yelling "Go home Yanks." NBC was there and right in the middle of it.

"Then another group of students came in there to chase the first bunch away. The television team folded up their cameras and ig-

nored it. To me, this is typical of television with all of its subtle implications to destroy our society."

Where does this lead? To a public reaction Mrak calls "murder."

"I have a very disheartened and dismal outlook on the future of higher education in California for years to come. The citizens of this state, instead of trying to make educational changes and improvements, are saying 'If this is the way the students are we will have to penalize them.' This does not help the state. It is going to hurt the state, in my opinion.

"I have a feeling the politicians are frustrated. They want to see this thing stopped. So do I. A lot of them feel they should leave it to us.

"But there is not as much interest in the university. There is not as much interest in paying for it. I have had many politicians tell me that supporting the university is a liability to them. So why should they bother?"

SON OF A CHEF

Born in San Francisco in 1901, Mrak is the son of a chef turned restaurant owner turned prune grower. And he might have followed in his father's career were it not for the price of prunes the year he finished high school.

Prune prices were so low it was barely possible to make a living from that year's crop. Mrak decided to go to college rather than become a grower. He went to UC Berkeley and worked his way through school. Later, he obtained a doctorate and became known as one of the world's authorities on yeasts, particularly as they affect food preservation.

He has won a number of honors for his research and knowledge about food technology. He was chairman of the department of food technology at Davis and Berkeley when he was named chancellor.

During Mrak's tenure as chief of Davis, the campus has been transformed from an agricultural campus to a full university. Enrollment grew from 2,500 students in 1959 to 11,100 this spring. The size of the faculty jumped from 448 to 1,559. The budget rose from $13 million to $65 million.

Such statistics tell part of the story of Mrak's tenure, but not really the portion he favors. Mrak considers holding down the growth to be one of his greatest accomplishments.

"I battled it," he said. "I am still battling it. There is nothing magic in the figure of 27,500 students (the UC-established size for all general campuses but Davis). Nobody knows how they got that figure. They had to cut the Berkeley campus off at some place and that is what the enrollment was when they decided to cut it off.

"We have had on this campus a fine student-faculty relationship. We have had an honor spirit. You can't maintain the faculty-student relationship and honor spirit at a monstrosity like Berkeley or UCLA.

"The people in Berkeley (at the statewide UC headquarters) look at statistics. They don't look at the educational problems in such size, or the people or the human problems. All they think about is their damned figures."

Although he has won some battles with the statewide UC administration, Mrak is not convinced he won the war. The first enrollment ceiling at Davis was 5,000 students, Mrak explained, then 10,000 then 15,000 and now 18,500.

"We have been fighting a rear-guard action all the way," he said.

Next fall, the growth will for the first time exceed the room on the campus.

"We will turn away our first qualified applicants," he said.

Mrak's answer to operating a university campus is good communications.

"What is needed is personal communication," he said. "The next chancellor (James Meyer) will have to do it. But how do you talk to 11,000 students? I don't know. This is the trouble with our larger campuses."

At Davis, Mrak has sought to handle the communications problem by keeping an open door to students. He invites them to visit him and let off steam. They do. They go to his office. They stop him on the campus. They go to his home. He puts his students first. They rank ahead of the paperwork and the bureaucratic problems of administering a giant school.

GIVE AND TAKE

"He goes out of his way," said Jerry Takehara, a junior. "There is a lot of give-and-take. He figures that with communication there is less chance for misunderstanding. You saw what happened today. He put us ahead of you."

Takehara's reference was to Mrak's decision to keep newsmen waiting past an appointment in order to keep his commitment of an open door to students.

Anyone walking across the campus with the chancellor can see the informality he has with students. They walk up to him and engage in easy conversation.

Mrak moves as easily with local businessmen as he does with students. Among some of his business associates in Yolo County he is known as a good man with a "gut bucket." A one-stringed bass rhythm instrument. He is said to have given displays of musical wizardry on this washtub fiddle at more than one party.

And as easily as he moves with students and businessmen, Mrak also walks in the highest levels of government. He currently is a member of a presidential commission visiting the Latin American nations to "look and listen." Gov. Nelson Rockefeller is the chairman of the commission. Mrak is one of 20 advisers accompanying the New York governor. The Davis chancellor was chosen because of his knowledge about food and agriculture.

He also is a member of several foundations.

Officially Mrak's last day on the job is June 30.

"Really, I am sliding out of it all too fast, now," he said just before leaving on a five-nation tour last week.

Chancellor Mrak in the university school of medicine February report set forth his own perspective on higher education, as follows:

THE CHANCELLOR SPEAKS

I would like to discuss some of the changes going on in the universities today, and I can assure you that some of the changes are just as puzzling to me as they are to you. And, as you well know, these changes are not in any way confined to Berkeley, or to California, or even to the U.S. Students in most parts of the world are making themselves heard. I cannot speak for the students abroad. but I may be able to bring out some of the aspects of the changes here in California.

In this, my final year as Chancellor, I have been looking back a little to note the many changes that have occurred since my college years began in the dark days of the depression in this country—the early 1930's. Those were the days often referred to as the Joe College, Rah-Rah days, the days of the coonskin coat and the football hero we have all seen depicted in some of our American movies. It was a difficult time for the poor boy in this country to get an education, and many of us had to take whatever menial job we could find to keep in school. There was also a very clear class distinction between the lowly freshman, the sophomore and the upper classman. But that was the time, too, when class distinctions started to disappear. For one thing, the sophomores began wearing blue jeans and lumber jack shirts—a brazen step toward change. And, in those days too, the faculty was all powerful, but, I like to think, very responsible.

Following World War II we saw great changes in the universities. For one thing there was the tremendous influx of war veterans attending on government support. This brought many into the colleges and universities who would otherwise never have been able to afford it. It also helped break down the last class barriers among students. We also began to see the great increase in government support of faculty research—and with it an increased emphasis on research and the "publish or perish" notion of the faculty. This in many ways made the faculty more aloof from the students, since the faculty interests inadvertently turned to more and more research. This change in interests and emphasis, I believe, changed the philosophy of the basis for appointment and promotion. The Russian space program, too, gave a further boost to the idea of more research and more intensive science and engineering education.

These changes were most dramatic in the curriculum of the high schools, with greater emphasis on the sciences and basic educational courses. When these highly trained young students began showing up in the colleges and universities, they felt that the higher education had not moved ahead far and fast enough. They then began to make their thoughts known. Ironically, while the students and administration were interested in making changes, the faculties were not. The faculty is always the most conservative body on the campus, when it comes to matters of direct concern to them, but extremely liberal when it comes to matters relating to others.

On the campuses, we were stuck with the old rules of former years, but at the same time a changing type of student. Much of the cause of the free speech movement, I believe, came about because of the retention of pre-war rules on the campuses.

Furthermore, we see the disadvantaged groups flexing their muscles and making their needs known very strongly. If one group feels it is not getting its full share of rights and privileges, it demonstrates in one way or another, to promote its interests, or what it believes are its interests. Certainly each group should receive its full share and equal treatment—this we cannot deny. Many individuals in our state and nation have long ignored the rumblings of the unsatisfied groups, and are suddenly confronted with a major crisis.

Certainly the faculties have not been ready for this crisis. They are slow to accept new ideas, as I said. The Regents and the faculties need to clearly define and accept responsibility as well as authority. Currently, the Chancellor is caught in the middle. He has very little power to bring about changes—he can only use persuasion. On our own campus we have been fairly successful in meeting the needs of the students in their pleas for a more meaningful and a more exciting education, but we still have a long way to go.

My personal philosophy in handling the many problems of a rapidly growing campus in these times, is to try to listen to all sides, and all groups, and to try to bring representatives of each group together. But this takes a tremendous amount of time and effort. We put students on as many committees as possible in order to get them involved in the administrative process. And too, our Academic Senate is beginning to listen more to students when it comes to educational innovation and planning.

When President Hitch stated last spring that the University would be directly involved in the Urban Crisis program, we immediately brought together a group of students and faculty to recruit economically disadvantaged students to Davis. Most of the recruiting was done by the students over the past summer, and we have been very successful. A large number of these students are now studying at Davis, under special scholarship programs.

The same student-faculty committee is now involved in other aspects of the Urban Crisis program.

Recently, we inaugurated a program called Project Involvement in an effort to involve students, faculty, alumni, and staff members too in discussions and planning sessions concerned with problems facing the campus. It is very gratifying to see how well the program has been received, and how nearly 30 task groups are discussing all types of programs, such as greater communications on the campus, educational reform, our place in international communications, our involvement in urban extension, man and resources in the face of growing population pressures. We have great hopes for this program and have found a high degree of campus participation.

In reviewing the changes and problems facing us in higher education today, I cannot forget the press and TV. With the first cries for higher quality education at the beginning of the space age, and a little later with the free speech movement, the press "discovered" higher education as good news copy for selling more papers. In many ways the press and TV helped bring out the needs of education. But they also added greatly to its problems, and, as I see it, possible destruction—yes, possible destruction—by misrepresenting student activities. The press and TV are powerful tools, and dissident students know how to use them to their advantage. In reporting the activists' side, the press all too often overlooks the less exciting efforts of the great mass of students and faculty to get changes made. Our students constantly complain that the few who hold a rally against the administration get full attention from the press, but the many, very many more, indeed, who tutor disadvantaged students or sponsor a summer camp for them, etc., get no coverage, or at least very little. It just is not dramatic enough for the press. Perhaps we need to educate the reading and viewing public as well as the press.

In these remarks I have tried to point out some of the changes and problems facing us today in higher education. Unfortunately, I do not have answers. We are all seeking those answers, and any suggestions are welcome. I would like to list several broad points I think the Regents must consider if we are to have peace and quiet on our campuses.

1. Academic freedom.
2. What does the delegation of authority to the faculty mean?
3. What is faculty responsibility—not now defined.
4. Where does the administration fit in—now impossible.
5. Define procedures.
6. Recognize the impossibility of rules and laws.
7. Define good taste.

EMIL C. MRAK.

NARCOTICS CONTROL LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 60 minutes.

Mr. TUNNEY. Mr. Speaker, the extremely serious problem of narcotics and dangerous-drug addiction in the United States has been thoroughly documented in recent years. There can no doubt of the socially corrupting influence of addiction—especially with its major role in the rapidly rising crime rate.

There is a wide-ranging variety of laws designed to curb the selling and use of narcotics in the United States, but it is obvious from arrest and conviction statistics that such laws are not having the desired effect. It therefore is equally obvious that the next legal steps must be aimed at stopping the flood of narcotics into this country.

A recent factfinding visit to the California-Mexico border at San Ysidro, across from Tijuana, allowed me to observe the relative ease with which narcotics can enter the U.S. Federal border-inspection personnel are forced to cope with a crushing amount of pedestrian and vehicular traffic daily. Only 1 percent of the vehicles entering the United States ever are searched, and the decision to search is frequently made on the basis of an inspector's intuition. Federal officials tell me there is no way of knowing how many vehicles pass through with contraband cargoes. Long lines of cars, often forced to wait as long as 1 hour, develop from the inability of our inspection personnel to process them any faster while still attempting to stem the flow of narcotics. And it can be safely assumed that the vast majority of travelers are law-abiding citizens enjoying our sacred principle of open borders.

Therefore, I am introducing legislation that would increase by 50 percent the personnel strength of our border inspectors. It would be a first small step toward more effectively stopping the narcotics traffic, while at the same time serving the public's right to unimpeded foreign travel.

During my discussions with Federal customs and narcotics authorities, I was shocked to discover that the majority of dangerous drugs—more specifically, pills—confiscated by our border inspectors were manufactured by well-known U.S. drug firms.

It was explained to me that, quite legally, such firms can fill orders from foreign purchasers without any verification other than a foreign address to which the shipment is to be consigned. It works like this: The U.S. drug firm receives an order from a Mexican drugstore for a commercial quantity of pills of the type we consider dangerous drugs. The shipment is sent to a California warehouse near the border, but consigned to the drugstore. The "store" usually turns out to be nonexistent, according to Federal investigators.

A Mexican national claiming to represent the drugstore picks up the shipment in California. Up to this point, no U.S. law has been violated. The individual then either smuggles the pills into Mexico to avoid paying Mexican taxes, or simply sells the pills illegally in the United States. But those pills confiscated at the border are those which were smuggled into Mexico and then sold to peddlers—usually Americans—who attempt to smuggle the dangerous drugs into the United States for illegal sales, mostly to juveniles.

There is no way of knowing how many American-made pills end up on the illegal U.S. market without ever leaving the country. But an indicator of the vast quantity of pills labeled "Made in U.S.A." and which the wholesaler intended to be sold illegally in the United States is in the scores of boxes of confiscated pills stored in the Bureau of Customs' vault in San Diego. And an indicator of the increasing traffic in narcotics and dangerous drugs lies in the statistics on arrests for their possession and usage.

Arrests of adults in San Diego alone are up 400 percent since 1960, and arrests of San Diego juveniles are up 1,400 percent during the same period. Yet the border inspection system and manpower have remained basically unchanged during the last 5 years.

Remedies have been suggested which are acceptable to one Federal agency but not to the other. The manufacturers and distributors clearly do not want to be overregulated. The gravity of the problem coupled with its complexity calls for a study by the concerned agencies, so that Congress may be sent their best thinking on the problem and the interdepartmental friction may be eliminated before congressional consideration begins in the appropriate committees. Therefore, I am introducing companion legislation calling upon the Attorney General, the Secretary of Health, Education, and Welfare, and the Secretary of the Treasury to conduct a comprehensive investigation and study of the extent and nature of the illegal importation of narcotics and dangerous drugs into the United States, and to report to Congress within 12 months with findings, conclusions, and recommendations.

IN PROTEST OF CUTTING OF FUNDS FOR PORT OF NEW YORK AND NEWARK BAY

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 60 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise today to protest against administration measures which very literally make the northern New Jersey-New York area the stepchild of the Nation.

I am making reference to the double-barreled attack upon the Port of New York. As all Members know, the original budget of the Army civil works program for fiscal year 1970 has been sharply cut back. Had the cuts been uniform we would not be on the solid ground we are today. On the contrary, the cuts show obvious discrimination against the New York-New Jersey port area.

Originally the budget called for $769,420,000. The revised budget now calls for a cut from the earlier figure to $627,055,000 which represents a slice of 19 percent.

Confining our examination today to the Nation's 17 major seaport projects, which were funded in the original budget for fiscal year 1970, we find that of this figure a reduction of 36 percent was affected.

Of the 17 seaport projects, eight sustained no cuts at all.

The two port of New York projects actually sustained 39 percent of the total recommended cuts in the funding of all major seaport projects throughout the Nation.

Contrast this, if you will, with the cut made in the Arkansas River project which was cut back by only 2 percent from $59 to $58 million.

Or, the C. & D. Canal which is designed to link the Ports of Baltimore and Philadelphia. It was cut only a token 8 percent.

The $4 million for the widening and deepening of the channel of the Port of Providence, R.I., was not cut at all.

If the administration used a surgeon's

scalpel on other projects in other parts of the Nation, it seems equally clear that a meat ax was used on the Port of New York.

Mr. Speaker, this House and the other body as well, has made known that it wants action in Newark Bay. The Congress has authorized funds for this project in the last 2 fiscal years. However, the executive branch of the Government—and I have no partisan ax to grind because the present administration is no more at fault in this matter than the previous one—has to date, directed that no work be started on this project.

Now, of course, with the "freeze" on, the administration is using the fact that no work has been done is justification for not starting any work. Clearly, this is circular reasoning at its worst.

I do not wish to leave the impression that we who are protesting today are merely porkbarrelling and ignoring greater justification in other parts of the Nation for similar projects because our area is involved. Far from it.

We think these two projects are vitally needed for the safe and adequate handling of the large tankers and the burgeoning movement of container ships and other large vessels which use Newark Bay and the New York Harbor.

Mr. Speaker, we are prepared to make out a case for the New York Port area. We ask no special consideration. We seek to have these funds restored because the Port of New York is of concern to the health and safety of this Nation. On the other hand, as legislators from this area we cannot be asked to support projects remote from our own constituencies unless our area receives equal treatment. And, Mr. Speaker, the New York-New Jersey Ports have not received their due amount of consideration from the Federal Government.

Mr. Speaker, let us for just a moment look at what a little Federal assistance can do for the Port of New York.

It is significant to take note that the half a billion dollars invested in new and rehabilitated docks and wharves in the Port of New York, from 1946 through 1965 resulted in nearly 100 new or modernized ship berths. This is more than half of all the new facilities built or renewed in the entire Nation for the same period, and seven times the ship berths built or reconstructed by the second-ranking port area. It is another fact that while the U.S. port industry invested more than $2.5 billion in terminal investment for the period throughout the Nation, the Federal investment in seaport channel development for a comparable period was less than half this non-Federal investment. In New York Harbor, this 1-to-2 ratio between Federal and non-Federal investment is not being maintained. Through the late 1940's to the mid-1960's, the annual average Federal investment in the construction of ocean channels in the Port of New York has been about $3 million, while non-Federal investment in terminals has averaged about $24 million. This represents a 1-to-8 ratio, which indicates that the rate of Federal investment in our harbor is well under the national average.

Mr. Speaker, there are a number of distinguished Members who can spell out what these programs mean to specific areas within the New York Harbor, Newark Bay port areas. I am happy to have so many New York and New Jersey Members with us today. I think this points out the fact that we in the New York metropolitan area mean business and that we are in dead earnest about the discrimination against the economic interest of New York and New Jersey.

Mr. Speaker, it is our hope that President Nixon will have second thoughts about this unwise decision and that he will use his good offices to restore these funds to the executive budget and that the able chairman, the gentleman from Texas (Mr. MAHON), and the other distinguished members of the great Committee on Appropriations will do their share toward funding these two projects.

Mr. SANDMAN. Mr. Speaker, I am concerned that a 36-percent cutback in funds for the Newark Bay channel has been proposed in the revised executive budget for fiscal year 1970.

In 1966, the Congress and the President authorized a deepening of the north reach of the Newark Bay channel from its present 32 feet to a new depth of 35 feet, as well as a deepening of the Hackensack River from 30 to 32 feet in a 4-mile area. As part of the overall Newark Bay-Hackensack River improvement project, the provision of a maneuvering area 1,300 feet long and 900 feet wide just below the Passaic and Hackensack Rivers was also approved.

Water commerce on Newark Bay plays a key role in New Jersey's industry and industrial jobs. Of particular interest is the importance of petroleum, and the fact that in 1966, 410 ocean tanker movements—that is, vessels drawing more than 19 feet of water, handled petroleum products on Newark Bay. Of these, 176 ships upon arrival in Newark Bay drew 29 or more feet of water. This means that these vessels could have navigated the present 32-foot-deep north reach only at high tide.

In addition to petroleum, the industrial terminals along the northern shore of the bay, and lower reaches of the river, handle the waterborne movements of sulfur, chemicals, coal, and asphalt. Some of the larger industrial-type tonnages handled on Newark Bay in 1966 are as follows—in short tons:

Aluminum ores and concentrates	17,330
Chrome ores and concentrates	57,858
Crude petroleum	49,728
Salt	70,945
Basic chemicals and plastics	366,146
Soap	73,796
Gasoline	1,330,232
Jet fuel	1,143,651
Kerosene	499,509
Fuel Oils	1,914,687
Naphtha	73,296
Iron and steel products	366,768
Copper alloys	171,294
Iron and steel scrap	706,210

I think it is clear that the deepening of the northern reach of the Newark Bay channel and the deepening of the Hackensack River will prevent costly delays to such vessels awaiting high tide and contribute to the overall economy of New Jersey and the Nation.

Mr. MINISH. Mr. Speaker, I rise to associate myself with the remarks of the distinguished gentleman from New Jersey (Mr. DANIELS). As he has demonstrated, the proposed budget cuts for seaport projects clearly discriminate against the New York-New Jersey ports.

Widening of the dangerously narrow Newark Bay channel was authorized by the Congress in the Rivers and Harbors Act of 1966. Twenty-two civic and maritime organizations from the New York-New Jersey metropolitan area have recommended that $5 million be provided to launch this project in fiscal year 1970. The previous administration called for only $3.5 million to widen the Newark channel. Unbelievably, this figure has been cut 86 percent, to $500,000, in President Nixon's revised budget.

Mr. Speaker, there have been numerous serious accidents in the Newark Bay channel in recent years as more and larger vessels attempt to navigate the narrow passage. I urge that the full $5 million be appropriated to begin this vital project.

Mr. HELSTOSKI. Mr. Speaker, I represent a congressional district which has a considerable stake in the economic well-being of the Port of New York and the Newark Bay channel. Because of this, I am quite concerned over the administration's proposed cuts in the executive budget for fiscal year 1970, and I feel that it discriminates against the New York-New Jersey ports.

The original budget for fiscal year 1970 recommended $3.5 million for the Newark Bay channel project. In reviewing the recommended figure, the present administration reduced this figure to $500,000, a figure which will keep the project alive but will not provide funds to make any headway. In addition to this, the administration made a $2,400,000 cut for the improvement of New York Harbor anchorages—a very severe cut which will have to be restored at a future date, but greatly crippling any increase in anchorage capacity needed immediately.

The total budget cuts recommended by the administration for 17 major seaport projects amount to 36 percent of the requested amount. The total budget cut amounts to $13,750,000, of which the New York-New Jersey ports are expected to absorb $5,400,000 or 39 percent of the total reduction.

I cannot agree with the thinking of the administration on this problem. The appropriations for the New York-New Jersey harbor facilities should have been increased rather than decreased.

At the height of the recent longshoremen's strike in New York Harbor, as many as 41 ships were reported to be at anchor at one time in the upper and lower New York bays. Where they found room to anchor is something of a mystery to me, since there are at present no more than 17 deepwater anchorages officially designated for this purpose in these two areas. Plans authorized by the Congress and the President in 1965 call for increasing this capacity to 25 spaces, and for enlarging certain existing anchorage spaces to safely hold today's larger vessels. So far, nothing has been done to provide this improvement.

Despite today's electronic aids which have limited value for close-in navigation in congested harbors, anchorages

which are wide and deep enough and, hopefully, empty, have considerable safety value for the mariner in fog or heavy rain and snow as a place to keep clear of difficult-to-see channel traffic. Anchorages are also used by bulk carriers awaiting anchorage, and by large tankers that must await a higher tide or lighten oil cargoes into barges to allow these vessels to enter the port's inadequate East River, Kill van Kull, Arthur Kill, and Newark Bay channels to their unloading terminals. Actually, sample studies by the Port of New York Authority have shown that often vessel demand exceeds anchorage capacity in the harbor.

Port interests are seeking to have additional 40-foot-deep anchorage space provided in the Lower Red Hook Flats for use principally by tankers as part of the overall improvement of the New York anchorages accomplished quickly and with no further delay. I submit that the improvement is vital to the entire harbor and necessary for safer and more efficient navigation. Accordingly, I wish to give it my full and unqualified support.

Mr. RODINO. Mr. Speaker, I am pleased to join with my distinguished colleague from New Jersey, and my neighbor across Newark Bay, in urging restoration of the cuts made in the budget request for funds for the urgently needed work in Newark Bay channel and the New York Harbor anchorages.

In the 27 years following the opening of Port Newark in 1918, the seaport operated at a loss and cost New Jersey taxpayers nearly $400,000 a year. By 1947, 1 year before it was leased to the Port of New York Authority, the seaport handled a little over 800,000 tons of cargo and employed a steady work force of about 1,500 persons with an annual payroll of $33,280,000. About nine out of every 10 of these employees and those working at the nearby Elizabeth-Port Authority Marine Terminal, live in New Jersey.

How has this fantastic growth come about? Since the facility was leased by the port authority, more than $105 million has been spent on its improvement, so that today this 707-acre facility boasts 36 ship berths and, together with the Elizabeth terminal, handles some 40 percent of the Port of New York's general cargo. By 1975, another $20 million will have been spent to complete the entire facility which will at that time offer 37 ship berths, will handle about 5.7 million tons of cargo and employ 5,300 persons earning $39,700,000 a year. There can be no doubt that Port Newark is a vital segment of New Jersey's economy. It offers employment in the heart of an area that urgently needs jobs and employment.

In 1919, a year after Port Newark was opened, the Federal channel serving the seaport was authorized for deepening to 20 feet and widening to 400 feet. And while the channel today is 35 feet deep, it is incredible to realize that despite today's much larger and increased numbers of vessels using Newark Bay, the channel still narrows in one section to 400 feet. It is beyond doubt that a widening of this channel—to a uniform width of 700 feet as authorized in 1966—is critically needed if this vital harbor facility is to continue to grow to serve the Metropolitan New York-New Jersey region and if the ocean vessels that use it are to be assured safe navigation.

Mr. Speaker, I strongly urge that a realistic level of funds be approved. The original budget called for $3.5 million for the Newark Bay channel project, and it is most disheartening that the present administration has unwisely reduced the request for these funds to the appalling pittance of $500,000. Congress, I feel sure, has better knowledge and foresight and will act accordingly.

Mr. FARBSTEIN. Mr. Speaker, I vigorously oppose the administration's recommended cut of $13,750,000 for harbor projects. The impact of this cut would be unproportionately heavy on the New York and New Jersey port systems. Thirty-nine percent of the total or $5,400,000 would have to be absorbed by New York and New Jersey ports. The two most directly affected projects would be the Newark Bay channel project, and the New York deep water area anchorage project, which deeply affects the residents of my congressional district. The latter project would increase the depth of the water anchorages off of Brooklyn from the present depth of 30 feet to approximately 40 feet. This will enable sea-going oil tankers to await movement to port and be processed by customs officials in the proximity of the harbor. Since oil is the largest commodity being brought into New York, the need for this dredging to enable tankers with their full loads to actually dock is economically important. Otherwise, tankers will remain out to sea and have to lighten their loads before coming into the shallower water near the docks. This process is expensive, slow and inefficient.

The need for this project was established by a Corps of Engineers' study which led to the 1966 passage of expenditures totaling $2,900,000.

The 1970 budget would cut this sum to a token $500,000 while present economic conditions would require $3,500,000 to accomplish its original goals.

Here we see the emasculation of a project whose economic benefits will far outdistance the initial expenditure in the name of balancing the budget. I feel, as Congress and the President felt in 1966, that this project merits completion and I urge the chairman of the Public Works Appropriation Subcommittee, the distinguished gentleman from Ohio (Mr. KIRWAN) and the members of his subcommittee to restore the full amount necessary to successfully complete this project.

Mr. GALLAGHER. Mr. Speaker, I rise first to thank my good friend and colleague, the distinguished gentleman from New Jersey, for reserving this time period for a full discussion of the Newark Bay channel-widening project. This is a subject which vitally concerns the people of New Jersey and which vitally affects the entire Nation.

Mr. Speaker, it is no mistake that Newark Bay has come to be known as the Time Square of the maritime world. Like that famous street, Newark Bay is seriously overcrowded, overused, and overburdened by the tremendous flow of traffic which passes through it. It does not require an expert on marine traffic to comprehend the intolerable dangers to life and property in a situation where a narrow harbor entertains most of the marine traffic on the eastern seaboard. However, in the event that statistics are desired, let us consider the example of two ships passing in the channel, one a 90-foot-wide United States Lines container ship and the other a 102-foot-wide oil tanker; with four 25-foot-wide tugboats accompanying the vessels, more than 292 feet of the 400-foot-wide channel is utilized. In other words, there is only 100 feet of maneuvering area for these two giant ships. Only 100 feet in which two giant ships must safely pass.

Unfortunately, this example is not the product of a sadist's vision. It is fully representative of the typical, minute-by-minute activity in the Newark Bay Channel. It is an example which helps explain the reason why 33 men lost their lives in 1966 when the Texaco tanker *Massachusetts* and the tanker *Alva Cape* collided in Newark Bay. Thirty-three men dead for absolutely no justifiable cause.

What is perhaps sadder, indeed more tragic than the very loss of 33 lives in the *Alva Cape-Texaco* incident is that the entire disaster could easily have been averted. For more than 7 years prior to the fateful meeting of the two tankers, the Port of New York Authority had been petitioning the Federal Government for funds to widen and deepen the Newark Bay channel. But the petitions went unanswered. And the channel stayed too narrow. And the ships collided.

Mr. Speaker, for the past years I have been offering amendments to the budget to include sums for the Newark Bay project. Together with the diligent men of the Port of New York Authority, I have pointed out the dire need to begin construction of the channel facility. For the past two fiscal years, these amendments have been successful; this Congress appropriated money to start the project. Yet, strangely enough, not one dime of this monetary appropriation has ever reached the Port of New York for commencement of the project.

Nevertheless, we all had new hope last year that the situation would be remedied. Former President Johnson sent up a budget request which included $3.5 million for the Newark Bay channel widening; although this figure equaled only one-fifth of the estimated cost of completion, it represented a major step forward—indeed, it was a figure which would have permitted the project to begin.

The hope generated by former President Johnson's request was shortlived. The new administration trimmed the funding request for Newark Bay to a mere $500,000, not even enough money to enable a contract to be put out on the project. Even worse, under the guidelines issued by the Bureau of the Budget, it was ordered that no new construction on any projects begin this year. This means that even if money were found for the Newark project, construction would still be postponed because of the Bureau of the Budget guidelines.

Mr. Speaker, the problem at Newark Bay is far from new. We have there an old and dangerous situation. We are courting disaster in the Newark Bay channel every day that we fail to com-

mence its widening. We are literally asking for another marine disaster, with a staggering loss of life and property, every minute that we delay funding of the project.

I am well aware of the current fiscal crisis in our Nation; I fully understand the need to curb inflation and to hold the line on nonessential Government expenditures. This is good economics. But it is false economy to cut funds from absolutely essential projects; it is false economy, indeed, to cut funds from projects which are in themselves new sources of income, ratables, and jobs. Newark Bay is such a project on both counts: it is vital and it is an income producer. With its existing disadvantages, the New York-New Jersey Harbor still generated over $940 million in customs revenues in 1968, a sum equivalent to one-third of all customs revenues.

If economic considerations are used to justify the slash in Newark Bay funds, these considerations are not only misguided, but are highly dubious in actual application. Let me be perfectly clear on this point. The administration's revised budget reduces the total "Construction, general" sum in the Army Corps of Engineers' civil works program for fiscal year 1970 from $769,420,000 to $627,055,000, or a total reduction of only 19 percent. This point must be emphasized: the total reduction amounts to 19 percent. Now, in an astonishing contrast, the reduction in the Newark Bay channel project constitutes an 86-percent slash. Eighty-six percent cut from one project when the total line cut in the budget is only 19 percent.

Is it possible that these figures do not speak for themselves? Is it possible that one could fail to see the poor treatment accorded the Newark Bay project in this revised budget? Mr. Speaker, this is a project which has been awaiting funding since 1959; and we now come in with a revised budget request that lops more funds from this vital project than it does from any other single major construction proposal on the line.

If there is an economic philosophy at work here, I fail to see it. I would like to have it explained to me, because I fail to understand why a project which has been argued, debated, and proposed since 1959 now suffers an 86-percent slash. I cannot perceive the economic theory behind a near fatal blow to a project which affects commerce throughout the eastern seaboard and which, in turn, affects commerce throughout the United States.

There would be rather small justification for the Newark Bay cut if this were a brandnew project; but there is no justification for the cut considering that this project has been authorized for funding since fiscal 1968. The Congress has recognized the need to widen and deepen Newark Bay; the Congress has made its intention clear that the construction begin. Such legislative intent may not easily be dismissed in the name of economy—especially when true economic considerations militate in favor of beginning the project. It is not economy to cut what is essential for that which seems expedient.

Mr. Speaker, I do not ask or suggest today that money be cropped from other projects in order to fund Newark Bay. The sad state of port facilities in the United States makes it imperative that most, if not all, the marine projects on the Army Corps' agenda be completed. But the money for Newark Bay is available; all I ask is that the Newark Bay project receive its fair share, its fair share in proportion to the burden it carries. We have tremendous marine traffic in the Newark Bay channel today; this traffic will suffer a bounding increase in the coming years which will make the currently intolerable situation a navigational nightmare. It is merely a question of time before captains refuse to sail their tankers and container ships through the narrow confines of Newark Bay; and none could fault a captain for making such a decision.

We have developed a maritime obstacle course in the Newark Bay channel. It is as if we proffered a challenge to ships to try and enter the port without damage to their equipment and their crews. This is a deadly game of marine roulette in which there are no victors.

Mr. Speaker, I have given testimony to the Appropriations Committee urging that the cut funds be restored to the Newark Bay project. I am hopeful that the distinguished members of the committee will recommend such a restoration. Then, it will be the responsibility of this and the other body to pass the complete appropriations request in this area and make it possible for the channel widening project to begin.

We are all fortunate to have such dedicated men at the New York Port of Authority who have struggled so diligently over the years for this project. The Federal Government, however, should not have required that these men make request after request for the funds. Given the situation at Newark Bay and the manner in which it affects the entire Nation, the Federal Government on its own should have insisted that the widening project begin. The Federal Government should have made the commitment. Mr. Speaker, I believe this Government did make the necessary commitment when former President Johnson sent in the $3.5 million request for Newark Bay. We must honor that commitment and restore the cut funds.

Let us be loud and clear this time so there is no mistaking our sense of urgency about this project and our total dedication to safety in our harbors. Let us indicate to all people that we will not pay homage to false economy at the expense of reason, and perhaps life itself.

The Newark Bay channel project has been waiting too long. If the aggravated congestion there results in yet another maritime disaster, the specter of negligence will haunt this Government for all time.

Mr. Speaker, I urge the distinguished Members of this body to join together in restoring the $3 mililon in cut funds to Newark Bay. As we consider ourselves the greatest commercial nation in the world, let us provide port facilities commensurate with that lofty position.

I thank the gentlemen for their consideration.

Mr. BIAGGI. Mr. Speaker, I rise in vigorous protest to the administration's proposals directed upon the Port of New York through indiscriminate budget cuts in the Army civil works program for fiscal year 1970.

The New York-New Jersey port areas' budget has been slashed in the amount of $142,365,000—which is a mighty large slice. Eight of the 17 seaport projects have escaped the butcher's cleaver.

One of the remaining nine projects had only $1 million cut from their funds in the original budget for fiscal year 1970. Reductions in varying degrees are the recommended cuts in the funding of the other seaport projects. But the two Port of New York projects are the recipients of the 39 percent of the total cutback in funds. There is no doubt in my mind that the New York-New Jersey ports are being handed highly inequitable consideration—without justification.

I firmly believe that the President may realize—before it is too late—the tremendous service which the Port of the New York can provide to the Nation with the proper amount of Federal assistance. Hopefully, the funds will be restored to the full amount of $769,420,000. Anything less would prevent these two vitally necessary projects from providing the safe and effectual handling of the large tankers and movement of container ships and other large vessels which utilize the Newark Bay and New York Harbor.

Mr. SCHEUER. Mr. Speaker, I rise today to join Congressman DANIELS in expressing concern over administration fund cuts for the Port of New York. The proposed budget of the Army civil works program for the fiscal year 1970 has been reduced by 19 percent. This cut most severely affects the New York-New Jersey port area.

I fail to understand why the large and successful Port of New York, which serves not only our country but also foreign shipping and commerce, has been subjected to a blatantly discriminatory reduction of 36 percent while many other ports retain their original appropriations untouched.

The administration should restore the funds to the Port of New York to insure its health and stability which is essential to the vitality of our international trade.

GENERAL LEAVE TO EXTEND

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ON THE FIRST AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Mr. PATTEN). Under previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, the first amendment to the U.S. Constitution, if I recall it correctly, says that the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise

thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

For the past six Wednesdays at noon a small group of U.S. citizens have assembled on the Capitol steps peaceably and have petitioned the Government for a redress of grievances.

On five of those weekly occasions all of the members of that group were arrested by the Capitol Police. On the sixth Wednesday, which was today, at 12 o'clock noon, they were permitted to exercise their constitutional right without being arrested.

Mr. Speaker, I want to take a few minutes this afternoon to put in the RECORD documents and other materials which relate to this little episode in the history of the Capitol, and to make a few remarks pertinent thereto.

I want to say first that the American citizens who had appeared here on the Capitol steps for six successive Wednesdays were not arrested today because the presiding judge of the District of Columbia Court of General Sessions, Judge Harold Greene, last Thursday handed down an opinion which resulted in the dismissal of all the charges against these citizens on last Friday. I think Judge Greene should be highly commended for the decision which he handed down. He acted in accordance with the highest traditions of the judicial system in dealing with a case which, to some, at least, may have appeared quite complicated. In handing down a decision based upon first amendment issues in the form that he did he acted in a fashion which generally is reserved to much higher courts.

Judge Greene, in examining the charges against these citizens, reviewed the issues at considerable length. On the first occasion in which arrests were made the police acted under a section of the District of Columbia Code known as the Illegal Assembly Section. The court before which those arrested appeared ruled in that case almost immediately that the charges were vague and ambiguous, and dismissed them. On the second and succeeding occasions, another section of the code was used, the one generally known as the Illegal Entry Section. Some people might wonder how persons peacefully assembled in a public place could be accused of illegal entry, and the judge discussed this at some length.

He points out that there are cases in which it is possible to prohibit the entry of the public from public grounds, and he states the reasons and the kinds of circumstances under which this can be so. He then says:

> There are other types of government land, public parks, streets and sidewalks and historic landmarks, which may not ordinarily be closed to the public for reasonable use. The Capitol of the United States, a national historic shrine, and the political centerpiece of the nation, is in the latter category. It may not be declared off limits to the public. Indeed, the Congress invites and welcomes the public.

He went on to say that individual citizens could not be held to be without lawful authority to remain thereon within the meaning of the unlawful entry statute in the absence of some other specific bar to their presence. He said:

> That bar could not legally be an order by the chief of the Capitol Police issued on his own authority.
>
> He can order the ejection only of those who have no legal right to be there.

The judge went on to point out that many groups assemble on the Capitol steps under many different circumstances and that there are no rules which can be used to judge which groups are there properly and legally and which are not.

This fact was testified to by several witnesses including the chief of police himself who further testified that the general standard used, and it is one of long standing with considerable precedent, has to do with the controversiality of the groups. The judge deals at considerable length with this standard of controversiality.

He says:

> The standard of noncontroversiality is impossible of even-handed, impartial and constitutional application.

He goes on to say further that under our constitutional system, no public official—executive, legislative or judicial—can have the power to permit or prohibit assembly on property belonging to the people based on his notion of what stand on public issues may be controversial.

In short, he says, for several reasons the controversiality standard employed by Chief Powell is not compatible with constitutional values and principle.

He says further:

> Absent compelling circumstances, members of the public may not be excluded from public areas because of their purpose to use these areas for exercise of First Amendment rights. The streets and parks have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thought between citizens, and discussion of public questions. That use may be regulated, but it must not in the guise of regulation, be abridged or denied.

Then he says in a further paragraph which impresses me very greatly, and which I commend to the attention of all Members of the House:

> In this day of the violent confrontation, the harsh non-negotiable demand, the disregard of the most elementary forms of civilized discourse, it is especially important that peaceful speech and courteous persuasion be given their rightful chance. It would be strange, indeed, if our constitutional system, and especially the First Amendment, were to countenance the congregation on the grounds occupied by the national legislature of all manner of groups except those who wish to speak out peacefully on the controversial issues of the day. That is not the mark set by the Bill of Rights.
>
> It is presumably for that reason that Mr. Justice Stewart, speaking for a near unanimous Supreme Court, held in the controlling case of Edwards versus South Carolina, that nonviolent demonstrations on the grounds of the South Carolina State Capital were constitutionally protected from interference, and reversed breaches of the peace convictions of 187 Negroes protesting there against alleged discrimination.

I shall put in the RECORD the full text of this opinion because I think it bears reading by every Member of the House.

I recognize there are some, perhaps many, in this House, who will disagree with the logic and the thrust and the conclusion of Judge Greene's opinion. I am not here to extoll its merits because I agree with it, or to criticize those who may disagree with it. I am here primarily to ask all of us, including myself, to be more sensitive about the way in which we use our authority as Members of the Congress of the United States in dealing with the fundamental rights of American citizens.

The Constitution protects all of us. It protects those with whom we agree as well as those with whom we disagree. And it is all too easy, as we have seen on many, many occasions throughout this land, to feel that we should use the laws, we should use the powers which we have as members of legislatures, or as members of police forces, to suppress that which makes us uncomfortable and to permit that which is noncontroversial. As Judge Greene says, this is not the standard set by the Constitution. I do not think we need to be reminded that the Constitution of the United States was written at a time of crisis and controversy. It has written into it specific guarantees for the protection of controversy, for the protection of those who are unpopular, for the protection of minorities.

And we have a special duty in these times when our country is sorely divided to make sure that these protections apply to everyone regardless of their views. The important thing which the judge considered here was whether this was a peaceable assembly. If it is a peaceable assembly it is protected. If it is not peaceable, of course, then it is not protected, and I would be the first to seek reasonable regulations under which we could all be assured that an assembly was peaceable.

Let me say a word also about the Capitol Police in this situation, I know it is all too easy to engage in condemnation of the police in these times. In this particular situation I have nothing but praise for Chief Powell and his officers, and the way in which they carried out the duties required of them. Chief Powell was not, in my opinion, acting on his own arbitrary initiative. He was acting in accordance with precedents and instructions which he has been called upon to carry out for a considerable period of time. I do not think he liked what he had to do, and yet he carried out the job with a minimum of disruption, a minimum of difficulty, with the greatest of courtesy and consideration for the citizens he felt he was required to arrest.

So I think it is right and proper to give recognition and credit to the chief for the way in which he carried out this job.

It is, of course, very easy for people who are entrusted with the enforcement of the law, for the arrest and incarceration of those who may be violating the law, to lose their sensitivity to human values and to feel that they are always right in whatever they may do. I think the House can be proud of the fact that Chief Powell is not one of that type, and that given adequate instruction, precise instruction, and a firm legal basis on which to act, he will continue to carry out in the very highest fashion the enforcement of the law in accordance with the Constitution and in accordance with the needs of the Members of Congress

for protection from disruption of their activities.

I would like to point out that today this country is greatly divided. There are deep divisions among our citizens with regard to many important issues facing this country.

It is at times like these that it is particularly difficult for law enforcement officers to carry out their duties. There are many questions with regard to the fundamental assumptions upon which our Government acts. There are questions as to the values of the society.

There are some who feel that, instead of being a humane society, dedicated to freedom and human welfare, we have become a society obsessed with the exercise of power, with the accumulation of material goods, and with the establishment of these objectives—power and property—as of higher priority than the rights and welfare of human beings.

It is truly tragic when these divisions occur on the scale which they are occurring in this country today. In my view we are not likely to pass quickly over this time, we are not likely to get back quickly to the tranquility which we all seek, which is based upon large measure of agreement of the citizens of this country with regard to the goals we are seeking to achieve as a country. There is no such agreement today.

I do not wish in these few brief moments this afternoon to continue to belabor this point. I have here a set of documents which amply explains the entire history of these incidents on the Capitol steps, which explains to some degree my reasoning and the reasoning of other Members of Congress who took an interest in these events.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks and include extraneous material relating to the subject matter of his special order.)

BACKGROUND CHRONOLOGY: A QUAKER ACTION GROUP DEMONSTRATION ON EAST FRONT STEPS OF CAPITOL MAY–JUNE 1969

Mr. BROWN of California. Mr. Speaker, this spring the Philadelphia-based "A Quaker Action Group" decided to emphasize its resistance to this country's policies in Southeast Asia, and the vehicle chosen for this demonstration was to be a reading of the names of American war dead upon the steps of the Capitol Building. The following pamphlets describe the initial plans:

A CALL TO THE LIVING FOR A ROLLCALL OF THE DEAD IN WASHINGTON, MAY 23–29, 1969

MAY ACTION

In April there was a renewal of resistance to the Vietnam war. Demonstrations in 42 cities all across the country revealed, once again, to government officials that millions are opposed to the war. But, the suffering and slaughter continues. The Administration and Pentagon still have the same policy of maintaining the Thieu-Ky dictatorship by 500,000 U.S. conscripts. They still have the same policy of deceiving the American people.

It is an unnecessary war. It is an illegal war. It is an immoral war. It is poisoning the life of mankind all over the globe. It must be ended.

In May we must escalate resistance. Our resistance must speak loud and clear in Washington and all over the country.

35,000 U.S. military personnel have been killed in the Vietnam war. The slaughtered Vietnamese are many fold that number.

On May 23–29 we intend to read the names of Americans killed in Vietnam—at the White House, Capitol, Pentagon, State Department—in the street and in offices. Our reading is in mourning for Americans killed in a tragic and immoral war and in penance for the deaths of countless Vietnamese whose names are known only to suffering family and friends.

SPEAK LOUD AND CLEAR

Congressman Paul Findley placed the names of the U.S. war dead in the Congressional Record on March 25, 1969. On that occasion he said: "If the premise is accepted—as I believe it must—that our military policies have been based on false assumptions all along, then the best way to honor the war dead is to take steps to assure that the casualty list stops growing—In my view, these names should be called to the attention of the administration and the American people because they establish as no other arrangement of words can possibly do the true dimensions of the Vietnam war in total overall terms as well as the most intimate."

The officials of Washington may not allow the reading of the names of the dead on the streets and in public buildings. In Washington, as elsewhere, there is a general move to curb dissent and war resistance. We trust an increasing number of people are prepared to suffer arrest that free speech and resistance to the Vietnam war may be maintained and intensified.

RESIST WHERE YOU ARE

Not everyone can or should come to Washington. Read the names of the war dead at local draft boards or induction centers. Read the names at the entrance to a military installation or in the public square. In some cities the Women's International League for Peace and Freedom and other organizations will be reading the names of war dead in their own city.

THE SPIRIT OF OUR RESISTANCE

May Action will be undertaken in the spirit of nonviolence and openness. It is open to all who share our purpose and method. The project may at many points involve civil disobedience against attempted curtailment of civil liberties and in resistance against the Vietnam war. Persons beyond draft age are particularly invited to share the suffering of young men who are resisting conscription.

We are committed to interdependence of the human family. World community is our purpose: nonviolent direct action and civil disobedience against acts of war and oppression is our method. It was in that constructive program of world community building that we sailed the *Phoenix* to both North and South Vietnam with medical supplies; demonstrated in Warsaw Pact countries against the invasion of Czechoslovakia; and held a vigil in the Panama Canal Zone at Fort Gulick. In the U.S. we have resisted conscription and taxes for war; and walked with the oppressed in the Poor People's Campaign.

ORDER OF EVENTS

Friday, May 23, 9:00 a.m.: Orientation and planning session at Friends Meeting House, 2111 Florida Ave., N.W., Washington, D.C.; 12:00 a.m.: Reading of names of war dead at the Capitol, the White House, State Department, and the Pentagon. (We are trying to secure names of Vietnamese dead also.) At some place we will read the whole list of 35,000 which takes about 20 hours.

Saturday, May 24: The reading of the names of the war dead in public places all over Washington.

Sunday, May 25: Meeting For Worship and workshops for a sustained effort the following week.

Monday through Thursday, May 26–29: Reading of the names (or portion of the list) of the war dead in offices of Congressmen, Senators, Administration officials. (Other nonviolent actions may be undertaken during that week as determined by A Quaker Action Group and other participants.)

LET US SPEAK TRUTH

Let us speak truth to the people of the United States about the war in Vietnam.

Let us speak truth to power.

Let us persist in speaking truth where people are unwilling to hear the truth.

WHY WE MUST SPEAK TRUTH

We must speak truth because far too many human beings have suffered and died in Vietnam, for far too long.

We must speak truth because our government is still talking rather than acting to end this suffering.

We must speak truth because our government lacks not the means but the *will* to end this war.

HOW WE WILL SPEAK

We will read the names of 35,000 Americans killed in Vietnam, at such places as the Capitol, the White House and the Pentagon.

We will speak regardless of penalties which we may suffer, such as imprisonment.

We are willing to accept arrest and jail. We hope that our action will speak to our fellow citizens to open their eyes to the truth about Vietnam, and to give our government the will and the courage to end this war.

WHAT WE ARE ASKING

We ask immediate U.S. military withdrawal from Vietnam.

We ask self-determination for the Vietnamese people.

We ask others to stand up and speak the truth about Vietnam.

WHAT WE STAND FOR

We stand for openness and truth.

We follow the way of non-violence because we are deeply convinced that violence cannot be overcome by more violence.

We believe in a world community of all mankind and want to use our talents and resources for that purpose.

Speak with us.

A QUAKER ACTION GROUP

A Quaker Action Group was organized in July, 1966 to engage in nonviolent action for peace and justice. We sponsored voyages of the Phoenix to North and South Vietnam for relief of suffering and as a protest against the inhumanity of the Vietnam war. We have participated in the Poor People's Campaign, organized a vigil at Fort Gulick in the Panama Canal Zone, protesting U.S. military policy in Latin America. We have worked for the community of mankind which transcends armed national states.

(NOTE: A White Paper on the Vietnam war has been prepared by the American Friends Service Committee. We commend it as the best short statement of truth about the Vietnam war.)

Mr. Speaker, the initial attempt to read the names came on May 23, and Capitol Police arrested the group of 10 who continued down the list of war dead after they were told by police that they would be jailed if they persisted. Five days later, on Wednesday, May 28, another group of 11 persons started from the point at which the first group had left off; they, too, were arrested.

On both days, demonstrators acted peacefully and did not resist arrest. Threat of continued arrest did not halt prospects of further demonstrations, as shown by the following leaflet printed by A Quaker Action Group:

WE MUST CONTINUE

At noon on Friday, May 23rd, 10 people began reading the names of American soldiers killed in Vietnam on the east steps of the Capitol building. They did this in a spirit

of mourning for those who have died, both Vietnamese and American, and to bring home to the American people the continuing horror of this senseless and inhuman war. They were arrested. On Wednesday, May 28th, 11 others took their place and continued the reading. They also were arrested.

We must continue. On Wednesday, June 4th, and on each succeeding Wednesday, the reading of the names will continue. We must continue to point out the true dimensions of this war; we must continue to point out that over 1,000,000 Vietnamese and 37,000 Americans have died; we must continue to point out that the peace talks in Paris are a tragic farce and that the war has continued to escalate despite the talks. We must, and we will, continue.

Join with us in Washington. There is no longer time for silence even when speaking out means arrest. The suffering of arrest is insignificant when compared to the suffering the Vietnamese have endured and must continue to endure until this war, our war, is brought to an end.

Join us as we speak the truth at the Capitol, in the jails and in the courts. Meet us at 515 East Capitol St., Washington, 9 AM every Wednesday. (Tel. 544-9259). Overnight housing available.

Sponsored by A Quaker Action Group.

Two days before the second arrests, Lawrence Scott, executive secretary of A Quaker Action Group, wrote the following letter to Police Chief James M. Powell:

A QUAKER ACTION GROUP,
Philadelphia, Pa., May 26, 1969.

JAMES M. POWELL,
Chief of Capitol Police,
The Capitol,
Washington, D.C.

DEAR CHIEF POWELL: We in A Quaker Action Group regret very much causing you repeated difficulties. You have impressed us as being a law enforcement officer of high integrity. I believe in the need of democratic government with just and equitable laws as a condition of human community. Yet, I also believe that the armed national state with its power struggles and war as an instrument of foreign policy has become the primary violator of human community. Therefore, laws and policies of armed national states which perpetuate violent attacks against world community must be resisted and disobeyed as a duty to mankind and as allegiance to God the Creator.

As I indicated to you when you arrested ten of us on the Capitol steps on Friday, May 23, I shall make every endeavor not to infringe upon the rights of others.

There is much precedent for our actions in history. The Temple in Jeruselem was the seat of both religious and secular authority for the Jewish people. Jesus opposed the corrupt and venal power of the Temple officials by overturning the tables of the money changers, and speaking plainly to the officials of his nation. A few weeks after Jesus was crucified his followers assembled on the portico of the Temple (a situation similar to assembling on the steps of our Capitol) and spoke of why Jesus was crucified by the Jewish authorities. Some were arrested and imprisoned. Their answer to the Jewish authorities was "Whether it is right in the sight of God to listen to you rather than to God, you must judge, for we cannot but speak of what we have seen and heard."

In 17th Century England the Quakers not only refused to abide by the prohibition against open worship; but refused to give undemocratic deference to class disinctions and to those in authority representing that immoral requirement. When their Meeting Houses were burned they worshiped openly alongside the ashes. When many of the adults were in prison the children carried on the open defiance by worshiping and speaking openly. Quaker colonists to America contributed greatly to freedom and democracy as expressed in our State and Federal constitutions. (When I was in Mississippi coordinating the rebuilding of burned churches in 1964-65 I worshiped with black rural congregations who defied the tyranny of our day by worshiping and speaking freely alongside the ashes of their church.)

The present Nixon policy with reference to Vietnam seems to be one of buying time by allaying citizen opposition to the war. But what is he buying time for? He is buying time so that by ruthless bombing, use of anti-personnel pellet bombs, napalm, crop killers, poison gas and every other barbarous means he can force the Thieu-Ky dictatorship on the Vietnamese people. That regime has imprisoned and tortured even meek Buddhists who have spoken for peace and neutrality. It has denied freedom of press and other liberties. It is a government made up of landlords and corrupt generals who fought with the French colonizers. That is what time is being bought for and why our government continues to slaughter the population of Vietnam and our own American young men.

We shall continue to speak openly in Capitol porticoes and other public places against this inhuman Vietnam war. If you imprison those of us who act in open nonviolence it is our faith that others will take our place in an upsurge of dissent and sanity.

My friendly regards to you and all other representatives in the United States Government.

Sincerely,

LAWRENCE SCOTT.

A Quaker Action Group vowed to keep attempting to read the war dead names—as long as the war continued, and on June 3, a representative of the group visited my offices. I agreed with the group that they should have the right to read the names, upon the steps and I sent the following letter, stating my position, to all Members of Congress—in both House and Senate:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1969.

DEAR COLLEAGUE: I have agreed to join with a few members of A Quaker Action Group today (June 4th) at 12 noon on the East steps of the Capitol to continue reading from the CONGRESSIONAL RECORD the names of those American soldiers killed in Vietnam, and bringing to the attention of the Congress this matter of great national importance.

On two previous occasions within the past few days members of this group have been arrested for doing this, and two of the group are currently in the D.C. jail.

I feel sure you will be interested in observing our efforts today.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

I also sent letters to the Speaker of the House, the Vice President, and Chief Powell, requesting that the group be allowed to read the list of war dead without fear of arrest:

JUNE 4, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have agreed to join with a few members of A Quaker Action Group today (June 4th) at 12 Noon on the East steps of the Capitol to continue reading from the Congressional Record the names of those American soldiers killed in Vietnam, and bringing to the attention of the Congress this matter of great national importance.

On two previous occasions within the past few days members of this group have been arrested for doing this, and two of the group are currently in the D.C. jail.

I am respectfully requesting that you instruct the Capitol Police to not interfere with their efforts to read the rollcall of the Vietnam dead from the Congressional Record. I believe that they have an absolute Constitutional right to do what they are doing and that the arrests are unwarranted.

Thank you for your attention to this request.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

JUNE 4, 1969.

Hon. SPIRO T. AGNEW,
Vice President of the United States and President of the Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: I have agreed to join with a few members of A Quaker Action Group today (June 4th) at 12 Noon on the East steps of the Capitol to continue reading from the Congressional Record the names of those Americans killed in Vietnam, and bringing to the attention of the Congress this matter of great national importance.

On two previous occasions within the past few days members of this group have been arrested for doing this, and two of the group are currently in the D.C. jail.

I am respectfully requesting that you instruct the Capitol Police to not interfere with their efforts to read the roll call of the Vietnam dead from the Congressional Record. I believe that they have an absolute Constitutional right to do what they are doing and that the arrests are unwarranted.

Thank you for your attention to this request.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

JUNE 4, 1969.

Hon. JAMES M. POWELL,
Chief, U.S. Capitol Police, Washington, D.C.

DEAR CHIEF POWELL: I have agreed to join with a few members of A Quaker Action Group today (June 4th) at 12 Noon on the East steps of the Capitol to continue reading from the Congressional Record the names of those American soldiers killed in Vietnam, and bringing to the attention of the Congress this matter of great national importance.

On two previous occasions within the past few days members of this group have been arrested for doing this, and two of the group are currently in the D.C. jail.

I am respectfully requesting that you not interfere with their efforts to read the rollcall of the Vietnam dead from the Congressional Record. I believe that they have an absolute Constitutional right to do what they are doing and that the arrests are unwarranted.

Thank you for your attention to his request.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

At noon on June 4, two other Members, Mr. KOCH and Mr. DIGGS, and I met with the representatives of A Quaker Action Group on the east front steps of the Capitol, and all three of us participated in reading from the list of war dead. At that time, I made the following statement:

STATEMENT OF HON. GEORGE E. BROWN, JR.,
JUNE 4, 1969

I am joining A Quaker Action Group on the Capitol steps today because I share their concern, and I believe that they have an absolute Constitutional right to do what they are doing. I have asked the Speaker of

the House and the President of the Senate to instruct the Capitol Police not to interfere with the group's efforts to read the roll-call of the Vietnam dead from the Congressional Record. I have advised the police that I feel the arrests are unwarranted.

I am in wholehearted agreement with the group's feeling that the Vietnam war is an unnecessary, illegal and immoral war that must be ended. It is a tragic error perpetuated by a stubborn and arrogant bureaucracy.

Over the past five years I have stated many times that I believe there is no chance of a military victory and the 35,000 names of these young Americans who have died bear irrefutable witness to the monstrous cost of this monumental mistake in our foreign policy.

The new Administration is not moving toward peace any faster than the previous Administration. The opportunity to admit past mistakes, with humility, is being lost and the perpetuation of old policies is rapidly making them the new policies, as well—which President Nixon's Administration will be forced to defend.

If we recognize, admit and move to rectify our past mistakes, it would follow that we would have no reason to illegally suppress the efforts of this group. Therefore, I cannot sit idly by and be a party to this suppression by ignoring the arrest and imprisonment of sincere, patriotic and concerned Americans whose only crime is to remind us of the hideous side of the war which we too often tend to forget.

Again, the demonstrators were arrested. These news stories describe the situation:

[From the Washington (D.C.) Post, June 5, 1969]

CONGRESSMEN JOIN PROTEST AT CAPITOL

(By Claudia Levy)

Three Congressmen joined 13 members of A Quaker Action Group yesterday on the east steps of the Capitol to read the names of Vietnam war dead. The Quakers were arrested but the Congressmen weren't.

Reps. George Brown (D-Calif.) and Edward I. Koch (D-N.Y.) were left standing alone on the steps, despite their insistence that their congressional immunity to arrest be waived.

Rep. Charles Diggs Jr. (D-Mich.), who had also read from the listings of dead servicemen, had to leave moments before the arrests at 12:30 p.m. to attend a Michigan delegation caucus.

"These are my guests," Brown told Capitol Police Chief James W. Powell. "They have constitutional rights as citizens to be here."

Powell said while the demonstrators were free to visit with any member of Congress, they could not assemble on the steps to petition.

"Since when is it illegal for this small group to come here and grieve over this matter?" asked David Richards, 25, of Chester, Pa.

"If you think this group is breaching the peace," Brown said, "then I waive my congressional immunity and ask to be arrested." Members of Congress are subject to arrest only on charges of treason, felony or breach of the peace when Congress is in session.

"Do to me what you'd do to any citizen," Koch told Powell. "They're not violating any rules, but their constitutional rights are being violated by you and your men."

Police, who had cleared the steps of spectators, began leading off the demonstrators.

"Well," Brown said to Koch, "let us continue reading."

As they attempted to speak, police began pushing a crowd of 100 newsmen, tourists and sympathizers across the roadway directly below the steps, ordering them to move on.

Brief scuffling erupted but there were no other incidents.

Powell said the Congressmen would not be arrested because there was "insufficient breach of the peace in their case."

The 13 demonstrators, the third such delegation to appear at the Capitol this year, were charged with illegal entry. They included Joan Nicholson, 35, of Philadelphia, one of two persons who finished serving eight-day sentences at 8 a.m. yesterday for a Capitol demonstration last week.

Also arrested yesterday were Richards; Bob Tatman, 22, of Wynnewood, Pa.; Harriet Barlow, 27, 3708 Drummond st. Chevy Chase; Michael Panella, 23, of Media, Pa.; David Kelly, 18; L. A. Ford, 20, Terry Buckalow, 28 and Jim Hart, 27, all of Philadelphia; Boykin Reynolds, 21, 4701 Connecticut ave. nw.; Jan Green, 42, Lincoln, Va.; Betty van Huyack, 34, 2773 N. Wakefield st., Arlington and David R. Hartsough, 28, 1332 A st. se.

The 13 appeared before Judge Alfred Burka in the Court of General Sessions yesterday. Tatman, Richards and Panella pleaded no contest and were given suspended sentences with one-year unsupervised probation. The others were released on personal bond pending trial.

[From the San Jose (Calif.) Mercury, June 5, 1969]

THREE DEMOS JOIN QUAKER PROTEST

(By Baxter Omohundro)

WASHINGTON.—A California congressman and the Capitol police were eyeball-to-eyeball Wednesday, and the lawmen finally blinked.

Rep. George Brown (D-Monterey Park) challenged police to arrest him as they moved into jail 13 Quakers who had gathered on the Capitol steps to quietly protest the war in Vietnam.

Brown and two other House Democrats, Edward I. Koch of New York and Charles Diggs of Michigan, joined with the protesters, but only Brown specifically waived his congressional immunity after the group was warned that arrest was imminent.

But Capitol Police Chief James M. Powell refused to take him or his colleagues into custody as a score of his officers escorted the Quakers to awaiting paddy wagons.

Brown, an announced Senate candidate, earlier had read Constitutional provisions on the rights of assembly, free speech and free press plus congressional immunity from arrest for crimes other than "treason, felony or breach of peace" and said he was waiving his immunity.

Powell, whose men booked the Quakers for unlawful entry under an act of the last Congress, said he didn't consider the demonstration a breach of the peace sufficient to warrant arresting the congressmen.

The congressmen and the Quakers, taking part in the third such demonstration sponsored by the Quaker Action Group of Philadelphia, took turns reading from a list of U.S. war dead published in the Congressional Record on March 25.

After clearing the steps of newsmen and noon-hour spectators, Powell, speaking through a bullhorn, repeatedly warned the seated demonstrators to leave. He set a deadline of 12:30 p.m., a half hour after the protest began, then signalled the arrests to begin. Brown and Koch took up reading the list as the unresisting Quakers were escorted away.

Although the arrests were peaceful, police later shouted and shoved at spectators and newsmen who had gathered to talk to Brown and Koch. Diggs had left before the arrests began.

"Throw them into the streets," ordered Police Capt. Leonard Ballard when the group failed to promptly move from the driveway by the east front of the Capitol.

At one point, Koch angrily complained to police for shoving two young women in the group.

"Act like gentlemen, can't you," he said.

However, there were no further arrests as the group shuffled off by twos and threes in the warm sunshine.

Speeches by the congressmen and the protestors were generally applauded by about 100 spectators, many of them staffers from congressional offices, but one man called the Quakers "stooges for Communist world slavery."

Brown sent letters to all of his Democratic colleagues telling them of his intention to join the protestors. He said he also asked Senate and House leaders that the Capitol police be ordered not to arrest them.

The Californian said he plans to join the Quaker protests whenever they are held, and a spokesman for the group said others are planned in coming weeks.

The next day, June 5, I made the following remarks upon the floor of the House:

READING OF NAMES OF AMERICAN DEAD IN VIETNAM ON CAPITOL STEPS

(Mr. BROWN of California asked and was given permission to address the House for 1 minute, and to include extraneous material.)

Mr. BROWN of California. Mr. Speaker, yesterday at 12 noon, I and two of my colleagues joined 12 members of a Quaker action group on the steps of the Capitol in reading the names of the honored American dead in Vietnam from the Congressional Record. On Memorial Day, I had the honor of paying similar tribute to these brave men at ceremonies conducted by the American Legion post of my hometown of Monterey Park, Calif.

There was a difference in the two events. In my hometown, before an American Legion honor guard and representatives of every civic organization, I spoke of the ideals these men died to preserve, and the responsibility of the citizens, and their elected representatives, to insure that no American soldier died in a cause that was not just, did not protect freedom, did not promote the welfare of the oppressed people of the earth.

On the steps of the Capitol, speaking only the names of the American dead, I was confronted with a platoon of armed policemen who ordered a halt to the reading of the names, and when this illegal order was not obeyed, arrested the 12 members of the Quaker action group and took them to jail. My request to be arrested with them was refused.

I love my country just as much in Washington, D.C., as I do in Monterey Park, Calif. I honor the American men who have died in Vietnam just as much in Washington, D.C. as I do in Monterey Park. I make the same demands for an immediate end of the war while at home in Monterey Park as I do in these Chambers or on the steps of the Capitol. And I will continue to do so.

But in Washington, D.C., there seems to be more fear that these dead, sent to die by the action or failure to act, of the Members of this Body, will return to haunt our dreams.

If we sent these men to die in mistaken cause, as I believe we did, their deaths will not be absolved by sending even more to die with them. Their deaths will be absolved by rectifying the errors of past policy, by confessing that we sinned, and by choosing the path of righteousness in the future.

I urge this course on my colleagues.

I include herewith my own statement issued yesterday in connection with this event:

"STATEMENT OF HON. GEORGE E. BROWN, JR., JUNE 4, 1969

"I am joining A Quaker Action Group on the Capitol steps today because I share their concern, and I believe that they have an absolute Constitutional right to do what they are doing. I have asked the Speaker of the House and the President of the Senate to instruct the Capitol Police not to interfere with the group's efforts to read the roll call of the Vietnam dead from the Con-

gressional Record. I have advised the police that I feel the arrests are unwarranted.

"I am in wholehearted agreement with the group's feeling that the Vietnam war is an unnecessary, illegal and immoral war that must be ended. It is a tragic error perpetuated by a stubborn and arrogant bureaucracy.

"Over the past five years I have stated many times that I believe there is no chance of a military victory and the 35,000 names of these young Americans who had died bear irrefutable witness to the monstrous cost of this monumental mistake in our foreign policy.

"The new Administration is not moving toward peace any faster than the previous Administration. The opportunity to admit past mistakes, with humility, is being lost and the perpetuation of old policies is rapidly making them the new policies, as well—which President Nixon's Administration will be forced to defend.

"If we recognize, admit and move to rectify our past mistakes, it would follow that we would have no reason to illegally suppress the efforts of this group. Therefore, I cannot sit idly by and be a party to this suppression by ignoring the arrest and imprisonment of sincere, patriotic and concerned Americans whose only crime is to remind us of the hideous side of the war which we too often tend to forget."

On June 9, Lawrence Scott sent the following letter to all Members of Congress:

A QUAKER ACTION GROUP,
Philadelphia, Pa., June 9, 1969.

Senators and Representatives, U.S. Congress, Washington, D.C.

DEAR FRIEND: Three times during the past month small groups sponsored by A Quaker Action Group have been arrested on the east Capitol steps for holding a silent meeting for worship in which we read the names of the U.S. servicemen killed in Vietnam. By this action it was not our intention to disrupt the work of Congress, nor do we believe that has been the result. It was not our intention to infringe upon the rights of others, nor do we believe that has occurred.

The court cases resulting from the arrests have afforded an opportunity to re-affirm the rights of freedom of assembly and speech. That service is being carried forward by the American Civil Liberties Union. We are glad to be the occasion for, and to cooperate with, that purpose. Yet, our primary goal was not to test the constitutionality of the statutes which interfere with freedom of expression.

In our public witness on the steps of the Capitol it was not our intention to be arrested and suffer in jail. We are engaged in constructive work and professions and it is not easy to disrupt our life by jail sentences. Nor is it easy to suffer the indignities and cruelties of the Washington jails, even though it does give us some identification with what the poor and the black often suffer. However, we accept arrest and imprisonment as part of our witness if that is necessary.

It has been our primary goal by this expression of mourning and public witness on the Capitol steps to speak truth about the Vietnam war to the Congress and the American people. We want you to know our primary purpose, because we intend to pursue it persistently at the Capitol and other places in Washington by various means of nonviolent action as led by the Spirit. If that should result in disruption of the war-making activities of the United States Congress or Administration we would consider that a valid use for our lives and freedom.

We urge the Congress of the United States to use every means of power at its disposal to stop the slaughter and withdraw all American forces from Vietnam. We feel the Congress should reassert its responsibility for foreign policy and budgetary allocations. The "greatness of America" lies in vastly different means and ends than those proposed by President Nixon. It lies in a whole different dimension of freedom and world community.

We intend again on June 11, at 12 noon, to assemble peacefully on the east steps of the Capitol and resume the reading of the names of the young Americans who were sent to their deaths in Vietnam. At the same time we will mourn the Vietnamese killed by United States military might. We shall mourn for the Vietnamese and Americans maimed and crippled for life. We shall mourn for the Vietnamese and Americans suffering in prisons because of their dissent and resistance to war.

If you share our purpose of immediate United States military withdrawal from Vietnam and agree to a discipline of nonviolence in the witness on the Capitol steps and acceptance of arrest without resistance, if that should occur, we invite you to join us in worship and in reading the names of Americans killed in Vietnam as published in the Congressional Record.

In closing we wish to express our deep appreciation to those Senators and Congressmen who are working courageously to end the war in Vietnam.

Sincerely,

LAWRENCE SCOTT.

After the June 4 arrests, other Members of the House began to show interest in the right of A Quaker Action Group to read the list of war dead names. The following letter from three other Members, the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from California (Mr. EDWARDS), and the gentleman from New York (Mr. KOCH), and myself was sent to all Members of Congress on June 9:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1969.

DEAR COLLEAGUE: Last Wednesday, June 4th, twelve members of A Quaker Action Group were arrested on the Capitol steps for reading from the Congressional Record the names of American soldiers killed in Vietnam. This arrest, the third in three weeks, was made despite the fact that the twelve were peaceably assembled and were joined by three members of Congress who read the names with them.

Chief Powell, of the Capitol Police, testifying on June 6th in the Court of General Sessions on a defense motion to dismiss the charges against those arrested, said that all other things being the same, he would have arrested even one person reading the names of the Vietnam war dead on the Capitol steps. Chief Powell indicated that he felt the Capitol Police Board (composed of the Architect and the two Sergeants-at-Arms), the Speaker, and the President of the Senate would direct him to take such action.

In our opinion, these arrests clearly deprive the arrested of their rights under the First Amendment of the Constitution. This issue will be resolved by judicial process.

We feel strongly that only by protecting the constitutional rights of those who engage in peaceful assembly and petition can we discourage those who are urging other tactics. We will, therefore, join members of A Quaker Action Group again on Wednesday (June 11th), at noon to continue reading from the Congressional Record the names of the Americans who have died in Vietnam.

The participation of other concerned Members is invited.

Sincerely,

GEORGE E. BROWN, Jr.,
SHIRLEY CHISHOLM,
DON EDWARDS,
EDWARD I. KOCH,
Members of Congress.

When demonstrators began to read from the list again on June 11, they were arrested by Capitol police. Four Members of Congress, Mr. KOCH, Mr. MIKVA, Mr. JACOBS, and I, also read from the roll of war dead.

However, on June 11, a new approach to the readings was attempted. A representative of A Quaker Action Group presented a petition to me, a peaceful petition of redress of grievance as noted in article I of the Bill of Rights. I accepted their petition and instructed them to continue reading the war dead names as a part of the petition. The following newsstory reports what happened:

[From the Post Advocate, June 11, 1969]

GEORGE BROWN AGAIN JOINS QUAKERS IN ANTI-WAR PROTEST

WASHINGTON.—Rep. George D. Brown, Jr., D-Monterey Park, today participated in a second anti-war demonstration with a group of Quakers on the steps of the Capitol. Three other congressmen took part in the demonstration.

Twenty members of the Quaker Action Group, who were reading aloud the names of the Vietnam war dead, were arrested by Capitol police when they refused to obey an order to leave the steps.

Brown and Reps. Edward I. Koch of New York, Andrew K. Jacobs of Indiana and Abner J. Mikva of Illinois were not arrested.

Police chief James N. Powell told them they were immune to arrest while congress is in session and could not waive their immunity.

Powell told the Quakers they were violating a section of the District of Columbia code which makes it a misdemeanor to refuse to leave the public building when requested to by the person in charge.

This is the fourth time the Quaker group has read the names of Vietnam war dead on the Capitol steps and the fourth time they have been arrested.

Brown took part in the demonstration last week for the first time.

At the start of the read-in Brown welcomed the Quakers and told them they had a right under the First Amendment to remain there as long as they were peaceable. The demonstration lasted 40 minutes.

George Willoughby, 55, of Wallingford, Penn., co-chairman of the Quaker Action group read a statement which said the Quakers were there to peaceably assemble and petitioned congress and the American people for a redress of a grievance.

He said they were grieved that the Vietnam War continued. All U.S. troops should be withdrawn from Vietnam as a step towards ending "An immoral war," Willoughby said. He was one of those arrested.

Brown yesterday sent all members of congress a letter inviting them to participate in the demonstration today. He said the previous arrest, clearly deprived the arrested of their rights under the First Amendment of the Constitution.

"We feel strongly that only by protecting the constitutional rights of those who engage in peaceful assembly and petition can we discourage those who are urging other tactics," the letter said.

That day I issued the following press release; at this point I would also like to insert an article by Thomas J. Foley, of the Los Angeles Times Washington news bureau:

CONGRESSMEN DEFEND RIGHT TO GATHER ON CAPITOL STEPS

Congressman George E. Brown, Jr. (D–Calif.) was joined this week by a growing list of colleagues in extending an invitation to

all of the Members of Congress to join a group of Quakers on the center steps of the Capitol today (Wed.) at Noon to defend the group's right to assemble there peacefully.

Brown, along with Representatives Don Edwards (D–Calif.), Shirley Chisholm (D–N.Y.), Edward I. Koch (D–N.Y.), referring to arrests made by Capitol police on preceding Wednesdays, stated that "these arrests clearly deprive the arrested of their rights under the First Amendment of the Constitution."

"We feel strongly that only by protecting the constitutional rights of those who engage in peaceful assembly and petition can we discourage those who are urging other tactics," the invitation to other Members continued.

Last week, Brown, Koch, and Rep. Charles C. Diggs, Jr. (D–Mich.) joined with the Quaker group in reading the names of the Vietnam war dead from the Congressional Record. The Quakers were arrested but the police declined to arrest the Congressmen on the grounds of their Constitutional immunity from arrest for most offenses while Congress is in session.

In a newsletter to his constituents, Brown noted that "several times a day, especially during the summer months, groups of visitors are taken to the Capitol steps by Congressmen, assembled there, have pictures taken, hear speeches by the Congressmen, and hold ceremonies of different types—even to the extent of bands playing."

The California Congressman contends that the laws are being enforced arbitrarily because Congress is afraid to face the fact that its own mistakes have been partly responsible for needless deaths in Vietnam.

[From the Los Angeles (Calif.) Times, June 11, 1969]

QUAKERS TEST MORE THAN LAW

(By Thomas J. Foley)

It was Mr. Bumble in Oliver Twist who said "If the law said that, the law is a ass."

It appeared dangerously like last Wednesday when, on the East Front steps of the U.S. Capitol where Presidents are inaugurated, a dozen peaceful-minded and peaceful-acting men and women began reading from the Congressional Record.

The law said they'd have to stop and depart. If they didn't, they would be arrested.

Two sympathizers, Reps. George E. Brown Jr. (D-Calif.) and Edward I. Koch (D-N.Y.), said they had invited the people to be there and read.

No difference, said the law. The record-reading continued. So the 12 were all trundled off to the pokey.

To the law, the fact they were standing where the East Front steps are 72 feet wide and thus not blocking access to the Capitol was irrelevant.

So was the fact that every member of Congress knew in advance the 12 would be there and what they would be doing. Likewise that Rep. Brown had spoken to Speaker John McCormack and urged him to permit it.

There was no element of surprise, no rush on the Capitol, no shouting. Not even any cop-baiting.

These are the essential facts of the matter. And they should be viewed in the clear and shining light of the First Article of the Bill of Rights:

"Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

There are other facts, of course. But they are material, not to the law looking like an ass, but to explaining why the 12 people were arrested.

The 12 are Quakers and pacifists, and they were reading from the Record a list of the Americans who had died in Vietnam. The list had been placed in the Record by Rep. Paul Findley (R-Ill.), an early advocate of pulling U.S. troops out of the Southeast Asian nation. Reps. Brown and Koch agree.

It is also true that the Quakers don't mind being arrested, that they are willing to go to jail for a cause and that they will take the case to the Supreme Court if necessary.

It also should be pointed out that last Wednesday was the third Wednesday they had shown up to read their list and that they, or some of their friends, will be there again this Wednesday.

But these facts only explain why it happened rather than whether it should happen.

One need not agree with the Quakers' point of view to feel a sense of outrage at this procedure.

There are innumerable legal arguments, and these will eventually be settled in the court. The American Civil Liberties Union is backing the Quakers and will see it through.

The law enforcers arrested the Quakers under one law but defended their actions in court under another. Rep. Brown believes the congressional Establishment has sufficient discretion to allow the Quakers to do their thing. The Establishment argues that they can't permit one group to do this but not another.

What seems to come through it all is a sense of fear by Speaker McCormack and the police officials of what might happen in this day of violent demonstration if they let up for the 12 Quaker pacifists.

It may even be a legitimate fear.

But what a commentary on the law, the times and man himself.

After the first arrests at which I had been present—June 4—I felt that the law employed to stop the readings was unreasonable, and I testified for the defendants in their motion to dismiss the charges. The case for that dismissal is contained in the following brief, submitted by Ralph J. Temple, of the American Civil Liberties Union:

[District of Columbia Court of General Sessions, Criminal Division]

UNITED STATES OF AMERICA, PLAINTIFF, v. JOAN NICHOLSON, JIM B. HART, BOYKIN A. REYNOLDS, BETTY VAN HUYCK, DEFENDANTS, SUPPLEMENTAL MEMORANDUM OF DEFENDANTS IN SUPPORT OF MOTION TO DISMISS THE INFORMATIONS, JUNE 12, 1969

(Criminal Nos. 20210–69A, 20211–69A, 20216–69A, 20220–69A)

Ralph J. Temple, Suite 501, 1424 16th Street, N.W., Washington, D.C., Attorney for Defendants.

Of Counsel: Robert Maynard, American Civil Liberties Union Fund.

This memorandum in support of the defendants' motion to dismiss the informations is filed as a supplement to the defendants' memorandum filed with the Court on June 6, 1969. The statement of facts is set out in the earlier memorandum and will be repeated here only in summary form.

STATEMENT OF FACTS

The defendants were among thirteen persons arrested on June 4, 1969, while standing at one extreme side of the East Front Center steps of the United States Capitol. At the time they were taking turns reading the list of Americans killed in the Vietnam war. This was the third such set of arrests in a period of less than two weeks. On May 23rd, 10 persons were arrested for the same activity and charged with incommoding the steps. The informations were dismissed as unconstitutionally vague. On May 28th, eleven persons were arrested under identical circumstances, and jury trials were scheduled for those who pleaded not guilty. The last two sets of arrests were made on charges of unlawful entry. All three assemblages were sponsored by A Quaker Action Group. On all three occasions the persons assembled did not block passage on the steps, engage in noisy or disorderly conduct, or interfere with anyone.

EVIDENCE ADDUCED AT HEARING ON MOTION TO DISMISS

I. On June 6 and 9, 1969, the Court conducted a hearing on defendants' motion to dismiss the informations on constitutional grounds. The defense presented the following witnesses who testified in substance as follows:

A. *Lawrence Scott*, a staff employe of A Quaker Action Group, testified that the purpose of the assemblages on all three occasions was to influence the Congress, the Government generally, and the public that the war in Vietnam should be ended. He testified that the Capitol Grounds and the Capitol steps were of particular importance in communicating the group's message because expressions at that location received more public and Congressional attention, particularly because of the greater attention of the news media, and because of the symbolic importance of coming to the site of Congress to petition.

B. *Congressman Edward Brown of California and Congressman Edward Koch of New York* testified that they welcomed the presence of the Quakers in this kind of assemblage on the Capitol steps. They testified that many groups had been permitted to gather on the East Front Center steps and on the House entrance steps on the East side in the past. There were introduced Defense Exhibits 6 through 15 showing groups from 12 to 100 in number gathered on the House steps. In Defense Exhibit 13, a uniformed band is shown on the House steps bearing banners and a sign on a drum identifying the group. Both Congressmen testified that they believed that assemblages such as those of the defendants were important to their roles as legislators in dramatically and effectively communicating views held by segments of the public to them, to other congressmen, and to the public.

C. *David Clark* testified that on May 28th, the same day that the second set of Quakers was arrested on the Capitol steps, he saw a group of about 40 persons sitting on steps on the northern side of the Capitol, with one of the group wearing an NAACP button. He testified that he saw another group gathered on the House entrance steps on the East side, apparently having their picture taken, a third group of about 75 persons sitting on a fence around a grassy area on the Capitol grounds, and a fourth group of 125—7th and 8th graders in their school uniform coming down the East Center steps. Cairk testified that in July 1968, 55 persons participating in the "Poor Peoples' Campaign" were allowed to assemble on the Capitol grounds near the House entrance on the East side.

D. *William Blum* testified that on June 4, 1969, the same day that the defendants were arrested, he saw a group of about 100 persons sitting on the House entrance steps on the East side, singing.

E. *Chief of the Capitol Police James Powell* testified that his actions in arresting persons on the steps on May 23, May 28 and June 4th were partly on the basis of D.C. Code, Section 9–124, and partly on the basis of unwritten rules established by the Capitol Police Board and communicated to him orally by the Speaker of the House and members of that Board.

(1) *Special Rules:* Chief Powell testified that special rules apply to the Center steps which bar all assemblages there unless permission is obtained from the Speaker of the House. He then testified that different rules apply to the House and Senate steps on the East side, whereby the Speaker will give permission to certain groups to assemble there for photographs or to meet with their Congressmen. The Chief was unclear as to whether different rules were applicable, since in all cases, he testified, the permission of the Speaker was necessary (permission of the Sergeant at Arms of the Senate for the Senate steps, and permission of the Architect of the Capitol for certain other purposes).

(2) *Standards:* Chief Powell testified that generally the Speaker decided which groups could and which could not assemble on the Capitol Grounds. The Chief testified that the decision was made on the basis of whether, in the Speaker's judgment, the group which wished to assemble was non-controversial and non-political. He testified that if a group was for or against a cause, or if it was "too liberal or too conservative" it was not allowed to assemble. He testified that this was a difficult judgment to make and that it had to be made on a case by case basis by the Speaker of the House.

(3) *Factors Leading to Arrests:* Chief Powell testified that he would have arrested the group of 13 persons assembled on the steps on June 4th even if all had been standing, even though they were blocking no one's way, and even if there had been only three assembled, only two assembled, or only one person standing on the steps reading the list of the Vietnam war dead. He testified that the factors underlying the arrests were: (a) the group did not have the permission of the Speaker of the House; (b) the group had notified the news media in advance of their planned assemblage; and (c) news media and other persons were attracted by the assemblage.

F. The defense also presented a newspaper article from the Washington Post dated May 22, 1968, reporting that a group of 350 persons from the "Poor Peoples' Campaign" was permitted to move on the Capitol Grounds in groups of 20. The Government stipulated that the newspaper reporter if called would so testify. The defense also presented in evidence, with the permission of the Court, the transcript in *United States* v. *Buchard,* D.C. Ct. Gen. Sess., U.S. 16019–68 (Sept. 16, 1968), for proof of:

(a) The Government's concession that "boys scouts or schools . . . parade there on occasions" (Tr. 15; see also p. 23); and

(b) The testimony of Sergeant Joseph Schaap of the Capitol Police (Tr. 26, et seq.) that he had the authority to permit groups of 5 or 6 persons, or groups as large as 10 persons to assemble on the Capitol Grounds (Tr. 34, 42, 48).

II. The Government presented as a witness Chief Powell, who testified as to the details of the arrests on June 4th. Chief Powell also testified that non-political uniforms, banners and signs might be allowed, but not a "political" uniform, such as that of the American Nazi Party. He could not make a judgment as to the uniform of the American Legion. Under questioning by the Court, the Chief testified that there was no certain way that a group could determine in advance whether it would break the law by coming on the Capitol Grounds and he suggested that the way to find out might be to ask a policeman at the Capitol Grounds.

ARGUMENT

I. *Assemblages Are Protected By the First Amendment:* "Demonstrating," "picketing," or "patrolling"—has recently been reaffirmed by the United States Supreme Court to be "speech" and therefore entitled to the full protection of the First Amendment:

"We start from the premise that peaceful picketing carried on in a location open generally to the public is, absent other factors involving the purpose or manner of the picketing, protected by the First Amendment." *Food Employees* v. *Logan Plaza,* 391 U.S. 308, 313 (1968).

The Court has long recognized that such speech is traditionally and properly exercised in and on public streets, sidewalks, parks and other public places:

"Wherever the title of streets and parks may rest they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." *Hague* v. *C.I.O.,* 307 U.S. 496, 515 (1939) (Opinion of Roberts, J.).

But it is not just "pure speech" in and on public parks and streets that receives First Amendment protection; the peaceful expression of views by marches, demonstrations, assemblies, sit-ins, and even silent protest, is included as well.

"As this Court has repeatedly stated, these [First Amendment rights of speech, assembly, and petition for redress of grievances] . . . are not confined to verbal expression. They embrace appropriate types of action which certainly include the right in a peaceful and orderly manner to protest by silent and reproachful presence, in a place where the protestant has every right to be. . . ." *Brown* v. *Louisiana,* 383 U.S. 131, 141–42 (1966). See *Shuttlesworth* v. *City of Birmingham,* 37 U.S.L.W. 4203 (March 11, 1969).

It follows that if open advocacy of views is to exist, then the advocates of those views must be given access to public parks and other areas from which they may communicate their message to the public. The judicial expansion of First Amendment rights over the past few decades "has fostered the accompanying doctrine that the individual must be afforded an appropriate 'public forum' for his peaceful protests." *Davis* v. *Francois,* 395 F. 2d 730, 733 (5th Cir. 1968). The First Amendment sanctions, not just "speech," but "effective speech," see *Edwards* v. *South Carolina,* 372 U.S. 229, 235 (1963); *Saia* v. *New York,* 334 U.S. 558, 561 (1948); *Davis* v. *Francois, supra* at 735; *Williams* v. *Wallace,* 240 F. Supp. 100, 106 (M.D. Ala. 1965), and the effectiveness of this speech often turns on the nature and existence of a public forum.

The First Amendment itself explicitly recognizes "assembly" as a condition precedent to an individual's "effective" exercise of speech:

"Effective advocacy of both public and private points of view particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly. *De Jonge* v. *Oregon,* 299 U.S. 353, 362; *Thomas* v. *Collins,* 323 U.S. 516, 530. It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause . . ." *N.A.A.C.P.* v. *Alabama ex. rel. Patterson,* 357 US 449 (1957) See *Williams v. Wallace,* 240 F. Supp. 100, 106 (M.D. Ala. 1965).

These rights occupy a "preferred position" among constitutional liberties, *Saia* v. *New York,* 334 U.S. 558, 562 (1948), they can only be curtailed upon a showing by the government of a "compelling" regulatory interest. *N.A.A.C.P.* v. *Button,* 371 U.S. 415, 438 (1963).

II. The Government Cannot Restrict First Amendment Rights Absent Proof of a Showing that a "Compelling" Governmental Interest is Involved the Restraints Are "No Greater Than Are Essential," and the Restrictions Are No More Than "Incidental" Curtailments of Those Rights: The First Amendment freedoms of speech assembly to petition for the redress of grievances, and association, occupy a "preferred position" in the spectrum of constitutionally guaranteed liberties *Kovacs* v. *Cooper,* 336 U.S. 77, 88 (1949); *Saia* v. *New York,* 334 U.S. 558, 562 (1948); *Thomas* v. *Collins,* 323 U.S. 516, 529–30 (1945); *United States* v. *Cruikshank,* 92 U.S. (2 Otto) 542, 552–53 (1876). Therefore, the burden of justifying restrictions on these rights rests with the government. Accordingly, before the Government can impose restrictions upon the exercise of First Amendment freedoms, it must sustain its burden of proof by demonstrating the existence of a "compelling," *N.A.A.C.P.* v. *Button,* 371 U.S. 415, 438 (1963); *Sherbert* v. *Verner,* 374 U.S. 398, 403 (1963), or "paramount," *Thomas* v. *Collins,* 323 U.S. 516, 530 (1945), governmental interest which justifies that regulation.

The Supreme Court has developed standards for the permissible regulation of conduct when it is combined with various forms of speech. These standards permit restrictions on the *conduct* element, or "time, place and manner," of demonstrations and similar public gatherings, *Cox* v. *New Hampshire,* 312 U.S. 569, 575–76 (1941), but do not, of course, permit restrictions on the content of the speech itself. *United States* v. *O'Brien,* 391 U.S. 367, 376 (1968). What may be regulable is only the manner in which the speech-content is presented. A regulation could not, therefore, censor the message on a handbill or placard, no matter what the conditions of its presentation were.

The constitutional guideline developed by the Supreme Court in the area of speech-plus-conduct is to permit narrowly and precisely drawn time, place and manner regulations so long as they do not restrict the physical aspects of demonstrations any more than the government can show to be absolutely necessary to permit other competing lawful uses of public space. The Court, therefore, has struck down time, place and manner restrictions which "deny or *unwarrantedly abridge* the right of assembly and the opportunities for the communication of thought and the discussion of public questions immemorially associated with resort to public places." *Cox* v. *New Hampshire,* 312 U.S. 569, 575–76 (1941) (emphasis supplied). Only a "serious interference with normal usage of streets and parks," *Kunz* v. *New York,* 340 U.S. 290, 293–94 (1951) (emphasis supplied), can be prohibited by the government, and any restrictions must embody "narrowly drawn, reasonable and definite standards for the officials to follow . . .," *Niemotko* v. *Maryland,* 340 U.S. 268, 271 (1951). At all times the First Amendment freedoms must be kept "in a preferred position." *Saia* v. *New York,* 334 U.S. 558, 562 (1948).

Thus, a community cannot prohibit the distribution of pamphlets and other literature to prevent littering and unsightly sidewalks, *Schneider* v. *State,* 308 U.S. 147 (1939); a local regulation cannot prohibit the circulation of anonymous pamphlets, *Talley* v. *California,* 362 U.S. 60 (1960); a municipal ordinance cannot prohibit the use of loudspeakers or sound trucks on public streets, *Saia* v. *New York,* 334 U.S. 558 (1948), or the ringing of doorbells, *Martin* v. *City of Struthers,* 319 U.S. 141 (1939), in the name of community tranquility; and a local regulation cannot prevent the playing of religious phonograph records on public streets absent a "clear and present menace to public peace and order . . .," *Cantwell* v. *Connecticut,* 310 U.S. 296, 311 (1940).

Recently, the Supreme Court has explicitly restated the constitutional requirements for time, place and manner standards regulating peaceful picketing and other forms of public demonstrations. In *Food Employees* v. *Logan Plaza,* 391 U.S. 308, 313 (1968), the Court declared "peaceful picketing," which "involves elements of both speech and conduct," i.e., "patrolling," to be "protected by the First Amendment," and in *United States* v. *O'Brien,* 391 U.S. 367, 376 (1968), the Court warned that "when 'speech' and 'nonspeech' elements are combined in the same course of conduct," only a *sufficiently important* governmental interest in regulating the nonspeech element can ever justify even "incidental limitations on First Amendment freedoms." (Emphasis supplied.)

The standards by which the government may restrict the exercise of the rights to speech, petition, and association, therefore, are clear. As the Court held in *United States* v. *O'Brien, supra,* any regulation restricting the full and free exercise of normally protected speech-conduct activities will be declared unconstitutional unless: (1) the

regulation "furthers an important or substantial governmental interest"; (2) the "governmental interest is unrelated to the suppression of free expression"; and (3) the incidental restriction on alleged First Amendment freedom is no greater than is essential to the furtherance of that interest." *United States* v. *O'Brien*, 391 U.S. at 377. (Emphasis supplied.)

III. Assembly and Speech Cannot Be Prohibited in Generally Unrestricted Public Areas: Public property may be restricted to certain uses, and it generally is so restricted inside public buildings and offices. However, open areas to which the public is generally admitted without special restrictions and under the same circumstances as the public uses of parks and sidewalks, may not be barred to those wishing to assemble, petition, and exercise expression.

Thus, for example, in *Adderley* v. *Florida*, 385 U.S. 39 (1966), where the Court unheld trespass convictions of those who demonstrated on jailhouse grounds, the Court emphasized:

"This particular jail entrance and driveway were not normally used by the public . . . (385 U.S. at 45)

* * * * *

"There is not a shred of evidence in this record that this power [to order persons off the jail grounds] was exercised, or that its exercise was sanctioned by the lower courts, because the sheriff objected to what was being sung or said by the demonstrators or because he disagreed with the objectives of their protest. The record reveals that *he objected only to their presence* on that part of the jail grounds reserved for jail uses. *There is no evidence at all that on any other occasion had similarly large groups of the public been permitted to gather on this portion of the jail grounds for any purpose.*" (385 U.S. at 47) (Emphases added.)[1]

The record shows that the Capitol Grounds are generally open to the public for the same unrestricted use that other public places are open. Under D.C. Code, Section 9–123, a series of specific actions inside and outside the buildings on the Capitol Grounds are prohibited in almost any indoor and outdoor public places.

In *Hague* v. *C.I.O.*, 307 U.S. 496 (1939), the Court affirmed an injunction issued against enforcement of laws prohibiting public meetings in Jersey City. The Court distinguished an earlier decision in the following terms (307 U.S. at 515, 516):

"The ordinance there in question apparently had a different purpose from that of the one here challenged, for it was not directed solely at the exercise of the right of speech and assembly, but was addressed as well to other activities, not in the nature of civil rights, which doubtless might be regulated or prohibited as respects their enjoyment in parks. In the instant case the ordinance deals only with the exercise of the right of assembly for the purpose of communicating views entertained by speakers, and is not a general measure to promote the public convenience in the use of the streets or parks.

"* * * * *

"We think the court below was right in holding the ordinance quoted in Note 1 void upon its face. It does not make confort or convenience in the use of streets or parks the standard of official action. It enables the Director of Safety to refuse a permit on his mere opinion that such refusal will prevent 'riots, disturbances or disorderly assemblage.' It can thus, as the record discloses, be made the instrument of arbitrary suppression of free expression of views on national affairs for the prohibition of all speaking will undoubtedly 'prevent' such eventualities. But uncontrolled official suppression of the privilege cannot be made a substitution for the duty to maintain order in connection with the exercise of the right."

The government may not discriminate against First Amendment rights. If a public area is generally unrestricted, speech and assembly cannot be prohibited thereon.

IV. Capitol Grounds, Unlike Jail Houses and Courts, Cannot Be Immunized From Peaceable Assembly: In *Edwards* v. *South Carolina*, 372 U.S. 229 (1963), the Court reversed breach of the peace convictions resulting from an assemblage of almost 200 chanting, clapping demonstrators on the grounds of the South Carolina State Capitol. The language of the Court indicates its acute awareness that it was addressing itself to a demonstration on a peculiar piece of ground. The Court went out of its way to stress that the uniqueness of the ground as that of a state legislature gave particular importance—rather than less protection—to the First Amendment rights involved.

"They peaceably assembled at the site of the State Government and there peaceably expressed their grievances . . ." (372 U.S. at 235).

The Court, in an 8 to 1 opinion by Justice Stewart, called this an exercise of the rights of speech, assembly, and petition "in their most pristine and classic form." (*Ibid*) The Court also added the following footnote to the above quoted sentence:

"It was stipulated at trial that the State House grounds are occupied by the Executive Branch of the South Carolina government, the Legislative Branch and the Judicial Branch, and that, during the period covered in the warrant in this matter . . . the Legislature of South Carolina was in session." (372 U.S. at 235, note 10).

The Court stated that "an evenhanded application of a precise and narrowly drawn regulatory statute" would be upheld, and gave as an example "a law reasonably limiting the periods during which the State House Grounds were open to the public." (385 U.S. at 236).

In *Cox* v. *Louisiana*, 379 U.S. 559 (1965), when the Court, although reversing convictions, stated that it recognized the validity of a state law prohibiting picketing near a courthouse, it stressed the necessity to protect the judicial function from public "pressures." (379 U.S. at 491). This is a recognition that the courts, unlike the Executive and Legislature, are not intended to be responsive to public sentiment, but that, to the contrary, there is a substantial governmental interest in immunizing judges and jurors from public sentiment. The Court went so far as to suggest that picketing even a courthouse might be protected if it were directed, not at the judicial process, but at the mayor or another official "who just happened to have an office located in the courthouse building." (379 U.S. at 567).

The distinction was also emphasized by Justice Black (who had joined in the opinion in *Edwards*, *supra*), in his opinion upholding the trespass convictions of those who demonstrated on the jailhouse grounds in *Adderley* v. *Florida*, *supra*. Justice Black said:

"In Edwards, the demonstrators went to the South Carolina State Capitol grounds to protest. In this case they went to the jail. Traditionally, state capitol grounds are open to the public. Jails, built for security purposes, are not. (385 U.S. at 41).

We have found no case holding that orderly assemblies may be prohibited on the grounds of a legislature, generally open to the public.

In *Feeley* v. *District of Columbia*, 220 A. 2d 325 (D.C. App. 1966), *reversed*, 128 App. D.C. 387, F. 2d 216 (1967), the District of Columbia Court of Appeals suggested that Section 9–124 of the D.C. Code was a valid provision since it "is clear and nondiscriminatory on its face and prohibits any and all groups from parading or assembling in a certain defined area." Counsel has been informed that in an unreported order the D.C. Court of Appeals summarily reversed the decision of Judge Halleck in the case of *United States* v. *William R. Riley*, cited at pp. 4–5 of Defendants' earlier memorandum.

First, the reference in *Feeley* does not have reliable status as stare decisis. The references to Section 9–124 were dictum in the opinion. In reversing, the United States Court of Appeals emphasized that Section 9–124 of the D.C. Code was not relied upon by the Government in prosecuting the cases. Thus, the reference in *Feeley* is dictum referring to a statute not in issue in the case, contained in an opinion reversed on appeal. The reversal in *Riley*, being unreported and without opinion, is also unreliable. It could have been reversed on the ground that the Government was not permitted to present its proof.[2]

Second, the statement in *Feeley* is wrong, in light of the Supreme Court decisions cited above. As between those decisions and the dictum contained in a decision reversed on other grounds, this Court should adhere to the path struck by the Supreme Court in *Edwards*, *Cox*, and *Adderley*, indicating that capitol grounds, unlike jails and courts, are not constitutionally to be immunized from public assembly, expression and orderly influence.

Finally, it is clear on the record before this Court that the restrictions on assemblages on the Capitol Grounds have not been uniformly and evenhandedly applied. To the contrary, the testimony of Chief Powell established that groups are permitted or barred on the basis of whether they are non-controversial, non-political, for or against a cause, or too liberal or conservative. This evidence goes to more than the application of the statute; it reflects on the assumptions of the D.C. Court of Appeals in its dictum in *Feeley*.

Thus, in *Feeley*, in quoting Section 9–124, the Court above neglected to refer to those parts of 9–124 and 9–128 which authorize the Speaker of the House and others to "suspend" the restrictions on assembly for "occasions of national interest becoming the cognizance and entertainment of Congress." If there had been any thought that these words provided a sufficiently narrow and precise standard to govern the giving and withholding of permission to assemble, the experience under the statute, as shown on the record in this case, dispels it. The statutory scheme is shown, by the experience under it, to confer upon the officials an overly broad discretion which has permitted them to discriminate in an arbitrary manner in permitting and prohibiting assemblages. Hence, the statute is unconstitutional on its face.

Moreover, if it were permissible to bar all assemblages, the Government could not distinguish between those which were for purposes of expression and those that were not. See *United States* v. *O'Brien*, *supra*; *Hague* v. *C.I.O.*, supra. The fact that the statute has been applied, not to bar assemblages, but to suppress certain views, is

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[1] See, also, Justice Douglas' statement in his dissenting opinion that (385 U.S. at 48, 54):

"There may be some public places which are so clearly committed to other purposes that their use for the airing of grievances is anomalous. There may be some instances in which assemblies and petitions for redress of grievances are not consistent with other necessary purposes of public property. A noisy meeting may be out of keeping with the serenity of the statehouse or the quiet of the courthouse. No one, for example, would suggest that the Senate gallery is the proper place for a vociferous protest rally."

[2] Indeed, in *United States* v. *Buchard* (cited in defendants' earlier memorandum, p. 5), decided one week after the summary reversal in *Riley*, Judge Edgerton rejected the Government's argument that *Riley* overruled *Banks*, and adhered to Judge Greene's interpretation of Section 9–124.

further evidenced by Chief Powell's testimony that he would have arrested two persons (see *Hunter* v. *District of Columbia*, 47 App. D.C. 406 (1918)), and even one person reading the list of Vietnam war dead as a protest against the war. Thus, the statute is unconstitutional as applied.

V. The Rules Which Were Relied Upon By the Government are Unconstitutionally Vague: At this point, it is still difficult to discern the theory of the prosecution. The Government stated it was not relying on Section 9–124. Near the end of its argument, the Government suggested that it might be relying upon Section 9–123(b)(7) prohibiting parading, picketing, and demonstrating "within" the Capitol Buildings. No evidence, authority, or reasoning was presented, however, to rebut the normal understanding that "within" a building includes that portion within the walls and under the roof.

Chief Powell never seemed clear under which law he was acting. He testified that he was acting under unwritten rules promulgated by the Capitol Police Board which at various times in his testimony he believed were the same as and different from Section 9–124 and other unwritten rules regulating the use of other steps and the Capitol Grounds generally. Chief Powell conceded that a citizen cannot know in advance which of his actions might violate the law on the Capitol Grounds. Clearly, the rules applied are unconstitutionally vague. See *Wright* v. *Georgia*, 373 U.S. 284, 292, 293 (1963); *Edwards* v. *South Carolina*, *supra*, 372 U.S. at 236–37; *Cox* v. *Louisiana*, *supra*, 379 U.S. at 574.

CONCLUSION

The Government emphasized in its argument that these are turbulent and violent times. All the more reason to draw sharply the lines between peaceable assembly and mob intimidation—all the greater the importance of keeping open all orderly and lawful means of protest. As the Supreme Court said in *De Jonge* v. *Oregon*, 299 U.S. 353, 364–65 (1937):

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

For the reasons stated in this memorandum and in Defendants' earlier memorandum, the Court should dismiss the informations on the ground that the statutory scheme restricting assemblages and speech on the Capitol Grounds and the "rules" thereunder are unconstitutional on their face and as applied, or in the alternative, are unconstitutionally vague.

Respectfully submitted.

Last Wednesday, June 18, members of a Quaker Action Group tried for a fifth time to continue reading the names of Vietnam war dead. Five Members of Congress, Mrs. CHISHOLM, Mr. CLAY, Mr. KOCH, Mr. MIKVA, and I, again joined in the reading. Thirty-four persons were arrested in two separate demonstrations, as noted in the following news item:

[From the Washington (D.C.) Post, June 19, 1969]

PROTESTS FOR PEACE BRING 34 ARRESTS ON STEPS OF CAPITOL

(By Paul W. Valentine)

Thirty-four Vietnam war protesters were arrested yesterday on the Capitol steps in two separate incidents after they refused to stop reading the names of 35,000 American war dead.

Their arrest—on charges of unlawful entry—was similar to group arrests made four times earlier this month and in May by Capitol Police.

The action came during a day in which another 150 war and draft protesters visited the offices of some 80 Senators in small delegations, to poll the Senators' views on the war, the political nature of the Saigon government and the right of American servicemen to dissent from the war.

The visitors reported mixed receptions from the Senators, ranging from friendly support to hostility to evasiveness or no response at all.

The visits were organized by a national coalition of peace groups including the Fellowship of Reconciliation, Clergy and Laymen Concerned About Vietnam, Resist, and Women Strike for Peace.

They finished a two-day program of direct action in the city directed at focusing Government and congressional attention on what the protesters consider to be inequities of the war, the draft and the punishment of GIs who protest the war.

At the Capitol steps, five Congressmen joined a group of 16 persons reading the list of American war dead at noon.

The protesters, organized by A Quaker Action Group, were ordered arrested 35 minutes later by Capitol Police Chief J. M. Powell.

The Congressmen, who are immune from arrest for such misdemeanors while Congress is in session, were left alone.

As the 16 protesters were led away by police, a 17th was arrested on a charge that he was unlawfully displaying a protest banner on the Capitol grounds.

Federal law forbids all political and other demonstrations on the grounds.

A crowd of about 300 tourists, sympathizers and Capitol Hill employees looked on during the arrests as a light rain began to fall.

Many in the crowd applauded the protesters and raised their fingers in the "V" peace signal.

The five Congressmen—Reps. Shirley A. Chisholm (D-N.Y.), George E. Brown (D-Calif.), William L. Clay (D-Mo.), Edward I. Koch (D-Liberal, N.Y.), and Abner J. Mikva (D-Ill.)—continued to read the war dead list briefly after the protesters were taken away. Then they left.

"I look to the day when the Speaker of the House is out here reading with us," Brown said to Chief Powell as the two passed each other on the steps.

Koch decried what he considers the absurdity of the law forbidding peaceful demonstrations on the Capitol grounds.

Two hours later, a second group of 17 protesters assembled on the same steps, resumed reading the list and were also ordered arrested by Powell.

Both arrest procedures were orderly.

The 34 appeared before General Sessions Court Judge Tim Murphy in a seven-hour marathon session that ended at 10:30 p.m. For the first time, those who do not live in the area were required to post $30 bond for pretrial release.

All those freed on bond were released under the condition that they not participate in other demonstrations on Capitol Hill.

This brings the total of arrests to 88 since A Quaker Action Group, a Philadelphia based organization, sponsored the first "read-in" on the steps May 23, a Friday.

Members and supporters of the group have reappeared on the steps every Wednesday since then.

In a third incident during the day, eight other war protesters were arrested in the Pension Building at 5th and G Streets nw., where several Selective Service offices are located. The group was reading the war dead list and were arrested on unlawful entry charges when they refused to leave at the 6 p.m. closing time.

The 150 protesters who visited the Senators' offices yesterday were following up a June 2 letter sent to all 100 Senators by Richard F. Fernandez, director of Clergy and Laymen Concerned About Vietnam.

The letter asked the Senators whether they believe the United States should support the "repressive regime" in Saigon, whether the military should punish servicemen for dissenting and whether the Senators will act on these issues.

Most visitors said they did not see individual Senators, but received especially favorable responses from the offices of Sens. Thomas F. Eagleton (D–Mo.), Mark O. Hatfield (R–Ore.) and Vance Hartke (D–Ind.).

Mr. Speaker, by late last week, the overall situation appeared this way. A Quaker Action Group was adamant in its plans to continue attempting the readings irrespective of the constant threat of arrest. An increasing number of Members of Congress stood behind the group, and argued along with it there should be no legal obstacle to the reading of names upon the steps. The Capitol Police, under orders from the Capitol Police Board, insisted that arrests would continue as long the demonstrations persisted. At the same time, the District of Columbia general sessions court was considering the motion to dismiss charges in the earlier cases.

Then last Thursday, Judge Harold H. Greene decided that the demonstrators did have the right to read the war dead names as long as the activity was carried out in a peaceful, nondisruptive manner. I now place in the RECORD Judge Greene's opinion:

[District of Columbia Court of General Sessions, Criminal Division]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* JOAN NICHOLSON, JIM B. HART, BOYKIN A. REYNOLDS, MARY E. VAN HUYCK, DEFENDANTS

(Criminal Nos. 20210–69A, 20211–69A, 20216–69A, 20220–69A)

OPINION

On June 4, 1969, defendants (together with nine others) were arrested for and charged with unlawful entry, in violation of D.C. Code § 22–3102. Two days later, prior to trial, defendants moved to dismiss the informations on constitutional grounds. The testimony[1] taken on the motion concerned primarily the standards used in administering the laws relating to the use by the public of the Capitol Grounds. That portion of the testimony is detailed and discussed *infra*, principally at pp. 5–7.

The evidence also showed that defendants (who are members of and sponsored by the Quaker Action Group) were arrested on the center steps of the East Front of the Capitol while they were reading a list of the Vietnam war dead from the Congressional Record. The arrests occurred when the defendants refused to leave in compliance with an order from James M. Powell, Chief of the Capitol Police.[2] Other Quakers in groups of approximately the same size had previously been arrested when they engaged in similar conduct under the same sponsorship. There is an indication that these activities will continue.

I

The unlawful entry statute provides for the punishment of anyone who, being on public or private property "without lawful authority to remain . . . thereon", refuses

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to leave on demand of the person lawfully in charge. As applied to privately-owned land, this kind of law generally raises few difficult legal problems because ownership of such land ordinarily includes the right, arbitrarily or otherwise, to curtail admission and use.

The application of trespass statutes to government land presents greater complexities. Some species of government property—*e.g.*, the offices of executives and those of many other government workers; conference chambers; scientific or research facilities; storage warehouses of valuable commodities—are entitled to be as immune from invasion by one not wanted on the premises as is private realty. But there are other types of government land—public parks, streets and sidewalks, and historic landmarks—which may not ordinarily be closed to the public for reasonable use. See *Hague* v. *C.I.O.*, 307 U.S. 496, 515–16 (1939); *Marsh* v. *Alabama*, 326 U.S. 501 (1946); *Cox* v. *Louisiana*, 379 U.S. 536 (1965); *Shuttlesworth* v. *Birmingham*, — U.S. — (1969); *Gregory* v. *Chicago*, — U.S. — (1969).

The Capitol of the United States, a national historical shrine and the political centerpiece of the Republic, is in the latter category. It may not be declared off limits to the people. Indeed, the Congress invites and welcomes the public.

In view of the broad and general invitation extended to the citizenry to this preeminently public building and the surrounding grounds, individual citizens could not be held to be "without lawful authority to remain . . . thereon", within the meaning of the unlawful entry statute, in the absence of some other, specific bar to their presence.

That bar could not, legally, be an order by the Chief of the Capitol Police issued on his own authority. Chief Powell would have the power to order someone ejected from the Capitol Grounds by virtue merely of his official position only if he had the same kind of proprietary interest in and control over the United States Capitol than an ordinary householder has with respect to his own home—which clearly he does not. See *Hague* v. *C.I.O.*, *supra*, 307 U.S. at 514. He can order the ejection only of those who have no legal right to be there.

In other words, the order to these defendants to leave was valid only if it was based on something other than and additional to the unlawful entry statute itself or the Chief's official status. And the only other source of authority cited by the prosecution is the Capitol Grounds statute, D.C. Code §§ 9–118 to 9–132.[3] Thus, it is the meaning and the validity of the Capitol Grounds statute which are really at issue here—the unlawful entry law adds nothing.[4]

II

Defendants argue that the statute is vague and for that reason unconstitutional. *Cox* v. *Louisiana*, *supra*; *Wright* v. *Georgia*, 373 U.S. 284, 292 (1963); *Lanzetta* v. *New Jersey*, 306 U.S. 451 (1939); *Connally* v. *General Construction Corp.*, 269 U.S. 385, 391 (1926).

D.C. Code § 9–124 forbids anyone to "parade, stand, or move in processions or assemblages . . . or to display . . . any flag, banner, or device designed or adapted to bring into public notice any party, organization or movement" except as permitted by the Speaker of the House and the President of the Senate for "occasions of national interest becoming the cognizance and entertainment of Congress" (D.C. Code § 9–128).[5]

The statute (particularly section 128) is sufficiently broad as interpreted by those charged with its enforcement[6] to lend itself to selective application. Moreover, the standards actually employed have been imprecise, fluctuating, and unavailable to the public.

Chief Powell, who enforces the Capitol Grounds statute, was questioned at some length concerning his understanding of the standards governing that enforcement. He testified that there are no written rules; permits likewise are usually not in writing; members of the public have no way of knowing whether they might be in violation of the law or how to avoid violations except by prior experience or by inquiries to Members of Congress or members of the Capitol Police Force;[7] the rules applicable to the grounds are not identical to those applicable to the steps, and those which govern the use of some steps differ from those applicable to other steps; no assemblages for any purpose are allowed on the steps without a permit, but high school students and other undefined groups sometimes do not need a permit if they assemble on the steps for photographs which are taken more or less "spontaneously" or within fifteen minutes or so; such groups are allowed to meet in uniform, but not the American Nazi Party, and possibly, or possibly not, the American Legion; banners and flags may not be deployed, but a "non-political organization which had no pro or con might be permitted to display banners; a relatively small group talking on the steps for approximately half an hour might or might not be in violation if its members refused to obey an order to leave; and decisions are made on a case-by-case basis rather than according to precise general rules.

The internal inconsistencies revealed by Chief Powell's testimony are further complicated by the fact that others in a position to know contradicted some of his assertions.

Chief Powell stated that permits are required regardless of the size of the group; Sergeant Schaap of the Capitol Police Force testified (in another proceeding) that groups of as many as ten persons may assemble without a permit; members of the Poor Peoples Campaign were allowed on the grounds in groups of twenty; press reports indicate that demonstrators in large numbers supporting Representative Adam Clayton Powell were permitted on the steps because Chief Powell had "orders to permit the demonstration;" and on the occasion of an earlier Quaker arrest, four other fairly sizeable groups were permitted freely to gather in the vicinity.

Chief Powell maintained that Members of Congress require permits for group gatherings on the Capitol steps like everyone else. But Representative George E. Brown and Edward I. Koch both testified that permits are not required on such occasions; that "innumerable" such groups are invited[8] by Members of Congress to the steps; that by custom "it has never been required that one ask permission to do this;" and that these activities take place constantly at the sole discretion and on the sole authority of the Congressman involved.[9]

The vagueness of the administrative practice and the selectivity with which it is applied may also be illustrated by the fact that, when these defendants were arrested, the Congressmen who were with them and who participated in the same conduct, were not (although they specifically waived any congressional immunity).

The conclusion is inescapable that, as the law is administered, it is impossible for anyone to know whether his presence, or the presence of his group, on Capitol Hill is lawful or unlawful. There is no set of regulations, orders, rules, or standards which he can consult, and the precedents of administration themselves are contradictory and uncertain.

Chief Powell's suggested remedy—that a member of the Capitol Police Force be asked for advice—does not solve the problem, for two reasons. First, the evidence is that no set of standards exists that is followed by all members of that Force. Second, and more fundamentally, in a government of laws, the regulation of conduct—particularly conduct in the sensitive area covered by the First Amendment—must be predicated on a set of definite rules, not on the opinions of police officers. Cf. *Cox* v. *Louisiana*, *supra*, 379 U.S. at 552.

Broad laws can be given structure by consistent patterns of administration. But the enforcement of this law, as revealed by this record, has done nothing more than to add to its uncertain substance the grains of individualized decision-making—a process which has failed to provide it with constitutional strength. Compare *Staub* v. *City of Baxley*, 355 U.S. 313, 322 (1958).

It remains to be determined whether statutory construction can give more definitive shape to this law and thus save it from invalidity.[10] Cf. *Screws* v. *United States*, 325 U.S. 91 (1945).[11]

The evidence, the arguments, and the background materials indicate that three lines of construction are conceivable, two indicated by the predominant patterns of administration, the other by several indicia of congressional history and understanding.

III

Leaving to one side the aberrations and ambiguities, Chief Powell's testimony suggests that, insofar as enforcement of the Capitol Grounds statute is concerned, groups of persons are classified generally into three broad categories. The first is comprised of school children and some others who are permitted to gather for such activities as the taking of "spontaneous" photographs with their congressional representatives without the necessity for a waiver or permit. The second category consists of groups which are "noncontroversial and nonpolitical." Upon request, these groups are given a waiver by the Speaker, the President of the Senate, or both, permitting them to assemble on the Capitol Grounds. Those who are deemed to be controversial or political are in the third category and are refused a waiver, no matter how small the group[12] or how well behaved its members.

The standard of noncontroversiality[13] is impossible of even-handed, impartial, and constitutional application.

What one person may consider well settled and beyond debate may be highly controversial to another. Even students—whom Chief Powell considered the least controversial of all—are scarcely always that, in this age of college and high school demonstrations and confrontations. With controversiality as the yardstick, who would and who would not be permitted to assemble on Capitol Hill—an organization of student radicals; an equal number of middle-of-the-road fraternity men; or an organization of militant young conservatives? Is a group advocating segregation more controversial or less so than one preaching integrated housing?[14] Is an organization protesting the Vietnam conflict more or less controversial than another supporting the war?

The answers obviously depend upon the point of view of the person making the determination.

But under our constitutional system, no public official—executive, legislative, or judicial—can have the power to permit or to prohibit assembly on property belonging to the people based on his notions of what stand on public issues may be controversial. In the first place, the concept of controversiality is simply not sufficiently tangible to serve as a solid basis for this kind of decision. Beyond that, lack of controversy is too easily equated with orthodoxy, and controversy with dissent. Yet the controversial is as entitled to be heard as the indisputable, and it may need a hearing far more. In short, for several reasons the controversiality standard employed by Chief Powell is not compatible with constitutional values and principles.

IV

The government suggests, alternatively, that it may be that the distinctions which

Footnotes at end of article.

are being made in the administration of the Capitol Grounds law have their roots not in the political coloration of the particular groups but in the type of activity they engage in while at the Capitol. If they come as tourists or visitors, it is said, they are permitted to gather; if they come to engage in persuasion by speech or sign or assembly, their presence is prohibited. This, the prosecution argues, is a perfectly proper and constitutionally unobjectionable practice. But this restatement of the permit policy amounts to but another way of saying that the Capitol Grounds are open to all except those who seek to use them for the exercise of First Amendment rights. That, however, is a constitutionally impermissible standard, not only under the First Amendment but also under the due process clause of the Fifth Amendment.[15]

Absent compelling circumstances, members of the public may not be excluded from public areas because of their purpose to use these areas for the exercise of First Amendment rights. *Cox* v. *New Hampshire*, 312 U.S. 659 (1941); *Niemotko* v. *Maryland*, 340 U.S. 268 (1951); *Food Employees* v. *Logan*, 391 U.S. 308, 315 (1968); *Kunz* v. *New York*, 340 U.S. 290 (1951); cf. *United States* v. *O'Brien*, 391 U.S. 367 (1968); *Stromberg* v. *California*, 283 U.S. 359 (1931). For the streets and parks "have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thought between citizens, and discussing public questions." That use may be regulated "but it must not, in the guise of regulation, be abridged or denied." *Hague* v. *C.I.O.*, *supra*, 307 U.S. at 515. For these reasons, and because First Amendment rights occupy a "preferred position" (*Saia* v. *New York*, 334 U.S. 558 (1948)), the burden is on the government to establish the existence of compelling circumstances, justifying a restriction. *NAACP* v. *Button*, 371 U.S. 415, 438 (1963).

A legislative body particularly could not permit access to it of only the innocuous, for peaceful, reasoned controversy and debate are the very lifeblood of the democratic process.

In this day of the violent confrontation, the harsh, non-negotiable demand, the disregard of the most elementary forms of civilized discourse, it is especially important that peaceful speech and courteous persuasion be given their rightful chance. It would be strange, indeed, if our constitutional system, and especially the First Amendment, were to countenance the congregation on the grounds occupied by the national legislature of all manner of groups except those who wish to speak out peacefully on the controversial issues of the day. That is not the mark set by the Bill of Rights.

It is presumably for that reason that Mr. Justice Stewart, speaking for a near-unanimous Supreme Court, held in the controlling case of *Edwards* v. *South Carolina*, 372 U.S. 279 (1963), that non-violent demonstrations on the grounds of the South Carolina State Capitol were constitutionally protected from interference,[16] and reversed breaches of the peace convictions of 187 Negroes protesting there against alleged discrimination.

Lest there be any question about what was meant in *Edwards*, the Court removed that doubt three years later in *Adderly* v. *Florida*, 385 U.S. 39 (1966). In that case, in upholding a conviction for assembling not far from jail, the Supreme Court drew a sharp distinction between such a meeting and one held close to a structure housing a legislative body. Said the Court (385 U.S. at 41): "In *Edwards*, the demonstrators went to the South Carolina State Capitol Grounds to protest. In this case they went to the jail. Traditionally, state capitol grounds are open to the public. Jails, built for security purposes, are not."

Edwards could be distinguished from the instant situation only on the theory that there is a First Amendment right to speak, assemble, and petition near State legislative buildings but no right to do so near the buildings occupied by the Congress of the United States. Not only is there no warrant in either logic or history for such a distinction, but to make it would turn upside down both the constitutional and the practical realities.

The first Amendment which protects the rights to free speech, assembly, and petition, is addressed primarily to the Congress, and only by implication has it been applied also, by way of the Fourteenth Amendment, to the States. Moreover, in this day of great federal power and influence, the right to petition is, if anything, more important in relation to the federal authorities than it is in relation to the governing bodies of the individual States. In short, *Edwards* applies here *a fortiori*.

For these reasons, the statue could not constitutionally be applied to enforce a policy of keeping off the Capitol grounds groups of persons merely because they are controversial in character or because they seek to exercise First Amendment rights.[17]

V

The other possible line of construction of the law rests on legislative history and statutory development. It is not solidly grounded in administrative practice or actual use; yet, for reasons which will be developed below, it is the one to be followed.

The original purpose of section 124, when enacted in 1882, was not to bar all controversial groups or to keep from the Capitol Grounds all except tourists and visitors, but only "to prevent the occurrence near [the Capitol] of such disturbances as are incident to the orderly use of public streets and places." 22 Stat. 126.

Recent amendments to the companion section 123 and their legislative history indicate that the congressional view concerning the scope of regulations of conduct on the Capitol Grounds has not significantly changed since 1882.

Section 123 was amended in 1967 to establish a number of specific and carefully circumscribed prohibitions with respect to activities in the Capitol Buildings and on the Capitol Grounds.[18]

In the course of committee consideration of the bill[19] which, with some modifications, became the present section 123, Senator Jordan, chairman of the subcommittee conducting the hearings, made quite clear at the very outset that what was intended was to provide adequate safeguards "to insure that Congress can transact its business and perform its constitutional functions in an orderly manner, without interference," and at the same time "to guarantee that there is no infringement on the rights of the people . . . to assemble peaceably and to petition the Government for a redress of grievances" (Hearings, p. 1).

Senator Tydings similarly drew attention to these dual purposes, stating that what was needed was language "which would protect the reasonable right of peaceful picketing or demonstration, but which at the same time would give power to promulgate reasonable regulations" so as to prevent violations of the criminal provisions and to protect the orderly functions of the legislative branch (Hearings, p. 19).[20]

It must be borne in mind, too, that while the enforcement practices of the statute have been described in terms of the controversial-noncontroversial dichotomy, underlying at least some of those practices was the desire to assure the security of the Congress from interference and disturbance, in line with the original purpose of the statute and the reason for the 1967 amendments. Finally, it may be noted that the District of Columbia Court of Appeals recently concluded (*Feeley* v. *District of Columbia*, *supra*, note 17) that the Capitol Grounds statute was designed to guarantee noninterference with the work of the legislature, the maintenance of the free and undisturbed movement of tourists and visitors, and the protection of the landscape.

While, of course, these bits of legislative and administrative purpose do not compare in volume with the long-standing, though somewhat confused, administrative practice, they should nevertheless be given controlling weight, in view of the paramount rule of statutory construction that it is the duty of the Court to adopt a construction, if it is possible to do so, which will save the statute from unconstitutionality, rather than one which would result in its destruction. *Lynch* v. *Overholser*, 369 U.S. 705 (1962); *Rescue Army* v. *Municipal Court*, 331 U.S. 549, 568–575 (1947); *Ashwander* v. *T.V.A.*, 297 U.S. 288, 345 (1936); *Greene* v. *McElroy*, 360 U.S. 474 (1959); *United States* v. *Harriss*, 347 U.S. 612, 618 (1954); *Screws* v. *United States*, 325 U.S. 91, 100 (1945); *Schneider* v. *Smith*, 390 U.S. 17 (1968); *Bolton* v. *Harris*, — U.S. App. D.C. —, 395 F. 2d 642 (D.C. Cir. 1968).

Adherence to this rule is particularly important in the present context. Too many legislative bodies, from the Senate in ancient Rome to the French Chamber of Deputies in modern times, have been pressured and intimidated by groups hostile to democratic forms of government for anyone to be oblivious of the danger that such potential intimidation presents. For that reason, special care must be exercised not to read the law so as to leave a vacuum,[21] if it is at all possible to do so.

VI

I conclude that the legislative and other materials discussed under V *supra* provide a sufficient basis for restricting the scope of section 124 to the imposition of criminal punishment for acts or conduct which interferes with the orderly processes of the Congress, or with the safety of individual legislators, staff members, visitors, or tourists, or their right to be free from intimidation, undue pressure, noise, or inconvenience. As so limited, the statute is constitutional.

It is appropriate, therefore, under the statute, to bar or to order from the Capitol Grounds, any group which is noisy, violent, armed, or disorderly in behavior; any group which has a purpose to interfere with the processes of the Congress, any Member of Congress, congressional employee, visitor, or tourist; any group which has the effect, by its presence, of interfering with the processes of the Congress, any Member of Congress, congressional employee, visitor, or tourist; and any group which damages any part of the building, shrubbery, or plant life.[22]

Accordingly, the prosecution will be permitted to proceed by way, first, of an opening statement if it wishes to do so. If that opening statement outlines evidence which prima facie would justify a conviction based on the standards here laid down, the trial will go forward. If the government concludes that it is unable to make an opening statement outlining acts which would constitute an offense under the statute as interpreted herein, or if the Court should conclude after hearing the opening statement that no offense has been stated, the charges will be dismissed.[23]

HAROLD H. GREENE,
Chief Judge.

FOOTNOTES

[1] Those testifying were Congressman George E. Brown of California; Congressman Edward I. Koch of New York; Chief of the Capitol Police James M. Powell; Lawrence Scott, Executive Secretary of the Quaker Action Group; and David Clark and William Bloom, two observers of the allegedly illegal acts.

[2] The Capitol Police declined to arrest the three Members of Congress who participated in this activity, although they waived their congressional immunity.

[3] That statue can also be found in 40 U.S.C. § 193.

[4] Chief Powell testified that no one is arrested under the unlawful entry law who has a permit issued pursuant to the Capitol Grounds statute; and that "identical" standards are applied under the two laws in determining whether a violation occurred.

[5] The power to suspend the statutory prohibitions devolves upon other officials in the absence of the Speaker and the President of the Senate.

[6] These officials (presumably in reliance on the "becoming the . . . Congress" clause) have construed the exception contained in section 128 as authorizing them to issue permits for a great many relatively pedestrian assemblages, such as the taking of photographs on the Capitol steps. The Attorney General, on the other hand, has interpreted the same provision as justifying the grant of permits only for "such official ceremonies as the quadrennial inauguration of the President in front of the Capitol." Brief of the Department of Justice in No. 21,566, *Jeannette Rankin Brigade* v. *Chief of Capitol Police* (D.C. Cir.) p. 21.

[7] But, as appears *infra*, at least some Members of Congress and some Capitol Police officers differ with Chief Powell as to the correct procedure and the proper standard, and they may also differ with each other.

[8] Defendants suggest that as guests of one or more Members of Congress they were not subject to prosecution under the statute. The Court is not prepared to find that the waiver power granted to the Speaker and the Vice President by section 128 has been delegated by custom and practice to individual Members, particularly when, as here, the Speaker was requested, but refused, to grant a waiver.

[9] The version of the two Congressmen is supported by other evidence. A number of photographs showing large groups of persons on the Capitol steps were introduced. It also appears that, on at least one occasion, when a Capitol Police officer was about to order a group away, he desisted when he learned that a Member of Congress was with them. And a letter from Representative Michael J. Kirwan, chairman of the Democratic National Congressional Committee, advised all Democratic Congressmen that an official photographer would be available on the Capitol steps for four hours daily for photographing Members with groups of constituents.

[10] Thus far, there has been no significant court construction of the Capitol Grounds statute. See *Jeannette Ranking Brigade* v. *Chief of Capitol Police*, 278 F. Supp. 233 (D.C. D.C. 1968), See also, the testimony of United States Attorney David Bress before the Senate Subcommittee on Public Buildings and Grounds, *infra* note 19 (Hearings, p. 8). Thus, the present interpretation is being written on a relatively clean slate insofar as judicial construction is concerned, and there is no impediment to a construction which will save the statute.

[11] ". . . we are of the view that if [the statute] is confined more narrowly than the lower courts confined it, it can be preserved. . . ." (325 U.S. at 100).

[12] Chief Powell testified that in the instant situation—of Quakers reading the names of war dead from the Congressional Record—he would have issued an order to leave even if only a single person, rather than a group, had been involved.

[13] Although Chief Powell used this term in his testimony in delineate the various classes, he candidly acknowledged that "I'm not sure just what the expression 'noncontroversial' is."

[14] According to the evidence, at least one recent group gathering on the Capitol Grounds included someone with an NAACP insignia. Also, as noted *supra*, p. 6, members of the Poor Peoples Campaign were allowed on the Grounds in assemblages.

[15] Unjustifiable discrimination is prohibited by the due process clause. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954); *Shapiro* v. *Thompson*, — U.S. — (1969).

[16] The Department of Justice appears to agree with this interpretation of *Edwards*. In its brief in *Rankin* (see *supra*, note 6) the Department interprets the teaching of *Edwards* to be "that the peaceful petition by non-obstructive small groups may not be abridged by being denominated a breach of the peace" (Br., p. 20). It follows that peaceful petition by non-obstructive small groups may not be abridged by being denominated an unlawful entry.

[17] *Feeley* v. *District of Columbia*, 220 A.2d 325 (D.C. App. 1966) is not to the contrary. The court's conclusion there that the appellants had no right to be present where they were arrested was predicated on a record which did not demonstrate—as the record here does—that other groups were using the Capitol Grounds. Beyond that, the *Feeley* court's comments concerning section 124 were dictum (see *Jeannette Rankin Brigade* v. *Chief of Capitol Police*, note 10, *supra* (278 F. Supp. at 234–35)) and its decision was later reversed. 128 U.S. App. D.C. 258, 387 F.2d 216 (1967).

[18] If section 124 were as broad in its sweep as the prosecution here believes it is, many of the 1967 amendments would have been unnecessary and surperfluous. Indeed, one of the new provisions forbids anyone to "parade, demonstrate, or picket *within* any of the Capitol Buildings" (section 123(b)(7)) (emphasis added), but it is silent with respect to the Grounds.

[19] Hearings before the Subcommittee on Public Buildings and Grounds of the Senate Committee on Public Works on S. 2310, 90th Cong., 1st Sess. (September 21, 1967).

[20] The Senate Committee Report on the 1967 amendments likewise emphasized the necessity for the maintenance of safety and order and the need to prevent "acts designed to impede, disrupt, or disturb the orderly conduct of the Nation's business" (S. Rept. No. 573, 90th Cong., 1st Sess., p. 7).

[21] As the discussion above indicates, the Capitol Grounds statute can be saved from total invalidity only if it is interpreted narrowly, consistently with its original purposes.

[22] In each category, the conduct would have to be more disruptive or more substantial (in degree or number) than that normally engaged in by tourists and others and routinely permitted on the Grounds.

[23] The Court's construction of the present statute is, of course, without prejudice to congressional adoption of more specific standards, such as, for example, those suggested by United States Attorney David Bress during the 1967 hearings (to require permits; specify the times, locations, size, and character of parades, assemblies, picketing activities, and demonstrations; prescribe limitations on the display of signs, banners, flags, or other symbols; and prohibit or limit the use of sound amplifying devices or conduct which may be disruptive of the legislative process or disturbing to the peace and the unique character of the area).

[From the Washington (D.C.) Post, June 20, 1969]

JUDGE RULES OUT BARRING PEACEFUL CAPITOL PROTESTS

(By William N. Curry)

Capitol Police cannot legally break up or arrest small groups of protesters who demonstrate peacefully on the Capitol grounds, the chief judge of General Sessions Court ruled yesterday.

"The Capitol of the United States (is) a national historic shrine and the political centerpiece of the Republic," Chief Judge Harold H. Greene said. "It may not be declared off limits to the people."

The ruling may open the way to unfettered political activity on the Capitol grounds by small peaceful groups.

Judge Greene's ruling came in the case of four Quakers charged with unlawful entry on June 4 when they tried to read a list of Vietnam War dead from the Capitol's east steps. The unlawful entry charge covers refusal to leave when ordered to.

The group was ordered off the steps by Capitol Police Chief James M. Powell because, the chief testified, they did not have a permit to use the steps. They were too controversial to get one from the Speaker of the House, the chief said.

"But under our constitutional system," Judge Greene said, "no public official—executive, legislative or judicial—can have the power to permit or prohibit assembly on property belonging to the people based on his motion of what . . . may be controversial.

"In short . . . the controversiality standard employed by Chief Powell is not compatible with constitutional values and principles," the judges said. "It is impossible of even-handed, impartial and constitutional application."

Therefore, Judge Greene held, if protesters are to be arrested for unlawful entry they must be guilty of something other than being controversial. He suggested the Government rely on the Capitol Grounds Statute, an 1882 law designed to prohibit disruptive activity near the Capitol.

The judge, citing the legislative history of that law, listed the conditions required for prosecution: A group would have to be noisy, violent, armed, disruptive of Congress or a threat to property. The law "could not constitutionally be applied to enforce a policy of keeping off the Capitol grounds groups of persons merely because they are controversial," he said.

The ruling was a victory for American Civil Liberties Union lawyer Ralph J. Temple, who had asked Judge Greene to dismiss the charges. But the judge said he would give the Government a chance to proceed under the Capitol Grounds Statute before dismissing the charges.

Judge Greene's ruling is not binding on other judges but there is a tendency among them to adopt the reasoning of a fellow judge.

U.S. Attorney Thomas A. Flannery said the Government would accept Judge Greene's offer to continue its case at a trial today. The outcome of that proceeding, Flannery said, will determine what the Government will do with the cases of 60 other protesters still awaiting disposition in arrests growing out of a recent series of Capitol demonstrations.

The next day, June 20, the charges against the demonstrators were dropped. I made the following statement at that time, and I would like to include along with it, an editorial from the Monday, June 23, Washington Post:

PRESS RELEASE FROM HON. GEORGE E. BROWN, JR., JUNE 20, 1969

Congressman George E. Brown, Jr., today issued the following statement in respect to the dismissal of charges by Judge Harold H. Greene, D.C. Court of General Sessions, against four members of A Quaker Action Group who had been arrested on the Capitol steps while reading the names of the Vietnam war dead:

I am, naturally, very pleased that Judge Harold H. Greene's opinion upholds the position which I have taken in regard to the reading of the names of the war dead from the Congressional Record on the Capitol steps.

I have previously stated that the Capitol Police had illegally ordered a halt to the reading of the names. I also stated that I felt the group had an absolute Constitutional right to assemble on the steps and to petition the Government for a redress of grievances, as provided in the First Amendment to the Constitution.

I further pointed out that the police were arbitrarily and discriminatorily misinterpret-

ing the law and placing a construction on it that was not appropriate. I asked the Speaker of the House, the Vice President, and the Capitol Police not to make these arrests. I invited the group to assemble on the steps, and I have invited other groups, advising them that I felt they were acting in accordance with their rights under the First Amendment. I had expected that invitation to be honored by the police on behalf of this group as well as for any other group.

I fully agree that there must be limits to the uses to which the Capitol grounds can be put, and wholeheartedly commend Judge Greene's statement that it is in order to bar from the grounds: ". . . any group which is noisy, violent, armed, or disorderly in behavior; any group which has a purpose to interfere with the processes of the Congress, any Member of Congress, congressional employee, visitor, or tourist; any group which has the effect, by its presence, of interfering with the processes of the Congress, any Member of Congress, congressional employee, visitor, or tourist; and any group which damages any part of the buildings, shrubbery, or plant life."

[From the Washington (D.C.) Post, June 23, 1969]

PEACEFUL DEMONSTRATORS

General Sessions Chief Judge Harold H. Greene brought common sense and a healthy respect for American traditions to bear upon the problem of political demonstrations on the Capitol grounds. What place more appropriate than the grounds of the Capitol buildings could be found for an orderly, peaceful effort to influence the judgment of the United States Congress? It is a public place. It is a place where the attention of legislators may be won by demonstrators. It is a logical place for citizens to assemble and to petition their representatives for a redress of what they deem to be grievances.

The test of any demonstration on the Capitol grounds should be its orderliness, not its advocacy. Demonstrators manifestly cannot be allowed to impede the business of Congress in any way, whether by noise or by blocking entrances to the Capitol or to congressional office buildings; nor can they interfere with the legitimate business of other citizens in seeking access to the Capitol. But the Quakers who met quietly on the Capitol steps recently and read aloud the names of war casualties were no impediment to the work of Congress. They were an embarrassment, perhaps, but certainly no threat to the orderly processes of government.

The 1882 Federal statute prohibiting all political demonstrations on the Capitol grounds is more appropriate to a government fearful of its citizens than to a government confident that it reflects their will, Judge Greene was quite right in questioning its constitutionality. He was quite right in resisting attempts by the Capitol Police to prevent orderly protest under vague charges of disorderly conduct. The test of orderliness is not agreement with the prevailing view; the test lies in a resort to reason instead of a resort to force.

(Mr. CLAY (at the request of Mr. BROWN of California) was granted permission to extend his remarks at this point in the RECORD).

Mr. CLAY. Mr. Speaker, since my participation with members of the Quakers on the steps of the Capitol, the courts have, in two instances, determined the Quaker action to be within the bounds of free speech and free assembly, guaranteed by the Constitution. The verdicts clearly indicate that free speech and free assembly cannot be abridged by the Speaker of the House or the President of the Senate.

Mr. Speaker, we must not cloud the issues in frivolous debate over the court decisions. The issues are, first, the rights of Americans to take a stand and to make known their views through both assembly and speech and, second, the reason for standing on the steps of the Capitol is to show the concern for American boys dying in a war which is unquestionably illegal and immoral.

Fears aroused because of the protest threaten to bring about the oppression of all Americans. Certainly, the quiet and responsible protest of the Quakers and their subsequent arrests makes this point more clearly than most incidents which occur daily across the country. Once we start imposing the law as an expedient means to curtail minority activities with which we disagree, we shall soon find the extension of this logic suppressing the activities of the majority. Rights denied one are potentially denied all.

Protest is not new to me, neither are the attempts of Government agents to stifle rightful assembly or speech. What is unique about this protest is that the protesters represent the overwhelming position of the majority in this country. This demonstration points up the concensus in America on the question of the Vietnam war. It points up the very real basis for so many protest activities in the Nation. The powers of a few entrenched Congressmen and strategically placed Government officials have thwarted the will of the people.

I support the Quakers on both counts—their right to assemble and speak and their reason for doing so at this time and place.

My opposition to the Vietnam war is long standing and unaltered. No number of recitations alleging our honor is at stake will shake my opposition. I am convinced that honoring any commitment vaguely implied by past Presidents has been met many times over. I adamantly stress the fact that commitments made to our own people in our own country have been and are being sadly neglected. In my own mind, I cannot find logic in the reasoning whereby we can postpone and/or overlook and underfund commitments to our own people without regard for honor—and at the same time expend billions of the taxpayers' money to honor a Vietnam commitment not clearly understood or accepted by Americans.

I object, Mr. Speaker, to the flag waving which accompanies each escalation of American spending and Americans dying in Vietnam. The emphasis is tragically misplaced. The flag waves over the poor and over the hungry and over the black and over the Quakers—just as it waves over soldiers going into battle. Sadly enough, there are now over 35,000 dead American soldiers over whom the flag waves. What we are saying, what Quakers are saying, and what I am saying, is that the flag should be waving over these boys which might still be enjoying life, were it not for a tragic war from which we should immediately remove ourselves.

And we will, Mr. Speaker, read names on the steps of the Capitol and march in silent vigil to let the powers of this administration know our opposition. Hopefully, this Government will not let more Americans be added to the list of war dead. It is not only our right but our responsibility as American citizens to continue protesting this war.

(Mr. MIKVA (at the request of Mr. BROWN of California) asked and was granted permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, the Honorable Harold H. Green, chief judge of the criminal division of the court of general sessions for the District of Columbia, recently held that a group of Quakers who had been sitting and/or standing on the Capitol steps reading the names of Vietnamese war dead could not be lawfully arrested for that activity. Those of us who have been concerned about the arrests of these Quakers for such activities were gratified by the decision, but not surprised. Indeed, as the court pointed out, it would be surprising instead if the Capitol steps and the Capitol Grounds were held to be off limits to all first amendment activities which the arrests seemed to suggest.

The activities of the Quakers for which they were arrested and the activities of the Congressmen for which they were not arrested cannot be construed to be civil disobedience. What was being challenged in a traditional constitutional American way—was the imposition of an unlawful restraint of fundamental freedoms. Such a challenge can never be civilly or criminally disobedient and that distinction must always be preserved.

On the other hand, merely reciting the words "First Amendment" as some kind of incantation does not automatically protect all activities for which groups might seek to use the Capitol Grounds. What is involved is a classic case where rights may be in conflict. The job of government, and in this instance the officials who have jurisdiction over the Capitol Grounds, is to provide reasonable regulations which will order those rights to avoid the conflict. The ingenuity of our constitutional system has been that that marvelous document allows a full measure of freedom without ever leaving us helpless against chaos or disorder.

Specifically, regulations governing the Capitol Grounds ought to allow the exercise of any first amendment rights that do not preclude visitors to the Capitol from exercising their rights and that do not interfere with the business of the Nation which is to be conducted by Congress. Under such a formula for regulation, the right of the Quakers to sit in a small group on the steps of the Capitol and, without the use of a bullhorn or other amplifying device, recite the names of the war dead in Vietnam, in no way interferes with the rights of a visitor to enter the Capitol, without being accosted or offended

Nor does it interfere with the right and duty of Congress to carry on the Nation's affairs. Indeed, the protection of such a right in no way interferes with the right of the John Birch Society to quietly sit in another small group in another portion of the Capitol Grounds and read the names of the Quakers and their allies who they consider to have poor judgment in the matter, or worse.

I have taken the liberty to include at the end of these remarks a suggested set of guidelines or regulations, set within the present statutory framework, and

which would resolve these rights in conflict; obviously they are nonexclusive suggestions. However, they uphold both the Constitution and the necessity for supervising the Capitol Grounds. That duality is one that the court decision makes clear applies to the Capitol Grounds and the Quakers just as much as it does to a private home and a high school graduating class. Neither the uniqueness of the Capitol Grounds nor of the business that is transacted here can be allowed to trump those precious first amendment rights which helped to create that uniqueness in the first place.

GUIDELINES FOR THE PUBLIC USE OF THE CAPITOL GROUNDS

(Pursuant to 40 U.S.C. §§ 193j and 193k, and D.C. Code §§ 9–128 and 9–129)

Section 1. General. In order to admit of the due observance within the United States Capitol grounds of occasions of national interest becoming the cognizance and entertainment of Congress, pursuant to 40 U.S.C. §§ 193j and 193k and D.C. Code §§ 9–128 and 9–129, there are hereby established the following Guidelines for suspension of the prohibitions against use of the Capitol Grounds set forth in 40 U.S.C. § 193g and D.C. Code § 9–124.

Section 2. Scope and administration of guidelines.

(a) The exercise by the people of their right to assemble and to petition the Government for redress of grievances is recognized to be an occasion becoming the cognizance of Congress. Prohibitions against the use of the Capitol grounds will, therefore, be suspended as provided in section 3 of these guidelines for the purpose of orderly exercise of these rights, except when necessary to insure the following:

(1) to the members of Congress, their staffs and the remainder of the public their normal, unencumbered access to the public grounds, and

(2) to Congress the ability to transact its business and perform its constitutional function in a dignified and orderly manner, free from interference.

(b) The scope of 40 U.S.C. 193g, D.C. Code § 9–124 is limited to acts or conduct that interfere with the safety or normal function of the Congress, individual legislators, staff members, or visitors, or which threaten their right to be free from intimidation, undue pressure, noise or inconvenience.

(c) These guidelines shall be administered without regard to race, color, creed, national origin, or political viewpoint or affiliation.

Section 3. Suspension of prohibitions. The prohibitions contained in 40 U.S.C. § 193g, D.C. Code § 9–124, are hereby suspended (pursuant to 40 U.S.C. §§ 193j and 193k, D.C. Code §§ 9–128 and 9–129) during all hours at which the Capitol building is open to the public, subject to the following conditions:

(a) No person shall willfully destroy, damage, or remove property or any part thereof;

(b) No person shall use loud, abusive, or otherwise improper language, engage in unwarranted loitering or sleeping, create any hazard to persons or things, improperly dispose of rubbish, spit, commit any obscene or indecent act, engage in unseemly or disorderly conduct, throw articles of any kind from a building, or climb upon any part of a building;

(c) No person shall petition on the grounds while under the influence of intoxicating beverages or narcotic drug, or consume such beverage or use such drug while using the grounds;

(d) No person shall solicit alms or contributions, engage in unauthorized commercial soliciting and vending of any kind, distribute commercial advertising, or collect private debts on the grounds;

(e) No person shall obstruct the roads and walkways on the grounds in such a manner as to hinder their proper use, including the blocking of entrances, driveways, walks, streets, loading platforms, or fire hydrants;

(f) No person shall distribute pamphlets, handbills, or flyers, or display any banner, flag, or other such device within the area bounded by the following line: beginning at a point on the northeast corner of Independence Avenue and First Street, S.W., thence north to a point on the southeast corner of Constitution Avenue and First Street, N.W., thence east to a point on the southwest corner of Constitution Avenue and First Street, N.E., thence south to a point on the northwest corner of Independence Avenue and First Street, S.E., thence west to the point of beginning;

(g) Assemblages may be limited to forty persons when at any time they occur within fifty feet of any road, entrance, driveway, walk, loading zone or fire hydrant;

(h) Assemblages may be limited to a minimum of one hour when necessary to protect the dignity and decorum of the Capitol and to insure that other groups then present in the area shall have the opportunity peacefully to exercise their right of assembly on the grounds without thereby causing interference with the normal safety and function of Congress, individual Members, staff, or visitors.

Section 4. Powers of revocation and enforcement.

(a) Those officials authorized by 40 U.S.C. §§ 193j and 193k, D.C. Code §§ 9–128 and 9–129, to suspend the prohibitions on use of the Capitol grounds have the power to revoke the suspension described in Section 3 of these guidelines when there is cause to believe that any of the conditions outlined in subsections 3(a) through 3(h) will be or is being violated.

(b) The Capitol Police have the power

(1) to enforce the conditions outlined in subsection 3(a) through 3(h) of these guidelines; and

(2) to enforce the prohibitions contained in 40 U.S.C. § 193g, D.C. Code § 9–124, upon proper revocation of the suspension authorized by section 3 of these guidelines.

Mr. KOCH. Mr. Speaker, for the last 7 weeks a group of Quakers have assembled on the steps of the Capitol to read from the CONGRESSIONAL RECORD the names of American soldiers killed in Vietnam. They were joined from time to time by six Congressmen. I believe it fair to say that the Congressmen there assembled were in full accord with the sentiments of the Quakers whose purpose was to bring to the attention of the American public in a dramatic way that the war in Vietnam continues.

While I was in accord with their purpose, I supported their readings for the even more important reason of defending the rights guaranteed to all of our citizens under the first amendment, namely, the rights to peacefully assemble and petition the Congress for a redress of grievances.

The Capitol Police arrested more than 60 Quakers. It should be noted that some of them served—including a young woman—8 days in jail. Though in error, the arrests on the part of the Capitol Police were made in good faith and I want to commend Chief Powell for the way they did it.

But a lesson should be learned. One must distinguish between those who engage in peaceful protest and those who use violent methods and it is a great disservice to this country and to the cause of peaceful change to lump them together. It is particularly important in times of ferment, and surely we are living in such a period, that the channels of communication permitting peaceful change be safeguarded. If the Government is to be responsive to the will of the people and their need and demands for orderly change, we must preserve, without abridgment, the constitutional rights of free speech, free press and free assembly so as to maintain the opportunity for free and meaningful political discussion. As the Supreme Court has said:

> Therein lies the security of the Republic, the very foundation of constitutional government.

How meaningful in retrospect was the presentation of the Quakers in reading the names of the American war dead. It proceeded by 6 weeks a comparable use by Life magazine not of the names but of the pictures of those American soldiers who died in 1 week. Those pictures filled 11 pages of Life magazine dated June 27.

When I served in the U.S. Army from 1943–46, and part of that time in Germany, I often asked the question of Germans whom I met how it was that they could stand by and see the democratic process which existed before Hitler in Germany slowly destroyed. It did not happen overnight. Jews, Jehovah's Witnesses, Catholics, Protestants, and trade unionists who were ultimately led to the concentration camps were not dragged there the day after Hitler assumed power. No. It was a step-by-step escalation. Why did they not jointly protest? Invariably, the reply was "What could I do, I am just a small man—der kleine mann—and could do nothing." Yet in retrospect, if they had stood up at the beginning when the limitations were starting on the right to free speech it never would have reached the point when they would have been powerless to undertake any action.

I do not for a moment suggest that the United States should be compared with Nazi Germany even at its earliest stage. But what I do suggest is that we must never stand by and let an abridgment of those fundamental rights which all of us treasure to take place. Rather we must rush to defend the constitutional rights of others. For in defending them, we defend ourselves.

The courts of this country have played a great role in preventing the executive and legislative branches of our Government from usurping rights guaranteed to our people and last week in Washington, D.C., Judge Harold H. Greene, of the District of Columbia Court of General Sessions, added to that tradition by his opinion.

The court's decision is one more historic example of the courageous witness of the Quakers. But it is more than a Quaker victory. It is a victory for all of the citizens of this country.

May I add one postscript. Some have been critical of Congressmen participating in the Quaker assemblies. As a Congressman, I swore to support and defend the Constitution of the United States. I can think of no better place to do just that than on the steps of the Capitol.

GENERAL LEAVE TO EXTEND

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WIFE'S APPEAL FOR HELP TO VISIT LT. COL. JAMES LINDBERG HUGHES, PRISONER IN NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from New Mexico (Mr. LUJAN) for 5 minutes.

Mr. LUJAN. Mr. Speaker, a young wife and mother of Santa Fe, N. Mex., whose husband has been a prisoner of war in North Vietnam for more than 2 years, has issued a worldwide appeal for help in obtaining permission to visit her husband, Lt. Col. James Lindberg Hughes, in his prisoner of war camp behind the enemy lines.

I rise to implore my colleagues to lend their sympathetic support to Mrs. Hughes and to urge the cooperation of the State Department, the Defense Department, the President, and the leadership of North Vietnam in making it possible for her to do this.

Mr. Speaker, the people of America and of the world have been sickened by the reported barbaric and inhuman treatment of our captured fighters. Held incommunicado with no contact by the International Red Cross, no mail to or from their families, these men languish in a situation reminiscent of the Dark Ages. As far as they are concerned, the rules spelled out in the Geneva Convention on the treatment of prisoners of war do not exist.

Today, with the first dim rays of peace visible on the horizon, the thread of human sympathy that binds all of the peoples of the world pulls at our hearts and calls for a single, stirring act that will demonstrate to all humanity that man's compassion for man is still alive.

As the military forces of both sides scale their efforts to the progress of our diplomats at the peace table; as the people of North and South Vietnam join Americans in a common hope for honorable settlement of the conflict; as the leaders of the warring nations seek to demonstrate their sincerity in pursuit of this settlement, might not both sides now join in a common act of kindness that will accomplish more than 10,000 words in demonstration of that sincerity?

By permitting Mrs. Hughes to visit not only her husband but the husbands of scores of other grieving American wives, the North Vietnamese would take a long step toward convincing the world of their avowed concern for the future brotherhood of man. This single, simple act would reassure millions of wives and mothers around the world in their faith that we are, indeed, bound by a kinship of humanity that is greater than hate, more powerful than fear, more compelling than politics and paramount to the mutual cruelties of war.

In urging my colleagues to support Mrs. Hughes in her plea, I must emphasize that her request in no way represents a weakening of the resolve of our people in support of our national interests in Vietnam. On the contrary, Mrs. Hughes has repeatedly expressed her pride in her husband's military service to his country, her personal loyalty and belief in the cause for which he and his comrades are fighting, and her determination to remain true to the faith and patriotism that took them to war.

The granting of her request to represent all American wives and mothers on this compassionate pilgrimage would do no damage to America's interests nor to the interests of the enemy. It would strike only at the loneliness, the fears, the apprehensions and heartache of all the families of all prisoners of war, giving them a ray of hope and reassurance to cling to as both sides warily walk the road toward peace.

I ask the support of the Members of this House for this cause. I urge all neutral nations to heed the sentiments of this Chamber and to act as intermediaries with North Vietnam for Mrs. Hughes to visit her husband and other American prisoners of war as a nonpolitical, nonmilitary, nonideological deed of basic human kindness.

Mr. Speaker, under unanimous consent, I insert in the RECORD the text of Mrs. Hughes' letter in which she requests the assistance of our Government in her cause.

OPEN LETTER TO THE MEMBERS OF CONGRESS

The unawareness of the citizens of the United States and the seeming indifference of countries all over the world to the special plight of the prisoners-of-war being held captive in Vietnam is heartbreaking. This is especially compounded for families who have children growing without fatherly guidance.

These forgotten men in Vietnam who fought loyally for their country have become trapped in a tragic diplomatic crossfire. They can't be helped by our country—and, they won't be helped by North Vietnam. There is no free flow of mail between families. It has been four years for some families who only know the cryptic words "missing in action." There are no available lists of prisoners and very little contact with the outside world.

All that the families can do is to wait—patiently—which we have done in our case for more than two years—waiting for something to happen. But, nothing has, and we have come to a point where we feel that the world must be alerted and asked to participate in this problem. Help must come from neutral sources and impartial groups for these neglected Americans. People with hearts—outside the sphere of this political conflict—must come forth to offer assistance. These men, most of them pilots, are but innocent victims of a bad situation.

I implore that some neutral country intercede in behalf of the wives and families of the prisoners. People with sympathy in their hearts can accomplish miracles, and I truly feel that there are people such as this all over the world who are not aware of the plight of these men and the anguish caused their families by the insensitivity surrounding the problem. I am prepared to journey to Hanoi tomorrow as a wife and mother if this were allowed by the North Vietnamese and permitted by our own government.

I believe sincerely that even the people in North Vietnam realize that family ties are the same the world over, and I cannot feel they would ask less for their own people. If they were approached by an impartial nation, in behalf of the American families, they could not help but allow things they would want for their own people . . . the release of sick and wounded prisoners, free flow of mail between families, acknowledgment of lists and status of prisoners, and ultimate release of all prisoners on purely humanitarian grounds.

I would hope that the Congress of the United States would accept the challenge of this request and work along the lines I have suggested in hopes that it would evoke a favorable response from a sympathetic nation who might peruse the facts with the thought that "but for the grace of God, this could be me."

INTRODUCING THE NATIONAL KIDNEY DISEASE ACT

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, along with 79 cosponsors, I am introducing the National Kidney Disease Act, which is designed to provide a comprehensive approach to planning and implementing a national program for the treatment of kidney disease. The prime purpose of the bill is to encourage cooperative arrangements in the field of kidney disease to secure for patients the latest advances in diagnosis and treatment.

Kidney disease is one of our Nation's most widespread afflictions. Recently a group appointed by the Surgeon General estimated that over 7 million Americans suffer from kidney-related diseases and 100,000 deaths per year are caused by it.

While two life-saving techniques have been developed which could save the lives of 10,000 medically suited kidney patients—kidney transplantation and the kidney machine, less than 5 percent of these patients are receiving treatment and the sole reason is lack of funds.

Treatment expense is high—between $10,000 and $14,000 per patient per year in a hospital dialysis center. These costs can be reduced if treatment is carried out in the home.

But what is the cost to society if we do not offer these lifesaving treatments? Who knows what contributions would have been made by the individual who died, because he did not have the use of a kidney machine?

Should any physician be forced to choose among his patients as to who shall receive the lifesaving treatments? Or should he have the opportunity of offering these treatments to all of his patients who might benefit, but who surely will die within a matter of weeks without them?

In today's affluent society there should be means to provide needed training facilities, treatment centers, specialized professional personnel, and even the costs of necessary equipment and supplies for patients to treat themselves in their homes.

Artificial kidney machines have been in use in this country since 1946. On March 9, 1960, Dr. Belding Scribner of Seattle, Wash., placed the first patient with kidney failure on chronic maintenance hemodialysis. This individual is still living without the use of his kidneys.

The first kidney transplant in man was performed in 1936, 31 years before the

recent remarkable achievement of the first attempted heart transplant.

Yet now, in 1969, 33 years later, we are treating less than 5 percent of the ideal kidney patients using the strictest medical selective criteria, and a much smaller percentage of the total potential patients.

I believe it is time for the Congress to give immediate consideration to legislation providing for a comprehensive approach to kidney disease. I consider this as one of the most pressing health problems in the United States, because we can and must take advantage of the fantastic discoveries of medical research to provide the proven lifesaving treatment to the sufferers of kidney disease. Failure to take this step would be a demonstration of the performance gap, that gap which lies between our known and proven capability and our inadequate performance.

The same bill has been introduced in the other body by Senators JACOB K. JAVITS, Republican, of New York, HENRY JACKSON, Democrat, of Washington, WARREN G. MAGNUSON, Democrat, of Washington, and other cosponsors.

JOE McCAFFREY, 25 YEARS AS A CORRESPONDENT ON CAPITOL HILL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, this month marks the 25th anniversary of Joe McCaffrey's career as a press, radio, and television correspondent on Capitol Hill. One of the Capitol's most favorite people, Joe McCaffrey effectively conveys his solid grasp of the essence and feel of Congress in his insightful radio and television commentaries to the public.

It has been my great pleasure to have been able to follow Joe's quarter of a century work in covering congressional activities. I not only have enjoyed listening to his evening reports over radio and television through those years, but I have treasured the fact that through his long period I have had the opportunity to have frequent association with him.

As a former newspaper reporter and as one who has been in Congress during the same period Joe McCaffrey has been on the Hill, I think I am qualified to judge his record. Joe approaches his work with an objective point of view, always stressing the necessity of accuracy in reporting the news he relays to his listeners. He has always been impartial and fair minded in his treatment of the news.

Joe McCaffrey has always respected the trust and confidence Capitol Hill has placed in him. He has always respected the obligations and responsibilities of being a reporter and commentator. He is proud of his profession and he has brought additional honors to it.

Joe McCaffrey would be a valuable man to our educational systems throughout the country in teaching students about the legislative process, its people, and its institutions. No one is more expert in the field. I have always been impressed with his intimate working knowledge of Congress and his thorough understanding of the substantive issues involved—issues that he must know so well to properly serve the people who daily wait for his reports. No commentator recognizes more than Joe McCaffrey does the heavy responsibility that falls on him in keeping the people informed through objective, unslanted reporting of the news.

I am proud to join Joe McCaffrey's legion of friends in saluting him on his 25 years of great reporting as a Washington correspondent.

MISUSE OF PRIVATELY HELD GOVERNMENT PRODUCTION EQUIPMENT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, a significant number of Government contractors are using Government-owned equipment, originally leased for use on Government projects, for private commercial production. According to a recent study by the General Accounting Office, this is being done without either knowledge or consent of the Government. Further, there is no adequate reimbursement being made to the Government for such use. This clearly violates intentions of the original practice of permitting businesses to use high-cost Government equipment for Federal top-priority defense projects. Use of such equipment for private commercial purposes gives these contractors an unfair advantage over industrial competitors who do not receive this taxpayer-supported benefit.

Over a year ago, it was estimated that nearly $15 billion worth of federally owned test equipment, tools, materials, and production equipment was in private hands. Production equipment alone was worth over $2.5 billion. Many major military contractors, especially those doing over half their business with the Government, could easily afford to purchase Government equipment they hold and use.

A bill was introduced in the 90th Congress to bring about improvements in Government management of privately held Government equipment. The Defense Department took steps of its own to improve its administrative oversight of this equipment. However, there is still a lack of firmly established guidelines and regulation which would apply not only to the Defense Department, but to all Government agency contractors. Senator PROXMIRE reintroduced the bill in this Congress to provide for these rules.

Today I am introducing in the House a companion measure. My bill would establish a number of requirements that are essential if further waste is to be avoided in use of Government-owned production equipment. It prohibits placing of federally owned production equipment into the hands of private contractors unless: First, it is set aside for strictly controlled emergency use as part of an overall mobilization plan; second, the contractor is a small business so defined by the Small Business Administration; or, third, the contractor's needs are so urgent that they cannot be met any other way. It provides for a uniform rental system with inventory records to be kept by contractors, and prompt return of equipment upon completion of work.

In addition, it provides for sale of production equipment on a negotiated sale basis to contractors already holding it. Finally, the bill provides for annual reports to Congress on all decisions placing in private hands equipment originally worth over $10,000. In order to guard against abuse in sales procedures, reports to Congress would also be required on sales of all equipment originally worth over $25,000.

By placing strict controls on Government production equipment now in private hands, we would be setting a precedent for further legislation providing overseeing of other federally owned equipment worth billions of dollars.

Mr. Speaker, misuse of Federal property under Government contract must be curbed. More stringent oversight is required on the part of any Government agency administratively responsible for such equipment.

POLITICS AS THE ART OF THE IMPOSSIBLE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on June 1, 1969, I had the pleasure of hearing the distinguished Assistant to the President for Urban Affairs, the Honorable Daniel P. Moynihan, deliver the principal address at commencement exercises at the University of Notre Dame in the congressional district which I have the honor to represent. Dr. Moynihan was awarded an honorary doctor of laws degree on this occasion.

Because I believe that many Members of Congress will find Dr. Moynihan's address on this occasion both thoughtful and provocative, I insert it at this point in the RECORD:

POLITICS AS THE ART OF THE IMPOSSIBLE

I take for my theme a sentence from Georges Bernanos "The worst, the most corrupting of lies are problems poorly stated."

My charge is similar. It is that much of the intense difficulty of our time is in nature conceptual, and that it arises from a massive misstatement of our problems. Intellectuals, if this view is correct, have done their work badly and there is little prospect that their mistakes will soon be undone. As ours was perhaps the first society consistently to expect the future to be better than the past, the apprehension that we may have profoundly mistaken the nature of our difficulties, so that we must expect years of effort to resolve the wrong problems and in presumedly unavailing ways, strikes with special force. A certain nostalgia arises for a future that now appears lost. It becomes necessary to live much more in the present than has been the American mode.

If this be no great pleasure, it can, nonetheless, be stimulating. Here a sub-theme can be taken from another alert Frenchman—when asked what he had done during The Terror, the Abbe Sieyes answered, "I survived." This must now be a very great concern of those Americans whose lives, in Midge Decter's formulation, are devoted to the direction of their thought. Anyone old enough to have had any intellectual contact with the 1930's will take my meaning. The men of both the left and right who dominated, even terrorized, *that* time lived in-

tense but brief lives. Their intellectual corpses are still stacked in the odd corners of universities, government departments, and the like where they do whatever it is they do. No one much cares, for they were subsequently judged to have been appallingly wrong about American society and, worse, were seen to have been unforgivably intolerant of any who hesitated to embrace their all-encompassing credos. Archibald MacLeish has remarked of his fellow poets that: "There is nothing worse for our trade than to be in style." The equivalent for those whose concern is government is submission to the noisiest problems of the moment to the exclusion of the most important ones.

What then are the "problems poorly stated" of our time? They are various but have, it seems to me, a unifying characteristic; namely, the rejection by those seeking a more just, more equal society of any indications that the society is in fact becoming more just and more equal. Society is seen in historical terms: what is not altogether acceptable is altogether unacceptable; gradations are ignored and incremental movements are scorned. Those who by disposition are incrementalists, or for whom the contemplation of society has led to a conviction that incremental change is a necessity not a choice in human affairs, are baffled by this attitude and resentful of it. The exchanges that follow are bitter and unproductive. It is at all events my view that this is so because the problems at issue have so far been defined in fairly traditional political terms when what in fact is at issue is an immense stirring, little understood, if indeed understandable, of cultural dimensions. Fundamental ethical and moral issues—religious issues—are involved: issues which politics, especially the politics of a liberal democracy, are uniquely unable to resolve.

Two years ago, in the Phi Beta Kappa oration at Harvard, I argued that in fact we were witnessing the onset of the first heresies of liberalism. Heresy is an unloved term, especially in a liberal society, but it has real meaning: the rejection of beliefs fundamental to the dominant, pervasive world view of the society involved. Of necessity, the heresies of liberalism would be procedural in nature, for it is in process that a liberal society defines itself. In thinking about the subject, I have not been able to get much farther than this, but neither have events moved so as to cast greater doubt on the thesis than that which must attend any such large assertion. To the contrary, the rejection of the *authority* of liberal processes, the code that holds it is bad form to club the Dean, that civic statutes must be abided by, that rules of order and civility will be followed at meetings—all that—continues apace, and the pace if anything quickens. As Robert A. Nisbet continues to remind us, when authority relations collapse, power relations take their place; and this process, too, has advanced. Violence, which is the means by which power relations are maintained, is considerably more widespread now than it was two years ago, and surely vastly more common at the end of the decade of the 1960's than it was at the beginning of it.

Nothing suggests that the pattern of former times will quickly reassert itself. To the contrary, the indications are that we rose to a new plateau of internal violence in the mid-1960's and that the most we can hope for is to keep from yet another escalation.

Such violence has, of course, made its way onto university campuses and this has led to great apprehension for the future of academic freedom. There are analogues, indeed precedents, for the violence of the streets, the poor, the police, and suchlike. But nothing like the present pattern of threats to and actual assault on university institutions and university members has ever yet occurred. Here, in particular, it would seem a future has been lost to us.

This has led to great despair among academic intellectuals: far greater than the news media have yet let on. For probably the first time in our history, professors speak of going into exile. Nor is the alarm simply that of Bourbons. A Marxist historian such as Eugene Genovese speaks with not a little alarm of the "pseudo-revolutionary middle-class totalitarians . . . of the left wing student movement", and one learns that even Professor Marcuse has suggested that professors ought to be treated differently from the oink-ish common swine.

The strongest view, from a notably unhysterical pen, is the recent assertion by Arnold Beichman, writing in *Encounter*, to the effect that university faculties "have quietly decided that for the foreseeable future the university is no longer a place where truth is to be pursued. What has been tacitly ratified is a decision that the American university is primarily (not secondarily) the springboard for upward social mobility as the ascriptive right for ethnic minorities."

This can be overdone. Beichman accurately (but almost alone in the flood of commentary) notes that ethnic mobility has always been a prominent component of higher education—certainly so from the time Catholics began to establish competitive institutions with Protestants. One recalls Yeats' letter of 1904 to Lady Gregory:

"I have been entirely delighted," he writes, "with the big, merry priests of Notre Dame, all Irish and proud as Lucifer of their success in getting Jews and non-conformists to come to their college and of the fact that they have no endowments."

One recalls far more vividly growing up in New York City in the poverty-ridden 1930's, and yet possessing in that Notre Dame football team a symbol of tribal might and valor that can stir the blood atingle to this day. O, the golden Saturday afternoons when, in the name of every Irish kid caught in the social wreckage of the eastern slums, thunder indeed shook down from the skies and those mighty Polish tackles swamped the Navy . . . !

If the demands of newer groups come as a shock to some, it is at least in part because this group function of higher education has tended to be ignored by those groups for which it has been functioning. Yet, the role was obvious enough; and it was not less clear that it would become, if anything, more pronounced to the degree that universities become more central institutions of the society. In the concluding paragraph of *Beyond the Melting Pot*, Glazer and I wrote that: "Religion and race define the next stage of the American peoples." We were not wrong, and one is mystified still that the proposition was viewed at the time by such skepticism on the part of so many. (Not a few of whom, it may be added, having become committed to ethnic studies, pursue the matter with a single-minded zeal that is notoriously the accompaniment of sudden religious conversion.)

Simultaneously, if somewhat incompatibly, universities have been mini-bastions of class privilege. This phenomenon has been evident enough in the insistance by almost all parties to intramural disputes that those involved are exempt from punishment for deeds that would send lesser persons—without the walls—to court at very least and prison in all likelihood. But again, this is nothing new.

Indeed, some good could come of this if the excesses of the moment were to serve to restore some perspective on just what universities are and what they can do. They are institutions inhabitated by younger and older persons of often very great abilities, but usually of very limited experience. With respect to their individual specialties, the judgment of the professors is singularly valuable. But their collective judgment is no better—could, indeed, be worse—than that of the common lot of men. This is not an incidental, random fact; it is a fundamental condition of human society, and the very basis of democratic government.

When William F. Buckley Jr., wrote that he would far rather entrust his governance—by which he would include the preservation of his civil liberties and his intellectual freedom—to the first hundred persons listed in the Boston telephone directory than to the faculty of Harvard College, he was saying no more than what Thomas Jefferson or Henry Adams would have thought self-evident. The remark was greeted with considerable derision in Cambridge at the time, but it may be stated with certainty that more than one tenured professor of that ancient institution has come of late to see its truthfulness with excruciating clarity.

All this is to the good. What is bad is that the diffusion of violence to the intellectual life of our society is likely to lead to even greater failure to correctly state our problems than has been the case to date. This is so for the most elemental of reasons. Intellectual freedom in the American university has now been seriously diminished. It is past time for talking about what might happen; it has happened. We would do well to clear our minds of can't on that subject. Especially in the social sciences, there is today considerably less freedom than there was a decade ago; and we should expect that it will surely be ten to twenty years before what we would hope to be a normal state will be restored.

I deem it essential that this almost suddenly changed situation be more widely understood; otherwise, the sickness of the time will gradually come to be taken for a normal condition of health—and that would be a blow not merely to the age, but to the culture. But if we do perceive our circumstance for what it is, if we do come to accept that for reasons of prudence, or cowardice, or incompetence or whatever, faculties have been everywhere allowing principles and men to be sacrificed, we will at least retain the understanding that something has gone wrong, something that it may be possible someday to right.

It is important then to survive, with our faculties, as it were, as little diminished as possible, and to seek to understand the times—which is to say to state the problems of the time correctly.

Few individuals can hope to contribute more than a small increment to this effort; but more, then, is the reason as many as possible should seek to do so. Hence, with less hesitance than might otherwise attend the effort to make a simple abstraction about a hopelessly complex reality, I would offer, from the world of politics, the thought that the principal issues of the moment are not political. *They are seen as such:* that is the essential clue to their nature. But the crisis of the time is not political, it is in essence religious. It is a religious crisis of large numbers of intensely moral, even Godly, people who no longer hope for God. Hence, the quest for divinity assumes a secular form, but with an intensity of conviction that is genuinely new to our politics.

It is important to be clear whence this peculiar secular moral passion arises. It is from the very eighteenth century enlightenment from whence arose the American civilization that has so far followed so different a course. The rejection of Christian religion by the Enlightenment has obscured the fact, especially to Christians, that it did not constitute a rejection of Christian morality. To the contrary, it was more often in the name of that morality that the creed was attacked. It was Rousseau, as Michael Polanyi argues (although others would disagree) whose work widened the channels of Enlightenment thought so that in fact "they could be fraught eventually with all the supreme hopes of Christianity, the hopes which rationalism had released from their dogmatic frameword." Wherewith, supreme of ironies, was loosed upon the world a moral fury that has wrought as much evil, in contrast with the mere brutality of the past, as mankind has ever known, an evil which may yet

destroy us. The process arises from a sequence of premises which are logically unassailable, yet which in practice produce a society that is inherently unstable. Polanyi states the argument, which he correctly observes, no one has yet answered:

"If society is not a divine institution, it is made by man, and man is free to do with society what he likes. There is then no excuse for having a bad society, and we must make a good one without delay. For this purpose you must take power and you can take power over a bad society only by revolution; so you must go ahead and make a revolution. Moreover, to achieve a comprehensive improvement of society, you need comprehensive powers so you must regard all resistance to yourself as high treason and must put it down mercilessly."

Repeatedly, as this fervor becomes pathological, a kind of inversion takes place which transforms violence from a means to an end to an end in itself. There are surprises but few mysteries to this process: the nineteenth century was able to read it in Russian novels; the twentieth to watch it on film. It has been the great disease of the committed intellectual of our time. Thirty years ago, Orwell wrote that: "The common man is still living in the mental world of Dickens, but nearly every modern intellectual has gone over to some or other form of totalitarianism." For that is the correct term. The total state; the politicization of all things. It would seem that Britain and America managed in the nineteenth century to escape any deep infestation of this view mostly by not thinking too closely about politics. But one result of this is that in political theory there is no serious counter argument: all one can say is that one does not like doing good by sending men "up against the wall" to use the apparent term of Che Guevera and the battle cry of the Barnard girls. For the disease is amongst us, and will spread. Incongruously, it appears to have taken roots within organized religion itself. The course of the coming generation is all but fixed: it will include a strong and possibly growing echelon that will challenge the authority of American institutions across the board, and will not be especially scrupulous as to how it does so. In this the extreme left is very likely to be joined by the extreme right, for to each the values and process of the present American democracy are the enemy to be destroyed.

All in all, there is cause enough for despair. As Midge Decter has put it: "When you are caught between left and right, the only way to go is down." But we are not yet down. We are a strong and competent people, increasingly, I think, aware of our troubles and dangers and shortcomings. The challenge to authority that is now upon us can strengthen and renew institutions as much as it can weaken them. And it can be fun. There is always room, as Orwell wrote, "for one more custard pie." We are not especially well equipped in conceptual terms to ride out the storm ahead, but there are things we know without fully understanding, and one of these is the ultimate value of privacy, and the final ruin when all things have become political.

Having through all my adult life worked to make the American national government larger, stronger, more active, I nonetheless plead that there are limits to what it may be asked to do. In the last weeks of his life, President Kennedy journeyed to Amherst to dedicate a library to Robert Frost and to speak to this point. "The powers of the Presidency," he remarked, "are often described. Its limitations should occasionally be remembered."

The matter comes to this. The stability of a democracy depends very much on the people making a careful distinction between what government can do and what it cannot do. To demand what can be done is altogether in order: some may wish such things accomplished, some may not, and the majority may decide. But to seek that which cannot be provided, especially to do so with the passionate but misinformed conviction that it *can* be, is to create the conditions of frustration and ruin.

What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies, but it cannot create those energies. In particular, government cannot cope with the crisis in values which is sweeping the western world. It cannot respond to the fact that so many of our young people do not believe what those before them have believed, do not accept the authority of institutions and customs whose authority has heretofore been accepted, do not embrace or even very much like the culture that they inherit.

The twentieth century is strewn with the wreckage of societies that did not understand or accept this fact of the human condition. Ours is not the first culture to encounter such a crisis in values. Others have done so, have given in to the seeming sensible solution of politicizing the crisis, have created the total state, and have destroyed themselves in the process. Irving Kristol has warned against it in terms at once cogent and urgent:

"The one way not to cope with this crisis in values is through organized political-ideological action. Most of the hysteria, much of the stupidity, and a good part of the bestiality of the twentieth century have arisen from efforts to do precisely this. Not only do such efforts fail; they fail in the costliest fashion. And if modern history can be said to teach anything, it is that, intolerable as a crisis in values may be, it invariably turns out to be far less intolerable than any kind of 'final solution' imposed by direct political action."

I surely do not argue for a quietistic government acquiescing in whatever the tides of fortune or increments of miscalculation bring about: and in our time they have brought about hideous things. I do not prescribe for social scientists or government officials a future of contented apoplexy as they observe the mounting disaffection of the young. I certainly do not argue for iron resistance, as other societies have successfully resisted somewhat similar movements in the past.

I simply plead for the religious and ethical sensibility in the culture to see more clearly what is at issue, and to do its work.

Sympathy is not enough. *Tout pardonner, c'est tout comprendre* is not a maxim that would pass muster with Bernanos or any who have helped us through the recent or distant past. If politics in America is not to become the art of the impossible, the limits of politics must be perceived, and the province of moral philosophy greatly expanded.

WHAT IS HAPPENING ON OUR CAMPUSES?—AN ARTICLE BY ROBERT H. WYATT, EXECUTIVE SECRETARY, INDIANA STATE TEACHERS ASSOCIATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the most vigorous champions of education in my own State of Indiana is Robert H. Wyatt, executive secretary of the Indiana State Teachers Association. Mr. Wyatt, who is a former president of the National Education Association, recently published an article entitled, "A Look at the Universities—What Is Happening on Our Campuses?" in the summer 1969 issue of the Indiana Teacher.

I believe that Members of Congress will read with much interest the views of this distinguished educational leader, and I insert his article at this point in the RECORD:

A LOOK AT THE UNIVERSITIES—WHAT IS HAPPENING ON OUR CAMPUSES?

(By Robert H. Wyatt)

The problem of trouble on the campuses is of such significance that organizations interested in advancing the cause of education should give it continuing and penetrating study.

It is easy to leap to the conclusion that some obstreperous young people on our campuses are kicking up trouble and should be coralled and punished. It is also easy to accept the thesis that existing structure and operation of higher education are entirely good and proper—therefore any young person who goes to college should be grateful for the opportunity. It would then follow that he should take it or leave it, in accordance with his own abilities and virtues.

These concepts are fallacious. Higher education is to a certain extent a privilege of the individual, but society's stake in that individual's education is greater than the individual's own.

Education is the genius of this great republic. Free public education has truly been the source and motive power for the building of our great, affluent economy and the social and political system that provides the highest standards of living in the world.

Fortunately there have been statesmen through the years—such as Thomas Jefferson, Horace Mann, and John Dewey—who saw that education is of such import to society that it is the duty of society to try to nurture and develop all the talent the nation possesses, whether our young people want their talents developed or not. There are times in the life of a child when he might choose to discontinue his education. Such a choice might extend into his teens or twenties, but the decision must not be his alone. It must be the decision of society, exercised through the democratic process.

SOME "SOLUTIONS" BEYOND BELIEF

The current suggestions being offered by some politicans that dissenting students should be swept out of the colleges and universities are almost beyond belief in a free democratic society. One is tempted to ask, "Sweep them into what, or into where, and with what results?"

Fortunately many college administrators are exercising the boldness to reply to such political figures—even on the highest levels of government—that such proposals, however well-meant, could hamper or doom the efforts of intelligent college personnel to solve the baffling problems of educating America's youth.

False concepts of the purpose and function of education in a democracy are not new. They have been with us since the beginning of the Republic. What is new in this situation is the role and the direction the universities are taking.

UNIVERSITY TROUBLES FORECAST

Seven years ago, in 1962, at our French Lick Leadership Conference, I commented to you on some of the forces at work in the universities. On that occasion I said:

"It is one of the paradoxes of history that an organization or an institution has an overpowering tendency to envelop itself in forms and trappings and prerogatives that become more and more important as the years pass. In some instances these artificial objectives actually succeed in enslaving the institution to the preservation of the forms rather than serving the purposes for which the organization was established. This

danger to the virility, the creativeness, and the flexibility of an organization amounts to a kind of cannibalism which must be continually analyzed and fought off if the organization is to remain sufficiently dynamic to serve the cause it espouses.

"Educational institutions at this moment are being challenged by the great new developments in science, automation, and social consciousness which they themselves have developed in their classrooms. The forms and the trappings and prerogatives that have grown up in these institutions, their athletic programs, their mania for power, for bigness, for control, are threatening the adequacy, the efficiency, and the economy with which they are finding and serving the real objective of education—development of the intellectual resources of our country."

Above and beyond these activities, the relationship of the university with the military in diverting faculty talents into destructive research, the relationship of university staff and officials with numerous large corporations bent on pursuing their vested interests, and the lack of adaptability to new social, economic, and political events and movements—all these practices place in the hands of dissenting students enough substance and enough status that they should be heard and the time-worn programs of the universities should be shaken and re-examined.

Obviously we cannot approve or permit student violence and lawlessness to invade the rights of the other students and citizens. Obviously if there are any outside organization involvements or influences inciting violence in student groups they should be identified and exposed. It is indeed to be hoped that the responsible among the students will soon inspire the confidence of the mass of the sudent body and that the net results of the outbreaks of 1969 will be productive of true advances in our institutions of higher learning.

Students of this generation have had experiences with the mass media and with the accelerated urbanization of our society that have advanced their comprehension and their store of knowledge several years beyond that of their predecessors of the previous generation. In addition to that, the quality of education in the elementary and secondary schools has advanced so strikingly that a college freshman is at least two years advanced beyond his counterpart of the previous generations.

LET US HELP YOUNG HUMANITARIANS

The students are rendering a great service. Some of it is far too violent and should be curbed, but the great mass of students are grappling with the hard problems of today and are viewing them without the clouded vision that comes from vested interest of a material kind. Let's give them all the help and all the encouragement we can in their efforts to serve humanity early in life before other activities and programs clutter up their vision and impair their singleness of purpose.

The students actually do have valid complaints. Even the conservative Indianapolis Star in a recent editorial took the rather surprising position that:

"The faceless, factory-like quality of the larger universities confuses, frustrates, and ultimately alienates and angers many young students. They see themselves as cogs in a huge machine. They are herded around like livestock. They are moved by the numbers. They feel like zeroes in the equation of campus life.

"They are taught in oversize classes, sometimes so huge they cannot even see the far-off 'prof,' who is likely to be a teaching assistant, talking metallically through a public address system. They rarely if ever see the 'superstar' professors whose magic names helped lure them to that particular institution.

"It is no indorsement of the crackpot ideas and movements often spawned in such surroundings to recognize that much of the harsh criticism leveled at the faults of bigness is valid."

These facts and many others growing out of our current social and political life should shock college administrators into a re-evaluation of their programs and the extent to which their activities have strayed from the purposes for which the institutions were founded.

TIME TO RESTUDY STRUCTURES

To summarize, the fact is that the university, like all other institutions that are established for a purpose and which live on for many years after the purpose is identified, finds itself in the position of need for a restudy of its structure and its program to achieve those accepted objectives. The people who are involved in the conduct of an institution are subject to the human desire, subconscious or conscious, to maintain the forms and traditions that contribute to their interests.

On top of all this comes the shocking disregard of university finances by the Governor and the 1969 Legislature and the increases in tuition of 50 percent to 75 percent on the 18th Century thesis that education is a privilege to be paid for by those who are able—all this in apparent ignorance of the modern imperative for a population educated for the social and technological demands of the 21st Century.

To counteract this kind of thinking, the Indiana State Teachers Association should attempt to balance all of the factors in these modern student uprisings and assume a role of scholarly balance in appraising the situation.

The Association should and will take a constructive position on the need for junior community colleges; on the mania of the big university to capture and absorb private organizations for university prestige and power; and upon the distortionary drive to sell intellectual talent and research for great corporate and federal monies. We must lead in this imperative crusade to restore the universities to the pursuit of the goals that gave them birth.

THE HEART OF THE MATTER

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, one of the most distinguished leaders in American education is Dr. John H. Fischer, president, Teachers College, Columbia University.

On June 3, 1969, I had the pleasure of hearing Dr. Fischer deliver the principal address at the commencement day convocation at Teachers College. Dr. Fischer's address on that occasion was a most perceptive analysis of some of the problems confronting American education today and I therefore insert his address at this point in the RECORD:

THE HEART OF THE MATTER

It is too early to predict the full effects of recent university disturbances, but one consequence is already evident: Commencement oratory is flowing in new directions. There are those, of course, who were hoping for the total disappearance of this quaint art form. But that would be improbable, for it meets a deep-seated human need. The commencement speech is not only one of the oldest forms of confrontation—it is the Establishment's very own, and neither revolution nor reform is likely soon to do it in.

If the commencement address is not about to be abandoned, we may be confident that it will be altered. Today I make a token contribution to that process. In a public display of self-control, I shall refrain from giving the members of this class any advice whatsoever. For well over thirty years I have been advising graduates on how to manage the world, with results that are readily visible. You will understand, then, why it is difficult for me to deny you the advantage that so many of your predecessors have enjoyed. But I am resolute. As you pass today from the tranquil groves of academe to the crude contests of the outer world, you will simply have to make it on your own.

It is in the nature of exercises like these to incline our thinking to the future. This year the inducements to look that way are stronger than they ordinarily are, not only because the recent past is so full of events we would prefer to forget, but more particularly because of the promising new ventures that are under way.

In Columbia the year has been better than the staunchest optimist would have predicted last June. If in Teachers College the contrast between actuality and expectation has been less marked, it is because a year ago we were already set upon a good beginning. Since that time the widespread contribution of ideas, support, and leadership from every segment of the College has produced substantial gains in many aspects of our common concerns.

Recruitment and admissions policies have been revised to attract promising students whom traditional procedures might not identify.

New scholarships have been established to assist able but impoverished students, particularly among minority groups.

New programs and courses have been planned to respond to urban problems.

Students, faculty and staff have worked with our neighbors of Morningside, Harlem, and other communities to strengthen local educational programs, from the nursery school to the senior adult level.

A construction program is being projected with community help to meet simultaneously the expansion needs of the College and the housing needs of the area.

In the arts, the humanities, and the sciences; in policy and practice; in every area of human development; in health, recreation, rehabilitation and guidance; through teaching, research and service, the work of Teachers College has gone forward.

And as we have worked at these tasks we have found new ways to manage our institutional affairs. In making decisions, in formulating policy, in evaluating our performance, all of us, students, faculty, trustees and staff have learned together and from one another. And for that learning, the College is clearly the stronger.

Yet, better than any others could, the members of this company know that our attainments are well this side of perfection. Things that we ought not to have done we have done. Tasks that should by now have been completed remain unfinished. Still, this has been a year of growth and gain and the credit for it must be distributed widely. The finest part of the story, however, lies not in what we have finished, not even in what we have begun. The best part of all is in the still untapped possibilities that we have discovered and in our fellows.

The principal question every university faces today is how to respond to the tasks the times impose. On every campus we must decide to what ends we shall commit ourselves, to what purposes we shall direct our energies. Repeatedly we are reminded that we must disenthrall ourselves, and to be sure we must. The thralldom of old dogma, the inertia of inherited prejudice inhibits every fresh departure and delays us every day. But it is not only the past that retards our prog-

ress. Contemporary errors also warp our rationality and distort our judgment. Too often we forget that the means we choose in haste become at once the nearer edge of the end we shall inevitably reach.

In institutions dedicated to the unimpeded search for truth, where the relations of men and the exchange of ideas should be governed by the rule of reason, it is especially deplorable to see candor displaced by sentimentality and reason yield to force. None of our institutions is beyond need of improvement. In some we may be sure that significant change will not begin until keener vision is stimulated by increased vigor. Occasionally both may have to be introduced with some degree of external insistence. But nowhere can sound reform be accomplished through soft-headed acquiescence to misguided demands.

Some of the current efforts to expand opportunities for disadvantaged students offer ready examples of this error. The knowledge that advantaged students who are admitted to college and awarded degrees often obtain good positions in society has led some people to believe that the same happy fate will inevitably be shared by every disadvantaged youngster—if only he can manage to reach a campus and get his name on a diploma. From this misconception, only a few more wrong steps carry one to the conclusion that grades are meaningless symbols, degree programs barriers to block the poor, and every academic requirement but another trick to deny the deserving their natural rights.

The sensible, humane revision of admission policies and the imaginative redesign of curricula—both of which are necessary and overdue—could if we are not careful deteriorate into the perpetration of an academic fraud. The most damaged victims of that deception would be the very young people who can least afford it. That many of those responsible meant well, that the harm suffered was the unintended result of charitable motives, would be a cruelly ironic excuse. It would be a bitter mockery, indeed, if a century of struggle to win equal access to high quality education for all Americans should now end in a cheap scheme to assure every minority student a diploma signifying successful occupation of the dean's office.

But in decency and humanity, we cannot drop the matter there. For the plain fact is that young Americans by the tens of thousands, particularly the sons and daughters of our long-deprived minorities, are being denied the opportunities that are due them. A college education can no longer be regarded as a form of personal preferment, a privilege for those who can afford it, or a charity to be extended—sparingly—to those of the poor who display enough distinction or docility.

"In the conditions of modern life," Whitehead warned us long ago, "the rule is absolute. The race that does not value trained intelligence is doomed."

For the young person who would make the most of himself and of his place in society, no less than for the nation as a matter of public policy, higher education must be recognized as a universal necessity. The transition to such a view will not be easy. It happens, however, to be imperative, and in one way or another we shall have to manage the changes in personal attitude and institutional policy that it requires.

One consequence of such a shift will be to abandon the notion that a bachelor's diploma is a certificate of admission to the elite. Today we must be prepared to consider higher education as in 1848 Horace Mann viewed universal primary education: "the great equalizer of the conditions of men, the balance wheel of the social machinery." Seen in that light, the award of the bachelor's degree would signify not separation from the broad body of citizens but entry into the membership of those who have profited from the normal opportunity for intellectual development that free men should have.

In a society dedicated as ours has long been in principle, and must now be in practice, to personal fulfillment for all its people, education is demeaned if it serves mainly as a vast sorting mechanism. Schools and colleges have more important functions than screening the less apt from the more able, the less acceptable from the more presentable. The traditional view of the educational system as a pyramid that should be organized and administered to assure that only a few survive to the apex has become a wasteful and inhumane anachronism. The proper purpose of education is not to reduce but to increase the number of people who are enabled to perform nearer to the peak of their abilities. In an open society, schools and colleges should make it possible for ever larger proportions of the population to move to higher levels of performance and participation.

The inclusive approach to education requires us neither to abandon scholarly standards nor to reject the goal of academic excellence. On the contrary, the object should be to encourage enhanced respect for standards and higher achievement by larger numbers of students. To accomplish those ends, however, we shall have to assign higher priority to teaching and learning than we do to testing and screening. One of the best kept secrets of the academic world, as true today as it has been for centuries, is that reputations of educational institutions usually reveal as much about their admission policies as they do about the teaching proficiency of their faculties. From the nursery school to the graduate professional level, it is a truism of academic life that if the students are selected with sufficient care any institution can be made to look better than it really is. The test of a teacher or of a college is not the promise students possess before they arrive but how their performance has been affected by the time they leave.

Opportunities offered students need not be narrowed merely because an institution broadens its receptiveness. When windows are opened upon a wider world, the sharp-eyed see no less because companions of dimmer vision share the view. The perceptive observer sees even more when he helps another to expand his own awareness. Higher education can be made more inclusive without sacrificing either relevance or effectiveness. The evidence is abundant that uncounted thousands who are now denied access to higher education are entirely capable of profiting from scholarly discipline, if only they can obtain a suitable combination of incentive and opportunity. But they must find it in an environment that offers enough personal security to permit them to respond to the incentive and to take advantage of the opportunity.

It is no secret that many students of university age have been badly handicapped by poor primary and secondary schools. But their early deprivation is no reason to deny them later opportunity. Indeed, it is the clearest justification imaginable to see that they receive as young adults the advantages they missed as children. There can be little doubt that the expansion of opportunity in higher education is now retarded by our reluctance to liberalize admissions criteria and by habitual persistence in old predispositions.

I have invited your attention to this problem today not to suggest that solutions are readily available. You know as well as I that far from seeing clear answers, we do not yet understand the questions. But this much I do know: what we face here is essentially a moral issue. Profound academic and professional considerations flow from it. New formulations of policy and new patterns of practice must be devised to deal with it. We shall undoubtedly have to accustom ourselves to quite different ways of appraising potentiality and performance. The tasks that now fall to our profession will be exceedingly demanding.

But at the heart of the matter, where professional practice and public policy converge, the issue is essentially moral and, like most moral issues, ultimately simple. How shall our institutions, and we who are accountable for them, serve and enhance the individuality of each of our people? What power have we, and what duty, to help every young person not only to make his mark but to find his soul?

Only a brave man or a fool would claim to know the full meaning of the turmoil now that wracks the world. But the more I see of it the stronger my conviction grows that we may be witnessing the birth of a new era in relations among men, a period that may well be marked by a heightened regard for individuality and a wholly new appreciation of the meaning and possibilities of community.

The events that are shaking academic institutions today are one manifestation of this world-wide ferment, but they have a special significance of their own. For with remarkable clarity they reveal the values and the commitments of a substantial proportion of the leaders of the new generation.

To understand what is occurring, to sense its import now and for the future, we must read the signs with care. The spume that blows from the wave crest is not to be confused with the running of the tide. It would be a serious error to assume that the disruptors, the exhibitionists, and the barbarians who make a mockery of serious reform, represent today's students or speak for them. But it would be a far more profound error to underestimate the determination of large numbers of our finest young people to see that the management of our public and private affairs is made more responsive to the principles of decency and morality.

Father Andrew Greeley puts the matter well when he writes that the difficulty is not immorality, but that young people are "almost too moral for the ethical systems available to them."

There can be no doubt that the cost of change in some places is excessively high. Good people are being hurt and sound institutions are being needlessly damaged. But we must not allow our own perspectives to be distorted by the outrageous incidents that attract the cameras and gain the headlines. The froth is not the wave, and the wave is not the tide.

If there is any validity at all in this interpretation of our troubles, the implications for those who teach are at once staggering and enormously sustaining. For whatever the prospect, our best hope—our only hope—lies in cultivating the possibilities—intellectual, esthetic, moral—of every person in this land. It is a great work to which you have turned your hands and set your minds. As you try to measure up to it, I wish you well.

TO SAVE THE BIG WALNUT VALLEY IN INDIANA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise today to speak on a subject of concern to all of us here and to a great many of our citizens: the increasing threat which burgeoning industrial America poses to our natural environment.

The solution to the problems of the environs in which today's Americans live is a challenge to all of us in the 1970's.

But we must move quickly if we are to preserve the natural beauty of our land. Today I want to point out some of what we must do.

Our economy is now producing more than ever before, and the prospects for the future are even brighter. But we have paid dearly for our industrial growth in unnecessary damage to the natural resources of our Nation.

Oil from faulty drillings fouls our beaches and endangers marine life and water fowl.

Pollution of the air takes minutes from each of our lives.

Human and industrial waste soils our streams and rivers.

Poisonous pesticides and fertilizers contaminate our food.

One of our Great Lakes has been reported as "dead," and fatal illness threatens others.

Messy industrial areas, unsightly junkyards, ugly billboards, and thickets of powerlines diminish the joy of what we could otherwise see.

Mr. Speaker, we all know that for far too long, man has carelessly assumed that nature can absorb unlimited punishment. At long last people are becoming aware of their environment, conscious of the arguments set forth by conservationists for many years—and are beginning to show some willingness to conserve the remaining areas of our great outdoors and to repair the damage caused our environment by thoughtless policies of industrial expansion.

Unfortunately, we cannot now turn back the clock. Much of our natural environment has been permanently destroyed, but some portions can still be restored and others preserved. There is no formula for instant success in the effort to undertake measures to conserve our environment, but I am encouraged by recent progress made toward this previous objective.

ENVIRONMENTAL QUALITY COUNCIL

Mr. Speaker, earlier this month President Nixon focused public attention on the need for coordinated consideration of environmental problems by creating a Cabinet-level Environmental Quality Council. I am pleased to say that there is bipartisan agreement between the White House and Congress on the need for legislation and programs that will leave no doubt of a national resolve to stop fouling up our living and looking space.

Senator HENRY JACKSON of Washington, chairman of the Senate Interior and Insular Affairs Committee, has offered legislation which would establish a national environmental policy with a full staff in the Office of the President, supplementing the step already taken by our Chief Executive. This legislation seeks to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings" in order to attain the most beneficial use of resources compatible with conservation and protection of the environment, and the preservation of historic, cultural, and natural values.

Here are two significant aspects of Senator JACKSON's bill:

First. It would recognize for each person a "fundamental and inalienable right to a healthful environment" and would impose on everyone a "responsibility to contribute to the preservation and enhancement of the environment."

Second. It would require every Federal agency to accept responsibility for the protection of our environment according to guidelines set up by Congress.

Only experience will point to the precise guidelines needed to halt the erosion of our environment. But in establishing initial policy, we in Congress must recognize that the needs of environmental quality will not be met simply by expanding traditional resource planning programs or through the improvement of economic or administrative efficiency. I make this observation for these reasons:

First. Our principal objective is not to meet target goals for commodity production.

Second. Our principal objective is not to draw upon our inventory of natural resources and predict consumption requirements.

Third. Our principal objective is not to reduce duplication of efforts on the part of Government agencies.

Fourth. Nor is our principal purpose to cut Government expenditures.

What we do can help achieve these objectives, but these goals are all incidental to an overriding purpose: to define the criteria essential to a healthy environment.

A FIRST STEP

Mr. Speaker, thus far, the problems of environment have been almost nobody's business but that of various conservation groups. It is time to make the problem of environment the paramount business of the Nation. The Environment Quality Council and the companion legislation represent a first step in this direction.

As we move to lift the quality of our environment, however, Congress, the executive branch, industry, and private groups must all realize that to accomplish this task, it will probably be necessary in some cases to change our goals and curtail present programs. If we do not, we may all suffer the consequences through the subtle beginning of man's own self-destruction.

My concern for our environment stems largely from its effect on our daily lives. It is the quality of American life to which we must now give more attention. One way in which we can preserve and protect our environment is to insure that our natural resources are employed to enhance the quality of life of every American.

The concept of the use of our natural resources has a double meaning. There are both the material definition and the perhaps deeper, more significant psychological, and spiritual meaning through which these resources can elevate the heart, mind, and spirit.

Of course we must develop our resources materially, but this does not obviate the need for land free from the structures of our modern society where each of us can walk—alone—away from the complexities of modern life.

The boy sitting on the steps of a tenement in New York City or South Bend, Ind., deserves a place where he can discover that the world does have clean air, and that life can offer more than the monotony of ghetto existence. The girl studying high school biology or the college student pursuing advanced studies in one of the natural sciences needs a place in which to observe his discipline in the state of nature. And a father must have a place where he can take his family for rest and recreation at reasonable expense.

OPPOSES BIG WALNUT CREEK PROJECT IN INDIANA

Mr. Speaker, because of the urgent necessity to develop our resources as recreation facilities while preserving them in their natural state, I have supported the fight to save the Indiana Dunes, and this is why I am today announcing my opposition to the Big Walnut Creek Reservoir project proposed by the U.S. Army Corps of Engineers.

It is this latter project, Big Walnut Valley—a living museum of natural history located in Putnam County, Ind., some 35 miles west of Indianapolis, Ind.—that I would like specifically to bring to the attention of my colleagues here today.

An ill-conceived and poorly justified proposal of the Army Corps of Engineers threatens to destroy the Big Walnut Valley. The valley has been declared eligible as a national natural landmark, one of only 130 sites in the entire United States to be declared of that quality and one of only two sites in Indiana now eligible for this nationally significant designation.

The Corps of Engineers is proposing to build a dam and reservoir in the Big Walnut Valley. Such a project would flood major portions of the valley, destroying its natural significance, erase the flood plain which is a major criterion, in natural landmark recognition, and ruin the ecological complex which makes the valley important.

SIGNIFICANCE OF BIG WALNUT VALLEY

Mr. Speaker, Big Walnut Valley is an unsurpassed and unduplicated relic of the last glacial age and was 15,000 years in creation. Parts of its ecology include Indiana's three largest remaining eastern hemlock trees, our two largest sassafras, more than 320 plant species, 125 or more species of birds, and Indiana's most extensive growth of Canadian yew. This valley represents a living library of nature which, if its qualities are preserved, will be of incalculable value to scholars and to universities. Scientists and conservationists point out that the significance of the Big Walnut Valley lies not simply in a few record trees or plant growths but in the larger environmental system suitable for their occurence and proliferation.

In fact, recognition by the Corps of Engineers of the area's ecological value even led them to the absurd inclusion of a "nature center"—containing a museum and observation towers from which visitors could watch herons—in the final plans for the project, while the corps proposes to destroy the valley.

The justification for the corps' Big Walnut proposal has been a benefit-cost ratio. According to the corps, flood control plus recreation value plus water shortage plus water quality control are

estimated to be worth more than the project would cost in tax dollars.

I cannot agree with the corps.

First, professional sedimentation tests indicate that the reservoir would be silted up in 100 years, a relatively short life span for this kind of project.

Second, "recreation" areas to the Army mean speedboats and fishing areas and picnic grounds. There are eight such "recreation" areas within a 50-mile radius of Indianapolis, but there is nothing for the outdoorsman who enjoys hiking in woods, fishing in fresh water streams, and the serenity of an unpolluted river running through a cool valley.

Third, there are abundant water storage facilities in close proximity of Indianapolis. Mud Creek and Geist Reservoirs alone could be expanded to add 49 million gallons in water storage without a Big Walnut Reservoir.

Fourth, optimum conditions for a storage reservoir are opposite from the optimum conditions for a flood control reservoir. Yet the crops claims both as a justification for this project.

REELSVILLE FAR BETTER SITE FOR DAM

Mr. Speaker, one of the 24 alternative sites to Big Walnut Valley, which the Army Corps of Engineers has concluded would be economically feasible and comparable in cost-benefit ratio, is a dam near Reelsville, Ind.

Under corps' criteria this location offers far superior flood control and recreational potential. Reelsville would provide 307 square miles for flood control as opposed to Big Walnut Valley's 197, and would offer 7,300 water recreation acres to the 4,500 of the proposed Big Walnut Reservoir.

Selection of the Reelsville site would save Big Walnut Valley from destruction. It is for this reason that I oppose the current plans of the Army Corps of Engineers' for this reservoir project.

OPPOSITION TO PROJECT SHARED

Mr. Speaker, I would like to add that my opposition to the corps' plan is shared by every major conservation group in the State of Indiana: the Izaak Walton League; the Indiana Conservation Council,, an affiliate of the National Wildlife Federation; the Save-the-Dunes Council, which for years has battled to save what is left of our Lake Michigan shoreline; the National Audubon Society, now headed by Dr. Elvis J. Stahr, former president of Indiana University, who has made personal appeals to save the valley; the Indiana Academy of Science, which includes the foremost life and earth scientists of the major colleges and universities in the State; and most of our country's major conservationists, including the Sierra Club and the Wilderness Society.

Further, officials of Indiana's three largest metropolitan school districts—Indianapolis, Fort Wayne, and Gary—have signed letters for the record asking that the corps' plan be changed to prevent any flooding in Big Walnut Valley.

Mr. Speaker, while all of these professional leaders and conservationists would not argue the need for sound water management programs, their perceptiveness leads them to the justified position that we need not destroy our greatest remaining natural areas on the anvil of a benefit-cost ratio.

INDIANA'S NATURE PRESERVES ACT

Mr. Speaker, I might say too, that Indiana's General Assembly passed a landmark bill in 1967, The Nature Preserves Act, which allows the State to acquire and manage areas such as the Big Walnut Valley in the public interest for educational, scientific, and aesthetic purposes. While the State has not yet been persuaded that the Valley should be preserved, there is no question that Big Walnut Valley, as a national natural landmark, would occupy perhaps the highest priority for dedication as an Indiana nature preserve and an asset for the entire Midwest. Two competent ecological studies—one conducted by Dr. Robert O. Petty for the National Park Service and the other by Dr. Alton Lindsey under provisions of the statewide study financed by the Ford Foundation—place the Big Walnut Valley, in its presently unimpaired state, at the pinnacle of Indiana's remaining natural treasures.

COMPROMISE SOLUTION URGED

Mr. Speaker, currently an appropriation of $50,000 has been included in the President's recommended budget for fiscal year 1970 to be used by the Corps of Engineers to initiate "advance engineering and design studies" on the Big Walnut Reservoir project. I would urge that instead, the Army Corps of Engineers be instructed to use these funds to study and select one of the many alternative sites for the proposed reservoir, alternative sites which would impound no water for a distance of 3 miles North of U.S. Highway 36, and thereby not endanger Big Walnut Valley. I would also urge that the corps be charged specifically with investigating the potential of the Reelsville site for such a reservoir.

Mr. Speaker, if this course were followed, a reasonable compromise could be found between the forces favoring and opposing the proposed reservoir for Big Walnut Valley. Fairness to all concerned should surely be our concern here, and the action I am now proposing would be fair. It would not eliminate the possibilities of the Army Corps of Engineers constructing a reservoir in the area; nor would it eliminate for all time one of America's great natural landmarks. What I propose is in the spirit of give-and-take, of compromise, and a blending of varied interests which has marked resolution of a great many other similar projects which have come before the purview of this House.

COORDINATED CONSERVATION POLICY NEEDED

Mr. Speaker, in concluding my remarks, let me reiterate my statement at the outset of my remarks. The challenge to conservation in the next decade is in seeking solutions to the totality of problems that threaten our environment. But the enormity of the task will require that we double our efforts in the future, if we are to reverse the trend of man's determined rush to destroy himself.

We must work to awaken all Americans to the need for a rational schedule of action to conserve our environment instead of our our past hit-and-miss programs that have depended on annual political or budgetary pressures.

Mr. Speaker, we need a coordinated national, regional, and local environment policy. For unless our country is willing to move forward in some coordinated fashion, all the talk of a great American future may be lost in the destruction of our own natural surroundings.

We need to understand the vital importance of this challenge to prevent the desecration of our environment.

But it is not enough simply to understand. We must act to build a nation where there is joy for us and for those who come after us in the beauties of land and water and sky—and where we will be proud to have the quality of our environment be the measure of the quality of our civilization.

To achieve this high goal, we have a long way to go.

But, Mr. Speaker, I am confident that many Americans across the country will help reach this destination.

CORPS OF ENGINEERS BIRTHDAY

(Mr. ROBERTS was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, on the 149th anniversary of the formation of the Army Corps of Engineers, the Longview Journal published an editorial which enumerated the contributions and accomplishments of the corps to the entire State of Texas as well as the east Texas area. I would like to join the Journal in saluting the Corps of Engineers.

From its distinguished founding in 1775 by George Washington to its present program of public works and development of our Nation's resources, the Army Corps of Engineers has maintained a reputation of excellence.

So that my colleagues may know the esteem with which Texans regard the Engineers, I would like to include the editorial in my remarks.

The article follows:

CORPS OF ENGINEERS BIRTHDAY

The U.S. Army Corps of Engineers marked its 194th anniversary the other day (June 16) and this newspaper, long familiar with some of the activities of this hard-working agency, extends its congratulations.

The Fort Worth District, the Galveston District, and the New Orleans District—each of which has an area of responsibility in the East Texas region and in fresh water stream basins which course through the region served by the Longview News and Journal—marked the birthday in different ways.

The largest construction agency in the world, the Army Corps of Engineers was founded by George Washington in 1775 to provide combat support to the embattled Continental Army. Across the succeeding years, the Corps has played a distinguished role in every battle and campaign in which the Army has engaged, from Bunker Hill to the jungles of Vietnam.

The Corps of Engineers, through its civil works program, also has been and continues to be the principal developer of the nation's water resources—a fact which makes this agency of vital importance to the East Texas region.

The Corps has developed 19,000 miles of inland and intra-coastal waterways, and 500 coastal Great Lakes and waterway harbors.

The $5 billion the Corps has spent to date on flood control has already saved the nation over $15.5 billion in flood losses. The often flood-ravaged Sabine River basin looks forward to eventual control work by the Corps.

In a ceremony at New Orleans, District Engineer Col. Herbert Haar pointed up some of the accomplishments of his district—projects which can be appreciated here in the upper reaches of such Mississippi and Red River tributaries as the Cypress and Sulphur Rivers.

Among the projects Colonel Haar noted were the shallow draft Gulf Intracoastal Waterway and its network of feeder streams, the deep draft channel in the Mississippi and the Mississippi River-Gulf Outlet, a far advanced flood control program—and the part these improvements are playing in the economic development of Louisiana.

Colonel Haar also took a look to the future, saying: "The new era holds even greater challenge for us. Ahead lie four hurricane protection projects (among others) the problem of transforming a major river—the Red—from a useless liability to a valuable asset. . . ."

The Galveston District, which has responsibility in the lower basin of the Sabine, could cite similar major coastal and inland projects completed and now serving the needs of the region and others still in the works or in planning stages.

The Fort Worth District lists numerous major projects contributing to progress in its area, and is busy and will be for some time in studies and planning a comprehensive flood control program in the Sabine Basin—the need for which was demonstrated at a Congressional hearing in Longview early this year—with the prospect that it will be ready for submission to Congress for action probably in its next session.

We extend to these districts and their leaders and personnel, and to the entire U.S. Army Corps of Engineers, the congratulations and best wishes of the leadership and general citizenship of this East Texas region for the vast scope and high quality of its civil works program, as well as its indispensable contributions to the U.S. Army.

COMMENDATION OF ADDRESS BY CONGRESSMAN JACK H. McDONALD ON THE 1970 CENSUS ON POPULATION AND HOUSING

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, my distinguished friend and colleague, the gentleman from Michigan (Mr. McDONALD) recently made a significant speech on the 1970 census on population and housing which will be of interest to all Americans. The address, before the American Management Association in New York on June 24, 1969, reviews the main points of the current census controversy and summarizes the contentions of those who advocate census reform. Thoroughly documented in content, the analysis contains pertinent excerpts from statements of those who have expressed a professional interest in the forthcoming census; namely, noted legal scholars concerned with the right of privacy as well as users of statistical data.

I commend this timely and well-balanced address to the attention of all Members of Congress of the United States:

ADDRESS OF CONGRESSMAN JACK McDONALD

Thank you very much Mr. Chairman and members and guests of the American Management Association. It is certainly a pleasure to be here this morning. During the past year there has developed quite a controversy over the scope and nature of the questions to be asked in the 1970 Census. The Census and Statistics Subcommittee of the House Post Office and Civil Service Committee has completed eight days of hearings on Census legislation similar to my bill H.R. 251 which would limit to seven the number of census questions requiring answers under penalty of law; those categories are (1) name and address, (2) relationship to head of household, (3) sex, (4) date of birth, (5) race or color, (6) marital status, and (7) visitors in home at the time of the census. These proposals have also been considered by the Constitutional Rights Subcommittee of the Senate Judiciary Committee and the Joint Economic Committee. At the present time no further action has been scheduled, but the House Subcommittee is now reviewing all the testimony it has received. Since the time before Census Day is running out, Chairman Wilson has indicated he will act on this issue as soon as possible. Due to my active support of this legislation, when I saw the list of the other participants in this program I felt somewhat like Ho Chi Minh being invited to speak with the U.S. Joint Chiefs of Staff.

In all sincerity I would like to state at the outset that the fundamental problem of census reform is not one of governmental data collection versus non-collection. I am well aware of the importance such information has on many of your business activities. Moreover, if public officials are to formulate programs responsive to the needs of the people, it is imperative our decisions are based on up-to-date facts.

Nonetheless, we must answer the basic question of how to get the best data with the least amount of inconvenience and infringement on certain inalienable human rights, specifically, the individual's right to privacy. Now I fully recognize that the notion of privacy may be a rather subjective proposition. But I have serious reservations about the concept that loss of privacy is an automatic by-product of national growth. Dr. Taeuber of the Census Bureau acknowledged today's trend for information collection with this comment: "We've got to limit the freedom that American pioneers had . . . and a nation has to adjust to differences that exist in a country with 4 million people or 200 million".

Obviously, with increased population and advanced technology, one must make basic adjustments. However, I do not passively accept the fact that these changes necessarily mean one has to relinquish his right to privacy. In fact based upon the 1st, 3rd, 4th, 5th and 9th Amendments, and several U.S. Supreme Court rulings, this right is definitely entitled to constitutional safeguards. My strong feelings about this right does not arise out of an irrational fear of Big Brother. Two law professors have eloquently pointed out the basis of my concern. As Charles Fried of the Harvard Law School aptly points out "the right of privacy is one of the most important expressions of the individual's sense of worth and autonomy against impersonal institutions . . . Just as an insistence on property rights is not a symptom merely of greed but of a desire to maintain control over one's own person and resources, so also an insistence on privacy is not a symptom merely of secretiveness. It is a crucial aspect of one's sense of personal integrity and individuality to maintain control over information about oneself."

I also concur in the thoughtful statement of Arthur R. Miller of the University of Michigan Law School. He said ". . . The breadth of concern over the dehumanization of modern society and the animus directed at the information activities of the government cannot be ignored. The omnipresence of data collection activities and the computer cannot help but have a numbing effect on the congeries of values we subsume under the heading of 'personal privacy' and debilitate the citizen's conception of the government as a relatively benevolent or protective institution. The climate or atmosphere of suspicion engendered by an accumulation of invasions of privacy is of far greater concern than the direct harm caused by the particular incidents themselves."

Furthermore, I would like to call to your attention a letter from a former Census Bureau employee who resigned "for reasons of conscience" because of the intrusive nature of the program upon which this person was working. Although the name has been requested to be withheld, let me quote you some excerpts from this communique:

"Few realize that the Census Bureau no longer works on a 10 year population survey basis. Instead, they have continuous inquiries into every phase of America's homes and businesses.

"A plan has been set up dividing the entire nation into theoretical areas of 1,000 addresses. Ten addresses are selected in a given group of homes to be interviewed repeatedly for eight months in a twelve month period. Actually, the family is interviewed for 4 consecutive months, is allowed to rest for 4 months, then is interviewed again for 4 more months. In this way, a family's fortunes, misfortunes, and activities are covered for a full year.

"We told the people that the interviews were entirely confidential, that their identity was of no importance, and that their answers were for statistical purposes only. However, the respondent's name and Social Security Number and those of each member of his household—relative or otherwise—were entered on a large control card with his address and other interviewing forms carried his same control card number so that all of these papers could be kept together in government files, discrepancies checked out, etc. Interviewers were asked to return to homes where answers to questions were in disagreement with answers in previous months. The printed questions, tho prying may seem innocuous at first reading, but after eight months of repeated questioning we would ultimately find out everything concerning the family for five years back."

I think these remarks, especially the reference to the Social Security number, vividly point out the disquieting ramifications of the omnipresent whir of the computer. The computer can be a most valuable tool, but its use, especially by a governmental agency, must be closely scrutinized. To quote Dr. Alan Westin of Columbia University, "Once computers are installed, they acquire a momentum of their own . . . The result is that individuals and organizations today are being asked more detailed questions about themselves than was even possible or desired before computerization. Case studies of organizations adopting computers have shown that their information base is enlarged two or three fold, and that the new information is sought in areas, reporting sources, life, or activities that were previously immune from inquiry because of the physical or cost limits on acquiring, digesting, and using such information."

Couched in this framework, I cannot help but feel that many of the proposed questions in the 1970 Census questionnaire go too far beyond the basic intent of the Census, as spelled out in Article I of the Constitution, to justify requiring a mandatory response under penalty of law.

I realize that there is unanimity in the Executive Branch that a voluntary approach to the Census will not yield sufficient infor-

mation. In fact the Administration has gone so far to promote its point of view, that Vice President Agnew sent a letter in April to the governors of all fifty states asking them to contract their congressional delegations and to stress the alleged adverse ramifications to the states if a voluntary census were conducted. This is a most unusual procedure.

I am also aware that the Census figures are used to design both public and private voluntary sample surveys. However, I am not familiar with any data supporting the contention that criminal sanctions are any more productive. In fact, my personal experience as a Director of the 1960 Census in Wayne County, Michigan, leads me to believe that, in general, people are most cooperative in responding without any reference to the possibility of criminal punishment for noncompliance.

I know that the Census Bureau and many State agencies carry out various surveys on a voluntary basis with minimal difficulty. Furthermore, private opinion and marketing organizations often deal with most sensitive areas such as income levels and political beliefs and they have indicated that they have a very low refusal rate.

Now it has been said that proposals for conducting a substantial part of the census on a voluntary basis come predominantly from people with no evident credentials in sampling procedures or in survey techniques. However, I would like to cite you excerpts from a letter written by a statistician, indeed a professor who has worked with the Census Bureau on housing inventories in the cities of Philadelphia and Baltimore. Professor William G. Grigsby of the Institute for Enivironmental Studies at the University of Pennsylvania, admits to a general pro-Census Bureau bias. But he points out:

"In analyzing the point at issue, it is helpful first to understand the reasoning behind the position that the Bureau takes. Frankly, although I have followed some of the testimony, it is not altogether clear to me what the Bureau's underlying concern really is, since it regularly conducts all sorts of surveys on a voluntary-answer basis. The opposition to voluntary reporting in this instance would seem to stem primarily from a prior decision to rely heavily on a mail questionnaire. Response rates to mail questionnaires are typically quite low, and the Bureau could reasonably expect considerable difficulty in obtaining a high rate of completions if it did not have a certain amount of authority behind its request for information. If this is what worries the Bureau, however, the issue which should be resolved is whether a mail survey is feasible, not whether compulsion is necessary and proper.

"Even if my interpretation of the Bureau's position is incorrect, there are several compelling reasons for insisting on a voluntary census.

"First, assuming that proper follow-up procedures to the mail survey can be implemented, response rates should be higher, not lower, if a voluntary approach is used. Dr. Eckler has expressed the worry that local or national campaigns urging citizens not to respond would undermine a voluntary approach. The real danger is precisely the opposite; namely, that a compulsory approach would generate such campaigns, and on a wide scale. Dr. Eckler and others may be misreading public sentiment and under-estimating the vast changes in atttudes which have occurred since 1960 when: (a) the compulsory aspects of the census were not broadly recognized; (b) social unrest in the cities was minimal; and (c) inner-city families had not been continually besieged by information gatherers. In 1970, gaining the cooperation of the American public will depend much more on convincing them of the value of their cooperation than on threats of fines or imprisonment.

"Second, if the Bureau is forced to rely on compulsion to obtain its answers from a large segment of the population, the validity of much of the information is called into question.

"Third, the most widespread resistance will come from persons who are asked to fill out the long form, and there is something patently unfair in exposing this randomly-selected group to extra risks of punishment.

"Fourth, if most questions are put in a voluntary category, the chances of easily obtaining responses to the few mandatory questions increase. If all questions are made mandatory, however, resistance to the entire questionnaire stiffens. The Bureau evidently is either: (a) willing to take the risk of not obtaining complete enumeration in order to achieve depth; or (b) unreceptive to the argument that complete enumeration would be imperiled by compulsory procedures. Such confidence, though based on long experience, does not seem entirely warranted.

"Finally, compelling persons to answer questions about radios, cars, bathrooms, bedrooms, etc. is simply difficult to justify on any grounds. The importance of information about these items is the necessary condition for their inclusion in the census; it is most certainly not, however, a sufficient condition for making responses compulsory. Indeed, that this issue should even become a matter of serious debate ought to be a matter of general public concern."

In view of the vehement assertions of the unworkability of a partially voluntary census, I feel Professor Grigsby's expertise sheds new light on this subject.

I would also like to elaborate on some of the pragmatic considerations Professor Grigsby raised. Within the last decade this Nation has experienced an unprecedented amount of turmoil and dissension leveled against "the Establishment" by young people and minority groups. I am also quick to point out that the deep concern and frustration over the Census expressed by the average citizen is something we Representatives in Congress feel every day. In fact, I have received more letters on this subject since January than I have on any other issue, including taxes, crime, and Vietnam. Furthermore, the results of my latest Congressional questionnaire reflect that over 90% of my constituents favor H.R. 251.

This situation has relevance when we consider that the 19th Decennial Census will distribute 60% of its questionnaires on a mail-out, mail-back basis and the long forms involving from 66 to 89 questions will be asked of 20% of the population. As William Chartener, Assistant Secretary of Commerce, indicated in Congressional testimony, "The success of a Decennial Census has always depended upon—and enjoyed—the willing cooperation of our citizens, not on the threat of criminal penalties." Granted the threat of criminal sanctions is admittedly only that, since it is most unlikely it will ever be realized. However, in light of the indignant mood of the Nation's populace, many citizens may refuse to cooperate by failing to respond and challenge the Government to prosecute them. To make criminals out of a large number of otherwise law-abiding citizens seems to be misguided and unwarranted.

Moreover, I have serious reservations about the constitutionality of exposing only ⅙ of the population to the possibility of prosecution for non-compliance in answering the longer forms.

A good way to reduce this resentment and to promote an atmosphere of courtesy to encourage the needed cooperation would be to eliminate the mandatory nature for all but the seven basic categories I previously mentioned. I believe this approach is more likely to produce sound data as well as to restore some degree of confidence, respect, and understanding between the people and their government.

It is important to remember that 5.7 million people were not counted in the 1960 census and that census data serves as the basis for the allocation of funds for many important social programs in addition to legislative redistricting. This latter factor has great importance in light of last year's Supreme Court Ruling which requires mathematical precision in reference to the one man one vote concept and extends it to even elected county governing units. Therefore, in light of vital need for public cooperation to insure sound statistical readings coupled with the necessity to protect the right of privacy, it would seem more desirable for the Census Bureau in 1970 to accurately fulfill the basic constitutional purpose of the Census and more greatly satisfy Congressional mandates by limiting the number of questions to be asked under penalty of law rather than to risk the public's wrath and fail to effectively or adequately achieve either of these goals.

There are also other reforms that I would like to see carried out. I was most pleased when Secretary of Commerce Stans announced the following three changes to be implemented after the 1970 census: "(1) proposed questions will be submitted to the appropriate committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partial voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau." However, I would like these proposals enacted into law so that future Secretaries who may not be as sensitive to the problems of the census, will be required by law to continue these practices. I am also hopeful that Congress will pass a bill as the House did in 1967 which provides for a limited mid-decade census. I can point to several communities right in my own district where the population has doubled since 1960. And yet they still receive funds from both the state and federal government based upon the 1960 population reading which is now totally irrelevant. Due to great mobility of our citizens, I feel it is imperative to have some form of quinquennial census. In addition, I would like to have longer and more intensive training for enumerators. Under current procedures the average enumerator only receives 12 hours training. The people who will work in the core cities and difficult rural areas receive 22 hours preparation. It strikes me as somewhat strange that all of the testimony against a voluntary approach stresses the difficulty in obtaining data in these areas and yet so little time is devoted to training. One private national marketing firm in Detroit spends up to 5 full days training its interviewers. Due to the importance of their effectiveness, especially if we adopt a partially voluntary approach, it seems logical that training should be given greater emphasis.

I would also like to see greater research devoted to sampling techniques in order to reduce even further the number of individuals who will be asked to respond to long census forms. This year approximately 3 million households were relieved of the burden of answering the longest questionnaires. I am hopeful that the numbers can be reduced even further in the future.

Finally, although servicemen overseas are counted, they are not included in the population of their home state or local community, failure to place these people in any geographical area unjustly deprives their

states of federal funds and possibly representation at all levels of government. The Bureau is presently examining ways to correct this situation and I applaud this effort and hope it can be worked out by April.

I would like to conclude by stating that I have no objection to private industry and other concerns availing themselves of census data submitted by private citizens on various government sponsored questionnaires. Modern business, like modern government, needs accurate information to assist them in the complex process of decision-making. My primary concern is that the American citizenry has become so subjected to requests for data of questionable relevancy and of a highly personal nature, that people are losing control over the flow of information about themselves. What we in Congress are attempting to do is establish a balance between the individual's constitutional right to be left alone which Supreme Court Justice Douglas calls "The beginning of all freedom", and the government's need for information. As my good friend and colleague Jackson Betts eloquently stated "an individual's right of privacy transcends the rapid growth of technological sophistication in our country and is forever connected with our basic right of liberty. It must never be compromised in favor of well-meaning but nonetheless impersonal intentions of convenience, value, and efficiency."

I greatly enjoyed sharing my views with you on this important subject and I will be pleased to answer any questions you might have in the time remaining. Thank you very much.

INTRODUCING AGRICULTURAL ADJUSTMENT ACT OF 1969

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, today I have introduced the Agricultural Adjustment Act of 1969. This bill would have as its purpose, increasing per family farm income, bringing the supplies of cotton, wheat, feed grains, and soybeans into line with current demand, and at the same time, decreasing the taxpayer's costs in maintaining farm programs. This would come about through provisions to provide for an expanded cropland retirement program, the phaseout of current price support and adjustment payments, and the establishment of grants and loans for low-income farmers seeking more gainful employment.

Having served for a number of years on the Agricultural Appropriations Subcommittee, I am well aware of the cost of current payment programs in agriculture. We are currently making outlays of about $3 billion a year in price support and diversion payments to producers of wheat, cotton, and feed grains. This in itself should be a point of concern to all of us, but what is even more distressing to me is the fact that these programs are not doing the job they were intended to do.

Farm parity today stands at 75, two points below the level at the time the current farm bill was enacted. The farm population today is nearly 2 million less than it was at the time these programs were adopted. While carryover stocks of cotton have been cut considerably, stocks of wheat and feed grains are as high or higher than at the time we adopted the act of 1965. I could go on and on in citing figures which would prove that the Food and Agriculture Act of 1965 has not worked. We cannot continue to pour more than $3 billion a year into a farm program which is not working.

As I see it, there are only two ways for farmers to achieve net income: First, through Government payments, or second, through the market system. Government payments have not worked, as I stated earlier, and the taxpayers are not going to continue to be willing to provide this amount of money. The fact that this House imposed a $20,000 limitation on payments in the Agricultural appropriations bill is proof of what I say.

Therefore, my bill would phase-out these Government payments over a 5-year period, allowing the market to function as the determinant of farm income. For those who are concerned about moving to the market system, my bill provides an expanded land retirement program. This would allow these farmers to sit out the transition.

My bill also recognizes that a number of people currently in agriculture do not have the land and capital resources for one reason or another to stay in agriculture. For these people, we would provide them the opportunity to avail themselves of retraining grants designed to make them economic assets to their communities. These retraining grants would place emphasis on retraining rural people to fill current unfilled jobs in their local communities.

While this program would require a continuation of appropriations at approximately current levels over the first 2 or 3 years, by 1975 we can expect costs to be considerably less than current program costs. May I urge each of you to study my bill carefully. Our ability to produce an abundant supply of food and fiber in this country is undoubtedly one of our finest national assets. We must make sure that Federal farm policy does not thwart that ability in the future.

Mr. Speaker, following is a brief résumé of what my bill would provide, along with the text of the bill:

A LONG RANGE FARM PROGRAM FOR WHEAT, FEED GRAINS, COTTON, AND SOYBEANS

(1) The 5-year program would begin January 1, 1971 and run through December 31, 1975. It would amend the Food and Agriculture Act of 1965. The program would provide for a 5-year transitional period during which acreage controls, base acreages, marketing quotas, processing taxes and direct payments for wheat, feed grains, and cotton would be phased out.

(2) Limit the total funds that may be spent on all direct payments for wheat, feed grains, and cotton under the Food and Agriculture Act of 1965 to 80 percent of the amount spent on 1969 crops in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

(3) Reduce the cost of wheat certificates to processors to 80 percent of the 1969 level in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

(4) Effective with 1975 crops, discontinue all acreage allotments, base acreages, marketing quotas, processing taxes and direct payments (annual land diversion, compensatory, and certificate) for wheat, feed grains and cotton.

(5) Continue the cropland adjustment provisions of the Act of 1965 with amendments:

A. To require that programs be operated on a competitive bid basis with emphasis on whole farms, and

B. To direct the Secretary of Agriculture to retire at least 10 million acres per year in 1971, 1972, 1973, 1974, and 1975.

The Secretary would announce in advance the maximum acreage to be contracted for each year. If accepted bids do not exhaust this acreage, higher bidders could be offered the opportunity to negotiate contracts at the accepted bid level.

(6) Provide that loan rates for wheat, feed grains, cotton and soybeans, shall be set at *not more than* 85 percent of the previous three-year-average price, beginning with the 1971 crop year.

(7) Prohibit the sale of CCC stocks at less than 150 percent of the current loan rate plus carrying charges, except when sales are offset by equivalent purchases in the open market.

(8) In addition to and conditional on the adoption of items 2, 3, 4, 5: Authorize the Secretary of Agriculture to offer a special transitional program in 1971, 1972, 1973, 1974, and 1975, which would be open to any farmer who has had average gross annual sales of farm products of not more than $5,000 and off-farm income of not more than $2,000 per year for husband and wife for the immediately preceding three years. Such farmers would be eligible to receive one or more of the following:

A. Compensation for acreage allotments and base acreages surrendered to the Secretary for permanent cancellation. (This would apply to all commodities having acreage allotments or base acreages. Such compensation would be in addition to land retirement payments under the cropland adjustment program and would also be available to eligible farmers who wish to surrender their acreage allotments or base acreages without participating in the cropland adjustment program.)

B. Retraining grants of not to exceed $1,000.

C. Adjustment assistance of not to exceed $2,500 per year for two years.

D. Loans under existing credit programs to further facilitate the transition of eligible farmers to more gainful employment.

(9) Authorize the appropriations of such funds as may be necessary to carry out the programs enumerated in this bill.

H.R. ——

A bill to adjust agricultural production to provide a transitional program for farmers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Agricultural Adjustment Act of 1969.

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress and the purpose of this Act to (a) increase per family farm income; (b) bring the supplies of cotton, wheat, feed grains, and soybeans into line with current demand; and (c) decrease the public costs of maintaining farm programs. To effectuate this policy, programs are herein established to assist farmers in (1) carrying out a voluntary program of soil, water, forest, and wildlife conservations; (2) obtaining a commodity price in the marketplace higher

than levels at which commodity loans are made available by the Commodity Credit Corporation, and (3) achieving the transition and adjustment where necessary to more gainful employment.

TITLE I—EXTENDING AND MODIFYING THE FOOD AND AGRICULTURE ACT OF 1965—PRICE SUPPORTS FOR SOYBEANS—1971 THROUGH 1974

SEC. 101. The Food and Agriculture Act of 1965 (79 Stat. 1187), as amended, is amended by striking out "through 1970" wherever it appears in Titles III, IV, and V and substituting in lieu thereof "through 1974".

SEC. 102. Notwithstanding any other provision of law.

(a) That portion of price support which is made available through loans for the 1971 through 1974 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum under the authority of the Food and Agriculture Act of 1965 shall not exceed a loan level of 85 per centum of the average price received by farmers, excluding payments made by the Secretary, during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crops begins.

(b) Total price support and diversion payments, including payments in kind, made to farmers by the Secretary under the authority of (i) section 16(i) of the Soil Conservation and Domestic Allotment Act as amended, (ii) sections 101(f) and 103(d) of the Agricultural Act of 1949 as amended, (iii) sections 339 and 379 c, d, and e of the Agriculture Adjustment Act of 1938 as amended, and (iv) section 107 of the Agricultural Act of 1949 as amended shall not exceed—

In 1971—80 per centum of the total of such payments made in 1969.

In 1972—60 per centum of the total of such payments made in 1969.

in 1973—40 per centum of the total of such payments made in 1969;

in 1974—20 per centum of the total of such payments made in 1969.

(c) The Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1971 through the 1974 wheat crops to persons engaged in the processing of food products in an amount equivalent to the following—

in 1971—80 per centum of the amount for which certificates were sold for the 1969 crop;

in 1972—60 per centum of the amount for which certificates were sold for the 1969 crop;

in 1973—40 per centum of the amount for which certificates were sold for the 1969 crop;

in 1974—20 per centum of the amount for which certificates were sold for the 1969 crop.

(d) Effective only with respect to the 1971 through 1974 crops of soybeans, price supports shall be made available to producers for each crop of soybeans at a level not to exceed 85 per centum of the average price received by farmers during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins.

SEC. 103. Effective with the 1971 crop of cotton, subsection (e) of section 346 of the Agricultural Adjustment Act of 1938, as amended, is amended by changing the second paragraph to read as follows:

"For the 1971 and 1972 crops of cotton, the annual national export market acreage reserve shall be computed by the Secretary and shall be equivalent to the amount of acreage deemed necessary to produce the amount of cotton which is estimated to be exported in the year the cotton is to be marketed."

SEC. 104. Effective with the 1973 crop of cotton, the Agricultural Adjustment Act of 1938, as amended, is amended by—

(a) Repealing section 346, and

(b) Changing the colon to a period in subsection (c) of section 347 and deleting the provisio.

TITLE II—TERMINATION OF EXISTING COTTON, WHEAT, AND FEED GRAIN PROGRAMS: ESTABLISHMENT OF PRICE SUPPORT PROGRAM FOR COTTON, WHEAT, FEED GRAINS AND SOYBEANS FOR THE 1975 AND SUBSEQUENT CROPS

SEC. 201. Notwithstanding any other provision of law, effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum—

(a) sections 321 through 350 of parts II, III, and IV of subtitle B and section 379(a) through 379(j) of subtitle D of title III of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U.S.C. et seq.), are repealed, parts V and VI of subtitle B are redesignated as parts II and III, respectively, and subtitle F is redesignated as subtitle D; and

(b) subsection (i) of section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p), as amended, is repealed.

SEC. 202. Effective with the 1975 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 203. Effective with the 1975 crops of wheat, corn, oats, rye, barley, and grain sorghum, section 327 of the Food and Agriculture Act of 1962 (Public Law 87-703, Eighty-seventh Congress) is repealed.

SEC. 204. Effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans, the Agricultural Act of 1949, as amended (7 U.S.C. 1421), is amended by:

(a) Changing section 103 (7 U.S.C. 1421 (d)) to read as follows:

"SEC. 103. Notwithstanding the provisions of section 101 of this Act, price supports shall be made available to producers for each crop of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans at a level not to exceed 85 per centum of the average price received by farmers, excluding payments made by the Secretary, during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins."

and

(b) Repealing sections 105 (7 U.S.C. 1441 note), 107 (7 U.S.C. 1445(a)), 402 (7 U.S.C. 1422), and subsection (f) of section 101 (7 U.S.C. 1441(f)).

TITLE III—RESTRICTIONS ON SALES BY THE COMMODITY CREDIT CORPORATION

SEC. 301. Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), is amended—

(a) by changing the period at the end of the fourth sentence to a colon and adding the following: "*Provided*, That, notwithstanding any other provision of law, beginning August 1, 1971, the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases, but including sales made in redemption of payment-in-kind obligations of the Commodity Credit Corporation under its programs) of its stocks of cotton, wheat, corn, oats, rye, barley, grain sorghum, or soybeans at less than—

"(1) 150 per centum of the then current loan rate for such commodity, plus reasonable carrying charges, or

"(2) the market price for such commodity at the time of sale,

whichever is higher."

(b) effective August 1, 1971, by deleting the seventh sentence and the last four sentences.

TITLE IV—AN EXPANDED CROPLAND ADJUSTMENT PROGRAM

SEC. 401. Section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1138) is amended—

(a) by changing "1970" to "1975" in the first sentence of subsection (a).

(b) by deleting ", unless he determines that such action will be inconsistent with the effective administration of the programs," from the first sentence of subsection (d).

(c) by adding before the period at the end of the first sentence of subsection (d): "and shall encourage the inclusion of whole farms in such agreements. The Secretary shall announce in advance the maximum acreage of land to be contracted for each year; and if accepted bids do not achieve this maximum, the Secretary may offer higher bidders the opportunity to negotiate agreements equivalent to the accepted bid level: *Provided*, That, in determining annual maximum acreages, the Secretary shall design a program to obtain the retirement of not less than 10 million acres per year during the period 1971 through 1975"

(d) by deleting subsection (k)

(e) by redesignating the subsections in accordance with the amendments of this title.

TITLE V—FARMER ADJUSTMENT AND RETRAINING PROGRAM

SEC. 501(a) For the purpose of providing a transitional program to assist low-income farmers in making the necessary adjustments to nonagricultural pursuits and to provide opportunities for gainful employment, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1971 through 1975 under which agreements would be entered into with farmers who—

Had average gross annual sales of farm products of not more than $5,000; and

Had average annual off-farm income of not more than $2,000 (including income of both husband and wife in the case of a married farmer)

during the three-year period immediately preceding the year in which the agreement is entered into.

(b) Agreements entered into under this section may include: (1) the surrender to the Secretary for permanent cancellation of acreage allotments and base acreages then under the control of the farmer in return for cash consideration in an amount determined to be appropriate by the Secretary; (2) adjustment assistance not to exceed $2,500 per year for a period not to exceed two years; (3) retraining grants for the purpose of covering tuition and other costs incident to training programs designed to provide skills deemed to be consistent with employment opportunities.

(c) The Secretary shall, in achieving the objectives of this section, utilize to the maximum extent possible existing federal and state programs designed to provide grants, loans, and other assistance which will further facilitate this adjustment program.

(d) The Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this title.

SEC. 502. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this Act unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this Act. There are hereby authorized to be appropriated such sums as may be necessary to carry out the program, including such amounts as may be required to make payments to the Corporation for its actual costs incurred or to be incurred under this program.

CLAREMONT EAGLE CHEERS NIXON ADDRESSES ON PATRIOTISM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, it is

with pleasure that I draw to the attention of the House the following editorial from the Claremont, N.H., Eagle. In recent days, certain persons and parties who have never been friendly to the President, have pounced upon a couple of the President's speeches—both of which were well-reasoned, stately, timely, and fair addresses.

In these two speeches, patriotism was defended and the role of the professional fighting man extolled. This was especially pleasing. Throughout history the soldier and the sailor have been despised, kicked around, underpaid and scorned—until trouble came and overnight they became valiant heroes.

Well, we are in trouble now. It ill behooves those who attack the military to do so when it is the professional fighting man who defends—and often dies for—their privilege to attack him.

It is entirely proper for the President—the Commander in Chief—to recognize the patriotism and dedication of the professional fighting man. Indeed, it was good to hear him do so and to extoll good, old-fashioned love of country.

I agree with this editorial 100 percent and am pleased to put it in the RECORD in the hope that it will catch many other responsive eyes. I think it represents the thinking of most of the people in my part of the country and I hope the rest of the country.

It is good to have a President again who gives voice to the reasoned patriotism of the vast majority.

The editorial follows:

NIXON ON THE UNIFORM AND ISOLATION

President Nixon's first two addresses since assuming office which have had much grit have stirred both interest and the wrath of the liberals who have been waiting to tag "the new Nixon" with "the old Nixon."

Nixon's first address properly scored "those among us" who would urge unilateral disarmament pacts and treaties and other acts weakening America's now traditional peacekeeping role abroad.

In another talk, at the Air Force Academy, he properly scored the current fad which down-grades civic patriotism generally and the military and the uniform, specifically.

Nixon hit the nail on the head when he pointed out that the radicals attempting to destroy ROTC campus programs in civilian-oriented colleges are driving the military to enlarge their own military-oriented institutions to provide the nation with professional "officer corps."

The anger of the McGoverns and the Fulbrights, not to mention the pitiful McCarthy, is understandable when these sincere, but misguided senators were pegged as isolationists.

The President dug up the little-known fact that the late President Eisenhower's now famous warning to the nation about a growing power of the "military industrial" establishment was followed up with an equally succinct warning that the military must never be hobbled, downgraded or that a man of any rank need ever be ashamed of wearing a uniform.

What Nixon might have also said in both his graduation day addresses, is that much of the unrest and problems facing the nation today is the product of the teaching currently in vogue in most of our college and university campuses where the traditionalism and basic values previously carried from one generation to another are "out."

Now, faculties are finding for themselves that their own permissiveness has led to student anarchy.

CONGRESSIONAL REFORM AND COMPUTER UTILIZATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I would like to call the attention of my colleagues to an address by Robert L. Chartrand, Information Sciences Specialist for the Legislative Reference Service of the Library of Congress, before the Symposium on Computer Utility cosponsored by the National Science Foundation, the Interuniversity Communication Council, and the Whittemore School of Business and Economics of the University of New Hampshire. The symposium was held for 3 days, May 5 through May 7, 1969, and attracted more than 150 representatives from universities, State and local governments, foundations, and industrial firms. The purpose of the symposium was to present authoritative opinions on the potential impact of regulated computer utilization on those areas where computer use interfaces with such fields as education, urban planning, and the legislative process. The conference director was Prof. Michael Duggan of the University of New Hampshire, and the sessions director was Dr. Manley R. Irwin, also of the University of New Hampshire.

Electronic data processing methods of handling information are of increasing concern to us in Congress. I am pleased to call attention to Mr. Chartrand's report on progress in some phases of machine support inside the Congress. It follows:

CONGRESS CONSIDERS COMPUTERS

Throughout the world the much-vaunted potential of the computer has stirred comment and argument. The impact upon all elements of our civilization is undeniable, and the future expansion of this technological influence seems inexorable. Electronic wizardry is a fact of daily life, manifested in the crediting of purchases, the rate of progress through traffic, the maintenance of countless records about each human being. Some persons believe that the computers of tomorrow will allow man to exist in utopian leisure, but this is refuted by those who perceive the inevitable demands upon those who would master their milieu. Listen to the words of Norbert Wiener:

"No, the future offers very little hope for those who expect that our new mechanical slaves will offer us a world in which we may rest from thinking. Help us they may, but at the cost of supreme demands upon our honesty and our intelligence. The world of the future will be an even more demanding struggle against the limitations of our intelligence, not a comfortable hammock in which we can lie down to be waited upon by our robot slaves."

With this admonition in mind, let us turn to the dilemma of those who share in the governing of our nation—the United States Congress. Charged to represent more than 200 million citizens, this beleaguered band of 535 Representatives and Senators strives to cope with an array of problems both mundane and exotic. Constituent demands vie with committee responsibilities and the all-important duty of casting the legislative vote. Never is there enough time. All too few the loyal staffers to share the load. And always that load is mounting . . . mounting apace with the volume of mail to be answered, the visits and telephone calls to be handled, the sheer number of persons to be serviced. Again and again the cry is heard: how can we do things better?

There is, of course, no panacea for the struggling congressional office. It is true that additional staffing and space can help, but the flood of information which comes to and is needed by members and their assistants must be coped with in the near future. In many cases, key information is difficult to locate and obtain. On the other hand, there is a plethora of material which arrives, often unsolicited, in every congressional office. At this juncture, alert "hill dwellers" may ask the questions which re-echo in the committee rooms and member quarters: can the computer help? Can this systems analysis that we hear so much about give *us* a break?

INITIAL LEGISLATIVE PROPOSALS

Congressional sensitivity to the potential of the computer and systems methodology has increased considerably since the early 1960's when the then Senator Hubert H. Humphrey was exhorting his colleagues to understand how computers could assist the Congressman in his daily chores. The first bill calling for the creation of an automatic data processing facility exclusively for Congress was introduced by Representative Robert McClory of Illinois late in 1966. During the 90th Congress (1967–1968), several proposals were put forward. While more than a dozen House bills called for the establishment of the congressional ADP capability within the legislative Reference Service of the Library of Congress, Representative William S. Moorehead of Pennsylvania opted for an independent facility which would be under the jurisdiction of a Joint Committee on Legislative Data Processing. The Reorganization Act of 1969, originally prepared as the result of the work of the Monroney-Madden joint committee, emhasizes the importance of modernizing congressional information handling in several of its recommendations. First, the proposed Joint Committee on Congressional Operations would be responsible for "continuing study of automatic data processing and information retrieval systems for Congress." Second, the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget would be responsible for the development, establishment, and maintenance of a "standardized information and data processing system for budgetary and fiscal data for use by all Federal agencies." Third, the Legislative Reference Service was "authorized to perform machine operations and acquire automatic data processing equipment and personnel for that purpose."

This, then, was the period of orientation and awakening to what might be done with computers. Those knowledgeable about the capacities of equipment and "software" program testified that many applications had been fully developed which could assist Congress in its day-to-day functions. Included were the retrieval of topical research information on the basis of searching textual material; an example might be a query calling for passages or citations pertinent to the subject of "transportation planning." Legal type information—the United States Code or the Supreme Court decisions—also has been of high interest and value to the Congress, and has been the subject of concentrated systems development by the University of Pittsburgh Health Law Center and the United States Air Force Accounting and Finance Center as part of Project LITE (Legal Information Through Electronics).

Also of continuing concern to various legislative elements is authorization and appropriations narrative and statistical information. While the Bureau of the Budget has commenced placing some of its budgetary data on magnetic tape, no action has been taken to make machineable files available to interested committee members. Infor-

mation on committee and subcommittee activity—date and place of hearings, witnesses to appear, topics to be discussed—is needed and would lend itself to ADP handling. The list is not a short one, and is limited only by the imagination and industry of those responsible for improving the operation of Congress.

ACTION IN THE 91ST CONGRESS

Activity in the 91st Congress has reflected the transition from a period limited to casual awareness to one featuring a resolve to create an actual computer-centered systems capability. Early in the first session, Representative John Brademas of Indiana prepared a resolution which later was endorsed by the Democratic Study Group and the Democratic Caucus:

"Resolved, That the Committee on House Administration be fully supported by Democratic members in efforts to improve the efficiency of operations of the House of Representatives, and we urge that these efforts include, but not be limited to, the use of computers and of a centralized mail processing system."

The intent here was to devise a course of action which would allow a careful review of existing ADP activities within the legislative branch, and provide for a coordinated planning of their future development and mutual supportability.

At the present time, there are three established facilities within the legislative branch. The Office of the Clerk of the House of Representatives operates an NCR Century 100 computer, located in the Rayburn House Office Building, which is used for payroll operations and such housekeeping tasks as the maintenance of inventories of equipment. The Senate Sergeant-at-Arms office has an IBM 360 Model 20, soon to be enlarged to a Model 40, which is used exclusively in mailing operations. It should be noted that the Clerk of the House has taken steps to establish a mailing operation comparable to that of the Senate, and has received proposals from industry. The Library of Congress computer, an IBM 360 Model 40, features the capacity to handle routine "batch processing" functions and a series of 20 remote typewriter terminals. All but one of these are situated in the Legislative Reference Service, where they are used for insertion, editing, and recall of various types of data (e.g., public bill and resolution content and status). The other terminal is located in the House Banking and Currency Committee, where it is employed in handling legislative calendar information, and other selected tasks.

The need to assign authority and responsibility for the development of a congressional ADP capability motivated Representative Jack Brooks of Texas to introduce a bill (H.R. 404) requiring the Comptroller General to "develop, establish, and maintain data processing and information systems necessary for the effective and efficient fulfillment of the substantive responsibilities of the Congress." It has been emphasized that the projected congressional information system for handling fiscal and budgetary information would not duplicate the system under development by the Bureau of the Budget. The Comptroller General, Elmer P. Staats, in testimony before the Subcommittee on Government Activities of the House Committee on Government Operations (on April 23, 1969) reflected an understanding of the size of the task suggested for GAO. He noted that the creation of such a system perhaps should be "the responsibility of the Congress itself in order that it could have complete control over the system and thus be assured that its needs will be fully served."

The proper role of each of the involved elements of the legislative branch also was a subject for discussion by the House Committee on House Administration, which assigned responsibility for investigating the potential of ADP for the Congress to the Special Subcommittee on Electrical and Mechanical Office Equipment.

PRIVATE SECTOR ANALYSES

Discussion and introspection on the impact of computers and a more systems oriented approach to congressional information handling has not been limited to the public sector. One of the most worthwhile pioneering undertaking in the private domain was the publication of a series of scholarly monographs by the American Enterprise Institute for Public Policy Research. The volume, entitled *Congress: The First Branch of Government,* featured the commentary and recommendations of such political scientists as James A. Robinson, Charles R. Dechert, and Kenneth Janda. This trio focussed upon the nature of congressional decision-making, the role of information in the formulation of alternatives and eventual decisions, and the possible contributions to be made by using advanced tools and techniques.

During the same period (1965–1966), a "Management Study of the U.S. Congress" was prepared by Arthur D. Little, Inc. Commissioned by NBC News, the investigating team analyzed the functioning of Congress, and made certain recommendations concerning the organization, staff support, committee procedures, and analytical capabilities of the Congress. These were transformed into a television feature called "Congress Needs Help" and later appeared under that title in book form.

As the subject of congressional effectiveness gained greater public attention and publicity, a number of documents began to appear containing opinions on the role of technology, as well as other changes which might be effected, in the Federal Congress. Industrial firms prepared proposals for designing and implementing a computer system for the Congress. General studies looking at the application of electronic technology to diverse activity areas were written, sometimes at the request of congressional members or committees. These ranged from "Automatic Data Processing and the Small Businessman" and "Systems Technology and Judicial Administration" to "The Federal Data Center: Proposals and Reactions." The Republican Task Force on Congressional Reform and Minority Staffing drew upon the experience of nearly a score of members to write a book entitled *We Propose: A Modern Congress,* which featured a chapter on the use of ADP by Representative Fred Schwengel of Iowa.

At the beginning of the 90th Congress, the Brookings Institute played host to a group of Representatives who sought a forum in which to discuss informally the need for better ways of performing their legislative and constituent support tasks. Special seminars for congressional staff members also were organized by the Legislative Reference Service. The need for an exploratory discussion involving academicians, industrial analysts, and Federal government information specialists was recognized by the American Enterprise Institute, which sponsored a two-day meeting featuring a dual objective: to discuss the broad subject of information support—the requirements, the relevant counterpart systems, the state-of-the-art—for our legislators, and secondly, to look at the impact of the Federal Planning-Programming-Budgeting System on congressional appropriations activity. The results of this gathering were published under the title *Information Support, Program Budgeting, and the Congress,* and represent both formal expressions of opinion by qualified persons and a record of intensive dialogue. The participants were in agreement as to the criticality of providing those who govern: ". . . maximum resources to define objectives, formulate programs, allocate manpower and moneys, and identify alternative courses of action."

UNDERSTANDING THE ROLE OF ADP

One of the aspects of computer support which has arisen again and again is that of cautioning decision-makers *not* to ignore those problem elements which defy computerization. Concern for this matter was voiced by Dr. Donald N. Michael when he said that:

"Already planners and administrators are tending to place undue emphasis on—that is, coming to value most—those aspects of reality which the computer can deal with just because the computer can do so. The individual—the point off the curve—becomes an annoyance."

While members of Congress have evinced an interest, indeed worry, about the establishment and growing assertiveness of the Federal PPB System, they have examined the impingement of that system of their own fiscal deliberations in only the most minimal way. The whole question of which agency is spending how much money on what program is very much in the legislative spotlight, but the stress on information control has been random at best. On one hand, there has been a call for the regular issuance of a catalog on Federal assistance programs (led by Representative William V. Roth of Delaware); on the other, many members have urged the establishment of an Office of Program Analysis and Evaluation. Implicit in these and other recommendations is the use of sophisticated management strategies and data handling techniques.

If the underlying problem is that of information acquisition and control—and this is not to ignore the predicaments brought about by having to file, manipulate, and retrieve desired data—there needs to be a close scrutiny of the sources available to the Congress for its information. Closest to the member are his office files, usually known only to one or two longtime staffers. Next, he may turn to the non-partisan Legislative Reference Service, which in 1968 received more than 130,000 requests for information from congressional members, committees and constituents. Executive branch agencies also provide numerous reports and isolated items of information. The Congressman also may choose to obtain requisite information from lobbyist groups, universities, or business and commerce institutions. The sources are many, their willingness to support the legislator unflinching for the most part, but the system is haphazard.

As the Congressmen attempt to orient themselves to the potential of ADP, they may look at the experience of the business community or of certain state legislatures. In the past few years, several states have moved aggressively to use computers and systems analysis in their legislative and administrative activities. New York, Pennsylvania, Florida, Wisconsin, Iowa, to name a few, have utilized consultant expertise and the latest in hardware-software configurations to allow members of the legislature to draft bills, have access to current committee activity information, query the computer regarding bill content and status, and draw upon specially formatted budgetary data when needed. The lesson is a good one, both in terms of the benefits being derived from an ADP-centered system and the limitations of this type of support.

THE POTENTIAL FOR THE CONGRESS

A highlight of several large information systems which has attracted congressional attention is the ability to access computer files from distant locations, with very little delay in entering or extracting desired information. "Time-sharing" has added a new dimension to information processing, and the knowledge on the part of Congressmen that they could sit in their offices or committee rooms and interrogate a computer and almost immediately receive answers to their queries has been exhilarating. Time and space have been conquered, and priority information can be at their fingertips.

A challenge still remains. The university researcher, the industrial designer, the governmental systems man—each has expertise gained as the result of training, trial and error, and sustained interaction with his peers. It is imperative that this knowledge and energy be applied to the initiation of innovative methods for improving our governmental functions. Decision-making remains an art rooted in the science of information management. The United States Congress, in confronting the domestic and international pressures of our times, must strive to improve its own capacity to cope with these problems. Technology is a known quantity which, if properly applied, can offer positive support to the legislators as they ponder the vote-casting alternatives, function as effective committee members, and continue to render assistance to the citizenry of the Nation.

CRIME ON THE STREETS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the people of this Nation, particularly those living in urban areas, must have and have a right to have a decent safe environment. The streets and neighborhoods must be safe. This is basic to a decent living environment.

Unfortunately, however, we are informed that the incidents of crime in our cities are on the increase, particularly those perpetrated by the youth, individually and in gangs. The juvenile gang situation in Philadelphia has become acute. Fights between youth gangs are almost a daily occurrence and 24 youths have been killed since the first of the year.

The members of the Philadelphia congressional delegation are gravely concerned over the situation and fear that the Federal and State Governments are not taking the necessary actions to assist the city to combat this problem.

The Philadelphia Inquirer yesterday, in reporting on the testimony of Philadelphia's outstanding police commissioner, Frank L. Rizzo, before the State crime commission, said that there are 77 youth gangs in the city having a membership of from 300 to 800 youths. Commissioner Rizzo has accurately portrayed the youth gang problem and suggested specific changes to deal with it; one of which is the employment of gang control workers from the ghettos who know gang members best and are able to work with them. Funds for this purpose can and should be provided under the Omnibus Crime Control and Safe Streets Act of 1968. The Department of Justice should act now to provide these funds before the situation worsens.

Yesterday's Inquirer also contained an excellent editorial on this matter which I include for all to read:

WE MUST STEM THIS TIDE

Police Commissioner Rizzo, as the first witness at the State Crime Commission's hearings on youth gang violence in Philadelphia, put the urgency of the problem in proper perspective at the outset when he said:

"Let us not propose another crime survey. My filing cabinets are jammed with surveys and reports. The time for surveys and studies is past. The time for action is now."

The police commissioner gave realistic dimension to the subject matter of the hearings in these words: "Gangs are a part of the overall juvenile crime problem . . . In the city of Philadelphia today, about fifty percent of all persons arrested for serious crime—robberies, rapes and homicides—are juveniles."

He zeroed in on the immediate need when he told the commission: "The war against crime must start at the juvenile level. The juveniles roaming our streets today are the criminals of tomorrow. We must stem this tide with a policy of punishment to fit the crime. The city's criminals, juvenile and adult, must realize that if they break the law, they will be punished severely."

To accomplish this requires community cooperation—especially from the courts and the correctional institutions. Mr. Rizzo pinpointed the present difficulties in forthright language that goes right to the heart of the matter: "Because of the deficiencies in our detention system, judges are compelled to release juvenile offenders they might otherwise detain. Thus, the hard-core juvenile criminal is returned to the streets, free to arm himself with a gun or knife and kill. This is one of the causes of the sharp increase in gang-related slayings here. On the other side of the coin, we have a few judges who, under the guise of rehabilitation, would return any juvenile offender to the street, whether detention facilities are available or not. Pure and simple, this is a deadly game of Russian roulette, with the citizens of Philadelphia as the potential victims."

Referring to the problem of overly lenient probation policies, the police commissioner noted: "In the past, I have asked judges of the Family Court to revoke the probation of juveniles arrested for another crime. The judges have not done this. I feel that this inaction has permitted additional gang members to roam the streets, increasing the possibility of violence."

Commissioner Rizzo, in his accurate portrayal of the youth gang problem in its various manifestations, and in his specific proposals for changes in the law and in court procedures to facilitate the confinement of juvenile hoodlums and the protection of the public, has pointed the State Crime Commission hearings in the right direction.

TRIBUTE TO JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, 5 years ago I rose in the well of the House to report that three young Americans engaged in making political democracy a reality in Mississippi had been reported missing on June 21, 1964. Later the three—James Chaney, Andrew Goodman, and Michael Schwerner—were found murdered, the victims of accumulated hatred and intolerance in Mississippi.

Because the sacrifices these three young men made continue to have meaning for us today, let me briefly discuss the circumstances of their death and the political climate which made possible their murder.

Andrew Goodman and Michael Schwerner went to Mississippi to conduct voter registration drives and to open freedom schools under the auspices of the Council of Federated Organizations, an alliance of several civil rights groups which included the Congress of Racial Equality, the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, and the Student Nonviolent Coordinating Committee.

Along with other volunteers, Andrew Goodman and Michael Schwerner were preparing to offer courses of study designed to make possible greater freedom for Negroes in Mississippi—courses in the humanities, liberal arts, mechanical training, and the rights and duties of citizenship.

Michael Schwerner and his wife, Rita, had opened one of the first two freedom schools in Mississippi. The school was housed in a five-room structure in Meridian and included a library of some 10,000 books which were available to everyone in the community.

These three—Michael Schwerner, Andrew Goodman, and James Chaney, a young Negro from Mississippi—had committed themselves to realizing political equality in Mississippi.

On June 21, 1964, they were brutally murdered.

At the time of their deaths, Congress had not yet passed the Voting Rights Act of 1965, nor even the Civil Rights Act of 1964. Negroes in Mississippi were barred from public accommodations, discriminated against in education and employment, and denied the guarantees and Federal protection established by the civil rights legislation which followed. They faced the bitterness of white citizens unwilling to concede political equality to Negroes, and a society seeking to maintain segregation as a way of life. Yet they risked and eventually lost their lives to carry on the important work of voter registration and education despite these obvious hazards.

The deaths of James Chaney, Andrew Goodman, and Michael Schwerner demonstrated to Congress the urgent need for Federal intervention in Mississippi and other areas of the South. Their sacrifice hastened the passage of the Voting Rights Act of 1965. Where they and other civil rights workers led the way into a hostile political environment, Federal registrars and election observers have followed. And the assumption of responsibility by the Federal Government for enforcing the guarantees of the 15th amendment is bringing about profound changes in the political life of the South.

On the date of the enactment of the Voting Rights Act in 1965, some 856,000 adult Negroes were registered to vote in Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. As of the summer of 1968, 1,596,000 were registered.

Before the Voting Rights Act, only 31 percent of the voting age blacks in the 13 States of the old Confederacy were registered. As of the summer of 1968, 62 percent were registered.

But much remains to be done. Although 62 percent of voting age Negroes are now registered in the 13 States of the Old South, 78 percent of the white voting age population is registered. In the six States directly covered by the act, only 57 percent of the nonwhite voting age population is registered, as opposed to 79 percent of the white voting age population.

A comparable measure of the progress attained under the Voting Rights Act is the increase in black elected officials in the South. Before 1965, there were approximately 70 elected black public officials in the South. Today, there are nearly 400, of whom 286 are in the six States fully covered by the act, and North Carolina, which is partially covered.

Similarly, while 18 black people are now members of Southern States legislatures, no black person has yet been elected in Alabama or South Carolina, and only one has been elected in Louisiana, Mississippi, North Carolina, and Virginia, respectively. Instances of political harassment and intimidation of blacks seeking to register or vote continue to be reported.

During the past few months, Subcommittee No. 5 of the House Committee on the Judiciary has been considering legislation introduced by several Members of Congress, including myself, which would extend the coverage of the Voting Rights Act for another 5 years. In addition to myself, numerous individuals—including Julius Glickstein, acting director of the Commission on Civil Rights, and our colleague from Michigan (Mr. CONYERS)—have testified to the need to extend the coverage of the act for at least 5 additional years, and urged that the Judiciary Committee send legislation which would accomplish this to the floor of the House.

Thus far, however, consideration of the bill by the full committee has been delayed by the failure of Attorney General John Mitchell to appear before the subcommittee, on five different occasions now, the Attorney General has agreed to appear before the subcommittee, only to subsequently request a postponement of his scheduled appearance. The distinguished chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), has extended a sixth, and, I understand from the press, final, invitation to the Attorney General to testify on Thursday of this week.

Although the exact content of Attorney General Mitchell's testimony is not known, it is expected that he will propose that the Voting Rights Act of 1965 be amended to abolish literacy tests nationwide, and delete section 5 of the act, which requires that a State covered by the act obtain approval from the Federal District Court of the District of Columbia before enacting changes in its election laws or procedures. While I support the nationwide abolition of literacy tests, I believe such legislation must not be allowed to frustrate the principal purpose of the Voting Rights Act of 1965, which is to provide Federal intervention in the States covered on behalf of the disadvantaged and disenfranchised and to insure that the guarantees of the 15th amendment will be enforced. The provisions of section 5, which provided the basis for a major U.S. Supreme Court decision, *Allen* v. *State Board of Elections* (37 U.S.L.W. 4168, Mar. 4, 1969), must be retained as a guarantee that new discriminatory election procedures will not be adopted by the States covered by the act.

As the statistics which I have cited earlier demonstrate, much remains to be done if political equality is to become a substantive reality in the South. As a consequence, it is imperative that the provisions of the Voting Rights Act be extended for at least 5 more years.

Faced with hostility and the threat of violence, James Chaney, Andrew Goodman, and Michael Schwerner nevertheless dedicated themselves to the task of making all American citizens—regardless of color—citizens in the real sense of the word. Their sacrifice should inspire the Congress to insist that the Federal Government continue to provide assurances against political discrimination until equality has become a reality in the South.

OIL TAXES

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in an effort to refute some of the claims and misstatements that have been made about the oil and gas industry, the Oil & Gas Journal of Tulsa, Okla., recently published an open letter containing many valuable and basic facts about the oil and gas industry. I feel that a careful reading of this communication will dispel some of the erroneous charges advanced by the opponents of the oil depletion allowance.

Many of you, I am sure, have questioned some of the alleged facts which have been thrust upon the ordinary citizen regarding taxes derived from the oil and gas industry. Comparatively speaking, only a small part of the industry's story has been related to the persons whom a reduction in the allowance will affect most—the taxpayers whose daily consumption of oil and gas products forms a vital segment of our economy.

These products are an integral part of the multifaceted lives of 20th-century men. It is impossible to conceive of any business or personal activity which does not demand an ever-increasing supply of petroleum products and services. Our constantly dwindling crude oil and gas reserves could pose a very serious threat to our national security, particularly with the unrest existing in the world today.

So that I might share with my colleagues another side of the story—the industry's position—I include the open letter as part of my remarks:

OPEN LETTER

To: The U.S. voter.
Subject: Oil taxes.

Percentage depletion has been on the federal law books for 43 years. And for 36 of these years, it has been vociferously attacked as an unfair "loophole" for avoiding taxes. It's happening again.

The attackers have been highly placed: Former presidents, cabinet members, lawmakers, college professors. As well as unwashed radicals, uninformed housewives, and entertainers who make poor jokes.

Congress through it all has refused to junk the provision or even modify it.

Why have the attacks by so-called tax reformers failed?

Several reasons.

Opponents haven't advanced a single new argument that wasn't thoroughly considered prior to passage of the 1926 measure. Congress consistently has decided benefits outweigh costs.

Depletion also is tied closely to the basic concepts of our constitution. These are: Never tax capital. Tax only the income from capital. Taxing away capital is likened to killing the goose that lays the golden eggs.

Why then do the attacks persist?

Taxes are pinching everyone. They always go up. Never down. The bureaucratic taxer-spenders as well as tax-burdened companies and individuals are eager to shut off tax avoidance to ease the pinch. It's easy to level an emotional diatribe against depletion and then hoot down any reasoned explanation of the complex issue.

That's why we must examine the issue constantly.

Percentage depletion has two objects: Recover the producer's capital. And give him an incentive to drill more wells, find more oil.

How does it work?

Stripped of its emotional setting, percentage depletion is simply a deduction available to oil and gas producers—and producers of more than 100 other minerals—in figuring their taxes on income from wells.

The producer may deduct 27½% from the gross annual income of a lease or property. This is tax free. The figure, however, may not exceed 50% of the net income of the lease. This limitation actually prevents most producers from taking the full deduction. In practice, it averages only 23% and in many cases is much less than that.

This policy recognizes that oil in the ground is part of the producer's capital. It is like real estate. But this capital is used up—or depleted—by operation of an oil or gas well. The rate of deduction, when determined 43 years ago, was estimated as equal the capital value of oil in the ground. It's now probably less, and a higher rate would be more equitable.

Opponents, however, favor stripping depletion back until it assures the producer he will recover his actual investment or costs in a lease. After this amount is recovered over a period of time, deductions would end. The producer's income taxes would increase. Thus cost depletion would serve a function similar to depreciation.

This overlooks the unique position of oil as capital in the ground. It also ignores the unusual risks involved in finding replacement petroleum. Depeletion encourages the producer to hunt new reserves—depreciation doesn't.

Say, for an example, an oil man recovered only has lease costs by deductions. He has no assurance he can take this fund, drill a single well and come up with any oil or gas. The odds are he will drill nine dry holes for every producing well. And what's more, he'll drill 46 marginal wells to every 1 that nets out a profit. Depreciation funds would melt quickly under these odds. But depletion funds from one good well give a producer the financial staying power to keep drilling.

What would happen if percentage depletion were ended?

It would drastically curtail the hunt for oil and gas. Our reserves would dwindle even more. Why? Because operators would become more selective and cautious in their drilling plans. They'd drill only the better prospects, shun the costly and high-risk ones.

Many producers would sell out and take advantage of the more favorable tax rates on capital gains from oil in the ground. They would thus escape the high regular rates on production. The buyer, in turn, would set up to deplete at 100% of his cost. So, it's difficult to see how the government could reap a tax bonanza from this change.

Consumers of petroleum products would suffer, too. The cost of crude oil and natural

gas would rise. This inevitably would be translated into higher product prices.

Whey then disturb a policy that promises to cause such an upheaval when the benefits are so uncertain?

But the critics cry: "Some companies pay no income tax at all. That's unfair."

Let's examine this one carefully. It comes up every time taxes are mentioned. It's becoming cause celebre among oil-industry critics.

In the first place, any producer who completely escapes income taxes doesn't do so with percentage depletion alone. The "50%-of-net-income" limitation prevents that. So, he must use the benefits of other deductions—most likely the expensing of intangible drilling costs and write-offs for dry holes.

By way of explanation, drilling costs come in two kinds. Tangible drilling costs, such as cost of tanks, equipment, and structures, are depreciated over the years. No argument here. Intangible costs, such as expense for wages, fuel, repairs, and all services, may be recovered the same way or as an operating expense in the year incurred. Most oil men elect to expense the intangibles. This allows them to get their money back more quickly to use in further operations. Expensing of intangibles does reduce the net income of the lease, even may create a loss. All this reduces the total subject to income tax.

There are a few facts, however, to keep in mind. The producer can deduct intangible expenses only once. They tend to reduce benefits of percentage depletion. And the producer, in order to have intangible deductions, must keep on drilling. This is exactly what the tax policies are designed to do—keep oil men drilling.

What else do critics find wrong about percentage depletion? What do they suggest?

Here are a few, and the answers to them.

Depletion allows companies to offset income from other sources, escape more taxes.

Percentage depletion cannot reduce taxable income from any source except the one lease or property on which it is computed. Oil companies aren't escaping taxes even if the bite of the income tax is lighter on them. It may surprise many to know that the total tax burden of the petroleum industry actually is heavier than average. In 1966, oil paid $2.5 billion in direct taxes. This $2.5 billion amounted to 5.1% of gross revenue from all operations. The direct tax burden for all U.S. business corporations was only about 4.5% of gross revenue. This is about 10% less than the tax burden of petroleum. That plays hob with the contention that oil companies don't pay taxes.

Oil profits are exorbitant. Too many oil millionaires are created by percentage depletion.

The average profit of 99 oil companies in 1968 was equal to a 12.9% return on net worth. This is below the 13.1% return on net worth earned by 2,250 manufacturing companies. There's certainly nothing exorbitant about this. Percentage depletion hasn't made oil millionaires. Oil fortunes rise from the combination in an individual of ability, stubbornness, and luck in finding oil. Success in finding oil is the key—not percentage depletion.

Oil producers don't use tax savings to look for more oil and gas.

The figures show differently. Statistics indicate oil producers would pay $1.3 billion more annually in taxes if present policies were ended. In the last 10 years, they have spent this—plus an average $3.1 billion more on exploration and development.

The depletion rate of 27½% is too high. Cut it to 20, 15, or 10%.

This is begging the question. A lower rate won't satisfy the critics. They'd be back at the next session to whittle away at the lower rate. As we've noted, the present rate probably already is too low to achieve an adequate return of capital. If it were lower, percentage depletion also would lose effectiveness as an exploration incentive. It would give oil men too little money to finance new drilling. Outside investors would fear other cuts. Uncertainty of their return piled on the normal risk of exploration would cool them on oil ventures. Exploration needs to be made more attractive to risk capital—not less.

Eliminate all deductions and grant an outright federal subsidy to encourage exploration.

Can you imagine what kind of drilling program would emerge if it depended on annual appropriations from Congress? What a boondoggle this opens up! The drilling decision-makers would be bureaucrats who are subject to political pressure and not fitted by training or position to take risks involved. Where would the savings be in this approach?

There are other arguments. None really new. All have been refuted time and time again. The fact they are being taken seriously is the big surprise.

It is especially surprising in view of the present low state of petroleum exploration. That's the new circumstance in the whole fight.

Our reserves of oil and gas are dwindling at a time they should be rising twice as fast. Spending on exploration should be doubled. Oil and gas now furnish 75% of our nation's energy. We're using petroleum at such a clip that consumption is expected to double by 1980.

Tampering with any policy that encourages exploration for petroleum is courting disaster. The facts speak just as clearly and loudly as ever against changing either the rate or principle of percentage depletion. Congress will serve the nation best by again refusing to change this policy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ROSTENKOWSKI (at the request of Mr. BOGGS), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BROWN of California, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS); to revise and extend their remarks and include extraneous matter:)

Mr. LUJAN, for 5 minutes, on June 25, 1969.

Mr. BIESTER, for 10 minutes, on June 25, 1969.

Mr. HOSMER, for 15 minutes, on Friday, June 27, 1969.

(The following Members (at the request of Mr. PREYER of North Carolina); to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. FARBSTEIN, for 30 minutes, on June 26.

Mr. DENT, for 60 minutes, on June 30.

Mr. LOWENSTEIN, for 60 minutes, on July 1.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BURLESON of Texas and to include extraneous matter.

Mr. MICHEL and to include an article entitled "Anatomy of Loyalty," by Dr. Stanley Niehaus.

Mr. FISH to revise and extend his remarks and to include extraneous matter during debate on H.R. 7906.

Mr. GROSS.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. DERWINSKI in two instances.

Mr. O'KONSKI.

Mr. FRELINGHUYSEN.

Mr. JOHNSON of Pennsylvania.

Mrs. HECKLER of Massachusetts in two instances.

Mr. SHRIVER in two instances.

Mr. MORSE in two instances.

Mr. HARVEY in two instances.

Mr. WYMAN in three instances.

Mr. ROBISON in two instances.

Mr. HALPERN.

Mr. SKUBITZ in four instances.

Mr. PELLY in three instances.

Mr. ASHBROOK.

Mr. TALCOTT in three instances.

Mr. MCKNEALLY in two instances.

Mr. HOSMER in two instances.

Mr. KEITH.

Mr. BUSH.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. CLAY in six instances.

Mr. RARICK in three instances.

Mr. BINGHAM in two instances.

Mr. HICKS in two instances.

Mr. DULSKI in two instances.

Mr. JACOBS.

Mr. PATTEN in two instances.

Mr. GONZALEZ in three instances.

Mr. NICHOLS in two instances.

Mr. FRASER.

Mr. RYAN in four instances.

Mr. EDWARDS of California.

Mr. PEPPER.

Mr. FEIGHAN in four instances.

Mr. ROONEY of New York.

Mr. JOELSON.

Mr. HANNA.

Mr. SCHEUER.

Mr. TUNNEY in three instances.

Mr. MACDONALD of Massachusetts.

Mr. VIGORITO.

Mr. FLYNT in two instances.

Mr. ZABLOCKI in two instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 38. An act to consent to the upper Niobrara River compact between the States of Wyoming and Nebraska; to the Committee on Interior and Insular Affairs.

S. 952. An act to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

S.J. Res. 11. Joint resolution to provide for

the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 126. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million; to the Committee on Agriculture.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 123. Joint resolution to extend the time for the making of a final report by the Commission to Study Mortgage Interest Rates.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, June 26, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

888. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in May 1969, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination thereunder; to the Committee on Foreign Affairs.

889. A letter from the Comptroller General of the United States, transmitting a report of the study of the acquisition of peripheral equipment for use with automatic data processing systems; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 471. A bill to amend section 4 of the act of May 31, 1933 (48 Stat. 108); with amendment (Rept. No. 91-326). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Resolution 357. Resolution providing for an additional clerk for all House Members; with amendment (Rept. No. 91-327). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 455. Resolution for consideration of H.R. 4229, an act to continue for a temporary period the existing suspension of duty on heptanoic acid (Rept. No. 91-328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12401. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. ESCH:

H.R. 12402. A bill to establish the calendar year as the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. FLYNT:

H.R. 12403. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 12404. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. KLUCZYNSKI:

H.R. 12405. A bill to amend title 39, United States Code, to extend to city, county, and State governments the third-class bulk mail rates for qualified nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. MESKILL:

H.R. 12406. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to all unremarried widows and widowers and to all individuals who have attained age 21 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 12407. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MOSHER:

H.R. 12408. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 12409. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York:

H.R. 12410. A bill to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12411. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12412. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12413. A bill to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services; to the Committee on Veterans' Affairs.

By Mr. PODELL:

H.R. 12414. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other agencies, and for other purposes; to the Committee on Armed Services.

H.R. 12415. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. PODELL (for himself, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. CULVER, Mr. DOWNING, Mr. FRASER, Mrs. HANSEN of Washington, Mr. KEE, Mr. MANN, Mr. MOLLOHAN, and Mr. STAFFORD):

H.R. 12416. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. RHODES:

H.R. 12417. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. SKUBITZ, Mr. ZION, Mr. BYRNE of Pennsylvania, Mr. CAMP, Mr. EVINS of Tennessee, Mr. EDWARDS of Louisiana, Mr. BURTON of California, Mr. MACDONALD of Massachusetts, Mr. SEBELIUS, Mr. WATKINS, Mr. ANDERSON of California, Mr. CARTER, Mr. COUGHLIN, Mr. DULSKI, Mr. ROSENTHAL, Mr. LUKENS, Mr. ADAMS, Mr. OBEY, Mr. ESHLEMAN, Mr. REUSS, Mr. LONG of Louisiana, Mr. FOUNTAIN, Mr. SMITH of California, and Mr. HUNT):

H.R. 12418. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 12419. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12420. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax retirement annuities and pensions paid by the United States to its employees; to the Committee on Ways and Means.

H.R. 12421. A bill to amend the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 12422. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing

Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 12423. A bill to amend chapter 55 of title 10, United States Code, to provide health benefits for the dependents of war veterans who die of a service-connected disability; to the Committee on Armed Services.

H.R. 12424. A bill to authorize the establishment of the Revolution's Southernmost Battlefields National Park in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER (for himself, Mr. KUYKENDALL, Mr. CORMAN, Mr. HANSEN of Idaho, Mr. ADAIR, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ANDREWS of Alabama, Mr. ANNUNZIO, Mr. ASHLEY, Mr. BLANTON, Mr. BOLAND, Mr. BRASCO, Mr. BRAY, Mr. BROWN of California, Mr. BUCHANAN, Mr. BUTTON, Mr. CARTER, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CORBETT, Mr. COUGHLIN, Mr. DERWINSKI, and Mr. DOWNING):

H.R. 12425. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS (for himself, Mr. DULSKI, Mr. EILBERG, Mr. ESCH, Mr. FISH, Mr. FRIEDEL, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. GALLAGHER, Mr. HASTINGS, Mr. HAWKINS, Mr. HAYS, Mr. HOGAN, Mr. HUNGATE, Mr. HUNT, Mr. KEE, Mr. KEITH, Mr. KING, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MCCARTHY, Mr. MCCLOSKEY, Mr. MCDADE, Mrs. MINK, and Mr. MOORHEAD):

H.R. 12426. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN (for himself, Mr. MORGAN, Mr. MURPHY of New York, Mr. OLSEN, Mr. PATTEN, Mr. PELLY, Mr. PEPPER, Mr. PETTIS, Mr. PHILBIN, Mr. PODELL, Mr. PRICE of Illinois, Mr. RAILSBACK, Mr. RIEGLE, Mr. RHODES, Mr. ROSENTHAL, Mr. RUPPE, Mr. SCHEUER, Mr. STRATTON, Mr. TAFT, Mr. THOMPSON of Georgia, Mr. TIERNAN, Mr. TUNNEY, Mr. VIGORITO, Mr. WALDIE, and Mr. WHALLEY):

H.R. 12427. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS (for himself, Mr. WHITEHURST, Mr. WRIGHT, Mr. YATES, and Mr. YATRON):

H.R. 12428. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 12429. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. POAGE:

H.R. 12430. A bill to maintain farm income, stabilize prices, assure adequate food, reduce surpluses, lower Government costs, and for other purposes; to the Committee on Agriculture.

By Mr. PODELL (for himself and Mr. GARMATZ):

H.R. 12431. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 12432. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 12433.A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. RAILSBACK:

H.R. 12434. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 12435. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. RYAN:

H.R. 12436. A bill to provide for the establishment of the New York Harbor National Seashore in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 12437. A bill to amend title 38 of the United States Code to provide for appointment of certain persons in the Nursing Service in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHURST:

H.R. 12438. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 12439. A bill to provide for the disposition of community areas established for reclamation purposes on withdrawn or acquired lands of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCMILLAN (for himself, Mr. BROWN of Michigan, Mr. BLACKBURN, Mr. CARTER, Mr. BERRY, Mr. JOHNSON of Pennsylvania, Mr. LEGGETT, Mr. HICKS, Mr. BOW, Mr. MIZE, Mr. ST GERMAIN, Mr. STANTON, Mr. ANDERSON of California, Mr. GALIFIANAKIS, Mr. REES, and Mr. ASHLEY):

H.R. 12440. A bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. STEIGER of Arizona:

H.R. 12441. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY (for himself, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. ROYBAL):

H.R. 12442. A bill making an appropriation to the Secretary of the Treasury to enable him to appoint additional customs agents and inspectors for Calexico and San Diego, Calif.; to the Committee on Appropriations.

H.R. 12443. A bill to provide for a 1-year study by the Attorney General, together with the Secretary of Health, Education, and Welfare and the Secretary of the Treasury, of the extent and nature of the problem of illegal importation of narcotics and dangerous drugs into the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 12444. A bill to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. DORN:

H.J. Res. 796. Joint resolution proposing an amendment to the Constitution relative to qualifications and tenure of members of the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.J. Res. 797. Joint resolution authorizing the President to proclaim the period of October 5 to October 12, 1969, as "Angelo Noce Week"; to the Committee on the Judiciary.

By Mr. BOLAND (for himself, Mr. CLAY, Mr. CULVER, Mr. FULTON of Pennsylvania, Mrs. HECKLER of Massachusetts, Mr. LOWENSTEIN, Mr. OTTINGER, and Mr. POWELL):

H. Con. Res. 295. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 456. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

229. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to revision of the present system of administering Federal grants, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DERWINSKI:

H.R. 12445. A bill to confer U.S. citizenship posthumously upon Guadalupe Esparza-Montoya; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 12446. A bill to confer U.S. citizenship posthumously upon Guadalupe Esparza-Montoya; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 12447. A bill for the relief of James H. Kane; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 12448. A bill for the relief of Sakiko O'Brien; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 12449. A bill for the relief of Angelo Ciro, Benedetta Ciro, and Francesca Ciro; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 12450. A bill for the relief of Amparo Coronado Vieuda de Pena and her three minor children, Yolanda Pena, Marisela Pena, and Lorenzo Pena; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CAPTAIN BOLDEN—STAR IN THE CAP OF ST. LOUIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. CLAY. Mr. Speaker, today I humbly pay tribute to a man whose name will always echo in the history of St. Louis. Capt. Edward Bolden has made life better for a lot of people because of his understanding and concern for people. As a law enforcer, he has demonstrated that laws were written to protect and not to offend people. In truth, by his own character, he has shown us the compassion of the law. Capt. Edward Bolden has made many friends and he has influenced many people—just by doing his job well—and in so doing—he has distinguished himself far above and beyond any call of duty.

Capt. Ed Bolden—who is completing 35 years of dedicated service to the city and to the people of St. Louis—will enjoy a grand tribute upon his retirement. It will become him and his service and his unique capabilities in law enforcement.

I know Ed Bolden personally—he is the godfather of my eldest daughter, Vicki—and I feel confident in saying that this tribute, written by Nannie Mitchell Turner for the St. Louis Argue, June 20, 1969, will truly warm his heart. I add my salute, Captain Bolden, and my confident wish that your retirement will be an active one and that you will continue to play an active role in our community.

I commend Mrs. Turner for her insight into the man who has earned the highest respect of all St. Louis citizens. The article follows:

CAPTAIN BOLDEN—STAR IN THE CAP OF ST. LOUIS

(By Nannie Mitchell Turner)

On July 22nd, the ballroom of Stouffer's Riverfront Inn will fill up with a great cross section of St. Louisans to pay tribute to Police Captain Edward Bolden.

Captain Bolden has been unique in so many ways that I would like to tell you about him. For I have known him for all of the 35 years he has served with the Police Department.

In fact, my husband William and his brother, J. E. Mitchell were numbered among Bolden's earliest and staunchest supporters.

J. E. was a power in the City and I remember his saying that if Ed Bolden could be moved forward he would pave the way for more of our race. For it was obvious even then that the young policeman had what it takes.

A native St. Louisan, Bolden was born in our World's Fair year at almost the exact site of the present Police Headquarters at 12th and Clark. He is the son of Stanley and Cora Bolden. The elder Bolden died when Ed was just three years old. So even as a young grade schooler young Ed had responsibilities on his shoulders.

One of his teachers at Dumas School, Sally Henderson, saw in him something special and encouraged the youngster to succeed. It will be a truly touching moment to see the two of them together again.

When Ed was just twenty he joined the Catholic Church. That was pretty much of a trail blazing decision in those days. But Ed took the faith and his Christianity with quiet dedication. So much so that the dinner will be honored by the presence of Cardinal Carberry.

As a teenager Ed Bolden worked for the United Railway Company, which was the forerunner of the Public Service Company and Bi-State Transit. Then in 1933 he joined the Police Force. Except for the war years, when he served with the Counter Intelligence Corps, he has been a policeman ever since. An outstanding one.

Ira Cooper, our first Negro Police Lieutenant, was helpful in having Bolden promoted to a patrolman's rank after 2½ years of duty. Five years later, in 1941, he made Sergeant. Then, in 1953 he was promoted to a Lieutenant. He became the first Negro Captain of Police in 1956.

When you count the reasons why St. Louis has been a better place than most any other city, place Captain Edward Stanley Bolden high on that list. In his leadership and dedication to duty, he paved the way for a St. Louis police structure that has had for many, many years a reputation as the best integrated police department of any major City in America.

Both in the department and on the street, Ed Bolden is known as a gentleman; one who gets the job done—more often than not, the easy way. He saves his legendary toughness for the toughest situations.

There are some of the reasons why on July 22nd, hundreds and hundreds of people, representing absolutely every segment and area of St. Louis life, will gather in honor of one of St. Louis' finest.

MEMORIAL DAY SPEECH IN BEHALF OF SPANISH-AMERICAN VETERANS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PEPPER. Mr. Speaker, I am very pleased to be able to call to the attention of my colleagues the brief but eloquent remarks of Dr. Manuel J. Reyes, Latin American Affairs editor of television station WTJV in my district, which he entered on Memorial Day in behalf of the veterans of the Spanish-American War. This is a testament to the cause of freedom and the friendship between the American and Cuban peoples. It follows:

STATEMENT BY MR. REYES

The Brave never die!

This is why, death will never defeat the Veterans of the Spanish-American War!

Those gallant men who in the year 1898, in the prime of their youth, renounced to all of life's wealth and as volunteers, (the first volunteers of the United States' Army) went overseas to defend freedom.

Strong men who, with their fighting, placed the United States in a category of first world power and as a country of hope for the poor and the oppressed.

Like I have done year after year, since I came into exile, I am here with you again, on this Memorial Day, to honor those who fell in 1898, fighting for the freedom and dignity of the human being.

Cuba was one of the countries where you and your fellow-soldiers went on that noble task.

This is why, today, as a Cuban that I am and will be until the day I die, even if I die at the last corner of the world, but as a Cuban, I want to unite my prayers to yours, with the greatest respect and admiration, as true brothers. I want to unite my prayers to yours on behalf of a country and a people who were not born to be slaves, on behalf of the Cuban people in the martyred island and in exile. Because, if my people were not silenced by terror and tyranny imposed over them, I know that if my people could talk, they would be here today, praying for those who fell at San Juan Hill in Oriente Province, so that Cuba could be free.

And it is because our brotherhood is sealed with the blood of those who, on your part or ours, joined in a common fighting action to free Cuba. There was no other alternative at that time.

And today, faced with a similar situation, which has already prolonged itself for over ten years, the alternatives have disappeared little by little. There is but one way left for the noble Cuban people in their fight to overthrow the tyranny. A way which you, united to the Cuban Freedom Fighters, bravely took in 1898. A way thru which there is no return and leads to a Spartan climax: Freedom or Ashes.

You helped to free Cuba during the past century. But today Cuba is living the worst tyranny of all its history.

The tragedy of the Cuban people is so great; the suffering of the Cuban mothers is so great; the despair of its best men is so great. . . . and at the same time, the courage of that same people is so great, that the only way left is Freedom, or let Cuba as a whole be burnt to ashes thru the will of its people. So that from the ashes of Communism, a new Cuba, free, sovereign, independent and democratic, will arise.

And today, by joining my prayers to yours, two people who were born to be brothers, by praying to God for the eternal rest of those who gave their lives in the Philippines, in Puerto Rico and in Cuba; let's tell them that their sacrifice was not in vain. Let's tell them to rest peacefully in their graves . . . because their heirs, making their glorious history come alive again, have joined to proclaim at this cemetery, before their graves, a cry that will be heard in Cuba, a cry which will shake the island from one end to the other; a cry which will raise the people against the tyrant: Freedom or Ashes!

JOE McCAFFREY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. ROGERS of Florida. Mr. Speaker, it has come to my attention that Joe McCaffrey is this month celebrating his 25th year as a Washington correspondent.

I think that this tenure is a remarkable one. But I bring this to the attention of my colleagues not because of this tenure but because I think he has served his profession well as a newsman.

Since coming to the Congress 15 years ago I have had contact with him and over the years have developed a trust in his reporting. I think that my colleagues

will agree that he has been fair in all issues.

I would like to commend Joe for the fine work he has done in the past. The caliber of reporting has always been on a high plane and continues to be. I know my colleagues would like to join with me in wishing Joe McCaffrey our best wishes during this anniversary month and continued success in the future.

I regard Joe McCaffrey as a true objective professional.

BURDENS UPON PRESIDENT NIXON ARE INCREASED UNNECESSARILY

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. TALCOTT. Mr. Speaker, a number of persons with responsible positions in the last administration were totally unsuccessful in achieving peace in Vietnam or elsewhere. Some of these persons are now telling President Nixon how to obtain peace. Some, with and without responsibility, are demanding that President Nixon publicly set forth a timetable for withdrawal of U.S. troops from Vietnam. Who would benefit most from the public disclosure of our prospective plans for terminating hostilities in Vietnam? Obviously the Vietcong, the NLF, the North Vietnamese and their Communist allies—the very persons and groups who have killed and harmed our troops and our prisoners of war and the very groups who have terrorized the South Vietnamese.

Certainly the public disclosure of our peace plans and our timetable for withdrawal ought to be confidential.

The persons in the Government, in the Congress, and in the news media who were totally unsuccessful before the inauguration of President Nixon ought to give this administration the same chance the last administration had to terminate the war. The continual interference and carping can only benefit the enemy, prolong the hostilities, and prejudice the South Vietnamese.

It should be quite obvious to all that the President is trying, that he is exploring all possibilities, that he is giving the aggressor every opportunity to respond to numerous overtures for peaceful negotiation and deescalation of hostilities.

An experienced, knowledgeable and astute observer of the political and international scene, Col. Allen Griffin, publisher of the Monterey Herald, a newspaper in my congressional district, has written a pertinent editorial which every Member of the Congress and every citizen should read. A reading of the editorial will help to clarify much of the clamor about troop withdrawal from Vietnam.

I include the June 19, 1969, editorial by Colonel Griffin at this point in the RECORD:

Although nobody knows what President Nixon's plan is or plans are for ending U.S. participation in the Vietnam war, there is no lack of politicians as well as schoolboys who try to get in on the act.

One of the noisiest is Senator Ted Kennedy, whose personal ambition is obvious to all. One of the most lurid is Senator McGovern, careless of word and reckless of phrase. Certainly the most sarcastic in whining southern diction is Senator Fulbright, too brilliant a Rhodes Scholar ever to be satisfied with anything except complete obeisance. The most intelligent, years before Mr. Nixon came to office as President, was General Gavin with the enclave theory.

Now Clark Clifford has come out with a set of proposals and hopes in the July issue of Foreign Affairs magazine to give further advice.

There are good grounds for everyone to have some sympathy with President Nixon's desperate problem of trying to get some sort, perhaps any sort, of agreement, provided it is an agreement, out of the Paris peace talks. Even when making his last broad proposals, the first that had been made by anyone, he emphasized that they were not rigid but were "flexible", putting it up to the North Vietnamese to make counter-proposals for consideration.

This the North Vietnamese refused to do. They were dealing from a position of strength. They had the complete backing of the Russians, their willing and happy arms suppliers. They were feeling the ebb of American power. And they already knew that the will of the American people had been undermined and softened. Victory seemed to be coming closer every month.

This is the situation that threatens the hopes of President Nixon, whose planning had depended upon logic and some quid for a little quod and also the hope that the Russians might provide an assist. Despite the best laid plans of "flexibility", the North Vietnamese have held fast, knowing that more American leaders would fall into the trap of demanding that the President give way further in the invalid hope that the North Vietnamese would suddenly become reasonable if not loving. What they want is to win the war and win the peace, both as complete victories. And they may.

The article by the most recently retired Secretary of Defense has much of great interest in it from the historical point of view. He was a friend of presidents before he became secretary. He was a hawk until towards the end of his career in Defense. He adds an interesting side-light about President Kennedy's determined attitude to preserve SE Asia. But it is more than doubtful if publication of withdrawal of troops, which Clifford recommends, would hasten an agreement with the enemy that even Clifford would accept. That's the nub of the problem. And that shows something of the burden President Nixon must carry while the North Vietnamese in Paris rub their hands and say, "We've hooked another big fish."

JOSEPH McCAFFREY CELEBRATES 25 YEARS AS NEWS CORRESPONDENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. JACOBS. Mr. Speaker, this month Mr. Joseph McCaffrey has been a Washington news correspondent for 25 years. His fans, particularly the young ladies who undoubtedly swoon as he reports the news on channel 7, will find this difficult to believe. Since more people watch his news program than watch the CONGRESSIONAL RECORD, the secret may remain relatively intact.

I have had the privilege of knowing Mr. McCaffrey over nearly the entire span of these 25 years and I have grown to admire him more as time goes by.

Mr. Joseph McCaffrey never knowingly did violence to the truth.

BLACK REPARATIONS WITH A RED TIE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RARICK. Mr. Speaker, with increasing frequency worship services throughout the country are interrupted by hoodlums demanding money. Other meetings are assailed with demands for money, called "reparations." The fact that such disruptions are unlawful—which is a euphemism for criminal—is quite plain. I do not know of any State in which extortion is not a crime. But for some very strange reason, nothing is done to the perpetrators of these outrages.

It is a matter of interest, and perhaps an explanation of the lack of prosecution, that the principal character in these demonstrations first gained his national status as a leader of SNCC, the misnamed Student Non-Violent Coordinating Committee, created with Communist funds by the equally misnamed Southern Christian Leadership Conference. The churches of the Nation, diverting the offerings of their parishioners to the so-called "civil rights" assault on the South, created a false image of decency for the throng of subversives, criminals and perverts which they financed. The Bible, in Matthew 7:6, speaks plainly of the result.

Yesterday, Mr. Speaker, I called to the attention of our colleagues some of the background and activities of James Forman, the "non-violent" extortioner of the churches. I include an article from this Sunday's Parade magazine, biographical material on Jessica Mitford, Forman's Communist mother-in-law, and another viewpoint on the same problem by Gen. Thomas A. Lane in his June 24, 1969, column "Public affairs."

The articles follow:

[From Parade magazine, June 22, 1969]

Q. James Forman, the black militant who wants $500 million in reparations from white churches and synagogues—isn't he married to a white woman?—Helen Maddox, Washington, D.C.

A. Yes. Forman is married to Anne Romilly, daughter of British-born writer Jessica Mitford, author of an expose on the U.S. funeral business called The American Way of Death.

BIOGRAPHICAL DICTIONARY OF THE LEFT—VOLUME III

(By Francis X. Gannon)

Jessica Mitford was born on September 11, 1917 at Batsford, Gloucestershire, England, daughter of Sydney Bowles and David Mitford (Lord Redesdale).

At the age of eighteen, Jessica married Esmond Romilly, a Communist. The newlyweds then went to Spain to fight alongside the Reds in the Civil War. In 1939, the Romillys moved to the United States. During World War II, Esmond Romilly was killed in action. (Depending on the whim of the moment, Jessica, in the course of interviews, sometimes says that her husband died while

in the Royal Canadian Air Force. At other times, she says he was killed while serving in the British Army.)

In 1941, Jessica went to work for the Office of Price Administration in Washington, D.C. After her husband's death, she moved to San Francisco where she continued working for the OPA. In 1944, she married Robert Treuhaft, an attorney with the OPA. (In later years, Treuhaft would become notorious for his legal work on behalf of individual Communists, the Communist Party, and Communist fronts. On several occasions, he was identified in sworn testimony as a Communist but when given the opportunity to contradict such testimony, he pled his privilege against self-incrimination under the Fifth Amendment.)

While still with the OPA in 1944, Jessica became financial director of the California Labor School, which was subversive and Communist. By 1945, the Treuhafts' home became a popular meeting place for Communists. In 1946, Jessica was a successful fund-raiser as a county financial director for the Communist Party.

From 1949 until 1955, Jessica was secretary of the East Bay Civil Rights Congress. In a recent interview (Boston Globe, June 4, 1968), she described that outfit as "jolly subversive. It wanted to overthrow all sorts of segregation laws." On the other side of the coin, the House Committee on Un-American Activities, the Senate Internal Security Subcommittee, and the Attorney General of the United States also cited the East Bay Civil Rights Congress as subversive—no jollity involved.

In 1956, Jessica worked a few months for the San Francisco Chronicle. She was fired from the Chronicle and shortly thereafter Jessica and her husband traveled to Communist Hungary in the wake of the Freedom Fighters' revolution which was crushed so barbarously by Khrushchev & Company. The Treuhafts, in an article for the Communist People's World (February 17, 1957), wrote a glowing account of life in Budapest. In 1958, Jessica went off on what appeared to be, at first glance, an unusual tangent. She launched an attack in Frontier magazine against undertakers. Meanwhile, in 1955, her husband had organized the Bay Area Funeral Society, a co-operative plan to finance burials. The set-up of the Society was socialistic and its directorship was studded with Communist fronters.

Five years later, Jessica hit the best-seller lists with a major attack on the undertakers with her full-length book, The American Way of Death—a hodgepodge of truth, half truths, innuendoes, and erroneous assertions. The left wing showered praises upon Jessica for her battle against the "capitalistic" villians of the undertaking profession. Even such prestigious Communist publications as the New World Review and the Moscow New Times spared space to hail Jessica's anti-capitalistic crusade. And with the publication of her book, Jessica's name became a familiar by-line in popular magazines.

Jessica really did not need her book to win the favor of the extreme left. Over the years, she had labored tirelessly for Communist causes: clemency for the convicted atom spies, the Rosenbergs and Morton Sobell clemency for convicted Communist Carl Braden; a petition against the Internal Security Act of 1950; a defense in Nation magazine of the anti-House Committee on Un-American Activities riots of 1960 in San Francisco; and, service in 1961 and 1962 as northern California representative for the Southern Conference Educational Fund, the financial backbone of the black power revolutionaries.

In 1966, Jessica became an associate editor of the far leftist Ramparts magazine. In 1968, she covered the Benjamin Spock trial when the baby doctor, turned ban-the-bomb-boob, was found guilty of conspiring to counsel, aid, and abet young men to evade the draft. Jessica represented the Ladies' Home Journal at the trial and she is under contract to write a book about the proceedings.

On many occasions under sworn testimony, Jessica Mitford (or as she is also known, Decca Treuhaft) has been identified as a Communist Party member and functionary, but when given the opportunity to confirm or deny either status, she has invoked the protection of the Fifth Amendment against possible self-incrimination.

Black Militants Demand New White Slavery

WASHINGTON.—From our own history, many Americans conclude that slavery is the ownership of black people by white masters. But that was only one facet of an ancient and widespread practice.

In the most primitive societies, tribes guarded their hunting grounds by making perpetual warfare against their neighbors. They fought to extend their own preserves or to resist intrusion from outsiders. Nature would support only a limited human population. The object of war was to kill off the enemy.

In the agricultural societies, war took a new turn. Although agriculture and animal husbandry made possible a higher standard of living, they also introduced the element of organized work. The work was drudgery. Citizens of the warrior state could escape it by enslaving instead of slaughtering the vanquished and using the slaves to do the work of civilization. In fact, slavery became the fuel of civilization. In ancient Rome, the work of empire and commerce, whether rowing galleys in the Mediterranean or tilling the fields of Campania or keeping the master's accounts was done by slaves.

In later times, traders who bought slaves from African Chiefs or raided tribal areas to capture the victims were serving the labor needs of higher civilization, Christian and Mohammedan. The richer the civilization, the greater the demand for slaves.

From earliest recorded history until recent times, slavery had been a part of civilization. It spared the life of the vanquished but commanded his lifetime of work.

Now we come in the twentieth century to the new slavery. On May 4, James Forman, intruding into New York's Riverside Church, demanded that the white churches of America pay an indemnity of $500 million to black citizens in compensation for past oppression and exploitation. On June 3, he raised his price to $3 billion. On June 6, he demanded $80 million of the United Presbyterian Church. On June 2, a group of his associates demanded $100 million of the Christian Science Church. On June 9, Roy Innis demanded that the bankers of America provide a fund of $6 billion for service to black Americans.

These are the traditional demands of conquerors. Having burned down the cities and destroyed the properties of white citizens in an act of war, the black militants now demand the labor of white citizens to the tune of $9 billion so that black warriors may live in the indolence becoming to victors. The alternative is renewed warfare.

It is apparent that these warriors regard politicians, clergy and bankers as the weak links of our civilization. Their judgment cannot be faulted. If they had tried this preposterous blackmail on a labor union, they would have been hooted out of the hall. But some clergymen are giving the demands serious consideration.

Enslavement is the use of force to appropriate the labor of others without compensation. Nobody has been enslaved in the United States in one hundred years, unless you subscribe to the marxist rhetoric that all capitalist employment is exploitation of labor. Black militants do use and seem to believe the marxist cant. But that is additional reason to dismiss their posturing.

Any clergyman who undertakes to pay such blackmail should be repudiated by his congregation. He is debauching the role of charity. In true charity, we voluntarily give the product of our labor to others who by misfortune are in need. To pretend that charity can spring from fear is a monstrous perversion. It conceals slavery in the garment of sweet charity.

A COLLEGE STUDENT SPEAKS OUT FOR MODERATION

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BROCK. Mr. Speaker, the June 17 issue of the Washington Evening Star included a most informative letter to the editor concerning campus unrest. I found it especially interesting in that it confirmed many of the findings of the informal congressional fact finding mission on 50 American campuses that I headed.

This letter is written by a single American college student, however, in many ways it reflects the feelings of the vast middle ground of students—a group of tremendous promise that we cannot afford to forget. I commend it to the attention of my colleagues and include it herewith:

Letter From College

SIR: The following is a letter from my daughter, a freshman at a mid-western university. I have blanked out references made to certain locations on the campus of this university.

"Dear Mom and Dad: Enclosed is an article on the Students for a Democratic Society from U.S. News and World Report. This is, as the King of Siam said, "a matter of much concern to me." Every single observation made is entirely correct and applicable to (name of university).

"I have determined that there are three kinds of people on campus—SDSers and company, socialities (fraternities and sororities) and us. We are the ones who came to college to get an education (to use an overworked phrase) and really don't give two hoots about May Queen, the next football game, or president of Student Council. This is probably a bad attitude, but, seemingly, these things are of only fleeting concern and there is no time for them. They have no far-reaching or long time influence.

Joe College is unquestionably dead, and no amount of grave-digging is going to resurrect him. While there is much brain power in these groups, they have insulated themselves from the rest. They believe that their Joe College ideals are sacred and do not realize they have been swept away by the tide. They don't even know they are being attacked, let alone how to retaliate.

"The radicals are a small hard-core group, yet they control this university. I don't believe the SDS was Communist initiated. The Communists were pleasantly surprised with its appearance. They use it and wield it to meet Communist goals but did not originate it nor identify themselves to its leaders as controllers.

"Nonetheless, SDS is not a mere tool. It acts radically, malignantly, and eradicatingly on its own, and its tactics are brilliant, as the article points out. It seems to me that at (name of college) at least they employ Hitler strategy—taking a small injustice and blowing it way out of proportion. Basically, it is true. This is seen in our ruckuses of the past two quarters—women's government and open houses. These are two areas which real-

ly don't matter one way or the other. We really don't care which may they do it. Technically, these SDS attacks are correct, but they are using them only as a means to anarchy.

"YOUNG AND POWERFUL

"What attracts students from white affluent or middle class backgrounds?" I think it is youth. SDSers are young and they are obviously powerful. I cannot think of two more mesmeric qualities than these. It is the same old kickback to rejection of parental authority. Deferred gravitation has taken on a completely new connotation. It no longer means doing without clothes, etc, in order to get a good education. It means working day and night to draft demands to school administration or to plan a take-over of campus buildings. They still don't have good clothes, etc., but they do have power and they have it when they are young. Grownups listen and if they're smart, they tremble. I believe this is a first in history.

"Attorney General Mitchell quoted some possibly fatal statistics in his address recently. Among other things, he said that only 200 schools (9%) have had disturbances. All right, but just look at which campuses have been disrupted—Columbia, Stanford, Harvard, Radcliffe, Cornell. These are our 'Ivy League' schools, the very best we have to offer. Of course these are the institutions which are going to come under attack. They're not starting with the little stuff and working up. They begin right at the top and hit hard. These figures erroneously lead one to assume that just because a school has had no trouble, no SDS exists. I said they were brilliant. I imagine that SDS could galvanize a murderous riot on any campus in the country, but it is not necessary. They already control the apex. (Why worry about the mares when they've got the stallion?)

"If it had been nipped in the bud—the administration could have easily done it. But educators, being a naturally passive lot, did nothing. It is now in our hands—the forgotten 98 percent (Mitchell said that less than 2 percent of our students had ever participated). And it would be so utterly easy for us to completely demolish them. One election where we crawled out of our test tubes, looked up from our slide rules, and put down our mugs of beer to nominate, elect and then support a good president and officers of Student Council. So simple, so very, very simple.

"GAGGING AT GNATS

"But it is not going to happen. Maybe when the doors to ———— Hall are bolted shut and priceless fossils are being dashed to the floor, costly experiments are casually smashed, and ten years worth of research data is gaily burned—but then it will be too late. Perhaps even now it is too late if what the article says about moving into business is true. Then it will become the federal government's job; and as we all know, it is too busy gagging at non-existent gnats (military-industrial complexes) and will let this camel go smoothly by.

"What's more, I don't think that people outside of education can even begin to grasp the imminent danger. They seem to think it is just college kids acting up, a bit more forcefully than ever before, but just college students after all. This is completely, utterly false. This is not kids' stuff. It has not been kids' stuff since Berkeley. SDS is dangerous, chaotically, murderously, violently so. It has got or just about got education under its cap. I think the actual show of arms at Cornell was a final testing to see if they're entrenched as well as they thought they were. They are!

"SDSers are not hippies, yippies, or drug addicts. They may look like them, but they're not. I think they use these groups as demonstrators and occupiers of buildings. It gives such people something to do and they easily follow along not even knowing what they're following. If SDSers were drug addicts they could not function so well. But if people think about SDS at all, they think this is what they are, a bunch of sick individuals who will lose their influence pretty soon and die as all drug addicts do. They are going to be disappointed.

"Where do the militaristic demonstrators come from? Everybody knows hippies are loving and nonviolent. The Negro militants provide this now-needed service.

"I think I have dwelt too long upon this subject. But the more I think about it, the more connections I can see, and logical joinings together of events, and it's getting more and more frightening. The idea of not having any school to go to in the next couple of years, let alone the one I want, is just a little bit scary. Something had better be done quickly and effectively or it won't matter whether I want to be a geologist or a philosopher because I won't be able to be either one. There will be no more schools as such and then there will be no more business. And it seems to me that if you destroy a country's educational system and economy, you've pretty well got the country wrapped up.—Your Daughter."

PARENT.

JUSTICE IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BINGHAM. Mr. Speaker, a deplorable and outrageous series of events in South Africa, including government pressures brought to bear against a defense lawyer in the midst of proceedings, is reflected in the following statement by the Lawyers' Committee for Civil Rights Under Law—Arthur H. Dean and Louis F. Oberdorfer, cochairman—in a New York Times editorial, and in a number of articles appearing in South African newspapers:

STATEMENT BY THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

(By Arthur H. Dean and Louis F. Oberdorfer)

The Lawyers' Committee has been advised that the South African government has taken away Mr. Carlson's passport, thereby restricting his movements outside of the country. The Lenkoe inquest as a result of the diligence of Mr. Carlson, associated counsel and the testimony of Dr. Moritz and medical colleagues in South Africa, has cast doubt out on the manner of Lenkoe's death. This case has, over the past few days, received considerable publicity which has not been favorable to the police and prison officials.

In the opinion of the Lawyers' Committee any interference with and harassment of an attorney who has, under instructions from others, carried out his duties in the highest tradition of the legal profession, would be totally unwarranted. The Lawyers' Committee intends to continue to instruct and support Mr. Carlson in carrying out his professional responsibility. We hope that he will not be interfered with and that his freedom to travel, particularly while engaged in counselling clients will not be infringed. The lawyers' Committee will seek to continue its interest in the above matters and its established professional association with Mr. Carlson in the interest of the preservation of the rule of law, which includes the right of any counsel to carry out his duties in dignity and protect the rights of his clients without intimidation.

The Anglo-Saxon bar has an ancient tradition that lawyers have a duty to defend in court persons accused of crime no matter how unpopular, or dangerous, and to be protected in their exercise of this responsibility by the bar, the courts and, indeed, all arms of a civilized government. We hope that this tradition can and will be preserved by our South African brethren at the bar.

[From the New York Times, June 17, 1969]

SOUTH AFRICAN "JUSTICE"

While trying to maintain the trappings of proper legal procedure, South Africa's Nationalist Government adds steadily to its arsenal of police-state laws and practices. Legislation now in Parliament would make the country's notorious security police immune from any effective public scrutiny.

The Bureau of State Security is already shrouded in secrecy, but the new bill provides severe punishment for any disclosure of a "security matter," specifically including any matter related to security police activities. No evidence could even be given in court if the Prime Minister or anyone designated by him declared it prejudicial to state or public security.

The timing of this move to give security police even greater immunity is not accidental. It is unquestionably related to the Government's seizure last week of the passport of Joel Carlson, an eminent white civil rights lawyer, and to the trial of Laurence Gandar and Benjamin Pogrund of The Rand Daily Mail on charges of publishing false information on prison conditions.

Mr. Carlson is involved in a case which has produced sensational evidence of the use of electric shock torture by security police. This corroborated one Rand Daily Mail disclosure as well as some testimony at the Gandar-Pogrund trial.

James Lenkoe, a Lesotho national, was seized by security police at his home near Johannesburg and his wife was later notified that he had hanged himself in his cell. She contacted Mr. Carlson, who obtained a second post-mortem which aroused the suspicion that Mr. Lenkoe had been electrocuted. Now an eminent American pathologist, Dr. Alan Moritz, has told an inquest that beyond reasonable doubt an injury on Mr. Lenkoe's body was caused by electric shock.

However the court cases turn out, this much is clear: Mr. Carlson has lost his passport because he was too skilled, even when up against monstrous laws and the apartheid system, in protecting the rights of Africans and exposing police barbarism. Messers. Gandar and Pogrund have been brought to trial not because their disclosures were false but for serving as alert and courageous critics of a tyrannical regime—and thus serving the cause of press freedom everywhere.

[From the Johannesburg (South Africa) Rand Daily Mail, June 17, 1969]

BELOW THE BELT

Punishment by administrative action has become part of the South African way of life. It takes various forms—banning, banishment and house arrest are examples—but a favourite is the withdrawal of a passport. There have been many striking demonstrations of the way this penalty can be imposed, the latest being the case of Mr. Joel Carlson, of Johannesburg. Like the others—a steadily growing number—on whom this disability has been imposed, Mr. Carlson has been given no reason for it. In some secret backroom sentence has been passed on him, but he is not even allowed to know what offence he is supposed to have committed

An obvious inference whenever this simple process is used is that while the Government wishes to strike at a victim, it has no case to present to a court—even in terms of the many Draconian measures under which we South Africans now live. So it uses the below-the-belt tactic of withdrawing a passport.

The Nationalist Government was not the first in this country to use this trick. But, after the courts had intervened to assert passport-holders' rights as they then were, the Nationalists saw to it that the law was changed to enable the Government to issue, withhold or withdraw passports at its pleasure. It has exercised this power ruthlessly and without favouring the public with any explanation of the circumstances in which it considers the privilege of holding a passport to be forfeited.

Since Mr. Carlson has not been told why he has to give up his passport, the public is entitled to make its own deductions. The most relevant point that it will note is that he has, in his professional capacity, been concerned in a number of attemps to investigate allegations of ill treatment of people in custody. In this he has had the support and help, some financial and some on a high technical level, of American lawyers, churchmen and other authorities.

Little effort is needed to work out that this is Mr. Carlson's "offence"—that he has had help from abroad in trying to ensure that all the facts were uncovered in certain cases. For this he has been penalised, and the penalty carries the usual intimidatory message for any others who might be disposed to act as he has.

It has still to be seen whether Mr. Carlson's professional colleagues will, through their organisations, raise their voices over the action that has been taken against him and demand a public explanation. That is what they should do—loudly and urgently. For this process of administrative punishment is a subversion of the elementary principles of justice as they were once understood in this country.

[From the Johannesburg (South Africa) Rand Daily Mail, June 14, 1969]

LAWYER IN LENKOE INQUEST HAS PASSPORT SEIZED

Police yesterday seized the passport of Mr. Joel Carlson, the Johannesburg attorney acting in the inquest on Terrorism Act detainee James Lenkoe. Mr. Carlson, in recent years, has represented many political prisoners who claimed maltreatment during detention.

He is also representing the widow of Mr. Nicodemis Kgoathe at the inquest into his death while being held in police custody.

The passport was taken at the office of the United States Consul General after a notice had been served on Mr. Carlson at his city office.

His United States visa was about to expire and he was having it renewed "as a matter of formality."

"I had no intention of leaving the country or visiting the United States in the near future as I am heavily involved at the moment in litigation casts," he said.

He added he would ask Mrs. Helen Suzman, M.P. for his constituency, to raise the matter as soon as possible in Parliament.

SURPRISE

"The withdrawal came as a complete surprise to me. I am a South African citizen—born and bred here—and I am not a member of any political party. I have only acted in professional matters," he said.

A detective sergeant visited Mr. Carlson at his office yesterday morning and demanded that he surrender his passport immediately. Mr. Carlson had to go to the United States Consulate where he received the passport and handed it over to the police.

He is an official observer for the International Commission of Jurists and for the International Press Institute at the Prisons' Act trial.

DETAINEE

He is also chairman of the Johannesburg Home and School Council.

In a case at present before the Pretoria Inquest Court, he is representing the widow of James Lenkoe, a Terrorism Act detainee who was found hanging from a belt at Pretoria local prison in March after a day-long interrogation by Security Police.

Mr. Carlson was the instructing attorney for the defence in the terrorism trial in Pretoria.

INVESTIGATION

He has a long history of acting for political detainees in cases of alleged assault by police.

In 1964, he called for an investigation into the conditions of 90-day detainees, after collecting affidavits, alleging torture during interrogation.

He wrote personally to Mr. Vorster, then Minister of Justice, asking for a commission of inquiry. This was refused.

In the late 1950s, he appealed to the Government to investigate the conditions of employment and detention of farm labourers, but his appeal was ignored and the government claimed that forced labour did not exist.

[From the Johannesburg (South Africa) Post]

TRAVEL BAN ON DEFENDER JOEL CARLSON

Mr. Joel Carlson, a Johannesburg attorney who has represented scores of political prisoners and who is the South African observer for the International Commission of Jurists, had his passport taken away by the Government this week.

Mr. Carlson, presently the attorney for the families of two detainees who have died while in Security Police hands, told Post that he knew of no reason why his travel papers should be taken away.

"I have no plans at present to travel outside South Africa," he said. "I have far too much work to do."

Last year he spent two months away from the country on a round-the-world trip that included 10 days in America.

AN ERROR

Mr. Carlson revealed that the order withdrawing his passport was the second attempt by the Department of the Interior to obtain it in recent months.

"Recently I was asked to hand my passport to the authorities because they had discovered there was an 'error' in it," he said. "I examined it myself and found no 'error'—so I did not hand it in."

Last week he handed the passport to the American consulate in Johannesburg to have his visa for the United States renewed. It was still in the hands of the Americans when the Government demanded it back on Friday and Mr. Carlson had to collect it from there.

Genial Mr. Carlson is well known to Reef Africans and well liked by them. He has devoted much of his career in the past 13 years to exposing injustice in South Africa and defending politicians or political prisoners in court.

His clients include both Nelson and Winnie Mandela. "I am at present struggling to let Nelson know that Mrs. Mandela has been detained by the police," he told Post. "I wrote a letter to Robben Island to Mr. Mandela. Its arrival has not been acknowledged and there has been no reply to my queries about it."

Mr. Carlson, a father of four, appeared somewhat shaken when interviewed by reporters at the American consulate on Friday afternoon, but showed little signs of strain when Post saw him again in the office of Advocate David Soggot yesterday afternoon.

He and Mr. Soggot were working hard on the Lenkoe and Kgoathe cases. Both these political detainees have died recently while in custody.

Mr. Carlson recalled that he had been involved in some of the most important political cases of the past 10 years.

These include the S.W.A. terrorism trial, which attracted world attention, the Looksmart Ngudle inquest—Mr. Ngudle was the first detainee to commit suicide while in custody—and the Gabrielle Mabinde case.

Mr. Mabinde not only won R3,000 costs from the State in a Supreme Court interdict, but was given an undertaking by the authorities that he would not be prosecuted.

Mr. Carlson's most successful battle was the row over people who were unlawfully arrested and "sold to the farms". In this 1959 affair the Government at first denied that the forced labour scheme existed, but after the courts had upheld more than 20 habeas corpus applications by Mr. Carlson, the Minister of BAD ordered the practice to stop.

Mr. Carlson won the support of the Press, churches, the Black Sash and ordinary people throughout the country and received hundreds of letters and telegrams of support during this legal battle.

Tomorrow he will be in court again in Pretoria when the widely publicised inquest on James Lenkoe, who hanged himself in a Pretoria local prison cell after allegedly having been given electric shocks, continues.

[From the Johannesburg (South Africa) Sunday Express, June 15, 1969]

LAWYER'S PASSPORT: APPEAL TO THE MINISTER

(By Patrick Weech)

Mr. Joel Carlson, the Johannesburg attorney whose passport police seized this week, has asked Mrs. Helen Suzman to protest on his behalf to the Minister of the Interior.

Mr. Carlson is presently acting for the widows of two men who died in political detention recently. He is also official observer at the Prisons Trial for the International Commission of Jurists and the International Press Institute.

In Johannesburg yesterday, Mr. Carlson said: "I think the type of cases I have handled have not made me popular with the Government."

But, he stressed, "I have never made any political comment."

Referring to the "exposures" revealed in several cases, he said: "All the information received by me has been in my professional capacity. Where grave injustice has become apparent, I have written to the authorities advising them of the complaints."

On Friday night, Mr. Carlson sent a telegram to his Member of Parliament, Mrs. Suzman, asking her to "make representation on my behalf immediately to the Minister, protesting against this interference with my rights as a South African citizen.

NOT LEAVING

"I have no intention of leaving the country, of visiting anywhere. My family is here. I have four children. My house and practice are here. I am born, bred, educated and practise in Johannesburg which is my only home," the telegram said.

"I want to know the purpose and reason for removal of my South African passport, which was issued in December, 1965, to be valid for five years, until December, 1970."

Mr. Carlson said that about 10 days before his passport was seized, he received a telephone call "from some clerk in the passport office, asking me to bring my passport in to rectify an error.

"I examined my passport and as I found no error, I did not take it to them."

During the past 13 years, Mr. Carlson has often acted in matters where clients have alleged brutality while in custody. The allegations were brought to court in habeas corpus and other applications, and at inquest proceedings.

LABOUR SCANDAL

Mr. Carlson was largely responsible for the exposure of abuses in the farm labour scandal in the late 1950s involving allegations of brutality and ill-treatment. He acted in the case of Looksmart Solwandle Ngudle,

who in 1964 was the first 90-day detainee to hang himself.

He also acted in the case of Gabriel Mbindi, the 68-year-old detainee whose eardrums were perforated, and who was paid R3,000 by the State in settlement. Mr. Carlson acted for the accused in the Pretoria terrorism trial. He has campaigned for inquiries into conditions of political detainees, following allegations of brutality.

Mr. Carlson represents the widow of Mr. Nicodemus Kgoathe who died in custody. He is also instructing attorney for the widow of Mr. James Lenkoe, the Terrorism Act detainee whose body was found hanging in his cell in Pretoria Local Prison after interrogation by Security Police.

[From the Johannesburg (South Africa) Sunday Times, June 15, 1969]

ATTORNEY'S PLEA TO MRS. SUZMAN: "WHY HAS MY PASSPORT BEEN SEIZED?"

(By Margaret Smith)

Mr. Joel Carlson, the Johnannesburg attorney whose passport was seized by the police on Friday, has sent an urgent appeal to Mrs. Helen Suzman to make representation on his behalf immediately to the Minister protesting against "this interference with my rights as a South African citizen."

In his appeal to Mrs. Suzman, Mr. Carlson says: "For 13 years I have had cases which I have brought to court on behalf of clients involving allegations of brutality, starting with the farm labour scandal in the late 1950s, the appeal to the Minister involving allegations of torture during 90-day detentions, and more recently I acted for the South West African terrorists when this allegation was again brought up.

"I am at present acting for the widows of two detainees who died during interrogation—namely the cases of James Lenkoe and Nicodemis Kgoathe."

Mr. Carlson says in his appeal to Mrs. Suzman that he has no intention of leaving South Africa or of visiting anywhere.

MY HOME

"My family is here, I have four children, my house and my practice are here. I am born, bred, educated and practice in Johannesburg, which is my only home."

Mr. Carlson said he had never been a politician and had practised only in a professional capacity. He was not a member of any political party.

Yesterday he told me: "It is quite clear to me that although no reason has been given for the withdrawal of my passport, the powers-that-be disapprove of an attorney such as myself, who acts in a professional capacity for political clients and pursues their causes with energy and enthusiasm before the courts."

Mr. Carlson said that, time and again, questions had been asked about where the funds for the defense of his clients came from.

This was raised by the Afrikaans Press during the South West Africa terrorist trial.

"For this case, the money came from a most prominent member of the British House of Lords.

"I have also received funds from the most prominent and senior American lawyers who are concerned with injustices in countries such as South Africa.

"I have also received money from the National Council of Churches in America.

"The Government is well aware of the source of the financial support I receive.

"I have nothing to hide."

Mr. Carlson's passport was taken at the office of the United States Consul-General after a notice had been served on Mr. Carlson at his city office. His United States visa was about to expire, and he was having it renewed as a matter of formality.

Mr. Carlson was an official observer for the International Commission of Jurists and for the International Press Institute at the Prisons' Act trial.

[From the Johannesburg (South Africa) Rand Daily Mail, June 16, 1969]

CARLSON SAYS HIS TELEPHONE WAS TAPPED

Mr. Joel Carlson, the Johannesburg attorney acting in the Lenkoe inquest, claimed yesterday that for several weeks before the withdrawal of his passport, he had been watched and his telephone had been tapped.

Describing incidents preceding the withdrawal of the passport by a Security Branch officer, Mr. Carlson said: "From the first day of the Lenkoe application, I was suspicious of certain cars which seemed to have an unusual interest in my movements.

"I don't think the occupants tried very hard to hide their interest. This went on for a few weeks. On occasions I have approached gentlemen in Volkswagens parked outside my home, and asked if I could assist them. They said I could not."

Mr. Carlson said he had heard "strange clicking, echoing and fading disturbances" on both his home and office telephones.

"I hate to be a bedfellow of Barry Botha," said Mr. Carlson. "But I have many similar complaints about some of the improper uses to which State officials have been put in matters which shouldn't concern them or worry them in the slightest.

"Nothing I do should worry them. There is nothing subversive about my activities."

Mr. Carlson directly linked the withdrawal of his passport with the obtaining of expert testimony in cases involving allegations of brutality.

Particularly important, he said, was the "obtaining of evidence and advice of such a world-renowned authority as Dr. Alan Moritz."

The doctor testified about the cause of death of Mr. James Lenkoe, a Terrorism Act detainee, who died in Pretoria Local Prison after Security Branch questioning.

SUPPORT

Another probable reason for the withdrawal was the interest and support from American lawyers and churches, said Mr. Carlson.

"It is both difficult and expensive to obtain eminent doctors like Dr. Moritz to leave their heavy commitments in America to come and give evidence in proceedings here.

"This has only been made possible by the help of American lawyers who saw and spoke to Dr. Moritz, and persuaded him to come here and financed his journey.

"It is significant because it shows the concern of American lawyers in upholding the rule of law, not only in America but in South Africa and elsewhere where 'due process' is abused.

"Financial aid has been given by American lawyers and churches in cases involving the application of unjust laws which shock the conscience of lawyers upholding the principles of the rule of law."

SEARCHED

Mr. Carlson said he had been searched at Jan Smuts Airport on his return from visits to America in 1967 and 1968.

After the first visit, he said, he had been thoroughly searched. A letter carried from the Association of the Bar of the City of New York had been taken from him for about half an hour.

"I am sure a copy was made of the letter.

"In August, 1968, when I returned from America, I was thoroughly searched again and more documents removed temporarily."

Mr. Carlson said there was no secret about support he had received from America.

"The reason for the support is the horror felt by lawyers at the scope of some of our laws," he said.

Mrs. Helen Suzman, M.P., in whose constituency Mr. Carlson lives, has been asked to approach the Minister of the Interior about the withdrawal of Mr. Carlson's passport.

[From the Johannesburg (South Africa) Star June 16, 1969]

APPEAL TO M.P. BY CARLSON

Mr. Joel Carlson, the Johannesburg attorney whose passport was seized by the police on Friday, has appealed to Mrs. Helen Suzman, M.P., to make representations to the Minister of the Interior on his behalf.

Mr. Carlson is acting in two inquests into the deaths of two African men who died while being held in custody by the Security Police. They were Mr. James Lenkoe and Mr. Nicodemis Kgoathe.

Mr. Carlson handed over his passport to the police at the American Consulate in Johannesburg. His visa to travel to the United States was about to expire, and he had handed the passport in to have it renewed.

In his appeal to Mrs. Suzman he said that he had no intention of leaving South Africa or of visiting anywhere. His family, home and practice were in Johannesburg, where he was born and educated.

He said he had never been a politician and had practised only in a professional capacity.

Mr. Carlson has linked the withdrawal of his passport with the obtaining of expert testimony in cases involving allegations of brutality and with the interest and support of American churches and lawyers.

NO POLITICIAN

He said over the week-end that the Government was well aware of the sources of the financial support he received. In the South West Africa terrorist trial the money came from a prominent member of the British House of Lords.

He had also received money from the National Council of Churches in America.

He claimed that for several weeks before the withdrawal of his passport he had been watched and his telephone had been tapped.

Mr. Carlson was an official observer for the International Commission of Jurists and for the International Press Institute at the Prisons Act trial.

[From the Johannesburg (South Africa) Rand Daily Mail, June 17, 1969]

MAGISTRATE TELLS OPPOSING SIDES: I'VE HAD ENOUGH

The magistrate at the Lenkoe inquest, Mr. J. J. H. Tukker, yesterday postponed the hearing to Friday despite protests of counsel—and after telling counsel and prosecutor he had had "enough of your arguments."

Mr. D. Soggot, who is appearing for Mrs. Julia Lenkoe, widow of Mr. James Lenkoe, who died while a Terrorism Act detainee, told the court it would be impossible for him to prepare by Friday to question a surprise witness brought by the State yesterday.

However, Mr. Tukker ruled that the matter would proceed at 2 p.m. on Friday, even though Mr. Soggot had stated that he had an appointment involving senior counsel fixed for that afternoon.

The inquest is into the death of 35-year-old Mr. Lenkoe, who was found hanging by a belt in his cell at the Pretoria Local Prison late on the night of March 10, after daylong interrogation by the Security Police.

A second post-mortem was performed on him after a special application had been brought by his widow.

Evidence about copper found in a wound on Mr. Lenkoe's toe, possibly indicating an electric shock, has been given at previous hearings.

Mr. Tukker, who is on the bench with a medical assessor, Dr. W. J. Scheepers, yesterday heard:

From a surprise expert witness brought by the State that copper is present in every human body.

From the pathologist who conducted the second post-mortem that a wound on Mr. Lenkoe's toe must—beyond reasonable doubt—have been caused by an electric shock.

THICKSET MAN

Testifying yesterday Mrs. Lenkoe said she and her husband were awakened about 11:30 p.m. on March 5 by knocks on the windows and door of their home in Soweto township.

She at first restrained her husband from opening the door. When she peered through the window she saw a short, thickset White man who identified himself as a policeman.

One of the men said: "Are you Mofokeng?"

Before he could answer two hands gripped his wrists and pulled him into the doorway. Entering the house policemen asked her husband and her where they stole all the money which enabled them to live in their beautiful home. Her husband replied that he worked for his money.

An African constable clubbed her husband behind the bed, and the White policemen pushed her into the bedroom while another White policeman struck her husband three times on the head with his clenched fist.

After the room had been searched, the police took her husband away. She was refused permission to go to her neighbors and tell them what was going on, because she wanted witnesses and was not sure if the men in her house were really policemen.

Outside the house she saw two private cars and a police van. One car had a TPA registration. (Transvaal Provincial Administration) and because of this she soon afterwards made inquiries at the local Pretoria prison about her husband.

At the prison she was told she would not be able to see her husband for 180 days, but could come back on the following Sunday, bringing him clothing and food.

CONFIRMED

On the Sunday, when she returned, she was told at one gate her husband could not be found in the prison, and at another gate that she could not see or talk to him for 180 days.

On the following Tuesday two White policemen came to her home and demanded her husband's reference book. She searched in her bedroom for it but could not find it.

On the Thursday she went to town and, when she returned, her neighbours told her the police had called and that her husband was dead.

Next day, a Friday, an African constable confirmed that her husband had died.

The prosecutor, Mr. Jordaan, at this stage said that much had been said in evidence about the discovery of copper particles in a wound on Mr. Lenkoe's toe, and he was producing an expert witness.

The witness was Professor Bernard Meyer, professor of physiology and biochemistry at the University of Pretoria and author of 65 publications—seven of them on copper in the human body.

BALANCE VARIES

Professor Meyer said the skin was the biggest organism in the body, and the most involved. Virtually every kind of tissue to be found in the body was in the skin, which was made up of four layers.

The actual constitution of the skin differed from place to place on the body, and in some places the epidermis—the top layer—was as thick as 1 m.m. and at others as thick as 15 m.m.

Many factors could upset or affect the balance of the skin.

Much research had been done on the presence of copper in the body. It appeared with other trace elements, but differed in concentration from place to place in the body—and even in concentration in different parts of particular spots.

Generally there were about 100 milligrams of copper in the body, with generally the highest concentration in the liver, followed by the kidneys and the brain.

The amount of copper varied from organ to organ, and then even in the organs themselves from spot to spot.

The same applied to the skin. At one spot more copper might be found than at another adjoining spot.

It was also a fact that darker skinned people generally had more copper in them than light skinned people. There were also differences in the concentrations between men and women, and women in pregnancy or menstruation.

In fact he could, through measuring the presence of copper in a woman, show at a certain stage whether or not she was pregnantt.

In addition many illnesses and conditions were linked with a more than normal concentration of copper in the blood, while only a few illnesses showed a decrease in copper concentration.

More copper could also be found at the source of a wound, because of the extra bleeding and blood supply to that wound.

Of spectrographic tests conducted to show the presence of copper in Mr. Lenkoe's wound, Professor Meyer said that all the test had proved was that copper was present in the tissue examined—but there was no quantitative basis to the test.

Questioned by Mr. Soggot, Professor Meyer said he preferred to answer questions put to him in Afrikaans. After a while Mr. Soggot reverted to English for his questions, with Professor Meyer answering them in Afrikaans.

He said hundreds of factors could influence the presence or concentration of copper in the body. Even in the case of two experimentally perfect, identical people there would be differences in copper content.

[From the Johannesburg (South Africa) Rand Daily Mail, June 17, 1969]

I Believe Burn Is Electric One

Among the things which affected the concentration were the time of the day, temperature, the type of work, nutrition, exposure to sun, illness, cold, age, and even the type of shoes worn by the subject.

The percentage of copper in the case of a normal person in ideal conditions would be about 0.8, but actual human content could vary from 50 to 150 milligrams.

He had made no special study of copper in the skin, but believed that actual concentrations of the element could vary tremendously from minute spot to spot—as they did elsewhere in the body.

FROM TOE

Dr. Jonathan Gluckman, the pathologist who conducted the second post-mortem on Mr. Lenkoe, said he made slides of tissue taken from Mr. Lenkoe's body and there was no possibility of them having become contaminated by other metals.

The skin taken from the toe was a good deal smaller than a section taken from the neck.

He had reconsidered the slides and wanted to back fully evidence given last week by the visiting American pathologist, Dr. A. R. Moritz, that "columns" shown in the slides indicated the passage of electric current.

Dr. Gluckman said he agreed with Dr. Moritz's conclusions that Mr. Lenkoe received a thermal electric burn. These conclusions were based on the special microscopic appearances of the toe, the results of the spectrographic analysis which disclosed an excess of copper residue in the toe when compared with the neck and the peculiar columnar arrangements of the changes in the skin only found in electrical burns.

He was satisfied in his mind beyond reasonable doubt—and in the absence of any evidence indicating anything else—that Mr. Lenkoe's injury was thermal electric one.

Referring to a German scientist quoted in the case by State witnesses, Dr. Gluckman said he wrote to the scientist, Boehm, in Munich, last week with certain questions. When he received no reply he telephoned Boehm on Friday, and established that Boehm's experiments so far were confined to charring conditions under high temperature.

Professor Boehm told him that he still hoped to study the effects of low voltage burns on the human body—the type of injury which he believed was being dealt with at the inquest.

Dr. Gluckman handed in to court an artist's representation of the metallisation that would be caused if a shock were administered to the skin through a paper clip—showing uneven points of electrical entry into the skin.

Questioned by Mr. Jordaan, he said he wanted to "leave the door open" but believed the burn was electrically caused. If other evidence were produced he could reconsider his position.

In the case in point it was the first time he had ever dealt with electric burns to the skin, but as a trained pathologist he was often called on to diagnose an occurrence on seeing a certain thing for the first time.

He could track down works on the subject, as he had done in the Lenkoe case. He had sent the microscopic slides off to Professor Moritz in America and had conferred at length with Professor Moritz.

Professor Moritz gave his opinion on the slides shortly before he flew out to South Africa to testify.

Recalled by the State, Mrs. Lenkoe said she and her husband used candles in their home, but there were street lights about 200 to 250 yards from the house.

Mr. Soggot objected to a question put by Mr. Jordaan, saying he was in effect cross-examining Mrs. Lenkoe—something which he himself had not done to a witness.

He also objected to more than one question being put to her at once, and Mr. Tukker said he wanted no arguments in his court.

Mr. Tukker said he had "had enough of your arguments" and ordered Mr. Jordaan to continue.

Questioned about the fear of Lesotho people—Mr. Lenkoe was a Lesotho national—she said she did not know any witchdoctor in Johannesburg. Therefore she need not be frightened of them.

She knew nothing about a wound on her husband's hand, or about evidence that might be produced that a witchdoctor had given him a powder to smear on it, to cure it.

IMPROPER

When the question of the adjournment was considered, Mr. Jordaan said Professor Meyer would be available on Tuesday, Wednesday, Thursday and—with some difficulty—on Friday afternoon.

Mr. Soggot said this would not give Mrs. Lenkoe's legal representatives sufficient time to obtain the necessary transcript of Professor Meyer's evidence, translate it, and study it.

Professor Meyer had often been almost inaudible during his evidence and the evidence would have to be studied.

After telephoning the official court recording contractors, it was stated that the record would be ready at the latest by Friday morning.

Mr. Jordaan said that if he could prepare within days to question Dr. Moritz at earlier hearings—as he had done—Mr. Soggot could prepare to question Professor Meyer at short notice.

INVOLVED

Mr. Soggot said it was "wholly improper" to expect him to prepare himself in such a short time.

Mr. Tukker, after a short adjournment, ruled that the hearing would proceed on Friday.

Mr. Soggot said he failed to see why the public prosecutor's caprices should dictate to

the court what should happen. There was no reason why the matter should now suddenly become an urgent one.

Mr. Jordaan said Professor Meyer was only available this week. If the hearing did not continue this week he would not be available for a few months to come.

Mr. Soggot said there was no possibility that he could proceed with the matter tomorrow and that he was involved with an already planned consultation on Friday afternoon.

Mr. Tukker insisted that the inquest be resumed on Friday afternoon and adjourned the court.

[From the Johannesburg (South Africa) Star, June 16, 1969]

WIFE TELLS OF MIDNIGHT DETENTION

The midnight detention in Soweto of James Lenkoe, a Lesotho national who later died in prison, was described by his widow in a Pretoria Inquest Court today.

Mrs. Julia Lenkoe told the magistrate, Mr. J. J. H. Tukker, that White men had woken her and her husband at 11:30 p.m. on March 5 and had taken her husband away without explanation. During the incident she had been pushed by a policeman, she had seen her husband hit on the head by a White man and an African had also hit him on the back of the head.

The inquest court is investigating the death of James Lenkoe, who was found hanging by his neck from a belt tied to the bars of his cell in Pretoria Local Prison on March 10.

Mrs. Lenkoe said that after hearing of her husband's death, policemen visited her to ask whether she could identify her husband's belt, but she had never been shown the belt.

SHOCK EVIDENCE

Previous evidence has been that Lenkoe was found dead after a day of interrogation by security police. Counsel for his widow has alleged that Lenkoe received an electric shock and expert medical evidence has been led in support of this.

Mrs. Lenkoe told the court that after hearing a knock on the door of their house on March 15 they opened it when a voice said it was the police.

Two hands grabbed her husband's wrists as he stood at the door and pulled him outside. When the men entered the house they asked her where she had stolen the money to enable them to live in such a good house. She told them the money had been earned through work.

USED FIST

Later, she saw an African constable hit her husband behind the head. The police then told her to go back to bed and when she remained standing at the door of the bedroom a White policeman pushed her into the room.

She said she then saw another White policeman hit her husband smartly three times with his fist on the top of his head. The men came into the bedroom and started searching. They found nothing but asked where goods they saw in wardrobes had been stolen from.

She said she looked out of the window and saw three vehicles—one of them a police van. As one of the vehicles had a T.P.A registration she knew she should make inquiries in Pretoria

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[From the Johannesburg (South Africa) Post, June 15, 1969]

BOTH CAME TO JOHANNESBURG TO GET LEGAL ADVICE: THE WIDOWS OF SORROW MEET

Two widows whose husbands died in Pretoria while being held for interrogation by the Security Police, met for the first time yesterday at a lawyer s office in Johannesburg where they had come for advice.

They are Mrs. Julia Lenkoe, 33, of Naledi, Soweto, whose husband, Mr. James Lenkoe, was found hanged in a cell in March. At the inquest on his death, which is still being heard in the Pretoria Magistrate's Court, an allegation was made that he was given an electric shock before he died.

The other is Mrs. Onica Kgoathe, 44, of Hebron, north of Pretoria. Her husband, Mr. Nichodimus Kgoathe, died in hospital on February 4 after being taken from the Silverton police cells where he was being held.

At the inquest on his death evidence was given that he had been assaulted, but the magistrate found that no one was to blame for his death.

Mrs. Lenkoe, a mother of two, told Post that she stopped working at a factory where she was a machinist on March 2, the day her husband was arrested by S. B. cops for questioning. He said she and her two children, Emelda, four, and Lorraine, two, were being looked after by her husband's uncle who also paid the rent for her four-roomed house.

"My husband," she said, "had been working for the railways for 19 years and was a barrier attendant at Park Station when he was taken away and died.

"It was a shock to me when the police woke us up on the night of March 5.

"They did not tell me why they were taking him away. I only learned next day that he was being held in Pretoria. I hired a car to go there and was told to come back on Sunday. I went there but I was told that I couldn't see him because he was a detainee."

Mrs. Lenkoe said the police came to her house again on March 11 and asked for her husband's pass. On March 13 she got a message from a neighbour that the police had been there to tell her that her husband had died.

Mrs. Lenkoe said her husband was buried in Leribe, Lesotho, where he was born and the funeral expenses were paid by the family. She is now being supported by her husband's uncle.

Mrs. Lenkoe was born in Soweto. She told POST that she intended looking for another job. She had no intention of remarrying because of the memory of her husband.

"I don't think I'll get someone who'll treat me as he did," she said.

Mrs. Kgoathe has eight children. She told Post that the eldest, a son, was working. Three others were in high school at the Hebron Training Institution. Two have now left the school as a result of their father's death. There is no money.

"I am now wondering how I am going to bring the children up. They were keen on schools," Mrs. Lenkoe said.

[From the Johannesburg (South Africa) Rand Daily Mail, June 13, 1969]

TRIALS DEBATE STARTS FURORE

A heated debate on the colour question last night followed addresses by four speakers on "Political Trials in South Africa" at the University of the Witwatersrand.

The speakers—three prominent members of the Johannesburg Bar and Professor John Dugard of the university's Law Department—addressed more than 200 students at a symposium organised by law students.

Professor Dugard, who opposed political trials, said in most cases the trials hoped to eliminate or discredit one's political foes according to some prearranged rules.

"In recent years," he said, "the trial process has been used for both propaganda and removal purposes."

His views were corroborated by the next two speakers. The last speaker's views, however, caused a furore which lasted for more than an hour after he finished speaking.

"Before we can question the necessity for political trials in South Africa, we have to decide whether it is necessary to deter people from political activities," he said.

"In this country we have societies with incompatible values, and there is no justification for the tyranny of the majority under the guise of democracy."

He said that justice was no doubt an ideal state in heaven, but in his view a definition of justice could be that "equals must be treated equally and unequals must be treated unequally for the particular situation."

Jeers from the audience followed this statement, and he defended his view by saying that although people were taxed differently, this was considered just.

"You must realise," the advocate continued, "that all human rights are subject to restriction. We want freedom of speech, but this would not entitle us to libel our neighbours.

"Freedom connotes only an absence of restraint," he said.

Political trials were necessary as South Africa represented the "vanguard of the colour revolution in the world. By an accident of history we had amongst us a people who did not have the know-how technologically to advance themselves.

"We need political trials to prevent agitators from overthrowing the social system," he said.

He concluded his speech amid jeers from the students, and the meeting was thrown open to questions from the floor.

[From the Johannesburg (South Africa) Star, June 13, 1969]

POLITICAL TRIALS ARE "DIALOG OF DEAF"

The exchange between prosecutor and accused in contemporary political trials in South Africa was often "a dialogue of the deaf," Mr. G. Bizos, a leading advocate, said in Johannesburg last night.

Mr. Bizos was one of four speakers at a symposium organized by the Law Students' Council at Wits. on political trials in this country.

Mr. Bizos said that the classical type of cross-examination seemed to have come to an end in political trials, at any rate as far as prosecutor and accused were concerned. Instead there was accusation and counter-accusation—"a dialogue of the deaf," in which each hurled moral accusations at the other.

To represent accused in political trials, particularly terrorist trials, was a difficult and onerous task, he said. Defending counsel's loyalty was often questioned by supporters of the status quo, and he was often criticized by opponents of the regime for not protesting vigorously enough.

TERRORISTS

"But the rights of unpopular causes should not be swept aside. There must be no untouchables in the legal profession. If terrorists, saboteurs and Communists cannot find anyone to defend them today, who will be next?"

Prof. John Dugard of Wits. said that from the Government's point of view the Treason Trial of 1956 had not been a success. "It dragged on too long—from 1956 to 1961—and the public lost interest." It evoked little support from the Whites, did not intimidate the non-Whites and caused the Government embarrassment abroad.

Political trials, he said, had two objectives: the removal of an opponent and the mobilization of public support against the accused.

But the Government had learnt from the Treason Trial—and by altering the rules was now fulfilling these two objectives. Some of the Government's innovations were: the introduction of summary trials to speed up the whole process, the replacing of "the vague definition of treason" by "wide definitions of sabotage and terrorism," and the detaining of suspects for interrogation.

PUBLICITY

Mr. P. J. Hare, another advocate, spoke of political trials in the Eastern Province during the period 1960 to 1964. Some 800 political trials had taken place in the Eastern Prov-

ince, he said, but they had received little publicity and few people knew of them.

A feature of these trials was the harsh sentences. One man, for example, was sentenced to five years' imprisonment, being a member of a banned organization and attending a meeting of the organization. But in the Transvaal men convicted of much more serious offences—sabotage, for example—had received similar sentences.

Mr. S. A. Cilliers, also a Johannesburg advocate, said that in South Africa the choice was "between control and revolution," and that the value of the law as it pertained to political offences was that it acted as a restraint and a regulator.

[From the Johannesburg (South Africa) Star, June 16, 1969]

SOUTH AFRICAN PRISON SYSTEM—IN BOOK FORM

CAPE TOWN.—The Department of Foreign Affairs has launched the world-wide distribution of a 126-page evaluation of the South African prison system—a system, it says, is based on United Nations requirements and which measures up to the "highest standards."

It is an attempt to give the world a comprehensive picture of the South African penal system and to meet direct and indirect criticism. It will be sent to South Africa's 36 overseas diplomatic missions and it will go to all foreign missions in South Africa as well as criminologists and penologists in different parts of the world.

The expensively produced book contains hundreds of photographs of conditions and activities in a wide variety of South African prisons.

Throughout, the publication makes no distinction between White and non-White prisoners. It concentrates on the men and women sentenced to imprisonment and deals only briefly with prisoners under arrest or awaiting trial.

It makes no mention of people "detained" in terms of certain South African security legislation.

DEVELOPMENTS

The book said that for the last 50 years South African prison authorities had been in constant touch with other prison authorities and academicians, thus keeping abreast with new developments in prison techniques and methods.

It said the administration and management of penal institutions in South Africa were based on legislation conforming to the United Nations standard minimum rules and the major objective of the system was "renabilitation with a view to preparing the prisoner for a normal and productive life on release."

The writer conceded that the checks and balances in the system sometimes failed, that irregular treatment of prisoners sometimes occurred and that the system was not foolproof.

The following are some of the points made in the publication:

The picture painted by overseas critics of the South African penal system was without foundation.

The Government never attempted to conceal prison conditions and had frequently granted access to prisons to "properly qualified observers." These included judges, magistrates, international Red Cross investigators, Members of Parliament and overseas criminal and penal experts.

The imposition of "cruel, inhuman or degrading punishment, or punishment involving placing the prisoner in a dark cell for disciplinary or other offences, is not only a crime, but cannot be concealed . . . dark cells do not exist."

Medical services and food supplies were governed by the standard minimum rules, which were strictly applied.

Prisoners' rights and privileges were set out in a handbook which was handed to prisoners on admission.

[From the Johannesburg (South Africa) Rand Daily Mail, June 14, 1969]

STATE MAY INVESTIGATE KGOATHE CASE

The attorney-general of the Transvaal is considering possible further investigations into the death of an African Terrorism Act detainee, Mr. Nichodimus Kgoathe, 47.

A spokesman for the Attorney-General's office said yesterday the record of the inquest into Mr. Kgoathe's death was still being examined.

At the Pretoria inquest, a district surgeon testified that Mr. Kgoathe, whom he had examined in the Silverton police cells shortly before his death, had marks on his body which could have been caused by a sjambok and wounds which could have come from an assault with the buckle of a belt.

BODY PAINS

Sergeant Gildenhuys of Silverton where Mr. Kgoathe was detained before being taken to the H. F. Verwoerd Hospital on January 21, said Mr. Kgoathe complained of body pains. Instructions were given for a doctor to be called.

He saw Mr. Kgoathe again at midday and he still complained of pain. Mr. Kgoathe told him he was assaulted by Security Police during interrogation.

Mr. Kgoathe did not want to lay a charge and refused to make a statement. An entry to that effect was then made in the police records, Sergeant Gildenhuys said.

In statements before the court, it was said that Mr. Kgoathe sustained certain injuries when he slipped and fell while having a shower at police headquarters on January 16.

A post-mortem report said the cause of death on February 4 was bronchial pneumonia.

The magistrate found that, in the light of the evidence and statements before the court, he was not in a position to conclude that any person was responsible for Mr. Kgoathe's death.

As standard procedure, a record of the inquest was submitted to the Attorney-General's office for consideration.

Should further investigations be considered necessary, instructions will be issued to the Chief of the C.I.D. General D. J. Bester.

[From the Johannesburg (South Africa) Post, June 15, 1969]

TERROR ACT DETAINEES WILL BE TRIED

A senior officer at the headquarters of the Security Police in Pretoria confirmed yesterday that the people held during recent S.B. swoops were being detained under the Terrorism Act—and not the 180-day clause as reported earlier.

He said he expected some of the detainees to appear in court under the Act.

"But not all of them will be charged," he added.

As the matter will soon be before the courts the officer declined to say more.

The officer was confirming a statement made by Brigadier P. J. "Tiny" Venter, head of the Security Police, to a daily newspaper on Friday.

Brigadier Venter was commenting on the arrest and detention of Miss Shanti Naidoo of Doornfontein on Friday.

He explained that the detainees, who include photographer Peter Magubane, Winnie Mandela, Joyce Sikakane, a journalist and others were being held because of alleged activities in the African National Congress.

NAMES OF 25 HELD IN REEF SWOOPS

This week Post was able to get the names of 25 of the people held under the Terrorism Act after the recent police swoops in Soweto and Alexandra Township.

But POST could not get the full names of five of them. Relatives are still guessing where they are being held.

Some said that they had been allowed to take clean clothes and cigarettes to their relatives.

Mr. Mendel Levin, a Johannesburg attorney has been briefed on behalf of Mrs. Winnie Mandela and others.

Detainees from Soweto: Winnie Mandela, Peter Magubane, Joyce Sikakane, Mrs. Mabena, David Motau, Paulus Mashaba, Albert Mashamba, Mr. Singo, Mohale Maharyele, Mr. Shabangu, Mr. Monnapula, Esther Nkosi, Charlotte Nasinga, Joseph Zikalala, Johannes Thage, David Tshotetsi, George Themba and Boyce Ndungwane.

From Alexandra: Joseph Skoshana, Douglas Nvemva, Virginia Nkomo, Joyce Molefi and Martha Dlamini.

Another detainee is Ashanti Naidoo, a clerk of Doornfontein.

NEWSMAN HELD BY SECURITY BRANCH COPS

(By Percy Qoboza)

The security police yesterday detained one of South Africa's top African photographers, Mr. Peter Magubane. He is reported to have been held under the 180 days detention clause.

Mr. Magubane, who has been overseas on several occasions and whose photographs earned him international recognition and awards was taken from his place of employment.

Two cars bearing Pretoria registration numbers arrived at his Diepkloof home at 3 p.m. The police carried out an intensive two-and-a-half hours search before whisking him away to Pretoria.

NINE HELD

Mr. Magubane's detention now brings the total number of known people taken by the security police in Soweto to nine. Those taken include Mrs. Winnie Mandela, wife of Rivonia industrialist Nelson Mandela who is serving a life sentence on Robben Island, and Miss Joyce Sikakane, a reporter and colleague of Peter Magubane.

After the first swoop in Soweto, the chief of the Security Branch, Brigadier Tiny Venter, said that all the people detained were being held in connection with activities of the African National Congress.

[From the Johannesburg (South Africa) Rand Daily Mail, June 14, 1969]

INDIAN WOMAN IS HELD UNDER TERRORISM ACT

Security police detained an Indian woman, Miss Shanti Naidoo, of Rockey Street, Doornfontein, at her home yesterday.

Miss Naidoo, 34, was detained under the Terrorism Act.

It is believed that about 40 people have been detained under the Act recently in connection with alleged activities of the banned African National Congress.

Brigadier P. J. "Tiny" Venter, head of the Security Police, confirmed yesterday that Mr. Peter Magubane, the African photographer who was detained on Thursday, was being held in connection with the alleged activities of the A.N.C.

Brigadier Venter corrected a statement made by one of the officers who detained Mr Magubane to the effect that he was being held under the 180-day Detention Clause. He said that Mr. Magubane was being held under Section Six of the Terrorism Act, which defines the "detention of terrorists and certain other persons for interrogation."

The security chief declined to discuss whether there was any possible connection between the detention of a large number of non-whites in connection with alleged ANC activities and the detention of a British subject, Mr. Philip Golding, under the Terrorism Act.

He said as the matter was likely to come to court the subject was *sub judice*. He added that none of the non-Whites detained in

connection with alleged A.N.C. activities was being held under the 180-day clause, that is as potential witnesses.

[From the Johannesburg (South Africa) Star, June 13, 1969]

ANOTHER AFRICAN NEWSMAN ARRESTED

Another Soweto resident has been arrested by the Security Police.

Mr. Peter Magubane, a Press photographer and winner of several photographic awards, was detained yesterday. He lives at Diepkloof Township within the Soweto complex.

He is the second African newspaperman in Johannesburg to be detained by the Security Police. Another journalist, Miss Joyce Sikakane, was detained last month with Mrs. Winnie Mandela and others.

A day before the detention of Mrs. Mandela, Miss Sikakane, Mr. David Motau and Paul Matshaba, Mr. Magubane was picked up but later released.

He recently visited Pretoria on several occasions, in an effort to give parcels to Miss Sikakane and Mrs. Mandela.

[From the Johannesburg (South Africa) Rand Daily Mail, June 17, 1969]

WINNIE MANDELA WELL, SAY POLICE

The Security Police have given an assurance that if the condition of Mrs. Winnie Mandela—at present being detained under the Terrorism Act—shows any deterioration, a specialist will be called in for a consultation.

Mrs. Mandela, wife of the Robben Island prisoner, Nelson Mandela, is said to suffer from a cardiac condition.

Mr. Mendel Levin, a Johannesburg lawyer, who informed the Security Police of Mrs. Mandela's condition, said yesterday that the police told him Mrs. Mandela was examined and found to be in a good state of health.

WAR VETERANS BEING GOUGED BY HIGH INTEREST

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. MADDEN. Mr. Speaker, I have received a great number of letters and complaints from citizens in my district in opposition to the unnecessary advances of interest rates by the big eastern bank monopoly.

The protests that have been coming in to Members of Congress in both bodies against high interest gouging and the fabulous, and in many instances, fraudulent loopholes given to big oil, big foundations, big real estate, and so forth, are almost totally ignored by the leaders of the Ways and Means Committee, and many Members of Congress. This morning, I received a letter from Edmund A. Shelley, of the Shelley Real Estate and Insurance Agency of Highland, Ind., which I submit for the information of our colleagues. This letter is merely one of dozens received in my office complaining about interest rates, high taxes, tax loopholes, and so forth.

The letter follows:

THE SHELLEY AGENCY,
Highland, Ind., May 27, 1969.

Congressman MADDEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MADDEN: This letter is about the problem of availability of money for financing guaranteed VA and FHA loans.

Keeping in mind the fact that there is no, or very little, risk involved by mortgage companies when they make these loans. Even with this insurance or guarantee, these mortgage companies, in the face of constantly rising interest rates, are still making these loans at an outrageous discount rate.

As a large percentage of these lenders are life insurance companies, it might be well to check and see where this money is going. Life insurance premiums are not coming down! Dividends are not going up! To this citizen, all the above merely adds up to subsidized profits to the large lenders because of the Government Guaranteed basis on which these loans are made.

As a suggested cure for this unfair situation, I believe that ALL discounts should be outlawed on federal insured loans and if the mortgage institutions withdraw from the mortgage market, then the Federal Government should lend on these insured mortgages direct.

I am by no means a socialist, but where else can the Federal Government get a return of 7½% on its money? When private industry proves itself incapable of doing the job, then the government is usually forced to step in.

When we also consider that a large percentage of present day sellers are veterans of World War II, it seems that it is poor thanks for serving their country by being victimized by ruinous discounts. This situation is also part of the cause of the present rising market on real estate. Adding to the inflationary spiral and causing our present day veteran buyers to pay more for housing after serving their country.

Also conventional mortgages are going at a 7% interest rate in the Chicago area, against 7½% for FHA and GI (guaranteed) loans. I believe this is the first time conventional loans have gone at a lower rate than GI or FHA loans.

Very truly yours,

EDMUND A. SHELLEY.

FREEDOM BECOMES ILLEGAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RARICK. Mr. Speaker, the recent decision by the U.S. Fifth Circuit Court of Appeals represents some of the more tragic judicial legislation in the public school field since our country became a Republic.

Who would ever believe that Federal judges, sworn to uphold the Constitution, would rule that freedom of choice in public education is illegal unless it accomplishes some bureaucratic theory of "desired goals."

In so ruling the U.S. court of appeals reversed 36 parish school boards and two city school systems, all in the State of Louisiana. Back in 1961, Federal judges had given their stamp of approval to the "freedom of choice plan," under which many of these boards were operating in good faith.

Not only is it becoming more and more obvious that Federal judges are being forced to run schools—a field in which they have no training or experience—but it is forcing them to trample under foot the greatest American birthright which it has traditionally been their duty to defend; that is, freedom.

When courts decree "freedom is a crime" it is later than most people would like to admit. Chief Judge E. Gordon West, of the Eastern District of Louisiana, in scathing comments accompanying the Fifth Circuit mandate plainly stated that most Americans know—that there is no law to support the decision.

Mr. Speaker, my remarks will be followed by the court decision in No. 27391 and news clippings, one outlining the handicaps of abolishing a school system in the South designed to meet local needs with the resulting loss of jobs and opportunities to educated, willing-to-work Americans.

The material follows:

[No. 27391]

JOYCE MARIE MOORE, ET AL., PLAINTIFFS-APPELLEES, VERSUS TANGIPAHOA PARISH SCHOOL BOARD, ET AL., DEFENDANTS-APPELLANTS

[Civil Action No. 15556]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

(May 28, 1969)

Before Brown, Chief Judge, Godbold, Circuit Judge and Cabot, District Judge.

GODBOLD, Circuit Judge: We have before us appeals from three district court decrees covering thirty-six parish school systems and two city school systems, all in the state of Louisiana. These cases were submitted and argued April 21, 1969, two years after the en banc decision of this court in *Jefferson II*,[1] and eleven months after the decision of the United States Supreme Court in *Green v. School Bd. of New Kent County*.[2] All of the school districts involved are under the uniform decree that *Jefferson II* required for school systems in the Fifth Circuit operating under freedom of choice plans.

I. BACKGROUND

Twenty-nine of the districts are appellees in appeals from an en banc decision [3] of the District Court for the Western District of Louisiana, which declined to order modification, requested on the authority of *Green*, in existing desegregation plans.[4]

Eight parishes are appellees in similar appeals from a decree of the District Court for the Eastern District of Louisiana.[5]

The Tangipahoa Parish School Board is appellant in an appeal from another decree of the Eastern District [6] directing it to change from a *Jefferson*-decree freedom of choice plan to one calling for the assignment of students "by adoption of geographic zones, or pairing of classes, or both."

We begin with principles both basic and familiar to all who are concerned with the complex problem of ending the dual school system in the South. There can be no doubt of the duty of school boards to act affirmatively to abolish all vestiges of state-imposed segregation of the races in the public schools *United States v. Indianola Municipal Separate Sch. Dist.*, 5 Cir. 1969, ——— F.2d ——— [No. 25655, Apr. 11, 1969]; *Henry v. Clarksdale Municipal Separate Sch. Dist.*, 5 Cir. 1969 ——— F.2d ——— [No. 23255, Mar. 6, 1969]; *Adams v. Mathews*, 403 F.2d 181 (5th Cir. 1968); *Jefferson II, supra.*

The respective burdens and roles of school boards and district courts are articulated in *Green* itself:

"The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*.

"The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job

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Footnotes at end of article.

in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system "at the earliest practicable date," then the plan may be said to provide effective relief. Of course, where other, more promising courses of action are open to the board, that may indicate a lack of good faith; and at the least it places a heavy burden upon the board to explain its preference for an apparently less effective method. Moreover, whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed." 20 L. Ed. 2d at 724.

If under an existent plan there are no whites, or only a small percentage of whites, attending formerly all-Negro schools, or only a small percentage of Negroes enrolled in formerly all-white schools, then the plan, as a matter of law, is not working. *Henry v. Clarksdale, supra; Adams v. Mathews, supra.*

The good faith of a school board in acting to desegregate its schools is a necessary concomitant to the achievement of a unitary school system, but it is not itself the yardstick of effectiveness.[7]

The majority of the school boards involved in these appeals did not begin any type of desegregation of their schools prior to being ordered to do so for the 1965–1966 school year.[8] All have been operating for the 1967–68 and 1968–69 school years under *Jefferson*-decree freedom of choice plans for pupil assignments, which under numerous decisions of this circuit are required to be uniform.

All now know, judges, lawyers and school boards, that freedom of choice, *Jefferson* variety or otherwise, is not a constitutional end in itself but only a means to the constitutionally required end of the termination of the dual school system, *Green, supra; Jefferson II, supra.* Since *Green* this court explicitly has rejected freedom of choice plans that were found to be demonstrably unsuitable for effectuating transition from dual school systems to unitary nondiscriminatory systems. *See, e.g., Anthony v. Marshall County Bd. of Educ.*, 5 Cir. 1969, ——— F. 2d ——— [No. 26432, Apr. 15, 1969]; *United States v. Greenwood Municipal Separate School Dist.*, 406 F.2d 1086 (1969). *See also Graves v. Walton County Bd. of Educ.*, 403 F.2d 189 (5th Cir. 1968); *Bd. of Public Instruction of Duval County v. Braxton*, 402 F.2d 900 (5th Cir. 1968).

II. THE WESTERN DISTRICT CASES

The Western District Court, sitting en banc, found that the operation of *Jefferson*-type freedom of choice in the school districts before it "has real prospects for dismantling the dual system at the earliest practicable date. . . ." and concluded that the best method available to eradicate the dual system of schools in these districts is freedom of choice.[9]

Appellants in the Western District cases contend that the statistical record manifestly reveals that the dual system continues and that freedom of choice has failed to produce meaningful results. They urge that the statistical record requires reversal when considered in light of *Green* and the cases in this circuit following *Green.*

The appellee school boards insist that *Green* does not foreclose the continuation of their *Jefferson*-decree freedom of choice plans. They read the statistics as revealing that progress, though in most instances statistically nominal, has been made toward the elimination of the dual system. They urge that the district court appropriately could conclude that the uniform *Jefferson*-decree freedom of choice plans under which they are operating do provide the effective relief referred to by *Green,* because, in the language of *Green,* they are operating in good faith and under plans which have real prospects for dismantling the state-imposed dual system "at the earliest practicable date." 20 L. Ed. 2d at 724.

We turn to the facts. In the Appendix to this opinion we set out the best statistical data made available to this court for the 1967–68 and 1968–69 school years, and such data as presently is available for 1969–70 (recogizing that the latter necessarily is not complete: *see* note 2. to the Appendix.) In the current school year, 1968–69, in every one of these school districts there is at least one all-Negro school, in most districts many more than just one.

In all of the twenty-nine districts, for the current school year, only two white students exercised their freedom of choice by electing to attend all-Negro schools. To the extent data is available for the 1969–70 school year, from choice forms already exercised and reported to us since oral argument of these cases, no change of substantial consequence in this situation can be projected. *See* Appendix.

The number of Negro students attending formerly all-white schools has risen slightly since the adoption of the *Jefferson*-decree plans, but for the current school year the percentage this represents of the total Negro student population is minimal—only five of these twenty-nine systems have more than ten percent of their Negro children attending formerly all-white schools. Four parishes have less than one percent integration.

In no instance does the data made available to us for expected 1969–70 pupils assignment vary the situation existent for the current year sufficiently that compliance with constitutional standards can be projected.

We do not abdicate our judicial role to statistics. But when figures speak we must listen. It is abundantly clear that freedom of choice, as presently constituted and operating in the Western District school districts before us, does not offer the "real prospect" contemplated by *Green,* and "cannot be accepted as a sufficient step to 'effectuate a transition' to a unitary system." 20 L.Ed. 2d at 726–727.

In addition the boards are required to examine other alternatives. The presence of other and more promising courses of action at the least may indicate lack of good faith by the board and place a heavy burden on the board to explain its preference for an apparently less effective method. *Green,* at 20 L.Ed. 2d 724. If there are reasonably available other ways promising speedier and more effective conversion to a unitary non-racial system, freedom of choice must be held unacceptable, *Id.* at 725. *Anthony v. Marshall County, supra; United States v. Greenwood, supra.*

We reverse and remand these cases to the district court in order that a new plan may be put into effect in each school district. The obligation is upon the school boards to come forward with realistic and workable plans, and the assessment and initial review and approval or rejection of each plan is for the district court, not for this court, removed as we are from "the circumstances present and the options available in each of [twenty nine] instance[s]." *Green, supra,* 20 L.Ed. 2d at 724; *Anthony v. Marshall County, supra; United States v. Greenwood, supra; Adams v. Mathews, supra; Bd. of Public Instruction of Duval County v. Braxton, supra; Henry v. Clarksdale, supra.*[10] This is not to say that the district court on the scene may not, if it thinks best, require a uniform approach by all districts.[11]

There are many methods and combinations of methods available for consideration, either on a district-by-district basis or on a uniform basis if the district court so directs. Some of these are geographic zoning if it tends to disestablish the dual system, *Davis v. Bd. of School Comm. of Mobile, Ala.*, 393 F.2d 690 (5th Cir. 1968),[12] pairing of grades or of schools, educational clusters or parks, discontinuance of use of substandard buildings and premises, rearrangement of transportation routes, consolidation of schools, appropriate location of new construction, and majority-to-minority transfers. The resources of the Educational Resources Center for School Desegregation, at New Orleans, are available to the boards and may be utilized.[13] We set out in the margin the approach recently taken by the United States District Court for the District of South Carolina, sitting en banc in *Whittenberg v. Greenville County School District,* ——— F. Supp. ——— (D.C. S.C. March 31, 1969) a case concerning 22 of the 93 school districts in South Carolina.[14]

We are urged by appellants to order on a plenary basis for all these school districts that the district court must reject freedom of choice as an acceptable ingredient of any desegregation plan. Unquestionably as now constituted, administered and operating in these districts freedom of choice is not effectual. The Supreme Court in *Green* recognized the general ineffectiveness of freedom of choice.[15] But in that case, concerning only a single district having only two schools, the court declined to hold "that 'freedom of choice' can have no place in . . . a plan" that provides effective relief, and recognized that there may be instances in which freedom of choice may serve as an effective device, and remanded to the district court with directions to require the board to formulate a new plan.[16]

While we have directed most of our discussion to pupil assignment, integration of faculty is of equal importance, and the boards must come forward with affirmative plans in that regard. "[T]he school board must do everything within its power to recruit and reassign teachers so as to provide for a substantial degree of faculty integration," which includes withholding of teacher contracts if necessary, *United States v. Indianola, supra; United States v. Greenwood, supra.* The pattern of teacher assignments to a particular school must not be identifiable as tailored for a heavy concentration of either Negro or white students. *Davis v. Mobile County, supra; United States v. Greenwood, supra; United States v. Indianola, supra.*

Also a plan which will "effectuate a transition to a racially nondiscriminatory school system" must include effectual provisions concerning staff, facilities, transportation and school activities—the entire school system.

III. THE EASTERN DISTRICT CASES

In the Eastern District cases the district judge concluded that freedom of choice was working well and was the best available method for the school boards to reach their constitutional obligations.

Appellants and the school boards make the same contentions in these cases as were made in the Western District cases. Again, the statistical evidence makes abundantly clear that the freedom of choice plans as presently constituted, administered and operating, are failing to eradicate the dual system. *See* Appendix. For the current year not one of these districts has as many as ten percent of its Negro students enrolled in formerly all-white schools. The 1969–70 data shows that Iberville Parish has achieved ten percent, up from 9.2% for the current year.

Footnotes at end of article.

In all these districts no white student chose to attend an all-Negro school in the current year, and none has chosen an all-Negro school for 1969–70. Forty-six all-Negro schools exist in these parishes in 1968–69. As in the Western District, the partial 1969–70 data supplied to this court does not indicate any real chance of attainment of constitutional standards in 1969–70. The boards must adopt new plans.

In addition, in evaluating the plans before him the district judge did not apply the standard of whether the plans are working but rather that of whether they could work. This is an erroneous standard. When testing the sufficiency of a plan that has been in operation sufficiently long to produce meaningful empirical data, that data must be considered and a determination made of whether the plan is effectuating a transition to a racially non-discriminatory school system. And *Green* requires the district judge to weigh the existing plan in the light both of the facts at hand and of any alternatives which may be shown as feasible and more promising. The district court must consider the alternatives.

Also the district court erred in holding that segregation which continues to exist after the exercise of unfettered free choice is "de facto" segregation and as such constitutionally permissible.

These cases must be reversed and remanded under the same directions as the Western District cases.

IV. THE TANGIPAHOA PARISH CASE

Pursuant to *Green* the district court required the Tangipahoa School Board to present a new plan to replace the existing freedom of choice plan which on October 15, 1968 it found to be ineffective. The court conducted hearings, similar to those now mandated to be held in the Western District and for the other Eastern District cases, and approved a new plan. This court has said repeatedly what we say in this opinion, that the responsibility for structuring and administering existing and new plans for disestablishing the dual system is upon the school boards and the administrators, and the primary responsibility for assessing and reviewing the plan and adopting necessary changes is upon the district court on the scene rather than at the appellate level. In the *Tangipahoa* case the district court correctly applied this policy, after a review of the facts. We affirm its decision.

V

Moore v. *Tangipahoa Parish*, No. 27391, is affirmed. All other cases are reversed and remanded to the district courts with the following instructions.

(a) These cases shall receive the highest priority.

(b) No later than thirty days from the date of the mandate each school board shall submit to the district court a proposed new plan for its school district to be effective with the commencement of the 1969–70 school term. Provided, however, if the district court desires to require a uniform type of plan, or a uniform approach to the formulation of plans, or issue instructions to the boards of methods that it will or will not consider, or other appropriate instructions, it shall enter its order to that effect within ten days of the date of the mandate. If the district court enters such an order the maximum time for filing plans shall be thirty days from the date of such order.

(c) The parties shall have ten days from the date a plan is filed with the district court to file objections or suggested amendments thereto.

(d) For plans as to which objections are made or amendments suggested, or which in any event the district court will not approve without hearings, the district court shall commence hearings beginning no later than ten days after the time for filing objections has expired.

(e) New plans for all districts effective for the beginning of the 1969–70 school term shall be completed and approved by the district courts no later than July 25, 1969.

Because of the urgency of formulating and approving plans to be effective for the 1969–70 school term it is ordered as follows. The mandate of this court shall issue immediately. This court will not extend the time for filing petitions for rehearing or briefs in support of or in opposition thereto. Any appeals from orders or decrees of the district court on remand shall be expedited. Any appeal may be on the original record. The record on any appeal shall be lodged with this court and appellant's brief filed, all within thirty days of the date of the order of decree of the district court from which the appeal is taken.

FOOTNOTES

[1] United States v. Jefferson County Bd. of Educ., 372 F. 2d 836 (5th Cir. 1966) [hereinafter, *Jefferson I*], *aff'd with modifications on rehearing en banc*, 380 F. 2d 385 (5th Cir.) [hereinafter, *Jefferson II*], *cert. denied sub. nom.*, Caddo Parish Sch. Bd. v. United States, 389 U.S. 840, 19 L. Ed. 2d 103 (1967).

[2] Green v. County Sch. Bd. of New Kent County, 391 U.S. 430, 20 L. Ed. 2d 716 (1968).

[3] Conley v. Lake Charles Sch. Bd., 293 F. Supp. 84 (W.D. La. 1968).

[4] By order of January 9, 1969, without opinion, this court, after a poll of its members, denied the motion of appellants in the Western District cases that those cases be heard by the court en banc. Cleveland v. Union Parish Sch. Bd., 406 F. 2d 1331 (5th Cir. 1969). The dissenting opinion to that order appears in 406 F. 2d at 1333.

Both the Western District and the Eastern District cases were among those consolidated on appeal in Adams v. Mathews, 403 F. 2d 181 (5th Cir. 1963).

[5] —F. Supp. ——— (E.D. La. 1969).

[6] —F. Supp. ——— (E.D. La. 1969).

[7] "Here the district court found that the school board acted in good faith. But good faith does not excuse a board's non-compliance with its affirmative duty to liquidate the dual system. Good faith is relevant only as a necessary ingredient of an acceptable desegregation plan."

Henry v. Clarksdale Municipal Separate Sch. Dist., *supra* at ——— [Slip op. at 2].

[8] Twenty-two of the school boards were ordered to integrate their school systems beginning with the 1965–66 school year. Two boards commenced with the 1964–65 school year. Nine began in 1966–67, and five did not begin until the 1967–68 school year.

[9] "With every ounce of sincerity which we possess we think freedom of choice is the best plan available. We are not today going to jeopardize the success already achieved by casting aside something that is working and reach blindly into an experimental 'grab big.'" 293 F. Supp. at 88.

[10] See the concurring opinion of Judge Rubin in *Duval County:*

"*Green* emphasizes that school officials have a continuing duty to take whatever action may be necessary to provide 'prompt and effective disestablishment of a dual system.' If one method is ineffective, they are to try another. Hence, no single plan is or can be judicially approved as a catholicon.

"*Brown I* and all of its successors, as well as *Green*, *Monroe* and *Raney*, contemplate that school plans will be prepared by local officials and school boards, not by courts. But if local officials fail to assume their responsibilities under the Constitution, district courts must continue to attempt to formulate the plans that should be prepared by school officials based on their expert knowledge, training and skill." (Citations omitted.) 402 F. 2d at 908.

[11] See, e.g. the discussion of Whittenberg v. Greenville County School District, (D.C. S.C., March 31, 1969), at note 14, *infra*, and accompanying text.

[12] But a plan which contributes toward preserving segregated schools by incorporating zones corresponding to racially separate residential patterns is unacceptable, United States v. Indianola, *supra*.

[13] A hearing has not yet been held on whether the Center's plan will be adopted. At least two district judges in Louisiana have ordered the use of the facilities of this center. Tangipahoa Parish, before us on this appeal, was ordered on October 15, 1968 to produce a plan for the 1969–70 school year for unitary operation of its school system. When the school board informed the court that it was unable to find a plan better than the one in existence, the court appointed the Center to prepare a plan.

In Harris v. St. John the Baptist Parish Sch. Bd., Civ. No. 13212 (E.D. La. Apr 23, 1969), the school board, after it did not come up with a plan of its own, was ordered to consult with the Center. A hearing was set on the Center's plan. The board came in with two plans of its own. The district judge accepted one of the board's plans, which incorporated some of the Center's suggestions.

[14] The district court directed that all school districts submit to the Office of Education, HEW, their existing method of operation, along with any changes proposed by them, and to seek to develop in conjunction with HEW an acceptable plan of operation "conformable to the constitutional rights of the plaintiffs . . . and consonant in timing and method with the practical and administrative problems faced by the particular districts." If a plan is agreed upon by the school district and HEW, the South Carolina district court will approve it unless the plaintiffs show it does not meet constitutional standards. If the school district already is operating under a plan approved by HEW, it will be adopted by the court absent a showing of constitutional infirmity. If no agreed plan is developed, the court will hold a hearing and enter its decree, considering the respective proposed plans of the district, the plaintiffs, and HEW.

[15] The Supreme Court said: "[T]he general experience under 'freedom of choice' to date has been such as to indicate its ineffectiveness as a tool of desegregation." 20 L.Ed. 2d at 725.

See also the opinion of District Judge Heebe in Moses v. Washington Parish School Board, 276 F. Supp. 834 at 851–852 (E.D. La. 1967):

"If this Court must pick a method of assigning students to schools within a particular school district, barring very unusual circumstances, we could imagine no method more inappropriate, more unreasonable, more needlessly wasteful in every respect, than the so-called 'free-choice' system.

"Under such a system the school board cannot know in advance how many students will choose any school in the system—it cannot even begin to estimate the number. The first principle of pupil assignment in the scheme of school administration is thus thwarted; the principle ought to be to utilize all available classrooms and schools to accommodate the most favorable number of students; instead, this aim is surrendered in order to introduce an element of 'liberty' (never before part of efficient school administration) on the part of the students in the choice of their own school. Obviously there is no constitutional 'right' for any student to attend the public school of his own choosing. But the extension of the *privilege* of choosing one's school, far from being a 'right' of the students, is not even consistent with sound school administration. Rather, the creation of such a choice only has the result of demoralizing the school system itself, and actually depriving every student of a good education.

"Under a 'free-choice' system, the school board cannot know or estimate the number of students who will want to attend any school, or the identity of those who will eventually get their choice. Consequently,

the board cannot make plans for the transportation of students to schools, plan curricula, or even plan such things as lunch allotments and schedules; moreover, since in no case except by purest coincidence will an appropriate distribution of students result, and each school will have either more or less than the number it is designed to efficiently handle, many students at the end of the free-choice period have to be reassigned to schools other than those of their choice—this time on a strict geographical-proximity basis, see the *Jefferson County* decree, thus burdening the board, in the middle of what should be a period of firming up the system and making final adjustments, with the awesome task of determining which students will have to be transferred and which schools will receive them. Until that final task is completed, neither the board nor any of the students can be sure of which school they will be attending; and many students will in the end be denied the very 'free-choice' the system is supposed to provide them." (Emphasis in original.)

[16] *See* Davis v. Mobile County, *supra*, in which this court required a zone plan for urban areas but left freedom of choice in effect in rural areas. *See also* the dissenting opinion to the denial of en banc hearing in the instant cases, 406 F.2d at 1338–39: "I am not suggesting that freedom of choice should necessarily be abandoned in favor of zoning . . . . There is nothing necessarily unconstitutional about freedom of choice or geographic zoning or a combination of the two."

[From the Morning Advocate, Baton Rouge, La., June 10, 1969]

JUDGE WEST URGES SCHOOLS TO APPEAL INTEGRATION RULE

(By Gerald Moses)

U.S. Dist. Judge E. Gordon West, relaying an appeals court ruling for eight parish school boards to end the "freedom of choice" desegregation plan, Monday urged the school boards to appeal the decision to the U.S. Supreme Court.

"I believe a full review of this entire matter by the Congress and by the Supreme Court of the United States is long past due," Judge West said.

"The issue is clear and serious. The issue is simply whether or not the federal courts, by judicial decree, shall be allowed to continue to substitute their version of what they think the law ought to be or what the legislative branch of the government has decreed it to be."

In an eight-page brief, Judge West entered his sharpest criticism of the 5th U.S. Circuit Court of Appeals on school desegregation matters. He dutifully relayed the appellate court's order to the school boards.

FEDERAL COURT INEPT

"I make these observations because I fear for the very future of the public school system in this country if the federal courts, who have clearly demonstrated their ineptness at running public school systems, persist in their present policy of governing school boards by personal decree rather than simply requiring them to administer the schools in accordance with the clear language of the law as enacted by Congress."

Judge West stressed in his remarks that the 5th Circuit decision to junk the "freedom of choice" desegregation plan is based on neither earlier decisions of the U.S. Supreme Court nor the present civil rights laws as enacted by Congress.

He cited a Supreme Court Ruling (Green vs. School Board of New Kent County) in which the highest court refused to disqualify the "freedom of choice" plan of desegregation.

And he quoted section 401 of the 1964 Civil Rights Act, which states ". . . 'desegregation shall not mean the assignment of students to public schools, in order to overcome racial imbalance," and also the section forbidding the busing of students from one school district to another in order to achieve racial balance.

The 5th Circuit Court of Appeals, Judge West said, cited "no legal authority for their conclusion" that "de facto" segregation is unconstitutional "because they could find none."

DE FACTO PERMISSIBLE

"'De facto' segregation," Judge West continued, "is under the present state of law as enacted by Congress, clearly permissible."

West, who is chief district judge for the Eastern District of Louisiana, also quoted the appellate court as saying:

"If under an existent plan there are no whites or only a small percentage of whites attending formerly all-Negro schools, or only a small percentage of Negroes enrolled in formerly all-white schools, then the plan, as a matter of law, is not working."

"As a matter of what law?" Judge West asked. He said the only law the appellate court could cite "is two of the 5th Circuit's prior decisions."

LAWS COMPLIED WITH

Judge West said all constitutional and statutory laws are complied with "when all students, regardless of race or color, are, in fact, allowed to attend the school of their free choice.

"There has been no showing of any kind that such is not the case in all of the districts involved here," he said.

Judge West's order concerns only the school boards of St. Helena, Iberville, Pointe Coupee, Livingston, West Baton Rouge, West Feliciana and East Feliciana parishes.

The 5th Circuit Court's ruling, however, was a sweeping mandate that 37 school districts in Louisiana must submit new desegregation plans to take effect at the start of the 1969–70 school term.

The ruling sets a new precedent in school desegregation battles from Florida to Texas—the jurisdiction of the 5th Circuit Court of Appeals.

[From the Washington Post, June 22, 1969]

INTEGRATION DROPS THOUSANDS OF NEGRO TEACHERS

(By Bruce Galphin)

ATLANTA.—During a century of segregation, teaching was one of a very few high-status jobs for southern Negroes. In many towns and small cities, teachers and their families were about all there was of a black middle class.

But as the dual school system gradually has been abolished under the pressure of judicial and Congressional mandates, the luster has worn off the teaching profession for Negroes. The one-time security is gone. Integration has cost thousands of Negro teachers their jobs, and it has been particularly rough on black principals.

The biggest upheaval is still to come. This fall, under Justice Department action and HEW guideline enforcement, there will be more new desegregation in the Deep South than in the 14 years since the Supreme Court desegregation decision.

Many small Negro schools will be closed. Others will lose black pupils, and thus black teacher allotments. Still others will gain substantial white enrollment, and along with it, white principals.

No agency has comprehensive figures on the number of Negro teaching personnel facing dismissal or demotion—neither HEW's civil rights office nor the National Education Association nor Negro state teachers' associations nor civil rights organizations like the NAACP.

But a survey made last month in 30 north Georgia counties gives some idea of the dimensions of the problem.

In those 30 counties, chosen because they had made significant progress in eliminating the dual school system, the number of black principals had been cut by more than half in a five-year period (from 54 to 24) and the number of black teachers by more than a quarter (from 734 to 535).

The figures show the total number of schools shrank during that period. In north Georgia, the percentage of Negro population generally is small, and maintaining a dual system always was costly.

School officials complied with HEW guidelines simply by doing what they had known for years was economically sensible: they abolished small, all-black schools.

In sections of the South with heavy Negro populations, compliance patterns vary, but the net result for black principals and teachers is the same. Even if the school remains in operation, it is almost sure to have a white principal if there is any substantial degree of integration.

HEW compliance guidelines require faculty desegregation, but local school boards retain broad authority over principalships and faculty shrinkage.

The situation has aroused the ire and concern of the Georgia Teachers and Education Association, a black organization soon to be merged with the white State Teachers' Association.

GTEA, which made the survey of the north Georgia counties, is trying to raise $400,000 "to combat the elimination of black teachers, principals and supervisors." It is asking 13,000 member teachers for one day's pay to fund the campaign.

GTEA already has filed suit in two school districts: Gainesville. where four Negro teachers have lost their contracts, and Pike County, where dismissal of a Negro principal touched off weeks of black student boycotts, protest marches and confrontations with state troopers.

"The elimination of black educators must be stopped not only for the welfare of the educators themselves, but also because the continued loss of professional positions will discourage black students from aspiring to become teachers and other professionals," said Dr. Horace Tate, GTEA executive director.

With a limited budget and staff, GTEA has no clear idea how widespread the problem is outside the 30 counties it surveyed.

In Washington, the National Education Association runs a computerized service to match jobless teachers with professional opportunities. Although the operation was established in part to help black teachers displaced by integration, officials say they have no breakdown on how many of the job-seekers are victims of the process.

Ruby Hurley, southeastern regional director of the NAACP, was unable to give any estimate either. She said the problem was "accelerating", but that "I was tired of telling my people to file complaints with HEW when they don't get any action."

The Atlanta regional office of HEWs civil rights section has received only 30 complaints of faculty demotion or separation since last fall, but Director Paul Rilling agrees that this probably represents only the tip of the iceberg.

If numbers are uncertain, however, the pattern is not. It was established in the border states in the first few years after the 1954 ruling, and pretty much repeated in the upper South following passage of the 1964 Civil Rights Act.

NEA sponsored a study of the 1965–66 faculty displacement and downgrading problem, and warned that it "will likely continue for several years."

At that time, the NEA found few cases in the Deep South, simply because there was little faculty integration.

But in other states of the region, the study documented 668 displacements between May and September of 1965 and conceded that "quite probably no one will ever know the actual statistic."

Part of the effect is masked by growth and turn-over in urban systems. "Negro teachers simply aren't employed in any great numbers for openings in integrated schools," the study found.

To prove the point, the NEA team surveyed 45 predominantly black colleges in the region and found 1,900 out of 51,000 graduates in teaching had found no jobs.

The nub of the problem is the resistance of whites—both educators and laymen—to the notion of black principals over white teachers or black teachers for white pupils.

Preferential treatment for white teachers frequently is defended on grounds that Negro teachers in general have poorer academic preparation.

"Obviously," the NEA report said, "a double standard has been used heretofore (in segregated schools) in employing Negro and white teachers if the Negroes are not regarded as of sufficiently high quality to teach white children in desegregated schools."

Yet NEA does not deny that the academic gap exists. It is the result of decades of segregated, unequal education, and the study strongly urged institution of "imaginative" post-graduate programs to upgrade skills of underqualified teachers.

Although there have been workshops on the subject at Atlanta University, Florida State University and elsewhere, school officials generally have found it simpler just to dismiss or demote black teachers.

The pressure is about to reach its peak because HEW has made this September the deadline for abolishing the dual school system in most districts, and September, 1970, for the remainder.

Both black and white tempers are mounting. In the most segregationist areas of the South, whites are bitter and alarmed about wide-spread integration. Negroes are resentful of the treatment of black teachers and principals. There are increasing indications that black high school students as well as adults and college students are preparing for protest demonstrations in many cities.

It could be a long, hot autumn.

PAUL E. NEVILLE, EDITOR IN BUFFALO, DIES AT 50

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. DULSKI. Mr. Speaker, my home community of Buffalo, N.Y., was shocked and saddened this past weekend by the fatal illness of the editor of one of our two daily newspapers, Paul E. Neville, 50, executive editor of the Buffalo Evening News.

Mr. Neville was stricken at his desk last Friday as he worked to put out another day's edition of the News. He passed away Sunday.

Although he had been in Buffalo for only a dozen years, called to take a top executive position in the News' editorial department, he had assembled a wide circle of friends and was highly respected both locally and nationally in his profession.

The News family has lost one of its own, our community has lost one of its leaders, the journalistic profession has lost one of its ablest technicians and I have lost a friend.

Mr. Speaker, the News tells the story of Paul Neville in its editorial which appeared in its June 23 edition as follows:

PAUL E. NEVILLE

Suddenly and tragically, in the prime of his career and at the moment of his greatest sense of civic pride and satisfaction, the executive editor of The Buffalo Evening News, Paul E. Neville, was seized with a massive stroke at his desk Friday and today he is dead.

Throughout the entire News family, the loss has caused a numbing shock made worse by its abruptness and by the special sadness of a life of tremendous potential snuffed out long before its potential was achieved.

Paul Neville had just observed his 50th birthday; he had just rounded out his third year as executive editor; he had completed a tour as president of the New York State Society of Newspaper Editors and had been elected by his fellow editors to the board of directors of the American Society of Newspaper Editors.

He was just coming into nationally recognized full flower, in short, as one of the leading metropolitan newspaper editors and executives in America. Through Friday's first editions, he was eagerly on the job, still feeling the glow of civic satisfaction at seeing a campaign on which he had personally worked harder than any other at The News, the struggle to assure construction of a multi-sports domed stadium, brought to fruition. But today he is gone, a brilliant career, a dynamic personality, a perceptive and witty mind suddenly all blanked out.

A thorough professional with a newsman's instincts through and through, Mr. Neville loved nothing more than to be in the middle of a big story. His wide-ranging curiosity and gregarious concept of his editorship caused him to spend as much of his time out in the community as inside the office. A Buffalonian by adoption rather than birth, he undoubtedly had a wider local acquaintanceship in his 12 years here than most newsmen acquire in a lifetime. Generous with his time, talent and energy, he spent himself all too freely, as his untimely death attests.

Forceful and quick in his news and policy judgments, he worked easily and well with people, respected "no-men" as much as "yes-men," valued suggestions, delegated authority well, and nourished a team approach to doing any civic or journalistic job. To most of the staff, he was just Paul or known by the familiar initialed signature of his many memos, "pen." While personally imaginative and receptive to new ideas, one of his greatest if less obvious strengths was a deep regard for continuity and proper form and style—for "doing it right," thinking and acting "first class."

It was this balanced sense of continuity and innovation that particularly marked his three-year editorship at The News, as he introduced many small and gradual changes but shunned large and splashy ones. Yet perhaps his greatest contribution in his whole 12 years as a News executive has been his sharp alertness to and awareness of underlying community trends—this in a time of social and generational upheaval where alertness to swiftly changing undercurrents is indispensable to a successful news-media operation.

Of all the qualities he brought to The News, it could be this instinctive feel for the developing trend beneath the news that will be missed the most. For today, though, it is a sudden absence of the sheer vitality, the brisk plain-talking personality, the down-to-earth good humor of an editor who should still have a whole brilliant career before him that fills The News with a sense of loss and sadness—and of the deepest sympathy for Mrs. Paul E. Neville and the five children in whom their father took such pride.

MINORITY GROUP COMPLETES UNIQUE CONSTRUCTION-ESTIMATING COURSE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BRASCO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

MINORITY GROUP COMPLETES UNIQUE CONSTRUCTION-ESTIMATING COURSE: PRATT GRADUATES 13 FROM CLASS TO HELP THEM COMPETE WITH WHITE CONTRACTOR

NEW YORK, June 14.—Thirty-one minority-group students have completed a nine-week course on construction estimating at Pratt Institute to enable them to compete more effectively with white contractors. The course, which ended with the awarding of completion certificates at special ceremonies June 12, was the first of its kind offered anywhere in the nation.

The unique program, for blacks and Puerto Ricans who are carpenters, painters, bricklayers, etc., began April 14 and met for two evening sessions weekly at Pratt's School for Continuing Professional Studies under the direction of Dean Gurth I. Abercrombie.

Instructors were two of the top professionals in the construction engineering and architectural fields: Jay Sam Unger, head of the architectural and planning firm of Jay Sam Unger Associates; and Seymour Berger, vice president of McKee-Berger-Mansueto, Inc., construction consultants and engineers.

Pratt Institute is just outside the 653 blocks of Bedford-Stuyvesant, the nation's second biggest black neighborhood (South Side Chicago is the largest). Poverty and progress exist in this six-square-mile ghetto and the black residents plan to rebuild their own community under the federal government's Model Cities Program, begun in 1966. Among the 12 U.S. cities selected for special government funds was New York's Bedford-Stuyvesant area, for which $29-million was allocated.

"Inexperience in the construction field has been a major problem of minority groups," says Jules Mirel, director of the Pratt School of Continuing Education. "Several residents of Bedford-Stuyvesant approached us for help in learning something about the construction and estimating business, and we promised to do what we could to assist them," he said.

According to Gabriel Prince, organizer of the "United Black Contractors" group, "It does not take any special amount of brains to figure out that many parts of this city, including my own Bedford-Stuyvesant, are going to be built up again, and that black contractors are going to be doing the work. I want to be qualified! The Ford Foundation and the Model Cities Central Policy Committee have had similar courses under consideration for at least 18 months, but all have been slow in starting," said Prince. "Finally, it seemed clear to me that nobody was about to do anything for us in time for it to do any good when the Model Cities funds were distributed in mid-June," Prince said, "so I went to Pratt and asked to be put into the best course in construction estimating."

George M. Raymond, director of Pratt's Center for Community Improvement, a division of Pratt Institute, said he would be interested in helping the Bedford-Stuyvesant area by providing a special course in "The Principles of Construction Estimating." The genesis of the course was this:

David D. Shobe, Government Programs coordinator at Pratt, involved Ron Shiffman, assistant director of the Pratt Center for Community Improvement, who serves under Raymond.

"Financing the program was a primary problem," said Dean Abercrombie. "It would cost $500 per student, and Pratt offered to pay $200 of each enrollees fee, with the hope that the Model Cities Program or the Ford Foundation would pack up the balance. Those enrolling in the course offered to pay as much of it as they could themselves: so far, some have paid as little as $25; others paid as much as $100."

"We were so overwhelmed at these fellows' eagerness to dig into their poverty-ridden pockets to invest their own money in such a course," said Pratt's Jules Mirel, "that we decided to go ahead, without knowing where the balance would come from. We wanted to get the best teachers possible for them, so we approached Sam Unger and Seymour Berger of the Pratt teaching staff. They are two of the top people in the construction and architectural fields," Mirel explained, "and they were eager to help because the whole idea was something they strongly believed in."

"I'm particularly interested in helping these people rebuild their community," said Unger, "because I was born in Bedford-Stuyvesant. My philosophy is this: Don't build a curriculum; give them what they need day to day."

Berger expressed his feelings this way: "Hopefully, the end result of this course, and of future courses, will be black contractors who can compete successfully in the construction industry. They are here to learn estimating methods and procedures in construction management that would normally take years to achieve," he continued. "What is needed are more experienced and knowledgeable construction people to teach, so that this great potential can be developed as quickly as possible for the betterment of all."

The course began with 20 students, and ended with 31. "So enthused were those enrolled that, instead of the first class ending at 8:30, as we had planned, it lasted until after 11 p.m." according to Mirel. "We had 103 per cent attendance throughout the nine-week course, with some students bringing friends and wives to classes."

One of the Bedford-Stuyvesant residents who helped initiate the program was Phil Lewis, a Model Cities associate. Lewis, who will soon take a special course on management at the Harvard Business School, said: "Our main desire is to compete!"

"We're tired of promises not being fulfilled," continued another black ghetto resident. "We want results! We need more people like Senator Waldaba Stewart of the city's 18th Senate District, who has been instrumental in helping to organize the black contractors and their programs."

"The phenomenal success of this course has been very gratifying to us," says Pratt's Dean Abercrombie. "We hope a way can be found to continue helping our neighbors in Bedford-Stuyvesant with another course in the future," he said.

Among the many guest lecturers in the nine-week course were: Harry Carroll, chief plan examiner for the New York City Building Department; Irving Gerber, chief of construction for the New York Housing Authority; Edward Kroop, a specialist in plumbing and heating; and Ralph Friedman, an authority on electrical contracting.

Columbia University sent observers to Pratt's special course, with the hope of starting a similar, but probably more expensive, minority-group course in the construction field at a future date.

REPORT OF THE BROCK CAMPUS TOUR

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. BROCK. Mr. Speaker, I recently had the pleasure of leading a group of 22 colleagues in a volunteer tour of American campuses. Organizing into six regional groups, we visited over 50 universities of all types and sizes and personally met with over a thousand students, as well as many faculty, administrators, and other concerned adults. Our main purpose was to listen, not to lecture, and we came away with a new insight into student outlooks. One important result was the following written report, which we submitted to President Nixon on June 18.

Because of the publicity it has received in the national press, the high level of interest it has achieved, and the numerous requests we have received from fellow Members, I insert the report following my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 17, 1969.

The PRESIDENT,
The White House
Washington, D.C.

MR. PRESIDENT: We submit to you the following report of campus unrest. The critical urgency of the problem cannot be overstated.

This report reflects our impressions of student attitudes and problems, along with some proposed solutions applicable at local, state and national levels. It represents a general consensus of our 22 man group. However, because each of us undertook this task as individuals, we must reserve the right of members to expand upon, or even disagree with, any specific point.

It is our hope that the findings included in this document will be of use to you in your continued efforts at solving what has become a major national problem.

Respectfully yours,

BILL BROCK, EDWARD BIESTER, GEORGE BUSH, LOU FREY, DONALD RIEGLE, BILL STEIGER, JOHN BUCHANAN, LAWRENCE COUGHLIN, MARVIN ESCH, JAMES HASTINGS, LARRY HOGAN, MANUEL LUJAN, DONALD LUKENS, PETE MCCLOSKEY, JACK MCDONALD, JERRY PETTIS, ALBERT QUIE, TOM RAILSBACK, PHIL RUPPE, GUY VANDER JAGT, LOWELL WEICKER, WILLIAM WHITEHURST.

REPORT OF THE BROCK CAMPUS TOUR

PREFACE

A deep concern about today's problem of unrest among our youth, and the realization that we possessed little reliable information about events on the American campus prompted us to go out to a variety of colleges and universities to talk with students, faculty, administrators, and other officials on their own ground. We had nothing to sell, no speeches to make, and offered only a desire to know and understand the factors which appear to threaten the destruction of many of our most respected institutions and the alienation of many of this nation's finest students.

The problems confronting higher education are so complex that no study or analytic effort yet mounted can really claim to be comprehensive. We recognize the need for continued in-depth research. Nonetheless, we believe we achieved substantial success with respect to our main concern—the acquisition of some degree of personal understanding of the nature of the problem.

We came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries. By the same token, we were encouraged by the candor, sincerity and basic decency of the vast majority of students we met. Too often, however, we saw their idealism and concern vented in aimless or destructive ways.

If one point is to be emphasized in this report it is that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression—and that it can no more be tolerated in the university community than in the community at large. If there is to be orderly progress and a redress of legitimate student grievances, student violence must be averted.

As Erwin N. Griswold, Solicitor General of the United States, has said:

"The right to disagree—and to manifest disagreement—which the Constitution allows to the individual . . . does not authorize them to carry on their compaign of education and persuasion at the expense of somebody else's liberty. . . ."

It is clear that if violence on our campuses does not end, and if the reaction to it is on the one extreme too lax, or on the other extreme too harsh and indiscriminate, the vast moderate student majority may be forced into the arms of the revolutionaries, and those few who seek to destroy the fabric of higher education will have succeeded.

We agree with the editorial in the June 8 *New York Times:*

"If lasting damage to the independence of the universities is to be avoided, if the society's attention is to be redirected to its larger, more serious problems, violence has to cease and tranquility has to be returned to the campuses."

There is on the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America. While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system. However, many students can be radicalized when violence or confrontation on campus occurs. Also disillusionment in our system by students can grow, even without violence, if we place one label on all students and fail to understand that they raise many areas of legitimate concern.

Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the actions of a minority of students would play directly into the hands of these hard-core revolutionaries. Legislation which treats innocent and guilty alike inadvertently confirms extremist charges that the "establishment" is repressive and indifferent to citizen needs and concerns. We must not put ourselves in the position of aiding the handful of anarchists.

In a period of conflict and turmoil, deep divisions on campus as well as between campus and community are understandable, but

the danger exists that these divisions are polarizing America into two distinct camps. On neither side has there been enough willingness to listen and discuss problems before the fireworks have begun and emotions have been inflamed. Obviously it is time for our traditional American sense of fair play and tolerance to be evidenced by the responsible majority of this nation, young and old. The alternative of students, intolerant and unwilling to reason, and their elders, intolerant and unwilling to reason, constitutes the ingredients of chaos.

To the extent that our universities can foster an environment of trust, participation, involvement and interaction, we believe that the danger of violent confrontation (and the emotional climate which is its prelude) can be reduced. To the extent that this nation can foster an environment of quality, excitement and challenge throughout its total educational system, creative leadership can be developed. In this report we offer proposals aimed at implementing these goals. We can envision no greater tragedy for this nation and the free world than for us to allow our educational system to slowly settle into obsolescence, losing touch with reality and becoming incapable of responding to the needs of students and society.

We also suggest more positive contact between the campus community and the greater community—increased social action programs, volunteer projects and similar activities which provide students with an opportunity to work on pressing human problems side by side with other concerned citizens.

We are convinced that such experiences can be an important supplement to the classroom, acting to restore student faith in the basic soundness of the American system. Additionally, they can demonstrate in positive fashion the sincere good intentions of a significant portion of the adult community—which many students and faculty with whom we met so readily charged with hypocrisy.

Finally, this nation has an enormous stake in preserving our system of higher education. "The task of the university," as Alfred North Whitehead has written, "is the creation of the future as far as rational thought and civilized modes of appreciation can affect the issue." The creation of a better future will indeed be impossible if the free and orderly pursuit of knowledge is jeopardized by the destruction of our colleges and universities either through anarchy, or through a refusal to consider pleas for necessary improvements.

This report, in listing a series of ideas for consideration, is offered not as a panacea, but, hopefully, as a bridge to greater understanding of the problem.

FACTORS IN UNREST

In an effort to most accurately and clearly represent what students were saying and thinking on the campuses we visited, we have listed below areas of concern as they were described to us by the students themselves. In reporting student views, we are in no way passing judgment, but merely trying to convey a better understanding of what the students feel.

Where we have reached conclusions of our own, they have been specifically noted by indentation and italics, so that there can be no confusing the reportorial and analytical portions of this report.

Internal factors

Communication

On campus after campus we found widespread criticism from students who feel unable to communicate with administrators and faculty. They believe that no adequate channel is open to them to make their views known. Channels which do exist provide only limited access to individuals who will take responsibility for major decisions.

In some cases, the university structure itself seems at fault. In these instances the modern university is so large, and decision-making so fragmented, the student often finds it difficult to identify the individual or organization that has the final responsibility for a particular policy.

Operating within a large bureaucracy, administrators find it easy or necessary to avoid definitive answers to student inquiries; they pass the inquiries to the faculty, the regents, or the legislatures. These agencies in turn seem even more isolated from the student point of view and even less open to communication.

An immense frustration is built when the student feels he once again must go through a channel which is not "plugged into" the policy-making power of the university.

Charges of communication gaps are leveled against faculty, administrators, and governing boards alike. In many instances students charge that the actions of the overseeing bodies, i.e., regents, trustees, etc., are determined by outside business and political influences. Such boards are looked upon as keepers of the status quo who make no attempt to consult with students on any decisions, including those decisions which directly affect the students.

Students, in turn, seem unaware of the factors and pressures that the governing board must consider and endure.

Faculties are criticized for time spent on consulting work for the government or for private industry, and for spending too much time researching and publishing. These activities, however worthwhile, are seen as isolating the faculties from the concerns and problems of the students.

In our view the non-teaching activities of some faculty members, particularly in large universities, are excessive. The "publish or perish" phrase is not simply a cliche. In many areas it implies a valid criticism.

Responsiveness

Claims of inadequate channels of communication frequently were linked with complaints about the lack of responsiveness to student demands.

This situation is aggravated where there is a lack of agreement, or of shared perspective, between administration and faculty. Despite protestations to the contrary, such circumstances are hardly unusual. Faculty and administration often are at odds on everything from the way to reply to student requests to the quality, method, and timing of university response to student protests.

When university action is taken, or problems are at least under serious review, students who are not involved in the step-by-step deliberations fail to understand the amount of planning required and the complexity involved in the solutions they propose to the university.

Since many universities do not seem to be geared to initiate or administer either quick or long lasting change, increasing passion mounts on both sides of an issue with resulting polarization and alienation of more moderate students who may or may not sympathize with some of the basic requests.

The students feel that it is the administration and the faculty who decide which students will be accepted as student spokesmen. Even when some students are in positions of consultation with the university, administration and faculty, a majority of students may deny that actual representation or communication occurs. On one large campus, for example, a list of student leaders drawn up by the Dean of Students and a list prepared by the editor of the student newspaper had no names in common.

We feel that these and similar situations can only lead to a conclusion that a lack of real or visible responsiveness has been an ingredient in campus conflict.

Student Intolerance

Although most students would deny it, and many would be genuinely surprised by the charge, the intolerance of a substantial portion of students is a contributing factor to the general unrest. Often insulated from day-to-day social responsibilities and contact with other age groups, some students seldom have the opportunity to see our society solving problems or meeting human needs. In the course of study and discussion, however, they are continually exposed to society's many real failures and seeming inconsistencies. The result for many has been a combination of deep social concern and a disenchantement with traditional institutions and approaches to problems.

Frequently students are strong in framing ideal solutions and weak in analyzing the factors involved in the problem and in its solution. Some demand immediate solutions and failing that, rush into confrontation as the "only alternative course". They may resort to "non-negotiable demands", a technique that is often cited as evidence of student intolerance.

The more militant students insist on acting as a group, feeling that their hope of success lies in refusing to deal with opponents on an individual basis. Refusal to negotiate may indeed indicate merely a desire to disrupt for the sake of disruption but it may also reflect a lack of understanding and a lack of skill and confidence in the bargaining techniques long vitally employed in of democratic society.

Such intolerance contains dangerous seeds of self-destruction. Unchecked, it can only breed a like degree of intolerance on the part of those who have made higher educational opportunity available to more young Americans than any society in history.

It should also be recognized that some of the intolerance displayed is purposeful and perhaps irreversible. The revolutionary is determined to remain unappeased in the hope of prompting administration reaction of a sufficiently excessive or violent nature to "radicalize" the moderate student majority. He must seek this goal because radicalism as a force to destroy can achieve no objectives, can obtain no real results on our campuses today without the tacit or even open support of far more responsible and moderate students who may be captured by the events of the moment. In order to be "radicalized", these students must have their emotions preconditioned by a situation (or series of situations) which would generate an initial expression of sympathy toward the avowed aims of the revolutionaries.

Hyprocrisy

Students complained that the university, like society, fails to practice what it preaches. They point to teaching and the transmission of learning as the center of a university, and contrast this with faculty efforts to reduce teaching loads in order to have more time for research. Many students accused university administrations of applying a double standard in enforcing regulations. They claimed that students who violated rules as part of a politically motivated or anti-institutional protest were more heavily penalized than those who violated the same rules for other reasons. Replying to the university's often expressed concern for social problems in the community, students point to university expansion into ghetto neighborhoods through programs students call "urban removal."

They charge that academic freedom is a myth when the university's purpose and direction is "subverted" by massive infusion of funds for military and industrial research. In response to the effort to educate the disadvantaged, students charge that too few are admitted and that those admitted find the institution unresponsive to individual needs and problems.

Relevance

Underlying specific issues is a fundamental dispute about the structure of the university and its role in society. A vast gulf exists between the views of faculty and administrators and the views of the students.

It is characterized by the recently published statement of a university student:

"Most of them (the faculty) hold to the ideal that the university is a neutral institution, devoted to objective truth. But the people who have power in America have pervaded this institution. The university could never be neutral in our present society—profit making and war making—I'd be skeptical that the university could assume a neutral posture. The university ought to be a partisan of the progressive forces in society."

This student's view is an obvious departure from the generally held public view of a university as an isolated tower that transmits and enlarges knowledge in the process of preparing individuals for careers. This student opinion requires that the university be relevant to our era and its problems, that it be committed to an active role as a progressive force. What is important about this perspective is that it is expounded not by a minority of revolutionaries but by very large numbers of sincere and highly motivated young people.

For the student, a clear definition of this relevancy is very difficult, since its development is in a formative stage and its meaning changes from area to area. On one hand, for the university to be relevant, it is held that it must cease to uphold traditional "establishment" institutions and systems. In this context, many universities have seen demonstrations against campus recruiting by various corporations involved in defense contracts, against the inclusion of ROTC in the curriculum, and against certain research projects. On the other hand, it is suggested that these ties must be replaced with new commitments to support urban improvement, and the extension of civil rights. Clearly many complaints about specific course requirements are closely related to this concern for the university's relevance. The students ask, "What is a university? What should the relationship be between the university and the surrounding community?" They are asking to what extent higher education should be radically altered to prepare graduates to go into society to change things.

They are asking how much of what they learn is "relevant" to today's society. They would like to see a closer relationship between their courses and the problems they see. They are asking for courses which can provide answers to problems of race, poverty, and economic oppression, and they regard present course offerings as noticeably lacking in this relationship. In one notable instance these demands would be satisfied by nothing less than student control of the curriculum, but large numbers of students who do not make such radical demands are nonetheless asking for a more "relevant" education.

Some students appear to be more caught up in contemporary problems rather than in the difficult process of learning needed to toughen and strengthen their minds to achieve workable solutions to unsolved problems. In these students we found an impatience with and a lack of appreciation of method and process, whether it be the intellectual method of abstraction and generalization or the process of practicing democracy as a value in itself.

Over-reaction

The student voices deep concern about methods used to respond to student confrontations. Many feel that the university has over-reacted with excessive force. They point to incidents involving clubbing and gassing demonstrators and bystanders, as examples of an "oppressive system." On numerous occasions moderate leaders of peaceful demonstrations cited the subsequent inability to prevent individual acts of provocation and violence by radical students, thereby permitting a confrontation to erupt into violence. Likewise, students pointed to numerous instances of over-aggressive reaction by individual law officials which had the effect of radicalizing otherwise passive onlookers, turning a relatively small-scale disturbance into a general battle.[1]

Many individual students pointed to the Dartmouth procedure (a court injunction against the occupation of a building, and the peaceful and quiet arrest of demonstrators) as the best approach.

Lack of combined faculty-administration action aggravates a situation, and in some instances, a slow response due to a reluctance to act created further difficulties. In other instances an immediate resort to excessive force exaggerated the problem.

The student frequently complains of double jeopardy—prosecution by civil authorities and then by the university. He maintains that those who violate a university regulation in the more traditional manner, as a prank, are treated more lightly than those who violate the same rule for a political purpose.

Additional stress is borne by the administrator because of his role of buffer between the faculty and the governing board. He is subject to the direction of both and often the approval of neither.

Blacks at Predominantly Black Institutions

There is a depth of bitterness in even the most moderate of black students at black institutions that surpasses anything found among the whites.

The black student expresses bitterness about our system from personal experience. Many white students expressed concern about problems such as discrimination, poverty and hunger, but unlike the black students, most of them stated they had not personally experienced these problems. As more than one black student said—"You have to be black to understand."

A substantial number of black students at predominately black institutions stated that they have lost faith in our political system, which over the years has promised them much, but in their opinion, delivered little. They say there "are political wolves in the South and political foxes in the North." Many of the blacks want desperately to believe in the system, but can see no real progress being made. Their problem is more external than internal. They are concerned about non-college problems which they identify as discrimination, economic oppression, They ask to be respected and desire true loss of identity, poverty, hunger and racism. economic opportunity. Words and promises will no longer suffice.

In many cases the militant blacks at predominately black campuses are looking for a dramatic and, if necessary, violent upheaval in the United States. They would acknowledge our good intentions, but felt that the faster and more complete the failure of moderate programs, the sooner the final and absolute confrontation would occur. When asked how they would change the system, or what changes they would make, they didn't have an answer—but said that problem would take care of itself.

The black feels that the white radical is playing a game, and only need shave his beard and cut his hair in order to melt into the mainstream of the establishment, while the black student cannot.

The main goal of the majority of black students seemed to be service to their "black brothers and sisters". Some said that they would rather die for their people in the streets of the United States than in Vietnam.

The black students in most cases stated that their schools are inferior to white institutions, even when operated by the same authority, such as a state board of regents. In many cases, they also stated that, because of their inferior primary and secondary education, they are unable to compete with the white graduate or in predominately white schools. Many black educators and students felt that the H.E.W. guidelines should be revised until our entire educational system is corrected, to allow for the continued existence of predominately black schools. The rationale offered was that the black schools would allow many blacks to attend college who couldn't get, or stay, in white colleges. Further it would allow the blacks to retain their own pride and identity and find themselves, instead of being submerged in predominantly white schools. The black schools would be able to offer many courses and programs in college which would allow the blacks to "catch up" to their white college counterparts who have received a better primary and secondary education.

The educators and students also suggested more programs, based on the Head Start concept, in the high schools or between high school and college to raise the educational level. They emphasized that the programs would work best if blacks were involved at all levels, i.e., they felt only a black could truly understand the problems faced by another black.

Relative to the relaxation of HEW guidelines, we discovered that the black institutions are making a concerted effort to recruit white students and faculty. While they have been moderately successful as far as faculty are concerned, they say it is extremely difficult to convince white students to attend a predominately black institution.

Non-White Student Issues

The primary concern of minority students is to acquire the kind of education they perceive as essential to being able to return to their communities and better the conditions of their people. They want their education to provide the training they need to deal with the problems of minority groups in America, and they see higher education as the best avenue to their personal development.

A particular example of the demand for relevance has been the widespread support for minority studies programs by blacks and other non-white minorities. Most of the activity in this area has taken place on predominately white campuses, and is often discussed within the framework of the problems of minority group students when they find themselves in a basically all-white environment. The students like to compare their position on a campus where they constitute less than two per cent of the student body, to the problems faced by a white student if he were to attend a university where the student body was 98 per cent black. Both faculty and students said that without thorough preparation of internal college processes and organization, increases in non-white admissions can result in the severe disillusionment of non-white students and a backlash among others on campus. They expressed the feeling that the courses offered by the university do not give adequate coverage to blacks and other minorities in American history and in other subjects dealing with the processes of American society. They feel that such courses are cast in terms and events totally foreign to the experience of most black students. It is claimed that an economics course which fails to present "accurate" views of economic conditions of ghetto life is not relevant, and history courses designed for middle class whites are not relevant for blacks.

The minority groups say that much of the difficulty turns on the inadequacies of the

[1] For a more detailed treatment of this process, see the appendix "Dynamics of a Confrontation."

public school systems in deprived areas, as well as disadvantages which pervaded their early lives. Failure to respond to these concerns, we were told, would threaten to drive the black activists into the ranks of the revolutionaries.

Demands for Black Studies Departments, minority student centers and the admission of large numbers of minority students who often lack adequate preparation are issues not easily resolved. A number of universities are beginning creatively to make the kinds of adjustments needed. Of special interest are the programs now in operation at a few schools to accept students who do not meet normal requirements for entrance, to provide financial aid, special tutoring and courses, and enrollment in a five year program leading to a degree.

It is important to make a clear distinction between the purposes and goals of black militant students and white revolutionaries. Aside from similarities in tactics, there are substantial differences. Without doubt, the alienation and bitterness among some black students is so great that they have completely lost faith in the ability of the nation to remove obstacles to full equality (see preceding section). Many black student activists on predominantly white campuses, however, appear to be seeking to reform the university, to make it better suited to serve their needs and desires, to create the mechanism for training students from minority groups to go back into their communities to deal with major social and economic problems, and not to destroy the university. This is in contrast to the goal of destroying the institution held by some white and black revolutionaries. Thus black student militants have held the white revolutionaries at arm's length—forming alliances when useful but preserving their separate identity and independence. By the same token, the formal involvement of black student groups in issues not directly related to minority student problems has been, in most cases, limited.

Large Versus Small Institutions

An immediate difference appears in the ability of smaller institutions to deal with some problems more readily and with greater acuity than the multi-university. Size affects responsiveness, communications and many other needs. Meeting them at larger schools is more difficult, but it is not impossible, and the effort must be made.

Obviously, there are very good reasons for the tremendous growth of some institutions in recent years. The population explosion, increasing demand for mass education, university financing, and the national reputation of specific institutions have all resulted in the development of a number of very large schools.

The challenge is to find ways to preserve the benefits of size while overcoming its disadvantages. We must seek ways to strengthen the ability of our universities to provide close personal relationships and the experiences available in small group settings. Greater development of community colleges, and even cluster colleges around the large university, can also play an important part in "rehumanizing" the learning process.

External factors

As with the section on internal factors of student unrest, our main concern is to clearly depict what the students themselves told us. All interpretation and analysis by ourselves is included in separate indented, italicized passages.

Students relayed to us deep feelings about "the System", "the Establishment", etc. The word, System, covers a good deal and its components vary from campus to campus. In all we have discerned certain common threads. The System, as they define it, is characterized essentially as follows:

Racism

The student perceives the gulf between the promise and performance of this nation with respect to race relations. He sees inequality of opportunity, failure of the educational system, and he relates these to the country as a whole as well as to the university. For the most part, we found a perceived neglect of human problems to be the single largest motivating force behind the alienation of today's student. Whether in black studies questions, or in the university's relation with its surrounding community, an over-riding concern was the status of minority groups.

Military Industrial Complex

There is considerable student opposition to our formidable Defense budget. Why, they ask, do funds for domestic and educational programs get cut while the Defense budget goes almost unchallenged? They see a close relationship between the academic community and the military. They see university presidents sitting as members of boards of large industrial corporations. They see cuts being made in funds to hire teachers while boards of trustees authorize new buildings and facilities in order to receive greater Federal research funds.

Poverty and Hunger

In this age of affluence the medium of television brings home to people the gap between well-to-do and the poor. There is a growing dissatisfaction on the part of students with the response of the nation to the disadvantaged. They are not willing to wait to overcome decades of poverty and racial intolerance, and they question apparent past inaction. The immediate problems around the college campus often become the focal point for their attention. The failure of many institutions to act with regard for the neighborhood around them has caused the student to take as his own the cause of the Harlem or Woodlawn resident.

Certainly, student involvement in such matters is not new: witness the civil rights marches of the early 1960's. What is new is the intense impatience with change or the apparent lack of change in the lives of many Americans.

Imperialism and the Third World

On a number of campuses a recurring question related to the role of the United States and the problems of what is termed the "Third World" (blacks, Chinese, Puerto Ricans, Mexicans, etc.). The view expressed was that we are the imperialists in Vietnam, in Formosa, in Latin America, and that the emerging nations are a new force with whom we have not yet come to grips. Some feel we are not treating other people in the world fairly, and from the view of the student, we are paying the price of not heeding the views and needs of others. In their view, self-determination, as expressed by the United States, is a pious proclamation which relates only to those with whom we agree.

Police State

The experience of one school more clearly demonstrates this problem than any other. When the students left in the summer of 1968 the campus police wore no weapons. When the students returned in the Fall of 1968 the campus police were equipped with billy clubs, guns, and mace. For a school that had experienced no difficulty, the students questioned why this was done. As violence grows, and as counter-violence escalates, the student views his relationship with both the university and the outside world as increasingly beset by the police and National Guard. Each demonstration brings with it the threat of violence on both sides.

Economic Oppression

The readiness of legislatures and alumni to strike back at campus turbulence seems only to reinforce the student's view that big government and big industry more and more dominate the university and society. What has happened at Peoples Park in Berkeley, on Mifflin Street in Madison, and other places, are examples of a new concern for matters outside the university, yet, in which the university plays a role. Student housing, the increases in rent rates, merchants who charge higher prices to students (as they do to ghetto residents) are examples used by students to justify their claims of oppression.

Remoteness From Power

A very large part of the alienation of students stems from their feeling that they cannot control their own destiny. Institutions are too large, and too remote for the individual to have an opportunity to change that which he does not like. The multiversity concept is often pointed to here, as is the overwhelming size of government, industry, and labor unions.

Misplaced Priorities

Over and over again we heard about priorities and the feeling that these are "out of whack" in the United States. The space program, large farm subsidies, cuts in education, the Defense budget, and more, all were cited as examples of the failure of our society to meet its urgent domestic needs.

Vietnam

It is apparent that Vietnam originally served as one of the major factors in radicalizing students. It is still a major source of alienation and dissatisfaction with our society and our national government. Many consider the war immoral and unjust. An increasing number vow to take any steps necessary to avoid military service.

However, it was repeatedly brought home to us by radicals and moderates alike that an end to the Vietnam war would not mean an end to campus unrest—or even a major, long-range, reduction of tensions.

The Draft

Coupled with Vietnam the operations of the Selective Service System serve as a significant problem among students. The present administration of the draft is viewed as totally unsatisfactory, as being unjust to minority groups particularly, and as a tool of the Federal Government to enforce discipline. Faculty and students alike tend to equate expulsion from the university with compulsory service in Vietnam.

Values: Materialism

As one student put it, "This is a 'thing' culture, and I want it to be a 'people' culture." In the midst of affluence the students see a society in which a high value is placed on material things. There is a longing for a belief, a belief in something other than material things. There is a deep conviction on the part of many students that they want to do something to help others, not only themselves. This is part of a rejection of materialism as viewed by the student. Moreover, there is a questioning of the fundamental values of our society, and our system of government.

Over-reaction

As can be seen from the portion of this report which analyzes confrontation, the efforts to control violence—as well as those steps leading to violence—too often create an over-reaction on the part of all concerned. In our view there has been an over-reaction on the part of students to what they consider to be the unresponsiveness of the institutions to legitimate calls for change.

This compounds what under the best of circumstances is a complex problem. But an excessive reaction from the outside world, aroused and disturbed as it is, does little to help. In a violent situation, students, faculty, administration and the community, are caught in a tangled web of sympathy, fear, reaction and frustration. Obviously then, as the Eisenhower Commission on Violence has said in its most recent report: "Over reaction in response to a violent illegal situation can be very dangerous."

The idea that campus violence comes from only a few is a myth. There are many dedicated, bright students who are concerned

about the problems but who are not yet violent. They have not, however, rejected completely the view that they should resort to violence. Unfortunately, they can point to some campuses where violence has produced results.

Hypocrisy

Through all the external and internal factors runs this thread. Each campus would produce differing examples of this theme, but it is an underlying feeling on the part of the students.

Students believe that our society is hypocritical. They point to the treatment of blacks while contrasting this to the ideal of the Declaration of Independence; they see poverty in the midst of plenty.

The Media

Most of the people we talked with stated the opinion that superficial mass media coverage was contributing to the widening disillusionment and misunderstanding between the public and the nation's campuses. The media, particularly that utilizing the visual impression, concentrates on the dramatic, the sensational, the vivid acts of violence or disorder.

There is altogether too little effort made to thoughtfully explore the underlying issues and problems that concern the vast majority of students and educators who genuinely want to change things for the better. Not only does this distorted coverage inflame the worst fears and stereotypes in the public mind, but it adds to the frustrations of those trying to work for progress and constructive change on campus.

We believe the media can and must become a more powerful forum for bridging the "perception and understanding" gap between the public and our universities.

The very nature of modern communications—visual, instantaneous—plays a role both in determining the tactics of demonstrators and in shaping public opinion about events on a campus. The public focuses on disorders, and these have occurred with sufficient frequency to leave the impression that little else is taking place in higher education.

The point to be made is that the media can offer a mechanism by which misconceptions can be corrected. Although some publications and broadcasting networks have devoted substantial time and effort to excellent indepth studies of the factors discussed in this report, more is required if understanding is to be created.

IDEAS FOR CONSIDERATION

As we learned, there is no single answer, nor any set of answers, to the problems faced by students or our society. The internal and external factors which we have tried to catalogue here lead us, nevertheless, to suggest for your consideration, Mr. President, a series of ideas which we believe merit urgent consideration.

1. No repressive legislation. Any action by the Congress or others which would, for example, penalize innocent and guilty alike by cutting off all aid to any institution which has experienced difficulty would only serve to confirm the cry of the revolutionaries and compound the problem for each university. This holds, also, for any action which would establish mediation or conciliation on the part of the Federal government. In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

2. Establish a Commission on Higher Education. In light of our findings we believe that a Presidential Commission on Higher Education would be a valuable step. Running through our report are examples of problems which students, faculty, and administrators have raised and which deserve further exploration. What is the role of the Federal government in research? What has this contributed to creating priorities within the university? How best can communication be opened and maintained? How well does this report reflect the reality of the American college scene? These and more would be appropriate questions for such a Commission which we believe should include a thoroughly representative selection of students, faculty, and administrators together with the general public. We do not foresee an investigative body but rather one which can help to create understanding among members of the academic community, as well as the general public.

3. Open communication to university community. We have found that many were surprised by our visit and by our willingness to listen and learn. There is a need to expand lines of communication. We urge that Cabinet officers, Members of Congress, the White House staff, and others in the Executive Branch begin an increasing effort for this kind of two-way street of listening, learning and responding. Once our communication has become established it will be important to sustain it. Some of the questions raised by students were truly the kind which deserve and demand answers. Some of the viewpoints expressed by students deserve understanding. And some of the misconceptions of the system of government within which we operate desperately need correction. This can best be done, we believe, through an ongoing program of communication.

4. Lower the voting age. There is no question that the American college student for the most part is better educated and more vially concerned wih contemporary problems in our country than at any previous time in our history. We feel that active involvement in the political process can constructively focus his idealism on the most effective means of change in a free society.

The right to vote will give Young America the chance to become a responsible, participating part of our system. In essence they will have the chance to put their performance where their words are.

Between the time they become eligible for the draft, and the time they presently become eligible to vote, there is a natural tendency to lose interest in politics and government because there is no right to participate. An extension of the franchise to the age of 18 when their interest is high can help engender in our youth (and our future leadership) an awareness of the full meaning of democracy.

5. Draft reform. In line with your own recommendations for reform of the Selective Service System, we believe Congress should move to act promptly on this important issue. It is a matter which affects hundreds of thousands of American young people and it is presently a sword over their heads. This can be improved and positive action on the matter would be significant.

6. Encourage student participation in politics. We found that the overwhelming majority of students with whom we visited hold little regard for either political party. The questioning of our system of government points to a loss of confidence in established institutions and that includes political parties. An increase in this loss of confidence poses a serious danger to the viable functioning of American government. Just as government must be responsive, so must political parties be responsive and open.

7. Expand opportunities for involvement. We found an encouraging desire on the part of many students to do something to help overcome the problems of our society. This dedication or commitment to help others is a hopeful, important area which should be encouraged. Specifically, we recommend establishing a *National Youth Foundation*. We believe this concept should be initiated in order to better utilize the energy and resources of student groups. Models of student-community involvement were found at the University of South Carolina, Radcliff and Michigan State University, among others, and we urge legislation to foster and encourage this opportunity for experience, learning and participation.

We also recommend establishing a *Student Teacher Corps*. Many more students are considering entering the teaching profession and this idea is one which we feel should be encouraged. In concert with the Teacher Corps, the student teacher concept can be a valuable tool to tap student potential and expand the learning opportunities for the disadvantaged.

Further, we recommend *increasing our support of the College Work-Study Program, National Defense Student Loan Program, and the Educational Opportunity Grant Program.* These three Federal programs would be beneficial in meeting the needs of students and the institutions in responding to student concerns. They are budgeted at levels far below the authorization, and we believe they should be increased.

From the community at large, American business, which has played such a large role in financially supporting higher education, must commit human resources as well. Expanded job-opportunity programs, work-studies programs, business men and other community leaders teaching on campus, intern and apprentice efforts, leadership in student-community problem solving, attendance at campus forums, among others, could measurably enhance the experience-learning process.

8. Coordinate youth programs. We think it would be helpful if an effort were made to coordinate all the present youth programs of the Federal government through one central office. At the moment there is considerable proliferation among many agencies as well as duplication of effort. In order to more effectively use the present resources of the Federal government we urge your consideration of a mechanism to coordinate and follow-through the work of our numerous programs and agencies.

9. Perspective. There is a need to mobilize opinion and resources. A sense of perspective is lacking on the part of the students and on the part of the public. What students are saying is, in some cases, the same as what the average American is saying regarding priorities, responsiveness, and humanization. Presidential leadership, governmental concern, and communication are all a part of the necessary work which must be undertaken if we are to replace revolution with reform, and despair with hope. Clearly we have found that violence is no answer, and that violence as a means to achieve an end is counter-productive. The crucial factor in the widening gap between students and others is the student's perception of reality. That must be understood by all who seek solutions. This requires of us comprehension, and of the student, understanding.

10. Balance. Henry Thoreau observed that, "There are a thousand hacking at the branches of evil to one who is striking at the root."

To take an isolated view of our universities as the one weak link in our educational system is to unfairly single out college students, their parents, professors and school administrators.

We must remember that the average college freshman has already undergone a dozen years of formal education before he enters the gates of the university. Obviously, he is going to reflect, at least in some measure, the strengths and weaknesses of the training he has already received. Many of his attitudes and many of the factors which may lead him into difficulties on campus, have already been implanted.

Therefore, a sweeping change in campus conditions alone is no guarantee of a return to orderly progress in our universities. There exist imperfections in our educational sys-

tem from pre-school programs to graduate studies. These flaws in American education deserve the immediate and thorough attention of the nation. The problems which have already surfaced on the college campus exist in various dormant forms in our secondary schools, and the inadequacies which foster them can often be traced back even further. Until consistent, challenging, quality education becomes a reality, the problem will remain.

APPENDIX

Dynamics of Confrontation

Every stage of college confrontation—"before", "during" and "after"—is represented among the Task Force visits, including:

Tranquil campuses: With no history of, and little likelihood of, disruption.

Uneasy campuses: With some of the ingredients of discontent.

Troubled campuses: With various forms of group civil disobedience, e.g. sit-ins, protest rallies, occupation of buildings.

Paralyzed campuses: With civil war and open military siege.

Convalescent campuses: With diverse groups struggling to heal the wounds of confrontation and resolve differences. But the seeds of instability remain and there are conflicting opinions as to whether real progress or continuing instability will result.

Although schools vary widely in region, size, student body profile, structure, governance, and campus issues, there does emerge a common and almost predictable pattern of escalating circumstances through which a university can slide from dissent to open confrontation and chaos. This progressive breakdown is by no means inexorable on every campus, since only a few hundred of the nation's 2500 colleges have experienced disruption.

On many campuses a good mix of conditions, plus cooperation among students, faculty, and administration continues to make it possible to resolve differences without open confrontation and to make progress as a community. These influences toward rational progress are mentioned elsewhere in the report.

The temptation to oversimplify cause and effect relationships should be resisted—keeping in mind that some schools with much trouble have been working hardest, albeit unsuccessfully, to develop progressive change and self-governance.

However, the frequency of confrontation has increased at such an alarming rate over the last year, that it is well to look at the negative conditions which seem to accompany crisis. Once the dynamics of this process start to spiral ahead, the forward momentum and the fragility of any equilibrium lead to an almost inevitable escalation of risk, danger, and lack of coordinated civilized control over events.

Anatomy of conflict

1. The underlying malaise and frustration with both societal and personal issues—coupled with the existence of hardened revolutionaries among students and their sympathizers or even counterparts among the faculty.

2. Identification of an emotional issue which has broader appeal to the target group—non-violent moderates. The issue may be local and narrowly defined, e.g. minority studies, student participation, education reforms—or it may be broader and more symbolic, e.g. the "people's park," military involvement like ROTC or research, reaction to police or military force.

3. In most cases, confrontation comes only after frequent requests for change have failed or gotten bogged down. These attempts may cover several months during which there appears to be little or no action or responsiveness other than perhaps talk or committee wheel spinning. These complaints and/or demands may be legitimate, or they may be a deliberately escalating sequence designed to force confrontation. The reasons for slow action become less important than the absence of results—even though, ironically, the problems are sometimes not within the complete control of the immediate university community. Occasionally, militant radicals may seek violence and confrontation immediately, though this often fails from lack of moderate student support.

4. During this period, faculty and administration are unable to coalesce around initiation of prompt change. This usually results in increased polarization and alienation of more moderate students who sympathize with some of the basic ideas for change.

5. At some time, often almost spontaneously, there is a student-initiated provocation or minor confrontation, which might take the form of a sit-in or rally. Sometimes, incidents such as rock-throwing, yelling obscenities and destruction of property occur. Lack of good, clear, timely communications among faculty, students, and administration begins to exacerbate the crisis. Misinformation becomes more common than good information.

6. This provocation is then often met by excessive and/or indiscriminate rebuff, including the use of out-dated and unenforceable disciplinary procedures or even police in large numbers, weapons, etc. At this point, the moderates, carefully preconditioned to a general feeling of sympathy by events, by fellow students of a more radical orientation, and even by some faculty, and motivated by their lack of confidence and respect for the establishment, as well as by the immediate violation of "their community", join the fray in ever-increasing numbers. It is not difficult to imagine the recruits gained from witnessing a clubbing, tear-gassing, or firing of riot guns. Such an overwhelming situation can readily give the revolutionary cause legitimacy in the eyes of thousands of campus moderates. Thus, it accelerates the process of "radicalizing" a major portion of the student body. In most cases this change is irreversible once made. By this time, the original issue has given way to far broader symbolic implications—and the original core of radicals, whether SDS or some other, have been swept aside by the tide of events. No matter—they have achieved their objective.

7. Positions of all parties become hardened, alternatives narrow as everyone stands on "principle", and virtually no one has full control over events. Finally, because of the excesses on both sides, there usually ensues a period of negotiations where all sides respond to pressures and some sort of compromise is worked out—but only because the pressures are so intense.

8. Relative calm returns, but left behind is an atmosphere of latent crisis. Student attitudes are more embittered and there may be a polarization among faculty, administrators, and most certainly, the surrounding public. To many, there is a general verification of the principle that only the strategy and tactics of confrontation can produce meaningful change, at least in the short run. Others sometimes see a few seeds of progress along with continuing, and perhaps more serious problems.

WHO WILL WEEP FOR AMERICA'S CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RARICK. Mr. Speaker, activities in the recent days make it more and more apparent that the mothers and fathers of America are not going to permit violation of their children's sexual privacy by schools under some farfetched theory of neoeducation.

Several letters and news clippings follow my remarks:

ROCK ISLAND, ILL.,
May 28, 1969.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR SIR: I have read the Congressional Record containing your comments on the monstrous sex education programs designed to devour the moral fibre of American youth. Please accept my gratitude for your courageous attack on the anti-God crusaders promoting this filth. It's too bad that all your colleagues aren't also All American. Too many of them have never bothered to learn that they are supposed to be representing people of a nation founded under God; therefore, have lent their services to any and every anti-American and anti-God movement making the headlines of a controlled press.

Your comments about "Hitler's Children" stirred my memory. (April 16, 1969—E-2796) Years ago, while in my teens, I wept for these children. The movie, "Hitler's Children" should be required viewing for today's young people. Perhaps many of them would do as I did and identify with the teenage girl carted off to a breeding camp and later sterilized because she refused to become sexual community property. Still vivid in my mind are the strong character traits this girl possessed. These were instilled by a school teacher!

Today, via the educational process, our children are being instructed in the technique of coitus; are being told they must decide for themselves whether premarital sexual relationships are moral or immoral; are being given contraceptive information in some schools . . . to spare them the "burden of unwanted children"; and being told the old "thou shalt nots" no longer apply.

Parents who protest this evil animalistic teaching are told they must face the necessity of an ethical-humanistic-religious approach toward sexuality. Those who refuse to swallow this hogwash are vigorously attacked by the NEA, PTA, SIECUS, SHES, Sexology, and all the other organized psycho-sexual gulls. Even U.S. Education Commissioner James E. Allen (according to a UPI report) said, "The biggest problem in sex education is not the children, but the damn parents." The uneducable intelligensia and Humanist devil's angels promoting sexual instruction that degrades, demoralizes and arouses sexual curiosity in public school children, K through 12, have a string of labels for disagreeing citizens. These include those long ago coined by the Communist party . . . "fascist"; 'right-wing extremist"; "sexual hangup"; "illiterate"; "Birchers"; "conservatives"; and lately, apparently the dirtiest name of all, "Christian Crusaders". I almost forgot, these parents and God-fearing Americans are also called "a minority" and there are no laws to protect them.

In the state of Illinois, such parents are excluded from appointment to the Sex Education Advisory Board by a law that reads in part, "The Superintendent of Public Instruction shall appoint 4 persons to the Advisory Board who shall be members of, and shall represent the general public. In making such appointments, the Superintendent shall give due consideration to the recommendations of various religious, professional, civic and educational groups *interested in providing sex education in public schools.*" (emphasis added)

So you see, Sir, by the very law itself, parents who treasure the responsibilities and privileges of parenthood; who not only are willing to but do impart sex education to their children and who do not want the public school system invading this area of personal privacy, are no longer a part of the "general public" in Illinois.

A policy statement from the Illinois Sex Education Advisory Board sets forth the following double talk: ". . . family life and sex education in Illinois should not violate the religious principles of the students or parents." Three paragraphs later this same board states, ". . . We are now moving toward a more ethical-humanistic-religious approach based upon both facts and values."

An ethical-humanistic-religious approach definitely violates Judeo-Christian religious principles. It further violates the principles of any person believing in a Supreme Being because "humanism presupposes man's sole dependence on natural and social resources and acknowledges no supernatural power. Humanists believe that morality is based on the knowledge that men are inter-dependent and, therefore, responsible to one another." (*Gale's Encyclopedia of Associations*, 5th Edition.)

This Humanist pack of anti-God, anti-Christ promoters also plans to "promote ethical educational curricula as an alternative to religious training" in our nation's public schools. Already, their educational suscepts are force-feeding this "ethical educational curricula" and the Humanist religion to American children under the guise of sex education, family life, group dynamics, rational thinking and other equally enticing names.

A sweet little old lady "friend" is flitting around the countryside spouting polly-adlerish advice to boys and girls, even using four-letter words describing sexual activity sans embarrassment. Sexologists with degrees in higher perversion are writing and filming some of the material teens and tots are told to absorb. Computer makers are helping program nothing-is-wrong-with-looking-at-the-genitals-of-the-opposite-sex data into students' minds. Smut peddlers, filth purveyors and sex orgy organizers are drooling over their anticipated financial gains; and the United States of America is indeed almost the "over-ripe fruit" ready for the picking by the beast of Communism.

Without a doubt, Education USA is playing hide and siecus with parent-reared children who have been taught to obey the Ten Commandments. Now HEW plans to use taxpayers' money to give future sexologists a headstart. They plan to protect children of the poor from the corruption of a family environment; save them from a mother's warm and loving arms; and deliver them from the evil joy of affectionately sharing a meager treat with siblings.

Perhaps HEW'ers subscribe to the high calibre publication *Phi Delta Kappan* which circulated an "Early Childhood Education Special Edition" in March, 1969. In this issue, James B. McDonald, professor of education, University of Wisconsin, penned an article entitled "A Proper Curriculum for Young Children." I quote Mr. McDonald: ". . . Much of the rest of a child's 'normal' life holds similarly competing possibilities. Playing with mother's pots and pans will fascinate the very young and is of great interest and value; but if the child were placed in a school setting with blocks and other carefully selected objects for developing perception and dexterity, would this not be a potentially much better environment?"

"For many years many of us have assumed that putting the child in school at an early age takes him out of his natural environment and puts him in a contrived setting. Only recently has our understanding of the ecology of human living and the nature of man's relationship to his technology clearly forced us to realize that the choice for educating young children is not between a contrived and a natural environment, but between a planned and haphazard man-made environment. This new understanding suggests that we should as a society deliberately intervene, as early and as often and for as long a time as possible, to provide the optimum man-made environment for our children . . . (this environment) must have qualities which elicit and shape human potential in an ethically acceptable way. . . ."

Such mousey-tongue philosophy denies the wisdom of Almighty God! He placed His only begotten Son in a family setting for proper rearing! Woe unto them who think themselves wiser than God!

Childhood for those already born is criminal, therefore should be abolished, according to the Communist International Conspiracy (CIC).

Preventing future births is the duty of sex educators? Illinois Sex Education Advisory Board member Howard S. Hoyman has said children are growing up in a society losing its consensus on such issues as abortion, contraception, premarital coitus and masturbation. He also said a new, more permissive sex standard for both sexes is emerging. This educator says, "I now believe that, whether we like it or not, we will have to face up to teaching about contraception in our secondary schools." (*The Educators Digest*, Feb. 1969).

With the Humanist morality and situation ethics "friends" teaching our youngsters how to prevent pregnancy while having coitus; HEW'ers preventing tots from ever hearing the teaching of God's doctrine and rules for moral conduct; parental authority being usurped by the public school system; George Orwell's *1984* will come long before that year. The hammer and sickle wielders predict 1972.

Why are so many parents too blind to see and to apathetic to care that their babies will have the security of slavery?

Yesteryear, America wept for "Hitler's Children". Tomorrow, who will weep for her's?

Sincerely,

FRANCES H. PURCELL.

[From the Washington Evening Star, June 6, 1969]

SEX EDUCATION FOES ASSAILED BY HEAD OF TEACHERS' UNION

(By Marvin Coble)

The president of the Montgomery County Education Association charged yesterday that opponents of sex education are using the issue "as a club to attack public education and representative government itself."

"While it is the responsibility of the school administration to defend the philosophy of the sex education curriculum, the teachers association itself must defend against the thinly disguised political attack which is being made upon public education," said Dr. J. David Eberly.

His comments are contained in a special 16-page report being sent to MCEA's 3,800 members.

CALLS IT 'COVER UP'

Citing a rally held in the county last week by 700 persons opposed to sex education, Eberly said:

"This rally wasn't what it seemed. It was a cover-up for a much larger and much more dangerous motive than to ban sex education programs in the schools. It is a deliberate attempt by forces hostile to the spirit of public education to use an emotional issue to inflame and distort public opinion."

Eberly said the rally was marked by the "communistic plot and devils-are-at-work philosophy" espoused by the John Birch Society, the Christian Crusade, the American Education Lobby, the Liberty Lobby "and the raft of other extremists."

He warned the teachers to fight any attempts by "extremists to take over," warning that they then might seek elective office.

"And what might they do if they were in the educational drivers' seat?" Eberly asked. "Watch out for textbook censorship, firing of teachers who disagree with the 'official line' and the end of funded budgets for the educational programs we've all been fighting for."

Last week's rally, sponsored by the fundamentalist American Council of Christian Churches of Maryland, kicked off a statewide drive for the repeal of Maryland's 1967 education law requiring a sex education program in all grades, starting in kindergarten.

Montgomery now gives sex education in the 8th and 11th grades and conducts a pilot sex education program in 11 elementary schools. Most criticism has been directed at the elementary program, which will be expanded next year to include 15 or 20 additional Montgomery schools.

EXPLAINS PROGRAM

The county's school system has explained its sex education program in a leaflet given to children to take home to their parents.

This leaflet says the "Family Life and Sex Education" curriculum guide being used in the 11 elementary schools contains 216 pages, only 10 of which "deal with what is commonly referred to as 'sex education'."

"The average child, over his seven-year elementary school career, in kindergarten through sixth grade, would devote about 250 hours to family life education," the leaflet says. "At most, six to eight hours, and all of that in the fifth grade, would be devoted to the study of human reproduction."

The school board will hear a report on the school system's sex program at 10:30 a.m. Tuesday. The public is invited to attend.

[From the Baton Rouge (La.) State Times, June 16, 1969]

BLUEPRINT FOR SEX EDUCATION

(By Russell Kirk)

In nearly every state, this year, boards of education, legislatures, public school teachers and parents are involved in controversies about whether public schools should offer instruction in the mysteries of sex—and, if so, how. This controversy has been hottest in California and Louisiana. Your servant attended the final hearings, this spring, of California's State Board of Education on this topic.

The gudelines adopted by California's board ought to be useful elsewhere in this country. I summarize them here. California's constitution prescribes that the public schools work for moral improvement. The board believes that instruction in family life and health education to be a part of that improvement—including prudent instruction in sexual matters. As the board points out, much misunderstanding of the nature and powers of sex exists. What can or should the public schools do about this?

"The primary responsibility for sex education is that of the home," the California Board of Education resolves. "However, the school, along with the church, has a secondary role in supporting and supplementing the home's responsibility."

Instruction concerning sex should be conducted, say the California guidelines, "by a team of qualified instructors, including professionals who have shown an aptitude for working with young people and who have received special training; and utilizing physicians as recommended by local medical societies as consultants, advisers and resource persons."

All materials in such courses should be studied by a citizens' committee, the board recommends—such committees to consist of doctors, nurses, school administrators, representatives of parent groups, clergymen, representatives of police and the like.

Such programs should be voluntary, not mandatory.

There should be no depreciation in such courses of religious beliefs or of parental teachings; moral values and the family should be emphasized.

Instruction about human reproduction should not be presented to children less than nine years old.

Parents should be made acquainted with materials used in the classroom and for instruction at home; they should participate in all evaluation of such materials.

Evaluation of such programs should be continuous, and successful programs should be studied.

Finally, the California Board of Education declares that "sex education" materials from the Sex Information Council of the United States (SIECUS) should be eliminated from public schools.

This last recommendation will be of interest in most states; and this commentator heartily concurs with the California board. SIECUS is a kooky outfit; and despite its imposing name it has no connection whatever with the federal government, nor any subsidy from public funds. For the most part, SIECUS is an offshoot of a little eccentric group called the American Humanist Association—not to be confused with the great humanists of the Renaissance.

So unless you court trouble with parents, dear school administrator, give the SIECUS materials short shrift. SIECUS tries to impart a "new morality" that would be anathema to the great majority of parents and responsible citizens in any community.

DRUGS, SEX, NARCOTICS, PORNOGRAPHY AND THE PHILOSOPHY BEHIND THEM

(By Mary Ann Hamren)

Narcotics is one way to break down morality and sex is another. Which comes first—you can decide. As you will see, the ultimate goal is total degradation of womanhood and the moral breakdown of your youth (boys and girls). Perhaps it will be necessary for women to defend their femininity. The goal of our opposition is to create chaos—it has been successful with the adults and we cannot blame our young people. Adults are confused, too.

Before I start I want to quote "An Open Letter to Man." This was circulated and read on the radio and on television. It carries an excellent message.

"I am a woman. I am your wife, your sweetheart, your mother, your daughter, your sister . . . your friend. I need your help. I was created to give to the world gentleness, understanding, serenity, beauty and love. I am finding it increasingly difficult to fulfill my purpose. Many people in advertising, motion pictures, television and radio have ignored my inner qualities and have repeatedly used me only as a symbol of sex. This humiliates me; it destroys my dignity; it prevents me from being what you want me to be—an example of—beauty, inspiration and love. Love for my children, love for my husband, love of my God and Country. I need your help to restore me to my true position . . . to allow me to fulfill the purpose for which I was created. I know you will find a way." Gentlemen, we do need your help.

I will not elaborate much about what is going on in the schools and SIECUS—others are doing that today. Perhaps this will be a different viewpoint, at least for those of you who are not familiar with what is going on in San Francisco and Berkeley.

On October 16, 1968, the San Francisco Chronicle announced a National Forum on Sex and Drugs. This forum has been given a $20,000 grant for the first year by the Glide Foundation, the Van Ameringen Foundation and the Spectamur Agenda of New York. Two sociologists, Dr. Joel Fort, M.D., Public Health Specialist, sociologist-criminologist and nationally known expert on drug use and abuse, and Rev. Ted McIlvenna, director of operational education for the Glide Urban Center in San Francisco, made the announcement.[1] This forum of sexual instruction will include heterosexuality, homosexuality, abortion and birth control, prostitution, pornography, development of sexual attitudes and behavior and sex laws. The drug part will go into "patterns of use and abuse, treatment, prevention, laws relating to alcohol, tobacco, marijuana, stimulants, sedatives, narcotics, LSD, etc.[2] The forum's board of advisors include Albert Ellis, director of The Institute for Rational Living. (Remember this group—Institute for Rational Living.) Dr. Frederick Meyers, U.C. School of Medicine, is also on the forum's board of advisers.[3] The brochure covering this forum of courses has an introductory course on human sexuality and mind-altering drug use and abuse, sexual sensitivity group for couples, aesthetics of sex. Of further interest is the fact that Joel Fort was (perhaps still is) World Health Organization Consultant on Drugs and United Nations Social Affairs Officer; he has worked with the United Nations in Geneva.

During January of last year (1968), there was a movement for the Dr. Joel Fort legal support fund. This was because of the dismissal of Dr. Fort as director of San Francisco's Center for Special Problems. Two of the issues involved with his dismissal were: (1) Dr. Fort symbolizes the public health and sociologic approach to homosexuals and drug users which radically contrasts with the punitive law enforcement approach. (2) Dr. Fort has been a creative, innovative public health leader. . . . The removal of one innovator from the public sector limits the effectiveness of city government and makes creative change more difficult.[4] (This is what Dr. Fort's supporters believed.)

SIECUS frequently recommends reprints of sexology magazine articles such as those written by Dr. Albert Ellis. Ellis is not a SIECUS Board member, but is one of its "status" resource persons, whose writings are recommended.[5] Dr. Ellis (speaking of pornography) thinks that "Even for youngsters—skiing is much more dangerous." He does not believe that pornography contributes to abnormal sexual behavior.[6] A contrasting opinion to this was made during the Fortas hearings in September 1968 with regard to a case where a young boy had witnessed a stag film. On the way home at an intersection he got into a car, he commandeered the car, he took the girl and raped and killed her. During the congressional hearings, James Clancy, Attorney, stated that "there are two dangers. One is that it will cause criminal conduct." And he says, "We are not so concerned with this. But the second is that it will cause the youth to believe that because it is tolerated in the community, it is an acceptable standard. And this is what we are concerned with." [7]

Another statement worth mentioning which Dr. Ellis made was "A significantly higher percentage of Californians have liberal attitudes towards premarital sex relations, nudism, wife-swapping, homosexuality, and other forms of non-traditional sex behavior." [8] Now we will start to discuss pornography—from the Sunbathing Magazine, Dr. Albert Ellis and Dr. Kirkendall (of SIECUS and Sexology Magazine) both are being quoted, but Dr. Ellis says to the question, "Is a girl's psyche endangered by her having premarital relations? No, her psyche is only endangered if she erroneously believes that she is a horrible person for having such relations." [9] Dr. Ellis' speaking engagements in California include talks at Atascadero State Hospital for sex offenders, Esalen Institute at Big Sur and San Luis Obispo County Mental Health Association.[10] These are the places they send this expert to speak. Note Esalen. In True Magazine—Ellis encourages—indeed, even urges—young Americans to perpetrate almost any sexual act their cunning little minds can devise. In Ellis' view, a man is not only wise to engage in trial marriage but insane if he doesn't. Above all, Ellis preaches against feeling guilty or remorseful. Peace of mind lies in promiscuity, salvation in sin, sanity in education. . . . Doctor Ellis practices what he preaches. . . . Such a man might be labeled immoral and his ideas relegated to the absurd and the pornographic—except that he speaks from a platform of respectability.[11] This was the end of this one quote from True Magazine—and there are a total of four pages.

Back to Joel Fort—in the Berkeley Barb of March 29, 1968, headlined "Pot Meet"—Heads Disappointed by Compromise Stance: While the audience listened to Dr. Joel Fort, the San Francisco psychiatrist, call for the removal of all drug matters from the hands of the police into the hands of the medical profession, no other speaker went even that far . . . Many heads said they were irked by the fact that the participants so carefully avoided any reference to their own use of marijuana, but talked at such great length about patterns of drug use among the young. In the same article, Dr. Fred Myers, Professor of Pharmacology at U.C., and Dr. David Smith of Haight Ashbury Medical Clinic stressed the difficulties of doing adequate research about marijuana under the current laws.[12] I wish I had more time to read this whole article to you—these are the experts.

This brings me to the Journal of Psychedelic Drugs, edited by David E. Smith, M.D. and published by Haight-Ashbury Medical Clinic. There are two volumes, one on drugs and religion and one on drugs and the law. Among the writers are David Smith and Frederick Meyers. This is published by the Medical Center Psychopharmacology Study, Department of Pharmacology, University of California Medical Center—more experts teaching our sons and daughters to be well trained in our medical profession. On page 59 we are referred to the Bible and some kind of a recipe. I shall quote: "The priests are instructed to put it on their garments, on the tabernacle, and on the hangings of the tent. I can guarantee you that if the priests did so, whoever went into that tent for longer than fifteen minutes was turned on, because the ingredients of that oil are a volatile spice, frankincense, and myrrh, the mixture of which will produce a turned-on experience." [13] And so the experts teach about the Bible, and this is in a medical school.

Another platform of respectability would be the California Teachers Association. At the CTA State conference on educational research, held November 14–15, 1968 in San Francisco we find many stimulating speakers. In the Research Résumé of this CTA conference we read about the different sessions which include subjects such as Drug Abuse, Sex and Activist Youth, Race Relations, Alienated Youth, Youth Breaks the Rules, Sexual Freedom in the Schools. We find speakers such as Dr. Eleanore B. Luckey, Dr. Joel Fort, David Smith (Haight-Ashbury), Frederick Meyers (remember the Berkeley Barb), Dr. Ralph Eckert, Dr. Lester Kirkendall, Nathaniel Colley, Ian Grand (Experimental College—S.F. State), Bruce Hartford of SDS and Peace and Freedom Party, and the most famous Paul Cook of the Anaheim Schools. I wonder how the members of the different panels fared with the experts—there were many other names but we will save time by not pursuing this further.

Near the end of the résumé we come to a discussion by George Isaac Brown, "The Esalen-Ford Project for Innovation in Humanistic Education." This is where they utilize, especially when working with disadvantaged students, principles of Gestalt therapy to the classroom. This is where they are selecting approaches that could be adapted for the public school curriculum. Here, too, we include sensitivity training and encounter groups, improvisional therapy games, body awareness techniques, creativity training, etc.[14] Good descriptions, don't you think? Note—we are back to Esalen and we have a Ford Foundation grant on this one.

Another platform of respectability—the same organization, California Teachers Association—the publication is the January 1969

Footnotes at end of article.

Journal. Here we find an article by Eleanore B. Luckey, "Sex Education, Why?" and she refers to the writings of Isadore Rubin. Another story by Joel Fort called Drugs and Sex. Here Dr. Fort says, "The preparation of the teacher, and subsequently of the teacher's students, should include ability to think through the lies, distortions, and glamorizing about sex and drugs by advertising, politicians, and drug police, and to desensationalize and demythologize the subject matter. An ability to be honest and open and to handle controversial material is necessary and the teacher must resist extremist pressures. . . . If a teacher sees nothing undesirable about alcohol or marijuana or indiscriminate sexual intercourse, it would seem best for him not to teach and not to be assigned such a course." [15] Likewise, if he is convinced that masturbation or cigarette-smoking makes a student totally evil, he shouldn't have this responsibility. Extreme sanctions or penalties have been ineffective in eliminating drug or sex "deviance," and have been destructive of hundreds of thousands of young lives. This is the CTA magazine. These are the experts.

I am running short of time—we have not even started with the visual aids. These tie-in SIECUS with pornography. We could talk about the philosophy of "sex, a positive social action, and violence, a negative." Mr. Champlin, Los Angeles Times entertainment editor, said in Sherman Oaks at a PTA meeting in November 1968 that he is more concerned with violence.[16] We read of Dr. Roger S. Johnson stating at the California Hospital Medical Center in November 1968 that "perhaps the more we promote intimacy, the less manifestations of violence we should have." "In sexuality, the growth of intimacy, there may be a possible way of channeling and redirecting these impulses." [17]

We read in the Weekend Jaybird about the Elysium Institute and its members who were arrested. Mr. Stanley Fleishman (attorney) claims that the Los Angeles County ordinance against nudity is unconstitutional. Mr. Lang of Elysium Institute is pleased that the court has recognized the inherent decency of the naked human body. Man was created in God's own image and it's time we admitted that either our belief in a God after whom we have been patterned is wrong—or that our shame at the sight of our bodies is ridiculous. We must admit to the inherent decency of the naked human body.[18]

Now we can see the publication of Elysium Institute. Their address is on Fernwood Avenue in Los Angeles. We find under the Elysium Institute Directory that the Elysium Research and Development Institute is compiling reference material on the growing number of organizations in this country and abroad which are concerned, as is the Institute, with seeking means to enhance man's physical, emotional and intellectual development in an environment of openness, understanding and tolerance. Some of these organizations are:

American Humanist Association, University of Humanism, Institute for Rational Living, Ketros, American Sexual Freedom Movement, Human Betterment Association, American Sunbathing Assn., Castalia Foundation, Round Table, School of Living, SIECUS, Underground Press Syndicate, Pacifica Foundation Institute for Bionergetic Analysis, Human Potentialities Research Project, Institute for the Study of Non-violence, Institute for Social Research, Sexual Freedom League, Social Science Institute, Bridge Mountain Foundation, Esalen Institute, Neo-American Church, Human Resources Development, Topanga Human Development Center, and Society for Human Abortion.

The Elysium signs off by telling readers to write to them: "If you would like to know more about the work being done by any of the above groups, or by others in related fields of endeavor, we may be able to assist you. The Elysium Institute will attempt to provide the most current information on, or referral to, the projects and activities on which inquiry and interest are displayed." [19] Note: SIECUS and Esalen are both here.

Just to show you how far-reaching Esalen is—these charts have been made to show interlocking groups.[20]

Now we will go back to Elysium and more of their "visual aids" and the philosophy—it is a philosophy.

Show: Nude Lark magazine,[21] Nude Living magazine,[22] ANKH magazine.[23]

The symbol of the ANKH which is worn by many members of the hippy culture is used by Elysium Institute on its printed materials and also as the title of its magazine ANKH. This symbol is an ancient Egyptian hieroglyphic for "life," eternal or otherwise.

Just a word about a few other people involved with Esalen. George B. Leonard wrote a story in the December 24, 1968 Look magazine called "The Man and Woman Thing." This key phraseology SIECUS uses—"man and woman." George Leonard is Look senior editor; [24] George Leonard of Look magazine is also Vice President of Esalen.[25]

Also we find Virginia Satir, director of Esalen, who conducts family therapy programs. She was founder of Mental Research Institute.[26] Virginia Satir thinks marriage should be a five-year contract subject to either renewal or cancellation . . . When a marriage is dissolved on one of the five-year renewal dates, any children would be turned over to the substitute parents—specially trained in child rearing "because the significance of blood ties is mostly in our heads." [27]

We find Alan Watts working with Esalen [28] (one of the people who wants to enhance man's physical, emotional and intellectual development in an environment of openness, understanding and tolerance) a popularizer of Zen Buddhism, who is working to unify science, philosophy and religion. He advocates the use of LSD.[29] In October of 1968, according to the Los Angeles Free Press, Mr. Watts was advertising the Topanga Human Development Center and the Forum for Humanistic Psychology.[30]

Gerard Haigh, psychologist now busy in Topanga, working with the Topanga Human Development Center and their Psychomat [31] a Laboratory for Exploration. Dr. Haigh is also working with the Esalen group.[32]

I cannot resist showing you a couple of other magazines which were of interest—but not involved with Elysium, SIECUS—or such:

This is Continental Naturist—and it leads us to UNESCO.[33]

Roulette magazine takes us back to the Hitler era. Note the swastikas as a design and the swastika on the armband of the man torturing the girl.[34]

Jaybird Showcase portrays a clear picture of Devil worship, occult, youth and drugs and nudism added.[35]

An additional thought—Anthony Rose of Western Behavorial Sciences Institute in La Jolla said he would like to see the creation of a center, possibly government run, where people can go to "turn on." [36] Sounds like the Behavioral Science people have "great plans."

And so—we learn just a bit about "who" is going to expand the mind of man and the intertwine of the organizations.

As I close—I want to conclude by saying that "Sin did not start with the apple on the tree, but it actually started with the pair on the ground."

FOOTNOTES

[1] San Francisco Chronicle, October 16, 1968.
[2] Brochure of National Sex and Drug Forum.
[3] San Francisco Chronicle, October 16, 1968.
[4] Flyer from Citizens for Creative Social Change.
[5] Dr. Gordon Drake, "Is the School House the Proper Place to Teach Raw Sex," p. 8.
[6] Daily Breese, March 21, 1965.
[7] CONGRESSIONAL RECORD, vol. 114, pt. 19, p. 25554.
[8] San Fernando Valley Times, June 25, 1968.
[9] Sunbathing Magazine.
[10] San Fernando Valley Times, June 25, 1968.
[11] True Magazine, March 1966.
[12] Berkeley Barb, March 29, 1968.
[13] Journal of Psychedelic Drugs, Volume I.
[14] California Teachers Association, Research Résumé.
[15] California Teachers Association Journal, January 1969, pp. 10 and 22.
[16] San Fernando Valley Times, November 13, 1968.
[17] Los Angeles Times, November 22, 1968.
[18] Weekend Jaybird magazine.
[19] Sundisk Magazine.
[20] Esalen Charts.
[21] Nude Lark magazine.
[22] Nude Living magazine.
[23] ANKH magazines.
[24] Look magazine, December 24, 1968.
[25] Psychology Today, December 1967.
[26] Ibid.
[27] Los Angeles Times, November 29, 1968.
[28] Psychology Today, December 1967.
[29] Ibid.
[30] Los Angeles Free Press, October 11, 1968.
[31] Santa Monica Evening Outlook, November 15, 1968.
[32] Psychology Today, December 1967.
[33] Continental Naturist magazine.
[34] Roulette magazine.
[35] Jaybird Showcase magazine.
[36] San Diego Evening Tribune, October 5, 1968.

IN 50 WAYS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RODINO. Mr. Speaker, the following editorial from the Newark Evening News represents, to my mind, a precise and realistic statement regarding a situation that will, sooner or later, become a major issue before the Congress.

While the Department of Transportation conducts its 2-year study of automobile insurance practices in the United States, the frustrations and the inadequacies of the present auto insurance system inexorably build up. In the Department of Transportation's research outline for their study they mention that the "apparent rising tide of dissatisfaction over costs, delays, and access to insurance coverage, the consuming public has been largely unheard from as to what it wants from the system."

I submit that the public is more aware at this moment of the unworkability of the present insurance system than it is of almost any other issue before the American people.

The article follows:

IN 50 WAYS

A committee of the National Association of Insurance Commissioners wants the federal government to leave regulation of auto insurance to the states, which means to the commissioners. It has set forth a program of basic requirements which, in some states, are as likely of realization as a politician's promise. These include ready access to insurance, prompt payment of claims, protection against

arbitrary cancellation, and a full statement of coverage, written in English.

The flaw in the committee's argument is that 50 different regulatory programs mean 50 different levels of interest in the protection of the motorist. Some states are diligent, while others apply virtually no standards. That leaves insurance companies to deal with one commissioner at a time, seeking to make up from one what they cannot get from another. And it allows 50 different ways of appraising experience records, investment of policyholders' funds and other elements that determine what premiums buy.

No one relishes the prospect of more federal intrusion, but until the commissioners do more than talk about establishing minimum, and reasonably strict, uniform requirements on their own, there will be continuing demands that Washington do the job for them.

THE 25TH ANNIVERSARY OF D-DAY

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 25, 1969

Mr. SPONG. Mr. President, on June 6 of this year a distinguished group of scholars and military historians gathered at the Eisenhower Library in Abilene, Kans., to commemorate the 25th anniversary of D-Day. Plans for the D-Day celebration and the symposium at Abilene were initiated sometime before General Eisenhower's death, and it was his suggestion that Dr. Forrest C. Pogue deliver the keynote address to set the stage for the conference on the subject of "D-Day, 25 years later."

Dr. Pogue is executive director of the George C. Marshall Research Library at Lexington, Va., on the grounds of the Virginia Military Institute. Some years ago, under a personal directive from General Eisenhower, he wrote the "Supreme Command," an authoritative study of the operations of the Supreme Allied Command in northwest Europe during 1944 and 1945.

I ask unanimous consent that Dr. Pogue's address, entitled "D-Day, 1944," be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

D-DAY—1944

(Address by Forrest C. Pogue)

At 0645 on the morning of June 6th off Omaha Beach a young lieutenant of the 1st Division Lt. John M. Spalding of Owensboro, Kentucky, was swimming for his life. His section of 32 men had unloaded from a larger craft into LCVPs some ten miles out nearly four hours earlier and had joined other small boats as they headed in for their appointed beaches. Loading in a very rough sea, many men became seasick immediately and others joined them as they moved in to the shore. Shortly before 0600, they saw the first flashes of fire from shore but were uncertain whether they represented Allied bombardments along the beaches or German artillery. Fifteen or twenty minutes later they caught sight of land, through mist and smoke and dust stirred up by heavy naval fire. At 0630, the boat halted and the skipper ordered the ramp dropped and the men to go ashore. The lieutenant jumped out into water to find himself up to his waist but, assuming that shallower water lay ahead, commanded his section to follow him in. He found, as many others did that morning, that the crews had been fooled by sandbars and that after a short time they were over their heads.

With a strong undercurrent carrying them toward the left, the men were soon floundering and in danger of drowning because of the heavy equipment most of them were carrying. They ended by abandoning most of it in the water or at the water's edge. An 18 foot scaling ladder, a 72 pound flamethrower, a useless walkie-talkie, a mortar and its ammunition, and one of their two bazookas were cast aside.

By amazing good fortune, they made it to the shore without casualties, but at the beach's edge a rifleman was hit in the foot by small arms fire and a few minutes later a BAR man was hit in the shoulder by a shell fragment. The lieutenant was not encouraged to find that he was 1000 yards to the east of his supposed landing place and that men of his company as well as those supposed to be on either side of him were now confused, uncertain of the landmarks, often bunched in areas where they made good targets. His salvation lay in the prompt decision to start off the beaches as soon as possible. Stopped by fire, one of his men with a bangalore blew a hole large enough for them to pass through. Rushing ahead to a demolished building, they took shelter behind it and a nearby pile of rubble, exchanging fire with enemy snipers, until machine gun fire which dotted the wall behind which they hid accounted for the first man of the section killed on D Day.

Looking back at the sea, the lieutenant sought to locate other sections of his company. Instead, he saw boats in flames. They reminded him of the men he had seen struggling in the water, who had escaped from DD tanks which had sunk on their way in to the shore. At last he saw a tank on the beach about 0730 but even that was not reassuring. "After a couple of looks back," he recalled, "we decided we wouldn't look back anymore."

Meanwhile one of his men had found a small defile several hundred yards away, running towards the top of the hill. The lieutenant called his men to come up on the right and they passed upward in the face of small arms fire which, while heavy, cost few casualties. Worried about a machine gun above him, he forgot to watch the path until his sergeant warned, "Watch out for the damned mines." The place was supposed to be infested with a small box type mine, but no one was hit, although the company which followed them a few hours later suffered several casualties. "The Lord was with us and we had an angel on each shoulder on that trip," the lieutenant later explained.

But the luck did not always hold. Trying to take out the troublesome machine gun above them with a bazooka, one of the sergeants was shot in the arm. A PFC was shot next as he tried to fire. Another sergeant who had picked up an automatic rifle was hit in both legs. But one machine gun could not cover them all and other members of the section, who had moved up, charged the position. The one enemy soldier, who turned out to be a former Polish prisoner, now enlisted in the German static defense force, suddenly surrendered.

By dint of luck and leadership, the lieutenant reached the top of the hill between 0900 and 1000. He believed, and later investigation showed that he was probably correct, that his was one of the first units of the 16th to hit the top. Once they reached it, the men had the advantage over the enemy in bunkers or in individual positions now below them towards the sea. Methodically they began to flush the enemy out of bunkers and communications trenches. Throughout that morning and afternoon the lieutenant was conscious of close-in Navy support that helped to silence enemy fire.

Soon other squads and sections came up the same or similar paths and he found at last other elements of his company, most of which had suffered heavily. Directed to go inland towards Colleville, he and his men spent the afternoon and early evening guarding approaches to the town, engaging in occasional fire fights, until they were at last given reinforcements. They spent the night watchfully only a few thousand yards inland from the beach. Of the 32 men the lieutenant had brought ashore, two were dead and ten wounded. For their bravery, five received DSCs, awarded personally by General Eisenhower.

This tiny segment of the D Day story is one of many that newsmen and combat historians, like myself, got from others. While we were involved, because we shared some of the discomforts and a few of the dangers (indeed some were killed or wounded), our D Day story is a composite of the experiences of others. Field Marshal Wavell named an anthology of his favorite poems—*Other Men's Flowers*. We who collected interviews might call them *Other Men's Memories*. One man's story can not tell the whole, but it can give a sampling of a battle which many men—airmen, sailors and soldiers helped make.

The story of other units, fighting their way ashore and then inland, show them often to have done much less well than the one I have described. Although by midnight all regiments of the 1st Division, two regiments of the 29th Division, and the 2d and 5th Rangers had been landed on Omaha Beach the position was precarious.

The factors responsible for D Day difficulties are many: the launching of small boats too far from shore, the heavy seas, landings on wrong beaches, concentration of men in front of exits, the foundering of all but five out of 32 DD tanks which were launched towards Omaha Beach from ships five or six miles out, (most of those sent in by ship arrived), the loss by capsizing of nearly all howitzers in one 105 mm. battery, abnormally high casualties among junior officers, delays in opening the beach exits, the tendency of some men in the first waves to crouch behind the first seawall they reached, exposing themselves to artillery fire and the danger of drowning in the incoming tide, the lack of sufficient gaps in underwater and beach obstacles, the late decision to cancel the bombing of beach fortifications, and the unexpected presence of the 352d Division near the beach.

Amidst all the gloomy summaries, there were many bright spots. On the 116th Infantry front, the assistant division commander, Brigadier General Norman D. Cota, and the regimental commander, Col. C. D. W. Canham, had set to work shortly after coming ashore around 0730 to organize the attack. Shortly afterwards Canham was wounded but he returned to the task after receiving first aid. According to the accounts of the soldiers General Cota was everywhere that morning. His activities in rallying the men and working to clear the exits from the beaches made him a legendary figure. On the 16th Infantry's beaches, Colonel George Taylor, the regimental commander, gained immortality by saying to his officers and men: "The only people on the beach are the dead and those who are going to die—now let's get the hell out of here." He and Colonel Canham were promoted to brigadier general for their D Day work and General Cota a few months later received command of the 28th Division.

Both to the east and west of Omaha Beach, the battle had gone better. The British 6th Airborne Division had landed in the early hours of June 6th to seize bridgeheads east of the Orne; along beaches Sword, Juno, and Gold troop of two British and one Canadian division of the 1 and 30 Corps landed with fewer difficulties than their American neighbors and were pushing in by late morning towards Bayeux. They were helped by a shorter trip in, the landing of

most of their tanks, and the effective use of tank flails, armored bulldozers and other mechanical items which the Americans had declined. Their losses, including the airborne, came to some 3600. On Utah Beach, the battle also went well. Confused by the paratroops of the 82d and 101st Airborne that had landed by glider and parachute on a widely scattered front, the enemy in that area seemed unable to organize a defense. Some pressure, therefore, was taken off the 4th Division which, stoutly supported by naval gunfire and aided by being landed by error on fronts more lightly defended than those on which they were expected to put down, moved swiftly inland with only some 200 casualties. The airborne suffered more heavily, sustaining some 2500 casualties in the two divisions.

For all its difficulties the D Day performance had been tremendously impressive. Some 5000 naval ships and landing craft participated, bombers and fighters made 11,000 sorties, dropping 12,000 tons of bombs, and approximately 125,000 men were put ashore. Heavy losses had been inflicted on the enemy units back of the beaches, the surprised enemy was now in confusion, the Luftwaffe's activities had been held to almost nothing, there was a difference in opinion between the Commander-in-Chief West, Field Marshal Gerd von Rundstedt, and his chief subordinate, Field Marshal Erwin Rommel, as to the proper way to meet the invaders, and Hitler and his staff disagreed with the western commanders on future enemy intentions, withholding permission for the commitment of the armored reserves and the use of troops from the Pas de Calais. Much remained to be done before the Allies could establish the lodgment area, and there would follow weeks of frustrating fighting in the hedgerows and in the narrow lanes of Normandy until the way was opened for the breakout toward Paris. But the lodgment had been won and the end seemed nearer at hand.

There were many D Days in World War II, but only one is understood when the term is mentioned. For the Western Powers at least, it represented the final focus of efforts to win a definite victory over the Axis in Europe. It was the decisive coming to grips with Germany to which the Allies had moved since the British withdrawal from the Continent and the fall of France. Concentrated in the mighty assault across the Channel from the ports of the United Kingdom was the power of the United States and the final surge of greatness of the British armed forces. It marked the finest hour of Anglo-American cooperation.

As there is only one D Day which comes to mind when the term is mentioned, there is one name above others that we associate with it. It is especially fitting that we mark the 25th anniversary of the Normandy landings near the home where that leader, General of the Army Dwight D. Eisenhower, grew to manhood and closer still to the chapel where he was recently laid to rest, a few weeks short of the anniversary of the Cross-Channel assault whose early plans he sketched and whose armies he directed.

Each man in Western Europe and the United States more than ten years of age in 1944 doubtless will remember where he was when the news first came of the landings, even as he can tell you where he first heard of Pearl Harbor or of the death of John F. Kennedy. (A ghastly coincidence reminds us all of the linking of June 6 with another tragedy). So far as my own memories of D Day are concerned, I can not speak firsthand of the storming of the beaches or the fire and shells and moments of terror because I was off the Isle of Wight in an LST, loaded with a company of the 175th Infantry and elements of combat engineers, scheduled for the afternoon follow-up on Omaha Beach. But the plans were disrupted and we were told to wait across the Channel until the exits were fully cleared. As a result it was not until evening that we crossed, getting our first sight of the beaches, as the smoke and haze lifted the following morning. The infantry and engineers aboard our ship were taken off near noon, but a small party of us consisting of War Department observers, liaison officers, and the two combat historians covering Omaha Beach actions. Bill Fox and I, heavily laden with map cases, typewriters, and brief cases, armed only with pistols, were told to stay aboard ship until the following day.

My first knowledge of the fighting came, therefore, from interviews with men wounded in the early fighting who had been brought aboard our craft, one of dozens provided with hospital facilities for handling men brought from the beaches. Although my notes recall the words, my memories are stronger of wounded men being brought over the side and taken down to sick bay, some so badly wounded they soon died, one—a British airman—whose foot was badly mangled but who managed, as he clenched his teeth to keep from crying out, to ask that someone more seriously injured be treated first. And of the interviewees, I recall the artillery liaison officer, shot through both hands, now swathed in bandages, cursing himself for making the elementary mistake of climbing up a tree where he was shot down before he had a chance to view the hedgerow country he had come to see. Or the Texas corporal of the combat engineers, suffering from a hole in his side, but somehow cheerful because the wound was bad enough to send him home to rejoin his wife and the baby he had never seen.

Recently in preparation for this address, I thumbed through the few souvenirs I have of D Day. There were my slender notebooks, which I filled in the days after landing, visiting men in underground CPs or in foxholes to get their stories of that first long day, sometimes sitting under a leaky shelter half as I wrote, the water washing out parts of the paragraphs as it spilled down my helmet. There were bits of enemy and American propaganda, dropped from planes that I found in the hedgerows and the orchards, one an American appeal, written in German, asking for an honorable surrender of the enemy; another a fake American one dollar bill which, when opened, contained in French an anti-Semitic attack on Secretary Morganthau and the merciless Americans who had launched the attack. Elsewhere there is a crumpled and dirty copy of Eisenhower's D Day message which was handed to every man engaged in the landings, and a firing plan, showing ranges at various points on Omaha Beach, which I found southwest of Pointe du Hoc. And there are remnants of a script for a maneuver exercise which I found in a bunker of a unit stationed near Isigny, fishing it out of a pile of papers most gingerly, fearing every moment that it might be wired to explode. It was for a maneuver against an enemy landing in the area of the Port en Bassin. Since the Germans wrote the script it ended happily, the Allied forces being thrown back into the sea after hard fighting.

There are many stories which recall the drama of D Day. But because the day itself has such tremendous interest, we forget all too quickly the long period of preparation which went before and the debt we owe to a number of men whose names are often forgotten when we speak of the great invasion. On this anniversary, we should recall that D Day's achievements were the products of many minds, months of training, massive production of ships and planes and weapons and equipment, skilled planning, the finding of competent leaders, and lessons learned from defeat and blood and death. It was the one moment of the war when the British and American leaders, the soldiers under their command, the civilians who backed them with their labors and their understanding support came together for a brief period, subordinating personal and national interests and narrow ambitions to one great purpose, finding a unity and a dedication to which we can still turn with pride.

Let us turn our minds back to the day when the last British troops had withdrawn from the Continent, leaving from Brittany and Normandy ports as the government of France went through its final agonies, and to the days when remnants of the defeated French forces rallied to General Charles de Gaulle in London. Despite the desperate situation, there was no doubt that the Allied forces would return. For months, the main energies of Britain would be devoted to defense of her shores and the skies overhead, but there was still a desire to plan. But when and how? An early outline, sketched in this period, started hopefully, "Having gotten ashore."

Those words, almost mocking in their nature, were not facetious but prophetic. They pointed up two problems that the western allies had not met in many years of fighting on the Continent: the lack of a hospitable landing place and the lack of proper landing craft. In the wars of the 18th and 19th centuries, the British had been able to find friendly ports for the entry of their troops, so that ordinary transports were enough for their purposes. Even when the great Napoleon had brought most of Europe under the Continental system, it had been possible to find a place in the Low Countries or in the Iberian Peninsula for a landing place.

With the fall of France and the later extension of German power over the whole of that country, with Spain and Portugal neutral in the struggle with Axis troops in firm control of most of western and central Europe and much of Russia, with German airpower dominating the skies of Europe and raining destruction down on Britain, with German submarines endangering Allied ships in the Atlantic, the Mediterranean, and the Channel, it was clear that much must be achieved before the Allies could attain the goal of getting ashore.

Before a realistic plan could be drawn for invasion, an air offensive had to be started which could win the skies over the British Isles and Western Europe, that could cut off the movement of men and supplies to the invasion area, and that could reduce enemy resources to the point that they could be dealt with successfully. There must also be landing craft that could carry ashore men and tanks and artillery. And there must be solid support from the United States.

Not until the end of 1941 was the last condition fulfilled. And the requirements of the Cross-Channel operation had to be measured against those of MacArthur's and Nimitz's first in the Philippines and then in the Southwest, South and Central Pacific, against the appeals of China, and the desperate needs of Russia caught up in a fight to the death on their own soil.

With all that remained ahead, it is interesting to note that early in 1942 the American commanders and planners outlined the Cross-Channel attack that was launched two years later. Brig. Gen. Dwight D. Eisenhower, newly brought to Washington by General George C. Marshall, and more recently made Chief of the War Plans Division, sketched the plan which reflected War Department thinking and won presidential backing for a return to the Continent.

But before the goal could be attained there followed the landings in North Africa, the taking of Sicily, and landings in the south of Italy. Not until December, 1943, when a Supreme Commander was actually selected to head the invasion and an approximate date of May, 1944, given to Marshal Stalin and not until Montgomery was picked by the British

to lead their forces and sent on to the United Kingdom to start final planning did the Cross-Channel attack move from the possible into the likely category. Churchill, to whom the idea of grappling with the enemy on the Continent appealed, still dreaded the possibility of a blood bath comparable to that his generation had suffered in Flanders. "You are fighting the ghosts of the Somme," the Prime Minister's doctor said to Marshall. His dread was such that even into the final months, he seemed to hope for some miracle that would bring German collapse without an invasion. As late as March and April, he continued to say occasionally to American visitors, "I am hardening on this operation," as if even then it might be averted.

And the Americans remained faithful to the concept. Never faltering in their devotion to the Cross-Channel attack were two officials in Washington—Secretary of War Henry L. Stimson and General Marshall. Backing them were the United States Chiefs of Staff and, for the most part, the President. Abroad, General Eisenhower, busy in North Africa and then in the Mediterranean, where he came to favor a later date for Overlord than he had at first suggested, remained loyal to his earlier proposal.

Yet it was Churchill who had helped pave the way for the return to France by his appointment in October, 1941, of Admiral Lord Louis Mountbatten as head of Combined Operations Headquarters. He was told to prepare for raids along the whole of the enemy coastline from North Cape to the Bay of Biscay but his main object was to be the reinvasion of France. He was to develop appurtenances and devices to make the invasion possible, to select and build up bases from which the assault could be made, to create amphibious training centers, and to select the place for attack. Although his attention was to range far from the French coast in the months that followed, Churchill's directive had set into motion a planning group which would lay the groundwork for the later D Day landings—a fact which Churchill and the U.S. and British Chiefs of Staff recognized when they visited the Normandy beaches six days after the landing when they sent a message to Mountbatten, then in the South East Asia Command, that much of the remarkable technique "and therefore the success of this venture had its origin in developments effected by you and your staff of Combined Operations."

Before the United States was brought into the war, representatives of COHQ were discussing with American manufacturers plans for producing landing craft for future operations. After U.S. entry into the war, COHQ poured more proposals into American hands.

Among his duties, Mountbatten acted as adviser to the Combined Commanders in considering a plan for a proposed return to the Continent, drawn up in early 1942. The Commander-in-Chief, Home Forces, General Sir Bernard Paget, the Admiral commanding at Portsmouth and the chiefs of the Fighter and Bomber Commands composed this group.

Paget, an able officer, who would later become commanding general of 21 Army Group, which he relinquished to Montgomery in late December, 1943, had little enthusiasm for the cross-Channel operation with which he was entrusted and was considered to be a defeatist. But he differed especially with Mountbatten and other planners in preferring the Pas de Calais for the landing area. There were paper arguments for his views—from Dover one could see the Calais shore and even shell it, air forces in southeast England could blanket the area, there would be a short turnaround for ships and landing craft, the way to Germany was much shorter than from any beach further to the West. But Mountbatten reasoned differently. There were few ports in the area nearest the Pas de Calais, troops brought from Wales and Cornwall would have a longer voyage to the attack area and would be subject to greater danger from the enemy. Again, the largest ports of the area, Calais and Boulogne, were not sufficient for developing the later attack. Even more important, the Germans would expect an attack there and be prepared to meet it. An advance in that area would expose its flank to German counterattack. It was in this period that the final attack area, the Baie de la Seine, was finally selected. Shortly afterwards, work began on port facilities from which the troops would sail. It would have been difficult in 1944 to have changed the landing area even if Eisenhower had so desired.

The other important planning group which preceded Eisenhower's Supreme Headquarters was the staff known as COSSAC (Chief of Staff to the Supreme Allied Commander) which was set up early in 1943 to start planning a return to the Continent. The British Lt. Gen. Frederick E. Morgan and his American deputy Major General Ray W. Barker were handicapped by the lack of a commander who could demand all that he needed to make a successful return to the Continent and by a restricted number of divisions on which to base the planning. As a result COSSAC's plan was described by nearly all who saw it as insufficiently strong. Although the invasion front was later widened and a number of changes made in the overall plan, much excellent groundwork was laid by COSSAC which was drawn on by later planners.

The important thing is that when the Supreme Headquarters was finally established, it succeeded to a rich harvest. Underway were experiments with and development of landing craft, artificial harbors, DD tanks, tank flails, Pluto, and the like. Also, in progress was the amassing of intelligence material which would be necessary for final planning.

While the planning was in progress, the commander of 21 Army Group—General Paget—was sending his British troops through realistic training to a degree never before utilized in Britain. For this work, Paget was compared with Sir John Moore who helped prepare Wellington's army for its successes in the Napoleonic war. American units were also undergoing training at centers in the United Kingdom, activities that sharply increased in the late fall of 1943 after General Bradley arrived to take command of First Army and to organize a second headquarters which ultimately was known as 12th Army Group.

Although planning and training went forward, the whole affair was somewhat academic until a commander was selected for the invasion. In his frustration, General Morgan at times suspected that he was serving as a front for something that would not take place. As a result when he was invited to the United States in October 1943 by General Marshall, then regarded as the future Supreme Commander, the British officer asked President Roosevelt for the immediate naming of the commander of the Cross-Channel attack. Feeling that he could not let Marshall go at the moment, Roosevelt still temporized. It was not until December at Cairo after he had been pressed by Stalin for the name of the commander that Roosevelt at last made his decision to name General Eisenhower. Shortly afterwards, on the recommendation of Field Marshal Sir Alan Brooke, the Prime Minister placed General Montgomery at the head of the British invasion forces. In turn, Eisenhower entrusted the British general with control of the Allied forces in the assault phases. Before he left North Africa for a brief trip to the United States, Eisenhower had instructed Montgomery—who shared his views—to proceed to London and begin a fight to enlarge the invasion force.

While Eisenhower was in Washington discussing future plans with General Marshall, the Chief of Staff, General Smith, and General Montgomery outlined plans for strengthening the attack. With the confidence born of victories in North Africa and the Mediterranean, Montgomery stirred the COSSAC planners with calls for more of everything. His recommendations, which his Chief of Staff thought were those "of any trained soldier," included more assault forces, a quicker build-up, a larger airlift, and an expanded invasion front. Realizing that many of the resources would have to come from the United States, the British commander insisted that Eisenhower take personal action, asking, "Will you hurl yourself into the contest and what we want, get for us?"

From the time that Eisenhower arrived in London in mid-January until the eve of D Day, he was involved in getting what was needed for victory. In some cases, it required a long battle to convince the U.S. Chiefs of Staff or the American President, in others the acceptance of political decisions displeasing to the British War Cabinet and the Prime Minister, and in still others the attempts to gain cooperation of General de Gaulle. Only an Allied Commander-in-Chief could have won from various governments what a British or American general could scarcely have asked from his own government. In the major political and military decisions of the period. Eisenhower made his authority felt.

Even before Eisenhower left the United States for London, Montgomery and Bedell Smith had concluded that a landing in southern France (ANVIL) scheduled to coincide with the Cross-Channel attack should be cancelled and the landing craft allocated to it sent to the Normandy area. Aware that the President and the U.S. Chiefs of Staff felt committed to the ANVIL operation, Eisenhower assured Washington that he would save the southern France attack if at all possible.

From the beginning the British sensed that Eisenhower was the key to a shift in strategy. Despite growing doubts in London, General Marshall still believed the operation feasible. But if Eisenhower felt he must sacrifice ANVIL to make certain of Overlord then the U.S. Chief of Staff would listen. He wanted nothing to hamper the Supreme Commander's success. For the moment, the decision waited while resources and allotments were reassessed. By early March, Eisenhower recognized that he would have to have the ANVIL landing craft for Overlord. But he waited until the decision was certain. On March 21, he informed the Chief of Staff that "ANVIL as we originally visualized it is no longer a possibility . . ." The U.S. Chiefs of Staff assented provided the British would agree to an ANVIL operation later in the summer. After prolonged debates, the Combined Chiefs of Staff on April 18th accepted a compromise arrangement which left open the final decision on a delayed ANVIL operation.

The other decision required by the broadening of the invasion front was on the proposal that two airborne divisions be dropped in the Cotentin Peninsula to help secure the new beach being added to the west. At once the commanding general of the Tactical Air Expeditionary Force, Air Chief Marshall Sir Trafford Leigh-Mallory, objected that he lacked the requisite airlift for the additional divisions and that he feared heavy losses to glider forces because of unsatisfactory landing fields and possible heavy antiaircraft fire. In view of pressure by Generals Montgomery and Bradley for the airborne drop, Eisenhower continued his advocacy of the plan, a view that Leigh-Mallory persistently opposed until near the time for landing. At length, he declared that it was probable that "at the most 30 per cent of the glider loads will become effective for use against the enemy." Six days before the landings, the Supreme

Command shut off the debate with a reminder that the airborne operation was essential to the success of the plan and "must go on." As a result, he added, "there is nothing for it but for you, the Army Commander and the Troop Carrier Commander to work out to the last detail every single thing that may diminish these hazards." A week later when it was clear that the landings had been achieved with much smaller losses than he had predicted, Leigh-Mallory conceded that the Supreme Commander had been right.

In the control and use of bombers before D Day and in the early phases of the battle for Normandy, General Eisenhower showed himself in his most positive mood. Let no one claim, said Air Chief Marshal Portal later, that anyone pushed Eisenhower around. He had in mind the heated debate over the Supreme Commander's control over strategic air forces in the early phases of operations and the equally sharp arguments over the transportation bombing plan. In both these controversies, Eisenhower had the strong support of General Marshall and of the Deputy Supreme Allied Commander, Air Chief Marshal Tedder, but his own decision and arguments were emphasized.

The command dispute arose from the fear of the bomber chiefs that the long-range bombing program, known as Operation Pointblank, which had been decided on at Casablanca and was yielding excellent returns, would be upset by a diversion to targets dictated by the interests of ground commanders. There was also the belief in some quarters that the bombers could decide the issue itself if the battle could be temporarily postponed.

Eisenhower had discussed the matter of control of strategic air forces with Marshall in late December, pointing out the need of having men in command who were aware of the problems involved in air support of ground troops. "Otherwise," he declared, "a commander is forever fighting with those airmen who, regardless of the ground situation, want to send big bombers on missions that have nothing to do with the critical effort." He brought up the matter personally a few days later with the Chief of Staff in Washington. Marshall needed no convincing. It was his initial view that Allied air superiority would make possible the invasion of northern France without overwhelming ground superiority and that had prompted him to back the Cross-Channel operation so strongly. Naturally, he was in favor of the maximum use of the bomber force to aid Eisenhower forces to get ashore and to stay there. As a result, he indicated that if he had been named as Supreme Commander and had been denied what he required, he would have resigned the command.

Strongly backed by Marshall, Eisenhower insisted that he be given control over those bombing efforts essential to his cross-Channel battle, adding at last that if the British were for anything less than all-out effort for the Cross-Channel attack he would "simply have to go home." To remove British doubts about SHAEF's possible misuse of the bombers, he declared at the end of February that he would exercise such control through Air Chief Marshal Tedder. Impressed by the strong stand on principle being made by Marshall and Eisenhower, the British Chief of Air Staff, Air Chief Marshal Portal, decided that some compromise formula must be devised.

His proposed formula indicated that when the Supreme Commander's plan for the air program in support of the Cross-Channel assault had been approved by Eisenhower and by Portal, "the responsibility for supervision of air operations of England of all the forces engaged in the program, including the United States Strategic Air Force and the British Bomber Command, together with any other air forces that might be made available, should pass to the Supreme Commander." The strategic air forces not used in support of Operation Overlord would be committed in accordance with arrangements made by the Supreme Commander and the Chief of the Air Staff.

This arrangement at once threatened to become unstuck when the U.S. Chiefs of Staff protested that it did not give Eisenhower "command" of the strategic air forces. The Supreme Commander, who had been incined to accept the formula when first presented, now declared that in view of the question which had been raised, he must insist that there be no doubt over his authority and responsibility for controlling air operations of the bomber and tactical forces "during the critical period of Overlord." This point was settled on April 7th when the Combined Chiefs of Staff declared that the U.S. Strategic Air Force and British Bomber Command would "operate under the direction of the Supreme Commander, in conformity with agreements between him and the Chief of the Air Staff as approved by the Combined Chief of Staff."

Equally stormy and drawn out was the debate over the transportation plan set forth by Leigh-Mallory's staff at the beginning of 1944. In an effort to reduce supplies carried by railroad into the invasion area, the planners proposed bombing of railway marshalling yards and repair facilities in key railway centers in Germany, Belgium, and France. The bomber chiefs objected at once to targets in Germany, saying that other targets—such as oil or airplane plants were more remunerative. In addition, there was a strong political objection raised by Churchill, Eden, and other members of the Government. After the war it was noted, the peoples of Eastern Europe and the Balkans would look towards Russia; Great Britain would have to depend for friendship on countries in the West. And there was the danger that heavy casualties inflicted on the civilian population in the attacks on railway centers would alienate them from the countries responsible for the losses—especially Britain.

Convinced that the plan was sound and necessary to success of the invasion, Eisenhower gave it his strongest backing. Leaving to Tedder the task of fighting for the concept in meetings with the bomber chiefs, he worked on the Prime Minister and members of the War Cabinet. As the commander responsible for the assault, Eisenhower was impressed by the arguments of the transportation plan proponents. He agreed fully with Tedder's suggestion in late April that although first priority should be given pointblank attacks deep into Germany which would weaken the German Air Force, the remaining air effort should be used to delay and disorganize ground movement during and after the landings "so as to help the army get ashore and stay ashore." Since the first five or six weeks of Overlord were likely to be the most critical, the Supreme Commander argued, it was essential to insure that the assault forces landed and held their ground. He insisted that it was "only necessary to show that there would be some reduction of German transportation, however small, to justify adopting this plan, provided there was no alternative available."

When the Prime Minister continued to stress political objections, Eisenhower stood firm, saying "I have stuck by my guns because there is no other way in which this tremendous air force can help us, during the preparatory period, to get ashore and stay there." At last Mr. Churchill gave way, but he demanded that casualties be held below 10,000. He kept careful watch on reports of civilian losses in France, saying to Tedder, "I am afraid you are piling up an awful load of hate." He was mollified to an extent by General Smith's report that General Pierre Koenig, head of the French forces in the United Kingdom, had said "We would take twice the anticipated loss to be rid of the Germans."

The necessity of weighing preparations for D Day against political considerations disturbing to Great Britain was particularly marked in Eisenhower's efforts to insure the security of his assault planning. Only a determined officer, able to gain the ear of the Prime Minister, could have turned the trick. This fact was illustrated in three episodes in the spring of 1944.

Reminded by members of his staff that visitors to beach areas and harbors were likely to imperil the secrecy of his operations, Eisenhower asked for an outright ban of civilians from restricted coastal areas in the critical days of final preparations. When the civil ministries objected, General Morgan, now deputy Chief of Staff under Eisenhower, retorted, "If we fail, there won't be any more politics—and certainly no more Lend-Lease." But no final action was taken until the Supreme Commander warned the members of the War Cabinet that it would go hard with their consciences "if we were to feel, in later years, that by neglecting any security precaution we have compromised the success of these vital operations or needlessly squandered men's lives." Four days later the required ban was imposed.

This was followed by censorship of outgoing mail and a ban on leave for members of the armed forces outside the country. A more difficult step was the proposed censorship of diplomatic correspondence. The Foreign Office and War Cabinet were extremely dubious about the proposal. Again the Supreme Commander spoke of what might happen. This source of leakage represented "the gravest risk to the security of our operations and to the lives of our sailors, soldiers, and airmen," he declared on April 9th. Eight days later the War Cabinet announced that foreign diplomatic representatives henceforth would not be permitted to receive or send uncensored communications and their couriers not allowed to leave the United Kingdom. Only the United States and the USSR were exempt from this British decree.

From Algiers, a furious de Gaulle ordered his representative in London, Koenig, to break off discussions then in progress with members of the SHAEF staff on questions relating to D Day. Fortunately, the tempest soon subsided when de Gaulle, who believed that matters would go well between Koenig and Eisenhower because of the latter's "friendly disposition toward France," permitted an arrangement to be worked out. An argeement was reached by which British and U.S. authorities examined French messages before they were dispatched from London and then permitted them to be sent in code on Koenig's assurance that the original texts would not be changed.

The uproar over the diplomatic messages was but a foretaste of the protests that could be expected from de Gaulle in Algiers. Believing that the open support of the French National Committee for the invasion was of great importance to General Eisenhower, he was determined to gain recognition for his Committee as the government of France. This was an old and tiresome question which had long troubled Eisenhower but which he had been unable to solve. In Britain, the Foreign Office at least was favorable to recognizing de Gaulle, but Roosevelt, never friendly to the French general, firmly reminded Eisenhower that he could recognize no government of France until the people of that country had an opportunity to make a choice. He was willing for Eisenhower to discuss matters with the French Committee on a military level, but resolutely opposed to any action politically.

The situation, as Eisenhower reminded the Combined Chiefs of Staff near mid-May, was embarrassing and "potentially dangerous." He suggested a way out of their difficulty by inviting General de Gaulle to London where he could be briefed on the coming operation. Roosevelt agreed if de Gaulle did not return to Algiers until the attack had been launched.

As final plans were being made for the assault, Eisenhower and members of his staff concluded that it was essential to have de Gaulle issue an appeal to the French people to support Allied forces under the Supreme Commander. At a very late hour, little more than 48 hours before the attack, the French General was flown to the United Kingdom and informed of the coming assault. Piqued by the lateness of his briefing, the irate leader reacted strongly when handed a statement which the SHAEF Psychological Warfare Division had prepared for him to read in support of Supreme Headquarters. He flatly refused to cooperate on the ground that nothing was said of the French National Committee.

Through much of the night of June 5th a series of conferences were held involving Foreign Secretary Eden, Sir Robert Bruce Lockhart of the Political Warfare Executive, General R. A. McClure, SHAEF Psychological Warfare head, and de Gaulle. Bedell Smith was inclined to be blunt with him and threaten to cut off grants of aid. Lockhart and McClure took the more diplomatic approach, and reminding de Gaulle that his standing in France would be damaged if it were known that he was in London and did not add his voice to the representatives of other occupied countries. At last in the early morning of June 6th he agreed to make an appeal. But he made it on his own terms.

He did not speak when other representatives of occupied countries made their appeals. He did not call on Frenchmen to put themselves under Eisenhower's orders as the prepared speech had done. Instead he told them to follow the orders of the government of France (his committee) and its chiefs. And he got revenge on Roosevelt by pointedly omitting any mention of American efforts while graciously praising old England's contribution as the last bastion in the west.

His eloquent speech touched the Prime Minister. Churchill, who was easily moved to tears, wept at the tribute. To disguise his feelings, he picked on one of his favorite targets, General Ismay, who was standing nearby, unmoved by the eloquence. Caustically, the Prime Minister demanded, "You great lump of lard have you no finer feelings."

Many of these developments were not then known to me and the other combat historians who were preparing for their own role in the D Day invasion. Several of us had been briefed in Washington that spring and then flown to London in April in time to learn something of the invasion plans before the launching of the June 6th attack.

Various signs signalled the approach of the assault. Nearly every day regular traffic would be stopped in parts of London while great convoys of men and equipment moved eastward and to the south. The British were headed towards the old cities of Dover and Rye, while the Americans moved towards the fields and ports of Devon and of Cornwall. At other times we talked to a pilot or a gunner. Tired, weary, but avid for a change from the excitement they had been experiencing, they would describe the work being done in preparation for the attack. Six missions in a row over Flak Corner on the "Milk Run" was the story of one gunner, who spelled out tales of recklessness, heroism, fatigue and fear. He was sure that things were about to pop because the intensity of the attacks could not be maintained. As yet unbriefed as to the real area of the invasion, we tried to make deductions from the pattern of attacks and troop movements, only to make the same mistake the Germans did.

We learned much about the Allied forces in the briefings in London, the nature of the command organization, the logistical preparations, organization of various combat units, tables of organization and the like, but we still did not know the area of attack or the precise development of the battle. Perhaps the most memorable thing that came from the session was the statement of the Navy officer who summed up the report that we could write in advance on D Day, "confusion reigned on the beaches," a prophecy which proved exact.

Not until we had made a brief visit to General Bradley's headquarters at Bristol—where our historical teams were split up for assignment—and Lt. William J. Fox and I settled down at V Corps Headquarters at Norton Manor near Taunton in Somerset did we finally see the detailed plans. After being bigoted we were shown into a small room filled with paint buckets and brushes used to stencil boxes. In one corner was a wooden cabinet and in it were the broad outlines of the high level plan, sketches of 21 Army Group and First U.S. Army plans, the complete Navy plan, and the detailed V Corps plan and annexes for Omaha Beach.

Feverishly we digested the material. We already knew that under General Eisenhower was General Bernard L. Montgomery's 21 Army Group with general direction of the Allied ground forces for the assault period and that under him Lt. General Omar N. Bradley's First U.S. Army commanded the American effort in the fight. Now we learned of the dispositions on the respective beaches.

The area chosen looked unpromising on the map. From the detailed, yard by yard descriptions, the beaches—once attractive to tourists—seemed unlikely places on which to land, particularly in the V Corps area. The beaches, backed by cliffs, were rimmed by ledges from which antitank guns, mortars, and automatic weapons could bring murderous fire on the attackers. Reports from the French underground, from air photos, and from special landing parties, which had been set ashore to conduct reconnaissance, virtually pin-pointed the defenses, the paths, the winding roads, the stone walls, the length of the beach, the height of shingle. Most important, they listed the location of almost every machine gun, the direction of fire, the rifle pits, the strands of wire, the communications trenches between bunkers, the tank ditches which cut off access to the exits from the beaches, and the awful photographs of underwater barriers. Gate-like "Element C," standing nine feet high, with slanting steel supports, topped by tellermines; hedgehogs, ugly affairs made of crisscrossed steel beams from 5–7 feet in height; log ramps and posts with ragged edges on which other mines were placed to rip and explode the small landing craft as they came in with troops protected the beaches from assault. This devilish collection of pitfalls, which the enemy under Field Marshal Erwin Rommel's stern direction had been installing at a rapid rate in recent weeks, seemed to grow more deadly each day. Because of the obstructions, it was necessary for the planners to arrange for the assault at low tide, so that the first waves could go in while the barriers were exposed, thus avoiding the underwater terror and bringing in demolition teams to clear them away before the later waves of craft and troops came in.

Naturally, the plans were extensive. Besides such matters as naval and air support, supply, operational details, the massive appendices extended to civil government, supply, medical questions, and the like. One list detailed the amounts of cocoa, wheat, meat, and vegetables to be distributed to towns needing food. The quartermaster was given estimates of uniforms, bandages, Purple Hearts, and even Bronze Stars he would be expected to provide. The Medical Section reassured us that there were no poisonous serpents in the area, but failed to note that in a local apple brandy called Calvados, the region had a potent antidote against snakebite. We were even told where the Germans had their chief administrative offices, which local officials had been unduly friendly to the enemy, the location of possible pigeon lofts, and names of prostitutes in some localities who might be able to supply information about the Germans.

On Tuesday, May 23d V Corps began its move from Norton Manor to the marshalling area in Cornwall. Our group was bound for Redruth, not far from Penzance near the southwestward tip of England. The morning was cold when we started, but slowly the chill was dispersed by the sun, and the day at last became one which made us happy to be in England now that spring was here. I remember the peaceful hills and valleys, and the occasional breathless moment when we sat on a hilltip and saw a dozen roads through the valleys below thousands of vehicles, jammed with men and equipment, moving towards the south. I was reminded of a chapter in Conan Doyle's *Sir Nigel* when he spoke of a much earlier setting forth of men for battle in a chapter "How the Comrades Journeyed Down the Old, Old Road." In his case, the men-at-arms travelled towards Dover rather than westward, but he had caught the picture of a crowded highway as he described "the throng which set the old road smoking in a haze of white dust from Winchester to the narrow sea."

The little towns, still filled with century old quaintness, looked out of place as troops streamed through in flood tide to the channel. There were half-concealed airfields, meadows which hid tanks and jeeps, and hedges filled with piles of shells. But we forgot the war momentarily when we passed a simple country house with a scrawled sign, proclaiming "Tea for Sale." The pleasant old lady poured tea in her parlor, where our fighting gear seemed somewhat out of place until we saw on the walls the photographs of her daughter, a WAAF in London, and a son, now a lance corporal in India.

After a half hour stop, we continued on our way, reaching at last the concentration area where our small party of liaison officers and historians were to be attached for rations and quarters to a company of the 175th Infantry of the 29th Division. Our camp was in a number of fields, along a country lane, placed between small hills which hid us from the sea.

At this isolated camp, we felt for the first time the imminence of the invasion. Since we were to be briefed on the time and place of the attack, we were forbidden to leave the area without permission. Guards stood at regular intervals along the road to enforce that regulation, acting also as airplane watchers and carrying specially treated armbands which would indicate the presence of gas.

On Friday the soldiers were briefed. It was fascinating to watch the reactions of the various groups as they were shown silhouettes of the coasts showing how the beaches looked at one half mile, two miles, and five miles out. In other cases, the men gathered around card tables or maps spread on the ground. They listened closely as the story of D Day was unfolded, still not clear as to the overall plan. They were told that under the full support of naval and air bombardment they would go in on beaches cleared of opposition. As the officers and men learned their specific missions, their faces showed the growing grins that one notes when a listener anticipates the ending of a well known joke. "Jesus," one of them remarked, "now we can get started on the way home."

An outsider would not understand the enthusiasm of soldiers facing a deadly assault, but these men had participated in repeated exercises in the U.S., marched up and down England, practiced in assault training centers until it seemed that they would never strike at the target which must be seized before they could turn back to the United States. So without worry about the fact that

the first day of battle might be the last of life, they hailed the announcement that they were going to Normandy.

There was little talk of the enemy; I saw no sign of hatred there. We spoke of this strange attitude, but no one worried. The soldiers were sure that when the shooting started and friends were killed, they would hate the enemy enough. "After all," said one artilleryman, "we don't see the men we kill anyway." There was not even great anxiety about the chance of getting hit. In an effort to keep down fears on this score, the Stars and Stripes, in issues carefully distributed to the troops, explained how shock kept the wounded from feeling much pain and that there were few cases where the hurt persisted long before unconsciousness of morphia gave relief. General Bradley, who proved to be an accurate prophet, struck out against wild estimates of casualties, based on Tarawa percentages, which predicted losses of 50,000 in the first few hours.

The weather on our final Sunday in camp was extremely beautiful. The day was much like any other, until someone announced that there would be services in the mess hall. I half persuaded another chap to go but he said that he would feel like a hypocrite by waiting until this late hour to go to church. Some twenty of us met in the tent, sitting on the rude benches at the wooden mess tables, while a young red-haired chaplain from Virginia led us in a group of songs from which "Onward Christian Soldiers" and "The Son of God Goes Forth to War" were carefully omitted. He preached simply on the text, "Suffer Little Children to Come Unto Me." There was no threat of death nor talk of hate nor smell of battle in that tent, although his helmet, set before him on a table, served as a pulpit and we held our weapons close at hand while we prayed.

We were awakened at the usual time—0700—on June 2d and told to don our gas impregnated clothing. Two hours later, after breakfasting, we started to a rendezvous point where we met a convoy. At noon we were fed at an improvised mess hall along the way. Two hours later we stopped and were fed again as jokesters spoke of the condemned man eating a hearty meal. Occasionally we passed English homes and the dwellers would come out to look curiously at the quiet groups of silent men—going down to the sea. Now and then a mother would hold up her child to see the passing troops, as if she wanted him to be able to say when he was old that he had seen the soldiers march off to attack the distant shore.

Land's end for us was the edge of a small cove near Helston—such an inlet as pirates or smugglers might have used or a place where the Phoenicians might have anchored when they came two thousand years ago to seek Cornish tin. The British had realized that it was such a place as enemy intruders might seek out for entry and they had built machine gun nests and barricades on the hills around. Now at last they could hope that these defenses would soon be no longer needed.

By early evening our party—a company of the 175th Infantry, attached engineer units, and our small party of "parasites"—had been loaded on our LST. Some two hours later we left the cove. As we sailed for Falmouth, we met some of the crew. It added nothing to our sense of well-being to find that most of them, like the LST, were on their first voyage. Many of them had been drafted only six months before. A few had been in Italy, but most of them were still so new that the skipper, normally after giving a nautical command, would immediately translate into the layman's language.

On Sunday, June 4th the weather was foul. Sometime during the day we learned that Eisenhower had postponed the invasion one day and there was griping by the men who feared they would have to go back to port. The plan had indicated that only June 5, 6, and 7 in the first half of June were satisfactory for the assault.

Next morning at 9, we started from Falmouth Harbor, sailing slowly eastwards. By 3 P.M., there were 28 LSTs in sight—at this time in three parallel lanes, later expanding to five or more, while out on the horizon could be seen three or four destroyers, shedding confidence on us as they circled and turned to stay between us and unknown perils. Above were plane escorts and we could see hunderds of planes or hear their motors as bombers flew to targets near the beaches. Two barrage balloons which floated above each LST gave a holiday appearance to the occasion. Behind us we towed a curious raft known as a Rhino ferry. Other vessels pulled along strange contraptions of concrete and steel that were to make up part of an artificial port. Everything was relatively quiet on shipboard. The sky was somewhat overcast, but the sea relatively calm, and the sun came through now and then. "Abandon ship" drill was perfunctory, despite the sobering statement that the next alert we heard would be the real thing.

At noon with our lunch, each man received General Eisenhower's Order of the Day, dated June 6th. It was now certain that D Day was on. Later we were to learn of the dramatic meeting at which the decision was finally given.

Through five months Eisenhower had used a mixture of diplomacy, stubbornness, gentle words and firm persuasion to gain the unity and support he needed for the disparate elements which would make up the Allied team for D Day. In all these he had the backing of one or more strong political or military leaders. But it was on June 5th when he met for a second time with his chief advisers at Southwick House near Portsmouth to decide whether the invasion must again be postponed that he faced one of his most crucial decisions of the war. Writing of it later, Eisenhower's Chief of Staff was struck by "the loneliness and isolation at a time when such a momentous decision was to be taken by him, with full knowledge that success or failure rests on his individual decision."

At 9:30 on the evening of June 4th, General Eisenhower discussed with his advisers whether weather conditions, which had forced him to consent to a one day postponement, earlier that day, now showed sufficient improvement to authorize the assault for the 6th. Much depended on the observations of the weather officer, Captain J. M. Stagg, of the SHAEF staff. One observer was later convinced that the Supreme Commander's decision was aided in the final analysis by the fact that in the days preceding the D Day verdict, he had discussed the factors involved in weather predictions so that he not only had confidence in his meteorological adviser but understood the elements to be considered.

The alternatives were not pleasant ones. Stagg reported that a new weather front gave some hope for improvement throughout June 5th and until the morning of the 6th. The skies were expected to clear sufficiently during the evening of the 5th for heavy bombers to operate during the night and in the early morning at H hour, but it was not certain if favorable conditions would prevail during the assault stages.

Thus there was some hope, but if the weather grew worse after the first wave had landed, what then? Caution favored delay. On the other hand a second delay meant that ships must return to port and the men unloaded. The possibility that the enemy might spot the preparations would be increased. A second postponement might find even worse weather in prospect for the 7th and the need for postponement for two weeks. These delays reduced the period of good weather for fighting and increased the possibility that the V weapons, now known to be readied for attack on British cities and harbors, might be in use (as indeed they were by that time). Worse still, a further wait would hurt troop morale. The men had been brought to a state of readiness. Another delay would make it hard to reach that pitch again.

All these points were in Eisenhower's mind when he pondered his decision. Looking around the room, he polled his advisers. Leigh-Mallory believed that from an air standpoint the attack would be chancey and Tedder agreed. General Montgomery, sticking to his view of the previous day, voted "Go." The decision was now entirely in the Supreme Commander's hands. He pondered it briefly, dropped his head for a moment's thought and decided, "We go."

A final review was slated for the early morning of June 5th. Despite the rain and wind that greeted the Supreme Commander at his final conference, the weather forecasters now thought there might be a break of thirty-six hours. On the basis of this advice, Eisenhower held to earlier decision, informing Washington that "Halcyon plus 5 (June 6) finally and definitely confirmed."

In fact no other decision was possible but it was important for the future of operations in Europe. One of Montgomery's aides said long afterwards the fact that Eisenhower took the responsibility and said "let's go" was a prodigious contribution psychologically in that it took off others the weight of decision. The fact that he had accepted full weight of any reverses that might come was indicated by the Supreme Commander in a memorandum he wrote the day before the landings. Several days later when the success of the assault was complete, he showed it to Commander Butcher. The key sentence read: "The troops, the air and the Navy did all that bravery and devotion to duty could do. If any blame or fault attaches to the attempt it is mine alone." Those words alone make it peculiarly fitting that we associate this Anglo-American action of D Day forever with the name of Ike.

And it is important in this period of strained alliances, of misunderstandings, of loosening ties which once bound us tightly to friends of Western Europe that we recall the day twenty-five years ago when a common effort and a common belief in the things we held most dear produced the D Day miracle. For it was with that rare unity forged in the years of peril and of fear and of defeat that victory was at last attained.

FURTHER DEVELOPMENTS ON PAY TELEVISION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. HARVEY. Mr. Speaker, the mounting interest and serious concern in many circles as to the future impact of subscription or pay television compels me to bring to the attention of my colleagues further developments of paramount importance.

For example, perhaps you missed the brief, but rather potent, article which appeared June 13, 1969—a Friday, incidentally—in the Washington Post. It will follow this statement. Let me quote one paragraph from the story which was entitled "Sports Ready To Collect on Pay-TV." The quote from Dick Bailey, Sr., president of the Hughes Sports Network, sums up the future quite well as far as pay television operators are concerned. Mr. Bailey is quoted as saying:

There is a new era coming and a lot of people will be scrambling to get into it. Free TV will have to worry about losing sports to pay TV.

The article is wrong in one respect. The closing paragraph of the story leaves the impression that it will be 2 years before pay television will be a threat. This is not true.

The Federal Communications Commission has announced its intention to begin licensing pay TV operations 60 days after the disposition of a pending court case. The FCC now is accepting applications from prospective pay television operators.

For over 2 years I have advocated that the question of pay television is a congressional issue and one that Congress should decide—not the FCC. This Congress should determine the role of pay television. For example, it now is being stated that if pay television takes hold in the United States, Americans in the lower income groups will lose free television. They would not be able to watch pay television.

I further understand that the FCC has stated that at least one-third of the families with television sets will not be able to afford pay television.

Another development concerning pay television is covered in an article by Jack Gould, which appeared last Friday, June 20, 1969, in the New York Times. I am also including that article at the end of this statement, as it clearly shows the possible future relationship between pay television and community antenna television—CATV.

In addition, I want to include for the RECORD excerpts from the testimony of Lester W. Lindow, executive director of the Association of Maximum Service Telecasters, Inc., Washington, D.C., before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce back on October 13, 1967. His comments some 21 months ago remain valid and current on today's pay television developments.

The newspaper articles and Mr. Lindow's statement follow:

[From the Washington (D.C.) Post, June 13, 1969]

SPORTS READY TO COLLECT ON PAY-TV

The prospect of a bountiful new source of revenue for sports came closer to realization following the Federal Communications Commission order yesterday permitting the start of pay television.

There are legal, technical and other obstacles to be overcome before the householder will be asked to pay for his television fare, but Dick Bailey Sr., president of the Hughes Sports Network, said, "It is coming, there is no use fighting it."

Art Modell, president of the National Football League, said, "I believe it is 'way, 'way off for pro football. We're married to free TV, except for a special game or two. I could understand pay TV in an area which has been blacked out of free TV during postseason games."

Harry Markson, director of boxing for Madison Square Garden, said, "We will be most interested in the developments of pay TV."

The Garden recently contracted to show 125 sports events on community antenna television over a one-year period, including all the games of the New York Knickerbockers and New York Rangers.

Baseball Commissioner Bowis Kuhn could not be reached for comment.

Pro football already has made provisions for pay TV in the merger agreement between the two leagues, which takes full effect in 1970.

With most stadiums already playing to capacity crowds and negotiations for regular Sunday game telecasts reaching the choking price, pro football recently went to prime-time Monday night telecasts for 1970 to raise an extra $8 million in revenue.

At the time of the merger between the American and National football leagues, in 1966, owner Ralph Wilson of the Buffalo Bills estimated that pay television of the Super Bowl could mean $25 million to $30 million in revenue for a game that now brings in $2.5 million from free TV.

"Wilson is probably right," president Bailey of the Hughes Sports Network said yesterday. "If I had not sold this network to Howard Hughes. I know I would be going into pay TV now instead of bucking the three conventional networks.

"Only Mr. Hughes can say what we will do now. He makes the decisions."

Bailey revealed that the Hughes network bid on the 13 Monday night telecasts for 1970, which went to the American Broadcasting Co.

"We did not bid lower than ABC," Bailey said "There were other circumstances."

Bailey added, "There is a new era coming and a lot of people will be scrambling to get into it. Free TV will have to worry about losing sports to pay TV."

But not for two years because sports events regularly shown on free TV cannot make the switch to pay TV until that much time has elapsed under the projected regulations.

[From the New York Times, June 20, 1969]

CABLE TV COMPANY TO PROVIDE EXTRA SERVICES AT MONTHLY FEE

(By Jack Gould)

A cable television company operating outside New York City plans to make separate charges for four TV program services, including motion pictures. Cable TV subscribers already pay an average of $5 a month for the relaying over wires of programs televised by regular stations.

Alfred R. Stern, president of the Television Communications Corporation of 630 Fifth Avenue, disclosed yesterday that he had entered negotiations with the major film producers for the showing of films on a cable "theater channel." A charge of $5 a month would be made for the showing of three pictures a week.

The plan, scheduled to be introduced in Winter Haven, Fla., calls for the film producers to receive 40 per cent of the proceeds; the cable system, 50 per cent, and the corporation, 10 per cent.

SCHEDULING OF FILMS

To allay the fears of theater owners over competition from pay TV, Mr. Stern said, no film will be shown until after it has completed its engagements in first-run and neighborhood houses.

Mr. Stern's announcement is expected to add to the general controversy over cable TV because many on-the-air broadcasters and theater owners have regarded cable video as an opening wedge to pay-you-see TV.

In New York City, the Manhattan Cable TV Services and the Teleprompter Manhattan CATV Corporation have carried supplementary services such as athletic and musical events and documentary films. These companies have not made extra charges because of a city ban on any form of pay TV over franchised cable facilities.

SEEN AS MORE POPULAR

Mr. Stern, whose company owns cable systems in smaller communities in 10 states, said he thought the lump monthly fee for motion picture service would be more popular and efficient than trying to charge an individual price for different films.

Another advantage, he said, was that the consumer would have the option of deciding whether he wanted to pay for extra programs without increasing the cost of regular cable relay of presentations on the air.

In addition to the theater channel, which would have no advertising, Mr. Stern's corporation is proposing an informational channel, for films of general interest to youngsters and adults; an instructional channel, for foreign-language courses and other vocational guidance, and a professional channel, for providing up-to-date medical data to registered physicians.

The additional channels would cost $2.50 each, bringing the total for all four channels to $12.50 monthly.

EXCERPT FROM TESTIMONY OF LESTER W. LINDOW

There has been considerable discussion this week about the proposed FCC rules for pay TV as they would affect sports events. Quite understandably, there has been a certain amount of confusion. Let me say, first of all, that the proposed rules regarding sports are quite complex. It is certainly understandable that confusion has been created. I do not blame you one bit for having problems with these things.

However, the proposed FCC Fourth Report and Order does set forth the proposed rules although, as I say, they are somewhat complicated. First of all, it is important to understand that there are two kinds of sports events established by the proposed rules. The first type is what are called specific sports events. These include such features as the World Series, the All Star Game, the various Bowl games, League Championships, and, of course, they extend not only to baseball but other kinds of sports, as well.

The second type is what is described as non-specific sports events. Generally speaking, these include those games played as a part of a regular season, in other words, all the regular games of the Washington Redskins or the Washington Senators.

Within the non-specific type there is a further breakdown of categories, again applying to all types of sports having a regular season. It includes home games, games away from home, pre-season games or exhibition games, or the so-called Games of the Week. These matters are set forth in detail on page 91, paragraph 261 of the proposed FCC Report as well as in paragraph 262 which immediately follows that.

Let us refer back to the type described as specific sports events; the World Series, the All Star Game. The proposed Commission rules would provide that if such an event had been broadcast on free television for two consecutive years in the community, and I emphasize "in the community", where the pay television station is located, not nationwide but in the community, pay television cannot broadcast it. I refer now to page 92 of the proposed Report at paragraph 264.

Let us take the World Series as an example. If the Series were on free TV in that community in October 1965 as well as in October 1966, both years, pay television could not show it in October 1967 on the pay TV station licensed to that community. Here I quote from the Report, "If the Series were on free TV in that community in either October 1965 or 1966 but not in both years it would be viewed as not having been regularly televised there and an STV station could show the Series in October 1967."

This is the rule. Would it prevent siphoning? I don't think that it would. Let us see how this could conceivable work. It could work in several ways. Assume that the Series was broadcast on free television in 1966 and again this year, in 1967. The pay television station operator in Washington, D.C. could

go to the baseball people, offer them a sufficient amount of money if they would refuse to sell the World Series rights for Washington for free television in 1968—they only have to do it in Washington—and agree to make up the difference in income. The following year it could be placed on pay TV and every year thereafter.

Another method to get around this might well be to keep it off free television in 1968 but, through mutually agreeable arrangements, put the Series in 1968 into theater pay television in Washington, in near-by Maryland, Virginia, all through our whole area, with the idea of bringing it on pay TV the following year. Under this method, the baseball people would not stand to lose any revenue and the public could see the Series provided they were able to go to the theater and pay for it for one year.

Now, we do not say that this would necessarily happen on a national basis overnight but it could happen on a selected basis in Market A and B this year, in C and D next year, and, incidentally, Zenith said that they did not expect to go into operation all over the country; they are just talking about a couple of markets at a time; Mr. Wright made that point the other day—they could do this progressively and so on until in a relatively short time, for all practical purposes, the World Series would be taken out of the realm of free television and into a completely pay TV setup.

Certainly there would be outcries from the public. There were outcries from the public when Championship fights were put into the theaters on a pay basis and taken off free television. You have reminded us on several occasions, again this week, that there were very serious outcries from Arizona this spring on this very matter, in the case of the Clay-Foley Championship fight. But the situation still exists. That is part of what we are up here talking about today.

Now let us turn to the second type of sports event set up by the proposed Commission rules, that of the non-specific sports event; the game which is played as a part of a regular season. The proposed Commission rules cover this as well. I refer you now to paragraphs 266 and 267, commencing at the bottom of page 92 of the proposed FCC Report.

If a substantial number of non-specific events, such as home games or away from home games, or the so-called Games of the Week, were televised over free television in the pay TV community and were, and I quote from the proposed FCC Report, "within each of the two years preceding the proposed STV broadcasting thereof," then no games in that category may be presented by pay television in that community.

As the proposed FCC Report states, the standard is to be applied on a category by category basis, and, here I quote again from the Report, "If during one but not both of the two years preceding proposed STV broadcast, a substantial number of events in a category were not televised in a community, the category will be considered not to have been regularly televised therein and STV may show the contests in that category." That means all such contests.

Now, that is the rule that is proposed. Does it prevent siphoning? A pay TV promoter could use his economic leverage to purchase the games in a category of non-specific sport events such as regular season home baseball games, which may not have been broadcast in the community over free television, and present them without any delay. For example, assume that a baseball team plays 80 home games and no games in this category are broadcast on free television in the home community. Pay TV could purchase the television rights to all of the home games in this category the very next season, while the away from home games previously broadcast by television could be withdrawn from free television by the ball club during that season so that they, too, could be made available to pay TV the following year. The same situation could exist if some but not all of the home games were broadcast on free television.

Now, I hope this may help clear up the so-called two-year provision which I think is a snare and a delusion.

TACOMA CELEBRATES ITS 100TH BIRTHDAY

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. HICKS. Mr. Speaker, the city of Tacoma, which I have the honor to represent, is currently celebrating the 100th anniversary of its birth. Located on beautiful Commencement Bay at the mouth of the Puyallup River in the shadow of Mount Rainier, Tacoma has grown from a family homestead to the third largest city in the State of Washington.

The history of the continuous settlement of the area began when Job Carr selected a piece of land along the shore of the bay in December 1864 in an area called Chebaulip by the Indians, and shortly thereafter constructed a log cabin as a home for his family. The family arrived from Indiana in 1865.

The patented land, about one-quarter of a section, possessed rich soil and excellent location. It was its location, in fact, that made the claim so appealing to Gen. Morton M. McCarver, who arrived in 1868 as the representative of Portland financial interests. McCarver and his associates had concluded that the area round Commencement Bay was a natural location for the western terminus of a transcontinental railroad. The town which served as that terminus would necessarily prosper.

Upon his arrival, McCarver immediately sought out Job Carr and offered to buy his claim. Carr agreed to sell all with the exception of a 5-acre plot on which he continued to reside. Buying additional land in the area, McCarver began to create his new city. Other settlers arrived as a consequence of McCarver's promotion and soon discussion centered around a permanent name for the new community, which tentatively was being referred to as Commencement City. Selection of the name Tacoma was promoted by an eastern Washington resident, Philip Ritz of Ritzville, who arrived in the fall. Ritz had recently read a book about Puget Sound country written several years before by Theodore Winthrop, who had visited the region in 1853. The book, entitled "The Canoe and Saddle," among other things dealt with the original names of mountains now bearing incongruous European names. Mount Rainier, Winthrop claimed, was known to the Indians as Tacoma.

Both the McCarver and Carr families were visited by Ritz, who encouraged adoption of the mountain's Indian name as the name of the city. McCarver was persuaded and when he and his partners completed the temporary plat of the new town, the name Commencement City was stricken and that of Tacoma entered.

During the following year, 1869, many lots in the fledgling community were sold, a number of houses built, and several businesses begun. Population increased to the point that in May the county commissioners created Tacoma precinct and appointed the necessary election officials. It was now time for the formal platting of the townsite.

The plat was completed in August and filed at Olympia, the State capital, in December. It is the anniversary of this formal beginning of Tacoma which is now being celebrated.

Tacoma grew steadily during its first several years but it was the announcement in July 1873 of its selection as the western terminus of the Northern Pacific Railroad which provided the needed basis for expansion. As envisaged by McCarver, hundreds of individuals rushed to Tacoma to take advantage of the opportunities offered by the new railhead.

Then came the closure of J. Cooke & Co., principal financiers of the road; the railroad was nevertheless completed before the end of the year, 1873. But Tacoma, like the rest of the Nation, felt the depression severely. When it finally lifted and especially in the 1880's with the construction of a direct railroad to the east, the city began to flourish.

The population, which was 1,098 in 1880, swelled to over 36,000 in 1890. Again, depression struck the Nation, causing the city to record only a slight population increase during the 1890's. But with the new century the future of the city, as measured by its current growth, was assured.

During the first decade alone, the population substantially more than doubled. The vision of its founders had become reality.

Tacoma is now the State's third largest city with a population in excess of 150,000 and serves a metropolitan area with a population more than double that figure. It possesses in Commencement Bay one of the finest natural harbors in the world, and one of the fastest developing ports in the country.

The value of imports in 168 was three times that handled in the previous year. Imports in 1967 totaled $37 million, and in 1968 they were $108 million.

With plentiful and inexpensive water and electricity and excellent transportation facilities, including in addition to the port, the Seattle-Tacoma International Airport, the new Tacoma Industrial Airport, and serviced by four major railroads, the city is one of the State's leading industrial areas.

Its broad industrial base includes wood products and metallurgy. The Tacoma smelter is the largest combined copper smelter and refinery in the Nation and refines about 10 percent of the country's copper. The city is one of the leading producers of a number of forest products. The 1968 estimated industrial payroll of $390 million was nearly 20-percent larger than that for 1967.

The Tacoma metropolitan area also includes two large defense establishments, Fort Lewis and McChord Air

Force Base, and is only 25 miles from the Bremerton Naval Shipyard to the west and the Boeing Co., to the north. The area has two fine private universities and two community colleges.

Possessed of one of the most equable climates in the world and located in one of the most beautiful and naturally bounteous sections of the Nation, Tacoma is the gateway to the Northwest playground.

The grandeur and beauty of the area are more than adequately symbolized by Mount Rainier. The Tacomans are indeed proud of their centennial city and equally proud of the area which it serves.

And I, Mr. Speaker, am most proud to serve that area. I am looking forward to taking part in the centennial celebration during the Fourth of July congressional recess, and invite any of my colleagues who may be in the area to join me during that time.

THE ESTABLISHMENT—HOW ONE WORKS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. SAYLOR. Mr. Speaker, a few days ago, my good friend and comember of the board of regents of the Mercersburg Academy, Mr. Austin V. McClain, spoke to the student body at our alma mater on the functions and responsibilities of a board of regents.

His talk was a good exposition of how one attempts to bridge the "generation gap" of which we hear so much these days. The purpose of his talk was to explain how the Mercersburg board operates, but more important, how any group of dedicated men and women must operate to provide for an educational institution. In common usage, such an institution is part of "the establishment" and as such, in some schools throughout the country, comes under heavy fire from those who know little and apparently care less whether or not their particular educational institution is to be a viable one.

Mr. McClain pointed out that by-and-large a board of trustees or regents is largely made up of graduates of the school which they serve; that most of such graduates had the same goals and aspirations as students, as the students presently in attendance; that they serve their alma mater with devotion, with personal sacrifice, and with only the best interests of the institution as their goal.

To hear some of the campus radicals today, one would think that the governing bodies of educational institutions were jailers or worse. What these people do not understand and fail to try to understand is that the governing body of any educational institution exists for only one reason, and that is to provide for the continuation of a place for others to receive an education. The role of the governing body is critical to this process and that role should be understood by all—students, faculty, alumni, and the public. Mr. McClain has made a good start toward making some aware of the role of a board of regents, and I hope that with wider circulation, the understanding will grow. To that end, I am inserting this statement to the student body of the Mercersburg Academy at this point in the RECORD.

THE FUNCTION OF THE BOARD OF REGENTS

(By Austin V. McClain)

It has been suggested that we talk together about the way this and other schools and colleges are organized. What I am about to say of the origin and organization of this School applies almost exactly to other educational institutions.

It may not be exciting, but it may help a little in both your understanding and mine. The discussion is particularly pertinent in these times when so many boards are under attack by student groups who I am sure do not really understand the organizational structure.

I wish I could call on your imagination and ask you to think of me as a Mercersburg student. This may be very difficult, because I am two generations beyond you. But I am asking you to imagine a group of 500 students gathered as you are today, and that I am one of them. I ask you to do this because younger people often do not realize we were young and at your age had many of the same thoughts, complaints, worry over examinations and guard that you have. We complained about compulsory rules. And when we got together for bull sessions we talked about the girls and hell raising in general, just as you do.

Our School itself was started by a young man of only 28, and when he was at Exeter I haven't the slightest doubt that he had the same problems. Most of all I emphasize he was a very young man, under 30, to have this dream. On May 1st I had a letter concerning a gift an alumnus has been thinking about. He entered in 1905 and has been one of our most loyal alumni. Quite by coincidence in his letter he had this sentence: "I led the infamous strike in 1910 and did many other things I've always regretted and was a bad student to boot."

So while there may be a generation gap, we *were* Mercersburg students and contrary to what you may think, we have *not* forgotten. Far from forgetting, there is scarcely a day in my life that I do not use some of the information and principles that were taught me here . . . things that at the time did not seem relevant at all.

I will take a moment to tell you how most schools started. The earliest settlers, though they were not themselves educated, wanted their offspring to have an education, so they founded schools almost as soon as they cleared the land. They knew that an educated citizenry could not be subjugated, and their whole purpose in coming here was freedom from unjust governments. The word freedom is most often misused. The constitution guarantees us certain freedoms with respect to the government. It does not intend the word to mean that we have freedom to do anything we want. We are not free to drive any way we wish, nor to hit our neighbor over the head, nor to say just anything that comes into our mind under any and all circumstances.

At any rate, the Pilgrims got here in 1619, and Harvard was started in 1636. As the people went west they continued to found colleges and schools. Yale was founded when a group in New Haven got together and gave $7,000 to get started. Mercersburg was founded as a college when the people of this small village gave $10,000. Woodberry Forest started when Robert Walker in 1889 began teaching his own youngsters in his home. The neighbors asked if their children could attend, and shortly they were raising the funds from gifts of thinking citizens so they could educate more students. My first point is: schools did not just happen. They were founded by generous and thinking people for the education of their families, and others. The most important point is that in no case did those who gave the money expect to get anything out of it. What they did was for the benefit of others.

When a group of people want to work together in any sort of project involving property the procedure is to go to the legislature and ask for a charter. If granted, the charter sets forth the rights, responsibilities and limitations of the group. Our charter granted in 1965 tells how the Board was to be organized, and then grants the Board the right to accept gifts, hold land, build buildings, invest funds, etc.

In another part it gives the Board the right and obligations to name a head of the School, plus a faculty, and specially sets forth that they can be removed for misconduct, etc.

In our system of law, where any property is involved it is given over to the care of Trustees. This is the most common name, but titles such as regents, governors, directors are also used. But "Trustee" describes the group best since the property is in truth *entrusted* to them, including all the funds, current and endowment. And the Trustees are required to protect and preserve these assets, and they are responsible. If they do not protect and preserve them, they can be sued.

There are Trustee functions running all through our system. When a man dies he can turn his money over to Trustees who must manage the "trust" in accordance with the terms of the will. A group of people may form a corporation, and the stockholders turn the corporation over to a board which is similar in its function to Trustees.

My second point is that *any* organization has to have a board of management. You have this in the officers of your organizations here in the School. Some person or group has to give leadership and take responsibility.

In all cases if the boards do not do their duty and handle the property correctly, they can be challenged in the courts and penalized financially if they have done anything that is improper.

Under all these charters the Board then adopts by-laws which in the main describe the organization, what officers there will be, what their duties are, etc.

And in all instances that I know of, the boards then name a manager, or a president, or headmaster to have full-time operation of the institution. Board members of educational institutions are almost never full-time employees, so they have to engage full-time people to manage the School. So a man is named president, principal, or headmaster, and he in turn engages a staff to do the teaching. In practice, he recommends to the Board that a certain individual be named to teach mathematics, etc., and the Board elects, but also in practice the Board would rarely interfere.

After the faculty has been named, the Board then looks to the headmaster and faculty to work out the curriculum and rules for operating the institution. The headmaster and faculty in turn make recommendations to the Board, and nearly always the Board approves their recommendations on the basis that they are closer to the situation, and are in a position to know best.

The school then is made up of four parts:

1. The Student body, which is the whole purpose for the existence of the School.

2. The Headmaster and faculty, who in later life are revered by their students, but are not always appreciated during the school years.

3. The alumni body, 12,000 former students, who all complained while they were here, including me, but who after graduation

give the funds to provide better facilities for the students.

4. The Board of Regents, whose job it is to serve these three groups, and to do the best they can to make it an outstanding institution.

As the School ages, and the young men who have been graduated develop into leaders in their fields, the Board is likely to be made up largely of alumni. So a typical Board is made up of people who themselves have studied at the particular school, and who have reached maturity. They refer to it as "Alma Mater"—beloved mother.

The typical Board is made up of people who care greatly. They have attended the school; their own children have attended the school; and they have attained a modicum of success in their chosen field.

On the Board of Mercersburg we have 30 individuals, plus five honorary members. On the active Board 24 of the 30 are alumni; the others are devoted friends. There are two physicians, four bankers, four accountants, four educators, two clergymen, six attorneys, two legislators and twenty-one corporation executives, i.e., businessmen. There is some duplication, since one attorney is a banker, several accountants are heads of companies, etc. There is very little that can come up in a Board meeting where we do not have someone competent to advise us, though what we usually do is to weigh this advice, and then hire outside experts if this seems indicated.

Now what does the Board do?

This can best be introduced by describing the various committees of the Board. Each of us serves on one or more committees. Listen carefully to the title of each: finance committee, buildings and grounds committee, nominating committee, development committee—that means fund-raising. The heads of each of these committees serve on the executive committee.

The committees describe the work we do. It is mostly business matters. Nowhere have I mentioned a committee on curriculum, athletics, discipline, or student affairs, for these are the responsibility of the Headmaster and faculty.

I have gone back over the minutes of the Board for the past year, and can find our main work was concerned with investments, how we can raise more money to improve the buildings, what the tuition must be to approach a balanced budget, etc.

One of our major jobs is the balancing of the budget. At no school do the students pay the whole cost. I have put in your places a restructured budget for this year. It shows that all fees provide $1,521,000 out of total expense of $1,905,000. Then we list gifts of $349,000 to make up some of the difference, which this year means we will end up about $34,000 in the red. Note that we have to make up $349,000. Divided among 500 students this would require $770 more in tuition than is now charged, but we supply this money rather than charge the higher rate.

We do not ignore the main purpose of the Academy, which is to educate. But our Board, like most boards, cannot become involved with day-to-day class work. So from the beginning the Board has searched for an individual with educational experience, and a faculty to have charge of the day-to-day operations. They decide on the curriculum, discipline, athletic policies, and all the things that touch you directly. When there is to be any change in these areas, Mr. Fowle comes to the Board and says: "The Faculty and I recommend that such and such be done." Since we are not competent to decide whether Latin or some other course should be taught, we normally accept the recommendations. I cannot remember a time when we did not. In fact, we may not always entirely agree. But it is essential to good management to cooperate with the operating head of an organization and let him manage it. If he does well, all right. If he doesn't you get a new manager, but he has to be let alone. I must say that I do not know of any case where there has been a difference of opinion that there has been anything but the best of feelings. You can disagree with your best friend and not be nasty about it. I wish there was more of this sort of feeling abroad on college campuses. Nothing is settled by violence. Violence is infantile. Children throw tantrums when they do not get what they want. Mature people do not act that way.

Now let me say several things about this Board that some people overlook.

1. No one on the Board is paid anything for his service. In fact, it costs him and his company a lot of money for him to serve.

2. Individual members of the Board do not do business with the School, i.e., they do not profit from School business.

3. They do not exert pressure to secure the admission of a prospective student. In fact, on several occasions sons of members have not been able to make it.

4. They travel to four to six meetings a year at their own expense.

5. Since most of the men are in active business, the time taken from that business is costly. I estimate that the per diem cost to our firms for a Board meeting is $12,000 to $15,000 per meeting.

I mentioned that one of our committees is finance and another development. Well in the development field we have in the past ten years raised $7,000,000 in one way or another. Our most recent campaign was to raise $1.5 million to match a challenge gift of $1.5 million. The challenge gift was made by a foundation of which a Board member is president. The way we started out to raise the money was to go first to the Board, and of that $1.5 million the Board gave 41 per cent. Thirty people gave over $600,000, but you could well say that with the challenge gift, the Board gave $2.1 million of the more than $3 million raised.

What happened was that the Headmaster told us one day the students of this School needed a better library and a better gymnasium. We accepted his recommendation, and set about raising the money, spending our time going out to see others to ask for gifts.

The Board is the business and giving arm of the School. In my judgment, this function can best be carried out by a diversified group such as we have. Maybe we could have a better Board, but in general the decisions coming from it would be no better and possibly worse. If you know of anyone who has particular experience in budget-balancing, investments, building construction, and education, and who is also willing to give generously, I urge you to give me his name for a place on the Board of this Academy. But please don't give me any name unless he has already proved he has been successful in managing his own affairs.

What does the Board get out of all of this? What have we gained from making a gift every year, balancing the budget, building buildings? The same satisfaction the pioneers got when they started their schools . . . hopefully better education for their descendants.

Critics of boards all seem to forget that they invest their time, money, and experience, and get absolutely no tangible return.

They do have the satisfaction of having invested in the future of the youth of America. They do it because they have come to appreciate the value of their experience here, and because they want to pass it on to others.

Wrong we may often be, but our every decision has the highest motivation.

SST NEXT LOGICAL STEP IN AIR TRANSPORT GROWTH

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. SHRIVER. Mr. Speaker, more than 2 months ago I conveyed to the President my strong support of continued progress in the U.S. supersonic transport program. It is my understanding that the SST program is still under review by the administation, and in recent weeks consideration has been given to alternate plans of financing prototype construction.

I take this opportunity of calling to the attention of Members of the House a recent statement which appeared in Boeing Planetalk, an employee publication, outlining the importance of the United States proceeding with the next phase of the SST program.

According to the article, it will take until the late 1970's before the American SST will be ready for service and the early 1980's before substantial numbers will be in operation. The British-French SST already has been flight tested and made its first public appearance at the recent international air show in Paris.

We are talking about a $20 billion production program, and a program in which the Federal Government's SST investment will be returned by the 300th airplane sale.

Having received permission to extend my remarks in the RECORD, I insert the following article on the SST from Boeing Planetalk:

SST NEXT LOGICAL STEP IN AIR TRANSPORT GROWTH

The impressive growth of world air transportation, together with the advance of technology, make the supersonic transport a logical next major step for the air transport industry. It must be kept in mind that the time required to construct and test prototypes and enter production will make it late in the 1970s before the American SST will be ready for service and early in the '80s before appreciable numbers will be in operation. Market forecasters generally agree that air traffic will continue to grow at a rate averaging at least 8½ percent per year through the 1970s and '80s, as compared with a 15 percent average annual increase during the past 20 years. This growth will result in six times the present passenger-mile volume by 1990.

In the total route pattern, the long intercontinental routes are particularly suited to the SST, because trip times would be shortened dramatically by the 1,800-mile-an-hour speed. These overwater routes also avoid the problem of possible objections to sonic boom effects over populated areas. The SST's share of the traffic on these routes in 1985 will equal today's total free world traffic. The market so described will absorb an estimated 500 American-built SST's by 1990—a $20 billion production program.

Latest studies show the U.S. SST to be highly competitive in the 1980s from an operational economics standpoint. In its early years following introduction, when the demand will be high and SST equipment will still be scarce, high load factors or percentage of seats occupied can be expected to result in high revenue yield, as was the case when

the jet transport was first introduced. Thereafter the SST will gradually gain an advantage over present jet transports in total operating costs as a direct result of its speed, since wage and salary costs that are applicable on an hourly basis will produce three times as many miles of transportation per hour. As these hourly costs continue to increase, the SST will continue to gain in relative operating economy, until in the latter 1980s its total operating cost per seat mile will tend to approximate that of the newest large-body economy jets. Travel at three times the present speed can be accomplished at relatively the same cost per seat mile as for the subsonic equipment. The result will be advantageous economically to the airlines and a considerable boon to the air traveler. Europe will be as close to the East coast by SST as Minneapolis is to New York by subsonic jet.

The program will also be advantageous from the standpoint of the nation's economy as a whole. The U.S. aircraft industry has long held the position of leading supplier of air transport equipment to the airlines of the world and hence has been a leading contributor to our balance of payments. But that position is threatened by the entry of Great Britain, France and the Soviet Union into the SST field. The American SST program will have an estimated $16 billion favorable balance of trade effect, as compared with an opposite situation wherein U.S. airlines would be obliged to buy the equipment from European sources.

A production SST program will provide an estimated 50,000 direct jobs in the plants of prime contractors and principal subcontractors at peak. More than 50 percent of the work will be subcontracted, covering almost all of the 50 states. Considerable national benefit will also accrue from broader application of various technological developments employed in the SST, as well as from secondary employment in support of the SST program itself.

From the first the program has been designed to be self-liquidating. Royalties on production sales will return the government's full prototype investment by the 300th airplane sale and $1 billion in interest by the 500th sale—the present market estimate. In addition, personal and corporate income tax payments by participants in the production program will return an amount to the U.S. Treasury estimated at twice the prototype expenditure.

Delivery positions for a total of 122 SSTs have been reserved by 12 U.S. and 14 non-U.S. airlines. United States airlines have invested $59.5 million in the prototype development program. The Boeing Company estimates its total commitment through completion of prototype construction (including research and development, facilities and other non-reimbursable expenditures) to be approximately $200 million.

The total cost of the prototype program to the government is estimated at $1.2 billion if the program goes forward as originally planned. In recent weeks consideration has been given by the Administration to alternate plans of financing the prototypes such as through the use of government-guaranteed bonds, but as of this writing no determination has been made on such plans.

Research and development work on the SST have now been going on for more than ten years. The program has reached the point where appropriate designs exist. A full range of design alternatives has been wind tunnel tested, resulting in an airplane superior to the present European SSTs in speed (by 400 miles per hour), in combined range and payload, in passenger accommodations and in operating economics. The next step required is the construction of prototypes for actual flight proving and refinement prior to production.

Delay in proceeding with the program could result in European model advances toward the performance capabilities that are counted on to give the U.S. product its market superiority. It would permit the foreign competition to book more orders and thus narrow the remaining SST market.

The management of The Boeing Company feels that the SST program is one highly appropriate to United States capabilities, capitalizing on the technology that has been built up in this country. It fits the requirements of growth in world air transportation, bringing the advantage of increased productivity by providing substantially more seat-miles per hour than present jet equipment. It will bring the air traveler the advantage of significantly greater speed and convenience, which has been the basis of air transportation's growth.

FALSE ECONOMY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PATTEN. Mr. Speaker, while Newark Bay marine terminal development is best known for its containership and general cargo facilities, channel improvements in the bay and the Hackensack River to the north of Port Newark, must not be overlooked. As part of the overall Newark Bay-Hackensack River improvement project, Congress and the President in 1968 also authorized a deepening of the north reach of Newark Bay channel from its present 32 feet to a new depth of 35 feet, the provision of a maneuvering area 1,300 feet long and 900 feet wide just below the Passaic and Hackensack Rivers, and a deepening of the Hackensack from 30 to 32 feet for about 4 miles, thence from 12 to 15 feet up to about the city of Hackensack.

Located along the northern shore of the bay and lower reaches of the river are industrial terminals which handle waterborne movements of sulfur, chemicals, coal, asphalt and petroleum. Some of the larger industrial-type tonnages handled on Newark Bay in 1966 are as follows—in short tons:

Aluminum ores and concentrates	17,330
Chrome ores and concentrates	57,858
Crude petroleum	49,728
Salt	70,945
Basic chemicals and plastics	366,146
Soap	73,796
Gasoline	1,330,232
Jet fuel	1,143,651
Kerosene	499,509
Fuel oils	1,914,687
Naphtha	73,296
Iron and steel products	366,768
Copper alloys	171,294
Iron and steel scrap	706,210

Mr. Speaker, from these figures, it must be obvious that water commerce on Newark Bay plays a key role in New Jersey's leadership in industry and industrial employment.

Of particular interest is the importance of petroleum, and the fact that in 1966, 410 ocean tanker movements, that is, vessels drawing more than 19 feet of water, handled petroleum products on Newark Bay. Of this, 176 ships upon arrival in Newark Bay drew 29 or more feet of water, which means that these vessels could have navigated the present 32-foot deep north reach only at high tide.

I think it must be clear that the deepening of this reach will prevent costly delays to such vessels awaiting high tide. Accordingly, along with the widening of the lower reaches of Newark Bay, I strongly support the deepening of the northern reaches and the provision of the turning basin recommended by the Corps of Engineers.

Mr. Speaker, I am not against economy, but economy in the above areas would not only be false, but in some instances, dangerous as well. I urge the present administration not to discriminate against the New York-New Jersey ports.

ECONOMICS OF OIL AND GAS OPERATIONS OFFSHORE UNITED STATES

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. BURLESON of Texas. Mr. Speaker, Mr. R. C. McCurdy, president of Shell Oil Co., examined the economic factors in offshore oil and gas operations in a recent presentation to a technology conference in Houston. His paper considered the high costs of offshore work and the need for a reasonable expectation of return so the industry can attract the necessary investor capital.

Mr. Speaker, I submit Mr. McCurdy's remarks for inclusion in the RECORD. His remarks have particular significance at this time when efforts are being made to open our borders to a vast flow of foreign oil. His paper examines the enormous return to the public that is generated from offshore activity in the form of bonuses, rentals, production taxes, and royalties to the Federal and State Governments. A valid comparison between the cost of domestic offshore oil and foreign imports cannot be made unless this considerable benefit is made a part of the evaluation.

Mr. Speaker, figures 1 and 2 referred to by Mr. McCurdy are tables and are included in the RECORD. Figures 3 through 7 are charts which present a problem in printing and are therefore not included but will be readily made available to anyone interested.

The material follows:

ECONOMICS OF OIL AND GAS OPERATIONS OFFSHORE, UNITED STATES

(By R. C. McCurdy, Shell Oil Co.)

INTRODUCTION

Offshore oil and gas operations are the first major industrial endeavor to exploit the mineral resources under the oceans. Over a span of 20 years these operations have grown to a position of prominence in the oil industry. In 1968 they accounted for 14 percent of this nation's crude oil and condensate production and about 40 percent of the industry's total domestic exploration and production investment. This growth has dictated the development of a new technology which today permits us to produce in 350 feet of water and drill in water depths in excess of 1,300 feet. These capabilities undoubtedly can be extended several fold.

The potential of the explored areas of the continental shelf is well established. The vast unexplored areas of the shelf and slope offer added potential. However, the ultimate role of the offshore in satisfying future national energy requirements depends on the application of continuing technological advancements within an accepted economic framework.

WHY THE MIGRATION OFFSHORE

The underlying reason for the oil industry's activity in the ocean is this nation's growing demand for hydrocarbons. In the past 20 years domestic consumption of liquid hydrocarbons has more than doubled. Demand is expected to nearly double again in the next two decades. Growth in demand for natural gas has been even more spectacular, increasing fourfold since 1948.

Based on data in a recent U.S. Geological Survey publication there may remain as much as 900 billion barrels[1] of crude oil undiscovered within the terrestrial boundaries of the United States.[2] At present recovery efficiency levels this would represent about 300 billion barrels of recoverable reserves or about 100 times domestic crude production in 1968 and 10 times present proved reserves. In addition an estimated 2,100 billion barrels[3] potentially is available in the form of oil-shale and coal.[4] Why then has the industry ventured into the perilous offshore environment when these vast untapped supplies reportedly exist onshore? The answer is simply that the costs of finding, developing and producing hydrocarbons in water depths of present operations are competitive with the current combined costs of these activities onshore and with current estimates of the costs of manufacturing unconventional supplies as evidenced by the industry's apparent low level of enthusiasm for such ventures.

The movement offshore has not been a headlong plunge. The marine environment was poorly understood, and the industry had—and still has—much to learn about the many factors and risks unique to the seas. Offshore oil operations began in shallow water, near shore in a physical and cost environment not unlike that encountered in adjacent inland waters. However, as the frontiers of ocean technology were pushed forward and operations were gradually extended seaward, the oil industry found itself in a world where the operating and economic rules-of-thumb constantly change. The costs of implementing this technology increase steadily with water depth, and the economic merit of the offshore relative to alternate supply sources is ever narrowing.

The industry has a responsibility to supply energy at minimum cost. It also has a responsibility to provide a fair return on the funds which investors make available for our business. With each step into deeper water industry must weigh these increasing costs against the alternatives available if it is to fulfill these responsibilities.

HOW HAVE INVESTOR AND THE NATION FARED IN THE OFFSHORE TO DATE? [5]

How well has the offshore served the investor and the nation in the competition to supply energy requirements? The answers to these questions should provide a framework of reference for estimating the future role of the offshore in the national energy picture.

Let us begin by reviewing the results of these operations from the point of view of the investor who thru the end of 1968 had made available about $12.9 billion for these operations. These expenditures which are shown in the following table, fall into two major categories.

FIGURE 1.—DOMESTIC OFFSHORE EXPENDITURES

[In billions]

	Cumulative through 1968		
	Investment	Expense	Total
Operational:			
Exploration	$1.5		
Drilling and development	7.3		
Production expense and overhead		$1.7	
Subtotal	8.8	1.7	$10.5
Leasehold:			
Bonus and rental	4.1		
Royalty and production taxes		1.7	
Subtotal	4.1	1.7	5.8
Total	12.9	3.4	16.3

The first category consists of those costs directly related to finding, developing and producing hydrocarbons. These costs are largely controlled by the physical environment—the sea and the geology.

The second category includes those costs that are subject to the direct control of the industry and/or the various governmental bodies that administer these public resources. These costs include lease bonus, rentals, royalties and production taxes.

About two-thirds of the total $16.3 billion expenditure falls into the first category. The major item is the expenditure for drilling, platforms and facilities, which totals $7.3 billion. Exploration costs, including exploration overhead, amount to $1.5 billion, and production expense has been $1.7 billion.

In the second category, bonus is the dominant cost item. Bonus accounts for $3.9 billion out of the total of $4.1 billion for bonus and rental, as compared to $1.7 billion for royalties and production taxes.

The total investment to find and establish production amounts to $12.9 billion. It includes the costs of exploration, bonus, and drilling and facilities. Expenses, which are recovered out of income as they are incurred during the course of production, total $3.4 billion. These include royalties, production expense and overhead.

The rewards of these enormous expenditures are listed below:

FIGURE 2.—DEVELOPED RESERVES (JAN. 1, 1969)

	Oil and condensate (billion barrels)	Natural gas (trillion cubic feet)	Total oil equivalent [1] (billion barrels)
Remaining reserves	4.5	35.5	6.3
Cumulative production	2.2	10.5	2.7
Ultimate recovery	6.7	46.0	9.0

[1] Natural gas converted to oil equivalent on the basis of 20,000 cubic feet per barrel.

The hydrocarbon volumes developed thru the end of 1968 amounted to an estimated 6.7 billion barrels of crude and condensate and 46 trillion cubic feet of gas. Converting the gas to an equivalent volume of oil on the basis of 20,000 cubic feet per barrel gives a total of 9.0 billion equivalent barrels of hydrocarbons. Of this amount 2.7 billion equivalent barrels have been produced to date and 6.3 billion barrels exist as underground reserves.

Figure 1 shows production growth over the years. Liquid production began to accelerate in the mid-1950's and in 1968 reached a level of about 450 million barrels. The extraordinary rate of increase since 1965 is in part due to the crisis in the Middle East and rising allowables in Louisiana. The offshore was probably the most responsive of any area in the country to this emergency.

The growth rate of gas production in recent years has even outpaced that of petroleum liquids. Gas production has increased three fold since 1964, and in 1968 reached an annual level of 2.4 trillion cubic feet.

These production volumes have been translated into dollars on Figure 2. Also shown are cumulative expenditures and net cash flow. The latter represents the difference between expenditures and revenues. Federal income tax is not considered. Gross revenue at the end of 1968 totaled $8.8 billion. Deduction of royalty, production and overhead expenses gives a cumulative cash income of $5.4 billion. As evidenced by the negative slope of the cash flow curve annual expenditures have continually exceeded revenues. At the end of 1968 the oil industry was $7.5 in the hole. However, you will recall that there are developed reserves of 6.3 billion equivalent barrels of hydrocarbons remaining to be produced. After royalty and operating costs, the value of these reserves is estimated to be about $1.75 per barrel for a total of $11.0 billion. This is $3.5 billion dollars in excess of the present deficit. So, there is every indication that the industry will get its money back.

Payout is several years in the future, and based on these data alone anyone familiar with the time value of money recognizes that the overall rate of return will be quite low. However, the cost data are a composite of many different plays at various stages in the exploration, development, and production cycle and many of these have yet to bear fruit. Reserves and production attributable to these exploration expenditures are likely to grow. The ultimate economic outcome depends both on the extent to which this occurs and on the amount of additional capital required to develop and produce these added reserves.

There can be no doubt about the economic outcome from the point of view of the public. They definitely will profit from the venture. It will be recalled that one third of the total expenditure in the offshore has been paid to State and Federal governments in the form of royalty, production taxes, bonus and rentals for the right to exploit these public resources. When future royalties and production taxes on the remaining reserves are included, the total of these payments should grow to about $10.0 billion or $1.10 for each barrel of hydrocarbons developed in the offshore to date. It is recognized that the present bonus expenditures may represent payments for volumes that are as yet undiscovered and yet undeveloped. However, if the ultimate volume related to these expenditures were to increase as much as 50 percent the amount that the industry would return to the public would still approximate $1.00 per barrel. Either way, it is apparent that the net price the consumer public pays for offshore oil is competitive with the price of oil delivered in this country from almost anywhere in the free world.

WHAT ARE THE PROSPECTS FOR THE FUTURE

With the investor economics of past operations still in doubt what are the prospects

[1] The basic data in this publication have been modified to exclude the offshore.

[2] Hendricks, T. A.: "Resources of Oil, Gas, and Natural Gas Liquids in the U.S. and the World", U.S. Geological Survey, (1965).

[3] Based on estimated oil shale resources yielding 25 gallons or more per ton in beds over 10 feet thick, and the use of the coal conversion method developed in "Project Gasoline".

[4] United States Petroleum through 1980", U.S. Department of the Interior, (July 1968).

[5] For purposes of this discussion offshore is defined as the area lying seaward of the Chapman Line in Louisiana and seaward of the Coastline in Texas. Both State and Federal waters are included. On the Pacific Coast the definition follows that of the Conservation Committee of California Oil Producers except that portions of certain fields, which were developed from land locations, have been excluded. Most important of these are portions of the Wilmington and Huntington Beach Fields. The THUMS portion of the Wilmington Field is included.

for the future? Results to date are heavily weighted by operation in relatively shallow water, and as these opportunities diminish operations must move into deeper water if this quest in the ocean is to continue. This movement must take place as it has in the past by careful step-by-step progression lest industry get in over its head.

Much of the technology to permit this movement is already available, and that which isn't can be developed. Industry presently has the capability of exploring in water depths several times as deep as the present maximum water depth of a producing operation. The water-depth capability of seismic operations to locate structural anomalies is virtually unlimited. Conventional evaluative drilling operations have been successfully carried out in 1,300 feet of water.

The primary challenge to our scientists and engineers is in the extractive phase of the business. So far the fixed platform has provided the physical base for development and producing activities, but operations are fast approaching water depths where platforms will no longer be economically practical. Several imaginative floating and underwater systems are now under development, and one or more of these may be needed within a few years.

The key to the future of the offshore is one of cost. The extent to which the volume potential offered by the offshore is translated into developed reserves depends on our ability to implement this technology at costs that are competitive with alternative sources. The cost of exploration are relatively insensitive to water depth. However, this is not true of the costs related to the extractive phase.

Figure 3 (not printed) shows how the cost of a fixed platform increases with water depth in the Gulf of Mexico. The wide cost spread is due to differences in the configuration and size of the structure, number of conductors driven, the time of year it is installed, and soil and current conditions at the location. Looking at the base of this spread note that the minimum cost of a platform in 350 feet of water, which is presently the maximum depth of a producing operation, is about $3.5 million. This is about double the cost in 200 feet of water and the cost is increasing exponentially. Platform costs are substantially higher off the coasts of California and Alaska. The costs of complex underwater or floating systems which must eventually replace the fixed platform will also be high, although they may not be as sensitive to water depth. While some reductions will be achieved as the tools of the trade are improved and experience is assimilated, there is nothing on the horizon that would materially change this capital cost prognosis, reduce operating costs or mitigate environmental hazards.

The only soft spot in the cost picture is the second category of costs—leasehold. If industry is conducting its business in a rational manner, the expenditures for bonus, rental and royalties should be no greater than the difference between the market value of the resource and the costs of physically doing business in the offshore. In the latter we must also include a fair return to the investor on his investment, including leasehold costs, if he is to continue to make funds available for this endeavor. Leasehold costs should thus shrink as other costs increase. It will be recalled that payments for bonus, rentals, production taxes, and royalties constitute about one-third of the total expenditures to date and eventually should amount to something on the order of $1.00 per barrel. Thus the costs of physically doing business in the offshore could increase substantially if the cost for bonus, rentals and royalties are permitted to approach zero. This, of course, assumes that the industry has properly done its arithmetic in the past and that the sum of all costs, including all the money spent on leases which proved to be barren, plus a fair return for the investor actually add up to no more than the market value of the resource. Although at this stage we cannot be certain this is the case, it is apparent that the physical costs of the average offshore operation have not yet reached a level which places them on the threshold of economic extinction. These activities can be expected to continue to expand for some time to come.

None of this is meant to infer an immediate need for the government to take steps to reduce or eliminate these payments. These are public resources and the public's right to fair market value is not questioned. However, as the severity of the environment increases, their value in the undeveloped state will decrease and the bonus an investor can afford to pay is bound to shrink accordingly. Eventually a point may be reached where royalty and rental requirements will also have to be reduced if the maximum volume potential of the offshore is to be realized.

Within the framework of this cost outlook, how much of the potential offered by the offshore will fall within economic reach? The answer to this question depends to a great extent on the distribution of the hydrocarbons. A platform or, in the future, an underwater or floating facility, is required for even the most modest producing operation. Its cost, which in deeper water amounts to several million dollars, dominates the expenditure picture. The economic outcome depends on the hydrocarbon volume that falls within the drainage area of this fixed facility. Despite the advances in directional drilling techniques of recent years, the geographic area that can be reached by directional drilling from a platform still is limited to a few thousand acres, and there is little prospect that this capability will be greatly increased. The area that can be exploited by a platform, floating or underwater facility can be greatly extended by using mobile equipment to drill wells at outlying locations, and then connecting them to the facility with flowlines. However, the capital and operating costs of these wells and the necessary ocean floor completion equipment are much higher than those of a platform well, and the hydrocarbon volume within the drainage area of an individual well, which because of geologic consideration seldom exceeds 100 acres, becomes the overriding constraint.

Figure 4 (not printed) is based on a statistical study of 690 fields in South Louisiana and the adjacent coastal waters. Because of differences in geologic conditions from province to province, these data are not directly applicable to the total offshore or even the remaining unexplored areas in the Louisiana offshore. However, they do serve to illustrate the general pattern of hydrocarbon distribution that has been observed in mature producing provinces. It is not unreasonable to assume that the distribution in the offshore could follow a similar pattern. The ordinate on this chart gives the fraction of the total 690 fields which individually contain a recoverable volume less than the value shown on the abscissa. You will note that half of the fields included in the study contained less than 4.0 million equivalent barrels. In 400 feet of water a single platform may cost more than $5 million. Burdened with this heavy initial expenditure the median size venture would not have a happy economic outcome. This would be true if the entire volume falls within reach of a single platform which will not always be the case in oil fields and is less likely in gas fields. Based on FPC dictated gas prices and assuming a constant reservoir thickness, a gas field will yield about one fourth the gross revenue of an oil field covering an equal area. The number of accumulations that meet the criteria for development in deep water is thus drastically reduced, particularly in the case of gas fields. It is apparent that the offshore will never be exploited as intensively as the terrestrial environments.

However, the volume that the offshore ultimately yields will not necessarily be reduced proportionately because the major portion of the total reserve in a province is usually found in a few larger fields.

Figure 5 (not printed) is based on this same statistical study. The ordinate gives the fraction of the total volume in all 690 fields that is contained in fields which individually contain a volume larger than the value shown on the abscissa. This chart shows that more than 50 percent of the total reserve in all of the fields was in fields which individually contained 75 million barrels or more. Approximately 80 percent was in fields larger than 25 million barrels. Volumes of this magnitude are capable of supporting a substantial expenditure to establish a base for producing operations, and depending on the distribution of the hydrocarbons within the field, much of this potential may be within economic reach.

CONCLUSIONS

The offshore has served the energy market well in the past and will play an important role in the future in satisfying this nation's insatiable thirst for energy. It is also apparent that the oil industry, in the intense competition for new reserves, is playing the offshore game as vigorously as its investors will allow. To successfully play the game at these levels, the competitor must thoroughly understand the game and its rules. Nearly all of the stake is put up many years before the value of the pot is fully known, and success depends on the ability to forecast in advance what this value will be. This is the challenge that our technologists and economists face, and it is indeed a formidable one. The estimation of volume, on which the value of the reward is so heavily dependent, is a hazardous undertaking under the most favorable conditions. Now in the offshore the explorer must also predict its distribution. The engineers must then forecast the costs to develop and produce. These operations often require the use of untried tools or even technology that is yet to be developed.

These risks are an inherent part of the game, and the industry can live with them as long as it can predict the rules of the game that will prevail over the lives of these ventures. This can be accomplished only in an atmosphere of political and economic stability. It is within such an atmosphere that the offshore has grown to its present stature in the energy business, and only within such an atmosphere can it continue to grow.

THE FLAG

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. NICHOLS. Mr. Speaker, this is the season for commencement addresses and I have noticed a number of very fine ones in the CONGRESSIONAL RECORD. Recently, I attended the high school exercises in my hometown of Sylacauga, Ala., and the address was given by Dr. William C. Berryman, director of curriculum and instruction for the Sylacauga Board of Education.

I was most impressed by Dr. Berryman's address which accents the positive things about our great country. Most of these commencement addresses, which receive publicity, are those which downgrade America and the system we live under.

Mr. Speaker, I include Mr. Berryman's address in the RECORD at this point:

Rather than speaking *to* the Graduating Class tonight, I wish to speak *for* them. These Graduating Seniors of Sylacauga High School are different from some of the students that we read about today. These students love their country and are proud of it. They are determined to work hard and contribute to its greatness.

At an assembly at Sylacauga High earlier this year we examined together the meaning of an activity—Pledging Allegiance to the Flag—an activity in which these graduates have engaged at the beginning of each assembly program. I know that the words and feelings which follow are their words and feelings. I know because they have told me so—in both words and in their actions.

I therefore am proud to speak for these Graduating Seniors.

They say—

I Pledge Allegiance: I promise loyalty to my country. Surely, if we live in a country whose protection and privileges we enjoy, it is basic that we recognize the benefits we receive by being true to its government and ideals—I promise loyalty.

To the Flag: Our flag means a great many things to us—whether it is being displayed in a building such as our school or being raised on Iwo Jima as is shown in the U.S. Marine Memorial it represents home, justice, honor, safety, greatness, liberty, freedom.

Of the United States of America: The words of the Americans Creed express it so well: "I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed."

And to the Republic for which it stands: "a democracy in a republic; a sovereign nation of many sovereign states," the republic—where I count—where my voice may be heard—where I may participate in decision making.

One nation: "a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I, therefore, believe it is my duty to my country to love it; to support it's Constitution; to obey it's laws; to respect it's flag; and to defend it against all enemies."

Under God indivisible: Recognition of, and love for a supreme being—God is at the heart of what America means—we are free to worship God in any way we choose—this recognition of our universal dependence upon God, combined with our freedom to worship him as we choose, is the source of our nation's strength.

With liberty: Liberty exists for each citizen. The law enforces certain rules that protect the basic rights of individuals to life, liberty, and property. It sees that the will of the majority is carried out when that will does not violate the rights of any citizen. Therefore, liberty, which exists under the law, does not mean that everyone is free to "do as he pleases." Even so, we are much free-er than those citizens of other nations who were not as fortunate as we were—to be born in the United States of America.

And justice for all: Our governmental system rests upon two mighty pillars: the Declaration of Independence and the Constitution of the United States of America. This nation was born with the bold words of the Declaration. It's very heart is in these hallowed lines: "We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are Life, Liberty, and the pursuit of Happiness."

The Union was created by the lofty phrases of the Constitution. It's very first words are among the most important in all of the document:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution of the United States of America."

These two passages are brief, yes—and their words are simple. Yet they are of deep and lasting significance. In them is to be found the fundamental expression of the American heritage—a deep and abiding faith in individualism—in freedom—and in equality.

It is this faith that has made us the greatest of nations the world has ever known. Look about you. The things that show our greatness can be seen on every hand. There are huge cities, bustling towns, fertile farms, thriving stores and busy factories. Our roads and highways teem with traffic; railroads and airlines span the continent. There are millions of telephones, radios, and television sets, clothes dryers, dishwashers and many other conveniences. We have harnessed mighty rivers, split the atom and viewed the other side of the moon. The list is well-nigh endless.

But these things are only the *material evidence* of our greatness. They may *show* that we are a great nation; but in themselves they do not *make* us great. We are a great nation and a mighty people because we were born with, and we strive to live by, the faith that is our American Heritage. What is the stuff of which our nation is made? It has been said that our democracy is based on two concepts—Competence and Compassion—competence is necessary in a free enterprise system—the ability to do—to accomplish—to create—to use wisely—to understand—

However, even a casual study of history shows us that competence is not enough—The good citizen has feeling as well as skill—The educated person understands the humanness of human beings. A feeling for people—the ability to interpose evidence, reason, and judgment between impulse and action. A feeling for people as individuals and as nations.

How do we feel about our nation?

A clipping which has been in my files for several years expresses it so well:

"My love for my country affects me in many ways.

"Sometimes it's an emotional thrill when I see our flag used in ceremony or flying from a flagpole in our school yards.

"Sometimes it's a feeling of reverence when I view the majesty of the things that make up this nation—our mountains and plains and lakes and cities.

"Sometimes it's a feeling of pride in our people when they determine to share their bounty with others.

"And sometimes, because love and pride are so great, it's a feeling of disappointment when we fail to live up to our commitment to the worth and dignity of the individual.

"Patriotism is a word with high emotional impact. I don't think one should suppress feelings in the presence of our nation's symbols, but patriotism is more than flagwaving.

"Patriotism needs an intellectual base in the history of this nation's victories over forces which degrade the human spirit.

"Patriotism needs an intellectual base in order to honestly recognize failure and to resolve to correct it."

Perhaps love of country can be compared to my love for my children. I love them now in spite of their faults, but I love them even more for what I dream that they can become and I want to help that dream become reality.

Will America remain a great nation? Will it continue to become, as it has throughout it's history, an even greater one? It will if we—you and I—believe in and live by our heritage. The future of the nation rests with us. That future is secure if we, you and I, dedicate ourselves to the high purpose of carrying that great heritage forward.

These Seniors Pledge Their Allegiance.

SCHOOLS WITHOUT LIBRARIES

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. JOELSON. Mr. Speaker, I am deeply concerned about proposed cuts in the funding of title II of the Elementary and Secondary Education Act of 1965. I insert an editorial of June 14, 1969, from the magazine America. I think that it states excellently the need for adequate funding of this useful and important program. The article follows:

SCHOOLS WITHOUT LIBRARIES

Until early June it seemed to some that Marshall McLuhan and the Administration in Washington were of one mind in believing that you can run a school without a library. Dr. McLuhan lately clarified his position, however, in an address to the American Booksellers Assn.'s 69th annual convention. Arguing that "anything which undermines the alphabet undermines the progress of civilization," he insisted that the book is "unique and it will persist." That seems to leave the Administration without an ally in its decision to assign low priorities to books and libraries. Up to this point librarians, educators, editors and publishers had speculated that Washington may have been relying on the McLuhan gospel that the printed word was on its way out.

All of this may be a bit unfair to both Dr. McLuhan and the Administration. The fact remains that the Administration in its budgetary requests for the fiscal year 1970 has evidenced a willingness to cut back on Federal expenditures for school libraries and other educational tools almost to the vanishing point. In some instances, in fact, if Congress goes along with the White House budget recommendations, the result is bound to be annihilation.

Title II of the historic Elementary and Secondary Education Act of 1965, for example, authorized making grants available to the States to acquire school library resources, textbooks and other instructional materials for the use of teachers and pupils in public and private schools.

Originally, $200 million had been authorized for fiscal 1970. President Johnson's recommendations to Congress in January of this year reduced that sum to $42 million. The Nixon budget recommendations of April 16, however, have cut even that truncated item back to absolute zero.

No one can deny the danger posed by inflation. The Administration is quite correct in directing serious efforts to curbing its threat. The fact remains that a danger at least equally grave can result from a fiscal approach that fails to take account of the importance of quality education—translate that into schools, books, libraries and other essential ingredients—for the war against racism and poverty. The cutback on ESEA's Title II is particularly regrettable because one can be certain that its impact will be greatest on those inner city schools, public and private alike, presently serving their youngest victims of our gravest national blights.

MUSICAL COMEDY: "1776"

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, the June issue of the Wilson Library bulletin contains an article describing how the award-winning musical comedy "1776" was written in the public library in Morristown, N.J., in my congressional district.

As a former trustee of the Morristown Library, I am, naturally pleased at the appearance of this article, and feel it will do a great deal to point up the varied and extensive services offered by our libraries.

I should like at this time to insert the article from the library bulletin in the RECORD:

"1776": CREATING THE BEST OF BROADWAY IN A SMALL-TOWN PUBLIC LIBRARY

When the Broadway show "1776" won a Tony this Spring for best musical comedy, it was a triumph not only for originator-composer-lyricist Sherman Edwards, but for: the small-town (17,700) public library in Morristown, New Jersey, that provided him with resources and research headquarters for three yaers; for Library Director Marian R. Gerhart and her staff, who helped guide Mr. Edwards to his pot of gold during their long working relationship with him; and for the concept of the library network, in which a small library can tie in to the resources of larger institutions and, with or without computers, bring the world of knowledge to the reader's desk.

The musical comedy, which has delighted audiences and critics in Washington, D.C., and currently at the 46th Street Theatre in New York, is a portrayal of men, human, afraid, absurd, and noble, who happened to be gathered at the Continental Congress in 1776 to decide upon a document of rebellion. The feeling it imparts that this must be the *real* story behind the Declaration of Independence can perhaps be attributed to Mr. Edwards' fidelity to the spirit of history after an heroic plunge into the facts of same, and to author Peter Stone's talented rewriting of the book.

Mr. Edwards, a songwriter and former history teacher who has just turned fifty, first appeared at the Joint Free Public Library of Morristown and Morris Township in 1962, when he began working on the idea for his first show. He came from his home in nearby Boonton in the historic Morristown area and soon discovered that this local library had a fair collection in American history and an especially helpful reference librarian in Mrs. Gerhart.

As a reference patron, Sherman Edwards was a librarian's dream. He could not have been more motivated, since he was taking off a couple of years from other work at the risk of going broke, and he knew how to use a library. He quickly became inspired by some of the primary sources on hand, and he requested specific authors, titles, and bibliographic aid. He also asked for sophisticated leads for further research, but never considered the library a "take-and-run" operation, where books and short answers are dumped in the arms, and then, good day.

From 1962–65, Mr. Edwards averaged about a full day a week in the Morristown library. He was a tireless reader and a quiet, modest man until he got on the trail of something exciting; then he would become animated and demanding (in the positive sense) of the library staff. He paid little attention to minor library rules and to occasional fines, but, because no two days of reference service to him were the same, he was a pleasure to assist.

The many circumstances that come together to create an eminent success cannot always be isolated, but certainly it was no obstacle to Mr. Edwards' good fortune that he worked with a modern librarian in a modernly-run library. Mrs. Gerhart, B. S. and M. A., also earned a library degree at Columbia University and worked as a college and school librarian before she taught in the Library Education Department of the Pennsylvania State Teachers College in Millersville. Director of the Morristown library since 1967, she came to the library in 1961 and soon after was assisting Mr. Edwards among her duties as reference librarian.

There has been a library of one sort or another in Morristown for more than 200 years, and the beautiful gothic building that houses the present library and its 100,000 volumes is a result of a relatively public and private patronage in the town and township.

"The personal touch is still very important in this library," said Mrs. Gerhart. "That is the chief distinction between our service and that of a larger library. We know our collections, and we're more in tune with our surroundings."

"We're a big little library," she further noted. "We're big enough not to be bashful about approaching other sources, as are some smaller libraries. We don't mind picking up the phone."

As a result, some one-third of Mr. Edwards' sources were borrowed through interlibrary loan from other libraries, especially in New Jersey, where the network concept has been well developed. The libraries of Princeton, Rutgers, Drew, University of Pennsylvania, Farleigh Dickinson, and Franklin and Marshall were all especially helpful, as was the Library of Congress.

Mr. Edwards is now working at the Morristown library on his next show, which will also have an historical theme, but not the revolutionary period. For this work, the library has already borrowed a dissertation from Harvard and items from as far as Colorado. More information here, of course, might give the whole idea away—which ought not to be done even in the name of modern library service.

A BIBLIOGRAPHY FOR A TOP BROADWAY HIT

NOTE.—Highlights of the research materials relating to 1776 in the Morristown library were compiled for WLB by Mrs. Gerhart to reflect the nature of the research done by Mr. Edwards for his musical—and as a guide for other minstrels of American history.

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PAUL E. NEVILLE, EDITOR IN BUFFALO, DIES AT 50

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. DULSKI. Mr. Speaker, my home community of Buffalo, N.Y., was shocked and saddened this past weekend by the fatal illness of the editor of one of our two daily newspapers, Paul E. Neville, 50, executive editor of the Buffalo Evening News.

Mr. Neville was stricken at his desk last Friday as he worked to put out another day's editions of the News. He died on Sunday.

Although he had been in Buffalo for only a dozen years, called to take a top executive position in the News' editorial department, he had assembled a wide circle of friends and was highly respected both locally and nationally in his profession.

The News family has lost one of its own, our community has lost one of its leaders, the journalistic profession has lost one of its ablest technicians, and I have lost a friend.

Mr. Speaker, the News tells the story of Paul Neville in its editorial which appeared in its June 23 edition as follows:

PAUL E. NEVILLE

Suddenly and tragically, in the prime of his career and at the moment of his greatest sense of civic pride and satisfaction, the executive editor of The Buffalo Evening News, Paul E. Neville, was seized with a massive stroke at his desk Friday and today he is dead.

Throughout the entire News family, the loss has caused a numbing shock made worse by its abruptness and by the special sadness of a life of tremendous potential snuffed out long before its appointed time.

Paul Neville had just observed his 50th birthday; he had just rounded out his third year as executive editor; he had completed a tour as president of the New York State Society of Newspaper Editors and had been elected by his fellow editors to the board of directors of the American Society of Newspaper Editors.

He was just coming into nationally recognized full flower, in short, as one of the leading metropolitan newspaper editors and executives in America. Through Friday's first editions, he was eagerly on the job, still feeling the glow of civic satisfaction at seeing a campaign on which he had personally worked harder than any other at The News, the struggle to assure construction of a multi-sports domed stadium, brought to fruition. But today he is gone, a brilliant career, a dynamic personality, a perceptive and witty mind suddenly all blanked out.

A thorough professional with a newsman's instincts through and through, Mr. Neville loved nothing more than to be in the middle of a big story. His wide-ranging curiosity and gregarious concept of his editorship caused him to spend as much of his time out in the community as inside the office. A Buffalonian by adoption rather than birth, he undoubtedly had a wider local acquaintanceship in his 12 years here than most newsmen acquire in a lifetime. Generous with his time, talent and energy, he spent himself all too freely, as his untimely death attests.

Forceful and quick in his news and policy judgments, he worked easily and well with people, respected "no-men" as much as "yes-men," valued suggestions, delegated authority well, and nourished a team approach to doing any civic or journalistic job. To most of the staff, he was just Paul or known by the familiar initialed signature of his many memos, "pen." While personally imaginative and receptive to new ideas, one of his greatest if less obvious strengths was a deep regard for continuity and proper form and style—for "doing it right," thinking and acting "first class."

It was this balanced sense of continuity and innovation that particularly marked his three-year editorship at The News, as he introduced many small and gradual changes but shunned large and splashy ones. Yet perhaps his greatest contribution in his whole 12 years as a News executive has been his sharp alertness to and awareness of underlying community trends—this in a time of social and generational upheaval where alertness to swiftly changing undercurrents is indispensable to a successful news-media operation.

Of all the qualities he brought to The News, it could be this instinctive feel for the developing trend beneath the news that will be missed the most. For today, though, it is a sudden absence of the sheer vitality, the brisk plain-talking personality, the down-to-earth good humor of an editor who should still have a whole brilliant career before him that fills The News with a sense of loss and sadness—and of deepest sympathy for Mrs. Paul E. Neville and the five children in whom their father took such pride.

THE NATIONAL KIDNEY DISEASE ACT OF 1969

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PATTEN. Mr. Speaker, I am proud and honored to join several colleagues today in cosponsoring the National Kidney Disease Act of 1969.

For many years, an urgent need has existed for a comprehensive program to combat kidney disease. In my congressional district alone, I personally knew five young persons who died of kidney disease in the past few years. Every one of them found it very hard to receive dialysis—blood-cleansing—treatments, because of insufficient facilities and inadequate technicians to operate the equipment.

I was not only shocked to discover this, I just could not believe it. I still do not believe that in the United States of America—with all our great wealth and deep compassion—young people who had everything to live for, had to die because we do not have the facilities or technicians to help them. I am not only angry about this tragedy; I am ashamed, not because I did not try to help them—God knows I did everything I could—but simply because this happened in America.

I fervently hope that the bill several Members are cosponsoring today will be passed by this Congress in 1969. The longer enactment is delayed, the more people will die—an estimated 5,000 a year, most of them young.

The next time I receive a heartbreaking letter, telegram, or telephone call from a person suffering from chronic kidney disease, I do not want to tell them that there are only a few hospitals in New Jersey that have dialysis equipment and technicians—that they have to die.

I want to be able to tell them that there are facilities and trained technicians who will treat them and that they will live. That is what should be done and I hope will be done this year, not only to help save the 5,000 sufferers of kidney disease, but to enable us to live with a clear conscience.

Mr. Speaker, more research is needed into the nature of diseases of the kidneys and the problems of kidney transplantation; in developing mass testing procedures for the early detection of kidney disease; and for the development of more effective and economical devices for blood purification.

I also want to point out that recently, Gov. Richard J. Hughes, of New Jersey, signed a bill that will provide $250,000 to aid kidney disease patients and to help expand dialysis programs. This assistance will not enable a massive attack against kidney disease, but will provide some help and great hope.

ONLY 30 YEARS TO MATCH 348½ YEARS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. HARVEY. Mr. Speaker, in a recent speech, Daniel M. Fitz-Gerald, the Wickes Corp. board chairman, brought forth an interesting observation that bears repeating at this time. Mr. Fitz-Gerald, a nationally known business leader, told an Austin, Tex., audience, that since December 11, 1620, when the Pilgrims landed at Plymouth Rock, 142 million houses have been built in the United States to this date. Yet, in the next 30 years—just 30 years—it now is estimated that we must build 142 million more. We must double in 30 years what it took us to do in 348½ years to meet housing demands, according to Mr. Fitz-Gerald.

The Wickes Corp. headquartered in Saginaw, Mich., is in the forefront in developing and adopting new building techniques, new materials, and new designs. I would like to include an article from the June 11, 1969, edition of the Saginaw News on Mr. Fitz-Gerald's remarks. The article follows:

FITZ-GERALD TERMS U.S. HOUSING PROBLEM CRITICAL

The Federal Government may well have misread the size, power and scope of what we face in housing, observed Wickes Corp. Board Chairman Daniel M. Fitz-Gerald in a speech today at Austin, Tex.

Fitz-Gerald is in Austin for the dedication of the 200th Wickes Lumber & Building Supply Center.

Suggesting the housing industry would be replaced by the shelter industry, Fitz-Gerald called it America's number one problem and said "the inventory of completed but unoccupied homes has dropped to almost World War II levels . . . Back then we only had 34 million families to shelter. Today we have 51 million and the number is growing."

Calling on the government to reassess its anti-inflation programs and to consider immediate steps to ease the borrowing rate for mortgages, he predicted the shelter industry could explode to $100-billion volume by 1975. He noted it is now running $63 billion.

"Time has run out," said Fitz-Gerald. "It is urgent that the administration's fiscal, economic and credit planners reassess the government's anti-inflation program and consider immediate steps to ease present credit restrictions on home mortgages. The shelter demands have reached the explosive stage.

"To illustrate the magnitude of the problem," he said, "let me cite these figures. It was 348½ years ago—to the day—on Dec. 11, 1620, that the pilgrims landed at Plymouth Rock. Between that date and today about 142 million houses have been built. In the next 30 years, we estimate we will have to build another 142 million. Now we're faced with the

problem of doing a 348½-year job in 30 years. Is it any wonder we are calling for action?

"With the exception of Vietnam," he said, "no other issue before Washington or the nation is more critical. The administration must widen its perspectives and consider the total problem."

He said the shelter problem is not the exclusive domain of the inner cities. "There are those," he said, "who live in Appalachia, those with moderate incomes and even the so-called affluent. They all have shelter problems. They want places to live or better places to live, but, for various and diverse reasons, cannot find them."

Fitz-Gerald also pointed out that the problems the nation faces in the area of manufactured homes are legion. "Just because there is a need, homes will not automatically be built. Mortgage money will not magically become available simply because of demand. Restrictive building and zoning regulations present other difficulties.

"In the traditional area of private home building, there must be new techniques, new materials and new designs. To help builders meet the accelerated demand, there will be greater use of pre-built components and manufactured sections," he said.

Noting that shelter includes conventional homes, mobile homes and offices, mobile schools, travel trailers, camper units and industrial, commercial and agricultural structures, he said, "Wickes has recently become involved in all of these areas."

Fitz-Gerald said the Wickes Corp. last year had sales of $375 million. He said, "The analysts tell us that by 1975 our sales could be well into the $1-billion column. We fully expect to be half-way there by the end of this year."

He concluded, "This 200th center is another milestone in our growth. We have grown 100-fold in the last 27 years."

HON. WILLIAM H. BATES

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, he is a kind man. He is a great man. These are some of the words used during his lifetime in describing BILL BATES. I have never known a finer, more gracious, more dedicated person.

Early in my congressional career, one of the Members that really went out of his way to be helpful and real nice to me was BILL. I am sure that the words that I am here expressing echo the thoughts of others when we remember this fine man.

BILL BATES was meant in his lifetime to be a servant of the people. In 1950, thrust onto the national scene when his father suffered a tragic death, he was ready to be an outstanding Member of Congress. He had completed his college career and had achieved a master's degree in business administration. He had been a brilliant member of the U.S. Navy participating in naval assaults in Iwo Jima and the Japanese mainland, and had been promoted to the rank of lieutenant commander.

He was a happily married man and the father of a daughter.

He was a patriotic, loyal American and knew the problems facing our great Nation, and as a member of the Armed Services Committee and the Joint Atomic Energy Committee gave those two committees the benefit of his training, experience, and wisdom. He was one of the most able Members of Congress, and now as we say farewell to our dear friend and colleague, we extend to his family our deepest sympathy, and to his district and Nation the reminder that we have lost a distinguished and capable Representative.

SOUTH CAROLINA HOUSE RESOLUTION ON INTEREST RATES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 25, 1969

Mr. THURMOND. Mr. President, the cost of borrowing money in this country is now at an alltime high. The prime interest rate is 8½ percent and there is no indication that it will be lowered in the near future. In fact, the latest increase from 7½ to 8½ percent shocks many Americans because this jump was unusually large.

Mr. President, this extremely high interest rate is causing economic hardship to millions of Americans. While we all recognize the necessity of curbing inflation and that monetary restraint is one method of accomplishing that, it is still regrettable that the burden of coping with the inflationary spiral is falling so heavily on those who need to borrow money to finance housing and other major purchases.

The House of Representatives of South Carolina recently passed a concurrent resolution memorializing Congress to investigate this recent increase and to enact suitable legislation to control the interest rate.

Mr. President, I ask unanimous consent that this resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Memorializing Congress to investigate the recent increase in the prime interest rate and to enact suitable legislation to control such interest rate

Whereas, the cost of borrowing money soared to a new high Monday, June 9, 1969, when major banks across the country increased their prime lending rate to eight and one-half per cent; and

Whereas, an increase from the previous seven and one-half per cent high has been expected by some in the banking community but the size of increase surprised and dismayed many; and

Whereas, this increase may possibly cause chaos through the economy of this country; and

Whereas, this increase will probably greatly curtail the building industry as well as many other facets of our economy. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That Congress be memorialized to investigate the recent increase in the prime interest rate and to enact suitable legislation to control such interest rate.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Clerk of the Senate of the United States and the Clerk of the House of Representatives of the United States.

State of South Carolina, in the House of Representatives, Columbia, S.C., June 10th, 1969.

I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives and concurred in by the Senate.

INEZ WATSON,
Clerk of the House.

REMARKS AND BENEDICTION AT MARION RESERVOIR DEDICATION BY REV. MARVIN HEIN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. SHRIVER. Mr. Speaker, it recently was my privilege to speak at the dedication of the Marion Dam and Reservoir which is in my congressional district in Kansas. Rev. Marvin Hein, pastor, Hillsboro Mennonite Brethren Church, gave the closing benediction which was prefaced by very appropriate remarks. Reverend Hein's remarks were significant to all Americans who are interested in the conservation and development of our water resources. Under leave to extend my remarks in the RECORD, I include the remarks and benediction by Reverend Hein:

REMARKS AND BENEDICTION AT MARION RESERVOIR DEDICATION BY REV. MARVIN HEIN

Several sentences I read just yesterday almost startled me. This is what they said: "The total amount of moisture on the surface of the earth is fixed, just as are the weight and the chemical composition of the globe. There never will be any more water than there is at this moment, for no water reaches the earth from outer space and no chemical process is in operation which changes elements into water."

If that is true, then the body of water that lies before us becomes an intensely spiritual treasure to be guarded zealously. In the past some of us have looked upon the land that lies underneath these waters as a trust from God; even so the gathering of these waters becomes a spiritual responsibility.

This is not just water. This is not just a reservoir created by government engineers with monies provided by taxpayers. This is a part of the wonderful resources of a God who expects us to exercise good stewardship in using everything He has placed in our care. This is a natural, yet divine, resource for which you and I become responsible. We dare not treat it lightly.

Let us pray: Almighty God, Thou who has gathered the waters of the sea together as a heap, we praise Thee today for Thy unending care over Thy creation. We acknowledge Thee as Lord of all. Give us today and through the years a keen sense of our stewardship of all that has been placed in our care.

When the land below this reservoir is spared from floodwaters, remind us, O God, that the earth is, indeed, the Lord's, and we are caretakers.

When the fish and game are retrieved from this area, remind us that these, too, are provisions of a wonderful God, who asks us to use them with discretion.

As men and women, boys and girls spend their leisure hours and days at this place, remind us that time itself is a gift of God, for which we are accountable.

We dedicate not only this reservoir today, but ourselves as well, as keepers of the earth, both land and water, sea and sky, to the glory of God and our Savior, Jesus Christ, in whose name we pray. Amen!

ANATOMY OF LOYALTY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. MICHEL. Mr. Speaker, I would like to call the attention of my colleagues to a very stimulating and thought-provoking article entitled "Anatomy of Loyalty," written by my good friend, Dr. Stanley W. Niehaus, dean of students at Illinois Central College in East Peoria, Ill.

The article appeared in the January 1969, issue of the Clearing House, a journal for modern junior and senior high schools.

Dr. Niehaus discusses loyalty from a developmental and historical viewpoint and I am sure his words will be of interest to my colleagues and all those who read the CONGRESSIONAL RECORD.

I include the article in the RECORD at this point:

ANATOMY OF LOYALTY

(By Stanley W. Niehaus)

(EDITOR'S NOTE.—In these turbulent times we often are prone to question the seemingly abandonment of some of our most basic beliefs. For example, we become disturbed when loyalty to our country and institutions is flauntingly violated. What has caused this to happen? To seek an answer to this dilemma, the author discusses loyalty from a developmental and historical viewpoint. He is Dean of Student Personnel at Illinois Central College in East Peoria.)

One of the pressing problems of our time is that there is an abundance of many things—many things, that is, but loyalty. In these times of affluence—affluent economy, affluent education, affluent technology, affluent innovation—it would seem that there should be an abundance of basic down-to-earth loyalty.

There are at present more automobiles per capita then ever in the history of this country. Parking lots, not only of colleges but of high schools as well, are so crowded that there is not enough space to fulfill the need. Today's workman, who with an income that is considered to be minimal, has a standard of living that was undreamed of a half century ago.

It is not difficult for many people to recall the period just after World War II when thousands of veterans were being discharged from service. Many of these young people had come onto the occupational market about the time when they went into service. The older ones were referred to as the "depression babies."

They were the ones who completed high school in the depths of the depression. They didn't have the financial substance to pursue further education even if they could have profited from it. Others in this group could not secure jobs for love nor money. Many of them walked the streets until the New Deal era of Franklin Roosevelt and the CCC Camps which saved many of the youth at that time from sociological and economic disaster.

Other youth, through the insight of parents and other dedicated and caring adults, were able to use the facilities available to them through the public domain. There is one man who told of how he came out of high school at an early age (he was a brilliant student) in the depths of the depression. He didn't have money for college. He couldn't get a job; yet, he made the telling statement—"I had a good mother, she set up a study program for me. I spent a year reading in the public library." What came of this ultimately was that the young man eventually secured a toe-hold; the economy began to improve, and through his scholastic ability, he received a college scholarship and completed his education. He eventually completed his doctor's degree.

There was another group at this time which was ultra-conservative, later to be referred to as the "square" generation. Some of this group were crippled by the depression. They emerged from World War II into an economy which, at that time, was just beginning to get off the ground. They were afraid to strike forth and take any kind of chance or to make any kind of forward move. This type of conservatism, resulting from personal insecurity, had a way of limiting these people in their occupational and educational outlook. They had loyalty, but it was a loyalty born or fear. That kind of loyalty is neither rewarding nor productive.

Many of the younger group, those without prior occupational or educational experience, didn't have much idea of economic loyalty; rather, they had the idea that the world was their oyster and that they were something quite exceptional in the occupational market—a market which existed for them, for their convenience, and for their affluence. Unlike their conservative counterparts, they looked upon work as an obligation rather than as a challenge.

It is not unrealistic to suspect that some seeds of disloyalty—perhaps the term "unloyalty" is more appropriate—were sown at this time. This is not a simple concept. The matter of loyalty runs all along the continuum of society—loyalty on the part of parents, children, educators, employees and employers. And most encompassing of all, loyalty on the part of citizens, not only to the immediate community but to the national community.

At the end of World War II, there was particular concern about loyalty on the national level. There was a list of all kinds of organizations that were classified as subversive. Many innocent people were caught up in this network wherein they had given their names to some organization or they had joined some group not knowing what it was. When, several years later, their names turned up on the lists of organizations in which they had never participated and which had sounded quite legitimate at the time, their listed names rose up to smite them.

There must be a concern for national loyalty, but loyalty goes much deeper than this—it begins with personal loyalty. A deeply involved person-to-person loyalty to an immediate cause. It is closer than national causes, for national loyalty is borne of personal loyalty. Such loyalty is close to the person and it expands—like a pebble thrown into the water and which casts a ring which expands and expands and expands—reaching out to national loyalty perimeters.

This kind of loyalty, then, moves on a continuum. It begins first in the home—family loyalty. Parents look up in consternation when children sluff off their associations and connections with their family. And, yet, when it is considered in depth, what have many parents done to contribute to the loyalty pattern of their children? Loyalty begins with parents and in the home. Loyalty to the very home concept, loyalty to the children in the home, loyalty of one spouse to another, loyalty to the senior members of the family—children observe this—they learn it. They learn the loyalty of a church affiliation, of a school and community affiliation. Children acquire their first loyalty patterns from their immediate home situation.

The depressing and bewildering commentary about the "God is Dead" philosophy is very possibly a bitter reflection of frail religious loyalties on the part of parents when their children were young. Children who are dropped off like so many stray kittens for their childhood religious education are more susceptible to a meaningless life philosophy than those children whose parents participate in their children's early religious experiences. Faith begets faith; loyalty begets loyalty.

Unfortunately, some parents are so busy pursuing their own activities that they do not have time for family life. Much of this began during World War II when both parents were so busy earning money (what to them was big money for the first time since the depression) that the family structure began to break down. When family structure breaks down, loyalty has a way of breaking down. Too many children were and are reared in this atmosphere of breakdown in the family, a breakdown of family ties, or a breakdown of immediate group—home loyalty.

In the 1950's during and after the Korean conflict, the national economy was affluent. It was about this time that a depressing and disturbing phenomenon began to be particularly manifest in our society. It probably had been taking shape for quite some time, but it became more apparent then. It was characterized as a generation of people who were afflicted by the cult of self-enhancement, self-indulgence, creature comfort, and probably most disturbing of all, a freedom from involvement.

It was characterized by an avoidance of involvement in anything that could be inconvenient and, by all means, disturbing—the type of involvement which could contribute to betterment of the community and to the betterment of mankind. This period was further characterized by intense competition on many levels of society. (Not that competition isn't healthy if it is used constructively; but if it is used purely for self-acquisition and self-enhancement, then it is harmful.)

This was the time when parents were really competing with each other and probably most disturbing of all, competing with each other through their children. It was the time when parents got into fist fights at Little League games in full view of their children. The children were the hapless pawns in this depressing charade wherein parents used them as status symbols. Unfortunately, this type of child quarterbacking is still indulged in by some status seeking parents who refer to their children with the prim observation, "Jean is our youngest. She is in the gifted program."

Such parents attempted to live vicariously the accomplishments of their children. They were pushing their children to achieve something that they themselves had not been willing or able to achieve. This in itself is an example of a lack of loyalty.

Parents moved their loyalty from their children as persons to a consuming and self-serving concern for what their children could do. These same parents cried out in anguish not too many years later when their children sluffed off the influence of their parents and went their own way, a way which often disturbed the parents.

On the other hand, a child had an exceptional measure of security when he was reared in a home environment with the kind of parents who took an attitude such as: "We love you, we love you very much, not for what you can do, but for who you are, because you are you. We may not always agree with what your ideas may be but we respect your ideas, and even though

we don't agree, it doesn't necessarily mean that you are wrong. After all, we have not always been right, but we will do our best to give you the benefit of the experiences we have had—the decisions that did not turn out well and also those which did turn out well. When we communicate to you this knowledge, then we look to you to make your own decision. We have confidence that you will make decisions which are appropriate and meaningful."

It is an attitude such as this which sows the seeds for loyalty. There has been much said about sowing seeds for disloyalty. It is about time that comment be made about sowing seeds for loyalty.

Which brings us up to the present time. Even now society is beset by the disturbing spectacle of segments of the population which are alienated from society. A group which is perpetually angry. This is not exclusive with youth. There are segments of all ages of society which are perpetually angry and which have been so throughout their lifetime—those who have not given loyalty to any cause or any thing. They have an abundance of criticism but a poverty of constructive ideas.

There is also the paradoxical and depressing phenomenon of the overindulging parents whose children's problems are referred to in grim humor as problems of the overprivileged child—parents who do not discipline their children. Such children contribute to a climate of parental, family, and societal disloyalty . . . a generation hence.

If parents do not exercise a meaningful, understanding, and emphatic kind of discipline, the children are insecure. It has been said that discipline is the other face of love, and truly it is. The child who receives no type of boundary definitions from parents is an insecure child; he has little way of knowing where he stands. His moorings are not tied securely to his base of operation, which at this time should be the parental influence. As he wavers through childhood and on into adolescence, he searches desperately for something to which he can attach his loyalty.

There is a deeply engraved desire in all human beings which propels them toward giving their loyalty to something. If nothing more than a matter of loyalty to a type of rejection, or anger, or rebellion. This is a type of sick loyalty. Society is sorely troubled at this time, with a bitter crop of people which rejects the standards that democratic society was built upon.

For those who cling to and live by a cultural heritage, this group is an enigma and a source of bewildering frustration.

True, some of them are sick, but it would be naive to say that all are the victims of psychological illness. Rather, they are like plants that don't throw deep roots—roots that have no place to go, since there is not a seedbed of stability from which they have sprung. So instead of moving vertically up and down in a loyalty pattern, they move horizontally and grope about blindly and oftentimes tragically for some cause, for some attitude to which to give their loyalty.

An encouraging aspect of this disturbing situation is that the individuals who are afflicted in this way are as yet not great in number, but they are the ones who attract society's attention. They are the ones who receive the most publicity; who create the most disturbance; who make the most noise.

It is unfair that the majority of young people who do have deep-seated and meaningful loyalties do not receive the recognition and publicity that they deserve. This is a depressing aspect of contemporary society. Several generations ago for those individuals who were disturbed, for those who were afflicted, society had a way of exerting a healing influence, a way of closing in around them. Those who achieved or conducted themselves appropriately received recognition.

What to do about it? It is a matter of getting back to the home. For some parents, it never left the home. These are the kinds of parents who exercise care and understanding in rearing their children. Parents who are imbued with a type of exceptional and blessed sanity; parents whose own loyalty concepts are intact; parents who are loyal to one another; who are loyal to their families, who are loyal and contributing members of society—these are the kinds of parents who communicate to their children the profound idea that everyone owes double duty to make up for the sacrifices which others have made in times past.

What about the educational sphere of reference where children come under the influence of teachers? If teachers are well hinged in their loyalty concepts, loyalty to their profession, their community, it is bound to rub off. It is one thing for a teacher to be a questioning intellectual, and it is quite another for a teacher to be a free-floating, continual, and questioning griper—a complainer without any constructive solutions.

Youth looks to the political climate of the community for concepts of loyalty. Interestingly enough, the realm of politics which has often come under attack has a type of basic loyalty from which society might well take a lesson. Contributing members of contemporary society have a responsibility to give something of value to which others can attach their loyalty.

It is the responsibility of the church to provide this loyalty source; it is the responsibility of the educational system; of the community; of the political system. When there is a credibility gap on any level, whether in the neighborhood, the municipality, or on a national level, loyalty is threatened.

Society desperately needs heroes rather than celebrities for loyalty attachments. It is said of Winston Churchill that he had a way of bringing out the hero in every man.

Some adults contend that they feel sorry for youth because contemporary society is too complex. Today's youth is as or better able to cope with the complexities of present day society as the youth of generations past was able to cope with society at that time. There were problems then, the same as there are problems now. Today's problems are simply of a different kind.

There were threats then, just as there are threats now. Now there is the threat of the atomic bomb and the other afflictions which beset contemporary society. Years back there was the threat of disease for which vaccines had not been discovered. The threat of being stricken by a disease for which there was no antidote was very probably as much a threat to the individual as the threats which confront people at the present time.

It isn't a matter of removing threats and frustrations for youth. It wouldn't be possible if it were tried. Neither would it be constructive if it were possible. Strength of character is not predicated by an absence of frustration; rather, it is based on one's ability to cope with frustrations constructively. To relieve youths of patterns to live by and goals to strive toward would deprive them of their rights as individuals.

Existentialist philosophy can contribute to a meaningful philosophy inasmuch as existentialism is characterized by an awareness of what is occurring here and now. It becomes meaningful if it provides the view and understanding of what people are doing here and now and combines it with an understanding of what has come before, and further provides a constructive look and hope to the future. When this thread of continuity is tied together—the past, the present, and the future—the groundwork for loyalty is then being laid.

Many youth are moving in this pattern in this time. There appears to be a type of healthy contagion that seems to be catching on. If this encouraging trend continues, it may well be that there is cause to hope that there will be an abundance of many things, particularly loyalty.

ARTICLE BY TOMMY ELEAZER ENTITLED "TRUE AMERICANS WILL MAKE TOMORROW'S HEADLINES"

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 25, 1969

Mr. THURMOND. Mr. President, many of us are disturbed by the tendency of some of the news media to give undue publicity and attention to the activities of the violence-prone, leftwing student minority. When young people who are patriotic and peaceful attempt to make news in ways which do not violate the law, all too often the public is not aware of it, because it is not considered newsworthy.

A young journalist in South Carolina has written an excellent column on this subject entitled "True Americans Will Make Tomorrow's Headlines." Tommy Eleazer, in my judgment, is representative of the majority of young people in South Carolina and the Nation. I believe he, and others like him, deserve the support of those of us in public life.

Mr. President, I ask unanimous consent that this article by Tommy Eleazer, which appeared in the May 16 issue of the St. Andrews High School newspaper in Charleston, S.C., be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRUE AMERICANS WILL MAKE TOMORROW'S HEADLINES

(By Tommy Eleazer)

The young people of South Carolina have recently been left puzzled and disillusioned by the events which resulted—or rather did not result—from the march on the State House sponsored by the South Carolina Association of Student Councils. The march became what is probably the biggest "non-news" event to happen in our area in some time, for it suffered almost a complete snubbing by the news media of the city and state. The movement was the first of its kind in the entire nation, yet while the regiments of flag-burning, yelling, fighting misfits continued to parade across the television screens and newspaper headlines, the march by patriotic, God-fearing Americans was almost completely ignored.

"What's news about being patriotic?" This is the reply given by a local television station employee when asked about why the news of the march had not been reported. It seems that to hate one's country these days is a much more desirable quality than loving it. Carrying the Communist flag is news, but carrying the American flag is not. Singing protest songs is "in," but singing "God Bless America" is "out." Parading signs saying "Down with the U.S." is something to be proud of, but proclaiming "We Love Our Country" is something that should be shamefully hidden from the public's eyes. Is this a sample of the true America's warped sense of values?

Many people did not like the students' march on the State House. Columbia High and the state of South Carolina now have a

black mark in the books of many Communist-inspired and treasonous organizations. The people who would have supported us, namely the majority of Americans, were kept in the dark about our venture, but the people who want to destroy us know all. And if we, the young people, are to carry on as the leaders of our America, then we cannot, we must not, succumb to the promoters of tyranny and subversion.

The students that marched on the Capitol represent, hopefully, the thoughts and ideals of all of South Carolina's young people. They need, however, not only thought, but unfaltering support from everyone. The marchers were neither afraid, ashamed, nor hesitant to say "I love America." They sang the national anthem with a tear in their eye They will perhaps never be great for this; they will never achieve the fame of their more illustrious and "colorful" hippie opponents. Yet, with the support of all young people of our school and state, as well as the undying effort of all true Americans, in the end, the patriots, not the traitors, will be the ones that make the headlines of tomorrow.

A NEW PLAN FOR BLACK ECONOMIC EQUALITY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. CONYERS. Mr. Speaker, one of the most essential steps to the attainment of full equality by black Americans is the establishment of a sound, black-controlled economic base. Black Americans must no longer be willing to accept the traditional economic role which the broader white society envisions for them. Black people seek to move out of their confinement to the small business area, and envision access to the centers of industrial power which exist within the American corporate structure. Only when this is accomplished will black Americans truly have a meaningful stake in the welfare of this Nation. Mr. Richard F. America in a recent Harvard Business Review article, has proposed a new plan by which blacks would be given access to the industrial community and to the power which might be gained by controlling a substantial share of America's corporate wealth.

Notwithstanding some dangers involved in this plan, I commend Mr. America's article to my colleagues' attention, with the hope that it will help impress upon them the urgent need for the careful consideration of imaginative new ideas and programs in meeting the crisis which is faced by black people in the United States of America.

The article follows:

WHAT DO YOU PEOPLE WANT?

(By Richard F. America, Jr.)

(NOTE.—Housing, health, education, and employment programs are first priorities in our efforts to revitalize our cities, eliminate poverty, and restore social stability. But even when these tasks have been completed, and black per-capita income approaches that of whites, a fundamental cause of social instability will remain, the author says: a lack of institutional power, collective power, in the black community. Black-owned businesses, beginning in their present infant state, probably will not grow fast enough to provide the necessary power position in one generation. Major U.S. business will still be almost entirely white-controlled and white-managed. To avoid that outcome, and to achieve collective commercial and economic parity, the author proposes a systematic program of transferring a portion of our largest corporations to black ownership and operation.

(Mr. America, who is black, has been associated since 1965 with the Stanford Research Institute, where he is a Development Economist in the Urban and Regional Economics Group specializing in urban systems studies. He has also worked for the Boston Redevelopment Authority, doing housing market analyses and development planning. Mr. America received a bachelor's degree in economics from Pennsylvania State University and is a Harvard Business School graduate.)

In its November 19, 1967 issue *The New York Times* printed an editorial with the title "What Do the Negroes Want?" It said in part:

"Dr. Martin Luther King, Jr. . . . refers vaguely to [the Negroes' claim to] 'fulfillment of the rights to share in the ownership of property.' Mr. [James] Farmer declares that the Negro wants not merely jobs but 'jobs that bear his individual stamp and in industries where he commands power and a measure of ownership.' This is a hopelessly utopian claim that the United States has never honored for any other group. Impoverished Negroes, like all other poor Americans, past and present, will have to achieve success on an individual basis and by individual effort.

"American society is likely to accommodate Negro aspirations only as they express themselves in individual terms. It cannot be otherwise in a society that honors personal effort as its highest value and looks toward integration as its goal. Race, unlike poverty or the city, is a cultural or psychological concept, not one that can become a comprehensive basis for law or government policy."

The belief in the myth of rugged individualism; the espousal of black individualism while forgetting the history of public support for whites' special economic interests; the general ignorance of U.S. history—these attitudes, as reflected in the editorial, are widely held by white Americans. Many of them seem to have a weakness for suspending judgment and retreating to such shibboleths when contemplating the changes necessary to sustain the nation's growth and realize its full potential.

What do black people want? Jobs, housing, and education, certainly. But, beyond that, the black community wants a secure economic base. Black people themselves collectively and individually must and can build much of that base, in profit-seeking and nonprofit forms.

Contrary to *The New York Times*, I maintain that race can indeed be made a basis for government economic policy explicitly favorable to black people, as it has long been favorable implicitly to whites. The fundamental inequities are collective and not individual, and must be dealt with collectively.

No program conceived to meet major domestic problems has been adequate. This is so because, among other reasons, none, not even the Freedom Budget and Domestic Marshall Plan, has sought to reallocate corporate power. No one has offered a program bold enough (however unsettling) to get at the fundamental inequities which even the most conservative voter and businessman, though he might deny it, must sense lie at the root of the country's present instability and disunity.

PROGRAM RATIONALE

Now, it will be argued in protest that some steps have been taken, and that is quite true.

The movement to eliminate poverty and substandard health, housing, and education for 15 million black Americans seems destined to succeed if legislation already enacted is fully implemented. But the time elapsed between legislation, appropriation, and implementation of programs to full effect can be as long as a decade. If poverty is largely eliminated by, say, 1980, will the principal economic and political causes of urban unrest and racial conflict have been eliminated? Or are there other, currently secondary, considerations that will then assume primary importance?

There are many persons (Floyd McKissick and Senator Eugene McCarthy, for example) who define the black-white problem in the United States as a colonial problem. The colonial analogy is central and illumines a policy question that may prove even more intractable than the poverty question; indeed, in retrospect, by 1980 the latter may even appear relatively simple by contrast.

The colonial analogy permits perception of the black community as a "nation," systematically deprived of an opportunity to save and invest. It therefore can claim control of very little capital wealth. My basic assumption in this article is that, to treat the economics and politics of the race problem properly, this deficiency must be corrected.

The establishment and nurturing of small businesses, now being undertaken on an increasing scale, does not satisfy the need for significant economic independence and self-determination, which all emerging colonies require in order to prosper. Only large enterprises will satisfy that requirement, and they take a long time to develop.

All large businesses in the United States, with two or three exceptions, are owned and operated by whites. If relative economic parity is to be reached in one generation, some of these must be transferred to blacks. There are two additional elements in the rationale for corporate transfer:

1. *Influence in policy making*—It can be expected that black people will increasingly feel that white people, especially white businessmen, have had a disproportionate influence on the domestic and foreign affairs of this country. White businessmen have simply had too much to say about what goes on in this country. Domestic policy—including policy on problems in which the judgment of blacks is increasingly understood to be relevant, if not primary—is directly related to foreign policy. An example is domestic segregation and South Africa. U.S. foreign policy has always been made by the white establishment.

Black people, with certain exceptions like Senator Edward Brooke, have had no direct line of communication with the decision-making echelon. No black leaders of large businesses have such access, since there are virtually no such leaders. And on many of the critical world issues facing this country, new views are badly needed.

One orderly way to change this situation is to accelerate the belated development of comparably powerful groups of black businessmen whose perspectives on foreign and domestic questions would in all likelihood be somewhat different simply because of the racial difference.

It is reasonable to assume that black corporate leaders will introduce new variables and place new weights on old variables in the decision equations of industry and government. That may strike some white businessmen as a terrible prospect, but thoughtful consideration should lead to the conclusion that the introduction of this new element would be in the pluralistic tradition with which many historians credit the relatively consistent stability of the American economic and political experiment.

In short, black corporate leaders may be able to make a valuable contribution to high policy councils in the last quarter of this

turbulent century. The entire nation would benefit from their presence.

2. *A 'countervailing' force*—The black-white problem in the United States can be framed in terms of John Kenneth Galbraith's concept of countervailing force. It may be necessary and desirable public policy from the white viewpoint, as it is already implicit black "policy," to foster the development of black corporate power as a force against continued mistreatment of blacks by white corporate and labor power, and against the continued political, social, and economic instability which such mistreatment produces.

Massive mutual distrust is a factor between the races. Better economic and social conditions may reduce the level of distrust. But it is dangerous to assume that rising incomes and educational levels alone will be sufficient to dispel historic antipathies. On the contrary, they may just as easily inflame them, for we know that cultural, psychological, and political expectations will rise just as surely as economic expectations. A sense of relative collective political deprivation may persist when individual economic deprivation has been eliminated.

Secure and powerful black economic institutions, rather than simply mass individual affluence, would be the surest safeguard against feelings of collective powerlessness and against manifestations of continued white supremacy. Creating such institutions would be in the public interest.

For these reasons, a workable mechanism is required for the transfer of some major national corporations to black control.

PRECEDENTS FOR THE PROPOSAL

U.S. history does not lack for examples of the use of public resources in support of private activities when the results were expected to be in the public interest. There are ample precedents of public encouragement leading to private wealth.

Construction of the Western railroads, for example, was deemed so important to the development of both the Western region and the nation that private citizens were given extraordinary incentives to build the roads. Land was practically given away.

Examples of the transfer of technology from public to private hands are of course equally common. The development of commercial aviation benefited from publicly sponsored research and development. Currently, the government's aerospace research program is creating products and techniques for private exploitation, and the public is providing a substantial windfall to corporations in the process.

In each of these activities the public treasury has directly supported the development of large private enterprise; and, in the last two cases, the government has removed much of the development risk by turning over to corporations proven products and protected markets. The private benefits accrued after public subsidy of the substantial early costs.

The case of the aluminum industry is also pertinent. After World War II, the federal government concluded that the Aluminum Company of America was too big according to certain objective and subjective criteria. The federal approach, simply stated, was to force Alcoa to divest itself of some of its holdings or face direct competition from a corporation to be founded by the government. Alcoa chose to divest. The important point here is that the government considered the public interest to be sufficiently threatened by the monopolistic situation that it was determined to commit public resources to restore a measure of competition in the industry.

The white monopoly represented by *Fortune's* 500 largest companies might be similarly viewed. The total absence of any large black corporations in the United States is, to some extent, due to a kind of restraint of trade and "collusive" behavior over the years by almost all white institutions, including the government and the legal system. This has resulted in a situation contrary to the public interest.

Urban renewal: Perhaps the most relevant precedent for a transfer mechanism exists in the federal urban renewal program. The power of eminent domain has been relied on to secure land for restoration of certain areas and for essential public projects. A series of court tests has established that eminent domain may further be used to change a land use while title to the property passes from one private party, through the government, to another. The courts have ruled that such changing uses are sufficiently in the public interest to justify the exercise of eminent domain.

The process normally proceeds after extensive public hearings and with numerous safeguards and checks against abuse, although abuses are not unknown. The mechanism essentially consists of three elements:

1. The owner is compensated at full appraised fair market value for his property. This payment is made from the public treasury.

2. The property thus acquired is prepared for transfer. The preparation in the case of a new use for the land usually consists of clearance of structures, preparation of the ground for new construction, and placement of infrastructure, such as utility lines, street realignments, and curbing.

3. The property is sold to the developer, who ordinarily agrees to certain tenure, use, and design controls which are imposed by the developing authority.

The total cost of acquisition and preparation usually greatly exceeds the final sale price to the developer; indeed, it is not uncommon for property to be disposed of for as little as 5% of that total cost. This price, of course, is an even smaller percentage of what a developer might have had to pay to assemble the parcels in the open market without benefit of the public intermediary, assuming that the assembly could have been accomplished at all. The "net project costs" amount to roughly the difference between total acquisition and the disposition price. The public treasury absorbs the net project cost.

I propose that a variation on the mechanism used in urban renewal be employed to accomplish the transfer of major corporations or portions of them from white to black management and control.

ALTERNATIVE APPROACHES

It might be argued that a better, or at least a somewhat less bureaucratic, approach to developing large black industrial institutions should be developed.

Why not, for example, simply give the full purchase price to a group of black capitalists and let them proceed on their own toward acquisition? The problems of developing safeguards with that approach might be overwhelming. Or why not let the government directly set up large corporations in selected industries and turn them over to a black management group? The problems of altering industry structures and distorting existing competitive situations would be formidable.

While both approaches, or others, might be made operable, my proposed solution appears to be applicable with the least departure from precedent and the minimum disruption of normal financial and production arrangements for all parties directly or indirectly concerned.

It might be argued that black control could be achieved simply by bringing in black managers and accelerating their movement to the top, without disturbing ownership. This approach would probably not work. It is unlikely that the relationship between black management and a board of directors representing white interests would remain as harmonious as that between black management and a black-dominated board. Normal conflicts between management and the board would over time become exacerbated in the former case, in which racially based conflicts of interest, policy differences, and social objectives would be always potentially present, to the probable eventual detriment of the enterprise.

In transferring ownership of corporations, eminent domain, while not confiscatory, would not be a preferred method even if legal objections could be overcome. The process would require a congenial atmosphere and a high level of cooperation on the part of the original white owners and managers. The potential for obstruction or even sabotage is obvious, so proper incentives, indeed very attractive incentives, must be provided.

A brief aside is in order here. The process of black community development has two facets, one internal and the other external. If the external aspect were completely satisfactory—that is, if the white community moved to reform itself and initiate the needed programs—much of the benefit would be lost unless the black community were unified and able to carry out its part in the process.

For black people, then, the solution of certain internal problems is crucial. One of them is the degree of separatism which they should practice. Few in the black community would dispute that black people—not the white world, governmental or corporate—have the responsibility for internal planning. But the proposal in this article will be viewed as a much too conservative, perhaps even dangerous, step by some significant black analysts and activists who are separatists.

The converse of my statement about internal and external facets is not so. If internal problems are resolved and a high degree of unification is achieved, much white resistance will be effectively countered and eventually overcome. Black progress will not end if my proposal, or even others less far-reaching, is not put into action. Black self-help will accelerate and succeed; it will not be allowed to depend on white approbation.

TRANSFER MECHANISM

The process of corporate transfer should, if possible, be initiated by the candidate. An agency of the federal government created to facilitate such conveyances would issue a standing invitation to divest. Let's call it ACT (Agency for Corporate Transfer). It could be established in the Department of Commerce or the Office of the President.

The program should begin with a trial run, with perhaps three large companies transferred, one a year for three years. After the last transfer, two years of demonstration operations would be undertaken. At the end of the five-year test period it should be clear what program modifications would be required to improve the chances of success with subsequent transfers.

Two assumptions are implicit here: (1) there is a sufficient number of black capitalists with access to $1 million to $10 million to accomplish the program; and (2) there is a sufficient quantity of black managerial talent to run the transferred concerns. These assumptions are sound, in my view; the money could be found, and the experience of personnel and management recruiting firms in the past five years suggests the existence of a sizable pool of unrecognized talent, particularly in government, education, and the military.

In each *Fortune* industry category (the 500 largest industrials, plus the 50 largest banks, utilities, and life insurance, merchandising, and transportation companies) might be set an ultimate target of 10% to come under black ownership and control by 1990. Adding 10% to the next 500 largest industrials makes a total of 125 companies to be transferred.

If there were no takers despite very attractive tax and other financial inducements, then, theoretically at least, criteria could be developed for identifying candidates for

acquisition. Conglomerates, for example, might be approached to determine their interest in selling off portions. In the event of such an impasse, the initiative for opening discussions would fall to the government.

A climate in which no corporations would be interested in voluntary divestiture for purposes of simple liquidation or to take advantage of very attractive financial inducements would be a negative climate in any case. With such a total lack of interest prevailing, the necessary legislation for this program obviously never would be enacted in the first place.

So, discussion of a program requiring government initiative leads to a dead end for all practical purposes. Corporate transfer requires that the white business community understand its advantages, accept its premises, and concur in its objective. Otherwise, the program is dead. But in that direction, as I have tried to suggest, lies severe uncertainty and social instability.

CORPORATE CANDIDATES

A difficulty might arise if the only offers of transfer come from marginal corporations or those whose prospects are dimming. It might be very tempting for a community with top management problems, or severe and chronic financial or labor problems, or obsolescent plant and equipment, or grim marketing problems to seize the opportunity to unload, perhaps even at a premium price. If offers from such companies are abundant in the early rounds, negotiations on selling price could be difficult.

Rejection of a few companies because of unsoundness or low potential, however, would cause them considerable embarrassment and would probably discourage offers from seriously troubled companies.

In seeking to develop black industry, the problem of competitiveness will be primary. There is little point in accomplishing the transfer of corporations whose activities are in no-growth or declining areas. On the other hand, companies on the technological frontiers like aerospace, ocean exploitation, and nuclear energy are unlikely to offer themselves. The first rounds of negotiations with manufacturers therefore are likely to involve stable, moderate-growth producers of consumer and industrial goods.

ACT might want to concentrate on industries at both ends of the competitive spectrum. An industry that is relatively "competitive," such as paper products or petroleum, will suffer less dislocation from a transfer of one or two of its major companies. Similarly, utilities and other monopolies should be readily transferable, since they are already heavily regulated and not in such delicate competitive balance as more oligopolistic industries, like autos and aircraft.

The opportunity of acquiring large businesses, incidentally, should certainly be extended to other groups in the United States whose situation vis-à-vis the white business world is similar to that of blacks: Puerto Ricans, Mexican-Americans, American Indians, and, to a lesser extent, Orientals. The government would have to have assurance first that the associates seeking transfer are qualified and would put the corporation to good use. This is the same as my suggested procedure with black groups, which I take up next.

BIDDING PROCEDURE

ACT would acquire a divesting corporation by paying a negotiated price for 51% of the common stock, after acceptance of a tender offer, with monies from the public treasury.

The availability of the corporation would then be made known to all interested parties through public media, and offers would be invited. In the case of a large manufacturer in which controlling interest could be purchased by ACT for $100 million, an offer of $1 million to $5 million should be sufficient to acquire that interest.

The net acquisition cost—the difference between what ACT paid for the 51% interest and the purchasing group's offer—would be absorbed by the government. The portion of the majority interest not held by these entrepreneurs would be assigned by ACT to a nonprofit organization, which I shall describe later.

Initially, the competition from groups of eager entrepreneurs would be keen, but as bidding continued, the field could be expected to dwindle. When a small number of bidders, say three, remained, a set of rigorous criteria would be applied to determine the winner.

The principal criterion would be the ability of the bidding group to produce a management cadre with the potential for successful management of the company. The groups would be required to put together a team of black businessmen with the requisite training, background, general and specialized experience, and potential to fill the key management positions within a reasonable period of time, say 5 to 10 years. This would mean a team of 20 to 100 men with expertise in functional areas including marketing, finance, production, personnel, and so on. A typical team might average 35 years of age, with 10 years of business or noncommercial experience per man.

Objective tests of the team's capacity to enter the divesting company and industry and to learn the business within ten years would be required. Perhaps more difficult, some subjective analysis would be necessary so that the interpersonal dynamics between the divesting management group and the acquiring group's managers could be anticipated.

Obviously, the introduction of a group of black "fair-haired boys," taking over from white managers during a period of years, has the potential for triggering a variety of generally bad vibrations. The organizational behavior specialists would have their work cut out for them. It must be assumed, however, that in this situation—with a willing buyer, a willing seller, and competent managers, both black and white—these problems can be overcome.

Administrative and legal safeguards of a high order of effectiveness would be required because of the very large sums of money involved. Particularly important is a procedure for restraining the level of bidding. It might be tempting for competing bidders to seek outside capital in support of their 1% to 5% bids. In the case of a corporation in which controlling interest can be acquired for $100 million, white entrepreneurs might find it worthwhile to provide $50 million, $75 million, or even more to a black bidding group. In short, the price could be driven up to a level near the market price.

In that event, the black capitalists would become hardly more than a front for the whites, which would defeat the purpose of the program. A technique for certifying the source of all money must be employed, and full disclosure would be essential.

TRANSFER SAFEGUARDS

The mechanism will also have to protect the legitimate interests of minority stockholders who want to dispose of shares. ACT should stand ready to purchase their shares at the market price immediately before the announcement of the sale. On announcement, the stock market would probably discount the company's future earnings to take account of general uncertainty, the incoming and relatively inexperienced management, and similar factors. Small stockholders should not be penalized in this situation.

After the winning bidder has been selected, the stock would be immediately transferred. At this point, or perhaps even earlier, disgruntled minor stockholders might behave in such a way as to upset the management and the market. The government, through the Securities and Exchange Commission, would have to act to protect the corporation's securities from malevolent operators. Suspension of trading in case of panic selling or other abnormal market activities should be left to the judgment of the boards of the exchanges and the SEC.

The market's reassessment of the company's prospects is to be expected. Within a short time, if earnings hold up and operations continue normally, the market price should reflect the diminished uncertainty, and recovery should be complete.

RESTRICTIONS ON THE BUYERS

The purpose of this program is to contribute to the achievement of economic and political parity, not transform certain black capitalists into instant multimillionares at public expense. But the purchase of, say, $100 million in stock for $1 million to $5 million would appear to have that effect. So the transfer mechanism must take care of that problem.

The safeguard likely to be most effective would take this form: members of the purchasing group would personally hold only that portion of stock which could have been acquired in the marketplace with the same amount of money as they actually expended. They would receive dividends only on those shares. The balance of the stock purchased by the government would reside in a nonprofit corporation with a community base, similar to the kind envisioned in several recent proposals advanced by black community groups, black spokesmen, and many politicians. It is commonly called a community development corporation (CDC)[1]

Dividends, if any, on these shares would be paid to that corporation and could be used to fund a variety of public benefit projects in housing, health, recreation, and so forth—much as The Ford Foundation does with its Ford Motor Company dividends. If, however, in management's judgment the interests of the corporation would be best served by retention of earnings, that judgment should not be subordinated to the CDC's desire for cash; funding local public projects must remain secondary to the goal of sustaining competitive businesses.

The location of these nonprofit corporations and the communities to be benefited would be jointly determined by the new controlling group, by expressions of interest and capacity from local organizations, and by relevant government departments, such as OEO, Commerce, HEW, and HUD. As the controlling group desired, it would be free to purchase stock from the CDC within certain limits designed to prevent abuse or price manipulation.

Some provision would have to be devised either to make this large block of stock nonvoting for a period, to prevent interference from that quarter, or otherwise to restrict direct participation by the CDC in the direction of the company until a transitional period, perhaps two of three years, has been completed.

The entrepreneurial group should be allowed to exercise effective control through its shares at least until the success of the transfer is assured—probably five years in most cases. But the nonprofit corporation should have some representation on the company's board of directors at an early date.

It would be undesirable, however, to protect the directors of the corporation from any of their shareholders for any great length of time. Two or three years of nonvoting status might be suitable; but the CDC should be permitted to express its wishes prudently on some proportionate basis after that tran-

[1] For one view of CDCs, see Frederick D. Sturdivant, "The Limits of Black Capitalism," HBR January-February 1969, p. 122.

sitional period. Mutual respect between company and community corporation should ensure that no harm comes to the company's commercial interests from the CDC's pursuit of its noncommercial objectives. It can be predicted that the community group would not interfere unduly with the company's operations if interference threatened to harm its investment and dividend position.

Members of the acquiring group might be tempted to take advantage of market opportunities and withdraw at an early time. They should be permitted to do so, but since the overriding purpose of the program is social, it seems reasonable to impose some limits on their freedom to trade their shares. Perhaps a moratorium of three years would be sufficient to prevent any manipulations.

OPERATIONAL QUESTIONS

So far as the company's operations are concerned, the period of accomplishing the transfer could run, as suggested earlier, five to ten years. The transition will introduce numerous uncertainty factors for the old management, for original board members who are phasing out, and for minority stockholders. Some means of reducing this uncertainty must be provided.

It will be necessary to allow the company to maintain normal operations while the old management is training the new. So the government should guarantee a minimum rate of return for the corporation and some negotiated level of sales and net income. This can be done through a government offer to purchase some quantity of the company's product (if it is a manufacturer) or through tax concessions.

The former approach is similar in intent to agricultural price supports, which are designed to maintain and protect certain economic activities in the belief that their continuation is in the public interest. Guaranteed markets or returns are also an element in U.S. government attempts to stimulate industrial development or investment in developing countries.

Tax concessions have been suggested recently by almost every nationally prominent politician as a means of inducing the participation of white private corporations in the solution of urban racial problems. Such a policy is undesirable because it would perpetuate the power imbalances that are at the root of these problems. Some kind of tax concessions are probably unavoidable, however, since private industry does have a role to play in treating physical and economic deterioration.

Tax incentives, if used at all, should be applied at least as extensively to the power problem as to the poverty or material deprivation problem. Indeed, the use of tax or other economic incentives to provide only housing, jobs, and so on, without using them to transfer corporate power, rewards white corporations for their past and current economic exploitation.

BLACK AND WHITE MANAGERS

The terms of transfer will provide for the recruitment and employment of a potential senior management cadre of blacks. I do not envision that the important lower- and middle-management levels would be entirely black. Even if that were desirable, it would be virtually impossible in a complex, multidivision corporation. But the recruitment of management trainees and young accountants, engineers, and technicians should focus on black candidates having the potential for quick development. Many will be found in MBA programs at black and white universities.

Young whites should also be recruited. They would, of course, have to be men and women, with special social orientations, but such persons are increasing in number.[2] They of course would have to understand that, for good reason, the presidency and most other top management jobs would be filled by blacks after five to ten years and for the foreseeable future beyond that. This is not unlike the unspoken understanding that black MBAs and engineers have when entering large white corporations, and with less justification.

The problem with recruiting is not likely to be the absence of good white candidates. On the contrary, the problem is likely to be the attraction of droves of candidates with strong social motivations who anticipate an exciting five or ten years in an unusual, and therefore more interesting, industrial situation before making their normal career moves. Some screening out of young candidates with missionary motives may be necessary. There may be more of a problem with headhunting for white middle managers, because of their perceptions of risk; but, again, at this early conceptual stage we must rely on the organizational behavior specialists to work that problem out.

Since the program is designed to produce large corporations that are black-controlled and led, some whites (perhaps many) will find these circumstances uncongenial and leave. The effort will be better off without them. The policy of the program, however, must be that whites are welcome to participate in the operation of black economic institutions.

SOURCES OF OPPOSITION

Employee relations will obviously be a delicate area, but success here could make the companies models of innovative human relations programs. And, as I mentioned previously, passage of the enabling legislation presupposes a national climate favorable to the transfer program. Resistance in the white business and labor communities would be assumed to be moderate.

Even so, the first corporations transferred are likely to encounter displays of displeasure by employees, by the general public, or in the market. Boycotts, work slowdowns, strikes, even sabotage are possible.

Negotiations with unions and with all employees in candidate companies should precede transfer, and these groups should have a voice in the decision to transfer. The same should be true for other affected parties, such as financial counselors and bankers, manufacturers' representatives, dealers, suppliers, and principal customers. The involvement of all relevant groups would reduce the risk of direct resistance everywhere, except perhaps in the marketplace.

For this reason, it may be prudent to select, as the first companies transferred, manufacturers of producers' goods with relatively few customers and those with heavy government contracts.

After five or six years of experience beyond the demonstration stage, and with 25 or 30 large companies in the transfer pipeline, a manufacturer of cars, soaps and cosmetics, or household appliances might be chosen. When the housewife is ready to choose Brand X (Brand Black or Brand White) on its merits (or for whatever reasons housewives make those decisions), then the entire program may be considered to be a success.

Opposition from organized labor, particularly from craft unions, might pose serious problems if the transfer process were allowed to look like an attempt to break union power. A number of craft unions have been targets recently of black displeasure because of union resistance to entrance and upgrading of blacks. General union reaction would probably depend largely on which industries appeared to offer the earliest opportunities for corporate transfer.

CONCLUSION

After about eight corporations have been transferred to black control each year for 15 years, the procedure would be discontinued, since by then blacks will have achieved economic parity roughly equivalent to their proportion of the population.

At an average purchase price of $100 million each, the total annual cost of the program, including administration and profit supports, should not run above $2 billion. In some years, however, it would exceed $2.5 billion if a giant or two should be transferred. A program with an annual cost of $2 billion that has the potential to contribute greatly to economic and social equality and stability is an effective program indeed.

Quantifiable benefits would presumably include most of those usually cited in assessing traditional social programs in housing, welfare, transportation, education, employment, and so forth. Such benefits are often realized from savings in public and private expenditures, and such savings might be realized from this program in a variety of ways.

But when the budget analysts have concluded with the cost-benefit arguments, the value of the program should rest on the political judgment that social progress depends on a reallocation of existing institutions—hence a redistribution of power—not merely on reallocation of resources in the form of educational dollars, or guaranteed income checks, or even job opportunities.

Only in this way can anything approaching economic parity be achieved in a satisfactory time—that is, in one generation. All other approaches are based implicitly on a policy of gradualism, which has been rejected by black people. Such a policy includes efforts of private enterprise to stimulate the growth of small, black-owned businesses in the black communities, which President Nixon (it appears at this time of writing) intends to concentrate on.

Would conservative and liberal politicians today support a plan going beyond the limited objectives of legislation promoting self-development, and designed to provide a measure of countervailing power to the black community? The answer is probably *no*, but in time the wisdom of such a course will, I think, become clear.

Meanwhile, the search for low-cost, supposedly nonthreatening solutions will continue with the implicit hope that somehow white economic supremacy can be maintained and no one will notice that the gross power imbalance remains despite the proliferation of new, small, black-controlled businesses.

A recent report by the Institute for Social Research at the University of Michigan contained the finding (according to a newspaper editorial) that "most black Americans are seeking reform, not revolution," and the "changes they have in mind are essentially conservative in nature."[3] It may be true that the changes most black people seek are conservative in principle.

But from the point of view of apprehensive white taxpayers and business leaders, the changes sought apparently are seen as very radical. Initially, the corporate transfer proposal may also be regarded as too radical by some, but its fundamentally conservative thrust should be obvious in light of the strong precedents.

In the 1930's much of the white business leadership, following the basically conservative direction of Franklin D. Roosevelt, supported stabilizing public and private policies that yielded a measure of power and wealth to labor. Though the circumstances are fundamentally different now (race rather than class being the basis of conflict), with enlightened conservation a measure of institutional power will be yielded in order to secure for the nation the benefits of continuity and stability.

[2] See Harold J. Leavitt, "The Company President is a Berkeley Student," HBR November-December 1967, p. 152.

[3] *Palo Alto Times*, August 11, 1968.

THE SPACE FRONTIER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Atlanta Constitution of May 21, 1969, discusses the question of national priorities and the place of our national space program among the pressing requirements of our Nation. This is a question of concern to all of us today. The analysis contained in this editorial is of importance to all Americans and I commend this editorial to my colleagues and to the public:

THE SPACE FRONTIER

Sen. Edward Kennedy has raised a question of national priorities involving our space program. His comment came this week, even as Apollo 10 was on its way to the moon.

The senator suggested that some "substantial" portion of our space budget can be diverted to pressing problems on earth as soon as the current projects for "lunar landing and exploration" are complete. Plans call for Apollo 11 to land on the moon this summer. And, funds have already been allocated for three more manned Apollo flights this year if that landing succeeds.

The moon landing and exploration will complete one major phase of space exploration, so it is appropriate to begin discussing the future of the space program—and the relation of that program to other national needs.

The senator said, in suggesting that space program funds be diverted to problems of poverty and hunger and pollution:

"I am for the space program. But I want to see it in its right priority. One which will let it continue into the future and not have to be cut back or abandoned because the nation that supports it is hobbled by internal disorder."

Kennedy said he favored an "orderly programmed exploration of outer space," but added that in his view we no longer need an "accelerated" program.

We disgree with the good senator.

He raises valid questions of national priorities—and it is clear that this nation must face domestic problems of poverty and hunger and housing and pollution. It must face the question, literally, in order to survive.

But we do not think this necessarily means a pulling back from the space program, a program which today is exploring the frontiers of knowledge for all mankind. Who can predict what mysteries lie just beyond the limits of our present knowledge of the universe?

This summer may see men land on the moon and return. That in itself is a centuries-old dream, considered the stuff of science fiction only a brief time ago. But the moon is only the beginning. We may well see in our lifetime men land on most of the planets in our solar system. Some of us may live to see the first efforts of this earth-based human race to travel to other suns and other planets.

If these things seem incredible, more fiction than fact, they are no more incredible than a prediction in, say, 1949 that 20 years later we would view color pictures of the entire earth being made from a spacecraft traveling at high speed toward the moon.

We have no argument with Sen. Kennedy in his concern for facing up to our problems here on earth. It must be done. As one perceptive social critic noted, history will not deal kindly with a fabulously wealthy nation (and we are) which refuses to tax itself in order to deal with its own internal problems.

But, for one thing, the space program involves only a relatively small percent of the total national budget. Perhaps, in light of domestic concerns, this is not the time to pour new funds into the program. But we do not agree the program should be cut back.

WHERE IS THE ADMINISTRATION'S INDIAN PROGRAM?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. FRASER. Mr. Speaker, it is too easy to forget about the American Indians. They are a small group, only 600,000 in all, and many of them live away from our large population centers. Their problems—poverty, disease, despair—are not dramatic and do not make headlines. After centuries of persecution and exploitation, too many of them have inherited only a legacy of hopelessness.

Despite this grim picture, there are hopeful new efforts underway to create a better life for Indians on and off the reservations. Indian groups throughout the country are developing their own housing, education, and job training programs. What is needed to support these local self-help efforts is a new national Indian policy which places primary emphasis on Indian self-determination.

In a speech to the National Congress of American Indians just prior to his election, President Nixon outlined an excellent policy statement that emphasized this need for self-determination. During the first 6 months of the new administration, however, not much progress has been made in implementing the NCAI policy statement. In the following letter to the President, I have indicated my concern about the need for White House initiatives in the area of Indian affairs:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 20, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am convinced that the federal government must make a major new commitment to deal with the problems of the American Indian. The deplorable situation facing Indians, both on and off reservations, attests to the fact that our past Indian policies have not been successful. After 150 years of federal efforts intended to aid the Indian people, it is a national disgrace when Indian unemployment rates are still ten times the national average and when school dropout rates among Indian youth are as high as 80%. As you, yourself, so effectively said in a September 1968 speech to the National Congress of American Indians (NCAI), "The sad plight of the Indian people is a stain on the honor of the American people."

In view of the need for new and more effective efforts, I am concerned by your administration's slow pace in developing an Indian program. Action in the following areas is particularly important:

1. *Appointment of a Commissioner of the Bureau of Indian Affairs:*

The BIA Commissioner is only one of a handful of sub-cabinet positions that has not yet been filled by your administration. Until a Commissioner is selected, there is no spokesman for Indian interests at the executive level government. I understand that several people are being actively considered for this post, and I hope that there are no further delays in the announcement of an appointment.

2. *Reorganization of federal Indian program:*

In your speech to the NCAI in September, prior to your election, you indicated that your administration would give particular attention to the development of more desirable ways of administering Indian affairs and to the elimination of needless levels of government which insulate decision-making from the Indian people.

You followed up this commitment, after the election, by commissioning a study of the Bureau of Indian Affairs. The study, made by Alvin Josephy, was submitted to the White House in February. The Josephy Study outlined several alternative reorganization plans including transferring the BIA from the Interior Department to the Executive Office of the President. As yet, your administration has not commented substantively on the Josephy Study, however, and no plans have been announced for improving the operation of Indian agencies.

3. *Activation of the National Council on Indian Opportunity:*

One of the Johnson Administration's most significant actions in the area of Indian affairs was the creation by Executive Order of the National Council on Indian Opportunity. The Council was charged with the responsibility for coordinating Indian programs in the various federal agencies and with recommending new programs that reflect the needs and desires of the Indian people. One of the Council's early projects was an investigation of the condition of urban Indians, a group whose special needs have been ignored by most government agencies and private organizations.

In your September NCAI speech you said that you would fully support the National Council. However, the Council has not been convened by its chairman, Vice President Agnew, since you took office.

I hope that the lack of progress in these areas during the last six months is not an indication that Indian affairs will be a low priority item for your administration.

Historically, unfair federal policies and demeaning paternalism have reduced the Indian people to powerless wards of the federal government—as you, yourself, have said. But if we are to correct these past mistakes, strong leadership from the White House will be necessary.

I urge you to take the lead in transforming federal policies and programs into an instrument which will effectively aid the Indian people in their efforts to solve their own problems and determine their own destiny.

Sincerely,

DONALD M. FRASER.

CONGRESSMAN WILLIAM BATES, AN OUTSTANDING STATESMAN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BENNETT. Mr. Speaker, the tragic passing of our deeply beloved colleague WILLIAM BATES has shocked us all. His life of dedicated service to his country will be an inspiration to generations yet unborn. A statesman of the very highest quality and effectiveness, he was a warm and delightful person, superior in intellect and character, yet humble, understanding and loving in all his associations. Our deepest sympathy goes from each of us to his beloved wife and family.

THE 1968 DEMOCRATIC PLATFORM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. BINGHAM. Mr. Speaker. It has been said by some commentators that the Democratic Party in the 91st Congress has no legislative program. This is not true. Such a program does exist and is embodied in the Democratic platform adopted last year.

The deplorable events surrounding the National Convention in Chicago last year, plus the fact that a large minority of delegates were unhappy about the majority's Vietnam plank, have tended to obscure the fact that a forward-looking platform was drawn up by the resolutions committee, under the chairmanship of our distinguished majority whip, the gentleman from Louisiana (Mr. BOGGS), and adopted by the convention, under the chairmanship of our distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Copies of the platform have become hard to obtain. In order that my colleagues and other readers of the RECORD may have ready access to it, I insert it herewith under unanimous consent, together with the minority plank on Vietnam which was supported by 40 percent of the convention delegates:

THE 1968 DEMOCRATIC PLATFORM

(NOTE.—Following is the complete official text of the 1968 platform adopted by the Democratic National Convention on August 28, 1968. Headings and emphasis are from the original text.)

THE TERMS OF OUR DUTY

America belongs to the people who inhabit it. The source of the nation's strength is the people's freedom to be the source of the laws governing them. To uphold this truth, when Thomas Jefferson and James Madison brought the Democratic party to birth 175 years ago, they bound it to serve the people and their government as a united whole.

Today, in our 175th anniversary year, the Democratic Party in national convention assembled, again renews the covenant of our birth. We reaffirm the binding force of our inherited duty to serve the people and their government. We here, therefore, account for what we have done in the Democratic years since 1961. We here state what we will do when our party is again called to lead the nation.

In America and in the world over, strong forces for change are on the move. Systems of thought have been jarred, ways of life have been uprooted, institutions are under siege. The governed challenge those who govern.

We are summoned, therefore, to a fateful task—to ensure that the turmoil of change will prove to be the turmoil of birth instead of decay. We cannot stand still until we are overtaken by events. We dare not entrust our lives to the blind play of accident and force. By reflection and choice, we must make the impulse for change the agent of orderly progress.

There is no alternative.

In the world around us, people have patiently lived with hopes long deferred, with grievances long endured. They are now impatient with patience. Their demands for change must not only be heard, they must be answered.

This is the reality the world as a whole faces.

In America itself, *now*, and not later, is the right time to strengthen the fabric of our society by making justice and equity the cornerstones of order. *Now*, and not later, is the right time to uphold the rule of law by securing to all the people the natural rights that belong to them by virtue of their being human. *Now*, and not later, is the right time to unfurl again the flag of human patriotism and rededicate ourselves under it, to the cause of peace among nations. *Now*, and not later, is the right time to reclaim the strength spent in quarrels over the past and to apply that strength to America's future. *Now* is the right time to proceed with the work of orderly progress that will make the future become what we want it to be.

It has always been the object of the Democratic Party to march at the head of events instead of waiting for them to happen. It is our resolve to do that in the years ahead—just as we did in the Democratic years since 1961 when the nation was led by two Democratic Presidents and four Democratic Congresses.

THIS WE HAVE DONE

Our pride in the achievements of these Democratic years in no way blinds us to the large unfinished tasks which still lie ahead. Just as we know where we have succeeded, we know where our efforts still fall short of our own and the nation's hopes. And we candidly recognize that the cost of trying the untried of ploughing new ground, is bound to be occasional error. In the future, as in the past, we will confront and correct such errors as we carry our program forward.

In this, we are persuaded that the Almighty judges in a different scale who err in warmly striving to promote the common good, and those who are free from error because they risked nothing at all and were icily indifferent to good and evil alike. We are also persuaded of something else. What we have achieved with the means at hand—the social inventions we have made since 1961 in all areas of our internal life, and the initiatives we have pressed along a broad front in the world arena—gives us a clear title of right to claim that we know how to move the nation forward toward the attainment of its highest goals in a world of change.

THE ECONOMY

In presenting first the record of what we have achieved in the economic life of the American people, we do not view the economy as being just dollar signs divorced from the flesh and blood concerns of the people. Economics, like politics, involves people and it means people. It means for them the difference between what they don't want and what they do want. It means the difference between justice or injustice, health or sickness, better education or ignorance, a good place to live or a rat infested hovel, a good job or corrosive worry.

In the Democratic years since 1961, under the leadership of Presidents Kennedy and Johnson, we managed the national economy in ways that kept the best aspirations of people in clear view, and brought them closer to fulfillment.

The case was different in the 1950's when the Republicans held the trust of national leadership. In those years, the American economy creaked and groaned from recurrent recessions. One wasteful recession came in 1954, another in 1958, and a third in 1960. The loss in national production from all three recessions and from a sluggish rate of growth—a loss that can fairly be called the GOP-gap—was a staggering $175 billion, computed in today's prices.

The Democratic Party, seeing the Republican inertia and the dangers it led to, promised to get America moving again. President Kennedy first made that promise for us, and we kept it. We brought an end to recurring recessions, each one of which had followed closer on the heels of the last. Full cooperation between our government officials and all sectors of American life led to new public policies which unlocked the creative power of America's free enterprise system. The magnificent response of all the people comprising that system made the world stand in awe of the results.

Since 1961, we have seen:

A 90-month period of recession-free prosperity, the longest and strongest period of sustained economic growth in American history;

A slash in the unemployment rate from 7 to under 4 percent;

An increase of nearly 40 percent in real wages and salaries and nearly one-third in the average person's real income;

And, on the eight year average, a reduction in the rate levels of the individual income tax.

America's private enterprise system flourished as never before in these years of Democratic leadership. Compared with the preceding eight Republican years, private enterprise in the Democratic 1960's grew twice as fast, profits increased twice as rapidly, four times as many jobs were created, and thirteen million Americans—or one-third of those in poverty in 1960—have today escaped its bondage.

Democrats, however, were not satisfied. We saw—and were the first to see—that even sustained prosperity does not eliminate hard-core unemployment. We were the first to see that millions of Americans would never share in America's abundance unless the people as a whole, through their government, acted to supplement what the free enterprise could do.

So, under the leadership of President Johnson, this nation declared war on poverty—a war in which the government is again working in close cooperation with leaders of the free enterprise system.

It would compromise the integrity of words to claim that the war on poverty and for equal opportunity has been won. Democrats are the first to insist that it has only begun—while 82 percent of the House Republicans and 69 percent of the Senate Republicans voted against even beginning it at all. Democrats know that much more remains to be done. What we have done thus far is to test a series of pilot projects before making them bigger, and we have found that they DO work.

Thus:

The *new* pre-school program known as Head Start has proven its effectiveness in widening the horizons of over two million poor children and their parents.

The *new* programs known as the Job Corps and the Neighborhood Youth Corps, entailing close cooperation between the government and private enterpirse, have helped nearly two million unskilled boys and girls—most of them dropouts from school—get work in the community and in industry.

The *new* program known as Upward Bound has helped thousands of poor but talented young men and women prepare themselves for college.

The *new* structure of neighborhood centers brings modern community services directly to the people who need them the most.

THE PEOPLE

We emphasize that the coldly stated statistics of gains made in the war on poverty must be translated to mean people, in all their yearnings for personal fulfillment. That is true as well of all other things in the great outpouring of constructive legislation that surpassed even the landmark years of the early New Deal.

Education is one example. From the beginning of our Party history, Democrats argued that liberty and learning must find in each other the surest ground for mutual support. The inherited convictions provided the motive force behind the educational legislation of the 1960's that we enacted:

Because of the Elementary and Secondary Education Act of 1965, local education has been enriched to the benefit of over 13 million young Americans;

Because of the Higher Education Act of

1965, new college classrooms, laboratories and libraries have been built to assure that higher education will not be the monopoly of the few but the right of the many;

Because of federal assistance to students, the doors to college have been opened for over a million young men and women coming from families with modest means—so that about one out of every five college students is now pursuing his higher education with some kind of federal help;

Because Democrats are convinced that the best of all investments is in the human resources represented by the youth of America, we brought about a four-fold increase in the federal investment in education since 1960. The level now approaches $12 billion annually.

As it promoted better education, so did Democratic leadership promote better health for all.

The program of mercy and justice known as health care for the aged, which President Truman originally proposed and Presidents Kennedy and Johnson fought for, finally became law in the summer of 1965. Because of it, more than seven million older citizens each year are now receiving modern medical care in dignity—no longer forced to depend on charity, no longer a burden on relatives, no longer in physical pain because they cannot afford to pay for the healing power of modern medicine. Virtually all older Americans, the well and the sick alike, are now protected, their lives more secure, their afflictions eased.

To deal with other aspects of the nation's health needs, measures were enacted in the Democratic years representing an almost four-fold increase in the government's investment in health. Programs were enacted to cope with the killing diseases of heart, cancer and stroke; to combat mental retardation and mental illness; to increase the manpower supply of trained medical technicians; to speed the construction of new hospitals.

Democrats in the Presidency and in the Congress have led the fight to erase the stain of racial discrimination that tarnished America's proudly announced proposition that all men are created equal.

We knew that racial discrimination was present in every section of the country. We knew that the enforcement of civil rights and general laws are indivisible. In this conviction, Democrats took the initiative to guarantee the rights to safety and security of the person, the right to all privileges of citizenship, the right to equality of opportunity in employment, and the right to public services and accommodations and housing. For example:

Because of the Civil Rights Act of 1964, all men born equal in the eyes of their Creator are by law declared to be equal when they apply for a job, or seek a night's lodging or a good meal;

Because of the Voting Rights Act of 1965, the right to the ballot box—the right on which all other rights depend—has been reinforced by law;

Because of the Civil Rights Act of 1968, all families will have an equal right to live where they wish.

THE NATION

The frontier on which most Americans live is the vertical frontier of the city. It is a frontier whose urgent needs hold a place of very high priority on the national agenda—and on the agenda of the Democratic Party.

Democrats recognize that the race to save our cities is a race against the absolute of time itself. The blight that threatens their future takes many forms. It is the physical decay of homes and neighborhoods. It is poverty and unemployment. It is broken homes and social disintegration. It is crime. It is congestion and pollution. The Democratic program attacked all of these forms of blight—and all at once.

Since we know that the cities can be saved only by the people who live there, Democrats have invigorated local effort through federal leadership and assistance. In almost every city, a community action agency has mounted a many-sided assault on poverty. Through varied neighborhood organizations, the poor themselves are tackling their own problems and devising their own programs of self-help. Under Model Cities legislation, enacted in 1966, seventy-five cities are now launching the most comprehensive programs of economic, physical, and social development ever undertaken—and the number of participating cities will be doubled soon. In this effort, the residents of the areas selected to become the model neighborhoods are participating fully in planning their future and deciding what it will be.

In the series of housing acts beginning in 1961, Democrats have found ways to encourage private enterprise to provide modern, decent housing for low-income and moderate-income families. The Housing and Urban Development Act of 1968 is the most far-reaching housing legislation in America's history. Under its terms, the genius of American business will combine with the productivity of American labor to meet a 10-year goal of 26 million new housing units—6 million of them for the poor. The objective is to enable the poor to own their own homes, to rebuild entire neighborhoods, to spur the pace of urban renewal, and to deal more humanely with the problems of displaced people.

To give our cities a spokesman of Cabinet rank, Democrats in 1965 took the lead in creating a Department of Housing and Urban Development.

Democratic Presidents and Congresses have moved with equal vigor to help the people of America's vast hinterland outside the metropolitan centers to join the march of economic progress. Of the 101 major areas classified as "depressed areas" when the Democrats assumed office in 1961, 90 have now solved their problems of excessive unemployment and the others are on their way. The Area Redevelopment Act, the expansion of resource development programs, and the massive effort to restore Appalachia and other lagging regions to economic health assisted the people of these areas in their remarkable progress.

In these legislative undertakings of primary concern to people—American people—it is to the credit of some Republicans that they joined the Democratic majority in a common effort. Unfortunately, however, most Republicans sat passively by while Democrats wrote the legislation the nation's needs demanded. Worse, and more often, Republicans did what they could to obstruct and defeat the measures that were approved by Democrats in defiance of hostile Republican votes. Thus:

In the case of the Elementary and Secondary Education Act, 73 percent of the Republicans in the House voted to kill it.

In the case of medical care for the aged, 93 percent of the Republicans in the House and 64 percent in the Senate voted to kill it.

In the case of the Model Cities program, 88 percent of the Republicans in the House voted to kill it.

In the case of the program to help Appalachia, 81 percent of Republicans in the House and 58 percent of Senate Republicans voted to kill it, and 75 percent of the House Republicans voted to kill corresponding programs of aid for other depressed regions of the country.

The same negative attitude was present among Republicans in the 1950's, and one of the results was a crisis in the farm sector of the economy—which the Democrats inherited in the 1960's. In the late Republican 1950's, the glut of farm surpluses amounted to over $8 billion, and the taxpayers were forced to pay $1 billion every year in interest and storage charges alone. Democrats, however, set out resolutely to reverse the picture. Democratic farm programs supported farm income, expanded farm exports and domestic consumption, helped farmers adjust their production to the size of the expanded markets, and reduce farm surpluses and storage costs to the lowest level since 1952.

Democrats have also acted vigorously to assure that American science and technology shall continue to lead the world.

In atomic energy, in space exploration, in communications, in medicine, in oceanology, in fundamental and applied research in many fields, we have provided leadership and financial aid to the nation's scientists and engineers. Their genius has, in turn, powered our national economic growth.

Other measures affected all Americans everywhere.

Under our constitutional system of federalism, the primary responsibility for law enforcement rests with elected local officials and with governors, but the federal government can and should play a constructive role in support of State and local authorities.

In this conviction, Democratic leadership secured the enactment of a law which extend financial assistance to modernize local police departments, to train law enforcement personnel, and to develop modern police technology. The effect of these provisions is already visible in an improved quality of law enforcement throughout the land.

Under Democratic leadership, furthermore, the Juvenile Delinquency Prevention and Control Act was passed to aid states and communities to plan and carry out comprehensive programs to prevent and combat youth crime. We have added more personnel to strengthen the Federal Bureau of Investigation and the enforcement of narcotics laws, and have intensified the campaign against organized crime. The federal government has come swiftly to the aid of cities needing help to bring major disturbances under control, and Democratic leadership secured the enactment of a new gun control law as a step toward putting the weapons of wanton violence beyond the reach of criminal and irresponsible hands.

To purify the air we breathe and the water we drink, Democrats led the way to the enactment of landmark antipollution legislation.

To bring order into the administration of transportation programs and to coordinate transportation policy, Democrats in 1966 established a new Cabinet-level Department of Transportation.

For the consumer, new standards of protection were enacted—truth-in-lending and truth-in-packaging, the Child Safety Act, the Pipeline Safety Act, the Wholesome Meat and Wholesome Poultry Acts.

For America's 100 million automobile drivers, auto and highway safety legislation provided protection not previously known.

For every American family, unparalleled achievements in conservation meant the development of balanced outdoor recreation programs—involving magnificent new national parks, seashores, and lakeshores—all within an afternoon's drive of 110 million Americans. For the first time, we are beating the bulldozer to the nation's remaining open spaces.

For the sake of all living Americans, and for their posterity, the Wilderness Preservation Act of 1964 placed in perpetual trust millions of acres of primitive and wilderness areas.

For America's sons who manned the nation's defenses, a new G.I. bill with greatly enlarged equitable benefits was enacted gratefully and proudly.

America's senior citizens enjoyed the largest increase in social security since the system was inaugurated during the Democratic Presidency of Franklin D. Roosevelt.

For the hungry, our food distribution programs were expanded to provide more than $1 billion worth of food a year for domestic use, giving millions of children, for the first time, enough to eat.

A new minimum wage law raised paychecks and standards of living for millions, while a new network of training programs enabled

more than a million Americans to learn new skills and become productive workers in the labor force.

A new Immigration Act removed the harsh injustice of the national origins quota system and opened our shores without discrimination to those who can contribute to the growth and strength of America.

Many more measures enacted under Democratic leadership could be added to this recital of achievements in our internal life since 1961. But what we could list shares the character of what we have listed. All the measures alike are a witness to our desire to serve the people as a united whole, to chart the way for their orderly progress, to possess their confidence—by striving through our conduct to deserve to possess it.

THE WORLD

The conscience of the entire world has been shocked by the brutal and unprovoked Soviet aggression against Czechoslovakia. By this act, Moscow has confessed that it is still the prisoner of its fear of freedom. And the Czechoslovakian people have shown that the love of freedom, in their land and throughout Eastern Europe, can never be crushed.

This severe blow to freedom and self-determination reinforces our commitment to the unending quest for peace and security in the world. These dark days should not obscure the solid achievements of the past eight years. Nuclear war has been avoided. West Berlin and Western Europe are still free.

The blend of American power and restraint, so dramatically demonstrated in the Cuban missile crisis, earned the respect of the world and prepared the way for a series of arms control agreements with the Soviet Union. Long and patient negotiation by Presidents Kennedy and Johnson resulted in the Nuclear Test Ban, Nuclear Non-Proliferation, and Space treaties and the "hot line." These hard-won agreements provide the base for pursuing other measures to reduce the risk of nuclear war.

The unprecedented expansion of the American economy has invigorated the whole free world. Many once skeptical nations, including some communist states, now regard American economic techniques and institutions as a model.

In Asia the tragic Vietnam war has often blinded us to the quiet and constructive developments which affect directly the lives of over a billion people and the prospects for peace everywhere.

An economically strong and democratic Japan has assumed a more active role in the development of the region. Indonesia has a nationalist, non-Communist government seeking to live at peace with its neighbors. Thailand, Taiwan, Singapore, Malaysia, and the Republic of Korea have more stable governments and steadily growing economies. They have been aided by American economic assistance and by the American military presence in the Pacific. They have also been encouraged by a confidence reflecting successive Presidential decisions to assist nations to live in peace and freedom.

Elsewhere in the developing world, there has been hopeful political and economic progress. Though Castro's Cuba is still a source of subversion, the other Latin American states are moving ahead under the Alliance for Progress. In Africa, many of the new states have chosen moderate leaders committed to peaceful nation-building. They are beginning to cooperate with their neighbors in regional agencies of their own design. And like developing countries on other continents, they are for the first time giving serious attention to agricultural development. This new emphasis on food will buy time to launch effective programs of population control.

In all these constructive changes America, under Democratic leadership has played a significant role. But we Democrats do not believe in resting on past achievements. We view any success as a down payment on the hard tasks that lie ahead. There is still much to be done at home and abroad and we accept with confidence the challenge of the future.

THIS WE WILL DO TOWARD A PEACEFUL WORLD

In the pursuit of our national objectives and in the exercise of American power in the world, we assert that the United States should:

Continue to accept its world responsibilities—not turn inward and isolate ourselves from the cares and aspirations of mankind;

Seek a world of diversity and peaceful change, where men can choose their own governments and where each nation can determine its own destiny without external interference;

Resist the temptation to try to mold the world, or any part of it, in our own image, or to become the self-appointed policeman of the world;

Call on other nations, great and small, to contribute a fair share of effort and resources to world peace and development;

Honor our treaty obligations to our allies;

Seek always to strengthen and improve the United Nations and other international peacekeeping arrangements and meet breaches or threatened breaches of the peace according to our carefully assessed interests and resources.

In pursuing these objectives, we will insure that our policies will be subject to constant review so they reflect our true national interests in a changing world.

National defense

The tragic events in Czechoslovakia are a shocking reminder that we live in a dangerous and unpredictable world. The Soviet attack on and invasion of a small country that only yesterday was Moscow's peaceful ally, is an ominous reversal of the slow trend toward greater freedom and independence in Eastern Europe. The reimposition of Soviet tyranny raises the spectre of the darkest days of the Stalin era and increases the risk of war in Central Europe, a war that could become a nuclear holocaust.

Against this somber backdrop, whose full portent cannot now be seen, other recent Soviet military moves take on even greater significance. Though we have a significant lead in military strength and in all vital areas of military technology, Moscow has steadily increased its strategic nuclear arsenal, its missile-firing nuclear submarine fleet, and its anti-missile defenses. Communist China is providing political and military support for so-called wars of national liberation. A growing nuclear power, Peking has disdained all arms control efforts.

We must and will maintain a strong and balanced defense establishment adequate to the task of security and peace. There must be no doubt about our strategic nuclear capability, our capacity to meet limited challenges, and our willingness to act when our vital interests are threatened.

To this end, we pledge a vigorous research and development effort. We will also continue to pursue the highly successful efforts initiated by Democratic administrations to save tax dollars by eliminating waste and duplication.

We face difficult and trying times in Asia and in Europe. We have responsibilities and commitments we cannot escape with honor. But we are not alone. We have friends and allies around the world. We will consult with them and ask them to accept a fair share of the burdens of peace and security.

North Atlantic Community

The North Atlantic Community is strong and free. We must further strengthen our ties and be constantly alert to new challenges and opportunities. We support a substantially larger European contribution to NATO.

Soviet troops have never stepped across the border of a NATO country. By harassment and threat the Kremlin has repeatedly attempted to push the West out of Berlin. But West Berlin is still free. Western Europe is still free. This is a living tribute to the strength and validity of the NATO alliance.

The political differences we have had with some of our allies from time to time should not divert us from our common task of building a secure and prosperous Atlantic community based on the principles: of mutual respect and mutual dependence. The NATO alliance has demonstrated that free nations can build a common shield without sacrificing their identity and independence.

Arms control

We must recognize that vigilance calls for the twin disciplines of defense and arms control. Defense measures and arms control measures must go hand in hand, each serving national security and the larger interests of peace.

We must also recognize that the Soviet Union and the United States still have a common interest in avoiding nuclear war and preventing the spread of nuclear weapons. We also share a common interest in reducing the cost of national defense. We must continue to work together. We will press for further arms control agreements, insisting on collective safeguards against violations.

For almost a quarter of a century America's pre-eminent military strength, combined with our political restraint, has deterred nuclear war. This great accomplishment has confounded the prophets of doom.

Eight years ago the Democratic Party pledged new efforts to control nuclear weapons. We have fulfilled that pledge. The new Arms Control and Disarmament Agency has undertaken and coordinated important research. The sustained initiatives of President Kennedy and President Johnson have resulted in the "hot line" between the White House and the Kremlin, the limited Nuclear Test Ban Treaty, the Non-Proliferation Treaty, and the treaty barring the orbiting of weapons of mass destruction.

Even in the present tense atmosphere, we strongly support President Johnson's effort to secure an agreement with the Soviet Union under which both states would refrain from deploying anti-missile systems. Such a treaty would result in the saving of billions of dollars and would create a climate for further arms control measures. We support concurrent efforts to freeze the present level of strategic weapons and delivery systems, and to achieve a balanced and verified reduction of all nuclear and conventional arms.

The Middle East

The Middle East remains a powder keg. We must do all in our power to prevent a recurrence of war in this area. A large Soviet fleet has been deployed to the Mediterranean. Preferring short-term political advantage to long-range stability and peace, the Soviet Union has rushed arms to certain Arab states to replace those lost in the Arab-Israel War of 1967. As long as Israel is threatened by hostile and well-armed neighbors, we will assist her with essential military equipment needed for her defense, including the most advanced types of combat aircraft.

Lasting peace in the Middle East depends upon agreed and secured frontiers, respect for the territorial integrity of all states, the guaranteed right of innocent passage through all international waterways, a humane resettlement of the Arab refugees, and the establishment of a non-provocative military balance. To achieve these objectives, we support negotiations among the concerned parties. We strongly support efforts to achieve an agreement among states in the area and those states supplying arms to limit the flow of military equipment to the Middle East.

We support efforts to raise the living standards throughout the area, including desalinization and regional irrigation projects which cut across state frontiers.

Vietnam and Asia

Our most urgent task in Southeast Asia is to end the war in Vietnam by an honorable and lasting settlement which respects the rights of all the people of Vietnam. In our pursuit of peace and stability in the vital area of Southeast Asia we have borne a heavy burden in helping South Vietnam to counter aggression and subversion from the North.

We reject as unacceptable a unilateral withdrawal of our forces which would allow that aggression and subversion to succeed. We have never demanded, and do not now demand, unconditional surrender by the Communists.

We strongly support the Paris talks and applaud the initiative of President Johnson which brought North Vietnam to the peace table. We hope that Hanoi will respond positively to this act of statesmanship.

In the quest for peace no solutions are free of risk. But calculated risks are consistent with the responsibility of a great nation to seek a peace of reconciliation.

Recognizing that events in Vietnam and the negotiations in Paris may affect the timing and the actions we recommend, we would support our Government in the following steps:

Bombing.—Stop all bombing of North Vietnam when this action would not endanger the lives of our troops in the field; this action should take into account the response from Hanoi.

Troop Withdrawal.—Negotiate with Hanoi an immediate end or limitation of hostilities and the withdrawal from South Vietnam of all foreign forces—both United States and allied forces, and forces infiltrated from North Vietnam.

Election of Postwar Government.—Encourage all parties and interests to agree that the choice of the postwar government of South Vietnam should be determined by fair and safeguarded elections, open to all major political factions and parties prepared to accept peaceful political processes. We would favor an effective international presence to facilitate the transition from war to peace and to assure the protection of minorities against reprisal.

Interim Defense and Development Measures.—Until the fighting stops, accelerate our efforts to train and equip the South Vietnamese army so that it can defend its own country and carry out cutbacks of U.S. military involvement as the South Vietnamese forces are able to take over their larger responsibilities. We should simultaneously do all in our power to support and encourage further economic, political and social development and reform in South Vietnam, including an extensive land reform program. We support President Johnson's repeated offer to provide a substantial U.S. contribution to the postwar reconstruction of South Vietnam as well as to the economic development of the entire region, including North Vietnam. Japan and the European industrial states should be urged to join in this postwar effort.

For the future, we will make it clear that U.S. military and economic assistance in Asia will be selective. In addition to considerations of our vital interests and our resources, we will take into account the determination of the nations that request our help to help themselves and their willingness to help each other through regional and multilateral cooperation.

We want no bases in South Vietnam; no continued military presence and no political role in Vietnamese affairs. If and when the Communists understand our basic commitment and limited goals and are willing to take their chances, as we are, on letting the choice of the postwar government of South Vietnam be determined freely and peacefully by all of the South Vietnamese people, then the bloodshed and the tragedy can stop.

Japan, India, Indonesia, and most of the smaller Asian nations are understandably apprehensive about Red China because of its nuclear weapons, its support of subversive efforts abroad, and its militant rhetoric. They have been appalled by the barbaric behavior of the Red Guards toward the Chinese people, their callous disregard for human life and their mistreatment of foreign diplomats.

The immediate prospect that China will emerge from its self-imposed isolation are dim. But both Asians and Americans will have to coexist with the 750 million Chinese on the mainland. We shall continue to make it clear that we are prepared to cooperate with China whenever it is ready to become a responsible member of the international community. We would actively encourage economic, social and cultural exchange with mainland China as a means of freeing that nation and her people from their narrow isolation.

We support continued assistance to help maintain the independence and peaceful development of India and Pakistan.

Recognizing the growing importance of Asia and the Pacific, we will encourage increased cultural and educational efforts, such as those undertaken in multi-racial Hawaii, to facilitate a better understanding of the problems and opportunities of this vast area.

The developing world

The American people share the aspirations for a better life in the developing world. But we are committed to peaceful change. We believe basic political rights in most states can be more effectively achieved and maintained by peaceful action than by violence.

In their struggle for political and economic development, most Asian, African, and Latin American states are confronted by grinding poverty, illiteracy and a stubborn resistance to constructive change. The aspirations and frustrations of the people are frequently exploited by self-serving revolutionaries who employ illegal and violent means.

Since World War II, America's unprecedented program of foreign economic assistance for reconstruction and development has made a profound contribution to peace, security, and a better life for millions of people everywhere. Many nations formerly dependent upon American aid are now viable and stable as a result of this aid.

We support strengthened U.S. and U.N. development aid programs that are responsive to changing circumstances and based on the recognition, as President Johnson put it, that "self-help is the life-blood of economic development." Grant aid and government loans for long-term projects are part of a larger transfer of resources between the developed and under-developed states, which includes international trade and private capital investment as important components.

Like the burden of keeping the peace, the responsibility for assisting the developing world must be shared by Japan and the Western European states, once recipients of U.S. aid and now donor states.

Development aid should be coordinated among both donors and recipients. The World Bank and other international and regional agencies for investment and development should be fully utilized. We should encourage regional cooperation by the recipients for the most efficient use of resources and markets.

We should press for additional international agreements that will stimulate mutually beneficial trade and encourage a growing volume of private investment in the developing states. World-wide commodity agreements that stabilize prices for particular products and other devices to stabilize export earnings will also spur development.

We believe priority attention should be given to agricultural production and population control. Technical assistance which emphasizes manpower training is also of paramount importance. We support the Peace Corps which has sent thousands of ambassadors of good will to three continents.

Cultural and historic ties and a common quest for peace with freedom and justice have made Latin America an area of special concern and interest to the United States. We support a vigorous Alliance for Progress program based upon the Charter of Punta del Este which affirms that "free men working through the institutions for representative democracy can best satisfy man's aspirations."

We support the objective of Latin American economic integration endorsed by the presidents of the American Republics in April 1967, and urge further efforts in the areas of tax reform, land reform, educational reform, and economic development to fulfill the promise of Punta del Este.

United Nations

Since the birth of the United Nations, the United States has pursued the quest for peace, security and human dignity through United Nations channels more vigorously than any other member state. Our dedication to its purpose and its work remains undiminished.

The United Nations contributed to dampening the fires of conflict in Kashmir, the Middle East, Cyprus and the Congo. The agencies of the United Nations have made a significant contribution to health, education and economic well-being in Asia, Africa and Latin America. These efforts deserve continued and expanded support. We pledge that support.

Since we recognize that the United Nations can be only as effective as the support of its members, we call upon other states to join with us in a renewed commitment to use its facilities in the great tasks of economic development, the non-military use of atomic energy, arms control and peacekeeping. It is only with member nations working together that the organization can make its full contribution to the growth of a world community of peace under law, rather than by threat or use of military force.

We are profoundly concerned about the continued repression of Jews and other minorities in the Soviet Union and elsewhere, and look forward to the day when the full light of liberty and freedom shall be extended to all countries and all peoples.

Foreign trade and financial policy

World trade is essential to economic stability. The growing interdependence of nations, particularly in economic affairs, is an established fact of contemporary life. It also spells an opportunity for constructive international cooperation that will bring greater well-being for all and improve the prospects for international peace and security.

We shall build upon the Trade Expansion Act of 1962 and the Kennedy round of trade negotiations, in order to achieve greater trade cooperation and progress toward freer international trade. In future negotiations, which will require careful preparation, we shall: (1) seek continued reciprocal reduction and elimination of tariff barriers, based on the most-favored-nation principle; (2) negotiate the reciprocal removal of non-tariff barriers to international trade on all products, including agriculture; (3) give special attention to the needs of the developing countries for increased export earnings; and (4) develop and improve the rules governing fair international competition affecting both foreign commerce and investment.

To lessen the hardships suffered by industries and workers as the result of trade liberalization, we support improvements in the adjustment assistance provisions of present law. Provision of law to remedy un-

fair and destructive import competition should be reviewed and strengthened, and negotiated international agreements to achieve this purpose should be employed where appropriate.

The United States has experienced balance-of-payments deficits for over a decade, mainly because of our security obligations in the free world. Faced with these deficits, we have behaved responsibly by avoiding both economic deflation at home and severe and unilateral restrictive measures on international transactions, which would have weakened the international economy and international cooperation.

We shall continue to take the path of constructive measures by relying on steps to increase our exports and by the development of further cooperative arrangements with the other countries. We intend, as soon as possible, to dismantle the restrictions placed on foreign investment and finance, so that American free enterprise can play its full part as the agent of economic development. We will continue to encourage persons from other lands to visit America.

Steps of historical importance have already been taken to improve the functioning of the international monetary system, most notably the new special drawing rights under the international monetary fund. We shall continue to work for the further improvement of the international monetary system so as to reduce its vulnerability to monetary crises.

ECONOMIC GROWTH AND STABILITY

The Democratic policies that more than doubled the nation's rate of economic expansion in the past eight years can double and redouble our national income by the end of this century. Such a rate of economic growth will enable us to win total victory in our wars on ignorance, poverty, and the misery of the ghettos.

But victory will not come automatically. To realize our full economic potential will require effective, businesslike planning and cooperation between government and all elements of the private economy. The Democratic Party pledges itself to achieve that purpose in many ways.

Fiscal and monetary policy

Taxes were lowered in 1962, 1964, and 1965 to encourage more private spending and reach full employment; they were raised in 1966 and 1968 to help prevent inflation, but with a net reduction in the eight Democratic years. We will continue to use tax policy to maintain steady economic growth by helping through tax reduction to stimulate the economy when it is sluggish and through temporary tax increases to restrain inflation. To promote this objective, methods must be devised to permit prompt, temporary changes in tax rates within prescribed limits with full participation of the Congress in the decisions.

The goals of our national tax policy must be to distribute the burden of government equitably among our citizens and to promote economic efficiency and stability. We have placed major reliance on progressive taxes, which are based on the democratic principle of ability to pay. We pledge ourselves to continue to rely on such taxes, and to continue to improve the way they are levied and collected so that every American contributes to government in proportion to his ability to pay.

A thorough revamping of our federal taxes has been long overdue to make them more equitable as between rich and poor and as among people with the same income and family responsibilities. All corporation and individual preferences that do not serve the national interest should be removed. Tax preferences, like expenditures, must be rigorously evaluated to assure that the benefit to the nation is worth the cost.

We support a proposal for a minimum income tax for persons of high income based on an individual's total income regardless of source, in order that wealthy persons will be required to make some kind of income tax contribution, no matter how many tax shelters they use to protect their incomes. We also support a reduction of the tax burden on the poor by lowering the income tax rates at the bottom of the tax scale and increasing the minimum standard deduction. No person or family below the poverty level should be required to pay federal income taxes.

Our goal is a balanced budget in a balanced economy. We favor distinguishing current operating expenditures from long-term capital outlays and repayable loans, which should be amortized consistent with sound accounting principles. All government expenditures should be subject to firm tests of efficiency and essentiality.

An effective policy for growth and stability requires careful coordination of fiscal and monetary policies. Changes in taxes, budgets, interest rates, and money supply must be carefully blended and flexibly adjusted to assure:

Adaptation to changing economic conditions;

Adequate supplies of money and credit for the expansion of industry, commerce, and housing;

Maintenance of the lowest possible interest rates;

Avoidance of needless hardships on groups that depend heavily on credit.

Cooperation between fiscal and monetary authorities was greatly strengthened in the past eight years, and we pledge ourselves to continue to perfect this cooperation.

Price stability with growth

Price stability continues to be an essential goal of expansive economic policy. Price inflation hurts most of the weak among us and could interfere with the continued social gains we are determined to achieve in the immediate years ahead.

The answer to rising prices will never be sought, under Democratic administrations, in unemployment and idle plant facilities. We are firmly committed to the twin objectives of full employment and price stability.

To promote price stability in a dynamic and growing economy, we will:

Pursue flexible fiscal and monetary policies designed to keep total private and public demand in line with the economy's rising productive capacity.

Work effectively with business, labor, and the public in formulating principles for price and wage policies that are equitable and sound for consumers as well as for workers and investors.

Strictly enforce antitrust and trade practice laws to combat administered pricing, supply limitations and other restrictive practices.

Strengthen competition by keeping the doors of world trade open and resisting the protectionism of captive markets.

Stimulate plant modernization, upgrade labor skills, and speed technological advance to step up productivity.

Agriculture

Twice in this century the Republican Party has brought disaster to the American farmer—in the thirties and in the fifties. Each time the American farmer was rescued by the Democratic Party, but this prosperity has not yet been fully restored.

Farmers must continue to be heard in the councils of government where decisions affecting agriculture are taken. The productivity of our farmers—already the world's most productive—must continue to rise, making American agriculture more competitive abroad and more prosperous at home.

A strong agriculture requires fair income to farmers for an expanding output. Family farmers must be protected from the squeeze between rising production costs and low prices for their products. Farm income should grow with productivity just as industrial wages rise with productivity. At the same time, market prices should continue to reflect supply and demand conditions and American farm products must continue to compete effectively in world markets. In this way, markets at home and abroad will continue to expand beyond the record high levels of recent years.

To these ends, we shall:

Take positive action to raise farm income to full parity level in order to preserve the efficient, full-time family farm. This can be done through present farm programs when these programs are properly funded, but these programs will be constantly scrutinized with a view to improvement.

Actively seek out and develop foreign commercial markets, since international trade in agricultural products is a major favorable factor in the nation's balance of payments. In expanding our trade, we shall strive to ensure that farmers get adequate compensation for their production going into export.

Expand our food assistance programs to America's poor and our Food for Peace program to help feed the world's hungry.

Establish a Strategic Food and Feed Reserve Plan whereby essential commodities such as wheat, corn and other feed grains, soybeans, storable meat and other products will be stockpiled as a safeguard against crop failures, to assist our nation and other nations in time of famine or disaster, and to ensure adequate supplies for export markets, as well as to protect our own farm industry. This reserve should be insulated from the market.

Support the right of farmers to bargain collectively in the market place on a commodity-by-commodity basis. Labor and industry have long enjoyed this right to bargain collectively under existing legislation. Protective legislation for bargaining should be extended to agriculture.

Continue to support and encourage agricultural co-operatives by expanded and liberal credit, and to protect them from punitive taxation.

Support private or public credit on reasonable terms to young farmers to enable them to purchase farms on long-term, low-interest loans.

Support the federal crop insurance program.

Reaffirm our support of the rural electrification program, recognizing that rural America connot be revitalized without adequate low-cost electric power. We pledge continued support of programs to assure supplemental financing to meet the growing generating and distributing power needs of rural areas. We support the rural telephone program.

Support a thorough study of the effect of unlimited payments to farmers. If necessary, we suggest graduated open-end limitations of payments to extremely large corporate farms that participate in government programs.

Take a positive approach to the public interest in the issue of health and tobacco at all levels of the tobacco economy. We recommend a cooperative effort in health and tobacco research by government, industry and qualified scientific bodies, to ascertain relationships between human health and tobacco growth, curing, storage and manufacturing techniques, as well as specific medical aspects of tobacco smoke constituents.

Small business

Small business plays a vital role in a dynamic, competitive economy; it helps maintain a strong social fabric in communities across the land; it builds concerned community leadership deriving from ownership of small enterprises; and it maintains the challenge and competition essential to a free enterprise system.

To assure a continuing healthy environment for small business, the Democratic Party pledges to:

Assure adequate credit at reasonable costs;

Assure small business a fair share of government contracts and procurement;

Encourage investment in research and development of special benefit to small enterprise;

Assist small business in taking advantage of technological innovations;

Provide centers of information on government procurement needs and foreign sales opportunities.

The Democratic Party is pledged to develop programs that will enable members of minority groups to obtain the financing and technical management assistance needed to succeed in launching and operating new enterprises.

Labor-management relations

Private collective bargaining and a strong and independent labor movement are essential to our system of free enterprise and economic democracy. Their development has been fostered under each Democratic administration in this century.

We will thoroughly review and update the National Labor Relations Act to assure an effective opportunity to all workers to exercise the right to organize and to bargain collectively, including such amendments as:

Repeal of the provision permitting states to enact compulsory open shop laws;

Extension of the Act's protection to farm workers, employees of private non-profit organizations, and other employees not now covered;

Removal of unreasonable restrictions upon the right of peaceful picketing, including situs picketing;

Speedier decisions in unfair labor practice cases and representation proceedings;

Greater equality between the remedies available under the Act to labor and those available to management;

Effective opportunities for unions as well as employers to communicate with employees, without coercion by either side or by anyone acting in their behalf.

The Federal Government will continue to set an example as an employer to private business and to state and local governments. The Government will not do business with firms that repeatedly violate Federal statutes prohibiting discrimination against employees who are union members or refuse to bargain with duly authorized union representatives.

By all these means, we will sustain the right of workers to organize in unions of their own choosing and will foster truly effective collective bargaining to provide the maximum opportunity for just and fair agreements between management and labor.

Consumer protection

Rising incomes have brought new vigor to the market place. But the march of technology which has brought unparalleled abundance and opportunity to the consumer has also exposed him to new hazards and new complexities. In providing economic justice for consumers, we shall strengthen business and industry and improve the quality of life for all 200 million Americans.

We commend the Democratic Congress for passing the landmark legislation of the past several years which has ushered in a new era of consumer protection—truth-in-lending, truth-in-packaging, wholesome meat and poultry, auto and highway safety, child safety, and protection against interstate land swindles.

We shall take steps, including necessary legislation, to minimize the likelihood of massive electric power failures, to improve the safety of medical devices and drugs, to penalize deceptive sales practices, and to provide consumer access to product information now being compiled in the Federal Government.

We will help the states to establish consumer fraud and information bureaus, and to update consumer credit laws.

A major objective of all consumer programs, at all levels, must be the education of the buying public, particularly the poor who are the special targets of unscrupulous and high-pressure salesmanship.

We will make the consumer's voice increasingly heard in the councils of government. We will strengthen consumer education and enforcement programs by consolidation of functions now dispersed among various agencies, through the establishment of an Office of Consumer Affairs to represent consumer interests within the government and before courts and regulatory agencies.

Housing

For the first time in history, a nation is able to rebuild or replace all of its substandard housing, even while providing housing for millions of new families.

This means rebuilding or replacing 4.5 million dwelling units in our urban areas and 3.9 million in rural areas, most in conditions of such dilapidation that they are too often dens of despair for millions of Americans.

Yet this performance is possible in the next decade because of goals and programs fashioned by Democratic Presidents and Democratic Congresses in close partnership with private business.

The goal is clear and pressing—"a decent home and a suitable living environment for every American family," as set forth in the 1949 Housing Act by a Democratic Congress and Administration.

To achieve this goal in the next ten years:

We will assist private enterprise to double its volume of homebuilding, to an annual rate of 2.6 million units a year—a ten-year total of 26 million units. This is the specific target of the historymaking Housing and Urban Development Act of 1968.

We will give the highest priority to Federally assisted homebuilding for low-income families, with special attention given to ghetto dwellers, the elderly, the physically handicapped, and families in neglected areas of rural America, Indian reservations, territories of the United States and migratory worker camps. All federal subsidy programs—whether in the form of public housing, interest rates at 1%, rent supplements, or direct loans—will be administered to favor these disadvantaged families, with full participation by the neighborhood residents themselves.

We will cooperate with private home builders to experiment boldly with new production technology, with financial institutions to marshal capital for housing where it is most needed, and with unions to expand the labor force needed for a doubling of production.

Above all, we will work toward the greatest possible freedom of choice—the opportunity for every family, regardless of race, color, religion, or income, to choose home ownership or rental, high-rise or low-rise, cooperatives or condominimums, detached or town house, and city, suburban or country living.

We urge local governments to shape their own zoning laws and building codes to favor consumers and hold down costs.

Rigid enforcement of State and local health and building codes is imperative to alleviate conditions of squalor and despair in deteriorating neighborhoods.

Democrats are proud of their housing record. But we are also painfully aware of how much more needs to be done to reach the final goal of decent shelter for all Americans and we pledge a steadfast pursuit of that goal.

Transportation

America is a nation on the move. To meet the challenge of transportation, we propose a dynamic partnership between industry and government at all levels.

Of utmost urgency is the need to solve congestion in air traffic, especially in airports and between major metropolitan centers. We pledge intensified efforts to devise equitable methods of financing new and improved airport and airway facilities.

Urban and inter-urban transportation facilities are heavily overburdened. We support expanded programs of assistance to mass transit in order to avoid unnecessary congestion in air traffic, especially at air-link residential and work areas.

Despite the tremendous progress of our interstate highway program, still more super-highways are needed for safe and rapid motor transport. We need to establish local road networks to meet regional requirements.

The efficiency of our railroads has improved greatly but there is need for further strengthening of the nation's railroads so that they can contribute more fully to the nation's transport requirements. In particular, we will press forward with the effort to develop high-speed passenger trains to serve major urban areas.

To assume our proper place as a leading maritime nation, we must launch an aggressive and balanced program to replace and augment our obsolete merchant ships with modern vessels built in American shipyards. We will assist U.S. flag operators to overcome the competitive disparity between American and foreign costs.

We will continue to foster development of harbors, ports, and inland waterways, particularly regional waterways systems, and the St. Lawrence Seaway, to accommodate our expanded water-borne commerce. We support modernization of the Panama Canal.

We pledge a greater investment in transportation research and development to enhance safety and increase speed and economy; to implement the acts that have been passed to control noxious vehicle exhausts; and to reduce aircraft noise.

The expansion of our transportation must not be carried out at the expense of the environment through which it moves. We applaud the leadership provided by the First Lady to enhance the highway environment and initiate a national beautification program.

Communications

America has the most efficient and comprehensive communications system in the world. But a healthy society depends more on the quality of what is communicated than either the volume or form of communication.

Public broadcasting has already proven that it can be a valuable supplement to formal education and a direct medium for nonformal education. We pledge our continuing support for the prompt enactment of a long-range financing plan that will help ensure the vigor and independence of this potentially vital but still underdeveloped new force in American life.

We deplore the all too frequent exploitation of violence as entertainment in all media.

In 1962 the Democratic Party sensed the great potential of space communication and quickly translated this awareness into the Communications Satellite Act. In a creative partnership between government and business, this revolutionary idea soon became a living reality. Six years later we helped establish a consortium of 61 nations devoted to the development of a global satellite network.

We will continue to develop new technology and utilize communications to promote world-wide understanding as an essential pre-condition of world peace. But, in view of rapidly changing technology, the entire federal regulatory system dealing with telecommunication should be thoroughly reappraised.

Science and technology

We lead the world in science and technology. This has produced a dramatic effect on the daily lives of all of us. To maintain our undisputed national leadership in science and further its manifold applications for the betterment of mankind, the Federal

Government has a clear obligation to foster and support creative men and women in the research community, both public and private.

Our pioneering space program has helped mankind on earth in countless ways. The benefits from improved weather forecasting which can soon be available thanks to satellite observations and communications will by themselves make the space efforts worthwhile.

Observation by satellite of crops and other major earth resources will for the first time enable men to see all that is available to him on earth, and therefore to take maximum advantage of it. High-endurance metals developed for spacecraft help make commercial planes safer; similarly, micro-electronics are now found in consumer appliances. Novel space food-preservation techniques are employed in the tropical climates of underdeveloped countries. We will move ahead in aerospace research and development for their unimagined promise for man on earth as well as their vital importance to national defense.

We shall continue to work for our goal of leadership in space. To this end we will maximize the effectiveness and efficiency of our space programs through utilization of the best program, planning and budgeting systems.

To maintain our leadership in the application of energy, we will push forward with research and development to assure a balanced program for the supply of energy for electric power, both public and private. This effort should go hand in hand with the development of "breeder" reactors and large-scale nuclear desalting plants that can provide pure water economically from the sea for domestic use and agricultural and industrial development in arid regions, and with broadened medical and biological applications of atomic energy.

In addition to the physical sciences, the social sciences will be encouraged and assisted to identify and deal with the problem areas of society.

OPPORTUNITY FOR ALL

We of the Democratic Party believe that a nation wealthy beyond the dreams of most of mankind—a nation with a twentieth of the world's population, possessing half the world's manufactured goods—has the capacity and the duty to assure to all its citizens the opportunity to enjoy the full measure of the blessings of American life.

For the first time in the history of the world, it is within the power of a nation to eradicate from within its borders the age-old curse of poverty.

Our generation of Americans has now made those commitments. It remains to implement and adequately fund the host of practical measures that demonstrate their effectiveness and to continue to devise new approaches.

We are guided by the recommendations of the National Advisory Commission on Civil Disorders concerning jobs, housing, urban renewal, and education on a scale commensurate with the needs of the urban ghettos. We are guided by the report of the Commission on Rural Poverty in tackling the equally compelling problems of the rural slums.

Economic growth is our first antipoverty programs. The best avenue to an independent, confident citizenry is a dynamic, full-employment economy. Beyond that lie the measures necessary to assure that every American, of every race, in every region, truly shares in the benefits of economic progress.

Those measures include rehabilitation of the victims of poverty, elimination of the urban and rural slums where poverty is bred, and changes throughout the system of institutions that affect the lives of the poor.

In this endeavor, the resources of private enterprise—not only its economic power but its leadership and ingenuity—must be mobilized. We must marshal the power that comes from people working together in communities—the neighborhood communities of the poor and the larger communities of the city, the town, the village, the region.

We support community action agencies and their programs, such as Head Start, that will prevent the children of the poor from becoming the poor of the next generation. We support the extension of neighborhood centers. We are committed to the principle of meaningful participation of the poor in policy-making and administration of community action and related programs.

Since organizations of many kinds are joined in the war on poverty, problems of coordination inevitably arise. We pledge ourselves to review current antipoverty efforts to assess how responsibility should be distributed among levels of government, among private and public agencies, and between the permanent agencies of the Federal Government and an independent antipoverty agency.

Toward a single society

We acknowledge with concern the findings of the report of the bi-partisan National Advisory Commission on Civil Disorders and we commit ourselves to implement its recommendations and to wipe out, once and for all, the stain of racial and other discrimination from our national life.

"The major goal," the Commission wrote, "is the creation of a true union—a single society and a single American identity." A single society, however, does not mean social or cultural uniformity. We are a nation of many social, ethnic and national groups. Each has brought richness and strength to America.

The Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965, all adopted under the vigorous leadership of President Johnson, are basic to America's long march toward full equality under the law.

We will not permit these great gains to be chipped away by opponents or eroded by administrative neglect. We pledge effective and impartial enforcement of these laws. If they prove inadequate, or if their compliance provisions fail to serve their purposes, we will propose new laws. In particular, the enforcement provisions of the legislation prohibiting discrimination in employment should be strengthened. This will be done as a matter of first priority.

We have also come to recognize that freedom and equality require more than the ending of repression and prejudice. The victims of past discrimination must be encouraged and assisted to take full advantage of opportunities that are now opening to them.

We must recognize that for too long we have neglected the abilities and aspirations of Spanish-speaking Americans to participate fully in American life. We promise to fund and implement the Bilingual Education Act and expand recruitment and training of bilingual federal and state employees.

The American Indian has the oldest claim on our national conscience. We must continue and increase federal help in the Indian's battle against poverty, unemployment, illiteracy, ill health and poor housing. To this end, we pledge a new and equal federal-Indian partnership that will enable Indian communities to provide for themselves many services now furnished by the federal government and federal sponsorship of industrial development programs, owned, managed and run by Indians. We support a quick and fair settlement of land claims of Indians, Eskimo and Aleut-citizens of Alaska.

The inner city

In the decaying slums of our larger cities, where so many of our poor are concentrated, the attack on poverty must embrace many interrelated aspects of development—economic development, the rehabilitation or replacement of dilapidated and unsafe housing, job training and placement, and the improvement of education, health, recreation, crime control, welfare, and other public services.

As the framework of such an effort, we will continue to support the Model Cities program under which communities themselves are planning and carrying out the most comprehensive plans ever put together for converting their worst slum areas into model neighborhoods—with full participation and leadership by the neighborhood residents themselves. The Model Cities program will be steadily extended to more cities and more neighborhoods and adequately financed.

The resources and leadership of private enterprise must be marshalled in the attack on slums and poverty, and such incentives as may be essential for that purpose we will develop and enact.

Some of the most urgent jobs in the revival of the inner city remain undone because the hazards are too great and the rewards too limited to attract sufficient private capital. To meet this problem, we will charter a new federal banking structure to provide capital and investment guarantees for urban projects planned and implemented through local initiative—neighborhood development corporations, minority programs for self-employment, housing development corporations, and other urban construction and planning operations. We will also enact legislation providing tax incentives for new business and industrial enterprises in the inner city. Our experience with aid to small business demonstrates the importance of increased local ownership of business enterprises in the inner city.

We shall aid the universities to concentrate their resources more fully upon the problems of the cities and facilitate their cooperation with municipal agencies and local organizations in finding solutions to urban problems.

Rural development

Balanced growth is essential for America. To achieve that balanced growth, we must greatly increase the growth of the rural nonfarm economy. One-third of our people live in rural areas, but only one rural family in 10 derives its principal income from farming. Almost 30 percent of the Nation's poor are nonfarm people in rural areas.

The problem of rural poverty and the problem of migration of poor people from rural areas to urban ghettos are mainly nonfarm problems. The creation of productive jobs in small cities and towns can be the best and least costly solution of these problems.

To revitalize rural and small-town America and assure equal opportunity for all Americans wherever they live, we pledge to:

Create jobs by offering inducements to new enterprises—using tax and other incentives—to locate in small towns and rural areas;

Administer existing Federal programs and design new programs where necessary to overcome the disparity between rural and urban areas in opportunities for education, for health services, for low-income housing, for employment and job training, and for public services of all kinds;

Encourage the development of new towns and new growth centers;

Encourage the creation of comprehensive planning and development agencies to provide additional leadership in nonmetropolitan areas, and assist them financially.

The experience of the Appalachian and other regional commissions indicates that municipalities, counties, and State and Federal agencies can work together in a common development effort.

Jobs and training

Every American in need of work should have opportunity not only for meaningful employment, but also for the education, training, counselling, and other services that enable him to take advantage of available jobs.

To the maximum possible extent, our na-

tional goal of full employment should be realized through creation of jobs in the private economy, where six of every seven Americans now work. We will continue the Job Opportunities in the Business Sector (JOBS) program, which for the first time has mobilized the energies of business and industry on a nationwide scale to provide training and employment to the hardcore unemployed. We will develop whatever additional incentives may be necessary to maximize the opportunities in the private sector for hardcore unemployed.

We will continue also to finance the operation by local communities of a wide range of training programs for youth and retraining for older workers whose skills have become obsolete, coupled with related services necessary to enable people to undertake training and accept jobs—including improved recruitment and placement services, day-care centers, and transportation between work and home.

For those who can work but cannot find jobs, we pledge to expand public job and job-training programs, including the Neighborhood Youth Corps, to provide meaningful employment in state and local government and nonprofit institutions.

For those who cannot obtain other employment, the federal government will be the employer of last resort, either through federal assistance to state and local projects or through federally sponsored projects.

Employment standards

American workers are entitled to more than the right to a job. They have the right to fair and safe working conditions and to adequate protection in periods of unemployment or disability.

In the last 30 years Democratic administrations and Congresses have enacted, extended and improved a series of measures to provide safeguards against exploitation and distress. We pledge to continue these efforts.

The minimum standards covering terms and conditions of employment must be improved—

By increasing the minimum wage guarantee to assure those at the bottom of the economic scale a fairer share in rising living standards;

By extending the minimum wage and overtime provision of the Fair Labor Standards Act to all workers;

By enacting occupational health and safety legislation to assure the material reduction of the present occupational death rate of 14,500 men and women each year, and the disabling accident rate of over 2 million per year;

By assuring that the "green card" worker does not depress wages and conditions of employment for American workers;

By updating of the benefit provisions of the Longshoremen and Harbor Workers Act.

The unemployment compensation program should be modernized by national minimum standards for level and duration of benefits, eligibility, and universal coverage.

Older citizens

A lifetime of work and effort deserves a secure and satisfying retirement.

Benefits, especially minimum benefits, under Old Age Survivors, and Disability Insurance, should be raised to overcome present inadequacies and thereafter should be adjusted automatically to reflect increases in living costs.

Medical care for the aged should be expanded to include the costs of prescription drugs.

The minimum age for public assistance should be lowered to correspond to the requirements for social security.

America's self-employed citizens should be encouraged by tax incentive legislation to supplement social security benefits for themselves and their employees to the same extent that employees of corporations are encouraged.

In addition to improving social security, we must develop in each community a wide variety of activities to enrich the lives of our older citizens, to enable them to continue to contribute to our society and to permit them to live in dignity. The aged must have access to better housing and opportunities for regular or part-time employment, community volunteer service, and cultural and recreational activities.

People in need

Every American family whose income is not sufficient to enable its members to live in decency should receive assistance free of the indignities and uncertainties that still too often mar our present programs. To support family incomes of the working poor a number of new program proposals have recently been developed. A thorough evaluation of the relative advantages of such proposals deserves the highest priority attention by the next Administration. This we pledge to do.

Income payments and eligibility standards for the aged, the blind, the disabled and dependent children should be determined and financed on a federal basis—in place of the present inequitable, under-financed hodge-podge state plans. This would, among other things, assure the eligibility in all states of needy children of unemployed parents who are now denied assistance in more than half the states as long as the father remains in the home.

Assistance payments should not only be brought to adequate levels but they should be kept adequate by providing for automatic adjustment to reflect increases in living costs.

Congress has temporarily suspended the restrictive amendment of 1967 that placed an arbitrary limit on the number of dependent children who can be aided in each state. We favor permanent repeal of that restriction and of the provision requiring mothers of young children to work.

The new federal-state program we propose should provide for financial incentives and needed services to enable and encourage adults on welfare to seek employment to the extent they are able to do so.

The time has come when we should make a national commitment that no American should have to go hungry or undernourished. The Democratic Party here and now does make that commitment. We will move rapidly to implement it through continued improvement and expansion of our food programs.

The Democratic Congress this year has already enacted legislation to expand and improve the school lunch and commodity distribution programs, and shortly will complete action on legislation now pending to expand the food stamp program. We will enact further legislation and appropriations to assure on a permanent basis that the school lunch program provides free and reduced-price meals to all needy school children.

Health

The best of modern medical care should be made available to every American. We support efforts to overcome the remaining barriers of distance, poverty, ignorance, and discrimination that separate persons from adequate medical services.

During the last eight years of Democratic administrations, this nation has taken giant steps forward in assuring life and health for its citizens. In the years ahead, we Democrats are determined to take those final steps that are necessary to make certain that every American, regardless of economic status, shall live out his years without fear of the high costs of sickness.

Through a partnership of government and private enterprise we must develop new coordinated approaches to stem the rise in medical and drug costs without lowering the quality or availability of medical care. Out-of-hospital care, comprehensive group practice arrangements, increased availability of neighborhood health centers, and the greater use of sub-professional aides can all contribute to the lowering of medical costs.

We will raise the level of research in all fields of health, with special programs for development of the artificial heart and the heart transplant technique, development of drugs to treat and prevent the recurrence of heart diseases, expansion of current task forces in cancer research and the creation of new ones inluding caner of the lung, determination of the factors in mental retardation and reduction of infant mortality, development of drugs to reduce the incidence of suicide and construction of health research facilities and hospitals.

We must build new medical, dental and medical service schools, and increase the capacity of existing ones, to train more doctors. dentists, nurses, and medical technicians.

Medical care should be extended to disabled beneficiaries under the Old Age, Survivors and Disability Insurance Act to the same extent and under the same system that such care is available to the aged.

Thousands of children die, or are handicapped for life, because their mothers did not receive proper pre-natal medical attention or because the infants were unattended in the critical first days of life. Maternal and child health centers, located and designed to serve the needs of the poor, and voluntary family planning information centers should be established throughout the country. Medicaid programs administered by the state should have uniform standards so that no mother or child is denied necessary health services. Finally, we urge consideration of a program comparable to medicare to finance pre-natal care for mothers and post-natal care for children during the first year of life.

Veterans

American veterans deserve our enduring gratitude for their distinguished service to the nation.

In 1968 some 750,000 returning servicemen will continue their education with increased benefits under the new G.I. Bill passed by an education-minded Democratic Congress. Two million disabled veterans and survivors of those killed in action are receiving larger pensions and higher disability payments.

Guided by the Report of the Veterans Advisory Commission, established by the Democratic Administration, we will:

Continue a strong one-stop agency vested with sole responsibility for all veterans programs;

Sustain and upgrade veteran medical services, expand medical training in VA hospitals;

Maintain compensation for disabled veterans and for widows and dependents of veterans who die of service-connected causes, in line with the rise in earnings and living standards;

Assure every veteran the right of burial in a national cemetery;

Provide incentives for veterans to aid their communities by serving in police, fire departments, educational systems and other public endeavors;

Make veterans and their widows eligible for pension benefits at the same age at which Social Security beneficiaries may receive old age benefits.

We recommend the establishment of a standing Committee on Veterans Affairs in the Senate.

Education

Education is the chief instrument for making good the American promise. It is indispensable to every man's chance to achieve his full potential. We will seek to open education to all Americans.

We will assure equal opportunity to education and equal access to high-quality education. Our aim is to maintain state-local control over the nation's educational system, with federal financial assistance and help in stimulating changes through demonstration and technical assistance. New concepts of

education and training employing new communications technology must be developed to educate children and adults.

Every citizen has a basic right to as much education and training as he desires and can master—from preschool through graduate studies—even if his family cannot pay for this education.

We will marshal our national resources to help develop and finance new and effective methods of dealing with the educationally disadvantaged—including expanded preschool programs to prepare all young children for full participation in formal education, improved teacher recruitment and training programs for inner city and rural schools, the Teacher Corps, assistance to community controlled schools to encourage pursuit of innovative practices, university participation in research and operation of school programs, a vocational education system that will provide imaginative new ties between school and the world of work, and improved and more widespread adult education programs.

We will fully fund Title I of the Elementary and Secondary Education Act of 1965, which provides federal funds for improving education in schools serving large numbers of students from low income families.

The financial burden of education continues to grow as enrollments spiral and costs increase. The home owner's property tax burden must be eased by increased levels of financial aid by both the states and the Federal government.

Our rapidly expanding educational frontiers require a redoubling of efforts to insure the vitality of a diverse higher education system—public and private, large and small, community and junior colleges and great universities. We also pledge support for high quality graduate and medical education.

We will enlarge the federal scholarship program to remove the remaining financial barriers to post-secondary education for low income youths, and increase assistance to students in the form of repayable loans out of future income.

We will encourage support for the arts and the humanities, through the national foundations established by a Democratic Congress to provide incentives for those endowed with extraordinary talent, enhance the quality of our life, and make productive leisure available to all our people.

We recommend greater stress on the arts and humanities in elementary and secondary curricula to ensure a proper educational balance.

Youth

For generations, the Democratic Party has renewed its vitality with young people and new ideas. Today, young people are bringing new vigor and a deep concern for social justice into the political process, yet many feel excluded from full participation.

We of the Democratic Party welcome the bold thinking and exciting ideas of youth. We recognize, with deep satisfaction, that their healthy desire for participation in the democratic system must lead to a series of reforms in the direction of a greater democracy and a more open America.

The Democratic Party takes pride in the fact that so many of today's youth have channeled their interests and energies into our Party. To them, and to all young Americans we pledge the fullest opportunity to participate in the affairs of our Party at the local, state, and national levels. We call for special efforts to recruit young people as candidates for public office.

We will support a constitutional amendment lowering the voting age to 18.

We favor an increase in youth representation on state delegations in future Democratic conventions.

Steps should be taken to include youth advisors on all government studies, commissions, and hearings which are relevant to their lives. We will establish a youth commission involving young people between 18 and 26.

Every young person should have an opportunity to contribute to the social health of his community or to humanitarian service abroad. The extraordinary experience of the Teacher Corps, VISTA, and the Peace Corps points the way for broadening the opportunities for such voluntary service. Hundreds of thousands of America's youth have sought to enlist in these programs, but only tens of thousands have been able to serve. We will expand these opportunities.

The lives of millions of young men are deeply affected by the requirement for military service. The present system leaves them in uncertainty through much of their early manhood. Until our manpower needs can be fully met by voluntary enlistment, the Democratic Party will insist upon the most equitable and just selection system that can be devised. We support a random system of selection which will reduce the period of eligibility to one year, guarantee fair selection, and remove uncertainty.

We urge review of draft board memberships to make them more representative of the communities they serve.

ENVIRONMENT, CONSERVATION AND NATURAL RESOURCES

These United States have undergone 200 years of continuous change and dramatic development resulting in the most technologically advanced nation in the World. But with rapid industrialization, the nation's air and water resources have been degraded, the public health and welfare endangered, the landscape scarred and littered, and the very quality of our national life jeopardized.

We must assure the availability of a decent environment for living, working, and relaxation.

To this end, we pledge our efforts:

To accelerate programs for the enhancement of the quality of the nation's waters for the protection of all legitimate water uses, with special emphasis on public water supplies, recreation, fish and wildlife;

To extend the national emission control program to all moving sources of air pollution;

To work for programs for the effective disposal of wastes of our modern industrial society;

To support the efforts on national, state, and local levels to preserve the historic monuments and sites of our heritage;

To assist in planning energy production and transportation to fit into the landscape, to assure safety, and to avoid interference with more desirable uses of land for recreation and other public purposes;

To continue to work toward abating the visual pollution that plagues our land;

To focus on the outdoor recreation needs of those who live in congested metropolitan areas;

To continue to work toward strong measures for the reclamation of mined and depleted lands and the conservation of soil.

Public domain

We pledge continued support of the Public Land Law Review Commission, which is reviewing public land laws and policies to assure maximum opportunity for all beneficial uses of the public lands, including lands under the sea, and to develop a comprehensive land use policy.

We support sustained yield management of our forests, and expanded research for control of forest insects, disease, and fires.

We plan to examine the productivity of the public lands in goods, services, and local community prosperity, with a view to increasing such productivity.

We shall enforce existing federal statutes governing federal timber.

We support the orderly use and development of mineral resources on federal lands.

Recreation

We will continue the vigorous expansion of the public recreational domain to meet tomorrow's increasing needs. We will add national parks, recreation areas and seashores, and create national systems of scenic and wild rivers and of trails and scenic roads. We will support a growing wilderness preservation system, preservation of our redwood forests, and conservation of marshland and estuarine areas.

Recognizing that the bulk of the task of acquisition and development must be accomplished at the state and local levels, we shall foster federal assistance to encourage such action, as well as recreational expansion by the private sector. To this end, we shall build upon the landmark Land and Water Conservation Fund Act, which has assured a foundation of a recreational heritage for future generations. We will assist communities to rehabilitate and expand inadequate and deteriorating urban park systems, and develop open space, waterways, and waterfront renovation facilities.

Resources of the oceans

In and beneath the seas are resources of untold dimension for the benefit of mankind. Recognizing and protecting the paramount public interest in the seas, Congress, under democratic leadership, enacted the Sea Grant College Act of 1965 and the Marine Resources and Engineering Development Act of 1966, which established for the first time a comprehensive long-range policy and program for the marine sciences. We pledge to pursue vigorously the goals of that Act. Specifically, we will:

Foster marine application of new technology—spacecraft, buoys, data networks, and advanced navigation systems—and develop an engineering capability to work on and under the sea at any depth;

Encourage development of underseas resources by intensified research and better weather forecastng, with recognition to the coastal, insular and other littoral states of their unique interest and responsibility;

Foster an extensive program of oceanologic research and development, financed by a portion of the mineral-royalty receipts from the outer continental shelf;

Accelerate public and private programs for the development of food and other marine resources to meet world-wide malnutrition, to create new industries, and to utilize underemployed manpower living near the waterfront;

Promote our fisheries by providing incentives for private investment enforcing our 12-mile fishing zone, and discouraging other nations from excessive territorial and fishery claims;

Conclude an appropriate Ocean Space Treaty to secure rules and agreements that will facilitate public and private investment, guarantee security of investment and encourage efficient and orderly development of the seas' resources.

THE GOVERNMENT

In the coming four years, the Democratic President and Democratic Congress will give priority to simplfying and streamlining the processes of government, particularly in the management of the great innovative programs enacted in the 1960's.

The Executive branch of the Federal Government is the largest and most complicated enterprise in the world, with programs distributed among 150 separate departments, agencies, bureaus, and boards. This massive operation contributes to and often results in duplication, administrative confusion, and delay.

We will seek to streamline this machinery by improving coordination and management of federal programs.

We realize that government must develop the capacity to anticipate problems. We support a thorough study of agency operations to determine priorities for governmental action and spending, for examination of the

structure of these agencies, and for establishing more systematic means of attacking our nation's problems.

We recognize that citizen participation in government is most meaningful at the levels of government closest to the people. For that reason, we recognize the necessity of developing a true partnership between state, local, and Federal governments, with each carrying its share of the financial and administrative load. We acknowledge the tremendous strides made by President Johnson in strengthening Federal-State relations through open communication with the governors and local officials, and we pledge to continue and expand on this significant effort.

The complexities of Federal-state-local relationships must be simplified, so that states and local communities receiving federal aid will have maximum freedom to initiate and carry out programs suited to their own particular needs. To give states and communities greater flexibility in their programs, we will combine individual grant programs into broader categories.

As the economy grows, it is the federal revenue system that responds most quickly, yet it may be the states and local governments whose responsibilities mount most rapidly. To help states and cities meet their fiscal challenges, we must seek new methods for states and local governments to share in federal revenues while retaining responsibility for establishing their own priorities and for operating their own programs. To this end, we will seek out new and innovative approaches to government to assure that our Federal system does, in fact, deliver to the people the services for which they are paying.

Public employees

The Democratic administration has moved vigorously in the past eight years—particularly with regard to pay scalest—o improve the conditions of public service.

We support:

A federal service that rewards new ideas and leadership;

Continued emphasis on education and training programs for public employees, before and during their service;

Parity of government salaries with private industry;

A proper respect for the privacy and independence of federal employees;

Equal opportunities for career advancement;

Continued application of the principles of collective bargaining to federal employment;

Encouragement to state and local governments to continue to upgrade their personnel systems in terms of pay scales and training;

Interchange of employees between federal and state government.

Elections

We are alarmed at the growing costs of political participation in our country and the consequent reliance of political parties and candidates on large contributors, and we want to assure full public information on campaign expenditures. To encourage citizen participation we urge that limited campaign contributions be made deductible as credit from the federal income tax.

We fully recognize the principle of one man, one vote in all elections. We urge that due consideration be given to the question of Presidential primaries throughout the nation. We urge reform of the electoral college and election procedures to assure that the votes of the people are fully reflected.

We urge all levels of our Party to assume leadership in removing all remaining barriers to voter registration.

We will also seek to eliminate disenfranchisement of voters who change residence during an election year.

The District of Columbia

With the reorganization of the government of the District of Columbia, the nation's capital has for the first time in nearly a century the strong leadership provided by a mayor-council form of government. This, however, is no substitute for an independent and fiscally autonomous District government. We support a Federally funded Charter Commission—controlled by D.C. residents—to determine the most appropriate form of government for the District, and the prompt implementation of the Commission's recommendation.

The Democratic Party supports full citizenship for residents of the District of Columbia and a Constitutional Amendment to grant such citizenship through voting representation in Congress. Until this can be done we propose non-voting representation.

Puerto Rico

In accordance with the Democratic principle of self-determination, the people of Puerto Rico have expressed their will to continue in permanent union with the U.S. through Commonwealth status. We pledge our continued support to the growth of the Commonwealth status which the people of Puerto Rico overwhelmingly approved last year.

Virgin Islands and Guam

We favor an elected governor and a non-voting delegate in the House of Representatives for the Virgin Islands and Guam, and will consider methods by which American citizens residing in American territories can participate in Presidential elections.

JUSTICE AND LAW

We are firm in our commitment that equal justice under law shall be denied to no one. The duty of government at evey level is the safety and security of its people. Yet the fact and fear of crime are uppermost in the minds of Americans today. The entire nation is united in its concern over crime, in all forms and wherever it occurs. America must move aggressively to reduce crime and its causes.

Democratic Presidents, governors and local government officials are dedicated to the principle that equal justice under law shall remain the American creed. Those who take the law into their own hands undermine that creed. Anyone who breaks the law must be held accountable. Organized crime cannot be accepted as a way of life, nor can individual crime or acts of violence be permitted.

As stated in the Report of the National Advisory Commission on Civil Disorders, the two fundamental questions confronting the American people are:

"How can we as a people end the resort to violence while we build a better society?

"How can the nation realize the promise of a single society—one nation indivisible—which yet remains unfulfilled?"

This platform commits the Democratic Party to seek resolution of these questions.

We pledge a vigorous and sustained campaign against lawlessness in all its forms—organized crime, white collar crime, rioting, and other violations of the rights and liberties of others. We will further this campaign by attack on the root causes of crime and disorder.

Under the recent enactments of a Democratic Congress we will continue and increase federal financial support and technical assistance to the states and their local governments to:

Increase the numbers, raise the pay, and improve the training of local police officers;

Reduce delays and congestion in our criminal courts;

Rehabilitate and supervise convicted offenders, to return offenders to useful, decent lives, and to protect the public against habitual criminals;

Develop and deploy the most advanced and effective techniques and equipment for the public safety;

Assure the availability in every metropolitan area of quick, balanced, coordinated control forces, with ample manpower, thoroughly trained and properly equipped to suppress rioting;

Encourage responsible and competent civic associations, and business and labor groups to cooperate with the law enforcement agencies in new efforts to combat organized crime, build community support for police work, and assist in rehabilitating convicted offenders—and for the attainment of these ends, encourage our police to cooperate with any such groups and to establish links of communication with every element of the public they serve, building confidence and respect;

Establish and maintain open and responsive channels of communication between the public and the police through creative police-community relations programs;

Develop innovative programs to reduce the incidence of juvenile delinquency;

Promote the passage and enforcement of effective federal, state and local gun control legislation.

In all these efforts, our aim is to strengthen state and local law enforcement agencies so that they can do their jobs. In addition, the federal government has a clear responsibility for national action. We have accepted that responsibility and will continue to accept it with these specific objectives:

Prompt and effective federal support, upon request of appropriate authorities, to suppress rioting: improvement of the capabilities of all agencies of law enforcement and justice—the police, the military, the courts—to handle more effectively problems attending riots;

A concentrated campaign by the Federal government to wipe out organized crime: by employment of additional Federal investigators and prosecutors, by computerizing the present system of collecting information, by enlarging the program of technical assistance teams to work with the states and local governments that request assistance in this fight, by launching a nationwide program for the country's business and labor leaders to alert them to the problems of organized crime;

Intensified enforcement, research, and education to protect the public from narcotics and other damaging drugs: by review of federal narcotics laws for loopholes and difficulties of enforcement; by increased surveillance of the entire drug traffic; through negotiations with those foreign nations which grow and manufacture the bulk of drug derivatives;

Vigorous federal leadership to assist and coordinate state and local enforcement efforts, and to ensure that all communities benefit from the resources and knowledge essential to the fight on crime;

Further implementation of the recommendations of the President's crime commission.

Creation in the District of Columbia of a model system of criminal justice.

Federal research and development to bring to the problems of law enforcement and the administration of justice the full potential of the scientific revolution.

In fighting crime we must not foster injustice. Lawlessness cannot be ended by curtailing the hard-won liberties of all Americans. The right of privacy must be safeguarded. Court procedures must be expedited. Justice delayed is justice denied.

A respect for civil peace requires also a proper respect for the legitimate means of expressing dissent. A democratic society welcomes criticism within the limits of the law. Freedom of speech, press, assembly and association, together with free exercise of the franchise, are among the legitimate means to achieve change in a democratic society. But when the dissenter resorts to violence, he erodes the institutions and values which are the underpinnings of our democratic society. We must not and will not tolerate violence.

As President Johnson has stated, "Our

test is to rise above the debate between the rights of the individual and the rights of society by securing the rights of both."

We freely admit that the years we live in are years of turbulence. But the wisdom of history has something hopeful to say about times like these. It tells us that the giant American nation, on the move with giant strides, has never moved—and can never move—in silence.

We are an acting, doing, feeling people. We are a people whose deepest emotions are the source of the creative noise we make—precisely because of our ardent desire for unity, our wish for peace, our longing for concord, our demand for justice, our hope for material well being, our impulse to move always toward a more perfect union.

In that never-ending quest, we are all partners together—the industrialist and the banker, the workman and the storekeeper, the farmer and the scientist, the celrk and the engineer, the teacher and the student, the clergyman and the writer, the men of all colors and of all the different generations.

The American dream is not the exclusive property of any political party. But we submit that the Democratic Party has been the chief instrument of orderly progress in our time. As heirs to the longest tradition of any political party on earth, we Democrats have been trained over the generations to be a party of builders. And that experience has taught us that America builds best when it is called upon to build greatly.

We sound that call anew. With the active consent of the American people, we will prove anew that freedom is best secured by a government that is responsive and compassionate and committed to justice and the rule of law.

MINORITY REPORT ON HOW TO END THE WAR IN VIETNAM

Nearly 200,000 American men have been casualties in Vietnam and 25,000 have died. The United States has spent more than one hundred billion dollars. This war has cost us heavily in human life and in all the resources we so badly need to rebuild our cities, improve the quality of life for all Americans and to meet our other obligations around the world. Discarding judgment about the wisdom of the past, we must now act to secure and enrich our own future by bringing the war in Vietnam to a swift conclusion. It is to this cause of early peace that the Democratic Party now commits itself.

Nor can we be content with the vague and ambiguous statements which mark the platform of the Republican Party. For a meaningful pledge of peace also demands the courage to make commitments to those concrete and specific acts most likely to hasten the end of the conflict and destruction. We have taken so many risks for war; we must now take some for peace.

That war must be ended now. It will not be ended by a military victory, surrender, or unilateral withdrawal by either side: it cannot be ended by further U.S. escalation, either increasing our troops, introducing nuclear weapons, or extending the conflict geographically. It must therefore be ended by a fair and realistic compromise settlement.

Although the war in Vietnam is complex, the steps towards peace can be simply stated.

First, an unconditional end to all bombing of North Vietnam, while continuing to provide, in the South, all necessary air and other support for American troops.

Second, we will then negotiate a mutual withdrawal of all United States forces and all North Vietnamese troops from South Vietnam. This should be a phased withdrawal over a relatively short period of time.

Third, we will encourage our South Vietnamese allies to negotiate a political reconciliation with the National Liberation Front looking toward a government which is broadly representative of these and all elements in South Vietnamese society. The specific shape of this reconciliation will be a matter for decision by the South Vietnamese, spurred to action by the certain knowledge that the prop of American military support will soon be gone. In addition, the South Vietnamese will assume increasing responsibility for the resolution of the conflict, and full responsibility for determining their own political destiny. We will, of course, extend economic and other assistance to help rebuild in peace the society which has been ravaged by war.

Fourth, to reduce American casualties and the suffering of Vietnamese civilians we will lower the level of violence by reducing offensive operations in the Vietnamese countryside, thus enabling an early withdrawal of a significant number of our troops. We will, of course, at all times continue to provide all necessary military support in the South for American troops confronted by hostile forces.

In this way we can eliminate all foreign forces from South Vietnam. Our troops will leave and those of North Vietnam will also depart. It will be up to the South Vietnamese to achieve a political and social reconciliation among their warring peoples. We will also seek to enlist the participation of international authority to guarantee troop withdrawals and the granting of asylum to political refugees. Thus we can reasonably anticipate that as we leave, the Vietnamese will be well on their way to a solution of their own problems, and a government in which all can have a share of power and responsibility.

We are also resolved to have no more Vietnams. We accept as basic each nation's right to choose its political, economic and social system. Our deep concern for the welfare of human beings everywhere will be expressed through economic and technical assistance, predominately under international auspices. We shall neither assume the role of the world's policeman, nor lend our support to corrupt oppressive regimes unwilling to work for essential reforms and lacking the consent of the governed. Above all, we shall avoid the unilateral use of military means where the issues are political in nature and our national security is not involved.

FINEST GARDENER IN WORLD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. DORN. Mr. Speaker, earlier this year, I sent out a newsletter entitled, "Are You Hungry." In it I stated that no one need be hungry this summer or winter. I emphasize the need of planting a garden.

In Japan, I have seen the people gather sand and dirt from the streets and place it in hollow rocks and boxes and have strawberries as large as apples.

I received hundreds of letters requesting agriculture bulletins on growing vegetables and flowers. Several requests came from those living in our larger cities asking about planting small roof gardens. The Agriculture Department does have bulletins on growing vegetables indoors and on rooftops.

The other day a splendid article was called to my attention which appeared in the Charlotte Observer on Monday, June 16th. It deserves the attention of every Members of the Congress and the American people.

The article follows:

FINEST GARDENER IN WORLD

If one wants a garden badly enough, he can beg or borrow enough soil to have one, a retired Charlotte resident says.

"I just couldn't sit down and do nothing for the rest of my life," says S. Edwin Richardson of 1313 Effingham Dr., a former employee of Associated Transport.

"And I didn't have any yard at all for a garden."

He went begging. An alley running behind the south side of Elon Street had a long strip of grass and weeds between it and home fences. A couple of homes had yards in which there were fair-sized plots of brambles and weeds.

He visited each homeowner on that side of Elon and ask if he could plant the areas that weren't being used for grass or other things.

One woman gave him permission to plant an area about 30 feet by 30 feet all the way to the alley ditch behind her home.

A neighbor says, "We think he must be about the finest gardener in the world. He's taken some real eyesore places back there (along the alley) and made them beautiful and productive. All of us on the block think he deserves some recognition."

He has squash, green beans already being picked and eaten, potatoes, butterbeans, half runner beans, beets, onions, carrots, tomatoes, and okra.

He and neighbors have been digging and eating some of the new potatoes.

"My system for planting potatoes is a simple one," says Richardson. "I fertilize the bed, hill it up as I set the seed potatoes, and then cover the entire bed with three or four inches of leaves.

"This mulch holds moisture and keeps down weeds. The potatoes really thrive."

Richardson, whose home is about one and one half blocks from his garden, gives what he grows to his neighbors.

"The object of the garden is to give me food and keep me busy. It isn't to make money with."

Sometimes someone will make a donation. This goes into the fertilizer and spraying fund, he said.

A POLITICIAN'S BEQUEST

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to insert the following excellent editorial which appeared in the Times Herald Record of Middletown, N.Y., on June 24, 1969, with reference to the remarks made shortly before his death by the former distinguished mayor of Middletown, John N. Botens, on the subject of political activity.

A POLITICIAN'S BEQUEST

The late John N. Botens was a politician, and he gloried in the label.

Just a few weeks before his untimely death, the former mayor of Middletown turned to his colleague in Port Jervis, Jack C. Harford, and urged him to insert a few paragraphs into a speech Mr. Harford was to deliver throughout the area in his capacity of district governor of Kiwanis.

Mr. Harford took down the words Mr. Botens offered, and is fulfilling his promise by including them in the speech he has been giving to local Kiwanis clubs.

We think the Botens credo deserves wider circulation. We offer it as today's editorial thought with respect for the author and in admiration of his philosophy.

"It has become the fashion in too many quarters to consider partisan politics or political activity as degrading. The very word 'politician' is widely used as a derogatory term, connoting a person of little fixed principle, small appetite for hard work, and a basic lack of honesty.

"In my opinion, not only are these views wrong, but their prevalence is desperately dangerous to our democratic process. Democratic government is essentially an articulated consensus of the majority of its citizens.

"Considering all this to be true, it is distressing to contemplate the low estate in which political activity is held by many people. Nor is indifference or apathy any better. It all amounts to an abdication by people of their own rights and also of their own interests.

"Those who do not participate in their own governing affairs have little grounds to complain about the efforts of those who are trying. Those who are trying are aware that the willingness of the people to spend time and exert effort for public purposes determines the success of democracy."

CAUTION REGARDING ANDERSON-COHELAN MIRV RESOLUTIONS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. HOSMER. Mr. Speaker, I have today dispatched to the Members of this body the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1969.

Re Anderson-Cohelan MIRV moratorium resolutions.

DEAR COLLEAGUE: With due respect to the authors of the above captioned resolutions in which you have been asked to join, I wish to caution as follows:

(1) The President has not requested them and already has authority to engage in a moratorium if it would (a) be provident to do so, and (b) expedite negotiations.

(2) Past experience with arms control moratoria has been bad. The extended nuclear test moratorium indulged in during Limited Test Ban Treaty negotiations *failed* to expedite the talks, *succeeded* in seriously hampering U.S. weapons progress, and *failed* to halt Soviet progress. The Soviets used the moratorium as a screen behind which to prepare for extensive testing and renounced it when ready to test.

(3) MIRV is no strange new terror weapon or unbalancing shocker bursting on the scene. Rather, it is an expected and anticipated progression in missilery of surprise to no one familiar with defense of nuclear strategy. Nor is it a first-strike weapon. A first-strike posture is not achievable by any single weapons system. Rather, it is a factor of the overall strategic balance between nations.

(4) Both the U.S. and the USSR have tested MIRV and no one can say without good results. Deployment might be made without further tests. A moratorium on MIRV *testing* could be futile. A moratorium on MIRV *deployment* could not be policed because neither side can see *inside* the other's ICBMs. Under the circumstances about the only moratorium that makes sense would be on further deployment of ICBMs, which, to an extent, is subject to surveillance. Nobody is suggesting the latter. It would be meaningful as to both *sides*. Therefore, one would not accept it. That is the reason nobody is suggesting it.

Respectfully,

CRAIG HOSMER,
Member of Congress.

NEW EMPHASIS ON VOCATIONAL EDUCATION NEEDED FOR TRILLION DOLLAR ECONOMY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PUCINSKI. Mr. Speaker, recently I had occasion to address the New England Distributive Education Conference which was held at the University of Massachusetts.

Miss Jean E. Swantee, of the Wakefield Daily Item, carried an excellent report of this meeting and I call it to the attention of my colleagues today.

Mr. Frank Cyr, coordinator of the distributive education project, deserves the highest tribute for arranging this informative assembly and the University of Massachusetts has performed a notable service by making its facilities available for the conference.

The article follows:

NEW EMPHASIS ON VOCATIONAL EDUCATION NEEDED FOR TRILLION DOLLAR ECONOMY

(By Jean E. Swantee)

"The United States must place a whole new emphasis on vocational education if we are to have the manpower to sustain a trillion-dollar economy by mid-1971," Cong. Roman C. Pucinski of Illinois told educators assembled in Amherst last night.

U.S. Rep. Pucinski, a member of the House of Representatives for nearly 12 years and chairman of the General Subcommittee on Education, made this statement in opening his keynote address to the second annual New England Distributive Education Conference being held at the University of Massachusetts June 5, 6 and 7.

The Congressman, in an exclusive interview, said that vocational education has come close to assuming the proportions of a crusade with him because of his belief that the one real danger to our economy lies in the lack of properly trained personnel.

He said, too, that if American education is to be saved, this salvation rests in the hands of the vocational educators.

U.S. Rep. Pucinski told the assembled group of new, prospective or currently active distributive education teachers that the U.S. economy has already exceeded the $920 billion mark and that D.E. is "the most important of all vocational education disciplines because it must train the millions of Americans who move the goods to keep the economy going."

"Millions of Americans who produced goods in this country," he stressed, "are totally reliant on those in distributive education who devise the means and techniques for moving the finished product from factory to consumer."

Throughout his address, Rep. Pucinski emphasized the need for more meaningful education for young people today as the answer to the unrest on college campuses and in high schools.

He warned that "unless we give vocational educators the funds to make education meaningful, we will continue to see an increase in the turmoil in American Schools."

"Both the Johnson and Nixon administrations have recommended half a billion dollars less for vocational education than Congress authorized for 1970, he pointed out. "Congress last year authorized $766 million of federal aid to vocational education and both administrations are recommending that only $279 million be appropriated."

"This short changing of vocational education is an invitation to disaster in American education," he warned. "Millions of young people are graduating from (or dropping out of) high school, totally unprepared for the world of work . . . most don't even know how to apply for a job."

As chairman of the General Subcommittee on Education, which started hearings on the unrest in the nation's high schools Wednesday, Mr. Pucinski is well aware of the educational crises facing the country.

He cited a recent study which showed that 60 percent of the high schools in America have experienced some form of disorder to a greater or lesser degree, in the last year and said that the people at this conference held "the key to making education meaningful and reducing the cause of this unrest."

If these educators failed in this task, the whole nation would fail, he warned, predicting somberly that "we can expect even more serious upheaval on American college campuses when the present group of high school graduates arrive next fall because, to a great extent, these young people have been disillusioned with the quality of the education they have received at the high school level."

"All over the country," he said, "taxpayers are rejecting school bond issues because they are disenchanted with the kind of education youngsters are getting. Only by developing occupational training courses to give education more relevancy to the world of work can we hope to reverse this downward trend."

Rep. Pucinski also noted that one obstacle to this reversal is the insistence of the traditional academicians on teaching all youngsters college preparatory courses when only 20 percent of high school graduates today actually complete college.

Of those who do complete college, a large percentage have been exposed to vocational education training during their high school careers, he said, reiterating his belief that much of the problem which exists in education is that there is no connection between school curriculums and the working wrold.

Fred Rockett, distributive education coordinator for Wakefield High School, who is attending the conference, said that Cong. Pucinski received a standing ovation from the educators who had listened appreciatively to his dynamic and perceptive presentation.

PATRIOTISM—THE VOICE OF THE AMERICAN PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. RARICK. Mr. Speaker, at a time when we hear daily from a motley collection of leftists, pacifists, do-gooders, and assorted bleeding hearts about the inhumanity of asking young men to serve in our Armed Forces, it is good to hear the views of mature men who have served our flag in combat in the far corners of the earth. These are men who know, and who have earned the right to speak.

For the benefit of our colleagues, I include a resolution from the Gen. Douglas MacArthur Post No. 1507, Veterans of Foreign Wars, Broomall, Pa., following my remarks:

RESOLUTION

Whereas the Union of Soviet Socialist Republics has, since its inception, strived for the downfall of our capitalistic system and

Whereas the USSR has, without abatement, conducted espionage activities in the highest echelons of our government and

Whereas despite findings by duly constituted congressional committees and sub-

committees as to the activities of persons in governmental employ, both in the civilian and military, elected and appointed, no definitive remedial course of action has been undertaken and

Whereas despite Soviet aid to the Viet Cong enemy in military hardware and related supplies, our government continues to grovel before the USSR and seeks a furtherance of trade, aid and social contact with citizens of that dictatorship even while our servicemen are being killed and maimed by said war materiel and

Whereas our government's "appropriate response" to increased acts of terror by the Viet Cong enemy includes free and unfettered use of the major port of Haiphong thereby permitting the enemy war machine to be nurtured and replenished; and

Whereas the USSR Trawler "fishing" fleet consistently encroaches upon our territorial limits and conducts electronic surveillance by so doing and, from time to time, purposely harasses our merchant and naval vessels; and

Whereas there exists no hard evidence that we have so much as hurled a spit ball in defiance of this arrogance on the part of the USSR trawler "fishing" fleet;

Be it hereby resolved that a message of congratulations be sent to the Captain and crew of the tankship U.S.S. *Esso Honduras* for ramming and sinking one of the USSR Trawler "fishing" fleet.

It is understood by the membership of this Post that said ramming and sinking of the Trawler may well have been accidental and that the management of the Standard Oil Company of New Jersey undoubtedly took a very dim view of the deed since the membership is aware of the Rockefeller tie in with Cyrus Eaton in commercial ventures said to include increased trade with the Soviet enemy, but notwithstanding the displeasure of the management of said Captain's employer corporation, we feel that at long last and for once, accidently or not, a well deserved blow for liberty has been effectuated and that congratulations for the fait accompli are in order.

This resolution was voted upon and passed at a regularly stated monthly meeting of said VFW Post 1507, of Broomall, Pennsylvania, on Monday the 24th day of March in the year of our Lord One Thousand Nineteen Hundred and Sixty Nine and the Post Adjutant was duly authorized and directed to send a copy of this Resolution to the Captain and noble crew of the U.S.S. *Esso Honduras* and others.

GEORGE F. JOHNSON,
Senior Vice Commander.

CAN THE INFANTS SURVIVE?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. GAYDOS. Mr. Speaker, a little more than 25 years ago, we were on the threshold of a monumental scientific breakthrough. The atomic bomb was about to be born. Little did we realize at that time the multitude and magnitude of the problems that were to be born with it.

Today, after years of developing bigger and more powerful bombs along with the means of accurately delivering them to any spot in the world, we are now seeking means of protecting ourselves from the awesome destructive power unleashed a quarter of a century ago.

In the current ABM controversy little if any mention is made of the problem of radiation effects on succeeding generations, even if the ABM worked perfectly and there was no physical destruction after an all-out nuclear exchange.

I have recently received a letter from Prof. E. J. Sternglass, a member of the department of radiology, University of Pittsburgh, along with a computer analysis which shows remarkable correlation of excess infant mortality in the United States with the average content of radioactive strontium-90 in milk. This suggests an emphasis on the development of a defensive system with nonnuclear interceptors rather than deployment of the proposed Safeguard ABM which is designed to disarm incoming missiles by detonation of a nuclear device.

I submit for the RECORD and for the edification of my colleagues, Professor Sternglass' letter and his article, "Can the Infants Survive," from the June 1969 Bulletin of Atomic Scientists.

The letter and article follow:

JUNE 12, 1969.

Hon. JOSEPH M. GAYDOS,
Federal Building,
Pittsburgh, Pa.

DEAR MR. GAYDOS: In response to the request of Mr. Zajicek of your staff, I am glad to send you the enclosed background material relating to the problem of radiation effects from nuclear weapons, and its implications for the decision on whether or not to deploy an Anti-Ballistic-Missile System.

The particular aspect of the whole problem of the growing stockpiles of nuclear weapons, which has concerned me for many years, is the little discussed but potentially extremely serious question of unanticipatedly severe effects of fallout on the developing human embryo and infant.

From a computer analysis of infant mortality in the United States involving every state in the union except Alaska from 1935 to 1966, our group in the Radiation Health Department at the University of Pittsburgh has found that there eixsts a state-by-state and year-by-year correlation of excesses in the normally expected infant mortality rates with the average content of radioactive Strontium-90 in the milk, the teeth and the bones of the infants during the preceding 4 years.

As shown in the enclosed computer-printed maps of the United States, the excess infant mortality reached a maximum value of 72% above normal for the U.S. as a whole by 1966, corresponding to almost 1 out of every 2 babies that died before reaching age one.

The highest excess mortality in the Continental U.S. was found to occur in the District of Columbia, where it reached 158% above normal, or close to 2 out of 3 babies that died in 1966 between the ages 0 and 1 while the least deviation from expected rates occurred for New Mexico (−11%) due to its very low rainfall and location southeast of the Nevada test-site. For Pennsylvania, the computer print-out shows a 56% increase above normal, corresponding to more than 1 out of 3 infants that died. Hawaii showed the highest excess of any state, 204%, probably due to its very high rainfall of 140 inches per year that brings down almost three times as much radioactivity as in the Eastern U.S., where typical annual rainfalls are 40 to 50 inches.

As described in my paper presented last month before the International Symposium on the Radiobiology of the Fetal and Juvenile Mammal at the Hanford Laboratories of the Atomic Energy Commission, these totally unexpected effects are probably due to Strontium-90 going not only to the bones, but also to the male and female reproductive cells, leading to genetic damage some 100 times more serious than had been anticipated by all past calculations.

The fact that this direct correlation cannot be explained solely by such other possible causes as urban slum problems, air-pollution, DDT or cigarette smoking follows from the evidence that the first marked increases in infant mortality took place in those states directly underneath the known path of the passing cloud of radioactive dust from the first atomic bomb explosion at Alamogordo, New Mexico, July 1945. This is shown by our computer-plotted maps of excess infant mortality for the years 1946 and 1950, which indicate that a change towards excess rates took place only in the states of Texas, Alabama, Arkansas, Louisiana, Mississippi, Georgia, South Carolina, North Carolina and Virginia but nowhere else in the entire United States. (See Figure 23 of the Hanford Paper).

The implications for the ABM question may be summarized briefly as follows. If, as seems difficult to explain in any other way, the release of 200 megatons of fission products during peacetime testing led to the death of about 1 extra infant out of every 100 born, then the release of the fission products from some 6,000 or so ABM warheads each containing 2 to 4 megatons, or a total of some 12,000 to 24,000 megatons, in an attempt to destroy some 1500 incoming Russian warheads, then essentially no infants would survive to maturity either in the U.S., or any other country in the world.

Thus, it now seems clear that if at any time the deterrent should ever fail, and even if the ABM should work perfectly and save all our cities from physical destruction, the survivors would only be condemned to watch their newborn children die before they could give birth to another generation.

In the light of this evidence and its far reaching implications for the survival of our nation and, in fact, the entire human race, every effort must clearly be made to avoid this new and fearsome upward turn of the nuclear arms race if at all humanly possible.

Furthermore, before such fateful decisions as to the number of nuclear weapons designed to protect us are to be taken, Congress has a right to demand that the Public Health Service first undertake a major effort to check whether Strontium-90 is indeed the causative factor responsible for our excess infant mortality, or whether there exists any other explanation that will better account for the ominous facts uncovered so far. Not until this is done under conditions as independent as possible from the pressures of the Defense Department and other interested government agencies could any responsible Congressman be expected to vote for the approval of what may well turn out to be the final spiral in the mad race towards the extinction of human life on this planet.

Sincerely yours,

ERNEST J. STERNGLASS,
Professor of Radiology and Director of Radiation Physics.

CAN THE INFANTS SURVIVE?

(By Ernest J. Sternglass)

(NOTE.—Discussion of chances of recovery from a major nuclear war becomes meaningless, charges physicist Ernest Sternglass, when the children of the nation that launched the strike would die before reaching maturity. Dr. Sternglass's comment is based on data he presented in the April "Bulletin." Dr. Sternglass is a member of the Department of Radiology and Division of Radiation Health, University of Pittsburgh.)

F. J. Dyson's "Case for Missile Defense" (April "Bulletin"), although obviously based on a deeply felt moral revulsion against nuclear war and a sincere desire to minimize its apocalyptic consequences, nevertheless rests on a fundamental fallacy as to the nature of nuclear weapons which has until now been widely accepted in the absence of any serious evidence to the contrary.

This basic fallacy, which vitiates all four of the points in favor of defensive missiles

made by Dyson, is to regard nuclear weapons as basically nothing more than large explosive devices or fire-bombs accompanied by a flash of radiation, whose effect may be more or less judged by the local destruction they produce on the targets at which they are aimed, with relatively minor long-range radiation effects on distant populations or succeeding generations that pale in comparison with the immediate effects.

However, the mounting evidence for unexpectedly serious biological effects produced by low dose-rate fallout radiation on the reproductive system and the developing human embryo outlined in the April "Bulletin" makes it clear that the more important aspect of the large-scale use of nuclear weapons in warfare as far as mankind as a whole is concerned would be their action as a subtle new form of biological poison that could lead to the extinction of nations through their action on the genetic material.

The reproductive cells and the developing early embryo can apparently be seriously damaged by ingested or inhaled quantities of Sr-90 some tens to hundreds of times smaller than those needed to produce leukemia or bone cancer in the mature adult. Thus the situation can arise whereby many cities and their existing populations might survive a nuclear war as a result of ABM systems combined with shelters, only to have the society come to an end as the infants born to the survivors die in their first year of life.

We find ourselves confronted with the utterly new situation in which, contrary to all our past thinking, even targets that are either not attacked, or are protected by an anti-ballistic missile system, can be destroyed if these "targets" are people. Dyson's point that "if you are sitting in a city which is not attacked, the defense has worked" therefore becomes specious: the population might indeed have been saved, only to see the end of the very society which they sought to preserve as the newborns die one by one before reaching maturity as a result of the inhaled and ingested radioactive fallout quickly distributed throughout the atmosphere.

It is therefore clear that in the light of the long-range worldwide biological effect of nuclear weapons, all past calculations as to casualties, "loss-exchange ratios" and chances of recovery from a major nuclear war in the presence or absence of anti-missile systems or shelters become utterly and completely meaningless. In fact, even the threat of a massive first strike by one major power against another loses all credibility when the resulting release of fission products into the world's atmosphere would be sufficient to insure that the children of the nation that launched this strike would die before reaching maturity.

And yet this is precisely what the existing data on infant mortality as a result of the very limited peace-time testing of nuclear weapons show: The U.S. infant mortality reached about twice the normally expected value by the time the test-ban came into effect in 1963, in a manner directly correlated with the amount of Strontium-90 in the milk and infant bone. This means that close to one out of 100 children born died before reaching age one as a result of the release of some 200 megatons' worth of fission energy or some 20 million curies of Strontium-90 in remote test-sites and at high altitudes above the atmosphere. Since a first strike, in order to have any chance at all of being effective, would have to involve some tens of thousands of megatons, detonated close to the ground, probably in the form of biologically more effective small multiple warheads carried by MIRVs (multiple independent re-entry vehicles), it is clear what the effect of such a massive release of long-lived fission products into the circulating air-currents of the atmosphere would be, regardless of where the bombs were aimed or where on the ground or above the atmosphere they would detonate.

And since ABM systems, whether effective or not, force an escalation of the number of offensive warheads, not to speak of the additional multimegaton warheads in the three-to-five antimissiles needed for each incoming warhead to achieve interception, the net result of their installation would be to seal the doom of mankind ever so much more firmly if the now unstabilized deterrent should ever fail.

The ethical and moral considerations that moved Dr. Dyson to opt for more defensive rather than offensive missiles must therefore be extended to the broader question: Does any nation have the right to destroy the lives of innocent children in countries throughout the world in a vain effort to insure the survival of its own particular ideology and way of life, by weapons that release an indiscriminately-acting, long-lasting biological poison into the world's atmosphere?

RESIST FREEZE IN BROADCAST LICENSES

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. CELLER. Mr. Speaker, I am greatly disturbed by pending legislative proposals which would seriously undercut the right of the people to be assured that the radio and television frequencies are licensed, and periodically relicensed, in the public interest. In a letter presumably addressed to all Members of the House I have been importuned by the broadcasting lobby to support a measure that would go far in turning the present 3-year license of broadcasters into a perpetual easement, with little or no chance of change.

This anticompetitive legislation is ill advised and should be rejected. It makes a mockery of the policy that the airways are licensed by the people and for the people and for prescribed periods only.

In order that the Members may appraise this issue I am placing in the RECORD a letter addressed to me by Mr. Theodore H. Walworth, Jr., vice president and general manager of WNBC–TV and my letter of reply.

The letter and my reply follow:

JUNE 11, 1969.

Hon. EMANUEL CELLER,
U.S. House of Representatives
Washington, D.C.

DEAR MR. CELLER: Presently pending before the House Committee on Interstate and Foreign Commerce are more than fifty bills entitled, "A Bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses." This is perhaps the most important piece of broadcast legislation to have been offered in many years, and one that vitally affects the entire broadcast industry, including broadcasters who serve your district. The need for legislation of this type is so urgent that I want to bring it to your attention.

As you perhaps know, radio and television broadcasters are licensed by the Federal Communications Commission to serve the public interest, convenience and necessity. Licenses are issued for a three-year period and are renewed at this interval, if, in the opinion of the Commission, the broadcaster has appropriately served the needs and interests of his local audience. Thus, every three years all licensees report to the Commission on their stewardship of their broadcast franchise.

Under present law, anyone may challenge, with a competing application, the renewal of a license, and the Commission has no choice in such cases but to schedule a full evidentiary hearing on the two competing applications. Such hearings may take as long as three years to complete and are costly and time consuming to all parties, including the Commission.

Not only does the present procedure cost hundreds of thousands of dollars to all concerned, including the Government, but many individuals and groups feel that recent Commission decisions have the effect of favoring new applicants over incumbent broadcasters in such competitive hearings. As a result, there has been a sharp increase in the filing of new applications at renewal time. The new applicants submit grandiose predictions of their proposed program service and attack the ownership structure of present broadcasters, especially when the incumbents are owners of other stations or have interests in other media. In weighing the respective applications, there is a real danger that the existing license holder's many years of pioneering and past broadcast performance may be disregarded in considering the relative proposals of both parties.

The bills that have been filed in the House of Representatives would, as at present, permit FCC review of the broadcaster's performance every three years at license renewal time to assure that he has continued to serve the public interest. But, one very important new provision is added to the present law. Under this proposal, new applicants would not be permitted to contest a renewal application until after the Commission had first made a determination that a renewal of the incumbent's license would not serve the public interest. In other words, a broadcaster's record of performance would be judged against his own promises and not against the blue-sky proposals of a newcomer. If the Commission found the record of the incumbent to be a good one, the license would be renewed and that would end the matter. On the other hand, if the Commission, after a hearing determined that the license should not be renewed, then it would accept applications from others for the frequency in question.

If the new Bill is enacted, licensees will avoid the harrassment and uncertainties which threaten to destroy the industry, but the interests of the public will continue to be protected. A copy of the language of a typical bill is attached for your convenience and review.

I urge you to consider filing or co-sponsoring a similar bill. I further urge you to request an early hearing and quick action on this proposal. It is vital to all radio and television stations serving your district, as well as throughout the country, that legislation of this kind be enacted as soon as possible.

Thank you for your thoughtful attention and consideration.

Sincerely,

THEODORE H. WALWORTH, Jr.

JUNE 24, 1969.

Mr. THEODORE H. WALWORTH, Jr.,
Vice President and General Manager,
WNBC–TV,
New York, N.Y.

DEAR MR. WALWORTH: This replies to your letter of June 11 requesting my support for legislation that would amend the present communications law by providing that new applicants for broadcast licenses would not be permitted to contest a renewal application until after the Federal Communications Commission had first made a determination that a renewal of the incumbent's license would not serve the public interest.

I must advise you that I oppose the point of view expressed in your letter and oppose enactment of the proposed legislation. It seems to me that the measure completely loses sight of the principle, engrafted in the Communications Act and basic to the juris-

diction of the FCC, that the radio and television waves—the frequencies—comprise a finite and precious national resource and are to be managed and licensed only for the benefit of the public and only in the public interest.

In this view, with which I doubt many would disagree, a frequency is licensed consistently with the public interest only when the best qualified broadcaster offering the best available programming is awarded the license. Anything less than the best available service is patently not in the public interest.

Your proposal to restrict new applicants to situations in which the Commission has already determined that renewal to the incumbent would not serve the public interest effectively prevents the Commission from ascertaining what the public interest requires. In other words, if the job being done by the incumbent is not so grossly inadequate in the Commission's view as to require that his petition for renewal be denied, then the Commission may never know and would be precluded from finding out whether a superior prospective licensee exists. The effect of such a rule requires little elaboration. Mediocrity would be firmly entrenched; potentially superior service would be ruled out. What is needed, in my opinion, is more rather than less competition for the privilege of providing radio and television programming to the public.

I am not unmindful of the possibility that irresponsible applications may be filed in bad faith by applicants who have neither the intention nor the ability to back up their promises. The cure for this is to devise rules by which such applications can be sifted out and rejected, not to freeze existing license relationships forever.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

JOE McCAFFREY, 25 YEARS AS A CORRESPONDENT ON CAPITOL HILL

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PRICE of Illinois. Mr. Speaker, this month marks the 25th anniversary of Joe McCaffrey's career as a press, radio, and television correspondent on Capitol Hill. One of the Capitol's favorite people, Joe McCaffrey effectively conveys his solid grasp of the essence and feel of Congress in his perceptive radio and television commentaries to the public.

It has been my great pleasure to have been able to follow Joe's quarter of a century work in covering congressional activities. I not only have enjoyed listening to his evening reports over radio and television through those years, but I have treasured the fact that through this long period I have had the opportunity to have the frequent association with him.

As a former newspaper reporter and as one who has been in Congress during the same period Joe McCaffrey has been on the Hill, I think I am qualified to judge his record. Joe approaches his work with an objective point of view, always stressing the necessity of accuracy in reporting the news he relays to his listeners. He has always been impartial and fairminded in his treatment of the news.

Joe McCaffrey has always respected the trust and confidence Capitol Hill has placed in him. He has always respected the obligations and responsibilities of being a reporter and commentator. He is proud of his profession and he has brought additional honors to it.

Joe McCaffrey would be a valuable man to our educational systems throughout the country in teaching students about the legislative process, its people and its institutions. No one is more expert in the field. I have always been impressed with his intimate working knowledge of Congress and his thorough understanding of the substantive issues involved—issues that he must know so well to properly serve the people who daily wait for his reports. No commentator recognizes more than Joe McCaffrey does, the heavy responsibility that falls on him in keeping the people informed through objective, unslanted reporting of the news.

I am proud to join Joe McCaffrey's legion of friends in saluting him on his 25 years of great reporting as a Washington correspondent.

CHIEF JUSTICE WARREN

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. TUNNEY. Mr. Speaker, few men, robed with such high office, have shown the common touch, the spark of simple humanity, which marked the tenure of Earl Warren as Chief Justice of the United States. Not since John Marshall has there been a Chief Justice who has made such an important contribution to the development of constitutional law. His 16 years on the High Court spanned a difficult time in our history. From the very start he met difficult questions squarely, with the decision on school desegregation in Brown v. Board of Education. His overriding concern for equal rights was reexpressed, again and again in decisions on voting, legislative reapportionment and criminal due process. Always motivated by a strong belief in the sacred value of the individual, he consistently showed a responsiveness to the needs of our changing society, with a courage, integrity and humility, a warmth and gentleness and a wisdom that commands our respect. He was not a doctrinaire or arbitrary man. He bore the weight of bitter criticism silently and with dignity. At the end there were even some who accused him of being antagonistic to the great traditions which he himself helped to establish. He always remained above such partisan controversy, and ruled as he felt commonsense and justice dictated whether the result would please the liberal or the conservative faction. His departure brings the loss to the Supreme Court of a great statesman. Although he leaves public life, may his wisdom continue to guide us.

HOUSE OF REPRESENTATIVES—*Thursday, June 26, 1969*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

But we have this treasure in earthen vessels, to show that the transcendent power belongs to God and not to us.—II Corinthians 4: 7.

O God of everywhere and always, be unto us the God of here and now. We are grateful for our Nation and the people of our Nation, treasures in earthen vessels. Realizing that Thy presence and will are made known through men, let us not forget that we should be instruments of Thy purpose and that as a people we find our meaning in Thee. Help us especially to be instruments of Thy peace.

So guide us by Thy spirit that we may perceive in the events of our day Thy presence and Thy transcendent power. In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MEDICARE COVERAGE

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I am filing legislation today which authorizes the Secretary of Health, Education, and Welfare to enter into agreement with a State to provide coverage under the hospital insurance program for the aged—popularly known as medicare—for annuitants of teacher retirement systems, and other public employee retirement systems. The bill permits States to take the initiative in negotiating with the Secretary for Health, Education, and Welfare for coverage of such employees, and it provides that States entering into such agreements shall reimburse the Federal hospital insurance trust fund for payments made to annuitants under such agreements and for the administrative expenses incurred by the Department of Health, Education, and Welfare in carrying out such agreements.

The bill requires no appropriation—neither at present nor in the future. The bill explicitly authorizes the Secretary to terminate any agreement once he ascertains that a State has failed to provide for full compliance with the agreement. Thus it will be up to the States to pay the cost of the program. It will not cost the Federal hospital insurance trust fund a cent. A State which elects to participate will reimburse the social security medicare trust fund for all benefits paid out plus all administrative expenses. My own State of Connecticut, for example, has already passed such a law and now only awaits congressional authorization

so that its public employees and public school teachers can get the benefit of participation in the Federal medicare program but at no expense to the Federal medicare trust fund. Favorable congressional action, therefore, will serve to cut redtape, strengthen the social security system, and bring the benefits of medicare to an important portion of our population. Nothing could be fairer or more progressive than that.

Public school teachers in 12 States are presently covered by teacher retirement funds which are excellent in every respect except that they exclude the teachers from medicare hospital insurance. The 12 States are California, Colorado, Connecticut, Florida, Illinois, Louisiana, Maine, Massachusetts, Missouri, Nevada, Rhode Island, and Texas. The number of public school teachers involved nationwide is approximately 750,000. The number of public school teachers involved in Connecticut is 34,221. This will allow the States to bring these teachers under the protection of medicare.

A large number of State and local government employees are also excluded from the medicare program by virtue of their membership in public employee retirement systems rather than the social security system. Under this bill the States and localities will be able to make sure that all persons under a State or local government retirement system and their qualified dependents will have hospital insurance protection by purchasing this protection on a coverage group basis.

I introduced legislation of this nature in 1967. This revised bill includes even tighter provisions against the possibility of any State defaulting. I urge the passage of this amendment to our social security system. The Nation's public school teachers and the public employees of State and local governments have every right to enjoy the benefits and the security of medicare hospital insurance protection. The States will be able under this legislation to purchase this protection. Congress should endorse this reasonable, just, and progressive measure.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time for the purpose of announcing an addition to the program for tomorrow.

Mr. Speaker, the gentleman from Texas (Mr. PATMAN) has advised that he will file a report on the bill extending the Export Control Act today, and plans to bring it up under unanimous consent tomorrow.

OMNIBUS CIVIL RIGHTS ACT OF 1969

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the task of securing fundamental civil rights for all American citizens has not been fully met. Programs initiated over the past 15 years now require new strength, expanded application, and full funding. We must complete the work we started.

We have built solid foundations with the 1964 Civil Rights Act and the 1965 Voting Rights Act which even now are jeopardized because of the twin threats of nonrenewal and nonenforcement. These were only beginnings. Upon such foundations were to be constructed more comprehensive and broader programs guaranteeing full civil, legal, and human rights for each American. President Johnson in 1966 offered a far-reaching program to secure fair housing practices, Federal and State jury reform, protection from violence for persons exercising their civil rights, prohibition of segregation in schools and public facilities, and extension of the Civil Rights Commission. Despite House support, the Senate failed to secure passage.

Again in the 90th Congress, an attempt was made to enact this vital program, but a threat of extended debate was too great. Results were disastrous. The Civil Rights Commission was weakened and funds restricted. The only meaningful legislation enacted was a watered-down Fair Housing Act, and an act protecting from violence those exercising civil rights.

A strong Civil Right Commission is a prerequisite for effective enforcement of our civil rights. Strict enforcement procedures and expansion of the Equal Employment Opportunities Commission are essential to fair employment practices. Need for nondiscriminatory procedures in jury selection is as vital for fair trials as a competent judge.

Mr. Speaker, I am introducing the Omnibus Civil Rights Act of 1969, companion to that introduced in the other body by Senator HART. This act would provide improved machinery for selection of juries, promote equal employment opportunities by providing enforcement powers for the EEOC, authorize appropriations for the Civil Rights Commission, and extend the Voting Rights Act concerning discriminatory use of tests and devices.

The act contains five titles with the following provisions. Title I provides the same guarantee under law to litigants of State courts that those of Federal courts receive. It guarantees that juries be selected without discrimination as to race, color, creed, sex, national origin, or economic status. The jury must be selected from a true cross section of the communities' population.

Title II provides the Equal Employment Opportunity Commission with authority to issue cease-and-desist orders judicially. This is authority enjoyed by most governmental agencies in order to enforce their findings. It would give to the Commission adequate enforcement authority to carry out its enormous assigned tasks of insuring nondiscriminatory employment practices.

Title III would authorize funds for the Commission on Civil Rights, which was created by the 1957 Civil Rights Act. Restrictions were recently placed upon the Commission, greatly curbing possibilities for further effective activity. This title would remove restrictions permitting full funding.

Title IV would extend for 10 years the Voting Rights Act of 1965. Under the present act, it will terminate in 1970, allowing restoration of restrictive local voting practices greatly reducing the number of persons who could actually vote. Many previously suppressed groups of people have finally been given an opportunity to elect truly representative people to public office. We cannot now turn against them by failing to act on this extension.

Title V provides that if any part of this act be determined by the courts to be invalid, the other parts would remain in effect.

Mr. Speaker, the low regard some national protectors of civil rights have for those same civil rights is becoming increasingly evident. Just recently it was reported that the Justice Department favors abandonment of the enforcement machinery of the Voting Rights Act. This act has doubled Negro voter participation in the South. Weakening it in this manner would eliminate the Federal Government's power to send voting examiners to voting trouble spots around the country.

We cannot afford to remove this Federal authority. This Congress was elected under an expanded franchise the Voting Rights Act provided to all our constituents. New ground has been broken. Old evils have been attacked. Should we now restrict voters from access to their right to express themselves democratically?

Our responsibility to support and strengthen the civil rights of all our constituents is clear.

DESEGREGATION GUIDELINES

(Mr. CLAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CLAY. Mr. Speaker, it is my understanding that this administration will announce in the near future its intent to slow down the integration of schools across the Nation. Reports are that desegregation guidelines by which school systems have been guided toward equal educational opportunity for all children are to be altered. In fact, desegregation guidelines are to be "weakened," according to the terminology of most reports reaching me. I am deeply disturbed by this turn in events.

Mr. Speaker, it should be pointed out to the Secretary of Health, Education, and Welfare, to the Attorney General of the United States—and, indeed, to the President of this country—that the Supreme Court ruled in 1954, some 15 years ago, that the racially segregated dual school system is unconstitutional. Almost 5 years ago, Congress enacted the Civil Rights Act of 1964 with title VI prohibiting discrimination on the basis of race, color, or national origin. And only this year, the Office for Civil Rights in

the Department of Health, Education, and Welfare reported that the desegregation figure in the 11 Southern States has reached just over 20 percent. In the school districts desegregating under title VI, the figure was about 25 percent.

Based on these statistics, there is no reason for this administration's move to slow down the effort. The progress of desegregation even under firm and strong guidelines has achieved only 20 percent to 25 percent completion in almost 15 years. Surely, this administration can see that desegregation of the schools is moving slowly—not speedily. They do, apparently, believe that it is moving faster than political promises to the South allow.

Recent weeks and months have brought a continuous flow of evidence that black people have reason to fear for the very fundamental rights to jobs and education guaranteed, reiterated, and pursued by past Presidents in the 1960's. Others share my concern.

Yesterday, I joined my black colleagues in the House of Representatives in a letter to President Nixon protesting any interference with the strong pursuit of desegregated schools. I insert it at this point in my remarks so that other interested Members of this body may be apprised of our views:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1969.

HON. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Reports that the school desegregation guidelines are to be weakened disturb us greatly. A generation of black children has suffered segregation and unequal education in southern schools since the Supreme Court decided Brown vs. Board of Education.

There are black people on the farms of the South, in hamlets, and in towns, who believe in their Federal government. On the basis of that faith and their desires to see their children educated, black fathers and mothers have braved vicious attacks of retaliation for choosing to send their children to so-called "white" schools.

Any departure from the present school desegregation guidelines, any weakening of the Federal intent to see an end to segregated schools this September—will be a betrayal of these black people. Any weakening of guidelines would reward white school officials and politicians who have resisted the law of the land.

Mr. President, you have been sworn to uphold the Constitution. The Constitution clearly requires an immediate end to segregated schools. If the leader of this Nation compromises the law and sells the birthright of black children for political considerations, what example of lawfulness will have been set for the people?

To abandon your responsibilities to carry out simple demands of the Constitution will be the clearest possible sign that there is little hope for lawful change. Your promises will be worthless rhetoric coming from a President who refused to protect the basic right to equal education.

Sincerely,

WILLIAM L. CLAY,
JOHN CONYERS,
AUGUSTUS F. HAWKINS,
ADAM C. POWELL,
SHIRLEY CHISHOLM,
ROBERT N. C. NIX,
CHARLES C. DIGGS,
LOUIS STOKES,
Members of Congress.

FREEDOM FOR RADIO AND TV

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, the broadcasting industry, both TV and radio, are in constant danger of being overregulated. There is a tendency here in Washington to harass, pry into, and snoop on the activities of this great industry. Time and again proposals are made which are reminiscent of the totalitarian, socialistic regimes of other countries.

I firmly believe that the future of our country depends upon freedom of speech and freedom to program and the right to editorialize, as manifested by our broadcasting industry. This is as basic, elemental, and fundamental to our freedom as the first amendment to the Constitution. The broadcasting industry is performing unsurpassed public service. Editorial programs, cultural programs, news and weather broadcasts are a great public service to our people. The broadcasting business in America today requires great capital, planning, investment, and risk. Competition is keen. This year many stations will be up for renewal of their licenses before the Federal Communications Commission.

Mr. Speaker, today I am introducing legislation which would amend section 309(a) of the Communications Act of 1934 that the Commission, in acting upon any application for renewal of license filed under section 308, may not consider the application of any other person for the facilities for which renewal is sought. If the Commission finds that the public interest, convenience, and necessity would be served thereby, it shall grant the renewal application. If the Commission determines after hearing that a grant of the application of a renewal applicant would not be in the public interest, convenience, and necessity, it may deny such application, and applications for construction permits by other parties may then be accepted, pursuant to section 308, for the broadcast service previously licensed to the renewal applicant whose renewal was denied.

I hope the Committee on Interstate and Foreign Commerce will favorably report this bill at an early date. The broadcasting industry needs assurance now that for responsible service rendered, they may continue to operate and serve our people.

NATIONAL COMMISSION ON PESTICIDES

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I am today introducing a bill to establish a National Commission on Pesticides.

There has been increasing concern of late about the potential damage to fish and wildlife, and even to human beings, of residually persistent agents in pesticides.

In California, the State department of agriculture has just announced that starting January 1, 1970, the use of DDT and DDD will be sharply curtailed, because of their potential hazards. Scientists had reported that because of the persistence of chlorinated hydrocarbons, such as DDT, residues were accumulating in the bodies of birds along the California coast, apparently threatening their existence.

Recently, too, the Food and Drug Administration confiscated coho salmon in Lake Michigan because of increased concentrations of DDT; under the guideline established by the FDA, if residues of DDT of more than five parts per million are found in fish, they will not be allowed to be marketed in interstate commerce. In the fish confiscated, residues ranged from 13 to 19 parts per million.

The State legislatures in Michigan and Arizona have banned the use of DDT, and investigations have just been conducted in Wisconsin with a view to similar action; a moratorium on its use has been put in effect in Sweden and in Hungary.

My review of these actions convinces me that it is urgent that we understand as fully as possible what hazards—to fish, wildlife, and man—are involved in the use of all pesticides.

But I want to stress, too, that it is important for us to keep in mind the great benefits we have reaped from the use of pesticides—and especially from the use of DDT.

Pests which for centuries have plagued mankind, carriers of the lethal diseases of malaria, yellow fever, typhus fever, plague, and many other scourges have been eradicated, to the relief of millions of persons throughout the world. Animals, wild and domestic, have been freed of parasitic insects, too.

So it is well that in our review of the benefits and hazards of pesticides—to man, to birds, to animals, and to our environment—we secure all the facts, that they be carefully analyzed, that we weigh potential dangers and possible benefits, and that the use of pesticides be prudently regulated to protect the public health and safety.

My bill also provides for research that will help us modify and perfect our fight against harmful pests, enabling us to be increasingly selective as we fight damage to crops and seek to eradicate disease-bearing insects.

Mr. Speaker, my bill is a companion to that introduced in the other body by Senator NELSON, who has for many years counseled more careful monitoring of our entire pesticide program. I hope that it will be the pleasure of the House to give the measure its careful review and approval.

ENFORCING THE RULES OF THE HOUSE OF REPRESENTATIVES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues title 2, United States Code, section 39, which provides that the Sergeant at Arms of the House shall "deduct from the monthly payments of each Member or delegate the amount of his salary for each day he has been absent

from the House unless such Member assigns as the reason for such absence the sickness of himself or of some member of his family."

This provision also is to be found as a part of rule VIII, section 656, of the Rules of the House of Representatives.

At this point it should be noted that excuses for absence are distinguishable from leave of absence.

This provision of law actually has been enforced in the past. In the second session of the 63d Congress, the House agreed to a resolution directing the Sergeant at Arms to notify absent Members that their presence was required and directing him to enforce title 2, United States Code, section 39. The Speaker held that the Sergeant at Arms was required to carry out the statute and he, the Speaker, could issue no instructions to the Sergeant at Arms in respect thereto.

In this instance funds had already been withheld from Members' salaries, and reimbursement to Members whose salaries had been docked was denied.

It is common knowledge in the case of Representative ADAM CLAYTON POWELL, of New York, that he has absented himself from the 91st Congress for a long period of time. Records of the House indicate that he has not requested a leave of absence or offered any type of excuse during the session of Congress.

He was duly sworn into the 91st Congress on or about January 3, 1969, and has received salary payments each month since that time. He has, however, had certain sums deducted each month by the Sergeant at Arms to pay a monetary penalty previously decreed by the House.

It is my opinion that, based upon the statute and the rules of the House of Representatives, Mr. POWELL is not entitled to receive salary payments until he complies with the applicable statutes and rules of the House.

I am, therefore, this day by letter to the Sergeant at Arms requesting that he comply with the law by refusing to pay the salary of Mr. POWELL pending Mr. POWELL'S compliance with the law.

There may be other Members of the House who are not complying and do not comply with this rule and statute. Compliance, of course, should be required of all Members.

THE LATE HONORABLE WILLIAM HENRY BATES

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, on this, the day of his funeral, I join all of the colleagues of Representative William Henry Bates, of Massachusetts, and his host of friends in expressing sorrow at the untimely death of our friend. He was a man of intelligence and learning and compassion, a man of great loyalties to his friends, his constituents and his country, a man upon whom to depend—in short, a fine friend and a fine Representative. We are all richer for knowing him and for his service in the House of Representatives, and we are all poorer for his untimely leaving this life.

We shall all miss him.

VIETNAM

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I want to address myself today to the President's news conference last week in which he was questioned by reporters about statements made by former Secretary of Defense Clark Clifford relative to phasing out troops from Vietnam.

Since that news conference, many people have suggested that President Nixon misread Mr. Clifford's real intent. While none of us has any way of knowing whether or not this is the case, I am compelled to suggest that, in my judgment, the real point here has been apparently lost by what appears to be an attempt by some people to try to "drive a wedge" between the President and others who, in all good faith, are attempting to advance helpful and responsible suggestions on resolving the conflict in Vietnam.

In all candor, I doubt that either Mr. Clifford or President Nixon was knowingly attacking the other, nor can I accept that this was their intent. The fact is—the point should be stressed at this critical jucture in our Nation's history—that both of these men, in analyzing the situation over the years, have arrived at the same basic alternative solution for resolving America's overinvolvement in the war in Vietnam.

Therefore, I believe the President and Mr. Clifford are on the same wavelength in their thinking, and that even the question of how many troops can and should be withdrawn and the so-called timetable for phasing out is a moot point, in light of the fact that both men are in complete agreement on the question of phasing out. The real question is the method of implementation of the concept.

I submit, therefore, that this so-called controversy in many ways is parallel to and indicative of the dissention that has been generated in this country over the past few years on the question of the Vietnam war. And I deeply regret that, now that a program has been set in motion to bring about a solution, some still see fit to look for loopholes.

Who will disagree that both President Nixon and Mr. Clifford are doing the very best they can under the extreme pressures that surround each of them. Mr. Clifford, in the final months of his tenure as Secretary of Defense, had the foresight and courage to advance his thinking on the need to reduce the size and burden of the American commitment in Vietnam. President Nixon recognized and advanced the basic "phase-in/phase-out" concept before the Republican platform committee in Miami last year—before he was elected to the Presidency.

As most of the Members know, I have advocated, presented, and discussed this concept with both of these gentlemen during the past 3 years.

In the final analysis, neither man was compelled or boxed in to accept this alternative to the Vietnam stalemate that both inherited, and I believe the time is long overdue when men in responsible positions of leadership be supported and encouraged when they agree—especially when those two men represent different administrations and different political parties.

Quite frankly, I welcome the constructive suggestions and recommendations of former Secretary Clifford or any other responsible person who is motivated by a genuine desire to make a contribution toward resolving the Vietnam war. And, in this regard, it seems worth recalling that President Nixon said exactly the same thing in responding to questions relative to Secretary Clifford's comments.

Today, a divided and war-weary America stands at the crossroads.

We can either continue this incessant bickering over details or—we can join together, as a nation, and give our leaders and those in a position to advise them, the opportunity they must have to get this country back on the track again.

Surely, there is much to be gained from joining hands and joining forces at this particular point in time—such things as an end to the killing in Vietnam, the future well-being of our Nation, and peace in the world.

CAREER POSTAL EMPLOYEES PASSED OVER

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, top officials of the Post Office Department, including Postmaster General Blount, during the past 5 months have frequently praised career postal employees as highly competent, able, and dedicated public servants.

Spoken and written commendations are all well and good, but now comes the Department hierarchy with a disappointing vote of no confidence in our more than 700,000 career postal employees.

I refer to the announcement on Tuesday, June 24, of the appointment of the regional directors for the Post Office Department. Of the 15 appointees, I was shocked to learn that only three have had any postal experience, and even those three cannot be considered in the strict classification as career postal employees.

If, as we have been led to believe, the postal service is composed of competent, experienced, and dedicated Government employees, it defies the imagination that the Postmaster General would look outside the postal service for most of his 15 regional directors.

I have firsthand knowledge of the high caliber, experience, and dedication of many of the postal workers in Iowa, and I am particularly disturbed by the fact that the Postmaster General's appointee as director of the St. Louis regional office, which includes the State of Iowa, comes not from the postal service and has no practical experience related to the postal service. He is Harold S. Wagner, who is described as a former senior vice president of the Grocery Products Division of the Pet Milk Co.

It is significant to note that Wagner comes from Missouri, which is the State from which Postmaster General Blount

selected his Washington, D.C., director of regional administration. Can this be a use of the old "buddy system" or cronyism in building the hierarchy of the Post Office Department?

Under the criteria set up by the Postmaster General, I suppose it would be unfair to even suggest that there was a single experienced postal official in Iowa capable of serving as regional director.

Mr. Speaker, the selections just made should lay at rest for all time the professions of those who sponsor a corporate operation of the Post Office Department that it will rely heavily for its operation on able, dedicated, and experienced career postal employees.

THE CAPITOL STEPS

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, yesterday's RECORD contains the opinion of General Sessions Chief Judge Harold Greene upholding the right of peaceful demonstration on the Capitol Grounds. Parenthetically, I know Judge Greene as a friend, lawyer, and distinguished jurist. Perhaps his conclusion was inescapable given the current apparently inadequate administrative guidelines. Certainly the opinion is written with that felicity of expression which one associates with the loftiest sentiments of higher courts—courts which I hope would not follow it in every respect.

Passing the question whether current rules require clarification or amendment, and I think they do, or whether some area within the Capitol Grounds might prove convenient for the stated purpose, this case was decided with reference to the Capitol steps, and we are dutybound to question whether the steps themselves or other areas contiguous to the Capitol entrances are an appropriate locus—permanent or temporary—for the ad hoc expression of political views by any citizen or group of citizens.

The question must be considered with due sensitivity to the right to assemble, speak, and petition. As the body which must be most responsive to the exercise of this right and whose deliberations stand most to be affected by the described activities, we would hope our collective judgment in the matter might merit some consideration in the court of public opinion as well as any other courts that might be called upon to weigh the issues involved.

The Greene opinion would make the orderliness of the participants the only test of permissibility. Reading it and the supporting comments of some Members leads me to believe the definition of "orderliness" in the instant case is infused with a certain implicit acknowledgement, if not admiration, for the bona fides and traditions of the Quaker sect. We must recognize, however, that this decision, were it to become permanently controlling, would give access to the Capitol steps for the purpose of reading the names of our Vietnam dead—as well as for any other peaceful reading—to groups which do not enjoy such wide sympathy. The American Nazi Party might wish to assemble and quietly read the same names to point up their contribution to the struggle against communism, or post a few sentries to stand permanent vigil on the steps just to remind us of their general program for America. With respect to the Quaker protest, counterreadings of this kind could be expected from such dedicated and widely supported groups as the American Legion and VFW, to say nothing of large numbers of parents themselves who may organize to object to the reading of names of sons who they may feel died believing in their cause, yet who must silently acquiesce to this negative interpretation of their sacrifice.

One sees also that the cumulative "orderliness" of thousands must perforce become in itself disorderly. If we are forced to accept the Capitol steps as a forum for peaceful protest, we can be sure none other will do. A protest will not be a protest until it has been recorded on those steps. The doorsteps of the Capitol will be a mecca for the malcontent. We would need to appoint a protest registrar to assign, in a highly competitive atmosphere, numbers, dates, and times. His regulations would win no greater acceptance than those of any other bureaucracy. Protest groups and individuals dissatisfied with their treatment, and deeming their administrative remedies exhausted, would tend to refer questions of justice in implementation to the same courts which approved the justice of the principle. For this reason, among others, one would hope the judicial branch would find it possible to forbear from interfering with reasonable housekeeping regulations of the legislative branch which relate to the control of those particular public properties the daily exploitation of which cannot fail to disturb its deliberations to an unnecessary degree. I say "unnecessary" because we must acknowledge a wide variety of irritants to be necessary and useful stimulants to a healthy and responsive legislative process. We are surrounded by them already.

It is argued that assembling on the Capitol steps is a way to get the attention of Congress. Indeed it is. But is it an essential way? The Quaker point of view, for example, could easily gain congressional attention by suitably large formations on the Mall or other nearby areas. Indeed, it seems the "attention gap" is continuously closed by citizen mail and media alike, as well as frequent personal observation of the Nation's ills. Newspapers, radio, and television have certainly brought to the attention of every Congressman the cries and agonies of a divided and disturbed Nation and a troubled world. Our mail is full of it. Visitors to our offices carry the message. A logical extension of the "attention" argument, given the awkward option of circumventing the Capitol steps, would be to permit peaceful representations in the gallery and corridors, to guarantee the attention of Congress.

One thing is clear, the Capitol steps offer a convenient locus for the participation of sympathetic Members of Congress in the protest of the day. But no one argues the need to so accommodate protesting Congressmen. Presumably, this Hall is a suitable place for that. I cannot conceive that daily rump sessions on the steps contribute as much to the substance of the legislative process as they cost it in appearance.

Admittedly, there is no perfect solitude for the orderly work of Congress itself. It is an imperfect atmosphere—made so in part by the mere friendly interruption of curious citizens from all over the country. To deny access to the visitor and tourist would be too high a price to pay for normal working conditions. But to reject even the most orderly of frankly political behavior would not seem to be. In addition, to require the Nation's people, especially the young, who come in thousands, to run a daily gauntlet of silent or murmured protest, is to distort their understanding, I should think, of the processes by which Congress meets, and ought to meet, its responsibility to the 200 million citizens who could not be here, but who entrust their hopes to us.

A Hyde Park-type area within reach of interested Congressmen and public media might answer the purpose. Reasonable and understandable regulations are a necessity. But the management of the Capitol Grounds, at least where such management is not arbitrary or capricious given the overall responsibility of Congress, would be better left, I believe, to House rules subject to modification from time to time by the membership, rather than the dictates of any other branch of Government.

THE NEW YORK DAILY NEWS—TITAN OF THE TABLOIDS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, in the highly competitive field of American journalism, one newspaper leads the pack—in circulation, in eye-catching makeup and photography, in the development of breezy, informative, terse stories, in rousing editorials and exclusives and in public service. That newspaper is the titan of the tabloids, the New York Daily News, which today—June 26—is celebrating its 50th anniversary. It has the largest circulation of any newspaper in America—2,092,142 daily and 3,176,962 Sunday—and uses more than 350,000 tons of newsprint annually. Among hundreds of other awards, it has won Pulitzer Prizes for editorial writing, editorial cartoon, distinguished international reporting, and news photography. It has an information and travel bureau which answers 1,288,000 questions every year and a reference library with 7 million newspaper clippings, 3,500,000 photographs, 700,000 negatives, and microfilms of every edition going all the way back to the first in 1919. The News makes history, as well as records it.

Mr. Speaker, under leave to extend my remarks in the RECORD, it is indeed an honor to pay tribute to New York's picture newspaper on its golden anniversary by including Warren Hall's sprightly and informative history of the News:

WOULD IT LAST? YOU BET IT DID—50 YEARS AGO, WHEN THE NEWS WAS BORN, THE ODDS WERE STRONGLY AGAINST ITS SURVIVAL

(By Warren Hall)

There were a lot of good bets you could make in New York in 1919. You could bet

that prohibition wasn't going to stop you from getting a drink. You could bet prices were about to soar; some places were already charging 20 cents for a hamburger. You could bet stocks were going up; the Dow Jones averages had hit a new high.

But for the sure-thing bettor, the guy who was willing to lay odds that Monday was the day after Sunday, there was a real jimdandy. Five would get you fifty or a hundred or even more that the Illustrated Daily News, that funny-looking sheet that first appeared on June 26, wouldn't even last out the year.

Why should it? Seventeen English-language papers were being published in New York and every one of them looked a lot more like a newspaper than that silly little thing with 16 pages, each of them only 14 inches deep and four columns wide. "Illustrated" ought to mean something, but the first page of the first edition, for heaven's sake, was a picture of the Prince of Wales on a horse with a lot of fancy old-fashioned curlicues around it. And news? Hardly enough to last one stop on a subway. Mostly features like "Our Daily Pattern," "How to Keep Well," "Real Love Stories" and "Bright Sayings of Children." Call that a newspaper?

But there was more than that going against it. The masthead on page 5 said the publishers were R. R. McCormick and J. M. Patterson, who were easily identifiable as grandsons of the founder of the Chicago Tribune, playboy types, probably; the general manager was William H. Field, who had been business manager of the Chicago Tribune; the business manager was George Utassy, an old Hearst man; and the managing editor was Arthur L. Clarke.

Utassy and Clarke were the only ones who knew anything about New York; the rest of the staff were either casual pick-ups or had been drafted from the Tribune. And the word was that McCormick was interested only in the Tribune while the New York baby was being run—by remote control from Chicago—by Patterson.

Last the year out? Another couple of bucks, Spike, and you can make it Thanksgiving.

But even sure-thing bets can go wrong. As anybody who wants to look at a calendar or count on his fingers can easily determine, the News this year is celebrating its fiftieth birthday. It was a close thing, though, for a while. The first day's 150,000 copies were grabbed up quickly but interest soon lagged and there was one black day in August when only about 11,000 were sold.

Even Max Annenberg, the big-shot circulation manager from the Chicago Tribune, who had insisted on starting the paper off with a beauty contest (first prize, $10,000) and had spent $42,000 advertising it, was ready to give up. "Boss, we're licked," he told the general manager. "We better pick up the marbles and go home." But the paper held on. And then came the limerick contest.

It was a simple thing. Four lines of a limerick were published each day and $100 was offered for the best fifth line to be supplied by a reader. The excitement it engendered was unbelievable. The first limerick brought 10,497 entries. People at parties would produce a News and the rest of the evening would be spent composing last lines. It was fun, and a lot of people got acquainted with the News that way. And most of them liked what they saw.

Presumably conceived during a wartime meeting in France between Patterson and McCormick, both Army officers, the News (the "Illustrated" was abandoned after a few months) started on the raggediest type of shoestring. Office space was rented from another newspaper, the Evening Mail, at 25 City Hall Pl. for $166.67 a month with an arrangement to use the Mail's composing room and press room after that paper had finished its own operations for the day. It was an almost impossible situation and general manager Field began to look for some other arrangement. "Don't worry," Patterson said, "if we reach 100,000 by the end of the year, we'll find our own place." Thanks mainly to the limerick contest, that goal was reached.

Advertising was so scarce, however, that one prized early ad was shifted by a Mail compositor to his own paper because he was sure the News didn't bother with such stuff.

The quarters into which the News finally moved in April, 1921—after 11 months of alterations—was almost a travesty. It had a frontage of 58 feet at 25 Park Place, ran through 128 feet to Murray St., was five stories high and about 40 years old. Basement and sub-basement had to be entirely rebuilt to accommodate the weight of the presses and most of the rest of the structure had to be drastically improved. And yet 25 Park Place was woefully inadequate by the time the building was occupied. Nobody could have foreseen the amazingly rapid strides taken by the newcomer. To be brief, in its fourth year the News attained the largest daily circulation of any newspaper in the country; by the seventh year the largest Sunday. For many years it has had more than twice the daily circulation of any U.S. paper.

The Sunday News was started two weeks after moving into Park Place and had 250,000 circulation in a month. The Evening Mail presses were still used for a time and by 1925 the Evening Telegram's presses had to be rented on nights when the press run was extra heavy. There had never been anything like it before and, the communications industry being what it is today, there probably never will be again.

Even though the News seemed to be, after a few changes, just what New Yorkers wanted, there were other fortunate factors. In other cities new papers were hotly fought by their rivals but the funny little newcomer to New York was blandly ignored at first. In fact, it was welcomed to the newspaper truck delivery system only because it shared the expense (until it developed its own delivery system, which was much more efficacious).

(For a time there seemed to be an unusual number of false fire alarms on Murray St. about the time the trucks were starting out with News deliveries but if they were efforts to hold up distribution of the paper they were too little and too late.)

Let no one get the idea that making the News what it is today was any kind of a lead-pipe cinch. The struggle to convince advertisers to use "The Stenographers' Gazette" was colossal and seemingly interminable. Paper supply was a constant problem—would there be enough rolls for the next week? Development of a staff that could turn out breezy, informative, terse stories was a city editor's nightmare. And then there was the problem of pictures.

A half dozen photographers were hired but they had to work with awkward equipment and in inadequate darkrooms. Events of importance were happening all over the world but getting pictures of them to New York seemingly took forever. For a while the News and the Chicago Tribune ran their own picture agency, Pacific and Atlantic photos, with men stationed in many parts of the globe and their deeds of derring-do to outrace rivals made the pony express resemble a canter through the park.

The News helped develop two methods of "telegraphing" pictures and then the Associated Press came along with its remarkably clear wirephotos which the News had exclusively in New York for five years.

Meanwhile, gradually, the paper was developing its own Pulitizer-prize winning photographic staff, now numbering half a hundred, who collect awards unceasingly and probably, as a group, are without rivals. At the same time the News was pioneering in color pictures for gravure reproduction.

J. M. Patterson, who really did control the paper from Chicago for a while, moved to New York in the mid-20s and guided its destinies with a sureness that many rival publishers haven't hesitated to call genius. The editorials he created by mental osmosis or thought transference were read even by those who turned first to the comic strips, most of which he also originated. He died in 1946.

So, when the News moved in 1930 to its big new building at 220 E. 42nd St., the paper was a unique editorial edifice so impressive in achievement that it matched its new home as an architectural masterpiece.

One lesson the sure-thing bettor must have learned after half a century—sometimes dark horses can sprout wings.

FIRSTS AND OTHER FACTS EXCLUSIVE TO THE NEWS

The News was the first New York City newspaper to grant editorial and commercial employes a five-day, 35-hour work week.

The first to give its employees a non-contributory pension and welfare plan.

The first to start a company blood bank in cooperation with the Red Cross.

Pioneered and perfected the Specta-Color process which permits inclusion of pre-printed, four-color gravure inserts in the daily paper. (Our front and back pages on the Apollo 10 moon mission last month were examples.)

Started "A Friend in Need" department, now in its 50th year of service to New Yorkers.

Devised the split-run technique of production ("your ad in every other copy").

Has America's largest circulation—Daily 2,092,143 and Sunday 3,176,962 (latest annual averages).

Among hundreds of other awards, has won Pulitzer Prizes for editorial writing, editorial cartoon, distinguished international reporting, and news photography (in 1956, the first time the honor went to a newspaper's entire staff instead of a single cameraman.)

Uses more than 350,000 tons of newsprint annually. (Two huge newsprint mills at Baie Comeau, Canada, are owned by the Chicago Tribune-New York News Syndicate Inc.)

Has an information and Travel Bureau which answers 1,288,000 questions every year.

Has a reference library with 7,000,000 newspaper clippings, 3,500,000 photographs, 700,000 negatives, and microfilms of every edition of The News going all the way back to the first, June 26, 1919.

Has a fleet of 11 radio cars to speed reporters and photographers to the scene of stories. Owns and operates two airplanes for photos.

With a view toward further expansion, has acquired a 23-acre site zoned for industrial development in Long Island City, Queens.

GRAND OPENING—NEW PIER 21

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, on June 25, 1969, the Pouch Terminal, Clifton, Staten Island, N.Y., opened a new pier No. 21 which was the first new pier facility in the Port of New York opened by a private operator in my memory.

The pier structure is 830 feet long and 160 feet wide with a 131,750-square-foot area. It contains the most modern equipment, including 30-foot-wide stringpieces for handling containers as well as palletized and general cargo. The shed itself features loading platforms, truck levelers, automatic door and sprinkler systems, powered ventilation and many more new features. The pier also features a heliport which is located at the sea end. It is the only steamship pier in the Port of New York with a heliport.

The piers at this terminal are the closest in the port to the sea, and are virtually on the deep water channel. Cargo vessels are afforded the shortest possible

turnaround time. With the Verrazano-Narrows Bridge, the longest of its kind in the world, and the Clove Lakes Expressway, the terminal is easily accessible to all major highways and expressways.

In my remarks at the opening I complimented the Staten Island International Longshoremen's Association for their great productivity rate which is the highest in the port, and which also has a minimum of work stoppages—a clear understanding that good labor-management relations are necessary for success in business.

My congratulations to Mr. A. T. Pouch, Jr., president of Pouch Terminal; the Pittston Stevedoring Corp.; and the Barber Steamship Lines whose action today will insure the continuance of Staten Island as a necessary and expanding part of the port facilities in New York.

THE FEDERAL ROLE IN AIR RIGHTS HOUSING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, one of the major obstacles to the construction of low- and moderate-income housing in our central cities is the excessively high cost of land. One new tool which we in New York City have been experimenting with for the last several years to overcome this obstacle is the use of air space over public buildings for low- and moderate-income housing.

I personally have been involved in the fight for air rights housing since 1963, when the Post Office Department announced its intention of expanding the present Morgan Street Post Office into the adjoining block and thereby displacing a last number of low- and moderate-income families from their perfectly sound housing. At the time, the idea of building low- and moderate-income housing above the air rights of the new postal facility was put forth as a means of permitting those displaced from their homes to relocate in the same neighborhood.

This idea seemed an extremely logical and commonsense idea, one of those ideas which when someone proposes it, you wonder why you didn't think of it first. And most importantly, the community was excited about the idea. I was able to get the Post Office Department to "seriously consider" the proposal to construct the Nation's first combination postal building with an apartment development rising above it, and the then Secretary of Housing and Urban Development, Robert C. Weaver, to undertake discussions with the New York City Housing Authority on this question. Secretary Weaver indicated to me that he "was intrigued with the idea as an interesting approach." The task force Postmaster General Blount has engaged to review this project has similarly expressed to me an interest in the concept.

Another example of the utilization of the concept of air rights housing comes in connection with the proposed construction of middle-income apartments over the Food Trades High School, located on 10th Avenue between 50th and 51st Streets in my district. The board of education recently agreed to include such housing in its plan, and the plan was accepted by the zoning board.

These and other experiences with this concept suggest that it can serve as an extremely useful tool in making more low- and moderate-income housing available in central cities. The Federal Government, as a major builder in many central cities, can do much to encourage the development of this concept by vigorously encouraging its implementation in connection with new Federal construction, where it is feasible. The Fed-Government, as the operator of numerous low- and moderate-income housing programs, can similarly encourage this concept by putting mortgage guarantees and other programs at the disposal of air rights housing projects constructed over Federal air rights.

To eliminate the one possible legal obstacle to the active envolvement of the Federal Government in this field, I have today joined in cosponsoring H.R. 12462, legislation to eliminate the requirement imposed by 40 U.S.C. 484(e)(3)(G) that the Federal Government must receive fair market value on surplus property disposed of through noncompetitive bidding. In certain cases, this requirement might make it economically difficult to develop low-income housing over Federal air rights.

However, in most cases, even with this requirement in effect, it is economically feasible. All that is needed is the active encouragement and support of the Federal Government. To this end I recently wrote the Secretary of the Department of Housing and Urban Development, the Honorable George Romney, and the Administrator of the General Services Administration, urging them to establish as Federal policy the utilization of air rights over Federal buildings, where appropriate, for low- and moderate-income housing.

We need not wait for passage of H.R. 12462. There is much that can be done now by administrative action. Indeed, executive initiative in this area is imperative, for even if H.R. 12462 were passed today, it would be meaningless unless the executive acted vigorously to encourage air rights housing.

My letter to Secretary Romney follows:

JUNE 24, 1969.

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: One of the major obstacles to the construction of enough low and moderate income housing to meet the demands of our central cities is the excessively high cost of land.

There is a simple course of action which the Federal government can take to overcome a part of this problem, which is suggested by the experience of New York City. This is the utilization of air rights over public buildings for low and moderate income housing.

The construction of public facilities in the central city frequently imposes a severe hardship on those living in the site to be taken over. The hardship is particularly great since the land most frequently taken is in low and moderate income communities. Relocation causes tremendous problems to those forced from their homes. The facilities constructed hurt all, however, by eliminating potentially available residential housing. This contributes to the rising cost of the remaining units.

I have been advocating for more than the last six years, the utilization of air rights over public buildings in my District as a means of permitting those displaced from their homes to relocate in the same neighborhood. The New York City Board of Education has agreed to construct middle income apartments on the air rights over the proposed Park West High School located on 10th Avenue between 50th and 51st Streets. This comes after more than two years of efforts on my part. The high school is located in the Chelsea community in New York City, which is in desperate need of new housing. Land costs per dwelling unit in the area vary between $4,590 and $7,920. This makes the development sites solely for low or moderate income housing extremely difficult. This approach represents a common sense way of meeting the communities need for residential and educational facilities.

There is also the example of the proposed Morgan Post Office extension, to be located on 28th and 29th Streets between 9th and 10th Avenues. This facility has displaced a large number of families from low and moderate income housing. Since 1963, I have been advocating utilization of the air rights over the proposed postal facility for low and moderate income housing. As far back as March 1965, the Post Office Department indicated it was seriously considering my proposal. Your predecessor, Robert Weaver, indicated that he was intrigued by my idea. When I again requested the consulting firm hired by Postmaster General Blount to investigate the future development of the Morgan facility, it, too, saw it as an approach deserving of serious consideration.

I am writing to urge you to take advantage of this concept and to establish as Federal policy, this common sense approach. The air rights over new Federal facilities, where feasible, should be used for the construction of low and moderate income housing. I have been in communication with your predecessor on this subject as aforementioned, however, I never received a definite answer. I would greatly appreciate a clear statement on this question from you and from the Administrator of the General Services Administration, to whom I have also sent a copy of this letter. Only by the full use of available facilities by the Federal government as well as other sectors of our society, can the goals set forth by Congress in the 1968 Housing Act to bring decent housing to all be accomplished. This is an added tool to accomplish what I know you seek as I do.

With kind regards, I am,

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

HUNGER AND FARM PAYMENTS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, in the last few days, two documents have been released which, when set side by side, show dramatically the existence of widespread hunger and malnutrition in many counties in which food production is deliberately curbed at high cost to the taxpayer.

The first document is a table produced by the U.S. Department of Agriculture entitled "Food Assistance Programs, Percent of Persons Participating in County and City Administrative Units." This table lists more than 2,500 counties in the country which have either a commodity distribution or food stamp program. The sad fact is that in the aver-

age county in the United States, less than 20 percent of the families with incomes of under $3,000 annually are receiving food benefits under either program.

The second document recently released is a 5-pound, 2-inch-thick book listing by name, address, and amount received, over 100,000 farmers in the United States, each of whom collected more than $5,000 last year for not growing crops. This list of names shows that farmers in some of the counties with the worst records of feeding their poor received hundreds of thousands of dollars in Federal payments not to produce food.

After research with the Department of Agriculture, Office of Economic Opportunity, Bureau of the Census, and Library of Congress Legislative Reference Service, I am convinced that these documents present the most accurate information presently available. Admittedly, it does suffer from certain limitations. It should be pointed out that the number of poor in each county has been derived from the 1960 census, the most recent year for which statistics are available. In the intervening years, the number of poor families have undoubtedly declined, and in addition many of these families may have changed their residences from one county to another.

Nevertheless, making adjustments for such limitations, these statistics disclose shocking facts.

These facts have special significance at this time because the Congress is now considering the imposition of a $20,000 annual limitation on total payments any farmer may receive and a substantial expansion and reform of Federal programs of food aid to the poor. An official study completed last fall in the U.S. Department of Agriculture concluded that such a payment limitation on Federal farm payments could effect budget savings as high as $300 million per year. President Nixon has recently asked for an additional $270 million to expand and reform the existing food-aid program. Therefore, it is apparent that the savings to be derived from placing a $20,000 ceiling on payments to wealthy farmers could be used to fund an expanded program to feed the poor.

Here are the grim facts:

First. Relatively few poor families are served by Federal food-aid programs. According to the Senate Select Committee on Nutrition and Human Needs, the average county with a food stamp program reaches only 10 percent of its poor families; the average county with a commodity distribution program reaches only 18 percent.

Second. The low percentage of poor families served is especially shocking in some of the leading food-producing States in the Nation, such as Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Third. In these very States where the poor go hungry, the number of farmers receiving over $5,000 and the total amounts received last year skyrocketed—in one case by as much as five times that of the previous year. The following table sets this out clearly for these nine States:

Participation in median food program	Percent	Farm payments over $5,000: Number of payees 1967	Number of payees 1968	Total amount paid (in millions) 1967	Total amount paid (in millions) 1968
Illinois	8	1,305	4,248	$10.0	$34.8
Indiana	7	829	2,881	6.6	24.3
Iowa	10	1,179	6,047	8.8	46.1
Kansas	7	7,598	8,806	63.5	75.2
Michigan	22	428	745	3.1	5.7
Minnesota	11	1,087	2,394	8.3	17.6
Missouri	18	2,546	3,906	24.3	35.7
Ohio	11	527	1,429	3.9	11.5
Wisconsin	13	194	518	1.5	4.2

Fourth. Total payments nationally under the various farm programs have risen steadily since 1966, the year for which this data was first made public. According to the Department of Agriculture, it may be expected to increase still further this year if Congress does not step in and bring this situation under control by enacting a limitation on farm payments.

Farm payments over $5,000—total figures

Number of payees	Total amount paid
87,527 (1966)	$1,018,676,430
91,887 (1967)	1,114,617,466
107,745 (1968)	1,330,633,218

In recent years, total payments in excess of $5,000 to farmers have increased annually by $100 to $150 million.

Fifth. In certain counties where participation in Federal food-aid programs was abysmally low, payments to farmers for non-production was unconscionably high. The following counties fed fewer than 1 percent of their poor families, yet wealthy farmers in those counties received large farm payments from the Government:

Counties with less than 1 percent participation in food-aid programs	Farm payments over $5,000: Number of payees	Total amount paid
Illinois:		
Bureau	102	$797,041
Clark	55	451,659
DeWitt	45	402,440
Edwards	7	55,004
Grundy	57	419,667
Iroquois	93	733,080
Logan	53	473,509
McDonough	32	216,433
McLean	111	911,187
Piatt	52	436,011
Putnam	6	39,446
Shelby	62	464,999
Washington	6	47,072
Will	20	143,202
Indiana:		
Benton	91	697,710
Floyd	1	6,695
Huntington	9	59,656
Wabash	14	129,464
Wells	8	50,352
Iowa:		
Adams	18	114,913
Shelby	109	776,379
Kansas: Kingman	83	605,700
Maryland: Worcester	8	54,253
Missouri:		
Caldwell	15	100,162
DeKalb	19	134,421
Gentry	32	235,660
Linn	17	148,410
Nodaway	67	552,226
Perry	7	138,105
Schuyler	8	52,260
Virginia: Mecklenburg	1	6,279

The data I am placing in the RECORD today makes it apparent that simply having a food-aid program in a county is often little better than having no program at all. A program which feeds as few hungry families as is presently true in the average food-aid program in the United States is worse than a failure. It is a cruel joke, falling woefully short of serving the needs of the hungry and the poor, and at the same time deceiving every thoughtful American citizen who has a conscience. It masquerades under an undeserved label, pretending to be something that it is not.

This data raises a serious moral question and a serious question of priorities. There is something very wrong when a nation fails to feed its hungry, yet at the same time pays its farmers not to produce food. After I placed in the May 12th RECORD the list of the 425 counties without any food-aid program whatsoever, I received many requests for copies of that list from concerned citizens all over the Nation. Often those writings expressed shock and surprise that their own counties failed to provide food for the hungry. Yet each wanted to do something about this deplorable situation.

I am encouraged when this is the response of concerned citizens. I am hopeful that this will also be the response of a concerned Congress.

The statistical data on hunger and farm payments follows. In preparing the table from which the percentage figures are taken, the Consumer and Marketing Service of the U.S. Department of Agriculture stated that its computation was based on program participation as of February 1969, and information from the 1960 census on families with incomes under $3,000. The data on farm payments is from part 3, Senate hearings on Agriculture and related agencies appropriations for fiscal 1970.

HUNGER AND FARM PAYMENTS

State/Adm. unit	Percent participation in food programs: Commodity distribution	Food stamps	1968 farm payments over $5,000: Number of payees	Total paid
ALABAMA				
Autauga	46		39	$636,030
Baldwin	43		6	40,380
Barbour		10	31	343,941
Bibb	27		11	193,248
Blount	18		32	378,397
Bullock		41	10	82,077
Butler	35		21	231,934
Calhoun	18		19	181,348
Chambers	33		14	137,930
Cherokee	25		93	946,252
Chilton	28		15	144,006
Choctaw		15	5	52,831
Clarke		5	8	73,864
Clay	30		1	5,247
Cleburne	30			None
Coffee	25		46	377,013
Colbert	22		87	1,332,749
Conecuh	48		22	234,170
Coosa	27			None
Covington	27		27	250,771
Crenshaw	36		20	159,634
Cullman	28		43	401,147
Dale	28		21	231,841
Dallas		24	62	1,071,629
De Kalb	16		48	349,781
Elmore	33		51	645,003
Escambia	41		28	261,377
Etowah	24		29	262,396

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
ALABAMA—Con.				
Fayette	27		21	$206,238
Franklin	16		24	188,008
Geneva	22		60	506,213
Greene		42	26	349,950
Hale		24	34	452,248
Henry	47		52	431,766
Houston		9	59	485,527
Jackson	23		62	584,764
Jefferson		8	7	75,897
Lamar		9	24	190,935
Lauderdale	23		76	889,802
Lawrence	35		138	2,232,953
Lee	36		22	302,036
Limestone	26		150	2,231,961
Lowndes	92		36	382,590
Macon	74		42	581,420
Madison	25		185	2,754,897
Marengo	63		22	242,910
Marion	16		25	165,475
Marshall	27		48	387,486
Mobile		19	4	27,778
Monroe	55		49	418,197
Montgomery		10	16	240,025
Perry		28	24	318,722
Pickens		16	30	363,947
Pike		10	23	181,746
Randolph	28		3	21,775
Russell		14	25	351,596
St. Clair	18		3	57,867
Shelby	24		31	377,011
Sumter		19	22	195,849
Talladega	38		25	304,771
Tallapossa	27		16	252,160
Walker		19	6	59,016
Washington		16	6	49,356
Wilcox	68		17	168,292
Winston	23		2	20,719
ARIZONA				
Apache	5			None
Cochise	18		119	1,888,979
Coconino	9		5	25,000
Gila	26			None
Graham	63		52	515,168
Greenlee	18		10	71,747
Maricopa	30		451	12,540,974
Mohave	18		3	100,751
Navajo	40			None
Pima	31		53	1,926,962
Pinal	58		320	14,825,088
Santa Cruz	32		1	14,928
Yavapai	10		6	36,442
Yuma	21		147	5,036,490
ARKANSAS				
Arkansas		6	16	138,038
Ashley		18	95	1,455,058
Baxter	9			None
Benton	8		1	5,030
Boone		3		None
Bradley		6	1	5,081
Calhoun		5	3	29,239
Carroll	4			None
Chicot		28	94	1,277,632
Clark	11		9	78,411
Clay	21		43	312,493
Cleburne	11		1	7,719
Cleveland	13		2	18,494
Columbia		4	4	40,825
Conway		9	14	147,452
Craighead		9	198	1,738,177
Crawford		7		None
Crittenden		36	215	4,774,906
Cross		18	85	1,305,836
Dallas		6	3	40,560
Desha		15	120	1,650,780
Drew		14	38	482,693
Faulkner		4	11	118,372
Franklin	13		1	5,533
Fulton	22			None
Garland		5		None
Grant		8		None
Greene		8	48	368,842
Hempstead		4	2	16,665
Hot Spring	10			None
Howard	8		3	29,166
Independence		8	14	94,002
Izard		9		None
Jackson		16	92	1,069,793
Jefferson		14	212	3,386,275
Johnson		8	3	18,841
Lafayette		14	53	715,000
Lawrence		10	32	239,759
Lee		34	149	1,975,157
Lincoln		24	109	1,5276,15
Little River		6	17	187,823
Logan		7	2	11,795
Lonoke		8	142	1,799,593
Madison	14			None
Marion		6		None
Miller		3	24	$280,320
Mississippi		23	492	8,225,650
Monroe		36	104	1,165,402
Montgomery	17			None
Nevada	16		1	11,603
Newton	42			None
Ouachita		5	5	54,954
Perry		14	1	5,429
Phillips		37	255	4,098,653
Pike	12		1	7,445
Poinsett		23	214	2,767,159
Polk		6		None
Pope		6	3	33,166
Prairie		9	23	214,658
Pulaski		8	56	748,568
Randolph		7	20	152,904
St. Francis		38	172	3,085,219
Saline		6		None
Scott	8			None
Searcy	27			None
Sebastian		4		None
Sevier		4	1	5,141
Sharp		9		None
Stone		14		None
Union		6		None
Van Buren	23			None
Washington		4	1	5,851
White	17		20	142,348
Woodruff	34		99	1,105,907
Yell		6	17	171,632
CALIFORNIA				
Alameda		30	1	6,766
Amador	6			None
Colusa	19		11	96,213
Contra Costa		61	1	6,183
El Dorado	41		2	12,500
Fresno	35		487	16,392,595
Humboldt		25		None
Inyo	12			None
Kern	43		665	17,634,788
Kings	11		247	10,279,927
Lake	25			None
Lassen		30	5	55,013
Los Angeles		20	17	208,697
Madera	48		196	3,570,338
Mendocino	3			None
Merced	2		119	2,028,899
Modoc		6	10	73,177
Monterey		40	15	117,818
Napa	25			None
Plumas	20			None
Sacramento	42		21	163,679
San Francisco		17		None
San Joaquin	38		27	280,078
San Luis Obispo	20		52	548,805
San Mateo		13		None
Santa Barbara	35		4	59,644
Santa Clara		32		None
Santa Cruz	20			None
Shasta		57		None
Sonoma		20		None
Stanislaus	30			None
Sutter	5		22	204,811
Tehama	14		4	34,056
Tulare	10		625	10,210,013
Tuolumne	36			None
Ventura	28			None
Yolo	32		13	293,735
Yuba	3		1	5,022
COLORADO				
Adams		33	114	1,176,753
Alamosa		14	2	14,049
Arapahoe		15	60	570,810
Archuleta		14	1	6,847
Baca		4	268	2,709,264
Bent		18	61	687,872
Boulder		8	4	29,263
Chaffee		6		None
Cheyenne		6	141	1,565,971
Clear Creek		8		None
Conejos		40	1	5,165
Costilla		48		None
Crowley		13	38	318,498
Custer		4		None
Delta		7		None
Denver		28		None
Dolores		14	15	118,454
Eagle		11		None
Elbert		3	46	412,411
El Paso		12	23	169,123
Fremont		8	3	25,236
Garfield		5	2	15,405
Gilpin		(1)		None
Grand		4		None
Gunnison		12		None
Huerfano		17	7	$77,373
Jefferson		8	6	42,640
Kiowa		6	217	2,331,550
Kit Carson		10	332	4,081,689
Lake		20		None
LaPlata		14	6	39,622
Larimer		29	10	95,676
Las Animas		16	36	307,670
Lincoln		7	108	937,354
Logan		8	70	506,469
Mesa		11	1	8,697
Mineral		(1)		None
Moffat		14	23	194,997
Montezuma		12	3	19,934
Montrose		10		None
Morgan		15	73	604,278
Otero		21	14	120,882
Phillips		4	95	750,602
Powers		14	229	2,647,707
Pueblo		31	31	293,102
Rio Blanco		8	3	22,002
Rio Grande		19		None
Routt		8	20	166,833
Saguache		10	2	14,863
Sedgwick		3	69	569,881
Teller		9		None
Washington		4	173	1,525,755
Weld		9	173	1,460,223
Yuma		3	163	1,420,458
CONNECTICUT				
Hartford (district)		26	3	21,947
Litchfield	3			None
New Haven (district)		23		None
Waterbury (district)		38		None
New London	16			None
Tolland	5			None
Windham	28			None
DELAWARE				
Kent	35		14	101,043
New Castle	51		15	116,280
Sussex	28		24	186,758
District of Columbia: Washington		23		
FLORIDA				
Alachua	23		32	270,875
Baker	37			None
Bay	12			None
Bradford	33		2	13,250
Broward	10			None
Calhoun	41		4	32,315
Columbia	35		19	157,467
Dade	11			None
De Soto	20			None
Dixie	30			None
Duval	18			None
Escambia	26		2	11,770
Franklin	24			None
Gadsden	74		3	23,934
Gilchrist	25		10	91,165
Glades	29			None
Gulf	37			None
Hamilton	37		16	108,693
Hardee	15			None
Hernando	24			None
Highlands	13			None
Hillsborough	13			None
Holmes	28		5	28,174
Jackson	28		25	183,503
Jefferson	51			219,416
Lafayette	26		24	54,846
Lake	10		7	None
Lee	9		1	5,054
Leon	22		4	50,928
Levy	26		19	149,589
Liberty	38			None
Madison	39		17	118,517
Monroe	8			None
Okaloosa	18			None
Okeechobee	18			None
Palm Beach	16			None
Pasco	14		1	5,167
Pinellas	8			None
Polk	48			None
St. Lucie	23			None
Santa Rosa	31		31	387,070
Sumter	33			None
Suwannee	29		50	414,220

Footnotes at end of table.

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
FLORIDA—Con.				
Taylor	28			None
Union	27		1	$5,034
Volusia	9			None
Wakulla	41		1	6,264
Walton	30		2	10,180
Washington	35		2	11,413
GEORGIA				
Appling	24		3	18,952
Atkinson	47		4	34,409
Bacon	25		3	20,837
Baker	50		14	154,555
Baldwin		14	6	46,553
Banks	18			None
Barrow	17		3	43,390
Bartow	14		56	781,752
Ben Hill		12	11	118,179
Berrien		4	12	91,800
Bibb		13	4	23,492
Bleckley		13	35	337,113
Brantley	32			None
Brooks	43		34	316,358
Bryan	38		2	12,711
Bulloch	25		63	520,936
Burke		22	151	2,153,442
Butts	35		5	38,990
Calhoun		8	37	458,830
Camden	47			None
Candler	33		14	115,375
Carroll		6	2	14,953
Catoosa		11		None
Charlton		35		None
Chatham		10		None
Chattahoochee	68			None
Chattooga	22		7	72,207
Cherokee	11			None
Clarke	12		1	14,232
Clayton	13			None
Clinch		14		None
Cobb	12			None
Coffee	24		16	109,688
Colquitt		12	70	666,384
Columbia	25			None
Cook	20		4	31,438
Coweta		7	8	110,498
Crawford	41		8	68,746
Crisp		9	53	583,311
Dade	14			None
Dawson		6		None
Decatur		13	23	181,661
De Kalb	19			None
Dodge		18	36	455,789
Dooly	41		143	1,830,775
Dougherty		14	10	87,403
Douglas	13			None
Early	49		89	887,553
Echols		37		None
Effingham	48		6	39,951
Elbert		9	14	139,035
Emanuel	29		48	456,651
Evans	32		7	55,235
Fannin	15			None
Fayette		6	1	5,805
Floyd	20		23	268,364
Forsyth		3		None
Franklin	12		9	75,416
Fulton	23			None
Gilmer		5		None
Glascock	32		15	150,634
Glynn	16			None
Gordon		5	20	240,265
Grady		12	14	117,481
Greene		6	1	6,171
Gwinnett	15		2	29,762
Habersham		5	1	11,391
Hall		6		None
Hancock		27	5	60,912
Haralson	19		1	6,491
Harris	35		1	8,082
Hart		8	21	257,074
Heard		13		None
Henry	19		18	191,584
Houston		14	32	450,213
Irwin	35		23	187,452
Jackson	16		3	24,969
Jasper		14	4	35,498
Jeff Davis	21		4	35,741
Jefferson	37		90	1,129,195
Jenkins		12	46	483,675
Johnson		18	51	599,881
Jones		11		None
Lamar		6	2	14,118
Lanier		12	3	19,993
Laurens		12	117	1,343,776
Lee		34	27	266,666
Liberty	36			None
Lincoln		10	1	5,425
Long	48			None
Lowndes		11	11	81,360

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
GEORGIA—Con.				
Lumpkin		11		None
McDuffie		4	8	$102,978
McIntosh	34			None
Macon	61		61	798,802
Madison		4	16	150,574
Marion	38		11	105,179
Meriwether		14	15	201,597
Miller	29		16	174,317
Mitchell		22	89	861,798
Monroe	24			None
Montgomery	34		8	66,092
Morgan		12	24	391,728
Murray	11		2	12,477
Muscogee	18			None
Newton	22		8	75,791
Oconee		8	22	275,233
Oglethorpe		6	10	103,645
Paulding	26			None
Peach		7	16	144,871
Pickens		5		None
Pierce		11	5	46,499
Pike		17	12	171,808
Polk		5	14	130,496
Pulaski		17	39	425,965
Putnam		14	1	9,188
Quitman	78		4	40,070
Rabun		21	1	7,074
Randolph	36		43	493,270
Richmond		6	8	83,051
Rockdale	26		3	35,649
Schley	35		11	89,468
Screven	41		75	911,227
Seminole		15	19	209,364
Spalding		9	3	33,849
Stephens		6		None
Stewart	39		13	180,118
Sumter	37		68	722,767
Talbot	33		1	5,736
Taliaferro		56		None
Tattnall	30		13	95,314
Taylor	38		44	444,123
Telfair	27		15	139,903
Terrell	58		79	953,494
Thomas		16	44	460,505
Tift		12	14	124,362
Toombs		7	25	212,663
Towns		12		None
Treutlen		12	3	34,943
Turner	28		31	262,655
Twiggs		21	14	121,089
Union	21			None
Upson		7		None
Walker	23		2	16,637
Walton		7	58	595,075
Ware	32		3	18,732
Warren		18	23	338,659
Washington		15	49	622,238
Wayne	33		4	25,676
Webster	40		15	105,771
Wheeler		10	13	99,671
White		4		None
Whitfield	16		2	11,648
Wilcox	38		43	377,003
Wilkes		7	1	6,298
Wilkinson	47		4	28,357
Worth	34		73	687,425
HAWAII				
Hawaii		14		
Honolulu		17		
Kauai		(1)	1	5,000
Maui		14		
IDAHO				
Benewah	16		42	414,768
Bonner	21			None
Boundary	17		12	108,434
Clearwater	71		5	29,133
Fremont	12		45	350,250
Idaho	19		74	664,564
Kootenai	26		36	314,727
Latah	10		120	1,025,642
Lewis	24		90	725,081
Nez Perce	47		129	1,377,644
Teton	14		31	299,530
ILLINOIS				
Adams		6	48	398,139
Alexander		12	10	157,319
Bond		3	10	61,435
Brown		2	9	72,137
Bureau		1	102	797,041
Calhoun		6	9	82,935
Carroll	3		41	301,897

Footnotes at end of table.

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
ILLINOIS—Con.				
Cass	3		31	$254,523
Champaign	4		94	683,097
Christian	2		80	614,391
Clark	1		55	451,659
Clay	5		2	10,559
Clinton	2		5	34,054
Coles	3		90	661,480
Cook	18		28	260,389
Crawford	3		39	293,015
Cumberland	3		20	145,252
De Witt	1		45	402,440
Douglas	5		41	334,315
Edgar	4		6.8	538,556
Edwards	1		7	55,004
Effingham	5		8	56,399
Fayette	5		33	241,222
Ford	2		28	207,224
Franklin	11		21	159,063
Fulton	3		41	423,124
Gallatin	6		27	297,225
Greene	4		54	530,930
Grundy	1		57	419,667
Hamilton	2		8	48,746
Hancock	2		45	344,876
Hardin	10		3	22,449
Henderson		14	57	446,346
Henry		5	82	627,158
Iroquois	1		93	733,080
Jackson	9		31	285,310
Jasper	2		22	154,385
Jefferson	9		16	142,070
Jersey	2		36	345,563
Jo Daviess		3	19	146,214
Johnson		6		None
Jane	2		84	814,656
Kankakee	7		78	768,091
Knox	4		37	302,140
La Salle	2		70	530,513
Lawrence	12		42	371,651
Lee		9	114	816,048
Livingston	2		80	636,734
Logan	1		53	473,509
McDonough	1		32	216,433
McHenry		4	104	912,270
McLean	1		111	911,187
Macon	9		53	435,025
Macoupin	3		56	438,452
Madison	13		25	174,057
Marion	8		9	61,039
Marshall	3		17	145,353
Mason	4		57	457,642
Massac	8		6	70,042
Menard	2		18	135,121
Mercer		10	78	638,716
Monroe	4		26	205,541
Montgomery	2		50	446,392
Morgan	3		42	340,937
Moultrie	3		36	263,798
Ogle		5	77	599,967
Peoria	12		34	262,389
Perry	3		5	49,137
Piatt	1		52	436,011
Pike	5		56	412,438
Pope	9		6	35,542
Pulaski	20		12	87,405
Putnam	1		6	39,446
Randolph	4		25	221,621
Richland	2		8	51,304
Rock Island		17	21	160,652
St. Clair	27		18	136,686
Saline	9		23	151,993
Sangamon	5		63	547,803
Schuyler	3		15	116,589
Scott	3		27	196,870
Shelby	1		62	464,999
Tazewell	4		36	292,132
Union	6		24	206,034
Vermilion	3		144	1,196,332
Wabash	3		19	145,198
Warren		7	80	638,814
Washington	1		6	47,072
Wayne	17		15	114,052
White	3		88	727,548
Whiteside		10	86	778,721
Will	1		20	143,202
Williamson	5		2	12,593
Winnebago		22	74	656,610
INDIANA				
Adams		4	14	87,675
Allen		18	25	210,375
Bartholomew	12		29	224,005
Benton		1	91	697,710
Blackford		9	32	32,487
Boone		2	25	178,183
Brown		17	1	5,091
Carroll		6	39	283,857
Cass		6	40	261,375

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
INDIANA—Con.				
Clark	13		10	$78,270
Clay	10		17	164,674
Clinton	2		32	233,000
Crawford	12		3	23,686
Daviess		4	55	51,759
Dearborn		10	3	23,195
Decatur	7		41	313,726
De Kalb	4		17	114,596
Delaware	11		15	98,968
Dubois	3		15	99,312
Elkhart	5		23	161,907
Fayette	9		14	91,458
Floyd		11	1	6,695
Fountain	7		57	445,077
Franklin	10		10	96,282
Fulton	2		53	381,147
Gibson		6	63	552,966
Grant	10		13	95,684
Greene	12		41	336,057
Hamilton	3		24	209,796
Hancock	5		21	167,958
Harrison		5	9	60,026
Hendricks	3		23	149,096
Henry	6		39	293,699
Howard		6	25	209,093
Huntington	1		9	59,656
Jackson	13		34	274,185
Jasper	3		162	1,683,392
Jay	4		9	69,053
Jefferson	8		3	16,854
Jennings	12		18	130,569
Johnson	9		15	103,651
Knox		6	110	1,107,143
Kosciusko	3		32	303,521
Lagrange	2		14	94,800
Lake		26	64	650,934
La Porte	11		124	1,070,808
Lawrence	11		19	143,767
Madison		7	28	213,749
Marion		9	9	70,156
Marshall		4	34	312,852
Martin	17		10	65,236
Miami	6		17	112,217
Monroe	12		2	12,348
Montgomery	3		28	208,826
Morgan	10		21	136,798
Noble	6		22	164,862
Ohio	8		3	30,962
Orange	13		6	43,974
Owen	10		15	104,182
Parke	13		60	534,275
Perry		18	3	19,493
Pike		10	13	36,035
Porter	5		59	472,674
Posey		9	45	445,041
Pulaski	3		81	775,303
Putnam		3	33	243,454
Randolph	7		21	158,328
Ripley	6		9	63,716
Rush	3		56	418,068
St. Joseph	10		51	479,160
Scott	19		4	26,066
Shelby	4		21	141,115
Spencer		11	21	180,246
Starke	15		66	686,158
Sullivan	13		51	475,296
Switzerland		6		None
Tippecanoe	7		96	800,344
Tipton		5	18	122,178
Union	4		19	143,860
Vanderburgh		11	7	88,717
Vermillion	14		32	308,272
Vigo	21		64	635,094
Wabash	1		14	129,464
Warren	2		86	675,570
Warrick		9	16	160,326
Washington	8		9	67,912
Wayne	13		32	250,197
Wells	1		8	50,352
Whitley	2		20	152,619
IOWA				
Adair		2	41	287,938
Adams		1	18	114,913
Allamakee	8		9	59,852
Appanoose		9	13	121,049
Audubon		3	46	352,636
Benton		2	77	567,258
Black Hawk	34		95	681,428
Boone	16		53	414,926
Buchanan	9		62	465,051
Buena Vista		2	45	314,653
Butler		2	70	496,028
Bremer		3	34	233,014
Calhoun		3	30	213,222
Carroll		6	52	407,710
Cass		5	59	468,028
Cedar	6		81	590,297
Cerro Gordo		7	175	1,486,736
Cherokee		3	62	$471,698
Chickasaw	10		46	315,727
Clarke		2	10	73,347
Clay		5	70	540,215
Clayton		5	6	32,934
Clinton		7	92	688,656
Crawford	7		121	912,071
Dallas		5	59	419,795
Davis		6	14	96,291
Decatur		6	14	104,802
Delaware		5	48	353,958
Des Moines		4	41	353,276
Dickinson		3	39	278,567
Dubuque		15	15	110,864
Emmet		3	52	378,871
Floyd		4	96	835,288
Franklin		2	132	1,123,096
Fremont		4	159	1,428,704
Greene		3	48	375,753
Grundy		2	45	329,265
Guthrie		2	43	339,186
Hamilton		5	48	336,578
Hancock		2	81	592,454
Hardin		3	90	694,198
Harrison		4	173	1,332,382
Henry		2	29	206,235
Howard		3	41	315,754
Humboldt		6	34	246,400
Ida		2	77	626,990
Iowa	5		65	644,653
Jackson		6	37	262,481
Jasper		5	63	467,046
Jefferson		5	28	192,593
Johnson		5	71	534,661
Jones		4	68	480,003
Keokuk	9		46	364,494
Kossuth		6	99	688,266
Lee		6	29	251,771
Linn		9	75	579,508
Louisa	17		49	393,088
Lucas		11	12	82,859
Lyon		2	57	387,099
Madison		3	43	330,996
Mahaska	15		35	232,807
Marion		8	25	167,008
Marshall		4	81	550,012
Mitchell		2	71	531,590
Monona		5	134	1,237,102
Mills		5	142	1,281,259
Monroe	16		11	77,545
Montgomery		2	52	379,752
Muscatine	18		57	426,986
O'Brien		2	47	325,993
Osceola		2	43	279,650
Page		4	58	392,832
Palo Alto		10	65	502,180
Plymouth		2	124	857,092
Pocahontas		4	47	350,850
Polk		28	46	330,095
Pottawattamie		10	125	973,213
Poweshiek		2	75	516,719
Ringgold		4	17	116,838
Sac		3	51	398,330
Scott		20	46	349,711
Shelby		1	109	776,379
Sioux		3	111	793,753
Story		7	80	584,257
Tama		3	73	535,593
Taylor		3	25	196,095
Union		5	18	132,931
Van Buren		3	17	123,222
Wapello		14	15	116,892
Warren		5	29	184,210
Washington		2	62	485,494
Wayne		4	11	70,016
Webster	25		57	427,901
Winnebago		3	104	770,792
Winneshiek	9		11	67,193
Woodbury		18	187	1,524,116
Worth		3	86	689,123
Wright		4	66	470,141
KANSAS				
Atchison		7	13	95,658
Bourbon		2	17	145,151
Cherokee		8	19	138,278
Clark	5		53	432,199
Crawford		5	14	99,484
Elk		4	3	18,526
Ford		7	183	1,422,771
Grant		18	165	1,698,475
Greenwood		5	2	12,135
Hamilton	11		169	1,695,852
Harper		4	159	1,120,546
Hodgeman		3	122	935,388
Kearny		9	156	1,642,796
Kingman		1	83	605,700
Labette		4	13	107,130
Leavenworth		4	23	151,900
Meade	3		138	$1,226,065
Sedgwick	25		103	760,224
Shawnee	16		20	164,495
Sherman	15		188	2,040,276
Wilson		3	19	142,426
Wyandotte	39		1	10,684
KENTUCKY				
Adair		8	1	6,459
Allen		4	2	14,908
Anderson	4			None
Ballard		8	11	106,838
Barren	13		2	11,686
Bath		19	1	5,423
Bell		34		None
Boone	6		2	11,204
Boyd	27			None
Boyle	13		1	7,153
Bracken	13		1	J, 860
Breathitt		48		None
Breckinridge	18		6	54,154
Bullitt	12			None
Butler		10	3	29,577
Caldwell	17		5	35,828
Calloway	8		2	11,816
Campbell		12		None
Carlisle	16		13	94,456
Carroll	12		2	13,712
Carter		17		None
Casey		13	1	9,056
Christian	14		34	256,221
Clark		9		None
Clay		43		None
Clinton		23		None
Crittenden	12		7	58,263
Cumberland		18	1	10,212
Daviess	20		26	217,873
Edmonson	25			None
Elliott		30		None
Estill		26	2	11,574
Fayette	9			None
Fleming	16			None
Floyd		24		None
Franklin	19			None
Fulton	40		29	296,725
Gallatin	18			None
Garrard	11		2	14,372
Grant		6		None
Graves	9		10	82,002
Grayson	13		4	29,391
Green	13			None
Greenup	20		2	15,076
Hancock	17		3	18,474
Hardin	11		3	36,369
Harlan		36		None
Hart	15		1	6,212
Henderson	11		37	376,656
Henry	10			None
Hickman		10	10	90,823
Hopkins	7		13	89,247
Jackson		28		None
Jefferson		6	3	20,723
Jessamine	13			None
Johnson		28		None
Kenton		13		None
Knott		50		None
Knox		36		None
Larue	11		2	15,302
Laurel		22		None
Lawrence	27			None
Lee		37		None
Leslie		59		None
Letcher		30		None
Lewis	26		2	None
Lincoln		14		12,005
Livingston	17		17	120,533
Logan		7	14	99,043
Lyon	19		3	27,861
McCracken	20		4	26,320
McCreary		40		None
McLean	21		6	46,259
Madison	12		1	7,656
Magoffin		47		None
Marion	24		2	10,724
Marshall	6		1	6,410
Martin		53		None
Mason	12			None
Meade	6		3	15,662
Menifee		19		None
Mercer	15			None
Metcalfe	10			None
Monroe	17		2	11,813
Montgomery		14		None
Morgan		28		None
Muhlenberg		7	1	6,299
Nelson	22		2	11,496
Nicholas	22			None
Ohio	21		5	38,321
Oldham	15		1	5,921

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
KENTUCKY—Continued				
Owen	15			None
Owsley		42		None
Pendleton	14			None
Perry		38		None
Pike		14		None
Powell		31	1	$6,328
Pulaski		12	2	12,657
Robertson	12			None
Rockcastle		29	1	5,530
Rowan		16	1	5,341
Russell		13		None
Scott	11		1	5,090
Shelby		3	1	6,775
Simpson		5	5	33,730
Spencer	10		2	22,148
Taylor	10		3	23,747
Todd		5	17	120,016
Trigg	21		6	96,250
Trimble	10		1	6,122
Union	13		30	268,355
Warren	9		4	23,588
Washington	16		1	6,272
Wayne		20		None
Webster	18		20	166,066
Whitley		23		None
Wolfe		33		None
Woodford	18			None
LOUISIANA				
Acadia		18	17	146,737
Allen		16	1	8,593
Ascension	46			None
Assumption		25		None
Avoyelles		31	45	434,088
Beauregard		8		None
Bienville	44		2	20,820
Caddo		6	84	1,929,557
Calcasieu		19		None
Caldwell		15	30	390,316
Cameron		6	None	None
Catahoula	48		24	416,594
Claiborne	45		1	12,037
Concordia		20	34	452,165
De Soto		8	3	62,504
East Baton Rouge		9	1	6,629
East Carroll		26	126	2,186,641
East Feliciana	61			None
Evangeline		41	21	171,875
Franklin		29	143	1,361,479
Grant	45		15	197,611
Iberia		8		None
Iberville		25		None
Jefferson Davis		11		None
Lafayette		18	14	126,574
La Salle	28		1	5,325
Livingston	71			None
Madison		22	86	1,155,103
Morehouse		22	131	2,011,824
Natchitoches		18	52	947,654
Orleans		6		None
Pointe Coupee		26	17	173,534
Rapides		12	90	1,071,083
Red River		26	32	516,186
Richland		25	160	1,803,840
Sabine	45			None
St. Bernard	53			None
St. Charles	36			None
St. Helena		14		None
St. James		13		None
St. John the Baptist		18		None
St. Landry		29	59	706,665
St. Martin		25	5	67,992
St. Mary	37			None
Tangipahoa	53			None
Tensas		18		None
Union		13	92	1,245,024
Vermilion		7	1	26,152
Vernon		13	1	11,462
Washington	45			None
West Baton Rouge	61			17,945
West Carroll		21	52	405,010
West Feliciana	68		1	50,725
Winn		10		None
MAINE				
Androscoggin		19		None
Aroostook	35			None
Cumberland	18			None
Franklin	4			None
Hancock	14			None
Kennebec	18			None
Knox	27			None
Lincoln	7			None
Oxford	10			None
Penobscot	14			None
Piscataquis	21			None
Sagadahoc	24			None
Somerset	2			None
Waldo	7			None
Washington	10			None
York	11			None
MARYLAND				
Allegany		8		None
Anne Arundel		12		None
Baltimore		5	1	$12,918
Caroline		8	5	33,417
Carroll		4	1	7,917
Charles		31		None
Dorchester		3	10	75,490
Frederick		3	1	6,301
Garrett		9		None
Harford	10			None
Kent		4	28	230,711
Montgomery		9	5	59,334
Prince Georges		15		None
Queen Annes		4	19	149,527
St. Marys		10		None
Somerset		3	2	11,535
Talbot		3	14	111,483
Wicomico		7	3	35,073
Worcester		1	8	54,253
MASSACHUSETTS				
Bristol				None
Essex				None
Franklin				None
Hampshire			2	13,764
Middlesex				None
Norfolk				None
Plymouth				None
Suffolk				None
Worcester				None
MICHIGAN				
Alcona	24			None
Alger		19		None
Allegan		12	4	26,453
Alpena	25			None
Antrim	24			None
Arenac	21		1	6,865
Baraga	39			None
Barry		10	18	124,789
Bay	29		3	19,783
Benzie	29			None
Berrien		14	12	99,978
Branch	15		35	249,888
Calhoun	37		29	201,510
Cass	17		28	271,023
Charlevoix	16			None
Cheboygan	26			None
Chippewa	30		1	9,683
Clare		15		None
Clinton		7	14	100,677
Crawford		19		None
Delta	27			None
Dickinson	29			None
Eaton		6	23	170,455
Emmet	15			None
Genesee		19	15	129,802
Gladwin	20		2	26,607
Gogebic		13		None
Grand Traverse		16		None
Gratiot		10	23	151,482
Hillsdale		6	16	112,522
Houghton		24		None
Huron		4	15	90,615
Ingham		16	20	181,874
Ionia	12		32	232,435
Iosco	21			None
Iron		13		None
Isabella		11	3	26,575
Jackson		15	13	88,044
Kalamazoo		9	26	189,460
Kalkaska	52		1	8,123
Kent	29		3	15,834
Keweenaw		47		None
Lake	35			None
Lapeer		9	6	32,075
Leelanau		10	1	6,138
Lenawee	16		133	1,111,786
Livingston	16		5	32,051
Luce	31			None
Mackinac		13		None
Macomb		11	3	19,933
Manistee	25		1	6,262
Marquette	16			None
Mason	20		1	7,807
Mecosta	11		3	19,512
Menominee	16			None
Missaukee	32			None
Monroe		7	66	$539,069
Montcalm	15		8	45,891
Montmorency	22			None
Muskegon		25	3	25,468
Newaygo	23			None
Oakland		9	6	41,691
Oceana	22			None
Ogemaw		17		None
Ontonagon		10		None
Osceola	20			None
Oscoda	43			None
Otsego	11		5	30,337
Ottawa	16			None
Presque Isle	19			None
Roscommon	29			None
Saginaw		28	24	190,628
St. Clair		14	11	75,339
St. Joseph		6	50	399,617
Sanilac	5		5	34,017
Schoolcraft	32			None
Shiawassee	21		15	109,676
Tuscola	15		17	122,035
Van Buren		7	9	103,570
Washtenaw		4	23	166,102
Wayne		13	8	91,444
Wexford	26		1	5,673
MINNESOTA				
Aitkin		8		None
Anoka		25	5	30,389
Becker		13	5	35,954
Beltrami		17		None
Benton		8	4	21,864
Big Stone		9	26	217,591
Blue Earth		8	90	640,717
Carlton		24		None
Carver		5	5	42,506
Cass		12	2	12,062
Chippewa		3	28	192,879
Chisago		8		None
Clearwater	25			None
Cook		34		None
Cottonwood	5		77	503,751
Crow Wing		13	1	7,378
Dakota		12	39	308,103
Douglas	12		2	12,733
Faribault	10		83	593,385
Grant	11		16	114,680
Hennepin		15	8	56,329
Hubbard		15	2	10,540
Isanti	8			None
Itasca		18		None
Jackson	4		89	656,818
Kanabec	7			None
Kandiyohi		8	74	525,307
Kittson		6	56	469,018
Koochiching		22		None
Lac qui Parle		3	39	266,686
Lake		8		None
Lake of the Woods		13		None
Le Sueur		5	45	354,419
Lincoln		8	25	184,608
Lyon	12		76	522,405
Mahnomen	24		3	23,205
Marshall		7	47	379,406
Meeker	7		31	220,548
Mille Lacs		10		None
Morrison	57		2	19,609
Mower	56		88	672,648
Murray		31	31	221,366
Nicollet	40		53	403,377
Nobles		16	36	263,048
Otter Tail		16	4	21,656
West Otter Tail			9	55,253
Pennington		28	3	22,510
Pine		36		None
Pipestone		17	15	112,118
Polk		27	2	85,972
Pope	20		13	11,813
Ramsey		26		None
Red Lake		9	3	17,740
Redwood		4	68	448,555
Renville		5	92	966,870
Rock	4		34	241,727
Roseau		5	2	10,735
St. Louis		21		None
Scott	10		9	64,314
Sherburne	11		3	17,458
Sibley		5	46	353,379
Stearns		9	8	55,234
Stevens	7		31	200,488
Swift		7	60	461,133
Todd	13		2	12,341
Traverse	10		26	213,606
Wadena		7		None
Waseca	9		66	469,192

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
MINNESOTA—Continued				
Washington		12	17	$119,507
Wright		6	18	124,271
Yellow Medicine		4	78	534,350
MISSISSIPPI				
Adams	35		4	52,825
Alcorn		19	24	190,986
Amite	51		2	16,809
Attala		26	37	435,798
Benton	64		40	319,385
Bolivar		48	349	7,079,077
Calhoun	32		44	405,834
Carroll	54		55	690,606
Chickasaw		21	34	495,749
Choctaw	43		5	47,450
Claiborne		31	9	139,000
Clarke	52		3	22,815
Clay		40	22	288,575
Coahoma		49	229	6,442,521
Copiah	41		13	183,562
Covington		25	11	168,494
De Soto		50	74	1,550,320
Forrest		18	1	5,782
Franklin	34			None
George	51			None
Greene	53			None
Grenada		22	50	550,468
Hancock	20		1	5,000
Harrison		12		None
Hinds		24	43	739,527
Holmes		48	107	2,169,494
Humphreys		40	155	3,233,169
Issaquena	61		38	703,015
Itawamba		9	11	98,452
Jackson		14		None
Jasper		31	2	14,602
Jefferson	73		3	20,154
Jefferson Davis		31	10	101,037
Jones		27	12	97,234
Kemper	44		10	71,850
Lafayette	31		32	408,143
Lamar		19		None
Lauderdale	32		5	42,704
Lawrence	48		3	20,217
Leake	60		38	331,854
Lee		17	56	527,541
Leflore		43	209	5,192,099
Lincoln		18	1	25,911
Lowndes		19	40	476,333
Madison		30	80	1,232,718
Marion		15	5	43,883
Marshall	73		106	1,452,102
Monroe		20	74	859,606
Montgomery		25	23	197,072
Neshoba	23		4	26,515
Newton	26		2	11,641
Noxubee	75		22	488,741
Oktibbeha		21	5	41,280
Panola		31	132	1,940,417
Pearl River	22			None
Perry	31		1	11,848
Pike		19		None
Pontotoc	23		35	268,042
Prentiss		14	29	247,512
Quitman		36	192	3,198,077
Rankin	54		25	372,231
Scott		24	21	170,977
Sharkey	89		83	2,246,672
Simpson		14	8	59,598
Smith	31		7	68,880
Stone	30			None
Sunflower		35	373	7,455,579
Tallahatchie		44	189	4,000,711
Tate	50		83	1,057,094
Tippah	29		36	303,806
Tishomingo	18		8	76,123
Tunica		53	109	3,102,065
Union		16	37	388,929
Walthall	57		2	14,062
Warren		15	18	374,492
Washington		29	238	6,536,673
Wayne	43		8	66,308
Webster	25		21	220,998
Wilkinson	66		2	32,369
Winston	40		17	132,526
Yalobusha		24	46	670,582
Yazoo		40	151	2,885,973
MISSOURI				
Benton	14		12	78,038
Bollinger	27		2	13,542
Buchanan	19		31	271,348
Butler	35		25	175,516
Caldwell	1		15	100,162
Cape Girardeau	18		12	89,387
Carter	49			None
Christian	17			None
Clay	10		31	$268,971
Dade	13		16	105,400
Dallas	24			None
Daviess	11		32	242,329
De Kalb	1		19	134,421
Dent	25		1	6,705
Douglas	21			None
Dunklin	34		263	2,193,375
Gentry	1		32	235,660
Greene	23		4	25,966
Harrison	10		19	152,334
Hickory	18		3	19,118
Howell	21			None
Iron	43			None
Jackson	17		45	483,013
Jefferson	17		3	28,379
Lewis	13		39	352,349
Linn	1		17	148,410
Livingston	16		37	342,334
McDonald	14			None
Madison	26			None
Maries	12			None
Marion	16		17	126,453
Mercer	10		10	106,612
Mississippi	54		220	2,839,454
New Madrid	44		332	3,500,583
Nodaway	1		67	552,226
Oregon	27			None
Osage	13		4	24,682
Ozark	23			None
Pemiscot	52		331	3,459,623
Perry	1		7	138,105
Pike	15		35	289,326
Polk	27			None
Putnam	14		14	98,811
Ralls	11		30	220,086
Reynolds	70			None
Ripley	38		2	14,828
St. Charles	45		30	240,634
St. Clair	12		17	115,665
St. Francois	31			None
St. Louis	20		20	165,960
Schuyler	1		8	52,260
Scott	42		111	1,134,696
Shannon	36			None
Shelby	19		25	213,194
Stoddard	37		180	1,761,093
Stone	21			None
Sullivan	11		18	136,316
Texas	23			None
Washington	44			None
Wayne	43		2	13,996
Webster	17			None
Worth	9		14	98,688
Wright	22			None
MONTANA				
Cascade		27	140	1,385,068
Deer Lodge		18	1	10,391
Flathead	30		13	110,219
Glacier		8	64	544,017
Lewis and Clark		8	10	115,090
Lincoln		38		None
Roosevelt	65		223	1,970,893
Silver Bow		22		None
Valley		12	197	1,602,692
Wibaux	17		39	293,685
NEBRASKA				
Antelope		3	59	446,241
Boone		4	98	784,535
Boyd		6	8	53,811
Box Butte		4	65	539,094
Buffalo		4	126	1,073,077
Butler		2	32	215,943
Cedar		4		None
Clay		3	221	1,775,383
Cuming		3	39	347,644
Custer		3	160	1,255,646
Dakota		8	33	319,345
Dawson		4	152	1,318,820
Deuel		3	53	477,308
Dixon		5	50	376,360
Dodge		5	58	508,619
Douglas		23	38	348,596
Franklin		2	95	752,152
Gage		3	97	723,686
Garfield		4	1	5,343
Gosper		3	59	423,073
Greeley		9	52	456,396
Hall		5	130	1,029,115
Harlan		6	88	685,236
Holt		2	22	230,771
Howard		3	46	336,419
Johnson		1	33	$226,426
Kearney		3	140	1,074,919
Keith		5	74	679,512
Knox	13		23	150,717
Lancaster		6	157	1,214,094
Madison		1	77	598,800
Merrick		3	135	1,118,448
Morrill		4	19	131,627
Nance		1	73	611,042
Nemaha		3	53	452,298
Phelps		4	115	883,150
Pierce		1	26	167,949
Pawnee		3	40	282,844
Rock		6		None
Sarpy		9	22	157,753
Saunders		3	112	862,143
Scotts Bluff		10	11	83,416
Sheridan		7	30	246,235
Sherman		2	34	236,870
Stanton		3	32	246,767
Thayer		2	178	1,372,232
Thurston	48		71	544,040
Valley		3	67	543,420
Washington		2	57	454,656
Wheeler		3	1	6,533
York		2	141	1,142,685
NEVADA				
Churchill	21			None
Clark	13		1	100,000
Elko	20		5	32,206
Eureka	16			None
Humboldt	51		12	118,556
Lincoln	15			None
Lyon	29			None
Mineral	34		1	7,559
Ormsby	9			None
Pershing	27		3	90,790
Washoe	18			None
White Pine	28		1	5,260
NEW HAMPSHIRE				
Belknap	18			None
Carroll	14			None
Cheshire	19			None
Coos	23			None
Grafton	7			None
Hillsborough	11			None
Merrimack	15			None
Rockingham	5			None
Strafford	8			None
Sullivan	12			None
NEW JERSEY				
Atlantic		20		None
Bergen		6		None
Burlington			3	97,003
Mount Holly (city)	(1)			
Mount Laurel (city)	(1)			
North Hanover (city)	(1)			
Camden		18		None
Cape May		15	1	7,185
Cumberland		21		None
Essex				None
Newark (city)	22			
Gloucester				None
Glassboro (city)	(1)			
Washington (township)	(1)			
Monroe (city)	(1)			None
Hudson		27		
Mercer		15	10	77,541
Middlesex		19	5	43,879
Monmouth			17	127,702
Asbury Park	(1)			
Keyport (city)	(1)			
Ocean		24	1	7,915
Passaic		6		None
Salem		23	9	66,680
Somerset			8	51,126
Millstone (city)	(1)			
Sussex			4	24,341
Franklin (city)	(1)			
Union		12		None
Warren		10	7	51,636
NEW MEXICO				
Bernadillo		49		None
Catron	17			None

Footnotes at end of table.

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
NEW MEXICO—Continued				
Chaves		18	159	$1,937,407
Colfax		19	7	66,042
Curry		19	563	8,416,516
De Baca		11	12	88,736
Dona Ana	34		164	1,689,112
Eddy		25	106	1,246,558
Grant	25		4	31,480
Guadalupe		41	2	14,405
Harding		12	11	101,702
Hidalgo	34		34	438,096
Lea		13	123	1,523,452
Lijcoln		10	3	22,215
Luna	41		85	908,758
McKinley	47		1	5,280
Mora		44		None
Otero		18	12	104,721
Quay		21	193	2,038,622
Rio Arriba		60	2	22,501
Roosevelt		20	257	2,563,625
Sandoval		49		None
San Juan	50			None
San Miguel		50	3	32,986
Santa Fe		47	3	30,936
Sierra	23		8	72,842
Socorro	56		13	127,198
Taos		4	3	21,395
Torrance		32	7	45,187
Union		8	43	392,537
Valencia	47			None
NEW YORK				
Albany	13			None
Allegany	22			None
Broome	22			None
Binghamton (city)	46			None
Union (city)	(1)			
Cattaraugus		12	1	5,012
Cayuga	28		8	59,697
Auburn (city)	29			
Chautauqua	(1)		2	14,927
Jamestown (city)		(1)		
Chemung	32		1	5,219
Clinton		14		None
Columbia	19		1	5,041
Cortland	27			None
Delaware	25			None
Erie		20	1	8,957
Essex	30			None
Franklin	44			None
Fulton	38			None
Genesee	28		9	80,017
Greene	13			None
Hamilton	31			None
Herkimer	18			None
Jefferson	28			None
Lewis	50			None
Livingston	19		17	146,758
Madison	30		2	13,934
Monroe	25		15	124,330
Montgomery	22		1	5,278
Nassau	20			None
New York City	27			
Niagara		24	12	87,289
Oneida	27		1	6,478
Onondaga	39		3	30,958
Orleans	30		14	131,848
Oswego	40			None
Oswego (city)	(1)			None
Rensselaer	32			None
St. Lawrence	39			None
Saratoga	14			None
Schenectady	11			None
Schoharie	29		2	27,643
Schuyler	30			None
Seneca	24		11	77,545
Steuben	33		2	13,426
Suffolk	29			None
Tioga	34			None
Tompkins	20		3	33,936
Ulster	12		2	12,587
Warren	27			None
Washington	33			None
Wayne		8		None
Westchester	18			None
Wyoming		5	2	10,404
Yates	25		3	24,188
NORTH CAROLINA				
Alexander	12			None
Alleghany	15			None
Anson		12	28	292,714
Ashe	12			None
Avery	23			None
Beaufort	11		25	$234,236
Bertie		32	13	131,208
Bladen		29	6	34,216
Brunswick		12	1	14,438
Buncombe	12			None
Burke	5		1	9,586
Cabarrus		4	4	28,424
Caldwell	6			None
Camden	30		17	170,963
Carteret	11			None
Caswell	16		1	9,878
Catawba		4	1	6,126
Chatham		6		None
Cherokee	13		1	6,389
Chowan		11	6	35,528
Clay	17			None
Cleveland		5	52	546,625
Columbus	23		7	54,253
Craven	18		2	10,160
Cumberland	17		26	225,547
Currituck	24		14	122,815
Dare		8		None
Davidson	6			None
Davie		5		None
Duplin	14		15	102,607
Durham		14	1	7,177
Edgecombe	31		62	650,991
Forsyth		7		None
Franklin		17	7	41,826
Gaston	11		1	7,915
Gates	19		6	42,071
Graham	17			None
Granville		9		None
Greene		26	3	21,038
Guilford	14		1	5,117
Halifax		24	128	1,261,506
Harnett		4	23	179,438
Haywood	20			None
Henderson	8			None
Hertford	38		9	64,953
Hoke	34		41	517,202
Hyde	46		7	61,374
Jackson	15			None
Johnston	12		8	64,383
Jones	40		7	45,979
Lee		15		None
Lenoir	17		15	157,612
McDowell		7		
Macon	10			None
Madison	23			None
Martin		25	12	86,128
Mecklenburg	20		6	39,530
Mitchell	30			None
Montgomery	13		8	138,932
Moore		7	3	20,509
Nash		18	26	194,484
New Hanover		8	1	5,659
Northampton		19	106	1,045,900
Onslow	11		4	29,798
Orange		6	1	6,248
Pamlico	15		7	51,970
Pasquotank	17		16	128,377
Pender	15			None
Perquimans	23		13	110,826
Parson		13		None
Pitt	37		25	239,284
Richmond		4	13	143,747
Robeson	17		98	1,788,040
Rockingham		3		None
Rowan	7		5	44,380
Rutherford	7		6	38,887
Sampson	15		29	195,661
Scotland		18	52	968,812
Stokes	9			None
Surry		5	1	7,311
Swain	22			None
Transylvania	10			None
Tyrrell	40		9	58,831
Union		6	26	251,943
Vanze	28		2	11,330
Wake	18		1	18,229
Warren		29	2	11,565
Washington	39		11	134,435
Watauga	15			None
Wayne	22		14	103,826
Wilkes	11			None
Wilson	21		6	36,604
Yadkin	6			None
Yancey	18			None
NORTH DAKOTA				
Barnes		13	88	604,462
Benson		21	115	836,446
Billings		5	20	129,349
Bottineau		5	230	1,804,592
Burke		5	82	$622,872
Burleigh	24		50	413,946
Cass	14		114	842,982
Cavalier		18	105	702,013
Dickey		12	29	210,675
Divide		7	144	1,025,510
Dunn		5	77	508,588
Emmons		25	34	225,726
Foster	9		48	377,342
Golden Valley		(2)	70	568,979
Grand Forks	18		98	770,169
Grant		5	66	486,928
Griggs		7	25	173,892
Hettinger		7	211	1,812,673
Kidder		4	42	312,331
La Moure		11	68	520,864
Logan		7	13	80,005
McHenry		10	93	651,718
McIntosh		7	10	72,025
McLean		5	203	1,459,636
Mercer		6	61	426,395
Morton		12	66	484,381
Mountrail		12	152	1,099,240
Nelson		3	56	407,178
Oliver		7	20	147,282
Pembia		11	101	905,977
Pierce		9	71	500,339
Ramsey	4		162	1,182,797
Ramsom		5	38	299,065
Richland		7	69	477,316
Rolette	15		71	467,786
Sargent		10	43	315,475
Sheridan		8	34	236,144
Sioux		3	26	203,615
Stark		13	102	703,740
Steele		4	22	166,558
Towner		9	127	870,108
Traill		9	30	224,706
Walsh	16		93	674,833
Ward	21		186	1,389,469
Williams		13	184	1,300,218
OHIO				
Adams	21		2	14,347
Allen		10	2	12,562
Ashland		2	3	18,319
Ashtabula		10	3	18,485
Athens		12	1	5,012
Belmont		7		None
Brown	14		4	26,901
Butler		9	27	212,251
Carroll		4		None
Champaign	4		49	449,539
Clark		9	62	578,097
Clermont		23	5	30,703
Clinton	19		39	309,964
Columbiana		10	1	5,683
Coshocton		3	19	166,789
Crawford		5	26	191,198
Cuyahoga		36	1	5,299
Darke	7		12	78,919
Erie		8	15	127,524
Fayette	17		66	500,973
Franklin		22	23	218,494
Fulton		2	36	288,447
Geauga		8		None
Guernsey		6	2	11,466
Hamilton		21	14	110,531
Hardin		3	50	357,842
Harrison		4	1	5,192
Highland	17		15	95,434
Hocking		8	4	25,599
Holmes		2	5	44,510
Huron		6	25	174,726
Jackson	41		1	7,211
Jefferson		21		None
Knox		5	11	83,330
Lake		7		None
Lawrence		26		None
Licking	10		19	143,313
Logan		5	29	214,301
Lorain		27	6	42,163
Lucas		30	16	161,469
Madison	20		63	579,421
Mahoning		18	2	12,653
Marion		9	41	467,210
Medina		4	7	72,388
Meigs		12	3	21,368
Miami		5	12	120,702
Monroe		9		None
Montgomery		15	16	110,576
Morgan		9		None
Morrow	6		11	91,127
Muskingum		14	4	35,551
Ottawa		10	8	60,743
Perry	11		1	8,516
Pickaway	20		87	766,193
Pike	43		21	171,305

Footnotes at end of table.

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
OHIO—Con.				
Portage		8		None
Preble	7		44	$316,501
Richland		6	13	111,755
Ross		13	66	527,505
Sandusky		6	29	246,604
Scioto		19	6	44,574
Shelby	4		10	74,759
Stark		11	4	25,106
Summit		17	1	5,478
Trumbull		15	2	13,699
Tuscarawas		7	7	54,889
Union	7		22	163,470
Van Wert		4	10	85,418
Vinton		9		None
Warren	9		11	84,757
Washington		5		None
Wayne		4	17	126,364
Wood		8	35	259,531
Wyandot		7	38	383,273
OKLAHOMA				
Adair	71			None
Alfalfa	11		153	1,061,094
Atoka	34			None
Beckham	28		100	790,416
Blaine	20		105	778,367
Bryan	20		27	233,964
Caddo	37		171	1,323,464
Canadian	12		106	843,369
Carter	33		1	7,161
Cherokee	37			None
Choctaw	41			None
Cimarron	19		179	1,678,167
Cleveland	20		3	23,353
Coal	43			None
Comanche	16		29	211,668
Cotton	20		101	814,601
Craig	18		4	26,338
Creek	32			None
Custer	22		171	1,451,470
Delaware	45		1	5,319
Dewey	14		61	469,341
Ellis	11		44	304,458
Garfield	17		124	963,245
Garvin	30		8	65,363
Grady	30		55	457,772
Grant	9		172	1,284,275
Greer	26		98	788,847
Harper	16		60	421,454
Haskell	48		4	60,352
Hughes	36		2	15,776
Jackson	30		247	2,494,234
Jefferson	27		13	88,198
Johnston	43		2	14,561
Kay	24		148	1,077,319
Kingfisher	13		80	582,079
Kiowa	26		212	1,735,366
Latimer	52			None
Le Flore	45			None
Lincoln	22		1	6,574
Logan	27		28	190,055
Love	33		3	18,009
McClain	20		52	365,611
McCurtain	53		20	229,936
McIntosh	45		5	44,745
Marshall	38		1	7,590
Mayes	30		1	6,068
Murray	30			None
Muskogee	42		34	352,257
Noble	18		68	533,220
Nowata	32		2	11,022
Okfuskee	40		6	42,860
Oklahoma	37		4	23,910
Okmulgee	40		9	75,438
Osage	21		16	127,272
Ottawa	24		19	138,492
Pawnee	23		8	56,859
Payne	17		6	44,533
Pittsburg	26		1	5,258
Pontotoc	25			None
Pottawatomie	26		4	30,553
Pushmataha	36		1	5,125
Roger Mills	12		43	313,612
Rogers	23			None
Seminole	40			None
Sequoyah	65		4	70,722
Stephens	23		12	81,084
Texas	24		283	2,649,874
Tillman	41		290	2,518,194
Tula	25		2	22,206
Wagoner	36		16	165,239
Washington	19			None
Washita	11		222	1,582,140
Woodward	12		60	420,440
OREGON				
Baker	26		12	98,363
Benton	19		9	88,282
Clackamas	38		2	$12,233
Clatsop	22			None
Columbia	47			None
Coos	57			None
Crook	40		3	19,024
Curry	56			None
Deachutes	31			None
Douglas	48			None
Gilliam	4		115	1,237,743
Grant	37			None
Harney	25		2	12,746
Hood River	50			None
Jackson	24			None
Jefferson	49		33	288,338
Josephine	48		1	5,877
Klamath	27		12	95,476
Lake	37		14	130,913
Lane	56			None
Lincoln	34			None
Linn	45			None
Malheur	32		8	58,502
Marion	39		13	93,695
Morrow	19		131	1,448,472
Multnorah		15	1	5,041
Polk	36		8	84,709
Sherman	16		132	1,264,254
Umatilla	30		236	3,005,316
Union	17		50	404,601
Wallowa	24		24	203,680
Wasco	31		83	754,008
Washington	24		14	107,888
Wheeler	10		5	42,357
Yamhill	28		8	54,498
PENNSYLVANIA				
Allegheny		23	1	None
Armstrong		13	1	9,299
Beaver		17		None
Bedford	16			None
Berks		8	5	38,600
Blair		9		None
Bradford		19	2	22,451
Bucks	17		6	50,852
Butler		11		None
Cambria		13		None
Cameron		15		None
Carbon	9			None
Centre		10	3	17,605
Chester	5		2	25,677
Clarion		22		None
Clearfield		15		None
Clinton		10	1	3,602
Columbia		5	5	38,501
Crawford		8		None
Cumberland	7		7	62,510
Dauphin		9	5	67,005
Delaware		20		None
Elk		7		None
Erie		10	2	18,067
Fayette		27		None
Forest	10			None
Franklin	13		5	44,957
Fulton	23			None
Greene		24		None
Huntingdon		14		None
Indiana		13		None
Jefferson		11		None
Juniata		7	1	5,606
Lackawanna		14		None
Lancaster	4		1	5,756
Lawrence		25		None
Lebanon	6		2	17,441
Lehigh	5		8	137,130
Luzerne		9		None
Lycoming		7	6	43,416
McKean		19		None
Mercer		9		None
Mifflin		10		None
Monroe		11	1	5,536
Montgomery	6		5	29,839
Montour		2	1	9,366
Northampton		11	15	238,499
Northumberland		8	2	12,031
Perry		8	1	5,782
Philadelphia		18		None
Potter		18	1	5,000
Schuylkill	14		1	6,897
Snyder	9		1	5,721
Somerset		13		None
Sullivan		9		None
Susquehanna		9		None
Tioga		24		None
Union	16			None
Venango		16		None
Warren	11			None
Washington		16		None
Wayne		4		None
Westmoreland		12	2	11,586
Wyoming		6		None
York		14	7	45,784
RHODE ISLAND (none)				
SOUTH CAROLINA				
Abbeville		4	10	$89,023
Aiken		8	60	683,978
Allendale		24	52	851,779
Anderson		3	44	429,283
Bamberg		18	42	553,179
Barnwell		18	61	633,132
Beaufort		20	3	22,359
Berkeley		24	9	115,844
Calhoun		19	70	814,414
Charleston		9	1	15,535
Cherokee		6	22	179,418
Chester		6	12	127,495
Chesterfield		13	52	659,598
Clarendon		31	114	1,481,620
Colleton		16	27	287,654
Darlington		17	111	1,104,093
Dillon		40	60	720,777
Dorchester		19	21	159,646
Edgefield		13	34	393,552
Fairfield		8	4	31,440
Florence		26	51	518,385
Georgetown		36		None
Greenville		7	9	71,465
Greenwood		3	6	71,753
Hampton		17	41	499,013
Horry		16	3	35,918
Jasper		16	6	45,205
Kershaw		11	38	353,894
Lancaster		7	14	128,908
Laurens		6	25	254,867
Lee		40	143	2,045,398
Lexington		5	28	256,435
McCormick		31	4	30,940
Marion		18	21	262,876
Marlboro		31	132	2,189,081
Newberry		5	6	42,241
Oconee		7	6	44,404
Orangeburg		18	196	2,252,284
Pickens		5	2	10,941
Richland		4	21	262,281
Saluda		11	30	316,912
Spartanburg		5	19	202,145
Sumter		16	106	1,538,444
Union		5	3	24,576
Williamsburg		40	56	519,782
York		14	20	217,204
SOUTH DAKOTA				
Beadle		6	74	597,933
Bennett		3	45	350,169
Bon Homme	6		20	123,228
Brookings	8		19	123,945
Brown		7	175	1,322,300
Brule	13		22	172,180
Buffalo	10		8	62,764
Campbell	18		42	281,452
Charles Mix	21		41	361,509
Clark		4	29	187,618
Codington		6	7	43,804
Conson		4	95	708,706
Davison		9	19	165,902
Day	14		30	234,598
Deuel	11		9	55,436
Dewey		17	38	290,545
Douglas	8		4	24,640
Edmunds	10		40	299,659
Faulk	6		40	290,613
Grant	6		9	53,967
Gregory	11		24	168,128
Hamlin	5		8	49,285
Hand	9		52	380,682
Hanson	3		12	97,546
Hutchison		2	16	108,793
Hyde		9	16	111,466
Jackson		8	9	56,296
Jerauld	5		14	89,517
Kingsbury	12		45	312,647
Lake		6	23	163,985
Lincoln		3	27	182,144
Lyman	7		80	697,845
McCook	9		30	203,146
McPherson	4		13	99,340
Marshall	7		65	516,319
Mellette	8		22	179,392
Miner	4		10	69,585
Moody	16		41	268,562
Pennington		22	26	189,375
Perkins	9		74	612,922
Potter	10		103	834,384
Roberts	8		11	75,667
Sanborn	6		30	247,759
Todd	6		5	35,663
Tripp	16		75	583,682
Turner		3	31	250,767
Union	9		65	464,880

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
SOUTH DAKOTA—Con.				
Walworth	23		48	$340,746
Ziebach		32	27	218,636
TENNESSEE				
Anderson		25		None
Bedford		3	3	26,206
Benton	16		2	12,590
Bledsoe		26	3	16,663
Blount		10		None
Bradley		8		None
Campbell		27		None
Cannon		12		None
Carroll	12		28	220,976
Carter		18		None
Cheatham	20		1	5,803
Chester		6	19	151,579
Claiborne		18		None
Clay		16		None
Cocke		10	1	5,059
Coffee		8		5,507
Crockett		14	109	958,158
Cumberland		14		None
Davidson		4		None
Decatur	13		2	28,498
DeKalb		8	2	11,888
Dickson		6		None
Dyer		13	79	727,410
Fayette		39	143	1,759,574
Fentress		20	1	5,246
Franklin		10	8	138,740
Gibson	19		97	811,346
Giles		6	12	115,495
Grainger		14		None
Greene	5		2	11,090
Grundy		17		None
Hamblen	12			None
Hamilton		8		None
Hancock		23		None
Hardeman	51		75	796,758
Hardin		15	17	144,926
Hawkins		10	2	13,228
Haywood		41	142	1,358,543
Henderson		12	26	169,824
Henry		4	7	49,298
Hickman		14	2	11,166
Houston		13		None
Humphreys		12	9	61,924
Jackson		13		None
Jefferson	17			None
Johnson		11	1	8,529
Knox		9		None
Lake		31	81	1,130,853
Lauderdale		29	120	1,195,762
Lawrence		7	17	129,007
Lewis		9		None
Lincoln		7	16	156,213
Loudon		9	2	18,240
McMinn		7		None
McNairy		13	26	205,382
Macon		6		None
Madison	10		80	753,251
Marion		26	3	21,281
Marshall	11			None
Maury		5	7	57,444
Meigs		12	1	9,181
Monroe		9		None
Montgomery		6	13	98,454
Moore		6		None
Morgan		32		None
Obion		4	26	219,033
Overton		14	2	12,877
Perry		12	3	22,283
Pickett		14		None
Polk		8		None
Putnam		9	1	8,822
Rhea		17		None
Roane		17		None
Robertson	13		11	79,861
Rutherford		5	7	92,918
Scott		39		None
Sequatchie		23	1	7,137
Sevier		6	1	5,253
Shelby		8	105	1,349,588
Smith		7		None
Stewart	21			None
Sullivan		11	2	18,124
Sumner		9		
Tipton		28	149	1,587,037
Trousdale		8		None
Unicoi		17		None
Union	24			None
Van Buren		11		None
Warren		6	2	10,603
Washington	8		1	5,901
Wayne		10	6	54,454
Weakley		5	8	59,564
White		11	1	5,722
Wilson		6	1	9,483

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
TEXAS				
Anderson	6		2	$19,228
Angelina	42			None
Atascosa	12		26	221,089
Austin	8		15	114,448
Bastrop	18		14	122,636
Bee	4		33	299,841
Bexar		12	7	56,095
Brewster		12		None
Brooks	61		3	61,396
Brown	11		4	37,427
Burleson	28		73	1,401,458
Caldwell	16		40	439,754
Callahan	9		14	117,275
Cameron	14		402	6,326,346
Camp	24			None
Carson	3		199	2,483,883
Cass	18		1	5,342
Cherokee	11		1	9,830
Childress	7		1	1,308,460
Cochran	18		291	4,708,650
Coke	8		5	31,971
Comanche	10		2	15,799
Cooke	11		10	67,747
Cottle	24		121	1,216,300
Crosby	6		548	8,168,496
Culberson		15	21	278,645
Dallam	6		239	3,464,546
Dallas	12		47	498,044
Dawson	16		558	6,959,856
Delta	15		63	494,380
De Witt	16		10	65,815
Dickens	19		129	1,273,379
Dimmit	30		4	51,557
Duval	51			None
Eastland	11		3	15,789
El Paso		13	105	1,425,488
Falls	17		121	1,428,976
Fannin	21		83	755,332
Fayette	9		11	132,003
Fisher	10		269	2,513,857
Floyd	10		695	9,690,293
Foard	12		35	265,371
Franklin	15			None
Freestone	19		4	25,503
Frio	32		53	830,763
Galveston	10			None
Goliad	34		10	89,578
Gonzales	20		8	98,109
Grimes	25		11	167,236
Grayson			54	455,605
Denison (city)	(1)			
Guadalupe	8		47	432,470
Hale	13		1,059	15,636,657
Hamilton	5		2	11,497
Hardeman	13		87	902,171
Hardin	19			None
Harris	10		11	95,607
Haskell	14		250	2,326,511
Hays	19		13	106,738
Hemphill	7		33	265,176
Henderson	8		2	15,044
Hidalgo	17		466	7,654,978
Hill	13		164	1,381,919
Hockley	10		728	8,987,263
Houston	20		34	447,809
Howard	9		197	2,199,240
Hudspeth		17	50	743,513
Hutchinson	23		85	1,070,376
Irion	22			None
Jackson	8		59	456,351
Jasper	20			None
Jeff Davis		16	2	19,241
Jefferson	11			None
Jim Hogg	58			None
Jim Wells	25		46	485,773
Jones	18		273	2,721,206
Karnes	41		30	263,029
Kent	18		36	314,460
Kinney	55			None
Kleberg	21		22	184,862
Knox	15		12	1,148,995
Lamb	8		966	12,608,313
La Salle	45		19	204,460
Lavaca	11		3	22,187
Lee	19			None
Leon	27		20	195,254
Liberty	12		3	21,902
Limestone	19		44	381,690
Lipscomb	3		83	714,053
Live Oak	41		68	619,916
Lubbock	6		1,031	13,367,154
McLennan	6		98	959,217
Madison	25		4	35,287
Marion	33			None
Martin	7		260	3,036,279
Matagorda	17		39	341,736
Maverick	44		13	224,666
Medina	16		14	118,704

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
TEXAS—Con.				
Milam	19		101	$1,170,308
Montague	13		10	69,791
Moore	4		182	2,754,033
Morris	19			None
Motley	22		67	558,791
Nacagdoches	14			None
Newton	23			None
Nolan	15		112	1,376,787
Nueces	8		150	1,630,037
Orange	10			None
Panola	18			None
Pecos		12	67	1,874,555
Polk	19			None
Potter	7		35	375,585
Presidio		36	12	165,995
Rains	15		1	7,493
Real	33			None
Robertson	41		73	1,989,620
Sabine	10			None
San Augustine	18			None
San Jacinto	39			None
San Patricio	27		220	2,608,890
Scurry	16		246	2,489,026
Shelby	8			None
Smith	2			None
Starr	67		19	489,324
Stonewall	18		53	422,381
Swisher	17		667	9,184,382
Tarrant		6	12	91,862
Terrell		6	1	5,724
Terry	5		596	8,629,978
Titus	15			None
Tom Green	11		80	776,552
Travis	20		73	612,504
Trinity	23		1	6,408
Tyler	14			None
Upshur	20			None
Val Verde			1	9,127
Del Rio (city)	23		11	133,009
Waller	14		11	133,009
Walker	38		1	75,619
Ward	27		2	16,910
Washington	23		11	75,800
Webb	40		6	95,325
Wilbarger	13		98	918,507
Willacy	39		207	2,748,725
Williamson	10		183	1,459,200
Wilson	15		11	78,380
Zapata	57		4	68,629
Zavala	28		49	805,009
UTAH				
Beaver	5		1	7,833
Box Elder	5		75	735,946
Cache	3		11	85,907
Carbon	10			None
Daggett	(3)			None
Davis	11		1	5,544
Duchesne	11		1	6,080
Emery	6		2	16,951
Garfield	8		1	11,882
Grand	11			None
Iron	6		4	31,355
Juab	4		17	114,193
Kane	2			None
Millard	2		13	98,908
Morgan	4		2	11,563
Piute	8			None
Rich	1			None
Salt Lake	18		10	109,725
San Juan	26		12	86,584
Sanpete	6		1	5,000
Sevier	5			None
Summit	4			None
Tooele	4		3	20,624
Uintah	10		1	6,508
Utah	10		9	97,788
Wasatch	6			None
Washington	4		2	46,297
Wayne	1			None
Weber	19			None
VERMONT [4]				
Addison	(1)			None
Middlebury [4]				None
Bennington	(1)			None
Bennington [4]	(1)			None
Caledonia				None
Morrisville [4]	(1)			None
St. Johnsbury [4]	(1)			None
Chittenden				None
St. Albans's [4]	(1)			None
Bulrington [4]			30	None
Middlebury [4]	(1)			None
Morrisville [4]	(1)			None

Footnotes at end of table.

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
VERMONT [4]—Continued				
Essex				None
Newport [4]		(1)		None
St. Johnsbury [4]		(1)		None
Franklin				None
St. Alban's [4]		(1)		None
Grand Isle				None
St. Alban's [4]		(1)		None
Lamoille				None
Morrisville [4]		(1)		None
Orange				None
Hartford [4]		(1)		None
Montpelier [4]		(1)		None
St. Johnsbury [4]		(1)		None
Orleans				None
Newport [4]		(1)		None
Rutland		(1)		None
Rutland [4]		(1)		None
Washington				None
Montpelier [4]		(1)		None
Morrisville [4]		(1)		None
St. Johnsbury [4]		(1)		None
Windham				None
Brattleboro [4]		(1)		None
Springfield [4]		(1)		None
Windsor		(1)		None
Hartford [4]		(1)		None
Springfield [4]		(1)		None
VIRGINIA				
Accomack	7		3	$17,150
Amelia		5		None
Amherst	11			None
Appomattox	17		1	11,283
Bath	16			None
Bland	11			None
Brunswick	15		4	32,188
Buchanan	21			None
Buckingham	15			None
Caroline		2		None
Carroll	9			None
Charles City		5	5	30,839
Charlotte	9			None
Craig	13			None
Cumberland	15		2	10,950
Dickenson		23		None
Dinwiddie		6		None
Essex		3	9	73,502
Fairfax		5		None
Floyd	5			None
Fluvanna	18			None
Franklin	6			None
Giles	18			None
Goochland		2	1	5,225
Grayson		4		None
Greene	19			None
Greenville	16		16	165,335
Halifax	18		1	6,401
Highland		1		None
Isle of Wight	27		7	58,049
King and Queen	14		3	17,456
Lee		14	1	6,394
Louisa	11			None
Lunenburg	13			None
Madison		4	1	6,714
Mecklenburg		1	1	6,279
Middlesex		5	1	8,007
Nansemond	33		12	77,260
Nelson	12			None
Northampton	13			None
Northumberland		2	5	33,719
Nottoway	20			None
Page	24			None
Patrick	4			None
Pittsylvania	22			None
Powhatan	14			None
Prince Edwards	18		1	5,660
Rappahannock	17		1	7,772
Richmond	20		1	7,816
Russell	20			None
Scott	16			None
Smyth		4		None
Southhampton		9	24	187,249
Surry	15		7	41,156
Sussex	29		5	43,152
Tazewell		15		None
Washington		6		None
Westmoreland		3	5	33,641
Wise		13		None
Wythe		2	1	7,085
WASHINGTON				
Adams		35	301	3,395,620
Asotin		28	43	380,816
Benton		37	86	1,219,137

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
WASHINGTON—Continued				
Chelan	34	2		$11,300
Clallam	31			None
Clark	24			None
Columbia	31	134	1,579,662	
Cowlitz	21			None
Douglas	28	176	1,546,306	
Ferry	19	2	15,226	
Franklin	35	103	1,158,569	
Garfield	16	131	1,295,762	
Grant	28	194	1,923,849	
Grays Harbor	49			None
Island	5			None
Jefferson	18			None
King	20			None
Kitsap	14			None
Kittitas	18	10	79,542	
Klickitat	28	72	610,293	
Lewis	21	1	7,299	
Lincoln	6	416	3,878,607	
Mason	32			None
Okanogan	21	10	75,809	
Pacific	15			None
Pend Oreille	18	2	12,599	
Pierce	22			None
San Juan	3			None
Skagit	32			None
Skamania	68			None
Snohomish	23	1	5,027	
Spokane	29	200	1,679,369	
Stevens	16	6	41,600	
Thurston	20			None
Wahkiakum	33			None
Walla Walla	35	285	3,552,328	
Whatcom	20			None
Whitman	14	705	7,356,497	
Yakima	46	29	323,651	
WEST VIRGINIA				
Barbour	18			None
Berkeley	9	1	5,061	
Boone	36			None
Braxton	23			None
Brooke	26			None
Cabell	14			None
Calhoun	28			None
Clay	46			None
Doddridge	11			None
Fayette	25			None
Gilmer	23			None
Grant	8			None
Greenbrier	14			None
Hampshire	9	1	5,181	
Hancock	14			None
Hardy	11			None
Harrison	9			None
Jackson	18	1		None
Jefferson	9		7,761	
Kanawha	20			None
Lewis	14			None
Lincoln	41			None
Logan	37			None
McDowell	36			None
Marion	10			None
Marshall	14			None
Mason	14	5	34,728	
Mercer	18			None
Mineral	18			None
Mingo	52			None
Monongalia	8			None
Monroe	15			None
Morgan	6			None
Nicholas	22			None
Ohio	12			None
Pendleton	10			None
Pleasants	14			None
Pocahontas	14			None
Preston	14			None
Putnam	17			None
Raleigh	21			None
Randolph	21			None
Ritchie	11			None
Roane	19			None
Summers	28			None
Taylor	11			None
Tucker	15			None
Tyler	12	1	5,979	
Upshur	19			None
Wayne	40			None
Webster	38			None
Wetzel	22			None
Wirt	8			None
Wood	10			None
Wyoming	41			None
WISCONSIN				
Adams	11	2	13,823	
Ashland	29			None

HUNGER AND FARM PAYMENTS—Continued

State/Adm. unit	Percent participation in food programs: Commodity distribution	Percent participation in food programs: Food stamps	1968 farm payments over $5,000: Number of payees	1968 farm payments over $5,000: Total paid
WISCONSIN—Continued				
Barron	6	2		$14,177
Bayfield	10			None
Brown	14		3	27,144
Buffalo	11		5	39,444
Burnett		7		None
Chippawa			2	14,589
Clark	8		2	11,428
Columbia		4	31	234,003
Crawford		11	1	8,423
Dane	16		58	526,939
Dodge	5		17	164,530
Door		4		None
Douglas		24		None
Dunn		7	6	34,075
Eau Claire		10	4	25,908
Florence	40			None
Fond du Lac	7		7	62,609
Forest		13		None
Grant		6	9	65,383
Green		3	16	131,780
Iowa		3	5	37,235
Iron		6		None
Jackson	16		3	322,289
Juneau	13		3	22,965
Kenosha	32		17	120,942
Kewaunee		3		None
La Crosse		12	5	37,893
Lafayette	14		17	145,971
Langlade		7		None
Lincoln		13		None
Manitowac	13		2	12,515
Marathon	10			None
Marinette		11		None
Marquette		4		None
Menominee	85		2	11,983
Milwaukee		25	3	41,169
Monroe		7	2	12,834
Oconto	11			None
Oneida		18		None
Outagamie	10		6	40,518
Ozaukee	8		1	7,557
Pepin		10	4	26,144
Pierce		4	25	187,696
Polk	11		2	11,288
Portage	12		1	6,228
Price		8		None
Racine	30		31	252,454
Richland		5		None
Rock	19		106	949,757
Rusk		11		None
St. Croix		4	18	126,237
Sauk	7		13	102,556
Sawyer	27			None
Shawano	9			None
Sheboygan	7		2	10,972
Taylor	14			None
Trempealeau		4	8	51,264
Vernon		4		None
Washburn	27			None
Washington	9		1	5,645
Waukesha		9	16	134,566
Waupaca	9		1	5,450
Waushara	10		4	23,816
Winnebago	8		6	37,853
Wood	16			None
WYOMING				
Albany		9		None
Big Horn		16	2	13,060
Campbell		6	23	173,802
Carbon		16	5	70,452
Converse		6	5	33,810
Crook		2	8	64,993
Fremont		4		None
Goshen		10	45	326,825
Hot Springs		3		None
Johnson		6	2	13,524
Laramie		34	30	251,611
Lincoln		3	1	11,461
Natrona		16		None
Niobrara		4	5	37,248
Park		9	1	7,290
Platte		10	33	248,390
Sheridan		8	7	52,453
Sublette		4		None
Sweetwater		17		None
Teton		13		None
Uinta		2		None
Washakie		10		None
Weston		11	6	42,020

[1] Not available.
[2] Included with Billings County.
[3] Combined with Uinta.
[4] Welfare district.

THE TRAVESTY IN RHODESIA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 15 minutes.

Mr. DIGGS. Mr. Speaker, it would be recalled that on Friday, June 20, 1969, the world witnessed yet another display of desperate courage by the Ian Smith regime in Rhodesia in the conduct of a referendum by which the people of that territory are said to have decisively voted to turn that colony into an independent Republic. By that act, the Smith government has severed all remaining links with Britain. And as we sit here today, it is very likely that a new constitutional bill is being placed before the Parliament of Rhodesia to give "legality" to the results of that referendum.

Our State Department has correctly labeled this referendum a "travesty." Commenting on the referendum, a State Department spokesman stated:

> The United States deplores the fact that constitutional proposals clearly designed to intensify and institutionalize political control by the small white minority are now about to be given effect as a result of the referendum.

He also indicated that the closing of the U.S. consulate in Salisbury accredited to the British Governor was under study.

The Rhodesian problem and its related facts have been well-known to us all since UDI in 1965. Opinions, for and against, have been expressed by many in this House and elsewhere. The protagonists of the drama have adopted several disingenuous devices to circumvent the basic issue that has given rise to the crisis, namely; the creation of conditions which should lead to ultimate independence of that country with majority rule.

Today, there is rejoicing in certain quarters that the destiny of 4.8 million Africans in Rhodesia should perpetually be subjected to the whims and caprices of a white-settler minority of some 228,000 people. There is joy over the fact that out of that huge population, only a little over 9,000 Africans are eligible to exercise their political right under an electoral system which would, for the rest of the 20th century—if not forever—make it absolutely impossible for the Africans to take effective and meaningful part in the Government of their own land.

What is even more disquieting is the fact that some people who pride themselves in the knowledge, principles, and practice of democracy should find nothing obnoxious about the Rhodesian situation, nor incongruous with those principles they so admirably espouse. It appears our so-called free men do cherish freedom and recognize the sanctity of freedom for themselves and their kith and kin but not for others.

It is equally disheartening to note that by adopting half-hearted and ineffective measures, the British Government, which has primary responsibility for the colony, has woefully failed to end the Smith rebellion. No doubt, the weakness displayed by the British Government and its pleasant idleness have emboldened Mr. Smith and his followers to pursue with matchless effrontery a policy which does not safeguard the rights of the majority of the people of Rhodesia and is completely insensitive to intelligent and just world opinion about the political and social conditions in that territory.

Strangely, by the intransigence of the Smith regime and its reactionary supporters, some are tempted to draw parallels least appropriate between the Rhodesian situation and that of the 13 American Colonies in 1776. I submit that these parallels are not only inappropriate because of the differing circumstances of the two cases but that they seem to be a dishonest evasion of historical truths of the American revolution and show scant regard for political realities of our day, in general, and especially of Africa.

It might here be recalled that the chief immediate cause for the 1776 rebellion was the continued imposition of taxation by Britain on the Colonies when those Colonies were not represented in the legislature that ruled over them. However, the Rhodesian situation is one in which the African majority do pay taxes commensurate with their meager earnings but they are practically not represented in the government that rules over them.

In other words, while the Thirteen American Colonies in the 18th century considered their interest uncatered for in the British Parliament that governed them from some 6,000 miles away, the interests of the Rhodesian-Africans are neglected by the Government which is supposed to be their National Government while those of the white settler minority are jealously guarded. Hence the conflict in the former was primarily one between the mother country and the colony whereas the latter is an instance of gross violation of the rights of the majority by the minority within the borders of one territory. It is this one fundamental issue which has sparked off the protracted debate between the British Government and the Smith regime.

Again, the times have changed and while colonialism is no longer fashionable, the practice of minority rule over the vast majority is considered grossly unjust and most unacceptable. These are the basic differences between the American Revolution and the Rhodesian rebellion.

The present political picture of Rhodesia is full of repelling prospects and the white settlers and their supporters would do well to note that they are embarked upon a long and hazardous political adventure. If they are really keen on reading and learning from history, one would hope that in due course when the indigenous people of Zimbabwe and Africans more effectively assert themselves in that territory, Mr. Smith and his group would have the opportunity to draw the appropriate historical lessons about the measures for dealing with oppressive and unpopular regimes. Then, and only then, would they realize that they had attempted to live in a dreamland and pretended to be riding the surf while in effect they swam perilously against strong currents.

Meanwhile, I would like to urge that the U.S. consulate be withdrawn immediately. It is clear that the prospect of a settlement between the illegal white regime in Rhodesia and the British Government is no longer possible. We should move decisively by withdrawing our representative.

Second, I would urge that our Government support action in the United Nations which would lead to the blockading of the sanction-breaking ports in the Portuguese-held territory of Mozambique and the minority-ruled country of South Africa. If a minority white regime is a travesty in Rhodesia, so are the same kind of regimes also a travesty in Mozambique and South Africa. We should support U.N. action against these countries which have aided and abetted the violation of the mandatory sanctions voted by the U.N.

Third, I would urge that our Government use all its diplomatic resources to protest the violation of sanctions by those states which are not upholding the sanctions on Rhodesia voted by the U.N. These states include not only South Africa and Portugal, but France, Switzerland, West Germany, and Japan.

These steps are the minimal measures which the United States can take to show its support for majority rule and nonracialism in southern Africa.

AID TO FAMILIES WITH DEPENDENT CHILDREN—CONFERENCE REPORT

Mr. MILLS submitted the following conference report and statement on the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-330)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2 and agree to the same.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JAMES B. UTT,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
ALBERT GORE,
FRED HARRIS,
JOHN J. WILLIAMS,
WALLACE BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: The Senate amendment No. 1 repeals section 403(d) of the Social Security Act. This section imposed (for any quarter after June 1969) certain limitations on the number of dependent children under 18 who, because of a parent's absence, may receive AFDC with Federal financial participation. The limitations are relaxed for certain States which, in compliance with a judicial decision, effectuated a policy of providing AFDC to persons not otherwise eligible for such aid.

The House recedes.

Amendment No. 2: Under section 1113 of the Social Security Act the Secretary of Health, Education, and Welfare is authorized to provide temporary assistance to certain citizens of the United States and to dependents of citizens of the United States. Subsection (d) of such section provides that no temporary assistance may be provided under section 1113 after June 30, 1969. Senate amendment No. 2 extends the period through June 30, 1971.

The House recedes.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JAMES B. UTT,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PODELL, for Friday, June 27, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FINDLEY, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. CLAY); to revise and extend their remarks and to include extraneous matter:)

Mr. DIGGS, for 15 minutes, today.

Mr. CULVER, for 10 minutes, today.

Mr. CHAMBERLAIN (at the request of Mr. SEBELIUS), for 30 minutes, on June 27; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. PETTIS.

Mr. MINSHALL.

Mr. CHAMBERLAIN.

Mr. MCKNEALLY.

Mr. LANDGREBE.

Mr. SKUBITZ in two instances.

Mr. MILLER of Ohio.

Mr. BROTZMAN.

Mr. RHODES in five instances.

(The following Members (at the request of Mr. CLAY) and to include extraneous matter:)

Mr. MANN in six instances.

Mr. BIAGGI.

Mr. MURPHY of New York in two instances.

Mr. FRASER.

Mr. JACOBS.

Mr. CORMAN in two instances.

Mr. GONZALEZ in two instances.

Mr. PATMAN in three instances.

ADJOURNMENT

Mr. CLAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 27, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

890. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Cispus Job Corps Civilian Conservation Center, Randle, Wash., operated by the Forest Service, Department of Agriculture, under an interdepartmental agreement with the Office of Economic Opportunity, pursuant to the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

891. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds for the third quarter of fiscal year 1969, pursuant to the provisions of section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

892. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. House Joint Resolution 247. Joint resolution relating to the administration of the national park system; with amendment (Rept. No. 91-329). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. Conference report on H.R. 8644 (Rept. No. 91-330). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 12451. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person name as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 12452. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 12453. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 12454. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 12455. A bill to establish a National Commission on Pesticides, and to provide for a program of investigation, basic research, and development to improve the effectiveness of pesticides and to eliminate their hazards to the environment, fish and wildlife, and man; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 12456. A bill to amend the Solid Waste Disposal Act too require an investigation and study of the decomposability and destructibility of materials; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN:

H.R. 12457. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 12458. A bill to amend the Food Stamp Act of 1964, and other acts, to provide adequate food and nutrition among low-income households, and for other purposes; to the Committee on Agriculture.

By Mr. FARBSTEIN:

H.R. 12459. A bill to amend the Communications Act of 1934 to prohibit the granting of authority by the Federal Communications Commission for the broadcast of pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 12460. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 12461. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY, Mrs. CHISHOLM, Mr. FARBSTEIN, Mr. GILBERT, Mr. LOWENSTEIN, Mr. MURPHY of New York, Mr. PODELL, Mr. POWELL, Mr. ROSENTHAL, and Mr. RYAN):

H.R. 12462. A bill to authorize the Administrator of General Services to transfer certain airspace for use for housing purposes; to the Committee on Public Works.

By Mr. MCMILLAN:

H.R. 12463. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind per-

sons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MILLS (for himself, Mr. ALEXANDER, Mr. BELCHER, Mr. CAMP, Mr. EDMONDSON, Mr. HAMMERSCHMIDT, Mr. JARMAN, Mr. PRYOR of Arkansas, and Mr. STEED):

H.R. 12464. A bill to provide that U.S. district courts shall have jurisdiction of certain cases involving interstate compacts relating to the apportionment of the waters of interstate river systems; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 12465. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 12466. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 12467. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. BROWN of California, Mr. BINGHAM, Mr. FRASER, Mr. HALPERN, Mr. MIKVA, Mr. MOORHEAD, Mr. MOSHER, Mr. PEPPER, Mr. PODELL, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, and Mr. CHARLES H. WILSON):

H.J. Res. 798. Joint resolution to establish a Joint Commission of the United States, the Republic of South Vietnam, and the International Commission for Supervision and Control in Vietnam to study the ecological effects of chemical warfare in Vietnam; to the Committee on Foreign Affairs.

By Mr. McCARTHY (for himself, Mr. ANDERSON of California, Mr. ASHLEY, Mr. CAREY, Mr. COHELAN, Mr. DULSKI, Mr. FARBSTEIN, Mr. GILBERT, Mr. HORTON, Mr. HOWARD, Mr. HUNGATE, Mr. JOELSON, Mr. LEGGETT, Mr. MACDONALD of Massachusetts, Mr. MATSUNAGA, Mr. MORSE, Mr. MOSHER, Mr. OBEY, Mr. OLSEN, Mr. POWELL, Mr. PREYER of North Carolina, Mr. RIEGLE, Mr. THOMPSON of New Jersey, and Mr. TUNNEY):

H. Res. 457. Resolution urging the President to resubmit for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

230. The SPEAKER presented a memorial of the Legislature of the State of Connecticut, relative to welfare assistance, which was referred to the Committee on Ways and Means.

SENATE—*Thursday, June 26, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, who knowest how busy we must be this day, if we forget Thee, do not forget us. Enable us to walk and talk and work mindful of Him who under heavy burdens and in the midst of controversy kept a tranquil heart. When the evening comes, and we pillow our heads and sleep, nature's great restorer, comes over us, may we hear Thy gentle voice saying, "Well done, good and faithful servant." Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970, and for other purposes, and it was signed by the Vice President.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 25, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the executive calendar.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF THE INTERIOR

The bill clerk read the nomination of Charles H. Meacham, of Alaska, to be Commissioner of Fish and Wildlife, Department of the Interior.

Mr. STEVENS. Mr. President, Charles H. Meacham is 43 years old, married and has two sons. He is an Alaskan and has been nominated to be Commissioner of Fish and Wildlife in the Department of the Interior.

The Commerce Committee has reported favorably on his nomination and he now awaits the action of this body.

Chuck Meacham is uniquely qualified for this important Federal position. Raised in the Sierra Nevada Mountains, he is a former marine raider in the South Pacific theater. He will bring to this position 19 years of varied experience in fish, wildlife, research, and management, both in California and Alaska. He has served as the Alaska Director of International Fisheries, and is an adviser to the Commissioners of the International North Pacific Fisheries Commission, a member of the U.S. Fishing Industry Advisory Committee of the U.S. State Department and Alaska's senior member of the Alaska-Japan Fisheries Panel Joint Research Venture.

Mr. President, the fact that we are acting on this nomination is an historical accident. When the Division of Fish and Wildlife was elevated to the secretarial level, and the position of Assistant Secretary for Fish and Wildlife was created, the position of Commissioner of Fish and Wildlife still remained subject to confirmation.

This fact does not diminish the duty we have. I mention this only to indicate that Mr. Meacham's major duties will be in the area of international conferences, and that he has demonstrated his ability in this area to an unquestionable degree.

An objection was raised prior to the hearings on Chuck Meacham. The objection is based on his role during an incident on the Kuskokwim River.

Mr. President, approximately 1 year ago a group of fishermen in the Bethel area formed a cooperative and invited a Japanese freezer ship to the area to purchase and process their catch. The Japanese said they would come to Alaska if the Governor approved. The Governor of Alaska, Walter Hickel, after considering the long-range aspects of the North Pacific Treaty arrangements with Japan, and after consultation with his director of international fisheries, Stanton Patty, did not consent to the proposed transaction.

Mr. Meacham was sent to the area to carry out the Governor's directions. He made no policy. His sole role was that of an able junior officer responding to his superior's orders.

The Kuskokwim incident had two

sides. On one hand were the members of the cooperative, who wanted the highest price their fish could bring and the processing of those fish before they spoiled. On the other hand was the work force of on-shore canneries. The entire history of the background to the North Pacific Treaty was also involved. Feelings were running high, as indicated by the following telegrams received by Governor Hickel during this period of time:

In general meeting of Kuskokwim Fishermen Association June 2, 1968, 108 members in attendance at Napakiak, Alaska, it was the expression of the group that under no circumstances should the Japanese freezer ship be allowed to come into the Kuskokwim River to purchase and process salmon.

That was signed by the business agent and by the Secretary. At the same time this petition signed by over 100 fishermen was sent to the Secretary:

DEAR GOVERNOR: In order to clarify the false reports that all the fishermen on the Kuskokwim River are in favor of the Japanese processing ship coming to Bethel, we the following fishermen would like to state that we are not in favor of this and take this opportunity to thank you for taking the stand you have on this controversial issue.

That was signed by 100 fishermen.

At the same time the Democratic State senator from that area, Ray Christianson, sent a telegram to Governor Hickel as follows:

On June 9th a meeting of fishermen was held at Napakiak, Alaska, with a delegation from all villages of the Lower Kuskokwim represented. The selling of fish to the Japanese freezer ship was discussed. The delegation unanimously voted against selling to the Japanese freezer ship. I ask you to support them in their decision.

I would point out, Mr. President, it said, "unanimously voted against selling to the Japanese freezer ship."

The point then is that Meacham went to Kuskokwim to carry out a policy already decided. The hearings held by the Commerce Committee showed that while he was at Bethel he did everything he could to prevent fish from spoiling, including the pledge of $900 of his own money for tubs to be used by the cooperative to store the fish. Only 450 out of 160,000 fish taken that year spoiled.

It is my opinion that this body should not concern itself with the correctness of the decision made by Governor Hickel. This incident is over, but the controversy still exists, as evidenced by a telegram recently received which states in pertinent part:

The action of the Secretary and Mr. Meacham in preventing the Japanese from purchasing unprocessed fish here, met and still meets with the approval of over 95 percent of the 600 Commercial Eskimo Fishermen. I think it is about time that someone be told how the people feel and not what the imported poverty worker thinks they should feel concerning the Japanese and the Kuskokwim River. Andy Edge Business Representative Association of Kuskokwim Fishermen.

Stanton Patty, who served as Alaska director of international fisheries, prior to Meacham, has written that:

It appears that the main "beef" against Chuck is his involvement in the Kuskokwim fisheries affair last year . . . I made the recommendation for that action . . . Chuck at that time was a State of Alaska Department of Fish and Game employee in Anchorage. I designated him to lead our team to Bethel, with the Governor's approval, and either gave him or directed to him all instructions he carried out. What I'm saying is that Chuck did what we told him. I don't know how he felt about the matter, but he did the job we told him to do. He had no part in the policy-making end of it.

I had to return to the Seattle Times staff last July 1 when my leave expired. Chuck then succeeded me in Alaska as Director of International Fisheries. I think he has done an excellent job.

Mr. President, since the nomination of Chuck has been announced, the reaction I have received has been all favorable. I have not received one unfavorable piece of mail regarding Meacham.

On March 20, 1969, I received the following telegram from Gov. Keith Miller, of Alaska:

I have today signed S.J.R. 29 titled-recommending the confirmation of Charles Meacham as Commissioner of the Fish and Wildlife Service, Department of the Interior. The 19 years of over-all experience in National and International Fisheries matters has proved that Mr. Meacham is more than qualified to represent all the Fisheries of the United States. This resolution passed both the Senate and the House without a dissenting vote from either side of the aisle. I personally recommend his confirmation by the U.S. Senate. Keith H. Miller, Governor.

Mr. President, I ask unanimous consent that Senate Joint Resolution 29 and related communications be included in full at the conclusion of my remarks.

The VICE PRESIDENT. There being no objection the material is ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I think that the above, as well as the hearings so ably conducted by Chairman MAGNUSON, clearly show that the sole concern of this body is whether or not Chuck Meacham has the ability, character, and integrity to fill the position for which he has been nominated. To determine this, we need look to his accomplishments already set forth in the hearing record, and the opinion others hold of him.

The support for Meacham has not been solely from Alaska. Communications have been received from other States, from individuals who know and admire him.

Edward and Leilemi Keough, of Alexandria, Va., telegramed me the following message:

Have worked with Meacham and know him as a man of integrity with proven leadership and administrative ability.

The response has come from biologists, conservationists, fishermen, Congressmen, and businessmen.

On May 27, 1969, the executive committee of the Pacific Marine Fisheries Commission unanimously endorsed the confirmation of Charles Meacham as Commissioner of Fish and Wildlife.

A fishery biologist from Cordova, Alaska, wired the following message:

Charges against Meacham's integrity by political opponents completely unfounded. Comments by professional co-workers unsolicited statement of facts concerning Meacham's ability and performance as Administrator Professional career biologist. Have known Meacham for 22 years as friend and co-worker. Integrity professional ability unquestionable. Past records of performance demonstrate ability. Ralph B. Pirtle, Fishery Biologist.

Robert Rausch, of Fairbanks, Alaska, has written that:

I am a professional conservationist who has had the pleasure and privilege of working with Mr. Meacham for nearly 15 years, though not in the same division of the Fish and Game Department. His ability and integrity is widely known and respected among professional conservationists.

Congressman HOWARD POLLOCK, the Congressman for Alaska, has written:

Mr. Meacham is extremely well qualified by training and experience in both national and international fishery matters to represent the United States as Commissioner of Fish and Wildlife Service. In my view, his integrity and professional competence are above reproach. It is my earnest hope and fervent wish that the appointment of Charles Meacham as Commissioner of Fish and Wildlife Service in the Department of Interior will receive overwhelming endorsement in the Commerce Committee and almost unanimous confirmation in the United States Senate.

Twenty-five employees of the State's fish and game department wired:

March 13, 1969—Strongly support appointment of C. H. Meacham as Commissioner of Fish and Wildlife Service. Meacham widely recognized as outstanding administrator with exceptional leadership ability by professional association with Alaska and International Fisheries. Meacham was regional supervisor for commercial and subsistence fisheries, management and research, in an area larger than the combined areas of Washington, Oregon, California and Idaho, which produces a major share of Alaska's fishery products. Average annual value of this region's commercial fisheries is $42 million, and these fisheries have been administered with an annual budget of less than $1 million. Criticism of Meacham's role in the Kuskokwim incident is unjustified as issue and policy was largely developed before his appointment to the Director of International Fisheries for the State. Signed by 25 State Fish and Game employees.

State Senator Ray Christiansen, the representative of the Bethel area wired:

March 14, 1969—I should like to be on record as unequivocably endorsing the appointment of Charles Meacham to be Commissioner of Fish and Wildlife service for the U.S. Department of Interior. As a member of Alaska legislature for nine years, as a member of the Kuskokwim Valley Native Association and as as a citizen with a vital interest in the fisheries of our State and Nation. I have known Mr. Meacham for eight years and have been intimately acquainted with his professional accomplishments. From this acquaintance I feel personally confident that he is well suited to the position and urge your efforts on behalf of his appointment.

RAY CHRISTIANSEN.

Editorials have appeared in several of my State's newspapers concerning this nomination. The Kodiak Mirror strongly endorsed Meacham. The Fairbanks Daily News-Miner wrote that:

It is important for Alaska and Alaskans to have a United States Commissioner of Fish and Wildlife in office who understands Alaska's problems, and not inconsistent with our national best interests because such a large portion of our national wildlife resources are encompassed within Alaska. We were of the opinion, shared, we believe, by most Alaskans,

that the appointment of Mr. Meacham, a veteran of our Alaska Fish and Game program, was consistent with both Alaska and National best interests.

The Chamber of Commerce of Petersburg, Alaska, a community in which Chuck lived and worked for several years has unanimously endorsed him. The deputy commissioner of the State department of revenue has written in his support.

Mr. President, the litany of spontaneous, unsolicited support for Chuck Meacham is virtually endless. He is a good and decent man. His education and experience in the field of fish and wildlife and his experience and ability in international treaty negotiations are assets which should greatly benefit the people of our Nation. He has responded to the challenge posed by the naked grandeur of my State. He has responded to the challenge of war in the South Pacific theater, he has responded to the challenge of every position he has held, and in the process has ably demonstrated his administrative talents, and more importantly his honesty and integrity.

I support Chuck Meacham without qualification. On the basis of the record before this body, I urge that my colleagues join in this support, and confirm Chuck Meacham, so that the people of our Nation will have the benefit of his talents as soon as possible.

EXHIBIT 1

SENATE JOINT RESOLUTION 29

Recommending the confirmation of Charles Meacham as Commissioner of the Fish and Wildlife Service, Department of the Interior

Whereas Charles Meacham has been nominated by Secretary of Interior Walter J. Hickel to be Commissioner of the Fish and Wildlife Service of the United States; and

Whereas this office involves responsibility for the care and management of all fish and wildlife under joint or exclusive United States control; and

Whereas Charles Meacham has previously served in the Alaska Department of Fish and Game which manages one of the largest fisheries in the United States; and

Whereas the State of Alaska has more fish and game resources than any other state in the United States; and

Whereas Charles Meacham has been connected with the management of those resources as an employee of the Territory and then the State of Alaska for 12 years; and

Whereas Charles Meacham has been active in International Fisheries negotiations since 1960, and since 1968 has served as the Advisor to the Governor of Alaska on International Fisheries matters; and

Whereas Charles Meacham has 19 years of over-all experience in the field of fish and game management;

Be it resolved that the Legislature of the State of Alaska commends Secretary of Interior Walter J. Hickel for his nomination of Charles Meacham as Commissioner of the Fish and Wildlife Service, and respectfully urges the Interior and Insular Affairs Committee of the United States Senate and the Senate as a whole to approve the nomination of Charles Meacham.

Copies of this Resolution shall be sent to the Honorable Walter J. Hickel, Secretary of the Department of the Interior; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable Henry M. Jackson, Chairman of the Interior and Insular Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

PORTLAND, OREG.,
May 27, 1969.

HON. THEODORE STEVENS,
U.S. Senate,
Washington, D.C.

PMFC executive committee from Alaska, California, Idaho, Oregon, Washington, unanimously favors confirmation Charles Meacham Commissioner Fish and Wild Life.

LEON A. VERHOEVEN,
Pacific Marine Fisheries Commission.

PETERSBURG, ALASKA,
March 18, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Commerce Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Our members unanimously endorse the appointment of Charles H. Meacham as Commissioner of Fish and Wildlife.

We therefore respectfully urge your support of confirmation of Mr. Hickel's appointment. Thank you.

Sincerely,

LARS EIDE,
President,
Petersburg Chamber of Commerce.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of Justice be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations in the Department of Justice are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be notified of the confirmation of the nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 260, S. 1790; Calendar 261, S. 1076; and Calendar 266, Senate Joint Resolution 122.

The VICE PRESIDENT. Without objection, it is so ordered.

GREAT PLAINS CONSERVATION PROGRAM

The Senate proceeded to consider the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 3, after the word "That" strike out "the Act of August 7, 1956 (70 Stat. 1115), as amended, is hereby further amended as follows:

"Subparagraph (b)(1) of said Act is amended to read:" and insert "section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:"; on page 2, at the beginning of line 1, strike out "thereof" and insert "therefor,"; in line 4, after the word "needed" strike out "for the contract period"; in line 5, after the word "thereby", insert a semicolon and "but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands."; in line 19, after the date "1981," strike out "on" and insert "with respect to"; on page 3, line 12, after the word "measures," strike out "for" and insert "for (a)"; in line 13, after the word "resources," strike out "for" and insert "(b)"; in line 14, after the word "and" strike out "for" and insert "(c)"; in line 15, after the word "related" strike out "pollutants harmful to soil and water resources' and insert "pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator."; on page 4, line 9, after the word "Secretary," insert "after considering the recommendations of the soil and water conservation district board,"; on page 5, line 17, after "SEC. 2." strike out "Subparagraph (b)(2)" and insert "Section 16(b)(2) of said Act"; on page 6, line 6, after "SEC. 3." strike out "Subparagraph (b)(7)" and insert "Section 16(b)(7)"; at the beginning of line 11, insert "(A) during the period ending December 31, 1971, (i)"; in line 13, after the word "exceed" strike out "$300,000,000, and" and insert "$150,000,000, and (ii)"; and in line 15, after the figure "$25,000,000", insert a semicolon and "and (B) during the period beginning January 1, 1972, (i) the total cost of the program (including administrative costs) shall not exceed $250,000,000, and (ii) the cost of the program for any year (including administrative costs) shall not exceed $25,000,000."; so as to make the bill read:

S. 1790

A bill to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land

owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights, to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract."

SEC. 2. Section 16(b)(2) of said Act is amended to read:

"(2) the Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary."

SEC. 3. Section 16(b)(7) of said Act is amended to read:

"(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That (A) during the period ending December 31, 1971, (i) the total cost of the program (excluding administrative costs) shall not exceed $150,000,000, and (ii) for any program year payments shall not exceed $25,000,000; and (B) during the period beginning January 1, 1972, (i) the total cost of the program (including administrative costs) shall not exceed $250,000,000, and (ii) the cost of the program for any year (including administrative costs) shall not exceed $25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act."

Mr. PEARSON. Mr. President, at the request of the Senator from North Dakota (Mr. YOUNG), I ask unanimous consent that the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, this bill would extend the time within which the Great Plains conservation program contracts can be entered into for 10 years; that is, until December 31, 1981. Since the contracts may run as long as 10 years, this would permit some contracts to continue until December 31, 1991.

The program has been a very necessary and successful one. It applies only to those counties in the Great Plains which are susceptible to wind erosion; and its purpose is to provide conservation measures to hold the soil down and keep it from blowing away. The purpose is to keep this area a great productive reservoir and prevent it from ever returning to the dust bowl conditions of the thirties.

The cost of the program during the period of the extension would be limited to $250 million, and the cost for any year would be limited to $25 million.

The bill makes a number of improvements in the program. These would, first, permit contracts covering nonagricultural land where necessary to prevent the soil from blowing onto neighboring agricultural land; second, permit contracts covering lands under annual lease where control of the land appears adequate for contract purposes; third, provide for assistance in enhancing fish and wildlife, recreation, and other resources, and in pollution control, and fourth, provide for broader contract amendment authority and a greater voice for the local soil and water conservation districts.

The Committee on Agriculture and Forestry was unanimous in its approval of the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–269), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would extend the Great Plains conservation program for 10 years and enlarge its scope in a number of minor respects.

The program is one under which the Secretary enters into conservation cost sharing contracts of up to 10 years with producers in counties susceptible to wind erosion in the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

DETAILS

The bill would—

(1) extend the time within which new Great Plains program contracts could be entered into to December 31, 1981 (now December 31, 1971).

(2) limit the total cost of the program (including administrative costs) during the 10 year period covered by the extension to $250 million.

(3) limit the annual cost of the program (including administrative expenses) during the period of the extension to $25 million.

(4) extend the program to nonfarm lands to the extent necessary to protect farm or ranch lands and to owners and operators who are not producers.

(5) give the Secretary of Agriculture discretion to determine whether the landowner or operator has the necessary amount of control of the land, instead of requiring absolute control for the contract period. This would make possible, where conditions warrant, contracts on operating units where customary control is through annual leasing arrangements.

(6) provide for Federal assistance, at the exclusive decision of the landowner or operator, in measures to—

(*a*) enhance fish and wildlife and recreation resources,

(*b*) promote economic use of the land, and

(*c*) reduce or control agricultural related pollution;

(7) Provide that conservation plans must be developed in cooperation with the appropriate soil and water conservation district in order to form the basis for contracts.

(8) Permit modification of contracts by mutual agreement to "accomplish equitable treatment with respect to other similar conservation, land use, or commodity program."

(9) require the Secretary to consider recommendations of the soil and water conservation district board before requiring a contract forfeiture.

COMMITTEE AMENDMENTS

The committee amendments are of a minor and generally technical nature. They would—

(1) Correct references to the statute being amended,

(2) Correct a typographical error,

(3) Make it clear that contracts can be entered into with persons in possession under circumstances which provide adequate but not absolute assurance that they will control the land for the contract period.

(4) Restrict contracts on lands, other than farm or ranch lands, to cases where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands,

(5) Make it clear that contracts are to be entered into "with respect to", rather than "on", farms,

(6) conform the provisions of the bill dealing with (i) fish and wildlife, economic use, and anti-pollution practices, and (ii) soil and water conservation district board contract forfeiture recommendations, to those adopted by the House of Representatives in H.R. 10595, and

(7) keep the present limits on program expenditures through December 31, 1972, and impose a limit of $250 million on total program costs and a limit of $25 million on annual program costs (including administrative expenses in each case) for the period beginning January 1, 1972.

With the foregoing amendments the bill will be substantially identical to H.R. 10595, as passed by the House of Representatives. The only substantive difference (not counting those intended to require that the bill be carried out in accordance with intentions expressed in the House report, and the report of the Department of Agriculture) is the fund limitation described in item (7) above.

NEED FOR THE LEGISLATION

The Great Plains region is a vast, productive, agricultural region which has problems peculiar to its environment. This area, commonly referred to as the "Dust Bowl" in the 1930's, can, through programs such as the one under consideration, continue to be a great productive reservoir if its productive capacity is safeguarded. The potential of the Great Plains area as a supplier of our Nation's foodstuffs can only be fully realized by putting into effect those practices and procedures which will more completely control the effects of weather hazards. Drought, destructive winds, floods, and other natural disasters cannot be prevented, but their damaging effects can be minimized. The Great Plains conservation program is an integral key to this need.

The region is subject to severe climatic variations that periodically bring wide suffering and serious economic losses. Because of the character of some soils in the region, and the normal low rainfall pattern, continuous cultivation of the entire area creates serious problems of wind erosion and resultant economic distress occur and recur.

In the 10-State area covered by the program there are approximately 110,500,000 acres of cropland and 215 million acres of range and pastureland. About 43 million acres of cropland and 91 million acres of range and pastureland now have treatment adequate to meet the conservation needs of the land. Thus, more than half the cropland, range, and pastureland still need conservation treatment. These acreages include about 5,500,000 acres of cropland that are not suited for sustained cropland production and should be converted to permanent vegetation, and about 12,500,000 acres of range and pastureland that need reestablishment of vegetative cover.

Conservation treatment of cropland, rangeland, and pastures produces substantial community and national benefits. Proper land use and treatment materially reduce the sediment polluting our Nation's streams and reduces soil dust in the air. Dust contamination of the air causes, among other things, serious respiratory ailments.

The fact that contracts covering less than one-half of the acreage in the designated counties have been executed is in itself conclusive evidence that much remains to be done under the program. The most recent report of the Soil Conservation Service of wind erosion damage, covering the calendar quarter ending on February 28, 1969, starkly reveals the continuing severity of the problem.

ACRES OF LAND DAMAGED

Great Plains States	Number of counties reporting	Land damaged			Total land damaged	
		Cropland	Rangeland	Other land	Feb. 28, 1969	Feb. 29, 1968
Northern:						
Montana	15	20,650	----------	500	21,150	22,100
Nebraska	6	28,000	790	150	28,940	10,600
North Dakota	19	129,970	1,450	250	131,670	303,150
South Dakota	22	19,300	----------	----------	19,300	25,350
Wyoming	10	11,150	7,000	1,530	19,680	20,550
Subtotal	72	209,070	9,420	2,430	220,740	381,750
Southern:						
Colorado	10	16,125	20	5	16,150	6,160
Kansas	39	5,900	----------	----------	5,900	10,000
New Mexico	10	20,600	3,600	1,600	25,800	3,900
Oklahoma	17	34,531	47	102	34,680	1,200
Texas	56	365,510	8,600	13,710	387,820	56,020
Subtotal	132	442,666	12,267	15,417	470,350	77,280
Grand total	204	651,736	21,507	17,847	691,090	459,030

BACKGROUND

A. Developments culminating in passage of the 1956 legislation

In early 1956 the Great Plains Agricultural Council with assistance from the U.S. Department of Agriculture recommended a program for the Great Plains which was transmitted to the Congress by President Eisenhower. Public Law 84–1021 establishing the Great Plains conservation program was enacted in August of that year.

U.S. Department of Agriculture agency representatives at State levels, along with directors of extension and experiment stations, State agricultural agencies, governing bodies of soil and water conservation districts, and other agricultural leaders jointly reviewed the hazardous wind erosion areas in each of the 10 States. They made recommendations to the Secretary of Agriculture as to the boundaries that should be established for program participation and recommended the initial counties in each State to be eligible to participate. After the initial designation, other counties within the area were required to request designation by the Secretary, based on criteria established for program participation.

The recommendations for action, along with testimony during the hearings, made clear that a strong effort must be made to stabilize the resources of the Plains. In addition to the critical need to establish protective cover on large acreages of unstable land, the program was designed to achieve a more stable agriculture, more dependable source of income, and a more satisfactory livelihood for the people of the region.

It was recognized that emergency treatment measures would not bring about this stability. A program to obtain complete conservation treatment on entire operating units as rapidly as possible was needed. The program, as developed under Public Law 84–1021, provides for technical as well as long-term cost-sharing assistance to help farmers and ranchers who are willing to install and maintain complete conservation on their units. Cost-share contracts range from not less than 3 years to not more than 10.

B. Operation of the program to date

In establishing the operating policies of the program, it was determined that priority should be given to those farmers and ranchers who desired to change the use of their land in an effort to minimize the hazards of wind and water erosion. A plan of operations, including a time schedule of treatment installation, is a prerequisite for program participation. Conservation plans, developed in cooperation with soil and water conservation districts, serve adequately as a basis for contracts.

The Great Plains conservation program is not a land retirement program. No rental payments are included. It is aimed at obtaining shifts and improvement in land use based on the varying capability of land, rather than crop reduction. This permits the units under contract to continue operation as viable farms and ranches contributing to the economic stability of rural communities. The program provides opportunities for participants to stabilize their operations by insuring carryover feed for livestock to avoid untimely sales during drought or other emergencies. Through application of needed conservation treatment, more dependable production and more stable income is assured.

In order to allow as many farmers and ranchers as possible to get started on complete conservation plans, a limit of $25,000 for any one unit was established. Experience has shown that contracts average about $3,500 in Federal cost sharing spread over about 5½ years. This means about $630 a year in Federal cost sharing is used by individuals on the average in carrying his conservation plan through to completion.

As of June 30, 1968, a total of 31,122 contracts covering 56,601,700 acres had been executed. The effect of the program in bringing about needed land-use adjustments is evidenced by the fact that producers have contracted to convert about 21 percent of their cropland to permanent cover. Nearly 15 percent of the cumulative cost-share payments paid to producers through June 30, 1968, was for the establishment of permanent grass on land previously used for cropland, and about 22 percent was for practices connected with the reestablishment of vegetative cover on range and pasturelands.

The average contract executed in fiscal year 1968 covered 1,604 acres with an average Federal cost-share obligation of $3,471, as depicted on the following table:

PROGRESS REPORT OF THE GREAT PLAINS CONSERVATION PROGRAM, FISCAL YEAR 1968 AND CUMULATIVE TO JUNE 30, 1968

State	Number of designated counties	Great Plains contracts signed: Number		Great Plains contracts signed: Acres		Total, cost-share obligations		Unserviced application
		Fiscal year	To date	Fiscal year	To date	Fiscal year	To date	
Colorado	36	263	2,198	519,008	6,831,684	$1,266,970	$12,238,197	317
Kansas	62	347	3,291	191,441	2,404,799	938,685	8,684,239	473
Montana	37	115	1,336	990,169	6,401,144	749,794	7,211,919	387
Nebraska	58	461	4,213	580,531	5,179,766	1,280,495	12,780,985	657
New Mexico	18	114	1,376	682,379	8,712,090	662,148	7,984,779	263
North Dakota	30	314	3,449	467,486	4,613,593	618,027	7,008,089	494
Oklahoma	30	568	3,294	304,757	3,052,331	1,351,067	8,584,191	908
South Dakota	39	197	1,509	480,116	4,581,300	684,779	6,657,893	348
Texas	99	803	10,075	721,431	12,746,546	2,793,238	33,984,772	1,073
Wyoming	11	45	381	238,966	2,078,447	259,163	2,794,801	99
Total	420	3,227	31,122	5,176,284	56,601,700	10,604,366	[1] 108,019,865	5,019
Average per contract				1,604	1,819	3,286	3,471	

[1] Cumulative expenditures are about $80,000,000, leaving a balance of $28,000,000 unpaid cost-share obligations.

Mr. METCALF. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent to have printed in the RECORD a statement he has prepared on the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. YARBOROUGH. Mr. President, in my life I have seen too many severe extended droughts for them ever to be erased from my memory. Others of you here can also remember the looks of despair on the faces of those good people who were trying to farm or raise cattle on the highly erodable soils of the plains country, but were facing foreclosure, and in some cases starvation, as the land dried up and blew away in drought days.

Those dust bowl days of the 1930's shocked the entire Nation. History books have accurate accounts of mass exodus of good people from the plains states.

In the late 1930's we began to develop programs to help stabilize this vast area, and typically we experienced a number of good moisture years which gave us encouragement that those dark days of the 1930's would not appear again.

Another extended drought which eventually laid bare much of the plains again in the mid-1950's jolted us out of our complacency. High winds again whipped the bare soil, and people again were aroused and alarmed over the prospect of another dust bowl. Strong measures were necessary if we were to stabilize our farms and ranches and to reclaim our land, much of which should never have been plowed or grazed to begin with.

In 1956, Congress set into motion the Great Plains Conservation Program. For the first time we provided for a contractual partnership between the government and the farmers and ranchers to accelerate the planning and application of needed conservation treatment on entire farms or ranches over a specified period of years. This gave them assurance of continuous cost sharing until the job was completed—and helped them do it at a pace they could afford.

The area covered by this program is roughly that between the Mississippi/Missouri river systems on the east and the Rocky Mountains on the west, between the Canadian border on the north, and central West Texas on the south. This land was once the domain of the Indian and the buffalo, a vast treeless open area covered by a grassy sea. It is a harsh land, prey to great extremes of weather—drought and flood, cold and heat. And as the settlers came, the grass disappeared along with the Indians and the buffalo and with the grass went the limited ability of the hard, dry earth to hold water and the condition of the 1930's came about.

There are now 421 counties covered by this program, in ten Great Plains States. Nearly a fourth of them are in my home state. The population of this area is now in the vicinity of 20 million people.

We should consider too that the Federal cost sharing has been Society's cost of keeping the dust out of the air, silt from the streams, and assurance that this vast agricultural area will always be available to feed and clothe our population.

The Great Plains Conservation Program in Texas is a real success story. A recent survey conducted by the Soil Conservation Service showed that of the 4,050 farms and ranches visited, the owners of more than 9 out of 10 were keeping their conservation work at a satisfactory level. A fourth of this number had invested in further improvements.

Looking back over their experience in the Program, some landowners reported that they had gained in the process a clear understanding of the needs of their land. Others commented that their conservation work had given economic stability to their enterprises. Some of the smaller operators said that the added economic stability in their enterprises had enabled them to stay on their farms.

But, Mr. President, the job is not yet done. The Texas survey indicated that the work accomplished under the program in the 98 counties in the 11 years of activity amounts only to from 10 to 15 percent of the conservation work needed in the area. Achievements would have been even greater had the funds been sufficient to meet the requests of all of the applicants.

The current authority for the Great Plains Conservation Program expires on December 31, 1971. The strong beginning that we have made must be continued. We need at least a 10-year extension of this Program to ensure the conservation of the Great Plains.

S. 1790, as reported out of the Committee on Agriculture and Forestry, provides for the extension of the Great Plains Conservation Program to December 31, 1981. It authorizes up to $250 million to carry out this Program, nearly twice as much as was provided in the Act of August 7, 1956.

Mr. President, this legislation has my strongest support. I am hopeful that this distinguished body will consider it favorably and provide a new lease on life to one of this Country's most valuable conservation programs.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "An Act to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program."

Mr. HRUSKA. Mr. President, the Senate has passed S. 1790, a bill to extend the Great Plains conservation program for 10 years and to enlarge its scope in a number of minor respects.

It was my privilege on April 15 of this year to join Senator YOUNG of North Dakota and several other colleagues as a cosponsor of S. 1790. The bill was referred to the Senate Agriculture and Forestry Committee from where it was reported favorably with certain amendments. The committee amendments are of a minor and generally technical nature, and the bill will still be substantially identical to the measure passed by the House of Representatives.

I have heartily supported the extension of the Great Plains conservation program and commend the Senate for its unanimous enactment of S. 1790.

The Great Plains conservation program was authorized in 1956 by the 84th Congress after being proposed and actively supported by the Eisenhower administration. This program represented a major step toward protecting and preserving the vast agricultural area of the Great Plains. It provided farmers and ranchers in the critically erodible areas with long-range, cost-sharing, and technical assistance, and contributed greatly to establishing well-planned conservation programs throughout this region. As of June 30, 1968, 31,122 cost-share contracts had been signed in the Great Plains area covering 56,601,700 acres, of which 18,732 contracts are still active on 37,449,169 acres.

In the 10-State area of the Midwest where the Great Plains conservation program has been authorized there are approximately 110 million acres of cropland and 215 million acres of range and pastureland. About 43 million acres of cropland and 91 million acres of range and pastureland and now have treatment adequate to meet the conservation needs of the area. It is apparent from these figures that more than half the cropland, range, and pastureland still needs conservation treatment.

Concentrated efforts have been and must continue to be made under this program to help the landowners and operators make needed land use changes. Much of the Great Plains area is suitable for production of cultivated crops when needed conservation measures are properly applied. There are other areas of the Great Plains, however, that are not suited for cropland.

Of the acreage that has not yet been treated, about 5,500,000 acres of cropland and about 12,500,000 acres of range and pastureland are in great need of vegetative cover.

The Great Plains conservation program is helping participants convert these lands to permanent vegetative cover and to reseed denuded rangelands. Nearly 15 percent of the cumulative cost-share payments paid to producers through June 30, 1968, was for the establishment of permanent grass on land previously used for cropland, and about 22 percent was for practices connected with the reestablishment of vegetative cover on range and pasturelands.

The Great Plains conservation program is of substantial benefit to my

State of Nebraska. Sixty counties in Nebraska are presently designated to receive assistance; many of these counties were subject to serious drought last year and will require extensive land treatment to prevent rapid erosion. As of January 1969, about 4,429 individual contracts had been entered into in Nebraska for cost-share assistance since the beginning of the program. These contracts cover about 5.5 million acres of Nebraska grassland. The amount expended for cost-share by the Federal Government in Nebraska has been about $13.4 million since 1956.

In addition, there are now more than 600 applications pending from farmers and ranchers of Nebraska seeking assistance. Many thousands of acres were damaged last year in Nebraska, and other Midwest States, by wind erosion; crops or cover were destroyed by wind last year in this region on 351,280 acres where the land itself was not reported as being damaged; hundreds of thousands of acres being used for cropland at the time initial contracts were signed still need to be converted to permanent vegetative cover or to be reseeded.

Passage of S. 1790 will extend the life of this vital program for a sufficient period of time to accomplish more adequately the conservation of our land resources in the Midwest. It is on this land that a substantial portion of our national grain and livestock production takes place.

For these reasons, I joined as a cosponsor of S. 1790.

On behalf of the farmers and ranchers of the Great Plains area, I want to express my appreciation to my colleagues in the Senate for extending this vital program.

YOUTH CONSERVATION CORPS

The Senate proceeded to consider the bill (S. 1076) to establish in the Departments of the Interior and Agriculture Youth Conservation Corps, and for other purposes which had been reported from the Committee on Interior and Insular Affairs, with an amendment, strike out all after the enacting clause and insert:

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment of American youth during the summer months in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas administered by the Secretary of the Interior and the Secretary of Agriculture creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fourteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary. The Corps shall be open to youth of all social, economic, and racial classifications: *Provided, however,* That preference shall be given to disadvantaged youth. Employment preference for temporary supervisory personnel shall be given to primary, secondary, and university teachers and administrators, and university students pursuing studies in the education and natural resources disciplines.

(b) The Secretary of the Interior and the Secretary of Agriculture shall determine the areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps. The rates and hours and other conditions of employment in the Corps shall be as jointly determined by the two Secretaries: *Provided,* That members of the Corps shall not be deemed to be Federal employees other than for the purposes of the Act of June 25, 1948, as amended (28 U.S.C. 2671 et seq.), and the Act of September 6, 1966 (5 U.S.C. 8102 et seq.). The Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations to insure the safety, health, and welfare of Corps members. No member of the Corps may be employed for a term in excess of ninety days during any single year.

(c) The Secretary of the Interior and the Secretary of Agriculture may provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the the Corps in their duties. To minimize transportation costs, Corps members shall, insofar as is feasible, be employed on conservation projects nearest to their place of residence.

(d) Wherever feasible and appropriate, vacated Civilian Conservation Centers and other unoccupied facilities maintained and operated by the Departments of the Interior and Agriculture shall be utilized for the purposes of this program. Unoccupied military facilities shall also be utilized where appropriate and necessary, and upon approval by the Secretary of Defense.

(e) The provisions of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to other temporary program support staff.

SEC. 3. (a) Upon completion of each year's pilot program, the Secretaries of the Interior and Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's pilot program. The President shall further transmit the report to the Congress for review and appropriate action.

(b) The Secretaries of the Interior and Agriculture shall prepare a joint report, indicating the feasibility of initiating a cost-sharing youth conservation program with State natural resource conservation or outdoor recreation agencies. This report shall be submitted to the President not later than one year following enactment of this Act. The President shall further transmit the report to the Congress for review and appropriate action.

SEC. 4. For three years following enactment of this Act, there are hereby authorized to be appropriated not to exceed $3,500,000 annually to be made available to the Departments of the Interior and Agriculture to carry out the purposes of this Act.

Mr. JACKSON. Mr. President, on February 18 I introduced S. 1076, a bill to establish a pilot Youth Conservation Corps program for young men and women, 14 to 18 years of age. These young Americans would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges, and other public lands administered by the Departments of the Interior and Agriculture for periods up to 90 days. This program is seen as a step toward developing a valuable public resource—our lands—while at the same time benefiting our greatest national asset—our youth.

At a time when there is great national concern for the maintenance of the natural environment and for meeting the burgeoning demands for outdoor recreation, measures need to be taken to intensify resource management programs. If the future leaders of our Nation are to be expected to understand that the great out-of-doors has a relevant role in their lives, they must experience the sense of accomplishment in completing a difficult task, of understanding the intricacies of land and water conservation and management, and of working in programs to assure that future generations of Americans will enjoy life in a quality environment.

These young men and women would be employed in a variety of conservation duties. They would help to reduce the tremendous backlog of maintenance and development work necessary in our park and recreation lands. The Corps members would be expected to perform a variety of projects including timber stand improvement, trail maintenance, wildlife habitat improvement, basic soil and water conservation duties, and maintenance and construction of campgrounds and picnic facilities.

I want to emphasize that this bill authorizes appropriations to support a 3-year pilot program for approximately 3,000 youth each year. The pilot program is authorized to minimize the program costs and to provide data for an annual program analysis report to determine if the Corps is fulfilling the intended objectives of the act. Before the life of the program can be extended, or its size increased beyond the third year of the program, the program would be reviewed and new legislation would be required.

If the pilot program is successful, as I hope it will be, it can be continued and expanded into a permanent program.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–270), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was introduced by Senator Jackson for himself and 26 cosponsors, is to establish a pilot

Youth Conservation Corps program for young men and women, 14–18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges, and other public lands administered by the Departments of the Interior and Agriculture for periods up to 90 days. Corps members would be employed by the Department of Interior or Agriculture, without regard to the civil service or classification laws, rules, or regulations for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary. This program is seen as a step toward developing a valuable public resource—our lands—while at the same time benefiting our greatest national asset—our youth.

In addition to providing work experience, the program is envisioned as an opportunity to benefit the young enrollees by—

(1) Enhancing their understanding of the natural environment and its relationship to them;

(2) Stimulating high school youth who are capable of attaining greater goals, but presently lack motivation or direction in school, and

(3) Providing a forum for discussion and mutual understanding between youth of all socioeconomic and racial origins.

The bill authorizes appropriations to support a 3-year pilot program for approximately 3000 youth each year. If the pilot program is successful, it can be continued and expanded into a permanent program.

COMMITTEE AMENDMENTS

The committee amended the bill by deleting all after the enacting clause, and substituting language to adopt, in substance, suggestions made by the Departments of Interior, Agriculture, and Labor, as well as the Office of Economic Opportunity and the Bureau of the Budget.

The effect of the committee amendments are as follows:

1. The title of the bill was changed to reflect the fact that the Youth Conservation Corps is initially to be operated as a pilot program.

2. Specific language was added stating that membership in the Corps shall be open to youth of all social, economic, and racial classifications; however, a preference is to be extended to disadvantaged youngsters.

3. A second preference clause was added to indicate that the preference source of temporary staff personnel is to be primary, secondary, and university teachers and administrators, and university students in the field of education and natural resources.

4. A provision was included which charges the Secretaries of Interior and Agriculture with the responsibility of promulgating regulations to insure the safety, health, and welfare of Corps members.

5. Language was added to provide that, insofar as is feasible, Corps members will be employed on conservation projects nearest their place of residence.

6. Language was added to authorize the use of existing Federal facilities, wherever feasible, for operation of the program.

7. A provision was added to exclude temporary supervisory personnel and program support staff from consideration under the provisions of title II of the Revenue and Expenditures Control Act of 1968.

8. A new section 3 was added directing the preparation of an annual program review report to the President and the Congress by the Secretaries of Interior and Agriculture.

9. Section 3 further directs the preparation of a report by the Secretaries of Interior and Agriculture, indicating the feasibility of initiating a cost-sharing youth conservation program with State natural resource conservation or other outdoor recreation agencies.

10. A new section 4 was added which authorizes appropriations for the pilot Youth Conservation Corps for a 3-year period, with the appropriation level not to exceed $3,500,000 annually.

BACKGROUND

Several bills have been introduced in Congress during the past 10 years to establish youth conservation programs, although they differed in either scope or objective from S. 1076. This also applies to the civilian conservation centers operated under the Job Corps program which offer full-time employment for disadvantaged, out-of-school youth.

Section 101 of the Economic Opportunity Act of 1964, as amended by Public Law 90–222, authorizes the creation of the Job Corps in which unemployed, out-of-school, 14- to 22-year-old men and women could enroll for up to 2 years. According to section 106 of this act, no less than 40 percent of the male Job Corps enrollees were to be engaged in natural resource management work at civilian conservation centers. As of March 31, 1969, the capacity for civilian conservation center enrollees totaled 14,371. This number is to be reduced to 5,896, effective June 30, 1969.

Section 120 of the Economic Opportunity Act of 1964, as amended, authorizes the creation of a work-training program: the Neighborhood Youth Corps. Enrollees of this program conduct such duties as beautification projects and improvements and maintenance of school buildings, parks, and recreation facilities. Of the 364,000 youth enrolled in the 1968 summer Neighborhood Youth Corps program, approximately 600 conducted conservation work in connection with the Departments of Interior and Agriculture.

NEED

S. 1076 is designed to provide summer employment opportunities for youth, primarily those from urban areas, who have varying economic, social and racial backgrounds. Far too many young Americans never have an opportunity to receive meaningful work experiences. Because of the summer employment problems in urban areas, young men and women often turn from walking the streets seeking job to roaming the streets in pursuit of mischief.

More than a year ago, the President's National Advisory Commission on Civil Disorders reported that the lack of substantial employment opportunities for the youth trapped in urban ghettos was one of the principal causes of riots. The youth of these areas were characterized as encountering a life of despair and hopelessness. The Commission recommended greatly expanded training and employment opportunities for ghetto youth as the primary component of an attack on the causes of urban poverty. The Youth Conservation Corps would reach many of these young men and women and demonstrate to them that they can play a significant role in the functioning of our society.

At a time when there is great national concern for the maintenance of the natural environment and for meeting the burgeoning demands for outdoor recreation, measures need to be taken to intensify resource management programs. If the future leaders of our Nation are to be expected to understand that the great out-of-doors has a relevant role in their lives, they must experience the sense of accomplishment in completing a difficult task, of understanding the intricacies of land and water conservation and management, and of working in programs to assure that future generations of Americans will enjoy life in a quality environment.

These young men and women would be employed in a variety of conservation duties. They would help to reduce the tremendous backlog of maintenance and development work necessary in our park and recreation lands. The Corps members would be expected to perform a variety of projects including timber stand improvement, trail maintenance, wildlife habitat improvement, basic soil and water conservation duties, and maintenance and construction of campgrounds and picnic facilities.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "An Act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes."

EXTENSION OF THE EXPORT CONTROL ACT, 1949

The joint resolution (S.J. Res. 122) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "June 30, 1969" and inserting in lieu thereof "August 30, 1969."

ARTHUR RIKE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 229, S. 1932.

The VICE PRESIDENT. The bill will be stated by title.

The BILL CLERK. A bill (S. 1932) for the relief of Arthur Rike.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SCOTT. Mr. President, I ask unanimous consent, on behalf of the Senator from Arizona (Mr. FANNIN), the chairman of the minority calendar committee, to have printed in the RECORD a statement and an insertion concerning the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. FANNIN. When a bill identical to S. 1932 was being considered by the Senate last year on September 18, I had some comments to make regarding it.

I include my statement in the RECORD on S. 2214 in the 90th Congress, on September 18, 1968, together with a copy of the deposition of a postal inspector to which I referred in that statement, in the RECORD at this point. (See exhibit 1.)

EXHIBIT 1

Mr. FANNIN. Mr. President, this bill, sponsored by Senator BURDICK, would confer jurisdiction upon the U.S. District Court for the District of North Dakota to hear, determine, and render judgment upon a claim by Arthur Rike. It would waive the defenses of the United States based on the statute of limitations, laches, or any previous proceedings in said district court.

The report of the Post Office Department on this bill to the Committee on the Judiciary states in part as follows:

"Our records disclose that on February 23, 1967, Arthur Rike filed a civil tort action in the District Court, First Judicial District, Grand Forks, N. Dak., against David John Mersey a postal employee. The suit demanded damages of $37,905 for alleged injuries sustained by Mr. Rike as a result of a collision on December 24, 1964, between Mr. Rike's automobile and that of Mr. Mersy, who was acting within the scope of his Federal employment. At the request of the assistant U.S. attorney the action was removed to the U.S. District Court for the District of North Dakota pursuant to 28 U.S.C. 2679(d), and the United States was substituted as a party defendant in place of Mr. Mersey. The Government then moved to dismiss the suit on the ground that plaintiff's cause of action was barred by the 2-year Federal statute of limitations, 28 U.S.C. 2401(b). The court granted the Government's motion, dismissing the suit on November 19, 1967.

"The Department opposes enactment of S. 2214. This bill would, in effect, nullify the above court proceedings and allow Mr. Rike an additional year within which to bring suit. In the 82d Congress this committee, in its report on Senate Joint Resolution 23, declared that it "would not relieve a claimant of a statute of limitations except for 'good cause' shown * * *." We see no evidence of "good cause" in this case to grant the relief which would be afforded by S. 2214."

The sponsor of the bill takes exception to the position of the Post Office Department that there was no showing of a "good cause" for extending the statute of limitations. He states:

"I feel that I must take exception to this. Mr. Rike was lulled into believing that the U.S. Government was not a party to claims arising out of an automobile accident in which he and David John Mersy were the drivers. The only reason that action was not filed within the statute of limitations is a belief on the part of Mr. Rike and his attorney, supported by statements made by representatives of the insurance company and the U.S. Post Office, that the Government was not a party to this suit. In a deposition taken by Mr. Rike's attorney, the postal inspector did not deny that he had made such a statement.

"I firmly believe that this is a good and sufficient cause for the Judiciary Committee to favorably report S. 2214. The only thing this bill would do is to give Arthur Rike the day in court which he has so far been denied."

The statement that Mr. Rike "was lulled into believing the U.S. Government was not a party to claims arising out of" this accident has been noted. However, a copy of the deposition of the postal inspector referred to by the sponsor of the bill has been made available by the Post Office Department. Its contents are relevant to this question. Therefore, I ask unanimous consent that the text of the deposition be printed at this point in the RECORD.

There being no objection, the deposition was ordered to be printed in the RECORD as follows:

"IN THE U.S. DISTRICT COURT FOR THE NORTHEASTERN DISTRICT OF NORTH DAKOTA, NORTHEASTERN DIVISION, ARTHUR RIKE, PLAINTIFF, *v.* DAVID J. MERSY, DEFENDANT

"Deposition of Paul E. VanRossum, taken by and for the Plaintiff, pursuant to notice served upon the attorneys, under the Federal Rules of Civil Procedure for the United States District Court, District of North Dakota, Northeastern Division. The deposition was taken in the Grand Forks County Court House at Grand Forks, North Dakota on Monday, May 8th, 1967.

"Appearances: Mr. Byron L. Edwards, On behalf of the Plaintiff, Mr. Timothy Davies, On behalf of the defendant, Mr. Richard V. Boulger, Assistant U.S. Attorney, On behalf of the Government.

"STIPULATION

"It is stipulated by and between counsel for the parties that the notice of filing of the deposition is waived, that the reporter may transcribe his notes out of the presence of the said deponent, Paul E. VanRossum, that the signature of the said deponent to the transcript of his deposition is expressly waived, and that said deposition is to have the same force and effect as though signed by the said deponent.

"[Monday afternoon session, May 8, 1967]

"Paul E. VanRossum being by the Notary first duly sworn, as hereinafter certified, deposes and says as follows:

"DIRECT EXAMINATION

"Mr. EDWARDS. Let the record show that the deposition of Mr. VanRossum is taken pursuant to notice, under the Federal Rules of Civil Procedure, and that notice of filing of the deposition is hereby waived.

"Mr. DAVIES. That is agreeable to me.

"Mr. BOULGER. Agreeable to the Government.

"By Mr. EDWARDS:

"Q. Will you state your name please?

"A. Paul E. VanRossum.

"Q. What is your age?

"A. My age is 40.

"Q. Where do you live?

"A. 2528 Eighth Avenue North, Grand Forks, North Dakota.

"Q. What is your occupation?

"A. I am employed by the postoffice department as a postal inspector.

"Q. How long have you been so employed?

"A. By the postoffice department, or as an inspector?

"Q. Well, first by the postoffice department.

"A. Since January 1948, and since around the first of or middle of April of 1964 as a postal inspector.

"Q. And you are employed at the Grand Forks, North Dakota postoffice.

"A. Well, my domicile is located in the Grand Forks Postoffice Building.

"Q. And do you work out of some district or division?

"A. Division headquarters at Saint Paul, Minnesota.

"Q. How long have you been assigned at Grand Forks?

"A. I believe I arrived here on December 27 or 28, around that period, in 1964.

"Q. And was there a postal inspector at Grand Forks prior to your arriving here?

"A. C. D. Ellington was here approximately eighteen months prior to that. The domicile had been vacant for about a year and a half.

"Q. Where had you worked prior to coming to Grand Forks?

"A. This was my first assignment as postal inspector.

"Q. What was the nature of your postal work prior to being a postal inspector?

"A. I started out as a city clerk and carrier, and then I went to assistant postmaster, in a town in Wisconsin.

"Q. After arriving at Grand Forks, did you have occasion to investigate an accident involving David Mersy and an Arthur Rike?

"A. Yes.

"Q. When did you commence your investigation of this accident?

"A. January 26 was the first day, 1965.

"Q. And what did your investigation consist of at that time?

"A. Well, the actual investigation is based upon a memorandum submitted by the postmaster advising the inspection service of the accident—when I receive the case—then I would make the investigation to determine that the employee involved in the accident was in his official capacity. And I attempt to obtain statements from any of the parties involved or any witnesses.

"Q. To whom do you report?

"A. My report goes to division headquarters.

"Q. And that is located where?

"A. In Saint Paul, Minnesota.

"Q. And when you started this investigation on January 26, did you take statements from the parties involved at that time?

"A. I took a statement from David J. Mersy on May 8, 1965; and also a statement from Thomas M. Gilmour on the 6th of May '65.

"Q. So was that the first part of your active investigation in this case?

"A. No, not—I wouldn't say it would be the first part of it. To begin with, really, when you're informed of an accident a month after it happens, you're going to have to go to the police department to obtain some of their records because you have nothing yourself. I talked to the police department; and I talked to the supervisors at the postoffice, who made an investigation of the accident at the time.

"Q. Did you take statements from the supervisors?

"A. No, I did not.

"Q. I show you what has been marked as Plaintiff's Exhibit 9 and will ask you if you can identify this?

"A. Yes, I would say that is the statement that I took from David J. Mersy on May 8th of '65.

"A. And this is a photocopy that you're examining at this time?

"A. Yes, it was.

"Q. And do you have a carbon copy of this statement in your files at this time?

"A. Yes, I have.

"Q. Is the photocopy which you have examined as Plaintiff's No. 9 a true and correct copy of the carbon copy that you have in your possession?

"A. I would say it would be, without reading the whole thing altogether, but it appears to me it would be the same. It would be an exact copy of my statement that I took.

"Mr. EDWARDS. At this time we will offer into evidence Plaintiff's Exhibit No. 9.

"Mr. BOULGER. No obection by the Government.

"Mr. DAVIES. No objection.

"Q. (By Mr. EDWARDS) Now with reference to Plaintiff's Exhibit No. 9, Mr. VanRossum, I notice this is typewritten. Did you do the typing yourself?

"A. I couldn't answer that for sure. Either I did it, or my stenographer did it.

"Q. And then after is was typed, did you have Mr. Mersy read and sign this statement?

"A. Yes.

"Q. And I notice this is in the form of a sworn statement or affidavit, is that correct?

"A. It is.

"Q. And you took the acknowledgment?

"A. Right.

"Q. And does this statement contain all of the information which Mr. Mersy gave to you relative to the facts of the accident and relative to his employment at the time of the accident?

"A. I would say it does.

"Q. Had you questioned Mr. Mersy at all regarding the delivery of mail that he was making at the time of the accident, as to where he had come from immediately prior thereto, and where he was going, outside of what is in this statement?

"A. Let's see—Yes, I would say I questioned him. And the answer he gave me, according to the statement, he said that, "I had finished delivering the items on the south side of the town and he was going to the north side, as I had some items to deliver there."

"Q. Did you question Mr. Mersy at all as to where his last stop was prior to the accident?

"A. I don't recall.

"Q. At any time did Mr. Mersy tell you that he had just been at his father-in-law's house on Maple Avenue?

"A. No.

"Q. Had you uncovered that information at all during the course of investigation?

"A. No.

"Q. Did you personally interview Mr. Mersy before preparing the affidavit-statement that is in evidence here?

"A. Yes, I interviewed him, and he gave me a copy of the statement that he had either furnished his insurance company or your firm, and with the information that he gave me and a copy of this—this is where the statement actually came from. In other words, I reviewed the——

"Q. From that——

"A. —I reviewed the statement that he had made to the insurance company, item for item, and then this is where this one was drawn from—what he said in this statement here (indicating Plaintiff's Exhibit No. 9).

"Q. Then, Mr. VanRossum, I will show you Plaintiff's Exhibit No. 10 and ask you if you can identify that?

"A. This would appear to be an identical copy of the affidavit that I took, or statement that I took from Thomas M. Gilmour on the 6th day of May at Grand Forks.

"Q. And do you have a carbon copy of this statement in your file?

"A. Yes, I have.

"Q. And is the exhibit, which is a photocopy, a true and correct copy of the carbon which you have?

"A. I would say it is.

"Q. Was this statement taken in the normal course of your business pursuits in connection with your employment?

"A. Yes; this was taken in the normal course of the investigation of an accident.

"Mr. EDWARDS. At this time we offer into evidence Plaintiff's Exhibit No. 10.

"Mr. DAVIES. No objection.

"Mr. BOULGER. No objection.

"Q. (By Mr. EDWARDS) Mr. VanRossum, with reference to Plaintiff's Exhibit No. 10, was this affidavit-statement taken in the same manner in which the previous affidavit-statement was taken?

"A. I think this statement was taken in my office. If I am not mistaken, I think that I typed this one out myself—I wouldn't say for sure—but I had Thomas Gilmour up in my office after school this 6th day of May, I think it was—unless it was in the afternoon or Saturday or something like that—I am not really sure.

"Q. And in connection with your investigation herewith, did you at any time make personal contact with Mr. Rike?

"A. I attempted to make contact with Mr. Rike through his attorney.

"Q. So you had no personal conversation or contact with Mr. Rike?

"A. No, I did not talk to Mr. Rike, I don't believe, at all. I talked to his wife at one time.

"Q. Then was that conversation by telephone or personally?

"A. This conversation was by telephone.

"Q. And what was the date of that conversation?

"A. I couldn't say.

"Q. Was it through Mrs. Rike that you learned that Mr. Rike had employed an attorney?

"A. Yes.

"Q. And did she advise you as to who the attorneys were?

"A. Yes.

"Q. And after that you then made contact with the attorneys, is that correct?

"A. Right.

"Q. And in making that contact, you made that with myself?

"A. Right.

"Q. And you made that contact on May 7, 1965 at about 10:15 a.m.?

"A. My records show May 5th, 1965.

"Q. Do they show a time?

"A. No, they do not.

"Q. Was that a personal contact on your part?

"A. Yes.

"Q. At my office?

"A. Yes, it was.

"Q. And at that time it was when my office was located in the Red River National Bank Building at Grand Forks?

"A. Right.

"Q. And I believe you were at my office for a period of about 30 to 45 minutes, is that correct?

"A. I would say that's about the length of time, yes.

"Q. And at that time you made inquiry of me relative to the injuries sustained by Mr. Rike?

"A. Yes. Our instructions contemplate that we will attempt to obtain a statement from any person involved in an accident with a driver of a vehicle employed by the post office department, and through—we're supposed to get it through the attorney, if we know that he's represented by an attorney.

"Q. And at that time did you ask me if I had a statement from Mr. Rike?

"A. I believe that I asked you if you would obtain one for me, and you stated that there would be a possibility of you getting a statement from Mr. Rike so that I could transmit it to the department.

"Q. Mr. Van Rossum, isn't it correct that, with reference to the matter of a statement from Mr. Rike, that I advised you that I had been contacted by his insurance company and that—because of their being involved in the matter—that I did not have a statement from Mr. Rike, nor did I contemplate giving any statements relative to his version of the accident and his personal statement as to what injuries he may have sustained as a result thereof?

"A. I think you're going to have to repeat that one over for me.

"(Question read by the Reporter).

"A. I'm afraid I can't answer that. I can't remember, really. It's quite a ways back, and my records show that you had said that you would attempt to obtain a statement from him.

"Q. Well, isn't it correct that we also further discussed the matter of medical reports, as to the injuries sustained by Mr. Rike?

"A. That's correct.

"Q. And I believe it's correct that I advised you that I did not have medical reports at that time, but that—if and when I should receive them—that I had no objection to medical reports in connection therewith?

"A. According to my records, the medical bills from Doctor Helm and Doctor Gustafson, at the Fargo Hospital, were not available at the time that I talked to you.

"Q. And that would be bills and also reports as to——

"A. I would——

"Q. ——to the nature and extent of the injuries, treatment, and any prognosis?

"A. I would imagine so, yes.

"Q. I believe I further advised you that Mr. Rike had been hospitalized twice in Fargo up to the time that you made the contact with me, is that correct?

"A. Yes.

"Q. And that's what your records of that contact so indicate?

"A. My records indicate that Mr. Rike had two such injuries in previous automobile accidents.

"Q. Well, as a result of this accident, did I advise you that he had been hospitalized twice in Fargo during the course of treatment?

"A. I don't recall. I first knew of this hospitalization from his wife. And I would imagine that, if he was hospitalized in January when I talked to her—I don't recall whether he was hospitalized in May when I was talking to you.

"Q. With reference to the date on which you contacted me, my daily office records indicate it to be May 7. Is it possible, Mr. Van Rossum, that May 7 is the correct date on your contact of my office?

"A. I would have to check my daily record at the office in order to find out if that was the correct date—which I could do.

"Q. It is possible, is that correct?

"A. There's a possibility, yes.

"Q. Well, at the time that you contacted me, do you recall my talking to you about having been contacted by Mr. Mersy's insurance company?

"A. I don't recall.

"Q. Then you don't recall whether or not I had stated that Mr. Mersy's insurance company wanted medical reports as soon as I was able to obtain them from the doctors, in connection with Mr. Rike's injuries?

"A. This seems like I can remember something like that, but I wouldn't want to say that I definitely do recall this.

"Q. All right. Do your records as such indicate anything of that nature?

"A. Repeat that question again, please.

"(The last two questions were read by the Reporter)

"A. My record does not show anything on that order. My records show that, if and when the medical statements are received, they will be forwarded along with any other information, as a separate report.

"Q. And at the time that you made contact with me at my office, you and I had not met prior to that time, is that correct?

"A. That's correct.

"Q. And when you came into my office, you exhibited your credentials as a postal inspector and introduced yourself?

"A. That's correct.

"Q. And you further advised me as to the nature of your contact with me at my office, that being the Mersy-Rike accident?

"A. That's correct.

"Q. I believe you also inquired about the passenger in the Rike vehicle being——

"Mr. DAVIES. Mrs. Rike—that's his mother, isn't it?

"Q. (By Mr. EDWARDS)—yes— being Mrs. Rike, the mother of the driver?

"A. Mrs. Charles Rike?

"Q. That's correct.

"A. Yes.

"Q. And you also inquired as to whether or not I knew if she was injured in any way as a result of the accident?

"A. Yes.

"Q. And I told you that I did not know for sure, because I was not representing her, but I did not think so from what I knew about the accident, isn't that correct?

"A. I believe that's correct.

"Q. And isn't it further correct Mr. Van Rossum, in making contact with me at this time, that you did advise that—as part of your investigation and in making your reports—that you wanted to get information relative to the nature and extent of injuries sustained?

"A. Right.

"Q. And isn't it further correct, Mr. VanRossum in mentioning to you that I had been contacted by Mr. Mersy's insurance company that I had stated that there was insurance on the vehicle, and I inquired of you as to whether or not the Government was involved?

"A. As to the first part—let's just repeat that.

"(The last question was read by the Reporter.)

"A. Well, I'm not sure about what you said about his insurance company. But I would imagine that you did ask me if we were interested in, in the investigation of the accident, because he was—as we determined—an employee of the department at that time.

"Q. And had you made that determination at the time that you talked to me?

"A. I would say—if I talked to you on May 5th and did not take a sworn statement from Mr. Mersy until the 8th—the determination possibly could not have been made; although the records at the postoffice would indicate that he was employed at the time.

"Q. But it is possible that you had not made any such determination at the time that you talked to me, in view of the status of your investigation?

"A. I don't recall whether I had talked to Mr. Mersy prior to my talking to you.

"Q. Do you remember—in response to my inquiry to you, after stating that Mr. Mersy had insurance, and I inquired about the Government being involved—that you replied to the effect that you did not know if the Government was involved, and further to the effect that the Government was not involved?

"A. I would say that—if I had a case bearing on an accident that was reported by the postmaster, and division headquarters jacketed such case—that I would automatically consider that I was investigating an accident because the Government was involved.

"Q. But do you recall whether or not you made that statement to me in my office at that time?

"A. No. I do not recall that.

"Q. After this contact on May 7, 1965, did you have one additional contact with me on June 7, 1965?

"A. I believe I did, but my records do not show the date I contacted you the second time. I would have to again refer to my daily worksheet.

"Q. And was that second contact by telephone?

"A. I don't recall. I thought it was a personal visit.

"Q. And it could be that it was a telephone conversation?

"A. It could be, yes.

"Q. And at that time you inquired if I had any further information on the Rike matter, and I advised you that I did not, that we had not received any further medical information, and I had no additional file information than from the time you first contacted me, is that correct?

"A. I would say that I contacted you to obtain any information or any statements that you might have received from the Rikes. And they aren't in here, so I would say that you said you didn't have any.

"Q. I believe the only other contact that we have had, then, Mr. VanRossum, was in the Fall of 1966 on a matter in my office which concerned other postal affairs outside of this Rike case, isn't that correct?

"A. I believe it did have something to do with a member of the armed forces from the Grand Forks Air Force Base.

"Q. Right. And that had no contact with the Mersy-Rike case at all?

"A. No, it had nothing to do with the Mersy-Rike case.

"Q. And in fact at that time we did not go into the Mersy-Rike case?

"A. I don't believe we did.

"Q. And outside of that then—having become acquainted with each other—the only other contact we have had is seeing each other a couple of times socially and meeting on the street to say hello, is that correct?

"A. That's correct, and a couple of times in the lobby of the postoffice.

"Q. Right. And during those times we have not entered into discussion or conversations relative to the Mersy-Rike case?

"A. Not that I can recall at all.

"Mr. EDWARDS. I have no further questions.

"CROSS EXAMINATION

"By Mr. DAVIES:

"Q. Mr. VanRossum, do you recall whether or not Mr. Edwards asked you on what basis the Government might possibly be involved in this claim?

"A. No. I don't believe I did. I can't say that I could recall that.

"Q. Did you have any conversation in regard to what Mr. Mersy was doing at the time of the accident?

"A. I would say that—if I was making the investigation—that I did tell Mr. Rike that he was employed by the postoffice—

"Q. 'Mr. Rike' or 'Mr. Edwards'?

"A. 'Mr. Edwards', excuse me—that he was employed by the postoffice, and that would be the reason that I would be making the investigation.

"Q. Well then is it your feeling that you must have mentioned this to him at sometime during your conversation?

"A. This is my normal procedure, yes.

"Q. When you had your second contact in June of '65, did Mr. Edwards ask you why the Government (the postoffice department) was still involved in this claim?

"A. I don't recall whether he did or not.

"Q. Mr. Edwards has asked you about this statement—whether or not you said to him that the Government was not involved—did you ever make such a statement to him?

"A. No, I didn't make a statement to him that the Government would not be involved. As long as I was making the investigation, it's automatic that they would be involved.

"Q. At any stage of the investigation, was there ever any indication that the Government was not involved in this claim?

"A. Not to my knowledge, no.

"Q. In other words, any time he would have inquired—at the stage of the investigation—as far as you were concerned, the Government was still involved?

"A. I would say yes.

"Q. Did you ever discuss with Mr. Edwards the written statement that you had taken from Mr. Mersy?

"A. I don't believe so.

"Q. You never discussed this claim with any other members of this firm, have you, or their investigators?

"A. I don't believe so.

"Q. And you have never discussed it with anybody representing Mersy's insurance company, have you?

"A. No, I don't believe so, either.

"CROSS EXAMINATION (FURTHER)

"By Mr. BOULGER:

"Q. Mr. VanRossum, if there was a determination that the Government was not involved—using the language that Mr. Edwards used, but interpreting that as meaning that Mersy was not a Government employee—would it be your function to inform Mr. Edwards of that fact?

"A. No, I would inform my division headquarters of that fact in my written report.

"Q. And if Mr. Mersy were on the rolls but (for some reason or other) was not within the scope of his employment at the time of the accident, would it be your function to make that determination?

"A. Yes, it would be, and to report that fact also.

"Q. But would your determination be final and binding?

"A. I would say it would almost have to be. The only thing I can do in my investigation—as long as it took place, say, a month after the accident, say from December 24th to the time the Postmaster advised division headquarters that there was a personal-injury accident—I would say that I talked to the postmaster, the assistant postmaster, and anyone else that possibly had anything to do with it, and I reviewed their accident records there, which were signed, and things like this, so I would say the determination was made by myself, that he was employed, and that would be the final determination.

"Q. Well if for some reason he was employed, but at the time of the accident was doing something that was not considered as Government work, would it be your function to report the facts or to make the determination?

"A. No, I would report the facts, whatever my investigation disclosed.

"Q. And if you made—assuming you, in your call upon Mr. Edwards made the statement that the Government was not involved—wouldn't you in effect be going beyond your function?

"A. Absolutely.

"Q. Now, Mr. VanRossum, you have almost 20 years with the postal service?

"A. That's right.

"Q. Would you detail for me the various positions that you have had? Are there others than clerk, carrier, and assistant postmaster? Or did you jump from there?

"A. I went from carrier to clerk to assistant postmaster to postal inspector.

"Q. And as a result of your experience in those capacities, are you familiar with the internal workings of a postoffice such as the size of Grand Forks?

"A. I would say that I have enough experience to know the internal workings of the office, yes.

"Q. What was the size of the postoffice that you worked in before you became an inspector?

"A. It was a first-class office. It isn't the size of Grand Forks. It's smaller than Grand Forks in all ways, actually, but the functions of each first-class office—those under a million dollars—would be almost identical.

"Q. Now in Grand Forks, under whom does the special-delivery messenger work?

"A. I believe it's assigned to either the superintendent of mails or the assistant superintendent. They more or less have split duties down there, and they're required to know all phases of the operation. But I would imagine either one of those two would assign the special-delivery messenger.

"Q. And Mr. Mersy was a special-delivery messenger?

"A. As far as can be determined, yes.

"Q. And furthermore he was a Christmas temporary special-delivery messenger?

"A. As far as the records, the office records show, yes.

"Q. And when a special delivery messenger goes out—particularly during the Christmas season—do you know what procedure they use as to delivery of mail?

"A. I would say that practically at any time, that they are given these special deliveries to deliver, and it's more or less up to them on which route or which way they're going to take this. In other words, you can't just have somebody inside lining up these special deliveries and saying, "You take them this way." It would be practically automatic for him to do it himself.

"Q. Now it's different with a city carrier? He's confined to a specific route?

"A. Right.

"Q. Is there a provision for a special delivery messenger to have lunch?

"A. I would imagine there would be, the same as a city carrier.

"Q. And what is that provision?

"A. I might have to refresh my memory because I haven't really studied the provision or—if it's changed since I've left the postoffice that I came out of. But when a carrier leaves, say, in the morning at nine o'clock, he's out on his route and he can automatically have a half-hour for his lunch. And when he comes back in, it's just deducted from his time.

"A. He can have that any time and any place that he wishes?

"A. Well it's usually a set time, when he reaches a certain point of his route, this would be the time that he would take it. It's usually—they try to arrange it so it's close

to his home or close to a place to eat. This is on a city carrier.

"Q. Well what about those who work in a residential area and whose home is not on their route?

"A. They've got what they call a 'drive-out' agreement where they can have their car there, or come back to their car, or use their car to go home for lunch. Or, if they're on a city mounted route, they would automatically take their car and drive home and drive back.

"Q. And what is a mounted route?

"A. It's a delivery to a rural box on the outskirts of town.

"Q. And does Grand Forks have mailsters?

"A. I believe they're all assigned at the air base.

"Q. The reason I ask is that our carrier in Fargo eats his lunch in his mailster. Now assuming in this matter that Mr. Mersy had just come from Mr. Gilmour's house, would you have pointed that out in your report?

"A. If my investigation would have disclosed that, yes.

"Q. Would you have drawn any conclusions from that?

"A. No, I don't believe I would have drawn a conclusion. In my conclusion I possibly would have said—in my conclusion in my report I would have pointed this out, that he was not in employment at that time. But the investigation—according to what I have here—did not reveal that he was on his lunch break. I haven't even looked to find out what time the accident happened, again—yes—1:43 P.M., I have.

"Mr. BOULGER. Could I have that last answer, please?

"(The last answer was read by the Reporter.)

"Q. (By Mr. BOULGER) Well then would it be your interpretation that—if he had had lunch at the Gilmour home, but was in his car and on the way to the north side to deliver additional special delivery messages—that he had not again started employment?

"A. I don't know how they handle these Christmas assistants but—say—if a city carrier has a half hour off for his lunch period (a specified half hour, say from 12:00 to 12:30), and he doesn't have to go into the office and punch out, he would be not employed at that period. But when he starts his route again—now, starting the special delivery route, this route could start wherever he left off. I mean, I would say that if he started going out to deliver specials again, he would be employed.

"Q. In other words, as soon as he left the Gilmour house, assuming he had been there?

"A. I would think so.

"Q. You've never been able to get a statement from Mr. Rike, is that correct?

"A. That's correct.

"Mr. BOULGER. I have no further questions.

"CROSS EXAMINATION (FURTHER)

"By Mr. DAVIES:

"Q. Mr. VanRossum, if some of Mr. Mersy's superiors in the Grand Forks postoffice testified that there was no set time for the lunch break for special delivery carriers, you wouldn't disagree with that, would you?

"A. No, I wouldn't.

"Q. And (if I understand you correctly) if a mailman has a prescribed route to follow, he is considered off duty from the time he deviates from that route to go out for lunch, till the time where he goes back to where he left off for lunch?

"A. A city carrier has so much allotted lunch hour. His—with his last delivery, that's his breaking time for lunch. I would say that he's not employed until he makes, or starts, and picks up the mail, to the box, and goes again.

"Q. And (if I understand your answers to Mr. Boulger correctly) it would be your position that a person, who was delivering special delivery and who had no prescribed route, would be back on duty as soon as he pointed himself in the direction of his next delivery after lunch.

"A. I would say that is correct.

"Mr. DAVIES. That's all I have.

"REDIRECT EXAMINATION

"By Mr. EDWARDS:

"Q. Mr. VanRossum, with reference to your opinion here as to when a special delivery carrier goes back on duty, this is just merely your own personal opinion, is that correct?

"A. I would say yes, it would be my personal opinion, until I look it up in the manual to see if there's anything specific about it.

"Q. And with reference to the Federal Tort Claims Act, and more specifically if under the Federal Tort Claims Act the law of the state as to scope of employment applies, are you basing this opinion upon the laws of the state of North Dakota in connection with the scope of employment?

"A. Repeat that again, please.

"(The last question was read by the Reporter)

"A. To be real truthful, I don't follow the question.

"Q. (By Mr. Edwards) Well in other words, Mr. VanRossum: in making a legal determination as to the scope of employment under the Federal Tort Claims Act, if the law of the state is applied to make this determination (rather than any Federal statutes), is your opinion based upon the laws of the state of North Dakota?

"A. I don't believe I would use the law of the state of North Dakota. I would have to use the postal manual and any records at the post office, to determine if he was employed.

"Q. And now when we talk about 'employed' and 'in the scope of employment,' isn't it possible that we are talking about two different things?

"A. I was using the term of—'scope of employment' and—my word, the 'employment,' would be the 'scope of employment' in your words.

"Q. So you're using the two terms synonymously or interchangeably, is that correct?

"A. Right.

"Q. And in effect you are not taking into consideration any of the laws of the state of North Dakota with reference to your opinion, that you stated, about the matter of employment or scope of employment, isn't that correct?

"A. I would say that's correct.

"Mr. EDWARDS. No further questions.

"RECROSS EXAMINATION

"By Mr. DAVIES:

"Q. Just to clarify one thing for me: When we're talking about 'scope of employment' and 'employment,' we are referring (are we not?) to a hypothetical situation, if he is returning from lunch or if he is returning from his lunch break?

"A. I would say the questioning in the last little while has been whether he was returning from lunch. My investigation did not reveal that he was returning from lunch.

"Q. As far as your investigation was concerned, your determination was that he was on his route at the time, is that true?

"A. He was in the scope of his employment (nods head affirmatively).

"Mr. DAVIES. Thank you.

"RECROSS EXAMINATION (FURTHER)

"Br. Mr. BOULGER:

"Q. Mr. VanRossum, you know the difference between 'employment' and 'scope of employment,' don't you?

"A. Yes. I was just using the words loosely, I would say.

"Q. In other words, you're a postal employee 24 hours a day, isn't that right?

"A. Right.

"Q. But in the evening, when you're home watching T.V. or drinking beer, you're not in the scope of your employment?

"A. That's correct.

"Mr. BOULGER. I have no further questions.

"Mr. EDWARDS. No further questions.

"Mr. VanRossum, you have the right to read and sign your deposition after the Court Reporter has transcribed his notes; or you have the right to waive the reading and signing of your deposition. I would suggest that you confer with Mr. Boulger and then give us your decision with reference to same.

"The DEPONENT. Mr. Boulger?

"Mr. BOULGER. If we may go off the record for a minute.

"(Discussion off the record.)

"The DEPONENT. We waive that.

"Mr. EDWARDS. That's all.

"CERTIFICATE

"STATE OF NORTH DAKOTA,
"County of Grand Forks, ss:

"I, Edward Rafel, do hereby certify that I am an official court reporter of the First Judicial District of North Dakota and was such at the time of the taking of the deposition of Paul E. VanRossum on May 8, 1967; that the witness was duly sworn by the Notary, Norman Mark, before testifying; that the foregoing is a true and correct transcript of my stenotype notes taken at the time of the deposition and contains all the testimony given at said deposition; and further the reading and signing of said deposition was waived by the deponent, and further I am not related by blood or marriage to any of the parties nor am I interested directly or indirectly in the matter in controversy.

"EDWARD RAFEL,
"Official Court Reporter.

"Subscribed and sworn to before me this ——day of May, 1967.

"NORMAN E. MARK,
"Notary Public.

"My Commission expires 4–7–72."

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

"S. 2214

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, or lapse of time, or bars of laches or any proceeding, heretofore had in the United States District Court for the District of North Dakota, jurisdiction is hereby conferred upon the United States District Court for the District of North Dakota to hear, determine, and render judgment upon any claim filed by Arthur Rike against the United States for compensation for personal injury, medical expenses, and property damage sustained by him arising out of an accident which occurred on December 24, 1964, allegedly as a result of the negligent operation of a motor vehicle by an employee of the United States while acting within the scope of his Federal employment.

"SEC 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1346(b) of title 28, United States Code."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 91–239), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to confer jurisdiction upon the U.S. District Court for the District of North Dakota to hear, determine, and render judgment upon a claim by Arthur Rike. The bill would also waive the defenses of the United States, to such claim based on the statute of limitations, lapse of time, laches, or any previous proceeding in the said district court.

STATEMENT

In its report to the committee, the Post Office Department stated the facts in the case and its recommendations as follows:

"On February 5, 1968, the Department submitted a report on S. 2214 to this committee. The present report amends and supersedes the February 5 report in order to reflect correctly the final disposition of the civil tort action which is discussed below.

"Our records disclose that on February 23, 1967, Arthur Rike filed a civil tort action in the District Court, First Judicial District, Grand Forks, N. Dak., against David John Mersy, a postal employee. The suit demanded damages of $37,905 for alleged injuries sustained by Mr. Rike as a result of a collision on December 24, 1964, between Mr. Rike's automobile and that of Mr. Mersy, who was acting within the scope of his Federal employment. At the request of the assistant U.S. attorney the action was removed to the U.S. District Court for the District of North Dakota pursuant to 28 U.S.C. 2679(d), and the United States was substituted as party defendant in place of Mr. Mersy. The Government then moved to dismiss the suit on the ground that plaintiff's cause of action was barred by the 2-year Federal statute of limitations, 28 U.S.C. 2401(b). The court granted the Government's motion, dismissing the suit on November 29, 1967.

"The Department opposes enactment of S. 2214. This bill would, in effect, nullify the above court proceedings and allow Mr. Rike an additional year within which to bring suit. In the 82d Congress this committee, in its report on Senate Joint Resolution 23, declared that it 'would not relieve a claimant of a statute of limitations except for "good cause" shown * * *.' We see no evidence of 'good cause' in this case to grant the relief which would be afforded by S. 2214.

"The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program."

The sponsor of the bill, Hon. Quentin N. Burdick, has advised the committee as follows:

"It has come to my attention that the Post Office Department's opposition to S. 2214, a bill for the relief of Arthur Rike, is that there is no showing of a 'good cause' for extending the statute of limitations.

"I feel that I must take exception to this. Mr. Rike was lulled into believing that the U.S. Government was not a party to claims arising out of an automobile accident in which he and David John Mersy were the drivers. The only reason an action was not filed within the statute of limitations is a belief on the part of Mr. Rike and his attorney, supported by statements made by representatives of the insurance company and the U.S. Post Office, that the Government was not a party to this suit. In a deposition taken by Mr. Rike's attorney, the postal inspector did not deny that he had made such a statement.

"I firmly believe that this is a good and sufficient cause for the Judiciary Committee to favorably report S. 2214. The only thing this bill would do is give Arthur Rike the day in court which he has so far been denied."

The committee believes that the bill is meritorious and recommends it favorably.

The bill (S. 1932) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, or lapse of time, or bars of laches or any proceeding heretofore had in the United States District Court for the District of North Dakota, jurisdiction is hereby conferred upon the United States District Court for the District of North Dakota to hear, determine, and render judgment upon any claim filed by Arthur Rike against the United States for compensation for personal injury, medical expenses, and property damage sustained by him arising out of an accident which occurred on December 24, 1964, allegedly as a result of the negligent operation of a motor vehicle by an employee of the United States while acting within the scope of his Federal employment.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon, shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1346(b) of title 28, United States Code.

CONSTRUCTION DIFFERENTIAL SUBSIDY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar 258, H.R. 265, the construction differential subsidy bill, and that it be considered during the morning hour.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill will be stated by title.

The BILL CLERK. A bill (H.R. 265) to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, H.R. 265 is identical to S. 2341, which has been approved by the Senate Commerce Committee and reported to the Senate. We wish to take up the House bill rather than the Senate bill because the House has already acted favorably on this language.

This bill would extend for 1 year the 55-percent ceiling on construction differential subsidy. Under existing law the 55-percent ceiling would expire at the end of this month, so we are not initiating a new program, but merely extending the existing law for another year so that we can proceed with ship-construction contracts now pending.

The Merchant Marine Act of 1936 provided for a 50-percent construction-differential ceiling, but since 1960 we have amended the law to provide for a 55-percent maximum. This is necessary if we are to comply with the 1936 act and provide a true measure of differential because the disparity between foreign shipbuilding costs and our own requires that the ceiling be set at 55 percent rather than 50 percent. As Senators are aware ship construction contracts in recent years have required the use of the 55-percent differential.

Mr. WILLIAMS of Delaware. Mr. President, I shall vote against the extension of this subsidy. It has been said that nothing is more permanent than a temporary law passed by Congress. Several years ago Congress raised the construction and operational differential subsidies from 50 to 55 and 60 percent as that portion which would be paid by the Federal Government. Since that time the subsidy at these higher rates has been extended on a yearly basis.

I think it is time that Congress realized that when the Government pays over one-half of the cost of construction and operation of the merchant marine we are moving very close to the nationalization of this industry.

I shall vote against this proposal.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 265) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 257, S. 2341, be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

RECOGNITION OF 10TH ANNIVERSARY OF THE OPENING OF THE ST. LAWRENCE SEAWAY

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 17.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution from the Senate (S. Con. Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway which was to strike out the premable.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REPRESSIVE MEASURES BY THE THIEU GOVERNMENT

Mr. MATHIAS. Mr. President, on June 12, I expressed my concern over President Thieu's threats of "severe punishment" for South Vietnamese political leaders, legislators and intellectuals who discuss broader alternatives to his own leadership. I said this repressive attitude is inconsistent with the American goal of fostering conditions for a non-Communist political settlement. I pointed out that the time was fast ap-

proaching when a democratic assembly of non-Communist South Vietnamese leaders could only take place in jail.

Now it appears that such a prison convention might be covered directly by members of the foreign press. According to press reports and testimony before the judiciary committee's subcommittee on refugees and escapees, Thieu's ministry of information has warned reporters that stories critical of the South Vietnamese government could lead to punitive action against them. This warning to Reuters, Newsweek and Agence France Presse is inexcusable. Particularly reprehensible was the direct attempt to intimidate Newsweek Bureau Chief Maynard Parker. He was summoned to the ministry of information and told that all Newsweek correspondents might be denied entry to South Vietnam if their writing was judged "unsuitable."

As one who has lived all his life in a country where freedom of speech and freedom of the press are basic law, I cannot sit back indifferently when a nation which is sustained by U.S. assistance arbitrarily suppresses what we hold so dear. American goals in Vietnam are radically inconsistent with such an approach.

Americans are fighting at enormous human and monetary expense to buy time so that the South Vietnamese can have the right and the opportunity to freely determine their form of government and who will lead it. Intimidating the press and South Vietnamese political opponents is not the way I believe democracy is achieved.

Any political settlement in Vietnam, moreover, is going to involve American and world opinion. How can we expect Americans and citizens of the other nations to effectively evaluate the Government of South Vietnam when, because of censorship—first of its own press and now the international press—they cannot learn what is happening there?

President Thieu must understand that the Congress, the President, 200 million Americans, and much of the world deplore his attempts to impose totalitarian controls on his own non-Communist citizens and their leaders.

The attempt to impose such controls on American, British, and French reporters—as intolerable an effrontery as it is—is no momentary lapse. It follows a series of repressive measures by the Thieu Government that dictate immediate reconsideration of our support for it. I called for such reappraisal in my earlier statement. It is more than ever needed today if the diminishing chances for non-Communist self-determination in the country are to be preserved.

For if complete polarization occurs—if only a beleaguered military clique remains, facing an embittered people which has been deprived of non-Communist alternatives—ultimate Communist rule in South Vietnam becomes virtually inevitable; and its leading accomplice in gaining power will have been the Thieu government. As Thieu continues to destroy the possibilities of a democratic succession, it begins to appear that the longer he rules the more likely it is that the Communist will succeed him.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ALF LANDON IDENTIFIES THE CENTRAL ISSUES OF U.S. FOREIGN POLICY

Mr. PEARSON. Mr. President, Alf M. Landon, former Governor of Kansas and Republican presidential candidate in 1936, continues to make valuable contributions to the national debate about the future of U.S. foreign policy. From time to time it has been my pleasure to have the opportunity to call significant statements by Mr. Landon to the attention of my colleagues. Today I call attention to a convocation speech by Mr. Landon at Kansas State University on June 24. Mr. Landon effectively identifies and analyzes the central issues and key choices which we must come to grips with as we reshape our foreign policy to changing world conditions.

Mr. Landon suggests that we are at a critical point in the long history of man's struggle for freedom, justice, and peace. He states:

> We are either in the beginning of a new world of widespread freedom and justice—or a remaking of the old world in a new form of the police state.

The foreign policy decisions we make during the next few years will have a major influence as to which direction the world turns; hopefully it will be the former.

Mr. President, I ask unanimous consent that the speech by Mr. Landon be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CENTRAL ISSUES AND CHOICES OF OUR FOREIGN POLICY

Wars have increased in intensity and magnitude for the last 100 years—until they are reaching the climax of either total destruction or total peace. There is widespread preparation for war-violence and guerrilla fighting around the globe.

Essentially, conditions in the world have not changed much since January 1968, when U Thant, Secretary General of the United Nations, said: "We look around the world in vain for manifestation of either good will or good cheer. In the last twelve months, I have seen more crises and greater international tension than I can recall at any time during the eleven years that I have spent with the United Nations."

Right now, we are in a climactic period of adjustment leading to one or the other of two diametrically opposed societies. We are either in the beginning of a new world of widespread freedom and justice—or a remaking of the old world in a new form of the police state. In the cycle of time, the answer depends not only on Moscow's and Peking's continued quest for power and influence, but also on the United States of America's policies—both military and political. United States policies will depend on the response of President Nixon and the Congress to the many crises of our age.

Let us face the hard facts of war and peace—the central issues and choices of our foreign policy in the light of current, complex and dangerous developments.

First, I shall focus on Vietnam. Then I shall turn to the all-important triangular relationships among the United States, the Soviet Union, and China.

Vietnam, of course, has overwhelmingly dominated our foreign and domestic policies these past several years. And what happens in that tragic little land will have a tremendous impact on life around the earth.

The anguish of Vietnam at home and abroad is a fact we cannot avoid. So is the settlement of that war, for it is a continuity threaded through the labyrinth of all our important aspirations at home and our relations abroad.

The announcement of the decision to withdraw 25,000 American combat troops is the second step—following the 1968 cessation of the bombing of North Vietnam—toward deescalation and deamericanization of the war. So far, there has been no commensurate response from Hanoi. If our Government's expectations about the ability and the desire of the South Vietnamese people to protect themselves prove to be correct, we should prepare ourselves for a gradual redeployment and pullout of American combat troops from Vietnam.

On the other hand, if these expectations are wrong, then the American people will be confronted with the decision of whether or not they want to continue to sacrifice American lives and American dollars for South Vietnamese people either unable or unwilling to do what their national interest demands.

We have proved by unparalleled sacrifices our willingness to assist the South Vietnamese people. If they cannot or do not do more for themselves, if they do not measure up, how can anyone expect us to continue these great sacrifices indefinitely?

The problems of the world we live in—the realities of international affairs—include more than our hard choices in Vietnam. They include the current different interpretations of Communist dogma by the leaders of the Soviet Union, China, and other Communist governments as well as Communist parties all over the world; the Soviet-Chinese border warfare; Soviet invasion of Czechoslovakia; self-determination and non-alignment of developing nations; desires to diminish American economic domination; and world-wide growth of the concept of the welfare state.

I believe that war or peace in the coming decades will depend on the triangular relationships among the United States, the Soviet Union and China.

The Soviet-Chinese split is real and deep. Old ethnic conflicts have existed between China and Russia for centuries. Their current split dates from at least 1960 when China deported its last Soviet technicians and advisers. That split carries important ideological overtones with impact on national interests in every part of the globe. It adds to the complexity of the world in which mankind will live in coming decades.

The longest border in the world is that between the Soviet Union and China. And China's nuclear test site is much closer to Russia than it is to any other power.

The increasing belligerency between the Soviet Union and China may lead to more than border warfare. I do not mean that a Soviet-Chinese war is inevitable. However, if the conflict escalates into an all-out nuclear war, its fallout will result in a catastrophe for the whole world.

The increasing tension and conflict between China and the Soviet Union—and the deescalation and deamericanization of the war in Vietnam—offer a real opportunity for new diplomatic initiatives to President Nixon.

If the present belligerent position of the leadership in China toward the Soviet Union continues to develop in the same direction as now, the Soviet Government may gravitate toward a more cooperative posture with the United States. The mood of the national administration and of the people in this country is to enter a period of serious, realistic negotiations with the Soviet Union concerning the pressing international problems.

However, if the Soviet Government persists in its attempts to turn the clock back to Stalin's inflexible policies, the chances for cooperation between the Soviet Union and the United States will be very poor.

The present Soviet-Chinese tension and conflict also give the Nixon Administration an opportunity for maneuver and progress in Chinese-American relations—in spite of the deep chasm separating Washington and Peking. If the existing deadlock gives way to mutual understandings in the relations between these two great powers it will have a profound effect on the whole spectrum of international affairs.

Our foreign policy makers must avoid repeating tragic mistakes concerning China. One of them took place in October 1964. Two days after the explosion of China's first nuclear bomb, the Peking Government invited all nuclear powers to a conference to discuss means by which the world could establish nuclear disarmament. The United States promptly refused—terming the offer insincere. At that time, I immediately urged the United States Government to accept that invitation for the purpose of discussion. China's sincerity would thus be put to a test. The next day, in an unprecedented statement, United Nations Secretary General, U Thant, publicly approved my position. But the United States persisted in its ostrich-headed policy of refusing to use the opportunity for a new meaningful diplomatic contact with mainland China.

So far, diplomatic contact between the Communist Government of China and the United States has been minimum. The prospects for improvement now depend on how soon mutual de facto ties are established between the United States and mainland China in such fields as trade, travel, cultural and educational exchange and legal representation in the United Nations.

Given the widening rift with the Soviet Union, China may wish to pursue a more flexible policy with the United States and other non-Communist countries. The Soviet invasion of Czechoslovakia was a traumatic shock to the world that dramatically reminded all Communist governments—including China—that the old Stalinist doctrine of deciding the fate of other countries is a clear and present danger.

While considering the opportunities for new diplomatic probings with the Soviet Union and China, I do not mean we can ignore certain hard facts about Soviet and Chinese Communist influence in several parts of the world.

There is a link between the fear of China among Southeast Asian countries and the experience of Communist subversion. That was particularly evident in the case of Indonesia—a country comprising thousands of islands stretching over a vast area—with the fifth largest population of the world. Indonesia had the largest Communist party in Asia—outside of Communist China. Sukarno had initiated confrontation with Malaysia—withdrawn Indonesia from the United Nations—and maintained increasingly intimate relations with Communist China.

That was the situation in the fall of 1965—when the Communists, probably influenced by Peking, attempted to take over that government. The aftermath was one of the biggest blood baths in history which, to some extent, is still going on. The Communists suffered a serious reversal.

The Philippines also have experienced intermittent Communist so-called "Huk" guerrilla activity. Communist insurgency is a threat also in Laos, Thailand, Burma, Malaysia and Cambodia.

In August and September 1965 India and Pakistan went to war against each other. That conflict ended in a stand-off. The fact that they fought each other with American weapons caused the United States to stop military assistance to both nations. Since then, the Soviet Union is finding itself in a position similar to that heretofore held by the United States. It allegedly has promised military assistance to both countries, with neither being happy about the other receiving such assistance.

The fact is that neither the United States nor the Soviet Union wants to become embroiled in the hostility between Pakistan and India. Furthermore, the United States and the Soviet Union share the kindred interest of protecting India from Communist China.

Unfortunately, the British are in the process of rapidly withdrawing all their military forces east of Suez by 1971—which would leave Malaysia and Singapore, and neighboring nations in positions of having to seek alternative means of protection.

President Nixon already is facing up to how the United States should attempt to fill the void created by British withdrawal from that area. For the first time, the United States of America's Secretary of State swung around the circle—as it were—to visit Saigon and Tokyo and to meet with members of the Southeast Asia Treaty Organization and the Central Treaty Organization to discuss personally their area economic and political problems and to acquaint them with ours. The relationship among the three superpowers will definitely affect Korea.

The belligerent statements of the Communist Government of North Korea can lead to new acts of war and a military confrontation. Should hostilities break out in that area while we are still heavily involved in Vietnam, there will be great repercussions in the whole international situation.

We witness today a growing Soviet influence in the Middle East. Since the war between Israel and its Arab neighbors in June 1967, the Soviet Union is rapidly fulfilling the centuries-old quest of Russian regimes dating from the earliest czars for a Russian outlet to the warm waters of the Mediterranean. Today, the Soviet Union not only has the outlets—backed by its growing navy—but also has increased its influence in much of the Arab world—thus quickly upsetting the balance of power in that area as an aftermath of the June 1967 war. Victorious Israel still occupies the Sinai Peninsula and West Jordan, including the old city of Jerusalem—a holy city for Jews, Christians, and Muslims, alike. And the Suez Canal and Gulf of Aqaba still remain closed to the world's shipping.

United States support for Israel—though from private more than public sources—caused Egypt, Syria, Algeria, Yemen, and Iraq to sever diplomatic relations with the United States—and relations with them remain severed. The Soviet Union has furnished all those governments—and others, including North Vietnam—with enormous quantities of modern military equipment.

Israel refuses big-power mediation by the United States, the Soviet Union, Britain and France. Clinging to demands for face-to-face negotiations with the Arab states, Israeli Government states that on the record it trusts neither the words nor the intent of the Soviet Union. The Arab states are divided: Some would accept big-power mediation efforts, others will not.

Hostilities continue in the Middle East. At present, there is no evidence that the stalemate is breaking up.

Soviet leaders must face the question whether it is in the interest of the USSR to continue to escalate its military support of Arab states. The United States and the Soviet Union must face the question whether such continued support might not further embolden militarists and extremists within the nations of that area to enhance the possibility not only of continued intermittent Middle East wars but also a military confrontation between the United States and the Soviet Union and a consequent world catastrophe caused by the nuclear fallout.

Some of the Arab states are now turning to China for military equipment. Once China enters the Middle East picture, it will pose a more serious threat to the Soviet Union's southwest flank than does its present wedge in Albania.

In Europe the Soviet Union is just as interested in protecting its flanks to its west as it is in securing a foothold in the Mediterranean.

Precisely because the Soviet Union fears war with Communist China—perhaps even more than it fears war with the West—it wants to strengthen its position in East Europe while it faces the threat from China to its east and south.

It is in this context, I believe, that we must assess the Soviet invasion and occupation of Czechoslovakia in August 1968. The invasion upset the balance of power in Europe. It also set in motion a barrage from many Communist parties against Soviet leaders.

As we face the political changes taking place on the European continent, we should not overlook the preoccupation of Soviet leaders with the threat from China. I do not believe that Soviet leaders necessarily are as erratic and incalculable as some have pictured them. They are obtuse. Their use of raw military force in Czechoslovakia has set back their opportunity to secure their western flank through a detente with Western European governments—as well as with Britain and the United States of America.

The Soviet invasion of Czechoslovakia has resulted in reevaluating policy in France. Our relations with France are now more friendly. It could be that France under President Pompidou will reach agreements with Germany and the rest of the European Community about the new phase of European organization.

In the triangular relationships among the United States, the Soviet Union and China, Japan occupies a critical position. It is the fourth largest industrial power and a good trading partner and ally of the United States. We need to reach a mutually satisfactory agreement on our military bases in Japan—without delay.

We must not endanger our relations with that friendly nation.

I am particularly disturbed by the increasingly louder protectionist voices in the United States.

It is true that many nations restrict American investments and trade by various political and licensing methods. But such restrictions are likely to be increased in retaliation to a new wave of protectionism under way in the United States.

There is a gathering force in Congress for package legislation that would return to conditions under high protective tariffs in the guise of limiting quotas on imports of textiles, oil, steel, cattle and so forth into the United States—a definite step toward Fortress America. That would affect detrimentally, in my opinion, the entire scope of world affairs.

I cannot think of a greater benefit to Communist powers than for the United States to return to the conditions of a special interest trade policy so unpleasantly reminiscent of the Smoot-Hawley high tariff legisaltion folly that ushered in the Great Depression in 1929.

That is exactly what the new protectionism proposes to do. The tragedy is that ultimately it would wreck international cooperation, and would hurt the United States. Protectionist measures would evoke retaliation from other nations that could only restrict our trade at a time when we need more markets—more selling of our products abroad—to save the value of our dollar now under attack from other directions.

We shall be faced with a real tragedy unless we recognize the necessity of strengthening our trading ties with Japan, Canada, European Community, Britain and other nations.

It is evident that the way to a stable—and therefore a peaceful—world is building markets for trade which has been the meeting place for better acquaintance and understanding since ancient tribal days.

We must also continue our efforts to assist the low-income nations to improve their development strategy and tactics; Mexico's successful development without much direct government aid from the United States is a case in point. The development dialogue must be based on the assumption that the development effort should bear the stamp of each nation's identity. Such efforts cannot be divorced from the crucial international problem of the triangular relationships among the United States, the Soviet Union and China.

The quest for human dignity and freedom explains much about social and political changes taking place in Asia, Africa, Europe and Latin America.

To assess objectively these changes and realities, and to adjust our national interests and goals with respect to them, our President must support a comprehensive and complete review by the Congress of our foreign and military policies. Such a review must appraise our experience with foreign aid in terms of its costs, scope and effectiveness. It must appraise the future of the dollar, world trade, the United Nations, military strength and efficiency, arms control and disarmament, and also the huge world population growth.

I strongly believe that many of the problems concerning our attempted world posture derive from the fact that America has oversold its strength, its faith, and its hopes in relation to its abilities and resources.

We have oversold our military might. Despite our obvious strength, we cannot make all things happen that we would like to have happen, nor prevent all things from happening that we do not want to happen.

We have oversold the capacity of our economy. Despite our obvious affluence, we cannot finance world security, world development, the Vietnam War, and the elimination of poverty at home—all at the same time.

We have oversold our will and resolve. We are the most generous people of the world, the most committed to the protection of freedom, the most altruistic, but despite those qualities, there are limits beyond which we cannot reasonably exercise our will and resolve to assume alone the role of world policeman and benefactor.

We have oversold the dollar. Despite the dollar's being one of the world's most stable currencies and monetary value bases, we are witnessing its decline and vulnerability.

The United Nations has been oversold. Established to achieve world peace, the United Nations—after 24 years—is far from realizing its purpose, and its goal will remain a distant dream so long as the major powers—including the United States—act unilaterally on major world issues, and so long as Communist China—representing one-fourth of humanity—is unrepresented in that body.

Meanwhile, so long as we continue to live in a world without an effective international organization, world peace will depend chiefly on understanding and agreements reached among the Soviet Union, the United States and China or between any two of them. Chances for such agreements, in turn, depend on a parity of power based on mutual deterrence among the super powers. As of now, mutual detente is conditioned by mutual deterrence within the context of world instability. That is why, perhaps, the most important responsibility facing our President is to see to it that the United States may continue to negotiate with the Soviet Union and China from a position of at least equal military strength. However, that does not mean relying on military strength as the proper instrument for reconstructing international relations.

The assumption that in a major war between the superpowers the nuclear weapons will not be used can be a fatal delusion. No one can be sure. In a nuclear war every country in the world will be involved directly or indirectly. The nuclear fallout will not spare anyone.

Our President—in framing long-range foreign policies—must see to it that we do not miscalculate how the leaders of other lands may react to our moves and how they may feel about us and our intentions. Miscalculations have led to wars—small and big. The importance of consistent use of consultations cannot be overemphasized.

The times call for wisdom, tact and, above all, equity—in approaching the central issues of our foreign policy.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

APOSTLE ISLANDS NATIONAL LAKESHORE, WISCONSIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 268, S. 621.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. S. 621, to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, at the beginning of line 3, strike out:

That (a)(1) for the purpose of conserving and developing for the benefit, inspiration, and use of the public certain islands, shorelines, beaches, sandspits, and other natural and historical features within Ashland and Bayfield Counties, Wisconsin, which make up a significant portion of the diminishing shoreline and archipelago environments of the Great Lakes region and which possess high values to the Nation as examples of unspoiled areas of great natural beauty.

(2) For the purposes of encouraging and enhancing the development and utilization of this region as an important center of public recreation activities, and particularly to encourage participation in the accomplishment of such purposes by the Bad River Band and the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin (hereinafter referred to as the "Band River Band" and the "Red Cliff Band"), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish and administer the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore").

And insert:

That (a)(1) the Congress hereby finds that—

(A) certain islands, shorelines, beaches, sandspits, and other natural and historical features situated within Ashland and Bayfield Counties, Wisconsin, should be preserved and developed for the benefit, use, and inspiration of all the people of the United States;

(B) such islands, shorelines, beaches, sandspits, and other natural and historical features make up a significant portion of the diminishing shoreline and archipelago environments of the Great Lakes region and possess high values to the Nation as examples of unspoiled areas of great natural beauty;

(C) the development and use of such islands, shorelines, beaches, sandspits, and other natural and historical features for public recreation activities should be encouraged and that the Bad River Band and the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin (referred to in this Act as the "Bad River Band" and the "Red Cliff Band" respectively), especially, should be encouraged to participate in the accomplishment of such development and use; and

(D) the culture, heritage, homeland, and rights of the native Chippewa Indians, who have so greatly contributed to the preservation of such shorelines, beaches, sandspits, and other natural and historical features in their unspoiled and natural conditions, should be preserved and protected.

(2) The Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") is authorized to establish and administer the Apostle Islands National Lakeshore (hereinafter referred to in this Act as the "lakeshore").

On page 3, at the beginning of line 20 after "(b)" insert "(1)"; in line 25, after the word "February" strike out "1967." and insert: "1967; except that no Indian tribal lands within the area described by said map as the Red Cliff unit shall be included in the lakeshore except on petition of the Tribal Council of the Red Cliff Band, the concurrence of the Secretary, and the publication of a description of such lands in the Federal Register: *Provided further,* That the inclusion of such lands in the lakeshore shall not become effective until the Secretary has forwarded a description of such lands to the President of the Senate and the Speaker of the House of Representatives and a period of ninety calendar days of a continuous session of Congress following the receipt by the said President and the Speaker of the description submitted by the Secretary has expired."

On page 4, after line 14, insert:

(2) For the purpose of paragraph (1) of this subsection—

continuity of session is broken only by an adjournment of Congress sine die; and

the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

On page 6, line 11, after the word "land" strike out "without the consent of all of the beneficial owners if the acquisition is agreed to by the owners of

not less than a 50 per centum interest in any land where ten or fewer persons own undivided interests or by the owners of not less than a 25 per centum interest in any land where eleven or more persons own undivided interests. The Secretary may represent for the purpose of this subsection any Indian owner who is a minor or who is non compos mentis, and, after giving such notice of the proposed acquisition as he deems sufficient to inform interested parties, the Secretary may represent any Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title to the land," and insert "with the consent of 51 per centum of the beneficial owners responding and agreeing after due notice agreed on by the Secretary and the applicable tribal council of the Secretary's intent to acquire such lands. With the concurrence of the beneficial owners of such allotted or restricted land, the applicable tribal council shall be represented at any negotiations for the acquisition of such land."; on page 8, line 4, after "(a)" strike out "With the exception of not more than eighty acres of land in the Red Cliff Creek area that the Secretary determines are necessary for an administrative site, visitor center, and related facilities," and insert "With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable," on page 10, line 13, after the word "*Provided,*" strike out "That in order to preserve and interpret the historic, scenic, cultural, and other outdoor features and attractions within the lakeshore the Secretary may prescribe regulations under which the area can be traversed;" and insert "That for the sole purpose of the preservation of public safety the Secretary may prescribe regulations relative to the discharge of firearms;".

On page 11, line 7, after the word "for" strike out "construction or maintenance work or for other"; on page 12, line 12, after the word "authority" insert "of section 5(a)"; and on page 14, line 21, after "SEC. 12." strike out "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."; and insert "There are hereby authorized to be appropriated not to exceed $6,660,000 for acquisition of land and not to exceed $8,257,700 for the development of the area as provided for in this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Congress hereby finds that—

(A) certain islands, shorelines, beaches, sandspits, and other natural and historical features situated within Ashland and Bayfield Counties, Wisconsin, should be preserved and developed for the benefit, use, and inspiration of all the people of the United States;

(B) such islands, shorelines, beaches, sandspits, and other natural and historical features make up a significant portion of the diminishing shoreline and archipelago environments of the Great Lakes region and possess high values to the Nation as examples of unspoiled areas of great natural beauty;

(C) the development and use of such islands, shorelines, beaches, sandspits, and other natural and historical features for public recreation activities should be encouraged and that the Bad River Band and the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin (referred to in this Act as the "Bad River Band" and the "Red Cliff Band", respectively), especially, should be encouraged to participate in the accomplishment of such development and use; and

(D) the culture, heritage, homeland, and rights of the native Chippewa Indians, who have so greatly contributed to the preservation of such shorelines, beaches, sandpits, and other natural and historical features in their unspoiled and natural condition, should be preserved and protected.

(2) The Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") is authorized to establish and administer the Apostle Islands National Lakeshore (hereinafter referred to in this Act as the "lakeshore").

(b)(1) The lakeshore shall comprise those islands, waters, and portions of mainland within Ashland and Bayfield Counties, Wisconsin, as generally depicted on a map identified as "Boundary Maps—Proposed Apostle Islands National Lakeshore, NL–AI–7100B, sheets 1, 2, and 3," dated May 1965, revised February 1967; except that no Indian tribal lands within the area described by said map as the Red Cliff unit shall be included in the lakeshore except on petition of the Tribal Council of the Red Cliff Band, the concurrence of the Secretary, and the publication of a description of such lands in the Federal Register: *Provided further,* That the inclusion of such lands in the lakeshore shall not become effective until the Secretary has forwarded a description of such lands to the President of the Senate and the Speaker of the House of Representatives and a period of ninety calendar days of a continuous session of Congress following the receipt by the said President and the Speaker of the description submitted by the Secretary has expired. Said map shall be on file and available for public inspection in the offices of the National Park Service.

(2) For the purpose of paragraph (1) of this subsection—

Continuity of session is broken only by an adjournment of Congress sine die; and

The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(c) As soon as practicable after acquisition by the Secretary of an acreage within the boundaries of the lakeshore which in his opinion can be administered efficiently for the purposes of this Act, he shall establish the lakeshore by publication of notice thereof in the Federal Register.

SEC. 2. (a) Within the boundaries of the lakeshore, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Any property or interests therein owned by the State of Wisconsin or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, transferred, without transfer of funds, to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

(b) Lands or interests therein within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band may be acquired by the Secretary only with the concurrence of the beneficial owner. The Secretary may agree to pay the purchase price either in a lump sum or in installments which in the aggregate equal the purchase price plus interest on unpaid balances.

(c) In order to provide substitute lands for the Bad River Band and the Red Cliff Band or for individual Indians of said bands in cases where their lands are acquired for the lakeshore, the Secretary may, from funds made available to him by such band or individual Indian, acquire by negotiated purchase any lands or interests therein outside of the boundaries of the lakeshore: *Provided,* That title to such lands shall be held by the United States in trust for the band or the individual Indians involved.

(d) In exercising his authority to acquire by negotiated purchase any land within the boundaries of the lakeshore that is held in trust or in a restricted status for individual Indians, the Secretary may, in cases where a particular tract of land is so held for more than one Indian, acquire such land with the consent of 51 per centum of the beneficial owners responding and agreeing after due notice agreed on by the Secretary and the applicable tribal council of the Secretary's intent to acquire such lands. With the concurrence of the beneficial owners of such allotted or restricted land, the applicable tribal council shall be represented at any negotiations for the acquisition of such land.

(e) In exercising his authority to acquire property within the boundaries of the lakeshore by exchange, the Secretary may accept title to any non-Federal property therein, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Wisconsin which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(f) In order to facilitate the acquisition by exchange of the lands within the boundaries of the lakeshore that are held by the United States in trust for the Bad River Band or the Red Cliff Band or held in trust or in a restricted status for individual Indians of said bands, the Secretary may acquire by negotiated purchase, lands, or interests therein, outside of the lakeshore boundaries. Lands so acquired may be exchanged for such Indian lands. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. (a) With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or

for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of what portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 4. (a) The Bad River Band and the Red Cliff Band, notwithstanding the provisions of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), may enter into leases with the Secretary for lands beneficially owned by the Bad River Band or the Red Cliff Band for a term of not to exceed ninety-nine years, and shall grant the Secretary the option of renewing the lease for as long as the lands are used as part of the lakeshore.

(b) Notwithstanding any other provision of law, improvements and structures needed for development and administration of the lakeshore may be constructed on lands leased pursuant to this section.

SEC. 5. Within the portions of the Bad River and Red Cliff Indian Reservations that are included in the lakeshore, recognized members of the Bad River and Red Cliff Bands shall be—

(a) permitted to traverse such areas in order to hunt, fish, trap, boat, or gather wild rice or to obtain access to their homes or businesses: *Provided,* That for the sole purpose of the preservation of public safety the Secretary may prescribe regulations relative to the discharge of firearms;

(b) granted the first right of refusal to purchase any timber at fair market value if the Secretary determines that the harvesting or removal of timber is necessary or desirable;

(c) granted, to the extent practicable, a preferential privilege of providing such visitor accommodations and services, including guide services, as the Secretary deems are desirable: *Provided,* That such a preferential privilege will not be granted unless the visitor accommodations and services meet such standards as the Secretary may prescribe;

(d) granted employment preference for work in connection with the lakeshore for which they are qualified; and

(e) encouraged to produce and sell handicraft objects under the supervision of the Secretary.

SEC. 6. The Secretary shall, to the extent that appropriated funds and personnel are available, provide consultative or advisory assistance to the Bad River and Red Cliff Bands with respect to planning facilities or developments upon their tribal lands which are outside of the boundaries of the lakeshore.

SEC. 7. Subject to such regulations as the Secretary may prescribe, the recognized members of the Bad River and Red Cliff Bands may use without charge any docking facilities within the lakeshore that are operated directly by the Secretary.

SEC. 8. (a) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(b) Except for such regulations as the Secretary may issue under authority of section 5(a) of this Act, nothing in this Act shall affect the existing rights of members of the Bad River Band or Red Cliff Band to hunt, fish, trap, or to gather wild rice, and the Secretary shall grant to such Indians the same rights with respect to lands acquired by him within the portions of the lakeshore that are applicable within the Bad River and Red Cliff Indian Reservations.

SEC. 9. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 10. (a) In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(1) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(2) development of facilities to provide the benefits of public recreation and a scenic shoreline drive on the Bayfield Peninsula;

(3) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable; and

(4) preservation and enhancement of the unique characteristics of the Kakagon River and Bad River Sloughs.

(b) With respect to the portion of the lakeshore located within the boundaries of the Bad River Indian Reservation such land and water use management plan shall provide for—

(1) public enjoyment and understanding of the unique natural, historic, and scientific features through the establishment of such roads, trails, observation points, exhibits, and services as the Secretary may deem desirable; and

(2) public use and enjoyment areas that the Secretary considers especially adaptable for viewing wildlife: *Provided,* That no development or plan for the convenience of visitors shall be undertaken in such portion of the lakeshore if it would be incompatible with the preservation of the unique flora and fauna or the present physiographic conditions.

SEC. 11. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Bad River Reservation, the Red Cliff Reservation," after the words "the Pyramid Lake Reservation,".

SEC. 12. There are hereby authorized to be appropriated not to exceed $6,660,000 for acquisition of land and not to exceed $8,257,700 for the development of the area as provided for in this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 621) was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

A letter from the General Counsel for the National Council on Radiation Protection and Measurements, transmitting, pursuant to law, a report on the examination of accounts of the National Council on Radiation Protection and Measurements, dated December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO ESTABLISH A VISITING SCIENTIST AND SCHOLAR PROGRAM IN THE FEDERAL GOVERNMENT

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation, to amend title 5, United States Code, to establish a Visiting Scientist and Scholar Program in the Federal Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions memorializing the Congress of the United States to enact legislation providing for a two hundred mile off-shore limit for taking fish off the Atlantic coast by fishing vessels of foreign countries, and providing certain funds to assist the fishing industry

"*Whereas,* The closing of Georges Bank, the world's most productive fishing ground, has been proposed to enable depleted haddock stocks to recover; and

"*Whereas,* Congressmen Bates, O'Neill and Keith, of Massachusetts, in cooperation with the Speaker of the House, John W. McCormack, have sponsored a plan requesting $700,000 for a demonstration program and $750,000 for vessel conversion; and

"*Whereas,* The shortage of haddock off the shores of New England constitutes a serious economic threat to the fishing industry of the commonwealth, an industry which has

been the traditional life blood of our state's economy; and

"*Whereas*, The present territorial limitation as to fishing off the coast of the United States is totally inadequate to protect the fishing fleets of the commonwealth from irreparable loss, a situation which can be remedied by appropriate legislative enactment; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for a two hundred mile off-shore limit for taking fish off the Atlantic coast by fishing vessels of foreign countries and legislation providing funds for the demonstration program and for vessel conversion; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

"Senate, adopted, June 11, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, June 16, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

[SEAL]
JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes (Rept. No. 91–281).

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 91–282).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Gen. Earle Gilmore Wheeler, Army of the United States (major general, U.S. Army) for reappointment as Chairman, Joint Chiefs of Staff.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLINGS:

S. 2489. A bill to amend chapter 13 of title 38, United States Code, to provide that the death of any veteran who, at the time of his death, was entitled to disability compensation for certain service disabilities will be deemed to have resulted from service-connected causes; to the Committee on Finance.

By Mr. MAGNUSON:

S. 2490. A bill for the relief of Miriam Lazarowitz; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2491. A bill to provide for the establishment of a National Academy of Medical, Dental, and Allied Sciences within the Department of Defense; to the Committee on Armed Services.

(The remarks of Mr. MONTOYA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 2492. A bill to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. STEVENS:

S. 2493. A bill authorizing the Secretary of the Interior to transfer all jurisdiction and the right, title, and interest of the United States in and to the Pribilof Islands to the State of Alaska; to protect the rights of natives of the Pribilof Islands; and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS:

S. 2494. A bill for the relief of Miss Engracia H. Magbitang;

S. 2495. A bill for the relief of Miss Adoracion A. Ibanez; and

S. 2496. A bill for the relief of Miss Belen N. Vales; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2497. A bill to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes; and

S. 2498. A bill to amend section 613 of the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the last above bill appear later in the RECORD under the appropriate heading.)

By Mr. MCINTYRE (for himself, Mr. DODD, and Mr. RANDOLPH):

S. 2499. A bill to provide for the regulation of the maximum rates of interest which may be charged by federally supervised banks; to the Committee on Banking and Currency.

(The remarks of Mr. MCINTYRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 2500. A bill for the relief of Dr. Serafin B. Teruel; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2501. A bill to provide for a 50-cent-per-bushel export marketing certificate on wheat for the 1969 and 1970 crops of wheat; to the Committee on Agriculture and Forestry.

(The remarks of Mr. BURDICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BIBLE (by request):

S. 2502. A bill to authorize suits in the courts of the District of Columbia for collection of taxes owed to States, territories, or possessions, or political subdivisions thereof, when the reciprocal right is accorded to the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARTKE:

S. 2503. A bill to amend chapter 11 of title 38, United States Code, to provide full wartime benefits for extrahazardous duty;

S. 2504. A bill to amend title 38 of the United States Code to provide that veterans with disability rated less than 50 per centum shall receive additional compensation for dependents; and

S. 2505. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or appliances which tends to wear out or tear their clothing; to the Committee on Finance.

(The remarks of Mr. HARTKE when he introduced the above bills appear later in the RECORD under the appropriate heading.)

By Mr. HATFIELD:

S.J. Res. 129. A joint resolution to establish an advisory commission to make recommendations with respect to the acquisition of necessary property and equipment for, and the operation of, railroad passenger service by the Federal Government; to the Committee on Commerce.

(The remarks of Mr. HATFIELD when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2491—INTRODUCTION OF A BILI RELATING TO ESTABLISHMENT OF A "FOURTH NATIONAL ACADEMY"—THE NATIONAL ACADEMY OF MEDICAL, DENTAL, AND ALLIED SCIENCES

Mr. MONTOYA. Mr. President, "the only doctor in town has been drafted into the military service, and now I have to go 50 miles away to be treated." "My wife needs to see a doctor, but we don't have a single one in town." "It is so difficult to get an appointment with the one doctor in town."

Mr. President, more and more letters with complaints such as these fill my mailbag daily. We are unquestionably on the brink of a national health crisis, and indicators of this growing problem are everywhere, not just in my State of New Mexico. The situation, of course, has a number of dimensions which must be solved as rapidly as possible, and I should like to address myself to one solution which I propose at this time.

There is growing concern over the fact that the ratio of doctors and dentists to the population as a whole is steadily decreasing. Among the major influences which have been recognized as contributing to the increased demand for physician, dental, and other health care services are the following:

First, the fact that the population is increasing at a rapid rate.

Second, the young and very old—who require greater than average amounts of medical care—constitute a rising proportion of the population.

Third, there is a trend toward increased per capita use of medical services—particularly with medicare for the aged.

Fourth, the proportion of physicians in private practice appears to be falling.

Fifth, desperately needed general practitioners, capable of delivering direct patient contact and comprehensive medical care, are gradually being re-

placed by physician-specialists who tend to concentrate in metropolitan areas, thus drastically altering the physician-population ratio—to the detriment of nonmetropolitan and rural areas.

Sixth, legitimate medical needs in certain areas of government—primarily the military services, the Public Health Service, and the Veterans' Administration—tend to drain off the supply of doctors.

Seventh, the current rate of expansion of medical school facilities is inadequate to take care of future needs.

Take my own State of New Mexico, for example. In Bernalillo County—which consists primarily of the standard metropolitan area of Albuquerque—there were, in 1968, 446 doctors to serve a population of approximately 287,000 people—a ratio of approximately one doctor for every 645 people.

On the other hand, in neighboring Sandoval County—a rural area—as of 1968 there was not a single doctor to serve the 16,700 population of that county. Other similar cases abound. Torrance County—another remote area—has two doctors to serve 5,400 people; Harding County, with 1,600 population, has no doctor; and so on. Moreover, latest figures supplied by the American Medical Association indicate that as of January 1, 1968, there were 110 counties in the Nation without a doctor.

Despite this threat, no significant action has been initiated either in or out of Government to stimulate the development of a program which will result in a substantial increase in the production of medical personnel. Although there are programs whereby the armed services, for example, grant full scholarship assistance to commissioned officers who desire to become doctors, this in no way increases the total number of physicians available to the civilian population and uses up precious space in already overcrowded private medical schools.

All of these factors, and many others, suggest therefore that unless there is an increase in the supply of trained medical personnel, the situation will surely worsen and could reach crisis proportions. Given the long, arduous training which physicians must undertake, it is imperative that the Federal Government take action now to increase the number of physicians and other medical personnel available in order to satisfy both our civilian and governmental health requirements.

I am therefore today introducing a bill to provide for the establishment of a fourth academy focusing exclusively upon training in medical, dental, and allied sciences to insure that the Government has an adequate number of doctors and other medical personnel at their disposal, and so that the supply of such personnel available to the civilian population will not be siphoned off.

In order that the academy not compete with private medical and dental schools in the country, however, it should be run by the Government, with those selected for attendance subject to requirements and benefits similar to those of our military academies. It would also serve to provide opportunities for those of our youth possessing potential for a medical career, but who cannot now gain admission to medical, dental, and other schools, due to lack of funds and/or current crowded conditions in public and private schools.

Since graduates of the new academy would be possible future entrants into the civilian force of medical personnel, they must be provided with the best of medical education so that the quality of health care will be enhanced. Therefore, I envision that the academy should be designed to serve as a model for the Nation.

The school would be known as the National Academy of Medical, Dental, and Allied Sciences, and would be located in or near the District of Columbia. There are many Government medical and other resources already in existence in the District of Columbia and its environs—mature, long-established institutions with international reputations. It is time for the Federal Government to capitalize on them in view of the enormous capital investment involved. I envision that the new academy which I am proposing will serve to fill a gap in existing governmental facilities in the Nation's Capital, and that the utilization of these facilities—insofar as feasible—in conjunction with the operations of the academy will help reduce the costs as well as time involved in setting up the new academy. The combination of all of these untapped resources could also form the nucleus for the creation of a medical education center, as well as an opportunity for integrating the various health sciences with such new fields as medical engineering.

Not more than 730 students would be enrolled in the academy at any one time. A total of 538 students would be nominated in accordance with provisions for appointment to the U.S. Military Academy; that is, based upon the number of Members of Congress for each State. Additionally, each of the armed services would be allocated four appointments each year; the Public Health Service 12 appointments each year; and the President of the United States 16 appointments each year. An additional eight student slots would be available to other Government agencies each year, which if not used would be allocated to the President.

Upon successful completion of an education program and internship, graduates would receive a military commission. They would then be required to serve for not less than 5 years with the Government, and could opt for service with branches of the military, or with other Government agencies such as the Veterans' Administration or with community-based rural programs under the U.S. Public Health Service. After fulfillment of their 5-year contract, should academy graduates choose to leave Government service they would be subject to recall for a period of 3 years if need so dictated.

Mr. President, over the long run, the output of this Government-sponsored medical school would find its way into the civilian manpower pool. This would result each time a graduate completed his term of service and returned to civilian life. But those graduates remaining in Government service would help reduce the present drain on the civilian sector for medical personnel now secured through the doctor draft system. In short, it would also result in improved medical officer retention by the Government, thereby providing a solution to one of the most pressing problems of Government.

Mr. President, since the Government helps support most medical schools, I do not believe it illogical for the Government to support its own medical school to meet specific governmental needs. It is evident, therefore, that any action Congress can take to meet physician, dental, and other requirements of the Government will represent a most constructive step toward solving this problem, and in the process lessen any deprivation the civilian community may suffer from lack of essential health services.

Other provisions of my proposal are contained in the bill itself, and I ask that it be printed in the RECORD at the conclusion of my statement.

Mr. President, I urge that each of my distinguished colleagues study the proposal and assist in its most expeditious passage.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2491) to provide for the establishment of a National Academy of Medical, Dental, and Allied Sciences within the Department of Defense, introduced by Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of subtitle A of title 10, United States Code, is amended by adding at the end thereof a new chapter as follows:

"CHAPTER 104.—NATIONAL ACADEMY OF MEDICAL, DENTAL, AND ALLIED SCIENCES

"Sec.
"2121. Establishment of Academy.
"2122. Commandant and deputy commandants
"2123. Command and supervision.
"2124. Faculty.
"2125. Students; appointment and numbers.
"2126. Requirements for admission.
"2127. Standards for courses of study; authority to confer degrees.
"2128. Service agreement.
"2129. Status of students; allowance and expenses.

"§ 2121. ESTABLISHMENT OF ACADEMY

"(a) There is authorized to be established within the Department of Defense an academy to be known as the National Academy of Medical, Dental, and Allied Sciences (hereinafter in this chapter referred to as the 'Academy') to train selected persons in medicine, dentistry, and fields allied thereto. The Academy shall be located in or near the District of Columbia.

"(b) The Academy shall utilize, to the maximum extent practicable, existing facilities and resources in the vicinity of the District of Columbia to provide the Academy with a 200 bed hospital and such other facilities and resources as may be necessary for use in connection with its programs of teaching, research, and clinical investigation. The Secretary of Defense is authorized to enter into a suitable cooperative arrange-

ment with any existing hospital or other institution in the vicinity of the District of Columbia under which the Academy would be permitted to use the facilities of such hospital or other institution in carrying out its functions under this chapter. The Academy shall offer a course of study in hospital administration. The location of the Academy shall be selected so as to permit in the future the establishment at the Academy of a school of nursing and a school for the training of medical technicians.

"(c) Advanced and specialized courses shall be offered graduates of the Academy. Students shall be selected for advanced and specialized work on the basis of merit in accordance with regulations prescribed by the Secretary of Defense, after consultation with the Secretary of Health, Education, and Welfare.

"§ 2122. COMMANDANT AND DEPUTY COMMANDANTS

"There shall be a Commandant of the Academy and two Deputy Commandants of the Academy appointed by the Secretary of Defense. One of the appointees shall hold a degree in medicine from an accredited school of medicine; one shall hold a degree in dentistry from an accredited school of dentistry; and the other shall hold a degree in an allied science from an accredited college or university.

"§ 2123. COMMAND AND SUPERVISION

"(a) The supervision and charge of the Academy shall be under a Board of Trustees. Such Board shall be appointed by the Secretary of Defense and shall be composed of eighteen members who are especially qualified for service on the Board by reason of their background, education, training, and experience. Members of the Board shall include physicians, dentists, educators, hospital administrators, and scientists.

"(b) The immediate government of the Academy is under the Commandant of the Academy.

"§ 2124. FACULTY

"Members of the faculty of the Academy may be either members of the armed forces or civilians and shall be selected and meet the same requirements and standards applicable to the United States Military Academy. Physicans, dentists, and scientists employed by the Federal Government shall, to the maximum extent practicable, be utilized in the teaching and research projects of the Academy.

"§ 2125. STUDENTS; APPOINTMENT AND NUMBERS

"(a) The authorized number of medical students at the Academy shall be 480; dental students, 125; and allied sciences, 100. The total enrollment at the Academy may not at any one time exceed 730 students.

"(b) Students shall be selected for appointment to the Academy as follows:

"(1) two students from each State, one nominated by each Senator from the State; and

"(2) one student from each congressional district, nominated by the Representative from the district;

Each Senator and Representative is entitled to nominate a principal candidate and nine alternatives for each vacancy that is available to him under this section.

"(b) In addition, there may be appointed each year at the Academy a number of students as follows:

"(1) Four students nominated by the Secretary of the Army from members of the Army;

"(2) Four students nominated by the Secretary of the Navy from members of the Navy and Marine Corps;

"(3) Four students nominated by the Secretary of the Air Force from members of the Air Force; and

"(4) Twelve students nominated by the Surgeon General of the Public Health Service.

"(c) Eight nominations for appointment to the Academy shall be allocated each year by the Secretary of Defense among the other departments and agencies of the Government, but in the event the total number is not used in any year by such departments and agencies, the President is authorized to select for appointment in such year a number of students equal to the unused number.

"(d) Sixteen students may be personally selected for appointment each year by the President, not including any number selected by him under subsection (b) of this section.

"(e) All students are appointed by the President. An appointment is conditional until the student is admitted to the Academy.

"§ 2126. REQUIREMENTS FOR ADMISSION

"To be eligible for admission to the Academy a candidate must meet such qualifications as may be prescribed by the Secretary of Defense after consultation with the Secretary of Health, Education, and Welfare.

"§ 2127. STANDARDS FOR COURSES OF STUDY; AUTHORITY TO CONFER DEGREES

"(a) The standards for any course of study offered at the Academy and the standards for the instruction of such course shall be the equivalent of standards for the same course of study offered by institutions of higher learning which rank among the highest in the United States with respect to such course of study, as determined by the Secretary of Defense after consultation with the Secretary of Health, Education, nd Welfare.

"(b) Under such conditions as the Secretary of Defense may prescribe, the Commandant of the Academy may confer appropriate degrees upon graduates of the Academy.

"§ 2128. SERVICE AGREEMENT

"(a) Each student shall sign an agreement that, unless sooner separated, he will complete the course of instruction at the Academy and—

"(1) accept an appointment and serve as a commissioned officer (Regular or Reserve) in the Armed Forces for at least five years immediately after graduation; or

"(2) accept an appointment as a commissioned officer in the Public Health Service and serve for at least five years immediately after graduation in an area of the United States which is in need of the services he is qualified to perform (as determined by the Secretary of Health, Education, and Welfare); or

"(3) accept an appointment with any other department or agency of the Government, whenever there is a need by such department or agency for the services he is qualified to perform and such need is determined by the President to be greater than that under (1) and (2) above, and serve in such department or agency for at least five years immediately after graduation.

"(b) Each student upon graduation from the Academy shall, unless discharged or released by competent authority, serve as provided in subsection (a) for a five year period beginning on the date of his graduation, but the Secretary of the department concerned may prescribe a shorter period of service whenever he determines that such action is consistent with the needs of his department. Upon completion of the required period of service, any graduate who so requests shall be released from his Government service but shall be subject to recall to active duty with the Armed Forces, the Public Health Service, or other department or agency of the Government, as the case may be, for a period not to exceed three years, whenever the Secretary of the department concerned determines such action is necessary to meet the needs of such department.

"(c) Any student who completes one or more years of training at the Academy, who fails to graduate therefrom, and who thereafter becomes licensed in any State to practice medicine, dentistry, or engage in one of the allied sciences taught at the Academy, shall be required to repay the United States the actual expenses of the training received at the Academy, including all allowances paid and the cost of subsistence and quarters furnished.

"§ 2129. STATUS OF STUDENTS; ALLOWANCE AND EXPENSES

"(a) Students at the Academy shall not be considered members of the uniformed services, and shall not be entitled to any rights or benefits administered by the Veterans' Administration or any other department or agency of the Government solely as a result of being enrolled in or participating in the training provided under this chapter.

"(b) Students at the Academy shall receive the same allowance as that provided for cadets at the United States Military Academy and, in addition, shall be furnished quarters, subsistence, and other necessities."

SEC. 2. There are authorized to be appropriated $75,000,000 to carry out the provisions of this Act.

SEC. 3. The table of chapters at the beginning of Part III of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following:

"104. National Academy of Medical, Dental, and Allied Sciences.. 2121."

S. 2492—INTRODUCTION OF A BILL TO ESTABLISH THE FORT POINT NATIONAL HISTORIC SITE IN SAN FRANCISCO, CALIF.

Mr. MURPHY. Mr. President, on behalf of my distinguished colleague from California (Mr. CRANSTON) and myself, I introduce for appropriate reference a bill to authorize the establishment of the Fort Point National Historic Site in San Francisco.

Just under the south tower of the Golden Gate Bridge, at the entrance to San Francisco Bay, stands a classic example of a coastal fortification of the mid-19th century. It is one of the best examples of such military architecture in the United States, and it is certainly the finest on the west coast of North America. Fort Point has been standing since 1861 but, unfortunately, it has not received the full recognition it deserves in recent years. It is my hope that passage of the legislation I am introducing today will help remedy this situation by providing the historic fort with the designation it so richly merits.

To understand the historical significance of Fort Point, which is known to some as Fort Winfield Scott, it is helpful to retrace some of the history of California from 1776, which was long before Fort Point was established. In that year, the Presidio at San Francisco Bay was founded by Spanish settlers to control the Indians and to serve as a base for the great Spanish expeditions exploring the interior and northern areas of the San Francisco Bay region. After 1792, the Presidio became the northernmost stronghold of the Spanish Empire, and the chief barrier against the British, Russian, and American expansion on the west coast.

The advances by the Russians, English, and Americans into the northern coast

area of California alarmed the Spanish and when Capt. George Vancouver sailed through the Golden Gate in the first non-Spanish ship to enter the San Francisco Bay, the *Discovery*, on November 14, 1792, the Spanish began to realize how poorly the Golden Gate was being defended. This prompted the Spanish Viceroy, Revilla Gigedo, to build a new fort at the San Francisco Presidio. It was located about 1⅓ miles northwest of the original Presidio, 100 feet above the shoreline of the Golden Gate, and named Castillo de San Joaquin.

The news that Mexico had won its independence from Spain arrived in California in March 1822, and on April 13, the soldiers and citizens in San Francisco took the oath of allegiance to the Mexican Government. This marked the end of the Spanish empire in California.

Mexico was more careless than Spain in connection with her military establishments in California. From 1822 to 1835, the Mexicans watched the adobe walls of the Presidio and Castillo de San Joaquin disintegrate as a result of rain and poor maintenance. Under the command of Mexican Lieutenant Vallejo, most of the Presidio garrison was transferred to the newly established frontier post of Sonoma, leaving only seven artillerymen to guard the ruined Presidio and Castillo de San Joaquin.

The city of San Francisco, then called Yerba Buena, was founded in 1835. By the end of 1836, all troops from the Presidio had been withdrawn, and all that remained were a few retired soldiers and their families. The forts were in ruins by 1840.

Six years later, Capt. John Charles Fremont led about 20 American settlers in an attack on Castillo de San Joaquin, met little resistance, and took possession of the town of Yerba Buena for the United States. Two years later, in 1848, the war ended between the United States and Mexico, and the Presidio and the Castillo were formally ceded to the United States. The fort by this time was a rubble.

When the U.S. troops finally occupied the Presidio, the old Spanish forts were reconstructed and put into suitable condition. Two new forts were erected, one on Alcatraz Island and the other at the entrance to the bay where the ruined Castillo de San Joaquin once stood. They named the latter Fort Point.

During the Civil War, the Presidio and Fort Point were prepared to meet any attacks which might be directed against them. However, the war ended without any of the bay's defensive works having fired a shot. Fort Point served its defensive mission simply by existing. After the Civil War, the old war guns in Fort Point were transferred to permanent Army posts for ornamental use. In 1906, the fort was declared obsolete and about 9 years later was completely abandoned.

Today, the granite and brick of the fort is in much the same condition as it was when the fort was built in 1861. A bronze tablet which was placed at Fort Point on June 24, 1966, by the Fort Point Museum Association points out that the fort is the only major building constructed in San Francisco before the Civil War which has remained basically unchanged.

The Congress has the opportunity to restore and preserve this historic edifice. My bill provides for this by authorizing first, the transfer of sufficient land for the Fort Point National Historical Site from the Secretary of the Army to the Secretary of the Interior, and second, the appropriation of the necessary funds for the project. It is stated in my bill, Mr. President, that these funds shall not exceed $2,700,000 for development during the 5-year period beginning with the establishment of the Fort Point National Historic Site. I would like to mention in conclusion that I had the privilege of cosponsoring a bill with Senator Kuchel during the 90th Congress to establish the Fort Point National Historic Site and the measure I am offering today is identical to the version of that earlier bill which was passed by the Senate last July. Unfortunately, the 90th Congress did not take final action on the Fort Point measure I had cosponsored but it is my hope that this proposed legislation I offer today will receive prompt and favorable attention.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2492) to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes, introduced by Mr. MURPHY (for himself and Mr. CRANSTON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2493—INTRODUCTION OF A BILL TO TRANSFER TITLE AND INTEREST OF THE UNITED STATES IN AND TO THE PRIBILOF ISLANDS TO THE STATE OF ALASKA

Mr. STEVENS. Mr. President, I have today introduced a bill which authorizes the Secretary of the Interior to transfer the Pribilof Islands to the State of Alaska. The Pribilof Islands are a group of four islands, part of Alaska, lying in the Bering Sea about 180 miles north of Unalaska and 200 miles southwest of Cape Newenham, the nearest point on the mainland.

In 1786 Gerasim Pribilof, a mate in the service of a Russian sealing and wildfowling company based on Unalaska, discovered the island of St. George, the southernmost of the Pribilof group, and named it after his ship. The larger island of St. Paul, 27 miles to the northwest, was not seen from St. George until the following year because of the extremely foggy climate. These two islands and the satellites of Otter and Walrus Islands comprise about 64 square miles. The Russians found the main breeding rookeries of the valuable Alaska fur-seals—Callorhinus Ursinus on the islands and they established communities of Aleutes from Unalaska on St. Paul and St. George to gather the annual fur harvest.

The United States acquired the islands with Alaska in 1867. In 1872 and 1873, Henry W. Elliott, a clerk in the U.S. Treasury, was commissioned to investigate the Pribilofs—their resources, inhabitants, seals, and other native animals. He turned in a report that became a book and eventually inspired Rudyard Kipling's famous story "The White Seal."

The Russians began to take large annual harvests of fur seal pelts soon after the discovery of St. Paul. Incomplete historical records suggest that between 1789 and 1869 the Pribilof Islands produced more than 2.5 million skins. By 1805, when the Russian-American Co. took charge of the island industry, the Pribilof seal herd had declined to a point where a closed season was declared from 1806 to 1810. Additional periodic closures in the early 19th century did not prevent a continued decrease in the herds. Finally, from 1835 to 1867, a restricted kill of male animals and a prohibition against taking females resulted in a slow growth of the seal population.

When the United States purchased Alaska in 1867, and with it the Pribilof Islands, the fur seal population had increased to a point where it sustained an annual kill of several thousand males. Although the U.S. Government intended to continue the conservation practices of the Russians, the Pribilof herd was ruthlessly decimated by private American interests during 1868 and 1869.

An 1869 act of Congress prohibited the killing of fur seals and in 1869 the Pribilof Islands were set aside as a special reservation for the protection of the animals. A year later the U.S. Treasury Department was authorized to lease exclusive rights to the islands' fur seal resources, with the stipulation that no female seals were to be killed. Under the first 20-year lease, starting in 1870, the Alaska Commercial Co. took 1,854,029 pelts. A second 20-year lease granted to the North American Commercial Co. produced only 342,651 seal skins for the period ending 1909.

Unfortunately for the North American Commercial Co., its contract period coincided with the heyday of pelagic sealing. Commercial pelagic fur hunting began about 1868 and reach its greatest extent between 1889 and 1909. In that short period alone, an estimated 600,000 animals were taken on the high seas by American, Japanese, and Canadian sealers.

The combined effects of the land-based and pelagic sealing were so great that by 1909 only about 200,000 of the northern fur seals remained. Approximately 134,000 of these animals were found on the Pribilof Islands.

After extended diplomatic negotiations and a long series of ineffectual bilateral agreements, the United States, Japan, Canada, and Russia concluded a convention on July 7, 1911, for the protection of the fur seals of the North Pacific. This convention, with some modifications instituted in 1942, 1957, and 1964, is still in effect today. Under this agreement pelagic sealing was prohibited except by aborigines using primitive weapons. In lieu of pelagic hunting rights, Japan and Canada each received 15 percent of pelts harvests by the United States and the Soviet Union, with certain exceptions for the sharing of Russian production, particularly for the period 1964–67. The convention of 1911

and its amendments have provided a sound basis for a rational management program for the Pribilof fur seals.

The Pribilof fur seal industry is divided into three distinct operations. The first is the actual harvest and preparation of raw seal skins for shipment from the islands; the second is the processing and shipment of seal carcass biproducts; and the third is the final tanning and sale of finished seal skins by a U.S. Government contractor. Fundamental operations related to handling of the seal skins are labor intensive, there being at least 36 different steps in the island-based process and about 100 individual processes in the stateside processing factory. Some automation in the island byproducts plant has reduced the number of manual workers on the island of St. Paul.

Under the provisions of the Seal Act of 1966 (16 U.S.C. 1514) the authority of the Secretary of the Interior with respect to agreements for employing individuals to carry out the necessary provisions of both the act and the convention is outlined as follows:

1514 (a) The Secretary shall (1) take and cure fur seal skins on the Pribilof Islands and on lands subject to the jurisdiction of the United States whenever he deems such taking and curing is necessary to carry out the provisions of the Convention or to manage the fur seal herd, (2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur seal skins pursuant to this section, and compensate them at rates to be determined by the Secretary . . .

Although the law permits the Secretary of Interior to contract with persons other than natives for the taking and curing of fur seal skins when necessary, I do not feel that the Secretary has, in the past, acted in the best interests of the natives of the Pribilof Islands by awarding the contract for the curing of the fur seal skins to a company that is not based in Alaska. The justification in the past has been that the curing of the seal skins for commercial use is a very complicated process and that the firm that has the contract is the only firm that has the expertise and experience to carry out the preparation of the skins for market at a profit. However, it seems ludicrous to assert that the very people who have depended upon the resources of the area, including the fur seals, for their livelihood for untold centuries could not be trained to skillfully perform the tasks that are required to cure the skins. There is no reason why the government contractor could not set up operations in Alaska and hire natives to cure the skins.

Again in the past, the response to this proposal has been that the firm that is now processing the skins is doing so at a profit and that the profit would either be lower or nonexistent if the process were done in Alaska, where either labor costs would be higher or the costs of the necessary materials might be more, or even if the cost of building the plant for the operation might result in a loss of profit until the plant is paid for out of operating costs.

But we must keep in mind where these profits go. Seventy percent of the proceeds from the sale of the fur seal skins goes to the State of Alaska under the 1966 Fur Seal Act. By undertaking a potentially higher cost of production the State would possibly lose some immediate revenues that they have automatically received in the past. The State would, however, be better off in the long run to have a new industry located within its boundaries that would mean a higher rate of employment; a tax-generating industry rather than a royalty-generating resource. Alaska does not need royalties; the State needs revenue-generating and employment-generating capital development. This, however, supposes that the establishment of the curing plants in Alaska would not operate at a profit and maintain the royalty flow. If indeed the plant could operate at any level of efficiency, there is no reason to believe that Alaska could not benefit from both capital expansion and higher employment as well as royalty income.

The provisions of the Fur Seal Act of 1966 have a twofold purpose: First, to conserve the fur seal herd, and second, to provide for the welfare of the natives on the Pribilof Islands. When Gerasim Pribilof discovered the islands in 1786 they were uninhabited and the Russians imported natives from Unalaska to harvest the seal skins. The present population of the islands is largely made up of the descendants of Aleutian immigrants of some 180 years ago.

In hearings on the Fur Seal Act in 1966 my predecessor, the late Senator Bartlett, heard testimony on the Pribilof Islands, and one prevailing theme that came out of the testimony was that welfare of the natives ran second to the management of the seal herd. Two of the excerpts from those hearings are particularly revealing:

Senator BARTLETT. Do you feel, as an individual, or as chairman of the village council, that the people of St. Paul are now living in a state of servitude?

Mr. ILIODOR MERCULIEFF. No; not at the present time. I think you will find that answer likewise in the report of the commission to the Governor.

Senator BARTLETT. Do you feel that this condition used to exist?

Mr. ILIODOR MERCULIEFF. It used to exist. Nevertheless, I can mention, a while ago, the Russians ruled the islands here, after the State was bought—I mean after Alaska was bought by the United States, it was Russian-American, and up until 1950, from there, we were not paid fair compensation and we were allowed just very little food, and shelter, of course.

I think all those, added together, plus the fact that if we didn't cooperate with the Bureau, you used to be laid off. You had to do what the island manager said. What he says used to go.

Now, since 1960, that isn't so.

Senator BARTLETT. If you had criticized the Bureau in the old days, you might lose your job?

Mr. ILIODOR MERCULIEFF. In the old days they used to lay them off; yes. Or else if he asked for a vacation, and stayed out for about 6 months, when you came back you wouldn't get into your old house. So anybody was afraid to go out for more than 6 months. If they would come back, then they wouldn't have no home to stay in.

Senator BARTLETT. Did you get any cash money at all in those days?

Mr. ILIODOR MERCULIEFF. We used to get—the highest we used to get, around $400 or $500 a year, up until 1950.

Senator BARTLETT. And the rest of your salary was deducted for groceries?

Mr. ILIODOR MERCULIEFF. No; that was all cash, $400 or $500. Then on top of that they allowed us groceries.

Senator BARTLETT. And housing?

Mr. ILIODOR MERCULIEFF. And housing. Groceries they used to allow us for one family, man and wife, a dozen eggs for a week, and no meat.

Senator BARTLETT. No meat?

Mr. ILIODOR MERCULIEFF. No meat. They used to give us two cans of salmon and no meat.

Senator BARTLETT. For how long?

Mr. ILIODOR MERCULIEFF. For a week.

Although the conditions that the above testimony refers to have changed for the better, Mr. President, the following testimony points out in even stronger terms the extent of the dependency of the natives upon the Bureau.

Mr. FOSTER (Staff Counsel). What is the difference between housing here (St. Paul) and the housing over there (St. George)?

Mrs. SUSIE MERCULIEFF. I think that every married couple is living in the houses over there, but those families have moved over here, the houses demolished.

Senator BARTLETT. You mean the houses over there have been demolished?

Mrs. SUSIE MERCULIEFF. Yes.

Senator BARTLETT. Were they in good condition?

Mrs. SUSIE MERCULIEFF. Yes. Most of them were. Only two of them were pretty old that had to be destroyed—soon after they left.

Mr. FOSTER. Do you have adequate housing over there?

Mrs. SUSIE MERCULIEFF. Oh, yes.

Mr. FOSTER. To the point that——

Mrs. SUSIE MERCULIEF. I could have moved to one of those houses that were destroyed, from the one I am living in now because it is very old.

Mr. FOSTER. So the effort is made that when someone does move over here, they will destroy the house over there. Who else—

Mrs. SUSIE MERCULIEFF. Excuse me, that is another reason, too, they don't like this moving over here. If they want to return to St. George they don't have a house to return to, to live in. It is destroyed as soon as the person leaves. He doesn't come over and try to make up—you know, to find out whether he would like to stay here or go back to St. George again and be hired in the summertime over there.

It is a fact, Mr. President, that the Bureau of Commercial Fisheries has undergone a policy of moving the natives from St. George and centering their operation of the harvest and herd management to St. Paul. This decision apparently reflects the diseconomies of operating on the smaller island all year-round for a smaller percentage of the harvest. This policy of destroying houses in the middle 1960's is a prime example of the Bureau's concern for the seal operation of the Pribilof's and a corresponding lack of concern for the natives.

The Seal Act of 1966 was to alleviate some—if not all—of the exploitation of the natives. Nevertheless the mere title of the act and the hearings demonstrate the secondary consideration given to the natives. A recent study of St. Paul, contracted for by the Bureau with the Institute of Social, Economic, and Government Research at the University of Alaska, brings out the primary problem of the islands—the lack of a viable economy and supportive—labor needs—industry:

Throughout any efforts to strengthen St. Paul's economy, there should be constant awareness that the fur seal industry is and will remain the mainstay of the community, in addition to its functions as a basic national and state resource. In this context, one fact should be clearly established—that the fur seal industry is in fact to be run as an industry. It is probable that, through technological innovations and improvements, both the efficiency and the total net profit can be increased. Should this be the case, it is certainly appropriate that the local population share in the overall increased profit. Possibly, one long-range objective could be a program whereby the community of St. Paul contracts (at a given price per prepared skin) with the producer of the finished fur seal for delivery at dockside, at the airport, or at the processing plant. In this way, the community would be able to share in technological innovations which could improve the efficiency of the operation and cut down present costs. This type of program could operate under government biological and management controls, providing an incentive to abandon the welfare aspects of the industry and eliminating its many inefficiencies. Local profits under this arrangement could either go back to industry employees or be divided between the employees and the community for other development schemes.

The one distressing feature of this report and the way the economy of St. Paul and St. George is arranged is that there is no consideration of expanding the economic base on the islands by providing for the processing of the finished product on the islands themselves.

Earlier I cited the Fur Seal Act of 1966, which clearly stated that the Secretary of Interior was to—

(2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing fur seal skins . . .

It is a matter of record that the Secretary has deemed it necessary to employ others for the actual curing of the seal skins. However, this intensive activity could provide a sound basis for the stabilization and expansion of the island economy. This is not considered as a potential solution to the problems of the islands. Indeed, the entire history of the natives on the islands is one of exploitation in one form or another.

This then is the primary reason for seeking the transfer of the islands to the State from Federal jurisdiction.

As an integral part of the State the islands would prosper, for, as in any other part of the State, the State government would seek to stimulate growth and economic stability. As a dependency of the Department of Interior's Bureau of Commercial Fisheries the natives will continue to take a role of secondary importance. As an integral part of the State, the State of Alaska wants to build a stable economy for them so that they would be a contributing sector of the State's economy, providing an increase in the State's tax base. By providing stable economic and labor conditions on the islands the natives on the islands would no longer be excluded from the growth that the profits generate.

Even though the proceeds from the sale of the seal skins goes to the State of Alaska, the Federal Government in its management of the fur seal resource has excluded the islands from social, economic, and political integration with the rest of the State. Alaska does not need royalties, as it were, from the sale of the fur seal skins. Alaska needs industrialization, capital improvements, and wage generation.

One might argue that the islands are administered by the Federal Government because the United States has entered into a treaty concerning the conservation of the fur seals in the North Pacific with three other nations. The argument might assert that the Federal Government must administer the herd because of their obligations under the treaty and that the herd cannot be successfully managed without control of the islands. This argument would be spurious for there is more than one instance of the execution of a treaty without direct Federal control of the object of the treaty. Just to cite one example of such an arrangement, on March 21, 1969, the United States and Canada concluded two exchanges of notes relating to the American falls at Niagara. One of the notes includes the following provision:

2. Entitlement to the power benefits deriving from this temporary additional diversion shall be divided equally between the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario, upon the agreement of each such power entity to:

(A) contribute in cash or in services to the cost of the cofferdam and ensuing investigations the value of $385,500 in its national currency, if the additional diversion is permitted during the entire period from April 30, 1969 to December 31, 1969, or a portion of said contribution corresponding to any shorter period during which the additional diversion is permitted, such portion to be determined on the same basis as was the $385,500 by the International Joint Commission in consultation with the power entities; and

(B) assume responsibility for the disposition of claims for the physical injury or damage to persons or property occurring in the lower Niagara River on its side of the international boundary line, caused by the resulting temporary alteration of water levels in the lower river below that normally experienced at flows of 100,000 c.f.s. and 50,000 c.f.s., and for the satisfaction of any such claims that are valid.

These provisions demonstrate that a non-Federal entity can assume responsibilities for the Federal Government under treaty provisions that such an entity cannot be a party to. I doubt, however, that even the formal exchange of notes between the signers of the convention, would be necessary in this case, for under the bill I am introducing the Secretary of Interior retains responsibility and authority to carry out the provisions of the convention while transferring the actual physical management of the object of the convention to the State under his "supervision."

There is a second reason, Mr. President, for the transfer of the islands to State jurisdiction. Although the rationale for administering the islands by the Department of Interior is that the herds, as I have just mentioned, are protected by international convention, the Pribilof Islands and the fur seals that inhabit those islands during the summer months represent what I believe to be the only instance of the Federal Government usurping a State's right to manage and dispose of a natural resource of this type and the land that is affected for other than strictly conservation purposes. For, as I have outlined, Federal participation in the Pribilof Islands is not in the best interests of the natives of those islands or the interests of the State of Alaska.

Mr. President, the purpose of this bill is threefold: First, it would insure the profitable integration of the island economy and the economy of the State as a whole; second, it would end native dependence upon the Bureau of Commercial Fisheries while similarly stimulating the necessary economic basis for economic independence of the islands; and third, it would provide for the continued wise management of a valuable natural resource without abridging the terms of the existing treaty obligation of the U.S. Government.

I ask unanimous consent that the text of this bill be inserted at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2493) authorizing the Secretary of the Interior to transfer all jurisdiction and the right, title, and interest of the United States in and to the Pribilof Islands to the State of Alaska; to protect the rights of natives of the Pribilof Islands; and for other purposes, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to transfer to the State of Alaska, without consideration all jurisdiction and the right, title and interest of the United States in and to the Pribilof Islands, including all property, buildings and other improvements thereon. Such transfer shall be made subject to agreement by the State of Alaska to the following conditions:

(1) That the State of Alaska assist and cooperate with the United States in carrying out all agreements and obligations on the part of the United States arising out of the Convention, insofar as such agreements and obligations involve the conserving, managing and protection of North Pacific fur seals on the Pribilof Islands;

(2) That, with respect to employees of the United States engaged in the taking and curing of fur seal skins, or other activities in connection with the administration of such Islands, on the date of the enactment of this Act, the State of Alaska, if such employees are thereafter employed by the State for any such purposes, shall provide such State employees employment benefits (including compensation and retirement) at least comparable to that provided them by the United States for such employment.

SEC. 2. (a) Following any transfer pursuant to this Act, the State of Alaska shall have the responsibility for conserving, managing, and protecting the North Pacific fur seals and other wildlife on the Pribilof Islands in accordance with the provisions of this Act and the Convention.

(b) In carrying out the provisions of subsection (a) of this section, the State of Alaska is authorized (1) to take and cure fur seal skins on the Pribilof Islands whenever it determines such taking and curing

is necessary to manage the fur seal herd, or it is informed by the United States that such taking and curing is necessary to carry out the provisions of the Convention; (2) to deliver, on behalf of the United States and at its direction, to authorized agents of the parties to the Convention (other than the United States) such fur seal skins as the parties are entitled under the Convention; (3) to receive or retain all such skins to which the United States is entitled as a party to the Convention and to dispose of such skins in accordance with the provisions of this Act; and (4) to utilize such quantities of fur seal skins taken or acquired by the State of Alaska pursuant to this Act for product development and market promotion, and to provide for the sale of fur seal skins and products of fur seal skins taken or acquired by the State pursuant to this Act, if such skins are not otherwise required for purposes of carrying out the Convention. Proceeds from any aforementioned sale shall be utilized by the State of Alaska in carrying out the obligations imposed on it by this Act or any transfer made pursuant to this Act, and for such other purposes as the State shall determine.

SEC. 3(a) Nothing contained in this Act or in any transfer made pursuant thereto shall be construed as impairing, diminishing, or affecting in any way the obligations imposed on the United States by the Convention.

(b) Nothing contained in this Act or in any transfer made pursuant thereto shall be construed as impairing, diminishing, or affecting in any way any valid rights of natives of the Pribilof Islands, existing on the date immediately prior to the date of the enactment of this Act.

SEC. 4. Notwithstanding the provisions of this Act or any conveyance made pursuant thereto, the United States retains jurisdiction, concurrent with that of the State of Alaska, over criminal and civil matters with respect to the Pribilof Islands to the extent necessary to enable the United States to carry out its obligations under the Convention and the laws of the United States.

SEC. 5. As used in this Act, the term—

(1) "take" means to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill;

(2) "natives" means any Indians, Aleuts, or Eskimos who permanently reside on the Pribilof Islands;

(3) "Pribilof Islands" means the islands of St. Paul and St. George, Walrus and Otter Islands, and Sea Lion Rock;

(4) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, by the parties, as amended by the protocol signed at Washington on October 8, 1963, by the parties; and

(5) "Party" or "parties" means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

SEC. 6. All unexpended funds contained in, or earmarked for, the Pribilof Islands fund, established pursuant to section 407 of the Act of November 2, 1966 (80 Stat. 1098), on the date of the enactment of this Act are hereby transferred to the State of Alaska for use by it in carrying out the provisions of this Act.

SEC. 7. The provisions of the Fur Seal Act of 1966, to the extent that such provisions are inconsistent with the provisions of this Act, are hereby repealed.

S. 2498—INTRODUCTION OF A BILL RELATING TO U.S. PASSENGER SHIP CRUISING

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 613 of the Merchant Marine Act of 1936.

The existing cruise law contains restrictive provisions in section 613(c) that prohibit a vessel in cruise status from carrying one-way passengers or cargo except that which it normally could carry in its regular assigned service, and require that the cruise begin and end on the same coast as that to which the vessel is assigned on its regular service.

These limitations were initially designed to prevent operators on a cruise from encroaching on another passenger vessel operator's trade route. Since the enactment of the original cruise law in 1961, a few of the operators have been compelled by this legislation to forgo bookings of passengers and offerings of cargo on cruises that clearly would have been noncompetitive with any U.S.-flag service, and despite the fact that foreign-flag passenger operators would be permitted to offer the services which the American carrier is denied by law.

In order to correct this inequity to U.S. flag carriers, and to place cruise vessels on an even footing with foreign ships, it is proposed that the cruise law be amended to permit the U.S.-flag passenger carriers to begin and end cruises on different coasts, and to carry one-way passengers on routes where there is no U.S.-flag service or where the U.S.-flag carrier consents. A hypothetical case in point could be drawn from the following:

A U.S.-flag steamship company received Maritime Administration approval to perform an eastbound round-the-world cruise beginning at California, thence through the Panama Canal to Florida, Bermuda, Ponta Delgada, Lisbon, Casablanca, Dakar, Cape Town, India, Indonesia, Hong Kong, Japan, and San Francisco with a few intermediate stops. Under existing law that vessel would not be permitted to carry any one-way passengers from California, nor embark passengers at Port Everglades to ports en route, even though no other U.S.-flag operator is in a position to, nor offers, a competing service.

Other limitations upon cruise voyages provided by existing law would remain unaffected.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2498) to amend section 613 of the Merchant Marine Act, 1936, as amended, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

S. 2499—INTRODUCTION OF A BILL TO REGULATE MAXIMUM INTEREST RATES CHARGED BY BANKS

Mr. McINTYRE. Mr. President, for myself, Senator DODD, and Senator RANDOLPH, I introduce, for appropriate reference, a bill to provide for the regulation of the maximum rates of interest which may be charged by federally supervised banks.

The introduction of this bill comes at a point in the economic history of the United States when many of our citizens are losing confidence in the ability of their Government to protect them from the loss in value of their money.

It comes hard on the heels of the greatest period of continuous economic growth and prosperity in our history, a period which has clearly slowed in the past few months.

It comes, in a very specific and meaningful sense, immediately after an increase in the prime rates of interest set by our Nation's banks, an increase which brings the prime rate to an historic high of 8½ percent.

This latest increase in the interest charges on bank loans places an almost unbearable pressure upon small businessmen, homeowners, and consumers, while it has seemingly little effect in slowing the demand for commercial financing which is stoking the fires of inflation.

You know, Mr. President, for some time now I have been trying to avoid phrases like "stoking the fires of inflation." The words sound irresponsible and demagogic, appealing to fear and not to confidence. In the past, when I have voted for and supported anti-inflationary legislation, I have tried to explain my votes in the most dispassionate of terms. I did so because I had no desire to add a single bit of support to the inflationary psychology which has been so strongly evident in the securities market, the continued investment in excess plant capacity, and in the pricing practices of some of our major industries.

I still have no desire to add support to an irrational inflationary psychology. Nevertheless, the time has now come for responsible Members of the Congress to think the unthinkable thoughts and speak the unspeakable words. We are close to the point of no return and we must act now to stave off a potential inflation which could wipe out all of the gains of this decade and more.

It is not enough to utter pious platitudes about keeping the American dollar sound, or about how the strength of the American economy is so great that it can afford a dose of uncontrolled inflation, or about how we have so learned the lessons of the 1920's and the 1930's that it cannot happen here again.

Of course, we may have simply lost our ability to see the facts as they are. We may have forgotten, if we ever really learned, that a healthy economy, like the tree of liberty itself, must be carefully and continually nurtured, lest it wither away and die.

But I retain my confidence in the ability of the Congress to perceive the facts.

What are the facts?

The cost of living is accelerating its upward pace. For the first time in years, net real personal income has stopped growing and net farm income is declining. The stock market is dropping precipitously. We are saving less money. We are engaged in an expensive war which has yet to show meaningful signs of abating. The adjusted unemployment rate is creeping up. Our financial and monetary authorities, without exception, agree on the danger signals. But what is our response?

If we are industrial corporations, we are building new capacity on the theory that if we are going to need it in the future, it will be more expensive then. If we are producing materials, we are

raising our prices in the hope of earning now what inflation will force us to pay later. If we are employees trying to meet rising costs on a fixed income, we are demanding higher wages to cope with the inflation which is already here. In short, as a people we have entered that vicious circle which feeds upon itself, and produces the very inflation we seek to escape.

Now, if we are talking about the Federal Government, what do we do? Last year we imposed a surtax upon our people, telling them that its principal purpose was to bring inflation under control. Did it succeed? Obviously not. What is the response of the Government this year to inflation? It is to continue the surtax. But we know that it did not work last year, and why should it work now?

What if we are bankers, concerned, as bankers legitimately are, with the devastating effects of inflation. Why, obviously, we raise interest rates, hoping to reduce borrowing pressures, if we are responsible, and increase profits if we are not. To be sure, bank profits did increase during this past year. So did interest rates. But none of the four increases in the rate levels since this past fall appear to have had any effect on borrowing.

Quite the contrary. Corporation after corporation has been willing to pay these unusually high interest rates to build extra capacity, paying the loans through increased prices.

And it was with this experience fresh in mind that the bankers of our country 3 weeks ago raised the prime rate to 8½ percent, an unprecedented high.

Of course, Mr. President, it is important to bear in mind just what the prime rate is. It is a term used to describe what some banks charge for large commercial loans to their best, and most creditworthy customers. Small businessmen and consumers and farmers and personal borrowers pay higher rates. The effective rate paid by these people, after computing the impact of compensating balances, has gone to well over 10 percent in most cases.

Our officials concerned with the economic health of the Nation are powerless to act directly to curb this rate increase. The Secretary of the Treasury was not even consulted by the banks before they increased their rates.

The bill being introduced would give the Federal Government the authority to regulate interest rates. Thus our financial officials would be able, if they thought it necessary, to reduce the rates being charged to American consumers and businessmen.

Of course, the Federal Reserve Board might think that high interest rates are desirable, in that by discouraging more borrowing, they have the effect of reducing demand and thus halting the upward spiral of prices. But the record does not bear this out.

We find, for example, that loans by commercial banks have increased in every month but one since the latest round of interest rate increases began last fall. Higher rates have not reduced borrowings.

We find that gross private domestic investment has increased substantially. Higher interest rates have not reduced the investment in nonresidential structures nor durable equipment.

We find that personal savings have decreased while personal outlays for consumption continue to increase. Higher interest rates have not slowed down consumption.

Thus, I believe that the Federal Reserve Board must recognize that lessons learned in the past need not necessarily apply to present problems. Higher interest rates are not a surefire cure for inflation, and, indeed, may well spur it on. I would hope that the Board would use the power given in this bill to regulate rates downward.

Mr. President, I would like to close by once again calling upon the banks of this Nation to reduce their rates voluntarily, and thus make this legislation unnecessary. Only through full cooperation by the financial community can America most effectively respond to inflation. The banks must recognize that self-imposed restraint is clearly in their own interest.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2499) to provide for the regulation of the maximum rates of interest which may be charged by federally supervised banks, introduced by Mr. McINTYRE (for himself, Mr. DODD, and Mr. RANDOLPH), was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 2503, S. 2504, AND S. 2505—INTRODUCTION OF VETERANS' BENEFITS BILLS

Mr. HARTKE. Mr. President, following my appointment to the new Subcommittee on Veterans' Legislation of the Senate Committee on Finance, I made an extensive review of the existing benefits that a grateful government has provided for those who have served in its Armed Forces and for the widows and orphans of those who have made the supreme sacrifice in the service of their country.

As a result of this review, Mr. President, I have become convinced that the various veterans' programs, as presently constituted, are fulfilling in large measure the needs of those who have served us so well.

There still remain, however, a few areas in which additional legislation is necessary in order to more fully meet this Nation's commitment "to care for him who has borne the battle."

In recognition of this need, Mr. President, I am today introducing, for appropriate reference, three bills which are designed to extend and improve the benefits which are presently provided for our veterans and their dependents.

My first bill proposes a modification of existing law for the purpose of extending the full range of wartime benefits to a very deserving group of VA beneficiaries.

Enactment of the cold war GI bill in 1966 and the Veterans' Pension and Readjustment Assistance Act in 1967 have done much to provide a measure of wartime benefits to those veterans who have served in time of peace but under wartime conditions.

However, there is still a group of approximately 6,000 peacetime veterans who—because they were disabled in the performance of extrahazardous duty during peacetime—are entitled to be paid disability compensation at the wartime rate but who are not entitled to other wartime benefits. For example, the 1,071 veterans who were wounded in action in Vietnam between January 1, 1961, and August 3, 1969, are entitled to wartime rates for their service-incurred disabilities, but are not presently eligible for such wartime benefits as the $1,600 automobile grant for the loss or loss of use of an extremity due to injury occurring prior to August 4, 1964, or to nonservice-connected pension benefits if they had the misfortune to be honorably discharged before that date.

These men gave of themselves in the same extraordinary military effort and sacrifice, showed the same skill, firmness, and courage as that displayed by the troops who served on or after August 4, and it is my considered judgment that a peacetime veteran who became disabled in the performance of extrahazardous duty under wartime conditions should be entitled to the same benefits provided for war veterans who became disabled under similar circumstances.

I believe that in the American spirit of fairplay, equal treatment should be accorded these deserving veterans, and the enactment of the bill I introduce today would provide the full range of wartime benefits for them.

The second bill would extend eligibility for payment of dependency allowance to all eligible veterans with compensable service-connected disabilities.

Under existing law, a veteran who has a service-connected disability rated 50 percent or more is entitled to additional compensation for his wife, his children, and his dependent parents.

Veterans rated 10 through 40 percent disabled are not, however, entitled to any additional payments for their dependents.

A veteran rated 50 percent who has a wife and three children receives $156 a month while a veteran with a 40-percent disability who has the same number of dependents, receives only $89.

This is highly unreasonable since many disabilities rated 10 through 40 percent for compensation purposes reflect a high degree of industrial impairment. Some of the disabilities rated at 40 percent include amputations, the loss of an eye, muscle damage, and severe symptoms associated with diseases covering all systems of the body. Any of these conditions can place the veteran in the seriously disabled class where his industrial capacity is adversely affected.

This second bill which I introduce today would assist these veterans in overcoming their industrial handicaps through the payment of an additional allowance for their dependents.

The third bill which I introduce today would authorize an annual clothing allowance of $300 to veterans who, because of service-connected disabilities, must wear prosthetic appliances which tend to wear out or tear their clothing.

The proposal expressed in this bill,

Mr. President, is a matter of special importance to amputee veterans, for it is a fact, that the wearing of artificial limbs hastens the wearing out process of their clothing. I think it only fair and reasonable that these veterans be furnished a clothing allowance and I urge the Senate's approval of this deserving measure.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD immediately after my remarks.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. HARTKE, were received, read twice by their titles, referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 2503

A bill to amend chapter 11 of title 38, United States Code, to provide full wartime benefits for extrahazardous duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, any veteran entitled to compensation under subchapter IV of chaper 11 of title 38, United States Code, payable at the wartime rate under section 336 of such title, shall hereafter be entitled, if otherwise eligible, to any benefit under such title which, before the date of the enactment of this Act, was available only to a veteran entitled to compensation under subchapter II of such chapter.

S. 2504

A bill to amend title 38 of the United States Code to provide that veterans with disability rated less than 50 per centum shall receive additional compensation for dependents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of title 38, United States Code, is amended to read as follows:

"§ 315. Additional compensation for dependents

"Any veteran entitled to compensation at the rates provided in section 314 of this title shall be entitled to additional compensation for dependents in the following monthly amounts:

"(1) If and while rated totally disabled and—

"(A) has a wife but no child living, $25;

"(B) has a wife and one child living, $43;

"(C) has a wife and two children living, $55;

"(D) has a wife and three or more children living, $68 (plus $13 for each living child in excess of three);

"(E) has no wife but one child living, $17;

"(F) has no wife but two children living, $30;

"(G) has no wife but three or more children living, $43 (plus $13 for each child in excess of three);

"(H) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, $21 for each parent so dependent; and

"(I) notwithstanding the other provisions of this subsection, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be $40 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section.

"(2) If and while rated partially disabled in an amount having the same ratio to the amount specified in paragraph (1) as the degree of his disability bears to total disability. The amounts payable under this paragraph shall be adjusted upward or downward to the nearest dollar, counting 50 cents and over as a whole dollar."

SEC. 2. The compensation payable pursuant to the amendments made by this Act shall be payable beginning with the first day of the second calendar month following the date of enactment of this Act.

S. 2505

A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or appliances which tends to wear out or tear their clothing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 361. Clothing allowance

"The Administrator shall pay a clothing allowance of $300 per year to each veteran who, because of a disability which is compensable under the provisions of this chapter, wears a prosthetic appliance or appliances which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"361. Clothing allowance."

SENATE JOINT RESOLUTION 129—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING AN ADVISORY COMMISSION ON FEDERAL RAILROAD PASSENGER SERVICE

Mr. HATFIELD. Mr. President, it was on May 10, 1869, that the final spike was driven at Promontory, Utah, uniting the Eastern and Western sectors of the United States—furthering the agricultural and industrial markets and providing a transcontinental means of travel for the people. Well, today the West is no longer wild, the railroad is no longer the only means of passenger transportation, and people are no longer cheering over any link in the chain of rail. The fact is that the railroads still provide a valuable service to agriculture and industry in transporting goods throughout the Nation, but as a means of passenger service, the railroads are in a deplorable state. Barely able to support passenger service with the profits from the transport of goods, railroads are being forced to continue offering passenger service in most of the lines in the Nation.

The dilemma is this: railroad travel is a valuable means of travel and is being forced to be maintained as a public service, but the decline in use and service hardly warrant system maintenance. Even though trains are no longer a comfortable means of travel, they are not necessarily reliable, and are poorly traveled, drawing a causal relation among the conditions seems futile, as it seems one problem has simply been added to another. But the consequences are clear—passengers are not choosing the train as a means of travel when competitive means are comparable in convenience and price, and the railroads are not offering a good ride to their customers.

Presently the railroad industry is one of the few still existing governmentally protected monopolies. In return for the monopoly position and in repayment for the land the Government provided at the time the railroads were built, the railroads are being required to perform services to the public which are useful, even though unprofitable. Federal policy, although requiring a minimal number of passenger runs be maintained, is actually discouraging the discontinuance of passenger service in that it does not require the rails furnish a quality of service high enough to encourage travelers, nor does it stimulate profits for the industry.

It has been noted that while the Nation is willing to spend $35 million per mile to construct Government-subsidized highways, the only assistance given rail lines which could carry the equivalent of 20 lanes of traffic—and just might do it if service were up to par—is a reminder that passenger coaches must continue operating. With the highways and airports becoming ever more crowded, however, and with rail transportation having the potential for a fast, convenient, and relaxing way to travel, it seems a more appropriate Federal policy toward the railroads might be developed to encourage improved rail service.

In approaching a policy change, it must be realized that deciding the need for passenger service is not so much a question of whether or not the industry is presently losing money on its passenger runs, but it may be one of whether or not the railroads would be losing money if adequate passenger service were provided. Evaluation of the number of people using railroads for travel cannot be easily made either, for calculations need to take into consideration the number of people who would use rail service were it upgraded—in speed, comfort, and courtesy.

Therefore, I offer for introduction a joint resolution for the establishment of an advisory commission to make recommendations with respect to the acquisition of necessary property and equipment for, and the operation of, railroad passenger service by the Federal Government. I ask unanimous consent that the joint resolution be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 129) to establish an advisory commission to make recommendations with respect to the acquisition of necessary property and equipment for, and the operation of, railroad passenger service by the Federal Government, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. RES. 129

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. (a) There is hereby established an Advisory Commission on Federal Railroad Passenger Service (hereinafter referred to as the "Commission") which shall be composed of fifteen members as follows:

(1) Three appointed by the President of the Senate from Members of the Senate;

(2) Three appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) Nine appointed by the President from among persons who are well qualified by training or experience to carry out the functions of the Commission, and who represent railroad management, railroad labor, and the general public.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 2. (a) The Commission shall make a full and complete study and investigation for the purpose of making recommendations with respect to—

(1) what property and equipment of the Nations' railroads should the Federal Government acquire in order to operate a National railroad passenger service;

(2) the best means of acquiring such property and equipment;

(3) what additional property and equipment, if any, would be needed; and

(4) the best means of operating such service, and the extent to which such operation should be carried out, in order to provide an efficient railroad passenger transportation system to the extent needed in the Nation.

(b) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than one year after the Commission has been fully organized.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 3. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $50 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 4. (a) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $— per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 5. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 6. The Commission shall cease to exist ninety days after the submission of its report.

ADDITIONAL COSPONSORS OF BILLS

S. 364

Mr. COOK. Mr. President, at the request of the Senator from Texas (Mr. TOWER), I ask unanimous consent that, at its next printing, the names of the Senator from Nebraska (Mr. HRUSKA) and the Senator from Nevada (Mr. CANNON) be added as cosponsors of the bill (S. 364) to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 740

Mr. ALLEN. Mr. President, at the request of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at its next printing, the names of the Senator from Alabama (Mr. ALLEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors of the bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1632

Mr. STEVENS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 1632) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1685

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of the bill (S. 1685) to provide additional assistance for areas suffering a major disaster.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1967

Mr. HART. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senators from Oklahoma (Mr. HARRIS and Mr. BELLMON) be added as cosponsors of the bill (S. 1967) to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2004

Mr. BENNETT. Mr. President, I have discussed cosponsorship of S. 2004 with the distinguished Senator from Rhode Island (Mr. PASTORE) and request unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 2004) to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2257

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senators from Minnesota (Mr. MCCARTHY and Mr. MONDALE) be added as cosponsors of the bill (S. 2257) to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved subsurface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2355

Mr. BURDICK. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2355) to establish an advisory commission to make a study and report with respect to freight rates.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2360

Mr. SCOTT. Mr. President, at the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that, at its next printing, the names of the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. ANDERSON), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of the bill (S. 2360) to enlarge the boundaries of the Grand

Canyon National Park in the State of Arizona.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2372

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill (S. 2372) to authorize the appropriation of funds for the construction, reconstruction, and improvement of the Alaska Highway.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2446

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2446) to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment with the development of methods of minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2458 AND S. 2459

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at their next printing, the name of the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bills (S. 2458 and S. 2459) to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of the bill (S. 2470) to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 53

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks and amendment of Mr. WILLIAMS of Delaware when he submitted the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1970

AMENDMENT NO. 54

Mr. WILLIAMS of Delaware submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, the following amendment; namely:

On page 23 at the end of line 19 add a new paragraph as follows:

"Section 103(d)(12) of the Agricultural Act of 1949, as amended, is hereby repealed."

Mr. WILLIAMS of Delaware also submitted an amendment, intended to be proposed by him, to House bill 11612, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks and amendment of Mr. WILLIAMS of Delaware when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AMENDMENTS

Mr. BENNETT. Mr. President, yesterday I submitted amendments Nos. 50, 51, and 52 to S. 1832, the National Timber Supply Act.

I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. BROOKE) be added as a cosponsor of the amendments to S. 1832, the National Timber Supply Act.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE OF HEARINGS

Mr. ALLEN. Mr. President, the Committee on Government Operations will hold hearings on July 9 and 10 on the following bills relating to the disposal of surplus Federal property: S. 406, S. 1366, S. 1632, S. 1718, S. 2114, S. 2170, and S. 2210.

The hearings will be held in room 3302, New Senate Office Building, and will be conducted by a special ad hoc subcommittee consisting of Senators LEE METCALF, EDWARD J. GURNEY, and JAMES B. ALLEN.

Anyone wishing to testify or submit a statement should contact Mr. Glenn Shriver of the committee staff room 3308, New Senate Office Building, extension 7464.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years, vice Edward L. Shaheen.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, July 3, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, July 8, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Joseph O. Rogers, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina for the term of 4 years, vice Klyde Robinson.

William L. Martin, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia for the term of 4 years, vice Robert O. Doyle.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARINGS ON GOLDEN EAGLE PROGRAM RESTORATION

Mr. JACKSON. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I announce that public hearings have been scheduled for July 17 on S. 2315, a measure to amend the Land and Water Conservation Fund Act to restore the popular Golden Eagle program for admission to Federal outdoor recreation areas.

The hearings will open at 10 o'clock in committee room 3110, New Senate Office Building. Any Member of the Senate, or other interested person, is invited to participate and should inform the committee of his wish to do so.

The Members of the Senate will recall that the Land and Water Conservation Fund Act established a uniform system of admission and user fees as one of the sources of revenue for assistance to the States for their outdoor recreation programs and for acquisition of additional Federal outdoor recreation areas. An annual fee of not more than $7 was authorized which would admit the payer to all Federal recreation areas during the

year. Such areas now number more than 3,000.

This provision for payment of a single annual fee for general admission was designated the Golden Eagle program. In the 90th Congress we enacted Public Law 90–401, which provided additional sources of revenue for the fund. An amendment by the House abolished the program forthwith, but in conference we were able to get a year's extension for the program, or until March 31, 1970. This is the form in which the 1968 amendment to the fund act was enacted. S. 2315 would repeal the provision by which the Golden Eagle program goes out of existence next year.

NOTICE OF RESCHEDULING OF HEARING

Mr. EASTLAND. Mr. President, the open hearing of the Senate Internal Security Subcommittee on bill S. 1988 introduced by Mr. THURMOND, to amend the Internal Security Act of 1950 to prohibit certain obstructive acts and practices, originally scheduled for Monday, June 23, and postponed at the convenience of the Department of Justice, has been rescheduled for 3 p.m., Tuesday, July 1, in room 2228 of the New Senate Office Building.

Witnesses will include, among others, the author of the bill and Mr. Jerris Leonard, Assistant Attorney General in charge of Civil Rights Division.

THE SURTAX

Mr. METCALF. Mr. President, there seems to be a fear on the part of some Members that unless the surtax is extended for a full year right now, this Congress will go down in history as having been fiscally irresponsible. What those people do not seem to understand is that there is nothing magic about the 30th of June as far as the surtax is concerned. The Senate proved that yesterday when it extended the existing withholding tax rate by 1 month.

I, for one, am quite willing for the present income tax withholding rates to be continued for a period up to 90 days so that any proposal to extend the surcharge can be considered simultaneously with comprehensive tax reform. There have been repeated assertions in the other body that reform legislation will be on the floor of the House in August. That promise was a key factor in a closed rule having been granted over there on the House bill, H.R. 12290.

If the people of this country are going to get the reform legislation they have been repeatedly told they would get this year, it will have to be a part of a legislative package that includes comprehensive tax reform along with an extension of the surtax. Certainly if a surtax extension bill is sent over to the Senate, it should be clear by now that it will just have to wait over here for a reform bill to catch up with it.

The whole point is that our rules permit us to place these moneys in escrow until such time as the surtax and reform legislation can be considerd together. We have already applied those rules to the present situation. What we have done was not fiscally irresponsible. On the contrary, it was simply an exercise of commonsense.

RACKETEERING INFILTRATION OF LEGITIMATE BUSINESS

Mr. McCLELLAN. Mr. President, on April 18, 1969, along with the Senator from Nebraska (Mr. HRUSKA), I introduced S. 1861, the Corrupt Organizations Act of 1969. S. 1861 has been the subject of testimony in hearings held June 3 and 4. Assistant Attorney General Will Wilson, in his prepared statement presented on June 3, categorized S. 1861 as an "innovative approach to the problem of racketeer infiltration of legitimate business," and stated:

> We are in accord with its objectives.

He further stated:

> We have organized a task force in the Department to give an intensive examination to the bill.

We are now awaiting the results of this examination, and although we anticipate some revision of the bill as a result, the primary features of S. 1861 will probably be retained.

An article in today's New York Times describes precisely the type of organized crime activities that could be investigated.

This article reveals facts that make possible the inference that a Mafia-controlled sales agency by unknown pressures negotiated "an unusual, uncancellable 10-year contract" with a New Jersey detergent manufacturing concern. The facts stated in the article permit a possible conclusion that there was an intimate connection between this sales contract and a number of murders of A. & P. store employees and instances of arson at A. & P. stores.

The contract was obtained by "big promises of sales." The detergent manufacturer apparently exercised less than the usual control of the sales agency. In at least one of the murders—of an A. & P. manager who had identified one who had attempted to burn his store—there purportedly was a definite link between the attempted arson at the store and an effort to get the manufacturer to stock a detergent.

If proper proof of the inferences raised by the article in the New York Times is forthcoming, and knowledge can be shown of the Mafia actions of violence in efforts to sell the manufacturer's detergent, not only would those responsible for these crimes be subject to imprisonment and fine under a bill such as S. 1861, but also those involved in the criminal actions could be required to give up, under comparable civil provisions, their property interests in the concerns engaged in violations, and the responsible individuals could be prevented from returning to the world of business to practice their rapacious and murderous trade practices on law-abiding businessmen.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD, in order that information concerning this monstrous and murderous invasion of our business community might receive as widespread circulation as possible. The citizens of America must become aware of the threat to legitimate operation of business presented by these criminal elements. S. 1861 would, in large measure, allow full and just punishment of these criminals and remove them from the business community.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DETERGENT MAKER'S RELATIONSHIP TO MAFIA SALES AGENCY OUTLINED

(By Michael Stern)

A "very friendly" but economically disappointing relationship between a New Jersey detergents manufacturer and a Mafia-controlled sales agency is revealed in a Waterfront Commission transcript obtained by The New York Times.

The sales agency is suspected by the Queens County District Attorney of mounting a campaign of murder, arson and terror against the A. & P. food chain.

The transcript records sworn testimony given to the commission last year by Nathan N. Sobol, president of the North American Chemical Corporation of Paterson. The company manufactures a detergent sold chiefly to supermarkets for packaging under the markets' own labels.

Given behind closed doors and never made public by the commission, the testimony describes in detail how Best Sales Company, the sales agency run by the late New Jersey Mafia figure Eugene J. (Gene) Catena got an unusual, uncancellable 10-year contract with North American by promising big orders for its product, but brought in little business and finally let the corporation buy out the contract after two years.

Mr. Sobol's testimony sheds new light on heretofore unexplained conversations recorded by the Federal Bureau of Investigation between Catena and a Nat Sobol about the detergent business and between Catena and a Frank Palmieri about the A. & P. F.B.I. summaries of these discussions were part of the 2,000 pages of bugged underworld conversations that were made public the week before last when they were filed in Newark Federal Court.

The testimony also helps to fill out the still-incomplete picture sketched by Queens District Attorney Thomas J. Mackell on June 12 when he announced the indictment of a 20-year-old porter for allegedly setting fire to an A. & P. warehouse in the Ridgewood section.

At that time Mr. Mackell said he believed that the Ridgewood fire, the murder of two A. & P. store managers and 15 other fires and attempted arsons in A. & P. properties all were part of an attempt by the Catena-controlled sales agency to force the food chain to buy a detergent that A. & P. had tested and rejected because it did not meet its standards.

INVESTIGATION EXTENDED

The Queens County grand jury that handed up the indictment against the porter has had its life extended and is continuing its investigation of the four-year-long string of attacks on A. & P. properties and employes.

F.B.I. agents in New York and New Jersey also are working on the case, but bureau chiefs in both states refused to discuss their inquiries.

When Mr. Mackell announced the indictment he did not give the name of the detergent company, explaining that no charge had been made against the concern.

North American Chemical's name was disclosed in response to a reporter's questions last week when A. & P. conducted its annual stockholders meeting in Horseheads, N.Y., a suburb of Elmira. Other information was obtained from businessmen, credit agencies and law-enforcement officers in New York and New Jersey.

According to Mr. Sobol's testimony before the Waterfront Commission, he got to know Catena through a long-time friend and part-time associate, Frank Palmieri. He identified Mr. Palmieri as a teacher in Saddle River, an affluent Bergen County community, but inquiries at the town's public and private schools show that no one of that name ever was employed as a teacher there.

Mr. Sobol said he had told Mr. Palmieri that he was looking for agents to sell his company's products and that Mr. Palmieri had put him in touch with Catena, president of the Best Sales Company.

NO CANCELLATION CLAUSE

Although North American's usual contract with a sales agent or broker had a 30-day or 90-day cancellation clause, Mr. Sobol said that Catena refused such terms and demanded a non-cancellable 10-year-long agreement. "I had to do it," Mr. Sobol said. "That was the only way he would do it, he wanted a solid contract."

Mr. Sobol said he had a cordial relationship with Catena, went out with him and had lunches with him. "Very frankly, we were very friendly with Gene Catena," he said. "As a matter of fact, I thought a lot of him, I really liked him. Because he wasn't—he wasn't a pusher, he was very pleasant."

But later in the interview a different picture of the relationship emerged in these questions by a commission counsel and Mr. Sobol's answers:

Q. What made you sign a 10-year contract, something so binding?

A. Big promises.

Q. Of what, sir?

A. Sales.

Q. And those promises never materialized?

A. No.

Q. And yet you let it go another year or so without trying to . . .?

A. We had discussions.

Q. What were those discussions?

A. I had to keep it on a lighter vein because he got real mad at one time I pushed him.

Q. Well, when he got real mad, why didn't you tell him: "Look. Put up or shut up." Because you were afraid of any connections he might have had? Did he ever push his connections on you?

A. No, it wasn't that. He said, "You just cover your accounts and we will run our business our way." And when I saw he got upset I just dropped it.

In another exchange about the relationship, the questions and Mr. Sobol's answers went this way:

Q. To whom did Best Sales make most all or all their sales pitches for you?

A. To tell you the truth, I don't even know. We worked all the accounts ourselves and at one point, when I asked what they were doing, and wanted to know, as brokers, what they were doing, I was told that's their business; he said: "That's my business and we are running a brokerage and we don't have to tell you what we are going to do."

Q. Gene Catena?

A. That's right. We just dropped the damn thing, we dropped the discussion at the time and then it was a matter of just, you know, like waiting or what have you.

PRICE NOT DISCLOSED

Mr. Sobol said the contract finally was canceled at the suggestion of Catena, who had become ill and wanted to retire. He said North American was permitted to buy out the remaining term of the agreement, but he did not disclose the price.

Asked if he knew Catena's brother, Gerardo (Jerry) Catena, Mr. Sobol said no. Jerry Catena has been identified by law-enforcement officials as a major Mafia chieftain and the heir to the New Jersey enterprises of the late Mafia kingpin Vito Genovese.

Gene Catena was known to law-enforcement agencies chiefly as a principal in Mafia gambling operations.

Mr. Sobol could not be reached for comment on his testimony or on any aspect of the A. & P. investigation despite repeated telephone calls and a visit to his company's five-story plant and offices at Putnam and Mercer Streets in Paterson. Through his secretary he said he would not make himself available for comment or an interview.

Mr. Sobol's brother, Dr. Saul O. Sobol of Newark, is chairman of the board of directors of North American Chemical. He also refused to discuss the corporation's affairs, said his title was "honorary," and referred all inquiries to his brother, Nathan.

INCOME OF $54 MILLION

From other sources it was learned that the concern's modest looking plant in a Negro section of Paterson is headquarters of a $4-million-a-year business. It has 70 employes; a subsidiary, NAC Trucking Company, that operates a fleet of nine trucks; an affiliate, North American Holding Corporation, which controls the chemical concern's real estate; a branch plant at Franklin and Keen Streets in Paterson that includes a railroad siding, and other assets.

The company, which enjoys a good credit rating, makes detergents for clothes and dishwashing machines. The products are sold to chain stores, supermarkets and department stores and reach the public under whatever houses labels the stores put on them.

NOT IN TELEPHONE BOOK

The Best Sales Company's operations have proved more difficult to trace. District Attorney Mackell stated that the company went out of business in 1967. Although it operated out of Newark, it was not listed in telephone or business directories there and apparently paid no bills under the Best Sales name.

Mr. Sobol told the Waterfront Commission that Catena's company was agent for several products besides his own and sold them to all the major supermarket chains.

The commission is a bistate agency established by New York and New Jersey to fight crime in the Port of New York, with the Governor of each state appointing one member. The New York member is Joseph Kaitz of Cedarhurst and the New Jersey member is Steven J. Bercik of Elizabeth.

Charles E. McGee, secretary and spokesman for the commission, said the agency could not reveal why Mr. Sobol had been called in last June for an under-oath interview. He said the matters Mr. Sobol had been questioned about still were under investigation and could not be discussed. He added that the contents of such interviews never are made public by the commission.

RELATIONSHIP BEGAN IN 1964

Mr. Sobol told the commission that his two-year-long relationship with Catena and his sales agency began in 1964.

District Attorney Mackell said at his June 12 news conference that the chain of attacks on A. & P. personnel and properties began in 1964. He added that the indictment of the porter is the only charge that has been made in connection with the attacks.

North American has at no time been charged in connection with these or any attacks on the A. & P. It has been mentioned only as a manufacturer of a detergent sold through the Catena sales agency.

In one of the most brutal of those attacks, James B. Walsh, manager of an A. & P. Brooklyn store, was gunned down during a January, 1965, snowstorm when he stopped his car to repair a flat tire.

Frederick J. Ludwig, the chief assistant district attorney of Queens, described this murder as "definitely a gangland slaying." He added, however, that the police had not established any link between Mr. Walsh's death and the Catena Mafia family.

The second victim was John Mossner, manager of an A. & P. store at 925 Soundview Avenue in the Bronx. In February, 1965, a month after he had identified for the F.B.I. one of four men who had tried to plant a firebomb in the store, Mr. Mossner was shot in the head three times as he parked his car in the driveway of his Elmont, L.I., home.

In this case, Mr. Ludwig said, there was a definite link between the attempted arson at the store and an effort to get the manager to stock a detergent.

SIXTEEN FIRES STUDIED

The fires in A. & P. stores and warehouses began in January, 1964, and were scattered throughout the metropolitan area. Although Mr. Mackell listed 16 fires and arson attempts as subjects of his inquiry, two of the earliest fires he named—one in Yonkers and the other in Peekskill—are listed by the police in those communities as not suspicious.

Mr. Mackell said the first contacts with the A. & P. chain about the detergent were made by the Catena sales agency, but that the most recent attempt, made this year, was by the manufacturer.

In his answers to the Waterfront Commission's questions, Mr. Sobol said Best Sales had had no dealings with A. & P. on his behalf and that North American had approached the food chain's purchasing agents directly.

At the Great Atlantic & Pacific Tea Company's offices at 420 Lexington Avenue, Fred E. Campbell, secretary and general counsel to the company, was asked how A. & P. had been offered the detergent. He said he could not answer because the case was before a court and a grand jury.

FIVE THOUSAND STORES IN CHAIN

Mr. Campbell said that the company had no theory that would explain the slaying of the store managers and the fires as part of one pattern. He said a company as large as A. & P.—it operates almost 5,000 stores—suffered armed robberies of its employes and fires every year.

At the stockholders' meeting in Horseheads last week, the company said property losses in fires all over the country and in Canada had been running at the rate of $1.7-million a year for the last six years, most of it covered by insurance.

Mr. Campbell said it was impossible to project what lost business might have cost the chain while burned-out stores were being rebuilt. He explained that when one store was closed, business often picked up sharply at a nearby store as loyal customers shifted their buying.

However, Mr. Campbell said he thought an estimate made by the Queens District Attorney was too high. Mr. Mackell had projected a combined business and property loss of $24.6-million in just two fires—the April 8, 1968, fire in Ridgewood and a Dec. 31, 1967, fire in an Elmsford, N.Y., warehouse.

The porter accused of setting the Ridgewood fire is James A. Castorina. He is being held in $25,000 bail on a charge of first-degree arson for a hearing on July 9.

REGULATING INTEREST RATE—SELF-DISCIPLINE OR GOVERNMENT INTERVENTION?

Mr. MONTOYA. Mr. President, we face, for the first time since 1945, the serious and depressing circumstance of the decision of a majority of U.S. banks to raise interest rates for prime customers to an alltime high—from 7½ to 8½ percent. This historic climb in interest rates is a reflection of the enormous demand for credit, and the sizable

gap between the amount of money desired and that which lenders are willing to supply at prevailing interest rates.

As usual, consumers, small business, farmers, State and local governments, and large corporations account for the preponderance of the demand for funds. But in accord with the so-called economic laws of scarcity, the result is a veritable black market in money. The big spenders of long standing who are able to pay premium rates are welcomed by banks and given priority for these scarce funds. Whereas, the conventional mortgage market dries up, and those unable to pay the higher rates are not getting an equitable chance at securing needed capital. Moreover, as in the past, the favored large corporations paying the increased rate will simply transfer the increase on to the consumer by way of higher prices on the goods and services they sell.

Mr. President, this is a matter which is of immense consequence to the American people. The effect of this unprecedented raise in rates will spread far and wide—to the ruin of homebuilders, homeowners, small businessmen, farmers, and others who have to borrow to survive. And another result will be that hundreds of thousands of students will be prevented from going to college or vocational school because banks will not be willing to lend money to students at today's federally prescribed maximum interest rate of 7 percent. And what about the man who needs to borrow to send his wife to the hospital during a long illness?

Mr. President, very intelligent and embarrassing questions are being asked about this decision to raise the prime interest rates. At least the banking industry has the excuse that out of duty to its stockholders it has little choice but to pursue these policies. The administration, on the other hand, tells us that the hike in rates is necessary to slow inflation. Instead of using moral influence and exhortation to reverse this ruinous trend, or even providing evidence of an intention to do so, the Nixon administration has advanced speculative facts, conjecture, and proof of the position of the Federal Reserve Board, which have been macerated, dissected, and put in packages of medicine marked "benevolence," "patience," "perseverance," and so on, for the consumption of those willing to appropriate it.

I personally find these messages quite indigestible. The tactic is, in fact, quite recognizable—a few, bolder than the rest, stretch forth their hands; and then, with no resistance, the slaughter of the whole is easy. Moreover, I believe the Nixon administration has exhibited a shameful lack of courage in its approach to the problem. They would, rather than face their colleagues in banking and industry, assign so many Americans to the paupers' gallery.

But facts have been gathering faster than explanations, and America is not prepared to put up with the usual sets of automatic proclamations nor to be deceived by the hollowness of the masquerade. For the simple fact remains that boosts in costs of borrowing money will not slow inflation.

It is generally recognized, Mr. President, that the main inflationary components of our economy are corporate spending on plant and equipment, as well as Government spending on military and public works. While other sectors have moderated inflation to the extent possible, given the difficulties of the war in Vietnam, corporate business seems intent on pushing ahead with enormous increases in plant investment and equipment. As a result, planned expenditures have skyrocketed into the largest business expansion we have had in history. And monetary policies have utterly failed to restrain corporate investment demands, among other reasons to avoid anticipated higher prices and tighter credit conditions in the future.

Although there are those who claim that by hindering corporate investment we are "killing the goose that lays the golden egg," yet, this inflationary investment boom is completely unsustainable when we are utilizing but 84 percent of our industrial capacity.

In short, Mr. President, large corporations have no real concern over high interest rates, since the higher cost can always be passed on to the consumer. But if higher interest rates raise prices, how then is this supposed to cure and control inflation? Are we to listen to those who say that it is inflationary to use our national income to meet our pressing needs, but that paying out that same amount or more in higher interest rates to the affluent does not represent a mal-distribution of income? All it truly means is higher and higher profits to banks and their customers.

Take the case of the homeowner. The individual with a $20,000 8½ percent mortgage loan will pay as much as $140 per month in interest charges, and ultimately it will cost him $8,000 just in higher interest rates to pay for his home. At the height of the 1966 credit crunch—and even so recently as a year ago when the going rate fluctuated between 6.58 percent and 6.62 percent—the same loan would have cost the homeowner approximately $100 per month, $40 less per month than is now the case. And we can add to this the ever-increasing property taxes which have risen about 5 percent.

Additionally, with the current "credit crunch" people are also less inclined to move to better housing, because of the so-called discount rate—a fee assessed by mortgage companies to handle a loan when higher interest rates cannot be charged. The usury laws forbid charging the higher rate to either buyer or builder, so it is either pushed off on the seller or added to the sale price to the buyer by the seller. As a result, home prices are about 10 percent higher than last year and an individual would need a $22,000 loan to buy the same $20,000 house.

Moreover, Mr. President, many a family man could not get a home loan at the present interest rate because his pay may not be high enough to meet monthly payments required under the current going rate. He might have qualified, however, at last year's 6.75 percent level.

This represents a tremendously oppressive burden to America's families. Those committing themselves now to long-term mortgages are bound, anywhere from 10 to 20 years, no matter what happens to interest rates thereafter. And equally appalling is that under current conditions individuals with incomes of $10,000 or less—the majority of American people—simply will not be able to secure mortgage credit for buying a home.

Mr. President, this development also represents a most serious threat to the achievement of our housing goals—particularly in providing decent housing for low- and moderate-income families—as set forth in the 1968 Housing Act. That act set as a goal the construction of 26 million new or rehabilitated units by 1978, but it is altogether clear—within 1 year after enactment of the measure—that it is doomed before it even gets off the ground. Sky-high interest rates will increase the cost of and thus choke off and frustrate the new construction we so desperately need.

The Federal Reserve Board has estimated that the housing sector accounts for about 70 percent of the drop in expenditures dictated by the tight money policies since 1966. When an industry comprising only 3 percent of our gross national product must take 70 percent of the cutback, something is wrong with our monetary policies. Experience during 1966 alone illustrates dramatically how our monetary policies discriminate against achievement of our housing objectives. During that crisis, as compared with 1965, the sale of homes priced under $12,500 dropped 51 percent; those priced between $12,500 and $15,000 dropped 42 percent; and homes priced between $15,000 and $17,500 dropped 20 percent. But the sale of homes priced at $30,000 or over actually rose 10 percent.

The degree to which Americans can afford to own their own homes, to finance automobiles and refrigerators, is rapidly decreasing—and at a time of unparalleled prosperity when the doors of homeownership and increased well-being should be opening to many more Americans. This, Mr. President, is nothing less than a national disgrace.

Take another case of the still invisible consequences of the interest hikes—that of the small businessman. When the consumer is hurt, business is hurt. As a member of the Senate Select Committee on Small Business, I am greatly concerned over enhancement of the means by which small businessmen survive, and the effects of these high interest rates upon them as well as the customers they serve.

Unlike his larger competitors, the small businessman will find it more difficult to compete for the consumer's shrunken dollars. The consumer's spending accounts for 62 percent of our gross national product, but he cannot maintain this rate of buying if unable to get credit.

As a result, not only will the small businessman be forced to abandon plans for new plants and equipment, but business failures and bankruptcies will increase sharply due to an inability to meet

sales targets. We can anticipate, then, that an ever-greater portion of this vital segment of our economy will be absorbed by giant corporations.

Nor can we forget that the millions of jobs generated by medium- and small-sized firms will be cut back, and unemployment will also increase.

The high cost of money will also push our entire farm operations—farmers, ranchers, agricultural producers, alike who must borrow to stay in business—to an intolerable point. They cannot cut back in the sense industry can, since they cannot borrow less for fertilizer and feed for their cattle. Their crops are in the ground, and their plans for the year are virtually irreversible. They have managed to survive the economic inequities of the past because they have improved their efficiency at a greater rate than have other segments of our economy. But most farm depressions of the past have been the result of an inability to offset operating efficiencies against mounting costs of production, including higher rates of interest.

As for the municipal bond market—whereby State and local governments are enabled to secure funds for important urban renewal and other programs—it has been described as absolutely dead as a result of the hike in prime rates of interest. Since most communities cannot accept annual net interest costs above 6 percent, they will fail to attract bids for building bonds. Unless confidence is restored in bonded debt plans by lowered interest rates, we will experience a tragic faltering and starving of community development work in the Nation's ghettos and economically depressed regions.

Mr. President, I could recite a whole litany of these material statistics, as well as the closely intertwined moral statistics which are of no less value in enabling us to see far into the spirit of the times. Meeting our needs with material statistics alone is like meeting our want of food by the perpetual administration of concentrated essence of beef. It is not possible to reduce our needs to such concentrated form.

If the Nixon administration is unable to provide the leadership to remove obstacles to our national progress, and the industrial and banking sectors do not fulfill their obligation to operate in the public interest, then it remains for Congress to insure that the whole course of our economic evolution does not become different from what we are capable of becoming and achieving.

These are severe words, but they portray, in my judgment, our true state. I always hate to see Congress become the arbiter and artificially force issues of this character. They should not be undertaken unless prospects of remedy are clearly unforeseen. Accordingly, I see the following alternatives ahead:

In the first place, I implore the Nixon administration to call up the banking industry and the large corporate sector of our economy to an enlarged responsibility and patriotism on a higher and more significant plane of action than they have ever been on before. Charters to lend should not be interpreted as licenses to serve only the affluent, particularly during times of crisis, but, rather, as means for meeting all of the credit needs of the community on a fair and equitable basis. All of us are injured if this trend continues, and there is no defense or security for any of us except in the highest development and prosperity of all. The totality of American objectives contradicts and conflicts with this tendency to worship the means and forget the ends of American life—ends which give the means their value. In short, the banking and corporate segments of American life must cease to be regarded as isolated self-cultures, in light of the magnitude of the work ahead of us.

In the second place, greatly as I admire our mighty American banking industry, their statements and actions at this time appear to require limitation. I do not believe our banking industry wants the image of the inhuman commissar who condemns thousands without love or hatred simply in pursuance of an abstract duty. The way it and our giant corporate sector faces this national economic challenge will indicate to Americans as a whole whether or not they are preoccupied with the cares of Americans as a whole; whether they regard national issues as extracurricular activities that do not touch the core of their concerns; whether they care to help make us stronger or weaker.

I believe the banking and corporate segments of America can fashion a philosophy and poetry of their own by seeking a more excellent way to help build a more vigorous national life. They can discipline themselves without the need of Government intervention. In the current crisis, the large corporate borrowers can use restraint and reasonableness in their demands for scarce funds. And the banks can simply allocate a certain percentage of available funds to the various credit demands which confront them; indeed, some of our bankers have already spoken out against the rate increase and are attempting to pursue fair policies in distributing available funds.

I welcome them forth to help us with the work of focusing upon and elucidating the causes of our national progress. Efforts and means so invested will pay a thousand percent interest, and they will be amply recompensed by promoting the well-being of all Americans and securing our age against decay. How fine a unity this will give to the American epic.

But failing these alternatives, then we in the Congress must ourselves take drastic steps to reduce the trend and stop the raid on the living standards of the American family. Money cannot manage itself, we have long ago discovered, and the country is justified in intervening when the market will not work as effectively as it should.

Many suggested alternative reforms and policies have been forthcoming from concerned legislators here in the U.S. Congress that would have a salutary effect on the market processes. Hearings are also currently scheduled in the House Banking and Currency Committee for the purpose of examining into last week's rate increases and determining what can be done about the situation. Perhaps the Federal Reserve Board should insist upon some factor other than a borrower's willingness and ability to pay high interest rates in determining the distribution of the supply of money. Possibly we will need to place a limitation on the inflow of Eurodollars, which permit commercial banks to continue business lending even in the face of restrictive monetary policies. Or, a drastic revision and reform of the worldwide international monetary fund system may be in order.

In any event, lower- and middle-income Americans cannot be saddled with this terrible burden. They must not be priced out of the money market, and, if necessary, interest rates and the supply and demand for money must be regulated so that the public as a whole will benefit. But something must be done, and done quickly.

As a result the American people, the industrial and banking sectors, and the international community will be given confidence in the fiscal responsibility and the sheer dynamism of American society that is required in this time of doubt and uncertainty.

PROXMIRE SUBCOMMITTEE ZEROS IN ON MILITARY WASTE

Mr. HART. Mr. President, as we know only too well the Federal Government has been subjected to stringent budgetary pressures over the past year or so. As a result we have had to take a hard look at a number of programs to determine whether they can be justified in terms of the amount of payoff we get for the Federal dollars invested.

Until very recently the military budget has been largely exempt from this scrutiny. Too often the military appeared to have been given a blank check and as a result examples of waste and extravagance are the rule rather than the exception. This is not only bad for the national pocketbook, but it has an adverse impact, in my estimation, on our combat effectiveness.

Fortunately, over the past few months the Congress and the public have begun more carefully to question military expenditures. One of the first to raise these questions has been Senator WILLIAM PROXMIRE, my able colleague from Wisconsin. As chairman of the Economy in Government Subcommittee of the Congressional Joint Economic Committee, he has been holding a series of hearings into military procurement.

Although many of us have followed with interest these hearings on the military budget and national priorities, a report recently made by his subcommittee as a result of earlier hearings has gone largely unnoticed. Consequently, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Milwaukee Journal commenting on this report and pointing out that the senior Senator from Wisconsin feels that "improved Pentagon management could mean at least a $10-billion saving in defense spending without reducing military effectiveness"—a goal we should all shoot for.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW TO SAVE $10 BILLION

The close scrutiny that Sen. Proxmire (D–Wis.) has long applied to defense spending has now yielded an alarming record of gross inefficiency—if not outright plunder—in military procurement. The latest report of the subcommittee on economy in government, of which Proxmire is chairman, provides an excellent focus for the subcommittee's hearings next week on "the military budget and economic priorities."

Military procurement—the purchase of weapons, hardware and other goods—accounts for more than half of the total $80 billion defense bill. Proxmire estimates that improved Pentagon management could mean at least a $10 billion saving in defense spending without reducing military effectiveness.

What has happened to congress' spending watchdog, the general accounting office? Where is the efficiency that was supposed to materialize from the systems analysis approach, the program planning budgeting system (PPBS) introduced with such fanfare under former Defense Secretary McNamara? What about the renegotiation act that is supposed to recapture excessive profits earned on military contracts? Or the truth in negotiations act of 1962 that required contractors to submit certified cost data for all negotiated contracts? What has happened to competitive bidding?

Most of these surveillance devices have failed. GAO says it has neither men nor money to ride herd effectively on defense, and may even lack statutory authority. PPBS was apparently oversold. Moreover, to work properly it requires close co-ordination from the budget bureau. But of 500 employes in the bureau, only 50 have up to now been assigned to scrutinize defense programs—in other words, 10% of the bureau's staff is in charge of items that account for 40% of all federal spending. The special budget bureau assistant to oversee military spending has just been named, filling a post vacant for four years. The various acts passed to control military spending are ineffective because of the lack of uniform accounting procedures, lack of personnel to enforce them, or just plain graft.

The catalog of blunder and abuse is a national disgrace. The country has simply lost control over military spending. It is time it regained control.

THE PRESIDENT'S AIRPORT-AIRWAYS PROGRAM

Mr. PEARSON. Mr. President, Secretary of Transportation John Volpe in a speech Tuesday to the Aero Club discussed President Nixon's recommendation to the Congress for an airport-airways program. He addressed himself to many of the difficult questions that must be answered by the Congress in these deliberations.

The needs of a sound program for the airways side of the air transportation problem were given special emphasis by the Secretary and they deserve such emphasis. We cannot allow the continuation of a patchwork air traffic control system and complete dependence on the current Federal funding process. And I agree with the Secretary that aviation can meet these challenges.

While I do not concur in total with the Secretary's observations I do feel his remarks represent the feelings of the administration on the airport-airways question and I wish to bring this to the attention of my colleagues. I ask that this speech be placed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE BEFORE THE AERO CLUB

Last week, President Nixon sent to the Congress his airport/airways legislation. The specifics of his proposal are well-known. Certain general facts pertaining to this proposal are not so well appreciated. The first of these is the urgency of time.

I remember back a few months ago—when I first moved into the Department—the sense of awe I felt at the magnitude of some of our transportation challenges. I have no less a sense of awe as I see these problems increase in size with each passing day.

Over the past five years, our airline industry has been increasing its capacity by an average of sixty-six million seat miles per day.

Our general aviation fleet—in the same period—has been increasing its flying hours by four thousand per day.

The automobiles on our highways increase by ten thousand a day.

And so it is with all our problems.

Now gentlemen, I have, in many years in private business and in public life, done my share of negotiating. I know that deliberate delay is sometimes considered a good tactic of hard bargaining. But I am also aware that any unnecessary delay in reaching agreement on this Airport/Airways Bill will only compound our difficulties. The cost of land needed for airport expansion and improvements is increasing. In some places needed land is being put to other uses. And there is the danger, finally, that a highly divisive, time-consuming debate with the aviation community could end in legislative inertia and stalemate. This must not happen.

There are in President Nixon's proposals two areas of special interest.

The first is our determination to what extent each segment of aviation uses our facilities and of our subsequent determination of appropriate user charges to cover these costs of this usage.

We feel the user charges we have proposed are just and equitable and we are prepared to defend them. I want to emphasize, however, they do not represent a determination designed for eternity. We are proposing in our measure that an intensive, two-year cost allocation study be made. This will tell us precisely what segments are using our services and to what extent. All branches of the industry will participate in this analysis. We shall, then, on the basis of this study recommend any appropriate adjustments of the tax level.

The second is our proposal that the funds derived from these user charges be used to operate, maintain, and expand our airways system—our air traffic control, our "Nav Aids" and so forth.

I want to discuss this in two forms—the practical and the philosophic.

The best way to be practical is to begin with dollars and cents. We shall need to spend—to operate, maintain, and expand our airways system during the next ten years—over twelve billion dollars. Better than three million dollars a day must be spent every day of the year for the next ten years.

This money will be spent for radars and towers—for automated equipment—for research and development and for personnel.

The expansion of our payroll is perhaps the best indication of our growing costs. Ten years ago we had a total of twelve thousand people in our centers, towers and flight service stations. Today we have twenty-four thousand. Ten years from now we shall need forty-three thousand. On the maintenance side, we now have sixty-five hundred electronic technicians. Ten years from now, we shall need a total of eleven thousand.

I have in the past few months become familiar enough with the cold, hard realities of the Federal budget. I know what's in there—and what isn't in there. I tell you there are no funds to meet the costs of this expansion. Unless funds are available from user charges, the expansion isn't going to happen.

I do not, even in principle, support the theory that airways costs should be borne by the general taxpayer. And let me preface my comments with the fact that I spent most of my career in private industry. Business has my understanding and appreciation. The fact is, however, the aviation industry has matured and prospered. And general aviation is not underprivileged. I think the aviation community should help pay its own way.

On our proposed allocation of airport funds, we are continuing the traditional government policy of not providing assistance for terminal facilities. Airport terminals are revenue producers. Concessions, space rentals, advertising rentals, and parking lots provide income. In many of the larger hubs, this income is sufficient to keep the airport self-sustaining—and even show a profit. We believe, consequently, this matter of terminal improvements should be left up to local authorities. They are the best judges of their own needs. They can best determine how to finance these requirements and they can often secure advantageous financing.

In some areas, income from concessions may not be sufficient to cover terminal needs. Here, we think it would be appropriate for the local airport operator to impose a small charge on the air travelers using his terminal.

Our proposed user charges are not new. The fact is aviation user charges already exist. Airline passengers have been paying them for years. So have most general aviation pilots. For one type of general aviation traveler, however, these user charges will be new. This general aviation pilot operates an executive jet costing about three quarters of a million dollars. He pays about $420 an hour to fly this aircraft and he utilizes most of the services of our billion dollar airways system.

Should he fly IFR from New York to Boston, we estimate the total cost of the government services he receives is about $57. We estimate his IFR Chicago to Miami flights costs the government $117. But at present he pays not one penny to help defray these costs—not one penny. We are now suggesting that he help pay part of this expense. We propose that he pay a new nine cents a gallon on his fuel.

Some may say most general aviation pilots don't use our facilities. But the facts prove otherwise.

Taking last year as an example, we find the total of air carrier aircraft contacted by our FAA Flight Service Stations was about seven hundred thousand. Total for general aviation—nearly eight million.

Total air carrier itinerant operations at airports with FAA towers last year—ten million. For general aviation—twenty-two million.

These FAA towers also recorded an additonal 19 million local operations for general aviation. And our FAA center handled some 3 million general aviation aircraft.

General aviation aircraft *are* using our facilities and they are using them every day. We think it only just that they help bear a fair share of the cost.

There seem to be general agreement that some form of user charges will be adopted. There is also some think, however, that the final numbers that emerge might be less than we are asking. I pray they won't.

We cannot in air traffic control fall back on compromise. We can no longer put on a patch here and another patch there. We cannot make do with baling wire and chewing gum. The iron dictates of safety rule against this. A failure to provide sufficient

funds to expand our system would mean only trouble—more regulations—more restrictions—more delays—now I don't want them. Aviation doesn't want them. I say let's work together then to get rid of them. Let's pass this bill!

I would also warn against the assumption that once our airport/airways proposal are passed, the battle is over. We shall still be far from the land of milk and honey. There are other obstacles to be overcome and they are of no small proportions.

The first is aircraft noise. I am aware of the hard work the manufacturers are putting in to resolve this problem. But everybody must join in—the local authorities and their planning commissions, the airport owner and the airline operators. Aircraft noise is taking on anew significance. Objections to airplane noises are preventing and delaying airport improvement and expansion. Noise is hindering the growth of aviation. This matter demands the attention of all.

Another potential obstacle to the growth of aviation may not be so apparent. A friend of mine who is quite knowledgeable in aviation made a remark the other day which intrigued me. "The biggest thing in aviation these days," he said, "is the Cleveland rapid transit." Exaggerated, it might be; but pertinent—it certainly is.

Two recent simultaneous transportation trends account for the substance behind his comment. Air carriers have become vehicles of mass transportation.

At the same time, downtown surface congestion has now mushroomed out till it reaches and includes the airport.

These trends may seem obvious and understandable to us here today. But the rapidity of their development is phenomenal. Just five years ago, one of our major cities was planning a new transit system with a spur going past its airport. The plan included *no* airport station. The reasoning was—just five years ago—that airline travelers were not the type to ride subways.

Today, the Air Transport Association advised the air passenger to travel in non-peak hours—and to go to the airport in public transit. The fact is, gentlemen, there is not much public transit available today. And unless present tendencies are reversed, there will be even less tomorrow.

We shall soon be proposing a new bill to establish greater financing for our mass transit systems throughout the nation. I hope the airline industry interests itself in this legislation. This suggestion may sound far fetched to members of the Aero Club now. But five years from now there will be a very definite connection between the growth and profitability of public transit and the growth and profitability of the air carrier industry. Aviation is no longer independent. It too now depends on the rest of the system.

But aviation will resolve these challenges. Any industry that has made as much progress as aviation has cannot be stopped. It can only move ahead. And that's what I want to see. My job is to promote and encourage aviation. But I have more than a professional interest. I am, by trade, a builder. I still like to build—to see things get bigger and better—to see improvement. And that's my approach to our government-industry partnership in aviation. If there's any way we in government can strengthen that partnership, I want to know. I am at your service.

THE NATIONAL COMMITMENTS RESOLUTION

Mr. FULBRIGHT. Mr. President, last Monday during debate upon Senate Resolution 85, the senior Senator from Wisconsin (Mr. PROXMIRE) made a statement with respect to an agreement entered into in 1967 between the Governments of the United States and Canada, which agreement restricts overland oil imports from Canada. According to the Senator from Wisconsin, this agreement is "in apparent violation of both the law and the publicly stated policy of the President." The Senator also stated that the agreement was made in secret and he challenges both the legality and the wisdom of this agreement.

Mr. President, I am not prepared to say at the present time whether the agreement should or should not have been made or whether it was wise or necessary. I call attention to Senator PROXMIRE's statement because it illustrates an instance of action by the executive branch of the U.S. Government not only without consulting or advising the legislative branch of the Government but apparently in complete secrecy. Thus, a solemn commitment was made under circumstances which are highly questionable. I congratulate Senator PROXMIRE for bringing this agreement to the attention of the Senate, and I share his concern about the circumstances under which the agreement was made.

NEW WOODMEN TOWER IS EXAMPLE OF HOW MAN'S SPIRIT CAN SOAR WHEN HIS PURPOSE IS NOBLE

Mr. HRUSKA. Mr. President, on June 6 it was my privilege to deliver some brief remarks at the dedication of the stunning new Woodmen Tower, a 30-story office building in downtown Omaha, which is the home office of the Woodmen of the World Life Insurance Society.

As a former president of the Nebraska Fraternal Congress and as chairman of the board of the Western Bohemian Fraternal Association, I believe I have a better-than-average appreciation of the splendid work that is done by the fraternal benefit societies.

Mr. President, nearly 10 million Americans, belonging to more than 60,000 lodges, have a total of approximately $20 billion of fraternal insurance.

One of the greatest of these societies is the Woodmen of the World, and it was for me a special privilege to be allowed to play a small part in the ceremonies, not only to honor Woodcraft, but to salute its able president Mr. Nick T. Newberry.

I ask unanimous consent, Mr. President, to have printed in the RECORD Mr. Newberry's and my remarks at the dedication ceremony.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF NICK T. NEWBERRY, PRESIDENT, WOODMEN OF THE WORLD LIFE INSURANCE SOCIETY

Welcome! And thank you for being with us today. Perhaps little was the significance of June 6, 1890 to Omaha, the date of the organization in the old Paxton Hotel of the Woodmen of the World Life Insurance Society. Great is the significance of June 6, 1969, for it is today that we gather to formally dedicate the Woodmen Tower.

From ground breaking on May 23, 1966 to this date of dedication is a period of over three years and so many of us have enthusiastically awaited this moment. We thank you for joining us for the occasion. I am proud to make you aware of the fact that over 350 of our Woodmen employees and many additional retired employees are at this moment viewing this program over closed-circuit television in our 21st floor conference center, for unfortunately, space did not permit this loyal and dedicated group to join us here in the lobby area.

Seated in a special section, just east of me, is a group of people whom I would like to present to you, other than those in the group who will later appear on the program.

May I suggest that should you feel disposed to applaud, that you refrain from doing so until the group has been introduced and I would ask that they remain standing as each individual name is called:

J. R. Sims, R. N. Dossmann, Nick T. Newberry, Waylon Rayburn, C. W. Goodwin, T. E. Newton, Richard W. Ervin, Robert Kirk, John C. Robison, William E. Gallaher, Jr., L. A. Richard, MacDonald Gallion, Allen T. Brown, Jr., J. E. Williams, John N. Cochran.

Dan H. Varnum, T. G. Crewe, George E. Owen, Robert W. Deems, A. C. Ogden, James S. Maine, A. F. Wahl, Lloyd L. Hendrickson, Mrs. Ethel M. Donaldson, Mrs. Louise Patrick Stepanek, H. Clay Cox, Jr., Alfred G. Thomsen, Peter Kiewit, Leo A. Daly, and Harold Schiff.

Some years ago, I was impressed when the principal speaker at an important occasion was introduced by the governor of a state in the following manner: "If a man needs eulogizing, he doesn't deserve it; if man deserves eulogizing, he doesn't need it." Our dedicatory speaker of today has a glowing and distinguished record of service to his state and nation that speaks loud and clear for itself—though deserving of a eulogy, he is not in need of it. It is with a sense of pride and gratitude that I present for the dedicatory address a member of the Woodmen of the World, our senior senator from Nebraska, the Honorable Roman L. Hruska.

REMARKS OF SENATOR ROMAN L. HRUSKA

This is indeed an auspicious day, a historical day. We can conceive of it as being really two days in one. It's the beginning of Woodmen's 80th year—79 years old today, so that tomorrow morning, we're going to start the 80th year. And then, it's the dedication day for the new home; of a structure which has a beauty that is breathtaking! It's spectacular! And it is inspirational, whether seen from the sidewalk, from the air, or from a distance.

It is an example—in steel and stone and marble and glass—of the way in which Man's spirit can soar, when his purpose is noble.

The dictionary tells us—and it's my favorite definition of the word—that to dedicate means set apart for sacred purposes. And that is precisely what we are doing today. It is a highly relevant definition today, because this building is dedicated to people. First of all, to the 600,000 members of Woodmen today; to the millions who have been members since its founding on June 6, 1890, here in Omaha; and, to the "Objectives of Woodcraft." For those of you in the main part of the audience, on the east wall of this lobby and behind me, are imprinted the "Objectives of Woodcraft," and they will serve as my text today. The first Objective states that, "Woodcraft is to ennoble its membership," an Objective which is reached countless of times each day, because the guiding spirit of Woodmen is Fraternalism—the brotherhood of man.

In a time when the President of the United States recently declared, "We cannot learn from one another until we stop shouting at one another," each of us then can well consider that portion of the "Objectives of Woodcraft" which seeks "to encourage broad, charitable views; to make us more intelligent citizens, truer friends, gentler sons and daughters, more thoughtful brothers and sis-

ters, more considerate husbands and wives and more reasonable parents."

I suggest, ladies and gentlemen, that such efforts are sorely needed these days.

But, lofty ideals and grand statements of purpose are empty and meaningless, unless there is a sound, concrete plan for matching deed to worth and action to purpose.

I want to applaud again, as I do every time it is suitable to do so, the leadership that has been furnished by the Woodmen of the World through the decades. Certainly, in your President, Nick Newberry, we have the son of a revered and well-remembered father—one who was president of the Woodmen of the World and one of the leading civic figures of Omaha and of this state; and the son also of a lovely and talented woman, whom all of us who were privileged to know her admired greatly. So that in Nick, we have the kind of able, honest and compassionate leader fraternalism must have, symbolizing the other officers and the directors of this great fraternal society. His action program of "Fraternity at Work" is the essence of brotherhood in action through a wide range of civic, patriotic and fraternal projects.

I had to verify my memory a few minutes ago. I asked Nick if it wasn't true that some 20 years ago, his father had conceived and had put into use throughout all the states in which the Woodmen are functioning, the slogan, "Fraternity in Action." And he said, "Yes, Roman, your recollection is correct."

Anyone who sat in the chill of the Capitol Plaza in Washington on January 20, of this year, or who watched those solemn proceedings on television across the nation, must be reminded today of Richard Nixon's Inaugural call for "the building of a great cathedral of spirit, each of us raising it one stone at a time as he reaches out to his neighbor helping and caring and doing."

And it is in this spirit that the beautiful structure has come into being, because the millions of members of the Society have helped, and they have cared, and they have done something for their brothers and for their sisters.

To construct a massive building is no great triumph; it's been done for thousands of years, hasn't it? The Pyramids testify to that. But those of us who view those Pyramids, either in the remnants which they now represent or in the pictures that we see of them, cannot forget, that those Pyramids were built upon misery and suffering, exacted from the blood and muscle of the slaves of those times.

Life then was worth very little, but the Pharaohs did build their Pyramids. And throughout history, tyrants have erected monuments to their own vanity in similar fashion.

And let's have just a sober moment or two to recall that in one part of the world, the enslaved part of the world, that rule still exists. The practice still goes on.

But, to erect a building like this, dedicated not to one man or to one caste, but to millions who have been proud to call themselves Woodmen, and to the ideals of Woodcraft, and to the spirit and inspiration of Fraternalism—that is really Brotherhood in Action. It is "Fraternity at Work." And what more auspicious start could there be for those who will work in this building and for those who have come to bid them well than to resolve that, beginning today—at this very moment—whether we are Woodmen or not, whether we are red or yellow or black or white, whether we are Catholic, Protestant, or Jew, that we shall embrace the grand doctrine of the Brotherhood of Man and practice it for as long as we shall live, and for as long as this building shall stand.

And it should be in this spirit that we dedicate this building. It is these sacred purposes that we call upon it to achieve; that we set it aside for those humane and noble purposes.

TIME CAPSULE CONTENTS

Mr. NEWBERRY. The moment is now at hand for the placing of the capsule and having never before participated in such a project, I am somewhat lost to know which way to turn. I would imagine you would be interested in some of the material placed in the capsule. A few of the items are as follows:

1. A United States Flag.
2. A history of Omaha written by William Kratville. It tells about many Omaha firsts, such as the first home, the first business, the first church, the first library, the first hospital, et cetera.
3. A proof set of 1969 United States coins.
4. An "American Patriot's Handbook," a booklet given by the Woodmen of the World to newly naturalized citizens. It contains the Constitution of the United States, the Bill of Rights, the Declaration of Independence, the history of our flag and photographs and biographical sketches of each of our nation's presidents.
5. A history of the Woodmen of the World.
6. A scroll, signed by all Woodmen Home Office employees and officers, extending greetings across time to the fraternalists of the future.
7. Progress reports on the construction of the Woodmen Tower.
8. A book on the life of Joseph Cullen Root who, with his associates, founded the Woodmen of the World on June 6, 1890.
9. Copies of the June 1, 1969, and June 5, 1969, editions of the Omaha World-Herald newspaper.
10. A letter from Mayor Leahy to the Omaha citizens of the future.
11. A tape recording of ceremonies when the ground was broken for the Woodmen Tower, and copies of speeches made at this affair.
12. Photographs of former Woodmen of the World home office buildings.
13. Newspaper clippings dealing with the Woodmen Tower.
14. Woodmen of the World membership pins.
15. Copies of the Society's official publications, including the Woodmen of the World Magazine, a national publication going to the organization's more than 600,000 members each month; Shavings, an employee publication; and Chips, a magazine published for sales representatives.
16. Copies of the Society's oldest and newest Constitutions.
17. Photograph of the current members of the Society's Board of Directors.
18. Copies of Woodmen of the World Rituals.

On the wall immediately above the location on the capsule will be a bronze plaque inscribed as follows:

Woodmen of the World Life Insurance Society Time Capsule, buried June 6, 1969, "To preserve for the future some of the wealth of the past." Open June 6, 2040.

June 6, 2040, is the 150th anniversary of the founding of the Woodmen of the World.

AUTOMOBILE INSURANCE

Mr. HART. Mr. President, of all the auto insurance complaints which arrive in the offices of Congress from consumers, I am sure the majority deal with the problems in getting—and keeping—a policy, at a reasonable rate.

The Senate Antitrust and Monopoly Subcommittee, as part of its extensive investigation of the problems of this industry, has delved deeply into the industry thinking causing these problems.

Much of what we learned has been summarized in an excellent series of two articles by John Hanrahan in the Washington Post. Because I think these articles would be most helpful to my colleagues as background material, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 18, 1969]

INSURANCE DILEMMA: DO FIRMS HAVE RIGHT TO SAY NO?

(By John Hanrahan)

"When you buy a car, the salesman will sell you one if you have the money. Buying insurance for the car is more like joining a country club."

This view, expressed by Pennsylvania Insurance Commissioner David O. Maxwell, has become an increasingly visible fact of life—as well as an inconvenience and, in many cases, a real hardship to thousands of drivers across the Nation.

In an age in which increasingly numbers of people are dependent on cars for a livelihood, millions of Americans regard auto insurance as a necessity, and a right. They must drive, and to drive they must have insurance in some form.

But the insurance firms don't see it that way. In a nutshell, the auto insurance industry feels its obligation is to its policyholders—to keep rates down—and to its stockholders—to keep profits up. To accomplish both ends, insurers are selective in assuming new risks.

Numerous newspaper stories, along with complaints received by the antitrust and monopoly subcommittee of the Senate Judiciary Committee, which is conducting a continuing inquiry into auto insurance, vividly illustrate the conflict. For example:

A Charleston, S.C., man, just returned from a Vietnam hitch with the Navy, lost his policy because "investigation revealed the allegation that your wife has a bad moral reputation and is an excessive user of intoxicants." South Carolina's libel and slander laws prohibit suing insurance companies for the reasons given for cancellation.

Actress Dorothy Malone, who was paying $312 for her auto policy with Farmers Insurance Group, was notified of cancellation even though she had no accidents or traffic violations. "Occupational hazard" was listed as the reason. She subsequently got a policy with Lloyds of London for $2100 annually.

A Kensington, Md. man had his auto insurance policy cancelled by National Emblem Insurance Co., a subsidiary of Allstate, because he allegedly had a "filthy" house.

A Stafford County, Va., woman had her policy cancelled by the Royal Indemnity Co. because of "unfavorable information we have received concerning personal habits within your household." Senate subcommittee probing disclosed that the cancellation was the result of an Atlanta-based credit bureau report supplied with false information by some one who barely knew her husband, that he is a drunk.

When a motorist is turned away by an auto insurer he can usually go elsewhere—but at a more expensive, "high risk" price, regardless of his driving record.

In virtually every complaint, however, the person dropped by one company had great trouble obtaining insurance with another even at higher rates because the cancellation was regarded as a black mark on his record.

Says Paul T. McHenry, a Baltimore attorney and chief lobbyist for Maryland's independent insurance agents:

"The auto market is sick, period. Agents are no longer selling new automobile business. People are worried about cancellations.

"If there are 15 companies looking for your business, then no one worries about a cancellation. In the present situation the companies don't want new business.

"I can't walk down the street these days without someone coming up to me and complaining that he's had his policy cancelled and can't understand why."

According to Dean E. Sharp, counsel for the Senate subcommittee conducting the hearings, "Insurance is nothing more than spreading the risk. The more people you have in the pot, the more you spread the risk. People like myself believe that the companies are only trying to maximize their profits by writing only certain people. It's time we turned this thing around. I definitely feel that everyone who is licensed to drive by the state should be able to get auto insurance."

Sharp and other critics of the industry say that the insurers are not primarily interested in auto insurance, but rather in having a steady flow of cash that can be invested. This, they say, is the main reason for the scrutiny given anyone who appears likely to have an accident.

The industry counters that it must be selective because of the soaring increase in the costs of paying off claims in recent years. This they attribute to increases in the cost of repairing cars, in physician's fees and hospital rates, and in the amounts of jury awards and claims settlements in liability suits.

The companies also argue they must be selective in many states because of the reluctance of various state insurance regulators to grant rate increases.

The problem for many people, then, is not only having insurance cancelled—being thrown out of the "club"—but getting into the club in the first place, even if they have the money to pay for it and a "clean" driving record.

AGENTS WARNED

For many of these people, the problem is a "high risk" job. For others, it is their neighborhood. Still others are refused insurance on the basis of such vague shortcomings as "personality defects," "instability" and "lack of initiative."

Each company uses underwriting manuals that warn agents against selling auto insurance to a whole list of persons with certain jobs. The Continental Insurance Co.'s manual, which is similar to that used by other firms in the industry, tells agents to be wary of:

Owners, operators and employes of taverns, nightclubs and similar establishments; race track personnel; professional athletes, musicians and entertainers; circus and carnival personnel; sports promoters and their employes, and pool hall owners, operators and employes.

Regarded by Continental as "somewhat less undesirable" are waiters, waitresses, janitors, cooks, porters, bus-boys, kitchen helpers, taxi drivers, parking lot and garage attendants, bellhops, painters, merchant seamen, longshoremen, stevedores, dock workers, oil field employes, paperhangers, soda clerks, delivery boys, beauticians, unmarried manicurists, liquor store owners and employes and unemployed persons.

People in this category are not totally barred from obtaining insurance with the company—if they meet all other criteria. The "somewhat less undesirable" tag is used as a guide to warn agents that the person is not considered to be a good risk.

In addition to citing the probability of accidents relating to "exposure"—meaning mileage, number of hours on the road, driving in peak-hour traffic, etc.—the Continental manual warns:

"Persons who live in blighted, crowded slum areas present an above average exposure for comprehensive physical damage insurance because of crime and vandalism. Such areas are overexposed for collision and bodily injury. The streets are narrow and there is no place to park, except at the curb. Children play in the streets and dart in and out from between cars."

BACHELORS PAY MORE

The manual also states, "we think that this is as it should be," that unmarried males pay more for car insurance. In justifying higher rates for bachelors, the manual says:

"Any variation from the normal, conventional mode of living usually has an adverse influence on a risk. Marriage is the normal state for mature adults."

But even if you should pass the occupational, residential and marital status tests, the manual has more in store for you.

Under the category of temperament, the manual warns agents about "the exhibitionist who decorates his car with fox tails, fender fins, mud flaps, boxing gloves, baby shoes, spotlight and other ornaments . . ."

HIGH LIVERS SUSPECT

"Another area for concern," the manual states, "is the person who drives a Cadillac on a Chevrolet income . . ."

"Still in the temperamental category and just as undesirable even though their motives are good and they are usually wealthy, are the personalities in the entertainment field who feel that they must entertain themselves and their public even if they have to wreck a sports car to do it."

When he testified before the Senate subcommittee last year, Pennsylvania Commissioner Maxwell cited a "prohibited list" used to "weed out undesirables" by "one of the country's leading writers of automobile insurance."

"Hazardous" occupations, according to this guide, included actors, clergymen, radio and television announcers, athletes, caterers, chauffeurs, commissioner military officers and enlisted men, farmhands, manicurists, masseurs, newspapermen, salesmen, painters, stevedores, textile workers, waiters and weavers.

HAZARDS LISTED

"Even a cursory review of the list made plain the reluctance to insure most occupations in which Negroes predominate," Maxwell said.

In addition, he noted, the guide enumerated 25 specific "hazards" militating against issuance of a policy.

These included truck drivers ("poor public image") clergymen ("too preoccupied"), persons who were divorced or separated and any driver not renewed or canceled by another company.

Other revealing testimony on auto insurers' standards came from Fred Jasper, president of Jasper's Reports, of Chicago, a commercial reporting agency that has been handling inspections for the insurance industry in the Metropolitan Chicago area since 1949.

Purchasers of Jasper's book—"A Confidential Report on Environmental Conditions in the Metropolitan Chicago Area"—were mainly insurance companies, including the Nation's two largest, Allstate and State Farm.

WRITTEN YEARS AGO

Jasper and Sen. Philip A. Hart (D. Mich.), chairman of the subcommittee, got involved in a long dialogue when Hart asked why the book referred "to areas being predominantly Polish, predominantly Jewish, predominantly hillbilly and predominantly Negro."

In response, Jasper pleaded that the book "was written several years ago" and, at that time, "companies were attaching more significance to the ethnic backgrounds of individuals from an underwriting standpoint."

For many years, Jasper said, companies "had associated upkeep of neighborhood with environmental and ethnic background information." This, he claimed, was no longer the case and most companies had asked him to eliminate such references in his reports.

A sampling of "ethnic information" in the report:

"These Mexicans are, for the most part, well behaved but a few do drink to excess and many of them are illiterate and cannot speak English. . . . (They) should be inspected carefully for auto insurance."

Hart found much else to quarrel with in Jasper's book. For example, the Senator wanted to know, what did the housekeeping of the individual—as mentioned in one of the reports—have to do with driving ability?

Jasper acknowledged that it had nothing to do with driving.

"But," he added, "I think it perhaps to some degree portrays the general over-all reputation and I think perhaps a case might be made for the fact that an individual who lives in what you might classify as a pigpen might conceivably take the same care of their automobile from a mechanical standpoint."

Hart wondered about a report on a woman who was married and divorced before she was 20 and whose family was described as "standoffish" in a report. What, Hart asked, did that have to do with driving ability?

Jasper answered that the marriage and divorce before 20 indicated "nothing other than perhaps to portray instability."

"Or bad judgment with respect to mates but not necessarily to traffic," retorted Hart.

As to the "standoffish" claims, Jasper said that he felt "perhaps the inspector may have been using that in defense of being unable to develop as much personal information as he might have otherwise."

DISDAINFUL OF MORES

Hart pressed on. What, he asked, was the relevance to a person's driving record of a report that "indicates the subject was living with a woman suspected not to be his wife?"

"I do not know that it would affect the driving," Jasper answered, "but it might portray a situation where they were completely disdainful of the accepted mores, the accepted patterns of behavior, a little disregard for anybody else."

Jasper, along with other auto insurance industry witnesses, was merely restating what has become the industry's basis for much of the material in its underwriting manuals. Namely, "as you live, so shall you drive."

Contained in Jasper's book was a series of maps of areas of Chicago with portions colored red, gray and white. These areas, Jasper said, are those producing "a higher incidence of vandalism and theft." The red area of alleged higher crime included the center city.

The "red" area approach is not unique to Chicago. Committee testimony has shown that similar practices are in effect in other major cities.

BLACKLISTING CHARGED

In Baltimore earlier this year, Allstate Insurance Co. was charged by the Maryland State Insurance Department with "blacklisting" for refusing to write comprehensive and collision insurance policies in the inner city.

Allstate defended its practices. It acknowledged having a "special marketing territory" within which it required persons to have adequately safeguarded garaging before it would insure them. This, they said, was proper because of the excessively high crime rate in the area.

In addition, Allstate said it had not violated State law that prohibits discrimination based "solely" on geography. The crime rate and the lack of garages—and not geography were the major factors, it said.

During those hearings, which covered 13 sessions, Allstate spokesmen also acknowledged that it has "special marketing territories" in effect in other cities in the East, including Washington's inner city.

Also in the District of Columbia, Government Employees Insurance Corp. (GEICO), refuses to write comprehensive and collision policies in virtually the entire city unless the person has a garage. Only two postal zones in the Upper Northwest area of the city are exempt from this requirement.

WORKS HARDSHIP

In the Baltimore case, State and city legislators testified that Allstate's practice worked

a hardship on people in the inner city. The area in question was estimated to be 90 per cent Negro. It includes the city's highest poverty areas, as well as the fashionable restored Bolton Hill section.

A ruling on the case from Maryland Insurance Commissioner Newton I. Steers, Jr. is expected this month. Steers says he knows of no examples of "special marketing territories" elsewhere in the State.

The Baltimore case is typical of the problem in other cities.

Last summer, David B. Washington, executive director of the Pittsburgh Commission on Human Relations, told the Senate subcommittee that "the lack of availability of automobile insurance to black residents of our metropolitan areas is a crisis which is national in scope."

Black citizens, Washington said, find it difficult to obtain auto insurance. When they do, he added, they must pay higher premiums than residents of white areas since companies attach importance to the type of neighborhood and the crime rate.

In addition, Washington said, Negro residents find "that the few companies willing to write insurance are companies with questionable financial structures."

EFFECT IS THE SAME

Jerome Kay, commissioner of the New York City Commission on Human Rights, offered similar testimony to the Senate subcommittee. Kay said that whether the auto insurers deliberately set out to discriminate against Negroes or Puerto Ricans, or whether they say they refuse to write ghetto policies because of the bad neighborhood is really irrelevant—since the net effect is the same.

"It is possible that removing this instance of discrimination would lift one more burden from the shoulders of minority and low-income group members," Kay said.

While auto insurance companies have repeatedly stated that they no longer discriminate on the basis of race, Kay stressed the point that the ghetto citizen feels that his inability to get car insurance is just another example of white discrimination.

In emphasizing that the ghetto citizen's need for an auto is as great or perhaps even greater than that of other citizens Kay stated:

"The ghetto resident, suffering from discrimination in employment, housing, education and being subjected to a whole series of anti-black and anti-Puerto Rican attitudes, finds his car an important source of status, and sometimes his only source of recreation and in many cases the only escape from a dreary apartment and neighborhood."

To insurance lobbyist McHenry, the problem of obtaining and keeping auto insurance in Maryland, and in the Nation as a whole, "cuts across all lines" and is not confined to certain areas or people with certain jobs.

"There's just a bad market everywhere, period," he said.

CAR INSURANCE SYSTEM HARDEST ON YOUNG, OLD, MILITARY

(By John Hanrahan)

The problem of getting and keeping auto insurance has proved to be especially severe for three distinct groups—the young, the old and members of the military.

The continuing probe of the auto insurance industry by the antitrust and monopoly subcommittee of the Senate Judiciary Committee has turned up scores of examples of the difficulties encountered by members of these groups.

B. J. Higgins, who heads the Higgins insurance Agency of Long Beach, Calif., provided the subcommittee with some enlightening testimony on the insurance problems of the old.

Higgins, whose agency handles Farmers Insurance Group, gave numerous examples, including that of a 78-year-old man who had received a bill on his insurance premium that was more than double what it was six months earlier.

The man, Higgins said, "was in excellent physical condition, very alert for his age, and had never had any losses with the company before, and he was with the company for approximately 30 years."

Unfortunately for the man, Higgins said, the company just four months earlier put into effect a "maximum senior citizen charge" that added about 30 per cent to his premium charge. His premium cost was increased an additional 42 per cent because the man reported a damage claim of $112 for a minor accident.

"Now, the point here is they (the company) have got this man tied down," Higgins said. "He cannot go anywhere else for insurance. He is 78 years old. Who is going to insure him? He is indeed fortunate to have insurance at his age. He has got to stay with Farmers."

Jack Veatch, immediate past president of the District of Columbia Insurance Agents, says that the situation has improved and that many companies have done away with the higher rates for older people. These companies, Veatch said, came to the realization that, as a whole, "older people were safer drivers."

BELOW AVERAGE

Donald P. Kent, former special assistant for aging, Office of the Secretary, U.S. Department of Health, Education and Welfare, pointed out to the Senate subcommittee that "the accident index for drivers 60 to 69 years of age is well below the national safety average. The accident index for those above 70 equals the national average."

The problem of young drivers obtaining insurance has been one of the most publicized. Companies maintain that young drivers—especially young, single males under 25—have the highest accident rate.

Some companies claim to be making strides in providing lower cost insurance for the young, responsible drivers. Some companies, for example, offer "good student" discounts. Others give discounts to students who have had driver education courses.

Nonetheless, young people—good and bad drivers alike—or their parents find it extremely difficult to obtain auto insurance or to get it at what they consider to be a fair rate.

Higgins supplied the subcommittee with a report of a sudden cancellation of an entire family that had a 17-year-old son who had just come of driving age and obtained his license and a 1952 car to drive.

The boy, Higgins said, had good grades, was "a studious type" and "did not run around throwing beer cans out of a car."

Higgins, a friend of the family's, said he checked around and finally learned that the cancellation was based on a retail credit report. The report quoted two men who lived across the street as saying that the youth "played ball in the street . . . raced his car in taking off . . . burned rubber, and drove in a reckless manner in a neighborhood of a 15-mile zone."

Ironically, Higgins said, the men making the complaint also were illegally "making a homebrew and wine in the backyard."

OBSTACLES TO MILITARY

The military—especially the young, noncareer enlisted man—also encounters severe obstacles to getting car insurance. George H. Kline, vice president, secretary and general counsel for the Allstate Insurance Co., summed up the reason for the industry attitude:

"The obvious increased hazard presented by the single military risk is the very limited time provided him for the use of his car.

"All of us remember the 800-mile round trip on a 36-hour pass just to spend a few hours at home or some other source of relief from the drabness of a military post; the frenzied dash to the destination; and then the long, exhausting drive through the night with drooping eyelids and dulled reflexes, to make Monday morning reveille.

"Too fast, too far, too little sleep—these are the hazards that concern underwriters."

Adding it all up, the auto insurers can use a combination of any of the thousands of underwriting standards to refuse to write a policy for a person who would be regarded as a good driver, the critics say.

Pennsylvania Insurance Commissioner David O. Maxwell estimated that in his state there is "a theoretical possibilty of 104,000 different risks." This is based on 40 rating territories multiplied by the 2600 categories developed by the Insurance Rating Board.

Insurance companies defend their underwriting practices either on actual loss experiences or on what they consider to be informed judgments as to the likelihood of accidents occurring to people living in certain neighborhoods or having certain types of occupations or having certain personality traits.

Critics of the system complain that the companies are basing their classifications mainly on subjective judgments, rather than actual statistics showing that this or that category of persons has more accidents. The problem goes even deeper, suggests Sen. Philip A. Hart (D-Mich.), who heads the Senate subcommittee investigating the auto insurance industry.

"In a country which has placed great faith in the principle that each man should be judged according to his abilities, the insurance notion that it is the classification—not the individual driver—that counts runs contrary to our basic instincts," Hart said last fall in a speech to the convention of the National Association of Mutual Insurance Agents.

"A father may train his son well, imbue him with a sense of responsibility, the boy may be a great careful driver. It makes no difference. He pays the price of his classification. In some cases, this may be actuarily sound. In many cases it may not.

"But the basic question is, does any system based on such classifications—whether arbitrary or not—make good sense in the world in which we live? . . . It seems to me—at least at this time—that the entire underwriting system with its subjective judgments, classifications and surcharges at renewal time—is in need of rather basic overhaul."

What makes the current auto insurance situation unique is that virtually every one—insurers, drivers, state insurance departments, legislators, Congressional investigators—agree that there is a serious problem for people trying to get and keep auto policies.

CRITICS BLAME GREED

The cause of the problem, the critics say, is the auto insurers' greed for even bigger profits. This causes the companies to cancel some policies suddenly and to refuse to take on any new business with any element of risk involved, they claim.

On the other side, the industry and the agents maintain that the current problem is caused by the failure of State Insurance Departments to grant rate increases that are sorely needed to cover losses paid out.

"Open competition" has become the battle cry of the insurance industry. Under such a system—not in existence in three states—the insurance commissioner is stripped of his power to give prior approval of rate increases.

Thus, companies can put the new rates into effect and then notify the commissioner. If the commissioner feels the increase is too much, or unjustified altogether, he can order it rescinded.

ANSWER OF FIRMS

The aim of all of this, the industry says, is to let the "free market" set the rates. The customer will benefit because he will have a number of companies competing for his business, it contends.

In a memorandum prepared by the Insurance Information Institute for the Maryland

Association of Insurance agents for use in the 1969 session of the Maryland General Assembly, the industry's position on "open competition legislation" was made clear.

What is the problem? the memo asks.

"Insurance companies have been paying out more for claims and operating expenses than they have been collecting in premiums."

What is the answer to the dilemma? it asks.

"After long and careful consideration, 'open competition' has been deemed by many observers to be in the best interest of Maryland's public, industry and economy . . . open competition among insurance companies would hold the cost of insurance at a realistic level, just as open competition in America's free enterprise system has protected the public in other fields of business."

The memo also cites the fact that since 1962, the number of persons in Maryland's assigned-risk plan (known as the Maryland Automobile Insurance Plan) has increased from approximately 20,300 to 85,500. While this figure was climbing by 300 per cent, the number of vehicles registered in the State increased by just 30 per cent.

INDUSTRY REFUTED

The critics counter that the industry's position is indefensible in light of statistics gathered by the subcommittee showing that since 1931 the auto insurers of the Nation (as of 1968) had collected $120 billion in premiums for three primary forms of coverage and have paid out just $60.8 billion.

Of the remaining $59.2 billion, $21.6 billion has been accumulated in the last five years alone. This was not all clear profit, since it does not take into consideration commissions, company operating expenses, company claims investigation and legal expenses.

In 1966, according to a Senate subcommittee chart, 20.6 cents of every auto bodily injury liability dollar went to commissions and other production expenses.

One way to cut costs of policies, the critics maintain, is to permit group auto liability policies similar to group health and accident policies. Such policies are virtually nonexistent. In fact, group auto insurance policies are prohibited in 34 states, due largely to industry efforts.

Dean E. Sharp, counsel for the Senate subcommittee, is among the insurance company critics who can't see how "open competition" will make any difference at all in solving the problem.

He notes that California, which has an "open competition" law that the industry cites as a model, has 250,000 drivers in its assigned-risk plan with the number increasing yearly. New York and Georgia also have "open competition" while the District of Columbia has a modified "open" system for physical damage policies.

"Open competition" was thoroughly debated by a Maryland Senate Committee earlier this year. The legislation died in the Economic Affairs Committee but is expected to be revived at the 1970 session.

During the Maryland hearings, Attorney General Francis B. Burch contended that "open competition" would drive insurance rates even higher than they now are. The system also would result in extensive price-fixing, he charged, with certain bigger companies raising their rates and the others following suit.

Burch, a former State insurance commissioner, also said if the industry were sincere about "open competition," it would also ask that it be brought under the Federal antitrust laws.

The industry rejected all of Burch's contentions. Paul T. McHenry, lobbyist for the State's independent insurance agents, acknowledged that rates might go up initially after "open competition" came in, but that once the "free market" came into play, rates would level off. A company charging higher rates would be forced to come down or lose much of its business, he added.

OPEN COMPETITION

The critics also say that open competition is still only "open" from the companies', not the customer's point of view. In other words, even with open competition, there is no guarantee that a driver will be insured by the company of his choice since all of the underwriting standards will still hold. It's still a case of being accepted by the company.

The critics also come down hard on the auto insurance companies' claims that they are losing money. Maryland's three most recent insurance commissioners—Burch, Norman Polovoy and Newton I. Steers, Jr.—have all criticized companies at one time or another for claiming to experience losses while at the same time their investment income was soaring.

Auto insurers have consistently argued that investment income must be kept separate from the figures on premiums written and losses incurred.

Burch, Polovoy and Steers all incurred the companies' wrath by devising formulas in which some of the investment income was included as part of the rate-making process.

The industry's own study, prepared for the American Insurance Association by Arthur D. Little, Inc., the research organization, claimed that 99 out of 100 major corporations were making higher profits than property and liability insurance companies.

SAME BASIC DATA

Taking the same basic data, two University of Southern California analysts—Richard Norgaard and George Schick—gave the subcommittee the "unqualified opinion" that insurance firms "have reaped a high rate of profit."

Using a highly complicated formula based on the "reasonable" yardstick of "return on investment," the two analysts said the insurance firms were doing better than 90 of the 100 major corporations.

"There is indeed a great deal of discussion on whether or not the auto insurance business is profitable," notes Sen. Hart.

"Sometimes, the argument turns more on accounting methods than the actual state of health of the companies. One set of figures at our hearings indicated this was a highly profitable business, another that it was dismal. The real truth is probably somewhere between. . . .

"What bothers me most is a plea of poverty based on underwriting results only. For instance, the underwriting and investment income results of the 'Stock Property and Casualty Industry' from 1958 to 1967 show a statutory underwriting loss of over $731 million, which when adjusted becomes a $413 million profit.

"During the same period, their net investment income was over $7 billion. When someone turns one pocket inside out to show you how empty it is, but has over $7 billion in the other, it is difficult to take their claim of poverty too seriously."

An equally serious auto insurance problem, not dealt with at length in this article, is the long delay experienced in having claims processed. In many cases, personal injury settlements drag on for years and years.

Efforts to push so-called "nonfault" plans through state legislatures have met with stiff resistance to date. Less than one year ago, Puerto Rico became the first U.S. jurisdiction to adopt the "Aponte-Denenberg" plan which would insure everyone directly against accident losses—rather than require proving in court who is at fault in an accident.

EXEMPT FROM ANTITRUST

The insurance industry was exempted from the Federal antitrust laws by the McCarran Act of 1945. The purpose of the Senate subcommittee hearings has been to determine how effective state regulation has been in doing the job of protecting the public.

The hearings are expected to wind up in September. Also in progress and at the halfway point is a two-year study of the auto insurance industry.

In addition, various state insurance departments and legislatures are taking a new look at their state regulations. In Maryland, the Allstate "blacklisting" case has prompted Del. Walter S. Orlinsky (D-Baltimore) to propose for introduction at the 1970 session legislation that would create a state insurance system.

Whether by government action or by reform of the industry from within, the goal of those criticizing the present system is clear. As expressed by Sen. Hart, it is a day "when auto insurance is available to all motorists on reasonable and more equal terms, and accident victims can be promptly and fairly reimbursed."

WATER SERVICE TO EXCESS LANDS

Mr. MURPHY. Mr. President, recently the Western Water News published an article by Mr. Earl Coke, assistant to Gov. Ronald Reagan for cabinet affairs and secretary of California's Agriculture and Services Agency, concerning the legislation which has been introduced to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands. Secretary Coke's remarks on this subject confirm the observations I made when I introduced S. 1631 to modernize the archaic 610-acre limitation provision of our reclamation regulations and I ask unanimous consent that the secretary's comments be included in the RECORD at the conclusion of my statement.

Secretary Coke, as is well known, is one of the outstanding agricultural authorities in the Nation. Prior to accepting his present positions, his career included service as director of the agricultural extension service in California and assistant Secretary of Agriculture during the Eisenhower administration.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BACK TO 1902?

(By Earl Coke)

If California wants to keep agricultural production at its present dollar value of $4 billion per year, immediate passage of new legislation is a necessity.

Congress is presently considering a bill introduced by Senator George Murphy of California which could eliminate yesteryear's unrealistic land and water restrictions still being applied to each agricultural landowner and operator in the State who uses water from a Federal project.

The vital interests of agriculture—California's largest water-using industry—are now in the hands of the Senate and House Committees on Interior and Insular Affairs.

Enactment on S. 1631 and its House companion, H.R. 9441, would lift the Federal land limit yoke which has been choking irrigation farmers for the past 60 years.

However, if Senator Murphy's bill does not pass, or is allowed to die in committees, the farmer might as well return to the agricultural practices of 1902 and hitch old dobbin to the plow again.

Advancements in our technology since that date have produced equipment that permits the farmer to operate on the business-like basis which is so necessary today. But, that same technology is useless on a dollar basis if the farmer has to limit it to the 160 acres which, in 1902, was considered the proper family farm. In order to get the greatest benefit from today's expensive new machinery and advanced technology, a man must be permitted more flexibility and more room to

operate than the present 160-acre limitation allows.

Reality is staring us in the face. No business can operate today under programs and procedures designed for the turn of the century. To ask the farmer to do so for one more second is ridiculous, is costly, and will soon lose us most of our farmers if we do not make the necessary change to rid ourselves of obsolete antiquities that hamper our existence at the very foundations of its food and fiber.

S. 1631, as introduced by Senator Murphy, provides two basic changes to the 1902 reclamation law on land restrictions and the water allowable to make that land produce.

IMMEDIATE INCREASE

First, it calls for an immediate increase in the number of acres eligible in one ownership for interest-free financing from 160 acres to 640 acres. Provisions are also included for review of further increases in the limitation every 10 years if economic or technological changes indicate that an increase is appropriate and consistent with public interest.

Second, it would provide immediate adoption of the "Engle formula" which would allow the landowner with lands in excess of the 640-acre limitation to obtain water for his excess lands by paying interest costs and applying those costs to the price of the water.

INEQUITABLE LAW

In 1902, when the reclamation law was first passed, it was fair and equitable—for its time. At the beginning of the century land had to be settled and worked for production. The western lands, being semi-arid or arid, required irrigation before they could produce economically. The only "machinery" available to the farmer at that time was his own strong back and his horse. Congress, therefore, set a 160-acre limitation in the law for application of irrigation water, because 160 acres was the reasonable limit to what one man and one horse could cover in a dawn-to-dusk operation on a family-sized farm.

But, 67 years have passed and the one-man-one-horse family farm has literally disappeared. The law, however, is still there. It must be changed so that it reflects the needs of today as much as the original law reflected the needs present when it went into effect.

NEW TECHNIQUES

True, it has received patchwork modifications over the ensuing years, but the fundamental provisions still stand today as relics of an era which exists only in the memories of our parents and grandparents.

Today we use machinery that our ancestors never imagined and that, sometimes, seems to be as intricate as the hardware we send to the moon. We apply new fertilizers that new chemists manufacture under today's theories in today's laboratories. New farming techniques crop up almost daily as science expands and our present communications systems bring the message from source to application with a rapidity not known in 1902.

In effect, the law has not kept pace with the land or the people and now is the time to correct that gross mistake.

If our nation loses any more farmers it will find itself in dire economic straits because its foundation of the fuel which keeps people alive will have been too severely weakened. But, no farmer is going to keep farming if he cannot make a living at it and our present antiquated land restriction law is making that living almost impossible.

REMEDIAL ACTION

It is a known fact that the cost per acre of operating a 160-acre farm is usually higher than for larger farm units. Somebody has to pay for that lifted cost and it is most often passed along to the consumer. For that reason, it is just as important to the consumer as to the farmer that the remedial action offered in Senator Murphy's bill be taken as soon as possible.

The twin provisions in S. 1631 and H.R. 9441 might not be the entire solution, but they are certainly the first concrete step. Without them, it may soon be a case of: "Leave the land or get a horse."

MAIL DELIVERY

Mr. HART. Mr. President, daily I receive letters from my constituents complaining about mail delivery and rising postage rates. Many in Congress believe that congressional action is essential to halt what is approaching an overwhelming breakdown in postal service. The problem is, of course, to determine just what action to take.

One of the letters I have received reports on an intriguing at-home survey of postal service. Since I admittedly lack expertise in this area, I am forwarding this letter to the Senate Committee on Post Office and Civil Service for its consideration. I also ask unanimous consent that this thoughtful letter from Mr. Bruce S. Lane of Galesburg, Mich., be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GALESBURG, MICH.,
June 13, 1969.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR HART: I understand consideration is once again being given to increasing postal rates.

During the month of May, I kept track of all the mail that was delivered to my home. There are only two of us living here, my wife and myself.

We received: 101 pieces of first class mail, of which 31 pieces were solicitations and eight of these were duplicates; 84 pieces of "junk" mail, of which 14 pieces were duplicates.

Since "junk" mail and solicitations, even when mailed via first class, are an imposition, I would propose that all such mail carry a premium rate of an added five cents per piece, over and above the first class postage requirement. This will once and for all put an end to our postal deficit.

The rationale is not unreasonable. When an advertiser places an advertisement in a newspaper or a magazine he reduces the cost of reading to the subscriber. When an advertiser pays for radio or television advertising he defrays the cost of bringing entertainment to the listener and the viewer.

When an advertiser mails his advertising directly to my home, he contributes nothing to my welfare, and to make matters worse, I must pay more taxes or higher postal rates in order to pay for this foolishness.

Furthermore, I must dispose of all this costly junk. I can't let it just pile up in the mail box; the Post Office Department would probably issue a stern warning to me, the innocent party, if I did this. I am forced to burn all of the useless paper. (Has anyone looked at the air pollution that is caused by just the burning of junk mail?)

Seriously, I think you should think seriously of adding a premium charge to all advertising and solicitation mail, in addition to making all of this stuff travel at first class rates. This would eliminate the postal deficit. Ask the professionals, ask your own postman about this.

Sincerely,

BRUCE S. LANE.

MINERALS POLICY

Mr. ALLOTT. Mr. President, on June 20, 1969, Assistant Secretary of the Interior, Hollis M. Dole, made an address before the Wyoming Mining Association which I believe is particularly pertinent and timely.

In his address, Assistant Secretary Dole touches upon some of the many problems facing the Nation's mineral industry in trying to meet the requirements of our industrial economy to satisfy the needs of the consuming public. Mr. Dole makes the point:

Minerals shortages could well become a social problem of the future.

Secretary Dole also points up the need for a national minerals policy in his speech.

Mr. President, the distinguished chairman of the Minerals, Materials and Fuels Subcommittee of the Senate Committee on Interior and Insular Affairs (Mr. Moss) has scheduled hearings on my bill, S. 719, for July 9, 1969. The junior Senator from Utah (Mr. Moss) among many others has joined me in sponsoring this measure not only in this Congress but in several past Congresses.

I am hopeful that these upcoming hearings will help to delineate some of the serious problems facing the minerals industry in this country, and I believe that the enactment of S. 719 will provide us with a mechanism with which we can deal with these problems in a realistic and intelligent manner.

Mr. President, I ask unanimous consent that the remarks of Assistant Secretary Hollis Dole be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HOLLIS M. DOLE, ASSISTANT SECRETARY—MINERAL RESOURCES, BEFORE THE WYOMING MINING ASSOCIATION, CASPER, WYO., JUNE 20, 1969

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
June 20, 1969.

I am delighted to be with you folks today. My pleasure springs from being back in the West, and from appearing before people who are interested in the same subject that I have spent most of my life working in—that is—the mineral industry.

As you know, I recently arrived in Washington, D.C. from Oregon and I am still far from informed on much that goes on in our Nation's Capitol. I thought, however, that you might be interested in several items that I'm working with and my thoughts on them. I would also like to take this opportunity to suggest to you areas of mutual effort which, in my opinion, will lead to a stronger mineral industry in this country of ours. This is, after all, the common goal which we are striving for.

The Metal and Nonmetallic Mine Safety Act, which was passed on August 30, 1966, became P.L. 89–577. A departmental committee was established to formulate regulations under the Act and the suggested regulations were published for public comment on January 16, 1969. A 45-day time extension was granted for comment on March 14. On April 22 the revised regulations were published and an additional 30 days were given for further public comments. This time has now passed and we are in the process of reviewing all submissions.

Those parts of the rules and regulations that have met with agreement will soon be published and become effective. Public hearings will then be held on those rules and regulations upon which there was wide divergence of opinion, and when satisfactory, they will also be published. At that time the ground rules for the enforcing of the law will have been established and the Fed-

eral Government will be fully committed to enforcing metal and nonmetalic mine safety, and the U.S. Bureau of Mines will have an additional responsibility.

As you know, one of the first messages President Nixon sent to the Congress was a call for stronger coal mine health and safety legislation. This legislation is being hammered out at the present time and a bill will be passed before Congress adjourns this session.

This attention on the part of the Federal Government for the health and safety of miners should be a great significance to you people here. To the mining engineer it should mean that stronger emphasis must be placed on health and safety or else government's role in mine operations may become dominant. It should give you second thoughts on the adequacy of the mining engineering college curriculum. Have we been stressing health and safety enough? Right now, recruitment for safety engineers in the Bureau of Mines is most difficult. We cannot get the calibre of people we think necessary nor can we get the number we need. Is this a reflection on the training mining engineers are getting in the universities? I think it is. I think that both the mines and government must look to you to establish the methods and attitudes for health and safety. It is not enough to find and extract ore. It must be found and mined safely, and under healthful conditions. Finding, mining, and safety are all of equal importance and are all part of one system.

On July 9 hearings will begin on S. 719, a bill to establish a National Minerals Policy. This bill, introduced by Senator Allott of Colorado and amongst others cosponsored by Senators Hansen and McGee is, in my opinion, one of the most important bills in Congress with which your Association should be interested. It is not only important to the Wyoming Mining Association and its members, it is important to all the people of Wyoming, and to all the people of the U.S.

The hearings on this bill are important because they provide a forum calling the attention of all the people of the country to the tremendous quantity of mineral raw materials that will be needed in the coming years. You know that to provide this requirement will take years of searching, billions in investment with a high risk factor, and many years of mining effort. You know this—but unfortunately the man in the street doesn't. He buys his metal in the form of fabricated goods from the store, in accord with his requirements, never realizing that the metal he uses today may have taken many years to get to him.

All forecasts on mineral needs for the future indicate that our industry will be hard pressed to furnish the basic materials that go into the color TV's, cars, air conditioners, boats and the thousands of other items we accept as necessary today and the many new items of tomorrow that will be added to our descendants everyday living needs. The hearings on S. 719 will be the opportunity to reveal the basic character of the mineral industry, because effort *today* is needed to prevent constraints on *tomorrow's* affluence. Unless the man in the street recognizes that his future is at stake in the minerals industry, he will continue to underestimate your requirements. The result will be ever-increasing restraints on exploration and mining, a greater dependence on overseas sources of supply with its accompanying erosion of National security and a continuing decline in the number and calibre of students studying earth sciences in our universities. Perhaps the latter is the most important problem, for it is going to take keen and imaginative minds to provide for the future. If you think getting a man on the Moon is glamorous, look at what is being currently planned or is on the drawing boards for the mineral industry; nuclear stimulation for gas, nuclear fracturing followed by leaching for copper, *in-situ* retorting of oil shale, combustion drive for oils liquefaction and gassification of coal, offshore mining, offshore drilling in thousands of feet of water, rapid excavation underground, use of nuclear explosives to open new gas and oil fields in the West, mine mouth power generation, recovery of uranium from mine wastes, and new methods of determining open pit mine stability; and Wyoming can take pride in the fact that it is to be the site for several of these experiments.

So I urge you, join with me in giving wholehearted support and full testimony at the hearings to be held on our National Minerals Policy. If you can't attend, submit written statements, for I warn you, if due significance isn't given to the real value of our mineral industry today—the minerals shortages could well become a social problem of the future.

There is one last bit of legislation pending in Congress that I would like to discuss with you, these are S. 524 and H.R. 222, the Surface Mine Reclamation Bills. They are similar to S. 3132 in the last Congress, and were introduced in January 1969 just before Secretary Hickel was appointed. To date hearings have not been scheduled.

Currently there are no Federal statutes directly regulating mine reclamation, although there are specific regulations governing the public lands. Laws governing surface mining are those of the separate States and most of them until recently were directed only towards strip coal mining. West Virginia passed the first of these laws in 1939, just 30 years ago. Other coal mining States soon followed: Indiana in 1941, Pennsylvania in 1945, Ohio in 1947, Kentucky in 1954, Maryland in 1955, and Illinois in 1961. Many of these State laws have been revised and stiffened. Virginia in 1966 and Tennessee in 1967 were added to the list and since 1967, Kansas, Oklahoma, Iowa, Wyoming, North Dakota, Georgia, and Montana have joined the parade. Colorado has a voluntary agreement in force. Seven other States including California and North Carolina, New York, Alabama, New Mexico, Washington and Maine are currently considering some form of regulation.

The reason that I have gone into this is because 5 years ago there were only 7 States with mine reclamation statutes; today there are 17 and there may be more before the year is out. Perhaps handling mine reclamation at the State level is the way to do it. I can tell you, if the States don't do it, the Federal Government will.

Not only are the States paying more attention to environmental hygiene but companies are too. Mining associations are exhorting their membership to greater efforts and, best of all, both they and their companies are starting to tell the public what they are doing and for how long they have been doing it. This story has been too long in the telling. An excellent example of an association "telling the story" is the publication "Shaping the Land—Planned Use of Industrial Sand Deposits" which is published by the National Industrial Sand Association. This publication shows the need for sand, how it occurs, how it is mined, and how the land is put to use after mining. This kind of effort is needed by all segments of the mineral industry—and I include oil, gas and coal in my statement.

You know that we have sat by quietly while the preservationist has put over his message to the public that he cares about the environment of the future. It is about time we put over our message: we care about the environment of the future and we care about the mineral needs of the future. We've been practicing it—now let's tell it like it is.

But we can't be satisfied with our present efforts. We must accelerate them, for the tremendous quantities of mineral materials we will require will necessitate the moving of an even greater volume of waste. Learning how to take care of this waste and the hole we create will be the challenge. And so this adds one more element to the mining system I referred to a little earlier. You will recall that I said it is no longer enough to find and extract ore. We have to do it safely and under healthful conditions. The mining system of today, then, is to find and extract ore under safe and healthful conditions with due regard for the environment. This is what the public wants to buy and this is what we should give them.

President Nixon has expressed it this way:

"The deterioration of the environment is in large measure the result of our inability to keep pace with progress. We have become victims of our own technological genius. But I am confident that the same energy and skill which gave rise to these problems can also be marshaled for the purpose of conquering them. Together we have damaged the environment and together we can improve it."

Thank you.

TIMBER INDUSTRY PROBLEMS

Mr. MONTOYA. Mr. President, the forest products industry of the United States is facing an immediate crisis of such proportions that it may adversely affect the entire housing picture of the Nation for years to come.

This crisis must be dealt with promptly. It must also be resolved in the immediate future if we are to fulfill our national housing goals in the interest of all the people and if we are to sustain a fundamental industry which provides a livelihood for millions of Americans.

My own State of New Mexico, although rarely recognized primarily as a lumber producing State, is deeply concerned over a combination of factors which are denying the people homes at prices they can afford, reducing employment opportunities for people dependent upon forests and timber—related industry for their livelihoods, and strangling the economic development of our economically depressed region which so desperately needs to attract and retain industries, including those based upon natural resources.

In response to these anxieties expressed by my own constituents, I have consulted with other Members of the Senate and House whose States and districts are also concerned with forest products and the wise use of public timber resources. In every case I have been told that the circumstances adversely affecting the State of New Mexico, its industries, its workers, and its potential homebuyers, apply throughout the length and breadth of the land.

Mr. President, I believe it is time, if the administration is unwilling or unable to act, that the Congress undertake to determine the facts of this deplorable situation and take positive steps to correct it.

I have focused my personal inquiries into this matter upon the role of the Forest Service of the Department of Agriculture. For it is this public agency which is largely responsible for the conditions which are depriving producers of raw material they can operate profitably and which, as a consequence, is forcing shutdowns, closures, and bankruptcies among producers who had every right to expect that prudent management would enable them to continue.

The Forest Service, intimidated by the Bureau of the Budget, has adopted an

attitude that it is obliged to wring the last possible dollar from any timber sale without regard to the economic realities of the communities which depend so heavily upon a highly competitive end-product market. The Forest Service is at present offering timber for sale at prices which, instead of reflecting current lumber and plywood market conditions, are keyed to the unprecedented high prices which occurred in the first 3 months of this year. The skyrocketing prices which prompted both congressional and White House investigations in March of this year have plummeted just as sharply as housing starts have ground to a halt in the face of extremely high mortgage rates. But the Forest Service, operating under its Bureau of the Budget mandate, is still demanding that producers often wholly dependent upon Forest Service timber continue to pay inflated prices for that timber.

I contend, Mr. President, that it is not only unrealistic but perhaps immoral for the Federal Government to traffic in human misery by adhering to procedures for the sake of procedure, when those procedures are denying the people housing and are putting people and companies out of work.

There must be a disclosure of the facts in this situation, and it is my intention to ascertain these facts at the earliest possible moment.

I therefore announce, Mr. President, that as chairman of the Subcommittee on Economic Development of the Senate Public Works I will conduct hearings in order to seek an accounting from the Secretary of Agriculture for the conduct of the Forest Service; I will strive to determine why a public agency charged with management of a public resource declines to operate in the broad public interest.

The Forest Service is not altogether alone in this fault, however, and I think we must hear from the Secretary of Housing and Urban Development as well as to his stewardship of the statutory obligation to provide 2.6 million housing units each year for benefit of our people.

It seems to me, Mr. President, that there has been a dismal performance by both the Department of Agriculture and the Department of Housing and Urban Development in the fulfillment of their statutory obligations. The one, in its failure to recognize the economic realities of communities and producers dependent upon Federal timber supplies; and the other, in its failure to offer practical steps to meet the housing requirements of the Nation.

We have slid along too long in adherence to business as usual—or no business as usual—in both the Forest Service and the housing area. It is my hope that the investigation conducted in my subcommittee will provide the facts which will oblige the administration to act in creating a housing market which will use the lumber and plywood the industry can produce and to assure realistic costs of publicly owned timber so that end product prices will provide houses at sensible economic levels.

The forest products industry over recent years has been a plaything of the Government; it is the yo-yo and the Federal Government had held the string. This condition must be ended if the Nation's housing goals are to be met and if this primary manufacturing industry upon which so many of our rural communities and citizens depend is to survive.

I serve notice today that it is my intention to be the "burr under the saddle" of the agencies involved in this matter until they develop new resolution and new responsibility toward their obligations.

ADDRESS BY SENATOR PASTORE AT THE NAVAL WAR COLLEGE

Mr. JACKSON. Mr. President, this is a period in our history when many Americans are being diverted from considering the central problems we face by their preoccupation with scapegoat hunting and name calling, all of which takes their attention off the real issues.

In this period, Senator PASTORE is an invaluable public servant. All through the years, he has performed a responsible role in national security affairs. Time after time, his informed and analytic approach to national security decisions has been of crucial help to the Congress. As chairman of the Joint Atomic Energy Committee, Senator PASTORE was the advocate and supporter of wise and far-sighted programs.

Once again, in his remarks at the graduation exercises at the Naval War College this week, Senator PASTORE has some wise words for the American people. He emphasizes that this country is ready to travel more than its share of the road to arms control, but that until others are ready to join us, experience teaches that it would be disastrous to attempt to pursue the journey from a posture of weakness.

Mr. President, I ask unanimous consent that Senator PASTORE's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR PASTORE AT THE NAVAL WAR COLLEGE, JUNE 25, 1969.

I count it an honor to share this graduation day with you. You are men who have here perfected the talents which have already distinguished you in patriotic service—in the ways of war—but with the fundamental purpose of peace.

Particularly I express my felicitations to those graduates who have come to us from some twenty-five Free World nations.

Here—and beyond these college walls—I am sure they have found a welcome—ready and warm. I trust that those ties of friendship will never be broken—by distance or dispute.

To your families and loved ones I have an understanding appreciation of what this day means to them—and what they mean to you. It is a day of satisfaction for them in these further honors that come to you—and you love them the more for the sacrifices they have borne and the inspiration they have been in all your years of service.

I hope that your fond memories of this day will be framed in the hospitality of our friendly people of Rhode Island and the Providence Plantations.

Ours is an old love affair with this college—a friendly neighbor for some eighty-five years.

We have a deep sense of gratitude for its graduates—men like you whose learning, loyalty and lives stand between us and every threat to our own lives and liberties.

The ship of your destiny may take strange courses from Coasters Island. Who would have thought—eighty-five years ago—that men of the services would be sailing around the moon—and looking down on the rest of us from some two hundred thousand miles out in space.

Soon we will be landing a man on the moon—at an investment of twenty-four billion dollars. We will have enlisted the skills of some 300,000 Americans. We have used the resources of one hundred and sixty-five universities—in this partnership of perfection.

The journey to the moon—you will remember—was the determination and decision of a young sailor who learned the arts of war in these Newport waters—and went on to become—eight years ago—the Commander in Chief of the Armed Forces of the United States.

John F. Kennedy was a President of the missile age. His was the courage of the Cuban crisis. His was the commitment to peace in the nuclear test ban treaty. His was the call to preparedness as our power for peace.

The primacy of our power had catapulted us into a place of world leadership. We have continued as sort of a caretaker in a world in a delicate balance between optimism and frustration.

Our power has always been subject to challenge by others—and subject to change by ourselves. From time to time we have appraised and reappraised the extent of our world responsibilities within the limitation of our resources.

I am reminded of such a time six years ago. It was in March of 1963 at a time when we were considering a multilateral force for our Atlantic Alliance.

At his invitation, I had a long discussion with former President Kennedy on this very subject. During the course of our meeting, I asked President Kennedy, "Mr. President—what will we do when Red China becomes a nuclear power?"

He reflected for a moment—and then said very solemnly—"John, at that time we will have to reappraise the balance of power in the world."

On October 16, 1964—scarcely a year and a half later—Communist China exploded its first nuclear device well ahead of expectations.

Within a short two and a half years—and with six atmospheric tests—the Red Chinese have successfully tested a multimegaton thermonuclear device.

In January of 1967—as Chairman of the Joint Committee of the Congress on Atomic Energy—I undertook extensive hearings with reference to the impact of Red China's nuclear weapons progress on United States national security.

Our committee rendered an exhaustive and revealing report in July of 1967 indicating that Red China had conducted thermonuclear explosions in December of 1966 and June 1967, a feat that surpassed even France which, at that time, had been testing for over seven years.

Moreover, testimony by experts from our Intelligence, the Defense Department, and the Atomic Energy Commission's Los Alamos and Livermore nuclear weapons laboratories, indicated that by the early 1970's the Chinese Communists probably would achieve an operational intercontinental ballistic missile.

The information developed during this study led me—on September 9, 1967—at the launching of the NARWHAL submarine at Groton, Connecticut—to call upon the Administration to speed up its development of an antiballistic missile system.

It was in that same month—less than two weeks after my statement—that former Defense Secretary Robert McNamara—realizing this new peril—announced the so-called Sentinel System by way of a speech in San Francisco.

Today—as you all know—the so-called Safeguard System advocated by President Nixon is under serious attack. The Senate is sincerely divided on this important issue. This division has reached into the Senate Armed Services Committee—and the probability is that an attempt will be made to compromise the already scaled down defense system.

Any drastic curtailment would be, in my opinion, unfortunate and could well be dangerous to our security in this divided world.

Furthermore, it is my strong conviction that any delay to develop a defensive weapon on our part can be suffered only—and I repeat, only—if meaningful and productive talks take place to limit all weapons.

Disarmament is not only our hope—it is our prayer.

Here again I must indulge in some history.

In December of 1964 in conjunction with my Senatorial responsibilities, I visited our nuclear weapons laboratory in Livermore, California. While there I was shown a photograph of an atomic weapon which had all the characteristics of an antiballistic missile and which had been paraded by the Soviets in their previous May Day celebration.

Further study and testimony before our Committee by Mr. John McCone, then Director of the CIA and formerly Chairman of the Atomic Energy Commission, and other experts, confirmed this—and time and events have borne out the accuracy of that conclusion.

Today the Russians have ringed Moscow with sixty-seven antiballistic missile sites—and we have none.

Will the Russian ABM system work?

I don't know—and maybe they don't know either. But at least the Russians must believe so.

I know that the leaders of the Kremlin are cunning and crafty—but they are not stupid. I don't think that they would be investing their money in a weapon that they didn't believe would work.

And if they believe that theirs will work—how can they possibly conclude that the nation that was able to circumnavigate the moon on two occasions—and will place two men on the moon next month—is incapable of producing on its own part an antiballistic missile that will work?

Thus you have here the one important point that is being seriously overlooked; namely, that an ABM which is purely a defensive missile and not an offensive weapon will insure the credibility of our deterrent power which is our best guarantee against the mad act of a surprise attack and a nuclear holocaust.

Why do I say this?

Merely to corroborate what President Nixon said to the graduates of the Air Force Academy only a short time ago when he remarked:

"You are entering the military service of your country when the Nation's potential adversaries abroad were never stronger."

And I might add that the gap is fast closing—and that the prophecy of President Kennedy is fast becoming a reality.

A reappraisal of the balance of power in the world is in order. But in saying this, I must make one point very clear.

This is not the responsibility of America alone. Those whom we lifted from despair and defeat must make a greater effort in our joint endeavor for security and peace than they have been inclined to do heretofore.

We went into South Korea practically alone—and we are there today after a score of years still heavily committed—and again practically alone.

We are now in Vietnam practically alone—an engagement which has cost us dearly in lives and money and dissension among our own people.

We are heavily involved in Europe in men and money—and yet we find that those whom we are defending are doing business as usual with those against whom we are defending them.

This—too—has caused dissension among our people and could—unless remedied—lead to precipitous and damaging withdrawals from our Atlantic Alliance.

We have often said that America cannot and should not police the world alone. But as we look around this world we can well understand that we are doing exactly that. Thus the frustration and discord at a time in history when our people—and we and our allies—should be united.

There is no question that America must be strong—and I am sure that its people are willing to make whatever sacrifices are necessary for freedom.

We shall always be ready to carry out the admonition of President Kennedy on that cold Inaugural Day of January 1961 when he said:

"Let every nation know, whether it wish us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend or oppose any foe in order to assure the survival and success of liberty."

But this is a task that requires the cooperation of all nations and all people who believe in freedom. It goes without saying that we shall always be ready to travel more than our share of the road to disarmament and peace.

This has been our guide and our goal since the Baruch plan of 1946. But until the day of understanding comes—and I sincerely hope that it will come soon—experience teaches us that it would be disastrous to attempt to pursue the journey from a posture of weakness.

Peace with honor has its source in material as well as moral strength. Defense of freedom deserves all that is necessary to sustain it.

But—let me add—we should write no blank check—not even for national defense. Waste in military procurement is not to be condoned. It must be condemned as deplorable and unforgivable.

But—make no mistake—we pledge ourselves to a sufficiency for security.

Our fighting men deserve no less.

For—after all—our first line and our last line of defense is the same—it is you men in the uniform of our country that you serve so nobly and so well.

A civilian leadership imposes upon you tasks that call for sacrifice to the limits of life—and beyond. And you carry them out with a devotion beyond the call of duty.

Your uniform is indeed the robe of nobility—whether it be the camouflaged fatigue of the jungle—or the ribboned magnificence of the flagship deck.

We salute you proudly—you who wear the uniform proudly.

We bid you God-speed—safe journey on the course where duty calls—and a fair haven in the ports of peace.

THE OIL INDUSTRY

Mr. HART. Mr. President, it is obvious that this Congress will be called upon to decide whether any of several changes should be made in the treatment the oil industry has received in recent years.

To make these decisions intelligently will be difficult because of the great complexity of the industry—and the maze of subsidies, with modifications, which have grown up.

In light of that, I recommend to my colleagues a Fortune magazine article, "Our Crazy, Costly Life With Oil Quotas," by Allan T. Demaree, which appeared in the June issue.

The Senate Antitrust and Monopoly Subcommittee has been one of the congressional groups interested in the oil industry this year. So far we have held 13 days of hearings, totaling about 1,650 pages of transcript and untotaled pages of exhibits.

We have learned a great deal. However, I was happy to come upon Mr. Demaree's article. It is good background material.

Mr. President, I ask unanimous consent that the Fortune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR CRAZY, COSTLY LIFE WITH OIL QUOTAS

(By Allan T. Demaree)

The quota system that chokes off the free flow of oil into the U.S. costs the nation billions and shelters gross inefficiencies in the domestic crude-oil producing industry. Imposed in the name of national security just a decade ago, it has become the object of mounting discontent. It has given government officials the power arbitrarily to parcel out enormous fortunes to individual companies. It has been administered with ever increasing ineptitude, bringing about the most heavy-handed bureaucratic meddling in the marketplace. And it has caused huge domestic industries, regions of the country, and even nations to pit themselves against one another in an unseemly battle for political favor in Washington. All in all, the quota on oil imports has proved to be one of the most ill-conceived and ill-executed federal regulatory schemes since the abortive flight of the NRA's Blue Eagle.

Once above earnest scrutiny in Congress, the oil quota is now being subjected to searing criticism there. Democratic Senators William Proxmire of Wisconsin, Ted Kennedy of Massachusetts, Edmund Muskie of Maine, all from consumer states, have repeatedly lambasted it in recent months. "The system reeks and is ripe for change," Senator John Pastore, a Rhode Island Democrat, proclaimed on the Senate floor. "The industry should know that this is a time of consumer revolt." A small army of economists paraded before Senator Philip A. Hart's antitrust and monopoly subcommittee a few weeks ago, denouncing current policies as expensive, wasteful, and administered on dubious principles. And on the other side of the Capitol, Chairman Wilbur Mills and his powerful Ways and Means Committee have given the oil industry added jitters by questioning the 27½ percent depletion allowance, a provision that, like the quota, has been supported on grounds of national security.

Not even the oil industry is satisfied with the way the quota system is run. Charging that the government has favored a few companies at the expense of most, the American Petroleum Institute urged President Nixon to undertake the first serious review of the quota system in seven years, a task Nixon has delegated to a Cabinet committee headed by Secretary of Labor George P. Schultz, former dean of the University of Chicago Business School. What the committee recommends after studying the turbulent history of oil quotas will undoubtedly prompt some changes. The decision to impose quotas was founded on an astonishing dearth of clear-headed analysis, and the system has since drifted through a series of compromises that have satisfied no one. This experience should make government officials chary of extending similar protection to the swelling number of industries that have beaten paths to Capitol Hill and the White House in recent years. These quota seekers range from the giant steel companies to the American Beekeeping Federation, which argues that without a protected market for honey, the U.S. will surely lose bees essential for pollinating crops, from alfalfa to garlic.

A $4-BILLION PRICE TAG

By erecting quota barriers, the government limits the amount of foreign oil that is brought into the U.S., currently to about 21 percent of domestic consumption. This has saved most of the U.S. market for domestic crude-oil producers, and has helped to maintain the wellhead price of U.S. crude at about $3 a barrel, more than twice the price of crude in the Middle East. Even after adding on shipping charges and import duties, Middle Eastern and Venezuelan crude has been landed on the east coast in recent years for $1.25 to $1.40 less per barrel than crude produced in Texas and Louisiana.

The cost to consumers of this restrictive import policy is impossible to determine exactly; but reasonable estimates put the price tag at about $4 billion a year—more than the combined budgets of the six New England states. The restrictions on foreign crude result in higher gasoline and heating-oil prices. They also increase costs to industries that use oil for fuel and raw materials. This fact has hardly escaped the notice of petrochemical producers, who constitute one of the largest manufacturing industries in the nation. They complain vociferously that they cannot continue selling in world markets while using raw materials that cost more than those available to their foreign competitors.

Moreover, the gap between domestic and world crude prices has been getting wider, increasing the cost of import restrictions. Only seven years ago the difference in price between domestic and foreign oil on the east coast was about $1 a barrel. But domestic crude-oil producers, walled off from competition by the quota barriers, have been jacking up their prices recently (15 cents a barrel since January). This has occurred even as the world price of oil has been declining because of robust competition and the development of huge tankers that have cut transportation costs in half during the past ten years. The decline in the delivered price of foreign oil was interrupted in 1967 by the Arab-Israeli war, but resumed last year.

Import quotas shore up the system of state regulation that has been keeping domestic crude prices high for years (see "U.S. Oil: A Giant Caught in Its Own Web," FORTUNE, April, 1965). The big producing states, Texas and Louisiana, which account for more than half the nation's output, hold production down to the amount the market will absorb at high prices. Simultaneously, this state system, called market-demand prorationing, favors inefficient producers over efficient ones. The states allow hundreds of thousands of so-called "stripper wells" to produce freely, pumping out an average of 3.6 barrels a day, while they cut back the flow from efficient wells that could produce far more at lower costs. Henry Steele, an economist at the University of Houston, estimates that if market-demand prorationing had been abolished in 1965, production costs would have fallen 46 percent in Texas and 38 percent in Louisiana. The free flow of cheap foreign crude into the U.S. would, of course, undermine these state-run cartels. It would force inefficient producers out of the industry by lowering the price of crude.

I GOT BY WITHOUT A SCANDAL

The oil industry's stake in the quota system is prodigious. By fiat, the government divides, mainly among U.S. refiners, the foreign oil that is allowed to enter the country. The Interior Department's Oil Import Administration dispenses import allocations, or "tickets" as they are known in the industry; a ticket to import one forty-two-gallon barrel of crude oil into the east coast has a value of about $1.25, the approximate difference between domestic and world prices. The value of the tickets being handed out right now comes to nearly $1 million a day. Some companies have received as much as $35 million in tickets in a single year. The tickets awarded Standard Oil Co. (New Jersey) since the beginning of controls are conservatively valued at $305 million; Gulf Oil, $290 million; Standard Oil of California, $265 million.

Needless to say, decisions on how the tickets are to be split up—who will be allowed a share, who won't, and in what proportion—bear heavily on the profits of individual companies. During the Kennedy-Johnson years, Stewart Udall, the then Secretary of the Interior, had much to do with the way these valuable licenses were passed around, and his decisions were subject to impassioned polemics. "A small decision meant a lot of money," he recalled recently. "It was a minor miracle that I got by without any major scandal."

While the benefits of tickets given to industrial giants like Jersey, Gulf, and Socal seem breathtakingly large, little refiners gain relatively more than big ones. The government has built a small-business subsidy into its allocation system. While Jersey was granted one barrel of foreign oil for every twenty barrels of domestic oil it processed last year, scores of small refiners in the country were given a barrel of foreign crude for every five of domestic. This subsidy has undoubtedly kept many a marginal refiner in business.

All refiners receive tickets whether or not they process foreign crude. Many inland refiners can't use imported crude because the transportation costs are prohibitive. So they trade their tickets to the great coastal refiners in return for domestic crude and, in effect, pocket the $1.25 differential. A robust trade in tickets has grown up. For many of the smaller inland refiners, ticket swapping may well be the most lucrative transaction of the year.

The oil industry and its regulators argue heatedly that this system is essential to the national security. Indeed, a forceful case can be made for the proposition that the U.S. must maintain a strong crude-oil producing industry lest it become overly dependent on foreign sources for the great bulk of its supply. Much of the world's crude is produced in unfriendly or unstable countries, such as the Middle Eastern states that embargoed supplies to the West for twelve weeks in 1967. If the U.S. were to become overly dependent on foreign sources, there would be no guarantee that sheiks, shahs, and South American politicos wouldn't try to wield their power over this vital strategic commodity to influence our foreign policy.

Domestic crude-oil producers seized upon this argument not in a moment of international crisis, but when they were hurting economically. By 1948 the development of low-cost sources in the Middle East and Venezuela had transformed the U.S. from a net exporter to a net importer of oil. Ten years later foreign crude had captured 18 percent of the U.S. market. Domestic producers were both injured and insulted when a few refiners landed Middle Eastern oil in Texas ports, and others had the temerity to ship Venezuelan crude past Louisiana's oil wells and up the Mississippi.

The surge of imports shoved U.S. crude out of its accustomed markets. The Texas Railroad Commission, which controls production in that state, shut regulated wells down to eight producing days a month in 1958. "The torrent of foreign oil," declared Commission Chairman Ernest O. Thompson, "robs Texas of her oil market," costing the state nearly $1 million a day. To the argument that the U.S. mustn't become dependent on foreign oil, domestic producers added a corollary: if producers are to have sufficient incentive to explore for future supplies in the U.S., they must be guaranteed a fair share of the American market at prices they consider adequate.

So persuasive were these arguments that President Eisenhower twice tried to curtail imports on a voluntary basis. When that failed, he acted on producers' pleas for mandatory quotas in 1959. As his aide Sherman Adams recalls in his memoirs, Eisenhower's action "was primarily an economic decision brought on by an economic emergency." It was executed by presidential proclamation on the basis of national security, the only grounds then available under international trade agreements for the unilateral imposition of quotas. To this day oil remains the only commodity in which the U.S. restricts imports for reasons of national security.

HOW MUCH IS TOO MUCH?

While something can be said for the national security argument, many questions about it have gone unanswered. What is "overdependence on foreign oil"—the current level of 21 percent, or 11 percent, or 31 percent? A quarter of all imported crude comes via underground pipeline from Canada. While tickets are not needed to import Canadian oil, the amount imported is limited by bilateral agreement and deducted from the total allowed under the quota. Is this crude less secure than that shipped to east-coast refineries from the Gulf of Mexico by tankers, which are vulnerable to submarine attack? Are we willing to build an antiballistic-missile system with the cooperation of our neighbor to the north, but unwilling to depend on it for oil?

Two-fifths of our crude imports come from Venezuela, which is as close to Philadelphia Harbor by tanker as Texas City, Texas. This leaves less than a fifth of our crude imports—and less than 3 percent of the total U.S. crude requirement—coming from the volatile Middle East. Would a cautious increase in this amount involve grave danger to the national security?

The very nature of modern war mocks a policy of oil isolationism. Nuclear attack would almost certainly destroy more American refining capacity than production, leaving the U.S. with more crude than it could process. In limited wars like Korea and Vietnam, on the other hand, the U.S. has relied to an increasing extent on foreign oil because the supply lines are shorter and the price is lower. More than three-quarters of the oil used in Vietnam last year came from foreign sources, much of it from the Mideast.

Other questions have barely been broached in government circles. Is subsidizing the domestic crude-oil industry—with all its state-supported inefficiencies—the cheapest way to meet our national security goals? If the U.S. were willing to pay the price—if, for example, crude went to $5 a barrel—many other domestic fuels would come on the market. A price high enough would prompt companies to synthesize liquid fuels from coal and produce oil from the vast shale deposits of Colorado, Utah, and Wyoming, where estimated reserves total two trillion barrels—enough for four hundred years at current rates of consumption.

In fact, many alternatives exist that may be cheaper than today's subsidies. The U.S. could diversify foreign sources to limit risk. Or stockpile oil in storage tanks or underground. Or pay companies to explore for oil on federal lands and hold these reserves for an emergency. While none of these alternatives wins huzzahs from the oil industry, all deserve more serious examination than they have received in the past. Otherwise, the U.S. will continue buying insurance at high premiums.

The need for probing the alternatives is dramatized by two comparisons. First, quotas are defended on the grounds that they encourage oil companies to explore in the U.S. Yet *total* industry expenditures for oil exploration and development in this country amounts to less than $3.3 billion a year. This is well below the $4-billion cost of the quotas and the inefficiencies they protect. Moreover, the quota system is not the only subsidy to the industry rationalized on the basis that it encourages exploration. The depletion allowance and the right to expense intangible drilling costs are estimated to reduce the domestic industry's tax bill by more than $1 billion a year.

As one might expect, oil executives argue that an end to quotas would severely blunt their incentive to search for oil in the U.S. where production costs are higher than elsewhere in the world. Says Richard C. McCurdy, the president of Shell Oil, "We'd stop exploring. We'd slowly liquidate our U.S. production." Both Jersey Standard and Atlantic Richfield say they probably would not have looked for the titanic reserves on the North Slope of Alaska if they had anticipated selling that oil at $2 a barrel rather than $3.

Yet no one can say for sure whether incentive would really be dulled if import controls were relaxed and market-demand prorationing died a timely death. In fact, it can be argued that incentive might ultimately be strengthened because efficient producers could pump more oil at lesser unit costs. This would make low-cost, high-production reservoirs, such as those in the Gulf of Mexico and Alaska, more profitable to search out and develop. Large amounts of U.S. production probably could compete profitably with foreign oil today if only the incubus of regulation were lifted. Exactly how much is not known. Oil companies jealously guard information on their production costs, yet this information is essential if policy makers are to judge how much protection American oil needs. Amazingly, the government has never pressed the industry for this critical data.

The high costs of current policies are also pointed up by comparing them with the expense of storing oil for emergencies. A recent study by M. A. Adelman, an economist at M.I.T., shows that Europe could purchase and store 2.2 billion barrels of oil, a six-month supply, for a total annual expenditure of $770 million. Even if the costs in the U.S. turned out to be four times higher than Adelman's estimates for Europe, they would be far less than the price of current protectionist policies.

During the Suez crisis of 1967—the only time that foreign supplies have been disrupted since the imposition of quotas—U.S. domestic production was increased by more than 100 million barrels. The increase was not to meet U.S. emergency needs, but to supply Europe. This oil cost the U.S. over $300 a barrel when the expense of maintaining quotas for the past decade is figured in. If the U.S. is maintaining expensive, spare producing capacity to supply Europe, a fair question to ask is whether the Europeans, who buy cheap oil from the Mideast day in and day out, shouldn't pay for a bit of their own security.

A NIMBUS OF AUTHORITY

The original government report recommending import restrictions ignored many important questions. It was thrown together in eight weeks by a White House-appointed task force made up of an oilman, a coal executive, an investment banker, and a judge. Although the report revealed nothing more sensitive than its own lack of erudition, it was kept under security wraps for six years, acquiring a numbus of authority with age like a Chinese grandfather. Three years later a Cabinet committee rejected out of hand alternative proposals for assuring a safe supply. For the government to contract out the search for reserves was dismissed in a sentence as both "contrary to the principles of free enterprise" and "costly," although no effort was made to assess the expense. The costs of the present system were not seriously considered until 1962, when a committee appointed by President Kennedy put the price at about $3.5 billion a year, and urged that controls be liberalized to permit "a modest increase" in imports. Kennedy ignored the recommendation, however, and instead tacked the quota lid down still tighter.

During the Kennedy years, federal oil policy was directed from the White House. When Lyndon Johnson took office, he sensed that oil decisions could prove embarrassing to a President from Texas. So he made a point of delegating authority to Interior Secretary Udall, although Udall allows that "in one or two instances people in the White House tried to get a heavy oar into oil matters." Nixon has snatched oil policy back to the presidential bosom. Last February, Michael L. Haider, chairman of Jersey Standard and of the American Petroleum Institute, met with presidential counselor Arthur Burns to urge the review of import controls that has since been undertaken.

The choice of a chairman for this sensitive, Cabinet-level study proved an *Alphonse et Gaston* affair. Robert Ellsworth, a key White House aide before being named Ambassador to NATO, advised Nixon to pick Burns; but Burns attached a covering note to Ellsworth's memo pleading that he was too busy. Nixon's choice of Shultz, a widely respected economist, came as a surprise. The President explained it by saying that the Labor Department had "no direct involvement in the issues to be weighed," so Shultz could remain detached. Until the study is completed this fall no major moves in oil policy are expected.

SQUABBLING OVER THE SPOILS

Founded on a questionable rationale and ensnarled in confusion about its goals, the oil quota system has proved unusually susceptible to the buffeting of pressure groups. Because the stakes are so high, great corporations, politically powerful regional interests, and major oil-exporting countries squabble fiercely over the benefits oil quotas bestow.

Venezuela, which earns 92 percent of its foreign exchange from oil exports, stands vigil lest the slightest change in U.S. policy decrease its markets. So concerned was former President Romulo Betancourt, in fact, that when John Kennedy installed a "hot line" to South American capitals in 1962, Betancourt was the first to call Washington, audibly agitated over rumors that Kennedy was going to reduce quotas. And when Secretary Udall allowed Phillips Petroleum to switch its purchase of about $40 million worth of oil from Venezuelan to other sources, Venezuelan officials marched on Washington in a fury. As a result, the White House and State Department pressured Udall into reversing his decision, after a dispute that left President Johnson and his Interior Secretary at swords' points in the waning days of their Administration.

Oil policy was also a sensitive issue when Canada's Prime Minister Pierre Elliott Trudeau paid his first visit to President Nixon last March. Canadian oil is officially exempt from import restrictions on grounds that it is exported overland into the northern tier states of the Midwest, and is therefore considered a safe source of supply. Still, the U.S. engages in the questionable practice of negotiating secret agreements with Ottawa to limit the amount of oil Canada may export to this country—not for security reasons but to make sure that Canadian production doesn't disrupt the cozy U.S. market. In the latest agreement, which was flushed out of secrecy in a recent lawsuit, a promise was wrung from Canada to "exert every effort" not to displace U.S. production, not to supply refiners who were "unduly expanding their market area," and not to send oil to Chicago before 1970. In other words, not to compete too hard. Much to the exasperation of U.S. producers, however, the Canadians have repeatedly exceeded the limits set by the agreements, and Trudeau is now seeking a still bigger share of the high-price market.

Perhaps the most ridiculous bargain ever struck in the name of national security is an agreement the U.S. negotiated in 1961 giving Mexico an "overland exemption" similar to Canada's. Since there is no pipeline between Mexico and the U.S., the state-owned oil company, Petroleos Mexicanos, ships 30,000 barrels of oil a day by tanker into Brownsville, Texas. From there the oil is pumped into tank trucks, driven over the Gateway Bridge into Mexico, and then U-turned back into the U.S.—all to qualify as a quota-exempt "overland" import. Branded "el loophole" by indignant Texas oilmen, this little charade has cost the companies importing the oil nearly $15 million in extra loading and transportation charges.

A SERIES OF "SPECIAL DEALS"

Whenever the government creates valuable assets, like import tickets, and awards them arbitrarily to a limited number of people with special interests, like refiners, contention is inevitable. Companies originally excluded from the club of ticket holders, including Du Pont, Union Carbide, Kodak, and other giants of the petrochemical industry, have successfully battled their way in over the shrill cries of refiners, who were forced to give up some of their own tickets to make room. At the same time, oil executives have finagled with the ingenuity of wily tax lawyers to win larger cuts of the pie. In 1965, Phillips Petroleum won the right to establish a $45-million petrochemical plant in Puerto Rico, process exclusively foreign oil, and then ship 24,800 barrels a day of gasoline "byproduct" to the east coast, where it competes with fuels made from high-priced domestic crude. The right to ship this gasoline has been estimated to be worth about $11 million a year. Competitors were outraged because the amount of the shipments was deducted from the total amount of foreign oil they shared.

To many oil executives, this marked the the beginning of a series of "special deals" in which Udall recommended, and President Johnson approved, the exclusive grant of profit-making opportunities to a few select companies at the expense of others. Udall justified the Phillips deal not on national security grounds, but on the theory that a special import allocation was needed to induce job-creating investment in Puerto Rico, where unemployment was running at 11 percent. In return for the allocation and liberal tax concessions from the Puerto Rican Government, Phillips promised to reinvest $55 million in satellite plants, which would use the petrochemicals Phillips produced as feedstocks.

The grant to Phillips encouraged others to apply for similar arrangements. Typically, these deals have combined three factors: a company eager to import cheap oil, a geographical region that would benefit from the company's investment, and a crevice in the quota barrier. After Phillips, Udall awarded Sun Oil, Union Carbide, and Commonwealth Oil Refining valuable rights to process exclusively foreign oil in Puerto Rico and ship products to the mainland. By that time the Virgin Islands were crying for "parity with Puerto Rico." Hess Oil & Chemical won tickets to ship to the U.S. mainland gasoline and heating oil produced from foreign crude at its refinery on St. Croix. (Udall had difficulty justifying the special deal for Hess since employment in the Virgin Islands was so high that workers were being imported from the British West Indies.) The Sun, Commonwealth, and Hess shipments, which will total 54,500 barrels of oil products a day by 1972, are deducted from the amount of oil other companies may import. The effect is to slash the benefits of many for the sake of a few. (Carbide ships only petrochemical products to the mainland; these are exempt from quota restrictions and aren't deducted from other companies' allocations.)

THE BATTLE OF MACHIASPORT

Similar applications began pouring in from every company and region that could conjure up a rationale—Guam, Hawaii, Savannah, Georgia, and Machiasport, Maine. The application by Armand Hammer, the septuagenarian chairman of Occidental Petroleum, to process 300,000 barrels a day of Libyan and Venezuelan crude at Machiasport became a *cause célèbre* in the oil industry. It was overwhelmingly opposed by the major oil compa-

nies, which feared a further nibbling away of their tickets, and unanimously supported by New England politicians, who saw the promise of lower oil prices for their constituents. Battled to a stalemate in the closing days of the Johnson Administration, Occidental's plan now hangs in limbo.

The special deals underscore the government's awesome power to distribute exclusive franchises, without detailed justification. While quota applications for others were approved, Udall brushed aside a request by Texaco to build a refinery in Puerto Rico, where it is the leading gasoline marketer. He offered no official explanation, allowing the company's application to perish without taking action on it. When Udall approved the Hess application in the Virgin Islands, he simultaneously turned down a request from Coastal States Gas Producing, saying only that his "firm and final" decision was to permit no other refineries on the islands in order "to protect and conserve the incomparable reefs and beaches."

Although it deals with fabulous sums of money, the Interior Department has adopted few of the procedural safeguards common to other regulatory agencies. It issues no formal opinions to explain its decisions. It has held fifteen hearings on various aspects of the program, but has never followed one of these with a report of findings. Unlike the award of oil leases or contracts, the special deals have never been opened up to competitive bidding by Interior, which has preferred to negotiate the terms privately. (It once proposed a plan to auction off quotas, which would have let the Treasury, rather than refiners, collect the price differential between foreign and domestic crude; the scheme was quietly scuttled when it met nearly universal opposition from the industry.)

Companies dissatisfied with their lot under the quota system may plead their cases to an Oil Import Appeals Board, on which sit three officials, one each from the departments of Interior, Commerce, and Defense. Under its rules, the board dispenses or adjusts allocations to companies that are "in special circumstances" or are suffering "exceptional hardship." These ill-defined criteria have led to some questionable awards.

Udall's own decisions have been highly unpredictable. In the case of Phillips, Hess, and others, Udall made decisions beneficial to the companies, then changed the oil-import regulations to validate his actions. These ex post facto turns in policy have made it difficult for oil companies to plan. An application by Mobil to import oil into Puerto Rico was rejected a few years before the Phillips application was approved, without the slightest indication then that any change in policy would later be considered. As Jersey Standard Chairman Haider puts it with soft-spoken confidence: "We're flexible. We can play the game any way you want—if somebody will just tell us what the rules are."

A PECULIAR WAY TO REGULATE

When vast sums are involved, such irregular procedures undermine the sense of fair play that is an essential attribute of any regulatory agency. Tongues clucked in the oil industry, and suspicion pervaded the capital, when well-connected Washington lawyers and influential politicians were associated with one request for special privilege after another. Oscar Chapman, a prominent Democrat, Secretary of Interior under Truman, and now a Washington lawyer, was instrumental in putting together the Puerto Rican deal. First he drummed up oil-company interest in the project, then he approached Interior Department officials confidentially in 1962 and finally he represented Phillips as counsel when the company requested an import allocation two years later. Puerto Rico was represented by Arnold, Fortas & Porter, the firm co-founded by President Johnson's close confidant, Abe Fortas, who had been intimately connected with the island's affairs since World War II. David T. Willentz, a director of Hess Oil and Chairman Leon Hess's father-in-law, was a powerful figure in New Jersey Democratic politics, The Hess quota application was stoutly supported by such congressional oligarchs as Representative Michael Kirwan, an Ohio Democrat, who for years headed the House Interior appropriations subcommittee, with power over the Interior Department's purse, and Representative Wayne Aspinall, a Colorado Democrat, who chairs the House Interior Committee, which holds sway over the department's legislation.

Not even Udall's harshest critics in the oil industry accuse him of personal dishonesty, and most believe that he was earnestly trying to bend oil-import controls to serve his vision of the national good. The companies did "pay" for their special privileges in varying degree. Hess agreed to pay $2,700,000 a year (50 cents for each barrel of oil products it shipped to the States) to a conservation fund on the Virgin Islands. Sun agreed to pay about $1 million (or 10 cents a barrel) into a similar fund in Puerto Rico. And Occidental held out a promise to contribute more than $7 million a year to such a fund for New England. But to grant special privileges in return for charitable contributions seems a peculiar way to regulate.

With one mystifying amendment after another, the import regulations became so complex that Senator Proxmire charged it would take a "Ph.D. in chemistry and a Philadelphia lawyer to begin to comprehend them." When petrochemical producers were admitted into the ranks of ticket holders, the Oil Import Administration unwittingly worded the necessary amendments so that some refiners that also produced petrochemicals were allowed to "double dip" into the import pool. In an oilman's game of now-you-see-it, now-you-don't, these refiners claimed one set of tickets based on their refining operations, then picked up another batch based on their petrochemical operations—even though the same oil was used for both.

No sooner had this situation been corrected than Udall found himself bogged down in a $1,500,000 misunderstanding about what was and what wasn't a petrochemical. Standard Oil Co. (Indiana) was producing large quantities of aromatic chemicals for use in its unleaded gasoline, and these technically qualified as petrochemicals under Interior regulations. It came as a surprise to Udall, however, when the company claimed and received tickets worth more than $1,500,000, cutting heavily into the foreign oil he had intended to provide chemical companies as low-cost feedstock. Pronouncing himself "appalled" at this turn of events, and declaring himself "not very happy" with his staff (who had sent him a memo on the situation that had mysteriously been lost), Udall revoked the company's tickets without notice or hearing. Standard of Indiana was "shocked at the arbitrary action" and filed suit, the Justice Department refused to defend Udall, and the embarrassed Secretary was forced to return the tickets—and put his staff to work rewriting the regulations once again.

THEY WINCE AT COMPETITIVE BLOODLETTING

One outgrowth of the Standard of Indiana debacle was that Interior for the first time began auditing refiners' claims for tickets. One of the first audits concluded that Standard of Indiana claimed to have converted more oil to petrochemicals than it actually had, thereby earning extra tickets worth about $600,000. But the company is fighting Interior's efforts to recoup, arguing that it had really claimed too little, not too much. Subsequently, Interior spot-checked thirty-seven requests for new quotas, discovered "many discrepancies," and threw out six of the applications. The fact that audits had never previously been conducted can be laid in part to congressional parsimony. The Oil Import Administration has only five professional people. They were forced to make some of the spot checks over a holiday weekend.

As import controls became more and more confused, so did their objective. The Oil Import Appeals Board winces at the sight of free competitive bloodletting. It awarded tickets to two small refiners that had been shut down for years, hoping the handouts would help them pay off creditors and reopen their plants. Another company bought an abandoned refinery from Mobil in Wyoming and encountered unexpectedly high costs rehabilitating it. "Moved by the plight of this small company," as it said, the board doled out tickets to that refiner, too.

Several of Udall's actions involving Commonwealth Oil of Puerto Rico provide a graphic illustration of market meddling. In 1966, Commonwealth discovered a loophole in the regulations that allowed it to ship products from its refinery in Puerto Rico to the West Coast. Commonwealth won Udall's tacit approval and subsequently negotiated a forty-six-month contract to supply a cut-rate marketer in San Francisco with up to 10,000 barrels of gasoline daily. Major refiners in California screamed foul, charging that Commonwealth's gasoline had a competitive advantage and that the shipments had the effect of cutting back their own import allocations. They enlisted the aid of former Senator Thomas Kuchel, then the Republican whip, and other politicians to bring an end to the shipments. Yielding to political pressure, Udall reversed his position, closed the West Coast loophole, and gave Commonwealth permission to ship to the east coast instead. The move cut the San Francisco marketer off from supplies.

Another of Udall's actions was tantamount to pressuring a company to buy from a particular supplier as a condition for obtaining a federal grant—an especially pernicious kind of government pressure. Commonwealth Oil was seeking the right to increase shipments from its refinery to east coast markets, claiming that it should have parity with the new Phillips plant, which Interior had allowed to ship 24,800 barrels daily. Then Union Carbide applied for permission to expand its petrochemical facilities on the island. With this Udall saw a chance to provide Commonwealth with a market—without allowing the company to increase its shipments to the mainland, which would surely have raised fresh complaints from competitors there. So, as a condition of approving Carbide's request, Udall bargained Carbide into agreeing to purchase half its feedstocks in Puerto Rico from Commonwealth. Commonwealth subsequently dropped its demand to ship more products to the east coast. "We twisted a lot of arms," Udall concedes.

Udall's rejection of Texaco's request to build a refinery in Puerto Rico, which has never been officially explained, also relates to Commonwealth Oil. As the biggest gasoline marketer on the island, Texaco bought a substantial amount of its supplies from Commonwealth's refinery. If Texaco were allowed to build its own refinery, Udall knew that Commonwealth would have to search for new customers, and would surely seek the right to ship more gasoline to the east coast—once again roiling the industry. Udall's desire to avoid such upsetting complications was a central reason for allowing the Texaco application to die.

A FAR LESS COSTLY WAY

The U.S. today finds itself saddled with an expensive, muddled, and unseemly system of import restrictions because it has ignored the dictates of rational economical policy making. The government has not determined how large a reserve of oil the U.S. would need in the event of a foreseeable emergency. Nor has it tried to adopt the least costly method of providing such a reserve. It has preferred to rely on senseless

protectionism—a policy it must now abandon.

No doubt exists that the U.S. can provide for its emergency needs at less cost than under the current system. Since the government has never taken the trouble to weigh the alternatives, the methods—or combination of methods—that make the most sense are not yet clear. The studies conducted by Adelman of M.I.T. surely indicate that the storage of oil for emergencies may prove a feasible course of action. But the most important consideration is that all courses be examined with an open mind.

The cost and the maladministration of the quota system have raised cries for its abolition. Much can be said for that direct solution. But it may be that some form of import restrictions, less onerous than those now in effect, has a place in a rational oil policy. If so, those restrictions must be adopted on the rational grounds that they enhance U.S. security at a tolerable cost—not because they prop up the domestic industry in its present inefficient form. The government must quit mixing defense considerations with protectionism, as it has done so dramatically, and shamefully, in its efforts to keep Canadian oil out. At the very least, the U.S. should permit the free movement of oil from Canada, a country with which we enjoy uniquely close relations. The government should also put pressure on the states to abandon those regulatory practices that stifle efficiency. The time has come to allow a fresh breath of competition to blow through the industry.

THE CONSTITUTION AND DISSENT

Mr. HART. Mr. President, a former colleague, whom I miss very much, Senator Wayne Morse, of Oregon, recently gave thoughtful advice both to those in our Nation who would stifle dissent and those who resort to violence in the name of dissent.

To the former, Senator Morse pointed out:

The Constitutional right to dissent guaranteed by the first amendment to the Constitution is one of the checks against the development of police-state tactics.

To the latter, he said:

Those who want to make their voices heard in the determination of public policy must have staying power. They must accept the challenge of the Bill of Rights to discuss, argue, and take full part in the political processes until they convince a majority they are right. They have no more right to short-circuit this process than does government have the right to short-circuit their full participation.

These are just two of many points raised by Senator Morse in his commencement address at Fairleigh Dickinson University on June 7.

I ask unanimous consent that his address, "The Constitution and Dissent," be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION AND DISSENT

(Address by Wayne Morse, at Fairleigh Dickinson University, Teaneck, N.J., June 7, 1969)

This is an occasion for congratulations to each of the graduates in whose honor these Commencement Exercises are being held. It is also an appropriate time and place for reflection upon the part of each one of us, concerning our responsibilities of citizen-statesmanship owed to our system of constitutional self-government. We assemble here as free men and women only because we are the beneficiaries of those abstract principles of democratic government which we inherited from the framers of the Constitution, along with its subsequent amendments.

In speaking to you on the subject, "The Constitution and Dissent," I come not asking for agreement. I never do. To agree is not nearly so important as it is to reach judgments by the process of reasoning. I suppose it is only human to substitute glandular responses for cortical reactions to the controversial issues which are shaking public opinion today. But it does seem that this is more prevalent than it should be in a country as enlightened as ours. If we are to fulfill our responsibilities of citizen-statesmanship in reaching jugments on the foreign and domestic issues which plague our country, we must apply the cool, cortical processes of reasoning to the merits of each issue in reference to the facts as we find them.

In essence, all of our individual liberties encompassing our civil, political, property, and social rights spring from the checks and balances of the Constitution, administered through three co-ordinate and co-equal branches of government, with each branch having constitutional checks upon the other two. Thus was the Constitution designed to give us a government by law rather than by mere men with all their human frailties.

Unfortunately in recent decades there has been a growing trend toward government by Executive supremacy, due in no small part to a laxity on the part of Congress in surrendering—or delegating—to presidents, legislative prerogatives and powers vested in the Congress by the Constitution. In too many instances, Presidents have usurped power and authority that rightfully under the Constitution should be exercised by the Congress. The result has been a weakening of our constitutional structure of three co-ordinate and co-equal branches of government;—namely, the Executive, Judicial, and Legislative.

If we are to stop the trend toward a government by Executive supremacy we must not permit our constitutional system of checks and balances to become a mere platitude of expedient politicians. We must remember that the exercise of capricious, arbitrary, discretionary power by mere men in political office is irreconcilable with the guarantees of the Constitution that we shall be governed by law and not by political caprice.

Concomitant with the development of government by Executive supremacy is its handmaiden of government by secrecy. In a democracy there is no substitute for the full public disclosure of the public's business. The rapid trend in our country toward government by Executive supremacy and secrecy is seriously weakening constitutional self-government by the American people as it was envisioned by the framers of the Constitution when they wrote into it the check and balance guarantees against the exercise of arbitrary discretion by mere men who happen to be holding public office.

Fortunately and hopefully there is another growing trend in our country as increasing numbers of citizens—young, old, and in between—are rising up in dissent against the abuses of government by secrecy and unchecked arbitrary discretion.

Dissent has reached forms and proportions in American life today that call upon all sides to look again at the rights and responsibilities of dissent. By "all sides" I mean to include those being dissented from, for their reaction and anger with the appearance and actions of the demonstrators is as much a part of the picture as are the methods and motives of the dissenters.

The place for all these parties to begin is with the Bill of Rights. That document starts out by prohibiting the abridgement of freedom of religion—a freedom the Founding Fathers considered to be foremost. Next, the First Amendment prohibits any abridgement of freedom of speech, freedom of the press, and the right to assemble peacefully, and to petition Congress.

These are absolute and unqualified limitations upon the law-making power. Usually we regard them as protections for personal liberties of individuals. They certainly are that. But the reports of the historical debates suggest that this was not their primary purpose.

The primary purpose, rather, was to make certain that the full flow of information and debate would be brought to bear upon the development of public policy. The Founding Fathers were familiar with the evils that a state church created for the whole society. Beyond that, free speech, free press, free and peaceful assembly, with the right to petition, were considered essential to the avoidance of error in decision-making as much as to the maintenance of individual rights. To the framers of the Constitution, and the Bill of Rights that followed soon after, dissent was more a necessity of sound government than a privilege for the individual.

A good example of this is the removal of censorship in Czechoslovakia and the reaction of the Soviet Union. It was not the personal liberty available to the Czech people that so frightened the Communist leaders of Poland, East Germany, and the Soviet Union; it was the fear that the absence of censorship might endanger the Communist system.

The holding of decision-making in the hands of a few who are protected from criticism and debate is the only way that Communism can perpetuate itself. So let us not forget that bound up in the question of dissent in our own country is the whole spectrum of expression, argument, debate, and discussion that makes the difference between government by fiat of the few, on the one hand, with their susceptibility to error, and on the other hand, bringing the whole wisdom of the people to bear upon all public issues.

It has been my experience in public life, too, that the errors the United States has fallen into, have usually been mistakes embarked upon by the judgment of the few, rather than by the debate and discussion of the many. The Vietnam War and the Tonkin Gulf Resolution are good examples. Under the Tonkin Gulf Resolution, half a million Americans have been sent to Southeast Asia. The measure had only perfunctory debate. It had only a few hours of private hearings, at which the Secretary of Defense, the Secretary of State, and some Pentagon generals testified. On their say-so that the enactment of the Resolution would forestall further armed engagements, the Resolution was promptly passed.

Three years later, we found that the exact circumstances of the whole Naval encounter in the Tonkin Gulf were different from those which the Congress had been led to believe in 1964. But the Congress acted within the span of three or four days to endorse whatever unspecified military action the Executive Branch might want to take anywhere in that part of the world.

Only two of us in the entire Congress—Senator Gruening of Alaska and I—voted against the Tonkin Bay Resolution. I was satisfied then, and said so in my Senate speeches against the Resolution, that the United States was a provocateur in Tonkin Bay. If the spokesmen for the Administration had told the Congress five percent of the truth concerning the United States acts of provocation and constructive aggression in connection with the Tonkin Bay Incidents, the Resolution would never have passed the Congress. History will record that the Johnson Administration resorted in a shocking degree to government by secrecy in denying

to the American people and their Congress a full, public disclosure of the public's business in respect to the truth about the events that led up to the Administration's calling for a quick passage of the cover-up Tonkin Bay Resolution.

In fact, the massive escalation of the War on both sides which immediately followed the passage of the Tonkin Bay Resolution raised doubts and suspicions across America concerning the legality, morality, and justifiability of our military-containment policy in Southeast Asia. Dissent against the War spread across the nation and opened wide chasms of disunity in American public opinion. "Truth will out," and it percolated through public opinion creating widespread resentment over the increasing casualties on both sides of an unjustifiable war.

We should have recognized that the Tonkin Bay Resolution would only be productive of war. We had a form of national unity resolution in the case of Mexico; it, too, authorized the President to take certain military action that was supposed to frighten off Mexico. But it did not. It led straight to war. And the historians are still writing their condemnation of us for that war. People are inclined to forget, so some of us have had to refresh their memories, as we have discussed the Mexican War in connection with the Vietnamese War. There was opposition to the Mexican War by a dissenter of his day, a man named Abraham Lincoln, a Congressman from Illinois, who forthrightly and courageously spoke out about the illegality of the Mexican War, about the immorality of the Mexican War, about the lack of justification for involving the American people in the Mexican War.

That great speech of Abraham Lincoln in the House of Representatives stands as one of his many deserved monuments in the history of the Republic.

From Lincoln's letters explaining why he voted against the Resolution authorizing President Polk to take preventive military action against Mexico, I take this quote:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose.

"The provision of the Constitution giving this warmaking power to Congress, was dictated, as I understand it by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention undertook to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us."

Lincoln's statements against the Polk Mexican War Resolution are equally applicable to the Johnson Tonkin Bay Vietnam War Resolution.

In 1968, the President who embarked on the Tonkin Bay policy without benefit of either Congressional or public debate based upon full information, declined to seek reelection. The dissent that should have been heard at the time the Resolution was pending before the Congress eventually rendered campus and public meetings of all kinds into critical anti-war protests. Much of the ugly, unruly, and frequently illegal nature of the dissent against the war must be attributed to the short-circuiting of dissent in the first place.

By dissent, I should make clear, I mean the whole spectrum of debate, as it is through debate that disagreements and even clashes of conflicting viewpoints can bring about a sound policy able to gain majority support. I saw this occur many times when I was in the Senate.

To the extent that dissent today is centered around the Vietnam War, around racial injustice, and in general opposition to repressive standards of society, the dissent is still largely from young people, but it is far from being limited to them.

The disruption of college campuses, the invasion of buildings, and the interference with the rights and movements of others have taken some of these young people, and others, far beyond legitimate dissent. Resort to violence has no place in a country where free speech is protected both in theory and in practice. To the extent that groups or individuals resort to violence to impose their minority opinion upon the majority, they are subject to the full penalties of the law, and they should expect to be held accountable, if government by law is to prevail.

Without government by constitutional checks and balances the legal rights, freedoms, and personal liberties of both the dissenters and those dissented against go down the drain of Anarchy.

The attitude toward the War that inspires a few to commit acts of violence or physical trespass against the activities of others, also permeates the thinking of many dissenters who do not resort to violence. The political phenomenon of 1968 was the attraction by Senator Gene McCarthy of thousands of young people into political action on his behalf. They accomplished more than they yet know.

But how astonishing it is to hear many of them talk about "dropping out" of political activity because they did not prevail the first time out. Many of those who felt called upon to retire from the burdens of citizenship after the Chicago convention had not even cast their first ballot!

The ideals that most of these activists on our campuses espouse are those of political honesty, a fair shake for the underdog, and inspiring national leadership that stirs the best instincts of Americans. All these ideals call for fighters, for they cannot be won easily, nor achieved in weeks or months. Most will take many years.

This is not because of any organized conspiracy against young people. It is, rather, a reflection of the purpose of the Bill of Rights. It does not intend that a group of college students either, should impose their will upon others without need to explain and win acceptance of their ideas.

Those who want to make their voices heard in the determination of public policy must have staying power. They must accept the challenge of the Bill of Rights to discuss, argue, and take full part in the political processes until they convince a majority they are right. They have no more right to short-circuit this process than does government have the right to short-circuit their full participation.

Professor Henry Steele Commager, of Amherst, stated the case very well for the necessity of dissent within our constitutional system of government when he wrote in the Saturday Review issue of December 18, 1965:

"The point is that when a nation silences criticism and dissent, it deprives itself of the power to correct its errors. . . .

"It cannot be too often repeated that the justification and the purpose of freedom of speech is not to indulge those who want to speak their minds. *It is to prevent error and discover truth.* There may be other ways of detecting error and discovering truth than that of free discussion, but so far we have not found them."

It is this means of discovering truth that is supposed to distinguish us from all totalitarian forms of government, including Communist forms. To the charge that dissent misleads an enemy into thinking we may abandon a policy, Mr. Commager replies:

"If government, or those in positions of power and authority, can silence criticism by the argument that such criticism might be misunderstood somewhere, then there is an end to all criticism, and perhaps an end to our kind of political system. For men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive.

"And as for the argument that criticism may give aid and comfort to some enemy, that is a form of blackmail unworthy of those who profess it. If it is to be accepted, we have an end to genuine discussion of foreign policies, for it will inevitably be invoked to stop debate and criticism whenever that debate gets acrimonious or the criticism cuts too close to the bone. And to the fevered mind of the FBI, the CIA, and some Senators, criticism always gives aid and comfort to the enemy or cuts too close to the bone."

Justice Robert Jackson, speaking for the Supreme Court in the case of West Virginia vs. Barnett went to the heart of the meaning of dissent under our constitutional system when he wrote:

"Freedom to differ is not limited to things that do not matter much. That would be the mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

There is a great need for increased dissent against the fast-developing government by executive supremacy and secrecy in our nation. The constitutional right to dissent guaranteed by the First Amendment to the Constitution is one of the checks against the development of police-state tactics.

Government by executive supremacy and secrecy throughout history have spelled out the denial or loss of individual freedom and liberties under law. It makes no difference, as far as protecting human rights is concerned, if government by executive supremacy and secrecy takes the form of some brand of Communism, Fascism, Absolute Monarchy, Military Junta Dictatorships, or the semantic trappings of an alleged Democracy with a subservient legislature and judiciary, and an unchecked presidency. Tragic examples of mockery governments that pretend to be democratic exist in too many places in the world. Unfortunately many of them are buttressed by American military and foreign aid, and sometimes by American troops.

Our Dr. Jekyll and Mr. Hyde foreign policy has not gone unnoticed by other nations in the world which exhibit a growing disenchantment with the incompatibility of our professings with our practices in respect to the inherent right of a people to determine for themselves the form of their government without intervention by the United States in support of dictatorships of varying degrees.

It is charged that too frequently, when the chips of freedom are down in countries where the people are struggling against the imposition of a government of executive supremacy, the United States walks out on freedom and supports military dictatorship. Such has been our policy too often in Latin America.

Not so many years ago we walked out on freedom in Cuba and supported a ruthless, fascist dictator—Batista. His misrule brought his overthrow by a Communist dictator—Castro. In times past we have walked out on freedom in Nicaragua, Ecuador, Guatemala, Peru, and more recently, in the Dominican Republic, Argentina, and Brazil. Is there any wonder that the President's emissary to Latin America is not having his pathway strewn with flowers of welcome? Could it be that flowers are a symbol of peace and not of military intervention and economic exploitation?

The world takes note that in Vietnam we support mockers of freedom who serve as Quisling military dictators hiding behind a facade of democratic labels. It is tragic that American men are being sacrificed to main-

tain them in power. It is tragic that we support the corruption of Thieu and Ky. It is tragic that American military commanders are permitted to sacrifice lives on Khesanh and Hamburger Hill in the name of military strategy and then shortly thereafter withdraw from the very same heights because they never were of strategic importance.

How much longer are the American people going to stand by and permit the White House, State Department, Pentagon Building, yes, and the Congress to continue authorizing the senseless slaughter of American boys in Vietnam through stepped-up escalation of the War.

How much longer are the American people going to stand by and permit our government to maintain 50,000 soldiers in South Korea and, in addition, pour millions of dollars of economic and military aid into South Korea while its non-democratic President Park seeks to join with the Thieu-Ky police state in Vietnam and the Chiang Kai-shek totalitarian regime in Taiwan, in laying down terms which they insist we must agree to, before we may negotiate a settlement with North Vietnam which would permit us to wtihdraw our troops.

It is in the field of foreign policy that the morality of our nation is being questioned around the world and with much justification. We have become a militaristic nation. No other nation comes anywhere near approaching us in maintaining military forces abroad, no other nation compares with us in conducting military interventions beyond its perimeter of national defense and security.

We have not kept faith with the ideal that we have taught to our young for decades; namely, that we seek to substitute the rule of law for the jungle law of military might, as a means of settling threats to the peace of the world.

The initiation in 1953 of the Eisenhower-Nixon-Dulles military-containment policy in Asia scuttled that ideal. This policy has lead us rapidly into constructing an American military lifeline around the world to replace the shattered and destroyed British lifeline. The British Empire before its fall was a diplomatic and economic empire maintained by military power. It fell.

We are supplanting it with an American military empire and it too, in its time, is destined to fall because it is morally insupportable. War and the threat of war will be the inevitable products of the Eisenhower-Nixon-Dulles military-containment policy.

Dulles's threats of massive retaliation including nuclear threats—his pactmania resulting in 42 security pacts with 42 nations pledging the lives of American soldiers to defend foreign governments, many of questionable reliability and desirability—his obsession that the U.S. has the right and duty to militarily oppose any threatened spread of Communism—were all sanctioned by the Eisenhower-Nixon Administration. This unilateral U.S. military-containment policy has created a serious moral crisis in American foreign policy and has produced great disunity throughout our nation. It is rapidly becoming recognized that our national disunity will continue to worsen until our government stops slaughtering American boys in Asia and restrains our military-industrial complex from escalating a nuclear armament race that, if not stopped, will lead us eventually to a nuclear holocaust from which no nation will survive as a victor, if, indeed, any survives at all.

To show how militaristic we have become, I would point out that in implementing the 42 security treaties, which the Eisenhower-Nixon-Dulles Administration negotiated, we have arranged to have military installations all over the world, totalling 429 major bases and 2,972 minor ones. This is a total of 3,401 installations in 30 different countries. They are manned by one million military men at a cost of 4 to 5 billion dollars a year. We are in the process of adding to the preparedness for instant defense of anyone, anywhere in the world, by creating a "fast deployment fleet" which will deploy permanent, floating war bases in several oceans, carrying the equipment for immediate landing of American Battalions. The present Administration's attempt to justify a scientifically unsound ABM system by playing upon the fears of our people is but a proposal to escalate the nuclear armament race.

This burgeoning American military might around the world raises basic moral issues that the American people cannot and must not ignore. War will never again be the road to peace. War will only lead to more war.

Modern war destroys a nation's morality. More and more disclosures by scientists are coming to light concerning the shocking consequences of some of our military policies in the conducting of the Vietnam War. Our scorched-earth bombing, the brutalities of our napalm bombing, our use of chemicals, not only to defoliate jungle areas but to destroy food crops as well, our indiscriminate bombing resulting in the killing of many thousands of civilians, are all adding to the moral crisis in our foreign policy. We are being bombarded with criticisms from around the world, questioning our moral standards, or lack of them.

We have spawned in this country, without knowing it, a vast and extensive complex of civilian bureaucrats, military officers, scientific engineering and business concerns for whom war preparation in general and the Vietnam War in particular are a normal way of life. It maintains them in power and blood-money profits.

They now manage and spend $80 billion a year of public money on our military-industrial complex.

Listen to General Shoup, the former Commandant of the U.S. Marines discuss these problems:

"Now, however, we have numerous contingency plans involving large joint Airforce-Army-Navy-Marine task forces to defend U.S. interests and to safeguard our Allies wherever and whenever we suspect Communist aggression. We maintain more that 1,517,000 Americans in uniform overseas in 119 countries. We have eight treaties to help defend 48 nations if they ask us to—or if we choose to intervene in their affairs. We have an immense and expensive military establishment, fueled by a gigantic defense industry, and millions of proud, patriotic and frequently bellicose and militaristic citizens. How did this militarist culture evolve? How did this militarism steer us into the tragic military and political morass of Vietnam?"

General Shoup continued in his recent Atlantic Monthly article to state:

"The punitive air strikes immediately following the Tonkin Gulf incident in late 1964 revealed the readiness of Naval Air-Forces to bomb North Vietnam. (It now appears that the Navy actually had attack plans ready even before the alleged incident took place.) So by early 1965, the Navy carrier people and the Airforce initiated a contest of comparative strikes, sorties, tonnage dropped, 'Killed by air' claims and target grabbing which continued up to the 1968 bombing pause.

"Much of the reporting on air action has consisted of misleading data or propaganda to serve Airforce and Navy purposes. In fact, it became increasingly apparent that the U.S. bombing effort in both North and South Vietnam has been one of the most wasteful and expensive hoaxes ever to be put over on the American people."

General Shoup continues:

"For years up to 1964, the chiefs of the armed services, of whom the author was then one, deemed it unncessary and unwise for U.S. forces to become involved in any ground war in Southeast Asia.

"In 1964, there were changes in the composition of the joint chiefs of staff, and in a matter of few months the Johnson Administration, encouraged by the agrressive military, hastened into what has become the quagmire of Vietnam."

General Shoup then makes this comment:

"Actually, however, the military commanders have directed the war in Vietnam; they have managed the details of its conduct. It has been popular to blame the civilian administration for the conduct and failures of the war rather than to question the motives of the military. But some of the generals and admirals are by no means without responsibility for the Vietnam miscalculations.

"Militarism in America is in full bloom and promises a future of vigorus self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom."

If we are to meet the moral challenges of a foreign policy dedicated to making peace rather than continuing war making and risking starting new wars we must return to constitutionalism in foreign policy and restrict the use of military power. This course of action is in the interest of both our people and our government. It should be sought at once. Growing dissent is demanding it. Moral values cry out for it.

Now is the time to bring the American military under the control and checks of our constitutional system based upon government by law rather than by the exercise of arbitrary power by presidents, secretaries of state and defense, joint chiefs of staff, CIA, Formosa and Tonkin Bay Resolutions.

Now is the time for the American people to demand a foreign policy that commits us to a military withdrawal from Asia and elsewhere in the world where we are maintaining a unilateral military posture of dominance.

Now is the time for us to return to the foreign policy role of offering to abide by the binding jurisdiction of adjudication through multilateral negotiations of threats to the peace of the world conducted under the aegis of international tribunals and treaties;—such as the United Nations.

Yes, now is the time for us to practice our professed ideals of substitution of the rules of law of the United Nations Treaty for the jungle law of military might as we have come to practice it in Vietnam, and threaten to practice it elsewhere in Asia.

Unless the killing of American men in Southeast Asia is stopped quickly, domestic disunity is certain to increase because a foreign policy that conscripts our youth into military fodder to be consumed in an immoral and unjustifiable war will be repudiated by our people. It is being repudiated by thousands of our citizens, and it should be.

I wish to say to each member of this graduating class that irrespective of whether you agree with specific manifestations of dissent, lawfully expressed, never forget that the Constitutional right to dissent is one of the basic guarantees of personal freedom which we inherited from the statesmanship of the framers of the Constitution. It is in times of crisis, such as now, involving our nation's foreign and domestic policies that the citizen-statesmanship obligations of each one of us demands that we help keep inviolate the constitutional right to dissent. Unless we all live up to that obligation we will enhance the danger that government by the arbitrary, capricious, unchecked discretion of mere men will be permitted by an apathetic or acquiescent public to supplant the guarantees of the Bill of Rights. Among those guarantees is the right to lawfully dissent, demonstrate, and petition in opposition to policies of our government which dissenters believe should be stopped or modified.

The history of dissent in our country is replete with examples of demands for changes in government policy by the public after

dissenters had persuaded the majority that their case on the merits was, in fact, in the public interest. The mounting dissent since the Tonkin Bay Resolution—in opposition to our military intervention in Vietnam—in opposition to our military containment policy in Asia—in opposition to our escalating the armament race—in opposition to our failure here at home to feed the hungry, house the poor, employ the jobless, doctor the sick, face up to racism, provide adequate educational opportunities for all the young in the ghettos and poverty areas without discrimination—dissent mounting to a crescendo has already produced many changes in our government's foreign and domestic policies. Many more changes must come about if unity is to be restored in America.

Sincere, honest, factual dissent, conducted within our constitutional framework of self-government, must continue to be used as an effective check against government officials and policies which seek to resort to repressive tactics against the exercise of dissent.

TO ARM THE ARVN: $6.2 BILLION

Mr. SYMINGTON. Mr. President, an article in the Armed Forces Journal of June 21, "To Arm the ARVN: $6.2 Billion," which consists primarily of a colloquy between Senator ROBERT BYRD and the Deputy Chief of Staff, Logistics, is indeed interesting.

A few years ago, when considering our growing economic problems, I used to say, "There does not appear to be any problem with respect to our foreign commitments that another billion dollars cannot help solve."

Perhaps that should be changed to "There does not appear to be any problem with respect to our foreign commitments that another $6.2 billion cannot help solve."

I ask unanimous consent that the article in question be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO ARM THE ARVN: $6.2 BILLION

The total estimated cost of the Defense Department's program to modernize the South Vietnamese Army is $6.2-billion, the Army has disclosed.

MGen Henry A. Miley, jr, Army's Deputy Chief of Staff Logistics, presented the program's total cost at a Senate Appropriations Committee hearing on Fiscal Year 1969 supplemental appropriations. The Army is requesting supplemental appropriations for FY '69 in the amount of $246.4-million for the modernization program.

The Army's modernization schedule calls for $323-million worth of equipment and ammunition to be delivered to the South Vietnamese Army in the balance of FY '69, and $814-million worth to be delivered in FY '70.

The modernization program began in March 1967, with a decision to provide the South Vietnamese Armed Forces with M–16 rifles. The broader program was approved six months later.

Here are the details of the modernization program, as spelled out in an exchange between General Miley and Senator Robert C. Byrd (D–WVa) in the recently released Senate Appropriations Committee testimony:

"SOUTH VIETNAM ARMY MODERNIZATION

"Senator BYRD. How much of this request is directly related to the program to modernize the South Vietnamese Army?

"General MILEY. The answer is $246.4-million.

"Senator BYRD. I assume that the present program to modernize the South Vietnamese Army began with the decision to provide them with the M–16 rifle. Is this correct?

"General MILEY. It is correct that the decision to provide the Vietnamese Armed Forces with the M–16 rifle was the first step in modernizing those forces, but that decision was made in March 1967, based primarily on the characteristics of the rifle. The broader ARVN modernization and improvement program was approved about six months later.

"Senator BYRD. What is the total estimated cost of the program to modernize the South Vietnamese Army, how much has been provided to date, and what is the schedule by fiscal year to complete this program?

"General MILEY. The total cost of the program, considering all appropriations, to improve and modernize the Vietnamese Army is about $6.2-billion. This includes equipment, consumables and ammunition. It is subject to adjustment as requirements continue to be refined and as the pace of combat is changed by future events.

"The PEMA portion of these costs is estimated at $4.4-billion, $3.7- of which is for ammunition.

"Our records indicate that as of the present, equipment valued at approximately $400 million and ammunition worth $370-million have been delivered.

"The current schedule calls for deliveries of equipment and ammunition by fiscal year as set forth below:

	Millions
Balance of fiscal year 1969	$323
Fiscal year 1970	814
Fiscal year 1971	[Deleted]
Fiscal year 1972–74	[Deleted]

"Senator BYRD. Who has the responsibility to determine just what type of equipment is to be provided?

"General MILEY. The commander of the U.S. Military Assistance Command, Vietnam is responsible for developing and approving the authorization documents which specify the types of equipment required by the RVNAF. The Secretary of Defense, based upon recommendations of the JCS, approves the supply of items against the requirements in these documents.

"Senator BYRD. Provide for the record a detailed statement on this program, specifically discussing the types of equipment that are to be provided.

"General MILEY. The current plan for improvement and modernization of RVNAF has evolved in four stages, each culminating in a formal plan. The first plan was submitted in May 1968, shortly after initiation of the Paris talks." (Remainder classified.)

FORMER SENATOR PAUL H. DOUGLAS RECEIVES THE MURRAY-GREEN AWARD

Mr. WILLIAMS of New Jersey. Mr. President, at the 14th annual AFL–CIO community services conference, Paul H. Douglas, of Illinois, our friend and former colleague, was awarded that union's highest honor—the Murray-Green Award.

Paul H. Douglas' career as a soldier, teacher, U.S. Senator, statesman, and humanitarian is in the highest ideal of service to America. Paul Douglas is one of those rare men whose life embodies the whole spirit of a nation. A Maine farm boy, a professor and Ph. D., a novelist, a decorated marine, and a loved leader, Paul H. Douglas stands for the aspirations and the accomplishments of the men and women throughout our history who have made our Nation great. He holds countless degrees and has been active in many causes, but if I were asked what exactly Paul Douglas does, I must answer that he represents the conscience of America.

Whether leading a fight for tax reform, conservation, or civil rights, Senator Douglas has unequivocally demonstrated his integrity with and concern for the American people. Paul H. Douglas, of Illinois, wrote the first slum clearance and urban renewal legislation which became law in 1949.

He raised the minimum wage to $1 an hour, and wrote the Railway Retirement Act, thereby liberalizing benefits for railroad workers.

When other men spoke of equal opportunity in jobs, housing, education, and health care, Paul Douglas acted. He worked for the successful vote in the historic 89th Congress that led to the bold Housing and Urban Development Act of 1965, and also introduced for the administration the demonstration cities program. He led the fight for the 1957 Civil Rights Act, the first passed in 80 years, and sponsored the 1960 Civil Rights Act and later the 1964 act that integrated public accommodations. The aforementioned legislation is merely a small sampling of the results of a career marked by dignity and moved by the highest conviction.

Before coming to the Senate in 1949, Senator Douglas coauthored the Roosevelt administration's Social Security Act. Since that time, Paul Douglas has had the courage and perseverance to work for causes that take a long time to win. He worked for years on behalf of medicare, truth in lending, consumer protection, civil rights laws and Federal aid to education.

I feel that no better words can describe this unique man than those he spoke at the Amherst College commencement in 1966:

That what is most needed in the world is love—or energized good will—which, if given a chance and practiced with devotion can in most cases melt antagonisms within a democratic society and reconcile opposites.

* * * * *

That the Athenians did well to make the owl and olive tree their symbols to denote wisdom and peace. But freedom tempered with love is the only atmosphere in which true wisdom and peace can flourish. And to preserve and maintain all these virtues, a strong admixture of Spartan courage is needed. Thermopylae was necessary that Socrates might practice his dialectic.

With that special combination of love and courage, Paul H. Douglas, of Illinois, serves his world well.

Mr. President, I ask unanimous consent that an article from the Machinist and one from the AFL–CIO News describing the presentation of this award to Senator Douglas be reprinted in the RECORD at this time.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Machinist, May 29, 1969]

MURRAY-GREEN AWARD GOES TO PAUL DOUGLAS

American trade unionists gave their highest award to former Sen. Paul Douglas of Illinois last week and the old fighter returned the compliment.

At the AFL–CIO's national conference on

community services in Washington, D.C., Douglas received the Murray-Green Award for a lifetime of striving for social and economic justice. Leo Perlis, AFL–CIO Community Services director, presided.

Making the presentation, Joseph A. Beirne, vice president of the AFL–CIO and president of the Communications Workers' Union, called Douglas "the catalyst whose foresight and courage turned so many of our ideals into reality."

Since long before he was summoned by President Roosevelt from the University of Chicago to draft the original Social Security Act, Beirne declared, Douglas has worked to improve the lives of all Americans.

In his 17 years in the Senate, Beirne continued, "COPE's official scoreboard shows Paul Douglas voted 76 times on the right side of the issue, zero times on the wrong side."

A long-time member of the Teachers' Union, Douglas gave the trade-union movement most of the credit for his achievements in public life.

"We could not have passed Medicare or put a floor under wages without your help. Most of the unions helped us in the long battle for civil rights. They were the backbone of our successful movement to pass Truth-in-Lending and aid for depressed areas. The political history of those two decades would have been far more arid without your help," he told the conference delegates.

Accepting the award in behalf of "the great mass of men and women who gave me their support," Douglas asked that the $5,000 award be divided among five organizations working in the public interest: The Joint Committee on Apprenticeship, the Consumers Federation of America, the Indiana Dunes National Lakeshore Trust Fund and the Hyde Park Neighborhood Club of Chicago.

[From the AFL–CIO News, May 31, 1969]

MURRAY-GREEN AWARD: LABOR'S TOP HONOR GIVEN SENATOR DOUGLAS

Former Sen. Paul H. Douglas (D-Ill.), whose dedication to liberal causes put him in the forefront of many of labor's battles, received the AFL–CIO's top honor, the Murray-Green Award, in ceremonies highlighting the 14th Annual AFL–CIO Community Services Conference.

Speaking of his 18 years in the Senate, Douglas told an audience of 800 at the award banquet:

"The efforts of the progressive bloc in behalf of the great mass of the American people would have been relatively ineffective if we had not had the American labor movement on our side. We could not have passed Medicare or put a floor under wages without your help."

He cited unions for their aid "in the long, continuing battle for civil rights" and said "they were the backbone of our successful movement to pass truth-in-lending and aid for depressed areas. The political history of those two decades would have been far more arid without your help."

The Murray-Green Award is given by the AFL–CIO in the name of the late William Green, who was president of the former AFL, and the late Philip Murray, who led the former CIO. In accepting the award, Douglas specified that the accompanying $5,000 be used "for purposes in the public interest."

The four recipients he designated are:

The Joint Committee on Apprenticeship, consisting of the representatives of the building trades unions and of Negro and other minority groups ($1,000).

The Hyde Park Neighborhood Club of Chicago ($1,000), ". . . one of the few communities that has been able to maintain racial integration over many years, instead of this being—as is so common—merely a fleeting transition between being a segregated white community to being a segregated black one."

The Indiana Dunes National Lakeshore Trust Fund ($2,000), to purchase recreational land.

The Consumers' Federation of America ($1,000), "to help provide expert representation for that numerous and long suffering body of citizens in their dealings with regulatory and public bodies . . ."

In presenting the award, AFL–CIO Vice Pres. Joseph A. Beirne cited Douglas's voting record, saying: "Certainly no man more nearly matches labor's own image . . . COPE's official score card shows Paul Douglas voted 76 times on the 'right' side of the issue—zero times on the wrong side."

Beirne, who is outgoing chairman of the AFL–CIO Community Services Committee, called Douglas "the catalyst whose foresight and courage turned so many of our ideals into reality." He listed many of the senator's achievements in the social welfare field from co-authoring the original social security law to introducing the first truth-in-lending bill in the Senate.

Federation Pres. George Meany, noting how parallel are the contributions and aims of Douglas and the AFL–CIO Community Services, called him "a rare public servant who gives complete adherence by his actions as well as his words to the principle of public service as a public trust."

Meany cited Douglas's record as "life-long champion of all that is human and compassionate" and noted that the senator's career has encompassed being "a teacher, a member of the trade union movement (still a member of the Teachers), an impartial arbitrator for the printing industry in his home city, member of the city council, a soldier with honors for heroic achievement in action and a United States senator for 18 years."

Douglas, recalling organized labor's long struggle against exploitative working conditions, Douglas said:

"Most of these abuses, and others as well, have now been cured, and cured primarily because of the activity of unions as well as the middle class of reformers. I am proud that I have been a member of my own union for nearly half a century, and I feel that it has greatly improved conditions in the teaching profession."

He observed that while the labor movement is not perfect and at times will make mistakes, "it is humane at heart, and we must see to it that this spirit continues to be dominant. The record is so good that we cannot permit it to be sullied by unworthy acts."

RAIL ACCIDENTS SOAR

Mr. HARTKE. Mr. President, today, the Wall Street Journal has published a front-page article on the increasing rate of railroad accidents.

Unless the industry and the Government make an immediate and drastic improvement in railroad safety, there will be many more front-page stories on railroad accidents.

I hope that it will not take a series of appalling railroad accidents to alert the Nation to this pressing problem.

As one railroad official states:

So far we've been lucky . . . one of these days we are going to wipe a whole town right off the map.

Already this year two towns—Laurel, Miss., and Crete, Nebr.—were almost wiped off the map. Let us take the necessary actions before a whole town is eliminated.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAIL WRECKS: RAILROAD ACCIDENTS SOAR TO NEARLY 100 PER DAY, BUT BLAME IS IN DISPUTE—NEW GOVERNMENT REGULATION MAY RESULT—SPEEDS CUT—"SO FAR WE'VE BEEN LUCKY"—A STATIONARY ENGINE DERAILS

(By Todd E. Fandell)

CHICAGO.—"So far we've been lucky," says a top official of a Midwestern railroad. "One of these days we're going to wipe a whole town right off the map."

The man is talking about railroad accidents, and he isn't exaggerating. Already this year, Laurel, Miss., and Crete, Neb., were almost wiped off the map. In Laurel, a derailment resulted in explosions of tank cars that killed two people, hospitalized 33, demolished 54 homes and two factories and damaged 1,350 homes, four factories, six schools, five churches and 100 small businesses. Total damage was $3.5 million. In Crete, a derailment ruptured a tank car, which spread a deadly chemical mist over the town, killing nine persons and injuring 40.

Those figures are astonishing enough, but here are some more:

There now are around 30,000 railroad accidents a year—aproaching 100 a day. The number of accidents where damage to railroad property total $750 or more was 8,028 in 1968, up 83% from 4,378 in 1962, despite a decline in miles traveled.

There now are about 15 derailments a day, compared with nine in 1964.

Last year 2,359 persons were killed in railroad accidents and 24,608 were injured. In contrast, 351 persons died in airline accidents.

And in 1967, the latest year for which figures are available, accidents cost the nation's railroads $266.3 million in out-of-pocket expenses—a figure equal to more than half of the net income of all U.S. railroads that year.

SOME CAUSES

What's the matter? It depends on whom you talk to, but there apparently are several reasons for the rash of accidents. Negligence, faulty rolling stock and improper maintenance or defects in track are about equally to blame as the immediate causes of the accidents. But the underlying causes are in dispute or unknown.

"There is nothing being done in the way of research," says the president of one big road. He says he was appalled at the inadequacy of the answers he was given when he recently began a personal investigation into a costly rise in the number of derailments on his line. He says he would ask for the cause and be told it was a broken rail. But no one ever seemed to know how or why the rail broke. "To say the cause is a broken rail and drop it at that is ridiculous," he says. "But that's what we've been doing."

One reason rails are breaking is that roads are using bigger, longer, heavier and faster trains on the same old track and roadbeds. But why the tracks and roadbeds haven't been improved along with the rolling stock seems to be unanswerable. Unions blame the managements. The managements blame the unions and the Government. And the Government says it doesn't know who's at fault—but that somebody better do something quick to halt the rise in wrecks.

Indeed, mounting public concern is likely to prompt Congress to give the Department of Transportation broad powers to establish and enforce comprehensive safety regulations for the railroads, which are the only major mode of transportation not covered by copious safety rules.

SAFETY CANNOT BE LEGISLATED

Talk of such regulation doesn't sit well with railroad officials. "Safety can't be

legislated," asserts Thomas M. Goodfellow, president of the Association of American Railroads. Some railroad executives claim legislation would stifle their own efforts to solve the problems. Other railroad executives say that instead of legislating safety the Government should let the roads raise rates so they could afford to buy better equipment and make more frequent repairs. In support of this argument, they say that richer roads have better safety records than the poorer ones.

The richer roads do, in fact, have better safety records. The well-heeled Union Pacific, for instance, had 4.2 accidents per million miles traveled in 1967. The loss-ridden Missouri-Kansas-Texas Railroad had the worst record that year, 33.3 accidents per million miles. The Katy's track is so bad that a few years ago an engine derailed while standing still.

On the whole, claims Harold C. Crotty, president of the Brotherhood of Maintenance of Way Employees, "rail and tie replacement work has been neglected and, as a direct consequence, railway accidents caused by track and roadway defects have increased."

CUTTING TOP SPEED

Mr. Crotty says that a decline in maintenance of way workers to 88,000 from 251,000 in 1951 reflects a decline in inspection and maintenance standards. The roads reply that the drop in maintenance workers instead reflects improved work methods, materials and mechanization. And some road executives say they could afford to hire more maintenance workers were it not for union "featherbedding" practices in other areas that eat up railroad money.

Wherever the blame rests, a number of roads are taking steps to cut down the accident rates. Some have ordered lower maximum speeds for freight trains. The Soo Line, for instance, has trimmed its freights' maximum speed to 40 miles an hour from 60. "It was one of a number of steps we took to do something short range about the accident problem while we stepped up study efforts to discover causes and long-term solutions," says a spokesman. A large Western road has cut its top speed to 50 from 70 miles an hour.

The cutting of speeds hasn't been publicized, and most industry officials don't like to talk about it. "That's rather embarrassing and sure won't help us in Washington," says one official, who fears legislators will interpret the moves as admission of unsafe conditions.

NATIONAL COMMITMENTS

Mr. FULBRIGHT. Mr. President, I wish to make some additional comments in connection with the consideration of Senate Resolution 85, which was approved last night by the Senate.

These statements provide additional information of the extent to which we have gone in making military and financial commitments without the approval of of Congress.

To illustrate the fundamental proposition of the national commitments resolution; namely, redressing the constitutional imbalance that has developed, I have indulged in a little experiment. I have selected certain of the executive acts that have concerned me and juxtaposed the kind of congressional requests for action that were received or considered at about the same time as the executive action. This illustrates, in the most absurd light, the state to which Congress or the Senate has fallen.

To further demonstrate that this is not a partisan inclination on the part of the Executive, I have taken samples from each administration, beginning with President Roosevelt. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the samples were ordered to be printed in the RECORD, as follows:

EXECUTIVE	LEGISLATIVE
September 1940 (Roosevelt)	
By Executive agreement, Roosevelt exchanged overage American destroyers for British bases in the Western Hemisphere.	Senate was asked to approve 4 treaties of which 3 defined the application of a U.S.-U.K. treaty to Canada, Australia and New Zealand, and one was an Inter-American "Convention on the Provisional Administration of European Colonies and Possessions in the Americas."
May 1950 (Truman)	
In the tripartite declaration regarding the Middle East, the U.S., U.K., France declared that they "would immediately take action, both within and outside the United Nations, to prevent such violation" [of frontiers or armistice lines].	The Senate received draft bills (1) to authorize certain persons to wear decorations; (2) to provide for the education of dependent minor children of military and civilian personel stationed overseas.
May 1958 (Eisenhower)	
The North American Air Defense Command Agreement was effected by an exchange of notes "delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defense of the two countries."	Not a single Executive request for Congressional action in the foreign policy field was received.
June 1958 (Eisenhower)	
President Eisenhower made clear that in accordance with the Mutual Defense Treaty with the Philippines and the deployments of troops resulting from it, an armed attack against the Philippines would involve an attack against U.S. forces stationed there and against the United States and would instantly be repelled.	The Administration submitted draft legislation to amend the Foreign Service Act of 1946.
March 1962 (Kennedy)	
Rusk assured Thai Foreign Minister Khoman of "the firm intention of the United States to aid Thailand, . . . in resisting Communist aggression."	The Senate approved amendments to the Statute of the International Atomic Energy Agency enlarging its Board of Governors.
May 1963 (Kennedy)	
President Kennedy, in a press conference stated, with reference to the Middle East, "we would support appropriate measures in the United Nations, adopt other courses of action of our own to prevent or to put a stop to such aggression, which, of course, has been the policy which the United States has followed for some time."	The Senate was asked to approve agreements (1) for the maintenance of certain lights in the Red Sea; (2) for the exchange of official publications; and (3) on Diplomatic Relations (Vienna Convention).
September 1963 (Kennedy)	
The U.S.-Spanish Base agreement was renewed, declaring that "a threat to either country, and to the joint facilities . . . would be a matter of common concern . . . and each country would take such action as it may consider appropriate within the framework of its constitutional processes."	The Committee on Foreign Relations acted on amendments to the Convention on International Civil Aviation, which concerned the procedure for calling extraordinary conferences.
April 1965 (Johnson)	
President Johnson sent American armed forces to the Dominican Republic.	Two treaties were sent up to the Senate: (1) amendments to the United Nations Charter, enlarging the Security and Economic and Social Councils; and (2) extension of the International Wheat Agreement framework for 1 year.
February 1966 (Johnson)	
Humphrey, in Bangkok, declared that the United States would provide all necessary assistance to enable Thailand and the other countries of Southeast Asia threatened by Communist aggression to defend themselves. Humphrey, in Korea, declared: "As long as there is one American soldier on the line of the border . . . the whole and the entire power of the United States of America is committed to the security and defense of Korea."	The Senate was asked to ratify Convention on the Settlement of Investment Disputes. (Non-controversial, it was approved 72–0 in May.)

EXECUTIVE	LEGISLATIVE
August 1966 (Johnson) Dean Rusk declared: "No would-be aggressor should suppose that the absence of a defense treaty, congressional declaration, or U.S. military presence grants immunity to aggression."	The Senate was asked to approve the Convention on Facilitation of International Maritime Traffic and to enact bills (1) authorizing certain Foreign Service and State Department officers to administer oaths; and (2) authorizing certain persons to wear decorations.
July 1967 (Johnson) Administration announced the dispatch of three C–130 Hercules military transport planes to "provide long-range logistic support for the Congolese Government in meeting the mercenary-led rebellion."	The Administration requested Senate advice and consent to amendments to the Convention of Intergovernmental Maritime Consultative Organization enlarging its executive organ and submitted a bill to authorize retirement credit for certain alien employees of the Foreign Service.

Mr. FULBRIGHT. Mr. President, since World War II, we have entered into the following treaties which commit the United States to send armed forces to defend 43 countries in various areas of the world: 1947, Inter-American treaty of reciprocal assistance with 21 other American Republics—Rio Treaty; 1949, North Atlantic Treaty with 14 other governments; 1951, security treaty with Japan—superseded by new treaty in 1960; 1951, security treaty with Australia and New Zealand; 1951, mutual defense treaty with the Philippines; 1953, mutual defense treaty with Korea; 1954, Southeast Asia collective defense treaty with seven governments; and 1954, mutual defense treaty with Republic of China.

In addition to the above defense treaties, the United States, although not a member, joined in a declaration with members of the Baghdad Pact—CENTO—agreeing to cooperate with members for their security and defense and to enter into agreements with the members "designed to give effect to this cooperation."

According to a letter dated August 15, 1967, the Department of State interprets U.S. obligations under our defense treaties to be individual rather than collective. That letter states:

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state *"each one* of the said Contracting Parties undertakes to assist in meeting the attack" (Art. 3(1), emphasis added). The Treaty goes on to provide that *"each* one of the Contracting Parties may determine the immediate measures which it may *individually* take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, *"each"* of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, *individually* and in concert with the other parties, such action . . ." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

With regard to actions taken in response to attack by subversion, the Department of State says:

The question posed in your letter of August 1 is asked also in regard to actions taken in response to attack by subversion. All of our defense treaties call for consultation in the event of a threat other than armed attack—such as externally supported subversion. Article 6 of the Rio Treaty provides for a meeting of the Organ of Consultation "if the inviolability or integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack . . . or by any other fact, or situation that might endanger the peace of America." The Organ of Consultation can determine "the measures which must be taken . . . to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent." Article 4 of the NATO Treaty provides that "[t]he Parties will consult together whenever in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened." Substantially similar language exists in the Anzus and SEATO Treaties (Arts. III and IV(2), respectively). Thus, when the threat takes the form of subversion rather than armed attack, each multilateral treaty calls for consultation. No individual obligation of unilateral action is imposed. The same is true by virtue of similar language under the bilateral treaties with the Philippines and Korea. Under the Japanese treaty consultation is called for "whenever the security of Japan or international peace and security in the Far East is threatened."

Not only has the United States committed itself to come to the defense of our treaty partners, apparently we have also assumed the obligation of insuring their military and economic stability. By way of illustration, since World War II, the United States has furnished the 43 countries we are committed to defend over $90 billion in economic and military assistance. A breakdown of this assistance by treaty area and country is attached.

Moreover, the United States has a worldwide network of military assistance agreements and military bases and training missions both within and without the framework of our defense treaties. The report of the Congressional Conference on the Military Budget and National Priorities, which was issued on June 1, 1969, had this to say about U.S. bases overseas:

The United States now has military installations around the world, including 429 major and 2,972 minor overseas military bases staffed by a million men. These cost us billions of dollars, disturb our international balance of payments, and create implicit commitments to the countries involved which return to haunt us when crises erupt. And yet most of these bases are maintained simply because they were set up long ago, not because a public evaluation of our national objectives indicates they are needed.

Congress should be asking why such bases should be established and what national commitments are involved in their maintenance. Such basic decisions are now made by the Executive Branch in a context which minimizes debate, avoids consideration of the costs as well as the benefits, and often does not even bring before Congress or the American people the fundamental decisions at the time they are made.

* * * * *

Many of our overseas installations were originally created to serve military needs that no longer exist. But the Defense Department has developed new rationalizations for keeping these bases—particularly the desire to maintain a U.S. military presence as a base for political influence. Recognizing the drive among the peoples of these countries for national independence and greater democracy, we do not want our primary relationship defined by military bases or advisory missions. Our interests would often be better served if the bases and the military advisors were gone.

In fiscal year 1969, Defense Department appropriations to carry out our treaty obligations in Southeast Asia and the Far East amounted to approximately $35 billion. This figure includes costs for maintaining troops in such places as Japan, 40,000; Korea, 55,000; Okinawa, 40,000; Thailand, 40,000; and the Philippines, 25,000. In addition, it is estimated that the annual cost for carrying out our NATO commitments is approximately $12 to $14 billion. It is safe to say, therefore, that well over half of the present Defense Department budget is directly related to carrying out obligations which we assumed pursuant to defense treaties concluded between 1947 and 1954, 15 or 20 years ago.

Obviously, since that time, the world situation has changed drastically and many of the reasons advanced for entering into these treaties are no longer valid. Such being the case, the time is appropriate for Congress to reexamine the validity for continuing U.S. participation in these agreements. This is in keeping with Secretary Rogers' statement when he appeared before the Committee on Foreign Relations on March 27, 1969. At that time he said:

It is clear that our involvements need constantly to be reviewed in the light of current conditions and the availability of our resources.

I ask unanimous consent to have printed in the RECORD a statement on U.S. overseas grants and loans through 1968.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. OVERSEAS GRANTS AND LOANS, FROM 1946 THROUGH 1968

[In millions of dollars]

Treaty	Economic	Military	Total
Inter-American	$11,239.6	$1,147.2	$12,386.8
NATO	27,940.5	18,760.2	46,879.0
SEATO	20,557.0	[1] 12,716.6	26,749.5
Australia and New Zealand	169.2	576.5	745.7
Republic of China	2,291.1	2,796.3	5,087.4
Japan	3,076.5	1,065.5	4,141.5
Korea	4,630.6	2,825.3	7,455.9
Philippines	1,487.3	535.9	2,023.2
Total	56,635.8	[1] 33,218.6	[2] 89,854.4

[1] Does not include the total amount of military assistance furnished to Pakistan and Laos. This is classified.

[2] This figure takes into consideration fact that certain countries are members of more than one defense treaty.

THE PESTICIDE PERIL—XXI

Mr. NELSON. Mr. President, according to this morning's New York Times, the cause of the death of millions of fish in a 200-mile stretch of the Rhine River has been confirmed as the insecticide endosulfan.

Dutch scientists had earlier identified the insecticide as the source of the contamination and German analysts have confirmed its presence in the dead fish they examined.

Endosulfan is used to dust fruit trees and vineyards. It is suspected that the area near St. Goar on the Rhine was dusted last week and that some of the insecticide drifted into the river.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 26, 1969]

SOURCE OF FISH POISONING IN RHINE IDENTIFIED AS INSECTICIDE

(By David Binder)

BONN, June 25.—A poisonous wave of insecticide washed out of West German waters today after killing millions of Rhine River fish and some ducks during the last six days. It is still lingering in the Netherlands, where about 100 tons of dead fish have washed up.

The source of the poison was identified by Dutch chemists last night as an insecticide called endosulfan and marketed as Thiodan (it is a sulphurous acid ester). German analysts in Düsseldorf said today that their own tests showed "with great probability" that the Dutch estimate was correct, but they did not rule out other sources.

Endosulfan, used to dust fruit trees and vineyards, is distributed by three West German concerns at Frankfurt, Stade and Düsseldorf.

German investigators said that the manufacturers, including the huge Höchst dye works, just west of Frankfurt, were not at fault.

Rather, they are working on the theory that either someone dumped more than 200 pounds of the poison into the river near St. Goar or dusted the vineyards and fruit trees around St. Goar with endosulfan from the air last Wednesday and possibly again on Friday.

Dead fish and ducks began appearing just downstream from St. Goar last Thursday morning.

The Dutch Institute of Public Health, which identified the poison, said that one microgram—less than a three-millionth of an ounce in a quart of water was enough to kill most fish.

Destruction of fish life in Germany alone was estimated by the North-Rhine Westphalia state government at more than $500,000.

But fears that the river life, including micro-organisms, had been permanently damaged, were allayed by tests at Honnef, near Bonn, and Griete, near Dusseldorf, showing that fish now remain alive in the river. Yesterday, fish from other rivers dipped in the lower Rhine died within seven minutes.

About 300 people are investigating the poison wave along the German, Dutch and French banks of the Rhine, which for years has been termed "the sewer of Europe" by governments and the press.

Yesterday, the Netherlands Government charged that the North-Rhine Westphalia authorities had been negligent in having failed to advise the Dutch of the oncoming contamination.

Today, the Agriculture Minister of the state, Diether Deneke, issued a reply, saying that the state Institute for Hydrography had sent a contamination warning to all German waterworks along the middle Rhine at 8:30 A.M. last Friday. The German Waterworks Authority was supposed to have passed this warning on to the Dutch immediately, but failed to do so.

In any case, the state authorities disclosed today that the river police at Duisburg, 40 miles upstream from the Dutch frontier, warned their colleagues in the Netherlands at 8:30 A.M. Monday of the oncoming poison wave, 12 hours before it reached the border.

The Germans maintain that this provided adequate time for the Dutch to shut the conduits taking Rhine water to purification plants and thence to major drinking-water reservoirs in the Netherlands. However, they are taking steps to insure that any future contamination perils will be announced promptly to all concerned along the river.

In a telephone interview, an official of the Rhineland-Palattinate state government at Mainz said that "everyone of us who has legs is working on the case," trying to clarify the innate state government at St. Goar, a wine-growing county with a population of 53,000.

He said that the investigation was complicated by the fact that the poison traces had practically vanished from the region, swept downstream by the seven-mile-an-hour current.

FRENCH CONDEMN INSECTICIDES

PARIS, June 25.—French conservationists charged today that insecticides such as the one that has polluted the Rhine River were responsible for deaths of people as well as wildlife.

They appealed to the new Minister of Agriculture, Jacques Duhamel, to impose a ban, held up, they said, in the Ministry for three years because of pressure from chemical companies.

Antoine Reille, spokesman for the Federation of Societies for the Protection of Nature, said in an interview that worldwide conservation organizations were seeking an international agreement to halt pollution by organochlore insecticides.

Last Saturday, a day before the Rhine alert, Mr. Reille's office had issued a warning that blackhead gulls nesting in the Loire Valley were laying eggs without shells.

It blamed the same insecticides that, it said, were responsible for sterilizing up to half the heron population of Britain and half of the 50 pairs of peregrine falcons surviving in France.

Mr. Reille said that European conservationists were concerned about the threat of the Rhine pollution to the bird-breeding grounds of the Waddenzee, in the Netherlands.

He angrily denied statements by West German officials Sunday that the insecticide in question was not harmful to human life.

Following an antimosquito campaign with similar chemcials in southwestern France, he said, an incomplete canvass of physicians disclosed 75 cases of poisoning of human beings, four of them fatal.

ADDRESS BY DANIEL P. MOYNIHAN

Mr. SCOTT. Mr. President, on June 1, Daniel Moynihan, Assistant to the President for Urban Affairs, gave the commencement address at Notre Dame University. I ask unanimous consent that his address, entitled "Politics as the Art of the Impossible," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

POLITICS AS THE ART OF THE IMPOSSIBLE

I take for my theme a sentence from Georges Bernanos: "The worst, the most corrupting of lies are problems poorly stated."

My charge is similar. It is that much of the intense difficulty of our time is in nature conceptual, and that it arises from a massive misstatement of our problems. Intellectuals, if this view is correct, have done their work badly and there is little prospect that their mistakes will soon be undone. As ours was perhaps the first society consistently to expect the future to be better than the past, the apprehension that we may have profoundly mistaken the nature of our difficulties, so that we must expect years of effort to resolve the wrong problems and in presumably unavailing ways, strikes with special force. A certain nostalgia arises for a future that now appears lost. It becomes necessary to live much more in the present than has been the American mode.

If this be no great pleasure, it can, nonetheless, be stimulating. Here a sub-theme can be taken from another alert Frenchman—when asked what he had done during The Terror, the Abbe Sieyes answered, "I survived." This must now be a very great concern of those Americans whose lives, in Midge Decter's formulation, are devoted to the direction of their thought. Anyone old enough to have had any intellectual contact with the 1930's will take my meaning. The men of both the left and right who dominated, even terrorized, *that* time lived intense but brief lives. Their intellectual corpses are still stacked in the odd corners of universities, government departments, and the like where they do whatever it is they do. No one much cares, for they were subsequently judged to have been appallingly wrong about American society and, worse, were seen to have been unforgivably intolerant of any who hesitated to embrace their all-encompassing credos. Archibald MacLeish has remarked of his fellow poets that: "There is nothing worse for our trade than to be in style." The equivalent for those whose concern is government is submission to the noisiest problems of the moment to the exclusion of the most important ones.

What then are the "problems poorly stated" of our time? They are various but have, it seems to me, a unifying characteristic; namely, the rejection by those seeking a more just, more equal society of any indications that the society is in fact becoming more just and more equal. Society is seen in historical terms: what is not altogether acceptable is altogether unacceptable gradations are ignored and incremental movements are scorned. Those who by disposition are incrementalists, or for whom the contemplation of society has led to a conviction that incremental change is a necessity not a choice in human affairs, are baffled by this attitude and resentful of it. The exchanges that follow are bitter and unproductive. It is at all events my view that this is so because the problems at issue have so far been defined in fairly traditional *political* terms when what in fact is at issue is an immense stirring, little understood, if indeed understandable, of cultural dimensions. Fundamental ethical and moral issues—religious issues—are involved: issues which politics, especially

the politics of a liberal democracy, are uniquely unable to resolve.

Two years ago, in the Phi Beta Kappa oration at Harvard, I argued that in fact we were witnessing the onset of the first heresies of liberalism. Heresy is an unloved term, especially in a liberal society, but it has real meaning: the rejection of beliefs fundamental to the dominant, pervasive world view of the society involved. Of necessity, the heresies of liberalism would be procedural in nature, for it is in process that a liberal society defines itself. In thinking about the subject, I have not been able to get much farther than this, but neither have events moved so as to cast greater doubt on the thesis than that which must attend any such large assertion. To the contrary, the rejection of the *authority* of liberal processes, the code that holds it is bad form to club the Dean, that civic statutes must be abided by, that rules of order and civility will be followed at meetings—all that—continues apace, and the pace if anything quickens. As Robert A. Nisbet continues to remind us, when authority relations collapse, power relations take their place; and this process, too, has advanced. Violence, which is the means by which power relations are maintained, is considerably more widespread now than it was two years ago, and surely vastly more common at the end of the decade of the 1960's than it was at the beginning of it.

Nothing suggests that the pattern of former times will quickly reassert itself. To the contrary, the indications are that we rose to a new plateau of internal violence in the mid-1960's and that the most we can hope for is to keep from yet another escalation.

Such violence has, of course, made its way onto university campuses and this has led to great apprehension for the future of academic freedom. There are analogues, indeed precedents, for the violence of the streets, the poor, the police, and suchlike. But nothing like the present pattern of threats to and actual assault on university institutions and university members has ever yet occurred. Here, in particular, it would seem a future has been lost to us.

This had led to great despair among academic intellectuals: far greater than the news media have yet let on. For probably the first time in our history, professors speak of going into exile. Nor is the alarm simply that of Bourbons. A Marxist historian such as Eugene Genovese speaks with not a little alarm of the "pseudo-revolutionary middle-class totalitarians . . . of the left wing student movement," and one learns that even Professor Marcuse has suggested that professors ought to be treated differently from the oinkish common swine.

The strongest view, from a notably unhysterical pen, in the recent assertion by Arnold Beichman, writing in *Encounter*, to the effect that university faculties "have quietly decided that for the foreseeable future the university is no longer a place where truth is to be pursued. What has been tacitly ratified is a decision that the American university is primarily (not secondarily) the springboard for upward social mobility as the ascriptive right for ethnic minorities."

This can be overdone. Beichman accurately (but almost alone in the flood of commentary) notes that ethnic mobility has always been a prominent component of higher education—certainly so from the time Catholics began to establish competitive institutions with Protestants. One recalls Yeats' letter of 1904 to Lady Gregory:

"I have been entirely delighted," he writes, "with the big, merry priests of Notre Dame, all Irish and proud as Lucifer of their success in getting Jews and non-conformists to come to their college and of the fact that they have no endowments."

One recalls far more vividly growing up in New York City in the poverty-ridden 1930's, and yet possessing in that Notre Dame football team a symbol of tribal might and valor that can stir the blood atingle to this day. O, the golden Saturday afternoons when, in the name of every Irish kid caught in the social wreckage of the eastern slums, thunder indeed shook down from the skies and those mighty Polish tackles swamped the Navy!

If the demands of newer groups come as a shock to some, it is at least in part because this group function of higher education has tended to be ignored by those groups for which it has been functioning. Yet, the role was obvious enough; and it was not less clear that it would become, if anything, more pronounced to the degree that universities became more central institutions of the society. In the concluding paragraph of *Beyond the Melting Pot*, Glazer and I wrote that: "Religion and race define the next stage of the American peoples." We were not wrong, and one is mystified still that the proposition was viewed at the time by such skepticism on the part of so many. (Not a few of whom, it may be added, having become committed to ethnic studies, pursue the matter with a single-minded zeal that is notoriously the accompaniment of sudden religious conversion.

Simultaneously, if somewhat incompatibly, universities have been mini-bastions of class privilege. This phenomenon has been evident enough in the insistence by almost all parties to intramural disputes that those involved are exempt from punishment for deeds that would send lesser persons—without the walls—to court at very least and prison in all likelihood. But again, this is nothing new.

Indeed, some good could come of this if the excesses of the moment were to serve to restore some perspective on just what universities are and what they can do. They are institutions inhabited by younger and older persons of often very great abilities, but usually of very limited experience. With respect to their individual specialties, the judgment of the professors is singularly valuable. But their collective judgment is no better—could, indeed, be worse—than that of the common lot of men. This is not an incidental, random fact; it is a fundamental condition of human society, and the very basis of democratic government.

When William F. Buckley, Jr., wrote that he would far rather entrust his governance—by which he would include the preservation of his civil liberties and his intellectual freedom—to the first hundred persons listed in the Boston telephone directory than to the faculty of Harvard College, he was saying no more that what Thomas Jefferson or Henry Adams would have thought self-evident. The remark was greeted with considerable derision in Cambridge at the time, but it may be stated with certainty that more than one tenured professor of that ancient institution has come of late to see its truthfulness with excruciating clarity.

All this is to the good. What is bad is that the diffusion of violence to the intellectual life of our society is likely to lead to even greater failure to correctly state our problems than has been the case to date. This is so for the most elemental of reasons. Intellectual freedom in the American university has now been seriously diminished. It is past time for talking about what might happen; it has happened. We would do well to clear our minds of cant on that subject. Especially in the social sciences, there is today considerably less freedom than there was a decade ago; and we should expect that it will surely be ten to twenty years before what we would hope to be a normal state will be restored.

I deem it essential that this almost suddenly changed situation be more widely understood; otherwise, the sickness of the time will gradually come to be taken for a normal condition of health—and that would be a blow not merely to the age, but to the culture. But if we do perceive our circumstance for what it is, if we do come to accept that for reasons of prudence, or cowardice, or incompetence or whatever, faculties have been everywhere allowing principles and men to be sacrificed, we will at least retain the understanding that something has gone wrong, something that it may be possible someday to right.

It is important then to survive, with our faculties, as it were, as little diminished as possible, and to seek to understand the times—which is to say to state the problems of the time correctly.

Few individuals can hope to contribute more than a small increment to this effort; but more, then, is the reason as many as possible should seek to do so. Hence, with less hesitance than might otherwise attend the effort to make a simple abstraction about a hopelessly complex reality, I would offer, from the world of politics, the thought that the principal issues of the moment are not political. *They are seen as such*: that is the essential clue to their nature. But the crisis of the time is not political, it is in essence religious. It is a religious crisis of large numbers of intensely moral, even Godly, people who no longer hope for God. Hence, the quest for divinity assumes a secular form, but with an intensity of conviction that is genuinely new to our politics.

It is important to be clear whence this peculiar secular moral passion arises. It is from the very eighteenth century enlightenment from whence arose the American civilization that has so far followed so different a course. The rejection of Christian religion by the Enlightenment has obscured the fact, especially to Christians, that it did not constitute a rejection of Christian morality. To the contrary, it was more often in the name of that morality that the creed was attacked. It was Rousseau, as Michael Polanyi argues (although others would disagree) whose work widened the channels of Enlightenment thought so that in fact "they could be fraught eventually with all the supreme hopes of Christianity, the hopes which rationalism had released from their dogmatic framework." Wherewith, supreme of ironies, was loosed upon the world a moral fury that has wrought as much evil, in contrast with the mere brutality of the past, as mankind has ever known, an evil which may yet destroy us. The process arises from a sequence of premises which are logically unassailable, yet which in practice produce a society that is inherently unstable. Polanyi states the argument, which he correctly observes, no one has yet answered:

"If society is not a divine institution, it is made by man, and man is free to do with society what he likes. There is then no excuse for having a bad society, and we must make a good one without delay. For this purpose you must take power and you can take power over a bad society only by revolution; so you must go ahead and make a revolution. Moreover, to achieve a comprehensive improvement of society, you need comprehensive powers so you must regard all resistance to yourself as high treason and must put it down mercilessly.

Repeatedly, as this ferver becomes pathological, a kind of inversion takes place which transforms violence from a means to an end to an end in itself. There are surprises but few mysteries to this process: the nineteenth century was able to read it in Russan novels; the twentieth to watch it on film. It has been the great disease of the committed intellectual of our time. Thirty years ago, Orwell wrote that: "The common man is still living in the mental world of Dickens, but nearly every modern intellectual has gone over to some or other form of totalitarianism." For that is the correct term. The total state; the politicization of all things. It would seem that Britain and America managed in the nineteenth century to escape any deep infestation of this view mostly by not thinking too closely about politics. But one result of this is that in political theory there is no serious counter argument: all one can say is

that one does not like doing good by sending men "up against the wall" to use the apparent term of the Che Guevara and the battle cry of the Barnard girls. For the disease is amongst us, and will spread. Incongruously, it appears to have taken roots within organized religion itself. The course of the coming generation is all but fixed: it will include a strong and possibly growing echelon that will challenge the authority of American institutions across the board, and will not be especially scrupulous as to how it does so. In this the extreme left is very likely to be joined by the extreme right, for to each the values and process of the present American democracy are the enemy to be destroyed.

All in all, there is cause enough for despair. As Midge Decter has put it: "When you are caught between left and right, the only way to go is down." But we are not yet down. We are a strong and competent people, increasingly, I think, aware of our troubles and dangers and shortcomings. The challenge to authority that is now upon us can strengthen and renew institutions as much as it can weaken them. And it can be fun.

There is always room, as Orwell wrote, "for one more custard pie." We are not especially well equipped in conceptual terms to ride out the storm ahead, but there are things we know without fully understanding, and one of these is the ultimate value of privacy, and the final ruin when all things have become political.

Having through all my adult life worked to make the American national government larger, stronger, more active, I nonetheless plead that there are limits to what it may be asked to do. In the last weeks of his life, Persident Kennedy journeyed to Amherst to dedicate a library to Robert Frost and to speak to this point. "The powers of the Presidency," he remarked, "are often described. Its limitations should occasionally be remembered."

The matter comes to this. The stability of a democracy depends very much on the people making a careful distinction between what government can do and what it cannot do. To demand what can be done is altogether in order: some may wish such things accomplished, some may not, and the majority may decide. But to seek that which cannot be provided, especially to do so with the passionate but misinformed conviction that it *can* be, is to create the conditions of frustration and ruin.

What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies, but it cannot create those energies. In particular, government cannot cope with the crisis in values which is sweeping the western world. It cannot respond to the fact that so many of our young people do not believe what those before them have believed, do not accept the authority of institutions and customs whose authority has heretofore been accepted, do not embrace or even very much like the culture that they inherit.

The twentieth century is strewn with the wreckage of societies that did not understand or accept this fact of the human condition. Ours is not the first culture to encounter such a crisis in values. Others have done so, have given in to the seeming sensible solution of politicizing the crisis, have created the total state, and have destroyed themselves in the process. Irving Kristol has warned against it in terms at once cogent and urgent:

"The one way not to cope with this crisis in values is through organized political-ideological action. Most of the hysteria, much of the stupidity, and a good part of the bestiality of the twentieth century have arisen from efforts to do precisely this. Not only do such efforts fail; they fail in the costliest fashion. And if modern history can be said to teach anything, it is that, intolerable as a crisis in values may be, it invariably turns out to be far less intolerable than any kind of 'final solution' imposed by direct political action."

I surely do not argue for a quietistic government acquiescing in whatever the tides of fortune or increments of miscalculation bring about: and in our time they have brought about hideous things. I do not prescribe for social scientists or government officials a future of contented apoplexy as they observe the mounting disaffection of the young. I certainly do not argue for iron resistance, as other societies have successfully resisted somewhat similar movements in the past.

I simply plead for the religious and ethical sensibility in the culture to see more clearly what is at issue, and to do its work.

Sympathy is not enough. *Tout pardonner, c'est tout comprendre* is not a maxim that would pass muster with Bernanos or any who have helped us through the recent or distant past. If politics in America is not to become the art of the impossible, the limits of politics must be perceived, and the province of moral philosophy greatly expanded.

MIKE CORBIN, NEIGHBORHOOD YOUTH CORPS WORKER

Mr. HATFIELD. Mr. President, daily the media exposes us to the violent and destructive results of a disaffected and angry part of our country's young people. From the irresponsible actions of a few springs the impression that much of America's youth are callous, hostile; in a word, alienated. I personally regret this notion and reject it as ill-founded. The vast majority of young Americans are certainly concerned about the hypocrisy and wastefully ordered priorities that they see around them, but their persuasion is to seek constructive solutions.

Similarly, much publicity is given to those few young men and women, particularly in the Nation's poverty programs, who see fit to defect from these programs' constructive goals and pursue less than honorable activities. Too many people stand ready to chastise an entire program on the basis of isolated examples while the preponderant successes are greeted with silence.

The story of Mike Corbin, Mr. President, is just one example of individual success that I strongly believe deserves mention and commendation. Mike is a Neighborhood Youth Corps worker in Medford, Oreg. When he began the program in December of last year, he was a shy, retiring young man; uncomfortable around people, and possessed with little aptitude for work. "Once Mike knew that someone was interested in him, the transformation was amazing." During his 6 months with the Neighborhood Youth Corps, working as a maintenance crewmember in one of Medford's city parks, Mike has learned self-confidence, responsibility, and, with the help of a tutor, gained the tools and motivation to return to school.

I have telephoned my encouragement to Mike. I am proud of his accomplishments and the growth of many young men and women like Mike throughout the country. Mike Corbin's experience in the Medford, Oreg., Neighborhood Youth Corps is an example of cooperation between many Federal, State, and municipal governmental agencies. It represents courage on Mike's part, and a successful application of the Neighborhood Youth Corps program. In recognition of both Mike Corbin's job well done and the program that gave him his opportunity, I ask unanimous consent that the letter from Mike's supervisor describing his impression of Mike's growth, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF MEDFORD,
Medford, Oreg., June 6, 1969.

MRS. VENITA JONES,
Neighborhood Youth Corps,
Cooperative Extension Service,
Medford, Oreg.

DEAR MRS. JONES: It has come to our attention that Mike Corbin, a Neighborhood Youth Corps worker, has nearly completed his six month period of employment with us. The purpose of this letter is to first give background of Mike's work with our department thus far and second, to express our desire to retain Mike and hopefully to continue to aide his remarkable growth in both work and social skills background.

When Mike first came to us in the latter part of December, 1968, he was an extremely shy, backward, young boy. He had virtually no experience with being in or even around a work situation. He lacked confidence and as a result, a certain amount of hostility and rebellion was noted. The Park Foreman and members of the crew worked with Mike, however, and he soon realized we were on his side. All he needed to do was ask and we would help in anyway possible. Once Mike knew that someone was interested in him, the transformation was amazing. He progressed rapidly from having to be told how to perform each individual thing he did to being able to handle the entire restroom clean-up project or irrigate a flower bed or anyone of a number of other duties. Mike's social skills improved also. His self-confidence gained by mastering even simple tasks, brought him out of his shell, so to speak, and he became more at ease around the crew and the public in general. He learned that he could ask questions when he didn't understand how to do something and even that he might have a suggestion or two that he could offer. Once he learned some of the simple tasks, he was more than anxious to take on the responsibility for making sure they were done. He became attached to the members of the crew and felt that he was one of them, not someone from the outside looking in as seems to have been the case through his past history. His team spirit encouraged Mike even further, I believe, and his work habits have certainly improved beyond belief.

Mike attended school to further his scholastic abilities but unfortunately was unable to arrange transportation and finally had to stop attending class. The major problem seemed to be that he was living in White City and was without a car or driver's license. I have been told that Mike pays $50.00 a month for his present inadequate living accommodations. It would seem to me that better accommodations, closer than White City could be found if someone would just take the initiative and help Mike.

As for the future, I feel Mike has seen that he can better himself and that all it takes is a little effort on his part. He has shown an interest in going back to school and as a matter of fact, told me that he would very much like to be able to go back to school full time next fall. His main concern was that he could make enough money between now and then so that he could support himself while going to school. Although, education is certainly important, I feel the very basic

social skills that Mike has learned thus far, while working with us here in the Park and Recreation Department are even more important.

It is our hope that Mike will receive an extension so that he can continue his work experiences with us through the summer months which, as you can well imagine, are extremely busy for Park and Recreation personnel. During the summer, the variety of duties expand considerably and there are a great many things that Mike has yet to experience as far as working with the Park Department. Mike has just barely started to "crawl" with a little more exposure, he can begin to "walk". It would seem especially critical that Mike be encouraged at this point. Time and effort have been spent and I think Mike is just starting to appreciate the results. I feel that if he is not offered a helping hand for just a little while longer, he may revert and withdraw back into his shell.

Sincerely,

MICHAEL A. STARR,
Assistant Director.

SYNOPSIS OF FORCED LABOR CONVENTION

Mr. PROXMIRE. Mr. President, for the past few days, I have been speaking on the floor of the Senate in behalf of the specific human rights treaty known as the Abolition of Forced Labor Convention. In hopes of catalyzing my audience to action and with the express purpose of expediting the whole procedure, I should like to present to you today a synopsis of the convention itself.

Article I is the section containing most of the substance of the convention. It states:

Each member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor—

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;

(b) as a method of mobilizing and using labor for purposes of economic development;

(c) as a means of labor discipline;

(d) as a punishment for having participated in strikes;

(e) as a means of racial, social, national or religious discrimination.

Article II of the convention pledges all ratifying members to take effective measures to "secure the immediate and complete abolition of forced or compulsory labor as specified in article I."

The third and fourth articles are concerned with the specific mechanics of formal ratification, registration, and date which the treaty shall come into force.

Article V provides an outlet whereby a member who has previously ratified the convention may denounce it 10 years after the date which the convention would come into force, a date 12 months after the date on which the ratification of two members has been registered with the Director-General. Such a denunciation would take effect 1 year from the date it would be registered by the Director-General of the ILO. Any party which has not, within a year following the expiration of that 10-year period, exercised the right of denunciation, will continue to be bound for another 10-year period and, thereafter, by a communication to the Director-General, may denounce the convention at the expiration of any period of 10 years.

Article VI specifies that the Director-General shall notify all members of the organization of the registration of ratifications and denunciations and of the entry into force of the convention while the seventh article outlines the procedure whereby the Director-General of the ILO shall register the convention with the United Nations.

Article VIII provides for consideration of a revision of the convention.

Article IX is concerned with the replacement of this convention by some future one. Specifically, it provides that, if the ILO conference adopts a new convention revising this present convention in whole or in part, then, unless the new convention otherwise provides, ratification by a member of the new convention shall involve the immediate denunciation of this convention notwithstanding the provisions of the fifth article.

The 10th and last article merely calls attention to the authenticity of the text and that the English and French versions of the text of the convention are equally authoritative.

Mr. President, I can see nothing in these 10 articles which would either go contrary to our guiding principles as a nation or which would interfere with our existing State and Federal laws. On previous days, I have provided the Senate with testimonies from outstanding authorities in the field of labor and constitutional law who have explicitly stated that these provisions contained in the convention would not contravene with our judicial structure. There is no constitutional conflict which opponents of the ratification have tried to use as the basis for their reluctance to ratify. But there most definitely is a moral and ethical conflict induced by our persistent failure to act on this convention as well as the rest of the human right conventions.

Mr. President, in these troubled times, I can think of no better way for the United States to confirm its position as a leader in the field of human rights than by passing this legislation at its earliest opportunity.

JOE McCAFFREY, WASHINGTON CORRESPONDENT

Mr. CASE. Mr. President, this month marks the 25th year that Joe McCaffrey has been a Washington correspondent.

I am sure that many, if not most, of the Members of this Chamber know Joe either on a personal basis or through his regular reports over WMAL radio and television in Washington.

He has many friends and admirers on Capitol Hill. I count Joe as a friend and able reporter and I like to recall that we were fellow townsmen in Poughkeepsie, N.Y., when both of us were younger men.

My arithmetic tells me that Joe McCaffrey became a Washington correspondent in 1944, the year before I entered Congress as the representative from the Sixth District of New Jersey.

Mr. President, I join in honoring Joe McCaffrey on this milestone in his career, and in wishing him well in the years of productive journalistic endeavor that I know still lie ahead of him.

NATIONAL CITIZENS CONFERENCE ON REHABILITATION

Mr. GOODELL. Mr. President, the first National Citizens Conference on Rehabilitation is now meeting in Washington, D.C. I want to commend Miss Mary Switzer, the Administrator of Social and Rehabilitation Services at the Department of Health, Education, and Welfare, Dr. Howard Rusk, director of the Institute of Rehabilitation Medicine at the New York Medical Center, and W. Scott Allen, the assistant vice president of Liberty Mutual Insurance Co., for their outstanding dedication to the rehabilitation work in this Nation, and for the foresight that made this important conference possible. I know that the conference has brought thoughtful and dedicated people from throughout the Nation to Washington to discuss and to work on the problems they face. I am certain that all of my colleagues recognize the tremendous importance of their work and of this conference.

The Vocational Rehabilitation Act governs Federal participation in the rehabilitation of physically and mentally impaired adults. The program is administered by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, and by State vocational rehabilitation agencies. The program is to provide whatever services may be needed in assisting physically and mentally impaired persons to become self-supporting and contributing members of society.

Under the program, over 207,000 individuals were rehabilitated in fiscal 1968. However, estimates are that there are now at least 5 million persons in the United States who are in desperate need of rehabilitation services; and there is annual increase of about 500,000 individuals needing such services.

Practically all of the people served by this program are poor people. Although economic need is not required by the Federal Government as a condition for participation in the program most States apply economic need principles to varying degrees. Thus, over half of the individuals served have no incomes; 90 percent have incomes which are below what is ordinarily referred to as the poverty level."

The vocational rehabilitation program has returned tens of thousands of these people to profitable living wherein they were able to earn salaries to support both themselves and their families.

Further, the vocational rehabilitation program has proven second only to the GI bill of World War II in the amount of money which it has returned to the Government not only in increased taxes, but from people who have been put back into industry and taken off public assistance.

Since funds for rehabilitation have not been adequate in recent years, President Nixon has requested an increase of 36 percent over the 1969 budget appropriations for rehabilitation programs.

The President has rightly given priority to those programs while making every attempt to curb inflation.

It has always been the intent of Congress to make maximum use of these highly successful rehabilitation programs. I strongly urge that the President's efforts to bring them up to the level that is necessary be supported by the Congress.

PAN AMERICAN WORLD AIRWAYS

Mr. CANNON. Mr. President, 30 years ago, on June 28, 1939, the Dixie Clipper, operated by Pan American World Airways, lifted into the air from Long Island Sound to inaugurate transatlantic passenger service to Europe.

Some 5,000 spectators cheered and a brass band played, as the 22 passengers filed onto the yacht-type pier in Manhasset Bay and boarded the Boeing 314 Flying Boat. The plane, cruising at 150 miles per hour, took 42 hours and 10 minutes—29 hours and 20 minutes in the air—to fly to Marseilles via the Azores and Lisbon.

Pan Am now flies the Atlantic with Boeing 707's, cruising four times as fast as the flying boats and carrying as many as 161 passengers. In the same amount of time the Dixie Clipper required to reach Marseilles, the 707 on Pan Am's flight 2 flies more than halfway around the world from New York.

Pan Am has announced that it hopes to pioneer transatlantic travel once again at the end of 1969, when it is scheduled to become the first to fly the 362-passenger Boeing 747 in regular commercial service.

Thirty years ago, at the end of 1939, the airline announced that it had crossed the Atlantic 100 times. With Pan Am's introduction of the jet in 1958, the pace quickened, and the airline announced on July 2, 1962, that it had crossed the Atlantic 100,000 times. By June 28, 1969, Pan Am will have made over 187,000 crossings, and will be continuing to make 373 crossings each week as part of its service to 119 cities in 89 lands around the world.

Capt. Harold E. Gray, who piloted Pan Am's first transatlantic commercial survey flight in 1937, now serves as chairman of the board of Pan Am. Under the guidance of Captain Gray and Juan T. Trippe, who founded the airline in 1927, Pan Am has been in the forefront of airlines attempting to lower transatlantic fares, making New York to Paris travel within economic reach of a greater number of people than ever before.

THE GREAT SOCIETY'S POOR LAW: A NEW APPROACH TO POVERTY

Mr. GOODELL. Mr. President, I wish to call to the attention of my colleagues a study of the Office of Economic Opportunity conducted by Dr. Sar Levitan, director of the center for manpower policy studies at George Washington University. His extensive analysis, recently published in a work entitled "The Great Society's Poor Law: A New Approach to Poverty," has been called by far the most complete and most thoroughgoing study by a nongovernmental source.

I ask unanimous consent that a review of Dr. Levitan's book by Howard W. Hallaman, formerly staff director of a study of the OEO program conducted by the Senate Subcommittee on Employment, Manpower, and Poverty, be inserted in the RECORD. Mr. Hallaman's incisive review appeared in the June issue of Community Development.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

"THE GREAT SOCIETY'S POOR LAW"

(Reviewed by Howard W. Hallman)

OEO is like the poor it seeks to serve: There! An embarrassment to the larger society, too intractable to eliminate, but too annoying to praise.

President Johnson discovered this within a year after he pushed the Economic Opportunity Act through Congress.

Candidate Nixon talked of eliminating the Job Corps altogether and seemed to threaten the very life of OEO, but President Nixon has preserved OEO and has kept at least half the Job Corps.

Prof. Daniel P. Moynihan scourged the Community Action Program and advocated that such local efforts to be completely under city hall control, but when he became a Presidential adviser he supported continuation of CAP as an independent operation.

The Government Accounting Office launched a million-dollar study of the EOA programs, creating great fears at OEO and great expectations among OEO's enemies on Capitol Hill. But after a year, GAO gave the anti-poverty agency a positive rating.

For four years, Dr. Sar Levitan, working with Ford Foundation funds, probed deeply into OEO's operations and published numerous critiques in journal articles and mimeographed papers, sometimes raising the hackles of OEO administrators. But when he put all together in The Great Society's Poor Law, Levitan concluded that OEO's pluses exceed its minuses. He, too, wants OEO to continue, albeit with an abridged role more fitting its resources and place in the Federal structure.

These dual strains of criticism and support carry over into efforts to judge the Federal agency created to mastermind the attack on poverty. Ignoring the beam of Defense Department waste, we have microscopically examined the mote of OEO's shortcomings. But yet we cannot bring ourselves to do away with this modest program. So we give it enough to prevent outright starvation, but not enough to allow it to gain much strength.

In the face of this social ambivalence, Dr. Levitan offers a dispassionate study, basically objective though not entirely free of the author's opinions, as factual as meager data allow. It is by far the most complete and most thoroughgoing study by a non-governmental source.

The Economic Opportunity Act, says Levitan, focused on the causes of poverty not merely the symptoms, the most obvious of which is lack of money. Therefore, it concentrated on self-help programs and was not directly concerned with income support. While these "efforts have in one way or another helped millions," they "bypassed many who could not benefit from the self-help approach, and they failed to reach additional millions because of limited funds."

On the funding question, the author shows time and again how available funds allowed the various programs barely to scratch the surface of need for the self-help activities, much less get into major income-support programs. As the Nixon Administration has surely learned by now, there are no bargain-basement cures for poverty.

On specific programs, Levitan makes the following judgments:

Head Start has helped the participating pre-school children although by itself it is no panacea. The full-year program is preferable to the shorter summer one. The "fade-out" of achievement levels in following grades should not be too surprising in view of inadequate follow-through. "A more realistic role for Head Start is a pre-school program in the context of a strategy for a change in the primary schools offering poor children an enriched and more comprehensive education."

Because of the heavy caseloads undertaken, Legal Services has not operated much differently from traditional legal-aid organizations, in spite of the additional objectives of legal reform, education, and representing organizations of the poor. Even so, attorneys have achieved several victories in law reform. "Where the program has been effective, business and government officials may treat more warily when dealing with the poor community."

Even if the neighborhood health centers are too new to evaluate fully, the concept of one-stop health centers for the poor has already won many adherents. But so far, this has not led to a redirection of non-OEO Federal health funds, nor are the centers effectively tied into the major programs for financing individual medical care, such as Title XIX of the Social Security Act.

Although OEO had to be pushed into family planning projects, they have proven to be effective measures for combating poverty. "A separate OEO birth-control program continues to be necessary because HEW has been even slower than OEO in adopting family planning efforts."

"In urban areas there is real question as to whether VISTA has a legitimate role other than as a manpower subsidy to local agencies . . . Rural areas that lack social services, technical skills, and efficient communication with the 'outside world' would seem to provide the most fertile ground for VISTA efforts."

On some of the special rural programs, Levitan has these conclusions: "Rural loans appear to be a poor investment if the goal is achieving economic independence, but it may be an acceptable means of providing income maintenance under the guise of self-help. In assisting rural-migrant and seasonal labor, OEO could not decide whether its programs should concentrate on 'keeping 'em down on the farm' or on aiding farm laborers to move into urban areas where the jobs are. Similar issues remain unresolved in Indian assistance programs."

"The Job Corps is one institution with the potential of helping disadvantaged youths bridge the gap between aspiration and reality. The harsh fact is that it has helped only a minority of those who sought its aid, despite the relatively ample resources of those who sought it."

On these programs with fairly specific objectives, Dr. Levitan has confidence in his conclusions. But when he comes to the CAP, apart from national emphasis programs, he rejects a summary judgment on its effectiveness. And no wonder, for there is great diversity among the 1,000 CAAs. But he sees the CAAs as a definite advance over traditional welfare organizations, especially in advancing the role of the poor. "On that score," he says, "CAP must certainly be judged an innovative agency which gave the poor their first social and political role . . . The effort should be nourished, even if progress thus far has been uneven and falls short of the hopes advanced by the antipoverty warriors that CAP would eliminate the need for a welfare system by eradicating poverty."

Having surveyed all of these programs and the overall performance of OEO as well, Dr. Levitan concludes that planning, coordination, and evaluation should be removed from

its workload and given to a White House agency, not to the new Urban Affairs Council, which he thinks is too likely to ignore the needs of the poor, but to a special council, perhaps modeled after the Economic Opportunity Council of the 1967 Amendments or a proposal of the House Republican's Opportunity Crusade (1967).

The OEO remnant would then be basically an experimental and demonstration agency, using CAP as a tool for innovation. Under Levitan's proposed revision, 70 percent of CAP funds would go through the states, the remainder being used for experiment projects or direct local aid bypassing the states. The states would arbitrate local disputes for control.

Having spent 1967 as staff director of the study of the OEO program by Sen. Clark's Subcommittee, I am in fundanmental agreement with Dr. Levitan's evaluation of the various programs. But when it comes to his recommendations, I must conclude that he just hasn't studied state government. For with few exceptions, state control of CAP would be a serious setback.

However, I fully concur with his final conclusion that a real attack on poverty would require far more than the modest expenditures so far committed—at least $20 billion more. And I am afraid that he is correct in reporting, "There is little evidence that the American people are willing to assign a top priority to a real war on poverty."

This makes me think that as important as an evaluation of the administration of the Economic Opportunity Act would be an evaluation of us, the American people, and why we are unwilling to eliminate poverty when we have the economic capacity to do so.

NEED FOR PERMANENT FARM STORAGE LOAN PROGRAM

Mr. HRUSKA. Mr. President, yesterday, my able colleague, Senator CURTIS, introduced S. 2488, a bill to amend the Commodity Credit Corporation Act to authorize the Commodity Credit Corporation to insure loans made to farmers for the construction or purchase of facilities for storage of grain on the farm. I was pleased to join as a cosponsor of the bill.

A farm storage facility loan program to aid producers in obtaining on-farm grain storage bins and dryer equipment has been in effect since June 1949. Since the beginning of the program through the end of calendar year 1968, about $422.7 million has been loaned to farmers through 279,312 loans which included farm storage structures with a total capacity of almost 1.3 billion bushels.

More than 25 percent of the total funds loaned and more than 20 percent of the total storage capacity built since the beginning of the program was accounted for in 1968. During last year, producers borrowed $106.4 million through 44,249 loans for storage structures and drying facilities with a storage capacity of approximately 270 million bushels.

By contrast, only 8,491 loans were made to farmers for $7.4 million for structures with a storage capacity of 28.9 million bushels in 1949.

By 1967, changes in eligibility requirements and numerous other revisions were made in the existing farm storage facility loan program which made the program increasingly useful and resulted in the significantly increased activity in 1968.

Following is a schedule of the number of loans made, the capacity of the structures on whicn the loans were made, and the dollars loaned for each of the past 5 fiscal years, together with an estimate for the current fiscal year.

NATIONAL TOTALS

Fiscal year	Number of loans	Amount (in million bushels)	Value (in million dollars)
1964	8,597	34.9	11.9
1965	6,070	25.2	8.7
1966	9,189	38.1	13.6
1967	8,398	40.4	15.7
1968	23,146	122.9	56.9
1969	43,000	300.0	120.0

The purpose of the facility loan program is to enable producers to store their production on the farm so that they can market it in an orderly manner. Having farm storage, of course, gives a farmer maximum flexibility in handling his crop and eliminates the necessity for his paying for off-farm storage. For commodities for which reseal programs are authorized, producers may also earn storage payments for grains which are resealed in structures financed with facility loans. There is little disagreement that on-the-farm storage is the most efficient, economical, and practical method of storing grain.

However, because of the inflationary pressures on our economy, it was decided by the Bureau of the Budget that the farm storage facility loan program had to be substantially reduced. The Department of Agriculture therefore announced drastic program changes which would reduce the loan activity for fiscal year 1970 to $20 million from an estimated level of $120 million during the current fiscal year. The number of loans for storage structures and drying facilities were to be decreased from the fiscal 1969 level of over 44,000 to less than 9,000.

While I am in sympathy with the urgent need to halt inflation, and agree that Federal expenditures must be decreased to help accomplish this goal, I do not believe that vital programs contributing to the health and stability of our agriculture community should be so substantially reduced. The announced limits are too abrupt without sufficient notice to the farming community, and the level of funding is too severely reduced.

For this reason, as the ranking Republican member of the Senate Agriculture Appropriations Subcommittee, I suggested for the subcommittee's consideration during executive session on the agriculture appropriations bill language in our report which would permit a loan program level during fiscal 1970 of approximately $70 million. The subcommittee adopted the language and recommended that all amounts of repayments received during the coming fiscal year be made available along with $20 million of new funding; repayments in the coming fiscal year have been estimated at about $50 million.

During its executive session this week, the Senate Appropriations Committee approved the language recommended by the subcommittee, and it will be incorporated into the committee report to the Senate. The bill will be considered on the floor of the Senate in the near future.

The basis for stability and continuance of the farm storage loan program should not, however, be limited to language in a committee report. What is needed is legislative authority to permit the Commodity Credit Corporation to insure loans to grain growers by commercial lending institutions whenever the Secretary of Agriculture determines that insured loans will effectively carry out the purpose of maintaining an on-farm storage program. Insured loans in conjunction with the direct loan program will greatly reduce the need for Federal funds for loans. S. 2488 will accomplish this goal.

I urge my colleagues to support the committee language on this matter in the agriculture appropriations bill and to support S. 2488 when it is reported to the Senate floor for consideration.

FEDERAL ASSISTANCE TO THE DISTRICT OF COLUMBIA

Mr. PROXMIRE. Mr. President, several weeks ago I asked the General Accounting Office to compile a table of Federal assistance to the District of Columbia for the Subcommittee on Appropriations for the District of Columbia.

With the thought that this information would be of general interest, I ask unanimous consent that my letter of request and the Comptroller General's response and table be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

APRIL 3, 1969.

Mr. V. L. HILL,
Assistant Director, Civil Division, U.S. General Accounting Office, Room 213 District Building, Washington, D.C.

DEAR MR. HILL: I will appreciate your office preparing for the use of this Subcommittee a detailed table showing as completely as possible total Federal assistance to the District of Columbia.

This information is desired in connection with the hearings of the Subcommittee on Appropriations for the District of Columbia for fiscal year 1970.

Best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate, Chairman, District of Columbia Subcommittee.

COMPTROLLER GENERAL OF THE STATES UNITED,
Washington, D.C., June 16, 1969.

The Honaroble WILLIAM PROXMIRE,
Chairman, District of Columbia Subcommittee, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Herewith is the table of Federal Assistance to the District of Columbia that we have prepared in response to your request dated April 3, 1969.

The amounts appearing in the table are largely Federal Agency estimates extracted from The Budget of the United States, 1970 (appendix) or obtained directly from the agencies involved. The explanation and footnotes, which are part of the table, provide further details.

We trust that the information will serve your purpose.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

FEDERAL ASSISTANCE IN THE DISTRICT OF COLUMBIA

The following table provides an indication of the extent that Federal program assistance

is rendered to residents of the District of Columbia, over and above local funds collected as revenues and appropriated for various expenses of the City Government. No attempt has been made to list and total all Federal expenditures in the District, such as those growing out of service, supply, and research contracts awarded by Federal agency headquarters offices or the payrolls of these headquarters offices. Emphasis, instead, has been placed on community action, job, and training programs, such as those administered by OEO and the Department of Labor, which are more directly related to the involvement of District residents. No opinion is expressed or implied concerning whether Federal assistance to the District of Columbia is relatively greater or less than such assistance to the various states.

The table shows the amount of the Federal payment to the District of Columbia and subtotals of the Federal grant assistance to the benefit of District residents (1) through the D.C. Government and (2) through other public agencies. Subtotals are presented also of (1) the non-grant Federal assistance received by the District of Columbia organizations and groups and (2) the non-grant Federal assistance received by agencies with jurisdictions encompassing a more inclusive National Capital area because separation cannot be made of the non-grant benefits as they apply to the District and to its environs.

Salary payments made by the Federal Government have not been included in the table because they are similar to salary payments by the private sector, and Federal program assistance is not particularly reflected in these amounts. Unemployment insurance, Federal retirement, and similar maintenance payments also have been excluded because the payments into these systems have been made by worker and employer, and the payments out thus represent, in part, the repayment of worker earnings rather than payment of Federal program benefits. Social security payments differ from the other maintenance and retirement payments since they are not as clearly related to earnings and the repayment of withholdings, although withholdings are paid into the system. The payments in part represent other features, such as disability, health, and welfare, that identify them partly as Federal program assistance. However, the payments, in excess of $80 million annually to District residents, have not been included in the table because of the mixed nature of the program features.

Program expenditures have not been included where it appears that the assistance does not specifically benefit the District's citizens. For example, several million dollars are paid by HEW annually to private universities in the District for research work. However, because the private universities' students (except Howard University) are not in any significant degree District citizens and the research is not especially aimed at the solution of specific District problems, these funds have not been included in the table.

Federal contributions are made, through the National Park Service, for the operation and maintenance of various parks in the District of Columbia. The costs of these operations, as shared by the District of Columbia and the Federal Government, are as follows:

[In millions]

	1968	1969	1970
Federal Government	$7.0	$9.2	$10.3
District of Columbia Government	5.4	5.9	6.9
Total	12.4	15.1	17.2

The Federal share of cost has not been included as Federal assistance to the District because it is not clear in what proportion the expenditures benefit D.C. residents and others.

Consideration has been given to whether the Government of the District of Columbia benefits from the authorization provided it to use the United States Treasury facilities and services. The Treasury acts as a depository for all District revenue; prepares individual checks for most District expenditures, for which it is reimbursed; and lends money to the District—without interest for some short-term cash requirements and at average Treasury rates for other borrowings. Because of uncertainties in estimating comparative costs under assumptions that (1) the District would borrow on the open market through the issuance of tax exempt municipal bonds with attendant underwriting expenses, (2) that the District would develop capability to issue its own disbursement checks, or (3) that the District would arrange for the services of a commercial bank as a depository and as a source of short term cash requirements, the net benefit to the District of Columbia is not clear and, consequently, has not been included in the table.

The data, in general, were extracted from the Budget of the United States Government, fiscal year 1970 (appendix) or were obtained from agency records; the amounts shown for fiscal year 1968 are generally obligations and the amounts for fiscal years 1969 and 1970 are generally the agencies' budget estimates. The individual footnotes state other sources and estimating methods. None of the data has been audited, although care has been used in collection and compilation procedures.

FEDERAL ASSISTANCE IN THE DISTRICT OF COLUMBIA

	Fiscal year 1968	Fiscal year 1969 (estimated)	Fiscal year 1970 (estimated)
Federal payment to the District of Columbia	$70,000,000	$90,000,000	$90,000,000
Federal grant assistance to the District of Columbia:			
Through the District of Columbia government [1]	103,545,000	196,052,000	133,226,000
Through agencies other than the District of Columbia government:			
United Planning Organization—to local contractors [2]	21,484,758	19,159,662	19,160,000
Office of Economic Opportunity—to local contractors	22,627,979	20,460,000	22,185,000
Department of Housing and Urban Development—to National Capital Housing Authority	6,373,000	6,500,000	7,000,000
Department of Agriculture—food stamp bonus—through banks, etc.	1,841,460	2,375,703	2,500,000
Department of Labor—to local contractors	19,169,406	11,257,000	11,257,000
Department of Health, Education, and Welfare—Medical Facilities Construction Act of 1968 [3]			15,000,000
Total, Federal grant assistance	175,041,603	255,804,365	210,328,000
Federal assistance, other than grants, to the District of Columbia:			
Commission of Fine Arts	102,000	115,000	115,000
Commission on Revision of the Criminal Laws of the District of Columbia	0	0	150,000
Smithsonian Institution [4]	6,000	25,000	65,000
St. Elizabeths Hospital [5]	4,676,000	5,296,000	5,156,000
Howard University [6]	5,174,400	9,034,240	9,003,200
Freedmen's Hospital [7]	6,937,000	9,030,000	31,309,000
General Services Administration [8]	2,200,000	2,200,000	2,200,000
Civil Service Commission:			
Services, administrative expenses, and payments [9]	1,250,000	1,254,371	1,250,000
Increase in unfunded liability of civil service retirement fund [10]	45,050,000	50,660,000	56,300,000
General Accounting Office audit	280,000	300,000	375,000
Federal City College	0	0	400,000
Total, nongrant Federal assistance	65,675,400	77,914,611	106,323,200
Federal assistance other than grants to National Capital region:			
National Capital Planning Commission	940,000	1,047,000	1,248,000
Washington Metropolitan Area Transit Authority	1,626,000	49,479,000	126,112,000
Metropolitan Washington Council of Governments	908,834	2,289,364	2,262,108
Washington airports	3,603,000	3,693,000	3,46 ,000
Total National Capital region	7,077,834	56,508,364	133,091,108
Grand total	317,794,837	480,227,340	539,742,308

[1] Grant information and estimates furnished by the District of Columbia Government Budget Office as of Apr. 1, 1969. Summary follows:

[In thousands of dollars]

Agency	Fiscal year 1968 actual	Fiscal year 1969 estimated	Fiscal year 1970 estimated
Highways and traffic	37,163	112,742	10,134
Public schools	19,809	20,559	20,779
Public welfare	20,702	19,989	27,156
Urban renewal	3,560	13,837	39,584
Public health	10,151	12,105	10,370
All other	12,160	16,820	25,203
Total	103,545	196,052	133,226

[2] United Planning Organization fiscal year ends Sept. 30.

[3] Consists of $7,500,000 for grants and $7,500,000 for loans. Total authorized through 1972; grants $40,052,000 and loans $40,575,000. The District of Columbia Medical Facilities Construction Act of 1968 provides Federal project grants in addition to those available under various programs provided by the Medical Facilities Acts (title VI of the Public Health Service Act, including the Hill-Burton program, title II or pt. C of title I of the Mental Retardation Facilities and Community Health Construction Act of 1963).

[4] Represents appropriations received and requested by the Smithsonian Institution for operation of a neighborhood museum which appears to be of special benefit to the District of Columbia residents. Total appropriations of $38,400,000 have been requested for the Smithsonian for fiscal year 1970. However, the Smithsonian is considered primarily of national benefit rather than strictly as a benefit to District residents.

[5] Federal contribution to cost of patient care of District of Columbia residents in St. Elizabeths Hospital:

	1968	1969	1970
A. Per diem cost for patient care excluding repairs and construction	$77.24	$19.23	$21.27
B. Per diem cost paid by District of Columbia government	$14.47	$15.95	$17.94
C. Portion of per diem cost paid by Federal Government	$2.77	$3.28	$3.33
D. Patient days—District of Columbia residents	1,687,932	1,614,760	1,548,330
E. Total cost of patient care for District of Columbia residents contributed by Federal Government	$4,675,571.64	$5,296,412.80	$5,155,938.90

[6] Since 32 percent of Howard University students (school year 1967-68) were recorded as having been born in the District of Columbia, we considered 32 percent of the obligations and estimates, budget of the United States, fiscal year 1970 (appendix) as assistance to the District of Columbia:

	1968	1969	1970
Salaries and expenses	$15,534,000	$18,231,000	$20,445,000
Construction	636,000	10,001,000	29,890,000
	16,170,000	28,232,000	50,335,000
Less construction of new teaching hospital at Freedmen's			22,200,000
Total, Howard University	16,170,000	28,232,000	28,135,000
Assistance to District—32 percent of above	5,174,400	9,034,240	9,003,200

[7] According to Freedmen's Hospital officials the vast majority of patients are residents of the District of Columbia. In addition to obligations and estimates for salaries and expenses, we have included the estimated cost of construction of the new teaching hospital which was included in funds for construction at Howard University for fiscal year 1970.

[8] Represents estimated value of rent-free office space provided to the District of Columbia government by GSA and the savings in operating expenses of the District Procurement Office due to privilege of purchasing through GSA, as estimated by District of Columbia government officials.

[9] Estimated costs applicable to the District of Columbia government which are included in Civil Service Commission funding. Estimates by Civil Service Commission for 1969.

[10] The District of Columbia government and its civil service employees are members of the civil service retirement system, the costs of which are shared by the employees and the Federal Government. The Federal Government, however, has not deposited into the retirement fund its full share of contributions needed to provide retirement benefits. It, in effect, owes the funding of these retirement benefits to the employees of the Federal agencies in the system. The amount that has not been funded by the Federal Government (deficiency) is increasing each year primarily because Federal payments into the fund were not made or were insufficient in amount, especially in the earlier years. The Federal payments into the fund have been insufficient because benefits have been liberalized, interest income cannot be earned on the unfunded liability, and the pay raises provided result in unplanned increases in annuities. The deficiencies precluded the drawing of interest and the accumulating of the income needed to provide for the retirement annuities on an actuarial basis.

The Federal Government's deficiency in the retirement fund at June 30, 1968, was $52.6 billion, having increased during fiscal year 1968 by about $4.5 billion. Such annual increases in the unfunded liability represent the increase in the amount needed to provide for the retirement due the employees in the Federal Civil Service Retirement System. The Federal Government is liable for making provision for and paying retirement annuities.

Since the District's Civil Service employees constitute about 1 percent of the total in the system, it is estimated that about 1 percent of the annual increase in the unfunded liability ($45 million for fiscal year 1968, for example) pertains to the Federal Government's obligation to provide its share of the retirement benefits for District employees. The Federal Government now provides for retirement costs in current annual appropriations to agencies, but provision has not been made for the deficiency. It is assumed that retirement annuities will be paid and accordingly, the annualized amounts of the deficiency are included as a measure of the impact of Federal financing in addition to that included in District appropriations and other Federal payments and grants.

[11] Estimated income from the endowment fund of $7,241,706 provided by the fiscal year 1969 second supplemental appropriation act to the Department of Health, Education, and Welfare for the Federal City College in lieu of a land grant.

[12] Federal participation in WMATA is anticipated at about 46 percent of the total estimated cost of $2.5 billion. In San Francisco, Federal participation in the San Francisco Bay Area Rapid Transit System is about 8.4 percent of the total estimated cost of $1.3 billion. Net obligations incurred by WMATA for fiscal year 1968, as shown in the Budget of the United States Government, fiscal year 1970 (appendix) total $1,626,000. Obligations, as estimated in the Budget for fiscal years 1969 and 1970 are $49,479,000 and $43,173,000 respectively. Additional Federal support for fiscal year 1970, designated in the Budget as Sharebond proceeds, is estimated to be $82,939,000. The total estimated Federal support of WMATA for fiscal year 1970, therefore is $126,112,000. At June 1, 1969, it appears that obligations for fiscal year 1969 will be less than estimated in the budget since only about $6 million have been made available for obligation to date in 1969.

[13] Consists of grant supplements from HUD, HEW, Justice, and the Department of Transportation for regional planning and control.

[14] Actual and estimated operating losses for the National Capital Airports, consisting of the Washington National and Dulles International Airports.

Mr. PROXMIRE. Mr. President, I would suggest that those having an interest in this information carefully note the introductory statement which outlines the manner in which the table was compiled, as well as the footnotes which clarify certain individual items.

THE INTERNATIONAL GRAINS ARRANGEMENT

Mr. HARTKE. Mr. President, last year, on June 12, the Senate approved the International Grains Arrangement by a vote of 62 yeas to 21 nays, and immediately after that the operative provisions of the agreement went into effect on July 1, 1968.

The new International Grains Arrangement established minimum prices for wheat which were on the average 20 cents a bushel higher than those established under the International Wheat Agreement which had been in force from 1949 to 1967, greatly expanded the varieties of wheat which were covered by the agreement and established the gulf ports of the United States as the base points for determining f.o.b. prices.

The series of events that have transpired within less than 1 year have fully confirmed the worst fears which were expressed by opponents of the treaty. The high prices established by the new convention have encouraged uneconomical production of wheat abroad. At the same time the United States is one of the few countries which is reducing its acreage of wheat planting, so that it, in effect, is penalizing itself. The United States has become a residual supplier, and the U.S. taxpayers have had to increase appropriations to the Commodity Credit Corporation in order to hold the unsold surpluses.

Immediately after Senate action on the arrangement, the Department of Agriculture in June 1968, imposed export taxes or "inverse subsidies" on wheat exported from the United States to raise the price quotations abroad to the minimum established in the grains arrangement. These export taxes on wheat from the United States ranged from 21 cents a bushel in July 1968 on U.S. No. 1 Hard Winter wheat of ordinary protein, to 24 cents in September 1968 and were at 17 cents per bushel in April 1969—see table 1. This means that the U.S. farmer now receives $1.52 a bushel for this type of wheat, and with the 17-cent export tax per bushel the wheat is sold abroad for $1.69, still 4 cents a bushel below the minimum price of $1.73 established in the grains arrangement.

UNECONOMIC PRODUCTION TO CREATE A WORLD GLUT OF WHEAT

In calendar year 1968, the world wheat crop was a record 305 million metric tons, 10 percent above the preceding year—1967—and 7 percent above the 1966 record year; a 32-percent increase over the 1960–64 average. All wheatgrowing countries except Argentina had bumper crops.

At the start of the current crop year—July 1, 1968—it was estimated that the amount of wheat held in storage throughout the world exceeded 1 billion bushels. See table 2 showing the wheat supply of major exporting countries from 1960 to 1968.

It is expected that world wheat production in 1969 will be 9 percent above last year.

According to the U.S. Department of Agriculture—the "World Agricultural Situation, Review 1968 and Outlook for 1969," February 18, 1969—the high level of world wheat production in the past 3 years primarily reflects larger harvests in the Soviet Union which is not a signatory of IGA. Average annual production in the U.S.S.R. was 75 million tons during 1966–68, compared with 48 million during 1963–65. The U.S.S.R. harvested its second largest crop of wheat in 1968. Government domestic procurements were about 13 million tons in excess of domestic needs and the U.S.S.R. again is in a position to increase net exports. There will be an increase in exports to Eastern Europe and perhaps to the United Arab Republic and Cuba.

The Department further stated that—as shown in table 2—the United States and the four other major exporters—Canada, Australia, Argentina, and France—have reversed positions in terms of wheat supply during the 1960's. While total supply of wheat has gone down, the combined supply in Argentina, Australia, Canada, and France has gone up.

U.S. wheat exports during the first

half of the 1968–69 crop year were about 25 percent below the same period a year earlier and prospects are bleak for a full recovery in the latter half of this year. Although lower sales in the first quarter—July to September—may be explained by heavy foreign buying in June to avoid the higher IGA minimum prices effective July 1, lower sales in the second quarter can only be explained by lower demand and increased competition. Buying in anticipation of the U.S. longshoremen's strike in December caused some pickup in exports to Europe.

THE UNITED STATES REDUCES ITS WHEAT ACREAGE WHILE OTHER NATIONS INCREASE PRODUCTION

In 1968 Australia planted 26 million acres of wheat compared with 23 million in 1967 and 21 million in 1966. Canada had an 0.7-million-acre reduction in area in 1968, but produced an average wheat crop. Moisture reserves in western Canada should be exceptionally good for planting the 1969 spring wheat crop.

In the United States, production of wheat was 60 million bushels more than anticipated—from 1,510 million to 1,570 million bushels—while exports are expected to fall about 190 million below earlier expectations—from 790 million to about 600 million bushels.

Meanwhile the U.S. Department of Agriculture has set the national wheat acreage allotment for the United States for 1969 at 51.9 million acres, a 13 percent reduction from last year; further reductions can be expected from the sign-up through March 21, 1969, under the voluntary storage differential program.

Seeding of winter wheat in the U.S. for the 1969 harvest was 6 million acres less than in the previous year. Despite a record crop in 1968, the area in production in the United States was 3.5 million acres less than in 1967.

UNITED STATES AS A RESIDUAL SUPPLIER

Between 1955 and 1967, when the International Grains Arrangement was in force, the United States became the residual supplier of wheat, mostly on concessional terms. One-half to two-thirds of our exports of wheat and wheat flour were on concessional terms, while other suppliers, Canada, Australia, Argentina, and France sold primarily on commercial terms—see table 3. In the future, however, even our Government-financed programs will be reduced, as the urealistically high prices under the grains arrangement encourage uneconomic production and competition abroad. India and Pakistan through U.S. assistance with fertilizers, new varieties of seed and irrigation, have greatly increased their production of wheat—see table 5. U.S. wheat shipments to India and Pakistan were down to 54 million bushels for July-December 1968, compared with 147 million bushels during the same 6 months a year earlier.

FUTURE PROSPECTS

Secretary of Agriculture, Clifford M. Hardin, in testifying on March 5, 1969, before the House Appropriations Committee Subcommittee on Agriculture, pointed out that American agriculture has expanded its capacity to produce faster than the growth rate of aggregate demand and that it is expected that this excess capacity to produce will continue through 1980 even under the most favorable assumption. He added:

> One may disagree as to the best approach to this problem of excessive supplies—but there should be no disagreement that excess capacity does exist in our national agricultural "plant" and that it centers mainly in grain. Crop yields continue to increase faster than needs expand.

With these prospects for increasing production for American farmers, the high prices set by the International Grains Arrangement can only result in the encouragement of foreign, less economic, production, diminishing exports for the United States, resulting in lowered prices for the American farmer and mounting expenses for the U.S. Government.

U.S. exports of farm products in fiscal year 1967 were $6.8 billion, dropped to $6.3 billion in fiscal year 1968, and are expected to fall to $6.0 billion in fiscal year 1969.

In 1968 direct Government payments to farmers were $3.5 billion, $400 million higher than in 1967 because of substantial increases in payments to producers who participated in the feed grain program. A record 1968 crop raised the wheat supply for the current marketing year to 2.1 billion bushels, an increase of 160 million bushels from a year earlier. Domestic disappearance and exports may fall within a range 1.3 and 1.4 billion bushels this marketing year, so that the carryover, July 1, 1969, may climb to the area of 700 to 775 million bushels.

In March of this year Congress was hurriedly asked for a supplemental appropriation for an additional $1 billion to permit the Commodity Credit Corporation to carry on its program of loans to farmers, because of the unexpectedly heavy production of commodities.

Representative WHITTEN, chairman of the subcommittee, pointed out that as of March 7, 1969, the value of commodities on hand and under loan from the CCC was estimated at $5.1 billion. The Senate cleared the bill for the White House on March 27, 1969.

It is obvious that the United States, despite programs to limit acreage, faces the prospect of mounting surpluses with the resultant increasing expense to the Government for storage, loans, and diversion payments. The high prices set under the International Grains Arrangement encourage uneconomic production, competition, and advantages for foreign producers and reduced prices and returns for the American farmer.

The fictitiously high prices now set under the International Grains Arrangement have clearly not helped the American farmers to obtain additional income for their products. During the Foreign Relations Committee hearings and the Senate consideration of the agreement, it was predicted that high minimum world prices could only result in increased surpluses of wheat, and this is exactly what has happened.

Thus it is apparent that the U.S. Government must resort to policies which will obtain for American producers the highest possible exports of American wheat and other commodities for cash at competitive world prices. American wheat farmers have a great comparative advantage in being able to produce wheat more economically than foreign producers.

We must face up to the realization that the income of our farmers is a matter of internal domestic policy and that the maintenance of a fair share of the national income for the farmer is a matter for our national decision to see that he is adequately compensated. The aim of our export policy should be to sell as much of our production as can be moved through competitive pricing. The minimums in the International Wheat Convention must be reduced. This will move wheat into international channels, reduce the domestic surplus, raise the domestic price to the farmer, and diminish the budgetary cost to the Government of storing surpluses.

DURATION OF THE INTERNATIONAL GRAINS ARRANGEMENT

The International Grains Arrangement entered into force on July 1, 1968, and is to remain in force for 3 years, through June 30, 1971.

Under article 21 of the arrangement, any country which considers its interests have been seriously prejudiced may bring the matter to the attention of the International Wheat Council, which may refer the matter to the Executive Committee or the Prices Review Committee. Within the Council two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries are required for a decision granting relief. If no relief is granted by the Council, however, and the country concerned still considers that its interests as a party to the convention have suffered serious prejudice, it may withdraw from the convention at the end of the crop year by giving written notice. The weighted votes allotted exporters and importers under the Convention are shown in the attached table 4.

Also, under article 8 of the Grains Arrangement, provision is made for review of and adjustments in minimum prices by the Prices Review Committee and the Wheat Council which shall decide whether provisions of the convention shall be suspended and if so to what extent.

On April 3 and 4, 1969, representatives of the five major wheat exporter nations who are members of the IGA—the United States, Argentina, Australia, Canada, and the European Economic Community—met in Washington to discuss problems which have arisen under the convention. The communique issued at the end of the meeting disclosed no more results than the following:

> Ways and means of resolving these difficulties were explored and it was agreed that the necessary adjustments would be made collectively and individually by the exporting countries to overcome them and to foster the effective operation of the arrangement.

The United States should press for a

substantial reduction in the minimum price levels now established under the IGA and also for the removal of the arbitrary distinction in the IGA between types of wheat which now benefit foreign producers to the disadvantage of American growers. In addition the United States should use every means to press for the removal of the variable levies which the EEC imposes on products entering the Community, the proceeds of which are then used to finance subsidies on EEC exports.

I ask unanimous consent that six tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—SELECTED PRICE SERIES OF INTERNATIONAL SIGNIFICANCE

Year and month	Wheat, Canada No. 1, Northern, in store, Fort William–Port Arthur export (class II)		Wheat, U.S. No. 1, Hard Winter, ordinary protein, f.o.b. gulf ports [1]						Wheat, U.S. No. 2, Hard Winter, c.i.f. United Kingdom, nearest forward shipment	
			Buyer's price		Export certificate or payment		Seller's price			
	Canada dollars per bu.	Dollars per m.t.	Dollars per bu.	Dollars per m.t.	Dollars per bu.	Dollars per m.t.	Dollars per bu.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.
1968										
February	1.92	65.19	1.71	62.83	−0.11	−4.04	1.82	66.87	29.95	70.75
March	1.94	65.95	1.73	63.57	−.05	−1.84	1.78	65.40	30.83	72.83
April	1.94	65.95	1.68	61.73	.00	.00	1.68	61.73	29.81	70.42
May	1.93	65.74	1.64	60.26	.00	.00	1.64	60.26	29.83	70.47
June	1.97	66.89	1.71	62.83	.13	4.78	1.58	58.06	31.00	73.24
July	1.99	67.53	1.73	63.57	.21	7.72	1.52	55.85	31.30	73.93
August	2.00	68.03	1.73	63.57	.23	8.45	1.50	55.12	30.23	71.40
September	2.01	68.27	1.74	63.93	.24	8.82	1.50	55.12	30.47	71.97
October	1.98	67.15	1.73	63.51	.18	6.61	1.56	57.32	31.50	74.41
November	1.96	66.57	1.73	63.57	.15	.51	1.58	58.06	31.57	74.58
December	1.96	66.77	1.74	63.93	.17	6.25	1.57	57.69	31.45	74.28
1969										
January	1.96	66.74	1.72	63.20	.15	5.51	1.57	57.59	30.92	73.04
February	1.97	66.81	1.71	62.83	.16	5.88	1.55	56.95	30.76	72.65

Year and month	Wheat, Northern Manitoba No. 2, c.i.f. United Kingdom, nearest forward shipment		Wheat, Argentine Up-River, c.i.f. United Kingdom, nearest forward shipment		Wheat, Australian, c.i.f. United Kingdom, nearest forward ipment		Corn, Argentine, c.i.f. United Kingdom, nearest forward shipment		Corn, U.S. No. 3, yellow, c.i.f. United Kingdom, nearest forward shipment	
	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.
1968										
February	32.82	77.52	29.61	69.94	28.75	67.91			24.95	58.94
March	33.53	79.20	30.15	71.21	28.92	68.30	27.40	64.63	24.62	58.17
April	33.09	78.17			29.00	68.50	26.04	61.51	23.91	56.47
May	33.05	78.07			29.00	68.50	26.04	61.50	23.82	56.28
June	33.73	79.68			29.25	69.09	27.03	63.85	23.47	55.44
July	33.67	79.52			29.50	69.68	26.50	62.60	23.36	55.18
August	33.93	80.15	30.12	71.16	29.12	68.80	25.11	59.31	22.50	53.15
September	33.60	79.36	29.00	68.50	29.12	68.80	25.08	59.24	22.17	52.36
October	33.46	79.04	28.65	67.67	29.12	68.80	24.35	59.52	22.85	53.97
November	33.56	79.28	29.00	68.50	28.96	68.40	25.19	59.50	23.78	56.17
December	33.69	79.57	29.75	70.27	28.88	68.21	25.86	61.08	24.69	58.31

TABLE 1.—SELECTED PRICE SERIES OF INTERNATIONAL SIGNIFICANCE—Continued

	Wheat, Northern Manitoba No. 2, c.i.f. United Kingdom, nearest forward shipment		Wheat, Argentine Up-River, c.i.f. United Kingdom, nearest forward shipment		Wheat Australian c.i.f. United Kingdom, nearest forward shipment		Corn, Argentine, c.i.f. United Kingdom, nearest forward shipment		Corn, U.S. No. 3, yellow, c.i.f. United Kingdom, nearest forward shipment	
	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.	Pounds per l.t.	Dollars per m.t.
1969										
January	34.09	80.53	30.19	71.31	28.88	68.21	25.84	61.05	25.19	59.50
February	33.89	80.05	30.28	71.53	28.88	68.21	25.78	60.90	24.66	58.24

TABLE 2.—WHEAT SUPPLY IN MAJOR EXPORTING COUNTRIES, 1960–68

[Million metric tons]

Country	Year beginning [1]								
	1960	1961	1962	1963	1964	1965	1966	1967	1968
Canada:									
Stocks	16.3	16.5	10.6	13.3	12.5	14.0	11.4	15.7	18.2
Production	14.1	7.7	15.4	19.7	16.3	17.7	22.5	16.1	17.7
Supply	30.4	24.2	26.0	33.0	28.8	31.7	33.9	31.8	35.9
Australia:									
Stocks	1.7	.8	.5	.6	.6	.7	.4	2.2	1.4
Production	7.4	6.7	8.4	8.9	10.0	7.1	12.7	7.5	14.3
Supply	9.1	7.5	8.9	9.5	10.6	7.8	13.1	9.7	15.7
Argentina:									
Stocks	1.2	.8	.2	.5	2.2	3.3	.2	.2	1.4
Production	4.0	5.7	5.7	8.9	11.3	6.1	6.2	7.3	5.9
Supply	5.2	6.5	5.9	9.4	13.5	9.4	6.4	7.5	7.3
France:									
Stocks [2]	1.9	2.3	1.7	3.2	2.3	2.0	2.6	1.7	1.8
Production	11.0	9.6	14.1	10.2	13.8	14.8	11.3	14.0	14.8
Supply	12.9	11.9	15.8	13.4	16.1	16.8	13.9	15.7	16.6
Total, 4 countries:									
Stocks	21.1	20.4	13.0	17.6	17.6	20.0	14.6	19.8	22.8
Production	36.5	29.7	43.6	47.7	51.4	45.7	52.7	44.9	52.7
Supply	57.6	50.1	56.6	65.3	69.0	65.7	67.3	64.7	75.5
United States:									
Stocks	35.7	38.4	36.0	32.5	24.5	22.2	14.6	11.6	14.6
Production	36.9	33.5	29.7	31.2	34.9	35.8	35.7	41.4	42.7
Supply	72.6	71.9	65.7	63.7	59.4	58.0	50.3	53.0	57.3
Soviet Union:									
Production	46.3	52.3	54.4	40.0	57.7	46.5	85.0	64.0	75.0

[1] Year beginning July 1 for United States and France, Aug 1 for Canada, and Dec 1 for Australia and Argentina.
[2] Beginning with 1967, stocks are Aug. 1.

Source: U.S. Department of Agriculture, "The World Agricultural Situation: Review of 1968 and Outlook for 1969," Foreign Agricultural Economic Report No. 50, Feb. 18, 1969, Washington, D.C.

TABLE 3.—VALUE OF U.S. EXPORTS OF WHEAT AND FLOUR, INCLUDING GOVERNMENT-FINANCED PROGRAMS (PUBLIC LAW 480 AND AID)

[In millions of dollars]

	Average, 1955–59	Average, 1960–64	Annual, 1964–65	Annual, 1965–66	Annual, 1966–67	Annual 1967–68 (preliminary)
Total	709	1,196	1,240	1,402	1,312	1,278
Commercial	240	400	249	465	666	511
Government financed programs	469	796	991	937	646	767

Source: U.S. Department of Agriculture. "Foreign Agricultural Trade of the United States." March 1969, p. 5, Washington, D.C.

TABLE 4.—WHEAT: ACREAGE, YIELD PER ACRE, AND PRODUCTION IN SPECIFIED COUNTRIES, YEAR OF HARVEST AVERAGE 1960–64, ANNUAL 1967 AND 1968 [1]

Continent and country	Acreage [2]			Yield per acre			Production				
	Average, 1960–64 (thousand acres)	1967 (thousand acres)	1968 [3] (thousand acres)	Average, 1960–64 (bushels)	1967 (bushels)	1968 [3] (bushels)	Average, 1960–64 (thousand metric tons)	1967 (thousand metric tons)	1968 [3] (thousand metric tons)	1967 (million bushels) [4]	1968 [3] (million bushels) [4]
North America:											
Canada	26,785	30,121	29,424	20.1	19.7	22.1	14,649	16,137	17,680	592.9	649.6
United States	48,481	59,004	56,039	25.2	25.8	28.5	33,254	41,487	43,453	1,524.3	1,596.6
Mexico	1,971	1,883	1,772	29.4	40.1	37.2	1,577	2,057	1,793	75.6	65.9
Guatemala	83	93	96	10.6	9.5	13.2	24	24	34	.9	1.3
Total [5]	77,325	91,100	87,335	23.5	24.1	26.5	49,505	59,705	62,960	2,193.8	2,313.4
South America:											
Argentina	11,651	14,470	----	22.6	17.8	----	7,164	7,000	----	257.2	----
Brazil	1,015	890	----	8.6	15.1	----	238	365	----	13.4	----
Chile	2,090	1,730	----	21.3	25.4	----	1,213	1,196	----	44.0	----
Colombia	350	168	230	13.0	17.5	20.0	124	80	125	2.9	4.6
Ecuador	166	161	166	13.7	13.7	14.4	62	60	65	2.2	2.4
Peru	377	370	370	14.6	13.9	11.9	150	140	120	5.1	4.4
Uruguay	1,107	544	----	14.1	9.7	----	424	144	----	5.3	----
Total [5]	16,995	18,565	18,790	20.4	17.9	20.3	9,455	9,260	10,355	332.9	380.5
Europe:											
EEC:											
Belgium	513	492	497	57.1	61.8	56.3	798	828	761	30.4	28.0
France	10,459	9,721	10,208	41.3	54.4	51.6	11,746	14,383	14,340	528.5	526.9
Germany, West	3,430	3,495	3,618	50.7	61.2	61.5	4,731	5,819	6,060	213.8	222.7
Italy	11,000	9,913	10,550	27.6	35.5	32.0	8,261	9,564	9,200	351.4	338.0
Luxembourg	48	38	----	33.9	47.4	----	44	49	----	1.8	----
Netherlands	326	381	375	65.8	71.2	66.8	583	739	682	27.1	25.1
Total, EEC	25,776	24,040	25,288	37.3	48.0	45.2	26,163	31,382	31,193	1,153.0	1,142.5
Austria	683	782	756	38.3	49.2	42.5	712	1,045	874	38.4	32.1
Denmark	299	225	230	59.8	68.8	67.2	487	421	421	15.5	15.5
Finland	598	623	----	25.9	29.9	----	422	507	----	18.6	----
Greece	2,690	2,315	2,538	23.5	29.3	22.0	1,722	1,848	1,519	67.9	55.8
Ireland	294	189	219	43.9	49.6	48.6	351	255	290	9.4	10.7
Norway	21	8	7	38.0	48.6	42.0	22	11	8	.4	.3
Portugal	1,754	1,680	1,631	11.0	12.4	15.7	526	566	698	20.8	25.6
Spain	10,251	10,549	9,760	14.8	19.5	21.1	4,120	5,598	5,606	205.7	206.0
Sweden	683	628	605	46.1	65.5	61.2	858	1,130	1,008	41.5	37.0
Switzerland	257	255	----	49.0	62.2	----	343	432	----	15.9	----
United Kingdom	2,064	2,305	2,417	58.6	62.4	60.6	3,293	3,912	3,988	143.7	146.5
Total, Western Europe [5]	45,370	43,599	44,325	31.6	39.7	38.5	39,019	47,107	46,400	1,730.8	1,704.9
Albania	283	----	----	12.8	----	----	99	----	----	----	----
Bulgaria	3,057	2,619	----	25.2	44.9	----	2,100	3,200	----	117.6	----
Czechoslovakia	1,739	2,296	----	35.5	40.0	----	1,682	2,500	----	91.9	----
Germany, East	1,027	1,317	----	46.1	56.1	----	1,288	2,012	----	73.9	----
Hungary	2,594	2,609	----	26.2	38.3	----	1,849	2,716	----	99.8	----
Poland	3,619	4,344	----	28.2	33.3	----	2,781	3,934	----	144.5	----
Romania	7,256	7,166	----	19.5	29.7	----	3,823	5,300	----	213.1	----
Yugoslavia	5,135	4,645	4,942	25.9	38.1	32.5	3,618	4,820	4,370	177.1	160.6
Total, Eastern Europe [5]	24,710	25,296	26,235	25.6	36.4	32.4	17,240	25,082	23,100	921.6	848.8
Total, Europe [5]	70,080	68,895	70,560	29.5	38.5	36.2	56,259	72,189	69,500	2,652.5	2,553.7
U.S.S.R. (Europe and Asia) [6]	160,000	165,600	----	11.5	14.2	----	50,000	64,000	65,000	2,351.6	----
Africa:											
Algeria	4,733	----	----	10.0	----	----	1,290	1,350	----	49.6	----
Ethiopia	914	----	----	10.4	----	----	259	----	----	----	----
Morocco	3,905	4,389	4,885	9.7	9.1	18.3	1,036	1,090	2,411	40.0	88.6
Sudan	47	----	----	23.0	----	----	30	86	----	3.2	----
Tunisia	2,661	2,014	----	6.0	5.5	----	432	300	400	11.0	14.7
United Arab Republic	1,440	1,450	----	38.4	38.0	----	1,504	1,500	----	55.1	----
Kenya	267	372	----	16.2	22.9	----	117	232	----	8.5	----
South Africa, Republic of	2,851	3,050	----	11.1	12.3	----	861	1,023	----	37.6	----
Total [5]	17,625	18,415	19,810	11.9	12.1	14.4	5,685	6,080	7,510	223.4	275.9
Asia:											
Cyprus	178	149	----	10.8	23.8	----	52	97	30	3.5	1.1
Iran	4,925	----	----	20.4	----	----	2,740	4,000	4,400	147.0	161.7
Iraq	3,060	----	----	8.7	----	----	726	700	----	25.7	----
Israel	128	222	222	19.5	36.4	28.1	68	220	170	8.1	6.2
Jordan	604	673	680	8.1	12.3	9.4	133	226	173	8.3	6.4
Lebanon	142	150	150	9.8	17.1	11.0	38	70	45	2.6	1.7
Turkey	16,400	17,800	18,000	15.6	18.6	17.6	6,980	9,000	8,600	330.7	316.0
Syria	2,750	----	----	9.7	----	----	728	600	450	22.0	16.5
China, mainland	62,500	60,500	----	12.7	14.0	----	21,600	23,000	----	845.0	----
Afghanistan	5,700	----	----	14.3	15.9	----	2,200	2,550	----	93.7	----
India	33,123	31,172	34,755	12.0	13.6	18.0	10,809	11,528	17,000	423.6	624.6
Japan	1,475	907	796	34.4	40.4	46.7	1,381	997	1,011	36.6	37.1
Korea, South	328	375	389	30.1	30.4	28.4	269	310	301	11.4	11.1
Nepal	330	305	----	15.0	19.6	----	135	163	178	6.0	6.5
Pakistan	12,301	13,385	15,370	12.1	12.1	15.2	4,065	4,393	6,375	161.4	233.6
Total [5]	144,820	144,660	151,095	13.3	14.8	15.6	52,295	58,290	64,610	2,141.7	2,374.0
Oceania:											
Australia	15,805	22,711	----	19.3	12.2	----	8,298	7,548	----	277.3	----
New Zealand	197	308	----	46.3	48.4	----	248	405	----	14.9	----
Total [5]	16,002	23,018	----	19.6	12.7	20.4	8,546	7,953	14,020	292.2	515.1
World total [5]	502,850	530,300	540,300	16.9	19.2	20.0	231,750	277,280	293,960	10,188.2	10,801.1

[1] Years shown refer to years of harvest in the Northern Hemisphere. Harvests of Northern Hemisphere countries are combined with those of the Southern Hemisphere which immediately follow; thus, the crop harvested in the Northern Hemisphere in 1968 is combined with preliminary forecast for the Southern Hemisphere harvests, which begin late in 1968 and end early in 1969.

[2] Harvested acreage as far as possible.

[3] Preliminary.

[4] Metric tons converted to bushels at 36.7433.

[5] Estimated totals include allowances for producing countries not shown.

[6] Production estimated.

Note: Foreign Agricultural Service. Prepared or estimated on the basis of official statistics of foreign governments, other foreign source materials, reports of U.S. agricultural attaches and Foreign Service officers, results of office research, and related information.

Source: U.S. Department of Agriculture, "Wheat Situation," pp. 50 and 51, November 1968 Washington, D.C.

TABLE 5.—*Weighted votes allotted under the international grains arrangement*

Exporters (1000 votes)	
Argentina	125
Australia	125
Canada	300
EEC	125
Greece	5
Mexico	5
Spain	5
Sweden	10
United States	300
Importers (1000 votes)	
Barbados	1
Bolivia	6
Costa Rica	4
Cuba	1
Denmark	3
Dominican Republic	3
Ecuador	2
EEC	234
Finland	1
Guatemala	4
India	40
Iran	9
Ireland	12

TABLE 5.—*Weighted votes allotted under the international grains arrangement*—Con.

Importers (1000 votes)	
Israel	6
Japan	225
Netherlands (Antillies-Curaco)	2
Korea	11
Lebanon	8
Liberia	5
Nigeria	7
Norway	18
Pakistan	21
Portugal	22
Saudi Arabia	11
South Africa	18
Switzerland	25
Trinidad and Tobago	6
Tunisia	2
UAR	22
UK	270
Vatican	1

Source: Department of Agriculture, Export Marketing Service, Wheat Subsidy and Market Branch, Mr. Keith Severin (DU8-3927).

TABLE 6.—WHEAT: SUPPLY AND DISAPPEARANCE, UNITED STATES, CANADA, FRANCE, AUSTRALIA, AND ARGENTINA AVERAGE 1955-59 AND 1960-64, ANNUAL 1965-68

[In million bushels]

Year beginning July 1	Beginning carryover[1]	Production	Total[2]	Domestic[2]	Exports including flour
	United States				
	Supply			Disappearance	
Average:					
1955-59	1,031	1,095	2,134	598	450
1960-64	1,228	1,222	2,455	605	721
1965	817	1,316	2,134	732	867
1966	535	1,312	1,849	680	744
1967	425	1,524	1,950	652	761
1968[3]	537	1,598	2,136	730-780	
Year beginning Aug. 1			Canada		
Average:					
1955-59	617	466	1,083	159	294
1960-64	509	538	1,047	148	407
1965	513	649	1,162	157	585
1966	420	827	1,247	163	516
1967	568	593	1,161	158	335
1968[3]	668	628	1,296		
Year beginning July 1			France		
Average:					
1955-59	63	355	447	326	60
1960-64	84	432	539	352	102
1965	73	542	644	368	178
1966	98	415	540	359	111
1967[4]	70	513	601	366	177
1968[3]	58	545	625		
Year beginning Dec. 1			Australia		
Average:					
1955-59	62	168	230	74	100
1960-64	34	305	339	78	234
1965	27	260	287	83	180
1966	24	467	491	91	316
1967	84	277	361	101	225
1968[3]	35	480	515		
Year beginning Dec. 1			Argentina		
Average:					
1955-59	57	226	283	142	91
1960-64	36	263	299	134	113
1965	123	223	346	127	204
1966	15	230	245	141	81
1967	23	257	280	148	80
1968[3]	52	295	347		

[1] From previous crops.
[2] Supply and disappearance for United States, Canada, and France include imports. Australian and Argentine imports are generally insignificant, with exception of 1966 for Argentina.
[3] Preliminary.
[4] Beginning 1967, crop year started in August.

Note: Compiled from records of Foreign Agricultural Service, Grain and Feed Division.

Source: U.S. Department of Agriculture, "Wheat Situation," p. 49, November 1969, Washington, D.C.

IMPACTED AID PROGRAM

Mr. MURPHY. Mr. President, today a distinguished group of California educators were in Washington to testify on the impacted-aid program, a critical program if California school districts are to provide the educational programs essential for our students. I ask unanimous consent that my statement before the Subcommittee on Education, strongly supporting the impacted-aid program, and an insertion, be printed in full in the RECORD.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GEORGE MURPHY

Senator MURPHY. Mr. Chairman, first, I want to welcome to Washington, Assistant Superintendent Charles Briscoe of the Alameda Unified School District, Dr. Gordon E. Harrison, Superintendent, Moreno Valley Schools; Dr. John Nicoll, Superintendent, Vallejo School District; Dr. James Cowan, Assistant Superintendent, San Juan School District and Dr. Francis Laufenberg, Assistant Superintendent, Long Beach School District, and Dr. Bluford F. Minor, Asst. Superintendent, San Diego who have come to testify on a program which is so critical to many school districts in my state.

Superintendent Briscoe and his associates have been so helpful in supplying me with supporting data to enable us to defeat efforts to cripple or destroy the impacted-aid program.

The impacted-aid program is a badly needed and most popular educational program in California. Four hundred forty-six applicant districts receive financial assistance under the impacted-aid program in forty-seven of California's fifty-eight counties. One hundred twenty-nine of these four hundred forty-six applicant districts received over $100,000 in impacted aid. Over 3.6 million pupil educational programs are affected by these funds. Without this federal assistance, the education programs in the various schools would have to be reduced or eliminated or taxes would have to be increased, and in many cases, prohibitively increased. According to information furnished to me, a discontinuance of P.L. 874 funds for these 61 applicant districts for whom P.L. 874 represents over ten per cent of their total current expenditures, which would mean that 29 would have to increase their tax rate from 21¢ to $1.00, 17 between $1.00 and $2.00, and 13 over $2.00.

The impacted-aid program was enacted by the Federal Government in recognition of its responsibilities to assist school districts where federal tax-exempt property and federal activity have placed educational burdens on the local school system.

Since coming to the Senate, I have been a strong supporter of the impacted-aid program, and I have resisted repeated efforts to harm it.

In 1966, I opposed the Administration's effort to cut Public Law 874 by $34 million.

Also in that same year, it was my amendment that deleted Administration language which would have eliminated junior college eligibility under the impacted-aid program.

In 1967, I secured from the Administration a ruling that California junior colleges would remain eligible for impacted-aid assistance despite a restructuring of our junior college system.

Last year, in the Second Supplementary Appropriations Act, Congress appropriated funds for the impacted-aid program, but the Johnson Administration refused to fund it.

To spotlight this issue and to point out that the Administration was allowing the appropriation authority to expire, an amendment of mine was added to the foreign aid bill prohibiting the carrying over of certain foreign aid funds until the President funded the impacted-aid program. This passed the Senate by a vote of 37 to 36. This once again indicated the strong support and the clear intent of the Congress that the impacted-aid program should be funded.

Later, I co-authored an amendment to the Labor-HEW Appropriations bill with Senator Mundt reappropiating $91 million for the FY 68 impacted-aid program and further exempted the impacted-aid program from the Revenue Control and Expenditure Act. This passed the Senate 59 to 5. As a result, we were finally able to get these needed funds to the impacted districts.

Mr. Chairman, for the year 1967–1968, California's entitlement was $74,092,122. It has been estimated that California's entitlement for 1968–1969 is over $80 million.

For one district in my state, the Travis Unified District in Solano County, impacted-aid assistance represents 49.13% of the total current expenses. In many other districts, although not as large, impacted-aid funds are significant. As the China Lake School District indicated to me last year: "The School District at this Naval Station is a slave of Federal and State legislation because it has no way to make up losses thru local taxation. Funds must be made available thru PL 874 if China Lake School District is to survive."

Thus, Mr. Chairman, the issue for many school districts, if the impacted-aid program is not funded, is survival. I intend to do everything I can to see that the impacted-aid program is not only continued but also that it is funded to allow all school districts to receive their entitlements. I ask unanimous consent that a statement of the impacted-aid program in California prepared by the State Department of Education be printed in the RECORD.

STATEMENT OF PUBLIC LAW 874

The California State Department of Education and the California school districts that receive federal financial assistance under the provisions of Title I of Public Law 81–874 have a sincere and critical interest in the continuance by Congress of that law. The purpose of this statement is to demonstrate that interest and to present data showing the extent of the federal obligation in California and the critical need of California school districts for continuing financial assistance under the act.

I. EXTENT OF PARTICIPATION IN PUBLIC LAW 874

Since the enactment of Public Law 874, applicant school districts in California have received assistance under the act varying from 25 per cent of the total national payments under Section 3 in 1950–51 to 17 per cent in 1966–67, the last year from which data are available. With this aid California also has shown average daily attendance of eligible pupils under the act ranging from 21 per cent in 1950–51 to 16 per cent in 1966–67.

Table 1 shows the average daily attendance of federally connected pupils and net entitlements under Section 3 of Public Law 874 for the applicant districts in the State of California compared with the national totals for the same fiscal years.

TABLE 1.—AVERAGE DAILY ATTENDANCE OF FEDERALLY CONNECTED PUPILS AND NET ENTITLEMENTS UNDER SEC. 3 FOR THE STATE OF CALIFORNIA COMPARED WITH THE NATIONAL TOTAL FOR THE FISCAL YEARS 1960–61 THROUGH 1967–68

Fiscal year	Average daily attendance			Net entitlements		
	National	California	Percent	National	California	Percent
1967–68 [1]		403,166			$74,092,122	
1966–67	2,298,160	375,887	16.36	$388,145,667	66,337,584	17.09
1965–66	2,114,273	354,063	16.75	349,947,872	61,999,788	17.72
1964–65	2,014,100	329,523	16.36	311,300,948	52,768,626	16.95
1963–64	1,903,355	320,441	16.84	284,262,603	49,638,925	17.46
1962–63	1,841,017	316,992	17.22	259,317,010	46,386,434	17.89
1961–62	1,754,269	303,328	17.29	232,889,656	42,439,009	18.22
1960–61	1,621,560	280,796	17.32	203,154,222	36,085,002	17.76

[1] National totals are not available at this time.

II. NUMBER OF APPLICANT DISTRICTS AND THE AVERAGE DAILY ATTENDANCE OF ELIGIBLE PUPILS

Under the provisions of Section 3 of Public Law 874 there are 446 applicant districts that have received entitlements (in 1967–68) located in 47 of the state's 58 counties. In these applicant districts there are 403,166 units of average daily attendance of pupils enrolled who are eligible under the act; 59,492 units of average daily attendance are pupils of parents who reside on federal property with a parent employed on federal property; 343,674 are pupils whose parents reside on federal property or whose parents work on federal property. In these applicant districts there are a total of 3,646,736 units of average daily attendance of pupils whose educational program is affected by the financial assistance received under Public Law 874. Thirty Eight per cent of all the districts in the state are applicant districts. The total average daily attendance of these applicant districts constituted 74 per cent of the total average daily attendance of the state for the 1967–1968 school year.

Table 2 is a summary by counties of the average daily attendance reported by 446 applicant districts under Section 3 of Public Law 874 for the fiscal year 1967–68. The data were taken from the financial reports of the districts on U.S. Office of Education Form RSF–3. See page 4 for Table 2.

III. DEPENDENCE OF CALIFORNIA SCHOOL DISTRICTS UPON PUBLIC LAW 874

Table 3 shows a comparison of assistance under Public Law 874 and the total current expense in selected California school districts for the fiscal year 1967–68. The table shows the per cent of current expense that was provided from 3(a) entitlements, 3(b) entitlements, and total entitlements. Examination of the table will show that South Bay Elementary school district had 20.02 per cent of its current expense from 3(b) entitlements alone, and 20.08 per cent of its current expense from the total entitlement. The other districts had percentages of 3(b) entitlement ranging downward. It should be pointed out that these per cents are for selected districts having a high ratio of 3(b) entitlement to current expense, or receiving a great deal of P.L. 874 money. This does not fully demonstrate the criticalness of this federal assistance because other districts which might not meet the criteria of the selected districts in the table, nevertheless receive enough entitlement to significantly increase the district income on a per pupil basis.

Table 4 also exhibits the criticalness of aid under Public Law 874 to California school districts. The table lists 129 districts that each received in 1967–68 in excess of $100,000 under the provisions of Public Law 874. The largest amount ($5,923,194) was received by the San Diego Unified School District. See page 8 for Table 4.

IV. EFFECT OF DISCONTINUANCE OF PUBLIC LAW 874

Table 5 exhibits the local district tax rate increase required to replace federal financial assistance under Public Law 874. The table assumes that the present level of educational services would be provided and that a local tax would be levied to replace the federal assistance. The table includes districts which received assistance in excess of 10 per cent of their total current expenditures during 1967–68 from Public Law 874. See page 13.

The following tabulation indicates the increases in tax rates required to replace such support:

INCREASE IN LOCAL TAX RATE REQUIRED TO REPLACE FINANCIAL ASSISTANCE UNDER PUBLIC LAW 874

Increase in tax rate required	Number of districts— To replace all entitlements	To replace 3(b) entitlements
0 to $0.20	2	21
$0.21 to $0.40	7	7
$0.41 to $0.60	12	6
$0.61 to $0.80	6	6
$0.81 to $1.00	4	5
$1.01 to $1.20	6	6
$1.21 to $1.40	4	2
$1.41 to $1.60	4	5
$1.61 to $1.80	2	
$1.81 to $2.00	1	1
$2.01 to $2.20		
$2.20 to $2.40		
Over $2.40	13	2
Total	61	61

Tax rate increases based on 95 percent of actual assessed valuation.

Any curtailment at all in federal financial assistance to other applicant districts would have a lesser effect than shown in Table 5, but the effect would still be critical because educational services in the district would suffer.

We hope that this information will be helpful to you in considering the extention of Public Law 874. We believe that the data speak for themselves and will demonstrate the fact that California school districts are critically in need of this federal financial assistance, and that the discontinuance of even the 3(b) entitlements will jeopardize the educational program in these districts, affecting a large percentage of the total number of pupils in California.

We sincerely believe that the federal government has an obligation in respect to the federal activities being carried on in California and are wholeheartedly in support of the obligation accepted by the federal government to provide support under Public Law 874. We desire to see the principles therein embodied continued.

TABLE 2.—SUMMARY BY COUNTIES OF ADA REPORTED BY 466 APPLICANTS UNDER PUBLIC LAW 874 IN COL. 6 OF TABLE 3, P. 3 OF THE FINAL REPORT FORM RSF-3 (1967-68)

County	Number of applicants	Pupils residing on Federal property—parent employed on Federal property (Line 1)	Pupils residing on Federal property—parent not employed on Federal property (Line 2)	Pupils whose parents are employed on Federal property not residing on Federal property (Line 3)	Total section 3 pupils (Line 4)	Total, all pupils [1] (exclusive of pupils for whom tuition is received (Line 8)
Alameda	18	1,694	15	28,529	30,238	251,069
Alpine	1	24	3		27	96
Contra Costa	13	229		10,610	10,839	147,266
Del Norte	1	60	32	64	156	4,330
El Dorado	7	7		497	504	6,125
Fresno	3	9	12	183	204	2,378
Humboldt	2	282	122	303	707	1,806
Imperial	4	481	117	433	1,031	7,496
Inyo	6	159	160	261	580	3,488
Kern [1]	10	6,624	27	2,121	8,763	39,419
Kings	8	1,868	19	1,919	3,806	12,753
Lake	1		10	21	31	329
Lassen	10	312	7	958	1,277	4,288
Los Angeles	40	2,882	50	54,343	57,275	1,146,873
Marin	11	2,108	32	3,765	5,905	45,623
Mariposa	1	239	4	78	321	1,124
Mendocino	3	123	39	108	270	893
Merced	12	1,124	126	4,384	5,634	29,082
Modoc	2	44	26	185	255	2,268
Mono	1	12		1	13	83
Monterey [1]	11	5,115	26	8,066	13,207	49,836
Napa	3	7		3,869	3,876	18,045
Nevada	6	2		322	324	4,885
Orange	24	1,345	2	17,805	19,152	304,256
Placer [1]	15	170		2,136	2,306	20,113
Riverside	14	1,420	40	8,396	9,856	83,549
Sacramento	15	2,600	18	30,517	33,135	177,766
San Bernardino [1]	28	3,985	203	20,533	24,721	177,521
San Diego [1]	44	9,516	215	64,788	74,519	319,594
San Francisco	1	2,034		6,950	8,984	112,244
San Joaquin	9	87		5,728	5,815	60,206
San Luis Obispo	7	62		1,030	1,092	12,801
San Mateo	13	4		5,032	5,036	96,442
Santa Barbara	13	4,440	61	10,936	15,437	34,693
Santa Clara	23	154		10,970	11,124	232,021
Shasta	4	51	58	431	540	7,178
Siskiyou	2		8	104	112	1,551
Solano	12	4,612	66	15,330	20,008	44,731
Sonoma	9	165	8	1,581	1,754	15,423
Stanislaus	8			1,993	1,993	33,261
Sutter	2	3,061		737	3,798	12,567
Trinity	2	45		89	134	519
Tulare	2	51		25	76	801
Tuolumne	1			17	17	34
Ventura [1]	20	2,215	30	13,291	15,536	100,690
Yolo	2	9	5	623	637	7,505
Yuba	2	61	93	1,987	2,141	11,715
Totals	446	59,492	1,634	342,040	403,166	3,646,736

[1] Includes Office of County Superintendent of Schools.

TABLE 3.—COMPARISON OF ASSISTANCE UNDER PUBLIC LAW 874 AND TOTAL CURRENT EXPENSE IN SELECTED CALIFORNIA SCHOOL DISTRICTS, 1967-68

County and district	Assistance under Public Law 874 (sec. 3 entitlements) Total	Sec. 3(a)	Sec. 3(b)	Total current expense	Percent of expense from Federal assistance Total	Sec. 3(a)	Sec. 3(b)
Alameda County:							
Livermore Valley Joint Unified	$739,690	$945	$738,745	$6,537,058	11.32	0.02	11.30
Oakland Unified	1,310,997	51,035	1,259,962	44,769,170	2.93	.11	2.81

TABLE 3.—COMPARISON OF ASSISTANCE UNDER PUBLIC LAW 874 AND TOTAL CURRENT EXPENSE IN SELECTED CALIFORNIA SCHOOL DISTRICTS, 1967-68—Continued

County and district	Assistance under Public Law 874 (sec. 3 entitlements) Total	Sec. 3(a)	Sec. 3(b)	Total current expense	Percent of expense from Federal assistance Total	Sec. 3(a)	Sec. 3(b)
Contra Costa County:							
Mount Diablo Unified	$694,798	$66,156	$628,642	$31,086,501	2.24	0.21	2.03
Richmond Unified	609,268	5,986	603,282	30,691,127	1.99	.02	1.97
Kings County: Lemoore	106,953		106,953	642,451	16.65		16.65
Lassen County:							
Herlong	88,618	53,060	35,558	226,796	39.07	23.39	15.68
Janesville	16,112	1,111	15,001	101,591	15.86	1.09	14.77
Lake	1,666		1,666	8,569	19.44		19.44
Long Valley	6,528		6,528	37,463	17.43		17.43
Los Angeles County:							
Long Beach Unified	1,665,563	509,088	1,156,475	55,049,628	3.03	.93	2.10
Los Angeles Unified	3,929,684	370,160	3,559,524	417,434,645	.94	.09	.85
Monterey County: Monterey Peninsula Unified	2,454,556	1,582,711	871,845	12,110,188	20.27	13.07	7.20
Napa County: Napa Valley Unified	552,877		552,877	9,497,151	5.82		5.82
Orange County: Garden Grove Unified	519,326		519,326	27,037,192	1.92		1.92
Riverside County: Riverside Unified	512,553	8,190	504,363	16,699,548	3.07	.05	3.02
Sacramento County:							
Grant Joint Union High	642,842	15,409	627,433	9,122,544	7.05	.17	6.88
Rio Linda	721,724		721,724	5,101,482	14.15		14.15
Sacramento Unified	917,524		917,524	33,116,183	2.69		2.69
San Juan Unified	1,541,126	19,216	1,521,910	30,566,013	5.04	.06	4.98
San Bernardino County:							
Barstow Unified	946,980	345,588	601,392	7,702,745	12.29	4.48	7.81
San Bernardino Unified	950,760	3,465	947,295	25,237,732	3.77	.01	3.76
San Diego County:							
Chula Vista City	858,402		858,402	7,644,837	11.23		11.23
San Diego Unified	5,923,194	1,760,073	4,163,121	90,011,401	6.58	1.96	4.62
South Bay	544,349	1,667	542,682	2,711,167	20.08	.06	20.02
Sweetwater Union High	726,628	481	726,147	11,687,572	6.22		6.22
Vista Unified	517,279		517,279	4,490,058	11.52		11.52
San Francisco County: San Francisco Unified	1,735,500	640,771	1,094,729	78,959,245	2.20	.81	1.39
Santa Barbara County: Lompoc Unified	2,287,275	1,369,435	917,840	8,258,192	27.70	16.59	11.11
Solano County:							
Crystal Union	87,645		87,645	568,247	15.42		15.42
Fairfield	567,406	1,667	565,739	3,464,401	16.38	.05	16.33
Travis Unified	1,132,532	1,123,081	9,451	2,305,014	49.13	48.72	.41
Vallejo City Unified	1,208,455	299,279	909,176	11,473,478	10.53	2.61	7.92
Sutter County: Wheatland-East Nicolaus Unified	1,009,513	964,307	45,206	2,392,424	42.20	40.31	1.89
Tuolumne County: Belleview	2,361		2,361	17,354	13.60		13.60
Ventura County: Oxnard Union High	706,404	145,904	560,500	9,502,025	7.43	1.54	5.98

TABLE 4.—CALIFORNIA SCHOOL DISTRICTS WHICH RECEIVED IN EXCESS OF $100,000 FROM PUBLIC LAW 874 IN 1967-68

County and district	Fiscal ADA	Amount Total sec. 3 entitlement	Sec. 3(b) entitlement
Alameda:			
Alameda Unified	12,139	$860,661	$391,582
Berkeley Unified	16,958	263,207	263,207
Castro Valley Unified	10,385	124,594	124,594
Fremont Unified	32,238	339,444	339,444
Hayward Unified	32,019	448,602	448,602
Livermore Valley Joint Unified	10,394	739,690	738,745
Oakland Unified	64,301	1,310,997	1,259,962
Pleasanton Joint	3,356	110,564	102,508
San Leandro Unified	11,089	142,866	142,866
San Lorenzo Unified	17,481	263,837	263,837
Contra Costa:			
Mount Diablo Unified	48,987	694,798	628,642
Richmond Unified	45,016	609,268	603,282
Humboldt: Klamath-Trinity Unified	1,368	147,749	66,471

TABLE 4.—CALIFORNIA SCHOOL DISTRICTS WHICH RECEIVED IN EXCESS OF $100,000 FROM PUBLIC LAW 874 IN 1967–68—Continued

County and district	Fiscal ADA	Amount	
		Total sec. 3 entitlement	Sec. 3(b) entitlement
Kern:			
China Lake Joint	2,737	$713,390	$1,666
Indian Wells Valley Joint	1,788	108,342	107,786
Kern Joint Union High	20,919	518,367	97,510
Muroc Unified	4,233	993,762	43,632
Kings:			
Central Union	2,052	473,371	8,334
Lemoore	1,574	106,953	106,953
Lemoore Union High	1,296	142,051	49,116
Lassen: Lassen Union High	1,062	103,769	56,098
Los Angeles:			
A–B–C Unified	15,661	136,723	136,723
Antelope Valley High	5,870	467,565	467,565
Bellflower Unified	13,277	123,019	123,019
Compton City	22,084	191,543	191,543
Downey Unified	20,913	119,553	119,553
La Canada Unified	4,991	100,652	94,667
Lancaster	7,117	442,952	442,952
Long Beach Unified	82,917	1,665,563	1,156,475
Los Angeles Unified	656,008	3,929,684	3,559,524
Los Angeles City College	59,274	141,863	139,268
Norwalk-La Mirada Unified	34,502	154,679	154,679
Palmdale	4,119	199,738	199,738
Palos Verdes Peninsula Unified	16,209	141,133	138,613
Pomona Unified	21,744	297,545	297,545
Torrance Unified	36,241	297,230	297,230
Marin: Novato Unified	11,510	869,955	263,837
Merced:			
Atwater	3,819	467,815	200,016
Merced City	6,705	158,207	158,207
Merced Union High	5,689	236,431	169,017
Monterey:			
Monterey Peninsula Unified	19,476	2,454,556	871,845
Pacific Grove Unified	4,065	115,616	114,986
NAPA: Napa Valley Unified	14,781	552,988	552,877
Orange:			
Anaheim Union High	20,306	240,765	240,765
Garden Grove Unified	52,491	519,326	519,326
Huntington Beach Union High	11,943	220,540	220,540
Ocean View	12,246	131,260	131,260
Orange Unified	25,319	173,266	173,266
San Joaquin	4,757	374,057	44,309
Santa Ana Unified	27,416	370,790	370,790
Tustin	9,111	112,786	112,509
Tustin Union High	5,239	144,940	76,563
Westminster	13,787	170,013	170,013
Placer: Roseville Joint Union High	2,422	159,627	83,545
Riverside:			
Alvord Unified	8,824	118,136	118,136
Corona Unified	13,970	106,322	106,322
Moreno Valley Unified	6,169	811,989	404,026
Riverside Unified	28,459	512,553	504,363
Sacramento:			
Center Joint	1,281	269,188	25,280
Elk Grove Unified	8,091	126,957	126,957
Folsom-Cordova Unified	11,781	989,981	476,797
Grant Joint Union High	8,676	642,842	627,433
Los Rios Joint Junior College	14,496	256,694	256,694
North Sacramento	6,878	153,067	153,067
Rio Linda	12,678	721,724	721,724
Sacramento Unified	53,686	917,524	917,524
San Juan Unified	53,728	1,541,126	1,521,910
San Bernardino:			
Adelanto	2,103	496,984	47,226
Barstow Unified	10,955	946,980	601,392
Chaffey Union High	10,028	133,143	133,143
Colton Joint Unified	11,948	150,111	150,111
Morongo Unified	3,473	378,823	93,721

TABLE 4.—CALIFORNIA SCHOOL DISTRICTS WHICH RECEIVED IN EXCESS OF $100,000 FROM PUBLIC LAW 874 IN 1967–68—Continued

County and district	Fiscal ADA	Amount	
		Total sec. 3 entitlement	Sec. 3(b) entitlement
San Bernardino—Continued			
Ontario-Montclair	17,275	$166,680	$166,680
Redlands Unified	12,546	267,617	267,617
Rialto Unified	12,189	213,275	211,700
San Bernardino Unified	39,215	950,760	947,295
Victor	2,756	110,008	110,008
Victor Valley Joint High	2,566	192,612	84,268
San Diego:			
Cajon Valley	12,700	189,876	189,876
Chula Vista City	18,276	858,402	858,402
Coronado Unfied	4,055	514,759	307,154
Escondido	6,553	115,425	115,425
Fallbrook	2,451	261,409	81,951
Fallbrook Union High	1,081	111,955	60,432
Grossmont Union High	18,710	485,141	485,141
La Mesa-Spring Valley	15,914	299,051	299,051
Lemon Grove	4,368	114,592	110,425
National	6,389	268,910	268,910
Oceanside-Carlsbad High	3,372	379,927	247,506
Oceanside Union	7,855	979,383	424,061
Poway Unified	4,290	185,395	185,395
San Diego Unified	143,918	5,923,194	4,163,121
Santee	5,370	167,096	167,096
South Bay	7,155	544,349	542,682
Sweetwater Junior College	3,221	117,642	110,722
Sweetwater Union High	12,622	726,628	726,147
Vista Unified	8,436	517,279	517,279
San Francisco: San Francisco Unified	112,244	1,735,500	1,094,729
San Joaquin:			
Manteca Unified	7,600	225,403	208,077
Stockton Unified	33,566	443,404	433,323
San Mateo:			
Jefferson Union High	7,512	122,549	122,549
San Mateo Union High	11,999	130,494	130,494
South San Francisco Unified	13,591	122,231	122,231
Santa Barbara:			
Allan Hancock Joint Junior College	2,871	102,288	74,175
Lompoc Unified	14,485	2,287,275	917,840
Orcutt	3,780	240,574	240,574
Santa Maria	6,427	221,545	221,545
Santa Maria Joint Union High	4,036	251,358	251,358
Santa Clara:			
Campbell Union High	13,341	101,843	101,843
Cupertino Union	22,692	199,599	199,599
Fremont Union High	12,383	214,280	214,280
Palo Alto City Unified	16,889	137,195	136,880
Santa Clara Unified	24,242	215,007	215,007
Sunnyvale	10,675	151,817	151,817
Solano:			
Armijo Joint Union High	2,809	279,528	277,602
Fairfield	6,908	567,406	565,739
Solano County Junior College	3,206	152,892	125,644
Travis Unified	3,668	1,132,532	9,451
Vacaville Unified	6,116	384,021	384,021
Vallejo City Unified	16,968	1,208,455	909,176
Stanislaus: Modesto City	12,770	118,065	118,065
Sutter: Wheatland-East Nicolaus Joint Unified	4,693	1,009,513	45,206
Ventura:			
Hueneme	7,002	565,184	355,722
Ocean View	1,698	226,545	36,807
Oxnard	9,500	305,024	305,024
Oxnard Union High	11,912	706,404	560,500
Pleasant Valley	5,397	286,967	161,680
Simi Valley Unified	18,801	191,538	191,538
Ventura Unified	17,236	256,434	254,544
Yuba; Marysville Joint Unified	9,216	303,216	299,121

TABLE 5.—LOCAL DISTRICT TAX RATE INCREASE REQUIRED TO REPLACE PUBLIC LAW 874 FUNDS

[Note: This table includes only those districts for which the Public Law 874 entitlements, during 1967–68, were in excess of 10 percent of their total current expenses for such year]

County and district	Current expense	Public Law 874 entitlement (sec. 3) total	Public Law 874 entitlement (sec. 3) (sec. 3(b) only)	Current district tax rate	Tax rate [1] increase to replace all Public Law 874 entitlement	Tax rate [1] increase to replace sec. 3(b) entitlement
Alameda:						
Alameda Unified	$8,223,659	$860,661	$391,582	4.4900	0.9326	0.4243
Livermore Valley Unified	6,537,058	739,690	738,745	4.2080	1.2384	1.2368
Humboldt: Klamath-Trinity Unified	1,014,757	147,749	66,471	2.8400	1.1777	.5298
Imperial:						
San Pasqual Valley Unified	418,864	84,113	25,518	2.4820	.4025	.1221
Seeley	261,197	76,533	4,305	1.6820	2.5719	.1446
Inyo: Round Valley	120,933	13,890	11,390	1.9641	.3739	.3304
Kern:						
China Lake Joint	1,722,121	713,390	1,666	5.5000	52.2376	.1219
Indian Wells Valley Joint	884,375	108,342	107,786	2.7660	.7882	.7841
Muroc Unified	2,519,124	993,762	43,632	3.1420	3.1416	.1379
Kings:						
Central	989,928	473,371	8,334	1.2350	10.1484	.1786
Lemoore	642,451	106,953	106,953	1.5775	.8229	.8229
Lemoore High	1,170,700	142,051	49,116	1.6350	.2520	.0871
Lassen:						
Herlong	226,796	88,618	35,558	1.5500	11.6364	4.6691
Janesville	101,591	16,112	15,001	1.4500	1.4203	1.3224
Lake	8,569	1,666	1,666	1.3500	.6010	.6010
Lassen High	839,245	103,769	56,098	1.5600	.4768	.2577
Long Valley	37,463	6,528	6,528	1.3400	.4002	.4002
Los Angeles: Lancaster	3,585,370	442,952	442,952	2.0506	.6820	.6820
Marin: Novato Unified	6,804,940	869,955	263,837	3.9720	1.2486	.3786
Mariposa: Mariposa County Unified	865,984	88,208	12,916	2.8710	.4119	.0603
Mendocino:						
Arena	165,346	25,696	5,417	1.5300	.4543	.0957
Round Valley Unified	284,830	29,770	14,964	2.5000	.4831	.2428
Merced:						
Atwater	1,882,079	467,815	200,016	2.0000	2.6293	1.1218
Winton	485,221	53,059	53,059	2.1000	1.4823	1.4823
Monterey:						
Monterey Peninsula Unified	12,110,188	2,454,556	871,845	3.3700	2.5152	.8933
San Antonio	48,428	5,417	1,806	1.2900	.2522	.0840
Orange: San Joaquin	2,158,490	374,057	44,309	1.4452	.4373	.0518
Riverside: Moreno Valley Unified	3,152,080	811,989	404,026	1.8000	3.1951	1.5898
Sacramento:						
Center Joint	643,111	269,188	25,280	1.0900	9.0853	.8532
Folsom Cordova Unified	6,745,984	989,981	476,797	3.1150	1.3469	.6487
Rio Linda	5,101,482	721,724	721,724	1.8910	1.4520	1.4520
San Bernardino:						
Adelanto	911,288	496,984	47,226	1.6700	5.2218	.4962
Barstow Unified	7,702,745	946,980	601,392	4.2880	1.0819	.6871
Morongo Unified	2,565,326	378,823	93,721	3.0010	.7810	.1932
Wrightwood Joint	89,551	11,389	6,945	2.0580	.2135	.1302
San Diego:						
Chula Vista City	7,644,837	858,402	858,402	1.8200	.5607	.5607
Coronado Unified	2,617,338	514,759	307,154	2.7220	1.7560	1.0478
Fallbrook	1,435,825	261,409	81,951	1.2120	.5587	.1751
Fallbrook High	1,045,603	111,955	60,432	.9500	.1487	.0803
Oceanside-Carlsbad High	2,586,077	379,927	247,506	1.3940	.3411	.2222
Oceanside Unified	4,650,741	979,383	424,061	1.2120	.5587	.1751
South Bay	2,711,167	544,349	542,682	1.7890	1.8737	1.8737
Vista Unified	4,490,058	517,279	517,279	3.0180	1.0328	1.0328
San Luis Obispo: San Miguel Joint Unified	95,637	11,945	5,556	1.6300	.3105	.1444
Santa Barbara:						
Casmalia	21,767	2,916	2,916	1.7800	1.0212	1.0212
Lompoc Unified	8,258,192	2,287,275	917,840	2.6200	3.7286	1.4962
Orcutt	2,175,777	240,574	240,574	2.6400	.7467	.7467
Solano:						
Armijo Joint High	2,211,865	279,528	277,602	1.8999	.4976	.4942
Crystal Unified	568,247	87,645	87,645	1.5049	1.0218	1.0218
Fairfield	3,464,401	567,406	565,739	1.4514	1.5529	1.5483
Vacaville Unified	3,391,704	384,021	384,021	2.9048	.9479	.9479
Vallejo City Unified	11,473,478	1,208,455	909,176	4.2631	1.3161	.902
Sonoma:						
Reservation	12,301	2,778	1,111	1.3500	256.5096	102.5854
Two Rock Unified	70,164	19,168	278	1.4300	.7551	.0109
Sutter: Wheatland-East Nicolaus Unified	2,392,424	1,009,513	45,206	2.5000	3.6369	.1628
Trinity: Lewiston	66,463	13,195	2,083	1.1200	1.0529	.1662
Tulare: Three Rivers Unified	110,655	12,084	1,528	1.6165	.1697	.0214
Tuolumne: Belleview	17,354	2,361	2,361	1.3200	.2252	.2252
Ventura:						
Hueneme	3,422,370	565,184	355,722	1.6890	1.7000	1.0699
Ocean View	944,268	226,545	36,807	1.4500	.8818	.1432
Pleasant Valley	2,629,191	286,967	161,680	1.9620	.5045	.2842

[1] Tax rate increases based on 95 percent of assessed valuation.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The VICE PRESIDENT. Morning business has not been concluded. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 267, H.R. 12167.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Rhode Island will yield, with the understanding that he may do so without losing his right to the floor, I should like to suggest the absence of a quorum.

Mr. PASTORE. Mr. President, I yield to the Senator for that purpose, without losing my right to the floor.

Mr. MANSFIELD. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the Atomic Energy Commission's authorization request for fiscal year 1970, as initially submitted to the Congress on January 15, 1969, by President Johnson, called for authorizations of $2,037,500,000 for "Operating expenses" and $481,102,000 for "Plant and capital equipment," making a total requested authorization of $2,518,602,000.

Concurrent with the submission of a revised budget request by the new administration, the Atomic Energy Commission on April 15, 1969, submitted a revised authorization request which included $1,963,800,000 for "Operating expenses" and $484,252,000 for "Plant and capital equipment," for a total revised authorization request of $2,448,052,000.

While the submission of a revised budget reflecting the views of the new administration delayed the Joint Committee somewhat in reporting the AEC fiscal 1970 authorization bill, the additional time period provided the committee with an opportunity to conduct an exceedingly thorough review of the budget.

The bill before us is the product of our efforts. I believe it is a sound and prudent measure. It is also a stringent measure. The bill would authorize appropriations to the AEC in the total amount of $2,454,284,000 for fiscal 1970, including an increase in a prior year authorization. In the last 6 fiscal years only one other AEC authorization bill included a smaller sum than contained in the pending bill. In other words, except for the authorization bill reported by the Joint Committee for fiscal 1967, the recommended authorization for fiscal 1970 is the most austere of all the AEC authorization measures reported by the committee in the years since fiscal year 1965.

In comparison to the AEC's fiscal 1969

authorization, the proposed fiscal 1970 budget represents a $164 million—or 6 percent—reduction; in relation to the fiscal 1968 authorization, the bill before us represents a nearly $180 million cutback. Of course, in terms of actual level of effort the decrease is even greater than this considering that we have been experiencing an annual cost of living increase in this country of at least 3 percent due to inflation in recent years.

Generally, the Commission's recommended authorization reflects estimated costs in two broad categories of effort, namely, military and civilian applications. Military applications primarily include the nuclear weapons and naval propulsion reactors programs, and portions of several other programs such as special nuclear materials and security investigations. Approximately 53 percent of the recommended authorization is attributable to military applications. The civilian applications of atomic energy comprise about 47 percent of the total budget. Included in the civilian category is $121 million for the operational costs and $234 million for plant and capital equipment for the Nation's high energy physics program, for which the AEC acts as executive agent on behalf of the entire Federal establishment. This amount represents about 14 percent of the Commission's total recommended authorization.

As will be noted in the table on pages 3 and 4 of the report, the committee has recommended both increases and decreases in the funds to be authorized for many of AEC's programs.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the tabulations on pages 3 and 4 of the report showing in thousands of dollars the authorization of operating expenses and plant and capital equipment.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

OPERATING EXPENSES

The following table summarizes the AEC's requests for operating fund authorizations under its major programs and the committee's action thereon:

AUTHORIZATION OF OPERATING EXPENSES [1]

[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page No.
Raw materials	57,100	56,600	−500	7
Special nuclear materials	324,860	323,860	−1,000	6
Weapons	828,300	828,300		9
Naval propulsion	121,855	125,855	+4,000	11
Space propulsion	47,825	49,825	+2,000	13
Reactor development and technology:				
Civilian power reactors	125,900	133,200	+7,300	16
Cooperative power	4,000	7,000	+3,000	29
Euratom				35
Merchant ship reactors				35
General reactor technology	47,000	46,600	−400	36
Advanced systems research and development	6,000	6,000		36
Nuclear safety	38,000	38,000		36
Operational services	2,600	3,000	+400	37
Total reactor development	223,500	233,800	+10,300	
Biology and medicine	90,800	90,800		38
Isotopes development	6,390	7,940	+1,550	39
Terrestrial electric power development	4,400	4,000	−400	41
Space electric power development	34,050	34,450	+400	42
Civilian applications of nuclear explosives	14,500	25,000	10,500	44
Training, education and information	15,975	14,975	+1,000	48
Community	10,081	9,981	−100	48
Program, direction, and administration	110,900	110,500	−500	49
Security investigation	7,891	7,891		50
Physical research:				
High-energy physics	122,600	121,000	−1,600	51
Medium-energy physics	13,000	13,000		53
Low-energy physics	29,700	29,700		53
Mathematics and computer	5,850	5,850		53
Chemistry	55,200	54,000	−1,200	54
Metallurgy and materials	28,000	27,950	−250	54
Controlled thermonuclear	27,800	27,800		54
Total physical research	282,350	279,300	−3,050	
Cost of work for others and increase in selected resources	31,554	38,289	+6,735	55, 56
Revenues applied and unobligated balance brought forward	−248,531	−267,584	−19,053	55, 56
Total	1,963,800	1,973,782	+9,982	
Less reduction for foriegn travel		−500	−500	
Net authorization	1,963,800	1,973,282	+9,482	

[1] A table showing the Atomic Energy Commission's appropriations request for operating expenses for fiscal year 1970 and the effects of the authorization recommendations of the Joint Committee on this appropriations request, is set forth as an appendix to this report on p. 67.

PLANT AND CAPITAL EQUIPMENT

The following table summarizes the AEC's request for authorization for "Plant and capital equipment" under its major programs, and the committee's action thereon. More detailed information on the specific construction projects proposed, together with the committee's comments and recommendations thereon, is presented in section XXI of this report entitled "Plant and capital equipment," beginning at page 57.

PLANT AND CAPITAL EQUIPMENT AUTHORIZATIONS [1]

[In thousands of dollars]

	AEC request	Committee recommendations	Change
New construction projects	92,660	90,810	−1,850
Capital equipment not related to construction	173,925	172,525	−1,400
Increases in prior years authorizations: Project 68-4-f, 200 Bev accelerator, National Accelerator Laboratory, Weston, Ill	217,667	217,667	
Total, plant and capital equipment authorization	484,252	481,002	−3,250

[1] A table showing the Atomic Energy Commission's appropriations request for plant and capital equipment for fiscal year 1970 and the effects of the authorization recommendations of the Joint Committee on this appropriation request, is set forth as an appendix to this report on p. 68.

The following table presents a capsule summary of the authorization requested by the Commission for fiscal year 1970 and the effect of the committee's recommendation thereon:

Program	AEC request	Committee recommendations	Change
Operating expenses	$1,963,800,000	$1,973,282,000	+$9,482,000
Plant and capital equipment	484,252,000	481,002,000	−3,250,000
Total	2,448,052,000	2,454,284,000	+6,232,000

Mr. PASTORE. Mr. President, in so doing the committee has realined AEC's request to some extent to provide for a higher level of effort on several of the Commission's high-priority programs. The net effect is a recommended authorization of $2,454,284,000 for fiscal year 1970, a sum about two-tenths of 1 percent more than the amount requested in the Nixon budget.

I point out at this point that the largest increase, as I have already pointed out, falls in the category under the tabulation that I have asked to have printed in the RECORD under civilian applications of nuclear explosions. This is the Plowshare program, which, of course, is the zenith of our peaceful atom program.

On the other hand, the amount we are asking for is approximately $64 million less than the amount requested in the budget submitted on January 15 by President Johnson.

Mr. President, as far as my own investigation and study have revealed, I am not aware of any controversy over the bill. I understand that the Senator from Wisconsin (Mr. PROXMIRE) has some points to raise. The pending bill was reported by the Senate members of the Joint Committee without any dissent. It was passed by the other body on June 24 by a landslide margin—406 to 3. The 68-page committee report spells out in considerable detail the AEC's proposed fiscal year 1970 program as approved by the Joint Committee. Therefore, unless my colleagues have any questions about the bill or the committee report thereon, I shall dispense with further explanation of the bill's provisions. I ask unanimous consent to have printed at this point in the RECORD an excerpt from the committee report—No. 91–244—showing a section-by-section analysis of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1970, adjusted in total to the obligations to be incurred during the fiscal year.

The committee is authorizing a total of $1,973,282,000 for "Operating expenses," not to exceed $121 million in operating costs for the high-energy physics program category. It is the committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provision for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprograming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1970.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1970 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), an authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the change in a prior-year project authorization provided for in section 105, discussed below, comprise the total authorization for plant and capital equipment provided for in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (8) of section 101(b) of the bill total $90,810,000.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(9), appropriations are authorized for capital equipment not related to construction in the amount of $172,525,000. This equipment is necessary to replace obsolete or wornout equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subsections of section 101 only if the current estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for the project in other subsections of section 101, except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(8), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed $500,000 and the maximum currently estimated cost of any building included in such project does not exceed $100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(8) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the committee, the Commission shall report to the Joint Committee and the Appropriations Committees after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriation as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

SECTION 105

Section 105 of the bill amends subsection 101(b)(4) of Public Law 90–56, the AEC's authorization act for fiscal year 1968, by increasing by $217,667,000 the authorization for project 68–4–f, 200 Bev accelerator.

SECTION 106

Section 106 of the bill authorizes the Commission to conduct the project definition phase of the liquid metal fast breeder reactor demonstration program in accordance with criteria formerly submitted to the committee. The program is to be conducted under cooperative arrangements with reactor manufacturers and others without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended. Authorization of $7 million in appropriations for the project definition phase is included in section 101.

SECTION 107

Section 107 of the bill permits the Atomic Energy Commission to appoint persons as employees without regard to the provisions of section 201 of Public Law 90–364. Such positions are not to be taken into account when determining the number of employees under subsection (a) or vacancies under subsection (b) of that section.

Mr. AIKEN. Mr. President, I want to compliment the distinguished vice chairman of the Joint Committee on his very effective summary analysis of the Atomic Energy Commission's fiscal year 1970 authorization bill as reported by the Joint Committee.

I can assure my colleagues that this measure has received a very searching examination by the Joint Committee. Every effort has been made to assure the maximum national benefit for each dollar included in the authorization. As a result this bill calls for approximately $164 million less than last year's authorization—this notwithstanding the inclusion in this year's bill of $217 million to completely authorize construction of the 200 Bev national accelerator at Weston, Ill. Thus the total fiscal year 1970 authorization bill reflects an overall decrease of about 6.2 percent from the fiscal year 1969 authorization despite the obvious increase in the cost of doing business.

Reference to the tables on pages 3 and 4 of the committee report will reveal several places where the committee has made recommended adjustments to the requests of the AEC. There have been some increases and some decreases. The largest recommended increase—$10.5 million—is for the Plowshare program to develop the peaceful uses of nuclear explosives. The committee believes that the state of development of domestic applications and the national commitment under article V of the Nonproliferation Treaty require that we proceed more diligently with development of this technology.

Another major addition is the $4,000,000 increase for the naval propulsion program to restore the administration's reduction of funds for development work on improved nuclear submarine propulsion plants. Soviet advances in submarine technology, as set forth on page 12 of the committee report, indicate the urgent need to proceed with this work.

Mr. President, we ought to pay specific attention to the maintenance and improvement of our submarine fleet because, in my opinion, that has been a major deterrent to war, considering almost any factor of our defense.

I take particular pleasure in noting two other increases by the committee. I refer to the restoration of $750,000 for the food irradiation program mentioned on page 40, and the addition of $800,000 for development of an implantable radioisotope heat source power converter to drive a heart pump. The latter action is discussed on page 41. These two projects exemplify the remarkable benefits that can be realized from peaceful applications of atomic energy.

As noted by the distinguished vice chairman, the net effect of these and other recommended changes in the budget is that the reported bill exceeds by $6.2 million—or two-tenths of 1 percent—the amount requested for authorization in the budget submitted by President Nixon.

The committee's action on one other AEC program deserves particular mention. The committee has recommended authorization of the full amount requested—$828,300,000—for the weapons program. As the committee report points out at page 10, this portion of the authorization includes $135 million for research, development and testing of ABM components. Let me emphasize that no part of this budget is to provide for deployment of an ABM system. Accordingly, the moneys to be authorized through this legislation will be utilized and are required regardless of the decision made in this fiscal year as to deployment schedule for the Safeguard system. The bill simply provides for research only, nothing for the deployment or installation of Safeguard weapons.

Mr. President, let me say in closing that this bill was voted out by the Senate members of the Joint Committee without any dissent, and was passed by the other body by an overwhelming margin on June 24.

Mr. President, while I want to give the Atomic Energy Commission full credit for the remarkable work it has done in the field of control of radiation—in fact over the years there has been no fatality or serious injury from any licensed reactor in this country—I would not want the Commission to think that I approve of absolutely everything it does or fails to do.

I should like to suggest that the Commission consider some improvement in its public relations system. It is true that it has done a commendable job of circulating and distributing information among the members of the scientific community. Still, many of the 200 million Americans are restive about the construction of atomic powerplants and should be better informed than they are today. I hope the Atomic Energy Commission will make an effort to see to it that not only the members of the scientific community but also the rest of the 200 million Americans receive accurate, complete information about the work being done by the Commission, particularly that part of it which relates to the construction of atomic powerplants.

Mr. PROXMIRE. Mr. President, I offer an amendment to delete $35,585,000 from S. 2416, the bill authorizing appropriations for the Atomic Energy Commission for the fiscal year 1970. I ask unanimous consent that the reading of the amendment be dispensed with but that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 7, it is proposed to delete "$1,973,282,000" and insert in lieu thereof "$1,937,397,000."

Mr. PROXMIRE. Mr. President, in essence my amendment would delete funds that were included in the bill above and beyond the amount requested by the administration in certain categories. However, it would not force specific cuts in this or that item. If the Atomic Energy Commission wished to spend more than they had originally requested on a particular item my amendment would not prevent them from reprograming the funds. My amendment would merely make a cut in the overall appropriation for operating expenses—a cut equivalent to the amount of the Joint Committee on Atomic Energy's increases above the administration's budget request in nine areas.

I introduce this amendment because I feel very, very strongly that we must exercise stringent budget controls at a time when inflationary pressures fueled by excessive Federal spending are clearly getting out of hand. It is true that the amount that would be deleted by my amendment is relatively small, but the principle involved is very large. Just 1 week ago today we passed a supplemental appropriations bill that placed a ceiling on Federal expenditures for fiscal 1970—a ceiling that would force a cut in controllable expenditures of $1.9 billion under the administration's budget request. Yet here today we are proposing to increase spending on atomic energy above and beyond what the administration has asked for and apparently is planning to spend. In my estimation that is not responsible decisionmaking.

It is true that, because cuts in some operating categories offset a substantial proportion of the increases made by the committee, overall spending on operating expenses under this authorization bill would exceed the administration's budget request by only $9,482,000.

As the able chairman of the Joint Committee has stated, this is a small percentage of the total amount. I think he said it was one-tenth of 1 percent. But at a time when we can reduce the administration's request by $26,403,000 simply by holding specific items at the budget level, it seems foolish to give President Nixon more than he asked for in these specific items.

At this point let me discuss some of the specific areas in which the Senate is being asked to provide amounts above and beyond what the administration has asked for.

First, the committee would provide $4 million over the amount included in the President's budget request for naval nuclear propulsion. These funds would be used by the Atomic Energy Commission for its advanced development program for nuclear propulsion reactors. In making this increase, the committee charges the administration with an "apparent lack of recognition of the significant progress the Soviets are making in submarine development and construction."

Mr. President, the Nixon administration has been accused of many wrongs by its detractors but it is rare indeed to hear that they are not sufficiently concerned about our defense posture vis-a-vis the Russians. In fact, the criticism I have read seems to lean in the other direction—that Secretary of Defense Laird and others are overstating Soviet capabilities and plans in order to gain congressional approval of certain programs.

I want to emphasize to those who are sincerely concerned about the Soviet nuclear submarine fleet and our ability to meet its threat that nothing in my amendment would prevent reprograming some of the funds provided for—say, nuclear propulsion in outer space or additional work in nuclear submarine propulsion—if, indeed, the administration has underestimated the needs in this area.

I now move on to the next item, which happens to be the space nuclear propulsion program I just mentioned. The committee admits that planners are "having a seemingly difficult time determining what the post-Apollo program in space should be." Yet they do not hesitate to provide $2 million above the budget request for nuclear rocket development that can be utilized only in a post-Apollo program that, by the committee's admission, has not been determined. At a time when we are scraping the bottom of the budget barrel in programs meant to bring education, health, and social services to our citizens this Senator believes it is a mistake to spend more money on outer space than the administration thinks we should spend. Let us keep an eye on our overall priorities. Our problems here on earth are more immediate.

The committee would provide the AEC with $7,300,000 over the budget request

for civilian power reactors and $3 million in additional funding for cooperatve power. This is a very technical area—one in which I would not presume to match my expertise with that of the committee. It seems to me, however, that at a time of budget aches and pains we could ask the private sector to do a little more and the Government to do a little less. After all, this very private sector has a great deal to gain from cooperating with the Federal Government in exploring nuclear power. The reactor development they are now pursuing with Federal help should bring substantial monetary rewards when sufficient progress is made to permit private industry to sell nuclear power to the public.

The next major item is $1,550,000 for isotopes development. Part of this increase would restore the program on low dose radiation preservation of food. The remainder would be to initiate a program on the development of a heart pump heat source power converter.

Apparently the administration was not as concerned as the committee is about the Food and Drug Administration's rejection of the Army's ham petition and its subsequent revocation of the irradiated bacon regulation. Although this subject cannot be called distasteful I would far rather see these funds for radiation preservation of food diverted into programs to feed the hungry rather than spent on the studies on finfish, bananas, strawberries, and papayas recommended by the committee.

I would hope that the American Heart Association or the National Heart Institute could fund research on a radioisotope powered heart if the development of such a device has the high urgency suggested by the committee's report.

Again I would stress to those who feel this work simply must be done under AEC sponsorship in fiscal 1970—the Budget Bureau's position to the contrary notwithstanding—that these funds could be reprogramed regardless of my amendment.

The committee would add $10,500,000 to the amount requested by the administration for the civilian applications of nuclear explosives—Plowshare. This is almost twice the amount requested by President Nixon. These funds would be used to further nuclear excavation programs, including the interoceanic canal study and an underground engineering device test at the Nevada test site. I would hope that we can proceed very cautiously in this program. A number of my constituents have expressed concern over the possible effects of this program on earthquake activity. These fears certainly have not been answered to my complete satisfaction. In fact I believe that a number of reputable scientists have expressed knowledgeable concern regarding this problem.

The final large increase of $6,735,000 apparently reflects committee recommendations for increases I have already discussed which will require prefinancing for fiscal 1971. The argument against this increase would, consequently be quite similar to the points I have made regarding these other increases earlier in my statement.

In conclusion, Mr. President, I want to make it crystal clear that my amendment would not force abandonment of all the increases I have discussed on this floor today. But by cutting the overall funding for operating expenses it would hold Federal spending in this area at levels that were consistent with our action of last week when we put a ceiling on controllable expenditures for fiscal 1970.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I wish to join the Senator from Wisconsin in urging that we hold down authorizations in this bill at least to the budget ceiling.

Last week I pointed out that the so-called expenditure ceiling approved by Congress was chock-full of loopholes, and I stated then that we would have to be very careful or we would end up with even more expenditures than are set out in the budget.

If we approve this increased spending it automatically raises that ceiling by whatever increase is approved here today. This was an automatic process of raising the budget and the expenditures of the Government. I think Congress must discipline its own actions, at least to the extent of holding down these expenditures to the budget level.

I shall support the amendment of the Senator from Wisconsin.

Mr. GORE. Mr. President, the distinguished Senator from Wisconsin acknowledged in his address that the subject matter here is of a technical nature in which and with which he does not lay claim to knowledge equal to that of the members of the joint committee. Yet the Senator proceeds to question the judgment of the committee in four very important, although technical, areas.

The judgment of the Joint Committee on Atomic Energy over the years has pointed the way to nuclear development, both for peacetime uses and for the development of the nuclear submarine fleet. Indeed, except for the insistence and persistence of Congress, the United States would not today occupy the preeminent role it enjoys in naval nuclear development, medicinal uses of nuclear energy, of industrial uses of atomic energy. I suggest to my distinguished friend from Wisconsin that the record of the Joint Committee on Atomic Energy is one in which the members of that committee take pride, and I believe justifiably.

Mr. President, I wish to make some impromptu remarks about the fields to which the Senator addresses his remarks and which his amendment would affect. I would like to take them in the order in which the Senator dealt with them.

He refers to the recommendation of the committee with respect to nuclear reactors for naval uses as "foolish." There were those who so characterized the recommendation of the joint committee when it insisted upon the development of a nuclear submarine, and when it, indeed, recommended increases over the budget in previous years and insisted upon vigorous development of a nuclear submarine fleet.

The able Senator raises some question, and an interesting one, about the sufficiency of our nuclear submarine fleet and the proficiency of our nuclear submarine fleet now. Without wishing to get into a collateral controversial issue, I respectfull suggest, incidentally, that it is the existence of our nuclear fleet with the Polaris missiles that constitutes our most credible deterrent, our greatest deterrent influence against a nuclear war. I shall not have time to go into detail on this, as the Senator did not, but I respectfully suggest that further development of nuclear reactors for use in surface vessels may hold high promise for U.S. commerce on a U.S. merchant marine fleet, as well as the most economic means to maintain the credibility of our nuclear deterent.

The strategic defense of the United States in nuclear war has been postulated on the theory and tactic that the best way to avoid a nuclear war is to have the power to retaliate with unexceptable damage upon any potential enemy who might consider attacking the United States. This, in my opinion, is not a field which can be dismissed as "foolish."

Mr. PROXMIRE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. This Senator did not, at any time, call this appropriation foolish. As a matter of fact, I specifically indicated that I think there is a great merit in this particular item in the appropriation and that it would be perfectly possible to reprogram still further some of the areas in the budget to cover the item, if the Atomic Energy Commission felt that it was appropriate and desirable to do so.

I think that the Senator is making a very reasoned and sensible reply, but I want to say that I did not in any way categorize that particular action by the committee as being foolish. I think it was not foolish. It is quite understandable, there is great merit behind it, but I would disagree with the contention it is foolish. I would stand with the Budget Bureau and the administration on this particular variant, but again, I want to say, I did not call it foolish.

Mr. GORE. Mr. President, I accept the Senator's amending his remarks. If I misunderstood him, I am very pleased to make the correction. I happened to be presiding at the time and was struck by the Senator's use of the word, or I thought he used that word. If I have interpreted it as in some inapplicable way, I apologize and accept the Senator's explanation of it. I am glad that the Senator does not think it is foolish.

Mr. President, on the second point raised by the distinguished senior Senator from Wisconsin, I am more tempted to agree. I refer to the comparatively small increase which the committee has recommended for the development of a nuclear rocket for possible use in space exploration and development programs. I have had serious question, as the Senator has had for some time, about the magnitude of expenditures in our space program. Needless to say, it deals with a potential which none of us can accu-

rately measure. I am not even sure that we can dream with very much prescience in this field. Like the Senator, I am inclined more toward the solution of problems on earth than upon exploration of Mars. Yet, if our country is to persist in this program, it surely should do so taking into consideration the potentialities of nuclear energy.

I have long felt, as a layman who has done perhaps a little more than the average amount of reading and study in this field, that if our country is really to possess space with maneuverability, it will need to do so with fuel other than chemical.

This leads one into a field that is beyond my competence. Yet I have had the opportunity to visit with, study, and listen to men whose competence in this field I respect, and they have convinced me that there is great promise in the development of a small nuclear engine for rocket propulsion whose energy could be contained, released, degraded, restrained, controlled, stepped up, stepped down, with greater efficiency and greater economy and greater safety than is the case with the burning of chemical fuels.

Mr. President, if our Government is to persist in an expansive and expensive, ambitious program of exploration and development of space techonology, surely a nuclear rocket propulsion engine or reactor should be explored.

Therefore, though tempted to agree with the overall sentiment of the Senator in this regard, I feel that, on balance, since neither he nor others have been able materially to dent the volume of expenditure in the space program, perhaps it is wise to proceed with more rapid development of a nuclear reactor for this purpose.

I come now to the third point, civilian reactor development. In this field I think perhaps I do have some more knowledge—at least some more—than in the field I have just discussed. The able Senator refers to the desire of greater expenditure on the part of private industry in the development of nuclear power technology. Mr. President, this is a subject that has been discussed for a long, long time. It was the subject of a very long and historic legislative battle in 1954, when the Congress passed the Gore-Holifield bill, which laid down the pattern and charted the course for the development of nuclear reactors for the generation of electric power.

It was the decision of the Congress then—and I think history has borne out the wisdom of the decision—that this program should be developed in partnership between the Government and the private power industry; that the Government's part should be primarily in the development of nuclear reactor technology. This is an enormously costly area, so costly as to be beyond the economic and business grasp of a private power company. It involves such enormous expenditure in research and development, in controlling error, and in the building of one phase of a reactor, to be followed by the second, third, fourth phase, before it becomes economic to generate electricity by that technology.

Because of the proficiency of the United States in this field, led, as it has been, by the competency of the Atomic Energy Commission and its staff, the United States stands preeminent in the world in the development, use, and sale of nuclear power reactors.

Mr. President, it would be difficult to overemphasize the importance of this program. I say that because, as we look into the future, we see that the overwhelming proportion of new power generation facilities are to be nuclear. Electricity is the lifeblood of modern industry. It is the key not only to efficient, economic, industrial production, but also to the comforts and conveniences of American home life. It is imperative that we maintain our lead and improve our technology in the field of generation of electricity by nuclear reactors.

There is a very promising concept under development called the molten salt reactor. No guarantee can be given that it will result in the more economic generation of electricity, but the promise is high, and for the second year the Atomic Energy Commission has asked for more funds than either the Budget Bureau or the Joint Committee has recommended.

The Senator refers to the Budget Bureau estimate. I suggest that the Atomic Energy Commission itself, the technicians, the directors of the national nuclear laboratories, have far greater competence in this field than either the Budget Bureau or the Joint Committee; and the Atomic Energy Commission requested far more than the committee has approved or recommended. Indeed, it did so last year. It feels that it is urgent to develop further and keep on schedule technology and research and development in this very promising concept.

I will not go further, because one can speak all afternoon on the importance of nuclear power and the relative role of Government and private enterprise.

We have had a partnership that has worked well. Like the Senator, I would like to see the private sector enter into it more vigorously. But our experience has been that the private companies have only utilized, and indications are that they can only, with due regard for the economy of their operations, utilize reactor technology that has been developed by the Government programs. This is a proper role for the Government, and I suggest that we have not made an inordinate recommendation; it is a very moderate recommendation.

The Senator next refers to the development of isotopes, the heart pump program, food irradiation, and the Operation Plowshare activities. These, too, Mr. President, represent domestic uses, peacetime uses, of nuclear energy.

It is the high promise of peacetime uses of nuclear energy that has sustained the hopes of many people for an improvement of our way of life, our technology, and our industry, and the hope of being able to feed the masses of people of the future. With starvation in the world at the intolerable level we hear about daily, we must but look with alarm at the amount of food that daily and hourly goes to waste through plain deterioration and lack of preservation. Irradiation holds high promise for preservation of food economically, efficiently, and safely. It surely ought to be developed.

It is easier, perhaps, to justify $1 billion for military uses than $1 million for domestic uses; yet I think, Mr. President, in the long run the development of the peacetime uses, the civilian uses, of nuclear energy may hold the greater hope and promise. I trust that the Senate will, as has the House of Representatives, approve the recommendation of the committee.

What is sacrosanct about the recommendation of the Bureau of the Budget? I dare say that the Joint Committee has more experience with and more knowledge of this field of activity than the entire Bureau of the Budget.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I associate myself with everything the Senator from Tennessee has stated. He is a longtime and faithful member of the committee, and has been a conscientious and studious member.

I daresay, Mr. President, that of all the committees of the Senate, the Joint Committee on Atomic Energy, while it may be matched by other committees in efficiency and conscientiousness, and in the studious way that it arrives at its conclusions, will not be surpassed in those respects by any committee.

If Senators will look at this analysis on pages 3 and 4, they can perceive at a glance the meticulous care that was taken by the committee in analyzing each and every line item, in order to reach a conclusion.

One objection I have to the amendment originally offered by my friend from Wisconsin is the fact that he accepts all the cuts that were made by the committee, and then lumps together all the increases or realinements that were made by the committee, and adds the two figures to arrive at the amount of the deletion that he would make from this authorization bill.

I think that is most unfair to the committee, because, after all, when a committee works day in and day out on a bill, as this committee has worked on this bill, and a Senator, in proposing an amendment, says:

> We will take advantage of everything you cut, but where you add a little bit, after you had made severe cuts, we will take advantage of that also, and offer an amendment to delete that amount as well.

In the long run the result will be that no committee is ever going to cut anything. If that is to be the system around here, no committee will ever be careful about cutting out anything, because after all, if the cuts are to be accepted and the increases deleted, the best thing to do is start these bills on the floor of the Senate, and not hold any hearings, not do any committee work, and not spend that time, day in and day out on it. Committees will say:

Let us just wait until we get on the floor, and have somebody get up and say, "This is what the amount should be."

The only substantial argument I have heard on the floor today, and it was a good argument, was that of the Senator from Tennessee. Realizing how he feels about the matter, I hope the Senator will go along with what I am about to propose.

I have discussed this matter with the Senator from Wisconsin, the Senator from Delaware, the Senator from Vermont (Mr. AIKEN), who is a member of our committee, and also the Senator from Utah (Mr. BENNETT), who is a member of our committee. I made this suggestion to them: In view of the argument that has been made here that only the other day we did pass a supplemental bill that established a ceiling, under the Senate amendment, that any time you add anything to any budget estimate, the President perforce has to take that amount out of some other program, which at the same time will be hurt to that extent, in view of the fact that this bill, in the aggregate, goes only $6,232,000 over and above the budget estimate, so that we may preserve the principle that we have established a ceiling, and we do not want to set the example, today, of going through that ceiling, even by a miniscule amount when compared with the authorization bill—only 0.2 percent—I wonder whether the Senator from Tennessee, if the Senator from Wisconsin will amend his amendment to make the amount $6,232,000 instead of $35 million, and we would take that figure to conference, would approve the Senator's amendment, under the circumstances.

Mr. GORE. Mr. President, how would we know what items would be affected?

Mr. PASTORE. We would have to work that out in conference, and also with the Joint Committee on Atomic Energy.

As a matter of fact, under date of April 13, 1964, I wrote a letter to Mr. Seaborg, who is the Chairman of the Atomic Energy Commission, whereby we agreed that any time we make these adjustments, they cannot change them except by consultation with us. After they send their proposed change up to us, if within 15 days we do not accept it, they cannot make the change. I assure the Senator that those programs in which he is very much interested—and I know his enthusiasm, his interest, and his devotion—will be done no irreparable harm.

Mr. GORE. Mr. President, though one with trepidation pits his judgment against the collective judgment of his colleagues, I think it would be a mistake so to do, and that, in yielding in this regard, the committee would be yielding its collective judgment to what is really a fetish concerning the sanctimonious character of a budget estimate.

To me, a budget estimate does not have any such character. I do not concede that the Bureau of the Budget has a competence in this field even approaching that of the Joint Committee on Atomic Energy and its staff.

Yet this would be but a modest cut, and, with the assurances of the chairman of the Joint Committee that this is his judgment and the judgment of—is this the judgment of the Senator from Vermont also?

Mr. AIKEN. Yes, I think that ways could be found to save $600 million out of the total appropriation without injuring the work of the Commission in any respect.

Mr. PASTORE. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I send to the desk a modified amendment which removes precisely what the distinguished Senator from Rhode Island has suggested. That is, it simply cuts back the total authorization to the level that the Budget Bureau specifies.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 7, delete "$1,973,282,000" and insert in lieu thereof "$1,967,050,000."

Mr. PROXMIRE. Mr. President, I specify that the amendment is being offered on behalf of myself and the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. PASTORE. And the further understanding that turning back to the original figure does not turn back to the same alinement by the AEC. It will have to be adjusted to the ideas of the committee as well.

Mr. PROXMIRE. The Senator is correct.

Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 12167) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further consideration of S. 2416 be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is always a pleasure to be present in the Chamber when the senior Senator from Rhode Island (Mr. PASTORE) is in charge of a bill. That was the case today. The Senate disposed of the Atomic Energy Commission authorization with the greatest efficiency and expedition. Its expert handling by Senator PASTORE was in keeping with the magnificent record he has compiled. Senator PASTORE expressed his usual thoughtful views with compelling persuasiveness and led this measure through to overwhelming success.

And it was achieved with the excellent support of the ranking minority member of the committee, the senior Senator from Vermont (Mr. AIKEN). Senator AIKEN's equally persuasive capacity, in fact, assured this outstanding success.

Also to be commended for his contribution to the discussion on this measure is the Senator from Wisconsin (Mr. PROXMIRE). He urged his amendment skillfully and with proficient advocacy. Its acceptance was assured. Finally, the Senator from Tennessee (Mr. GORE) is to be thanked for adding his thoughtful views to the discussion. His contributions are always wise, always welcome.

I am grateful to the Senate as a whole for joining to dispose of this measure today.

RETENTION OF ADMIRAL RICKOVER

Mr. JACKSON. Mr. President, at this place in the RECORD I would like to call attention to the fact that the Joint Committee report on the "Naval Nuclear Propulsion Program—1969" released last week makes a pointed reference to the important and continuing contribution being made by Adm. H. G. Rickover to our Nation's nuclear submarine program. Today more than ever it is vital that Admiral Rickover's services to our country be continued. In this connection, let me quote from the foreward to the Joint Committee hearing on nuclear propulsion dated June 17, 1969:

The Committee hopes that the new leadership of the Department of Defense and the Navy will act swiftly to announce their intention to reappoint Admiral Rickover when his present term expires in January 1970 so as to avoid any conjecture to the contrary that might arise again this year based on the poor record of their predecessors in this matter for the past 16 years.

I strongly urge that Admiral Rickover's reappointment be announced as soon as possible.

FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 216, S. 1708.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Lands for Parks and Recreation Act of 1969".

SEC. 2. Section 2(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (effective March 31, 1970, section 2(b) becomes section 2(a) pursuant to the provisions of Public Law 90-401, July 15, 1968), is further amended by deleting the last sentence and adding the following new paragraphs.

"*Provided, however,* That, notwithstanding the provisions of the Surplus Property Act of 1944, as amended, and the Federal Property and Administrative Services Act of 1949, as amended, States and their political subdivi-

sions may acquire until June 30, 1973, from the United States for public park and recreation purposes surplus Federal real property together with such improvements, equipment, and related personal property that the Secretary of the Interior has recommended to the Administrator of the General Services Administration for such acquisition based upon the suitability of the property for park and recreational uses; the accessibility of the property to major population centers; the need for park and recreation facilities in the immediate geographical area, as identified in the comprehensive statewide outdoor recreation plan required under section 5(d) of this Act; and the highest and best use of the property taking into consideration the need of future generations for parks, open spaces, and recreational opportunities. Conveyances of such property for park or recreation purposes shall be in accordance with one of the following methods as determined by the State or political subdivision thereof:

"(1) Where the State or its political subdivision originally donated the property to the United States, the surplus Federal property may be reacquired without the payment of any consideration; or

"(2) Where a State or its political subdivisions so elects, the surplus Federal property may be acquired at zero to 50 per centum of the fair market value, as determined by the Administrator of the General Services Administration in accordance with the recommendations of the Secretary of the Interior; or

"(3) Where the United States paid valuable consideration for the property to the State, its political subdivisions, or to any person, the State or its political subdivision may acquire the surplus Federal property upon the payment of the cost to the United States at the time of such acquisition.

"Deeds conveying any surplus real property disposed of under this authority shall be issued by the General Services Administration and shall provide that the property shall be used and maintained for the purpose for which it was conveyed, and, in the event that such property ceases to be used or maintained for such purposes, such property shall at the option of the Secretary revert to the United States. The deeds may also contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States. The Secretary of the Interior may exercise all of his existing authorities under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, as to property transferred under this Act. The State and their political subdivisions shall compensate the United States for the administrative costs of surplus property transfers made pursuant to this Act."

"The Secretary of the Interior is directed to prepare and publish guidelines and regulations for implementing the provisions of this Act.

"Except as provided in this section, nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions."

ADDRESS BY MR. HALABY TO GREATER MIAMI CHAMBER OF COMMERCE

Mr. HOLLAND. Mr. President, the tremendous *forward strides* made by the State of Florida, that I have the honor to represent, in the last three decades can be credited in part to a complex of air routes and to air service instituted into the State from the rest of the Nation and from abroad.

One of the first air services conceived within Florida occurred in October of 1927 when a small trimotor aircraft, bearing the insignia of Pan American World Airways, flew 90 miles from Key West to Havana to inaugurate international air service between the United States and our then friendly neighbor to the south.

Since that time, Mr. President, Pan American World Airways has become one of the largest private enterprise employers in the State of Florida and its roaring jets provide service not only to Miami International Airport but to Tampa as well.

Pan American has even more elaborate plans for the future for Florida which are also beneficial to the Nation. Some of these plans were outlined recently by Mr. Najeeb E. Halaby, president of Pan American World Airways, before the Greater Miami Chamber of Commerce. I ask unanimous consent that Mr. Halaby's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MR. HALABY

First, I'd like to say that I'm very impressed with what I've learned about your leadership training program. It's generally acknowledged now that the answers to most of the problems plaguing our cities must come from concerned citizens. What is not so widely accepted, it seems to me, is that an understanding of these problems and an imaginative search for solutions demands a lot of homework.

I can think of no better approach to this necessity for informed community leadership than a cadre of young business and professional people who have participated in an organized study of their city's problems and potentials. I am sure that Miami's future will be brighter for your efforts.

What sort of a future does Miami face in the next 10 or 15 years. I am going to limit myself to one phase of this future—your transportation needs. I believe I can qualify as a knowledgeable commentator on air transportation and I have, for whatever they are worth, a few thoughts on urban transportation in general.

Let's make two assumptions about Miami, 1985. And, by Miami, I mean the Greater Miami area which you serve as a major transportation hub.

The first assumption is that Miami will continue to experience a good measure of the phenomenal population growth which has characterized the last two decades. Dade and Broward counties more than doubled their population during the fifties. During the first nine years of this decade, the growth rate has been better than 40 per cent. By 1985, your Dade Development Board projects a population of a little better than three million for the area, which represents another increase of about 55 per cent. Even with allowances for error and sunshine optimism, this adds up to a busy, busy future.

The second assumption is that tourism will continue to be one of the area's principal industries. This, it seems to me, is a less tenable assumption—for while I am sure that your tourism will continue to flourish I would expect that, as transportation links to your developing neighbors to the south continue to improve, foreign trade will become more and more a factor in the economy of the Miami area.

But whether it is tourism or foreign trade, the combined necessity of moving things and people, of your own population growth and of Miami's unique geographical position, all point to one dominant factor which will control your future—transportation. The character and the prosperity of Miami, 1985, will depend upon the transportation facilities it offers to both the outside world and to the three million citizens of what will then be a megalopolis south.

Now let's drop the assumptions for predictable fact. The measure of Miami's progress will be air transportation. This, I know, is one of the most air-minded cities in the world, but just in case there are any doubters here today I would like to give them a few probabilities to think about.

1. It is estimated that air travel in general will triple by 1980 and perhaps quadruple by 1985. Now, we know that our population won't increase that rapidly, so this simply means that we are tapping a new market for air travel. We are phasing out a primarily earthbound generation for one which is space-oriented. And we have today, in many of the more developed areas of the world, a mass of people who have more means and more opportunity—but no more time—to travel. The answer is air transportation.

2. Air freight is growing even more rapidly than air passenger travel. For Miami, which will probably always deal more in manufactured and fabricated products than in bulk cargo, this presents a massive opportunity for commerce to the south.

3. The air transportation industry is preparing for this expected expansion of the market for both passengers and freight with a new generation of aircraft and all the related facilities.

4. The airlines in general and Pan Am in particular are aware that getting there is but one spoke in the travel wheel. We realize that the average traveler, and particularly the vacation traveler, must be assured of the right sort of bed and board and a measure of mobility when he reaches his destination. We must begin to sell him total transportation.

In Miami, he probably won't have to worry about accommodations (at least, he won't, if you take my statistical predictions to heart), but if he's staying on the beach and wants to take his family to see Everglades National Park, he may face a problem.

In the years just ahead I think the airlines may solve this problem by adding optional local travel facilities to the air travel part of the trip.

Have I convinced you that the airplane is here to stay? I mentioned a new generation of aircraft a moment ago. Let me, very briefly, tell you what's on the shelves.

The Boeing 747 will be introduced to commercial air transportation by Pan Am some time late in December. This great, new advanced technology airplane is going to change the whole perspective of commercial aviation. For it will not only be the biggest, it will be the best commercial airliner ever produced—best in terms of passenger comfort, operational reliability, aerodynamic efficiency, flight safety, economics and general airworthiness.

To the public, understandably, the 747 is still just one big airplane. To the industry it is a qualitative achievement, the compendium of everything we have learned in 40 years of designing, building and operating all sorts of aircraft. When you have a chance to ride it, I think you will agree with me.

The aeronautical spin-off of the 747—the new, wide-bodied airbuses now building—will offer many of the same advantages as the 747 with a smaller payload, a shorter range and less commodious accommodations.

The supersonics are coming—as surely as tomorrow. You will be flying one version or another by 1980 and be trying to remember what the great debate was all about. Who was it who said that if man was meant to fly, he'd have been born with wings? An antecedent of the same man who now says that man should fly just so fast and no faster.

About all we can say of the supersonics now is that they *will* be faster. Of interest

to Miamians, I think, is the fact that the projected 1,800-mile-an-hour American SST will make the trip from London, Paris or Rome to Miami just 30 to 40 minutes longer than the trip from these European capitals to New York. That's just about time enough to wash up and collect your belongings.

The last item on our inventory of things to come is a whole family of VSTOL aircraft—vertical life and short takeoff and landing machines. They will revolutionize short haul transportation—trips from 10 to 200 or 300 miles—during the next decade. I urge you to watch the development of these vehicles in the form of helibuses and metroplanes closely, for they will provide a happy answer to many of your airport access, interurban and intrastate transportation problems.

Planes and people. Travel and tourism. The thrust of the future. What part will they play in the Miami story? Does the recent past give us a hint?

Five years ago your Miami International Airport handled about four and a half million passengers over a 12-month period. Last year it served 10 million. If we average the growth rate over a number of years and project it, we find that Miami's facilities will be serving 32 million air passengers by 1985. If we use the 20 percent annual growth rate of the last few years and project *that*, we find you'll have to be prepared to handle about 50 million air travelers by 1985. And if your air freight activity continues its present rate of doubling every five years, 1985 will see Miami airports handling two and a half million tons of airborne cargo annually.

Is Miami preparing for this sort of an air transportation future? In many large American cities the prospect is discouraging. Here in Miami, I think you have a handle on the future.

The handle, of course, is your proposed 39-square-mile airport west of the city. As one who is convinced of the need for conservation I believe it should be planned into every such development along with other needs of the community. Miami needs to carefully examine these questions: Does it need the new airport to survive and thrive as a resort city and major transportation hub in a world of constantly multiplying travel bargains? If so, how can it be done with the least disturbance to the beauty and refuge of the Everglades?

When the environmental studies now being conducted are concluded, both sides should be able to find that they are not far apart and that solutions exist for an effective and even amicable resolution of problem. In other words, the conservationist, the urban planner and the airman cannot only live together, they can profit from each other to the benefit of the community as a whole.

One of the future pluses of your proposed "air-spaceport" is that it will provide Miami with some of the finest supersonic transportation facilities in the world. Even if the sonic boom problem is not solved, you will be able to offer the SSTs straight line, overwater approaches from three directions. The final few miles of over-land approach in the landing and takeoff patterns would be subsonic in any case.

I hope you insist on the best airport-access transportation. Any transit link with the airport should be a handsome parkway—rapid, reasonably-priced with mass transportation capabilities and without the squalor of old-style highways and railways. It should provide a loop linking various passenger collection points throughout the Miami area, including the beach and extending up the Gold Coast and into the Gulf Coast area. Our developing technology will be able to provide you with a rail or ground effects system which will cover the 40 miles from airport to city center in half an hour. Within a decade, you will have metroplanes which could provide 15-minute service to the new airport from any place on the Homestead/Miami/Ft. Lauderdale axis on the Atlantic Coast and on the Sarasota/Naples/Ft. Myers axis on the Gulf Coast.

With such transportation, plus an expressway link, your two airports should be able to accommodate that flood of 30 to 50 million passengers. Furthermore, with the proper access system you will eliminate the need of a service city on or near the new airport. The work force will be absorbed within your urban limits.

All this, while it must be planned now, is for the future. Meanwhile, you're going to be faced with some problems the day after tomorrow.

The 747, on order by many of the large airlines serving Miami, will begin moving concentrations of up to 362 passengers plus a flight crew in and out of your Miami International terminal early next year. Three or four such scheduled arrivals and departures, plus the 250-passenger airbus schedules, plus the regular traffic you now receive, could build up a monumental traffic jam both inside and outside your present terminal if you have not planned for it.

The Port Authority's plans for expanding the terminal and improving the access-road and parking facilities are realistic and Miami is to be congratulated for its perceptive forward planning.

Miami is going to grow up as well as out during the coming growth period. Rising land costs encourage high rise construction and this in turn exerts a tremendous pressure upon conventional highway transportation. It seems to me that the Miami area has a great opportunity, while it is planning the access facilities to its new airport, to program an extension of these facilities into an area-wide rapid transit system. At the same time you should set aside sites for stolport and heliport facilities. You'll need both these short haul travel systems long before you reach the three million mark.

I'd like to conclude with a word about Pan Am and Miami. As most of you know, we identify here. Pan Am flew its first schedules here and for many years Miami was our only major base. The planes and the crews which opened up the Pacific and intercontinental services to South America and the Caribbean and established the first commercial services across the Atlantic were all at one time a part of our Miami operation. A great deal of aviation history took off from Dinner Key or from the prototype of your present international airport and most of it was Pan Am.

Over the years, though Pan Am has grown worldwide, those Miami bonds have remained intact. We serve Miami with by far the largest international schedule, our main airframe overhaul base is here, we train many of our pilots here and we are about to expand our airport operations with an enlarged flight service training school complex which will be one of the largest in the industry. As one of this area's largest employers, we feel we are very much a part of Miami and hope to play a helpful role in its future. We have grown with Miami and we hope to expand with Miami's future growth.

It is for this reason that we are gratified by the recent hearing examiner's decision to recommend Pan Am as the American carrier to compete with BOAC on the Miami/London route, beginning next January first. We hope and expect that the C.A.B. will endorse this decision, for we feel that Pan Am can do the most for Miami over this route.

The main consideration here is that we can provide the Miami/London route with open-ended service. Our route structure will enable us to create a bridge between Latin America and Europe and allow passengers in both directions to stop over in Miami. And, unlike a domestic carrier which would deadend in London, we will tap all the European markets, including the northern European areas such as Scandinavia and Germany, which are natural markets for Florida's warm weather tourist attractions. Additionally, Miami will benefit even more directly from Pan Am's visit U.S.A. program—we spent about $25 million last year in advertising, sales and public relations to encourage foreign tourism to this country.

I hope that the new year will see Miami a new and vital link on Pan Am's round-the-world service and that both your metropolitan area and our airline will continue the profitable and friendly collaboration which has opened up so many new horizons for both of us during the past 40 years.

I realize, in closing, that many of you young people were not around 40 years ago. But, I'm delighted to see you here today—training for future leadership and concerned with vital urban problems. It reaffirms my continuing faith in the under-30 generation and the under-40 generation. I come away with a great faith in the future of Miami and pledge you our support in building that future.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT TO MONDAY

Mr. BAKER. Mr. President, I inquire of the distinguished majority leader if he might tell us the probable outlook for next week.

Mr. MANSFIELD. Mr. President, first let me say we are rather hopeful that the pending business—S. 1708—may be disposed of this afternoon. It is the understanding of the leadership that two amendments will be offered. One will be accepted and the other will be debated.

Mr. JACKSON. Mr. President, we have reached agreement on both amendments as modified. It should not take long.

Mr. MANSFIELD. That is good news. There is then the possibility that we may take up H.R. 4152 and H.R. 4153, and I see the Senator from Delaware in the Chamber whom, I know, has an interest in those matters. However, that is only a possibility.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to lay before the Senate this afternoon, if all things go as planned, H.R. 11582, an appropriation bill for the Treasury and Post Office Departments to be considered Monday.

It is hopeful that on Monday we can lay before the Senate H.R. 11612, an appropriation bill for the Department of Agriculture.

It is anticipated that S. 1613, the Eisenhower Dam bill, S. 1689, the Hazardous Substance Act, S. 853, the Saw Tooth National Recreation Area Act, and H.R. 4153, the Coast Guard authorization; H.R. 4152, an authorization bill for certain maritime programs of the Department of Commerce will all be considered next week. The latter two, the Coast Guard and maritime bills, are in

this category, if they are not considered and disposed of this afternoon.

I hope that the Senate will keep all of these factors in mind. We will have a busy week next week. We will have before us two very important and rather large appropriation bills, and it is hoped that Senators will be in attendance assiduously as always and be prepared to take just the 1-day holiday for the Fourth of July.

TRIBUTE TO WILLIAM J. HILLARD II

Mr. JAVITS. Mr. President, too few of the brave young Americans who have been killed in the Vietnam war have had a chance to make a lasting impact outside the sphere of close friends and relatives. But one young man, William J. Hillard II of Randolph, N.Y., did make an impact during his civilian service with the Peace Corps in India before entering military service in Vietnam.

Mr. Hillard's mother has written to the Peace Corps forwarding copies of letters she has received from India concerning her son's personal impact upon the people he met there. The tributes he has received posthumously are all the more poignant in light of Mrs. Hillard's notation that her son had felt that he "accomplished very little" in his Peace Corps work in India.

I ask unanimous consent that Mrs. Hillard's letter, together with the enclosed letters from the Patil family and S. S. Salunkhe, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 21, 1969.

PEACE CORPS,
Washington, D.C.

GENTLEMEN: I thought perhaps you might be interested in the enclosed copies of two letters we have received from India in regard to my son, William J. Hillard II, who served as a Peace Corps volunteer in Kohlapur, State of Maharashtra, India. He was killed in Vietnam on March 15 of this year while on a combat mission. He entered the Peace Corps at 18 and was sent to India in February, 1967.

I send these because Bill felt that he had accomplished very little in his Peace Corps work and there was nothing of any real importance for him to do.

Perhaps if Peace Corps volunteers understood better just how much a part of their mission this kind of goodwill is, they might accept more easily a situation in which the work to be done is not always what they expected. Bill was, of course, very young to feel that anything except a specific accomplishment was doing his job. To make friends was something he did everywhere.

Sincerely,

MRS. DOROTHY S. HILLARD.

DEAR MOTHER: We were shocked by the sad news of Bill's death which we learnt from Ram. I cannot believe on this news.

In the short time we knew him he had so endeared himself to all of us by his frank and aimiable nature that we will never be able to forget him. He was the first foreigner that we knew but by his engaging and lovable nature he made us forget that he belonged to a different country and we came to regard him as one of us.

We can imagine what a blow this sudden loss of a young son who had such a zest for life must have been to you.

We greatly grieve for his death. May he rest in peace.

Yours in sorrow,

PATIL FAMILY (GOLDWALLAH).

DEAR MRS. HILLARD: I was greatly shocked by the news of the death of your Son Bill. Which I learned from Ram. I knew Bill for a very short time. I liked his personality and wanted to do his portrait. So I asked Ram to introduce me and was glad when Bill accepted to pose. While the portrait was being done we got to know each other. The water color portrait of his done by me may be with you.

In this brief acquaintance Bill with his frank and engaging manner made me give up my shyness and diffidence. He is the first foreign I have known. He made me realize that people are the same all over the world.

I greatly grieve the loss of my only American friend. It must be a great shock to lose your only Son in his prime of life.

Please remember that your Son was a very good and honest young man who made many friends even in his short stay in India. All these friends like me grieve for his loss.

Yours in sorrow,

S. S. SALUNKHE,
Artist.

ADELA INVESTMENT CORPORATION PROGRESS REPORT

Mr. JAVITS. Mr. President, I wish to again call the attention of the Senate to the progress of the ADELA Investment Co. which was launched in 1962 under the auspices of the Economic Committee of the NATO Parliamentarians' Conference of which I was then chairman. The progress of ADELA and the lessons it has learned are an essential counterpart in the field of private investment to the presentation on public investment—U.S. Alliance for Progress—and other matters made to President Nixon on behalf of the Latin American countries by Chilean Foreign Minister Gabriel Valdez as a result of the ministerial level conference of the principal countries of Latin America at Vina del Mar in Chile in late May of this year.

Private foreign investment continues to be welcomed in almost all Latin American countries. The growth of ADELA over the past year is testimony to the fact. The most significant area of growth is represented in the fact that ADELA has become truly a joint venture with Latin American capital, and it is my strong belief that this is the trend of the future that all private enterprise companies operating in Latin America must take cognizance of. Latin American governments, on the other hand, must recognize that uncertainties about the treatment foreign capital is to receive seriously inhibit needed private capital flows and that better definitions of the fields open to investors and of the rights and obligations that investors and foreign governments must observe on a multinational basis is becoming an increasingly urgent problem.

Over the past year ending March 31, 1969, the total assets of the ADELA increased to $117,682,435, an increase of more than $50 million, or 72 percent, over the March 1968 figure. The return on paid-in capital has risen to 5.9 percent—on an annual basis—for the first 9 months of the current fiscal year, compared to 4.2 percent for the full fiscal year ended June 30, 1968—computed on paid-in capital at the beginning of the fiscal year.

These figures indicate that the ADELA has not only made a meaningful economic impact and contribution to development through private-enterprise efforts but also proved its feasibility by producing a reasonable return for its shareholders.

ADELA's board of directors is recommending to the shareholders to further increase the authorized capital from $50 to $60 million. In the last 6 months, ADELA has become a truly joint venture with Latin American capital, inasmuch as approximately $5 million—in U.S. dollars—in this latest increase of capital was subscribed by over 40 Latin American companies from Argentina, Brazil, Colombia, Mexico, and Venezuela.

The operations of ADELA in Latin America since 1962 in the sensitive area of private foreign capital investment has led to certain conclusions which provide possible useful general concepts and guidelines for international public financing institutions, for foreign investors in developing countries, and for governments of developing nations.

These include:

First. One of the greatest assets of the foreign corporation is its ability to innovate and to introduce new technology. Therefore, a foreign corporation should be looked to both as a source of risk capital unavailable from local capital markets or international leading institutions as well, and particularly, as a provider of the indispensable know-how and of technology. Therefore, the return on technology is most likely to be higher to the international corporation than the return on capital.

Second. The role of the foreign corporation in existing or new Latin American enterprise should be in the form of a joint venture without absolute control. Foreign corporations should not take over businesses or established businesses that are already managed efficiently or could be run efficiently by Latin American businessmen. Effective control also is better exercised by providing excellence of technology and management than by controlling 51 percent of a company's stock.

Third. The multinational investment company operating in Latin America performs the role of a bridge between the capital markets of the industrialized world and Latin America. One of the principal contributions of the foreign investment company is to break Latin America's semi-isolation from private international capital markets by placing Latin American securities privately and publicly and by building up greater familiarity with Latin American borrowers and investments within the international capital markets.

Fourth. An investment company should be more than a provider of money; its primary objective must be to provide entrepreneurial thinking, assistance and thrust, and to see projects through all stages from an idea or opportunity to a productive and profitable enterprise.

Fifth. Multinational investment companies should promote local, subregional, and regional capital markets in Latin America and actively promote, create, and finance multinational corporations.

Sixth. The ADELA experience has indicated that the absence of meaningful protection for minority interests, is perhaps one of the most important factors hindering the development of capital markets in Latin America.

Seventh. Modification or complete redrafting of commercial codes is one of the most needed and most urgent tasks before the legislatures of Latin America.

LIMITATION ON PAYMENTS UNDER AGRICULTURE PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, the House of Representatives included an amendment to H.R. 11612, the agriculture appropriations for fiscal 1970, the purpose of which was to place a limitation of $20,000 on the amount of payments to be made to any one individual or company under the agriculture program. This bill is now pending before the Senate, but I understand that the committee has approved the deletion of this section.

I regret that this negative action was taken since, in my opinion, this is a very important amendment, and when this bill is before the Senate for our consideration an effort will be made to restore the House amendment.

These payments should be limited for two very important reasons:

First. It represents an unnecessary drain on the Federal Treasury, and certainly these unwarranted expenditures for the large corporate-type operations cannot be justified at a time when the Federal Government is already operating at a deficit averaging $500 million per month and at a time when the American citizens are being asked to bear additional tax burdens.

Second. Under the present system these large payments to the corporate-type operations place the small farmers at a decided disadvantage. A large operator with several thousand acres can idle a substantial portion of his acreage under the various programs and discharge some of his employees, with the result that his payments to a large extent represent net income, whereas a small family type farm cannot afford to idle a portion of his acreage under these programs, since to do so would reduce the efficiency of his operation in that his machinery and his personal labor would be only partially utilized.

The effect is that as a result of these large payments the Federal Government is in a position of actually subsidizing the expansion of the corporate type of operators at the expense of the small farmers.

The limitation on these payments of $20,000 to any one company or individual in a year would reverse this picture and give the advantage of the program to the small operators.

As an example of some of these payments I cite the following:

The list which I shall incorporate in the RECORD at the conclusion of my remarks shows that five corporate type operations each collected over $1 million in cash payments under the various agriculture programs, with the largest of these payments being $3,027,384 to the J. G. Boswell Co., Corcoran, Calif.

Ten large farming operations received cash payments ranging between $500,000 and $800,000, and at the top of this list we find two large land companies, Salyer Land Co., Corcoran, Calif., and Kern County Land Co., Bakersfield, Calif., collecting $786,459 and $780,073, respectively. The Delta and Pine Land Co., Scott, Miss., received $605,796. This latter company was a wholly owned British corporation, yet it is being classified as an American farmer and is being paid over $600,000 not to cultivate its American soil. The State of Montana is classified as a "farmer" and collected $560,443 not to cultivate some of its farmland.

The next group includes 43 farming operations, each receiving cash payments ranging between $250,000 and a half-million dollars.

Included in this group of farmers we find the Texas Department of Corrections, Sugarland, Tex., being classified as a "farmer" and receiving two payments of $294,301 and $75,619.

The Arkansas State Penitentiary, Grady, Ark., is classified as a "farmer" and received $154,412, while the State of Washington, another "farmer," collected $146,764 under these programs.

The Louisiana State Penitentiary, Angola, La., qualified as a "farmer" and collected $114,363.

By no stretch of the imagination can these States and political subdivisions qualify under the classification of legitimate farming operations.

An interesting point arises: just suppose the Texas Department of Corrections, the Arkansas State Penitentiary, or the Louisiana State Penitentiary violated the laws relating to proper compliance of the agriculture programs and that the Government decided to prosecute and they were convicted. Just how could a penitentiary be punished?

To emphasize the extent of these large payments I am incorporating in the RECORD today a list of the 1968 recipients of payments totaling $60,000 and over that were made under the ASCS program—excluding price support loans. I have in my office a report showing these payments in excess of $25,000, which is available to anyone wishing to inspect it, but to conserve space I am incorporating in the RECORD only those payments of $60,000 and over.

I ASK unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

Name	Address	Total payments
J. G. Boswell Co	P.O. Box 877, Corcoran, Calif	$3,027,384
Giffen, Inc	Box 7, Huron, Calif	2,775,274
U.S. Sugar Corp	Drawer 1207, Clewiston, Fla	1,467,498
Hawaiian Commercial & Sugar Co	Box 3440, Honolulu, Hawaii	1,273,521
South Lake Farms	P.O. Box 848, Corcoran, Calif	1,194,022
Salyer Land Co	P.O. Box 488, Corcoran, Calif	786,459
Kern Co. Land Co	Box 380, Bakersfield, Calif	780,073
Vista Del Llano Farms	37423 Belmont, Firebaugh, Calif	745,647
South Puerto Rico Sugar Co	Box 86, South Bay, Fla	709,526
Delta and Pine Land Co	Scott, Miss	605,796
State of Montana	Helena, Mont	560,443
Oahu Sugar Co	Box 3230, Honolulu, Hawaii	542,926
Waialua Sugar Co., Inc	Box 2990, Honolulu, Hawaii	530,187
Lihue Plantation Co., Ltd	Box 3230, Honolulu, Hawaii	520,003
Farmers Inv. Co	Box 7, Sahuarita, Ariz	504,389
S. A. Camp Farms Co	Bin D, Shafter, Calif	489,641
Lee Wilson & Co. D/B/A Keiser S	Keiser, Ariz	473,670
Pioneer Mill Co	Box 3230, Honolulu, Hawaii	465,399
Ewa Sugar Co., Inc	Box 2990, Honolulu, Hawaii	448,191
Boston Ranch Co	Star Route 2 Box 100, Lemoore, Calif	448,158
Hamilton Farms	Route 1, Box 325, Eloy, Ariz	437,386
Kekaha Sugar Co., Ltd	Box 3230, Honolulu, Hawaii	414,602
Talisman Sugar Corp	Box 814, Belle Glade, Fla	412,685
Red River Land Co	Box 566, Stranfield, Ariz	396,561
Hawaiian Agricultural Co	Box 3470, Honolulu, Hawaii	387,025
C & V Sheep & Cattle Co., Inc	Box 368, Maricopa, Ariz	385,128
Jack Harris Inc	Route 1, Box 420, Coalinga, Calif	379,075
Westlake Farms	2331 Newton Ave., Stratford, Calif	377,300
The South Coast Corp	219 Grinage St., Houma, La	358,519
Grove Farm Co., Inc	Puhi Rural Station, Lihue, Hawaii	352,891
McNair Farms	Laurinburg, N.C	351,596
H. B. Murphy Co	P.O. Box 74, Brawley, Calif	347,976
Laupahoehoe Sugar Co	Box 3020, Honolulu, Hawaii	345,770
Honokaa Sugar Co	do	341,253
Vernon L. Thomas, Inc	P.O. Box 8, Huron, Calif	$339,863
Barkley Co. of Arizona	Rural Route 1 Box 73, Somerton, Ariz	336,823
BKW Farms, Inc	Box 186, Marana, Ariz	331,512
J. K. Griffith	Route 2, Morton, Tex	320,315
Hamakua Mill Co	Box 3020, Honolulu, Hawaii	319,637
McBryde Sugar Co., Ltd	Box 3440, Honolulu, Hawaii	317,499
Puna Sugar Co., Ltd	Box 3230, Honolulu, Hawaii	308,976
AK Chin Farms	Route 1, Box 12, Maricopa, Ariz	308,625
Olokele Sugar Co	Box 3470, Honolulu, Hawaii	307,730
Texas Department of Corrections	Central Farm 520, Sugarland, Tex	294,301
John D. Singh	Box DD, Casa Grande, Ariz	292,031
Telles Ranch, Inc	46031 W. Nees, Firebaugh, Calif	291,209
Tom J. Moore	Navasota, Tex	289,883
Youngker Farms	Box 398, Buckeye, Ariz	289,391
H. H Moore & Sons	Box 7, Navasota, Tex	283,962
Wilco Produce	Box 1179, Blythe, Calif	282,148
Riverview Farm & Cattle	500 North Broadway, Blythe, Calif	279,733
C. J. Shannon & Sons	24487 Road 140, Tulare, Calif	278,965
Baughman Farms, Inc	Liberal, Kans	276,500
Newhall Land & Farming	10302 Ave. 7½, Firebaugh, Calif	272,176
Elmore Co	P.O. Box 119, Brawley, Calif	267,969
Gilkey Farms, Inc	P.O. Box 426, Corcoran, Calif	265,156
Airway Farms, Inc	1221 Fulton, Fresno, Calif	259,136
Guimarra Vineyard Corp	Box 1969 Bakersfield, Calif	250,802
Florida Sugar Corp	Box 1001, Belle Glade, Fla	247,010
Southdown, Inc	P.O. Box 52378, New Orleans, La	243,070
Bogle Farms, Inc	Box 485, Chandler, Ariz	242,268
Arizona Farming Co	Box 907, Eloy, Ariz	239,802
Goodyear Farms	Litchfield Park, Ariz	238,629
Timco	5720 S. Washoe, Mendota, Calif	236,781
Gila River Farms	Box 397, Sacaton, Ariz	234,975
R. A. Pickens & Sons Co	Pickens, Ark	234,251
Bruce Church, Inc	P.O. Box 1009, Yuma, Ariz	232,012

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

Name	Address	Total payments
W. B. Camp & Sons	P. O. Box 2028, Bakersfield, Calif	$231,978
Houchin Bros. Farming	Box 493, Buttonwillow, Calif	229,811
John B. McKee, Jr	Friars Point, Miss	228,948
Potter Bros., Inc	Box 349, Arcola, Miss	227,768
Jack Elmore	Box 156, Brawley, Calif	226,810
Crowe Farms	Arcola, Miss	223,835
Kirby Hughes	7200 San Anna, Tucson, Ariz	221,659
Dave Mendrin & Sons	23448 Ave. 5, Madera, Calif	217,463
Ridgeside Farms	Bakersfield Saving & Loan Building, Bakersfield, Calif.	213,384
George B. Willoughby	Box 860, El Centro, Calif	208,101
Three Way Land Co	Dekalb, Tex	206,883
Howe Lumber Company, Inc	Wabash, Ark	206,379
Joe Mendiburu	Box 5096, Oildale, Calif	202,583
J. E. O'Neill, Inc	P.O. Box 2114, Fresno, Calif	201,089
Price Giffen Ranch	2025 N. Fairfax, Firebaugh, Calif	199,980
Sullivan & Gragnani	Box 128 A, Tranquillity, Calif	199,681
J. W. Olberg & Son	P.O. Box 1710, Yuma, Ariz	197,400
Roy Flowers	Mattson, Miss	196,679
Community Gin	P.O. Box 3546, Scottsdale, Ariz	196,457
Coury Bros	Route 1 Box 87, Queen Creek, Ariz	196,210
Santiaga Ranch	Rural Route 3 Box 893, Bakersfield, Calif	195,425
Kahuku Plantation Co	Box 3440, Honolulu, Hawaii	194,231
Ben Simmons	P.O. Box 744, Parker, Ariz	190,616
Raymond Thomas, Inc	25810 Avenue 11, Madera, Calif	189,828
Gay and Robinson	Makaweli, Hawaii	187,401
Cold River Trading Co	P.O. Box T, Parker, Ariz	185,592
M J & R S Allen	P.O. Box 925, Coalinga, Calif	185,397
Irvin Co	1296 Pepper Dr., El Centro, Calif	184,875
W. E. Young & W. E. Young, Jr	Box 267, Calipatria, Calif	184,181
Coit Ranch, Inc	2578 S. Lyon, Mendota, Calif	182,204
C. J. Vignolo	Box 1268, Shafter, Calif	180,899
B.V. Farms & Miller & Lux	550 Kearney, San Francisco, Calif	180,812
W. J. Deal	Box 427, Mendota, Calif	179,248
Twin Farms	Rural Route 1, Box 91, Buttonwillow, Calif	178,069
W. T. Golston Farms	Box 698, Stanfield, Ariz	177,599
Taft McGee	Box 69, Hereford, Tex	177,238
Worsham Bros	Box 1411, Pecos, Tex	176,036
Wolfsen Land and Cattle	Box 311, Los Banos, Calif	175,841
Schramm Ranches, Inc	Box 487, San Joaquin, Calif	175,234
Hill Farms	Hart, Tex	174,815
Southmountain Farms, Inc	Route 1, Box 705, Laveen, Ariz	174,806
A Duda Sons, Inc	P.O. Box 257, Oviedo, Fla	174,444
E. F. Ninn & Co	Shuqualak, Miss	172,595
Nichols Farms	13762 First Ave., Hanford, Calif	171,684
West Haven Farming Co	24487 Road 140, Tulare, Calif	170,674
Sam Hamburg Farms	P.O. Box 547, Los Banos, Calif	170,531
Southern National Bank	Lumberton, N.C	170,044
Sinclair Ranches	Box 234, Calipatria, Calif	168,262
J. A. Roberts	Rural Route 1 Box 207, Casa Grande, Ariz	164,230
Sherrill-LaFollette	5001 East Washington, Phoenix, Ariz	163,226
Campbell Farming	Hardin, Mont	162,897
Sugarcane Farms Co	318 A Royal P, Palm Beach, Fla	162,008
Waddell Ranch Co	Waddell, Ariz	161,709
Glen Holt	Rural Route 1 Box 27H, Parker, Ariz	161,149
Coyanosa Farms	Box 235, Coyanosa, Tex	160,663
Topanga Caine Farm	Lake Cormorant, Miss	159,984
Emma Lawrence	Box 2309, Hobbs, N. Mex	159,927
John A. Wheeler	Rural Route 1, Lorenzo, Tex	159,589
Closter Farms, Inc	Box 698, Belle Glade, Fla	158,754
Pantherburn Co	Pantherburn, Miss	158,615
J. G. Stone Land Co	Box 146, Stratford, Calif	158,587
L–4 Ranches, Inc	Box 366, Queen Creek, Ariz	157,591
Wesson Farms, Inc	Victoria, Ariz	156,953
Kesey Bros	Box 1368, Pecos, Tex	156,759
Ercell Givens	Box 817, Abernathy, Tex	156,583
W. R. Mayes	Mayesville, S.C	156,284
John Kai	Box 488, Marana, Ariz	156,272
Engelman Farms	Box 307, Elsa, Tex	155,011
E. F. Mauldin	Box 116, Town Creek, Ala	154,966
Arkansas State Penitentiary	Box 500, Grady, Ark	154,412
John J. and Ola V. Lord	P.O. Box 5761, Tucson, Ariz	153,992
S. N. Knight Sons, Inc	Box 7, Belle Glade, Fla	153,540
McKittrick Ranch, Inc	1921 Bradford, Bakersfield, Calif	153,404
Amana Society	Middle Amana, Iowa	152,972
Redfern Ranches, Inc	Box 305, Dos Palos, Calif	152,703
Mazzie Farms	Box 698, Arvin, Calif	151,734
Russell Bros. Ranches, Inc	Box 275, Calipatria, Calif	149,755
David A. Shumway	Route 1 Box 19, Queen Creek, Ariz	149,409
Kenneth Lindemann	Box 1947, Pecos, Tex	147,663
Martha M. Russell	Route 3 Box 21, San Benito, Tex	146,772
State of Washington	Department of Natural Resources, Ephrata, Wash.	146,764
Buckhorn Planting Co	Rural Route 2, Greenwood, Miss	146,518
Trail Lake Plantation	Tralake, Miss	146,478
Isom & Isom	110-C East Florence Blvd., Casa Grande, Ariz.	145,778
Sterling Sugars, Inc	P.O. Box 572, Franklin, La	144,563
J. H. Williams	Route 1 Box 211, Natchitoches, La	144,532
Fowler E. McDaniel	Box 6, Tulia, Tex	143,886
New Hope Sugar Co	314 Royal Poin, Palm Beach, Fla	143,092
R. T. Hoover Farms	Box 816, Fabens, Tex	143,064
McDonald Maric McCluskey Picka	114 West 10, Kansas City, Mo	142,778
Donald H. Cox	560 North Eighth, Brawley, Calif	142,758
Jimmy Cluck	Route 2, Hart, Tex	142,345
Rancho Tierra Prieta	Box 938, Eloy, Ariz	142,320
D. M. Bryant, Jr	Box 540, Pond, Calif	142,099
Leyton Woolf	4419 West Royal Palms Rd., Glendale, Ariz	141,772
B. W. Smith Planting Co	Louise, Miss	140,968
Stephen H. Elmore	Box 156, Brawley, Calif	140,891
Broughton Land Co	P.O. Box 27, Dayton, Wash	140,695
V. C. Britton Co	P.O. Box 397, Firebaugh, Calif	139,801
Reynold M. Mettler	P.O Box 473, Bakersfield, Calif	139,738
McQueen Smith Farms	Rural Route 1, Prattville, Ala	138,125
The Desert Ranch	47375 West Dakota, Firebaugh, Calif	138,118
Talla Farms, Inc	Box 668, Stanfield, Ariz	137,112
R. A. Ingram	Leland ,Miss	136,739
Charles Roos, III	Box 501, Rio Grande City, Tex	136,735
Holland Porter	Rural Route 2, Caldwell, Tex	136,620
Hammonds Ranch, Inc	47357 West Dakota, Firebaugh, Calif	$136,334
Roberts Farms, Inc	15366 Road 192, Porterville, Calif	136,215
Bill Weaver	502 South Houston, Lamesa, Tex	136,105
Dimer Zweygardt	Burlington Co	136,100
Clark and Roberts	1927 Jackson, Pecos, Tex	134,085
W. A. Sullivan	2100 Wyoming, Pecos, Tex	132,584
J. H. Benson Ranches, Inc	Box 239, Brawley, Calif	132,058
I. F. Lee	Rural Route 2, Hale Center, Tex	131,881
Dan Seligman	Shaw, Miss	131,699
W. T. Waggoner Trust Estate	Drawer 2130, Vernon, Tex	131,651
St. Francis Valley Farms	Marked Tree, Ark	131,179
Texas Hill Farms	P.O. Box 1283, Yuma, Ariz	130,663
M & I Farms	P.O. Box 700, Delano, Calif	130,111
Coberly-West Co	626 Wilshire Blvd. Los Angeles, Calif	129,178
Smallwood Farms	Box 1507, Pecos, Tex	128,981
Krenmueller Farms	Route 1 Box 77, San Juan, Tex	128,907
Thunderbird Farms	Box 1984, Phoenix, Ariz	128,249
Earl Hughes	P.O. Box 218, Gadsden, Ariz	128,104
715 Farms Ltd	Box D, Pahokee, Fla	127,591
R. C. Godwin	Box 1026, Hereford, Tex	127,231
Hyneman Farms, Inc	P.O. Box 30, Trumann, Ariz	127,199
E. W. Merritt Farms	11188 Road 192, Porterville, Calif	126,263
Finley Bros	Box L96, Gilbert, Ariz	126,198
Fridenmaker Farms	223 South 4th St., Phoenix, Ariz	126,021
Farm Development Corp	Box 1201, Boise, Idaho	125,221
Scopena Plantation	Rural Route 1, Bossier City, La	124,157
R. A. Rowan & Co	20600 19th Ave., Stratford, Calif	123,883
Gerald R. Elmore	P.O. Box 603, Calipatria, Calif	123,773
C M S Farming Co	801 North 1st Ave., Phoenix, Ariz	123,742
H. K. Hammett & Sons	Box 512, Greenville, Miss	123,106
Bidart Bros	Rural Route 1 Box 860, Bakersfield, Calif	122,929
M. T. Hardy	Webb, Miss	122,799
Est. Geo. C. Chance	307 South Main, Bryan, Tex	122,792
Brazos A. Varisco	Varisco Bldg., Bryan, Tex	122,592
Wood Ranches	Post Office Box 247, Lemoore, Calif	122,562
Rio Farms, Inc	Edcouch, Tex	122,537
Boyett Farming	Post Office Box 386, Corcoran, Calif	121,972
Yandell Bros	Vance, Miss	121,943
Joe I. McHugh	Box 17, Orrville, Ala	121,718
Clarence Martin	Route 2 Box 146, Friona, Tex	121,522
Sumner Peck Ranch Inc	Post Office Box 507, Mendota, Calif	120,991
Wildwood Plantation	Rural Route 3, Greenwood, Miss	120,470
Harris Cattle Co	Box 456, Chandler, Ariz	120,352
The Delta Co	Care of T. L. Reed III, Belzoni, Miss	120,328
Oscar Mayfield & Sons	Taft, Tex	120,237
Ward Walton and Asso., Inc	Rural Route 4, Upper Sandusky, Ohio	120,040
Hugh Hudson Ranches	P.O. Box 201, Calipatria, Calif	118,969
Ed Ambrose	Route 1, Box 118–B, Buckeye, Ariz	118,376
John Valov	18275 Road 28, Tulare, Calif	117,934
Peter J. Robertson	Box 578, Coolidge, Ariz	117,632
Jacob S. Stephens	P.O. Box 338, Buckeye, Ariz	117,516
Clarence Robinson	P.O. Box 1064, Blythe, Calif	117,323
Eastland Plantation, Inc	Doddsville, Miss	116,978
Glen Miller	Rural Route 2, Colfax, Wash	116,844
Imperial Valley Cattle Co	Box 148, Arizona City, Ariz	116,749
Marble Bros	Box 91, South Plains, Tex	116,530
Roundaway Planting Co	Alligator, Miss	116,413
J. C. Mills	Drawer G, Abernathy, Tex	116,211
C. T. Dearborn	P.O. Box 6055, Calipatria, Calif	116,193
Vahlsing Christina Corp	Box 386, Mathis, Tex	116,072
Oakhurst Co	Box 335, Clarksdale, Miss	115,763
Em H. Mettler & Sons	Box 1298, Shafter, Calif	115,588
Shary Farms, Inc	Box 433, Mission, Tex	115,429
Robbins & Long	Rosedale, Miss	115,273
F. C. Layton	Box 175, Tolleson, Ariz	115,194
B. F. Harbert Co	Robinsonville, Miss	115,098
William H. Gray	Rural Route 1, New Market, Ala	114,881
McFarland & Hanson Ranches	Box 1497, Coolidge, Ariz	114,671
Milham Farms	P.O. Box 976, Bakersfield, Calif	114,373
Louisiana State Penitentiary	Angola, La	114,363
W. H. Gentry	400 Sunset, Hereford, Tex	114,221
Cattani Bros	Rural Route 6, Box 215, Bakersfield, Calif	141,052
Milliken & Farwell, Inc	Route 1, Box 157, Port Allen, La	113,781
Borba Bros	5521 22d Ave., Riverdale, Calif	113,575
Stafford Hannon	P.O. Box 1141, Brawley, Calif	113,556
Kline Planting Co	Alligator, Miss	113,395
Brooks Griffin	Elaine, Ark	113,352
Milton P. Smith, Jr	Route 1, Box 85, Maricopa, Ariz	113,113
W. T. Touchberry	Glen Allan, Miss	112,807
West, Inc	Rural Route 1, Sidon, Miss	112,260
O'Neill Farms, Inc	P.O. Box 5, Huron, Calif	112,202
Kennedy Bros	79700 Ave. 54, Indio, Calif	112,121
John Garrett & Sons	Box 520, Clovis, N. Mex	111,799
Abbay & Leatherman, Inc	Robinsonville, Miss	111,795
Raymond D. Schnepf	Route 1, Box 42, Queen Cree, Ariz	111,602
Busby Farms	Star Route 2, Olton, Tex	111,592
B. T. Spear	Star Route, Wildorado, Tex	111,413
Cornerstone Farm & Gin Co	Box 7008, Pine Bluff, Ark	111,387
Schuh Bros	377 Circle Drive, Chowchille, Calif	111,287
Warner Reid	Box 694, Tulia, Tex	111,060
John Norton Farms	P.O. Box 1000, Blythe, Calif	110,685
Weeth Ranches, Inc	Box 924, Coalinga, Calif	109,241
Lawrence E. Pence	Route 1, Box 93, McColl, S.C	109,038
Silver Lake Ranches Co., Inc	Box 1467, Del Rio, Tex	108,839
Shuklian Bros., Inc	26591 Highway 99, Tulare, Calif	108,641
G. L. Willis, Jr	Box 458, Dimmitt, Tex	108,630
Tracy Ranch, Inc	Rural Route 1, Box 177, Buttonwillow, Calif	107,868
Sill Prop, Inc	212 Sill Building, Bakersfield, Calif	107,828
Homer Hill	Hart, Tex	107,658
Husbandville Plantation	c/o W. T. Robertson, Holly Ridge, Miss	107,318
Highland Lake Farm	46 Waverly Wood, Helena, Ark	107,223
Antone Borchard Co	200 Andrita Place, Brawley, Calif	107,196
Coelho Farms	P.O. Box 645, Riverdale, Calif	107,099
Carlson Brothers	Rural Route 1, Box 568, Marion, Ark	106,807
Torrey Wood & Son	Hollandale, Miss	106,769
Cunningham Sheep Co	Box 1186, Pendleton, Oreg	106,472
Four Fifths Plantation	Rural Route 3, Greenwood, Miss	106,458
Voth Farms, Inc	450 G Street, Wasco, Calif	106,277
Adamek & Dessert	P.O. Box 787, Seeley, Calif	105,754

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

Name	Address	Total payments
Wheeler Farms	Rural Route 1, Box 860, Bakersfield, Calif	$105,626
William E. Armstrong	Route 2, Lubbock, Tex	105,526
Empire Farms	Route 1, Box 326, Eloy, Ariz	105,451
King & Anderson, Inc	P.O. Box 745, Clarksdale, Miss	105,418
F. J. McCarthy & Sons	Box 1138, Tulare, Calif	105,394
McCarthy Hilderbrand Farms	Route 1, Box 246-A, Eloy, Ariz	105,212
Armorel Planting Co	Armorel, Ark	105,021
Kenneth Reynolds	Box 6041, Calipatria, Calif	104,592
Norment Foley	Box 208, Uvalde, Tex	104,391
Woods Co	P.O. Box 1294, Yuma, Ariz	104,330
Tejon Ranch Co	P.O. Box 1560. Bakersfield, Calif	104,255
G. L. Pratt	31599 Road 132, Visalia, Calif	104,148
Murphy Jones	Nitta Yuma, Miss	104,129
Fred Enke	1405 North Kadota, Casa Grande, Ariz	104,049
Virgil F. Marsh	Route 5, Hereford, Tex	103,936
Neil Fifield Co	Route 2, Box 26, Brawley, Calif	103,729
Elvin Crow	Box 1130, Pecos, Tex	103,606
John W. Nigliazzo	Box 786, Hearne, Tex	103,581
Palm Farms, Inc	4016 Stockdale Highway, Bakersfield, Calif	102,775
Salton Sea Farms	Box 277, Calipatria, Calif	102,513
Valley Acres	Box 128, Santa Rosa, Tex	102,348
H. L. Yocum & Sons	17801 10th Ave., Hanford, Calif	102,115
I. D. Nunnery, Jr	Arcola, Miss	102,055
Williams & Quick	Box 217, Calipatria, Calif	101,714
Hagan & Bruton Farm	Box 226, Hollandale, Miss	101,639
Billups Plantation, Inc	Indianola, Miss	101,591
H. L. Anderson	Route 1, Box 475, Peoria, Ariz	101,485
Richard Gumz	North Judson, Ind	101,109
J. F. Bland, Jr	Mayesville, S.C	101,032
Arena Co. of Arizona	Post Office Box 37, Glendale, Ariz	100,769
Joe Reistino	Box 152, Hearne, Tex	100,694
Martori Bros	Post Office Box 878, Glendale, Ariz	100,261
Donald George Whitney	Post Office Box 308, Logandale, Nev	100,000
J. L. Golightly, Jr	1730 North Stapley Dr., Mesa, Ariz	99,911
J. C. Sides, Sr	Box 197, Coffeeville, Miss	99,831
H. R. Watson & Sons	Tunica, Miss	99,790
John Fuson	Post Office Box 875, Lebec, Calif	99,715
Willis & Kurtz	Rural Route 6, Box 533 R, Bakersfield, Calif	99,488
J. Levingston Estates, Inc	Ruleville, Miss	99,325
Kelly R. Mahan	Batesville, Miss	99,250
Reetex Farms	Box 741, Pecos, Tex	98,634
Annapeg, Inc	Care of Rufus Stainback, Minter City, Miss	98,561
Girvin Farms	Box 1387, Fort Stockton, Tex	98,032
A. Angeletti, Inc	Box 71, Crawfordsville, Ark	97,870
Rabb Bros	Box 736, San Joaquin, Calif	97,680
J. L. Hodges Farming Co	Post Office Box 68, Buckeye, Ariz	97,535
Linneman Ranches, Inc	Post Office Box 156, Dos Palos, Calif	97,490
C. B. Box Co	Midnight, Miss	97,376
Garden Cy Co	Box 597, Garden City, Kans	97,306
Donald K. Donley	2454 5th St., Yuma, Ariz	97,253
Perrin Bros	Box 12, Hereford, Tex	97,049
J. H. Sherard & Son	Sherard, Miss	97,016
George Yarbrough	Sicily Island, La	96,750
Rossi Bros	Rural Route 7, Box 470, Bakersfield, Calif	96,722
Wedgworth Farms, Inc	Box 206, Belle Glade, Fla	96,708
Fortson Farms	Rice, Tex	96,632
Walter J. Williams	1223 Park Circle, Las Vegas, Nev	96,539
Meadowlark Farms	I. H. Reiss, Fisher Building, Sullivan, Ind	96,534
Carl C. Bamert	Rural Route 3 Box 114, Muleshoe, Tex	96,348
A. Wilberts Sons L/S Co	Box 540, Plaquemine, La	96,290
Roger Davidson	Box 245, Marks, Miss	96,127
Allen Gray Estate	Benoit, Miss	96,090
Cameta Plantation, Inc	Anguilla, Miss	95,928
Banks & Co	Hernando, Miss	95,862
A. B. Foster	Box 891, Pecos, Tex	95,769
Ed Hall	Bx Y, Bouse, Ariz	95,558
Carl J. Kuper	1414 Denrock Ave., Dalhart, Tex	95,556
Bond Pltg. Co	Box 446, Clarkedale, Ark	95,539
Overmyer Farms	Care of Lee Overmyer, Francesville, Ind	95,531
Pilibos Bros., Inc	2141 Tuolumne, Fresno, Calif	95,488
J. E. Mayes	Mayesville, S.C	95,237
Charles E. Lakin	Odebolt, Iowa	94,885
W. A. Rountree	Rural Route 5, Dublin, Ga	94,805
James H. Jones	507 Barton St., Hearne, Tex	94,633
M. Lane	Box 905, Shafter, Calif	94,446
Garrett Corp	Box 520, Clovis, N. Mex	94,423
The Brown Farm	Schlater, Miss	94,183
Hardesty Bros	1013 Narramore, Buckeye, Ariz	93,979
Roseta Farms	Box 719, Eagle Pass, Tex	93,946
C. C. Slaughter Farms	Box 575, Morton, Tex	93,830
Mike P. Sturdivant	Glendora, Miss	93,600
McGregor Land & Livestock Co	Hooper, Wash	93,310
Bowles Farming Co	11609 South Hereford, Los Banos, Calif	93,300
Bud Antle, Inc	Box 68, Red Rock, Ariz	93,229
F. O. Masten	Sudan, Tex	93,212
J. W. Wallace & Sons	Box 929, Edinburg, Tex	92,953
Miller Lumber Co	Marianna, Ark	92,940
C. H. Moore Trust Estate	South Center St., Clinton, Ill	92,772
Arthur Blohm	Rural route 1, Box 100, Wellton, Ariz	92,721
Cedarville Corp	Box 1288, Pecos, Tex	92,716
The Mirasol Co	P.O. Box 757, Buttonwillow, Calif	92,524
J. G. Adams & Son	Hughes, Ark	92,453
Duncan Farms, Inc	Route 2, Inverness, Miss	92,225
A. H. Wegis & Sons	P.O. Box 613, Buttonwillow, Calif	91,983
Morrison Bros	Route 1, Box 13, Higley, Ariz	91,829
Alexander Farms, Inc	46 Waverly Wood, Helena, Ark	91,644
Britz Chemical Co	P.O. Box 366, Five Points, Calif	91,533
Belding Farms, Inc	Route 1 Box 140, Fort Stockton, Tex	91,369
Charles A. Russell	Beulah, Miss	91,168
O. F. Bledsoe Plantation Estate	Rural Route 3, Greenwood, Miss	91,036
Dulaney Bros	Care of Jack Dulaney, Box 239, Shallowater, Tex.	90,973
W. A. Banks	Rural Route 7, Box 376, Bakersfield, Calif	90,824
Deseret Lvst Co., Inc	531 South State St., Salt Lake City, Utah	90,739
Race Track Plantation	Rural Route 3 Greenwood, Miss	90,551
J. F. Martin	Box 1306, Hereford, Tex	90,182
Roy D. Murray	Route 1, Box 3, Earlimart, Calif	90,140
Billy Rogers Farms	Box 68, South Bay, Fla	$89,920
Barham, Inc	Care of Joe Barham, Oak Ridge, La	89,916
Raymond Oconnel & Son	Route 1, Box 73, Brawley, Calif	89,873
Dearborn & Maraccini	P.O. Box 6055, Calipatria, Calif	89,777
Dom Echeverria	119 11th Ave., Longmont, Colo	89,723
Wm. H. Noble	P.O. Box 506, Kerman, Calif	89,491
Woodrow Lewis	500 West Toledo, Chandler, Ariz	89,444
E. T. Jordan & Sons	Rural Route 4, Yazoo City, Miss	89,416
Schwartz Farms, Inc	21451 20th Ave., Stratford, Calif	89,337
Harold Senter	Rural Route 1, Wilson, Ark	89,208
John B. Ford	Darling, Miss	89,091
New Ranch Corp	375 Park Ave., New York, N.Y	89,023
C & C Farms	Box 1387, Fort Stockton, Tex	88,976
Mike A. Burkholder	Box 1562, Pecos, Tex	88,743
Kenmar Farm	Rural Route 1 Box 318, Arvin, Calif	88,684
Griset Bros	2324 Oakmont Ave., Santa Ana, Calif	88,634
Sweet Bros	Widener, Ark	88,413
Basil Abate	Box 99, Bremond, Tex	88,331
Chiarelli Ranches	10651 RD 25, Madera, Calif	88,312
Diwan Ranches, Inc	Route 1, Box 485, Casa Grande, Ariz	88,100
Epps Plantation	Rural Route 1, Box 188, Epps, La	87,958
D.C. Parker	Route 1, Tunica, Miss	87,778
W. T. Lattner & Son	2114, Johnson, Pecos, Tex	87,754
James E. Coleman	Rural Route 4, Yazoo City, Miss	87,713
McMurchy Farms	Box 227, Duncan, Miss	87,608
Delmar R. Durrett	Box 1081, Amarillo, Tex	87,605
H. S. Swayze	Rural Route 2, Benton, Miss	87,513
M. M. Alexander	Route 1, Box 249, Eloy, Ariz	87,395
Newton Brothers	P.O. Box 117, Stratford, Calif	87,349
R. A. Harling AG	Riverby Ranch, Rural Route 2, Telephone, Tenn.	86,952
Olive W. Garvey	Care of Garvey Farms Management Co., Colby, Kans.	86,851
Leslie Mitchell	Box 439, Crosbyton, Tex	86,782
Sunset Ranches, Inc	Route 1, Box 220, Eloy, Ariz	86,723
Anderson Bros	Drawer KK, Casa Grande, Ariz	86,613
Fifield Land Co	Route 2, Box 26, Brawley, Calif	86,440
H. G. Carpenter	Rolling Fork, Miss	86,390
Ben Estes Bearden	Box 387, Santa Rosa, Tex	86,375
Medlock Farms, Inc	Route 2 Box 183, Lubbock, Tex	86,329
Wallace Bales	401 N. 6th Ave, Buckeye, Ariz	86,248
Eldon K. Parish	Box 128, Mohave Valley, Ariz	86,227
G. W. Nickel, Jr	Drawer D. Wasco, Calif	86,225
Sam Sparks	Route 1, Santa Rosa, Tex	85,955
Jack Bros. & McBurney, Inc	P.O. Box 116, Brawley, Calif	85,938
Verney Towns	3713 68th, Lubbock, Tex	85,903
Vence Corpora	701 Anderson St., Hearne, Tex	85,835
Giusti Farms, Inc	Ste 904 2220 Tulare, Fresno, Calif	85,807
Daley & Bogle	1454 N. Morrison, Casa Grande, Ariz	85,633
Crouch Bros	Route 1 Box 32, Maricopa, Ariz	85,576
Midway Farms, Inc	Rural Route 1, Joiner, Ark	85,566
Abatti Bros	P.O. Box 466, El Centro, Calif	85,367
W. C. Huffaker, Jr	Tahoka, Tex	85,119
Hollybrook Land Co., Inc	Lake Providence, La	84,935
Hooper Farms, Inc	4823 Ave 24, Chowchilla, Calif	84,794
Fred Tavoleti & Sons	1101 W. Second, Clarksdale, Miss	84,760
E. D. Mitchell, Inc	P.O. Box 195, Arvin, Calif	84,488
Paul Pilgrim	666 Sycamore St., Shafter, Calif	84,426
El Tejon Cattle Co	805 Baker St., Bakersfield, Calif	84,389
Baker Planting Co	Leland, Miss	84,322
G H J Farms Ltd	Johnson, Kans	84,304
Sanders & Sanders	Route 2 Box 393, Bakersfield, Calif	84,263
Morgan Shillington Farms Co	Box 535, Rupert, Idaho	84,239
Ruby Walker	Bentonia, Miss	84,217
Brooks Cotton Co	Shelby, Miss	84,180
Jones Farms	Box 275, Stratford, Calif	84,162
Hugh Stephens	Box 186, New Albany, Miss	84,104
Egypt Planting Co	Cruger, Miss	84,080
W. P. Hunter	In care of Blair Dalton, Bell City, Mo	83,868
CCG Farms, Inc	P.O. Box 968, Glendale, Ariz	83,639
Tallmadge Ranch, Inc	Rural Route 1, Momence, Ill	83,634
W. L. Corcoran	Rural Route 2, Eufaula, Ala	83,624
Fredlo Farms	P.O. Box 174, Arvin, Calif	83,490
Lakeview Planting Co	Rural Route 4, Yazoo City, Miss	83,439
H. L. Kendrick	Box 315, Eloy, Ariz	83,414
H. S. McShan	Schlater, Miss	83,269
Eldon Blackburn	St. Vrain, N. Mex	83,166
J. P. Brown	Box 329, Lake Providence, La	83,049
W. D. Patterson	Rome, Miss	82,894
Louis Garcia/Sons Inc	Route 1, Box 136, Spur, Tex	82,822
H. H. and Edgar Baker	Rural Route 2, Somerville, Tex	82,770
Churchill & Thibaut, Inc	Box 431, Donaldsonville, La	82,759
Carrol Rice	Sicily Island, La	82,679
Sanders Farms	Rural Route 3, Box 969, Bakersfield, Calif	82,654
Lee Wong Farms, Inc	P.O. Box 866, Glendale, Ariz	82,568
Sutton Bros	Route 4, Box 769, Phoenix, Ariz	82,551
C J & L Farms, Inc	Box 607, Casa Grande, Ariz	82,433
Don and Vern Thiesen	Route 1, Box 432 A, Kingsburg, Calif	82,423
Bibb, Inc	Box 122, Tunica, Miss	82,371
D & R Farms	Route 2, Box 167, Chandler, Ariz	82,357
J. W. Patrick, Jr	Brandon, Miss	82,330
Bruneau Sheep Co	Grandview, Idaho	82,114
Peterson Farms	Box 877, Corcoran, Calif	81,869
James S. Garvey	Box 517, Colby, Kans	81,855
Paul Brophy	Box 528, Casa Grande, Ariz	81,852
D. E. Phillips	Lind, Wash	81,841
J. A. Howarth, Jr	Route 2, Cleveland, Miss	81,712
M. L. Earnheart Co	Tunica, Miss	81,424
Donnell Echols	State Route 4, Lamesa, Tex	81,405
Chas. Urrea & Sons	3256 East Main, Mesa, Ariz	81,278
Hubert Cheek, Jr	Bowersville, Ga	81,212
L. I. Rhodes & Sons	Rural Route 1, Box 475, Wasco, Calif	81,208
Correia Bros	6401 Ave. 296, Visalia, Calif	81,064
Pacco, Inc	Turrell, Ark	81,045
Stimson Veneer & Lumber Trust	Dumas, Ark	80,970
J & J Ranch	Post Office Box 155, Firebaugh, Calif	80,832
W. J. Scott	Rural Route 1, Box 695A, Yuma, Ariz	80,709

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

Name	Address	Total payments
Harry L. Laws Co., Inc.	Post Office Box 158, Brusly, La.	$80,682
J. Boyd White	Route 1, Box 239, Marana, Ariz.	80,645
Loy Kilgore	1721 Jefferson, Pecos, Tex.	80,556
Joe Lee McMahon	Box 68, Verhalen, Tex.	80,305
L. W. Wade Farms, Inc.	Box 1136, Greenwood, Miss.	80,227
Beckwith Farms	Drawer 616, Progreso, Tex.	80,215
J. B. Hardwicke Co. Ptn.	Box 1990, McAllen, Tex.	80,186
Dean Pruett	Rural Route 2, Altoona, Ala.	80,174
E. C. Fedric	Glendora, Miss.	80,115
Bruins, Planting Co.	Hughes, Ark.	80,110
L. Z. Farms, Inc.	900 North Brown, Casa Grande, Ariz.	80,107
Howard Hurd	1008 East Tate, Brownfield, Tex.	80,072
Allen & Brashier Planting Co.	Indianola, Miss.	80,036
Harold H. Hogue	1415 Denrock, Dalhart, Tex.	79,904
Paul Hays	Route 1, Kress, Tex.	79,826
Ben F. Bowden	Rural Route 2, Box 113, Eufaula, Ala.	79,674
White Face Farms, Inc.	Box 1030, Levelland, Tex.	79,641
Savoie Industries	Belle Rose, La.	79,631
S. A. Arnold, Jr.	Tunica, Miss.	79,391
B. Raymond Evans	49 Travis Rd., Tulia, Tex.	79,343
H & H Farms, Inc.	Rural Route 2, Box 560, Bakersfield, Calif.	79,311
Dossett Plantation, Inc.	Beulah, Miss.	79,216
Raymond Beauchamp	605 Ross Blvd., Pecos, Tex.	79,001
Coleman Farms	Okolona, Miss.	78,951
Cass Edwards II	725 Commerce Building, Fort Worth, Tex.	78,917
H. C. Hitch, Jr.	Box 1308, Guymon, Okla.	78,841
F. J. Higgins Farms, Inc.	Schuyler, Nebr.	78,816
J. L. Kidd, Jr.	1207 West Avenue H, Lovington, N. Mex.	78,734
Twilight Planting Co.	Glendora, Miss.	78,538
Wilbur Wuertz	914 North Picacho, Casa Grande, Ariz.	78,535
Marshall Lands, Inc.	Box 3, Charleston, Mo.	78,461
Joe Pugh	Itta Bena, Miss.	78,455
Elijah B. Adams & Sons	1019 North First, Harlingen, Tex.	78,428
J. L. Hill & Co.	Webb, Miss.	78,417
Aden Brothers, Inc.	Valley Park, Miss.	78,413
P. L. Sanders	Walls, Miss.	78,379
Goodland Farms, Inc.	Box 193, Hearne, Tex.	78,142
Rochelle Livestock Co.	Box 996, Rawlins, Wyo.	78,141
W. A. Heiden & Son	Box 576, Buckeye, Ariz.	78,049
Sam & D. M. Biancucci	Post Office Box 337, Firebaugh, Calif.	78,011
Walker Farms, Inc.	Care of George R. Walker, Stoneville, Miss.	77,891
Simpson & Wilson	Post Office Box 393, Rio Hondo, Tex.	77,749
Sam Senter Farms, Inc.	Post Office Box 185, Belle Glade, Fla.	77,682
Heidrick Farms, Inc.	Route 1, Box 1215, Woodland, Calif.	77,633
Sam C. Jenkins	Box 497, Lamesa, Tex.	77,613
Panola Co.	In care of W. A. Guthrie, Newellton, La.	77,610
R. D. Hughes	Box 67, Blytheville, Ark.	77,556
Glenn Lane	871 West Roosevelt, Coolidge, Ariz.	77,519
Howard & Blythe Plantation	Lake Cormorant, Miss.	77,504
Elms Planting Corp.	Altheimer, Ark.	77,456
Elwood Elkins	Rural Route 3, DeKalb, Tex.	77,342
W. W. Hill	2203 Johnson, Pecos, Tex.	77,337
George Hammond	2829 Gidding, Clovis, N. Mex.	77,183
Ranza Boggess	Box 283, Friona, Tex.	77,058
Morton S. Inc.	Drawer M, Douglas, Wyo.	77,034
J. F. Twist Plantation	Twist, Ark.	76,893
L. A. Robertson Farms, Inc.	29536 West Lerdo, Shafter, Calif.	76,867
Post Montgomery	921 Austin St., Levelland, Tex.	76,848
James Cannon	Rural Route 1, Lockney, Tex.	76,817
Wolf Island Farms	Wolf Island, Mo.	76,788
Roebuck Plantation	Sidon, Miss.	76,755
T. K Williamson	Box 931, Morton, Tex.	76,711
Nerren Bros.	Isola, Miss.	76,562
Heirs of Joseph F. Green	Route 1, Box 7, Taft, Tex.	76,531
Charles E. Armstrong	609 West Stinson, Dimmitt, Tex.	76,505
Travis H. Jones	609 Ironwood Dr., Buckeye, Ariz.	76,491
Payne Valley Farms, Inc.	Care of M. M Payne, Hamburg, Iowa.	76,369
Fred Nussbaumer	P.O. Box 186, Wellton, Ariz.	76,355
Cone Livestock Co.	Box 473, Ellensburg, Wash.	76,308
Mobley & Bonham	P.O. Box 1063, Blythe, Calif.	76,301
Albemarle Corp.	Box 215, Courtland, Ala.	76,229
Covey & Dayton	Care of John Dayton, Cokeville, Wyo.	75,996
Carl Bruegel	Box 175, Dimmitt, Tex.	75,924
M. C. Braswell Farms	Battleboro, N.C.	75,908
E. D. McKnight	Parkin, Ark.	75,908
Henson & Sons	Rural Route 3, Box 920, Bakersfield, Calif.	75,898
Davis Beauchamp	Route 1, Box 132, Calipatria, Calif.	75,855
Owen Bros.	Route 1, Tunica, Miss.	75,830
Guy H. Shivers, Sr.	Norwood, Ga.	75,806
Ben Riggs & Son	Route 2 Box 95, Chandler, Ariz.	75,794
Ted A. & Ted R. Pierce	501 Arizona Ave., Buckeye, Ariz.	75,759
Eastgate Farms, Inc.	100 East Robinson, Orlanda, Fla.	75,685
William Gehring, Inc.	Route 6, Rensselaer, Ind.	75,668
Telles Ranch, Inc.	Box 886, Eloy, Ariz.	75,655
Dearmont Oliver	Rural Route 1, East Prairie, Mo.	75,627
Texas Department of Correction	Bryan W. Firerson, Sugarland, Tex.	75,619
J. E. Cunningham, Jr.	Tchula, Miss.	75,577
Davis & Gandy	301 Austin, Edinburg, Tex.	75,558
John A. Abbott	Route 2, Harlingen, Tex.	75,558
Gilnockie Pltg. Co.	Leland, Miss.	75,517
D. W. & B. H. Malcom	Bostwick, Ga.	75,500
Wedel Farms	Post Office Box L, Wasco, Calif.	75,490
H. Buller Farms	1730 Locust Ravine, Bakersfield, Calif.	75,483
Dan W. Clarke	4500 South Mission Rd., Tucson, Ariz.	75,436
Daniel D. McDaniel	Rural Route 3, Cameron, Tex.	75,328
Duane Ellsworth	Box 138, Queen Creek, Ariz.	75,311
C. Mettler	Box 473, Bakersfield, Calif.	75,229
Graydon Flowers	Mattson, Miss.	75,125
J. R. Broadbent	2202 South 1400 East Salt Lake City, Utah.	75,083
Jay Wilson	Route 2 Box 323, Casa Grande, Ariz.	74,904
A. W. Langenegger	Box 503, Hagerman, N. Mex.	74,875
J. P. Terrell & Son	Navasota, Tex.	74,850
Combs & Clegg Ranches, Inc.	Route 1 Box 96, Queen Crk, Ariz.	74,827
Scott & Knappenberger	Route 2 Box 180, Blythe, Calif.	74,721
Don H. Bennett	Post Office Box 517, Buckeye, Ariz.	74,568
Tracy Hutchins	Route 2 Box 315, Casa Grande, Ariz.	74,503
Three H Ranch	1709 30th St., Bakerfield, Calif.	74,420
Estate of J. A. McDonald	Route 2, McColl, S.C.	$74,374
Fifield Farms	229 Main St., Brawley, Calif.	74,345
Frank Robinson	Panhandle, Tex.	74,337
Charles Hill	800 West Oakland, Chandler, Ariz.	74,257
J. D. Rankin	Rural Route 3, Canton, Miss.	74,248
John & Alex Kochergen	523 North Brawley, Fresno, Calif.	74,212
Anschutz Land & Livestock Co., Inc.	351 State, Salt Lake City, Utah.	74,164
Winterrowd Bros.	Box 1049, Pecos, Tex.	74,119
K. K. Skousen	Route 1, Box 85, Chandler, Ariz.	74,114
Power Ranches, Inc.	Route 1, Box 72, Higley, Ariz.	74,108
Fairfax Pltn.	Ben Walker, Tribbett, Miss.	74,079
Marion Harris	20421 Rural Delivery 44, Tulare, Calif.	74,062
Don B. Co.	Post Office Box 2003, Phoenix, Ariz.	74,030
John Henry Jones	Box 34, Welch, Tex.	74,000
Phelps & Palmer	222 North Westood St., Mesa, Ariz.	73,965
H. L. Holland	Box 1598, Coolidge, Ariz.	73,913
Dale Elliott	Rural Route 1, Clovis, N. Mex.	73,911
Lee Moor Farms	Clint, Tex.	73,849
Hinkhouse Bros.	Burlington, Colo.	73,790
Antongiovanni & Jarrard	1318 Baldwin Rd., Bakersfield, Calif.	73,734
King Farms	Route 1 Box 162, Buckeye, Ariz.	73,657
Gordon V. Waldrop	Route C, Lamesa, Tex.	73,596
C. & V. Growers, Inc.	Box 368, Maricopa, Ariz.	73,531
Yoshino Bros.	Box 295, Quincy, Wash.	73,491
Riggan Planting Co.	Box 978, West Memphis, Ark.	73,451
Patterson Farms, Inc.	Care of G. D. Patterson, Maitland, Mo.	73,437
James E. and John Garrett	Box 520, Clovis, N. Mex.	73,429
A C T Ranches, Inc.	Route 1 Box 247–2, Eloy, Ariz.	73,426
Redfield Plantations	Edwards, Miss.	73,359
James F. Davis, Jr.	Route 1 Box 89, Lorenzo, Tex.	73,269
Parsons Ranch	Rural Route 1 Box 57, Buttonwillow, Calif.	73,251
J. C. Mills	Drawer G, Abernathy, Tex.	73,242
G. J. Parkhill, Jr.	Box 275, Crosbyton, Tex.	73,171
Hoke Propst	Route 3, Anson, Tex.	73,079
Carl Schuster	Route 1 Box 77–A, San Juan, Tex.	73,074
Muldrow Farms	1612 E. Reppto, Brownfield, Tex.	72,957
Jack Ralston	Box 185, Maricopa, Ariz.	72,884
Ruby Planting Co.	% J. F. Shaw, Box 174, Money, Miss.	72,879
G. T. Hamilton	Rural Route 2, Hillsboro, Ala.	72,776
Anderson-Palmisano Farms	Route 1, Box 39–A, Maricopa, Ariz.	72,740
R. W. Owen, Inc.	Route 1, Tunica, Miss.	72,550
Eddy Farms	Box 1239, Jamestown, N. Dak.	72,504
C. L. Ranch	Dell City, Tex.	72,452
Pirani & Sons	Rural Route 1, Turrell, Ark.	72,397
W. J. Chandler & Sons	Moundville, Ala.	72,340
W. S. Heaton, Jr.	Lyon, Miss.	72,331
James E. Kemp	20th Floor, Mercantile Bank Building, Dallas Tex.	72,323
Dougherty Ranch	4414 North 36th St. Phoenix, Ariz.	72,269
Rummonds Bros. Ranches	Route 1 Box 726, Thermal, Calif.	72,266
Coffman Ranch Co.	908 South Durbin, Casper, Wyo.	72,191
Broadbent Livestock Co.	Box 1825, El Centro, Calif.	72,181
Mohead Planting Co.	Lula, Miss.	72,126
W. E. & W. C. Reid	Cherokee, Ala.	72,121
Melvin H. McKinney	Box 728, Pecos ,Tex.	72,023
Red Top Ranch	P.O. Box 1, Red Top, Calif.	71,984
Bruce Parr	Route 3, Friona, Tex.	71,930
Glen Cox	State Route, Lenorah, Tex.	71,922
Lockmiller & Son	1401 Piedmont, Clovis, N. Mex.	71,850
C. J. Lowrance & Sons	Driver, Ark.	71,849
Jason H. Allen	4602 15th St., Lubbock, Tex.	71,830
Martin Talla	Box 668, Stanfield, Ariz.	71,799
Albert J. Hoelscher	1902 Jackson, Pecos, Tex.	71,689
W. G. Trotter	Box 113, Winterville, Miss.	71,681
Henry L. Voss	48 W. Glenn Dr., Phoenix, Ariz.	71,679
Roy Barefield	Alexander, Ga.	71,643
Miller Farms Co.	Box 390, Tulia, Tex.	71,622
H. & D. Duenne	Rural Route 2, Charleston, Mo.	71,563
Sierra Dawn Farms	45949 W Shields, Firebaugh, Calif.	71,546
Avra Lnd & Cattle	c/o A Young Co Tucson Ft, Tucson, Ariz.	71,521
Wayne Kirschenmann	5109 Lansdale Dr. Bakersfield, Calif.	71,493
Belluomini Bros.	Rural Route 1 Box 89, Buttonwillow, Calif.	71,473
C. A. Thomas	Box 8, Lake Harbor, Fla.	71,438
M. P. Moore	Senatobia, Miss.	71,422
Alpe Bros.	Crawfordsville, Ark.	71,274
Cerro Bros.	Rural Route 2, Box 749, Bakersfield, Calif.	71,237
Ald Land & Livestock Co.	420 Taylor St., San Francisco, Calif.	71,228
W. A. Calloway	Bosco, La.	71,093
Ryan Bros.	P.O. Box 268, Mendota, Calif.	71,071
Hoparka Plantation	Care of F. M. Mitchener, Sumner, Miss.	71,068
Pacific Farms Co.	1047 M Street, Firebaugh, Calif.	70,980
Wesley Hansen	Post Office Box 995, Corcoran, Calif.	70,886
Alex and Norman Pretzer	Box 786, Eloy, Ariz.	70,874
Dunn Farms	Route 1, Box 6, Maricopa, Ariz.	70,828
J. A. Pickett	Box 117, Morrow, La.	70,825
W. H. Lovett	Dublin, Ga.	70,818
Aladdin Ranch	1221 Fulton Mall, Room 614, Fresno, Calif.	70,790
J. E. Mayes	Mayesville, S.C.	70,745
Wayne Q. Winsett	2028 Willard Dr., Altus, Okla.	70,732
Standefer-Gray, Inc.	Box 711, Lubbock, Tex.	70,724
Douglas Mallette	Indianola, Miss.	70,605
A. L. Muzinich	207 Panorama Dr., Bakersfield, Calif.	70,585
Levert St. John, Inc.	Rural Route 1, Box 10, St. Martinville, La.	70,509
Warren Livestock	Box 848, Cheyenne, Wyo.	70,445
Drew Gillen	Blooming Grove, Tex.	70,415
Griffin & Griffin	Box 1193, Coalinga, Calif.	70,409
Raymond McCutchen	Robert Lee, Tex.	70,217
Southwest Grazing, Inc.	Box 296, Casa Grande, Ariz.	70,215
Rio Grande Equipment Co.	State Highway 77, Harlingen, Tex.	70,033
J. F. Crews	Box 352, Pecos, Tex.	69,967
Jimmy Millar	State Route 2, Morton, Tex.	69,920
J. T. John Co., Inc.	Laurinburg, N.C.	69,913
A. L. Cone	P.O. Box 871, Lubbock, Tex.	69,866
Phil Ladra	5825 West Harmont Dr., Glendale, Ariz.	69,864
Stanley Snitzer	801 North First Ave., Phoenix, Ariz.	69,751
Penny Ranch	Burlington, Colo.	69,727
Garrett & Son	Rural Route 2, Box 24, Clarksdale, Miss.	69,710

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

Name	Address	Total payments
El Dorado Ranch, Inc	Box 607, Casa Grande, Ariz	$69,694
White Farms & Cattle Co	Box 719, Canyon, Tex	69,584
C. Ray Robinson	Box 93, Eloy, Ariz	69,382
Spencer H. Barret	Belzoni, Miss	69,343
J. R. Durrett Trusts	Box 1081, Amarillo, Tex	69,338
H. S. Mitchell	P.O. Box 98, Millington, Tenn	69,302
Kleymann Bros	Care of Frederick Kleymann, Tribune, Kans	69,275
William Hardison	P.O. Box 98, Palo Verde, Ariz	69,227
Mission Planting Co	Box 248, Ida, La	69,148
Mashburn Farms, Inc	Rural Route 5, Paris, Tex	69,012
Wagner Brothers, Inc	1126 3d St., Lewiston, Idaho	68,998
Kern Valley Farms	Box 505, Lamont, Calif	68,986
Claude P. Polston, Jr	Route 1, Box 16, Blenheim, S.C	68,958
Santa Cruz Farms, Inc	Box 998, Eloy, Ariz	68,882
Starkey & Erwin	P.O. Box 669, Avenal, Calif	68,879
John H. Spearman	Box 1000, Clovis, N. Mex	68,863
Lewis Barksdale, Jr	Route 1, Duncan, Miss	68,818
E. R. McDonald & Sons	Newellton, La	68,812
H. T. Dillahunty & Sons	Hughes, Ark	68,732
Palm Livestock Co	Elk Mountain, Wyo	68,730
Trans-Pecos Dairy	Box 1383, Pecos, Tex	68,669
William J. Asmussen	Agar, S. Dak	68,626
C. W. Neely	Box 172, Gilbert, Ariz	68,619
G. & E. Livestock, Inc	1319 Edgar St., Rock Springs, Wyo	68,586
Carl C. May	Route 2 Box 599 West Helena, Ark	68,543
J. D. Smith	109 E. 11th St., Littlefield, Tex	68,488
Talbott Sheep Co	1232 California St., Los Banos, Calif	68,456
John C. Alford	Box 28, Petersburg, Tex	68,454
S. C. Wilson & Son	Care of Shelby T. Wilson, Dundee, Miss	68,444
San Juan Ranching Co	Route 1 Box 171B, Dos Palos, Calif	68,407
Paul Battle, Jr	Box 232, Tunica, Miss	68,391
Pinal Farms, Inc	Box 728, Stanfield, Ariz	68,347
Stanley Asmussen	Agar, S. Dak	68,335
Shannon Bros. Enterprises	Box 2863 DeSoto Sta., Memphis, Tenn	68,305
X Y Ranch Co	Care of Ray Jameson, Granada, Colo	68,213
Dalton R. Pittman	4809 Camellia Ln, Shreveport, La	68,168
Mason & Godwin	Rural Route 2, Monroe, La	68,127
Ballard and Hurt	Olton Route, Plainview, Tex	68,031
Caire & Graugnard	P.O. Box 7, Edgard, La	68,028
Gaddis Farms, Inc	Raymond, Miss	67,999
Lloyd Gambrel	Box 729, Ralls, Tex	67,911
Bill St. Clair	Route 3., Muleshoe, Tex	67,870
Rlds Church	Care of Don Elefson Rlds Audit, Independence, Mo.	67,860
J. Bert Williams	Rural Route 1, Farwell, Tex	67,857
W. W. Draper, Jr	402 Mockingbird Lane, Forrest City, Ark	67,840
Delta Ranches, Inc	P.O. Box 211, Blythe, Calif	67,787
Guerra Bros	Box 38, Linn, Tex	67,554
Thomas A. Morriss-Sons	Sonora, Tex	67,508
E. K. Angeley	Route 1, Box 152, Muleshoe, Tex	67,493
Tillar & Co	Tillar, Ark	67,414
P. W. Vensel	803 West Pinkley, Collidge, Ariz	67,341
Jack Hale	Box 261, Blytheville, Ark	67,243
C. O. Pitrat & Sons	Route 1, Box 12, Laveen, Ariz	67,230
W. A. Fulford	1305 East Buckley, Brownfield, Tex	67,216
Mallory Farms	Chatfield, Ark	67,186
T. R. Joines	Rural Route 2, Abernathy, Tex	67,162
Lowarnce Bros & Co	Driver, Ark	67,002
Jack Duke	1314 Plum, Pecos, Tex	66,919
Delton Caddell	Route 1, Falls, Tex	66,823
John Smith	Box 57, Maricopa, Ariz	66,610
D. H. Dew, Jr	Eden, Miss	66,594
Charles Vonderahe	Box 215, Brawley, Calif	66,571
Barnard Bros	2902 Kingsley Lane, Bakersfield, Calif	66,515
Vernon Goodwin	Box 395, Saegraves, Tex	66,485
Morris Stuhaan	29001 Rd 48, Visalia, Calif	66,447
Lone Oak Ranch	Box 386, Corcoran, Calif	66,422
J. Kroeker Sons	30335 Orange St., Shafter, Calif	66,347
Arnold Farms, Inc	Tunica, Miss	66,311
Grady Shepard	Rural Route 1, Hale Center, Tex	66,152
G. Buster Brown	1104 North Olive Dr., Casa Grande, Ariz	66,144
Cowan Bros	LaGrange, Tenn	66,069
Allen B. Helms	Clarkedale, Ark	66,066
South Bay Growers, Inc	Box 68, South Bay, Fla	66,000
Lake Plantation	c/o L. Taylor, Jr., Hughes, Ark	65,983
Leon C. Bramlett	Rural Route 3, Box 599, Clarksdale, Miss	65,970
Byron Campbell	795 West Rockey, Raymondville, Tex	65,883
Elmer Heiskell	Rural Route 2 Box 212, Dalhart, Tex	65,815
J. C. Moore Mercantile Co	Rural Route 1, Marion, Ala	65,802
Tunney Stinnett	Elaine, Ark	65,758
M. & T., Inc	P.O. Box 308, Chico, Calif	65,707
Neil Rasor	Box 117, Royal City, Wash	65,671
Cotton Dixie, Inc	c/o J. B. Baker, Webb, Miss	65,660
Arthur P. Gumz	North Judson, Ind	65,612
Billy Wayne Sisson	114 Liveoak, Hereford, Tex	65,540
Donald E. Morris	Fortescue, Mo	65,516
E. P. Coleman, Jr	P.O. Box 250, Sikeston, Mo	65,467
Lee J. Fazzino	Rural Route 1 Box 259, Bryan, Tex	65,438
S. & P. Farms, Inc	Box 228, Gila Bend, Ariz	65,428
G. L. Morris, Jr	McCrory, Ark	65,342
Herbert C. Harris, Jr	Box K, Cherokee, Ala	65,303
Otto Steinberg	Box 242, Plainview, Tex	65,280
B. S. Baldwin & Sons	2908 McCall St., Bakersfield, Calif	65,191
Rowe & Turnbough	Box 1, Toyahvale, Tex	65,131
L. H. Woodruff	McDade, La	65,083
California Sturges Ginning Co	Box 409, Yuma, Ariz	65,056
Telles Farms	46031 West Nees, Firebaugh, Calif	65,006
Antongiovanni Bros	Route 7, Box 532, Bakersfield, Calif	65,003
Stonewall Planting Co	P.O. Box 11, Thornton, Miss	65,003
Dorris Jones	506 South White, Floydada, Tex	65,001
Oaklawn Plantation, Inc	Route 3, Box 36, Dundee, Miss	64,929
Hogue Produce Co	Box 66, Firebaugh, Calif	64,863
Kirkland & Best	P.O. Box 97, Ulmers, S.C	64,783
Carr Planting Co	O. C. Carr, Jr., Clarksdale, Miss	64,746
Pappas & Co., Inc	P.O. Box 477, Mendota, Calif	64,689
Robert F. Ashley	South Kansas City RD, La Feria, Tex	64,673
James Childress	Box 1088, Ozona, Tex	64,554
Daniel Gustafson	Box 27, Lyford, Tex	$64,456
Leonard and Henry Franz	Lind, Wash	64,428
Erma Griffith	Route 2, Morton, Tex	64,419
Bloemhof Hay Co	P.O. Box 147, Buttonwillow, Calif	64,416
McIntosh & Sons	2034 14th St., Lewiston, Idaho	64,174
Robert Devin	603 Southeast 2d, Tulia, Tex	64,109
Dolph Briscoe, Jr	Box 389, Uvalde, Tex	64,076
Emmett Jobe	Route 1, Box 53, Queen Creek, Ariz	64,041
Kriesant Operating Co., Inc	Box 125, Mendota, Calif	64,008
W. W. Boswell, Jr	700 Whitley Av. Corcoran, Calif	64,001
J. O. Thompson	Route 1, Box 482, Casa Grande, Ariz	63,988
M. & V. Farms	P. O. Box 82, Ehrenberg, Ariz	63,895
Runnymede Plantation	Box 277, Itta Bena, Miss	63,887
Warren Spikes	Hugoton, Kans	63,863
Bonanza Farms	2612 Elm St., Bakersfield, Calif	63,773
Green River Ls Co	Box 431, Green River, Wyo	63,764
Milo Erwin	6082 East Butler, Fresno, Calif	63,763
Herbert Friemel	Route 1, Canyon, Tex	63,761
W. T. Jamison, Jr	Tiptonville, Tenn	63,746
Sloan Osborn	Route 2, Friona, Tex	63,689
OV Land Co	P.O. Box 1088, Clewiston, Fla	63,661
John W. Dawson	Rural Route 3, Hawkinsville, Ga	63,634
J. R. Stump	Box 851, Elsa, Tex	63,626
Sebastian Cotton & Grain Corp	Box 104, Sebastian, Tex	63,597
Jack Hart	Gruver, Tex	63,582
H. T. Bonds	Route 1, Shelby, Miss	63,579
W. W. & Earl Cochran	Portland, Ark	63,562
DiGiorgio Fruit Corp	Box 308, DiGiorgio, Calif	63,561
P. Hansen Ranch	P.O. Box 295, Corcoran, Calif	63,410
Edward Trotter	Rural Route 2, Box 745, Greenville, Miss	63,353
Frank T. Brumfield	Inverness, Miss	63,339
Asbury Wright	Pinehurst, Ga	63,306
C. & W. Ranches, Inc	Star Route Box 17, Marana, Ariz	63,276
Porter Land Co	Box 393, Bakersfield, Calif	63,270
Stonner Brothers	Miami, Mo	63,173
H. B. Barker	602 East Lincoln, Morton, Tex	63,131
Wood-Sanderlin Farm	Crumrod, Ark	63,107
John Valpredo	Rural Route 2, Box 460, Bakersfield, Calif	63,069
Everett Wiseman	Vega, Tex	63,007
Grady W ndle Parker	Box O, Courtland, Ala	62,974
Robert Cardwell	8265 W. Annadale, Fresno, Calif	62,970
Opal Fry & Sons	Rural Route 2 Box 403, Bakersfield, Calif	62,916
Knapp Farms	Box 205, Weslaco, Tex	62,915
Shotwell Plantation, Inc	Rural Route 1, Tchula, Miss	62,909
L. J. Barksdale, Sr	Marks, Miss	62,903
Bryants, Inc	Bartow, Ga	62,861
P. S. Thompson	Box 787, Eloy, Ariz	62,810
Barling Bros	640 G St., Wasco Calif	62,795
Robert D. Bechtel	2020 S. 9th St., Coolidge, Ariz	62,762
Robert W. Brooks	Box 431, Queen Creek, Ariz	62,756
E. H. Clarke & Co	Hughes, Ark	62,730
Milton Addison	1015 E. Tate, Brownfield, Tex	62,724
Sigmon Planting Co	Sherard, Miss	62,694
Ralph W. Shelton	Box 726, Friona, Tex	62,612
Quinn Bros	Salisbury, Mo	62,590
Clements Corp	Box 304, Plainview, Tex	62,589
Elmo Stephens	Olton Rt, Plainview, Tex	62,579
Self & Co	Marks, Miss	62,548
Dale Steele	Ford, Kans	62,539
D. E. Reynolds, Jr	Glendora, Miss	62,519
Raymond Brown & J. M. Brown	Anguilla, Miss	62,501
C. Bruce Mace Ranch, Inc	Box 190, Davis, Calif	62,476
Lynchfield Planting Co	Tchula, Miss	62,439
R. L. Pillow	Box 128, Itta Bena, Miss	62,402
C. C. & Jack Harbison	Route 1, Mercedes, Tex	62,378
Guthrie Farming Co	20210 Ave 176, P'ville, Calif	62,332
D. H. Dew, Sr	Eden, Miss	62,311
Rufus C. Branch	Joiner, Ark	62,291
Dudley Pillow, Sr	Greenwood, Miss	62,273
Hatton Brothers, Inc	Drawer 558, Pahokee, Fla	62,273
O. F. Gremaud	Rural Route 3, Perryville, Mo	62,271
Dessert Seed Co., Inc	P.O. Box 181, El Centro, Calif	62,266
Buckshot Farms, Inc	Box 428, Stanfield, Ariz	62,252
Hawk & Sperber	Box 847, Hotlville, Calif	62,207
Billy Ray McInroe	RFD 2, Levelland, Tex	62,129
Marshall Cator	Box T, Sunray, Tex	62,064
Alex Curtis	602 S Deer Creek Dr., W. Leland, Miss	61,957
Gordon Bros	P.O. Box 366, Tranquillity, Calif	61,915
Poplar Grove Pltg/Ref. Co	Route 2 Box 69, Point Allen, La	61,907
H. H. Twiford	Alligator, Miss	61,824
John C. Reistino	1002 San Jose St., Hearne, Tex	61,768
Carr-Mascot Pltn. Inc	Rural Route 2 Box 161, Clarksdale, Miss	61,709
F. E. Motley	424 N. Glover, Hollis, Okla	61,668
R.R. Rhymes Farm	Rural Route 5, Rayville, La	61,668
J. R. Flautt & Sons	Swan Lake, Miss	61,656
Green Top Farms, Inc	Route 4, Richmond, Mo	61,584
L. L. Lawson	3307–43rd Street Lubbock, Tex	61,555
J. S. Hoopes	Route 1 Box 115, Chandler, Ariz	61,540
D. D. McColl	Box 748, St. Pauls, N. C	61,512
J. Antongiovanni	191 Oleander Ave., Bakersfield, Calif	61,445
Vernon Swearingen	11050 West Mountain Whitney, Riverdale, Calif.	61,429
Mauldin Mauldin	2753 Maple, Yuma, Ariz	61,412
Beers Bros	Tyler, Ala	61,411
Leslie H. Laffere	Box 1504, Uvalde, Tex	61,347
W. H. Haggard, Jr	Route 1, Box 35, Buckeye, Ariz	61,313
R. Creecy & T. Tate	Rural Route 2, Box 446, Osceola, Ark	61,298
G. H. Barker	Marks, Miss	61,294
Sugarland Industries, Inc	Box 45, Sugarland, Tex	61,259
Dick Sheffield	Webbers Falls, Okla	61,252
Panetta & Loftis	12771 Road 112, Tipton, Calif	61,252
James O. Payne	Star Route Box 96, Wasco, Calif	61,228
Diamond Ring Ranch	1745 Lynwood Pl., Casper, Wyo	61,224
Reyher Farms	Care of Herb Reyher, Pres., McClave, Colo	61,178
P. K. McGregor	Inverness, Miss	61,169
Charles E. Lynch	B'ville, S.C	61,106
Pi-Land & Cattle Co	Route 2, Box 368, Blythe, Calif	61,050

1968 TOTAL PAYMENTS OF $60,000 AND OVER UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

Name	Address	Total payments
J. N. Osterkamp Ranches	445 South Rio Vista, Brawley, Calif	$61,039
Coyne E. Killian	Star Route, Lorenzo, Tex	61,002
M. B. M. Farms	1315 West Palm Lane, Phoenix, Ariz	60,973
Harp & Hansen	Post Office Box 295, Corcoran, Calif	60,961
Larry Woodard Farms, Inc	Box 477, Lepanto, Ariz	60,951
Taylor Bros	Essex, Mo	60,928
T. C. Buford	Glendora, Miss	60,904
Sunshine Valley Ranches	Box 788, Eloy, Ariz	60,786
M. I. Vance & J. A. Mortensen, Jr	Route 2, Box 550, Tempe, Ariz	60,724
George Gabel	Dimmitt, Tex	60,712
Nash Bros	Redstone, Mont	60,665
Dowco Land Co	432 28th St., Cairo, Ill	60,655
Billy Joe Waldrup	Drew, Miss	60,589
W. J. Denton Estate	In care of Ruby C. Denton, Executrix, Wilson, Ark.	60,564
Paul Morgan	707 North 18th, Lamesa, Tex	60,549
J. Allen Baker Farms	25 NW. Ave G, Belle Glade, Fla	60,547
B. C. Rhyne	Benton, Ala	60,547
Rex Neely	483 N. Jay St., Chandler, Ariz	60,542
George H. Moore	Rural Route 3, Canton, Miss	60,520
Otis Whitlock	Box 113, Bostwick, Ga	60,502
Meacham Land & Cattle Co	Lapwai, Ind	60,471
W. T. Helbert	Rural Route 2 Box 109-B, Lorena, Tex	60,466
J. R. Tucker	Route 1, Box 122, Buckeye, Ariz	60,459
Thomas A. & Charles O'Neal	Route 1, Blenheim, S.C	$60,448
M. L. Dudley & Co	515 North Harrison, Fresno, Calif	60,420
Odell J. Wilson	Rural Route 3, Holly Springs, Miss	60,417
M. H. Rich, Jr	Chatham, Miss	60,401
Marchini Bros	P.O. Box 1, Tranquillity, Calif	60,399
Trans Pecos Farms, Inc	Box 1210, Pecos, Tex	60,395
B. N. Word Co., Inc	Wabbaseka, Ark	60,372
Doe Cattle & Land Co	P.O. Box 401, Visalia, Calif	60,370
James U. Yeldell, Jr	Mer Rouge, La	60,368
J. B. Pollock	Box 238, Hargill, Tex	60,360
Gus Pugh Sons, Inc	Portland, Ark	60,244
Porter & Wentz, Inc	P.O. Box 870, Brownsville, Tex	60,237
Lipe Farms, Inc	In care of George Lipe, Indianola, Miss	60,221
W. J. Linn	Rural Route 3, Houston, Miss	60,219
S. E. Lowrance Ranch	Box 36, Tranquillity, Calif	60,175
Ed Wiest	133 West J St., Brawley, Calif	60,154
Floyd Robbs	Box 905, Willcox, Ariz	60,135
Lloyd M. Hale	Rural Route 1, Tulia, Tex	60,116
A. A. Mabus	Phillip, Miss	60,084
Ganier Bros	Hollandale, Miss	60,050
Millhaven Co	J. K. Boddiford, Manager, Route 1, Sylvania, Ga.	60,041
H. Fox Tindal	Pinewood, S.C	60,018
Arthur B. Stavlo	Box 272, Sunray, Tex	60,000

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1970—AMENDMENTS

AMENDMENTS NOS. 53 AND 54

Mr. WILLIAMS of Delaware. Mr. President, I submit two amendments intended to be proposed by me to the Department of Agriculture appropriation bill. The purpose of the first amendment is to restore the language of the House bill, which would place a limit of $20,000 on the payments to any one individual or operator.

The argument has been made by some persons connected with the Department and persons who defend the large payments that if this $20,000 limitation is included in the bill then due to a so-called snap-back provision in the law payments would revert to another program, which could result in equally high cost to the Treasury. I disagree with that reasoning. In my opinion it is only a last minute gasp of those who see this boondoggle program facing defeat. Nevertheless, rather than dispute that point, which can so easily be settled, I submit another amendment, intended to be proposed by me which would merely repeal the snap-back and thereby make certain that all the money saved by the amendment would be returned to the American taxpayers.

The PRESIDING OFFICER. The amendments will be received and printed and will lie on the table.

Mr. WILLIAMS of Delaware. I ask unanimous consent that both amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 53

On page 23, line 14, insert the following: *"Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crop planted in the fiscal year 1970."

AMENDMENT NO. 54

On page 23, at the end of line 19, add a new paragraph as follows:

"Section 103(d)(12) of the Agricultural Act of 1949, as amended, is hereby repealed."

FEDERAL LANDS FOR PARKS AND RECREATION ACT OF 1969

The Senate resumed the consideration of the bill (S. 1708) to amend title 1 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

Mr. JACKSON. Mr. President, when the Senate last considered the pending measure, S. 1708, the distinguished Senator from Wisconsin (Mr. PROXMIRE) desired an opportunity to review the proposed legislation and to consider offering amendments. I understand that the Senator from Wisconsin has two amendments that he will offer at this time.

Mr. PROXMIRE. Mr. President, 2 weeks ago I spoke at some length about S. 1708, a bill which would amend the Land and Water Conservation Fund Act. S. 1708 would make it possible for States or their political subdivisions to acquire surplus Federal property at from zero percent to 50 percent of fair market value where the property is to be used for recreational purposes.

Today I should like to offer to the Senate two amendments to S. 1708 which I believe would strengthen the bill considerably. Both amendments are designed to insure that when property is conveyed under the bill, the interests of the Federal Government will be fully protected.

I send to the desk the first amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 8, it is proposed to insert the following after Secretary of the Interior: *"Provided, however,* that the determination of the Administrator of the General Services Administration and the recommendation of the Secretary of the Interior shall not become effective until 60 calendar days after the proposed conveyance under this subsection has been submitted to the Senate and the House of Representatives respectively, neither House of Congress having recommended disapproval of the conveyance in the interim."

Mr. PROXMIRE. Mr. President, both amendments are the product of a lengthy discussion with former Senator Wayne Morse, of Oregon, who, as we all know, played such a fine role in the Senate in fighting for the Morse formula throughout the years.

The first amendment would be attached as a proviso to subsection (2) of S. 1708. Subsection (2) provides that surplus Federal property may be acquired by the States and municipalities at 0 percent to 50 percent of fair market value, the percentage to be determined by the Administrator of the General Services Administration in accordance with the recommendations of the Secretary of the Interior. While I have great regard for both of these offices, I believe that some degree of control over the conveyance of surplus Federal property should remain vested in the Congress. After all, up until now, Congress has held 100-percent control over these transfers of property. It seems appropriate, therefore, that in giving GSA and the Secretary of the Interior authority to determine the percentage under subsection (2) that Congress should at least retain a final power of disapproval over the executive decision. Accordingly, I am introducing an amendment to S. 1708 which provides that the GSA determination and the Interior Department's recommendation shall not become operative until 60 days after the proposed conveyance has been submitted to both Houses of Congress, with neither House having disapproved the conveyance in the interim 60 days.

Mr. JACKSON. Mr. President, I have discussed this amendment with the able and distinguished Senator from Wisconsin, and I am in a position to accept it. I think the amendment will be helpful in monitoring the administration of this program. I see no objection to it at this time; however, there may be a constitutional question that will have to be ironed out in conference. I hope it will be acceptable to the executive branch in the present form.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I have one other amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 14, insert the following: *"Provided,* That where the property to be

conveyed includes valuable improvements constructed by the federal government, the improvements shall be appraised separately for their recreational potential."

Mr. PROXMIRE. Mr. President, my second amendment would be attached as a proviso to subsections (1)–(3) of S. 1708. It would require a separate valuation of improvements on Federal surplus property. During the period of Federal ownership, the Federal Government may have put valuable improvements on the land, built roads, dug sewers, and the like. It is entirely reasonable that the costs of these improvements be separately valued, and my second amendment would require just that.

Mr. JACKSON. Mr. President, I think this is a reasonable and helpful amendment. The land should be appraised separately and apart from the improvements. In any event, the Department of Interior will have to make a finding on the suitability of both the land and improvements for recreational and park purpose needs.

I am, therefore, happy and pleased to accept the amendment.

The Senator from Wisconsin has been most cooperative and as always, has conscientiously, gone into this matter. As a result, we have these two amendments today. I wish to compliment him for helping in the passage of the bill.

Mr. PROXMIRE. Mr. President, before final action is taken on the bill I wish to say to the distinguished Senator from Washington that he has done a marvelous job throughout the years in areas of conservation. I believe this bill will help improve substantially in this area. It is an excellent bill and I am delighted that he has been so helpful to me. He is extremely competent in this area and assisted me in drafting the amendments which I think improve the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. HART. Mr. President, for some time I have been concerned about the whole problem of our surplus property disposal program. I believe we need a fresh look at the act and an examination of the purposes for which surplus Federal land may be acquired by States and their political subdivisions at discounted prices.

Most importantly, we should analyze in the light of today's world, the purposes for which such land may be acquired at reduced or no cost. Much as we revere historic monuments, my view would be that a no less worthy purpose would be to permit cities to acquire surplus Federal real property for public housing.

For example, Mayor Cavanagh, of Detroit, called my attention to the following situation: after the Detroit riots, the city was authorized to use certain of the old Fort Wayne facility for temporary housing. The Federal Surplus Property Division has now told the city that it must plan to vacate unless it wants to buy or lease the housing. Either purchase or lease would be at full market value, according to GSA.

The mayor suggested, and I agree, that if, in fact, the Federal Surplus Property Act does not include housing as one of the purposes for which a municipality would be eligible to purchase at less than market value, an amendment to the act should be sought which would include public housing.

This housing position strikes me as one that is worthy of prompt exploration and I am presently working on such an amendment.

My preference, if I could choose, would therefore be to vote today on a broader revision of priorities than proposed in S. 1708. Since we are not offered that opportunity today and since I would certainly want to include parks and recreation as an eligible purpose, I will vote for the bill—hoping that we may in this Congress be given the opportunity to examine the larger picture in the light of today's pressing social and economic needs.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram I have received from the Governor of my State, the Honorable Daniel J. Evans.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

OLYMPIA, WASH., *June 12, 1969.*

Hon. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.:

I understand that S. 1708 will be debated on floor tomorrow. Would like to present my views as Governor of Washington in support of bill.

Need and demand for recreation areas and facilities is increasing at alarming rate. Even in State of Washington, where we feel we have recreational opportunities second to none, need for additional areas and facilities is overwhelming. Washington's statewide comprehensive outdoor recreation and open space plan states that estimated two billion dollars expenditure by all agencies, both public and private, involved in providing recreation opportunities is required to meet present needs, and by 1975 additional one-half billion dollars will be needed. Acquisition costs estimated to be 1.3 billion of this total. Last year, over 20 million people visited State parks in State of Washington. Ability of State and local agencies to acquire Federal surplus properties for park and recreational purposes at no cost would greatly enhance their ability to meet increasing demands.

Cannot close without taking opportunity to comment on how act would assist city of Seattle and enhance its opportunity for reacquiring Fort Lawton as much-needed major urban park when it is declared surplus by Federal Government.

With these comments let me reiterate my position by stating that we in State of Washingon strongly favor provisions of Senate Bill 1708 and urge Congress to enact legislation for recreational well being of its citizens.

DANIEL J. EVANS,
Governor of Washington State.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1708) was passed, as follows:

S. 1708

An act to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Lands for Parks and Recreation Act of 1969".

SEC. 2. Section 2(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (effective March 31, 1970, section 2(b) becomes section 2(a) pursuant to the provisions of Public Law 90–401, July 15, 1968), is further amended by deleting the last sentence and adding the following new paragraphs:

"*Provided, however,* That, notwithstanding the provisions of the Surplus Property Act of 1944, as amended, and the Federal Property and Administrative Services Act of 1949, as amended, States and their political subdivisions may acquire until June 30, 1973, from the United States for public park and recreation purposes surplus Federal real property together with such improvements, equipment, and related personal property that the Secretary of the Interior has recommended to, the Administrator of the General Services Administration for such acquisition based upon the suitability of the property for park and recreational uses; the accessibility of the property to major population centers; the need for park and recreation facilities in the immediate geographical area, as identified in the comprehensive statewide outdoor recreation plan required under section 5(d) of this Act; and the highest and best use of the property taking into consideration the need of future generations for parks, open spaces, and recreational opportunities. Conveyances of such property for park or recreational purposes shall be in accordance with one of the following methods as determined by the State or political subdivision thereof:

"(1) Where the State or its political subdivision originally donated the property to the United States, the surplus Federal property may be reacquired without the payment of any consideration; or

"(2) Where a State or its political subdivision so elects, the surplus Federal property may be acquired at zero to 50 per centum of the fair market value, as determined by the Administrator of the General Services Administration in accordance with the recommendations of the Secretary of the Interior: *Provided, however,* That the determination of the Administrator of the General Services Administration and the recommendation of the Secretary of the Interior shall not become effective until sixty calendar days after the proposed conveyance under this subsection has been submitted to the Senate and the House of Representatives respectively, neither House of Congress having recommended disapproval of the Conveyance in the interim; or

"(3) Where the United States paid valuable consideration for the property to the State or its political subdivisions, or to any person, the State, or its political subdivision may acquire the surplus Federal property upon the payment of the cost to the United States at the time of such acquisition: *Provided,* That where the property to be conveyed includes valuable improvements constructed by the Federal Government, the improvements shall be appraised separately for their recreational potential.

"Deeds conveying any surplus real property disposed of under this authority shall be issued by the General Services Administration and shall provide that the property shall be used and maintained for the purpose for which it was conveyed, and, in the event that such property ceases to be used or maintained for such purposes, such property shall at the option of the Secretary revert to the

United States. The deeds may also contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States. The Secretary of the Interior may exercise all of his existing authorities under section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended, as to property transferred under this Act. The State and their political subdivisions shall compensate the United States for the administrative costs of surplus property transfers made pursuant to this Act."

"The Secretary of the Interior is directed to prepare and publish guidelines and regulations for implementing the provisions of this Act.

"Except as provided in this section, nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus Federal property to schools, hospitals, States, and their political subdivisions."

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF THE TREASURY AND POST OFFICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 270, H.R. 11582. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, to clarify the situation, it is anticipated that we will dispose of the appropriation bill for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies on Monday, and that on Monday evening we will lay before the Senate H.R. 11612, an act making appropriations for the Department of Agriculture and related agencies.

It is hoped that also on Monday we will be able to get to some minor bills—that is, minor in comparison with appropriations bills.

It is anticipated that on Tuesday and Wednesday the Senate will be taking up the appropriation bill for the Department of Agriculture; and that no votes will be taken on amendments—and there will be some very important amendments—until the Senate returns on Monday, July 7.

The distinguished Senator from Delaware (Mr. WILLIAMS) has already indicated he intends to offer two amendments having to do primarily with the limitation on payments to farmers for taking land out of production.

I would hope that the Senate would be aware of the importance of the debate which will occur on these two most significant appropriation bills on Monday, Tuesday, and Wednesday. Especially, I would hope that the Senate will be fully aware that on Monday, July 7, after its return from the 1-day recess over the Fourth of July, there will be votes on very important amendments that affect all Members of this body. For the benefit of the Senate, the Senator from Delaware has already had incorporated in the RECORD today two proposals he intends to offer.

Mr. President, I think that covers the situation so far as I can do so at this time.

It is my understanding that the distinguished Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from Virginia (Mr. BYRD), and the distinguished Senator from Michigan (Mr. HART) have statements of varying lengths that they wish to make this afternoon.

As far as further legislation is concerned, at this time I am unable to give any clear indication to the Senate that there will be any consideration of such legislation later this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon on Monday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that during this period all committees may file reports, together with individual, minority, or supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALARY INCREASES

Mr. BYRD of Virginia. Mr. President, yesterday the distinguished majority leader indicated that after disposition of the business then pending, the Senate would proceed to the consideration of H.R. 7206, the bill providing salary increases for the Vice President and certain officers of the Senate. I understand now that this legislation will not come up until after the July 4 recess.

In January I opposed the doubling of the President's salary and I opposed the increasing of congressional salaries by 41 percent and judicial salaries by 35 percent to 40 percent. I shall oppose the additional increase for officers of the Congress and the legislation to increase the salary of the Vice President by 45 percent.

At a time when we are experiencing severe inflation, it is particularly inappropriate for the Government to set the bad example of approving large increases in salaries in its own top echelons.

I do not think that we can ask there be restraint in wages and prices in the private sector, while we in Government approve such large salary boosts for top officials.

The proposed legislation now on the calendar concerning the salary of the Vice President of the United States, increasing his salary from $43,000 to $62,500, brings to mind another matter to which I invite the attention of the Senate.

It has come to my attention that officials of certain corporations created by the Department of Defense, or by the military services and supported by Department of Defense funds, are being compensated at extremely high rates without congressional approval.

Let us discuss for a moment the Aerospace Corp., created by the Department of Defense, which has a federally funded budget of more than $70 million.

Of 14 senior executives of the Aerospace Corp., 12 are paid more than $42,500. The president of the corporation receives $97,500. A senior vice president receives $70,000. One vice president and operations general manager receives $65,000. Another receives $58,000. One vice president and associate general manager receives $55,000. Seven other officers of the Aerospace Corp. are paid salaries ranging from $44,000 to $50,500.

In addition to these executives, six professional and technical employees are paid more than $42,500.

In fiscal year 1969, the operating budget of the Aerospace Corp. was $74,272,000. The entire amount came from Department of Defense funds. It seems clear to me that Congress should have a veto power over salaries at Aerospace and similar Government-created corporations.

The board of trustees of the Aerospace Corp. was appointed by the Department of the Air Force and is a self-perpetuating board. It seems to me that those Government-created corporations which derive their funds from the Federal Government, earning salaries in excess of a certain figure, possibly $42,500, the same as congressional salaries, should be submitted to Congress for approval.

Mr. President, on April 30, 1969, in the Committee on Armed Services, I put some questions to Mr. Grant Hansen, Assistant Secretary of the Air Force for Research and Development, and also to Lieutenant General McNickle, Deputy Chief of Staff of Research and Development for the Department of the Air Force, and I

ask unanimous consent that the questions and the answers I received from Mr. Hansen and General McNickle be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator BYRD of Virginia. I was interested in the response by the General that the salaries had to be commensurate with private businesses. I am just wondering whether that is a philosophy we need to follow.

We certainly don't follow that philosophy in regard to the Secretary of Defense and the Assistant or Deputy Secretary of Defense, and many of these Cabinet officials, and many of the Air Force generals and many other people could go out into private business and get larger salaries than they make in Government.

I see here the president of Aerospace is paid $90,000, the senior vice president is paid $66,000, and the vice president of the corporate planning is paid $40,000, another vice president $39,600, another vice president at $60,000, another vice president at $53,000, another vice president at $54,000, another vice president at $48,000, another vice president at $45,000, another vice president at $60,000, another vice president at $53,000, another vice president at $50,000, and that is all I guess on this Aerospace. It seems to me this is getting out of line. Who sets salaries for Aerospace executives?

Mr. HANSEN. The board of trustees of Aerospace Corp.

enator BYRD of Virginia. How are they appointed?

Mr. HANSEN. I don't know the answer to that question. Do you, General?

Senator BYRD of Virginia. I think what you will find out is when you get back to it they are set by the Defense Department.

General MCNICKLE. They are approved.

Senator BYRD of Virginia. They are approved, that is the final authority. They are set then.

General MCNICKLE. And a number of them were not recognized for the full recommended salary.

Senator BYRD of Virginia. I am not worried about recommended salaries. I want to know what they are paid.

General MCNICKLE. Yes, sir.

Senator BYRD of Virginia. Now the Defense Department has approved these figures, I assume. If I am wrong about it, I want to be corrected.

General MCNICKLE. That is correct.

Senator BYRD of Virginia. So the final decision is with the Defense Department. It is not with some board. It is not with the board of trustees. It is with the Defense Department?

Mr. HANSEN. Yes, sir.

Senator BYRD of Virginia. There is no doubt about that.

Mr. HANSEN. That is correct.

Senator BYRD of Virginia. I want to get that clear.

Mr. HANSEN. Yes, sir.

Mr. BYRD of Virginia. Mr. President, since that discussion in committee, I have verified that the trustees of the Aerospace Corporation were appointed by the Department of the Air Force and are a self-perpetuating group.

AMERICAN CASUALTIES IN VIETNAM

Mr. GORE. Mr. President, the Defense Department has today released new totals of killed and wounded American soldiers in the Vietnamese war.

There have now been more than 44,000 casualties since the inauguration of President Nixon.

The Defense Department reports that such casualties, as between January 18 through June 21 of this year, have reached the alarming total of 44,922.

Mr. President, this war must be ended.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOOK MAGAZINE ACCEPTS GREEK GOVERNMENT'S CHALLENGE TO INVESTIGATE TORTURE CHARGES

Mr. PELL. Mr. President, on May 12, 1969, I drew to the attention of my colleagues and had inserted in the CONGRESSIONAL RECORD the article by Christopher Wren that appeared in the then current issue of Look magazine.

The thrust of the article is that torture continues to be used in Greece as a means of both intimidating the population from unrest and extracting information from political prisoners.

I am very glad indeed that the Greek Embassy responded by issuing a press release in which Look magazine was invited to send a representative over to Greece to investigate the truth of the article.

I am glad to say, too, that just on June 19 Look magazine has accepted the invitation of the Greek Government and has designated their senior editor, Christopher Wren, who originally wrote the article, to make the trip. He will be accompanied by Thomas R. Koeniges, a photographer; Congressman DON EDWARDS, and James Becket, an American attorney and investigator for Amnesty International.

I look forward with very real interest to reading the report of Mr. Wren on his return from Greece.

I trust, too, that, since the Greek Government has invited him, every effort will be made by Greek officials to let Mr. Wren travel and visit where he wishes.

I ask unanimous consent to have printed in the RECORD the press release of the Greek Embassy dated June 9, 1969, a letter from Look magazine to the Greek Embassy dated June 16, 1969, and a press release of Look magazine dated June 19, 1969.

There being no objection, the press releases and letter were ordered to be printed in the RECORD, as follows:

ROYAL GREEK EMBASSY PRESS & INFORMATION SERVICE,
Washington, D.C., June 9, 1969.

With regard to an article published in the issue of May 27th of Look magazine under the title: "Greece: Government by Torture", the Greek Embassy wishes to put into record a statement made by the Prime Minister of Greece at a press conference held in Athens on June 7th, 1969 for Greek and foreign correspondents.

The official position of the Prime Minister of Greece gives a clear answer to all those who seek the truth, bare from any political motivation:

"I would like to make some comments on an article published recently by Look magazine. People should know that only through the respect for truth we can survive in peace and freedom. How could we consider ourselves part of a civilized society when we accept the most imaginary and malignant accusations produced by a mentally deranged person, who has been an inmate to asylum for disturbed persons; and how could we reproduce those accusations for the use of tens of million of readers throughout the World?

I have an obligation toward the history of the Greek people as well as the respect for a truth. I believe that neither the publishers nor any other person in charge of the Look can be held responsible for the fact that such an article was published in their magazine. *I invite them to send over to Greece a duly authorized representative with the purpose of investigating the truth. He could be accompanied by the person who supplied the writer with the false accusations and whose freedom, safe conduct and expenses will be fully covered by the Greek Government.*

I further declare that should the truth of the acts mentioned in the article be established, I will not hesitate to order the execution of those found responsible right here in Constitution Square, and I shall assume full responsibility for it".

TEXT OF LETTER SENT BY LOOK MAGAZINE EDITOR WILLIAM B. ARTHUR TO THE GREEK EMBASSY IN WASHINGTON, D.C.

JUNE 16, 1969.

Mr. MICHAEL MAZARAKIS,
Charge d'Affairs Office, Royal Greek Embassy, Washington, D.C.

DEAR MR. MAZARAKIS: The Royal Greek Embassy Press and Information Service has issued a press release dated June 9, 1969, which states that the Prime Minister of Greece has invited an authorized representative of Look to Greece to establish whether torture of political prisoners has taken place as reported in the article, "Greece: Government by Torture" in the May 27, 1969, issue of Look. This invitation has never been conveyed directly to us. If the press release is accurate, Look welcomes the Prime Minister's stated "obligation toward the history of the Greek people as well as the respect for truth," and accepts the invitation as long as safe and productive conditions can be fully guaranteed by the Prime Minister.

I have designated as Look's representative Senior Editor Christopher S. Wren, who wrote the May 27th article. Staff photographer Thomas Koeniges will accompany him since Look feels that the Prime Minister will welcome photographic documentation of what Mr. Wren discloses. I also designate Mr. Wren and Mr. Koeniges to interview the Prime Minister during their stay in Greece, accepting your government's specific offer in a letter dated May 29, 1969, from the Consul General of Greece in New York.

In the press release, the Prime Minister also invited "the person who supplied the writer with false accusations." Look states again that it reported the facts, but is pleased that the Prime Minister is anxious to examine them. The information for the article came not from one person, but from many people, most of whom live in Greece. Inasmuch as Look has reason to fear reprisals against them, we cannot of course reveal their identities.

Instead, Look is sure that the Prime Minister will welcome the inclusion of two other individuals in the party as representative of those who are concerned about the problem. James Becket, Esq., an American attorney and investigator for Amnesty International, has followed developments in Greece since the military coup of April, 1967, and will be of valuable assistance in bringing documentation to the Prime Minister's attention.

Congressmen Don Edwards, Member of the Judiciary Committee of the U.S. House of Representatives, has expressed an interest in the matter and will join the group as an observer.

I decline the Prime Minister's kind offer to underwrite expenses; I feel it proper for Look to assume that responsibility. We will also be happy to provide our own interpreter. I assume that the Prime Minister's pledge of freedom and safe conduct in the press release of June 9, 1969, offers immunity from criminal or civil prosecution under Greek law for Messrs. Wren, Koeniges, Becket and Look's interpreter and would appreciate acknowledgment of this so that I know this group will be accepted in Greece and enabled to carry out its work in freedom.

I ask assurance that the above group will not be subjected to any prepared itinerary, and that it will be able to move and interview freely anywhere in Greece, including inside government detention facilities, without interference or harassment. Such working conditions are essential to produce the documentation that the Prime Minister is anxious to have. I further ask assurance that the group will be free to investigate on its own, unencumbered by either officials or other press. I also ask that they have the right to talk to anyone, including those in government custody, without the presence and out of the hearing of any official.

It would be essential to have a written guarantee that anyone with whom the Look party talks will not be subjected to any retaliation.

I expect that any written and photographic documentation gathered by the group will not be liable to either scrutiny or confiscation and that the group will be free to leave with such documentation.

If it is proven to the Prime Minister that some of his subordinates have condoned or engaged in torture, Look prefers that the Prime Minister not carry out his promise in the press release of June 9 to order their public execution in Constitution Square, but instead publicly try such offenders in accordance with traditional Greek jurisprudence.

I assume in this reply that the Prime Minister's invitation, conveyed in the press release, was accurate and in good faith. As Look's representatives prepare for their visit to Greece, I await the Prime Minister's direct response to each of my requests, in the knowledge that the Prime Minister will find the investigation a mutually fruitful and enlightening one.

Sincerely,

WILLIAM B. ARTHUR.

LOOK MAGAZINE ACCEPTS GREEK GOVERNMENT'S CHALLENGE TO INVESTIGATE TORTURE CHARGES MADE IN ARTICLE

NEW YORK.—Look magazine announced today that it has accepted the Greek government's challenge to send representatives to Greece in a dispute over Look's published charges that political prisoners in Greece have been brutally tortured.

The announcement came in answer to a statement made by Prime Minister George Papadopoulos of Greece, inviting an "authorized representative" of Look to visit Greece "with the purpose of investigating the truth" concerning reports of torture published in an article, "Greece: Government By Torture," in the magazine's May 27 issue.

The Greek Prime Minister's offer, while never conveyed directly to Look, was made at a press conference held in Athens on June 7. At this conference Papadopoulos denied Look's charges.

Look's acceptance of the Greek government's invitation was made by William B. Arthur, Editor of Look, in a letter dated June 16 to the Greek Embassy in Washington.

In the letter, Arthur designated Look senior editor Christopher S. Wren, who wrote the May 27 article, and photographer Thomas R. Koeniges to make the trip. He stipulated that they be accompanied by James Becket, an American attorney and an investigator for Amnesty International, and Congressman Donald Edwards (D-San Jose, Calif.), member of the Judiciary Committee of the U.S. House of Representatives.

Arthur also stipulated that Look's investigative team be granted full freedom in providing further support for the claims made in Wren's article.

Arthur said that he conditioned his acceptance upon the Prime Minister's pledge of freedom and safe conduct for the Look party, including a guarantee of immunity from harassment and criminal or civil prosecution under Greek law. He asked that they be allowed inside government detention facilities without interference or harassment. Furthermore, Arthur called for a written guarantee that anyone interviewed by the Look team would not be subject to retaliation.

In his press conference, the Greek Prime Minister stated that if Look proved to him that torture had taken place and supplied names, those responsible would be publicly executed in Athens' Constitution Square.

In his reply, Arthur suggested that those responsible should instead be tried in accordance with "traditional Greek jurisprudence."

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL TAX TREATMENT FOR OIL INDUSTRY INJURES NATION'S SECURITY

Mr. PROXMIRE. Mr. President, I am very grateful to the distinguished Senator from Louisiana for lifting the quorum call. It is most appropriate that he should be the man who should do it, because I am going to speak on oil this afternoon. I expected to make a fairly short speech, and perhaps it will be short.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes, indeed.

Mr. LONG. If my friend the Senator from Wisconsin can tell me something I do not know about oil, I am very anxious to hear it.

Mr. PROXMIRE. Mr. President, I doubt whether anybody can tell the Senator from Louisiana anything he does not know about oil; he is very expert in this area, as he has demonstrated time and again on this floor, especially when he enlightens this Senator.

Mr. President, the time has come for Congress to take dead aim at the notorious depletion allowance, which too long has served as an obstacle to tax reform. The Senator from Louisiana (Mr. LONG) has invited any interested Senator to submit amendments to his committee, and when the tax bill comes to the Senate, I intend to take him up on his offer when the matter is before his committee.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes, indeed.

Mr. LONG. The Senator is going to get a better chance than that. He is going to get a chance to vote against every businessman in America. We will give the Senator a broad opportunity.

Mr. PROXMIRE. I am sure the Senator from Louisiana will give me every opportunity that I desire to vote on tax legislation, and I certainly do not intend to vote against every businessman in America. I intend to vote against the surtax when it comes up.

Mr. LONG. Will the Senator yield further?

Mr. PROXMIRE. Yes, indeed.

Mr. LONG. Does the Senator know what the biggest loophole is in the tax law? What is the biggest tax loophole?

Mr. PROXMIRE. I would like to know the opinion of the Senator from Louisiana.

Mr. LONG. Capital gains. What is the Senator's opinion on that one?

Mr. PROXMIRE. I think the capital gains law, as presently drafted, could be construed, perhaps, as a loophole. However, I would not want to, although I am sure some Senators would, repeal it outright, because I think there is some merit to it.

Mr. LONG. Will the Senator yield further?

Mr. PROXMIRE. I yield.

Mr. LONG. The Democratic policy committee invited Mr. Stanley Surrey, whom they regarded, I assume, as the best tax reformer there is in America, to come down and explain his views on taxes for them, and he did not even mention depletion among the major items. He said capital gains is the biggest loophole there is. Is the Senator prepared to vote to do something about capital gains?

Mr. PROXMIRE. Mr. President, the difficulty with discussing this whole subject is that it is a matter of value judgments. I am shocked and surprised that Mr. Surrey did not mention oil depletion, because I have great respect for Mr. Surrey, and I think this is certainly something that ought to be discussed by as expert a man as he certainly is.

Nevertheless, I will not defer in my judgment as to where reform should come to Mr. Surrey or anyone else. It is not strictly a matter of expertise; it is a matter of where I think there is more need for reform. I think there is more need in the area of oil depletion than in most other areas. Furthermore, I am sure it is the most notorious loophole.

Mr. LONG. Mr. President, I am sure the Senator from Wisconsin is getting ready to respond to my speech, in which I showed with charts and tables that the oil industry pays more taxes than anyone else.

Mr. PROXMIRE. I am sure they pay less than anybody.

Mr. LONG. It took the Senator from Wisconsin almost a month to prepare that speech. I am sure he is now going to argue that they pay more taxes than somebody.

Mr. PROXMIRE. I intend to show that they pay less taxes than almost everybody.

Mr. LONG. The point is that the biggest loophole in the tax law is capital gains, and if you had any advice, the people advising you would tell you the best loophole is real estate, but moneywise, there is more money in capital

gains. So it just depends on whether you are talking about quality or quantity. Qualitywise, real estate; quantitywise, capital gains. It just depends on what you have in mind, whether you are talking about volume or whether you are talking about percentage points.

Does the Senator know, aside from those two, what is the next biggest steal?

Mr. PROXMIRE. May I say to the Senator from Louisiana, he can talk about quality and quantity all he wants to, but what I am saying is we could reduce the oil depletion allowance and could increase revenues to the Treasury with, I think, a fairly modest reduction, by about $600 million. I realize that there are other areas where the return to the Treasury might be greater. You might consider those loopholes. The Senator has properly pointed out two of them which would raise more money, obviously, than if we would remove the oil depletion allowance entirely, and I have not proposed that, nor does any Senator that I know of. I am proposing to reduce it, at most, to 15 percent for the large producers, and not at all for the small ones.

Mr. LONG. Mr. President, I am going to give the Senator an opportunity to vote on the depletion allowance, as I promised him. Is he willing to do something about capital gains?

Mr. PROXMIRE. I will take a long, hard look at it. I shall not vote for any amendment until I find out what it is. It depends on a number of things.

Mr. LONG. You see, Senator, you can afford, in your position from Wisconsin, to tax the oil people, just like I can afford to tax the dairy farmers. We do not have a great many dairy cows in Louisiana. We run some old, catch-as-catch-can beef cows, but in dairy farming as such we are an importer. So I guess I could afford to put a real heavy tax on the dairy farmers.

Mr. PROXMIRE. We just want to be treated like everyone else.

Mr. LONG. The people of the Senator's State are being treated better than most people, if I do say it, even those in the dairy farming business. The Senator's people get the benefit of this capital gains advantage, and so do mine. If the Senator wants a reform in the tax laws, I would like some indication from the Senator from Wisconsin that he would be willing to vote to do something about capital gains, which is the big one in terms of dollars.

Mr. PROXMIRE. Let me say to the Senator from Louisiana that I will be very much interested in his capital gains amendment. I am sure it will be an amendment that will have a great deal of merit; and if I were to guess at this point, I would guess that I would probably support it. But I think that the Senator would certainly expect any Senator to want to take a look at the amendment, and listen to the argument of the Senator from Louisiana, before he makes up his mind.

Mr. LONG. That is fair. Now, qualitywise, the biggest advantage there is in any business seems to be in real estate. Would the Senator be willing to vote to do something about the tax advantages that exist in the real estate business?

Mr. PROXMIRE. I make the same answer as on the other area, as to real estate capital gains. I think it is just a matter of taking a good look at the amendment, and seeing what the very able staff the Senator has been using suggests, what their arguments are, and what the committee report says, and then make up my mind. I just do not know. Again, I think there is a good possibility I would vote for that.

Mr. LONG. If the Senator is interested in comprehensive tax reform, he ought to be interested in the situation of the people who just do not pay anything, just zero.

There is old Mrs. Gotrocks; she inherited stock in the Houdini Co. let us say. The stock is now worth 10,000 times what it was worth, and it looks as though she is going to owe a 77-percent tax on a million dollars of income that she has spent.

So she takes a million dollars worth of her stock, and puts that over into the Mrs. Gotrocks Foundation. Mind you, she has paid no tax on the enhanced value. When she inherited the stock, it was worth only 1 cent a share, and now it is worth $1,000 a share. But she transfers the stock from Mrs. Gotrocks to the Mrs. Gotrocks Foundation, and as a result of transferring $200,000 worth of stock from her own personal account to her foundation account—which she still controls, and votes the stock—and does not invest a penny of it in charity, mind you, she thereby avoids paying any taxes.

It is not well to do something about that? That is a complete fraud and fake, based on a law that was passed to let a nun who had taken a vow of poverty contribute her money to charity.

Is the Senator willing to confine it to the case of that Philadelphia nun, so Mrs. Gotrocks cannot contribute to the Gotrocks Foundation, and get away with deducting $200,000 in taxes?

Mr. PROXMIRE. I believe I would be very willing to support the Senator's amendment. The Senator has made a very able argument in favor of it.

Once again, I would like to take a look at the whole amendment before listening to the argument and making a final commitment. It sounds as if the Senator is making a strong case.

Mr. LONG. Mr. President, not all of the people in the oil business are successful. I know a lot of them who have lost everything that they put in it.

The successful ones pay roughly one-third of their gross income in Federal income taxes. That is Federal taxes and does not count the fact that they pay many other local taxes. For example, they pay 10 percent of their gross income in my State before getting anything. Actually they pay about 43 percent of their gross in taxes.

Is the Senator all that confident that taxpayers who are paying on that basis are favored taxpayers?

Mr. PROXMIRE. Mr. President, at this point I inquire if I have the floor.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. PROXMIRE. I say to my friend the Senator from Louisiana that I will continue to answer him on that subject in some detail. However, I think it would be much more orderly and useful to the Senator from Louisiana and me if I might proceed for another 15 or 20 minutes before replying further to the Senator from Louisiana.

Mr. LONG. Would the Senator answer one more simple question, yes or no?

Mr. PROXMIRE. I will not agree to answer anything until I know what the question is. I will be happy to listen to the question.

Mr. LONG. Will the Senator yield for one question?

Mr. PROXMIRE. I yield for one question.

Mr. LONG. The best I remember, the last time we debated the matter, I took the floor and the Senator left the floor rather than listen to me. Would the Senator be willing to stay around this time?

Mr. PROXMIRE. All Senators have to leave the floor at times. I had been on the floor for a long time on that occasion. I came back later.

The Senator implied that he had driven me off the floor. I suppose that in some ways the senatorial winds can do all kinds of things.

I did have to leave the floor. It is one of those things that we cannot avoid. However, I did come back before the Senator finished.

Mr. LONG. On the last occasion, the Senator refused to yield for a question. I said that if I knew as little as the Senator did, I would not yield. The Senator did not yield, and when I took the floor, he left.

Mr. PROXMIRE. I listened to the Senator for a long time.

Mr. LONG. The Senator did not listen for long.

Mr. PROXMIRE. I will give the Senator a copy of my speech. If he wishes to, he may follow it, and I will be delighted to answer questions later.

Mr. LONG. I make the same promise. When the Senator gets through, I will consider it here today or on some future day. I will give the Senator a response. I enjoy the running debate.

Coming from a State that produces no oil, the Senator is anxious that we pay all the taxes. If I came from a State that produced no oil, I would be eager for oil producers to pay all the taxes.

I daresay the dairy farmers are not paying as much as the oil people.

The running debate will not come to an end.

Mr. PROXMIRE. I am sure the running debate will not come to an end. However, I am convinced that the dairy farmers of Wisconsin want to pay the same taxes as people elsewhere. They want to be treated the same. We do not want to impose any unfair or discriminatory taxes on people who produce oil in Louisiana or elsewhere.

I strongly favor some depletion allowance which would be favorable to them. I favor repealing other taxes. If we give in on the surtax and do not insist and fight for tax reform, we will never get ahead.

Mr. President, I have always felt that the oil industry pays too little in taxes any way you look at it. My distinguished colleague, the Senator from Louisiana (Mr. LONG), disagrees and on May 16 made a speech on the floor of the Senate defending his position.

POINTS TO BE MADE

Because the subject of the oil industry's privileged tax position is so complex, as a guide to my remarks, I would like to list the points I will make.

First. Both the Senator from Louisiana and I agree that the oil industry pays less in Federal taxes than other industries. The Senator from Louisiana indicated that the oil industry pays 24 percent of its net income in Federal taxes, compared to about 40 percent for all industries. Based on his data, my analysis indicates the disparity is even greater: 22.2 percent for the oil industry versus 44.2 for other industries.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I will be happy to yield to the Senator from Louisiana after I have finished. I realize that the Senator disagrees with the statement I have just made. I will be delighted to go over it point by point later on.

Mr. LONG. Will the Senator yield for one simple question?

Mr. PROXMIRE. I yield for one simple question.

Mr. LONG. Mr. President, both the Senator and I agree that the oil people pay less in Federal income taxes. If the Senator wants to use the words "all taxes," then I shall prove that they pay more than anyone else.

Mr. PROXMIRE. I am including everything when I say that.

Based on this data, my analysis indicates the disparity is even greater: 22.2 percent for the oil industry versus 44.2 percent for other industries. However, if book pretax net earnings derived from SEC reports, the figures which are used to determine dividends, are used as the measure, the oil refining industry only pays 11 percent of its net income in Federal taxes, compared to 40.8 percent for all manufacturing concerns.

Second. Even if we add all State, local, and foreign taxes, including severance, property, and production taxes, to the Federal taxes paid by the oil industry, its total tax burden is still lower than just the Federal tax burden on other industries.

Third. Our tax policy should not interfere with the forces of the market economy, unless there is a compelling national need to do so. A nonneutral tax policy adopted without adequate justification causes misallocation and waste of our scarce domestic resources and, thus, injures our national security.

Fourth. Even if we accept the thesis that the oil industry needs special incentives to explore for oil, the present tax structure is an inefficient, inconsistent, wasteful, and unfair way of achieving this goal. Let me go over each of those adjectives because I mean each of them. It is inefficient because it costs the American taxpayer over $10 in lost tax revenue for every $1 in additional reserves. It is inconsistent because it gives greater tax incentives to explore for oil abroad than here at home. Foreign royalty payments disguised as taxes are written off dollar for dollar against U.S. taxes owed, whereas such payments here are only deductible from income. It is wasteful because it encourages overcapitalization in the oil industry to such an extent that it takes $2 worth of capital in the oil industry to produce what $1 worth of capital will produce in other industries. Finally, it is unfair because it allows big income taxpayers to hide large amounts of income from taxation thereby shifting the tax burden onto those less able to pay.

Mr. LONG. Will the Senator yield?

Mr. PROXMIRE. I wish the Senator would wait until I finish my remarks so that we may have an orderly debate and have some continuity in my remarks.

Mr. LONG. I have been reading the remarks of the Senator. The Senator has mentioned my name time after time. The Senator has declined to yield to me.

I will read the speech and I will ask one simple question and leave. It is this simple. Is the oil industry the only industry receiving benefits on foreign income, or does everybody get such benefits?

Mr. PROXMIRE. There is not any question——

Mr. LONG. The answer is yes, is it not?

Mr. PROXMIRE. Comprehensively, the answer is yes.

Mr. LONG. So, the Senator did not know what he was talking about. He said that everybody gets it.

There is a man whispering to the Senator. He is supposed to know something about taxes. Where did he come from?

Mr. PROXMIRE. This is Mr. Martin Lobel, a very able man who has done some very fine work.

It seems to anger the Senator that Mr. Lobel has whispered to me. He is one of the most efficient men I have known on the Hill. If the Senator wants to attack him, I am sure it will not bother Mr. Lobel.

Mr. LONG. What bothers me is that the last time he whispered something in the Senator's ear, the Senator did not say anything.

I ask the Senator what he said this time?

Mr. PROXMIRE. Some of the advantages of having staff members on the floor is that one can listen to what they say. One does not have to do what people whisper in one's ear, whether it be the Senator from Louisiana or Mr. Lobel.

I am sure there have been things that the Senator from Louisiana has whispered in my ear that he would not want me to say audibly on the floor and that there are things I have whispered in his ear that I would not want him to say audibly on the floor.

Mr. LONG. That is a fair proposition. The Senator may make his speech and I will not interrupt him any more.

Mr. PROXMIRE. Fifth. Congress must take immediate steps to cure this cancer in our economy. Congress must develop a much more rational and less expensive means of achieving the supposed objective of our present system—a secure source of oil during emergencies.

TAX FACTS

On the basic issue, Senator LONG and I agree. The oil companies do pay a much lower proportion of their earnings to the Federal Government in taxes than do other industries.

Senator LONG's figures show that the oil industry pays about 24 percent of its net income in Federal taxes, while the average manufacturing company pays 42 percent of its net income in Federal taxes.

However, these figures overstate the actual tax burden on the oil industry because net income as defined for tax purposes does not include substantial amounts that have been deducted through the use of tax loopholes. Net income for tax purposes or taxable income, if you wish, is usually lower than actual income or in the accountant's term, pretax book net income and the smaller the basis against which tax burden is measured the greater the apparent tax burden.

The taxable income of the oil industry is approximately half of its actual income. According to the Statistics of Income for 1965, published by the Internal Revenue Service, only 44 to 51 percent of the oil industry's actual income—depending on how one treats the tax credit—is considered to be taxable income, whereas 97 percent of the actual income of all manufacturing concerns, excluding the refining industry, is considered to be taxable income. Thus, any attempt to compare tax burdens on the basis of taxable income is going to greatly overstate the true tax burden on the oil industry, even if, as my good friend Senator LONG has done, we add to the taxable income the amounts excluded on account of the depletion allowance. The depletion allowance is only one of many tax loopholes enjoyed by the oil industry. The oil industry also enjoys many other tax loopholes such as intangible expensing which allows the oil industry to write off in 1 year expenses that other industries must capitalize over a number of years. Still another privilege which it enjoys is the ability to write off royalty payments disguised as tax payments to foreign governments dollar for dollar against U.S. taxes owed.

A much more accurate comparison of the tax burden on the oil industry as compared with other industries can be obtained from the actual income figures of the various industries published by the Securities and Exchange Commission and the Federal Trade Commission. These figures I want to emphasize represent the actual income of the industries; these figures are the ones used by the companies themselves when reporting their income to their stockholders. Based on these figures, all manufacturing corporations paid 40.8 percent of their pretax earnings in Federal taxes in 1968, whereas in 1968 the petroleum refining industry paid only 11 percent of its pretax earnings in Federal taxes.

Mr. LONG. Mr. President, will the Senator from Wisconsin graciously yield one more time?

Mr. PROXMIRE. Very well; I yield.

Mr. LONG. Would the Senator mind correcting his remarks and say "income tax"? It is Federal income taxes on which these people receive a break. In terms of overall taxes they pay more than anybody else does. As to one particular tax, the petroleum industry does get a break. It is the only way they can operate, considering that they are the most heavily taxed of all taxpayers in America.

So when the Senator says "Federal tax," would he be willing to say "Federal

corporate income tax" or "Federal personal income tax," as the case may be?

Mr. PROXMIRE. I shall talk about the total tax burden in a minute. I do exclude, it is true, the Federal excise tax. My assumption is that that is a tax paid by the user of gasoline. When the Senator from Louisiana and I go to a gasoline station and buy gas, we pay taxes. The dealer indicates the amounts of Federal excise tax and State tax.

My computation, according to the way I have figured the tax, is of the amount borne by the user, not by the industry.

Mr. LONG. The Senator is excluding State taxes?

Mr. PROXMIRE. That is correct. I am speaking only of Federal taxes.

Mr. LONG. Would the Senator mind explaining who pays more money to friendly foreign governments than anybody else on earth, so far as industry is concerned? I am speaking about friendly foreign governments. Who pays more taxes to them than anybody else? The Senator can say it in one word. Can he say what industry it is?

Mr. PROXMIRE. That depends on the kind of taxes the Senator is talking about. Is he referring to income taxes? If he wants to construe royalty payments as taxes, as the petroleum industry is able to construe them, so far as the Internal Revenue Service is concerned, it is true that the petroleum industry does make higher payments; that is true. I do not have any figures to verify that. If the Senator tells me that that is the fact, I will agree that it is.

Mr. LONG. One of the representatives of the biggest overseas oil company in America—I think it is the biggest oil company in America—is a friend of mine who has the same name as mine, although we are no relation. He is a Texan; I am from Louisiana. I spoke with him about reducing the depletion allowance for overseas oil.

He said, "Senator, you can reduce it all you want to; but after the foreign governments get through 'putting it to us,' we have so many excess tax credits to carry over we will not owe any money here. Cut our foreign depletion all you want to and we still would owe you nothing. The same, however, would not be true of some smaller companies." And what does the other fellow pay to foreign governments? All other countries tax the foreign operations of their companies on a more generous basis than we tax ours—or in some cases do not tax them at all. I think the Senator from Wisconsin knows that, does he not? If he does not, he ought to find it out. Let the Senator's assistant whisper it in his ear.

Mr. PROXMIRE. I will ask Mr. Lobel to take a seat on the couch.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Senator from Wisconsin has the floor. Does he yield to the Senator from Louisiana?

Mr. PROXMIRE. No; I shall continue with my speech.

Mr. LONG. Does the Senator mean that he is not going to answer my question?

Mr. PROXMIRE. No; I shall not yield further until I have finished my speech, which will be in a relatively few minutes if I am not interrupted.

As a matter of fact, even if we use Senator LONG's figures, the disparity between the tax burden on the oil industry and other industries is greater than he has indicated. An accurate comparison of relative tax burdens requires that we exclude the oil industry from the figures for all industries, otherwise the low tax burden on the oil industry which has such a large percentage of all industries' profits will drag down the average tax burden on all industries. Likeswise, I have added back into the figures for the oil industry the approximate amount of tax revenue lost because of intangible expensing. On this basis, using Senator LONG's own figures, we find that the Federal tax burden on all industries, exclusive of the oil industry, amounted to 44.2 percent of their income, while the tax burden on the oil industry, which is admittedly overstated, amounted to only 22.2 percent.

TOTAL TAX BURDEN

I now come to the subject of the total tax burden. The Senator from Louisiana has just raised the point about taxes by foreign governments.

Even if we include State and local and foreign taxes to the Federal income taxes paid by the oil industry, the oil industry pays less in taxes than most industries pay in Federal taxes alone.

Senator LONG inserted a table beginning on page 12807 in the May 16 CONGRESSIONAL RECORD showing the total tax burden, including State, local, foreign, and Federal taxes of some of the major refiners. These figures include severance, production, and property taxes which, as Senator LONG quite correctly pointed out, my previous figures did not include.

Because I have a small staff, I could not go through all the figures as Senator LONG's Finance Committee staff did. However, because the amount of taxes paid by Atlantic Richfield seems to be a bone of contention, I did examine those figures in detail. My analysis indicates that Senator LONG inadvertently overstated the total tax burden on Atlantic Richfield and, I would assume, on the other oil companies reported.

For example, according to Senator LONG's table, Atlantic Richfield paid no Federal taxes on a net pretax income of $145,259,000 in 1967. It supposedly paid 10.5 percent of its income, or $15,254,000, in foreign and State taxes. It also supposedly paid 22.6 percent, or $32,991,000, of its income in severance, production, and property taxes. However, even if we assume that the foreign taxes are really taxes and not disguised royalty payments, these percentages greatly overstate the tax burden on Atlantic Richfield.

In order to find out what percentage of its net income Atlantic Richfield paid in taxes we have to find out what its net income was before taxes. This is done by taking the aftertax net income and adding back the amount of taxes paid by Atlantic Richfield.

I can understand how the Senator from Louisiana (Mr. LONG) became confused. According to Atlantic Richfield's annual report for 1967, its pretax income was the figure quoted by the Senator from Louisiana, $145,259,000. However, it also stated that its aftertax income was $130,005,000. This means that Atlantic Richfield only added back the foreign and State taxes. It did not add back the severance, production and property taxes which the Senator from Louisiana (Mr. LONG) has included in his chart. If we add back all the taxes paid by Atlantic Richfield to its aftertax income, we find that its total tax burden is much lower than indicated.

Atlantic Richfield paid the following percentages of its total pretax income in taxes in 1967:

Federal taxes	0
State and foreign taxes	8.6
Severance, production, and property taxes	18.5

This means that Atlantic Richfield paid a grand total of 27.1 percent of its income in all taxes, Federal, State, local, and foreign. Compare this with just the Federal tax burden borne by the average manufacturing company of 40-plus percent. And they, too, must pay State and local taxes as does the oil industry, probably at a higher rate because of their greater payroll taxes, and so forth.

TAX POLICY GOALS

Although the analysis of Senator LONG's figures shows conclusively that the oil industry does not pay anywhere near the amount of taxes, Federal, State, local, or foreign, paid by other industries, we ought not to become lost in figures. We ought to look behind the figures. We ought to examine the tax policies which allow the oil industry to escape taxes paid by other industries, what the consequences are, and whether they can be justified.

The Federal income tax is perhaps the best measure for comparing relative tax burdens in various industries since it is by far the most important tax on return to invested capital. As such it should be as neutral as possible; that is, the return to capital invested in one use should not be taxed more heavily than capital invested in another use—unless there is an overwhelming national need.

In the United States, our economic policy has been to rely upon the market forces to allocate scarce economic resources and to intrude upon the market forces only when there is a compelling need to do so. Unequal tax treatment is a clear intrusion upon market forces. If Federal taxes treat income from a certain industry more favorably than other industries, over time under competitive conditions, capital will flow into the favored industry until the return on capital in that industry is equal to the return from capital invested in less favored industries. This leads to a misallocation of scarce capital, inflationary pressures, and waste.

If I may quote from Professor of Economics Walter J. Mead's, testimony before the Senate Antitrust and Monopoly Subcommittee:

> The effect of favored tax treatment is to reduce tax costs for oil companies relative to firms in other industries. These measures taken together substantially raise the expected after-tax profit rates on oil industry exploration and development rates in what would otherwise be submarginal uses of scarce capital. Investment in petroleum exploration and development is indeed expanded to the point where the after-tax return is approximately equal to that which

may be obtained on alternative uses of capital . . . .

Oil industry spokesmen have defended their various subsidies with the question "If we receive all the subsidies which our critics allege, why is our rate of return on invested capital not substantially higher than other nonsubsidized industries?" The answer to this question is that a subsidy will raise the profit rate at the point in time at which it is conferred.

Its effects, however, are eroded away with time as producers react to their more profitable situation by expanding into otherwise submarginal areas. This expansion leads to a decline in the rate of return toward a normal yield and to resource misallocation as well.

Mr. President, what I am saying is that the subsidy to the oil industry does not result in higher profits. It results in misallocation of resources as more capital enters the oil industry, to take advantage of the tax privileges which the industry enjoys.

NATIONAL SECURITY AND OIL TAXES

The supposed justification for the special treatment enjoyed by the oil industry is national security, although the recent attack on the Treasury Department commissioned study of the oil depletion allowance by the Mid-Continent Oil and Gas Association seemed to be based on the premise that if we change the depletion allowance the price of gasoline will go up.

The catechism chanted so long by the oil industry that they actually believe it is that if the oil industry does not have all these special tax breaks and other governmental intrusions into the market on behalf of oil then our country would be in dire straits—we would become utterly dependent for oil upon those rascals in the Middle East who are just waiting for that to happen so they can shut us off.

First, a few facts about the domestic oil industry ought to be established. It is a very healthy and powerful industry by any criteria. In 1968 the combined net profits of the 12 largest U.S. oil companies was just a fraction under $5 billion. Each of those 12 companies, moreover, has set new profit records in each of the last 4 years. Just 4 years ago, the profits of these 12 companies totaled $3.7 billion. During that short span of time, they have, thus, increased their profits by just under $1.3 billion—a 33.5-percent increase.

According to a survey by the First National City Bank of New York published in its April 1969 Monthly Economic Newsletter, a total of 2,250 manufacturing companies showed a net income of $26 billion in 1968. Of the 2,250 companies, the 99 oil companies had a total net income of $6.1 billion or almost 25 percent of the aftertax earnings of the entire list. And, according to the same survey, the oil companies as a group enjoyed the second highest return on sales of 9 percent, almost twice the average return for all companies surveyed. Although the oil industry's return on invested capital was 12.8 percent, just under the 13.1-percent average for the entire 2,250 companies, this is the result of our tax policy as was indicated in Professor Mead's testimony. What happens is that capital comes into the hands of industry to achieve that purpose.

Even if we accept the thesis that our national security requires special incentives to encourage domestic exploration for oil, the present tax incentives are inefficient, inconsistent, wasteful and unfair ways of achieving this goal. I will not touch upon the other governmental intrusions into the marketplace on behalf of oil which accentuate the waste of scarce capital such as the mandatory oil import program and State market proration laws which guarantee high oil prices, because I have spoken about them before. However, I do not think we ought to forget that the oil industry is the beneficiary of many governmental favors in addition to all those tax breaks.

No one, least of all myself, would deny that national security should be our prime consideration. However, all the governmental distortions of the free marketplace to benefit the oil industry have actually been impairing our national security. Our national security requires that we have a strong economy which in turn requires that we do not waste our resources. Here we have governmental policies which affirmatively encourage waste of scarce capital and, I might add, depletion of our natural resources all, irony of ironies, in the name of national security.

INEFFICIENT

Almost all the tax benefits enjoyed by the oil industry are tax credits. These are general policy tools which benefit any activity that qualifies under the particular tax provision. Direct appropriations or expenditures, on the other hand, can be as selective or as broad as Congress wishes.

The tax policies we have now are supposed to encourage the exploration for domestic sources of oil, yet they are so general the oil industry receives tax benefits for activities they would have undertaken even without the tax breaks. In other words, although tax credits are supposed to subsidize the exploration for oil they also subsidize all the other activities of the oil companies which they would have undertaken even without the tax subsidy.

The oil depletion allowance and intangible expensing in 1968 cost the American taxpayers $2.25 billion in lost tax revenue according to the Treasury Department's Tax Reform Studies and Proposals submitted to the Finance Committee. However, in order to be fair to the oil industry, I think I ought to use the estimated long-range revenue loss of $1.6 billion a year. This $1.6 billion was spent just as if Congress had appropriated it with one big difference: Congress had no say in how it was spent. The big problem with such "back door spending" is that it is seldom reviewed by either Congress or the executive branch, accurate data on its costs and benefits are often difficult to obtain, and too frequently it is wasted on activities which would have been undertaken without it.

This point may be seen easily when we compare the congressional scrutiny devoted to the money spent because of the depletion allowance and the money directly expended for other projects costing far less. The $1.6 billion in back door spending on the oil depletion allowance and intangible expensing is three times what was budgeted during fiscal 1969 for Federal law enforcement, 15 times as much as the cost of running our Federal judicial system, three times the budgeted amount for school lunch and food stamp programs, five times as much as is budgeted for low-rent public housing, and four times the allotment for the Alliance for Progress.

The percentage depletion allowance is an extraordinary tax benefit because it permits the tax-free recovery of an average of 19 times the original investment in an oil well. For this reason, the percentage depletion deduction is a subsidy, not merely a mechanism for the recovery of capital investment. In addition, that portion of the percentage depletion deduction which represents ordinary tax-free recovery of capital investment costs is usually recovered more rapidly than would be allowed by the usual depreciation methods which other industries are required to use. Thus, percentage depletion confers two benefits: deductions about 19 times in excess of actual costs, and accelerated deductions of initial costs.

It is also remarkably inefficient. The Treasury Department estimated in its study:

The Federal Government is paying, in tax benefits, about $1.6 billion for resources which the market values at $0.15 billion.

In effect, we are paying over $10 for every $1 in additional oil reserves.

But, says the oil industry:

If we eliminate the depletion allowance our reserves will disappear and we will become dependent upon those who control middle eastern oil.

The Treasury Department analysis indicates that this is just not true. If the depletion allowance were completely eliminated, the Treasury Department report estimates that instead of a 12-year oil reserve we would only have an 11-year reserve. Surely, this is enough time to compensate for any conceivable interruption of our oil supply.

Finally, I might add, the depletion allowance feeds the fires of inflation. We saw, just a few months ago, how the oil companies raised their prices for crude oil in order to get a larger depletion allowance and thus hide more of their income from taxation.

The intangible expensing provisions of the tax code are also extraordinary because they permit the immediate tax-free recovery of most of the costs of exploring and drilling for oil. Other industries can only recover their capital investments over the approximate life of the capital equipment. For example, a farmer in Wisconsin who buys a tractor can only recover his capital investment in it over a period of years as the tractor wears out. If, however, he had enough money to invest in oil exploration and drilling, he could recover his capital investment in 1 year.

As a matter of fact, the American consumer does not even get the benefit of the lower oil prices that he should from these tax subsidies. Theoretically, the oil depletion allowance, intangible expensing, and all the other tax loopholes benefiting the oil industry, are subsidies paid for by the American taxpayer in increased taxes and should result in lower oil prices. Yet, the anachronistic State market proration laws—laws which forbid the oil companies in Texas or Louisiana to pump at more than 50 percent of capacity, and, as a matter of fact, Texas just cut their allowable pro-

duction of 400,000 barrels for July, because that is all the oil companies wanted to buy—keep the price of oil at artificially high levels and thus deprive the taxpaying consumers of the lower prices they should be getting.

I can think of no better way to sum up the deficiencies of these tax provisions than by quoting from the Treasury Department's tax study which I mentioned before:

Percentage depletion is a relatively inefficient method of encouraging exploration and the resultant discovery of new domestic reserves of liquid petroleum. This is in part due to the low sensitivity of desired reserve levels to the price subsidy represented by percentage depletion, and in part to the inefficiency of the allowance for this purpose, since over 40% of it paid for foreign production and non-operating interests in domestic production.

The report went on to note, and I think this is very significant, because the report is the first impartial analysis of the cost of oil's special tax privileges to the American taxpayers—

The investigations reviewed during the course of the study were in substantial agreement that the current situation was one of economic inefficiency, and that *any changes were almost certain to be beneficial to the economy in the long run.*

Let me repeat that:

Any changes were almost certain to be beneficial to the economy in the long run.

There are so many changes, Mr. President, downward in which the depletion allowance would be reduced.

INCONSISTENT

Although the supposed justification for all of oil's tax loopholes is the alleged need for more incentives to explore for domestic sources of oil, our tax policy is contrary to such a goal, because it gives greater incentives to explore in foreign countries than here at home. This seems unbelievable, but it is true.

Royalty payments which are disguised as taxes to foreign countries, particularly in the Middle East, the area which is most likely to cut off our supplies of foreign oil, are credited against U.S. taxes owed. This means that every dollar paid by the oil companies to these foreign countries in disguised royalty payments is $1 less they owe to the U.S. Government. Yet, such payments here in the United States are only deductible from ordinary income, not from the amount of taxes owed by the companies.

The American consumer and taxpayer is being taken both ways. Not only is he bearing a great part of the oil industry's fair share of the tax burden, because of these great tax incentives to explore abroad, but he is also prevented from benefiting from all this inexpensive foreign oil, because the oil import program limits the amount of the inexpensive foreign oil that can enter the U.S. market. All this is done in the name of "national security."

Surely, this type of thinking could not pass the muster of any rational man. The only reason that the over $1.6 billion in taxes is being spent this way is that Congress has not really reviewed the oil tax situation since 1926, when the depletion allowance was set at its present level. This is the great fault of tax credits. They are not subject to continuing scrutiny and justification. They grow and imbed themselves in our economy until any connection with their original rationale is purely coincidental.

Surely, Congress can devise some much cheaper way to provide for a secure source of oil during emergencies. Between the oil import program and all of oil's tax loopholes, the American consumer and taxpayer is being forced to subsidize the oil industry by over $7 billion a year. It is unbelievable that we cannot devise a much cheaper and more effective way of protecting ourselves from emergency interruptions of our oil supplies.

WASTEFUL

Because all these special tax privileges have riddled the economic fabric of our country, gigantic sums of scarce capital have fallen through these loopholes and been wasted. I have already touched upon this point before and do not wish to belabor it, but I do wish to point out the findings of one of our leading tax experts, Arnold Harberger. Writing for the Joint Economic Committee in its study entitled "Federal Tax Policy for Economic Growth and Stability," he indicated that it takes about $2 worth of capital investment in oil exploration to produce as much product as $1 of capital invested in other industries. This, in effect, confirms Professor Mead's statement about the uneconomic conditions in the oil industry because of the oil loopholes. As a matter of fact, Professor Adelman of MIT estimates that if these economic inefficiencies which are encouraged by our tax laws could be eliminated, the price of oil could drop by as much as $1 a barrel. Professor Steele of the University of Houston went even further. He indicated that about 95 percent of our present output would still be produced if the price of oil dropped from its present level of about $3.50 a barrel to $2 a barrel.

How can we encourage these uneconomic conditions in the name of "national security"?

UNFAIR

Our tax policy is supposed to be fair. Fairness in taxation means two things: First, taxpayers with similar incomes should pay similar taxes, and second, persons with higher incomes should be taxed more heavily than persons with lower incomes.

Our tax policy so far as oil is concerned is not fair to the American taxpayer. Those taxpayers who derive their income from oil pay lower taxes, if any, than those who get their income from other sources. This is not fair. The source of the income should not make any difference as to the amount of taxes paid. Why should a person whose income is from wages or salary have to pay more in taxes than someone who gets his income from oil?

Second, all the oil tax loopholes allow many high-income taxpayers to escape from paying taxes or from paying their fair share of taxes. This was pointed out dramatically by former Secretary of the Treasury, Joseph W. Barr, in testimony before the Joint Economic Committee. One hundred and fifty-five individuals with adjusted gross incomes exceeding $200,000 in 1967 paid no Federal income tax.

Now, I do not claim that all these 155 individuals with incomes over $200,000 who did not pay any Federal taxes relied exclusively on the oil tax loopholes to escape taxation; but I do say the oil tax provisions are one of the most important loopholes through which this income escaped taxation.

I think that we in Congress should also pay close attention to the statement of Henry H. Fowler, Mr. Barr's predecessor as Secretary of the Treasury:

Under present law, 2.2 million families with incomes below the poverty level are required to pay Federal income taxes. . . . On the other hand, there are a sizable number of individuals with very high incomes who pay little or no income tax. Indeed, although the Federal income tax is designed and understood to be progressive, the fact is that many persons with incomes of $1 million or more actually pay the same effective rate of tax as do persons with incomes only 1/50th as large.

How can we in Congress allow a system to continue which taxes 2.2 million families with incomes below the poverty level, yet allows people with incomes over $200,000 a year to escape paying any taxes at all? Why should those below the poverty level be forced to pay the taxes that should be paid by the oil barons?

WE MUST DO BETTER

If I may quote from the Department of the Interior's study, "U.S. Petroleum Through 1980":

(Government) has sought to encourage discovery of oil and gas by favorable tax treatment, by limiting imports, by making public lands available for mineral leasing, and by regulating production to provide order and stability while avoiding the physical Waste of resources. In doing so it has involved itself in matters of both supply and price.

We have achieved the goal stated by the Interior Department's report; we have encouraged the discovery of oil and gas. But at what cost?

The cost to the American consumer and taxpayer for just the oil import program and some of the tax loopholes is in excess of $7 billion a year.

The justifications for such excessive costs are unconvincing.

I ask unanimous consent that articles by Patrick Young of the National Observer and Spencer Rich of the Washington Post be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. PROXMIRE. Mr. President, both of these reporters are fine, hardnosed newspapermen beholden to no one and both of these reporters reached the conclusion that the oil industry's defense of its favored position has not been persuasive.

I cannot believe there is not a more efficient and less expensive way of providing for a secure supply of oil during emergencies than the present system. The cost of the present system has run away because its costs have not been visible. I can assure you that if Congress had to make a direct appropriation for such a program the costs would not be anywhere near $7 billion a year. Certainly we need oil for our national security, but we need lots of other things

for our national security, too. One of these is a strong economy which does not waste its resources.

I think quite clearly that the oil industry should be placed on an even footing with other industries. The oil tax loopholes should be closed. This would go far toward quelching the impending "taxpayers revolt" by putting fairness back into the tax system.

To conclude, I think then we ought to find out, as the Shultz study of the oil import program seems to be doing, what are our actual needs for oil during emergencies. We should then ascertain what is the most efficient, inexpensive way of assuring that supply. It might be a grant to develop the technology needed to produce oil from oil shale economically or it might be cheaper to discover oil pools on Federal land and then keep that oil in reserve until needed.

Whatever solution we decide upon, one thing is clear: The present privileged position of the oil industry must go.

EXHIBIT I

[From the National Observer, May 26, 1969]

THE UNIQUE STATUS OF AN INDUSTRY: HOW TAX BREAKS HAVE NOURISHED THE OIL BUSINESS

(NOTE.—This is the last of a series of articles that explore firsthand and in depth the oil industry's singular position and prerogatives in America today. The articles were prepared by staff writers August Gribbin, Michael Malloy, and Patrick Young and senior editor Edwin A. Roberts, Jr.)

In the late Nineteenth Century, the amassing of great wealth from oil was enhanced by the easy ethics of the age. In more recent times, many new oil fortunes have arisen and swelled, and they have swelled in fair measure because the industry enjoys an assortment of tax breaks that no other business can match.

Consider:

Atlantic Richfield Co. reported income before taxes of $377,942,000 in the years 1965 through 1967, but the company paid no Federal income taxes.

Standard Oil of California reported income before taxes in 1967 of $513,067,000 and paid $6,000,000 in Federal corporate income taxes, or 1.2 per cent.

How can this be done? How is it possible to earn so much and pay little or no Federal income taxes? The answer is that the Federal tax structure provides a host of unusual tax sanctuaries for the oil industry.

These tax sanctuaries are related to the controversial Machiasport plan, by which Occidental Petroleum Corp. hopes to erect a huge refinery in the tiny town of Machiasport at the northeastern tip of Maine. The plan represents a sophisticated attempt to hurdle the Federal import quota system for oil. It is the import quota system, which was explained in detail in The National Observer of May 5, as well as restrictions on domestic production, which were examined in The National Observer of May 12, that combine with petroleum's special tax breaks to give the U.S. oil industry a unique status in the economy—and to force the American consumer to pay artificially high prices for many oil products.

It is this unique status that the battle over Machiasport has placed in the spotlight, and the industry is preparing to meet assaults from any direction.

CASH FOR CHANCY PROJECTS

Uncommon tax advantages provide the industry with an uncommonly large cash flow, which the industry argues is required for its gigantic and often chancy operations. What are these tax advantages?

Take a look at the more important ones:

Percentage depletion

Oil and natural gas well operators may deduct 27.5 percent of the gross revenues of each property before paying taxes, unless this figure totals more than 50 percent of the net income of the property before deducting the depletion allowance. Thus, if gross revenues on a property total $100,000, the producer may take $27,500, before figuring his taxes, so long as the net income of the property after expenses is $55,000 or more. If however, the net income was, say, $50,000, the producer would be limited to 50 per cent of that, or $25,000.

Intangible drilling costs

These include such costs of developing a producing well as wages, fuel, repairs, hauling supplies, and other expenses that do not have a salvage value. These "intangibles" may be deducted from gross revenues the first year. Similar expenses incurred by other manufacturers must be capitalized and written off over a number of years.

Foreign tax credits

U.S. companies operating abroad may claim credit for taxes paid to foreign governments on nearly a dollar-for-dollar basis. Thus if a company owed $75,000 to Uncle Sam on its profits earned in, say, Saudi Arabia and had paid $80,000 in taxes to the Saudi Arabian government, the foreign-tax credit would eliminate the taxes on that operation due the U.S. Treasury. Critics, however, say that taxes paid Middle East governments by U.S. oil companies are based on artificial prices, and that some of these taxes should be treated as expenses of doing business and should not be allowed to fully wipe out the companies' U.S. tax debt.

Western Hemisphere trade deduction

This provision allows U.S.-owned companies doing 95 per cent of their business outside the United States but within the Western Hemisphere to a special deduction in figuring their Federal taxes. In effect, it reduces the tax rate by 14 points, currently from 52.8 per cent to 38.8 per cent. This is done before any foreign tax credits or depletion allowances are taken. It is a provision that mostly favors companies in the business of extracting minerals. Like oil.

These sanctuaries are used in combination with still other advantages. An example will indicate what a resourceful accountant might do for his oilman client.

Assume the oilman drills a well that costs $100,000 and produces gross revenues of $100,000 in its first year. Between 75 and 90 per cent of his expenses will be intangible drilling costs, which can be written off in the first year. These include rental of a drilling rig and the salaries of crewmen. Assume intangible costs of $80,000 and production costs of $5,000. The gross income of $100,000 minus $85,000 in intangibles and production costs would leave an income of $15,000.

But he would not pay income taxes on $15,000; he would pay them on $7,500.

Here's why: The depletion allowance for oil and gas is 27.5 per cent of the gross income, but this may not exceed 50 per cent of the net income of the property. In this example, the depletion allowance equals $27,500. But the oilman, because of the 50 per cent limit, could claim only $7,500 in depletion. If he chose this method, therefore, the oilman would have a taxable income of $7,500.

The next year, however, assuming again a gross revenue of $100,000 and production costs of $5,000, the oilman could take his full percentage depletion allowance of $27,500 and his taxable income would be $67,500.

But a technique known as "carved-out production payments" would save the operator many tax dollars. In his first year of operation, the oilman's intangible costs limited the amount of depletion he could claim to $7,500. But if he sold his second year's production in advance—that is, during his first year of operation—he would have a first-year gross income of $200,000. And a gross income of $200,000 minus intangibles and production costs of $85,000 would result in a first-year net income of $115,000.

The percentage depletion allowance would equal $55,000 (27.5 per cent of $200,000) and the oilman would not have reached the limit of 50 per cent of net income, or $57,500. Thus, although his gross income for the first year was $200,000, he would have a taxable income of only $60,000.

There is yet another aspect of this device. Since the oilman has already received payment for the oil he produces in his second year of operation, he will have no income at all in his second year. But he will have production costs of $5,000, which he can then report as an operating loss. And so, he will be able to claim a tax refund from the Government on this "loss" by carrying it to earlier years without affecting his depletion allowance, or by applying the "loss" to income from other sources.

The net effect of this maneuver is that the oilman would have taxable income—after selling the production payment—of $60,000 in the first year and minus $5,000 in the second year. Without the sale of the production payment, his taxable income would be $7,500 in the first year and $67,500 in the second year. The sale of the production payment thus reduces his taxable income for the two years by $12,500.

There is another form of production payment called the "ABC deal." It does not lend itself to simple explanation, but perhaps a sample offered in a U.S. Treasury Department report makes the effect sufficiently clear.

"In a recent ABC transaction," reports the Treasury Department, "a major oil company purchased all the coal properties of another corporation, subject to a reserved production payment of $460,000,000 payable out of a large percentage of the net profits to be derived from the operation of the coal properties by the buyer. Under present rules, the buyer excludes from income the $460,000,000 of profits derived from its operation of the coal properties and paid over to the holder of the production payment.

"This feature alone represents a Federal income tax saving to the oil company of approximately $175,000,000 over the payout period, or an annual tax saving of between $10,000,000 and $18,000,000 per year depending on the actual length of the payout period. (It was estimated that it would take 7 to 16 years to discharge the production payment out of profits derived from the operation of coal properties.)

"In addition, all of the costs of mining the coal used to discharge the production payment were deducted by the buyer even though it capitalized those costs on its books as a cost of acquiring the coal properties."

The Treasury says that in 1966, ABC transactions totaled $1.85 billion (for all extractive industries) and resulted in a loss of revenue to the Federal Government of $85,000,000. Carved-out production payments totaled $540,000,000 in 1966—up from $214,000,000 in 1965—and cost the Federal Government $70,000,000 in revenue.

FROM THE JOHNSON YEARS

These figures are taken from reports issued by the Treasury Department during the Johnson Administration; the reports included a long list of tax-reform proposals. They make up four volumes titled *Tax Reform Studies and Proposals U.S. Treasury Department*. The first three volumes are Treasury Department studies. The fourth is an examination of tax provisions affecting the oil and gas industry, prepared for the Treasury by the CONSAD Research Corp. of Pittsburgh.

Neither the Johnson nor Nixon administrations has endorsed the far-ranging reforms sought by Treasury specialists. But

the reports were sent to Capitol Hill and released jointly by the House Ways and Means Committee and the Senate Finance Committee.

Included in the Treasury's reports is this comment:

"In effect, the price of crude oil in the United States is being underwritten by import controls, by state controls on production, and by favorable tax provisions. . . ."

The oil industry's tax advantages affect not only its less privileged competitors but the whole national economy as well.

The CONSAD report states: The oil and gas producing industry accounts for about 1.5 per cent of the Gross National Product. [Reckoned at an annual rate of $93.4 billion in the first quarter of 1969.] By most conventional standards it is not a highly concentrated industry, but with so enormous an output, each of the largest firms is a giant in the economy. The five top domestic producers together account for 20 per cent of the output, the top 20 for 50 per cent.

According to the U.S. Bureau of Mines, the value of crude oil at the wellhead in 1967 was $9.4 billion, and the value of natural gas was $2.9 billion. The value of natural gas liquids, liquid fuels extracted from natural gas, was $1.2 billion. The value of products shipped from U.S. refineries in 1967—the latest year for which figures are available—was $20 billion.

The oil industry concedes that it is very big and very important. Indeed, its size and essentiality are often cited by industry spokesmen to defend its preferential treatment by the tax laws, just as they are cited to defend the import quota system and state-enforced controls on domestic production. What the industry prefers not to emphasize are industry profits.

Consider some statistics contained in the "Monthly Economic Letter" for April of this year, published by the First National City Bank of New York City. A survey of 2,250 manufacturing companies, divided into 41 categories, showed a net income in 1968 of $26 billion. Ninety-nine oil producing and refining companies had a total net income last year of $6.1 billion, or almost 25 per cent of the after-tax earnings of the entire list of 2,250 companies.

Significant, too, is the percentage of return on sales, also calculated in the First National City Bank study. Fifty-five aircraft and space companies had a return of 2.8 per cent. Eleven auto and truck manufacturers had 5.8 per cent. Ninety-two printing and publishing firms recorded a return on sales of 6.2 per cent.

The 99 petroleum companies? They enjoyed a return on sales of 9.0 per cent. Only the drug industry scored higher, with 42 drug makers reporting a return on sales of 9.5 per cent.

The oil industry, however, does not place as much importance on these figures as it does on those that reflect its rate of return on investment. And, indeed, the First National City Bank reports that the average rate of return on net worth for the 2,250 companies surveyed was 13.1 per cent in 1968, up from 12.6 per cent in 1967. The 99 oil companies, however, had a return on net worth in 1968 of 12.9 per cent, compared with 12.8 per cent in 1968. So in terms of return on investment, the oil industry is slightly below the national average.

Some oilmen, moreover, say the difference is greater than it seems because the figures do not reflect what it actually costs to replace extracted oil.

"If oil companies figured in what it is costing them to replace their oil, it could cut their return on investment by one-half," declares Minor Jameson, Jr., executive vice president of the Independent Petroleum Association of America.

It is at this point that the debate over preferential tax treatment for the oil industry approaches the heart of the matter. Most independent economists have a ready answer for Mr. Jameson.

Prof. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told the Senate subcommittee in March of this year:

"The effect of favored tax treatment is to reduce tax costs for oil companies relative to firms in other industries. These measures taken together substantially raise the expected after-tax profit rates on oil industry exploration and development investments in what would otherwise be submarginal uses of scarce capital. Investment in petroleum exploration and development is indeed expanded to the point where the after-tax return is approximately equal to that which may be obtained on alternative uses of capital. . . .

"Oil industry spokesmen have defended their various subsidies with the question, 'If we receive all the subsidies which our critics allege, why is our rate of return on invested capital not substantially higher than other nonsubsidized industries?' The answer to this question is that a subsidy will raise the profit rate at the point in time at which it is conferred.

"Its effects, however, are eroded away with time as producers react to their more profitable situation by expanding into otherwise submarginal areas. This expansion leads to a decline in the rate of return toward a normal yield and to resource misallocation as well."

And here Professor Mead adds an interesting observation in the light of the industry's particularly visible troubles earlier this year.

"The oil spillage case in the Santa Barbara Channel is directly related to the subsidy system. Leases were purchased and drilling occurred in the California offshore area because such operations were made profitable by the subsidy legislation. Under free market conditions, oil prices would be substantially lower, tax costs subsantially higher in the oil industry, and the profit inducement to buy leases in the Channel would probably be lacking.

"To develop oil from such sources is to use up more economic value than is produced. In addition to this probable waste of resources, we have the external cost (aptly called 'spillover costs' even before this oil spillage case) of environmental pollution."

Oil industry spokesmen speak frequently about domestic taxes paid as a percentage of gross revenue. The Petroleum Industry Research Foundation, for example, recently published a report showing that the industry paid 5.1 cents on each dollar of gross revenue in 1964 and 1965. This includes Federal, state, and local taxes, but *excludes* state and Federal product taxes. The study showed all business corporations paid an average of 4.5 cents on each dollar of gross revenue.

THE ACCENT ON GROSS

So, set forth in these terms, the oil industry pays six-tenths of a cent per gross-revenue dollar more than the average of all industries.

But the comparison is in gross revenue, and does not take into consideration the cost of doing business. Thus if a company doing $10 billion a year volume had business costs of $9 billion, it would probably pay less in taxes than a $10 billion-a-year business with costs of $5 billion. The oil industry's ratio of expenses to gross revenue is lower than that of many other industries.

The oil industry contends that in 1966 it was responsible for $10.5 billion in taxes. Testifying before the House Ways and Means Committee, M. A. Wright, chairman of Humble Oil, a subsidiary of Jersey Standard, declared:

"Aggregate tax payments on oil industry operations in 1966 were $10.5 billion, including $8 billion of excise and sales taxes on oil products. These payments provided 5 per cent of all receipts of the Federal, state, and local governments."

But that $8 billion Mr. Wright refers to was not paid by the oil companies. It was paid by, among other customers, the motorists who buy gasoline at the industry's thousands of filling stations.

Now consider data from the Treasury's tax-reform study, which shows "estimates of the effective tax rates actually paid by corporations, as a group and for several industries." Here are the 1965 figures on "actual (Federal) tax on total net income:"

[In percent]

All industries	37.5
Petroleum	21.1
Other mineral industries	24.3
Lumber	29.5
Commercial banks	24.4
Other manufacturing	43.3

Only mutual savings banks (5.3 per cent) and savings and loan associations (14.5 per cent), among the categories considered, had lower effective tax rates than the oil industry.

Oilmen contend the price of gasoline has been remarkably stable in a period of general inflation. But, according to the Oil and Gas Journal of April 14, 1969, the average price of regular gasoline—excluding taxes—has increased 7.4 per cent since April 1968, and 5.9 per cent since the last week in December 1968.

Its many tax privileges give the oil industry tremendous cash flows and thus very great financial leverage. Some critics argue that this gives oil an unfair advantage over competing industries. But the industry insists the nature of its business requires that heavy cash flow.

"It is essential because so much of our investment is such high risk that it isn't bankable," says John J. Scott, general counsel of Mobil Oil. Mr. Scott cited as an example Mobil's operations in Venezuela. Prior to and during World War II, Mobil invested between $45,000,000 and $50,000,000 in that country before getting any return on its investment. "If we did not have the cash flow, we could not have done it," Mr. Scott says.

What would happen to the industry's oil reserves if the depletion allowance and deductions for intangibles were eliminated?

Frank N. Ikard, president of the American Petroleum Institute, offers this reply:

"I can tell you one thing that is spectacular: The size of the investment in exploration and development the industry is going to have to make to meet the needs of the American people over the next 15 years. As a rough estimate, domestic oil exploration and development outlays will have to be increased about 50 per cent. This means going from a little less than $4.5 billion annually up to somewhere around $6 or $7 billion. An industry that has to make such a big boost in its spending has to make profits to do its job."

Some industry sources say oil needs more tax breaks, not less. Harold M. McClure, Jr., president of the Independent Petroleum Association of America, cited figures before the House Ways and Means Committee that showed a 40 per cent reduction in the number of wildcat test wells drilled in 1968 compared with the number drilled in 1956.

"It should be recognized," said Mr. McClure, "that part of these decreases can be attributed to wider well spacing and increased efficiencies in all phases of drilling and producing operations."

It's interesting that Mr. McClure should use the year 1956 as a comparative figure for 1968 drilling operations. Says the CONSAD report: "The number of wells being drilled reached a peak in 1955–56, but has since declined steadily back to its 1949 level, over 30 per cent below the peak."

Mr. McClure told the senators further: "To re-emphasize the degree of risk, only

2 out of every 100 new field wildcats drilled are likely to find a field large enough to be profitable. . . . To sum up the situation as to incentives for petroleum exploration and development in the United States, there is an obvious need for more—not less—economic stimuli." A wildcat is an experimental or exploratory well.

Mr. McClure uses the term "economic stimuli." In the oil business there are stimuli within stimuli. It is not only the major tax privileges themselves that benefit the industry; it is also the accounting involutions that they make possible. A good example of such an involution can be found in the uses to which the depletion allowance is put.

Simply stated, oil companies shift expenses, for tax purposes, to the wellhead, where depletion may be claimed, from refinery or transportation costs that do not qualify for this deduction.

In a Senate speech recently, Sen. William Proxmire, Wisconsin Democrat and critic of oil-industry privileges, described the answers he received from the Interior Department to questions he had posed:

"Apparently," said Senator Proxmire, "Interior had made an analysis which demonstrates that integrated companies shift income from refining and marketing to oil production in order to minimize tax liabilities by maximizing percentage depletion. This analysis is correct as was shown by Texaco's recent action in increasing the price it would pay for crude oil by 20 cents a barrel.

"Since Texaco produces most of the crude oil it refines, the increased cost on the 11,000 net barrels a day it buys from outsiders will be more than offset by the larger depletion allowances it will claim on the oil which it sells to itself. Apparently, Texaco felt the 1.9 per cent of its income paid in Federal income taxes in 1967 was too high."

While Senator Proxmire singled out Texaco as an example, that company is hardly alone in taking advantage of the tax laws as they are on the books.

One of the laws on the books permits oil companies to deduct from their U.S. tax obligation the income taxes they pay to foreign governments. To get as much revenue as possible from the oil companies, oil nations in the Middle East and elsewhere base their tax schedule on "posted prices," which are set arbitrarily and are almost always higher than the actual price the companies get for their oil.

The result is that American companies must pay foreign governments more in taxes than they would if the taxes were figured on the true price for which oil can be sold. Thus, a portion of the foreign tax is considered by many critics as not a tax but a royalty. Therefore, so the argument goes, U.S. companies should be permitted to deduct from their U.S. taxes only that part of foreign taxes that are truly taxes. The other part, which would be considered as royalties, would then be figured as just another business expense.

The oil companies, who are being overcharged by foreign governments, don't like the system of posted prices any more than the U.S. Treasury Department does, but they say there's nothing they can do about it.

The House Ways and Means Committee has about two dozen bills of various sorts that deal with reforming the tax structure as it affects oil. One House bill would eliminate entirely the depletion allowance as it relates to foreign wells; Maine's Edmund Muskie has introduced a similar bill.

Rep. Henry Reuss, Wisconsin Democrat, has introduced a major tax reform package, one section of which would drop oil and gas depletion allowances, presently 27.5 per cent, and allowances for 41 other minerals, presently at 23 per cent, down to 15 per cent.

In introducing his bill on Jan. 29 of this year, Mr. Reuss told the House: "Ideally, percentage depletion should be replaced with cost depletion. But since we are not living in an ideal world, this title provides only that the oil depletion allowance be reduced by less than one-half, from 27.5 per cent to 15 per cent, the percentage now applicable to over 40 other minerals."

Mr. Reuss and his supporters are not overly optimistic about changing oil's depletion allowance, especially now that President Nixon has reiterated his support of the allowance as it stands.

Nevertheless, says Mr. Reuss, "There is a general sentiment among taxpayers that they are getting a little depleted too."

In the American system of making law, it is far easier to establish prerogatives than to abolish or reduce them. To the beneficiary, preferential treatment becomes first a comfort, then a custom, and finally a necessity. And the progression can be carried still one step further. What of the nation's best interests? The late Sam Rayburn wasn't the only friend of oil to know when to turn solemnly and face the American flag.

THE DEPLETION ALLOWANCE

The 27.5 per cent depletion allowance for oil and natural gas is probably the best known of all business tax exemptions. Here's how it came to be:

The Sixteenth Amendment, which became effective on March 1, 1913, made it legal for Congress to assess income taxes. The Revenue Act passed on Oct. 3, 1913, provided that in computing income subject to taxation, producers of ores and all other natural deposits could claim a depletion deduction not to exceed 5 per cent of the gross value of the output at the mine or well.

In 1916 the law was changed, removing the limitation, but specifying that the total depletion allowable over the life of the property could not exceed the capital originally invested, or, if the purchase of the property was made before March 1, 1913, the fair market value as of that date.

A second provision was introduced in 1918 allowing "discovery value depletion." The estimated discovery value was substituted as the value to be amortized for all wells found after March 1, 1913. It wasn't until 1926 that discovery value depletion was replaced by today's system of percentage depletion for oil and natural gas.

Under the 1926 law, any oil or gas producer, or anyone with a financial interest in a well, can deduct 27.5 per cent of his gross income realized from the sale of oil or gas, but this must not exceed 50 per cent of the net income of the property.

Why 27.5 per cent? Because the House of Representatives wanted the figure to be 25 per cent and Senate wanted 30 per cent. The 27.5 per cent figure for oil and gas is the highest depletion allowance; other minerals receive smaller allowances. Metals, for instance, qualify for 15 per cent.

The U.S. Treasury Department reports that, on an average, petroleum producers recover 19 times the cost of their producing wells through percentage depletion.

THE TAXES COMPANIES PAY—FEDERAL CORPORATE INCOME-TAX PAYMENTS FOR 1967 OF THE NATION'S 15 LARGEST OIL REFINERS

Name	Net income before tax	Federal tax	Percent	Earnings after all taxes
Standard (New Jersey)	$2,098,283,000	$166,000,000	7.9	$1,232,283,000
Gulf	955,968,000	74,142,000	7.8	578,287,000
Texaco	892,986,000	17,500,000	1.9	754,386,000
Mobil	594,593,000	26,900,000	4.5	385,393,000
Standard (California)	513,067,000	6,000,000	1.2	421,667,000
Standard (Indiana)	366,847,000	74,021,000	20.2	282,250,000
Shell	342,022,000	44,940,000	13.1	284,849,000
Phillips	227,766,000	52,255,000	22.9	164,015,000
Conoco	241,362,000	30,031,000	12.4	148,962,000
Cities Service	165,289,000	32,347,000	19.6	127,837,000
Union	163,820,000	10,400,000	6.3	144,963,000
Sun	146,946,000	24,700,000	16.8	108,576,000
Atlantic	145,259,000	(1)	0.0	130,005,000
Marathon	138,520,000	3,700,000	2.7	73,858,000
Getty	132,762,000	3,687,000	2.8	118,166,000
Total	7,125,490,000	566,623,000	8.0	4,955,497,000

[1] None.

Source: Oil Week.

[From the Washington (D.C.) Post, June 9, 1969]

OIL INDUSTRY LASHES BACK AT CRITICS

(By Spencer Rich)

The oil industry, under sharp attack by economists before a Senate subcommittee for a system of subsidies that may cost the public anywhere from $2.7 billion to $7 billion a year, got in some whacks of its own at hearings over recent weeks.

But the industry failed to answer several of the most damaging charges leveled by earlier witnesses. Its case for continuation of at least some lush benefits must be rated as plausible but not yet quite convincing.

The basic outlines of the dispute are well known by now. The industry enjoys a number of tax benefits—including a depletion allowance and the overseas tax credit—that are available in equal measure to no other industry.

The net benefit to the industry in taxes saved as a result of these special provisions may be as much as $2 billion a year.

In addition, an import quota system started in 1959 limits total annual imports to about one-fifth of the 5 billion barrels of oil consumed in this country annually.

More important, it keeps low-cost Middle Eastern crude oil, which could be sold at $2 a barrel delivered to the Eastern Seaboard, out of the country except in quota amounts.

Together with production limitations imposed by the states of Texas and Louisiana, which produce three-quarters of U.S. oil, the import system keeps the domestic price of oil delivered to the East Coast at nearly $3.50 a barrel—or about $1.50 more a barrel than the potential price of imported oil.

Economists estimated that as a result of this differential, the public pays anywhere from $2.7 billion to $7.2 billion more for its oil than would be the case if the world price of oil were in effect in the U.S.

Industry witnesses—including Harold McClure of the Independent Petroleum Assn., which represents smaller domestic operators, M. A. Wright of Humble Oil (Standard of New Jersey's operating subsidiary in this country) and Robert Dunlap of Sun Oil—justified this system as necessary to maintain U.S. national security.

Without the financial incentives provided by tax breaks and import barriers, they said, U.S. discovery and development of new domestic oil reserves would fall off and the U.S. would soon be dependent upon foreign nations for an unacceptably large portion of its supplies. This would make it vulnerable to diplomatic blackmail, they contended.

Wright of Humble estimated that with continued import barriers, relaxed slightly to

allow more foreign oil in as U.S. needs increased this Nation would be able to supply 82 per cent of its needs from domestic sources by 1985. With import controls removed, he said, the figure would drop to 46 per cent, which he said was too low for national security.

Sen. Philip A. Hart (D–Mich.), who presided over the hearings as chairman of the Senate Antitrust Subcommittee, kept digging into this argument at different vulnerable spots, as did some of his staff members. By the time the latest innings were over, he had succeeded in considerably reducing its cogency.

For example, Hart kept going back to the potential of the nation's huge known reserves of oil shale, which contain at least 600 billion barrels of potentially recoverable oil—over 100 years' supply. The shale, located mainly in Colorado, cannot now be converted into oil at a commercial price and for this reason industry spokesmen pooh-poohed it as a possible national security reserve.

But they did not really answer the point Hart seemed to be making: the shale is there and if we knew how to convert it we could save a substantial amount of spending on new exploration for well oil. Why not allow much more imported oil into the country, save a few billion dollars a year and devote a portion of that to cracking the problem of making the shale convertible into oil at a competitive price?

Interior Secretary Walter J. Hickel has estimated it would cost $1 billion to achieve a research and development breakthrough on shale. But even if it cost five times that figure, it would still be equal to only a single year's added costs resulting from oil import barriers. The same argument goes for efforts to convert the Nation's massive coal reserves to oil and gas. The Interior Department is spending only $13 million this year on research on shale and coal liquefaction and gasification.

Hale and his chief economist, Dr. John Blair, also kept bringing up the problem of tax incentives to domestic exploration, and the industry never answered.

If the purpose of the whole system of tax breaks and import barriers is to provide U.S. companies with incentives to devote money to exploring for oil here, then why keep in existence tax benefits that encourage money to be diverted into overseas discovery?

About 25 per cent of depletion allowances claimed by U.S. companies covers overseas holdings. In addition, U.S. law permits oil companies to subtract—dollar for dollar—from their U.S. taxes any taxes paid to foreign governments.

Royalties can only be deducted from taxable income, but taxes can be taken directly off the tax bill in the full amount paid.

One apparent result is that a very high proportion of total charges to U.S. companies by foreign governments are classified as "taxes" by those governments, while a much smaller portion are called royalties.

Another unanswered question is just how much security the U.S. is actually buying. Nobody seemed to have any hard figures—worked out on a gallons a day basis for various activities—on how much oil the U.S. really needs to protect its welfare. Must it really be 80 per cent? Or could it be less?

Industry witnesses conceded that at present rates of discovery and increasing demand, the U.S. will be increasing its imports over the next generation anyhow. The inference of industry critics was obvious—why not increase them a little faster and save all that money by getting a bit more low cost foreign crude now?

The exact character of the national security problem was also a little vague. Wright of Humble appeared to concede at one point that it was not really possible to insist that domestic production remain high in order to plan for nuclear war.

That kind of situation would alter conditions so radically that normal calculations of oil need would probably be meaningless.

But then, Sen. Edward M. Kennedy (D-Mass.) indicated, it would be a whole new ball game. In anything short of an all-out war, he argued, at least some U.S. supplies from abroad would be available: from Canada, Venezuela and Caribbean nations, which now supply the U.S. with nearly all its imports; or from one of the many new producers whose desperate race for markets is flooding the world with oil and causing what appears to be a long-term downtrend in oil prices everywhere but in the United States.

The Hart hearings are now recessed and the dispute is moving to a new arena. In about a week and half, the Cabinet Committee on Oil Imports, headed by Labor Secretary George P. Schultz, will begin receiving documents arguing for and against the present import program. It is to come up with recommendations on the future of the program in six months.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will the call the roll.

The assistant legislative clerk pro- will call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2501—INTRODUCTION OF A BILL TO PROVIDE 50-CENT-PER-BUSHEL WHEAT EXPORT MARKETING CERTIFICATES

Mr. BURDICK. Mr. President, the parity price of wheat is now $2.76 a bushel, yet as an average, farmers received only $1.28 a bushel for cash wheat they sold last week.

In the past year prices paid by farmers for production supplies, interest, and taxes have gone up sharply. Yet wheat prices are lower than a year ago.

Clearly grain producers are suffering a severe cost-price squeeze. And it is getting worse, rather than better. It is for this reason that I am today introducing a bill to provide a 50-cent-per-bushel export certificate for the 1969 and 1970 crops of wheat.

Mr. President, cooperating wheat producers received a blend price for their 1968 wheat of approximately $1.80 a bushel—taking into account the domestic marketing certificate payments and market prices received. This is only 65 percent of parity—two-thirds of a fair price for wheat today with the cost of everything a farmer buys skyrocketing.

We should export 500 to 600 million bushels of wheat annually for the next several years. A 50-cent-a-bushel export marketing certificate would increase wheat producers' incomes $250 to $300 million at no additional administrative cost to the Government.

If such a wheat export marketing certificate were added to the present domestic wheat marketing certificates, producers should receive a blend price of about $2.20 a bushel for their 1969 and 1970 crops of wheat. Several years ago a blend price of $2.20 a bushel would have been considered a good price for wheat. However, farmers' costs have increased so rapidly in recent years that a blend price of $2.20 a bushel represents only 80 percent of parity for the 1969 and 1970 crops of wheat. Surely this is a very minimum price goal for the producers of this essential food.

Mr. President, North Dakota farmers harvested 213,867,000 bushels of wheat in 1968.

Assuming that 1969 and 1970 wheat crops in North Dakota approximate the average production of 1967 and 1968, we should obtain a crop of around 200 million bushels. If we assume that exports continue at approximately the same level as in the 1968–69 season, this would mean that about one-third or more of our production would qualify for the export certificate payment. Hence, the total additional income to North Dakota farmers would be something like $30 to $35 million, or even more if the export market improved.

Mr. President, grain farmers this year continue to be faced with the lowest returns in years, and the outlook for improvement is bleak. I believe Senators who are familiar with the conditions of our wheat producers will agree with me that they must have relief.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from North Dakota.

The bill (S. 2501) to provide for a 50-cent-per-bushel export marketing certificate on wheat for the 1969 and 1970 crops of wheat introduced by Mr. BURDICK, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 379c (a) of the Agricultural Act of 1938, as amended, is amended by striking out the fifth and sixth sentences and inserting in lieu thereof the following: "The Secretary shall also provide for the issuance of export marketing certificates to eligible producers for the portion of the wheat marketing allocation used for commercial exports, including exports under title I of the Agricultural Trade Development and Assistance Act of 1954."

SEC. 2. Section 379c (c) of such Act is amended by adding at the end thereof a new sentence as follows: "The face value per bushel of export marketing certificates issued to eligible producers shall be 50 cents per bushel."

SEC. 3. Section 107 of the Agricultural Act of 1949, as amended by Section 506 of the Food and Agriculture Act of 1965, is amended by adding at the end of paragraph (2) thereof a new sentence as follows: "The 50-cent-per-bushel export marketing certificate provided for under section 379 (c) of the Agricultural Adjustment Act of 1938, as amended, shall be in addition to any price support otherwise provided and shall be made available only to cooperators."

SEC. 4. The amendments made by this Act shall be effective with respect to the 1969 and 1970 crops of wheat.

ADJOURNMENT UNTIL MONDAY, JUNE 30, 1969

Mr. PROXMIRE. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and (at 3 o'clock and 40 minutes p.m.) the Senate adjourned until Monday, June 30, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 26, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Joseph A. Greenwald, of Illinois, a Foreign Service officer of class 1, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development.

U.S. CIRCUIT JUDGE

Ozell M. Trask, of Arizona, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347, approved June 18, 1968.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be captain

Abate, Claude W., O97226.
Abbott, Reginald S., OF109050.
Abrams, Creighton W., OF102394.
Adamick, Donald H., O99124.
Adams, Donald L., Jr., O97375.
Adams, John A., O97377.
Adams, Joseph F., III, OF117974.
Adams, Thomas L., Jr., OF114010.
Adkins, Fred, OF100123.
Ahrens, Alfred J., O98001.
Alderson, Kenneth M., OF110162.
Alexander, Franklin, O92872.
Alger, Terrence F., O98575.
Allan, William D., OF114013.
Allen, Glenn R., O97380.
Allen, Harold F., O98002.
Allen, Michael B., O98577.
Allen, Richard F., O98357.
Allen, William A., O95420.
Alling, Edward H., O96814.
Almaguer, Joseph A., O98578.
Amato, James D., OF110238.
Amlong, Thomas K., O98042.
Anastas, John M., O98003.
Andersen, Jerome R., O98579.
Anderson, Calvin M., OF103794.
Anderson, Carlton L., O98005.
Anderson, Don W., O97382.
Anderson, Edwin P., OF101182.
Anderson, Francis E., O95193.
Anderson, Lawrence, O98580.
Andre, David J., O98007.
Andrean, Charles M., OF104369.
Andree, Martin E., OF109057.
Andrews, Darlington, O96817.
Andrews, Eugene S., O95423.
Andrews, James H., O97383.
Andrews, John W., OF114014.
Andrews, William R., O98358.
Angle, Thomas L., O97384.
Anglin, John I., 3d, OF110166.
Applebaum, Lawrence, O92878.
Arbogast, Gordon W., O98581.
Archibald, Robert C., O96819.
Armogida, James A., O98582.
Armstrong, David B., OF102400.
Armstrong, Donald G., O98583.
Armstrong, Lester F., O98360.
Asbury, David L., O95425.
Asbury, Lloyd T., O98584.
Asmuth, George W., OF109848.
Atkinson, Thomas J., OF113534.
Aufdemberge, Robert, O98013.
Aune, Lawrence E., OF103360.
Babb, Lawrence R., OF106488.
Baer, James T., OF102401.
Bagby, Durwood R., O98585.
Bahm, John F., Jr., OF106490.
Bailey, Willard E., OF118930.
Baker, Alfred W., O98014.
Baker, Carter G., O98363.
Baker, Richard C., OF114019.
Baker, Robert F., O96302.
Baker, Robert J., OF109063.
Baker, Ronald B., O96309.
Baker, Ronald W., O93397.
Baker, Wardell G., OF105609.
Balady, Salim J., O98349.
Ball, Elwyn J. Jr., O96565.
Ballantyne, Nathanial, OF108103.
Ballard, Clark T., O98586.
Banks, Edgar, Jr., O98587.
Barber, Duane D., O97386.
Barnard, David A., OF109065.
Barnett, Ronald V., O96821.
Barrera, Fabricio, OF102806.
Barrington, Jerald, OF114737.
Barron, Max R., O98588.
Barron, Nicholas, O98365.
Barron, Robert C., OF114547.
Barron, William M., O98366.
Barry, Michael J., O98589.
Bartee, William F., O97400.
Bartlett, Leroy, O96859.
Barylak, Bohdan A., O95431.
Bassett, Byron E., O98590.
Bassett, Sterling P., O98368.
Battey, Bruce T., OF106052.
Baucum, William N., O98591.
Bauer, Frank L., O98369.
Baumann, Bruce W., O98018.
Baumgarten, John R., OF104372.
Beach, Karl L., O98592.
Beall, Raymond F., O97085.
Bean, Roger K., O96566.
Beatty, Norman E., O98593.
Beauford, Richard E., O96313.
Beck, Joseph W., O92912.
Becker, Edward G., OF102811.
Becker, James W., O97392.
Beckett, George T., O97393.
Beddingfield, Robert, OF110178.
Beeman, Joseph R., OF117136.
Beerthuis, Mark A., OF110179.
Belcher, Bill G., OF102138.
Belke, Richard A., O99790.
Bell, Charles L., OF113145.
Bell, Clarence D., Jr., O98020.
Bell, David A., OF113542.
Bell, Jerry L., OF116610.
Bellamy, Mark L., OF110180.
Benning, Robert M., OF109514.
Bentson, Peter M., O98595.
Benware, Marshall G., O97398.
Berg, Earl E., OF113544.
Betaque, Norman E., O98598.
Bezner, Robert Z., O98372.
Biddinger, Dennis C., OF106500.
Bidorini, Edward K., OF100433.
Biegler, Duane R. J., OF100239.
Biggs, Henry D., O92939.
Binns, Harvey L., III, OF109861.
Bishop, Alexius O., O98022.
Bisio, Carl A., O97402.
Bitter, David D., O98023.
Black, John R., O99132.
Black, Wendell W., O96320.
Blackgrove, Joseph, O98600.
Blackwell, Eugene B., O98601.
Blahnik, David G., OF113146.
Blalock, Darrell N., OF117544.
Blase, James W., O96322.
Bleam, William D., O98024.
Blevins, Andrew, O98025.
Blouin, James O., Jr., O93151.
Blue, James R., OF105627.
Bobbitt, John F., OF113548.
Bode, Donald D., Jr., O98376.
Boehlke, Robert J., O98603.
Boice, William M., O98604.
Bolen, William S., O97088.
Bolling, George H., OF113550.
Bolt, William J., OF105629.
Bond, Gregg S., OF106505.
Borden, Donald F., O97413.
Bosma, Phillip H., O98606.
Bossio, Donald J., OF117137.
Boudreaux, John S., O96824.
Bouley, Eugene E., Jr., OF110606.
Bourne, Robert R., OF106063.
Bouton, David A., O97058.
Bowersox, Gary W., OF106506.
Bowes, Robert S., III, O98607.
Bowles, Dallas L., O98379.
Boyce, Harry L., OF106507.
Boyd, Wayne C., OF109048.
Boyer, John F., Jr., OF113149.
Boyett, Warren G., OF113555.
Bradford, James C., OF104155.
Bradford, John D., O99134.
Bradshaw, James D., OF109865.
Brady, Edward C., O98609.
Brady, Noel P., OF117324.
Brandenburg, Andrew, OF110965.
Brandon, Lawson W., O98027.
Brant, Arthur S., O98028.
Brendle, Thomas M., O98610.
Brennan, Thomas R., O98611.
Bridwell, Charles E., OF106513.
Briggs, Donald T., OF101181.
Briggs, Joseph, O97419.
Brinkley, Harley L., O99137.
Broadwater, Terry W., OF102823.
Brodie, Craig E., O97421.
Brokovich, Michael, O98383.
Brooks, Joseph H., OF101199.
Brookshire, Carl W., O99138.
Brookshire, Robert, O95450.
Brothers, Donley W., OF105635.
Broussard, Allen, O98384.
Brown, Edward, Jr., O95451.
Brown, Elwyn L., O98029.
Brown, Gerald M., O98350.
Brown, Henry T., OF117983.
Brown, James L., OF109083.
Brown, Jerry H., OF109084.
Brown, Jesse E., OF114038.
Brown, Kenneth N., O95458.
Brown, Martin A., III, O92537.
Brown, Noel A., O98614.
Brown, Oren R., Jr., OF117140.
Brown, Ralph P., O98615.
Brown, Robert E., Jr., O98616.
Brown, Robert L., O96826.
Brown, Russell D., O97425.
Brown, William R., Jr., O98617.
Bruce, Robert, O98619.
Brunner, Harry J., Jr., O97860.
Brunson, Jackie L., OF108125.
Bryant, Thomas, O98386.
Bryson, Edward B., Jr., O96334.
Buchheim, Steven O., O98620.
Buffardi, Louis N., O98038.
Bujakowski, Thomas, O97091.
Bulger, John P., OF103805.
Bunting, Josiah, III, O98040.
Burdett, John C., OF100424.
Burge, Marvin E., OF109088.
Burke, Peter P., O98387.
Burns, Frank L., O94225.
Burroughs, Bruce G., OF106071.
Busic, Len T., OF110193.
Butler, Alvin L., O98041.
Butler, Arthur H., OF109875.
Butler, Dennis F., OF110622.
Butler, Gary W., O96827.
Butts, Melvin A., O97433.
Byard, Danny R., OF114043.
Byard, Johnny R., O99141.
Byerley, Byron E., OF106531.
Byrne, Donald G., O98622.
Byrnes, James B., O97093.
Byrns, John W., O98623.
Caldwell, Harold E., O98624.
Caldwell, Marion L., O98043.
Campbell, Paul M., OF117144.
Campbell, William H., OF114377.
Cannaliato, Vincent, O97437.
Cannan, Patrick F., O97094.
Cannon, Hoyt E., Jr., O98388.
Capps, Larry R., O98625.
Carey, Roland, O98389.
Carey, Spencer V., OF104386.
Cargile, Eugene D., O98626.
Carlile, Thomas R., O98044.
Carlisle, Richard D., OF105642.
Carlock, William C., O99620.
Carlson, Robert L., O97440.
Carlton, Charles A., OF100870.
Carmack, Douglas W., O96339.
Carmignani, Anthony, OF110199.

Carney, Thomas P., O98627.
Carns, Edwin H. J., Jr., O98628.
Carr, Peter H., O97443.
Carroll, Bartlett J., O98063.
Cartland, John C., Jr., O97446.
Casey, Thomas E., O98629.
Castle, Eugene H., Jr., O96570.
Castleberry, Pierce, O98390.
Caver, Troy V., O92640.
Cawley, Thomas J., O98047.
Caylor, Eugene H., O97447.
Caywood, James R., O98630.
Chadbourne, William, OF104391.
Chambers, James E., O98392.
Channon, James B., O96829.
Chaplin, Robert D., O96830.
Chapman, Alan A., O98631.
Chapman, Michael G., OF103809.
Charles, Doran W., O99144.
Chase, Jack S., O98632.
Chatfield, James M., OF100248.
Cheal, Arnold E., O99145.
Chester, James T., Jr., O97452.
Chickedantz, Carl E., O98633.
Chineniello, John L., OF106548.
Chinen, Paul Y., O97453.
Chinn, Mitchell E., O95139.
Chirico Carl F., Jr., O96832.
Chrisman, Ronald G., O98635.
Christensen, Allen, O98636.
Christenson, Robert, OF109094.
Christian, Donnie G., OF101804.
Christian, Stephen O., 98393.
Church, Douglas R., OF109534.
Clark, Paul C., Jr., OF106079.
Clarke, Warren E., O97458.
Clary, Jim H., OF113157.
Clary, Joe K., O96346.
Clay, Michael A., O98639.
Clearwater, Robert, OF114052.
Clement, James F., O97459.
Clifford, David M., O98052.
Clinton, Roy J., O98640.
Cobb, Tyrus W., OF109096.
Cochran, Larry W., O98396.
Coe, Gary Q., O98641.
Coker, Fletcher C., OF105359.
Colavita, Henry J., O99147.
Colby, Edward L., OF117898.
Cole, David L., O98642.
Cole, Richard B., O98643.
Coleman, John L., O96631.
Coleman, Robert P., OF109098.
Coleman, Ronald A., OF102437.
Coley, John H., III, O99148.
Coll, Thomas J., OF108137.
Collar, Roy A., OF113159.
Collar, William D., OF105360.
Collier, Emory C., OF109099.
Collins, George G., O99301.
Collins, Jon D., O98397.
Collins, Raymond E., OF109100.
Collins, William A., OF104400.
Comee, William C., Jr., O98398.
Coniglio, James V., OF114383.
Conlon, Arthur F., O98645.
Conn, Samuel H., Jr., O96835.
Conner, Leroy E., Jr., OF113588.
Conrad, Donald H., O98646.
Cook, Alan W., O98051.
Cook, Lyndol L., O98647.
Cook, Robert L., O97463.
Cooke, William J., Jr., O98648.
Coomer, William O., O98649.
Coonfield, Derrill, O98059.
Cooper, David E. K., O98400.
Coppens, John P., OF114056.
Corbin, Richard C., OF112976.
Cornfoot, James L., O98650.
Corso, Richard J., OF110215.
Cote, Albert H., Jr., OF106084.
Coulson, Robert T., O98651.
Counts, Edward T., OF114390.
Counts, John E., O98652.
Covault, Marvin L., OF103817.
Cowan, Charles E., Jr., OF103818.
Cowan, William F., Jr., OF110217.
Cowgill, Parker J., O98653.
Cozanitis, Eleas A., OF110638.
Crackel, Theodore J., OF114567.
Craddock, Ollie C., OF101034.
Crask, Garnett E., OF106557.
Crawford, Walter K., O96350.
Creasy, Joseph L., O98062.
Creeden, Cornelius, OF109108.
Crews, Norman A., OF101117.
Crissman, Robert S., OF114059.
Crocker, David L., O97471.
Crone, George R., OF105256.
Crume, Thomas E., O95258.
Crumpton, Alfred T., OF116629.
Crysler, John D., O97473.
Csoka, Kalman, Jr., O95490.
Cullum, Bobbie J., OF102166.
Cummings, Frederick, O98655.
Cunis, Charles L., O97476.
Cunningham, Alden M., O98656.
Cunningham, Frank, O98066.
Cunningham, Michael, O98657.
Cunningham, Richard, OF108144.
Curry, James T., OF109112.
Curtis, Charles C., O98658.
Curtis, Myron F., OF106089.
Cutler, Richard A., O98065.
Czajkowski, Lawrence E., O98100.
Dahoney, Richard H., OF102445.
Dailey, John N., OF114569.
Dales, Bertram B., O97477.
Dalia, Jeffrey L., O98659.
Dallow, Richard S., O97478.
Dalziel, Dean A., O93265.
D'Ambrogio, William J., O93220.
Danielsen, Vernon M., O95492.
Dann, Thomas C., OF105653.
Danzeiser, David A., O96839.
Dasher, Marcus, Jr., O98405.
Date, Kenneth K., OF103590.
David, James R., O98067.
Davidson, Edward L., O98407.
Davidson, Joe W., O99152.
Davidson, Sam R., O98662.
Davis, Harley C., O98068.
Davis, Jack S., Jr., O98663.
Davis, James L., Jr., O98069.
Davis, Larry L., O97484.
Davis, Robert J., O98664.
Davis, William I., OF102170.
Day, Doel D., O99113.
DeGraff, George C., O98665.
DeMaret, Will E., O98666.
DeMey, John, OF106567.
DeVore, Matthew, OF113604.
DeWire, James E., O98668.
Degiulio, Anthony P., O96841.
Demarest, Alfred A., O98072.
Demchuk, Daniel, O98669.
Denmon, James L., O98073.
Dervaes, Arthur S., OF105657.
DesReis, Richard W., O97492.
Desrochers, George, OF110228.
Detrio, Richard, OF106097.
Devine, Frank E., OF106470.
Deweese, Charles E., OF117746.
Di Eduardo, Joseph, OF103820.
Dick, William H., O92968.
Dickey, James S., O98670.
Dickison, Daniel R., O95503.
Dieck, Peter F., OF113167.
Diehl, Richard P., O99153.
Dillard, Leonard A., OF108150.
Dillow, Tommy R., O95504.
Dinger, Raymond L., OF105128.
Dinniman, James I., OF110653.
Dippman, James C., O97737.
Dittamo, Hector T., O92853.
Dixon, James E., O97494.
Dobson, Charles T., OF117161.
Dodge, Ira D. III, O98076.
Dolan, David A., O93252.
Dolighan, Thomas A., O98673.
Donchez, Alan L., O98408.
Donnell, Victor L., O98409.
Donohue, John T., OF104410.
Donovan, Robert E., O98674.
Donovan, Timothy H., OF108153.
Dorf, Robert A., OF110230.
Dorland, John H., O98675.
Dorr, Guy E., O95507.
Dortch, John D., OF103821.
Doss, Allan W., O97499.
Douglas, Fred R., Jr., O98676.
Douglas, Robert E., OF105377.
Dowling, Dean E., O98677.
Downey, Walter D., Jr., O98678.
Doyle, Edward J., OF108154.
Drain, Robert W., O98679.
Draper, Shirley W., O96366.
Drees, Donald B., O97502.
Drewfs, Ralph M., O98680.
Drewry, Arthur C., Jr., O98681.
Drexler, Michael M., OF106576.
Duberstein, George, OF117748.
Duncan, James L., OF103822.
Duncan, Wendell J., O97773.
Dunn, John A., O98682.
Dunn, Thomas D., Jr., OF106582.
Dupre, Charles C., OF106473.
Durand, Ernest R., OF113607.
Durham, George E., OF105381.
Dusenbury, Donald S., O98683.
Dutczak, Edward R., OF114577.
Duzenski, Thadeus A., O99827.
Dwyer, John A., O98684.
Earnest, Olen L., O98686.
Easum, Thomas P., Jr., OF101042.
Eaves, Maynard D., OF109119.
Ebersole, Richard A., OF109549.
Eberts, Miles M., O98687.
Eck, Carleton L., OF106104.
Eckert, Richard E., O98688.
Eckhardt, William G., O97836.
Eden, Charles K., O96844.
Edgar, Mallory F., OF109120.
Edge, Liston L., OF102860.
Edgeworth, Charles, O96369.
Edwards, Michael L., OF110966.
Edwards, William J., OF102861.
Edwards, William W., OF113173.
Ehrenberg, Rudolph, O98690.
Eichorst, Bradley D., O98691.
Eifried, Gary, O98081.
Ellerson, Geoffrey, O98692.
Ellerson, John C., O98693.
Elliott, Dick D., Jr., O99159.
Elliott, Don A., OF102862.
Elliott, Thomas L., OF113612.
Ellis, Bruce H., Jr., O98694.
Ellis, Claude, Jr., OF117167.
Ellis, Joseph T., OF113174.
Ellis, Ronan I., OF110235.
Emerick, Michael L., O98696.
Emrath, John P., O98083.
English, Edward B., O97511.
Englund, Douglas M., O96847.
Entlich, Richard E., O98697.
Ernest, Marion D., OF101947.
Esposito, Anthony L., OF102459.
Esposito, Curtis V., O98698.
Esposito, Xavier A., OF113176.
Estes, James H., O99837.
Evans, Donald D., O98159.
Fairbank, Leigh C., O98699.
Fallin, James E., OF109045.
Farrington, Reed M., O98700.
Farris, Ivan R., O98701.
Fedorochko, William, O96851.
Felker, Timothy L., OF109123.
Felton, Richard O., OF109910.
Fenwick, Victor J., O98086.
Fernandes, Alfredo O., O96654.
Fernandes, Vincent, O97517.
Fero, Richard S., O95518.
Fesmire, John A., OF105669.
Fields, James E., O9718.
Fields, Joyce F., OF103262.
Filion, Joffre W., OF106595.
Fink, Kenneth L., OF109913.
Finley, Dennis K., OF105170.
Fisher, Bernard T., OF113180.
Fisher, Edward C., OF109125.
Fisher, Johnnie W., OF113622.
Fitzenz, David G., OF106596.
Fitzpatrick, Henry, O98419.
Fivian, James A., O95282.
Flebotte, Paul R., OF102114.
Fleming, Paul A., OF117993.
Fletcher, William F., OF110678.
Fletter, Wolfgang A., O98702.
Florreich, James H., O95481.
Flynn, Michael J., O98087.
Fogle, Philip R., O98421.
Foley, Robert F., O98703.
Folson, Spencer A., O98704.
Fonner, David W., OF109916.

Fontaine, Roland G., OF109047.
Ford, John N., O98705.
Forest, Ronald P., OF106600.
Forster, Michael R., O97529.
Forsythe, Thomas K., O98706.
Forte, David L., OF102184.
Fosbrook, Geoffrey, O96582.
Foster, James H., Jr., O98422.
Foster, Nathaniel W., OF109555.
Fowler, Britton L., OF106471.
Francis, Joseph J., O99842.
Franks, Gregory J., O97532.
Frasche, Robert M., O98092.
Frazier, Robert D., OF114409.
Freck, William B., O97541.
Frederick, Jonathan, O98423.
Freeman, Eldon V., OF106112.
Freitag, Merle, OF118933.
French, Stephen H., O97533.
Frey, Martin C., O98098.
Frichette, Peter E., OF105397.
Fried, Page G., III, O98094.
Froehle, Harold A., O98424.
Fry, Ronald A., O97535.
Fuller, George D., O98707.
Fulmer, Frank E., O98096.
Fulton, Larry B., O97536.
Funk, Paul E., OF110684.
Furlow, Jewel L., Jr., O97537.
Furtado, William J., OF105208.
Gabelmann, James F., O99847.
Gaddis, Joseph T., OF108174.
Gaither, Thomas D., O96379.
Gallagher, John R., O97538.
Gallagher, Richard, O98708.
Gallagher, Thomas F., O98709.
Galle, Joe F., O98710.
Gandy, Jack R., OF109128.
Gannon, David L., OF113630.
Gantzler, Fred E., Jr., O98711.
Gardner, David M., OF109129.
Grabner, William J., O98725 .
Garland, Robert L., OF105402.
Garven, Jack T., Jr., OF106611.
Garvey, Dale M., Jr., O98712.
Garvin, Richard F., O93376.
Gary, Harley J., O98427.
Gasca, Joseph S., O97542.
Gaston, Joseph R., O97120.
Gately, Bernard F., OF105675.
Gavin, Laurence W., O98429.
Geary, Michael B., O95532.
Geeck, Philip F., O96583.
Gehring, Carl H., O97545.
Geisewite, Charles, OF108176.
Genetti, Albert J., O98713.
George, Chalmer D., O98295.
George, Michael S., O98061.
George, William H., O98714.
Getchell, John V., OF113189.
Gibbs, Frank C., III, O98715.
Gibbs, Terrence H., OF110255.
Gibson, William M., O97062.
Gideon, Wendell R., O98716.
Giffin, John G., OF104213.
Gilbert, Jack D., OF114086.
Gilbert, Michael V., O98717.
Gilbert, Ralph W., Jr., O96856.
Giles, Raymond C., OF106118.
Gillespie, Clarke M., O96386.
Ginsburg, Norman I., OF102882.
Girouard, Robert H., O97548.
Gittinger, Theodore, O96387.
Gladfelter, Douglas, O98718.
Glantz, David M., O98104.
Glasscock, James A., OF109135.
Gleim, Albert F., OF199136.
Glidden, Ronald C., O95536.
Godfrey, Thomas G., O98105.
Godwin, Edward A., O95537.
Goetz, Robert C., O98106.
Goff, Robert C., OF116567.
Gogolkiewicz, Richard, OF103524.
Gold, John E., Jr., O97738.
Goldberg, Sherwood, O98108.
Goldsmith, Richard, O98719.
Gonsalves, George, OF106621.
Goodrich, Thomas B., O95539.
Goodridge, Clair L., O98109.
Goodwin, Bobby A., O98436.
Goodwin, Warden W., OF105921.
Goorley, John T., O98721.
Gorcys, Gregory N., O93438.
Gorder, Charles W., O95540.
Gordon, Charles L., O96587.
Gordon, Henry, O98437.
Gordon, Richard M., O96860.
Gosnell, Robert A., O98438.
Gothreau, Andrew F., O98723.
Grabner, William J., O98725.
Grady, Bernard E., O99166.
Graham, Allan D., OF114251.
Graham, Thomas A., O97655.
Grammas, George N., OF101286.
Grant, Melvin L., OF113194.
Grasseschi, Thomas, O96862.
Graves, Billy D., O99168.
Gray, Beltron E., O96863.
Gray, Clyde E., II, OF102475.
Gray, Jan M., O97432.
Green, James A., III, O98727.
Green, Fred K., O97558.
Green, Joe W., OF113644.
Greene, Mervin W., OF117177.
Greer, Robert H., OF102477.
Greer, Robert W., OF105962.
Gregor, Leonard C., O98728.
Grev, Ellsworth C., O96864.
Grier, Tommy F., Jr., OF105685.
Griffin, Donald K., O98730.
Griffin, Thomas H., O98731.
Griffith, Edward W., O97562.
Grimsley, Turner E., O98118.
Grizio, Myron E., OF110264.
Grochowski, Gerald, O97066.
Grogan, Timothy J., O98734.
Groover, Roland R., OF 110701.
Groves, William C., OF113645.
Guenther, Fredric L., OF104434.
Guenther, Otto J., OF106636.
Guest, Robert K., O98440.
Guilhaus, Howard H., O98736.
Guillen, Luis E., Jr., OF102481.
Gunn, Walter E., O99170.
Gurecki, John J., Jr., O98121.
Gustafson, Melvyn D., O98122.
Guthrie, Richard P., O98737.
Hacker, Gary L., O98123.
Hadaway, Bobby G., O97126.
Haertle, William R., OF114095.
Haggard, Robert D., OF104276.
Hagman, J. Michael, O98124.
Hahn, Donald F., OF106638.
Hahn, Richard O., OF106127.
Haight, Jonathan D., O97565.
Hailey, John F., OF102896.
Haines, Charles O., OF101173.
Halgus, Joseph D., O98740.
Hall, Francis G., Jr., O98741.
Hall, Garrett S., O98742.
Hall, Robert C., O98125.
Halloran, William D., O97567.
Hamilton, Woodbury, O97569.
Hamm, Michael R., O98126.
Hammock, Millard E., OF102312.
Handcox, Robert C., O98745.
Hannigan, James R., O98746.
Hanson, Charles T., O98129.
Hanson, John R., II, O93503.
Hanson, Russell V., O98747.
Hardt, Jerome D., O98131.
Hargus, Herschell H., O93519.
Harrell, Richard F., OF104565.
Harriman, Charles T., OF102901.
Harris, Dalrymple M., O96779.
Harris, Donald W., O95709.
Harris, Howard L., O97573.
Harrison, Jerry C., O98750.
Hart, Stacy L., O99175.
Hartjen, Raymond C., O99176.
Hartman, Charles D., O98751.
Harvey, Joe B., OF103702.
Harvey, John R., O98134.
Haslemann, Walter, OF103842.
Hasse, Leonard, Jr., O97576.
Hatmaker, Ray G., OF103678.
Hatten, Larry P., O98447.
Haubrich, Robert W., OF113660.
Hawkins, William C., O98752.
Hayes, Ralph L., O97063.
Haynes, Howard R., OF109940.
Haywood, Charles E., O99179.
Hazen, David W., OF106646.
Hazen, Donald E., OF113663.
Heard, Allen B., OF110717.
Heard, Jerry D., OF114594.
Heiden, Heidi B., O98753.
Heilig, Donald M., OF105422.
Heim, Bruce K., O98754.
Heird, Joe J., OF110719.
Heller, Stephen M., O95555.
Helmlinger, John A., OF105697.
Helvey, Robert L., O95281.
Henderson, Donald D., OF113669.
Henderson, Donnie W., OF108197.
Hendriks, Warren K., O98138.
Hennies, Clyde A., OF116571.
Henning, Paul H III, O98756.
Henry, James J., O96402.
Henry, Terence M., OF109160.
Herold, John M., OF106650.
Herrick, Thomas M., OF114109.
Hess, Hunter C., O96868.
Hess, Walter A., O97581.
Hickman, Jerold W., OF117188.
Hicks, Harold J., OF106652.
Hicks, Larry W., O98449.
Higdon, Thomas E., OF108198.
Higgins, Richard G., O98758.
Highlander, Richard, O97582.
Hightower, Dennis F., O96406.
Hildebrandt, John E., O96870.
Hill, Edward F., O98759.
Hill, Thomas F., O96564.
Hineman, Phillip D., O99871.
Hinkle, Donald E., OF102914.
Hirte, Douglas J., O97584.
Hitchcock, Gary, O98139.
Hix, William M., OF109949.
Hobbs, Charles E., O97826.
Hobbs, Thomas W., OF113673.
Hodsdon, Dennis K., OF109163.
Hoebeke, Terrell A., O98141.
Holbrook, Rudy H., OF117193.
Holdsworth, John W., O97587.
Holland, Guy H. II, OF113100.
Holland, Homer J., O98762.
Holland, Robert L., OF105328.
Hollander, Kenneth O98763.
Holman, Gerald F., OF113205.
Holmes, Larry L., O99875.
Holowka, Thomas J., O97590.
Holterman, Gordon C., O98764.
Holtry, Anthony K., O98451.
Holtry, Preston W., O98145.
Homan, Richard P., O98146.
Honaker, Errol K., O96411.
Hood, Harvey R., III, OF109571.
Hooper, Lynn C., OF106140.
Hoover, Glenn D., Jr., O98452.
Horvath, Leroy L., O97591.
Hotman, Clyde W., Jr., O98765.
Hovey, Roy A., OF102724.
Howard, Ralph E., O98453.
Howard William A., OF100289.
Howe, Kenneth A., Jr., OF109830.
Howe, Michael B., OF106658.
Howell, Milton L., Jr., OF109168.
Howerton, William R., OF101141.
Howlett, Jack R., O97516.
Hudgens, George T., O98454.
Hudson, Daniel L., OF109169.
Hudson, McKinley, O99184.
Hudson, Ronald B., O98766.
Huggins, Ansel L., Jr., OF103248.
Humphrey, James T., OF106472.
Hunt, George E., OF110285.
Hunter, James L., Jr., OF110737.
Hunter, Paul C., O94402.
Huntsberry, Henry C., OF108207.
Hurst, Bobby R., O99186.
Hurst, Lawrence, O95512.
Hurt, Rodney E., OF109171.
Hurwitz, Martin R., OF117569.
Hustead, Stephen C., O98768.
Hutcherson, Nickey, OF113682.
Hylan, Bruce H., OF106660.
Ibanez, Armando R., O98456.
Indreland, Richard, OF106661.
Ingram, Lionel R., Jr., O98769.
Inman, David P., OF109172.
Ippolito, Peter J., O98151.
Irving, Robert J., O96375.
Isaacson, Harold G., OF103994.
Isbell, Ernest L., OF114120.
Ischinger, Martin M., O98770.
Iwasaki, Robert H., O98458.
Jackson, Daniel J., O97599.
Jackson, David S., O98771.

Jacobs, Ronald R., O97600.
Jagielski, James R., OF104455.
James, Paul E., O95572.
James, Richard D., O98773.
Janelle, Gerald F., O97601.
January, Michael O., O97602.
Jarrett, Garnett L., OF105441.
Jaworowski, Joseph, O98775.
Jay, James R., O98459.
Jeffress, Charles E., O96872.
Jeffrey, Jerry R., OF109176.
Jellison, Robert J., OF118006.
Jenison, Raymond L., O98776.
Jenkins, Kenneth E., O98155.
Jenks, Michael M., 098777.
Jensen, Craig L., O98461.
Jessem, Otto W., O98157.
Johnson, Andrew J., O95440.
Johnson, Bruce P., OF109179.
Johnson, Claude W., OF113693.
Johnson, Dennis M., O97606.
Johnson, Donald L., OF117202.
Johnson, Douglas V., O98778.
Johnson, Harry B., O95576.
Johnson, John C., OF113697.
Johnson, Raiman K., OF109576.
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Johnson, William P., OF105716.
Johnston, Eugene J., OF109960.
Johnston, Fredrick, O98465.
Johnston, Reynold A., O98779.
Jones, Alan F., O98780.
Jones, Bobby A., O96418.
Jones, Bradley K., O98781.
Jones, James A., Jr., O98782.
Jones, Jesse F., III, OF114606.
Jones, Lavert W., OF109181.
Jones, Lee M., OF104451.
Jones, Matthew J., Jr., O95580.
Jones, Thomas A., O96873.
Jones, Thomas M., O95581.
Jones, Tommy M., O99188.
Jones, Wendell O., O96874.
Jordan, Kenneth M., O98160.
Joyner, James L., O96875.
Juergens, William A., O96876.
Justice, Larry L., O97140.
Justis, James C., O99189.
Kaiser, Jan L., OF109578.
Kalloch, Ronald, OF103180.
Kampf, Michael E., OF100729.
Kane, Philip C., OF117385.
Kapelka, Stephen R. O94230.
Kaplan, Harvey W., OF114128.
Kaplowitz, Daniel D., O97614.
Kaprielian, Edward, OF109184.
Karoly, Frank J., O98783.
Karr, Thomas W., O98784.
Kauza, John J., Jr., O98785.
Kay, Bruce F., OF110751.
Kearney, Willard P., OF117768.
Keaveney Michael W., O98786.
Kee, Lawrence L., OF114608.
Keefer, Marvin E., OF114433.
Keene, Kenneth P., OF109966.
Keisling, Harold G., O96422.
Keller, Kenneth F., O96877.
Keller, Paul D., OF106677.
Kelley, Ersking H., OF104463.
Kelley, Lawrence O., OF103860.
Kelley, Troy K., OF109188.
Kelley, William T., O98787.
Kelly, Colin P. III, O98788.
Kelly, Edward F., O97064.
Kelly, Lary G., OF106680.
Kelly, Peter M. III, O98790.
Kelly, Thomas J., O98791.
Kem, Howard E., OF103636.
Kempster, John E., OF106682.
Kennedy, John P., OF117387.
Kent, George C., OF110301.
Keough, Francis P., OF114130.
Keys, James W., OF101828.
Kilkenny, John M., OF106154.
Kimball, Gerald W., OF106155.
Kimball, John A., Jr., OF110754.
Kincaid, James G., OF104467.
Kindred, Jon D., O98165.
King, David OF106687.
King, Delbert G., OF117390.
King, Donald H., OF108224.
King, Earle E., Jr., OF102942.
King, Joseph S., OF113221.
Kinsey, Charles H., O98795.
Kinsley, William A., OF106689.
Kirby, Wilford R., OF103864.
Kirkland, Joseph M., O98474.
Klein, Frank W., Jr., O98476.
Knickerbocker, Ray OF105721.
Knowlton, David W., O98796.
Knox, Allen N., OF109583.
Kochaniewicz, Thomas J., O97624.
Kocsis, John T., OF105724.
Koenigsbauer, Herbert OF106335.
Koepp, David R., O98478.
Koestring, Alvin L., O97625.
Koors, Glenn, J. F., OF114137.
Kopcsak, Arpad A., Jr., O99195.
Kopf, James C., O97628.
Kosevich, Richard S., O98797.
Kowalewski, Daniel OF110759.
Krannawitter, James O98173.
Kreidler, Robert F., OF105255.
Kress, James P., O98479.
Kretschmar, David A., OF106006.
Krinsky, Richard P., OF110309.
Krizman, Ronald A., OF110760.
Krohn, John H. E., OF117573.
Krumholz, Harvey R., OF103401.
Kubek, Donald R., O98177.
Kuhl, Herbert D., O96595.
Kupiszewski, Robert OF103753.
Kurka, George J., Jr., O96596.
La Boa Guy A. J., O95499.
La Freniere, Richard OF105457.
La Greca, John S., O99196.
Lacey, William J., Jr., 97632.
Ladd, Richard B., O96880.
Lamb, James D., OF104471.
Lamm, Carol L., O97634.
Lamont, James M., O97065.
Lanahan, George W., O98182.
Landin, Robert F., OF105459.
Landis, Harry L., OF102950.
Laney, John T. III, OF100854.
Lang, Charles V., O97635.
Lang, Stephen A., O98800.
Langston, Guy A., OF105460.
Lanham, Clifford W., OF110314.
Lapointe, Claude J., O97636.
Larochelle, Russell, O97637.
Larson, Eugene J., OF110316.
Larson, James W., O95736.
Larson, Stuart A., OF117394.
Lawhon, Howard H., O98184.
Lawn, Michael, J., Jr., O98801.
Lawson, Edward J., Jr., OF102954.
Leach, Dennis A., O98802.
Ledford, Larry G., OF113734.
Lee, Edward M., Jr., O98803.
Lee, William III, OF109205.
Leide, John A., OF106274.
Leideritz, James D., O98485.
Lengyel, Joseph W., O98804.
Leonard, George R., O98487.
Lewis, Edgar C., Jr., OF106174.
Lewis, Harry C., Jr., OF106699.
Lewis, Joe A., O98492.
Lewsen, Robert F., O98807.
Liberti, Joseph C., O98190.
Liles, Robert D., Jr., OF114616.
Lind, Gary C., OF106175.
Lindorfer, John H., OF100749.
Lindsay, Larry A., O95587.
Lindsay, Robert S., OF104143.
Lipka, Gerald, OF105468.
Lippincott, William R., Jr., OF102781.
Lister, Paul R., O98494.
Little, Douglas W., O98495.
Little, John H., O98191.
Little, William W., O98808.
Lively, Charles W., OF105738.
Lloyd, James W., O96433.
Lobingier, John H., O99907.
Lodden, George I., O98809.
Long, George L., O99203.
Long, George M., O106282.
Long, James B., OF105740.
Long, Wendell, O99205.
Lord, Fred E., OF108386.
Lovejoy, William C., OF102217.
Lovgren, Paul W., O95606.
Lowrie, Michael A., O99206.
Lucas, Kenneth W., OF102538.
Lucy, Daniel H., OF110790.
Lujan, Armando, O98810.
Lundin, Jon E., O98811.
Lutz, Ward A., O98812.
Lutz, William G., O98813.
Lyles, Robert E., OF118948.
Lynch, Harold D., OF117848.
Lynn, Larry D., OF113745.
Lyon, Kenneth S., OF105745.
Mabardy, David M., O98814.
Mabry, Joseph M., OF114149.
Mace, James E., O98342.
Maceyka, Edward A., O94666.
Mack, Victor A., O98197.
Mackey, David R., O98198.
Maddox, Raymond N., OF102897.
Maddry, Ted R., 114772.
Mahalik, Paul D., OF102336.
Maimbourg, Eddie L., OF105748.
Majewski, Francis E., O94691.
Major, James S., O98500.
Mallard, Richard L., O97657.
Mallion, Richard J., O94693.
Mallison, Thomas C., O98815.
Malone, Richard F., OF109215.
Mandeville, Craig H., O97659.
Mann, Carl A., O97069.
Mann, Richard G., OF110332.
Mann, Robert E., O98501.
Manning, James G., Jr., O98502.
Manning, Robert, Jr., OF114621.
Manning, Roger D., O98816.
Mansi, Leo J., Jr., O98200.
Marchand, Gary J., O98817.
Mari, Louis A., O98818.
Markbreiter, Jeffrey, OF109218.
Marlow, Willard E., O98503.
Marrs, Glenn R., O98820.
Marshall, Edgar A., OF109219.
Martin, Gerald A., O98203.
Martin, Montez C. R., O97663.
Marty, Fred F., O97665.
Mason, William B., Jr., OF104492.
Mataranglo, Francis, O98821.
Mathews, Paul H., Jr., O99208.
Matson, Donald F., Jr., OF106003.
Matteson, Richard J., O98822.
Maxwell, Paul F., O98823.
Maybee, Joseph W., OF103711.
Mayer, Haldane R., O98824.
McAllister, William, OF117778.
McBride, Hugh M., OF106180.
McBroom, Billy W., O92520.
McCarver, James M., O98826.
McCaskill, Horace, OF102013.
McClain, Charles W., OF106703.
McClatchey, Jay J., O98827.
McCoid, Frederick, OF101072.
McCollum, Tommie L., OF104488.
McCormack, Michael, O98829.
McCoy, James B., O96889.
McCrary, Wiley W., O98831.
McCullough, Joe G., OF100934.
McCurdey, Newton F., OF105757.
McCurdy, John D., OF118953.
McCurry, William K., O97668.
McDaniel, Quannah, OF102549.
McDaniel, Richard, O96890.
McDermott, Richard B., OF106130.
McDevitt, Coleman, O98207.
McDonald, Daniel W., O98208.
McDowell, Robert M., OF117404.
McFarlane, Thomas, O98209.
McGarity, Robert L., O98832.
McGuinness, John W., OF102972.
McIlroy, Bartholomew, OF118954.
McIntosh, Robert D., O94871.
McKay, Donald M., Jr., O96914.
McKee, David L., O98213.
McKenna, John J., OF110898.
McKenzie, Rodger L., O95624.
McKeon, Charles A., OF102974.
McKinnon, Richard, O98834.
McLane, Earl L., OF113242.
McLaughlin, Robert, OF103214.
McLaury, Jeffrey B., O98835.
McLellan, Charles O97670.
McLeod, Joel E., Jr., O97867.
McMillin, Stephen O98507.
McNamara, Paul K., O97672.

McNeill, Robert H., O98836.
McPherson, Arthur, OF102553.
McQuary, Ray J., O98837.
McRee, Marshall R., OF106185.
McTernan, Bernard, O92999.
Means, Dale F., O98838.
Meek, Donald L., OF114625.
Meier, Arthur C., II, O98839.
Melander, Harold W., O94890.
Melsheimer, Gerald, O96893.
Mercer, Carl W., O98841.
Merchant, Richard I., OF105762.
Meredith, Richard L., O98508.
Merrill, John M., O97680.
Merrill, Robert K., O98842.
Merritt, William P., O98843.
Metelko, James E., OF102554.
Metzger, Robert S., O98844.
Meyer, James F., O98217.
Meyers, Frederick, O96600.
Meyers, Jerrold B., O98218.
Milam, Michael M., OF102557.
Miles, Milton E., O97682.
Miller, Bruce F., O98845.
Miller, David P., OF105486.
Miller, George M., Jr., O98846.
Miller, Jack V., O96894.
Miller, John D., Jr., OF113767.
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Miller, Paul L., OF105968.
Miller, Richard G., OF114169.
Miller, William A., OF102562.
Miller, William G., O98220.
Miller, William H., O97684.
Millerlile, William, O98848.
Mills, Charles L., O98509.
Mills, Carence R., O97685.
Mills, Walter L., OF110367.
Milton, Larry L., OF110007.
Mitchell, Charles M., O98222.
Mitchell, Craig K., O97165.
Mitchell, John M., OF109240.
Mitchell, Kenny D., O98849.
Mitchell, Ralph M., O98850.
Mix, David James, OF105304.
Mize, William F., Jr., OF117412.
Mock, Phillip W., O98851.
Moeller, William E., OF110818.
Moerbe, Ronald H., OF102564.
Monroe, Dennis G., OF117232.
Montes-Pelaez, Juan, OF117579.
Montgomery, David J., O97689.
Moody, Richard C., OF113248.
Moon, John K., O97461.
Mooradian, Moorad, OF102567.
Moore, Alan L., Jr., O97690.
Moore, Bobby L., O96897.
Moore, Jimmy R., OF101849.
Moore, Julius B., Jr., 102684.
Moore, Walter B., OF103185.
Moose, Raymond R., O98852.
Mordeaux, Corry, OF110820.
Moreau, James G., OF105768.
Morehead, Wayne E., O98853.
Morey, Carter, OF102569.
Morey, Donald E., O98510.
Morgan, Donald J., OF109245.
Morgan, John F., O98854.
Mooris, Henry, O98855.
Morris, Hollis L., OF114468.
Morrison, Carlos S., OF113777.
Moses, George L., O98856.
Mosier, Douglas K., O98857.
Moss, Pat L., OF102986.
Mowery, Ralph B., O99221.
Mueller, Paul G., O98230.
Mueller, Tommy R., O94476.
Muldoon, James J., OF103982.
Mullen, George M., O98858.
Mullen, William A., O99222.
Murdoch, Robert V., OF110011.
Murdock, Don H., O96604.
Murphree, John D., O97697.
Murphy, Charles R., O97598.
Murphy, Edward H., O98511.
Murphy, Errol L., O97699.
Murphy, Haspard R., OF117238.
Murphy, Owen J., OF110382.
Murray, David B., OF102574.
Murray, Warren E., OF113252.
Murray, William K. A., O98466.
Myers, Douglas V., O98861.
Myers, Duane H., O98862.
Myers, Jesse, OF113783.
Myers, Ralph E., III, OF106748.
Naab, Richard M., OF104503.
Nadal, Rafael L., OF104504.
Nahlik, Charles V., O98863.
Nakashima, Gerald N., O98864.
Nanney, Joe W., O98232.
Napierkowski, Raymond J., O95644.
Natvig, Cliff M., O98865.
Naughton, John F., O98469.
Necessary, Kenneth, O98233.
Nelson, Harold M., O98512.
Nelson, Harold W., O98867.
Neubert, Gunter H., O97706.
New, Eugene R., OF117244.
Newell, Thomas K., Jr., OF106195.
Newman, Ned., O97175.
Nibert, Lewis R., O98514.
Nicholas, Walter D., O98868.
Nichols, Brent H., O95447.
Nichols, Robert A., OF102578.
Nilson, Gary L., OF114784.
Nixon, Howard T., OF106283.
Nixon, Robert A., OF110386.
Norene, Luther N., OF117245.
Norton, Robert C., Jr., OF100993.
Noto, Samuel R., O98236.
Novembre, Peter J., OF100702.
Nutt, John W., OF105780.
Oconnor, Dennis L., O94711.
Oconnor, James M., O98870.
Oconnor, John M., O97720.
Odland, Robert O., O98874.
Odom, Robert A., O98516.
Odonnell, John R., O98871.
Ogasawara, Roy M., O99225.
Ogrady, John E., O95650.
Ohta, Thomas K., OF114184.
Okeefe, Thomas C., OF106200.
Olaughlin, Michael, O98237.
Olds, William K. S., O98239.
Oliphant, L. Dee, OF110971.
Oliver, John F., III, O98875.
Olsen, Alexander K., O98876.
Olsen, Gary A., O97238.
Olson, John W., O96903.
Olson, Richard V., O97715.
Olson, Roger B., OF117421.
Olson, Walter E., Jr., O98241.
Omalley, Thomas E., O98242.
Oneal, Samuel K., O96465.
Oneill, Peter G., OF104510.
Oppenheim, James P., O97716.
Oreilly, John W., Jr., OF113795.
Orlicki, George A., O98877.
Orsak, Johnnie W., OF105784.
Ortiz, Luis, O97239.
Ostovich, Rudolph, O98243.
Osullivan, Kenneth, O98872.
Otis, Malcolm D., O98880.
Otoole, Robert H., O98873.
Overcash, James R., O97241.
Owen, Charles S., O97242.
Owen, John F., O97718.
Owen, William J., O98881.
Page, Richard R., OF106763.
Pahland, Richard C., OF106201.
Palladino, George F., OF113798.
Palmer, David W., II, OF109257.
Palmer, Robert C., O98882.
Pappalardo, Salvatore, Jr., O95144.
Parker, John E., O98884.
Parker, Louis M., O97777.
Parks, Robert R., O99228.
Parlow, Robert J., O97243.
Parrish, David H., OF104511.
Parrish, John C., O97722.
Patin, Jude W., OF109619.
Patmon, Claude, O97070.
Patten, Lynne M., O98885.
Patterson, Jerry R., OF102239.
Patterson, Wallace, OF109260.
Pattison, William C., OF108269.
Pearson, Richard I., OF110851.
Peckinpaugh, Thomas, OF105791.
Pederson, James D., O95655.
Pedigo, William E., OF103005.
Peiper, Richard W., OF103890.
Peffer, William D., O97727.
Pennywell, Johnson, OF103067.
Perrenot, Frederick, OF110023.
Perrey, Edgar E., Jr., OF110399.
Perrin, Frank M., O97728.
Perry, Daniel R., OF110024.
Perry, Richard O., 99707.
Perry, Ronald J., O96608.
Perry, Stephen O., O96661.
Peters, Donald L., OF117587.
Peters, Frederick J., O96472.
Peterson, Albert E., OF109262.
Peyton, Mark T., Jr., O96906.
Philbrook, Scott D., O97731.
Phillips, David M., OF108275.
Pierson, Rex F., O98887.
Pilgrim, Mark T., OF102592.
Pilsch, Martin C., Jr., O98249.
Piper, Billy J., OF102595.
Pippin, Carlen, O96907.
Plocek, George N., OF110859.
Poehler, Bruce B., O94421.
Poff, Gary L., OF103009.
Pogorzelski, Jerome, O98888.
Poh, Gerald V., OF110861.
Poindexter, Alonzo, OF109624.
Pokras, Richard M., OF106357.
Polis, Anthony A., OF106773.
Pollard, Royce E., OF105992.
Polonis, Lawrence L., O98889.
Polterock, Martin S., OF114192.
Pond, David W., O98253.
Pond, Herbert D., OF101856.
Ponko, Marshall D., OF104516.
Pope, Danny E., OF113807.
Pope, Derwin B., O98830.
Pope, Thomas I., III, O97071.
Popielarski, Stephen J., Jr., O98890.
Powell, Horace W., OF102708.
Powers, George E., O98255.
Prather, Dan E., OF105801.
Prather, Thomas L., OF100608.
Pratt, William C., Jr., OF118044.
Price, David H., OF109268.
Price, Thomas W., O96908.
Prim, David F., O96480.
Pritchett, Charles, O97736.
Proctor, Robert C., OF117431.
Pruitt, Ronald O., O98526.
Prusinovski, Louis, O97247.
Putman, Gerald H., OF101884.
Quast, John G., OF110030.
Quick, Errol A., OF103546.
Quigley, George, OF114483.
Quinlan, Michael M., O98895.
Quinn, Robert J., III, O98019.
Ragsdale, Jack D., Jr., O99235.
Raley, Thomas S., O96909.
Ramey, Arthur T., O97249.
Ranallo, James, Jr., O97072.
Rasmussen, Ralph J., O98896.
Rawlings, Earl D., OF110033.
Read, Donald B., O97250.
Read, Philip J., O97742.
Rebello, Ramile R., OF106787.
Reece, Charles R., O97744.
Reed, Arthur W., OF102607.
Reed, George B., Jr., O99237.
Reed, Maurice L., OF110411.
Reeves, Lucius V., O97745.
Reh, Paul A., Jr., O98897.
Reid, John F., O98258.
Reid, Tilden R., O98898.
Reilly, Iain, O98899.
Reilly, William F., O97252.
Reinholtz, Richard, O98900.
Renois, Bernard A., OF109275.
Reusch, Franklin A., O97746.
Reynols, Colin R., OF102257.
Reynolds, Harvey J., OF106213.
Reynolds, Homer E., OF118048.
Reynolds, James E., O97747.
Reynolds, Marcel F., OF100732.
Rice, Lewis A., O98901.
Riceman, John P., O98902.
Rich, John H., Jr., OF105524.
Richard, William A., OF110873.
Richardson, Hezekia, OF110038.
Richardson, Thomas, O97439.
Riddle, John E., Jr., OF117860.
Ridick, John V., OF109632.
Riegle, Seth J., OF117785.

Rielage, Martin J., O97750.
Riggs, William C., O97751.
Riley, Patrick E., OF117592.
Rimbey, Charles F., OF106792.
Ritchie, Richard H., OF110042.
Rives, Charles M., OF106368.
Roark, Stanley L., O98266.
Robbins, John R., II, O98903.
Robbins, William Y., O98904.
Robert, Emile A., O98905.
Roberts, James F., Jr., O98906.
Roberts, James T., Jr., O96490.
Roberts, Richard H., O98907.
Robinson, Crawford, O98529.
Robinson, Dwight K., OF114487.
Robinson, Earl L., OF105810.
Robinson, Stephen M., O96912.
Robinson, William A., O98910.
Rochon, Everette C., O99242.
Rockswold, Ellis G., O96642.
Rodgers, Joseph A., O96612.
Rodimon, Stanley J., O97253.
Rogers, Douglas H., O95195.
Rogers, Richard L., OF113821.
Rohn, Gordon F., O96613.
Rolfe, Charles O., Jr., O98911.
Romine, Ronald H., OF109283.
Root, David K., O96643.
Rose, John C., Jr., OF106796.
Rose, Walter C., OF108285.
Rosen, Herbert R., O95676.
Rosenbaum, Perry F., OF110879.
Rosensteel, Grant L., OF114208.
Ross, Norman E., Jr., O98270.
Ross, Raymond R., II, OF116589.
Ross, William R., OF109284.
Roth, John C., O98912.
Rothlisberger, Charles, OF110416.
Rowan, Edmond M., Jr., O98913.
Rowan, James D., OF117265.
Rowe, David H., OF117435.
Rowzee, Fred R., Jr., OF103172.
Royer, Aaron M., OF113830.
Rubald, Quintin T., OF105533.
Rudd, Johnny R., OF110418.
Ruhmann, Richard A., OF102617.
Ruppenthal, Harry L., OF103721.
Russ, Sam W., Jr., OF113279.
Russell, David E., O97759.
Russell, John G., OF109286.
Russell, Thomas A., O98914.
Rust, David H., O98271.
Ruth, James M., Jr., O98915.
Rutherford, Jerry R., O96644.
Ryan, Arthur J., III, O98916.
Sabin, Charles B., Jr., OF106802.
Saffron, Joseph P., O98532.
Sagerser, Roy P., O98273.
Sallee, David K., O98918.
Salley, Hammond M., O98533.
Salter, Edward A., OF103024.
Samas, Frank R., OF100344.
Sampson, Richard E., OF106806.
Sans, John A., O96500.
Sarakaitis, Joseph, OF106809.
Sartor, William M., O98921.
Sasaki, Raymond N., O98276.
Sausser, Robert G., O98922.
Savage, George N., O98277.
Sawin, Peter L., O98923.
Saxton, Michael L., OF110422.
Scallan, Joseph H., OF106811.
Schaller, Robert H., OF114793.
Scharf, Paul A., O97764.
Scharf, Richard D., O98924.
Schaum, Fred W., O98925.
Scheidig, Robert E., O98926.
Schenk, Stevens T., O97765.
Scherrer, George, Jr., O98927.
Schmidt, Charles L., O98928.
Schmidt, Richard A., OF105821.
Schmidt, Werner G., OF110889.
Schmitt, Charles T., OF110890.
Schneider, Michael, OF106223.
Schofield, Dale W., O98534.
Schrader, Stanley A., OF117440.
Schram, Robert E., O96915.
Schuetze, Irving P., O98280.
Schwartz, Karl O., O98930.
Scott, Alan H., O98931.
Scott, Elvin C., OF110894.
Scribner, Jeffrey L., O97771.
Seaborn, Donald J., OF117442.
Seaver, David S., O95684.
Seay, Thomas P., O98535.
Seidel, Andrew B., O98932.
Sellers, Kervin R., O96645.
Senecal, Jan L., O98934.
Seremeth, Andrew J., O97776.
Shaffer, Richard G., O97257.
Shanahan, Michael G., O97778.
Shea, George D., Jr., O99165.
Shearer, Robert L., O98539.
Sheffield, Roger, V., OF108297.
Sheffield, Ronald L., OF109292.
Shegog, James H., O96619.
Shellabarger, Dan G., O97073.
Shepard, John T., O98935.
Shepherd, James G., O97781.
Shine, Alexander P., O98936.
Shirey, Wilbur C., O98540.
Shirley, Frederick, OF105825.
Short, Albert V., O95217.
Shreffler, Lynn D., OF117273.
Shryock, Kenneth J., OF109293.
Sickel, Stephen V., OF104172.
Siebenaler, Donald, O98938.
Siekman, Raymond D., OF110901.
Sikora, Thomas F., OF106822.
Silberstein, Kenneth R., O98939.
Silvasy, Stephen Jr., O98941.
Silverman, Joel I., OF108300.
Silvey, William J., O98942.
Simmons, Michael D., O98944.
Simonetta, Russell, O98945.
Simpson, Patrick J., O96933.
Sirois, George A., OF109297.
Sivacek, Paul M., O97787.
Sivells, James B., O99249.
Skender, Louis E., O98284.
Slakie, Ronald J., O97788.
Sloane, Robert L., O98946.
Slominski, Michael, O96917.
Smart, Neil A., O98947.
Smelcer, Charles, OF103906.
Smith, Charles F., OF114213.
Smith, Donald J., O98948.
Smith, Edward C., OF106232.
Smith, Emmette W., O98949.
Smith, Gardner W., O98289.
Smith, George D., OF110069.
Smith, Glenn N., O98950.
Smith, Hubert G., O95757.
Smith, Jack H., OF102903.
Smith, Jimmy T., O96918.
Smith, Kenneth V., O97793.
Smith, Paul M., O98545.
Smith, Renzo D., OF109301.
Smith, Richard M., OF109302.
Smith, Richard M., O97795.
Smith, Roger M., O98952.
Smith, Vernon L., O99252.
Smith, William A., OF108308.
Smith, William D., Jr., O98953.
Smith, William L., O96624.
Smullen, Frederick, OF117449.
Snelgrove, Larris M., OF103433.
Snipes, Grover E., OF106823.
Snook, Larry, O98291.
Snuffer, Garner D., OF117450.
Solenberger, Thomas, O98954.
Sollinger, Jerry M., O99253.
Somerville, James B., OF109304.
Sorensen, James E., O98955.
Southard, Ralph C., OF117451.
Sowers, Errol G., O99254.
Sparks, Donald L., OF110906.
Speed, James W., O98957.
Speltz, Karl W., OF113848.
Spight Thomas, Jr., O98548.
Spirek, Dennis G., O96921.
Spohn, Larry L., O98958.
Sprague, Michael D., OF117453.
Spring, Michael C., O98219.
Sprinkle, Edgar E., O98293.
St. Amant, Philemon, O98959.
Stack, Robert J., O97076.
Stackhouse, William, O95701.
Stafford, James L., OF102273.
Stamey, Victor E., O98549.
Stanfield, Howard S., OF109647.
Stanley, Paul D., O98962.
Steadman, Kenneth A., O98550.
Steed, Emil E., OF104547.
Steele, Robert M., O98963.
Steinig, Ronald D., O98964.
Stephen, Thomas E., OF106236.
Sterrett, John D., O98298.
Stevens, Dale M., O95233.
Stevens, Pat M., IV, O98966.
Stevens, William L., O97800.
Stewart, Charles W., O98967.
Stewart, Jack C., O98127.
Stewart, John F., Jr., O96511.
Stiner, Tommy C., O99258.
Stock, Lawrence W., OF103744.
Stone, Wayne F., OF118061.
Story, Eddie B., O96513.
Straub, Delbert M., OF105558.
Strauss, Robert E., O98300.
Stretch, Donald F., OF110915.
Strickland, David S., OF104554.
Struble, Daniel O., O98971.
Stryker, James W., O98972.
Sturbois, Louis J., O98973.
Sturdivant, Robert, O96924.
Sturges, Scott L., O98154.
Stutz, Darvel C., O97807.
Sullivan, Gerald R., O97604.
Sullivan, John E., O97811.
Sullivan, John P., O97812.
Sullivan, Thomas F., O95714.
Summerford, Wheeler, OF105836.
Summers, Michael H., O98974.
Supinski, Richard E., OF114511.
Surette, Warren J., OF113855.
Sutton, Paul D., O98975.
Swanson, Gary D., OF109315.
Swayze, Fred C., OF105837.
Swearengen, Mark A., O97263.
Swedlund, Jerry G., OF114657.
Swift, Joe B., Jr., O97817.
Swisher, Arthur H., O98976.
Sydes, Thomas A., OF103749.
Szeremi, Robert C., OF106242.
Szymanowicz, Philip, O98552.
Taft, John M., O98303.
Taillie, Dennis K., O98977.
Takata, Alvin M., O98304.
Talbott, Charlie Y., O98305.
Talley, John W., OF106843.
Tallman, Harold S., O96651.
Talmadge, Roger S., O97192.
Tames, Robert G., OF103912.
Tate, Christopher P., O98978.
Taylor, Archie B., Jr., O97820.
Taylor, Daniel E., OF106844.
Taylor, Donald R., OF109653.
Taylor, Kenneth D., OF102644.
Taylor, Robert B., OF118064.
Taylor, Thomas L., OF106845.
Taylor, Warren H., OF116692.
Templeton, Allen E., OF106847.
Terrill, Joel B., O98554.
Terry, Elbridge W., O98555.
Terry, Millard D., O98307.
Tezak, Edward G., O98979.
Thalken, Thomas D., OF101191.
Thomas, Eddie L., O96519.
Thomas, Michael T., O98308.
Thomas, Steven A., O96630.
Thompson, Leon G., O98980.
Thompson, Tommy R., O98981.
Thorlin, Philip S., O98983.
Tiedemann, John J., OF117894.
Tilelli, John H., Jr., O98309.
Tillman, Samuel J., OF114515.
Tilson, James G., O99265.
Timpf, Richard H., O97828.
Tinberg, Larry R., O95568.
Tincher, James C., O96526.
Tinker, Andrew C., O97077.
Tiwanak, Eugene N., O98181.
Todd, Patrick R., OF105846.
Todd, Thomas J., O95727.
Tofferi, Robert E., OF109323.
Tomita, Ralph S., OF105847.
Torres, Manuel, OF118065.
Towne, Thomas J., O97266.
Tragakis, Christopher J., O95249.
Traino, Joseph A., Jr., OF109327.
Trainor, Francis E., O95250.
Travis, James O., O97831.

Troth, Robert S., OF106853.
Trotter, Kenneth E., O98312.
Trussell, James B., OF105853.
Tryon, Michael A., O96652.
Tubbs, Lawrence A., OF110933.
Tucker, James E., O98314.
Turbok, James M., O97078.
Turecek, Jack L., OF117287.
Turner, Russell W., OF114664.
Tyler, Tyron S., O98986.
Tyner, Harris W. O99266.
Tysdal, Thomas P., OF103757.
Ulrich, Charles H., OF118067.
Ungerer, David C., OF114666.
Uyenoyama, Dennis H., O98315.
Vail, John S., O98192.
Valencia Romolo, O98316.
Van Loon, Weston O., OF100363.
Van Orden, James T., OF109659.
Van Zandt, John H., Jr., OF105570.
Vande Hei, Richard, OF105600.
Vande Hei, Thomas F., O98317.
Vandermosten, John, O97838.
Vanderploog, Paul J., O98318.
Varnell, Allan K., O98988.
Vaughn, Robert H., O99267.
Vaughn, Ronald K., O98559.
Vaughn, Thomas B., OF106859.
Vaughn, Tom J., Jr., O98990.
Vecchiarello, Robert N., O98278.
Venes, Richard A., O98991.
Verkamp, John G., OF110972.
Vesser, Thomas F., OF105348.
Vick, Prentice R., Jr., OF113872.
Viles, Ronald J., OF106862.
Virant, Leo B. II, O98992.
Vogel, Melvin L., O97079.
Vogel, Robert A., O98993.
Volk, Paul J., Jr., OF117614.
Vollrath, Frederick, OF109663.
Vopatek, Michael J., O98994.
Vote, Gary F., O98996.
Wadham, Thomas A., O96632.
Wahlbom, David M., OF101055.
Wahlbom, Philip C., OF102662.
Wainscott, George T., O97217.
Wakefield, William OF105574.
Walburn, Richard L., OF114528.
Walgren, William E., O96633.
Walker, Gerald S., OF106249.
Walker, Harvey C., Jr., O95268.
Walker, Herbert A., OF105144.
Walker, John J., O98343.
Walker, John S., Jr., O98997.
Walker, Lyman J. II, OF106867.
Walker, Robert G., OF110974.
Wall, John C., O98999.
Wall, Kenneth E., Jr., O99000.
Wallace, Terrence M., O98326.
Wallace, Thomas L., OF105923.
Waller, John S., O99002.
Waller, Thomas S., OF110458.
Walsh, Cecil L., O98560.
Walsh, John P., O97843.
Walsh, Richard R., O99004.
Walsh, Robert E., O97844.
Walsh, William F., Jr., O98327.
Waltrip, Lee A., OF101875.
Wandke, Richard D., O99223.
Wangsgard, Chris P., O99005.
Ward, Houston E., Jr., O97846.
Ward, James A., Jr., O97847.
Ward, Joel H., O97848.
Ward, Richard F., O99270.
Ware, Robert P., O97698.
Warner, Lawrence E., OF106874.
Wascom, Charles L., OF117465.
Washington, Billy J., O95275.
Wasielewski, Joseph, OF103068.
Waters, John K., Jr., O98331.
Watson, Jerry L., O99271.
Watts, William J., OF113879.
Webb, James T , OF110462.
Weber, Richard E., O99007.
Weber, Richard L., O97852.
Weeks, Thomas L., Jr., O96539.
Weems, Kelly G., Jr., OF114239.
Weirich, Danford N., OF117291.
Weiss, Robert M., OF114240.
Weisz, Paul J., O96540.
Weitzel, Kenneth P., OF117468.
Wells, Charles T., OF102665.
Wells, James V., OF106882.
Wells, Robert D., Jr., O98562.
Wells, William L., OF109666.
West, Kenneth M., O96928.
Westbrook, James P., OF103074.
Westbrook, Joseph A., O99008.
Westermeier, John T., O99009.
Weyrauch, Paul T., O99010.
Wharton, Richard R., O96542.
Wheelan, John D., OF109338.
Wheeler, James E., OF110952.
Wheeler, John B., O99011.
Whelan, Robert E., OF109339.
Whidden, David L., Jr., O99012.
Whipple, William B., O96929.
White, Charles T., Jr., O99013.
White, Eddie J., OF106884.
White, John M., Jr., O97723.
Whitehead, Charlie, O95288.
Whitehead, Robert W., OF100041.
Whitesides, Leonard, O97861.
Whitlock, Gary B., OF102671.
Whitmer, Dennis K., O97863.
Whittington, Robert, O96930.
Whitworth, William, OF114678.
Wiker, Charles M., OF113886.
Wilder, John D., OF105870.
Wildrick, Edward W., O99015.
Wilkinson, John W., OF113889.
Wilkinson, Robert H., OF102295.
Willard, William B., OF117471.
Williams, Arthur E., OF113890.
Williams, Budge E., O98564.
Williams, Douglas T., O99016.
Williams, Gerald P., OF104164.
Williams, Robert G., O99276.
Williams, William J., O99277.
Williams, William J., O98340.
Williamson, William R., O96934.
Willman, Landon P., O99278.
Wills, Edward L., O99636.
Willson, Daniel A., O99017.
Wilson, Eugene K., O97082.
Wilson, Joe H. R., O99018.
Wilson, John W., III, O99019.
Wilson, Richard A., O99021.
Wilson, Thomas A., II, O99022.
Wilson, William L., O99023.
Wilson, William R., OF118078.
Winder, Gordon L., O99280.
Windsor, Thomas C., O97868.
Winn, Robert B., O97272.
Winn, Robert E., O98247.
Winters, Robert F., O99024.
Winton, Edward L., OF117476.
Wise, Jon R., O97870.
Wishart, Francis E., O97871.
Wishowski, Thomas M., O99281.
Wissinger, Allen R., OF104249.
Witt, William W., O99025.
Wittbrodt, Thomas A., OF103781.
Wolfgram, Richard E., OF108425.
Wolfkill, Harry H., O97274.
Wolz, Donald J., O99026.
Womble, Columbus M., OF103924.
Wood, Calvin S., Jr., O95300.
Wood, Robert H., O99027.
Wool, Shelton E., OF105881.
Woodham, Gary E., O96552.
Woods, Luther L., O99029.
Woods, Sanderson A., OF102301.
Woodward, Edward J., OF113312.
Woodward, James K., OF104439.
Woolums, Cecil R., OF117885.
Worcester, Theodore, OF100368.
Worthington, Douglas L., O98346.
Woulfe, Robert J., OF103785.
Wright, Rodney L., OF110099.
Wright, Walter C., Jr., OF105883.
Wright, Wayne W., OF110959.
Wroblewski, Frank M., OF103732.
Wyatt, Robert L., O96935.
Wykle, Kenneth R., O98347.
Wylie, Edgar L., OF109670.
Wyllie, William J., OF109350.
Wynn, David F., OF114248.
Wyrwas, John A., O99030.
Yamashita, Teddy K., O99031.
Yanagihara, Galen H., O99032.
Yannessa, Thomas D., OF112974.
Yeager, Frederick J., O99033.
Yearout, Paul H., O99282.
Yoshimura, John P., O98348.
Yoshina, Llyod H., O97225.
Youell, Charles C., OF106260.
Young, Leo M., OF105601.
Young, Richard G., Jr., O99034.
Young, Timothy R., O99035.
Youngblade, Walter, O96638.
Zelley, Robert A., O99036.
Zeltner, Richard L., O98351.
Zerby, J. Gardner, Jr., O94433.
Zikmund, Robert L., OF109353.
Zugel, Raymond J., O96558.

To be captain, chaplain.

De Veaux, William P., O93243.
Gushwa, Robert L., OF116645.
Hunt, Henry L., OF114428.
Peterson, William F., OF110856.
Prutow, Dennis J., O98894.
Rosheim, Waldron A., OF116676.
Szilvasy, John A., OF116691.

To be captain, Women's Army Corps

Higgins, Betty L., L630.
Swan, Leanora M., L664.
Waters, Carol P., L639.

To be captain, Medical Corps

Allen, Gary W., OF113136.
Arends, Robert C., O96561.
Baum, Edward S., OF117810.
Bergstrom, Jon F., OF116611.
Berry, Boyce M., Jr., OF113339.
Bickel, Arthur S., OF117316.
Bolling, David R., Jr., OF117321.
Brossmann, Gene F., OF117547.
Brown, Thomas L., OF117625.
Calhoun, William I., OF116619.
Christensen, Richard, OF117986.
Collins, John T., OF117338.
Coppa, Michael G., OF113591.
Curtis, Richard F., OF117988.
Dietze, William E., OF117820.
Ellwood, Ro, OF117626.
Fane, Larry, OF117821.
Fedde, Charles W., OF116639.
Flandermeyer, Kenneth, OF113624.
Funderburk, Marshal, OF113628.
Giberson, Eric S., OF114085.
Glass, Richard S., OF113637.
Graham, Jeffery J., OF114089.
Hall, Roger V., OF118001.
Hayes, Thomas D., OF113662.
Heckman, Aldred A., OF117565.
Hightshue, David C., OF117831.
Hilliard, Donald M., OF117373.
Hoppe, John W., Jr., OF117832.
Jenis, Edwin H., OF114122.
Jordan, Jan E., OF117205.
Judy, Kenneth L., OF113702.
Keeports, Richard L., OF116659.
Kelleher, Robert M., OF117572.
Kime, Lynn R., OF118016.
Kitchings, Olen E., OF114134.
Lawrence, Frank M., O98185.
MacDonald, Richard, OF117776.
McAllister, Hugh A., Jr., O92061.
McCarty, Garland, OF118951.
McEachern, Walter, OF113758.
Mitchell, Charles H., O99494
Nettles, Harry H., OF113786.
Parry, William H., OF117424.
Payne, Ronald J., OF113799.
Penney, Larry L., OF118045.
Phillips, James E., OF116672.
Provost, John M., O98525.
Rosenberg, Donald M., OF117264.
Rossiter, Francis P., OF113276.
Sanders, Harold L., OF116679.
Sanders, Joe M., Jr., O99055.
Sasada, Allan M., OF117789.
Shindle, Richard D., OF118054.
Shorb, Stanley R., OF118967.
Smith, David L., OF117872.
Stanzione, Steven J., OF117876.
Starke, William R., O95704.
Teaford, Alan K., OF116693.
Thomas, Harry M., Jr., OF117609.
Tramont, Edmund S., OF118973.
Valente, Vincent P., OF118068.

Wagner, Stanley C., OF116699.
Walther, John W., Jr., OF117880.
Wayne, Richard S., OF117616.
Whitmore, Paul V., O96545.
Williams, Curtis S., OF118076.
Zimmerly, James G., O96557.
Zwerling, Louis R., OF113315.

To be captain, Dental Corps

Bell, Lester J., OF117811.
Hartwell, Gary R., OF118939.
Jagels, Arlen E., OF116654.
Maupin, Clay C., Jr., OF109995.
Nespeca, John A., OF118958.
Parkingson, Thomas D., OF117423.
Stocks, Robert B., O98180.

To be captain, Veterinary Corps

Kerr, William K., OF114131.
Montgomery, Charles, OF114627.
Palo, Matti W., OF117781.
Polk, Harry H., OF109625.
Renquist, David M., OF114644.
Watson, William T., OF114237.

To be captain, Medical Service Corps

Andrew, Franklin H., O96816.
Bell, George T., O96314.
Bell, Sterling W., OF108111.
Besterman, Gerald, OF114739.
Boe, Gerard P., OF105330.
Bradford, Jackie E., O98026.
Brittain, Roy C., Jr., O96330.
Brown, Carl D., OF102422.
Bryant, Ray S., OF110619.
Burrell, Charles F., O97288.
Carroll, William F., OF105646.
Coats, Rogers L., O95476.
Colvin, John D., III, O96318.
Connors, Richard A., OF100865.
Copeland, Keith E., O97464.
Covington, William R., OF102837.
Cunningham, Clyde R., O96838.
Cunningham, Jerry A., OF110220.
Damian, Kenneth J., O94200.
Danielski, Linn J., O97479.
Davis, Charles T., O95475.
Dorogi, Louis T., O97497.
Eason, Lloyd J., Jr., OF106103.
Elliott, Robert F., O97301.
Engelkirk, Paul G., OF104417.
Erskine, John F., OF101059.
Fadhl, Robert J., OF106107.
Fahey, Thomas E., O97404.
Finkelstein, Eugene, OF105386.
Fleming, Jerry M., O97522.
Fobbs, Benjamin F., O98420.
Forrester, James, K., OF106601.
Garland, Franklin P., OF117996.
Gatens, Paul D., O97543.
Gayagas, Edwin J., O95531.
Gill, Joseph E., O96858.
Giove, Francis L., OF109925.
Gmelich, James OF102715.
Greenwood, Robert J., OF104432.
Gregg, Jerry L., OF105413.
Hacker, Helmut F., O96588.
Halstead, Herbert L., O97311.
Harrington, Jack O., OF100464.
Hassell, William B., OF114102.
Heisig, David W., OF102907.
Helmbold, Richard F., O97975.
Helton, Jimmy D., OF113201.
Hoefer, Refus S., OF104352.
Holway, William K., OF106139.
Hula, Roger P., II, O98149.
Hunsaker, Ronald T., OF103489.
Ingrando, Dominic P., OF110286.
Intolubbe, James G., OF113685.
Jeffers, James A., OF106149.
Jones, Douglas E., OF106672.
Jones, Lewis M., O99187.
Katsuyoshi, Charles, O96854.
Kingry, Roy L., Jr., O98794.
Kitchin, David J., OF102943.
Laaken B. Richard, OF109977.
Ladestro, Ralph, OF105455.
Laible, James P., O94355.
Lindahl, James H., OF113738.
Long, Freddie E., O96434.
Mance, William W., Jr., O92864.
McCauley, Charles, OF114458.
Megehee, Jacob H., O99212.
Meyer, Gregory C., OF102556.
Miketinac, Bruce T., O97681.
Miller, Gerald G., OF106190.
Modderman, Melvin E., O97687.
Momiyama, Augustine, OF110373.
Moore, Thomas J., OF117234.
Morrison, John B., OF105617.
Morrissey, Blaise M., OF113778.
Mumma, Patrick J., OF102989.
Myles, Donald A. J., OF110831.
Nason, Jesse N., OF105776.
Oppenneer, Keith D., O97340.
Parker, Robert L., OF117248.
Pauley, Richard E., O97724.
Payne, Newel O., Jr., OF112967.
Perkins, Jacob H., O92792.
Picone, Gaspare P., OF100085.
Pinson, Robert H., OF110858.
Preston, Edward J., O95662.
Quarles, Patrick A., OF110407.
Reinert, John F., O95181.
Rexrode, Robert W., OF102608.
Rians, Charles W., OF103017.
Rosenblum, Victor S., OF114791.
Schnakenberg, David, O97767.
Shoup, Kenneth J., OF116684.
Simpson, Arthur E., O98541.
Simpson, Gordon T., O98543.
Skrzypek, George J., O96916.
Smith, Frederick J., O95692.
Sorber, Charles A., OF117797.
Sylvester, Ernest J., OF106241.
Tower, Gerald E., OF109326.
Trick, George J., OF105569.
Trucksa, Robert C., O98984.
Van Broekhoven, Rollin, O96653.
Walker, Jimmy, OF103767.
Warner, Lyle W., OF104573.
White, Joseph S., O97081.
Wichelt, Roger H., O99273.
Williams, David G., OF103777.
Williams, Jewel L., OF113308.
Wimsett, Jimmie B., OF117807.
Woodcome, Andrew H., OF114680.
Yamanouchi, Kenneth, OF103787.
Yoder, William G., OF103082.
Yohman, Joseph F., OF106896.
Zalkalns, Gundars, O97875.
Zimmerman, Harry R., O95361.
Zucker, Michael D., OF114250.

To be captain, Army Nurse Corps

Alden, Patricia B., N3378.
Alleman, Jeanne F., N3675.
Brasel, James B., MN3565.
Carson, Amelia J., N3237.
Daniel, Donna L., N3138.
Dunphy, William J., MN3488.
Ellingsworth, Jane, N3274.
Ellis, Barbara S., N3308.
Flecha-Agosto, Mari, N3322.
Frank, Rita M, N3222.
Galey, Joan L., N3383.
Gray, Helen V., N3284.
Grove, Annie R., N3273.
Holley, Mary Y., N3298.
Huddleston, Helen A., N3648.
Kuntz, Mary K., N3254.
Larrabee, Marvin L., MN3421.
Lobody, Mary E., N3257.
Marshall, Vanessa A., N3259.
McDowell, Boyce N., MN3522.
Montgomery, Raymond, MN3609.
Roberts, Marvin B., MN3653.
Sanders, Bobbye J., N3471.
Selman, Charles J., MN3545.
Sokoloski, James L., MN3477.
Stevens, Lila C., N3206.
Umphenour Jo H., N3532.
Voisine, Marcia J., N3479.
Wardrope, Donald A. MN3639.
Washington, Lawrence, MN3441.
Welsh, Joy A., N3303.
Williams, Karyn S., N3166.
Wise, Mary J., N3294.

To be captain, Army Medical Specialist Corps

Davis, Carl E., MR10242.
Evans, Ida S., R10194.
Gilbert, Bobby L., MJ10245.
Hawkes, Harold W., MM10216.
Henry, Ralph E., MJ10217.
Klavins, Ruta, J102.
Richard, Ida, R10186.
Roberts, James E., Jr., MM10232.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

Hugh E. Loftin	George C. Romano
Lee R. Overstreet	James A. Wessell

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Robert J. Arboleda	Gerald B. McDowell
Victor V. Ashford	James J. McKnight
Clarence B. Cheatham	Nicholas J. Outrakis
Ronald E. Crane	James H. Packer
Terrence R. Dake	John A. Panneton
Robert C. Douglass	Frank M. Platt III
David J. Ellison	Alexander W. Powell
David R. Fagerstrom	John M. Sconyers
Paul S. Hamilton	Dennis D. Shockley
David F. Herr	Gerald T. Smith
Phillip G. Higgins	Monty J. Tennes III
Frank Libutti	Jack S. Warner
Robert A. Longhouser	James M. Watson
Daniel J. McCormick	

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Larry G. Adkins	Phillip N. Huth, II
John E. Allanson	Albert C. James
Steve N. Allen	Michael C. Jochum
Peter T. Bahry, Jr.	Stephen T. Kuykendall
George W. Ball	Charles R. Lane
Charles J. Barnhart	Gary W. Letson
Michael E. Barnhart	Theodore T. Long
William W. Baumann	Kendall A. Madaras
Bruce R. Belrose	Sidney E. McLaughlin
Thomas F. Brunk	Harvey R. Norton
Bruce B. Byrum	Willie J. Oler
John T. Caselli	Leslie B. Petty
Robert A. Cheever	William R. Purdy
William A. Clark	Robert W. Reid
Charles D. Cross	John E. Rice
James L. Dawson	Larry S. Roadman
Albert A. Desantis	Sands A. Robnick
Larry W. Dudley	Loren H. Shellabarger
John W. Gerwig	Serge B. Simmons
Earl B. Hailston	Gary G. Todd
George E. Halloran	John R. Todd
James H. Haney	Robert A. Tretsch
Jerry B. Hatfield	Richard W. Vaughn
Mathew J. Heck	Wayne M. Wynkoop
Dale W. Howard	

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1969:

DEPARTMENT OF THE INTERIOR

Charles H. Meacham, of Alaska, to be Commissioner of Fish and Wildlife, Department of the Interior.

DEPARTMENT OF JUSTICE

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years.

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years.

William L. Osteen, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years.

John P. Milanowski, of Michigan, to be U.S. attorney for the western district of Michigan for the term of 4 years.

Fred C. Sink, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years.

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina for the term of 4 years.

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado for the term of 4 years.

EXTENSIONS OF REMARKS

GENERAL CHAPMAN'S REMARKS AT THE ANNUAL CONFERENCE OF THE MARINE CORPS RESERVE OFFICERS' ASSOCIATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. FASCELL. Mr. Speaker, 18 months ago, former President Johnson selected an outstanding Floridian, Gen. Leonard Chapman, to assume the important responsibilities of the 24th Commandant of the U.S. Marine Corps.

At that time I commended the President on his choice. General Chapman had a distinguished record in the Pacific during World War II and received the Legion of Merit and the Bronze Star. His subsequent service in Washington as the Chief of Staff of Marine Headquarters and then as Assistant Commandant of the Marine Corps was marked by the general's particular flair for organization and management.

Recently Col. William McCahill of the U.S. Marine Corps Reserve called my attention to a speech delivered last month by General Chapman on the occasion of the annual military conference of the Marine Corps Reserve Officers' Association in Detroit.

General Chapman's remarks concerned the nature of our fighting men in Vietnam, and I commend the speech to the attention of our colleagues:

REMARKS BY GENERAL CHAPMAN

Thank you, General Weinstein, Fellow Marines:

I would like to extend my personal well-done to you, Leland, for the leadership you have displayed in guiding this association over the past year.

And to you, General McMath, my congratulations upon your assumption of the presidency this evening. I would like to add my confidence to the vote of this fine organization. I know that your executive leadership will continue the tradition of excellence established by your predecessors.

I am especially pleased to be with you again, this year. I feel the pleasure of being with comrades—the warmth of communication without the need for too many words.

But I do have some words for you.

First, I want to state that the efforts of the Marine Corps Reserve over this past year have continued to be outstanding. As I stated before the Senate Committee on Armed Services earlier this year: "In terms of training, organization, and preparations for mobilization, our ground reserve is at the highest state of readiness in history."

I would like to add that we have kept material readiness abreast of training readiness. Equipment for the 4th Marine Division and the units supporting the 4th Division/Wing Team is on hand or identified for priority procurement.

The status of the 4th Marine Aircraft Wing is a different story. Not because of any lack of effort on the part of the Marines of that unit; but due to continued equipment deficiencies in the capabilities, obsolescence, and number of its jet aircraft and helicopters. To alleviate these shortages, we are assigning UH–34 helicopters to the 4th Wing as they become available from the active wings, and both the UH–1E and CH–53 helicopters will be introduced later.

Aside from these limitations, the IV Marine Expeditionary Force is ready, and I have the fullest confidence in its ability to take its place next to active Marine units if the need should arise.

In Vietnam, active duty Marines continue to be employed on the ground and in the air throughout the vast expanse of the I Corps tactical zone; and operating from ships of the 7th Fleet as special landing forces.

The Marine Corps has consistently advocated the principle that the war in South Vietnam can be conclusively won only through convincing the South Vietnamese people in the villages and hamlets that their hope lies with freedom, not with Communism. Under the present conditions of cessation of bombardment of North Vietnam and the search for negotiated settlement, this becomes even more important. Marine units in Vietnam have increased their efforts in three decisive areas:

Blocking the incursions by North Vietnamese army units in the DMZ area.

Assisting Republic of Vietnam Armed Forces in the destruction of the Viet Cong infrastructure.

And, the continuance of the Marine Corps Civic Action Program, encouraging and assisting the Vietnamese civilians in their efforts of self-help.

Last year, when I had the pleasure of being with you in Washington, I gave you a similar report on Marine operations in Vietnam. I wanted to make the report as comprehensive as possible, so I centered it around the single most important part of our Corps today: the young marine.

I knew that you would be most interested in that young marine and how he approaches his duty, so I based my remarks on his spirit. I compared his spirit with the spirit of the marines of World War II, and of those who fought the war in Korea. Perhaps it was an unfair comparison.

The young men who chose to serve as marines from the beginning of World War II right up to and including the Cuban countdown of 1962–63, chose to do so under an entirely different set of circumstances. Those young men—and I am speaking of you, marines—all came to the Corps for different personal reasons, but you all shared a feeling of the duty-of-citizenship to serve. So do the young marines of today. But I think you will all agree that duty-of-citizenship was an inviolable virtue in those days. Being a marine in the United States automatically put a man on a pedestal. Being an officer of marines raised that pedestal even higher.

You deserved that elevated position. You came to a small, elite corps of professionals, rich in the traditions of courage and sacrifice in its service to its country. In two wars you filled out its strength, matched its professionalism, and raised it to new heights. In less than a quarter of a century your generation earned more honors in battle than your predecessors had in the previous 165 years.

When we teach today's recruits of the exploits of Marines at Tripoli, in the Boxer Rebellion, and even in the fields of France—they are impressed, they regard these traditions as high and holy things—but they don't actually relate themselves to those men. Tell them of Guadalcanal, Tarawa, Iwo Jima, Inchon, the Chosin Reservoir, and even the early days of the perimeter around Guantanamo Bay, and they will react. These traditions they understand. By choice, it is your footsteps in which they follow.

There is a myth afloat, that the Marine Corps builds men. You know this is not true. The Marine Corps offers the workshop, the tools, and some interested guidance, but the man who wears the uniform of a Marine is self-made. And you also know that to do this he must have a sturdy inner-structure upon which to build.

The young Marine of today is physically bigger, stronger, and has more endurance than his father and uncles of World War II and Korea. Because of his education and the improved field of communications, he is better informed, more alert, and less impressed by strange places, people, and situations. But these are physical facts. I think the most significant quality of today's Marine is his individualism.

From the very beginning of his service, this young man has made a decision, individually, without the intimidation of screaming, hate-filled crowds, or an inner compulsion to conform. His character is marked with self-discipline, leadership, and courage. The qualities of dedication and love of country cannot be questioned. They have been proven—they are being proven—in training and in combat.

The young man joining the Marine Corps today is not simply fulfilling a duty of citizenship as you did. He does not enter the service of his country with the unqualified support and admiration of the community. Bombarded by anti-military dialogue, and presented daily examples of evasion of obligation, his enlistment or induction is not a popular act of conformity. It is an act of faith. An act of faith, ladies and gentlemen, in you and me, and all the other generations of Marines who have gone before him.

He certainly harbors no illusions. He has a ringside seat at the contest of polemics. He hears the virtues of patriotism, duty, service to country, honor among fellowmen, and courage in the face of danger rendered suspect as to value, and modified in meaning by a generous application of turnabout statistics and reasoning. He hears the Armed Forces of the United States termed "the cult of the gun," and sees these forces painted as tools of aggression, oppression, and expansion of self-seeking opportunists. And some of this is presented to him from very strange quarters, quarters built on a foundation of credibility and respect.

He further observes a nation, a free nation, now tiring of war and its expense, question all forms of preparedness and defense. On one hand he hears men of other nations make clear statements of intent to meet us in nuclear war, and on the other hand he listens to our internal debate as to the need for a safeguard ABM system.

And there is no question about what he will do as a Marine. He knows that almost one third of our active duty Marine Corps is in Vietnam. He knows where he is needed.

For a young American who offers his abilities and leadership as a Marine officer, the road is even tougher. I know you are aware of the problems faced by the Marine Corps in officer recruitment. You know how most of you came into the Marine Corps. For years we have depended upon recruiting on college campuses to provide nearly 85 percent of all new Marine officers. This gave our corps a valuable cross section of educated young Americans. Young leaders from every part of this nation brought fresh skills, and fresh ideas to our corps. Their influence was important not only to the young Marines they commanded, but to us, the senior career officers who commanded them.

Now, the anti-military activities at some colleges have gained such recognition by school officials, the Marine Corps has had to seriously curtail on-campus recruiting. At some colleges, the anti-military efforts have taken the form of physical obstruction of legitimate Marine officer selection teams. On other campuses, college administrators have displayed a lack of cooperation, failing

to make available adequate time and central locations to Marine recruiters.

Because of this continuing difficulty we have opened a program to offer the opportunity of officer candidate school to a number of young men who have completed two years of college. We are primarily aiming this program to those who have completed a junior college program.

Now I know that a great many of you received your commissions under a similar program. But during World War II and the war in Korea, there was a definite shortage of men who had completed four years of college. This is not the case today.

But let me assure you we have not lowered any of the basic standards for service as a Marine officer. We still require the same qualities of intelligence and leadership that we have always demanded in commissioned Marine leaders. But such a program does mean that young officers commissioned with less than a full degree, and who later apply and are selected for retention, will have to be given the opportunity to complete their education.

All of this hasn't meant an end to college graduates continuing to seek service as Marine officers. Like the young men who willingly take their places in the ranks as enlisted Marines; these young men continue to offer their education, skills, and leadership.

This situation has created something of a new relationship between the young marine officers and their men. Not only do they share the corps, and the hardships of combat in Vietnam, they share a very rugged brand of self-sufficient individualism. They are of a quality that will not be intimidated. And joined together, they have performed magnificently.

I did not intend to stand here tonight and recite numbers. The young marine's performance is too important to be reduced to a percentile. But I will ask you to permit me two very graphic statistics. They are significant to the individual marine's attitude as a participating citizen.

First: Of all marines eligible, 74.5 per cent cast their ballots in the last national election.

And although there are no figures which specifically represent the civilian community, Gallup reports that only 60.5 per cent of all eligible U.S. citizens voted last November.

I think these figures are an indicator of how highly the young marine of today values his citizenship.

Second: Since June of 1966, when the first marines into Vietnam became eligible for rotation back to the United States, a total of 33,350 marines—officers and enlisted—have extended their Vietnam tours an additional six months.

This is what the young marine thinks of the American effort in Vietnam.

I think this last statistic deserves some discussion. A great deal has been said about this war and the fact that it is being fought by professionals. Now, you and I know that all marines are professionals, and the young marine's performance in Vietnam bears this out. But to the unindoctrinated, the term "professional" implies career-regulars. Very few of the career-regular marines extend their tours in Vietnam. They don't have to. They know they will be back in normal rotation. In fact, a great many of them are now serving a second time, and some have begun their third tours. The greatest majority of marines who ask to stay in Vietnam an additional six months, are the young privates and corporals, and the lieutenants.

What is the quality of the performance of these young Americans—these marines? It is outstanding.

And why do these young marines perform so well in Vietnam? Why do so many ask to stay? Well, it's the same reason you performed so well. Above everything else, they are marines. That, reinforced by what they find in that country.

I think they find their inspiration in the gentle people who have fled the terror of the Viet Cong to resettle in new areas, build new homes, farm new lands. I think they find it in the courage and determination of the Vietnamese soldiers fighting beside them, who won't quit after long years of bitter struggle.

The Marine Corps holds precious its history of service to the people of the United States. Our flag carries the streamers of all the major wars in which Americans have fought. With great pride, we review the record of courage and sacrifice of marines who earned those battle honors. Our flag bears the streamer of the war in Vietnam, too. That streamer, like the others, was earned by the courage and sacrifice of marines today. Americans of this generation have earned this honor. And these marines have added a new battlefield virtue to those of courage and sacrifice. They have added the virtue of compassion.

I could present examples of what our young marines are doing in Vietnam by reading some of the many citations which have accompanied decorations awarded in this war. I could point out the courage and stubborn faith of Khe-sanh. And to prove compassion, I could recite endless deeds of marines building schools, adopting entire orphanages, and the fantastic medical care given Vietnamese civilians by our Navy doctors and corpsmen. But I think these many acts of courage, sacrifice, and compassion loom so large that the individual marine is sometimes lost. It is not the large acts that count so much as the day-to-day application of these qualities.

Second Lieutenant Dodson arrived in Vietnam early last year. He did not come to the Marine Corps from a college campus. He had graduated from college two years before he decided to quit his job and do something about the war in Vietnam—personally.

Upon reporting to his battalion, Lieutenant Dodson was assigned to a company and placed in command of a marine rifle platoon. When he led his platoon out on patrols and in operations, he always made sure of two things:

Each marine's rifle was spotless and in perfect working order, and—

Each marine was well instructed as to the civilian situation in the area of operations.

There were strict rules about behavior toward the Vietnamese civilian. And Lieutenant Dodson was no tougher about enforcing the rules than any other member of that platoon. Children were greeted with a smile, and old people with great respect. The platoon knew at least enough Vietnamese to inquire as to health, how the rice was doing, and to wish a good day.

This was a rifle platoon. They had no civic action responsibility other than the normal requirement to get along, and assist if assistance was needed and it didn't interfere with the basic mission.

Lieutenant Dodson and his platoon got to know the people of Vietnam, and their concern and respect grew. Following the enemy Tet offensive of last year, civilian food distribution hit a snag. One village in Lieutenant Dodson's area was particularly short of food. The platoon located some surplus cornmeal and it was distributed to the villagers. But what could the Vietnamese do with cornmeal? Simple, with a little American know-how and some graphic instruction, the Vietnamese could make hushpuppies. And they did, and they were delighted with them.

Today, Lieutenant Dodson insists that there are only two places in the world where really good hushpuppies are made. His own hometown, in Georgia; and the village of Thon-An-Bang, in Vietnam.

Corporal Degraff did come to us directly from a college campus, and he was married.

Before that young man became a corporal, or even a marine, he was in his junior year at a large university.

He liked college, even though it was tight financially. But with his wife working full time, and his own part time job, they were able to make it. And he was getting good grades.

He first watched the war and the draft with an outsider's eye, it hardly affected him. With good grades, his deferment was a thing of certainty.

Then, the demonstrations started.

Unless you were specifically interested, the demonstrations were easy to avoid. You just walked around them. But one day, as he walked around, someone handed him a tract, he read it. The words disturbed him and now he had to think. The next time he ran into a group gathered around one of the known speakers, he stopped and listened. That bothered him even more. He asked some questions, and before he knew it, he was debating. That night he and his wife talked it over, and they made a decision.

Degraff left school and enlisted. He did well in recruit training, and when he graduated from boot camp, an officer spoke to him about the possibility of officer candidate school. He explained to the officer that he just didn't have time. He wanted to fulfill his obligation and get back to college.

In Vietnam, he joined a squad as a rifleman. When he left the squad he was a corporal, and had commanded it through countless patrols and engagements. While he was in Vietnam, he was wounded twice and decorated once.

Corporal Degraff came back to the United States a few months ago. He'll be discharged soon.

But they don't all come back, these young Americans who have chosen service. Sacrifice joins compassion and courage as a grim reality. No one knows better than the Marines who have served in Vietnam that the casualty figures match names and faces—no one except the parents, wives, and loved ones who have lost Marines.

Recently I wrote the parents of a young Marine killed in Vietnam. As little as it was, I offered my condolences. The parents answered my letter. I would like to read parts of it to you.

It is dated April 2, 1969, and it reads:

"DEAR GENERAL CHAPMAN: We wish to thank you for your thoughtful letter. Michael was proud to be a Marine, and proud too, to fight for the country he truly loved. We, his parents are proud too.

"Long before the end of his senior year, Michael planned to become a Marine. One afternoon after class, he and two friends went downtown where they witnessed a fire and a draft card-burning. All three went immediately to the Marine office and signed up. That night we parents had to give our consent.

"In the corps, Michael became a man—one we were proud of. It is the fashion of the day to criticize the United States, to refuse the military burden, to comfort the enemy. None of this was true of Michael. We do not close our eyes to obvious faults of the United States, but we think there are many more virtues.

"So we gave Mike, and we are prepared to give our other sons, and daughters, too. At the same time we pray for peace.

"So, too, General, our entire family keeps you and all servicemen in their nightly prayers."

These are the young Americans who are the present day Marines.

These are the Marines who are bearing our burden—preserving our freedom—containing an enemy on a far-off shore.

These are the Marines whose courage, sacrifice and compassion serve our Nation.

These are the Marines who have earned our unqualified and wholehearted support.

REACHING FOR THE STARS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Evening Star of May 24, 1969, cites the comments of Dr. Thomas O. Paine, Administrator of NASA, in comparing the recent flights of Venus 5 and 6 and the Apollo 10 flight as comparable to the time when the first amphibians came from the sea onto land. Only time will tell the significance of this anology. Yet it causes all Americans who are interested in the future and the direction of our national space program to be concerned that adequate support is provided to assure the scientific and technological progress of our Nation:

The editorial follows:

REACHING FOR THE STARS

Venus, after the sun and moon, is the brightest object in our heavens. Yet it has made itself a mystery of sorts by hiding behind a tremendous vastness of dense clouds that never go away. Now, however, this nearest of our planetary neighbors, has become a little less mysterious because of the latest Soviet probes of its atmosphere.

These probes, carried out by the Venus 5 and Venus 6 spacecraft after a four-month journey of 217 million miles, resulted in findings not yet made public. But American, British and other scientists have no doubt that their Russian conferees are right in saying that the new data will add significantly to what was learned in 1967 when Venus 4 and our US Mariner 5 approached the planet.

Tass has quoted Soviet scientists as declaring that the new voyages have made one thing absolutely sure: Neither Cosmonauts nor Astronauts will ever set foot on Venus because it "is not fit for man's life." This comes as no surprise, of course. After all, the Venusian atmosphere has a temperature of over 500 degrees Fahrenheit, and the planet's surface is an estimated 800 degrees. Nevertheless, inhospitable though it is, the place is likely to continue to be visited by unmanned Soviet and American vehicles, and some of these may be able to land there for long periods to transmit to earth a great volume of information.

To many of us, such information may seem too impractical, too unrelated to our everyday lives, to warrant the dispatch of costly spacecraft. But this is an oversimple and narrow view. As scientists effectively argue, and as has been proven time and again, the more man learns about his environment, here on the ground and among the stars, the more he enriches his mind in a way that can have an immensely beneficial impact on both himself and his world.

Apropos of all this NASA Administrator Dr. Thomas O. Paine made a particularly striking point on NBC's Meet the Press last Sunday. Having in mind not just Apollo 10, but also undertakings like the Venus probes, he declared that all such ventures constitute an "enormous new phase of evolution where, for the first time, man, and indeed terrestrial life, is moving from the surface of this planet out into the solar system. Many people feel that this is as significant as when the first amphibian came from the sea up onto land to conquer a new domain for life."

An exaggeration? A fantasy? Who can be sure? We are living in an epoch when what seems impossible today may be commonplace a century—or even a half century—from now.

WILLIAM O. DOUGLAS—TWO DOWN, ONE TO GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. RARICK. Mr. Speaker, now that Earl Warren has left the U.S. Supreme Court, four members of that Court have announced that they will limit their nonjudicial activities, which we can hope is intended to mean that they will not become involved in matters which may come before their Court.

But aging and erratic Justice William O. Douglas is not prepared to accept voluntary limits on his nonjudicial activities. Even retired Chief Justice Earl Warren, whose own extrajudicial activities are not above reproach, moments after leaving the Bench, attributed public loss of confidence in the Court to Abe Fortas and Justice Douglas in equal parts.

An interesting biography of Justice Douglas which may well help explain his animosity toward the American people is contained in the Herald of Freedom for June 27, published by Frank A. Capbell, Zarephath, N.J.

A recent news clipping and the Herald of Freedom article follow:

[From the Washington (D.C.) Evening Star, June 23, 1969]

FOUR JUSTICES TO RESTRICT OUTSIDE ROLES

Four justices of the Supreme Court now intend to give up outside compensation for non-court activities, retiring Chief Justice Earl Warren announced today.

In an unusual statement designed to explain his earlier disclosure about the question of justices' ethics, Warren said four of the men who will continue on the court are prepared to limit their non-judicial activity.

He listed them as Justices William J. Brennan Jr., Potter Stewart, Byron R. White and Thurgood Marshall.

This suggests that three members of the high court—Hugo L. Black, William O. Douglas and John M. Harlan—are not prepared to accept formal court-imposed limits on their activity.

Warren last Tuesday issued a statement which indicated he had been rebuffed by the court in his desire to get the justices to commit themselves to the same restrictions that had been imposed June 10 on lower federal court judges.

The U.S. Judicial Conference, which is the policy-making body for the federal judiciary below the level of the Supreme Court, has imposed a flat ban on compensation from outside activities for judges of the district and appeals courts, and has ordered them to report annually on their income.

"Justices Brennan, Stewart, White and Marshall individually indicated their agreement in principle with the standards of conduct adopted by the Judicial Conference and their intention to act accordingly."

Previously, Marshall had been the only member of the court who had publicly indicated he was prepared to go along with the new restrictions.

The justice said, however, that he would submit his annual financial statements to his colleagues at the high court, rather than to the agency that will be receiving such statements from lower court judges, the Administrative Office of U.S. Courts.

Brennan had previously announced that he was giving up all outside activity, but had said nothing about abiding by any reporting requirements.

[From the Washington Daily News, June 24, 1969]

ASSIST BAR, JUDICIAL CONFERENCE—WARREN TO HELP DRAFT RULES

(By Dan Thomasson)

Retired Chief Justice Earl Warren will assist the American Bar Association (ABA), and the Judicial Conference in moulding a new set of ethical standards for Federal jurists, congressional sources said today.

Within moments after the swearing-in ceremony for his successor, Warren T. Burger, yesterday, Mr. Warren expressed to friends his continuing concern over the loss of public confidence in the judicial system—an erosion attributable largely to the outside activities of former Associate Justice Abe Fortas and Justice William O. Douglas.

The Judicial Conference—under prodding from Mr. Warren—adopted new standards of conduct for all Federal judges except members of the Supreme Court. But it still must work out the machinery to put the code into operation and Mr. Warren is expected to help.

ASSIST ABA

Mr. Warren also will help the ABA in revising its canons of judicial ethics this fall. The ABA's house of delegates, which will meet in August, is expected to appoint a committee to overhaul the judicial canons much as a special ABA committee is already revising the canons which apply to practicing attorneys.

Mr. Warren also has informed some congressional friends that he is interested in discussing with them proposed legislation to force the entire judiciary to disclose outside income.

[From the Herald of Freedom, June 27, 1969]

HON. WILLIAM O. DOUGLAS

To worry that "the honor of the Supreme Court is at stake" at this point could be compared to worrying about the loss of virginity of a seasoned prostitute. It has been nonexistent for a long time. While most of the blame must fall on Warren, he could not have ruined the reputation of the court alone; he had to have help from those of like persuasion on the court. Conservatives have been attacking the court for its pro-Communist, pro-criminal decisions, which might be called "sticking to the issues" rather than "indulging in personal attacks." Warren has been subject to attack for his actions as Chief Justice but not because of his personal background.

Recently, however, the personal conduct of two Associate Justices of the Supreme Court has come under scrutiny and been exposed as being less than "ethical." The liberals threw one of them to the wolves, abandoning completely Abe Fortas, the man who only a year ago they were trying to push up to the top post on the Court, but they are going all-out to protect William O. Douglas whose personal conduct has been notorious for many years and who now has been exposed as dealing in "questionable" financial activities. A possible reason for this could be that Fortas failed to "deliver" for Wolfson while Douglas has not let his buddies down.

While Fortas was forced to resign from the Supreme Court by disclosure of his accepting a large amount of money from the Wolfson Family Foundation for reasons which he could not explain satisfactorily, Douglas's connection with the Parvin Foundation has been known publicly for nearly three years and he has been able to "sit it out" and at this writing plans to continue to do so. He has been forced to resign as president of the foundation, giving up his $12,000.00 per year income from it, but he

has stated he has no intention of resigning from the Supreme Court. Only impeachment can remove him in that case and such action is long overdue.

The background and activities of the Parvin Foundation have been disclosed in the Congressional Record and, as president, Douglas must be held accountable for them. Links to gangsters and gamblers are disclosed in the source of the foundation's income which has been dispensed for pro-Communist purposes. Douglas is not a babe in the woods when it comes to financial manipulation since he made it his business to become an expert in it, presumably from the side of the law.

William O. Douglas was born in Maine, Minnesota on October 16, 1898, the son of William Douglas and the former Julia Bickford Fiske. His father was a Presbyterian home missionary from Nova Scotia, Canada, who died in 1904. After his death the family, which consisted of William and one brother (Arthur F.) and one sister (Martha) and his mother, settled in Yakima, Washington, where the mother had relatives. William helped to contribute to the family income, at one time working as an itinerant laborer in the fields. He was able to go to college, obtaining his B.A. degree from Whitman College in Walla Walla in 1920. After teaching English and Latin in Yakima High for two years, Douglas departed for New York to study law at Columbia University. While a student there, he married a fellow high school teacher at Yakima H.S., Miss Mildred Riddle, on August 16, 1923.

At law school Douglas was particularly interested in the study of the relation between law and business and, so, when he graduated he joined the Wall Street firm of Cravath, DeGersdorff, Swaine and Wood to "study the facts of law and life among the natives." He lectured at Columbia Law School while holding this position, and in 1927 left Wall Street to become assistant professor of law at Columbia. He remained at Columbia only a year and then, through Robert Maynard Hutchins, then dean of law at Yale University, became an assistant professor at Yale University. He moved up rapidly at Yale, becoming associate professor within a year, a full professor by 1931, and in 1932 was appointed to the chair of Sterling Professor of Law. Douglas did more than just teach others, however; he went out of his way to learn a great deal himself.

He was an expert on bankruptcy and was a special adviser in a New York City bankruptcy investigation and for four years carried on, in association with the U.S. Department of Commerce, bankruptcy studies for the Yale Institute of Human Relations. He was also secretary of a committee studying business of the Federal courts and in 1934 directed a study of protective committees by the Securities and Exchange Commission. For the next two years he held hearings, examined records and investigated those committees which are formed when businesses fail. In 1936 Douglas was appointed a member of the S.E.C. and in 1937 became its chairman. He conducted conferences and studies which led to a reorganization of the Stock Exchange.

In March 1939 President Roosevelt nominated Douglas for the position of Associate Justice of the Supreme Court and he was confirmed by the Senate and took his seat April 17, 1939, replacing Louis D. Brandeis who was extremely happy with his successor, and who reportedly stated to Douglas, "I wanted you here in my place." The Democrats eyed Douglas for high government jobs, even President and Vice-President, but he seemed content to remain on the Supreme Court. His contribution to the disrepute in which the Court now finds itself is by no means small. In 100 decisions, involving Communists, his voting was pro-Communist in 97 of the cases.

Douglas was an endorser for the Communist-front, The American Investors Union, Inc., which had been set up to obtain proxies to harass the management of corporations. His radical pro-Red record is long. Being an ardent "One-Worlder," he became Vice President of the United World Federalists in 1950, in which year he also received the Morris Morgenstern Award of Yeshiva University. In 1952 he was given an honorary degree by the New School for Social Research, a Marxist-oriented school in New York City. In 1962 Douglas helped promote the anniversary celebration of the leftist Women's International League for Peace and Freedom. On April 12, 1963 he sent greetings to the Communist-controlled N.Y. Teachers Union on the occasion of their 27th Conference held at the Hotel Americana in New York City.

The now 70-year-old Douglas raised eyebrows by his penchant for an "off-with-the-old-and-on-with-the-new" approach to marriage, now being involved in Marriage #4. His first marriage lasted thirty years and produced two children, Mildred Riddle (now Mrs. Frank Welles, Jr.) and William. After his divorce in 1953, Douglas married Wife #2, Mrs. Mercedes Hester Davidson, on December 15, 1954. They were divorced in 1963 and Wife #3 was 23-year-old Joan C. Martin as of August 1963. Freed again by divorce in 1966, Douglas married another 23-year-old, Cathleen Curran Heffernan, on July 15, 1966. His alimony payments have been cited as an excuse for his extra-curricular financial activities.

Douglas's price runs high on the lecture circuit but he accepted a mere $350 for an article published in convicted pornographer, Ralph Ginzburg's magazine, "Avant Garde" (March 1969 issue). This was at a time when Ginzburg still had a conviction appeal pending before the Supreme Court.

Douglas's main financial and ideological indiscretion, however, would seem to be his interlocking connections with the Parvin Foundation, the Center for the Study of Democratic Institutions and the Inter-American Center for Economic and Social Studies.

Although Douglas's resignation as president of the Parvin Foundation was announced May 23, 1969, he had been associated with it for ten years, seven years as a paid employee. As of the time he resigned the other directors were Robert F. Goheen, president of Princeton University; Dr. Robert M. Hutchins, president of the Center for the Study of Democratic Institutions in Santa Barbara, Calif.; Harvey Silbert, a Los Angeles lawyer and an old friend of Albert Parvin; and Sidney Davis, a New York lawyer. The new president and a director of the foundation is Fred Warner Neal, a professor of international relations and government at the Claremont Graduate School in Claremont, Calif. Professor Neal is a former consultant for the Center for the Study of Democratic Institutions, and a consultant in Russian affairs to the State Department. Douglas is also a vice president and consultant for the Center for the Study of Democratic Institutions which the Parvin Foundation has helped to finance.

The operations of the Parvin Foundation were explained by Douglas in a letter dated October 31, 1966 to Chief Justice Warren. This was at the time his connection with the foundation had first been questioned and exposed. The letter stated in part:

"The formation of the Foundation goes back to the Walter E. Edge Lectures which I delivered at Princeton in 1960. They were published by the Princeton University Press in a book entitled 'America Challenged.' Albert Parvin of Los Angeles read the book, and it apparently put together in his mind some ideas he had had for combatting the forces of communism at a world level. He decided to form a Foundation directed to that end. . . . .

"The first project we undertook was at Princeton, where originally ten Parvin Fellowships were established. Men between the ages of 25 and 35 were brought in from Africa, the Middle East, and Asia for a year's study at the Woodrow Wilson School. . . . . Many of them have already moved into important positions in their native countries, and we are confident that over the years we will produce many Prime Ministers, many Secretaries of State, many journalists, many professors, all dedicated to the democratic cause.

"The project at Princeton was so successful that we decided to launch a similar one at UCLA. There we decided to take only men and women between 25 and 35 from Latin America. Those who speak English in Latin America usually come from the 'upper-crust.' We were anxious to reach lower down into the strata where the communists seem to operate most effectively. So we decided to take only those who did not speak English. We bring them to UCLA and give them an intensive English language course first, followed by a year of study in the operations and institutions of the free society. . . .

"The Parvin Foundation developed, with the assistance of the National Association of Broadcasters, of which Governor LeRoy Collins was the head, some 80 TV films for use in the Dominican Republic. . . .

"We of the Parvin Foundation have been very proud of these educational ventures. As I said before, they have already produced some rich dividends. And if they are continued into the future, as I hope they will be, they will drastically influence the shape of things to come in the underdeveloped nations. . . . .

"Our foreign aid has often done good. But if the tides of communism are to be turned back, these underdeveloped nations need primarily dedicated leaders on the democratic front; and it is to that end that the Foundation has directed itself."

How sincerely the Parvin Foundation and its head, Douglas, were trying to "turn back the tides of communism" is well demonstrated by its activities in the Dominican Republic. Sen. Strom Thurmond stated on the floor of the U.S. Senate on June 9, 1969:

"Today I would like to point out how certain of his (Douglas's) activities in the past in connection with the Parvin Foundation have led to international repercussions. Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency. . . . .

"The organization to which I refer went out of existence 2 or 3 years ago, but not before its activities at least indirectly had helped to foment the revolutionary situation in the Dominican Republic in 1963, and which necessitated the intervention of the U.S. Marines to save that country from Communist takeover.

"Justice Douglas became a board member of the Inter-American Center for Economic and Social Studies because of his office as president of the Parvin Foundation. The history of this Inter-American Center is most curious. It began under the name of the Institute of International Labor Research, whose chairman was the notorious Socialist, Norman Thomas.

"This institute originally began in Costa Rica as a training school for leftwing radicals under the tutelage of such leftist Latin politicians as Juan Bosch and Jose Figueres.

"The institute was organized by one Sacha Volman, a naturalized U.S. citizen from Rumania, with a long history of radical organizing activities. Shortly after 1960, the CIA began to channel nearly $1 million into this institute. . . .

"Shortly after this period, the institute moved to the Dominican Republic, when

Juan Bosch came into power, and changed its name to the Inter-American Center of Economic and Social Studies. . . . the Inter-American Center then joined with the Parvin Foundation and the National Association of Broadcasters in a program to fight illiteracy in the Dominican Republic."

Juan Bosch not only did not "turn back the tides of communism," he opened the doors for the return of Communists. After seven months of Bosch's placing of notorious Communists in important posts in his government, the Dominican Army, led by General Wessin y Wessin, staged a bloodless revolt on Sept. 25, 1963 and expelled Bosch from the country. Sacha Volman had to hide out for several days before he was able to escape from the country. Gen. Wessin y Wessin testified before the Senate Internal Security Subcommittee concerning the Inter-American Center for Economic and Social Studies (CIDES):

"Mr. SOURWINE. Now, you spoke of 40 Communist indoctrination centers operating in the Dominican Republic under Juan Bosch. Did these centers operate openly as a Communist operation?

"General WESSIN. Openly.

"Mr. SOURWINE. Did they display Communist banners or signs?

"General WESSIN. One of these schools located on Caracas Street No. 54 displayed the Soviet flag. . . . It was the red flag with the hammer and sickle.

"Mr. SOURWINE. Now, do you know where these centers were operated? You name the location of one. Can you tell us where others were?

"General WESSIN. In the school Padre Villini Calle-Mercedes. This building, in spite of the fact that it belonged to the Government, was turned over to the Communist Dato Pagan Perdomo to install a school of political science.

"There was another one, which went under the initials of CIDES located in the farm, or Finca Jaina Moza. In this school, the teachers were, among the others, Juan Bosch, Angel Miolan, and Sacha Volman."

An article placed in the Congressional Record by Hon. John M. Ashbrook indicates that the Internal Revenue Service also doubts the stated purpose of the Parvin Foundation and believes "that in fact the Albert Parvin Foundation might possibly be a screen for vast money-manipulation and influence-peddling in the high places." The article states further:

"Skolnick in his suit described Albert Parvin as an 'unsavory' character, who had what Skolnick described as a 'criminal record' in Chicago. He documented four cases involving Parvin and members of the Parvin family ranging from 1925 through 1959, in which Albert, Jack and Bernard Parvin were charged with being receivers of stolen property. . . . They were never convicted. . . .

"He listed 'among the hoodlums connected with the (Parvin) foundation:'

"(1) Marcus Lipsky, a 'gangster and specialist in multiple murders. He masterminded the Capone mob's post-war invasion of the $18 million dollar-a-year Dallas, Texas rackets.'

"(2) Edward Levinson, 'who has a contract with Parvin Dohrmann Company, interlocked company connected with Parvin Foundation, and who is connected with (3) John (Jack) Pullman, crime syndicate "banker." '

"And, (4) Harry A. Goldmann . . ."

Levinson, according to an article placed in the Congressional Record by Rep. Durward G. Hall, is the key figure who has been involved in the Parvin-Dohrmann Corp., activities, as well as the notorious Bobby Baker case. In 1966, when Parvin-Dohrmann acquired the Fremont Hotel and Casino in Las Vegas, Levinson was given a five-year contract to manage it at a salary of $100,000 per year. The article by Clark Mollenhoff states:

"Senator Curtis has called attention to as early as 1967 magazine reports that identified Levinson, Benjamin Sigelbaum, and Edward Torres, all Las Vegas gambling figures, have been serving as 'fronts' for the Cosa Nostra mobsters in Las Vegas and have been delivering millions of dollars to Meyer Lansky, the man who handles Cosa Nostra financial matters in Miami.

"Reports made to Congress in the last week allege that Albert Parvin, the 69-years-old originator of the Parvin Foundation, has been a long-time associate of such syndicate gambling figures as Frank Costello, Meyer Lansky, and the late Benjamin (Bugsy) Siegel."

In its article on the Mob (Cosa Nostra or Mafia), Life magazine states:

"The true bonanza the Mob has struck in legitimate business is 'skimming'—diverting a portion of cash receipts off the top to avoid taxes. . . . The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965. . . . Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust."

The "skim" is carried in cash by couriers to the man who handles the finances of the Mafia, Meyer Lansky, in Miami, who diverts it for political and other pay-offs and "bonuses" as well as to numbered accounts in Swiss banks. According to the Life article Communism as well as crime is involved:

"(Sylvain) Ferdmann took over both the transcontinental and transatlantic bag routes for most of the next two years. His contacts in this country were bizarre including functionaries and members of the Communist party in New York and a man who had big financial dealings with the Czech delegation to the United Nations. The conclusion drawn by investigators—from Ferdmann's contacts, from the fact that the International Credit Bank has strong ties with Communist countries and from the fact that his bag was stuffed with money both going and coming—was that there was a flow of Communist money coming back through the skimming conduit."

Ed Levinson was a director of one of the banks through which the Mob's money moved to Switzerland as well as operator of one of its chief "skimming" operations, the Fremont, now owned by Parvin-Dohrmann, but still operated by Levinson. Meyer Lansky, the Mob's "financial genius," was born in Poland in 1902 and came to New York with his parents from Poland in 1911. His family had formerly lived in Czarist Russia and were reported to have been Bolsheviks who fled from Russia to avoid prosecution. Lansky's real name is Maier Suchowljansky. The post he holds with the Mafia was formerly held by Arnold Rothstein who was murdered in 1928.

This is quite a sordid backdrop for the Parvin Foundation of whose activities Associate Justice Douglas seems to be so proud. Douglas is flirting with impeachment now and has done so in the past. One of his most notorious acts was the granting of a stay of execution for convicted atom spies, Julius and Ethel Rosenberg. Douglas did this on his own after the court had adjourned, and a special session of the court had to be called to overturn the stay. As head of the Parvin Foundation Douglas employed a Soviet economist, N. N. Inozemtsev, as his consultant. The Supreme Court would take a giant step toward rehabilitation if it could rid itself of Douglas.

POSTAL DIVORCE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. SKUBITZ. Mr. Speaker, one of the outstanding editorial writers in the midwest is Clyde M. Reed of Parsons, Kansas. Of course there are times when we do not see eye-to-eye on all subjects—particularly when Mr. Reed takes the Congressman from the Fifth District to task.

Several recent editorials by Mr. Reed in the Parsons Sun have shown great insight into some of the important issues and occurrences of our times. I feel that these editorials offer valuable, constructive criticisms and I would like to share them with my colleagues.

I therefore insert these editorials into the RECORD at this point:

[From the Parsons Sun (Kans.), June 9, 1969]

POSTAL DIVORCE

A former Chicago postmaster has advanced a suggestion on the nation's postal dilemma that appears to make a great deal of sense.

The real problem in postal delays and deficits, said Harry H. Semrow, is what he politely terms "industrial mail." Others view it with less reverence and call it junk mail.

"The letter carrier has become a walking general store," Semrow asserted, "delivering soap, cereal, tooth paste, razor blades and other things."

On the way to the carrier, the mail has become burdened by industry's "heavy outpouring of parcels, advertising gimmicks, magazines, catalogs and so forth." As a result, the postal system has been "crushed" and the letter carrier's back "virtually broken."

Accordingly, Semrow would limit the postal system to the delivery of first class, air, special delivery and registered mail, newspapers, and Western Union telegrams.

A private shipping corporation, organized along the lines suggested by President Nixon for the entire system, would handle the bulk deliveries on a separate and independent basis. Time is not a critical element, since a great deal of the junk mail winds up in the wastebasket anyway.

This is perhaps the best idea yet. The postoffice—and the nation—should be saved from the junk mail boys. Divorcement would not automatically end all postoffice problems, but would provide an opportunity to work them out free of crisis created largely by the flood of useless mail turned loose on homes and businesses alike.

[From the Parsons (Kans.) Sun, Jan. 17, 1969]

LAST HURRAH

It's almost as if the Warren court wanted one last hurrah before the chief justice goes into retirement to prove its critics correct.

So it deliberately, it seems, picked out a highly controversial issue which gets into the separation of powers, fundamental in American government, over a relatively minor case.

For when the United States Supreme Court Monday decided that the House had no power to deny Adam Clayton Powell his seat in March, 1967, it ruled on a point which no longer was in contention. The Harlem congressman was re-elected last year and is back in Congress, duly seated, now.

Only one member of the court, Justice Potter Stewart, had the good sense to dissent from the majority opinion and point out that the court should refrain "from deciding the novel, difficult and delicate constitutional questions which the case presented at its inception."

While the court headed by Chief Justice Earl Warren has been lambasted for going far afield on social issues, history may record it was doing only what sluggish legislative bodies had not done.

In other words, the retrospective view of school desegregation, equal rights in public transportation and other far-reaching issues decided by the Warren court is one tempered by time.

Even its excursion into state legislative reapportionment can be defended upon the grounds that the legislatures themselves long had ignored their own state constitutions by failing to keep abreast of crucial population movements.

And the court's more recent preoccupation with the rights of individuals has its merits, although it has tended to go too far in ignoring the rights of society at large in comparison to those of the criminal as an individual.

But why, one must rise to ask, should the court go out of its way to raise thorny issues, stir the animals in Congress and generally arouse sleeping dogs in a case which, to all intents and purposes, already had been settled?

Judicial mischief, even in the cloistered chambers of the highest court, must have been at work. Earl Warren, controversial man that he has been, certainly could have chosen a more fitting farewell for himself.

NOTHING CHANGED

President Nixon knows better than anyone else what Gov. Nelson A. Rockefeller has been going through in South America, because the chief executive had the same experiences when he visited the area as vice president during the Eisenhower years.

Nothing has changed, and it is futile to blame the trouble on the Communists, Castro or related influences. They are only taking advantage of conditions made to order for them.

What is wrong in South America is what was wrong a decade and more ago. Corrupt, oppressive governments still are in power, for the most part military juntas which have little concern for the masses. The continent's high birth rate is outdistancing the ability of its primitive economy to feed, clothe and house the oncoming millions. Exploitation and inflation are rife.

North American attempts to help have been misdirected, with aid falling into the wrong hands. Washington's efforts are largely beamed to preventing revolution in nations where revolution is essential if the lot of the people in general is to be improved.

It is no surprise therefore that Rockefeller, more of a symbol of Yankee imperialism than Mr. Nixon was as vice president because of his family's long connection with Standard Oil, has been greeted with far more jeers than cheers and radical elements have capitalized on widespread misery to spearhead violent protests.

The same may be true for still other visitors from the North as long as the basic factors remain as they are, and there is nothing in sight to indicate Washington has the answers any more than it has had them for two decades or more.

POOR PROPHET

The secretary of the Treasury, Mr. Kennedy, says he doesn't think another increase in the prime interest rate is in the works.

New York banks hiked the rate to a record 8.5 per cent last week, increasing the price of money to nearly all borrowers.

But the secretary doesn't qualify as an expert on the subjects, although he should be.

The prime rate went to 7.5 per cent in March, and Kennedy said then he thought there would be no more increases.

If he cared to do so, of course, Kennedy could do something about interest rates because a secretary of the Treasury is not without clout should he choose to use it.

Merely to forecast the trend of interest rates, and be wrong at that, is hardly enough for an official in his shoes, but the nation apparently is stuck with that narrow concept from a man who may prove to be one of Mr. Nixon's least glittering cabinet choices.

WATER POLLUTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. DERWINSKI. Mr. Speaker, the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, was the subject of an article in the New York Times of May 17, 1969. The article was syndicated in newspapers across the country. It was inserted into the CONGRESSIONAL RECORD of May 26, 1969, by the gentleman from the 14th District of California.

The article suffers from a serious deficiency in that it clearly implies Mr. Klein does not intend to use all legal remedies at his disposal to abate water pollution. This is not the case; in fact, Mr. Klein's position is far different, as he expressed clearly to that newspaper in a letter of May 21, 1969.

The text of his letter follows:

MAY 21, 1969.

DEAR MR. OAKES: I noted with interest your article in the May 18 issue and an editorial of May 21, 1969, in regard to my efforts to augment the conference program by using personal contact in attempting to settle pollution problems and get results.

In the first instance, I have not abandoned the formal enforcement conference. You should have received notice on the Hudson River Enforcement Conference on June 18 and 19, in New York City by the time this letter reaches you. You will undoubtedly shortly hear of the reconvening of the Merrimack River and Lake Erie Conferences. The future udoubtedly holds a number of such other conferences.

But, in order to expedite and get results as soon as possible, I am personally giving a helping hand to the enforcement division of the Federal Water Pollution Control Administration in cooperation with the Commissioner, David Dominick, and the Assistant Commissioner for Enforcement, Mr. Murray Stein. The results have been apparent immediately: A statement of anti-pollution policy from United States Steel Company several weeks ago culminated long negotiations and will undoubtedly be a help in the fight for industrial waste pollution abatement; the State of Missouri has agreed to hold its own conferences to update the 1982 date accepted by my predecessor for secondary treatment on the Mississippi and Missouri Rivers and has scheduled the first hearing for June 13; discussions on the Memphis situation with local authorities resulted in plans for early construction of a primary sewage treatment plant; informal talks with St. Charles, Missouri have led to implementation for both primary and secondary treatment plants where the issue was stalled before.

I realize that not all situations can be resolved by this type of negotiation. I shall, however, use negotiation tactics as an augmentation feature of our drive for water pollution abatement. However, whenever and wherever the facts warrant it, enforcement proceedings will be had as provided by statute. I wish to state to you that all present enforcement conferences will be continued until they result in successful conclusions.

I would appreciate the help of this great newspaper and all other news media in achieving the final results for the successful water pollution abatement campaign.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary, Water Quality and Research.

QUESTIONNAIRE RESULTS, 1969, 23D DISTRICT, NEW YORK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. BINGHAM. Mr. Speaker, I am pleased to provide for the RECORD the results of the opinion survey I recently conducted among my constituents by mail questionnaire. Questionnaires were sent to more than 90,000 families with registered voting members in the 23d District of New York, which I represent. I invite readers of the RECORD to draw their own conclusions and impressions from these results. I do want, however, to observe that this profile of public views has been highly informative and useful to me, and that I greatly appreciate the time and thought invested by the thousands of my constituents who completed and returned questionnaires.

Results of the questionnaire follow:

QUESTIONNAIRE RESULTS, 1969, 23D DISTRICT, NEW YORK

[Answers in percent]

Vietnam: Do you believe the Vietnam conflict can and should be brought to a satisfactory conclusion by—

Military victory	22.6
Negotiated settlement	58.5
Unilateral American withdrawal	27.4

(Results total more than 100 percent because some respondents checked more than one alternative.)

2. Unsolicited credit cards: Many banks and companies send out credit cards to people who have not asked for them. Do you feel this practice should be stopped?

Yes	83.3
No	7.9
Undecided or no response	8.8

3. Racial equality: Do you feel government efforts to assure full racial equality should be—

Increased	45.9
Decreased	13.7
Kept about the same	33.1
No response	7.4

4. Consumer protection: Do you feel government efforts to provide protection for consumers should be—

Increased	87.6
Decreased	.8
Kept about the same	8.9
No response	2.7

5. National priorities: If the Vietnam war is ended, what should be given greatest added priority?

Crime	29.9
Antipoverty programs	20.3
Tax cuts	15.6
Education	11.5
Pollution control	11.4
Defense	3.3
Urban mass transportation	.7
Space exploration	.7
No response	6.7

6. ABM missile system: How much, if any, of our national resources would you be willing to see devoted to an anti-ballistic-missile system?

No ABM system	41.0
Thin ABM system—$5 to $10 billion	20.0
Thick ABM system—$50 billion or more	11.1
Undecided or no response	28.0

7. Anti-poverty: Everyone seems to agree that our welfare programs are not working properly, and need reform. What do you feel should be done to improve the welfare situation?

More job training programs	69.7
Provide birth control help to welfare recipients who want it	64.4
Provide more free food and food stamps for the hungry	61.8
Institute a negative income tax system	43.0
Decrease welfare benefits under current programs	22.2
Provide child allowances for all families	13.9
Increase welfare benefits under current programs	7.0

(Results total more than 100 percent because respondents were invited to check more than one alternative.)

8. USS *Pueblo:* Considering the facts revealed in recent investigations of the capture of the USS *Pueblo* by North Korea, do you feel Captain Bucher and his crew should or should not be blamed for violating the military code of conduct?

Should be blamed	6.9
Should not be blamed	84.3
Undecided or no response	8.8

AMERICA THE BEAUTIFUL AND WHY I LOVE IT

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include the following essay by Miss Beth Robinson, a fifth grade student at the Evans Park School in Pearl River, N.Y. Miss Robinson is 11 years of age, and her essay is entitled, "America the Beautiful and Why I Love It." It is encouraging to note that the flame of patriotism has not been completely extinguished and that it still exists in the hearts of some of our young people. Miss Robinson eloquently expresses her love of country.

The essay follows:

AMERICA THE BEAUTIFUL AND WHY I LOVE IT

(By Miss Beth Robinson)

I love America because of the people. People who help you whenever you need help. Did you ever think that people depend on each other? In America, we wouldn't have electricity, unless men built power plants together. We wouldn't have meat, unless there were cowboys that worked together. We wouldn't even have schools, unless there were teachers willing to give their time. No one person can live alone, because everyone in the country, in the world, depends on everyone else.

My country is beautiful. Honestly, I could not say it is the most beautiful country, because I've never been to a different one! Have you ever been on a farm at sunset, seeing cows grazing in the field, and purple mountains in the distance? That sight is prettier than any picture.

Do you know who made America like this? People who wanted to see America progress. All credit should go to the people of the past. I'm proud of this country because it is mine and I appreciate the freedom it gives me.

I hereby pledge my word of honor that the thoughts expressed in this essay are my own and written by myself.

I am 11 years old and in the 5th grade in Evans Park School.

SAN FRANCISCO BAY POLLUTION THREAT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. EDWARDS of California. Mr. Speaker, the continuing problems of San Francisco Bay pollution were underscored recently by two events which pointed out the seriousness of the bay's pollution. One of these events was the breakdown of the San Francisco sewage treatment plant and the second was a report from the State water resources control board that DDT has appeared in all municipal waste water plant effluent tested.

The problems were well described in an editorial in the Thursday, June 19, 1969, Argus of Hayward, Calif. I include that editorial in the RECORD for the information of Congressmen, as follows:

THE BAY POLLUTION THREAT

Two specific demonstrations of what serious damage water pollution means in this Bay Area have appeared in just these past few days. One demonstration was the second breakdown in San Francisco's sewage treatment system, which allowed raw sewage again to flood into the Bay.

Since an earlier break in the sewage disposal line led to contamination of beaches and tidewater areas of the Bay, more than 200 million gallons of untreated human, industrial and hospital wastes have spewed into Islais Creek slough, according to the San Francisco Regional Water Quality Control Board. Meanwhile, the contamination of San Francisco Bay-Delta by "non-degradable pesticides," such as DDT, has continued unabated.

Only a few days prior to the first San Francisco sewage disposal breakdown, the State Water Resources Control Board issued a statement in Sacramento pointing out that "agriculture is not the only source of pesticides" contaminating the state's water resources. A study by the state agency of municipal and industrial waste discharges in the 12-county Bay-Delta area showed these non-agricultural discharges "contribute an amount equal to roughly one-half the agricultural pesticide input to Central Valley rivers."

As a matter of chilling fact, the state study showed that "pesticides appeared in all municipal waste water plant effluent sampled and the heaviest concentrations appeared in the systems serving industries producing or distributing pesticides." This fact led to the State Water Resources Control Board's recommendation of a flat ban on DDT.

"There is no regulatory control of the industrial sources of pesticides to discourage either accidental spillage or wastage to sewers due to routine operating practices" the state water agency pointed out. "The number of pesticide processing facilities is not large, and inspection work could be assigned to the state's regional water quality control boards," the report suggested.

But over the long haul, the water board observed, what is needed is not policing of such industrial activities, but "a program to appraise alternative materials to be used in place of DDT and to insure that their use would not have adverse environmental effects."

So massive has the impact of even a simple breakdown in sewage disposal become in the Bay Area, that such episodes, as well as the steady contamination of water resources with deadly poisons, have become a first-rank problem. Time was when there were fewer people to create the problems and fewer people to be affected by them, so the old-fashioned methods of improvising, or waiting until the problem arose and became serious, would still get us through a critical period.

This is no longer true. Today we must come up with advance information that will tell the public exactly what the consequences of each of its actions will be long before that action creates a problem. This means greater care, greater preparation, and study of long-range considerations whenever mankind takes a major step to do anything.

It is the price we pay for our massive population explosion, and unless we learn to control and clean up our own environment, man's normal living activities and not the "bomb" may become the greatest threat of all to human survival.

The question today is actually that of how much has to happen before the American people realize what massive threats air and water pollution alone already have become.

SACRED HEART REHABILITATION HOSPITAL, 75TH ANNIVERSARY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. ZABLOCKI. Mr. Speaker, it was my privilege recently to participate in ceremonies marking the 75th anniversary of the Sacred Heart Rehabilitation Hospital in my home district of Milwaukee.

In a time when we too often take for granted the dedicated public service of hospitals throughout our Nation it was especially appropriate to be reminded of their importance in our lives.

In the words of the hospital chaplain, the Reverend Ray Wawiorka:

Hospitals were once looked upon as places for patients whose chances of recovery had all but slipped away. Now, people go to hospitals to live. They have become centers of hope where professional skills, medicines, diagnostic aids and equipment are concentrated to increase and hasten chances of recovery.

The truth of those words is demonstrated most effectively by the Franciscan Sisters who founded this outstanding hospital three-quarters of a century ago and who have staffed it since. They and the entire lay staff deserve the praise and thanks of Milwaukee's citizens. Worthy

of special recognition, however, is Sister Marie Albert, O.S.F., major superior, and Sister Frances Ackeret, O.S.F., administrator.

It is, in fact, the tested performance of hospitals such as Sacred Heart and the ever-growing demands made on them in our urban population centers which reaffirms me in my position regarding the need for a recording of funds distributed under the Hill-Burton Act.

All of these considerations were emphasized by the speakers during the ceremonies at Sacred Heart, including the Very Reverend William E. Cousins, archbishop of Milwaukee. Particularly inspiring and enlightening in this regard was the main address of the evening by Dr. Roman E. Galasinski, a member of the hospital's medical advisory council and one of Milwaukee's most distinguished physicians.

Because of its pertinence I would like to share Dr. Galasinski's address with my colleagues and insert it in the RECORD at this point:

SEVENTY-FIVE YEARS, IMAGE AND CHANGE

(Dr. Roman E. Galasinski)

Anniversaries are like birthdays! Spontaneously nostalgic memories of the times are usually associated with the births of institutions like those of individuals. Often, then, one hears the expression—"Remember when?" Well—75 years—is quite a while ago, so I inquired of some who lived that long ago. In researching the memories of my 90 year old father and an 80 year old friend I am told that there was a building at the present site which was at the intersection of Railroad Street and Layton Boulevard. The area had wild fields around it. West of Layton Boulevard were gravel pits and to the south were vast celery fields. In the vicinity to the east was a horse race track and a fairgrounds and the first Milwaukee Zoo. Those were the days when transportation was most elegantly provided by mule-drawn cars with only two long seats. I am told that in the winter time there was straw on the floor to keep the feet warm. Because sidewalks were wooden there were jokes about taking them in for the night. It was in an era of this atmosphere that the Sisters of St. Francis completed the first building which housed 13 patients on December 23, 1893.

It is further reported that the cost of this building was $130,000 and it was a three story structure. Within less than one year it housed 80 patients. From these figures we can calculate that the per bed hospital cost in 1893 was approximately $1,600. Contrast this cost of $1,600 per bed with today's cost of approximately $45,000 per hospital bed in the construction of a new hospital. This is quite a change!

Surviving financial difficulties and a smallpox epidemic which forced temporary closure, the Sanitarium was re-opened in 1900. It slowly developed into a multi-purpose health center which gradually acquired a national reputation for excellence in the care and treatment of illnesses including heart, stomach and nervous disorders.

Gradually the care of mentally ill patients was also provided as psychology and psychiatry developed in the treatment of these illnesses. Thus, with the expansion and advance of knowledge in mental and nervous disorders, a hospital which primarily developed on concept of hydrotherapy with a spa like atmosphere and reputation, Sacred Heart transformed into a hospital for mental and nervous disorders by 1912.

In 1915, the Sisters of Sacred Heart instituted one of the early schools of nursing which lead to the present Alverno College with its excellent school of nursing.

Time marches on and with it come more changes. Scientific knowledge and new drugs also radically changed the therapy and the care of the mentally ill by reducing the requirements for inpatient hospital stay. Again the Sisters of St. Francis and the directors of Sacred Heart Sanitarium recognized that there was need for a change. In 1965, a consultation was had with the Hospital Area Planning Committee on the community need for hospital specializing in total rehabilitation.

By October, 1965, Sacred Heart Rehabilitation Center was incorporated.

By July, 1967, the remodeling of the entire plant and equipment was instituted. This was completed in June, 1968, and the facility was completely reorganized by October, 1968, under the able direction of Administrator Sister Frances Ackert and a medical staff headed by Dr. Preston Thomas. Thus, we have a third functional change of the same institution.

Now a favorable corporate image is more than just bricks and mortar and even a pretty face at a reception desk. The image of hospitals, particularly, has changed dramatically. Two score and fifteen years ago hospitals were considered the places of last refuge and sometimes even the institutions associated with death. Today, the hospital image is completely different. It is now the home of hope, recovery, reconstitution and rehabilitation.

Sacred Heart Sanitarium certainly must be credited with the remarkable adaptation. During these 75 years it has changed function three ways and yet has at all times enjoyed a remarkable image. An image that has been one of prestige—not only in the local community but an image of excellent national reputation. Now reputations of institutions like those of individuals have to be built. Such reputations must be built on conservatism and prudence and yet with a progessive adaptation to the ecology of the times and the growth of years. An image such as entertained by Sacred Heart must also be based on reputation for know-how, on the ability to give efficient, friendly and excellent service. Furthermore, such a reputation can only be obtained by a personnel both administrative and medical which excels in the service they render and, therefore, at this moment I wish to personally extend my deepest appreciation and congratulations to the Sisters of Sacred Heart of this institution who through generations of sacrifice and dedication to service through man and to God have rightfully established an image which has shown brightly through all these years. It is also a credit to them to have surrounded themselves with medical staffs who because of their excellence have been able to provide the specific services for which a hospital is created.

An indispensable ingredient in creating the new image of Sacred Heart Rehabilitation Hospital would be an appraisal of its future place and growth in its new field. Permit me, therefore, to dwell upon what we mean by rehabilitation and where and how rehabilitation will fit into our program of therapy as of today.

As you know, a study of rehabilitation facilities and needs was made in the four county area of Milwaukee, Ozaukee, Waukesha, and Washington Counties. This study took almost two years and was completed in 1968.

The facilities selected for the study were the twenty-five short term general hospitals in the area and also the following six additional facilities: Curative Workshop, DePaul Rehabilitation Hospital, Goodwill Industries, Jewish Vocational Services, Milwaukee County Rehabilitation Hospital, Unit II, and Sacred Heart Rehabilitation Hospital.

The Joint UCS–HAPC Study Committee had the following basic purposes:

1. To recommend to both of the respective boards guidelines for the orderly development to 1975 of rehabilitation facilities and services for the physically disabled.
2. To coordinate the factfinding of UCS and HAPC during the study.
3. To develop a working relationship with the proper groups to implement the guidelines.

For our study, the technical advisory committee, composed primarily of professionals experienced in rehabilitation services, was established with the following duties:

1. Professional advice on the scope of the study and details of the study plan.
2. To assist in interpreting the study to appropriate professional groups.
3. To bring professional viewpoints into consideration and interpretation of the factual material.

As a guideline to our study, the definition of rehabilitation which was used was the one taken from the U.S. Public Health Service, and is as follows: "Rehabilitation is the process of restoring the disabled to optimum physical, mental, social, vocational and economic usefulness. The process provides services for the handicap beyond those available from his own resources. Rehabilitation calls for a long range planning in action utilizing a broad spectrum of medical, psychological, vocational and educational services coordinated and integrated into specific programs designed to meet individual needs." In the vernacular this means restoring a disabled individual to the fulfillment of such capacities and usefulness to himself and to his community as his disability will permit because of limited functions or in another sense, restore to an individual his dignity and his feeling of usefulness to himself, his family and his community.

Now rehabilitation through the years has gone through an evolutionary and almost revolutionary process in many respects. It has broadened in scope the many refinements in terms of the disciplines it embraces, and in terms of the volume and kinds of people it might serve. This revolutionary process will undoubtedly continue as many areas of controversy are resolved; particularly, controversy involving differences of professional opinion on the philosophy and techniques of rehabilitation, on the organization of services and on the nature of the services themselves.

In the course of our two years study it became reasonably clear that the *way in which services are organized* may be at least as important as the services themselves from the standpoint of the *individual patient*, the *institution providing* the services and the *community* as a whole. Although there is not general agreement on the specific definitions or terms that should be used to identify each element in the spectrum, it is reasonably clear that planning for a comprehensive rehabilitation program for the physically disabled should include consideration of at least the following elements:

1. Medical examination, diagnosis, prescription, treatment and followup, including medical supervision and medical direction of para-medical services.
2. Comprehensive rehabilitation evaluation and counselling for each patient and assessment of each individual's total situation initiated soon after medical diagnosis and aimed at the development of a program plan for treatment and rehabilitation services for the individual that is designed to meet his total needs.

This element should include assignment of responsibility for implementation and coordination on the program for each patient.

3. In-patient rehabilitation—nursing care.
4. Physical therapy.
5. Occupational therapy.
6. Speech services.
7. Hearing services.
8. Vision services.

9. Psychological services, including testing and interpretation therapy and counselling.

10. Social service, including casework, counselling and therapy.

11. Vocational evaluation, the specific determination of an individual's potential for work for useful endeavor or vocation training and helpful placement.

12. Vocational training, such as, teaching of the skills required for a vocation, perhaps, including academic preparation.

13. Vocational placement, such as, providing employment opportunity.

14. Sheltered employment—remunerative employment for individuals as a part of training prior to placement and/or for those disabled persons unable to compete in the open labor market.

It is most important to remember that rehabilitation is only a part of the larger concept of total health and should be viewed in terms of its relationship to that concept rather than as an entity unto itself.

At the conclusion of our study, we made the following recommendations relative to community organization:

"By 1975, a total of not less than two or more than four community rehabilitation centers should be developed to provide comprehensive rehabilitation projects to the physically disabled in Milwaukee, Ozaukee, Washington, and Waukesha Counties. Furthermore, each community rehabilitation center should include in its orbit at least the following:

1. One general hospital that operates an inpatient rehabilitation nursing unit and that provides for comprehensive evaluation and counselling services.

2. One facility (which may be the hospital in No. 1 proceeding) that accepts responsibility for co-ordinating the total community rehabilitation center.

3. All of the other short term general hospitals serving substantially the same population group as that served by the community rehabilitation center.

4. One or more facilities providing each type of rehabilitation service for inpatient and for out-patient to substantially the same population group.

5. One coordinated home care program.

6. An organized education program for professional and non-professional manpower.

7. An organized research and demonstration program."

Our study also made this recommendation: "to the extent that incorporation of the entire range of rehabilitation services in a single facility or on a single site is not feasible, we recommend:

1. The number of different facilities on different sites providing rehabilitation services for each community rehabilitation center should be kept to a necessary minimum.

2. Each facility of the center should be readily accessible to the population to be served and to every other facility of that center.

3. Services within a single facility should be grouped with careful consideration of the common needs of many patients—the degree of interaction of personnel working in diverse services and the relationship of the rehabilitation program to other health programs in the area.

As to the distribution of the facilities we made the following recommendations:

1. Community rehabilitation centers should be developed for each geographic segment of the total metropolitan area that it is likely to have a broad enough patient load to support a broad rehabilitation program.

2. The coordination unit of the community rehabilitation center and as many of the other units as possible should be developed as close to the center of the population they are intended to serve.

3. Planning for the development of community rehabilitation centers should take into account a natural geographic barrier, adequacy of public and private transportation, ease of ingress and egress, other environmental factors and social as well as physical accessibility to the population to be served.

It may seem that I have burdened you with unnecessary details of our study. However, these are the guidelines set up for our community. Because I look forward to Sacred Heart Rehabilitation Hospital to serve a key role in this program I take the courage to admonish you to refer to the report as your "Bible." Within this report are answers to almost every question that may arise in your immediate and long-range planning. In such planning, I have found, you must be introspective, objective, and rejective. Reality must prevail over idealistic inclination almost to the point of brutality in your analytical programming for the future. The planning must be positive! And you at Sacred Heart will have to develop this new concept and character for your institution.

But, after all, you have had 75 years experience. You have demonstrated how to maintain a growing, wonderful image in spite of changing your function three times, within this almost three scores. I take this privilege to encourage you to continue with the excellent service you have rendered in the past and also to remind you that as a Rehabilitation Hospital you are only one year old! As community awareness develops and rehabilitation becomes more and more a part of total health care—you will again grow in another pioneer field of health.

We salute you for success on your 75th anniversary and pray your wonderful image will continue to glow in the future as Sacred Heart Rehabilitation Hospital.

THE PUBLIC SHOULD BEWARE OF HIGHLY FINANCED ANTI-ABM PROPAGANDA

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. O'KONSKI. Mr. Speaker, I am deeply disturbed at the huge amount of money that is being spent on the anti-ABM propaganda.

Congress has a responsibilty to investigate the source of the funds that are financing one of the costliest propaganda campaigns in the history of our Nation.

The Press Ethics Committee issued a very significant statement on Friday, June 20, which should be read by every American.

Mr. Speaker, I include this statement by the Press Ethics Committee as a part of my remarks:

PRESS ETHICS COMMITTEE STATEMENT, JUNE 20, 1969

News reporting against the ABM defense missile system for the U.S.A. has been so one-sided that the right of 200 million Americans to be defended has been largely ignored.

Typical of the extreme media attacks against minimal U.S. defense from the new Soviet 25 megaton war-heads is the following from the Washington Post of April 15, 1969:

"It is still far too small to knock out more than one (U.S.) ICBM site.

"It is instead a large war-head designed to destroy large 'soft' targets—such as cities—in other words a second strike weapon, and that is all."

On the Huntley-Brinkley TV-show, where the proposed anti-missile defense has been attacked very frequently, the ABM system was even assailed in the newscast on President Eisenhower's death. TV quiz programs and TV shows are loaded with ABM opponents. One of the favorite gadgets in what seems to be leading toward a TV "blitz" against defensive missiles is to emphasize their cost and follow this immediately with the need for funds for domestic poverty programs.

This cacophony has reached such a pitch that in Foreign Affairs magazine D. A. Brennan has spoken of lopsided reporting which causes lopsided thinking. Columnist William S. White has not criticized the Press but has charged that the anti-ABM lobby is operating "one of the most richly financed propaganda campaigns in recent history."

News reporting on the new "Safeguard" missiles has almost entirely by-passed the simple fact that—at the very worst—they are better than no defense missiles at all.

The Press Ethics Committee, on the basis of a volume of press reports and TV-casts, warns the public that its safety seems endangered by the increasingly one-sided and virulent reporting against a missile defense from the new Soviet aggressive rockets.

We urge each American to be alert to this dangerous propaganda barrage and to ponder any favorable, as well as adverse, reports respecting the proposed anti-Soviet rocket defense system.

Americans should keep in mind that—on the basis of full information—the present Republican President and his predecessor, a Democratic President, have both recommended a missile defense against new offensive missiles in the hands of Communist regimes.

HOOVER ACCEPTS CHALLENGE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. GROSS. Mr. Speaker, the recent revelation that the Federal Bureau of Investigation had a wiretap on the telephones of Dr. Martin Luther King, Jr., resulted in predictable and pious bleats of horror from the liberal establishment, coupled with demands for the resignation of FBI Director J. Edgar Hoover.

Those who have attempted to pillory this faithful and courageous public servant belatedly discovered that it was not Mr. Hoover but the late Attorney General Robert F. Kennedy who authorized this wiretap.

Try as they might, these critics can no longer ignore either this fact or the reason for this surveillance. It has created an interesting situation and one which, in my opinion, is set forth clearly in an article by Clark Mollenhoff in the Des Moines Register of June 23.

I include the article at this point for insertion in the RECORD:

HOOVER ACCEPTS CHALLENGE

(By Clark Mollenhoff)

WASHINGTON, D.C.—A bitter dispute over FBI wiretapping has marred the image of the late Dr. Martin Luther King, and is moving in a direction that could seriously damage the Kennedy charisma with militant minority groups.

The dispute also brought the first direct challenge to FBI Director J. Edgar Hoover by two former attorneys general, Nicholas Katzenbach and Ramsey Clark.

Katzenbach declared that a Hoover version of the wiretapping chronology was false.

Ramsey Clark denied any knowledge of the wiretapping of Dr. King and declared that Hoover should retire as director of the FBI.

This controversy has set the stage for Hoover to release more information to congress on the wiretap, to defend his own position.

The whole flap started less than two weeks ago with the testimony of an FBI agent in Houston, Tex., admitting a wiretap on the telephone of the assassinated Nobel Prize winner, Dr. King.

The conversation that was overheard was an innocuous bit of discussion between Dr. King and former heavyweight champion Muhammad Ali (Cassius Clay), who has been indicted and convicted on a charge of failing to report for the draft term.

SHOWED RECORDS

The Justice Department was required to make available all records of eavesdropping on Ali to demonstrate in the federal court that none of these taps had resulted in information that led to the indictment of Clay on the draft evasion charge.

But, before the week was out the eavesdropping on Dr. King had resulted in a bitter confrontation between Hoover and the friends and political heirs of the late Senator Robert F. Kennedy.

There was still debate about whether the FBI or the then Atty. Gen. Kennedy initiated the wiretap on Dr. King in October, 1963. Among the chief contentions were:

1. Dr. King was engaged in a continued association with a New York lawyer and a Negro leader who were regarded by Hoover and the Justice Department as Communist Party members or tools of the Communist Party.

2. This association continued into 1963, and was a source of great concern to Kennedy, Hoover, and other officials of the federal government.

3. A decision was made by Kennedy that this represented such a potential threat to the internal security of the United States that he should authorize the FBI to engage in direct electronic surveillance of Dr. King.

4. The FBI continued electronic surveillance of Dr. King up to his assassination in April, 1968, under a Johnson administration that had stated publicly that all wire-tapping had been stopped in 1965 except those cases the administration believed essential in the interests of national security.

Senator Edward M. Kennedy (Dem., Mass.), the heir to the Kennedy political fortunes, has remained silent throughout the entire controversy over whether his brother did or did not initiate the surveillance. Senator Edward Kennedy, with his political eye set on 1972, was avoiding any clash with Hoover, whose public image has been stronger than the Kennedy image and over a much longer period of time.

The defense of Robert Kennedy was left to Katzenbach, who was deputy attorney general and attorney general, during much of the period when Dr. King's telephone was being tapped.

KNEW NOTHING

The first time he was asked about the FBI statement that Dr. King's telephone was tapped, Katzenbach said he know nothing at all about it.

A day later, Katzenbach told the Washington Post that there was such a wire-tap on Dr. King "personally authorized" by Kennedy. He added: "But to say or imply that this tap was the original conception of Robert Kennedy . . . is false."

The Post stated that Katzenbach and other Kennedy team members at Justice contend that the attorney general approved the tap on King only after the FBI had urged him to "over and over and over again" because the FBI believed Dr. King was either a Communist or a tool of the Communist Party.

President Nixon told his press conference last week that he has examined the evidence from the FBI files and the statements of the FBI director, and that Hoover enjoys his "complete confidence."

President Nixon says he has had no discussions about the possibility of naming a successor to Hoover, and he has put his stamp of approval on using legal wiretapping as provided in the omnibus crime bill of 1968 in a "sparing" but "effective" manner.

The whole flurry over the wire-tapping was touched off by Carl R. Rowan, a Negro columnist, who last Sunday had expressed his outrage at the fact that Hoover had permitted eavesdropping on the telephone conversations of Dr. King.

Rowan quoted former Atty. Gen. Clark as saying that he knew of no authority to wiretap or bug Dr. King, and he noted that Clark has said that "The implication that people thought Dr. King was a security threat is outrageous."

Rowan indicated that he too believed it was outrageous to raise questions of "national security" in connection with Dr. King's activity, and he declared that "Hoover ought to be replaced as FBI director—immediately."

That Rowan column irritated Clyde A. Tolson, associate FBI director and a former Cedar Rapids, Ia., man. Although Tolson, 69, has usually stayed out of the spotlight in his 41 years in the FBI, he wrote an angry letter to Rowan and the Washington Star calling Rowan's column a "malicious article."

ADVANCE APPROVAL

"For your information, the wiretap on Martin Luther King, jr., was specifically approved in advance in writing by the late Atty. Gen. Robert F. Kennedy. This device was strictly in the field of internal security, and, therefore, was within the provisions laid down by the then President of the United States."

That short paragraph was the first official verification that "national security" was the official reason for the surveillance of King, and it was the first written verification that Kennedy had given written approval.

A day later, Hoover, in an interview with a Washington Star reporter, went into more detail, and made the assertion that Kennedy had not only approved the wiretap on Dr. King, but had initiated it.

The signature of "Robert F. Kennedy" was on the approval, Hoover said. A memorandum from Courtney Evans, a close friend of Kennedy and the justice department liaison to the FBI, showed Kennedy initiated the King wiretap.

Although the contents of the memos have not been made public, they were made available to Jeremiah O'Leary, the Washington Star reporter. He was not permitted to quote directly from the documents, but was allowed to verify that they contained the information Hoover said they did.

With the political heat on the subject, it is regarded as inevitable that the Nixon administration will make these documents available to members of the Senate or House or at least to some committees that would have jurisdiction to examine the wiretapping practices.

The actual contents of the wiretapping logs kept on the years of Dr. King's surveillance are still secret, but it is possible that all or parts of those records will become available to the public in various trials and hearings as the government is required to show that they are not related to indictments or convictions.

As each of these records becomes available, the public will be able to put together more of the pieces of the life and activities of Dr. King, and make its own determination as to whether there was justification for the "national security" surveillance.

As that picture emerges, the public will also be permitted to examine the posture of a number of public figures—the late President John F. Kennedy, Senator Kennedy, former President Lyndon B. Johnson—to determine the extent of the personal knowledge of Dr. King's activities as well as their public postures with regard to Dr. King as a political force in the period from 1961 until his tragic death in April, 1968.

"SOUNDS OF SUMMER"—AN OUTSTANDING PROGRAM FEATURING BOSTON POPS ORCHESTRA AND MRS. JOAN KENNEDY

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. MACDONALD of Massachusetts. Mr. Speaker, last week the Subcommittee on Communications and Power of the Interstate and Foreign Commerce Committee, of which I have the privilege to be chairman, heard testimony from officials from the Corporation for Public Broadcasting in support of passage of H.R. 4212 and H.R. 7737, which I introduced.

In his testimony Mr. John Macy, president of the corporation, outlined the present record of this nonprofit entity established by Congress, and mentioned a current series of programs called "Sounds of Summer." Under a grant from the corporation, this series of eighteen 2-hour programs is broadcast simultaneously to public television stations throughout the country. Produced by National Educational Television—NET—with production grants from the corporation and the Ford Foundation, the series brings regional musical and cultural festivals to the attention of Americans who would not otherwise have an opportunity to see and hear them.

One of the best examples of the effectiveness of this type of television program was the "Sounds of Summer" performance last Sunday which featured the Boston Pops Orchestra, conducted by Mr. Arthur Fiedler.

A highlight of this program was the performance of "Peter and the Wolf," with narration by Mrs. Joan Kennedy, the wife of the senior Senator from the Commonwealth of Massachusetts. Critics have applauded Mrs. Kennedy's narration and have commended her grasp of the mood of the piece and how well her words meshed with the music.

Mr. Speaker, I insert at this point in the RECORD an article from the New York Times of June 24, 1969, by Jack Gould, commenting on the "Sounds of Summer" program last Sunday:

TV: NET'S "SOUNDS OF SUMMER" OFFERS DIVERSITY

(By Jack Gould)

In "The Sounds of Summer," which is being shown from 8 to 10 o'clock on Sunday evenings over National Educational Television on Channel 13, the Corporation for Public

Broadcasting and the Ford Foundation are presenting a most distinctively refreshing show of the vacation period.

The two organizations are tapping the availability of a diversity of musical attractions that normally would not find their way to network television and making the ensuing pleasures available to the larger TV audience.

Surely, one of the continuing communications functions of public broadcasting is to overcome the geographical barriers to an appreciation of the cultural resources that are in our midst but so often may be confined to only a single city.

Sunday night's two-hour presentation was a specially happy example of the rewards. Admittedly, public broadcasting could not miss with the first part of the program. It offered a delayed tape of Old Timers Night at the Boston Pops, with the ageless Arthur Fiedler, the conductor, showing his heels to the likes of Leonard Bernstein and Lawrence Welk when it comes to making a concert a fun occasion.

The opening selection had Mrs. Joan Kennedy, the wife of Senator Edward M. Kennedy of Massachusetts, acquitting herself handsomely as narrator of "Peter and the Wolf." She had an intuitive grasp of the feeling of her lines, was lovely to look at and she flawlessly meshed her words with the ensemble.

The Boston Pops has been so long and justly praised that postscripts at this late date can only qualify as redundancy. But this does not detract from renewed admiration for Mr. Fiedler's zest in using the Boston ensemble to achieve an entente of gaiety between the orchestra and the audience.

Characteristically, he made "The Little Brown Jug" sound like practically a new number and had the audience singing to "Margie," "Pal of My Heart," "Shine on Harvest Moon," "When Irish Eyes Are Smiling" and "After the Ball is Over."

The spirit of the Boston Pops is wholly contagious, and why Mr. Fiedler has not been a TV fixture defies understanding. In hearing the depths and resonance that an accomplished orchestra has to bring to even the most familiar tunes is in itself exciting musical education, one that could be carried forward to more demanding classical works. The Boston Pops easily could be a bridge between the symphony world and the mass of videoland; and why not?

The second portion of Sunday night's "Sounds of Summer" was altogether different, a tape of the May premiere of Peter Mennin's cantata "Pied Piper of Hamelin" with the Cincinnati Symphony Orchestra under the direction of Max Rudolf, a huge children's chorus and Cyril Ritchard as narrator.

Mr. Mennin's interpretation of the legend was musically always interesting and Mr. Ritchard's narration admirably suited to the occasion. Let the musicologists assess the cantata per se; for the downtrodden video addict it was pure elixir, a magnificient antidote to the likes of "Hee Haw."

"Sounds of Summer," modestly narrated by Steve Allen, has not always been so lucky. Its maiden program on New Orleans jazz often seemed cold and, except for the sequence with Count Basie, appeared to be a patch-work job of editing. A week ago it covered the folk festival of the Smokeys, taped at Gatlinburg, Tenn. The insight into the mountain heritage of folk music had value but the quality of performing, while probably accurate in its authenticity, came through raspy over a TV set loudspeaker.

But no matter, N.E.T., the corporation and the Ford Foundation are on the prowl for samplings of different kinds of music to flourish in summer, and theirs is an admirable goal.

LEARNING DISABILITIES—PART 3: CHILDREN WITH MINIMAL BRAIN DYSFUNCTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. PUCINSKI. Mr. Speaker, it has been estimated that there are more than 5 million children with learning disabilities in our schools throughout the Nation. These are children who are not otherwise classified as handicapped. But, for varying reasons, they are unable to learn as other children do.

The means of determining children with learning disabilities and distinguishing them from children who are handicapped is a perplexing and difficult assignment for teachers and parents.

Following is an article written by Dr. Eugene Schwalb for the Journal of Learning Disabilities of April 1969 on the subject of detecting learning disabilities in children from their earliest stages of development:

CHILD WITH BRAIN DYSFUNCTION

Criteria and tests used on which to base the diagnosis of Brain Dysfunction are considered. This diagnosis has neurodevelopmental and educational aspects which are related to specific classroom procedures. The practice and theory of new education and not remediation are discussed.

PART I—DIAGNOSIS

Brain dysfunction, or minimal brain damage (MBD), or minimal brain dysfunction, refers to children who primarily have behavior and learning problems. We are not here dealing with structural abnormalities such as are found in brain tumors or in cerebral vascular anomalies. In fact, children with the latter disorders usually do not have brain dysfunction. An MBD diagnosis has both a medical and an educational aspect in that the findings must be related to specific classroom procedures.

The MBD diagnosis is based on a behavioral symptom complex consisting of hyperactivity, impulsivity, short attention span, perseveration, and five other major characteristics:

(1) near normal, normal or above normal IQ

(2) specific learning problems such as visual perceptual problems, poor auditory discrimination, etc.

(3) memory problems; basically, these children cannot carry out a sequence of commands

(4) mixed laterality and/or right-left disorientation

(5) coordination problems, particularly in tasks requiring fine and rapid motor coordination

When such children are referred for the neurological examination, a modification of the traditional format is required. We perform a developmental analysis because asymmetries of function or seeking the level of the central nervous system affected by disease are not at issue. Brain injury, if it has occurred early in development, has a good deal of time to repair. Then how do we identify these children? Combinations of impairment in perception, conceptualization, language memory, attention and impulse control are tip-offs in the identification of the MBD child. The history may also be of value. Developmental lags in the motor, language and behavior areas are clues as to the child's functioning. History of pre-maturity, ante- and neonatal factors, poor suck, colic, etc., all may supply the clue for directing our attention to brain dysfunction. For specific data our evaluation may then be directed to the following areas:

(I) Performance and Intelligence: A scorable development and intelligence analysis such as the Gesell Scale is of value. Scale (1) is of value.

(II) Language Evaluation: Delayed language development is usually noted in the history. In addition, if the examiner must ask the child to repeat himself in order to understand the patient's speech, an evaluation has to be made using any available articulation and auditory discrimination scale or a speech diagnostic evaluation.

Language also may be evaluated by parts of the Illinois Test of Psycholinguistic Abilities (2) in children from age 3 to 8. We note deficiencies in auditory sequencing skills or in recalling placement of visual objects in sequence. Receptive language difficulties may be picked up by the vocal encoding section and other sections as well of the ITPA.

For older children, it is important to note both expressive and receptive speech problems in addition to articulation difficulties. Among those things to be noted are word discrimination, sound blending, sound meaning and word meaning. We find it most useful to employ an oral reading test such as the Gilmore or any other reading tests. We listen to the child read aloud and record errors such as the following:

(a) phonetic or unphonetic sounding out of unfamiliar words

(b) errors involving directional confusion, particularly reversals, as was-saw, big-dig

(c) substituting words with similar meaning in a story

(d) perserverating on certain words, particularly at the end of sentences and before the start of the next sentence

(e) holding the paper at a 90 degree angle, or upside down

(f) difficulty staying on the line

Reading or language retardation is present when a school child is reading two grades below his mental age. This is the general school cut-off point for retention in class.

(III) R-L Orientation: The child's ability to organize his spatial environment is measured by a series of objective and subjective tests, crossing over commands, sleep positions, nail polishing, preferred direction of lateral gaze, etc. (2)

(IV) Soft Motor Signs: Our examination searches for the soft neurological signs which correspond to major cerebral palsy abnormalities, a soft neurological scale has been published (2). The following are most common:

(a) Coordination. Poor coordination is delineated by the child's manipulation of his pencil—for this requires fine motor skills. Tests such as Part One of the Frostig (3) are suitable in scoring the child's difficulties. These are the children who have difficulty in tying shoe laces, in placing straws in narrow neck bottles, etc.

(b) Choreiform movements: Abrupt, short muscle jerks noted when the child is asked to outstretch his hand, are also frequently helpful signs. These short muscle jerks may explain the high incidence of muscle artifact on the electro-encephalogram noted in these children.

(c) Neonatal Automatism: Persistence is thought to be a measure of the disorganization and the disintegration of the central nervous system. Despite the fact that the range of normalcy is wide, automatic instability in the MBD child of six and seven and above also gives us the following pertinent soft signs: reflex carry-over and motor impersistence-shown by the inability to perform such sustained motor activity as sticking out the tongue. (2)

(V) "Soft signs": In the sensory areas these are checked with tests for finger and

tactile agnosia, tactile figure writing, position sense testing, two-point discrimination test, optikinetic nystagmus, auditory tune-out test (involves ringing a bell and simultaneously touching the child's hands or legs; this test depends on the child's ability or inability to tune out irrelevant stimuli), and the face-hand-test are useful in measuring "sensory integration." (2)

The electroencephalogram: The EEG has not been a particularly useful tool in diagnosing brain dysfunction. Electroencephalographic soft signs (excessive random slowing, prolonged response to hyperventilation, occipital spiking and 6–14 positive spiking) are found in increasing frequencies but their significance is unclear. They may represent subliminal discharges and often clear with motor maturity. A better way to discern a subliminal spike is being sought. Electroencephalographic computer averaging of auditory click helped Barnett, et al (4) uncover deafness in congenital rubella in the first week of life. This technique may prove to be the best diagnostic test, since the MBD discharge may require the additive effect of a computer to become visible.

(VI) Perception: Our next objective is to describe the strengths and weaknesses of "perception." A perceptual profile is obtained. These skills are maturational in character and are attained by the normal child in predictable sequence. The senses (eyes, ears, skin, etc.) receive impressions which are fed to the brain. Normally, an orderly sorting process takes place. Sensations are organized and remembered so that perception (visual-auditory, tactile, kinesthetic) can take place. It is an inability to sort and screen out stimuli which is the prime difficulty in the child with brain dysfunction. Tests for visual perception and visual motor coordination are the Winterhaven (5), the Frostig (3) and the Bender-Gestalt. We use only those parts that are pertinent to each child's problems.

The Frostig test evaluates eye-motor coordination, figure background, shape constancy, position in space and spatial relationships. The test is easily scorable and norms are available. Auditory perception or discrimination of similiar sounds may be evaluated by parts of the Wepman Test (6) of auditory discrimination or the Pronovost-Dumbleton Test (7), which is a picture type speech-sound discrimination test. Tests for tactile and kinesthetic perception involve objective recognition by touch of texture, weight and size, and board recognition of geometric shapes. A careful differential diagnosis is required because of the possibility of confusing minimal brain dysfunction with the following:

(1) Primary adjustment reaction of childhood, where the etiology is family dysfunction and anxiety seems to be the primary symptom, is most difficult to differentiate from the MBD child since behavioral aberrations are common to both.

(2) Developmental dyslexia refers to children who have difficulties in integrating auditory and visual stimuli despite the fact that they may perceive them correctly. They also have mixed dominance and right-left disorientation but little motor or speech difficulties.

(3) Environmental deprivation syndrome involves children with behavioral symptoms in school not unlike those earlier detailed. A strict maternally dominated home and passive or absent fathers, normal performance and low normal verbal intelligence quotient, normal visual perception and no motor deficits are usually found.

(4) Developmental aphasia involves children with brain dysfunction and with receptive as well as expressive difficulty. They also seem to have difficulty in auditory discrimination and differentiation.

Variations and combinations of the above are often seen. It is the examiner's objective to demarcate and delineate the problem.

In conclusion, it must be noted again that diagnosis is not a sufficient end-product. Our examination is also designed to assess the child's abilities and handicaps in order to provide the educator with information regarding the child's strengths and weaknesses so that he may design an appropriate modified curriculum with the help of such optimal modifications as may be achieved medically and to identify children who are functioning below their age capacity level in order to prevent emotional sequelae.

On the basis of the descriptive diagnosis provided, the teacher should be able to conceptualize and implement a technique for teaching each child based on the characteristics of the abnormal condition found. To accomplish this end, medico-psychological-educational interdisciplinary evaluation, consultation and therapy interweaving are mandatory.

PART II—REMEDIATION

A recent publication on learning disabilities tells a story about a college class in experimental psychology that was required to train rats in maze running. Naturally, some of the rats failed to learn as well as others. Not one of the students, however, nor their instructor presumably, hypothesized anything like brain injury or aphasia or even dyslexia as a cause. They "all assumed that something had been wrong with their technique." (8) This invaluable bit of educational lore obviously should not be confined to rats. Essentially, it is another way of saying that not all units of a population—any population—learn alike; the problem is to find out how to meet the special needs of those that differ.

The child with "minimal brain dysfunction," so far as the educator is concerned, falls into the category of the disabled learner or the child who is different. The special needs of this child seem to be fourfold:

(a) remedial techniques and materials oriented toward some bomvination of the visual, auditory, kinesthetic and a tactile modalities.

(b) medication where necessary.

(c) the judicious/scaling down of demands to a point where success is possible.

(d) material presented in such small increments as to make success habitual.

This paper will deal with procedures and materials pertaining to the first item.

Since disabled learners with very few exceptions have at least learned to speak, it seems possible that much more can be done with the auditory modality than has hitherto been considered possible. There is never any hesitation with the legally blind. Material is prepared to be read to them. Tests are read to them and their replies are recorded and evaluated with due regard for their special handicap, and correctly so, of course. Contrast this with the customary treatment of the word-blind or dyslexic child, however. Only in rare cases are similar procedures utlized and one would be hard put to explain why.

It is also important to note that reading to the blind is not remedial; it is a means of learning. It adapts material to the only other suitable modality, the auditory modality, and a careful distinction must be made at this point between learning and remedial work. Like the blind child, the child with a learning disability must still learn but because of the special nature of his problem, the fulfillment of this need has been if not evaded, at least postponed until conventional or near-conventional reading-learning skills have been establishd. Even special schools tend to fixate too rigidly on books, or at least printed material, as the individual's chief source of information and intellectual stimulation. This is no longer true of society at large and should be even less true.

To put this theory of modality-adapted learning in its simplest terms, one would imagine that if a child is, for any reason "blind" to print, a way would be found to read it to him. There is no evidence that this is being done except in an extremely sporadic fashion. Yet, current technology offers a great deal that can be brought to bear on the problem. There is, of course, the tape recording with associated text so that some incidental visual learning may take place. And there are the other media, such as films, recordings, and "speaking" film strips. Fully applied, this procedure would quite reverse the customary learning process so that it would be the multi-media or audio-visual materials on which the main line of curricular development would depend, with books as supplementary material. This is in contrast to the traditional pattern in which the various media are supplements to books. We would, therefore, expect to present Dr. Seuss on tapes, subject area information via tapes, even philosophy via tapes. Only in this way, however, would the school genuinely achieve its basic function, which is to teach—to be a channel for the effective imparting of knowledge in whatever way the child can best absorb it.

Returning now to the discussion of the remedial needs of the disabled learner, material and techniques are available in abundance, almost bewilderingly so, in fact. Dr. Ray Barsch's remark in reference to motor training at the 1968 CEC (Council for Exceptional Children) Convention in Boston to the effect that "this elephant can be grabbed by almost any feet" is true for other aspects of work with these youngsters today. It should be noted that all items referred to in the following paragraphs are either the only ones available or are those that happen simply to lie within the writer's competence.

It should be noted that selection of material must be based on what we know about the child and where we want to go with him, as well as special alertness to what we may find out. Flexibility helps and it helps to forget what doesn't work. Carefully observed, the child will himself sometimes suggest the technique that does. If a child closes his eyes, for example, it may be his way of describing how he learns best at that moment.

To expand slightly on the diagnostic-remedial bond which is much tighter than ever before, it is interesting to note that in some long-gone primordial era, two decades ago perhaps, it was sufficient to check simple acuity of vision and of hearing. Today's refinements include the ITPA (Illinois Test of Psycholinguistic Abilities) (1) which provides a profile of auditory-linguistic and visual-linguistic strengths and weaknesses. Of its twelve subtests, two are closely related to reading and can give valuable and almost instant insights into the deficit areas of the non-reading child, and even some adults, and to suggest some of the remedial work that may be necessary. These are the Auditory-Vocal-Sequencing sub-test for auditory memory and the Visual-Motor-Sequencing sub-test for visual memory.

The latter usually correlates closely with the Form Constancy or visual memory section of the Frostig Test of Visual Perception (3) which, as a whole, differentiates the various problem areas in visual perception and thus is an excellent back-up test for the ITPA. (1)

An equally "primitive" notion had it that persistent non-reading indicated a need for psychotherapy. This resulted often in rather well adjusted non-readers.

Diagnosticians, including psychologists, are increasingly concerned with motor skills which are, currently, for the educator as well as the medical practitioner, an important phase in the diagnosis of learning disabilities. Here, the Purdue Perceptual Motor

Survey (10) is an important tool. It helps to identify potentially poor achievers and to uncover problem areas such as confused directionality, mixed laterality, confusion about body parts, and so on. Its scoring system is not as clear or as specific as might be desired, but it is excellent as a survey of a child's motor skills and his training needs. It points the way to remedial procedures as found in the work of Kephart, one of the authors of the survey, G. N. Getman (11), Frostig and Barsch (12).

As previously indicated, success is most closely related to the selection of appropriate goals and the proper sequencing of steps leading to them. The perceptually handicapped non-learner may score his first success in tracing the outline of a triangle. The motor-handicapped non-learner may score his first success on a walking-beam or balance board. For the sequence of "small increments" that might "make success habitual" in this area, techniques and games suggested by Cratty (13), and Avery and Higgins (14) should prove helpful.

With respect to reading itself, diagnostic instruments have not changed very much. They tend to be fairly elaborate but tell the diagnostician only a little more than he already knows, namely that a reading problem exists and that certain sounds and sound combinations are possibly somewhat more of a problem than others but not whether they are the crucial problems.

In the same category are oral reading tests which provide a somewhat more limited but still helpful profile of sound and word recognition anomalies. The Gray Oral Reading Paragraphs is the best known. Not as widely used as it should be is the Gilmore (15). Available in two forms, soon to be four, it gives a measure not only of word recognition but of comprehension as well. Since the examiner can help out with word recognition up to a certain point, a measure of reading potential is thus provided. The comprehension score then may be taken as an indication of how well the child could comprehend if at least his word recognition were better.

Basic, certainly, for the younger child's remedial work is auditory discrimination training. This is now available in many forms. One kit, Sight and Sound, for example, prepared under the auspices of the Department of Health, Education and Welfare for deaf children gives valuable training in discrimination among the sounds characteristic of the city, the farm and so forth.

Visual perceptual training is equally vital for these youngsters. The Frostig training materials, the Michigan Visual, Symbol and Word Tracking Books (16), Parquetry Blocks, puzzles and other games, commercial or teacher developed, can be used.

Much of all this may be termed "undercutting." It takes the child back from the ordinary level of learning letters, sounds and words to more basic processes. It comes as a great surprise to some teachers to realize that these children do not learn and remember a word such as "the," for instance, after simply seeing it (using the visual modality) and hearing it (using the auditory modality). They must also write the word (kinesthetic modality) and feel (tactile modality) the letters, whether made of clay, sandpaper or whatever, before mastery is achieved, VAKT in other words.

However, illustrative of the increasing subtlety of work in this field is the fact that a variant on this process called "non-VAKT" in which the visual modality is blocked, the eyes blindfolded, or at least closed in certain stages of the remedial process, has begun to secure a hearing.

Word recognition, phonics, spelling, vocabulary building—it would be impossible even to begin to cover the variety of texts and programs that are available at a given moment. Usually, they are designed for general use. What would make them suitable for the child with a learning disability, especially the non-reader, from the point of view of this paper, is their existence in taped form or the possibility of adapting them for taping. This qualification cuts the field down considerably, but the following should be taken only as examples of what is available, or, again, known to the author.

For the beginning reader, the Michigan Word Attack and Comprehension Program is worth scrutiny and can be taped easily. The Sullivan Programmed Series (17) presents a limited number of sounds in a colorful and repetitive fashion spread over twenty-one books. It can be taped in whole or part to suit an individual clinic's special needs or a child's. Already taped is the Charles Merill Skilltapes for remedial work on almost any level. For older children and adults an interesting pair of workbooks, Educators Publishers Programmed Phonics presents almost the entire phonic system needed for reading spelling, including syllable identification techniques. A patient and skillful compilation, the taped version is reported available for purchase. Harcourt, Brace & World's, Sound and Sense in Spelling, Grades 2-8, is not programmed but on records with texts and work.

Vocabulary building exercises are also available in abundance, but only a programmed series can be taped to good effect. It should be noted that the key word is "programmed." Material that has been programmed has been reduced to the careful, step-by-step sequence that is required for repeated experience with success. Word Cues, from Educational Development Laboratories, is a good illustration of this type of resource for the older student.

Comprehension materials are not always as important as one would think for most of these children since mastery of words and word-attack skills usually opens the door to reading for them. Brief exercises tend to be best for obvious reasons such as convenience, easy incorporation within the usually brief instructional periods, but also because they can be quickly taped. Teachers College's, Gates-Peardon and McCall-Crabbs series are all effective for the elementary grades and for remedial work in general, as are the various "laboratory" sets. The results of taping them for repetitive listening before the comprehension questions are answered will prove, for those to whom this method is new, extremely interesting.

In conclusion, each of the techniques discussed here should be seen as part of the process whereby educators have gained access to one segment or another of the originally undifferentiated groups of children known as non-learners. It has been a long process and the end is certainly not yet in sight, but we are probably closer, at least in concept, to the day when the organization of appropriate material will be accompanied by a prescription to insure mastery by the learner in terms of his special capacities.

HEARING HIGHLIGHTS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. BUSH. Mr. Speaker, the House Republican Research and Planning Committee Task Force on Earth Resources and Population has been holding hearings on present programs and planning of the administration in areas of interest to the task force. Last week we submitted for the RECORD a report of our first hearings. I would now like to bring the Members of the House up to date on our most recent ones.

Dr. R. T. Ravenholt, Director of the Population Service for AID, appeared before the group on June 17. Dr. Martin Forman, Director of the Nutrition and Child Feeding Service, and Mr. George Parman, Director of the Food From the Sea Service, also from AID, appeared June 19. A summary of their testimony appears below.

The task force will continue to place reports of our activities in the RECORD for the benefit of any Member of the House with an interest in the long-range planning being done by the executive branch in regard to our expanding population and its relation to hunger and our natural resources. Today's insertions follow:

HEARING HIGHLIGHTS

TUESDAY, JUNE 17, 1969

Dr. R. T. Ravenholt, Director of the Population Service.

Members Present: Bush, McCloskey, Pettis, Reid, Hammerschmidt.

Staff From: Taft, Mosher, Vander Jagt, McClory.

"It has been argued that enlargement of human freedom by extension of family planning programs will fail to adequately curb the population increase and, therefore, other and even coercive social measures of population control are needed. This argument is largely based upon a narrow concept of what constitutes a family planning program. Some regard it simply as the provision of clinical and contraceptive services; others consider the many relevant actions contributory to greater use of available services and improved practice of family planning as an integral part of an effective family planning program. Viewed from this latter perspective, such actions as provided information and education, raising the marriage age, rescission of pronatalist laws and incentives, and repeal or liberalization of abortion laws are considered integral parts of a comprehensive family planning program.

On the other hand, population planning and control programs are distinctive from family planning programs to the extent they plan or control population dynamics by means other than fertility control, that is, by manipulation of mortality or migration or both. In AID, to avoid confusion, we usually speak of the population and family planning program.

A key judgment often heard is that the full implementation of family planning programs and the full exercise of fertility control by women and couples everywhere will fall far short of the goal of zero population growth because attitude studies have shown that women want too many children. But this judgment appears to be based upon the simple assumption that the composite response of women of all reproductive ages and experience to survey questions such as "What do you consider the ideal number of children?" bears a close and reliable relationship to the number of children women would have if they reproduced only if and when they wished, each month from menarche to menopause. This assumption is not supported by logic or definitive study.

Bearing and rearing children is hard work. and few women have unlimited enthusiasm for the task. If given the choice, each month, of whether they wish to be pregnant that month, many considerations other than ultimate family size guide their reproductive behavior; and for many women postponement of pregnancy means reduction in completed family size.

The current large excess of births over deaths in many developing countries has caused some pessimism concerning the collective wisdom of people individually exercising freedom of choice; but, on the other hand, there appears to be a sound basis for optimism: where in the world is there a country wherein people truly have the freedom and ability to control their fertility and where there is a continuing large excess use of their reproductive powers? The pattern seems clear that in those countries where women need not reproduce except if and when they choose (meaning they have access to hindsight (abortion) as well as foresight (contraceptive) methods of fertility control), the situation is encouraging. In Japan and several countries of Eastern Europe the net reproduction rate has fallen below 1, and social concern has shifted from the problem of too-great reproduction to concern for the possibly too-low reproductive rate. Certainly the high rates of abortion, even where illegal, as in the developed areas of Europe and the United States, and also throughout the developing world, bear witness to the determination of women in all cultures to limit their reproduction. Many women, whose foresight, knowledge, and means prove inadequate to prevent conception, will pay whatever they can and risk their lives to terminate pregnancies which they deem undesirable for reasons best known to them.

Because the extent of availability of family planning information and means is now usually a dominant determinant in the complex of forces influencing reproductive behavior, no definitive studies nor final judgments of additional measures which may *ultimately* be needed to achieve a desired rate of population growth can be made *in advance* of the full extension of family planning services. But as family planning information and services are made appropriately available, key impediments to optimal utilization of such services can be identified. Thereupon research studies should be performed as needed to overcome recognized obstacles and for advancement of the program. Naturally, many nonclinical actions, such as rational alteration of legal and fiscal codes, should be taken concurrently with clinical actions to enhance the effectiveness of the population and family planning program.

Regardless of what special social measures may ultimately be needed for optimal regulation of fertility, it is clear that the main element initially in any population planning and control program should be the extension of family planning information and means to all elements of the population. It seems reasonable to believe that when women throughout the world need reproduce only if and when they choose, then the many intense family and social problems generated by unplanned, unwanted, and poorly cared for children will be greatly ameliorated and the now acute problem of too rapid population growth will be reduced to manageable proportions.

HEARING HIGHLIGHTS

THURSDAY, JUNE 19, 1969

Dr. Martin Forman, Director, Nutrition and Child Feeding Service.

Mr. George Parman, Director, Food from the Sea Service.

Members present: Bush, Keith, Pettis, Henry Smith, Wold.

Staff from: Taft, Fulton, Vander Jagt.

Dr. Forman stated that the target group of the AID Department of Nutrition and Child Feeding is pre-school children, those up to the age of five. Malnutrition at this age usually results in the irreversible retardation of the child's brain and growth.

The short-term programs now attacking the malnutrition problem are Food for Peace, Care, and other international agencies such as Red Cross. In dealing with the PL 480 surpluses, there is an emphasis on improving the nutritional content of the food. For example, CSM (corn soy meal), WSB (wheat soy blend), and various vitamin additives.

Dr. Forman explained AID's interest in working with products which do not require the creation of new markets. Cereals are being enriched to a protein level equivalent to that of fish or meat; and a new rice-like granule contains enough nutrients to supply a meal with adequate protein fortification. These projects are currently instituted in both Peru and Thailand.

From a budget of 2 million dollars, twelve AID grants have been given private corporations in an effort to secure their assistance in long-run research.

Mr. George Parman elaborated on the sea's vast food potential and explained that 60 million tons of fish were caught last year, a far cry from the estimated potential of 244 million tons.

A new product known as FPC (Fish Protein Concentrate), a type of flour made from processed fish, provides as much protein as fresh fish but requires none of the expensive refrigeration. FPC would enable countries like India, where 250,000 tons of sardines dried up on beaches last year, to process those fish into an equally nutritious and more stable product. FPC is now being tested successfully in Chile, and a report will soon be published aimed at attracting private investment to this newly-created FPC market.

As an example of successful FPC processes, it is being produced in Pakistan from sharks. The skin is removed for leather, the teeth are sold as souvenirs, and the FPC return on the boneless fish is 95%.

Mr. Parman pointed out that some of the private sector of the U.S. is currently making overseas investments in the shrimp industry. This activity is adding to the trade of the foreign countries as well as giving their fishing industry some of the expertise necessary to operate new and technical fishing equipment.

Mr. Parman explained that sub-sea farming was economically feasible with oysters and certain plants. However, to use plankton and algae as human food sources is not as realistic economically as concentrating on the fish which feed on the plankton.

TRIBUTE TO DR. W. LAURENS WALKER

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. MANN. Mr. Speaker, this Nation owes a debt of gratitude to the many fine dedicated people who devote their time and talents to the education of the physically handicapped.

One such person is Dr. W. Laurens Walker who, after 38 years of service, will retire on June 30 as superintendent of the South Carolina School for the Deaf and Blind, Cedar Spring, Spartanburg County, S.C.

The history of the Cedar Spring School and the Walker family are deeply intertwined. Dr. Walker is a direct descendent of Rev. Newton Pinckney Walker who, as a young Baptist minister, founded the school in 1849 in response to the needs of five deaf children.

Under the careful and capable supervision of the Walker family, the school has grown to a present enrollment of 550 students, a complex of over 15 buildings and a staff of 236 employees. Thanks to four generations of Walkers, and in particular to Dr. W. Laurens Walker, Cedar Spring is now considered to be one of the most outstanding schools in its field.

Spartanburg County is justifiably proud of Dr. Walker. He is a person of many dimensions—an outstanding educator, administrator, and philanthropist, who has worked unselfishly and tirelessly for the betterment of mankind.

We acknowledge with humble gratitude his 38 years of service to the education and welfare of the deaf and blind of South Carolina, as well as his many contributions to the spiritual, cultural, and economic growth and development of Spartanburg County.

AMERICAN LIVES LOST IN VIETNAM

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. VIGORITO. Mr. Speaker, the Vietnam conflict touches every American in one way or other.

But those who are touched most intimately and most tragically are those families who have lost a dear son, brother or husband. As in other wars, these families have made the supreme sacrifice.

On Memorial Day we paid tribute throughout the land to all Americans lost in all wars from the Revolution to the present. It was a fitting tribute. But I wish today to pay more specific tribute to those young men from my 24th Congressional District of Pennsylvania who have lost their lives in Vietnam. In the full bloom of their manhood they went to a foreign land, fought and died. We miss them dearly.

Mr. Speaker, I am including in the RECORD the name of those soldiers whose death in Vietnam has been brought to my attention since I first came to Congress in 1965:

VIETNAM WAR DEAD

1. Allessie, Joseph, North East.
2. Bailey, Larry J., Spartansburg.
3. Baun, David E., Mercer.
4. Beebe, Larry, North East.
5. Bennett, Joseph, Titusville.
6. Billings, David, Lake City.
7. Bronakoski, James, Erie.
8. Brophy, Patrick, Erie.
9. Brown, Roger, Farrell.
10. Bowers, James D., Edinboro.
11. Byers, James, Meadville.
12. Byham, Dan, Guys Mills.
13. Callaghan, David, Erie.
14. Carr, Gerald, North East.
15. Cartney, Patrick, Titusville.
16. Chase, Raymond, Meadville.
17. Christy, Albert, Mercer.
18. Coon, Jesse, Sharon.
19. DeBow, Edward, Linesville.
20. Dufford, Paul, West Middlesex.
21. Edwards, Joseph, Erie.
22. Figueroa, Michael, Springfield.
23. Fladry, Leroy, Union City.
24. Flanders, Danny, Erie.

25. Forrester, Carl, Mercer.
26. Funelli, Richard, Farrell.
27. George, Michael, Erie.
28. Good, Paul, Sharpsville.
29. Harmon, Robert, Erie.
30. Hedglin, Miles, Grove City.
31. Henry, Leonard, Erie.
32. Higgins, Merle, Jamestown.
33. Hill, David, Erie.
34. Hymers, Charles, Erie.
35. Jarzenski, James, Cochranton.
35a. Julius, William, Erie.
36. Kahler, Charles, Meadville.
37. Kaspaul, Alfred, Fairview.
38. Kelly, Gregory, North East.
39. Kennedy, Thomas, Erie.
40. Klaric, Terrence, Farrell.
41. Kranonczyk, Richard, Erie.
42. Krupinski, Raymond, Erie.
43. Logue, John, Franklin.
44. Martin, Ronald, Erie.
45. McNeish, Richard, Mercer.
46. Millison, Dennis, Sharon.
47. Mitchell, David, Erie.
48. Neidrick, Jack, Erie.
49. Nelson, John, Erie.
50. Nichols, Colin, Spartansburg.
51. Niemann, David, Conneautville.
52. Norman, Gary, Erie.
53. Parobek, Silas, Albion.
54. Phillis, Donald, Titusville.
55. Powers, William, Erie.
56. Probst, Delmar, Erie.
57. Rahn, Donald, Erie.
58. Rauber, William, Wheatland.
59. Reagle, John, Titusville.
60. Reynolds, Jack, Erie.
61. Reynolds, John, Linesville.
62. Rudd, James, Meadville.
63. Russo, Augustine, New Castle.
64. Santone, Joseph, Erie.
65. Shaffer, William, Erie.
66. Shields, Robert, Erie.
67. Smith, Olen, Erie.
68. Snell, Marc, Erie.
69. Stearns, Allan, Girard.
70. Suvara, Frank, Erie.
71. Szoszorek, Gerald, Erie.
72. Tinko, Donald, Corry.
73. Trypus, Frank, Meadville.
74. Walter, Clifton, Erie.
75. Westfall, Robert, Meadville.
76. Vandervort, William, Erie.
77. Vaughn, John, Erie.
78. Yeast, John, Edinboro.

THE ROLE OF GOLD IN CONTRIBUTING TO INTERNATIONAL MONETARY STABILITY

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. KEITH. Mr. Speaker, the past few years have seen a deterioration of confidence in the international monetary system. Compounding this problem, inflationary pressures have eroded the position of the dollar, the cornerstone of world currency stability.

Concerned with this serious situation, Mr. Charles Sevigny, of West Hanover, Mass., has written me a series of articulate and thoughtful letters on the role of gold in contributing to international monetary stability. For the benefit of my colleagues in their deliberations on this issue, I include Mr. Sevigny's latest letter here under unanimous consent:

JUNE 16, 1969.

HON. HASTINGS KEITH,
House Office Building,
Washington, D.C.

DEAR HASTINGS: This morning I received a notice from the South Shore National Bank announcing that they are increasing our interest rate to 11¾%. This reminded me abruptly of our previous discussion concerning economics in this country.

You mentioned in your last letter that since you are now several years out of college you do not have a clear or sharp recollection of your course in Economics. I am sure that if you look back, or if you were to ask any college sophomore, that you would find that it has been a well established fact that no economy can survive without gold behind its currency or government as a stabilizing factor. The history of world government has proven this and it has been taught in all the schools and colleges.

We have two great basic problems in this country. I am not now talking about the social problems and all the racial and college upheavals but rather about basic problems. These two problems are shortage of manpower and unstable currency because it is not properly backed by gold and because we are unrealistically trying to buy gold in 1969 at 1935 prices.

Just for a moment let's talk about manpower. I am sure that you feel the pinch as well as we do, since the last time I talked to you you asked me if I knew where you could get some people to join your staff. The same applies everywhere no one has enough help, no one can get enough help. Every company that I know of, and I am sure you realize that I know a great many, are being forced to curtail their operations because they cannot get enough help to expand into the new fields that are opening up. In the meantime we are exporting our manpower at a rate that is beyond belief. We have over 100,000 civilians working in Vietnam and from all reports that I hear they are just in the way of everyone over there and adding to the troubles of that already unhappy country. The State Department employs at least an equal number of people around the world within most offices about three people doing one persons work. We have military men spread everywhere you can think of. We are supporting the military effort of former enemies that we defeated 25 years ago and are now well able to take care of themselves. In the meantime we are dying for help at home. Essential services like getting your roof fixed, having someone repair your oil burner, shoveling snow, painting your house, you cannot hire a plumber or an electrician all these things and thousands of others are going undone because we do not have the people and those people that we do have are not learning manual skills. We have a huge gap between college trained people and unskilled labor that is not being filled by trained people simply because there are no people to train for these positions. In the meantime all of this employment of Americans in foreign countries is contributing to our deficit of payments by the money that they spend overseas which is usually equal to just about their pay.

Add to the above the fact that we are not realistically facing the gold problem and you will find a combination of effects and side effects that can easily draw us into a very bad serious situation at home while we are busy trying to run the affairs of the rest of the world. This does not mean that I am an isolationist because I am not. It is however my experience that governments, like people, like to lead their own lives in their own way and they do not like to be helped until they ask for help. Then and only then should we offer our help and in such an instance it should be offered on a very limited scale. In this way other nations become self-sufficient not rather than dependent upon us.

I like to use the expression "increase the price of gold" rather than the negative term of "devalue the dollar". In my opinion the Republican Party, and in fact everyone in government, should use the positive expression rather than the negative. In connection with this I have some very definite ideas. As you know any fool can criticize, however, I think that before one should criticize they should have a workable plan as an alternative ready to suggest. My suggestion would be that: Congress should pass a new Law governing the price of gold. This law should tie the price of gold to the world market value which is the true value of the metal. The Treasury should be authorized to buy gold only from domestic producers as long as it is available. In other words they should not be permitted to buy foreign gold until the domestic supply is exhausted unless or until some specific situation arises which would make the need for additional gold important to us. We should pay world gold prices for domestic gold and about $1.00 an ounce less for foreign gold landed here.

I believe that I told you in my previous letter that Goldfield Corporation, one of the largest owners of gold producing property in this country, tried within the past two or three years to produce gold at the Treasury price of $35.00 an ounce using the most modern possible methods. It was found that it was impossible to do so and they therefore shut down their operation. I hope you realize that I have no axe to grind in this other than good government. I do not own stock in Goldfields or any other mining company nor do I own a gold mine of any kind myself. I do think however that we are being very unrealistic trying to buy gold in 1969 at 1935 prices which were too low even for 1935.

The Republicans in Congress should get behind the increase in the price of gold in order to bring about a stable currency and therefore a stable government. This going off the gold standard was one of the great frauds imposed on the American public by the New Deal. We have only had one or two opportunities since the days of the New Deal where a Republican president could reverse this serious mistake. To me it is the only way that we will get enough solid valuable currency into circulation to meet the demands of a greatly expanding economy. If we do not take such a step as this the only alternative will be to print money with no backing and contribute seriously to the inflationary spiral that we are now in since the money will be nothing but paper. By using the method I recommend every dollar will then be backed by hard money at Fort Knox.

These two problems are tightly coupled together. The one on one hand drains our manpower reserves and creates tremendous deficit in our balance of payments thus contributing to the inflationary spiral and the other effects that I stated above.

I would be extremely grateful if you would give these facts your serious attention and do whatever is possible to spread the gospel.

Yours very truly,

SEVIGNY'S CANDY, INC.,
CHARLES P. SEVIGNY, *President.*

U.S.S. "PUEBLO" SEIZURE CALLED SOVIET SCHEME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. RARICK. Mr. Speaker, the current issue of the Reader's Digest publishes the story of Communist Gen. Jan Sejna of Czechoslovakia, one of the highest ranking officers ever to defect to the West, regarding the participation of the Soviet Union in the hijacking of the U.S.S. *Pueblo*, and the value to the enemy of the intelligence obtained in that venture.

The accurate assessment of our spineless response is a matter to which we

should give our serious attention. Perhaps our total incompetence to defend the U.S.S. *Liberty*, a similar ship, against Israeli attack in the Mediterranean suggested to the enemy the feasibility of the second operation. The obvious implication is that it is open season on Americans. This cannot be tolerated.

I include the article, together with a news clipping from the Washington Daily News, following my remarks:

[From the Washington Daily News, June 23, 1969]

CZECH DEFECTOR BARES DETAILS—"PUEBLO" CALLED SOVIET PLOT

(By Mike Miller)

A former Czechoslovakian general who defected to the United States said today that Russia planned the seizure of the U.S. intelligence ship Pueblo and collaborated with North Korea in carrying it out.

Gen. Jan Sejna, writing in Reader's Digest, said Soviet Defense Minister Marshal Andrei Grechko told him eight months prior to the incident that Russia was going to "humiliate" the United States by grabbing one of its spy ships.

The defector said the Russian also indicated the seizure would take place somewhere in the Pacific in collaboration with the North Koreans.

Gen. Sejna was the Czech Communist Party's senior secretary assigned to the Ministry of National Defense prior to his defection in February, 1968, the month after the Pueblo was seized.

INFORMATION GAINED

He said Russian generals also told Czech officers following the incident that "immensely valuable information" was obtained from the ship, including a detailed analysis of the deployment of U.S. Naval forces in the Pacific. Codes obtained from the spy ship also were enabling the Russians to read previously indecipherable U.S. messages which they had recorded on tape, he wrote.

The defector quoted Gen. Grechko as saying:

"It is absolutely insolent the way the Americans sail their damn ships around as if they owned the water.

"Their espionage ships come right up to our shores to spy on our communications. But I can tell you this: We have decided to humble the Americans. Just as we humiliated them in the air by shooting down the U–2, we are going to humiliate them at sea by grabbing one of those ships.

Asked about the danger of a U.S. reaction, Gen. Grechko replied: "Don't worry about that. The Americans haven't dared to blockade Haiphong (North Vietnamese port) because they know that our ships would shoot their way thru. They won't do anything about an incident like this, either. We are not afraid of them, and that is what the whole world will see."

Gen. Sejna wrote that Gen. Grechko said the Soviets had ruled out a seizure in waters where the incident might provoke a confrontation between the Warsaw Pact countries and NATO. The Black Sea was eliminated because it was regarded as a "Russian lake," but the Pacific was chosen because it was considered an "American preserve," the Czech said.

On Jan. 24, 1968, the morning after the Pueblo was seized, he quoted Soviet Colonel General Aleksandr Kushchev, senior Warsaw Pact representative in Prague, as telling a gathering of officers:

"During the night we learned that, with the collaboration of our Korean comrades, we have achieved a great success. The entire operation went off smoothly—incredibly smoothly. The Pueblo crew, to a man, capitulated. They did not fire a shot.

"We've all heard what a great communications and command system the Americans have.

"Well, yesterday it took Washington literally hours to pull itself together and even begin to react. This is a precise example of how the most advanced military technology cannot compensate for a lack of will and leadership."

A COMMUNIST GENERAL'S STARTLING CHARGE: RUSSIA PLOTTED THE "PUEBLO" AFFAIR

(By Gen. Jan Sejna)

(NOTE.—General Jan Sejna is one of the highest-ranking communists ever to defect to the West. Until February 1968 he was the Czechoslovak Communist Party senior secretary assigned to the Ministry of National Defense, charged with political control of the Czechoslovak Ministry and General Staff. As such, he dealt almost daily with the Soviet marshals, generals and agents who rule Eastern Europe as a Soviet colony, and was privy to many military and political secrets of the Warsaw Pact nations.

During 1967 and early 1968, in the struggle for control of the Czechoslovak Communist Party, he was accused of siding with the forces of arch-Stalinist Antonin Novotny. The general contends that he represented a group of politicians and young officers opposed to hard-line military men seeking their own gain in the political intrigue that has characterized the turmoil in Prague. Nevertheless, when Novotny lost, Sejna fled to the United States—bringing with him a perspective of the communist world rarely before available to the West.

(The following article, the first he has released since his flight, is excerpted from Sejna's forthcoming book. Much of what he reports here cannot be confirmed because of the rarefied circles in which he moved. But he has been interviewed at length by Digest editors, and specific references that could be cross-checked have been painstakingly investigated. No contradictions have been discovered.)

I first learned in May 1967 that the Russians were planning to capture an American intelligence ship—eight months before the USS *Pueblo* was seized off Korea. Some dozen Czechoslovak and Russian generals had gathered at the state guest villa in Prague for a luncheon honoring the Soviet defense minister, Marshal Andrei Grechko. I remember that the meal of delicate Czechoslovak fish, beef soup with liver dumplings, veal roulade, cream tarts and fruit was especially excellent. Our three-hour conversation was fueled by Italian aperitifs, Russian vodka, red and white Bulgarian wines, and some truly fine French cognac which we had liberated from the Germans.

Marshal Grechko, whom I had often encountered at Warsaw Pact conferences and during private visits in Prague, is taciturn to the point of rudeness when sober. But when he consumes too much vodka and Cinzano, he becomes a belligerent, loose-tongued braggart. Drinking heavily that afternoon, he embarked on his favorite subject—the invincibility of the Soviet armed forces—with emphasis this time on the multiplying might of Russian sea power.

He admitted that the Soviet Union had been powerless to intervene during the Cuban and Middle East crises because of the supremacy of American naval forces. The refusal of Nikita Khrushchev to allot enough money to develop a powerful Soviet fleet was a primary reason why the Russian military supported his ouster. But now Soviet naval strength was growing and would soon challenge the Americans on all the oceans of the world.

"It is absolutely insolent the way the Americans sail their damn ships around as if they owned the water," Grechko declared. "Their espionage ships come right up to our shores to spy on our communications. But I can tell you this: we have decided to humble the Americans. Just as we humiliated them in the air by shooting down the U–2, we are going to humiliate them at sea by grabbing one of these ships."

Marshal Grechko did not specify when, where or how the Russians expected to commandeer a U.S. ship. But he indicated that the seizure would be accomplished somewhere in the Pacific, in collaboration with the North Koreans. The Russians, he said, did not want to stage an incident in waters which might involve the Warsaw Pact in a confrontation with NATO. The Black Sea also had been ruled out because the world looked upon it as "a Russian lake"; loss of an American ship there would not be sufficiently "sensational." The Pacific had been chosen because it was considered an American preserve.

As I listened to Grechko talk, it became apparent that the Russians were almost as intent upon hurting the Chinese as upon hurting the Americans. "Our Korean comrades, of course, are not capable of carrying this off without us," Grechko said. "But we will guide and protect them. This will again show them that it is we, not the Chinese, upon whom they can depend. They will see that we *act* while the Chinese simply bray and posture."

General Josef Vosahlo, deputy minister in charge of the Czech air force, asked, "Is there not a danger that the American reaction could cause serious complications?"

"Don't worry about that," Grechko replied. "The Americans haven't dared to blockade Haiphong, because they know that our ships would shoot their way through. They won't do anything about an incident like this, either. We are not afraid of them, and that is what the whole world will see."

Grechko's arrogance made me privately want to doubt anything he said that day. Still, I wondered. I had disbelieved Khrushchev in 1961 when he secretly let us know that within a few months a wall would be erected to seal off West Berlin. I now also recalled a conversation I had had in March 1966 with Grechko's predecessor, Marshal Rodion Malinovsky, a much more prudent man. He had confided that the Russians suspected American ships of being extremely effective in ferreting out Soviet secrets. "Mark my word," he had vowed, "we are going to do something about those ships."

In the months following the Grechko luncheon, nothing related to his boasts came to my attention, and I almost forgot about them. Then, on the morning of January 24, 1968, I received a call from the secretariat of the National Defense Minister, informing me that "an unusually important announcement" would be made at the morning briefing. In the ministry council chamber, Soviet Colonel General Aleksandr Kushchev, the principal Warsaw Pact representative in Prague, rose.

"During the night we learned that, with the collaboration of our Korean comrades, we have achieved a great success," he began. We all were stunned as he announced that the *Pueblo* had been hijacked and was at the moment in communist custody.

"The entire operation went off smoothly—incredibly smoothly," Kushchev reported. "The *Pueblo* crew, to a man, capitulated. They did not fire a shot. Frankly, we thought it would be much more complicated. The Americans were so bewildered that they failed to destroy thousands of documents. It will take our experts quite a while to analyze them. We may have a gold mine.

"We've all heard about what a great communications and command system the Americans have," Kushchev went on. "How they use computers, how they can respond instantly to an attack. Well, yesterday it took Washington literally hours to pull itself together and even begin to react. This is a

precise example of how the most advanced military technology cannot compensate for a lack of will and leadership."

Kushchev bragged on about the propaganda triumph. "On the one hand, it is a humiliation for the United States: we have made clear that the Americans do not rule the seas anymore. On the other, this is a disgrace for China. It proves to the entire socialist camp that the Soviet Union helped North Korea gain stature, while the loudmouthed Chinese could do absolutely nothing."

No one in the room doubted that capture of the *Pueblo* was a great coup. However, I and some of my fellow officers could not quite accept Kushchev's account of it. Accustomed as we were to Soviet propaganda exaggerations, we simply could not believe that the crew had not attempted some resistance to prevent the capture of thousands of valuable documents.

In the next few days, though other Soviet officers confirmed Kushchev's version. Also, I began to see indications that the intelligence information the Russians were extracting from the *Pueblo* was immensely valuable.

At the weekly general staff briefing on February 23, we heard an extraordinarily detailed analysis of the deployment and operations of American naval forces in the Pacific. The source was identified as the *Pueblo*. Furthermore, we were told that, by using codes found aboard the ship, the Russians now were able to reach previously indecipherable American messages that they had been recording on tape.

I derive no pleasure in recounting this American defeat and Soviet victory. I report these details now because I think they carry with them a message of importance to the people of the United States and the West:

The Soviet Union today is increasingly dominated by a militaristic clique of marshals who, with few exceptions, are perilously ignorant of the West. These narrow-minded hard-liners understand and react only to the prospect of superior force. Signs of weakness tempt them to risk ever more irresponsible adventures.

Unless they are convinced that the American government and the American people are prepared to resist future aggression, then more aggression is inevitable. On the basis of my personal experiences with these men, I know that each time one of their military gambles pays off, they edge closer to the brink. And by recklessness and miscalculation, they are likely to plunge the world into war that ordinary men everywhere desperately want to avert.

(NOTE.—General Sejna's assertions were made available to The Reader's Digest last April 13, just two days before North Korean MIGs shot down a U.S. Navy EC–121 reconnaissance plane in the Sea of Japan. No evidence exists at this writing that the Soviet Union had a hand in this second act of piracy perpetrated by the North Koreans within 15 months.)

DR. ROMAN SMAL-STOCKI: DEDICATED AMERICAN PATRIOT OF UKRAINIAN ANCESTRY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. DERWINSKI. Mr. Speaker, as many Members know an American of unusual stature and background passed away recently. I refer to Dr. Roman Smal-Stocki, who died in the Georgetown University Hospital at the end of April. He left us a legacy of literary works and experiences which, I have no doubt, we will greatly profit by as the aggressive forces in Moscow determine the next round of conflict with us.

Those who knew him personally esteemed him for his rich past of diversified experience as scholar, diplomat, and freedom activist. His roots were in Eastern Europe, and he was one of the first to witness the imperialistic onslaughts of the Soviet Russians into his beloved Ukraine. But his principles and dedication to a life in the cause of world freedom, and primarily for the sustained freedom of his adopted country, led him to the United States, for which, since the end of World War II to the day of his death, he defended with all his heart and mind as the last bastion against the forces of Soviet Russian imperio-colonialism.

As other Members have, I pay lasting tribute to this truly great man and dear, personal friend. His wit, his insights, and his wisdom we shall sorely miss. However, his truths and convictions have been transmitted by generations of students who today are working in diverse fields in the spirit of their venerable teacher. In my tribute, I include the following in the RECORD as a humble expression of his traits and works: First, a brief eulogy by Dr. Lev E. Dobriansky of Georgetown University, titled "The Great Loss of a Patriot, Christian, Scholar"; second, the obituaries in the Evening Star of April 29, "Roman S. Smal-Stocki, Ukrainian Scholar, Dies," in the Washington Post of April 29, "R. S. Smal-Stocki, Slavic Expert at CU" and the New York Times of April 29, "Dr. Roman Smal-Stocki Dies; Ukrainian Educator was 76"; third, a complete release on the man by the Shevchenko Scientific Society, of which he was president; fourth, a memorial in the Ukrainian Weekly, Svoboda, dated May 17, by Dr. Clarence A. Manning, professor emeritus, Columbia University, titled "The Stream of History"; and fifth, the speech of Representative MARTIN B. MCKNEALLY, of New York, who was the last to appear before the Ukrainian Studies Center in Washington, D.C., which the late Professor Smal-Stocki directed and at which I and others had the privilege and pleasure to address in the past:

THE GRAVE LOSS OF A PATRIOT, CHRISTIAN, SCHOLAR

(By Lev E. Dobriansky, Georgetown University)

In the evening of Sunday, April 27, Dr. Roman Smal-Stocki died at Georgetown University Hospital in Washington, D.C. He passed away quietly. The last to visit him and to receive his courageous "thanks" and "good-by" were the Very Rev. Constantine Berdar, Rev. M. Makukh, Rev. Maletius Wojnar, Dr. Bohdan Skaskiw, and the UCCA President. With extraordinary strength of mind and moral fortitude to the last, one of Ukraine's greatest sons extended his arms to clasp the hand of each, then faintly uttered his final expression of friendship, and lapsed into a coma preceding his death.

These final moments typified the genuine greatness and towering stature of the man. For Ukrainians in particular, but for all free men in general, the death of Dr. Smal-Stocki is a grave loss to the ceaseless cause of freedom. It is truly the grave loss of a patriot, Christian, and scholar. Selflessly and with unparalleled devotion, he dedicated his entire and long adult life to the cause of a free and independent Ukraine and later, through it to the preservation of the freedom and security of his America. Personal glory, money, even the advantages of a marital existence were alien considerations to his unique and priceless dedication. Through all the stages of his rich and varied life—as a student, an ambassador, a professor, an author, an intellectual leader, and a staunch defender of the Faith—he was wedded to the vital and promising cause of a free Ukraine.

As an internationally renowned scholar, the good and ever-witty Doctor has left the world an invaluable legacy of books and writings not as a monument to himself but to the life-giving cause that he served so brilliantly and incomparably. The interminable fears and anathema expressed by Moscow and its totalitarian offshoots toward his works are in themselves a measure of their power of ideas and spiritual force. As the President of the world-esteemed Shevchenko Scientific Society, he excelled all others in his writings to defend the erection of the Shevchenko Memorial in our Nation's capital. His warm humanism, his breadth of knowledge and understanding, and his Christian humility are immortally imprinted in this legacy.

Only relatively few might understand fully, but this tragedy is an irreparable loss to the freedom of all the captive nations in the USSR, and thus a heavy loss to man's struggle for freedom.

In tribute to the lasting memory of one of Ukraine's greatest servants, The UCCA president will initiate at the coming UCCA executive meeting the dedication of the 10th Congress of Americans of Ukraine Descent to the immortal spirit, works, and contributions of our departed intellectual leader. Also, this proposal will extend to the autumn issue of *The Ukrainian Quarterly*.

As he would have us remember—Three Cheers, our dearly beloved friend. Erue, Domine, animam ejus, Requiescat in pace.

[From the Washington (D.C.) Evening Star, Apr. 29, 1969]

ROMAN S. SMAL-STOCKI, UKRAINIAN SCHOLAR, DIES

Roman S. Smal-Stocki, 76, director of the Ukrainian Studies Center at Catholic University, died Sunday of cancer at Georgetown University Hospital. He lived at 201 Taylor St. NE.

Born in 1893 in Czernowitz, Bukovina, now a part of the Soviet Ukraine, Mr. Smal-Stocki studied at the universities of Vienna, Leipzig, and Munich. In 1917 he lectured at the Oriental Academy, a foreign service school in Berlin.

In the early 1920s he was associate professor of Slavistics at the Ukrainian Massaryk University in Prague and later was a guest professor in English Universities.

He taught Slavistics at the University of Warsaw in Poland from 1925 to 1939, and then was a prisoner of the Nazis during World War II.

Coming to the United States after the war, he was professor of Slavic history at Marquette University from 1947 and director of its Slavic Institute from 1949 until becoming professor emeritus. He had been a visiting professor at Catholic University since 1965.

Mr. Smal-Stocki was a leader in the fund-raising campaign to erect a statue of the Ukrainian poet-hero Taras Shevchenko in Washington. The statue, dedicated several years ago, is at 22nd and P Streets NW.

He was also curator and a director of the Byzantine Slavic Arts Foundation here. From 1915 through 1960 Mr. Smal-Stocki published 11 books—in Ukrainian, German and Russian. He also had written more than 70 scholarly articles.

Outside his literary career, Mr. Smal-Stocki served as an envoy and minister of the Ukrainian Democratic Republic in Germany and Great Britain in the early 1920s, and was deputy premier and foreign minister of the Ukrainian National government in exile from 1937 to 1940.

He was active in several societies devoted to the works of Shevchenko, as well as historical and other arts and sciences associations.

Prayers will be offered at 7 o'clock tonight at the Ukrainian Catholic Seminary, 201 Taylor St. NE.

A mass will be offered tomorrow in Philadelphia at the Cathedral of the Immaculate Conception, the mother church of the Ukrainian Catholic Metropolitan Province in the United States.

It is requested that expressions of sympathy be in the form of contributions to the Smal-Stocki Memorial Fund at the Ukrainian Catholic Seminary.

[From the Washington (D.C.) Post, Apr. 29, 1969]

R. S. SMAL-STOCKI, SLAVIC EXPERT AT CU

Roman S. Smal-Stocki, 76, a Ukrainian-born Catholic University professor who escaped death sentences in both Hitler's Germany and Soviet Russia, died of cancer Sunday at Georgetown University Hospital.

He was condemned to death in absentia in the 1920s by a Russian tribunal for his activities in the Ukrainian independence movement, but he had fled to Poland.

From there he went to Prague, Czechoslovakia, where he was arrested by Nazi troops after Germany's occupation of that country. Ukranian guerrilla fighters freed him, however, and he escaped a Nazi death warrant by taking refuge in a monastery.

Mr. Smal-Stocki was born in Czernowitz, now in the Soviet Ukraine, the son of a Ukrainian count. He studied at the Universities of Vienna, Leipzig, and Munich, receiving his doctorate from the last in 1914.

After World War I, his native Ukraine won a brief interval of independence and Mr. Smal-Stocki become envoy to Great Britain for the short-lived Ukrainian Democratic Republic from 1920 to 1922.

When the Russian armies retook the Ukraine he fled. He taught at universities in both countries before being arrested by the Germans.

After World War II, with the help of several high American officials who were acquainted with his career, including then Secretary of State Edward R. Stettinius Jr., he came to the United States. From 1947 to 1965 he taught Slavic history at Marquette University, before coming to Catholic University. Mr. Smal-Stocki authored 15 books and many articles, most of them on Slavic history, his specialty.

In Washington Mr. Smal-Stocki was a leader in the effort to bring to this city the statue of Ukrainian hero Taras Shevchenko that now stands at 22d and P Streets nw.

During his life he had known closely Winston Churchill, Georges Clemenceau, Thomas Masaryk, and other world leaders.

He was a member of the American Historical Society, American Catholic Historical Society, and numerous other professional groups, many of which he served as an officer. He was curator of the Byzantine Slavic Arts Foundation in Washington.

[From the New York Times, Apr. 29, 1969]

DR. ROMAN SMAL-STOCKI DIES; UKRAINIAN EDUCATOR WAS 76

Dr. Roman Smal-Stocki, philologist, educator and author, died Sunday at Georgetown University Hospital in Washington. He was 76 years old and was a former leader of the Ukrainian National Republic, an independent state from 1917 to 1920.

Dr. Smal-Stocki, who was born under Austro-Hungarian rule, received a Ph.D. degree, summa cum laude, from the University of Munich in 1914. He was active in the establishment of the independent Ukrainian state and was the councilor of its legation in Berlin. Later he was Minister of its Government-in-Exile in Berlin and London. He was also formerly deputy premier of the exiled government.

Between the two world wars Dr. Smal-Stocki was associate professor of the history, language and culture of the Slavic peoples at the Ukrainian Masaryk University in Prague and at the University of Warsaw.

After the conquest of Poland he was arrested by the Germans and interned in Prague until the end of the war.

He came to the United States in 1947 and was associate professor of Slavic history at Marquette University and later directed Marquette's Slavic Institute.

At his death Dr. Smal-Stocki was a visiting professor of the history, language and culture of the Slavic peoples and the history of the Soviet Union at the Catholic University of America and the head of the Ukrainian Studies Center at the Ukrainian Catholic Seminary of St. Joshaphat, both in Washington.

He was president of the American Shevchenko Scientific Society, with headquarters in New York. The society is named for Taras Shevchenko, Ukrainian poet.

Surviving are a brother, Dr. Nestor Smal-Stocki, and a sister, Mrs. Irene Luckyj.

PROF. ROMAN SMAL-STOCKI, UKRAINIAN SCHOLAR, EDUCATOR AND STATESMAN, DIES IN WASHINGTON

WASHINGTON, D.C.—Prof. Roman Smal-Stocki, outstanding Ukrainian scholar, educator and statesman-diplomat, died on April 27, 1969 at Georgetown University Hospital, after a short illness, at the age of 76.

He was a Visiting Professor at the Catholic University of America for the past few years, and resided at the Ukrainian Catholic Seminary, 201 Taylor Street, N.E., Washington, D.C.

Prof. Smal-Stocki was born on January 9, 1893 in Chernivtsi (Czernowitz), Bukovina, then under Austria-Hungary (now part of the Ukrainian SSR). He came from a prominent and distinguished Ukrainian family, holding the nobility title of von Rawicz, bestowed upon the family in 1685. His father, Dr. Stephan Smal-Stocki, a professor at the University of Chernivtsi, was an outstanding Ukrainian philologist, member of the Provincial Diet of Bukovina, and a leader of the Ukrainian national rebirth in Bukovina; his mother, Emilia, nee Zarevych, was born into a Ukrainian priestly family.

Upon his graduation from a *gymnasium*, Prof. Roman Smal-Stocki studied at the Universities of Vienna, Leipzig and Munich, where he specialized in Slavic studies under such prominent scholars as W. Wondrak, E. Bernecker and A. Laskin, in comparative Indo-European philology and philosophy under A. Kulpe and W. Wundt. In 1914 he received *summa cum laude* his Ph.D. degree at the University of Munich.

SCHOLASTIC CAREER

Dr. Smal-Stocki began his academic career in 1917 when he became a lecturer at the *Orientalische Akademie* (German Foreign Service School) in Berlin. From 1921 to 1923 he was Associate Professor at the Ukrainian Masaryk University in Prague, and in 1924–25 he was a guest professor at King's College of London University, the School of Economics, and Pembroke College of Cambridge University. Subsequently, from 1925–1939 he was Professor of Slavistics at the University of Warsaw, Poland, where he was also very active in Ukrainian cultural and political life. With the outbreak of World War II, he was arrested by the Gestapo and was detained as a civilian internee for the duration.

In 1947 he emigrated to the United States and joined the staff of Marquette University in Milwaukee, Wisc., where he taught Slavic history until his retirement in 1965; he was also Director of Marquette's Slavic Institute since 1949. From 1965 until his death he was a Visiting Professor at Catholic University of America and Director of the Ukrainian Studies Center at the Ukrainian Catholic Seminary, both in Washington, D.C.

PROLIFIC AUTHOR, DEDICATED EDUCATOR

Prof. Smal-Stocki's contributions to the studies of Ukrainian and Slavic linguistics are enormous. Early in his scholastic career he published *New Educational Trends* (4 volumes, 1917–1919, together with Prof. W. Simovych), *Studies on Ukrainian Linguistics* (together with Prof. I. Ohienko) and *Travaux de l'Institut Scientifique Ukrainien* (6 volumes). In 1929, with the establishment of the Ukrainian Scientific Institute in Warsaw, Prof. Smal-Stocki became its secretary and editor; under his direction, 40 volumes of Ukrainian studies had been published. He also participated in the publication of a complete edition of works of Taras Shevchenko, and was editor of its 15th volume in Warsaw.

In the United States, under his direction there appeared 6 volumes of the *Marquette University Studies* and 18 volumes of *Marquette University Slavic Institute Papers* (edited jointly with Prof. Alfred Sokolnicki).

Prof. Smal-Stocki wrote many books in Ukrainian, German and English, among them: *Outline of Word-Building of Ukrainian Adjectives* (1921), *Significance of Ukrainian Adjectives* (1926), *Primitive Word-Building* (1929), *Ukrainian Language in Soviet Ukraine* (1935), *Shevchenko in Foreign Languages* (1936)—all in Ukrainian; *Abriss der Ukrainischen Substantivbildung* (1915) and *Germanisch-Deutsche Kulturinfluesse in Spiegel der Ukrainischen Sprache* (1938)—in German; and *Slavs and Teutons: The Oldest Germanic-Slavic Relations* (1950), *The Nationality Problem of the Soviet Union and Russian Communist Imperialism* (1952), *The Captive Nations* (1959), and *The History of Modern Bulgarian Literature* (1960, with Prof. Clarence A. Manning). In addition, over 78 scholarly articles and papers were written by Prof. Smal-Stocki in Ukrainian, Polish, Bulgarian, German and English.

As president of the American Shevchenko Scientific Society (since 1951) and president of the Supreme Council of Shevchenko Scientific Societies (Europe, Canada, Australia and the United States), Prof. Smal-Stocki contributed greatly toward the prolific activities and expansion of the Shevchenko Scientific Society in the United States, which in fact is a free Ukrainian Academy of Sciences.

Under his presidency, the Society organized two World Congresses of Ukrainian Free Science and hundreds of scientific conferences and lectures, dedicated to Ukrainian history, language, culture and science. The American section of the Society under his direction issued 18 volumes of *Proceedings*, 18 volumes of *Ukrainian Studies*, 31 volumes of lectures, 21 volumes of monographs, 9 volumes of *Proceedings* of various sections of the Society, 3 volumes of *Ukrainian Archives*, and 2 volumes of *Ukrainian Literary Library*, and several non-serial publications. He was the founder in 1956 and president of the Committee of American Slavic Learned Societies in New York and served as its president since that time.

POLITICAL LEADER, STATESMAN AND DIPLOMAT

Prof. Smal-Stocki was one of the great and outstanding Ukrainian political leaders, statesmen and diplomats who took an active part in the establishment of a free and independent Ukrainian state in 1917–1920. His political career began in 1915 when he joined the "Union for the Liberation of Ukraine."

on behalf of which he worked among Ukrainian POW's of the Russian armies in several prisoner-of-war camps in Germany, notably in Wezlar, his work resulting in the organization of two Ukrainian infantry divisions which were sent to Ukraine to take part in the struggle against Communist Russia. In 1918 he was appointed diplomatic representative of the Western Ukrainian National Republic in Berlin; after the Union of the two Ukrainian Republics on January 22, 1919, Prof. Smal-Stocki became counsellor of the Ukrainian Legation, and after the resignation of M. Porsh, he served as Minister Plenipotentiary and Envoy Extraordinary of the Ukrainian National Republic in Berlin, 1921–23. In 1924–1925 he was Minister of the Ukrainian government in England. As a member of the Ukrainian government-in-exile, headed first by Simon Petlura and later by Andrew Livytsky, Prof. Smal-Stocki held various important political and diplomatic posts: Minister to the Polish government in Warsaw; Deputy Minister of Culture and Deputy Minister for Foreign Affairs, and following the resignation of Minister Alexander Shulhyn, he became Foreign Minister; after the death of Premier Vyacheslav Prokopovych, he was named Deputy Premier of the Ukrainian government-in-exile. Prof. Smal-Stocki was also a member of the Ukrainian delegation (along with Minister A. Shulhyn) to the League of Nations, and was vice president of the Ukrainian Association for the League of Nations, 1929–1939.

In 1936 Prof. Smal-Stocki was elected president of the Linguistic Congress of the Nations Enslaved by Communist Russia, which was held in Warsaw; he was president of the "Promethean League of the Enslaved Nations" from 1927 to 1940, and in that connection gave lectures in Bulgaria, Rumania, Finland, Poland, Latvia, France and England.

HEADED STATUE MOVEMENT IN UNITED STATES

In the United States, Prof. Smal-Stocki was also very active in the political field. He was a member of the executive board of the Ukrainian Congress Committee of America and on its behalf appeared before several Congressional committees in Washington with his testimonies at hearings dealing with Soviet Russian genocide, religious persecution and Russification of Ukraine and other captive non-Russian nations in the USSR.

One of his most outstanding accomplishments in this country was his chairmanship of the Shevchenko Memorial Committee of America, from 1960 to present day, which Committee established the Shevchenko Monument on public grounds in Washington, D.C. Over $450,000 was collected by Americans of Ukrainian descent for that purpose, and at the unveiling of the monument on June 27, 1964 over 100,000 persons heard the late President Dwight D. Eisenhower laud the 19th century Ukrainian poet-laureate Taras Shevchenko for his dedication to freedom and justice for men everywhere. He was a recipient of the "Shevchenko Freedom Award" for his singular service in this project.

Prof. Smal-Stocki had been a frequent target of the Communist press in Ukraine and in Russia for his unswerving dedication to the principles of freedom for the Ukrainian and other captive nations.

Essentially, Prof. Smal-Stocki was a philologist. He made analyses of the Ukrainian language, its structure and semantics, and provided historical researches on its development. At the same time he wrote books and essays on Ukrainian history, culture and political developments. Altogether, he wrote over 160 scientific publications from the field of linguistics, literary criticism and Soviet studies in many languages. He also wrote monographs and memoirs on noted Ukrainian men of science and politics. He knew and was closely associated with many great Ukrainian political figures of the 20th century: Hrushevsky, Petlura, Vynnychenko, Skoropadsky, Livytsky, Doroshenko, Mazepa, Shulhyn, Yakovliv, Generals Salsky, Udovychenko, Pavlenko and Sinkler, and many other Ukrainian leaders who led the Ukrainian national revolution in 1917–20.

Prof. Smal-Stocki, in addition to being president of the Shevchenko Scientific Society and the Shevchenko Memorial Committee of America, was also Curator of the Byzantine Slavic Arts Foundation in Washington. He was a member of the Ukrainian Institute of America; the Ukrainian Academy of Arts and Sciences in the U.S.A.; the American Historical Association; the American Catholic Historical Association, the American Association of Teachers of Slavic and East European Languages; "Academie Internationale Libre des Sciences et des Lettres," Paris; Polish Institute of Arts and Sciences; Pilsudski Historical Institute and the Czechoslovak Society of Arts and Sciences in America. He was also president of the Ukrainian Studies Center at the Ukrainian Catholic Seminary in Washington, a member of the executive board of the Ukrainian Congress Committee of America and a member of the Editorial Advisory Board of *The Ukrainian Quarterly*. Last summer he led three delegations of the Shevchenko Scientific Society in welcoming His Eminence Joseph Cardinal Slipy, Ukrainian Cardinal, on his visits to Philadelphia, New York and Washington.

With his passing, the world-wide Ukrainian movement for freedom loses a great and indomitable fighter, inspirer and leader.

A bachelor all his life, Prof. Smal-Stocki is survived by a brother, Dr. Nestor Smal-Stocki, who resides in Lima, Peru, and a sister, Mrs. Irene Luckyj of Toronto, Ont., Canada.

A Requiem Mass will be held on Wednesday, April 30, 1969, at 10:00 A.M. at the Ukrainian Catholic Cathedral of the Immaculate Conception, 830 No. Franklin Street, Philadelphia, Pa. Burial will be at Our Lady of Sorrows Ukrainian Catholic Cemetery, Langhorne, Pa.

[From Svoboda, the Ukrainian Weekly, May 17, 1969]

THE STREAM OF HISTORY: IN MEMORY OF ROMAN SMAL-STOCKI

(By Clarence A. Manning)

At the present time all of those people who understand on a broad scale the meaning of freedom for peoples and for individuals realize the loss to the Ukrainian struggle for liberation and recognition of Roman Smal-Stocki. If there is any one who in the past ten years has looked at that movement, they must have seen the name and understood that he was a giant and a stalwart in the cause. He truly devoted his entire life to the movement and without depreciating the efforts of his co-workers and his rivals and competitors, he had made for himself a unique position.

IDEAL DREAM

In a sense, he had the opportunities for his work, but he knew how to seize them and to use his native and inherited position to the working out of his ideal dream, of seeing once again a free Ukraine on the map of Europe, and of its taking that place to which its geographical position entitled it and its population as the largest of the submerged and outraged populations of that prison of nations, the Russian Empire—the Union of Soviet Socialist Republics.

He was the son of the distinguished professor, Stephen Smal-Stocki, who was almost a permanent member of the Herrenhaus of the joint government of Austria-Hungary under the Hapsburgs. It was a position in the lay world of officialdom comparable to that of the outstanding cleric of the day, the Archbishop of the Ukrainian Catholic Church and Metropolitan of Halych and Lviv, a post long filled with distinction by Metropolitan Andrew Sheptytsky for the half century before his death with the return of Communism to Lviv in the latter part of World War II.

At the time of his death, Prof. Roman Smal-Stocki had just passed his seventy sixth birthday, for he was born in January, 1893. He received a good education and when the first timid steps were taken in 1914 to revive the old Ukrainian state, he was a young man of twenty one, already trained not only in philology and literature, but with enough contacts with the old regime to accord him the facility for exercising his talents under favorable conditions.

ONE OF THE LEADERS

From that time on, we may almost say that he was never far from the actual seat of power first in Western Ukraine, in the joint state that arose in 1920 and in the disastrous events of the next years, when he was one of the leaders in the attempts to salvage the wreckage and prepare for the future. It would be too long to describe all of his activities. In fact we may well believe that we still do not and may not know at any time all in which he was concerned, but at least the published record is a list of honors that may well be unparalleled, culminating in his work as the President of the Shevchenko Societies in the outside world.

He has seen many of his older and younger colleagues vanish from the scene, for it is now fifty five years since he first became active and the roll of honor of the Ukrainian patriots, heroes and martyrs is already long.

RECALLS FATHER

The present writer has vague memories of hearing Professor Stephen Smal-Stocki speak at the First Congress of Slavic Geographers and Ethnographers in Prague in 1924, when the participants heard him read the minutes of the Slav Congress of 1849 and approved them. Every effort was made by the committee of arrangements to link that meeting with the older gathering of the Slavs in the Hapsburg lands and that fact may offer us some hints, perhaps idealized, of the duration and standing of the Ukrainian cause.

Let us assume that Roman Smal-Stocki, when he was five years old had met an aged man or woman of the age of 95, who still remembered many of the circumstances of his or her youth. That person would have been born in 1802 before the attempt of Napoleon to seize Moscow and might have been able at least to remember. We know that Taras Shevchenko, who was born in 1814 still remembered his grandfather who had fought in the Koliivshchyna in the late 1760's and could have known the last of the Hetmans of Ukraine, Rozumovsky, the grandfather of that Princess Repnin, whom Shevchenko knew as still a young woman before his arrest and exile.

If that hypothetical meeting had been repeated in a preceding generation, it would not have been fantastic or impossible for that second source to have known in his early youth the survivors of the debacle at Poltava. It gives us a shock to realize how a few long-lived individuals can span the centuries. It would imply that two lives could have carried the personal experiences of the young Roman back to the age of Mazepa and a third would have extended the tradition to the early days of the Kozaks and the Zaporozhian Sich.

PREPARE FOR FUTURE

To many of the young men and women in the Ukrainian cause this seems intolerable speculation. Yet there are many of the arrivals in America after World War II, who were so sure that they would be here but a short time that they were hesitant to prepare for anything but their return. Today they are quietly settling down with their dreams to build up a reality and to prepare for the

future. Most of those who arrived after World War I, have already passed away. The passage of time reminds us that Charles deGaulle in retirement is almost the last major figure of World War II. General Dwight Eisenhower, barely three years older, has already vanished and there are few left veterans of World War I. There may be a few here and there, but most of those are enjoying or suffering a more or less forced retirement and Roman Smal-Stocki was happy in that he could continue his work until almost the very eve of his departure and encourage his younger colleagues to continue the work and to work as he did without losing faith in the possibility of fulfilling his ideal.

We remember and mourn Roman Smal-Stocki, but at the same time we must welcome his life and see it as part of that great stream of history that has stretched on from century to century, to century, from generation to generation, which is slowly but surely working out what has been set by nature and by all the conditions of human life. May he, his lost colleagues and his older inspirers all rest in peace and may light perpetual shine upon them!

SPEECH OF REPRESENTATIVE MARTIN B. MCKNEALLY

I am delighted to participate in this series of lectures on current persecution of religions in countries now dominated by Communist totalitarianism. As a Congressman, I am honored to be numbered among my distinguished colleagues who have spoken here. As a man, I am glad to add my word of caution and perhaps alarm to my fellow citizens lest they conclude that Communist governments are hesitating in their doctrine of atheism and their materialistic explanation for man's existence and his value.

There are many among us, some in very high places, who are celebrating the change and insisting that we celebrate it with them, in the attitude of Communist governments toward religion, or the acknowledgement that God exists and warrants our worship. So naive are they that they do not pause long enough to realize that they are merely buying a line, swallowing an attractive and tasty morsel, mainly for the reason that it is attractive and tasty. They believe what they want to believe. Need I remind you that the best definition of a sane man is a man who sees what is there—not what he wishes were there.

It is futile and misleading (and God knows we know those two words by sad experience in this country) to suppose that Communist Russia is changing in a very quintessential way. Why should it? The Communists have wealth, control, imperialistic sway, the obeisance of the free world—they have the ultimate weapon. Why should they suddenly reassert the enduring truths of religion, when they have with such success and deference denied them?

Here, we have a report of a loosening up on the Jews, there a simple expression denoting God's existence, at another time we hear of a liberalizing of the absolute denial of the right to worship. But these I submit to you rather are changes in tactics, than in doctrine. The visits of docile Iron Curtain religious leaders to the West, complete with ready and rehearsed answers to obvious questions is unconvincing to say the least.

I suppose man's real Achilles heel is his failure vividly to remember. How many of us remember to interpret Russia's foreign policy in the light of its startling and shocking activities in Hungary or more recently in Czechoslovakia? The final riddance of the last vestige of the Dubcek regime in the last couple of days, once more exposes to all who will look and see, that the leadership has not changed, that it will not willingly change—that it will not relinquish its command over men's bodies—or souls.

I suppose the hardest thing to stand, the most loathsome sight to afflict the vision, is the picture of men and women, civilized, religious, homeloving, patriotic, yearning, reaching out for freedom and being turned back from it by the superior might of military force.

Czechoslovakia today is Communism in action today. Propaganda, glib assurances, well turned phrases are maneuvers merely. I ask you to explain to me, if otherwise, those pathetic busloads of Evangelical Baptists who showed up at the American Embassy in Moscow. How else, if not a maneuver, do you fit into the picture the printed complaint in the Soviet Union that Communist party members are secretly baptizing their children . . . and observing religious holidays.

How else can one explain the arrest three months ago of the Unite Bishop of the Ukraine. He made so bold as to slip out of the Soviet Union on a tourist visa and repair to Yugoslavia for his consecration. His fate is unknown. Some stories have it that the KGB agent posing as a Belgian Priest compromised the Bishop. Certainly this is true, uncover a Communist and you rediscover Stalin, no matter where you find him.

The other day talking to an expert on Cuba in the company of an expert on Eastern Europe, I was touched by the sight of the European, as he listened to the tale of Castro's campaign against religion and said, "Oh, it all sounds so familiar."

Castro started after religion with a vengeance shortly after the Bay of Pigs debacle in 1961. The clergy in the churches of Cuba, as you doubtless know, were largely from other countries. Most of the Catholic priests were from Spain. Most of the Protestant ministers were from the United States. This fact led Castro to whoop, in one of his endless whoops, the old rallying cry—foreign intervention—foreign agents, etc. From 1961 to 1963, hundreds of priests and many Protestant ministers were expelled. Only one Catholic seminary was allowed to stay open. No one could carry religious literature in public. A few churches were allowed to remain open. But even so, the government stages conflicting events on Sundays and holidays, such as athletic competitions. And where, mind you, do they hold them? Why in no less remote a place but right in front of the churches. It is illegal in Cuba to hold religious services in private homes or even in halls that form part of a dwelling. The years of Communist practice has paid off well. They do not miss or overlook much.

Atheism is the official doctrine of Cuba. It has been declared to be so. Oh, the government goes on claiming that there is religious freedom . . . but the churches are playing in a rather low key. The Papal Nuncio in Cuba, Monsignor Zacchi, tries to stay on friendly terms with Castro. It is said, as a matter of fact, that Castro will attend receptions given by Monsignor Zacchi but he will not observe similar courtesy for even the Russian Embassy. Because of this and certain conciliatory moves made by the nuncio, he has been severely criticized by some Catholics as being overfriendly with the Communists.

Castro appears to have written off the part of his population over 40 years of age. He concentrates—as do most—on the youth of his country. Atheism is pursued in school. Children are told to pray to God for candy. When nothing happens, they are told to pray to Fidel. If, by some miracle, a young man arrives at a sturdy desire to follow a vocation to the priesthood, he is more than likely to wind up in the army or the sugar cane fields, than in his country's only seminary. Oh, when the kids pray to Fidel for candy—they get it.

Cuba does present one difference from most other Communist dominated countries today—the government there is pretty much wrapped up in one man—CASTRO. He is somewhat mystical, I suppose, and rather odd. His physician is reported to be a practitioner of voodoo. A man as mercurial, as flambuoyant, as unpredictable, could conceivably walk away from the rigors of Communism, they say. I regard such an event as unlikely. Men are captive frequently of their own actions. A lie convinces no one, as much as the one who uses it to convince others.

Poland offers the one situation that the Free World and Captive Nations can all cheer about. Even with a Communist regime, it remains in the eyes of some analysts the most religious country in the world. The so-called liberals for years denounced Cardinal Wyszynski as a man preventing a modus vivendi with the Communists. He stood across the pathway toward the future. He prevented progress . . . they said. Only now, are people beginning to acknowledge him as a brilliant tactician. The Communists are beginning to come to him with their hats in their hands. He still speaks out against the regime. Last year he condemned the country's anti-Semitic campaign. The Polish hierarchy under the Cardinal condemned police reprisals against student demonstrations. But the Communist leadership and the mass communications media remained silent. Attacks against the Cardinal were not included in the theses for the Fifth Party Congress. The church problem was mentioned only in one sentence in a congress resolution.

On the other hand, Cardinal Wyszynski is proceeding cautiously in the face of the new Communist approach. He and the rest of the Polish hierarchy doubtless have few illusions after 25 years under the Communists. It could well be that the Communists hope a softening of their attitudes will break down the cohesion of the Catholic Church. They need only look to the West to see what the sweet winds of renewal can accomplish in a permissive atmosphere. Thankfully, however, there are still men of position in the Catholic Chuch throughout the world who are pragmatic as well as men of God. They know time is on their side. This is what they are playing for.

How different the situation that America finds itself in today. We have pounded time and again into our minds that time is on the side of the Communists in Viet Nam. Why is that so? Because the American people have lost faith, their motivation.

The pressures have started mounting on President Nixon for an end to the Viet Nam war. Some of the pressure comes from people genuinely heartsick at the bloodshed. Some of the pressure comes from people who seek personal publicity or even baser rewards. One need only review their demands to gauge their motives. Whoever in the history of man has put a six-month limit on a negotiating session—especially with an enemy who says openly that time is on his side? I visited Ambassador Lodge and his capable staff in Paris earlier this month. Their main problem will not be the Communists. It will be the question of whether the American people will support their own negotiating team. We must support them. It is all very well to demand an immediate withdrawal. But such a course is not the way a nation with worldwide responsibilities, as well as a responsibility to itself, can conduct its affairs. Every sane man wants peace. Every mother grows heartsick when her son is summoned away to war. But while the world is split as it is America cannot shrink from its confrontation with totalitarian forces—without grave consequences to itself and to the world.

The Captive Nations live a life of abject misery. But if we don't get the United States straightened out, we will be looking to them for help. We can already look to them for inspiration.

We here have a heavy burden to bear. We must provide the hope of all those who are

captive within the walls of totalitarian Communism—we must pray aloud for the church which is condemned by its persecutors to pray in silence.

Everyone knows how Communism rots the soul of a nation—makes it abject in peace and abominable in war—everyone knows that Communism stands ready to spring into situations softened by disinterest—by affluence and by lack of faith. It thrives in darkling places, its great men are traitors and betrayers—its saints are murderers. The doctinaire scholar who regards man as nothing much more than a collection of substances—with no purpose, no will and no soul is Communism's advocate. Against this powerful array of men and women stand tonight the people of Eastern Europe—the people of South Vietnam and North, the charming people of Cuba who still believe, who silently pray for their deliverance, who work to break open from their cells.

In the days of yore, a superb prayer was recited at the end of the Mass. It was added in order to beseech God for the deliverance of Russia. In it were some forgotten lines, indeed some forgotten theology. They are as follows: "And do thou, Oh, Prince of the Heavenly Host by the Divine Power, protect us against the wiles and the wickedness of the Devil who roams through the world seeking the ruin of souls." The Devil, I submit to you and to all, is on the loose—destroying and abasing the finest works and achievements of men. He shall not conquer while men gather together to praise God, to exalt His goodness. He shall not conquer while men are still willing to pray, to labor, to fight and to die, for the truths of revealed religion. He shall not conquer while men are willing to fight and die for their faith.

THE TRANSPORTATION CRISIS AS VIEWED BY SECRETARY VOLPE

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, June 26, 1969

Mr. GRIFFIN. Mr. President, on June 20, 1969, Secretary of Transportation John Volpe addressed the annual meeting of the Automobile Manufacturers' Association in Detroit, Mich. In his remarks, Secretary Volpe outlined several of the critical transportation problems facing our Nation.

Mr. President, because of the widespread interest in this subject, I ask unanimous consent that the distinguished Secretary's remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SECRETARY OF TRANSPORTATION JOHN A. VOLPE BEFORE THE ANNUAL MEETING OF THE AUTOMOBILE MANUFACTURERS' ASSOCIATION

It is a pleasure and an honor to have been invited to address this most distinguished group. I am proud to be here with the men who keep America "on the move." But I hope you realize what happens when you invite a Washington official to come to dinner in Detroit.

What with 500-mile-an-hour jet planes, and the 1 hour time difference between here and Washington, the Secretary of Transportation had the pleasure of driving through rush-hour traffic in both cities!

Of course the traffic jams these days are not only on our streets and highways—we have plenty of them in the airways too. A few weeks ago I was flying out of LaGuardia at about 5:30 in the evening—in an official Government plane—and we were eighteenth in line for takeoff.

I asked the pilot if our FAA boys up in the tower knew that the Secretary of Transportation was aboard. And they said, "Yes, sir, and we're *still* eighteenth in line!"

So let me make it clear at the outset that if I say anything to you fellows tonight about congestion, I'm not referring *only* to highways and automobiles; we have problems in a few other areas as well.

Gentlemen, despite what some of your critics have said (especially in letters to the Department of Transportation!) the automobile industry has contributed more to American progress, by far, than it has taken away.

Your industry—since World War I—has reshaped modern society. I suspect it's safe to say that the automobile has brought about more social changes than any other invention in the past fifty years.

We all acknowledge Detroit's massive contribution to the National economy. An astonishing $14 billion—16 percent of our estimated gross national product this year—will be produced directly or indirectly by the automotive industry.

It's no wonder that so many people with outstanding managerial skills find their way to the motor city. Indeed, the country is fortunate to have your resources of intellect and imagination to draw upon at such a crucial juncture in our history.

I referred—a few minutes ago—to transportation congestion in a rather light vein. But gentlemen, let there be no misunderstanding. We are in the midst of a transportation crisis in America right now, it's *not* funny, and it's getting worse.

The crisis has been several years in the building, but I have found that it doesn't do much good to complain about what hasn't been done in the past.

President Nixon has ranked transportation and its problems on his top ten priority list. He has directed me to develop an overall National transportation plan within six to nine months and we in the Department of Transportation are going to do it. We must do it! Usage of every mode of transportation is increasing. Ten years from now airline passenger travel is expected to be up 300 percent. The number of aircraft utilized by general aviation, including private flying, will expand from 114,000 today to at least 214,000 within the next ten years.

In the same period trucks will haul not 400 billion ton miles of freight, but 600 billion. Rail traffic will rise a respectable 25 percent in 9 years.

This growth causes problems, and we are out to help solve those problems.

This past Monday, President Nixon asked Congress to approve a $5 billion program to improve the nation's air transportation facilities. As I stated before the Senate Commerce Committee on Tuesday, this program is one that *can* solve the problems to which it is addressed.

Our recommendations take into consideration the total impact of aviation growth. They include provisions for modernization of the airways systems, airport development, and *even for the highway feeder systems* which serve air facilities. A part of the program will be underwritten by airways users. They will be assured through the creation of a "designated account" into which their taxes will be paid, that their contributions will not be diverted to non-aviation purposes.

But, I did not come here to talk only about air travel. We have not fastened our attention on the noisy holding pattern above at the expense of the traffic congestion below. With the demand for automobiles being what it is—our ground transportation system must be made fast and efficient. Today 86 million cars use our highways; by 1975 there will be 100 million, plus 20 million trucks and buses.

If we continue at such a pace, there simply will not be enough space in our cities to accommodate all those who would—ideally—like to drive. More and more it becomes plain that the automobile must be *supplemented*—and I didn't say "replace," I said "supplemented"—in the urban areas by other kinds of transport services.

Each mode in the system must be planned to complement—not obstruct or rival—the others.

As I am sure you know, the Federal government presently spends as much on highway construction in 6 weeks as it has put into urban transit in the last 6 years. Unless we intend to pave the entire surface of the country—and no one wants that—we have to stop this trend. We already have one linear mile of highway for every square mile of land area in the U.S.A.

To give people the mobility they increasingly demand and require in the next few years, our metropolitan area shall have to invest heavily in modern forms of public transportation, and the Federal government is going to have to help.

We intend to help. As you are no doubt aware—the Department of Transportation will be sending to the White House, for submission to the Congress, a public transportation bill in the very near future. We are hoping to get the bill in the hopper soon—once we've been able to get past the Bureau of the Budget, the Treasury Department, and the other arms of the Executive branch that have to clear this type of thing.

The public transportation program would be patterned, largely, after the fabulously successful highway trust fund.

The highway trust fund, of course, is financed through monies that are directly attributable to highway users—and this is as it should be.

In public transportation, however, we are faced with a different set of problems. It doesn't take an economist to figure out that user fees—additional taxes on present transit riders—won't solve our problems. In the case of public transportation, the funds must be derived from some other source.

As you probably know, we are looking into the possibility of using a portion of the automobile excise tax as part of our source of revenue.

This can be justified on several counts. First of all, it is to the motorist's advantage to underwrite part of public transportation if he wants to drive on uncongested highways.

Second, it is to the automobile industry's advantage. There's not much point in perfecting a 300 horsepower vehicle that crawls from interchange to interchange, nor is there much hope of expanding your sales if the average motorist looks upon driving as a chore rather than an efficient, pleasant means of transportation.

And let me be perfectly honest with you. If the Federal automobile excise tax is reduced or eliminated, how long do you think it would be before the states or even the cities jumped in with excise taxes of their own? And with the cost of government being what it is, who's to say that the Congress will allow this present source of revenue to disappear altogether?

We are looking for other revenue sources, too. In Massachusetts we added a two-cents-per-pack tax on cigarettes to expand our Massachusetts Bay Transportation Authority. Perhaps we could utilize a portion of the tax on alcoholic beverages.

In this connection I might point out that we received considerable support from an unexpected quarter. The Jenney Refining Company, a regional chain of service stations, spent thousands of dollars on full-page ads in the Boston papers urging support of rapid transit.

Bill Jenney maintained that he would never be able to sell oil and gasoline to cars

that weren't going anywhere, and he was instrumental in convincing our electorate and our legislature that public transportation is absolutely essential if we are to meet the urban challenges four-square.

Gentlemen, I solicit your support for our public transportation legislation, and I submit with great sincerity that such legislation *is*, truly, in your best interests.

We look forward to working closely with all of you toward helping solve a problem that most definitely needs solving.

Let's talk for just a few moments about automobiles themselves.

I am well aware that you men—and the companies you represent—are looking toward a new generation of automobiles that are easier to drive, cheaper to repair and insure, and above all else, safer.

Let's face the fact that people can—and sometimes do—drive dangerously. But they must be protected from the consequences of those mistakes.

Let me re-cap for you, briefly, what our National Highway Safety Bureau has been attempting to do in the recent past:

First, highways. It is an unappreciated fact that safety starts from the road up. For every 5 miles of new interstate highway we build, we save one life per year every year. If there were no other reasons for completing the interstate system, this would be reason enough.

However, it is obvious that you can't rebuild the entire highway system of the country overnight according to modern standards. Spot improvements at the most dangerous sites along the roads have to be made. Over the past 5 years we have made some 18,000 spot improvements at a cost of $1.2 billion. And this effort is paying off in safer passage for American drivers and their families everywhere.

Second, vehicles. With the intention of reducing crash injuries and fatalities we are investigating a series of new devices. I recently saw a film presentation of the air-bag system and was most impressed.

We are well aware that the automotive industry is taking a serious and a sincere look at a wide array of devices and improvements that will enhance the safety of the motoring public, and we applaud you for the worthwhile efforts you are making.

You have our wholehearted support as you continue safety research programs, and we stand ready to help you in any way we can. As far as the actual mechanics of the vehicle are concerned, I see a tremendous validity to what Ed Cole said in a speech in West Virginia just a week ago tonight. He pointed out "the industry has everything to lose and nothing to gain when we deliver products of substandard quality to our customers or fail to provide satisfactory service."

Ed went on to say: "we pay a high penalty for defects in terms of costs for recall campaigns and warranty expenses. But we pay even more dearly in customer dissatisfaction and loss in owner loyalty which have detrimental effects on repeat sales and public reputation."

Gentlemen, we appreciate the efforts you are making; we urge you to continue; we know that a nation that can build a vehicle safe enough to take three men around the moon can build a station wagon safe enough for our wives and children.

In the months ahead, we in the Department of Transportation are putting new emphasis on structural design, braking, lighting, handling, and anti-skid devices. We will upgrade present standards for tire performance. Our support for such research is justified by the decrease in fatalities which has resulted, for example, from impact absorbing steering columns. We know, as you do, that there are gains to be made and lives to be saved when we apply the technical know-how that is the hallmark of the American automobile industry.

The third phase of automotive safety is, of course, people.

We have issued a number of highway safety standards in the area of better law enforcement; for instance we provide funds to develop more effective traffic court systems, to achieve uniform traffic regulations, and to improve police traffic services.

It pays off. Right here in Michigan—and I pointed this out at the Sloan Safety Awards Luncheon in New York two weeks ago—89 percent of traffic fatalities involved violations of the law. We can make a major cutback in fatalities on our highways if we can emphasize—and re-emphasize—that laws were made to be obeyed, not broken.

And this brings us to the greatest of all human failings when it comes to death at the wheel—and I'm talking of course about drinking and driving. There is no place whatsoever on any highway, anywhere, for that fatal mixture of alcohol and gasoline.

The National Highway Safety Bureau is financing numerous state projects involving the training of personnel in blood-alcohol testing, and in the procurement of the necessary testing equipment. Since the passage of the Highway Safety Act some fifteen states have adopted statutes permitting tests of drivers suspected of being drunk, or have improved existing laws, and some twenty states have adopted implied consent statutes.

Drunken driving is one of America's worst enemies, and we at the Department of Transportation fully intend to do all we possibly can to bring a halt to this most insidious killer.

In a recent speech, Tom Mann—your most capable association president—outlined an excellent eight point program to cut the death toll on our highways. He called for a coordinated attack centered on vehicle safety, highway design, roadside hazards, drunken driving law enforcement, vehicle maintenance, emergency medical service, pedestrians, motorcycles and railroad crossings.

I thoroughly agree with Tom's statement that all of these potential hazards must be treated as part of an interlocking system for automotive safety. It would be ridiculous to focus the bulk of our attention on only one or a few of these areas. We have to attack on all fronts simultaneously. We want to work with you. We want you to work with us.

With your continuing leadership and our assistance, this Nation can achieve substantial gains in automotive safety. You have it within your power to make safety as fashionable as speed, comfort, and beauty. The opportunity to do so will be seized by leaders possessed of a vision beyond today's production schedules and profit margins.

I urge you to join with the President and me in creating this future. I am confident that you will do so, and that together in the next years we shall perfect a system of transportation that is fully responsive to the needs of the American people.

Again, let me thank you for inviting me here this evening. I deeply appreciate the opportunity to meet with such an outstanding group, and look forward to working closely with all of you in the months and years ahead.

CREDIT UNIONS CONTINUE TO FOSTER INTERNATIONAL UNDERSTANDING

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PATMAN. Mr. Speaker, one of the outstanding aspects of our foreign assistance program has been the involvement of credit unions in providing self-help assistance to our overseas friends. Recently, credit unions in the United States, working through the Agency for International Development, have begun a program of credit union to credit union loans in order to assist credit unions in South and Central America. The first of these loans, for $7,000, was made by an Arizona credit union to a credit union in Ecuador whose members are made up mostly of small farmers. The loan will enable the credit union members in Ecuador to purchase farm implements and other supplies.

The April 30 issue of Front Lines, a publication of the Agency for International Development, published a story about the credit union loan program from the United States to South and Central America. I am including a copy of the article in my remarks since it so dramatically portrays the role of credit unions in our foreign assistance program:

"MINI" LOAN IS INITIATED TO HELP ECUADOR FARMERS

Something new in international finance, a "mini" loan from members of a U.S. credit union to a small credit union in Ecuador, was made possible recently through AID's guaranty extended risk program.

The $7,000 loan with repayment guaranteed by AID, sets the stage for other similar small loans on a people-to-people basis.

The Credit Union National Association's overseas organization, CUNA International, working with the Agency, is now proceeding to execute nine loans for $300,000 from U.S. credit unions. They involve credit unions or their federations in El Salvador, Dominican Republic, Colombia and Bolivia.

FIRST LOAN BY ARIZONA CREDIT UNION

The first "mini" loan was made by the Arizona Central Credit Union of Phoenix, Arizona, to the La Guaranda Credit Union of Guaranda, Ecuador, whose members are mostly small farmers. It is a six percent loan maturing in five years. Individual borrowers are expected to pay 12 percent per annum or less, a low rate in that South American country.

U.S. credit unions—with some $2 billion of their members' savings not directly employed in member loans—have long been interested in making person-to-person international credit union loans. Congress encouraged the idea by authorizing extended risk guaranties for up to $1 million in overseas credit union loans in a 1967 amendment to the Foreign Assistance Act.

The credit union international loans present a departure in the use of extended risk guarantees, which have been applied in selected cases since 1962 to secure private U.S. loans from banks or other financial institutions such as insurance companies for private business projects in developing countries, or to insure U.S. private equity investments in such projects.

AID/CUNA EFFORT

An agreement between the Agency and CUNA International was signed February 15, whereby this program would be managed by CUNA under AID surveillance.

There are currently 2,651 credit unions in South and Central America, whose savings total $57 million. Loans made by these credit unions in the six-year period of the CUNA/AID program total over $209 million.

An agricultural production credit program to help farmer-members was started in Ecuador in 1965, with help of AID and serves as a model for similar efforts in other countries. It requires a supply of borrowed money to augment the members' savings. This has led

to the further use of AID's resources through the guaranty of investments by U.S. credit unions in loans to credit unions and federations in the developing countries.

CHRISTIAN MORALITY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 26, 1969

Mr. FANNIN. Mr. President, the Wall Street Journal on June 20 published an excellent editorial entitled "The Limits of Politics." It sets forth the quandry in which modern day "rationalists" find themselves when they have cut off all recourse to the principles of Christian morality.

The Journal states:

Rationalism leaves scant allowance for original sin. If man's condition is not perfect, the problem is merely that rational doctrines have not been implemented. Thus all power must be put at the disposal of these doctrines; any resistance to them is heretical.

We now come to the historical perspective of this philosophy:

The destination of this drift is totalitarianism. Indeed, a fascination with various totalitarian ideologies was fashionable among European intellectuals until it was chilled by the ferocious reality of the Third Reich. The chill is now abating, and in any event members of the Students for a Democratic Society are too young to recall where the path led the last time.

This seems to me to be a most important observation.

Quoting Presidential adviser Daniel P. Moynihan, the editorial says:

What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide an inner peace. . . . The limits of politics must be perceived, and the province of moral philosophy greatly expanded.

The editorial writer points out that we are in our present embroglio over issues which are not, at bottom, political—they are, in essence, religious. Man has a private and personal side which can never be satisfied by the state.

Modern man may reject the majesty of the church—

Says the editorial—

but he will not find his substitute in the majesty of the state.

Each of us must have his private faith or philosophy that cannot be imparted by a government or a bureaucracy. While America has always adhered to the principle that church and state should be separated, that must not be construed to mean that the State can supplant the church—or that mankind's spiritual needs can be ministered to by the State. The two should be separate—except where they join in the individual—but each is essential.

The great tragedy of our modern day, as I see it, is that spirituality has been deadened by the infusion of politics, and political life suffers from a lack of spirituality.

Nowhere are we more deceived than when we believe that all the inner problems that beset America can be cured with another "study" and a sufficient dollop of dollars. There are limits to political solutions, and I am happy to see such an influential and respected paper as the Wall Street Journal giving recognition to these limits.

The concluding sentences say:

Modern man has turned too often and too easily to the State for answers to all his problems. He needs to recognize that there are answers he must seek, if not in his soul, at least in his innermost self.

To that I say "Amen."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LIMITS OF POLITICS

"The principal issues of the moment are not political. They are seen as such: That is the essential clue to their nature. But the crisis of the time is not political, it is in essence religious. It is a religious crisis of large numbers of intensely moral, even Godly, people who no longer hope for God. Hence, the quest for divinity assumes a secular form, but with an intensity of conviction that is genuinely new to our politics."

The philosophical tones are those of Daniel P. Moynihan, addressing the graduates of the University of Notre Dame. The urban sociologist and Presidential adviser muses on the crisis of values sweeping our civilization, manifesting itself most obtrusively in student rebellion. Mr. Moynihan's insights help to show that the attitudes of the rebellious students merely reflect the intellectual currents of our times.

These tricky currents, he suggests, have sources as remote and as elemental as the great Enlightenment itself. Though Christianity still lives for many people, growth of rationalism since the Eighteenth Century has involved a rejection of much of the older Christian doctrine. But rational modern man has not rejected Christian morality; instead he has secularized it. Rationalism, also, has not abolished man't thirst for something transcendental, and the great modern temptation is to turn to politics in a vain attempt to quench the thirst.

The rationalizing and secularizing of morality has robbed the mystery from contemplation of good and evil. Christian tradition carried a touch of the Stoic. Man should combat evil in this world, but if it resists his best efforts, perhaps it is God's will. In contrast, if man is a rational creature and if society is his handiwork, there is no excuse for bearing any blotch upon it.

From this arises a great moral fervor. Modern man demands that society conform to Christian morality, but without the traditions Christianity had evolved to temper its fervor. Rationalism leaves scant allowance for original sin. If man's condition is not perfect, the problem is merely that rational doctrines have not been implemented. Thus all power must be put at the disposal of these doctrines; any resistance to them is heretical.

The destination of this drift is totalitarianism. Indeed, a fascination with various totalitarian ideologies was fashionable among European intellectuals until it was chilled by the ferocious reality of the Third Reich. The chill is now abating, and in any event members of the Students for a Democratic Society are too young to recall where the path led the last time.

These intellectual currents are bound to work themselves out no matter what anyone does, and they bode no easy time ahead. But Mr. Moynihan pinpoints the antidote—a recognition that man has a private and personal side, a side once fulfilled through religion. Whatever modern man thinks of religion, he cannot stop seeking the kind of fulfillment it has traditionally offered.

Many of course continue to seek private fulfillment by constancy to religion, and conceivably more could return. The non-religious can perhaps find personal meaning in personal values or rationalistic philosophy. But they will not find it in the easy answer of politics and government. Modern man may reject the majesty of the church, but he will not find his substitute in the majesty of the state.

"What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies, but it cannot create those energies. In particular, government cannot cope with the crisis in values which is sweeping the Western world."

This last is a warning not only to students seeking moral fulfillment in revolution, but also to those who seek to use politics to suppress the ideas the students represent, and above all to those who would use politics to satisfy the sincere longings the students' political activities express. Government can do none of these things; "the limits of politics must be perceived, and the province of moral philosophy greatly expanded."

Precisely so. Modern man has turned too often and too easily to the State for answers to all his problems. He needs to recognize that there are answers he must seek, if not in his soul, at least in his innermost self.

TWO THOUSANDTH GARY CORPSMAN EARNS HIGH SCHOOL EQUIVALENCY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PICKLE. Mr. Speaker, although the Job Corps program continues to come under fire, they are still rendering a great service to the underprivileged youth of our Nation. In this hour of attack, I am especially proud to include in the RECORD an example of what can be done.

The Gary Job Corps Center in San Marcos, Tex., recently approved the 2,000th young man for a high school equivalency certificate. Think of the impact—2,000 young men who would have been, in all probability, high school dropouts. Instead of becoming a drain upon society, these 2,000 now have adequate tools to cope with an educated world. They have tools that would have been denied them had it not been for the dedicated work of Job Corps instructors.

I include the following article from the June 19 San Marcos Record at this point in the CONGRESSIONAL RECORD for the benefit of all of my colleagues interested in Job Corps—friend and critics alike:

TWO THOUSANDTH CORPSMAN EARNS HIGH SCHOOL EQUIVALENCY

Robert D. Smith, son of Mr. and Mrs. S. H. Smith of 2305 Arabella, Houston, became the 2,000th Gary Job Corpsman to earn a high school equivalency certificate. He scored "above average" in all categories tested.

Smith has been enrolled in Job Corps for four and a half months and is training to become an auto partsman. He dropped out of school after completing the seventh grade because, "I wasn't making any progress and I got disgusted." Even though entry test scores showed a reading level of eighth grade and math computation at slightly less than sixth grade, he soon qualified to enter the General Educational Development (GED) program and was able to progress to the point of a high school equivalency.

"I became interested in Job Corps by accident. A friend got a letter from the Texas Employment Commission asking him to report for a Job Corps interview. He asked me to go with him and I did. We both signed up and came to Gary," Smith stated. He added, "Job Corps is a great place for someone who really wants to learn and better themselves. I now plan to work my way through college as an auto partsman and, someday, become an accountant."

Gary is the largest Job Corps Center in the Nation with an average enrollment of 3,000 young men between the ages of 16 through 21 and offers a program of basic education and job skill training in 34 vocational areas. The GED program is a part of basic education and is designed to enhance the corpsman's employability.

Joe Pitts, Director of Education and Training, stated, "We place a great deal of importance in the GED program. Experience has taught us that a great number of our graduates were somewhat restricted in opportunities without a high school education or its equivalency. We feel that a young man is much better equipped to compete for gainful employment if he has an equivalency certificate to supplement his job skill training."

APARTMENTS OVER FEDERAL BUILDINGS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. KOCH. Mr. Speaker, I am introducing a bill today with 14 of my New York City colleagues to enable the General Services Administrator to transfer, at no cost, air rights over Federal buildings to nonprofit low- and middle-income housing sponsors and public housing authorities. Under present law, airspace in excess of Government needs can be rented or sold, but at fair market value.

In our Nation's cities, where space is at such a premium, many Federal buildings, and particularly post offices, lie low between their towering neighbors. The airspace above these Federal buildings is unoccupied. In the Borough of Manhattan alone, there are over 30 postal facilities which rise four stories or less.

This waste of space continues while land prices soar and while apartment vacancy rates plumet. In New York City the vacancy rate is now less than 1 percent.

In addition, low- and moderate-income housing construction in New York City has declined dramatically. Total construction of multiple dwelling units in 1968 numbered 10,228 as compared to 43,043 in 1964.

The decline has come even though sponsorship for low- and moderate-income housing is readily available from religious groups and unions. It is due in great part to high property values and high labor and construction costs. The total of all these expenses make it near to impossible for a sponsor to hold project costs within the limits established by the Federal Government for assistance eligibility. I know that these problems confront other cities, too.

The bill I am introducing today would help urban areas across the country to eliminate this cost pinch, for it would provide space over Federal buildings at no cost for the construction of low- and moderate-income housing. Thus a major hurdle blocking the construction of such housing would be eliminated.

Multiple purpose construction is not a unique concept. Indeed, most city apartments house stores on the street level. And, in New York City a special education construction fund has been established for the construction of combined school and apartment house buildings. This combination has proved to be most successful.

An immediate opportunity to construct a post office/apartment building lies in mid-Manhattan. The Post Office Department is currently planning to build a four story postal facility on the Murray Hill site. The airspace over the post office, occupying a full city block, could—and I believe should—be used for an apartment building.

During the past 6 months, Secretary George Romney has talked a lot about experimental housing and "breakthrough" programs. Here is an opportunity for the Department of Housing and Urban Development Secretary to open a new housing resource. I am urging Secretary Romney to work with Postmaster General Winton Blount in developing a multiple-purpose building which would provide a national example of how airspace over Federal buildings can be utilized for housing some of our country's people so desperately in need of better shelter.

The following is my bill which is being referred to the Public Works Committee:

H.R. 12462

A bill to authorize the Administrator of General Services to transfer certain airspace for use for housing purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Administrator of General Services determines that the airspace over any public building of the United States is not needed to carry out a governmental function, he is authorized to transfer such airspace without consideration to any person for the construction within such airspace (1) of low- and moderate-income housing covered by a mortgage insured under section 221(d)(3) of the National Housing Act which receives the benefits of the below-market interest rate provided for in the proviso in section 221(d)(5) of such Act or (2) of low-rent housing assisted under the U.S. Housing Act of 1937. Such transfer shall be on such terms and conditions as the Administrator of General Services deems necessary to protect the interests of the United States and to insure that if such property ever ceases to be used for such low- and moderate-income housing or such low-rent housing, it shall revert to the United States, or the United States will be paid adequate compensation for such airspace.

U.S. YARDS GEARING UP FOR NIXON MARITIME PROGRAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PELLY. Mr. Speaker, President Nixon's campaign pledge last fall setting forth his intention to restore the United States as a first-rate maritime power could portend the beginning of a bright new era in American maritime history. This was the position taken in a speech delivered by Edwin Hood, president of the Shipbuilders Council of America, in a maritime day address before Seattle business and maritime leaders on May 23.

Mr. Hood's message has great meaning to all of us interested in strengthening our "4th arm of defense," our merchant marine, and because of its timeliness and its importance, I insert the text of the speech at this point in the RECORD:

U.S. YARDS GEARING UP FOR NIXON MARITIME PROGRAM

This is somewhat of a return engagement for me, and I must say I feel highly honored. Many of you may recall that I spoke here on Maritime Day five years ago.

To paraphrase an old proverb, much water has passed through Puget Sound in the meantime. But, the other day, as I re-read that 1964 speech, I was struck by the fact that little has changed with respect to the American merchant marine.

Maritime Day was intended—then as now and always—as a day of commemoration and celebration, but as one views the present state of our nation's shipping resources, there is little cause for celebration and not much more to commemorate.

There have of course been some noteworthy developments in both our shipping and shipbuilding enterprises in the past several years—in the past decade for that matter.

Our ship operators have sponsored new concepts for water transportation. Our shipyards have produced the most sophisticated merchant ships ever designed by man. With typical American ingenuity and inventiveness, the technology of both shipping and shipbuilding has advanced substantially in our country under what can only be described as less than optimum circumstances. With the same versatility, the logistics of supplying our servicemen in Southeast Asia—and elsewhere around the world—have been accomplished largely with ships of increasing antiquity and diminishing numbers.

For these accomplishments, we have every reason to celebrate.

But, our rejoicing can only be muffled by awesome realities on the other side of the ledger.

The American-flag merchant marine has carried a steadily decreasing volume of our own trade and commerce: the figure today is approximately 5 percent. Ships 20 years of age and older compose nearly 80 percent of our maritime fleet: only minimal attention has been given to the replacement of these war-built vessels.

There has been a widening gap between the demand for American ships and the supply of American ships. There has been no national commitment to the coordinated development of an adequate, suitable and reliable shipping fleet: as a consequence, national maritime policy has been in a sad state of disarray. In the absence of specific goals and adequate support, various segments of the maritime community have been buffeted by confusion, dissension, uncertainty, false promises and endless hope.

Meanwhile, the Soviet Union has emerged as a maritime power of impressive strength and quality. In about two years, the Russian maritime fleet will surpass the American merchant marine in both tonnage and numbers of ships. This remarkable maritime growth has been accomplished in the relatively short span of the past decade. While we have been withering and drifting, the communists have been growing and moving on a fixed course at sea. They have been steadfast in their purpose: we have been indecisive.

We should not commemorate these phenomena, my friends, for they strike at the very foundations of our capability to survive as a nation virtually surrounded by water and dependent upon the seas for commerce and protection.

Yet, on Maritime Day 1969, it seems to me that we can properly commemorate the clear vision of the need for change, the need for decisiveness and the need for action which these happenings so powerfully dictate.

President Nixon recognizes the need for change. He has declared his intention to restore the United States as a first-rate maritime power which it certainly is not today. His advisers will shortly present to him a blueprint for redevelopment of the nation's maritime resources in conformance with the desirable goals he defined here in Seattle last Fall. Among other objectives, he promised support for a domestic shipbuilding program to produce a fleet of American-flag merchant ships capable of carrying 30 percent of the nation's trade and commerce instead of the present deplorable 5 percent.

The expected program to carry out this ambitious objective comes "at the end of the beginning" of the Nixon Administration. There is reason for optimism. It could, and indeed must, mark the end of a serious downward trend toward maritime extinction. It could, and must, constitute the beginning of a bright new era in American maritime history. It will surely have strong bipartisan support in the Congress.

Senator Warren G. Magnuson of this State, the influential Chairman of the Senate Commerce Committee, has long been a leader in the advocacy of measures for revitalization of the American merchant marine similar to those now advanced by President Nixon. Senator Henry M. Jackson, from nearby Everett, has been a longtime supporter of the merchant marine; as a member of the Senate Armed Services Committee, he is among those who view our shipping and shipbuilding capabilities as fundamental components of national security.

On the other side of the political aisle, Congressman Thomas M. Pelly of this City, a ranking member of the House Merchant Marine & Fisheries Committee, has consistently championed the proposition that U.S. shipping and shipyards are vital to our economic well-being and to a favorable balance of international payments.

But for the efforts of these three distinguished public servants—and others—in marshalling Congressional cohesiveness, the American merchant marine would be in worse shape than it now is. If anything, the role of the Congress in the last decade can be likened to the legendary character who kept his finger in the dike to prevent a complete disaster.

To be sure, the Congress alone cannot hold back the tide indefinitely. Nor will the Administration's program, however promising, guarantee utopia. There are many problems to be solved; many obstacles to surmount; many responsible voices to be heard; and many planning, financial and fiscal bridges to cross.

The task will not be easy!

Our nation is today beset with a host of domestic and international problems of nearly incomprehensible dimensions. Social, urban, crime and defense problems vie for solution. The urge to curb inflation and to promote economic stability is persistent. Competition for national resources and Federal funding is thus increasingly intense.

In this atmosphere, the needs of the American merchant marine will not be considered in isolation. They must be justified on a logical and sound national interest basis. These needs, no matter how urgent, cannot escape the assignment of a priority which has a relation to all of the nation's other pressing wants.

Maritime industry and labor, as well as government, thus face an imposing challenge. On the one hand, the ills of the merchant marine cannot be remedied without greater expenditures of government funds than has been the case in the recent past. On the other hand, pressures to minimize or level governmental expenditures for maritime purposes can be expected to continue.

Some medium course between these two extremes is surely within the realm of possibility. But accomplishment, it occurs to me, will demand ideas, approaches and attitudes different from those of the past.

The costs of building ships, the costs of operating ships, and the costs of paying American craftsmen and seamen will always be in direct proportion to our high standard of living. No apology on this score should ever be necessary. But, we should strive to offset this self-evident truth with greater vision, greater initiative, greater imagination, greater enthusiasm, greater energy and greater productivity.

That new, modern merchant ships are needed for defense and commerce is an established fact. To increase from a level of 5 percent to 30 percent carriage of U.S. exports and imports in American bottoms by the mid-1970's, as envisoned by President Nixon, the U.S. flag merchant marine will require many more merchant ships than have been ordered and delivered in recent years.

In keeping with accepted economic axioms, it can be anticipated that shipbuilding capacity in this country will be equal to any expanding demand. This has been demonstrated in the past. Every major U.S. yard is at this moment engaged on either an upgrading or expansion program. Lockheed Shipbuilding and Todd Shipyards are very much in this group. But there would be no point in building ships merely to keep our shipyards occupied. Newly delivered ships should and must be put to active use, profitably employed, projecting our national interests.

If the 30 percent target is to be attained—and the United States will never again be a first rate maritime power unless it is—American industry and American business—the American public—will have to be convinced of the merit of shipping on U.S. vessels. They will have to be convinced that the American merchant marine can be adequate and reliable. They will have to be convinced that shipping by U.S. flag vessels can, in most trades, be no more expensive than shipping by foreign flag vessels. In such a promotional effort, industry, labor and government must share coordinate responsibility.

Those who need to be persuaded must be convinced on a variety of issues if the nation's maritime dilemma is to be resolved. This applies broadly.

On more than one occasion, the late Senator E. L. (Bob) Bartlett—a highly respected member of the Congress; perhaps one of the most knowledgable on maritime and shipyard problems—expressed the belief that the mood of the Congress did not favor a change in the Jones Act which reserves the domestic waterborne trades of the United States to American built ships. In the alternative, he espoused the pragmatic view that more vision, more imagination and more planning was necessary on the part of anyone predicating a shipping venture on the extremely remote possibility that an exemption to the Jones Act might be granted.

I remember talking with him more than two years ago about a proposal to develop suitable vessels to carry liquified natural gas from Alaska to Hawaii under a joint industry-government maritime research program. For the same service, he told me of another proposal involving American built barges and no government assistance.

He was most enthusiastic about both ideas, but his enthusiasm was apparently lost on those who even now want a shortcut exception to long established, time proven law for a particular situation regardless of the potential adverse impact on other sections of the country. They would substitute foreign labor and foreign ships for American labor and American built ships. They would ignore the tremendous investments in American built ships already made by other American citizens by virtue of the Jones Act.

That is not to imply that the needs of Hawaii—or any other State of this Union—are unimportant. What I mean is simply this: let us accept the cold facts of life, as Senator Bartlett used to suggest, the Jones Act is here to stay; let's not be deluded; let's get on with the task of finding ways and means for using American built vessels in our domestic trades; let's not hem and haw, procrastinate and mesmerize ourselves into believing that the Congress will suddenly reverse the accumulated logic and wisdom of nearly two centuries.

In almost the same context, the developing requirements for tankers to move crude oil from Alaska to refineries on the West Coast and East Coast are being discussed. With regularity, over the past six months, there have been misleading comments questioning the ability of American shipyards to produce tankers in sufficient numbers or adequate sizes, to accommodate the tremendous volume of North Slope oil which will flow to American markets in the 1972–1980 period.

Various methods of transportation, including pipelines, are under consideration. The numbers of tankers that will be needed in 1972 and later are still far from exact. Until the test voyage of a supertanker—the SS *Manhattan*—through the Northwest Passage this Summer is completed, until decisions are reached as to routes and tanker sizes, it is difficult to determine whether the demand will be for twenty 250,000 dwt. tankers or twenty 70,000 dwt. tankers or both.

Nonetheless, on April 30, 1969, Congressman Howard W. Pollock of Alaska said: "I see no reason why these ships can't be built in American shipyards with American labor." This is the prevailing view of the Congress. Yet, there are those—some from Congressman Pollock's home territory—who want to use foreign-built ships.

To them—and other skeptics—let me say most emphatically that the U.S. shipbuilding industry is gearing up to supply whatever types of ships—in whatever numbers—that will be needed for the Alaskan trades. In the last several months, three American yards have announced plans to build tankers in the 200,000/250,000 dwt. range. At least two other yards are understood to be developing innovations to permit construction of supertankers.

Clearly, no exception to the Jones Act is necessary. With proper planning and mutual faith in one another, oil companies, tanker operators and shipyards can coordinate the supply and demand for tankers to serve Alaska. In a like spirit of cooperation, all other problems of the American merchant marine can be solved—without detriment to national security and without violation to American industry and American labor.

And, so my friends, as we observe Maritime Day 1969, we may be momentarily unsure, but certainly not bowed. We could well be marking the end of a gloomy period in American maritime history and the begin-

ning of a new age of maritime thinking and action which could lead our nation to unprecedented effectiveness on the oceans. As Plato wrote many years ago: "The beginning is the most important part of the work." In this sense, we can look to the future with renewed optimism.

MAGNIFICENT GUN MUSEUM OPENING IN OKLAHOMA

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. EDMONDSON. Mr. Speaker, tomorrow is a redletter day for the people of northeastern Oklahoma. It marks the opening of the J. M. Davis Gun Museum at Claremore to the public. This museum will house the world's largest privately owned collection of firearms, and its opening is a tribute to the will and dedication of the people of Claremore.

Mr. James Monroe Davis, who for many years has displayed part of this collection at his hotel in Claremore, started his collection when he was 7 years old, when his father gave him a dollar and a half muzzle loading shotgun. He is 82 years old now, and still collecting guns.

The collection now has 20,000 firearms, more or less, and when cataloging is complete and the entire collection is put on display, the story of the complete evolution of firearms will be shown.

The story of this public museum began in 1965, when Mr. Davis issued a letter of intent to the State of Oklahoma. In this letter, he offered to lease the entire collection to the State for 99 years for the sum of $1, with an option to renew, if the State would provide suitable housing. As a result of this letter, the Governor appointed a commission of five members, which began making plans for the museum. When plans were complete, the State legislature appropriated $500,000, plus an operating budget, and work on the building was started.

The part of the building which is being opened tomorrow contains 14,400 square feet, with 239 lighted cases to display 10,000 firearms, or only about half the entire collection. An interesting sidelight is the fact that the 10,000 firearms to be displayed initially have never before been publically displayed. In addition to the many, many guns Mr. Davis displayed at his hotel, seven rooms of the hotel were filled with pieces of the collection stacked like cordwood. The museum staff will continue to catalog items in the collection and open additional sections to the public as the cataloging is completed.

Mr. Davis' admirable collecting instincts did not stop at firearms, and visitors to the J. M. Davis Gun Museum at Claremore also will see more than 2,000 steins, a large collection of Indian artifacts, saddles, statuary, pocketknives, cannon, and other items of interest.

Mr. Speaker, tomorrow truly is a great day for the people of Claremore. To give you an illustration of the local interest in this museum, let me tell you about the local drive to raise $3,500 to commission a portrait of Mr. Davis to hang in the museum. The drive opened at 8 o'clock this morning, and $1,200 was raised in the first 2 hours. I have not been in touch with Claremore since then, but I would be surprised if the entire amount is not raised today.

The opening of this museum is one more important step in the development of northeastern Oklahoma as a place of appeal and interest to all Americans. I hope my colleagues will find the opportunity to visit us soon.

TRIBUTE TO HON. WILLIAM H. BATES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BROOMFIELD. Mr. Speaker, we all feel a deep sense of loss today caused by the passing of one of our most beloved and distinguished colleagues. BILL BATES will be sorely missed by everyone who knew him. BILL BATES was a quiet, sincere, and dedicated American. He was a man molded in the image of the best American traditions.

I can recall seeking his expert advice and counsel on many, many occasions, especially in matters dealing with national security. BILL BATES was that kind of man—the kind you felt you could turn to for advice in deciding a matter of conscience. His advice was always offered in the most gracious and helpful manner. As the ranking minority member of the House Armed Services Committee, his expertise and up-to-date information were unquestioned. And, we could depend that in matters affecting national security, BILL BATES always put sincere good judgment above any potential for partisan gain.

It was typical of BILL BATES' character that he began in public life by selflessly laying aside his chosen career in the U.S. Navy. He did so to continue serving the people of Massachusetts in the fine tradition of his father, the Honorable George J. Bates, following the latter's untimely death in an air crash. BILL BATES assumed his new career with the same vigor and dedication that he devoted to every task he undertook.

Mr. Speaker, no one can describe adequately the grief BILL BATES' family and loved ones are suffering at this moment. All of us who knew and admired him are experiencing somewhat the same sense of tragedy. But the real loss has been suffered by the American people—the American people to which BILL BATES devoted his life and energy. Although his quiet and self-effacing nature may have made him a remote and even an unknown figure to many Americans, he was their friend and their servant during all of his years in Congress. America cannot afford to lose men of the caliber of BILL BATES.

I know, Mr. Speaker, that each one of us here today joins in extending the most sincere condolences to Mrs. Bates, their daughter Susan, and the rest of his family.

U.S. COAST GUARD AUXILIARY 30TH BIRTHDAY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. CHAMBERLAIN. Mr. Speaker, this year the U.S. Coast Guard Auxiliary observes its 30th birthday. On June 23, 1939, Congress established the auxiliary as a means of assisting the Coast Guard in promoting boating safety. The tremendous growth and popularity of recreational boating, which in recent years has made many of our waterways resemble our urban highways at rush hour, underscores the vital importance of this organization.

During 1968, a total of 4,195 boating accidents were reported, resulting in 1,342 fatalities, 1,284 other personal injuries and over $6½ million in damage. I am sure that without the work of the Coast Guard Auxiliary and other like-minded, dedicated groups and programs this incredible toll would have been substantially higher. As we approach National Safe Boating Week—June 29–July 4—there could be no better time to salute the auxiliary for its service to our citizens and to focus greater public attention on the need for additional effort to cope with the tragedy on the waters of our Nation.

At this point I insert an article, "The U.S. Coast Guard Auxiliary Celebrates its 30th Anniversary," appearing in the June 1969 issue of the "Proceedings of the Merchant Marine Council":

THE U.S. COAST GUARD AUXILIARY CELEBRATES ITS 30TH ANNIVERSARY

(NOTE.—At one time or another during the 1969 boating season, you will probably come in contact with the activities of a unique boating organization—The U.S. Coast Guard Auxiliary. Auxiliary members will be busy this year, as they have been for the last 30 years, promoting boating safety in almost every waterside community in the country.)

The Coast Guard auxiliary dates back to 1939, though the concept of the organization had been proposed long before. After World War I, recreational boating began to steadily increase, so much so that by the end of the thirties it emerged as one of the most popular sports in the nation. Unfortunately, this rise in popularity was paralleled by a corresponding jump in boating accidents and fatalities. The Coast Guard had found itself in an uncomfortable position. On one hand it was required by law to enforce Federal requirements but on the other, the service was hampered in its mission by inadequate numbers of vessels and personnel. With the job steadily pulling ahead of the Coast Guard year by year, the atmosphere was right for a new approach, and it was not long in coming.

A group of prominent yachtsmen proposed the formation of an organization composed of owners of motorboats and yachts voluntarily affiliated with the Coast Guard. This boating group could assist the Coast Guard in the promotion of safety at sea by becoming proficient in all phases of seamanship and navigation, and by encouraging other boatmen to follow their example.

The plan won the wholehearted support of the Commandant of the Coast Guard, Adm. R. R. Waesche, and on June 23, 1939, Congress established the Auxiliary under the name of the Coast Guard Reserve. Thus today's Auxiliary became and still is, the only boating organization in the country specifically authorized and established by Congress.

During the second World War, Auxiliary members distinguished themselves on the home front. A new and fully military reserve was established by Congress in February 1941, and the old reserve was renamed the Coast Guard Auxiliary. Auxiliarists and Temporary Reservists did their share in defense of the country by performing beach patrols, harbor patrols, hurricane watches, search and rescue missions, and port security activities. Their efforts freed regular Coastguardsmen from routine stateside duties and allowed them to become an integral part of the naval forces fighting overseas.

Following the war, the Auxiliary reverted to its peace-time missions and gradually developed its wide range of programs that are so well known today. Each activity was based on the responsibilities explicitly set forth by Congress: ". . . to assist the Coast Guard:

To promote safety and effect rescues on and over the high seas and on the navigable waters;

To promote efficiency in the operation of motorboats and yachts;

To foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts; and

To facilitate the other operations of the Coast Guard.

Thus, the duties of the Auxiliary actually are reduced into two basic channels: instructing the public in safe boating and assisting the Coast Guard in operational matters.

EDUCATING FELLOW BOATMEN

Undoubtedly, the greatest service of the Coast Guard Auxiliary is its public education program. Last year more than 180,000 boatmen all over the country benefited from this instruction. Though it is nearly impossible to pinpoint the amount of good the education program is doing in terms of lives saved and accidents averted, boatmen are convinced that the Auxiliary's training activities have a positive effect on making boating safe.

There are three different courses to choose from, each designed to meet the needs of a particular segment of the boating population.

The Outboard Motorboat Handling Course is intended to present the novice outboarder with the basic knowledge required for the safe operation of his boat. It is a one-lesson course and lasts approximately 2 to 3 hours. The classes vary in size from a few to hundreds at one time. The subjects presented by the Auxiliary instructors in this course cover the spectrum of boating activities—boat construction and terminology, lifesaving devices, overloading, legal requirements, seamanship, rules of the road, fueling, aids to navigation, recommended equipment, and boat handling.

The Safe Boating Course is more valuable than the one-lesson course in that it covers more ground and yet is still short in duration. It is presented in three lessons, generally 1 day a week over a 3-week period. Auxiliarists rely on this course for beach and summer resort areas where vacationers operate boats for a relatively short period of time.

The Basic Seamanship Course is the mainstay of the Auxiliary's public education program. It is geared especially to those boatowners who have little or no experience in boating, although it is valuable as a refresher for the more experienced boaters. Basic Seamanship in an eight-lesson course given over an 8-week period with homework assignments and practical work in between. Subjects covered include boat construction, maneuvering, charts and compasses, marlinspike seamanship, aids to navigation, rules of the road, legal responsibilities, and safe operation.

All three public education courses are taught only by qualified Coast Guard Auxiliary instructors. These men and women have had years of experience on the water and are well acquainted with the subjects they are teaching. Each has completed a special course of training and practice teaching to prepare himself for his assignment. If you should elect to take an Auxiliary course, you are assured of receiving quality instruction.

SAFE BOATING CHECKS

Another major education program of the Coast Guard Auxiliary is the courtesy examination of motorboats. Next to the boating course, the Courtesy Motorboat Examination (CME) is the best known trademark of the Auxiliary. Courtesy examinations are provided as a free public service for the benefit of boatowners and are performed only by specific request. It is, in effect, a private practical education program involving a valuable exchange of boating safety information.

Courtesy Motorboat Examinations are conducted by specially designated members of the Auxiliary who, like instructors, have completed a period of intensive training and testing. Auxiliarists who complete this training are considered to be among the most knowledgeable of boatmen. Each courtesy examiner is fully aware of the intricacies of state and Federal law as they pertain to recreational boats. They know exactly what types of equipment belong on each class of boat and also have other recommendations they consider essential for truly safe boating.

Boatmen who pass the CME are given a decal—the Seal of Safety—which is displayed on their boats. This decal is an indication that the boat not only meets federal regulations, but also goes far beyond in safety standards and required equipment. Because of the obvious value of the CME, boats displaying the decal normally will not be boarded by the regular Coast Guard or most State enforcement officials unless an apparent violation in operation or equipment is noted.

SAVING LIVES

Although receiving less publicity than they deserve, the Coast Guard Auxiliary's operational activities help thousands of recreational boaters each year who are in trouble. Auxiliarists cooperate with the Coast Guard and State boating officials to augment their forces for search and rescue missions, safety patrols, and regatta patrols. Members take pride in the fact that the Auxiliary is the only boating organization in the United States that provides these services on a regular, scheduled basis.

The success of the Auxiliary's operational efforts are evidenced by last year's statistics: 128 lives saved, 4,540 regatta patrols conducted, and 7,234 boats assisted. Hundreds of Auxiliary members have received citations from the Coast Guard for their heroism in rescue work, while thousands of others have earned the gratitude of countless boatmen they have saved or assisted.

PROJECT AIM

Coast Guard Auxiliary units throughout the country sponsor a 4-day visit to the Coast Guard Academy for a selected number of high school students. Called the Academy Introduction Mission, or Project AIM, this program was initiated in 1955 to acquaint qualified young men with the Academy and the opportunity for a career in the Coast Guard. Normally, each Auxiliary division selects a student who has the potential for qualifying as a cadet from a physical, mental, and moral viewpoint. The Auxiliary pays his way to and from the Academy and promotes local publicity. Auxiliarists devote much time and money to this worthwhile project with candidates coming from as far away as Alaska. Last year 143 young men participated in the program.

JOINING THE AUXILIARY

The Auxiliary is eager to accept new members. Although the rolls total over 25,000 at this time, a newly announced goal projects an increase to 100,000 members. Both men and women may apply for membership. You must be at least 17 years old, a U.S. citizen, and own at least a 25 percent interest in a motorboat, yacht, aircraft, or radio station. The ownership requirement may be waived if you have special qualifications making you a desirable addition to the Auxiliary.

Individuals accepted for membership at the Auxiliary undergo an initial Basic Qualification Course. They learn elements of seamanship, piloting, weather, communications, Auxiliary history and organization, as well as many other subjects. When they have successfully passed this course, they graduate from a conditional member status to regular membership. This entitles them to participate in all of the programs of the Auxiliary, such as Courtesy Examination, Operations, Instruction, and Public Education.

Perhaps the most attractive program available to regular members is that of advanced membership training. Every basically qualified Auxiliarist has the opportunity to advance his nautical training in one of seven fields of operational speciality—Seamanship, Navigation, Patrol Procedures, Search and Rescue, Administration, Weather, and Communications. The advanced courses in each of these areas go far beyond those usually offered by other groups, giving Auxiliarists a chance to become true experts in the field of their choosing. Those who become proficient in all seven subjects are elevated to Operational Membership (AUXOP), the highest achievement in the Auxiliary.

Remember, the Auxiliary is a voluntary, nonmilitary organization. Though there is an authorized uniform, it is optional for each member. The organization's close affiliation with the Coast Guard remains strictly civil in nature and does not in any way constitute inactive or active military service.

If you should have any questions about any of the programs of the Auxiliary, or are interested in joining the organization, contact the nearest flotilla in your area or write the Director of Auxiliary in any of the following locations:

Director of Auxiliary, First Coast Guard District, J. F. Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.

Director of Auxiliary, Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Mo. 63103.

Director of Auxiliary, Third Coast Guard District (NA), Governors Island, New York, N.Y. 10004.

Director of Auxiliary, Third Coast Guard District (SA), Coast Guard Base Gloucester, King and Cumberland Streets, Gloucester, N.J. 08030.

Director of Auxiliary, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Va. 23705.

Director of Auxiliary, Seventh Coast Guard District, 51 SW. First Avenue, Miami, Fla. 33130.

Director of Auxiliary, Eighth Coast Guard District, Custom House, New Orleans, La. 70130.

Director of Auxiliary, Ninth Coast Guard District, New Federal Building, 1240 East Ninth Street, Rm. 2021, Cleveland, Ohio 44199.

Director of Auxiliary, 11th Coast Guard District, Heartwell Bldg., 19 Pine Avenue, Long Beach, Calif. 90802.

Director of Auxiliary, 12th Coast Guard District, 630 Samsome Street, San Francisco, Calif. 94126.

Director of Auxiliary, 13th Coast Guard District, 618 Second Avenue, Seattle, Wash. 98104.

Director of Auxiliary, 14th Coast Guard District, 677 Ala Moana Boulevard, Honolulu, Hawaii 96813.

Director of Auxiliary, 17th Coast Guard District, Post Office Box 3-5000, Juneau, Alaska 99801.

HARRIS B. STEINBERG

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. RYAN. Mr. Speaker, it is with great sadness that I call to the attention of my colleagues the death of Harris B. Steinberg, noted defense attorney, who died on June 4. A Phi Beta Kappa graduate of the City College of New York in 1932, Mr. Steinberg went to Harvard Law School where he graduated in 1935. Subsequently, he served as an assistant on Thomas E. Dewey's special investigation of rackets in New York. He worked briefly for the Securities Exchange Commission as an attorney, and in 1938 District Attorney Dewey appointed him as an assistant district attorney for New York County—a position he held for 5 years.

Throughout his career Harris Steinberg earned the respect of his adversaries and a reputation for his dedication and devotion to the administration of justice. A constant defender of the rights of the oppressed, Mr. Steinberg once said:

When the Constitution is abused, people get mad at the Constitution rather than at the abusers.

Harris Steinberg enjoyed a reputation as a thoroughly effective defense attorney. His courtroom work was much publicized during the case of libel brought against Ralph Ginsburg by Senator BARRY GOLDWATER.

During my service as assistant district attorney of New York County I came to know and admire Harris Steinberg. Not only was he an able and talented lawyer, but he was a warm and sensitive human being whose friendship I valued. He will be greatly missed.

I extend my deepest sympathy to Mrs. Steinberg and to his two children, Dr. Robert Steinberg and Jane Steinberg.

I include at this point in the RECORD the New York Times obituary of June 5, 1969:

HARRIS B. STEINBERG DIES AT 57; NOTED CRIMINAL DEFENSE LAWYER; CIVIL LIBERTARIAN AND ADVOCATE OF JUDICIAL REFORM ASSISTED "WHITE COLLAR" DEFENDANTS

Harris B. Steinberg, a lawyer who once worked for a dollar a day on Thomas E. Dewey's rackets investigation team and who later became one of the nation's foremost defensive attorneys in criminal cases, died of brain cancer yesterday in the Yale-New Haven Hospital. He was 57 years old.

Mr. Steinberg did not attain the national fame of Emile Zola Berman, attorney for Sirhan B. Sirhan. He did not have F. Lee Bailey's flair for television appearances, nor Percy Foreman's florid, arm-waving style. And in his custom-made London suits and with his ever-present Schnauzer, he bore not the slightest resemblance to Perry Mason.

Yet Mr. Steinberg was the lawyer sought and retained by one after another defendant charged with a so-called "white collar" crime, such as embezzlement, libel or fraud. And his reputation, unlike that of several more well-known criminal lawyers, was as high on the judge's bench and the prosecutor's side of the courtroom as it was on the defendant's.

"Harris Steinberg exemplified the best of the traditions of the American criminal defense lawyer, and was pre-eminent in his dedication and devotion to the administration of justice," Warren E. Burger, Chief Justice-designate of the United States said in a statement yesterday.

Judge Burger is chairman of the American Bar Association's Project on Minimum Standards for Criminal Justice, of which Mr. Steinberg was also a member.

WELL-KNOWN CLIENTS

Judge Burger's remarks were echoed by lawyers, professors and judges who knew Mr. Steinberg as an advocate of judicial reform and as a leading civil libertarian. But it was in his role as defender of such people as Ralph Ginzberg, publisher of Fact magazine, and L. Judson Morehouse, former chairman of the New York State Republican party, that Mr. Steinberg became known to the public.

In 1968, Mr. Steinberg served as the chief defense lawyer in the libel suit by Barry Goldwater against Mr. Ginzberg. The 1964 Republican Presidential candidate charged that Fact had defamed him when it presented, in October, 1964, an article based on a mail poll of psychiatrists who were asked to attest to Mr. Goldwater's psychological fitness.

During the trial Mr. Steinberg brought into the courtroom a large blackboard, on which he drew a true and false "box score." Then, reading line by line through the article, he divided the statements into such categories as "true," "false," "false but accurately quoted" and "unimportant."

Mr. Goldwater, who had sought a $2 million verdict, was awarded $75,000.

Two years earlier Mr. Steinberg was successful in saving a client from a harsh sentence: in the case of Robert Friede, a wealthy youth charged with the homicide of his girl friend, the judge gave the defendant a two-and-a-half year to five-year sentence.

In that case, a 19-year-old girl had been found dead in the trunk of Friede's car. She had died from a narcotics injection administered by Friede, but the judge found that Friede had not intended to kill her.

Throughout his career the short, baldish lawyer wrote and lectured about the role of the defense attorney as well as about defects in criminal procedural law. At one point, in order to explain the ambivalence of certain statutes, he told a group of law students the following story:

A woman found a revolver in her son's suitcase and called her lawyer to ask what she should do with the weapon. The lawyer called Mr. Steinberg, and he called the police station. The police sergeant told Mr. Steinberg not to bring the gun to the station, because to do so would violate a law prohibiting the carrying of guns. Mr. Steinberg therefore took the gun apart, and then, taking a short walk outside, dropped pieces of it every few feet along the street.

In recent years Mr. Steinberg concentrated his efforts on restoring the public's sagging view of the criminal lawyer and on rebutting the attacks on the Bill of Rights.

"When the Constitution is abused," he said, "people get mad at the Constitution rather than at the abusers."

Mr. Steinberg was born in New York City and was reared in Brooklyn. He graduated from City College in 1932 as a member of Phi Beta Kappa, and from Harvard Law School in 1935.

AIDE TO DEWEY

For a few months after his graduation, Mr. Steinberg worked as an assistant on then District Attorney Dewey's special investigation of rackets in New York. He then went to the Securities and Exchange Commission as a junior attorney, and in 1938 returned to New York to work for Mr. Dewey as an assistant district attorney. He later served as a consultant in several state investigations.

Mr. Steinberg was a partner for 10 years in Boyle, Feller & Reeves (now Boyle, Feller & Hirsch) in New York. He was a member of the Association of the Bar of the City of New York and served on many of the association's committees.

Mr. Steinberg was known in legal circles for his large private art collection and for his skill as a caricaturist. In addition, his wife said, he was a gourmet cook—"he had to learn, in self-defense, because I didn't know how."

Mr. Steinberg leaves his wife, the former Julie Sandler, with whom he lived at 22 East 36th Street, and two children, Dr. Robert Steinberg, a resident in surgery at Yale-New Haven Hospital, and Jane Steinberg, an assistant editor at Mademoiselle magazine.

A funeral service will be held tomorrow at 2:30 P.M. at Frank E. Campbell's, Madison Avenue at 81st Street.

STEEL IMPORTS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PETTIS. Mr. Speaker, a year and one-half or more ago an ad hoc committee was formed for Members of this House to deal with the serious problem of Japanese steel imports into the United States particularly the west coast.

The statements of intent filed with the Secretary of State by Japanese and ECSC steel producers last year indicated a desire to help maintain an orderly steel market in the United States. This would be accomplished by a reduction of exports to the United States by these producers in the amount of approximately 22 percent in 1969 as compared to 1968. The statements further declared that they would try to maintain product mix and patterns of distribution as they had been.

Imports into the west coast for the first 4 months represent a glaring deviation from the previously announced policy of the Japanese. West coast imports are up 4.3 percent over 1968. One out of every 3 tons consumed represents imports—approximately triple the national rate. On the other hand, the Nation as a whole has experienced imports at a 29-percent lower rate than the comparable period for 1968. Dock strikes on the east and gulf coasts during the earlier part of the year undoubtedly accounted for some of this reduction; however, the fact remains that the west coast continues to bear the greatest part of the import burden of any section of the United States.

Mr. Speaker, if this incursion by a foreign power into our very basic steel industry cannot be controlled by the executive branch of our Government, then I feel that we must seriously consider taking legislative action or we may

find ourselves with thousands of jobless steel workers and rampant unemployment in other related industries such as mining and with an increasing dependence upon a foreign power for the most basic of commodities in this country—steel.

REPORT OF THE SPECIAL SUBCOMMITTEE ON CREDIT PROBLEMS OF SERVICEMEN IN PACIFIC COMMAND

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PATMAN. Mr. Speaker, under House Resolution 1093, the Banking and Currency Committee was authorized to study the credit problems faced by servicemen in both the European and Pacific commands.

The report of the European portion of the investigation was published as a subcommittee print in October of 1968.

Today, I am placing in the RECORD the special subcommittee's report on the Pacific portion of its investigation. The subcommittee was headed by the gentleman from New Jersey (Mr. MINISH), and was composed of the gentleman from California (Mr. HANNA), the gentleman from Illinois (Mr. ANNUNZIO), and the gentleman from New York (Mr. WOLFF).

The report confirms the belief that the best way to fight loansharks and high-interest lenders is to establish credit unions wherever military personnel are stationed. The success of these credit unions has been spectacular and they have not only helped the servicemen but by easing their debt problems, have enabled these servicemen to better serve their country.

The members of the special subcommittee are to be commended for their efforts. I include the report herewith:

CREDIT AND CONSUMER PROBLEMS FACED BY SERVICEMEN IN PACIFIC COMMAND

INTRODUCTION

In October 1968, the special subcommittee, headed by Congressman Joseph G. Minish, Democrat of New Jersey, of the Domestic Finance Subcommittee, published a report "Investigation of Credit Frauds Used Against Servicemen in Europe and the Impact of Military Credit Unions in Solving the Problem". This report covers the second portion of the investigations authorized by House Resolution 1093, approved in the 90th Congress. This resolution provided for an investigation of the credit problems faced by servicemen in both the European and Pacific commands and the use of military credit unions in solving the problems.

In addition to Congressman Minish, the subcommittee visiting the Pacific command consisted of Congressman Frank Annunzio of Illinois and Lester Wolff of New York. They were accompanied by Retired Brigadier General Evert Thomas, Executive Director of the Defense Credit Union Council. General Thomas traveled at his own expense and served as an unpaid consultant to the subcommittee. The main body of the subcommittee was in the Pacific area during early December of 1968. Prior to the subcommittee's visit, Congressman Richard Hanna of California, also a member of the Domestic Finance Subcommittee, visited a number of military installations in the Pacific and gathered information which is included in this report.

During its investigation, the subcommittee visited military installations in Japan, Korea, Okinawa, Taiwan, Vietnam, Thailand and the Philippines. In addition, the subcommittee talked to a large number of servicemen and U.S. officials in Hong Kong concerning possible credit abuses and fraudulent activities in areas used by the military for Rest and Recuperation stops.

The subcommittee found, through its hearings and investigations, that many of the problems faced by servicemen in Europe, particularly the high cost of credit, were also prevalent in the Pacific and Far East areas. The main difference between the two areas, however, is that in Europe there is a far greater concentration of sharp practice operators than there are in the Far East.

This situation comes about because of the vast distances between military installations in the Pacific and Far East and because of the highly transient nature of the military personnel there.

Prior to the subcommittee's visit, servicemen, for the most part, had to obtain credit either through hometown banking arrangements, limited credit union service or from high rate finance companies.

Two credit unions, both headquartered in Washington, D.C., Navy Federal Credit Union and the Pentagon Federal Credit Union, provided mail order service for many Members of the Armed Forces in the Pacific areas. In addition, on-site credit union service was being provided by credit unions in Japan and Okinawa. However, these two credit unions are not chartered by any government or State regulatory agency but were operated under the auspices of the military installations which they served and through special arrangements made through the Department of Defense.

Thus, only two countries in the Pacific area have direct on-site credit union service and the subcommittee notes that in the areas where these two credit unions operate, they perform an outstanding service.

It is more difficult to evaluate the effects of the mail order credit union service, since it functions mainly as a lending operation and because of its distance and time delay factor, cannot provide full credit union service.

Since the subcommittee's visit, however, two new credit unions have been established—one at Clark Air Force Base in the Philippines and the second in Seoul, Korea. The Clark facility is a suboffice of the Barksdale Air Force Base Federal Credit Union in Louisiana, while the Seoul, Korea facility is a suboffice of the San Diego Navy Federal Credit Union.

JAPAN

U.S. military forces in Japan are provided with on-site credit union service through the United Credit Union. This credit union, which was formed in 1959, has 28,000 members and $9.7 million in assets. In addition, to its central office at Fuchu Air Station outside of Tokyo, United operates additional branches or suboffices that blanket the entire country. United is a unique credit union. It was organized because of a need for low-cost, reliabe credit among servicemen in Japan. However, at the time of the subcomittee's trip, the credit union was not charted nor sanctioned by any U.S. government or military agency. Thus, United had to operate as an unofficial credit union, although the credit union did operate under this status in an extremely safe manner and provided excellent service for its members. Although the credit union is not federally chartered, it does follow all of the laws, rules and regulations of the Federal Credit Union Act and officials of the credit union have indicated they would like to be a federally chartered credit union, although they realize because of their location outside of the United States, this is impossible. As a result of the subcommittee's visit, arrangements were made for United to become a certified credit union under the Department of Defense overseas credit union program. These credit unions, which are more commonly called "Patman Plan Credit Unions" because the idea for such credit unions was suggested by Chairman Patman, are not chartered by the Bureau of Federal Credit Unions but are examined by that agency and are required to operate under the Federal Credit Union Act.

Because United had not been an accredited Patman Plan credit union prior to the subcommittee's visit, the Department of the Army did not allow soldiers to make allotments to United. However, now that United has received its accreditation, the Army is allowing its soldiers to make allotments to United.

United is performing an outstanding service for Members of our Armed Forces in Japan. For example, of the more than 17,000 loans outstanding at the end of July 1968, more than 10,000 of these loans or 50% of the loans went to servicemen in the first four paygrades. An additional 34% of all loans went to servicemen in the paygrades E5 through E7. Thus, 91% of the loans outstanding at United are for servicemen in the seven lowest paygrades. This would indicate that the credit union is operating in the best interests of all its serviceman members, regardless of rank.

This is, of course, in keeping with the tradition of the type of service that credit unions should provide for members.

The lack of certification by United also presented one additional problem. All of United's offices are on either air bases or naval stations. Although United does not have offices on Army installations, they do have a substantial number of Army members. The Army personnel became members by joining at another military installation. During the subcommittee's visit to Fuchu Air Station in Japan, an Army comptroller was asked why there were no Army credit union facilities in Japan. His reply was that "the Army does not need credit unions since our men do not borrow."

This statement was immediately challenged by United credit union officials who pointed out that they had a substantial number of Army members in their credit union. To this, however, the Army comptroller stated that while it might be true that there were Army members in the United Credit Union, these were "savers" not "borrowers." During the luncheon break of the meeting, United Credit Union ran a survey of the number of Army borrowers in the credit union. It showed that there were nearly 1,300 Army borrowers in the United Credit Union with an outstanding loan balance of $434,000. Since there are roughly 5,000 Army personnel in Japan, the United survey shows that more than 1 out of 5 soldiers belong to United Credit Union. This is even more remarkable when it is considered that there are no credit union facilities on any Army installations. After this information was presented to the Army comptroller, he stated that if United received certification, he would not object to the credit union opening a branch at Camp Zama, about 40 miles from Tokyo, the Army's largest installation in Tokyo. In addition, he stated that the Army would provide facilities for the credit union.

It should be noted, however, that despite the assurances of the Army comptroller that United would be welcome at Camp Zama, efforts by United to open a suboffice there have been rejected by the Army.

All of the servicemen, both enlisted and officers, expressed praise for the work being done

by United and it is the subcommittee's belief that the military services should extend all cooperation necessary to the United credit union and every effort should be made to open branch offices where the need for such facilities are justified, regardless of the military service controlling the installation.

The following tables illustrate in graphic form the history and growth of United, as well as the outstanding record it has achieved since its inception in January 1959:

UNITED CREDIT UNION—ORGANIZATIONAL HISTORY

January 13, 1969: Fuchu office organized.

July 21, 1959: Tachikawa Air Base branch and central office (at Fuchu) organized.

March 15, 1961: Naha Air Base, Okinawa branch formed.

October 23, 1961: Yokota Air Base branch formed.

July 25, 1962: Yokohama Navy Housing Annex branch formed.

November 14, 1962: Misawa Air Base branch formed.

March 2, 1964: Atsugi Naval Air Station branch formed.

March 10, 1964: Merger of Kasuga branch (formed in July 1957) redesignated as Itazuke Air Base branch.

June 25, 1965: Naha Air Base branch withdrew.

November 22, 1967: Yokosuka Fleet Activities branch formed.

UNITED CREDIT UNION, JAPAN—CENTRAL OFFICE—FUCHU AS

Assets, $9.7 Million, 28,100 members.

	Members
Itazuke AB	1,900
Yokosuka NS	2,700
Yokohama NS	3,400
Atsugi NAS	5,000
Fuchu AS	2,800
Tachikawa AB	4,200
Yokota AB	5,100
Misawa AB	3,000

UNITED CREDIT UNION MEMBERSHIP GROWTH

Year	Month	Membership
1959	June	
	December	584
1960	June	4,080
	December	6,375
1961	June	8,415
	December	12,155
1962	June	16,420
	December	19,283
1963	June	24,554
	December	29,490
1964	June	34,481
	December	39,422
1965	June	40,579
	December	[1] 38,275
1966	June	33,028
	December	32,912
1967	June	27,337
	December	25,986
1968	June	26,902
	December	28,100

[1] Reduction by project "Clearwater" KASUGA (Itazuke AB).

UNITED CREDIT UNION NEW LOANS GRANTED

Average monthly loans (thousands)	
1959	$78.4
1960	272.2
1961	551.0
1962	782.0
1963	1,091.0
1964	1,181.0
1965	995.0
1966	823.0
1967	742.0
1968 (1st 7 months)	1,103.0

(1968 In numbers)	
January	968
February	908
March	992
April	1,211
May	1,190
June	1,109
July	1,340

UNITED CREDIT UNION PURPOSES FOR WHICH LOANS GRANTED

	Number	Percent	Amount	Percent
Stereos	3,601	20.9	$1,434,482	13.1
Debt consolidation	2,550	14.8	2,369,331	21.9
Used automobiles	2,539	14.7	2,243,904	20.8
Household goods and appliances	1,681	9.8	988,988	9.2
Vacation expense	1,687	9.8	784,864	7.3
Clothing	856	5.0	255,510	2.4
Christmas and gifts	825	4.8	322,010	3.0
Cameras	553	3.2	159,601	1.5
PCS moves	553	3.2	348,987	3.3
Auto repair	542	3.1	256,344	2.4
Family assistance	324	1.9	196,529	1.8
Motorcycles	240	1.4	92,539	.9
Lot houses, mobile homes	244	1.4	208,180	1.9
New automobiles	190	1.1	466,121	4.3
Medical, dental and funeral	194	1.1	90,757	.8
Repair or modernize residential property	195	1.1	224,341	2.1
Education expense	169	1.0	98,387	.9
Investments	125	.7	173,911	1.6
Sports equipment	53	.4	19,319	.2
Taxes and insurance	56	.3	26,655	.3
Miscellaneous	43	.3	35,860	.3
Total	17,220	100	10,796,620	100

UNITED CREDIT UNION LOAN—SHARE—RATIO
(IN MILLIONS)

Year	Loans	Shares	Ratio (percent)
1959	$0.6	$0.7	94.5
1960	1.7	2.1	89
1961	3.9	3.9	100
1962	6.1	6.3	97
1963	8.5	9.7	87
1964	8.8	13.1	67
1965	7.4	11.6	63
1966	6.7	9.4	71
1967	6.1	8.7	70
1968 (Jan–June)	7	8.7	79

UNITED CREDIT UNION LOAN STATISTICS

Total:	
Loans granted since organization	$84,000,000
Loans outstanding July 31, 1968	7,000,000
Number loans outstanding	17,668

STRATIFICATION OF LOANS BY GRADE

	Number	Million	Percent of Number of Loans
E–1 through 4	10,046	$2.8	57
E–5 through 7	6,041	2.9	34
E–8 and E–9	165	.1	1
Officers	751	.7	4
Civilians	665	.5	4

UNITED CREDIT UNION DELINQUENT LOAN STATISTICS

Total:	
Loans outstanding July 31, 1968	$7,000,000
Loans delinquent (2 months and older)	117,000
Number of delinquent loans	416
Delinquent ratio (percent)	1.7

STRATIFICATION OF DELINQUENT LOANS BY GRADE

	Number	Percent of number of loans		Percent of dollar value
E–1 through 4	219	53	$47,300	40
E–5 and E–6	131	31	43,700	37
E–7, E–8 and E–9	49	12	14,000	12
Officers	11	3	7,800	7
Civilians	6	1	4,200	4

UNITED CREDIT UNION DIVIDENDS PAID

	Dollar amount	Percent
1959		
June	533	5
December	7,509	5
1960		
June	21,841	5
December	38,003	5
1961		
June	52,561	5
December	85,573	6
1962		
June	117,217	6
December	146,005	6
1963		
June	192,387	6
December	228,958	6
1964		
June	248,695	5
December	276,653	5
1965		
June	248,390	5
December	241,001	5
1966		
June	253,789	5
December	216,901	5½
1967		
June	206,295	5½
December	196,756	5½
1968		
June	195,766	5½

Total paid—$2,969,741.

KOREA

Prior to the subcommittee's visit, there were no on-site credit union facilities in Korea, although the Pentagon Federal Credit Union does provide mail order credit union service to the troops and places membership and loan applications throughout various exchange facilities in Korea.

The question of credit union service in Korea has been under review for more than a year by U.S. military officials in that country. About 18 months ago, military officials conducted a survey to determine whether or not a credit union was needed. The survey reportedly showed that there was little credit union interest. The subcommittee was not presented with copies of the survey nor were any of the military officials well-informed about the results of the survey or how it was conducted. In addition, it does not appear that this survey was given wide circulation among the enlisted men, those who would derive the greatest benefits from the credit union. However, in June, 1968, a new survey was conducted which revealed a pronounced degree of support for credit unions in Korea.

For instance, 33.8% men interviewed said that they would borrow from a local credit union if available and 44.7% said they would deposit savings in a local credit union.

The results of the survey are listed below:

CREDIT REQUIREMENT QUESTIONNAIRE

	Yes	No
1. What is your pay grade? (E–1, E–2, O–3, O–4, or GS–9, etc.) Pay grade_____		
2. Have you served more than 4 years on active duty in the U.S. Armed Forces and/or as a military department GS rated civilian?	2,284	6,244
3. Are you married?	3,414	5,114
4. If not married, do not answer the next 3 questions:		
(1) Is your wife a U.S. citizen?	2,700	714
(2) Is your wife in Korea?	783	2,631
(3) Do you have any children?	1,985	1,429
5. Are you now in DEBT to a U.S. bank or credit union?	1,968	6,560
6. Do you anticipate any future need to borrow money during your tour in Korea?	1,732	6,796
7. Would you borrow money now if you could?	2,370	6,158
8. If you borrowed money, would it be to purchase items from the Post Exchange such as a tape recorder or car for State-side delivery?	3,779	4,749
9. Would you expect to have to borrow money in event of an emergency or mid-tour leave situation?	4,336	4,192
10. Do you have a bank or credit union savings account at home that will allow you to borrow money by mail?	3,392	5,136
11. Have you borrowed money by mail from a U.S. bank or credit union since your arrival in Korea?	1,074	7,454
12. Would you borrow money from a bank or credit union in Korea, if available?	2,881	5,647
13. Would you open a savings deposit account in a credit union in Korea, if one was available?	3,811	4,718
4. Are you now saving money through purchase of U.S. Savings Bonds and Freedom's Shares?	5,295	3,233
15. Are you now saving money through the 10 percent Uniformed Services Savings Deposit Program?	1,475	7,053

1. USFK personnel surveyed: 8,528 personnel of the Army, Navy, Air Force and GS rated civilians.

	Enlisted	Warrant officer	Officer	General services
Army	7,268	47	610	162
Navy	13	0	9	1
Air Force	323	0	58	19
PROVMAAG–K	9	1	3	0
	7,618	48	680	182

2. 26.8% are career men, i.e., have served more than 4 years of active Federal Service.

3. 40.0% are married.

(a) 79.1% have U.S. citizen spouses.

(b) 22.9% are accompanied.

(c) 58.1% have one or more children.

4. 23.0% are in debt.

5. 20.3% anticipate a future requirement to borrow money during their current tour in Korea.

6. 27.8% would borrow now if they could.

7. 44.3% would use their loan to purchase merchandise from the PX if they were to borrow money.

8. 50.8% anticipate a loan requirement if they went on emergency or mid-tour leave.

9. 39.8% have a bank or credit union connection in CONUS from whom they can borrow by mail if desired.

10. 12.6% have borrowed by mail during their current tour.

11. 33.8% would borrow from a local credit union if available.

12. 44.7% would deposit savings in a local credit union if available.

13. 62.1% are saving through Bonds and Freedom Shares.

14. 17.3% are saving in the BIG TEN Uniform Services Savings Deposit Program.

Following the survey, military officials determined that a credit union should be established in Korea. These officials felt that the survey provided enough of an indication of credit union support to justify the establishment of the credit union. In addition, they were of the belief that the survey would have shown a greater percentage of favorable interest in the credit union had many of the servicemen been fully aware of what a credit union could provide. The officials felt that because of the lack of information concerning credit unions, the respondents were not able to answer the survey intelligently. Military officials felt that once the credit union was established, the response would be far greater than that indicated by the survey.

It is interesting to note that if a credit union were available, the majority of the loans made from the credit union, according to the survey, would be for mid-tour leaves. A tour of duty in Korea is 13 months. At the mid-way point in that tour, all servicemen are entitled to a "mid-tour leave". This leave is normally 25 days and a great many of the servicemen in Korea use the leave to return to their homes in the United States. Since there are no lending institutions in Korea, servicemen, for the most part, must save their funds in order to take advantage of the mid-tour leave. This may be one of the main reasons that participation in the Soldiers, Sailors and Airmen's Deposit Program has been so low among servicemen in Korea. For instance, only 30.9% of the officers in Korea take advantage of the 10 percent savings program while only 6.7% of the enlisted men have their savings in this program.

Servicemen making deposits in the 10 percent program may not withdraw the funds until they return to the United States on a permanent reassignment or for discharge unless they need the money for an emergency. Thus, money placed in the 10 percent program would not be available to the servicemen for their mid-tour leave. Thus, credit union facilities in Korea might be a boom to the 10 percent program and help our gold flow situation, since servicemen could save their funds in the 10 percent program and have a lending institution available for loans such as the mid-tour leave. Another reason for the lack of participation in the 10 percent program is the relatively short tour of duty in Korea. Many servicemen find that it takes from two to three months in order for them to get their finances in shape after they arrive in Korea and by that time they have less than a year remaining on their tour. They do not feel that placement of their funds in the 10 percent program for this short period would be worthwhile.

Following the subcommittee's visit, arrangements were made for the opening of a suboffice of the San Diego Navy Federal Credit Union at Yongsan, a military reservation on the south side of Seoul. This is the largest permanent military installation in Korea and also serves as the focal point for all military activity in the country. Servicemen off duty normally come to Yongsan to use the various facilities there since the largest PX in the country is located at that military installation. The San Diego credit union opened its office on April 1, 1969, and the response to the credit union activities was outstanding. During its first month of operation, the credit union made loans of $115,467.07 and received shares of $97,674.39 and 506 servicemen joined the credit union.

The subcommittee feels that once the credit union has gained experience in operating in Yongsan, careful consideration should be given to extending its facilities to military installations throughout the country, such as the 7th Infantry Division Headquarters at Camp Casey, about 20 miles north of Seoul. Military officials at Camp Casey have indicated a willingness to have a credit union at the installation and said they would provide all necessary support and, if necessary, would even erect a building for the credit union.

During its stay in Korea, the subcommittee found more evidence of loan sharking than in any other country that it had visited, both in the Far East and Europe. Perhaps the best description of how the loan sharks operate is contained in an article published in the BAYONET, a weekly newspaper published by the 7th Infantry Division Information Office in Korea. The article, which appears below, reports that American servicemen who cannot repay their debts are subject to physical violence or are encouraged to engage in black market activities in order to reduce the size of their obligation.

BAYONETMEN FALLING PREY TO EASY CREDIT IN THE "VILL"

(By Sgt. Bill Hoerger)

CAMP CASEY.—Over one million won (about $3,700) is borrowed by 7th Infantry Division personnel in the Casey-Hovey area from Korean Nationals every month. Add another million won for current and back interest and an $85,000 a year business is the result.

These are the estimated figures of Sgt. 1. C. Harrison L. Richardson of G–5, Civil Affairs Office, 7th Inf. Div. The "open door" policy of G–5 allows Korean Nationals with grievances of all sorts to personally present their problems to the division without having to go through a multitude of red tape. And probably the most outstanding complaint of the Koreans is with regard to unpaid loans by American soldiers.

Bayonetmen, ignorant of existing laws, their personal rights and responsibilities, have been borrowing money from local Korean Nationals, many of whom are "loan sharks." As a consequence, they have fallen into a vicious circle of indebtedness and unimagined trouble.

Commenting on the situation a concerned Sgt. Richardson said, "These man (the borrowers) are blind! They cannot foresee their monetary obligations during a month's span. They do not stop to think about how much they will have to pay back for one of these loans, and they just do not realize the extent of complications that may evolve from such a transaction."

Men have foolishly signed questionable promissory notes and have agreed to usurious interest rates. Korean law requires all individuals loaning money for a profit to obtain a license. Most of the "loan sharks" have no such permit.

In addition, Korean law stipulates that interest charged will not exceed 36 percent per month. Even if a creditor has the necessary license he may still be charging more than the prescribed interest limit.

Although 30 percent per month on a 1,000 won loan doesn't seem exhorbitant, it adds up to an annual interest of 360 percent. So if an individual doesn't pay his loan back promptly he could end up owing three and half times his original loan in a year's time.

Oftentimes men do not stop with just one loan. They discover how easily credit is obtained and may borrow some 12,000 won during the month. It is not unusual for a man to find that he cannot repay all of his debts incurred for the month.

When the "due date" passes on a loan, a new interest charge is often added. Forty percent on the unpaid balance is a frequent figure. Now, the soldier not only owes 1,300 won, but 40 percent of that—or 1,820 won.

Sometimes there is a man who, for a number of reasons, finds it impossible to ever repay all of his village bills. The "loan shark" has an answer to this man's monetary problems: the Black Market. For the mere delivery of a "made in the USA" television set, a GI might have his interest rate cut in half.

Or, for three sets of slightly used OD's the soldier might be granted the reduction of as much as 1,000 won off his original bill. Just as simple as that—until the actual delivery is made.

Then, who can guarantee that both parties will keep to the illegal transaction? Can the soldier go to the authorities if the "loan shark" doesn't live up to his part of the bargain?

What about the fellow who is going to "outsmart" the Korean and simply refuse to pay his debts? It takes but a split-second for some hired hoodlum to give a hesitant soldier a brutal reminder of his responsibilities.

An honest creditor will go to G–5 and request the military's aid in settling disputes over unpaid bills. The usual reaction is for the office to notify the man's unit, describing the circumstances and leaving it up to the unit commander to decide the outcome. The result is often a disgusted "short-timer" being flagged until his debts to Korean Nationals are paid in full, for a dishonorable failure to pay just debts is an offense under the Uniform Code of Military Justice for which judicial action may be taken.

A "just this once" Black Market deal; a beating by hired thugs—can all lead to an even worse situation: Subversion. The power of money overcomes the power of common sense. Even though the information provided may seem to be of relative unimportance, a man might betray his country for the mere reduction of an imprudent loan made in the village.

The "loan sharks" and "pawn brokers" are not stupid. They know all the angles. And, just as you make a loan for a house or car in the States, you are responsible for your actions when making a loan from a Korean National.

The soldier has created his own dismal situation. He requested the loan. He agreed to the exorbitant interest rates and he signed his name to the contract.

Military officials in Korea, while admitting that there was loan sharking activity going on, played down its magnitude. They did admit that in order to foster Korean-American relations, the Army provided Korean nationals assistance in collecting the debts from servicemen. This practice was justified by Army legal officers as being necessary to prevent American servicemen from being tried by Korean courts.

For the most part, the lenders are unlicensed and operate in the bars or small shops near the military installations. Most of their loans are for a relatively small amount and it is difficult to measure the magnitude of these lending operations since the only cases that reach the military authorities are the ones in which the serviceman fails to make payment. However, in May of 1968, 40 such debt complaints totaling $3,000 were received by the 7th Infantry Division. In July, there were 25 cases for $1,600; in August, 32 cases for $2,200; and, in September, 24 cases for $1,400. The cases average about $64. However, one soldier had contracted an indebtedness of $560.

Military officials explained that most of the loans are made to servicemen who run out of money while they are "out on the town."

The lenders are well-versed in the help that they can receive from the military in collecting the debts. Almost every "loan contract" shown to the subcommittee contained statements such as the following:

"In case of failure to repay loan by above date as stated, the lender may make a claim for this debt through my company commander," or;

"Furthermore, I am gladly going to offer the particular authority to any superior USA officers to take the underwritten amount of the debt out of my regular pay, when I miscarry the promise of payment," or;

"I further understand that failure to repay the loan on said date will result in a suit and I give my permission to my Commanding Officer to deduct the said amount of money from my pay."

Some of the lenders require that the serviceman, in addition to signing his name, affix a thumb print to the document for further identification. In some cases, the serviceman is required to leave his ration card (for use in purchasing items in the PX) as collateral for the loan.

The subcommittee was not able to ascertain whether or not military officials had ever withheld money from a serviceman's pay in order to satisfy the lenders. While the subcommittee is in complete agreement that servicemen should not be turned over to Korean authorities for prosecution of nonpayment of debts resulting from such lending contracts as described above, the subcommittee does feel that military officials should use all their power to curtail the operations of these loan sharks, including placing off limits those places of business where loan sharks operate.

OKINAWA

Okinawa is served by a very fine credit union, the Kadena Credit Union.

The Kadena Credit Union opened for business on 15 June 1961, under the provisions of AFR 176–1, has been in continuous operation to the present, and received a Department of Defense Charter, granted by CINCPAC, on 14 November 1966.

Field of Membership includes all, permanently assigned to Okinawa, Department of Defense personnel.

The present business operation is conducted in two offices at Naha and Kadena Air Bases; the two having merged on 1 February 1968, the date on which Kadena became the first Department of Defense credit union chartered under the "Patman Plan."

There are over 18,000 members in the union, with $5,225,000 in assets. An average of over $500,000 per month has been paid out in loans this year, and members have $4,575,000 in savings. Net earnings have exceeded $20,000 every month during 1968.

An average of 70 loan interviews are handled daily and recent statistics reflect that they have negotiated 5,818 loans in grades E–1 thru E–4, for $1,929,001; 5,738 loans in grades E–5 thru E–7, for $1,924,115; 349 loans in grades E–8 and E–9, for $118,591; 588 officers loans, for $268,274 and 801 civilian loans, for $201,206.

The credit union paid a six per cent (6%) per annum dividend, compounded semiannually, in 1967 and 1968.

Share life insurance with maximum $2,500 and loan life insurance with maximum $10,000 is carried at no cost to the member on all accounts. A maximum of $50,000 is permitted to be on deposit in any one account.

KADENA CREDIT UNION LOANS OUTSTANDING—OCT. 31, 1968

Category	Number	Amount	Average loan	Percent of number of loans
E–1 thru E–4	3,905	1,758,000	450	42
E–5 thru E–7	3,880	1,740,000	448	41
E–8 thru E–9	300	205,000	683	3
Officers	550	305,250	555	6
Civilians	750	250,500	334	8
Totals	9,385	4,258,750	454	100

Note: Current loans to shares 89.84%.

KADENA CREDIT UNION LOANS AND SHARES

Year	Loans	Number of members	Percent dividend paid
1961	612	1,133	UNK
1962	2,294	3,447	UNK
1963	2,861	4,806	UNK
1964	3,118	5,575	UNK
1965	4,030	6,993	5½
1966	4,887	7,609	5½
1967	8,667	12,018	6
1968	9,385	18,289	6

Note: Dividends compounded semiannually.

Okinawa is faced with a pawnbroking problem that has worked a great hardship on many servicemen because they do not understand the interest rate structure of the pawnshops. The interest rate, which starts at 9 per cent per "interest period" can triple in a little over a month and many times the serviceman who has pawned his car for a few dollars will end up being unable to make the interest payments and lose his car.

The following chart indicates the regulations used by pawnbrokers operating on Okinawa:

Terms of Contract

1. Rate of interest shall be 9% for each interest period.

2. Interest periods are defined as follows:

(a) An article pawned during the month up to and including the 25th of the same month must be redeemed before the first day of the following month to stay in a single interest period.

(b) If the article is allowed to stay in pawn until the first day of the following month then it shall be considered as 2 interest periods.

(c) Any article pawned on the 26th of the month or after will be granted till the 5th of the following month to redeem same and stay in one interest period.

3. Forfeiture of pawn:

Watches, cameras, electrical appliances and clocks will be considered forfeited if a period of 2 months or 60 days from the date of pawn. Providing no interest has been paid, 60 days shall be considered as consecutive days with no interest having been paid.

4. All pawners are required to show I. D. Cards.

5. Any article damaged or lost through disaster or typhoon shall not be a responsibility of pawn shop.

6. Upon signing the pawn pledge it is considered that these terms of contract are understood accepted by the pawner.

7. These terms were established by the Okinawa Council and approved by Convening authority.

To illustrate the problem faced by servicemen, consider a loan for $100 obtained on the 24th day of the month with repayment to be made on the 1st day of the following month. By regulation, this loan will have covered two "interest periods" and, therefore, the serviceman will be charged an interest rate of 18 percent. Thus, for the use of the $100 for nine days, the serviceman will be required to repay $118. This works out to a simple annual interest rate of 811 percent.

Despite these high interest rates, military officials on Okinawa have uncovered pawnshops that were charging in excess of the legal rate. No action was taken against these pawnshops other than to warn them not to continue to practice.

The credit union had been combatting this problem by making short-term loans to take the servicemen off of the pawnbroker's market. However, the Department of Defense put a stop to the short-term loans because the credit union was charging a $1 interest fee for a $20 loan and a 50c interest fee for a $10 loan. These fees were actually to cover administrative costs of the loan and bore no relationship to the interest on the loan. However, because these fees were in excess of the 1 per cent a month on the declining balance, the loans had to be

stopped. Arrangements have been made with the Department of Defense and the Bureau of Federal Credit Unions to reinstate these short-term loans to protect the servicemen from the pawnbroker's rate structure while, at the same time, conducting consumer counselling so that the servicemen can better budget their money and thus avoid needing the short-term loans.

THE PHILIPPINES

At the time of the subcommittee's visit, there were no on-site credit union facilities in the Philippine Republic. However, for a number of months, officials at Clark Air Force Base, outside of Manila, have been attempting to obtain a suboffice of a U.S. based credit union but with little success. Military personnel of all ranks at Clark Air Force Base expressed the strongest sentiment for a credit union ever encountered by the subcommittee. Following the subcommittee's visit, arrangements were made for a suboffice of the Barksdale Air Force Base Louisiana credit union to open at Clark. This office was opened on December 20, 1968, and the enthusiasm generated by the servicemen at Clark is shown in the February report of operations of the suboffice. By the end of February, the Barksdale credit union suboffice had acquired 3,490 members, had received shares of $407,000 and had made loans of $1.3 million. It had been hoped by the subcommittee that the credit union at Clark could establish satellite offices at the other major military installations in the Philippines, principally Subic Bay and Sangley Point, both predominately Naval activities. Naval personnel at both of these installations will be eligible for membership in the credit union at Clark but because of the distances involved and the limited transportation facilities, it will be difficult for the Naval members to make active use of the credit union. Members of the subcommittee found great enthusiasm for a credit union at Subic Bay among enlisted men but this enthusiasm was not shared by officers of the installation.

These officers felt that there was no need for a credit union. However, following the subcommittee's visit, exploratory contacts were made by officials at Subic Bay for the installation of a direct wire credit union service with the Navy Federal Credit Union.

This would seem to indicate that there is a need for credit union service at Subic Bay.

The need for adequate lending facilities at Subic Bay is further backed-up by a review of the lending transactions engaged in by the American Express banking facility at Subic Bay from September 1966 to September 1968. During that two-year period, the banking facility made only 2,254 loans for a total of $182,539. Of this total, the lowest four enlisted grades received only 484 of the loans for a dollar amount of only $87,686. The following chart outlines the complete lending activity of the banking facility during the two-year period.

LISTING BY PAY GRADE OF LOANS CONTRACTED FOR AT THE AMERICAN EXPRESS BANKING FACILITY—SEPTEMBER 1966–68

Pay grade	Total dollar amount of loans by pay grade	Number of loans by pay grade	Average loan by pay grade
E1	325	4	81
E2	2,992	20	149
E3	33,480	185	181
E4	50,889	275	185
E5	240,110	691	347
E6	169,135	468	361
E7	76,161	209	364
E8	10,546	20	527
E9	2,100	6	350
WO	16,188	30	539
01	8,965	24	374
02	29,314	56	523
03	59,871	85	704

LISTING BY PAY GRADE OF LOANS CONTRACTED FOR AT THE AMERICAN EXPRESS BANKING FACILITY—SEPTEMBER 1966–68—Continued

Pay grade	Total dollar amount of loans by pay grade	Number of loans by pay grade	Average loan by pay grade
04	27,650	46	601
05	7,212	13	555
06	3,062	6	510
Civilians	74,539	116	643
Total	812,539	2,254	360

Two assumptions can be made from the chart. The first is that the banking facility, because of policy or regulation, is not meeting the loan needs of the Navy personnel at Subic Bay. The second possible reason is that Navy personnel at Subic Bay do not make loans to any extent. If the second reasoning is true, it marks the first time that the subcommittee has encountered such a phenomena at a military installation. The subcommittee believes that a competent survey should be undertaken at Subic Bay and Sangley Point, including a broad sampling of enlisted men, to determine if on-site credit union service is needed. If such service is needed, immediate arrangements should be made to establish a satellite office of the Clark Air Force Base credit union facility at the Naval installations.

TAIWAN

There are nearly 10,000 U.S. military and civilian personnel assigned in Taiwan. Many of these individuals are accompanied by dependents, since the average tour of duty Taiwan is 24 months.

There are no credit unions on military installations in Taiwan, although as in most other countries, mail order service is being provided by some credit unions. The need and feasibility for setting up credit unions in Taiwan is unclear. Some military officials told members of the subcommittee that credit union service was not needed in Taiwan and that it would be extremely difficult, because of the laws of the country, to establish such credit unions. However, other military officials told the subcommittee just the opposite and stressed a strong demand for credit unions. The subcommittee, after reviewing the various information gathered from military officials, feels that there is a need for credit union service in Taiwan.

As pointed out earlier, the tour of duty in Taiwan is 24 months which means that many servicemen and government employees are accompanied by their dependents. Because of this, there are needs for the normal household items, plus other large ticket items. The military banking facility in Taiwan does provide loans for such purchases but, by regulation, the loan must be repaid prior to the serviceman's rotation date. This restriction places a hardship on the borrower, since it greatly increases the amount of his monthly payments and virtually precludes him from borrowing any funds near the end of his tour of duty.

Credit unions, which do not have such restrictions, would be of a great benefit to servicemen, civilian employees and dependents in Taiwan and the subcommittee suggests that an in-depth survey be taken to determine whether or not there is adequate need for a credit union.

The subcommittee notes that Taiwan, and particularly Taipei has become one of the favorite Rest and Recuperation stops for our troops in Vietnam. Because of this, military officials in Taiwan should guard against the operation of fraudulent business operators such as questionable discount car brokers who might cheat the serviceman out of his funds.

THAILAND

There are no on-site military credit unions in Thailand but Major General Howe N. McCown, Commanding General, JUSMAG, Thailand, told the subcommittee that he enthusiastically endorses the idea of having credit union service established in Thailand. He indicated, however, that under existing agreements with the Thai government, it would not be possible to establish credit unions at this time. General McCown was of the opinion that negotiations should be conducted informally with the Thai military and that no efforts should be made to secure any changes in the Status of Forces Agreement by the United States and Thailand. He felt that to involve SOFA might jeopardize our relationship with the Thai government. He appeared to believe that the best approach could be taken through the Thai military.

Since U.S. bases occupied by U.S. personnel in Thailand are, in fact, commanded by Thai officials and not by the commanders of the U.S. troops on the base, it would appear that the Thai military could grant authority for the establishment of credit unions without involving the Status of Forces Agreement.

There does appear to be a need for credit union service in Thailand. At one installation visited, it was estimated that about ten enlisted men per day made loans via mail order credit union service. It was further indicated that the average time to complete such loan transactions was about three weeks which appears to the subcommittee to be excessive. It is the consensus of the subcommittee that credit union service could be provided in the Bangkok area at this time if arrangements could be made with the Thai military. However, in the up-country areas, it would appear that credit union service should not be established until the situation in Vietnam has stabilized and tours of duty in Thailand would conceivably be more static.

HONG KONG

Like Taipei, Hong Kong is a major R&R point for servicemen in Vietnam. There are no U.S. military installations in Hong Kong other than the R&R reception centers and thus, there is no need for credit union service in Hong Kong.

However, the subcommittee's interest in Hong Kong is that the financial interests of servicemen are protected while they are on R&R. The subcommittee notes that Navy Auto Sales, one of the fraudulent car brokers that took thousands of dollars of servicemen's funds without delivering cars, had a large office in Hong Kong. Since there are no military installations in Hong Kong, it is up to the American Consulate to maintain a constant check to make certain that operations such as Navy Auto Sales are not allowed to operate.

The subcommittee further feels that every serviceman going on R&R should be given a small pamphlet or some other suitable document discussing the type of questionable business practices being conducted in the R&R area that he is visiting. If these practices are deemed too objectionable, they should be placed off limits to servicemen on R&R.

VIETNAM

There are no credit unions in Vietnam, although Members of the Armed Forces are obtaining loans from mail order credit unions, as well as mail order finance companies.

Because of the combative nature of Vietnam, there is relatively little purchasing of large ticket items by servicemen, as compared to servicemen stationed in other Pacific and Far Eastern countries.

Some of the loans have been for the purchasing of stereo equipment, Leave and Rest and Recuperation expenses and, to a minor extent, for the purchase of motor bikes or motor scooters although loans of this type are primarily confined to the Saigon area.

There are a considerable amount of loans obtained for purchasing automobiles for delivery in the United States when the servicemen complete their Vietnam tour but most of this is done with state-side banks, credit unions or finance companies.

Because servicemen in Vietnam are not accompanied by dependents, many of the spending requirements that a serviceman and his family might have on an accompanied tour are not present in Vietnam.

While military officials in Vietnam indicated there were some cases where servicemen borrowed for Rest and Recuperation trips, by and large, the vast majority of the servicemen have been able to save funds out of their pay for the R&R trip.

After careful consideration by the subcommittee with military officials in Vietnam, it was determined that it would be unwise to establish a credit union there until the secession of hostilities.

Vietnam is under strict currency control regulations and it is felt that the establishment of a credit union would not be conducive to the effective management of the currency controls. In addition, military leaders felt that the credit union would be used primarily by servicemen in the rear echelon areas rather than the troops in the front lines. It is the subcommittee's feeling that any facilities opened in Vietnam should, first of all, benefit, for the most part, the men in the front lines.

In addition, the constant movement of troops through Vietnam and the relatively short tour of duty in that country would handicap effective credit union operation.

Although there may not be a need for credit union service in Vietnam at this time, the subcommittee feels that arrangements should be made for the establishment of on-site credit union service in Vietnam upon the secession of hostilities.

Until about a year ago, Vietnam was a hot bed for fraudulent business activities that prayed on servicemen, particularly phony automobile brokers who offered servicemen huge discounts on automobiles that would be delivered in the United States when the serviceman rotated. Although there were bona fide companies operating such car broker arrangements, there were other companies that cheated servicemen out of thousands of dollars. Most of the questionable operators are no longer in existence in Vietnam. The TET offensive of the North Vietnamese scared off many of the sharp practice operators and, in addition, a curfew in Saigon effectively curtailed the number of servicemen that visited that town on their off duty hours. Since there was little military "traffic", the car brokers' business suffered.

Once again, the subcommittee feels that it is imperative that military officials make certain that fraudulent car dealers and sharp practice operators of any description are not allowed to gain the foothold they had about a year ago. It is, therefore, recommended that wide publicity be given to the operations of any questionable dealers or merchants and if the situation becomes serious enough that the off limits procedure be used.

THE LATE HONORABLE WILLIAM H. BATES

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. CORMAN. Mr. Speaker, I join my colleagues in paying tribute to the memory of WILLIAM H. BATES, our friend and colleague. We mourn the passing of a tireless worker and a respected friend and associate.

In the 19 years that he served his country and his district, both on the Armed Services Committee and the Joint Committee on Atomic Energy, he set a standard of loyalty and dedication which all of us may admire. The loss of a man of such integrity, knowledge, and honor must be deeply regretted and mourned by each of us.

Mrs. Corman and I join in extending our condolences and sympathy to the family.

WHY THE GENERAL ACCOUNTING OFFICE IS CONGRESS' LOGICAL GUARANTOR OF FISCAL RESPONSIBILITY IN GOVERNMENT CONTRACTS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PODELL. Mr. Speaker, national debate rages over cost overruns in Government contracts. Various solutions are put forth, many containing elements of solution. Most will not do the job. Power is ebbing from the legislative branch of Government. Today we lack guaranteed overseeing power to right this situation. Yet an agency lies at hand which Congress may utilize to insure fiscal responsibility. I refer to the General Accounting Office, which would, under my Government contract scrutiny measure, automatically audit and publicly report to Congress on all military and civilian Government contracts which incur cost overruns exceeding 10 percent of contract price. Descriptions of GAO and our Bureau of the Budget are in order.

GAO and BOB were established by the same Budget Accounting Act of 1921. GAO was placed in the legislative branch under direction and control of the Comptroller General of the United States, independent of executive departments.

BOB was placed under direct supervision of the President, even though it remained physically in the Treasury Department. In 1939, Congress passed the Reorganization Act, establishing the Executive Office of the President and transferring BOB to this Office. The Secretary of the Treasury continues in charge of preparation of Government's revenue estimates.

GAO's chief officers, Comptroller General and Assistant Comptroller General, are appointed by the President with Senate consent. They hold office for 15 years, subject to removal only by joint resolution of Congress or impeachment. The Comptroller General is not eligible for reappointment. There is a virtual absence of Presidential control over these chief GAO officers.

BOB's Director is appointed by each President, serving at his pleasure. This agency is completely responsive to the Executive.

Functions of GAO and BOB are so dissimilar that no valid, point-by-point comparison can be made. Let us present their functions separately.

GAO audits and reviews the manner in which Federal programs are carried out. It makes independent examinations for Congress into governmental expenditures and use of property and personnel for authorized programs, activities, or purposes. It reviews organization, management, and control of agency systems, identifying weaknesses, reporting on conditions found, and recommending improvements. Specific factors considered prior to deciding to audit are statutory requirements, congressional requests, and indications of congressional interest; potential areas of improvement in Government operations; deficiencies in management control and operations; deviation of agency from congressional intent; and programs or activities with large expenditures, assets, or revenues.

After identifying waste or inefficiency, GAO inquires into circumstances and reasons surrounding it, ascertaining whether it is an isolated or recurring problem. If it is a recurrent state of affairs, it recommends necessary corrective actions. GAO auditing authority generally extends to all activities, financial transactions and accounts of Federal Government—directly pertinent books, documents, papers, and records of contractors having Government contracts negotiated without formal advertising, records of their subcontractors, and certain recipients of Federal financial assistance in form of advances, grants, or contributions. Exceptions relate principally to activities of the Federal Reserve Board and Federal Reserve banks, activities of the Comptroller of the Currency, Exchange Stabilization Fund established by the Gold Reserve Act of 1934, Federal land banks and funds relating to certain intelligence activities.

GAO responsibility to report to Congress after audit is expressly stated in the act of 1921:

> The independent audit will serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every Department of government.

Accordingly, GAO submits several hundred audit reports yearly to Congress, its committees, members, and officers. GAO staff members, including its auditors and attorneys, testify before and are assigned to congressional committees, furnishing comments to Congress on proposed legislation.

Audits include examination of several types of fixed-price as well as cost-type contracts. Audits of negotiated contracts—contrasted with those awarded on basis of formal competitive bidding—constitute an important part of GAO's work because of extensive use of such contracts and major sums of money involved. Now they are audited on a selective basis only, one of the roots of today's dilemma. My measure would automatically call for audit of any contract, military or civilian, which exceeded the contract price by 10 percent. Congress, which today can call for an audit when it knows of an overrun, will be assured of automatic safeguards in the form of GAO audits whenever a contract crosses the boundary drawn in this measure. We too often are utterly unaware of what is happening in the bowels of an agency

with a given contract. This bill places every civil servant on notice that they must flag and report to GAO for audit any contract crossing the 10-percent line.

Audits of negotiated contracts may involve review of the contractor's cost representations and pricing proposals, comparison of contractor's cost estimates with his cost experience, and an audit of costs incurred in those cases where reimbursement is based upon or affected by actual costs. They may also include review of the contractor's negotiation and administration of subcontracts.

Such audits are correlated with reviews of actions of the administrative agency in negotiating and administering contracts. Underlying causes of weak or costly procurement procedures are sought, and recommendations made for improving contracting practices and administration.

The Comptroller General may render legal decisions at request of contracting officers on questions pertaining to contract awards, if procedures of the administrative agency permit the contracting officer to submit such questions. Such decisions are final on the executive branch and binding on GAO in its audit. They are not binding upon Congress or courts.

GAO's second function is to determine propriety of rates and classifications on bills and claims for freight and passenger transportation services furnished for the United States. It also settles claims for and against the United States. These may involve military or civilian personnel, Government contracts, or any services or supplies furnished Government by individuals, business entities, or foreign, State or municipal governmental entities.

BOB assists the President in preparing the budget and formulating his fiscal program. It develops economic assumptions, obtains forecasts of international situations, prepares fiscal projections, discusses program developments, and effects and compiles local expenditure estimates. It develops fiscal policy recommendations. Administration decisions, guidelines, and planning figures are then conveyed by BOB to agency heads. It assists and advises agencies on form, structure, and language of appropriations. After agencies submit formal budget estimates, BOB analyzes them, holding hearings with agency representatives. BOB finally determines amounts to be recommended to the President.

It notifies agencies of the President's decisions, advising him, in turn, of appeals, preparing the budget itself, with summaries and analyses. It supervises and controls budget administration.

The 1921 Budget and Accounting Act safeguarded the budget as transmitted by the President to Congress, by denying Federal agencies the right to seek funds outside the budget except at legislative request. It makes detailed administrative studies for the Chief Executive to secure economy and efficiency, advising executive departments and agencies on improved administrative practices and organization.

BOB informs the President of progress by agencies on work proposed, initiated, and completed. BOB's functions and procedures are necessarily attuned to the President's policies, control, and influence. His final decisions govern it. BOB cannot serve as a fiscal guarantor or watchdog on behalf of Congress. BOB was never designed to watchdog Government and its operations as a sole purpose. This, however, is the main reason for being of GAO. BOB is not organized, staffed, or equipped for such a responsibility. GAO is. BOB is incapable of required objective analysis so Congress may efficiently fulfill its constitutional duty "to pay the debts and provide for the common defense and general welfare of the United States." Only GAO was created for and is able to accomplish these ends.

There is no legislatively responsible counterweight serving Congress to offset BOB. GAO can be that counterbalance. We are in dire fiscal straits because of lack of fiscal responsibility regarding expenditures of Government money through Government contracts. A solution is within our grasp. As of this morning, 184 Members of this House are sponsoring my measure, which is the Government Scrutiny Act. I welcome further cosponsorship.

LIGHTS ON FOR DECENCY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. BIAGGI. Mr. Speaker, the National Committee for Responsible Patriotism, Inc., based in New York, recently wrote to me expressing belief that some way must be found for New Yorkers to express their support for good taste and values in entertainment, literature, and art. For the information of all who are concerned with this problem, I am pleased to place at this point in the RECORD, the following descriptive statement which the committee sent to me:

LIGHTS ON FOR DECENCY

On Saturday and Sunday—June 28 and 29—New York and New Jersey motorists by the thousands will drive with their headlights on during daylight hours. Charles W. Wiley, Executive Director of the National Committee for Responsible Patriotism, announced:

"This will be an opportunity for people to express their preference for good taste and high values in entertainment, literature, and art—and their disgust with the smut flooding our communities. Men and women, young and old, those of every race and religion—regardless of differences on other issues—can unite in making clear that the overwhelming majority of Americans favor decency."

WHAT YOU CAN DO TO HELP

Ask schools, Churches, Temples and organizations to support this project. Distribute the poster on the reverse side. We have it available in this and a larger size—contributions deeply appreciated. Contact your local newspapers (we'll take care of the larger communications media). Have lights on announced at theatres, sports activities, meetings and other public events. Write letters-to-the-editor and call in to telephone-conversation radio and television programs. Pass the word to your friends—and put them to work.

COMMITTEE BACKGROUND

The non-partisan National Committee for Responsible Patriotism has sponsored numerous activities dedicated to show support for the men and women of our armed forces, respect for law, pride in our heritage, and love of country. In October 1967 the Committee initiated a nation-wide program that included turning on vehicle headlights during the day to indicate approval of these causes. In May 1967 the Committee organized the "Support Our Men in Vietnam" parade down New York's Fifth Avenue, the longest parade in the United States since 1947. Last year, the Committee coordinated the Free the Pueblo petition campaign and other non-political activities backing the Government in any honorable action to obtain the crew's freedom.

NCRP projects have received the endorsements of President Richard Nixon, the late President Dwight Eisenhower, former Vice-President Hubert Humphrey, the late Senator Robert Kennedy, the Governors of 41 states and numerous other outstanding public figures.

The NCRP is a non-profit organization, financially supported by contributions from the public. Its activities are decided by a board of directors elected by the membership.

The NCRP has no local chapters or affiliates, choosing instead to work with well-established, non-controversial organizations on specific projects. It has received the cooperation of nearly all major veterans' and fraternal organizations, plus many police and firemen's line organizations, labor unions, ethnic and youth groups, etc.

TRIBUTE TO HON. WILLIAM H. BATES

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. BROOKS. Mr. Speaker, I join my colleagues today in paying tribute to the memory of a man who was a dedicated public servant, an able legislator and a true gentleman.

Congressman WILLIAM BATES served on the other side of the aisle and although he was strongly partisan, he was never antagonistic. The high respect and admiration that he earned from all of us was only surpassed by the warm friendship and personal affection which he evoked from those of us who knew him.

During the years that I served here with him, I was always impressed by his capable and effective manner of getting things accomplished for his district and for our Nation. Without creating a great stir and fanfare, he accomplished much and was an example for all of us.

It was with pleasure and respect that I served in the Congress with BILL BATES. We will feel his absence as the days go by. I offer my condolences to his wife, Jean, and his daughter, Susan. They can be proud of a husband and father who gave many years of his life in the service of the people of his district and the Nation.

LINCOLN BACK COUNTRY

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. OLSEN. Mr. Speaker, a recent editorial in the Butte-Anaconda Standard expressed pleasure that the Senate has approved wilderness designation for the Lincoln Back Country area in my district in Montana.

I have introduced this legislation in the House, and it is currently pending action before the House Interior and Insular Affairs Committee. I am hopeful favorable action will be taken soon on this proposal and, for the benefit of my colleagues in the House, I include the editorial, "They're Jubilant," in the RECORD at this point:

THEY'RE JUBILANT

When the Senate last week approved the Mansfield-Metcalf Lincoln Back Country Wilderness Area, there was reason for jubilation among Montana conservationists. They long have sought to keep this section of the state south of the Bob Marshall Wilderness Area, in its pristine state.

The Lincoln bill now goes to the House where we can also expect passage, since no organized opposition to it has been developed. The bill in the House is sponsored by Western District Rep. Arnold Olsen. It should be pointed out, however, that the wilderness movement has bipartisan support, particularly in Montana where Republicans and Democrats have cooperated in pressing for national legislation. If this bipartisan support continues in the House, the measure should pass and this wild area will be protected from all harmful development or exploitation, including road networks, massive recreational facilities and heavy timbering, as has been proposed.

The Lincoln Back Country is a particularly fragile area, wild and beautiful. To preserve it the wilderness legislation was necessary.

Although there has been talk for years about protecting this wild land, rich in wild life, action did not become imperative until in recent years. The rugged terrain, lack of marketable timber and other resources saved this primeval country from normal development.

Perpetuation of the Lincoln Back Country as it is, will be a significant victory for Montana conservationists. Their efforts and those of our state and national officials in preserving for future generations a priceless part of the state are deeply appreciated.

Elizabeth H. Smith, writer of Bozeman, in presenting testimony to a Senate committee on the Lincoln wilderness project said: "The American peoples' needs for surcease from a noisy, crowded, mechanized world is critical. The necessity to 'get away from it all' is well documented, persistently articulated and growing stronger every day—and you can't get away from it all by taking it with you. As your untamed resources shrink, as developments of all sorts abound and proliferate, the value of a natural environment of unobstructed space, unscarred scenery, unshattered quiet, and unmanipulated living organisms—rises proportionately. Lincoln area, which as a wilderness contains all these features, represents the scarce commodity; as a wilderness it satisfies a specific, long-range human need; as a wilderness its value will increase."

Establishment of the Lincoln area, should the House go along with the Senate, will stimulate national interest in other conservation measures. Among these are other wilderness area proposals, but they are so few in number as to always remain scarce. As they are scarce, as Writer Smith said, their value increases. In the creation of such areas we today can leave a legacy of much greater value in another generation.

FEDERAL ARTS FUNDS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mrs. HANSEN of Washington. Mr. Speaker, on June 18 of this year there was a discussion in the RECORD on "Lame-duck Handouts in Federal Arts Funds." After this appeared, I immediately wrote Roger L. Stevens, the immediate past Chairman of the National Council of Arts, and Chairman of the Board of Trustees for the John F. Kennedy Center for the Performing Arts.

For the information of the Members of this House, I am appending this letter, as follows:

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
Washington, D.C., June 23, 1969.

Hon. JULIA BUTLER HANSEN,
House of Representatives,
Washington, D.C.

DEAR MRS. HANSEN: The following information is in answer to your request for clarification of the article placed in the Congressional Record on June 18, 1969, under the title, "Lame Duck Handouts in Federal Arts Funds," criticizing some of my actions while Chairman of the Arts Council. The Congressman has been badly misinformed as to the facts.

In the first place the ANTA Theatre was in no way "bailed out by a maneuver because it was in trouble." These are the facts regarding this allegation.

1. At the time arrangements were being made to turn over the equity of the property to the National Council on the Arts, ANTA had an offer of $2.5 million cash from the adjoining owner—so it was not at all a question of being "bailed out."

2. To reproduce the theatre today and acquire the land would cost a minimum of $8 million. The Board decided rather than take the offer for the property, that if the equity were given to the Arts Council, it could be used as a showcase for regional theatre and other non-profit performing groups throughout the country. It is literally impossible for a non-profit regional theatre company outside New York to show its wares in New York because of the peculiar problems present in the theatre today. So, far from a bailing-out operation, the equity was being given to the Council for the benefit of the people of this country.

3. The Government is not a landlord of the show mentioned in the article, as the theatre is still under lease and the Endowment has not yet taken possession of it. There will be no further commercial activities in the theatre after the lease expires.

4. I have not been elected Chairman of the ANTA Board, and, in fact, am not a member of the Board.

5. Since there appeared to be sound business and policy reasons for the Board's action, I submit that there was no "undisciplined and chaotic approach to a serious problem."

6. Far from being a Lame Duck operation, as stated in the article, the agreement to turn over the ANTA Theatre was made with the officers of ANTA in the early fall of 1968 and was actually confirmed on November 13 by the ANTA Board.

Secondly, with regard to the grant for support of the New Thing Art and Architecture Center with which Mr. Carew is connected, the funds provided by the Endowment comprised only a small portion of those needed by the Center. Additional funds were made available from other private and public organizations, including the Department of Labor. Moreover, before the grant was made, unanimous endorsement was received for it from the National Council on the Arts, although I, personally, did not recommend it. I would also like to point out that, while the grant was dated January 10th, it had been approved months before. The January date resulted only from a need to carry out administrative requirements.

Thirdly, the Congressman raised a question regarding the Endowment's grant to Arena Stage for support of its improvisational company. The application from Arena State discussed at some length the objectives of this project, objectives which to us were highly commendable. It involved the utilization of a small company which was to perform in settlement houses, recreation halls and schools; the audience would comprise different age groups up to the age of twenty and would respond to and participate in the performance. Improvisation, by its very nature, implies spontaneous activity by the performers and the audience; therefore, the application did not discuss the details of the performances. As with the grant to the New Thing Art and Architecture Center, this grant was approved long before the date of which it was made.

There is one further point that should be brought to your attention, and which I believe is extremely important in connection with the support of the arts and humanities by the Federal Government. The directive of the Congress in establishing the Foundation is that, as provided in Section 4. (c) of the National Foundation on the Arts and Humanities Act of 1965:

"In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization or association."

This is an extremely important point. Any other attitude on the part of the Federal Government would make an arts and humanities program subject to political or other whims and thereby destroy its value.

If you have any other questions about the article, I will be glad to provide additional information. I appreciate very much your inquiry and the opportunity to straighten out the record.

Sincerely,

ROGER L. STEVENS,
Chairman, Board of Trustees.

CHEROKEES AND OKLAHOMA TAKE GREAT STRIDE FORWARD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. EDMONDSON. Mr. Speaker, tomorrow, June 27, a great dream of the Cherokee Nation of Oklahoma, and of their neighbors, the people of northeastern Oklahoma, will bear fruit. Tomorrow night, in a beautiful amphitheater at the Cherokee Cultural Center near Tahlequah, the drama, "The Trail of Tears," will play before its first audience.

The drama was written for the Cherokees by Dr. Kermit Hunter, of Southern

Methodist University, who also wrote the story of the Cherokees before they were moved west on the Trail of Tears. This drama, "Unto These Hills," has played to millions of people over the past 20 years at Cherokee, N.C.

The Cherokee drama in Oklahoma and the Cherokee Cultural Center of which it is a part, are sponsored by the Cherokee Nation of Oklahoma, the Cherokee Foundation, and the Cherokee National Historical Society. There has been great local support in the form of financial donations. The State of Oklahoma has helped finance the project, as has the Federal Economic Development Administration, which extended a loan and grant to help build the amphitheater. This amphitheater, incidentally, is reported to be one of the finest in the country from the standpoint of acoustics.

The opening of the drama tomorrow is the second step in the four-part development of the Cherokee Cultural Center. The first, opened last summer, is Tsa-La-Gi village, a reconstruction of a Cherokee village of the 1600's, which drew 67,000 visitors during its first year.

The third and fourth steps will be the Cherokee National Museum and the Cherokee National Archives, both of which are on the drawing boards.

Mr. Speaker, it will be a great pleasure to me to be with the Cherokees tomorrow night to observe this dramatic new step they have taken in their program to develop their tribal resources and protect their tribal heritage, under the able guidance of Principal Chief W. W. Keeler, Vice Chief C. C. Victory, and their outstanding tribal council.

This is just one more step in the dramatic story of the development of northeasern Oklahoma as a major recreational area, and I sincerely hope that all of you here will have an opportunity to visit us. You have helped us in many ways, and we are grateful.

VIETNAM—ONE WEEK'S DEAD

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. LANDGREBE. Mr. Speaker, I wish to bring to the attention of my fellow colleagues in the House the lead article in the June 27 issue of Life magazine, entitled "Vietnam—One Week's Dead." The faces shown in this article are the faces of American men killed in Vietnam during the week of May 28 through June 3, 1969. Among the list are 242 American soldiers—an average number of dead for any 7-day period during this stage of the war. The article states:

We cannot tell with any precision what they thought of the political currents which drew them across the world. From the letters of some, it is possible to tell they felt strongly that they should be in Vietnam, that they had great sympathy for the Vietnamese people and were appalled at their enormous suffering. Some had voluntarily extended their tours of combat duty; some were desperate to come home. Their families provided most of the photographs, and many expressed their own feelings that their sons and husbands died in a necessary cause. Yet in a time when the numbers of Americans killed in this war—36,000—though far less than the Vietnamese losses, have exceeded the dead in the Korean War, when the nation continues week after week to be numbed by a three-digit statistic which is translated to direct anguish in hundreds of homes all over the country, we must pause to look into the faces. More than we know *how many*, we must know *who*. The faces of one week's dead, unknown but to families and friends, are suddenly recognized by all in this gallery of young American eyes.

It seems fitting that this article should appear at a time when we in the Congress are considering the extension of the income tax surcharge and other fiscal measures which are essentially the result of our involvement in Vietnam. Although there has been next to nothing spoken or written on this issue, the need for the surtax has resulted because of the enormous amount of our resources that have been diverted to prosecute the war in Vietnam. Because of this, our economic and domestic scene is showing the strain of the resulting inflation and the second-class priority it is receiving.

The article in Life magazine reminds me of the soldiers who even today see the face of death and feel its sting as they carry out their commitment to this country and to the cause of freedom. It also reminds me of the halfhearted and sometimes feeble support that we give these brave men. In the face of the mounting death rate in Vietnam, dare we continue this halfhearted commitment and feeble support? Dare we continue to provide loans and assistance to countries who aid and trade with North Vietnam? Dare we continue our no-win policy?

I believe it to be not only reasonable but also imperative that we Americans be willing to make the necessary sacrifices to provide whatever materials and resources are needed by our forces to bring this horrible struggle to a prompt and honorable conclusion. It is my conviction that our men in Vietnam not only have the right to expect our fullest support, but we, as citizens, have a duty to give it.

Therefore, I believe that the extension of the surtax is a necessary and essential part of our total commitment for the prosecution of the war in Vietnam.

I fully realize that meaningful tax reform is years overdue. However, I fail to appreciate the political strategy that is so obviously being brought into play at this time by opponents of the surtax extension. These same people, who enjoyed substantial majorities in both Houses of Congress and controlled the White House during the past 8 years, somehow overlooked the glaring tax loopholes that they now suddenly point to with disdain and cry out for fair and just treatment of all American taxpayers.

Are these not the same Members of this Congress who are now so loudly demanding the withdrawal of our troops in Vietnam, much to the disadvantage of our remaining forces? Are they not the same ones who for the past several years seemed quite content as our former President, a member of their party, continued to commit greater numbers of our young men to hand-to-hand combat in the jungles of Vietnam, only to announce just prior to last year's general election the discontinuation of the bombing of Vietnam? The substantial increase in the number of deaths of American boys following that announcement is a matter of public record.

I feel that the quickest, cheapest, and most effective way out of Vietnam is to order our military strategists to take whatever action is necessary to force the Vietcong either to surrender or submit to prompt and meaningful negotiations. In order to support a successful military engagement, greater sums of money may yet be needed. Dare we Americans be stingy when the finest of our young men are dying at the rate of 250 or more per week? I, for one, intend to fully support measures which will bring to an end the tragic losses of these young American boys, which this recent article in Life so painfully portrayed.

I am, therefore, supporting the temporary extension of the surtax and would urge my colleagues to do the same, hoping that the constituents of our individual districts will respond in a spirit of patriotism and concern for our fighting men.

As I look at the pictures of these courageous and gallant men who died defending a people who wish to remain free of domination and control, the poignancy of their death and bravery of their service is worthy of the highest tribute. As a Member of the House of Representatives, I feel a keen sense of responsibility for the death of these heroic men who gave their lives in Vietnam. I wish to extend to their families and loved ones my sincere sympathy and expressions of sorrow.

LAW AND ORDER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. JACOBS. Mr. Speaker, on the subject of law and order these articles seem of interest. They are as follows:

[From the Washington Post, June 20, 1969]

PROVISION IN SURTAX BILL GIVES 13 FIRMS A BREAK

(By Bernard D. Nossiter)

Thirteen gas pipeline companies would save around $14.2 million in taxes due to a little-noticed provision in the surtax extension bill reported out yesterday by the House Ways and Means Committee.

The provision would enable the firms to take the 7 per cent investment credit on pipeline they have not yet bought but for which they sought approval from the Federal Power Commission before April 19.

All other corporations are denied the credit for any purchases of capital equipment made after April 18.

The Ways and Means Committee bill also includes a special stimulus to encourage industry to purchase depollution equipment. Companies can write off such purchases at a rapid rate, amortizing them over five years.

The precise origin of the pipeline section is obscure. But Rep. George Bush (R-Tex.), a former Houston oilman, acknowledges that he was the provision's principal defender within the Committee.

Bush told a reporter:

"These companies should not be penalized because a Government agency is slow to move."

He said he was asked to look out for the section by his old Houston friend and backer, Marvin K. Collie. Collie is a senior partner in the Houston law firm of Vinson, Elkins, Weems and Searls.

Reached in Athens, Greece, where he is on a business trip, Collie said he represents three pipeline companies but declined to name them.

He said he had sought the help of Bush as a matter of equity to the pipeline companies.

Bush and Collie argued that a company that planned to buy equipment before the April 19 cutoff, and had delayed its purchase because it is waiting on the FPC, should be eligible for the credit, just like other corporations that actually bought machinery.

Many economists, however, argue that the credit should never have been extended to utilities in the first place because they recover all their investment costs plus a reasonable rate of return under the rates set for them by regulatory commissions.

The thirteen beneficiaries and the value of the pipeline cited on their pre-April 19 applications to the FPC:

Cities Service Gas, Oklahoma City, $32.5 million; Columbia Offshore Pipeline, a subsidiary of Columbia Gas System of New York City, $31.0 million; Consolidated Gas Supply, Clarksburg, W. Va., $21.1 million; Florida Gas Transmission, Winter Park, Fla., $18.3 million; Michigan Wisconsin Pipe Line, Detroit, $14.5 million; El Paso Natural Gas, El Paso, $13.8 million; Tennessee Gas Pipeline, a subsidiary of Tenneco, Houston, $12.4 million; Transcontinental Gas Pipe Line, Houston, $10.8 million; Texas Gas Transmission, Owensboro, Ky., $10.7 million; Northern Natural Gas, Omaha, $9.6 million; Transwestern Pipeline, Houston, $9.4 million; Chandeleur Pipe Line, Louisville, $9.2 million; Columbia Gulf Transmission, Houston, $10.0 million.

Under the Ways and Means Committee Provision, each firm will save in taxes 7 per cent of its planned investment. Combined, the thirteen intend to spend $203.3 million and that will cost the Treasury $14.2 million.

Bush's office said that Collie had contributed $20 to the Congressman's campaign and to a special "extraordinary" expense account fund maintained for Bush by Houston businessmen. His office did not know whether any gas pipeline executives had also contributed.

A fight to eliminate the pipeline provision was led in the Committee by Reps. Charles Vanik (R-Ohio) and Martha Griffiths (D-Mich.).

Under the special tax write-off provisions for depollution equipment, a firm could deduct four times as much as it usually can for depreciation on machinery that lasts 20 years.

The surtax extension bill is scheduled to reach the House floor next Wednesday.

[From the Washington Post, June 22, 1969]

TAX RIDER AIDS 3 SHIP COMPANIES

(By Bernard D. Nossiter)

A second special provision, this one for three shipping companies and representing an estimated tax savings of $3.5 million, is included in the surtax extension bill reported out Thursday by the House Ways and Means Committee.

The section would extend the 7 per cent investment credit to unordered and unbuilt barges designed for a new transportation scheme.

According to Maritime Commission sources, three companies would benefit. All are building, with subsidies from the Maritime Administration, a new type of sea-going cargo vessel to carry barges that would ultimately unload on inland waterways.

The three companies and the dollar amounts they plan to spend on barges are: Lykes Brothers Steamship of New Orleans, $16 million; Prudential Steamship of New York City, $15 million, and Pacific Far East Line of San Francisco, $20 million.

The special section is designed to enable the companies to deduct from their tax bills 7 per cent of the cost of the barges. This would save Lykes $1,120,000, Prudential $1,050,000, and Pacific Far East, $1,400,000.

URGED BY BOGGS

The provision was urged by Rep. Hale Boggs of New Orleans, the Democratic Whip and second-ranking Democrat on the Committee.

He said Friday, "I think it's a perfectly legitimate proposition" and that it was first proposed by the Committee's staff.

Boggs explained that a company that had a contract to buy a ship before the April 19 cutoff date on the investment credit would be entitled to claim the credit for the ship's engine even though it had no specific contract for the engine.

He said that the same analogy should hold for the barges. "The barges are in effect part of the machinery of the vessel. Without the barge, the vessel is useless."

Boggs said that he had raised the point without any prompting from the shipping companies, although he has talked with them since. He added that two firms believe that the provision will not help them anyway, either because of the way it is drafted or because they think their barges are entitled to the credit without it.

The Democratic Whip said that there was no "audible opposition" to the section in the Committee's closed discussions. However, two members who did not want their names used said that they had argued against it.

On Friday, The Washington Post reported that the Committee had approved a similar provision that would save thirteen pipeline firms an estimated $14.2 million in taxes.

UNITED STATES SHOULD RATIFY BAN ON CBW ATTACKS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. FRASER. Mr. Speaker, I am pleased to join with 61 other Congressmen in cosponsoring a resolution (H. Res. 444) urging the President to resubmit to the Senate for ratification the Geneva protocol of 1925.

The protocol prohibits the first use of poison gas and biological weapons in time of war.

The expense and horrors of CBW have only recently been brought to public attention. The United States is now spending at least $350 million per year on chemical and biological weapons. Five high-security bases, where research is conducted, have a total value of about $1 billion. It was at one of these bases, Fort Dugway in Utah, that a misspraying of 320 gallons of the deadly nerve gas VX resulted in the death of 6,000 sheep—although the army at first denied any connection. Our arsenal has been sophisticated to the point where we can now induce plagues and diseases for which there is no known cure. And the United States is not alone in researching these weapons—a number of other major nations are known to have CBW arsenals of their own.

The Geneva protocol is not a perfect instrument. Broader agreement is needed to control the development of chemical and biological agents. We should also support the British proposal for a new convention to prohibit the use, production, stockpiling, and testing of biological weapons. But as a big step in the right direction, the Geneva protocol deserves U.S. approval.

The resolution follows:

RESOLUTION

Resolved, That it is the sense of the House of Representatives that the President of the United States should resubmit the Geneva Protocol of 1925 banning the first-use of gas and bacteriological warfare to the United States Senate for ratification; and be it further

Resolved, That it is the sense of the House of Representatives that resubmission of the Geneva Protocol would provide an opportunity for a comprehensive review of United States' policies in the fields of chemical and biological warfare; and be it further

Resolved, That it is the sense of the House of Representatives that ratification of the Protocol would constitute a clear and unequivocal reaffirmation of the United States' traditional policy of no first-use of gas and bacteriological warfare.

WHAT WOULD SATISFY SENATOR FULBRIGHT?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. ROBISON. Mr. Speaker, Vietnam's continuing cost in men, money, and national morale seems to be felt ever more painfully these days, especially so now that there are hopes that some end may be in sight. I strongly endorse and support President Nixon's plan for "re-Vietnamizing" this unfortunate war as fast as is possible, and it is natural that our first step in that direction—namely, the withdrawal of 25,000 troops by August—has renewed the national debate over the war to a certain extent and likewise focused our attention on the possible next steps toward disengagement.

Some of the President's critics have—as the editorial I shall mention in a moment notes—have been putting "forth their own prescriptions for ending the war quickly and, of course, honorably, and with no visible injury to our interests." All of which is far easier said than done, and I, for one, believe Mr. Nixon is forcing the pace of events just about as fast as he reasonably can.

I am sure the President expected some such criticism, for he has to be as keenly aware as any one of us of the impatience with which the American people await the day when the burden of combat in South Vietnam has been lifted off our backs. However, I must question the wisdom of our doing anything here to feed that impatience for our chances of successfully negotiating our way out of this conflict and of salvaging at least a part of our original goal—leaving a non-Communist government in Saigon, or at least one not dominated by Hanoi—now stand at a very crucial point. For what

Hanoi has so evidently always counted on was the prospect that the United States would so tire of this struggle that its Government would be forced by public and financial pressures at home to simply get out altogether, and regardless of the consequences.

The recent indirect exchange of views between the President and former Secretary of Defense Clark Clifford is an example of the kind of trouble we could get into—unintentionally, I am sure—if there were now to be an open public inquiry in the other body into what has been called "President Nixon's war policy." I am not at all suggesting that Mr. Clifford, Ambassador Harriman, Cyrus Vance, or anyone else should not be free to make whatever suggestion they wish, or offer any pertinent criticism, with respect to what the President is or is not doing, but what I am suggesting is that I think it would be extremely unfortunate if Congress now undertook a formal inquiry into our present policy, in the course of which we might give Hanoi further reason for thinking that all it had to do was wait another year and we would be out of Vietnam, anyway, and hang the consequences. The risks of that sort of a result are, I suggest, as obvious as they are great.

In any event, on yesterday the Washington Post had something to say, editorially, about all this and, under leave granted, that is now set forth for the consideration of my colleagues:

ON NOT BEING OUT TO LUNCH

The frustration of Senator Fulbright and his Senate colleagues is understandable; having been out to lunch, as it were, when President Johnson was whipping the Tonkin Resolution through the Congress in 1964 and leading us into a massive combat commitment to the Vietnam War, they have good reason to demonstrate a bit more vigilance, and display a little less faith, about the plans and intentions of the Nixon crowd. That said, it is hard to see at this point what useful purpose will be served by plunging into a public investigation of President Nixon's war policies, as Senator Fulbright has announced he feels compelled to do. He will, of course, have no trouble rounding up witnesses ready to denounce the past or assail the Nixon approach or put forth their own prescriptions for ending the war quickly and, of course, honorably, and with no visible injury to our interests. Bright visions will doubtless be spun of the good purposes the money thus saved will be put to at home. It isn't as if we hadn't heard all this before or that Mr. Nixon and his associates are not as eager as the next man to stop the war.

If this last is accepted, the only question is how, precisely, the Nixon Administration intends to go about it, and while this may be a perfectly valid question, the results from public hearings at this point are almost entirely predictable; Senators will state their own views, at length, and wish to be told how many more troops the President plans to withdraw and how fast; what are our final settlement terms, and do they envisage a coalition government; are we wedded, as they say, to the Thieu government; have orders been issued to our troops to pull back and stop carrying the fight to the enemy, and if not, why not; are we still conducting the same old war policy? And the Administration will answer that it is too early to tell, or that it depends on enemy actions, or on progress in Paris, or on something else that isn't entirely up to us, and that in any case it is not a thing that can be discussed publicly, but that you can be sure our policy is to end the war.

This won't satisfy the Senators, of course, but then you have to wonder what would satisfy Senator Fulbright, the way he was talking on *Issues and Answers* the other day. He explained he had been "quiet during some six months" in the hope that the President "would make some movement . . . that would indicate a hope that he was moving towards a change in the war and a de-escalation or stopping it, but nothing of this has happened." He then went on to say that the President had made a "flat statement" that he "is going to get all the troops out before the end of next year."

Well, in the first place the President didn't make a "flat statement" (he expressed a *hope*). But if Senator Fulbright thinks he did, it's hard to see what his quarrel is with the Nixon policy. In any case, the President has withdrawn 25,000 troops and promised to withdraw more, which would seem to constitute "some movement that would indicate a hope that he was moving towards a change . . ." And, besides, it hasn't been six months yet, only five. In short we find it all a little puzzling, this urgent need for an investigation of a Nixon war policy which would seem, at the moment, and on the available evidence, to meet Senator Fulbright's minimum requirements—unless it has something to do with the fact, readily conceded by the Senator, that on the way into this war he and a lot of his colleagues were out to lunch.

RETIREMENT OF CHIEF JUSTICE EARL WARREN

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. UDALL. Mr. Speaker, I am pleased to join my colleagues in expressing respect and esteem for Chief Justice Earl Warren on the occasion of his retirement from the Bench. I have long been one of Mr. Warren's admirers, and I view with some sadness the conclusion of his service on our Nation's highest court.

As one who loves the law, who grew up in it as the son of a country judge, who saw his father become chief justice of the Arizona Supreme Court, I have a special affection for the man we honor today. I believe history will accord him a very special place.

When in 1953 President Eisenhower appointed the then Governor of California as his Chief Justice, I suppose few Americans regarded this as much more than a wise political appointment reflecting the importance of California in our political system. Surely few would have predicted that the service of Earl Warren would stamp him as one of the greatest Chief Justices, if not the greatest, in our history. It is one of the ironies of the historical process that not even President Eisenhower seemed to realize what a trailblazer he had chosen.

How can we assess Earl Warren's career? I think it must be assessed on the basis of the changes in our society, our Government and our social consciousness that have been effected by the Warren court. When viewed in this way, the career of Chief Justice Warren has been monumental. If one had to name the 12 Americans who have had the greatest impact on their country in this century, I believe his name would have to be on the list.

Justice Warren personally and professionally represents all that is good in America. His faith in his fellow man, his honesty, his outlook on life are all that any of us could hope for in our children and in our children's children. His ability to get to the essence of difficult problems, his insistence that the law must deal in the question of basic fairness, rather than technicalities, his compassion for true equality before the law—all of these marked him as a great judge. Yet he was more than this. He was a judicial leader who led, not by authority or coercion, but by persuasion and example.

The public service was Earl Warren's life, as it was my father's. He recognized, as some in this complicated and cynical world do not, that real public service often requires sacrifice of personal gain. Thus in a time when many questions were raised about standards of conduct and conflicts of personal and public interest among our national and State leaders, Earl Warren set his own high standards. He is reported to have said that he lived and supported his family for the past 30 years entirely on his public salaries.

I salute Chief Justice Warren on his retirement and believe I speak for the vast majority of my constituents in wishing him many more years of health and happiness.

BALTIC STATES FREEDOM DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. ROONEY of New York. Mr. Speaker, in our preoccupation with the armed conflict in Vietnam and in the Middle East and with our attention being focused on the conflicts on our college campuses, some of us may forget to observe the anniversary of one of three of the most tragic days ever experienced by mankind.

Twenty-eight years ago the stanchly independent peoples of Estonia, Latvia, and Lithuania fell victims to a savage and ruthless subjugation by the Soviet Union. In those painful hours of June 14 through June 15 in 1941 the Soviet military might overwhelmed the peace-loving people of these Baltic States.

The brutality of the Soviet takeover will always stand out as a blot on the pages of history. The world can never forget, nor should it ever forget, the bestial behavior of the Kremlin in the murder of over 30,000 innocent and unarmed men, women, and children. Mankind must never forget that whole families composed of thousands upon thousands of persons were starved and persecuted and sent to Soviet slave-labor camps to endure suffering of a nature so painful that death would have been welcomed. Few of these victims of the wholesale deportation were ever heard from. Only a few escaped their barbaric slave masters to reveal the depths of degradation to which they and their companions had been subjected.

Mr. Speaker, this black act against mankind, this inhuman treatment of

God-fearing, hard-working people is not of ancient history. It is not one of the painful episodes of medieval times. It is a happening of our time and lives painfully and graphically in the minds of hundreds of thousands of people from Estonia, Latvia, and Lithuania. I know personally the extent to which this is true with respect to the many fine Lithuanian American citizens who are my friends and neighbors in Brooklyn. These survivors of the relatives and neighbors who suffered the fate of the damned can never forget the agonized cries of the suffering. They can never forget the sudden theft of their freedom and independence as the Red jackals descended upon the cities and farms looting and killing like some barbarian horde.

These atrocities must never be forgotten. Never should Russia's slate be wiped clean without redress and retribution being made. Only the return of the countries to their rightful owners and only after comprehensive and liberal compensation has been made for the loss of life and property can the Soviet Union be considered for membership among the respected civilized countries of the world. Regardless of the overtures the Kremlin's leaders may make toward peace, the world must not forget its dastardly acts of June 1941.

Regardless of the sweet-sounding siren songs to which the Reds resort today to appease a critical world, we must not let such false notes dim the agonizing cries of peoples being murdered and forced into cruel bondage. Regardless of how willingly the Russians hold out their hands in friendship, we must remember those hands are drenched with the blood of brave people whose only crime was to live peaceably in self-determination.

We must pay tribute to the fine organizations composed of our loyal American citizens who are justly proud of their Baltic backgrounds and lineage. To them we owe a debt of gratitude for keeping alive the memory of the Soviet illegal annexation of Lithuania and her sister nations. Let us join these patriotic organizations in rededicating ourselves to the pledge of seeking anew the righting of this colossal injustice perpetrated upon the innocent citizens of three sovereign countries. Let us continue as a nation to refuse recognition of Soviet jurisdiction over these countries. Let us continue to recognize only the true representatives of these peoples, even though they now must live in exile.

MAIL SERVICE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. SKUBITZ. Mr. Speaker, I recently received a letter from one of my constituents pointing out some of the problems facing our mail service. It clearly points out some of the inefficiences of our postal service that inconvenience the American public every day. I have long been aware that delivery of the mails has not been of the high standard that we have a right to expect from this Government service, and I would like to use this letter as an illustration of typical public dissatisfaction with postal service.

I therefore insert this letter in the RECORD:

PITTSBURG, KANS., *June 18, 1969.*

Mr. JOSEPH SKUBITZ,
Congressman From the Great State of Kansas, House of Representatives, Washington, D.C.

HONORABLE AND DEAR SIR: The mail must go forward, Hail, high water, or hell shall not stop or delay the mail.

I think we had better forget that slogan. I am very sorry that I ever quoted it to my children or my grandchildren.

An independent businessman can sell you a service and you generally pay for it when you get the service. You buy and pay in advance for postal service and then they fail to furnish the service. You have to take it and you have to like it. It is just one more department of our government that you cannot depend on. The most efficient branch of our government is the tax department, and they do a pretty good job of hitting the average working man as well as the poor pensioner 100%.

My dear Representative, I am enclosing for your information evidence of my gripe. You will note these letters were received in the Post Office on the afternoon of June 13 and they were delivered at about 8:30 a.m. on the 17th. They were in the hands of the postal department for five days. (My motor car registers 186 miles by the crooked road between the two points.) Would you say that this was special delivery or was it a new type of Zip Code service? You will note that the letters were sent special delivery.

At the time these letters were mailed there was a package also mailed parcel post. I received the package the following day (June 14). Personally, I think that if they sell you a service and they do not honor the contract there should be a penalty, just as they penalize the railroads for a train that is a few minutes late. A contract which does not work both ways is not the U.S.A. way of life. I realize that this is trivial, but if you don't look after the penny you will never save a dollar. It seems that there is only salve and yet no cure. Where are all the "guts" that used to be in the House Members? Is the Postal Department going to be allowed to do as the railroad have done—deplete the service so that they will only handle carload freight?

Yours truly,

———— ————.

SDS SUMMER WORK-IN MEMORANDUM

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. MINSHALL. Mr. Speaker, the director of business relations of the Junior Achievement of Greater Cleveland, William W. Demeritt, has performed a splendid public service by circulating among the Junior Achievement membership copies of the SDS student summer work-in plan. Mr. Demeritt has alerted the fine young teenagers who operate their own private enterprise businesses through Junior Achievement to the modus operandi of the Students for a Democratic Society.

I am indebted to my good friend, Herbert S. Richey, of the Valley Camp Coal Co., in Cleveland, for sending me copies of Mr. Demeritt's memorandum and the SDS work-in plan, which follow:

MEMORANDUM

To: All members of Junior Achievement of Greater Cleveland, Inc.
From: William W. Demeritt, Director of Business Relations.
Date: June 20, 1969.
Subject: SDS Summer Infiltration.

The Junior Achievement office has just received some very interesting news concerning disruptive plans aimed specifically at business and industry.

The Students for a Democratic Society have distinguished themselves thus far with their radical destructive activities on college campuses. NOW, they plan to branch out into manufacturing plants. The "SDS Student Summer Work-In" is printed verbatim and attached to this memo. This plan was mailed from SDS headquarters in San Francisco to chapters all over the nation.

This is one form of "business" activity that Junior Achievement is attempting to combat. J.A.'s economic education program will, hopefully, provide our teenagers with a better and more positive understanding of business and industries role in our lives.

I am sure you will agree that it is not only very interesting reading, but it might be useful to you, your customers, or clients, when hiring summer employees. Therefore, we share it with you.

SDS STUDENT SUMMER WORK-IN

Student concern about poverty, poor education, the war, etc. has grown considerably on college campuses around the country. The desire to make meaningful changes can be seen in the growth of such programs as Free Universities, Tutorial programs, anti-draft unions, and the like. We have ignored the largest section of the population: the workers.

As intellectual students who seek certain social changes we must begin to ally ourselves with the workers. We should not and cannot remain in our ivory tower.

In order for any student-worker alliance to come into existence, we must face squarely the misconceptions we may have regarding worker apathy. With the current strike levels higher than since the depression we see clearly that the workers are not apathetic. The Workers ARE on the move.

S.D.S. is planning a program that will help students get summer jobs in an attempt to break down the barriers that are keeping students isolated. Students involved in the Summer Work-In will meet regularly to discuss their on-the-job experiences; contradictions they may face, how to speak to certain issues, conclusions drawn from their experiences with workers. The student Summer Work-In is an opportunity for students to learn from workers.

I. HOW TO RESEARCH JOBS IN YOUR AREA

Manufacturing—A Directory of Manufacturers (from the library or Chamber of Commerce) lists plants, number of employed, and sometimes a breakdown as to male and female employees.

Transportation, utilities, hospitals—Consult phone book or ask librarian for any other directories. Also try union hiring halls.

II. WHAT JOBS TO LOOK FOR

Job-seekers should try to get hired in places that have several hundred workers. Reasons for this include: a) if we want to distribute literature, the potential is greater, b) the larger the company, the better chance of a basic union, that the workers will have a sense of organization (even if the union is a sellout one), that there will be a tie-in to workers nationally, c) in large

plants in national unions there is a better chance that workers will become part of (and have a history of) mass strike movements, rebellions against sellout leadership, conflict with the gov. due to "national interest" injunctions, which might create the basis for greater mutual exchange about questions relating to opposition to gov. policies, d) the larger the company the likelier the existence of masses of unskilled jobs which we can fill, especially as replacements for workers taking vacations. If at all possible, choose a plant in the area of your school, to facilitate the possibility of worker-student alliance later on.

If you are white, select a plant where the majority are white. While Black workers might be thought of as more politically conscious, what we are trying to do is to reach white workers on the questions of the war and racism, to name but two areas. If Black, a student should get a job with Black workers; woman should give special consideration to jobs where many women are employed (such as electrical industry, department stores, phone).

III. HOW TO GET A JOB

Some places hire students specifically for the summer as replacement for workers on vacations (altho usually bosses try to get by with not filling in, unless the union contract has specific stipulations and they are enforced). Most won't hire a student and in most cases it would be best not to mention you are a student (unless you have sounded out the situation before hand by sending someone who doesn't really want the job to ask questions, etc.). If you can't say you're a student, you will have to come in as a high-school graduate with a "former place of employment" for the past ¼ year. Talk about this with your group beforehand to work things out. In most cases indicate that whatever you did on your previous job involved some kind of manual work. You're not afraid of real work, is the idea to get across.

Be familiar with whatever type of transportation will get you to work or say you "have a friend who works nearby". Some places won't hire you if they think you are a potential latecomer.

Draft status may be a problem, since 1–Y or even 4–F applicants are usually turned down, and 2–S immediately reveals your student status. Try not to mention it and use your wits if they do.

If you use a "background" story make sure your former boss knows about it, and make sure you were "laid off" due to slow business, etc. and not fired. Choose a salary approximate to the job for which you are applying or a little less and make sure your former boss knows this too.

If you take an aptitude test, don't show off. On a time test, answer about half of the questions or they may be suspicious and want to use you in the "front office". Sometimes it is hard to judge, and if possible it is good for someone to test out the situation for you.

If you have any physical defects which can't be detected from a normal physical exam, don't mention them. Companies are wary of hiring someone with previous injuries which could be re-injured, creating the basis for a suit.

You should be at your first place looking at around 8:30 or 9:00, and don't go to your last place any later than noon. Generally, don't wear a suit, but don't dress like a slob or a hippy. Sports jacket/dress with low heels usually will do.

If you have to sign a "non-communist" or "non subversive" statement you can do so without breaking any law unless the company is doing govt. work (this would be stated). Discuss this with the group if you are going unclear.

Be straightforward, use simple language and attitude, not $20 words. Don't volunteer information, just answer what is asked.

IV. WHAT TO EXPECT ON THE JOB

Don't start sounding off the first day on the job, or even the first week. Work, learn your job and don't goof off on someone else's back, but if the workers are taking a break or goofing, go ahead (unless it will cost the job, which the others will understand). Although we're here for a short time and can't expect miracles in three months, we don't have to wait as long as we might (if it were a permanent job) to "open up" on political questions. Learn from the workers, about the work, job, history of the plant, their attitudes on every question. Listen, and participate in bull sessions. You might find out who the finks are.

Don't be shocked by the racist remarks of the white workers, by confused political impressions, pro-war talk, "keeping-up-with-the-Joneses" talk. If the workers understood racism, the war, middle class morality, capitalist manipulation, etc., things would not be the way they are. Do let them know you're a student as soon as possible without risking the job. You can't be honest with the workers until they know. Altho some workers think students are snobs (some are), they also respect education and want their kids to go to college. Your job is to bring across the *identity of interests* between students and workers. Without workers there would be no universities, they create the wealth, and have the power. Without them no basic changes can happen in the system, etc.

But we are there with a specific purpose—to talk about political issues even the student movement, since we will have a chance to "change our image" from what the press has said about us. Talking about racism among white workers is no easy thing, to point out how the boss uses race, union, sex, craft, nationality, etc., to separate workers; it is easier to sit on them if they are divided, etc. The illusions created by the coming elections will be hard to combat. We can't expect wild things in three months, but we can begin to question, to point out relationships they might not have thought about or might be afraid to express out loud, and we can begin to learn how to express these ideas without being presumptuous or arrogant. Try talking to receptive individuals; don't start by using the lunchroom for a "soap box oration". Discuss the use of literature, when to use, what kind.

Try to make a few friends to last beyond the summer, and try to get their addresses and phone numbers before you leave the job. Otherwise it might be hard to contact them again. Concentrate on making new friends, even join a bowling team, etc.

Don't talk to workers like you know everything and they know nothing. First of all, it's not true (probably the reverse). Even if you do know more about the specifics of the Geneva Agreement or statistics on Black Oppression that doesn't mean that by making a speech you'll get the facts across. Be patient; make it an *exchange* of experience, not a one-way affair. We will all make mistakes; don't give up! Discuss things with the group. The workers were all rookies once, but they survived because they had to; they had to eat.

Try to record your experiences by day or week. Just a few notes about relevant events will be invaluable for other people participating in the Work-In, for those next summer and for other publicity such as a regional newsletter or New Left Notes (or any other).

Come to work on time! Lateness is the first cause of being fired in a trial period. Don't start broadside against the union leadership. Listen, ask questions about grievances and perhaps suggest types of fights if you can think of something. But don't feel compelled to give leadership on all questions. One important result of your job may just be an appreciation of what workers are up against in their fight against the boss, the govt. and sellout union leadership. Knowledge of the in-plant gripes will help if there is to be follow-up along the lines of work-student alliance when you get back to school. You will be able to relate your leaflets to actual problems inside the gates.

Remember when you start talking about war, many workers who agree with you will keep quiet, while the supporters will speak out. Don't get into knock-down, drag-out arguments with the latter, rather talk with the ones you're making friends with. Don't get yourself into a position of being 'you against the workers'. Know the facts (the group could compile pertinent bibliographies)! If you talk with workers whose sons are in Viet Nam, be careful. That's an emotional area in which it may be very hard to convince him that your idea of supporting his son is correct. Start by understanding his position of having been brainwashed all these years and seeing his son in danger 'from the other side'. To convince an already convinced student is one thing; to change the mind of this worker will be a task we will have to develop patience and understanding for.

After you are there a month or so, try to pick a few workers who are interested in your ideas and who have friends in the shop, concentrate on individual discussions with the hope of keeping these workers as contact after you leave. Talk about the possibilities of students offering the workers assistance in any struggles coming up, on picket lines, doing research, etc. Don't necessarily start asking about union meetings. Many times they are suspended during the summer or at any rate many workers don't attend meetings. If there are meetings, go if you are asked to, but with the idea of listening rather than orating.

Since only general things have been covered here, it will be essential to keep in close contact with the group to discuss problems with them. If possible, try to have two students in the same job to compare notes, exchange experiences, and get a broader view of the place. However, if students work together, they should not team up. It will be a constant temptation to stick with the person you know the best, can communicate with easiest, etc. This is not to say that you should ignore each other on the job, just that your primary aim will be to work and communicate with the permanent workers in the plant.

GEORGE E. RUNDQUIST

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. RYAN. Mr. Speaker, George R. Rundquist, former executive director of the New York Civil Liberties Union, died Tuesday, May 27, in Dunedin, Fla. He was 72 years old.

A founder of the New York Civil Liberties Union. George Rundquist was a constant defender of the oppressed and the aggrieved. He was dedicated to the defense of the principles set forth in the Bill of Rights. Although he frequently came under criticism for his views, he enjoyed the great respect of even his opponents and adversaries.

A graduate of New York University and Harvard, Mr. Rundquist started work for the Lewis Publishing Co. in 1916, where in 1919 he became an associate editor. However, in 1923 he entered the investment field in Los Angeles.

The publishing profession regained his attention with'n 3 years, and in 1926 he

became an associate editor with the American Historical Society. After 13 years with the society he left to join the publishing firm of James T. White & Co.

During World War II Mr. Rundquist served as the executive secretary of the Committee on Resettlement of Japanese-Americans, an organization which helped Japanese American evacuees from the west coast. Starting in 1932 he held the position of associate secretary of the American Friends Service Committee and from 1945 to 1947 he worked in the capacity of associate secretary of the committee's foreign section in Philadelphia.

He was executive director of the New York Civil Liberties Union from 1951 until his retirement in 1965.

One of Mr. Rundquist's triumphs was the establishment in 1953 of a review within the New York City Police Department to study allegations of police brutality. The establishment of the board was a result of pressure from Mr. Rundquist's organization, the New York Civil Liberties Union. In 1966, 1 year after his retirement, the New York Civil Liberties Union participated in the unsuccessful campaign for a Civilian Review Board.

Dedicated and hard working, George R. Rundquist was committed to the defense of civil liberties, and devoted his efforts to insure their preservation. As one who admired and respected his work, I know his presence will be keenly missed.

I would like to extend to his widow my deepest sympathy and condolences at the loss which she, as well as all those who knew George Rundquist, have suffered.

I include at this point in the RECORD the obituary from the New York Times of May 28, 1969:

GEORGE E. RUNDQUIST, 72, DEAD; DIRECTED LIBERTIES UNION HERE; HEAD OF GROUP FROM 1951 TO 1965 FOUGHT FOR FORMATION OF POLICE REVIEW BOARD

DUNEDIN, FLA., May 27.—George E. Rundquist, executive director of the New York Civil Liberties Union from its founding in 1951 until his retirement in 1965, died today in a hospital here. He was 72 years old.

He is survived by his widow, the former Alice L. Perinchief.

DEFENDER OF THE AGGRIEVED

Mr. Rundquist's soft-spoken and dignified manner belied the ferocity with which he attacked a wide range of civil liberties issues.

In his dedication to the defense, interpretation and practice of the principles set forth in the Bill of Rights, Mr. Rundquist frequently encouraged antagonism from opponents but rarely a lack of respect.

In 1960, he led his organization's fight on behalf of George Lincoln Rockwell and the American Nazi party for the right to speak in Union Square. He maintained that the denial of such permission would violate constitutional rights of free speech and assembly.

"This position is consistent with our traditional defense of free speech, despite the fact that the groups of individuals under attack are abhorred by the majority of the community," he said.

The New York Civil Liberties Union succeeded a committee that had been operated by its parent body, the American Civil Liberties Union, of which Mr. Rundquist had been an assistant director since 1948.

The new group, which served the aggrieved in New York City and Westchester County during his administration, later expanded its activities to cover all of the state.

One of Mr. Rundquist's successful campaigns bore fruit in 1953 when, under his organization's persistent urging, the city's Police Department set up its own board to review allegations of police brutality.

In 1966, the year after his retirement, the Liberties Union was again to attack the problem of police brutality. It was one of the many civic groups that actively campaigned to protect the new police review board—this one controlled by civilians—against the threat of a referendum urged by the Patrolmen's Benevolent Association and the Conservative party. The board was subsequently defeated and abolished in the referendum.

Mr. Rundquist, however, was usually victorious. He was proud of having brought to a successful conclusion in 1956 the case of a Brooklyn man, Camilo Leyra Jr., who had been sentenced to die three times for the murder of his parents in 1950.

The Court of Appeals dismissed the first-degree murder indictment and freed him, ruling that his confession to the police would well have been influenced by a lack of sleep, painful sinus attacks, the shock of the incident and the destruction of his alibi.

He and his organization succeeded in 1960 in persuading the New York State Legislature to eliminate the Security Risk Law, which required a loyalty oath from State Civil Service employes.

Mr. Rundquist, a native New Yorker, attended New York University and Harvard and in 1916 went to work for the Lewis Publishing Company, with which he became an associate editor three years later. In 1923 he left the publishing field to enter the investment business in Los Angeles.

The business world held his interest only for three years, and in 1926 he became an associate editor with the American Historical Society. In 1939, Mr. Rundquist joined James T. White & Co., publishers.

His humanitarian outlook first found professional expression when he became associate secretary of the American Friends Service Committee in 1942. During World War II, Mr. Lindquist was executive secretary of the Committee on Resettlement of Japanese-Americans, aiding Japanese-American evacuees from the West Coast. From 1945 to 1947, he worked as associate secretary of the American Friends Service Committee's foreign section in Philadelphia.

CONSUMERS UNION BACKS MILITARY CREDIT UNION PROGRAM

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1969

Mr. PATMAN. Mr. Speaker, the highly respected private consumer's organization, Consumers Union, recently completed a study for the Department of Defense into all aspects of the serviceman as a consumer. As a part of its study, Consumers Union strongly endorsed the operation of credit unions on military installations. In fact, the study recommends that the military provide more assistance to these worthwhile institutions so that they can better perform their jobs in helping our servicemen.

The Banking and Currency Committee has long been interested in the credit problems of servicemen and has consistently recommended that credit unions be established on every U.S. military installation throughout the world. I am glad that Consumers Union has endorsed this recommendation.

I am including in my remarks a copy of a press release issued by Consumers Union on the study. I sincerely hope that the military will follow the advice presented by Consumers Union, for the study, if implemented, would go a long way toward bettering the lives of all our servicemen. The press release follows:

THE SERVICEMAN AS A CONSUMER—CONSUMERS UNION COMPLETES DEFENSE DEPARTMENT STUDY

MOUNT VERNON, N.Y.—A study of the program of the Department of Defense for the protection of the serviceman as a consumer has been completed by Consumers Union, the nonprofit testing and advisory organization.

The Defense Department is given high marks, on the whole, for its policies, but enforcement is seen as varying widely from installation to installation. The principal recommendation is that the Pentagon should give emphasis, now lacking, to developing the individual's capacity for self-protection through education.

Recommendations are also made regarding expansion of credit unions, comparative testing of military exchange merchandise, the adoption of "no fault" auto insurance and the development of regulations governing the sale of mutual funds and variable annuities.

For more than a decade, the Defense Department has been developing "Directives" to serve as guidelines for the protection of servicemen against fraud and unscrupulous commercial practices. For example, two years before the Congress passed the truth-in-lending law, DOD issued a directive which called for full disclosure of annual interest rates for all transactions conducted on military installations and provided other protections now found in the federal law. Other directives sought to eliminate fly-by-night life insurance companies, stabilize the auto insurance picture, and provide for counseling in personal affairs and establish standards of fairness in commercial transactions.

The report by Consumers Union finds the directives "appear to have had a salutary effect in eliminating the most flagrant abuses."

But the study is critical of the enforcement of the directives and of the briefing process through which servicemen are made aware of the protective measures. Enforcement was found to vary with the degree of commitment to the prorgam by individual commanders. In some installations authority enforcement was found to be diffused among several different commands. In addition, the study notes that pressures from Congressmen can be helpful or harmful to the enforcement process and that, by and large, disciplinary control boards appear to take little interest or action in "off-base" violations of DOD's Standards of Fairness.

At all military installations visited for the study, the "letter" of the orientation and counseling program was met by the quality of presentation was found to be low and the effect minimal, according to the report.

The report likens the department's consumer protection directives to essential consumer protection laws for civilians and points out that the real ultimate protection for either servicemen or civilians must come from a growing sophistication achieved through education of the individual. Recommendations are made to expand the training of personal affairs counselors and legal assistance officers, and to develop more, and more effective, education materials.

Credit unions have the potential for making an even greater contribution to the welfare of the servicemen, according to the report. It estimates that only one-eighth of the military and civilian defense workers are being served by credit union facilities now. Attention is called to the initial success of six experiments with overseas branches of large U.S. based defense credit unions and

rapid expansion of that program is urged. In addition, the report proposes that a training program in debt and money management counseling for defense credit union personnel be initiated.

Part of the study deals with the price/quality aspects of the military exchange program. The principal goal of the exchange system, to make necessary goods conveniently available at low prices, is largely achieved, the report says. But the lack of any performance-quality testing is seen as a weakness that should be corrected either by expansion of present extremely limited lab facilities or through contracts with other government labs or commercial facilities. The report also points to the need for more consideration of the needs and pocketbooks of low-rank military personnel in the selection of merchandise.

The problems of servicemen in securing auto insurance and the rates charged them were also studied. The department is urged to study the merits of the "no fault" insurance concept now being widely debated and under consideration by the legislatures in a number of states. A feature of this new approach known as "excess coverage" makes the youthful serviceman suddenly an attractive risk at a relatively low rate. This change in status derives from the fact that the premium would not have to cover such potentially costly items as loss of income and medical payments, the report says.

Still another section of the report recommends that the directive covering conditions for the sale of life insurance serve as the basis for similar regulations for the sale of mutual and variable annuities.

HOUSE OF REPRESENTATIVES—*Friday, June 27, 1969*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

All things come from Thee, O Lord, and of Thine own have we given Thee.—1 Chronicles 29: 14.

O Thou whose wisdom is so wise that we often doubt it, whose love is so loving we often deny it, and whose truth is so true we often fear it, grant unto us such a full measure of Thy spirit that we may never doubt Thy wisdom, never deny Thy love, and never fear Thy truth.

Thou hast called us to live together in peace and good will. Let Thy presence so move in men that the leaders of the world may find support for peaceful procedures in their endeavor to establish justice, to maintain order, to develop understanding, and to build bridges between nations and people.

Teach us to unite what we ought to do with what we will do, that walking in the way of Thy word and obeying Thy commandments, we may have life more abundant, liberty more abounding, and love more abiding—all to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 17. Concurrent resolution to recognize the 10th anniversary of the opening of the St. Lawrence Seaway.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes;

S. 1076. An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes;

S. 1708. An act to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes;

S. 1932. An act for the relief of Arthur Rike; and

S.J. Res. 122. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

THE HONORABLE JOHN MELCHER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Montana, Mr. JOHN MELCHER, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MELCHER appeared at the bar of the House and took the oath of office.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT TODAY DURING GENERAL DEBATE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife of the Committee on Merchant Marine and Fisheries may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING EXTENSION OF AUTHORITY CONFERRED BY EXPORT CONTROL ACT OF 1949

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 122) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman briefly explain the purpose of the resolution?

Mr. PATMAN. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Texas.

Mr. PATMAN. Yes. I shall be very glad to. The enactment of the proposed legislation will extend the Export Control Act of 1949 for 2 months, to August 30, 1969. The Export Control Act furnishes the basic authority for control of exports to Communist bloc countries. It furnishes the authority for restricting the outflow of scarce materials, as well as the authority to regulate exports in furtherance of the foreign policy and national security of the United States. The temporary extension of the Export Control Act, which would otherwise expire on June 30, 1969, will enable the committee to complete its deliberations.

This has been agreed to unanimously by the subcommittee and by the gentleman from New Jersey (Mr. WIDNALL), the ranking minority member of the full committee.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Export Control Act of 1949, as amended (50 U.S.C. App. 2032), is amended by striking out "June 30, 1969" and inserting in lieu thereof "August 30, 1969".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 780) was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 94]

Albert	Gallagher	Nedzi
Anderson, Ill.	Gibbons	O'Hara
Ashbrook	Gray	Ottinger
Aspinall	Green, Pa.	Pepper
Berry	Griffiths	Pettis
Biaggi	Grover	Podell
Bingham	Gude	Powell
Blatnik	Hagan	Pryor, Ark.
Brown, Calif.	Halpern	Purcell
Brown, Mich.	Harsha	Railsback
Broyhill, Va.	Hawkins	Reid, N.Y.
Byrne, Pa.	Hays	Riegle
Cahill	Hébert	Roberts
Carey	Heckler, Mass.	Ronan
Casey	Helstoski	Rostenkowski
Celler	Hicks	Ruppe
Chappell	Holifield	St. Onge
Clancy	Ichord	Sandman
Clark	Joelson	Satterfield
Clausen, Don H.	Kee	Schadeberg
	Kirwan	Scheuer
Cohelan	Kluczynski	Smith, N.Y.
Collier	Koch	Snyder
Conable	Kyros	Stanton
Cowger	Latta	Steiger, Wis.
Daddario	Leggett	Stokes
Daniels, N.J.	Lennon	Teague, Tex.
Davis, Wis.	Long, La.	Thompson, N.J.
Dawson	Lowenstein	Tunney
Delaney	Lujan	Ullman
Denney	Lukens	Waggonner
Derwinski	McClure	Watkins
Dingell	McEwen	Whalen
Dorn	McMillan	Whalley
Edmondson	Mailliard	Wiggins
Edwards, La.	Mathias	Williams
Esch	Meskill	Wilson, Bob
Eshleman	Michel	Wilson, Charles H.
Evans, Colo.	Montgomery	
Evins, Tenn.	Morgan	Wolff
Fish	Morse	Wright
Ford, William D.	Morton	Wydler
	Murphy, Ill.	Wyman
Fraser	Murphy, N.Y.	Zion

The SPEAKER. On this rollcall 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONCURRING IN THE SENATE AMENDMENTS TO H.R. 4229

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid, with the Senate amendments thereto, be, and the same is hereby taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority Member, the able and distinguished gentleman from California (Mr. SMITH), and pending that I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution, the import of it is very simple, as are the objectives that are sought. It really should not require a great deal of debate.

Mr. Speaker, for the benefit of those who are interested in the parliamentary situation, let me state very briefly this is a resolution that would, if adopted, take from the Speaker's table the bill, H.R. 4229, having to do with duties on heptanoic acid and agree to the Senate amendment.

When the House passed this bill and sent it over to the Senate, the Senate passed it and added an amendment. That amendment would simply provide for an extension of 30 days of the withholding of taxes on the surtax bill which expires in a few days.

Apparently, there is some confusion as to what happens when the rule is adopted. If the rule is adopted, that is the end of it. It is just that simple. There is no following legislation. The Government, the employers, and other interested employers are authorized to continue the withholding tax for 30 days.

Now I do not care whether you are for or against the extension of the surtax. This really has no bearing on it. It is not a test of how you are going to vote on the tax bill. This is a matter of housekeeping. This is a matter of avoiding the confusion that would result within the Internal Revenue Service, the employers, and other employers who are involved.

There would be a lot of confusion if the surtax were finally enacted and the withholding tax, or the right to withhold, expired next week without this authority.

So, I repeat, it is purely a matter of housekeeping. It is a very simple matter and I see no reason to take any further time in discussing it.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman.

Mr. VANIK. I would like to state to the gentleman that I think this is a necessary resolution.

I think it is a resolution which does not commit the House in any way on the question of the surtax. It would be practically impossible to readjust the withholding schedules within the time that remains and it would cost great expenditures and cause a great problem for the Government itself with its over 3 million employees.

Mr. Speaker, I certainly urge the adoption of the resolution and the legislation.

Mr. COLMER. I thank the distinguished gentleman from Ohio. He has said what I tried to say so much better than I said it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to take this opportunity to protest this kind of legislative procedure. We passed a bill and it has been amended with a totally ungermane provision and sent back to the House. But that is the situation we have before us, and unless the rule is defeated, or unless the previous question is defeated, we are stuck with it.

The question I really wanted to ask is this: If continuation of the surtax is defeated, will the withholding be restored to the taxpayer?

Mr. COLMER. I think in response to that question it is so evident that that is exactly what will happen, I should have stated it in my previous remarks.

Mr. GROSS. I thank the gentleman from Mississippi.

Mr. COLMER. I thank the gentleman from Iowa.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Louisiana.

Mr. BOGGS. In further answer to the gentleman's question, the taxpayer would receive an automatic refund when his return is filed in April.

Mr. COLMER. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman is correct. There are two aspects to the question of the surcharge being extended to any degree or for any length of time. Extension is necessary to avoid confusion and waste. If it is not extended, the taxpayer's right to refund is fully protected.

Mr. COLMER. Again, the gentleman has well stated the situation.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from California.

Mr. BURTON af California. I would like to join with the distinguished chairman of the Rules Committee in support of this rule. I fully associate myself with the remarks of our colleague, the gentleman from Ohio (Mr. VANIK). I think the proposal is a reasonable and necessary one, and should be adopted without controversy.

Mr. COLMER. I thank the gentleman for his contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. COLMER. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says the money will be refunded next April. Is the Federal Government going to pay interest on the money that it takes from the taxpayer under this withholding and uses until next April?

Mr. COLMER. The gentleman from Iowa, as usual, raises a very interesting question. Judging by the response of the House, perhaps I should leave it there. But I did not intend to treat lightly the question of my friend. I can only say to him that I do not have the answer to that question.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Wisconsin, the able ranking minority member of the Committee on Ways and Means, who is better qualified to answer that question than I.

Mr. BYRNES of Wisconsin. I do not think there should be any question as to what the situation is. In the event withholding is extended for 1 month, and the surtax is not continued, then the amount becomes part of the basic withholding of that particular individual taxpayer. In April it is determined whether there has been an overwithholding or an underwithholding in terms of total tax liability. If the proposed action should result in an overwithholding, the taxpayer would receive a refund. If there should be

an underwithholding, even with the withholding that would take place under this measure, the taxpayer would have to pay an additional amount as far as his tax liability is concerned. No interest is paid on overwithholdings.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Indiana.

Mr. JACOBS. I would like to direct a question to the gentleman who just spoke. I would like to ask what would happen for the 30 days in which that amount would be withheld which would not have been withheld without this continuing resolution? By the end of the year the taxpayer might catch up, but what about deprivation of the use of that money during the 30 days? There would be no interest paid for that time, and the man would not have given up use of that much money for the 30 days otherwise; is that not correct?

Mr. BYRNES of Wisconsin. The gentleman is absolutely correct. We have overpayments by other taxpayers that exist, irrespective of this surtax, under the law today by reason of withholding. In the course of a year more has been withheld than was necessary.

That takes place for many taxpayers are concerned. We should try to avoid overwithholding, but it does take place, and as of this date we pay no interest on overwithholding.

Mr. COLMER. Mr. Speaker, if I may I would like to add that as a practical matter it would appear to this humble person that the overwithholding is a saving that would occur under this unless we continue the surtax.

Mr. JACOBS. A savings account, however, that would pay no interest.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from New York.

Mr. GILBERT. Mr. Speaker, I thank the gentleman for yielding. I wish to clarify the statement by our distinguished colleague, the gentleman from Wisconsin (Mr. BYRNES), and indicate this would be a benefit to the taxpayer, because the taxpayer in the event the surcharge is not voted into effect would receive either a refund or a credit, so the credit would become very important, because in the next period, instead of paying the higher rate, he would be paying the lower rate and receiving a deduction for the amount he had already paid.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I will be glad to yield to the gentleman from Illinois if he will now agree to use the time I promised to him.

Mr. PUCINSKI. Mr. Speaker, we have heard a great deal about all the confusion that is going to be created in withholding and not withholding and about all the computers which would have to be restructured.

I wish somebody would tell me what right anyone has in this country to assume that the Congress will continuously rubberstamp the surtax. This surtax dies Monday night, and I would have assumed all parties concerned would have prepared their machines and computers to end the tax on Monday night in the absence of any affirmative action by the Congress. Will somebody tell me what right anyone had to assume this surtax would be continued?

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I do not think anyone is assuming that.

Mr. PUCINSKI. Then there will be chaos. All these people are supposedly programing for the deduction after July 1, when there is nothing in the record to indicate this House is going to continue the surtax after July 1.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am telling the gentleman we will have confusion because the employers will have to set up their payrolls differently from the way the payrolls are presently computed, because currently the surtax is in being and currently, therefore, the withholding tables take into account the surtax.

Mr. PUCINSKI. Mr. Speaker, if I may say something further.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not going to yield.

Mr. PUCINSKI. Mr. Speaker, I would like to say something further.

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not going to yield to the gentleman.

Mr. Speaker, after the first of July, if the surtax is not extended, then the employers have to revert back to the payroll and the withholding tables that were in effect last year prior to the enactment of this tax. That will be the law under which they will have to operate.

Mr. PUCINSKI. And for a whole year they knew this law would expire Monday night. Let us stop kidding this Congress and the American people.

Mr. BYRNES of Wisconsin. Mr. Speaker, the gentleman from Mississippi yielded to me.

Mr. COLMER. I yielded to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, that is what I thought.

The confusion that will exist for the employers and employees, let me say to the gentleman, is that they will move back under the old withholding schedule in the checks, which will be issued after July 1 unless we do this. Then should Congress enact the surtax, the employers will have to go back again to another table and another withholding schedule. Then in January, if we continue the tax at the lower rate of 5 percent, we will have other withholding tables.

Why have this constant confusion of changing from week to week or month to month? We should give the employers and employees 30 days, so we may determine whether or not the surtax will or will not be continued and on what basis the withholding will be done.

Mr. COLMER. Mr. Speaker, I would like to take another moment to comment upon the observation made by my friend from Iowa (Mr. GROSS) with reference to his general objection to this type of legislating. I agree heartily with him that this practice of the other body in taking some minor House-passed bill and adding nongermane amendments is highly objectionable. As the gentleman may be aware, I have been protesting this procedure for years. In fact, I have a resolution pending that would simply provide that where the Senate placed an amendment upon a House-passed bill that was not germane under the House rules that the same would be subject to a point of order when the bill was returned to the House. Although I have urged this for several years, I have not succeeded in getting it reported because of the objection of the House leadership. I am now attempting to have it written into the reorganization bill which is in process of study in my own Rules Committee. I hope that I may be successful.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Louisiana.

Mr. BOGGS. First I should like to commend the gentleman from Mississippi for a very fine explanation of the problem before the Congress.

Also, I can say there is nothing unique about this. Time and time again, in the case of the excise taxes, for example, we have continued collecting the excise taxes although Congress had not acted. But in the case of a withholding situation we have to act on it.

I could give the gentleman from Illinois, if he is interested, case after case after case in the enactment of legislation where this happens.

I commend the gentleman. Now permit me to take just a few additional minutes to explain precisely the Senate amendment.

Mr. Speaker, the Senate amendment added to the House-passed bill extends the surcharge withholding rates for the 1-month period from June 30, 1969, to July 31, 1969. This is withholding at a rate approximately 10 percent above that which would otherwise be applicable. This does not represent a change in any taxpayer's tax liability for 1969 but instead is intended to make it possible to postpone until July 31, 1969, any decision with respect to the administration's proposal to extend the surcharge. Should Congress not extend the surcharge, this will increase refunds or decrease tax payments otherwise due at the time of the filing of tax returns for 1969. This change should increase receipts with respect to the quarter immediately ahead by $600 million. It is merely a continuation of the present situation so that there will be time to consider this matter without upsetting the present withholding.

As you know, the administration has requested that a 10-percent surcharge be applied for the entire calendar year 1969 and that withholding rates reflecting the 10-percent surcharge be made applicable for the last half of the calendar year 1969. The request of the administration also, in effect, included the continuation of the surcharge at a 5-percent rate for the first half of 1970—or, more accurately, at a 2½-percent rate for the entire year. Other recommendations included in the administration proposals would repeal the 7-percent invest-

ment credit and would continue the excise taxes on automobiles and communications services, the present rates of 7 percent and 10 percent, respectively, for 1 more year—along with the postponement for 1 more year of the latter scheduled reductions. Nothing in this amendment relates to anything other than the surcharge.

As you know, on June 30, 1969, the surcharge withholding rate on individual income taxes terminates. The surcharge adds approximately 10 percent to withholding rates otherwise applicable. In view of the fact that the House will not be able to consider the administration proposals until Monday, June 30, this amendment provides additional time to consider these proposals without being confronted with the immediate termination of the surcharge withholding rates as of June 30.

Not only is more time needed for Congress to consider the administration proposals, but also in the absence of any action at this time employers might be faced with the difficult problem of changing over from one set of withholding rates as of July 1 and then, should Congress subsequently decide to accept part or all of the administration proposals, be faced with the necessity of shifting back to higher withholding tables if such action is completed by the Congress. This represents a considerable administrative burden for employers and also presents employees with changing take-home paychecks to which they would not be accustomed. It might also present the employees with the problem of underwithholding—that is, owing tax—at the end of the year should the full 10-percent surcharge be continued by the Congress for the remainder of the year.

It was for the reasons I have outlined above that the Senate concluded it was desirable to extend the surcharge withholding until July 31, 1969. This will give Congress time to adequately consider the administration proposals and will give assurance that employers will not be faced with two changes in withholding tables in a relatively short period of time.

It should be clearly understood, however, that this action does not prejudice congressional consideration of the issue of the surcharge since this does not represent a change in tax liability but only a change in the amount withheld. Therefore, should Congress subsequently decide not to enact any extension of the surcharge for the remainder of the calendar year 1969, this change in withholding would not affect any taxpayer's tax liability for the year. Instead, it would either increase the size of the income tax refund for which he had been eligible after the beginning of next year or, alternatively, would decrease tax payments he would be required to make at the time of filing his tax return for the calendar year 1969.

It is estimated that the extension of the surcharge withholding rates until July 31, 1969, will increase receipts coming into the Treasury during 1969 by $600 million. Whether this represents an increase in receipts for the entire fiscal year or merely represents refunds—or decreased tax payments—with respect to the latter half of the fiscal year 1970 will depend on whether or not subsequent action is taken by the Congress with respect to the administration's proposal to extend the surcharge.

The Senate amendment changes three dates in present law. First, it amends section 3402(a)(1) to provide that the percentage withholding tables which are applicable before the surcharge, and which under present law again become applicable after June 30, 1969, instead are to be applicable after July 31, 1969. These withholding rates are approximately 10 percent lower than the withholding rates applicable during the period when the surcharge applies.

The second change made by the Senate amendment amends section 3402(a)(2) relating to the percentage withholding tables applicable during the period when the surcharge applies. Under present law, the use of these tables terminates as of July 1, 1969. Under the Senate amendment, these tables continue in effect until August 1, 1969.

As an alternative to the percentage withholding tables, wage bracket withholding tables may, under present law, be used by the employer to determine the appropriate amount of withholding.

The third change made by the Senate amendment relates to section 3402(c)(6) which presently suspends the use of the regular wage bracket withholding tables for the period of the surcharge. Under present law, the use of the regular wage bracket withholding tables is suspended until July 1, 1969. The committee amendment suspends the use of the regular wage bracket withholding tables until August 1, 1969. In the interval, special wage bracket withholding tables apply, which in general provide rates that are 10 percent higher than the rates under the regular wage bracket withholding tables.

The changes made by the committee amendment apply with respect to wages paid after June 30, 1969.

Mr. Speaker, I will conclude by placing in the RECORD at this point an article from the Wall Street Journal indicating the concern which employers have over this matter:

CAPITOL HILL SLOWNESS ON SURTAX RENEWAL COMPLICATES JOBS OF PAYROLL EXECUTIVES

While Congressional leaders pondered in Washington whether the income surtax should be extended, payroll officials across the nation bemoaned that the slow deliberations were complicating their jobs.

The executives don't know if they should continue withholding the 10% surcharge on paychecks to be distributed after Monday, when the levy is scheduled to expire.

Congressional leaders are attempting to give them guidance; they hope to complete passage tomorrow of a measure extending the withholding rates a month.

"We just want some type of indications so we'll know what to do," pleaded a spokesman of Fibreboard Corp. in San Francisco.

Some companies were allowing for any eventuality. General Electric Co., for one, said in New York that it has prepared two sets of computer tapes for its payroll due July 3. One of the tapes continues the deduction; the other drops it.

Few companies, however, have the computer expertise of GE, itself a computer maker, so they've been forced to choose one alternative or the other.

General Dynamics Corp., for instance, is convinced Congress will extend the levy, at least temporarily. As a result, it said in New York it hasn't made any plans to alter its withholding procedures.

A pharmaceutical company in the Midwest said it, too, intends to continue collecting the withholding tax. It has notified its payroll centers to continue the existing tax schedule "until further notice."

But this company, less convinced than General Dynamics that the tax will be extended, concedes it may be treading on thin legal ground if it continues to withhold the surcharge without specific Congressional direction.

"In a technical sense, we ought to go around to all our people and say, 'Hey, can we have your permission to do that?' But I don't see us doing that," declared a spokesman for the drug producer. The solution, he said, is more "practical" than legal.

Another company examined the legal issue and concluded it had to stop withholding the surcharge the minute it ran out. "Barring passage of legislation," said an official at Reliance Electric Co., Cleveland, "we don't think we have any legal right to continue withholding at the higher level."

Holly Sugar Corp., Colorado Springs, took a similar position. "I don't see how we can legally withhold more than the law allows," a spokesman declared.

At another company, the timing of the levy's expiration is the subject of a lively debate. Lawyers for CPC International Inc., Englewood Cliffs, N.J., are trying to decide whether the tax expiration applies to when the wages were earned or when the paychecks were signed. At CPC, hourly workers will be paid July 3, after the scheduled expiration, for work performed in the week ended tomorrow, when the tax was still on the books.

Some executives insisted they could handle any necessary tax changes with ease, no matter what Congress ultimately decides on the surcharge extension.

TRW Inc., for example, said in Cleveland that one of its major divisions could adjust its payroll accounting by "merely plugging in a new withholding table." Another division of the same company, however, would have to reprogram its computer to reflect new tax rates, a spokesman said.

Such reprograming could be time consuming and expensive. One company estimated it would take 40 hours of skilled manpower. Another said that a programing switch could take "at least a month," all of which could prove wasted effort if Congress allows the tax to expire and then reinstates it at some later date.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

In all honesty, Mr. Speaker, I believe we are all prepared to vote now. I believe we all know exactly what this resolution will do.

The gentleman from Mississippi, the distinguished chairman of the Rules Committee, has explained it in great detail.

By way of reiteration, however, we are voting on one resolution, and that is House Resolution 455. When that is voted up or down, that will be the answer.

The gentleman from Iowa says it could be defeated by a vote on the previous question. That is true, of course, but that procedure is used when there is a different rule someone desires to substitute in place of the resolution reported by the Rules Committee, and then the additional hour would be allowed for that debate. As I understand it, there is nothing different to be suggested on this. It is

either to extend the withholding rates for the month of July or not, to vote it up or to vote it down. I do not see any necessity for two votes, with one on the previous question, because one vote on the resolution would accomplish the same purpose.

This is a rather unusual procedure, that is true, but it is the only way it could be brought to the floor. We did it twice last year, as I recall. We did it on the omnibus crime bill and on the civil rights bill. We may have extended the time specifically for discussion on one resolution beyond 1 hour, but outside of that it was one vote up or down.

I believe this must be done this way. The Rules Committee is simply cooperating with the Members, to make this possible, so that we will not get into a lot of confusion.

I urge the adoption of the rule and a "yea" vote on House Resolution 455.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it correct to conclude that if this resolution is adopted we really will be setting up at least for 30 days a dual tax system? The workingman, the man who has his surtax withheld, will continue paying a surtax at least for 30 days, but the self-employed man, the person who does not have withholding, will not be affected, because the surtax will expire for that person at midnight Monday. That is true simply because this resolution says, on line 7, page 2, "with respect to wages paid after June 30." In other words, what we are doing now, when we vote for this—those who vote affirmatively—is really to say that the workingman will have the surtax continued at least for 30 days but the self-employed man, the one who does not have wages withheld, does not come under any withholding system, will have the surtax end for him as of midnight Monday night, assuming the Congress does not take any further action.

Mr. SMITH of California. I am not going to get into a discussion of theory. The gentleman from Wisconsin explained this situation. I will put in my nickel's worth.

My understanding is that if this is adopted the withholding tax rates on all wage earners will be extended through July 31, 1969, at the present rates.

We may have to make a change later with reference to the surtax bill, but since that question cannot be finally resolved prior to July 1 this procedure will insure that we do what we can to avoid confusion with respect to withholding of Federal income taxes.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman from California stated it so clearly. Determinations will be made when Congress makes its own decision on the extension of the surtax. That would include everybody, including some people who are supposed to be overpaid, like Members of Congress and so on. The term "working man" includes every man who earns a salary and not just a man who has a specific job to do. Everybody's tax will be withheld when that passes.

Mr. SMITH of California. It might be a good idea, as a matter of fact, for those with outside income to keep withholding the amounts necessary, because next spring they may have to find a little more money, if the surtax is extended next Monday.

Mr. Speaker, I reserve the balance of my time, but I do not have any further requests.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I appreciate the distinguished chairman of the committee yielding to me, and I hope not to take 5 minutes.

I want to join with my distinguished friend and chairman in support of this resolution. Along with my colleague, the gentleman from California (Mr. SMITH), I agree with him in his explanation of the position. He did an excellent job in explaining it. This is a very simple position. I hope that this resolution will pass by an overwhelming majority vote.

Mr. Speaker, I might say, of course, that this was in line with the desires of many of us in the past few weeks in our attempts to get a little more rationale into the so-called surtax package which the Committee on Ways and Means presented to the Committee on Rules. We felt that, based on the President's own statement, there was no rush and no reason to hurry, as indicated here, which existed in this area. The very action that we are taking today indicates that we do have plenty of time to give consideration to some of the other things which relate to taxes that the American people are concerned about.

Mr. Speaker, I wish to take just one moment longer to call the attention of the Members of the House to the fact that it is my understanding on next Monday—and I am going on the assumption that the program will not be changed, because I might say that, without criticism of anyone specifically, the gears have been shifted so regularly, almost every 24 hours, that I am not sure what we will be considering then but it is my understanding at this point at least—the surtax will be up on the floor. I would like to have my colleagues keep in mind the statements that occurred in the last 24 hours regarding the position of the other body. They propose to take up substantial reform measures in connection with this so that if perchance this House should decide to act affirmatively on Monday or on whatever time it may be scheduled, that is, on the surtax bill, I can very easily see that the House will be foreclosed from its opportunity really to write tax reform legislation and we will see the other body usurp that prerogative. I hope over the weekend or sometime between now and the time we vote on this measure that we can give real consideration to this, because if that should occur, then so far as this House is concerned, we will be precluded in the 91st Congress from taking any action or making any attempt to vote specifically on any of the issues that the American people are so gravely concerned about. We will simply not see this matter considered in Congress. I hope that thought will be kept in mind.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. MADDEN) a member of the Committee on Rules.

Mr. MADDEN. Mr. Speaker, we had quite a long session in the Committee on Rules the other day on this 1-year surtax extension. I agree with my colleague, the gentleman from California (Mr. SISK) who just addressed the House that there is not much we can do today on this 1-month extension of the 10-percent surtax. I intend to support this resolution today, but the big vote on this question of surtax extension comes up on Monday. That will be the important vote. A year ago I opposed the 10-percent 1-year surtax. I listened at that time to the arguments about how it was going to stop inflation, and I see it has not stopped inflation at all; it has helped expand inflation.

I was very much disappointed to find that we are going to have this vote come up on Monday because I thought that the Members were going to have an opportunity to go home next week over the Fourth of July weekend and talk to the people. Had they had that opportunity to go home over the July 4th weekend this surtax legislation next Monday would be defeated and get the death of a rag doll, because the people are aroused against unjust and unequal taxation. The salaried and wage earners are paying approximately two-thirds of our Federal taxes.

I do not know what the Members are going to do next Monday on this matter, but I am going to say that if we pass this surtax measure any real and effective tax loophole and reform legislation is dead for this session of Congress.

Now, we may get some kind of a tax reform bill from the Ways and Means Committee in August or September, but it will be a skim-milk operation. It will not repeal the fraudulent 27½-percent depletion and other oil tax credits and exemptions. It will probably take a small percentage of tax loopholes from big estates, inheritance and foundations, and real estate and conglomerates.

For the last 3 or 4 years every time the Committee on Ways and Means comes in to the Committee on Rules for a rule on tax legislation I have asked the chairman, "How about loopholes and tax reform." The chairman would always reply that the committee was too busy with other legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I thank the gentleman for the additional time.

Mr. Speaker, I do not know why we should be in such a hurry on this thing, we are going to be here all day anyhow.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Permit me to finish my statement, and then I will yield if I have time available.

Well, Mr. Speaker, I discovered that there are no subcommittees whatsoever set up in the Committee on Ways and

Means. It is the only major committee where the chairman of the committee does not appoint subcommittees.

The chairman could have appointed a Subcommittee on Oil last January. The chairman could have appointed a Subcommittee on Foundation Loopholes, also a Subcommittee on Real Estate, Estates, Inheritance, Stock Transactions, and hearings could be held separately by these subcommittees. One subcommittee could have handled each one, and we could have had a real tax reform bill here in April or May and enacted it by now. The Ways and Means Committee is the only major committee that does not have subcommittees.

Why, Mr. Speaker, there are committees that have as many as 13 subcommittees. The Committee on Education and Labor has six subcommittees, the Committee on Appropriations has 13 subcommittees, the Banking and Currency Committee has eight subcommittees, the Committee on the Judiciary has five subcommittess, and the Agriculture Committee has 10 subcommittees.

What is the matter with the Committee on Ways and Means that it cannot have subcommittees, and stop filibustering on this tax loophole legislation? There could be at least $15 to $20 billion in taxes brought in by fat cats "loopholers" that are not paying any taxes on their profits. There are 25 members of the Ways and Means Committee. I want to comment on nine or 10 of these members who are in favor of effective tax reform.

The American public is aroused at tax reform delay. If the Members next Monday vote to continue this surtax for a year, without major tax reform legislation, we will eventually get a real tax reform bill, but it will be after a year from next November when the American people vote in a Congress that will give them the necessary tax reform.

The SPEAKER. The time of the gentleman has again expired.

Mr. MADDEN. Mr. Speaker, by permission granted I hereby include with my remarks the statement made by me on March 26 of this year before the Ways and Means Committee hearings on tax reform legislation:

STATEMENT OF CONGRESSMAN RAY J. MADDEN

Mr. Chairman, I wish to thank the Chairman and the Members of the Ways and Means Committee for giving me an opportunity to testify on this much-needed Federal tax reform legislation. I also want to commend your committee for calling these long-delayed hearings in order to secure first hand information for the American public on the deplorable conditions which our Federal tax system has reached in recent years. During my 27 years in Congress I have been shocked by the gradual increase in power, year by year, of specially privileged and powerful segments of our economy slowly and cleverly securing favorable legislation until, in some cases, they are totally exempt on Federal taxes from their exorbitant profits.

Our Federal tax laws, as of today, have become riddled with tax concessions, loopholes, tax credits, and depletion exemptions to a favored few who have the finances to employ powerful lobbyists to relieve their client of the responsibility for providing the revenue necessary to finance the enormous cost to keep our land the No. 1 nation in the world.

Former Treasury Secretary Joseph Barr revealed in January that 21 persons with incomes of over $1 million paid no taxes at all in 1967, while 155 with incomes of over $200,000 also escaped taxes entirely.

When the wealthy escape taxes, it is the average taxpayer who gets hit for higher taxes to make up the difference. The best example of this is the 10 percent tax surcharge. Faced with the need for more revenues, the Administration came running to the average middle class taxpayer, while doing nothing to make wealthy foundations, oil millionaires, real estate speculations, and highly-paid corporate executives pay their fair share. Those with incomes of $15,000 a year or less already pay nearly two-thirds of all personal Federal income taxes, and the surcharge simply adds to their burden. But to the wealthy exploiter of loopholes the surcharge is no problem at all—*10 percent of nothing is still nothing.*

If just a modest number of the fantastic and excessive tax loopholes and exemptions were eliminated there would be no need for an extension of the surcharge. I have introduced H.R. 9195, which if enacted into law would bring in more than $9 billion in additional revenue by plugging 13 of the more notorious loopholes in our Federal tax system. This happens to be the same amount that an extension of the 10 percent tax surcharge would yield in fiscal 1970. Thirty-one other Congressmen have sponsored identical legislation.

Among the loopholes this bill would close is the depletion allowance for oil and other minerals. Largely because of the oil depletion allowance, the 20 largest oil companies in the country paid only 8½ percent of their net income in taxes in 1966. One large company with profits ranging from $61,110,000 in 1962 and similar increased amounts of income in 1963, 1964, and 1965 paid no Federal taxes whatsoever.

Standard Oil of New Jersey had an income of $1,271,903,000 in 1962 but paid only sixtenths of one percent on their fabulous profits. In the following four years their percentage tax on similar profits ranges as follows:

Organization	Year	Net income before tax	Percent tax paid to Federal Government
Standard Oil (New Jersey)	1962	$1,271,903,000	0.6
	1963	1,584,469,000	4.3
	1964	1,628,555,000	1.7
	1965	1,679,675,000	4.9
	1966	1,830,914,000	6.3
Atlantic Oil	1962	61,110,000	0
	1963	56,747,000	0
	1964	61,081,000	0
	1965	105,299,000	0
	1966	127,384,000	

Some companies do not do as well as the oil companies, however. Perhaps they do not have as powerful a lobby in Washington as "big oil."

The following statistics on three coal companies illustrate the contrast:

Organization	Year	Gross profit	Percent tax paid to Federal Government
Consolidation Coal Co.	1964	$44,863,073	26
	1963	39,568,737	28
	1962	32,918,065	26
Pittston Co.	1964	13,721,024	30
	1963	(1)	
	1962	14,699,420	35
Island Creek Coal Co.	1964	7,713,060	18
	1963	5,149,930	24
	1962	3,459,563	(1)

[1] Lost by SEC.

The oil lobby will of course argue that the 27½ percent depletion allowance is needed to insure an adequate supply of reserve oil in emergencies, that it is vital to our national defense, that our economy will collapse without it, and that it will cure the common cold. Fortunately the Treasury has just released a thorough-going study of the tax breaks currently enjoyed by the oil industry and their effect on the level of oil reserves. The study, done by the CONSAD Research Corporation of Pittsburgh, challenges these oil industry arguments, concluding that the depletion allowance and special expense deductions enjoyed by the oil companies add only a small amount to the Nation's petroleum reserves. Furthermore, the Report goes on, the depletion allowance encourages excessive drilling and inefficient production methods and discourages research into other potential fuel sources. I don't think this is a very good bargain for the $2.25 billion worth of loopholes we gave to oil men in 1968. Big oil has been enjoying this financial bonanza for years. Real estate speculators are almost as generously treated at tax time as oil men.

Former Treasury Assistant Secretary Surrey, in a speech last year, said, "The Treasury recently examined the 1966 tax returns of 13 real estate operators, all of whom had very substantial gross incomes, and found that depreciation 'losses' reduced the tax liability of nine of them to zero and of two others to less than $25."

Doing away with the accelerated depreciation gimmick on speculative real estate would head off operators of this sort and bring in an extra $150 million in tax revenues each year.

Another gaping tax loophole is the 7 percent investment tax credit, enacted in 1962, which permits business firms to subtract from their tax bills 7 percent of the value of eligible new equipment installed during the year. It was intended to stimulate the economy by providing a subsidy to private investment.

However, our economy has been overstimulated and we are now in a period of serious inflation, fed in part by the investment tax credit. The credit concentrates inflationary spending power on precisely that portion of the economy that is already most overheated—the capital goods section in the first place, it creates a second round of inflation by causing business to hasten to invest before inflation drives up capital goods prices even further.

The Commerce Department Survey of business fixed investment plans for 1969, released on March 13, underscores the need for repeal of the investment tax credit. The survey predicted that total 1969 expenditures for new plant and equipment will reach a whopping $73 billion, a 14 percent increase over 1968. This contrasts with year-to-year increases of only 4 percent in 1968 and 2 percent in 1967.

This survey indicates strongly that it is capital goods inflation that is most serious, yet the Administration still insists on a 10 percent surcharge on the average consumer to combat inflation. If it is inflation they are concerned about, why not get at the real culprit by repealing the 7 percent investment tax credit?

The list of tax loopholes can be extended almost to eternity, as this committee well knows.

Capital gains which pass through an estate at death are not taxed.

The unlimited charitable deduction allows many millionaires to escape taxation entirely

Special tax treatment for stock options allows highly paid corporate executives to get tax advantages not open to the average wage earner.

The tax exemption for municipal industrial development bond interest encourages plant piracy and gives unwarranted subsidies to wealthy corporations, while costing the Treasury millions in lost revenues.

As an example, certain states of the Union who enjoy the exemption privileges of Sec-

tion B of the Taft-Hartley Law are paying sub-standard wages to millions of factory workers in their localities. These sub-standard wage workers are practically out of the buying market in regard to $3–$4 thousand dollar automobiles, $400 refrigerators, etc., etc., and are adding nothing to the employment and prosperity in factory production of our Nation. This, of course, is an exemption over which the Ways and Means Committee has no responsibility. On the other hand, your committee has recommended, and the Congress has enacted, tax exemptions for municipal industrial development bonds, which encourages plant piracy and gives unwarranted subsidies to wealthy corporations and industrial factories to move into these 14B states because thousands of towns and cities in these areas have taken advantage of the tax exempt industrial development bonds with cheap land and cheap wages to capture thousands of industrial factories from states paying a living wage to its workers. Multimillions could be brought into the Federal Treasury by the repeal of the interest on municipal and other local civic bond promotion.

The hobby farm loophole allows wealthy part-time farmers to escape taxes by using fictional farm "losses" to offset income.

I will not take more of the committee's time by extending the list of loopholes, for time is something we don't have very much of because of the need for immediate action in repeal of tax loopholes, exemptions, etc.

The American people are weary of being told that we are all very concerned about tax reform, that we are working very hard on it, and that it is very difficult and complicated and it is going to take a long time. The taxpaying public is running out of patience, and the surcharge is doing little to make them more tolerant.

Therefore, I would urge the committee to act within the next two months on as many major tax reform items as possible. Tax reform should not be postponed until we can put together a neat, tidy, "skimmilk" package that everyone can agree on. We will be here until the year 2000 if that is the goal.

I am not going to take the time of this committee in detailing the fabulous and fraudulent raid on the Federal Treasury by thousands of tax-avoiding estate foundations. A former Secretary of the Treasury stated before a Senate Committee that he could not speculate as to how many foundations are operating and enjoying tax exempt benefits. Some foundations are engaging in free enterprise industry in competition with regular tax paying corporation and non-exempt business and industries. One official in the Treasury Department testified that he would place the number of foundations enjoying tax exemptions at approximately 25,000. Congressman Wright Patman and other Members have gone into the foundation tax bonanza in detail before your committee, and I know your committee and all Members of Congress are familiar with its tax-avoiding ramifications.

Every tax dollar lost through these loopholes must be paid by another source. For the most part, this loss—and it has been estimated to be a whopping $50 billion—is paid by moderate income groups, by small people with incomes of $15 thousand and less, who cannot afford to hire high-priced accountants and tax lawyers to locate loopholes.

The House should be given an opportunity to work its will on tax reform at the earliest opportunity. I firmly believe that the heavy obligation of Government would warrant your committee concentrating on major loopholes which involves literally billions of escaped taxes by certain segments of our economy, and report a bill closing the top-bracket tax-escaping loopholes so the Congress can act immediately on the same. The minor loopholes can be taken up by your committee and considered later in the year. The American public has become familiar in recent years with the necessity of taking the gigantic tax load off the wage-earner and the salaried citizen while mammoth corporations and gigantic mergers of corporations profiteer on the American public. I do hope your committee will not submit a weak, and ineffective recommendation on the closing of the tax loopholes. As a Member of the Rules Committee, I for one, and I know of others that for the first time in years, will insist on an open rule on this legislation. This will give the other 410 Members of Congress an opportunity to answer the demand of the almost unanimous cry of the American public for tax reform.

It has been suggested by some Members that this legislation could be enacted in the next few months if the major loophole recipients, whose payments on their huge profits is but a pittance, would start paying into the Federal Treasury a blanket minimum Federal tax ranging from 15 percent to 30 percent of their profits. They then would join with the small businessmen and the wage and salaried citizen in supporting our huge domestic and foreign programs and other Federal obligations.

Mr. GIBBONS. Mr. Speaker, I am opposed to the extension of the Senate amendment to H.R. 4229. The purpose of this Senate amendment is to extend the surcharge withholding rates for the 1-month period from June 30, 1969, through July 31, 1969. Important hearings on deepening the Tampa Harbor necessitate my presence in Tampa.

I plan to be present Monday, June 30, and vigorously oppose H.R. 12290, the extension of the surtax.

Mr. KOCH. Mr. Speaker, I rise to speak about the surtax, one of the most important issues facing this Congress. Of concern to all of us are today's inflationary trends, and I am anxious that the President and the Congress take steps necessary to combat inflation. But I also believe that it is vitally important for the Congress to enact some meaningful tax reform; it is urgent that we right the injustices now threatening the integrity of our Nation's tax system. In addition, tax reform too can affect the Nation's deficit and counter inflationary trends through the revenue it raises.

Three administrations have talked about tax reform and yet none has been enacted. This year the Ways and Means Committee has made significant progress toward reform, and there are indications that a reform package will be submitted to this body for a vote in August.

On Monday we are scheduled to vote on a year's extension of the surtax. I believe that it would be a mistake to approve a full extension of the surtax without reforms. With the passage of the surtax, pressure in the Congress for reform will dwindle and once again the people of this country will not get the reform they deserve.

The surtax is our trump card for reform, let us not give it away until we get that reform.

It is clear that a complete reform package cannot be readied by Monday and so I would urge that only a 3-month extension be submitted for a vote with the understanding—clearly stated in the House—that in late August or September a total surtax/reform package will be submitted.

Three months will give the Ways and Means Committee sufficient time to complete its consideration of the reform proposals, opportunity to better evaluate the fiscal needs of our economy, and a chance to submit a combined reform/surtax package.

Today I am supporting the continuation of the surtax withholding schedules for 30 days. On Monday I will be prepared to vote for a 3-month extension of the surtax if it is coupled with a promise of meaningful reform; but I will not vote for H.R. 12290 now scheduled which provides the year's extension. I regret that in this same bill there are three needed measures which I support: the repeal of the 7-percent investment credit, a delay for another year of the reductions in telephone and automobile excise taxes, and the additional allowance to reduce taxes for those people at the poverty level.

The repeal of the investment credit and the poverty allowance are sweeteners intended to soften our opposition. But at this time I believe we must hold out for tax reform—otherwise the opportunity will be lost for perhaps another 10 years.

Mr. VANIK. Mr. Speaker, on Monday, the House of Representatives is scheduled to take up H.R. 12290, the Surtax Extension Act. Before this bill is considered, the House will act on Resolution No. 453 which provides a closed rule allowing no amendments to the bill after 4 hours of general debate.

In view of the fact that many who are opposed to the extension of the surtax will support the closed rule resolution as a matter of procedure, it is not my intention to oppose the closed rule. Nor is it my intention to support the motion to recommit which will be offered by a member of the Republican minority. The language of this motion has not been identified.

In my judgment, the goals of meaningful revenue-producing tax reform would be more readily achieved on a straight vote against the extension of the surtax. The legislation which we passed today authorizes the withholding of the 10-percent surcharge. A "no" vote on the extension of the surtax and the defeat of this proposal will provide the Ways and Means Committee and the House an extended period of time to develop a program of meaningful tax reform.

I am pleased to advise that my distinguished colleague from Indiana, the Honorable RAY MADDEN, and my distinguished colleague from Wisconsin, the Honorable HENRY REUSS, concur in this position.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8644, SUSPENSION OF DUTY ON CRUDE CHICORY ROOTS—AID TO FAMILIES WITH DEPENDENT CHILDREN

Mr. BOGGS. Mr. Speaker, I call up the conference report on the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, and ask unanimous con-

sent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 26, 1969.)

Mr. BOGGS. Mr. Speaker, I shall try briefly to explain the conference report.

I will start by saying the conference report is unanimous. It was signed by all of the conferees on the part of the House on both sides of the aisle and all of the conferees from the other body from both sides of the aisle.

Mr. Speaker, the other body made no change in the text of the original House bill, but it did add two social security amendments, which are involved in the conference report.

These two amendments to the original bill are not complex and can be easily explained.

One amendment provides for the extension of a provision which we wrote into law some years ago—June 30, 1961, to be precise—in an attempt to help indigent American citizens who, through no fault of their own, were forced to return to the United States because of war, illness, destitution, and so forth. The best example of that happens to be Cuba where about 70 people a month, mostly old people, come back to our country and Mr. Castro has well taken care of whatever worldly goods they had. That provision of law has been continued on a temporary basis since its original enactment. This conference agreement provides for the continuation of that program so that when such persons land at a dock somewhere in the United States, the Government of our country takes care of them until they are able to take care of themselves. Then they repay this obligation to the Government. That is the first amendment. We continue that program for 2 years.

The second amendment has to do with the so-called freeze on Federal matching with respect to the number of children who are eligible for assistance under aid to dependent children programs. The Senate repealed the provision on this subject, which was included in the Social Security Amendments of 1967.

The House conferees concurred and agreed in the Senate amendments. They did so unanimously because the Governors of every State, I think, whether they be Democrats or Republicans, were terribly concerned about this provision and the administration was terribly concerned about it. We received a letter from Secretary Finch just a week or so ago strongly supporting the repeal of this provision. The provision was originally enacted in an effort to stimulate activities and obtain results under the work incentive program which was also contained in the 1967 amendments. It has not accomplished that purpose.

It was the feeling of the conferees that the way to dispose of this matter was to repeal the freeze provision. That is what the amendment does.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. GROSS. What is the cost of this supplemental bill? Or are we dealing with the supplemental?

Mr. BOGGS. No, not at all.

Mr. GROSS. Then we are dealing only with the aid to dependent children?

Mr. BOGGS. That is correct; we are repealing the so-called AFDC freeze.

Mr. GROSS. That is the issue that was raised by the gentleman from California (Mr. BURTON)?

Mr. BOGGS. This issue has been made by many Members of the House including the gentleman from California. As a matter of fact in the last week or so every time I walked down the aisle here somebody asked me about it, and on your side of the aisle as well. I admit the gentleman from California was very forceful in bringing the issue up several days ago and he has been very, very anxious for this result to come about.

But this result could not have come about if it had not been for the complete cooperation of Members on your side of the aisle, and particularly the ranking member of the Committee on Ways and Means the gentleman from Wisconsin (Mr. BYRNES), who was very helpful.

Mr. GROSS. Yes, I do know that there is forceful interest in this, since it is coming up under such short notice and in advance, not after the issue of whether or not to continue the surtax on Monday. It is real interesting that this "AFDC unfreezing" is coming up so suddenly and at what appears to be a propitious time in connection with the drive to pass the surtax.

Mr. BOGGS. May I say to the gentleman that we have exactly the same situation here. There is an expiration date of June 30, which happens to be next Monday. So the same problem exists

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Speaker, it is with pleasure and approval that I support the conference committee report before us to eliminate the AFDC freeze.

It is impossible to do justice to all those who contributed to this significant effort. Tens of thousands of concerned citizens called upon their Government to respond to the pressing needs of its children and today's action was the result.

I should, however, like to particularly commend our able and effective majority whip, HALE BOGGS, for his decisive leadership in removing this sword of Damocles from over the heads of the poor and most needy children in America.

It was the united effort of California's able members on the Ways and Means Committee, JAMES CORMAN and JAMES UTT, and the leadership of the dean of the California delegation, CHET HOLIFIELD, speaking in behalf of a united delegation which insured its viewpoint was presented effectively. This victory represents a savings of some $40 million in the next fiscal year to the State of California.

I should also like to commend Health, Education, and Welfare Secretary, Robert Finch, for his support of the repeal of the AFDC freeze and John Veneman, the outstanding Under Secretary of Health, Education, and Welfare, for his leadership in the removal of this unrealistic ceiling.

The AFL–CIO, as well as auto, teamster, longshore, and other independent unions have, over the years, lent valuable support to this effort.

Last, but certainly not least, very special mention and tribute must be paid to Dr. George A. Wiley and the National Welfare Rights Organization, of which he is executive director. They have by their continuous effort alerted the poor of this Nation to their rights under existing laws and to the ominous problems which this freeze would impose. Without their decisive contribution, it is most unlikely that today's action would have been possible.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to state to this House that we proposed a freeze on AFDC payments back in 1967, I believe, for a very, very good reason. The fact is that AFDC payments are actually accentuating the very problems they are supposed to solve.

During the last 2 years I have visited neighborhoods where most of the families are receiving aid-to-dependent-children payments. These families have no father present. These children are actually being raised in filth, squalor, and neglect.

Aid-to-dependent-children payments have doubled in the last 4 years mainly because of an increase in illegitimacy. Of course the Governors are concerned about this freeze, because the Governors that you speak of have not faced up to their responsibilities and have simply permitted more and more people to go on the welfare rolls every year, and many of these people are receiving AFDC payments.

In the State of Pennsylvania alone, where employment is at an alltime high and where various companies and industries have trouble employing people, the welfare rolls have increased by 144,000 persons just during the last year. There are many cases where death and injury have occurred to some very young children who are being supported by the aid-to-dependent-children program. Where these children have been left alone at the age of 1, 2, and 3, fires and other things have occurred. And these youngsters have been killed or injured.

In my opinion, since we are going to permit the AFDC payments to escalate each year, we are simply going to make it possible to avoid facing up to the problem that this program is not working. I thank the gentleman for yielding.

Mr. BOGGS. Mr. Speaker, I yield to the gentleman from California (Mr. UTT), a member of the committee.

Mr. UTT. Mr. Speaker, I rise in support of the amendment placed on this bill by the Senate. I favored the freeze in the first place, but we did not have sufficient information before us to know what effect it would have. The com-

plaints that the gentleman from Pennsylvania has just made are generally in regard to administration. I am sure we are going to have a tightening up of administration nationally as well as in the States.

I talked yesterday with our administrator in California and he said:

I assure you we are going to tighten up on any of the aid to families with dependent children.

I urge adoption of the conference report.

Mr. BURKE of Massachusetts. Mr. Speaker, it gives me a great deal of satisfaction to vote for this conference report which provides for the repeal of the AFDC freeze that was enacted over my objection in the Social Security Amendments of 1967.

I opposed this provision vehemently in committee when it was being formulated. When the social security bill was up for a vote in the House in August 1967, I voted in favor of it with a great deal of reluctance because it included this provision, but at that time, I cast my vote in favor of the bill because of the many beneficial provisions it contained and in the hope that when the bill came back from the Senate and the conference committee the freeze provision would have been eliminated. When the bill did come back to the floor of the House from the conference, the freeze was still a part of the legislation, and it was primarily for that reason that I cast one of the three votes that were cast in opposition to the conference report in December of 1967.

I support the repeal of the freeze for two reasons. First of all, I think it is unfair to the States to shift the cost of paying a tremendous portion of the AFDC program upon them when the increased cost of those porgrams results from factors which are largely beyond the control of the States.

Second, I believe that the AFDC freeze could not help but work a hardship upon all of the AFDC recipients of the country. The AFDC freeze provision was aimed primarily at only one segment of the AFDC caseload. By its own terms, it would have operated whenever there was an increase in the proportion of children in any State who are drawing benefits by reason of the fact that they had been abandoned by their fathers. Yet, under the general provisions of the Social Security Act, all of the families, including those in which the fathers were dead, disabled, or unemployed, would have felt the effects of the freeze. The States would have had no choice in this matter since the law provides that the programs be administered uniformly with regard to all recipients.

It is clear, Mr. Speaker, that if the freeze provision had been allowed to become operative next Tuesday, most States would have been required ultimately to have reduced benefits payments for all recipients and probably on top of that, to increase their eligibility standards thereby making it more difficult for individuals to qualify for assistance under the program.

For these reasons, Mr. Speaker, I will very happily vote in favor of the conference report.

Mr. STOKES. Mr. Speaker, I rise in support of the conference report.

There is no doubt in my mind that the AFDC freeze should be repealed as provided in the conference report. If the freeze provision were allowed to go into operation on July 1, not only would the State and local governments have to assume the burden of paying for 100 percent of the benefits received by individuals on the AFDC rolls in excess of the limitations laid down in the freeze, but also the AFDC recipients on the rolls in most States would have suffered unconscionable hardship. According to the budget for this fiscal year, the freeze provision would have required the States to assume obligations normally the responsibility of the Federal Government in the amount of $322 million.

Most States would undoubtedly have been forced to lower their benefit payments for all AFDC recipients in an effort to finance their programs within available resources. I would like to emphasize that the effects of the freeze would have been felt by all recipients on the AFDC rolls, regardless of the reason for their being there.

As indicated by the statement of the gentleman from Louisiana who is managing the conference report, it is obvious beyond doubt that the freeze position, in addition to being unjust in principle, has proven to be ineffectual in application. I, therefore, believe that this House is to be commended for recognizing when it has made a mistake and taking the proper steps to undo its mistakes. This is clearly what we are doing today in voting to repeal the AFDC freeze.

Mr. RODINO. Mr. Speaker, I am most gratified that the House votes today on the conference report on H.R. 8644 which would repeal the AFDC freeze that otherwise would go into effect on July 1 under existing law.

In my judgment, the freeze proposal was, from the time it was first enacted, a most unwise, unrealistic, and inhumane approach to solving the serious problem of rising welfare costs and inequities existing in our welfare system. In this connection, I would like to have included in the RECORD an excellent editorial from the June 26 issue of the Newark Evening News commenting on the situation created by the freeze in New Jersey and on a recent court decision upholding it. The editorial concludes:

National inequities on the welfare program still cry for correction in a thorough overhaul which would shift all welfare costs to the federal government.

I most strongly agree with this assessment of the problem and will continue to work for legislation along these lines.

The full text of the editorial follows:

RIGHTING A WRONG

Refusal of a federal court in Newark to upset the freeze on federal participation in the Aid to Dependent Children program leaves this necessary action to Congress, which was responsible for the action in the first place. And with the restriction scheduled to take effect next Tuesday, Congress has little time to respond.

The court is understandably reluctant to interfere with an act of public safety, short of evidence of unequal application, other discrimination or denial of due process. The court held none of these objections applies to Congress' determining that coverage must be held to a fixed percentage of children in a state, regardless of how fast the number of individual cases grows.

This need not mean closing the door to additional clients or paying them less than others, the court argued, for the state and counties could make up the additional cost—or, bleak alternative in an era of runaway prices, cut back every recipient. And there lies the difficulty, for Gov. Hughes has estimated that even to maintain present levels would cost New Jersey taxpayers an additional $10.2 million a year.

The Senate voted last week to eliminate the freeze, and sent the measure to conference with the House. The House should concur promptly. National inequities on the welfare program still cry for correction in a thorough overhaul which would shift all welfare costs to the federal government. Congress should be moving in that direction, and not toward foisting more of the burden on the states.

Mr. DONOHUE. Mr. Speaker, as one of the many sponsors of legislation—H.R. 4576—in this Congress to repeal the existing provisions in the social security law limiting the number of children with respect to whom Federal payments may be made under the program of aid to families wtih dependent children, I most earnestly urge and hope that this House will promptly and overwhelmingly approve the conference report before us, which will accomplish the objective outlined above.

When this so-called freeze or limiting amendment was included in the Social Security Act amendments by our legislative action here back in early 1968, many of us advocated against it and recorded ourselves in opposition, because we very deeply believed, despite the sincerity of its proponents, that the practical effect of such legislative action would prove to be unjust in its projection and uneconomical in its operation. That our doubts and fears about the wholesomeness and efficacy of this legislative proposal were well grounded is indicated by the fact that many of the leading proponents of this particular amendment have, most creditably, upon further research and study, come to agreement with those of us who originally protested against the amendment's merit.

In essence, we believe it is convincingly clear that this freeze proposal, if applied, would inevitably visit extreme hardship and deprivation upon great numbers of innocent and blameless children by forcing mothers into work-training programs, inducing unemployed or low-earning fathers to abandon children, setting up a very doubtfully effective and most uneconomical work-training program, and imposing unjustifiably larger tax burdens—in my own State, some $5 million—upon the citizens in our various States.

On the economic side, while the work training involved is for low-level jobs, the program is high cost, principally because a mother cannot be required to work or train unless child care facilities are provided. Budget figures show that average per-child day care costs are about equal to the average per-child cash benefit, thereby doubling the welfare outlay for these children on the very long-shot gamble that the new capacity to fill second-rate jobs will, at some indefinite future time, reduce wel-

fare rolls and costs. To most of us, this kind of operation represents a process of reasoning that leaves much to be desired.

As against this mandatory program, wise experience and authoritative evidence indicates that a voluntary program, giving decent jobs and better income, would provide sounder motivation and more lasting improvements than a forced program clouded with compulsion and distrust.

In short, upon the most careful study and examination, the attempt to cure a serious welfare problem by restricting payment benefits to blameless children would appear to be the wrong program for the wrong individuals at the wrong time.

Surely we can and we should, at the earliest moment, in legislative wisdom, provide a better way of helping unfortunate parents and families off the welfare dole, encourage fathers to remain with their families without loss of benefits, while granting them appropriate job training through the shift of child care funds and fostering a proper mother-children relationship that is the basis of wholesome family life. Let us, right now, act to repeal this freeze amendment and speedily move toward the accomplishment of a more equitable and effective child and family assistance program that will be truly in accord with our civilized traditions and beliefs.

Mr. FARBSTEIN. Mr. Speaker, I wish to restate today my strong support for the repeal of the AFDC freeze, a proposal which was embodied in my bill, H.R. 5978, introduced in February of this year.

My regret is that Congress has been so slow in taking definitive action on the repeal. Under law the freeze is to go into effect July 1 of this year, just a few days from now. Understandably, the States have become more and more disturbed by the slowness of our response to this deadline. They stand to lose about $300 million in Federal matching funds in fiscal year 1970 if the freeze becomes effective.

My own State of New York, with its very large welfare burden, would be particularly hard hit by the freeze. Welfare analysts in my State estimate that we would lose approximately $80 million a year in Federal funds under the freeze provision. In this period of particularly high and rapidly growing welfare costs, the additional cost to the State would be almost impossible to absorb.

There is, at this time, no justification for retaining the freeze. The rationale behind its initial adoption as part of the 1967 welfare amendments was to act as a spur to the States to initiate rehabilitative programs which would move families off the AFDC rolls and into self-sufficiency. The freeze has not served this purpose. Despite the threat of a cut-off in Federal funds, the work incentive and other programs which the Congress provided in the 1967 amendments have been developed extremely slowly. This has not been the sole fault of the States. The Departments of Health, Education, and Welfare and of Labor have also moved slowly in providing the States with guidelines for programs and in the actual establishment of work and training programs to which the States could refer their welfare recipients. We cannot place a responsibility for action on the States which is not fully theirs.

I also want to note that the administration has recommended repeal of the freeze, and has taken the repeal into consideration in its 1970 budget presentation. Thus, by repeal of the freeze we are not going to place any new or unexpected financial burden on the Federal Treasury. This is an expense which has already been anticipated.

Mr. Speaker, many of us in Congress look forward to fundamental changes and improvements in our welfare system. Legislation which I have introduced would establish nationally uniform minimum standards for welfare and would provide for increased Federal matching for welfare programs. Until we have time to undertake more basic legislation, however, we must at least attempt to keep our present system functioning as adequately as possible. We must remove the financial threat to our States and to our welfare recipients which the AFDC freeze embodies. The repeal has been passed by the Senate and approved in conference. I hope we shall overwhelmingly agree to it here today.

Mr. RYAN. Mr. Speaker, I am pleased that the conference report on H.R. 8644 eliminates the freeze on aid to families with dependent children payments which was imposed as part of the Social Security Amendments of 1967.

I should like to take this opportunity to commend our colleague from California (Mr. BURTON) for the part he played in convincing the conferees of the importance of this action. His intimate knowledge of social security and welfare issues combined with his parliamentary skill were instrumental in making it possible for the conference report to be before us today with a unanimous recommendation on the part of the conferees.

This recommendation recognizes the disastrous effects which the freeze on AFDC funds would have on the lives of those citizens dependent on public assistance and on the financial resources of our large urban States. I vigorously opposed the AFDC freeze when it first came before the House in August of 1967. I pointed out that it would adversely affect the large industrial States like New York, California and Illinois, which are the recipients of migration from the rural South, which, by contrast, would lose nothing in Federal payments through this provision. When the freeze was enacted despite my objections, I joined 17 other House Democrats in urging the chairman of the Senate Finance Committee to reject the "antiwelfare" provisions of the bill passed by the House. Among the five antiwelfare provisions specified in that letter was the AFDC freeze.

When the conference report was brought before the House in December of 1967, I reaffirmed my objections to the AFDC freeze and pointed out the disastrous effects it would have on public welfare programs in urban areas. Despite my objections, and those of many other Members, the AFDC freeze was adopted by the Congress, however.

Subsequent to the enactment of this provision of the social security amendments I have introduced legislation to repeal the AFDC freeze in two Congresses—H.R. 14609 in the 90th Congress and H.R. 618 in the 91st Congress. I have additionally cosponsored H.R. 11662 with several Members which would also repeal the freeze on AFDC payments.

As I said in introducing legislation to repeal the AFDC freeze in January of 1968:

> In the absence of bold and imaginative efforts to solve the causes of poverty, welfare costs will continue to rise, unless we are willing to see people starve. It is no solution to take out the failures to deal with these problems on impoverished families and dependent children. The percentage freeze on AFDC payments is particularly unwise because it penalizes States which are the net recipients of rural migrants and it punishes children whose sole crime is to have been born of indigent or separated parents.

The effect of the freeze on New York City, as estimated by Mitchell Ginsberg, administrator of the New York City Human Resources Administration, would be between $30 and $50 million in possible Federal revenue. This year New York City budgeted $50 million to cover the loss produced if the AFDC freeze were put into effect. But severe budgetary strains have caused the city to subsequently remove this allocation from the budget.

Hence, if the AFDC freeze is instituted, the only recourse for New York—given its limited financial resources—will be to reduce the level of AFDC payments. At a time when inflation is already severely taxing the meager resources of those dependent on public assistance, a reduction in payments would cause inestimable suffering and hardship to financially deprived families.

Many individuals and organizations have worked diligently to explain the consequences of the AFDC freeze to Congress. In particular, I believe Dr. George A. Wiley and the National Welfare Rights Organization, of which Dr. Riley is executive director, deserve special mention for their efforts to make the poor of this Nation aware of their rights under existing public assistance laws and the implications of the AFDC freeze.

Mr. Speaker, I urge the House to accept the recommendation of the conference report to repeal the ill-considered freeze on AFDC payments which was enacted in 1967. To retain this provision in the face of the mounting crisis in our cities would constitute an abdication of our responsibility. Congress has to assist our urban areas in their efforts to provide decent standards of public assistance to those citizens caught in the vicious cycle of poverty which engulfs our inner city areas.

Mr. BOGGS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 65, not voting 98, as follows:

[Roll No. 95]

YEAS—269

Adair	Ford, Gerald R.	Monagan
Adams	Ford,	Moorhead
Addabbo	William D.	Morse
Albert	Foreman	Morton
Anderson,	Frelinghuysen	Mosher
Calif.	Frey	Moss
Anderson,	Friedel	Murphy, Ill.
Tenn.	Fulton, Pa.	Murphy, N.Y.
Andrews,	Fulton, Tenn.	Myers
N. Dak.	Galifianakis	Nelsen
Annunzio	Garmatz	Nix
Arends	Gaydos	Obey
Ashley	Giaimo	Olsen
Aspinall	Gilbert	O'Neill, Mass.
Ayres	Goldwater	Ottinger
Barrett	Gonzalez	Patman
Beall, Md.	Goodling	Patten
Belcher	Green, Oreg.	Pelly
Bell, Calif.	Gubser	Perkins
Bennett	Halpern	Philbin
Betts	Hamilton	Pike
Biaggi	Hammer-	Pirnie
Biester	schmidt	Poff
Blackburn	Hanley	Pollock
Blanton	Hanna	Preyer, N.C.
Boggs	Hansen, Idaho	Price, Ill.
Boland	Hansen, Wash.	Pucinski
Bolling	Harsha	Quie
Bow	Harvey	Quillen
Brademas	Hastings	Rees
Brasco	Hathaway	Reid, Ill.
Brock	Hechler, W. Va.	Reid, N.Y.
Brooks	Hogan	Reifel
Broomfield	Holifield	Reuss
Brotzman	Horton	Rhodes
Brown, Ohio	Hosmer	Riegle
Broyhill, N.C.	Howard	Robison
Buchanan	Hungate	Rodino
Burke, Mass.	Hunt	Rogers, Colo.
Burleson, Tex.	Hutchinson	Rooney, N.Y.
Burlison, Mo.	Jacobs	Rooney, Pa.
Burton, Calif.	Jarman	Rosenthal
Burton, Utah	Johnson, Calif.	Roth
Bush	Johnson, Pa.	Roudebush
Button	Jonas	Roybal
Byrnes, Wis.	Jones, Ala.	Ryan
Cabell	Karth	St Germain
Camp	Kastenmeier	St. Onge
Carter	Kazen	Sandman
Cederberg	Keith	Saylor
Chamberlain	King	Schadeberg
Chisholm	Kleppe	Schneebeli
Clawson, Del	Koch	Schwengel
Clay	Kuykendall	Sebelius
Cleveland	Kyl	Shipley
Collins	Kyros	Shriver
Conte	Langen	Sisk
Conyers	Lipscomb	Skubitz
Corbett	Lloyd	Slack
Corman	Long, Md.	Smith, Calif.
Coughlin	McCarthy	Smith, Iowa
Culver	McClory	Springer
Cunningham	McCloskey	Stafford
Davis, Ga.	McCulloch	Staggers
de la Garza	McDade	Steed
Dellenback	McDonald,	Stokes
Dennis	Mich.	Stratton
Dent	McFall	Sullivan
Diggs	McKneally	Symington
Dingell	Macdonald,	Taft
Donohue	Mass.	Talcott
Downing	MacGregor	Teague, Calif.
Dulski	Madden	Thompson, Ga.
Duncan	Mailliard	Thomson, Wis.
Dwyer	Marsh	Tiernan
Eckhardt	Matsunaga	Udall
Edwards, Ala.	May	Utt
Edwards, Calif.	Mayne	Van Deerlin
Eilberg	Meeds	Vander Jagt
Erlenborn	Melcher	Vanik
Esch	Michel	Vigorito
Eshleman	Mikva	Waldie
Fallon	Miller, Calif.	Wampler
Farbstein	Mills	Watts
Fascell	Minish	Weicker
Feighan	Mink	White
Findley	Minshall	Whitehurst
Flood	Mize	Widnall
Foley	Mollohan	Wilson, Bob
Winn	Wylie	Young
Wold	Yates	Zablocki
Wyatt	Yatron	Zwach

NAYS—65

Abbitt	Gross	Poage
Abernethy	Hagan	Price, Tex.
Alexander	Haley	Randall
Andrews, Ala.	Hall	Rarick
Baring	Henderson	Rivers
Bevill	Hull	Roberts
Bray	Ichord	Rogers, Fla.
Brinkley	Jones, N.C.	Ruth
Burke, Fla.	Jones, Tenn.	Satterfield
Caffery	Landgrebe	Scherle
Colmer	Landrum	Scott
Cramer	Mahon	Sikes
Daniel, Va.	Mann	Steiger, Ariz.
Devine	Martin	Stephens
Dowdy	Miller, Ohio	Stubblefield
Fisher	Mizell	Stuckey
Flowers	Natcher	Taylor
Flynt	Nichols	Teague, Tex.
Fountain	O'Konski	Watson
Fuqua	O'Neal, Ga.	Whitten
Gettys	Passman	Williams
Griffin	Pickle	

NOT VOTING—98

Anderson, Ill.	Evins, Tenn.	Nedzi
Ashbrook	Fish	O'Hara
Berry	Fraser	Pepper
Bingham	Gallagher	Pettis
Blatnik	Gibbons	Podell
Brown, Calif.	Gray	Powell
Brown, Mich.	Green, Pa.	Pryor, Ark.
Broyhill, Va.	Griffiths	Purcell
Byrne, Pa.	Grover	Railsback
Cahill	Gude	Ronan
Carey	Hawkins	Rostenkowski
Casey	Hays	Ruppe
Celler	Hébert	Scheuer
Chappell	Heckler, Mass.	Smith, N.Y.
Clancy	Helstoski	Snyder
Clark	Hicks	Stanton
Clausen,	Joelson	Steiger, Wis.
Don H.	Kee	Thompson, N.J.
Cohelan	Kirwan	Tunney
Collier	Kluczynski	Ullman
Conable	Latta	Waggonner
Cowger	Leggett	Watkins
Daddario	Lennon	Whalen
Daniels, N.J.	Long, La.	Whalley
Davis, Wis.	Lowenstein	Wiggins
Dawson	Lujan	Wilson,
Delaney	Lukens	Charles H.
Denney	McClure	Wolff
Derwinski	McEwen	Wright
Dickinson	McMillan	Wydler
Dorn	Mathias	Wyman
Edmondson	Meskill	Zion
Edwards, La.	Montgomery	
Evans, Colo.	Morgan	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Waggonner with Mr. Ashbrook.
Mr. Ullman with Mr. Latta.
Mr. Delaney with Mr. Cahill.
Mr. Hicks with Mr. Stanton.
Mr. Pepper with Mr. Pettis.
Mr. Thompson of New Jersey with Mr. Meskill.
Mr. Dorn with Mr. Davis of Wisconsin.
Mr. Tunney with Mr. Conable.
Mr. Fraser with Mr. Railsback.
Mr. Hays with Mr. Clancy.
Mr. Edwards of Louisiana with Mr. Snyder.
Mr. Lennon with Mr. Berry.
Mr. Daniels of New Jersey with Mr. Steiger of Wisconsin.
Mr. Edmondson with Mr. Denney.
Mr. Brown of California with Mr. Ruppe.
Mr. Pryor of Arkansas with Mr. Lujan.
Mr. Long of Louisiana with Mr. Dickerson.
Mr. McMillan with Mr. Broyhill of Virginia.
Mr. Kirwan with Mr. Lukens.
Mr. Podell with Mr. Grover.
Mr. Carey with Mr. Fish.
Mr. Gallagher with Mr. Brown of Michigan.
Mr. Daddario with Mr. McClure.
Mr. Lowenstein with Mr. Smith of New York.
Mr. Rostenkowski with Mr. Collier.
Mr. Scheuer with Mr. Whalen.
Mr. Morgan with Mr. Gude.
Mr. Celler with Mr. McEwen.
Mr. Casey with Mr. Cowger.
Mr. Blatnik with Mr. Watkins.
Mr. Evins of Tennessee with Mr. Don H. Clausen.
Mr. O'Hara with Mr. Whalley.
Mr. Evans of Colorado with Mr. Derwinski.
Mr. Charles H. Wilson with Mr. Mathias.
Mr. Leggett with Mr. Wydler.
Mr. Kluczynski with Mr. Zion.
Mr. Clark with Mr. Wyman.
Mr. Cohelan with Mr. Dawson.
Mr. Gray with Mr. Gibbons.
Mr. Green of Pennsylvania with Mr. Hechler of West Virginia.
Mr. Bingham with Mr. Hawkins.
Mr. Helstoski with Mr. Powell.
Mr. Ronan with Mr. Purcell.
Mr. Joelson with Mr. Montgomery.
Mrs. Griffiths with Mr. Nedzi.
Mr. Wright with Mr. Byrne of Pennsylvania.
Mr. Chappell with Mr. Kee.

Mr. FISHER and Mr. FUQUA changed their votes, from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on H.R. 8644 just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I further request unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution (H. Res. 455) previously agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TO AMEND THE ACT OF NOVEMBER 8, 1966

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4297) to amend the act of November 8, 1966, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 9, strike out "$850,000"." and insert "$850,000", " and adding at the end thereof a new sentence as follows: "Authority is hereby granted for appropriated money to remain available until expended." "

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the distinguished majority leader to advise us as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the inquiry of the distinguished gentleman from Illinois, Mr. Speaker, we are listing for Monday and the balance of the week:

H.R. 12290, to temporarily continue the income tax surcharge and certain excise taxes and to repeal investment credit, and for other purposes, under a closed rule with 4 hours of debate waiving points of order; and

H.R. 11400, the second supplemental appropriation bill for fiscal year 1969—the conference report.

There will also be called up by the gentleman from Maryland (Mr. FRIEDEL) miscellaneous printing resolutions from the Committee on House Administration. In addition to that, Tuesday is Private Calendar day and the Private Calendar will be called. We also hope to adopt the concurrent adjournment resolution sometime on Monday or Tuesday. I note, of course, that the Independence Day recess starts at the close of business Wednesday, July 2, and the House reconvenes on Monday, July 7.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 30

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week, July 2, 1969, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask the gentleman, is it possible to go through the first two bills and could they both be called up on Monday? Is it possible?

Mr. ALBERT. It is possible. I doubt that it is probable, I will say to the gentleman, because of the 4-hour debate on the tax bill, but we do hope to finish the legislative business on Tuesday. We have two very important bills next week; if we can finish them by Tuesday, Members can do their office work on Wednesday and be free to leave as soon as the adjournment resolution is adopted.

Mr. ARENDS. I thank the gentleman. That is what I thought.

AUTHORIZING THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AND THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LIFE IS FUN, FUN, FUN FOR THE YOUNG

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of the House an article from the University of Kentucky Notes for the Veterinary Practitioner, April 1, 1968, which seems particularly timely:

While the FCC is berating television for its cigarette commercials, we wish it would look into another aspect of TV ads aimed not at corrupting the youth, but at demoralizing the adult. In TV commercials, nothing good happens to anyone past the age of discretion. Life seems to end at age 25.

Watch the people in these ads for awhile. Teenagers invariably have great glistening teeth. Adults have dentures and denture breath. Boys switch hair grease and girls are glad. Men don't have hair. If they do, it is full of dandruff. Boys douse themselves with shaving lotion and wait to beat off the women, like traps full of cheese. Older men are happy to find something that drains all eight sinuses.

Young people have fun. Older people have nagging headaches. Young people spend all night wolfing hamburgers at amusement parks or beach parties. Older people go to a nearby movie and have to leave because their stomach is killing them. Girls have yards of blonde hair full of body, and boys nuzzle it. Wives have gray hair and their husbands won't take them dancing.

Men work hard and get ahead, only to have some pimply assistant tell them they have bad breath. The teen-age wife makes a cup of coffee and turns her husband into a sex maniac. The older wife washes, irons, mops floors, and puts up with birds on the sink, and her husband comes home with a miserable headache and takes it out on her. Girls are always washing their hair. Wives are always washing dishes.

Teen-agers wear sneakers and sandals. Adults wear support hose. Teen-agers rub each other with suntan oil. Adults rub each other with liniment. Teen-agers spend a lot of time in boats, sports cars, and swimming pools. Adults spend their time in doctors' offices and listening to tedious insurance peddlers. Adults get hay fever and sneeze. Young people are always at the end of a glorious evening. Adults are always at the end of their rope.

Life is fun, fun, fun for the young. They can laugh even with their mouths full of hair. About the only happy time for an adult is when he has an accident and the insurance company pays off. It isn't fair.

Worse, we have a feeling that it's all too true.

THE CREDIBILITY CHASM: NEW ADMINISTRATION MOVES NEAR THE BRINK

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, when my longtime and respected friend, Herb Klein, took office as President Nixon's communications director, he made himself responsible for keeping open the channels of truthful information to the American public.

As of this morning, Mr. Klein seems faced with his first serious challenge.

Late editions of yesterday's Los Angeles Times quoted HEW Secretary Robert Finch as saying he would resign if denied the appointment of Dr. John H. Knowles as Assistant Secretary for Health and Scientific Affairs.

Later in the day, both the White House press secretary and Secretary Finch himself flatly denied that published report. Their denials are carried widely in this morning's newspapers.

The Times, though, has a different story, one of intrigue and purported behind-the-scenes wheeling and dealing over the proposed nomination of Dr. Knowles.

In fact, there seems to be some suspicion that Dr. Knowles—and the objections to his appointment from some of the mossier elements of the American Medical Association—are being used to trade for votes on the administration's surtax extension bill.

I continue to have full confidence in the Los Angeles Times. The coverage of the Knowles case is the kind of responsible, enterprise reporting we have come to expect from the Times and, in particular, from Tom Foley, the reporter who broke the story of Secretary Finch's threat to resign.

At this point, I will include two articles from this morning's Los Angeles Times dealing with the Knowles situation:

THE KNOWLES CASE: NIXON'S DOMESTIC POLICIES AT STAKE

(By Robert J. Donovan)

WASHINGTON.—Robert H. Finch's agony over the Knowles case raised serious questions Thursday not only about the influence and political future of the secretary of health, education and welfare but over the direction of the Administration's domestic policy.

The essential question is whether Finch's victory or defeat in this case, which will be decided today or Saturday, will foreshadow a progressive or conservative course in civil rights, welfare and other major fields.

The immediate issue is whether Dr. John H. Knowles, a liberal favored by Finch but opposed by the American Medical Assn. and its conservative allies in Congress, is to be nominated by President Nixon as Finch's chief assistant in the health field.

The President and his associates, who pride themselves on adminstrative efficiency, have made a monstrosity out of the handling of this matter. Washington has not seen a worse mishmash of its kind in years.

DIFFICULTY IN DECIDING

At the very least—and not for the first time either—it has portrayed the Nixon Administration as having great difficulty making up its mind on a tough issue.

Beyond that, however, the showdown, in which the President took a direct hand Thursday, harbors deeper implications. Since Finch has become preeminently the symbol of the moderate, progressive elements in the Administration, for example, would his defeat signify that the conservatives in the White House and in Congress have got the upper hand with the President?

Already an outcry has been raised by liberals—and even some conservatives—against the Administration's first civil rights program—a proposal outlined to Congress Thursday by Atty. Gen. John N. Mitchell. It would replace the soon-to-expire 1965 Voting Rights Act, which Negroes regard as an important symbol, with a new law to ban literacy tests for voting everywhere in the country.

Furthermore the Administration appears to be on the brink of a new policy giving some racially segregated school districts in the South more time to desegregate.

All of this, let alone the possibility of a conservative being chosen instead of Dr. Knowles as assistant secretary for health and scientific matters in HEW, adds up to welcome news for Southern conservatives. This is the case despite the fact that the Administration will argue strongly that its voting bill and school guidelines are not regressive but are designed to meet changing conditions.

FOLLOWING SOUTHERN STRATEGY?

Still, especially now that the Knowles case is in the headlines from coast to coast, the question is being asked here whether the President may not be following a so-called Southern strategy.

There was speculation on Capitol Hill Thursday, for example, that Mr. Nixon might be trying to talk Finch out of the Knowles nomination in exchange for Republican and conservative Southern votes in the tight fight over extension of the 10% income tax surcharge.

Whatever strategy finally emerges, the President has put Finch through an ordeal on the Knowles case.

As far back as January Finch tapped the Massachusetts physician to be chief operating officer for extensive medical programs, including Medicare and Medicaid.

Congressional allies of the AMA swung into opposition to Knowles behind the leadership of Sen. Everett M. Dirksen (R.-Ill.), Senate minority leader.

After five months of tugging and hauling, Finch seemed to have won his fight. At his televised press conference last week the President said he would support whomever Finch recommended.

Then on Tuesday, Finch said that "a letter is going to the White House with a recommendation" and Dirksen as much as conceded defeat.

Evidently, however, enormous hidden pressure continued to be applied to Mr. Nixon presumably by senators and representatives who received campaign contributions from the AMA. The medical association is one of the largest contributors to House and Senate candidates.

In any case, just when Mr. Nixon was expected to nominate Knowles, word leaked from Capitol Hill Wednesday night that he had changed his mind.

On Thursday instead of sending up the nomination the President sat down with Finch and discussed several possible candidates for the post, of whom Knowles was only one. This was either some kind of unfathomable window-dressing or else a severe setback to Knowles' chances and, if this is the way it works out, to Finch's influence and prestige.

Finch, who resigned as lieutenant governor of California last January to come to Washington, knew he was taking a big gamble with his political future by heading HEW when he could have had any one of several other important posts.

He was aware that HEW would be the cockpit of bitter fights over civil rights, school desegregation, medical care and welfare.

Finch is politically ambitious. While he knew that HEW might prove a political graveyard for him he calculated that he could win his fights, or enough of them anyway, and emerge with an even greater reputation than he had when he entered.

From the outset he became, in many eyes, the star of the Administration, its most publicized and glamorous figure.

Now, however, he has run up against the buzz-saw of conservative Republican power in this city, and the outcome of his gamble is at stake.

The changing of the school desegregation guidelines, which is expected to be proposed either today or early next week, will not enhance his reputation among the liberals, in all probability. If in addition he should feel forced to surrender on Knowles, his standing here would be diminished politically. It would suggest among other things that his influence with the President is somewhat less than has been pictured.

Indeed the Knowles case seems to have become a symbol of its own—a symbol of the conservatives' influence with the President. This may be why Mr. Nixon has found it necessary to put the star of his Administration and a loyal friend of long standing through an ordeal that is not just uncomfortable but may be politically damaging to Finch in the end.

FINCH BATTLE WITH PRESIDENT ON KNOWLES CASE NEARING CLIMAX

WASHINGTON.—A tug of war between President Nixon and his longtime political ally, Welfare Secretary Robert H. Finch, over the appointment of an assistant secretary for health neared a climax Thursday after a 45-minute Nixon-Finch White House conference.

Only one thing seemed clear, however, at the end of a day of confusing and often conflicting statements: Finch's choice of Dr. John H. Knowles of Boston for the job was as much in doubt as it has been anytime in the five-month history of the controversy.

White House Press Secretary Ronald Ziegler said no final decision had been reached but indicated the nomination of someone would be announced today or Saturday.

Late Thursday, Finch authorized his press office to say the Health, Education and Welfare Department would issue a statement today on the matter. A spokesman did not say what the statement would be about—except that it would not reveal who would get the appointment.

The only hint of the outcome came from Sen. Charles F. Goodell (R-N.Y.), a Knowles supporter, who told newsmen in mid-afternoon Thursday that he was confident Finch would recommend Knowles and that the announcement would be made today. Goodell's prediction was made after he talked with top HEW officials but before Finch returned to his department after the White House conference.

At a White House briefing for newsmen Ziegler denied that Finch had threatened to resign if the President did not support his recommendation of Knowles, 43-year-old head of Boston's Massachusetts General Hospital, for the HEW post. The Times quoted Finch Thursday as saying the President would "have to find another secretary" if he did not name Knowles and The Times stands on the accuracy of its report.

Finch chose Knowles for the job last Jan. 15. Knowles immediately ran into heavy but largely behind-the-scenes fire from the American Medical Assn. and Senate Minority Leader Everett M. Dirksen (R-Ill.).

The basis of the AMA objections to Knowles appear to be varied. The only public statement was made April 23 by the AMA President Dr. Dwight L. Wilbur, who said the association favored the appointment of someone who would represent "the broadest scope of meidcine and would not be too closely oriented to any one segment of medicine or the health field."

Knowles, a physician, has been primarily a hospital administrator and it was his well-recognized success in this regard at the huge Boston medical complex that first attracted him to Finch.

The AMA opposition is also believed to stem from other factors. Knowles has been an outspoken advocate of prepaid medical insurance for all Americans, an issue that has been anathema to the AMA for decades.

WANTS VOICE

Furthermore the association is said to have felt that in return for its substantial support for Republican office holders, particularly in the House, it should have a voice in the selection of the assistant HEW secretary who would be running the increasingly important federal health programs.

During the months of struggle, while the AMA's fight was being led by Dirksen, White House officials refused to acknowledge that Finch had reached a final decision in favor of Knowles—and Finch continued to insist he had not changed his mind.

There was little question that the Senate would confirm Knowles if the President submitted the nomination. Knowles has had the open and enthusiastic backing of Senate Majority Whip Edward M. Kennedy (D-Mass.) and Sen. Edward W. Brooke (R-Mass.).

However, Finch was said to be concerned that proposing Knowles in the face of Dirksen's opposition might endanger other HEW programs. He also wanted to avoid an open party scrap.

FINCH RESPONSIBILITY

At his news conference last week Mr. Nixon was asked whether he supported his HEW secretary, Finch, or his Senate leader Dirksen. He replied that Finch has the responsibility for selecting his assistant secretaries and that "when he makes a recommendation . . . I will support that recommendation." Furthermore he said Finch would make the recommendation this week.

Finch visited Dirksen briefly Tuesday at the Capitol on another matter and told newsmen later that he had written a letter to the White House with his recommendation, although saying he was not sure the letter "has actually left my office yet."

Through it all there was never any question that Knowles was Finch's man. Thus Finch expressed surprise when he was informed by Times reporter Thomas J. Foley early Thursday morning that Mr. Nixon was being quoted by senators and congerssmen as saying Knowles was out.

KNEW NOTHING

Finch, who had been in New York during the day, said he knew nothing of any change and that neither the President nor any other White House official had called him about it. Finch said he would like to make some phone calls and would call the reporter back.

He did so and told Foley he had not been able either to confirm or deny that the President had decided not to back Knowles. But he said he had no reason to believe the post would go to anyone other than Knowles.

During the telephone conversation Finch was asked what a repudiation now—after Mr. Nixon's televised news conference support would mean to him.

"Well, he'd have to find another secretary," Finch replied.

SON LISTENING

After the telephone conversation, Foley discovered that his 19-year-old son, who had become intrigued by the story his father was reporting, had been listening to the conver-

sation on an extension in another part of the house.

Finch went to the White House early Thursday morning for a series of meetings but first authorized the HEW press office to issue a statement saying a number of names had been discussed with the White House and that Finch "has indicated his preference for assistant secretary for health and scientific affairs. The selection is now up to the White House."

A few minutes later, however, Ziegler told newsmen several times at his regular morning briefing that "no final recommendation had been made. Asked if the White House had received the Finch letter, Ziegler said there had been no formal recommendation.

A 45-MINUTE TALK

At his afternoon briefing Ziegler told newsmen the President and Finch had talked for about 45 minutes and that "several names were discussed" but that no final decision had been made. He said he was confident it would be made before the end of the week.

Ziegler was asked about the HEW statement that a letter with Finch's recommendation had gone to the White House. Ziegler replied, "This matter is not being handled in a letter manner." He said it was being handled in conference between the President and Finch.

"VERY ACCURATE"

Next Ziegler was asked about a report circulating on Capitol Hill that the nomination was being withheld pending a vote in the House on the President's request for an extension of the 10% surtax. Ziegler said he had no knowledge of any such request by lawmakers.

Asked about Foley's story on the threatened resignation, Ziegler said, "I can categorically and absolutely deny" that this is Finch's position.

When informed that Foley's son had heard the conversation, Ziegler replied, "Tom Foley of the Los Angeles Times is a very fine reporter, a very accurate reporter . . . What I'm reporting here is what I was told."

At the HEW department Finch issued a statement that "I have no intention of leaving the Administration. I regard my post as HEW secretary as a four-year commitment."

In Boston a spokesman for Knowles said the doctor would have nothing to say about the issue. Knowles has maintained a discreet public silence about the controversy swirling around him. However, he is known to be anxious to take the job and accepted the offer from Finch as soon as it was made last January.

TREATED "SHABBILY"

One congressional source close to the fight said he was concerned that Knowles "has been treated so extraordinarily shabbily" by the opposition to his appointment.

The biggest unanswered question Thursday was why the President changed his mind, if indeed he has, about supporting Finch's choice.

Some sought to tie it to the surtax fight, speculating that a certain number of additional conservative Republican votes would be obtained for the unpopular tax measure in return for dropping the Knowles appointment. However, several House Republican leaders denied any such motive.

HERE IS ONE WAY TO REDUCE POSTAL DEFICIT

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I am here inserting for inclusion in the RECORD a copy of an editorial from a newspaper published in my district.

It concerns the practice of Federal departments and agencies sending out one- and two-page news releases in big 8½ by 11 envelopes.

I commend the editor for publicizing this practice. I am confident that there are many, many other wasteful uses of the mail being made by Federal departments and agencies.

In an effort to start some action in this area, I am writing each Cabinet member and the heads of all major independent agencies to ask that each appoint a responsible official in their department or agency to look into their use of the mail and make recommendations as to more efficient use. I am asking that they report to me what actions they take in response to this request.

I invite all of my colleagues to join me in this effort to insist that before we increase postal rates or make other demands upon the public regarding the postal service, we insist that the Federal Government put its own house in order.

The editorial, taken from the Goldsboro, N.C., News-Argus of June 24, 1969, is as follows:

BY DURN, MAYBE WE CAN DO SOMETHING

We Americans have a built-in cushion of apathy that keeps us from going completely ape over the incomprehensibly big problems we can't do anything about—like the national debt.

But every now and then one of the little things can really get our dander up and it makes our whole day when, with a stroke of inspiration, we realize we CAN do something about it.

For months we have a couple of times a week had our day marred by getting in the mail a "news release" from some government agency.

The release would be a single page, or, perhaps two pages. But it invariably would come in a whopping 12½ by 10 inch manila envelope—and of course at government expense.

The U.S. Department of Commerce and the Internal Revenue Service are habitual in this.

Not only does the big envelope cost 10 times what a regular size envelope costs, but because of its additional weight, it falls into a 12 cents rather than six cents postage rate.

Now it seems to us that an economy-minded Congress or department heads should have lowered the boom on such obvious and easily eliminated waste long before now.

But since they haven't, through inspiration born of frustration, we have come up with a plan of persuasion:

Let's all of us in the newspaper, radio and TV field who receive these "news releases" make a deal with the government agencies. If they will send their releases in regular size envelopes whenever possible, we'll consider them. But if they send them in the whopping 12½ by 10 inch jobs, we'll file 13 them without even looking.

There are almost 10,000 newspapers in this country. Based on one weekly news release each from the IRS and the Department of Commerce to newspapers alone, the potential savings in postal costs would exceed $150,000 annually.

NEED FOR DAY CARE FACILITIES

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, on June 12 I introduced the Day Care Center Facilities Act, a bill which would authorize $55 million a year during the next 4 years to renovate and construct child-care facilities.

The need for additional facilities is of such growing magnitude that there is no question but that a federally supported national program will have to be initiated within the next few years. It is important, however, that the Congress act now before the situation becomes any more urgent.

To indicate one part of the problem in very concrete terms, I include here a column from the March 31 issue of the Washington Post:

DAY-CARE SHORTAGE HURTS JOB TRAINING

(By William Raspberry)

Don't talk to Maurice Knighton about welfare recipients not wanting to work. He knows better.

But if you want to talk about how society seems to be doing all it can to see to it that welfare recipients remain on the dole, that's something else again.

Knighton is president of the Sequential Computer Corp. at 6507 Chillum pl. nw. His firm is training 120 former welfare mothers as data transcribers under two Manpower Act programs.

The training program is a success, according to Knighton, the Labor Department and the women themselves.

But a number of women have had to leave the program because they can't find day-care facilities for their children.

"It's really a very serious problem for us," Knighton said. "I'd say that at least 85 per cent of these women are the sole support of anywhere from one to four children, mostly from newborn infants to 5 or 6 years old.

"There just isn't any adequate day-care service available to them, so they end up leaving the children with older relatives or in some cases virtually unattended.

"The result is accidents, lost time when the babysitters don't show up, full days lost sometimes when the children have to go to the clinics. Some of our women have actually moved so they could be close enough to a day-care center to get on the waiting list."

In an attempt to see what could be done about the problem, Knighton assigned his assistant, Michael Zajic (pronounced Zike), to explore the possibilities.

What Zajic found was that most of the legislation directed at training the hard-core unemployed takes note of the need for day care and often provides for payment for day-care services. But it does not provide for creating day-care facilities, and the problem is that there simply aren't nearly enough to go around—only some 3000 slots when more than 100 times that number are needed.

The Welware Department will reimburse mothers for babysitting services. The Department of Health, Education, and Welfare has some money available for upgrading established day-care centers. "But no government agency," Zajic said, "seems to have the authority, the ability and the money to establish a day-care center."

As a result, only between 6 and 7 per cent of Knighton's trainees have their children in day-care centers. The rest are being taken care of on a catch-as-catch-can basis.

It is a particular problem, he said, because most of the trainees have had almost no previous work experience and, as a result, no experience at procuring sitter services. The absence of adequate day care is the chief reason for the high turnover rate among the

trainees, Knighton said. About 20 of the first 60 enrollees have left the program.

Knighton thought he had come up with an ideal solution to the problem.

There is in the warehouse district where his officers are located a vacant restaurant that could be converted into a day-care center capable of handling up to 60 children.

In addition, next door to the restaurant is another vacant building that could be used for expanding the center. Knighton has an option on both buildings.

"We contemplated a Class A center that would meet the most stringent requirements for nutrition, health care, education, cultural experiences and the rest," he said. "We had in mind to operate on a nonprofit basis, with the mothers paying as little as $1 a week per child on a sliding scale based on income. We believe we could do it at 25 per cent less than any other Class A center in town and still provide a full-time registered nurse, trained teachers and one staffer for each five to seven children."

Knighton said he was willing to put $10,000 of the company's money into the center.

The problem is that he needs at least $25,000 to renovate the buildings as well as some operating funds. The money, as far as he can tell, simply isn't to be had.

A part of the reason is that much of the pertinent legislation simply assumes the existence of day-care facilities. Another is more philosophical: There is the rather middle-class notion that children under age 3 are better off at home with their mothers.

DR. MARK SHEDD SHOWS CALLOUS DISREGARD FOR NORTHEAST HIGH SCHOOL, PHILADELPHIA, ITS TEACHERS AND STUDENTS

(Mr. EILBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EILBERG. Mr. Speaker, at this moment, as I address this body the schools superintendent of Philadelphia, Dr. Mark Shedd, is showing the film "High School" to members of the Philadelphia Board of Education at the school administration building in Philadelphia.

The film is a controversial representation of education at, in the words of its director-producer, "a typical white middle-class school—Northeast High School in Philadelphia." Northeast High is in my district, the Fourth, of Pennsylvania.

Inexplicably, Dr. Shedd has not objected to out-of-Philadelphia showings of the film in its 6 months of existence. But Dr. Shedd has deliberately excluded the concerned community, including myself, and the faculty and students of Northeast—the "actors" in this film—from this screening.

After comparing accounts of the film in the press with the observations of the teachers and students of Northeast, I must conclude that the film is a gross distortion which does not begin to reflect the school's fine program.

For example, year after year, 70 percent of Northeast's graduates go on to some form of higher education.

Dr. Shedd's failure to lead in the defense of the school in face of criticism in the national press raises serious questions about his ability to preside as administrator of Philadelphia's entire school system.

His failure to take the lead in decrying this film as a gross misrepresentation shows his callous disregard for the school and its teachers and students, my constituents.

The Philadelphia taxpayers have a right to complain over the school superintendent's failure to obtain rent for the use of the premises over several weeks by the film's producer, Frederick Wiseman, or pursue an interest in the film's profits.

Dr. Shedd should not have allowed the film to be made on the school premises without the consent of the actors—the faculty and students. I advise interested participants in the film to determine their legal rights against Mr. Wiseman as well as Dr. Shedd.

I think the situation in Philadelphia closely parallels recent complaints against movie producers for using Federal facilities at Fort Benning, Ga., to film "The Green Berets" and at Pearl Harbor to film "Tora! Tora! Tora!" in violation of Government regulations.

I suggest to my colleagues that Dr. Shedd's conduct in this matter is such as to raise questions as to his credibility as he appears espousing many projects before our various congressional committees.

VOTING DISCRIMINATION

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the Attorney General of the United States presented a constructive and forthright statement at a meeting of the House Judiciary Subcommittee yesterday on the subject of voting rights.

In addition to calling attention to the benefits which have resulted from enactment of the Voting Rights Act of 1965 the Attorney General recommended extension of his authority so that voting discrimination can be attacked in all of the 50 States.

The precise measures which the Attorney General is recommending have not yet been introduced, and my personal attitude regarding the various proposals which he has made will depend on subsequent testimony and a careful review of the subjects to be covered.

Let me state initially that I have joined with a number of my Republican and Democratic colleagues in urging an extension of the 1965 Voting Rights Act. However, this should not be interpreted as meaning that I am satisfied that this is a complete answer to voter discrimination. Certainly this approach has relatively no effect on vote frauds, a subject which requires our earnest and prompt attention. Nor does it begin to approach other parts of the comprehensive attack which the Attorney General has proposed.

In his testimony before the House Judiciary Subcommittee, the Attorney General stated quite clearly that he was proposing amendments to the 1965 Voting Rights Act "designed to clearly strengthen and extend existing coverage in order to protect voting rights in all parts of the Nation."

In pursuit of this objective the Attorney General proposed the following:

First. A nationwide ban on literacy tests until at least January 1, 1974.

Second. A nationwide ban on State residency requirements for Presidential elections.

Third. The Attorney General is to have nationwide authority to dispatch voting examiners and observers.

Fourth. The Attorney General is to have nationwide authority to start voting rights law suits and to ask for a freeze on discriminatory voting laws.

Fifth. The President is to appoint a national voting advisory commission to study voting discriminations and other corrupt practices.

It is both unfair and inaccurate, in my opinion, to suggest that the Attorney General's recomendations are anything less than an attempt to strengthen existing coverage.

The Attorney General pointed out specifically:

> There is little statewide disparity between the percentage of eligible Negroes registered in, say, Louisiana—a state covered by the 1965 Act—or Florida which is not covered. . . . There are dozens of counties in Texas where less than half of the eligible electorate voted in 1968 but only 9 in Alabama.

The Attorney General's testimony on these subjects is entitled to the fullest and fairest consideration by the committee.

It is my firm belief that that part of the Attorney General's recommendations for the appointment of a national voting advisory commission to study discrimination and other corrupt practices should be acted upon without delay—either as a part of the extension of the Voting Rights Act of 1965 or as a separate measure, but at the same time.

As one of the sponsors of a simple extension of the Voting Rights Act of 1965, a move in which I have joined with a number of other Republican Members of this House, I have endeavored to express a strong desire to further reduce discrimination in voting on the basis of race or color. In my opinion this position is consistent with the policy of this administration as expressed both in this House and in the White House. I am confident that any differences which may appear between the Attorney General's testimony and the position of the majority of the Republicans on the House Judiciary Committee will be resolved in the weeks ahead consistent with this objective.

I direct the Members' attention to the full testimony of the Attorney General and urge that we give thoughtful consideration to the recommendations which he has made.

DR. ANDREW D. HOLT

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, in September 1970, Tennessee will lose the active services of Dr. Andrew D. Holt, when his retirement as president of the University of Tennessee becomes effective.

"Dr. Andy," as he is known to all of us in Tennessee, and to all who have had the privilege of becoming acquainted with this outstanding individual, states that he will be 65 on December 4, and that he feels the university deserves a younger president. There are many of us who will disagree with Dr. Holt on this issue.

But there are few, if any, who will disagree with the goals and objectives he set—and attained—for the University of Tennessee.

During the period of his presidency, from 1959 to the present, the University of Tennessee, both the Knoxville campus, and the medical school at Memphis, have reached major heights in both their academic standing and in their physical facilities. The University of Tennessee Martin Branch has been added; the graduate space school at Tullahoma, near the Arnold Engineering and Development Center, has been created; a branch of the University of Tennessee has been established in Nashville; and effective next year, the University of Chattanooga, formerly a private institution, will become a part of the University of Tennessee complex.

Dr. Holt attained national prominence in 1949 when, as president of the National Education Association, he played a major role in Washington in urging Congress to approve the Federal aid to education bill.

Dr. Holt's wit and humor was well known, and he was in demand, and will continue to be in demand, as a public speaker. An example of his humor is reflected in his retirement announcement which came, without advance notice, after he had reported to the university's board of trustees that UT students had rejected violence as a method of protest and deserve to be involved in processes leading to decisions affecting student life. In his retirement statement, he said:

I conclude this report with an announcement of dubious significance to the University, but of more than casual interest to me. At the end of the coming school year, I shall be retiring as President of the University. My sole motive for retirement is a cantankerous calendar and a birth certificate which stubbornly refuses to deny that on next December 4, I shall be 65 years old, UT deserves a younger President.

A new president will be found for the University of Tennessee, but there will never be a replacement for "Dr. Andy."

Fitting testimonials to Dr. Holt and his career are given in the following editorials carried in the Nashville Tennesseean and the Nashville Banner, and in an exceptionally perceptive article by Mr. Joe Hatcher, political columnist for the Nashville Tennesseean:

[From the Nashville (Tenn.) Banner, June 20, 1969]

BEST WISHES, DR. HOLT

A vast majority of Tennessee residents, because of his long years of energetic service to education in general and to the University of Tennessee which he has headed since 1959, has come to know and respect Dr. Andrew D. Holt.

His thousands of friends across the state, and the region, will feel a deep sense of regret in the announcement that Dr. Holt will retire effective Sept. 1, 1970. At the same time, those closest to the university and the proud record of growth and achievements it has attained under Dr. Holt's leadership will be happy for him.

Andy is retiring for the best of all reasons—"a cantankerous calendar and a birth certificate of disgusting integrity which stubbornly refuses to deny that on next Dec. 4 I shall be 65 years old."

Students, alumni, faculty and friends fully are aware that Dr. Holt has more than earned his announced retirement. They are reminded of this fact every time they look at the UT campus in Knoxville—which has grown into a city unto itself—and other facilities of the university in Chattanooga, Memphis, Nashville, Martin and in other areas of the state.

The assurance from Gov. Buford Ellington that Dr. Holt will play a prominent role in the selection of his successor does not minimize UT's loss. But it is comforting news that the veteran educator will remain to guarantee an orderly and successful transition.

Although Dr. Holt is stepping down officially, those who know him best expect he will never cease in his efforts to boost UT. As the No. 1 Big Orange fan, they fully anticipate he will be around on fall Saturday afternoons to root for the Volunteers. They also cannot envision a session of the legislature without Dr. Holt knocking at the door for more funds to build a bigger and better university.

The Banner joins a grateful citizenry which long will remember his devoted service in hearty congratulations to Dr. Holt. It extends to him its warmed wishes for many happy, fruitful years ahead.

[From the Nashville (Tenn.) Tennessean, June 22, 1969]

A MAN TO REMEMBER: ANDY HOLT LED UT TO NEW HEIGHTS

(By Joe Hatcher)

(NOTE.—Political columnist Joe Hatcher has been a member of the reporting staff of the Nashville Tennessean since 1921. Over the years he has had a close acquaintance with Dr. Andrew Holt, who has announced his retirement as president of the University of Tennessee next year. In this article Hatcher recalls some fond memories of Professor "Andy" Holt.)

Dr. Andrew David Holt, A.B., M.S., Ph.D., LL.D., Litt.D., D.Sc., president of the University of Tennessee (1960–70) will go down in Tennessee history as one of the great educators, who built the University of Tennessee from a relatively small state school to the rank of 22nd in the nation.

But to those who knew "Andy" Holt best through all his years, he will rank perhaps first as an educator, but right up near the top as one of the greatest politicians of an era, and certainly one of the greatest lobbyists of the mid-19th Century in the state and to a degree in the nation.

Somehow we never ranked "Andy" as a great academic scholar, nor as the purely academic, ivory-towered type of college president—but as a genius of organization, a genius of getting what he wanted from governors, legislatures, and the public.

His speeches will not go down as great literature, nor his writings as great books nor great educational gems, but his accomplishments will set standards for all who follow his as an educator, politican, college administrator, and lobbyist for education generally, for the teachers and the institution of higher learning he represented.

It was a privilege to have known Andy Holt through many years—to have know him well enough to call him "Andy" as well as formally "Dr. Holt" is his later years.

NATIVE OF MILAN

He was born and raised in Milan, less than 15 miles from the scenes of our own childhood. We did not know him in those days but we did know many whom he knew in that area of Gibson county, and to have been associated with the same folks with whom Andy grew up.

We knew him first when he was associated with the Tennessee Teachers Association, and when he paired with W. A. (Jiggs) Bass to represent the teachers, and work through those years of the great renaissance for the teaching profession.

Holt was not born with a silver spoon in his mouth. He worked for his education—firing furnaces, washing dishes, blowing a slide trombone and leading a jazz band on his way to his education at Memphis State Teachers' College, at Emory University in Atlanta, at Peabody College, and later at Columbia in New York for his graduate work.

ELEMENTARY TEACHER

He started as a teacher at Bluff Springs elementary school in Humboldt in his native Gibson county, and served as head of the demonstration school at Memphis State Teachers College. He was for seven years high school visitor and supervisor in West Tennessee, and became executive secretary of the Tennessee Teachers Association in 1937, succeeding W. A. Bass in that post.

Incidentally, he was getting his political foundations also. He had been closely allied to the Browning campaign of 1936 when he became governor, and thereby a natural to step into the TEA post during Browning's first administration.

He led the TEA to major progress under Browning in that first administration, but he was to crown his successes in 1947 when his leadership of the TEA actually brought into being the 2-cent sales tax for the first great forward leap for education. Gov. Jim McCord was generally credited in educational circles with making possible the sales tax, but actually "Andy" Holt was the "father of the sales tax." It was his mastery as a lobbyist that made the passage of the tax possible in the first place, and his lobbying genius in defending the tax through the wave of resentment that followed.

POLITICAL CRISIS

Governor McCord was to be defeated in 1948, and Andy Holt faced one of the greatest of his political crises, riding the fence between his long-time friend Gordon Browning and Governor McCord.

He was constantly on the spot in that campaign. He was quoting here as endorsing Governor McCord, and there as declaring his neutrality, and then again as defending Governor Browning's record for support of the schools.

But he was to ride that tumultuous era in politics out, and attain at the same time his highest recognition nationally. He was elected president of the National Education Association in 1949 with the principal goal of getting through Congress the federal aid to education bill which had been rejected in the previous Congress. But he had President Harry S. Truman on his side in that fight, and he was to win that one too, giving him rank as a national lobbyist.

SKY ROCKET

As President of the NEA he spoke in practically every state in the nation. * * * In his days as president of the university, he attained the heights as the most powerful lobbyist in the state's history. It seemed he had but to ask to bring about the greatest growth in the state's physical plant in history. Only in the last two years has the legislature balked at the Holt magic touch, and he has undoubtedly felt this loss keenly, probably as part of his stepping down process while he is so far ahead.

He has seen the university grow from around 10,000 to more than 20,000 enrollment and 22nd rank in the nation. He has seen the campus at Martin added, the graduate space school at Tullahoma, the consolidation with the University of Chattanooga which becomes

effective with next year, and the expansion of Nashville's branch as a night school.

IN POOR HEALTH

His health has not been the best in recent years. He has had bouts with ulcers in 1963 and again in 1966, but his activities have never lessened. He has never moved into an ivory tower of a college president but has remained available to the students and the public at all times. He is not likely to retire into limbo, but will remain active in an advisory capacity to the university and to schools in general for the years to come.

He ranks as one of the great story tellers of the time, probably the greatest on the political scene since the immortal Robert L. (Bob) Taylor. * * *

He took with him from the state government Dr. Edward J. Boling, who has served as his right hand and his alter ego in the administration of the university. Dr. Boling appears to be in line to take over from President Holt in orderly succession next year. Certainly he will have the Holt support and advice in the years that follow, as he may need them.

SHOWED THE WAY

Dr. Holt's regime has shown the way for bright, progressive administrative leadership in contrast to the cloistered academic figure.

Dr. Holt reaches the age of 65 on Dec. 4, 1969, and might have remained for another five years before compulsory retirement. But he apparently prefers to step down from the peak, and watch the blossoming of his dreams for the university.

Dr. Holt was probably the No. 1 "Big Orange" athletic fan, and the odds are he will be there Saturday afternoons during football seasons for years to come. Likewise, he will likely be available in years to come to speak to many school and civic groups in the inimitable Holt story-telling way. Certainly, the university will be asking his folksy approach to legislators and to the board of trust when problems are tough in the next several years.

There'll not be another "Andy" Holt likely within the next generation, at least. Long live the record of Dr. Andrew David Holt, and the happy memory of "Andy" Holt.

[From the Nashville (Tenn.) Tennessean, June 2, 1969]

ANDY HOLT TO BE MISSED, AND DIFFICULT TO REPLACE

Dr. Andrew Holt's annnouncement that he will retire as president of the University of Tennessee in September, 1970, comes as a surprise and a disappointment.

Although he will be 65 next Dec. 4, Dr. Holt has shown no noticeable decline in health and vigor. It was hoped he would stay on to guide the university a few more years. But his sudden and apparently final decision to retire seems to preclude that possibility.

UT has experienced its greatest growth and expansion of service since Dr. Holt took over as president in 1959. Its physical plant has become one of the most attractive and serviceable in the South. The university's academic program has been broadened and improved under Dr. Holt's administration, and the athletic program has become the envy of universities all across the country.

So far, UT has weathered the wave of campus disturbances with a minimum of disruption. This is not to say there has been no dissent on the campus. There has been. But for the most part, the administrators have been able to achieve a delicate balance between student demands and the anti-intellectual reaction in the legislature and other public bodies:

One of Dr. Holt's most recent accomplishments was the negotiation of an open speaker policy which was approved by the board of trustees Thursday. The policy, giving recognized student organizations full authority to select speakers of their choice, resulted from several months of earnest discussion among students, administrators, and board members. Without Dr. Holt's well-known tact and diplomacy, it is doubtful if this issue could have been resolved in such an amicable manner.

Some may feel that Dr. Holt is stepping down to avoid the even greater student unrest which is predicted for the future. This would be an unfair criticism of a university president who has absorbed his share of difficulty.

If more disturbances do come, they are likely to come next year while Dr. Holt is still president of UT. This final year of his administration—during which he should be relatively free of political pressure and uneasiness about his job may give Dr. Holt the opportunity to perform some of his most valuable service to the university.

Dr. Holt deserves much credit for bringing the University of Tennessee to its present high level of educational proficiency. He will be missed when he steps down as president.

The UT board will have to choose his successor with great care if the advances in academic achievement and academic freedom are not to suffer.

PATH OF UNITY PAVED BY NATIONAL EDUCATION ASSOCIATION

(Mr. CORMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CORMAN. Mr. Speaker, few Americans do not, to one degree or another, share the guilt implicit in the conclusion of the National Advisory Commission on Civil Disorders:

Our Nation is moving toward two societies, one black, one white—separate and unequal.

In a quite literal way, the professions have reflected the divisiveness that is a part of our society. The legal profession, of which I am a member, has its separate Negro and white organizations, as do many others including the medical, clerical, and teaching professions.

To their credit, many of these professions have made great strides in recent years in uniting their dual associations. One in particular, deserves the applause of the entire Nation, and I would like to bring it to the attention of my colleagues today on the eve of their 107th annual convention in Philadelphia. It is the teaching profession, and in particular, the million-member National Education Association.

In 1857, Mr. Speaker—the same year the Supreme Court ruled that Dred Scott is a property—Robert Campbell, a Negro immigrant from Jamaica, became a charter member of the National Education Association.

In 1866, while the Southern States were still smoldering after the horrors of the Civil War, NEA President James Wickersham called for and got an association platform supporting a system of free public education for every boy and girl in America. Booker T. Washington, the great Negro educator, was a featured speaker at NEA conventions in 1884, 1896, and 1904.

Thus, long before the term "civil rights" came to mean, popularly, equality for Negroes and other minority groups, NEA policy and programs were behind the Negro's cause.

It is significant, Mr. Speaker, that it was the National Education Association that held the first completely integrated convention in the South. It was the NEA that pioneered in staff appointments without regard to race and was cited for so doing in 1955 by the Urban League of Washington, D.C. The largest professional organization in the world, NEA in 1968 elected the lady who now heads the women's bureau, Mrs. Elizabeth Koontz, as its president. Mrs. Koontz, a North Carolinian, is black.

But the teaching profession, perhaps even more acutely than other professions, is scarred by the sores of segregation. It, too, has suffered its separate associations divided by race.

Although the NEA never denied membership to Negroes, 17 border and Southern States did establish dual education and teacher associations along racial lines. Because it never had the direct power to set membership requirements for its largely autonomous affiliated State and local associations, NEA has recognized both Negro and white dual affiliates. But in recent years it has worked painstakingly to eliminate the last vestige of racially organized affiliates. The NEA is fast approaching that goal, with the merger of dual affiliates completed in all but three of the States. Mr. Speaker, I believe that educators, through the NEA, have made the most outstanding record in the Nation among all the professions in eliminating racial lines among members, and I would like to make this record known to my colleagues in the House.

In 1952—2 years before the historic Supreme Court ruling on school desegregation—a joint committee of the NEA and the predominantly Negro American Teachers Association recommended establishment of local and State joint committees in areas having dual associations to grapple with the common problems and to work toward integration of the teachers associations. Most of these potential mergers have come about, usually with NEA assistance.

When the Supreme Court struck down school segregation, the 1954 NEA Representative Assembly adopted a resolution reading, in part, as follows:

The principle embodied in the recent decision of the Supreme Court of the United States with regard to racial segregation is reflected in long-established provisions of the platform of the National Education Association. The Association recognizes that integration of all groups in our public schools is more than an idea. It is a process which concerns every state and territory in our nation.

In 1964, the NEA adopted a resolution—which was strengthened in following years, requiring the full merger of dual local, district, and State associations on penalty of disaffiliation from the NEA.

In 1966, NEA sponsored a workshop for officers of local associations that had merged or were considering such a step. This group discussed constructive ways of dealing with this problem and the roles of State and National associations in providing assistance.

By November 1966, all States had removed their racial restrictions on membership, and 41 of the 50 State associations were fully merged. This same year the American Teachers Association united completely with the NEA after more than 3 years of careful planning and negotiation. The Negro organization's staff people were hired by NEA to work in the newly opened southeast regional office in Atlanta, Ga.

Since that time, Tennessee, Texas, South Carolina, Arkansas, Georgia, and Alabama have erased racial lines in their respective State's professional education associations.

The path toward unity in many cases has been difficult. A good deal of courage, trust, patience, and determination has been required by both white and black teachers in the South to achieve a merger plan acceptable to both groups. The complications have been numerous: disposal of assets, assumption of new financial obligations, guarantees of a leadership role for the smaller Negro membership in the new organizations.

Through it all, the NEA has patiently but stubbornly prodded for unity, making its facilities, staff, and funds available to help its southern affiliates affect merger.

Only three States have not yet agreed upon mutually acceptable plans for merging their dual associations. They are Mississippi, where the white association rejected an NEA factfinder plan; North Carolina, where the Negro association refused another NEA factfinder plan; and Louisiana, where both associations have failed to vote on a plan for merger.

These NEA affiliates have been suspended by the NEA executive committee, and thereby have been denied the benefits and services of the national organization. But, I am told, Mr. Speaker, that there is reason for optimism that unity will be effected in these States in the near future.

Whatever the outcome—and I am hopeful it will be unification for these three States—it can be said that the teachers of America, through the National Education Association, have paved a path of unity for all of the professional organization of this land.

"THE BRIDGE AT REMAGEN"

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, numerous press statements have been directed at those war films which are made with the assistance and cooperation of the Department of Defense. Without passing any judgment on or commenting upon any other film, I would merely like to point out that the record is crystal clear on the use of American military equipment in the motion picture "The Bridge at Remagen." All of the tanks, trucks, jeeps, armored cars, and other vehicles were rented from the Austrian Ministry of Defense and transported into Czechoslovakia, where the bulk of the filming was accomplished from June 6, 1968, up until the very day of the Russian and Warsaw Pact invasion of Czechoslovakia. This equipment had been sold many years ago by our Army as surplus material immediately following World War II. I can state categorically that no American equipment, no American military personnel, no free technical advice, and no expenditure of taxpayers' money went into the production of "The Bridge at Remagen."

I have carefully avoided the use of the pages of the CONGRESSIONAL RECORD to make any mention of "The Bridge at Remagen," lest anyone draw the conclusion that I am using my position as a Member of Congress to employ an official document like the CONGRESSIONAL RECORD to comment on this motion picture. However, in the light of recent news articles and speeches on the floor discussing the use of American military equipment and taxpayers' funds in the production of other films, I feel constrained in the face of other press inquiries to make these facts available concerning the filming of "The Bridge at Remagen."

Since it is impossible to set forward in a 1-minute speech the full details concerning the amount and nature of military equipment rented from the Austrian Minister of Defense, I intend early next week to spread upon the RECORD the full account of how this equipment was obtained and utilized in the film "The Bridge at Remagen."

WILLIAM PRESSER HONORED FOR ISRAEL AID

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, on Sunday, May 25 more than 1,500 persons gathered at the grand ballroom of the Sheraton-Cleveland Hotel to pay tribute to William Presser, international vice president of the Brotherhood of Teamsters for his efforts in promoting the sale of bonds for Israel among labor unions. Bill Presser is truly one of the most active, vigorous, and highly respected labor leaders in Ohio and this banquet in his honor was an expression of the deep admiration and affection felt for him by all who know him and those who are familiar with the scope of his philanthropic activities.

During the dinner it was announced that through Bill Presser's efforts more than $1.5 million worth of bonds for Israel were sold. This was certainly a remarkable achievement by one person and the presentation to Bill of the Tower of David Award by the State of Israel indicated the importance attributed to such an accomplishment by the Israel Government. The Tower of David Award is one of the highest awards that the National Israel Bond Organization can bestow upon an individual. It recognizes the efforts made by the recipient to maintain an outpost of democracy in the Middle East by participating in the economic development of the State of Israel.

The award was presented by Col. Isaac Sella of the Israel Air Force to William Presser "in acknowledgment of notable participation in the campaign to provide a sound economic foundation for the rebirth of Israel as a tower of spiritual renewal and strength for the Jewish people." Colonel Sella represented Prime Minister Golda Meir, who sent the following telegram:

Warm greetings occasion Testimonial Dinner in your honor. This symbolizes multiple causes linking Israel and the United States as individuals, as heirs of the Biblical heritage and as promoters of labor values in a just society. These links expressed in Israel Bonds help us maintain and expand our economy in face continuing refusal Arab states to enter into direct peace negotiations with us. Best wishes, Golda Meir.

The following excerpts from the remarks of Edward Wyner, chairman of the dinner, and an outstanding member of the legal profession, are also indicative of the high esteem in which Bill Presser is held.

Tonight we honor a man who for over 40 years has worked amongst us to improve the lot of the working man.

His skill and devotion as an advocate of the interest of labor has caused his services to be required in many parts of our country.

Recognition has come to him from all corners of his chosen field culminating in his election as Vice President of the International Brotherhood of Teamsters.

To each of his duties he brings a quiet thoughtful kindly approach.

A steady succession of problems involving people from all walks of life find their way to his office, where quietly, humbly and with apparent ease solutions acceptable to all seem to eminate from this slightly heavy set fellow who you sometimes think is dozing as you talk to him only to have him quickly and incisively go to the heart of the problem you have brought him.

What keeps him going with a program day in and day out frequently seven days a week—that seems backbreaking through periods of personal discomfort?

I believe it is a basic love of people—a basic desire to help others—and a willingness to be where he is needed and to stand and be counted.

Respected by his co-workers he is also held in the highest esteem by those with whom his work brings him into controversy.

And so friends I take great pleasure in welcoming you tonight to this evening devoted to Bill Presser and his interests, and it seems to me to be fittting and proper that those amongst whom he works should gather with the leaders from all walks of life to express their appreciation at this Labor Tribute Dinner when this affection for him is expressed by your being here and by your support of Israel, which is so close to Bill's heart.

This devotion to humanity is not confined to Bill alone, however. His wife, Faye, has consistently contributed her talents to the causes of the Teamsters Union and in 1967 was cited by the union for her outstanding service to the rank and file teamster member and his family. A member of the Cuyahoga County Board of Retardation and a director of the Parent Volunteer Association for Retarded Children, Inc., Mrs. Presser has also been the largest single individual fund raiser for retarded children and has tirelessly dedicated her energies to programs for the retarded.

Immeasurable benefit has been gained

by the Cleveland community because of the Pressers. I will not attempt to give individual recognition to Bill Presser's many and unique contributions to humanity but his singular success in the Bonds for Israel drive deserves special mention. I am proud to call to the attention of the Congress the tremendous accomplishment by one man.

LOW-INCOME ALLOWANCE

(Mr. SCHNEEBELI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHNEEBELI. Mr. Speaker, I want to discuss in some detail the low-income allowance, which was one of the foremost proposals included in the President's initial tax reform program sent to us on April 21, and which our Ways and Means Committee has incorporated into the anti-inflation bill which is before us now.

Treasury studies of our income tax system have revealed a paradox in our social policy: while we are publicly pledged to relieve the plight of all Americans who live in poverty, we are adding to their plight by imposing a tax burden on them. That is why a top priority has been given to eliminating the tax liability of persons whose incomes are at or below poverty levels.

The low-income allowance would remove from the tax rolls all taxpayers with incomes up to amounts officially determined as poverty levels for 1969. It would provide substantial tax relief for single individuals and families with income above poverty levels but still short of adequate levels.

In combination with personal exemptions and the minimum standard deduction, the low-income allowance would make the income of a single individual tax free up to $1,700. A single individual with income over $1,700 but less than $3,250 would pay reduced taxes. In the case of a family of four, the income would be tax free if it did not exceed $3,500, and taxes would be reduced if it did not exceed $4,500. The effect would range up to a maximum of $5,900 of tax-free income for a family of eight.

For families larger than eight persons, the minimum standard deduction together with personal exemptions now prevent tax liability at or below official designated poverty levels.

The low-income allowance would be built into the tax tables, so it would not require complicated computations by the low-income taxpayer. He would simply read the tax table, as he does now.

In aggregate, the proposal would affect nearly 12 million tax returns, providing them with an average individual tax saving of about $50. It would relieve as many as 5.2 million tax returns, including some 2 million families whose total income is below the poverty level, of virtually all Federal income tax liability.

I would like to call your attention to tables prepared by the Treasury. The first table shows State-by-State benefits of the low-income allowance and the second gives a percentage ratio of benefiting returns. The tables follow:

TABLE 1.—RETURNS BENEFITING FROM THE ADDITIONAL LOW-INCOME ALLOWANCE, BY STATES

[Thousands of returns]

State	Total with tax decrease	Returns made nontaxable [1]
Alabama	164.4	73.0
Alaska	6.9	3.1
Arizona	84.7	37.6
Arkansas	101.3	45.0
California	1,115.7	495.4
Colorado	115.7	51.4
Connecticut	166.5	73.9
Delaware	34.8	15.4
District of Columbia	48.3	21.5
Florida	353.4	156.9
Georgia	322.8	143.3
Hawaii	36.8	16.3
Idaho	29.4	13.1
Illinois	644.1	286.0
Indiana	290.3	128.9
Iowa	179.2	79.6
Kansas	146.7	65.1
Kentucky	140.8	62.5
Louisiana	160.7	71.4
Maine	64.5	28.6
Maryland	314.5	139.6
Massachusetts	420.6	186.8
Michigan	485.2	215.4
Minnesota	243.2	108.0
Mississippi	90.8	40.3
Missouri	246.8	109.6
Montana	41.7	18.5
Nebraska	84.8	37.6
Nevada	21.7	9.6
New Hampshire	54.6	24.2
New Jersey	378.6	168.1
New Mexico	51.2	22.7
New York	1,150.4	510.8
North Carolina	300.9	133.6
North Dakota	37.2	16.5
Ohio	626.0	278.0
Oklahoma	136.8	60.7
Oregon	117.4	52.1
Pennsylvania	706.8	313.8
Rhode Island	75.4	33.5
South Carolina	157.6	70.0
South Dakota	50.9	22.6
Tennessee	227.6	101.1
Texas	639.6	284.0
Utah	51.7	22.9
Vermont	41.7	18.5
Virginia	247.2	109.8
Washington	177.1	78.6
West Virginia	89.6	39.8
Wisconsin	243.6	108.1
Wyoming	17.0	7.6
All other areas	34.9	15.5
Total United States	11,770.0	5,226.0

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

[1] Estimates of returns made nontaxable within each State assume a constant ratio of nontaxable returns to benefiting returns for all States.

Note.—Detail may not add to total due to rounding. These estimates are subject to errors due to sampling variability within some States.

TABLE 2.—*Estimated returns benefiting from the additional low-income allowance as a percent of estimated taxable returns, by States*

State:	Percent
Alabama	19.7
Alaska	10.3
Arizona	19.0
Arkansas	23.1
California	17.2
Colorado	18.5
Connecticut	15.3
Delaware	19.5
District of Columbia	17.4
Florida	21.0
Georgia	24.8
Hawaii	16.3
Idaho	15.8
Illinois	16.5
Indiana	17.5
Iowa	20.4
Kansas	21.2
Kentucky	17.3
Louisiana	18.7
Maine	20.9
Maryland	21.1
Massachusetts	21.3
Michigan	16.7
Minnesota	21.5
Mississippi	21.3
Missouri	17.3
Montana	20.0
Nebraska	18.5
Nevada	14.5
New Hampshire	22.2
New Jersey	15.5
New Mexico	20.7
New York	17.6
North Carolina	22.4
North Dakota	21.6
Ohio	17.4
Oklahoma	20.1
Oregon	18.0
Pennsylvania	17.7
Rhode Island	22.3
South Carolina	24.9
South Dakota	27.9
Tennessee	21.7
Texas	21.2
Utah	18.9
Vermont	30.2
Virginia	18.7
Washington	16.5
West Virginia	18.8
Wisconsin	17.7
Wyoming	17.1
All other areas	28.4
Total, United States	18.6

(NOTE.—These estimates are subject to errors due to sampling variability within some States.)

POSTAL REFORM AND MODERNIZATION LEGISLATION

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, on June 9, addressing the House under special orders, I discussed at some length with my colleagues the important issue of postal reform and the various proposals which have been introduced. At that time, it was indicated that most of us favor postal reform and that I agreed with portions of the several bills now pending before the Committee on Post Office and Civil Service.

I rise today to reinforce that statement with the introduction of legislation which, in my estimation, contains the features of prime importance in our efforts to accomplish sound postal reform. I am fearful of the consequences of some of the proposals which have been offered, and especially do not want to gamble with the future of the civil service merit system and the futures of some 700,000 postal employees who are under the protection of that merit system.

Mr. Speaker, I wish therefore to offer a brief explanation of the provisions of the bill I introduce today.

This legislation will, first of all, remove the Postmaster General from the President's Cabinet and provide for a 12-year term of office. This serves several purposes. It provides for continuity in administration of the Post Office Department, which has been recommended by every major witness who has appeared before our committee. It also removes the Postmaster General from the realm of chief patronage dispenser of the President and assigns him to no other duties

except those of administering postal affairs. The measure also provided are 6-year terms for the positions of Deputy Postmaster General, six assistant postmasters general, and the general counsel. The legislation staggers the terms of the initial appointees to assistant postmasters general so that after the system is in operation, only one term will expire in any single year.

The legislation places with the Postmaster General the authority to appoint postmasters in all classes of post offices, and such appointments would not be subject to Senate confirmation. In making these appointments, the Postmaster General would be obliged to give first preference to qualified postal field service employees who reside within the county in which the post office is located. Otherwise, the appointment would be made through competitive examination. The same procedure would hold true for appointments to rural carrier positions. In addition, this measure provides that each qualified substitute rural carrier of record who has completed 3 years of satisfactory service will be eligible to receive a career appointment as a rural carrier without examination.

The legislation also deals with the problem of the use of political influence in the postal service. It sets forth strict prohibitions against the solicitation or use of such influence in connection with appointments, promotions, assignments, transfers, and designations in the postal field service. Any person who violates these prohibitions would be subject to disqualification.

The final feature of my legislation deals with what is probably the most outstanding deficiency in the present system, that is the failure to provide modern and efficient facilities for the ever-growing postal operation.

The language in the bill creates a Postal Modernization Authority, a body corporate, to act as a development and holding company, controlled by the Postmaster General, for all buildings, facilities, equipment, and machinery needed in postal operations. The Authority is authorized to acquire, hold, develop, and perfect buildings and equipment suited to postal needs, and to issue and retire bonds, up to $10 billion worth, for these purposes. The Authority would lease needed buildings and equipment to the Postmaster General at rentals which will return the Authority's total cost.

This Modernization Authority would remove the obstructive handicap that has for many years deprived the Post Office Department of adequate facilities and has prevented it from developing long-range plans.

My bill has a feature which is not included in other similar legislative proposals. The language I propose would pledge the full faith and credit of the United States as well as the Authority behind the bonds. I believe this would enhance the marketability of the bonds and it would be a proper role for the Government to assume with respect to a postal modernization authority that serves the entire Nation.

Mr. Speaker, these are the features which I believe provide the necessary steps to take toward the reform and modernization of our postal system. Perhaps additional steps will be necessary in the future, but I think we should be cautious in our efforts to restructure the Postal Establishment and not run the risk of killing the patient with the cure.

COSMOPOLIS: A NEW CITIES PROPOSAL

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, last year I placed in the CONGRESSIONAL RECORD a proposal by a constituent of mine, Mr. Daniel W. Cook of Urban Development Analysts, entitled "New Metropolises." This proposal was aimed at a solution to the increasingly tragic problem confronting our Nation as its cities and population therein continue to deteriorate. Mr. Cook has now expressed some additional views on this serious problem and I am taking the liberty of sharing those views with my colleagues by including his article, entitled "Cosmopolis: A New Cities Proposal," as a part of my remarks:

COSMOPOLIS: A NEW CITIES PROPOSAL

(By Daniel W. Cook)

The people of the United States once lived on farms and in small towns. About seventy percent of their descendants now are gathered into 212 large metropolitan areas. This article proposes new cities as the third stage for the arrangement of population within the continental United States. Fiscal devices for smooth transition to an automated economy could be incorporated into new cities. For example, residents of a new city could own stock in automated enterprises located there.

Since the founding of the Republic, Americans have dreamed of building a great civilization, a society where people devote their energies and creative instincts to pursuing the good life for all. Today we are a metropolitan society. But our existing metropolitan areas display symptoms of disease and decadence. Our enormous megalopolises continue to expand but they are characterized by miles of slums, scattered suburban wastelands, snarled and snarling traffic, poisonous air, poverty, and depressing ugliness. As people from rural areas and smaller towns continue to pour into metropolitan areas, a host of new social and economic ills sprout. Our present attempts to cope with metropolitan problems chase people from their homes and businesses as the bulldozers of "urban renewal" replace slums with prison-like middle-income housing barracks. Parks and scenic areas are chewed up and spat out as super freeways push through the cityscape. Outer "new town" slurbs sprawl across nature's land as exurbanites seek open space. Bureaucracy grows as people become cogs in the wheels of forward motion. Workers are laid off as machines and computers assume the tasks of production and control. In short, we are a sick metropolitan society.

Projections of our future urban population growth indicate that by the year 2000 about 90 percent of our 350 to 400 million people will be living within our *existing* metropolitan regions. Dr. Harrison Brown of the California Institute of Technology predicts a U.S. population of a least *one billion* people by by the year 2075. He, along with many other experts in the field of urbanization, foresees two continuous urban conurbations, one running down the East Coast, the other along the West Coast. Other super strip "cities" are expected to emerge along the Gulf Coast, the Great Lakes, and perhaps along the front range of the Rockies. This then, if we accept trends, projections, and expert prognoses, is the shape of the future—the horror of "monsteropolis."

We don't have to accept this fate as inevitable. Nor should we consciously plan for it. We should not delude ourselves by thinking that the answers to our present and future urban messes will be provided by the magic of metropolitan planning, massive urban renewal, or even satellite new towns. What is needed is to chart a new course for building a new kind of urban civilization.

An alternative to the predicted spread of megalopolis could be the enactment of a *National Urban Policy* favoring the development of planned new metropolises. The objective of such a policy would be to encourage a substantial portion of our population growth away from present metropolitan regions to wholly new central cities. During the next half-century *at least 100 new metrocities* could be built in diverse locations throughout the United States. They could be developed upon surplus Federal Public Domain Lands and non-productive private lands in the west, the plains states, the east, and the south.

The new cities could be planned for populations ranging from 500,000 to 3,000,000. They could be constructed where land, water, scenery, climate, and accessibility suggest. At least two new metropolitan cities could be begun each year during the next 50 years. Fortunately, the more than 178 million acres of vacant Federal Public Domain lands in the western states offer many potential sites where new cities could be developed at no cost for land acquisition. With a projected population increase of 150 to 200 million people during the next half century, a minimum of 100 million people could be housed in these new cities if they averaged a million citizens each. This would still allow for substantial additions to our present metropolitan regions and viable smaller towns.

The concept of the *Cosmopolis* is that of a cosmopolitan city, conceived in the Space Age, with finite limits. Its economy would be organized upon the principle of private property ownership for all, equal opportunity for all to participate in the ownership of capitalistic production, and hence economic and social justice. It could be a city of universal affluence.

Within the continental western states we have a vast reservoir of land—land for living as well as for open space, recreation, wildlife, animal production, minerals, watershed, and timber. The United States Bureau of Land Management, part of the Department of the Interior, administers about 178 million acres of land in these states. Parcels of about 100,000 acres could be set aside for new urban growth and development centers. If 60 to 80 sites can be found in just the western states, then only six to eight million acres of the present inventory of 178 million acres would need to be converted to urban use. This would leave 170 million acres for additional new cities, open space, conservation, and other appropriate activities.

It is more economical to construct new cities than to attempt to rebuild existing cities in a "total urban renewal" program for the next 20 years. A reasonable estimate suggests that we can construct over one hundred new cities designed for an average population of 1,000,000 persons for a cost of about $1,000 billion—much less than half the cost for a total urban renewal effort. This does not mean, however, that we should not continue to rebuild and revitalize our present cities.

A primary cost item for both renewal and fringe growth is land, and land for urban redevelopment projects is the most expensive. Cleared land in urban renewal project areas, after acquisition, demolition, and site preparation, usually sells for a minimum of $100,-

000 per acre and can go as high as $1,000,000 per acre. Raw suburban land, readily available for new development near the fringes of our major metropolitan centers, typically goes for $4,000 to $20,000 per acre. This price pattern is one of the major reasons for the suburban sprawl of the past 25 years. But if Public Domain lands were utilized, the land would be free. No bond issues or special taxes would be needed for acquiring school sites, park areas, or rights of way for freeways, streets, and utilities. Also, each new city could be preplanned for community facilities and transportation routes. Finally, special urban development corporations could have the primary responsibility for actually building each project city. The economic advantages of modern technology and management techniques, along with advanced planning, could provide further economies in the urbanization process.

The new metropolis program, if imaginatively executed, could:

(1) increase the efficiency of our economy by adapting production to market areas rather than tieing it to natural resource deposits or cheap transportation areas;

(2) create millions of new property owners, jobs, and entrepreneurial opportunities;

(3) decentralize the concentrated pattern of decision making, now prevalent in our society. The concentration of economic power and political authority is a danger to political and economic freedom. Big government and big business directly and indirectly account for about 80% of the jobs, and nearly 70% of all productivity activity of the United States is lodged in the top 500 corporations. The Cosmopolis program, with its attendant economic reforms, could distribute economic and political power more widely;

(4) compete with existing cities and metropolitan areas, thereby accelerating action for massive improvement in all our major cities, as well as slowing their growth by attracting part of their population to new urban centers;

(5) distribute minority groups more evenly throughout the United States, and provide new "ground-floor" opportunities for the disadvantaged to participate in the economy.

Many economic and social innovations could be integrated into the development of each cosmopolis. For instance:

1. Initiation of an *urban homestead land grant system*. This program, after state acquisition of the city site, would grant free land to individuals and businesses for use as homes, apartments, businesses, office, industries, etc. Since the city would be totally preplanned, these homestead land grant parcels would have to be developed according to the Master Plan before title to ownership would be granted. This program would help the poor acquire land, diffuse the ownership of private real property, and aid in the creation of thousands of new capitalists—just as the original 1862 Homestead Act created many new capitalists in the agricultural sector of the economy.

2. Enabling legislation for chartering special Urban Development Corporations. New city building companies would operate like public utility companies. Their profits would be regulated, and their ownership broadly distributed. These corporations should be privately financed and owned by a broadly diffused stockholder group composed mainly of future citizens of each new city. The corporations could be charged with developing and precisely planning the new cities, constructing buildings for sale or lease, and operating as prime contractors. Their organization could be similar to that of the Communications Satellite Corporation, and similarly financed.

3. Participation of national industrial, financial, and construction corporations. American industry, when called upon, has responded to a variety of challenges. It will respond to a new domestic program of urban development if it is given the proper incentives, governmental legislation, and public support.

4. Creation of a life expectancy renewal fund, or a sinking fund to depreciate the replacement cost of buildings for automatic private "urban renewal." Upon the issuance of a building permit, the estimated life expectancy of the building would be determined. If a structure had a 50 year life expectancy, 1/50th of the estimated future replacement cost (less 6% compound interest) would be deposited annually in a municipal trust fund for continuous investment in public improvements and mortgages. These replacement funds would be part of the value of the structure, so that ownership would transfer from property to property in fair exchange value. This fund could also be used for periodic maintenance and remodeling. The advantages of this are that all private structures would have a time limit on their existence; the money for replacement would be automatically accumulated for each owner, at a fair rate of earnings in a trust fund; and continuous private renewal would take place, thus eliminating the need for future Federal urban renewal or slum clearance projects.

5. Replacing our present system of annual property taxes with a local system of graduated capital gains taxes, primarily levied upon real property capital gains. A graduated scale geared to the magnitude of capital gains realized either through sale or trade could provide local revenues for financing functions of government at the local level. A graduated capital gains tax ranging from 10% to 90% would discourage speculation, would tax unearned increments of value rather than productive outputs of wealth, and would tend to maintain the price of real estate at a lower level. By controlling urban land inflation, the incentives for suburban sprawl would be checked and the necessity for overcrowding the land because of its high acquisition cost would be ameliorated. The graduated capital gains tax would also have the effect of discouraging excessive capital accumulations based on unearned increments of land value and of encouraging diffused ownership of real property.

6. A functional school system which would train a person how to be a businessman, how to build a house, how to acquire a saleable vocation, how to develop civilized skills for city living. The poor settler, given the "Homestead Land," the house plan, and the "sweat-equity" procedure for home-ownership, must also be given the values and the know how for living in a city, and the skills for either obtaining a good job or for going into business for himself. If the other programs, i.e., "grubstake," or "new capitalist" finance plans are to work effectively, the people must be educated for utilizing such programs.

7. The establishment of social adjustment centers in each community. These centers, properly staffed, would re-educate and rehabilitate deprived persons moving to the city from other areas. The objective would be to take the "slum" out of people through understanding and education before a new slum could develop.

8. Creation of a Capitalist Economic Development Exchange, to operate under principles similar to the "grubstake" system of the old West. This institution would finance or "grubstake" individuals in the development of new enterprises. It would provide capital for businessmen, inventors, scientists, artists and writers, in return for a share of future profits. This institution, however, would be required to keep investing funds in new enterprises. Earnings would be continuously reinvested in order to provide a continuous flow of funds to finance "new capitalists." In effect, a revolving fund of financial resources would be created for assisting the city's new citizens in becoming businessmen, owners of income producing private property, or successful creators.

9. Creation of a Capital Diffusion Insurance Corporation at the Federal level which would insure loans to workers and other qualified "non-capitalists" for the purchase of income producing security portfolios consisting of diversified stocks, bonds, mortgages, and real property. Its function would be to assist those who may not be able to participate actively in the economy (either as an employed worker or entrepreneur due to automation and economic change) to participate in wealth production as owners of income producing capital. In other words, this government corporation, similar in concept to the F.H.A., would insure loans made to the new city residents by the existing commercial banking system for the purchase of shares of stock. Citizens moving into the new cities would be eligible to purchase stock in those corporations locating facilities in these same new cities on a "financed-capitalist" basis. They would become co-owners of the industries creating the economic base of the new cities.

10. Encouragement, through proper legislative policy and tax inducements, of profit sharing and equity sharing plans in mature corporations which might establish new plants or other facilities in these new cities. This would primarily benefit employees who retire early because of automation. The corporation would benefit indirectly from the recirculation of these funds within the local community.

THE VOTING RIGHTS ACT OF 1965 SHOULD BE PROMPTLY EXTENDED

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, yesterday Attorney General Mitchell, after five previous postponements, finally appeared and testified before the House Judiciary Committee on legislation which the chairman of that committee (Mr. CELLER), as well as myself, have proposed to extend the provisions of the Voting Rights Act of 1965 for 5 additional years.

To the dismay of all of us who pointed out in our own testimony before the committee the gap between white and black political participation in the South which still exists, Attorney General Mitchell took a position which would have the effect of seriously diluting the impact of the Voting Rights Act on the Southern States now covered by the act. He also proposed that provisions of section 5 of the act, which require that States covered must obtain approval of the U.S. District Court for the District of Columbia for proposed changes in their election laws or procedures, be replaced with a system which would place the burden on the Department of Justice to identify election laws, rules, or procedures which might have a discriminatory effect. In order to prevent the application of such laws, the Justice Department would have to obtain an injunction from the Federal district court in which the rules were promulgated. This means that in the South these petitions would be heard by southern courts.

It would also mean a return to the tedious "case-by-case" method, lack of progress of which was one of the principal reasons Congress adopted the Voting Rights Act of 1965.

By postponing his appearance before

Subcommittee No. 5, five times the Attorney General has already delayed the approval of the extension on the Voting Rights Act for many weeks. Now he would inject new elements into the subcommittee's considerations, which would delay action on the Voting Rights Act for an even longer period.

I am shocked by the Attorney General's apparent ignorance of the need to extend the Voting Rights Act. Had he carefully read the testimony of governmental agencies such as the Civil Rights Commission, I cannot imagine he could say, as he did yesterday, that there is no justification for "regional" voting rights legislation.

As the testimony from the Civil Rights Commission, the National Association for the Advancement of Colored People, our colleague from Michigan (Mr. CONYERS), and myself before the subcommittee clearly shows, there is ample reason for extending the Voting Rights Act. Although 62 percent of voting-age Negroes are now registered in the 13 States of the Old South, 78 percent of the white voting-age population is registered. In the six States covered by the act, only 57 percent of the nonwhite voting-age population is registered, as opposed to 79 percent of the white voting-age population.

Instances of political harassment and intimidation of blacks seeking to register or vote continue to be reported. The presence of Federal examiners and observers is essential to protect the right to register and vote.

Mr. Speaker, I urge the Judiciary Committee to approve the extension of the Voting Rights Act and to send this legislation to the floor of the House for early passage.

The delaying tactics of the Attorney General and his desire to scrap vital parts of the machinery of that act should be promptly repudiated.

HON. GEORGE A. GOODLING, DISTINGUISHED ALUMNUS, PENN STATE UNIVERSITY

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, one of our most highly respected colleagues, Congressman GEORGE A. GOODLING, has been recognized and honored by the Pennsylvania State University. GEORGE GOODLING was granted the Distinguished Alumnus Award by the board of trustees and received the bronze medallion carrying the following inscription:

Presented to GEORGE A. GOODLING whose personal life, professional achievements, and community service exemplify the objectives of the Pennsylvania State University.

Our colleague, Mr. Speaker, also received the following citation:

To GEORGE A. GOODLING, for a career of legislative service to State and Nation; for nearly half a century of successful agricultural pursuits; for an exceptional record as a conservationist; and for community leadership in education and other public services.

I am proud to insert into the RECORD the full text of the Distinguished Alumnus Award as set forth in the brochure of June 21, 1969:

In his native State of Pennsylvania and in the Congress of the United States, Rep. George A. Goodling has enjoyed a distinguished legislative career. Beginning in 1942, he was elected to serve seven terms in the Pennsylvania Legislature, where in addition to his chairmanship of House committees, he was chairman of Joint State Government subcommittees. Now a member of the Agriculture and Merchant Marine and Fisheries Committees of the 91st Congress, Representative Goodling also held seats in the 87th, 88th, and 90th Congresses. His roots are deep in his York County birthplace, which he represents along with Adams and Cumberland Counties in the Nineteenth District. This south central Pennsylvania district has a population of some 425,000.

Representative Goodling attended York County Schools, the York Collegiate Institute, and Bellefonte Academy before enrolling at Penn State. His fellow students recall his considerable musical ability: he not only performed with the band but sang in the choir and the glee club. After obtaining a bachelor of science degree in horticulture in 1921, the future congressman taught vocational agriculture for two years; he then became the owner and operator of a fruit farm which he still maintains. His interest in education led him to become a school director, a post he held for twenty-eight years, serving as president of the board, treasurer, and a member of the building committee. In addition, he was one of the organizers of the Loganville Fire Co., and has been its secretary for thirty-two years.

An ardent conservationist, Representative Goodling succeeded against precedent—since he was a freshman congressman and a member of the minority Republican party—when a bill he introduced to protect the golden eagle was enacted into law. The population of the golden eagle, which is valuable to agriculture in the control of rodents, has declined at an alarming rate. The new law, Public Law 87–884, also provides a shield for the bald eagle, the United States' national symbol, which was often killed by persons mistaking it for the golden eagle.

During the last two sessions of Congress, Representative Goodling has introduced resolutions ranging from creating a select committee on ethics and standards for House members to permitting nondenominational and voluntary prayer participation in the public schools and other public institutions. He has also sponsored resolutions to broaden present federal control over oil pollution in coastal waters, a Human Investment Act to extend a tax incentive to employers providing training to upgrade workers' skills, and a resolution to reassert U.S. rights and privileges in the Panama Canal Zone.

A former member of the Civil War Centennial Commission and the Migratory Bird Conservation Commission, Representative Goodling served as a past president and is currently executive secretary of the Pennsylvania State Horticulture Association. His other memberships include the Agriculture Extension Association, Grange, Pennsylvania Farmer's Association, and Izaak Walton League.

GOVERNMENT PRINTING OFFICE ERROR

(Mr. ALBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALBERT. Mr. Speaker, on yesterday the gentleman from Iowa (Mr. GROSS) called the attention of the House to the fact that the CONGRESSIONAL RECORD of Wednesday, June 25, 1969, on rollcall No. 91, contained a printing error. The name of our late colleague from Massachusetts, the Honorable William H. Bates, was listed as responding and voting "nay." The RECORD was corrected on the request of the gentleman from Iowa.

This error, of course, is extremely unfortunate in view of our colleague's death and the discussions that have occurred concerning voting in the House. There have been recommendations for changes in the voting procedures, as we all know.

In the instance of rollcall No. 91, the name of our late colleague was not called and was not listed by the tally clerk on the tally sheet sent to the Government Printing Office. The error occurred in the processing of this copy for the RECORD.

The Clerk of the House, the Honorable W. Pat Jennings, asked the Public Printer, Mr. James L. Harrison, for an explanation of the error. The Government Printing Office has advised that it is "completely at fault."

I insert at this point in the RECORD a copy of the Clerk's letter to the Public Printer and the reply received today:

JUNE 26, 1969.

Mr. JAMES L. HARRISON,
The Public Printer,
Government Printing Office,
Washington, D.C.

DEAR MR. HARRISON: I wish to call your attention to a very serious error in the CONGRESSIONAL RECORD of Wednesday, June 25th, on page H5210, Roll Call No. 91, on the passage of H. Res. 357. The late Honorable William H. Bates is listed as voting "Nay". However, his name does not appear on the official tally sheets of the House because of his death, and it was not on the sheet submitted to the Government Printing Office from which the RECORD was prepared. This sheet is attached.

Will you immediately furnish this office an explanation of how the late Congressman Bates' name came to appear as voting "Nay" on this Roll Call. I shall appreciate your responding to this inquiry by mid-morning of Friday, so this information will be available when the House goes in session at 11 A.M.

With kindest regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

U.S. GOVERNMENT PRINTING OFFICE,
Washington, D.C., June 27, 1969.

Mr. W. PAT JENNINGS,
Clerk, House of Representatives,
Washington, D.C.

DEAR MR. JENNINGS: In reply to your letter of June 26, requesting an explanation of how the late Congressman Bates' name appeared as voting NAY on Roll Call No. 91, page H–5210 in the CONGRESSIONAL RECORD of Wednesday, June 25, the Government Printing Office is completely at fault.

The alphabetical list of Congressmen for some years now has been produced in advance by pre-punched tape. This tape is used to control an automatic line-casting device which manufactures complete sets of the congressional roster. Because of the need for both speed and accuracy, this procedure was developed, and it has served to expedite RECORD production.

When preparing a roll call for insertion in the RECORD, a compositor, using copy submitted by the tally clerk, is supposed to separate the names into YEAS and NAYS, and remove names of those not voting. It was at this point the mistake was made. The name of Congressman Bates was not removed. The mistake was compounded when during proofreading the error was overlooked. We have identified both the compositor and proofreader responsible for this carelessness, and each has been officially

reprimanded for unsatisfactory workmanship.

I know of no single publication among the thousands we produce each day of which we are more proud, or which receives more careful attention, than the CONGRESSIONAL RECORD. I deeply regret this error which unfortunately is a source of embarrassment, not only to the Congress, but also to the Government Printing Office, and tarnishes our long-standing reputation for accuracy and promptness.

The galleys of type containing roll call material have been corrected, and Congressman Bates' name has been removed from all standing type.

As a future precaution, I might suggest that an official notice be sent to the Government Printing Office each time a name is no longer properly a part of the roll call list. If this were done, it would provide double assurance that such a deplorable error could not be repeated.

If there is anything further you may require concerning this incident, please let me know.

Sincerely,

JAMES L. HARRISON,
Public Printer.

I take the opportunity, also, Mr. Speaker, to commend our House employees who tally our votes during the daily sessions of the House. They work under extreme pressure and often find it difficult to hear the responses of Members when the names are called. In the instance of rollcall No. 91, Tally Clerk John Jenkins properly recorded the Members, the reported tally was correct, and the copy sent to the Government Printing Office was correct. It was simply a printing error and we should accept it in that fashion.

Also, Mr. Speaker, we should endeavor to understand the problems of the Government Printing Office. I am certainly sympathetic with the Public Printer's problems of producing a correctly and promptly printed RECORD for the use of the Congress and the public. It is well done, and we should all be grateful for the effort involved.

In conclusion, Mr. Speaker, I again commend our tally clerks, and trust this explanation ends the matter.

THE QUESTION OF CONTINUING THE SURCHARGE

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, there are many persons—including some in this Congress—who say the economy is not slowing up, that the income tax surcharge enacted a year ago has not taken hold.

On the other side, we hear from some who tell us inflation cannot be controlled without extending the surcharge and passing the other tax measures, that the measures have been put into place and they must be given the opportunity to work.

This is an important economic question, one on which honest men will differ.

One important economic analysis on this subject has just been released by the Chase Manhattan Bank, one of the Nation's largest financial institutions. In its June "Business in Brief" newsletter the bank notes "signs that these policies have begun to take effect have started to appear."

In the interest of having this timely economic analysis before us, I am inserting into the RECORD the bank's discussion:

BUSINESS IN BRIEF

The United States economy is, at last, set on a course that could eventually suppress inflation. Monetary and fiscal policies are both designed to that end. And signs that these policies have begun to take effect have started to appear.

The federal government is enjoying a modest surplus. A year ago, the deficit was running at a rate of over $10 billion on the income and product account basis. With higher taxes and tighter control of spending, there should be a surplus in the next fiscal year.

Monetary policy has been tight since late last year. Rates of growth in the various monetary measures have slowed sharply.

Slower growth in basic demand is the first requirement for containing inflation. The current inflation is by no means entirely due to excessive demand. But strong demand is necessary to allow prices to rise; only if demand weakens will it become more difficult to pass higher costs through the economy in the form of higher prices. Signs of progress:

Growth in total activity has slowed sharply. In real terms, gross national product was growing at an annual rate of 2.9% in the first quarter of 1969, down from 3.4% in the last quarter of 1968, and sharply below the 6.4% rate of the first half of last year.

The leading indicators—strong for most of the past three years—have begun to show moderate weakness.

A number of specific measures of activity—industrial production, income, housing starts—are either growing more slowly or actually declining.

Prices are still rising rapidly, in spite of these favorable signs. Consumer prices recently have been increasing at annual rates of more than 7%. This is to be expected; the momentum built up over four years of inflationary pressures cannot be broken quickly or easily.

Progress in reducing the rate of price change will be slow in coming, even if present policies are maintained. It now looks as if the economy will go on expanding at recent reduced rates for the next few months, with the growth rate tapering off later in the year. But the pressures for higher wages and higher prices are still so great that the actual rate of price increase is likely to slow only modestly by year end. Major progress on prices is not likely to appear before 1970.

Nevertheless, given enough time, the present monetary and fiscal posture appears sufficiently restrictive to break inflation. The problem for the authorities from now on will be to stick to their guns—to resist the inevitable temptations to change policy prematurely. They may be tempted to ease too soon, out of fear of possible recession, or to tighten too much out of dissatisfaction with progress on the price front.

Premature ease would validate the current inflation and add impetus to rising prices. It would reconfirm the inflationary psychology that lies behind excessive wage demands and the boom in business investment.

Further severe tightening, especially on the monetary side, could bring on the recession that nobody wants. Interest rates are already at extraordinary levels. Tighter money would threaten the availability of credit for the ordinary and necessary operation of the economy.

Patience and courage are now key factors in the fight against inflation. Patience is required because it will take at least a year, and probably longer, to restore an acceptable price trend. Political courage will be needed to resist pressures to ease up prematurely.

TAX LEGISLATION STUDY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker the issue which divides the House of Representatives on the surtax is whether meaningful revenue-raising tax reforms are a likely prospect this year. There are 102, or 42 percent, of the 245 House Democrats who have authored or cosponsored revenue-raising tax reform measures as of June 25, 1969. There are 26, or 15 percent, of the 188 House Republicans who have authored or cosponsored revenue-raising tax reform bills.

What is even more shocking is the determination that only one Republican member of the House Ways and Means Committee has sponsored a revenue-raising tax reform measure, and that was a bill to prohibit Federal land banks and land bank associations for qualifying as being tax exempt. The record in the other body is equally distressing.

In view of this shocking record of disinterest in meaningful tax reform, how can we believe those vague promises of "surtax now—reform later." This record clearly speaks for itself.

The study follows:

STUDY ON REVENUE-RAISING LEGISLATION

HOUSE OF REPRESENTATIVES

All bills listed herein are those listed in the House of Representatives Ways and Means Committee Legislative Calendar for the 1st Session 91st Congress through June 25, 1969 or the Congressional Record through May 8, 1969. Congressmen not listed have no tax reform bills producing new revenues on record through these dates.

Revenue measures—House

42% or 102 of 245 House Democrats have authored or co-authored tax reform bills producing new revenues.

15% or 26 of 188 House Republicans have authored or co-authored tax reform bills producing new revenues.

House Ways and Means revenue measures

Of the 15 Democratic members, 13 sponsor relief measures. The Democratic Committee members sponsor 6 revenue bills and 35 relief bills or 41 tax reform bills all together. In the revenue area, 3 members sponsor 2 or more bills.

Of Republicans 4 of 10 (40%) sponsor no tax reform measures, relief or revenue. Six sponsor relief measures (60%). The Republican members sponsor 14 tax reform bills, all relief measures.

33% or 5 of 15 Democratic members of the House Ways and Means Committee have authored or co-authored tax reform bills producing new revenues.

10% or 1 of 10 Republican members have authored or co-authored tax reform bills producing new revenues.[1]

Democrats

15 Members total—33% or 5 of 15 sponsoring Revenue Reform.

Michigan, Griffiths, H.R. 9896.
Ohio, Vanik, H.R. 9479, 9896.
California, Corman, H.R. 12135, 12185.
Pennsylvania, Green, H.R. 9896.
Florida, Gibbons, H.R. 7585, 9896, 10339.

Republicans

10 Members total—10% or 1 of 10 sponsoring Revenue Reform:

California, Utt, H.R. 9242.[1]

[1] A minor bill to prohibit Federal Land Banks and Land Bank Associations from being a tax exempt organization.

House of Representatives—Democrats

Adams, H.R. 2250, 9975.
Addabbo, H.R. 7575, 10237, 11991.
Anderson, William, H.R. 7575.
Annunzio, H.R. 9896.
Ashley, H.R. 9896, 10765.
Barrett, H.R. 6721.
Bennett, H.R. 11353, 12256.
Bingham, H.R. 5250, 9975, 11991.
Blanton, H.R. 8367.
Blatnik, H.R. 7040.
Boland, H.R. 9896.
Brademas, H.R. 8144, 9896.
Brasco, H.R. 10205, 11991.
Brown, H.R. 9896, 5250, 1191.
Byrne, H.R. 7585.
Chisholm, H.R. 9896.
Conyers, H.R. 7575, 7585.
Culver, H.R. 4257, 7575.
Daddario, H.R. 9975.
Daniels, H.R. 1039, 9896.
Dingell, H.R. 6206, 6207, 9896.
Donohue, H.R. 7575.
Dulski, H.R. 7575, 9730, 9896.
Eckhardt, H.R. 7575.
Edwards, Don, H.R. 5250.
Eilberg, H.R. 7585.
Evans of Colorado, H.R. 4257.
Evins of Tennessee, H.R. 11017.
Farbstein, H.R. 7585, 9896.
Foley, H.R. 7575.
Ford, William, H.R. 5250.
Fraser, H.R. 7980, 9896.
Gallagher, H.R. 1119, 9896.
Gaydos, H.R. 9896.
Giaimo, H.R. 9896.
Gibbons, H.R. 7585, 9896, 10339.
Green, William, H.R. 9896.
Griffiths, H.R. 9896.
Hamilton, H.R. 4257.
Hansen, H.R. 9896.
Hathway, H.R. 7575.
Hawkins, H.R. 9975.
Helstoski, H.R. 6233, 9896.
Hicks, H.R. 9896.
Holifield, H.R. 7575.
Howard, H.R. 229, 10498.
Hungate, H.R. 9896.
Jacobs, H.R. 7575.
Joelson, H.R. 4170, 4171.
Jones, Robert, H.R. 10302.
Karth, H.R. 7045.
Koch, H.R. 7326, 7585, 10829.
Kyros, H.R. 11991.
Long, Clarence, H.R. 7585, 9896.
Lowenstein, H.R. 9563, 9852.
McCarthy, H.R. 4257, 6769, 9897.
Macdonald, H.R. 263, 6770, 9975.
Madden, H.R. 9195, 9896.
Matsunaga, H.R. 7575.
Meeds, H.R. 5250.
Mikva, H.R. 7575, 7585, 9975.
Minish, H.R. 6517.
Mink, H.R. 9975.
Monagan, H.R. 6254, 7744.
Moorhead, H.R. 5250, 9752.
Moss, H.R. 9897.
Murphy, John, H.R. 9975.
Murphy, William, H.R. 9975.
Nedzi, H.R. 7585.
O'Hara, H.R. 9975.
Obey, H.R. 10253.
Olsen, H.R. 7575, 9759.
O'Neill, H.R. 7575.
Ottinger, H.R. 307, 9975.
Patman, H.R. 7053, 7336, 11545.
Patten, H.R. 9762.
Pepper, H.R. 8621.
Pike, H.R. 7575.
Podell, H.R. 7575, 7585, 9563, 9897.
Price, Melvin, H.R. 9897.
Rees, H.R. 5250.
Reuss, H.R. 4257, 9897.
Rodino, H.R. 9975.
Rosenthal, H.R. 7585.
Roybal, H.R. 7346, 9897.
St Germain, H.R. 7575, 9897.
St. Onge, H.R. 7585, 9975.
Scheuer, H.R. 9897, 11991.
Taylor, H.R. 8537.
Tiernan, H.R. 9897, 11991.
Thompson, H.R. 7585, 9897.
Tunney, H.R. 2142.
Vanik, H.R. 9497, 9896.
Vigorito, H.R. 7585, 9897.
Wilson, Charles, H.R. 10628.
Wolff, H.R. 9897, 10524.
Wright, H.R. 7575.
Yates, H.R. 10631, 10632.
Yatron, H.R. 7575, 7585, 9975.
Zablocki, H.R. 5250.
Corman, H.R. 12135, 12185.
Hechler, H.R. 11754.

House of Representatives—Republicans

Anderson, John, H.R. 10930.
Berry, E. Y., H.R. 9270.
Blackburn, H.R. 7432.
Conte, S., H.R. 11782.
Cramer, W., H.R. 1178.
Dellenback, H.R. 7575.
Denney, H.R. 8374.
Edwards, Jack, H.R. 8157.
Gross, H.R. 1131, 8952.
Halpern, H.R. 9896.
Hastings, H.R. 7575.
Horton, H.R. 7575.
Hosmer, H.R. 7575.
Kyl, H.R. 9852.
Lujan, H.R. 11991.
Mayne, H.R. 8952.
Robison, H.R. 9975.
Roth, H.R. 11221.
Sandman, H.R. 9897.
Saylor, H.R. 345.
Scherle, H.R. 7617.
Schwengel, H.R. 10039, 10041, 10038, 10040, 10842, 8952, 9897, 10042, 10043, 10044, 10045.
Thomson, V., H.R. 8982.
Utt, H.R. 9242.
Vander Jagt, H.R. 7788, 7789.
Zwach, John, H.R. 8640.

Categories of bills considered to be revenue raising reform legislation

1. Reduce or eliminate oil depletion allowance.
2. Limit deductions attributable to farming which may be used to offset non-farm income.
3. Minimum income tax (corporations; individuals).
4. Limit on tax exempt status of charitable foundations.
5. Excess profits tax.
6. General Tax Reform (repeal: unlimited charitable reduction; stock option provisions; dividend exclusion; exemption on municipal industrial development bonds; reduction in percentage depletion rates; use of United States bonds to pay estate tax; farming deductions to pay non-farm income; 7% investment tax credit; capital gains untaxed at death; foreign oil depletion; and increase; gift tax rates to estate tax level).
7. Miscellaneous (eliminate special treatment for gains from the disposition of depreciable realty; Federal land banks not exempt from taxes.)

SENATE

All bills are those listed in the Senate Committee on Finance's Legislative Calendar for the First Session of the 91st Congress through June 6, 1969.

There are no other speeches listed in the Congressional Record dealing with tax reform other than those made by the sponsors of the bills listed here. Those Senators not listed are not on record on revenue-raising tax reform.

Total Democrats: 57; 37 Authors or Co-Authors of revenue-raising tax reform (65%).

Total Republicans: 43; 9 Authors or Co-Authors of revenue-raising tax reform (21%).

Tax reform issues producing new revenues and Senate Bills which deal with them: 15 Bills, 38% Democratic authors author 2 or more, 9% Republican authors author 2 or more; 24% Democratic Senate members author 2 or more, 2% Republican Senate members author 2 or more.

Senators authoring or co-authoring bills

Democrats

New Mexico, Anderson, S. 2277.
Indiana, Bayh, S. 500.
Nevada, Bible, S. 500.
North Dakota, Burdick, S. 500.
Nevada, Cannon, S. 500.
Idaho, Church, S. 500, 2277.
Connecticut, Dodd, S. 500.
Missouri, Eagleton, S. 500.
Arkansas, Fulbright, S. 2277.
Tennessee, Gore, S. 2091, 2103.
Alaska, Gravel, S. 2277.
Oklahoma, Harris, S. 500, 1827, 1829.
Michigan, Hart, S. 1829, 500, 1773, 1827, 2103, 2277.
Indiana, Hartke, S. 500.
Iowa, Hughes, S. 500, 2103.
Hawaii, Inouye, S. 2277.
Massachusetts, Kennedy, S. 500.
Washington, Magnuson, S. 2103.
Minnesota, McCarthy, S. 500.
Wyoming, McGee, S. 2277, 500.
South Dakota, McGovern, S. 500.
New Hampshire, McIntyre, S. 2103.
Montana, Mansfield, S. 2277, 500; Metcalf, S. 500.
Minnesota, Mondale, S. 500, 2103, 2277.
New Mexico, Montoya, S. 500.
Utah, Moss, S. 2277, 500.
Maine, Muskie, S. 500, 2103, 2277.
Wisconsin, Nelson, S. 500, 2039, 2277.
Rhode Island, Pastore, S. 2103; Pell, S. 2103.
Wisconsin, Proxmire, S. 2103.
West Virginia, Randolph, S. 2277.
Connecticut, Ribicoff, S. 2103.
Maryland, Tydings, S. 2103, 2211.
Texas, Yarborough, S. 2277, 500.
Ohio, Young, S. 500, 2103, 2277.

Republicans

Massachusetts, Brooke, S. 500.
Kentucky, Cook, S. 1560.
Michigan, Griffin, S. 1560.
Oregon, Hatfield, S. 500.
New York, Javits, S. 1522.
Iowa, Miller, S. 1560.
Kansas, Pearson, S 500.
Ohio, Saxbe, S. 500.
Delaware, Williams, S. 31, 2075, 2110.

Senate Committee on Finance

Democrats—10 Members

(7 of 10) 70% of members of committee sponsor bills:
Louisiana, Long.
New Mexico, Anderson, S. 2277.
Tennessee, Gore, S. 2091, 2103.
Georgia, Talmadge.
Minnesota, McCarthy, S. 500.
Indiana, Hartke, S. 500.
Arkansas, Fulbright, S. 2277.
Connecticut, Ribicoff, S. 2103.
Oklahoma, Harris, S. 500, 1827, 1829.
Virginia, Byrd.

Republicans—7 Members

(2 of 7) 28% of members of committee sponsor bills:
Delaware, Williams, S. 31, 2075, 2110.
Utah, Bennett.
Nebraska, Curtis.
Illinois, Dirksen.
Iowa, Miller, S. 1560.
Idaho, Jordan.
Arizona, Fannin.

Categories of bills

1. Oil Depletion Allowance—S. 31, S. 1522, S. 2091, S. 2103.
2. Investment Credit Suspension—S. 2110, S. 2039, S. 1829.
3. Minimum Tax:
A. Capital gains—S. 1773, S. 2211.
B. Percentage depletion—S. 1773, S. 2211.
C. Accelerated depreciation on real property—S. 1773, 2211.
D. Individuals—S. 1522.
E. Corporations—S. 1827, S. 2211.
F. Trusts—S. 1827, S. 2211.
G. Estates—S. 1827, S. 2211.

H. Unrealized apreciation in gifts to charity—S. 1827, 2211.

I. Exercise of qualified stock options—S. 1827, S. 2211.

J. Interest on state and local bond—S. 1827.

K. Intangible drilling and development costs—S. 1827, 2211.

4. General Tax Reform:

A. Property from descendant—S. 2039.

B. Repeal of dividend exclusion—S. 2039.

C. Repeal of corporate multiple surtax exemption—S. 2039, S. 2211.

S. 2211.

Gift tax rates—S. 2039, S. 2211.

D. Industrial development bond—S. 2039,

F. Federal bonds to pay estate taxes—S. 2039.

G. Deductions on farm income over $15,000—S. 2039, S. 2211.

5. Tax exempt status of: A. Private foundations—S. 2075.

6. Excess profits tax on corporations—S. 2277.

7. Status of Farm investments and incomes by non-farmers—S. 500, S. 1560.

A TECHNOLOGICAL ALTERNATIVE TO PESTICIDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 15 minutes.

Mr. HOSMER. Mr. Speaker, the widespread use of DDT and other chemical pesticides, which is attracting so much public attention these days, poses a complex dilemma.

On one hand, there is little doubt that these products are causing damage—perhaps even permanent damage—to the world's fish and wildlife resources, and there is concern that man may even be endangering his own health. As we wage war on the endless varieties of insects, bacteria and other small creatures which plague man, we have unwittingly created harmful side effects.

Perhaps even half of the pesticides sprayed on crops find their way to areas for which they were not intended, affecting plants and animals that were not their original targets at all.

Yet the very tangible benefits from the use of pesticides also must be recognized. These compounds have helped man raise and protect a plentiful supply of food products all over the world. With the population explosion threatening to outstrip the world's food supply, this daily becomes a more crucial objective. It is estimated that for every dollar invested in protection by pesticides, between $4 and $5 worth of agricultural production is saved.

In addition, the use of pesticides has saved countless lives through control of malaria, cholera, typhus, Rocky Mountain spotted fever, encephalitis, and other diseases. In fact, in terms of the total production, more DDT is used by health authorities around the globe for the control of disease than is used for all agricultural purposes combined.

Clearly, then, a worthwhile national objective should be the development of economical and efficient pesticides free of the dangerous side effects which can be employed in place of DDT. The U.S. Forest Service is working toward this end with a very unlikely ally—the staff of the molecular anatomy—MAN—program at the Atomic Energy Commission's Oak Ridge National Laboratory.

Together, they are separating and purifying insect viruses—or natural pesticides—which attack only a single insect or a very few species of insects without endangering fish, higher forms of wildlife, or man.

This program was initiated in 1967 when Dr. Mauro E. Martignoni of the Pacific Northwest Forest and Range Experiment Station at Corvallis, Oreg., asked Oak Ridge to purify a particular virus known to be fatal to the caterpillar of the tussock moth, a destructive pest which kills Douglas-fir trees in that region.

Dr. Martignoni and an Oregon State University graduate student, John Carnegie, had performed a series of experiments and learned that the target virus always killed the caterpillar of the tussock moth yet was harmless to other insects. They determined that such a viral pesticide could be used without affecting valuable insects such as bees, wasps, and ladybugs.

The Oak Ridge National Laboratory has extensive experience in separating particles, based primarily on its classified work with centrifugation technology for the separation of uranium isotopes. From that work, the MAN program at Oak Ridge has developed a series of liquid zonal centrifuge systems specially designed to separate the individual particles of the human cell.

These centrifuges, in turn, led the MAN program to develop the highly successful K–11–C rotor systems which are now being used to develop super-pure human vaccines by removing the extraneous cellular material which is the cause of most unpleasant side effects of vaccinations, such as arm soreness, chills and high fever. This zonal centrifuge played a major role in the purification of the Hong Kong flu vaccine during the 1968 epidemic.

From this technological base, Dr. Norman G. Anderson and Dr. Julian Breillatt of the MAN program at Oak Ridge developed a centrifuge separation system to isolate the needed virus material from crude caterpillar homogenate in one step. Through the use of a continuous flow centrifuge rotor, similar to the ones being used by the pharmaceutical industry for human vaccines, enough purified virus was separated to justify consideration of use on a commercial scale.

Because the zonal centrifuge is so effective in producing a highly purified virus material, it is estimated that only 1 teaspoonful of viral insecticide would be required to protect 50 to 100 acres through aerial spraying. One centrifuge in a single day could produce enough material to be sprayed over 1,000 acres, whereas previous methods could produce only enough for small-scale research.

There are about 1,200 different insects which plague agriculture, and there are some 400 viruses which are known to affect these pests. Many of these viruses are specific to a single insect; others may kill five or six different but closely related species. It is believed that these insect viruses could be produced at a cost comparable to some of the newer pesticides on a cost-per-acre basis.

The material needed for the tussock moth pesticide is concentrated in particles called inclusion bodies which are located in the cells of infected tussock moth caterpillars. But since the crude caterpillar homogenate contains many unwanted bacteria, this presents an obvious danger if the virus is sprayed in watershed areas. Zonal centrifugation reduces the bacteria content from one bacterium per inclusion body in the unpurified state to one bacterium per 4 million inclusion bodies in the centrifuge-isolated material, sufficiently safe for use in watershed regions.

Protected within the inclusion body "capsule," the viruses are resistant to bacterial digestion, drying, weather extremes and moderate acid conditions.

The separation principles involved in the tussock moth experiments are now being applied to studies with inclusion bodies of the gypsy moth, European pine sawfly and bollworm. Caterpillars of all these insects are killed by specific viruses.

I am certain that all of us who are concerned with harmful side effects of DDT and other pesticides on man and wildlife will be watching for the results of this research and follow-on efforts with other natural pesticides. This is another example of the tremendous technological achievements which the Atomic Energy Commission's multidisciplinary national laboratories can produce.

NATIONAL SAFE BOATING WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, one-fifth of the Nation's population participates in some form of boating each year. The number of persons enjoying our countries' waterways has been steadily increasing. It was in recognition of this vast boating public that the 85th Congress passed Public Law 85–445, calling for the annual observance of National Safe Boating Week. In accordance with this law, the President of the United States has issued the following proclamation:

A PROCLAMATION

In a time of unprecedented opportunity for leisure-time activities, more and more Americans are discovering the benefits of boating. The ever-increasing traffic on the waterways has made it imperative that all boatmen observe the basic rules of boating safety.

Commonsense and courtesy are the two foundations of boating safety. An overloaded boat, failure to heed weather warnings or the taking of other unnecessary risks can, and too often do, lead to boating tragedy. If each boatman takes simple precautions, understands the capabilities of his craft, and exercises ordinary good judgment, tragic losses can be avoided.

Recognizing the need for emphasis on boating safety, the Congress, by a Joint Resolution approved June 4, 1958 (72 Stat. 179) has requested that the President proclaim annually the week which includes July 4 as National Safe Boating Week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning June 29, 1969, as National Safe Boating Week.

I urge the public to take advantage of educational courses in boating safety, and all

those who use our waterways for boating to exercise courtesy and apply safe boating practices.

I also invite the Governors of the States and the Commonwealth of Puerto Rico and appropriate officials of all other areas under the United States flag to provide for the observance of this week.

In witness whereof, I have hereunto set my hand this third day of March, in the year of our Lord, nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

RICHARD NIXON.

SCOPE OF BOATING

The emphasis placed on boating by this proclamation is clearly necessary when we consider the scope of boating and all it encompasses. It is estimated that some 42 million persons participate in recreational boating using almost 8½ million watercraft. Nearly $4 billion were spent last year for boats, associated equipment, and services. Boating is indeed big business involving a large portion of the population.

The U.S. Coast Guard is the Federal agency charged with the responsibility for the safety of the boating public on our navigable waters. The States, Coast Guard Auxiliary, U.S. power squadrons, American National Red Cross, National Safety Council, Boy Scouts of America, and many other organizations assist the Coast Guard in this enormous task by providing a most essential ingredient—education.

While education of the boatman is probably the most effective safety tool, it is by no means the only one. The Coast Guard enforces the various safety requirements called for by law. Unfortunately, the law in many cases is too specific to allow flexibility in adapting to new technological developments. Perhaps more important is that the law in almost every case places compliance responsibility on the boat owner or operator. Many boating experts believe that the boatman should reasonably expect that a boat he buys will meet established minimum safety standards. Present boating laws do not permit this.

On May 1 the Coast Guard released its annual boating statistics report as required by the Federal Boating Act of 1958. This act provides for a standardized system for the numbering and identification of undocumented vessels, including pleasure boats of more than 10 horsepower, uniform accident reporting, and participation in these programs by the States. Since the effective date of this legislation, April 1, 1960, every jurisdiction but the States of Alaska, New Hampshire, Washington, and the District of Columbia have provided for numbering systems which have been approved by the U.S. Coast Guard and meet the standards set forth in this act.

There was a slight increase in boating fatalities in 1968—1,342 as compared to 1,312 in 1967. In its annual report, the Coast Guard revealed that 22.2 percent, or 298, of the boating accident deaths last year involved watercraft not required by Federal law to carry lifesaving devices such as rowboats, canoes, sailboats, rafts, and other small craft. During the same period the boats numbered in all States and territorial possessions of the United States reached an all-time high of over 4.7 million.

Capsizings, as in past years, still remain responsible for the largest number of recorded deaths. In 1968, capsizings resulted in 45 percent of the total number of lives lost in boating accidents. This figure is about the same as the 1967 percentage. Of the 1,342 fatalities, drowning accounted for 1,203 victims, and 828 of the drowned either did not have or did not use lifesaving devices.

Last year a total of 5,427 vessels were involved in 4,195 boating accidents involving at least $100 property damage, an injury, or death, this is 82 more than in 1967; 1,062 of these vessels were involved in fatal accidents, while 879 were in accidents resulting in injuries. The amount of property damage was over $6.6 million.

Since 1964 the estimated number of boats has grown 9.6 percent while the number of accidents has increased 7.2 percent. During this same 5-year period fatalities increased 12.6 percent. The increases shown by these figures, while not as alarming as other more dramatic boating statistics that have been used, are of definite concern to the Coast Guard.

What is significant to me is that the number of fatalities, accidents, and injuries has remained relatively small over the past few year even though the number of boats in operation has increased appreciably. This situation is probably due to the dedicated efforts of the Coast Guard, the States, and the many fine volunteer organizations working hard to keep our waters safe. I hope this trend continues as the number of new boatmen increases, but unless additional resources are made available it is unlikely.

COAST GUARD BOATING SAFETY ACTIVITIES

An indication of the increased importance the Coast Guard is placing on the problems of boating safety is the reorganization which took place within the service in 1968. An office of Boating Safety was created in Coast Guard Headquarters with a flag officer at its head. Increased organizational emphasis also took place at district and local command levels.

Several pilot programs have been initiated, all designed to better provide boatmen with valuable educational materials and information. Perhaps the most promising of these is the boating safety center concept. The centers provide a central location where the boatman can obtain environmental information, a safety check of his boat, information on local conditions, legal requirements, and advice from the experienced and knowledgeable.

To have really safe boating, the millions of individuals comprising the boating public must be reached. In an attempt to reach these boatmen, the Coast Guard is also continuing its present programs of education and persuasion. Through boating films, safety publications, Coast Guard auxiliary programs, and utilization of boating safety detachments in public education activities, the Coast Guard takes advantage of every opportunity to stress the practical aspects of boating safety. The Coast Guard also has close coordination with the boating industry, the National Safety Council, and other such vital organizations. The safety patrol concept in recreational boating will continue to be stressed on all waterfronts this year. In the boating safety detachments, the Coast Guard has on-the-move safety patrols which visit navigable lakes, rivers, and other waters where boating activities are concentrated. The safety patrol is a roving waterborne patrol of boating areas for the purpose of deterring, detecting, and reporting unsafe practices. At the present time, there are 41 boating safety detachments and 164 shore stations which form the backbone of the safety patrol. More boating safety detachments are planned. These roving units have an effective broad impact because of their mobility and flexibility. Their primary mission is to minimize unsafe practices such as speeding in congested areas, overloading, improper loading, operating while under the influence of liquor, operating in swimming areas, and operating in posted dangerous waters through education and enforcement. In keeping with this mission, the policy of boarding for cause, begun in 1964, was reemphasized last year. The effectiveness of these mobile units is not to be measured in the number of boardings. The measurement of their effectiveness will be whether or not our waterways will be made any safer; whether the boating public is better educated in safe boating procedures by the apprehension of the reckless or negligent operator; and finally whether the accident rate decreases. The Coast Guard will educate, persuade, and enforce the law. Boating accidents and fatalities must be reduced.

The Committee on Governmental Operations has recommended that the Coast Guard triple the number of boating safety detachments in the next fiscal year. I strongly support this recommendation and urge those responsible to make every effort to increase the number of these detachments so vital to the boating safety program.

BOATING SAFETY A JOINT EFFORT

The Coast Guard auxiliary is extremely active in the education of the boating public in safe boating practices. As a voluntary nonmilitary organization, the auxiliarists' purpose is to promote safety in recreational boating. On June 23, the auxiliary observed its 30th anniversary. I congratulate the auxiliary on its dedicated and unselfish efforts to keep America's pleasure boaters safe. Its 26,000 members are experienced boatmen, amateur radio operators, or licensed aircraft pilots. The three basic programs carried out by the auxiliary are the courtesy motorboat examination, public instruction, and operations; 164,905 persons were instructed in three safe boating courses last year; 180,604 courtesy motorboat examinations were performed; over 4,000 regattas were patrolled; and almost 9,000 cases of assistance were recorded.

The States are also very much involved in boating safety and very concerned about what the future will bring.

Educational efforts by the States are increasing as rapidly as limited funds permit. The Coast Guard works closely with the States on every aspect of boating safety. This can be easily seen in the number of State jurisdictions—36 with five pending—that have signed cooperative agreements with the Coast Guard. These agreements directly affect the coordination and effectiveness of safety patrols and enforcement activities.

The encouragement of uniformity and comity among the different States in regards to these boating laws is of vital importance to everyone involved with boating. The Coast Guard encourages this, and the Congress, in the Federal Boating Act of 1958, endorsed this principle. The mechanics of uniformity however, are often complicated by the inadequacies of existing Federal laws.

NATIONAL SAFE BOATING WEEK

National Safe Boating Week—focusing attention upon the need of pleasure boatmen to know and comply with safe boating practices and regulations—begins June 29 this year as stated in the proclamation. Its objective is to emphasize efforts urging the more than 42 million people using boats on our waters to help "keep boating safe"; to teach important fundamentals of safe boating to newcomers; and to remind experienced operators as well as the novice to practice commonsense and courtesy afloat. The basic theme for this year's observance of the week is "Safety first, the golden rule of boating."

National Safe Boating Week also pays tribute to the many persons and organizations who have contributed toward maintaining boating's fine safety record. More than 1,500 Coast Guard auxiliary flotillas, U.S. power squadrons, boating clubs, and other boating and safety minded organizations are expected to participate in the National Safe Boating Week observance in communities throughout the country.

This year the National Safe Boating Committee distributed 7,500 promotional kits to local organizations all over the country. Promotional material has also been distributed to practically every news media organization. The Committee includes representatives from the U.S. Coast Guard, the U.S. Coast Guard Auxiliary, the American Boat and Yacht Council, the American National Red Cross, the American Power Boat Association, the American Water Ski Association, the Boatowners Association of the United States, the Boatowners Council of America, the Boy Scouts of America, the Corps of Engineers, the National Association of Engine and Boat Manufacturers, the National Association of State Boating Law Administrators, the National Boating Federation, the National Fire Protection Association, the National Safe Boating Association, the National Safety Council, the Outboard Boating Club of America, the U.S. Power Squadrons, the Yacht Safety Bureau, and the Young Men's Christian Association. To all of these organizations safety in boating is as important as it is to the individual and his family. To all of those national and local committees actively participating in National Safe Boating Week, I extend my congratulations. I urge all others interested in boating safety to join in making this an even more effective National Safe Boating Week, I extend my congratulations. I urge all others interested in boating safety to join in making this an even more effective National Safe Boating Week than the successful ones in the past. Let us continue the good practices set forth by National Safe Boating Week throughout the year.

FUTURE EMPHASIS

One final point, Mr. Speaker, as I have mentioned previously, there are several inadequacies in existing boating law. I know that the esteemed gentleman from Maryland (Mr. GARMATZ), and his committee are working on a new bill to remedy these defects. I support those efforts and urge that every Member of Congress do likewise when this legislation is offered for our attention.

HUNGARIAN-RUMANIAN BOUNDARY DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, some interesting aspects of the issue of ethnic minorities and the Hungarian-Rumanian boundary dispute recently came to my attention. It raised some serious questions that prompted me to look further into the background of this issue. Because of the international interest in this issue and particularly the interest of vast segments of our own American population, I bring to the attention of the American people some research I have completed.

Mr. Speaker, the fate of the Hungarian minority in Rumania has been a frequent subject of congressional debate. But too often, concern for the plight of this minority has prevented an objective analysis of the question. The majority of studies confuse sympathy for a displaced minority with impartial study of the circumstance of the border revision. The perceptive speech of my distinguished colleague from Wisconsin (Mr. O'KONSKI), delivered April 30, 1965, is an exception.

After belonging to Hungary for a thousand years, Transylvania and adjoining areas were annexed to Rumania in 1919. The issue deserves reexamination. The Hungarian minority has been a burning issue in the Rumanian press for 50 years. For example, the November 28, 1968, issue of Tribuna of Cluj—Kolozsvar—carried an article by Prof. Keith Hitchins of the University of Illinois. The study, titled "American Policy and Transylvania's Union With Rumania in 1918," is a biased account of the role of the United States in the annexation of Transylvania by Rumania. Dr. Hitchins mentions the American loan of armaments and food to Rumania during World War I. But his interpretation of U.S. President Wilson's position on Transylvania's annexation is slanted by his judgment of behind-the-scenes American diplomacy preliminary to the Paris Peace Conference of 1919.

The American position at Paris must be clarified. The Rumanian press currently charges that at the Paris Peace Conference, the United States sponsored the subjugation of ethnic minorities by newly created states. There is no basis for this argument. The correspondence of delegates and the records of the Supreme Council of the Conference and the Council of Foreign Ministers disprove this interpretation. There is evidence in these documents that the United States supported national self-determination for ethnic minorities.

First, let us examine the position of Professor Coolidge, a member of the Special Commission appointed by Colonel House under the direction of President Wilson. This group of scholars was assigned to prepare material for the coming Peace Conference. It forged Wilson's famous 14 points. On November 16, 1918, Coolidge was appointed Special Assistant to the Department of State and dispatched on a fact-finding mission to Eastern Europe. That Coolidge was amply qualified for his role has been attested by his colleague at Harvard, Prof. Robert Howard Lord—"Archibald Cary Collidge: His Life and His Letters," page 192:

> Collidge's preparation for his work during the Peace Conference was, of course, the preceding thirty years of his life. No other American had specialized so much upon history and politics, the territorial and nationality questions of those regions of Central and Eastern Europe, that were to furnish the Conference with most of its hardest problems. By study and travel, judgment and insight, by his keen sense of justice and his sure instinct as to what was practically possible, he was admirably equipped to be of service to our government during the peace making.

Professor Coolidge surveyed the situation in Hungary and reported his findings to President Wilson. Coolidge opposed the splintering of Transylvania from Hungary. He recommended to Wilson the preservation of Hungary's historical economic and ethnic integrity. The text of the communication follows:

BUDAPEST,
January 19, 1919.

Re geographic and economic unity of Hungary.

The AMERICAN COMMISSION TO NEGOTIATE PEACE,
4, Place de la Concorde,
Paris.

SIRS: I have the honor to report that in support of their statements that the kingdom of Hungary forms a natural geographic and economic unity to a greater extent than any other state in Europe except Great Britain . . . The Hungarian state is made up of the basin of the middle Danube and its tributaries and of the surrounding hills and mountains. On the north, east and much of the south the frontiers of the wild Carpathians and of the Transylvanian Alps are about as good as could be desired. In the south until the loss of Croatia and Slovonia it has also been excellent. On the west, too, it is satisfactory. Hungary consists of flat, fertile plains and of the highlands about them. All the rivers (with some slight exceptions in Transylvania) ultimately flow into the Danube, which is thus the central artery reached by many tributaries. This great common river system now more than ever needs treatment as a whole. For instance, the Danube and its tributaries are subject to sudden rise and fall. What is needed is an elaborate storage system by which water should be preserved some times in one part, some times in another, and then used later in such measure as circum-

stances may require; but for such a system a central management is necessary.

The Hungarian plains are rich, flat lands, which in former times were a natural resort of nomad and pastoral peoples like the Magyars, and the Huns and Avars before them. Today they are chiefly devoted to agriculture and provide fine crops, although these often suffer severely of drought. The Piedmont or region of the lower hills seems to integrate rather than to separate the plains from the mountains, and it is here that many of the more important cities are to be found, cities which from their very position usually have a population belonging to several nationalities. In the more mountainous regions we find all the forests, all the mineral wealth and all the future considerable possibilities of water-power, of which the war has here as elsewhere shown the need. As the Magyars have been the men of the plains, in the mountains we find predominating in numbers Slovaks, Ruthenians and Rumanians (except in the seclar (Szeckler) portion of Transylvania). The Germans have been numerous in the cities and are to be found scattered about in various places, but throughout the whole country the chief landowners have been Magyars, and they claim to have lived on good terms with the peasantry.

Thanks to this diversity in the character of the different regions, Hungary has been from the earliest times a singularly self-sufficing state. The plains have furnished the food, the hills have furnished the wood and the mineral wealth, the Danube and its tributaries have brought the people together. The different parts of the country have been attached to one another by the countless ties that come from having formed parts of the same unity through long ages. With the development of modern industry and communication the unity of the Kingdom has been still further strengthened. In recent years mining has been carried on a much larger scale, and many new manufactories have arisen and thrived. These establishments are to be found in the hill regions, that is, the borderlands, but they have been financed and managed from Budapest, which has grown in the last half century from a comparatively small town into one of the capitals of the world, with a population of nearly a million people before the war. Here is the center for the railroads, the seat of the Government, the winter home of people from every part of the country, the great focus of national life. Even distant Transylvania is and always has been economically found more closely connected with the central plain into which most of its waters flow than it has with Rumania on the other side of the mountains.

As a final argument the Hungarians point to the historic unity of their state and say it could never have been preserved through all the ups and downs of history of a thousand years, despite the variety of nationalities that have lived in it, if its continuity had not been in the nature of things in obedience to geographic law.

We can understand then what a violent rupture in the economic life of the country has been produced by the occupation, whether temporary or not, of almost the whole Hungarian peripheral, by the Czecho-Slovaks, the Rumanians and the Serbians, and in their severing of all relations between the lands they have occupied and the heart of the country. We can appreciate, too, the anguish of people here when they face the possibility of a Hungary reduced to the dimensions of the present unoccupied territory, without wood, without iron, without coal, without manufactories, nothing but an agricultural region and a great city condemned to certain ruin.

I have the honor to be, Sirs,

Your obedient servant,

(Signed) ARCHIBALD CARY COOLIDGE.

Rumanians overlook this important document. They often refer to a note of President Wilson's to the Rumanian Government dated November 5, 1918, to support their contention that the transfer of the Transylvanian-Eastern Hungarian territories was engineered by the United States. They quote from the context:

> The United States will not neglect at the proper time to exert its influence that the just political and territorial rights of the Rumanian people may be obtained and made secure from foreign aggression.

Rumanians claim that this vague wording supports the secret Treaty of London of 1916, between England and France. The terms of the private agreement transfer more than 2 million Hungarians into the enlarged Rumanian state.[1]

Turning to events in the territories themselves, Rumanians allege that the local citizens voted to belong to Rumania. They support this argument with the results of the plebescite at Alba Julia—Gyulafehervar—of December 1, 1918, and of Transylvanian Saxons on January 8, 1919, at Medias—Medgyes. They assert that the plebescite sanctioned the desire of these peoples to be incorporated into Rumania by exercising their right to national self-determination. However, the Rumanians fail to mention that the majority was denied free choice. A recent analysis by Prof. Sherman Davis Spector of Russell Sage College, who is very sympathetic to the Rumanians, analyzes the element of coercion—"Rumania at the Peace Conference of Paris," New York: Bookman Associates, 1962, pages 70–71:

> The final act was at Medias in Transylvania on January 8 when the Saxon Germans requested incorporation into Rumania. This action and those . . . in the Bukovina and Bessarabia were carried out after Rumanian troops had occupied the regions . . . Rumanian troops seized most of Transylvania by the end of December. These moves raise the question: were the acts of union spontaneous, or were they arranged under the menacing or protecting guns of the Rumanian army?

The advance of the Rumanian Army into Transylvania was an illegal act, precluded by the Belgrade Armistice of November 13, 1918, concluded between Hungary and the Allied Powers. The resistance of Hungarian troops was overcome by the Rumanians with French connivance. The Rumanian aggression was condemned by the declaration of the Supreme Council of January 24, 1919. The document was personally drafted by President Wilson, who warned:

> Possession gained by force will seriously prejudice the claims of those who use such means. It will create the presumption that those who employ force doubt the justice and validity of their claims and purpose to substitute possession for proof of right and set up sovereignty by coercion rather than by racial or national preferences or natural association. They thus put a cloud upon every evidence of title they may afterwards allege and indicate their distrust of the Conference itself. (*Foreign Relations of the United States. The Paris Peace Conference 1919*, Vol. III, p. 715.)

The Rumanians had objectives other than securing the territories claimed. A secondary objective was to discredit the pro-Allied Karolyi government. By violating the Belgrade Armistice of November 13, Rumania wanted to prove to the Hungarians that they could not rely for protection on the Allied Powers. They wanted to demonstrate that they would not treat the Hungarians as a vanquished minority, but would welcome them into the Rumanian fold. If Hungarian hopes in the Allies were dashed, the current anti-Allied Bolshevik propaganda would find a fertile soil in Hungary. Rumania planned to turn this Bolshevik appeal against the Hungarians at the Peace Conference. Rumania encouraged the Allies to revise the boundary in her favor by placing the Hungarian Karolyi regime in an untenable position. The Bolsheviks supported Rumania's preventive action.

Professor Coolidge's report from Budapest, No. 26 of January 19, 1919, summarizes this insoluble dilemma of the Karolyi government resulting from Rumanian pressure. Both Coolidge and Wilson condemned Rumania's measures. Nevertheless, the American delegation to the Committee for the Study of Territorial Questions Relating to Rumania and Yugoslavia supported with limitations the majority of Rumanian claims. This factor is explained by the biased Rumanian presentation of facts to the Committee and the Supreme Council. The Hungarian Government was prevented from speaking in its own behalf.

The Rumanian barrage was led by Ion Bratianu, the head of the Rumanian peace delegation to Paris. On February 1, 1919, he told the Supreme Council that there were 2.5 million Rumanians and 1 million Hungarians in Transylvania proper according to the 1910 Hungarian census. However, the correct figures of the 1910 Hungarian census were 918,-217 Hungarians and 1,472,021 Rumanians in Transylvania proper. Mr. Bratianu conveniently added 1 million Rumanians to the figures in order to support his request for the annexation of Transylvania to Rumania. The area finally awarded to Rumania in the Treaty of Trianon was somewhat smaller than the territories requested by Mr. Bratianu. According to the 1910 census there were 1,704,851 Hungarians, 2,-800,073 Rumanians and 559,824 Germans in the territory. Mr. Bratianu stated before the Supreme Council that the population of the land demanded by Rumania included 55 percent Rumanians and 23 percent Hungarians. Again his figures were grossly incorrect. Hardly 50 percent of the population was Rumanian and over 36 percent Hungarian in the area delineated by the London Treaty of 1916.

Mr. Bratianu went on to assail the 1910 Hungarian census as untrustworthy, and asserted:

> If an exact census could be taken, 2,900,-000 Rumanians and 687,000 Magyars, or 72 percent and 15 percent, respectively, of the

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[1] In referring to the ambiguous statement above, Rumanians obscure the more basic tenets of Wilsonian democracy. The Secret Treaty of London of 1916 conflicts with Wilson's belief in "open covenants openly arrived at."

population would be found to be the exact figures. (Excerpts from the Minutes of the Supreme Council, Held on February 1, 1919; Rumanian Territorial Claims.)

Again Bratianu was in error. It should be mentioned that the 1930 Rumanian census showed 826,796 Hungarians and 1,657,923 Rumanians in Transylvania proper despite the expatriation or expulsion of 197,000 Hungarians and the influx of sizable Rumanian masses from the other parts of the Rumanian Kingdom into Transylvania.

Fearful that the Allies might not consider the Rumanian numerical superiority large enough, Mr. Bratianu cited "the presence of near the Moldavian frontier, a race related to the Magyars numbering 450,000." Of course, these, the Szekelys, were really Hungarians who had been pro-Magyar in language and loyalty since the 12th century.

Yet Bratianu based his argument on the threat of anarchy in Hungary from Bolshevik influence. He stated:

In the territories not occupied by Rumania . . . conditions were very serious owing to the enemy having organized a violent agitation on Bolshevik lines. The division of wealth and the abolition of rank had been promised; Wilson's policy had been proclaimed to be nothing but a capitalist policy, people had been told to kill officers and to do away with the governing classes. (*Ibid.*)

Bratianu was not alone in warning of the danger of Bolshevik takeover in Hungary. Archibald Coolidge cautioned that, if continued, the present Allied policies and the Rumanian occupation would lead to the fall of the Karolyi government. George Creel, the Chairman of the Committee of Public Information, the predecessor of the OWI of World War II, was sent to Hungary in early 1919. His report to the American delegation is described in his memoirs, "How We Advertised America," New York: Harper & Bros., 1920, pages 423–424:

The Hungarian situation was deplorable to the last degree. Count Karolyi was in the President's chair, but it was plain that he could not last more than a couple of weeks unless the Allies decided upon some helpful action on his behalf. It was Karolyi who had agreed to the Franchet d'Esperey armistice, and it was the provisions of this armistice, that were now being violated daily. On three sides the Czechs, the Jugoslavs and the Serbs were making steady encroachments while on the fourth side the Rumanians were sweeping forward in utter disregard of what should have been sacred agreements. The food situation was also reaching a crisis and Bela Kuhn, plentifully supplied with Bolshevik money, was preaching the gospel of a new world.

The whole thing was tragic in the extreme . . . All that I could do was to send an instant report to Paris, outlining the situation and it was this report that brought a declaration from the Peace Conference to the effect that the boundary-lines laid down by Francet d'Esperey must be respected. This helped tremendously for the moment, but as nothing was done to give force to the declaration, things became worse than before and in the course of four weeks Karolyi was deposed and Bela Kuhn rose to power.

The Rumanian advance into Hungary was closely related to the strength of bolshevism in Hungary and the weakness of its Government. But the Bolshevik Party of Hungary numbered not more than 4,000 or 5,000 on February 1, 1919, and alone could not have exercised the great popularity ascribed to it by Bratianu. In spite of its limited membership, the Hungarian Bolshevik Party took power March 21, 1919—Rudolf Tokes, "Bela Kuhn and the Hungarian Soviet Republic," New York: Praeger, 1967, page 109. Such a small group could have never assumed power without the complete breakdown of governmental authority and the despair of the majority Socialists in the Allied inaction. Rumania precipitated the coup by having occupied, by March 21, most of the territory later allotted to it in Paris, or about one-third of historic Hungary. The appeal of communism was in fact very weak, especially in eastern Hungary, the area of interest to Rumania. No distribution of wealth had occurred, except for a moderate land reform. The Karolyi government had continued to appeal to the Wilsonian principles to its last day of rule. Not even the Social Democrats denounced the 14 points as a "capitalist" policy. Rather, Mr. Bratianu consciously sabotaged the Karolyi regime in the hope of a Bolshevik takeover in Hungary which would permit Rumania to occupy all claimed territories under the guise of "liberating" them from bolshevism. Under the impact of a probable Bolshevik takeover, the Supreme Council accepted the proposal of its committee for "the establishment of a neutral zone between the two proposed lines, to be occupied by Allied troops with a view of preventing the spreading of bolshevism, which was prevalent in Hungary."—Excerpts from the minutes of the meeting of the Supreme Council, held on February 21, 1919.

This resolution compromised Rumanian interests. Bratianu feared that the western delimitation of the neutral zone along the line promised to Rumania in the 1916 London Treaty would breed irredentism. It would be assumed that the final frontier was the western, rather than eastern end of the neutral zone. Bratianu suspected that the result would be an attempted, or completed Bolshevik takeover. On the other hand, both the Council decision and the occupation worked for Bratianu. In either case, he could prove his accusations about bolshevism in Hungary and appear the savior of democracy and Christianity.

Rumanian efforts were successful. The De Lobit Note, based on the decision of the Supreme Council of February 27, 1919, brought down the Karolyi regime, leading to the Social Democratic-Bolshevki coalition of March 21, 1919, in an Hungarian Soviet Republic, and rejected the terms of the Supreme Council. Exploiting the political instability in Budapest, Rumania renewed her military offensive April 16 and quickly occupied the Eastern Hungarian territories.

In the meantime negotiations about the frontiers were proceeding in the Committee. The Bolshevik coup had worked to Rumanian advantage. With Hungary turning Bolshevik, there was little opposition to allotting Transylvania proper to Rumania despite the protest of the Hungarian Transylvanians against the annexation and the belated accession of the Saxons to the annexation. The eminent Oxford historian of the era, C. A. Macartney, estimates that in a straight plebiscite the Rumanians would not have polled more than 60 percent in Transylvania proper. This plurality would not have been sufficient for annexation but would have led to partition similar to the 60–40 results of the Silesian plebiscite in 1921, which led to a partition of that province between Germany and Poland.

The American delegation was quick to recognize the untenability of the "neutral zone" decision. General Tasker Bliss criticized the decision on a number of counts. On March 27 he warned President Wilson ex post facto:

The present conditions in Hungary are the direct result of the action of the Supreme Council on February 26, 1919. That act, therefore, was politically unwise. It cannot be justified morally before the people of the United States . . . The line of the neutral zone which had been drawn was absolutely unjust, and we should not make matters worse by enforcing an extremely unjust decision by force of arms. (D. Miller, *My Diary at the Conference of Paris with Documents*, New York: Appeal, 1924; VII, pp. 259–261.

Bliss argued further that the entire zone was ethnically Hungarian. He felt that by changing the demarcation line, the Allies would sever a bond with Hungary established at the Belgrade Armistice of November 13, 1918. Bliss feared lest the Hungarians regard the demarcation line as validating Rumanian claims to the 1916 London Treaty.

However, the objections of the American delegates had little impact on the Council. For several reasons, the survival of bolshevism in Hungary overshadowed their views during the critical negotiations in the Committee in April and before the Supreme Council on May 8, 1919. First, neither the American, nor the other members of the Committee were aware that in practice they were drawing the final frontiers and that they were Hungary's court of last resort. The position of the delegates varied. Charles Seymour and Prof. Clive Day of the American delegation were more willing to accept compromises which they hoped would be modified in the Council. The French generally pressed for the London Treaty frontiers. The British and Italians were less adamant than the French. Although a compromise resulted in a partial revision of the boundary, the ethnic division between Hungarians and Rumanians was wholly disregarded.

In the report of the Commission, it was admitted that the nationality distribution was not one of the criteria used in defining the frontier. The account states that Magyar towns surrounded by Rumanian country districts were allotted to Rumania. But the report failed to mention that these were usually Magyar towns surrounded in the east by Rumanian, and in the west by Hungarian country districts. Five cities, with populations ranging from 30,000 to 75,000 fell into this category. Rumania was given the outlets to the valleys of the plain, and a railway connecting these outlets with each other and with the Danube. This meant again the inclusion of a long and narrow strip of technically Hungarian areas into Rumania. Finally, the Committee consid-

ered it advisable to facilitate the junction of the railways on the plains with the railway system of other Allied countries, which meant that the northern Banat area with its mixed Hungarian-German population was given to Rumania.

The U.S. position at the proceedings favored an ethnic division. At the May 8, 1919, meeting of the Supreme Council, U.S. Secretary of State Lansing asked where the ethnic line would be. Mr. Tardieu, the French Chairman of the Committee assured him that only in some cases would it lie "20 kilometers" to the east and pretended that such a line would cut railway lines and continuous communications. Lansing persisted, asking how many Hungarians would be placed under Rumanian rule and how many Rumanians under Hungarian rule. Tardieu estimated their respective numbers to 600,000 and 25,000. However, the actual number of Hungarians involved was closer to 1.7 million than to 600,000. Secretary Lansing protested:

> This distribution does not appear very just; in every case the decision seemed to have been given against the Hungarians. (Excerpts from the Minutes of the Meeting of the Supreme Council, Held on May 8, 1919.)

The frontiers proposed by the committee were finally adopted by the Council of the Ten on May 12, 1919. The decision was communicated to Rumania and Hungary following the Council of Foreign Ministers meeting of June 12, 1919. The objections of Lansing and Bratianu to the frontier were overruled.

It can only be concluded that the United States consistently opposed the present Rumanian-Hungarian boundary. While sympathetic to Rumanian demands for national self-determination, all American parties to the decree of May 12, 1919, favored a decision based on the interests of the displaced ethnic minority. At the second Paris Peace Conference of 1946, the American delegation again raised the issue of the contiguous Hungarian areas. However, Russian opposition at this time made it impossible to maintain a revisionist position. The correct demographic statistics were disregarded by the committee and misrepresented by the Rumanian claimants as well as by the French chairman of the committee. The American delegation was deliberately misled as to the true ethnic distribution of these areas. Only American pressure prevented an even further westward push of the Rumanian frontier resulting in the inclusion of another 500,000 Hungarians into the Rumanian state.

American public opinion opposed the transfer to Rumania of the Hungarian minority. The country was still sympathetic to the people of Luis Kossuth, the Hungarian nationalist famous for his role in the Hungarian revolt of 1848. Shortly after the declaration of war against Austria-Hungary, New York Representative—and later mayor—Fiorello LaGuardia addressed the House of Representatives on July 23, 1917, as follows:

> I know that the sympathies of the true Hungarian people are entirely with our cause. They are a liberty-loving people with a glorious history. There is no poeple in this world that could do more to bring this conflict to an end that the Hungarian people . . . It is advisible and prudent that we give all the moral support we can . . . I am sure the lesson of Kossuth, the great Hungarian liberator, is not forgotten.

The settlement of the boundary dispute in Rumania's favor, then, cannot be attributed to U.S. promotion of unjust Rumanian claims. Other factors are to blame. These include Bratianu's intrigues at the negotiations and the Rumanian invasion of the territory in question. The Bela Kun interlude blocked the interests of the population of the transferred territory. Although Bolshevik rule lasted only 133 days, the coup occurred in the midst of the boundary negotiations. The United States was not involved in these events. While it could not control internal Hungarian developments, the United States consistently supported national self-determination in the Hungarian-Rumanian boundary dispute.

McCARTHY DISPUTES KEY SECTION OF NATIONAL ACADEMY OF SCIENCES POISON GAS DISPOSAL REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McCARTHY) is recognized for 30 minutes.

Mr. McCARTHY. Mr. Speaker, yesterday the Department of Defense received the report of the National Academy of Sciences Committee on the U.S. Army's plans for disposal of large quantities of poison gas. This report, prepared by a committee of the Nation's top scientists and chaired by Dr. George B. Kistiakowsky, recommends that most of the gas be rendered harmless at the Army arsenals and depots where it is now stored.

I wish to commend the National Academy of Sciences committee for its thorough and informed study of this problem. The committee brought together the scientific and engineering disciplines needed to consider a difficult assignment. The committee applied its knowledge to the problem and has made recomendations with which I generally concur.

The National Academy of Sciences panel has recommended that the 21,000 M–34 Air Force nerve gas bombs be destroyed at the Rocky Mountain Arsenal or at the nearby Tooele Army Depot. They point out that the dangers of moving this gas by rail and of contaminating the Atlantic Ocean at the dumping spot are too great to warrant the risk. I agree.

The panel recommended that the 12,600 1-ton tanks filled with mustard gas be unloaded and burned at the Army installations where it is currently stored. The panel warned against the possible dangers to the ecology of the Atlantic Ocean that might result from large-scale dumping of this highly toxic gas. I agree.

The NAS committee recommended that a special committee, including ballistics experts, be convened by the U.S. Army to consider whether there is a practical way of disposing of defective M–55 Air Force nerve gas rockets now encased in cement. These rockets pose a difficult disposal problem. If it is absolutely necessary, the committee recommends taking it to either Earle Naval Ammunition Depot, N.J., or the Naval Weapons Station, Charleston, S.C., for burial at sea.

Here is where I disagree.

I urge that every conceivable means of disposing of these rockets at the Anniston Army Depot and the Blue Grass Army Depot be studied. An appropriate method most certainly can be found without disposing of them at sea. The sea disposal plan would require that the trains be given exclusive right-of-way on their trip to the sea. State and local health officials do not have the expertise to respond appropriately if there is an emergency.

The committee also made other recommendations relating to the disposal of contaminated containers and tear gas that seem appropriate.

The findings of the National Academy of Sciences committee on the U.S. Army's plan to dispose of this poison gas confirm my original suspicions that the movement of these deadly weapons of war across the country by rail and their subsequent dumping in the Atlantic Ocean was dangerous to the public and to the environment.

Their scientific expertise has pointed the way to a much safer way to dispose of these poisons.

Today the Defense Department announced it will follow the recommendations of the National Academy of Sciences committee. I applaud this action but reiterate the need to find an acceptable method of disposing of the M–55 rockets.

I insert in the RECORD for the information of my colleagues the report of Dr. Kistiakowsky's committee:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., June 25, 1969.

Dr. JOHN S. FOSTER, Jr.,
Director, Office of Defense Research and Engineering, Department of Defense, Washington, D.C.

DEAR JOHNNY: I transmit to you herewith a report prepared by a committee I appointed on behalf of the National Academy of Sciences, in accordance with your request of May 14, to give technical advice on a plan developed by the Department of Defense and alternate plans, for the disposal of certain overage and surplus chemical warfare agents and munitions. The members of the committee were selected to bring a broad range of relevant expert scientific and engineering knowledge to bear on this matter, including chemistry, biology, toxicology, physiology, and oceanography, as well as practical experience in the manufacture, handling, transportation, and disposal of hazardous materials, including explosives and chemical warfare agents.

I believe you will agree with me that the committee should be commended for the intensive study they have been able to give to this complex problem, in the interest of public service, on such short notice. I am confident the unanimous conclusions they have reached represent the best judgment of the scientific and engineering community, and trust their recommendations will be helpful to you in deciding upon a course of action.

Sincerely yours,

FREDERICK SEITZ,
President.

DISPOSAL HAZARDS OF CERTAIN CHEMICAL WARFARE AGENTS AND MUNITIONS

(Prepared by an ad hoc advisory committee of the National Academy of Sciences)

This Committee was appointed by the President of the National Academy of Sciences in response to a request of May 14,

1969 from Dr. J. S. Foster, Jr., Director of Defense Research and Engineering, Department of Defense, for an assessment of hazards involved in the execution of "Operation Chase" (and alternate plans) for the disposal of certain surplus chemical warfare stocks of the U.S. Army. Dr. Foster noted that, because of seasonal considerations, an early response would be most helpful.

This limitation on time precluded an exhaustive study by the Committee of all alternatives and factors involved. Prior to meeting, the Committee reviewed printed material submitted by the Department of Defense relating to Operation Chase, and additional relevant material from a variety of other sources. Individual members of the Committee studied the records of pertinent hearings before the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs and the Subcommittee on Conservation and Natural Resources of the Committee on Government Operations of the U.S. House of Representatives, and consulted with a representative of the Colorado Committee for Environmental Information and with Mr. Louis Garona of Edgewood Arsenal. Various members visited Edgewood Arsenal, Rocky Mountain Arsenal, and Naval Amunition Depot Earle (including a flight over the adjoining territory and the tracks of the Central Railroad of New Jersey to the city of Elizabeth). Personnel at these facilities were cordial and cooperative, and discussions with them were most helpful in providing the Committee with background information based upon experience in handling the agents and munitions concerned.

The committee met subsequently for two full days of briefings and executive sessions. Briefings, with responses to questions from the Committee, were given on various aspects of Operation Chase and alternate methods of disposal by the following personnel from the Department of Defense:

Army: Mr. Samuel Berlin, Mr. Paul R. Chagnon, Mr. S. Eckhaus, Dr. Joseph Epstein, Mr. Norman G. Hansen, Mr. Robert Hurt, Mr. E. J. Jordan, and Col. John J. Osick.

Navy: Mr. Frank Dunham and Mr. Alfred Fernandes.

The following representatives of the Department of Defense, who also attended the meetings, responded to many queries from the Committee members:

Army: Acting Assistant Secretary (R&D) Charles L. Poor; Brig. Gen. James A. Hebbeler; Dr. Van M. Sims; and Mr. R. K. Webster.

Navy: Assistant Secretary (R&D) Robert A. Frosch, and Dr. William P. Raney.

Messrs. W. C. Jennings of the Department of Transportation and T. P. McCormack of the Federal Aviation Administration responded to questions about railroad transportation and about flight patterns and regulations at the Denver airport. Officials representing other agencies of the federal government also were present.

The Committee appreciates the cooperative attitude of all these individuals and the wealth of technical and other factual information that they provided.

CONCLUSIONS AND RECOMMENDATIONS

We are very much aware that continuing inaction will not reduce the hazards of eventual disposal of the chemicals and munitions intended for disposal in the 1969 Operation CHASE, and in some instances will increase them.

Furthermore we are aware that many activities of the federal government unavoidably involve some hazards to the personnel involved and also to private "bystanders". In this respect, government activities resemble those of private manufacturing and transportation organizations. We believe, however, that the government should set an example to private organizations and individuals of minimizing risks to humans and damage to the environment, even though this may complicate and make more costly its own operations. Therefore we recommend that Operation CHASE as originally conceived be modified as follows. Five types of materials are included in the plan:

1. AF M34 bomblet clusters containing GB, a "nerve gas"
2. Bulk containers of Mustard
3. M55 rockets containing GB in concrete "coffins"
4. Contaminated and water-filled bulk containers
5. Drums containing cans of CS agent in concrete.

We recommend that disposal of these materials should be as follows:

1. A total of 21,108 M34 clusters, each containing 76 bomblets, each of which is loaded with 2.6 lb of GB (volatile liquid "nerve gas"), 0.55 lb of tetryl burster charge, and fuze, are stored now at Rocky Mountain Arsenal (RMA), the site of their manufacture some sixteen years ago.

Discussion: We consider the Army's plans for minimizing the hazards of possible GB leakage during railroad transportation, including prevention of accidents and provisions for treatment of injured people, to be well developed. However, we cannot exclude the remote possibility of a catastrophic explosion in connection with transportation of large numbers of M34 clusters. Conceivably a sniper's high-velocity bullet could initiate a burster charge, and tests have shown that this induces sympathetic detonation of several adjacent bomblets; or, the collision of a gasoline truck with the train on a grade crossing could start a fire that could detonate the contents of many clusters. Other possible hazards associated with rail transport could also release large amounts of GB from M34 clusters. This could cause casualties far beyond the capacity of the attendant medical staff to handle.

Moreover, the Navy's plans for loading and towing the CHASE ship to the disposal grounds and sinking it there cannot preclude the remote possibility of a collision at sea or some other major accident that could conceivably result in the release of large quantities of GB.

There is some possibility of a large detonation of M34 clusters upon sinking of the ship in the ocean. As already noted, limited sympathetic detonation in a cluster has been observed in a test in air. The better impedance match of water invites a massive sympathetic detonation should a bomblet detonate. We consider that this is a probable event upon the impact of the ship's hulk on ocean bottom (7,200 ft deep), which it reaches at a speed that has been estimated from 10 to 100 ft/sec. While the consequences are impossible to predict precisely, lethal contamination of several cubic miles of the ocean (spread near the bottom downstream from the dump in a layer covering many square miles) for a period of many days is likely, on the basis of calculations involving the rates of hydrolysis (and thus of detoxification) of GB, its convective diffusion, and expected (very slow) sea currents. With no massive detonation, GB would be gradually released upon progressive corrosion of its thin-walled steel containers. Calculations such as those above suggest contamination of a small fraction (0.1 to 0.01) of a cubic mile of sea water as a bottom layer near the dump, lasting a few to many months, depending on the corrosion rate. In either case live fish are likely to be attracted into the contaminated layer by dead animals. The effects of these events on the oceanic ecosphere cannot be estimated but could be very serious. We are not fully convinced that a massive detonation upon the upending of the sinking hulk while still near the surface can be wholly excluded. If this were to happen, of course, the results could hardly be less serious.

We have considered and rejected (as the Army did earlier) various ways of entombing the M34 clusters on dry land. In essence, real disposal would thereby merely be postponed, while the stage would be set for an accident or even a major catastrophe for a future generation of Americans, when the records of such entombing would have been lost and human activities not now thought of would have been undertaken.

The burying of the clusters in a deep cavern, followed by the explosion of a small nuclear device there, could incinerate and detoxify the clusters. However, the hazards involved in various stages of this operation and the time required for its completion make this an undesirable plan.

Over a period of many years, RMA personnel have disposed of more than 2,200 leaky M34 clusters by disassembling them and chemically destroying or salvaging the GB without "lost time" accidents.

Recommendation: We recommend, therefore, that the M34 clusters be disassembled and the withdrawn GB be destroyed chemically either by acid or alkaline hydrolysis. This procedure would result in waste materials without "nerve-gas" properties and not more hazardous than larger volumes of industrial waste that are routinely discharged elsewhere.

On balance, weighing various hazards we recommend that this disassembly be undertaken at RMA because (i) the hazards arising from transportation by rail will be eliminated; (ii) RMA has an experienced staff that has already disassembled M34 clusters; (iii) RMA has facilities that can be fairly rapidly expanded for the recommended operation. We consider the addition of waste waters from hydrolysis to the sealed pond on the grounds of RMA not to be an issue since it would be only a small increment of similar waste now in the pond. If this recommendation is adopted, however, we urge the Army to proceed as rapidly as possible with the implementation of the plan, which may take from 18 to 30 months. In the meantime, immediate measures should be taken to protect the stores of M34 clusters from lightning and excessive direct sunlight, and also to distribute them so as to minimize the effects of the unlikely event of an aircraft crashing on the stores.

If, for any reason, the disposal of M34 clusters cannot be carried out at RMA, we recommend that they be moved by rail to the Tooele Army Depot and there disposed of by disassembly and chemical destruction of GB, as above. Tooele is recommended because (i) it offers a shorter haul by rail from RMA through a less-populated area (with the major exception of the passage through a part of Denver); (ii) it is located in a sparsely populated region and has a large land area; (iii) the Army has transported to Tooele other munitions containing "nerve gas" so that, when the time comes for their disposal, the disposal facilities that will have to be constructed at Tooele for M34 clusters would make further railroad transportation unnecessary.

As noted earlier, the probability of a catastrophic railroad accident involving M34 clusters is very low, but not zero. To reduce it further we recommend that, in addition to safety measures already planned by the Army, positive steps be taken to close grade crossings in inhabited areas during the passage from RMA to Tooele of trains loaded with explosive munitions containing "nerve gases."

2. A total of 5,311 one-ton heavy steel containers (like those used commercially for chlorine) filled with Mustard liquid were to be disposed of in Operation CHASE, and are stored at the Rocky Mountain, Anniston, and Edgewood Army establishments. Another 7,332 such containers that were to be disposed of later are at Pine Bluff and Tooele.

Discussion: The transportation of these

heavy steel containers by rail should be considered a hazardous operation subject to safety precautions practiced by the Army. However, we consider that such transportation of an almost non-volatile liquid (Mustard H or HD) would involve virtually no hazards of a catastrophic accident because even a strong fire would not rupture the tanks and boil off the Mustard. Hence the safety and security plans adopted by the Army to deal with accidents resulting in minor leaks and even larger local contamination are adequate. Similarly we can conceive of no likely *catastrophic* accidents occurring during the towing of a CHASE ship to the disposal area.

In the past, various chemical warfare agents have been repeatedly disposed of in the oceans by the United States and other nations (see, for instance, House of Commons Parliamentary Debates, Weekly Hansard, No. 484, 25 March–31 March 1960). We have no information regarding possible deleterious effects of these operations on the ecosphere of the seas.

Most of the one-ton containers of Mustard would probably not rupture upon the bottom impact of the sinking CHASE ship. However, their brass valves (forming an electrochemical couple) would cause moderately rapid corrosion of the steel containers, so that large numbers of cylindrical shapes of solid Mustard weighing about a ton each would eventually be exposed to sea water on the bottom. Considering the very slow rate of solution of solid Mustard in sea water at 3.5°C, the rate of its hydrolysis (and hence detoxification), and the effects of dissolved Mustard on fresh-water fish, we believe that the ocean volume made lethal to fish would in all probability be extremely small, although some pollution would continue for years. We are concerned, however, about the effects of Mustard on the germ cells of fish and on unicellular and larval organisms, concerning which no quantitative data were available. Thus the effects of these large masses of Mustard on the oceanic ecosphere are not predictable.

Mustard is readily combustible and, in the past, about 3,000 tons of it have been destroyed by burning in a special furnace at the RMA. Some of the products of combustion are air pollutants of the same type as those released in some industrial and electric-power-generating activities, namely hydrogen chloride and sulfur dioxide, and none have properties of chemical warfare agents.

Recommendation: We recommend that the Mustard scheduled for disposal in CHASE (and about 6,600 tons more in the 7,332 containers still to be disposed of, as mentioned previously) be burned in government establishments where storage is safe and *local* air pollution from the resulting SO_2 and HCl is not a serious problem. This procedure was successfully followed at RMA in an incinerator having a heat dissipation capacity of about $17(10)^6$ Btu/hr. The products of combustion were dispersed into the air from a 200-ft. chimney. Should maximum ground-level concentrations of pollutants prove to be excessive, a simple liquid scrubber should be added to the existing facilities and the effluent sent to the sealed lake. If for compelling reasons the disposal is at a site other than RMA, similar facilities are suggested, with thought being given, during design, to long-term use to incinerate other materials.

3. A total of 418 "coffins" containing M55 rockets are now at the Anniston (Alabama) and Blue Grass (Kentucky) Army establishments. The rockets are distributed evenly in solid blocks of concrete cast into heavy steel boxes with welded lids. Each such "coffin" weighs about 6.4 tons and contains 30 rockets. Each rocket contains 10.8 lb of GB liquid "nerve gas" and about 2.6 lb of Composition B burster charge, as well as rocket propellant and fuze. In previous CHASE operations during 1967 and 1968 1,706 such "coffins" have been sunk in one location east of NAD Earle at a depth of 7,200 feet.

Discussion: The transportation of the "coffins" by rail should be treated as a hazardous operation, but we conclude that the probability of a catastrophic accident is essentially nil because (i) the "coffins" should survive the wreck of a slowly moving train (35 mph or less, according to Army plans); (ii) a fire would take a long time to heat the large concrete mass of a "coffin" to a temperature high enough to cause rocket explosion; (iii) a sniper's bullet could not penetrate to a rocket to cause explosion; and (iv) sympathetic propagation of the explosion of any one rocket is not likely.

As in the case of the one-ton Mustard containers, the probability of a catastrophic accident during the towing of a CHASE ship loaded with the "coffins" is vanishingly small.

We expect that most, if not all, of these "coffins" would survive intact throughout the sinking of the hulk. Upon the corrosion of the steel containers, sea water will penetrate concrete and corrode the thin aluminum bodies of the rockets, thus allowing GB to diffuse slowly to the outside. Some hydrolysis of GB will take place within the pores of concrete. Where alkaline pH due to concrete prevails, the products of hydrolysis will be polymeric. These and the gelatinous aluminum hydroxide of the corroded rocket bodies may seal the pores in concrete, slowing down diffusion of GB. Hence the time interval after which "coffins" cease to be toxic cannot be estimated. The GB that escapes will be hydrolyzed gradually by sea water. The resulting toxicity of the sea should be highly localized.

The Army considers the demilitarization of M55 rockets now encased in concrete to be impractical.

Burying of the "coffins" on land or in lakes is inadvisable in our view, as well as in the Army's because they would probably retain their toxic contents long after the records of their disposition have been lost. The possibility of a serious (or even massive) accident involving human lives in some more or less distant future is thus not excluded.

Recommendation: We recommend that the Army convene a group of technically qualified individuals, including demolition experts (which we are not), to consider whether a practically feasible way could be devised to dispose of the "coffins" on an Army establishment. This method should be safe to neighboring population and positive in the sense that toxic and explosive contents of the "coffins" would be destroyed within a predictable time. As a group, however, we are unable to formulate a definite proposal that satisfies these conditions.

If the proposed study does not produce such a method (and assuming that what is now being recommended is consistent with the international obligations of the United States of America, a matter which we as a group cannot assess), we recommend that the 418 "coffins" be transported by rail (choosing routes minimizing proximity of population) to NAD Earle and, through, Operation CHASE, sunk in the same disposal area (centered at 39°38'N, 71°0'W) where the other 1,706 "coffins" have already been dumped. The choice of this location is based on reasoning that the concrete blocks will remain on the bottom for a very long time after the loss of toxic ingredients, and it is preferable that all of them be in one location when, in some more or less distant future, technological operations at the depth involved (7,000 ft) will be common and the records of CHASE operations may have been lost. To accelerate the conversion of the additional "coffins" into inert blocks of concrete, we recommend brazing to each of the outer steel boxes several pieces of copper to form electrochemical couples for accelerated corrosion.

If it is decided not to use NAD Earle for Operation CHASE, we recommend reconsideration of the use of the Naval Weapons Station-Charleston, Charleston, South Carolina, since, if these recommendations are carried out, only one CHASE ship would be required, and the local personnel and facilities at Charleston may be found to be adequate for its safe loading and towing to sea. The use of Charleston would entail a less serious rail-transportation problem and the ship could be sunk in the dump area (29° 20'N, 76°0'W) already designated on charts as used for "explosives chemicals, and munitions," which is in a very deep ocean (about 15,000 ft) where disposal might be less undesirable.

4. At Edgewood Arsenal (Maryland) are stored 2,325 one-ton steel containers that, at one time, contained some unknown contaminant, and have since been emptied and filled with water.

Discussion: These water-filled containers present relatively minor railroad and other transportation hazards, since such hazardous materials as GB and Mustard would already have been hydrolyzed for a long time by water-filling. On immersion in sea water, these containers should be corroded moderately rapidly because of their brass valves. Their leaking contents will serve as only a very minor local contaminant.

We have been informed that these containers cannot be disposed of through commercial channels because the chemical nature of their contamination is unknown.

Recommendation: We recommend that, to ensure only insignificant content of toxic materials, these containers be drained and refilled with water at the Edgewood Arsenal, a procedure, we were told, that presents no serious problems. Thereupon, if they still cannot be disposed of through commercial channels, we recommend disposing of them through Operation CHASE.

5. Also located at Edgewood Arsenal are 86 drums of 55-gallon capacity filled with cast concrete in each of which has been embedded canisters containing 80 lb of a mixture of a solid riot-control agent CS and some pyrotechnic composition.

Discussion: We were informed that safe disposal of the contents of these drums at the Arsenal presents serious problems.

The rail transportation and ship towing of this material present no serious hazards, since explosive hazards are virtually nil and the agent is non-lethal. The thin-walled drums will be fairly rapidly corroded upon sinking to sea bottom. The CS agent is rapidly hydrolyzed by sea water and, therefore, whether or not the concrete blocks survive the bottom impact, contamination of the sea will be minor and transient.

Recommendation: Unless a procedure similar to the demolition procedure first recommended in Section 3 is developed, we recommend including in the same Operation CHASE procedure recommended as second choice in Section 3 the small additional tonnage here involved.

While the following comments are outside the terms of reference of the Committee, we wish to suggest to the Department of Defense that it adopt basically the same approach to chemical warfare agents and munitions that the Atomic Energy Commission has adopted toward radioactive waste products from nuclear reactors. It should be assumed that all such agents and munitions will require eventual disposal and that dumping at sea should be avoided. Therefore, a systematic study of optimal methods of disposal on appropriate military installations, involving no hazards to the general population and no pollution of the environment, should be undertaken. Appropriately large disposal facilities should be regarded as a required counterpart to existing stocks and

planned manufacturing operations. As the first step in this direction, we suggest the construction of facilities for gradual demilitarization and detoxification of remaining M55 rockets.

AD HOC ADVISORY COMMITTEE

Frederick Bellinger, Chief, Chemical Science and Materials Division, Engineering Experiment Station, Georgia Institute of Technology, Atlanta, Ga.

Kenneth P. DuBois, Director, Toxicity Laboratory, University of Chicago, Chicago, Ill.

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James L. Whittenberger, Associate Dean, Harvard University School of Public Health, Boston, Mass.

Martin A. Paul, Staff Director.

HEPTANOIC ACID AND CRUDE CHICORY ROOTS—THE PEOPLE BE DAMNED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, this House today put its seal of approval on a backroom bargain, surreptitiously negotiated, by those whose programs have been and continue to be soundly repudiated at the polls.

The original purpose of the 10-percent surtax was sold as a tool to help fight inflation by reducing spending in the private sector. There was another key promise to the agreement. Spending in the public sector was to be materially reduced also.

We all know that this was not done. In a few instances, showcase cuts were made in such highly visible programs as postal service for which the people already pay, or highways, which are supposedly financed from trust funds, but on the whole, the important cuts promised did not take place. So inflation has continued—in fact escalated.

There is something patently asinine about the theory that it is inflationary for the man who earned the dollar to spend it on his family—but that it is not inflationary for the Government to take the dollar away from him and give it to someone else to spend.

The people understand this foolishness and have plainly spoken against any extension of the surtax. As I said earlier this week, the dishonest and unpopular Johnson surtax is about to become the equally dishonest and equally unpopular Nixon surtax.

But suddenly something had to be done quickly, before the people could see what was going on. Although we have had 6 months to consider the matter, there had been nothing done. Suddenly there was a frantic cry to extend the surtax before midnight Monday, when it will expire. Then there were loud and newsworthy statements from many Members that they would not extend the surtax without what was called significant tax reform—relief for the taxpayers. Next came a postponement of action, because the votes for the surtax just were not there. Then there was the persuasion game in the name of "party loyalty," by both parties. Finally there was the political realization that the vote on the surtax extension must be taken before July 4 vacation when most Members would be at home and hear directly from the people in their districts.

And so, there was a political deal made. Some who had earlier demanded tax reform forgot the taxpayers. In consideration for more money distributed to the ever-growing, non-tax-paying, welfare class, they agreed to extend the surtax. This afternoon, by a constitutionally questionable device, without debate, the decent, hard-working, law-abiding taxpayers are stuck again—this time traded out for the direct benefit of the ever-growing parasitic class who pay no taxes, but who vote in ever-increasing numbers.

Mr. Speaker, I say that this is a constitutionally questionable measure. The Constitution, in article 1, section 7, clause 2, plainly provides:

> All bills for raising revenue shall originate in the House of Representatives.

This clause was put there for a purpose—to keep the real taxing power close to the people. This House has complied with demands to deliberately evade this constitutional command, because the safeguard it erects would work. The people do not want an extension of this surtax under present conditions and the Members of this House know it.

We have acted on a minor bill extending the duty exemption on a substance called heptanoic acid—but to which, without hearings, the other body hastily engrafted significant tax provisions. These provisions have never been accorded the courtesy of a hearing in committee in this House. The trading horse—a removal of the ceiling on the funds to subsidize illegitimate children—was tacked on to a simple measure removing the duty from crude chicory roots. The public is not even aware of what we are doing.

We have not extended the surtax—that will come Monday, we are told. We have only extended a law saying that employers must continue to collect, and to send to the Treasury a tax which has expired.

This hand in the pocket of taxpayers does not even extend to all taxpayers—just to the workingman for whose paycheck it can be withheld. The self-employed and the employer himself are excused from this seizure of wages in advance of a tax law.

The principle is the same as if we said that, Since the Government needs money, we will just have employers withhold all of the July pay, and get around to adjusting the tax later to cover the operation. Suppose the surtax fails Monday—then what? The employers would continue withholding for 30 days without a law.

The Constitution has something to say on this subject also. In addition to the due process clause, which certainly implies more than a backroom political bargain, in enacting tax measures the fifth amendment, commands:

> Nor shall private property be taken for public use, without just compensation.

This is exactly what we have done—by voice vote. We have taken private property, the dollars from workers' paychecks, with no compensation whatsoever.

We did not act on the tax. We acted only on the collection mechanism. We have required the taking of money from those we may get around to taxing later, on the appealing argument that to fail to do so would cost employers money by requiring them to change their bookkeeping, and then to change it back if we ever pass the tax.

I say that this is a totally phony argument for two reasons. First, employers who felt entitled to abide by the law, have already prepared for the end of the surtax according to the very withholding tables we are now asked to amend, and must now do the very thing we claim to avoid. Second, the expense of change to the employer is a tax deductible business expense, although the withholding of wages from the employee who earned them gives that employee no deduction, no interest on his money, no other advantage.

Mr. Speaker, we again have been asked to act in the teeth of the desires of our constituents, and against all logic or commonsense. In the name of political power we are asked to go along with a corrupt bargain, where we take more and more from those hard-working, productive Americans who are the backbone of this Nation, in order to redistribute their earnings to another class of people who are productive of nothing but the fourth and fifth welfare generation—and votes.

The people whom I represent do not approve of this sort of transparent scheme. I ask my colleagues who represent other taxpaying, working, Americans to stand up and be counted for their constituents and to join in preventing another such contemptible fraud on the American people. The people want and deserve the end of the surtax measure.

Mr. Speaker, I include a recent editorial outlining the behind-the-scenes maneuvering:

[From the Washington (D.C.) Evening Star, June 26, 1969]

RESPONSIBILITY AND THE SURTAX

The prospects for extending the surtax took a sudden turn for the better yesterday, thanks to Minority Leader Gerald Ford and the Republican Party.

Ford was able to inform the Democratic leaders that 170 of the 188 Republicans in the House were prepared to vote for a full-

year extension of this crucial measure. This represented a dramatic 40-vote increase over the accepted Grand Old Party nose-count up to that time. One explanation for the shift was the President's reportedly effective lobbying efforts behind the scenes. Also, Ford was likewise successful in his urgent appeal for party responsibility.

As a result, Speaker McCormack and Majority Leader Carl Albert agreed to schedule a vote on the surtax this Monday before the July 4 holiday break. Had the House gone ahead with its original plan to delay matters until after the recess, the chances for the surtax extension would, of course, have worsened accordingly.

Now that the Republicans have shown a commendable willingness to vote their consciences rather than their districts, the responsibility for the fate of the government's anti-inflationary program rests squarely with the Democratic majority in Congress. The American public is sophisticated enough nowadays to know when the party in control of Congress—rather than the man in the White House—is at fault. If a delay in extending the surtax rocks the standing of the dollar abroad, or causes panic in the domestic money markets, the voter will know that the Democrats are to blame. Moreover, he may be expected to figure out for himself that many Democratic Study Group members who now oppose the surtax extension unless a firm commitment is made for tax reform this session are, in fact, hiding behind that issue as a way of avoiding a vote for the surtax.

This Friday, the House will have the opportunity to vote for a one-month extension of the surtax. All indications are that this stop-gap measure will pass. But this move hardly can be expected to solve the crisis in confidence that doubts about the full-year extension of the surtax will engender here and abroad.

The responsibility of congressional Republicans and Democrats is altogether clear. The surtax must be extended for a full year—now.

THE PROBLEM OF DRUG USAGE AMONG TODAY'S YOUTH

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, we are living in the psychedelic age. It is an age which came upon us very quickly, with little warning, and has overtaken us at a pace which is difficult to keep up with. Because of this, a tremendous amount of confusion, concern, fear, and misunderstanding on the part of parents who find their children a part of a world they themselves do not know or understand, has resulted. Aside from the overriding necessity for detailed research on the effects of drug usage, there is a need for public education about the effects of drugs, the reasons for which youth are drawn to them, and what can and should be done about it. Western Electric Manufacturing and Supply Co., in Sunnyvale, Calif., has recognized this need and taken the responsibility upon itself for this education process.

In May, with the cooperation of Station KNTV in California, which kindly gave prime TV time for a public service broadcast, Western Electric presented a program entitled, "Marijuana, the Growing Grass Fire" which was designed to inform the public of the issues involved in the use of marijuana. The response to this broadcast by the public was very enthusiastic and Western Electric received hundreds of letters praising the show and requesting copies of a booklet which Western Electric had published in conjunction with the broadcast called "Parents Guide to Marijuana." I think the efforts of Western Electric to take on the responsibility of helping our society understand and adjust to its new problems are to be highly commended and should serve as an example to others in our country. I include the following portion from the above-mentioned booklet be as a part of the RECORD and as an insightful commentary on the problem of drug usage among today's youth:

Today's young people are a lot more idealistic than we were at their age. They have an awareness of social justice, world peace and other national and international problems. They are not easily fooled by hypocritical parents. Or tolerant of them, for that matter. In all fairness, we can't preach about drugs if we ourselves are hung up on tranquilizers or are partial to three martini lunches. We as adults must get off our duffs and earn our children's respect by setting good examples in what we do, think and feel in all our relationships.

We forget young people need—and even desire—authority. They say we now live in a permissive society. You don't have to be a policeman to recognize this is true. Children, the experts say, want strict parents, but at the same time want the discipline to be fair, not tyrannical, and discipline left up to the father, not sloughed off to the mother.

A little education on both sides won't hurt. Unfortunately for parents, teenagers know more about the drug scene than their mothers and fathers. What parents need to do is learn all they can about marijuana—and other drugs, too. Goof up one small fact about drugs and a child can make a big thing of it. A parent's point of view must be from a position of level headedness and factual knowledge. Hopefully, this booklet will assist you.

The times they are a-changing. Our youth are certainly aware of it. Too many of us are out of it as far as our children are concerned. And that's because we're not listening. Trite but true, few of us communicate Maybe a little two way communication will help break down the barriers between parents and child.

INTRODUCTION OF FOOD STAMP BILL

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, today I am introducing a companion bill to the Food Stamp Reform Act of 1969 introduced by Senator GEORGE MCGOVERN.

I am introducing this bill because of certain specific complaints from the congressional district I represent.

The Ninth Congressional District includes the fertile lands of southern Alameda County, the Santa Clara Valley and a small portion of San Mateo County in California. The Santa Clara Valley is one of the most famous agricultural valleys in the Nation and, even today in the age of urbanization its crops are still a rich resource. Farms are still producing lush yields and good profits in San Mateo and Alameda Counties. There is no lack of food here.

All three of these counties brag about the wealth of their inhabitants. In particular the greater San Jose area regularly advertises that the income level of its population is one of the highest in the Nation.

Thus, the Ninth Congressional District of California is fortunate enough to be in an area which produces an abundance of food and whose inhabitants earn far more than the national average.

The problem of hunger should be absent from my district.

It is one of the deep ironies of this Nation that instead there are those who go hungry in the Ninth Congressional District, those who go hungry in rich Alameda County, those who go hungry in the lush Santa Clara Valley, and those who go hungry in green San Mateo County.

I do not know how many these hungry number. No one has ever investigated fully, another irony.

I do know an official of the Santa Clara Valley Headstart program told me that of the 4,000 children served in that program last year she estimates 2,000 of them were hungry.

I also know Frederick B. Gillette, director of the welfare department of Santa Clara County reported on May 6, 1969, in testimony before the Select Committee on Nutrition and Human Needs in San Francisco:

In Santa Clara County today there are families with children suffering from the effects of diagnosed malnutrition. These are the families that cannot afford to buy food stamps.

Hunger in the Ninth Congressional District is a hidden problem.

We in the district have grown so fast that we failed to look back, we have failed to notice those who have not traveled our road to prosperity. There is, I believe, no one within the district who would allow a child to go hungry, if he or she could help. However, only a few have ever looked and recognized the face of hunger hidden among signs of prosperity.

The problem of hunger in the Santa Clara Valley is now being examined through a governmental study, yet this study made up of cold statistics cannot tell the full story of human misery. The study will serve a worthy purpose, but I am afraid it will not mobilize the total resources of the area in such a way that hunger can be fed through the warmth of private action.

I would hope the people of my district will help us find the hungry, discover where they live, and determine what can be done to help. Specifically, I would hope the Santa Clara County Council of Churches, through its task force on hunger, the Santa Clara County Medical Society, Metropolitan San Jose, other private organizations, and the minorities, would cooperate in a study of hunger in the area. School districts could play a vital role in such a study. Finally, I would hope the press, the newspapers, radio, and television would conduct their own independent and impartial investigations of the problems of hunger.

This kind of cooperative study could reveal, not only to Government, but also to the people of the area, the extent of the problem and the solutions to it.

Governmental programs have failed in

this area of hunger. Better solutions must be found, which involve all sectors of the area and of the Nation.

The Federal Government cannot eliminate hunger, but its programs can be improved. In particular there are reforms in the food stamp program which can help, and help now.

Mr. Gillette, in pointing out the problems within Santa Clara County, said many of those eligible for the food stamp programs cannot afford to purchase the stamps:

A household of nine with a net take home pay of $491 per month and an adjusted net income of $426 a month must pay $122 for $166 worth of food coupons each month.

Expenses for the family, including house payment, utilities, medical bills, furniture payment, car payment and gasoline are $400 per month, leaving them only $91 for food, incidentals and clothing. Obviously, they cannot pay $122 each month for food stamps.

As Mr. Gillette points out, one of the major problems in the present program is that food stamps are an all or nothing proposition. The recipient must buy every stamp he is eligible for, or none.

In the Ninth Congressional District this problem is extreme. Costs are high. Rents are among the highest in the Nation, if a rental can be found. A car is a necessity, for there is no public transportation worthy of the name.

A mother and three children with no income other than welfare payments, receives in Santa Clara County $221 per month. In order to obtain adequate housing, she must pay at least $100 a month in rent—and for that amount she would be lucky to obtain a two-bedroom old apartment in a deteriorating neighborhood. A modern, unfurnished three-bedroom apartment costs at least $240 a month, a three-bedroom unfurnished house with termites and a sagging bathroom floor, $180 a month.

This mother and her children face the choice of either inadequate housing, clothing or food supply, and a possible combination of all three.

It is my belief that many of those who depend on welfare payments, or social security for sustenance, go hungry.

The legislation I am supporting will not cure this hunger, but it will help.

It changes the present all or nothing law to read:

A household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase.

Mr. Gillette pointed out another inequity in the present law:

Many older persons have three to five thousand dollars in the bank as a reserve against possible illness, funeral expense or other emergencies. Because they are sorely afraid of their savings dwindling and because they don't want to end up as a burden on their loved ones, they often live on marginal incomes which do not allow adequate funds for food.

To meet this problem, the legislation I support says of the standards for eligibility:

Such standards shall also place a limitation on the resources to be allowed eligible households, but such limitations shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources.

There are a number of other portions of the act pertinent both to my congressional district and my State.

First, it would permit the Secretary of Agriculture to use private local agencies or other governmental agencies to operate the food stamp program, when local officials, as some have in California, refuse to operate such programs.

Second, the Secretary of Agriculture would set the maximum income for participation in the food stamp program, but the States on the basis of local needs could increase that maximum income level, if necessary and if the Secretary of Agriculture approves.

Third, any household whose income is less than two-thirds of the minimum cost of purchasing a nutritionally adequate diet will receive its coupon allotment free.

At present the Agriculture Department has established the cost of a low-budget diet at about $1 per day for each member of the family, a budget of $120 a month for a family of four. Thus a family of four with an income of less than $90 would get free coupons. There are presently 5.2 million Americans in such families.

Fourth, the maximum income level for participation—eligibility to buy stamps shall be no less than three times the cost of purchasing a minimum adequate diet.

Under present standards the maximum income level for a family of four would be $360 a month.

Fifth, recipients of food stamps would be permitted to purchase products necessary for personal cleanliness, hygiene, and home sanitation.

While I believe this legislation will aid in fighting hunger in my congressional district, I do not believe it answers the basic problems.

Let me use as an example again, the mother and three children on welfare in Santa Clara County, who receive $221 per month.

On this sum she must feed, house, clothe, and provide transportation for herself and her children. I, for one, do not believe she can feed herself and her children for $120 per month, leaving $101 for rent, clothes and transportation. Adequate housing of any sort is all but unavailable. She must report any additional income she receives, on the penalty of going to jail.

In Santa Clara County a family of four cannot live today on $221 per month.

I believe this legislation will help her, and her children.

I believe we in the Ninth Congressional District must investigate and find new solutions to the problems of hunger in a place where hunger has no right to exist.

Senator McGOVERN in introducing his bill said:

Are we to believe that our nation can afford 11 trips to the moon, a new multi-billion dollar manned bomber and a dubious anti-ballistic-missile system, but that we cannot afford a penny more to feed hungry children because this would cause inflation? This is nothing less than disgraceful—the use of the threat of inflation to persuade a person who is suffering from hunger to wait a few more years for food.

I would add that we can afford napalm for Vietnam, we can even afford to feed hungry Vietnamese, but we are now told we cannot afford the money to feed hungry Americans.

A French queen once said, "Let them eat cake."

Today, we in the United States must find a better answer, or we too will lose our heads, and deservedly so, if we allow our own children to go hungry.

THE SMALL BUSINESS PROGRAM MUST HAVE HELP NOW

(Mr. SIKES was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am deeply concerned with the plight of the small business investment program. At the direction of the President, the Bureau of the Budget has declined to release the full $30 million appropriated for the SBIC program for the current fiscal year. In fact, only $8.7 million has been released to fund SBIC loan applications of pending but not funded from the prior fiscal year, 1968. Today 45 SBIC's out of a total 350 active licensees have approved loan applications on file with SBA totaling $28.7 million. These companies are in desperate need of matching funds if they are to continue to service the financing needs of small business concerns throughout the country. What is more, the very survival of many of these SBICs is at stake. Unless the Bureau of the Budget releases the remaining $22.3 million in appropriated funds, the entire SBIC industry can be placed in jeopardy, for it will become apparent to all SBIC's that they no longer can count on SBA funds in time of need and therefore have little reason to continue in the program.

I am aware that officials at SBA and Budget Bureau as well as industry representatives have been diligently working to find alternative funds through guaranteed borrowings from the private money market. Several proposals have been advanced, but because of the rising cost of money and legal complications with other Federal agencies, none has proven feasible. Thus the only remaining alternative of maintaining these 45 SBIC's as viable financial institutions is to release the $22.3 million frozen by the Bureau of the Budget before this fiscal year expires.

The administration has stated it has not released the entire appropriation, because it must comply with title II of the Revenue and Expenditures Control Act of 1968.

Mr. Speaker, I submit that a modest reduction in the allocation of appropriated funds might be understandable, but the refusal to fund any applications filed since the beginning of this fiscal year is inconceivable for it may ultimately lead to the destruction of the only organized source of venture capital available to small business in this country. The release of the remainder of the appropriation, $22.3 million, will have a minimal impact upon the Federal budgetary picture, but it means the difference between solvency and insolvency for hundreds of small business concerns dependent upon these SBIC funds. Inaction by the Budget Bureau will also

mean the loss of several million dollars already in the program as several SBIC's awaiting funds may be forced to liquidate. I believe we could also realistically anticipate the departure of dozens of other SBIC's as it will be apparent they can no longer rely on the Federal Government to comply with its end of the bargain by supplying money when needed.

Eleven years ago Congress passed the Small Business Investment Act of 1958 which promised to match SBIC private capital with Federal funds at a ratio of of 2 to 1 up to certain maximum amounts. Thousands of individuals were induced to invest their savings, time, and effort in hundreds of SBIC's. The Federal Government must not now break its good faith ageement with these entrepreneurs and arbitrarily cut off their source of funds.

We can keep faith; we must keep faith with our private partner. It is incumbent upon the administration to release these funds immediately. No other feasible solution to the SBIC money crisis is imminent and action is needed now.

HALT DDT ADVERTISING

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, recently I have joined with colleagues in efforts to curb the poisoning of our environment with chemicals used as pesticides. My action stemmed from a long interest in protecting our citizens, as well as wildlife, from the dangerous effects of these substances.

Of particular urgency is the need to halt the accumulation of the chemical DDT in our environment. This poison does not dissipate in the normal processes of nature, but instead continues to collect in greater concentrations as it is used ever more widely in agriculture. The result is that we are slowly poisoning the entire world by its use.

The threatened extinction of the American bald eagle from DDT best symbolizes the ravages that this chemical is making on our environment. All of us have a common stake in stopping this race to disaster.

Although efforts to control such pollution usually meet with public apathy, it is heartening to note that some responsible groups in our society are working diligently toward a sounder policy on poisonous chemicals. One example of this was the recent action of Sunset magazine in placing an immediate ban on advertising of DDT and related chemicals.

Sunset acted only after a long, careful study of the situation. Its conclusions—concerning the danger of these chemicals to all of us—are worthy of attention by all Members of Congress as well as other concerned citizens and public bodies. This magazine's action is especially significant since it currently carries more insecticide and pest-control advertising than any other nonfarm magazine in the United States.

In addition to banning advertisements for these products, the magazine is publishing a major article urging readers to use substitute products. Some 19 acceptable products for home and garden use are listed, along with recommended methods for getting rid of present supplies of the insecticides. A revision of Sunset garden books is also planned for this fall.

Since these are positive steps that put the public interest ahead of monetary gain, I commend this magazine for its concern for the public welfare. For the benefit of my colleagues, I place an announcement of the magazine's actions at this point in the RECORD.

The announcement follows:

SUNSET MAGAZINE MOVES AGAINST DDT AND FIVE OTHER INSECTICIDES

MENLO PARK, CALIF.—*Sunset* Magazine announced this week an immediate ban on accepting advertising for products containing DDT and five other insecticides, and is revising all of its *Sunset* gardening books to recommend substitute products, according to Lane Magazine & Book Company president, L. W. (Bill) Lane, Jr.

The move came after a continuing concern and a six-month intensive study convinced the magazine's gardening staff and management that damage to wildlife and the eventual possibility of harm to humans is far too great to offset the product advantages for use in home gardens.

The announcement is especially significant in view of the fact that *Sunset* currently carries more insecticide and pest-control advertising than any other non-farm magazine in the country.

Lane also announced that the magazine will publish a comprehensive report on the subject in its August issue, listing 19 acceptable substitute products for use around the home and recommended methods for getting rid of present supplies of the insecticides. He emphasized that many of the substitute products have been included in recent and all current printings of *Sunset* publications. The magazine's ban on product advertising goes into effect with the same August issue, which is the first issue going to press following the announcement.

Sunset's garden editor Joseph F. Williamson said that research and checking with all responsible authorities convinces him that the new restrictions imposed by the California Department of Agriculture are a step in the right direction, but that more controls are needed.

Sunset's decision not to accept advertising precedes the January 1, 1970, ban ordered by the State of California directive on only two insecticides—DDT and DDD.

Three other states—Arizona, Wisconsin, and Michigan—have passed or proposed legislation to control the use of DDT and related chemicals.

The *Sunset* article will also recommend that four other insecticides immediately be taken off the market for home gardening—aldrin, dieldrin, endrin, and toxaphene. They are also included in the ingredients not acceptable for *Sunset* advertising. Williamson explains that the major problem with these stems from what scientists call "nondegradability." Other kinds of insecticides "break down" or change into harmless substances within hours or days after application. These retain their chemical potency, wherever nature may take them, for years after application.

Williamson reports that manufacturers are actively cooperating in the drive to market substitute products that offer the benefits of insect control without the hazards of DDT and its related compounds. Some have voluntarily eliminated DDT products from their lines. Nevertheless, according to a *Sunset* survey of retail outlets, it still is currently contained in 35 products in the Western garden supply market.

Scientists report that certain forms of wildlife (California brown pelicans, peregrine falcons, bald eagles, and Dungeness crabs, to name a few) have taken enough DDT into their systems to make many adults no longer capable of reproducing, thus threatening their species with extinction.

Lane noted that not accepting certain categories of advertising is not new to *Sunset*. The publication, with a circulation of close to one million in Western America, has a long list of products that it does not accept in its advertising pages. "In the case of tobacco and hard liquor, we dropped advertising of such products 25 years ago," Lane said, "not because we set ourselves up as crusaders, but because we felt they didn't fit in the atmosphere of our family-oriented magazine. But in the case of insecticides, our readers expect us to be authorities; we can't very well accept advertising for products we would not endorse or recommend in our editorial pages."

In addition to publishing *Sunset* Magazine, the company is a major book publisher. Melvin B. Lane, publisher of *Sunset* Books, reports that revisions already are being made on all of the firm's garden books to conform with the new findings on insecticides.

A VOTE AGAINST H.R. 7906

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I voted against H.R. 7906, a bill to impose Federal regulation on State and local taxation of commerce.

While unfair burdens are undoubtedly being placed on such trade by the States, the evidence indicates that the States are speedily moving to correct these difficulties by themselves. In my own State of Hawaii, for example, the legislature in 1967 enacted the Uniform Division of Net Income for Tax Purposes Act which was a uniform law proposed by the National Conference of Commissioners on Uniform State Laws.

In 1967 the Hawaii Legislature also passed a law preventing "double taxation" on the same sales transaction if completed on an interstate basis. Under this law, Hawaii gives credit to sales or use taxes paid to another State or local government.

Also, many States are adopting the multistate tax compact which seeks to redress the same ills which are the subject of this bill. I feel that the States should be given further opportunity to solve these problems before Federal regulation takes place.

The Honorable John A. Burns, Governor of Hawaii, opposed H.R. 7906 because it would result in a loss of revenue to the State and would place intrastate businesses at a substantial competitive disadvantage with interstate firms.

Governor Burns said:

The provisions of the Multistate Tax Compact already provide a better method of resolving multistate problems of taxation.

This bill has been before Congress in various forms for quite a few years. As originally proposed, it drew criticism from some Members of this body as being directed against small business. Subsequently it has been "toned down," and the committee report on H.R. 7906 assures us that the measure will help end the multiple taxation fears of small- and medium-sized businesses.

I hope that this is true, if the bill is enacted. Yet it is difficult to see how re-

moving taxes on transactions by a firm located in another State will fail to harm small businesses operating in only one State. These small firms have difficulty now in meeting the competition from "outside," and if a tax "break" is given to interstate firms then they will have a further advantage over local business.

While the bill excludes corporations with more than $1 million in average annual sales from the proposed limits on State income taxes, I further hope that this will not work to the advantage of big concerns which are segmented into small units. Who reaps the profits from reduced State revenues that are contemplated?

In view of these dangers, I feel that the benefits of H.R. 7906 are outweighed by its drawbacks.

THE WALL STREET JOURNAL DESCRIBES HOW A BILL IS MARKED UP

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this morning, the Banking and Currency Committee reported out a bill in the general subject area of one-bank holding companies.

Many people, both inside and outside of the Congress, have asked what happened on this legislation during an open markup session, Thursday, when the critical votes were taken.

Mr. Speaker, the Wall Street Journal of this morning, Friday, June 27, carries a lengthy article which accurately reflects what happened.

Mr. Speaker, for those interested in the activities of the Banking and Currency Committee, I place this article in the RECORD:

[From the Wall Street Journal, June 27, 1969]

BANKING INDUSTRY SCORES IN HOUSE PANEL AS EASIER ONE-BANK HOLDING BILL ADVANCES

WASHINGTON.—The banking industry won a major victory in an embittered House committee on legislation to extend Federal regulation to holding companies controlling one bank apiece.

With the help of five Southern Democrats, Republicans on the House Banking Committee gained tentative approval for a measure that would regulate the one-bank holding companies more loosely than a rival bill backed by Chairman Patman (D., Texas) and the committee's Democratic majority.

The key effect would be to specify that affiliates acquired by one-bank holding companies before last Feb. 17 won't be affected by the new regulatory statute being drafted.

That date is much more recent than any that was thought to be under serious consideration. The Nixon Administration had suggested a June 30, 1968, cutoff date, and until yesterday morning that was the date contained in the bill sponsored by committee Republicans.

The Patman measure contained no such "grandfather clause." Instead, it would require one-bank holding companies to divest themselves of affiliates that the Federal Reserve Board deemed insufficiently related to banking.

The decision stunned and angered several committee Democrats, who maintained that such a recent cut-off date will make almost meaningless any one-bank holding company bill Congress eventually passes.

They argued that the main purpose of the holding-company bill being drafted is to extend regulation to the many big banks that in the past year or so have become one-bank holding companies in order to enjoy unregulated diversification. The Feb. 17 cutoff date would exempt most of these companies' acquisitions from regulation.

Currently, only the banking subsidiaries of one-bank companies are Federally regulated; the holding companies themselves are free to acquire other businesses far afield from banking. In contrast, holding companies controlling two or more banks are tightly regulated by the Federal Reserve Board under a 1956 law.

"I don't mean this in any personal way," Chairman Patman told the committee as it prepared to vote, "But this (Feb. 17) date is a disgrace. It is a disgrace which will haunt this committee forevermore. . . ."

Mr. Patman noted that in four weeks of hearings the only witness who testified in support of the Feb. 17 cut-off date was Nat S. Rogers, vice president of the American Bankers Association.

In response, Rep. Widnall of New Jersey, the committee's senior Republican and the sponsor of the adopted measure, said Feb. 17 was picked because it was the date the first one-bank holding company bill was introduced in the current Congress and thus "was the first time companies were put on notice there probably would be legislation in this area."

The Widnall substitute bill also specifies that one-bank holding companies would be allowed to acquire only those affiliates that the Reserve Board had determined to be "functionally related to banking."

The Patman measure uses the phrase "closely related to banking," and then lists various activities bank holding-company affiliates could engage in.

A Patman aide said substitution of "functionally related" for "closely related" might result in a new series of administrative interpretations to replace the Reserve Board's past rulings regarding the "closely related" standard in the 1956 law regulating multibank holding companies.

The dramatic 20-to-15 roll-call vote was taken in an extraordinary public session, as the press and a roomful of lobbyists watched. "We had $70 billion of assets in this room today," a committee aide remarked after the vote.

In urging its defeat, Mr. Patman called the Widnall substitute the "S&H Green Stamp amendment," because Sperry & Hutchinson Co., one of many concerns that would benefit from its passage, reportedly has been intensely lobbying the committee.

Outside the hearing room following the vote, Robert Oliver, a Washington lobbyist who said he represents Sperry & Hutchinson, commented that he hadn't been surprised by the outcome. "I knew we had anwhere from 19 to 23 votes," he remarked.

Mr. Oliver said that if the Patman measure had prevailed through final Congressional passage, Sperry & Hutchinson would have been required to divest itself of State National Bank of Connecticut, which he said it acquired last September.

Adoption of the Widnall measure isn't the committee's final action, but it appears unlikely the decision will be reversed before the committee sends the bill to the House floor.

Chairman Patman said in an interview he intends to do all he can to strengthen the bill before it's sent to the Senate, where hearings haven't begun on the bank-holding company issue.

Rep. Brasco (D, N.Y.) said he may offer a floor amendment to delete the Feb. 17 cut-off date. "If we accept this grandfather clause," he commented before the vote, "we might as well forget the legislation. If we're going to lock all these people in, then we're just wasting our time here."

In his statement, Mr. Patman made his first, albeit indirect, reference to the conflict-of-interest problem existing in the committee because of the ownership of bank stock by several members.

"Every member is well aware of the criticism that has appeared in the public print about this committee," he said before the vote. "I have steadfastly refused to discuss this criticism and to do anything to add fuel to the fire. But this committee is being watched for its actions on bank legislation. I hope nothing that we do here today will add to the criticism."

This was an apparent reference to newspaper accounts, based on Representatives' filings with the House Ethics Committee recently, that showed several Banking Committee members own stock in banks.

The Banking Committee, as well as the House generally, operates under a rule prohibiting a member from voting on an issue if "he has a direct personal or pecuniary interest in the event of such question." All members of the committee voted yesterday, and Rep. Patman conceded in an interview it thus would appear that some members had violated the committee's rules.

He said, however, that the committee would have to hold "an investigation" to determine whether that was true, and that he didn't intend to call such an inquiry. "That's difficult for me to do," he explained, "because I'm the chairman of this committee and I try to work with these fellows. We have other legislation coming up besides this."

The conflict-of-interest question within his committee is believed to be a source of considerable embarrassment to the chairman, who has mounted a one-man crusade in recent months to force Treasury Secretary Kennedy to sever his ties with the Chicago Bank he once headed if he's to remain in the Cabinet.

The five Democrats who joined the committee's 15 Republicans in support of the Widnall amendment were Reps. Stevens of Georgia, Gettys of South Carolina, Galifianakis of North Carolina, Bevill of Alabama, and Griffin of Mississippi.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAHILL (at the request of Mr. GERALD R. FORD) for today, on account of critical family illness.

Mr. CHARLES H. WILSON (at the request of Mr. BOGGS) for today, on account of official business.

Mr. MESKILL (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HICKS (at the request of Mr. FOLEY), for June 27, on account of official business.

Mr. GOODLING (at the request of Mr. GERALD R. FORD) for the week of June 30, on account of official business.

Mr. MCEWEN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. SEBELIUS), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. STOKES) and to revise and extend their remarks and include extraneous matter:)

Mr. McCARTHY, for 30 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. RARICK, for 10 minutes, today.
Mr. TUNNEY, for 15 minutes, on June 30.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN to extend remarks made on House Resolution 455 and include a statement he made before the Ways and Means Committee.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. ZWACH.
Mr. CLEVELAND in two instances.
Mr. COUGHLIN in two instances.
Mr. SMITH of New York.
Mr. LANGEN.
Mr. SCHWENGEL.
Mrs. HECKLER of Massachusetts.
Mr. McCLURE.
Mr. BROOMFIELD.
Mr. BLACKBURN.
Mr. HOGAN in three instances.
Mr. O'KONSKI.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.
Mr. BOLLING in two instances.
Mr. BLATNIK in three instances.
Mrs. HANSEN of Washington.
Mr. ALEXANDER in two instances.
Mr. DANIEL of Virginia.
Mr. MINISH.
Mr. VANIK in two instances.
Mr. NIX.
Mr. POWELL in three instances.
Mr. BROWN of California in two instances.
Mr. WOLFF.
Mr. HOWARD in two instances.
Mr. RARICK in four instances.
Mr. DIGGS.
Mr. EILBERG.
Mr. STOKES in six instances.
Mr. KOCH in four instances.
Mr. GONZALEZ in two instances.
Mr. PICKLE in three instances.
Mr. RYAN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 621. An act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1076. An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

S. 1708. An act to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1932. An act for the relief of Arthur Rike; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies; and

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for 1 month the existing rates of withholding of income tax.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 26, 1969, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, June 30, 1969, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: JOHN MELCHER, Second District, Montana.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

893. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting several plans for works of improvement prepared under the Watershed Protection and Flood Prevention Act, as amended, none of which involves a structure which provides more than 4,000 acre-feet of total capacity, pursuant to the provisions of the act (16 U.S.C. 1005); to the Committee on Agriculture.

894. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a copy of the semiannual report on architectural and engineering fees in excees of $25,000, for the period of July 1–December 31, 1968, pursuant to the provisions of section 102 of the Foreign Assistance and Related Agencies Appropriation Act; to the Committee on Appropriations.

895. A letter from the general counsel, National Council on Radiation Protection and Measurements, transmitting a report on the examination of the accounts of the council as of December 31, 1968, pursuant to the provisions of section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

896. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting several plans for works of improvement prepared under the Watershed Protection and Flood Prevention Act, as amended, each of which involves at least one structure which provides more than 4,000 acre-feet of total capacity, pursuant to the provisions of the act (16 U.S.C. 1005); to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 2. A bill to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes (Rept. No. 91–331). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. House Joint Resolution 780. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949 (Rept. No. 91–332). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 12468. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. BETTS:

H.R. 12469. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 12470. A bill relating to the deduction for income tax purposes of contributions to certain organizations for judicial reform; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 12471. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 12472. A bill to require the licensing by the States or the Federal Government of operators of certain vessels on navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CORMAN (for himself, Mr. BURKE of Massachusetts, Mr. BENNETT, Mr. ST GERMAIN, Mr. TIERNAN, Mr. ST. ONGE, Mr. O'NEILL of Massa-

chusetts, Mr. BOLAND, Mr. ROGERS of Colorado, Mr. MIKVA, Mr. VANIK, Mr. MESKILL, Mr. WEICKER, Mr. EDWARDS of California, Mr. HAWKINS, Mr. HATHAWAY, Mr. CLAY, Mr. ANDERSON of California, Mr. FASCELL, Mr. FUQUA, Mr. SYMINGTON, Mr. KYROS, Mr. BROWN of California, and Mr. WALDIE):

H.R. 12473. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 12474. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 12475. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI (for himself and Mr. CORBETT):

H.R. 12476. A bill to amend title 5, United States Code, to provide for additional positions in grades GS–16, GS–17, and GS–18; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:

H.R. 12477. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 12478. A bill to amend the Communications Act of 1934 to prohibit the granting of authority by the Federal Communications Commission for the broadcast of pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. KAZEN:

H.R. 12479. A bill to amend the Submerged Lands Act to establish the coastline of certain States as being, for the purposes of that act, the coastline as it existed at the time of entrance into the Union; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 12480. A bill to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962; to the Committee on Interior and Insular Affairs.

By Mr. MICHEL:

H.R. 12481. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 12482. A bill to provide for the conveyance of certain mineral rights in and under lands in Dunn County, Wis.; to the Committee on Interior and Insular Affairs.

H.R. 12483. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. OLSEN:

H.R. 12484. A bill to establish certain rights of professional employees in public schools operating under the laws of any of the several States or any territory or possession of the United States, to phohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 12485. A bill to provide improved judicial machinery for the selection of juries, to further promote equal employment opportunities of American workers, to authorize appropriations for the Civil Rights Commission, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 12486. A bill to exempt a member of the Armed Forces from service in a combat zone when such member is the only son of a family, and for other purposes; to the Committee on Armed Services.

H.R. 12487. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if certain relatives of such member died or became totally disabled while serving in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. SCOTT:

H.R. 12488. A bill to restrict the mailing of credit cards; to the Committee on the Judiciary.

H.R. 12489. A bill to reform and modernize the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHRIVER:

H.R. 12490. A bill to establish fee programs for entrance to and use of areas administered for outdoor recreation and related purposes by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 12491. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements; to the Committee on the Judiciary.

H.R. 12492. A bill to amend the Tariff Schedules of the United States to permit the duty-free entry of certain personal effects of servicemen assigned to combat areas; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 12493. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. COLLIER:

H.J. Res. 799. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Gen. Douglas MacArthur; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12494. A bill for the relief of Francesco and Orsola Miceli and minor son, Vito Miceli; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 12495. A bill for the relief of Annibale Cuozzo; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 12496. A bill for the relief of Polberto Obias Baranuelo; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 12497. A bill for the purposes of the Immigration and Nationality Act and in the interest of Mrs. Kathleen Alice Heinze; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

157. By the SPEAKER: Petition of Roger Sherman Bandy, Decatur, Ill., relative to redress of grievances; to the Committee on the Judiciary.

158. Also petition of Geraldine M. Vickers, Lawndale, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AMERICA'S HERITAGE OF FREEDOM

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ALEXANDER. Mr. Speaker, a constituent from the First Congressional District of Arkansas recently sat down to record his ideas on "America's Heritage of Freedom." The resulting article on the price and responsibilities of freedom is worth the serious consideration of all of us as we approach the 193d birthday of our Nation.

The article, written by Mr. Rudy Thomas of Caraway, Ark., was printed in the local newspaper in Caraway. I commend it to the attention of each of my colleagues and include it in the RECORD at this point:

AMERICA'S HERITAGE OF FREEDOM

(By Rudy Thomas)

Another Glorious Fourth of July is just around the corner. It is a day remembered and celebrated as the birthday of our nation. Come next July 4th our nation will be 193 years old. This may sound as if ours is a very old nation, but quite the contrary, it is still a relatively young nation.

As we pause from our daily routine of life to once again celebrate our national birthday let us examine in all candor some of the basic elements that have made our America the greatest nation in the world today. Freedom as men know it under American government is indeed new. It has come to us only after men struggled for centuries to exercise their rights to be free, to throw off the fetters of tradition. Throughout most of the world's history men have lived their daily lives under rigid rules.

From birth to death primitive people obeyed tribal custom and taboos. As civilization arose, despot kings held the power of life and death over their subjects. In the middle ages merchants gained some business rights, but the poor peasant remained in bondage to his feudal lord. The turning point in these deplorable social conditions seems to have been steered by the hand of God. The spread of Christianity began to undermine the ancient idea that men were

merely servants of the state. Christianity preached "the importance and dignity of the individual", that a man had reason and a conscience and so the right to live his own life. Then the bold discovery of our continent opened new chances to break bonds. Our precious forefathers in due time quit the Old World for a fresh new world where they could nurture the seeds of freedom. To do this they had to conquer a wilderness, fight some six years of Revolution, and build their own nation on a raw continent. That is what they did earn freedom, to earn the chance to think and act for themselves and enjoy the fruits of their own labor and risks. The history of the Colonial and Revolutionary days show how dearly they paid for it. Our American forefathers knew how hard freedom was to earn. They were not going to take it lightly. To safeguard it they created a new kind of government. They wrote the constitution of the United States with the Bill of Rights—the first government in history to serve, not the state, but the people. Now that they were free they knew they could work out their own destiny. Their tools were courage, work and risk—the tools of free men.

This then is basically our American precious heritage of freedom. If it be just, if it be righteous, if it be Godly, let us all in America think on these things as we approach another glorious 4th and give due thanks to men of each generation who have been willing to pay the price to sustain such a noble heritage.

Now just a word about the future in our land of the free and the home of the brave. If we are to have and to hold our national honor we of this generation must assume serious responsibilities based upon high and noble character. Freedom is a hard-won prize. We have to work to keep it. Let a people become indifferent or greedy and that people is in danger of losing freedom. Freedom demands responsibility. It demands courage and hard work. It demands knowledge, thinking. It does not promise equal gains for all. It does however, promise equal rights, equal risks. Individual freedom is ours only as long as we earn it. The work starts in our own actions and behavior. We can keep freedom by respecting the rights of others—family, neighbors, community, and minority groups in race, religion and politics.

In conclusion, let us challenge the youth of our land to position your life, based on courage and character to hold these elements of freedom ever so high where it can be said by all generations of Americans to follow—you have passed to us the torch of freedom inherited from the glorious men of yesteryear.

Now that you have read these facts concerning our heritage of freedom please go out to your favorite picnic come July 4th and help celebrate one of the greatest days ever known to man.

SURTAX IN DANGER

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. HOWARD. Mr. Speaker, as a strong supporter of tax reform, I am quite naturally deeply disappointed with the income tax surcharge bill which is scheduled to come to the floor of the House for a vote on Monday.

Last year we were told that if we approved the 10-percent income tax surcharge as proposed by then President Johnson, we would get tax reform. Some of us, including myself, refused to merely listen to promises and demanded performance. We did not get it and refused to support the tax proposal. A year later we are again being asked to vote favorably on the income tax surcharge and again we are hearing promises about tax reform.

Mr. Speaker, the time for tax reform is now. If we are to pass a tax bill at all, it should be coupled with meaningful tax reform, particularly the tax-giveaway, 27½-percent oil depletion allowance.

To those who are hinting that we will get tax reform in return for passage of the income tax surcharge proposal on Monday, I ask you to commit yourselves now—before the tax vote on Monday—on the following question: "Are you prepared to vote in favor of the elimination or at least a drastic reduction of the 27½-percent oil and gas depletion allowance?"

Those who cannot answer with a loud yes, should not be asking anyone else to vote in favor of the income tax surcharge on Monday.

Possibly those of us who have fought for tax reform have been taken for granted too long. Possibly there are those who feel that we can be bought off by the insignificant proposal contained in the tax bill which covers the working poor. I assure them that they are wrong.

This morning's New York Times contains a very interesting editorial in relation to the current controversy over tax reform. I hasten to add that the New York Times supports the tax proposal as a way of throwing water on the fires of inflation. Nevertheless, its remarks about tax reform should be of great interest to everyone concerned with tax reform.

At this point in the RECORD, I place the Times editorial:

SURTAX IN DANGER

Prospects for extension of the 10 per cent income tax surcharge all by itself are not very bright.

The Democratic leadership in the House, fearful that their party would be tarred with the brush of "fiscal irresponsibility" have now scheduled a Monday vote on the Administration's bill, a measure conspicuous for its failure to embody substantive reforms. But if despite strong liberal opposition the bill is approved, an even taller hurdle will be encountered in the Senate, where the Majority Policy Committee has adopted a resolution rightly insisting "that meaningful tax reform should be passed simultaneously" with the surtax. Thus, as a consequence of the Administration's unwise decision to abandon tax reform, the surtax itself is in serious danger which means that business uncertainty and the likelihood of disturbances in the financial markets will be greatly increased.

The Nixon Administration and the Democratic House leadership made a serious miscalculation when they thought that the proponents of genuine tax reform could be appeased by an ineffectual provision to lighten the tax burden on the working poor. They failed to reckon with a new fact of political life.

Americans, with a splendid record for voluntary compliance in matters of taxation, bitterly resent the notorious loopholes in the revenue code that permit the wealthy to avoid taxes altogether or to pay far less than is warranted by their incomes. That resentment will subside only when there is genuine progress in reducing the 27.5 per cent oil depletion allowance, nailing down such escape hatches as make it possible to avoid all capital gains taxes on bequeathed assets, and eliminating the tax exemption on bond issues of state and local governments.

In the absence of reduction in expenditures, which would be a more effective means of dampening inflation, the surtax is needed to avoid a budgetary deficit and return to an inflationary monetary policy But the Administration should by now be reconciled to the fact that it cannot get the surtax extension without pressing for genuine tax reforms.

If the Administration bill is defeated on Monday, the House can follow the Senate precedent and temporarily extend the tax. If it passes, another battle will begin in the Senate. The blot created by the gaping tax loopholes can no longer be easily expunged from the conscience of the Congress.

INTELLECTUAL EXHIBITIONISM IN EDUCATION IS DEPLORED

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. COUGHLIN. Mr. Speaker, as one of 22 Congressmen who visited college campuses last month to learn the causes of student unrest, I am most concerned with the course our universities take in preparing students to assume leadership in years to come.

I understand student desire to hear all points of view. I agree with student concern for better communication with college administrations, more voice in relevant curriculum and campus affairs, community problems such as housing, and national problems such as economic injustice.

Some colleges, however, are busily misinterpreting the valid student concerns into the terms demanded by a small minority of highly trained revolutionaries.

In my congressional district, Bryn Mawr College recently disclosed that it has retained as a visiting lecturer Dr. Herbert Aptheker, admitted Communist and Communist Party functionary, described as the leading theoretician of the Communist Party in this country.

When I learned of the appointment, I expressed my disagreement with the necessity and the wisdom of appointing a doctrinaire lecturer. The final decision as to whether or not Bryn Mawr should, in fact, retain Dr. Aptheker rests with the trustees, administration, students and faculty, and, perhaps, the alumnae who contribute and parents who pay tuition to send their daughters there.

I am weary of the cries of academic freedom as a cloak to cover any act that draws criticism. I am particularly disturbed at what appears to be a growing intellectual exhibitionism that institutions must outdo their peers in catering to demands for Marxism to the neglect of a system that has produced more things for more people than any society mankind has ever known.

It is a question of balance.

Just as I would protest a plethora of campus lecturers expounding authoritarian, racist, or Fascist theory, I as vehemently protest the parade of Marxist and revolutionary teachers onto our

campuses to "instruct" the students. I can hear the anguished screams from the academic community if colleges were to hire Democrats to espouse the theories of the Democratic Party and Republicans to promote the theories of the Republican Party.

This question of balance is critical. On many of our college campuses young men are being denied the opportunity to take ROTC even as an elective course in an attempt to cater to the demands of some students.

Yet, in direct contradiction to the elimination of ROTC, the institution will put "culture" courses into the curriculum and hire new instructors. This lack of balance can, in the long run, only hurt the education of a majority of students—black and white—who must learn also on the college campuses that life in an orderly society does not permit only your indulgences, but allows others equal opportunity.

I insert for the CONGRESSIONAL RECORD this editorial of June 19, 1969, from the Main Line Chronicle, published in Ardmore, Pa., which says some things that have to be said:

EDUCATION OR INDOCTRINATION?

Bryn Mawr College is a free-loading guest in the community. It pays no taxes but shares our municipal services. If the college administration assumes that the community will accept academic arrogance as academic freedom, it had better be set straight.

It has become increasingly noticeable of late that the college has lowered its standards and is going in more for indoctrination than higher education. You see it in the product.

None of the faculty will admit he is a Communist—which is, by the way, a libelous word, unless party membership can be documented. But too many members of the faculty are Marxist in effect and, as we have often said, equals to the same or equal things are equal to each other.

We have had to live with this, and there is nothing the Township can do but to accept the fact that we are playing host to an institution that is corrupting the minds of young people and working with the enemies of our government.

The administration now feels bold enough to appoint one of the leading Communist Party activists to its lecturing staff. This is an affront to the community, and to the alumnae of Bryn Mawr College as well.

The real significance of the appointment is what this means to the Red Party. Dr. Herbert Aptheker, the appointee, expressed it in the following words: "It is thrilling, with wide national significance for the Communist Party." And noting that the request for his appointment was made by black and white militants, he added: "It also reflects something of what the student movement is all about, which many people have failed to understand."

The meaning we are to take from this is that the "student movement" is aiming for a Communist takeover. Non-Communists have been saying that all along.

Dr. Aptheker's life has been devoted to the spread of Communism by indoctrination of students. He is a member of the party's National Committee and a director of the American Institute for Marxist Studies.

He successfully indoctrinated his own daughter, who, with Mario Savio, started all the trouble at Berkeley.

The Fedreal Bureau of Investigation has a whole dossier on the man, going back more than 30 years.

His call to Bryn Mawr must not be taken lightly. It has given his whole party a lift, and its members are saying that it now puts them on a level of acceptance with the Republican and Democratic parties.

Residents of the community should let the college administration know what they think of this affront, this show of contempt for decent American opinion.

Resentment should be shown, first of all, by the alumnae, either by voice or—what is more expressive—by holding back on gifts.

Alumnae tell us that when they are solicited for gifts and when they mention with dismay the pink hue the college has acquired, they are told: "Oh, yes, but this can be changed by continued loyalty." Oh, yes? The appointment of Dr. Aptheker proves that the administration values what transient black commies want above what the public thinks of the college.

They may go in for "intellectualism" at Bryn Mawr, but they don't show much intelligence.

POWELL MAY "JUST TRY TO BE REASONABLE" WITH THE HOUSE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. DIGGS. Mr. Speaker, the historic decision rendered June 16 by the U.S. Supreme Court in the case of Congressman ADAM CLAYTON POWELL is a subject of broad interest to Members of Congress and the general public. In addition to the resolution, House Resolution 443, which I introduced June 19, 1969, proposing to restore the pay, allowances, and seniority now declared unconstitutionally taken away from him during the 90th Congress—1967–68—a delineation of his further legal options is also worthy of sober and objective reflection. It was thoughtful of the distinguished gentleman from Colorado (Mr. ROGERS) to submit the majority opinion rendered by Chief Justice Warren, additional views by Justice Douglas, and the dissent by Justice Stewart in the RECORD, June 25, pages 17326 to 17342. I would like to add the following which is an excellent article by William Greider, staff writer for the Washington Post, outlining Congressman POWELL'S current legal position:

POWELL MAY "JUST TRY TO BE REASONABLE" WITH THE HOUSE

(By William Greider)

According to those who counseled with him in Bimini in his hour of triumph, Rep. Adam Clayton Powell genuinely seeks accommodation with his old brethren in the House of Representatives, the men who tossed him out. He would like to settle matters, not entirely on his own terms, but in a way that would avoid a nasty confrontation between the House and the Federal courts.

This present mood is subject to change without notice, of course. It is certainly out of character with the flamboyant man everyone remembers, whose defiance led to his exile from Congress. But that is how he is said to feel as of now.

Judging from the current sentiments among his colleagues, it seems unlikely that the House will be willing to settle the dispute quietly with a little something for Adam like back pay or seniority.

Aside from the political benefits of attacking him, there is a special feeling toward the Harlem Congressman, even among some of the liberals who supported him. It is a personal animosity which they do not direct at other committee chairmen who have taken their secretaries on trips around the world or put their wives on the payroll at the taxpayers' expense.

They regard him as an unreformed scoundrel. More important, he has been an indiscreet scoundrel, continually calling the public's attention to congressional practices they all know exist. The other day, a Texas Congressman introduced a resolution to begin a counter-claim to recover the money Powell allegedly misappropriated in his days as chairman of the Education and Labor Committee. That would seem just to the public and it might seem just to Powell if the same standard were applied to all chairmen.

The Supreme Court decision which declared the House exclusion of Powell unconstitutional has put him in a position where at last he has a little leverage in the matter. He can offer the House something which most members undoubtedly want—a chance to avoid an embarrassing showdown between the Federal court and its co-equal, the Congress. No one can predict precisely how this confrontation of powers might unfold, but nearly everyone agrees that it would not enhance either institution.

For Powell the situation poses a delicious irony—the possibility that the House might be placed in the position of defying a court order. Even if Powell never collected a penny in back pay that would be a poetic turnabout. For the central element in the indictment against him was his defiance of a contempt order in a New York State court. As one of his supporters said, "It's just like they all say—it's a simple problem of law and order."

A lot must happen before the case gets that far. In his low-keyed press conference in Bimini Powell said he would meet first with the House leadership and the implication was that he would explore the possibilities of avoiding the clash.

Here is the legal situation from the challenger's position: Powell could seek a declaration from the District Court that the original House resolution on March 1, 1967, which excluded him was void. By amending his suit, he could easily apply the Supreme Court's reasoning to argue that a second House resolution, adopted Jan. 3 of this year, was also unconstitutional because it allowed him to be seated with conditions. The court held that the House doesn't have the power to keep a member from being sworn in if he meets the three constitutional qualifications—if he's a citizen, a resident and old enough. (That doesn't prevent the House from punishing him or expelling him afterward.) Powell's lawyers could argue that the House was again adding to the constitutional qualifications this year when it required a $25,000 fine and a loss of any seniority status as conditions for Powell's readmission.

If Powell won a court declaration that both of these resolutions were illegal, it would do two things for him. First, he could then argue for a court order (directed at the House staff officers, not its elected members) to recover $55,000 in lost pay, not to mention the $25,000 fine which they have been deducting from his paychecks. More important to Powell, he could then argue among his colleagues that his House seniority of 24 years was, in effect, restored.

Though many have forgotten this fine point, the original action taken against him by the House Democrats in January of 1967 did not strip him of his seniority. It merely ordered him removed as chairman of the Education and Labor Committee. That action was intended to head off the more drastic punishment of ouster which the House eventually took. If Powell's current status is determined by the January, 1967, punishment (which everyone agrees is beyond the reach of the courts), he could claim that he is not at the bottom of the seniority ladder—but

merely an ex-chairman with 24 years of seniority.

In terms of settling amicably, Powell's lawyers could win a declaration from the District Court of the Congressman's rights—but then drop the matter without seeking the court order to enforce a remedy for the damages—the order which would force the showdown.

It would then be a matter for the Democratic caucus and its Committee on Committees to resolve. Powell himself has said that he has no illusions about regaining the chairmanship, but he hasn't given up hope that his seniority could be restored. That would make him No. 2 on the committee and presumably chairman of a subcommittee.

It would also have the effect of pushing every other Democrat on the committee down a notch—including liberals who have spoken in his defense. Simple arithmetic suggests that their opposition—plus the Southerners and Powell's other natural enemies—would be enough to prevent any restoration movement in the Democratic caucus. All of his legal arguments will be academic if his fellow Democrats insist he is still a freshman.

These are the considerations which the House leaders will have to deal with if they wish to avoid a clash with a court order. Conceivably, we will be treated to the spectacle of an Adam Clayton Powell just trying to be reasonable, baby, while his congressional colleagues will be the ones insisting they are above the law.

INDEPENDENCE DAY OF MADAGASCAR

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to President Philibert Tsirenene, of Madagascar, and Madagascar's Acting Ambassador to the United States, Mr. Reneg Ralison, on the occasion of the ninth anniversary of Madagascar's independence.

Nine years ago today the island of Madagascar joined the family of nations as the independent Malagasy Republic. On this ninth anniversary of their independence, I would like to pay tribute to the leaders, Government, and 6 million people of the Malagasy Republic for the peace, harmony, and stability they have created in pursuit of their nation's motto "Liberty, Country, Progress."

Known as the "big red island" in recognition of its natural beauty, Madagascar is the fourth largest island in the world. Madagascar forms a cultural bridge between the African and Asian worlds as its people are of Indonesian-Malay, Arab, and African heritage. Though the 6 million people of Madagascar are members of 18 different tribes, a cultural cohesiveness—not yet attained by many African nations—exists as a result of a common language, Malagasy.

The economy of the Malagasy Republic is in the early stages of development. Problems of underpopulation and lack of capital forestall rapid industrialization. However, the economy enjoys a certain degree of self-sufficiency. Ninety percent of the people are engaged in agriculture and 90 percent of Madagascar's exports are agricultural products. The island's principal crops are rice, tapioca, coffee, vanilla, cloves, and tobacco.

The Malagasy Republic has been a stanch friend of the Western World and an old friend of the United States—relations between the United States and Madagascar date back more than 100 years. At present a NASA satellite tracking station very vital to the American space program is located on Madagascar. The United States is also the Malagasy Republic's second largest customer as it buys about 10 percent of the island's exports.

At a time when racial strife and international conflict is the norm, it is a pleasure to note that in a state such as the Malagasy Republic the worlds of Africa and Asia can come together and create a nation which peacefully pursues the goal of "Liberty, Country, Progress."

CITIZENS' CRUSADE FOR CLEAN WATER

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BLATNIK. Mr. Speaker, a coalition of some three dozen private conservation organizations, labor unions, consumer groups, professional societies, and associations of local governmental officials has launched the "Citizens Crusade for Clean Waters" in a massive effort to alert the American public to the need for controlling water pollution. I was privileged to participate in the first organizational meeting of the crusade.

Initially, the crusade is directed at getting in fiscal 1970 an appropriation of $1 billion, as authorized, for Federal grants to local governments for helping in the appropriation of municipal waste treatment plants. On June 6, 25 of the private groups sent a joint wire to President Nixon, asking that he request the full $1 billion for waste treatment plant construction grants. Since that time, the number of organizations in the coalition has risen to 38, with two more taking independent action in a similar vein.

The crusade was kicked off on June 9 with a press conference at the National Press Club. Joseph W. Penfold, conservation director of the Izaak Walton League of America and chairman of the Natural Resources Council of America, which initiated the crusade, presided over the meeting and explained the organization of the coalition.

Louis S. Clapper, conservation director of the National Wildlife Federation and a member of the Federal Water Pollution Control Advisory Board, then explained the background of need for waste treatment works. A copy of the remarks of Mr. Penfold and Mr. Clapper follows:

REMARKS BY LOUIS S. CLAPPER, NATIONAL WILDLIFE FEDERATION, BEFORE PRESS CONFERENCE CALLED BY THE "CITIZENS' CRUSADE FOR CLEAN WATER"

People interested in clean water and concerned about contamination of the environment were distressed at a report issued earlier this year by the Federal Water Pollution Control Administration on the cost of abatement and control.

This report indicates that, if costs continue to rise, the total bill is expected to amount to $26 to $29 billion in the next five years. Broken down, this is $8 billion for municipal works, $6.2 to $4.6 billion for industrial waste treatment, with another $1.8 billion for industrial cooling, and from $5.3 to $5.7 billion for municipal and industrial operating and maintenance costs.

There is a growing money gap between what the Congress has authorized and what is appropriated for Federal grants to local governments for the construction of waste treatment plants. For fiscal 1968, only $203 million of the $450 million authorized was appropriated. For fiscal 1969, the authorization was for $700 million, yet only $214 million was appropriated. Finally, this coalition was formed with the Nixon Administration joining the Johnson Administration in recommending only $214 million, or less than a quarter of the authorized $1 billion for fiscal 1970.

We view the Federal grants as being tremendously important. Unless the Federal Government helps, it is a poor position to require high standards of water quality from the States and local governments. And, unless the governments handle municipal pollution, they are in a poor position to point a finger at polluting industries. And, so the whole water pollution control program is in jeopardy.

We are confident that the people want clean water and are willing to pay for it—if given the chance.

A survey conducted by the Gallup Organization, Inc., for the National Wildlife Federation earlier this year revealed these statistics:

About half (51%) of all persons interviewed expressed the opinion that they are "deeply concerned" about the effect of air pollution, water pollution, soil erosion, and destruction of wildlife in our natural surroundings. An additional one-third (35%) are "somewhat concerned."

Nearly three-fourths of those interviewed were willing to pay something in additional taxes to improve our national surroundings.

Three of every four persons favor setting aside more public land for conservation purposes such as national parks, wildlife refuges, bird sanctuaries, etc.

The public is almost evenly divided on whether or not it will, at some time, be necessary to limit the human population if present living standards are to be maintained.

Summarizing this survey, we conclude that the American public *appreciates* quality in the environment, *deplores* what is happening to it, and *stands ready to support* corrective measures, even to the extent of paying for it—as they will, one way or another, in the end.

The Conservation Foundation, as a matter of fact, has compiled data which shows that voters have expressed themselves in this manner. Since 1964, the voters of nine states have had the opportunity to vote in statewide elections on water pollution control bond issues. Seven of the nine state bond proposals were approved and even the other two attracted majority voter support. Of 17,625,254 citizens who participated, 11,725,444 voted "yes", an average "yes" vote of 66 per cent.

I should like to report to you that the Federal Water Pollution Control Advisory Board, of which I am a member, has recommended that the Federal Government meet its obligations. The following was adopted in the December, 1968, meeting of the Board:

The Board recommends that continued efforts be made by the Secretary to ensure that the Federal Government lives up to the commitment made to the States under the municipal grants program administered by the

Federal Water Pollution Control Administration. *A failure to press for adequate appropriations can be construed by the States as evidence that the Administration and the Congress were not sincere in their concern for the problem of water pollution control.*

TABLE 1.—RESULTS OF STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL, 1964–1969 [1]

Election date	State	Amount (in millions)	Vote		Pass/fail	Percent "yes" vote [2]
Nov. 3, 1964	Maine	$25	Yes	222,242	Passed	73.2
			No	81,469		
Nov. 2, 1965	New York	1,000	Yes	3,373,700	do	82.4
			No	718,398		
May 16, 1967	Pennsylvania [3]	250	Yes	1,163,779	do	63.2
			No	677,808		
June 29, 1967	Rhode Island	12	Yes	16,461	do	56.9
			No	12,439		
Nov. 5, 1968	Illinois [4]	400	Yes	1,656,600	Failed	57.6
			No	1,216,847		
Do	Michigan	335	Yes	1,906,385	Passed	70.5
			No	796,079		
Do	Ohio [5]	100	Yes	1,732,512	do	52.7
			No	1,550,759		
Do	Washington	25	Yes	845,372	do	75.4
			No	276,161		
Apr. 1, 1969	Wisconsin [6]	144	Yes	808,393	do	58.9
			No	569,850		
Total		2,291	Yes	11,725,444		66.5
Less Illinois		−400	No	5,899,810		
Total passed		1,891		17,625,254		

[1] State water pollution control agencies, State election agencies, and the Federal Water Pollution Control Administration are sources for the information summarized here. The table may not be complete; although each of the 50 States has been contacted, all have not yet responded to our inquiry. All reported bond issue election defeats, as well as approvals, are summarized here.

[2] The percent "yes" vote is the percentage of "yes" to total "yes" and "no" votes.

[3] Pennsylvania's 1967 bond issue totaled $500,000,000. Of this, $250,000,000 was for water pollution control ($100,000,000 for construction of sewage treatment plants, and $150,000,000 for acid mine drainage pollution control). In addition, $225,000,000 was for "elimination of land and water scars created by past coal mining practices" and closure of abandoned mines, and $25,000,000 for air pollution control.

[4] Illinois' 1968 proposal totaled $1,000,000,000, which was designated for open space-outdoor recreation land acquisition and air pollution control, as well as for water pollution control. Although no fixed amount was officially earmarked for water pollution control, there was general agreement that $400,000,000 would go for this purpose. Despite a majority of "yes" votes, the proposal was not approved due to an Illinois law which requires a "simple majority of votes cast for all State legislature candidates" to pass.

[5] Ohio's 1968 proposal totaled $120,000,000, which was divided into 2 parts: $100,000,000 for sewage and water treatment, and $20,000,000 for water management.

[6] Wisconsin' proposal totaled $200,000,000 and included $56,000,000 for open space-recreation land acquisition. This was an advisory referendum only; the legislature is to make the final decision.

Notes: In 1966 the Massachusetts Legislature authorized a $150,000,000 bond issue for an accelerated water pollution control program. Massachusetts has no law which requires either State or local bond issues to be referred to the voters for approval. In 1967 the Connecticut Legislature approved a $150,000,000 bond issue for water pollution control. The legislature took final action on this proposal; there was no referendum by the voters.

TABLE 2.—UPCOMING STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL

Election date	State	Amount (millions)	Vote	Pass/fail	Percent "yes" vote
November 1969	New Jersey [1]	$190 6			
Do	do [2]	222 0			
May 1970	Oregon [3]	50. 0			
November 1970	Maine [4]	50. 0			

[1] In January 1969 the New Jersey Legislature placed on the November 1969 State ballot a referendum on a proposed $190,600,000 bond issue for "expanding public sewage facilities to eliminate pollution of surface waters."

[2] In April 1969 the New Jersey Legislature placed on the November 1969 State ballot a 2d referendum on a proposed $222,000,000 bond issue for "controlling and eliminating pollution of tidal and surface waters."

[3] In April 1969 the Oregon Legislature voted to refer to the voters at the May 1970 primary election a proposed change in the State constitution to authorize the State to issue bonds to finance grants and loans to local governments for sewage works construction. Under the proposal the amount of bonds issued cannot exceed 1 percent of the value of all real property and the amount outstanding at any one time cannot exceed $50,000,000.

[4] In March 1969 the Maine Legislature placed on the November 1970 State ballot a referendum on a proposed $50,000,000 bond issue for construction of pollution abatement facilities.

JUNE 6, 1969.

Hon. RICHARD M. NIXON,
President, the White House,
Washington, D.C.:

Conservation, labor, and many other citizen-civic organizations representing millions of interested and concerned persons firmly believe water pollution is one of the most important domestic problems, involving serious health hazards and waste of beneficial uses of water.

State-approved applications for matching grant funds totaling $2¼ billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

The proposed Federal budget for fiscal 1970 requests only $214 million to assist local governments in the construction of sewage treatment plants under the Federal Water Pollution Control Act. Our groups believe that your administration should seek for fiscal 1970 an appropriation of $1 billion for Federal grants to local governments to help them in the construction of these desperately-needed waste treatment plants. We consider it imperative that the $1 billion authorized be appropriated for the fiscal year beginning July 1, 1969.

CITIZENS CRUSADE FOR CLEAN WATER.

MEMBERS

American Association of University Women.
AFL–CIO.
American Fisheries Society.
American Institute of Architects.
Association of Interpretive Naturalists.
Citizens Committee on Natural Resources.
Consumers Federation of America.
Izaak Walton League of America.
National Association of Counties.
National Audubon Society.
National Fisheries Institute.
National Rifle Association.
National Wildlife Federation.
Sport Fishing Institute.
The American Forestry Association.
The American Institute of Planners.
The Conservation Foundation.
The League of Women Voters of the United States.
The National Association of Soil and Water Conservation Districts.
The Wilderness Society.
The Wildlife Society.
United Auto Workers.
United States Conference of City Health Officers.
United Steelworkers of America.
Wildlife Management Institute.

VOTERS AND WATER POLLUTION CONTROL

(By Joseph W. Penfold)

Most Americans not only want clean water but are willing to pay for it.

This is indicated by a summary of results of recent statewide elections on bond issues for water pollution control. The summary was released today by the Citizens Crusade for Clean Water, a coalition of some 30 organizations concerned about the lagging national water cleanup program.

"The record of the last five years shows that when voters are asked directly in state bond referendums whether they want clean water and are willing to tax themselves to help pay for it, two out of three say 'yes,'" Joseph W. Penfold, coordinator of the Clean Water Crusade, said.

The summary reports that:

Since 1964 the voters of nine states have had an opportunity to vote in statewide elections on proposed water pollution control bond issues.

Eight of the nine proposals were approved and the ninth also was supported by most of those who voted on it.

Of the total of 17,625,254 citizens who voted on the nine proposals, 11,725,444 voted "yes"—an average "yes" vote of 66 per cent.

(Most states have not held elections in this field; their legislatures make the final decisions to issue bonds or to finance pollution control through regular appropriations.)

The state elections involved were in Maine in 1964, New York in 1965, Pennsylvania and Rhode Island in 1967, Illinois, Michigan, Ohio and Washington, all in 1968, and Wisconsin in 1969.

(Of the nine proposals, all were officially approved except the one in Illinois. Although supported by 57 per cent of those who voted on it, the Illinois proposal failed because of a requirement of Illinois law that such proposals must be approved by a "majority of votes cast for all state legislature candidates" in the same election.)

In commenting on the election summary, Penfold emphasized that "these state bond financing proposals were predicated on the assumption that the Federal government would keep its commitment, as declared by the Congress in the Clean Waters Restoration Act of 1966, to match the state money."

"If we are to turn the tide and begin to clean up our polluted rivers, streams and lakes, it is necessary for the Federal government to keep this commitment that the states and local communities have been relying on by putting the Federal money on the line in the form of grants at the level authorized by Congress," he said.

The Clean Water Crusade group is asking President Nixon and the Congress to provide $1 billion—the amount authorized by Congress—in matching grants for community sewage treatment plant construction during the 12 months beginning July 1. The Nixon Administration has asked the Congress for less than a quarter of that amount—$214 million.

Penfold said "the inadequacy of $214 million for this program at this time is put into perspective by the size of the backlog of grant applications from local and state governments already received by the Interior Department's Water Pollution Control Administration: $2¼ billion."

The official Federal-state estimate of state

clean-up costs over the next five years is more than $10 billion.

Penfold noted that in many instances water pollution control bonding proposals passed comfortably at the same time that voters were rejecting bond proposals for other purposes. "In the November 1968 general elections, as Engineering News-Record magazine has reported, voters across the country continued to approve most pollution control bond issues even though they rejected 49 per cent of all bond proposals," he said.

Penfold is conservation director of the Izaak Walton League of America. Other organizations cooperating in the Citizens Crusade for Clean Water include the League of Women Voters of the United States, the American Institute of Architects, Consumer Federation of America, National Association of Counties, National League of Cities, U.S. Conference of Mayors, U.S. Conference of City Health Officers, National Audubon Society, AFL–CIO, United Auto Workers, National Wildlife Federation, Sierra Club, and American Fisheries Society.

The summary of state election results was prepared by the Conservation Foundation at the request of the Clean Water Crusade. Sources for the election results reported in the summary are state pollution control and election officials, and the Federal Water Pollution Control Administration.

CAMPUS UNREST

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BOLLING. Mr. Speaker, 22 concerned Members of the House of Representatives, who also happen to be Republicans, recently issued a 37-page report on the subject of criticisms of life in the United States by young people, particularly college students. This attitude often is euphemistically referred to as "campus unrest." But often it has been plainly destructive and has quite properly created widespread concern among the American people. While acknowledging the legitimacy of criticism, almost all Americans believe that the road of violence as a way to cure injustice is historically demonstrable as in reality a detour to political reaction. Grotesque remedies offered by some in this Congress and in the country sustain this observation.

In my view the report of my 22 colleagues is a useful and thoughtful one that draws its strength from the fact that it is based upon visits to several dozen institutions of higher learning—not upon guesses, preconceptions, and newspaper photographs. The report, among its other strengths, points out that radical students strive to prevent successful reform by moderates. But the report does not gloss over the fact that there exists a large, and perhaps growing, body of students who are extremely disgruntled and dissatisfied with both the inadequacies of their institutions of higher learning and society in general. Importantly, in this regard, the report points out that the "crucial factor in the widening gap between students and others is the student's perception of reality. This must be understood by all those who seek solutions. This requires of us comprehension and of the student, understanding."

This report, in its entirety, is worth reading. There are passages that are open to dispute but for the most part the report is helpful and those who took their time and made this effort are to be commended.

YOUTH'S CONTRIBUTION TO SOCIETY

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. LANGEN. Mr. Speaker, while everyone has been complaining about hippies and the SDS, a great majority of today's youth is making substantial contributions to society. My observations show that our youth want to help remold our "establishment" into a viable apparatus that is more in tune with the needs existing today rather than to destroy the fabric of our democratic way of life. I have personally known many of our youth who have taken on responsibilities far beyond their years, and I commend them for meeting the challenges that are put before them.

I share the sentiments of a very fine writer who wrote the following editorial which appeared in the Fargo, N. Dak., Forum:

DON'T WRITE THEM OFF

(By Lloyd W. Sveen)

Adults suffered a terrible shock last week [April 13–20]. They discovered they had written off teenagers and college students too soon.

"Students Fight Dakota Flooding" screamed the big black headline across the top of page 1 of the San Diego *Evening Tribune*. You could almost feel the amazement of California readers at the thought of schools closing because students were out sandbagging a river instead of a college president.

This is understandable in a state where student revolt was born at Berkeley in 1964, but the same stunned surprise was reflected here. A typical comment was that of Minnesota Gov. Harold LeVander: "The youth are said to be anti-establishment but when the chips are down they come through."

Why should we be so surprised that kids are eager to meet challenges? Maybe because we've taken away all the challenges that used to be normal in the process of growing up?

We're a smart generation which survived the spiked malt, Betty Coed, and Joe College age to establish a technological era where miracles are so common it is difficult to get excited about plans to land a man on the moon. We're so smart we've made it almost impossible for a child to develop into a man or a woman without wrenching experiences.

We preach about the virtue of work to our kids, but we have invented just about everything that can eliminate work.

We tell of the hardships we underwent during the depression while we hand them their own credit cards.

We teach them that the great heroes of history were individualists who dared to stand alone, but we lay down rules on length of hair and skirts so all will look alike.

We build schools to teach our kids to think and to reason, to weigh and consider; but when they arrive at a judgment that differs from ours we call them rebellious.

We call them hippies when they wander from place to place in search of happiness but we applaud and envy the millionaire jet set which does the same thing.

We tell them that delaying a present pleasure brings a far greater reward in the future but we can't wait to buy another luxury so we charge it.

We who once gloried in the lurid movies of the '30s before the Legion of Decency cracked down now are righteously indignant at the new wave of nudity and double entendre.

We tell kids to be patient with us because problems can't be solved overnight—but we give them instant bottles when they're babies, instant food when they're growing up, we take instant pictures of them at high school graduation, and give them instant entrance to a college.

And now when Mother Nature gives them an instant challenge we don't know what to do about it. We are so happily surprised that the electronic talk shows are full of suggestions about thanking the kids—give them a big party, set up scholarships, give them more opportunity for recreation.

We're in danger of flubbing it again. Why not just say, "Thanks. You did a good job," and then start to figure out a way to give them more ways to work off their energy and use their talents.

A LETTER OF PROTEST FROM A STUDENT WITH REGARD TO THE CUT IN TEACHER'S SALARIES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. HOGAN. Mr. Speaker, I wish to call the attention of my colleagues to a letter which I recently received from one of my constituents, a student at Surrattsville Senior High School, Prince Georges County, Md. It is, I believe, eloquent testimony to the concern which the youth of today have, not only about their own future, but for the problems which face our society. The student, Mr. Steve Kane, has asked that I discuss with my colleagues the problem involving cuts in teachers' salaries. I am most happy to comply with his request by calling Mr. Kane's letter to their attention:

CLINTON, MD.

DEAR MR. HOGAN: I am a student at Surrattsville Senior High and I am writing in to ask you if you could speak to some of the other representatives about the salary cut of our teachers. Our teachers here really work hard to put things across to us and with the large classes, I and many other students feel that the salary cut of our teachers for next year is very unjust. Would you please see if you can do something about this for our hard working teachers?

Thank you.

STEVE KANE.

Mr. Speaker, I feel a sense of frustration because in the face of all of the money which the Federal Government expends each year on various programs and the billions of dollars spent across our Nation in matters far less important than education, we as a nation, have been unable or unwilling to see that our teachers receive the kind of compensation which they so richly deserve.

I confess that I have no immediate answer to the problem and so I call upon you to join with me in making a better effort to see that the teachers of our Nation are at least as well paid as others rendering comparable service to our society.

YUGOSLAVIA GETS FDA GRANT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. RARICK. Mr. Speaker, last week HEW announced a $120,000 grant to a university in Yugoslavia to study spastic people.

This week, the FDA announces a grant of $200,000 and a second one for $130,000 for research in Yugoslavia. The purpose of the grant is announced for the study of any relationship between use of birth control pills and cancer of the cervix. An estimated 10,000 Yugoslav women are to be involved in the 6-year study.

Of course, it is understandable that with the high standard of living in the United States we could not expect to employ 10,000 women for 6 years for $200,000, but it does seem ridiculous—even if only counterpart funds—that our country must help subsidize the Communist economy of Yugoslavia.

It is possible that some in our Government are aware that the Red Yugoslav leaders have embraced the Vietcong government in South Vietnam in the killing of American boys, and see in this research project a chance to control the future population of Yugoslavia.

And all of this while the American taxpayers are being asked to continue the surtax because of excessive, frivilous, uncontrolled governmental spending.

In include a pertinent news release:

[From the Washington (D.C.) Post, June 26, 1969]

YUGOSLAVIA WILL STUDY PILL FOR FDA

(By Morton Mintz)

The Food and Drug Administration is contracting with Yugoslavia for two major studies on the safety of oral contraceptives—the first FDA research projects in an Eastern European country.

The larger study is intended to shed light on whether there is a relation between use of the Pill and cancer of the cervix.

A second objective is to gather data on the almost unexamined question whether the Pill in any way imperils the offspring of women who have used it. The study also will investigate whether use of the Pill effects fertility—an issue about which there are differing medical reports.

In an interview yesterday, Dr. John J. Schrogie, director of the Division of Research and Liaison in the FDA's Bureau of Medicine, said that the 6-year study will begin within several weeks and will involve about 10,000 Yugoslav women—about half of them controls who will use non-chemical or no contraception.

The cost is estimated at $200,000—much less than it would be in the United States, the FDA official said. The bill will be met with counterpart funds that are available to repay the United States for foreign aid, but that can be spent only in Yugoslavia.

The study awaits final approval which is expected, shortly from FDA Commissioner Herbert L. Ley Jr. and C. C. Johnson Jr., head of the Consumer Protection and Environmental Health Association.

Already approved is a second study that will cost $130,000 in counterpart funds and will last four years. This investigation will concern a suspected relation between use of the Pill and, in some users, diabetes.

Population research is an approved use for counterpart funds under Public Law 480.

The issue of a possible link between the Pill and cervical cancer flared into controversy last September, when it became known that a major—and still unpublished—study done in New York City had shown a higher rate of precancerous changes in the cervical tissue of women on the Pill than in controls using a diaphragm.

The FDA's Advisory Committee said last Nov. 1 that the data "do not confirm or refute a causal relation. . . ." The agency's hope is that the Yugoslav study—and another being planned in this country—will yield definitive answers.

THE PRESS ETHICS COMMITTEE

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. DANIEL of Virginia. Mr. Speaker, elements of the news media have been most insistent that there be an ethics committee established for the House, the other body, and for the Supreme Court. The clear implication has been there is dire need for such a committee because of a handful of incidents of misconduct, at least as far as Congress is concerned.

Yet, the national and international news media has no such ethics guardian of its own. However, a group of journalists and writers, concerned over the one-sided and slanting reporting, is attempting to at least throw some light on the sickening and disgusting attempts to brainwash us.

These distinguished journalists and writers have formed a press ethics committee, and in the RECORD of May 26 I commended them for it. Yet, even before this committee could issue its first statement the subjective peddlers hastened to attack it, seeking to destroy it and leave it stillborn.

They did not accomplish this, however, and the press ethics committee has distributed its initial statement—one that hopefully will encourage the two-sided, objective coverage of the news so badly needed if the public is to have a sound basis for decisions.

I urge my colleagues to read this first statement of the press ethics committee carefully. I do not know what prominence it was given around the country, but I do say it deserves the full attention of every American at this crucial moment in our history. The statement follows:

THE PRESS ETHICS COMMITTEE

The Press Ethics Committe issued the following statement today:

News reporting against the ABM defense missile system for the U.S.A. has been so one-sided that the right of 200 million Americans to be defended has been largely ignored.

Typical of the extreme media attacks against minimal U.S. defense from the new Soviet 25 megaton war-heads is the following from the Washington Post of April 15, 1969:

"It is still far too small to knock out more than one (U.S.) ICBM site.

"It is instead a large war-head designed to destroy large 'soft' targets—such as cities—in other words a second strike weapon, and that is all."

On the Huntley-Brinkley TV-show, where the proposed anti-missile defense has been attacked very frequently, the ABM system was even assailed in the newscast on President Eisenhower's death. TV quiz programs and TV shows are loaded with ABM opponents. One of the favorite gadgets in what seems to be leading toward a TV "blitz" against defensive missiles is to emphasize their cost and follow this immediately with the need for funds for domestic poverty programs.

This cacophony has reached such a pitch that in Foreign Affairs magazine D. A. Brennan has spoken of lopsided reporting which causes lopsided thinking. Columnist William S. White has not criticized the Press but has charged that the anti-ABM lobby is operating "one of the most richly financed propaganda campaigns in recent history."

News reporting on the new "Safeguard" missiles has almost entirely by-passed the simple fact that—at the very worst—they are better than no defense missiles at all.

The Press Ethics Committee, on the basis of a volume of press reports and TV-casts, warns the public that its safety seems endangered by the increasingly one-sided and virulent reporting against a missile defense from the new Soviet aggressive rockets.

We urge each American to be alert to this dangerous propaganda barrage and to ponder any favorable, as well as adverse, reports respecting the proposed anti-Soviet rocket defense system.

Americans should keep in mind that—on the basis of full information—the present Republican President and his predecessor, a Democratic President, have both recommended a missile defense against new offensive missiles in the hands of Communist regimes.

MEMORIAL DAY, 1969

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. WOLFF. Mr. Speaker, last month we celebrated with the usual pagentry and holiday atmosphere Memorial Day, 1969. It is truly unfortunate that despite its name Memorial Day has lost its true meaning for millions of Americans and instead has become the unofficial beginning of summer. In a rush to the beaches and golf courses too many Americans forget why it is that there is a day away from work. It is not a day to celebrate, it is a day to mourn.

This point was brought home to me when, immediately after Memorial Day, I spoke with a constituent, Mrs. Andrew McCarthy, of Sea Cliff, N.Y., whose son had just been killed in Vietnam.

Mrs. McCarthy is a proud American. She was terribly sad, as only a mother in her situation could be. She was not angry at her country.

But Mrs. McCarthy was understandably distraught by our failure to observe Memorial Day for what it is—a day to remember our men of this and previous wars who have died in combat. She asked me, "Can we not have a real Memorial Day?"

Mr. Speaker, we should have a true and serious Memorial Day. Not a holiday weekend, but day in memory of tens of thousands we have lost in the history of our Nation. I would hope that in the future that Mrs. McCarthy could have her very small and very human request—a real Memorial Day.

POSTAL LABOR RELATIONS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. NIX. Mr. Speaker, the Postal Operations Subcommittee has concluded its hearings on the subject of labor relations in the postal service. During this past month and a half Members of this House have been aware of the delegations of postal unions from home who have made their presentations on the subject of labor relations by law in the postal service. Four days of hearings were held in response to this interest in which testimony was taken from all postal unions, the administration, and a large number of experts in the public employee relations field.

The hearing record will be kept open for a short time in order to accommodate Members of Congress and others who would like to go on record in this matter.

PRESIDENT KENNEDY'S LABOR RELATIONS PROGRAM

At the present time, labor relations problems in the Federal Government are governed by a program started by President Kennedy during his administration under an Executive order, which is an in-house Government regulation based on the authority of the President as the manager of the Federal Government. At the time President Kennedy signed Executive Order 10988, the present labor program, it was a great progressive step in the public employee field, an Executive order was the device used as authority for the program because many Federal managers were afraid that legislation would be passed by the Congress which would severely restrict their authority.

The effect of President Kennedy's Executive order was very worthwhile. The organization of Government employee unions expanded so that today there are more Federal union members outside the postal service than in postal unions. In the early 1960's the vast majority of Federal Government union members were in postal unions.

THE IMPASSE PROBLEM

President Kennedy's program though has outlived its usefulness because of the breakdown in employee contract negotiations. Federal personnel managers are able to decide what issues they will negotiate with unions about and what interpretation is to be placed on contracts once they are signed. The only appeal from these decisions is to the department head of the agency involved, whose orders personnel managers are following in the first place. In short, management sits as judge in its own case.

Postal unions during their 1968 negotiating sessions had this kind of experience with postal management. Post Office Department negotiators declared thousands of contract items nonnegotiable as management prerogatives, including many items that were in previous contracts. They did this because they felt that local department negotiators in previous negotiations had given up too much of management's authority. Negotiations reached an impasse in the spring and continued until the fall, when Postmaster General Watson declared that as far as he was concerned all items were negotiable. This decision of his may have prevented a postal strike, since contract negotiations had completely broken. This situation cannot be allowed to happen again. What is more, the ironic thing about the negotiations is this. Once a contract is signed it is not enforceable in the courts like any other contract. Today no neutral party can judge a dispute over contract terms between management and labor in the Federal Government. The courts have declared that an Executive order is nothing more than the personal policy of the President, it can be changed between breakfast and lunch and back again by dinner. It is no different than any other instruction a President issues, and the courts will not sit in judgment on the way the President runs the Government. Therefore, the only appeal from an adverse interpretation of the contracts worked out by the Post Office Department and postal unions is the Post Office Department itself. It sits in judgment in its own case. Therefore, in any new Federal program there must be access on the part of labor to the courts and arbitration for less important individual matters.

A NIXON EXECUTIVE ORDER?

Federal personnel managers realized that extensive changes had to be made in Executive Order 10988 if legislation was to be forestalled. Congress had been alerted to the breakdown in contract negotiations. The Wirtz committee made up of important Cabinet officers and assisted by their staffs, heard witnesses, took testimony and reported to President Johnson by mid-1968. Nothing was done with the report. Chairman Hampton of the Civil Service Commission convened a new committee to examine the possibilities of a new Executive order on Federal labor relations soon after the Nixon administration took office. Chairman Hampton's group has been meeting ever since. Newspaper columnists at the beginning of our hearings had stated that a new Nixon administration Executive order was expected by May 1, when the Civil Service Commission testified on April 25, their witness stated that a new Executive order would be issued within 60 days. A White House letter to the subcommittee dated in mid-May backed up this estimate. June 25 has come and gone and there is no Executive order, nor will there be for some time. There have been charges made by some Government union officials that this program is being studied to death.

I do not agree with that charge. The delay in issuing a new Executive order is brought about by the awareness on the part of those studying the problem that a new Executive order will not be helpful. The problem today is the enforcing of public employee contracts. A strike against the Government is a criminal act. There is no way to enforce these contracts in the courts because Executive orders have no more legal standing and are no more binding than a letter from the President. There is only one answer and that is legislation by the Congress. The long delays in action on an Executive order is I believe an admission that an Executive order at this stage of Government unionism will not give access to the courts where serious contract questions should be settled—*Manhattan Bronx Postal Union* v. *Gronowski*, 350 F. 2d 451, and *National Association of Internal Revenue Employees* v. *Dillon*, 356 F. 2d 811.

WHAT HAS CONGRESS DONE?

The Subcommittee on Postal Operations began its hearings on this problem and took up the consideration of the bills dealing with labor relations in the postal service. The consideration of bills was limited to the postal service because the postal service is the only Federal industrial operation with long standing and almost complete union representation. In addition, working conditions in the Post Office Department are terrible, and labor relations in the postal service have reached a critical point. What is more, the Postmaster General and his staff seem to realize more than other Government officials that something must be done and soon. They have suggested in their corporation plan the most far-reaching labor relations program ever suggested in Government circles, with direct reliance on the National Labor Relations Board. This is important because Federal personnel managers have always resisted using National Labor Relations Board cases as precedents, let alone using the services of the Board itself.

The bills taken up for study by my subcommittee were in general agreement on the need for access to the Federal courts, on the need for arbitration of disputes, on the need for mediation assistance from the Federal Mediation Service, on the need for the establishment of a Postal Labor Relations Board to sit on judgment in contract disputes. This is a large area of agreement. Both the Post Office Department and postal labor unions are in agreement on these items.

The bills supported by postal unions differ on the question of what types of postal unions should be represented before a postal disputes panel and share in the benefits of any new program. Some bills, for instance, exclude all but AFL–CIO craft unions from their provisions. This would be a death sentence for the industrial postal unions such as the National Postal Union and the National Alliance of Postal and Federal Employees. The National Alliance, for instance, has large numbers of minority group employees as members. Their problems are different from those of other employees. Yet these special problems would be ignored by their unions in some sections of the country because they are a smaller part of the work force than other groups.

The bills supported by the Post Office Department are unique in that they provide for collective bargaining on all issues including wages. These bills substitute the right to a form of arbitration through a Postal Labor Relations Panel instead of the right to strike, which would remain under Federal law a crime. In addition, the National Labor Relations Act would be binding in all matters not spe-

cifically set out in the bill. The setting of wage rates is sought by the Post Office Department so that they can exchange promises of wage increases in return for concessions on labor's part on working conditions and other matters. What concessions the Post Office Department seeks from postal unions remains to be seen. What is more, since a postal corporation would be self-sustaining, wage rates would be tied directly to postal rates and postal unions would find themselves directly pitted against the interests of large mail users. The administration bills do have great merit in that they recognize the need for binding contracts, arbitration, a Postal Labor Relations Board, and the application of as much labor law from the private sector as possible in a Government setting through the application of the National Labor Relations Act—title 29, United States Code.

H.R. 7916, a bill introduced by Congressman DULSKI, has much to recommend it. It provides for a complete postal labor relations program by including within its protection both craft and industrial unions, and both local and national unions. It does not include postal supervisors, but H.R. 4, introduced by Congressman DULSKI, which is the postal reform bill, does protect the postal supervisors union.

RECOMMENDATIONS

The subcommittee was able to obtain a wide range of agreement between all of the parties, including the Post Office Department. There is agreement that there must be legislation, that there must be access to the courts, a Postal Labor Relations Board which will decide contract cases, and arbitration procedures.

I believe that if we direct our attention to the main problem we have to face, which is the breakdown in contract negotiations, and provide the means for parties to settle as many problems as possible in negotiations between themselves in contract negotiations, we will have done the job that is necessary. For instance, grievances should be defined by contract and violations of contract provisions in regard to individuals should be settled by procedures set up by contract. Grievances, for instance, should be settled quickly on as low a level as possible, so that they do not pile up by the thousands at the Department level, with no decision one way or the other for long periods of time.

Applying the National Labor Relations Act to all matters involving postal employees where their situation is similar to workers in private industry would be helpful. If we avoid at the same time onerous regulation of Government unions by the National Labor Relations Act where it has not been proven necessary for Government unions. National Labor Relations Board cases could be useful in determining the fairness of election procedures, unfair labor practices, jurisdictional disputes and appropriate unit cases. The use of the National Labor Relations Act could if necessary be limited to specific matters and I know the committee would be open to suggestions on this point.

CONCLUSION

The postal labor jurisdictional disputes arising from the introduction of different bills has obscured the need for postal labor relations by law. The jurisdictional disputes raised by witnesses before the subcommittee have obscured the real body of agreement between all the parties, and the national president of the National Association of Letter Carriers, Mr. James Rademacher, pointed this out in his testimony.

The members of my subcommittee will meet at some future date to discuss the wide area of agreement among all of the parties so that we can discuss a new bill. A report on the subject of postal labor relations will be issued. There is a great opportunity to accomplish something of value here that we can all be proud of as Members of Congress. I would welcome additional written statements from Members of Congress and others. Our hearing record will be open for a short time.

DON JOHNSON NEW VA ADMINISTRATOR

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. SCHWENGEL. Mr. Speaker, on Monday Donald E. Johnson was sworn in as the Administrator of Veterans' Affairs.

As you know, Don is an Iowan, from West Branch, the hometown of the late President Herbert Hoover.

At the ceremony Monday, the Veterans' Administrator spoke eloquently about the role of the Veterans' Administration and his determination that the challenge it faces would be met.

We in Iowa are proud of Don Johnson. We are confident of his ability; assured by his determination. We know that under his leadership the challenge will be met.

Mr. Speaker, I place Don Johnson's remarks of Monday in the RECORD at this point:

REMARKS BY HON. DONALD E. JOHNSON

JUNE 23, 1969.

If some of you suspect there is a slight Iowa flavor today, you are entirely correct. We in Iowa are proud of our heritage and while we are compassionate people and people dedicated to the welfare of mankind everywhere, there are occasions when we do stick together and are, in fact, quite clannish. This ceremony today is certainly a time of celebration, but I find that celebration to be tempered by President Nixon's words of June 5 at the time he made the announcement of my appointment, and I quote:

"There is no agency that has greater impact on more Americans than the Veterans Administration. The veteran population from World War I, World War II, Korea, and now Viet-Nam, runs into the millions, and the Veterans Administration has the primary responsibility for dealing with the needs of all veterans."

As I heard those words that day and as I have re-read them on several occasions, I have been sobered by the responsibility that is now mine and so while we will celebrate today and commemorate this day, at the same time we will recognize the responsibility that lies ahead.

But I look forward to the challenge that is ours and that we are going to meet because I find the Veterans Administration to be a unique government agency. It is unique because it is the agency that does what the electorate wants it to do. The electorate recognizes an obligation to those servicemen—to those men and women—who answered the call of their country and who have served, suffered and sacrificed. I find, too, that the VA is unique because of a special partnership that exists between the Legislative and the Executive Branches of Government. It's the one agency in which there is close liaison at all times. We work together—and this we pledge—that this agency and those committees in particular on the Hill which have charge of veterans affairs will continue to work together. I think that it should be said that the House Veterans Affairs Committee in particular, with which we have more of our dealings, has for many years been led by a strong exponent of veterans rights, the Honorable Olin E. Teague of Texas.

The VA is also unique in another way. It is a Federal agency that maintains close liaison with the veterans' organizations and this, too, we pledge to continue and expand.

And lastly, the Veterans Administration is unique because it is an agency staffed by compassionate, dedicated and hard-working public servants. I have found this to be true in my past dealings with the agency and also during the past two weeks when I have been rather unofficially on the job. I look forward to joining the 170,000 VA employees.

I think, too, that this is a fitting day for this ceremony because this week marks the 25th anniversary of the first G.I. Bill of Rights. Since the President's announcement on June 5 of a special committee to look at the problems of the Viet-Nam veteran and the G.I. Bill of Rights, many words have been spoken and written on the adequacy of the present G.I. Bill. I am pleased, of course, about the assignment given me by the President to chair that committee and both as Administrator of the VA, and as chairman of that committee, I look forward to the assignment.

It is not my wish to pre-judge the work of that committee, but I want to tell you here that raw statistics do not always tell the story. In these days of a different sort of situation than we had in 1946 and 1947—with a gradual demobilization, with a high employment rate, and with many men completing their educational work before they are inducted into the services, there are, indeed, differences and we do, indeed, need to take a look at the problems that exist. But I can tell you that we will—this committee—find the answers to those problems.

In the interim, I want to pay tribute to the Veterans Administration for carrying out its mission. One of the things that we are specifically charged with in the formation of that committee is to reach out to the educationally disadvantaged. The VA "outreached" program to the educationally disadvantaged has been a success. VA achieved a 79% effectiveness in the big city target areas. One of the problems that exists is how we are to reach the men in the rural areas of America. This VA found to be difficult and even with the help of the veterans organizations we have only been able to reach 14% of them.

And so I think it is implicit in what I am saying, and I speak now to the veterans organizations represented here, that because your strength often lies in rural America, we need your help more than ever, and we cannot afford to wait for the outcome of this committee report. We need to have renewed efforts on your part and also the VA to reach these people we're seeking in rural America.

And so I would pledge to you that this

committee will find the answers. And I ask at this time for assistance from the Congress, from the White House, from the veterans organizations and from educators.

This new team looks forward to the assignments ahead. The President is determined that we recognize new problems in this different time frame in which we find ourselves. I ask for your advice and counsel. As Judge Whitney Guillilland indicated to you, the family Bible was open to what I think is one of the most beautiful Jewish prayers—it asks for wisdom to govern. I trust that wisdom will be given to us.

Finally, I know all of you join with me as I express the fervent prayer that efforts now underway under the direction of President Nixon will bring about the earliest possible termination of the present hostilities in Viet-Nam through a just and honorable peace.

As we look to the future, I know that I express the hope of all Americans as I pray that the day may come when there will be no Veterans Administration because there are no more wars, and that mankind the world over will have learned to live peacefully side-by-side in an enduring climate of mutual respect and compassion and trust.

Thank you for honoring me with your presence here today.

A NATIONAL COLLEGE FRATERNITY TAKES FIRM STAND ON CAMPUS DISORDERS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. O'KONSKI. Mr. Speaker, disruption and violence on our college campuses is a matter on which a great deal of attention has been focused, and a matter which concerns us all.

Recently Sigma Tau Gamma Fraternity, which has chapters on 75 campuses—several of which are in my congressional district—issued a most refreshing position paper on "freedom and order" which I feel is of interest to my colleagues.

I would like to share their recent statement with you, and also point out that this statement has been supported by more than 3,000 undergraduate members of Sigma Tau Gamma Fraternity:

STATEMENT OF SIGMA TAU GAMMA FRATERNITY

ST. LOUIS, MO.—Sigma Tau Gamma, a national college fraternity with chapters on 75 campuses, has taken a firm stand on campus disorders in a statement release from its headquarters in St. Louis.

In a position statement on "freedom and order" adopted by college chapters and endorsed by a large majority of its more than 3,000 student members, the fraternity reaffirmed its commitment to the "maintenance of an academic environment conducive to learning and scholarly development."

Citing the intrinsic rights of free inquiry, the fraternity insisted that they must be exercised "in a manner which does not diminish, abridge, or destroy the rights of others."

"We cannot condone the disruptive influences and activities which contemptuously deny to others their freedom to pursue truth in an atmosphere which permits reflection, debate and study."

Dr. Ronald W. Roskens, president of the international organization, noted the inconsistency of students who insist upon being heard often deny the same privilege to others through vulgar and abusive clamor.

"It is paradoxical to me that certain members of the most educationally privileged generation in history would advocate destruction of the educative process which nourished their minds and enhanced their freedom," said Dr. Roskens, who is vice president for administration at Kent State University.

Many of the fraternity's collegiate chapters have inaugurated programs designed to foster constructive leadership on their respective campuses, according to Dr. Roskens.

LOCATION OF COLLEGIATE CHAPTERS

Arizona

Northern Arizona University.

Arkansas

Arkansas A & M College.
Henderson State College.
State College of Arkansas.

Illinois

Eastern Illinois University.
University of Illinois.

Indiana

Ball State University.
Valparaiso University.

Iowa

University of Northern Iowa

Kansas

Fort Hays Kansas State College
Kansas State College of Pittsburg.
Kansas State Teachers College.

Louisiana

Nicholls State College.
Northeast Louisiana State College.
Northwestern State College.
Southeastern Louisiana College.

Maryland

Frostburg State College.

Michigan

Central Michigan University.
Eastern Michigan University.
Western Michigan University.

Minnesota

Moorhead State College.
St. Cloud State College.
Winona State College.

Missouri

Central Missouri State College.
Harris Teachers College.
Northeast Missouri State College.
Northwest Missouri State College.
Southeast Missouri State College.
Southwest Missouri State College.
University of Missouri-Kansas City.
University of Missouri-Rolla.
University of Missouri-St. Louis.

Nebraska

Chadron State College.
Kearney State College.
Wayne State College.

New Jersey

Seton Hall University.

New York

St. John's University.

North Dakota

Minot State College.

Ohio

Cleveland State University.
Youngstown University.

Oklahoma

Central State College.
East Central State College.
Northeastern State College.
Southeastern State College.
Southwestern State College.

Oregon

Southern Oregon College.

Pennsylvania

Alliance College.
California State College.
Clarion State College.
Edinboro State College.
Indiana University of Pennsylvania.
Mansfield State College.
Shippensburg State College.
Slippery Rock State College.
West Chester State College.
Pennsylvania State University.

South Dakota

Black Hills State College.
Northern State College.

Texas

Stephen F. Austin State College.

Utah

College of Southern Utah.

West Virginia

Concord College.
Fairmont State College.
Salem College.

Wisconsin

Northland College.
St. Norbert College.
Stout State University.
Wisconsin State U.-Eau Claire.
Wisconsin State U.-La Crosse.
Wisconsin State U.-Oskosh.
Wisconsin State U.-Platteville.
Wisconsin State U.-River Falls.
Wisconsin State U.-Stevens Point.
Wisconsin State U.-Superior.
Wisconsin State U.-Whitewater.

Canada

University of Windsor.

TRUTH IN LENDING

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. MINISH. Mr. Speaker, one of the major accomplishments of the 90th Congress was the enactment of the landmark Truth-in-Lending Act. I am most proud of the key role played by the Democratic members of the Consumers Affairs Subcommittee, on which I am privileged to serve, in securing the first Federal truth-in-lending law in history—and a strong and effective one at that.

It is propitious that this measure which will give an additional dimension to our people's freedom and well-being goes into effect the week we celebrate the Fourth of July. But, as pointed out in an editorial in the Newark News of June 25, the value of the law will depend upon the extent to which consumers take advantage of the information that must now be made available to them. This perceptive editorial "Truth in Lending" is printed in full below:

TRUTH IN LENDING

A new federal law designed to improve customers' ability to compare credit terms will take effect next Tuesday. But its usefulness will be impaired unless consumers learn to take advantage of it.

Today, about one family out of two owes some kind of installment debt, totaling more than $90 billion. Yet few households have any clear idea of how much they pay in finance charges.

The law taking effect Tuesday, known as the Truth in Lending Act, was finally passed by Congress last year to make available to borrowers a clearer picture of the cost of credit. It does not regulate rates. It requires lenders to use uniform methods of stating

credit charges so consumers can compare deals.

An auto buyer, for example, finds it difficult today to find his way through a maze of unfamiliar terms when he borrows from a bank or sales finance company. One loan is described as add-on, another as discounted. One lender wants a service charge, another an investigation fee, a third demands credit life insurance premiums. But starting Tuesday, installment credit sources must disclose the total finance charge and the annual percentage rate or its equivalent, a yardstick by which different credit methods may be evaluated.

Full disclosure of credit costs will be of little help to consumers, however, unless the information is used. In addition to learning the amount of monthly payments, prospective borrowers should consider the length of time they'll have to pay, the annual percentage rate, the type of loan they choose and, perhaps most important, how much more it costs to buy on credit than to pay in cash.

MARINE MIDLAND COMMENDED FOR SERVICE TO PUBLIC

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. SMITH of New York. Mr. Speaker, the Truth-in-Lending Act—Title I of the Federal Consumer Credit Protection Act—affects virtually everyone who issues credit. It requires the nearly half a million creditors in the United States to clearly and completely disclose all costs in a credit transaction and in every advertisement. Businesses as divergent as savings and loan associations, department stores, credit card issuers, credit unions, banks, automobile dealers, hospitals, consumer finance companies, plumbers, electricians, doctors and any other individuals or groups which extend or arrange for credit must comply with the legislation by July 1, 1969.

In an effort to inform the public as to the provisions of the "Truth-in-Lending Act," Marine Midland Banks, Inc., has launched what I consider to be a most commendable public service program.

In the June 25th edition of the American Banker, Marine Midland was recognized for its role in advising the public about the Truth-in-Lending Act.

The American Banker article follows:

MARINE MIDLAND MARKETS TRUTH-IN-LENDING THROUGH PUBLIC SERVICE PROGRAMS, MANUAL

BUFFALO, N.Y.—Communicating and interpreting the provisions of Truth-in-Lending to the many people and organizations affected by the legislation is a difficult and time-consuming undertaking which many banks have taken on as a responsibility and as an opportunity to create good will.

One of the many has been Marine Midland Banks, Inc., which has been conducting a public service Regulation Z program in the area served by the Marine Midland System.

When Federal Reserve Board Regulation Z, which implements the legislation, was issued on Feb. 10, 1969, with an effective date of July 1, 1969, Marine Midland assigned a team of three attorneys to study the legislation and the regulation, with special emphasis on the inherent consumer and commercial applications. From their studies a 76-page manual has been prepared that interprets, through narrative and sample forms, how Marine Midland Banks will comply with the law. The guide has been made available through Marine Midland personnel to other organizations and individuals to help them in establishing systems to comply with Truth-in-Lending. Marine Midland has also made sample forms available to other banking organizations for use as prototypes and has offered assistance in preparing forms when requested.

A series of fourteen (14) statewide seminars was conducted by the team of attorneys for all Marine Midland executives from the bank's 240 offices in 150 New York state communities to cover legalities and ramifications of Truth-in-Lending. William J. O'Connor, of the Buffalo law firm of Buerger and O'Connor, discussed the legislation's effects on Marine Midland's Master Charge, custom credit and time plan programs. Frank J. Laski and Waldron S. Hayes, Jr., of the Buffalo law firm of Phillips, Lytle, Hitchcock, Blaine and Huber spoke on the personal, commercial, farm and mortgage lending applications of the Consumer Credit Protection Act.

Marine Midland has informed its merchant customers of the new credit changes through a series of news bulletins during the past few months. In addition, the bank's employees have been informed, through a similar publication, of the new developments, so that they can help both merchants and consumers who are interested in credit with a full understanding of the meaning of the new legislation.

Marine Midland Banks have taken great care to inform customers about potentially confusing terms, such as the Annual Percentage Rate and the Finance Charge. The annual percentage and dollar and cents costs, which form the basis for comparison credit shopping, are explained in terms of computation and conform to the Trust-in-Lending credit-contract and agreement forms. Through a series of mailings, bill-stuffers and the like aimed at 750,000 persons, Marine Midland believes it has made it an easy matter for the credit purchaser to be preinformed about the new legislation, and to understand from the new invoices what he is being charged, how, why, and how much.

Financial and business editors of the press have been supplied with an information kit to help them interpret the complexities of the new information that consumers will be confronted with at the time of credit purchases and loans when they receive bills on and after July 1. Individuals, farmers and real-estate buyers will also benefit from the information that Marine Midland has so freely made available.

To further assist the average consumer who uses credit financing, Marine Midland has a program underway to provide leading credit spokesmen for television and radio interviews, as well as for meetings with community groups. These public service programs will be of great help in bringing the understanding of credit, what it costs and how it works to many thousands of individuals.

"The fourth generation may be descending on us quietly," Mr. Bradburn said. Its changes may seem relatively mild compared with yesterday's technical drama, he added, but under the surface lie the problems of an "industry in transition."

IMPROVING FOREIGN AID

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BROWN of California. Mr. Speaker, America's commitment to less-developed nations should undergo major revision. Over the last few years, I have consistently voted against the current structuring of our aid program—not because I am opposed to assisting development in low-income countries, but because I feel our present attempts are patronizing and ill-conceived.

As long as the practice continues of including military aid in with economic assistance, I shall not support any foreign aid legislation. Congress must realize that massive military aid programs rarely are positive actions toward overall development in recipient countries. Military aid tends to reinforce misallocations of resources away from areas of infrastructural economic growth and into wasteful assemblages of military paraphernalia.

In addition, I believe that "tying" much of our aid to U.S. exports creates a situation in which certain projects may be approved not because they are of a high priority to a recipient country, but instead because they have a high import content.

I favor general reorganization of our aid programs, with much more emphasis on multilateral assistance, and with greater help in the key area of population and family planning.

A good introduction to the type aid approach I would like to see Congress approve was published in the June 22 Los Angeles Times. The distinguished UCLA economist Neil H. Jacoby wrote this important article, "A Better Way of Extending Aid," and I would like to place it in the RECORD at this point:

A BETTER WAY OF EXTENDING AID

(By Neil H. Jacoby)

(NOTE.—Neil H. Jacoby is professor and former dean of the Graduate School of Business Administration at UCLA. He is currently a Visiting Fellow at the Center for the Study of Democratic Institutions.)

Recent events raise hope for the realization of the long-desired American withdrawal from the war in Vietnam. They allow us to contemplate a reduction of the appalling burden of that conflict. We can at last begin to consider how to apply the released resources to more humane and valuable purposes. Among them is assistance to the poor countries of the world.

Thoughtful men everywhere are distressed by the deprivation in which most of the human community continues to exist. Malnutrition is the lot of 2 billion of the world's 3 billion people. Famine and epidemic disease stalk their lives. Their babies die with a frequency many times as high as in advanced nations. Those who survive receive little formal education. Their adult life span is little more than half that of Americans and northern Europeans. In 100 of the world's 125 nations, average income per person is less than $500 a year; for most people it is under $150 a year.

POPULATIONS HAVE EXPLODED

During the 25 years since World War II advanced countries have helped to change these somber conditions. Progress has been made, but at too slow a pace. A population explosion has cancelled out much of the anticipated increase in production per head.

The time required by traditional societies to move into the contemporary world has been grossly underestimated. Today, there is widespread frustration and disillusionment; foreign aid by advanced countries has been much reduced. It is timely to make a reassessment. What have we learned that can be applied to speed up the progress of peoples in the future?

One fact we have learned is that development is an extremely long and complex process, whereby a country changes from a static traditional mode of life into a modern dynamic society. It is a process that, even with substantial foreign aid, requires at least two generations to complete. This process can only be initiated and sustained by the government and the people of the poor country; development cannot be imposed upon them from the outside.

PHILOSOPHIES MUST CHANGE

We have found that development is far more than economics or politics. At its heart it calls for a change in the philosophic values of the people of a low-income country—a willingness to embrace new beliefs, habits of mind, and ways of life. Farmers must learn new methods. Landlords must often accept lower rents, higher taxes or land reforms. Businessmen must open up protected markets to new competitors.

Another lesson of history is that development requires a union of the governing group and the masses of the people. The Alliance for Progress has not succeeded because in too many Latin American countries the ruling elite have blocked essential economic and social reforms that threatened their privileged position. All segments of society must unite in purpose and action behind an orderly program of change if violent revolutionary movements are to be avoided.

History also demonstrates that external assistance, when effectively used, *can* produce self-sustaining progress, as the examples of Greece, Taiwan, Iran and the Philippines testify. The successful experience of these countries helps us to formulate a fresh philosophy and policy of development with external aid.

The concept of a partnership between the aiding agency (an advanced nation or an international body) and the low-income country is central to the attainment of faster progress in the future. Both partners commit something to the development venture; both hope to gain something of value in return.

The developing nation commits itself to make, according to a definite time schedule, necessary social and economic reforms that will increase domestic savings and make investment more efficient. The aiding agency commits itself over an extended span of years to provide capital goods, technology and modern skills. The aided country hopes to realize a better life for its people from this partnership, and the aiding agency seeks to attain a more prosperous and peaceful world environment. Development assistance is thus a partnership for mutual gain; and is neither charity, obligation, nor indemnity.

Even under the heaviest foreign aid programs, external assistance does not apply more than one-third of the capital needed for development. Hence it is vital that the poor country take strong self-help measures to increase the productivity of the capital it must itself generate. It can do this in many ways: by freeing markets from government regulation and improving the conditions of enterprise; by fostering basic and technical education of its people; by raising productivity in agriculture through land reform and adequate credit facilities; by installing an equitable tax system, and by managing its money to prevent price inflation.

Advanced countries can also help to speed progress of the poor countries by opening their markets to the latter's products. Expanded trade can be a substitute for foreign aid. Less developed countries prefer to earn their own way through rising exports. The advanced countries should therefore be prepared to lower their tariffs and quotas against products of low-income countries, with or without reciprocation.

Population control must be an essential policy in all future strategies for development. This is the clear lesson to be learned from our postwar experience.

When one examines the annual growth of real gross national production since 1950, one finds that the less developed countries as a group have expanded their economies as fast as the advanced countries—between 4.5% and 5% a year. But when one looks at growth of real GNP *per person*—a truer measure of betterment in the material conditions of life—one finds that during recent years, it has been expanding 3.8% a year in the advanced countries and only 2.6% a year in the low-income countries.

Population has been rising 2.5% a year in the poor lands versus 1.1% in advanced nations.

The conclusion is inescapable: A commitment to family planning should be *incorporated* into the partnership agreement between the aid agency and every aided country wherein excessive birth rates are impeding development. Population control measures should be a condition of eligibility for external assistance.

Another needed change in development policy is to "d-politicize" foreign aid—to extend most aid through international organizations supervised by the United Nations, thus preventing it from being a tool in the "cold war" between capitalist and Communist countries. Competition between the United States and the Soviet Union in seeking to mould developing countries in their own images has led to wasteful duplication of aid. It has led governments of poor countries to believe that aid is politically inspired to serve the interests of the granting country. Many play off the United States and the U.S.S.R. against each other.

The idea of competitive coexistence between Communist and capitalist powers offers a basis for specializing the functions of multilateral and unilateral aid.

SOCIETIES MUST COMPETE

Different social systems should be allowed to compete with each other, and be judged by the welfare they produce for people. If the people of a poor country desire state-owned and operated enterprises and central planning of their economy, they have a right to choose that system. If they believe that a competitive market economy based upon private enterprise is the most flexible and efficient means of satisfying society's wants, no one should interfere with that choice. Let time judge the performance of both systems. Americans need not fear the outcome, in the light of the superior performance of our own economy in recent times.

We propose, then, that external aid to provide social infrastructure (railroads, highways, communications, power facilities) as well as to develop human resources (education, training, research and technology) should be supplied multilaterally by the International Development Assn. and agencies of the United Nations. These are governmental functions in nearly all countries.

Aid to agricultural and industrial enterprises should be supplied unilaterally by the advanced countries, because in these sectors advanced countries with different economic systems have opportunities to apply their special expertise. If a poor country elects collectivized agriculture, Communist countries are best prepared to assist it. If it opts for private enterprise in agriculture and industry, capitalist nations are best qualified by experience to assist.

DIVIDING THE BURDEN

The annual net flow of developmental assistance from developed to poor countries has been $7.5 billion to $9 billion a year, including private investment. Assuming that the low-income countries take measures to improve the efficiency of their use of foreign aid, under the partnership concept, their total need for assistance can be estimated at about $13 billion a year. Of the total step-up of $5 billions, the U.S. share would be no more $2–2.5 billions—well within our capacity to supply.

In his inaugural address, President Nixon offered cooperation with other nations "to reduce the burden of arms, to strengthen the structure of peace, to lift the poor and the hungry." With the wisdom distilled from experience, let the United States lead all nations in a fresh cooperative effort to lift the world's poor and hungry up to a humane condition of life.

POLLUTION CONTROL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ZWACH. Mr. Speaker, I have introduced a very meaningful bill today to amend the Atomic Energy Act. This bill amends the act of 1954 to permit a State under the agreement provision with the Atomic Energy Commission, to establish standards for the discharge of radioactive material from an atomic-fueled powerplant.

This issue has developed in Minnesota on a proposal to build two atomic energy electrical supply plants on the Mississippi River. The citizens of Minnesota are proud of our 14,000 lakes and of the slogan that is often attributed to our area as being "The Land of the Sky Blue Waters." They have therefore promulgated emission standards within the Minnesota Pollution Control Agency that are much lower than the AEC level of tolerance. The builder of the proposed plants has received the permission to do this from the Atomic Energy Commission. However, the work is now delayed because our State believes that the rate of discharge allowed by the AEC is too high.

While I am not quarreling with the maximum tolerances of the AEC, I am convinced that if the people of a State believe in the need for more rigid regulations, then that State ought to have the right to be responsive to their citizens. I will grant further, that all this should be done within the safety guidelines as established by the AEC.

The bill simply states that no State shall be refused the right to enter into an agreement with the Atomic Energy Commission, simply on the basis of having developed standards that permit a lower level of discharge than presently set as the maximum levels by the AEC.

The Mississippi River originates in Minnesota. It is the source of much of the water needs for many great cities in central United States as it flows southward across our continent.

As we well know, much of our pollution problems are caused by a continued buildup of the wastes from mankind. Like many of the present plant pesticides and herbicides that are commonly used, the residue does not disappear. It stays in the water, the air, or the soil and accumulates. We have probably all read of the tragedy this week on the Rhine River.

In all fairness to the citizens in every State, and especially to those who live

in those States served by this great river, they should be allowed to develop those standards for plants located within their boundaries, in full compliance with the maximum tolerances as established by the Atomic Energy Commission.

SPORTS EDITOR HONORED FOR ATHLETIC EFFORTS

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. FLYNT. Mr. Speaker, one of my friends and constituents, Mr. Harley Bowers, sports editor of the Macon Telegraph, Macon, Ga., was recently selected to receive an award from the National Coaches Association for community service and promotion of high school athletics.

This honor for Mr. Bowers is of special note since he is the first newspaperman ever selected by this organization for such an award. But his record of achievements clearly reveals the National Coaches Association could not have made a better selection.

For years Mr. Bowers has provided outstanding coverage for all types of high school athletic events in the Macon area, a fact which has contributed greatly to enhancing the already excellent school athletic programs. He has been an active member of the Macon Recreation Commission. In recent months he has been greatly responsible for bringing to Macon the National AAU basketball tournament and the international tennis tournament.

Mr. Speaker, I think this award for Mr. Bowers is certainly deserved, and I extend my sincere congratulations to him. I would like also, Mr. Speaker, to include in the RECORD a short article about Mr. Bowers from a recent issue of the Macon Telegraph:

SPORTS EDITOR HONORED FOR ATHLETIC EFFORTS

Harley Bowers, Macon Telegraph Sports Editor, has been selected by the National Coaches Association to receive one of their eight annual district awards for community service and promotion of high school athletics.

Bowers, the first newspaperman in the country to receive the award, was selected for his record of high school athletic coverage and for his participation on the Macon Recreation Commission and work in importing the national AAU basketball tourneys and international tennis tourney.

The award, only given to one other Georgian, will be presented June 20 in San Francisco, Calif.

Bowers, Telegraph Sports Editor for 11 years, is a native of Moreland.

He graduated from Newman High School in 1938 and from the University of Georgia in 1942, after being named the outstanding graduate of the Journalism class.

Following college, he spent three and a half years in the Air Force and then returned to the University of Georgia for a year of graduate work.

Prior to coming to Macon, he was associated with the Atlanta Constitution, Columbus Ledger, and Albany Herald.

He resides with his wife Joyce and their three children, Cliff, Jack and Martha Claire, at 2644 Northwoods Drive. He is a Sunday School teacher at First Presbyterian Church.

STUDENT DISORDERS AND VIOLENCE ON CAMPUSES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ESCH. Mr. Speaker, the questions of student disorders and violence on campuses throughout the Nation have occupied the attention of the news media, campus administrators, Government officials, the Congress, and the public for many months. The problem has been studied, talked about, and worried about. But, for the most part, there has been too little really constructive, forthright action to solve the problem.

Nearly 2 weeks ago I proposed that association of colleges and universities hold national and regional conferences directed solely at this problem and specific practical steps which might be taken to solve it. I urged that these conferences take place in cooperation with the administration and the Office of Education with Federal officials to serve as resource personnel. These conferences would be designed to develop a creative interchange of ideas on the procedures and approaches which had been successful on some campuses for dealing with the legitimate discontents of moderate students without bowing to the extremists and violence.

I do not envision the conferences to establish standard regulations or practices, since each college community is diverse and must be governed by its own environmental factors. I do envision these conferences as a means to open new channels of communication within the university community and between the university and the public.

I must make it absolutely clear that we cannot condone or tolerate violence either on our campuses or in our cities and I support efforts of National, State, and local law-enforcement officials to maintain law and order.

The American people are rightfully concerned with the violence on the campus, and it is my conviction that, unless the campus community takes constructive and immediate action to quell disorder and violence, repressive legislation and a drastic reduction in college funding will result. The educational community must take voluntary action now.

In line with this conviction, I was extremely pleased at the overwhelmingly favorable response which my proposal received from the associations of colleges and universities as well as from the Nixon administration. Both in personal conversations and letters, the associations have indicated to me their willingness to participate in conferences and their belief that such symposiums would serve a useful and constructive purpose. Assistant Secretary James Allen testified before the Education and Labor Committee last week in support of this concept and offered the cooperation and assistance of the Department of Health, Education, and Welfare in setting up such a program.

It seems to me, Mr. Speaker, that this response speaks clearly of the dedication and recognition of responsibility which the educational community has. I am confident that campus disorders can be brought under control and that channels of communication can be opened without direct and repressive Federal interference.

Under permission granted, I include my letter and the representative responses which I have received at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 11, 1969.

DEAR SIR: I write to you, a leader in the higher education community, urging you to take immediate action which might contribute constructively to the problems associated with the present unrest on our college campuses.

Having served on the Education and Labor Committee and having visited college campuses during the past two months and having constant contact with the public constituency, I believe the time is fast approaching when every representative organization must reappraise its efforts in responding to student unrest. The problem on the campuses is more structured and of greater potential intensity than many of us are aware. The results of continuing disorders and the resultant publicity are finding a restive audience in the American people.

For some time politicians, columnists, the news media, professional observers, and government officials have been berating, commenting or praising the motives and actions of our campus youth. If nothing else, this inconsistency is creating a demanding and an active majority in the American people who want to know what is or is not acceptable behavior in their society. In time, if allowed to continue in this manner, campus disorders may well result in the appearance of restrictive state or federal legislation which will have the ultimate effect of controlling the operating procedures of our colleges and universities. Further, as evidence has shown, the public reaction will curb the expenditures of local, state, and federal funds used to support the finest educational system in the world.

I will not support, nor will I vote for repressive legislation nor do I believe that the majority of students should be penalized by the cutting back of operating funds in order to punish a few.

Currently under consideration before our Education and Labor Committee is H.R. 11941. While I believe that the role of this bill is laudable in that it attacks the major problems inherent in our college campuses today, I am nonetheless concerned that it may set an unhealthy precedent.

Therefore, at this time I am calling upon your Association and urging that you join with others and convene a series of national and regional conferences of college and university administrators. Such meetings can have a positive effect upon this growing crisis. They would help to create better communication and understanding on the part of the American people, aid administrators in developing practices regarding discipline and conduct of students and faculty, and establish new means of communication with students. The interface which could be obtained by such a meeting would be most valuable to college leaders in providing an experience base for dealing with student problems. It would provide suggestion for solidifying the support of the large silent majority on our campuses and ideas for isolating the behavior and motives of militant reactionaries.

In general their purpose would be to develop concepts which would replace the current atmosphere of disruption and disorder on our campuses with a new positive force of creative interchange. I do not envision the conferences to establish standard regulations or practices as each college and university community is diverse and unique and must be governed by the factors within its environment. The independent operating integrity of each institution must be protected. Voluntary efforts on the part of the educational community must begin now.

I also recognize the limitations of such a conference and that there is no panacea for today's unrest.

The leadership your Association has shown in developing informal and overt actions in regard to this problem is most assuredly recognized. However, the urgency of this crisis requires the efforts of a massive coordinated breakthrough to bring about positive results.

It is my opinion that the National Administration is concerned about protecting the operational autonomy of our colleges and universities and they will be willing to participate cooperatively in any voluntary effort toward this end. I have written the President and members of his staff requesting this support.

I urge your consideration of my proposal and await your urgent response.

Sincerely,

MARVIN L. ESCH,
Member of Congress.

AMERICAN COUNCIL ON EDUCATION,
Washington, June 19, 1969.

The Honorable MARVIN L. ESCH.
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ESCH: I want to thank you for the concerns expressed in your letter of June 11. As your staff member, Mr. Bob Jones, doubtless told you last Friday afternoon I informed him of our Board of Directors' meeting to be held on Monday and Tuesday and the expectation that we would issue a statement, with copies to be circulated Tuesday morning to members of the Education and Labor Committee. In the event that your copy may have been misplaced, I am enclosing a second copy of it.

Now let me mention some of the things that the Council has been doing and is intending to do with regard to campus disruptions. In the spring of 1968 we conducted jointly with the University of Denver Law School a conference on "Legal Aspects of Student-Institutional Relationships." To this conference we invited a number of students, administrators, professors, and legal experts on the subject. The outcome was a special issue of the *Denver Law Journal* which we distributed without charge to all of our members. In addition to the *Law Journal* was widely circulated in the legal profession.

For the past year or two I and other members of the Council staff have been speaking in various parts of the country on varied aspects of this whole problem. For your information I am enclosing a copy of the several addresses I have given. They have all been published except the two papers I gave some weeks back at the University of Nebraska. These will appear in a book to be published by the University of Nebraska Press.

Also, I am enclosing a copy of a paper prepared by a former staff member of the Council, Otis A. Singletary, which we circulated to all of our members and to many others who requested it.

Our Office of Research is now conducting what is probably the most intensive empirical research being carried on anywhere with regard to this general problem. We expect to begin publishing results within a few weeks.

This afternoon we are having a meeting of the executive officers of many of the principal associations here in Washington in the field of higher education to get moving on our Special Committee on Campus Disruption. We have promise of some foundation funds to hold a number of regional conferences during the latter part of the summer, and likewise we may collaborate with some other agencies in facilitating large, national conferences to be held—possibly in Washington—during the early fall. In these conferences, let me say, we do not intend to engage in endless talk about such broad matters as the generation conflict, the malaise of our era, and so on. We expect to get down to particulars about how to uphold both freedom and order on the campus.

In closing, let me say that we very much appreciated your being present during dinner at the Hotel America on Monday evening.

Sincerely yours,

LOGAN WILSON.

(NOTE.—Also, I am including a statement issued as a result of a conference the Council held some weeks ago in Chicago.)

EXPLANATION OF "A DECLARATION ON CAMPUS UNREST"

This statement was formulated by a group of educational administrators, trustees, and foundation officers who met April 4–5, 1969 in Chicago under Council auspices. Those present were three Council officers—President Logan Wilson, Vice-President Kenneth D. Roose, and David C. Nichols II, assistant to President Wilson—and the following:

Louis T. Benezet, president, Claremont Graduate Center.

Landrum R. Bolling, president, Earlham College.

Herman R. Branson, president, Central State University.

Robert D. Clark, president, San Jose State College.

Fairfax M. Cone, trustee, University of Chicago.

Thomas H. Eliot, chancellor, Washington University.

Robben W. Fleming, president, University of Michigan.

David D. Henry, president, University of Illinois.

Theodore M. Hesburgh, C.S.C., president, University of Notre Dame.

James M. Hester, president, New York University.

Ralph Hetzel, trustee, Pennsylvania State University.

Roger W. Heyns, chancellor, University of California, Berkeley.

Joseph F. Kauffman, president, Rhode Island College.

William R. Keast, president, Wayne State University.

Malcolm Moos, president, University of Minnesota.

Mrs. Henry Owen, trustee, Washington State University.

Harvey Picker, trustee, Colgate University.

Alan Pifer, president, Carnegie Corporation of New York.

Wesley Posvar, chancellor, University of Pittsburgh.

Nathan M. Pusey, president, Harvard University.

John Ritchie, dean, Law School, Northwestern University.

John S. Toll, president, State University of New York at Stony Brook.

Edmund A. Stephan, trustee, University of Notre Dame.

F. Champion Ward, vice-president, The Ford Foundation.

Herman B. Wells, chancellor, Indiana University.

Charles E. Young, chancellor, University of California, Los Angeles.

Edwin Young, chancellor, University of Wisconsin, Madison Campus.

The statement was subsequently approved by the Council's Board of Directors, comprised of the following individuals:

Mason W. Gross, president of Rutgers-The State University, chairman.

Anne G. Pannell, president of Sweet Brair College, vice-chairman.

Gustave O. Arlt, president of the Council of Graduate Schools in the U.S., secretary.

Fred Harvey Harrington, president, University of Wisconsin.

Grayson Kirk, president emeritus, Columbia University.

Frederic W. Ness, president, Fresno State College.

Alan Simpson, president, Vassar College.

Thomas A. Spragens, president, Centre College of Kentucky.

Sharvy G. Umbeck, president, Knox College.

Kingman Brewster, Jr., president, Yale University.

G. Homer Durham, president, Arizona State University.

Samuel B. Gould, chancellor, State University of New York at Albany.

Darrell Holmes, president, Colorado State College.

Kenneth S. Pitzer, president, Stanford University.

Edgar F. Shannon, Jr., president, University of Virginia.

Joseph P. Cosand, president, Junior College District of St. Louis.

Theodore M. Hesburgh, C.S.C., president, University of Notre Dame.

Roger W. Heyns, chancellor, University of California, Berkeley.

Martha E. Peterson, president, Barnard College.

Calvin H. Plimpton, president, Amherst College.

Willis M. Tate, president, Southern Methodist University.

A DECLARATION ON CAMPUS UNREST

The unprecedented, comprehensive, and often unpredictable changes that are taking place in this age both disturb and alarm large segments of our society. Most of the changes and attendant alarms affect the operations of our institutions of higher learning. They are also related to the values, concerns, and behavior of our young people. In coming to grips with the compelling issues, all who would think seriously about them must recognize that present-day society—in America and in many foreign lands—is in serious trouble on many fronts. We see around us racial conflict, continued poverty, and malnutrition midst unparalleled prosperity and seemingly unlimited promise. We are confronted by pollution of our environment, decay of our cities, the continuation of wars and the threat of war, and everywhere a vague but widespread discontent with the general quality of life.

These problems affect all of society, not the university alone or the young alone. We must all be concerned to deal intelligently and responsibly with these problems that are neither the exclusive discovery, nor the sole responsibility of the young. Yet the depth of feeling among young people in many countries today about the issues, their general dissatisfaction with the slow-moving ways of society, and the extreme behavior of a small minority of students are evidence of the profound crisis that involves our entire society and, specifically, the university community.

The university itself has often become the immediate target of student discontent, sometimes couched as legitimate complaints about the deficiencies of the universities, sometimes devised as a softening-up exercise for assault on the wider society.

How to deal with campus crises arising from the widespread protests has become a major public issue and the cause of confused and angry debate. That there should be deep anxiety about the course of the conflict and its possible outcome is understandable. No social, racial, or age group that perceives itself and its values to be seriously threatened will fail to strike back. Increasingly there are backlash temptations to enact strong, often ill-considered, and largely futile measures to cope with a youth rebellion that

none of us fully comprehends, not even the youth themselves.

Certain balanced judgments are proper to make, however, as we search for understanding and solutions:

1. It is important for the public to understand that, despite the nationwide publicity given to student disorders, the great majority of American campuses have remained peaceful. On campuses where conspicuous disorders have occurred, educational programs generally have gone along their normal ways. Most students and faculty have continued to carry on their regular work. In the main, good teaching and good research, as traditionally defined, have been uninterrupted.

2. On the undisturbed campuses and among the majority of orderly students, however, there are widely shared discontents which extremists are at times able to manipulate to destructive ends. Moreover, even in the absence of violence, there has developed among some of the young a cult of irrationality and incivility which severely strains attempts to maintain sensible and decent human communication. Within this cult there is a minute group of destroyers who have abandoned hope in today's society, in today's university, and in the processes of orderly discussion and negotiation to secure significant change. Students and faculty are increasingly aware of the true nature of this group and are moving to deal with its destructive tactics. The necessity to deal with extremists, however, is placing an extraordinary burden upon the whole educational enterprise and upon those who man it. Consequently, universities are having to divert their energies and resources from central educational tasks in order to deal with student unrest in its various forms.

3. The spectacular events precipitated by the extremists should not be allowed to obcure the recent accomplishments of those students, faculty, and administrators who have serious interest in constructive changes in society and in the university. They have broadened the curriculum and improved teaching. They have moved toward a more open and participating pattern for university governance. And they have begun to make the work of universities more meaningful in dealing with the problems of society. Those efforts must continue. Reform and self-renewal in higher education are ongoing imperatives.

4. Meanwhile, the speed and scale of social change have imposed many kinds of demands upon educational institutions for which their programs, their capabilities, and their funding are not always adequate. Moreover, universities are increasingly asked to perform functions for society, particularly in reshaping the behavior, values, and lifestyles of the young, on which the family and other social institutions have already had major influence or lack of influence. Some of society's expectations for universities are quite unrealistic. Insofar as these expectations can be dealt with, they involve a sharing of responsibilities among diverse social institutions. Many of society's demands require new resources and fresh approaches to old and new problems.

5. Recognizing the right of and even the necessity for constructive dissent and allowing for inevitable arguments over what is in fact constructive—certain axioms must be accepted as basic to the operation of any university.

(a) Disruption and violence have no place on any campus. The academic community has the responsibility to deal promptly and directly with disruptions. If universities will not govern themselves, they will be governed by others. This elementary reality is increasingly understood by all components of the university community. Student and faculty groups, including the American Association of University Professors and the National Student Association, have recently joined in efforts to improve disciplinary procedures and to formulate clear and realistic codes for dealing with misconduct, and more particularly with violence and disruption. Also, by involving students and faculty effectively in the governance of the university, it can be demonstrated that there are better ways of getting views considered and decisions made than by disruption.

(b) The historic concern of the university community with academic freedom needs to be restated, reaffirmed, and vigorously defended against all, within or without the university, who would obstruct the right of scholars to investigate, teachers to teach, or students to learn. This reiteration is not to claim for the university special privileges that put it above the law or that free it from critical public appraisal—rather it affirms that the university must maintain a basic institutional integrity to function as a university.

(c) Violations of criminal law must be dealt with through the ordinary processes of the law—and universities must attempt to deal with disruptive situations firmly before they reach the stage of police action. Governmental attempts to deal with these problems through special, punitive legislation will almost certainly be counterproductive. Meanwhile, students and faculty whose consciences demand that they express dissent through law violation must be prepared to accept the due processes and the penalties of the law. They should not be encouraged to expect amnesty from the effects of the law. Such an expectation would be the ultimate use of the *in loco parentis* concept against which many young activists passionately protest. Nor should they expect amnesty from academic discipline, which is the most effective sanction in disruptive incidents.

6. The education community needs to undertake a far more comprehensive effort than ever before attempted to study the underlying bases of youthful discontent and alienation and the broad social problems to which they are related. As social critic, the university must help society understand and solve such problems.

7. All universities should give particular attention to a continuing search for ways, including new social inventions, by which the life of rationality and civility, share concern, and mutual respect must be supported and strengthened within the university community. The survival of the university and its long-term contribution to society depend upon the ability of the institutions to make their everybody life reflect that spirit and pattern.

ASSOCIATION OF AMERICAN COLLEGES,
Washington, D.C., June 19, 1969.

Hon. MARVIN L. ESCH,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR MARVIN: Since receiving your letter of June 11th, members of our staff have been in touch with you and your office several times concerning information at least partially responsive to your inquiry and suggestions. Because of the urgency of affairs in the Committee on Education and Labor, we have all wanted to act as quickly as possible in any and all ways that might be helpful to you and other Committee members.

Meanwhile our giving attention to these matters has delayed this more formal response in writing to your letter itself. We are grateful for your constructive posture and ideas on the very complex questions of student unrest and related legislation. More specifically, your idea of timely conferences strikes a very responsive chord. It would be inappropriate and inefficient for us to proceed alone on this, and my understanding is that several other national associations are also giving active consideration to the idea. A number of us are meeting together this afternoon, and I believe the proposed conferences are one of the principal topics on our agenda. None of us wants to delay any action that promises to be of any assistance to the colleges.

With all good wishes.

Sincerely yours,

RICHARD H. SULLIVAN,
President.

THE ASSOCIATION OF AMERICAN UNIVERSITIES,
Washington, D.C., June 16, 1969.

Hon. MARVIN L. ESCH,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ESCH: I wish to acknowledge with appreciation your letter of June 11, 1969 in which you express concern about current campus disorders and particularly for your desire to have order restored without resort to federal or state legislation which conceivably might be repressive.

With reference to your specific request that the Association of American Universities join with others in convening a series of national and regional conferences of college and university administrators, I shall refer this question to our Association's Executive Committee for consideration. You are aware, I am sure, that some conferences have been held already and it is my guess that if additional meetings are needed, the American Council on Education should take the initiative in convening them. I may say that in the case of the Association of American Universities, which meets semi-annually and is an organization of university presidents, I cannot recall a single meeting of the Association since October, 1964 when a great deal of consideration has not been given to these very matters which are of concern to you. These discussions and exchanges have been helpful to all of our members and will doubtless continue in the future, but I believe most if not all of our members firmly believe that remedial action can and should be taken at each institution by its own trustees, administrators, faculty and students. We are already encouraged to believe some institutions are proving the efficacy of this procedure.

I thank you again for your discerning letter which I know will be studied with care by the members of our Executive Committee and who may wish to comment upon it more extensively than I have.

Sincerely yours,

CHARLES P. MCCURDY, Jr.,

MADISON, WIS.,
June 17, 1969.

Congressman MARVIN L. ESCH,
501 Cannon Building,
Washington, D.C.:

As President NASULGC, I commend your positive approach to campus unrest problems outlined in letter of June 11. Understand you have talked with our Washington office. We offer continued assistance in your efforts to prevent repressive legislation. NASULGC will cooperate with American Council on Education in discussing proposed national conferences. We agree that broad support from national education organizations will be positive step towards preventing repressive legislation and solving the crisis. Your continued interests and efforts appreciated.

FRED H. HARRINGTON,
President, National Association of State Universities and Land Grant Colleges.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., June 16, 1969.

The Honorable MARVIN L. ESCH,
Second District, Michigan,
U.S. House of Representatives,
Room No. 501, Cannon Office Building,
Washington, D.C.

DEAR MR. ESCH: In response to your letter of June 13th and in anticipation of the

House hearings this morning before the Committee on Education and Labor, I have taken the liberty of doing two things over the weekend.

Firstly, the American Association of State Colleges and Universities has asked Chairman Perkins if a member of our Board of Directors, Dr. Darrell Holmes, President of Colorado State College, might be allowed to testify this morning anent the concerns of your letter. Secondly, I have prepared, along with President Holmes, a statement which he will present if given the floor by Chairman Perkins. I enclose a copy of that statement along with material which the statement alludes to.

I trust this strategy on our part is adequate in terms of the intent of your letter, Mr. Esch.

If I may be of further assistance at any time in the future, please call on me.

Best regards.

Sincerely yours,

JAMES E. CIPRIANO,
Executive Assistant.

NEWS RELEASE BY THE AMERICAN COUNCIL ON EDUCATION

WASHINGTON.—The American Council on Education today (June 16) announced establishment of a Special Committee on Campus Disruption which will propose ways to strengthen procedures of self-regulation by colleges and universities.

In announcing the board action, Council President Logan Wilson said the committee "will focus on more effective decision-making, appropriate means of presenting grievances and proposing changes, clarification of due process and the use of campus and civil authority in response to disorder, and improved communication both within the academic community and between it and the public."

The action was taken by the Council's Board of Directors at its regular June meeting. As the nation's major coordinating agency for higher education, the Council has a membership of 1,538 colleges, universities, and education associations.

President Wilson said he is proceeding at once to name the chairman and members of the special committee in consultation with leaders of representative higher education associations.

A specific objective of the committee will be to formulate ways to deal effectively with campus disruption while protecting the academic or constitutional rights of members of the academic community and avoiding resort to repression or counter-violence.

The special committee will be asked to begin its work as soon as it is appointed and to report its findings to the Council's president and board at the earliest feasible date.

Establishment of the committee is one of a number of actions initiated within recent months by the Council in its concern about campus disorders and its historic interest in critical problems of campus governance.

In May 1968 the Council, acting jointly with the University of Denver Law School, sponsored, and distributed the proceedings of, a national conference on "Legal Aspects of Student-Institutional Relationships." The Council's Office of Research is conducting extensive research into the causes of campus unrest. In April the Council issued "A Declaration on Campus Unrest," a statement formulated by prominent educational administrators, trustees, and foundation officers. Most recently the Council published and distributed to its members the June 9 statement on campus disorder issued by the National Commission on the Causes and Prevention of Violence. In October the Council's Annual Meeting in Washington, will focus on "The Campus and the Racial Crisis."

Directors present at the June 16 board meeting were the following: Gustave O. Arlt, President, Council of Graduate Schools in the United States, *Secretary*; Mason W. Gross, President, Rutgers—*Chairman*; Theodore M. Hesburgh, C.S.C., President, University of Notre Dame; Roger W. Heyns, Chancellor, University of California (Berkeley); Darrell Holmes, President, Colorado State College; Grayson Kirk, President Emeritus, Columbia University; Martha E. Peterson, President, Barnard College; Kenneth S. Pitzer, President, Stanford University; Calvin H. Plimpton, President, Amherst College; Edgar F. Shannon, Jr., President, University of Virginia; Thomas A. Spragens, President, Centre College of Kentucky; Willis M. Tate, President, Southern Methodist University; Sharvy G. Umbeck, President, Knox College.

Unable to be present were: Kingman Brewster, Jr., President, Yale University; Joseph P. Cosand, President, Junior College District of St. Louis; G. Homer Durham, President, Arizona State University; Samuel B. Gould, Chancellor, State University of New York; Fred Harvey Harrington, President, University of Wisconsin; Frederic W. Ness, President, Fresno State College; Anne G. Pannell, President, Sweet Briar College, *Vice-Chairman;* Alan Simpson, President, Vassar College.

TRIBUTE TO EARL WARREN

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. SISK. Mr. Speaker, we have a saying in California, from a poem, "The Coming American," which says: "Bring me men to match our mountains."

As we reflect on the record of Earl Warren, we cannot help but feel that here, indeed, is a man who matches our mountains—he is and has been the fulfillment of California's need as attorney general and as Governor, and the fulfillment of the Nation's need as Chief Justice.

Most Americans will remember him as Chief Justice, but those of us from California will remember him as a great Governor who was many years ahead of his time. Many of the causes for which young men in this House are laboring today were advocated many years ago by Earl Warren. Prepaid health insurance, an adequate income for every family, fair employment and civil rights protection, equal educational opportunities, to mention but a few, were part and parcel of the legislative programs advocated by this great American.

Two particular virtues seem to me to be especially worthy of mention on this occasion.

The first of these is his readiness to joust the centers of power and authority for what he believes is right, irrespective of the odds against him or of the chances of success. In his mind, right is an absolute, not a relative, quality—a compass by which you can guide your life.

The second of these is his kindness and the humility he brought with him to every public task assigned to him. He is dignified without being pompous. He is considerate without being condescending. And as a politician, he understood the difference between party responsibility and partisanship.

I have been proud to know Earl Warren, and I am proud that as a Californian I can claim a share of credit for the many contributions he has made to this great country. I wish him and Mrs. Warren the very best of a happy retirement and I join millions of others in saying, "Well done, thou good and faithful servant."

HUE AND KATYN—LESSONS IN COMMUNIST TERRORISM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PUCINSKI. Mr. Speaker, the terrorism of the Communists in South Vietnam ranks with that of the Communists in Eastern Europe during World War II.

During the Tet offensive early in 1968, the Communist forces slaughtered thousands of civilians for alleged "crimes." Mass graves have been discovered near Hue, ancient capital of Vietnam and a city long known for its scholarship and devotion to the arts.

Hue was not a well-armed city. Its population consisted largely of teachers, poets, students, artists, and priests.

As the allied and South Vietnamese forces have pieced together information about the atrocities that were committed by the Communists during Tet, they have discovered that the overwhelming majority of the murdered civilians were guilty of no larger "crime" than living in the imperial city of Hue, itself.

The bodies of priests, nuns, Vietnamese civilians, teachers, foreign residents of the city—more than 3,000 of them—have been found in mass graves, their arms bound. It is obvious that many were forced to kneel before being shot in the back of the head. Hundreds were buried alive, their mouths filled with dirt or rags.

This crime against humanity ranks with the Katyn massacre in Poland in September of 1939 when 15,000 Polish army officers were slaughtered by the invading Communist troops.

The world community, though reluctant to learn the extent of Communist terrorism in South Vietnam, is now being compelled to hear the silent voices that call from beyond these mass graves.

Mr. James Cary of the Copley news service has written a stark and graphic description of the horror which took place at Hue last year. I call this chronicle of terrorism to the attention of my colleagues with the sincere hope that it will increase their awareness of the inevitable consequences of Communist domination of Southeast Asia.

Mr. Speaker, Mr. Cary's moving article follows:

MASSACRE AT HUE

(By James Cary)

WASHINGTON.—On the night of Jan. 30, 1968, reconnaissance elements of South Vietnam's crack 1st Division were on an area surveillance mission in the Viet Cong infested countryside southwest of the old imperial capital city of Hue.

A regional forces company was probing the area to their east.

Neither expected to find much evidence of Communist activity. The annual lunar new year or Tet truce was under way.

Suddenly, about 10 p.m., a large Communist force hit the regional forces company hard, brushing it aside and driving straight ahead into the inner walled portion of the city called the Citadel.

That was the beginning of the battle for Hue, highwater mark of Communist strength in the now famous Tet offensive of 1968.

It was not until 25 days later that the last Communist troops were forced out. And it is only now, after months and months of interrogation of prisoners and survivors, and the finding of mass graves, that the world is learning what happened in and around Hue during those 25 days.

The picture that is emerging is one of massacre, mutilation and terror.

Of 3,000 persons missing, bodies of more than 2,200 have been discovered in shallow trenches at more than 25 locations.

Some were buried alive, standing, eyes open. Some were beheaded. Many were bound and shot in the back of the head. Some had dirt or cloth stuffed in their mouths to stifle their screams.

There were at least three death marches. A number of victims were lined up and machine gunned.

Nationality, occupation or political background was no protection. Scores of Buddhists in Hue's strong, anti-government resistance movement were slaughtered. So too were American and German civilians, French priests, South Vietnamese government officials, anyone with relatives in the South Vietnamese army, village chiefs, political leaders, anyone who worked for the Americans, and particularly anyone who was known for his opposition to the Viet Cong.

The Communists have admitted responsibility for the killings. A Communist document, captured in the delta area last November, instructed Viet Cong units to punish "reactionary" South Vietnamese who fell into their hands, claiming:

"We paralyzed the enemy machinery when we killed 2,000 reactionaries in Hue."

Again on April 27, 1969, a Hanoi radio broadcast boasted that the bodies then being discovered in the Hue area were "Hooligan Lackeys who had owed blood debts to the . . . Hue compatriots and who were annihilated by the southern armed (Viet Cong and North Vietnamese) forces . . . (last) spring."

The agony of Hue began almost with the first shots that were fired. After the regional forces company was shattered by the Communist advance guard more and more North Vietnamese battalions, supported by Viet Cong guerrilla and local force units, poured into the city from the south and west.

At 3:40 a.m. two salvos of enemy rockets came shrieking down on the city, setting widespread fires.

By dawn, the Communists controlled all of Hue except their two prime objectives—the 1st South Vietnamese Army Division headquarters in the northern corner of the Citadel, and the American military assistance compound south of the Perfume River. Attempts to capture both were thrown back with heavy Communist losses.

For two days after that the Communists left the population alone. Then VC cadres began to move from door to door.

Some confiscated radio receivers. Others, working from prepared lists, sought out South Vietnamese Government officials and invited them to political indoctrination meetings. They never returned, but it is now known what happened to some of them.

At the Gia Hoi High School and in a field behind the Tang Quang Pagoda, 33 mass graves containing 200 bodies have been found.

A monk at the pagoda told South Vietnamese interrogators that during the first two weeks of February he heard Communist execution squads at work nightly. The victims cried out, pleading for mercy. A volley of pistol and rifle shots would follow. Then silence.

Nguyen Ngoc Ky, leader of the Vietnam Nationalist Party, was among the victims found here.

Another band of 80 to 100 civilians took refuge in the Redeptorist church in Hue. On Feb. 8 the Communists forced them to leave and started them marching east, across the Perfume river. Bodies of 20 of the group were found at Ap Lang Xa Con, a hamlet 4 kilometers from the church. National police said they had been buried alive with hands bound. The body of Tran Dien, one of five elected senators in the national assembly from Hue, was among them.

At the university of Hue, three German doctors on the medical faculty tried unsuccessfully to wait out the Communist occupation. The Viet Cong arrested them on Feb. 5 at their homes. On April 2, 1968, the bodies of Dr. and Mrs. Horst Gunther Krainick, and Dr. Raimand Discher and Dr. Aloi Altekoester were found buried in a common grave in a potato field behind the Tu Quang Pagoda, two kilometers south of Hue. Their arms had been bound with wire. All had been shot.

Two French priests at the Thien An Mission suffered a similar fate.

Their monastery was located on a hill top surrounded by pines. When fighting engulfed the area 3,000 to 4,000 peasants sought refuge there.

Communists troops suddenly appeared. Many of the peasants attempted to flee. Two pleaded with the Communists to spare the building, but as one Vietnamese priest who escaped said later:

"They took over the whole building, firing from the ground level at first, and then mounting into the upper stories."

The bodies of the two resident French priests, Father Urbain and Father Guy, were among 201 bodies found later on the slope of a scenic overlook above the Perfume river.

Father Urbain, 52, had been bound hand and foot and buried alive with 10 others. His body was identified by a laundry number on his underclothing and by his silver denture and bald head.

Father Guy, 48, was stripped of his cassock by the North Vietnamese, forced to kneel, and shot through the back of the head.

Americans suffered similar fates, A U.S. report to the International Committee of the Red Cross reveals.

Stephen H. Miller's hands were bound behind his back. He was shot in the back of the head.

Kermit J. Krause and Jeffrey S. Lundstedt were cornered by the enemy in the bedroom of their house. They were shot in the face. Their bodies were dumped in bathtubs.

Thomas M. Gompertz, Courtney Niles and Robert T. Little were shot in the back of the head, apparently executed. Niles' arms were bound.

It went equally hard with the South Vietnamese.

On Feb. 9 Viet Cong came to the home of Maj. Tu Ton Khan, commanding officer, provincial revolutionary development (pacification) cadres. They ordered his wife to tell her husband to report to VC authorities. They threatened to burn the house if she did not do so.

Frightened, Mrs. Kahn called her husband and two other revolutionary development workers who were hiding in the attic. Maj. Kahn was tied up and taken away with all his belongings. His body was found Feb. 28, pierced by 200 bullet holes.

There are many similar stories.

Tran-Hy, a popular forces member, was arrested by the VC on Feb. 20 and buried alive with 20 others near the An Ninh Ha bridge.

On the night of Feb. 18, a Viet Cong group appeared at the home of Ho Tan Sy, a teacher, and invited him to attend a meeting. He was shot and killed as he left his house.

On Feb. 10 Le Van Tru, chief of the Thua Thien program for Communist defectors, was arrested and shot near the Dong Ba gate.

Nguyen Van Dong, a resident of the Hue Citadel, was arrested Feb. 17 and buried alive at Gia Hoi.

Viet Cong soldiers broke into the home of Miss Hoang Thitam Tuy on Feb. 22, and led her to Gia Hoi high school with four other persons. They were buried alive in the same grave, arms and legs bound. Of 200 bodies found at the school, Vietnamese authorities estimated more than half were buried alive.

By mid-February, the fighting for Hue had turned decidedly against the Communists. The enemy commander had been killed and his replacement, it was learned later, had asked and been refused permission to withdraw. Now the killing became if anything even more vicious as the Communist grip on the city weakened.

A Vietcong unit assembled more than 200 South Vietnamese civilians and local administrators at the town of Ton Nam Duong. They were marched north along a canal toward the sea. Just outside Ap Tong Gi Tay, nine kilometers east of Hue, 75 of the captives were taken into nearby rice paddies and shot.

Other similar marches began.

Nguaen Tan Chau, of the South Vietnamese Army's Medical Corps, was in Hue visiting his family during the Tet holidays when the Communists attacked. He was captured and held with 30 other prisoners. They were started south, bound together in three groups of ten.

He told South Vietnamese investigators later that when the column halted for a rest, he freed his hands and slipped away in the darkness. From a hiding place he witnessed the following scene:

"The larger prisoners were separated into pairs, tied together back to back and shot. The others were shot singly. All were dumped into two shallow graves, including those who had been wounded but were not dead."

Winter and early spring rains washed away the more obvious signs of the slaughter but the bodies were found later in the Phu Thu district about 20 kilometers south of Hue.

A similar story is told by Phan Duy, a key official of Anha hamlet, seven miles east of Hue. He knew his name was on the Vietcong's execution list after the Communists seized Hue. He slipped away from the hamlet to a small house on the outskirts of Hue, hoping to escape detection. The ruse almost worked.

It wasn't until Hue was virtually recaptured by U.S. and South Vietnamese forces that enemy troops discovered him as they pulled back through the area where he was hiding.

On Feb. 28 five Vietcong entered Duy's house, bound his hands and marched him seven miles to a row of houses near an area of sand dunes east of the city. He and four other prisoners were locked in one of the houses for seven days. They were allowed outside only to relieve themselves. But this was long enough for Duy to realize that some 100 prisoners in the other houses were being systematically shot.

On the seventh night Duy and nine other men were lashed to a bamboo pole and marched for 300 yards. Their hands were untied. They were told to remove all outer clothing. As he was undressing Duy heard his guards talking to a group of Vietcong laborers.

"Did you dig the trench yet?" they asked.

"No, not yet, there are too many people and not enough time," the laborers replied.

Three of the guards left to help dig while the prisoners hands were retied. Duy managed to work his hands free, then made a run for it.

"I ran about 300 meters and I saw a pool," he said. "I fell into the water and covered myself with reeds."

Hours later, half frozen, he emerged and began walking toward the lights of the Hue radio tower beacon. He stumbled into the Phuvang district headquarters and reported what had happened.

Many others were not so lucky. So far 356 bodies have been found in the San Duen graves that Duy escaped. Investigators have reported the victims were killed in groups of 25 to 40. Cartridges from Russian-made AK47 rifles used by the Vietcong and North Vietnamese were found nearby. Some of those who died had been bludgeoned to death. Others had been shot.

Despite all these accounts the story of the Hue masssacres is still not complete. Hundreds of other case histories are already known and reports are still being collected at the combined interrogation center in Hue.

The investigation has pinpointed the location of many still-unopened mass graves. Consequently there is little hope for the 800 citizens of Hue who are still missing.

They, too, are believed to be a part of the grisly record the Communists left behind the one time they have occupied a South Vietnamese city.

TWO MARYLAND SERVICEMEN KILLED IN VIETNAM ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. James O. Hall and Pfc. Charles G. Gray, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO MARYLAND SERVICEMEN KILLED IN VIETNAM ACTION

A Montgomery county Marine and a Charles county Army private first class have been killed in combat in Vietnam, the Defense Department reported yesterday.

They are:

Marine Pfc. James O. Hall, Jr., 20, of Wheaton, who was killed Saturday when his helicopter was shot down about 24 miles northwest of Da Nang.

Army Pfc. Charles G. Gray, 25, of Waldorf, Md., who was killed Saturday by small arms fire while on patrol in Long An province, southeast of Saigon. A 1967 graduate of the John F. Kennedy High School in Wheaton, Private Hall enlisted in the Marines last July after attending Montgomery County Community College for a year.

He had been stationed with a reconnaissance company of the 3d Marine Division near Da Nang.

An accomplished athlete, Private Hall filled a cabinet in the family living room with trophies he earned as a basketball player, golfer and bowler, a relative said yesterday.

He is survived by his parents, Mr. and Mrs. James O. Hall; a sister, Susan and his maternal grandparents, Mr. and Mrs. Virgil McCallister, of Virginia.

WITH 9TH INFANTRY

Private Gray had been stationed with the 9th Infantry Division since coming to Vietnam in May. He was drafted by the Army last October.

He is survived by his wife, Mrs. Doris Gray, of Waldorf, and his mother, Mrs. Annie L. Gray, of Brandywine, Md.

PHILADELPHIA ORCHESTRA IN ARKANSAS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ALEXANDER. Mr. Speaker, the quality of rural life has been under much discussion in recent weeks and months. For the consideration of my colleagues, I would like to give an example of the type of people who are contributing so much to improve the quality of life in Arkansas.

Miss Lily Peter, who is from Marvell in the First Congressional District of Arkansas which I represent, recently spent about $60,000 of her own funds to finance an appearance of the Philadelphia Orchestra in Little Rock. To do this, she mortgaged 4,000 acres of her plantation in eastern Arkansas.

The orchestra, which played to two sellout crowds on successive nights in Little Rock, premiered a three-movement suite which Miss Peter had commissioned by Pulitzer Prize-winning Norman Dello Joio.

It is this kind of selflessness, Mr. Speaker, which is helping to improve the quality of life in Arkansas. It is this spirit of dedication and determination which is making Arkansas a great place in which to live and work.

At this point I would like to include an article from the Jonesboro Sun written by Associated Press reporter, Robert Shaw, concerning the performance of the Philadelphia Orchestra and Miss Peter's contribution to it:

MISS LILY THINKS CONCERT WORTH ALL

(By Robert Shaw)

LITTLE ROCK, ARK.—The Philadelphia Orchestra played Miss Lily Peter's concert Tuesday night and she figures that it was worth the $60,000 she paid for it.

"It was worth every penny," Miss Lily, as her friends know her, said after the performance in Little Rock's Robinson Auditorium, jammed with 3,000 persons for the event.

"I know a good many adjectives, but none would fulfill this occasion."

The orchestra, which is to play tonight to a second sellout, premiered Pulitzer Prize-winning Norman Dello Joio's "Homage to Haydn," a three-movement suite commissioned for $8,900 by Miss Lily.

Miss Lily mortgaged 4,000 acres of her plantation in the rich Delta plain of Eastern Arkansas to commission the work and to bring the orchestra to Little Rock as part of the observance of Arkansas' 150th anniversary as a territory.

She will receive none of the money from the ticket sales. It is to go for music scholarships at Arkansas State University and the University of Arkansas.

Miss Lily, who admits to being past 70 "but not quite 100 yet," shared the spotlight Tuesday night with works from Wagner, Debussy and Brahms.

At intermission, she received a standing ovation when Mayor Haco Boyd called her to the stage to present her with a bouquet of roses. Lt. Gov. Maurice Britt then told her that Gov. Winthrop Rockefeller had designated Tuesday as a day to honor Miss Lily."

"I hope you will remember this to be one of the happiest memories of your life as it has been one of the happiest memories of mine," responded Miss Lily, blowing kisses at the audience.

"I hope you will go home and take with you the enrichment of this beautiful music."

Miss Lily, a sometime poet and photographer and fulltime farmer who sometimes clambers aboard one of her tractors, says she wanted the people of Arkansas to be exposed to good music.

"Miss Peter is a new lady in my life, but very close to my heart already," said orchestra conductor Eugene Ormandy. She "somehow became an idol in our eyes, an angel," he said.

Miss Lily stayed in the auditorium long after the concert greeting well wishers and accepting congratulations. "It is gorgeous," she said.

She had originally expected to spend about $45,000 for the orchestra's appearance here and $8,000 for Dello Joio's commission, but incidentals—such as buying her own ticket and those of many friends—brought the total to about $60,000. She also is now talking about asking the orchestra to record Dello Joio's work.

Is she spending a trifle too much?

"Oh, I had the most beautiful cotton crop this year," she says.

INDEPENDENCE DAY OF THE CONGO—KINSHASA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to the Lt. Gen. Joseph Desire Mobutu of the Congo—Kinshasa—and the Congo's—Kinshasa's—Ambassador to the United States, Mr. Cyrille Adoula, on the occasion of the ninth anniversary of the Congo's—Kinshasa's—independence.

Since the Portuguese navigator Diego Cao first reached the mouth of the Congo River in 1482, the territory now encompassing the Democratic Republic of the Congo has symbolized for the Western World the vast unknown potential of Africa. The twisting turns of the 2,718-mile-long Congo River, the names of Stanley and Livingston, and landmarks such as the Mountains of the Moon have for the armchair traveler almost spelled Africa itself. Today, the Democratic Republic of the Congo is celebrating its ninth anniversary as an independent state in the family of nations. The desolate days of early independence when the state was on the verge of collapse and its people were caught in the violence of civil conflict are gone; a new mood of order and security now embraces the land and the Congo once again represents the tremendous potential of Africa for the development of a prosperous economic future and the creation of a stable and peaceful society.

The long strides toward stability taken by the Congolese Government under Gen. Joseph Mobutu are chiefly responsible for the new mood of optimism toward the Congo. Firmly in control of its own economic policy, the Government has launched a concerted effort to put the country on a sound financial footing. Monetary reform and other fiscal meas-

ures have contributed to the recent relative price stability and a foreign investment program has attracted new capital. Such American firms as Union Carbide, Continental Grain Co., and Pan American World Airways have demonstrated their confidence in the Congo by recently making large investments there. In 1969, more than 10 percent of the Government's budget will be devoted to infrastructural improvements which will strengthen the base of the varied Congolese economy. The hydroelectric project at Inga, financed by an international consortium, when completed will be the world's largest power complex. With 12 percent of the world's copper reserves, the Congo expects to increase its copper production in 1969 by more than 10 percent; in 1968 the Congo produced more than 330,000 metric tons of copper. Kinshasa, the Congolese capital, is one of Africa's fastest growing urban centers.

Political progress has also been made under the Mobutu government. A constitution has been approved by a national referendum and in 1970 national presidential and general elections are scheduled to be held. The Congo has been an active participant in inter-African affairs and in 1967 hosted the Organization of African Unity's conference for heads of state. Advancements in education have also been made as can be seen in the fact that while the Congo had only seven university graduates in 1960, today, 9 years after independence, half of her 22 Government Ministers and provincial Governors are university graduates.

On this anniversary of its independence, the Democratic Republic of the Congo is to be congratulated for its great progress in pursuit of its national goals. As one Congolese official has predicted, the Congo—once Africa's sick man—may become Africa's superman.

YOUTH PHYSICAL FITNESS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. McCLURE. Mr. Speaker, every year the U.S. Marine Corps sponsors a youth physical fitness program in secondary schools throughout the Nation. This program, conducted in support of the President's Council on Physical Fitness and Sports, is based on the five-exercise physical fitness examination used in marine recruit training.

There are six regions and competition is conducted among high schools within these areas in order to determine who will compete in the national championships.

In this regard, I would like to commend a group of young men from Caldwell High School in Caldwell, Idaho. This team was one of 12 high school teams from the six regions who competed in the national championships last week. Team members include Jerry Shaffer, Marc Stone, Mike Collsen, Joe Baumer, Carl Koprowski, and Gary Marcus. The coach of the squad is Caldwell high's basketball coach, Sam Willard, who is well known around the State of Idaho for his fine handling of young athletes.

Idahoans and Caldwell, in particular, are proud of these fine representatives of our State.

The importance of physical fitness cannot be overemphasized. Sometimes in the hustle and bustle of our modern lives, we tend to neglect our bodily well-being. This program and the participation by the young men involved is a step in the right direction. The important thing for our young people to remember is that getting older and assuming different responsibilities does not diminish our need for exercise.

VATICAN SELLS TO ROCKEFELLERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. RARICK. Mr. Speaker, the recent announcement that the Vatican is selling its holdings which include the luxurious Watergate apartment complex overlooking the Potomac River in Washington, D.C., is only exceeded by the announcement that the purchaser was Rockefeller interests in New York City. Let us hope it is individually and not one of the tax-free foundations.

It seems that the Italian Parliament has declared that the Vatican must pay taxes on its earnings from investments.

Meaningful tax reform to U.S. taxpayers could likewise be achieved by taxation of church investments and businesses in the United States.

I include a clipping from the Washington Post, for June 19, and a report from Dixieland This Week magazine:

[From the Washington (D.C.) Post, June 19, 1969]

VATICAN SEEN SELLING SHARE IN WATERGATE

Several Italian newspapers reported yesterday that the Vatican is selling out its holdings in the Societa Generale Immobiliere that include the Watergate complex, the luxury apartment development overlooking the Potomac River here.

The firm, an international construction and real estate company, owned the site and financed construction of Watergate.

The Associated Press quoted Rome financial sources as saying the Vatican was negotiating the sale of its stock to Rockefeller interests in New York.

Aldo Samaritani, general manager of the Societa, left for the United States Friday for an extended stay, but the firm declined to discuss the purpose of this trip, the AP said.

The AP also quoted Msgr. Fausto Vallainc, press officer of the Vatican, as stating he had been instructed "from high up to reply with a 'no comment'" to queries about the reports.

Some sources linked the transaction to rumors that Bishop Paul Marcinkus, an American who recently became secretary of the Vatican's prefecture for economic affairs has inaugurated a plan in which the Vatican will liquidate many of its Italian holdings in favor of new investments in the United States and elsewhere.

Last year the Italian Parliament revoked a long-standing exemption and declared the Vatican must pay taxes on its earnings from its Italian stocks.

The size of the Vatican's holdings in the Societa Generale Immobiliere has never been made public, but it is estimated by some sources to be between 20 per cent and 25 per cent of the firm's outstanding stock.

[From This Week magazine, June 22, 1969]

AMERICA'S CHURCHES: BILLION DOLLAR BUSINESSES

(By Alfred Balk)

"Dropping, dropping, dropping, dropping, see the pennies fall," Sunday School youngsters used to sing as the offering plate was passed, and this image of the Church as a small-change enterprise persists. Some parishes, to be sure, are poor. But collectively America's religious community is rich—richer than any counterpart in recent history, richer than even most ecclesiastical leaders are willing to concede, and it is growing richer so rapidly that thoughtful churchmen are becoming alarmed.

Indeed, one of the nation's most eminent clerics, Dr. Eugene Carson Blake, General Secretary of the World Council of Churches, has warned

"When one remembers that churches pay no inheritance taxes (churches do not die); that churches may own and operate business and be exempt from the 52 per cent corporate income tax, and that real property used for church purposes (which in some states are most generously construed) is tax exempt, it is not unreasonable to prophesy that with reasonably prudent management, the churches ought to be able to control the whole economy of the nation within the predictable future."

Consider these points:

Contributions and bequests to churches (taxfree) now exceed $7 billion a year, about half of all U.S. charitable giving.

Though less than half of our populace attends church on an average Sunday, there now is one house of worship for every 600 Americans and at least $1 billion is spent on church construction annually.

Churches' "visible assets" (land and buildings), according to a study sponsored by Protestants and Other Americans United for Separation of Church and State, total at least $80 billion, almost double the combined assets of the nation's five largest industrial corporations. (Of this sum, about $45 billion is held by Roman Catholics; $28 billion by Protestants; and $7 billion by the Jewish faith.)

Denominational pension funds, mortgages, and annuities now total more than $2 billion, much of it invested in dozens of blue-chip corporations.

Through subsidiaries and feeder corporations, churches own myriad numbers of businesses, including hotels, office buildings, shopping centers, radio-TV stations, luxury apartments, industrial plants, even a brand-name women's undergarment firm.

Moreover, because churches, unlike most other nonprofit institutions, are not required to issue public financial accountings, the above estimates of their wealth probably are conservative. As the Rev. R. John Fry, former news editor of *Presbyterian Life*, has noted, most church officials and members still "share the fantasy that they are not an ecclesiastical business juggernaut."

One of the most conspicuous evidences of their wealth is their buildings. In suburbs in particular, the norm now is not only the upholstered but often the air-conditioned pew. Peter de Vries perhaps best depicted the prototype in *The Mackerel Plaza:* "the first split-level church in America," with an elaborate clinic for psychiatric treatment and an interior "convertible into an auditorium for putting on plays, a gymnasium for athletics, and a ballroom for dances. There is a small worship area at one end."

Nor is this "edifice complex" peculiar to suburbs. In Dallas, for example, a Baptist

church's property includes a seven-story parking and recreation building with a skating rink, gym, and four bowling lanes. In Florida, a complex called Bibletown, U.S.A. encompasses a 2,500-seat auditorium, two education buildings, employee quarters, parking lots, a motel used for retreats, mass dining facilities, and 15 acres of recreation area, including a swimming pool and tennis and shuffleboard courts.

So much church wealth now is devoted to property, a recent General Assembly of the National Council of Churches was informed, that U.S. Protestant and Orthodox churches now spend only $500,000,000 a year on services to those outside the churches, "only 41 cents a month for everyone who belong to a church in America."

Even more striking is the churches' accelerating involvement in profit-making business. Almost every commercial field now has church-owned components.

Christ's Church of the Golden Rule near Willits, California, for example, operates a $500,000 motel and other enterprises; the Mormon Church in Utah owns, among other properties, a Salt Lake City newspaper, a radio-TV station, a department store and the Hawaii tourist attraction Laie Village; the Self-Realization Fellowship owns a chain of Mushroomburger restaurants, and the Societa Generale Immobiliare, an Italian-based real estate firm in which the Vatican is said to be controlling stockholder, is financing the new $70,000,000 Watergate shopping center-hotel-apartment project near the Kennedy Center for the Performing Arts in Washington, D.C.

Possibly the most ecumenical portfolio, however, is that of the Ohio-based evangelical Cathedral of Tomorrow. It owns a shopping center, apartment building, electronics firm, wire and plastics company, even the Real Form Girdle Company, as *Women's Wear Daily* revealed under the headline "Rock of Ages on Firm Foundation."

"A church owns Real Form? This is preposterous!" the executive secretary of the Associated Corset and Brassiere Manufacturers exclaimed when informed of the purchase. But the pastor of Real Form's new parent organization cheerfully acknowledged the acquisition.

"There is nothing unusual about our owning business firms," he said. "What's the difference if it's a girdle company or an airplane company?"

Miscellaneous minority stock investments of religious organizations are almost beyond enumeration. The United Methodist Board of Pensions, for instance, recently reported assets of $257,000,000, most of it in corporate stock. The $300,000,000 portfolio of the Knights of Columbus, which includes the land under Yankee Stadium, holds similarly select stocks, and the Roman Catholic Jesuits reportedly own sizable shares of National Steel, Boeing, Lockheed, Douglas, Curtiss-Wright, the intercontinental DiGiorgio Fruit Company, and other firms.

Why have churches suddenly become active business entrepreneurs?

One reason is our tax laws. Since 1950, universities, secular charities, and most other nonprofit organizations have been discouraged from headlong commercial forays by a requirement that they pay taxes on all "unrelated" business income. Churches and church organizations, though, remain exempt from federal tax on *any* income property or business—*even if totally unrelated to their sacerdotal functions.*

A church, in fact, need not even amass a large down payment or procure specialized management talent. Because it is tax-exempt, through a "sale and leaseback" it can arrange a "bootstrap purchase"—that is, the business literally buys itself. The church simply pledges payment out of future tax-free profits, then leases the firm back to the original management, which not only receives a higher sales price than is available from taxpaying bidders but, along with this inflated capital gain, also retains its management status at an attractive salary.

Andrew D. Tanner, a Nashville attorney who conducted a study for the National Conference of Christians and Jews, estimates that a church can generally recover the entire cost of a property, plus interest, within 20 years.

Such exploitation of tax law, of course, severely affects taxpaying competitors. In Dayton, for example, one company complained that it had been underbid on an Air Force contract because the low bidder, a branch of the Roman Catholic Society of Mary, was tax-exempt. And in New Orleans, where a network TV station is owned by the Roman Catholic Loyola University, a spokesman for a taxpaying competitor laments:

"When I pay talent or buy feature film, I've got to use after-tax dollars. They use before-tax dollars. If they spend $100,000 on promotion during rating periods, I need $200,000 to match it. The university and its station are good citizens in our community, but I can't believe this is a fair thing."

Government officials are openly troubled about such situations. Stanley S. Surrey, until recently an assistant secretary of the Treasury, in 1966 asked Congress, at minimum, to eliminate exemptions for bootstrap purchases, and a bill to this effect was introduced by House Ways and Means Committee leaders, but it never reached a vote.

A National Council of Churchs study in 1965–66 found notable religious sentiment for taxing church business operations, and a Southern Baptist Study Paper declares: "Federal income tax exemption on unrelated business income tends to (1) encourage promotion of or participation in secular business to the detriment of the principal mission of the church; (2) encourage morally unjustified business arrangements with businessmen or companies to reduce their income taxes, and (3) discourage financial support of church activities by voluntary contributions of all members." The United Methodist Church, United Presbyterian Church in the U.S.A., American Lutheran Church, and Episcopal Guild of St. Ives have made similar policy declarations. Some groups have petitioned Congress for reform.

As property taxes have mounted, debate also has intensified over other church tax concessions. In Boston, about half of the city's real property valuation now is off the tax rolls; in Harrisburg, Pa., more than 40 per cent; in New York City, Pittsburgh, San Francisco, and other cities, at least one-third. And, according to one survey, in the state of Minnesota, tax exempt valuation is growing twice as fast as that of taxable property.

"This is serious," says Paul V. Corusy, executive director of the International Association of Assessing Officers. "The property tax base is being eroded."

As a stopgap, congregations in Cleveland, Des Moines, and several other cities have voted to make payments "in lieu of taxes" for police, fire protection, and other local services. Policy statements of United Methodist Church, Presbyterian Church in the U.S.A. and American Lutheran Church have urged other congregations to do likewise.

In New York City and Kansas City, Mo., former "rival" congregations now share facilities to avoid costly duplication of plant. Episcopal Bishop Horace W. B. Donegan, out of concern over "the whole urban crisis," has halted a $12,000,000 fund drive for completion of the immense Cathedral of St. John the Divine in New York City "until there is greater evidence that the anguish and despair of our unadvantaged people has been relieved." And the Most Rev. Fulton J. Sheen, upon becoming the Bishop of Rochester, N.Y., declared:

"There never should be a new church built here that costs more than, say, $1,000,000. If a diocese insists on spending more for a church, it ought to pay something like a 20 per cent tax for missions."

Christianity was founded by a poor man who spent His life among the underprivileged and admonished against privilege. Since then, His church has been weakest and most divided in precisely the periods of its greatest material success. Indeed, at times it has become so rich that governments have had to expropriate its properties, in France, Germany, Mexico and elsewhere.

This, then, is the challenge facing America's churches: to disengage from the trap of "earthly treasure." For, as Dr. Eugene Carson Blake has cautioned, "The economic power that will increasingly be wielded by ever richer churches threatens to produce not only envy, hatred or resentment of nonmembers, but also to distract from the purposes of the church members and leaders themselves."

ST. LAWRENCE SEAWAY: A DECADE IN PROGRESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BROOMFIELD. Mr. Speaker, among the millions of words spoken and written this month in commemoration of the 10th anniversary of the St. Lawrence Seaway, there are the recurring themes of its broad acceptance as a basic fact of our economic life and of confidence in its future.

Amid these optimistic predictions and ambitious projects, it is difficult to recall that this link between the Atlantic Ocean and the heart of North America was ever the subject of doubt and derision.

Yet, it was a little more than a decade ago.

It took more than 50 years of troubled and often bitter debate to bring the 2,342-mile waterway into existence. More than anything else it was the resolute determination and faith of a few farsighted men that was responsible for the eventual creation of the seaway.

One of the most resolute and influential of these men was my mentor, my close friend, and my predecessor for 24 years in representing the 18th Congressional District of Michigan, the late Honorable George A. Dondero, of Royal Oak, Mich.

Among Mr. Dondero's many contributions to the progress and well-being of our Nation was his single-minded devotion and belief in the concept of the seaway as the water link between the industrial Midwest and the rest of the world.

He persisted in that steadfast dedication during the early years when the naysayers and doubters were in a majority. Those same qualities helped bring the concept of the seaway into being in the 1950's when Mr. Dondero served so capably as chairman of the House Public Works Committee.

Mr. Dondero never wavered during those years of skepticism. Critics contended that the concept was unfeasible from an engineering standpoint. Even if it were possible to create this vast ditch, they argued, it could never possibly be worth the immense cost.

The answers have long since been delivered as year after year the seaway, despite a number of built-in limitations and artificial restrictions, has regularly exceeded dollar and volume predictions of the experts.

In the 10 years since Queen Elizabeth II, then-President Eisenhower, and other dignitaries dedicated the seaway a great international partnership has been forged joining the States of Michigan, Illinois, Indiana, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin with the Canadian Provinces of Ontario, Manitoba, and Quebec.

The seaway began slowly but traffic has increased steadily transforming cities such as Detroit, Milwaukee, Chicago, and Toronto into world ports to their own and to America's increasing benefit.

Not the least of the seaway's achievements is the opportunity it affords the United States and Canada to demonstrate once more what nations working together in friendship can accomplish for their common good.

The dividend from this international partnership can be defined in cultural and human as well as economic terms.

While the still-infant seaway has demonstrated its vigor and potential, its horizons are just beginning to take definite form. There is a long way to go.

Yet, for that potential to be realized fully the seaway must become less a regional facility and more of a truly international asset—a fully integrated part of the national transportation plan and development program.

It was in that image that men of Mr. Dondero's vision saw the fully matured seaway.

The need for such full and complete use of the seaway is self-evident.

In a speech in Detroit not long ago, former Secretary of Transportation Alan S. Boyd described it this way:

Transportation is one service which Americans need across the board. Without it, you can no more fight a war than you can mail a postcard—and there is little you can do in between.

America's system of transportation is by any standard mammoth. It represents an investment of some $500 billion. It meets needs as diverse as the 200 million people who use it. It accounts for one of every six dollars in the economy; provides jobs for nine million people; and unites a continent.

Yet the increasing demands on the system already strain its capacity in some areas, and the growth to come—compounded by concentration of that growth—could bring its near collapse. Take the year of 1975 as a yardstick for growth—a good year because it is so close you can almost reach out and touch it.

By then the number of private aircraft will have nearly doubled. Commercial air travel will have tripled. Automobile traffic will be up 40 percent. Railroads, which now haul 750-billion ton miles a year, will be hauling one-trillion ton miles. Trucks, now carrying 400-million ton miles will carry 50 percent more.

In fact, if the demand for transportation continues to match America's economic growth, we will have to double in less than two decades the capacity of a system that has taken the lifetime of a nation to build.

In reference to Secretary Boyd's remarks, Mr. Herbert P. Doan, President of the Dow Chemical Co. of Michigan added this:

Mr. Boyd * * * says to the people of midcontinent North America * * *: the St. Lawrence Seaway must play its role in the national transportation system; it cannot be stifled; it must be used and nurtured; it is a natural asset which we cannot afford to waste.

I am certain, Mr. Speaker, that the America which has produced men with the vision of George A. Dondero will not allow such waste to occur.

In commemorating the waterway's first decade, it is important to recall the qualities of men like Mr. Dondero, who fought so long to bring it into being.

It will require the same sort of undeviating devotion that Mr. Dondero brought to the project during his 24 years as a Member of this distinguished body for the seaway to realize its full potential and proper place in the national and international transportation network.

A PROGRAM TO PROTECT THE SENIOR CITIZEN AS A CONSUMER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BRADEMAS. Mr. Speaker, Members of the House and Senate will, I am sure, agree that few Americans have made more contributions toward helping solve some of the many domestic problems that face our country than the distinguished former Secretary of Health, Education, and Welfare, the Honorable Wilbur J. Cohen.

At present, Mr. Cohen is professor of education and dean-designate of the School of Education at the University of Michigan.

Under unanimous consent I insert at this point in the RECORD the text of a recent address by Mr. Cohen on "A Program to Protect the Senior Citizen as a Consumer," delivered on May 9, 1969, at the 22d annual Conference on the Aging Consumer at Ann Arbor, Mich.

A PROGRAM TO PROTECT THE SENIOR CITIZEN AS A CONSUMER

(By Wilbur J. Cohen, professor of education, dean-designate, School of Education, University of Michigan)

As we look toward the White House Conference on Aging we must move now into a bolder, broader, more dynamic program for all older Americans.

I propose the following program to protect our senior citizens:

1. IMPROVE SOCIAL SECURITY

Raise the general benefit level—by 50 percent and increase the minimum benefit from $55 a month to $100 a month for an individual and $150 for a couple—over the next four years thus moving over 4 million persons out of poverty.

An immediate 15% across the board increase with a minimum benefit of $80—thus moving over a million persons out of poverty.

Pay benefits based on average earnings over an individual's 5 or 10 consecutive years of highest earnings, rather than on his lifetime average.

Liberalize the retirement test for those individuals who must or want to work after age 65.

2. IMPROVE MEDICARE

Extend Medicare to cover part of the cost of prescription drugs where the patient has recurring drug needs.

Extend coverage of Medicare to all disabled social security beneficiaries.

Simplify the entire Medicare program by consolidating both the hospital and physicians' insurance parts and financing both of them from contributions from employer and employees and a matching grant from government during the working life of individuals so they will have a paid-up policy at age 65 on a non-cancellable basis.

3. REFORM THE WELFARE SYSTEM

Replace the present hodge-podge of 50 different State programs by a system entirely financed by the Federal government with eligibility determined on a national basis.

As a first step toward this goal provide a minimum budgetary standard in the Federal law of $150 a month for a needy aged person.

4. EXTEND ADULT EDUCATION

Provide for courses and institutes in elementary and high schools for adults in every community so that information and learning will be conveniently available to every older person.

Provide for institutes and training courses in gerontology in universities and colleges.

5. PROVIDE SERVICES WHERE AND WHEN THEY ARE NEEDED

Strengthen homemaker and home health services in urban and rural areas so that aged persons can have health services in their own homes and aid in reducing mounting institutional costs.

Organize community self-help and friendly visitor services to keep in touch with the home-bound and to aid aged persons in an emergency.

Establish local and state agencies in cooperation with professional health personnel to assure the availability and reasonable costs of nursing homes, intermediate care facilities, and other services for the chronically-ill aged which will provide the services they need at prices which are reasonable.

Expand housing programs to meet the needs of older persons.

6. STRENGTHEN FEDERAL CREDIT UNION SERVICES FOR LOW-INCOME PERSONS

Aid the low income aged person by encouraging saving of small amounts, credit at reasonable rates, and advice and counsel on consumer prices, products and services.

7. SIMPLIFY AND LIBERALIZE THE FEDERAL INCOME TAX PROVISIONS ON THE RETIREMENT CREDIT

Simplify and liberalize the Federal income tax provisions for the middle-income taxpayer and make it feasible to compute and obtain his full tax advantages.

8. REFORM THE STATE AND LOCAL PROPERTY TAX

Reduce the impact of the property tax by exempting aged persons with modest and low incomes.

Reduce the property tax for all persons by enacting state income taxes and closing the loopholes in the Federal tax structure.

9. STRENGTHEN CONSUMER PROTECTION SERVICES

The Federal Government should publish information on products and services which are developed through research paid for by the taxpayer.

Federal financial aid should be provided to strengthen State consumer offices, and to provide educational and legal services to stop practices that short-change low-income people and perpetuate antiquated and inequitable laws relating to contracts, sales, and credit.

Make available comparisons on the costs and benefits of all kinds of insurance so the consumer knows what he is buying and can

obtain adequate protection at reasonable costs.

Publish a U.S. compendium on presciption drugs which would give the brand and generic names with all pertinent information on each drug, including a supplement on prices, to be available in every post-office and social security office in the United States.

10. PROVIDE WIDER OPPORTUNITY FOR OLDER PERSONS TO BE USEFUL AND CREATIVE

Expand senior centers, recreational and cultural opportunities.

Expand the Foster Grandparent program so that the aged may assist children who need help.

Appoint broad-guaged retired persons on appropriate Federal, State, and local boards where they will help to overcome the generational gap by contributing their ideas with emphasis on idealism, altruism, and the future of our nation.

Enable individuals when they reach age 55 to have a 3 to 6 month sabbatical to determine how to plan their future.

MAKING HISTORY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. EILBERG. Mr. Speaker, at the beginning of today's session, I spoke in defense of the faculty, students, and programs of Northeast High School in Philadelphia.

Northeast High is in my district, the Fourth, of Pennsylvania. It is currently being subjected to considerable scorn in a film "High School" being shown around the country. Sadly, Philadelphia Schools Superintendent Mark Shedd and the film's director-producer, Frederick Wiseman, refuse to show the film to our community.

From secondhand accounts received from around the country and from reports in the press, I have become convinced that the film is certainly a gross misrepresentation of the school's fine performance and program.

Indeed, it is becoming increasingly apparent that the filmmaker, in order to serve his own purposes, approached his project with singleminded preconceptions. This, of course, required that he show no evidence of the constructive, imaginative, and innovative work that goes on at the school.

The school abounds with exciting programs in counseling, advanced curriculum, individualized student programs, music, mathematics, child psychology; programs not found at most "typical, white middle-class schools," as Wiseman described Northeast.

One of these pioneering programs was a remarkable research project undertaken by history students at Northeast. Using original sources at historical societies and in city records, these teenage historians traced the history of Northeast Philadelphia from 1609 to 1854.

Now part of the fourth largest city in America, Northeast Philadelphia then was a loose quilt of separate townships and boroughs, churches and farms, in which crossroads served as commercial and community centers.

When the research was completed, the school's printshop published a handsome, spiral-bound 200-page illustrated book.

While I have not been given a chance to see the film, "High School," I have read this book. It is a remarkable achievement, one of the many conveniently overlooked by the filmmaker.

I applaud the work of Mrs. Cora Hurwitz, the teacher who coordinated this project, and Dr. Mabel Haller, principal of Northeast.

I must say I am impressed by the students who did the research, writing, illustrating, and printing of this book and I congratulate them. I enter in the RECORD an account of their achievement which appeared in the Philadelphia Evening Bulletin of Thursday, June 26:

TEENS TOP NE ROOTS, WRITE BIG HISTORY BOOK

(By Barbara Murphy)

In the minds of many people, Northeast Philadelphia is something new, something strictly post-World War II, something without deep roots in the distant past.

But a group of teen-age historians at Northeast High School have written a book which tells quite a different story about this community with all of its suburban subdivisions, supermarkets and super highways.

"If the book 'Old Northeast Philadelphia County, 1609–1854' has taught its writers one thing," said Mrs. Cora Hurwitz, who supervised the project, "It has shown them that instead of being a brand new section, this is an area with roots deep in the past."

CHURCH HERE SINCE 1711

"They have learned, for instance, that there is a church—Trinity Episcopal Church in Oxford—that has been here since 1711.

"They have learned that there is a house on Pine road, the Ury House, part of which was built by the Swedes as a fort in 1645.

"They have learned that the Society of Friends has two still-functioning congregations here that were started in the 1680's.

"They have learned that Washington's Army came through here on its way to Yorktown and that several skirmishes in the Revolutionary War were fought in the Northeast."

THE FIRST HISTORY

Mrs. Hurwitz said the students' book is the first history of the Northeast ever written as far as she knows.

She said credit for the original idea goes to Dr. Mabel Haller, principal of Northeast High School.

"Dr. Haller saw an historical map of some sort in one of the papers one day in the fall of 1967," Mrs. Hurwitz said, "and she suggested a history of the Northeast might be written as a class project."

Mrs. Hurwitz, who became the school's college counselor last February, was teaching American history at the time and she put the idea to one of her junior classes.

The pupils were enthusiastic and set to work. They divided into six communities. Two worked on the area as a whole and the four others on the individual townships and boroughs which made up the "Old Northeast County." They were Bridesburg, Frankford, Whitehall, Oxford, Lower Dublin, Delaware, Byberry and Moreland.

Mrs. Hurwitz explained that the title of the book refers not to a separate county since there never was a "Northeast County" per se, but to the Northeastern part of the old Philadelphia County which existed as a separate, much larger entity before the city and county consolidated in 1854.

"The students went everywhere looking for information," she said. "And in the process they learned an awful lot about research. They consulted unpublished manuscripts, and city records and interviewed people."

PICKED BEST PAPERS

When each of the committees had finished its work, the commttees exchanged papers and the class as a whole picked out the best papers in each group.

This was at the end of school year and Mrs. Hurwitz figured that was the end of the project.

"But some students were so interested," she said, "that they wanted to go on with the project. So all that summer this group came to my house in Frankford every Thursday night and rewrote and edited and organized the research into a single, coordinated work."

Last fall, the papers were mimeographed and presented as a completed project to Dr. Haller.

But that was not to be the end either.

GOOD ENOUGH TO BE BOOK

"Dr. Haller thought it was so good, we should make a real book of it," Mrs. Hurwitz said.

So the young people set to work again, doing more research, rewriting and editing and then turned over the project to the school print shop.

The result—published just before the end of the recently concluded school term—was a handsome, spiral-bound 200 page book, complete with introduction and illustrations.

WRITERS, EDITORS

Mrs. Hurwitz said the actual writing of the final version was done by Steve Aaronson, Howard Cobert, Louis Karchin, Arlene Levit, Neil Nameroff, Beverly Narod, Rhona Neremberg, Michael Pearlman and Michael Raitman.

The editors were Sally Battilana, Elizabeth Berryman, Larry Carson, Rosalyn Chanin, Lona Cogan, Barbara Cohen, Marjorie Gottshalk, Robert Lankins, Steven D. Morise and Anita Solow. Marc Cohen did the art work and Larry Carson the cartography. William Nell supervised the printing work.

NOT DRIED UP, AFTER ALL

In doing research for the work, Mrs. Hurwitz said, the students discovered some errors in existing books.

Some books for instance said Byberry Creek had dried up many years ago, she said, but a group of researchers went to see for themselves and discovered the creek is still there.

In another instance, she said, it was found that a map dated 1681 by most books could not possibly have been made then since it contained names of settlers who did not arrive until 1682.

By careful checking, it was discovered the map had been made in 1687, some printer having mistaken a 7 for a 1.

Mrs. Hurwitz, a veteran teacher who came to Northeast in 1957, said she has been in charge of a lot of involved student projects, but this, she said, "is the first one ever put out for the world to see."

ONE HUNDRED COPIES FOR PUPILS

She said 100 copies of the 200 printed went to pupils involved in the project.

Most of the others, she said, will be placed in local libraries.

"But we are interested," she added, "in suggestions as to how we can make this available to people who might have an interest in the history of the Northeast."

Those with suggestions are asked to call Mrs. Hurwitz at Northeast High.

GUN CONTROL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. DINGELL. Mr. Speaker, the District of Columbia's firearms registration

law recently went into full effect. The deadline for registration of firearms by residents of the District has passed, and what is the result? The Washington Evening Star of June 19, 1969, carried an editorial entitled, "This Is Gun Control?" which answers this question fully. So that my colleagues may be advised of results of the District's firearms registration drive, I include the text of the Star's editorial at this point in the RECORD:

THIS IS GUN CONTROL?

At the last report the formal deadline for registering firearms under the District's new gun-control law has passed with less than a third of the estimated number of weapons in the city signed up.

So what does the city government intend to do now? Launch a house-to-house search, perhaps, for the missing items? The silence from the District Building on the subject is quite deafening.

No doubt the exceedingly cumbersome and time-consuming requirements of the new ordinance contributed in large degree to the poor statistical performance, for the Washington public is not this contemptuous of any reasonable law. The basic failure, however, results from an erroneous premise that this regulation might prove to be of productive help in keeping firearms out of the hands of criminals.

Obviously no such ineffective law can be left unattended, and we await with interest the inventiveness of the city government as to what comes next. As to crime deterrence, however, the City Council should, as a first step, shift its focus on guns from registration to the support of some means of imposing really strong penalties upon anyone who actually uses a gun in the commission of a crime.

ADDRESS BY CAPT. FRANK A. MANSON, U.S. NAVY, RETIRED, DIRECTOR OF NATIONAL SECURITY AND FOREIGN AFFAIRS FOR THE VETERANS OF FOREIGN WARS, BEFORE THE DEPARTMENT OF MARYLAND'S 49TH VFW CONVENTION IN BALTIMORE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. HOGAN. Mr. Speaker, I recently had the pleasure of addressing the department of Maryland's 49th annual convention of the Veterans of Foreign Wars in Baltimore.

Capt. Frank A. Manson, U.S. Navy, retired, director of national security and foreign affairs for the Veterans of Foreign Wars, also addressed this convention. Captain Manson discussed his observations and suggestions following a 27,000-mile factfinding trip around the world. While many of Captain Manson's points are his subjective opinions, I think they warrant the attention of my colleagues. I am therefore setting forth his speech.

ADDRESS BY CAPT. FRANK A. MANSON, U.S. NAVY, RETIRED

Ladies and Gentlemen. I am honored to present the greetings of our Commander-in-Chief, Richard Homan, to the state of Maryland whose membership in the Veterans of Foreign Wars continues to grow at a fantastic rate. You are noted for your champions in football and baseball and now you are membership champions in the VFW!

Your membership growth speaks for many things. It means you have attractive ongoing programs. It means that you have many workers. It means that you have imaginative and dedicated leaders. It means that you are looking at the future of our country as well as the present and past which should never be forsaken.

On a material basis you will be pleased to know that the V.F.W. has had a steady membership growth for 17 consecutive years. The V.F.W. is the only veterans organization that can make this claim and, in fact, I know of no other national organization that has established such a record.

Maryland represents one of our nation's best V.F.W. organizations and I compliment you on your record of achievement.

In this convention, I read your resolutions for the coming year, and I can see why your membership continues to grow. It is because you stand for, and you support, a strong, stable and harmonious country.

All of your resolutions would serve as models on a national basis, but I would especially like to commend you on Resolution No. 3. This resolution supports our Secretary of Defense and all those in authority in their efforts to continue religious training in character guidance to service personnel. I would like to read this resolution. Quote: "Supporting Secretary of Defense, and all others in authority, in their efforts to continue religious training in character guidance programs to service personnel."

This matter become a hot issue only a few months ago when a group was trying to force God out of the Army training manuals. This issue represents the heart of America's greatness, the heart of our Armed Forces. This issue represents the difference between America's leading the world as a nation under God or America competing as a secular power with material things representing the power of persuasion.

We pledge allegiance to our flag under God.

Our constitution is based on a national faith in God.

The V.F.W. derives its strength from a faith in God.

The Secretary of Defense made the decision in favor of God.

The V.F.W. helped expedite the decision.

The reason why it is so difficult to deal with the Soviet Union is because that government does not recognize the existence of God nor does it recognize the Bible as a rule book for man's conduct on earth.

Without basic agreement on right and wrong, what then is good and evil?

America must keep faith with its idealism, with its flag, and its constitution which guarantees freedom and justice for all.

After completing a 27,000 mile fact-finding trip around the world, visiting 14 countries, including three of the most sensitive areas—the Far East, Southeast Asia and the Middle East, and after talking with those in high places and the man on the street, I am convinced the most obvious threat to the United States' national security is the production of Soviet armaments and the deployment of those armaments, along with trained military and technical personnel, to any area or country which shows promise for increased communist influence.

A more subtle threat, and in the long view probably more effective, is the continuing export of communist agents, trained subversive revolutionaries, trained in teaching, killing, psychology, theft, and all the other talents required to completely disrupt the harmony and stability of a society.

Mr. Herbert Rainwater, our VFW Junior Vice Commander-in-Chief, and I traveled completely around the Sino-Soviet periphery. We found the Sino-Soviet split to be real and the split seems to be deepening and widening. But both the Red Chinese and the Soviet government continue to export trained killers, people trained to kill village chiefs, trained in the use of the firing squad, and trained in torture and terrorism. The Soviet Union continues to export heavy military armaments on a massive scale to those countries where marginal chances for their use and influence exist.

For example, North Korea receives a continuous supply of first-line MIG aircraft, tanks and small, fast boats. The North Korean Navy has been recently supplied with high-speed diesel engines which make it possible for North Korea to build infiltration boats capable of speeds between 35 and 40 knots, faster than any surface craft the U.N. forces have in that part of the world. This new high speed boat resembles a fishing trawler until it starts to move. I suppose if the new boat is capable of carrying armed agents into South Korea, it is also capable of carrying automatic guns, mines, bombs and small rockets. In any case, the ambitions of North Korea's aging Kim Il Sung to dominate South Korea still exists. His ambition continues to be fed by the supply of arms from the Soviet Union.

South of the DMZ the Republic of South Korea's free enterprise system is making rapid economic development. The mayor of Seoul told us that he expects to completely eliminate slums in Seoul within the next three years. Every 90 days he builds new high rise apartment buildings, places 400 slum-dwelling families in each and charges each family $7.00 per month rent. The new apartment buildings are complete with swimming pools, recreation facilities and modern in all respects. This is truly a revolution in urban development programs. It is taking place in a civilized manner under a free enterprise system operating in an open society.

Almost everyone who goes to Vietnam makes a report. So I will be no exception. South Vietnam and her allied helpers, including the United States, South Korea, Thailand, Australia, New Zealand, and the Philippines have a preponderance of power. North Vietnamese Army regulars forces could not hope to gain a battlefield victory under present circumstances. South Vietnam and the United States, Thailand and South Korea have made heavy national commitments. For example, Thailand sent 1/3 of her total armed forces into battle when that country entered the conflict. The allied powers have lost thousands of young men in their struggle to give the ballot privilege over the firing squad as a means of governing the Republic of South Vietnam.

I believe the formula for allied victory has at last been found. I refer to the pacification program of destruction and construction, cleansing the villages of communist agents and replacing them wtih responsible human beings from South Vietnam who are now being trained in vast numbers to administer to their individual community needs with dignity and just and justice. South Vietnam's ability to self-determine, self-govern and self-sustain is improving with each new day.

Now, if North Vietnam persists in her tactics, it may be necessary for our armed forces to organize "surprise" tactics such as the U.S. used in World War II. In that war, the surprise department was known as "Dirty Tricks", but it worked.

Let us all hope that the cause for humanity can persevere at the peace table and that South Vietnam can follow in the footsteps of the Republic of South Korea, a government and a people we can be proud to stand alongside. South Vietnam is now miraculously built up with new harbors, new port facilities, new airports, new training facilities and equipment of all kinds which stagger ones imagination. The military structure is now built for the transformation of South Vietnam into one of the strongest economic nations in Southeast Asia. It would be an utter

shame to permit all the death and human suffering in this land, all the new harbors and buildings built by the world's greatest builders, America, to be lost in a web of communist political dialogue. The Commander-in-Chief of the Veterans of Foreign Wars, Richard Homan, has frequently urged President Nixon, in view of the continued shelling of civilians in South Vietnam to continue to reevaluate all of his options for bringing about a peaceful and prompt settlement of the conflict. I am sure President Nixon knows as well, if not better than anyone in the world, that peace will be achieved through unity and strength here at home. Communist leaders understand strength and unity.

But the Soviet government and the Red Chinese have problems of their own and they have problems with each other.

If the communist powers are going to continue to exploit the problems we have, then I say we should explore their problems. If they continue to pour sand into the machinery of our society then I feel it is only fair that we do some pouring of sand ourselves. One only has to look at our sand pouring talents among ourselves on domestic issues to know we can be the international champions.

The Soviet Union has some real weaknesses from within. She has boundary disputes with China. Some of the Soviet colonies don't like colonial rule, and some are saying so publicly. Some of the communist parties don't like the life of a parrot. Some of them like to say what they think and none of the communist nations except the Soviet Union seem to like what is now happening to Czechoslovkia. Many millions of people inside the Soviet Union don't like to speak Russian. Many of the Soviet people want to speak their own native language. Many want to worship their own God. Many want to publish books criticizing those in power. Many want the right to vote for a choice. Many want less poverty and more food.

The point I wish to leave with you is this: Life in the Soviet Union is not all vodka and caviar. Red China has problems, too. These problems may get worse because they each lack the spiritual base which America has.

The thing we must do is to keep our faith, believe in ourselves, work to the limit of our talents and I know we will remain America the beautiful, America, the symbol of justice and freedom and compassion for all men . . . everywhere.

TRIBUTE TO JOSEPH McCAFFREY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. RHODES. Mr. Speaker, on the anniversary of his 25 years as a Washington correspondent, Joseph McCaffrey is deserving of a special tribute, not only from his listening public but particularly from the Members of the Congress. He is fair and factual in his presentations, and is very knowledgeable of the workings of Congress. He does a real service in keeping our fellow citizens well informed.

We are all well aware of the power of the communications media, and of the capabilities which it possesses in shaping the opinions of our citizens. The responsibility of reporters of the news, then, bears great significance on the future course of our country, and demands that nothing but honest, unbiased reports be presented.

Joseph McCaffrey is such a reporter. He does honor to his profession, for he has never had to resort to sensationalism nor distortion to retain the interest of his listeners, and he is most deserving of the great respect he enjoys. I wish to express my warm congratulations to Joseph McCaffrey, and my appreciation for the great service he has rendered.

EXPLANATION IN ORDER ON RELAXING NURSING HOME STANDARDS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. DULSKI. Mr. Speaker, my attention has been called to the relaxation in standards for nursing homes which are serving medicaid patients.

If there is validity to the charges made by the head of the National Council of Senior Citizens, Inc., it seems to me that an investigation is in order by the Congress as well as a reassessment of the situation by the Health, Education, and Welfare Department.

Congress has sought through legislation to give assistance and consideration to our senior citizens. We have an obligation in this regard. A reduction in standards represents a backward step that merits prompt investigation.

Mr. Speaker, following is the text of the statement making the charge by the head of the senior citizens' organization:

NEW MEDICAID REGULATIONS REPRESENT GIVE-AWAY TO NURSING HOME OPERATORS

WASHINGTON, D.C., June 25.—A senior citizens' spokesman today denounced the new Medicaid nursing home regulations as "a give-away of Federal funds to the nursing home industry."

Nelson H. Cruikshank, President of the 2,500,000-member National Council of Senior Citizens, said "Congress set up Medicaid to help the needy and not to guarantee huge profits for private nursing home operators—the most predatory of health care suppliers."

The cutback in Medicaid nursing home standards was announced by the Department of Health, Education and Welfare Monday through publication of the reduced standards in the Federal Register.

Medicaid is the three-year-old Federal-State program of health care for the needy.

Cruikshank accused the American Nursing Home Association of putting heavy pressure on officials of the Department of Health, Education and Welfare to get them to order a relaxation of care standards for large numbers of men and women receiving nursing home care paid for under Medicaid.

The senior citizens' spokesman said: "The main concern of the American Nursing Home Association is to increase profits of its members and it is unfortunate that Department of Health, Education and Welfare officials caved in under this pressure."

Until today, Medicaid regulations required that a nursing home receiving funds under Medicaid have one registered professional nurse in charge on one shift and that licensed practical nurses who have graduated from State-approved nursing schools be employed on other shifts.

The new regulations allow employment in nursing homes receiving Medicaid funds of nurses who have never attended nursing school and are licensed regardless. This is called licensing by "waiver."

Cruikshank said delegates to the National Council of Senior Citizens' recent annual convention in Washington had protested the undue influence of the nursing home industry on Medicaid administrators.

The resolution condemned "actions of Federal Medicaid administrators in employing a paid representative of the nursing home industry to write regulations for nursing home participation in the Medicaid program."

Newspapers have reported that Harold G. Smith, a nursing home consultant, was hired to help draft the Medicare nursing home regulations.

Cruikshank urged that humanitarian organizations concerned with problems of the elderly protest this surrender by Medicaid administrators to the nursing home industry."

Cruikshank declared: "It is a sham and a fraud for the Federal Government to pay for skilled nursing home care, then permit untrained nurses to provide the care.

"This will prolong the widespread disregard of professional standards of nursing home care and continue the exploitation and neglect of unfortunate nursing home patients."

NEW JERSEY ISSUES TEMPORARY INJUNCTION AGAINST INTERNATIONAL MAGAZINE SERVICE OF THE MID-ATLANTIC, INC.

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, in further reference to the subject of deception and misrepresentation in the sale of magazine subscriptions, I would like to call attention to a temporary injunction issued yesterday against one magazine sales company doing business in New Jersey.

Superior Court Judge Alexander P. Waugh yesterday granted a preliminary restraining order against International Magazine Service of the Mid-Atlantic, Inc., to prohibit the sales company from continuing certain sales practices which the New Jersey attorney general contends violate New Jersey laws.

The order directs IMS to refrain from misrepresenting that certain magazine subscriptions are free when in fact they are not, that monthly payment amounts were less than they turned out to be, and from failing to reveal the total contract price until after the consumer had signed a contract.

Judge Waugh set a final hearing on the case for October. The New Jersey attorney general has asked that at that time the court order IMS to stop all operations in New Jersey, to rescind all contracts, to return all money obtained through misrepresentation, and be fined $100 for each illegal transaction. Nineteen consumers were identified in the complaint.

The preliminary restraining order is expected to be made effective by July 2. It represents a significant step to wipe out unscrupulous sales practices where they exist in the magazine sales industry.

The Easton Express, an Easton, Pa., newspaper, deserves a great deal of

credit for the uncovery of magazine sales misrepresentation through its public service feature, "Action! Express." Complaints received by the newspaper from New Jersey readers led to the attorney general's action to seek an injunction.

I invite my colleagues' attention to the account of yesterday's decision as reported in the Easton Express:

NEW JERSEY COURT CURBS MAGAZINE SERVICE

(By F. Alan Shirk)

MORRISTOWN, N.J.—Superior Court Judge Alexander P. Waugh today decided to issue a preliminary restraint against International Magazine Service of Mid-Atlantic Inc. to prohibit it from continuing certain sales practices which the New Jersey attorney general says are in violation of the state consumer laws.

Judge Waugh reached the decision on a show cause order of the attorney general as to why an interlocutory injunction should not be granted against IMS to suspend certain operations in the state.

The case was heard in the Morris County Courthouse here.

The action against IMS resulted from consumer complaints mailed to the attorney general by Action! Express, a public service column of the Express. These and other complaints have prompted a nationwide investigation of the magazine subscription sales industry.

The restraint expected to go into effect by next Wednesday, will prohibit IMS from misrepresenting that certain subscriptions are free when in fact they are not, that monthly payment amounts are less than they turn out to be, and that the total contract price is not revealed until the consumer signs the contract.

Judge Waugh set a final hearing on the matter for October. The attorney general in the final action wants IMS to stop all operations in New Jersey and rescind all contracts and return all money obtained through misrepresentation. He also asks that IMS be fined $100 for each illegal transaction.

The hearing today was continued from last Friday when it was adjourned on a legal technicality concerning the rules of evidence.

IMS contested the attorney general's action on the basis that the court did not have the jurisdiction because IMS was a Maryland based corporation with independent franchises doing business in New Jersey.

Douglas J. Harper, deputy attorney general, contended this morning the franchise agreement between IMS and the independent franchises proved that the defendant had too much control and therefore the state's complaint was proper.

Harper said that IMS controlled the independent franchises because it had the right to accept or reject subscriptions, could alter commissions, could make cash advances to the franchises, provided that all contracts automatically became the property of IMS, issued the monthly payment booklets and ran all subscriptions through a central collection agency.

Harper also said the contracts carried the name of IMS.

DEFENDS FRANCHISE PLAN

Barry Mowrer, attorney for IMS, argued that the violations charged by the attorney general were committed by the independent franchises and not by IMS.

"The independent franchises are just that—not employes or agents," Mowrer said.

He also argued that the contract language was not misrepresentative, but the oral portion of the salesmen's talk might have been.

Judge Waugh said the arrangement between IMS and its franchises was "merely a facade," and that the franchising agreement was unusual because IMS did have so much control.

He said that in the correspondence and letters sent to consumers who signed contracts, the name IMS appeared frequently.

"Based upon your showing before me, there is not this independent franchise between defendant and Bernstein to insulate the defendant from restraint," Judge Waugh said. The Judge referred to Stanley Bernstein, one of the independent franchisers mentioned in the complaint.

The judge said he reached his decision primarily on the basis of Harper's argument about the close relationship between IMS and the independent franchisers and also on a state statute regarding habitual violation of a state law.

HANOI VISITOR REFUTES CLAIM THAT BOMBING HALT IS HELPING UNITED STATES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PUCINSKI. Mr. Speaker, we are deeply indebted to Mr. Andrew Borowiec, foreign correspondent for the Washington Star, for his recent dispatch from Paris in which he quotes a recent visitor's visit to Hanoi.

Mr. Borowiec points out that the bombing halt has not reduced tensions in the North as some observers have recently indicated in the American press and that on the contrary, the North Vietnamese seem to have profited from the halt of the air war to improve their production techniques and transportation system.

I have seen naive statements in some publications that the bombing halt has created great morale problems in Hanoi because since the bombing attacks have stopped, Ho Chi Minh is having difficulty maintaining a war spirit among his people.

Mr. Borowiec offers us the first authoritative report on the situation in Hanoi and from his article we immediately see how misleading are those who insist the bombing halt has in some way helped our war effort.

The Communists continue to keep their people in a state of permanent tension by warning that America will resume its bombings. I am deeply concerned that the bombing halt has obviously given Hanoi an opportunity to build up its defenses and as the article points out, should the raids ever resume, North Vietnam would be in a much better position to cope with them.

While it is true that Mr. Borowiec points out there is little damage to be seen from the bombing, I think it should be remembered that more than a year has elapsed since we started the bombing pause and the Communists have had ample opportunity to repair the damage.

The article by Mr. Borowiec follows:

HANOI VISITOR SAYS REGIME STIRS TENSIONS

(By Andrew Borowiec)

PARIS.—Communist authorities in North Vietnam are keeping the country in a state of permanent tension, warning that the "Americans may attack any time."

This was reported by a highly placed neutral observer who visited North Vietnam recently. The visitor asked to remain anonymous.

He said the state of tension was apparently aimed at preventing the population from lapsing into apathy, harming the war effort.

Thus, air raid alerts are sounded periodically, although the United States has stopped bombing the North. While certain emergency measures have been relaxed, industry, schools and all governmental activity remain highly decentralized and on a permanent war footing.

"The war is not over, keep fighting until final victory," is the main theme of official propaganda.

NO SLACKENING

The visitor, who toured large portions of North Vietnam, said he had not noticed any signs of slackening vigilance. The country remains in the grip of a powerful and all-embracing Communist machine, he said, and it would be highly premature to speculate on any slackening of the war effort due to the halt of U.S. bombing.

On the contrary, he said, the North Vietnamese seemed to have profited from the halt of the air war to improve their production techniques and transportation system.

"Should the raids ever resume, they would be in a much better position to cope with them," he said.

BOMBING MINIMIZED

The visitor appeared unimpressed with the results of the bombing. It failed to disrupt life and industrial activity in the North, he said.

"One sees comparatively little damage as one travels through the country," he said. "The North Vietnamese like to capitalize on attacks on civilian targets but they are often quite close to military objectives. Invariably, the military targets seemed to have suffered less."

While, on the whole, impressed with the organization, determination and loyalty of the North Vietnamese, the visitor saw "staggering examples of inefficiency."

Thus, he recalled, at one stage during the air war, factories and some port installations of Haiphong were dismantled and hastily evacuated. Even today, specially formed teams are looking for various components.

Boilers, machinery and other pieces of equipment can be seen literally strewn in the fields, unguarded by anybody, he said.

He was unable to determine the impact on the population of the losses suffered by North Vietnamese regulars in the South. However, he did see large numbers of young men in the cities and villages and concluded that North Vietnam is not faced with any dramatic manpower shortage at this time.

TRUMAN WARD—A GREAT LOSS TO THE CONGRESS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PHILBIN. Mr. Speaker, all of us were greatly shocked and saddened by the passing of our dear, esteemed friend, Mr. Truman Ward, who as majority clerk for so many years served the House and its Members with such outstanding efficiency, fidelity, and cheerfulness.

His loss is indeed a great one to all of us, and in a real personal sense, especially those of us who knew Truman well during his long years of faithful service and looked up to him and relied upon

him to perform tasks for us which he always did so effectively and well.

Truman Ward was respected, admired, and loved by all who knew him. He was an honorable, God-fearing man, devoted to his church, his family, his friends, and his very important work on this historic Hill.

Indeed, these are the things that really were his life, and he centered his attention upon them.

I had no inkling that Truman was seriously ill, and therefore the shock of his passing came upon me with special impact, shock, and deepest grief.

My heart goes out to his devoted wife and family, who have sustained such an irreparable loss, which all of us prayerfully share.

I join them in mourning Truman's passing. He will be missed here in the Congress, where he rendered conspicuous assistance to the Members of the House for so many years far beyond the call of duty.

He will be missed wherever he was known for his amiable personal qualities, his loyalty to his friends and his country, the skill and conscientious effort that he put into his work, and his warm friendship that was so deeply appreciated by so many people.

A great American has passed from the earthly scene, from these honored Halls, where he spent so many years of his life, from his friends and dear ones to his eternal, heavenly reward.

I express my most heartfelt sympathy to Mrs. Ward and her family and hope and pray that the good Lord will bring them reconciliation and peace in their most sorrowful bereavement.

Truman's memory will always remain with us. He has left us a real legacy of loyalty, hard work, the meanings of friendship and attention to duty that will endure for many years.

May he find happiness, peace, and rest in his heavenly home, and may his dear ones be sustained and helped by the mercy and compassion of the living God to bear their truly grievous loss with true fortitude, faith, and courage.

BATTLE KILLS GLEN BURNIE MARINE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. LONG of Maryland. Mr. Speaker, Cpl. William M. Stone, Jr., an outstanding young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD.

MARINE DESCRIBES BATTLE DEATH OF GLEN BURNIE MAN

"The North Vietnamese troops threw a grenade, and he jumped on it to try to save everyone else from getting hit. He tried to jump on it, but he missed it and the fragments just tore him up.

"We had two guys wounded by the grenade besides him. He was a real good guy."

That is how a Marine described the death of his friend, Lance Cpl. William M. Stone, Jr., 18, of Glen Burnie, whose death was announced yesterday by the Defense Department.

SQUAD AMBUSHED

The friend, Cpl. Emmet D. Close, of Brooklyn Park, said their squad was ambushed June 17, about four miles south of the Demilitarized Zone.

"The genade was thrown from a tree line just in front of us. . . . Just before he died he asked me to come over and see him [in Glen Burnie], and I told him I would, but he died right there on the spot," said Corporal Close.

"He couldn't understand why we were fighting there," said the Brooklyn Park Marine who was the dead man's squad leader.

Corporal Close, who is home on an emergency leave, said he was nominating his friend for a silver Star. The two had known each other for the past 10 months only in Vietnam, even though their houses were but four miles apart.

SURVIVORS NAMED

According to Corporal Stone's mother, Mrs. William M. Stone, Sr., he enlisted in the Marine Corps last year after working at several odd jobs. He had dropped out of high school in the ninth grade.

Besides his mother, he is survived by his father; a brother, James A. Stone; and two sisters, Donna Lynn Stone, and Beverly Ellen Stone, all at home.

PRINCE GEORGES COUNTY CHAMBER OF COMMERCE SPEAKS OUT AND TAKES ACTION ON PROBLEMS OF EDUCATION AND EMPLOYMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. HOGAN. Mr. Speaker, I call to the attention of my colleagues an example of clear thinking on some of today's problems by the Prince Georges Chamber of Commerce. I commend the members of the Prince Georges Chamber for their conscientious concern as responsible citizens to help find solutions to some of our perplexing problems.

I could not let the occasion pass without bringing this fine program to the attention of my colleagues, so I am setting forth a letter from Mr. Charles Belinky, president of the Prince Georges Chamber of Commerce:

HYATTSVILLE, MD., *May 13, 1969.*

HON. LAWRENCE J. HOGAN,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOGAN: As a result of the recent discussions between our Executive Committee and yourself, the Board of Directors of the Prince Georges Chamber of Commerce on May 5, 1969 gave special consideration to the problems arising from vociferous persons advocating the seizure and control by force and violence of some of our public and private institutions. We coupled with this discussion our concern regarding current activities reaching from the college campus to the ghetto where violence is employed to accomplish ill-conceived objectives. This letter is being written at the direction of our Board and with the unanimous approval thereof.

We do not believe that the solution to these problems will result from either a single or simple solution. On the other hand, we are not dismayed by the belief that such problems have no solution at all. We feel that democratic capitalism is not only a political-economic system which is good for this country, but which can and will work effectively in the interest of all of our citizens. We are indeed anxious to contribute our part and are pleased with your efforts and your concern for making our political-economic system more viable and appealing to all.

There are obviously large numbers of people in our community who, with justification, feel that they are out of the main stream of our economy and who feel that they do not have a reasonable opportunity to promote their own economic and political well being. If our system is to work properly, such people must be given the incentive and encouragement to feel that they do have a welcome place and an important role to play. It is quite obvious that the dream of Henry Ford in manufacturing goods that his own workers could afford contributed greatly towards setting the high and prosperous pace of our society. We who are more successful in our personal lives can obviously expect to gain if we can transfer citizens from welfare rolls into productive employees who bear their own share of taxes and who become paying customers and avid consumers.

With this spirit, the Chamber of Commerce has established a Committee for Opportunity which is intended, as the name implies, to provide opportunities for those who sincerely wish to better their economic well being. It is hoped to provide opportunities in the fields of both education and employment.

On the other hand, we feel that it is imperative for the preservation of our society that certain fundamental standards of conduct be clearly recognized, that all our citizens be encouraged to abide by these standards, and if they fail to do so, that the law deal firmly, swiftly, justly and equally with such deviations. Obviously inciting to riot, advocacy of violence and use of violence is included within such standards. In short, respect for law, settlement of controversies by the Courts and modification of law through orderly legislative processes is an uncompromising essential element of democratic capitalism and to domestic peace and prosperity. These principles we are prepared to defend against all those who would seek to ignore, disregard or overturn them.

The Prince Georges Chamber of Commerce is prepared and, indeed; is actively engaged in providing opportunities for those who wish to better themselves and who are willing to comply with the simple standards of recognition of the rights of other persons to the security of their person and property. we are, indeed, anxious to do more for our County, State and Country within the framework of these principles and we are encouraging you and others to suggest what else we may do.

Very truly yours,

PRINCE GEORGES CHAMBER OF COMMERCE, INC.,
CHARLES D. BELINKY, *President.*

LAW AND ORDER EVERYONE'S CONCERN

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. FLOWERS. Mr. Speaker, I am pleased to offer for inclusion in the

RECORD remarks made by an outstanding public servant of the State of Alabama recently. Sheriff Mel Bailey, of Jefferson County, was speaking to a meeting of the Blount County Democratic Women's Club, and the text of his address is as follows:

LAW AND ORDER EVERYONE'S CONCERN

"In our nation where peace under law is a cherished way of life, all agencies and officers of law enforcement face a challenge of paramount importance.

"The problem of crime in our streets and in our cities has reached unprecedented proportions, and law enforcement must find a way to discharge its basic responsibility: The protection of society.

"The ability of law enforcers to do this depends in large part upon the cooperation and support of law-abiding citizens; and unfortunately, that ability has been hampered to some extent in recent years by misunderstanding or deliberate distortion of the facts.

"Some people have tried to make the phrase 'law and order' somehow synonymous with prejudice or repression, and this is not an honest position.

"Enforcement of the law and maintenance of order are essential if justice is to be assured all citizens. If any citizen's rights are violated by a law enforcement officer, then that officer is not enforcing the law. He is exceeding and abusing the power of his office, and he should be disciplined appropriately.

"I have emphasized this ever since I became sheriff of Jefferson County.

"On February 28, 1967, I formally reaffrmed the policy of the Sheriff's Department.

" 'The state law imposes the duty to effect a legal arrest where the situation warrants it.' " I said then, " 'and reasonable and necessary force may be legally used to prevent the escape of a felon, to effect his arrest or to protect citizens and in defense of the life or safety of the officers.' "

"I also made it clear that any deputy who was wanton in his use of force would be subject to disciplinary action commensurate with the findings of any investigation establishing that fact. That remains the Jefferson County Sheriffs Department's policy.

"So does the following, also quoted from my 1967 statement:

" 'The policy of the Sheriff's Department is to enforce the laws of the State of Alabama fairly and impartially without regard to race, color or situation in life.

" 'In the carrying out of this policy, our deputies are expected to be courteous in the performance of their duties and are so instructed. A lack of courtesy on the part of an officer is construed as a weakness and will not be tolerated by this department. No deputy shall willfully mistreat any person, prisoner or otherwise, and shall not use profanity or derogatory language in the discharge of his duties.'

"I think that says it as clearly as it can be said.

"Lest there be any doubt whether this still represents the policy of this department, I restated it, as reported in the newspapers, only last week.

"If any citizen or any member of the Jefferson County Sheriffffs Department still has any question, then I reaffirm here and now that even-handed, impartial, professional enforcement of the law and equal protection of the rights of all citizens of whatever race or social status or persuasion are the criteria by which I expect to be judged and by which the deputies assigned to this department will be judged.

"Now, let me repeat here that there is another side to his coin, and that is the side of public responsibility to give the law enforcement agencies full support in the performance of their duties.

"Even with the notable advances in police efficiency and scientific crime detection, law enforcement agencies cannot grapple alone with the crime problem and hope to succeed.

"Lawmen must be aware of our responsibility to the people we serve. But we also have a right to expect and get the respect and the support of those same people.

"Without that kind of cooperation and mutual respect, the lawless minority will continue to prey on the honest, law-abiding majority of all races and economic classes. No one's rights, property or life itself will be safe.

"Good law enforcement comes down finally to the men who are charged with providing it, of course: But it begins with You and all citizens who believe in a just and lawful society.

"Furthermore, there is a responsibility on the part of the city, county and state governments to make as diligent an effort to help prevent crime as police agencies are expected to make in apprehending and prosecuting criminals.

"Too often there can be found in the three levels of government and in their various departments a lack of attention to the needs of the poor, in such areas as welfare, food stamps, school and parks, housing and health, and so on.

"Out of this sometime lack of diligence in tackling social problems have come street demonstrations, campus unrest, rioting and, consequently, additional pressure on police forces.

"All systems and levels of government must do their part to provide and maintain social stability and peace in the community.

"It is not good enough to leave one segment—the law enforcement agencies—to face the brunt of attack because of failure of other departments of government to do their part of the job.

"So I hope you can see that if we are to enjoy peaceful, lawful communities in which the rights of all citizens are secure, we all—law enforcement agencies, other government departments and private citizens and organizations—have to shoulder a part of the responsibility.

"I can tell you, and all other interested citizens, that the Sheriff's Department of Jefferson County intends to accept its share of the load.

"I expect from my men high standards of professionalism and, above all, moral integrity. They and I in return expect the understanding and support of the community.

"I can think of no better way to end this than to quote one more paragraph from my 1967 statement:

" 'It is the sworn duty of every member of the Sheriff's Department to protect the rights of every citizen. It is the duty of every citizen to cooperate with an officer when he is carrying out his sworn duty.' "

"Neither the situation nor this department's policy has changed since then."

CUTTING OF FUNDS FOR PORT OF NEW YORK AND NEWARK BAY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1969

Mr. DELANEY. Mr. Speaker, I strongly protest the administration's discriminatory proposal which singles out New York-New Jersey Port projects to absorb a grossly disproportionate share of the cutback in harbor improvement projects.

Of the $13.7 million reduction in funds, the ports in our area are cut $5.4 million, or 39 percent. At the same time eight seaport projects sustained no cuts at all.

The value of the Port of New York's oceanborne foreign trade in 1967 amounted to nearly $13 billion, divided almost equally between exports and imports. In addition, a total of some 786,000 passengers entered and departed the port by ship in that year. This commerce was carried by nearly 23,000 vessel trips, which in turn generated over $816 million in customs revenues—about 30 percent of the total customs revenues for the entire Nation for both air and sea transportation.

A port's ability to function successfully is in no small measure controlled by the adequacy of its piers and docks, and the waterways leading to them. This is not to minimize other port handling, transportation, and administrative services. However, unless a ship can enter a harbor safely, and load and unload its cargo efficiently, there will be no traffic and commerce to support these other services.

From 1946 through 1965, private terminal operators and waterfront industry in and around New York Harbor, together with the city of New York and the Port of New York Authority, spent nearly one-half billion dollars to build and rehabilitate marine facilities to accommodate this area's massive oceanborne commerce. More recently, the city and port authority have agreed to construct a long-needed $60 million modern passenger ship terminal on the North River waterfront.

The magnitude of ocean commerce handled by the New York Port, and the local self-help improvements instituted by New York City Port interests, calls for most careful consideration of any cutbacks in port projects which might have an adverse effect on the continuing economic progress in this area.

I strongly urge that full funding of New York Port projects be favorably considered.

ON THE EDGE OF THE MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Harry LeVine, Jr., of the General Electric Co., recently brought to my attention several articles in a special section of the London Times of June 3, 1969. Because of their significance and the indication of international interest in our Apollo program, I am including these outstanding articles in the RECORD. I commend the reading of these articles to Members of Congress and to the public:

[From the London Times, June 3, 1969]

1,800 YEARS OF SPACE TRAVEL: FROM DREAM TO REALITY

Man has been traveling to the moon for centuries; to dig the gold, eat the cheeses, explore the forests or wrestle with Dan Dare's

Mekon. His transport has been romantic, ingenious, foolish and brilliant; chariots of swans, giant guns, artificial clouds and enormous metal springs; even rockets.

These journeys, dreams that ranged between ludicrous fantasy and prophetic imagination, are not recorded much before the second century A.D. But later, as writers discovered science fiction and the appetite men had for it, the stories proliferated.

At times, either by luck, reasoning, knowledge of science, or uncanny inspiration, they foresaw details of voyages like Apollo 10's and that planned for next month.

In 1646 Cyrano de Bergerac, accomplished wit, swordsman and satirist, imagined himself lifted towards the moon in a flying machine propelled by rockets. But tales of space travel can be traced back at least as far as 160 A.D., when the Greek satirist, Lucian of Samasota, wrote *Vera Historia* (True History), which had all the basic ingredients of space travel fiction: the outward journey, the moon landing, a description of the moon, and the journey home. It set the pattern for many that followed.

Lucian's hero found himself on the moon by accident. His sailing ship was caught in a violent whirlwind that snatched it from the sea and carried it through space. On the moon the traveler found lunar inhabitants called Hippogypi, who rode on three-headed vultures with wings that were "bigger than the mast of a ship".

Until the end of the middle ages apparently little was written of man's dream. Then in the sixteenth and seventeenth centuries works by Kepler, Copernicus and Galileo started what has been described as a "veritable astronomical revolution". Johannes Kepler's work, *Somnium* (The Dream), a space fantasy, spoke of transportation by demons who abhorred the sunlight and could travel only by night. Travellers were given an anaesthetic potion as protection against the ill effects of rarefied air.

Another weird fantasy was that of Francis Godwin, a seventeenth-century bishop of Hereford. His *Man in the Moone* travelled by a chair-like device drawn by 25 geese. Like modern man, he used an animal for the test flights—a lamb. He found on the moon a "huge and mighty sea", "herbes, bestes and birds", but none was like anything he had seen on Earth.

Cyrano de Bergerac in one of his schemes "planted my selfe in the middle of a great many glasses ful of dew, tied fast about me; upon which the Sun so violently darted his rays that the heat, which attracted them, as it does the thickest clouds, carried me up so high that at length I found my selfe about the middle region of the air". The voyage was a failure—Cyrano landed not on the moon but in Canada.

His next attempt, by a rocket-powered "machine", was also a failure. Firecrackers were tied to a large wooden box, the fuses were lit and Cyrano jumped on board. He swept through the clouds to a great height but the fireworks went out and he plunged back to Earth.

David Russen in *Iter Lunare* (Voyage to the Moon), writing at a time when space travel was becoming increasingly popular, imagined a giant launching spring constructed on the top of a mountain. Other writers bizarrely devised great ladders.

CAPSULE SHOT FROM A GUN

However, ideas for leaving the Earth were changing. Readers were becoming more aware of science, and writers were becoming more sophisticated as they struggled to make their fiction more realistic. Some machines were fitted with "anti-gravity" devices; space travellers even tried balloons.

Jules Verne in *De la terre à la Lune* was as scientifically accurate as knowledge at the time permitted. His scheme to shoot a capsule at the moon from an enormous gun was not feasible because its occupants would have been crushed by the acceleration. However the story was good enough to excite his readers into wondering whether it was a possibility.

Columbiad, the name Verne gave his spaceship, was fired from a place called Stone Hill, Florida, little more than 100 miles from what is now Cape Kennedy. It was 9 ft. wide and 15 ft. high. Made of aluminum, it was luxuriously furnished and had gas to provide light and heat. There was an ingenious system for smoothing the impact of take-off, and a chemical plant to produce oxygen.

H. G. Well's great science fiction works—including *War of the Worlds*, published first as a magazine serial in 1897—came at the end of the long line of fiction that had searched for a method of leaving the Earth. Towards the end of the nineteenth century fantasy was increasingly overtaken by reality—the rocket engine was the solution. Although the dreams of space travel did not falter, science began to dictate terms to the writers.

The exact date of the rocket's invention is lost in history. Stories and legends suggest it was in use before the thirteenth century, but these are hard to confirm. Most authorities point to 1232 when the Chinese were besieged in the town of Kai-Feng by Mongols. They tied rockets, apparently used by them for signalling, to flaming arrows.

Certainly in 1258 a war rocket was used at Cologne, Germany. The Paduans apparently employed them to attack the town of Mestre, near Venice, in 1379. Two years later Bologne, which was under siege, was destroyed by a "fearful device".

In following centuries rockets were continually used as battle weapons. Spewing fire in all directions, they at least caused severe psychological damage. But they were inaccurate. Unless the gas flow from a rocket's tail were directed straight backward, it would curve in flight wide of the target. Guns were much more effective, and impatient military inventors tended to concentrate on these.

The potential of the rocket first began to fascinate European military strategists in the late eighteenth century, mainly because it was being used effectively by their oriental enemies to resist the encroachment of imperialism.

Troops of the Indian state of Mysore had used rockets on British colonial troops in the battles of Seringapatan, in 1792 and 1799. Weighing between 6lb. and 12lb., their casing was made from iron piping and they had a large stick attached for stability. They had a reported range of up to a mile.

Accounts of these battles differ, but one young officer named Bayly wrote: "So pestered were we with the rocket boys that there was no moving without danger from the destructive missiles." He added: ". . . every illumination of blue lights was accompanied by a shower of rockets some of which entered the head of the column passing through to the rear, causing death, wounds, or dreadful lacerations from the long bamboos of 20 or 30 feet which are invariably attached to them."

Passed over by the military, the reaction rocket gradually took shape in the minds of scientists around the turn of this century. Its potential for space travel was realized independently by three men: Konstantin Eduardovitch Tsiolkovsy, of Russia, Robert Hutchings Goddard, of the United States, and Hermann Oberth, of Germany.

Tsiolkovsky, born in 1857, was of humble origin. He showed an early talent for mathematics and physics, and had an inventive mind. The germ of the idea of interplanetary travel occurred to him while he was still in his teens. Most of what he learnt in the early days was self taught. In 1878 he became a "people's school teacher" and moved to Borovsk. In a home laboratory he started experimenting. On the basis of papers he later produced he was elected to the Society of Physics and Chemistry in St. Petersburg.

In 1903 Tsiolkovsky published in the journal *Naootchnoye Obozreniye* (Scientific Review) an article entitled "The probing of space by means of jet devices". The first to understand and develop the use of rockets in space travel, he created the mathematically precise theory of rocket propulsion.

The spaceship that Tsiolkovsky planned was to be powered by heated gases produced by mixing liquid oxygen and liquid hydrogen—the basic chemical formula that powered the upper stages of the Saturn 5 rocket and enabled it to send nearly 50 tons to the moon.

Tsiolkovsky's theories on escaping from the Earth's atmosphere and gravitational field place him, in the view of many historians, at the head of all rocket scientists. But he confined himself mainly to the conception and development of theories.

Robert H. Goddard devoted most of his work to the practical application of rocket propulsion. Born 25 years after the Russian, his interests in rocketry also started in his youth. From the age of 16 Goddard started keeping notes of his ideas. Though his work almost certainly had enormous influence on the rocket research, he did not receive the recognition due him until after his death in 1945.

IT MIGHT COST A MILLION DOLLARS

Until 1920 most of his research was devoted to powder and solid propellants. His most famous work, published in 1919, was "A method of reaching extreme altitudes." In it Goddard speculated that it would be possible to send a rocket to the moon with enough magnesium powder for the impact to be visible from the Earth through telescopes.

After a great deal of calculation and initial experimenting, Goddard launched on March 16, 1926, the world's first liquid fuel rocket. It rose 41 feet from the ground at a maximum speed of 60 m.p.h. and was in the air for about 2½ minutes.

Three years later he told Charles Lindbergh, the aviation pioneer that it was possible to send a multi-stage rocket to the moon. "But he smiled a little bit and said it might cost a million dollars—and of course that was out," Lindbergh recalls. The 1969 budget for the Apollo programme will be many times Goddard's estimate.

During the Second World War Goddard worked under contract with the U.S. Navy Bureau of Aeronautics and the Army Air Corps. The principles he developed were applied to missiles used by the Navy.

After his death Goddard received a number of honours and awards. In 1960 the United States Government paid the Guggenheim Foundation and Mrs. Goddard $1m. in settlement for government use of more than 200 of the pioneer's patents.

Hermann Oberth's interests in space travel started at the age of 11 when his mother gave him Jules Verne's famous books. It set him on a series of experiments into weightlessness and propulsion. In one he even went to the extent of taking drugs, to deaden his nerves, and immersing himself in water. The feeling of weightlessness, he concluded, would at first be very frightening.

His interest in combat rockets drove him to propose to the German war department, in 1917, the development of a liquid-propelled, long-range bombardment missile.

Oberth's first book, *Die Rakete zu den Planetenraumen* (The Rocket into Planetry Space) was published in Munich in 1923. It became a classic. He discussed thoroughly almost every aspect of rocket travel, including the effects of pressure and weightlessness on the human body. The book, only 92 pages of text, was packed with reasoned thought: how a rocket could operate in a void, that it

could move faster than the velocity of its own gases, and that it could launch a payload into orbit.

Six years later Oberth published a 423-page expansion of The Rocket into Planetary Space. Retitled The Road to Space Travel, it earned for Oberth what is believed to be the first international astronautics prize, instituted by Robert Esnault-Pelterie and Andre Hirsch.

During the Second World War Oberth worked on rocket developments including the V–1 and V–2 at Peenemünde and Reinsdorf. After the war, before retiring, he worked for a few years in the United States with Wernher von Braun, his erstwhile pupil and the man who completed the bridge between the early rockets and today's giants like Saturn 5.

Tsiolkovsky, Goddard and Oberth did much more than is recorded, however. Their work inspired many to follow, and the impetus provided by their publications attracted numerous scientists and engineers to rocket and space travel research.

Space travel, like rockets and rocketry, owes much to fear and war. Had there been no Second World War, no east-west arms race and no nuclear weapons, it is doubtful that man would have achieved so much so soon.

If there is one other man whose name is likely to loom as large in space history as those of Oberth, Goddard and Tsiolkovsky, it is Dr. Wernher von Braun. Now 57, he lives and works in America, where he is Director of the Marshall Space Flight Centre. It was he who turned Hermann Oberth's idea of long range bombardment missiles into reality. Luckily for Britain and the rest of Europe his V–2 was not ready until the end of the war. In spite of successes at Peenemünde, Hitler could not be persuaded of the value of von Braun's weapon.

Nevertheless, southern England and the Continent were to experience the horrors of rocket warfare in 1944 and 1945. Some 4,000 V–2s, each carrying a one-ton warhead, were fired during those two years. Traveling at speeds faster than sound, they gave little or no warning of their approach.

Both Russia and the United States were quick to realize the value of the V–2. As they invaded Germany at the end of the war they competed in capturing rockets, plans and the men who designed them.

Von Braun went to the Americans.

Though it was probably the Americans who won this scramble for German minds and machinery, it was Russia that was first off the mark in the space race.

Sputnik 1 went into orbit on October 4, 1957. It caused bitter disappointment in America, and recriminations in Washington. The U.S. Army had planned to put a satellite into orbit in September but apparently red tape had prevented it. The world marveled at Russian technology.

A month after Sputnik 1, the Russians launched the dog Laika in Sputnik 2 and demonstrated that life in a spaceship was possible.

America launched Explorer 1 three months later but by this time Russia's success had made a jarring impact on the West. Americans and Europeans were thinking of space as an advantage in the battle for nuclear superiority . . . and Russia seemed to have that advantage. It seemed that the man with superiority in space had superiority in missile power. Many people envisaged the Russians planting the hammer and sickle on the moon and declaring it their own. The Russians would dominate the world. They would be able to aim a rocket at the earth and they would be invincible.

We now know that in a nuclear war the time it takes a missile to reach its target is critical. A missile launched from the moon would probably arrive when the war was over.

Somewhere in the race that followed Sputnik 1, the Russians adjusted their sights. Whether they raised them from the moon to the planets or kept them on the moon but fell behind in shooting capacity we may know only when the Russians land elsewhere in the solar system.

FIRST GLIMPSE OF THE DARK SIDE

If, as now seems certain, the Americans are the first to step on to the moon's barren surface, it will not mean that the moon is American. Thanks to an agreement signed by some 60 nations in 1967, the moon is international territory.

In 1961 President Kennedy set the target for a moon landing "within the decade", but it was not until the mid-60s that the Americans seemed to be catching up.

On September 13, 1959, Russia's Lunar 2 crashed into the moon's surface. A month later Lunar 3 provided the first glimpse of the moon's dark side. On April 12, 1961, they put Yuri Gagarin into orbit. One month later the Americans put Alan Sheppard into space, but it was a short, 15-minute, sub-orbital flight. The Russians sent back the first television pictures in August, 1962. In 1963 they achieved a flight of over 100 hours, in 1964 they put three cosmonauts up together, and in 1965 they made the first space walk.

But by 1965 the Americans were only a few months behind, and midway through their Gemini programme they started to take the lead. They managed a successful docking—the linking of two space vehicles—essential for reaching the moon by the American method of separate "excursion module".

By 1967 the space commentators were saying that America was ahead. The two-man Gemini flights had been such a success that there was even an air of over-confidence. It may well have contributed to the disastrous fire of January, 1967.

Three astronauts, Edward White, the first American to walk in space, Virgil Grissom, who had made two flights, and Roger Chaffee were doing a simulated countdown for the first manned Apollo flight. At this time the Americans were using pure oxygen for the atmosphere of their space craft.

A small spark from the electrical system is thought to have started the fire: the men were sealed in the capsule and had no chance of escape. They died within seconds.

Apollo underwent sweeping design changes. The atmosphere was changed and new, quick-opening hatches were fitted. The added weight ran into hundreds of pounds and the work on reducing this put the programme back.

Apollo 7, the first Apollo flight, flew in October, 1968. It stayed up for more than 260 hours, making 163 Earth orbits. Two months later Frank Borman, James Lovell and William Anders piloted Apollo 8 on two Earth orbits and 10 moon orbits. They came within 70 miles of the moon's surface and travelled farther from Earth and faster than any man before.

They demonstrated that man could travel through space, and that the dreams of Lucian of Samasota, Kepler and Verne—of going to the moon and of looking back at the Earth—were not to remain dreams forever.

Man has been to the moon, the next problem was to land on it.

For this task, the Americans developed the lunar module, a spidery-looking vehicle which, like a flying bedstead, cannot glide. When tested in the Earth's gravitational pull, six times stronger than the moon's, it proved to be one of the biggest stumbling blocks in the whole Apollo project.

The Russians had decided on a jumping-off platform in Earth orbit. The Americans, after years of debate, had chosen to have their platform circling the moon. Thousands of millions of dollars made the decision irreversible. No wonder those who were sniffing the first hints of victory were shocked when the lunar module, crashed repeatedly during Earth tests and seemed uncontrollable. But its designers stood by it and were vindicated by the inflight trials of the Apollo 9 and 10 missions.

Man is expected to stand on the moon's surface in little more than a month. He will owe much of his achievement to the science fiction writers and the rocket men. But it will not be the end of the dream. Fiction tells too of journeys to Mars, Venus, and to other solar systems. The men who devoted themselves to the science of space travel looked on the moon only as a first step.

[From the London Times, June 3, 1969]

HOW TWO MEN WILL WALK ON THE SEA OF TRANQUILLITY

The perilous journey to the moon of Apollo 11's marvelous ironmongery began, at a grinding speed of less than half-a-mile-an hour, while Apollo 10 was blazing a triumphant trail in space.

Since superlatives are inseparable from space pioneering, it was the world's largest tracked vehicle, "the crawler", that carried the 3,000 tons of Saturn 5 rocketry from its lofty assembly building to launchpad 39A. It took some six laborious hours, the most laggard progress it is likely to make.

Apollo 11 makes its thunderous, fiery exit from Earth at teatime on July 16 with its three-man crew: Mr. Neil Armstrong, a civilian who is destined to be first on the moon, Lieutenant-Colonel Edwin Aldrin, who will walk the surface with him, and Lieutenant-Colonel Michael Collins, who will stay in the orbiting command module.

Following the flight of Apollo 10, the lunar voyagers will orbit the earth one-and-a half times before firing their third stage Saturn 4B rocket that shoots them on to their moon course.

Ninety-eight hours into the flight the 16-ton lunar module will extend four spidery legs, and part from its mother craft to begin its descent to the moon. Its two-man crew, held only by a safety harness, will stand at the controls, peering through canted triangular windows.

For a quarter of an orbit Apollo 11 and its offspring will fly cautiously in formation a few hundred feet apart, in case a quick rescue is necessary. The two moon-walkers will be in the lunar module's upper, or ascent stage. The lower, descent stage will become a launching pad from which they will take off after their 22-hour stay.

The module will take an hour to drop to 50,000 ft. (eight nautical miles). Its descent engine will be fired and in eight minutes it should land on a chosen site in the Sea of Tranquility.

To the men on the previous mission, the spot, from a distance less than twice the height of Everest, looked firm enough. According to Colonel Tom Stafford, the Apollo 10 commander: "There's plenty of holes there. The surface is actually very smooth like a very wet clay . . . with the exception of the bigger craters."

Automatic radar will continuously measure the angle, speed, altitude and range as the lunar module approaches. The pilot takes over, manually, only in the final seconds. He can hover, if he wishes, and take it up again without landing, if necessary. Pads on the module's legs take the touchdown impact.

The module must land cleanly and evenly if it is not to jeopardize its take-off later. As soon as they are down. Mr. Armstrong and Colonel Aldrin will spend two hours checking the module's systems. Then they will stop for a meal, and a four-hour rest. They will eat a second meal before they depressurize their craft and open its hatch for the first time. In fact they will have been on the moon for 10 hours before Mr. Armstrong ventures outside, and into the world's history books.

Wearing a bulky space suit and a special thermal garment over it to protect him from radiation. temperature extremes and parti-

cles of meteroids, and carrying a life support system on his back, Mr. Armstrong will climb down the ladder attached to one of the module's legs.

Colonel Aldrin will televise and photograph the moment from the module before following Mr. Armstrong down the ladder 31 minutes later. Because of the moon's curvature, the astronauts standing on the surface will be able to see only two miles, rather than the 20 they could see on Earth. Under a cloudless black sky the landscape will glare whitely.

They will set up a television camera to send pictures of the module back to Earth. Then the astronauts will rig a solar wind collector—which they are to take back with them—and seismic equipment and a laser reflector which will be left behind.

The wind collector, developed and paid for by the Swiss Government, is a thin sheet of aluminum on a frame like a window screen. It will trap rare gases like argon, helium and xenon from the sun's rays.

The 100 lb. seismic station will collect power from the sun which it will use to radio volcanic movement or lunar activity below the surface back to Earth for perhaps a year.

The reflector, which weighs 70 lbs., will reflect laser beams directed from Earth. These will enable the distance between the Earth and the moon to be measured with great accuracy and any variation to be recorded. Measurements will be repeated several times a day for a year or more. This should enable scientists to refine their knowledge about the shape and size of the moon.

Perhaps the greatest prize awaited from the journey is the 50 lbs. of lunar rock and soil the astronauts are expected to gather for international distribution to scientists.

When Mr. Armstrong first descends the ladder it will be to familiarize himself with the surface and its stability. He will climb back then for a contingency sample bag into which a handful of rock or soil can be thrust quickly in case they need to leave in an emergency.

The astronauts' life support systems allows them four hours air. They will work for three, with an hour in hand as a precaution. Though the moon's gravity is one-sixth of the earth's, movement in their enveloping suits and equipment will be slow and awkward.

Simulation tests have improved ways in which they can go about it. One astronaut, for instance, will carry both experimental packages because his balance is improved, in the same way as when a suitcase is carried in either hand. The packages have to be moved about 70 ft. from the lunar module and on the Earth weight a total of some 160 lb. Special design has made them relatively simple to set up. Lanyards are pulled, releasing springs holding the instruments together as a parcel.

Adjustments are then made to solar panels capturing the sun's rays to provide electrical power for both pieces of experimental equipment. Radio aerials connected to the units will be adjusted so that they send a continuous stream of information back to earth. The equipment starts to operate as soon as the panels are unfurled.

The astronauts will have three prospecting tools for collecting samples. One is a scoop to gather loose soil, another is a pair of tongs for picking up rocks, and the third is a boring instrument. This is hammered into the ground to take a 12 inch core sample, which it automatically ejects into a container. It will give scientists material uncontaminated by man or rocket exhaust. While they are on the surface the astronauts will stay within 300 ft. of their craft.

At 7:32 a.m. on July 21 Colonel Aldrin and Mr. Armstrong will climb back into the lunar module. They will eat two more meals, with a rest of nearly five hours between before blasting off from the moon at 5 p.m. The lower half of their craft, which now becomes a launching pad, remains on the moon. It may be useful to subsequent visitors for fuel or spare parts.

The ascent stage, just 12 ft. high, weighs under a ton on the moon. The astronauts must fire themselves into an elliptical orbit between 15 and 36 miles high and then make this circular with another burn. The lunar module will be travelling in a lower, and therefore faster, orbit than the command module. They will narrow the gap for two hours before they dock.

The two spacecraft must equalize pressure before the hatches are opened for the two moon-walkers to return to the command ship. The lunar module will then be jettisoned.

The mothership will circle the moon twice while preparations are made for the return. To leave lunar gravity its speed must rise from 3,600 m.p.h. to about 5,400 m.p.h. to begin the long journey home and the dangerous reentry procedure.

Apollo 11 is due to splash down at 5:52 on July 24, eight epoch-making days after they set out. But their personal welcome by an incredulous world will be delayed. They will go into isolation for 21 days from the time they left the moon to be minutely examined by scientists.

Before they leave their spacecraft they will even vacuum clean the inside to prevent possible contamination of the earth by particles from the moon, which may be dangerous. As soon as the astronauts emerge from the spacecraft they will don isolation garments and be sponged off with organic iodine.

[From the London Times, June 3, 1969]

What the Scientists Are Hoping To Learn From the Moon

If the engineering of the Apollo project passes its final test with the flight of Apollo 11 in July, the National Aeronautics and Space Administration planners will have the moon in their grasp. In deciding what to do with it, their first goal will be to explore the lunar terrain. The results of this may be crucial to the longer term schemes envisaged by enthusiasts for man's role in space, such as manned lunar bases, the construction of telescopes and the use of the moon as a launching pad for flights to the planets.

The geology of the moon is not only of great interest in its own right but will also help in reconstructing the early history and structure of the Earth. This is not just because two planetary bodies will be easier to understand than one. Whatever the origin of the moon, its crust may still retain the fossil evidence, long since vanished from Earth, of events that occurred at the dawn of the solar system. The geological forces that continually remould the face of the Earth have destroyed all but the vestiges of its primordial crust and left a gap in the record from time of the Earth's formation, some 4,900 million years ago, until the appearance of the first sedimentary rocks nearly 2,000 million years later.

The scale of geological activity on the moon has been much smaller, and the moon's surface, perhaps not greatly altered since the time of its formation, may help to make good the pages missing from the early history of the Earth. Nonetheless, the occasional eruptions seen in lunar craters and the volcanoes spotted by the Apollo 10 astronauts suggest that the moon may not be the fossil planet it is sometimes supposed.

The astronauts of Apollo 11 will spend 2½ hours outside their landing module, long enough to set out a package of instruments and scoop up some samples of lunar soil. Ten more flights are planned with existing Apollo equipment or slight adaptations of it, the pattern of which will be to allow progressively more time on the lunar surface.

Apollo 12 will allow two excursions of 2½ hours each, and the astronauts of Apollo 13 will have up to three days on the moon. But short excursions, even at different landing sites, will bring back diminishing returns. In further flights the lunar module will be equipped with extra oxygen tanks so as to prolong the stay to a week, together with some kind of transport which will give the astronauts a range of five to 10 miles from the module.

One proposal, still very much in the air, is to combine the payloads of two Apollo flights. The lunar module of the first would be replaced by an unmanned capsule capable of landing some 7,000 lb. of logistic support for the astronauts who would arrive on the second flight. The extra equipment would probably include shelter and life systems for a fortnight's stay, and a roving vehicle to explore the surface.

The flights after Apollo 11 will probably be interspersed with unmanned flights designed to reconnoiter the best spots for manned landings. The first landings are planned for sites along the moon's equator. These are easier to attain than polar landings and the orbit of the spacecraft is least at risk there from disturbances by the curious gravity anomalies of the moon. But unmanned spacecraft suggest that the lunar poles may promise more surprises for the explorer.

Just how interesting the moon turns out to be will determine the rate at which it is explored and exploited after the first Apollo landings. If President Kennedy had not made the landing of men on the moon before 1970 a national goal it is unlikely that the scientific aspects of the mission alone would have commanded the necessary funds—the return tickets for the two Apollo 11 astronauts will have cost some $10,000m. each.

After Apollo, space flight will have to be justified by scientific rather than political considerations, and in present circumstances scientists will choose to devote a large slice of what funds may be available to making unmanned flights to the planets. But priorities could change overnight if the moon were to yield any big surprises, such as if, for example, an astronaut were to pick up a fossil skull from the lunar soil.

Apart from exploration, the other possible uses of the moon will depend on the tempo of space activity, and particularly on the demand for manned flights around the solar system. It requires very much less energy to launch a planetary probe from the moon than from Earth, and the economics of doing so might become attractive if rocket propellants such as hydrogen and oxygen could be extracted from the moon. This is why advocates of manned space flight, and science fiction writers before them, have pointed out the advantages of maintaining a manned lunar base which, it is hoped, would be largely self-supporting and need only a minimum of supplies to be ferried from Earth.

Nobody envisages that a manned base would be set up on the moon before the 1980s, but even this date may be too optimistic if the Apollo landings fail to find water, which is the key to any large-scale exploitation of the moon. Water can be separated by electrolysis into oxygen and hydrogen and these three substances between them would provide the bulk of the material needs of a lunar colony. But does water exist on the moon? One possibility is that there is a layer of frozen water, like the permafrost of Siberia, a few feet below the lunar surface. Another is that water molecules may have been trapped in the permanently shaded craters at the poles of the moon and over millions of years have grown into glaciers perhaps 100 ft. deep.

Even if both these suggestions are proved false, and there is no positive evidence to support them, it may conceivably be economic to extract oxygen from the lunar rocks for the benefit of a lunar colony.

A lunar base, which would be an economic alternative to more than a certain number of individual return trips, would be manned by some 20 to 60 people living in prefabricated aluminum chambers. A small nuclear power station, machinery for exploiting lunar water, and a hydroponic farm would be the essential supports of the colony's existence. Geological exploration would be a major part of the colony's role, but there might also be opportunities to construct an observatory, for which the moon offers several unique advantages. The moon has no ionosphere and its far side is the only place in the solar system that is permanently shielded from man-made electromagnetic disturbances by 2,000 miles of solid rock, which makes it an ideal site to pitch a radio-telescope.

X-ray observations, which at present can be made only from balloons and rockets launched to the top of the Earth's atmosphere, could be carried out on a more permanent basis from the surface of the moon. Optical astronomy would also benefit. Without the interference of an atmosphere telescopes could be designed and operated to the theoretical limit of their resolution. Their structure would be far less massive than on Earth because of the smaller pull of the moon's gravity. The 200-inch reflector on Mount Palomar weighs 500 tons whereas a 200-inch telescope constructed on the moon's surface would probably weigh only 10 tons.

An observatory on the moon would be able to reach farther out into space than Earth-based telescopes, with incalculable advantages for astronomy. The counting of various types of very distant stars might help to resolve the debate about the origin and structure of the universe. The precision of astronomical measurements would be extended so as to put the determination of stellar distances on a much firmer basis. A lunar telescope might also be able to detect the planets of the nearer stars. Nevertheless the benefits to astronomy would afford only a marginal justification for a lunar base because many of the advantages offered by lunar sites can be gained far more cheaply by telescopes put in orbit round the Earth.

The costs of running a lunar base have been estimated at around $1,000 million a year for a 20-man base. Labour costs on the moon are expected to work out at nearly $100,000 an hour, and the price of transporting supplies from Earth to moon would be of the order of $10,000 per kilogram. If these estimates are even approximately correct, it is clear that a manned lunar base will be justified only as part of a space programme much larger than what is envisaged for the immediate future, and too large, perhaps, for the resources of any one nation.

But this has not stopped Mr. Barron Hilton, for example, from putting forward his ideas for a three-floor hotel beneath the lunar surface, or Mr. Arthur Clarke, who predicted communications satellites some 20 years before the event, from giving a warning that in two centuries conservationists will be trying to save what little is left of the lunar wilderness.

SALUTE TO AMERICA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. BROWN of California. Mr. Speaker, one of my constituents, Mr. Robert M. Freedman, has composed a "Salute to America," which he feels should be adopted to replace the Pledge of Allegiance to the flag. I place Mr. Freedman's salute in the RECORD at this point for the interest of my colleagues:

SALUTE TO AMERICA

This is my country and, as an American, I shall defend it with my life. I will never lose sight of my heritage. I will stand with the giants of this land, for no one country, no one person, near or far, shall deprive us of God's will, for man to be free.

THE NATIONAL COMMITMENTS RESOLUTION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. ROBISON. Mr. Speaker, as you know, earlier this week the other body voted—70 to 16—in favor of the advisory, sense-of-the-Senate resolution which, though ambiguous and presumably without force of law, is being regarded as an attempt by the other body to reassert some of its constitutional prerogatives in the field of foreign policy to the possible effect that future Vietnams might be avoided.

Whether or not this would prove to be the case is, I suggest, somewhat conjectural and one can rather easily imagine that, resolution or no resolution, American Presidents will probably go on conducting American foreign policy largely as they see fit as long as the Constitution—vague and ambiguous though it, too, may be in this same respect—seem to make that possible and practicalities, especially in a nuclear age, are deemed to make it necessary.

The debate on this matter in the other body makes for some interesting reading but will probably leave constitutional scholars still pretty much in the dark as to what, exactly, was accomplished by this bill's passage—on which, of course, the House does not have to act. There can be no question, however, but that this action springs from our unfortunate experience in Vietnam. And there can equally be no question but that this entire matter ought to be explored further and, in my judgment at least, some better approach sought for putting Congress—both Houses thereof—more actively back in the arena where far-reaching foreign policy decisions are to be made.

I have been interested in this problem for a long time—as I know a goodly number of my colleagues have, too. Recently, I ran across two items in the same general area that are worth consideration. The first of these is a rather lengthy discussion of the so-called national commitments resolution, as written by Arlen J. Large and appearing in the June 20 edition of the Wall Street Journal and, under leave granted to do so, it is now included as a part of these remarks:

SENATE WEIGHS U.S. GLOBAL COMMITMENTS

(By Arlen J. Large)

WASHINGTON.—Congress has never voted directly on the merits of waging the kind of war that ultimately evolved in Vietnam. Indirectly it endorsed a much smaller military effort by voting for the 1964 Gulf of Tonkin resolution. And indirectly it sustained the ballooning conflict by voting arms appropriations for it.

Now the Senate is once again acting indirectly, debating the merits of an intervention U.S. foreign policy that produced the unhappy experience of Vietnam. It's being done in the guise of considering a fuzzy sense-of-the-Senate resolution that attempts to define a "national commitment." The resolution says the Senate doesn't want U.S. troops sent abroad to back up future defense commitments that haven't been specifically approved by Congress.

The ambiguity probably attracts votes for the resolution, with different Senators supporting it for different reasons. There is always some automatic support for anything asserting Congressional prerogatives in rivalry with the Executive Branch. The Nixon Administration, which opposes the resolution, at one point seemed content to let it pass unnoticed as a meaningless exercise in Senate parochialism. Now its resistance is stiffening, with Senate GOP Leader Everett Dirksen trying to persuade the sponsors to change the wording to something less offensive to the Administration. The debate could easily deteriorate into a partisan scrap between the Democratic Senate and the Republican White House.

A NATIONAL WEARINESS

But there are Senators in both parties who want to debate the resolution at a deeper level of meaning, symbolizing some measure of national weariness with the U.S. global role since World War II.

A view of America over-committed diplomatically and over-extended militarily around the world is held by the resolution's principal backers, Foreign Relations Committee Chairman William Fulbright of Arkansas and Majority Leader Mike Mansfield of Montana. Sen. Fulbright explains the resolution would "inhibit the President from making politically significant foreign commitments solely on his Executive authority, with any foreign country or organized force without the prior and explicit authorization of Congress."

The whole thing "smacks of neo-isolationism," says Democratic Sen. Gale McGee of Wyoming, who is an unreconstructed Vietnam hawk and an advocate of strong Presidential authority over foreign policy. Sen. McGee thinks many of his colleagues are bemused by the legalistic arguments over Senate foreign-policy prerogatives, failing to see the more subtle assault on U.S. policy itself. "This may not be the hottest issue going, but it could be one of the most important," he says.

The gap between the viewpoints represented by Sens. Fulbright and McGee was widening well before President Nixon himself denounced the "new isolationists" two weeks ago. The national commitments resolution was first introduced in 1967 and directed against the Johnson Administration, which also opposed it. Then as now, it was offered in terms of a stale dispute in Constitutional law, with the Senate wanting to reclaim treaty-ratifying and war-declaring powers it feels have been surrendered to the Executive. But then as now, it was an indirect reflection of growing unhappiness with the nation's global role.

For much of the post-World War II era it was an agreeable role for Americans. It conferred the title of "leader of the free world" on Presidents, and allowed Congressmen to boast of creating the most powerful nation on earth. Literally millions of American citizens have gone abroad since the late '40s to serve in the armed forces or in diplomacy,

and for a lot of them—where there was no shooting—it was fun.

Congress and the public soured on offshore adventures only when the going got tough. It was inevitable that the going would get tough. Mixing deeply into other peoples' political disputes means bumping some day into some locals who care more deeply about the outcome than most Americans do. Endless casualties in Korea and Vietnam produced demands that policymakers show clearly that the foreign enemy was indeed a threat to citizens at home. The Administrations in office at the time could not do it, at least to the satisfaction of millions of voters.

It would be different if light had burst through the entire length of the Vietnam tunnel in, say, the summer of 1966, with the other side shriveling in discouragement. There would be no "national commitments" resolution pending in the Senate today. Global policing, having worked cheaply, would remain high adventure and the military-industrial complex would be as popular as a paycheck.

Instead there's a backlash against both the diplomatic and military establishments of the Executive Branch. Sen. Fulbright's Foreign Relations Committee, in a report explaining the "national commitments" resolution, takes an unaccustomed swipe at the diplomatic profession, complaining in effect that the U.S. has become saddled with *too much* foreign policy, made by too many policymakers.

It's doubtful that, by itself, the resolution would have much impact on Presidential foreign policymaking. The turgid language would have no force of law, merely expressing the Senate's opinion that: "A national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the Executive and Legislative branches of the United States Government through means of a treaty, convention or other legislative instrumentality specifically intended to give effect to such a commitment."

The Foreign Relations Committee's report mentions Thailand, Israel and Spain as nations that have no such ironclad, Congressionally sanctioned U.S. defense pledge. But oral promises of support by Executive-branch officials or the presence of U.S. military bases, or both, inspire the committee's fears that defense obligations to these countries have been created without anyone's asking Congress.

Cutting Congress into defense commitment decisions, it's theorized, would help avert U.S. involvement in marginal foreign quarrels. A defense treaty presumably would be ratified only when a broad cross-section of Senators agreed a commitment was vital, ultimately justifying U.S. battle casualties. Such nations as Israel, Biafra and Rhodesia, for example, all have passionate friends in Congress, but each rooting section could prove too small to pass a "legislative instrumentality" that would put GIs into troopships.

AN UNACCEPTED DARE

The problem is that this is no guarantee against U.S. involvement in wars that later become unpopular. Congress after all did pass a "legislative instrumentality"—the Gulf of Tonkin resolution—authorizing Lyndon Johnson to use armed force to defend South Vietnam. Sen. Fulbright and others bitterly claim they were misled, but they never accepted President Johnson's dare to repeal it. The North Atlantic Treaty, ratified by the Senate two decades ago, could still trigger U.S. defense of the military government in Greece.

Thus if the Senate passes its "national commitments" resolution, it will be primarily a symbolic act—a complaint against the unsuccessful Vietnam war and a warning against more of the same. Sen. Fulbright himself has conceded that "neither Senate resolutions or any organizational or procedural devices are likely to restore Congressional authority in foreign affairs. The restoration of Constitutional balance will depend on decisions of a more fundamental nature, decisions as to the kind of country we want America to be and the kind of role we want it to play in the world."

"A veritable army of foreign-policy experts has sprung up in government and in the universities in recent years," contributing greatly to our knowledge and skill in foreign relations but also purveying the belief that foreign policy is an occult science which ordinary citizens, including Members of Congress, are simply too stupid to grasp," says the committee report. There is a trenchant reminder to the State Department that:

"Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country."

At least some Senators who have been turned off by the Vietnam war believe Americans can remain global-minded in terms of trade and travel, but should leave the guns at home. Marlow Cook, Kentucky's new Republican Senator, openly applauds a national mood of "neo-isolationism," which he defines as "not economic or cultural but military." The new mood, he said in a speech, "is born of a frustration with excessive militarism, whether it takes the form for costly missile systems which increase international insecurity or ill-advised unilateral intervention in foreign countries which take the lives of thousands of young Americans."

IDEOLOGICAL ARGUMENT

Whether there is "excessive militarism" depends upon an assessment of the threat to Americans from Russia, China, the Vietcong or whomever. The argument tends to be heavily ideological, often with side quarrels over diversion of arms money to civilian uplift, but not always. Here are two Democrats, both domestic liberals, assessing the world around them in recent speeches:

Sen. Stuart Symington of Missouri: "I am confident every American would agree that, when Mr. Stalin was alive, the cold-war aspect of our foreign relations was far more serious than today. Then there was a monolithic structure behind the Iron Curtain, and a man running things whom we all know was interested in taking over the world. That is far from true today."

Sen. Thomas Dodd of Connecticut: "We are now heading into the most perilous period in the history of our republic. . . . If we succumb to the neo-isolationism and anti-militarism that have become so prevalent in our society, if we appear to lack the will to defend ourselves and our allies, then I truly fear for the future."

Not surprisingly, Sens. Symington and Dodd are more or less on opposite sides in discussions of Vietnam and the anti-ballistic missile. But it's a sign of the ambiguity of the "national commitments" resolution that both of them voted for it in the Foreign Relations Committee.

Mr. Speaker, as you will note, it is Mr. Large's conclusion that passage of this Senate resolution is "primarily a symbolic act—a complaint against the unsuccessful Vietnam war and a warning against more of the same."

And, then, Mr. Large goes on to quote from the chief sponsor of the resolution, and we find him coming more or less to the same conclusion but adding:

The restoration of Constitutional balance will depend on decisions of a more fundamental nature, decisions as to the kind of country we want America to be and the kind of role we want it to play in the world.

Precisely so, Mr. Speaker—but, then, how do we go about injecting the congressional influence more than it has been into the arena where those kind of decisions are made?

The answer does not come easily, but one of the most intriguing suggestions along these lines is that made by the respected columnist, Roscoe Drummond, in a recent issue of the Christian Science Monitor. And Mr. Drummond's suggestion—which I consider most worthy of developing further—is for Congress to match the National Security Council, the President's major instrument for achieving a coordinated global view of foreign policy, military policy, and domestic policy, with a joint Congressional Security Committee of its own.

The Drummond column, under leave also granted, is now set forth as a part of these remarks, and I would hope that my having brought it to the attention of others will give this idea the consideration it so richly deserves:

HOW CONGRESS CAN RECLAIM ITS POWER

(By Roscoe Drummond)

WASHINGTON.—Congress is always fretting about its loss of power and initiative to the President and the Supreme Court.

It should. Something needs to be done and can be done. The time is ripe for Congress to repair the balance.

But, first, it needs to be understood that Congress has not lost powers because anybody has taken anything from it, but because Congress has failed to exercise powers it possesses.

Every activist president from Franklin Roosevelt to Lyndon Johnson has enlarged the role of the executive by using more decisively the powers the Constitution gives him—a process enhanced by the focus which radio and television give to the White House.

Congress has lagged behind.

In two landmark decisions—public desegregation and the one man, one vote ruling providing for reapportionment of state legislatures—the Supreme Court has done more to change the face of the nation than anything Congress has done in two decades.

It was always open to Congress to act in these two areas. It failed to do so.

What can be done? What should be done?

One thing is sure: what Congress is presently trying to do won't work. It is trying to increase its powers by attempting to decrease the president's.

This was the stated objective of the original draft of the Fulbright resolution which prescribed that the president as commander in chief must not use the armed forces outside the United States without prior approval by the Senate. That would have meant that President Kennedy couldn't have acted, as he did successfully, to get the Soviet missiles out of Cuba. That would have meant that President Eisenhower could not have acted promptly in sending United States troops to Lebanon. That would mean that no president could act quickly, as needs require in this uncertain and turbulent world.

But the resolution has been so watered down that it is nearly meaningless, except that it cannot fail to plant doubts in the minds of America's allies and adversaries that the president is losing his freedom of initiative. He isn't, in reality, because no resolution by Congress can amend the president's constitutional powers.

They are broad and, in my judgment,

have been used prudently. I know of no foreign policy or foreign military commitment which has not had Senate approval. SEATO (the Southeast Asia Treaty Organization) was overwhelmingly ratified by the Senate. Every military action which President Johnson took in Vietnam had explicit authorization in the Tonkin resolution, also overwhelmingly approved.

There are valid reasons why Congress should recover the powers and initiative which it has lost through neglect. It can do this by effectively using the great powers it possesses—the power of the purse, the power of scrutiny and review, the power of congressional advocacy.

But it can do this only when it is willing to organize and equip itself with the means to do the job.

For years the initiative has always been with the president in part because he has in his hands the means to achieve a coordinated global view of foreign policy, military policy, and domestic policy. The instrument is the National Security Council.

Congress urgently needs the same kind of instrument so it can look at the whole of United States policy, not merely at its separate parts. What is needed is a joint congressional committee on national security to match the work of the National Security Council.

At the present time, at least six different committees in each House—12 in all—examine the bits and pieces of foreign, political, and military commitments and defense spending, and no single committee of Congress ever looks at the whole.

No wonder Congress falters in its job.

No wonder Congress accomplishes so little in supervising and controlling defense spending despite the fact that its powers are great. It deals separately with symptoms, not with causes.

When Congress matches the National Security Council with a joint congressional security committee, it will galvanically recover powers it has long allowed to erode.

Now is the time. It's needed.

KREMLIN-WATCHERS DOUBT ARMS TALKS' VALUE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PUCINSKI. Mr. Speaker, the Washington Star carried an excellent article by Mr. Henry S. Bradsher which should be read carefully by those who want to set aside development of America's defense capability until after Mr. Nixon meets with the Soviet leaders to discuss arms control.

Mr. Bradsher has performed a commendable public service with his penetrating analysis on the futility of trying to deal with the Communists.

His excellent article follows:

[From the Washington (D.C.) Evening Star, June 25, 1969]

KREMLIN-WATCHERS DOUBT ARMS TALKS' VALUE

(By Henry S. Bradsher)

A sampling of Sovietologists shows skepticism about the usefulness of arms limitations talks which the Nixon administration hopes to open with the Soviet Union this summer.

Traditionally favoring strong defenses, the Kremlin now has to worry about a potential Chinese danger in considering any weapons agreements, the American experts on the Soviet Union say.

They estimate that the Soviets are spending about $60 billion a year on all aspects of defense, a figure equal to or greater than this country's non-Vietnamese military spending. Yet the Soviet economy is only half as large as the American one.

Kremlin decision-makers—who, the experts emphasize, are Communist party careerists rather than military men—appear willing to continue bearing a big defense burden. The Soviet public is simply forced to accept it.

TIGHTEN DISCIPLINE

Beyond the arms talks, the experts saw the Soviet Union currently engaged in an effort to tighten internal discipline, but they said it is wrong to characterize this as a turn back to Stalinism. Focusing narrowly on a small group of dissident Soviet intellectuals and generalizing from their harsh treatment might give too dark an impression of the overall Soviet situation.

These observations were given by eight specialists on the Soviet political system, economy and military machine. They testified Monday and yesterday before the Congressional Joint Economic Committee's subcommittee on economy in government.

The topic was "the economic basis of the Russian military challenge to the United States," but questioning ranged far afield.

In fact, the chairman and only committee member to sit through all nine hours of the hearing, Sen. William Proxmire, tried to lead several witnesses into expressing opinions on the controversial question of Soviet first-strike capabilities. He got only cautiously hedged answers.

DIMMEST VIEW

The dimmest view of basic Soviet receptivity to fruitful arms control talks came from an expert within the administration, which has set a July 31 target for beginning the strategic arms limitations talks (known as SALT talks).

He was David E. Mark, deputy director for research of the State Department's bureau of intelligence and research. Mark warned that "it will take many years" before Soviet thinking shifts from basic hostility toward the West to one of common interests.

The Kremlin cannot understand substituting law for force, Mark said, and so it believes in keeping a powerful military machine.

Although SALT prospects are better than before, the Soviets still hesitate to launch into an unknown field, Mark said. Previous East-West agreements like nuclear non-proliferation and a limited test ban did not touch so directly on Soviet strength as will the SALT talks.

PRESSURES ABSENT

Prof. William R. Kintner of the University of Pennsylvania, an expert on Soviet strategic thinking, saw no pressure on the Kremlin to make SALT talks productive, while on the contrary a Soviet fear of rising Chinese strength might argue against it.

"The SALT talks will be far more complicated than either the nuclear tests or nonproliferation talks," Kintner warned. "And those took two or three years apiece."

A specialist on the Soviet armed forces, Thomas W. Wolfe of the RAND Corp., thought that bureaucratic pressure would tend to keep Soviet military spending about the same despite the talks. Both countries can see the need for arms limitations, he indicated, but he was pessimistic of the Soviets agreeing, Wolfe said.

Merle Fainsod and Alex Inkeles, both Harvard professors, said the Soviets want to talk but neither held out any assurances that talking would be fruitful.

The estimate that Soviet military expenditures in 1968 were about $60 billion was vaguely ascribed to "the U.S. intelligence community," including the Central Intelligence Agency and other analysts of secretive Soviet budgetary practices.

"Some observers have concluded that the defense share of the Soviet gross national product must come to 15 percent, rather than the American 10 percent," Mark said.

The $60 billion estimate, higher than a generally used one of $50 billion by the British Institute for Strategic Studies, includes all Soviet space activities, militarized border guards and other elements besides defense research, production and pay.

IMPACT ON FARMS

Prof. Holland Hunter of Haverford College, an academic rather than intelligence community expert on the Soviet economy, quoted the announced Soviet defense budget for 1968 as $25.3 billion. Hidden items run it higher.

Investment in inefficient and backward Soviet agriculture is suffering from military demands, and both general investment and consumer needs are expendable when the Kremlin thinks weapons are needed, the experts said. This enables the Soviet Union to keep its more primitive economy going while matching U.S. weapons.

Wolfe cautioned Proxmire that it would be a mistake "to look for a rational tie" between Soviet military spending and Soviet world policy. The Soviet military-industrial complex had a momentum of its own.

And it has failures of its own, too, it was noted. He cited an early Soviet missile that had to be scraped.

Mark quoted former Premier Nikita S. Khrushchev's complaints about failures in the Soviet armaments industry and cited the abandonment of what possibly was an early 1960's anti-ballistic missile system.

"I don't forsee any domestic unrest" in the Soviet Union, Mark said, "that would cause any difficulties for the defense industry."

UNREST ISOLATED

"Unrest is isolated, small-scale, intimidated, worrisome in terms of breaking conformity since the leadership likes conformity, but not of serious concern to them."

Mark and Fainsod emphasized that there has not been a return to Stalinism in the full sense of the terror and bloodshed which the Soviet Union once suffered.

"What I see, rather," Mark said, "is an effort by the leadership to tighten up discipline, to keep the young in line with the objectives of the regime, to restrict contacts with the West, to restore the morale of the repressive agencies like the KGB—the secret police—to give some continuity to Soviet history so that Stalin plays an important part.

"All these things are happening," Mark added. "But they don't necessarily have any connection with Soviet foreign policy."

DISSENT CITED

Fainsod said there is, "to a degree unparalleled in the Stalin period, a degree of dissent manifest in the intellectual and scientific community. It's underground."

There is today, Fainsod said, "a very, very different society of the one of Stalin prison camps and absolute limitations on the freedom of movement.

"We are beginning to see a new generation in the Soviet Union, a generation that has lost its fear, that didn't know Stalinism."

A person with contacts among the dissidents who sees the police moving in on them "might be tempted to say that Stalinism is back in full flower." Fainsod added "but no one who knew Stalinism is likely to make that statement."

Inkeles, a sociologist who has long studied Soviet society, said the current evidence could not be carried so far as to "deny that we

have been a shift to a new, more complex system of reaching decisions" in Soviet society compared with simple Stalinist degrees.

Wolfe added to the discussion that "in the long term, it won't de-evolve into Stalinism. And it's not going to evolve into a democratic society, either, but a pluralism that, hopefully we will be able to deal with better than a dictatorship.

COMMUNISTS POUR ABUSE ON NIXON DURING FRUITLESS SESSION IN PARIS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PUCINSKI. Mr. Speaker, the very distinguished writer for the Washington Post, Mr. Murrey Marder, reports from Paris this morning of the insults and abuses being heaped upon President Nixon by the Vietcong and North Vietnamese negotiators.

Mr. Marder quotes U.S. Ambassador Henry Cabot Lodge as stating glumly: "They don't negotiate."

I am placing Mr. Marder's remarks in the RECORD today and renew my demand for an explanation on how much longer does the United States intend to let this charade in Paris continue while American boys are being needlessly killed in Vietnam.

President Nixon has made the Communists a most generous offer on several occasions to bring the hostilities in Vietnam to an end.

Mr. Nixon has made a whole series of concessions in his honest and determined effort to bring this war to an end.

Everyone of his proposals has been swept aside by arrogance and insults from the Communist spokesmen.

Mr. Speaker, President Nixon has previously stated that the United States will have to reappraise its position if this needless suffering continues.

We are now on the verge of seeing the death rate among American soldiers killed in Vietnam since the bombing pause exceed the number of Americans killed in Vietnam from 1961 until March 24, 1968, when the bombing pause began.

The intensity of the suffering has increased. We need only look at the huge punishment being hammered at our American soldiers and at South Vietnamese troops in the battle at Ben Het.

I have suggested here on this floor that we serve notice upon the Communists that if an effective cease-fire is not effectuated by noon, August 1, 1969, the United States will have to take two steps to bring this war to an end.

First, in order to placate American concern about our high rate of casualties, we should withdraw all of our combat troops from South Vietnam as quickly as possible.

Second, to impress upon the Communists that our withdrawal does not mean any victory for them, we should consider resuming bombing of the North and assist the South Vietnamese in whatever other military steps they wish to take to bring this war to a successful conclusion.

Current reports from Paris clearly indicate the Communists have no intentions of ending this conflict in that they are counting on the fact that the United States will be forced to abandon its program of assistance to the South Vietnamese.

I believe that after due warning, resumption of bombing will convince the Communists that while we have placated American concern about the high rate of casualties among our ground troops by withdrawing these ground troops, the resumption of bombing means a long haul of suffering for the Communists in the North.

It is my firm belief that only when the Communists realize their suffering and damage from bombing will continue indefinitely in the North, will then agree to start making some meaningful progress toward ultimate peace.

It is perfectly clear that right now the North Vietnamese have no reason to agree to any kind of peace terms because under the present bombing pause, the tide is on their side.

Mr. Marder's excellent article follows:

COMMUNISTS POUR ABUSE ON NIXON DURING FRUITLESS SESSION IN PARIS

(By Murrey Marder)

PARIS, June 26.—North Vietnamese and Vietcong negotiators heaped unusual personal abuse on President Nixon today, charging him with "brazen falsehood and deception" in blaming the Communist side for intensifying and prolonging the war.

A secondary target of theirs was the South Vietnamese government of President Thieu. But even when they assailed Saigon the burden of their attacks was directed at Mr. Nixon personally, for his refusal to disavow the entire "Thieu-Ky-Huong administration."

At the end of one of the most fruitless sessions in the five months of expanded peace talks, U.S. Ambassador Henry Cabot Lodge said, glumly, "they don't negotiate."

Saigon's chief delegate, Pham Dang Lam, said that in light of the Communist demands for "the monopoly of political power in South Vietnam," and the total unconditional withdrawal of American troops, "What is there to negotiate?"

No new ingredients were added to the diplomatic mix today by either side. Lodge, who returned to Paris last night after a three-week absence, concentrated on trying to accentuate the positive.

He repeatedly said he saw "common ground" in the positions of the two sides. But he told newsmen afterwards, "There's got to be some mutuality in it (the negotiating process), and I regret to say there was no sign of it today."

The Hanoi-Vietcong position in today's meeting of nearly five hours confirmed what was foreshadowed by North Vietnamese Politburo member Le Duc Tho in an interview here Sunday with The Washington Post.

That is that, for the present, the Communist side is standing firm and discrediting all talk of compromise in order to put maximum pressure on President Nixon to change the military-diplomatic policy of his Administration.

There is no evidence here that any such shift is coming especially in U.S. support of the Saigon government. Lodge told his adversaries, "As President Nixon made clear in his press conference on June 19, we categorically reject your demand that we 'replace' the legitimate government of the Republic of Vietnam."

Both Ha Van Lau, acting chief of the North Vietnamese delegation, and Mrs. Nguyen Thi Binh, newly designated Foreign minister of the recently formed Provisional Revolutionary Government that represents the Vietcong, zeroed in today on President Nixon's latest, controversial comments on troop withdrawals.

ATTACKS NIXON

Mrs. Binh attacked Mr. Nixon for what she called his "ambiguous statement" in his June 19 press conference to the effect that he "hoped" to withdraw considerably more American soldiers from South Vietnam, beyond the 25,000 whose withdrawal was announced at the Midway conference June 9.

Lau said the "hope that Mr. Nixon expressed" exemplifies his "ambiguous and perfidious statements" that "are merely a scene of the play staged by Mr. Nixon to appease and deceive public opinion in the United States and the world . . ."

Lodge reiterated President Nixon's view that the withdrawal of 25,000 troops represents "a significant step," and that "further reductions" will take place.

But Lodge avoided any direct reference whatever to the President's declared hope that the United States "will be able to beat" the timeable proposed by former Defense Secretary Clark M. Clifford, which touched off the controversy. Clifford called for a pull-out of "about 100,000" troops this year, and the withdrawal of all American ground combat forces by the end of 1970.

The U.S. delegation here has avoided any such projection like the plague, on grounds it would undermine their entire negotiating position.

SPOKESMAN PRESSED

When pressed as to why Lodge avoided any reference to President Nixon's hope of topping the Clifford proposal, American spokesman Harold Kaplan said:

"There was no particular reason for that. The disposition of forces on our side remains, so long as there is no real negotiation here in Paris, a problem between us and our allies."

Kaplan was asked to explain how the disposition of allied forces in the South can be a "military housekeeping" problem for the allies, and simultaneously a door-opening move toward peace.

If the recall of 25,000 American forces is only a "replacement" of them by South Vietnamese forces (terminology that Saigon has insisted upon in place of "withdrawal") Kaplan was asked, will the total remain unchanged?

"It is perfectly true that as our forces are replaced by the South Vietnamese and other allied forces there, the total strength on the allied side does not change," Kaplan replied. "But the fact remains," he said, "that the withdrawal of non-South Vietnamese forces should, if the other side is disposed to go down the road, constitute an opening, a possible invitation. . . ."

Saigon delegation spokesman Nguyen Thieu Dan, when asked what he believes the Communist side thinks of gradual U.S. troop withdrawals, said:

"They don't like it—and I may say they also fear it, because it represents a strengthening of our capacity for defense." But if the allied reduction is succeeded by a reduction in North Vietnam troops, said Dan, "that would be the beginning of de-escalation, mutual de-escalation. . . . There won't be any unilateral de-escalation."

The Communist side also came in for its share of hard questioning from newsmen in the post-conference briefings. The Hanoi-Vietcong program calls initially for replacing the entire Saigon government with a provi-

sional coalition government, but even before that, the Communist side says, a "peace cabinet" should replace the existing regime.

The Hanoi-Vietcong negotiators, however, have avoided formally demanding, as part of their official program, the total removal of the Saigon government as a precondition. One reason, presumably, is to avoid the charge of making such a sweeping demand; instead they call for initial ouster of "Thieu-Ky-Huong" or the "Thieu-Ky-Huong administration."

When pressed by newsmen today, Vietcong spokesman Duong Dinh Thao spent more than 15 minutes stressing this distinction.

The net result was that he said the Provisional Revolutionary Government supports the demand of the "urban population" for replacing the present Saigon government with a "peace cabinet," and will not be drawn into "maneuvers" for holding elections of the so-called constitution of Thieu-Ky-Huong administration" or "under the threat of the (American) bayonets. . . ."

A PRAIRIE ACROPOLIS IN ILLINOIS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 27, 1969

Mr. PUCINSKI. Mr. Speaker, a few weeks ago the Krannert Center for the Performing Arts was opened at the University of Illinois in Urbana.

The center consists of theaters and halls that will be used to educate and train young people interested in the performing arts. It will also serve as a cultural center of great distinction for the Midwest.

The donors of this $21,000,000 center—Mr. and Mrs. Herman C. Krannert—wanted to make a permanent and edifying addition to the University of Illinois campus. With the opening of this great center for the arts in mid-America, Mr. and Mrs. Krannert have earned distinguished positions in the cultural heritage of the United States.

Mr. Speaker, information describing the Krannert Center in detail follows:

[From the Chicago Sun-Times, Apr. 19, 1969]

A PRAIRIE ACROPOLIS IN ILLINOIS—A GIFT OF GREAT MERIT

The opening today of the Krannert Center for the Performing Arts at the University of Illinois Urbana campus is an event of importance both to students and others devoted to music, drama and the dance.

The $21,000,000 complex of theaters and halls will be employed both as a center of training in the performing arts and as a major cultural center.

It will be, as university President David D. Henry said, important at a time "when we seek answers to how to enhance the quality of life."

The center bears the name of the principal donors—Mr. and Mrs. Herman C. Krannert of Indianapolis. Krannert, a University of Illinois alumnus, is founder and chairman of the board of Inland Container Co. The Krannerts also were major donors for the University of Illinois Krannert Art Museum, dedicated in 1961.

The university and its students—all Illinois in fact—owe a debt of gratitude to the Krannerts. The opening of the new center today indeed will be a great stride toward enhancing the quality of life.

[From the Chicago Tribune, Apr. 19, 1969]

A MAGNIFICENT HOME FOR PERFORMING ARTS

After years of preparation, the Krannert Center for the Performing Arts is being dedicated today in Urbana. In the Great hall, the University of Illinois Symphony orchestra opens a month-long festival in celebration of the university's adding to its physical plant a new 21-million-dollar fine arts complex. At a bound, Urbana acquires facilities for mounting concerts and theatricals such as have few if any equals elsewhere.

Thanks to the princely generosity of the principal donors, Mr. and Mrs. Herman C. Krannert, the stunning new center for the performing arts belongs to present and future generations of the state university community—and to the citizens of Champaign-Urbana, the region and state of which that city is a part, and beyond. Innumerable Chicagoans will find or make occasion to appear on the stages and in more than 4,400 theater seats of the Krannert center.

The intent of the design is that "the arts of music, drama, and dance can operate both in training and in performance as interrelated and complementary to each other," at a single site. The center is both a performing and a teaching instrument. Its theaters accommodate audiences as large as 2,100 and as small as 150. Here both individual beginners and professional operatic and orchestra companies will find the means to function with a minimum of handicaps and a maximum of access to tangible and intangible supports of every sort.

Private generosity has made the Krannert center possible. To appropriate tax money to build an installation so expensive, and one without which the university has been able to reach its present distinction, could hardly be justified. Yet the fine arts have much to offer university students and everyone else. The Krannerts have acted in the best tradition of patronage of the arts, in which people of wealth provide the means for people of artistic talent and genius to do their work and find their audiences.

[From the Christian Science Monitor, May 9, 1969]

A PRAIRIE ACROPOLIS—ABRAMOVITZ'S NEW ARTS CENTER IN ILLINOIS

(By Robert C. Marsh)

CHAMPAIGN-URBANA, ILL.—For David D. Henry, the university of today requires not merely classrooms, libraries, and laboratories but a home for the artist at work. It was this idea, seconded by the generosity of Mr. and Mrs. Herman C. Krannert, that led to the Krannert Center for the Performing Arts on the Champaign-Urbana campus of the University of Illinois.

President Henry, the Krannerts, and architect Max Abramovitz gave seven years to the planning and construction of the project, which brings a major cultural center to the center of the state and offers the music, drama, and dance departments of the university a facility for instruction and performance that rivals (or surpasses) professional working conditions anywhere in the world.

Krannert Center places first emphasis on education. It is a place for students and teachers, not transient performers, although it is hoped that visitors will work with students whenever possible to maintain a constant link between active professionals and the classroom.

This was shown in the first concert when violinist Tossy Spivakovsky played the Bartok Concerto No. 2 with the University of Illinois Symphony Orchestra, Bernard Goodman conductor, and later held a master class for student string-players.

That event, April 19, was the beginning of a month of festival performances to dedicate the new buildings, events which were planned to present a cross-section of student and faculty achievement as well as the work of leading professionals such as the Philadelphia Orchestra and the American Ballet Theater.

UNIFIED FOR USE

Krannert Center is a tightly unified architectural composition in which four public halls are linked by a large and handsome lobby and share a complex of rehearsal rooms, scenery shops, and other facilities essential for their activities.

The buildings are a pleasure to see. Abramovitz has called them "a prairie Acropolis," and it is an apt phrase. Rising from the street in terraces, the central building conceals its vast interior space and draws the eye to a skyline in which strong, redbrick forms stand out from green plantings against a blue Midwestern sky.

Approaching Krannert from the campus the eye first sees the façade of Great Hall, a concert room of 2,100 seats where the dedicatory concert was held. It is a handsome auditorium finished in traditional materials, hard plaster for the ceiling, warm golden wood for the walls and floor, and is very resonant—so much so that some dampening may be needed. Slightly above street level in the center of the composition is a Grecian amphitheater with places for 560, an inviting outdoor facility with uses for music, drama, and dance.

The high point of the center is the 97 foot stage tower of the Festival Theater, an intimate hall for drama with music or dance events. The philosophy of the design is shown in the seating capacity, 985 rather than a couple of thousand. The reason, of course, is that the student voice is not fully developed, and student productions, to be seen and heard at their best, should be placed in an appropriate frame. The large halls required by the high payrolls of professional shows are not a relevant criterion.

SMALL HALLS

Continuing the same approach, the Playhouse, a theater for the spoken word with elaborate electronic equipment for special effects, is limited to 678 seats. One need not be a 19 century tragedian to project a line to the back of the house.

Much of the important work of the center will probably be done in the smallest hall of all, the Studio Theater, a large, flexible room with overhead lights which normally will hold about 150 persons. Here the emphasis is flexibility. The location and size of the stage can be adjusted to any requirement; the seating can flow into all the available space.

Many cultural centers have faced the problem of creating facilities without the additional planning required to fill them with audiences and performers. The Krannert Center avoids this, since the university community is the prime source of both performers and audiences and, even more important, the new buildings are simply a further step in the development of programs of instruction in the performing arts. These are already well established on the campus, despite past difficulties with inadequate classrooms and theaters.

Important as well is the impetus Krannert Center may give to a fresh look at Midwestern culture in general. For there is nothing at all strange about a major artistic center such as this flourishing in central Illinois. Quite the contrary, it is characteristic of a region in transition from a provincial, rural past to a cosmopolitan future.

SENATE—*Monday, June 30, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou sovereign Lord of men and nations, make us a people great enough and good enough to be trusted with our own destiny. Teach us both to work and to pray; to work as though everything depends upon us and to pray as though our only trust is in Thee. Forbid that we should ever substitute prayer for hard thought and diligent work, or for asking Thee to do for us what we ought to do for ourselves. In the ongoing processes of history help us to find Thee not only in the mighty moments but in the discharge of daily duties. Help us, O Lord, to see beyond our tangled ways and confused days the divine pattern toward which all events move, and in the end to be found faithful to our high calling in Thee. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 26, 1969, the Secretary of the Senate, on June 27, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on June 27, 1969, see the end of proceedings of today, June 30, 1969.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 26, 1969, the Secretary of the Senate, on today, June 30, 1969, received a message from the House of Representatives, which announced that the House had passed, without amendment, the joint resolution (S.J. Res. 122) to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4297) to amend the act of November 8, 1966.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots.

The message also announced that the House had passed a bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following bills and joint resolution, and they were signed by the Vice President:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax; and

S.J. Res. 122. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

HOUSE BILL REFERRED

The bill (H.R. 7906) to regulate and foster commerce among the States by providing a system for taxation of interstate commerce, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 26, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar of unobjected-to bills under rule VIII be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

CHAIRMAN, JOINT CHIEFS OF STAFF

The VICE PRESIDENT. The clerk will state the nomination on the Executive Calendar.

The bill clerk read the nomination of Gen. Earle Gilmore Wheeler, Army of the United States, to be Chairman of the Joint Chiefs of Staff for an additional term of 1 year.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of the nomination.

The motion was agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

GREAT PLAINS CONSERVATION PROGRAM

Mr. MANSFIELD. Mr. President, I move that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 10595 and that the Senate proceed to its immediate consideration.

The VICE PRESIDENT. Without objection, the committee is discharged from the further consideration of the bill. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that all after the enacting clause of H.R. 10595 be stricken and that there be substituted therefor the full text of S. 1790, as amended by the committee amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment was agreed to.

The bill was ordered to a third reading, was read the third time, and passed.

The VICE PRESIDENT. Without objection, the title will be appropriately amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 1790 passed the Senate on Thursday, June 26, 1969.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 1790 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

STATEMENT BY SENATOR MANSFIELD AT ANNUAL DEMOCRATIC CONGRESSIONAL DINNER

Mr. KENNEDY. Mr. President, I had the distinct privilege at the annual Democratic congressional dinner at the Washington Hilton Hotel on June 26, 1969, to introduce the distinguished majority leader. Senator MANSFIELD, as always, delivered a most cogent and timely address. His message that evening reflected the perspective that has become his trademark. I ask unanimous consent that the statement of Senator MANSFIELD as well as my introduction of the distinguished majority leader be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Senator KENNEDY. Tonight I have the honor to introduce a man of greatness. Spare and lean, a man of the west, with all of the strength and conviction that comes from the tall timber and open space.

To you and me, he is the majority leader of the United States. To foreign powers, he is a voice to listen to, to Presidents he is a wise counselor, to members of the Senate he is the boss.

Back in Montana, in Butte, in Missoula, in Eureka and Sydney, he is Mike.

There have been others from the West who came East to lead us. With the firmness of William Borah, the integrity of George Norris, the skills of Carl Hayden—these are the talents that built a nation. But among all the West has produced, no man is more honored or respected, or loved as Mike Mansfield.

He has been a member of every branch of the military service. He has been a mucker in the coppermines of Montana.

As a lad, he was a roustabout—but made up for it by receiving a high school diploma and a college degree in the same year. He went on to become a noted professor.

And, in 1943, with his wife Maureen, and young daughter Ann, he drove from Montana to Washington as a man newly elected to Congress; arriving in an old campaign car still wearing his Marine boots.

He has never left us since. But he has never left Montana either

In September of 1963, President Kennedy made his last visit to Montana. He stopped in Great Falls to pay his respects to the late Patrick Mansfield, the father of the majority leader. And when the President came back, he told me of the thousands of people who crowded the roads from the airport to town. And the amazing thing was that Mike Mansfield could greet each and everyone of them by their first names. "That," President Kennedy said, "is the mark of a leader."

As a soldier, he learned devotion. As a teacher, he gained the gifts of calm and patient leadership. And as a laborer in the pits, he developed his sensitivity for the weak, the innocent and those who toil with their hands.

There is a phrase that only those who have been in the mines of Montana know. They use it when the sticks of dynamite have been put in place, in the drift, and the time has come to cap them for the explosion.

Whenever Mike Mansfield bids farewell to a Montana friend, he uses this phrase, and says "tap'er light".

This is Mike Mansfield's style. This has been the tone he has brought to the United States Senate. Others may speak more loudly, and others may speak in greater length, but when the leader stands in the well of the Senate, other voices fade before the authority of his presence.

In his own quiet way, he has moved this country toward what it should be—toward the American dream. In his own quiet way, he has made each of us proud to be Democrats in the United States Senate.

And I am proud to stand here tonight before friends of a great party and give to you the majority leader of the United States Senate—my leader—Mike Mansfield of Montana.

STATEMENT OF SENATOR MANSFIELD

Senator MANSFIELD. A decade is drawing to a close. It began in a Republican Administration. It ends in a Republican Administration. In between, the Democratic Party has aimed at raising the nation's standard of living and at putting into practice, the Constitution's promise of equal treatment for all citizens.

In this decade, there has emerged from a Democratic Congress an expanded housing program and legislation to provide for the better education of the nation's young people.

A Democratic Congress has opened the door to adequate medical and hospital care for the long-neglected and made a commitment to end a persistent poverty amid affluence in this nation.

A Democratic Congress brought to fruition the 100-year effort to strike down legal and other barriers to equal treatment of all Americans.

These and other legislative achievements carry the hallmark of President Kennedy and President Johnson. They are written into the journals of the Democratic 87th, 88th, 89th, and 90th Congresses.

Yet, these beacons of process—let us face it frankly—were overshadowed last November. A decade of social advance was buried in the avalanche of public bitterness, revulsion and frustration which is Viet Nam. Years of national achievement sank out of sight in the tide of violence, unrest and anxiety which engulfed the nation.

The grim war continues in Viet Nam. Fear still stalks the streets of the nation's towns and cities. The uncertainties over the future are undiminished.

To be sure, the primary responsibility in this situation no longer adheres to the Democratic Party. To be sure, national leadership has passed to the Republican Party. But there can be no comfort for us in this changeover. If Democrats mean to retain a significance for this nation, there is no refuge in the shift of responsibility along with the Presidency to the Republican Party. On the contrary, we will acknowledge our own responsibility for the past and we will accept our share of responsibility for the present.

We will face frankly the twin tragedies of these times—the tragic conflict abroad and the tragic clashes at home and we will look for the means of their resolution. As the party of opposition, we will question the priorities and policies, the attitudes and the approaches of the Republican Administration in dealing with these and other national issues. We will do so responsibly, offering with our criticisms, constructive alternatives.

In the Congress—in the Senate—we will join with the President in an effort to end the war in Viet Nam. As far as conscience permits, we will uphold the President's hand in that situation; he is the President of all Americans—Democrats no less than Republicans. But we cannot and we will not acquiesce in the indefinite absence of peace.

We will sustain the President in a foreign policy of discerning internationalism; that is what the realities of the world demand, as the 20th century moves into a final quarterm. But we cannot and we will not endorse a costly and indiscriminate involvement abroad merely because it is put forth under the label of internationalism.

We will vote necessary expenditures for the military defense of the nation. But we will not sign blank checks for billions at the sound of the bugle of fear. Rather, we will seek a balance, to the end that the nation may meet the urgent needs for stability within, no less than the demands for security from without.

As a political party, we will face the fact that the great and automatic national majority which was enjoyed for many decades is no more. It is not only that we have made our share of mistakes and suffered the consequences. It is also because issues have changed and attitudes have changed. The great constituency upon which the Democratic Party rested for four decades is now less clearly defined for us. In my judgment, it is there nonetheless. It is waiting to respond to new perceptions and to a rededicated political leadership which addresses itself not only to those who are satisfied with things as they are but which reaches out to those who are not.

It is no longer enough to extoll our contribution to the building of the nation as it is. The Democratic Party must look to what it can contribute in the building of the greater nation which we can become. In short, it is for us to rekindle the people's faith in the Democratic Party by searching out and pursuing the direction to a new unity at home and, in the world, to the building of a more durable peace. That is the quest on which we set forth tonight.

A LETTER TO A DAD ON FATHER'S DAY

Mr. DIRKSEN. Mr. President, there is a staff member of the Senate whose son has done extremely well. At any early age, he has been assuming a real responsibility. He wrote to his father on Father's Day, and I thought his letter was rather interesting. He wrote:

FATHER'S DAY 1969.

DEAR DAD: (On Your Day) I remember way back when we were just little rascals running all over the house and yard getting into everything and how you use to punish us to teach us right from wrong. I remember the fun we had with the horses, the chickens, the pig, the duck you caught while fishing, and the rabbits which we had. I remember the times when you provided plenty of work to keep us busy like raking leaves, painting, mowing the lawn, helping you with the garden, splitting wood, putting up the fence, and the many other little things that had to

be done which helped us grow up. I remember watching you repair the many things, water pumps, water pipes, washers, dryers, the furnace, lawnmowers and many others from which I learned most of what I know today. I remember that someone who used to get up many mornings to help me with my paper route, when I was late or it was raining or just because he wanted to. I remember when you use to rush home just to watch us swim in races and how you helped me with my chickens and the 4–H projects. Oh yes I remember the unpleasant times when you seemed to forget your role as a father for what ever reasons they came about. But what I remember most far outweighs those times.

I will always remember the trips we took on the weekend to go fishing, at Point Lookout, the weekend trips to Nags Head, The trips to Orange County and into the Shenandoah Valley for swimming. The drive in movies and the Saturday trips to the office with you provided many hours of fun. Then there were the trips to what was then the far away places like New York and Coney Island, Florida with its Key West, Clearwater, and the Marathon Key. Then there was Mexico where we took the sail boat ride around the island, went iguana hunting, and where I first tried to water ski. If you stop to think about it, we sure went to a lot of places. I still can remember Bermuda. The trip over on the sea plane when you played cards, the large turtles on the beach, the cave fish in the dark cave which I didn't see the fish because it was so dark, and the trip over in the boat to the aquarium, and finally the finger bowl incident at the hotel. More recently, I remember the efforts made to allow me to be a Page in the House and to work at the Post Office and the Highway Dept. Then there was the time you helped me buy my first car, and the car at high school graduation.

I remember the many times which I may have disappointed you with my actions and also the times when I should have thanked you and didn't. So at a time when I cannot think of any material gift for you on your day, I give you this letter and say thanks, Dad, for all the things that you have done to make my life what it is today.

Your son,

BOB.

That is a very fitting tribute to his father from a son who made good.

JURISDICTION OF U.S. COURTS—NONAPPROPRIATED FUND ACTIVITIES

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the immediate consideration of Calendar No. 259, S. 980.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 980) to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 2, line 22 after "(a)" strike out "The" and insert "In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the"; in line 25, after the word "actions" strike out "initiated" and insert "dismissed before"; and in the same line, after the word "on" strike out "or after"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346(a)(2) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(b) The first full paragraph of section 1491 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States shall be considered an express or implied contract with the United States.".

(c) Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694; 31 U.S.C. 724(a)), is amended by adding immediately before the period at the end thereof the following new proviso: *"Provided further,* That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of title 28, United States Code, and such activity shall reimburse the United States for a judgment or compromise settlement paid by the United States to the extent the Comptroller General of the United States determines that a reimbursement may be made without unduly jeopardizing the operation of such activity.".

SEC. 2. (a) In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the provisions of this Act shall also apply to claims and civil actions dismissed before or pending on the date of enactment of this Act if the claim or civil action is based upon a transaction, omission, or breach that occurred not more than six years prior to the date of enactment of this Act.

(b) The provisions of subsection (a) of this section shall apply notwithstanding a determination or judgment made prior to the date of enactment of this Act that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund activity of or under the United States or a department or agency of the United States.

SEC. 3. The provisions of this Act do not apply to a contract entered into by a nonappropriated fund activity of or under the United States or a department or agency of the United States which is subject to suit in its own name under any other provision of law.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 268), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

Amendment No. 1 makes clear that the provisions of the act are intended to have both a prospective application as outlined in the first section and section 3 of this act, and a retroactive application of limited duration as expressed in section 2.

Amendment No. 2 deletes the words "initiated" and "or after" as being superfluous in that, unless otherwise expressed, the provisions of a bill, upon enactment, have an immediate prospective effect. The words "dismissed before" are inserted to assure that the provisions of section 2 are applicable to cover past claims and civil actions whose operative facts occurred not more than 6 years prior to the date of enactment of this act.

NEED FOR LEGISLATION

S. 980 will fill a gap in the Tucker Act's waiver of immunity of the United States to claims based upon contracts with departments or agencies of the Government. The United States is liable in the Court of Claims of the United States and, in appropriate cases, in the district courts of the United States, to suits "upon any express or implied contract with the United States * * *." 28 U.S.C. 1491; 28 U.S.C. 1346(a)(2). The courts have repeatedly held, however, that the Federal Government's liability to suit under these sections only exists with respect to contract obligations to be paid out of appropriated funds. See, e.g., *Kyer* v. *United States,* 369 F. 2d 714 (Ct. Claims 1966); *Pulaski Cab Co.* v. *United States,* 157 F. Supp. 955 (Ct. Claims 1968); *Keetz* v. *United States,* 168 Ct. Claims 205 (1964); *Bordon* v. *United States,* 116 F. Supp. 873 (Ct. Claims 1953).

The injustice and inequity worked by this Tucker Act "loophole" have been recognized often. See, e.g., *Borden* v. *United States,* 116 F. Supp. 873, 878–880 (Ct. Claims 1953). Indeed, a judge of the Court of Claims has declared "this is a matter which sorely needs congressional correction." See *Kyer* v. *United States,* 369 F. 2d 714, 719 (Ct. Claims 1966).

Nonappropriated fund activities are at present an anomaly of the law. When States have attempted to tax or regulate their activities these activities have successfully argued that they are immune from taxation and regulation as instrumentalities of the United States. See e.g., *Park Davis* v. *G.E.M., Inc.,* 201 F. Supp. 207 (D. Md. 1962); *Falls City Brewing Co.* v. *Reeves,* 40 F. Supp. 35 (W.D. Ky. 1941). When nonappropriated fund activities have been sued outside the United States they have successfully argued that, as instrumentalities of the U.S. Government, they are not liable to suit on contract in foreign courts. See, e.g., *Wuliger* v. *Headquarters, 7480th Supply Group (Special Activities) Labor Court,* Weisbaden, October 8, 1958, unreported. Courts have held, see, e.g., *United States* v. *Holcombe,* 277 F. 2d 143 (4th Cir. 1960); *Daniels* v. *Chanute Air Force Base Exchange,* 127 F. Supp. 920 (E.D. Ill. 1955), and the Justice Department has supported the ruling (letter dated July 13, 1960, from George Cochran Doub, Assistant Attorney General, 243 AF JAG Reporter, 15 (Aug. 1, 1960), that employees of nonappropriated fund activities, when performing their official duties, are employees of the United States and that the United States is liable under the Federal Tort Claims Act for injuries caused by their negligence. The United States has even sued in its own name to enforce contracts entered into by nonappropriated fund activities. See, e.g., *United States* v. *Howell,* 318 F. 2d 162 (9th Cir. 1963).

Despite this consistent identification of the nonappropriated fund activity with its parent department or agency and the United States, contractors with such activities have found it impossible to get a "day in court" when they allege breach of contract by such activities. Your committee believes that there is no rational reason to continue the immunity from contract suit presently afforded nonappropriated fund activities. The Defense Department, parent of the greatest number of these activities (military post exchanges, ships stores, etc.) has agreed that "no policy grounds [justify] nonappropriated

fund instrumentalities in continuing to claim absolute immunity from suits on their contracts when Congress has waived such immunity in suits on contracts with the Federal Government itself." (See letter dated May 20, 1968, from Thomas H. Nielson, Assistant Secretary of the Air Force, to Hon. James C. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report.) This position is buttressed by the fact that nonappropriated fund activities have become an important part of our national economy. The Armed Forces post exchange system—a prime example of a nonappropriated fund activity—is now the third largest department store chain with annual sales of over $3.5 billion exceeded only by Sears, Roebuck & Co. and J. C. Penney Co.

LEGISLATIVE HISTORY

On March 14, 1968, Hon. Joseph D. Tydings, a Senator from Maryland, introduced S. 3163, a bill to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States. The bill was referred to the Committee on the Judiciary and to its Subcommittee on Improvements in Judicial Machinery. That subcommittee held hearings on S. 3163 on May 8 and 21, 1968. Witnesses before the subcommittee included: Hon. Hervey G. Machen, U.S. House of Representatives; Aaron Goldman, president, the Macke Corp., Cheverly, Md.; William E. Magee, Esq., Washington, D.C.; Dean Ralph C. Nash, professor of law, the George Washington University School of Law; Hon. Wilson Cowen, chief judge, U.S. Courts of Claims; and Col. Donald A. Williams, Office of the Judge Advocate General, Directorate of Civil Law, Litigation Division, Headquarters, U.S. Air Force. All witnesses heard favored enactment of S. 3163. The Department of the Air Force for the Department of Defense submitted a favorable report (May 20, 1968) on the bill, suggesting a number of technical and one substantive amendment. The Department of Justice submitted a report favoring S. 3163 in principle, but suggesting two amendments. (See letter dated Aug. 14, 1968, from Deputy Attorney General Warren Christopher to Hon. James O. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report.) The National Aeronautics and Space Administration and the Department of Agriculture submitted reports favoring the bill in principle. (See letter dated May 21, 1968, from Robert F. Allnutt, Assistant Administrator for Legislative Affairs, and letter dated Oct. 3, 1968, from Secretary of Agriculture Orville Freeman to Hon. James O. Eastland, chairman, Committee on the Judiciary, U.S. Senate, reprinted at the conclusion of this report). The House of Delegates of the American Bar Association approved S. 3163 in principle at the association's annual meeting in Philadelphia, August 28, 1968. (See letter dated Feb. 28, 1969, from John P. Tracey, assistant director, to Hon. Joseph D. Tydings, chairman, Subcommittee on Improvements in Judicial Machinery, U.S. Senate, reprinted at the conclusion of this report.)

On February 7, 1969, Senator Tydings introduced S. 980 which included several substantive changes from S. 3163 of the 90th Congress. These changes embodied in S. 980 were made on the basis of testimony received at last year's hearings. The first modification deleted the words "a department, agency, or armed force" contained in subsections (a), (b), and (c) of the first section of S. 3163 of the 90th Congress, and the words "the United States or a department or agency" were inserted in lieu thereof in subsections (a), (b), and (c) of the first section of S. 980. This change conformed the language of S. 980 to the breadth of the problem to be resolved and deleted the superfluous term "armed force" in S. 3163. Nonappropriated fund activities take on many organizational forms, some of which might not be included in the term "of or under a department, agency or armed force of the United States" as used in S. 3163 of the 90th Congress. However, the term "of or under the United States or a department or agency" in S. 980 brings within the scope of the bill all nonappropriated fund activities of the United States not specifically excepted. The Armed Forces of the United States, are, of course, departments or subdepartments of the United States and thus are included in the term "department or agency" as used in S. 980.

The second difference, reflected in section 2 of S. 980, clarified the limitation upon the retroactive effect of this legislation, making it the same as the general statute of limitations upon contract claims against the United States as stated in 28 U.S.C. § 2501(a), and prohibited the assertion of the defense of *res judicata* or other similar pleas to jurisdiction. The subcommittee hearings clearly demonstrated that there exists at least a small number of contractors with nonappropriated fund activities for whom there was no forum to hear their claims of contract breach. Some of these contractors bore the cost of litigation only to find access to the court barred by the judiciary's interpretation of the Tucker Act. Justice and equity dictate that the courts should be made available to those individuals whose claims first brought the immunity anomaly to light, and that, as to these actions, the Government should be precluded from raising the defense of their previous determination. Those determinations, it should be noted, were based solely on jurisdictional and not substantive grounds.

Another change in S. 980 was the addition of a new section 3 to the measure. Its language was intended to limit the application of the bill to contracts of nonappropriated fund activities which have not already shed their immunity to suit under other provisions of law. Examples, for instance, of nonappropriated fund activities already subject to suit in their names include the American Red Cross (36 U.S.C. § 2) and the Tennessee Valley Authority (16 U.S.C. § 831(c)).

The subcommittee held a hearing on March 4, 1969, in order to hear testimony on these changes in S. 980. The two witnesses heard were: Hon. Louis Spector, Commissioner of the U.S. Court of Claims; and Mr. Loren K. Olson, an attorney in Washington, D.C. Commissioner Spector, who was chairman of the section of public contract law of the American Bar Association when it considered an endorsed S. 3163 at the association's convention last August, testified that the ABA's endorsement of S. 3163 would equally apply to S. 980. Similarly, Mr. Olson concurred with the several modifications reflected in S. 980.

STATEMENT

Your committee believes that S. 980, as amended, is consistent with the public policy of the United States clearly expressed in the Tucker Act, that the sovereign immunity of the United States to contract suit should be waived when complaints are filed in an appropriate forum. S. 980 will provide contractors with nonappropriated fund activities of or under the United States or departments or agencies of the United States with the same contract remedies available to those who contract directly with those departments or agencies in furtherance of activities supported by appropriated funds. In so doing, S. 980 will erase an anachronistic and baseless distinction between suits on contracts of the United States to be paid out of appropriated funds and those to be paid out of nonappropriated funds. Your committee believes that equity, sound public policy, and efficient operation of nonappropriated fund activities demand favorable action upon S. 980.

AMERICAN POLICY TOWARD CHINA AND THE ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH MONGOLIA

Mr. KENNEDY. Mr. President, recently the press carried a number of reports that are disturbing to many of us who favor a more enlightened policy by the United States toward Asia. According to these reports, the Secretary of State informed the President that it would be in the national interest for the United States to recognize the Mongolian People's Republic and establish diplomatic relations with that nation. These same reports also state, however, that the President has failed to act on this recommendation because of objections raised by the Chinese Nationalist Government on Taiwan, and especially by President Chiang Kai-shek.

If these reports are accurate, they demonstrate very clearly the heavy price that the United States continues to pay for our failure to establish a realistic China policy. Last March, in an address before the National Committee on United States-China Relations in New York City, I urged the administration to take a number of steps toward a more enlightened policy on mainland China, including new efforts to establish diplomatic relations with the Peking regime.

It is tragic enough that our mistaken China policy requires us to maintain the palpable fiction that the Nationalist Government on Taiwan is the Government of all China, and prevents us from establishing diplomatic relations with the actual Government on the mainland. It is even more tragic, however, that we compound the damage to our national interest by allowing the Nationalist regime to prevent us from establishing diplomatic relations with other nations in Asia like Mongolia, a land that is larger than France and Germany combined.

As a nation, the United States has no difficulties with Mongolia. For many years we have carried out modest contacts with Mongolia through trade and travel. Mongolia has been a member of the United Nations since 1961, and participates actively in a number of international organizations affiliated with the U.N., such as UNESCO and the World Health Organization. It now has diplomatic relations with 39 nations, two-thirds of whom are non-Communist, including Great Britain, France, Canada, and Australia.

In recent years, the Government of Mongolia has consistently indicated that it would welcome diplomatic contacts with the United States, including the establishment of diplomatic relations and the exchange of ambassadors. Indeed, as recently as last month, the Premier of Mongolia, Yumzhagiin Tsedenbal, stated in an interview with a distinguished American journalist that Mongolia was dedicated to the principle of diplomatic, cultural, and economic contacts with Western nations, especially the United States. The Premier indicated that Mongolia has been prepared to establish diplomatic relations with the United States ever since 1961, when the first contacts on the question were made, but

that no further progress could be made without action by the United States.

The irony of our present policy of nonrecognition is especially clear in light of the fact that during the interview, the Premier of Mongolia spoke warmly of his trip to the United States in 1967, his visit to Niagara Falls, and his meeting with President Johnson at the time of the President's conference in Glassboro, N.J., with Premier Kosygin of the Soviet Union.

I believe that the establishment of diplomatic relations with Mongolia at the present time might well be of major value to the United States, especially in light of Mongolia's intimate involvement in one of the most momentous political phenomena of the decade, the Sino-Soviet dispute. For far too long, the United States failed to note the development of this dispute and the enormous dimensions it was assuming.

We can no longer afford to forego the opportunity to establish a diplomatic mission in Mongolia. Such a mission would enable us to become better informed about relations between China and the Soviet Union, and might well be a significant first step toward recognition of Peking. Equally important, the existence of diplomatic relations with the United States might enable Mongolia to adopt a more independent posture toward the Soviet Union, with whom Mongolia has long coexisted under circumstances of heavy political and economic dependence.

I therefore urge the administration to accept the recommendation of the State Department, and to initiate contacts with the Government of Mongolia in order to establish diplomatic relations at the earliest available opportunity.

Mr. President, because of the importance of these questions, I ask unanimous consent that a news report and editorial discussing the matter be printed in the RECORD, as well as the press interview with Premier Tsedenbal that I mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 13, 1969]

NIXON SAID TO BAR UNITED STATES-MONGOLIA TIE—ROGERS REPORTED IN FAVOR, BUT TAIWAN OPPOSED

(By Peter Grose)

WASHINGTON, June 12.—Diplomatic sources said today that President Nixon was resisting a proposal by Secretary of State William P. Rogers to open diplomatic relations with Mongolia, a key listening post between the Soviet Union and Communist China.

Opposition from the Chinese Nationalist Government on Taiwan was said to be the crucial factor in the President's inaction on the proposal, which went to the White House last month from the State Department.

Once before, in 1961, the United States was on the verge of recognizing Mongolia, but backed off in face of Chinese Nationalist objections.

The Mongolian People's Republic, historically Outer Mongolia, is an ally of the Soviet Union in the struggle with Communist China, but the Chinese Nationalists under Generalissimo Chiang Kai-shek claim the territory still as part of China.

TIE WITH PEKING FEARED

Taiwan's objections were understood to repeat that claim, and also cast the proposal in the context of United States policy toward Communist China. Recognition of Mongolia, in the Chinese Nationalist view, would be regarded as the first step toward recognition of Peking.

Advocates of recognition of Mongolia do not deny that they regard the move as part of the broader question of improving relations with Communist China. The specific proposal that was sent to the President from the State Department, however, did not link the Mongolian question with a review of policy on China ordered by Mr. Nixon's national security aide, Dr. Henry A. Kissinger.

The State Department contends that there is no longer a valid reason for withholding recognition from Mongolia, a member of the United Nations and a country with which the United States has no legal or historical grievances.

It is felt that as a practical matter the presence of a United States mission in Ulan Bator would provide valuable contacts and information about the sensitive Soviet-Chinese border area.

Unlike the Chinese Communists, the Mongolians have welcomed whatever tentative gestures the United States has made in recent years. Premier Yumzhagiin Tsedenbal has often said that he would welcome diplomatic relations with the United States.

[From the New York Times, June 14, 1969]

MR. NIXON ON MONGOLIA

Secretary of State Rogers' proposal to the President that this country recognize Mongolia reveals his understanding of the fact that the United States has much to gain from official ties with Ulan Bator. Wedged in between the Soviet Union and China, Mongolia is now one of the more strategic countries in the world, a useful listening post for diplomats anxious to get daily readings on the storms now raging between Moscow and Peking. This country has no disputes with Mongolia, and early in the decade accepted Mongolia's independence as real by helping win that nation's admission to the United Nations.

The failure of President Nixon to act on Mr. Rogers' recommendation is apparently based on objections from Chiang Kai-shek. Ironically, Chiang's thus-far successful veto of a Washington-Ulan Bator relationship comes at a time when the Taiwan regime is having increasingly open contacts with Moscow, whose antipathy to Mao Tse-tung matches that of the Generalissimo.

By a rational calculation, it is to this country's interest to be represented in Ulan Bator and to enjoy the political and informational benefits such representation would bring. Mr. Nixon's failure to act raises the ominous possibility that in the future he may let similar objections from Taiwan block efforts to improve Washington-Peking relations when new possibilities arise for thawing that presently frozen area of American foreign policy.

[From the New York Times, May 21, 1969]

MONGOLIAN, IN INTERVIEW, VOICES FEAR FOR ASIAN PEACE

(By Harrison E. Salisbury)

ULAN BATOR, MONGOLIA, May 19—Premier Yumzhagiin Tsedenbal has expressed deep concern over the maintenance of peace in Asia, particularly in view of the continuance of the war in Vietnam, tensions over Korea and the Soviet-Chinese conflict.

Mr. Tsedendal, who has headed Mongolia for 17 years, made his remarks in one of his rare personal interviews. He gave prepared answers to a series of questions and then, in a lengthy conversation, outlined in some detail his views on the Soviet-Chinese dispute. The Premier granted the interview on the eve of a state visit by President Nikolai V. Podgorny of the Soviet Union, whose swing to North Korea and Mongolia was believed to be connected with tensions in Korea and along China's frontiers.

The Mongolian leader took the view that Soviet-Chinese border clashes on the Ussuri River in March were the total responsibility of the Chinese.

CLASHES HELD DELIBERATE

He emphatically rejected the theory that the fighting could have occurred because of trigger-happy Chinese frontier guards. It was, in his opinion, organized and ordered from above—at a high level in the Chinese Government—and was a deliberate act of aggression. To his mind it simply fitted a pattern of steadily heightening chauvinistic acts flowing from Mao Tse-tung, the Chinese leader himself.

Mr. Tsedenbal said that China had attempted by every means to split Mongolia from the Soviet Union. But the Soviet-Mongolian association, he said, has endured 50 years and Mr. Mao's efforts will not be successful.

The Premier said Mongolia with the aid of the Soviet Union had demonstrated her ability to defend her frontiers. Before World War II, he recalled, Japanese forces were stationed in Manchuria only a few hundred miles from Ulan Bator. Later hostile forces of the Chinese Nationalists were strung out along the Mongolian frontier. But, with Soviet aid, Mongolia managed to beat off all challenges and is prepared to do so again, he said.

The Mongolian Premier characterized Mr. Mao as a "great-power chauvinist" and said he felt the Chinese leader had lost all connection with Marxist-Leninist principles and traditions.

"Clashes such as those on the Ussuri are impossible between genuine Marxist-Leninists," Mr. Tsedenbal said, "There is nothing in common between Mao's policies and those of a genuine socialist state."

The Mongolian has had many dealings with Mr. Mao and said he saw no hope of change in China's policies so long as the present Chinese leader remained in power.

Mr. Tsedenbal spoke with sarcasm of a Maoist charge that Mongolia was both a "Soviet puppet" and an "American pawn."

"This shows how far things have gone," he said.

The Premier did not discuss China in his prepared responses, except for a peripheral reference to mongol minorities in China. He expressed the hope that they would be accorded the same rights that Mongols in Mongolia and in the Soviet Union received.

The Premier's concern over Vietnam was expressed both in his formal repsonse to questions and in conversation. He said he supported the peace program offered by the Vietcong in the Paris talks and considered it a basis for serious negotiation.

Mr. Tsedenbal said he was also concerned about Korean tensions and he accused the United States of "provocative" actions in its intelligence-gathering flights off the North Korean coast.

Although the Premier spoke critically of United States foreign policy in Vietnam and Korea, he emphasized Mongolia's dedication to the principle of diplomatic, cultural and economic relations with Western countries and specifically the United States.

Any progress on the question of diplomatic relations, he said, is up to the United States. Mongolia has been prepared since the first contacts on the subject in 1961 to go forward to normal diplomatic relations, he said.

The Mongolian recalled with warmth his visit to the United States in 1967 at the time of the conference of Premier Aleksei N. Kosygin of the Soviet Union and President Lyndon B. Johnson at Glassboro, N.J.

Premier Tsedenbal said he had a pleasant chat with Mr. Johnson at that time and he remembered with enthusiasm his visit to Niagara Falls.

Domestically, the most critical Mongolian problems are in agriculture, he said, particularly in measures to protect livestock against heavy losses in winter.

Mongolia lost two million head of livestock last winter and another two million the previous winter. These losses are from a herd of 22 to 23 million head.

Soil erosion from new plowed grain areas is also a problem, but Mr. Tsedenbal said he was confident of resolving it.

INTERVIEW EXCERPTS

Following are excerpts from the interview with Premier Tsedenbal:

"Q. What are the prospects for the development of relations between the United States and the Mongolian People's Republic?

"A. As you know, in 1961 on the initiative of the American side, the question of establishing diplomatic relations between our two governments was discussed. At that time we expressed our positive approach to this question, but the United States halted the conversations, referring to certain developments in the international situation. The Government of the M.P.R., as always, stands for development of normal relations among states with different social political systems on the basis of the principle of peaceful coexistence.

"Q. What is Mongolia's view of the current international situation, in particular in Asia?

"A. As a result of aggressive policies of imperialist forces in different parts of the world, tension continues to exist, causing serious concern for all peace-loving nations. This is borne out by the aggressive war of the United States in Vietnam and the dangerous situation in the Middle East.

"Convinced of the necessity to solve disputes peacefully through negotiations, we in Mongolia watch with attention the four-sided talks on Vietnam taking place in Paris. The Mongolian people and Government are convinced that in order to settle the Vietnam problem the first thing that must be done is the stopping of the aggressive war of the United States in Southeast Asia, withdrawal of its troops and military personnel and arms from South Vietnam, and the granting to the Vietnamese people the opportunity to determine their destiny independently. The Government of the M.P.R. supports the new proposal of the National Liberation Front of South Vietnam.

"As to the crisis in the Middle East, we firmly stick to the view that it must be settled in accordance with the United Nations resolution of Nov. 22, 1967, on the basis of withdrawal of Israeli troops from occupied Arab territory.

"In these days the peoples of the world watch with concern the situation created in the Far East in connection with the concentration of American naval and air forces off the shores of Korea and the continuing provocative actions by the American military against the Korean Democratic People's Republic.

"Public opinion in Mongolia resolutely demands that the U.S.A. should stop the dangerous provocations aggravating tensions in this area.

"Q. What is the future of Mongols living in Mongolia, in the Soviet Union and in China?

"A. To my mind it is hard to find a state in the world whose population will be uniform regarding national origin or status. As is known Communists have the fairest approach to the solution of the national problem. They are guided by the principles of equality, mutual respect, friendship and cooperation of different peoples and national minorities. These principles are fully realized in Mongolia as in the Soviet Union. We have always supported the idea that all nationalities in all states, whether in China, the U.S.A. or another country, live in friendship and complete equality without humiliation, discrimination or exploitation.

"Q. What are the recent achievements and prospects of development of Mongolian industry and agriculture as well as education, science and culture?

"A. With every new year, the Mongolian people gain new successes in development of the national economy and culture, in the improvement of its standard of living. Our industry develops persistently its role and importance in the economy of the country. Backed by the cooperation and aid of the Soviet Union and other socialist states we built tens of new industrial enterprises in recent years and started construction of new industrial centers.

"A. Industry accounts for 30 per cent of the gross national product and its share in joint agricultural-industrial production is greater than 50 per cent. We shall further develop fuel and energy, metal processing, light and food industries, construction materials and other branches of industry.

"Much work was done to strengthen the material basis of agriculture, in particular in the mechanization of preparing fodder for livestock, watering of tens of millions of hectares of pasture, construction of sheds for livestock, and so on. Mongolia now fully provides herself with grain and flour.

"We have a compulsory seven-year program of education. We have 165 students for every 10,000 people, one physician for every 600 people.

"Q. Is there any possibility of expansion of trade and cultural ties of Mongolia, especially with the United States?

"A. With every new year, our trade and cultural relations with different countries grow on the basis of equality and mutual profit. These relations may be established with the United States as well.

"Q. How can Mongolia's experience in economy and social life be followed in other developing countries?

"A. The Mongolian people within a short historical period made a transition from feudalism to socialism passing by the capitalist stage of development and, having overcome the backwardness of centuries, gained important successes in creation and development of a new economy and culture. The experience of M.P.R. shows that the noncapitalist way of development is the shortest and most efficient road to quick social and economic progress."

S. 2507—INTRODUCTION OF THE VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. DIRKSEN. Mr. President, as a prelude to the introduction of the administration's amendment to the Voting Rights Act of 1965 I shall present the letter from the Attorney General to the Vice President of the United States, and then follow it with the bill because the letter pretty well spells out the additional authority that is developed under the bill, the question of presidential vote when a person has lived in an area from September 1 on, and a few other matters. But the literacy test is the important matter and to that provision I wish to address my remarks.

Mr. President, 114 years ago, when the stream of immigration from Europe began to swell, Irish immigrants showed a preference for Connecticut and Massachusetts. Public officials of that day were unhappy about it and hit upon the idea of imposing a literacy test as a qualification for voting. This meant that they had to prove that they could read, write, and understand. The purpose, of course, was to disqualify the Irish voters. The authors of that political handiwork should be here now and survey the result of their efforts.

Came then the Civil War and after that the 14th and 15th amendments to the Constitution. The 14th amendment forbade any State from abridging the privileges and immunities of citizens of the United States, and the 15th amendment provided very specifically that the right of citizens of the United States to vote shall not be abridged or denied either by the United States or by any State on account of race, color, or previous condition of servitude.

But literacy tests were imposed and enforced in many States. Today there are still 20 States which prescribe literacy tests as a qualification for voting. In some States they are ignored or simply not enforced. This includes seven Southern States where the application of a literacy test is suspended by the provisions of the Voting Rights Act of 1965. It was in 1957, when a new conscience made itself felt in the United States, resulting in the creation of a Civil Rights Commission to explore the whole question. Later came the Civil Rights Act of 1960 and the broader act of 1964. These were followed by the Voting Rights Act of 1965.

The Commission on Civil Rights consisted of outstanding talent and it made a thorough examination of the matter. Its voluminous report rather clearly indicates that the use of the literacy test made voting something of a farce in certain areas. A person with little education would be asked to read the first 10 amendments to the Constitution and then explain what they meant.

When the committees of Congress came to deal with the voting rights problem there was, therefore, a vast body of material available to aid in a viable, feasible solution. They finally agreed on a formula. In those States which had literacy tests, if 50 percent of those old enough to vote were either not registered or did not vote in the November 1964, election, the literacy test was suspended. These tests could be reimposed if the State or county could show that the tests were not used for purposes of discrimination.

Gaston County, N.C., undertook to do this very thing by coming before a three-man U.S. district court in the District of Columbia, as provided by the 1965 Voting Rights Act, and showed that there was no discrimination. The court went into the matter in depth. Let me interpolate to say that they really did go into it in great depth and they examined into the segregation problems in that county over a long period of time. They also went into the matter of education and whether the schools for Negroes were decidedly inferior to the schools that were maintained for white people, and out of all this there came a conclusion. They finally came to the conclusion that the use of literacy tests in Gaston County was discriminatory because the county, as a result of its segregated schools and its inferior schools for colored people, had thereby deprived Negro citizens of equal educational opportunities—and this is the important thing: an equal chance to pass a literacy

test. The U.S. Supreme Court sustained that decision.

It is now proposed in the new legislation which I introduce to ban all literacy tests until January 1, 1974, and to authorize the President to appoint a National Voting Advisory Commission to study further that matter of discrimination and corrupt practices.

Mr. President, I think this is a timely and restrained approach to this problem. Under the provisions of the bill, all of the literacy tests are suspended and certainly cannot be reimposed until after January 1, 1974—and not even then if Congress finally concludes, in supplementary legislation, that it should not be done.

It is a difficult matter, to say the least, but now we have geared the Voting Rights Act of 1965 into the 1964 election and I am of the opinion that this whole matter must be brought up to date.

Mr. President, today, therefore, I introduce for appropriate reference the bill which has been developed to cover the various points. In a general way, I think it is a good bill and merits the expeditious action of the Judiciary Committee and the Senate.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2507) to amend the Voting Rights Act of 1965, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and (by unanimous consent) referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to the Vice President from the Attorney General, to which I have referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to insure that there is no arbitrary or discriminatory denial of the voting franchise. This proposed act would be known as the "Voting Rights Act Amendments of 1969."

Experience during the last four years with the 1965 Act has shown that denial and abridgment of the right to vote as guaranteed by the Fifteenth Amendment are not limited to any geographical section of the nation, to any group, or to any category of community. The 1965 Act has worked well in the areas within its jurisdiction; it is now time to make the statute effective nationwide.

Accordingly, the bill transmitted herewith extends the Voting Rights Act of 1965 by prohibiting any State from utilizing a literacy test or any similar test or device at any time until January 1, 1974. At the same time, the measure maintains and extends to all States the authority of the United States to designate examiners when necessary to enforce the guarantees of the Fifteenth Amendment, and strengthen the authority of the Attorney General to arrange for observers to assist in the enforcement of these constitutional guarantees. Provision is also made for the Attorney General to have nationwide authority to initiate voting rights law suits and to request court orders freezing discriminatory voting laws and practices.

The bill also creates a Presidential Commission to study the effects of literacy tests and other restrictive activities upon the use of the franchise, and the impact of fraud or mission would make recommendations to the corrupt practices on voting rights. This Commission would make recommendations to the President and Congress by January 15, 1973.

Another major section of the bill provides that a citizen otherwise qualified to vote under the laws of a State cannot be denied his right to vote for President and Vice President in that State if he has resided in the State since September 1st next preceding the election. If he changes his residence subsequent to September 1, his vote is protected in the State from which he moved.

It is strongly recommended that the Congress promptly consider and enact this legislation.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the Program of the President.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CRANSTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and reading of the Journal tomorrow, the distinguished Senator from California (Mr. CRANSTON) be recognized for not to exceed 1 hour for the purpose of a number of the Members delivering tributes to former Chief Justice of the United States, Earl Warren.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

KEEPING AN EYE ON EAVESDROPPING

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal, on Wednesday, June 25, published a thoughtful editorial on the issue of wiretapping.

It discusses the Justice Department's recent assertion that it may eavesdrop on certain groups without court approval.

The Journal feels, and I fully concur, that continued court approval of eavesdropping by Government is essential to preserve necessary perspective between protecting society and the assumption by Government of unwise powers.

Wiretapping is a dirty business and must be authorized only under carefully controlled conditions.

When the Omnibus Crime Control Act of 1968 was before the Senate, I supported the amendment offered by the distinguished Senator from Michigan (Mr. HART) which would have tightened the restrictions against Government wiretapping. This amendment failed by a vote of 37 to 44.

I have been strongly opposed to wiretapping except in national security cases or perhaps where organized crime is involved.

If wiretapping is to be permitted, however, most certainly it should not be permitted until an order from competent court jurisdiction is obtained.

I invite the attention of the Senate to the Wall Street Journal editorial captioned "Keeping an Eye on Eavesdropping." I ask unanimous consent that the text of this editorial be published in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEPING AN EYE ON EAVESDROPPING

The Justice Department's recent assertion that it may eavesdrop without court approval on domestic groups who attempt to use unlawful means to "attack the existing structure of government" must be regarded with suspicion.

New technology makes electronic eavesdropping a potential menace to society to be used only with the greatest care. The present dangers which eavesdropping might reduce hardly seem of a magnitude to justify the potentially increased threat to the privacy of innocent citizens.

Court approval is the central issue. For the Justice Department has claimed for the Executive branch the power to judge whether the groups to be surveyed are in fact a threat to Government, as well as to eavesdrop on them. Under the Crime Control Act passed last year, Federal agents as well as other law officers must obtain a warrant from a Federal judge in order to eavesdrop, requiring them to prove the likelihood that the eavesdropping will produce information relevant to past or future crimes.

The Crime Control Act did exempt from its provisions eavesdropping conducted with the President's approval to investigate threats to national security. But disturbingly, a Justice Department spokesman explains that the recent move to seek new powers is not an attempt to claim that exemption. Rather, the department hopes to establish that the President has a Constitutional power to authorize electronic surveillance of groups which threaten the Government. Authorizing such surveillance, the department said, "properly comes within the competence of the Executive and not the Judicial branch."

Legally recognizing such power might be justified as an emergency measure if our society were on the brink of a revolution. In the absence of such extreme conditions, however, it seems a dangerous action. In the hands of the wrong Government leaders, the power could lead to the harassment of lawful dissenters. Disclosures that Federal agents in the past have routinely eavesdropped on such moderate protesters as Martin Luther King do little to allay such fears.

Indeed, the circumstances of the Justice Department's claim suggest a loss of perspective. The assertion of new power to eavesdrop was included in papers filed in the Chicago trial of antiwar activists in-

dicted for inciting riots at last summer's Democratic Convention. The implication is that the Justice Department considers the antiwar, black and student militants a threat which justifies this new authority.

The department argues, for example, that since the President has had to call out Federal troops to quell domestic disorders, eavesdropping is justified to gather "intelligence" on groups that might hope to foment disorders.

Though the rhetoric and actions of some militant groups are often outrageous, the form of "revolution" they usually seem to favor—and in any event, the only form for which they can attract wide support—is cultural rather than political. Instead of seizing Washington by force and ousting the President and Congress, they hope to effect, by whatever obscure means, a sweeping change in human values. Whether or not this is desirable or possible, it should hardly be seen as a threat to viable democratic government.

Undeniably, violence and other illegal activity figures in the plans and policies of some militant groups. But surely existing state, local and Federal laws provide ample basis for its control. By asking for special power based on the presumed threat from these organizations, the Justice Department does them the favor of assuming they are far more powerful than they now seem.

The Government clearly has a responsibility to protect society from violent and destructive dissenting groups, a job to which eavesdropping may be important. There is nonetheless danger in letting the obsession with protection become the excuse for assuming unwise powers. Continued court approval of eavesdropping, no matter what the circumstances, should do much to preserve this necessary perspective.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), I ask unanimous consent that the bill H.R. 5833, as amended, be recommitted to the Committee on Finance with instructions to report back forthwith the bill with a new amendment, in lieu of the committee's amendment to such bill as previously reported, which would:

First, suspend the operation of section 1903(e) of the Social Security Act until July 1, 1971. The July 1, 1975, deadline now in section 1903(e) would be extended to July 1, 1977;

Second, assure that where a State reduces or eliminates a medicaid benefit it continues to spend in subsequent years at least the same amount of non-Federal funds as it did in the year prior to the reduction or elimination of a benefit. Where a State makes a cutback the Governor must certify and the Secretary must find that the State is fully employing controls on utilization and costs of services called for by Federal statutes and regulations;

Third, prohibit any savings resulting from a cutback in benefits to be used without the specific approval of the Secretary to increase the formula or other basis of payment to those providers of medical services whose services would still be covered under the program; and

Fourth, correct, through a technical amendment, section 1902(c) so as to conform it to the legislative intent expressed in the Finance Committee and Ways and Means Committee reports on the provision at the time of its original enactment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there objection to the request of the Senator from Montana that the bill be recommitted with instructions?

The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, now that the bill has been recommitted, I report the bill with an amendment.

On behalf of the chairman of the Finance Committee, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5833, as reported.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5833) to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana to proceed to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to insert at the proper place in the bill:

SEC. 2. (a) Section 1903(e) of the Social Security Act is amended (1) by striking out "1975" and inserting in lieu thereof "1977".

(b) The provisions of section 1903(e) of the Social Security Act shall not apply for any period prior to July 1, 1971. In performing his functions under title XIX of the Social Security Act, the Secretary of Health, Education, and Welfare shall issue regulations and give advice to the States consistent with the preceding sentence.

(c) Section 1902(c) of the Social Security Act is amended by striking out "aid or assistance (other than so much of the aid or assistance as is provided for under the plan of the State approved under this title)" and inserting in lieu thereof "aid or assistance in the form of money payments (other than so much, if any, of the aid or assistance in such form as was, immediately prior to the effective date of the State plan under this title, attributable to medical needs)".

(d) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever any State desires a modification of the State plan for medical assistance so as to reduce the scope or extent of the care and services provided as medical assistance under such plan, or to terminate any of such care and services, the Secretary shall, upon application of the State, approve any such modification if the Governor of such State certifies to the Secretary that—

"(1) the average quarterly amount of non-Federal funds expended in providing medical assistance under the plan for any consecutive four-quarter period after the quarter in which such modification takes effect will not be less than the average quarterly amount of such funds expended in providing such assistance for the four-quarter period which immediately precedes the quarter in which such modification is to become effective,

"(2) the State is fully complying with the provisions of its state plan (relating to control of utilization and costs of services) which are included therein pursuant to the requirements of subsection (a)(30), and

"(3) the modification is not made for the purpose of increasing the standard or other formula for determining payments for those types of care or services which, after such modification, are provided under the State plan,

and if the Secretary finds that the State is complying with the provisions of its State plan referred to in clause (2); except that nothing in this subsection shall be construed to authorize any modification in the State plan of any State which would terminate the care or services required to be included pursuant to subsection (a)(13). Any increase in the formula or other standard for determining payments for those types of care or services which, after such modification, are provided under the State plan shall be made only after approval thereof by the Secretary."

Mr. LONG. Mr. President, pursuant to the motion which has just been agreed to, I report the bill H.R. 5833 as amended and ask unanimous consent for its immediate consideration.

Mr. President, the present amendment to H.R. 5833 modifies the amendment originally approved by the Committee on Finance which would have suspended the operation of section 1903(e) indefinitely until such time as the Congress lifted the suspension.

Section 1903(e) is a provision which requires States to constantly expand the benefits provided and the people eligible for coverage under their programs, so that by 1975 they would be providing comprehensive services to all the medically indigent and indigent in their States.

As Senators are well aware, virtually every State in medicaid has problems with the programs. These include catastrophic costs, fraud, abuse, poor controls, and so forth. The original committee amendment was designed to give Congress and the States an opportunity to thoroughly review the medicaid program and develop appropriate means of coping with its problems—including eliminating or reducing benefits. The committee amendment provided for an indefinite suspension. The compromise, worked out with the active participation of the AFL–CIO provides for a suspension for a period certain—2 years. The compromise meets with their approval and ours in view of the fact that it will still give reasonable time for thorough evaluation of medicaid. If more time becomes necessary, Congress could act to extend the suspension.

The second part of the amendment is designed to assure that States intend to maintain the non-Federal expenditures level under their medicaid programs. This is to avoid a State using these amendments as an excuse to simply cut back on its program indiscriminately. On the other hand, the amendment does not force States to increase their expenditures.

Another provision provides that a State desiring to cut back services must

certify—and the Secretary of the Department of Health, Education, and Welfare must find—that it is actually employing effective controls on the costs of care and utilization on the various services provided. Additionally, the State must also certify that it will not use savings resulting from a cutback to further enrich payments to those providers whose services are still covered. In other words, if a State cut out a dental care benefit, it could not increase its schedule of payments to doctors without first getting the specific approval of the Secretary of Health, Education, and Welfare.

The services of optometrists are important in bringing necessary eye care to welfare recipients. For that reason we would expect that where a State removes optometric services generally from its program it would still continue to cover those services of an optometrist which is licensed to perform, to the extent that the program specifically continues to cover those services if rendered by a physician.

A further provision conforms the language of section 1902(c) to the contemporaneous expression of intent found in the Finance Committee report at the time of medicaid's consideration in 1965.

Section 1902(c) is a maintenance of effort provision which was intended to prohibit a reduction by a State in cash assistance payments to the indigent in order to finance its medicaid program. The Department of Health, Education, and Welfare has misinterpreted this section and applied it to a prior level of medical assistance, as well as cash. The present amendment makes the necessary technical correction of section 1902(c) to conform it with congressional intent.

In essence the compromise is a recognition that neither the States nor the medicaid beneficiaries are responsible for the sharply rising costs of medical care in this country. It provides a mechanism through which the States can get relief by indicating that they are tightening up their cost control procedures and will not use the savings from their cutback to underwrite larger fees to physicians and other providers of services. These certifications—except for the one relating to cost controls—involve before-the-fact expressions of the States' good faith and intentions that they will keep the welfare of their medicaid beneficiaries in the forefront of their minds as they map a retrenchment of their medicaid plan.

Mr. ANDERSON. Mr. President, I am pleased that we were able to work out a compromise of my original amendment. Quite simply my purpose in offering the amendment was to relieve my State of New Mexico of virtually unbearable fiscal pressure. In fact, our Governor was forced to declare a state of emergency so as to free funds for medicaid. The regular appropriation had run out.

New Mexico, like many other States, simply cannot cope with the enormous dollar pressures of medicaid as it now stands.

What I hope will result during this period of suspension of section 1903(e) and the amendment of section 1902(c) to conform to congressional intent, is that New Mexico and other States as well as the Congress will have adequate time to make those in-depth statutory and administrative changes necessary to bring this multi-billion-dollar program under reasonable control. We simply cannot afford to have medicaid continue at this current breakneck, bankrupting pace.

I must say that after I introduced my first bill on this subject, S. 1849, a number of my colleagues, including Senator GORE of Tennessee, joined in the fight for this vitally needed breathing room because of the situation existing in their own States.

Again, I support the compromise and will do all I can to see to it that the purposes of the amendment are fulfilled during the next 2 years.

Mr. HARRIS. Mr. President, the amendment as originally reported was to purportedly clarify 1902(c) and to suspend 1903(e) of title XIX. I opposed this amendment because I thought it would frustrate the purpose of title XIX.

The purpose of title XIX is to provide the financial base for an upgrading of the medical assistance offered to the needy. Federal funds are made available to States participating in medicaid with certain conditions attached thereto which will insure that medical assistance to the needy will at least remain at the same level when a State enters the program and will thereafter be continually improved until comprehensive services are offered. To abandon this objective and take regressive steps would be most unfortunate.

But, I also shared with the distinguished senior Senator from New Mexico (Mr. ANDERSON) concern for the financial difficulties of several States in meeting the requirements of the act. However, I felt this problem could be solved without sacrificing the goals of title XIX. Fortunately, the amendment as re-reported with the new language can give some relief to the States facing financial difficulties, and at the same time retain the goals to title XIX.

The amendment to 1902(c) as originally reported will not be changed. However, a new subsection (d) will be added which will permit States to reduce services only upon the conditions: that they maintain the same level of cash payments for medical assistance as in the previous year; that any proposed payment increases to vendor be submitted to the Secretary for approval; and most importantly that States undertake a program of cost control. With the new subsection (d) to 1902, the amendment will be affirmative in nature, since it will require the States seeking relief to implement cost-control procedures.

Rather than suspend 1903(e) indefinitely, the goal of comprehensive services will be postponed until July 1, 1977, and the enforcement of the provision will not begin until 1971.

It is with regret that we take this action. The financial difficulty some of the States are apparently experiencing has not resulted from 1902(c) or 1903(e), but has been due to accelerated and unanticipated increases in the cost of medicaid. While costs of all other items were up 11 percent between 1965 and 1968 on the Consumer Price Index, physicians fees rose 21 percent and hospital charges increased by 52 percent. Instances of vendor abuse are uncovered almost daily and the lack of effective cost controls are evident to all.

I am encouraged by the Finance Committee hearings which are scheduled this week on the medicaid and medicare programs and the study the Finance Committee staff has been making on cost controls. This is the proper approach to take in answering the financial difficulties facing the States, not further modification of the goals or extension of the deadlines of title XIX. I am most hopeful that our efforts in this regard will permit us to move toward comprehensive health services and accomplish this with less financial stress on the States. As we move to implement cost controls, the amendment which has been rereported today, should be enacted.

Mr. KENNEDY. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that a statement prepared by him relative to H.R. 5833 be inserted in the RECORD.

There being no objection, the statement by Senator RIBICOFF was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RIBICOFF

Mr. President, I supported H.R. 5833 as amended following recommittal to the Committee on Finance. The new Committee amendment now before the Senate meets many of the basic objections voiced by several Senators including myself to the original Committee amendment.

H.R. 5833, as it now stands, strikes a better balance between efforts to attain the national goals of the Medicaid program and the need to meet the acute financial distress being faced by several states with operating Medicaid programs. While recognizing this fiscal crisis, the new amendment now retains the required emphasis on the national program to provide better health care for the needy.

Four years ago, the 89th Congress highlighted its great domestic record by passing the historic Medicare and Medicaid laws. This legislation set forth, in clear and unmistakable terms, our national commitment to better health for those who could not afford it on their own. This commitment remains valid today.

In 1965 no one expected our aims to be achieved without a struggle. But regrettably, our efforts have been increasingly burdened by an unprecedented rise in the cost of medical care. This inflationary trend combined with some abuses and lax administration of federal programs have caused the price of Medicaid to soar far beyond our original estimates.

As a result some states have found themselves close to being overburdened by the costs of the program.

In these circumstances, Mr. President, our purpose must be to control these rising costs and to tighten up program administration without sacrificing our national goals and without penalizing the recipients of medical assistance. We must continue to recognize the soundness of our original commitment to the American people. We cannot abandon the basic aims of Medicaid in order to deal with a financial crisis which will be but a temporary situation if the Congress takes the necessary steps to control costs.

In this respect I am pleased to note the set of hearings scheduled to begin tomorrow in the Finance Committee on the overall ad-

ministration of the Medicare and Medicaid program. These hearings will be the beginning steps in what must be a concerted effort to control health costs in America, and I commended the Senators from Delaware (Mr. WILLIAMS) and Louisiana (Mr. LONG) for their leadership in this field.

The purpose of controlling health costs is to protect the national commitment to health care for the needy—not to reduce it. To cut services drastically in the face of rising costs would be charging the needy for sins of medical service vendors. The beneficiaries of improved administration will be the very people who are now unfortunately left out of many programs because of our inability to finance them properly.

It is for this reason that we have insisted that any amendments to the title XIX program must recognize the continuing national effort to provide this urgently needed care and the need to expand available services to greater numbers of the poor. Therefore, under the revised amendment no state will be able to reduce its present financial commitment to Medicaid. In order to modify its program of services in any way, a state must certify that it has an ongoing cost control program in effect. Additionally, the Secretary of HEW must review and approve any further increase in unit payments. Finally, this amendment retains legislative requirements to provide comprehensive health care for the needy by a date certain. The goal, because of fiscal necessity has been moved back to 1977. While it would have been preferable not to tamper with the original date of 1975 circumstances do not permit this luxury. A goal of 1977 is better than none at all.

Mr. President, our efforts in this area must continually be directed at the requirements of our citizens who bear the double burden of poverty and illness. Our vigilence over the Medicaid program must be predicated on the effort to seek continuing progress toward this goal. I believe H.R. 5833 now reflects this commitment and it has my support.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5833) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I just want to make certain that there are no questions and that there will be no motion to reconsider or to table, and that this matter has been cleared all the way around.

TO MAKE PERMANENT THE EXISTING TEMPORARY SUSPENSION OF DUTY ON CRUDE CHICORY ROOTS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of June 26, 1969, pp. 17473–17474, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, there were two Senate amendments to the House-passed bill. The first repealed the limitation on Federal participation in aid to families with dependent children. The second amendment extended a program of aid to repatriated U.S. nationals for 2 years. The House conferees agreed to accept both Senate amendments without change.

My colleagues will remember that the limitation on Federal participation in aid to families with dependent children, called the "AFDC freeze," was first incorporated in the House version of the Social Security Amendments of 1967. The House bill recommended a major new approach to the reduction of the dependency in the program of aid to families with dependent children by providing an opportunity for training and other services leading to employment. To insure that States would rapidly implement this major new program, the House placed a limitation, effective January 1968, on Federal participation in aid to families with dependent children.

In the Committee on Finance, we endorsed the basic approach of the House bill, but we proposed a broader and more comprehensive work incentive program which we felt made the aid to families with dependent children freeze unnecessary. We therefore deleted the limitation in the Senate. The House conferees were unwilling to accept outright repeal of the limitation, but they did agree to postpone the effective date to July 1, 1968. Last year the effective date was postponed until July 1, 1969.

The basic purpose of the original House limitation was to provide a strong incentive for the States to move rapidly to implement the work incentive program. Neither the Federal administrators nor the States have done so. Implementation of the program has been so slow that the new administration was able to reduce the budget request for the work incentive program by $35 million simply on the grounds that the funds could not be used. We expect to review the operation of the work incentive program carefully.

In addition, Supreme Court decisions have had a major impact on the welfare programs. A decision of the Court last year would not permit States to declare families ineligible for assistance because of the presence of a man in the house who is not married to the mother of the family. Another decision this April would force States to eliminate eligibility requirements based on length of residence. Last year's decision affected 18 States; this year's would affect some 40 States.

The Department of Health, Education, and Welfare has estimated than an increase in the AFDC rolls ranging from 200,000 to 400,000 recipients might result from the elimination of the man-in-the-house rule; another 100,000 to 200,000 AFDC recipients might be added to the rolls as a result of the elimination of duration-of-residence eligibility requirements. For the most part, under present law there would be no Federal participation on behalf of the children added to the rolls as a result of these court decisions.

It was against this background that the Senate voted and the House conferees agreed to repeal the limitation on Federal participation in aid to families with dependent children.

The second Senate amendment relates to a provision in the Social Security Act authorizing temporary assistance to U.S. citizens who return to this country because of war, invasion, destitution, illness, or similar crisis, and are without available resources.

Under this program, the Federal Government may pay for reception, care, and temporary assistance when these individuals reach the United States. This program was originally authorized in 1961, and has been extended several times. The Senate amendment, which the House conferees agreed to, will extend the program for 2 years, until June 30, 1971.

This statement was delivered in behalf of the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG).

Mr. DIRKSEN. Mr. President, on behalf of the Senator from California (Mr. MURPHY) I ask unanimous consent to have printed in the RECORD a statement he had prepared on the conference report.

There being no objection the statement by Senator MURPHY was ordered to be printed in the RECORD, as follows:

Mr. MURPHY. Mr. President, I support the conference report on H.R. 8644, which includes a very important provision repealing Section 403(d) of the Social Security Act, the so-called AFDC "freeze." I strongly supported the Senate action, and I congratulate the Senate conferees for seeing to it that the Senate provision prevailed in conference.

The repeal of the AFDC "freeze" carries out the recommendations of President Nixon and Secretary Finch and will be welcomed news in my state of California. The repeal was urgent prior to the Supreme Court's decision outlawing state residency requirements for welfare benefits. That decision has been described by Governor Reagan as the proverbial "last straw" insofar as its impact on state and local governments is concerned.

With many state and local governments already desperately struggling to keep fiscally afloat, allowing the AFDC "freeze" to continue could be the fatal blow. If the "freeze" had been allowed to stand in California, it would have cost the state $39 million annually. According to information supplied to me by the state for fiscal years 1969 and 1970, federal action, not including the Supreme Court's decision in the residency matter, added $61.7 million to California's cost. When we include the Supreme Court's decision, the figure reaches $80 mil-

lion, $22.8 million of which would fall on the property taxpayers in California's fifty-eight counties.

Mr. President, I share the country's concern over rising welfare costs. There is little question that the present system needs a major overhauling. It has tended to perpetuate poverty not end it. We must find new methods and incentives to break the poverty cycle and move those who are able into productive employment. In other words, we must transfer these people from the public rolls to the payrolls. This is not only essential to reduce the rising welfare costs, but also for the dignity of the individuals involved.

Various experiments and approaches are being tried and tested across the country. The Department of Health, Education and Welfare is reviewing the present welfare system and hopefully will have constructive recommendations to improve the situation in this Congress. I certainly intend to join in the search for a new and better approach in this area.

Mr. President, I certainly want to thank President Nixon and Secretary Finch for their realization of the adverse effect that the AFDC "freeze" would have on state and local resources and for recommending its repeal. The federal government must simply realize the consequences of pulling the rug out from under state and local programs.

Mr. HARRIS. Mr. President, I want to commend the conference committee on H.R. 8644 and our chairman, the distinguished Senator from Louisiana (Mr. LONG), for adoption of the amendment to repeal the AFDC freeze.

The action taken by the conference committee will surely be applauded by the Governors and directors of welfare programs throughout the Nation, most of whom have been critical of the freeze. They have been critical because the freeze on AFDC payments, if permitted to take effect, would have created an intolerable situation for the States. The impending freeze would have forced States to make a choice between spreading already inadequate benefits to greater numbers; raising additional money themselves; or barring families from the welfare rolls. We can all share in the relief that this unfortunate measure has now been finally repealed and there is no longer the possibility that 300,000 children could have been dropped from AFDC rolls.

But, relief is not satisfaction. We cannot be satisfied until we begin to take forward steps, rather than retracing former steps. I would hope that this repeal of the freeze signifies that we are now ready to undertake substantial reform of our welfare system during this session of Congress.

THE PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LITERACY TESTS IN GASTON COUNTY, N.C.

Mr. ERVIN. Mr. President, the Greensboro Daily News of Greensboro, N.C., carried an editorial in its issue of June 4, 1969, entitled "Literacy Tests in Gaston," which comments with much wisdom upon the decision of the three-judge court in the District of Columbia, and the decision of the Supreme Court of the United States in the case in which Gaston County sought to obtain exemption from coverage under the Voting Rights Act of 1965.

As the editorial writer comments:

By endorsing the far-fetched reasoning of U.S. District Judge Skelly Wright in the Gaston County literacy test case, the Supreme Court has in a small but significant measure armed its critics and disarmed its defenders.

Both the opinion of Judge Wright and that of the Supreme Court in effect amend the act of Congress by adding to it requirements not constituting a part of the act. Since every informed person in North Carolina knows that the election officials of Gaston County have not been guilty of discriminating against any person qualified to vote on the ground of his race, color, or previous condition of servitude in violation of the 15th amendment, the decision of the three-judge District court, and the decision of the Supreme Court in the Gaston County literacy test case does nothing to enhance the confidence of informed North Carolinians in the national judiciary.

The result of this case, which under the Voting Rights Act of 1965 had to be tried before Judge Skelly Wright and two other judges of the District of Columbia instead of before the Federal courts of North Carolina where witnesses were readily available, demonstrates that the provision of the Voting Rights Act which nailed shut all the Federal courts in the Nation, except the District Court of the District of Columbia, was and is a rather shabby form of due process of law.

I ask unanimous consent that the editorial to which I have referred, be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

LITERACY TESTS IN GASTON

By endorsing the far-fetched reasoning of U.S. District Judge Skelly Wright in the Gaston County literacy test case, the Supreme Court has in a small but significant measure armed its critics and disarmed its defenders.

The least of the questions here is the fairness or unfairness of literacy tests per se. None of the judges or justices who considered the Gaston case felt that the county had deliberately used the test to exclude Negro voters from the rolls. The issue, rather, is to what lengths the courts will go, in interpreting an act of Congress, to achieve what they feel to be—what may in fact be—a desirable result. The running criticism of the federal judiciary has been that it is "result-oriented"—that is, amenable to bending the laws and the Constitution to achieve politically-desirable ends. In general, this criticism is far-fetched; in the Gaston case it may not be.

Recently Gaston County, following the provisions of the 1965 Voting Rights Act, applied to the U.S. District Court in the District of Columbia to be released from the sanctions of the act. In Gaston, under the law, the literacy test has been automatically suspended because fewer than 50 percent of its residents had voted in the presidential election of 1964—the more or less arbitrary guideline Congress adopted.

Under the 1965 act, a county so proscribed has to demonstrate that it has not for five years used the test discriminatorily. And even Judge Wright, who wrote the district court decision, agreed that the test had not been used "for the purpose" of racial discrimination.

Why not, then, release Gaston County from sanction?

That is where Judge Wright's ingenious reasoning came in. Judge Wright found that the literacy test in Gaston County had had the "effect," deliberate or not, of discrimination because during the minority of some living potential voters Gaston County schools had been segregated and the Negro schools presumably unequal.

This reasoning is questionable on several grounds. In the first place, most illiterates are made over the years in North Carolina by dropping out of school, not by having to attend an inferior school. Moreover, it is clear that Congress in 1965 refused to abolish literacy tests outright. The effect of this decision notwithstanding, is to abolish them outright in any county that ever had segregated schools. Judge Wright also ignored the fact that until 1954 the "separate but equal" doctrine had been the law of the land for 56 years.

When it endorses Judge Wright's reasoning—and by a vote of 7 to 1 at that—the Supreme Court seems to be visiting the sins of the fathers on the current generation. It is saying to Gaston County, and any county in the same fix, "You are to be penalized under the law of the land, circa 1969, for taking advantage of the law of the land, circa 1898."

The case may seem a bit academic, especially since the literacy test is in increasing disuse in Piedmont, North Carolina. But it involves a basic principle—the principle that if the intent of Congress is clear and there is no conflict with the Constitution, a piece of legislation should be applied as Congress wrote it, and not as the judges embellish it.

It is such decisions that pave the way, in public sentiment, for "strict constructionists."

JONES AGAINST ALFRED H. MAYER CO.: JUDICIAL ACTIVISM RUN RIOT

Mr. ERVIN. Mr. President, the Vanderbilt Law Review for April 1969 published an article by me entitled "Jones v. Alfred H. Mayer Co.: Judicial Activism Run Riot."

I ask unanimous consent that that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JONES V. ALFRED H. MAYER CO.: JUDICIAL ACTIVISM RUN RIOT

(By SAM J. ERVIN, JR., U.S. Senator from North Carolina, chairman of the Senate Judiciary Subcommittee on Constitutional Rights)

I. INTRODUCTION

Those who make it their business to follow closely the work of the Supreme Court have noticed its tendency to save the most controversial decisions of the term for the last days in June, just before the Court recesses for the summer. One sometimes gets the impression that the Justices wish to be far away from the summer storms produced by these decisions, returning to Washington in the quieter days of the fall.

Thus it was not surprising that the Court saved its decision in *Jones* v. *Alfred H. Mayer Co.*[1] until June 17, 1968, and then promptly left town. The *Jones* case is a glaring example of the Court's habit of effecting constitutional revision by judicial fiat. In this case, a majority of the Justices engaged in a transparent exercise of rewriting history and gave an ancient and limited civil rights statute an interpretation that not even ar-

Footnotes at end of article.

dent defenders of the Court's activism thought warranted.

In a seven-to-two decision the Court held that the Civil Rights Act of 1866 had been intended to and did prohibit private racial discrimination in the sale or rental of housing. Reversing the option of the Court of Appeals for the Eighth Circuit,[2] which had affirmed the district court opinion,[3] the Court held that the plaintiffs, a Negro husband and his Caucasian wife, who had attempted to buy a home in a housing subdivision and who alleged their effort had ben refused solely because of the husband's race, were entitled to federal relief. Justice Stewart, who wrote the opinion of the Court, was joined by the Chief Justice and Justices Black, Douglas, Brennan, Fortas and Marshall, with Justice Douglas writing a brief concurring opinion. Justice Harlan wrote a dissenting opinion, in which Justice White joined.

The statute applied by the Court provides:

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property." [4]

These words were originally a part of the Civil Rights Act of 1866.[5] The chief proponents of the Act of 1866 claimed that Congress had acquired the power to adopt it under the thirteenth amendment, which had been ratified in 1865. The thirteenth amendment reads as follows:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

The purpose of the thirteenth amendment was to abolish slavery as it existed before the Civil War.

II. THE HISTORIC CONTEXT

The Civil Rights Act of 1866 was designed to make the newly-freed slaves citizens of the United States and to compel each state or territory to treat them as equals of their white citizens rather than as aliens in respect to the fundamental civil rights specified in the Act. A citizen had the legal capacity to acquire property from a willing vendor, while an alien had either a severely limited or a total lack of such capacity. Almost all historians and legal scholars agree that freedmen were treated as aliens before the passage of the Civil Rights Act of 1866.[6]

A slave had no rights. He could not own property, either by purchase, inheritance, or gift. He did not have the capacity to contract; he could not make a valid bond or lease of property, nor could he be held to his promise in writing even after he became free. Of course, he had no right to sue or be sued and no right to serve as a juror or witness in court. In short, before the law, he was for the most part an "unperson."

At least in legal theory, and apparently in fact, in the early 19th Century the inability to hold property, to contract, and to have other property rights was a disability of slavery rather than race or color. As a general rule, the free Negro in the South was entitled to own real and personal property and to contract. But by the 1840's, the fear of slave rebellions and unrest caused the slave-holding states to begin legislating strictly in regard to free Negroes with the result that, while their right to own property might not have been abrogated, their enjoyment of the right was limited. Strict patrol and police regulations governing travel were enacted, requiring each Negro to have a pass to travel outside his immediate locale; some states required free Negroes to select a guardian who would stand as patron for them, contracting and entering into legal arrangements for them.[7]

Of course, the Negro hardly fared better in the North at the time. Many northern states prohibited free Negroes from emigrating into them, and most denied them suffrage, the right to sue, the right to serve as jurors, and the right to be witnesses in court.[8] Most of these disabilities, it must be emphasized, were considered to be withholding of political rather than civil rights, and congressional sponsors of civil rights legislation time and again disclaimed any intention to interfere with laws of a purely political nature.

Many of the contemporary supporters of the 1866 Act entertained serious doubts regarding the constitutionality of the measure under the thirteenth amendment. They doubted that the thirteenth amendment prohibition against "slavery" or "involuntary servitude" could be stretched so far as to include protection of all the rights included in the 1866 Act.[9] In fact, this doubt played a major role in the drafting of the first section of the fourteenth amendment, which actually incorporates the major provisions of the 1866 Act. This was done to insure the constitutionality of the Act and to forestall the repeal of its provisions by a subsequent congressional majority.[10]

A. The civil rights bill of 1866: Legislative history

After the conclusion of the Civil War, Congress approved the thirteenth amendment, which was ratified in 1865. Subsequently, based upon the constitutional authority contained therein, the 39th Congress passed S. 60, an amendment to the Freedman's Bureau Act,[11] to strengthen the resources of the recently established Freedman's Bureau and to protect the civil rights of freedmen in the states which had attempted to secede. Section 7 of S. 60 provided that when any state which had been in rebellion denied to Negroes any civil right belonging to a white person "in consequence of any State or local law, ordinance, police, or other regulation, custom or prejudice," [12] the President had a duty to extend military protection to such person. The section defined "civil rights" to include these rights: to make and enforce contracts; to sue, be parties and give evidence; to inherit, purchase, lease, sell, hold and convey real and personal property; and to have full and equal benefit of all laws. Section 8 made it a misdemeanor punishable by agents of the Bureau for any person acting "under color of any State or local ordinance, police, or other regulation or custom" [13] to subject or cause to be subjected any Negro to the deprivation of any civil right secured to any white persons.[14]

S. 60 was premised upon the power of Congress to treat the seceding states as conquered provinces; it was operative in a period when the defeated South was under the rule of military governments having virtually unlimited powers. While it is of little value to engage in a semantic argument regarding the interpretation of the terms "custom or prejudice" in section 7 of the bill, it might be noted that "custom" was generally considered to be behavior legitimated by state or community sanction, something more than general prejudice. Moreover, since the term "prejudice" was not included in section 8, providing criminal sanctions, it seems to be fairly clear that S. 60 was designed primarily to deal with state action, despite the circumstances surrounding its passage.

Following the passage of S. 60, the 39th Congress turned to the Civil Rights Bill of 1866. In order to engage in a meaningful discussion of its legislative history, special attention must be given to relevant portions of its original text:

"Section 1. That all persons born in the United States and not subject to any foreign power, excluding Indians, not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous conditions of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property; and to full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulations, or custom, to the contrary notwithstanding.

"Section 2. That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this Act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court." [15]

As noted above, there were those in the 39th Congress who felt that Congress did not have the power to pass the Civil Rights Bill, and such doubts played a major role in the subsequent drafting of the fourteenth amendment.[16] Therefore, following the ratification of the fourteenth amendment, when Congress enacted the Civil Rights Act of 1870, protecting the rights of suffrage, it provided for the reenactment of the 1866 Act. This reenactment was felt to be of no consequence by the majority in *Jones*, despite the unarguable fact that it is hardly an everyday occurrence for the Congress to feel the need to reenact one of its own laws verbatim.[17]

The record clearly indicates that the Civil Rights Act of 1866 was designed to protect limited rights. It was not considered to be all-encompassing and was not drafted to reach private action. Rather, by prohibiting all state legislatures from enacting and enforcing statutes that treated one citizen differently from another, it was directed toward establishing equal legal status and capacity in clearly defined areas for those recently emancipated from slavery.

Certainly there are many ambiguities in the debates, but when they are read in their entirety, in the context of the period, the dominant theme is concern with *state*, not individual, action, either by those entrusted to enforce the law or by a private citizen acting under color of law. Either falls under the traditional state action requirement. When combined with the apparent meaning of the statute itself and construed according to the rules of statutory construction, this theme clearly indicates that the majority decision of the Supreme Court in *Jones* is based upon wishful thinking that can be substantial only by violating all the standard rules of statutory construction, by ignoring the history of the times, and by placing upon the meaning of both the words and the history an interpretation that is clearly unreasonable.

A clear distinction between "civil" and "political" rights was drawn at the time the Civil Rights Act was passed, a distinction based on the privileges and immunities clause of article IV, section 2, of the Constitution. The most commonly-quoted explanation of the difference is found in the opinion of Justice Washington in *Corfield v. Coryell*, which reads:

Footnotes at end of article.

"We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free Governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; to take, hold, and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; may be mentioned as some of the particular privileges and immunities of citizens, which are clearly embraced by the general description of privileges deemed to be fundamental." [18]

Reliance on this definition was virtually universal among members of the 39th Congress, including Senator Trumbull of Illinois, Chairman of the Judiciary Committee and author of the Civil Rights Bill, who, after quoting the above passage, was asked to interpret the term "civil rights." He responded:

"The first section of the bill defines what I understand to be civil rights: the right to make and enforce contracts, to sue and be sued, and to give evidence, to inherit, purchase, sell, lease, hold, and convey real and personal property, and to full and equal benefit to all laws and proceedings for the security of person and property. These I understand to be civil rights, fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists we have a right to protect every man in.

"Mr. McDougall. Do I understand that it is not designed to involve the question of political rights?

"Mr. Trumbull. This bill has nothing to do with the political rights or status of parties. It is confined exclusively to their civil rights, such rights as should appertain to every free man." [19]

Subsequently, in response to the claim of opponents of the bill that it was all-encompassing, Trumbull said:

"The bill is applicable exclusively to civil rights. It does not propose to regulate the political rights of individuals; it has nothing to do with the right of suffrage, or any other political right; but is simply intended to carry out a constitutional provision, and guarantee to every person of every color the same civil rights. That is all there is to it." [20]

Both the Freedman's Bill (S. 60) and the Civil Rights Bill (S. 61), introduced by Senator Trumbull on January 5, 1866, were based upon the second section of the thirteenth amendment, a section which Trumbull repeatedly asserted gave Congress the power to reach state action. For instance, in discussing the Freedman's Bill, Senator Trumbull said:

"I have no doubt that under this provision of the Constitution we may destroy all these discriminations in civil rights against the black man. . . . If in order to prevent slavery Congress deem it necessary to declare null and void all laws which will not permit the colored man to contract, which will not permit him to buy and sell, and to go where he pleases, it has the power to do so. . . . That is what is provided to be done by this bill. Its provisions are temporary; but there is another bill on your table, somewhat akin to this, which is intended to be permanent, to extend to all parts of the country, and to protect persons of all races in equal civil rights." [21]

Later, during the Civil Rights Bill debate, he declared that the abstract declaration embodied in the thirteenth amendment was of little value "if in the late slaveholding States laws are to be enacted and enforced depriving persons of African descent of privileges which are essential to freemen. . . . It is the intention of this bill to secure those rights." [22]

In the House of Representatives, where the bill was managed by the Chairman of the House Judiciary Committee, Representative Wilson of Iowa, the emphasis was also on state action. Representative Wilson saw a need to eradicate the Black Codes. In discussing such Southern legislation, he said:

"It will be observed that the entire structure of this bill rests on the discrimination relative to civil rights and immunities made by the States on 'account of race, color, or previous condition of slavery'." [23]

Another active participant in the debate, Representative Shellabarger of Ohio, asserted that the whole effect of section 1 was:

"[T]o require that whatever of these enumerated rights and obligations are imposed by State laws shall be for and upon all citizens alike without distinctions based on race or former condition in slavery. . . .

Self-evidently this is the whole effect of this first section. It secures—not to all citizens, but to all races as races who are citizens—equality of protection in those enumerated civil rights which the States may deem proper to confer upon any races." [24]

The Court makes much of the relation between sections 1 and 2 of the original Civil Rights Act and interprets section 1 as applying to both state and private action, while asserting that the criminal penalties embodied in section 2 apply only to those acting under color of state law. However, the drafters of the legislation evidently took the view common in legislative draftsmanship, namely that section 1 expressed those "fundamental rights" sought to be guaranteed by the bill and section 2 provided the penalties for violating or interfering with those rights. Senator Trumbull indicated that section 1 of the bill stated the "great fundamental rights," but that it would be of little value without machinery designed to give effect to those rights, saying:

"[T]he only question is, will this bill be effective . . . for the first section will amount to nothing more than the declaration in the Constitution itself unless we have the machinery to carry it into effect. A law is good for nothing without a penalty, without a sanction to it, and that is to be found in the other sections of the bill." [25]

Obviously, this means that those penalized by section 2 (those acting under color of state law) are the only ones prohibited from interfering with the "great fundamental rights" outlined in section 1.

The Court strains the boundaries of legal reasoning to arrive at its conclusion. In order to show that section 1 applies to private acts of discrimination, the majority opinion is forced to disassociate that section from the second section in which there is reference to "color of law." The Court's legal reasoning consists simply of the bare assertion that "if Section 2 had been intended to grant nothing more than an immunity from governmental interference, then much of Section 2 would have made no sense at all." and that section 2 was "carefully drafted to exempt private violations of section 1 from the criminal sanctions it imposed." [26] The sole support for this broadside assertion is a lengthy and highly speculative footnote containing quotations from a discussion on the floor between Congressman Loan of Missouri and Congressman Wilson of Iowa, the floor manager, regarding the reason for the reference to "color of law" in section 2 in view of its absence in section 1. Wilson's failure to reply directly to this question constitutes the sole textual support for the Court's argument.[27] This reasoning, to say the least, is not very lawyer-like; indeed, it is pure conjecture and not very convincing at that, especially in view of other representative statements by Congressman Wilson and Senator Trumbull indicating that the measure was intended only to prohibit acts perpetrated under color of law.

Reliance on floor debates to determine statutory meaning is always a delicate task, requiring the exercise of utmost objectivity. The pitfalls that await the careless are evident when one compares Justice Stewart's reading of history with that of Justice Harlan. The immediate impression is that the two Justices used entirely different debates. However, it becomes clear from Justice Harlan's gentle reproofs that the majority scholarship was faulty, if not deliberately selective. At best, the Court has chosen to read only those few parts of the congressional debates which, when taken out of context, will bolster its desired result. Moreover, the Court refers to sections of the debate, which, when checked, reflect positions almost diametrically opposite to the Court's position.

For example, in footnote 33, the Court refers to CONG. GLOBE, 39th Cong., 1st Sess. 1758, 1785 (1866).[28] When one checks these references, he finds Senator Trumbull asserting that:

"If an offense is committed against a colored person simply because he is colored, in a State where the law affords him the same protection as if he were white, this act neither has nor was intended to have anything to do with his case, because he has adequate remedies in the State courts; but if he is discriminated against under color of State laws because he is colored, then it becomes necessary to interfere for his protection." [29]

On page 1758, Trumbull says that everything done by the Southern dissidents was perpetrated under state laws, clearly indicating that the remedy must be directed against those laws and the persons acting under color thereof.[30] Looking further, one finds Senator Stewart saying:

"Although I am a strong advocate for local government, and extremely anxious that these matters should be attended to by the States as early as practicable, still I believe that it was the intention of those who amended the Constitution, as plainly indicated by that amendment, to give the power to the General Government to pass any necessary law to secure to the freedmen personal liberty. . . . I fully concur with the opponents of the bill that it would be much more desirable that the States should do it themselves; and I am anxious that propositions should be held out whereby they do it, and perhaps it would have been well if we had done that in the first instance. . . It passed today, it has no operation in the State of Georgia . . . and the other States can place themselves in the same position so easily that I do not believe they ought to complain. . . . He must do it under the color of a law. If there is no law or custom in existence in a State authorizing it, it will be impossible for him to do it under color of any law. This section is simply to remove the disabilities existing by laws tending to reduce the Negro to a system of peonage. It strikes at that; nothing else. It strikes at the renewal of any attempt to make those whom we have attempted to make free slaves or

Footnotes at end of article.

peons. That is the whole scope of the law. Now, if you listen to the act of Georgia you will see that they can have no law there under the color of which an offense of this kind can be committed. The second section of the act of the State of Georgia is precisely similar to the first section of the civil rights bill, taken from it almost in the precise language." [31]

Indeed, one begins to wonder if the Court accidentally cited the wrong page, for it seems odd indeed to direct the reader's attention to such damaging evidence.

The majority in *Jones* expends much effort in discussing opposition to the bill, and views the feeling of some of the opponents that the measure extended to private acts, an area constitutionally within the exclusive control of the states, as evidence that the bill *did* in fact extend to such acts. It is standard practice for opponents of any legislation to picture it as the grossest of all possible evils and generally to exaggerate its effects as a means of dramatizing an alleged problem, thereby obtaining support for their position. It is naive, to say the least, to assert that the verbiage of the opponents lends strength to the Court's position. However, under the construction given to the 1866 bill by the 1968 Supreme Court, the most rash of its opponents might well be designated true oracles in retrospect. Senator Saulsbury of Delaware, an opponent of the bill, stated:

"I regard this bill as one of the most dangerous that ever was introduced into the Senate of the United States, or to which the attention of the American people was ever invited." [32]

Finally, nowhere in the entire congressional debates was it ever suggested that private discrimination by refusal to sell or rent housing would be prohibited by the bill. In fact, nothing could have been further from the minds of the drafters, who would have considered such legislation to be tyrannical governmental intrusion on individual freedom.

B. Text of the Civil Rights Act of 1866

To support its ruling that the provisions of the Civil Rights Act of 1866, now embodied in 42 U.S.C. section 1982, are really an open occupancy law applicable to individuals not acting under color of state or territorial law, the Supreme Court does two unprecedented things. First, it assigns to the language of the Civil Rights Act of 1866 a meaning it does not have and a purpose it is not intended to achieve. Second, it divorces 42 U.S.C. section 1982 from 18 U.S.C. section 242 and 42 U.S.C. section 1983, the only laws which provide any sanctions for its violation.

There is, in truth, no relationship between the open occupancy concept and the Civil Rights Act of 1866, the presently relevant words of which merely specify that "all citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property." This language is simply designed to secure to all citizens of all races the equal protection of the laws at the hands of states and territories in respect to rights in property. In other words, its sole purpose is to make all the citizens of each state and territory equal before the law in respect to rights of property, and not to subject the rights of property of one individual to the demands of any other individual of any race.

A person has a right when the law authorizes him to exact from another an act or forbearance. Since, a white person's right to purchase or lease property has always been subjected by state and territorial law to the condition that its owner must be willing to sell or lease the property to him, the Court distorts the plain words of the Civil Rights Act of 1866 from their true meaning in holding that they confer upon a Negro the legal right to compel an unwilling owner of private property to convey or lease it to him. Furthermore, a white person does not have a right to compel an owner of real property to convey it to him, or even to lease it to him for a substantial term, unless such owner has bound himself to do so by a written contract or memorandum sufficient to satisfy the Statute of Frauds of the state or territory in which the real property is located.[33]

As Senator Trumball pointed out during the debates on the Civil Rights Act of 1866, "a law is good for nothing without a penalty, without a sanction to it, and that is to be found in the other sections of the bill." [34] By this statement, Senator Trumbull referred to section 2 of the Act, which made its sole sanction a criminal penalty. Section 2 of the Act is now codified as 18 U.S.C. section 242, and its language plainly shows that the provisions of the Civil Rights Act of 1866, now embodied in 42 U.S.C. section 1982, are limited in their application to persons acting under color of State or territorial law.[35]

For some strange reason, the Court in *Jones* takes no note of the fact that in 1871 Congress added a civil sanction to section 1 of the Civil Rights Act of 1866.[36] This civil sanction is now codified as 42 U.S.C. section 1983 and constitutes the only civil remedy available to citizens for deprivation of the property rights secured to them by 42 U.S.C. section 1982. Section 1983 reads as follows:

"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress."

This statute makes indisputable the invalidity of the Court's ruling in *Jones* that section 1982 is applicable to private acts of discrimination.[37]

C. Precedents relating to the Civil Rights Act of 1866

In reaching its decision in *Jones*, the Supreme Court was forced not only to strain statutory language, misread legislative history, and misunderstand the context of the times, but also to overrule a long line of precedents which, without exception, held that Congress had intended only to reach state action by the 1866 Act. The Court disposed of these cases in a few short paragraphs, without pausing long enough to give them a decent burial.

In the *Civil Rights Cases*, the Court discussed the scope of the 1866 Act and its application to purely private actions in the following terms:

"[I]t would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theatre, or deal with in other matters of intercourse or business." [38]

A few pages earlier, the Court had considered the theoretical distinction between a state's power to abridge a citizen's civil rights and an individual's ability to impair their enjoyment:

"[C]ivil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority . . . The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true . . . but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right . . . to hold property, to buy and sell . . . he may, by force or fraud, interfere with the enjoyment of the right in a particular case . . . but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right . . ." [39]

It was this distinction, still valid today, which the Court ignored when it gave the 1866 Act such an imaginative reading in *Jones*. Even the first Justice Harlan, who argued long and often that private discrimination is a "badge" or "incident" of slavery, would have limited prohibitory legislation to "discrimination practiced by corporations and individuals in the exercise of their public or quasi-public functions." [40]

Later under the version then extant of section 2 of the 1866 Act the Court, in *Hodges v. United States*,[41] reversed the conviction of several men for terrorizing Negroes to prevent them from exercising contracts of employment as guaranteed by section 1 of the 1866 Act. Acknowledging that one of the disabilities of slavery was the lack of power to contract and that the men in this case had deprived the Negroes of that right, the Court nevertheless concluded that "no mere assault or trespass or appropriation operates to reduce the individual to a condition of slavery," [42] and only conduct that actually enslaves can subject one to punishment under any legislation enacted to enforce the thirteenth amendment.

Then in *Corrigan v. Buckley*, the Court was called upon to determine whether the courts of the District of Columbia might enjoin prospective breaches of racially restrictive covenants under the immediate predecessors to section 1982. The Court answered negatively saying:

"[T]hey like the Constitutional Amendment under whose sanction they were enacted, do not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property." [43]

In *Hurd v. Hodge*, the issue again was racially restrictive covenants, and the Court said of the predecessor of section 1982:

"We may start with the proposition that the statute does not invalidate private restrictive agreements so long as the purposes of those agreements are achieved by the parties through voluntary adherence to the terms. The action toward which the provisions of the statute under consideration is [sic] directed is governmental action. Such was the holding of *Corrigan v. Buckley*. . . ." [44]

Manifestly, the precedents are opposed to the present Court's view of this legislation. The seven Justices of the majority discarded an unbroken line of Supreme Court cases, dismissing most of them by mere footnote references.

Before the Court handed down its decision in *Jones*, the President signed into law the Civil Rights Act of 1968,[45] Title VIII of which provides the only open occupancy law ever enacted by Congress. For reasons stated by Justice Harlan in his dissent, the Court should have refrained from making any decision and dismissed the writ of certiorari under which it acted as improvidently granted.[46]

D. The thirteenth amendment

To sustain the constitutionality of its distorted construction of the Civil Rights Act of 1866, the Court invokes the thirteenth amendment, and in so doing attributes to it a meaning and purpose wholly unrelated to its history and language.[47]

Section 1 of the thirteenth amendment does two things, and only two things. First, it outlaws slavery, and second, it outlaws involuntary servitude except as a punish-

Footnotes at end of article.

ment for crime.[48] Section 2 of the thirteenth amendment empowers Congress to enforce section 1 by "appropriate legislation." It is manifest that this grant of legislative power merely authorizes Congress to enact laws making effective the proceding section's outlawry of slavery and involuntary servitude. It does nothing more than this. There is not a syllable in the thirteenth amendment which authorizes Congress to bar private discrimination based on race or to subordinate the contract or property rights of one free American to the demands of another free American of any race. Despite this, *Jones* expressly holds that the power of Congress to enforce the limited objectives of the thirteenth amendment vests in Congress the unlimited power to regulate the contract and property rights of all Americans in order to prevent them from practicing private discrimination against Negroes, regardless of whether there be any state involvement and regardless of what other constitutional provisions may declare.

This holding is not only repugnant to the words of the thirteenth amendment, but it is also repugnant to the sound precedents interpreting those words. As the Court delared in *Hodges* v. *United States:*

"The meaning of this [the thirteenth amendment] is as clear as language can make it. The things denounced are slavery and involuntary servitude, and Congress is given power to enforce that denunciation. All understand by these terms a condition of enforced compulsory service of one to another. While the inciting cause of the Amendment was the emancipation of the colored race, yet it is not an attempt to commit that race to the care of he Nation. It is the denunciation of a condition and not a declaration in favor of a particular people. . . . Slavery and involuntary servitude of the Chinese, of the Italian, of the Anglo-Saxon are as much within its compass as slavery or involuntary servitude of the African.[49]

And as the Supreme Court held in *Corrigan v. Buckley:*

"The 13th amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another, does not in other matters protect the individual rights of persons of the Negro race." [50]

III. CONCLUSION

The implications of *Jones* are disquieting to those who believe that the Constitution means what it says, and not something else, and that it is desirable for our country to remain a free society. A free society must confer equality of legal rights upon all its people. But when it goes beyond this and undertakes to confer economic and social equality upon them, it ceases to be free.

Although it cites the *Civil Rights Cases,*[51] the majority opinion in *Jones* fails to note that the rulings in these cases are diametrically opposed to what it says and holds. Moreover, it ignores the observations made by Justice Bradley in the *Civil Rights Cases* about "running the slavery argument into the ground." *Jones* runs "the slavery argument into the ground." It does this by a series of assertions, some of which are surcharged with a passion somewhat incongruous for a Court which is supposed to decide legal controversies with what Edmund Burke called "the cold neutrality of the impartial judge."

Jones asserts, in substance, that the thirteenth amendment endows the Negro with various rights in addition to the one its words give him—the right to be free from enforced compulsory service to another; that among the additional rights the thirteenth amendment confers upon the Negro is: the right to have a dollar in his hand "purchase the same thing as a dollar in the hands of a white man;" the right "to buy whatever a white man can buy;" and "the right to live wherever a white man can live." Further, the Court holds that section 2 of the thirteenth amendment empowers Congress to enact all laws necessary to prevent or counteract any private discrimination based upon race which interferes with the Negro's enjoyment of these or any other undefined additional rights conferred upon him by the amendment.

In reaching these conclusions and making their adjudication in *Jones,* the majority of the Justices perform remarkable intellectual acrobatics. They misread and misinterpret the history of the Civil Rights Act of 1866 and, by so doing, impute to the Senators and the Representatives who passed the Act a purpose their minds did not entertain and their words did not express. Moreover, they assign to the Act and the thirteenth amendment meanings incompatible with their language.[52]

When all is said, *Jones* illustrates judicial activism run riot. It is, indeed, enough to make historical, linguistic, and constitutional angels weep.

FOOTNOTES

[1] 392 U.S. 409 (1968).
[2] 379 F. 2d 33 (8th Cir. 1967).
[3] 255 F. Supp. 115 (E.D. Mo. 1966).
[4] 42 U.S.C. § 1882 (1964).
[5] Act of April 9, 1866, ch. 31, § 1, 14 Stat. 27, *re-enacted by* Enforcement Act of 1870, ch. 114. § 18, 16 Stat. 144, *codified in* Rev. Stat. §§ 197–78 (1874), *now* 42 U.S.C. §§ 1981–82 (1964).
[6] T. Cobb, an Inquiry into the Law of Negro Slavery 235–39, 240–46, 260–63 (1858). *See generally* B. Hollander, Slavery in America: Its Legal History (1962); J. Hurd, The Law of Freedom and Bondage in the United States (1958); G. Stroud, A Sketch of the Laws Relating to Slavery (1856); J. Wheeler, A Practical Treatise on the Law of Slavery (1837). A definitive discussion and collection of cases is H. Catterall, Judicial Cases Concerning American Slavery and the Negro (1968).
[7] T. Cobb, *supra* note 6, at 312–17; J. Russell, The Free Negro in Virginia (1619–1865) at 88 122 (1913); Sydnor, *The Free Negro in Mississippi before the Civil War,* 32 Am. Hist. Rev. 760, 770–73 (1927). *See also* Ga. Cobb's New Dig. 991–97, 1008, 1010, 1017 (1851); Miss Hutchinson's Code 524–25, 540; N.C. Rev. Stats. §§ 588, 590–91 (1837); J. Guild, Black Laws of Virginia 102–10, 112, 114, 116–17, 120–21 (1937). For examination of the anti-slavery crusade and the Southern reaction in laws repressing it, see C. Eaton, Freedom of Thought in the Old South (1940).
[8] *See* L. Litwack, North of Slavery—The Negro in the Free States 1790–1860, at 64–97, 103–12 (1961) G. Stephenson, Race Distinctions in American Law 35–39 (1911); V. Voegeli, Free But Not Equal—The Midwest and the Negro During the Civil War 2, 125, 163, 165, 166, 169, 170 (1967).
[9] *See* J. TenBroek, Equal Under Law 223–28 (1965).
[10] *Id.* Space and time do not suffice to discuss the detailed history of all the civil rights laws enacted during the Reconstruction Era: The Acts of 1866, 14 Stat. 27; of 1870, 16 Stat. 140; of 1871, 16 Stat. 433 and 17 Stat. 13; and of 1875, 18 Stat. 335. These are set out in full text in R. Carr, Federal Protection of Civil Rights: Quest for a Sword 211–49 (1947). For the details of what happened to them, see R. Carr, Federal Protection of Civil Rights: Quest for a Sword (1947); 3 Race Rel. L. Rep. 133–61 (1958); Gressman, *The Unhappy History of Civil Rights Legislation,* 50 Mich. L. Rev. 1323 (1952); Maslow & Robinson, *Civil Rights Legislation and the Fight for Equality,* 20 U. Chi. L. Rev. 363 (1953). *See generally* 2 T. Emerson, D. Haber & N. Dorsen, Political and Civil Rights in the United States 1356–480 (1967).
[11] Act of March 3, 1965, ch. 90, §§ 1–5, 13 Stat. 507.
[12] Cong. Globe, 39th Cong., 1st Sess. 318 (1866).
[13] *Id.*
[14] The text of S. 60 is in E. McPherson, History of the Reconstruction 72–74 (1871). The original Freedman's Bureau Act and subsequent amendments are set out in W. Fleming, Documentary History of Reconstruction 315–26 (1966). *See* G. Bentley, a History of the Freedman's Bureau (1955).
[15] Civil Rights Act of 1866, ch. 31, § 2, 14 Stat. 27.
[16] *See* note 8 *supra.*
[17] It is often claimed by detractors of the Congress that there is frequent repetition and overlapping in its laws due to the ignorance of some of its members regarding the provisions of existing laws. However, reenactment by direct reference hardly falls in this category.
[18] 6 F. Cas. 546 (No. 3230) (C.C.E.D. Pa. 1823).
[19] Cong. Globe, 39th Cong., 1st Sess. 476 (1866).
[20] *Id.* at 599.
[21] *Id.* at 322.
[22] *Id.* at 474.
[23] *Id.* at 1118.
[24] *Id.* at 1293.
[25] *Id.* at 475.
[26] 392 U.S. at 424–25.
[27] *Id.* at 425 n. 33.
[28] *Id.* at 425.
[29] Cong. Globe, 39th Cong., 1st Sess. 1758 (1866).
[30] *Id.*
[31] *Id.* at 1785.
[32] *Id.* at 476.
[33] The Court does not allude to either of the conditions upon which the right of a white person to purchase real property depends. Nevertheless, its decision nullifies the Statutes of Frauds of all the States in cases coming within its ambit, and thus robs owners of real property in such cases of the protection from fraud and perjury which they enjoyed under these statutes. Moreover, it makes an oral refusal to convey or lease tantamount to a contract to sell or lease.
[34] Cong. Globe, 39th Cong., 1st Sess. 475 (1866).
[35] *See* United States v. Classic, 313 U.S. 299 (1941).
[36] Act of April 20, 1871, ch. 22, § 1, 17 Stat. 13.
[37] Hurd v. Hodge, 334 U.S. 24 (1948); Buchanan v. Warley, 245 U.S. 60 (1917).
[38] 109 U.S. 3, 24–25 (1883).
[39] *Id.* at 17.
[40] *Id.* at 43.
[41] 203 U.S. 1 (1906).
[42] *Id.* at 18.
[43] 271 U.S. 323, 331 (1926).
[44] 334 U.S. 24, 31 (1948).
[45] 82 Stat. 73 (1968).
[46] 392 U.S. at 478; *see* Bell v. Maryland, 387 U.S. 226 (1964); Rice v. Sioux City Mem. Park Cemetery, 349 U.S. 70 (1955); Magnum Import Co. v. Coty, 262 U.S. 159 (1923); Layne & Bowler Corp. v. Western Well Works, Inc., 261 U.S. 387 (1923).
[47] The distorted construction placed upon 42 U.S.C. § 1982 in the *Jones* case finds no support in either the thirteenth or the fourteenth amendments. When properly construed, however, the statute finds support in the equal protection clause of the fourteenth amendment. "Both the Civil Rights Act of 1866 and the joint resolution which was later adopted as the Fourteenth Amendment were passed in the first session of the Thirty-Ninth Congress . . . . It is clear that in many significant respects the Statute and the Amendment were the expressions of the same general congressional policy. Indeed, as the legislative debates reveal, one of the primary purposes of many members of Congress in supporting the adoption of the Fourteenth Amendment was to incorporate the guaranties of the Civil Rights Act of 1866 in the organic law of the land. Others support-

ed the adoption of the Amendment in order to eliminate doubt as to the constitutional validity of the Civil Rights Act as applied to the States." Hurd v. Hodge, 334 U.S. 24, 32–33 (1948).

[48] The word "slavery," as used in the thirteenth amendment, means a condition of enforced, compulsory service of one to another, slavery being defined by Webster as a "state of entire subjection of one person to the will of another." Hodges v. United States, 203 U.S. 1, 17 (1906). The words "involuntary servitude," as used in the amendment, include something more than slavery in the strict sense of the term. "They include also serfage, vassalage, villanger, peonage, and all other forms of compulsory service for the benefit or pleasure of others." *Ex parte* Drayton, 153 F. 986, 990 (D.S.C. 1907), *quoting and adopting definitions in* Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873).

[49] 203 U.S. at 16–17.

[50] 271 U.S. at 323.

[51] 109 U.S. 3 (1883).

[52] The language of the two short sections of the thirteenth amendment is clear and free from ambiguity. Hodges v. United States, 203 U.S. 1 (1906); Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873). As a consequence, the Court had neither the right nor the authority to resort to construction to attribute to the framers of the amendment a purpose not manifest in its language. Wright v. United States, 302 U.S. 583 (1938); United States v. Sprague, 282 U.S. 716 (1931). Despite this, the Court ignores the natural meaning of the language of the amendment and stretches the limited purposes of its framers to abolish slavery and involuntary servitude into an unlimited purpose to ban all private discrimination against Negroes because of their race, even though such discrimination does not involve in any way any enforced compulsory service of one person to another. The Court reaches its conclusion by a process which offends reason. It holds that the power given Congress by section 2 to enforce the provisions of section 1 empowers Congress to legislate in areas beyond the compass of section 1. 392 U.S. at 428.

FEDERAL EMPLOYEE RIGHTS

Mr. ERVIN. Mr. President, Saga magazine for June 1969 contained an interesting article entitled "Inquisition by Insanity," which discusses some of the tyrannies practiced upon American citizens and Federal employees by the Federal Government.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INQUISITION BY INSANITY

(By Andy Sugar)

Until SAGA's authoritative report, "Uncle Sam's 13 Secret Concentration Camps" (April 1969), there had been only a rumor that these internment centers were in existence. But with that expose, it became known that the Federal Government now has the old Jap W.W. II camps ready, waiting . . . and even expecting victims in some future mass arrest of American citizens.

It was a frightening disclosure when taken in context with the Internal Security Act of 1950, called the McCarran Act, which can be interpreted as a "concentration camp" law. It provides that a man can be jailed without a court proceeding and without the Government having to furnish any proof of his guilt.

However, even with "Operation Concentration Camp" ready to go on short notice, the Government has all-along been silencing critics and dissenters—without public detection. It has a weapon which not only strips a man of many of his constitutional rights, but peels away his dignity as a human being as well as putting him in the position of damning himself, whether he cooperates with the authorities, or tells them to go to hell.

That weapon is the Psycho Ward, a simple and direct method of removing a troublesome individual from the public eye and one which forces the burden of proof on the accused and not on the accuser.

As a lawyer explained it: "When a man is arrested for a crime, no matter if it's for a minor theft or a murder, everyone from the arresting cop up to the police commissioner is worried about violating his constitutional rights.

"The suspect is offered legal advice from the beginning and no prosecutor would dare question him without having an attorney present to witness it or having the suspect waive his rights.

"There are no lengthy interrogations. No third degree where a confession is beaten out of a man. No 'truth serums' are administered. No lie detector tests. No nothing!

"And if the accused isn't officially charged within a specified length of time, he can obtain his release on a court order.

"But a man whose sanity is being challenged doesn't enjoy this kind of protection.

"First of all, he may be confined in an asylum for weeks before a friend or relative could track him down and take the legal steps necessary for his release and during that time, anything could happen.

The victim could be drugged or given harsh shock treatments that could destroy his otherwise healthy mind and turn him into a paper shell of his former self.

"If he refused to talk to anyone without his lawyer being present, that refusal could be used against him to demonstrate to a judge how sick he really was. Or if he cooperated, he could ruin his chances to get out by making truthful and innocent answers to a set of questions psychologically designed to make him look insane.

"Even if a man survived the so-called 'examination' and would be released as 'sane and competent,' he'd still have trouble because he'd carry the stigma of once having his mental stabiltiy in doubt and no matter how valid his complaints or charges against his accusers would be, no one would take him seriously.

"He would be effectively silenced by this country's overwhelming fear of psychiatry and that's all his accusers were after in the first place. They wanted him to stop making those waves everybody fears and any method that worked would be condoned."

That fear of psychiatry was not exaggerated by the attorney as shown after the last election when the noted newspaper columnist Drew Pearson, reported that President Nixon had consulted a well-known New York psychiatrist when he was Vice-President

Within days, the story had been blown out of all proportions, with denials and counter-charges on both sides making headlines and although it was never positively determined just why the President had been seeing the doctor, the abrupt, vehement and somewhat frightened reactions of the Nixon camp illustrates how damaging it thought the insinuation would be to the President.

A Big Brother type of government knows how to use a public phobia, twisting and bending it to fit any pattern or framework it wants, and in this country, the Federal Government has used the fear of challenging a man's sanity many times in the past to silence critics or dissenters. For example:

A young Naval officer questioned whether the Gulf of Tonkin incident really happened as officially reported by the Government and he was ordered to undergo a psychiatric examination.

A civil service employee commits the horrible "crime" of saving the taxpayers $250,000 by ordering improvements on delivery methods and is labeled a "chronic paranoid" by a psychiatrist who sees him for only a half-hour.

A clerk in the Pentagon becomes upset when he learns his brother had been killed in Vietnam, a perfectly natural reaction, and in his anguish, he sends a postcard to the Chiefs of Staff: "Add another notch to your gun; my brother was killed in Vietnam." Instead of their ignoring the normal outburst, he is immediately shipped out to a psychiatrist.

There are many other cases where civil servants have been forced to keep their mouths shut, or go into early retirement. One informed source, who requested his name not be used for obvious reasons, said, "There are about 3,000 cases like this on record and who knows how many thousands more buckled under and played the game."

And if you think that you're immune from this pressure just because you are not a Federal employee, here is the unnerving truth:

Sen. Sam J. Ervin of North Carolina has gone on record as saying that whatever happens to the civil service worker *eventually happens to the rest of the population.*

"If 3,000,000 Federal employees and their families can be forced to surrender their liberties without any recourse to the courts, then they can be surrendered by millions of state and local employees," he said.

"Since the attitudes and practices of the Federal Government are emulated by private industries and organizations, the injustices and tyrannies against employees ignored by Congress today will spell the destruction of basic liberties tomorrow."

And the tentacles of Big Brother have already reached out of its own bureaus and departments and grabbed some civilians in the semi-death grip of the mental hospital as illustrated by the case of Edwin A. Walker, a retired major general of the Army.

The 59-year-old Walker, a West Point graduate and much-decorated combat veteran had been a spokesman for the conservative end of the political spectrum for years and his views had not only made him an irritating barb in the side of mainstream America, but they had also gained him news headlines.

In 1961, he resigned from the Army after he had been reprimanded for sponsoring conservative-slanted indoctrination courses when he commanded the 24th Division in Germany. The following spring, he testified before a Senate subcommittee that anti-communist speeches made by military men were being censored and he continued hitting the newspapers with his speeches, charges and viewpoints.

Now, Walker's opinions may be strong, dogmatic, even debatable, but as an American citizen, he has every right to whatever political philosophy he wants and every right to voice it. His views, like those of many millions of people in this country, may not be shared by a majority of citizens—but that does not make them insane.

Yet, it was Walker's record and an erroneous news report that helped put him in a mental hospital where his sanity was challenged by the Government without a qualified psychiatrist even having spoken for him.

Walker's tussle with Big Brother started when the Federal Government ordered the University of Mississippi to admit the first Negro, James Meredith, to the school in 1962.

At first, Walker protested the move but made it clear that he wouldn't go to Oxford campus unless Federal troops were ordered in.

"I repeatedly stated that on radio and TV and in the newspapers," Walker told SAGA. "After all, you can put any kid—black or white—in any school with 50 men and having troops on the campus is, in my opinion, unconstitutional."

But President Kennedy called up the National Guard and Walker went to Oxford as he had promised.

A riot developed on September 30th and two people were killed as well as scores injured in the fighting. During the melee, Associated Press reported that Walker had "assumed command" of the rioters and that he "led a charge of students against" Federal marshals protecting Meredith.

The next day, Walker was arrested and charged with insurrection, seditious conspiracy to impede and injure officers of the United States and assaulting, resisting and impeding officers. Later that same day, a Federal court, upon request of the Justice Department, ordered Walker to be held for psychiatric examination.

According to one of his lawyers at the time, Clyde J. Watts, the Federal court had no jurisdiction in ordering Walker to be committed and that he was held against his will as well as having been denied his right to make bond.

Watts added that the court had found Walker was so mentally incompetent as to be unable to understand the proceedings against him or properly assist in his own defense.

And the decision to challenge Walker's mental stability *was reached without a qualified psychiatrist examining, asking questions or even talking to Walker.*

"I never talked to a doctor before they sent me to the mental hospital," he said.

Instead, the order to commit him was granted on the basis of an affidavit from Dr. Charles E. Smith, the chief psychiatrist of the Federal Prison Bureau who said he based his findings on Walker's medical history that included, it was assumed, his Army records, news accounts of his actions in the riot, and his appearance before the subcommittee when he testified to the speech-tampering charge.

Dr. Smith was quoted as saying that some of the "reported behavior reflects sensitivity and seemingly bizarre outbursts of the type often observed in individuals suffering with paranoid mental disorders."

On the basis of this "long-distance" diagnosis, Walker was flown to the psycho ward of the Federal Prison in Springfield, Mo., where he spent five days until his attorneys could obtain his release.

During that time, many people protested the Government's treatment of Walker and another one of his lawyers, Robert Morris (a one-time council to the Senate Internal Security subcommittee and a former judge), called his client "the United States' first political prisoner.

"One would think we're in Havana or Budapest from the way General Walker has been treated," he added.

"I've never seen anything like this—violating due process and the Bill of Rights."

Morris had also said that Dr. Smith should be discharged.

"For Dr. Smith to conclude on the basis, as he puts it, of news reports that General Walker's mentally disturbed and paranoid is most unprofessional behavior and one more shred of evidence that General Walker is being lynched."

On advice of his attorneys, Walker refused to talk to any of the psychiatrists at the hospital. "I just gave them my name, rank and serial number, like any prisoner of war," he said.

Finally, on October 6th, Walker was freed on $50,000 bond after he agreed to report to the Southwest Medical Center in Dallas, for a psychiatric examination to be conducted by Dr. Robert Stubblefield of the center and a psychiatrist to be named by the Government.

The subsequent examination proved Walker to be mentally sound and it was ruled that he was competent to stand trial.

However, those charges were dismissed after a Federal grand jury adjourned without indicting him, but Walker wasn't finished with the incident. He sued Associated Press for the story which was instrumental in having him committed because he claimed the report had made "false statements" and that AP's "suppression of the truth was motivated by malice and a desire to hurt and harm him in his reputation and blacken his good name."

But Walker didn't blame AP alone and he said the wire service acted in collusion with the Government.

"President Kennedy committed some 23,000 troops to Oxford," he explained, "and he had planned a world premiere to show the Government's position. It was also intended, I believe, to insure no opposition to that position ever after.

"Because of his tremendous commitment, he was in a ridiculous position and only violence would have saved his neck—and the violence that did come was too minor.

"The Government had to have opposition which they had to build at any price, even to alleging a crime and questioning sanity to hold up the allegation.

"There was another wire service report from United Press International which told the truth about my activities in Oxford, but Dr. Smith said he had never seen that news report.

"In fact, when he was asked if he would have seen it, would it have made any difference in his diagnosis and he said, 'No, I don't think it would have.'

"So AP, no doubt, played the game with the administration to save JFK's neck.

"I believe that there are many people like me in Springfield hospital and a check there would probably turn up other 'political prisoners.'"

Walker won judgments against AP in both Texas and Louisiana, but those decisions were later overturned by the U.S. Supreme Court because it felt that public figures, people who are in the news but don't hold public office, can be subjected to derogatory criticism even when based on false statements.

So because he was well-known and considered a public figure, Walker lost his lawsuits, but by the same reasoning, his reputation is what probably saved him from an extended stay in the mental hospital. He was too well-known and there was too much public outcry to keep him sealed up in some lonely room.

But what about the man who doesn't have a national reputation, the individual who doesn't have the money or power to fight back as Walker did? These people are also victims of Big Brother's weapon.

"The case of Charles F. Olson is typical of a whole series of cases which happen almost on a daily basis in the Federal Government, especially in areas where conscientious Federal Employees discover waste of Government money through 'contracting out' of services and goods," John F. Griner, President of the American Federation of Government Employees, recently told a House subcommittee.

"An employee of the U.S. Army's ammunition procurement and supply agency in Joliet, Ill., Mr. Olson touched a sensitive nerve in the Defense Department by questioning the costs of defense contracts.

"So far as one can establish, his superiors were nervous about Congressional probes of waste, inefficiency and potential fraud in the Pentagon's multibillion dollar spending programs.

"Advised not to scrutinize these contracts so closely in the future, he did not 'go along' and suddenly, in November 1966, he was dismissed on charges of being 'absent without leave.'"

Griner added that Olson fought the dismissal and after long hearings before the Civil Service Commission, he was vindicated and reinstated.

"But the Defense Department now wielded its most dreaded instrument of punishment and reprisal," Griner testified. "It charged him with mental instability.

"Sent to a Government-paid psychiatrist, he was questioned only a half-hour and was promptly found to be a 'chronic paranoid.'

"Apprised of this 'rush job,' Senator Ervin wrote the Civil Service Commission Chairman, John W. Macy, Jr., observing that 'the speed with which Mr. Olson's agency attempted to obtain a psychiatric disability retirement—after the Civil Service Commission *restored* him to his position—suggests the Commission inspectors might look into the management problems in this office.'"

And what did Olson do that was so terrible to cause him so much trouble?

He merely saved the Army, and the taxpayers, some $250,000 by having a defense contractor make some improvements that would speed up the manufacturer's deliveries to Vietnam.

But by doing so, he apparently stepped on some bureaucratic toes and when he wouldn't let up, he got the reputation of being a "troublemaker." Also, after his reinstatement, he claimed he was threatened with bodily harm and had been returned to a job without any work to do as well as being railroaded by the mental-instability charge.

Eventually, after several prominent senators were notified of Olson's problems and began helping him, the stigma of the "chronic paranoid" was removed by the Commission's Board of Appeals and Review, but by that time, Olson had gone deeply into debt and was having trouble meeting normal financial obligations.

Last November, Olson received an official apology from the Army and was ordered placed in the same position at his former post or its equivalent. Officials also requested him to write a paper designating those who had threatened him and why and to propose procedures for getting rid of the clique.

So for doing his job, Charles Olson went through hell, and he is only one of many people who have been abused, institutionalized, or frightened into playing the game lest they be branded "psycho." And many times, a petty, tyrannical supervisor can destroy a subordinate, or make him cower in fear, by holding the psychiatric examination over his head, and for no other reason than to assert his power.

Another case in which Senator Ervin, Chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, was involved was one where the victim, a woman secretary, was carted out of the Department of Agriculture and forcibly taken to St. Elizabeth's Hospital, a mental institution in Washington.

"That was a Miss Jones," the Senator said. "She was one of my constituents and they took her out to the hospital and nobody learned anything about it for over a week.

"That is another field that we need to look into in the Federal Government. They have a habit, which my subcommittee has corrected several times as a result of individual protests, of ordering psychiatric examinations where there is some incompatibility between a supervisor and an employee.

"This results in a forced retirement on psychiatric grounds, as they tried to do in that case. Miss Jones is a perfectly rational person."

Other abuses include that of a woman who was an expert in Supply Procurement and had received numerous awards for outstanding performances in her job. She became ensnarled in a personality clash with new people brought in through a reorganization and on the pretense of a medical exam, she was sent out on what turned out to be a psychiatric interview.

She later received a notice that she was being retired and she requested another interview with the same psychiatrist.

His conclusions were far different from the ones he had had the first time and after clearing her he also told the Civil Service Commission that he would decline to diagnose any other cases on a one-time visit basis.

As these abuses continue to mount, filling file drawer after file drawer, and as Congress is beginning to investigate these charges, many influential people are finally starting to take action.

Marcia MacNaughton, a professional staff member of Ervin's subcommittee, said that the American Psychiatric Association is now studying the problem—looking into its members' actions as publicized by recent Congressional inquiries. Also, Senator Ervin will again propose a bill to protect the constitutional rights of Federal employees. (Last year the same bill failed to pass before Congress adjourned and Senator Ervin intends to re-introduce it in the 91st Congress.)

However, even if the bill is passed and signed into law, the threat of psycho-ward lock-up will continue to be held over everyone's head and only a public outcry against this injustice will make matters better.

Until the entire nation stops fearing the psychiatrist and starts demanding legal protection of all people, the tentacles of the insane-asylum will reach out, ready to grab at anyone—including you.

John Griner of the AFGE, summed it up perfectly when he said: "History has shown that the freedom of the people as a whole is highly vulnerable in the societies and in those situations where the individual liberty and professional freedom-of-conscience of the nation's civil service has already been undermined or destroyed.

"The lessons of modern industrial dictatorships, such as fascism, Nazism and Communism, reveal that the attack on the freedom of the people as a whole succeeded only after the earlier erosion of the freedom and professional status of the national civil service system.

"Thus, it is clear that ultimately the freedom of every American citizen, even of those who are not now and may never be Federal employees, may well be affected by the manner in which Congress enables Federal employees to obtain effective protection for their constitutional rights."

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Acting Director, Bureau of the Budget, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (with accompanying documents); to the Committee on Agriculture and Forestry.

REPORT OF THE ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, transmitting, pursuant to law, the 24th Report of the U.S. Advisory Commission on Information, dated May 19, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for savings if the Government follows the practice of many private businesses and consolidates its small freight shipments, Department of Defense, General Services Administration, dated June 30, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED VOTING RIGHTS ACT AMENDMENTS OF 1969

A letter from the Attorney General of the United States, transmitting, pursuant to law, a draft of proposed legislation to amend the Voting Rights Act of 1965, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN CORPORATION

A letter from the Counsel, Pacific Tropical Botanical Garden Corporation, transmitting, pursuant to law, a report of audit for the Corporation for the calendar year ended December 31, 1968 (with an appropriate report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Acting Director, Bureau of the Budget, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (with accompanying documents); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO REVISE THE PRESENT SYSTEM OF ADMINISTERING FEDERAL GRANTS

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Federal Government's preeminence in the income tax field has led to a greater need for unrestrictive sharing of such revenue with state and local governments by means other than its complex system of categorical grants-in-aid; and

"Whereas, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

"Whereas, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

"Whereas, unless the trend toward restrictive categoric federal grants is reversed, these grants will so entwine themselves that the state's freedom of movement will be significantly inhibited; and

"Whereas, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

"Resolved: That We, your Memorialists, most sincerely recommend and urge the Congress of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants-in-aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax-sharing programs or block grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

"Resolved: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State.

"In Senate Chambers, read and adopted, June 12, 1969.

"Sent down for concurrence, ordered sent forthwith:

"JERROLD B. SPEERS,
"Secretary.

"House of Representatives, read and adopted, June 13, 1969.

"In concurrence:

"BERTHA W. JOHNSON,
Clerk.

"Attest:

"JOSEPH T. EDGAR,
"Secretary of State."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A SUBSTANTIAL INCREASE IN SOCIAL SECURITY PAYMENTS TO ELDERLY PERSONS

"Whereas, According to the June 10, 1969 edition of the Wall Street Journal, the National Administration has decided to put restraints on Social Security payments by endorsing only a seven per cent rise in Social Security outlays next year, compared to the ten per cent recommended by the prior Administration; and

"Whereas, The Secretary of Health, Education and Welfare, Mr. Finch, is quoted therein as saying: 'I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold spending at the top level'; and

"Whereas, Current runaway inflation exerts a most severe impact on the elderly, who are forced to struggle on fixed incomes; and

"Whereas, Every humane impulse and appeal to reason dictates that all possible assistance be given our aging citizens; and

"Whereas, The comfort and health of the aged should not be sacrificed to the expansion of programs for young children, but both should receive necessary and equal priority attention; now, therefore be it

"Resolved, That the Massachusetts Senate opposes any such elderly versus young collision course at the federal level; and be it further

"Resolved, That the Massachusetts Senate favors a rise in Social Security outlays much in excess of the reported seven per cent; and be it further

"Resolved, That copies of these resolutions be sent to the President of the United States, the Secretary of the U.S. Department of Health, Education and Welfare and to the

members of the Congress from the Commonwealth.

"Senate, adopted, June 19, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

A concurrent resolution of the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 173

"Whereas, The Congress of the United States has under consideration several proposed plans which would limit the exempt status for income tax purposes of interest paid on bonds issued by state and local governments; and

"Whereas, Among those suggestions under consideration by the Congress are proposals which would (1) include interest paid on state and local bonds in the base income for a proposed minimum income tax, (2) require allocation of deductions between taxable income and income from interest paid on state and local government bonds, (3) include interest paid on state and local bonds among income which would have tax preference limitations, and (4) provide a guaranty subsidy in exchange for the surrender of all or part of such traditional tax exemption; and

"Whereas, It has long been considered unconstitutional for the Federal government to tax a state or local government; and

"Whereas, Any of the foregoing plans or any other plan which would directly or indirectly tax interest paid on state or local government bonds would be an impairment of such constitutional immunity; and

"Whereas, Any limitation on tax exemption of interest paid on state and local bonds would result in higher interest rates to be paid by state and local governments in their borrowing; and

"Whereas, Any increase in cost of borrowing is paid directly by the taxpayers of the community borrowing or by the users of publicly owned facilities; and

"Whereas, Any limitation on tax exemption of interest paid on state and local bonds would limit the market for such bonds; and

"Whereas, Any limitation of the market in which state and local bonds are sold would handicap state and local governments in providing funds for urgently needed public improvements; now, therefore, be it

"Resolved by the House of Representatives of the 61st Legislature, the Senate concurring, That the Texas Legislature by this Resolution expresses its opposition to any plan by the Congress of the United States that would in any way limit the tax exempt status of interest paid on bonds issued by state or local governments; and, be it further

"Resolved, That upon adoption of this Resolution, the Secretary of State is requested to deliver forthwith copies of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and each member of Congress from the State of Texas.

"BEN BARNES,
"Lieutenant Governor.
"———— ————,
"Speaker of the House.

"I hereby certify that H.C.R. No. 173 was adopted by the House on May 30, 1969.

"DOROTHY HALLMAN,
"Chief Clerk of the House.

"I hereby certify that H.C.R. No. 173 was adopted by the Senate on May 30, 1969.

"CHARLES SCHNABEL,
"Secretary of the Senate.

"Approved: June 18, 1969.

"PRESTON SMITH,
"Governor."

A letter, in the nature of a petition, from John W. Oliver, of Irwin, Pa., praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the Monterey County, Calif., Board of Education, urging support of title II of the Elementary and Secondary Education Act; to the Committee on Finance.

A resolution adopted by the Greene County, N.Y., County Legislature, remonstrating against the inclusion of municipal bonds within the present tax reform proposal; to the Committee on Finance.

A resolution adopted by the 72d annual convention of the American Federation of Musicians of the United States and Canada, AFL–CIO, praying for the enactment of legislation relating to general revision of the copyright laws; to the Committee on the Judiciary.

A resolution adopted by the Rotary Club of Plant City, Fla., praying for the enactment of legislation relating to implementing prompt and aggressive prosecution and punishment of all persons guilty of violation of the laws of the United States and the several States of the United States or any political subdivision thereof; to the Committee on the Judiciary.

EXCUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. STENNIS, from the Committee on Armed Services:

Harry P. Mahin, and sundry other officers, for temporary promotion in the United States Navy;

Gen. Howell M. Estes, Jr. (major general, Regular Air Force), U.S. Air Force, and Gen. Raymond J. Reeves (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general; and

Lt. Gen. Keith C. Compton (major general, Regular Air Force), U.S. Air Force; Lt. Gen. Stanley J. Donovan (major general, Regular Air Force), U.S. Air Force; Lt. Gen. Robert A. Breitweiser (major general, Regular Air Force), U.S. Air Force; and Lt. Gen. Charles H. Terhune, Jr. (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of lieutenants general.

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I also report favorably sundry nominations in the Air Force. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Donald D. Adams, and sundry other officers, for promotion in the Regular Air Force.

BILLS INTRODUCED

Bill were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 2506. A bill to reduce the number of semester hours that a veteran must carry at an institutional undergraduate course offered by a college or university in order to qualify for full-time benefits under chapter 34 of title 38, United States Code (to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN:

S. 2507. A bill to amend the Voting Rights Act of 1965, and for other purposes; to the Committee on the Judiciary (by unanimous consent).

(The remarks of Mr. DIRKSEN when he introduced the bill appear earlier under the appropriate heading.)

By Mr. CRANSTON:

S. 2508. A bill for the relief of Antonio Reno Tessuti; and

S. 2509. A bill for the relief of Santina Lena Pinasco; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2510. A bill to amend the Internal Revenue Code of 1954 to establish the fair market price in connection with certain sales of articles subject to excise tax; to the Committee on Finance.

(The remarks of Mr. BENNETT when he introduced the bill appear later under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 2511. A bill to extend the provisions of section 403(b) of the Internal Revenue Code of 1954 to employees of public hospitals; to the Committee on Finance.

By Mr. TYDINGS:

S. 2512. A bill for the relief of Gerasimos Antzoulatos; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 2513. A bill to provide for the mailing of absentee voting matter free of postage; to the Committee on Post Office and Civil Service.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2514. A bill for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2515. A bill to amend the Social Security Act to provide that certain payments made by the Tribal Council of the Confederated Salish and Kootenai Tribes not be regarded as income or resources for purposes of determining need for aid or assistance under certain public assistance programs; to the Committee on Finance.

By Mr. DIRKSEN (for Mr. MURPHY):

S. 2516. A bill to terminate Naval Petroleum Reserve No. 1, to establish certain submerged lands under the Santa Barbara Channel as Naval Petroleum Reserve No. 5, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2517. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. HARTKE (for himself, Mr. ALLEN, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. DOMINICK, Mr. EAGLETON, Mr. EASTLAND, Mr. FANNIN, Mr. FULBRIGHT, Mr. GORE, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HRUSKA, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER, Mr. MOSS, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, Mr. SCHWEIKER, Mrs. SMITH, Mr. STEVENS, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, Mr. YOUNG of Ohio, and Mr. MONDALE):

S. 2518. A bill to amend title II of the

Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disablity insurance benefits thereunder; to the Commttee on Finance.

(The remarks of Mr. HARTKE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2506—INTRODUCTION OF A BILL REGARDING THE VETERANS EDUCATIONAL PROGRAM

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to amend chapter 34 of title 38, United States Code, regarding the veterans educational program. This bill would lower from 14 to 12 the minimum number of semester hours required for an eligible veteran to be considered to be enrolled in a full-time course of undergraduate higher education for purposes of receiving a full-time educational assistance allowance.

The existing statutory requirement is that such an eligible veteran must be taking a minimum of 14 semester hours or its equivalent in order to qualify for a full-time allowance while enrolled in an undergraduate college or university course. This requirement is a carryover from the World War II GI bill. As far as I can determine, it was not specifically reconsidered when it was enacted as part of the Korean conflict and the cold war GI bills.

Given the marked changes in our educational system over the last two decades, it is not surprising to learn that the 14-semester-hour minimum requirement no longer appears to comport with the structuring of undergraduate courses of instruction at many colleges and universities.

I have particular reference to the community college, State college, and university system in the State of California, where I am advised a student is considered to be in full-time attendance when he is enrolled for 12 or more semester hours.

Certainly, we should not continue to apply 20-year-old standards if they are no longer reasonably reflective of the situation confronting a veteran pursuing a higher education.

It is our obligation to review continually the full system of veterans benefits and services in order to insure its appropriateness and timeliness. Only in that way can the Nation's obligations to its veterans be discharged in a meaningful and socially productive way.

Although the present minimum requirement does indeed appear to be obsolete in terms of the California higher education system, I wish to make clear that I do not yet know whether the same is true on a nationwide basis—although there are indications that it is indeed a national problem. I am reserving judgment on that question until we hold hearings before the Veterans Affairs Subcommittee. I plan to call such hearings in the near future.

My main purpose in introducing this measure at this point, therefore, is to focus attention upon this question in an official congressional context in order to determine whether or not a 14-semester-hour requirement continues to be the appropriate definition of a full-time course of study in today's system of higher education.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2506) to reduce the number of semester hours that a veteran must carry at an institutional undergraduate course offered by a college or university in order to qualify for full-time benefits under chapter 34 of title 38, United States Code, introduced by Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 2510—INTRODUCTION OF A BILL TO ESTABLISH THE FAIR MARKET PRICE IN CONNECTION WITH CERTAIN SALES OF ARTICLES SUBJECT TO EXCISE TAX

Mr. BENNETT. Mr. President, I am today introducing a bill to amend the constructive price provisions of the excise tax law to clarify the application of section 4216(b)(1)(C) in the case where a manufacturer, producer, or importer sells to a related sales corporation which, in turn, sells to one or more retailers in arm's-length transactions.

This matter has been discussed at considerable length with the Internal Revenue Service over the past year. Although I am advised by the staff of the Joint Committee on Internal Revenue Taxation and the staff of the Senate Finance Committee that the congressional intent is clear, it is my understanding the Internal Revenue Service, nevertheless, is unwilling to give effect to this intent without further legislation.

Present law—section 4216(b)—provides for a constructive sales price, as distinct from the actual sales price, as the base for the various ad valorem manufacturers' excise taxes in four different cases, one of which is where the article is sold at less than fair market price if the transaction is not at arm's length. A sale between related companies is per se "not at arm's length" for purposes of section 4216(b)(1)(C). Consequently, the Service in the case of sales to a selling affiliate of the manufacturer or importer must frequently determine whether such a sale is at "less than fair market price" and, if so, it must ascertain an appropriate constructive price.

So the manufacturers' excise taxes may be imposed as nearly as possible on a uniform basis, Congress since the Revenue Act of 1932 has provided that the determination of "fair market price" in such a situation should be made, if industry data are available, with reference to the prices for which others in the same industry at the same level of distribution sell similar articles rather than by looking to the prices at a different level of distribution at which the related selling company sells to independent retailers.

Despite this obvious language of the statute and its legislative history, the National Office of the Internal Revenue Service has recently taken the position that it will not look to selling practices and prices of others in an industry in determining whether a sale between related parties is at less than fair market price. Instead, it insists upon applying an arbitrary rule that any intercompany price which is less than 90 percent of the price at which the affiliated sales corporation sells outside the corporate family is automatically below fair market price. This arbitrary rule appears to be applied even though the industry facts are not in dispute and are directly contrary to the IRS determination.

The bill I am introducing makes it clear that "fair market price" for purposes of section 4216(b)(1)(C) shall be measured with reference to the prices at which comparable articles are sold in the ordinary course of trade or business by others in the same industry at the same level of distribution.

The specific problem with which the bill deals is the case of an industry where the normal practice is for the manufacturer or importer to sell to independent wholesale distributors, but one or more members of the industry depart from the normal practice and use an affiliated sales corporation to handle the wholesale distributor's function.

Under such circumstances, instead of applying its arbitrary 90-percent rule, IRS will be required to determine whether the sale by the manufacturer or importer to the related sales company is below fair market price by comparing the normal industry markup between wholesale distributors and retailers with the markup realized by the related sales corporation on its sales to retailers.

Furthermore, in those cases where industry data are available, if this comparison indicates that sales are being made between affiliated companies at less than fair market price, it would be anticipated that the Commissioner's constructive price determination under section 4216(b) would utilize the normal markup experience in the particular industry, rather than his present arbitrary 90-percent rule.

The amendments, since they are clarifying in nature, are made applicable to articles sold after December 31, 1963. I have selected this date because I understand the first quarter of 1964 is the first excise tax period in which the Service is insisting upon applying its arbitrary rule of thumb despite industry proof to the contrary.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2510) to amend the Internal Revenue Code of 1954 to establish the fair market price in connection with certain sales of articles subject to excise tax, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Finance.

S. 2518—INTRODUCTION OF A BILL TO LIBERALIZE PROVISIONS OF DISABILITY INSURANCE LAW FOR BLIND PERSONS

Mr. HARTKE. Mr. President, since becoming a Member of the U.S. Senate, I have introduced many measures to aid blind people in their valiant struggle to

achieve a normal life, and no actions I have taken since becoming a Member of this distinguished body have given me greater satisfaction than knowing that some of my measures are now Federal law, and beneficially affecting the lives of our sightless fellow citizens.

Mr. President, today I am again introducing a bill to liberalize the provisions of the Federal disability insurance law for blind persons.

The two proposals contained in my measure are identical to two of the three proposals of S. 1681, which I introduced in the 90th Congress in association with the cosponsorship of a majority of my colleagues.

S. 1681 was approved by the Senate Committee on Finance when that committee was considering the then pending social security amending bill. When conferees met on H.R. 12080, in the fall of 1967, they adopted one provision of S. 1681, establishing the generally accepted definition of blindness—20–200, and so forth—as the standard for visual loss under the disability insurance program.

Now, Mr. President, today, I am introducing the two remaining provisions of S. 1681, with the hope that this Congress will transform them into Federal law.

In summary, this bill would:

First, reduce from 20 of the last 40 to 6 anytime earned the number of quarters, a blind person must be employed in social security-covered work to qualify for disability benefit payments.

Under existing law, a disabled applicant must work for 5 of the last 10 years in social security-covered work to be eligible for disability payments.

Second, the "earnings" test in disability insurance would be entirely eliminated for blind persons applying for or receiving disability insurance payments.

Under existing law, any appreciable earnings—$140 monthly—disqualifies disabled persons from receiving or continuing to receive disability insurance payments.

For a more detailed consideration of my bill, Mr. President, for a fuller exposition of the issues this bill raises and the arguments in support of its proposals, I ask unanimous consent to print in the RECORD at the conclusion of my remarks the text of the bill, followed by an explanatory fact sheet.

Let me add here one final point of legislative history and prospect. This eminently worthy measure was approved by the Senate in three previous sessions but was lost in conference committee owing to insufficient support in the House of Representatives. This year, however, thanks to extraordinary efforts on the part of my good friend John Nagle, chief of the Washington office of the National Federation of the Blind, no fewer than 131 identical bills have been introduced in the other body, including 10 by members of the Committee on Ways and Means.

I believe, therefore, Mr. President, that the many supporters in this Chamber of improved disability insurance for the blind can look forward with real confidence to a successful conclusion to this long struggle on behalf of our sightless fellow citizens.

I ask unanimous consent that the text of the bill and an explanatory fact sheet be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the fact sheet will be printed in the RECORD.

The bill (S. 2518) to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder, introduced by Mr. HARTKE, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 222(b)(1) of the Social Security Act is amended by inserting "(other than such an individual whose disability is blindness, as defined in section 216(i)(1)(B))" after "an individual entitled to disability insurance benefits".

(b) Section 223(a)(1) of such Act is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) in the case of any individual other than an individual whose disability is blindness (as defined in section 216 (i)(1)(B)), has not attained the age of 65,"; and

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)(B)), the month in which he attains age 65".

(c) That part of section 223(a)(2) of such Act which precedes subparagraph (a) thereof is amended by inserting immediately after "(if a man)" the following: ", and, in the case of any individual whose disability is blindness (as defined in section 216(i)(1)(B)), as though he were a fully insured individual,".

(d) Section 223 (c)(1) of such Act is amended—

(1) by inserting "(other than an individual whose disability is blindness, as defined in section 216 (i)(1)(B))," after "An individual"; and

(2) by adding at the end thereof (after the sentence following subparagraph (B)) the following new sentence: "An individual whose disability is blindness (as defined in section 216 (i)(1)(B)) shall be insured for disability insurance benefits in any month if he had not less than six quarters of coverage before the quarter in which such month occurs."

(e) Section 223 (d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216 (i)(1)(B))."

(f) The second sentence of section 223 (d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216 (i)(1)(B))" immediately after "individual".

SEC. 2. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted, on the basis of applications for such benefits filed after the date of enactment of this Act.

The fact sheet, presented by Mr. HARTKE, is as follows:

FACT SHEET: IMPROVED DISABILITY INSURANCE FOR THE BLIND

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

HISTORY

Offered in 88th Congress by Senator Humphrey as floor amendment to H.R. 11865 (Social Security bill); adopted by voice vote without a dissent, lost when Social Security Conference ended in deadlock.

Offered in 89th Congress by Senator Hartke, as S. 1787; 41 cosponsors; adopted as floor amendment to H.R. 6675 by 78 to 11 roll call vote.

Offered in 90th Congress by Senator Hartke, as S. 1681; 57 cosponsors, including nine of the 17-member Committee on Finance; adopted by Committee on Finance as amendment to H.R. 1280; one provision approved in House-Senate Conference, making the generally accepted definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program.

PROVISIONS

Allows qualification for disability benefits under the above definition if the blind person has worked six quarters in Social Security-covered work, rather than twenty of the last forty quarters as presently required to be eligible, as in all other disabilities; continuation of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $140 a month as provided in existing law.

WHAT CHANGES WOULD DO

The Disability Insurance for the Blind bill would transform the Disability Insurance Program providing only subsistence income to longtime employed but presently unemployable blind persons into a system providing short-term employed blind persons with insurance income to off-set the economic consequences of blindness—diminished earning power, greatly diminished employment opportunities, greatly increased costs of living and working, blind, in a sight-directed economy and society.

WHY CHANGES NEEDED

To many blind persons, able to work, although blind, but unable to secure work because they are blind—or unable to secure work of long and steady duration, because they are blind—to these people the requirement of employment for a year and a half in Social Security-covered work, instead of the five of the last ten year requirement in existing law, is much more realistic and reasonable under the special and adverse circumstances facing blind persons.

It is much more realistic, when considering the misinformed or uninformed attitudes, the adverse and prejudicial practices which confront blind people when they seek work, when they are qualified by talent and training for work, when they are skilled and able to operate successfully with blindness, yet, are not hired because they are believed to be incompetent and incapable.

Making disability insurance payments available when a blind person has worked six quarters in Social Security-covered work is much more reasonable than the five years' requirement, for it would make such payments more readily available to more persons when the disaster of blindness occurs, when the need for the security provided by regularly received disability insurance payments is greatest in a workingman's life.

This bill recognizes that a person who tries to function, sightless, in our sight-structured world, functions as a financial disadvantage.

For whatever a blind man would do, whatever employment or activity he would pursue, he has the need for sight to assist him.

Sighted family members and friends may be helpful, when the inclination moves them to be helpful, but the blind vending stand operator, the blind lawyer or teacher, the blind piano tuner, even the blind housewife

soon discovers that sight which is hired is more reliably available than sight which is given from kindness.

So the blind person who would function self-dependently, the blind person who would earn a living, who would live self-responsibly, must not only pay the usual daily living costs which has sighted fellows pay, but he must also pay the extra, the burdening expenses of blindness—the expenses incurred in hiring sight.

By allowing a blind person to draw disability insurance payments so long as he continues blind and irrespective of his earnings, this bill would provide to such blind person, a regular source of funds to pay for sight, and it would thus help to reduce the economic disadvantages and inequalities of blindness in his life.

REFERRAL OF THE VOTING RIGHTS ACT AMENDMENTS OF 1969 TO THE COMMITTEE ON THE JUDICIARY

Mr. DIRKSEN. Mr. President, earlier today I introduced the Voting Rights Act Amendments of 1969. That is a good title. It contains a number of provisions.

I ask unanimous consent, since the Committee on the Judiciary handled the proposal, that the measure be referred to the Senate Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 15

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 15) to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 897

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 897) authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo., and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2360

Mr. MATHIAS. Mr. President, at the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that at its next printing, the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor of the bill (S. 2360) which proposes to enlarge the boundaries of the Grand Canyon National Park in the State of Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Minnesota (Mr. MONDALE), the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. JAVITS) and the Senator from Missouri (Mr. EAGLETON) be added as consponsors of the bill (S. 2470) to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. RES. 85

Mr. MATHIAS. Mr. President, at the request of the Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that at its next printing the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the resolution Senate Joint Resolution 85 providing for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 30, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 122) to provide for a temporary extention of the authority conferred by the Export Control Act of 1949.

ESTABLISHMENT OF CAPITOL REEF NATIONAL PARK, UTAH—AMENDMENT

AMENDMENT NO. 55

Mr. MOSS submitted an amendment, intended to be proposed by him to amendment No. 17, intended to be proposed by him, to the bill (S. 531) to establish the Capitol Reef National Park in the State of Utah, which was referred to the Committee on Interior and Insular affairs and ordered to be printed.

EXTENSION OF ECONOMIC OPPORTUNITY ACT—AMENDMENT

AMENDMENT NO. 56

Mr. NELSON. Mr. President, I am today submitting an amendment intended to be proposed by me, to the Economic Opportunity Amendments of 1969—S. 1809—the bill which I introduced on April 15 to extend the Economic Opportunity Act. This amendment is designed to assure that the facilities and equipment which have been used by the Job Corps at centers for rehabilitating and training deprived youth will be put to further good use in the future by making these facilities and equipment available for use in carrying out such suitable purposes as youth programs and educational programs by State agencies, educational agencies, and other governmental, and private agencies.

Many of these facilities were built or substantially improved by the Job Corps and many are on land owned by the Federal Government, for example, on Forest Service land.

My amendment does not propose the transfer of title or the sale of any Government land or property. All it does is to assure that the facilities and the equipment are made available for use by agencies which have the programs and the resources to carry out youth and vocational training programs.

Many pieces of valuable equipment have been placed in these facilities by the Job Corps. For example, in my own State, the Job Corps camp at Clam Lake, Wis., has almost $1 million worth of buildings and equipment. In this camp, and the other camps as well, the buildings and equipment should be kept intact for use in public service programs.

I am concerned about reports that pieces of equipment at the various Job Corps centers are about to be taken out and sold off. To break up the camps and sell off the buildings and equipment would be a tragic waste. I urgently request the administration to delay disposing of the equipment until other agencies have been offered the opportunity of using the centers—with buildings and equipment intact.

I ask unanimous consent to have the amendment printed in the RECORD following my remarks, as well as a paper entitled "Ownership and Disposition of Job Corps Centers Scheduled To Be Closed," prepared for the Subcommittee on Employment, Manpower, and Poverty, of which I am chairman.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment and paper will be printed in the RECORD.

The amendment (No. 56) was referred to the Committee on Labor and Public Welfare, as follows:

On page 8, following line 8, add the following new section:

"USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAMS

"Sec. 10. (a) The Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment at Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations which have satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, such as—

"(1) special remedial programs;

"(2) summer youth programs;

"(3) exemplary vocational preparation and training programs;

"(4) cultural enrichment programs, including music, the arts and the humanities; and

"(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational education programs.

"(b) In carrying out this section, the Director of the Office of Economic Opportunity shall consult with and, to the extent appropriate, utilize the services of the General Service Administration, the Department of Agriculture, the Department of the Interior, and the Department of Labor."

The paper presented by Mr. NELSON is as follows:

OWNERSHIP AND DISPOSITION OF JOB CORPS CENTERS SCHEDULED TO BE CLOSED

Ownership of the land, facilities and personal property, and the alternative means of disposition vary with the different types of centers.

CIVILIAN CONSERVATION CENTERS

The land on which most Civilian Conservation Centers are situated is owned by the U.S. Department of Agriculture or the U.S. Department of the Interior. The facilities and personal property, with some exceptions, are owned by the Job Corps.

In disposing of personal property, the Job Corps will be required to follow the procedures of the Federal Property and Management Act. Initially, the remaining Civilian Conservation Centers would have first opportunity to acquire the property to be disposed of. Then, the remaining Men's Centers and Women's Urban Centers would have opportunities to pick up the property. Other Office of Economic Opportunity units, such as VISTA, CAP, etc., would be next in line. Any personal property not picked up within OEO would then be turned over to GSA, which would attempt to dispose of it through general circulation.

All facilities in Civilian Conservation Centers are the property of the Job Corps with the exception of a small number that are state owned. The disposition procedure to be followed with regard to the Job Corps facilities would be to return them to the agency that owns the land on which they are located. This poses several problems. Facilities on state-owned land would presumably be accepted by the states. Those on USDA and Interior land, however, may or may not be accepted. Interior and USDA might refuse to accept them because it would then become incumbent upon them to provide maintenance and security, which requires a minimum of five people per center. Also, it may very well be that the agencies' appropriation authorization will not permit them to expend funds for this purpose. Refusal cannot extend beyond the remainder of this fiscal year and the next fiscal year, however. During that period the Job Corps would be responsible for maintenance and security.

Last year, several centers and their facilities were returned to USDA and Interior. As an example of the procedure that might be followed: the Department of Interior took over the Iroquois Center located at Medina, New York, and it was converted into a Drug Rehabilitation Center operated by the state of New York. But in turning facilities over to the state, one consideration is that the use of the facilities, if they are located on Government land, are subject to approval of the Departments of Agriculture and Interior. The attached list shows the names of the Civilian Conservation Centers to be closed and the present owners.

MEN'S CENTERS

The land on which the two Men's Centers to be closed are located is owned by the GSA and the Department of Army for Kilmer and Parks, respectively. The Parks Center simply involves turning the property over to GSA and having them attempt to dispose of it through sale. The Kilmer center would be returned to the Department of the Army which reportedly is eager to have its facilities back. Until such time as disposition is actually made, the Job Corps continues to be responsible for security and maintenance. It should be noted that four Men's Centers closed in 1968 are still being maintained by the Job Corps because GSA has not yet disposed of the property. The procedure for disposing of the personal property and facilities is similar to that to be followed by the Civilian Conservation Centers.

WOMEN'S URBAN CENTERS

All of the Women's Urban Centers are operated by non-governmental contractors. Closing these centers would require a notice of termination, which is 90 days, and a review of each contract to determine the terms and conditions governing disposition of the real and personal property.

Personal property would probably revert to the Job Corps and disposed of in accordance with the procedure described above for the Civilian Conservation Centers. But disposition of real property is a clouded issue in connection with some of these centers scheduled for closure. The contracts may call for the real property, which in most cases has been substantially improved by the Job Corps, to revert to the private contractor.

Attached is a listing of the Women's Urban Centers scheduled for closure and their private contractors.

USE OF CLOSED FACILITIES

Every effort will be made to interest the States in assuming responsibility for operation of the facilities scheduled for closure. This was done in 1968, with some small success. Interior's and USDA's use limitations tend to dampen the interest a State might have in these facilities.

In addition to actual State use of at least two facilities as Drug Rehabilitation Centers, other possibilities are: camping sites; summer camps; migratory labor housing; rest homes; sanatoriums; training facilities; and continuation, under State auspices, as a Job Corps-type center.

OWNERSHIP OF CIVILIAN CONSERVATION CENTERS SCHEDULE FOR CLOSURE

U.S. Department of Agriculture

Centers and Landownership

Alder Springs, Calif., Forest Service.
Alpine, Ariz., Forest Service.
Anthony, W. Va., Forest Service.
Blue Jay, Pa., Forest Service.
Cedar Flats, Idaho, Forest Service.
Cispus, Wash., Forest Service.
Clam Lake, Wis., Forest Service.
Clear Creek, Nev., Forest Service.
Dickinson, N. Dak., former Radar site. Use permit from GSA.
Fenner Canyon, Calif., Forest Service.
Five Mile, Calif., Forest Service.
Frenchburg, Ky., Forest Service.
Grants, N. Mex., Forest Service.
Hodgens, Okla., Forest Service.
Hoxey, Mich., Forest Service.
Los Pinos, Calif., Forest Service.
Luna, N. Mex., land purchased from State, OEO has ownership at present.
Lydick Lake, Minn., Forest Service.
Mountainair, N. Mex., Forest Service.
New Waverly, Tex., Forest Service.
Ojibway, Mich., Forest Service.
Pagosa Springs, Colo., Forest Service.
Poplar Bluff, Mo., Forest Service.
Sly Park, Calif., Forest Service.
Vesuvius, Ohio, Forest Service.

Department of the Interior

30 Centers being operated at the present time by the USDI (BR–7, NPS–8, BLM–4, SFW–6, BIA–5).

20 Centers presently listed for closure.

10 Centers presently listed for retention.

Land ownership—Land ownership of the 20 Centers presently listed for closure is somewhat more complicated than for the USDA and is discussed below by Bureau and Centers.

Bureau of Reclamation

Centers and Landownership

Arbuckle, Okla., land owned by the City of Sulphur. Leased to BR at nominal cost.

Casper, Wyoming, old Air Force Base—now belongs to County. Leased to BR at nominal cost.

Toyon, Calif., BR land. Rehab of old BR work camp.

National Park Service

Acadia, Maine, NPS Land.
Catoctin, Maryland, NPS Land.
Cumberland Gap, Ky., NPS Land.
Tremont, Tenn., NPS Land.
Wellfleet, Mass., NPS Land.

Land Management

Castle Valley, Utah, BLM Land.
Kingham, Ariz., County land—leased to BLM at nominal cost.
Mountain Home, Idaho, BLM Land.
Tillamook, Oregon, old Naval Base. BLM has title on portion being used now by Job Corps.

Sport Fisheries and Wildlife

Crab Orchard, Ill., SFW Land.
Malheur, Oregon, SFW Land.
Ottawa, Ohio, State land—leased to SFW at no cost.
Tamarac, Minn., SFW Land.

Indian Affairs

Eight Canyon, N. M., land leased to BIA by Indian tribe. Reverts to tribe 90 days after Job Corps notifies tribe officially of no further Job Corps need. OEO may remove improvements or they will revert to tribe.

Kicking Horse, Mont., same as for Eight Canyon.

San Carlos, Ariz., same as for Eight Canyon.

Winslow, Ariz., old Radar site—use permit from GSA.

SENATE-RELATED CENTERS

Rio Grande—Site located at El Verde in the Luquillo Experimental Forest (Institute of Tropical Forestry, P.O. Box 577, Rio Pedras, Puerto Rico 00928) and made available to the Commonwealth Department of Education by the U.S. Department of Agriculture, Forest Service, under terms of a written cooperative agreement negotiated in December 1965. (Original 10-year Term Special Use Permit for 10 years commencing March 11, 1963).

Construction funded by OEO at a cost of less than $302,500.

Personal property is Government Property and disposition will be in accordance with terms of Grant Agreement B99–GS–4573. (This Center not listed for closure)

Vieques, Guayama, Juana Diaz and Arecibo are located on Commonwealth real estate and improvements were constructed from Commonwealth funds. Personal property is the same at these Centers as Rio Grande. (Arecibo not to be closed)

Koko Head—Three separate facilities: Koko Head Job Corps Civilian Conservation Center in Koko Head National Park. Indenture of Lease, December 1, 1965, with Supplemental Agreement No. 2, to License Agreement, RE–6450, November 30, 1965, between City and County of Honolulu, Oahu and the State of Hawaii.

Kilauea Job Corps Satellite Camp. Special Use Permit No. 14–10–0434–3003, issued by U.S. Department of Interior, Form 10–114, for Hawaii Volcanoes National Park, County of Hawaii, dated January 28, 1966, which expires December 31, 1970.

Kokee Job Corps Satellite Camp in Kokee State Park, Kauai County, Hawaii. Letter of Authorization by Jim Ferry, Chairman, Department of Land and Natural Resources, State of Hawaii, to Milton Fogelman, Contracting Officer, dated November 30, 1965.

Disposition of structures built from Federal funds to be determined by the Contracting Officer in accordance with the provisions of Contract OEO B99–4543.

Personal Property disposal would be determined by the Contracting Officer.

Oak Glen—Located in the San Bernardino National Forest on land which is on a 30 year use permit to the California State Division of Forestry.

Disposition of structures built since use of the site by Job Corps to be determined by the OEO Contracting Officer.

Title remains with the State for personal property (or its replacement in kind) that was included in initial inventory. Other personal property to be disposed of by OEO

Contracting Officer in accordance with terms of Contract OEO B99-4535.

Center and Contractor

St. Louis Job Corps Center for Women, Delta Educational Corporation, Box 2701, Uptown Station, Nashville, Tennessee 37219.

Clinton Job Corps Center for Women, General Learning Corporation, 3 East 54th Street, New York, New York 10022.

Huntington Job Corps Center for Women, Xerox Corporation, Education Division, 600 Madison Avenue, New York, New York 10022.

Omaha Job Corps Center for Women, Burroughs Corporation, Defense, Space & Special Systems, Paoli, Pennsylvania 19301.

Poland Springs Job Corps Center for Women, Ecoonmic Systems Corporation, Blake Building, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

Moses Lake Job Corps Center for Women, Economic Systems Corporation, Blake Building, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

Marquette Job Corps Center for Women, Northern Michigan University, Marquette, Michigan 49855.

ANNOUNCEMENT OF HEARING ON "USEFULNESS OF THE MODEL CITIES PROGRAM TO THE ELDERLY"

Mr. MOSS. Mr. President, at the request of Senator HARRISON A. WILLIAMS, chairman of the Senate Special Committee on Aging, I have conducted several committee hearings on "The Usefulness of the Model Cities Program to the Elderly." Witnesses in Washington, D.C.; Seattle, Wash.; Ogden, Utah; Syracuse, N.Y.; and Atlanta, Ga., have provided excellent testimony on proposals and programs to serve the elderly in model neighborhoods.

Today, I wish to announce that the final field hearing of this study will be conducted in Boston, Mass., at 10 a.m., July 11, in the Roxbury Neighborhood House, 36 Dearborn Street. We will hear from municipal officials, residents of the model neighborhood, and others.

ANNOUNCEMENT OF HEARING: PRIVACY, THE CENSUS, AND FEDERAL QUESTIONNAIRES

Mr. ERVIN. Mr. President, tomorrow morning, the Subcommittee on Constitutional Rights will continue its study of the census, privacy, and Federal questionnaires, with a hearing at 10 a.m. in room 2228 of the New Senate Office Building.

At that time we shall receive testimony from Mr. Lawrence Speiser, of the American Civil Liberties Union and Professor of Sociology Thomas Monohan of Villanova University.

The subcommittee has before it S. 1791, a proposal which I introduced for discussion purposes during these hearings.

This bill represents an attempt to set reasonable standards for the wholesale statistical data collecting conducted by the Census Bureau and other Federal agencies.

There are several major facets of the national inquisitions to which American citizens are subjected in the name of "Government's need-to-know," and complaints show that there is an urgent need for legislation on all facets. There is, first, the broad decennial census conducted by the Census Bureau under criminal penalties of jail and fine; there are the many other censuses to obtain information from various groups of people, also conducted periodically during the year by the Census Bureau under excessive penalties; there are extensive surveys of individuals for personal and other information which the Census Bureau conducts for many other Federal agencies. Most of these are voluntary but, for some reason, officials in these agencies are convinced that they cannot be honest with the citizen. They cannot inform the recipient of these questionnaires of his rights with regard to the form; they believe they cannot inform him of the specific reason his Government needs this information; they cannot inform him who needs it and what precisely will be done with it.

Out of S. 1791 and the testimony and views we have received, it is my hope that we may develop a workable, practical law which will protect the individual's rights and still allow Government to collect certain information it needs to govern.

Probably no issue in recent times has generated so much mail and so many complaints to the Subcommittee on Constitutional Rights and to Members of Congress. Many congressional offices have referred their constituents' complaints to us, or asked for advice based on our study, concerning how to explain these issues to their constituents.

There are, for instance, those scholars who use Government statistics and who fear any legislation will disrupt the flow of data to them; there are the local government officials who have been led to believe that their share of Federal funds will be affected; and there are representatives of minority groups who have received distorted reports of possible detrimental governmental action against their members if the criminal penalties are removed from these questionnaires.

If these people could read some of the letters which the people they represent have sent Congress, they would begin to realize the urgency of the problem. They would have some understanding of the impact on individuals, of the threats, the official intimidation and harrassment to provide personal information about themselves. They would realize that the brunt of these programs is falling on such groups as the poor, the sick, the disabled, the illiterate, and the elderly.

These "planners" seek to persuade Congress to ignore demands from the people that it protect the individual's right to privacy and his right to silence about himself in the fact of an arbitrary Government demand that he speak.

In response to these people, I have answered along the following lines:

Like thousands of other citizens, I do not object so much to the questions asked as to the fact that a person is threatened with jail and a fine for not answering. Scholars and experts in this field have told the subcommittee that no research has been conducted to show that people will not answer these forms voluntarily when the request is reasonable and is explained.

Although I have no experience with professional data gathering, I do profess to some understanding of the meaning of individual privacy and constitutional rights in our society. It was on the basis of this interest and thousands of complaints received by Congress, many of them from North Carolina, that I recently introduced S. 1791 and the subcommittee conducted hearings on Federal questionnaires, privacy, and the census.

If the decennial questionnaire were the only instance of coercion of the citizen to reveal personal data, there would not be such public concern. The truth of the matter is that the decennial census is only one of the many data collecting drives conducted by the Census Bureau under Federal penalties of jail and fine. In addition, on behalf of many other agencies, they daily obtain responses to long questionnaires sent to thousands of people and covering every conceivable subject. While these are voluntary, recipients are not so informed, a psychology which in many cases arouses the ire and the apprehension of the individual and defeats the purpose of the survey. The harassment by census officials to obtain responses to all of these Federal statistical questionnaires amounts to a violation of the citizen's right to silence about his personal life unless the Government's need and purpose is clear.

I believe Americans are a law-abiding people and that they will respond to a legitimate governmental request for statistical information. Currently, there are no effective controls over the number of questions a person is asked, or the subjects, or the methods of compelling compliance. At the same time, we are faced in this decade with a massive proliferation of data collecting programs, the development of sophisticated surveillance techniques, and the wide scale computerization of Government's files on the individual. All of these trends have developed too rapidly to allow for the appropriate consideration of the dignity and privacy of the individual, and of possible alternative techniques for attaining the goals of Government without deceiving or coercing the citizen.

Private citizens from all walks of life, including former Census employees, scholars, law professors, sociologists, psychologists, and countless others have urged Congress to act in this area of the law.

I would hope that those in the different professions who use Government data will be as aware of the human elements involved and as alert to the impact on the individual of their own professional zest for knowledge as they will be eager to demonstrate their own expertise with that knowledge. Future respect for the law and the Constitution rests on the understanding of this by all of those who bear responsibility for planning and managing our economy. They must realize that they neither manage alone nor plan alone, and that their tools and methods must be utilized within those boundaries set by the Constitution, the Bill of Rights, and those values of liberty, freedom, and dignity most cherished by civilized men.

Mr. President, in its hearings in April and May and throughout its investiga-

tion of this problem, the Constitutional Rights Subcommittee has had the benefit of expert advice, and I intend from time to time to place examples of this advice in the RECORD for the benefit of those interested in this subject.

I ask unanimous consent to have printed in the RECORD at this point the text of my remarks when the Constitutional Rights Subcommittee commenced its hearings on April 24, 1969.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SAM J. ERVIN, JR.

The hearings we begin today concern individual privacy, census and other Federal questionnaires, and constitutional rights. The issues we shall consider are based on the realities of individual complaints to Congress about privacy-invading and burdensome questionnaires. These issues touch the problems of the future, when individual privacy and the right to be let alone will be even more meaningful than today, as our great urban society doubles in population, with all the attendant problems of governing. The issues also are bound to the moral, scientific, legal and political problems which are raised by the use of computer technology and the prospects of gigantic data banks.

But our hearings also look back to the constitutional guarantees which support the basic liberties of free men in a free society.

For some years this Subcommittee has investigated unwarranted government invasions of individual privacy of people who work for the federal government as well as many other citizens. We have received complaints of arbitrary prying into personal activities, beliefs and thoughts of applicants and employees, by means of questionnaires, oral interviews, lie detector machines, personality tests, and surveys. We have been concerned about various forms of economic coercion exerted against the individual to guide his outside activities and to obtain personal information from him on pain of losing his chance for employment or promotion. We were concerned not only about violation of their rights under the first amendment but the possible misuse of the information and the lack of confidentiality for such records. In response to these complaints, I introduced a bill with the sponsorship of the majority of this Subcommittee, and, indeed, a majority of the Senate. This was approved as S. 1035 in 1967 by a 79–4 vote but it died in the House. I have introduced it again as S. 782 and it is pending before the Subcommittee.

These hearings deal with these same issues of privacy, due process, and the right to speak and keep silent, as they relate to all Americans, in every walk of life.

Congress has received serious complaints of wholesale government interrogation of citizens about every facet of their lives, their daily activities, their attitudes and beliefs, how they spend their money, and why they behave as they do. Their answers are recorded and analyzed, tabulated and computerized.

This search for information is frequently in a good cause and is sometimes conducted in a reasonable, limited fashion. Yet all too often, Americans are told to disclose this information, not because they have applied for a privilege or benefit, but because they dwell in a society whose civil servants have become captives of the computer.

Our officials have learned that the easier it becomes to use computers to obtain and store information of all kinds about people, the easier it becomes to substitute surveys and "people-studies" for judgment and creative ingenuity in the administration of the laws.

With many of these questionnaires, the full weight of the Federal criminal and civil laws backs the government's demand for statistical information. The decennial census forms, which must be answered by all citizens every 10 years on pain of a $100 fine or imprisonment for 60 days grow longer and more complicated every ten years. In addition to these questions, millions of other people are selected at random in the decennial census to answer more mandatory questions about their household equipment, whether they own a television or radio, their marital history, different aspects of their income, and many other questions.

The Subcommittee has before it a bill, S. 1791, to further secure individual privacy and protect the constitutional right of citizens of the United States to ignore unwarranted governmental requests for personal information.

The first section of this measure makes it unlawful for a Federal official to require any citizen to disclose for statistical purposes any information concerning his personal or financial activities or his personal or real property or those of any member of his family unless that requirement is authorized by a provision of the Constitution and unless the individual is advised the disclosure is mandatory and by which act of Congress it is specifically authorized.

This section in effect deletes the penalties for not answering questions in the decennial census which have nothing to do with the purpose of the census.

The Constitution authorizes an enumeration of persons every ten years for purposes of apportionment and taxation.

Article I, section 2, provides that—

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."

In 1790 a person could be fined $20 for not answering six items. The inquiry called for the name of the head of the family, and the number of persons in each family who were free white males of 16 years and upward, free white males under 16 years; free white females; all other free persons; and slaves.

We have departed far from this constitutional guideline in the conduct of the decennial census. In part, this is due to our increasing reliance on the economist, the sociologist and all the other experts who gain a momentary hold on the programs of our bureaucracy. In their unrestrained zeal to study man and his environment, they must know everything there is to know about him.

But it is time we stopped fooling ourselves that what is going on in these information drives is constitutional under this Article I. It certainly is not under the Amendments in the Bill of Rights. If there is a need for a new definition of constitutional authority, the time to establish it is now, by specific statute directed to the problems of the 20th century.

The second section of S. 1791 deals with all other information surveys. It makes it illegal for Federal officials to *request* a citizen to disclose such personal information for statistical purposes unless the request is specifically authorized by Act of Congress and unless the individual is advised that such disclosure is voluntary and that he is not compelled to comply with such request.

While this bill may be considerably amended, the approach is one I favor. Certainly, a personal questionnaire should be required to meet some statutory standards for protecting the individual's rights.

Senator Thurmond has sponsored S. 1893, a bill somewhat similar to section 1 of S. 1791, to make all questions voluntary except 6 on the decennial form.

This is the proposal sponsored by Congressman Betts and over one hundred and thirty House members. I believe the Congressman and his colleagues working on this subject have performed a valuable service to the American people by highlighting these problems.

S. 1791, and other proposals in Congress, are designed to answer, to some extent, a question asked today by more and more Americans: When, if at all, should the force of the Federal criminal law or of the Federal civil laws be brought to bear when government demands information from its citizens? To what extent can or should government threaten or intimidate those it governs into disclosing the details of their personal lives and households? This is an issue basic to our constitutional system of justice.

What rights does a citizen possess who receives a government questionnaire? What duties does he owe his government to disclose the information?

Does he have a constitutional right to ignore a government statistical questionnaire which does not meet certain constitutional standards?

These are some of the questions we shall consider during these hearings and Professor Arthur S. Miller of the National Law Center, George Washington University, Professor Charles Fried of Harvard Law School and Professor Arthur A. Miller of Michigan Law School, will discuss these matters with a view to the legal philosophy involved, the uses of the federal sanctions for data collecting, and the significance of computers and the new technology for constitutional principles and for individual privacy.

From among the many hundreds who have written their views to the Subcommittee, I have selected a number whose experiences and views reflect those of the average citizen confronted with a personal questionnaire.

We shall hear Mr. William Rickenbacker, Chairman of the National Right to Privacy Committee, describe his prosecution by the Federal Government for not revealing information in a decennial census.

Now, this decennial inquiry would not be too bad, except that all through the year, the Census Bureau, acting under general statutes, sends out thousands of other questionnaires in surveys of many subjects and many separate categories of people. The repetitive nature of the questions is astonishing.

Many of these surveys also are conducted under the threat of imprisonment and jail for non-response. We shall hear Mr. Schliestett, owner of a business in North Carolina, describe a survey form sent him which carried threat of a $500 fine or 60 days in jail.

Farmers are especially bedeviled this way, and Mr. Van Tilburg, who owns a small farm in Ohio, will describe some of the pressures they face. I intend to place in the record hundreds of letters from farmers and farm organizations also testifying to this problem.

Some questionnaires are legally voluntary but the recipient is not told. He is left with the inference that the response is required, and the Subcommittee will hear Dr. Nicholas Smyth describe an example of such prying after he bought a house in the District of Columbia.

Another group of questionnaires are those dreamed up in the different departments and agencies and sent out by the agency or by the Census Bureau acting for the agency. These are usually voluntary but, again, those selected to respond are not told. Instead they

are given a time limit for replying, and are subjected to a round of certified follow-up letters, phone calls and personal interviews. We shall hear Mr. Corbett, a veteran, and Mr. Till, a Federal employee, describe their experiences with such practices.

It is clear, from the complaints which are coming to Congress, that Americans are tired of this legal coercion to surrender rights guaranteed in the Bill of Rights. Throughout the year, citizens are subjected to a daily bombardment of government demands for information of all kinds, from tax returns to employment forms. The power of government and the force of federal criminal laws should not be used to harass citizens with unnecessary surveys prompted by some official's vague hope that the information might in some way be helpful."

Somewhere a balance must be struck between the individual's desire to keep silent and the government's need for information. If it is proved necessary to invade certain rights, clearly it is the constitutional duty of Congress to establish precisely how and under what circumstances this may be done. To tolerate any longer this executive branch grab for power is a betrayal of a power which Congress holds in trust for the people.

In this era of student unrest, of dissatisfaction of many different groups, we should take note that the expressions of concern are widespread. Complaints of resentment and harassment in government's quest for data come from liberals and conservatives, from rich and poor alike; from the academic community, from businessmen, from those who ordinarily have no animosity toward government as such and who respect the criminal laws. I have received hundreds of such letters as this one from a Methodist minister, Reverend G. Robert McKenzie who writes:

"Frankly, I am deeply concerned—not because of the census, or because there are more than 120 questions to be answered; my concern arises over the requirement which states that one *must* answer all questions or be subject to fine or imprisonment. This is the tactic of a police state!

"Could you give me your observation on this matter. Furthermore, is there any possibility that the law should be changed so that in the event one declines to answer all questions, he would not face charges?

"I am tempted to make a test case of this invasion of privacy by refusing to answer some of the questions. I'm not sure, though, if my congregation would want their Pastor to be a federal convict!

"In conclusion, let me state that I do not consider myself to be a part of any "ultra" group either on the "left" or "right," nor do I consider myself to be a conservative—politically, economically, or theologically. I do believe that I belong to that large majority of "moderate" citizens who have allowed others to speak for them far too long. Our rights are very slowly but surely being eroded by well-meaning, but nevertheless misguided officials. I trust Congress will begin to erect a restraining wall with legislation to remove the mandatory requirement of the United States decennial census."

A lady in Statesville, North Carolina, wrote to me:

"I am a widow, live alone in a small apartment. I have two doors at the front, sometimes I go in through the door to the living-room, sometimes into the one leading to the kitchen *but* what difference is it which door I enter? Who could possibly care? Never in my life have I heard of such nonsense as to the personal questions that will be asked unless *someone* does something and now!

"Always I've respected the law and I never to my knowledge, violated any law of the land. I love America and I deeply resent any criticism of my country, but for the first time in my life (I'm over 60 years old) I have no intention answering such stupid questions and if need be will suffer the consequences. There will no doubt be marches and others protesting. This is the first time I've ever protested an issue but I feel very strongly against it.

"Now what are you doing about it? I want an answer."

An outstanding attorney in my state, Mr. J. Archie Cannon, was among those lawyers ordered to respond to a Census Bureau demand for a detailed report of the financial and legal activities of his law firm. Threatened by a $500 fine or imprisonment, he was told to supply for statistical purposes the percentage of his firm's receipts in twelve specialized fields; to report a breakdown in total receipts for the year, to report on his payroll and employment, and to reveal the percentage of total receipts from different classes of clients.

He completed the form, but protested it as "frivolous, a waste of time, invasion of privacy, and based on an act which is unconstitutional in that the Congress has delegated to an administrative agency the arbitrary power to pick at random certain citizens and order them to give this personal information against their will."

Even after I filed his questionnaire and his protest for him, he continued to receive harassing letters ordering him to comply. On the very day he received his third letter, Census Bureau officials firmly assured the Subcommittee that under the circumstances, such follow-up actions would not have occurred.

Many other attorneys shared his convictions and I am submitting their correspondence relating to this for the printed record of these hearings.

Another witness who, along with many others, was unable to be here today is Mr. Marshall I. Pickens of Charlotte, North Carolina, who recently retired and was immediately honored with Form No. 72-S68005 of the Department of Health, Education and Welfare. His experience is typical of many others. This survey questionnaire asks 72 detailed personal questions of people who become entitled to medicare and social security benefits.

The questions include these:

Do you feel you could be earning more money now, if you wanted to? (1) yes; (2) no; (3) don't know.

How much did you earn at (1) your last job, and (2) your longest job? $—— per (1) hour; (2) week; (3) month; (4) year.

Are you receiving, or do you expect to receive, a pension from a plan other than Social Security from (1) your last job, and (2) your longest job? (1) I am now receiving a pension from this plan of $—— per month; I started receiving it at age ——; (3) I will not receive a pension from this plan; (4) don't know.

Are you or your wife or husband receiving any of the following kinds of income and how much monthly? Any company or union pension; Social Security; Federal Government employees pension; state or local government employees pension; military retirement pension; veteran's pension or compensation; railroad retirement; workman's compensation; cash sickness; or temporary disability insurance; welfare or assistance payments; and unemployment compensation.

Are you receiving any of the following kinds of income? Include any income received by your wife or husband, and fill in yearly amount. Interest from savings, notes, and bonds; dividends from stock; net rental income, excluding maintenance cost, utilities, mortgage payments, property taxes, etc.; annuities purchased individually; regular contributions from relatives outside your home; and other income (from occasional work, etc.).

How much money does your wife or husband earn per year? $—— per year.

Please enter the full name and Social Security Number of your wife or husband. Name ——. Social Security No. ——. What is your telephone number?

After receiving two copies of the form, Mr. Pickens stated:

"I ignored two of these letters and a third came in yesterday by Certified Mail and I am sending it along to you to ask your opinion as to whether I should undertake to answer all these questions, many of them being private, personal and no one's business. I have appreciated your efforts in the Senate and in the Government to stop the Government's interference with the personal lives of people employed in the Federal Government and I think the same should apply with the citizen and taxpayer. It must have taken someone many weeks of work to figure out all these questions, and what will be done with them after the questionnaires have been returned will take many hours of conferring by many people. It is my opinion that this sort of thing ought to be stopped if possible. My question is, "Would you fill out and return this questionnaire if you received one from an agency of the Federal Government?"

He also received a telephone call from a Census official who wanted him to reply over the phone.

Many other citizens wrote members of Congress asking if they had to reply to the form and what would happen if they did or did not respond.

After two inquiries to the Secretary of the Department, we learned that the questionnaire is indeed voluntary and not legally mandatory. It is difficult to draw this conclusion since two follow-up certified letters are sent to nonrespondents and they are then contacted by telephone call or visit from a Census Bureau official.

The original documents are kept by the Census Bureau for 3 years at a Federal Records Center. The computer tapes with the information will be retained indefinitely by the Census Bureau and a copy of the final tapes kept indefinitely by the Social Security Administration.

It is disturbing, furthermore, that the rules of confidentiality which govern this survey are those of the Social Security Administration, rather than the Census Bureau. What is startling is that the questionnaires are not limited to social security recipients. We are informed that the Census Bureau is currently assisting in a large number of such studies of groups of citizens, conducted by the agencies of the Department of Health, Education, and Welfare.

The complaints and revelations concerning the medicare questionnaire suggest what is occurring throughout government. They illustrate why such legislation as S. 1791 is necessary. They demonstrate the urgent need for reforming the legal weapons which the Federal Government uses against citizens.

We are encouraged by a letter last week from Secretary of Commerce Stans that he would reduce the burden of the 1970 Census by reducing by 3 million the number of people who will be told to answer the long form in the census. He has also recognized the need for reviewing the role of the Census Bureau by promising a blue-ribbon commission to study the problem. Let us hope that when he appoints the commission, he places a time limit on that study, so that its existence does not become a substitute for action. I am encouraged, too, by newspaper reports that President Nixon is considering removal of the criminal penalties from the decennial census. It is to be hoped that he will also recognize the broader problem of the use of the penalty or the harassment of citizens in hundreds of other federal demands for data.

It is my firm belief that Americans are a law-abiding people and that the great majority will respond as good citizens to their

government's reasonable request for disclosure of information, when the need to know is made clear, and when its methods are fair and just.

Mr. ERVIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a perspective and informative statement submitted by Prof. Arthur R. Miller of the University of Michigan Law School.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ARTHUR R. MILLER, PROFESSOR OF LAW, UNIVERSITY OF MICHIGAN

I am honored by this Subcommittee's invitation to participate in these vital hearings on Privacy, Federal Questionnaires, and Constitutional Rights. But permit me to begin this statement with a disclaimer and an apology. Although I carry the title of professor of law, I do not consider myself an expert in the area of constitutional law. Rather, what little assistance I may be able to offer to this Subcommittee stems from my deep involvement during the past two years in the field of information technology and law. By this I mean the ways in which modern computer technology and the increased information orientation of our society will impact and challenge important aspects of our business, cultural, social, and private lives so as to require a reaction and perhaps a doctrinal adjustment by our legal system. My research and writing in this field have included a consideration of the implications of these phenomena for individual privacy in our country. In this connection, I have had the privilege of appearing before the Senate Subcommittee on Administrative Practice and Procedure during its investigation of computers and privacy and the Senate Subcommittee on Antitrust and Monopoly during its recent hearings on credit bureaus. Thus, in the hope that I have not misconceived my role, I will address myself primarily to some of the broader aspects of the federal government's information gathering activities. By way of apology, a rather painful and disabling foot injury last week has deprived me of the time necessary to prepare the caliber of statement that I would have liked to present.

I. THE CHANGING PATTERNS OF INFORMATIONAL PRIVACY

A. The general trend

Informational privacy has been relatively easy to protect in the past for a number of reasons: (1) large quantities of information about individuals have not been collected and therefore have not been available; (2) the available information generally has been maintained on a decentralized basis; (3) the available information has been relatively superficial in character and often has been allowed to atrophy or become archaic to the point of uselessness; (4) access to the available information has been difficult to secure; (5) movements of people in a highly mobile society are difficult to track; and (6) most people are unable to interpret and infer revealing information from the available data. But a casual perusal of the testimony elicited in earlier hearings by this Subcommittee as well as by other subcommittees in both houses of Congress and a consideration of the intrusive capabilities of the new surveillance devices and information technologies lead to the conclusion that these traditional safeguards on informational privacy no longer are reliable.

Perhaps the single factor of greatest importance in terms of the information privacy of this nation's citizens is the marked shift in information collection habits by almost all of the significant institutions in our society. Ever since the federal government's entry into the taxation and social welfare spheres, greater quantities of information have been sought from citizens and recorded. Brief reflection about the data acquisition implications of federal involvement in home financing, urban renewal, and public health as well as the activities of the Office of Economic Opportunity, the Job and Peace Corps, and the Department of Housing and Urban Development provides graphic evidence of this point. Moreover, in recent years access to governmental largesse—at all levels—has depended increasingly upon a willingness to divulge private information. This pattern of accelerated data collection has manifested itself in industry and academe as well as in the public sector.

As information recording processes have become cheaper and more efficient, this trend of increased information collection has intensified and been accompanied by a predilection toward centralization and collation of data. In something akin to Parkinson's Law, as capacity for information handling increases, there is a tendency toward more extensive collection, manipulation, and analysis of recorded data, which, in turn, motivates the further collection of data pertaining to a larger number of variables. The availability of electronic data storage and retrieval has accentuated this cycle in a number of contexts, some of which will be discussed below. Thus, it is reasonable to assume that one consequence of this heightened appetite for data and the increased capacity to handle it is that many governmental agencies will go beyond current levels of inquiry and begin to ask more complex, probing, and sensitive questions. Perhaps future interrogations will touch upon such subjects as associations with other people, location and activity at different points of time and space, medical history, and attitudes toward various institutions and persons.

B. The Federal Government's activities

(1) The Decennial Census

As intimated above, the federal government's contemporary and projected information practices clearly illustrate society's new orientation toward information collection. Perhaps the best example of this is the decennial census, which has evolved from the simple "enumeration" of the populace described in the Constitution to become a comprehensive survey seeking numerous items of data. As things now stand, in 1970 many citizens will be required to answer questions that touch upon a number of sensitive topics including aspects of the respondent's health, employment, finances, past activities, and even the characteristics of the bathrooms in his house. It should be noted that many of the questions on recent censuses have been included at the request of social planners from both governmental and nongovernmental institutions and industry groups desirous of procuring information that will aid in making marketing decisions.

Information for the census is extracted under threat of criminal penalties, and, on the few occasions when the propriety of census techniques has been questioned in the courts, the Bureau's broad discretion has been upheld. It generally is agreed that among federal agencies the Census Bureau has an unequaled—but not perfect—record for preserving the confidentiality of information collected through the census. In fact, the Census Bureau's enviable history frequently has been cited by advocates of a National Data Center as indicative of the type of security that can be achieved by a statistical organization.

Although the scope of the decennial census ranges far beyond its original constitutional purpose, Congress generally passively acquiesces in administrative determinations of what information should be collected by the Census Bureau. Of course, there is no doubt about the national government's power to proliferate the census process as a "necessary and proper" adjunct to the effective planning of numerous federal programs. But at least one result of the increasingly elephantine character of the census is highly undesirable. It is that middle and low level bureaucrats, who often are responding to pressures exerted by large industrial lobbies or other government administrators, are expanding the contours and the potential application of the criminal sanctions imposed for noncompliance with a census request through their power to determine what questions will be included in it. Although criminal prosecutions for nonresponse are rare, the in terrorem character of the possibility of such a prosecution must have a coercive effect on many Americans who find some of the census questions offensive to their sense of privacy. Is abdication to administrative claims of governmental efficiency the way a great nation formulates its criminal law or strikes a balance between individual privacy and the sovereign's information gathering activities?

To be sure, data collection and analysis as well as an efficient information flow are essential to the proper functioning of a government as large and complex as ours. To be sure, new methodologies in information storage, retrieval, and transfer should be taken advantage of in connection with the vast economic planning our government undertakes each year. But what price must we pay for efficiency? Is it really essential for the federal government to threaten citizens with the imposition of criminal sanctions in order to obtain detailed information about their income, means of transportation, employment, kitchens, bathrooms, or bedrooms? Is it clear that this information is so essential to the proper functioning of the federal government that we must threaten with criminal prosecution individual citizens who for one reason or another cherish their privacy or fear the intended or unintended dissemination of the responses they give?

Even if the value of each and every item of information sought in the questions proposed for the 1970 census is assumed, the application of criminal sanctions for a refusal to respond cannot be justified absent a clear and convincing showing (1) that an occasional failure to respond will so skew the census taking process as to impair the results of the study significantly and (2) that there is no reasonable alternative source for or method of procuring the information. On the basis of examining the transcripts of other hearings on the census and some additional reading, I do not believe that either of these conditions has been demonstrated.

If a substantial number of people decline to answer a particular census question, that would demonstrate a widely held belief that the query violates an individual's privacy. In that event, citizen reaction should be honored even if some loss of information results, although it is extremely unlikely that refusals to respond will be so high that a question's utility will be completely eviscerated. If a mere handful of citizens refuses to reply to a particular question, it is difficult to believe that the results received from the mass of the sampling group would not provide the information sought by the government. Other survey techniques would quickly demonstrate whether the refusals to disclose originate in a particular social or economic group and adjustments in evaluating the actual responses could be made accordingly. Moreover, cannot the Census Bureau and the other government agencies that employ census data secure much of the information sought by the proposed questions about housing from state and local agencies? Isn't much of what will be requested in 1970 repetitious of information already accumulated by other organizations? If the information collected through other sources does not precisely dovetail with that

which is sought by the 1970 census, might it not be possible to alter the information gathering procedures of the other sources or to employ limited supplementary surveys to satisfy the needs of all who request the information?

These and many other questions should be considered and investigated before the Congress acquiesces in the administrative convenience and necessity arguments of the Census Bureau and the members of the user community. Of course it is *easier* and *cheaper* to let the Census Bureau proceed according to its proposed plan. However, in our country *ease* and *cheapness* have never been adequate justifications for circumventing or compromising American liberties and freedoms. If they were, we would have adopted universal fingerprinting and internal passports for travel within the United States long ago. Yet we have rejected both of these forms of government intrusion as inconsistent with the philosophical fiber of our society. But I note with sadness the newspaper reports that although the number of citizens who will be subjected to the long-form census has been reduced from 15 to 12 million (which leads one to wonder how much more play there is in the allegedly immutable statistical joints of the census), the printing of the 1970 census has been ordered—it is "too late," we are told, for revision.

(ii) The Wide, Wide World of Governmental Questionnaires

The primary danger of contemporary governmental information activities does not lie with the proliferation of the decennial census. Rather, it inheres in the widescale practices of many governmental agencies conducting their own surveys, many of which are carried out under the aegis of the Census Bureau. I recently had occasion to see a list of surveys conducted by Census for other federal and state agencies and copies of some of the questionnaires that were used. The groups interrogated include old people, sick people, farm workers, optometrists, widows, veterans, and shark bite victims, to name but a few. In a period of approximately two years the Census Bureau appears to have conducted surveys on behalf of over twenty federal, state, and local governmental organizations. In many instances these surveys were taken weekly, monthly, or annually, presumably reaching different sample groups each time. Although it is difficult to determine how many respondents were involved, a figure of several million seems conservative.

A perusal of some of the questionnaires reveals them to be lengthy, repetitious, and, on occasion, highly intrusive. One endeavor, which is entitled "Longitudinal Retirement History Survey," conducted by the Census Bureau for the Department of Health, Education, and Welfare, is substantially longer than the 1970 census. It is being imposed on a sample group of recent retirees who are receiving social security benefits. The survey apparently is a response to a recommendation by the Advisory Council on Social Security that data be collected on people who come on the benefit rolls before reaching age sixty-five. In addition to numerous probing interrogatories about the respondent's finances and past employment, some of the inquiries include:

What have you been doing in the last four weeks to find work?

When you retire, do you expect to live here or somewhere else? Where?

Taking things all together, would you say you're very happy, pretty happy, or not too happy these days?

Do you have any artificial dentures?

Is there some kind of care or treatment that you have put off even though you may still need it? What is this care or treatment for?

Do you (or your spouse) see or telephone your parent(s) as often as once a week?

What is the total number of gifts that you . . . give to individuals per year . . .?

How many different newspapers do you receive and buy regularly?

About how often do you . . . go to a barber shop or beauty salon?

What were you doing most of last week?

Given the spectrum of these questionnaires and their content, it becomes evident that they represent a far greater potential threat than does the Census. This is not simply because particular questions are more probing or intrusive than those on the census but also because of their over-all impact on the individual respondent who, in his helpless isolation, can only speculate as to the uses to which the data will be put. In addition, the data produced by these questionnaires, which emerge without direct legislative approval and seemingly at the slightest suggestion that the data might be "valuable," do not enjoy the same level of protection as do the fruits of the decennial census. Once the collected data is transferred to the agency that requested the survey, the excellent privacy-protecting record of the Census Bureau and its strict confidentiality rules become irrelevant. The information and its use is then at the mercy of the agency that originated the survey. Parenthetically, it might also be noted that by employing their own surveys, federal agencies can procure the same information requested by the census and thereby circumvent the supposed confidentiality of the census. Nothing in the legislation following the Supreme Court's decision in the *St. Regis* case prevent this.

C. A word about the consent placebo

Aside from the decennial census, most governmental surveys are "voluntary" in character in the sense that Draconian criminal sanctions will not be imposed if the recipient refuses to respond. The notion of "consent" that underlies these "voluntary" surveys frequently obscures the psychological pressures and the need for some of the amenities of modern life that often force individuals to disclose personal data. Although much obviously depends on the circumstances, in many situations "consent" simply is an epithet for placing formal responsibility for invasions of privacy on the victim, when the duty should be imposed on the data-gatherer to refrain from employing coercion or from seeking the data in the first place.

Even a benign questionnaire sent out under the imprimatur of a federal agency and typically not marked "voluntary" has an inhibiting effect on most individuals or benefits from the natural, although erroneous, assumption that it is a "crime" not to respond to any inquiry by the sovereign. Who can measure the level of anxiety that a social security or medicare beneficiary or the holder of a veteran's pension may experience when he receives a questionnaire originating from HEW or the Defense Department, especially when strongly worded follow-up letters arrive shortly thereafter? Certainly, a concern over the continuation of his benefits would not be unnatural. And are we really certain that a citizen's assertion of his privacy will not nettle some administrator to the point of provoking a reprisal?

II. THE BROODING OMNIPRESENCE OF COMPUTER TECHNOLOGY

I have had occasion, both in the context of congressional hearings and in other public arenas, to suggest some of the deleterious effects extensive computerization of data may have on informational privacy unless some control is exercised over the technology and those who promote it. To recount that tale in full at this point would be unduly repetitious. It is sufficient to reiterate the notion that man's capacity to store, retrieve, transfer, and manipulate information is now limitless and the past constraints of space, time, and quantity are becoming irrelevant. Today, the capacity exists to transmit staggering quantities of data to any point on the globe in the most infinitesimal units of time. In short, computer technology represents a new communications medium for the transmission of information and it is not surprising that pressures have been generated for the establishment of interagency governmental networks, nongovernmental networks, and networks that tie together public and private data bases. As I have pointed out elsewhere, the debate over the National Data Center in large measure was a case of tilting at windmills since most federal agencies already have constituted themselves data centers and considerable authority for the interchange of information among the agencies actually exists.

But what are the ramifications of this technology in terms of governmental questionnaires and individual privacy? Privacy, as many commentators have noted, is a concept that is impossible to define or to fit into a coherent framework of legal doctrine. With greater frequency, however, lawyers and social scientists are expressing the view that the basic attribute of an effective right to privacy is the individual's ability to control the flow of information concerning or describing him—a capability that often is essential to the establishment of social relationships and the maintenance of personal freedom.

As a result of the heightened value being placed on information by contemporary institutions, a substantial portion of information that hitherto has been treated as private is now considered appropriate grist for the computer mill and fair game for the data collector. It may be a bit premature to conclude, as some have, that "information is becoming the basic building block of society" (Sarnoff, No Life Untouched, Saturday Review, July 23, 1966, at 21) or that "all forms of wealth result from the movement of information" (McLuhan, Understanding Media: The Extensions of Man 65 (paper ed. (1964)), but there does seem to be considerable truth in the assertion that electronic technology is making the world into a "global village" in which the domain of strictly private action is steadily being eroded.

In a computerized environment, the power to control the flow of data about oneself can easily be compromised. On the theoretical level, computer systems and other media that handle personal information are capable of inflicting harm on the data subject in two principal ways: (1) by disseminating evidence of present or past actions or associations to a wider audience than the subject consented to or anticipated (deprivation of access control), and (2) by introducing factual or contextual inaccuracies that create an erroneous impression of the subject's actual conduct or achievements in the minds of those to whom the information is exposed (deprivation of accuracy control). (Various aspects of these dangers are discussed at length in Miller Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information Oriented Society, 67 Michigan Law Review 10XX (April 1969).)

And how do the government's information policies fit into the emerging threat to privacy presented by widescale computerization? In an age in which federal information acquisition and dissemination is at an all time high, in an age in which governmental questionnaires are cavalierly issued and electronically processed as if to satiate the appetite of some sorcerer's apprentice, in an age in which national data centers and monolithic information gathering and analyzing techniques are being proposed, the concept of citizen control over the flow of information relating to him is becoming a chimera. The number of people who inevitably will see an individual's answers to

questions on the census and other agency questionnaires coupled with the possibility that these responses can be computerized and analyzed on an associative basis with information collected by the Internal Revenue Service, the FBI, the Post Office, the Immigration and Naturalization Service, and others suggest that the valve on an individual's informational spigot is now in the custody of an indeterminate and unidentifiable number of administrators and computerniks. The ability of sophisticated governmental data centers to generate a comprehensive womb-to-tomb dossier on an individual and transmit it over a national computer network is one of the most frightening aspects of a marriage between increased data collection and the present cybernetic revolution.

III. THE IMPLICATIONS OF A DOSSIER SOCIETY

Since the right to privacy has been conceived in part to assure the individual's emotional integrity, it is appropriate to consider briefly the possible psychological impact on our citizenry of unchecked governmental information extraction and computerization. As the populace becomes increasingly aware that a substantial number of personal facts are being preserved on "the record," people may start to doubt whether they have any meaningful existence apart from the profile in the government's computerized files. In turn, individuals may begin to base their personal decisions, at least in part, on whether it will enhance their record image in the eyes of those who have control over important aspects of their lives:

The terms consequential behavior and acting for the record . . . [may be] used interchangeably. They involve not only the control of forethought to our behavior, but also mean that one should act so that things must appear on the record in a limited way. One puts to oneself not only the admonition that "I had better be careful: This may go on the record," but also the question as to how will it look and be interpreted by those who are not immediately involved in this activity and will judge it from its appearance to them. . . .

Thus, the technical demand for more personal information to be recorded and a conscious public concerned with keeping the record straight lie at the root of the new invasion of privacy. It is a deprivation of privacy that cannot be legislated against nor moralized against. It is a source of social control which necessitates new techniques and a pervading inquiry into our social, economic, and political actions and our motivations for them. It is an invasion which most people willingly accept, since they have not known other conditions and are happy to be publicly significant to someone. (Wagner, Records and the Invasion of Privacy, reprinted in the CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 10821–10823).

This psychosis also may give rise to a conception of the government as an unforgetting and unforgiving watchdog or information manager and this image is certain to be reinforced by the widescale, publicized use of computer technology. As one observer has remarked, "the possibility of the fresh start is becoming increasingly difficult. The Christian notion of redemption is incomprehensible to the computer." (House Hearings on the Computer and Invasion of Privacy 12 (statement of Vance Packard).)

It thus is not surprising that there appears to be reaction against computerized decision-making and other appearances of human abdication to the machine. Increasingly, the computer is becoming a convenient scapegoat for a number of man's ills and there is evidence that the frustrations generated by the computerized environment are provoking highly irrational responses on the part of disenchanted groups. People have written letters to the computers of commercial dating services, commenting on the dates that have been arranged for them; naked protesters have picketed IBM offices with signs stating that "Computers are Obscene"; and computer operators reportedly have ascribed human personalities to their machines. Personification of computers has carried over into the arts, as computers have emerged from the world of science fiction to become sinister protagonists or anthropomorphic figures in novels, plays, motion pictures, and poems. It also has been suggested that widescale computerization may give rise to an "underground" movement, reminiscent of the Luddites, to sabotage society's machines, perhaps by violating contemporary society's eleventh commandment: "Do not fold, spindle, or mutilate." In fact, one federal court has found it necessary to grant an injunction restraining a civil rights group from defacing an electric utility's punchcard bills as a means of protesting the company's hiring policies. (Potomac Elec. Power Co. v. Washington Chapter of C.O.R.E., 210 F Supp. 418 (D.D.C. 1962)) Student activists also have taken cognizance of the machine and have vented their anger on the computer and its trappings as symbols of the dehumanization of modern mass education.

Perhaps little attention should be paid to such aberrational and atavistic behavior. After all, one cannot dispute the fact that the new technology actually promotes a number of vital humanistic needs in our society, and ultimately may prove essential to the proper functioning and preservation of our representative form of government. (Shubik, Information, Rationality, and Free Democratic Society, Daedalus, Summer 1967, at 771, 777) Moreover, the ability to present a parade of horribles does not provide a basis for jettisoning the technological developments of the past three decades or ignoring the government's legitimate need to obtain information for rational planning. Nor does it advance the task of fashioning workable limits to preserve essential privacy values in a society that is increasingly scientifically and technologically oriented.

Nevertheless, the breadth of concern over the dehumanization of modern society and the animus directed at the information activities of the government and the computer cannot be ignored. The omnipresence of data collection activities and the computer cannot help but have a numbing effect on the congeries of values we subsume under the heading "personal privacy" and debilitate the citizen's conception of the government as a relatively benevolent or protective institution. The climate or atmosphere of suspicion engendered by an accumulation of invasions of privacy is of far greater concern than the direct harm caused by the particular incidents themselves. "Even quite reasonable surveillance practices which should be permissible in themselves, may in the aggregate form be the basis of a terribly oppressive society." (Josephson, Book Review, 15 University of California at Los Angeles Law Review, 1586, 1599 (1968).) This seems to be one of the lessons to be learned from the popular outcry concerning the National Data Center, some of the census questions, and the hearings on credit bureaus.

IV. THE NEED FOR JUDICIAL AND LEGISLATIVE SAFEGUARDS

The computer's impact on traditional relationships between individuals and organizations, the impending emergence of computer technology as a medium of communication with national dimensions, and the accelerating pace of federal information gathering suggest that judicial and congressional action to protect privacy values may be both appropriate and necessary. The common-law right of privacy does not seem to have the growth capacity for ameliorating problems of this magnitude, especially in light of the Supreme Court's decision in Time, Inc. v. Hill, 385 U.S. 374 (1967). Moreover, the availability of common-law redress against damaging governmental information disclosures has been further limited by the enactment of the Freedom of Information Act, which opens up vast quantities of data held by the government to public view.

More importantly, the existing common-law theories deal with the dissemination of previously acquired data, rather than the unrestrained governmental collection of information from individuals. To be effective, a regulatory scheme must reach the latter problem and this requires a different doctrinal basis than is offered by the right-to-privacy tort. Fortunately, the law books are not barren. In recent years the Supreme Court has recognized that the individual has the right to object to certain governmental attempts to extract information from him. Perhaps the most clearly developed of these notions is the citizen's right of associational privacy, which seeks to recognize the "vital relationship between the First Amendment freedom to associate and privacy in one's association." (NAACP v. Alabama, 357 U.S. 449, 462 (1958)) Thus, when the government attempts to gather data concerning an individual's association with a group dedicated to the advancement of certain beliefs in "political, economic, religious, or cultural matters" (Id. at 460), it must "convincingly show a substantial relation between the information sought and compelling state interest." (Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 546 (1963)) However, the successful assertion of associational privacy appears to depend upon a showing that disclosure will result in a restraint on an individual's ability to exercise his freedom of association.

Closely related to the right of associational privacy is another judicially recognized individual interest—the right to possess ideas and beliefs free from governmental intrusion. As the Supreme Court recently stated in Schneider v. Smith, 390 U.S. 17 (1968), first amendment guarantees and the concept of associational privacy "create a preserve where the views of the individual are made inviolate. This is the philosophy of Jefferson that 'the opinions of men are not the object of civil government, nor under its jurisdiction . . .'" (Id. at 25)

Taken alone, the judicial recognition of privacy in one's associations and beliefs would provide only limited protection for the individual against governmental intrusiveness. But these cases seem to announce a more expansive principle, one that is part of a tradition basic to the nation's philosophical fabric—the conception of government as an institution of limited powers that is obliged to meet a heavy burden of justification when it undertakes a program or course of action that will inhibit the freedom of its citizens. As Justice Douglas remarked in his opinion for the Court in *Schneider:* "The purpose of the Constitution and Bill of Rights, unlike more recent models promoting a welfare state, was to take government off the backs of people." (Id. at 25)

It is axiomatic that the power conveyed by widescale governmental surveillance or information control can constrict individual freedom. Thus, pressures in that direction must be resisted. Supplications in terms of governmental economy or gains in administrative efficiency cannot justify every demand for greater power to extract, manipulate, store, and disseminate personal data. The Supreme Court appears to have recognized this in recent electronic eavesdropping cases and has resorted to general principles to protect a person's legitimate expectations concerning personal privacy. In doing so the Court has used the traditional constitutional restraints on search and seizure of tangible objects to restrict governmental acquisition of personal information. A comparable broadening of the first amendment guarantees that were applied in the asso-

ciation and belief cases also would be desirable.

But today's trend toward information collection and the almost exponential expansion of the ability to utilize information in variegated ways seems to be altering the citizen-government balance so drastically that total reliance on judicial manipulation of constitutional doctrine is unwise and congressional action is indicated. A legislative solution can take a number of different forms. One logical and effective method of protecting against abusive data collection is to prohibit governmental, and perhaps even non-governmental, organizations from collecting designated classes of data, or, at the least, prohibit them from resorting to sanctions or the threat of sanctions to coerce disclosure of the data. An example of this legislative approach is H.R. 20, introduced by Congressman Betts, which would eliminate the existing criminal penalties for failure to answer many of the questions asked by the Census Bureau. (I understand that Senator Thurmond recently introduced a comparable bill, but I have not yet obtained a copy of it."

Another, and significantly broader, approach is that taken in S. 1791, which was introduced by the Chairman of this Subcommittee. This bill has the desirable effect of restricting every federal agency's ability to collect data to those information items that fall within a specific provision in the Constitution and/or an act of Congress. It also requires the collecting agency to inform respondents when disclosure is being sought on a voluntary basis. In this fashion it would curtail the use of subtle forms of coercion and unjustified application of the consent motion. Despite some problems of language, which might unduly limit or render uncertain its scope of application, S. 1791 represents an extremely useful legislative restraint on administrative excesses.

In yet another effort, Congressman Koch has introduced a bill, to be added, in effect, to the Freedom of Information Act, that would require all agencies maintaining information on an individualized basis to give notice to an individual if information concerning him has been procured from a source other than the subject himself. The agency also would be obliged to exercise certain precautions in the handling of the information and refrain from disclosing personal data without obtaining permission from the individual. The cardinal virtue of this bill is that it enables the individual to participate in transactions affecting the information collected about him and gives him an opportunity to correct any errors. Of course, it does not deal with the problem of limiting direct interrogation of an individual by the government.

Although I must confess to a personal preference for legislation relating to informational privacy that approaches the subject on an overarching basis, perhaps following a comprehensive study of the problem and accompanied by the creation of an *independent* Governmental Information Review Board (the typical academician's approach), the present legislative activity is a healthy and welcome sign. Each of the three legislative proposals described above is meritorious and in many ways they are complimentary. Consequently, they deserve the most careful attention and favorable consideration by the Congress.

Consider Richard L. Tobin's comment in a Saturday Review editorial captioned "1984 Minus Sixteen and Counting": "we cannot assume . . . that privacy will survive simply because man has a psychological or social need for it." Although additional legislation may be necessary when the dimensions of the threat of the new technology becomes clearer, the current legislative proposals represent positive steps toward the correction of the present unhealthy trend and go a long way to avoid the trap of passivity.

V. CONCLUSION

Probably the most distinctive characteristic of classical utopian designs is the basic "humanitarian" bent on their value structures . . . And perhaps the most notable difference to be found between the classical system designers and their contemporary counterparts (system engineers, data processing specialists, computer manufacturers, and system designers) consists precisely in the fact that the humanitarian bent has disappeared. The dominant value orientation of the utopian renaissance can best be described as "efficiency" rather than "humanitarianism." (Boguslaw, The New Utopians—A Study of System Design and Social Change 202 (Paper ed. 1965)).

If the foregoing discussion seems somewhat alarmist in tone, that is so because it is necessary to counteract the fact that "progress is a comfortable disease" (e.e. cummings, Selected Poems 89 (1959)) and the all too often complacent attitude of citizens toward the management of our affairs by occasionally myopic administrators in both the government and the private sector. The very real benefits conferred by effective governmental planning resulting from proper data collection and the application of computer technology may oplate our awareness of the price that may be paid in terms of personal freedom. It thus seems necessary to sound a klaxon to arouse a greater awareness that information is precipitating a realignment in the patterns of societal power and is becoming increasingly important to decision making in practically every significant governmental and nongovernmental institution. As society becomes more and more information oriented, the central issue that emerges to challenge our legal system is how to contain the excesses and channel the benefits of this new form of power. If we seriously believe that the concept of personal privacy is fundamental to our democratic tradition of individual autonomy and if we desire to insure its preservation, then the expenditure of some verbal horsepower on its behalf seems justified. I greatly appreciate this Subcommittee's providing me with a forum for unleashing my share of the necessary energy.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert C. Wagner, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years, vice R. Ben Hosler.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, July 7, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE AWARD OF AN HONORARY DOCTOR OF LAWS DEGREE TO SENATOR WINSTON PROUTY, BY THE UNIVERSITY OF VERMONT

Mr. DIRKSEN. Mr. President, I have on many occasions risen to pay tribute to the distinguished Senator from Vermont (Mr. PROUTY). On other occasions, I have asked that others' tributes to Vermont's junior Senator be included in the RECORD.

Today I ask unanimous consent that the citation for Senator WINSTON PROUTY given on May 18, 1969, by Dr. Robert B. Huber, head of the department of speech at the University of Vermont, upon awarding of an honorary doctor of laws degree to Senator PROUTY by the university, be included in the RECORD.

Dr. Huber's citation briefly and eloquently describes the essence of Vermont's distinguished junior Senator, a modest man of great resourcefulness, energy, and dedication.

In particular I note for my distinguished colleagues the last paragraph of this citation:

This man has not been one to seek headlines or curry favor from voters. He has been too busy serving his fellowmen in Washington.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION FOR WINSTON L. PROUTY

(By Dr. Robert B. Huber, May 18, 1969)

Mr. President, I have the honor to present our United States Senator, the Honorable Winston L. Prouty, for the degree of Doctor of Laws, *honoris causa*.

Winston L. Prouty was born and grew up in Newport, Vermont. After completing his education at Lafayette College, he started his adult life as a businessman. A career in public life beckoned, and the succession of offices held reveal the growing stature of the man. First he was an alderman, then mayor of Newport; then on to the Vermont House of Representatives, being elevated to the speakership during his third term. The next step was to Congress, four terms in the House and since 1958 in the Senate. His excellent work on the Foreign and Veterans Affairs Committees of the House was recognized by his appointment to the two-man study mission to the Middle East and twice being appointed to serve on the United States National Commission for United Nations Educational, Scientific and Cultural Organization.

His growing knowledge and expertness as a legislator has brought an ever increasing load as his fellow senators turn repeatedly to him for greater and greater contributions. Called upon, at first to serve on four major committees, the expanding number of subcommittees reveal his worth as evaluated by his fellow senators—subcommittees on education, on labor, on health, on employment, manpower, and poverty, on surface transportation, on aviation, on Merchant Marine and Fisheries, on employment and retirement income, on housing for the elderly, on health for the elderly, on retirement and on health, education, and public welfare for the citizens of the District of Columbia.

Senator Wayne Morse has said: "The most significant education bills . . . would not have been approved except for the fine and very valuable work done by the Senator from Vermont." Logan Wilson, President of the American Council on Education has likened him to Justice Morrill. Senator Proxmire has called him one of the most imaginative men in Congress.

The contributions of Senator Prouty are many. Getting aid for handicapped children, providing funds for elementary and secondary schools, co-authoring the Juvenile Delinquency Prevention and Control Act, helping to provide financing for higher education, encouraging businessmen to train and hire the unemployed, getting increases for the aged under social security, and author-

ing the study of the ghettos of Washington, are but a few.

This man has not been one to seek headlines or curry favor from voters. He has been too busy serving his fellowmen in Washington.

MAN ON THE MOON

Mr. ANDERSON. Mr. President, in the June issue of Redbook magazine, the eminent cultural anthropologist, Dr. Margaret Mead, in an article titled "Man on the Moon," writes about the importance of the space program. She says:

Today the deeply important thing is that the same set of inventions that is opening the universe to exploration also has made our world one, a bounded unit within which all human beings share the same hazards and have access to the same hopes. This is why I think the moon landing is a momentous event.

Dr. Mead discusses the questions that are usually asked about the space program. Why go to the moon? Why spend all the money on a space program while we have so many problems to solve here on earth? Can we not put the money to much better use, and so forth? She answers this by saying:

These are the wrong questions to be asking, I think. They are evidence, it seems to me, that we are suffering from a failure of the imagination, a failure of nerve, that psychiatrists are beginning to recognize as future shock.

Dr. Mead compares this to the anxieties of people who live in strange places among strangers and who lose their ability to take in new experience and she says:

In somewhat the same way many people are shrinking from the future and from participation in the movement toward a new, expanded reality. And like homesick travelers abroad, they are focusing their anxieties on home.

Dr. Mead views man's landing on the moon as a turning point in human history and draws a parallel between this event and the great era of world exploration of 500 years ago. She points out that certainly no one can foresee the final results of this epical step in human history. But Dr. Mead points out that to slow down the program and wait, to turn our attention solely to the problems here at home, would be fatal to our future. As she sees it and says it:

This new exploration—this work at the edge of human knowledge—is what will keep us human. It will keep us from turning backward toward ways of thinking and acting that have separated men from their full humanity.

A little further on, Dr. Mead says:

Humanity lies in man's urge to explore the world. It lies in man's unique drive to understand the nature of the universe within which he lives.

Continuing her discussion of the relationship between the space program and humanity, Dr. Mead points out that throughout the history of man, each stage of discovery has made man more aware of his human potentiality and consequently we must put our knowledge to the test. She points out that human potentialities not exercised, wither, fester, become malignant and are dangerous, and that a society that does not move forward, begins to die. Dr. Mead states:

The exploration of space does not mean neglect of the tremendously difficult problems of our immediate environment. It will mean, I think, the development of a new context within which we can look for viable solutions.

In the final paragraphs of her article, Dr. Mead discusses why the United States and the Soviet Union are successful in their space programs. She points out that the lunar landing will be a triumph in its own right. But that more importantly, it will demonstrate the inescapable connection between man's pursuit of his destiny and his attainment of his own humanity. Dr. Mead closes her article with the statement:

Voyages to the moon—and beyond the moon—are one assurance of our ability to live on the earth.

Mr. President, Dr. Mead in her article eloquently shows the connection between the space program and humanity. I urge all of my colleagues to read this important article but particularly those who often argue against the space program.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN ON THE MOON

(By Margaret Mead)

The day a man steps onto the surface of the moon, human beings will be taking a decisive step out of the past into a new reality.

Long ago our ancestors lived on very small islands of the known, scattered on an unknown planet. The whole of a universe could be encompassed in a hilltop and a valley, the steady stars, the wandering Pleiades and the waxing and waning moon. Mountain walls, vast plains, dark forests and the fringing seas cut off little groups of men from knowledge of what lay beyond their own familiar patch of earth, and the arching sky was accessible to them only in fantasy.

Today the deeply important thing is that the same set of inventions that is opening the universe to exploration also has made our world one, a bounded unit within which all human beings share the same hazards and have access to the same hopes. This is why I think the moon landing is a momentous event.

But as we wait for the astronaut to take that first step onto a part of the solar system that is not our earth, it seems to me that our vision is faltering. We have followed each stage of this venture into space. Through the camera's eye we have already looked down at barren stretches of moonscape and we have seen our own world, a small, shining globe in space. But as the first climax approaches, wonder at the unknown and a sense of the magnificence of the achievement are dimmed and tarnished by doubt and the feeling on the part of many people that "all this is meaningless to me."

The same questions have been asked for a decade. Why go to the moon? Why spend all that money on a space program that will change no one's daily life and solve none of the problems of human misery on earth? Can't we put the same money to much better use here? Why not put the earth in order before we take off into space? Who cares whether we or the Russians win this "race"? With the danger of nuclear warfare and the menace of uncontrolled population growth—both the outcome of modern science—confronting us, why should anyone get excited about one more technological success, the landing of a man on the moon?

These are the wrong questions to be asking, I think. They are evidence, it seems to me, that we are suffering from a failure of the imagination, a failure of nerve, that psychiatrists are beginning to recognize as *future shock*. It is well known that people who go to live in a strange place among strangers whose language and manners are incomprehensible often suffer from culture shock, a state of mind in which, alienated and homesick, they temporarily lose their ability to take in new exeprience. In somewhat the same way many people are shrinking from the future and from participation in the movement toward a new, expanded reality. And like homesick travelers abroad, they are focusing their anxieties on home.

The reasons are not far to seek. We are at a turning point in human history. What is required of us is not merely a change in our conceptions, but also in our sense of scale. The only parallel to the situation with which we are confronted lies 500 years in our past, just before the great era of world exploration.

In the 1420s, Prince Henry—an extraordinary technologist whom we only vaguely remember as "Henry the Navigator," brother of the king of Portugal—gathered around him a great company of scholars, astronomers, map makers, pilots, instrument makers and craftsmen in Sagres, on a lonely promontory reaching out into the unexplored Atlantic. They created a new science of navigation and invented a new kind of ship, the lateen-rigged caravel, which could make headway against the winds and was designed for long sea voyages. Up to that time ships navigated from island to island or from point to point, close to shore; where this was impossible, few men sailed intentionally.

For 40 years Prince Henry sent ship after ship into the Atlantic and down the coast of Africa, hoping to solve the "impossible" problem of circling the continent. His were not the first craft to reach the nearer islands or to attempt the African voyage or even to rove the open Atlantic. But the men who sailed the caravels were the first to study and plot systematically the winds and currents off the African coast and, eventually, on the open seas from the North to the South Atlantic. And it was from seamen trained in Sagres, only a few years after Prince Henry's death, that Columbus learned his seamanship.

Prince Henry and his company of scientists and technicians formed one of the small clusters of men whose work began the transformation of the world. They solved no immediate problems. The Moors, against whom Henry fought as a young man, still were a threat to Mediterranean Europe when he died. The Portuguese inventions made feasible long voyages of discovery, but no one knew what lay ahead. And certainly no one could foresee that the greatest innovation was the new approach to problem solution, which combined theory and the deliberate creation of a technology to carry out practical experiments. What Prince Henry and others of his time were first attempting systematically made possible a world in which people could believe in and work toward progress.

The parallel, of course, is an imperfect one. Where it breaks down most seriously is in the number of people involved. In the 15th century only a handful of men were aware of the tremendous breakthrough in knowledge. Today in an intercommunicating world, millions of people enter into the debate and are part of the decision-making process that will determine how we shall deal with the knowledge, the anxieties and the hopes that are part of this contemporary expansion of reality. And it is extraordinarily difficult for vast numbers of people to move simultaneously toward change.

We could slow down and wait. We could turn our attention to the problems that going to the moon certainly will not solve. We could hope that, given time, more men would become aware of new possibilities. But I think this would be fatal to our future.

As I see it, this new exploration—this work at the edge of human knowledge—is what will keep us human. It will keep us from turning backward toward ways of thinking and acting that have separated men from their full humanity. For humanity is not to be found by going back to some Golden Age when communities were small and the people living in them knew and trusted (but also, in reality, often bitterly hated and despised) one another. Humanity is not to be found in any kind of romantic retreat, in any denial of present reality, in any decision to rest within the known.

Humanity lies in man's urge to explore the world. It lies in man's unique drive to understand the nature of the universe within which he lives. It lies in man's capacity to question the known and imagine the unknown.

Step by difficult step men expanded the world they knew to include the whole of the planet and all men living on it. In the 17th century, men's conceptions of the universe was transformed by the telescope, which brought the moon and the stars nearer, and by the microscope, through which the once-in-decipherable nature of matter was made intelligible. Once men could count only the smallest collections of objects, and until our own generation the organization of vast assemblages of facts was an infinitely laborious task. Today the use of computers allows men to think about organized complexity on a scale entirely new. And now, finally, we are moving out from the earth as living beings, in the persons of the astronauts, to experience space with all our capacities, our wonder and thirst for understanding. For the first time we are exercising in full reality what has been truly called man's cosmic sense.

Each stage of discovery has enlarged not only men's understanding of the world, but also their awareness of human potentialities. So I believe we cannot stop now on the threshold of new experience. We must put our knowledge to the test. Human potentialities, unexercised, can wither and fester, can become malignant and dangerous. A society that no longer moves forward does not merely stagnate; it begins to die.

The exploration of space does not mean neglect of the tremendously difficult problems of our immediate environment. It will mean, I think, the development of a new context within which we can look for viable solutions. Up to now, our ideas about what can be done have been either utopian or essentially parochial, while the problems themselves affect the well-being of human beings everywhere.

It is no accident that the Soviet Union and the United States, the two largest organized modern states, have built and launched the first successful space craft, while the governments of the 180 millions of people in the Common Market countries of western Europe have continued to bicker divisively and ineffectually over which stage of a shared rocket should be built by whom and have been unable to find ways of co-ordinating their efforts. Nor is it an accident that these two countries are moving ahead so fast in changing and raising the level of education—though in this we still, by far, lead the world.

In part the success of the Soviet Union and the United States has resulted from the fact that these two countries have—and have been willing to commit—the resources in money and men and organization necessary for so large-scale an enterprise. In part it is owing to their orientation to the future. Soviet and American men and women have no monopoly on talent. But each of us, as a country, has been able to attain the precise and magnificent large-scale co-ordination of effort necessary for building space craft and for becoming pioneers in the space age.

The very thing that has made the space program successful, but also in the eyes of many people boring, is awareness of the crucial importance of detail. The rehearsals, the repetitiveness, the careful steps, the determination on absolute precautions and the participation of the citizenry in something that might, but must not, go wrong—all these things also are essential to the success of an enterprise on a new, unprecedented scale.

No country, as yet, has fully recognized the fact that the scale of our major human problems is not local or national but regional or world-wide. No country has realized that we must simultaneously include both extremes—the individual and all men—in working toward social solutions. Individual human dignity can be assured only when all men everywhere are accorded and accord to others their full humanity. National solutions are inadequate, as they are based in past conceptions of human differences, uneconomic uses of resources and barriers to communication that no longer exist.

We have yet to discover how to co-ordinate effort to solve social problems on the scale that will be necessary. This will mean, as it has in the space program, work with small models, new kinds of simulations and trials and intensive learning before we move into large new systems of organization with planetary repercussions. No more than the 15th-century men who opened the seas to exploration can we see what lies ahead. But unlike the early explorers, we have learned how to direct our efforts.

The lunar landing will be a triumph in its own right. But at the same time nothing can demonstrate more cogently, I feel, that there is an intimate and inescapable connection between man's pursuit of his destiny and his attainment of his own humanity than the intricate technological co-ordination combined with individual human courage that characterizes both the American and the Soviet space programs. There is no reason for alienation from experience that will enhance our common humanity. Voyages to the moon—and beyond the moon—are one assurance of our ability to live on the earth.

AIR SERVICE BETWEEN HAWAII AND THE MAINLAND

Mr. INOUYE. Mr. President, as we are all painfully aware, the institution of new and sorely needed air service between the mainland and Hawaii has again been delayed. The inconvenience to the traveling public is enormous. The adverse economic impact upon the State of Hawaii is worsening with each day new service is postponed. The constant delay and postponement of a final decision in the transpacific case is conspicuously not in the public interest.

I testified at the Civil Aeronautics Board hearings in Hawaii on February 15, 1967, as to the pressing needs then for new and expanded Pacific air service. On February 7, 1969, I again publicly urged in this chamber that "the badly needed and overdue competitive service" be permitted to go into effect.

It has been over 6 months since the initial decision by the Civil Aeronautics Board. The public and my constituents in particular are entitled to know the cause of the most recent delay.

The President, on April 11, requested the Civil Aeronautics Board, the agency in which Congress has vested both the statutory responsibility for and the expertise to deal with the establishment of specific routes and selection of carriers, to recommend to him a South Pacific route serving midwest and east coast mainland points and to select a carrier to operate such a route. The CAB undertook this additional chore and expeditiously conducted an appropriate proceeding.

Press reports last week indicate that its recommendation has been submitted to the President. Unfortunately, the administration has not acted to date despite the fact we are in the height of the Hawaiian tourist season. Meanwhile, there are thousands of tourists who are unable to travel to Hawaii because there are no seats available from the carriers presently serving Hawaii.

In the interest of my State and the thousands of Americans whose summer vacation plans are being frustrated, I urge the President to reach a decision in this case quickly to minimize the inconvenience and economic damage that is occurring daily.

FINAL REPORT OF THE JOINT COMMISSION ON THE MENTAL HEALTH OF CHILDREN

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Connecticut (Mr. RIBICOFF) regarding the final report of the Joint Commission on the Mental Health of Children.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FINAL REPORT OF THE JOINT COMMISSION ON THE MENTAL HEALTH OF CHILDREN

Mr. RIBICOFF. Mr. President, 3 years ago, the Congress established the Joint Commission on the Mental Health of Children.

The Commission was charged with assessing the care this nation provides for emotionally disturbed children.

It also was intructed to study our ability to diagnose and prevent emotional illness in children.

Today, the Commission is making its report to Congress, according to the provisions of the law establishing the Commission.

Its findings are shocking.

They disclose a pattern of neglect with regard to the emotionally disturbed child.

The Commission found that in the four decades since the 1930 White House Conference on Child Health and Protection, "the care of the emotionally disturbed child in this country has not improved—it has worsened considerably."

And the Commission concludes:

"It is an undeniable fact that there is not a single community in this country which provides an acceptable standard for its mentally ill children, running a spectrum from early therapeutic intervention to social restoration in the home, the school and in the community."

What are the facts behind this statement? Why did the Commission draw up this indictment?

According to its data, there were 1.4 million children under 18 who needed psychiatric care in 1966. But only one third—or 400,000 children—received care. Nearly one million did not.

Present data also indicates that there are 27,000 children under 18 in state and county mental hospitals, many of which lack people trained in child psychiatry and related disciplines. By next year, the number of children aged 10 to 14 hospitalized in these institutions will have doubled.

In fact, thousands of the elderly patients confined to the back wards of these institutions were first admitted as children, 30, 40 and 50 years ago.

One state told the Commission that one in every four children admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years."

Thus, the Clinical Committee of the Commission, after a two-year study, said the following about the hospitalization of emotionally disturbed children:

"The admission of teen-agers to the state hospitals has risen something like 150 percent in the last decade. . . . Instead of being helped, the vast majority are the worse for the experience."

What about these youngsters who escape what the Commission has called "the state institution treadmill?" Their story is one of expensive private, residential treatment centers or none at all. For every child admitted to a private facility 10 are turned away because of lack of space.

Eight states, according to the Commission, had no facilities, either public or private. Many states had no public units for children from low and middle income families.

Summing up, the Clinical Committee said:

"As of today, the treatment of the mentally ill child in America is uncertain, variable and inadequate. This is true on all levels, rich and poor, rural and urban . . . only a fraction of our young people get the help they need at the time they need it."

In addition to its concern for the sick child, the Commission also was concerned about the development of healthy children.

This is an important point.

We must have the facilities and skills to treat the emotionally disturbed child. But we also must develop and support those conditions that contribute to healthy growth.

This means we must use our common sense and good judgment.

For example, we know it is not healthy for children to live in poverty or to be the victims of discrimination, regardless of whether this contributes to or causes mental illness.

We know this because we would not permit our own children to grow up in such an environment.

If we would protect our own children from the effects of poverty and discrimination, then we have a responsibility to remove poverty and discrimination from the lives of other children.

And we should ask why a society permits such conditions to continue for so long.

In general terms, the report of the National Commission on the Mental Health of Children has presented the nation with two basic challenges.

One is the challenge of providing high quality, comprehensive, systematic care for children who are emotionally disturbed, retarded or handicapped.

The other is the challenge of undertaking major social reforms that will significantly improve the living conditions of millions of youngsters—reforms in housing, health, nutrition, employment, welfare and education.

Both require that we re-think our current programs for children and the assumptions that underly them.

The Commission has made many recommendations. They will stimulate considerable debate. This is as it should be.

The major recommendations of the Report is the establishment of 100 Child Development Councils throughout the nation during the next several years.

The Councils would act as advocates in behalf of children and seek to insure that proper care and services were available. They would not be responsible for providing care directly.

As I have said earlier, I will introduce legislation to implement this recommendation. But I would limit the initial scope of the program to five pilot projects—instead of 100—and conduct them in communities with proven potential in the field of mental health care for children.

It makes more sense to set up a small number of councils first, watch them closely, see what works and what fails, and then begin applying proven principles of mental health care on a more widespread basis.

In all this, we must avoid the temptation to impose our will upon the lives of others because we think we know what is best for them.

We should be zealous in our effort to permit both children and families to call upon their basic strengths and to find for themselves those living patterns that will give them the greatest satisfaction and happiness.

Whatever programs or institutions we devise must support this fundamental principle.

And finally, let us remember—particularly with regard to poverty—that programs for children are not in themselves a complete response. Concern about child development inevitably must lead to a concern about adult opportunity. Otherwise, what shall be the next step for the healthy child?

I welcome the report of the National Commission on the Mental Health of Children.

It is comprehensive and provocative.

I especially commend to everyone its charge that we become advocates—not advocates in behalf of any single program, profession, bureaucracy or theory—but advocates of healthy children and a healthy society.

A NEW CHAMPION OF THE CONSERVATIONISTS

Mr. DOLE. Mr. President, there has never been a time in the history of our Nation when there has been greater interest in preservation and development of publicly owned wildlife areas. The conservation movement has taken on new vigor and meaning in recent years.

In Secretary of the Interior, Walter J. Hickel, the Nation, and particularly the conservationists, have a true friend and champion. He is demonstrating with positive action that the benefits of recreation shall be made more accessible to all.

I ask unanimous consent that an editorial "Hickel Begins To Sound Like A Conservationist" appearing in the June 29, 1969, issue of the Kansas City Star which outlines some of Secretary Hickel's views in this regard be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HICKEL BEGINS TO SOUND LIKE A CONSERVATIONIST

Although it is far too early to label the secretary of the Interior, Walter J. Hickel, an ardent conservationist or a latter-day John Muir, he is beginning to emerge as a reasonable and practical man. Perhaps the new secretary is an adept student at on-the-job training. Or maybe his statements on parks and conservation, made while governor of Alaska, did not reflect his general thinking.

Either way, we will leave the speculation to others. However, in his first major policy statement as head of the vast Interior department, Secretary Hickel talked sense. Now if his stated views on recreation and parks are backed up with effective action, the doubts which surrounded his appointment should be quickly dispelled.

Hickel's policy guidelines contain many worth-while points. In general terms they add up to an extension of the programs put into effect by his predecessor, Stewart L. Udall, who developed into one of the strongest men ever to hold the interior post. Before Hickel took office it was feared that he might reverse many Udall decisions. If that had occurred, the future of the conservation movement in this country would have been placed in extreme jeopardy.

Why the doubts? As governor of the 49th state, he was a strong advocate of releasing federal lands for private development, including logging, mining and settlement. At one point, he declared that he was against conservation for conservation's sake, which was interpreted to mean he opposed the wilderness act and other federal programs to set aside huge areas of public lands in their natural state.

During the stormy testimony before the Senate Interior committee, which preceded his confirmation, the former governor clarified his position. His responsibilities and public trust, he said, would be much different in Washington from the obligations he had as chief executive of a wilderness state. The Senate committee bought that explanation and now Hickel has made his first important move to deliver on that national commitment.

Instead of endorsing a more relaxed use of public lands, Hickel re-emphasized the need to acquire more parks and playgrounds while their is still vacant space available.

"Time is of the essence in formulating an action program," he pointed out. "Opportunities are being lost daily to acquire such lands. Once lost, these opportunities can seldom be retrieved."

We could not agree more. This once vast, undeveloped continent is now the home of more than 200 million people. Before the end of the century, there probably will be 300 million Americans. The virgin countryside, which once stretched from ocean to ocean, is now dwindling at a rate of about 1 million acres a year, as forests and fields and hillsides give way to shopping centers, subdivisions and superhighways.

Hickel emphasized the need for more parks near the large urban areas where land is rapidly running out. Take Greater Kansas City as an example. Twenty years ago Lee's Summit, Lenexa and Liberty were sleepy communities out in the country. Today the metropolitan area has grown out beyond those once-small towns. The growth pattern here has been multiplied many times over along the Eastern seaboard, around Chicago and in California.

Two long-range guidelines carry particular appeal. Hickel called for an international parks and recreation plan that would encompass all of North America. His target date is 1972. Last year alone Americans made 35 million visits to Canada. It would be logical for the two nations to pool their resources and plans to work out a comprehensive blueprint for the future.

Hickel also complained that too many motor cars are "impairing the quality of the park experience." Before any new roads are built, he directed the National Park service to study the feasibility of using busses or even mass transit to move people inside the playgrounds.

On a holiday weekend, cars line up bumper to bumper along the Blue Ridge parkway. During the first three days of July, 1967, more than 20,000 vehicles passed through the gates of Yosemite. Many of the 69,586 park visitors in that hectic interval probably have a more vivid memory of the massive traffic jam that developed than of the natural splendor of the valley. As park attendance continues to soar, some alternative to the private motor car must be found, or the playgrounds will become little more than giant parking lots, connected by roads.

In passing, Secretary Hickel advanced many other sound ideas. If he is now able to translate these guidelines into effective

programs, what at first flush appeared to be an unfortunate appointment could prove to be an outstanding one.

ENVIRONMENTAL QUALITY

Mr. NELSON. Mr. President, a recent article in the Milwaukee Journal has a headline which describes a situation that until now has always seemed to be more a hope than a reality. The headline says: "Progress, Yes; Pollution, No." What follows that is a well-written report on the insistence of two States, Oregon and Washington, that a good environment and good business can and must be compatible. The article points out that even with strict pollution controls, officials in both States are confident they are getting their share of new industry. It can be done, and when the approaches of States like these are generally accepted by public officials and industries across the country, it will be.

I ask unanimous consent that this excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROGRESS, YES; POLLUTION, NO

(By Paul E. Steiger)

Which do you prefer: The booming prosperity of rapid industrialization, or the exhilarating pleasures of a pollution free environment? The Pacific northwest is trying to have it both ways.

The states of Oregon and Washington—both on the threshold of economic diversification—are defying traditional rules of industrial recruiting. They're demanding that incoming companies take great care not to impair their region's natural beauty or soil its air and water. They are turning away companies that don't measure up.

Can these states attract new industry despite competition from areas less dedicated to resource protection? Gov. Daniel J. Evans of Washington, for one, insists they can.

"I'm confident we can enhance both our natural resources and our industrial base," he says.

BLOCK NEW PLANTS

In the northwest, of course, protecting the environment is no longer a matter of choice. "For a number of years, I've been classified as a 'bird watcher' by some irreverent souls in our state," says conservation minded Evans. "Well, there's no question that we bird watchers have become the majority here now."

In recent years, residents of Washington's Puget sound region blocked two huge new plants because the locations were close to residential areas.

In Oregon, the resource protection stance is, if anything, stiffer. In the last few years, the state has sharply beefed up its enforcement machinery.

"What we're projecting, I'm afraid, is inhospitality," says the state's governor, Tom McCall. He added that he would rather see Oregon lose a new plant than accept a decrease in "livability" for local residents.

PLANTS STILL COME IN

He contends, however, that ultimately the policy will enhance Oregon's attractiveness as other places go downhill.

Working against this fierce backdrop, just how well have industrial recruiters in these states been succeeding? Talks with numerous businessmen and government officials in the region suggest that the northwest is doing pretty well.

For one thing, the region's concern to protect its life style appears to be helping it draw more than its share of "white glove" industries like rare metals research and electronics. These industries usually generate little or no pollution.

THINK CONTROLS COMING

But these states are also attracting companies in pollution prone industries—for several reasons:

The cost of strict pollution control can be compensated for by the region's economic advantages.

The two states are using tax incentives and statewide planning to draw the interest of industrial development experts from across the country.

There's a growing conviction among businessmen around the country that stiff pollution control rules are coming everywhere.

There's no clear cut statistical evidence demonstrating the extent to which the northwest is succeeding.

While Washington, for example, has enjoyed close to the highest yearly increase in per capita personal income in the nation for the last few years, this could be attributed in part to unusual strength in the two industries that have long underpinned the state's economy—aerospace and wood products.

CONFIDENT OF SHARE

And while government officials in both states can revel in a handsome array of new companies or new plants that have come in, they can't be sure just how much the pollution issue may have held down the total.

Still, the officials in both states are confident they're getting their share of new industry.

To ease the burden of installing the strongest possible pollution control systems for incoming companies, the Pacific northwest states are relying heavily on tax incentives.

Washington, for example, allows companies to credit 2% a year of the cost of putting in new antipollution equipment against their business and occupation taxes, for up to 25 years. The equipment must be better than the minimum required by state law; and it must be installed by June 30, 1971.

Oregon has a similar law providing annual tax credits until 1977.

RED TAPE IS CUT

Another way these states are helping incoming firms is by having state industrial recruiters work closely with pollution control officials. Company representatives are put immediately in touch with officials who can cut through the red tape that sometimes surrounds resource protection regulations and tell them precisely which requirements are relevant to their planned facility.

To aid and decide what sort of industries should go where, the Washington department of commerce and economic development is inventorying possible plant sites throughout the state.

Meanwhile, a special task force is trying to project the demands for water in each of the river basins in the Puget sound region, where most of the state's population is centered, through the year 2020. Another group is studying future land needs for recreation.

PREPARE FOR ZONING

The purpose of such studies, of course, is to help develop some sort of statewide zoning plan which takes into account the urban, suburban and rural forces in a state and seeks to match projected demands against the region's resource base.

In Oregon, which is working on a 20 year master growth plan, the legislature this spring passed a bill setting up such a zoning plan.

The plan becomes fully effective by 1972. It sets tough controls on land use throughout the state. It organizes the state's 36 counties into 14 districts, and requires district wide planning to be co-ordinated through district planning councils.

CAMPUS DISORDERS

Mr. METCALF. Mr. President, one of the urgent issues before this Congress and this Nation is campus disorders. One of the most pressing needs regarding that issue is for accurate information about the disorders, their causes, the identity of those who participate, their grievances, and how the disorders are handled by the university administrators.

A call that we have heard across the country is that colleges have, so far, been soft on the demonstrators. At this point, I commend to the attention of my colleagues an article that appeared recently in the Los Angeles Times, written by Times reporters John Kendall and George Kannar, that shows that not all college administrators have been soft on demonstrators. It is an important point to remember should this body be called upon later to consider legislation affecting Federal aid to higher education.

Mr. President, I ask unanimous consent to enter into the RECORD a complete text of the article.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 23, 1969]

DISCIPLINING ON CAMPUS TOUGHER THAN BELIEVED—COLLEGES HAVE BEEN FAR FROM SOFT IN DEALING WITH SOME DISSIDENT STUDENTS

(By John Kendall and George Kannar)

From the cradle of the student movement, UC Berkeley, to the nation's oldest university, Harvard, scores of campus disturbances this school year have prompted the question:

"Why don't they just throw the troublemakers out?"

The question implies an easy answer: get tough. The implication is that nothing is being done.

But the fact is, universities and colleges have disciplined scores, probably hundreds, with more than clucks of disapproval and slaps on the wrist. During the last school year, for example:

UC Berkeley dismissed 15, suspended 35, placed 160 on disciplinary probation in three disturbances and collected some $20,000 in fines for property damage. Those totals do not include possible action against 272 students involved in the "people's park" incident.

HARVARD TAKES ACTION

Harvard dismissed 3, "separated" 13 for periods up to two years, placed 20 on probation and warned 99 against future misconduct after 400 policemen were called to clear University Hall of protesters.

Stanford University suspended 14, placed 77 on probation and levied fines totaling $5,425 after demonstrators disrupted the Jan. 14 board of trustees meeting and occupied Encina Hall on May 1.

University of Chicago expelled 43 and suspended 81 for periods up to six quarters for a two-week building sit-in and an invasion of the Faculty Club. Police were never called.

Dartmouth obtained a court order to clear a seized building. When it was violated, 40 undergraduates were arrested by police. Thirty-six of them were sentenced to 30 days in jail. Campus disciplinary hearings were under way at the end of the school term.

FORTY-TWO SUSPENDED AT OCCIDENTAL

Occidental College suspended 42 students for the remainder of the spring term after they sat in the placement office to protest on-campus military recruiting.

San Francisco State College expelled 1,

suspended 27, placed 10 on probation and issued letters of reprimand to 97 students in a tumultuous period marked by repeated use of police on campus.

San Fernando Valley State College placed 46 students on disciplinary probation after the takeover of the upper floors of the Administration Building Nov. 4. The college has reserved the right to review the cases of 27 of the students waiting trial on felony charges.

Expulsion, dismissal or suspension may seem minor to angry citizens. But to a student who may lose his 2–S draft status or financial support, or who may fail to graduate, these are not small matters.

What's happening at UC Berkeley illustrates the effectiveness of university discipline, in the opinion of Chancellor Roger W. Heyns.

He told the Comstock Club in Sacramento recently that in the past two years "only 32" of more than 350 disciplined students have committed a second violation and five have committed a third.

Heyns said the impression that UC Berkeley ignores discipline and enforcement of rules among its students is a "myth" which survives outside the campus.

In the four years prior to 1969, the chancellor reported, more than 350 Cal students were disciplined for rules violations, not including what he termed "beer, sex and cheating" cases. (There have been only two of this traditional type at Berkeley since Jan. 1.)

Today political activity is the principal reason for rule-breaking, not panty raids, and just as the reasons have changed, so have the university's methods in dealing with violators.

Going—if not gone—are the days when the dean of students handled each discipline case like a parent, judging the student informally with a minimum of rules.

BECOME SPECIFIC

Lately, rules have proliferated along with statements of the rights and responsibilities of students. Instead of vague commands against misbehavior, many colleges and universities have become specific in spelling out offenses, punishment and procedures.

Last month, the Board of Trustees of the California state college system amended general rules which said any student may be placed on probation, suspended or expelled for:

A—Disorderly, unethical, vicious or immoral conduct.

B—Misuse, abuse, theft or destruction of state property.

New rules list cheating, forgery, misrepresentation, obstruction or disruption, physical abuse, theft, unauthorized entry, sale or possession of dangerous drugs, possession or use of explosives or deadly weapons, lewd or indecent behavior and soliciting others to do an unlawful act.

The new regulations define "deadly weapon" as "any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club."

As the rules become specific and as the number and types of offenses increase, the procedure for dealing with violators becomes more legalistic, taking on the appearance of an adversary proceeding—a trial.

Changes in the students themselves help foster the trend toward legalization.

Increasingly distrustful of what they think is secrecy and behind-the-scenes maneuvering, many students demand that everything must be conducted in the open. Many want the procedures written down so they know how to defend themselves against charges.

But "openness" itself has a positive value for some of them. At Yale University, for example, "open decision-making" is one of the most appealing revolutionary rallying cries. Opening the disciplinary procedures somehow seems to lead almost inevitably to regularizing them, and eventually making them more formal and legalistic.

At UC Berkeley, regulations issued more than a year ago guarantee due process for the accused student, including right of counsel at an impartial hearing, safeguards against self-incrimination and an adequate summary of the hearing.

To William Van Alstyne, general counsel of the American Assn. of University Professors, the system becomes "more judicious" as it becomes "more judicial."

But not everyone agrees that legalism is good. State College Chancellor Glenn S. Dumke doesn't.

PROCESS COLLAPSES

"There is . . . a very real danger that student discipline on university campuses is being jeopardized by the imposition of administrative injunctions, providing attorneys for the prosecution and for the defense, the use of legal rather than academic vocabularies, etc.," Dumke said in a recent speech.

"Not only can such judicial trappings provide a false impression of due process, but they can seriously slow down that process to a point where it simply becomes inoperative."

At San Francisco State College, one of Dumke's administrative headaches during this school year, the usual disciplinary process collapsed when the student body president refused to appoint student members to a student-faculty committee.

Emergency procedures were invoked by acting President S. I. Hayakawa. He appointed an associate as the coordinator for internal affairs, charged with gathering information about violations and conducting hearings before panels of volunteer faculty members.

"We've sort of staggered along as best we could under tremendous handicaps," says a college spokesman. "We have tried to make it a fair system although it has not been satisfactory."

This fall San Francisco State administrators plan to use the same emergency system, unless the Academic Senate approves a new one.

At UC Berkeley, a new judicial system was proposed by a student-faculty Study Commission on University Governance. In a report, issued last year, the group said:

"We, too, share the nostalgia for a community whose limited size and shared purpose permit it to dispense with rules and procedures. Reality compels the admission that such a community does not resemble the Berkeley of 1968."

The commission proposed that the central adjudicatory function of the university community should fall to a faculty-student Conduct Court, divided into a preliminary hearing division and trial division. The planners foresaw the occasional need for a campus review court.

They called for formation of a legal services board, an agency composed of law-trained faculty members and students. The board would prepare cases, supply advisors to students brought before the courts and assist the courts in resolving legal issues.

The commission's stated objective was to provide for a judiciary independent of executive or prosecution functions and to create judicial and rule-making machinery which is broadly representative of all campus interests.

RULES COORDINATOR

So far, nothing has been done about the recommendations.

With one exception, UC Berkeley's disciplinary machinery remained largely the same through the university's recent troubles. A difference is the appointment of a coordinator of rules and facilities, separate from Dean of Students Arleigh Williams' office, whose task is to initiate cases according to the time, place and manner of rules infractions.

Cases which Dean Williams thinks are serious enough are heard by the Committee on Student Conduct, composed of five faculty and four student members.

Williams admits that the volume of cases has had a "serious impact" on the university's disciplinary machinery, but he says the Committee on Student Conduct continues "to meet the calendar."

"I feel our system is fair and a very wise system," he says. "I think it has handled discipline in a very capable manner. It it not lenient, nor is it repressive. It is a system that is able to provide proper justice for persons accused of violating the rules."

Not so, says Charles Palmer, UC Berkeley's student body president this year.

"I think there are tremendous problems here," he says. "Many of the structures are irrelevant. Discipline often appears arbitrary and not terribly consistent. Lots of people are tried for what they couldn't be tried for in court. It has become a political thing. Some people are disciplined and some are not."

In Palmer's opinion, the system is not representative. He says it is run by faculty members appointed by the chancellor and by students who are "not our peers."

Palmer's view is strikingly different from that of Pat Shea, a member of the Council of Presidents at neighboring Stanford.

"I think Stanford has made tremendous steps in community government and community respect for its own laws," the political science major said.

Stanford's new president, Kenneth S. Pitzer, agrees.

At his recent inauguration, Pitzer said the university's new system is intact but "seriously overburdened." But, he said, "We are gaining, rather than losing in this area. I hope for further progress next year.

"We are moving forward in rebuilding the understanding and confidence among the constituencies at Stanford."

Stanford has attempted to involve the entire campus community in determining what constitutes a community disruption, then engage each element further in solving the problem and applying disciplinary measures.

To accomplish this, a Committee of 15 last year recommended a new legislative and judicial charter.

The charter, approved by faculty, students and administration members, places primary responsibility for enforcing campus rules in the Stanford Judicial Council, composed of four students and five faculty members.

Two other new groups were formed: a 65-member Academic Senate, small enough to discuss major topics, and a five-member Faculty Consultative Group for Campus Disruptions to provide a continuous link with the faculty during crises.

Then, last fall, acting President Robert J. Glaser promulgated a new policy on campus disruptions. Generally, it makes it a violation of university regulations for a faculty member, staff member or student to prevent or disrupt normal university functions or obstruct the legitimate movements of individuals on campus.

The policy was approved by the student legislature and Academic Senate.

Thus, by the end of 1968, Stanford faced the new year with a policy on disruption, a community-approved judicial process to enforce that policy and new means for student-faculty participation.

How well the new system worked is pointed out in a recent report by Gerald Gunther, a

nationally prominent professor of constitutional law at Stanford and a member of the university's Faculty Consultative Group.

NEW MACHINERY

Gunther recalled that in May, 1968, students occupied the Old Student Union building to gain amnesty for seven students disciplined for attempting to disrupt CIA recruiting. Subsequently, the Academic Council voted in favor of amnesty for students involved both in the original disruption and the sit-in.

Last month—a year later—when students occupied Encina Hall the new machinery began to work. Within an hour of the 1 a.m. occupation, the Dean of Students and 15 faculty members had entered the building to certify that a disruption existed and to ask demonstrators both to leave and to identify themselves. Identification was begun, and after consultation with the Faculty Consultative Group, a decision was made to call police.

At 7:30 a.m. more than 100 Santa Clara County sheriff's deputies arrived. As previously planned, faculty members entered the building with each arrest team.

Their purpose, according to Gunther, was to encourage students to leave, to prevent fear of police attack, to prevent misunderstanding afterward concerning what happened and "to give pause to those demonstrators who had hoped to follow the policy of radicalizing more students by provoking actual or apparent police brutality."

The sit-in protestors chose to leave Encina Hall voluntarily. Seventy-eight demonstrators were identified and placed on immediate temporary suspension and Stanford obtained a court order to restrain further disruptions.

The Judicial Council has recommended, and President Pitzer approved, suspension for 14 of the demonstrators and probation for 48 others. The suspensions are the first such mass penalty at Stanford in more than 20 years.

ACTION ENDORSED

The day after the Encina Hall sit-in the Academic Council virtually unanimously endorsed the action of Pitzer and the provost.

Gunther says it would be "utter foolishness" to imply that Stanford has arrived at permanent campus peace.

"But," he says, "the important thing to see is that the administrative methods used and the attitudes of the Stanford community have undergone fundamental and pervasive changes.

"While no one is happy with the resort to police force—least of all the president and provost—the contrast in community support with the earlier sit-in and with results of many other campuses is marked.

"The university has learned new and more effective procedures for dealing with disruptions and the university community, while far from united on the issue, has worked together in enforcing its policy."

Van Alstyne of the American Assn. of University Professors, who recently taught at Stanford, says he knows of no other institution that "has done as much as Stanford to make its internal processes work."

He estimates, however, that perhaps a hundred universities and colleges have revised or are revising their disciplinary procedures because the volume and gravity of student disruptions have disclosed the weakness and arbitrariness of their machinery.

One school, Cornell University in Ithaca, N.Y., found its traditional disciplinary procedure painfully inadequate this year. In fact, the issue at Cornell which prompted disruptive student action was the disciplinary system itself.

In April black students, armed with shotguns, occupied an administration building to protest alleged arbitrariness of Cornell's all-white disciplinary structure, which had just recommended punishment for five black students involved in an earlier incident.

James Perkins, Cornell's president, agreed to drop the charges if the students would leave the occupied building peacefully. They did, but two days later the faculty repudiated Perkins' compromise and continued proceedings against the five students.

Two days later, with the specter of armed violence hanging over the campus, and with a member of the Black Students Union declaring over national television that "Cornell University has just three hours to live," the faculty changed its mind and stopped proceedings against the students.

In the end, no one was punished for anything by the university, although a handful of white SDS members face civil trespassing charges.

Cornell has decided not to discipline its students until it has a comprehensive plan for revision of the disciplinary system. A special committee set up to study the problem is expected to release its report soon. Meanwhile, only routine "beer, sex and cheating" cases are being handled.

At Harvard, the Faculty of Arts and Science approved the university's recent penalties for seizure of University Hall by a 342 to 29 vote, and adopted a resolution which said:

"We recognize the need to formulate, in the near future, a document that will emerge from the widest discussion within and will reflect a wide consensus of all members of the Harvard Community.

"This statement shall apply equally to students, to officers of instruction and to officers of administration."

In an interim statement, the Faculty of Arts and Science listed activities regarded as incompatible with the purpose of the academic community. They included:

—Violence against any member or guest of the university community.

—Deliberate interference with academic freedom and freedom of speech (including not only disruptions of a class but also interference with the freedom of any speaker invited by any section of the university community to express his views).

—Theft or willful destruction of university property or of the property of members of the university.

The faculty members recommended appropriate discipline, including expulsion, dismissal, separation or requirements to withdraw.

Dartmouth has taken a similar approach during the past 18 months to establish college guidelines by community consensus.

If any campus communities are reluctant to deal with disciplinary problems, there are plenty of legislators from the state capitols to Washington, D.C., to prompt action.

Colorado has a new law providing penalties of up to $500 in fines and jail sentences up to a year, or both, for anyone interfering with the normal functioning of a college or university.

Ohio requires colleges and universities receiving state support funds to adopt regulations for the conduct of students, faculty members, staff members and visitors.

Between 80 and 100 proposals to deal with campus disturbances were introduced this session in the California Legislature.

Knowledgeable observers expect the proposals will be winnowed to two compromise bills—one dealing with changes in the penal code and one with the education code.

Perhaps the most striking provision in the penal code bill may be a proposal requiring a 10-day mandatory jail sentence for the second conviction of an unlawful act during a campus disturbance. A third conviction would bring a mandatory 90-day jail term.

TRIBUTE TO HUGH B. TERRY

Mr. DOMINICK. Mr. President, there are many persons in our country who perform a great service to the community in which they live, as well as to society in general. Hugh B. Terry is one of these persons. I have known Hugh Terry for over 20 years and words cannot express the contribution that he has made, and will continue to make, to his associates and community. Hugh Terry is a modest man. Not only does he avoid seeking the limelight, but he passes off his accomplishments as the results of his colleagues. He has done a great service for Denver and for the broadcasting industry. On June 22, he received some well deserved recognition in an article in the Rocky Mountain News.

I ask unanimous consent that the full text of that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUGH B. TERRY INSPIRES SUPERLATIVES

(By Cecil Jones)

A prophet is most without honor in his own country, goes an old maxim, and perhaps too few people in Denver are aware that on the fifth floor of the new KLZ building are the offices of one of the most respected broadcasting executives in the world.

One reason why the name of Hugh B. Terry is not on everybody's lips is that when a radio or TV station consistently does a good job of entertaining and informing the public, people couldn't care less who's running the show.

But if you're making it your business to find out about the president and general manager of Times-Life Broadcast, Inc., of Denver (KLZ-AM-FM-TV), then you discover another reason why the name Terry is a byword with people like the chairman of the Federal Communications Commission (FCC) if not with Denver TV viewers.

Terry is a modest man who is reticent to talk about his own achievements. Almost infallibly he manages to steer conversation away from his life to any other topic that happens to be viable at the moment. This makes for fascinating dialogue, for Terry is a charming conversationalist, but it is a nightmare for a journalist trying to put the story of a man's life into order.

The facts begin to fall into place, however, when one reads Terry's biography (which he describes as "oververbose") and places a few phone calls to places like New York, Washington, D.C. and—last in line but first in the saga of Hugh Terry—Alexandria, Nebr. The story is a real embodiment of the Horatio Alger myth, beginning in a small town on the Great Plains and terminating, for the present, at least, in the futuristic new KLZ building at Speer Boulevard and Lincoln Street.

VIVIDLY RECALLS EPISODES

Hugh B. Terry was born almost 61 years ago in Alexandria, Nebr., the son of a druggist in a town whose population, according to the present mayor, still hovers "around 300." A wonderful repository of information about Terry's boyhood years is Gerald Joe, now the town grocer, who vividly recalls episodes that probably passed from Terry's memory long ago.

The Terrys were a comfortable, well-liked family—the kind of people, according to Joe, that "you can't say too much about." Hugh and his older brother Norman were handsome lads, good athletes and smart dressers who set the style for the other boys. The whole family was active in the Baptist Church in Alexandria.

Dan L. Terry was a member of the town council and a 33rd degree Mason, a soft-spoken man who nevertheless would tolerate no foolishness in his sons.

Mrs. Jennie Terry was a warm, friendly person whom Gerald Joe and all the kids called "Aunty Terry."

The Terry residence, a "large, nice house" now occupied by the town marshal, was one of three houses on a street just a block off Main Street. Gerald Joe lived across from the Terrys. The boys were separated by four years, Joe being the junior and Terry his "boyhood hero."

Among the experiences Joe loves to recall are the "barn plays," wild west fantasies performed in an old barn by the neighborhood kids to no audience at all, but written, directed and cast by Hugh B. Terry.

No one knew that Terry would some day command legions of people, but the young director showed unmistakable talent for getting kids to do things and be glad they were doing it. Indeed, by meshing remarks made by Terry's present staff at KLZ with Joe's testimony, one can see that at an early age Terry revealed the same ability to understand and manage people that has made him so successful at KLZ.

The middle phase of Terry's history, wherein if things had gone just a little bit differently he might well have been a top newspaper or advertising executive today, reads like a classic success story.

JOINED ADVERTISING FIRM

After graduating from the University of Missouri in 1930 with a B.A. in journalism and serving along the way as president of his class and of Sigma Mu fraternity, Terry joined an advertising firm in St. Louis. It was two years later, at the height of the depression, that a friend made a suggestion which completely altered the course of his life.

By that time Terry was married to the former Elizabeth Lardner of Omaha, who never finished her schooling at Stephens College in Columbia, Mo., because, as her husband puts it, "I pulled her out of there and married her." His salary was $67.50 a month—"not very much for a married man."

The suggestion was that Terry join the staff of a radio station. "The station needed a salesman and I needed a job," according to Terry, so with no training in salesmanship or broadcasting he struck out on an uncharted course that took him first to WKY in Oklahoma City, then, in 1936, to Colorado Springs as station manager of KVOR, and finally in 1941 to Denver, where he took over as manager of KLZ radio.

The rest is modern history.

In the modern phase of the life of Hugh B. Terry the focus shifts from the high school hero who threw the pass that brought laurels to his hometown to a broadcasting executive who pilots a communications empire that stretches all the way to San Diego, Calif.

If one enjoys thinking in symbols, the growth of that empire may be capsuled by imagining the cramped quarters at KLZ radio in the old Shirley Savoy hotel when Terry took over in comparison with the impressive octagonal structure in Colorado redstone that now stands on Speer Boulevard.

KLZ in 1941 was the property of the Oklahoma Publishing Co., the firm which originally hired Terry as a salesman in 1932. In April, 1949, the station was sold to Aladdin Radio and Television, Inc., in which Terry was part owner.

WAVE OF THE FUTURE

Television obviously was the wave of the future in the broadcasting industry. From 1948 to 1952 the FCC put a freeze on the licensing of TV channels. When the Commission decided to open hearings for new channels, Denver was felt to be the largest market not served by television, and its hearings were the first called.

Terry was chief witness for Aladdin at the FCC hearings in October, 1952. With characteristic modesty he shifts the credit for KLZ's success in Washington to his associates, calling it "a beautifully done case."

Wes Pullen, president of Time-Life Broadcasts, Inc., probably was more accurate when he said that Terry was so impressive at the hearings he was characterized as "Mr. Denver," and that it was largely due to his strenuous efforts that KLZ was granted a license to broadcast television.

KLZ received a permit to begin construction of TV studios on June 30, 1953. Remodeling of the old building, now razed, began the following day. On Nov. 1 of that year KLZ-TV went on the air.

Jan. 11, 1954, however, probably was the greatest watershed of Hugh Terry's life. On that day Terry suffered what he calls "a pip of a coronary," what West Pullen calls "a massive heart attack," and what might best be described as a pointblank confrontation with death.

Terry's razor-thin escape from eternity brought about a complete change in work habits and a new future for KLZ. Time-Life Broadcasts, with the help of Terry's old friend Wayne Coy, chairman of the FCC under President Truman and at that time television adviser to Time-Life, began negotiations to buy the station.

According to Terry, his thinking during the negotiations was something along the lines of "I don't know if I'll be around. If this is a good deal I'll get my estate in order." KLZ Radio-TV was sold to Time-Life in July, 1954.

HOW AFFILIATES ARE FEELING

Terry is now responsible for Time-Life's western division, which includes Denver, KOGO AM–FM–TV in San Diego, Calif., and KERO–TV in Bakersfield, Calif. KLZ is also an affiliate of CBS, and Dr. Frank Stanton, president of CBS and one of Terry's closest friends "uses Terry as a sounding board for how the affiliates are feeling," according to Pullen.

Under Terry's supervision KLZ–TV has won at least as many laurels as its manager, the most distinguished being an "Emmy" earned in 1967 for "Road to Nowhere," a superb 30-minute show filmed entirely in the Colorado state penitentiary in Canon City.

But that is history. What is most fascinating about the man is the living story going on in the KLZ building, a story which, as Wes Pullen says, "reflects Terry totally."

For Jim Bennett, news director since 1957, the attitude that permeate the KLZ studios was summed up on May 8 at the dedication of the new building on Speer Blvd.

During the ceremony Andrew Heiskell, chairman of the board of Time, Inc., parent company, delivered a tribute to "Hugh Terry and staff" ("and the only reason the staff is here, or good, is Terry," Bennett added).

Heiskell charged the station "1) to do the best damn job of informing that you can; 2) come as close as possible to telling the truth that you can; and 3) entertain, amuse, and be terribly responsible to your community."

To Bennett this charge capsuled a philosophy of broadcasting that Terry had laid down long ago for KLZ.

The facts bear out this conviction. The first point, the responsibility to "inform" the public, recalls a series of radio and television editorials Terry broadcast in December 1955, to protest a Colorado Supreme Court ban of cameras and microphones inside courtrooms. It also confirms a statement by Vincent Wasilewski, president of the National Association of Broadcasters, that "Terry is a leader who has always argued vehemently for broadcasting's rights to editorialize."

RELAXATION OF CANON

Terry took to the air because, in his words, "We got a little irritated with the treatment we were receiving in the courtroom. We were pretty blunt about it."

The hearings, which ended in February, 1956, resulted in the relaxation of the canon. Broadcasters applauded Terry's vigorous editorializing by awarding him the coveted Paul White Memorial Annual Award that year.

The second responsibility of the broadcaster, to "tell the truth," seems to be almost an obsession with Terry's staff. Ask any KLZ newsman, and he'll relate how he's constantly enjoined from the top to do a "good, fair, honest job of reporting."

Because of Terry's background in journalism he is very sympathetic toward news broadcasting, and it shows at KLZ. According to Jim Bennett, in 1953 the news operation at the station was "like an open bullpen," consisting of 30x15 room plus an office for the news director.

When Bennett became news director he made suggestions, and found Terry ready as always to listen. "In a slow, progressive manner" he added personnel, increased airtime, and by 1965 expanded his space up to 1,500 square feet.

But that was before 1969. Now, Bennett says, his "ultimate dream" is realized in the the new KLZ building, where the news facilities occupy the entire second floor.

Despite the fact that the newspaper and the TV news broadcast are both competing for the public eye, Terry sees the roles played by the two media in informing the public as complementary. TV coverage may be more immediate, more graphic, and may capture more human interest by filmed interviews. "But the newspaper," he feels, "will give details and an 'historical part' that television can't provide."

The third duty with which Heiskell charged Terry and his staff—"to be terribly responsible to your community"—is a commitment which Terry personally oversees.

GOING DIFFERENT DIRECTIONS

"Broadcasting is still an industry where a lot of horses are going different directions," Terry once remarked. But one undeviating course on which he has set KLZ is toward being sensitive and responsive to the needs of the public.

"If you're going to take something out of the community, you've got to put something in," Terry believes.

But why should broadcasting feel this commitment? Terry's reply is characteristic of his uncomplicated humanitarianism.

"Well, who else is going to do it? George?

"Or you can look at it selfishly. Think what we learn from the community. "I'm not a great protagonist for anything," he continues. "But the better we understand each other the better we can get along in this world."

Terry's personal commitment to forging a bond of understanding between the station and the public is visible in the masses of people who jam the glass-walled lobby of KLZ daily to be conducted on tours of the building by attractive girls in bright red and blue dresses.

In fact, it would not be uncommon for tourists being conducted through the carpeted hallways on the fifth floor of the KLZ building to see a robust, white-haired man in a dark suit disappear beyond a potrait of Henry R. Luce and into his office. Chances are they would remember his warm smile, but would never know the man was Hugh Terry.

One afternoon about 3 years ago some 15 Denver firemen could be found at KLZ sipping cool drinks and paying thoughtful visits to a table heavy with exotic nuts, exquisitely prepared hors d'oeuvres and shrimp cocktail.

In a way that has nothing to do with Hugh B. Terry, who was off relaxing with his wife Betty in a favorite vacation spot which he refused to disclose, but which one reliable source related to be Las Vegas.

But in another way the fireman's party has everything to do with Hugh Terry.

Jim Bennett had thought up the idea of expressing the station's appreciation to Denver firemen for the fine job they've been doing. He walked into Terry's office, proposed the idea, and was told, "Sure—go ahead."

INTELLECTUALLY CURIOUS

One is hard put to find a fitting conclusion to the story of such a remarkable man.

It could be said that Terry is a warmhearted, intellectually curious man who has traveled around the world, but who since his coronary 15 years ago prefers short, quiet trips with his wife, golf (handicap, 17), and his German shepherd "Samantha" (now called "Sam" since she's been spayed).

Or one could quote Dr. Frank Stanton, president of mammoth CBS and a close friend of Terry for 30 years. "I can only talk about Terry in superlatives," Dr. Stanton said, adding that the first thing he did on a recent trip to Colorado was to stop by to see Terry and tour the "magnificent" new KLZ building.

Indeed, as Wes Pullen of Time-Life Broadcasts made clear, were it not for his devotion to Denver and his friends here "Terry could have entered the national rat race and achieved even wider recognition than he has." When Terry sold KLZ in 1954 he insisted to Time-Life that he never be asked to leave Denver, in spite of the danger which high altitude poses to a man with a heart condition.

"I've had enticing opportunities," Terry has said, "but not enticing enough."

ADDITIONAL SUPPORT FOR S. 9 CRIMINAL INJURIES COMPENSATION ACT

Mr. YARBOROUGH. Mr. President, my bill, S. 9, to provide for compensation of victims of crime, is attracting more public notice and support. Last week, Newsweek magazine carried a lengthy article on this matter. Recently, I received a letter supporting my proposal from Mr. Daniel Lewis Carpenter, of Inglewood, Calif. It is encouraging to me to see this evidence of interest in this proposal.

I ask unanimous consent that the letter from Mr. Lewis Carpenter, dated June 17, 1969, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INGLEWOOD, CALIF.,
June 17, 1969.

DEAR SIR: I am writing to inform you that I thoroughly approve of your bill, the "Federal Violent Crimes Compensation Commission".

I feel that it is about time something is done for the victim, as well as for the criminal. I feel that something should have been done for the victim first, instead of the criminal. I think it is more important to help the law-abiding taxpayer before the socially unwanted criminal.

One again I must tell you that I am proud to be an American when bills to help the right people are passed. I pledge my full support to your bill.

Sincerely,

DANIEL LEWIS CARPENTER.

LATVIAN INDEPENDENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that a statement by the Senator from Connecticut (Mr. DODD) be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LATVIAN INDEPENDENCE

Mr. DODD. Mr. President, among free men around the world, the fact that Latvia commemorates her 50th anniversary of independence strikes a responsive note.

True, Latvia today is a captive state, incorporated by force and duplicity into the Soviet Union. Latvia's plight, unfortunately, also befell her sister Baltic states, Lithuania and Estonia.

But there are men and women, throughout the civilized world today, who mark the anniversary of freedom that reigned without recent memory in states like Latvia. They also mourn the deliberate destruction of that independence by brutal marauders who sit astride the prostrate captive states in dominating occupation.

In the dismal, war-riddled European summer of 29 years ago, Soviet police and troops were deeply engrossed in a human tragedy, that of chopping up the small and free Baltic states.

While most of us here at home at the time were dumb-struck with the horror of the Nazi blitzkrieg that overran France, and the disaster of Dunkirk freshly engraved in our minds, a partner in totalitarianism plundered freely.

In a way it was out of sight but hardly out of mind. Cynically and ruthlessly, the Soviet Union ignored its own promises of noninterference in the Baltic states. While Hitler ravaged Central and Western Europe, Stalin rampaged up and down bordering, little nations.

Self-determination of peoples was ignored by totalitarianism then as it is today.

Tens of thousands of men, women and children were rudely rounded up and sent into the vastness of Soviet prison camps. Other thousands were arbitrarily executed. The agony of Latvia, as well as Lithuania and Estonia, went unrelieved.

Through the ensuing years, the predicament of Latvia and her sister states has become more somber to the world at large. Soviet hegemony is prosecuted in an ever-more vengeful manner.

We protest, which may sound like bootless cries. Yet, they prove a constant irritant to the totalitarian occupier that its conquest was a monstrous crime against humanity.

As history has shown, Mr. President, people liberate themselves. To help them, we must never shirk our responsibility in remembering what happened to small and helpless nations engaged in peaceful pursuits as were Latvia, Lithuania and Estonia.

A moving and chilling document of Latvia's contemporary history and her present-day status has been issued in the form of a manifesto by the New Farmers and Smallholders Party of the Democratic Republic of Latvia.

The manifesto is noteworthy reminder to all of us to recall the 50th anniversary of Latvian independence and her subjugation by an oppressor.

VIETNAM—A MEXICAN NEWSPAPER'S VIEW

Mr. DOMINICK. Mr. President, many of us, I am sure, have often had the discouraging impression that the news media of other countries seldom mention the United States except to criticize our actions, our intentions, or our policies.

It was indeed refreshing to me to read recently an article in El Sol de Mexico which illustrates that all foreign news stories are not anti-American.

I ask unanimous consent that the article entitled: "Will the United States Give Up in Vietnam?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL THE UNITED STATES GIVE UP IN VIETNAM?

The most recent rumors that are being spread around the world are that the United States is trying to find some way to get out of Vietnam.

If they really went into that country when they shouldn't have, it is the most colossal historical blunder of those of recent times. If the communist threat didn't really exist, why were so many tens of thousands of young lives sacrificed?

Undoubtedly there exist many good, sound and powerful reasons for the United States having gone in to help a little country such as South Vietnam, in order to defend itself against a monstrous enemy like China with another immense ally such as Russia, who by turns were helping North Vietnam in its attempts to take control of the southern fraction of said peninsula.

From a necessary point of view, it was indispensable to bomb the sources of supply wherever they were, even though it be in North Vietnam, which now that this is too far away, such sources of supply have been moved to Cambodia.

Since the bombings of North Vietnam were suspended by former President Johnson in a measure of political weakness in the face of great and numerous pressures, the number of American dead in Vietnam has been increasing in an alarming way and the threat to the capital of Saigon is ever greater, with the suburbs being methodically and constantly besieged and bombed. One might say that it is almost ready to give up.

At the same time that the possibility of renewing the bombing attacks on North Vietnam are being "studied" (we will see how many Americans die while "some studies" continue to be made), also the possibility "is being studied" of bombing the bases of the Vietcong in Cambodia and the American military men in Vietnam, desperate in the face of the distressing situation, have already requested permission to attack these bases, but Washington waits. . . . What is it waiting for?, for more men to die? in order to then decide that it is better to get out of Vietnam and leave the country in the hands of the communists who will completely occupy it and wherein they will undoubtedly carry out the saddest, most violent and inhuman of reprisals, for we already know about the ferocity of the communists.

Once a ship's lieutenant, Norde Wilson, sent to the representative from the district of Ohio [sic] William E. Minshall, an impressive letter in which he requested as an aviation pilot that the pilots be given "just" a fighting chance of winning and surviving, since, at that time, the lack of bombs was being complained about, because airplanes were taking off carrying only one-sixth of their capacity and they were risking too much on almost useless mission, bombing little wooden bridges over unimportant streams, which were repaired during the nights.

The aviator complained that they were being sent on highly dangerous night flights over unknown and mountainous regions where, in addition to the natural perils, there existed that of flying at a low altitude in the darkness of night.

They were also ordered to respect the principal targets in the harbors where there were large munitions dumps which later on would kill their fellow Americans.

Then the aviator spoke of the tremendous waste of dropping very costly bombs on practically deserted places and of risking and losing costly equipment on missions without any importance.

Freedom has no price, how many lives can it cost and how many millions of lives has the freedom of one single nation cost? How much has the war in Vietnam cost in money, lives, sorrows, sufferings and sacrifices, to end up now with having to withdraw and

leave everything in the hands of the communists?

The latest American proposal appears naive because it states: "we will withdraw from South Vietnam if the communists of North Vietnam and their allies will withdraw." Why perchance wasn't this same condition put forth in the beginning of the war and not after so much fighting?

It is absolutely absurd and useless to expect that the communists, who availing themselves of the suspension in bombings have reinforced themselves and infiltrated in a greater number than ever and have laid siege to Saigon, the South Vietnamese capital, are going to leave "docilely" now.

There is no doubt that the bombings are very cruel, they don't respect the innocent and they cause a very great psychological impact on the whole world. Because of this Johnson saw himself obliged to suspend them. But perchance aren't the tremendous communist bombings, without risking planes and without loss of lives, on Saigon just as cruel or crueler than the American ones?

To prolong a war is perhaps more cruel than to intensify it to end it quickly, although this can never be known. At any rate, in case of need, emergency or war, the policy regarding an objective should be clear and decided, never wavering, weak or indecisive. Only the will to win carries success. And above all, there must exist the absolute conviction that one is doing good, in defense of a noble cause.

If the end result is to hand over the Vietnam peninsula to the communists, what a crime to do it after so much death, expense and destruction!

The worst part is that such a brave people as the South Vietnamese, who don't deserve such a sad fate, will be delivered into slavery or death.

The historical responsibility of a country has to prevail throughout time, and the commitments contracted must be fulfilled, more so if they have cost so much suffering to the country in question.

The American dead in Vietnam would rise from their graves if they could see the futility of their sacrifice and the people would damn forever those who having been able to prevent it, didn't want to do so.

CLASS I MILK BASE PLANS NEEDED BY DAIRY INDUSTRY

Mr. YARBOROUGH. Mr. President, my name has been added as a cosponsor of S. 745, an amendment to the Agricultural Marketing Agreement Act of 1937, to authorize establishment of class I milk base plans by dairy farmers under Federal milk marketing orders.

The proposed legislation, S. 745, is of real significance to dairying in Texas and elsewhere throughout the Nation. If enacted—as I believe it should be—it would enable milk producers to develop and operate more orderly systems of marketing and result in greater stabilization of dairy income.

In joining as a cosponsor of S. 745, I want to emphasize that it incorporates principles which I believe are sound. These include:

First. Based on the principle of self-help, the authority would enable milk producers to more effectively manage their own economic affairs.

Second. This is enabling legislation—and does not require mandatory action by milk producers to develop and operate class I base plans. However, it provides that authority will be available if they wish to do so. In many areas, dairy farmers are ready to go now with the development of base plans. Others plan to use them in the future.

Third. If adopted, the cost of developing and operating base plans would be borne by the dairy industry itself, with no cost to the Federal Government.

Enactment of this legislation would enable dairy farmers to engage in more realistic planning, production, and marketing of high-quality milk for consumers.

I am pleased to join Senator McGOVERN and others as a cosponsor of this legislation. I urge my distinguished colleagues to give it full and careful consideration.

EXTENSION OF THE VOTING RIGHTS ACT

Mr. MATHIAS. Mr. President, on January 31, I introduced S. 818, a short and simple bill to extend the Voting Rights Act of 1965 for 5 additional years, to 1975.

In regard to this legislation, I should like to call attention to editorials which appeared this weekend in the Baltimore Sun, the Washington Post and the New York Times.

I ask unanimous consent to have the three editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Sun, June 29, 1969]

VOTING ACT

A simple and direct course of action with respect to the 1965 Voting Rights Act, which is to expire in August, 1970, would be to extend the law for another five years, to protect and reinforce the voting rights which Negroes in the South are claiming in increasing numbers. The law has been helpful in securing for Negroes the rights which they have been denied, in one way or another, by too many southern communities, and common sense would suggest that the law be renewed until there can be no question about a citizen's right to register and vote.

The Nixon Administration has chosen to avoid this simple course. After a long delay, Attorney General Mitchell has fuzzed over the President's intentions as to the voting rights of Southern Negroes by proposing that Congress replace the bill to extend the 1965 act with a comprehensive bill which, under the guise of a nation-wide application, would tend to weaken the present federal law with respect to the South. Special safeguards still are advisable in the South, according to civil rights workers who have watched the increase in the number of voting Negroes, and the Nixon Administration's recommendations to Congress can only be construed as a retreat from a successful program. Moreover, the retreat can be construed as an act of political expediency, a gesture to certain Southerners, which could lead the Republican party down a dead-end street.

Mr. Johnston reported from our Washington bureau that the Nixon Administration's bill would (1) ban literacy tests in all states through 1973, (2) ban all state residency requirements for presidential elections, (3) continue the federal authority to send voting examiners and observers to southern states but make it nationwide, (4) weaken the present federal authority to block local laws aimed at preventing Negroes from voting or running for office, and (5) establish a presidential commission to study voting discrimination and election fraud.

The flaw in the proposal is in the fourth point, although it also seems likely that consideration of a comprehensive bill of this nature would help to delay an extension of the basic law. Chairman Celler of the Judiciary Committee described the proposal as a delaying action. Mr. Celler could bring the matter into focus by pushing for an extension of the Voting Rights Act while considering the administration's other proposals. An unfair legal burden should not be placed upon southern states, but unfair voting practice in the South cannot be tolerated by the federal government.

[From the New York Times, June 28, 1969]

A VILLAIN VOTING LAW

The Administration's voting rights proposal unveiled by Attorney General Mitchell reminds us that laws, like men, can smile and smile and be a villain all the while. Genuinely good features can mask impossibly bad ones and extended debate can be a cover for evil intentions.

The 1965 voting rights law, a valuable measure offering meaningful protection to Negroes in the South, expires in its essential features next year. It prohibits literacy tests in those states and areas where fewer than 50 per cent of the eligible population go to the polls, on the presumption that such tests are instruments of an official policy to discourage Negro voting. These tests have, accordingly, been banned in seven Southern states, and in a few other areas. Since enactment of the present law, 800,000 Southern Negroes have been registered to vote who did not vote before.

Although the percentage of Americans going to the polls declined generally across the country in the 1968 balloting, it rose in the South and especially among Negroes. The increase in voter participation among eligible Negroes was from 44 per cent in 1964 to 51 per cent in 1968, a gain that has undoubtedly contributed to the success of some Negro candidates such as Charles Evers, newly elected Mayor of Fayette, Miss., and Howard Lee, Mayor of Chapel Hill, N.C.

Instead of urging simple extension of the present voting rights act, a course of action recommended by civil rights leaders, the Administration has sought to placate the South by proposing a flat ban on literacy tests everywhere in the country. This is a form of unacceptably rough justice—that because some men steal, all men must have their hands cut off. Because this proposal will arouse so much opposition and controversy, it is quite possible that it will result in no voting rights law at all.

Still other features of the Administration's measure would further undermine the present law's basic purposes. The states are now required to submit voting law changes to the Federal Government for prior approval. The new proposal would put the obligation on the Federal Government to keep up with all state voting law changes and to initiate suits against any discriminatory ones after they had been made.

The only positive feature of the Administration's proposal is one banning state residency requirements for voting in Presidential elections. President Johnson asked for this in 1967, pointing out that the mobility of modern Americans makes strict residency requirements undemocratic and anachronistic. "They serve only to create a new class of disfranchised Americans," he said.

The Census Bureau estimates that as many as 5.5-million Americans were denied the ballot in November by such regulations. Almost half the states now impose the absurd requirement on voters that they be residents a full year before they are eligible to cast their ballots for the Presidency.

The single beneficial change of removing this harsh limitation cannot mask the bill's bad features. The Administration's voting rights proposal ought to be shelved in favor of an extension of existing law. It is, on the whole, much like the Administration's

electoral reform proposal previously unveiled. What may appear appealingly liberal on its face may prove harshly reactionary in its impact.

[From the Washington (D.C.) Post, June 29, 1969]

MONKEY WRENCH

The operative, conspicuous and altogether damning fact about the Attorney General's statement on Thursday before a House Judiciary subcommittee is that it opposes extension of the Voting Rights Act of 1965. That act expires in August, 1970. There is no doubt whatever that, with Administration support, the act could be extended for five years. With Administration opposition, a simple extension bill may well be defeated. The extended hearings and bitter controversy to which Attorney General Mitchell's proposals will surely give rise may end by leaving the country without any Federal voting rights legislation at all.

There is much to be said for some of Mr. Mitchell's proposals. Unfortunately, there is also much to be said against them. For our part, we heartily agree with the Attorney General that "all adult citizens who are of sound mind and who have not been convicted of a felony should be free to and encouraged to participate in the electoral process." We would, therefore, support Federal legislation to ban literacy tests everywhere in the United States. But some states are going to resist such legislation.

We are no less heartily in favor of the ban suggested by Mr. Mitchell on state residency requirements for national elections. In this mobile Nation, such parochial and artificial restraints on the basic right of national citizenship should long ago have been abandoned. But the reform is likely to engender a lot of opposition. Similarly, there are substantial arguments to support the change recommended by the Attorney General in the mode of attacking state legislation which may operate to deprive minorities of voting opportunities. But the change is an extremely complex one calling for the most careful analysis and debate. Let Congress take up these proposed improvements at leisure and on their individual merits—and not when they can be used as devices for preventing the enactment of any voting rights legislation whatever.

The most cogent argument for continuance of the 1965 act was stated by Mr. Mitchell himself. "Since 1965," he testified, "more than 800,000 Negro voters have been registered in the seven states covered by the Act." And a few of them, he might have added, have been elected to public office. The Voting Rights Act of 1965 has given to black Americans the means to make themselves felt and heeded politically where they were previously ignored. And that, of course, is precisely why there is such bitter opposition to it among so many white Southerners.

The Attorney General can dress his proposals up as much as he likes in high-sounding phrases about putting voting rights on a national rather than a regional basis; but he is not going to fool any of the people who have fought the long hard battle to make voting a reality for Negroes in the South. He is not going to fool Clarence Mitchell of the NAACP who said with characteristic straight-forwardness that the Justice Department bill is "a sophisticated but nonetheless deadly way of thwarting the progress we have made." He is not going to fool Joseph L. Rauh, the seasoned counsel of the Civil Rights Leadership Conference, who called the Administration measure "a monkey wrench." He is not going to fool Rep. William M. McCulloch, ranking Republican on the House Judiciary Committee and a stalwart champion of civil rights who said he favors a simple extension of the present law.

These men have implored the Attorney General not to open the way now for prolonged, divisive debate and the ugly possibility of a Southern filibuster if the voting rights issue carries over into next year. The country is not going to be fooled, either. It knows that the Southern stratagem now embraced by the Administration poses two tragic dangers. One is the danger that if Negroes are deprived of a chance to advance their welfare through orderly political action, they will be pushed toward disorder and violence. The other is the danger that the country will find itself in default on a moral commitment it has undertaken in the name of democracy and justice.

MOISE TSHOMBE

Mr. McINTYRE. Mr. President, I ask unanimous consent to insert in the RECORD a statement by the senior Senator from Connecticut (Mr. DODD) dealing with the death of former Prime Minister Tshombe of the Congo.

There being no objection, the statement by Senator DODD was ordered to be printed in the RECORD, as follows:

THE MURDER OF MOISE TSHOMBE

Mr. DODD. Mr. President, the death of Moise Tshombe, former prime minister of the Congo, in an Algerian prison can only be characterized as cold-blooded political murder.

There are plenty of reasons for suspecting the official statement put out by the Algerian government that Tshombe died of natural causes in his sleep.

First of all, it is common knowledge that there were elements in the Algerian government who were disposed to cooperate with the plans of the Mobutu government to liquidate Tshombe.

Second, there is the highly suspicious fact that the news of Tshombe's death comes on the anniversary of Congolese independence. Joseph Mobutu, totalitarian ruler of the Congo, feared Tshombe so much that he conspired to have him kidnapped in mid-air in the expectation that he would be extradited to the Congo. Mobutu can now celebrate Independence Day free of any fear that Moise Tshombe will some day come back to threaten his one-man rule.

Finally, there is the further suspicious fact that the medical report on Tshombe's death was signed by ten Algerian doctors. The number of doctors by itself is suggestive of a panic reaction on the part of the Algerian authorities, designed to reassure a doubting world opinion.

According to this morning's news account, the Algerian government plans to conduct an autopsy. If they really wish to satisfy world opinion that Tshombe died of natural causes, I suggest that the Algerian authorities, out of simple decency, immediately release Tshombe's body to his family so that the autopsy can be performed by an independent group of European specialists.

But even if Tshombe did die in his sleep, as the Algerian government reports, I still say that he was murdered.

The prime responsibility for this murder lies with the Congolese government of Joseph Mobutu which planned and arranged the mid-air kidnapping of Tshombe on June 30, 1967, by a former French convict. On the day that the kidnapping took place, Mobutu, anticipating Tshombe's immediate extradition by the Algerian government, publicly gloated that Tshombe was "as good as dead." Tshombe was not extradited thanks to the fact that President Boumedienne overruled his own supreme court. But President Mobutu has now achieved the objective he sought through the kidnapping: Tshombe is dead.

Even if Tshombe did die of natural causes the Algerian government will not be able to escape its share of the responsibility for his death. It was not enough that President Boumedienne refused to extradite Tshombe to the Congo. Simple humanity and a respect for international law should both have dictated that Tshombe be released immediately. His detention for two years in a condition of total isolation was a grave violation of human rights which by itself merits the condemnation of civilized opinion.

Finally, a share of the responsibility for the tragic death of Moise Tshombe must be borne by those American officials whose blind and unreasoning hostility towards Tshombe led them to prefer a totalitarian dictatorship under Joseph Mobutu to the remarkably democratic and efficient government which Tshombe gave the Congo as prime minister.

I shall have more to say about this subject when Congress reconvenes after the July 4 recess.

Joseph Mobutu will no doubt rejoice over the death of Tshombe, as will the Communists and other extremists.

But his death will be mourned by the millions of his followers in the Congo, by the many moderate leaders of the new African nations, and by all those who value freedom throughout the world.

Moise Tshombe died a martyr to the cause of freedom.

He was, without question, one of the few great statesmen that black Africa has produced.

He was a natural leader of men, and as courageous as he was warmhearted and eloquent.

History will record that when the Congo teetered on the brink of a Communist takeover in the summer of 1964, it was Moise Tshombe, almost single-handedly, who saved the Congo by dint of his extraordinary courage and energy and leadership.

I count it a privilege to have known Tshombe as a friend, and I shall always treasure the recollection of the times I spent with him, in the Congo, in London, and in Brussels.

The people of the Congo will not forget Moise Tshombe. Nor will they reconcile themselves forever to the totalitarian tyranny of Joseph Mobutu. Mobutu has succeeded in liquidating Tshombe. But there will be more fighters for freedom and more Tshombes. And some day, I am certain, the people of the Congo will again be free.

HOUSE & HOME EDITIORIAL CRITICIZES OPERATION BREAKTHROUGH

Mr. PROXMIRE. Mr. President, under the Housing Act of 1968, the Department of Housing and Urban Development is required to build 1,000 units each of five prototypes of industrialized housing a year for 5 years—a total of 25,000 units—to determine if costs cannot be substantially lowered by mass production and industrialized methods. The funds are made available under existing HUD housing programs. No new money is needed.

As the author of this provision of the act, let me say why it was written in the way it was written.

First, there are virtually no good cost figures for industrialized housing. While everyone believes that costs can be cut dramatically through applying industrialized housing. While everyone believes that costs can be cut dramatically through applying industrial processes, the hard facts have really never been proved.

Second, in the past, HUD had never built more than one or two demonstra-

tion houses by industrialized methods. This, obviously, has proven nothing about cutting costs.

Third, builders and producers say that to get any good cost data as to whether and by how much costs can be cut through industrialized housing, a manufacturer would need to build at least 1,000 units a year to cover his initial outlay for machinery and equipment. Anything less than that would prove nothing.

Finally, the Douglas Commission urged such a project and it was passed in the Housing Act.

Now, however, Secretary Romney has organized "Operation Breakthrough" with a great deal of fanfare and public relations. But he is proposing to build only 30 to 40 units each of 12 to 20 prototypes a year. This, of course, will prove very little, especially as he proposes to build them in some eight regions of the country. It will prove almost nothing.

Housing producers, homebuilders, and housing experts all agree that volume is the key to prove whether real savings can be made.

One of the most knowledgeable men in the field is Richard O'Neill, the editor of House & Home magazine. Mr. O'Neill knows housing and housing products as do few men in the country. He is one of the leading experts on housing construction and housing programs. He was one of the most valuable members of the Douglas Commission and was the author of the detailed introduction and Summary to the Douglas Commission report.

In the July issue of House & Home magazine, he editorializes about "Operation Breakthrough," or as Mr. O'Neill's imaginary administrators call it, "Operation Breakdown."

I urge that the experts at HUD read this editorial. But I urge them further to carry out section 108 of the Housing Act of 1968 so that hard facts may replace fuzzy data in the area of industrialized housing.

In my judgment and that of former Senator Douglas, Mr. O'Neill, and most of the knowledgeable housing builders and producers, by combining the best products and practices in the existing state of the building art with mass production methods, we can significantly reduce costs. We need to get on with the job of carrying out section 108 and we need less talk about some magic new breakthrough.

I ask unanimous consent that the House & Home editorial by Mr. O'Neill be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FICTION—SCRAPS FROM AN IMAGINARY DIALOG AMONG SOME SAVANTS ON THE POTOMAC'S BANKS, OR HOW TO NEGATE A MANDATE

(By Richard W. O'Neill)

Now, men, how can we show people that we're really doing something about low-income housing without getting the Budget Bureau or the Council of Economic Advisors mad at us for increasing the federal budget more than a few million?

Well, how about announcing a big project about studying constraints on building more economical housing, like that last bunch in here did with their In-Cities contract?

Yeah, but you know that that In-Cities hoopla about studying constraints, which everybody knew about anyhow, was just a lot of jazz. Hell, Herbert Hoover, *before* he was President, when he was Secretary of Commerce, identified most of the constraints back in the 1920s—codes, zoning, lending, all that stuff.

Well, then, maybe we better phase out In-Cities. Just leave a little bit of it to preserve the old bureaucratic integrity in '70. Kill it in fiscal '71.

I guess you're right. That last bunch of desk jockies only liked projects on paper. We've got to move some dirt to show we're action guys. So let's do some applied research, not just a lot of reports, but let's do it without much cost.

Great. Now let's throw that around and see if it sticks to the wall. We can use Section 108 of the Housing Act of 1968. Not even the Democratic Congress can shoot us down on that.

You mean the Proxmire amendment. You know, it tells the Secretary to approve five 1,000-unit projects each year for five years. Boy, that's 25,000 units. What a gas!

Now wait. We can't spend that kind of money. The guys over at Treasury would kill us. Look, 108 was designed to test a number of new building systems with the economies of scale, like 1,000 units at a whack. We don't stand a chance of getting money for more than just a few, but we can project the economies of scale on paper.

I object. Section 108 was specifically designed for empirical experience, and mere theorizing is all prototypes have ever given us. And you don't have to ask for any money; you've already got it.

You mean the Treasury's got it. You might as well tell the guys.

Okay. There's about a half billion of special assistance that hasn't been used, and another half billion allocated for public housing in fiscal '70. Then there's another half billion that Johnson put into fiscal '71, but that Nixon wants to rescind, plus almost a half billion still in GNMA takeout authority, not to mention unused urban renewal and Model Cities money lying around.

Why, we're swimming in money! Let's see. Section 108 would call for only about $100 million in its first year. And doesn't the Act tell us to spend that money?

Yes, it does, but not on your Council-of-Economic-Advisors you don't, dummy. That money stays in the Treasury. We've got to fight inflation, too, you know. No sir, we'll have to go before the Congress and ask only for money for *research*. We're not going to use that other money for 108, even if the Act tells us to.

But Congress would love to come up with answers to housing the poor, and they want a show of housing volume to get re-elected. Furthermore, they decided last fall that money and not technology was the answer: for sure in the short term—and probably in the long term, too.

I agree. They won't take kindly to more small-scale research, and they won't like our trying to duck Section 108.

Nonsense. The Big Guy said housing has to fight inflation like everybody else, and we're going to do our part. We're not going to dip into our pot over at Treasury and add to the federal budget.

Well, then, let's prepare a project. Let's call it Project Breakdown, because it will produce a good breakdown of all the cost components in new building systems.

Good. We'll invite a lot of guys to make proposals to us, then we'll select sites for them and get everybody to cooperate. We'll get all the government agencies to work together, the labor unions to change their ways, the politicians to forget politics, community groups and building departments to work out new alliances and new rules for building.

Wait a minute! What new systems, what guys, what sites? Don't you know what Appropriations will say to a research pitch like that? And do you seriously believe all those different constituencies will lie down together and play patty-cake? Come on, chief!

He's right. You know what each of those groups acts like when they see that boodle coming down that old log-rolling road. They'll all be howling for theirs like a pack of wolves.

And then some smart guy on Appropriations is going to ask us sweetly, "Will you stockpile subsidized housing allocations so you can award them to your favorite prototype winners, in your favorite locale?" What about that?

The trouble with you guys is that you worry too much about details, and what lies ahead. We'll worry about the future when we get there. Let's get on with the job, team.

End of imaginary dialogue. No comment.

A BREAKTHROUGH

Mr. NELSON. Mr. President, a recent report by the Milwaukee Journal on efforts to control nutrient pollution, one of the worst problems in the degradation of our Nation's waters, brings heartening news on two counts.

First, for many years, the Milwaukee sewage treatment plant has been unusually successful in removing phosphorus from its effluent, and a study of the Milwaukee plant indicates there may be factors at work there which could be applied in plants nationwide to improve removal of this element. The increasing addition of phosphorus to our lakes and rivers is a root cause of one of the most devastating kinds of pollution—algae growth.

Second, the article reports that a major detergent user has changed to a nonphosphate base detergent. As one pollution control expert says in the article, elimination nationwide of phosphorus in detergents would be a giant step forward in restoring the quality of our waters—and the effects would be immediate.

It is time we took this step and the evidence is increasing rapidly that it is technically and economically feasible to do so.

I shall introduce legislation shortly which would actually require that phosphorous be eliminated from detergents, and that adequate, nonpolluting substitutes be used. Further, the legislation will provide for an intensive program of research to assure that it can and will be done.

The time is long past when we can afford to destroy the quality of our environment in the name of economics. The fact is, it is uneconomical to pollute the water, the air, or the land. More and more Americans are coming to realize this and insist that we put a stop to it.

I ask unanimous consent that this excellent and important article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROBERS HERE NEAR SOLUTION TO ALGAE POLLUTION PROBLEM

(By Alex P. Dobish)

A government financed research project going on quietly for 30 months at the Milwaukee sewerage commission could result

in a breakthrough in the nation's battle against one phase of water pollution—algae.

Officially, no results of the research can be released until 1970 without violating the terms of a contract for three federal grants totaling $225,000.

Unofficially, however, there is information available. Progress is discernible. Technicians in a special laboratory on the second floor of the sewage plant's "fine screen" building—where solid waste is separated from liquid sewage—are optimistic.

"We're awfully close to an answer," said Lawrence A. Ernest, who directs the commission's laboratories on Jones island.

And, he added, if there is co-operation by detergent manufacturers and housewives, algae and weeds could be starved to death on a massive scale.

The background of the research is this:

For years, the Milwaukee sewage treatment plant has had success in removing phosphorus—a key factor in algae growth. It has removed 80% or more—while many similar plants could get out only 30% or 40%.

A few years ago, interior department officials set 80% phosphorus removal as a standard although many scientists think the minimum should be higher.

The government then asked Milwaukee officials to explain how they removed 80%. The findings were to be a guide to other plants as part of the federal government's anti-pollution campaign.

DIDN'T KNOW ANSWER

Raymond Leary, the commission's chief engineer, was the first to admit that he didn't exactly know the answer. He hadn't given too much thought to the micro-organism ecology involved, he said.

"So, the government told us to determine what was actually happening," Leary said.

The research and development will supply those answers as well as recommend methods to attain 80% removal economically by other sewage treatment plants.

Phosphorous and algae are allies in eutrophication—the natural aging of lakes and rivers resulting in weed and algae growth until the waters are virtually stifled. Now, some bodies of water are growing old before their time because the balance of nature has been upset by additional nutrients causing overfertilization.

PHOSPHORUS IS CULPRIT

A major culprit is phosphorus, needed for water plant growth. In the last 20 years, phosphates in lakes and streams have doubled and tripled because of polyphosphates in household and industrial detergents, scientists agree.

"If we were able to eliminate phosphates in detergents, it would have an instantaneous effect . . . something which would be effective right across North America, maybe the world, within a year," according to P. H. Jones of the University of Toronto, a major figure in pollution control work.

Phosphates make water "wetter" and more uniform in cleaning potential, no matter where the water comes from. Once phosphates were limited because they roughened housewives' hands. The domestic automatic washer, however, eliminated the need to touch the water.

These phosphates are not pollutants in themselves but are extremely active fertilization agents on which water plants thrive, then die and stink and promote the birth of flies. Phosphates enter waterways as agricultural run-off, human and animal waste and in detergents.

EIGHT POUNDS REMOVED

In the early 1950s, the Milwaukee treatment plant took in from 3 to 5 pounds of phosphates in each million pounds of wet sewage, or 120,000 gallons. That figure has risen to 10 pounds. About 8 pounds is removed. Two pounds of phosphates dissolved in cleansed discharge is then turned into Lake Michigan.

The treatment plant releases an estimated 1,600 pounds of phosphates a day into the lake. An estimated 12 million pounds a year finds its way into state streams.

Scientist Ernest and his specially hired staff of four have taken 18,000 samples—one every hour for over a year—in their research.

Pollution surveys based on limited research annoy Ernest and his boss. Leary cited a widely used study based on three samples of Milwaukee river water and another on 14 samples.

BREWERY WASTE CHECKED

Studies have found that Milwaukee's brewery waste plays a big role in getting rid of phosphates. The conclusion was double-checked and verified during the current brewery strike when brewery waste was not being received at the treatment plant.

Increasing carbohydrates from the brewery waste grow a lot of bacteria, explained Clair N. Sawyer of Boston, who once taught at the University of Wisconsin and more recently at Massachusetts Institute of Technology. Sawyer, one of the nation's foremost experts on water nutrients, is familiar with the research at the sewerage commission.

"The more bacteria and the more sludge, the more enriched Milogranite fertilizer you can make from the solids," Sawyer said. Adding alum and ferric salts, careful control of bacteriological conditions, holding ponds and chemical precipitates help reduce phosphates, he said.

NEED RIGHT COMBINATION

The trick is changing from the theoretical to the practical to find the right combination to make the treatment financially and scientifically feasible. The Milwaukee report is expected to suggest modifications based on experience here.

Ernest, Leary and the professor believe that one of the keys to the solution would be to keep phosphates out of the detergent box in the first place. This point is expected to be raised by the Milwaukee researchers.

"The soapers (as he calls detergent makers) will never change," Sawyer said. Perhaps the threat of legislation might force them. As long as using phosphates is more profitable, they'll stay with them." He suggested a special tax on detergents.

SAYS PUBLIC PAYS

"The public has to pay the bill in the long run for the removal of the phosphates through sewage plants," he said.

For years, he pointed out, the detergent industry resisted marketing "soft" detergents which would break down easily in water.

Legislation, in which Wisconsin was a leader, forced a change away from "hard" detergents using alkyl benzene sulfonate. The sulfonate produced abundant foam clearly visible as contrasted to present day nutrients which enter lakes and streams silently and invisibly and do great damage.

The Soap and Detergent Association replies that extensive work has failed to develop an adequate substitute for sulfonate, but that its members are vigorously exploring the possibilities of a switch.

CHANGE UNQUESTIONED

That the change can be made is unquestioned by Milton Johnson, technical director of the A. O. Smith Corp., which uses 100,000 pounds of detergent a year.

His company, Johnson revealed for the first time, has changed to a nonphosphate base detergent from the Freemont Chemical Co., Minneapolis. A. O. Smith is the first major industry here to abandon the old type of detergent.

"The cost is less than before," Johnson said of the A. O. Smith switch. "We told the detergent people we wanted a phosphorous free detergent—and we got it."

Leary and Ernest were pleased with the A. O. Smith change. Although industrial detergents constitute about 10% of all detergent waste, 100,000 pounds of nonphosphate cleaning powder could be a sign of things to come, they feel.

WELLESLEY COMMENCEMENT

Mr. PERCY. Mr. President, last month the distinguished junior Senator from Massachusetts (Mr. BROOKE) delivered a commencement address at Wellesley College. It deservedly received much attention in the news because it deals so directly with the major issues of our times. The Senator, who previously served with distinction as the Attorney General of his Commonwealth, told the Wellesley graduates that what our country needs is "the best energies of all its citizens, especially its gifted young people, to remedy" the profound and pressing social problems of which Senator BROOKE is so acutely aware.

I commend this speech to my colleagues and ask unanimous consent that the Senator's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PROGRESS IN THE UPTIGHT SOCIETY: REAL PROBLEMS AND WRONG PROCEDURES

(By Senator EDWARD W. BROOKE)

It is a special pleasure for me to be with you today. I suppose that any politician is always pleased to couple someone else's memorable occasion with a few modest words of his own. It gives him hope that both may be remembered.

Wellesley has even more admirers than its girls have beaux, and I am pleased to be among this college's most enthusiastic boosters. But your commencement from this great school is not a moment to indulge in lavish praise of the fine education you have acquired here, though fine it is. Nor is it a time for extravagant rhetoric about the glorious future which awaits you, though glorious I hope it will be.

Rather I think you and I might better spend this time in a more sober assessment of the kind of society which is developing around us all. For the individual prospects of each of us are directly dependent on the outcome of the mounting social struggles now under way in this country. Most of us have come to see that personal insulation from the conflict and instability of our time is a dubious and unattainable luxury. It is as true today as it was at the time of the Declaration of Independence that "we must all hang together, or assuredly we shall all hang separately."

The social crises of this country have many dimensions; it would be futile to address all of them in a brief statement. Rather than deal with the more controversial issues, I hope you will permit me to offer some reflections on one of the safer and less inflammatory topics of the day, the protest movement in general, and the character and function of student protests in particular. Standing as I do somewhere between fading youth and advancing obsolescence, I hope it will be possible for me to speak both to your generation and to my own.

The waves of protests passing over the United States both mirror and create deep social tension. In some cases one finds it extremely difficult, if not totally impossible, to determine which protests are based on just grievances and which are merely ex-

ploiting issues for the sake of some ulterior purpose. It begins to appear that the process of protest has assumed a self-sustaining momentum, searching for political fodder on which to thrive. As the process continues, particular issues tend to get submerged in the larger confrontation, a contest of will and power which is justified initially as a means of correcting identified evils but which sometimes persists as an end in its own right.

The dynamics of protest are familiar. In the United States, more than any country I know, there has always been generous latitude for movements of this nature. And for good reason. Dissent and protest are essential ingredients in the democratic concoction. Without them an open society becomes a contradiction in terms, and representative government becomes as stagnant as despotism.

Yet there is a narrow but distinct line between productive dissent and counter-productive disruption. The distinction concerns both the methods and the purposes of protest activities. Much has already been said about the limits of dissent. When all is said and done, when abundant angels have danced on the heads of pins and countless philosophers have offered their exquisite rationalizations, I believe the overwhelming majority of Americans will stand firm on one principle: Coercive protest is wrong. And one reason it is wrong is because it is unnecessary.

So long as a society retains a capacity for non-violent political change, resort to violent political action is anathema. Only if most Americans were convinced that this country was no longer open to peaceful political evolution, to transformation of institutions and policies through the available channels of persuasion, would they consider revolutionary force permissible. That most Americans are not so convinced is evident in the growing vehemence of public attitudes on campus disorders and in the rising popular impatience with the efforts of academic administrators to deal fairly and considerately with student rebels.

The intensity of feeling on this matter is well conveyed by Al Capp in his comment on Harvard's reluctance to discipline those demonstrators who assaulted Robert McNamara some months ago. Apart from an apology to the visitor, the college dean declined to take action on the ground that the students who accosted Mr. McNamara were engaged in a purely political activity. "If depriving a man of his freedom to speak, if depriving him of his freedom to move, if . . . nearly depriving him of his life—if that's political activity," says Capp, "then . . . sticking up a gas station is a financial transaction." On this point I suspect that Mr. Capp is less the social critic than the authentic voice of the society he has so often satirized.

Whatever the romantics may say about violence in our national life, the use of force is repugnant to the spirit of American politics. Paradoxically, the introduction of coercion as an instrument of protest may serve only to legitimize the use of force to deal with the protesters. There has been a great deal of theorizing, especially in the cloisters of the New Left, about the technique of social polarization. Some self-proclaimed radicals have contended that by triggering the use of official force against themselves, they can win the sympathy of uncommitted groups and undermine support for existing authority. This is a description, albeit a pat one, of what may happen in some circumstances. But the insight is a superficial one, and the prescription a highly unreliable one.

The most celebrated applications of such a doctrine, as at Chicago last year, are Pyrrhic victories at best. Survey after survey makes clear that a frequent result of coercive protests is the isolation of the protesters and increasing public demand for the prompt and vigorous application of official force against them. Potential allies are more often alienated than enlisted by such activities, and their empathy for the professed goals of the protesters is destroyed by their outrage at the procedures employed.

In short it behooves the disciples of protest as politics to reconsider the alleged merits of coercive tactics. By now they should be able to see that, apart from being morally insupportable, such methods are politically ineffective.

But more than method is involved in measuring the propriety and utility of protest. Even if the techniques of dissent are impeccable in their respect for the rights of others, the substance of dissent needs to be examined closely. Protest without purpose is a perversion of democratic privilege. Much of the political instability in the country and on the campuses, it seems to me, stems from the fact that the process of protest to which I referred earlier has assumed a life of its own, considerably independent of specific issues and problems. This is not entirely surprising, since a number of individuals have gained a vested interest in protest as a profession. It is a novel establishment, to be sure, but there is good evidence that protest itself has become a kind of institution in recent years.

The consequences of this development are many and complex. As anyone familiar with human organization would expect, the institutionalization of protest tends to subordinate substance to style, to emphasize practice rather than purpose. The focus comes to be less and less on issues and more and more on the mechanics of protest. Social and political problems become vehicles to be ridden instead of barriers to be overcome. The issues are multiplied for the sake of expediency, but the mingling of the trivial with the substantial makes it difficult to distinguish between them.

This sort of progressive de-focussing serves to confuse, not to clarify, political debate. The dialogue grows louder, but less coherent. We hear talk of the "mood of protest" gripping the nation, a vague and generalized discontent with the state of the country and the world.

But widespread malaise creates only a context for social change; it does not generate a program for change. One cannot produce a constructive program for social action without sorting out the critical issues from the less critical and without making concrete plans to cope with the priority problems. To demand change without some reasonable notion of what specific kind of change is possible and desirable amounts to little more than primitive breast-beating.

Obviously, my remarks oversimplify the present situation. Many protests are focused and are directed toward well-identified goals, although that is no guarantee of their wisdom. What I am anxious to highlight here are the tendencies inherent in some current political action. In my judgment these tendencies, should they proceed unchallenged, point toward a serious and chronic corruption of the political process.

If this apprehension is correct, it is very important to point out these tendencies to the potential recruits of the protest movements. As we have seen in the colleges and universities, large numbers of these prospective recruits are youngsters from well-to-do or middle-class families, rather than those of more disadvantaged backgrounds. The Students for a Democratic Society and similar groups draw much active and latent support from what has been aptly termed the "lumpenbourgeosie," the middle-class masses.

I think it is indisputable that these and other members of your generation are, intellectually and otherwise, among the more well-equipped citizens in the history of the United States. It would be tragic if they adopted disaffection as a way of life. They must be shown that there are definite alternatives to perpetual protest as a means of linking ideals to actions.

Indeed we all need such alternatives, whatever our age or station in life. It is a common insight of psychology that human beings need a sense of efficacy, a feeling that their actions are effective and that they have a meaningful degree of control over their own lives. What is true for individuals in their personal lives is also true in the social realm, especially for activists. There is a craving to understand the pace and direction of change in society, and to be able to have some measure of influence in steering the course the nation will follow.

But the social analysis associated with some of the contemporary protest movements is a poor guide for individual or collective action. The ideology of the New Left, like that of the super-conservatism that flared briefly in the early nineteen-sixties, is but remotely connected to the realities of American society in our time. It is a curious hodge-podge of Marxist, or neo-Marxist, or pseudo-Marxist, or crypto-Maoist doctrines, fascinating to debate but irrelevant to enact.

This political potpourri mixes genuine social concern with some widely incorrect "lessons" of social history. Mark Twain once observed that "One should be careful to get out of an experience only the wisdom that is in it—and stop there lest we be like the cat that sits down on the hot stove lid. She will never sit down on a hot stove lid again—and that's well; but she will never sit down on a cold one either." Among many of our most sophisticated "cats," there is a strong temptation to over-interpret and over-generalize. Those who aspire to effective political activism would do well to resist that temptation.

If we are to devise sensible standards and functions for protest or any other form of political action, we shall first have to develop an accurate, balanced and comprehensive perspective on the immense social forces already at work in our society. It will hardly do for one to ignore, out of convenience or calculation, the facts which do not fit some pre-conceived ideology. I do not presume to claim that I have the scoop on the intricate eddies which move this nation. But there are a number of major trends which should be a factor in any projection of American social development.

Perhaps the most fundamental of these trends is the growing mobilization of this country's public and private resources to deal with our domestic problems. The philosophy of Dr. Pangloss, who proclaimed that "this is the best of all possible worlds," has never found much favor in the United States. But in recent years this country's citizens and institutions have become increasingly aroused to erase the blemishes on our body politic. In this respect the protest movements reflect and stimulate the healthy self-criticism taking place throughout the nation.

It is a very significant fact that America has identified more precisely than ever before the nature and magnitude of its acute social problems. Racial and social injustice is being seen in concrete terms, as a root cause of human misery and as a principal obstacle to the further development of this nation. Poverty, hunger, unemployment, inferior education, inadequate health care—these grave inequities are now being recognized for what they are, the responsibility of society as a whole as well as the individuals involved.

From this spreading perception has emerged a wholly different attitude toward government. Even after the Great Depression there was a lingering reluctance to have the government act vigorously to meet social needs. But the new awareness that sizable human problems still exist in this land of plenty has created an actual *demand* for government to act or to help others act to relieve them. While there is justified skepticism regarding the effectiveness of some programs, there is an equally justified in-

sistence that various programs must at least be tried.

We ought to realize that, largely because of these altered attitudes, the United States is now well into an unprecedented period of social and political experimentation. In the decades since the Second World War, the power and authority of government have been enlisted to combat racial discrimination in education, in employment, in voting, in housing and in other areas. New cabinet departments have been established to cope with critical domestic requirements: Health, Education and Welfare, Housing and Urban Development, Transportation. A host of other innovations have appeared: The Office of Economic Opportunity, with its community action agencies; the Model Cities Program; the Manpower Development and Training Administration; the Community Relations Service.

The mere catalogue of federal agencies scarcely indicates that adequate programs and funds are now in existence. But it does afford a vital comparison with the governmental organization of 1950 or even later, when there were virtually no agencies with major responsibilities for the problems we now see so vividly.

Has this proliferation of effort, and a parallel expansion of private activities, had any effect? The question is very debatable when one speaks of certain programs, but in the main and overall, I think the answer is a resounding "yea." We are a long way from the good society we seek, but not nearly so far as we would have been without the revolutionary changes which have marked private attitudes and public institutions. We now have a valuable degree of continuity in efforts to evaluate and cope with a broad spectrum of social problems. There remains a great need for experimentation and for improved use of our resources in these areas. Still greater is the need to expand the level of effort generally on these gigantic tasks of social reconstruction.

It would be sheer folly to assume that, simply because we have these new programs, things will automatically get better. Yet it would also be foolish to propound demands for social change in a vacuum, oblivious to the substantial changes already in progress.

But, one may ask, is this all an institutional facade behind which little is really accomplished? I think not.

If one takes what might be called the summary problem of our society, the persistence of poverty amid affluence, there has been measurable progress in these years. In 1959 some 22% of the nation's households were poor; by 1967 those below the poverty line totaled 13.3%. One can properly state, in viewing this trend that the bottle of poverty is still more than half full, but it is worth noting that it is less full than before.

Special services to the disadvantaged have also been expanding, but the key point is that the total number of poor is now sufficiently small to contemplate rapid and large-scale action to end poverty. The Council of Economic Advisors now estimates the poverty gap, the sum required to lift all Americans out of nominal poverty, is less than $10 billion a year. That figure is not vastly beyond the recent increases in Annual expenditures on domestic programs. For example, in the coming fiscal year, despite the tremendous budgetary competition, President Nixon is proposing to expand human resources funding by $5.5 billion, a 10% increase over 1969.

At the same time there is serious thought being given to many different aspects of the poverty problem. Attempts to end the deprivation of children are a paramount concern. The Administration is now committed to a $2.5 billion program to combat hunger—still inadequate but a solid step forward. Since most of the poor are employed full time, contrary to the popular impression that welfare rolls are carrying most of the poverty-striken, special emphasis is directed toward manpower training and upgrading of job skills.

In short, these and numerous other important initiatives reveal something other than a decadent society. They suggest a nation worried about its integrity, as it should be, and concerned about its people, as it must be. They suggest that this is a time for pitching in, not for opting out. They indicate the awakening of a very imperfect society, trying to be better than it is. And that, I submit, should give a measure of hope to us all.

My message today is a simple one. Lest it be misunderstood in the more complicated discussion of social trends and innovations, let me state it briefly.

This country has profound and pressing social problems on its agenda.

It needs the best energies of all its citizens, especially its gifted young people, to remedy these ills.

Let us not dissipate these energies on phony issues or misguided missions.

Let us not mistake the vigor of protest for the value of accomplishment.

Let us direct the zeal of every concerned American to the real problems.

Let us foresake false drama for true endeavor.

Let us, in short, recognize that ours is a precious community that demands and deserves the best that is in us.

FORCED LABOR CONVENTION IS CONSISTENT WITH OUR FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, the Convention on the Abolition of Forced Labor was adopted by the International Labor Organization at Geneva on June 25, 1957. It was submitted to the U.S. Senate for ratification in 1963 where it has remained lodged ever since. In discussing this treaty, I refer to the testimony given by Mr. Arthur Goldberg in his appearance before a Human Rights Subcommittee of the Foreign Relations Committee on February 23, 1967:

One of the principal proponents of this convention was the American labor movement, and the reason the American labor movement was so interested in this convention at the ILO was a part of history we all know, the horror and the reaction by the United States and our people to forced labor camps and other totalitarian devices which we find to be completely inconsistent with those human rights which our Constitution provides, and this is why our labor people who participated as workers' delegates at the ILO Convention, took such a prominent part in urging the adoption of this revolution, and this is why they were assailed pretty vigorously in the press of many totalitarian countries.

We do not in our country subscribe to the use of any forced labor as that term is commonly understood. We have no forced labor camps. The only "forced labor" which might occur would be connected to punishment for a crime and as part of that punishment and, as I shall point out, this convention does not reach that type of punishment which is permissible for crimes which are validly designated as crimes under our Constitution, and we refer again to the 13th amendment as the basic source of this statement because, you remember, I read the amendment and it said not only slavery but involuntary servitude, except as punishment for a crime, is prohibited by our Constitution.

Opponents of ratification have claimed that passage of this treaty would result in a potential conflict as to just what is and what is not permissible to be uttered as public speeches. More specifically, questions and complications would allegedly arise as to how one would handle an individual who continued to espouse contrary ideological views. But there is absolutely nothing in this Forced Labor Convention which would in any way contravene with the decisions of our Supreme Court and the Smith Act. As Mr. Goldberg points out:

The decisions in both Dennis and Yates . . . make it very clear that, consistent with the first amendment, there cannot be and should not be, and nobody would urge, and Congress did not provide, that punishment should be criminally extracted for the holding or expressing of views, abstract views or political doctrines, however obnoxious the doctrine may be.

In fact, both of these decisions seem to indicate that what is forbidden was a conspiracy to support and teach views linked with a course of conduct; specifically, the advocacy of the violent overthrow of the Government of the United States. So as Mr. Goldberg says:

There is nothing in this convention which would in any way undermine any act of Congress. This Convention merely states in this respect what our first amendment states, you cannot be sent to jail for expressing views. There is no immunity in this convention and none would arise from this convention for those who advocate or attempt the violent overthrow of the Government.

Mr. President, I think we have delayed too long. This convention, along with several other treaties dealing with international human rights, have been laying fallow in committee for too long. I believe our constituents deserve to know why we have been afraid to act on them, why we have continued to sit quietly hoping for them to magically disappear overnight.

There is not a fellow Senator among us today who thinks that the United States should become a weaker nation or renege on its important and necessary commitments to the world. No one wants to be accused of being an isolationist. And yet, Mr. President, our glaring failure to ratify this convention sticks out for the world to take note of—for our enemies to exploit and use to their own advantage.

We have continually gone on record as being the Nation which champions the cause of the dispossessed and the persecuted. If we continue to be reluctant to act on these conventions before us, then our image must then be tinted with hypocrisy. Mr. President, I strongly request my colleagues to join with me in making the ratification of this Forced Labor Convention and the other human rights conventions before us, one of our most urgent and pressing matters of business.

GOVERNMENT SUBSIDIZATION OF THE OIL INDUSTRY

Mr. HART. Mr. President, the exact figures we get depend on just who is doing the calculating. But high or low, there is no argument that Government subsidization of our oil industry is costing this Nation billions of dollars annually. Some comes out of taxes—some directly from the pockets of consumers in the form of high gas prices. As an example of the magnitude of the under-

writing this industry is getting, a conservative estimate is that consumers are paying $4 to $5 billion a year in higher gas and oil prices simply because of the oil import program.

Many statistics relating to the cost of this program were laid out on the record of recent Senate Antitrust and Monopoly Subcommittee hearings. Some of these have been capsuled in a June 13, 1969, article in Time magazine, which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, the article also makes a point which is most significant in light of these high costs: that although the subsidies were intended to "protect national security" by preserving our domestic reserves, the theory has not worked.

By many indicia used, exploration and discovery of domestic oil is falling. In fact, the industry itself estimates that by 1985, 85 percent of the Nation's oil needs will have to come from reserves not yet discovered.

EXHIBIT 1

OIL: BATTLE OVER SPECIAL PRIVILEGE

In more ways than one, oil is power. It provides 75% of the U.S.'s energy, serves as the basis of some of its most fabled personal fortunes and influences its foreign and domestic policy. Now the Nixon Administration and the Congress are conducting some long-overdue reappraisals of the Government's policy toward the oil industry itself. The question increasingly asked in Washington is whether the industry should continue to enjoy its privileged position with regard to income taxes and import controls.

To find answers, President Nixon has appointed a task force that includes practically his entire Cabinet and ordered it to report to him this fall on oil policy. Two congressional committees are also scrutinizing the industry. The inquiry is likely to be more intense than in the past, since many of oil's longtime friends in high places have departed. Lyndon Johnson has retired; former House Speaker Sam Rayburn and Senator Robert Kerr are dead. Louisiana's Russell Long is left to defend the industry against such Senate reformers as Edward Kennedy, Edmund Muskie, Philip Hart and William Proxmire. Oilmen have mobilized their own forces in a desperate battle to protect their interests.

DWINDLING RESERVES

The prime target of the critics is the oil depletion allowance. It permits owners to deduct from their taxable income 27½% of the value that each well yields; moreover, the deduction can be taken as long as the well produces, even if the original cost of exploration and development has been returned many times over. The allowance was partially responsible for the fact that no taxes at all were paid by 155 U.S. citizens who earned more than $200,000 in 1967.

Oilmen argue that the special allowance is necessary to compensate them for the tremendous costs and risks involved in prospecting for oil, and to give them extra incentive to search for more of it. The search has been slowing lately. Since 1957, the number of new wells drilled in the U.S. has dropped 40%; domestic reserves have remained nearly constant but demand for oil has increased by as much as 29%. Two weeks ago, Michael A. Wright, chairman of Humble Oil, told Senator Hart's antitrust subcommittee that 87% of the nation's oil needs by 1985 will have to come from reserves that have not yet been discovered.

QUOTA SYSTEM

Even so, Congress has not been persuaded that exploration would be discouraged by a reduction in the depletion allowance. On Capitol Hill, the feeling is growing that the allowances, which cost the Government about $1 billion a year in lost taxes, are indefensible from the viewpoint of tax equity. Partly because of its tax privileges, the oil industry has fairly high profits. Oil companies earn an average of 11.2% on their invested capital, which is slightly above the norm for all U.S. industry; they also earn 10% on sales, which is about double the figure for other U.S. industry. Oilmen seem reconciled to seeing the allowance cut to 22½% or perhaps less, and the depreciation limited to fixed periods instead of the lifetime of the well.

Another target for congressional fire is the oil import-quota system, which helps keep domestic oil prices up by keeping foreign oil out. Middle Eastern oil costs about 4¢ a gallon compared with U.S. oil's 7¢; best estimates are that the quotas oblige U.S. customers to pay $4 billion to $5 billion a year in higher oil and gasoline prices. Imposed by the Eisenhower Administration in 1959 on the grounds of "national security," the quotas limit imports of crude to 21% of domestic production.

Like the depletion allowance, the quota system is also justified as a means of encouraging exploration for more domestic reserves. The quotas, according to the oilmen's argument, save the U.S. from becoming too dependent on the oil sheiks of the unstable Middle East. They would probably raise their royalties—and thus the price—if the U.S. needed substantially more oil.

On the other hand, the protectionist system forces the U.S. to use up its reserves at a time when much cheaper oil is readily available abroad. Senator Hart has, perhaps extravagantly, accused the oil companies of "playing Russian roulette with national security" by supporting import restriction while drawing down the domestic supply. Ted Kennedy scoffs that the industry maintains that "our reserves will be conserved if we consume them first." In view of such attacks; Congress is likely next year to increase the import qoutas.

HELP FROM THE NORTH

The whole debate has been intensified by the discovery of a huge pool of oil under the snows of Alaska's North Slope. The biggest new find in the U.S. since the East Texas strike of 1930, the North Slope promises to lessen U.S. dependence on oil from the Middle East. Walter Levy, internationally known oil consultant, estimates the find could run as high as 20 billion barrels, enough to increase U.S. reserves by two-thirds.

For their part, oilmen maintain that they would not have risked North Slope drilling without the depletion allowance, and claim that the allowance is necessary to spur further development. Despite the likelihood of a cut in the allowance, however, the managers of Atlantic-Richfield, British Petroleum and Jersey Standard believe that the find will be so profitable that they plan to invest $900 million in an 800-mile pipeline. It will bring the oil to the ice-free port of Valdez, Alaska. In order to expand its marketing of Alaskan oil, British Petroleum last week announced its intention of merging with Standard Oil of Ohio, whose stock promptly shot up 27½ points to close at 98½.

Humble Oil's executives, hoping to succeed where Explorer John Cabot failed, announced last week that they are fitting out the 115,000-ton tanker *Manhattan* as an icebreaker for a pioneering—and perilous—test run the long ice-choked Northwest Passage to the Arctic next month. Denver's King Resources Co., wagering that the *Manhattan* will make it, has drafted plans to build a deep-water port in Maine's Casco Bay. That port is even closer to the North Slope than Seattle is. No Alaskan oil is expected to be delivered to any of the "lower 48" states before 1972 at the earliest. But its existence may provide Congress with the reasons it needs to make some major changes in the oil industry's present privileges.

PRESIDENT NIXON'S UPCOMING TRIP TO RUMANIA

Mr. MONDALE. Mr. President, an editorial discussing President Nixon's proposed visit to Rumania appeared in this morning's New York Times. The editorial pointed out that the President could have "given greater substance to this visit if he had asked Congress to liberalize the export control law to allow an expansion of American trade with Communist countries."

An editorial which appeared in the New York Journal of Commerce 2 weeks ago discussed the administration's position in light of legislation being considered by the Banking and Currency Committee. In addition, the Minneapolis Tribune published an editorial in support of the effort within the Banking and Currency Committee to reform the Export Control Act.

I ask unanimous consent that the editorial entitled "The President's Travels" from the New York Times of Monday, June 30, 1969, the editorial entitled "Bait for a Political Deal?" from the New York Journal of Commerce for June 18, 1969, and the editorial entitled "Self-Defeating Trade Restrictions" from the Minneapolis Tribune for June 20, 1969, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 30, 1969]

THE PRESIDENT'S TRAVELS

President Nixon seems to place great store in brief visits to other countries for direct talks with their leaders. At this stage in what he calls a transition from an era of "confrontation" to one of negotiation with the Soviet bloc, he has accepted an invitation to Rumania in early August after earlier visits to five Asian countries.

Rumanians will undoubtedly be pleased at this first visit by an American President. If things go well, Mr. Nixon will arrive in Bucharest basking in the success of the Apollo 11 moon trip, having watched the splashdown in the Pacific. He will find it interesting, and perhaps highly useful, to talk with President Ceausescu, whose independence within the Soviet bloc has often infuriated the Kremlin.

There are hazards in fleeting summitry and in this particular mission, however, Mr. Nixon obviously picked Rumania for his first Presidential venture into eastern Europe because Mr. Ceausescu has defied Moscow on major questions, including the invasion of Czechoslovakia last year.

If Russia regards the Nixon visit as an attempt to widen fissures in the Soviet camp it may harden its attitude on arms control negotiations and other key East-West questions. Mr. Nixon may hope his visit will encourage greater independence from Moscow by the Warsaw Pact countries; but it could have the opposite effect of making any show of independence more perilous.

Nor should the President lose sight of the fact that he will, in a sense, be bestowing his blessing on a regime that, regardless of its defiance of Moscow, remains a brutal Communist dictatorship, more oppressive by far than the one in Hungary and even the restored hardlining Government of Czechoslovakia.

Mr. Nixon could have given greater substance to this visit if he had asked Congress

to liberalize the Export Control Law to allow an expansion of American trade with Communist countries. Instead, he appeased right-wing Republicans by calling for renewal of that restrictive relic of the cold war era.

Presidential visits can be useful exercises in good-will and diplomatic maneuver but they cannot be a substitute for policy.

[From the New York Journal of Commerce, June 18, 1969]

BAIT FOR A POLITICAL DEAL?

With less than two weeks to go before the Export Control Act is due to expire, a good many people are striking some curious postures on the manner in which it should be extended.

Senator Dirksen, writing in the current issue of Readers Digest, says this isn't the time to loosen controls on East-West trading because the dependence of the Communist states on western technology "represents a vulnerability that should be capitalized upon." If his premise had been halfway correct his conclusion might at least have had a point. But it wasn't. There is nothing in the act that denies Communist countries access to the most advanced technologies of Western Europe, as witness the fact that while Americans don't sell computers in Eastern Europe, Western European manufacturers do.

The Nixon Administration takes the attitude that any easing of East-West trade controls must be part of a package deal, partly political in nature, and that this is not the proper time for it. It has apparently forgotten the observation in Mr. Nixon's inaugural address that in U.S.-Communist relations "after a period of confrontation, we are entering on an era of negotiation." Apparently the beginning of that era is to be somewhat delayed, for what the administration now wants is a four-year extension of the Export Control Act in its present form through June 30, 1973. Did we say "somewhat delayed?" Delayed right into the next Presidential term.

To us this is all very disappointing because there are a number of proposals before Congress that would extend the act in a manner that would allow for greater flexibility in enforcing it.

One, sponsored by Senators Muskie, Mondale, Packwood and Harrison Williams, would control U.S. exports to Communist areas only in items having a "significant military applicability" rather than all those of "economic" importance. Another, introduced by Senator Magnuson and 23 of his colleagues, would give the President authority to grant most-favored-nation treatment to imports from those Communist states willing to provide basic protection for U.S. commercial interests in the treatment of patents, royalties and the like (Communist China, North Korea, North Vietnam, Cuba and East Germany would be barred from this treatment, however).

We find it hard to understand why the administration should not, at the very least, accept the Magnuson proposal. It is permissive in nature. It wouldn't bind the administration to give MFN treatment to any country not accorded it now. (Yugoslavia and Poland are the only Communist states currently getting this treatment. Imports from all other Communist states must pay the high levies established in the Tariff Act of 1930).

It is, of course, understandable that the administration doesn't want to negotiate on this matter now. What is less understandable is its feeling that Congress should not give it merely the authority to negotiate a more rational approach to East-West trading until four long years have passed.

A reason frequently given for making no change in the present restrictions is that this nation's trade with Communist states is too small to be worth bothering about.

Of course it's small, but the Export Control Act is one of the prime reasons why it is small. If one cannot say the same about trading between Eastern and Western Europe, isn't it just possible that one reason might be that Western Europe doesn't apply such severe curbs to this trade?

As matters stand, the United States Export Control Act spreads like a protective umbrella over the industries of Western Europe that can produce sophisticated equipment and market it in the Communist areas with virtually no fear of competition from American exporters. In most major respects, notwithstanding Senator Dirksen's imperfect comprehension of what is happening, Eastern Europe suffers little from the workings of this statute. The sufferers are the American exporters and the American balance of payments.

Finally, it is a little odd to hear a normalization of trade relations discussed as though it were something, like foreign aid, in the nature of a gift bestowed by a benign Washington on some hapless economic areas abroad. Or that a withdrawal of the punitive Smoot-Hawley tariff rates, which so burdened the more efficient potential American exporters in the 1930s, would amount to the same thing.

We have always been under the impression embodied in the Trade Agreements Act that the exchange of goods and services is not a one sided affair of benefit to one group of nations but a burden on others. It is not something we normally hold out as bait for a political deal, but an opportunity for economic progress at both ends of the exchange.

That, at least, is the way Washington looks at it where most of the world is concerned. Why does it suddenly take on the attributes of an act of charity when the discussion comes to Poland, Rumania, Czechoslovakia, Rhodesia or the Republic of South Africa? Shall we have to wait four more years to get an intelligible answer?

Perhaps during the next week or 10 days Congress will think better of it.

[From the Minneapolis (Minn.) Tribune, June 20, 1969]

SELF-DEFEATING TRADE RESTRICTIONS

An effort to change a 20-year-old policy of restricting American trade with Eastern European Communist countries is gaining in the Senate, where a committee is likely today to approve a bill liberalizing East-West trade regulations.

The bill, whose chief sponsors are Sens. Muskie and Mondale, is intended to replace the Export Control Act of 1949, which expires June 30. The new proposal would continue to prevent export of strategic and military items, while dropping the network of controls on goods judged of "economic" importance only. In addition, the bill would eliminate a requirement that half the wheat and feed grains sold Russia, and half the feed grains exported to most Eastern European countries, must be shipped on American vessels—a requirement which represents a serious obstacle to trade expansion.

The bill is in keeping with today's American foreign policy, which recognizes that Communist nations do not represent a monolithic bloc. It reflects the reality, conceded by the State Department in testimony, that withholding trade has "limited significance," at best, in influencing the policies of Eastern European nations. Many experts claim that increasing trade contacts could have a beneficial effect on the policies of these nations.

In addition, U.S. refusal to trade with Eastern Europe no longer means—as it once might have—that Communist nations are denied products. The result, instead, is to deny U.S. farmers and businesses access to an Eastern European market which is being tapped by other countries, or—as Mondale has observed—to drive the satellite nations toward greater economic dependence on Russia.

Unnecessarily broad restrictions on trade seem self-defeating at a time when this country is searching for ways to expand farm exports and to improve its balance of payments. The Muskie-Mondale bill, on the other hand, offers potential gains that are both economic—by benefitting American workers, manufacturers and farmers—and political—by encouraging constructive trends in relations between Eastern Europe and this country.

TAX REFORM

Mr. METCALF. Mr. President, by now each of us has received a complete set of the hearings on tax reform that were completed in the House on April 24. I find many of the statistics gathered during the course of those hearings rather startling.

For example, when we examine the tax brackets that people are actually in at the various income levels, we find that up to the $50,000 level an individual's tax bracket keeps moving up the scale just as we would expect it to do under a progressive tax. For income groups above $50,000 but under $100,000, the upward movement in effective rates begins to flatten. By the time we reach an examination of taxable returns of individuals with incomes above $100,000, we find that the central range of effective rate moves backward to produce the following result in the $1 million and over group.

Seventy-five percent of the people who have actual incomes of $1 million and over pay only an effective rate of between $0.20 to $0.30 of tax on the dollar. This may be compared with taxpayers in the group between $20,000 and $50,000 of actual income, where about three out of every five taxpayers pay at the same effective rate, yet the $1 million and over group per taxpayer makes over 50 times as much money a year.

Surely no one can disagree with the statement of former Assistant Secretary of the Treasury, Stanley S. Surrey, when he commented on these statistics during the course of his testimony last February, and I quote:

> The obvious departure from the ability to pay concept and from elementary standards of fairness is self-evident in these statistics. Whether a person is below the poverty line or whether he is in the group between $20,000 to $50,000, he is certainly warranted in feeling that the income tax is not working fairly.

Mr. President, I see no reason why we should have to wait any longer before we begin to discuss the causes of unfairness in our present tax laws. Since we have the benefit of almost 6,000 pages of hearings already held this year, there is no reason why we cannot get a headstart on our own deliberations.

WAYNE STATE UNIVERSITY PROFESSORS ENDORSE S. 1591, BILL TO ESTABLISH AMERICAN FOLKLIFE FOUNDATION

Mr. YARBOROUGH. Mr. President, I recently received a copy of a letter

which was sent to my distinguished colleagues from Michigan Senators HART and GRIFFIN. This letter, signed by four members of the faculty of Wayne State University in Detroit, Mich., endorses S. 1591, my bill to create an American Folklife Foundation. The letter indicates that the professors have a clear understanding of the need for the sort of body I hope the Congress will create.

Mr. President, I ask unanimous consent that the letter from the four professors at Wayne State University, dated June 2, 1969, together with their signatures, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAYNE STATE UNIVERSITY,
Detroit, Mich., June 2, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.
Hon. ROBERT GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SIRS: Recently our attention was called to the Senate bill S. 1591 proposed by the Honorable Ralph Yarborough and William Fulbright concerning the establishment of a national folklife program under the auspices of the Smithsonian Institution.

As faculty members of Wayne State University currently engaged in the teaching and study of folklore and folklife in the United States, we are urging you to give your full support to this bill.

In these troubled times when there is so much racial unrest, intercultural conflict, and economic and social inequity which divides American society, it is imperative that we know as much as possible about traditions, life-styles, and forces of habit which both unite and divide us from one another. Traditional attitudes, beliefs, customs, and stereotypes, for example, in a very large part determine how a group communicates within itself and how it interacts with the larger mainstream of American culture. The study of such material along with the saying, songs, legends, tales, and traditional manner of living in a given subculture of that group which frequently are unavailable to scholars and social scientists through more direct approaches.

The analysis of ghetto lore and life may enable social planners to more effectively bridge the gap between ethnic and racial groups in urban areas. The study of traditional southern mountain health practices may contribute to an understanding of the problems these people face when they encounter alien and seemingly impersonal medical facilities in large northern cities. In short, our point is that in addition to the study of American folklife and folklore as an important part of the national heritage, a knowledge of the traditions of the many regional, ethnic, and occupational groups in American society may be applied towards the solution of pressing social problems facing this country today.

Our only other concern is encouraging you to support this bill is that top qualified personnel be secured to administer the program which would result from its passage. The subjects of folklore, folksong, and folklife attract many amateurs as well as professionals, some of whose enthusiasm far outstrips their grasp of the subject matter. We feel that there is room for both amateurs and professionals in the proposed folklore and folklife foundation if the government will carefully scrutinize the qualifications of those individuals nominated for Board Director and/or other employment with the foundation.

Sincerely,

ELLEN J. STEKERT,
Associate Professor, Department of English.
RICHARD A. REUSS,
Assistant Professor, Department of Sociology and Anthropology.
JACK FRISCH,
Assistant Professor, Department of Sociology and Anthropolgy.
PAUL D. EDSON,
Assistant Professor, Department of Sociology and Anthropolgy.

HUNGER IN ILLINOIS

Mr. PERCY. Mr. President, last Friday, June 27, the Senate Select Committee on Nutrition and Human Needs traveled to East St. Louis for a 1-day hearing. During the day we had a number of witnesses before the committee testifying about the extent of hunger in the East St. Louis area, the effect malnutrition has on the health of individuals, and the programs which are now in operation in East St. Louis to bring food to the hungry.

The national director of Operation Breadbasket, an organization affiliated with the Southern Christian Leadership Conference, the Reverend Jesse L. Jackson, testified before the committee. He appeared at the conclusion of a statewide campaign against hunger which took him to all corners of the State of Illinois.

Reverend Jackson's statement was moving, dramatic, and challenging. In order that this statement might be shared with all my colleagues here in the House and Senate, I am asking unanimous consent that it be inserted in the RECORD at this point. I would like to point out that Reverend Jackson has made some strong statements in his testimony and I welcome any citizen from Illinois or elsewhere, who may wish to comment on the Reverend's statement or to challenge any part of it, to address their comments to me here in the Senate in Washington.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE REVEREND JESSE L. JACKSON, NATIONAL DIRECTOR, OPERATION BREADBASKET OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, JUNE 29, 1969

On behalf of the ministers of Operation Breadbasket of the Southern Christian Leadership Conference I come to testify at this hearing, in an endeavor to make an appeal concerning the greatest domestic crisis of this century. At this moment in our national history, the United States of America finds itself forced to face truths of awesome and appalling dimensions for our states, including this state, Illinois, and our nation are riven by great divisions.

There are divisions between young and old, (which we casually call "the Generation Gap"), divisions between hawks and doves over how we prosecute a war which persecutes a nation of poor people, a war which ironically and ominously is right now being diligently pursued while we persist in talking of peace at the conference tables of Paris. And so we are struck by the truth of the ancient saying that men yet cry out for "peace, peace, yet there is no peace."

There are divisions growing out of racial antagonisms which polarize the relationships between blacks and whites in this society. We sit today in this hearing in East St. Louis, one of the southernmost and most polarized communities of Illinois, a state which we like to refer to as the Land of Lincoln. Even as we sit comes again ringing across the years the timely and needed counsel of the Great Emancipator who said "a house divided against itself cannot stand." Lincoln, in a sense gave his life as did the founder of our organization, Dr. Martin Luther King, Jr., in order to bind up the wounds of racial cleavage in our national community.

There is a great division in America, today, between the rich and the poor, the "haves" and the "have-nots," the affluent and the poverty-stricken. Poverty itself is a form of oppression which threatens the essence of man's existence, for men will steal before they will starve. The Bible's Book of Proverbs warns us that if a man is given too much, he will deny the Lord, but also that if a man is given too little, he will steal and defame the name of the Lord. (Proverbs 30) It is understandable, then, that those who are malnourished, and who thus might be physically deformed or psychologically impaired by the crippling circumstances of poverty and hunger are in a state of destitution, desperation and despair. It is a fact of life that people finding themselves drowning in poverty, losing a grip on life in their will to live, resort to the survival ethic of "any means necessary," violence nowithstanding, in an effort to find a solution for their problems. We are reminded of such truth in vivid fashion by Victor Hugo's *Les Miserables*, and by another great son of Illinois, Adlai Stevenson, speaking in Kasson, Minnesota in 1952, telling us that "a hungry man is not a free man," reinforcing Proverbs' comment that a hungry man is limited in his choices and so will beg, borrow or steal before he will starve. Finally, in this vein is the ancient wisdom of Diogenes who when asked what was the proper time for supper, answered that "if you are a rich man whenever you please, and if you are a poor man, whenever, wherever, however you can." Thus, it is incumbent upon the leaders of both the poor in substance and the rich and affluent who are too often impoverished in compassion to see beyond the poor's predicament and hasten us toward the elimination of poverty which is the root cause of so much of the present and persisting American Dilemma.

In that connection SCLC's Operation Breadbasket is presently deeply involved in the second phase of the Poor People's Campaign in Illinois. We have just concluded our first caravan, a campaign against hunger which has moved into all the corners of the state. We started with what was a mountaintop experience for so many of us when by the thousands we were drawn to Springfield, to the seat of state government. We were a cavalcade flowing into the capitol to stand up against a proposed legislative cutback in welfare funding, a despicable cutback which would have cruelly deprived hundreds of thousands of men, women and little children of food to eat, of clothes to wear, of medicines to make them well.

On that occasion all of us, marching in stirring unity and magnificent concert, moved against the mountains of chilly unconcern. We scaled upwards to the intoxicating heights, to the pinnacle of legislative victor. It was a triumph not only for the poor people in Illinois, but as well one for the processes of democracy, a victory which must go down in the annals of law-making as one in which the people and the legislators, black and white alike, rose up together and acted in the highest of moral tradition, effecting the shelving of the welfare cutback bill.

Since that headying triumph our caravan has returned to the low places of poverty and

tragedy. We travelled along the dusty backroads, down into the infernal pits where raging poverty stalks, where the demons of hunger roar, where rampant racism and terror prevail. We came down from the mountainous peaks of wealth and affluence which rise so high in Illinois, a state which is the third wealthiest in the nation, a state which ranks above all others, is No. 1 in the land in agricultural and manufacturing exports. Down we came, descending into the valley and there coming upon the disturbing pockmarks of poverty and disparity.

On June 12 we launched out into the deeps of this journey. Just as Ezekiel of old was inspired to go down into the dark and dangerous valley and to dwell there among the despairing and hopeless masses, so we, too, took a trip to the darkest of abysses and dreadful recesses. There we found the sunlight of hope eclipsed, we found ourselves witness to never-ending nightmares of deprivation. We saw seething poverty and its damnable consequences, reminiscent of Dante's Hell. The first rung of hell's ladder that we descended into was Rockford.

Rockford is a picture of tragic disparity and gripping despair. Despite some 643 thriving industries in that city, nearly 14,000 families have incomes which keep them locked in the clutches of poverty, where the hyena-like pangs of hunger rip away nightly at the bellies of little white children. Rockford vividly depicts for all to see that one of the most salient and sobering truths about poverty and racism is that hunger knows no color line, that even though percentagewise there are more black children going hungry than white children, in terms of absolute numbers more white children than black to to bed hungry every night in Illinois and throughout America.

The next rung of descension on the ladder of hell and hunger in Illinois was that of Peoria. Peoria, with over 3100 bustling industrial units. Peoria, with its Caterpillar Tractor Company, turning over 1.7 billion dollars in sales, yet a city containing the second highest concentration of substandard housing in the state, Peoria, with the third largest number of low income families. Peoria, with the 6th highest rate of infant deaths in Illinois. Peoria, where the total unemployment rate reaches a staggering 29 percent in some sections of the city.

Next on our Dante-like descent into the economic infernos of Illinois was Decatur. Decatur, America's soybean capitol. Decatur, which processes over one-third of the state's grain in its graineries. Yet in this place ranking so high in the production of foodstuffs, we were confronted by an unemployment rate exceeding 8 percent, we found 4500 families making under $2500 a year, constituting nearly 12,000 starving people. What despair, what a differential, what a valley of disparity, and ironically where mountains of foodstuffs abound.

An even deeper valley of despair is East St. Louis, with its non-white unemployment rate a staggering 29 percent, with the largest percentage of adults with less than eight years of formal education, with the state's greatest percentage of unsound housing, a city with over 70 percent of its population being black and where stark racism and poverty provoke young men to frustration and crime, where lilywhite juries are jamming medieval dungeon-like jails with young black men, unconstitutionally tried by juries not of their peers.

Truly the deepest pit of poverty and despair into which we trekked was that of Cairo, little Egypt, itself, where modern day Pharaohs of racism reign, where the founding father of the midnight-riding Ku Klux Klan-like White Hats vigilante group is none other than the county's highest law enforcement officer, the notorious Peyton Berbling.

Cairo, where we found blacks victimized not only by gripping poverty, but under a state of military siege and penned in by murderous rifle, literally, walking through the valleys of the shadow of death.

Among the whites of Cairo there is a 10 percent unemployment rate while among the blacks the rate soars up to 35 percent. In a city of less than 9000 persons we found over 3700 hungry men, women and children. We found Cairo a dying city, one of the few communities in the nation where the death rate exceeds the birth rate. Like Ezekiel of old, we had truly come upon a Valley of Dry Bones and the question large-looming before our eyes and ringing in our ears was—Son of Men, Concerned People of Illinois—can these Dry Bones Live?

When we arrived in Cairo we found a city in crisis with armed whites on the military offensive, rampaging against the insecure, frightened and virtually defenseless black community. As a result of our findings and our caravan's presence, a caravan which included State Representative Corneal Davis representing the caucus of Black Legislators, some measure of peace and order came to Cairo. The State Police came down, investigators from the States Attorney General's Office arrived, the U.S. Civil Rights Commission revealed the results of their special investigation, the Lt. Governor came up with his findings.

Yet underneath the sordid and racist fruits were more deeply implanted roots. In the depressing light of the city's dying economy, the poor whites saw themselves threatened and armed themselves against the blacks. The poor whites futilely tried to secure themselves against additional economic dislocation, trying to secure what little was left of the economy. In their blind frustration, the poor whites thought that the solution to their problem was in rendering blacks dead rather than in securing food so that their starving little children might be fed. Yes, for too long instead of an adequate diet, the poor whites had been fed a menu of racism.

On the other hand, the blacks of Cairo found their very survival, their right to life threatened. In consequence they prepared to defend themselves. Thus, both groups sought the elimination of each other rather than seeing that the problem was more than one of racial pigmentation, more than just black skins versus pink skins, more than White Hats versus Black Berets. And, in fact, rather than eliminating the other race, what was needed was the elimination of hunger, the eradication of poverty.

Last night, as every night, two-thirds of the world went to bed hungry because of maldistribution, poor transportation, and, in some instances, the scourge of war and international crisis. Thus, it is understandable though not justifiable that this condition would exist in many parts of the world. In some instances, the lack of agrarian development and technology accounts for the problem. In many instances the topography and eroded and depleted soil is the reason. In other instances the land is over-populated, resulting in under production and consumption beyond the available supply. For instance a nation such as India can elicit a compassionate response to their hunger problem from those who understand the gravity of this cycle of under-production and over-consumption.

American, however, over-produces and under-consumes. We live in a land of surplus at one end, and starvation at the other end. The great problem is the corruption at the level of distribution which reinforces the gap between the over-fed and the underfed, between the greedy and the needy. I can understand that the effect of racism would allow white men to rationalize the starving of black men. White men can, at least, say that they never knew us or that the cataracts of racism blinded them and rendered us invisible since our relationship is one of historical estrangement anyway. But what is the rationale for white men starving their own people or permitting such starvation and suffering among poor whites who numerically outrank blacks in the absolute count of the impoverished? We hear the ancient warning that money is the root of evil. I ask men from the ruling class in America, is your urge for more clothes than you can wear, more cars than you can drive, more food than you can eat, is it that which causes you to forsake your own mother and blood brother? If this be the case, then the rest of the dilemmas of White America relative to the crisis of race relations is certainly cleared up. And America is nothing but a case study in cancerous, coldheartedness.

In this nation of 200 million people with a gross national product of over 900 billion dollars, we still have (conservatively) 40 million people listed as "poor," that is with incomes of less than $3000 a year for a family of four. This is validated by government research and categorized by hunger committees as malnourished due to insufficient commodities.

But fully 10 million of the 40 million who are included in that one-fifth of the nation listed as destitute are children with bloated stomachs and brain damage, who resort to eating red dirt, laundry starch, and lead paint. Physicians call this disease "pica" where hunger manifests itself in such abnormal ways.

It is understandable but not justifiable that this would be true in states that are not blessed with fertile soil or where the ecology does not provide the recources such rivers and lakes which attract manufacturing industries or firms. However, the state of Illinois cannot be judged with the state of Utah for our soil is fertile here in Illinois.

Moreover, as I indicated earlier Illinois is the number one agricultural export state in the nation, and the number one manufacturing export state in the nation. According to recent studies, Illinois is the third wealthiest state in the nation. The state possesses some 329 million dollars of earmarked monies in special funds, and a total of 861 million dollars in all earmarked funds. This is money that we choose not to spend or to make available to the general treasury funds. Among the programs where Illinois' inadequate commitment borders on the culpable is the food stamp program. Illinois serves 68,602 fewer people under food stamps than it did under the federal food commodities distribution program, a drop of 61 per cent. Half the counties in Illinois reach only 3 percent of the poor persons eligible to participate in food stamp distribution, that per cent served being the lowest—along with that of Nebraska—in the nation.

Our abuse of opportunities to feed the hungry and eliminate poverty in this state is most vividly expressed by the fact that we levy the same taxes for corporations as we do for individuals, thus compelling the poor to pay more. Illinois has the second highest sales tax in the nation, outranked only by the tax levied in Alabama. Moreover since 60% of the state revenues are from sales taxes, the poor bear the burden of providing the major share of state revenues. Illinois liks to compare itself with New York and California in citing its achievements; however if our corporation tax compared to that assessed by New York or California, the burden of the poor would be measurably lightened.

Some 150 million dollars comes into Illinois in subsidy payments to affluent farmers, according to Representative Paul Finley; these payments are made to farmers not to grow food or fiber. Yet the state has not chosen to match a six million dollar grant to conduct a school lunch program. As a result only 14,000 children in Cook County could receive free school lunches, when there are

actually some 200,000 poverty families with school-age children in that area. Again, according to this very committee, the Senate Select Committee on Nutrition and Human Needs, there are some 629,000 Illinois households, which amounts to some 2 million people, where hunger is a daily reality.

Families on welfare are forced to live on welfare budgets which guarantee that they will starve or steal. Reputable physicians state that a balanced diet for a family of four for three meals a day cost $7.00, using the National Research Council's minimum nutritional standards. The state of Illinois allots only $2.17 a day for a family of five. Such a ceiling by the Department of Public Aid deepens the hunger of its recipients.

In Illinois SCLC's Operation Breadbasket has drafted up and fought for a Human Subsidy Bill that proposes:

(1) That the Governor would consider the 629,000 Illinois households who are in poverty and hunger serious enough to declare hunger in this state a disaster. This would mean invoking the man-made disaster act.

(2) That this state recognizes earthquakes, fires, and floods as acts of nature or God, as acts of disaster, the state should also recognize erosion of soil, misuse or improper use of funds and the existence of massive hunger, as man-made disasters. In such man-made disasters, the state would employ all the necessary emergency apparatus, such as emergency food and medical supplies, to cope with the situation.

(3) That a percentage of income tax sufficient to eliminate hunger would be earmarked for that purpose. Among other things Illinois should establish a hunger tax. *To have a greater concern for soil eroding than man's eroding is an indictment upon the American value system.* It is radically inconsistent with the credo—government of the people, by the people, for the people. Such misdirected values would never be the people's choice.

(4) That the state initiate forthright drives to give people vocational training for jobs, and would conduct concerted attacks on those trade unions which lock black and poor out of the job market. (Such emergency job training was set up during World War II throughout the U.S.A.)

In light of the fact that this is a federal governmental hearing, points 5 and 6 of the bill, initially directed to the Governor, are here presented as applicable to the President.

(5) That the President would understand the irreparable psychological damage to the poor and disinherited created by the suggestion of his party leaders that the allotments to sustain the poor be reduced in this Congressional session. We are saying that in this session of the Congress where Mr. Nixon reigns as President that he must be forthright in his effort to subsidize the poor rather than to pauperize and embarrass the poor. If such is not done and the President remains silent, his silence will sanctify the cruelty and will be a betrayal of the poor. . . and, in fact, would be a declaration of war. . . upon the poor.

(6) That a school breakfast and lunch program be instituted in every school in the nation.

Men of justice cannot halt between two opinions when tens of thousands of lives are at stake. And it was indeed heartwarming and an action exemplifying justice when just yesterday in response to the presence of thousands of us from all over the state who had come together as part of SCLC's Operation Breadbasket's continuing campaign against hunger, the Illinois House of Representatives, in session in Springfield, resolved by an overwhelming majority to support our Human Sudsidy Bill and, in addition, to push for support of the bill's program in terms of federal legislation and funding.

We contend that the very attitude of the public toward the poor and toward welfare must be changed. Why cannot this change begin in the Land of Lincoln and extend to the entire land over which he was president and for which he gave his life. We maintain that those persons on welfare should not be seen as criminals or prisoners, nor as the results of an innate will not to work. Rather the poor must be seen as products or as results of advanced technology. It must be recognized that their years of blood, sweat, tears, cheap labor, and human sacrifice helped to usher in that advanced technology. These years represent an investment that should not be returned marked "Insufficient Funds."

As opposed to "welfare" we should use the term and develop the concept of human subsidy. The poor would then not be viewed as prisoners who have committed some wrong, but would be recognized as the very vanguard of the twentieth century. Let us strike the word "welfare" from the records, remove all reference to the Pauper's Act, and subsidize the poor just as we presently subsidize the rich.

In this way we would employ the understanding of authentic worship as expressed in Biblical writings of the prophet Micah, the sixth chapter, verses 6 through 8, namely, we will follow his admonition to do justice, to love mercy, and to walk humbly before God by walking honestly and acting decently before our fellow men.

Mr. PERCY. Mr. President, another statement that was presented to the committee by Dr. Albert Thomas, of Chicago, contained information concerning the medical aspect of the hunger problem which I believe should also be widely read and better understood. For these reasons, I ask unanimous consent that the statement prepared by Dr. Albert Thomas of Chicago be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. ANDREW L. THOMAS

Chairman McGovern, honorable senators, ladies and gentlemen, I am Dr. Andrew L. Thomas, President of Cook County Physicians' Association headquartered in Chicago; Secretary, House of Delegates, National Medical Association; and a practicing internist in the city of Chicago. I welcome the opportunity to relate my experiences to this distinguished panel of senators who will, hopefully, gain sufficient information to move the appropriate forces in Washington to answer the critical need for at least 10 per cent of our population.

The existence of the Senate Select Committee on Hunger and Human Needs illustrates clearly that there must be a problem. The nature of the problem and its degree of severity are points to which I shall address myself. First let me commend this Committee for asking physicians to get directly involved in presenting testimony regarding the question of hunger.

The varying degrees of hunger, or more properly, malnutrition are determined by location. What happens in Mississippi differs from what happens in westside or southside Chicago, but the one common denominator is the absence of suitable nutrients for maintaining a state of sound health. However, I would like to focus mostly upon the problems as seen in our urban areas, Chicago being very typical.

My practice is located in the heart of the world's largest concentration of deprived people—the Robert Taylor-Ickes-Stateway Gardens Housing Development that runs in an unbroken line for twenty-two blocks along Chicago's State Street. I am involved with residents of that community at varying levels of activity. I have entered their homes, conversed with them, planned with them in various community projects, and lastly but now least, treated them as patients. They are mostly very good people yearning for the promise of democracy to be fulfilled. They have a great deal of despair that borders on absolute, irreversible hopelessness. They have dreamed and dreamed and dreamed, to the point where they now feel that their dreams are impossible dreams to fulfill. Their dreams are very simple. One of the most important dreams is that of securing dignity and being able to achieve the minimum level of subsistence that would be consistent with maintenance of good health. They have grown weary and they now are extremely impatient. I promised some of them that I would tell you that they see this Committee as the last viable hope that something will be done to liberate them so that they can become useful and productive citizens. I am here only because I, too, see this Committee under its distinguished Chairman and his fellow senators as men who are concerned and who will, hopefully, realize the extremely great responsibility you have of convincing your colleagues in Washington that hunger and other major deficiencies in American society must be corrected if democracy is to survive. Let us then look at some of the problems.

The problem of malnutrition is a problem of ill-health. When one considers the status of health among the underprivileged in the country, one must look at many consequences of malnutrition.

It is a cold, unadulterated fact that the infant mortality rate in the deprived areas of Chicago and other urban areas runs more than twice the national average. For example, in the Lawndale or westside area of Chicago, 46.4 infants die for every 1000 born alive while in the United States 23.7 infants die for each 1000 live births. Many scientific studies have shown that anemic mothers have a greater chance of having either a stillborn child or a mal-developed child who will most certainly be exposed to those kind of illnesses that will take his life before the age of two years. But if the mother is anemic because her nutrition is poor, it is quite clear that malnutrition is a leading cause of infant mortality.

In an unpublished study of various Chicago communities in 1968, the Chicago Board of Health nutritionists found that 41 per cent of nearly two thousand infants at an infant welfare station had iron-deficiency anemia while 46 per cent in a near northwest Latin American community had low hemoglobin levels. In a Chicago Board of Education study it was found that nearly one-third of all Chicago preschool children enrolled in Project Headstart had iron-deficiency anemia in the year 1965.

The bulk of iron consumed by the typical American who is not anemic comes from the eating of certain food substances, such as protein-rich, red meats. There is little hope that the typical impoverished person in our society will consume proper nutrients under current programs available to him. It is not surprising, therefore, that anemia is one of the most critical problems facing the urban dweller, be he Appalachian white, American Indian, Latin American or Afro-American! But there are other severe problems associated with malnutrition.

On any given day in the wards of the monstrous Cook County Hospital, one can find diseases such as Rickets—a condition medical texts describe as of historic interest only. Mental retardation and stunted physical growth and development will be found running rampant through deprived areas when the individual has managed to avoid death in his early years.

The high consumption of carbohydrates which, though cheap to purchase, insures the

bulk of the typical diet in the underprivileged areas, but is devastating to his health. A high carbohydrate diet is known to accelerate the tendency to obesity which, in the underprivileged areas, represents undereating rather than the overeating characteristic of the more affluent rich, fat, middle class individual. One can anticipate early onset of conditions such as Diabetes Mellitus, hardening of the arteries, heart disease, high blood pressure and other chronic, disabling conditions. Inadequate dietary intake also fails to help the body maintain the necessary defense mechanisms to ward off infectious diseases. Thus, TB rate per 100,000 in the Chicago area is astonishing. Chicago has 63 per 100,000, which represents one of the nation's highest. But in the near westside area where it is all black except for the absentee merchants, the rate is 220 per 100,000; while in Glencoe, Illinois, one of the more affluent suburbs, the rate is 3 per 100,000. To avoid Tuberculosis it is necessary to maintain a state of good nutrition and non-congested living arrangements. Neither option is open to the impoverished. The rats in the deprived areas even lead better lives than the humans! And, perhaps, when one of the rats who is a carrier of Bubonic Plague bites one of his victims and causes an epidemic of Bubonic Plague to strike across the urban and suburban areas of this country, then we might see a more responsive, affluent America dealing with the problems of the poor. But, we cannot wait for that type crisis to occur. Action must be taken now. I will not bore you with more and more statistics, but rather I think we can turn to some programs that may help to alleviate some of the conditions that exist.

Since everyone agrees that malnutrition has to do with illness, then it would seem most appropriate to look at the availability of forces for combating illness. First, many of the illnesses that occur in the malnourished are preventable. It would seem reasonable, therefore, that one should start from the beginning and try to prevent malnutrition. Thus, the initial efforts to alleviate the problem should be to eliminate the conditions that cause inadequate dietary consumption by the impoverished. To do this we must look at immediate and long-range goals. The long-range goals of any society should be to constantly improve upon the quality of life for all its citizens. This implies a commitment of public policy geared toward rehabilitating those who have been displaced by technological change to become productive and useful citizens. Here we talk about economics. I am no scholar on economics but feel that it is unnecessary for our economy to plan to have chronic unemployment or under-employment in order for us to survive as a nation when, in fact, it only insures our death as a nation. Every human being has a right to life, liberty and happiness. Thus, I believe we may be talking about re-defining work. Work in a society that I envision would include work by the welfare recipient. A mother who may have five children on ADC is subsidized by government. If she has no talent or cannot be trained to pursue the useful form of work, then she can be considered a working mother to many children. For example, she could be one of the mothers who could manage day-care centers with professional and technical assistance by the various agencies, both public and private, who are concerned with such problems. The significant thing is that her dignity would be preserved and she would be making a contribution to the advancement of American society by helping to train children to become useful and productive citizens of tomorrow. The development of such programs implies a total re-orientation of our thinking about caring for those in our society who cannot care for themselves. It requires discarding our welfare program, since it becomes clear that the patchwork needed for improving the welfare system in this country is such that it would prove very costly, while basic re-orientation to meaningful alternatives would be much more economical and more humanistic in outlook. The various proposals being discussed at varying levels of government such as the Finch, Moynihan plan and the Burns proposals, while going a step beyond our present welfare program; at best, can be considered stopgap measures. Such stopgap measures are important, but only if we hope to achieve in this country. My first recommendation, ultimately the total elimination of poverty therefore, is:

Appointment of a presidential commission, composed of representatives of all segments of American business, governmental and social life. This commission would be given a charge to look into every conceivable facet of our life as a nation to develop a plan to eliminate poverty in this country.

I mentioned from the outset that there is a crisis and obviously one meets the crisis with a crash program to achieve immediate goals. There is surplus food in this nation. Mr. Chairman, you wrote a distinguished record in the food for peace program of our late, great President John F. Kennedy. It seems to me that our task then would be to somehow get the surplus food to those who are starving. According to Dr. Arnold E. Schaeffer, Chief of the Nutrition Program in the Division of Chronic Disease Programs of the Health Services and Mental Health Administration, starvation does indeed exist. It would seem ridiculous that the federal government, having supported such studies, would not take the necessary action to get foodstuffs to those who are needy, regardless of the mechanism that is necessary. Some will call it socialism, but I am unconcerned because it seems to me our task is to preserve democracy and if it does not function we will have to think about its demise. There are many mechanisms that would be available for the distribution of food to the hungry. My only thought is that we do it consistent with preserving the human rights of every individual. The pattern would need to vary depending upon the community involved. Thus, in rural areas it would appear to me that a delivery system would be similar to the mail delivery system, except that trucks would go to the isolated area and deliver the required goods to the impoverished families. On the other hand, in the city it would be desirable to have distribution centers located in facilities which the people are accustomed to. For example, many churches have community centers and it would be most impressive to me that the neighbors of the poor would help their government get food to the less fortunate. One in the establishment of cooperatives where could also envision the government aiding foods would be initially provided by the surplus food program. But ultimately, one would be training impoverished people to self-help through being exposed to the mechanisms of storage and delivery of food substances in an atmosphere of jobs and freedom.

The beehive of activity implied by the preceding considerations would be reminiscent of our total national efforts in preparing and sustaining World War II. The difference would be we would be demonstrating as a nation that America, in fact, is the world's great hope in showing that man can reach a state of the good life where all can enjoy the fruits of human effort.

Then we have the situation where those who are most affected are not even responsible for themselves. That is, our school-age population, especially those in the early years. It is incredible that in most of our urban areas there are no school lunch programs. Breakfast is the most important meal and that meal which most children do not get at home in urban areas of our city. They do not get it at home because the families cannot afford for them to have it. And yet, we have to orient our thinking toward making sure that no child enters school hungry at the beginnning of his school day. Unquestionably, learning is impaired; and ultimately, such children end up becoming dropouts and therefore, we care for them under drastically different but certainly highly undesirable circumstances. Here we talk about breaking the cycle of poverty at one of the earliest stages of its development. I would, therefore, recommend:

The development of a school breakfast and lunch pogram, but emphasizing the school breakfast program for all children leaving it to the option of each parent whether his child should eat breakfast at the school. Mechanisms certainly can be devised which would make it unnecessary to create new structures for lunchrooms; but, rather, one can have a situation similar to what many hospitals have and have caterers prepare the food for the school.

Another highly vulnerable group is the pregnant mother. Iron intake is exceedingly important and easy to achieve through established resources. It is appropriate to insure that every pregnant mother has the means to achieve a satisfactory hemoglobin level, and therefore avoid anemia. That can be done through the physician's office. He can write a prescription very simply. The problem comes in very simply, making sure the means exist for purchasing the drug through the pharmacist. This will require making appropriate changes in the medicaid program to implement. There will be no need for drastic changes to achieve this goal. It means establishing the appropriate guidelines such that pharmacists in this country will not subsidize the government.

Finally, I believe the food stamp program needs to be abolished as we move toward implementing some of the suggestions made earlier. Additionally, however, I would believe any program having to do with the distribution of surplus foods and health problems in recognition of medical and health problems needs to be done by the Department of Health, Education and Welfare, rather than the Department of Agriculture. The reason is very simple: The Department of Agriculture has a conflict of interest in that it has programs geared toward curtailing the producing of foodstuffs and, therefore, cannot be held responsible for distributing food to the needy.

Mr. Chairman, the hour is late. The poor will not continue to wait and I would like to cite the feeling of a little 6-year-old boy in Chicago, writing in the Chicago Tribune on June 1, 1969, this poem:

"Black boy, black boy, walking down the street;
Black boy, black boy, had nothing to eat.
He said to himself, 'I have been starving all week;
I have no money to buy something to eat. I have to steal,
But—if I want to stay alive, I will have to.'

"Went into the store, slipped three cans of soup into my pocket—
Went out. Went to a broken down house, Took out my soup—my knife;
I opened it and ate it cold. I am the people . . . we sing,
Black boy, black boy, walking down the street;
Black boy, black boy, has something to eat."

Eliot speaks for a generation of the poor. They are hungry, will suffer chronic illness, become dropouts and stay in the vicious cycle of poverty, ignorance, disease and dependency. That is the truth of the matter. The consequences are more far-reaching: communicable disease knows no boundaries and will spread from poor to rich at will. The rapid rise of VD in the past decade is typical. But even more significantly, theft of a can of soup today, the toss of a firebomb tomorrow—not in the ghetto, but in the city and

in the suburbs. Not just black, but white and brown. In short, the economics of poverty is such that the poor are coming together. Improvement of nutrition is the first step in improving the health and welfare of all. Thank you.

ORDER FOR STAR PRINT OF S. 1993

Mr. CASE. Mr. President, I ask unanimous consent that S. 1993, a bill to promote public confidence in the integrity of Congress and the executive branch, be star printed with the same number, but reflecting the amendment to it, which I filed later, adding members of the Committee on the Judiciary as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDING NETS FOR THE UNEMPLOYED IN THE FIGHT AGAINST INFLATION

Mr. KENNEDY. Mr. President, yesterday on NBC's "Meet the Press," Prof. Walter Heller, a former Chairman of the Council of Economic Advisers and one of America's most distinguished economists, analyzed in detail a number of the basic considerations involved in the continuing debate over the Nation's current economic policy.

One of the most important parts of Professor Heller's interview was his call for immediate planning by the administration to alleviate the burden of rising unemployment likely to be produced as our current fiscal policy begins to bring inflation under control. As Professor Heller made clear, it is our poorest and most disadvantaged citizens who will be forced to bear the first and heaviest brunt of the fight against inflation. Professor Heller noted that some of the leading economic indicators, such as real output, investment in plant and equipment, and retail sales, were already beginning to show distinct signs of softening, and he predicted that the economy was now at the turning point in the effort to roll back inflation.

Therefore, Professor Heller said, since inflation may now be waning, any softening in the economy is likely to be reflected in the foreseeable future by an increase in unemployment. If we are to continue an effective battle against inflation, he said, we must begin now to take adequate steps to build "landing nets" for the unemployed. He suggested a variety of useful measures that should be prepared to reduce the potential impact of unemployment, and thereby avoid the enormous social and political consequences that would otherwise ensue across the Nation if there is a substantial increase in the level of unemployment. Among the possible approaches he suggested were—

Increases in unemployment compensation;

Improvements in public and private training programs, including government residual employment programs;

And, some form of income maintenance program to relieve the most serious burdens of unemployment.

I agree with Professor Heller that the administration should act now to insure that the young and unskilled, black and white, do not suffer disproportionately in the transition of an inflation-free economy. However wisely and gradually we go about ending inflation, there will inevitably be the risk of a substantial increase in unemployment, especially among the young and unskilled. To impose a disproportionate burden on particular groups is unfair. An increase in unemployment may be coming, but we can relieve its harsh impact by adopting adequate policies in advance.

If we do not act now, it is clear that the already disruptive tensions in our society are likely to increase. We need more generous programs now, before unemployment increases, not some time in the indefinite future. We need realistic programs to help those who will be unable to obtain their first job or keep their present job if the labor market becomes too slack.

Mr. President, I commend Professor Heller's thoughtful comments to the Members of Congress. Because of the importance of his remarks at this crucial juncture in our Nation's economic policy, I ask unanimous consent that the full text of his interview be printed in the RECORD.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

MEET THE PRESS, JUNE 29, 1969

Guest: Dr. Walter W. Heller, former chairman, Council of Economic Advisers.

Panel: Edwin L. Dale, Jr., New York Times; Stanley Levey, Scripps-Howard Newspaper Alliance; Richard Janssen, Wall Street Journal; Paul Duke, NBC News.

Moderator: Lawrence E. Spivak.

Mr. SPIVAK. Our guest today on "Meet the Press" is Dr. Walter W. Heller, one of the nation's leading economists. Dr. Heller served as Chairman of the Council of Economic Advisers under President Kennedy and President Johnson. Now Professor of Economics at the University of Minnesota, he is often called the "Father of the New Economics."

We will have the first questions now from Paul Duke of NBC News.

Mr. DUKE. Dr. Heller, the fight over the income surtax reaches its climax in the House tomorrow and even if the bill is passed by the House, it may be defeated in the Senate. What do you see as the economic consequences if the tax is discontinued?

Dr. HELLER. Well, I think there are three consequences that you would have to look to. One, there would be a signal to people that we are now really dead serious about fighting inflation. Two, I think interest rates as a result would be tightened up still further by the Federal Reserve. Third, I think the Europeans would begin to wonder again about the dollar and let me add a fourth, which is a social factor: Namely, we would have less adequate financing of some of our desperately needed social problems.

Mr. DUKE. Do you agree with Treasury Secretary Kennedy that we may have runaway inflation if the tax is discontinued?

Dr. HELLER. Well, if you mean by runaway inflation the kind of things they had in Europe, let's say in Germany and so forth, not 10, 20, 30 per cent inflation. We have a prodigiously productive economic machine and this is not a country where we are going to have runaway inflation, but intolerable inflation if we don't do the job that needs doing, yes. Five, six, seven per cent would not be out of the question if we failed to take measures like extension of the surtax.

Mr. DUKE. Now, the fight against the surtax is being led by Democrats and the indication is an overwhelming number of Democrats in the House will vote against the bill. Do you regard these Democrats as acting irresponsibly?

Dr. HELLER. Well, what they are trying to do is make a point. They have been bypassed by the tax reform special several times. Tax reform was dropped from the 1964 bill. Tax reform was dropped from the 1968 program, and they want to see that tax reform is made part of the commitment before they vote for the surtax. They are not against the surtax as such.

Mr. DUKE. Well, in this particular fight do you regard any tax reform as more important than extending the surtax?

Dr. HELLER. I don't see why you have to make a choice. There is no reason that you can't combine the two commitments, extend the surtax, if necessary extend the withholding rates as they did for 30 days, and do it again, and meanwhile hammer out some commitments that mean meaningful tax reform so that you don't have a lot of people forced to pay the surtax while there are a lot of others who are allowed to escape scot-free. There is no necessary conflict between these two.

Mr. DUKE. In other words, you think the bill should be passed as it now is and then bring out a tax reform bill after that?

Dr. HELLER. Well, but I'd like to see the liberals succeed in getting a firm commitment from Richard Nixon and Wilbur Mills to put through that meaningful tax reform in the process of their voting for the surtax.

Mr. DALE. Dr. Heller, assuming passage or extension of the surcharge, how do you view the economic outlook for the rest of this year in terms of growth of the economy, unemployment and inflation?

Dr. HELLER. Well, I think we are at an important turning point in the economy in this sense: Behind the facade of inflation, of high interest rates and so forth, I think there is a distinct softening in the real advance of production and employment. We have already seen the rate of advance in real production drop from 6.5 per cent at the beginning of last year to about three per cent at the beginning of this year. I think it is even slower now.

Secondly, when you look at the plans of business for plant and equipment investment, those seem to be tailing off, the rate of increase is diminishing for the rest of the year and certainly consumption hasn't been all that healthy. Retail sales are about two per cent above what they were eight months ago. That isn't even as much as the price increases. So, I believe we will see a continued softening in real output in the economy. I believe that it is a 50–50 chance that by early 1970 there will be a zero increase in GNP and that means, on one hand, that unemployment is bound to go up and it means, on the other, that inflation will begin to ease but that will come—you know, don't hold your breath; that will come a little more slowly than the rise in unemployment.

Mr. DALE. Well, as you know, a very large number of the citizenry and, in particular, businessmen, are really quite skeptical about the inflation part of it in particular. They see the wages going up at this fantastic rate this year. Some of the construction wages are as high as 15 per cent settlements and others in the range of seven to eight, and they simply doubt that such mysterious things as a budget surplus and a tight money policy by the Federal Reserve will really have any effect in slowing the rate of price increase. What sort of a rate do you think we would get down to? It is 7 percent in the last three months.

Dr. HELLER. Yes, but the overall GNP deflator, which we economists use, is about

4.5 so let's say it is somewhere between 4.5 and 5.5 today. Some administration forecasts have been that we would be down below three per cent by the end of the year. We won't. I think we will be lucky if we are down below 4 per cent by the end of '69.

There is a lag in this. The real factors first take hold, then you get some easing in the monetary situation which I think we will get before the end of the year. Then you get some squeeze on profits, you get some unemployment, and then, gradually you get some easing in the inflationary situation.

I think we will be lucky if we find 3 per cent year over year price increase in 1970.

Mr. DALE. How about unemployment? How high do you think it will go?

Dr. HELLER. You will have to ask Bill Martin and Richard Nixon and Wilbur Mills and a few others. Don't ask me.

Mr. DALE. Assuming zero growth in the first half of next year.

Dr. HELLER. Well, zero growth would mean if it is just fleetingly zero growth and then begins to move up again, you would have to be ready for 4.3, 4.4, 4.5 per cent unemployment. And let's remember that 4.5 per cent unemployment as against 3.5 per cent today means 830,000 people unemployed a year from now let's say, who are employed today.

Mr. LEVEY. Dr. Heller, if you had been President Nixon's Chairman of the Council of Economic Advisors, which isn't a very likely possibility——

Dr. HELLER. Granted.

Mr. LEVEY. What advice would you have given him that the present Council has not given him, or the Treasury Department has not given him, about the fight on inflation?

Dr. HELLER. Well, let me say first of all that the Treasury, the Council, the Budget Director, Arthur Burns in the White House, George Schultz, is a very competent corps of economists; they know what they are doing. That does not, however, mean that they can't make some mistakes.

I would have, for example, counselled holding onto the surtax at the ten per cent level rather than dropping it to five per cent on January 1st. That is not inconsistent with a prediction of weakening in the economy because I think we need those funds to finance the programs that you need to build landing nets under the people who are thrown out of employment in the fight against inflation. The cannon fodder in the fight against inflation are the people at the bottom of the ladder and you have to protect them with government programs.

Secondly, I would have advocated suspension of the investment credit instead of repeal. I think we still need a strong growth program in this country and I don't think we ought to abandon it and, third, I surely wouldn't have declared open season on wage and price bargains in the private economy by saying, "No, no, we won't intervene. We will have nothing like guideposts, nothing like ground rules," and then side by side with that rattle the wage-price control skeleton and stimulate people to increase prices and wages. Within the overall framework of a tight fiscal policy and tight monetary policy, on which they are right, I think they have made these mistakes that I have just listed.

Mr. LEVEY. What are the dangers of overkill, what are the likelihoods that tight money and reduced credit and all the other stringent steps being applied to the economy now will result in putting the brakes on too fast and skidding into a recession?

Dr. HELLER. Well, as one who has been burned by a prediction of overkill, or at least overcool a year ago, I have to proceed with some caution in answering that question. There is always that danger. If the Federal Reserve determined to atone for past sins, like last summer when they, under the influence of economists like myself, I guess, loosened the monetary ties a little too much, if under the influence of those memories they loosen—they tighten too long, they overstay tightness, yes, we could fall into a recession. And in any event in the process of an effective fight against inflation, we have got to expect a rather uncomfortable period in between the soaring '60's and the heavenly '70's. There is going to be a period when we are having more unemployment than we want, when we are having more profit squeeze than we want and the question is how long will the Administration under Richard Nixon stand still for that?

Mr. JANSSEN. Dr. Heller, the Chairman of the Federal Reserve Board, William McChesney Martin, warned recently that before inflation is ended we will have pain and suffering. Do you agree, and for whom?

Dr. HELLER. Well, the pain and suffering is reflected in the comment I just made. The pain and suffering, interestingly enough, will sort of be at the opposite ends of the economic spectrum. On the one hand I think there will be pain and suffering in the squeeze of profit margins and aggregate profits from the first quarter of this year to the first quarter of next year profits might be down as much as ten pecent and then at the other end of the spectrum, and in terms of social and political tensions, much more serious is the fact that we do knock the fellows at the bottom of the ladder off first. It is sort of a "last in first out" phenomenon when there is unemployment.

Inflation is thought to hurt the poor most. Actually the ones who are poorest of all, who don't have jobs, are the ones who have been moving into jobs faster under the pressure of excess demand than the rest of the economy. All kinds of figures show that, that while the overall employment rate went down ten percent, the unemployment rate for people in the ghettos went down 20 percent. They are going to be knocked out of jobs first, and we have got to protect them.

Mr. JANSSEN. How much knocking out of jobs of those people can the nation afford socially and politically, with violence in mind?

Dr. HELLER. Well, precisely, what I am saying is you can't afford very much until you build in (a) a more generous unemployment compensation system; (b) an income maintenance system that will assure that both the people who have inadequate paying jobs as well as the ones that are knocked out of employment will have this landing net, this floor underneath them; (c) you have got to beef up both the private training programs, private, with some government subsidy, and the residual employment program of the federal government. Unless you do this, you are inviting social tensions in the fight against inflation that may become unbearable.

Mr. SPIVAK. Dr. Heller, in September of 1968 you seemed confident that the ten percent surtax and the budget cut would check inflation. Why do you think your prediction proved to be so wrong?

Dr. HELLER. Well, let me make clear first of all that the prediction wasn't that it would immediately check inflation. The prediction was that it would slow down the economy. Now it has slowed down the economy. I mentioned earlier, the economy slowed down from six and a half percent a year to less than three percent a year of real advance in production. Secondly, it slowed down consumption. Retail sales are virtually where they were when the tax was passed, the surtax was passed, whereas in the preceding six months they jumped up $2.5 billion. Now why we went wrong nevertheless in the speed of the slowdown, is really two things. One, during the Congressional argument on the surtax, inflation took much deeper hold, sank much deeper roots, I think, than we were aware of. And secondly, businessmen say "Well, with inflation coming up and with the general assurance of continued high employment and growth, we might just as well go ahead and invest, even though the immediate situation doesn't look so good." So both in plant and equipment investment and in housing, we went off on our forecasts.

Mr. DUKE. Dr. Heller, there are some economists who disagree with you. They believe that the economy is virtually out of control, that it has so much head wind that the normal tools for fighting inflation just aren't going to work, that what we need are wage and price controls. How do you stand on that?

Dr. HELLER. I stand dead set opposed to direct wage and price controls. That is giving up the game. That is throwing out the baby with the bath water. If we want a market system in this economy of ours, if we want the efficiency of that system, it is folly to put on direct wage and price controls unless the economy is in allout war, and then perhaps it wouldn't matter. But in this kind of circumstance what we need is fiscal and monetary restraint and I think we need some Presidential leadership that we are not getting, on setting some general ground rules for wage and price behavior.

I think the American businessman and labor leader is responsive to the White House and if the White House would say "This is the public interest," I think it would have some effect in curbing their excessive wage and price increases and I think it is high time that the Administration realized this.

Mr. DUKE. Does this mean that you would advocate restoration of some form of the old wage-price guidelines?

Dr. HELLER. You couldn't do it overnight. Paul McCrackin is quite right. The guideposts as such were dead. But I think some leadership, some definition of the public interest, some form of voluntary restraint, some form of ground rules worked out between business and labor and government—sort of an economic disarmament agreement, that, it seems to me, would be very healthy for this economy and it would not lead to direct controls. It would help prevent them.

Mr. DALE. When things begin to cool off, including at least some rise in unemployment, which you have foreseen and many others have foreseen, the government will then face a choice, either to begin re-inflating again and pumping up demand—particularly the Federal Reserve—or, alternatively, to continue restraint with a view to stopping this inflationary psychology that you really mentioned—the businessmen going ahead and investing because it would just cost more later; the belief that inflation is perpetual and the government will not permit any kind of a recession. Which choice do you think it should make?

Dr. HELLER. Well, which choice it should make depends on what provision it makes to protect the people whom it asks to bear the brunt of the fight against inflation and, in particular, I am talking about those, the most disadvantaged members of the community who are going to bear the brunt. For them it will mean pain; it will mean hardship unless the administration stops talking and starts acting on programs to provide these fallout shelters, these economic fallout shelters for those people. If they do, then they can press the fight against inflation more firmly and more persistently.

Mr. DALE. And for longer.

Dr. HELLER. For longer. That is, whether you use gradualism or whether you use sadism; either way, you can do more of it if you provide this fallout shelter, and this is where economic policy and social policy intertwine. You have to go beyond the new economics; the new economics isn't enough for the economy of the narrow band around full employment.

Mr. DALE. Well, much of the inflation psychology, as you know, has stemmed from the belief in business that the government now has the means to prevent there being any significant slowdown in the economy, certainly not any prolonged recession and that,

therefore, decisions are made on the basis that there is really no risk.

Don't you consider this a serious problem, that some uncertainty should be introduced?

Dr. HELLER. Well, I would put it this way: That, yes, as far as the intermediate period is concerned, but the idea we should abandon our commitment—and I don't suppose you are suggesting that—to full employment, which we know how to produce, or to rapid growth, which we know how to produce, that is wrong, but you have to have some period of uncomfortable transition before you get back on that flight path of full employment and rapid growth.

Mr. LEVEY. Dr. Heller, is it really proper to use the future tense when you talk about pain and suffering? According to some recent BLS figures and to a story in the Wall Street Journal, about fifty million American workers, in terms of buying power, are worse off than they were four years ago as a result of taxes and as a result of the increase in the high cost of living. For them the recession has already begun. Aren't they already bearing the brunt of these policies?

Dr. HELLER. They are on a treadmill and I want you to notice carefully that the formula I have suggested is designed to help them at the same time that you provide some protection for the main victims of the fight against inflation.

Subduing inflation and bringing down high interest rates helps that group that you are talking about that has this treadmill feeling because then they have to pay less, relatively, for groceries and pay less for borrowing money and so forth.

At the same time, you don't do it at the expense of the follow down below them at the bottom of the ladder because you provide a way of easing the pain for him and of easing the hardship, and this combination—that means extending the surtax, staying tight, being ready to finance these programs, beating inflation and at the same time providing this shelter for those who are hurt.

Mr. LEVEY. How much confidence do you have that in the event of a recession the Nixon Administration will be able to or willing to move quickly and decisively against it?

Dr. HELLER. Well, it seems to me that both political and economic factors suggest movement under those circumstances. However, you have to coordinate the Federal Reserve. You can't just talk about the Nixon Administration. The question is will the Federal Reserve recognize when it may be overstaying tightness.

My own feeling is, with Mr. Nixon remembering 1960 when perhaps the recession was "the" marginal factor that defeated him, and also having a competent corps of economists around him, my own feeling is that if there is a recession or a period of no growth in the GNP, that we will see a reasonably rapid response by the Administration.

Mr. SPIVAK. Gentlemen, we have less than four minutes.

Mr. JANSSEN. Dr. Heller, you are a bank director now, among other things. Who is to blame for our present high interest rates?

Dr. HELLER. What's to blame is primarily excess demand. I wish the banks hadn't gone up and our own little bank went up somewhat reluctantly, as some other banks did, but underneath it is the fact that we do have excess demand for goods and services and in the process have generated tremendous pressure on liquidity of banks and they felt impelled to charge these high rates. As I say, I wish they had held off.

Mr. JANSSEN. Well, early this year you wrote that interest rates may even come down a bit in the first half of this year and instead they did go up sharply. What happened?

Dr. HELLER. I'd rather remind you, by the way, that early this year I made a very good forecast of gross national product and price increases. What I said, essentially, was that while they might go down a bit, they were bound to stay on a high plateau. The real reason is the demand/supply relationship. We have enormous demands for money and will continue to and even when interest rates ease the rest of this year, as I expect them to, some time starting this summer they are going to come off a peak and stay on a high plateau because we have so many things to build, so many things to buy, and a growing unwillingness to put money into the bond market and into banks.

Mr. SPIVAK. Dr. Heller, there has been some talk, I believe in the Senate of a wartime excess profits tax on corporations. Are you in favor of such a tax?

Dr. HELLER. No, I am not.

Mr. SPIVAK. Why not?

Dr. HELLER. First, because it would be extremely difficult to single out the war profits.

Secondly, because actually overall profits are a little below what they were a couple of years ago, or only very slightly above, and, secondly, because an excess profits tax gets to be an absolute can of worms. By the time we got rid of the Korean excess profits tax, it was just riddled with holes and I just think it is a very inefficient device in spite of the emotional appeal.

Mr. DUKE. Dr. Heller, this period of the 1960s has been our longest period of prosperity in this country. Do you believe our economy has become depression-proof?

Dr. HELLER. Well, in an economy as huge and vast as ours, mistakes and surprises can occur, as President Johnson once put it, and I don't think we are recession-proof. We will have recession; we will have slowdowns, but I think they will be short and shallow. We do know how to maintain a fully employed, vigorously growing economy a great majority of the time.

Mr. DALE. Going back to the guideposts and their abandonment, are you suggesting that the rate of price increase this year is larger, significantly larger than it would otherwise have been if the President had adopted the Johnson policy of tackling specific price increases?

Dr. HELLER. Yes, I do. I don't know how you define "significantly," but when some investment advisors wrote their clients and said, "Boys, the lid is off; the Administration doesn't care where you raise wages and prices—at least it is not going to interfere if you do," then I say that must have been a material factor in the price boost we got in the last quarter.

Mr. LEVEY. Dr. Heller, in view of the highly complicated nature of the economy and the need for integration of all the policies that we have with respect to it, do you think the continued independent status of the Federal Reserve Board is a proper one?

Dr. HELLER. I happen to believe in the independence of the Fed within, but not of the Administration.

Mr. SPIVAK. On that note, we have to end. I am sorry to interrupt, but our time is up. Thank you, Dr. Heller, for being with us today on "Meet the Press."

USE OF GI BILL—DOING JUSTICE FOR VETERANS

Mr. YARBOROUGH. Mr. President, the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, held hearings last week on bills to improve the education and training provisions of the GI bill.

The major bill before us is S. 338, which I have introduced and which would increase the allowances paid to veterans when they take advantage of the GI bill. Together with its amendment, S. 338 will raise these allowances for all forms of GI training, whether high school, college, or some form of vocational education.

That this measure should be passed is supported by the evidence of comparative use by veterans of the GI bill. Figures I introduced into the hearing record show that 50% of the eligible veterans used the education and training benefits after World War II; 42 percent used them after the Korean conflict.

But since the cold war GI bill was established for men entering the Armed Forces after January 31, 1955, only 20 percent of those eligible have made use of it.

For those separated after August 4, 1964—the Vietnam veterans—only 21 percent have made use of this opportunity to advance their education and skills.

One reason for this reduced use of the GI bill is the low allowances furnished the veteran while he goes to school. If we made the benefits comparable to those available to World War II and Korean veterans, I think many more returning servicemen would take advantage of it. My bill, S. 338, will do that.

A second reason for this tragic condition is the lack of information that servicemen get about their education opportunities when they are discharged from service. We heard some testimony on that, too, from witnesses before the subcommittee, who have set up in their service organizations, special sections to explain to returning servicemen what is available to them under the GI bill, and to encourage them to use the benefits under the bill.

President Nixon has expressed his shock over the low number of veterans using the cold war GI bill. He set up a special Cabinet committee to do something about it.

Yet his Veterans' Administrator asked the subcommittee not to act on the rate of benefits until the Cabinet committee has made some findings and come to some conclusion.

The low level of allowances does not need more time for more study. I see no need whatever for Congress to wait until October, as the Administrator suggested. That would mean just another year's delay before something is done to make the GI bill more effective and useful. It should be done before the fall term of school opens in September 1969.

I commend the subcommittee chairman, the Senator from California (Mr. CRANSTON) for his statement that he intends to proceed with S. 338. If the VA and the administration are not willing to exert leadership in using the GI bill for its full potential of enlarging the education and technical training of these young men, then Congress must do so.

We cannot let this unnecessary waste of the brains and skills of the Nation's young men continue.

I ask unanimous consent to have printed in the RECORD the figures on "Trainee Participation Under GI Bills," furnished me by the Veterans' Administration.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TRAINEE PARTICIPATION UNDER GI BILLS

	World War II	Korean conflict	Post-Korean[1] (April 1969)	Vietnam[2] (April 1969)
Eligible veterans	15,614,000	5,708,000	6,155,000	3,020,000
Total trained	7,800,000	2,391,000	1,232,000	621,000
Percent of eligibles	50	42	20	21
Farm trainees	690,000	95,000	355	100
Percent of trainees	8.8	4.0	(3)	(3)

[1] Includes Vietnam veterans and all persons who entered the Armed Forces after Jan. 31, 1955, and were separated prior to Aug. 5 1964.
[2] Includes all persons separated from the Armed Forces after Aug. 4, 1964.
[3] Less than 0.05 percent.

THE FINANCING OF POLITICAL CANDIDATES BY LABOR ORGANIZATIONS

Mr. CURTIS. Mr. President, it is against the law for labor organizations to finance political candidates and political parties. I rise to ask the question, "Why is this law so flagrantly disregarded?"

I would like to call attention to just one senatorial campaign in 1968. There may be an explanation showing that some of the contributions I am about to mention were within the letter of the law. These facts, however, do call for an investigation.

It appears that national unions gave John Gilligan in excess of $200,000 in his bid for the U.S. Senate seat won by Senator SAXBE. In the primary against then Senator Lausche, Gilligan received $58,950 from a committee set up to funnel funds into Ohio from the various unions around the country. This committee was called the Committee for Urban Interest. The Urban Interest Committee received funds from the following unions:

AFL–CIO, COPE	$15,950
American Federation of Musicians political fund	500
Building and Construction Trades Department, AFL–CIO	5,000
ILGWU	4,000
Laborer's Political League	5,500
Machinists Nonpartisan Political League	10,000
Marine Engineers Beneficial Association	5,000
Railway Clerks Political League	8,000
United Steel Workers Volunteer Political action fund	5,000
Total	58,950

AFL–CIO Committee on Political Education—COPE—gave a large amount of money to various Ohio State union operations—presumably for the Gilligan effort. Their contributions to this State were larger than to any other State in 1968:

Ohio Concerned Citizens Committee	$19,000
Ohio Labor Political Action Committee	10,000
Columbus-Franklin County AFL–CIO, COPE	$6,000
Ohio State AFL–CIO, COPE	29,000
Cincinnati AFL–CIO Labor Council, COPE	5,200
Total	69,200

They also gave $3,000 to the Ohio State AFL–CIO COPE earmarked for Congressman Vanik.

National Labor gave directly to the campaign as follows:

Action Committee for Rural Electrification	$500
Amalgamated Clothing Workers' Political Education Committee	1,000
Amalgamated Political Education Committee	4,000
Committee for Good Government (UAW)	5,000
Communications Workers of America	2,000
International Brotherhood of Electrical Workers	6,300
International Chemical Workers	2,438
ILGWU	1,500
Machinists Nonpartisan Political League	4,000
Marine Engineers Beneficial Association AFL–CIO Political Donations Committee	250
Oil, Chemical & Atomic Workers of America	400
Railway Clerks Political League	3,000
Railway Laborers Political League	3,800
Seafarers International Union (COPE)	10,000
Sheet Metal Worker's International Association Political Action League	1,000
Textile Workers Union of America	500
United Auto Workers COPE	27,000
United Rubber, Cork, Linoleum & Plastic Workers COPE	2,750
United Steel Workers volunteer political action fund	10,000
Total	90,538

Total union giving, $218,688.

Mr. President, I would like to read into the RECORD section 610 of the Federal Corrupt Practices Act, which is as follows:

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with an election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. For the purposes of this section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Mr. President, what has happened to the principle of equality before the law? Should not each one of the donors above listed be called upon to explain his particular transaction? Let us have the facts. The facts will protect the law abiding as well as expose any law violations that might exist.

Mr. President, I believe that a senatorial investigation is in order.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker has affixed his signature to the enrolled bill (H.R. 4297) to amend the act of November 8, 1966, and it was signed by the President pro tempore.

DEPARTMENTS OF THE TREASURY AND POST OFFICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATION BILL, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the bill. The Chair recognizes the Senator from Texas.

Mr. MANSFIELD. Mr. President, will the Senator yield, with the understanding that he may do so without losing his right to the floor?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, The Committee on Appropriations has authorized me to present to the Senate its report on the pending bill, H.R. 11582, making appropriations for the Treasury and Post Office Departments, executive Office of the President, and certain independent agencies, for fiscal year 1970.

Senators will find on their desks printed copies of the bill and the committee report, together with copies of the hearings, and I will now present to the Senate a brief summary of what is contained in the bill in the way of increases and decreases.

The bill which is recommended to the Senate provides new budget obligational authority in the amount of $2,280,195,000. This amount consists of definite appropriations in the amount of $1,105,269,000 and indefinite appropriations in the amount of $1,174,926,000. The grand total of titles I, III, and IV—new budget obligational authority—and title II—authorizations out of the postal fund—is in the amount of $8,787,208,000. This amount is an increase of $7,863,000 over the House allowance, but it is $34,519,000 under the budget estimates for fiscal 1970, and $629,688,000 over 1969 appropriations made to date. Revised supplemental estimates for fiscal year 1969 amounting to approximately $211,130,584 are pending and to the extent these supplementals are ultimately granted, this latter comparison will be modified. In other words, when the supplemental bills are passed, the amount of the appropriations over the 1969 appropriations will be reduced to the extent that the supplemental bills build up the 1969 appropriations.

TITLE I—TREASURY DEPARTMENT

Appropriations totaling $1,077,299,000 are recommended by the committee for the regular annual requirements of the Treasury Department for fiscal year 1970. This is a decrease of $7,610,000 in the revised budget estimates and an increase of $1,959,000 compared with the House bill amount of $1,075,340,000. The amount recommended is $70,446,000 over 1969 appropriations to date in the amount of $1,006,853,000, excluding pending supplementals totaling $15,072,000. This is the only increase in the Treasury Department over the House bill.

In connection with this increase of $1,959,000 for the Bureau of Customs, the committee recommendation was based on assurances from both Government and industry witnesses that work on the new commercial airlines facilities at Kennedy International Airport is proceeding on schedule. They need more custom inspectors there. The new TWA terminal will be ready for operation on November 1, 1969, and will, at that time, require the additional personnel requested in the estimate. Similarly, the committee has been advised that the BOAC terminal will be ready by April 1, 1970, and will also require staffing as requested in the estimate. The need for the 213 additional positions, or 191 man-years, for the Bureau of Customs to be used for processing persons arriving in the United States is very widespread, covering almost every area of the country and practically every airport. The Senate will find these listed on page 7 of the Senate report. The table shows the number needed at the major airports and at other airports and military airports, and the number needed along the Mexican border. Forty-five of these positions are shown as needed along the Mexican border.

The need for additional positions along the Mexican border was testified to as being caused not by the old-fashioned method of smuggling to avoid tariff, but by the vast amounts of marihuana and narcotics being smuggled across the border from Mexico into the United States.

The testimony is to the effect that in decades past the smuggling of narcotics and heroin was from the seaports. It is now being done along the Mexican border, and with the shortage of personnel there, it is impossible to check it all.

It was testified that one brick of marihuana can be placed in the back end of an automobile and after they get across the border, they will drive all the way to Chicago or some other distribution point. That brick of marihuana will be worth more than $20,000 in the black market. With that kind of lure, the problem is insuperable with the present low number of personnel. This is a very modest increase over the House figure.

Living in a border State and having been on the border and talked with customs officials a number of times, I think the money is desperately needed.

People complain about waiting for 1 and 2 hours at the airports before customs officials can see their baggage. The customs officials say it is impossible now with the vast number of overseas traffic by air to do their work. They do not have the opportunity to ask questions or to take the time to examine baggage.

TITLE II—POST OFFICE DEPARTMENT

In connection with title II—Post Office Department—the total authorization out of the postal fund amounts to $7,681,939,000. This is a decrease of $26,303,000 in the budget estimates and a net increase of $5,904,000 compared with the House bill amount of $7,676,035,000. The amount recommended is $553,939,000 over the 1969 appropriations to date in the amount of $7,128,000,000, excluding pending supplementals now in conference between the House and the Senate totaling $195,571,000. If the pending supplementals are taken into account, the committee recommendation over 1969 would be in the amount of $358,368,000—not the larger amount given above.

For administration and regional operation, the committee recommends a total appropriation of $132,069,000. This amount is $13,069,000 over the 1969 appropriation, $4 million under the estimate, and $1 million under the House allowance. That sum is for operating the office of the Postmaster General and the regional offices. The budget estimate for 1970 provided for an increase of $17,069,000 over the $119 million provided for 1969. This increase would have provided an additional 981 man-years of employment over 1969, thus raising total employment in central administration in Washington and 15 regional offices to 9,481 man-years.

The House cut $3 million and 127 man-years from the estimate, thus allowing funding for 854 additional man-years of employment over the 8,500 already on board. The bill before the Senate, after taking into account the $1 million additional reduction recommended—the Senate voted an additional $1 million reduction—still provides the appropriation item "Administration and regional operation" with a total of $132,069,000, an increase of $13,069,000 over 1969. The committee feels that the amount recommended is ample to carry out the activities of administration and regional operation in view of the large increase allowed over 1969.

The committee feels that employment in the Office of the Executive Assistant to the Postmaster General for Congressional Relations should be kept at the calendar 1968 level and appropriate language has been included in the bill in this regard.

For research, development, and engineering, the committee recommends the full $51,338,000, the budget estimate. This amount is $16,338,000 over the 1969 appropriation excluding the pending supplemental and $5 million over the House allowance. The committee expects that the Department will pursue a much more vigorous and results-oriented approach to research with the funds allowed. Specifically, the $5 million the committee added will provide for the restoration of 100 employees denied by the House, thus raising employment to 907, the number requested, and will allow the Department to resume or continue action in the following areas which would be subject to some fiscal constraints should the restoration not take place. I shall enumerate the areas of research, because many complaints have been received over the years, especially in recent years, of inefficiency in the Post Office Department.

First, I may say that I have been an ex-officio member of the Committee on Appropriations since I became a member of the Committee on Post Office and Civil Service a number of years ago, and I have been a member of this subcommittee since I came to the Committee on Appropriations over 4 years ago.

Over the years, Congress has cut out a big share of the research money that the Post Office Department has asked for. I think that the failure to do enough research has been one of the main reasons why we have heard so many complaints against the Post Office Department.

The Senate committee has restored the full amount. The House cut $5 million. We have restored the full amount that the Post Office Department has asked for research. I think it is a modest amount. It is $5 million out of a total appropriation sought for the Post Office Department, an authorization of $7,681,939,000 out of the postal fund. Here is what the restorations for research would provide:

First, experimental tests of container systems and equipment between the New York and Chicago gateways, two great distribution points for mail in the United States.

Second, the development of a new maintainability and reliability program for postal equipment.

Third, the conduct of human factors

studies in support of equipment development efforts.

Fourth, the test and evaluation of new color-sensing techniques for application in automatic indicia detection and code reading equipment development.

Certain tag-type stamps were used starting in 1963. The stamps were tagged with fluorescent material. When the stamps passed through a scanner, the scanner detected the denominations of the stamps to determine whether sufficient postage had been paid.

It is now proposed to make a new color-sensing device to determine colors without the use of fluorescent materials. When this device is completed, it is expected that the machines will read the amounts of postage with a great saving of time and personnel.

Fifth, continued development of a computer control system for parcel and sack sorters which will allow for sorting parcels and sacks on the basis of ZIP code keyboard entry.

In the post offices at Houston and Fort Worth, Tex., I have seen the automated machinery moving, sorting, and arranging parcels according to destination and dispatching them to various terminals. I personally believe that when we permit this research and provide for its implementation, vast sums will be saved in the Post Office Department.

Sixth, design and test of high rate, automatic scanning, and code printing system for application to mail processing. In response to our question, we were told that they already had equipment which could read typewritten addresses.

Seventh, development of a feasibility model of a device to assist in loading and unloading vehicles.

Eighth, development of design concepts for a new device to sort parcels using operator keyboard and voice coding techniques.

Ninth, design of new equipment to allow expanded employment of handicapped personnel in postal operation.

Tenth, development of components for an experimental, continuous letter-mail processing system for single-pass sorting.

Eleventh, preparation of a design concept for new sorting devices for sacked mail for use in both large and small offices.

Twelfth, development of feasibility models of flat mail coding devices and an evaluation of techniques through which to extend the use of optical character reading equipment to flat mail.

For the Bureau of Operations, the committee has recommended a total of $6,143,615,000. This amount is $1,904,000 over the House allowance and $166,544,000 over the 1969 appropriation (including a pending supplemental and a $62 million transfer from transportation). The $1.9 million added by the committee has been earmarked specifically to provide for increased window service in large cities. This additional amount will provide 643,000 additional window hours and fund 225 additional man-years or 250 positions, over the 69,490 man-years provided for in the revised estimate. This additional increase of 2.6-percent window service over 1969 would be provided in the 1,156 larger post offices that come under the work measurement system and where most of the mail services are provided.

There have been widespread complaints about the restriction of window service on Saturdays. People have waited in line for long periods before they could buy money orders or register letters. It is known that many people having limited incomes, and who cannot maintain bank accounts, or pay the bank service charges, do their banking through the means of money orders and registered mail. The closing of windows has resulted in limited service to the public. This is a modest amount, we think, to enable an increase and the restoration of that service.

I come now to title III of the bill, the funds for the Executive Office of the President.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Appropriations totaling $23,295,000 are recommended for the regular annual requirements of the items under title III—Executive Office of the President—for fiscal year 1970. The amount recommended is a decrease of $479,000 under the budget estimate; the same as contained in the House bill; and $4,549,000 over 1969. An increase of $1 million was allowed for special projects, White House office. This fund is used by the President for staff assistance on special problems which arise from time to time but cannot be considered the responsibility of any existing agency. In the past, that amount had been $1.5 million. The President is given great latitude in this area. It is not spelled out how he has to use that money.

The Bureau of the Budget was accorded an increase of $1,600,000 over 1969, including a small pending supplemental and a decrease of $434,000 under the budget. The increased funds over 1969 will provide for the employment of 52 additional personnel, of which 39 are to fill positions not filled in 1969 due to the personnel ceiling restriction and 13 new positions will implement the management information system program. Funds for 24 additional man-years of employment have been provided for the National Security Council.

TITLE IV—INDEPENDENT AGENCIES

Appropriations totaling $4,675,000 are recommended for the regular annual requirements of the four independent agencies under title IV of this bill for fiscal year 1970. This amount is the same as the House allowance and $127,000 under the estimate of $4,802,000. An increase of $457,000 was allowed the commission on obscenity and pornography to continue its investigations, and the availability of funds was extended to September 30, 1970.

Mr. President, this is a brief summary of what is contained in the bill. A more detailed explanation will be found in the committee report which is on the desks of the Senators.

Mr. President, there was a clerical error in one amendment of the bill.

I ask unanimous consent to modify the amendment on page 8, line 4, by inserting the word "not" after the word "of".

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the committee amendments to the pending bill, H.R. 11582, be considered and agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the order.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 11, after "(22 U.S.C. 401);" strike out "$106,151,000" and insert "$108,110,000."

On page 6, line 12, after the word "missions," insert "as provided by law".

On page 8, at the beginning of line 2, strike out "$133,069,000." and insert "$132,069,000".

On page 8, line 2, after the amendment just above stated insert a colon and *"Provided,* That not more than $220,000 of this sum shall be available for the payment of salaries and expenses of not more than twenty (20) employees in or under the Office of the Executive Assistant to the Postmaster General for Congressional relations."

On page 8, line 11, after the figure "3109," strike out "$46,338,000," and insert "$51,338,000,".

On page 8, at the beginning of line 23, strike out "$6,141,711,000" and insert "$6,143,615,000".

On page 9, line 7, after the word "operations" insert a colon and *"Provided further,* That of the amount appropriated by this Act for postal operations, $1,904,000 shall be for achieving a 2.6 percent increase in window service at large post offices."

Mr. YARBOROUGH. Mr. President, I offer an amendment of H.R. 11582 to continue three-a-day deliveries of mail in the business districts of major metropolitan areas and preserve the expeditious delivery of special delivery letters. I ask unanimous consent that the amendment be printed at this point in the RECORD. Copies of my amendment together with an explanation thereof, are on the desks of the Senators.

Postmaster General Blount has recently announced that he plans to reduce three-a-day business delivery to two-a-day, plans to cut special delivery service in half by reducing the number of delivery runs and plans to increase special delivery rates by 50 percent from 30 cents a letter to 45 cents a letter. The adoption of my amendment will prevent this drastic cut in our mail service.

Mr. President, ours is a consumer economy. Business mail moves our Nation. To indicate that three-a-day delivery service in business areas, by someone's reasoning, does not pay for itself and therefore should be cut simply does not make sense. It would be like the mayor of New York deciding that because the subway system was running a so-called deficit that he should therefore cut the number of train runs. Of course, by doing such a thing he would be making a difficult situation worse. Carried to its logical conclusion, such bookkeeper thinking related to subway service would paralyze the city, and such bookkeeper thinking would ultimately wreck the postal service.

Government is a service, not a profit-making corporation. That is why the Post Office Department exists as a Government institution—to promote the com-

merce and general welfare of all the people of our Nation.

The Postmaster General's proposed reduction of special delivery service is particularly distressing. Why, his proposal, while costing 50 percent more, would provide a mere "Dr. Pepper" type three-times-a-day service, with one midnight run to top off the day. Special delivery is a needed middle-ground communication service occupying as it does a role between routine mail and expensive telegraphic or special messenger service. It should be available to the public. It should be continued and improved upon, not weakened.

Our Post Office Department is a great public service institution. It could, as most institutions could, stand some improvement. I support such improvements in the form of capital investment, and more research and development funds. But we should beware of those who would "improve" the Post Office Department by killing it. The solution for inadequate service is not more inadequate service.

I urge the retention of these two needed public services by the adoption of my amendment, which will assure three deliveries a day of business mail, and continued special delivery mail deliveries at the present level without decrease of the special deliveries.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 10, before the period insert a comma and the following: "$3,145,000 shall be for continuing three deliveries each business day in business areas, and $4,169,000 shall be for continuing expeditious delivery of special delivery letters."

Mr. YARBOROUGH. Mr. President, the purpose of the amendment is as follows: The matters in the amendment were in the bill as it came from the Subcommittee on Post Office and Treasury of the Committee on Appropriations. They were not retained in the bill by the full committee. I reoffer the amendment adopted by the subcommittee.

The purpose of my amendment to H.R. 11582 is to maintain present levels of postal service by specifying the amount of operational funds to be used for, first, multiple-trip business deliveries, and second, special delivery. The amendment does not increase the amount of the Post Office budget as reported from the Committee on Appropriations but would prevent proposed diminished service in the following two areas:

First. Multiple-trip deliveries a day—business deliveries: The initial budget of $98.867 million for business deliveries was reduced to $95.722 million, a reduction of $3.145 million. This reduction will reduce multiple-trip deliveries to business establishments from three trips a day to two trips. The following table shows the number of affected deliveries:

	Deliveries (per day)	Routes
Fiscal year 1969	5,235,000	7,404
Fiscal year 1970 (original estimate)	5,350,000	7,567
Revised 1970 estimate	5,176,000	7,321

This means a reduction in 174,000 business deliveries a day to the American business world, and a cutting out of 246 business routes of delivery.

Second. Special delivery services: The initial budget estimate for this activity was $63.116 million and this was decreased to $58.947 million—a budget reduction of $4.169 million.

Presently, special deliveries are made within 2 hours of receipt of special delivery mail. If funds in the amount of $4.169 million are not provided, as in my amendment, special delivery service will be restricted to four trips a day, from 7 a.m. to 11 p.m. Thus patrons who pay for special delivery and expect expeditious service will not be assured of this service.

This amendment would continue expeditious special delivery mail to be delivered within 2 hours at the very latest, from receipt by specifying $4.169 million in the operational budget for this purpose.

Mr. President, Postmaster Blount recently announced that he plans to reduce three deliveries a day to two deliveries a day and to cut special delivery service in half by reducing the number of special delivery runs and raising rates by 50 percent.

We feel that raising the price of special delivery stamps by 50 percent and cutting special delivery service would be a blow to special delivery and would practically obliterate it.

Mr. President, unless we adopt this amendment, the Postmaster General in his letter indicated it would mean that the business houses of America, which receive two deliveries in the morning and one delivery in the afternoon, would receive only two deliveries. We have a consumer-oriented economy based on vast consumer consumption. It seemed to us that this cutout of afternoon deliveries would be an impediment to the business community and would cripple the service they get. This is not money savings. We think it would be a major blow to the business community.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of Delaware. I understood the Senator to say he offered this proposal in committee; but, if so, why is it not in the bill? Do I understand the Committee on Appropriations rejected the amendment?

Mr. YARBOROUGH. No. The subcommittee adopted the amendment, and the full committee rejected it. The full committee took it out. I am offering it here again.

Mr. WILLIAMS of Delaware. Do I understand the full committee rejected the amendment?

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. BOGGS. Perhaps I can at least try to answer my colleague's question, which is a good one.

There is a difference between this amendment and the amendment which the full committee rejected. The amendment in the full committee was to increase the amount of the appropriation by nearly $800 million. Is that correct?

Mr. YARBOROUGH. Not $800 million.

Mr. BOGGS. $8 million. Therefore, the committee rejected the amendment to increase the appropriation. I think it was a very close vote.

This amendment would not increase the overall appropriation, but by limitation and earmarking provide that out of the amount appropriated these services shall be continued. That is the difference between the two proposals.

Mr. WILLIAMS of Delaware. Do I understand there was enough in the bill appropriated but not necessarily needed that can make up this $8 million? It has to come from somewhere.

Mr. BOGGS. It would come out of the total appropriation.

Mr. WILLIAMS of Delaware. If it is to come out of the total appropriation and the Senator from Texas feels it will not be necessary to replenish that total we must proceed on the premise that the bill reported by the committee had some $8 million of watered surplus in it.

Mr. YARBOROUGH. I do not think there was any watered surplus in the bill.

Mr. WILLIAMS of Delaware. Then from where does it come? It has to come from somewhere. I am one of those skeptics who feels we do not get something for nothing. Where does the money come from if not out of the overall total?

Mr. YARBOROUGH. The overall total for the Operations item is $6,143,615,000. In offering this proposal it was felt that the Postmaster General could allocate at least $7.3 million out of $6,143,615,000 without having crippling effects.

As the able Senator from New Jersey knows——

Mr. BOGGS. Delaware.

Mr. YARBOROUGH. I am promoting the Senator to a larger constituency. Of course, Delaware is one of the original States of the Union and was one of the first to urge adoption of the Constitution. I pay tribute to Delaware as a great State. It may not be the largest in size or population but it certainly is in terms of leadership.

This amount is larger, of course, than the amount appropriated for fiscal 1969 by $423,615,000, because of the great growth of our people and the great growth of the mail—over 80 billion pieces of mail a year being processed. That is more mail than the rest of the world sends and receives. Our mail has gone faster during the past 3 years than all the mail sent and received in France each year. Therefore, with this great increase, the Postmaster General is requesting an increase of 387 man-years in the Central Post Office Headquarters in addition to the 1,866 there now. He feels that with this increase in managerial level personnel, certainly they can manage to find the money. We feel that this mail is crucial for the American business community which means, of course, the prosperity of the country.

Mr. WILLIAMS of Delaware. I am merely trying to establish what the sentiment of the Senator in charge of the bill is. Does he believe there is enough excess money in this appropriation bill that they can deduct this $8 million without disrupting service?

Mr. YARBOROUGH. No. I do not believe that. I do not believe there is any water in the budget of the Post Office Department. I think there is in the Defense Department bill, but not in the appropriations for HEW, or Post Office, or any of the other service departments of the Government. They have squeezed out all the water, as well as half the milk and the cream, too. But the Postmaster General believes that if we can get this extra management, ways can be found to get the $7.3 million without seriously crippling other parts. I do not know where or how, because I am not the executive handling the spending. We are putting the Postmaster General on his managerial mettle—and he is reputed to have great managerial mettle—he has certainly shown it in his private enterprises—and we know that he will do so, without impeding others. I do not believe the Budget Bureau left any water in here that is domestic.

Mr. WILLIAMS of Delaware. I do not question that, but the way I understand the amendment it specifically requires the expenditure of an extra $8 million. It is certainly going to result in some increase. Another point, as I understand it, the amendment, substantially as it is presently before us, was offered in committee and was rejected. It appears to me that this is legislation on an appropriation bill.

Mr. President, I make a point of order on the amendment.

The PRESIDING OFFICER. The Chair will sustain the point of order. Obviously it is legislation on the appropriation.

Mr. YARBOROUGH. Mr. President, on behalf of myself and Senators BURDICK, COOPER, INOUYE, HARTKE, MONDALE, RANDOLPH, PELL, KENNEDY, and METCALF, I send to the desk another amendment and ask that it be stated.

The assistant legislative clerk read as follows:

On page 9, line 10, after the word "offices," insert a comma and "for business deliveries in business areas, $3,145,000; and for expeditious delivery of special delivery letters $4,169,000."

Mr. WILLIAMS of Delaware. Mr. President, I want to look at that amendment, but as I understand it this is a direct increase in the appropriation. This does not earmark it as to how it should be spent, but it is an extra $8 million; is that correct?

Mr. YARBOROUGH. There is going to be a statement I shall make as to what it will be spent for. This puts it in the same line in the bill——

Mr. WILLIAMS of Delaware. Does it provide the extra $8 million?

Mr. YARBOROUGH. It does provide, under the conditions of the able Senator from Delaware, for the service and achieves the result that we are seeking to achieve.

Mr. WILLIAMS of Delaware. But it does represent an $8 million over the increase already in the bill; is that not correct?

Mr. YARBOROUGH. No, it does not represent an increase, but it does represent what the Senator was talking about before, some use out of the $6,143,615,000 for Operations. It represents the obligation to use it to maintain it and to insure deliveries to the business communities of America, and to keep up special delivery at its present rate.

Mr. WILLIAMS of Delaware. I shall look at the amendment in a moment, but I would like to ask the Senator a question on another proposal: On page 3, I notice there is an item of $1,770,000 for more equipment for mint facilities. Is this the Philadelphia Mint?

Mr. YARBOROUGH. Yes.

Mr. WILLIAMS of Delaware. As I understand it, Congress authorized construction of that mint about 3 years ago. It was supposed to have been completed last year. What was the original cost of that mint supposed to be?

Mr. YARBOROUGH. That will be found, Senator, on the side slips and page 761 of the Senate hearings.

Mr. WILLIAMS of Delaware. I do not have them. What is the answer?

Mr. YARBOROUGH. On page 72. Public Law 89–81 amended, Public Law 88–102, to increase authorized limitations for construction of mint facilities from $30 million to $45 million. Public Law 89–309, approved October 31, 1965, provided for supplemental appropriations for $21,200,000 for fiscal year 1966 for completion of the new Philadelphia Mint in addition to an appropriation made in fiscal 1965.

Mr. WILLIAMS of Delaware. That is correct, but I understand that the appropriation of $16.5 million approved in 1965 was for construction of the mint. The question I am asking is, What was the amount of the original contract of the mint? What was it supposed to cost? It was a fixed-price contract, as I understand it. What was the original contract? I should like to have the answer for the RECORD.

Mr. YARBOROUGH. Public Law 88–102, approved August 20, 1963, authorized appropriations of not more than $30 million, during fiscal years 1964 through 1973. In fiscal year 1965 $16,500,000 was approved for construction and equipping of a new mint. This was within the $30 million authorized and that was to run over a period of 9 years before being finished.

Mr. WILLIAMS of Delaware. I beg the Senator's pardon, but the contract provided for the completion of the mint prior to that time. What was the amount of the original contract for the construction of the Philadelphia Mint, and was it not to have been completed last year?

Mr. SCOTT. Mr. President, will the Senator from Texas yield to me so that I may answer the Senator from Delaware?

Mr. YARBOROUGH. I am happy to yield to the Senator from Pennsylvania. I do not have that contract figure before me, let me say to the Senator from Delaware. I do not have it before me, but it is referred to in the report.

Mr. SCOTT. The amount budgeted was $1,770,000 for the purchase of one coin roller, assay, and melting equipment and spare parts, as originally planned, but for which funds became short and consequently because of protracted delays and consequent increase in prices—no employee compensation was involved in this appropriation. I may add that the new superintendent of the mint will be sworn in tomorrow at the unfinished mint in the assay office. The mint is planned to be dedicated on the 14th of August. It is virtually completed except for the equipment involved, as I understand it. I do not have the contract before me. But it is nearly finished.

Mr. WILLIAMS of Delaware. That does not answer the question. The point I am making is, what was the original contract for the construction of the mint and how much have we spent on it up to this point?

Mr. SCOTT. The report says on page 73, when we requested $37,700,000 to be appropriated for the new mint, that this amount would cover all requirements to place the mint in operation. However, continuous, costly, and protracted delays have dragged out its completion and prices have greatly increased and we have no alternative but to request the additional funds. The statement warns that funds will be requested in subsequent fiscal years to purchase additional equipment items required to bring the new mint into full operational capacity, and when the two coin rollers are in full operation, we should have eliminated many of the problems with pennies with which we have been plagued during the past several years.

They also have to install, during fiscal 1970, something called a cladding line, which will be installed in the new Philadelphia Mint to produce clad strips for 10-cent and 25-cent coins.

Of course, the enormous increase in the demand for small coinage, plus the change to cladding of coins, plus the possibility that we may someday have a clad dollar, with the mixed alloys involved—and I have introduced a bill to have on that dollar the portrait of Eisenhower and to develop an Eisenhower dollar—we are going to have to have some dollars. The Treasury, as we know, is sitting on millions of silver dollars. The Treasury has not accepted the proposal of selling them to collectors, because the idea of the Government's making a profit on something is so horrendous. Apparently the idea that we could make a profit on the silver dollars, and pay much of the cost that we are talking about, shocks the entire Government.

Mr. WILLIAMS of Delaware. All this is very interesting, but it still does not answer my question. All I would like to know is how the appropriations for the construction cost of the mint have compared with the original contract. That is all I am trying to find out.

I am not debating the merits of the mint. If the committee does not have that information available it can be readily obtained. I thought the committee had it.

What was the amount of the contract awarded for the construction? It was a competitive bid, as I remember. I would like to know how much overrun if any there has been added to the original cost.

Mr. YARBOROUGH. Mr. President, I do not have the contract that the executive officers of the Government made

with the contractor, nor how that amount is broken down as between equipment and the building itself. Of course, what we are asking for this year, as the able Senator from Pennsylvania has pointed out, is set out on page 73 of the memo and page 761 of the Senate hearings. They need a new coin roller. I have been through the old mint. I know something of the problems of trying to produce enough pennies and of the demand for coins as a result of the new vending machines. The coins have had to be cladded, and the silver has had to be taken out, and great production problems have been confronted as a result of the conversion from silver to clad coinage. Now the clad dollar is in the offing also. These changes have been made in the mint. The amount set out in the appropriation is shown in the side slips. It is also shown on page 761 of the hearings, a copy of which the Senator has before him, showing what the moneys are for. I can read the pages for the Senator.

Mr. WILLIAMS of Delaware. I do not question what the particular item is for. I am merely referring to the committee report regarding the total cost, which reads on page 8:

> An appropriation of $16,500,000 was approved for fiscal year 1965 for the construction of the new mint in the city of Philadelphia.

Then comes the following sentence:

> For fiscal year 1966, a supplemental appropriation of $21,200,000 was provided for the completion of the new mint.

This is a total of $37,700,000. What was the amount of the original contract? Was it for half of that amount?

Mr. YARBOROUGH. Our committee did not require the Bureau of the Mint to bring the contracts before the committee. The Bureau of the Mint estimate came from the Treasury Department. We did not require those officials to bring, for examination or investigation by the committee, the contracts under which the building proceeded.

Mr. WILLIAMS of Delaware. I appreciate that, but recognizing the intelligence and curiosity of the Senator's committee, I cannot conceive of the committee's appropriating $38 million without knowing how much went for construction and how much went for equipment. That is all I am asking. What is the breakdown? How much have we spent and for what? Surely the Senator's committee, with its staff, would have the information.

Mr. YARBOROUGH. Every request asked for by the executive officers is broken down in the side slips and Senate hearings. The question asked by the Senator is as to what the contracts were in the first place for construction and how much was appropriated. What has been appropriated over the past years is broken down. There is an appropriation for the mint. One relates to a coin roller, assay and melting equipment and spare parts, which are short. There is a specific appropriation for that kind of machinery. Cladding machinery is needed to produce coins. Machinery is needed to strip subsidiary coins of silver when those coins are no longer usable but have silver. We need stripping machines to strip the silver out of those coins and save that silver for future use; $1,770,000 is requested for that machinery. The House allowed that amount. Our committee recommends it. But we did not go back over the past years, having had no complaint about the contract before our committee.

Mr. WILLIAMS of Delaware. I may or may not complain about it. What has the cost been?

Mr. YARBOROUGH. We did not go back to ask when the contract was let. Under existing law, the contract authorized construction to be started in 1964 and completed in 1973. There is a great need for this facility, with the growth of vending machines, and the consequent elimination of clerks. The need for coins has been exploding. Every time we see a new line of vending machines, it means the Treasury must produce millions of additional coins. It was much easier to make the old coins, when we did not have the mixture of white hot metal, than it is now with the new coins.

Mr. SCOTT. Mr. President, if the Senator will yield, I would like to add another reason for the increased burden on the mint. I do not know whether the Senator has done what I have done, but over this weekend I have been looking in cash registers in small grocery stores and supermarkets, and I have yet to see a 50-cent piece or Kennedy half dollar. They are being retained by people by the millions. As a result, all businesses, in changing dollars, have to begin with quarters. We have to continue manufacturing more and more half dollars until the people realize that they are numerous enough for everybody's purposes.

Mr. YARBOROUGH. There is great speculation in coins. People must be made to realize that they will not increase in value. I personally think the collecting has about reached the point of no return.

Mr. SCOTT. The same thing happened in 1893 with the Columbian Exposition. People collected the half dollars and quarters. They retained their same value for about 50 years. So if a collector wants to wait 50 years, he can make something.

Mr. YARBOROUGH. For 1970 the coinage program calls for the manufacture of 7,570,000,000 coins. That is an increase of 34.01 percent over 1969. These coins go into new machines.

What the Senator from Delaware is asking is not involved in the new appropriation. What he is asking is to go back to look into the contracts over these past years. I have objection to that. If he had made his wish known in committee, we would have had the officials bring the contract. But that is not part of the appropriation here, and I do not think we should delay action on the bill and getting it to conference, because it is customary to have the Treasury-Post Office appropriation bill passed by July 4th.

Mr. WILLIAMS of Delaware. This has been a most interesting discussion, but the Senator from Texas still has not given the answer. I simply asked the question.

Mr. YARBOROUGH. No; I did not look into the old contracts. I became chairman of the committee in January. I did not go back to redo the work of the committee in the past years when I became chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas has the floor. Does the Senator yield for that purpose?

Mr. YARBOROUGH. I yield for that purpose, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, in my colloquy with the Senator from Texas I asked for the amount of the original contract of the mint in Philadelphia as well as information on just how much has been paid thus far on either the original contract or any possible overruns. I realize that this is not a part of the committee report, I shall not press the Senator from Texas to answer the question at this time; but would he get the information for the RECORD later?

My reason for mentioning this item is that I have just found the amount of the original contract. It was in two parts. The substructure contract of the Philadelphia Mint was awarded to cost $2,805,770. The second contract was for the superstructure and was awarded July 1, 1966.

This contract for the superstructure in the amount of $12,682,000 was awarded by GSA on July 1, 1966. It provided for a completion date of January 1, 1968. That was 18 months ago. That would bring the total cost of the mint to $15,487,770. The superstructure was supposed to have been completed by January 1, 1968. This is June 30, 1969. There has been a delay of 18 months. The contract provides heavy penalties for late completion, and what I want to know is, how much in penalties have been collected from the contractor?

What prompts this question here is that the committee report recites that Congress has appropriated thus far a total of $37,700,000 for the Philadelphia Mint. The bill provides $1,770,000 more bringing the total to $39,470,000 appropriated. I realize that a part of the $39,470,000 is, as is provided in this item today, for equipment to be placed in the mint. Equipment was not a part of the original contract and should not be charged to it; but what is the amount of each?

I am wondering whether the committee will obtain and furnish to the Senate at a later date, the total amount that has been spent toward the completion of the original contract or on any change orders that may have been agreed upon in subsequent periods. I do not wish to delay

the bill and therefore ask that the committee obtain the information from the Department and give it to us at a later date.

Also, I should like to have an answer to the question of whether any penalties were collected from the contractor because of the 18-month delay in completing the construction.

Would the chairman of the committee be willing to get that information, or try to get it, and furnish it to the Senate at a later date?

Mr. YARBOROUGH. Certainly, I shall request the Bureau of the Budget or the Treasury Department to furnish this information. Any Senator is entitled to information about costs to the Government or the taxpayers.

I was chairman of the subcommittee which held hearings on the bill. Our voluminous hearings run almost to 1,178 pages. We always request any information that any Senator asks us to obtain. Had we known of the desire of the Senator from Delaware at the time we were holding hearings, we would have requested the information he seeks.

I have the honor to be chairman of the Subcommittee on Treasury, Post Office, and Executive Office Appropriations. The distinguished Senator from Delaware (Mr. BOGGS) is the ranking member of the subcommittee. Neither of us refused any requests from any Senator who sought information.

Mr. WILLIAMS of Delaware. I am sure the Senator from Texas would have obtained the information if it had been requested earlier. I did not ask the committee to get it at the time of the hearings because I did not know that more money was requested for this project, which was supposed to have been completed 18 months ago. The original contract did provide for the completion of the project by January 1, 1968. The building is still not complete today, 18 months later. As the Senator from Texas stated earlier, the Government was very much in need of the facility, so the earlier it is completed the better it will be for all concerned.

I think it is proper to ask how many change orders have been made and what the cost of them will be to the taxpayers. I also want to know the extent to which the Government has collected or plans to levy penalties upon the contractor for not having completed the building on schedule.

Mr. YARBOROUGH. We will submit the Senator's requests to the Department. We may not get a response before the Fourth of July recess, but we may get it by the 7th or 8th of July.

Mr. WILLIAMS of Delaware. That will be all right. With that understanding I shall not delay the passage of the bill now.

All of us have been concerned with overruns in contracts awarded by the Department of Defense. However, I am equally concerned about overruns for the construction of Post Office and Treasury facilities.

I realize it is of the utmost importance that the Philadelphia Mint be completed on time. At the time the contracts were awarded, I recall that we were told that by extending the life of the contracts and providing the contractors a longer period in which to build we could have obtained lower prices and gotten lower bids.

However, we were told at that time that it was of such great importance that it be completed at an early date that they accepted a higher bid in order to get the early completion date. Now, we are 18 months past delivery date, and still it is not completed.

Why was it not completed on schedule? Is the Department collecting penalties from the contractor as provided under the contract? If they are not assessing these penalties an explanation should be made as to why they are not.

The contract for this mint was a fixed-price contract. The taxpayers have the right to expect that the building will be delivered at the stated price.

With the assurance of the committee that they will get this information for the Senate I withdraw my request for a quorum at this time.

Mr. YARBOROUGH. I have no personal knowledge of this matter but it is stated in the hearings record that strikes or continuous and costly contractor delays have dragged this out. We shall ask the department having jurisdiction to submit the information which has been requested to Congress.

Mr. WILLIAMS of Delaware. In looking over the Treasury letter regarding this contract I do not see any clauses affecting strikes. It seems to me the contract was clear. It was a fixed-price bid which was accepted and agreed upon for completion of the building by a certain date. The contractor has a responsibility to live up to his obligations, and I want to know what the Department is doing to hold him to his contract.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, in looking over the Senate hearings on this bill I am particularly interested in page 940. I note that the total national debt, subject to limitation on May 1, 1969, was $366,277,187,554. One year earlier, on May 1, 1968, the amount outstanding subject to limitation was $355,697,465,654.23.

Mr. President, according to testimony, the interest on the national debt in 1968 for fiscal year 1968 was $14.5 billion. The interest on the national debt for the fiscal year 1969 was $16.5 billion. It is estimated that the interest on the national debt for the fiscal year 1970, which begins tomorrow, will be $17.5 billion.

Mr. President, these figures show that during the 2-year period 1968 to 1970, the interest on the national debt increased from $14.5 billion to $17.5 billion. In other words, in that short period of time, in that 2-year period, there was an increase in the interest paid on the national debt of 20 percent.

I think it is worth noting, and I think the taxpayers would want to know that, leaving out the trust funds, but referring only to total general fund spending, total Federal spending for fiscal year 1969 will be, in round figures, $150 billion. Of that, $150 billion, the sum of $16.5 billion is for the interest on the debt. One can readily see that for every dollar being spent by the Federal Government, leaving out trust funds, more than 10 cents goes to pay the interest on the national debt.

Tomorrow begins fiscal year 1970. Fiscal year 1970 begins tomorrow. The President has advocated, and the House of Representatives even now is voting whether or not to continue the 10-percent surtax on all citizens of our Nation, a 10-percent surtax tax on incomes between now and December 31, and a 5-percent surtax between December 31 and June 30 next year.

Now, if that is done, that will bring in an additional $7.6 billion. That surtax on all the people of our country, that surtax of 10 percent in the next 6 months and 5 percent for the following 6 months, will bring in $7.6 billion. Yet, the interest on the national debt during that period of time will be $17.5 billion. I think it is important that the people of the United States realize that the more we bind up these great debts, the more the Government goes into debt, and the more the Government issues more and more bonds, the taxpayers are paying more and more interest.

Maybe no one else is startled, but I am startled by the fact that interest costs to the Government have gone up 20 percent in 2 years. The figures can be found on page 940 of the printed hearings before the Committee on Appropriations for the Treasury, Post Office, and Executive Office Appropriations, 91st Congress, 1st session, fiscal year 1970.

As this bill goes to final passage I cite again the interest on the national debt. For the fiscal year 1968 the interest cost to the Federal Government was $14.5 billion.

For the fiscal year 1969, the cost to the Federal Government in interest charges was $16½ billion. For the fiscal year 1970, the proposed budget estimates for interest payments on the national debt are $17½ billion.

I repeat, Mr. President, during the 2-year period, 1968–1970, the interest costs to the Government have gone up 20 percent, or $3 billion.

Mr. YARBOROUGH. I thank the distinguished Senator from Virginia for his comments. As he knows, these were all discussed during the hearings.

BUREAU OF CUSTOMS FUNDS FOR WAR ON NARCOTICS

Mr. GOODELL. One of the most serious domestic problems facing this Nation today is that of drug abuse. Each day more and more people are becoming victims of narcotics, and many of them are resorting to criminal activities to finance their habits. The Bureau of Narcotics and Dangerous Drugs has estimated that

there has been an 800-percent increase in drug-related crimes since 1964. There can be little doubt that the increasing addiction rates and increasing crime rates are directly related to the available supply of narcotics coming into the United States from abroad.

Arresting a few junkies and small pushers on the streets will not reduce the spiraling supply of narcotics. We must vigorously crack down on organized crime, which last year alone imported into the United States about 20 tons of illegal narcotics. If we are to have a meaningful Federal effort to halt the tragic cycle of addiction and crime, we must reduce the supply of narcotics illegally entering this Nation. Every day we delay, we reap a bitter harvest of crime, fear, wasted lives, and human suffering.

The Appropriations Committees of the House and Senate have indicated their support of this aspect of President Nixon's program against organized crime by supporting his full budget request of an additional $500,000 for 50 more special agents of the Customs Bureau. As I have emphasized for some time, there is a tremendous need for more Federal efforts in this area. In the past, despite recommendations of three manpower surveys and two Presidential Commissions, there have not been a sufficient number of investigative agents in the Bureau trained specifically to halt the supply of illegal drugs. At last we are moving from rhetoric to action, but we must do more.

I am also pleased that the Senate Appropriations Committee has supported the Bureau of Customs' full request for 213 additional positions in connection with the processing of persons. The House had reduced this request by $1,959,000. These positions will be needed for the new facilities at J.F.K. International Airport. The work on these facilities is proceeding on schedule and therefore will require the full staffing requested by the Bureau.

Obviously, one of the most effective ways to reduce the supply of narcotics passing through our customs inspection system is through vigorous examinations of persons, cargo, and packages. This can be better accomplished by providing the Bureau of Customs with more personnel for these duties. I therefore urge that the full appropriation, as passed by the Senate, be approved in the conference committee.

The Bureau of Customs must have adequate manpower to do its job. Because its success is so closely tied to the greatest fight which must be waged against the menace of narcotics in this country, it deserves our full support.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 11582) was passed.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. BYRD of West Virginia, Mr. MONTOYA, Mr. BOGGS, Mr. ALLOTT, Mr. MCGEE, Mr. RANDOLPH, and Mr. FONG the conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the passage of this funding measure the Senate has witnessed once again the thorough competency displayed, as always, by the chairman of the Treasury, Post Office, and Executive Office Subcommittee of the Senate Appropriations Committee, the distinguished senior Senator from Texas (Mr. YARBOROUGH). His expert handling of the bill demonstrated once again a keen awareness of its importance and a splendid appreciation for all of its facets. His ability to lead it through the Senate in such an expeditious and efficient manner speaks abundantly for the legislative ability and skill of Senator YARBOROUGH.

He was ably assisted in the task by the ranking minority member of the subcommittee, the distinguished Senator from Delaware (Mr. BOGGS). The Senate is indebted to them both for their cooperative efforts in disposing of the bill today.

It should be noted that the thoughtful views of the senior Senator from Delaware (Mr. WILLIAMS) added a great deal to the meaningful discussion.

Finally, I wish to commend the Senate as a whole for its cooperation for joining so courteously to obtain final action today and for succeeding with full regard for the views of every Senator.

PADRE ISLAND NATIONAL SEASHORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 251, H.R. 11069.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 11069, to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, one of the most beautiful sections of my home State is Padre Island which lies off the gulf coast from Corpus Christi to Brownsville. This island is spotted with beaches, dunes, and sea grass, and provides recreational opportunities for people from all over the Nation.

One of the proudest achievements of my legislative career is helping to have this island designated a National Seashore and thus preserved in its natural state for our posterity.

There is pending before the Senate, a bill, H.R. 11069, to authorize the appropriation of $4,129,829, plus interest to cover the final claims against the Federal Government for land taken from private citizens for this seashore. This bill is similar to my bill, S. 2212 for the same purpose. This seems to be a small price to pay for land which will provide recreation, relaxation, pleasure to so many Americans. I hope that we can enact H.R. 11069 with all due speed.

Mr. President, this is a House bill to appropriate moneys to complete the purchase of lands and interest in lands in Padre Island National Seashore, which total $4,129,829, plus interest provided by law. This is an order by the United States under a judgment against the United States in civil action 66B U.S. District Court for the Southern District of Texas, for the acquisition of land and interest in land for the Padre Island National Seashore. This was a seashore act passed in 1962 for the Padre Island National Seashore of Padre Island, Tex. As the bill was passed, it provided for a national seashore 81 miles in length. With recession of the land it led to this bill. The national seashore is 74 miles in length. The purpose of the bill is to pay off the judgment to complete acquisition with the payment of the judgment in addition to the judgment for which moneys previously have been authorized, which will complete the acquisition of land for the Padre Island National Seashore.

The greatest volume of acreage was that from Texas which ceded its lands—the submerged lands on the beach which belonged to the State. It ceded all that acreage to the Federal Government without cost to the Federal Government. The cost has been to the Federal Government because of privately owned lands which were acquired only by condemnation proceedings. The greater portion of the land was acquired in the northern 89,000 acres of the park. Payment for that was authorized in Public Law 90–594 which authorized appropriation of $6,810,380 plus interest to satisfy the judgment which had fully matured. Since the time for appeal from this judgment had not run, action was deferred on the judgment for the southern 11,000 acres of the island. In September 1968, while Congress was reviewing the proposed authorization to increase the court reviewed verdict, the court ordered an award which reduced the southern part from $9,924,387.80 to $7,332,750, leaving a deficiency of $5,729,829.

At the same time, litigants, the National Park Service, and the former landowners, entered into an agreement. They negotiated an agreement by which the National Park Service receded certain acreage to the private owners whose land was being condemned. The National Park Service and the private owners entered into a compromise agreement in the Federal court in December of 1968, under the terms of which title to part of the land, 1,628 acres, was revested in the former owners. The court judgment was reduced, to $4,829, plus interest. In addition, the landowners agreed to waive all interest through December 31, 1968, on the compromise judgment. Of course the interest is running now and the need for the law is to authorize the payment so that the payment can be entered and the 6-percent-interest cost cutoff.

It has been unanimously reported by the Committee on Interior and Insular Affairs.

Mr. President, I move passage of the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of Delaware. Would the Senator tell us how much has been appropriated heretofore on this for the acquisition of Padre Island. It is about $16 million, as I understand it.

Mr. YARBOROUGH. This will bring it to something over $15 million, including this bill.

Mr. WILLIAMS of Delaware. $15 million?

Mr. YARBOROUGH. $15 million, including this bill.

Mr. WILLIAMS of Delaware. When the plan for this park was first presented in an authorization to Congress, if I remember correctly, its cost was not to exceed $5 million.

Mr. YARBOROUGH. That was the estimated cost at that time.

Mr. WILLIAMS of Delaware. Five million dollars was the maximum amount of the authority that was approved by Congress for the acquisition of the land that was outlined in the so-called Padre Island.

Mr. YARBOROUGH. That is correct. In 1958 when the bill was first introduced—1957—1958—and 1962 when it passed, it was still——

Mr. WILLIAMS of Delaware. We have already appropriated, as I understand it, in excess of $12 million, and here is a request for another $4,129,000 which will bring it up to around $16 million that we will have paid for an original $5 million project. In addition, the Government has reverted to the landowners 1,628 acres which was not acquired but what was a part of the original plan. Certainly as the result of the Government's expenditures the value of that 1,628 acres is being increased substantially far beyond what it was before. Who makes this windfall at the expense of the taxpayers?

Someone is ending up with a nice, profitable investment with the 1,628 acres. Not only that but the taxpayers will have spent, with approval of this bill, over three times as much as the entire project was supposed to have cost; or over, is that not correct?

Mr. YARBOROUGH. That is correct. The landowners fought this bitterly. Of course, the price of the land has gone up very high. We defeated them and got the bill through and now they are profiting by it. That happens in the case of many national parks around the country where people fight them at first; but once we get them, I do not know of any park in the country that anyone wishes to disestablish. People come in to live and work in the adjacent area. It helps all the country around there. People get this great windfall, very often, from it. I would not destroy a national park because someone was fighting it. Their lands are undoubtedly worth more to them than to have a national park there. But there is a national park there now, and the price has gone up, and the 1,628 acres have been ceded, which is small compared to the 100,000 acres of uplands which the Federal Government has in the seashore. That 100,000 acres itself is less than the land that the State of Texas gave in the tidelands and the flats of Laguna on Padre Island, which are owned by the State of Texas under Spanish grants in front of this strip.

We were able to get, through the Legislature of the State of Texas, a large amount of land given to the Federal Government.

Mr. WILLIAMS of Delaware. As I understand it, here was a project that was presented to the Congress on the premise that this land could be acquired at a cost of not to exceed $5 million.

Mr. YARBOROUGH. It was on the premise of its value of the land then. It took 4½ years to pass this measure. It was bitterly fought.

Mr. WILLIAMS of Delaware. Why did they not come back and tell the Congress that it was going to cost four times as much as what they planned? Who reaps this windfall by keeping these 1,628 acres? In addition to keeping the 1,600 acres, they will get $5.7 million for what portion they do sell to the Government. What they are selling to the Government to turn into a national park likewise increases the value of the land which they will keep. This one small group ends up with far more than what the cost was supposed to have been for the whole project.

Mr. YARBOROUGH. That is true.

Mr. WILLIAMS of Delaware. Many Members of Congress, including myself, have repeatedly criticized the Defense Department for consistent overruns in the costs of the Defense contracts, but I am wondering if this is not where the Defense Department got its lesson, because this project is a congressional overrun. Congress was promised that all the land would not cost over $5 million. We have already spent $12,500,000. Now we are asked to spend another $4,118,000 to complete the purchase. Millions more will still be needed to put the park into operation. Yet some favored group will keep 1,628 acres in the middle of this park. What a windfall. Who is this favored group? It would be better to defeat the bill. I do not see any reason why the taxpayers of the country should pay five times what the Government itself said the land was worth when the bill was originally passed. Nor do I approve of this built-in windfall for some favored group. Who are they?

Mr. YARBOROUGH. I point out that this matter has been adjudicated in court. The matter was tried before a court and jury, and this was the judgment of the court. I do not think we are at liberty to pay what we would like to pay. I regret to see these people get this money, when they fought me so and were against the project. It was a bitter fight. They campaigned all through the State against the establishment of the national seashore. Now they get the most benefit from it. However, they owned the land, and we have a free enterprise system in this country. Some people bought land later, which can be done. That happens in the case of any national park, or when a dam is constructed, or when a road is built. We cannot keep people from going into those areas and buying land. I hold no brief for those people. My brief is for the park.

The most heavily visited national park in the country is Shenandoah National Park, in Virginia. The national park authorities estimate that after the project is completed, on a busy weekend we may find over 100,000 going over only one of the bridges to Padre Island, and it may become the most visited national park in America. It still would be a steal, in my opinion, to get it this cheaply.

Mr. WILLIAMS of Delaware. Based on the price we are asked to pay there must be a gold mine there.

Mr. YARBOROUGH. When the bill was introduced, $5 million was all the land was worth, but the price went up. I ask the Senator where he can buy land along the seashore today for what it sold in 1958 or 1962. The price of seashore land is skyrocketing all over the country. I am glad it did not cost $93,000 an acre. Is that not what is being paid in Ocean City, Md.?

Mr. WILLIAMS of Delaware. This bill was first sold to the Congress on the basis that its total cost would not be over $5 million. Here it is costing four or five times that amount. If Congress approves this bill it represents a congressional overrun. How can Congress with a straight face criticize the Defense Department for its overruns? I have been very critical of the Defense Department, but we should live by our own rules.

The Senator from Ohio, Mr. Lausche, and I tried to stop this years ago when the first overrun in cost developed. Here we are with another $4 million, and this will not end it. The Senator said that tourists would be going over the bridge by the hundreds and thousands to visit this park, but I am wondering if they will not be doing that because they think there is a gold mine there, based on its cost to the Government. Texas is one of our great States, the second largest in the Union. But with all due respect to the great State of Texas, I wonder if this is not a large overrun in cost even for Texas.

The only way we can stop these overruns is for Congress to say, "We are just not going to pay for these overcharges. If Texas does not want to have a national park there we can establish a park somewhere else."

I am getting a little impatient with the hijacking on the part of people who first want a park and then after getting it approved come along and want the Government to pay five times as much as the original asking price.

I am going to vote against this bill. I think it is about time to stop the continual overruns by the various agencies of the Government. They put a price on projects, and then they come back a little later and say, "We need a few more million dollars." There is only one way to stop it, and that is to defeat the bill.

Mr. YARBOROUGH. I point out that this is a judgment of the court, and the Government must pay it. I also point out that there are 100,000 acres of upland there, and the total cost to the Government is running about $15 million. That is about $150 an acre.

Mr. WILLIAMS of Delaware. They realize that the Government will spend another $35 or $40 million to improve it.

Certainly that makes the land worth more money. Who reaps the windfall on this large payment, and who are in the group that gets to keep the 1,628 acres in the middle of the national park?

The price tag should be put on these projects when measures are introduced. I am getting a little impatient about agencies putting on a small price tag and then eventually multiplying the price by four times when we get ready to pay for it.

But Congress itself must accept the blame, too. The agency cannot get the extra money without congressional approval.

I repeat, let Senators not criticize the Defense Department for its overruns on defense contracts if we are going to have a congressional overrun of 400 percent. Personally, I am not going to support this bill.

Mr. YARBOROUGH. Mr. President, I yield the floor and request that the bill be voted on.

The PRESIDING OFFICER. If there be no amendments to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11069) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER.) If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Colorado (Mr. ALLOTT) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The positions of the Senator from Illinois (Mr. DIRKSEN) and the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 57, nays 4, not voting 38, as follows:

[No. 51 Leg.]

YEAS—57

Anderson	Harris	Moss
Baker	Hart	Mundt
Bayh	Hartke	Nelson
Bennett	Hatfield	Packwood
Boggs	Holland	Pastore
Case	Hughes	Pearson
Church	Inouye	Percy
Cooper	Jordan, N.C.	Prouty
Cotton	Jordan, Idaho	Randolph
Cranston	Kennedy	Schweiker
Curtis	Long	Scott
Dole	Mansfield	Smith
Dominick	Mathias	Stennis
Eagleton	McClellan	Talmadge
Ellender	McGee	Thurmond
Ervin	McGovern	Tydings
Fannin	McIntyre	Williams, N.J.
Fulbright	Metcalf	Yarborough
Gurney	Mondale	Young, Ohio

NAYS—4

Allen	Proxmire	Williams, Del.
Byrd, Va.		

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED

Dirksen, against.

NOT VOTING—38

Aiken	Goodell	Murphy
Allott	Gore	Muskie
Bellmon	Gravel	Pell
Bible	Griffin	Ribicoff
Brooke	Hansen	Russell
Burdick	Hollings	Saxbe
Byrd, W. Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Cook	Javits	Stevens
Dodd	Magnuson	Symington
Eastland	McCarthy	Tower
Fong	Miller	Young, N. Dak.
Goldwater	Montoya	

So the bill (H.R. 11069) was passed.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 13, 1969, from Secretary of the Interior Walter J. Hickel to Vice President SPIRO THEODORE AGNEW.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1969.

Hon. SPIRO THEODORE AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas and for other purposes.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would authorize the appropriation of such sums as are necessary to satisfy final judgments against the United States in the last remaining condemnation proceeding which was brought to acquire property for the Padre Island National Seashore in Texas. Two proceedings were brought, numbers 65–C–54 and 66–B–1, both of which have resulted in final awards to the property owners in excess of the amounts deposited in court by the United States as estimated fair market value of the properties. With respect to number 65–C–54, the 90th Congress enacted Public Law 90–594, which authorized the appropriation of $6,810,380, plus interest, to satisfy the deficiency in that case. Enactment of the enclosed bill would authorize the appropriation of $4,129,829, plus interest, to satisfy the deficiency in proceeding number 66–B–1.

This department, in its letter to the Congress of June 4, 1968, recommended the enactment of a draft bill which would authorize appropriations sufficient to satisfy the awards in both proceedings. However, the authority with respect to proceeding number 66–B–1 was deleted by the House Committee on Interior and Insular Affairs (see House Report No. 1856, 90th Congress, second sess., to accompany H.R. 17787), and this deletion was concurred in by the Senate Committee on Interior and Insular Affairs (see Senate Resolution No. 1598, 90th Congress, second sess.). The deletion was made on the ground that a final judgment in proceeding number 66–B–1 had not been rendered, appeals filed by the Government and the former landowners with respect to tracts 14 and 16 not then having been disposed of.

Final judgments with regard to the four tracts involved in proceeding number 66–B–1 have now been rendered. The following table shows the sums involved:

Tract	Deposit	Final award	Deficiency	Judgment date
14 and 16	$1,581,321	$5,700,000	$4,118,679	Dec. 18, 1968
15	7,200	11,000	3,800	May 14, 1968
17	14,400	21,750	7,350	Jan. 8, 1968
Total	1,602,921	5,732,750	4,129,829	

With regard to tracts 14 and 16, at trial the jury awarded the former landowners $9,891,637.80. On motion of the Government, the court ordered a remitter in the amount of $2,591,637.80, which would have reduced the award to $7,300,000. Pending final action on the remitter, however, the former landowners offered to accept a total figure of $5,-

700,000, provided the Government agreed to revestment of title to tract 16 and a portion of tract 14 in the former owners. These lands totaled 1,628.05 acres, and were deemed not now essential to the management and development of the seashore. The Government therefore joined the former landowners in a stipulation providing for revestment of the 1,628.05 acres and an award of $5,700,000, which was approved by the court.

Under the stipulation mentioned above, interest on the deficiency with regard to tracts 14 and 16 ($4,118,679) commenced to run on January 1, 1969. Under similar stipulations covering tracts 15 and 17 interest on the deficiency on tract 15 ($3,800) will commence on May 14, 1969, and interest on the deficiency on tract 17 ($7,350) commenced January 9, 1969. Interest will accumulate against the Government at the rate of 6 percent from the above dates on the deficiencies until they are paid. The funds authorized in this draft legislation will be sufficient to complete land acquisition for this national seashore under the current plans of the Department.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE DWIGHT D. EISENHOWER DAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, S. 1613.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1613) to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, it is with deep pleasure that I speak in support of S. 1613, which I introduced and which has been favorably reported unanimously by the Committee on Interior and Insular Affairs. I am sure I speak also for the other 62 cosponsors of the bill. The bill would re-name the dam hitherto commonly referred to as the Glen Canyon Dam, as the Dwight D. Eisenhower Dam.

Eisenhower Dam will be a fitting memorial to the late President Eisenhower, whose vision and personal efforts were largely responsible for the realization of the Upper Colorado River project.

The Eisenhower Dam will stand as a tribute not only to General Eisenhower's faith in the Upper Colorado River project, but also to his greatness as President, military leader, and world statesman.

Eisenhower Dam conveys to those who honor the late President the simplicity amidst complexity and great strength that is needed within the framework of a leading world power. President Eisenhower himself said:

> The strength of America is the strength of our society, the strength of natural resources, and the strength of our power to defend ourselves.

In the state of the Union address in 1955, three basic solutions were given by President Eisenhower for economic development:

> At the foundation of our economic growth are the raw materials and energy produced from our minerals and fuels, lands and forests, and water resources. We must first develop, wisely use, and conserve basic resources from generation to generation; second follow the historic pattern of developing these resources primarily by private citizens; and third treat resource development as a partnership—a partnership of private citizens combined with both state and local governments.

In keeping with these three principles, the President then urged Congress to approve the development of the Upper Colorado River Basin to conserve and assure better use of precious water essential to the future of the West.

A fitting memorial must capsulize the endeavors of a lifetime. In the field of reclamation alone, President Eisenhower authorized 50 new projects. At the completion of these projects there will be, in President Eisenhower's words, "a storage capacity of nearly 43 million acre-feet—an increase of 50 percent over the Bureau of Reclamation capacity in 1953 when this project began."

It was his personal prestige behind congressional authorization and appropriation for this four-State project which made possible a dream that had persisted for decades—the taming of the Colorado, one of the longest, wildest, and most savage rivers in the Nation.

This idea for honoring one of the world's most admired men originated with my good friend and former senatorial colleague from Utah, Arthur V. Watkins. Senator Watkins and myself were privileged to attend the ceremonies at the White House when President Eisenhower signed the legislation authorizing the construction of the project in 1956.

The changing of the name would not slight the memory of some "Mr. Glen," as the dam's nomenclature was derived from the descriptive word "glen," which is of Celtic origin, meaning "narrow valley."

Glen Canyon Dam is a multipurpose development to regulate the river, create power, prevent floods, and make water available for use on land in municipalities. The 710-foot-high concrete structure, finished in 1963, will eventually create a reservoir extending 186 miles up the Colorado River and 71 miles up the San Juan. This four-State development stands as a fitting monument to the President who felt the strength of the Nation lay in the utilization of natural resources.

While speaking in Portland, Oreg., in 1956, President Eisenhower labeled Glen Canyon Dam "a monumental testimony to our Government's awareness of Federal responsibility." Is it not fitting that we attribute this testimony to President Eisenhower?

Let me again say that the name change from Glen Canyon Dam to Eisenhower Dam would be a fitting memorial to General Eisenhower's long and distinguished career as President, military leader, and world statesman. It would also be a lasting testimonial to his faith in the development of the Upper Colorado River Basin.

I wish to thank each of the 62 other Senators who joined with me in sponsoring this worthwhile tribute to the former President. I wish also to extend special thanks to the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) and the distinguished ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT), who saw to it that the bill was promptly considered and favorably reported.

I urge the Senate to approve the bill unanimously.

Mr. PEARSON. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. PEARSON. I wish to associate myself with the remarks and comments made by the distinguished Senator from Utah and to express my appreciation for his leadership and that of the distinguished Senator from Washington (Mr. JACKSON) in support of this measure.

Mr. BENNETT. I thank the Senator from Kansas.

I yield the floor.

Mr. MOSS. Mr. President. I speak in behalf of S. 1613, which I had the honor to support in the Committee on Interior and Insular Affairs, and which it was my privilege to report favorably to the Senate on behalf of the committee.

The bill would designate the dam commonly referred to as Glen Canyon Dam as the Dwight D. Eisenhower Dam.

It is wholly appropriate that this dam be renamed for this great American. President Eisenhower was in the White House when Congress enacted the Upper Colorado River Storage Act in 1956, and it was he who signed it into law. The Glen Canyon Dam, powerplant, and reservoir are the largest storage and power features of the Colorado River storage project. The dam itself spans the Colorado River near its exit from the Upper Basin, as if in the spout of a great funnel, where it can control all of the water in the funnel's own course—the Colorado's own flow as well as of its tributaries which feed into it upstream from the dam.

The reservoir behind the dam has been named for John Wesley Powell, the pioneer explorer, geologist, ethnologist, and geographer whose monumental trip 100 years ago down the Green and Colorado Rivers in Wyoming, Utah, and Colorado we are celebrating this year. In fact, I have just returned from Utah, where I participated in a number of events of the Powell centennial.

The name of Glen Canyon Dam may not do justice to the great structure which rises 530 feet above the river bed, and into which more than 5 million cubic yards of concrete were poured. Because Glen Canyon Reservoir does not do justice to the vast manmade lake behind the dam, the lake which has been named for John Wesley Powell.

But the name Eisenhower Dam will commemorate the life and service to his country of a man who was the Commanding General of Allied Forces in World War II, was the 34th President of the United States, and who is widely revered in America. It will be properly named if it is called the Eisenhower Dam.

At the time of the introduction of the

bill which is now before the Senate, I stated in a letter to my senior colleague from Utah (Mr. BENNETT) that I would be glad to support him in the introduction of the bill and in the support of it both in committee and on the floor of the Senate. I am very glad to have done so. It is altogether fitting, proper, and appropriate that the dam be renamed the Dwight D. Eisenhower Dam. I therefore join my colleague from Utah (Mr. BENNETT) in recommending the passage of the bill today.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1613) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1613

A bill to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the outstanding service rendered by Dwight D. Eisenhower as President, General of the Army, and world leader, the dam commonly referred to as the Glen Canyon Dam, located on the Colorado River in Arizona, is hereby designated as the Dwight D. Eisenhower Dam.

SEC. 2. Any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of the Dwight D. Eisenhower Dam.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 262, H.R. 4153.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4153) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, with an amendment, on page 1, at the beginning of line 9, strike out "(13)" and insert "(1)".

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4153 was read the third time and passed.

TOY SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 227, S. 1689.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 2, line 2, after the word "of" strike out "subparagraph" and insert "clause"; in the same line after "(iii)" strike out "or (iv)"; in line 6, after "U.S.C." strike out "1151(2)" and insert "1261"; in the same line strike out "(A)"; in line 9, after the word "Secretary", insert "in accordance with section 553, title 5, United States Code,"; in line 14, after the word "because" strike out "of the presence of" and insert "it presents"; in line 15, after the word "hazards" strike out the comma and "or (iv) may cause substantial personal injury or substantial illness by, during or as a result of foreseeable use of the toy or article, even if unintended by the manufacturer, where such injury or illness is attributable to electrical, mechanical, or thermal aspects of the design, processing, or assembly of that toy or article."; at the beginning of line 25, strike out "the term 'electrical hazard' means a condition or circumstance such that substantial personal injury or substantial illness from electric shock or electrocution may be caused during or as a proximate result of any customary or reasonably foreseeable use." and insert "an article may be determined to present an 'electrical hazard' if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock resulting from current leakage, inadequate insulation, accessibility of live parts, or other conditions.".

On page 3, at the beginning of line 13, strike out "the term 'mechanical hazard' means a condition or circumstance such that substantial personal injury or substantial illness may be caused during or as a proximate result of any customary or reasonably foreseeable use because of sharp surfaces or protrusions, fragmentation, explosion, strangulation, suffocation, asphyxiation, or other mechanical means." and insert "an article may be determined to present a 'mechanical hazard' if in normal use or when subjected to reasonable foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness by strangulation, suffocation, asphyxiation, fragmentation, explosion, puncture, or other mechanical means.".

On page 4, line 2, after the semicolon strike out "the term 'thermal hazard' means a condition or circumstance such that substantial personal injury or substantial illness may be caused during or as a proximate result of any customary or reasonably foreseeable use of articles: (1) which contain heated surfaces; or (2) which if ignited burn so intensely that (A) extremely high temperatures are reached, or (B) they cannot be readily extinguished by means ordinarily at hand."; and insert "an article may be determined to present a 'thermal hazard' if it has surfaces or parts normally touched, hand-held, or grasped which exceed a temperature of 113° Fahrenheit (or 140° Fahrenheit in the case of surfaces other than metal), or if it has surfaces or parts exceeding 140° Fahrenheit (in normal use or when subject to reasonably foreseeable damage or abuse) which may be touched accidentally, causing personal injury or illness. However, articles which have parts or surfaces exceeding a temperature of 140° Fahrenheit which may be touched accidentally and are not normally touched, handheld, or grasped shall not be found to present a 'thermal hazard' if the following three conditions are met: (i) the article requires such surfaces or parts in order to perform the normal function or purpose of the article; and (ii) the article bears labeling giving directions and warnings for safe use, and (iii) because of such labeling and warnings or other factors the article is likely to be used only by children who will comprehend the warning and use the toy safely. Temperature tests shall be made at an ambient (room) temperature of 77° Fahrenheit (25° C.).".

On page 5, after line 4, strike out:

EFFECTIVE DATE

SEC. 3. The amendments made by section 2 of this Act shall become effective sixty days after the date of enactment of this Act.

And, in lieu thereof, insert:

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of such Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(1) of such Act (15 U.S.C. 1261(l) is amended (1) by striking out "and" before "the term 'flammable' "; (2) by inserting the following before the semicolon: ", and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred fifty degrees as determined by the Tagliabue Open Cup Tester;" (3) by inserting "or combustibility" after "flammability"; and (4) by inserting " 'combustible'," after " 'flammable',".

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261(p)(1)(E))) is amended by inserting " 'Combustible,' " after " 'Flammable,'".

After line 23, insert a new section, as follows:

SEC. 4. Section 2(q) of such Act (15 U.S.C. 1261(q)) is amended by adding at the end thereof the following:

"(3) If any substance or article is determined to be a banned hazardous substance after the sale of such substance or article by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such substance or article by such dealer or distributor, the distributor shall immediately repurchase such substance or article at the price paid by such dealer, plus the transportation charges involved, and the manufacturer shall immediately repurchase from the distributor (or from the dealer if there is no

distributor) such substance or article unsold or repurchased at the price paid, plus all transportation charges involved."

And on page 6, after line 11, insert a new section, as follows:

EFFECTIVE DATE

SEC. 5. This Act shall become effective sixty days after the date of its enactment.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toy Safety Act of 1969".

SEC. 2. (a) Section 2(f)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)) is amended by adding at the end thereof the following new clause:

"(D) Any toy or other article intended for use by children which the Secretary finds pursuant to the provisions of section 2(q)(1) of this Act meets the requirements of clause (A) (iii) or (iv) of such section."

(b) The matter preceding the semicolon in clause (A) of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(A)) is amended to read as follows: "(A) any toy, or other article intended for use by children, which, pursuant to a determination made by the Secretary in accordance with section 553, title 5, United States Code, (i) is a hazardous substance, or (ii) bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted, or (iii) is otherwise hazardous because it presents electrical, mechanical, or thermal hazards.

(c) Section 2 of such Act is amended by adding at the end thereof the following:

"(r) The term 'electrical' means of or pertaining to the flow of an electrical charge or to electrons in motion; an article may be determined to present an 'electrical hazard' if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock resulting from current leakage, inadequate insulation, accessibility of live parts, or other conditions.

"(s) The term 'mechanical' means of or pertaining to the design, construction or structure of a substance; an article may be determined to present a 'mechanical hazard' if in normal use or when subjected to reasonable foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness by strangulation, suffocation, asphyxiation, fragmentation, explosion, pucture, or other mechanical means.

"(t) The term 'thermal' means of or pertaining to the transfer or manifestation of heat energy; an article may be determined to present a 'thermal hazard' if it has surfaces or parts normally touched, hand-held or grasped which exceed a temperature of 113° Fahrenheit (or 140° Fahrenheit in the case of surfaces other than metal), or if it has surfaces or parts exceeding 140° Fahrenheit (in normal use or when subjected to reasonably foreseeable damage or abuse) which may be touched accidentally, causing personal injury or illness. However, articles which have parts or surfaces exceeding a temperature of 140° Fahrenheit which may be touched accidentally and are not normally touched, hand-held, or grasped shall not be found to present a 'thermal hazard' if the following three conditions are met: (i) the article requires such surfaces or parts in order to perform the normal function or purpose of the article; and (ii) the article bears labeling giving directions and warnings for safe use, and (iii) because of such labeling and warnings or other factors the article is likely to be used only by children who will comprehend the warning and use the toy safely. Temperature tests shall be made at an ambient (room) temperature of 77° Fahrenheit (25° C.)."

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of such Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(l) of such Act (15 U.S.C. 1261(l) is amended (1) by striking out "and" before "the term 'flammable' "; (2) by inserting the following before the semicolon: ", and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred fifty degrees as determined by the Tagliabue Open Cup Tester;" (3) by inserting "or combustibility" after "flammability"; and (4) by inserting " 'combustible'," after " 'flammable',".

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261 (p)(1)(E)) is amended by inserting " 'Combustible,' " after " 'Flammable' ".

SEC. 4. Section 2(q) of such Act (15 U.S.C. 1261(q)) is amended by adding at the end thereof the following:

"(3) If any substance or article is determined to be a banned hazardous substance after the sale of such substance or article by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such substance or article by such dealer or distributor, the distributor shall immediately repurchase such substance or article at the price paid by such dealer, plus the transportation charges involved, and the manufacturer shall immediately repurchase from the distributor (or from the dealer if there is no distributor) such substance or article unsold or repurchased at the price paid, plus all transportation charges involved."

EFFECTIVE DATE

SEC. 5. This Act shall become effective sixty days after the date of its enactment.

Mr. MOSS. Mr. President, I urge this body to act favorably on (S. 1689) the Toy Safety Act of 1969. The purpose of this bill is to amend the Federal Hazardous Substances Act so that the Secretary of Health, Education, and Welfare, in order to protect children from serious injury and illness, may ban from the marketplace toys and other articles intended for use by children which present electrical, mechanical, and thermal hazards.

Such dangerous toys and other articles are in the marketplace at this moment. The harmless looking rolypoly doll, when dropped, breaks apart and exposes a series of menacing horizontal spikes that can impale the young, innocent child. The darts of a certain toy blowgun can easily be inhaled by the young child who confuses the mouthpiece and muzzle. The list of these dangerous toys is long. The National Commission on Product Safety, which advocated toy safety legislation in its interim report to Congress, has clearly documented the need for this legislation.

The Toy Manufacturers of America testified in favor of toy safety legislation. The present bill, as passed from committee, is supported by the industry. Toy safety legislation is absolutely necessary. We must act now to protect the young people of our Nation from needless personal injury and illness. We must enact into law the Toy Safety Act of 1969.

Mr. PROUTY. Mr. President, I am pleased to support the Toy Safety Act of 1969, S. 1689, as amended. I was a cosponsor of this bill with the distinguished Senator from Utah (Mr. Moss) because I was particularly concerned about the number of young people who are injured while playing with toys which are intended to create no harm.

As our society has grown in affluence and technology, parents find that the marketplace contains literally thousands of toys designed to provide enjoyment and education for their children. With such a wide selection of toys available, it becomes extremely difficult for the parent to carefully analyze all the characteristics of a particular toy. As a matter of fact, even the parent who spends hours carefully analyzing all of the characteristics of a particular toy may find that his efforts at protecting his child from harm are thwarted simply because children generally have the praiseworthy habit of sharing their toys with others.

There is nothing new concerning the problem of unsafe toys. I suspect that there were many children injured when the only toys available were those handmade at home. In those days it could accurately be stated that if a child was injured, the parent had no one to blame but himself. As a matter of fact, this reasoning continued long after toys were readily available in the marketplace. Just a few short years ago a merchant could escape all liability for the harm done by an unsafe toy simply by stating that it was the buyer, not the seller, who was at fault. As a matter of fact, this doctrine of caveat emptor was not even dented in this country until the 20th century.

The question as to who should bear the cost of an injury because of a defective product has traditionally been left to the courts to decide. The courts, until recent years, have been reluctant to place the responsibility for the damage from a defective product on anyone but the buyer. Over the years elaborate rules have grown up concerning who should bear the cost. For example, at one time a merchant who sold a painted ladder was not liable to the purchaser if the ladder broke because of defective workmanship. However, that same merchant would be liable for a ladder with the same defect if it was unpainted.

Slowly but surely there evolved in this country the warranty doctrine whereby the mere sale of goods was held to imply that the seller warrants his product to be reasonably fit for the purpose intended. However, due to the contractual nature of sales, recovery under implied warrants was available only to persons in privity of contract with the party against whom recovery was sought. This privity requirement created few hardships to consumers until the advent of the modern wholesaler-retailer method of distribution which eliminated the privity between the consumer and the manufacturer.

In other words, the only way that the consumer can get a manufacturer to pay for the damages done through the use of the manufacturer's defective product was to prove that the manufacturer had been negligent in the making of his products. This was virtually an impossible task. Could you imagine, for example, the difficulty that the individual consumer would have in proving that some-

where along the assembly line of a giant manufacturer an employee had failed to tighten a necessary screw or bolt.

After thousands of injuries had occurred to children and adults alike, courts began to offer some relief to the consumer bedeviled by this complex society. That relief consisted of imposing strict liability upon the manufacturer but the relief came only in bits and pieces. Even as late as 1967 the relief was not complete. William L. Prosser, writing in the University of Minnesota Law Review, states:

> The public interest in human safety requires the maximum possible protection for the user of the product, and those best able to afford it are the suppliers of the chattel.

But Mr. Prosser also points out that courts in at least 10 States have not accepted the doctrine of strict liability on manufacturers for defective products but, certainly, there is a definite trend toward holding the manufacturer liable for injury caused by defective products.

Mr. President, while I am not a lawyer, I mention this trend in product liability because I believe it has direct bearing on two aspects of the bill before us today. First, I believe it reminds us that even the imposition of strict liability provides only after the fact compensation for injury because of defective products. Therefore, it is incumbent upon us as legislators to do what we can to see that defective products are eliminated to the maximum extent feasible. Second, it raises a very real question as to who should bear the cost for the losses incurred by the removal of those defective products which happen to get into the stream of commerce before they are detected.

Mr. President, I, for one, believe that the American toy manufacturers deserve congratulations for their efforts to promote child safety through the production of safe toys. However, I think that most American manufacturers would agree that standards for safety would enable them to produce safe toys with even a greater degree of consistency. This bill gives the Secretary of Health, Education and Welfare the authority to establish standards to insure that toy manufacturers will take safety into consideration from the design stage through the production stage.

It is also clear to me, Mr. President, that it is better to pass legislation which will clearly establish safety standards rather than to rely on the impetus created by after-the-fact court litigation. Arnold Elkind, chairman of the National Commission on Product Safety, probably most clearly stated the necessity for this legislation when he said:

> When your intelligence tells you that something will create an injury and it seems conceptually clear that an injury will occur, it is primitive to wait until a number of people have lost their lives, or sacrificed their limbs before we attempt to prevent those accidents.

This, Mr. President, brings me to the second aspect of the bill before us today. When I sponsored this bill with Senator Moss, I was motivated by my concern to see definite guidelines established so as to insure the safest possible toys for the children of this country. During the course of the hearings it became clear to me that the bill as originally written contained one serious defect. That defect became apparent when we considered what would happen if an unsafe toy somehow got into the stream of commerce and had to be recalled. Both the bill as originally written and the amended version provide that should an unsafe toy get to the marketplace, it can be seized by the Government so as to protect innocent consumers from the hazard which it poses.

In the original bill, however, the monetary loss from such a seizure would have fallen upon the party who had the product at the time of seizure. In other words, if an unsafe toy happened to be on the store shelf at the time the defect was discovered, the local retail merchant would have suffered the economic loss unless the wholesaler or manufacturer had voluntarily agreed to compensate him for the loss.

Mr. President, I, personally, felt that this was an inequity in the original bill. Therefore, I proposed an amendment to the bill which presently is contained in section 4. That amendment places the liability for economic loss, because of the recall of an unsafe toy, upon the manufacturer of the toy. I believe this amendment will not only benefit local retail stores but will also benefit American toy manufacturers. In the unlikely event that an unsafe toy sometime in the future gets into the stream of commerce, the retail store will know that the American manufacturer is bound by law to return the retailer's purchase price for the particular toy which is on sale. However, this law has no extraterritorial effect, so a retail store which purchases a foreign toy takes a risk that if the toy is found unsafe, he may have to suffer the economic loss.

I hope, Mr. President, that the Congress will promptly enact this legislation. I believe that where a child's safety is at stake, we cannot afford to wait until a later date or to wait until the effects of court litigation bring about safer toys.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1689) was ordered to be engrossed for a third reading, was read the third time, and passed.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 269, H.R. 11612. There will be no action taken on the bill today. It will be the pending business tomorrow, and debate will start then.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRESIDENT NIXON COMMENDED FOR HANDLING OF VIETNAM SITUATION

Mr. CURTIS. Mr. President, I rise to commend President Nixon on his handling of foreign affairs and particularly his handling of the Vietnam situation during the little more than 5 months that he has been head of our Government.

President Nixon has adhered to the irrefutable plan that a weak nation cannot negotiate successfully. At the same time, he has gone all the way diplomatically to make the negotiations which were instigated much more than a year ago successful. He has maintained a flexible posture and has been willing to negotiate under any circumstances that might arise.

The American people have confidence in President Nixon's dedication to the task of keeping America strong militarily. The American people are grateful for President Nixon's ability to talk with and obtain the cooperation of President Thieu of South Vietnam. The American people are grateful for the Nixon program of "bring them back alive," which is becoming a reality. American boys are to be returned from Vietnam alive and not in caskets.

Mr. President, for the good of America we need a national unity in support of the President of the United States. Awesome responsibilities are fixed by the Constitution upon the President of the United States in the conduct of foreign affairs. The President, and the President alone, must make the final decision in reference to matters that involve not only the future of the United States but of the free world.

I think that it would be totally wrong for the President or any of his supporters to appeal for partisan unity. When the United States faces a troubled—and in part a hostile—world, there is no place for partisanship. National unity, on the other hand, is not only a necessity but it is a matter of enlightened self-interest. I am firmly convinced that the war in Vietnam can be shortened and future wars are more likely to be prevented if the United States stands before the world united.

I do not suggest that we abolish criticism. I do not suggest that we cease to ask questions. I do not suggest that ideas concerning the war that appear to be meritorious be placed under a bushel. I do suggest that restraint is a virtue. I do suggest that there is a time and place for everything and by the same token there is a wrong time and place for everything.

Personally, I feel that if an elected official of this Government has strong convictions as to how the war ought to be fought, he should seek a conference with the President of the United States and the Joint Chiefs of Staff and give to

them the benefit of his expert opinion. Personally, I doubt the wisdom of public utterances that can have no other effect than to discourage those who must bear the brunt of our war in Vietnam and encourage those forces that are meting out death to American boys on the field of battle.

Mr. President, I judge no one. What I have said constitutes a declaration of my own beliefs so that the world may know where I stand.

In unity and in strength the cause of peace will be advanced. In discord and division, like protests and demonstrations, the cause of peace is thwarted. Mr. President, we should always be patient. We should always be mindful of history. The war in Vietnam did not begin on January 20. We must look at the whole picture and with reason formulate our hopes for the future.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief chronology of the war in Vietnam which has been prepared at my request from 1961 through 1968, inclusive.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

VIETNAM: A BRIEF CHRONOLOGY

YEAR 1961

January 29: Radio Hanoi recognizes NLF as official government of South Vietnam.

March 10: NLF announces launching of guerrilla campaign against Government of South Vietnam.

April 3: U.S.-South Vietnamese treaty of amity and assistance signed.

May 5: President Kennedy at news conference announces use of American forces in Vietnam "under consideration."

May 11: Vice President Johnson flies to Vietnam.

May 13: Johnson announces U.S. military assistance will be increased.

June 4: JFK-Khrushchev meet in Vienna; Khrushchev chides JFK on Bay of Pigs; James Reston of N.Y. Times reported later that after that meeting Kennedy decided on using U.S. troops in Vietnam.

August 2: Kennedy: "U.S. will do all it can" to help S. Vietnam.

October 1: Adm. Felt, U.S. Commander, Pacific, says use of U.S. troops in combat not in immediate plans.

October 29: First U.S. soldier wounded in battle with the enemy.

(NOTE.—Prior to October 29 an American officer had been wounded in a sabotage raid in Saigon by enemy terrorists who blew up a billet. However, this was not in action in the field against the enemy.)

November 16: After meeting of National Security Council Kennedy announces increased U.S. forces for Vietnam. (Discussing this meeting later, Asst. Secy. St. Robert Manning said Kennedy advised them it might mean commitment of as many as 300,000 U.S. troops to Vietnam, but decision to send 15,000 was made anyway.)

December 14: Kennedy pledges increased U.S. aid.

December 27: First U.S. soldier killed in action by enemy.

December 31: U.S. troop strength at year's end had increased from 660 in 1960 to 3,164.

YEAR 1962

February 7: Two U.S. Air Force support companies arrive Saigon, bring troop strength to 4,000.

February 8: Reorganization of U.S. effort in Vietnam announced, making it a military command with Four-Star General Harkins in command.

May 15: U.S. orders troops to Thailand.

July 6: McNamara makes his first "I am encouraged" statement about "progress" in Vietnam.

September 12: U.S. Gen. Taylor, Chairman Joint Chiefs, visits U.S. military base in central highlands.

December 31: U.S. troop strength at year's end up to 9,865.

December 31: U.S. casualties: 42 dead.

YEAR 1963

April 14: U.S. Under Secretary of State Averell Harriman (in a television interview) says that President Kennedy has decided that the United States must not become involved in the continuing conflict in Laos. He says that there are no plans to commit U.S. troops, and military supplies will only be sent if requested by the Lao Government.

April 22: U.S. Secretary of State Dean Rusk calls the situation in South Vietnam "difficult and dangerous," and says that the United States "cannot promise or expect a quick victory" and that its role is "limited and supporting."

June 11: Buddhist monk (Thich Quang Duc) commits suicide by burning himself to death with gasoline in front of the Cambodian legation. Further aggravates religious crisis involving South Vietnamese Buddhists.

June 27: President Kennedy announces (in Ireland while on a European tour) the appointment of Henry Cabot Lodge as the next American Ambassador to South Vietnam, effective September 1963, to succeed Frederick Nolting.

July 11: U.S. Ambassador Nolting returns to South Vietnam after consultations in Washington and issues a statement assuring continued U.S. support to President Diem and warning that "unity of purpose and purpose in action" must not be weakened by "internal dissension."

September 2: Times of Vietnam charges that U.S. Central Intelligence Agency agents had planned a coup d'etat for August 28 to overthrow President Diem. On the same day, U.S. President Kennedy declares (in a television interview with CBS Correspondent Walter Cronkite) that the United States is prepared to continue to assist South Vietnam "but I don't think that the war can be won unless the people support the effort and, in my opinion, in the last 2 months, the Government has gotten out of touch with the people."

October 2: Secretary of Defense Robert S. McNamara and Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, say the United States will continue its "policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam."

November 1: Military coup (organized by the key generals of the armed forces) against the Diem regime. Rebels lay seige to the presidential palace in Saigon which is captured by the following morning. President Diem and his brother, Ngo Dinh Nhu escape from the palace, but a few hours later are taken by the rebels, and while being transported in an armored carrier to rebel headquarters they are assassinated. A proclamation broadcast by the leaders of the coup (a council of generals, headed by Maj. Gen. Duong Van Minh) declares that they have "no political ambitions" and that the fight against the Communists must be carried on to a successful conclusion.

November 2: Military leaders in South Vietnam set up a provisional Government headed by former Vice President Nguyen Ngoc Tho (a Buddhist) as Premier. The Constitution is suspended and the National Assembly dissolved. Buddhists, students, and other political prisoners arrested by the former regime are released.

November 9: United States announces resumption of its commodity-import aid to South Vietnam, suspended in August.

November 15: U.S. military spokesman in Saigon reports that 1,000 U.S. servicemen will be withdrawn from South Vietnam, beginning December 3. (They never were.)

November 22: President John F. Kennedy is assassinated in Dallas, Tex. His successor, Lyndon B. Johnson, affirms on November 24 the U.S. intention to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

December 31: Troop strength: 16,500; Americans killed: 78.

YEAR 1964

January 27: U.S. Secretary of Defense McNamara in a statement to House Armed Services Committee states that the situation in South Vietnam "continues grave," but that "the survival of an independent Government in South Vietnam is so important to the security of southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory." France establishes diplomatic relations with Communist China.

April 13–15: SEATO Ministerial Council communique declares the defeat of Vietcong is "essential" to the security of southeast Asia and SEATO to fulfill its treaty obligations.

April 25: General Westmoreland to replace General Harkins in Saigon.

May 12: Secretary Rusk asks NATO members to give greater support to South Vietnam.

May 22: Secretary Rusk stating the choices in Vietnam, says: "A third choice would be to expand the war. This can be the result if the Communists persist in their course of aggression."

August 2: U.S.S. Maddox is attacked in international waters off the coast of North Vietnam by North Vietnamese torpedo boats.

August 4: Destroyer C. Turner Joy and destroyer Maddox are attacked by North Vietnamese PT boats.

August 4: President Johnson orders U.S. "air action" against "gunboats and certain supporting facilities in *North Vietnam*."

August 5: President Johnson's message to Congress; joint resolution is introduced "To promote the maintenance of international peace and security in southeast Asia."

August 5: United States sends reinforcement to Tonkin Bay area.

August 6: Cambodia charges "Americans in uniform joined South Vietnamese in firing into Cambodia."

August 7: U.S. Congress approves southeast Asia resolution (Senate vote, 88–2; House vote, 416–0).

August 11: President Johnson signs southeast Asia resolution into law (Public Law 88–408).

September 18: U.S. Defense Department reports destroyers in Tonkin Gulf fire on and presumably hit four or five hostile targets.

December 31: Troop strength: 23,000; Casualties: 147.

YEAR 1965

February 6: Russian Premier Kosygin arrives in Hanoi.

February 7: U.S. planes strike targets in North Vietnam. U.S. dependents evacuated from South Vietnam.

February 8: South Vietnamese Air Force planes accompany U.S. air mission into North Vietnam. President Johnson indicates that further developments depend on Communist response. Indian Foreign Minister requests a new Geneva conference.

February 8: Premier Kosygin announced Soviet willingness to aid North Vietnam if she is invaded.

February 25: North Vietnamese officials state negotiations would be considered if American troops were withdrawn.

February 27: State Department issues white paper detailing charges of aggression on the part of North Vietnam.

February 28: United States and South Vietnamese officials declare that President Johnson has decided to open continuous limited air strikes against North Vietnam in order to bring about a negotiated settlement.

March 6: Two U.S. Marine battalions sent to South Vietnam for limited duty.

March 25: In a public statement President Johnson held out to North Vietnam the prospect of economic aid if peace is secured.

April 2: United States announces intention of sending several thousand more troops to South Vietnam.

April 7: President Johnson, in a speech at Johns Hopkins University stresses our willingness to negotiate, and suggests a $1 billion aid program for southeast Asia.

May 4: President Johnson requests $700 million supplemental appropriation for Department of Defense for Vietnam effort.

May 13: United States halts bombing missions on North Vietnam.

May 19: United States resumes air attacks on North Vietnamese targets.

June 7: U.S. military authorities disclose that number of American military personnel in South Vietnam has passed 50,000 mark. (Army, 21,500; Marine Corps, 16,500; Air Force, 9,500; and Navy, 3,500).

June 8: State Department spokesman says that U.S. military command in South Vietnam has been authorized to send American troops into combat alongside Vietnamese forces if such "combat support" is requested by South Vietnam. (1st American killed in action in Dec. 1961)

June 16: Secretary McNamara announces new troop movements to Vietnam which will bring total there to over 70,000.

June 25: President Johnson in an address at ceremonies in San Francisco commemorating the 20th anniversary of the signing of the U.N. Charter declares that "bilateral diplomacy" for a peaceful settlement has "yielded no results." He adds, "I now call upon this gathering of the nations of the world to use all their influence, individually and collectively, to bring to the table those who seem determined to make war. We will support your efforts as we will support effective action by any agent or agency of these United Nations."

June 28: American troops participate in their first major attack of the Vietnamese war.

July 10: President Johnson declares in a press conference that in Vietnam, "we committed our power and our honor. . . ."

July 12–18: The United States begins a large-scale buildup of its forces in South Vietnam.

July 15: A "voluntary censorship" of news is requested of journalists by the U.S. Military Assistance Command, Vietnam.

July 28: In a press conference, President Johnson states: "We must not let this [the unconventional nature of the fighting] mask the central fact that this is really war."

August 19: The Defense Department reports that 561 Americans had been killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

October 23: U.S. military authorities in Saigon reported that U.S. forces in South Vietnam have reached a total of 148,300 men: 89,000 Army, 8,000 Navy, 37,000 Marine Corps, 14,000 Air Force, and 300 Coast Guard.

November 11: Defense Secretary McNamara announces that the administration "believes it will be necessary to add further to the strength of U.S. combat forces in Vietnam."

November 15: Correspondent Eric Sevareid reports in a Look magazine article that the United States rejected a Hanoi proposal in 1964 that United States and North Vietnamese representatives meet in Rangoon, Burma, to discuss a possible means of ending the Vietnam war. State Department spokesman Robert J. McCloskey states that "on the basis of the total evidence available to us, we did not believe at any time that North Vietnam was prepared for serious talks."

November 18: A Defense Department casualty report states that 108 U.S. soldiers were slain in the week ending November 15, a weekly record total, bringing to 1,095 the number of Americans slain since January 1, 1961.

November 29: Defense Secretary McNamara states in a press conference that the Vietcong's "expressed determination to carry on the conflict * * * can lead to only one conclusion—that it will be a long war."

December 15: U.S. Air Force planes bomb and destroy a North Vietnamese thermal power plant at Uongbi in the first American air raid on a major North Vietnamese industrial target.

December 24–25: A 1-day Christmas truce is agreed to by the United States and the Vietcong. The United States also suspends air strikes as part of the short cease-fire.

December 31: Troop strength: 181,000; casualties: 1,369 dead.

YEAR 1966

January 31: President Johnson announces in a broadcast speech the resumption of U.S. air strikes against North Vietnam. At the same time he instructs U.S. Ambassador Arthur Goldberg formally to request the U.N. Security Council to intervene in the crisis to seek an international conference to end the war and establish a permanent peace in southeast Asia.

February 4: Defense Secretary McNamara refuses on the grounds of security to testify publicly before the Senate Foreign Relations Committee. His position is publicly endorsed by President Johnson.

February 6: President Johnson and other U.S. officials arrive in Honolulu for discussions with Premier Ky and other Saigon representatives concerning the Vietnamese war. In his remarks at airport ceremonies President Johnson declares that those who "counsel retreat" from the war "belong to a group that has always been blind to experience and deaf to hope."

February 7: Retired Lt. Gen. James Gavin appears before the Senate Foreign Relations Committee to present his views on the Vietnam conflict.

February 8: President Johnson states his determination, at the conclusion of the 3-day Honolulu conference, to fight the battle against aggression as well as the battle for social construction in Vietnam.

February 11: President Johnson in a news conference disavows any desire to escalate the war. However, he adds that "additional troops" will be sent as militarily required.

March 5: Gen. Maxwell Taylor proposes the mining of Haiphong harbor.

March 11: Vice President Humphrey bars any settlement of the Vietnam war that would give the Vietcong a role in a coalition government not earned in free elections.

April 12: B–52's from the U.S. Strategic Air Command base in Guam bomb North Vietnam for the first time. The press reports a Pentagon decision to use B–52's regularly in bombing the north.

April 22: Pauline Frederick, NBC reporter, quotes a Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations, if the United States would halt the bombing of the north.

May 2: Secretary McNamara predicts an increase in U.S. troop strength in order to offset rising North Vietnamese infiltration.

May 22: Harold Brown, Secretary of the Air Force, states that President Johnson has decided against expanding the list of bombing targets in North Vietnam to include industrial and port installations, and fuel storage facilities.

June 18: President Johnson, at a news conference, declares that the United States would persist in using "the ground, naval, and air strength required to achieve our objective" and warns that: "I must observe that this does not mean that we shall not increase our forces or our operations."

June 26: Secretary Rusk, in Canberra, Australia, states that he sees no prospects for an early peace in Vietnam.

June 29: American planes conduct the first of continuing attacks on oil installations in the areas of Hanoi and Haiphong.

June 30: Speaking in Omaha and Des Moines, President Johnson warns that attacks on military targets in North Vietnam "will continue to impose a growing burden and a high price on those who wage war against the freedom of their neighbors," and calls for unconditional peace talks, saying "there need only be a room and a table and people willing to talk respectfully."

July 30: B–52 bombers initiate the first of series of attacks on growing North Vietnamese troop concentrations in and around the demilitarized zone.

August 3: A House Appropriations Subcommittee makes public testimony of May 11 by Secretary Rusk in which he said that the United States observes a no-bombing buffer zone along North Vietnam's border with Red China.

September 5: President Johnson says that a U.S. troop withdrawal from South Vietnam is dependent upon a pull-out of Communist forces.

September 22: Ambassador Goldberg states that the United States will halt the bombing of North Vietnam when it receives assurances, privately or otherwise, that Hanoi will respond by a reduction of its war effort. The United States will then be prepared to participate in a mutual withdrawal of military forces under international supervision.

October 16: President Johnson leaves on a 17-day trip that will include the Manila Conference.

October 24: The Manila Conference opens. Premier Ky tells the Conference that South Vietnam will press a program of political-economic reform.

October 26: President Johnson pays a surprise visit to Camranh Bay, South Vietnam, and pledges full support to U.S. forces.

November 5: Secretary McNamara states that the number of U.S. troops in Vietnam will continue to grow in 1967 but at a lower rate than the increase in 1966.

November 12: Hanson Baldwin, New York Times military writer, asserts that Pentagon military experts have estimated that 600,000 to 750,000 U.S. troops are needed in South Vietnam to achieve the objectives of defeating the Communists and pacifying the country.

YEAR 1967

January 8: U.S. predicts "sensational" military gains in 1967 and that open peace negotiations would probably never take place.

January 13: Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, says the United States will not bomb Mig bases in North Vietnam.

January 20: Senator John Stennis calls for an intensification of the U.S. bombing of North Vietnam to include industrial and power installations and jet airfields. He also predicts that over 500,000 American troops will be needed in South Vietnam by the end of 1967.

January 23: In his annual posture statement before the Senate Armed Services Committee and Defense Appropriations Subcommittee, Secretary McNamara lists enemy strength in South Vietnam at 275,000 men including 45,000 North Vietnamese regulars. The Secretary claims that U.S. strategy is limiting the buildup of Communist forces in the South, because they are losing as many men as they can recruit.

January 25: The Associated Press reports an order by the Johnson administration

barring American planes from venturing within 5 miles of the center of Hanoi.

January 26: U.S. officials acknowledge previous reports of secret negotiations with the National Liberation Front but claim that these dealt only with American prisoners held by the Vietcong.

February 9: Secretary Rusk tells newsmen that the United States will not cease bombing North Vietnam until Hanoi shows a willingness to reduce its military effort in the south. He accuses Hanoi of trying to secure a halt in the air raids without any limitations on its own military activities.

February 14: The United States bombs North Vietnam after a pause of nearly 6 days. President Johnson cites Hanoi's "major resupply efforts" during the break as justification for this action.

February 15: Secretary McNamara tells newsmen that the northern bombing has been effective but that the major military objectives of the war must be achieved in South Vietnam.

February 24: Secretary McNamara states at a news conference that the United States might bomb new targets in North Vietnam.

February 27: U.S. planes begin to drop mines in North Vietnam's rivers.

March 21: North Vietnam's Foreign Ministry discloses that President Johnson and Ho Chi Minh exchanged letters in February. Ho rejected the President's call for peace talks unless the United States halted the bombing and all other acts of war against North Vietnam.

March 27: A Senate Armed Services subcommittee issues a report charging that restrictions on U.S. pilots bombing North Vietnam have resulted in increased American casualties in the air war. The report proposes a relaxation of these limitations.

April 20: U.S. planes bomb two powerplants inside Haiphong for the first time. The United States and allies participating in the Vietnam war hold a strategy conference in Washington.

April 24: U.S. planes attack two North Vietnamese MIG bases, marking the first strike against such installations.

April 28: In a speech before Congress, Gen. William Westmoreland predicts that U.S. forces will "prevail in Vietnam over the Communist aggressor." He also asserts that "in evaluating the enemy strategy, it is evident to me that he believes our Achilles heel is our resolve."

May 3: At a news conference, President Johnson states that he has no "imminent" plans to substantially increase U.S. fighting strength in Vietnam.

May 5: U.S. Marines capture the third and final peak of Hill 881 after days of bitter fighting.

June 22: According to Department of Defense figures, total U.S. troop strength in South Vietnam is 463,000 as of June 17.

July 11: At a Saigon press conference before his return to Washington, Secretary McNamara states that the United States will continue to "provide the troops which our commanders consider necessary" but that "what is necessary depends on the extent to which we are using the resources we have available to us."

August 3: President Johnson announces that he has authorized the raising of the maximum limit of U.S. personnel in South Vietnam to 525,000.

YEAR 1968

January 2: The allied New Year's truce ends and the United States resumes the bombing of North Vietnam.

January 6: President Thieu states that Saigon and Hanoi should be the principal parties to any peace negotiations.

January 7: Assistant Secretary of State William Bundy states that peace talks on Vietnam might "lead away from peace" if the Communists used a cessation of the U.S. bombing of North Vietnam to pour men and supplies into the south.

January 15: Speaking to a group of Vietnamese newspaper editors, President Thieu declares that South Vietnam "should have the central role in any development relating to the events in Vietnam" and that "peace efforts should be made by the Saigon Government." Secretary Rusk states in Washington that there could be no decisions on negotiations "without full consultation with" the Saigon Government and that the future of South Vietnam could not be decided without the "full participation" of the South Vietnamese Government.

January 16: Mai Van Bo, North Vietnam's chief diplomat representative in Paris, tells newsmen that, before peace talks could be held, the United States must stop the bombing and "other acts of war" against North Vietnam without exception of any reciprocal action by Hanoi.

January 17: North Vietnamese officials in Paris reportedly tell a French journalist that peace talks will begin as soon as the United States halted the bombing and other acts of war against North Vietnam. They also say that the door was open to discussions on any subject, including the U.S. view that Hanoi not take advantage of a cessation of the bombing, but declare that there could be no question of a reciprocal deescalation by Hanoi in exchange for a bombing halt.

January 19: Cambodia charges that United States and South Vietnamese forces intruded 200 yards into its territory on January 18, killing three Cambodians.

January 21: A commentary in North Vietnam's official newspaper, Nhan Dan, describes President Johnson's "San Antonio formula" as a "habitual trick" with "very insolent conditions." It states that the United States has no right to ask for reciprocity in return for a cessation of the bombing of North Vietnam.

January 22: The State Department acknowledges that a combined United States-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

January 25: Testifying before the Senate Armed Services Committee, Clark Clifford, the President's nominee for Secretary of Defense, states that he would "assume" that North Vietnam would "continue to transport the normal amount of goods, munitions, men to South Vietnam" if the United States halted the northern bombing.

January 29: The Allies cancel their 36-hour Tet truce in South Vietnam's five northernmost provinces and state that the United States will continue bombing North Vietnam south of Vinh, a city about 125 miles north of the demilitarized zone. U.S. sources cite the Communist buildup around Khesanh as the reason for the cancellation.

January 30: The New York Times reports that the United States had informed North Vietnam that it would stop the bombing of the north if Hanoi did not increase infiltration of men and supplies beyond the level maintained while the bombing proceeded.

January 30–31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31), where they temporarily invade the grounds of the U.S. Embassy. President Thieu announces a total cancellation of the 36-hour Allied Tet truce.

January 31: President Thieu declares martial law throughout South Vietnam as the Communists continue their attacks on Allied bases and major cities.

February 1: Secretary McNamara presents his final posture statement to the Congress. He warns that the combat strength of North Vietnamese forces in South Vietnam "may increase sharply in the next few months" and states that North Vietnam's manpower reserves are adequate to meet current demands and that Hanoi can support a higher level of military mobilization. He declares that ultimate success in South Vietnam depends on the ability of the Saigon government to reestablish its authority over its territory so that peaceful reconstruction can be undertaken. He states that the bombing of North Vietnam had left few strategically important targets unstruck but expresses the opinion that the air attacks could not pinch off the flow of military supplies into the south.

February 1: General Westmoreland predicts that the Communists will follow up their attacks on South Vietnamese cities and Allied bases with their biggest offensive of the war in the country's two northernmost provinces.

February 2: President Johnson tells newsmen that the Communists had failed to achieve their stated goal of sparking a general uprising in South Vietnam's cities. He also states that he has no evidence to indicate a connection between the Pueblo incident and the Communist Tet offensive but that practically every expert whom he had consulted thought a connection did exist.

February 7: North Vietnam reportedly uses tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces camp at Langvei, 5 miles west of Khesanh near the Laotian border. The camp falls on February 8.

February 10: Secretary Rusk tells the National Association of Secondary School Principals that the Vietnam war may be entering "the climatic period."

February 13: The Pentagon announces that the United States will airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

February 14: Secretary Rusk announces that all U.S. attempts to launch peace talks "have resulted in rejection."

February 16: President Johnson at an unscheduled news conference states that it is in the Nation's interest to have General Westmoreland as commander in Vietnam at this critical stage. He also says that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi is not any more ready to negotiate than it was 3 years previously.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

February 20: Secretary McNamara testifies before the Senate Foreign Relations Committee on the 1964 Gulf of Tonkin incident. He denies any element of provocation on the part of the United States and insists that Washington had conclusive proof of North Vietnamese attacks on two U.S. destroyers before ordering air strikes against North Vietnam. Senators Fulbright and Morse dispute McNamara's testimony, charging that the Defense Department had withheld certain information. that U.S. naval activity on the Gulf of Tonkin might have provoked North Vietnam's actions in the incident and that the incident did not justify the subsequent American bombing.

February 24: South Vietnamese forces recapture the palace grounds of the citadel at Hue after 25 days of fierce fighting.

February 25: General Westmoreland states that additional U.S. troops "will probably be required" in Vietnam.

February 27: A South Vietnamese Army unit reports sighting Communists armored vehicles within 50 miles of Saigon.

March 4: According to Defense Department figures total U.S. troop strength in South Vietnam as of February 24, 1968, was 495,000. U.S. combat deaths stood at 18,799 (Jan. 1, 1961–Feb. 24, 1968) and wounded totaled 115,114, and 983 U.S. servicemen were missing and 238 were listed as captured.

March 10: The New York Times and Wash-

ington Post report that the Johnson Administration is considering raising U.S. Troop strength in Vietnam by as much as 206,000. White House Press Secretary Christian states on March 9 that the President has received no specific requests from American commanders concerning the sending of additional U.S. forces.

March 11-12: Secretary Rusk testifies before the Senate Foreign Relations Committee. He admits that the Communist Tet offensive has set back the Allied effort.

March 22: President Johnson announces that he will nominate Gen. William Westmoreland to replace retiring Army Chief of Staff, Gen. Harold K. Johnson, in July 1968.

March 31: President Johnson announces that he has ordered U.S. aircraft and naval vessels "to make no attacks on North Vietnam except in the area north of the demilitarized zone where the continuing enemy buildup directly threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat." He states that the area covered by the bombing pause includes 90 percent of North Vietnam's population. He asserts that a complete bombing halt could come "if our restraint is matched by restraint in Hanoi." He calls on North Vietnam to respond positively to the bombing halt by agreeing to peace talks and states: "We assume that during those talks Hanoi would not take advantage of our restraint."

April 2: Administration officials state that under the terms of the President's partial bombing halt, air attacks are still authorized from the 17th to the 20th parallel.

April 3: The U.S. command in Saigon announces that 20,000 Allied troops are advancing on the U.S. marine base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1, reaches Khesanh on April 6.

April 3: North Vietnam offers to send representatives to meet with U.S. representatives "with a view to determining with the American side the unconditional cessation of the U.S. bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

April 3: President Johnson sends a reply to Hanoi, suggesting Geneva as a meeting site. He publicly announces that: "The United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end. Accordingly we will establish contact with the representatives of North Vietnam."

April 7: General Westmoreland states in Washington that: "The spirit of the offensive is now prevalent throughout Vietnam with advantage being taken of the enemy's weakened military position. * * * "

April 8: President Johnson announces that he had received an official reply from Hanoi to his proposal for direct diplomatic contact and that: "We shall be trying to work out promptly the time and the place for the talks."

April 9: President Johnson states that the United States and North Vietnam are discussing "a number of alternative locations (for a meeting site) which could be convenient to both sides."

April 11: Hanoi proposes Warsaw as the site for the initial United States-Democratic Republic of Vietnam contact. The White House indicates that the United States favors a neutral site with adequate communications facilities.

April 29: Vice President concedes that the administration "may have overspoken" when it said it would go "any place any time" to start peace talks with North Vietnam.

May 3: President Johnson announces that the United States has accepted a North Vietnamese offer to meet in Paris for preliminary peace talks on May 10 or soon afterwards.

May 6: U.S. officials in Saigon state that North Vietnamese troops participated in fighting inside Saigon for the first time in the war.

May 8: President Johnson states in a speech that the United States still bases its Vietnam policy on the offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

May 9: President Thieu states: "We will never cede an inch of land to the northern communists, we will never set up a coalition government with the NFLSV, and we will never recognize the NFLSV as a political entity equal to us, with which we must negotiate on an equal footing."

May 10–11: United States and North Vietnamese delegates meet in Paris for the first time.

May 13: The first formal negotiating session meets at Paris.

May 15: Secretary Rusk denies that the United States "is prepared to impose a Communist rule upon the South Vietnamese Government . . ."

June 10: At a press conference on the eve of his departure from Vietnam, General Westmoreland asserts that a military victory "in a classic sense" is not possible.

June 19: President Thieu signs South Vietnam's first general mobilization law.

June 27: The U.S. Command in Saigon announces that U.S. troops are withdrawing from the base at Khesanh, which had survived a 77-day siege beginning in January 1968.

July 31: President Johnson tells a news conference that 30,000 North Vietnamese infiltrated into South Vietnam in July, making the infiltration rate the highest at any time in the war.

October 19: GOP presidential candidate, Richard Nixon, proposes that the non-Communist nations of Asia be guided into a mutual security pact of their own to deal with future Communist threats.

October 25: Secretary of Defense Clifford states that President Johnson has ordered no slackening of the U.S. military effort in Vietnam. He asserts that North Vietnam has withdrawn 30,000 to 40,000 troops from South Vietnam but that 80,000 still remained.

October 31: President Johnson announces that the United States will cease "all air, naval, and artillery bombardment of North Vietnam" as of 8 a.m. (Washington time), November 1.

October 31: President Thieu issues a statement which reads: " * * * the American government has unilaterally decided to stop the bombing on the whole territory of North Vietnam * * *." A "close associate" of Vice President Ky reportedly comments: "We were informed last night, but we didn't go along with it. We are very unhappy."

TWO WARS, SINGLE CAUSE

Mr. HARTKE. Mr. President, the United States is engaged in two desperate wars, one in Vietnam, the other against inflation. This is not coincidence; the two wars are blood brothers, they are related. The Vietnam war directly causes our present inflation. Not only does the Vietnam adventure cause inflation but attempts to end inflation will not succeed until we substantially end our Vietnam mistake. As long as our war budget keeps pumping $80 billion into the Nation's $900 billion economy without producing a supply of goods to meet the demand, efforts to control inflation will be fruitless. There is, however, a curious blindness in this country to this obvious economic fact. There seems to be a general reluctance to acknowledge the relationship between war and inflation. Perhaps most economists do not want to acknowledge this relationship because economic paradigms do not entail an evaluation of the effect of war.

Carl Rowan in a recent column discusses the economic cost of Vietnam. He writes:

The total cost of this conflict has passed the $110 billion mark. Quoting James L. Clayton, an associate professor of history, he writes that, The cost of the Vietnam conflict even assuming a major de-escalation at the end of this year and a total withdrawal next year will be 350 billion dollars.

It is in this context that we should evaluate the surtax. The surtax is much more appropriately termed "a war tax." It is a tax, which has failed to achieve any of its stated economic goals, and is needed to finance an equally misguided foreign policy.

I ask unanimous consent that Mr. Rowan's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM WAR COSTS ADD UP TO A CHILLING FIGURE

Much of the American agony over the Vietnam war is caused by the fact that so much of our national wealth is being used for death and destruction when that wealth is needed for human uplift at home.

The agonizing will become more intense at the end of this month when Americans are told that the total cost of this conflict has passed the $110 billion mark.

But a university of Utah professor is trying to enlighten us with the fact that this figure does not begin to tell the true cost story, although it does make Vietnam by far the most expensive war in American history with the exception of World War II.

James L. Clayton, associate professor of history, recently told a Senate committee here that "if veterans' benefits and interest costs on the war debt were included, the cost of supporting one GI in Vietnam would be about $75,000 per year."

Clayton has studied the cost of all other U.S. wars and concluded that veterans' benefits alone for our first five major wars have averaged more than three times the original cost of those wars.

He points out that even a century after a war has ended the American people may be paying handsomely for it. In 1967 the government was still paying more than a million dollars a year to 1,353 dependents of deceased veterans of the Civil War.

Clayton points out that while the Civil War originally cost $3.07 billion, veterans' benefits had cost $8.57 billion by 1967. He says veterans' benefits will increase the costs of World War I, World War II, and the Korean War by 155 percent, 125 percent, and 170 percent respectively.

Clayton also has figured that interest costs on the national debt usually raise the cost of a war by about 40 percent.

Projecting this to the Vietnam war, Clayton told the Senate committee: "The cost of the Vietnam conflict, even assuming a major de-escalation at the end of this year and a total withdrawal next year, will be about $350 billion."

The Utah historian went on to add that "the estimate does not include inflationary costs owing to the war, the loss of services and earnings by the 33,000 men killed in the war to date, the cost of resentment abroad, the depletion of our natural resources, the postponement of critical domestic programs, the cost of the arrested training and education of our youth, the cost of the suspended cultural progress of our nation—and nothing of the death and destruc-

tion to the South Vietnamese civilians in the war zone itself."

Clayton apparently is aware that in these days when governments always talk in terms of billions, the average American might not understand the meaning of a $350 billion price tag on the Vietnam war. He explains that for the same period (fiscal 1960 to 1970):

"The war in Vietnam has cost ten times more than support for education, and 33 times more than was spent for housing and community development. We have spent ten times more money on Vietnam in ten years than we have spent in our entire history for public higher education or for police protection."

Perhaps with a bit of an acid tongue in cheek, Clayton tells us that there is hope in the high and rising cost of war. He says each of the major wars of the past century cost about ten times the previous one (Civil War, $3 billion; World War I, $33 billion; World War II, $381 billion.) And our major conflicts since World War II have tended to double in price (Korea, $54 billion and Vietnam, to date, $110 billion).

"If the trend continues," says Clayton, "wars may soon be simply too expensive to contemplate and governments too cumbersome to endure."

We should be so lucky!

WORLD TEXTILE TRADE

Mr. TALMADGE. Mr. President, as one who has labored diligently for many years to restore order to world textile trade, I have followed with great interest the recent trade missions of Secretary of Commerce Maurice H. Stans.

Mr. Stans and a group of key advisers traveled recently to the capitals of Europe and Asia to pave the way for future trade negotiations to eliminate some of the inequities which exist today.

The purpose of his mission was twofold. Everyone talks about the desirability of free and fair trade. But unfortunately, in most cases, trade has been free where the United States is concerned, and anything but fair where some of our trading partners are concerned.

In each of the capitals visited, Mr. Stans called for "open table" negotiations on the various trade barriers which exist throughout the world. He suggested that where these problems exist, they be laid on the table and discussed freely and frankly.

A second purpose of his mission was to lay the groundwork for negotiations which would result in equitable agreements governing the rapidly rising level of textile imports entering the United States.

Mr. Stans pointed out repeatedly that the United States is the only free market in the world for textile articles. He warned that the United States is not in a position to absorb indefinitely a greater and greater share of the expanding textile production of the world.

In some areas visited, the Secretary was met with sympathy and understanding. But he received a flat rebuff in Japan. The Japanese, who already dominate about one-fourth of the U.S. textile import market, exhibited no inclination to moderate their textile exports to the United States.

On the contrary, there is every indication that Japan intends to continue expanding her textile capacity, and most of the new capacity will be aimed at the United States. Shortly after Mr. Stans returned, the Japanese Ministry of Internal Trade and Industry announced that Japan's manmade fiber industry plans to increase its investments in new facilities by 28 percent over last year.

Because the United States is the only major free market in the world for imports of woolen and manmade fiber textile articles, it is clear that most of that additional production is earmarked for export to the United States.

Last year, we imported 3.3 billion square yards of textile products and apparel and additionally 214 million pounds of manmade staple, monofilaments and grouped filaments, with a dollar value of $1.5 billion. Our trade deficit in textile articles was a whopping $1.1 billion. Japan accounted for 27 percent of our textile imports.

This textile trade deficit, standing alone, is a matter of great concern. But it becomes even more serious when viewed as a part of our overall trade picture.

The United States has long been recognized as the greatest manufacturing nation in the world. But this position of industrial leadership is being eroded by outmoded trade policies which are turning us into a nation which exports raw materials in exchange for imported cheap labor.

Recent United States-Japan trade figures from the Department of Commerce dramatize this resources-for-labor swap. In 1968, we imported from Japan some $4.1 billion worth of various products. At the same time, we sold $2.9 billion worth of goods in Japan. This is a serious deficit.

But it becomes much more significant when we look at what we sold Japan and what was imported. Better than two-thirds of what we exported to Japan consisted of raw materials—products which represent a minimum of labor content per dollar of value. They contain a minimum of technology, too.

Does this make any sense? Here we are, the greatest industrial nation in the world with vast technical resources. Instead of encouraging our basic manufacturing industrial like steel, automobiles, and textiles, we open the floodgates to a rush of products which sell in this country primarily because they are made for wages which would not be legal here.

It is illegal to move goods in interstate commerce which are not made under fair labor standards. But if they are made by exploited workers beyond the 12-mile limit, we embrace them with enthusiasm.

At the same time, we stand idly by while other nations—and Japan is one of the worst offenders—erect all kinds of barriers against our manufactured products. Japan alone maintains restrictions against 121 categories of imports in which we have an interest.

How long are we going to tolerate this one-sided trade posture which permits Japan to fatten her giant textile industry with the cream of the American market, while she jealously protects her own industries?

The Japanese have been most skillful in the way they have concentrated on the open U.S. market and avoided taking on any of the responsibilities which go with being a major industrial nation.

When restraints were placed on cotton textile imports under the long-term arrangement on cotton textiles, the Japanese moved in on the market for manmade fiber and wool textiles.

Japan now accounts for 30.2 percent of our imports of manmade fiber products which have skyrocketed to 1.4 billion equivalent square yards annually. This is an increase of 551 percent since the cotton textile agreement began.

Japan last year exported to the United States 434.9 million square yards of manmade fiber products—more than double the 213 million yards we imported from all countries in 1962 and she exported additionally 28 million pounds of manmade staple monofilaments and group filaments.

One-fourth of the wool textiles consumed in this country today are imported and Japan accounts for 36.1 percent of our imports of such products. Some idea of the speed with which Japanese wool fabric exports to the United States are growing can be obtained by looking at what has happened between 1963 and 1968 to Japanese exports of worsted cloth.

Between 1963 and 1968, Japanese exports of worsteds to the United States rose by 82.4 percent. During the same period, Japanese exports of worsteds to countries other than the United States actually declined by 8.7 percent. As a result, the United States took 71 percent of Japan's worsted exports in 1968 compared with only 56 percent in 1963.

This uncontrolled expansion in Japanese exports to the United States absorbed nearly all of the growth in our domestic market during the period 1963–68. Other countries, however, had awakened to the danger to their domestic wool industries. And, as we have seen, they took effective measures to protect their national interests. While the Japanese agreed to these measures quietly, they now tell us America has no right to be concerned about what happens to her domestic wool industry.

We have been exceedingly generous with Japan, because we felt she had the potential to become a strong democratic ally. Now the time has come for Japan to take on a greater share of the responsibilities which go with her position in the world.

The area of textile trade with the less-developed countries needs adjustment and equalization. The United States today receives 82 percent of the textile imports from 19 less-developed nations, while Japan takes only about 1 percent. By the same token, the European economic community, with virtually the same population as the United States, takes only 17 percent.

Would not it make sense for Japan, which has just gone through a period of redevelopment, to take on some responsibility for helping other nations develop?

Perhaps Japan needs to be reminded of some of the history which played such an important role in her recovery.

In 1937, just prior to World War II, a delegation from our Government and from the U.S. textile industry went to

Japan to seek a "voluntary" trade agreement. Because of the outbreak of hostilities it was never consummated.

Immediately following World War II, much of Japan's industry was in ruins. Eighty percent of its shipping was gone. One-third of its industrial machinery had been destroyed. And the vast textile industry had been reduced to 2 million spindles, its markets shattered, and its capacity rendered insufficient to supply the needs of its own population.

This was the situation confronting Gen. Douglas MacArthur, supreme commander of allied powers in Japan, when he began the military government of Japan. The general said at one point:

> We had the choice between completely destroying this nation and its people, and letting them live in the hopes of instilling in them democratic ideals. With no moral alternative but the second, the United States should exert every effort to help the Japanese become self-sufficient so they would be a drain on the American pocketbook no longer than absolutely necessary.

I might interject here that the Japanese quickly became self-sufficient, with our help. But the drain of American jobs and income shows no signs of slackening.

At any rate, in 1947, General MacArthur asked the U.S. textile industry to help his staff develop a plan for rehabilitation of the Japanese industry. The America Cotton Manufacturers Association appointed a committee in response to the general's plan. After a lengthy series of conferences and 2-week inspection of the Japanese cotton textile complex, the committee reported its recommendations to MacArthur.

The committee members were moved deeply by what they saw. Their recommendations were designed to alleviate both economic and physical distress in Japan. At the same time, they expressed the hope that any steps taken would not be taken at undue expense of the American economy, itself in turmoil over the wrenching adjustments from wartime to peacetime footing.

Among its recommendations were these:

Establishment of a revolving fund by Congress, to be used by Japan as working capital to finance purchases of raw materials, mainly U.S. cotton.

Immediate sale of half of the Japanese textile surplus, 300 million yards, through the revolving fund, for distribution as clothing to the stricken population.

Establishment of a commercial exchange rate for the yen, as a means of obtaining credit and bringing some stability to Japanese currency.

Establishment of a specialized sales force to promote the sale of Japanese textile products. A just-retired sales executive of Cannon Mills accepted the assignment of heading up this force.

Encouragement of the reopening of normal Japanese oriental and colonial markets in the East, through expanded freedom for salesmen, trade conferences, use of the leadership of the Japanese Board of Trade and the various textile associations, and freedom to sell textiles to private firms as well as to Government through SCAP.

In all, there were 16 recommendations made by the textile industry. Within a matter of months, all 16 were in effect, with the support of both SCAP and the Congress.

General MacArthur later told the committee members:

> Your visit is destined to be one of the finest contributions which democracy has made to the rehabilitation of Japanese industry.

The recommendations worked. U.S. funds and technology aided the recovery.

And as time passed, and the Japanese textile industry grew stronger, the U.S. Government and SCAP decided the time and circumstances were right for allowing it to grow larger as well.

Another U.S. Government textile industry mission went to Japan, and its findings resulted in increased U.S. assistance for expanding and modernizing Japanese textile production. Credits for machinery were granted. Know-how to improve quality and production was imported from America. And for the first time since before the war, increases in Japanese imports in the United States were granted.

Then the military occupation ended. The Korean war began, and Japan was on its own, politically and economically.

And look how far Japan ran in the next 5 years.

By the mid-1950's, most of the giant combines and cartels which had been broken up by SCAP had been reorganized. They were backed by the government to eliminate what it called "undue competition for foreign sales."

Foreign sales were what the government was after. It paid a premium to purchasers of raw materials who would manufacture them for export. Interest charges were lower on loans to manufacturers who would buy equipment or pay operating costs for producing exports. Taxes on exports were lower. Exporters got what amounted to a 5-percent premium on exported goods.

While the export drive mounted, Japan's textile industry grew to meet its demands.

By 1955, the Japanese textile industry had grown from 2 million to 8 million spindles. Productive capacity was equal to that of 1941, thanks to American technological and financial assistance.

Using the technique of concentrating on a particular segment of the market, the Japanese, between 1950 and 1955, managed to capture one-half of the U.S. market in velveteen, one-fourth the U.S. sales of cotton gingham, 20 percent of the blouse market, and substantial volume in pillowcases and shirts.

Ask any gingham or velveteen manufacturer—if you can find one—what he was doing in 1955. The chances are he was considering going out of business. A great many of his domestic competitors were forced to. If he is still in business, he probably was able to survive by switching to another product.

One of the great textile companies in America in the mid-1950's produced about one-third of U.S. cotton gingham sales. Its president last year related that the Japanese took a full 50 percent of his gingham business with low-wage competition aimed directly at that specific market. Wool, and now manmade fiber products, are similar targets.

The inroads of imports in the 1950's, carved mostly by Japan, brought about a disastrous chain of events in the U.S. textile industry. While the rest of the U.S. economy reported growth, nearly 700 American textile mills closed their doors. Employment shrank by more than 330,000. Profits, payrolls, and investments in textiles tumbled. This happened to an industry that, more than any other, had helped rebuild modern Japan.

In 1956, Japan saw that its appetite for U.S. markets was disturbing our Government. So, rather than risk more stringent restraints on its U.S. textile exports, it quickly agreed to a "voluntary" quota on its own exports suggested by our representatives, just as it had in 1937. This bilateral treaty covered cotton textile exports from 1957 to 1961. In 1959, and again in 1961, the ceiling called for in the treaty was lifted to allow Japan more access to our markets.

In 1961, a short-term arrangement on cotton textile imports was agreed upon by 16 nations, including Japan.

Then, in 1962, came the long-term arrangement, a 5-year agreement which has been renewed for another 3 years until 1970. It has been signed by 30 nations.

The long-term arrangement covers only cotton textiles, not woolen or manmades. It sets the stage for increased import concentrations, ironically, by its very provisions. The terrific climb in Japanese manmade fiber and wool textile imports illustrates this graphically.

The LTA also suffered as a control device because it has not been administered properly by our Government, which has been reluctant to enforce the provisions on market disruption. The State Department has allowed and even encouraged compounded violations of quota agreements, permitted fiber substitutions to circumvent the agreement, and used the quotas as an instrument of international political policy.

Japan is still not satisfied. She asks for more and more.

We are delighted at the economic recovery Japan has made. We welcome her as a strong ally, and her strength today is due in very great measure to the contributions to her economy made by the United States.

What the United States has meant to Japan was very forcefully recounted by our then Minister-Counselor for Economic Affairs, Mr. Lawrence C. Vass, in a speech made in Tokyo in early 1968. Mr. Vass was discussing the balance-of-payments relationships between the two countries and he pointed out that between 1953 and 1964—

> Japan started out with official reserves of $1 billion, incurred a trade deficit of over $3½ billion between then and the end of 1964, and actually ended up with reserves of $2 billion.

Mr. Vass explained how this came about:

> Japan more than made up its deficit in its trade account with the world by achieving surpluses in other transactions with the U.S. Japan's trade deficit with us over this period was about $3.8 billion. On the other hand, Japan received $5.5 billion through

U.S. military expenditures here, and Japan also borrowed net from U.S. banks more than $3 billion.

Thus, Japan not only financed its excess of purchases of raw materials from us, but financed its entire deficit with other countries, and gained over $1 billion in official reserves. This represented a heavy net cost to the American balance of payments of several billions of dollars. This, I submit, is the often-overlooked American contribution to the Japanese miracle.

The fact is that the *increase* in Japan's exports to the U.S. in both 1965 and 1966 was greater than its total exports to any other country in the world.

This, then, is the record of what happened in our trade account during Japan's recession. What happened to our overall balance of payments? Thanks to the yen shift and other technical adjustments, there was a $600 million inflow to the U.S. on capital account for these two years. This helped a great deal in holding down our deficit with Japan; but the net result for those two years was still an overall balance of payments deficit for us of over $800 million; as usual, as in recent years, Japan accounted for about one-third of our total payments deficit.

We completed our history by looking at 1967, when Japan was again booming and her trade balance with the U.S. shrank considerably. As an American worried about our deficit, I am sad to say that the improvement in our trade balance was more than offset by heavy borrowings from the U.S. banking system, so that Japan accounted for roughly one-fourth of our total deficit. To complete this sad story, in this past year, 1967, Japan's bilateral surplus with us now looks to have been about as large as for the years 1965 and 1966 combined!

It is far past time for our Nation to stop thinking of Japan as a war-ravaged, underdeveloped nation. It is time we decide whether she really needs continued free access to our country for her textile exports. It is important that we reevaluate these trade practices when they result in loss of jobs in this country and a weakening of our capability to provide for our defense needs.

It is time that our Government started thinking less of American workers as consumers and more of American consumers as workers.

A recent analysis showed that imports currently cost the United States 227,000 textile and apparel job opportunities. On a percentage basis, Japanese imports last year cost the United States some 70,000 jobs. Secretary Stans recently predicted that unless something is done to bring this textile import situation under control, we will lose 600,000 new job opportunities in the next 6 years. Congress must not permit that to happen.

The U.S. textile, apparel and fiber complex and the 15 million people who are to some extent dependent upon it for a living are not expendable.

To prescribe upheaval for the industry and its people borders on economic insanity. But that is what the Japanese tell us we should do: Get more efficient. Close down marginal plants. Improve your technology, and so on.

The U.S. textile industry is far and away the most efficient in the world. It becomes more efficient every year. But it simply cannot withstand a relentless assault from countries which pay only a fraction of the wages paid in this country.

Japan today has the second largest gross national product in the free world; greater than West Germany, France, England, Italy, and all other European countries.

The Japanese are the largest textile exporters in the world. Yet, they have consistently refused to discuss with the United States reasonable restraints on wool and manmade fiber textile articles. They have refused despite the fact that they have negotiated such agreements with Canada and numerous European countries.

Business Week magazine last year reported that Japan is starting to use its industrial muscle to assume a role of preeminence. This may be an appropriate role.

But if Japan is to be a world leader, it must realize that there are other nations in the world that have economic and social problems of their own. Japan must understand their need to do something to correct them. A helping hand cannot be extended indefinitely when that helping hand is needed here at home.

There is no longer any justification for continuation of our overly generous trade policies with Japan. They must be moderated and moderated now, before even our costly welfare and unemployment checks bear the all too-familiar motto, "made in Japan."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distingunished friend, the senior Senator from Rhode Island, who has made so many contributions in this field.

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I congratulate my friend and associate, the Senator from Georgia, for his very brilliant presentation.

As the Senator well knows, we have been struggling with this problem under four Presidents. As I recall, a bill was introduced in 1958 by our dear friend, the Senator from New Hampshire (Mr. COTTON) to make an investigation of the decline of the textile industry.

We traveled through practically every textile State in the country. We talked with the labor leaders. And we learned of the decline in this very, very important industry which was classified at one time by the Office of Emergency Preparedness as being the most essential industry to the security of this country second only to steel.

To this very day, we have received very little relief.

Does the Senator from Georgia think that we will ever obtain any relief by means of agreement with these countries unless we in the United States of America take definite unilateral action?

Mr. TALMADGE. I do not believe so unless the Japanese think we are going to take that action.

As the Senator stated recently in a speech, the Japanese do not want to shoot Santa Claus. That is true. If the executive branch of the Government will demonstrate very forcefully our intention to act—or Congress, or both—I think the Japanese will take notice.

Mr. PASTORE. In other words, the Senator is saying that there has to be very determined action on the part of the executive branch of the Government unless it wants Congress to dictate remedies. We must move forward with determination in the matter so as to make people understand that we have domestic problems of our own to resolve, and unless something is done by way of agreement, we will have to move unilaterally either through the executive branch or through Congress.

Mr. TALMADGE. Mr. President, the Senator has stated the situation correctly. As the Senator well knows, the Senate passed a bill last year by a vote of about 3 to 1 to do exactly that. The administration then said, "Wait, give us more time to work out a voluntary agreement. We do not want to take precipitate action."

We have waited now for more than 4 months. It is time for the executive branch of the Government to take action, or Congress should act.

Mr. PASTORE. Mr. President, does the Senator see anything wrong with reciprocity of trade? Does he see anything that injures or violates the policy of America with reference to free trade if Congress were to pass a law—and I want to say this very slowly so as to be accurate about it—to the effect that the President of the United States shall have the authority to limit imports to this country—from the country who herself limits the imports of American goods, when those imports reach a point at which they disrupt American domestic industry?

Mr. TALMADGE. I certainly do not. In fact, I think action is demanded by any country that puts the rights and responsibilities of its own people first.

As the Senator well knows, even under the rule followed by GATT—which is a free-trade, worldwide body that the United States has never officially recognized, although it does business with them because of their importance in world trade—GATT does not penalize countries for taking steps to correct a dollar drain, a gold drain, or a balanced budget deficit as we have had for 18 of the last 19 years. I think it is imperative that we do something about it.

Mr. PASTORE. Mr. President, does the Senator know of, or can he name offhand, any country in the whole free world that does not have a limitation against American goods?

Mr. TALMADGE. I do not know of a single one. Japan has the most stringent regulations against American goods of any country in the world.

Mr. PASTORE. Mr. President, does the Senator see the inequity and injustice of the situation? We are the only country in the free world that does not invoke a limitation unilaterally against any foreign imports. We are being told constantly and consistently by these countries that are flooding the American market and eliminating American jobs, every time we mention the fact that we would like to have them at least agree on a limitation and not impose it unilaterally, that we are the richest nation

in the world. Although we do have many people who are on the edge of poverty, we are told that we have a high rate of employment and a high rate of profit. Yet, we are quarreling before the Appropriations Committee about nickels and dimes, and we see this vast army of workers going down the drain. They are employed today because of Vietnam. However, where will they go after the war is concluded?

Here we are penalizing certain American industries and aiding people who limit American imports to their country. And they make no excuses or apologies about it. They say they must do it to protect their industries. Yet, when we try to do it, we are told that we can dispense with that particular industry.

Mr. TALMADGE. And we are talking about our own market, our own country.

Mr. PASTORE. Mr. President, I think the time has come when America must learn that one great maxim that charity begins at home.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the senior Senator from New Hampshire who also made very great contributions in this field.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I thank the Senator for yielding. I, too, join my friend, the distinguished senior Senator from Rhode Island (Mr. PASTORE), who, through the years, has done so much and fought so hard in this cause, in commending the distinguished junior Senator from Georgia for the masterful statement he has made and for the significance it carries.

As the Senator from Rhode Island was kind enough to note, the Senator from New Hampshire has for long years been deeply interested in this matter.

My own State has lost untold thousands of textile jobs We are now losing jobs in the shoe industry day by day.

Throughout the years that I have had the honor of serving in the Senate, we have listened to lullabies from Presidents of both parties.

I said the other day, and I say it on the Senate floor today, that of all the Presidents under whom I have served—and I respect them all—only Harry Truman, may God bless his down-to-earth, fearless, sensible soul, ever told the State Department that it was not the boss. That statement was not particularly made with respect to a matter such as confronts us now. It was made with respect to certain other problems.

I talked with President Eisenhower. I talked with those who were close to him. I listened to the fine, honey words. However, when the chips were down, we got nowhere.

I well remember when the New England Senators—as my friend, the senior Senator from Rhode Island, will recall—met every week or two and delegated to certain Senators the job of going downtown on certain questions. It was my privilege, when I was a freshman Senator, to go with the then Senator John F. Kennedy to Gordon Gray, in the Defense Mobilization Department in an effort to do something on a kindred subject.

We got the usual brushoff. I remember that, on the way back, Senator Kennedy—and he fumed about it—said that New England was getting a raw deal. It was less than 3 years later, when he was President, that I went to the White House with another group to see him, and I took the liberty, in a nice way, as one does with the President, of recalling that incident.

He said:

Yes, but now I am President, and I have to think of the entire country and its foreign relations.

So I have seen all of them—Eisenhower, Kennedy, Johnson—when the chips were down, listen to the State Department in the last analysis, and hold up their hands in holy horror at the idea of our ever asserting ourselves, and of Congress ever asserting itself, so that we would no longer be the only nation on earth that did not, in the form of import licenses, or the like, have some protection for the men and women who work in our industries.

Now I shall come to my point. I say to my friend from Georgia: Now we have another President. For many years I have been his friend. We were sworn in as Members of Congress on the same day. I hold him in the highest esteem. I am a member of his party. But I can see the handwriting on the wall. The Senator will understand that it is a Republican who is talking, and I can say a few things that perhaps might have more significance than if my friend from Rhode Island (Mr. PASTORE) or my friend from Georgia (Mr. TALMADGE) said then.

We sat down with Secretary Stans, and he told us about his troubles abroad and of what he was trying to do to protect American industry. He told us about the cordial reception he got. I commend him for it. I am sure that Secretary Stans earnestly, honestly, and forcefully presented our case. He told about the good reception he got everywhere—until he got to Japan.

Then it was not quite so cordial a reception. I could believe him, because in 1959, I went to Japan with the late Senator from Kansas, Andrew Schoeppel, who was then the ranking minority member of the Committee on Commerce. My interest in going to Japan was largely about textiles. I visited Kobe, went through the mills, and saw the best and most efficient machinery that one could find anywhere on God's earth. Most of it we provided them. Yet, the mills in my own State of New Hampshire were still striving to replace their old machinery and bring it up to date.

I had a chance to talk with some of the Japanese textile producers. I found at first hand that they had no more intention of ceasing or curtailing or limiting by voluntary agreement their endeavors to monopolize the American market than they had of surrendering the sovereignty of their own country, to which they are so devotedly loyal.

Personally, I am very pessimistic about our getting a voluntary agreement. It is fine for us to talk here. I am deeply impressed by the words of the Senator from Georgia. I am not challenging any Senator. But there is one thing, to be perfectly frank, about which I am getting weary. Every 2 or 3 months, some textile association or some shoe association calls on the phone or drops into the office and says, "Senator TALMADGE or Senator PASTORE or Senator HOLLINGS, or some other Senator, is going to take to the floor today or tomorrow and talk about the problem of our closing mills, or about our textile industry or our shoe industry. We hope you will get over there and have a good word to say when he finishes."

You can see I got the word, and that is why I am here now; although I am always glad to listen to the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from New Hampshire.

Mr. COTTON. I am glad I was informed.

So we come to the Chamber, and we have a field day. I have heard as many as 25 or 30 Senators participate in a roundrobin on the floor of the Senate, bleeding, dying, and shedding tears. Then a chance comes to vote on something that affects the situation. All of a sudden, there is some good reason why we cannot vote the way we talk.

Now the name of a certain gentleman is being sent to the Senate for confirmation. His name is Carl Gilbert. He is to be Special Assistant to the President for Trade Negotiations and Agreements. I am spending a good deal of time looking into his history. He is a fine, reputable manufacturer and an outstanding businessman. I have not the slightest criticism of his integrity or ability or of him personally. But I seem to find that he has a history of almost fanatical devotion to complete free trade and of opposition to trade barriers.

I have been trying to get the record of the hearings, but they will not be available until about Wednesday. I did take note of an item that appeared on the news wire. That story quoted Mr. Gilbert as saying that he regarded textiles as being in a separate class, an exception; that he wanted to support President Nixon and Secretary Stans in their endeavors to secure a voluntary agreement.

But I believe that under questioning by the Senator from South Carolina (Mr. HOLLINGS), who was permitted, through the courtesy of the committee, to ask Mr. Gilbert some questions, he indicated this did not mean that in the event of a failure to secure a voluntary agreement, he would for a moment favor some unilateral action by this country, or by Congress to place some kind of quotas on those products; not quotas to reduce imports; not even quotas to hold them exactly where they are today; but quotas that would at least restrain the advancement of imports by leaps and bounds, while our mills and factories close.

He made it very clear that in his mind textiles were an exception, and that what he had to say, even the rather cold comfort that he had to offer for textiles, did not extend to shoes or other commodities.

Mr. President, I am a Republican; I am an administration man. I may be speaking too soon, because I have not had the full text of his testimony. I have some information about his gen-

eral attitude. But if I find between now and when his nomination comes up for confirmation that the President has sent up the name of a good man but a man who is absolutely hell-bent to keep us on the present course and to oppose any action of Congress to save the jobs of our workers, I assure the Senate that there will be a rollcall vote and I intend to oppose the nomination as a means of letting the White House, the people downtown, and the world know that we have gone far enough.

I invite Senators to join me in carefully and fairly examining the record and making sure that the facts justify it. If they come to the conclusion that I may come to, I hope that there will be strong and strenuous opposition on both sides of the aisle, not political opposition, not opposition reflecting on the individual or the President's freedom of choice, but opposition to serve notice that we have talked long enough and that the time has come to demonstrate by action that the Senate, and I hope the Congress, means business.

I invite the attention of Senators to this matter. Again I commend the Senator for his fine speech.

I hope, if what I suspect is true, that we can carry this matter through again in about a week or 10 days and translate it into a protest that will mean something.

I thank the Senator for yielding.

Mr. TALMADGE. I thank the Senator for his eloquent contribution to this debate.

Mr. President, I yield the floor. I understand the Senator from North Carolina will address the Senate on this subject.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I wholeheartedly concur in the remarks made by my distinguished colleague from Georgia relative to the situation pertaining to international trade in textiles and with particular reference to the part played by Japan in this subject.

So that there may be no question in the mind of anyone relative to the importance we attach to this subject in the State of North Carolina, I wish to orient my remarks to the importance of this matter primarily to my State.

The late O. Max Gardner, one of the more astute and statesmanlike in a long line of distinguished North Carolina Governors, once said that North Carolina and the textile industry have had a very durable love affair that has persisted for well over 150 years.

In light of developments—both in North Carolina and in the textile industry—since Mr. Gardner departed this scene, I would make an even stronger statement. I would say that they are firmly wed. Today, textiles are woven into nearly every facet of life in North Carolina.

It is the very backbone of the State's economy and it supports—not only with money but with people—the social, cultural, educational and religious efforts and activities of the people of North Carolina.

The textile industry is by far the greatest single industrial employer. In its nearly 1,200 plants located in 80 of the State's 100 counties, it provides direct employment for more than 267,000 North Carolinians and pays them more than $1,207 million a year. This is just slightly more than 40 percent of the State's entire industrial work force and the textile payroll is the State's only one that is more than $1 billion.

While the textile industry is North Carolina's largest single industrial employer, the apparel industry is second. In it's nearly 500 plants—also scattered widely throughout the State—employment is provided for more than 65,000 North Carolinians, who make up 10 percent of the industrial work force. The annual payroll for these people is almost $250 million.

Thus combining the two industries to make up the textile-apparel complex, it is easy to see the enormous stake the people of North Carolina have in the issues before us today. That is because this complex provides a livelihood for more than 333,000 people who make up more than 50 percent of the industrial work force and pays them almost $1½ billion a year.

This textile-apparel complex pours millions of dollars a year into the State's treasury in bearing its fair share of the tax burden and also provides funds for the operation of county and city governments through real estate and other special taxes.

It also supports—again let me say not only with money, but also with manpower—programs of the State's institutions of higher learning—both State-supported and private; the schools, churches, recreational facilities and cultural endeavors in the plant communities.

As a social force, this complex is making great strides in solving one of our most perplexing domestic problems. That is bringing into the mainstream of American enterprise the minority groups. My North Carolina textile friends tell me that in some companies the percentage of black employment is as high as 23 percent.

Now, what is happening to this complex? All of us here have heard the story. But the situation is such that it bears repeating.

Its markets are under attack. Its growth potential is under attack. Under attack from textile producers in low-wage countries who can produce goods at a fraction of the cost of manufacturing an identical item in this country.

And, sitting behind artificial trade barriers which protect their own domestic markets, these foreign textile producers flood the free U.S. market with their goods.

There are some 50 nations which virtually prohibit the importation of cotton textiles from the United States and another 20 countries which make it almost impossible to sell U.S. products because of various restrictive devices such as tariff barriers, import licenses and border taxes. On the other hand, the U.S. market is essentially the only open textile market of the world, with the possible exception of the Canadian market. Most of the other textile markets, including those of some of the leading developed countries of the world—especially Japan, are effectively closed to textile exports from the less-developed nations and the low-wage Oriental areas.

As a consequence the United States accepts a disproportionate share of the textile exports of the low-cost producing nations.

The U.S. market is expanding at a rate of 4 to 5 percent a year while imports of textiles have been growing at a much more rapid rate—in 1968, at about 25 percent for the year. The major growth is in manmade fiber products and blends, and in 1968 the imports of these, which are under no restraints of any kind, grew at the rate of 54 percent, from 934 million square yard equivalents in 1967 to 1,439 million in 1968.

Total textile imports have increased from 956 million square yards in 1961 to 3,279 million in 1968, or by approximately 34 percent.

These annual figures do not tell the true story of injury to the U.S. industry for we do not import totals—we import specific products. Imports now take 25 percent of the men's and boys' shirt markets and 50 percent of women's sweaters. Injury to other specific product areas have been severe.

As an example, just last March a North Carolina-based textile company was forced to close permanently a plant in a small community, throwing out of work 700 to 800 people. In a statement to the press, the company said the closing was brought about by a decline in the demand and depressed prices for heavy weight cotton and synthetic blend apparel fabrics. The low prices, the statement said, were brought on, in part, by imports from the Far East.

The closing of a mill with the loss of hundreds of jobs is a dramatic example of how imports can hurt a community. But there are other, more subtle injuries caused by imports when they force a cutback in production. This means fewer hours of work a week for the employee; therefore his take-home pay is less. This, in turn, hurts the butcher, the baker, and the service station operator. A ripple is created and it spreads to the State and national economies, shrinking them proportionately.

A survey abroad reveals that in the low-wage areas of the world, particularly in the Far East, there is a major expansion of textile producing capacity aimed squarely at the U.S. market. And projections of recent trends in imports produce shocking results in a 3-to-5-year period.

The textile industry does not seek a rollback of total imports of textiles. They seek rather a program which will permit both greater domestic production and increasing imports of textiles as the U.S. market expands. They believe that increased imports with no limitation would be disastrous for the domestic textile industry and its employees, and in the long run to the economies of both the United States and the countries producing them.

The U.S. textile industry believes that because of its size, because it affects all the States in the Nation, because it manufactures products which are essential

to the Nation's economy and security, because it offers unparalleled opportunities for employment of minority and unskilled groups, because it is more vulnerable to low-wage import competition than most other industries, a means needs to be found to permit orderly growth in domestic product and import volumes.

After full and careful consideration, the President of the United States has agreed that this is so, and has made efforts to accomplish this goal. So far, however, his efforts have been rebuffed. It is most appropriate at this time that our Cabinet in its upcoming trip to Japan make it abundantly clear that a failure on the part of the Japanese to accept our invitation to voluntarily sit at the conference table and negotiate an arrangement covering international trade in all textile products will result in legislation by the U.S. Congress. Based upon all of the evidence presented to us today, I do not believe we have an alternative but to declare our intention to support the President and his Cabinet in their desire to bring orderliness and reasonableness into international trade in textiles. If our trading partners continue to turn a deaf ear to our pleas to negotiate a fair and equitable solution to the import problem, then I suggest the Congress act and I suspect such congressional action will be much more restrictive on our friends abroad than would mutual agreements reached at the bargaining table.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I commend the distinguished Senator from Georgia (Mr. TALMADGE) for his fine statement with respect to the textile industry and his reference to the threat that the flood of foreign imports is having on that industry. I have found, since I came to the Senate, that when the Senator from Georgia speaks, he speaks with well-documented and sound facts.

I also wish to commend the able Senator from North Carolina (Mr. ERVIN) who has just recited the problems in his own State, the great State of North Carolina, of the textile and apparel industry.

Mr. President, let me comment on the remarks of my senior colleague (Mr. COTTON) with reference to Mr. Gilbert who, apparently, is to be proposed by President Nixon to an important position. While I have no views on this at the present time, I will certainly check into it, because I agree with my colleague that we need very badly to have a real traumatic experience on the floor of the Senate so that not only the administration but also countries like Japan and Italy, and others, will begin to realize that we do mean business.

Second, the distinguished junior Senator from Maine (Mr. MUSKIE), whose efforts over the years to bring a measure of relief from imports to the shoe industry are well known, had hoped to be present in the Chamber today to add his voice to this discussion. Regrettably, he is unable to be present today, but he had a prepared statement to be delivered. Before I ask unanimous consent to have it printed in the RECORD, I might say that I came here today to talk about a problem that is affecting the State of New Hampshire, the State of Maine, in fact all New England—I guess the whole country.

The textile industry has problems, as I know from my own experience.

But the real crises in New Hampshire today is the one faced by the shoe industry.

As I said, the Senator from Maine (Mr. MUSKIE) cannot be here today and has a prepared statement, which I now ask unanimous consent to have printed in the RECORD.

There being no objection, the statement of Mr. MUSKIE was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDMUND S. MUSKIE

The shoe industry in America is confronted with the critical problem of foreign imports. Many small shoe companies are being forced out of existence by a combination of high labor input, narrow profit margins, and limited capital resources.

Let me outline briefly what has happened on a national scale. In 1957, before foreign manufacturers discovered the American footwear market, total imports of leather vinyl footwear amounted to 7.8 million pairs valued at $13 million. At that time there were some 970 American shoe companies operating 1,196 factories which produced 585.4 milion pairs of shoes and slippers a year. Imports amounted to only 1.3 percent of U.S. production.

In the early 1960's, as their economies progressed, other nations began to realize that the American market was wide open to them. Shoe imports to the United States began to climb—to 36 million pairs in 1961, 75 million pairs in 1964, 96 million pairs in 1966.

In 1967, imports soared to over 129 million pairs of leather and leather-type footwear valued at $217 million. This was almost 22 percent of our domestic production—much greater than the impact of steel, which has been afforded relief through legislative action.

Domestic shoe production in that same year was 600 million pairs, only two million pairs above 1957.

In 1968, imports increased again by some 36 percent to over 175 million pairs valued at $329 million. Even though domestic production reached an estimated 646 million pairs, imports climbed to 27 percent of total domestic production.

Why is it possible for shoe imports to make such inroads in our home market? This development is partially a result of the offer of something new and different to consumers. But the bulk of shoe imports come because they are produced by low-priced labor; because they are lower in price than American shoes; and because they provide retailers with a higher margin of profit.

The hard fact is that practically all imported shoes are priced to undersell comparable American-made shoes while offering retailers a higher markup.

It is the price advantage that makes the difference. Imported shoes sell at prices from $2 to $5 less than U.S. manufacturers can afford to sell them. Often the selling price of foreign footwear is below the price at which U.S. manufacturers can make them. This price difference results from the fact that foreign shoes are made by shoeworkers earning one-half the wages and fringe benefits paid our own workers in the United States.

The effect of this flood of foreign footwear on American shoe manufacturers has been critical. The number of shoe companies in the United States has dropped to 700 operating less than 1,000 plants. Some of this decline may be attributed to normal attrition within the industry. But it is significant that the number of shoe firms going out of business has accelerated with the radical increase in imports. And most of these companies can trace their failure to their inability to compete in price with imports.

Footwear imports have meant the export of jobs which should have been performed by American workers.

During 1968 there were an estimated 64,200 job opportunities lost in this industry because of imports. By 1975, it is estimated that 168,600 job opportunities will have been lost for this same reason.

If this situation continues, it will inevitably mean the loss of hundreds of shoe factories and thousands of jobs in many small towns and cities where shoe manufacturing makes an important contribution to the economic life of the community.

It will also discourage investment in new shoe plants that might otherwise come to these communities. No manufacturer is going to risk an investment of from $500,000 to $2 million in new plants and equipment when he faces price competition of this sort from importers. Thus, the community's opportunity for growth through expansion of its shoe industry will be lost—unless something is done soon to relieve the import problem.

I have joined in the request for voluntary limitations on footwear imports which will be made to President Nixon. I hope these voluntary limitations will be achieved, and I hope they will work. If they are not soon reached, or if they prove to be ineffective, legislation to enforce an orderly marketing plan for footwear will become essential to the economy of my State, New England, and many other parts of the Nation.

The parallels between the problems of the shoe industry and the textile industry are clear. Both must have prompt and effective help.

Mr. McINTYRE. Mr. President, one of this country's and my State's oldest industries is headed for disaster even in the face of a steadily growing demand for its product. This sounds incredible, yet right now and for the past 10 years over 236,000 hard-working, self-supporting, tax-paying U.S. shoe workers are gradually losing their jobs to European and Asian nationals, all because our foreign trade policy holds the door wide open to shoe imports.

From 1955 to 1967 employment in the footwear industry dropped by over 20,000 workers. New Hampshire alone has lost nearly 3,000 jobs in her footwear industry since 1962—1,200 of them in 1969 alone. Labor leaders and shoe workers are asking when this trend will stop. Nobody knows, though all of us are deeply concerned.

The shoe industry differs substantially from most other American industries which face competition from abroad. Unlike the oil industry, for example, the shoe industry receives no special tax subsidies and privileges. Unlike the steel industry, the shoe industry is not a major beneficiary of buy American legislation. Unlike many of our food producers, shoe manufacturers cannot rely on Federal price supports. Unlike the shipbuilding industry, the shoe industry does not have the advantage of federally supported mortgages or Federal insistence on using American hulls.

In short, the shoe industry, which receives no special Federal subsidies, has a valid argument in its efforts to seek a rational measure of relief from imports.

The bald truth is that our foreign trade policy is in effect giving jobs of American workers to their foreign coun-

terparts. Last year in the United States over a billion pairs of shoes were sold at retail, but this did not help domestic manufacturers and workers because over 175 million pairs were imported from countries where wage scales are pitifully low. Among those sending us most of the shoes we import, Italy pays highest wages; yet these are less than half the U.S. average. In Taiwan 22 cents an hour is considered good pay. And in Spain, which last year more than doubled its shoe shipments to us, there is a 2-year "no compensation" apprentice system for children.

Consider the impact on a town like Derry, N.H., when Jodi Shoe Co. closed last week. There were approximately 1,200 nonagricultural workers in Derry. Two hundred and fifty of them lost their jobs when Jodi closed. Twenty percent of the work force in a town of 4,500 people, out on the street. This company produced women's shoes of good quality. It paid its workers a fair wage for a fair day's work. It is now out of business and 250 workers are without jobs because of low-wage imports which have now taken over 26 percent of our domestic market.

There is currently pending before the Committee on Finance a proposed Orderly Marketing Act. I joined in sponsoring this legislation because I have become disillusioned with the possibility of the administration's acting to negotiate voluntary trade agreements with the principal foreign suppliers of shoes.

The time has come for clear-cut action by the Congress to impose marketing arrangements on shoes.

Mr. President, I was an early supporter of the petition which the distinguished senior Senator from Maine has circulated, asking President Nixon to begin negotiations for voluntary limitations on footwear imports. I sincerely hope this petition, which now carries the names of 45 Members of this body, will receive immediate and serious consideration at the White House. Help cannot come too quickly for the shoe workers of this Nation, and anyone who doubts the need for such help is invited to visit Derry, N.H.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Georgia for the address he has delivered.

Wool production is important to the economy of my State of Idaho, and I am acutely aware of the ominous implications of steadily rising volumes of wool textile imports. Those coming from Japan are especially disturbing because, given the low-wage rates in the country, I see no means by which our textile industry can compete against them in the absence of some sort of workable international agreement. Technology and managerial efficiency alone are not sufficient because these are as accessible to the Japanese as they are to us. Anyone who thinks this is not true need only study the trade statistics which will show that Japan enjoys a substantial trade surplus with the United States in nearly every major category of manufactured products, except aircraft. Are we to infer from this that the United States lags in technology and managerial efficiency in every important line of manufacture?

The fact is, as Senator TALMADGE has pointed out, that Japan's trade advantage vis-a-vis the United States is based on low wages, on one hand, and an extremely restrictive trade policy on the other. She keeps her wages low, in part, by refusing to permit foreign capital to establish plants in Japan, which would bid up real wages to the benefit of Japanese workers. She keeps her trade surplus large and growing by excluding manufactured imports and providing comprehensive export incentives to her producers.

Obviously, this is a clever strategy for developing a country rapidly at the expense of its trading partners. But the fact is that the main burden of this strategy falls on the United States, since all other major countries have seen fit to defend their domestic economies from undue dislocation originating in trade relations with Japan. Nearly every nation except the United States, for example, strictly controls textile imports from Japan.

I believe that it is time we faced the fact that Japan has not achieved her remarkable growth exclusively by means compatible with the concepts of free trade she insists upon when discussing our trade policy. Once this fact is recognized and accepted, we should be able to get beyond the semantics and attack, pragmatically, the problem of how to set up a reasonable and equitable basis for textile trade.

Mr. President, I know that I speak for the majority of my constituents as well as for millions of Americans living in other States when I say that our Government has every right to expect cooperation from Japan in the matter of international negotiations on textile trade. Our economic and social situation call for it, and our history of generosity toward Japan following a bitter and destructive war justifies the expectation that Japan will respond to our bid for constructive negotiations.

Mr. RANDOLPH. Mr. President, the able and distinguished Senator from Georgia (Mr. TALMADGE) has focused attention on the serious problems confronting the United States because of the volume of imports of textile articles.

As our colleague has stated, the United States has embarked on an effort to obtain from its trading partners agreement to a reasonable basis for trade in textile articles. His references to Secretary of Commerce Stans, who has carried forward this effort and his reception in Japan, are particularly important.

Imports of textile articles from Japan represent a significant portion of total textile imports. These imports constitute a wide range of textile commodities and have an effect on all segments of the overall textile industry, including manmade fiber production, as well as fabric and apparel manufacturing. The constantly growing imports, as pointed out have a damaging effect on our total textile employment and employment dependent on or generated by the U.S. textile industry. Frankly, it is my belief that for areas such as our State of West Virginia, and other areas of the Appalachian States, there is a potentially tragic implication.

In March 1967 I spoke in this Chamber in colloquy with the senior Senator from Rhode Island (Mr. PASTORE). It was a privilege to support his efforts to remedy the textile import problem. I related the importance of the textile-apparel-manmade fiber complex to the Appalachian States. I noted the seeming incongruity of allowing imports to prevent job expansion while the Congress has committed our Government to special programs for the approximatley 20 million inhabitants of the 13-State area. The threat presented by the low-price, low-wage Japanese imports has a very real impact on the citizens of the Appalachian area, where textile industry employment represents approximately one out of every four manufacturing jobs. While it is not fully an Appalachian problem, or a problem of West Virginia, and though indeed it is a serious national problem, the effect of growing textile imports manifests itself most dramatically among these workers.

Mr. President, this is a major U.S. industry, employing in total over 2 million people directly, and millions more in supporting industries or businesses dependent on the continued health of textile operations.

I assure the Senator from Georgia and other colleagues of my continued cooperation in efforts to secure an equitable remedy to the import problem facing the textile, manmade fiber and apparel industry complex.

Mr. President, every major industry in our State of West Virginia is afflicted by the damaging impact of rapidly rising imports. These include food products, textile mill products, apparel, and manmade fibers, lumber and wood products, chemicals, glass, china and earthenware, steel, shoes, and electronic components. All are important industries. I have stressed this on many occasions. Today, however, I emphasize textile operations which involve over 9,000 workers in our State.

Under these circumstances, my interest in President Nixon's program for negotiating a solution to the textile import problem is understandable. A solution to this problem, however, will not represent a panacea for West Virginia. It will help to protect the jobs of nearly 9,500 workers.

It seems clear from the reports that have been issued concerning Secretary Stans' trips to Europe and the Far East that Japan is the key to the prompt commencement of negotiations between the United States and the principal suppliers of textile products to the United States. Japan is certainly a major source of the imports which are damaging to domestic employment levels. The inroads of Japanese products into the American market are based on their low wages. While we may have certain advantages, our wages—four or five times greater than those paid in Japan—simply make it impossible for us to compete.

An indication of the textile import problem is contained in a recent report issued by the Trade Relations Council of the United States. The report estimates the jobs lost in 1966—the latest year for which complete Government data was

available—as a result of our foreign trade deficit in the products of manufacturing industries. Our Nation's import deficit in textile mill products, apparel, and manmade fibers amounted to an equivalent of 82,000 jobs.

The same report has a special analysis of the employment effects of U.S. trade with Japan in 1967. Our Nation's trade deficit with Japan for that year represents a loss of 28,000 jobs in the textile mill products, apparel, and manmade fibers industries.

Mr. President, I firmly believe that our Nation can exercise some reasonable amount of regulation over the rising consumption of foreign goods to help domestic industries.

President Nixon and Secretary Stans should be strongly supported in their efforts to find a solution to the textile import problem. I support now—as I have in the past—legislation that will regulate the amount of foreign-produced textiles which can be admitted to the United States.

Congress can make its desires perfectly clear to the President and our trade partners. Our imports need to be regulated in some reasonable manner consistent with the welfare of our people as well as that of those workers in other lands who desire access for their products to the U.S. market. If the torrent of imports is not brought under the control of a safe channel, it will erode the American market to such an extent that the welfare of foreign workers will be sacrified, no less than that of our own people.

ADJOURNMENT TO 11 A.M.

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with its previous order, until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 34 minutes) the Senate adjourned until tomorrow, July 1, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 1969, under authority of the order of June 27, 1969:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Roderic L. O'Connor, of New Jersey, to be an Assistant Administrator of the Agency for International Development.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

David W. Oberlin, of Minnesota, to be Administrator of the St. Lawrence Seaway Development Corporation, vice Joseph H. McCann, resigned.

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Willard Roper, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved 28 June 1879 (21 Stat. 37) (33 U.S.C. 642), vice Maj. Gen. Clarence C. Haug, who is retiring on July 31, 1969.

Executive nominations received by the Senate June 30, 1969:

INCORPORATOR

Carter L. Burgess, of New York, to be an Incorporator of the corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968, vice Edgar F. Kaiser.

ATOMIC ENERGY COMMISSION

Clarence E. Larson, of Tennessee, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1974.

IN THE AIR FORCE

Lt. Gen. Seth J. McKee, FR4279 (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of general, under the provisions of section 8066, title 10 of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10 of the United States Code.

To be general

Lt. Gen. John C. Meyer, FR4496 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Jack J. Catton, FR4719 (major general, Regular Air Force), U.S. Air Force.

To be lieutenant general

Maj. Gen. Harry E. Goldsworthy, FR1631, Regular Air Force.

Maj. Gen. John W. Vogt, Jr., FR8709, Regular Air Force.

Maj. Gen. Timothy F. O'Keefe, FR4608, Regular Air Force.

Maj. Gen. George S. Boylan, Jr., FR4836, Regular Air Force.

Maj. Gen. George B. Simler, FR9236, Regular Air Force.

Maj. Gen. David C. Jones, FR9887, Regular Air Force.

Maj. Gen. Paul K. Carlton, FR8693, Regular Air Force.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To be brigadier generals

Col. Clarence E. Atkinson, FG751239, Delaware Air National Guard.

Col. William J. Crisler, FG822488, Mississippi Air National Guard.

Col. Jack Motes, FG1180275, California Air National Guard.

Col. Earl G. Pate, Jr., FG781393, Tennessee Air National Guard.

CONFIRMATION

Executive nomination confirmed by the Senate, June 30, 1969:

CHAIRMAN, JOINT CHIEFS OF STAFF

Gen. Earle Gilmore Wheeler, O18715, Army of the United States (major general, U.S. Army), for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 1 year.

HOUSE OF REPRESENTATIVES—*Monday, June 30, 1969*

The House met at 12 o'clock noon.

Rev. Donald H. Bowen, Downtown Baptist Church, Alexandria, Va., offered the following prayer:

Lord God, into Thy holy presence we come, not as beggars asking crumbs, but as children talking to their father.

We pause to ask Thy special favor upon these, our leaders. May every single one of us be mindful of the promise that the fear of the Lord is the beginning of wisdom and your further promise of blessing to those who place their trust in You. As with Thy servant of old, may we not be ashamed then to bow our heads and ask for wisdom, understanding, and most of all, a double portion of Thy spirit.

And here, on the eve of our national birthday, may we be especially mindful of Your many blessings upon this land of ours and may we be proud to salute the Stars and Stripes and sing "God Bless America." At the same time, may we be mindful of Your promise: "Righteousness exalteth a nation, but sin is a reproach to any people," and most of all, mindful of that word of warning, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchmen waketh but in vain."

In the name of Jesus Christ, Your Son, our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, June 27, 1969, was read and approved.

CONFERENCE REPORT ON S. 1011, TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM, 1970

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-333)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1970, the sum of $26,000,000 as follows:

"(1) research and development operating expenses, not more than $17,223,000;

"(2) design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $5,355,000;

"(3) design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,450,000; and

"(4) administration and coordination, not more than $1,972,000.

"(b) Expenditures and obligations under any of the items in this section except item (4) may be increased by not more than 10

per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including item (4).

"SEC. 2. In addition to the sums authorized to be appropriated by this Act, the Secretary may utilize any funds previously appropriated for this program which are not obligated on June 30, 1969, subject to the dollar limitations applicable to the fiscal year 1969 program."

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
JAMES A. HALEY,
JOHN P. SAYLOR,
CRAIG HOSMER,
Managers on the Part of the House.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
FRANK E. MOSS,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1011, to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, submit this statement in explanation of the actions recommended and adopted in the accompanying conference report.

The committee of conference adopted the language of the House version of S. 1011 except for the amount authorized to be appropriated. The Senate version authorized $27,000,000 and the House version authorized $25,000,000. The revised recommendation of the Administration was $26,000,000. The committee of conference agreed to an appropriations authorization of $26,000,000, thus agreeing to the Administration's request in this regard and reflecting a division of the difference in the House and Senate versions of S. 1011. The $1,000,000 thus added to the amount included in the House version is added to category I, research and development operating expenses, increasing that amount from $16,223,000 to $17,223,000.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
JAMES A. HALEY,
JOHN P. SAYLOR,
CRAIG HOSMER
Managers on the Part of the House.

RESTORE ANCIENT NAME OF "CAPE CANAVERAL" IN FLORIDA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, on behalf of a very substantial majority of the Florida House congressional delegation, I announce emphatic support for the proposal to restore the ancient name of "Cape Canaveral" in Florida. This action supports a resolution adopted by the Legislature of the State of Florida to the same effect and steps taken by Florida's two U.S. Senators for this purpose. The Florida State Senate resolution, which was concurred in by the State house, requested the restoration of the name "Cape Canaveral" to the geographical area of the cape while retaining the name of the "John F. Kennedy Space Center" for the space program facilities. The resolution asked that the President of the United States, with the concurrence of the Honorable EDWARD M. KENNEDY, advise the Secretary of the Interior that the Board of Geographic Names should retain the name of the John F. Kennedy Space Center for the space program facilities and restore the name "Cape Canaveral" to the cape.

It was pointed out at a delegation meeting that the name "Cape Canaveral" was over 400 years old, one of the oldest names applicable to any geographical feature in the United States, and that the original intention of the Government apparently was to name the space center after the late President but not to change the name of the cape.

The Florida delegation's recommendation is being addressed to the President.

TAX REFORM AND THE SURTAX

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today the House of Representatives will be taking an action which will decide the future of meaningful revenue-raising tax reform.

We as Members of the House of Representatives have a responsibility to follow the mandate of the people who are discouraged with promises unfulfilled and pledges unredeemed. Reform was promised in the Revenue Act of 1964. Reform was promised in the surtax bill of 1968. Reform will again be promised today—if only we will capitulate and pass this act today.

Our patience with promises and pledges has run out. Reform must not be delayed.

Today, this critical bill reaches the House under a closed, controlled, and protected rule. There are no options except the motion to recommit which will be the sole privilege of the Republican minority.

Although I protested this procedure before the Rules Committee, I will not seek a rollcall on the rule. Many Members opposed to the bill will procedurally support the closed rule so that they can more clearly proceed to vote against this bill.

The issue is now joined. The American people can determine with interest who is for reform and who is opposed.

EQUITY REQUIRED IN TAX BURDEN

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I join with the gentleman from Ohio, who has just been in the well to express what I think is the true question which I think will be before the House today. The question is whether or not this House will stand up to its responsibility to bring equity in the burdens of taxation which this House places upon the people of this country.

We are going to be asked to extend the burden that has been placed primarily upon the middle-income earners of America, and they know, these middle-income earners, that there are inequities which are placing upon them an unreasonable burden that is not being equally shared.

I suggest we are in a situation, just as the gentleman of the Republican Party brought to our attention 2 years ago. At that time the Democrats urged the Republicans it would be irresponsible not to vote for an increase in the debt limit. We did not get their support on this, and the debt limit was not passed. We might have thought the country was going to fall apart. It did not. Within 24 hours we had a debt bill that carried with it a required $6 billion reduction in spending and thus gained the approval of the Republicans.

I predict, Mr. Speaker, if we do not pass this particular tax bill today, within 24 hours we will have on the floor of this House a tax bill that will include within it the tax reform that this country is so urgently striving for and seeking today.

Make no mistake; if we do not have tax reform tied to extension of the surtax, we will not be successful in achieving meaningful reform. No matter how vehement the statements made by leaders of the House or leaders of the committee. The history of efforts of tax reform should make this crystal clear to the most casual observer.

MEANINGFUL TAX REFORM REQUIRED

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, it seems as though the leadership on both sides of the Ways and Means Committee have made up their minds to try to rape the average taxpayer today.

I want the Members of the House to know I am not in sympathy with that, nor do I intend to vote for the bill. I think the votes of those who vote for the bill today without meaningful tax reform being included, will come back to haunt them—and I am going to do everything I can to see that it does haunt them.

If anybody here thinks for 1 minute—including my friend, the gentleman from Louisiana—if we pass this bill there will be out of the Ways and Means Committee a meaningful tax reform bill, he is kidding somebody, probably himself, because it will never happen—and the gentleman knows it and I know it.

CHEROKEE DRAMA, "TRAIL OF TEARS," BEGINS FIRST SEASON

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, thousands were deeply moved by the opening night performance of the Cherokee drama, "The Trail of Tears," last Friday evening, near Tahlequah, Okla.

The presentation, which took place in a spectacular new outdoor theater, was hailed by critics for its music, pageantry, and poetry.

Written by Dr. Kermit Hunter, with music by the late Dr. Jack Kilpatrick, "The Trail of Tears" is the story of the Cherokee Tribe's tragic removal from their homes on the east coast to Indian territory, in what is now Oklahoma, and tells of the bitter split within the tribe during the Civil War.

Colorful dances and songs are woven into the story, which is featured by strong characterizations of the two Cherokee leaders, John Ross and Stand Watie.

Thousands of visitors are expected to witness presentations of "The Trail of Tears" during the summer of 1969. It is a memorable experience for all.

HAPPY BIRTHDAY, "H.R."

(Mr. HALL asked and was given permission to address the House for 1 minute.)

Mr. HALL. Mr. Speaker, three score and 10 years ago today, there was brought forth on this earth, where the tall corn grows near Arispe, Iowa, one infant, a dozen squared, to be named HAROLD ROYCE GROSS.

This world may little note, nor long remark what I say here today, but "H.R." has lived up to his name as a four-square, yes, 12-square straight shooter.

The presents he receives today may not be to his liking, for he is a modest but unassuming man, but be assured the Chamber, the Members, and yes, the people of the Nation, will know of his presence here.

Student, statesman, researcher, and bane of ill-doers, the latter cannot but respect him, and all have long since given up researching what drives him on relentlessly for God and country, for truth over everything, and for rights and individual liberties of all.

I suspect it is the distillate of inheritance, sprinkled with experience and intelligence, constant application and true national interest, generally leavened with prudence and judgment of an uncommon man; but—

Whatever the milieu, the good Lord made few like him and perhaps for reasons more will understand, He then surely threw away the key. Those of us who admire and love, those of us who dread but respect, and even those who fail to perceive, join today in saying, "'Happy Birthday, H.R.' We are glad you were borned. We are happier you are here. Many happy returns."

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I am introducing legislation at this time which would amend the Federal Water Pollution Control Act to establish the Santa Barbara Channel as a marine sanctuary. Pollution in the Santa Barbara Channel resulting from a continuing oil leak has reduced the quality of interstate waters below the water quality standards approved by the Secretary of the Interior under section 10(c) of this act and damages the environment.

I have carefully reviewed the Federal Water Pollution Control Act, and especially section 11, which deals with control of pollution from Federal installations. Recent action by the House Public Works Committee on H.R. 4148 amends this section to resolve the problem of controlling pollution from not only Federal installations but also form federally authorized projects. My amendment to that act is, I feel, consistent with this House Public Works Committee approach which was as unanimously approved by the House passage as H.R. 4148.

EXTENSION OF THE SURTAX

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, in 1968, the administration stated that the surtax was needed to save the dollar, to combat inflation, and to provide support for our men in Vietnam. Now, this year, we are still faced with the dollar crisis, inflation has not been abated, and our men are still involved in the terrible conflict in Vietnam.

Although 75 percent of the people of my district in my questionnaire last year indicated opposition to this tax, I felt it necessary to save our country from economic chaos. Therefore, I voted for the surtax. The need for this tax is as great or greater now than it was then.

It is time for the Members of this House to place the welfare of our country first. To my friends on the opposite side, I say, "I stood with you to save the dollar, to combat inflation, and to supply the needs of our men in Vietnam."

I ask you today to join with me in supporting the tax proposals of a different administration, to save the dollar, combat inflation, and to supply the needs of the men in Vietnam.

A VOTE AGAINST THE TAX EXTENSION

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, I plan to vote against the tax bill today. I have been here 26 years, and we have been promised year after year after year that we would have a tax reform. I have not seen a meaningful tax reform bill since I have been here. The record shows—and this will come out in the debate—one of the big oil companies had a net income of $145 million and paid not one thin dime in Federal taxes. That is unfair any way you look at it, and I do not intend to continue placing the burden of the expense of this Government on the backs of the middle-income people of this country. They are tired of it. We ought to defeat this tax bill in the hope that we can equalize the tax burden in this country.

THE SURTAX EXTENSION

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, today we take up giving a present to all of those who had hoped to go on a Fourth of July vacation and to worry those who will. It is the pledge that a big hunk of money will continue to be taken out of their income—despite campaign promises to the contrary.

A year ago the surtax was sold as some special device to bring under control the runaway inflation which plagues our land. The surtax was passed and the taxpayers were forced to uphold their end of the contrivance but big brother Government broke the covenant by not cutting, as promised, unnecessary Federal spending. Now a year later we find inflation not under control but, if anything, escalated.

We are now led to believe that unless the surtax passes, the country will face depression, chaos, and that the people will suffer. This politics of fear is undoubtedly valid—because the people will continue to suffer whether or not the surtax continues. The monied interests who have continued to prosper during inflationary "good times" will be the least affected by the action of the House.

The big question before us today is whether or not this House will act as true representatives of the American people—those people who, from all accounts and indications, do not want to bear the continued burden of the surtax.

Certainly something has to be done, but the people look to us in Washington to curb the problem through tax reforms and a reduction of unnecessary Federal spending and not to aggravate the problem with more threats and more reprisals and more taxes against decent, honest, silent, hard-working American taxpayers.

Mr. Speaker, I plan to vote for my people and represent them by voting against the surtax extension.

PERSONAL ANNOUNCEMENT

Mr. MONAGAN. Mr. Speaker, on rollcall No. 85, the motion to recommit the cigarette bill, I was absent because of official business. Had I been present, I would have voted for the motion to recommit.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered, and the following Members failed to answer to their names:

[Roll No. 96]

Blatnik	Green, Pa.	Pirnie
Boland	Hébert	Powell
Brooks	Kirwan	Rees
Cahill	Lennon	Reid, N.Y.
Carey	Lipscomb	Rosenthal
Celler	Lujan	Scheuer
Clark	MacGregor	Stephens
Donohue	Mikva	Teague, Tex.
Dorn	Morgan	Thompson, N.J.
Evins, Tenn.	Mosher	Vander Jagt
Ford, William D.	O'Konski	Watson
	O'Neill, Mass.	Wolff
Gallagher	Ottinger	
Goodling	Philbin	

The SPEAKER. On this rollcall 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TEMPORARY CONTINUING SURCHARGE AND EXCISES, REPEALING INVESTMENT CREDIT, AND PROVIDING LOW INCOME ALLOWANCE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low income allowance for individuals, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

GENERAL LEAVE TO EXTEND

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on this rule.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I do not plan to yield until I have concluded my remarks, and then if I have time available I will yield.

Mr. Speaker, I have probably helped to pass more rules with brief comment then anyone. I do not waste time on rules ordinarily. I happen to believe that this rule faces no great difficulty, and I happen to believe that the issue it brings to the floor is of overriding importance. Therefore I intend to take a little time, as I have indicated.

I want to make, if possible, a clear statement, so I will not yield until after I have finished.

Now, why, Mr. Speaker, do we have a closed rule today? I announced publicly earlier to the distinguished chairman of the Committee on Ways and Means that I did not necessarily plan to support a closed rule. I am not so ignorant of the history of the House to believe that the House cannot function without a closed rule. For many years the House dealt with the tariff with an open rule.

Mr. Speaker, I know that the closed rule is a convenient myth, and the reason that we have an unmodified closed rule, as far as I am concerned—and of course I only have one vote in the Committee on Rules—is that those who desire a tax reform could not get together on a single bill to support, and those who oppose the legislation felt—and I believe wisely—that if they had a closed rule it would be easier to vote against the legislation.

This is really why we had 10 votes for a closed rule in the Committee on Rules.

Mr. Speaker, I happen to believe that under the circumstances that exist that this is the right way to consider this bill—under a closed rule. There is no real alternative. Some Members asked for an open rule, some Members asked for a rule that would make in order amendments offered only by members of the Committee on Ways and Means.

I could conceive of an open rule at some other time than the last day of the bill's life. I could conceive of it even on a matter that is enormously controversial, and upon which we were prepared to spend a month or so, but I could not conceive of it under these circumstances.

And in the absence of any agreement on a plan of reform, it was ridiculous for us to consider a modified rule.

There is great complaint, and I think absolutely justified, on the way this bill has been handled and scheduled. But it has been complicated and difficult.

The President of the United States had to change his mind on two critical issues before the bill could come to this floor in this fashion. He campaigned against the extension of the surtax and he came to the conclusion after he was President that the country had to have it and his administration had to have it. He made it pretty clear that he was not for the repeal of the investment credit until just a few days before the announcement that again he had changed his mind.

I am not being critical. I think he made the right decision. I happen to have felt that way all through the campaign and do feel that way now.

I do not think much of the way the matter is scheduled. Frankly, I am not being critical of any individual. But I must say, and everybody must know I have been a somewhat vocal critic of both the Democratic leadership and the chairman of the Committee on Ways and Means over a period of time. I suspect that I have been the most vocal and a most outspoken critic. So certainly the way it is scheduled and how it has been handled is not the reason I am for the rule and the extension of the surtax.

Some of the people with whom I have had the pleasure to work with on every great cause in the years that I have been in this Congress, in the domestic field, in the field of civil rights, and on all the humanitarian measures, the welfare matters, the leaders of the great American labor movement, and almost all liberal organizations oppose this bill. I am still for it.

I am for it because I think it is important in very real terms—not in the terms of absolutism that you may hear during the debate today—not that if we fail to pass a tax bill there will be a disaster. I do not know that there will be, but is merely my best judgment that there may be.

Not because one may say it is responsible to be for it and irresponsible to be against it. I do not believe there are very many people on either side—although there are a few and they are on both sides of the aisle who demagog on great issues—I think there are very few Members of this institution who when we get down to the wire do not vote the way they believe is best for the country. It is not a question of responsibility.

One can blow up the idea of responsibility by talking about who voted for it the last time and who voted against it; and who will vote for it this time and who will vote against it. I mean you are going to have a wonderful collection of interchanges, but that has nothing to do with responsibility—or even with politics because a Republican has a reason to believe in his heart that this administration will be more frugal than a Democratic administration. A Democrat has a reason in his heart—not I—to distrust a Republican President's use; that is, the political use of the passage of the surtax. This is not irresponsibility.

This is just looking at what some people consider as first things first.

But I am for the bill and for the surtax for the very simple reason that I have had the misfortune to have spent years working on political economics in the Joint Economic Committee. I have been on it since 1951.

I have an acquaintanceship with the economists of the country—liberal and conservative. The ones whom I respect—and that includes Walter Heller, whose statement is being circulated among the liberals purportedly to prove that he really feels we should not vote for the surtax today—all the economists whom I respect say that they think it is important that we have it. All the economists who have a good record in dealing with the economy indicate that it is important.

Now, I might even be against it, even despite that, if I thought my friends who keep talking about reform were realistic. There is no question that we urgently need tax reform, and in my judgment there is no question but that we are going to get it. I cannot say that I regret it, because I think maybe a small step will be important. But I certainly regret the timing of when we are going to have a reform bill on the floor of the House and in the Congress as a whole. Why should my liberal friends be so insistent on reform in this Congress, in this ad-

ministration? This, to me, is the most remarkable phenomenon I have ever seen.

Here we have an administration which, perfectly legitimately, is probusiness. Why not? There is nothing wrong with being probusiness. But they are more probusiness than the majority over here. What kind of reform are they going to be for? The elimination of depletion allowances? I think the only real targets that are standing up there without constituencies, probably, are—guess what?—the poor old foundations.

A great many people keep telling you that this Congress is controlled by the Democrats. It is a convenient myth. A convenient myth. Anyone who counts votes on issues knows that this Congress is controlled by those of like mind who are conservative. I am not even going to call them a conservative coalition. They agree with each other. That is the Congress from which to get real tax reform? Jokes.

There are some alleged alternatives. Some of my friends whom I respect greatly point out that in their judgment what we should be doing is to try to get a new regulation, consumer credit control. Really, that might be right. But I am one of the few people left who served on the Committee on Banking and Currency back when the Korean war hit, and I watched what happened when we tried to impose that kind of control, how long it took to get the legislation started, much less finished. It is not something that is done easily. It is very tough work. And when you get price and wage controls, although I started in in 1950 being for them, I learned that they did not work very well or very fairly. I can conceive of a situation where I might be for them again.

And I think I have covered pretty well where we are on reform. We are going to have reform. The President has made a commitment. I see the minority leader nodding. I know he is committed. The chairman of the committee is committed. The ranking minority member is committed. We are going to have a reform bill, and I will probably vote for it—but I probably will not like it. But I believe that when we get to the final moment today and vote on this bill, we should place our bets carefully. If you vote against the surtax and it fails, and we have the kind of reaction that I think may take place, you are going to have it on your conscience for a long time. We have not had a real recession in this country since 1937. Do not kid yourself. We have had little ones in the post-World-War-II period. We have the the greatest economic skew today that we have ever had, and the fault is bipartisan and I am not going to lay the blame here. We have the greatest economic skew we have ever had since World War II, and no one knows what will happen if this measure is voted down.

Do not take the chance. It is a good bet to vote for it, because what have we lost if it passes? A little popularity, perhaps, for a short time in the off year. I am not talking about responsibility. You can make an argument for voting either way if you wish. I am just giving you my best judgment on why I am on the side that is, from every point of view, except what I believe, wrong. It is not politically expedient. It does not seem to be a very smart side.

I just happen to believe we have to pass the surtax, not next month, but today.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Missouri (Mr. BOLLING) has explained House Resolution 453. It will provide 4 hours of debate, with a completely closed rule, waiving all points of order, amendments only by the Ways and Means Committee, and one motion to recommit. This is in consideration of the bill H.R. 12290, the surcharge and excise extension and investment credit repeal.

Mr. Speaker, the purposes of the bill are:

First, to continue the surcharge at existing rate through calendar 1969 and at a reduced rate through fiscal 1970;

Second, to postpone for 1 year the scheduled reduction in excise taxes on autos and communications;

Third, to repeal the investment credit as of the end of April 18, 1969, with exemptions for future work or equipment contracted for by that date;

Fourth, to provide a 5-year amortization for air and water pollution control equipment to replace the investment credit in this one field; and

Fifth, to provide an increased low-income provision to remove many low-income families from the tax rolls and lower taxes for many other families.

The committee estimates that the effect on revenues during fiscal 1970, if the bill is enacted, will be to increase revenues by $9,260,000,000. The extension of the surtax will bring in about $7,640,000,000. The repeal of the investment credit will increase revenue by $1,350,000,000 and the excise extension will bring in $540,000,000. The low-income allowance will reduce revenues by $270,000,000.

The report states that the extension of the surcharge is necessary. Not to do so would feed the existing inflationary psychology, permit the current excessive economic activity to continue unchecked, which could drive interest rates still higher, and allow greater international pressure on the dollar. While it does not appear that the surcharge has been too successful in stemming inflation, much of this is due to loose money policy which was dropped for a much more restrictive one early this year. This reversal is now beginning to show results which will roll back inflation when coupled with an extended surcharge.

The bill continues the current 10-percent rate through calendar 1969. The rate is reduced to 5 percent through June 30, 1970, making the effective rate on 1970 taxpayers only 2.5 percent.

In order to insure an adequate brake on inflation, the bill also repeals the 7-percent investment credit available on plant and equipment. The credit is canceled as of April 18, 1969. Only construction, modernization, and equipment which was contracted for before April 19 will still qualify for the 7-percent credit. The credits available on plant and equipment which have not yet been placed in operation must be used by the end of 1974 or they lapse. Any credits available but not used by the end of 1970 will be reduced by one-tenth of 1 percent each month from January 1971 until the cut-off date, December 31, 1974. This will induce taxpayers to get their new plant and equipment operational because investment credit deductions cannot be taken until they are operational.

While repealing the investment credit without exception the bill also takes special notice of the problem of air and water pollution. Equipment for this purpose now qualifies for the investment credit. Under provisions of the bill such equipment will now qualify for a speeded-up amortization period of 5 years. Since equipment life is at least 15 to 20 years, it is expected that this provision will help continue purchases of pollution-fighting equipment.

The bill increases the minimum standard deduction program initiated by Congress in 1964. Present law provides the starting level of taxation by the number of $600 exemptions combined with the minimum standard deduction—$300 for the first exemption plus $100 for each additional. The bill virtually removes from the tax rolls all those families below the poverty level—$3,300—with eight persons or less. Approximately 5.2 million tax returns will pay no taxes and an additional 7 million returns will have reduced taxes under the bill, which provides $1,100 of nontaxable income for a family of eight or fewer persons. The additional tax-free income provided by the bill is phased out gradually on the basis of a reduction of $1 in the amount of the additional allowance for every $2 by which the taxpayer's adjusted gross income exceeds the maximum nontaxable amount.

Finally, the bill provides for the continuation of the excise tax on autos and communications. The auto excise is 7 percent; on communication services it is 10 percent. These rates are extended until January 1, 1971, a year longer than provided for by current law, and the planned reductions to lower rates are each put back 1 year.

No agency letters are included in the report.

Mr. Speaker, at this time I place in the RECORD an editorial from the Burbank Daily Review, dated June 19, 1969, and an editorial from the Pasadena Star-News, dated June 20, 1969:

[From the Burbank Daily Review, June 19, 1969]

ANTI-INFLATION ACTION IMPERATIVE

For nearly half a year the administration of President Nixon has been trying vigorously to curb the problem of inexorable inflation it inherited and the "inflation psychology" in the United States of America.

The inflation is largely the result of the federal government spending wildly beyond its means for about eight years. The "infla-

tion psychology" occurs when people overbuy because they believe prices will be higher later.

The fact that the efforts to curb inflation and the thinking that nourishes it have not had the full effects desired was made painfully clear by the recent academic discussion of wage and price controls.

Treasury secretary David M. Kennedy, warning that we could "be close to runaway inflation," said wage and price controls are an extreme possibility. It was a view later upheld by President Nixon.

Neither Mr. Kennedy nor Mr. Nixon suggests or wants a freeze in salaries and prices. Both are on record, in fact, as outspoken opponents of economic controls which crystallize existing problems, postpone solutions, halt competition and disrupt the interplay of the free market system.

Mr. Nixon and Mr. Kennedy were simply underscoring dramatically the fact that Congress and the people of the United States are apathetic about taking some eventually inescapable actions to bring inflation under control.

As a minimum the action required of Congress is the passage of Mr. Nixon's inflationary control package, now largely approved in committee. It includes extension of the 10 per cent surtax which will expire June 30, continuation of the telephone and automobile excise taxes and repeal of investment tax credits designed to stimulate construction of plants.

The executive warnings also should stimulate Congress to support moderate budget cuts proposed by Mr. Nixon which would leave a $5.8 billion budget surplus—also a deflationary tool.

Mr. Nixon and Mr. Kennedy also were speaking to businessmen, labor—all people. They are asking restraint in price increases, moderation in wage demands and common sense in buying things.

And the urgency of their message has been further underlined by the volatile stock market, a barometer of the national economic state; the perpetually rising interest rates, and warnings from the Federal Reserve Board that a limit might have to be placed on the size of business loans.

The message is that we can no longer overcome years of economic excesses by doing business as usual and hoping that inflation will go away without any sacrifices on our part.

The question now is how to keep the sacrifices to a minimum.

[From the Pasadena Star-News, June 20, 1969]

BUSINESS PLANNING WOES

This is an especially difficult time for businessmen. Like those in the Pasadena-San Gabriel Valley Area, businesses across the nation have the always present problems of how to balance the ultimate in service for their customers with the need to make a profit so as to stay in business.

But the ordinary problems are currently compounded for businessmen trying to adequately plan for the future—either short range or long range. They really don't know how much tampering with the economy the federal government is going to do. They read about efforts to curb inflation while interest rates go up and up. They are forced to wonder if anyone, including the federal government, has any idea of how far controls can go without causing a painful recession.

A repeal of the 7 per cent investment tax credit is moving through Congress and an extension of the income tax surcharge looks more probable day by day. Companies which have been relying on the investment credit will complete projects already under way, but the impact of the credit loss will be great on new equipment expenditure. The surtax extension, on the other hand, will not be more easily handled because it is based on the assumption that current tax rates will be maintained.

One of the biggest problems is the lag time between the movement of economic factors and the statistical evidence of their workings. In the month or two in which the statistics are being compiled, other developments may have occurred to affect the trend in some other way.

Every businessman will agree that inflation is horrible, but he also knows that attempts to cure it by ill-timed measures can be worse. The machinery of government is adjusted to a certain pace and that pace all too often is too ponderous and slow to actually control the economy.

The big question is whether public confidence can survive while the government attempts various forms of restraint. If the screws are applied too hard and a credit crunch develops to a full extent, public confidence begins to weaken, bringing about a stagnation in the retail and construction fields and a weakening of the stock and bond markets.

When the brakes are applied by government, there inevitably are interruptions of plans involving billions of dollars. Economists can only guess whether these painful shocks can be absorbed while business as a whole maintains a reasonable profit.

Up to this point, there are no real signs of a breakdown—but neither has the inflationary spiral been curbed. Businessmen are worried because they cannot make adequate plans and they are living in a world with rapidly rising material and wage costs.

The current moves being considered by Congress and those which have been implemented by the Federal Reserve Board have been taken in stride. It is what may come after these moves and what the future statistics will show about the state of business and unemployment which are of deep concern.

Thus, the Nixon administration and Congress are walking arm-in-arm across a tightrope. They are charged with managing an economy with a gross national product of more than $900 billion. They must halt inflation, but must not cause a recession.

Their successes and/or failures in managing the economy the next few months will have a deep impact on the social and political future of the United States and the world.

Mr. Speaker, for my personal opinion, last year when the surtax was up, I voted against the surtax. This year when the whip count was taken, I stated that I had not made up my mind and I hoped nobody would bother me, that I, Mr. SMITH of California, would talk to the gentleman from California. I did so for quite a considerable time yesterday afternoon. I heard and saw the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), on television, and Mr. Heller; and I also listened to Mr. Burns.

The surtax has not done what it was claimed it would do. But no one knows what might have happened if it had not passed.

I have never voted for bills which have placed us into the serious fiscal position we are now in.

Leading economists have predicted some very dire possibilities for our future if this measure is not passed. Whether they will occur, no one knows. But I believe their opinions must be given serious consideration. Certainly no one wants any of these dire possibilities to occur.

If they did, and my vote contributed to the cause, it would be on my conscience for the rest of my life. I do not wish this to happen.

Those facts, together with all the other information in my files, has led me to believe that the only thing for me to do this year is to vote for the continuance of the surtax, which I intend to do, and do so make a statement at this time. I hope it will accomplish what the proponents claim it will.

Mr. Speaker, I urge the adoption of the rule and the passage of the bill.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, my colleagues, I hope, will realize that today's vote on surtax extension might be the most important vote that we cast in the 91st Congress.

Your vote today will establish your image and record for our constituents as to how you can resist the pressure of the powerful tax loophole lobby versus effective tax reform.

In my remarks on this floor last Friday I think I definitely established that up to this date the majority of the Ways and Means Committee have been filibustering and delaying any effective action to curb fabulous tax preference to big oil, big foundations, big real estate millionaires, stock market speculators, capital gains, and so forth.

This mammoth tax loophole carbuncle on the good name of the House of Representatives is caused by the antiquated policy of a closed rule—no amendments—to any tax laws which the majority of the Ways and Means Committee submit to the Congress.

In this session the Members who have been fighting for equal taxation for all segments of our economy have at least aroused millions of American taxpayers to the fact that only a mere handful of their 435 Representatives have any force or power to control Federal tax legislation.

I have received thousands of letters and telegrams from Indiana and other States demanding that fabulous and, in some cases, fraudulent, loopholes, depletions, credits, and tax deductions to corporate and millionaire tax dodgers be repealed and an equitable and pro rata tax policy be enacted by this Congress. If this surtax increase is passed today it will add almost a $10 billion tax burden on millions of people least able to pay—the middle-class salary and wage earner. Economists report that $20 to $30 billion could be paid into the U.S. Treasury if the Ways and Means Committee stopped filibustering on tax reform and reported an antitax-loophole bill.

Never in my memory has the high-powered tax loophole lobby organization been more active than in trying to pass this legislation with their hope that it will relieve the public pressure for effective tax reform. Last Friday when we considered the 30-day extension on the surtax I expressed, during my remarks on the consideration of the rule resolution, extended arguments on why this additional year's surtax extension should be defeated.

Last Friday I also secured permission to include the statement which I made

before the Ways and Means Committee almost 4 months ago, setting out in detail some of the fraudulent and fabulous tax loopholes extended to multimillion-dollar oil companies, foundations, and so forth.

Each Member has received the CONGRESSIONAL RECORD of last Friday. I do hope during this debate you will read on pages 17626 to 17628, the extended statement I made before the Ways and Means Committee on March 26, on why we should enact effective tax reform legislation in this Congress.

Every Member of this Congress knows that tax reform legislation on corporations and millionaire tax dodgers has been agitated for several years. The majority of the Ways and Means Committee and the leadership on both sides for some reason or other have ignored the appeal of the American people for Federal tax equality and justice. My office desk is piled up with letters and telegrams from organizations—fraternal, business, labor, schoolteachers, older people, younger people—and we today are being asked by selfish interests to ignore the anti-high-tax uprising throughout this land.

Had this Congress, last January, properly responded to the public demand for tax reform we could have enacted by April or May an effective bill closing, repealing, and curtailing 90 percent of the fantastic and fraudulent tax loopholes that have been inflicted on the American people by powerful lobbyists during the last 30 years.

This bill today to assess the American people an additional $10 billion for the next 12 months would be unnecessary if we had acted. If this bill passes the House today it will relieve the worry of the tax loophole lobbyists of any danger of any effective tax reform during the 91st Congress.

No doubt the Ways and Means Committee possibly this fall or next spring will bring in a skim-milk tax reform bill and ask for a closed rule, as usual, when this comes before the Rules Committee.

Five members out of 15 members of the Rules Committee voted for an open rule on this legislation. I notice that both in the Ways and Means Committee and in the Rules Committee not one Republican member voted against this bill which will pick the pockets of the middle-class taxpayer of almost $10 billion in the next year. Two-thirds of the Democrats on the Ways and Means Committee opposed this legislation and I predict that today the vote on the Democratic side of the House will reveal an increased percentage against this surtax and in favor of closing major tax loopholes in this session of Congress instead of waiting 2 years from now in the 92d session of Congress. In the 1970 November election this Congress will get a resounding verdict from the American taxpayer on tax reform.

I do hope that the Members of Congress who go home over July 4 and when asked why big tax dodgers have not been curbed and compelled to pay their just share of our tax burden, will be truthful and tell their constituents that they have no power to vote on amendments, and in fact, are shackled when tax legislation comes to the floor of the House. Fifteen or 16 members of the 25-member Ways and Means Committee have the power to write tax legislation for the other 520 Members of Congress. If you are not a member of that select majority of the tax committee you might as well stay home as far as your district being represented on tax legislation in Congress is concerned.

I fully outlined many other facts about this unfortunate surtax legislation and the necessity for immediate tax reform in Friday's CONGRESSIONAL RECORD, pages 17626 and 17628, which is now in your office and also at your seats in the House Chamber.

I hope you read it before you vote this afternoon on the surtax extension.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I support this rule at this time. I think since we have come this far the proper thing to do is go ahead and adopt this resolution and permit the Committee on Ways and Means to present the case such as they have.

I might say frankly that I moved for an open rule in the Committee on Rules, and I said quite frankly at that time I had one purpose and one only in my motion, and that was to send the bill back to the Committee on Ways and Means. I was positive that had we been able to adopt an open rule that the gentleman from Louisiana and the other members of that committee would not have come to the floor of the House under an open rule. So my move was open and aboveboard. I pulled no punches. I am not sure but what this House probably should be working today under an open rule and attempting to meet its responsibility, and to try to write a reasonably decent tax bill.

Mr. Speaker, let me say that I enjoyed the rather ringing speech by my good friend from Missouri. I too am basically in support of, and I think we will get some surtax. I think that we have a responsibility to the country, and each and every one of us I am sure will answer his own conscience, but my good friend from Missouri totally ignored, I believe, the principle issue that faces us today, and that is what to me is significant. We are today dealing with the only tax bill that is going to have any chance of ever becoming law in the 91st Congress, in my opinion—and I recognize that is my opinion—and I might say that it is the opinion of a great many other people. If we pass the bill today under this closed rule, under this procedure, we will be yielding our prerogatives to the other body to write meaningful tax reform.

I believe there is no use kidding anyone. I believe the majority leader of the other body was quite frank yesterday, along with statements by a number of others, that they do not propose to accept this package and pass it; that if this is what they have to work on, they are going in and will take whatever period of time is necessary to try to write some meaningful tax reform, and if this takes until fall then it will simply be in the fall.

So I would hope that each and every one of us today, if we examine our own positions, once this comes to a final vote some time later this afternoon, will keep in mind that so far as this House is concerned I believe we are working on the only tax bill that will ever have a chance of the light of day, and of becoming law in the 91st Congress.

I am not calling in question the words of my friend from Louisiana, or the distinguished chairman of the Committee on Ways and Means, their desire possibly later on to try to come out with some additional tax reform, but I am thinking of some of the hurdles and some of the roadblocks and the chances that this bill would have to run before it became law, and I am firmly convinced that this is it for the 91st Congress.

So I would hope that when the motion to recommit comes, that the Members of the House will by an overwhelming majority vote to send this bill back to the Committee on Ways and Means, where they will have ample time, and if they need more time we can give them another continuing resolution for 30 days, because basically that is what we should do—this is the time to go ahead and do the job in this package, and the Committee on Ways and Means are amply able to do this, and they will have available the time in which to do it.

So, Mr. Speaker, I would hope that this bill would be recommitted to the Committee on Ways and Means, and let us do this job decently and let us not surrender our prerogatives to the other body because constitutionally it is our job and it is our obligation and our responsibility, and I hope today we are prepared to vote to live up to that responsibility.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Speaker, I would like to join in the concern over what may happen to this bill when it goes to the Senate, and with tax reform amendments tacked onto the bill during the floor fight over there. So I would hope we can send this bill back to the Committee on Ways and Means for meaningful tax reform in there before it next comes to the House for consideration.

In the meantime, Mr. Speaker, we have a continuation of the withholding to protect the interest of the public.

Mr. ANDREWS of North Dakota. Mr. Speaker, I would hope that we could amend this rule to provide for amendments or defeat the rule and in effect, send the bill back to committee, where significant long-overdue steps toward tax reform could be incorporated into it.

Since I spend as many weekends as possible visiting in my district with the people I am privileged to serve, I can tell you that there is a tremendous revolt brewing among average American taxpayers. They are just plain sick and tired of a tax system which piles inequity upon inequity, while spinning off additional benefits for the poor, enlarging tax shelters for the rich, and placing an increasingly larger burden on the people in between—that great majority of all Americans who are the backbone of our Nation.

Make no mistake about it. They are quite aware of the fact that the surtax was passed as a temporary expedient to deal with inflation and curb rising interest rates, and they are equally aware it has done neither.

In a thinly disguised effort to make this surcharge extension more palatable, the legislation we are considering today includes a total exemption from taxes for our poorer citizens and total elimination of the investment tax credit.

Trumpeted as initial steps toward tax reform, these provisions are, instead, true to the pattern of the present tax structure in that they, once again, ignore the middle-class citizens.

I refer specifically to the investment tax credit. I am sure most everyone is aware that the investment credit has allowed a deduction from the final, net Federal tax bill of an amount equal to 7 percent of the funds invested in machinery and equipment. It was first adopted as part of the Revenue Act of 1962. In 1966 when capital expenditures were believed to be contributing to the inflationary pressure, President Johnson persuaded Congress to suspend it, but 5 months later the administration asked that the suspension be revoked—an abrupt turnabout necessitated by a threatened recession.

But, I think, it is well to remember that Public Law 89–800, which enacted the short-lived suspension, did not remove the investment credit with respect to purchases of up to $20,000.

The same exemption for the benefit of small businesses and farmers should be included in the legislation we are considering today if we are not to place a double burden on those who can least afford to bear it. Refusal to allow the continuation of this investment tax credit on small businesses buying purchases of up to $20,000 has united the American Farm Bureau Federation and the National Farmers Union, two of the largest farm organizations, against this bill.

Since I represent one of the most agricultural districts in the House of Representatives, I would like to dwell for a few moments on the problems American farmers face today, and will point out to my colleagues the reasons why they simply cannot afford the additional burden of the repeal of the investment tax credit.

They are probably the prime victims of inflation.

Average farm income last year was only $4,863—73 percent of the nonfarm per capita income. American farmers are producing for prices per pound and per bushel that are less than 20 years ago, but production costs have risen until last year they took 81.5 percent of the return for his sale of agriculture products.

Americans eat better than any other people in the world, but they spend only 17 cents out of their take-home dollar for food, the lowest percentage of any nation in the world. In France, they spend 30 percent, and in Japan it takes 43 percent.

The U.S. farmer receives 38 cents of the consumer's food dollar. Twenty years ago he got 47 cents.

Meanwhile, a combine, which had an average cost of $6,940 in 1957–59, cost an average of $10,700 in 1968. A 60–69 horsepower tractor, which cost an average of $5,720 10 years ago, sold for $6,820 last year. The average cost of a corn picker-husker went from $2,120 to $3,500 in the same period and cotton pickers went from $16,680 to $22,000.

The cost and the shortage of skilled farm labor makes it essential that these heavy investments in time-saving, labor-saving machines be made. As a matter of fact, in 1959, the value of machinery and equipment used on U.S. farms totaled $11.2 billion. In 1968, it had reached a total of $26.2 billion a year, mostly for replacement equipment. Thus, the total repeal of the investment credit will add 7 percent to the price tag of the machinery and the equipment he must buy. This will mean a reduction of $210 million from net farm income, a loss farmers can ill afford.

In their report related to Public Law 89–800, the Committee on Finance in the other body gave its reasons for favoring the retention of a limited investment credit for farmers and small businessmen:

> The pressure for loans to finance significant increases in plant and equipment spending stems largely from the Nation's larger business organizations. The $25,000 exemption will be a negligible factor in the investment decisions of such organizations. It will not be negligible, however, to small business enterprises and farms, many of which presently have difficulty raising funds because of existing monetary restrictions.
>
> Furthermore, investment by small business and farms makes up a relatively small percentage of total investment in machinery and equipment. . . .
>
> The action also is consistent with long standing public policies to foster small business and farming.

Inflation is a cancer eating away the purchasing power of the dollar, thus destroying the value of life savings and hurting most, those who can resist the least, such as those living on fixed incomes or pensions and social security. Realistic measures tc stem inflation deserve, and will get, the wholehearted support of the Congress.

It should be noted, however, today's inflation is not the cost-push variety we have endured in the past. Instead, it is a problem of too much money persuing too few goods. Small businessmen and farmers, however, do not contribute to this inflationary spiral. Indeed, they are among the victims.

In this inflated economy, the small businessman like the farmer, is hard pressed to make investments which would allow him to take advantage of technological advances or increase his efficiency and productivity which are in themselves anti-inflationary. The result in recent years has been a decrease in small business manufacturers, for instance, while we have seen more mergers and the development of more conglomerates and a sharp increase in the share of various markets controlled by larger corporations.

The repeal of the investment credit, coupled as it is with higher and continually climbing interest rates, will rule out needed small business expansion and I submit, it is these mainstreet merchants and small manufacturers who are the real backbone of our Nation's economy. Congress, historically, has recognized this fact and has given special limited investment incentive, which will allow them to proceed at least in part with their expansion plans and encourage their competition with their big business rivals.

Mr. Speaker, the small businessman and the farmer, who are clearly the prime victims of inflation, are now threatened by the proposed cure for inflation we are considering today.

A year ago, the Congress was asked to approve the 10-percent surcharge with the assurance it was a temporary measure designed to halt inflation and hold down interest rates. We were further assured that surcharge would be followed by meaningful tax reform.

In the last 12 months, inflation has continued at an alarming pace. Interest rates have been increased and increased again.

Taxpayers, while still awaiting tax reform, have been treated to such revelations as the fact that 154 persons in this country with incomes over $200,000 in 1966 paid no Federal income taxes.

Now we are asked to extend the surcharge, and further, to approve the elimination of the investment credit without even an opportunity to offer amendments designed to protect the small businessmen and farmers who are in such severe economic jeopardy.

Our farmers and small businessmen have listened to many promises made and broken by both the Congress and the White House in this decade. Proponents of the surcharge extension have presented their case well and it is clear that the present fiscal crisis demands that Government must have more income. It is also essential, however, that this Government demonstrate it is fully prepared to keep faith with the people of this country by reducing Federal expenditures, military included, wherever possible, and by coupling the surcharge extension with meaningful tax reform to protect those people on the "whip-end" of the inflationary spiral contributed to so much by the irrational and indefensible fiscal policies of the past.

If it is necessary to delay extension of the surcharge as reason for tax reform, then so be it. I believe this would be a small price to pay to help restore the peoples' confidence in their Government.

Our peoples' patience is rapidly approaching an end, and it is up to those of us who are privileged to serve in this Congress to do more than just artfully dodge the issue.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I want to begin with this afternoon by expressing my profound admiration for the actions of my colleague, the gentleman from Missouri (Mr. BOLLING), in pronouncing his intention to stand with us on this very crucial issue this afternoon.

I can only hope that he will not find my embrace in this regard too much of an embarrassment, that is political em-

barrassment. But I think it clearly illustrates that the issue this afternoon is one between liberals and conservatives because certainly the gentleman's credentials as a liberal are impeccable—and some on this side of the aisle whose credentials as conservatives I think are equally impeccable. Yet, he has made a plea, and I join him in that plea, that we try to consider this issue this afternoon calmly and dispassionately from the standpoint of what is good for the entire country.

I thought it was significant when I arrived at my office this morning that there were two telegrams which greeted my eye. The first of these was from the National Association of Manufacturers calling for the defeat of this legislation, suggesting that it was going to add a tax on business and that by a repeal of the 7 percent tax credit we were taxing business unfairly. The NAM called for the defeat of this bill today and suggested that Congress should see if we could cut Government expenditures and obviate the necessity for any surcharge at all.

The other telegram that greeted my eye was one from the president of the International Auto Workers saying that we ought to vote against this and content ourselves with the palliative of a 30-day extension of the withholding rate, an action this House took last Friday.

So what we have here is big labor and big business riding together in tandem making a plea for the defeat of this legislation.

Their reasons are apparently somewhat different. Yet, the cold fact of the matter is that the effect following their advice is going to be precisely the same. The effect of their advice is to release into the spending stream approximately $10 billion and to add to the consumer and business investment demands at a time when those demands are clearly excessive. It would have the effect of sending the Government into the money market during the next 12 months to compete for funds at a time when interest rates are already extremely high—so high that they are threatening to ruin such vital industries in our country as the home construction industry.

Let me assure the Members of this body that it is not particularly easy for me to stand before you today and recommended the extension of this surcharge because I represent a city which ranks among the top three in the Nation in the production of machine tools. You can imagine the kind of letters, wires, and telegrams that I have been getting. Admittedly, the impact of repealing the investment tax credit on the capital goods industries, at least initially, is not going to be favorable but rather is going to be quite severe.

Even such distinguished economists, those whom we have heard mentioned including the name of Dr. Walter Heller, are critical of that decision to repeal and believe the better course of action might well be suspend rather than repeal. Yet, as recently as yesterday afternoon, I listened to Dr. Heller and he did not retreat from the position he takes that it is of absolutely critical importance that this House support a continuation of the surcharge at least at the rate of 10 percent until January 1, 1970, and thereafter at the rate of 5 percent.

Now the suggestion is made by the National Association of Manufacturers that we should defeat this bill today and that some later time we can come back and reconsider it in the light of further efforts to reduce Government spending.

That kind of argument ignores completely that the consequences of the defeat of this bill this afternoon would be to provide a psychological stimulus to a fresh round of inflation. It would occur at a very critical point, in my opinion, at a juncture when there is some hope that, given the right mix of fiscal and monetary policy, we are perhaps entering a period of greater stabilization in the economy. I submit that reconsideration at some later, undefined date might very well come too late.

The communication from Mr. Reuther to which I referred purports to be a plea in the name of the millions, of low-moderate- and middle-income families for tax reform. He suggested that we ought merely to continue withholding rates at the present level for 30 days. That kind of action would not be enough. That kind of action would not provide the clear, unmistakable ring of fiscal restraint that would indicate both at home and abroad that the efforts that we are making in this country to fight inflation are real, that they ring true, that they are genuine. Instead, there would simply be the dull reverberation that would indicate we are accepting the counterfeit coin of a currency system which is to be still further debased, still further debauched by the forces of inflation in this country.

It seems to me that Mr. Reuther's plea completely ignored the fact that it is the low, it is the moderate, it is the so-called middle-income families today that are precisely those who are suffering the most from a continuation of the present economic conditions. You do not find the speculators in their ranks, the people who can hedge against inflation, who can even turn inflation to their advantage.

In conclusion, I would suggest that his plea is grounded on the false assumption that this session of Congress will not see meaningful tax reform. And I respect the gentleman from California (Mr. SISK) who spoke earlier, as did the gentleman from Indiana (Mr. MADDEN) my colleagues on the Rules Committee.

But if you had been in the Rules Committee, as we were just a week ago, and heard the ranking Democratic member of the Ways and Means Committee—and I refer, of course, to the gentleman from Louisiana (Mr. BOGGS)—and the ranking Republican on the Ways and Means Committee, the gentleman from Wisconsin (Mr. BYRNES), you would have heard in clear, understandable, precise, unequivocal language the pledge that we will have a tax reform bill on this floor, if humanly possible, in August. I submit that those are men of honor. They are men who are not accustomed to deal in deceit when it comes to addressing a committee of this Congress or the House of Representatives.

I, for one, am willing to take them at their word, and I voted for a closed rule on this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. What assurance can the gentleman give the House that if this bill is passed today it will not be taken over by the other body, as was the excise tax bill last year, and converted into a Christmas tree?

Mr. ANDERSON of Illinois. Of course, the gentleman now in the well is in no position to give assurances to the gentleman from Iowa as to what action the other body will take. But I have confidence—again I repeat—in the chairman of this committee, in the ranking Republican members of the committee, and the others who will represent the House in any conference that occurs on a tax bill. I have confidence that they will stand firm on any position that this House takes.

And I would submit that, although I voted for a closed rule on this bill, I would be inclined to vote for an open rule on any future tax-reform bill that comes to the Committee on Rules if it is not the kind of a meaningful package of reform that we have been promised. I feel safe and secure in making that kind of statement here on the floor today precisely because of the confidence I feel in those who represent us on that distinguished committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield further to the gentleman from Iowa.

Mr. GROSS. That was precisely the assurance that we had last year, that the House would not surrender its position, but it did.

Mr. ANDERSON of Illinois. I would repeat: Had the gentleman from Iowa been in the committee with me the other day and had he listened to the gentleman from Louisiana (Mr. BOGGS) and to the gentleman from Wisconsin (Mr. BYRNES), he would be as sure as I am at this hour that they are going to give us the kind of bill in August that will give the low-income, the middle-income, and the moderate-income families of our country the kind of tax relief that they need and deserve—convinced that these were the sincere opinions of honorable men who have neither the desire or the habit of practicing deceit with this House.

To suggest that the defeat of this bill is essential to assure adoption of tax reform is to ignore facts that are clearly established in the record. A vote for this bill in no way signals an abandonment of the eminently desirable goal of trying to eliminate inequities in the present tax structure. To those who are so cynical that they still do not believe, I would suggest that they lack faith in the power of public opinion to effect reforms in our system of government. There is a powerful demand by the public today for a genuine overhaul of existing tax preferences, and I do not believe that the public will be denied.

In conclusion, I would make this appeal to my liberal friends in this Cham-

ber. And let me make it clear that I feel on the issue of the extension of the surcharge liberals and conservatives should unite albeit for somewhat different reasons.

The U.S. Conference of Mayors meeting in Pittsburgh on June 18 supported by formal resolution the legislation before us today. They did so for two reasons:

First. Abandonment of the surcharge would accelerate dangerous inflationary movements in the economy.

Second. Prospects for adequate Federal funding of essential social and economic programs would be worsened without the revenues obtained through the surcharge.

Surely, we dare not sacrifice badly needed housing, education, and manpower training programs or the fight against hunger.

I hope that the House will adopt this rule and the bill which it makes in order by an overwhelming margin.

I submit we ought to adopt this rule. We ought to pass this bill overwhelmingly, and signal to the rest of the country and to the world that we are prepared and willing to take a policy of fiscal restraint that will begin to choke off inflation in our country.

Mr. BARRETT. Mr. Speaker, today is the day we will stand up to be counted; when we must face up to our responsibilities to our constituents—to the people—American taxpayers.

We have before us for consideration House Resolution 453. Let us not misunderstand what this resolution provides. It merely allows the House to talk about—not work its will, but just talk about—a tax bill, H.R. 12290. A tax bill which will increase the income tax of many millions of Americans by extending the income tax surcharge. A tax bill which does not provide any serious or meaningful tax reform which is so sorely needed.

Mr. Speaker, all sorts of dire predictions are being made as to what might happen if we fail to continue the income tax surcharge. We were given similar arguments in behalf of the surtax last year, which I voted against, and great promises that its enactment would put the brakes on inflation. The fact is that it apparently has had the opposite effect, particularly as affecting the vast, vast majority of our people.

Mr. Speaker, the American people throughout the length and breadth of this country are clamoring for tax reform legislation. Legislation long past due to make our income tax system just and equitable. Let us not forget that it is those tens of millions of middle-class families and individuals with incomes of $7,000 to $20,000 who pay over half of our individual income tax. There is an urgent need for tax reform legislation to close so many of the loopholes that are costing our Government over $50 billion a year. Closing a number of these loopholes will provide more than ample funds needed by the Federal Government and do much more to combat inflation than a continuation of the surtax.

I will vote against adoption of the resolution and urge my colleagues to do the same. Should the resolution be adopted, I assure you, I will vote against H.R. 12290.

Mr. CLAY. Mr. Speaker, I cannot support the proposed extension of the 10-percent surtax. This President intends to collect another $9 billion from the taxpayers so he can declare a $6.3 billion surplus in July of 1970. He can just as easily declare a greater surplus by closing the loopholes in the present tax system. Should he like to go a step further to an eradication of the public debt, all he need do is stop the war in Vietnam.

It makes no sense to me to perpetuate a tax system which is overwhelmingly recognized as a subsidy to rich people. Oil companies, defense contractors, and other corporate entities have entrenched themselves into the Establishment. Because they do not pay taxes, big money interests can afford lobbyists, political favors, and Government payoffs whereby they sway policy to conform with their private interests. In contrast, the taxpaying citizens cannot, even now, see their way through to January without borrowing money to pay their taxes.

The reasons cited for passing this legislation are negated simply by the revenues which could as easily be collected through comprehensive tax reform. As long as the powers that be are successful in raiding the pockets of people who now pay taxes—there will be no stimulus for raising revenues from people and corporations now evading taxes. Take another $9 billion from the low- and middle-income taxpayer and what incentive will there be to seek revenue from the fat cats of the country. Until I witness legislative evidence of sweeping reform, I will not endorse another raid on the current tax roll.

We have heard a lot of talk about the taxpayer revolt. When there are 155 people with $200,000 incomes who do not pay taxes—why should the ordinary taxpayer not rebel? When he reads about 21 millionaires who do not pay taxes, I can understand his fury. When the 22 largest oil companies pay only 8.5 percent on their $6.8 billion profits, I see the discrepancy. When a person earns between $5,000 and $15,000 annually and pays 30 percent of it for taxes, I can understand the resentment. When these disparities are recognized as fact and still more taxes are sought from the same taxpaying group, I understand and agree with the taxpayer revolt. Until this Government establishes equitable tax reform, there is no justification for any other tax proposal.

The present surcharge has been a dismal failure. Originally conceived as a device to halt inflation and to retard the rise of interest rates, it has, instead, fed inflation while interest rates have escalated five times in the last 6 months. Prices continue to rise—this year at 6 percent.

President Nixon has declared that his new fiscal restraints should take effect in 2 or 3 months. If that is so, let him seek only a 2- or 3-month extension of the surtax while the reform bill can be reported and considered by the Congress.

I not only object to the system used by the Federal Government in collecting its money, I also object to the system adopted for spending it. Both systems are discriminatory and designed to benefit a privileged class. Our tax system discriminates against the low- and middle-income persons. The spending system discriminates against all three groups—middle income, lower income, and people of bare subsistence levels. The spending system is geared toward a production of materiel, of weapons, of highways, and of empires—not toward the provision of services for people.

Mr. MIZE. Mr. Speaker, all of us know the importance of stopping the inflationary spiral which has boosted wages and prices way out of line and interest rates to one of the highest levels in history. Curbing inflation has been given high priority by this administration and it behooves the Congress in taking the necessary legislative action to cool the overheated economy.

Although the surtax which was imposed last year has not made the anticipated progress toward weakening the inflationary pressures, most economists agree that this is the simplest and best form of tax action to take on a temporary basis in dealing with a fiscal emergency of the scope we have now. They say there are indications that the surtax is beginning to apply the braking action the economy needs in order to curb inflation.

Under the circumstances, it appears prudent to accept the recommendation of the administration and extend the surtax for another year—6 months at the 10-percent rate and the other 6 months at 5 percent. This recommendation has been approved by the Ways and Means Committee during its deliberations even though it was reluctant to continue, even temporarily, the present tax burdens. The conclusion was reached, however, that the consequence of not extending the surtax would be far worse.

Painful as it is to accept this conclusion, there is not much else we can do, and I am willing to give this administration every chance to achieve its goal of fiscal soundness. Stopping the inflationary spiral is the first order of business.

Mr. Speaker, I will support the extension of the surtax, but it disturbs me that this extension is coupled with repeal of the investment credit which has been so important to our economy over the past 7 years. I think it is a mistake to take this action to repeal the credit. I am sure the same thing will happen that happened before. After a few months, we will find that it will have to be reinstated.

We adopted the investment tax credit in 1962 after other countries had been using this type of incentive for years. We found it necessary to promote economic growth by encouraging modernization and expansion of machinery and equipment. We also found that one of the most important benefits from the investment credit has been to shore up our balance-of-payments position by placing our firms on a better competitive

basis in dealing with their foreign counterparts. We all know it has been of special assistance to the farmers. Farmers faced with the need to make heavy investments in new machinery and equipment as a means of increasing their efficiency have come to rely on this credit and believe it should be considered a permanent feature of our tax system.

When we put the investment credit on the books the first time, industry was given certain assurances that it was designed to be a permanent feature of depreciation reform. Its long range value has been proved, and when it was suspended in 1966, it was reinstated within a period of 5 months although the original suspension was intended to last for something like 15 months.

It does not work as an on-again-off-again proposition. In fact, the committee report on the surtax extension bill states:

> The investment credit does not lend itself well to suspension, restoration, and then suspension again. Investment plans are made on the basis of availability of the investment credit and various commitments are then made on this basis. Then, when credit is suspended, taxpayers are caught in various states of commitment to invest.

There is every reason to feel that repeal instead of suspension this year will have the same effect as the 1966 suspension, and if the investment credit is not restored within 6 months, it will be necessary to replace it with another incentive in the form of a more liberalized depreciation allowance.

In this regard, I am impressed with a line of reasoning presented in opposition to repeal of the investment credit. It goes like this:

> It cannot be overemphasized that new investment capital equipment is necessary not only to expand capacity, but to modernize it, therefore to ease pressures on costs and prices. In fact, of course, the ultimate anti-inflationary weapon of the U.S. economy is its productivity, which must be maintained and enhanced to encounter the now deeply embedded elements of inflation in our economic structure. More efficient plant and equipment and a more productive economy are particularly crucial in view of the full or near-full employment conditions that we have had since the mid-1960's with all their implications for labor costs.

So, Mr. Speaker, if we are going to fight inflation, let us do it with all the means at our command. Let us give the investment credit its due as an anti-inflationary device. Let us keep in mind that this credit helps increase productivity and enables the economy to deal with wage increases without price increases. We always have the problem in an inflationary period of too much purchasing power chasing too few goods. The investment tax credit can help battle inflation by producing more rather than spending less.

Although this legislation does repeal the investment credit so that the surtax can be reduced to 5 percent at the start of 1970, it is important that we keep a watchful eye on conditions because I am sure we will find that we will need to restore this credit early in 1970 as well.

Mr. BOLLING. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi, the chairman of the Rules Committee, to close the debate.

The SPEAKER. The gentleman from Mississippi is recognized for 5 minutes.

Mr. COLMER. Mr. Speaker, the Nation's house is on fire. The flames of inflation are out of control and threaten to destroy the Nation's economy. The value of the American dollar is rapidly eroding. The 1939 dollar is now worth 38 cents. It has lost almost 7 cents in the last 5 years. We are rapidly traveling the path that lead to the collapse of so many foreign governments in the past 30 years.

This is not the time to call off the firemen. Rather, the President is urging all of us to man the hoses and squelch the flames.

There is no time for partisan bickering or group bargaining.

Admittedly, the imposition of the surtax for the past year has not stopped inflation. But, who can say with authority that it would not have been much worse without the tax. Likewise, there is no guarantee that the continuation of the tax for another year alone will do the job. It should be but one flank of the attack. The assault should be and must be on a broad and comprehensive front. Other weapons such as curbing the extravagant credit system now operating in all facets of our economy should be discouraged. For, the withdrawal of money through the surtax from the Nation's heated economy can easily be offset by unbridled credit. Surely, we have gone overboard in urging people to buy and even store commodities on long-term credit. Certainly, private business has reached the point of the ridiculous by urging our citizens to borrow money to take vacations.

But more importantly, the Congress must remember that the people must support the Government and that, conversely, the Government cannot support the people. The Congress must quit engaging in the pleasant but deadly game of unbalanced budgets and deficit financing.

Mr. Speaker, in recent years we have heard much lip service in both Chambers of this Congress for the poor and the middle-class, and we will, no doubt, have a repetition of this in this Chamber today. But, I ask my colleagues, both to the right and the left, Who suffers the most from the continuous deflation of the value of our currency? Who suffers the most from the ever-decreasing purchasing power of the dollar? Is it not the people with fixed incomes, the wage earner, the salaried man, and above all, the aged and the widows and orphans?

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend from Iowa.

Mr. SCHERLE. Will the gentleman from Mississippi give me one shred of tangible evidence as to what the surtax really has done within the last 12 months?

Mr. COLMER. No. As I stated earlier, I do not think the surtax has stopped inflation. I know it has not. But can the gentleman tell me that inflation would not have been worse if we had not had the surtax? Nobody can evaluate that situation, because it is an unknown quantity. But I come back to my statement that this is but one facet of the attack on this enemy of our Republic—inflation.

Mr. Speaker, I hope I may be pardoned if again I point out that I have been raising the warning flags in the well of this House against the impending destructive storm of inflation for more than a decade; at the same time emphasizing to the best of my ability that I feared the evil of inflation even more than the false ideology of communism. If we are to stop this devastating enemy, inflation, there must be retrenchment in our Government and a realization of our fiscal responsibilities.

Mr. Speaker, I urge the adoption of the resolution and the passage of the bill.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. OTTINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low income allowance for individuals, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12290, with Mr. MONAGAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana (Mr. BOGGS) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the Committee, may I begin by saying that I did not seek the position that I am now in, nor did I retreat from it when I had to take it because of the untimely and unfortunate illness of one of the great Members of this Congress, and one of the great chairmen of this Congress, my good friend, the gentleman from Arkansas, Chairman MILLS?

I might say to those of you who have been skeptical about certain things that I had a talk with Dr. Pearson just a few minutes ago, and he told me that he had advised Chairman MILLS not to be here today, but he is here, and on behalf

of the Committee on Ways and Means, Mr. Chairman, I express our profound appreciation.

Now, my friends and Members of this body, I would first like to echo if I might the very eloquent statements made here a few moments ago first by the gentleman from Missouri (Mr. BOLLING) and then by the gentleman from Illinois (Mr. ANDERSON) in which they did so effectively disassociate labels from those who support and those who do not support this proposed legislation.

I have been called every name under the sun, but I am not concerned about that. I believe that my responsibility is the same as every other Member of this great deliberative body: to look at an issue, to come to a sound conclusion, and then to act on that conclusion on what I consider is the best for this great country that all of us represent.

Our first obligation and the first obligation of any administration is to govern. Any administration, regardless of how it may be characterized, whether it be Democrat, Republican, or what-have-you, must first demonstrate its ability to govern. And today in this troubled world of incipient revolutions, constant change, disorientation, conflicts between races, conflicts between the young and the old, conflicts between the cities and the country, between the suburbs and the inner city, and conflicts abroad everywhere the ability to govern becomes a very difficult ability to exercise, indeed.

A few weeks ago the Speaker of this great body, the gentleman from Massachusetts (Mr. MCCORMACK), the majority leader of this great body, the gentleman from Oklahoma (Mr. ALBERT), the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and the minority whip, the gentleman from Illinois (Mr. ARENDS), and the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS), and the ranking minority member of that committee, the gentleman from Wisconsin (Mr. BYRNES), the chairman and ranking member of the House Committee on Appropriations and the minority whip and myself were invited to the White House to discuss the fiscal affairs of the Government of the United States.

To me, this was not a unique meeting because I have been to many similar meetings when Democratic Presidents had summoned the joint leadership. I have a profound recollection of the time when President Kennedy called the joint leadership in the Cuban crisis, and when to a man the Republican leadership said, "We stand with you, President Kennedy."

They did not ask him whether he was a Democrat or a Republican.

I recall on this very measure we have here today when the gentleman from Michigan (Mr. GERALD R. FORD) and the gentleman from Illinois (Mr. ARENDS) and the gentleman from Wisconsin (Mr. BYRNES) coming to the White House slightly more than a year ago and saying to President Johnson, "Yes, Mr. President, we think the country requires this measure and we will support you."

That did not make them any less Republicans. It did not make me any less a Democrat when I was there 2 or 3 weeks ago. It meant that together we were confronted with a national crisis and together we sought its resolution.

So what happened when we went this year? We went back to the Committee on Ways and Means, and we put together in record time, I believe, a comprehensive tax measure—and this is a very comprehensive tax measure, which I shall explain in just a few minutes.

But it had a lot of support.

Before I leave this subject, I should say that this bill was not exclusively that of President Nixon. I attended a meeting of the Democratic leadership in the White House in January of this year, prior to January 20 and prior to the time that President Nixon took the oath of office. During the time that President Johnson had the responsibility to send to the Congress the budget estimates for the fiscal year 1970 and had to determine what he would recommend and what he would not recommend, he said, "I cannot send a message to the Congress unless I can get an understanding with the incoming administration that they will support an extension of the surcharge."

And, I say to you in truth and in fact, until Treasury-designate Kennedy and President-elect Nixon said that they would support the extension, that message was not sent to the Congress.

Here is what he said, and I am talking now about the Democratic administration and the Democratic President, President Johnson. I will read to you verbatim "Extension of the 10-percent surcharge."

He asked for a full-year extension of the 10-percent surcharge, and I will tell you in just a moment this bill differs in some respects from this recommendation. I quote now from President Johnson:

> Caution and prudence require that we budget our resources in a way which enables us to preserve our prosperity, strengthen the U.S. dollar, stem the increased price pressures we have experienced in the past few years.

And then he said—

> The budget calls for the extension of the income tax surcharge at its current rate of 10 percent for one year from July 1, 1969, until June 30, 1970. My economic and financial advisers unanimously agree that this fiscal restraint is essential in safeguarding the purchasing power of the dollar and its strength throughout the world.

I regarded the surcharge as a temporary measure, and for that reason I was especially interested in the following statement of President Johnson:

> My proposal for a one-year extension preserves the option of the new Administration and the Congress to eliminate the surcharge more rapidly if peace comes in the world.

Let me turn now to the views of the Joint Economic Committee. This is a committee, on which the distinguished gentleman from Missouri serves, and of which the distinguished gentleman from Texas (Mr. PATMAN) is chairman, and on which I have had the privilege of serving for a great many years.

Someone said to me not very long ago, "My goodness, why don't you get off that committee? How can you do all of these things?" I have an affection for the committee, because it is educational for me. If one will attend its sessions and listen to the witnesses, one just by osmosis will acquire knowledge that otherwise would not be available to him.

After the President sent his budget message, here is what the Joint Economic Committee recommended, and I think unanimously—I read no dissents—on both sides of the aisle. I quote from the official report of the Joint Economic Committee of April 1, 1969, just a few weeks ago:

> First priority in tax reform should be given to repeal of the 7 percent investment tax credit as a signficant step towards reducing inflation. . . .
>
> It is imperative that extension of the surtax and excises should not be the excuse for relaxing efforts to tighten control over expenditures, to increase economy and efficiency in government, to eliminate obsolete or low-priority items in the budget . . .

In other words, they recommended extending the surcharge 10 percent for a year and repealing the investment tax credit. They did recommend certain considerations for small business, for which I voted in the Ways and Means Committee, as the gentleman from Oregon can testify. Then they recommended that we use every conceivable effort toward efficiency in Government. And the gentleman from Texas, the chairman of the great Committee on Appropriations, has already brought to this body a resolution setting a limitation of $192.9 billion on the overall budget.

Now, we changed the recommendation to extend the surcharge at a straight 10 percent. The gentleman from Ohio (Mr. VANIK) came before the Democratic caucus, duly assembled, with a resolution that called for the repeal of the 7-percent investment credit, which on a full-year's basis would cost the Government $3.3 billion in tax receipts.

The Democratic caucus endorsed the resolution offered by the gentleman from Ohio (Mr. VANIK). Thereafter the President of the United States endorsed the Democratic caucus resolution. Then, because of this resolution, the administration was able, in place of recommending a 10-percent surcharge rate for 12 months, to recommend a 10-percent surcharge through December 31, 1969, and a 5-percent surcharge from January 1, 1970, through June 30, 1970, or more accurately a 2.5 percent surcharge for the full calendar year 1970.

In reference to the remarks of the gentleman from Indiana with respect to lobbyists, I would like to correct some impressions that may have been left. Usually they are hard-working people, who earn their pay. They provide us with much useful information and serve a useful purpose. But the gentleman talked about fat-cat lobbyists, and I do not know what a fat-cat lobbyist is. However, it is a fact that the National Association of Manufacturers is opposed to this bill and it is also a fact that at least one of the major farm organizations is opposed to this bill.

So, Mr. Chairman, I have no criticism of these organizations. That is the democratic process. We have had lobbyists ever since Congress has met. They contribute to our deliberations by giving us information we might not otherwise have. I am not criticizing them, whether they come from my friends in labor—and they have been my friends—or whether they come from my friends in business.

Now, if Members will permit, let us get down to the specific provisions in the bill. In other words, what is in the bill?

First, the bill extends the surcharge from the first of July, beginning tomorrow, at the 10-percent rate through the end of this year, December 31. After that time, the rate drops to 5 percent, and at the end of June next year it goes off altogether.

Second, the bill repeals the investment tax credit without any exemption—not one. The gentleman from Oregon offered three exemptions. One would have exempted investments up to, I think, $20,000 which would benefit small business primarily.

A second exemption would have excluded certain purchases made by common carriers, such as railroads, truck-lines, and aircraft. The third would have exempted equipment used to reduce the pollution of air and water.

There were nine votes for that package amendment. I voted for it, because I thought there was much merit in those proposals. But we were defeated, and there are no exemptions. Revenuewise, I did not think the impact would be too great, but that is not before us now.

There was a substitute offered, however, by the distinguished gentleman from Wisconsin, the ranking minority member of the committee, on the question of air and water pollution, which provided in many ways a much broader treatment for business firms that are seeking to clean our air and purify our water in order to provide us the environmental climate we so desperately need in this country today. That amendment was adopted, I believe, unanimously. This is the third major provision in the bill.

The fourth major change in the bill postpones for 1 year reductions which would otherwise occur in the excise taxes on automobiles and telephone service. These taxes are to stay at 7 percent and 10 percent respectively for 1 more year and future reductions also are postponed 1 year.

There is a final thing we did. To me it is unbelievable that anyone can oppose it. I have been on the Ways and Means Committee for 23 years. I did not know that—even today—a man who makes about $20 a week pays about $20 in Federal income tax—a week's wages—and that a man who makes $40 a week pays about $175 in Federal income tax.

We debated last Friday a provision which was considered essential for the children of our country. There also was discussion about the need for a meaningful overhaul of the welfare program. I am very hopeful and very sanguine that the Ways and Means Committee will do that, since it falls within our jurisdiction.

But in truth and in fact, under the present tax structure, one is better off if he is on welfare, so far as Federal taxes are concerned, than if he goes out and takes a low paying job. He would be better off on welfare. He would not have to pay any taxes, and the taxpayers would be footing the whole bill.

So we said for the single man and the married couple, and the married couple with children who have incomes below the poverty level, "These people henceforth shall not pay Federal income taxes." We actually removed from the rolls about 5 million taxpayers, but we reduced or eliminated the taxes of nearly 12 million taxpayers.

Now the argument is made, "You cannot vote for that, because if you do so, it is likely to defeat tax reform." That is like saying to a man who is starving to death, "Now, look. We would give you a glass of milk and a hamburger but you need a steak." So we let him starve to death because the steak will not be available until a little later. That is just about as logical. Of course this will not stop tax reform.

These are the five provisions in the bill.

Now let me deal with some of the arguments I have heard for the past 2 weeks.

In the first place, as far as individual income taxes are concerned, they are lower today than they have been at any time since the conclusion of World War II except for the period immediately before the surcharge was imposed.

You know, I remember HOWARD BAKER telling me the story once where he was trying a murder case which was based on circumstantial evidence. He thought he had it made, when all of a sudden here comes an eyewitness. When an eyewitness shows up and you have a case based on circumstantial evidence, sir, you are dead.

Now, without being selfserving, I just happen to have been an eyewitness to what has happened with regard to taxes in this country for the last quarter of a century, just as the gentleman from Wisconsin (Mr. BYRNES) has been an eyewitness and just as the gentleman from Arkansas (Mr. MILLS) has been.

As a matter of fact, I made the statement in the Committee on Ways and Means last fall that there are only three of us on this committee who ever previously had to vote for a tax increase. You fellows know how wonderful it is to vote for tax decreases, but we had to vote for tax increases in the committee at the time of Korea. As a matter of fact, that bill started out as a tax decrease, and when it left the House, it was a tax decrease. It then went to the Senate and, of course, as I might tell the gentleman from Iowa, in the meantime the war in Korea began. The Senate took one look at the bill to decrease taxes, and when it came back it was a tax increase. It was a steep one, too, which included the requirement that we report out an excess profits tax bill that fall.

Tax decreases have also been provided in the past. There were tax decreases enacted in 1945, 1948, 1954, 1962, 1964, and 1965. The 1945 reduction, which was the first of these, amounted to $5 9 billion. In the second of these tax reductions, in 1948, there was a $5 billion reduction. In 1954 the reduction was $7.4 billion. In 1962 the reduction was $170 million. The reason it was not larger is that we passed structural changes which offset a good part of the reduction from the investment tax credit. The investment tax credit cost $1.02 billion and the other changes picked up $850 million. In 1962, as a result of administrative action on depreciation guidelines, there was also an additional reduction of $1.3 billion. In 1964 there was a reduction of $11.5 billion. In 1965 there was a reduction of $4.7 billion. In terms of current levels of tax liability the decreases which have been granted since 1962 represent a total of $27.2 billion. As far as rates are concerned, they began at 23 percent in 1945. Just imagine what they were like to a fellow earning $1,200, when he paid 23 percent. Today the tax rate begins at 14 percent. The upper bracket in 1945 was 94 percent. Today it ranges from 14 to 77 percent, including the surcharge.

The impact of the surcharge at the full 10 percent rate for individuals, my colleagues, is less than 50 percent of the tax reduction that was granted in the 1964 act. That is its full impact and its total impact.

Now, the gentleman from Illinois, I believe it was, talked about the impact of inflation. Let me just say this: The workingman, the blue-collar man, the man who has no exemptions, who has no municipal bonds, who does not have a fast writeoff for real estate, who has no access to any percentage depletion—whether it be oil or one of the 110 minerals that have percentage depletion rates—he is hurt more by inflation than any other person. All the rest of them can hedge on it some way or other. The only people who are hurt worse than the low-income taxpayers are the old people who are living on fixed incomes. Other persons who are hurt by inflation are civil servants, such as a policeman, a fireman or a schoolteacher; these suffer greatly from the tax which inflation represents.

Talk about a cruel tax, inflation is the cruelest of all. The thrust of this bill is to offer protection from still more inflation.

Now, let me deal with the matter of tax reform. Anyone who says that we have not had significant reforms in our tax structure in the past 10 years is misinformed. Let me tell about some of the reforms in the past 10 years, since 1959.

In 1959 life insurance companies were for the first time taxed at a significant tax rate.

Next, the Revenue Act of 1962 contained a large number of reforms.

It provided for the recapture of the depreciation on personal property, a major revenue item.

It disallowed excessive entertainment expenditures. This certainly was an important change.

It significantly increased taxes on savings and loan associations.

It stopped tax avoidance with respect to the distributions of foreign trusts. That was an interesting device. You could go abroad and set up a trust in a country not taxing them and then after an accumulation for a number of years the trust would make a distribution to a member of your family, a child, brother, sister or grandson, cousin, neice or nephew. In this case there was little or no tax payable.

It corrected the computation of the foreign tax credit through the provision for the so-called gross up. That meant that when a foreign corporation makes a distribution to a U.S. corporation you recognize that part of the income with respect to which the foreign tax was paid was the income used to pay this tax. Under this provision you gross up the amount considered as distributed by the amount of the tax.

I am reciting all of this simply to say to all of you, my colleagues, and I say that with every ounce of sincerity at my command, that when one says that with the stroke of a pen or within the time it takes for the hand of the clock to make the round or that within a day or a week these problems can be resolved, I say to you, my colleagues, that one just does not understand.

Let me go ahead.

The 1962 act tightened considerably the tax treatment of foreign corporations owned by Americans.

It increased substantially the tax on cooperatives. This was one of the most difficult issues that we had to settle and some are still not satisfied.

It removed a loophole wherein foreign real property previously had been excluded from gross estates under the death tax.

The Revenue Act of 1964 also made many important and significant reforms in the tax laws. Let me list these for you.

It repealed the 4-percent dividends received credit provisions for individuals. That meant a taxpayer who received a large amount of dividend income, he was able to reduce his tax liability by subtracting the 4-percent credit for dividends received that exceeded the $100 exclusion. We eliminated the credit and increased the dividends not subject to tax from $100 to $200—on a joint return—in order to benefit the small investors.

Group term life insurance in excess of $50,000 for employees was for the first time subjected to a tax.

Casualty and theft losses were limited to amounts in excess of $100.

The provision where the interest was transformed into capital gains by not being stated separately was eliminated.

As to the personal holding company tax, significant tightening amendments were made.

Limitations were placed on aggregations of property in computing depletion deductions for oil and gas.

An income averaging provision was enacted. We did that for people whose incomes vary a great deal from year to year so they would not be taxed any more than those whose incomes were spread more evenly.

Restrictions on surtax exemptions in the case of multiple corporations were provided.

Let me tell you what we have done up to now on tax reform, and let me tell you how difficult the job is. The distinguished chairman of the House Committee on Banking and Currency came before our committee and made the most impassionate plea I have heard about foundations. I heard someone else here say, "That foundation thing will never be closed." We made a progress report not very long ago in which we spelled out tentative decisions that have been made by the committee; several of these related to foundations. A few days later I read an editorial in the New York Times dated June 14 under the headline "Undermining the Foundations."

The editorial stated—

> In its tentative proposals for the tax treatment of foundations, the House Ways and Means Committee would emulate the farmer who burned down a perfectly sound barn in order to rid it of a few pests. Instead of pinpointing its fire on the culprits inside—those foundations which are operated as blinds for tax dodgers—the committee proposes a blunderbuss attack on all foundations.

Then I read in another issue of the New York Times—a newspaper which I read diligently and respect greatly—another editorial entitled "Surtax in Danger." It goes on to call for the passage of a tax, but it criticizes us for not including tax reform. Some of the biggest reforms of all are needed in the foundation area. They do not like what we did there. Others may not like what we do in other areas.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I imagine the gentleman would be interested to know that one of the large stockholders of the New York Times is the Ford Foundation.

Mr. BOGGS. I do not know who owns stock in anything, I have so little myself. I do not cite that as a reason for taking a position one way or the other on the surtax. I merely cite that as an illustration of the problem of developing tax reforms.

Let me give you one or two other areas where there will be problems. Let us take municipal bonds. Today you can hardly sell municipal bonds. You may need to build waterworks. You may need to build sewage treatment plants. You may need to build streets and schools. You may need to clean up ghettoes. But can you sell the bonds? The amount of unfinished work in our country is fantastic. Yet in my biggest parish we cannot sell bonds because the interest rate is so high that it is above the legal limit.

The minute proposals were made to tax municipal, State, and other type bonds, every mayor, every Governor and every city councilman—I never saw such a list—said, "Don't do that. We can't sell our bonds now. What do you think will happen if you do this to us?"

I am not saying we will, or will not, do it. I am merely trying to demonstrate for the benefit of you who have open minds—and I think that includes everyone in this body—what the problems in tax reform are. You know, it is so easy to say, "I am against taxes." Anyone can say that. But it is a lot more difficult to find out where you are going to get the money to run the Government and honor the commitments of this country, whether it be here or somewhere else in the world.

Laboring under these difficulties, this committee has heard over 600 witnesses.

We have covered the following subjects, and I will list them for Members.

Private foundations.

Other tax-exempt organizations—and that includes the churches.

The tax treatment of charitable contributions—and if Members want to get large volumes of mail from the universities and most of the churches, just start to study revisions in this area seriously.

Tax treatment of other deductions, including such items as farm losses—and Members will be getting mail on that.

The treatment of capital gains. This is certain to be a lively topic for us.

The minimum and maximum income tax on individuals. The minimum tax would provide that regardless of how much a man makes, or where he obtains his income, he has to pay at least a minimum income tax. That is a real reform.

Tax treatment of the elderly—do Members think that is simple? Eliminating the complicated retirement income credit and developing a workable substitute for that. I recite this only in an effort to show the Members—and convince the Members—that the charge that this committee has not worked diligently is irresponsible and untrue.

The foreign tax credit.

Multiple trusts.

Multiple surtax exemptions.

Depletion allowances across the board—for all 110 minerals, from oil and gas and sulfur down to clay.

The accelerated depletion on real estate—with respect to this, Mr. Chairman, I recently read a statement in the paper by Mr. Romney, the Secretary of Housing and Urban Development. Let me repeat it for the benefit of my colleagues:

> But Romney added that he was even more concerned over the proposal by the House Ways and Means Committee to eliminate the accelerated depreciation tax treatment on real estate apartments and dwellings and so forth. He said housing will come to an even worse halt if we do.

I do not know whether that is true or not. I simply want to get the facts.

We have also had before us the subject of bank bad debt reserves, tax treatment of State and municipal bonds, tax treatment of corporate mergers—the conglomerates as they are called, estate and gift taxes—and the treatment of tax depreciation by regulatory agencies.

Mr. Chairman, I have detailed this to a great extent. We really have done so much that it took Mr. Woodworth and Mr. Martin, who are able staff people, 12 pages to try to put it down as briefly as they could. I will not read it because I think I have recited enough to show that rather than being dilatory, the committee has been working hard and at a time when the Congress by and large has been inactive. When many of the committees,

because in some areas there have not been recommendations from the administration, have not had to sit and work every day, the Committee on Ways and Means met practically daily. Even when we had no program on the floor and most Members could stay at home, we were meeting. And a day after we reported this bill, we again met on tax reform.

Now let us talk about one other thing, and then I will stop. I want to address myself to the question asked by the gentleman from Iowa about whether or not this surtax has had any impact on inflation; the argument being, of course, why do it, since it does not make any difference? Is that not the argument?

Mr. SCHERLE. Mr. Chairman, if the gentleman will yield, I should like for the gentleman from Louisiana to outline for me tangible evidence that the surtax has actually served the purpose for which it was designed. Many Members testified in the CONGRESSIONAL RECORD, which I have read in its entirety, last year.

Mr. BOGGS. I yielded to the gentleman for a question, not for a speech. What is the question?

Mr. SCHERLE. Has the surtax served its purpose within the past 12 months, and to what extent?

Mr. BOGGS. I will do my best to answer that question.

I will say to the gentleman, speaking for myself, I was one of those who thought the surtax should have gone on earlier. I made a motion in the Ways and Means Committee which would have made that possible and I got five votes.

I will first answer the gentleman as the gentleman from Mississippi answered him, but then I will answer affirmatively.

Every economist from the councils in the Eisenhower, Kennedy, Johnson and Nixon administrations, who has said anything, has said that if we do not extend the surcharge we will have a chaotic situation. They have said that if this does not happen the faith and credit of the dollar, which is the symbol of fiscal stability in the world, will be under serious attack, and the waves emanating therefrom will not be limited to my district or to your district but will be felt all over this earth.

They have been joined in their opinion by many former Secretaries of the Treasury. This is true of Mr. Anderson, Mr. Dillon, Mr. Fowler, and Mr. Joe Barr.

Mr. VANIK. Mr. Chairman, will the gentleman yield for a question?

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. I should like to ask the distinguished gentleman a question. In his statement he said there were no exceptions to the repeal of the investment credit. I should like to address the gentleman's attention to goods which are produced by foreign companies outside of the United States for use in this country. Is such production under the law entitled to the investment credit?

Mr. BOGGS. No; such production was not excepted from the repeal of the investment credit.

Mr. VANIK. If an American company, for example, should order a machine or turbine from a foreign company for use in this country, would that domestic company using that equipment be entitled to have an investment tax credit of 7 percent?

Mr. BOGGS. The answer is "No," if the machine was ordered or put in place after the cutoff date.

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. The question there is, When was the order placed? Was it a firm order before the 18th of April? If so, then he would get the credit.

Mr. VANIK. Yes; it was a firm order. Of course it was a firm order.

Mr. BOGGS. The answer then is that the investment tax credit applies in the case of equipment purchased abroad for use here under the same rules set out for the termination of the investment tax credit on domestically produced goods.

Mr. VANIK. That is exactly correct. But I raised that question in the committee and I was specifically told by the Treasury representatives that the investment tax credit did not apply for goods manufactured outside the United States.

Mr. BOGGS. Does that answer your question?

Mr. VANIK. I have one other question.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the chairman of the committee.

Mr. MILLS. I think what my friend from Ohio has in mind is this: The 7-percent investment tax credit never has applied to equipment which is used by a taxpayer outside of the United States.

Mr. VANIK. That is correct.

Mr. MILLS. If the equipment or machinery is used within the United States, regardless of where it was produced, whether in the United States or outside, it is eligible for the 7-percent investment tax credit. If there was a firm contract as of April 18 last for the purchase of such an item, whether it is outside or within the United States, so long as it is for use in the United States, then the 7-percent investment tax credit applies.

Mr. VANIK. That is exactly the response I wanted.

I have one other question. I would like to ask the gentleman in the well whether the gentleman can give some estimate as to the dollar loss to the Treasury in exempting these pipelines from the investment credit repeal, providing that the necessary application for a certificate of convenience and necessity is filed with the regulatory board.

Mr. BOGGS. I cannot answer the gentleman because the gentleman did not properly state the facts.

Mr. VANIK. I stated a question.

Mr. BOGGS. You asked a question as if there were an exemption. There is no exemption. The provision you apparently are referring to, as I read it, provides that if a contract to transport property has been entered into prior to midnight April 18, 1969, then the contract is totally binding, if there was an application before a regulatory agency which specified the property to be built in order to transport the property subject to the contract. That is all there is to it and it is not an exception.

Mr. VANIK. My question is, What was the dollar loss to the Treasury, if the gentleman can provide it.

Mr. BOGGS. I cannot provide it because I do not know how many transportation contracts there are which qualify. I will say to the gentleman that I believe it is relatively insignificant.

Mr. VANIK. If the gentleman will permit that, I have a letter here from the Federal Power Commission in which they detail the list of the estimated cost of the applications. It runs, according to these figures, to $611,874,034. That is the size of it.

Mr. MILLS. Will the gentleman yield?

Mr. BOGGS. I yield to the chairman.

Mr. MILLS. Has the gentleman from Ohio actually looked to see whether all of those pending applications meet the requirements of the law here in order to receive the 7-percent investment tax credit? For example, will existing pending contracts before a regulatory commission account for half or more of the use of the transportation property for most of its useful life?

Mr. VANIK. I cannot tell that. That is the confidential files of the company.

Mr. MILLS. That is necessary, though, to know before anyone can say who is eligible under this provision.

Mr. BOGGS. And in addition to that——

Mr. VANIK. It is a $611 million loophole.

Mr. BOGGS. Is the gentleman talking about what the pipeline costs or the investment tax credit?

Mr. VANIK. No. I am talking about the contracts.

Mr. BOGGS. You mean the contracts? That is the amount of the contracts?

Mr. VANIK. Yes.

Mr. BOGGS. But the investment tax credit is only 7 percent of that even if all of those contracts met the conditions in the statute.

Mr. VANIK. Yes.

Mr. BOGGS. So it is not $611 million but it is 7 percent of $611 million.

Mr. VANIK. It is 7 percent of $611 million.

Mr. BOGGS. Assuming those contracts qualify.

Mr. VANIK. Yes. It is a considerable sum of money.

Mr. BOGGS. It is likely that many of these contracts do not qualify but even if they all did the amount involved would be only $43 million.

Let me go further, if the gentleman would put the question the other way, if you took the total of all plants which are involved in the investment tax credit, and I see the gentleman picked out this provision because the gentleman evidently believes that three may qualify under it.

Mr. VANIK. It is not only three, there are about 40.

Mr. BOGGS. We do not know how many qualify but let us say there are 50.

If you took the revenue loss from the credit on all the plants involved, you

would talk about how many billions of dollars?

Mr. MILLS. $3.3 billion.

Mr. BOGGS. $3.3 billion. So what the gentleman from Ohio was seeking to do, he is seeking to have——

The CHAIRMAN. The gentleman from Louisiana has consumed 1 hour.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may be permitted to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BOGGS. Mr. Chairman, what the gentleman from Ohio is seeking to do is to make this appear to be something different for every industry. The only difference the gentleman is pointing out relates to a regulatory agency. The contract has been entered into and qualifies as a binding contract. If you were to build a plant in the district represented by the gentleman from Ohio, and no equipment has been installed, but they have simply entered into a contract, a binding contract, prior to April 19, that equipment is eligible for the full 7 percent, and the gentleman knows it.

Now, let me continue about the inflation point, if I may, and then I will conclude.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. If the gentleman will please let me conclude.

Mr. VANIK. I will do it on my time, then, if I have any time.

Mr. BOGGS. The gentleman will have some time.

Mr. Chairman, I want to deal with inflation.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for one question at that point?

Mr. BOGGS. No. I cannot yield to the gentleman at this time.

Mr. Chairman, I listened, as probably most of the Members did, yesterday to discussions on the TV, and I heard Dr. Heller and some of the other economists speaking on the big problem in our economy as being how do we keep a steady growth without it becoming so incindiary that it runs like a wild fire. On the other hand, if you put on the controls so tight that, as Dr. Heller said, you overkill, then in place of having overemployment you have unemployment. In place of having full plant capacity, you have idle plant capacity. It means in place of having revenues approximating $198 billion, you have much smaller revenues.

Translated in terms of people, it is kind of a last-in and first-out proposition. The last man hired to take a job, the least skilled worker, is the one that loses his job first. And it also means that the psychology changes from one of being worried to death about inflation, to one of being scared to death about deflation.

So it is a very difficult balance and, thank God, that Congress in 1946 created a Council of Economic Advisers under the Employment Act of 1946. That Council has had an enormous impact on our Government. It has been a good impact.

Most of the Members who have been on that Council have specifically approved of this package, as a sound package.

Dr. Heller said yesterday that he was not sure that we should not suspend rather than repeal the investment credit. We did that once and then we put it back on. I have mixed emtions about that myself, to be quite frank with you.

I can give you the figures, if you are interested.

Plant and equipment expenditures generally increased from 1962 through 1966. The percentage increases, particularly in 1965 and 1966, were very large—15.7 and 16.7 percent, respectively. In 1967 these expenditures leveled off showing only a 1.7-percent increase over the prior year. In 1968 the increase was slightly larger—3.9 percent. In 1969 the estimate again shows a very large increase over the prior year—12.6 percent. This is the estimate based upon the May survey. The survey of plant expenditures in February was slightly higher—13.9 percent above 1968 levels ($72.96 billion) of investment expenditures.

Now that is a fantastic increase.

That meant that management everywhere was hedging against inflation thinking—well, I had better build my plant today rather than tomorrow because if I wait until tomorrow, it will cost me more in material, more for labor and more for everything.

So we went from 1962 when we passed the investment tax credit when total expenditures for new plant and equipment were $37.31 billion to $64.08 billion in 1968; and an estimated $72.17 billion in 1969.

This latter figure, however, is down from the $72.96 billion they thought it would be last February.

Let me return, however, to the facts on the slowdown in inflation. The fact that the 1968 action on the surcharge had an impact on slowing down inflation is shown by several indicators. Let me summarize these briefly.

The annual rate of increase in the real GNP—that is, expressed in constant 1958 dollars—has consistently declined since the second quarter of 1968 when the surcharge first became effective. The increase in real GNP in the second quarter in 1968 over the first quarter was 6.2 percent, the change in the third quarter over the second was 5 percent, the change in the fourth quarter over the third quarter was 3.4 percent, and the change in the first quarter of 1969 over the fourth quarter of 1968 was 2.8 percent. In other words the rate of increase continued to decline.

The recent release indicated of the eight reported "leading indicators," showed declines in four important series. One remained level and three rose. However, two of these three rose only slightly and merely reflected rising prices and costs. The remaining one was common stock prices which rose, but the seesaw price patterns in the stock market in recent months makes this an unreliable guide.

The leading indicators which declined were: industrial employment placements which fell 5.5 percent; new orders for durable goods which fell 3.2 percent; contracts and orders for plant and equipment which dropped 4.8 percent; and new permits for private housing construction which were down 8.8 percent.

On the other hand, two of the three indicators which rose showed much slower changes: industrial material prices were up 1 percent and the ratio of price to unit labor costs in manufacturing was only two-tenths of 1 percent. The third indicator which rose, common stock prices, has maintained a seesaw pattern in recent months and actually most recently is down.

Now let us see what happened to the savings rate. The savings rate reached a high of 7.8 percent in the fourth quarter of 1967. During 1968 it tapered off slightly to a savings rate of 6.8 percent in the fourth quarter. In the first quarter of 1969 this slight downward trend has continued and the savings rate in the first quarter was 6.1 percent.

Disposable personal income expressed in constant dollars since the second quarter of 1968, also has shown a generally declining rate of increase. The increase in the second quarter of 1968 over the first quarter was 5.3 percent. In the third quarter the increase was 2.1 percent, in the fourth quarter 2.5 percent, and in the first quarter of 1969, 1.1 percent.

The Consumer Price Index expressed as an annual rate of percentage change over the prior month reached a high of 9.6 percent in March 1969. Since that time the rate of increase has tapered off. The increase in April over March was 7.6 percent and the increase in May over April was 3.7 percent.

The wholesale price increases, although somewhat erratic in their pattern, have shown large increases over the prior month in months as late as May of this year. The increase in May over April was 9.6 percent; the increase in June over May, however, was only 4.2 percent. While a 1-month change may not indicate a trend in wholesale prices, yet this could well represent the beginning of a slowing down of wholesale price increases, assuming the surcharge is continued.

The new forecast of Fortune magazine is that the Nation's economic growth will slow considerably in the next 18 months. It predicts the GNP will increase only 3 percent this year, drop to half that in 1970, and resume its normal 4-percent growth in the second half of 1970.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that I may have 5 additional minutes, and I yield myself 5 additional minutes.

Mr. SISK. Mr. Chairman, reserving the right to object, since the gentleman has been operating in the last 10 minutes under a unanimous-consent request, I

merely wish to inquire of the gentleman, does he recall the conversation we had in the Rules Committee in connection with the question of fairness in the division of the time between himself and the gentleman from Wisconsin? I submit the gentleman is now an hour and 10 minutes in his time. I am curious to know if there is going to be such a division as we discussed in the committee.

Mr. BOGGS. It is my intention to conclude in 5 minutes. I am doing the best I can with a difficult subject, and I intend to yield as soon as I can.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. PUCINSKI. Mr. Chairman, reserving the right to object, I would like to know if the gentleman intends to yield any time for questions, or are we going to listen to a monolog and not be able to ask any questions?

Mr. BOGGS. I am happy to yield to the gentleman from Illinois right now.

Mr. PUCINSKI. First, let us get the 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. BOGGS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. We have been talking a great deal about loopholes here. I am under the impression that this bill has one of the biggest loopholes ever brought to this House, and I would like the gentleman to tell me whether this is correct or not: This legislation proposes to extend for 6 months a 10-percent surtax, and then for another 6 months a 5-percent surtax. Now, a wage earner who has his money withheld obviously is going to pay the 10 percent and 5 percent. But a self-employed individual who has some control over his earnings and profits may very well defer his earnings and profits in the last 6 months of 1969, when the 10-percent surtax is applicable, and carry them over into 1970 and give himself a windfall in January, paying only 5 percent surtax on those earnings and profits. Is that not the biggest loophole in the bill?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the distinguished chairman of the Committee on Ways and Means.

Mr. MILLS. It is usually quite difficult for someone to make such a determination to suit his own convenience. Either he has earned his income during the taxable year or he has not earned the income during that taxable year. The same rates would apply to everyone, including those whose taxes are withheld from salaries, such as you and I, and those who operate businesses have to estimate their taxes. We all pay the same rate on the same amount of income.

Mr. PUCINSKI. Mr. Chairman, if the gentleman would yield further, the wage earner, the working man who has his taxes withheld every week from his pay has no control over what he will pay. He has to pay the 10 percent and then the 5 percent.

Mr. MILLS. That is correct.

Mr. PUCINSKI. But the one who does control his earnings can carry over to 1970 those earnings and receive a windfall by paying only 5 percent on them. I suggest that the committee look at that loophole again.

Mr. MILLS. The gentleman knows that it is difficult for most taxpayers to carry over from 1 year to the next their taxable income.

Mr. BOGGS. Mr. Chairman, I will complete my statement and then I will yield to anyone who wants me to yield. I want to conclude. I want to say in my judgment the idea that we will not have a tax reform bill is one that I would reject. We have commitments from everybody on the committee. Even the Democratic policy committee in the Senate has insisted on writing amendments into this bill, and it is entirely possible that this very bill, when it comes back to conference, could contain many of the provisions that the gentleman is interested in.

Mr. MILLS. Mr. Chairman, will the gentleman yield at that point?

Mr. BOGGS. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, it will be an unusual day from the standpoint of the gentleman from Arkansas and for the gentleman from Louisiana when the Senate starts writing reform measures on this bill which are accepted in conference.

Mr. BOGGS. I have been a Member here for a long time—for 30 years approximately—and I have consumed more time today than in all the time I have been here. The only reason I did it was because I felt this issue was of such paramount national importance, and in view of the fact that I have been so intimately associated with it, I felt I owed the House a full explanation. I apologize if I have talked for too long a time.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, following up the question addressed previously to the gentleman in the well, it is possible that with the bill written as it is—10 percent to the end of the year and 5 percent after January 1—a taxpayer who can arrange to move his income, under this type of provision can move it into the 5-percent portion of the tax year simply by deferring it.

Mr. BOGGS. I do not know whether it is possible or not.

Mr. VANIK. Is it?

Mr. BOGGS. In my judgment it is unlikely. But if this is a major problem we will consider the problem in conference.

Mr. VANIK. What the gentleman is telling us now is he will make every effort in conference to insure that income will not be spread over into the next year for the purpose of getting this smaller tax.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, let me assume for the moment the gentleman from Ohio is correct—and I do not agree he is in most cases—it would follow that even if this bill is not enacted the taxpayer could carry over his income from this year when presently the surcharge is 5 percent to next year when there is no surcharge.

Mr. BOGGS. Mr. Chairman, I will be happy to yield time myself if additional time for questions is required by anyone; otherwise, I will yield the floor.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KOCH. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

(On request of Mr. KOCH, and by unanimous consent, Mr. BOGGS was allowed to proceed for 1 additional minute.)

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I understood from the gentleman's presentation that the Ways and Means Committee has labored hard and long on tax reform and has promised this House that there would be changes in the Tax Code with the removal of tax loopholes, and that eventually tax reform will occur. I ask the gentleman, What was the reasoning that prevented this committee from coming in with a proposal which would have extended the surtax for 4 months, so as to permit the committee to come back at the end of 4 months with a tax reform bill and thereby have permitted us to vote on meaningful tax reform proposals simultaneously with a further 8-month extension of the surtax?

Mr. BOGGS. Mr. Chairman, I understand the gentleman's question. The reason is very obvious in my judgment. The purpose of this legislation, as the Washington Post said very forcibly in an editorial this morning, is basically to control inflation. If we send forth the message that all we are doing is playing that we really do not mean to take the steam out of the inflation—and that is what waiting for tax reform would mean—then we would have accomplished nothing.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 1 additional minute.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I would like to address a number of questions to the gentleman in the well. Will the committee take up the question of the tax reform this year?

Mr. BOGGS. Of course.

I yield to the chairman of the committee.

Mr. MILLS. Mr. Chairman, if the gentleman will yield, I do not know how many times it is necessary for us to say what the schedule of the committee is.

Let me see if I can say it again. We started in February. We heard over 600 witnesses. We have been in the committee working ever since that time. The gentleman from Louisiana has listed the areas we have covered.

We have not had a tax bill before us. We have to develop a tax bill. I have set a target, knowing that I had the full cooperation of every member of the Ways and Means Committee, to try to have a bill on the floor of the House by the time we leave early in August. I do not believe we ought to go anywhere until we can give people an opportunity to see whether or not they want us to vote for a good, real, wholesome, effective reform measure. We expect to have it here some time in August.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 2 additional minutes.)

Mr. MURPHY of New York. When the question of tax reform comes up and tax reform is debated by the committee, will the question of oil and gas depletion allowances be considered?

Mr. BOGGS. There is no question about it; not only oil and gas depletion allowances, but also depletion allowances on the 110 other minerals.

Mr. MILLS. Mr. Chairman, if the gentleman will yield further, we have covered every subject matter. When we bring the bill in here your mail is going to increase considerably, I will tell you that, but we will pass a tax reform bill.

Mr. SLACK. Mr. Chairman, will the gentleman yield for a question?

Mr. BOGGS. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, I would like to ask the gentleman from Louisiana a question regarding the repeal of the investment credit, specifically with reference to the application of the binding contract rule to a plant being constructed in my district. As I understand this rule, it would allow the investment credit for property which is constructed pursuant to a contract that was binding on a taxpayer on April 18 and at all times thereafter.

In the latter part of last year a company entered into a binding contract for the engineering and construction of a hydrogen peroxide plant in my district and the work is proceeding under this contract. The central part of the hydrogen peroxide manufacturing process in this plant basically involves a four-stage procedure. Recently the company made a technological discovery which would increase the efficiency of the type of hydrogen peroxide manufacturing process to be used in the plant. The company has modified the engineering and construction contract to take advantage of this technological advance.

Essentially this will involve a modification of a part of the first of the four stages I have just mentioned. It is estimated that in its entirety this first stage will account for about 6 percent of the total cost of the plant. As I indicated, however, it will be necessary to modify only a part of this stage.

The rest of the plant will be essentially as originally contemplated in the contract, except for relatively minor design, engineering, and material changes that are of the type I would think normally would arise during the final design and construction phases of a facility of this size. Thus, the plant will be located on the same site, will have basically the same capacity, will cost approximately the same amount, will involve the use of the same basic type of process to produce hydrogen peroxide, but will be modified in the ways I have mentioned.

I note that on page 24 of the committee report on the bill it is said in explaining the binding contract rule, and I quote:

> On the other hand a contract which is binding on a taxpayer on April 18 will not be considered binding at all times thereafter if it is substantially modified after that date.

Am I correct that the type of modification of a binding contract I have described, in the case of the hydrogen peroxide plant in my district, would not be considered as a substantial modification which would make the binding contract rule inapplicable?

Mr. BOGGS. Yes. The gentleman's understanding of the application of the binding contract rule to the facts he has described is correct.

Mr. MILLS. There is no question about it.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 2 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Could the Ways and Means Committee give the Committee a target figure on what the reform proposals would add up to in billions of dollars?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. Yes.

Mr. MILLS. It makes no difference what amount of money we may be able to develop, whether it is $1 billion or $20 billion. The hope of the committee, as I understand it, is that we should bring in a bill that will be a modest bill as far as the revenue is concerned. If we can think how to raise that much revenue, certainly we will give somebody else some relief.

Mr. LONG of Maryland. If the gentleman will yield further, it has been estimated that probably even a mild reform bill can yield another $9 billion in revenue by closing loopholes. Will the gentleman agree with that?

Mr. MILLS. That is a pretty generous estimate, I will say.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from New York.

Mr. PIKE. Both you and the chairman of the committee, in response to the question of the gentleman from Illinois, indicated that it will be impossible for a self-employed person to defer income. Now, as an attorney, it seems to me that I have recommended many, many times to a self-employed person that he defer billings until the next year. A corporation can both defer billings and can increase inventory in the last months of the year. What on earth is to prevent self-employed people from deferring their billings and putting their income into 1970 and paying the tax at the lower rate as a wage holder, whereas the wage earner pays at the higher rate?

Mr. MILLS. If the gentleman will yield, it is possible if the taxpayer is on a cash basis to forego perhaps the collection of some accounts until the following year, although, of course, that means he will not have the money this year. His total income could be affected in that manner. However, the gentleman refers to corporations, and I will say that practically all corporations are on an accrual basis. Many, many of your proprietors are also on an accrual basis, especially if the have inventories. So it makes no difference about tax deferral in these instances. The income is attributed to the taxable year in which it accrues.

Mr. PIKE. Would it not be fair to say that even as to those who are today on an accrual basis, if they thought that they could make a lot of money by doing so, would they not go on a cash basis?

Mr. MILLS. No. They cannot shift from the accrual to cash basis without permission of the Treasury, which is unlikely to be obtained. However, the point that I am trying to make to the gentleman from Ohio and the gentleman from Illinois and now the gentleman from New York is that if you let this surcharge die after June 30, today, then certainly the difference is not between a 10 percent and 5 percent surcharge, but the difference is between 5 percent surcharge this year and a zero surcharge next year.

Mr. BOGGS. For next year, even with present law, the surcharge changes.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(Mr. BOGGS asked and was given permission to proceed for 1 additional minute.)

Mr. BOGGS. I do not think the gentleman understood the response of the gentleman from Arkansas.

Mr. PIKE. I think I did.

Mr. BOGGS. Let me explain it to the gentleman. The gentleman said that if you let it expire now, then there is a 5-percent surcharge this year and a zero rate surcharge next year.

Mr. PIKE. If you let it expire now?

Mr. BOGGS. That is right.

Mr. PIKE. Then there is no surcharge now.

Mr. BOGGS. Under present law the 5-percent surcharge applies for the entire calendar year 1969. Next year under present law the surcharge is zero.

Mr. PIKE. But it is true for everybody in that respect.

Mr. BOGGS. That is true.

Mr. PIKE. And the difference then is, if the gentleman will yield further——

Mr. BOGGS. I am afraid we have a

misunderstanding. The same rule applies exactly under the extension as applies now if you let it expire. So if you are smart enough to get this thing you are talking about, I presume you could take the 5 percent that he would have had to pay this year and move it to next year, and he would not have to pay anything under present law.

Mr. MILLS. If the gentleman will yield, I know an individual may be able to shift capital gains income. He could shift from one year to the next year the actual sale of the asset. That can be done. But you could not tax him until he had actually made a sale of that asset.

Mr. PIKE. He can defer the sale of an asset and defer the billing to clients.

Mr. MILLS. He could not if he maintained an inventory because then he would have to be on an accrual basis.

Mr. PIKE. Will the gentleman yield further?

Mr. BOGGS. I do not have any more time.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 1 additional minute.)

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I would like to ask the gentleman if he can tell the Committee how much revenue we have raised to this date on all the recommendations that have already been adopted by the Committee on Ways and Means on the question of tax reform, just how much revenue have we raised by their tentative proposals?

Mr. BOGGS. We have raised $3.3 billion on the repeal of the investment tax credit.

Mr. VANIK. That is in the surtax.

Mr. BOGGS. The gentleman is right.

Mr. VANIK. I am talking about tax reforms

Mr. MILLS. I would state to the gentleman that we have not asked for those estimates as yet, as the gentleman knows, but my guess in the overall, counting losses as well as gains, is that we are probably $500 million ahead

Mr. VANIK. So all of this effort has resulted in about half a billion dollars?

Mr. MILLS. We have agreed to some losses as well as some gains, but so far I believe we have a $500 million net gain.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, this bill is before the Committee today for two reasons. First there is a need and necessity for adequate revenues to finance the many programs, domestic and military, for the benefit of the country. The legislation is before this body today because it is asserted by experts that this is an important and essential weapon in fighting the battle against inflation.

Mr. Chairman, let me say at the outset that the cornerstone, the foundation and the future of any country is a reasonable and constructive fiscal policy. Nations have fallen in the past because they did not handle their finances properly. Nations have deteriorated, become weak and impotent because they were unable to handle money matters successfully. One of the ingredients of a reasonable fiscal policy is adequate revenue.

Mr. Chairman, I know that in this body and also at the other end of the Capitol there are legitimate, bona fide differences of opinion as to where we as a Congress should allocate the expenditure of our revenues. There are those among us who say that we ought to spend more money on housing, on education, on agriculture, on space, and public works. Let me just say this: That unless legislation such as this is enacted there will not be sufficient revenue on hand to do even a reasonable amount in these many programs that effect the strength of this country domestically. If we do not pass this bill we will be hard put to say in good conscience that we can spend more money for public works, more money for space, more money for housing, and more money for agriculture—if we do not have it in the till we cannot spend it.

Second, there are a number of us in the Congress who think we perhaps have been a little too conservative in the expenditure of adequate funds for national security. Certainly I am not condoning waste in the Department of Defense. But there are programs which involve our national security which, in my judgment, ought to be funded. I cannot in good conscience recommend such expenditures unless we have the courage to stand up here today and vote for adequate revenue.

You have to have the wherewithal, if you are going to spend the money. This is true in domestic programs as well as those involving our national security.

If you give to the Treasury and to the President adequate money, then we in the Congress can work our will on how we slice the pie and how we make the division of resources and how we decide on the list of priorities.

But if we do not provide the money, $10 billion—you just cannot do many of these things that many of us think ought to be done both domestically and militarily.

So on that basis, I urge that we vote for this legislation today.

But let me take a second question. Every economist that I have heard about or have read about, and certainly the 12 who signed this letter, and who represent the spectrum of economists in this country, have written and said that this Congress must pass an extension of the surtax with the phaseout on June 30, 1970.

Here is a copy of the letter, and let me quote the first sentence:

> We, the undersigned economists, urge the Congress to act promptly to extend the surtax and to avoid a reduction in the withholding rates on July 1.

This is a broadly based group of liberal and also conservative economists who say that if we are to avoid the dangers of a recession, or something worse perhaps, then we must pass this bill today.

I know there will be some who will allege that a comparable plea was made a year ago and that some will say that the passage of that 10 percent surcharge last year did not provide the necessary tools to meet the challenge of inflation.

I must confess that the legislation did not do as well as I had hoped in the battle against inflation. It did not do the job as effectively as some of the experts said it would.

But let me say this. The passage of that legislation a year ago avoided the catastrophe of an international monetary crisis. The enactment of that legislation precluded the devaluation of currencies around the world. I think there are many who would honestly say that if we had not passed it, instead of the inflation we had in 1968 of about 4.7 percent, it would have been infinitely worse.

I say that if we do not pass this bill today in this body, and shortly thereafter in the other body, the specter of the consequences terrifies me. I do not want the kind of inflation that some people allege will happen. I do not want the catastrophe of an international monetary crisis as a result of our failure to step up and do what we ought to.

Let me take a minute, if I might, to talk about a situation about a year ago. In May of last year, President Johnson asked the Republican and Democratic leaders to come down to the White House. Prior to that meeting, nobody in the Congress was more adamant than I was against the tax increase. Everybody was certain that I was going to stand firm against an increase through the surtax process. We sat there at the White House a year ago and Mr. William McChesney Martin made one of the most dramatic pleas that I have ever heard a person make for affirmative action in a crisis.

Mr. Martin pointed out—and most of us who were in that room can well remember—that unless we stood up and passed the surtax, we as a nation faced the distinct possibility that there would be something comparable to the depression of the 1930's. As I look around the room here today, most of us in one way or other had that depression imprinted on us and on our families. I do not think we want to gamble with that possibility in 1970 or 1971 .We do not want to subject the children of this generation to the horrors of wanting to work and not being able to get a job—and that is what happened in the 1930's.

I know fine people who had ability and who wanted to work but who could not get a job because somewhere along in the 1920's someone had mismanaged our economy. Let us not be guilty of that in 1969.

This was the story that Mr. Martin told all of us, and as a consequence we on the Republican side came back, after promising President Johnson we would do everything we could to help on that crucial vote, and the net result was the Republicans—I am proud to say it—came up with 114 votes out of 187 votes—60 percent of the Members on our side supported the then President and his request for a 10-percent surtax, a new tax for a full 12 months.

Just about 3 weeks ago our new President had a comparable meeting at the White House with the leadership of this body, our distinguished Speaker, the distinguished majority leader, the majority whip, the chairman of the House Committee on Appropriations—I do not believe the chairman of the Ways and Means Committee was there, but he was there in spirit if not in person. After a plea by Mr. Martin and others, the leadership on this side of the aisle did as we on our side of the aisle did a year ago, and our Speaker and the majority leader and the majority whip have publicly done what they can to help the President as we on our side of the aisle did a year ago. Our Speaker and the majority leader and the majority whip have publicly done what they can to help the President to avoid the kind of economic consequences that might take place if we do not vote for this legislation this afternoon.

I am confident that when the chips are down, this House will vote affirmatively.

Oh, I know that someone will say, "Inflation is still continuing."

Let me make this observation: According to the Bureau of Labor Statistics, in March the cost-of-living went up 0.8 percent. That is a 9.6 percent annual average. In the month of April the cost-of living went up 0.6 percent. That is a 7.2 percent increase in the cost-of-living over a 12-month period, a reduction from the previous month. The latest figures show a 0.2 percent increase in the cost-of-living, an annual average of 2.4 percent.

We are making headway in the battle against inflation, but you will throw it down the drain if you do not pass this legislation here this afternoon, and the cruelest tax of all will be imposed on 205 million people in the United States.

Let me finish with this observation: We have heard a great deal about tax reform. I do not know how many people have to lay their reputations on the line or how frequently. The chairman of this committee has said, not once but many times today, and for days before, that tax reform is coming out of the Committee on Ways and Means.

The gentleman from Wisconsin, the ranking Republican, has made an equally affirmative commitment.

The President of the United States, on February 10, issued a directive indicating that his Secretary of the Treasury was to have tax reform recommendations before the Congress in 1969.

The President of the United States on April 21 sent a message to the Congress recommending tax reform.

Let me say this: The chips are down. We are going to have to have tax reform. We have to have this legislation to provide the revenue. We need this legislation if we are to continue the fight against inflation and successfully achieve victory over the cruelest tax of all. If we fail today, we will fail the country.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman for yielding.

Perhaps the best argument we can have this afternoon is the argument in the CONGRESSIONAL RECORD which I read in its entirety last year.

My question is, if we pass this bill this afternoon and it expires on June 30, 1970, will we have the same situation as last year? After we passed it last year, we increased the debt ceiling to $377 billion. At the present time we are over $365 billion. I have no doubt whatsoever that inflation will continue even if this bill were passed, but what will be the position of the Congress next year, in an election year?

Mr. GERALD R. FORD. Let me say if we do not pass this bill, we will have to increase the debt limit not once but many times, and in addition we will have indefinitely worse inflation than we have today—and it is bad enough right now. If we are going to win the battle against inflation, we will have to pass this tax bill today.

Mr. SCHERLE. The only way we are going to win the battle against inflation is to reduce expenditures.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Chairman, I take this time for the purpose of setting the record straight in certain areas. Of course I also rise in support of the legislation pending before the Committee today.

Mr. Chairman, I do want to take time to compliment the gentleman from Louisiana (Mr. BOGGS), who took over a very difficult job at a very difficult time and who has done a very marvelous job in handling the bill in the House today.

We in the Ways and Means Committee are so used to having Mr. MILLS handle all of our legislation that comes out of the committee, that we all are found resting on our oars and leaving the work up to him. The gentleman from Arkansas has been the target of very unfair criticism in the last few days and I as a member of the minority party want to take this opportunity to say to the Members that Chairman MILLS is the outstanding tax expert in America—not only in this House but in America—and the House is very fortunate indeed to have him as chairman of the Ways and Means Committee.

The gentleman from Iowa has asked the question once, twice or three times: Has the surtax performed its duty in the past? My answer is yes, insofar as it could go. I would say to the gentleman from Iowa (Mr. SCHERLE) that had the surtax not been passed—and this has been said before—we probably would have had a prime interest rate of 8.5 percent 4 months before we did have it and we would have had a higher increase in the cost of living.

Let me say it is not easy for me to support some parts of this legislation. I am probably the most business-oriented man on the committee—at least, I have felt that way from time to time—and it is not easy for me to say to my friends in business that we are going to take the 7-percent investment credit away from you. We know it is going to be hard, but we are going to do it. I have had to take that position.

I have had to take that position with the churches, and say we are going to begin collecting revenue out of their unrelated income. That is not going to be easy to do.

I have had to say to my cooperative friends, that they are going to have to pay taxes on their revenues from the magazines they are printing in competition with Dow-Jones and the Donnelly Publishing Co., McGraw-Hill, and some of the others, because they are paying taxes and the cooperatives are not paying their share of the taxes.

So I have had to go down the line. I have probably lost most of my friends among all of those who supported me, with the exception of the taxpayers in my district. In checking it over, I find that most of them are taxpayers. When they find that we have stopped inflation, and when they find that interest rates are going to be lower in time because we pass this legislation, then, when the time for election comes along, I will be entirely vindicated.

There has been a lot of talk around the floor about "loopholes." I do not know just what a loophole is, but I always thought a loophole was something which resulted, when you did not get the intended result from legislation.

I do not call depletion a loophole. We passed it that way. It may be inequitable but it is not a loophole. It may have to be changed. I will support some changes in it. I do not call depreciation of buildings a loophole. If others want to call it a loophole, then they had better look at the big loopholes.

One is the joint returns we are able to file. That is a $5 billion loophole, because we are permitted to file joint returns.

And we could go further. If anyone wants to call these things loopholes, let us look at the $600 exemption we all have. That is not a loophole, but probably some want to call it that. That costs $18 billion a year. If you want to pick up $18 billion, eliminate that loophole.

A great deal has been said about "are we going to have reform?" Let me say to the Members, I am dedicated to reform. I am committed to reform. It is not going as far as some may want, but it will go a lot farther than some of us want it to go.

I do not think we are going to find much gold in mining reform, because we will take off the high spots and fill in some of the low spots, and the net result is not going to be many billions of dollars.

So we have to look at the present time to the repeal of the 7-percent credit which will bring in an additional $3 billion a year, and also the surtax, which will bring in a total of $7 billion or so.

Did it work last year? Had we not had the surtax last year, the Federal Government would have had to go into the market and compete for the money which you and I have to have to run our businesses, which we have to have to

build our homes, which we have to have for expansion.

The greatest pressure there was last year was in the expansion of plants and machinery. There was a great demand for money. I doubt if many of you realize that 90 days prior to the prime interest rate going up to 8½ percent the commercial loans—not the bank loans, but the commercial loans—in America jumped from $14 billion to $26 billion, a $12 billion crunch in a 90-day period.

Had the Federal Government been at that trough, to get $10 billion more, we would have had 8½ percent money long before we had it. We will have it a lot higher if we do not pass this bill at the present time.

Now, as the chairman has said and as the gentleman from Louisiana (Mr. BOGGS) has said, there have been many, many days of hearings. Many a time the chairman of the committee, Mr. MILLS, with his black snake, kept us there until 6 or 7 or 7:30 o'clock at night, listening to the witnesses and taking testimony.

Let me say that in the 15 volumes of testimony, if the Members will examine them and the questions asked by the Republican side as well as the Democratic side, they will not find one member of the committee who questioned the fact as to whether the people who were giving testimony were going to have to face some kind of reform. It was unanimous.

I can assure you that in the 91st Congress, before the end of this present session, we will be debating a bill in the House. If you try to write it into this bill you will not get enough votes to pass it.

Even members of the Committee on Rules said the other day that, "If you try to tax municipal bonds, I will never vote for a rule." There are others who say that if you pass certain other taxes, we will not support the bill. If we bring about reform in the 15 or 20 or 25 areas of taxation that we have already had hearings on, we are going to get into a real donnybrook when that bill hits the floor, especially if it comes up under an open rule where anybody can make a motion or add an amendment to it.

So I urge you today to vote for the passage of this bill so that we can have a stabilized money market and we can have a decrease in the cost of living. As our Republican leader said a moment ago, the indexes are beginning to change. We have an entirely different situation than we had a year ago. It is beginning to bite and to take hold. In the next few months, if we pass this bill, we will continue to see a deflation of prices and a drop in interest rates. I do not know anybody in this country who will be happier than the voters when they find the cost of living and the cost of borrowing money is going down.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BETTS) a member of the committee.

Mr. BETTS. Mr. Chairman, the argument that we should not extend the surtax until there is tax reform is an argument which simply does not exist. It does not exist because the chairman of Ways and Means says we will have a reform bill—and I respect his word.

The real, and overriding argument for the bill is that it is necessary to check inflation. Congress passed a surtax for President Johnson and should do it for Richard Nixon. If it had not passed last year no one can say what the result would have been. Certainly we would have had some degree of runaway inflation. It did not perform a miracle and automatically and instantly stabilize the economy. This is impossible for at least two reasons. The economy is too massive to react to any one remedy at once. And second, the inflationary psychology has to be stopped. Something has to be done to show that the Government really means business before people will stop thinking in terms of spending more and more money, the situation was well stated recently in a report by Aubrey G. Lanston & Co., Inc.:

> Despite the recent change in monetary policy, reversing inflationary pressures and psychology will be a slow process. The inflationary problem facing the country is pervasive and deep seated. A slow down in economic activity is, of course, an essential part of the current anti-inflation program but it is not likely to be reflected immediately in a dramatic reduction in the upward movement of prices. After all, inflation has been allowed to continue virtually unimpeded for an extended period and the psychosis it has generated runs deep.

In the June 20, 1969, issue of Time magazine economist Albert T. Sommers of the National Industrial Conference Board is quoted as saying:

> There does not seem to be any riskless, costless, comfortable escape from the psychology of inflation.

From "Monetary Indicators" of June 27, 1969, issued by Mellon National Bank and Trust Co., I quote as follows:

> While a continuance of restrictive credit policies is essential for the near term, extension of the 10% tax surcharge is also crucial if the drive to stem inflation is to be successful. To allow the surcharge to lapse would serve to perpetuate and prolong the inflationary spiral and drive interest rates even higher. Furthermore, the psychological impact of abandoning even this modest measure of fiscal restraint could touch off a disruptive boom and bust cycle of business activity and trigger a worldwide loss of confidence in the integrity of the dollar with ominous implications for the expansion of world trade.

So the importance of passing this bill is not only economic or political. It also has psychological implications. As the present symbol of the fight against inflation it represents the Government's way of stopping excessive spending and restoring the economy to some form of stability.

As Sommers says, there is no comfortable way out. In other words, there is no easy way to fight inflation. Everyone has to pay a price and make a sacrifice. For some, it will be paying on a phase-out of the surtax. For others, it will be giving up the benefit of the investment tax credit. I am not happy that I have to vote for either. I had hoped that somehow we could avoid one or the other. But economists tell us that one of the primary causes of inflation is plant expansion which can be curbed only by repeal of the investment credit. That and the surtax will help balance the budget.

Actually the administrative budget will not be in balance even then. It will be $5.4 billion in the red in fiscal year 1970. And this is important to remember. Looking at the financial posture of the Government in terms of the unified budget, to my way of thinking, presents a distorted picture. Including the trust funds simply accounts for income and expenditures that are fairly well balanced by special laws. But the administrative budget which is limited to the general fund is subject to the pressures for appropriations and limited to income from general revenue. In my opinion, it is here that spending and revenues must be adjusted to determine whether we really have a balanced budget. If this bill is not passed, the administrated budget will have a deficit of $14.6 billion in fiscal year 1970.

Some of the opposition to this bill comes from the farming community. Farmers are in favor of retaining the income tax credit. But I believe passage of this bill will result in benefits which will in the long run far out weigh the loss of the tax credit. For years I have told farmers' meetings that inflation was one of the root causes of the farm problem. While the prices farmers receive for their products remain the same—the cost of necessities they buy has been constantly increasing. If this gap can be stopped or reduced, the farmer will have won a major battle. I live in and represent a rich agricultural area. I have always supported measures which I thought were for the benefit of the farmer. This is one of those measures. As an anti-inflation measure it provides a remedy for the farmers' worst enemy—the continued rise in prices of the equipment which he needs to do business.

Finally, I wish to stress the fact that this bill represents a phase-out of the surtax. Tax reform is equitable and necessary and I support it. We will soon have the opportunity to vote for it. But it is aimed at the very rich. After a tax reform bill is passed the tax burden of the middle class will remain untouched. When this bill is passed and our financial house is in order and later tax reform is accomplished then our first priority should be a systematic reduction in income taxes and an accompanying meaningful reduction in spending. The passage of this bill will give us this opportunity and that is one of the main reasons why I support it.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. BETTS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, the gentleman made a very strong point that even if this was continued that there is going to be a $5.4 billion deficit—I believe that is what the gentleman stated.

Mr. BETTS. In the administrative budget, not in the unified budget.

Mr. PUCINSKI. Will the gentleman in the well or the gentleman from Wisconsin explain to us the reason why last

year, when this legislation was passed, the price of support for this legislation was a $6 billion cut in Federal spending, and a Federal job freeze, as part of the anti-inflationary package, but there is no such caveat in the legislation before us today. Would someone care to tell the Members why we left out that kind of requirement for this legislation? The statement is made of our concern about inflation. Can somebody tell us why we don't have a firm promise of a $6 billion cut this year if inflation is the prime concern?

Mr. MILLS. If the gentleman will yield?

Mr. BETTS. I will be glad to yield to the chairman.

Mr. MILLS. As my friend knows, we have already taken action on the expenditure ceiling in a recent appropriations bill. We have a ceiling of $192.9 billion on what can be spent in fiscal year 1970 in the second supplemental appropriations bill of 1969. The Committee on Ways and Means has no jurisdiction over the expenditure side of the budget.

Mr. PUCINSKI. If the gentleman will yield further, last year we went beyond that, demanding that we have an additional $6 billion cut as part of the anti-inflationary package. And if indeed inflation is so serious—and I believe it is—I am wondering why we do not have that same sort of condition now?

Mr. MILLS. I believe the gentleman knows that last year we were dealing with a Senate amendment. That was an entirely different situation. As an original matter in the House, expenditure ceilings are matters for the Committee on Appropriations, not matters for the Committee on Ways and Means. We have no recommendations from the Committee on Appropriations.

Mr. BETTS. I think our chairman is saying we are trying to get the same thing this year as we did last year, and the chairman stated time and time again before this bill came to the floor that he was not satisfied with the cut we had in the supplemental appropriation bill.

Mr. MILLS. Mr. Chairman, I hesitate to ask the gentleman to yield further, but the gentleman was discussing one point about this matter which I believe is most important. On the basis of President Nixon's revision of the budget, you have on the unified basis a surplus of $5.2 billion. If this bill is not passed, then that surplus becomes a deficit of $4 billion. And the gentleman was pointing out that in spite of the $5.2 billion overall surplus there is better than a $5 billion deficit in the administrative budget. That becomes a $14.3 billion deficit without this bill, which means we have got to turn around some time before the year is out, if this bill is not passed, and ask for another $10 billion increase in the public debt.

Mr. BETTS. Mr. Chairman, I want to thank the chairman of the Committee on Ways and Means for reinforcing the statement I made, because it seems to me that that is a very important comment. The administrative budget reflects the ebb and flow of pressures for increased spending, and increasing or reducing taxes. Actually this is where inflation is really generated.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I rise in opposition to H.R. 12290, the proposal to continue the income tax surcharge. A year ago the Congress was faced with a similar situation regarding enactment of the surtax. Dire consequences were predicted should the Congress fail to pass the surtax. It was alleged then, as it is now, that there was a need to increase Government tax receipts to put the brakes on inflation. Inflation has not only continued; it has accelerated. The cost of living is almost 8 percent higher now than it was a year ago.

Let there be no misconception about the proposal before us. This is not a simple continuation of a tax; nor does it postpone tax reduction. Quite to the contrary. It would raise taxes. For individuals, the surtax applied only to part of 1968. Continuing it for all of 1969 raises the effective rate of the surtax from 7.5 percent on 1968 taxes to 10 percent on 1969 taxes. In addition, inflation and real growth push taxpayers into higher and higher brackets subject to higher and higher marginal tax rates. And the surtax is a percentage of tax, not of income.

I spoke out against the income tax surcharge last year and do so again today. I voted against it last year and will vote against it today. I restate, as I have on many occasions, that there is a need for tax reform. No longer is this need merely pressing, it is urgent. We all know of the clamor for tax reform throughout our land.

I have introduced a measure, H.R. 6721, to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform. Enactment of this measure would more than offset the loss of revenue by allowing the surtax to lapse, as was intended last year when it was enacted. Furthermore, the enactment of tax reform would serve to make our income tax system more just and equitable. Let us not forget that 72 percent of all the income taxes paid by individuals to the Federal Government are paid by those who earn less than $15,000.

When I refer to tax reform, I mean meaningful tax reform and not the few sweeteners in the bill before us. There is a need for a minimum tax on every individual who can afford to pay. A system which allows more than 24,000 individuals with adjusted gross income of $10,000 or more to pay no taxes, and this group includes 21 millionaires, is manifestly and grossly unjust and unfair. The unlimited charitable deduction should be repealed as should the multiple surtax exemption for corporations. The percentage depletion rates for oil, gas, and certain other minerals should be reduced or repealed and tax-loss farming should no longer be allowed, to mention a few of the areas where tax reform has been long recognized as needed and proper.

Mr. Chairman, the average American taxpayer, the middle-class American, is presently heavily overburdened with taxes by the Federal, State, and local governments. He is in urgent need of relief. We can set the proper example for State and local governments by our action today. We should and must vote down the measure before us. There is adequate time for proper tax reform to be brought to the floor of the House so that it can be enacted into law before the end of the year. I urge my colleagues to vote against H.R. 12290.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. COLLIER).

PARLIAMENTARY INQUIRY

Mr. MADDEN. Mr. Chairman.

Mr. COLLIER. Does the gentleman from Indiana desire me to yield to him?

Mr. MADDEN. I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Illinois yield for a parliamentary inquiry?

Mr. COLLIER. Certainly, I yield to the gentleman for that purpose.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. MADDEN. Mr. Chairman, my parliamentary inquiry is this.

The Committee on Rules granted 4 hours of general debate. I understand that the ranking member of the Committee on Ways and Means took 1 hour and 33 minutes and about 2 hours and one-half have been consumed of the 4 hours and there has been nobody on this side who is opposed to this bill who has been granted or who seems to be able to get any time.

The CHAIRMAN. The time was equally divided under the rule and is under the control of the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES).

Mr. MADDEN. Mr. Chairman, would there be any way that the opponents of this legislative monstrosity can get some time? I am not speaking for myself because I have already spoken. But I think some of these other Members who are opposed to this bill should be given an opportunity at least to express their views.

Mr. COLLIER. Mr. Chairman, I submit that that is not a parliamentary inquiry which is what I yield to the gentleman from Indiana for.

The CHAIRMAN. The gentleman from Illinois declines to yield further.

The Chair recognizes the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I do not know anything that is politically easier to do than to rationalize a vote against a tax bill.

Last year when the Johnson surtax bill was brought before us, I, like many of my colleagues who had not actually contributed by reason of their vote and performance in this House to the then existing budget deficit, felt that I would vote against this bill. Then, after listening to the outstanding economists of the country—and I might say they were economists who have ranged in philosophy from the liberal to the conservative—without exception tell us that the sur-

charge bill was necessary last year, I as a Republican supported President Johnson's surtax bill.

I did so because I recognized that if all of the outstanding economists of the country felt that it was necessary, I did not have the expertise in this field to question them. Perhaps there are some of you here today who think that you are better equipped and better qualified than all of these economists who again this year say that it is necessary. I do not know. It is easy for me to confess that I do not have this sagacity that apparently can be found elsewhere in this Chamber. I do not believe that the smokescreen—and, I repeat, smokescreen—of tax reform being in this legislation is valid. I was one of those who, for the past 4 or 5 years, as the record will indicate, wrote the Treasury Department, wrote Mr. Surrey, and asked that there be some tax reform recommendations. They were not forthcoming, and at this point I think there is no need to question why they have not come forth.

But this year, within 60 days after the new administration took office, we had a meaningful set of recommendations on tax reform.

There can be those of you, of course, who will say, "Well, they did not go far enough in this area or in that area." But, indeed, that is the responsibility of our committee. That is the responsibility of this Congress. The President merely recommends in the final analysis. It is the Congress that has the responsibility and the duty to make such changes as are necessary in the President's recommendations, and certainly this is nothing new. We have done this on other legislation for the 13 years that I have been a Member of this body.

The chairman of our committee and our ranking member have promised that there will be a tax reform bill. I do not know of any member of our committee who will not vote for a meaningful tax reform bill this year. Maybe you do not trust them. I do not know since I can think of no other reason for the skepticism expressed today.

Let me remind you that if those of you who are opposed to the bill on these grounds had secured every tax reform provision you desire you would have no assurance of what would happen to it when it would go over to the other body, which traditionally and historically has been unpredictable in these matters.

I would say to you again today that the surest way, in my opinion, to kill a tax reform bill would be to tie it in with this bill before you today. Indeed it merely would provide a host of new and varied reasons for voting against a tax increase bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Indiana.

Mr. MADDEN. The question I am about to propound possibly should be answered by the chairman or the ranking member of the Committee on Ways and Means.

Mr. COLLIER. I am delighted to yield, but I can give the gentleman assurance who will answer his question.

Mr. MADDEN. I thank the gentleman for yieding. The Member who preceded the gentleman in the well had a difficult time explaining loopholes. There is one point I would like to have clarified: Former Under Secretary Joseph W. Barr in January testified that 21 persons with incomes of over $1 million paid no taxes at all in 1967, while 155 with incomes of over $200,000 annually also escaped taxes entirely.

In 1962 the Atlantic Oil Co., with an income of $61,110,000; in 1963, $56 million; in 1964, $64 million income, paid no taxes.

Will those individuals and the Atlantic Oil Co., which former Under Secretary of the Treasury Joe Barr testified about, be affected by this 10-percent increase? My arithmetic tells me that zero multiplied by 10 is zero.

Mr. COLLIER. I submit to my friend from Indiana that if he were here earlier today—I did not see him on the floor, but he may have been—there was quite a detailed explanation as to the areas in which tax reform legislation would be directed in virtually every field.

Let me answer the question. I would submit further to the gentleman that the tax reform bill that will come out of the committee—as has been promised—will go into all those areas, which are understandably disturbing to my friend from Indiana.

Mr. MADDEN. When the chairman of the Ways and Means Committee was before the Rules Committee 3 years ago, I asked that same question, but it was not answered—and it is not answered now.

Mr. COLLIER. I just answered it.

Mr. MADDEN. What I am trying to convey to the Members is that everybody around here talks about dribbles and drabbles, but nobody talks about the elephants. What the gentleman is talking about is the small kittens. Let us talk about the elephants. If we go after the elephants, the bill about increasing the surtax would not be on the floor of the House.

Mr. COLLIER. I repeat again we are going to go after the elephants. We are going to do this.

Mr. MADDEN. Mr. Chairman, I withdraw my question.

Mr. COLLIER. As long as I have satisfied the question by assuring the gentleman we are going after the elephants, I trust our colloquy has been productive.

I wish to say again to every Member of this House in conclusion that I would hate to wake up tomorrow morning and find that the Congress has voted down a bill that would have such earth-shaking effect upon the dollar internationally, one that would have the frightening effect that would be inevitable on our domestic money market.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 7 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, in a brazenly unconstitutional procedure a year ago, the House of Representatives approved a Senate-originated 10-percent surtax on the American people, and with it went a sugar-coated deal by which actual expenditures were to be cut by $6 billion in fiscal year 1969 and some 240,000 employees cut from the Federal payroll.

What happened? It is the old story of the spider and the fly. The taxpayers were led into the parlor and socked for the 10 percent additional tax on incomes but the cuts in spending and employment were figments of assorted imaginations and still are.

Interesting are a few of the statements made a year ago. The chairman of the Ways and Means Committee, Mr. MILLS, said then:

> Last year (1967) we were appalled by the fact that interest rates had risen to a level greater than any level in the last 40 or 50 years. Do you realize that so far in 1968 interest rates have risen further and are now higher than they have been in over 100 years?

Is there any one in doubt about what has happened to interest rates since the surtax was inflicted a year ago?

> It will do no good to take $10 billion out of the American taxpayers' pocket if it is just brought to Washington and spent on additional Federal expenditures—

Said Mr. MILLS, and in a colloquy with Mr. FORD of Michigan, regarding the "good faith" of the administration in supporting the reduction in spending and payrolls, it was agreed that the Appropriations Committee could and would force the reductions if the administration refused.

I said earlier—

Continued Mr. MILLS,

> that I would not support this surcharge tax unless this type of spending limitation is employed and carried out.

Then Mr. MILLS put the lid on any credibility gap that might open by asserting that if Members would only vote for the surtax, spending and employee reduction package and, barring an expansion of the Vietnam war, or the starting of another war, "we will not have to tinker with the debt ceiling for the fiscal year 1969."

The war in Vietnam has not been expanded; another war has not yet been started, but the debt ceiling was "tinkered with" in fiscal 1969 as every Member of the House well knows.

Mr. BOW, of Ohio, the ranking Republican member of the Appropriations Committee, joined the parade of surtax supporters last year with such assertions as the following:

> I view this vote as the most important of my service in the House. It marks the turning point in the fiscal policy of the United States. . . . Today we will say "stop." This is the limit. This is the turning point. We are leveling off and we are going to reduce.

What has happened since those stirring words were spoken on June 20, 1968. Have actual expenditures been reduced? Has inflation been halted? When do we reach the turning point?

And a year ago Mr. BYRNES, the ranking Republican on the Ways and Means Committee, urging support for the surtax

and the purported reduction in spending and employment, had this to say:

> We also have the assurance that unless the administration buckles down and implements the (expenditure) ceiling, we are going to have another chance to do something under the debt ceiling.

Well, what happened when the debt ceiling was raised a few months ago? There were the usual excuses and alibis for sending it further skyward but none of the ominous penalties that were so freely threatened on June 20, a year ago, were inflicted. This is an excellent time and place for someone who supports this legislation to explain the continued hoodwinking of the House of Representatives.

Mr. Chairman, we are here today confronted with the evil results of governmental mismanagement on the part of past administrations which have borrowed and wantonly spent billions of dollars, meanwhile succeeding in destroying much of the integrity of the dollar through the promotion of inflation and thereby levying upon the ordinary citizen of this country the most insidious and evil tax of all. Nor is there any substantial evidence at this point in time that the present administration has any intention of cutting spending below last year's levels.

A President who permits Congress to give him a 100-percent pay hike and a Congress which hands itself an enormous pay boost cannot, with a straight face, expect Mr. and Mrs. Average Citizen to believe them when they talk about fiscal self-discipline and austerity. In these circumstances, the continuance of the surtax is a piece of hypocrisy.

And, paraded in the finery and name of fiscal prudence, the surtax is the rankest kind of deception for, unless accompanied by at least an equal amount in reduced spending, it will only serve to cover the costs of still further expenditures.

Six months of this session of Congress are gone, and scarcely a bill has been approved by the House that did not provide an increase in spending over the actual appropriation of the last year. This with scarcely a murmur of protest from the Nixon administration. Funding of the International Development Association was increased from $300 million to $480 million with the blessing of the White House, and the request for foreign aid is up nearly a billion dollars, also with the same blessing. So it goes, up and down the line fiscal insanity is something to be talked about, not treated.

Mr. Chairman, I am also opposed to this bill for the reason that it barely scratches the surface of tax reform. And I regret the closed rule for its adoption makes reform impossible. Were it possible to do so, I would offer an amendment to provide that every dollar of revenue raised by the surtax be dedicated to retirement of an equal amount of the Federal debt, thus applying the brakes to the rocketing interest payments which will require an estimated appropriation of $17,300,000,000 in the fiscal year starting tomorrow.

In the absence of any evidence that this administration proposes to use the weapon of deep cuts in expenditures in conjunction with other measures in the war against inflation, I cannot vote to continue the surtax for as the chairman of the House Ways and Means Committee said 1 year ago:

> It will do no good to take $10 billion out of the American taxpayers' pocket if it is just brought to Washington and spent on additional Federal expenditures.

I will not be a party to the duping of the taxpayers of this Nation.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MADDEN. My inquiry is this: Would the chairman or the ranking member of the Committee on Ways and Means be accused of violating the Civil Rights Act because of discrimination since almost 4 hours have passed and half a dozen Members would like to talk on this bill, but they do not have any time offered to them?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

The Chair recognizes the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I got the impression that the last speaker, the gentleman from Iowa (Mr. GROSS), was opposed to the bill, if I understood him correctly, so I think we have been yielding some time to the opposition.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in reluctant support of H.R. 12290, a bill to continue the income tax surcharge, repeal the investment credit, extend the expiration date for excise taxes on automobiles and communication services, and to provide a low-income allowance for individuals. I say reluctant support not because I have any reservations that fiscal responsibility necessitates this legislation, but because I am sorry that the present state of the Nation's fiscal affairs requires the Congress to continue to ask our citizens to bear this additional tax.

During the past 8 years, I have continually emphasized the need for restraint in Federal spending. The string of increasingly large Federal deficits that the Government has incurred during the past 8 years could only result in the economic dislocations we are presently experiencing—record high interest rates, runaway inflation, and balance-of-payments problems. If my Democrat colleagues in the Congress and the Democrat administration had recognized the need for moderation in Federal expenditures, the new administration would not have inherited the fiscal crisis that our Nation now faces.

The failure of the previous administration to heed our advice has created the present problems. From fiscal 1962 through fiscal 1969 there was a string of eight consecutive deficits in the administrative budget. When these deficits are added, it produces a grand total of $70.2 billion. Between 1966 and 1968 the deficit in the administration budget increased from $2.3 billion to $28.3 billion—an increase of $26 billion. The inflationary impact of this rapid swing from a budget nearly in balance to the largest deficit—excluding World War II—in our Nation's history fanned the fires of inflation.

Many Members of the Congress, including myself, continued to warn that the Vietnam conflict and pressing social needs required examination of the Federal budget with a fine-toothed comb to establish priorities. We asked that Federal spending be subject to the discipline required by the times. We were told by the administration that we could have both guns and butter, that we could solve all our problems at one time. It was intimated that those of us who disagreed lacked a sufficiently sensitive social conscience. Yet as a result of this guns and butter policy, the American people have been asked to assume a double dose of additional taxes: the invisible tax of inflation and the all too visible levy imposed by the surtax.

The new administration has attempted to establish priorities in Federal spending. Despite the rising costs of providing Government services and the pressing problems our Nation faces, during the short period it has been in office the administration has reduced estimated expenditures for fiscal 1970 by $4 billion below the level of the programs proposed in the January budget. The administration is now asking that the surtax be extended at the full 10 percent for 6 months from July until January, and at a reduced level of 5 percent from January to July with the tax being completely eliminated next July. This will provide the administration with sufficient time to introduce order into the Nation's fiscal affairs in place of the chaotic situation prevailing when it assumed office earlier this year. The new administration was entrusted with the stewardship of the Nation's fiscal affairs last November, and it is entitled to at least this much of an opportunity to resolve severe economic problems that were inherited from the outgoing administration.

The importance to the economic health of the Nation of extending the surtax has unfortunately become mired in political maneuverings that are entirely inappropriate. I would urge my colleagues on the Democrat side who have been advancing reasons to vote against extension of the surtax to remember that the surtax was recommended by President Johnson and enacted by a Democrat Congress to deal with the fiscal emergency created by the spending policies of a Democrat administration. President Johnson in his final budget message submitted in January recommended continuation of the surtax for another year at the full 10-percent level. The proposal recommended by the Nixon administration now before the Congress for extending the tax at a reduced level will pro-

vide the time to correct these inherited economic problems within a framework providing for stable economic growth at full employment levels without inflation.

It has been contended by some individuals that the surtax has had little impact in diminishing an overheated economy. In view of this, the Congress is advised to let it expire. While it is difficult to estimate with any precision the exact impact of the surtax, it has had some influence in keeping the intolerable level of inflation from becoming disastrous. The statistics indicate that the annual increase in the growth of our gross national product has diminished, and that the proportion of personal income spent on consumption has declined since imposition of the surtax. This has reduced the heavy demands placed on our economy for goods and services and has held the rate of inflation below what it otherwise would have been.

Additionally, the impact of the surtax was delayed and diminished due to an easing of monetary policy toward the end of last year and because consumers initially maintained their high rate of consumption by decreasing their savings rate. Finally, part of the difficulty involved in demonstrating the efficacy of the surtax results from the logical impossibility of proving a negative. No one can really tell what would have transpired if the surtax had not been enacted last year, because it was enacted. We can only make the kind of analysis that I have been attempting to make, and I think that analysis demonstrates that while the surtax was not as effective as we had hoped, it still was, and is, an important part of our efforts to control inflation.

This is no time to abandon ship. The prime interest rate is now at a record high 8½-percent level. If we fail to enact the surtax, the Government will have to borrow an additional $9 billion in the money market during fiscal 1970, placing further pressure on interest rates. This increased pressure on interest rates may result in additional rate increases as lending institutions attempt to ration the limited funds available for loans in the face of increased demands for credit.

If the Congress does not enact this bill today, the deficit on an administrative budget basis for the coming fiscal year will be increased from $5 to $14.3 billion. On a unified budget basis we would go from a $5.2 billion surplus to a $4 billion deficit. This swing of over $10 billion in the Federal budget would be interpreted by many segments of our economy as a lack of resolution on the part of the Congress to deal meaningfully with present inflationary problems. The lack of restraint in Federal budgetary policy may mean that monetary policy will have to play a larger role in dealing with present inflationary problems.

Equally important, a failure to extend the surtax would fuel the fire of inflationary psychology which has fed the traditional wage-price spiral during the last year. Workers attempting to protect the purchasing power of their earnings which have been eroded by inflation ask for larger wage increases. Businesses pass these wage increases and other increases in costs along to consumers in the form of higher prices. Consumers are forced to spend a higher proportion of their personal income to maintain their standard of living, and then in turn feel compelled to ask for higher wages. This wage-price escalation, often referred to as "cost-push" inflation rather than "demand-pull," would be aggravated if the people conclude that their Government does not mean business in dealing with inflation.

Mr. Chairman, my remarks so far have emphasized the economic necessity of passing the surtax extension. I would like to now discuss the other parts of the bill that the Ways and Means Committee has labored so diligently to produce. The legislation would also extend the scheduled phaseout period for the excise taxes on automobiles and telephone services, repeal the investment credit, and provide a low-income allowance that would eliminate or reduce the taxes now due on over 5 million returns at or near the poverty level.

I strongly supported the Excise Tax Reduction Act of 1965. At that time, the committee concluded that the manufacturers excise taxes—which had been imposed as temporary measures during depression and war time—discriminated against the products to which they applied and in favor of products not subject to tax. Lack of uniformity of the excise taxes, and administrative difficulties associated with them, led the committee to conclude that all excise taxes should be eliminated, with the exception of user taxes, such as the taxes on gasoline; sumptuary taxes, like the levy on alcholol and tobacco; and taxes imposed for regulatory purposes, such as those imposed on marihuana and firearms.

Due to the revenue loss involved, the excise tax on the manufacture of automobiles and on telephone services was scheduled to be phased out. When Congress enacted the surtax last year, this phaseout schedule was extended in order to avoid a large Federal deficit that would have aggravated our economic problems.

For the same reason that I feel is imperative to extend the surtax at the present time, I feel that the phaseout of the excise taxes must also be delayed. However, I want to reaffirm the decision that the committee reached in scheduling these taxes for elimination along with repeal of the other manufacturers and retailers excise taxes. The tax on automobiles and on telephone services should not be retained any longer than the temporary fiscal crisis requires. When the new administration has had an opportunity to put the Nation's fiscal affairs in order, these taxes should be allowed to expire.

The committee's bill also repeals the investment tax credit. This will provide additional revenue that will permit the reduction of the surtax from 10 percent to 5 percent January 1. The sharp increase in investment in capital goods in recent months has added to inflationary pressures in our economy, even though in the long run these investments will reduce inflationary pressures. The Nation must maintain its leadership among world economies, and our plant and equipment will have to be as modern as any in the world. But it is my feeling that this can be best accomplished by insuring that liberal depreciation allowances are available that accord with modern economic realities. Liberal depreciation rules have an advantage over the investment credit in that they relate capital recovery to the capital actually consumed in the business. The investment credit is simply an additional first-year allowance of 7 percent that is unrelated to capital actually consumed in the business.

The Treasury Department has assured the committee that it is reviewing our tax laws relating to capital recovery to insure that depreciation rules are realistic. The Ways and Means Committee will be reviewing the Treasury's study in the near future to insure that our tax laws contribute rather than retard the efforts of American private enterprise to remain in the forefront of world economic leadership.

Finally, Mr. Chairman, the committee's bill contains a most imaginative provision that will reduce or eliminate taxes of millions of low-income Americans. At a time when we are extending the surtax it seems appropriate to consider extending relief to those in our society who have been hit the hardest by inflation. Individuals near the poverty line have experienced the most difficulty in maintaining their standard of living in times of rapidly rising costs. They are spending a greater proportion of their income just to meet the basic necessities of life, and when the cost of these necessities increases faster than their increase in income, it produces a real hardship. The new administration is to be congratulated for devising a workable proposal to alleviate the tax burdens imposed on the poor and recommending it to the Congress.

Mr. Chairman, I want to point out that the continuation of the surtax in no way diminishes the enthusiasm of the Ways and Means Committee, which I share, for comprehensive reforms in our tax laws. This is one of the most urgent tasks facing the Congress today. It is a task that requires time, diligence, and patience. The committee held comprehensive hearings on tax reform that extended over a period of 3 months and involved the presentation of testimony by 365 witnesses. The hearings record runs to 15 large volumes. The reforms the committee is considering will affect all aspects of American social and economic life, as well as the take-home pay of all of our citizens. These are not decisions that can be made with undue haste.

The committee in its executive sessions has been proceeding to develop tax reforms and has issued tentative proposals on many of the measures before it. The chairman of the committee has stated

that the goal of the committee is to report and pass legislation through the House of Representatives by the August recess. Considering the prodigious task involved in reforming our tax laws, this time schedule imposes real demands on the Ways and Means Committee, but we will make every effort to meet it. The committee agrees that the confidence of the American people in the integrity of our tax system requires that far-reaching and meaningful reforms be enacted into law as soon as possible. My colleagues who recognize the need for the surtax need have no fear that it will in anyway retard the progress that we are making toward tax reform. I urge my colleagues to join me in voting for the surtax to deal with our pressing economic problems while reaffirming our intention to work diligently for the comprehensive reform of our tax laws.

The CHAIRMAN. The gentleman from Virginia (Mr. BROYHILL) has consumed 10 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Chairman, virtually all of the people who have had any direct responsibility and involvement in connection with our national fiscal problems are in support of the phaseout of the surtax and the other fiscal matters contained in H.R. 12290. Six of the previous Secretaries of the Treasury, as well as both Presidents Johnson and Nixon, support this surtax phaseout strongly. Most of the leading economists of our country joined by both our national and international banking community insist that this surtax be extended at its full 10 percent at least until January 1, 1970. Federal Reserve Director Martin believes that the surcharge rates should be higher than 10 percent and extended for at least a full year.

The Mellon National Bank publication Monetary Indicators reports:

> The reported reluctance of the Congress to extend the tax surcharge for another year as requested by the Administration could seriously jeopardize the outcome of the battle to reduce inflation.

Additionally, the publication states:

> In summary, to extend the 10% tax surcharge seems a small price to pay for an orderly return to domestic price stability and the preservation of international confidence in the integrity of the dollar. Without the surcharge, inflationary forces are likely to gather further momentum, and the task of regaining economic balance will be infinitely more difficult to accomplish without increasingly harsh measures of restraint, which could precipitate a recession in business activity and rising unemployment.
>
> And finally, those who advocate wage and price controls as a seemingly painless remedy for our present difficulties should recognize that, at best, the imposition of such measures can only temporarily suppress inflationary pressures which will again erupt once the controls are removed— as in fact happened in the late 1940's and after the Korean War.

Another leading financial publication states:

> The future of the tax surcharge remains in doubt, although the outlook for passage improved significantly when it was approved, pretty much intact, by the House Ways and Means Committee. Failure to pass the surcharge would be a blow to the efforts to control inflation, and it would have a significant Impact on the Treasury's financing needs and on the cost of money to the Treasury and all other borrowers. If the surcharge is continued the Treasury will probably have to raise $9 billion to $10 billion in new money over the next six months, all of which would be retired next spring. If the surcharge is allowed to lapse the Treasury would need to raise approximately $13 billion to $14 billion in new money. While the former range is seasonal and manageable, the latter would be something of a problem. In addition to its effect on interest rates, the additional borrowing needs would complicate severely the task of the Fed in maintaining a tight monetary policy while at the same time throwing a further burden on that policy in curbing inflation.

Some of the opponents of H.R. 12290 state that meaningful tax reform measures will have to precede any favorable consideration on their part in behalf of the surtax extension. It is quite obvious, regarding the matter of tax reform, that it is too early to expect a great amount of tax reform legislation before August 1, due to the enormous area for consideration. There are at least 17 major areas being intensively studied in the committee executive sessions and the committee members will virtually all vouch for the intense application and concentration in trying to get the job done as expeditiously as possible. However, since this is the first comprehensive attempt to reform the tax code in 15 years, there will be no quick solutions recommended since there are so many problems inherent in each of the areas to which our economy has become accustomed and adjusted. Precipitous action in any of the areas could easily disrupt the present precarious balance that exists in these interrelated economic-tax problems. The committee chairman and the ranking minority member have both pledged to the Congress and to the public their strong position that meaningful tax reform in all areas will be forthcoming quickly after proper and necessary deliberations. Apparently several of the Members of the House question the statement and integrity of these two committee leaders, whose statement is also supported by most of the committee members. It is unfortunate that the committee leadership's reputation is questioned since certainly these two men have performed an outstanding job in the last several years in tax equality and fiscal leadership and responsibility. It would appear that the position of no action on the surtax without tax reform at the same time is more of an excuse than a reason for being opposed to H.R. 12290.

Surely Chairman MILLS and Representative BYRNES must be believed and trusted in their pledge to complete committee action on tax reform as soon as it can be accomplished, while at the same time insuring that the recommendations made by the committee are meaningful and in the national interest. This is a sensitive area full of problems in so many instances that proper deliberations must be made to avoid costly mistakes that could very well jeopardize some of our finer national institutions. The chairman has promised to have a bill for tax reform ready for a House vote before our August recess; this statement is certainly not any evidence of a slowdown in this tremendously broad area of tax reform.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I support enactment of this legislation.

The point has been stressed by opponents of this measure that the surtax has not had the desired effect of reducing inflation—indeed that the inflation rate has gone up since the enactment from 4.7 percent to over 6 percent. Most of these opponents agree that 6 percent is an intolerable rate of annual currency depreciation, but they claim that history shows the surtax has not been an effective fiscal antidote. I have noticed that most of these same people also opposed the surtax last year and doubtless the superficial historical logic of their argument is fortified by their desire for a superficial consistency.

There are two points I would like to make about this position: First, many factors have combined to cause this disastrous inflation. The argument that the surtax has not worked would be more compelling if Government fiscal policy were the only influence on our economy. It is a major influence, without a doubt, and the $25.2 billion Federal deficit of the last fiscal year gave a great upward push to the rate of inflation. The argument that the surtax has not worked could be used as well against cutting back on Government spending, since we did this at the same time we enacted the surtax. You see, the surtax was not the only fiscal device used to eliminate the deficit and we might as well take the position that a ceiling on Government expenditures is useless in fighting inflation as to blame our failure on the surtax. The fact is that we have no alternative tools of any significance available to us in this fiscal field. We also have no way of knowing what would have happened had we not enacted the surtax-spending ceiling package last year, although we can guess with the economists that the economy would be even more overheated than it is now.

While nobody can promise that extension of the surtax as proposed by the President will reduce inflation to manageable proportions, I think this body should follow the advice of economic experts, doing what it is responsible for us to do and relying on our monetary managers, our businessmen and our laborers also to do what it is responsible for them to do.

My second point is, I acknowledge that passage of the surtax last year was an anti-inflationary step about which reasonable men might differ in the light of the rate of savings. It has taken effect slowly because people tend to pay increases taxes out of savings rather than reducing their demands for goods and services. The question, however, is no longer one of increasing a tax burden at

a time of high savings; the issue now is what happens if by our inaction we reduce taxes by 10 percent at a time when the economy is already overstimulated. A Congressman does not have to be an economist to know that reduction of taxes is a stimulus to the economy, particularly when that reduction is not matched by a corresponding reduction in expenditures. By itself, then, such a reduction in taxes in inflationary times, would be bad economics. It is doubly bad when it signals a return to deficit financing and the resulting increase in Government borrowing. It is triply bad if it occurs at a time when inflationary psychology has driven private borrowing for capital investment purposes to a level more characteristic of a banana republic than the world's leading free economy.

In closing I would like to discuss briefly the issue of tax reform. Tax reform is not a fiscal measure and the revenue implications of reform are quite modest, particularly if reform is coupled with any degree of tax relief, something most of us would like to see. We are promised reform by the Democratic leaders of the House and Senate, within whose control the development and scheduling of reform legislation lies. Republican legislative leaders have stated their support for tax reform. President Nixon, himself, proposed comprehensive tax reform measures within 3 months of his assumption of office, promising more recommendations to follow, and thus breaking the pattern of silence established by previous administrations. The Ways and Means Committee has put in many hours on development of a comprehensive reform bill and there are still many hours to go with some of the most controversial subjects still ahead of us. Nothing but symbolic reform could be written into this bill on the floor. The tax structure is too important to be thrown out of balance by casual or punitive legislation. If we do not have the wisdom and courage to pass needed fiscal measures, I question whether we will have the wisdom and courage to pass comprehensive tax reform and yet I do not think we ought to settle for anything less than comprehensive tax reform. The sort of measure that could be quickly attached to this bill is also the sort of measure which must be included in comprehensive tax reform legislation if it is to have the kind of balance to pass the House. I believe our leaders of both parties when they say they support tax reform. I have no intention of facing my constituents in the next election without having done everything possible to bring about greater equity in our Federal tax system. As a matter of fact, my greatest regret at this time is that those who control the Congress did not demonstrate enthusiasm for tax reform before now, when the cause seems to have become as much an excuse for not voting needed fiscal measures as an exercise of congressional responsibility.

Mr. BOGGS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman and member of the committee, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I would say to my colleagues that with these new mathematics that we have around here, there is very little time for the truth.

I feel a little guilty to take 5 minutes in opposition to the bill because there are 23 Members on the list to speak and 37 minutes of time.

I would say, first, if this were simply a 4 to 6 months' extension of the surcharge and a continuation of the excise tax that I would be voting for the bill today. That is the kind of bill we should have before the House.

I do not agree with those who say that reform should be in this bill. We have a reform bill coming up. I have every confidence in our distinguished chairman and his full dedication to bringing out on the floor a complete tax reform measure and I am sure that the committee is so committed.

But I will say this: By including the low-income allowance in the bill, we may very well be defeating the reform package on the floor of the House.

The low-income allowance does not belong in this legislation. It is a key part of a comprehensive tax package and by pulling it out of the tax reform, we are seriously jeopardizing the passage of this bill in the Congress.

Now let me give you the reasons why I oppose this bill.

First, we are making a very sad mistake today by repealing the investment tax credit. The investment tax credit is not a tax loophole.

On the contrary, if you will recall when we instituted the investment credit, it was a tax reform measure. It was designed to bring growth into a stagnant economy. It was designed to gain revenue and not to lose revenue. I predict it is not going to be very many months before we will very desperately need the investment tax credit. When you are voting for this bill, you are voting to repeal for all time one of the finest vehicles for growth that we have ever invented in the American economy.

The American plant, I remind you, is not modernized yet. We are not yet completely competitive in the world market. Look at your balance of trade today. We need to become more competitive. Industry needs these incentives, as do the small farmers and the small businessmen, because they are facing today interest rates higher than we have faced since the Civil War, and without the investment credit, you are putting an additional burden on them.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. BOGGS. I supported the gentleman's position in the committee, as he well knows.

Mr. ULLMAN. I appreciate that. This is one of the finest regulatory devices to manage the economy that we possibly could conceive of. That is why I offered in the committee a motion to reduce the investment credit from 7 to 3 percent. That is what we should be doing today. Then, when we need growth again in the economy—and it is not going to be very far off—it is a simple matter to increase it again to 5 or 7 percent.

Let us turn now to the matter of the 10-percent surcharge. In the committee I offered a 4-month extension of the surcharge. Looking at the combined budget—and that is what you have to look at when you talk about the effect on the economy—a 4-month extension would give us a surplus in the combined budget. Inflow and outflow from Government are the only meaningful concepts in terms of economic impact, and I think we need that kind of extension and I favor it. As I said, I would vote for such a bill today.

No one would argue with the proposition that inflation is one of the most serious problems facing this country. No thoughtful person would deny that this Congress has a responsibility to enact appropriate fiscal measures to counter excessive economic pressures that weaken the value of the dollar at home and in foreign commerce. That is why I advocated and supported the income tax surcharge when it was enacted last year.

But an effective fight against inflation requires cautious and closely coordinated management of our fiscal and monetary policies. Unfortunately, there has been a total failure on the part of the executive branch, the Federal monetary authorities and major sectors of the private economy in their responses to the anti-inflation mandate of the Revenue and Expenditure Control Act of 1968.

The major burden for this failure rests squarely on the Treasury Department, the Federal Reserve Board, and the major banks for their cavalier disregard of sound monetary policies. When Congress voted for fiscal restraint last year, it expected a concomitant check to be displayed in monetary affairs—greater discretion by the Federal Reserve Board in regulating the Nation's money supply, more effective use by the Treasury of Federal trust funds and debt financing to allocate selectively the Nation's financial resources into noninflationary endeavors. Certainly the Congress expected the country's major financial institutions to exercise greater care in their lending policies for expansionary activities.

Instead, we have been treated to an orgy of indiscriminate monetary expansion, record high rates on Treasury borrowings and a 40-percent increase in prime interest rates in the past 6 months on a first-come, first-serve, basis. The enactment of the surcharge, it seems, simply served as a signal to the financial world that it was again time for business as usual.

The harm to the Nation has been incalculable. The anti-inflationary actions of the Congress were rendered ineffective. New and greater dislocations were fixed in our economic structures. Work on new housing, particularly for low- and middle-income people, has been virtually paralyzed in the scramble to expand high-interest-earning consumer credit and unnecessary business expansion. Too many individuals and too many companies are trying to beat inflation by

making new investments now before prices go higher, and the major share of the lending resources of this Nation has been diverted to feed on this inflationary psychology. The lenders are getting all the traffic will bear, while every taxpayer is asked to continue his sacrifice in the war against inflation by living with the surcharge for another 12 months.

As we debate our course, we must consider closely the attitudes of our supposed allies in this fight. We should ask if the Secretary of the Treasury is prepared now to use the full resources of his office to introduce restraint in the Nation's interest rate structure, or if he intends to sit back while the market saddles the taxpayer with new unconscionable increase in debt financing.

We should question whether the Federal Reserve Board is ready to hold the line on monetary expansion, or if it will use new congressional anti-inflationary efforts as a signal to relax once more.

We should inquire whether the Nation's major financial institutions are at last ready and willing to cooperate in financing the real needs of the Nation, or if they will just offer more of the same—business as usual.

We need help if our efforts are to combat inflation effectively. I am far from certain that we can count on getting it.

If the surcharge is to be effective, the administration must commit itself to hard policy decisions that will insure our monetary resources are utilized for compelling national priorities. It must establish what the priorities for investment should be. It should describe limits of acceptability on new wage, price, and interest-rate increases.

Such commitments have not been expressed to date. Without these commitments, I find it impossible to vote to commit the American taxpayer to another full year of heavy burden. A 4-month extension at present levels can be justified. This would give us a balanced budget, a worthy objective. But a 12-month extension cannot be justified in the light of present uncertainties about our economy and what others beyond these Halls intend to do about them.

It has been said on the floor here that we may very well have a recession if this bill is not passed. Let me tell you whether we do or whether we do not have a recession has absolutely nothing to do with your action here today. If we have a recession—and we may very well because of failure to properly manage this economy of ours—then the first thing we should be doing is to repeal the 10-percent surcharge and to reinstate the investment credit.

I ask the Members to vote to recommit this bill, to vote against it so we can bring out a simple, straightforward package to extend the 10-percent surcharge and to extend the excise tax.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BUSH).

Mr. BUSH. Mr. Chairman, as a member of the Committee on Ways and Means I just want to add a few comments to those already made by our able chairman and our distinguished ranking members.

I am disappointed at the concerted drive by the big union officials to gun down the extension of the surtax.

We have heard a lot about lobbyists today. The major lobbying on the Hill is by the unions.

I have been on the Ways and Means Committee for 3 years. Not once in that time have I been contacted by the unions urging tax reform, and now my office has been barraged by telegrams.

The people of this country do want tax reform. Almost upon taking office, President Nixon fired a forceful reform message up to the Hill.

The Committee on Ways and Means is diligently working on reform legislation—the mood of the committee is serious.

In my view every Member wants tax reform. There will, of course, be differences as to what should be included, but there is in the committee a strong desire to eliminate abuses.

Yes, the people want to see that rich people who pay no taxes do pay taxes, and in my view this body should have a bill that will accomplish that purpose.

In my view, however, what people want more than reform is tax relief. They are not in the least bit impressed when they are told "Your Federal tax rates are lower today than they were 7 years ago."

I tried this on a women's group, and almost got hit by a purse.

We are paying less Federal taxes than we were in 1962 and 1963, but people look at the total tax bill and they are overtaxed.

They are overtaxed by municipalities, by States, by the Federal Government; but worse than all of this, they are overtaxed by inflation.

Inflation is the worst tax of all. It is cruel and it is hidden, and though it hits everybody, it hits the low-income people the hardest.

To cut taxes today, by letting the surtax expire, would give the average taxpayer a momentary sigh of relief, and then he would be hit right between the eyes by a boost in inflation which would more than offset the surtax relief.

This bill today will help check inflation.

Without it the inflation tax will be increased.

All economists agree that this is not the time for a direct tax cut, but they also agree that this is the time to cut the inflation tax.

Last year the surtax was passed and inflation was not halted.

There are three pertinent points:

First, the Federal Reserve Board eased the money supply, thus offsetting the benefits of the tax.

Second, we were not as successful as we hoped in operating out of the red. This administration is determined to keep expenditures under control and budgetary revenues are up.

Third, there are certain indications now that the economy is beginning to cool a little.

I want to avoid wage and price controls.

I still have basic confidence in our system but we must exert discipline.

The politics of voting "aye" today are not good.

But I urge the House not to cut income taxes at this time.

We must not force the Government to jump into the head of the borrowing line for another $10 or $12 billion—interest rates already sky high would be in orbit.

Last, I would urge my colleagues who are crying for reform not to hold out the false hope that reforms will mean enough revenue to avoid a continuation of the surtax.

Tax reform means tax equity, not necessarily more revenue.

Last year many of us on both sides responded to the eloquent pleas of our President to put aside politics and support the surtax. I am convinced we did the right thing. Without this unpopular tax, we would be much worse off as a nation.

Today a new President is asking the same thing. I am confident the Congress will again face up to its responsibility.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BUSH. I yield to my colleague from Texas.

Mr. ECKHARDT. I would just like to clear up one point from my distinguished colleague from Texas, because I know he is knowledgeable in this field. On page 14 of the bill there is a provision providing that when a certain kind of contract is in existence on April 18, 1969, plus an application before the FPC, this will constitute a satisfactory basis for which the tax credit would be applicable.

I would like to ask the gentleman, what kind of contract is that? Is that not a contract to supply gas rather than a contract to purchase capital goods?

Mr. BUSH. I think when the proposals were made, as I understand them, and there was no specific case discussed in the committee, the proposal was restricted to one where specific equipment was required to perform it.

Mr. ECKHARDT. Under (ii) on page 15, it says that where this is a contract where "property is to be used to transport one or more products under such contract or contracts." It seems to me that would mean a contract to transport products rather than a contract to purchase goods.

Mr. BUSH. It is, but the contract spells out the equipment required and if those people have a bona fide contract, they should not be denied the benefit of the credit because some Federal agency is sitting aside and refusing to act.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ECKHARDT).

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ECKHARDT. Mr. Chairman, it is necessary here to clarify the provision of the bill called certain lease and contract obligations, paragraph (B). The contract which is required to be in effect on

April 18, 1969, under that section is a contract to transport one or more products under such contract. See the language of the paragraph, pages 14 and 15 of the bill.

This is not, as the distinguished majority whip implied, as I understood him, a contract to purchase equipment. If it were, and if that contract were complete, there would be no reason for special treatment for those who had by April 18, 1969, filed an application before a Federal agency.

Since I am sure I must have misunderstood the distinguished Member from Louisiana, because I know him to be most familiar with this legislation, I asked my good friend from Texas (Mr. BUSH) to clarify the matter. I know him to be extremely familiar with this special provision and knowledgeable in the field of oil and gas. But I regret that his answer did not clarify the matter. I must say, with deference, that his answer further muddied the water.

Though the exception quite obviously applies to gas transmission pipelines, he stated, as I heard it, that no particular business was contemplated by this peculiar provision. But the committee report itself gives the example on page 31:

An example of the type of case covered by this provision would be a situation where a company has entered into a binding *contract to transport fuel* through a pipeline for another party * * * (Emphasis added.)

For reasons which do not readily appear, gas pipelines have received preferential treatment in the investment tax credit provisions of the law from its inception. Other utilities received only 3 percent investment credit, but gas transmission lines were given the full 7 percent investment credit. 26 U.S.C.A., section 46. Thus, electric, water, sewage, telephone, telegraph, and gas distribution systems got only a 3 percent investment credit.

All of the utilities are entitled by law to a reasonable return on their investment. None needed the same investment credit that other companies needed as an inducement to improve or decrease their plants, and Congress recognized this—except with respect to the gas transmission pipelines.

Yet net gas utility plant, for the entire Nation, had grown from about $6 billion to about $8 billion from 1957 through 1961. Obviously there was plenty of inducement to improve and increase plant for gas pipelines without any investment credit. Indeed, through the next 6 years, net gas utility plant grew by about the same amount, from about $8 billion to about $10 billion. Thus the investment tax credit was not needed to encourage investment in plant and it apparently did not affect such investment.

Congress was again soft on the gas pipeline companies in the Revenue Act of 1964, which eliminated any authority on the part of the Federal Power Commision to use the investment tax credit without the consent of the company involved in determining its cost of service. The tax savings from the investment tax credit could thus be used by the companies for reinvestment or dividends without regard to their rate of return.

From 1962 through 1967 the interstate natural gas pipeline companies generated $296,124,000 in investment tax credits. Of this amount, they utilized and retained $247,106,000. Statistics of Interstate Natural Gas Pipeline Companies, 1967, Federal Power Commission, page 9.

Now the gas transmission companies are again asking for special treatment, as if they needed special relief. Are they weak? Are they an industry with a declining growth pattern? Quite on the contrary, the industry has grown by one third in the last 5 years. In 1962, natural gas utility sales were 100.81 billion therms and in 1967 they were 133.42 billion therms. See 1968 "Gas Facts" of American Gas Association.

It is just not possible to put an extra dollar value on this special provision in the surtax and investment credit bill as to how much it benefits gas pipelines. But it clearly would defer the cutoff data for withdrawing the investment tax credit. As I have pointed out, they never needed it or deserved it in the first place; and, at more than twice the figure granted other utilities, it was nothing but a windfall for the stockholders—not the consumers.

The windfall was at an average of about $50 million a year. Typically, in past years, the highest number of rate applications by the gas pipelines have been in the winter months. In the winter of 1967 and 1968 approximately as many permits were filed as during the entire remainder of the year. This was not exactly the situation in the FPC fiscal year 1968–69. In that year over 70 percent of the applications had been filed by January 1.

I am frank to say, I cannot tell the significance of the timing of the applications other than to say an adroit timing of applications well in advance of actual equipment purchases could keep the 7-percent investment credit going for a considerable time. If this extended time be 6 months, the special treatment in this law is worth $25 million in investment credits generated to the gas pipelines.

I served for a good number of years in a legislative body which was very sympathetic with gas pipeline companies, and I have had the experience of their long arm reaching right into a conference committee of the Texas Legislature to render a tax unconstitutional. I thought I had escaped this tampering when I came to Congress, but I underestimated their reach.

Mr. BOGGS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I am opposed to this bill. I oppose this bill because it carries no reform, but I would like to suggest first to those who have advanced the argument that they do not care to take the responsibility of waking up in the morning if we do not pass this bill, because we will be responsible for anything that happens—Mr. Chairman, they should rest in peace. Nothing is going to happen if we do not pass this bill. We have the withholding on the surtax extended for 30 days. In 30 days our chairman has assured us that we are almost going to have a tax reform bill, so we can extend it another 30 days and bring out a tax reform bill with this bill.

I would like to say also that in this body and certainly in the committee there is a general feeling for tax reform. I want to point out to the Members, Mr. Chairman, this Congress has been in session for 6 months lacking 3 days. We have brought one previous bill to the floor, plus a few small ones that took 1 day. We have never had a single vote in the Ways and Means Committee on a tax reform bill—not one.

Some 3 months ago I suggested that the ranking Republican member, the gentleman from Wisconsin (Mr. BYRNES), had suggested we have a minimum tax, and the President had made this suggestion, and I said, "Let's vote on it." I think it is a good idea. But we did not have a vote, and I served notice then I am not voting for the surtax unless there is some meaningful reform.

I do not see how this Congress can return to middle-class America and say, now of course Mr. John D. Rockefeller III appeared before the Ways and Means Committee and said, "Of course I do not have to pay taxes, but I feel that everybody should pay something, so every year I have my accountant make out the form and I pay either 5 or 10 percent on the adjusted gross, whichever I think is reasonable."

On the day, Mr. Chairman, that the American public can pay either 5 or 10 percent on the adjusted gross, whichever they think is reasonable, there will be no objection to taxes.

I do not feel that we can ask a public health nurse in my district, who is widowed and home-owning, to pay 32 percent on the adjusted gross when she knows that the wealthiest people in America do not pay anything.

I personally have had it. I do not see how anybody can explain it, I believe we need to say, "Look. If this surtax is going to be borne by you, we guarantee that everybody else enjoying the greatest that America can give is going to pay his share."

And that includes Mrs. Dodge, from Detroit, who has her entire fortune invested in municipal bonds. She draws, I am told, an amount variously estimated between $1 million and $5 million a year, and does not even make out a form 1040.

I personally believe that the thing to do with this bill is to vote for the motion to recommit, if it is a straight motion, and give the Ways and Means Committee the time it asks to bring to this floor a bill that says, "When the middle class pays everybody pays."

Let them pay. What kind of nonsense is this? This bill is a tax surcharge for some and relief for others, and that relief applies in an unwritten rule to the gas and oil pipelines of this country, which are getting back millions of dollars,

to which they are not at all entitled. They have no contracts for purchase of equipment.

I urge you, Mr. Chairman and members of the committee, vote for the motion to recommit or vote against this bill. Nothing will happen tomorrow. We can write a bill.

(Mr. HICKS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HICKS. Mr. Speaker, 1 year ago the surtax was urged upon and passed by Congress on the grounds that it would provide the necessary antidote to inflation. At that time, I favored broad-scale revision of the Internal Revenue Code, and only after the Johnson administration forcefully argued that there was insufficient time to prepare meaningful tax reform legislation did I become reconciled to a vote for the surtax without tax reform. It has now been in effect for 12 months and inflation has not only continued, it has accelerated. Statistics for 1969 indicate that despite the surtax, the cost of living index has risen at an unprecedented rate. Interest rates have also skyrocketed. On December 2, 1968, the Nation's commercial banks announced that the prime rate for loans would be raised from 6 percent to 6½ percent. In less than 7 months it has been increased five times to 8½ percent, highest in over 100 years.

Today Congress is being told by the Nixon administration that the surtax extension is necessary to pull spendable income out of the economy, helping curb inflation by reducing purchasing power for goods and services. As one noted economist puts it, this argument is simply a case of "once wrong, twice right." It appears to me that this argument has proven false during the past year and if it were correct, tax dollars raised by closing unjust loopholes are equally effective at pulling money out of the spending stream as are surtax dollars taken from the already over-burdened middle-income taxpayers.

It would, of course, be less than honest to claim that the surtax has been of no benefit to the economy. First, taxpayers have restrained their spending in response to the surtax, but as economist Milton Friedman points out, "that is only half the story." The persons from whom the Federal Government would otherwise have had to borrow to finance its expenditures have had more to spend or lend to others. Consequently, total spending has not been affected by the surtax. The slowdown in the growth of consumer spending has been more than matched by an acceleration in spending by business and industry for new construction, investments, inventories, and the like.

It seems to me that the most respectable argument in favor of the surtax is that it has been symbolic of our Government's willingness to swallow unpalatable medicine in an effort to save the position of the dollar in international trade. However, indications are that without necessary fiscal and monetary reforms these efforts are destined to failure.

Attitudes toward tax reform usually vary depending upon whose sacred loophole is being gored. Speaking before the Joint Economic Committee, Secretary of the Treasury David Kennedy said: "First, we have the question of equity: Are all Americans in similar circumstances paying approximately the same amount of tax?" Probably most Americans would agree with Secretary Kennedy's criterion for equity. In fact, it is this issue that has generated the public outcry for tax reform. Joseph W. Barr, former Treasury Secretary in a widely quoted statement to the Joint Economic Committee in January contended that Congress faces a revolt by middle-income taxpayers if it fails to enact major income tax reforms.

According to Mr. Barr, "The middle-income taxpayers are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay more. People are concerned and indeed angered about the high-income recipients who pay little or no Federal taxes."

The income tax rate schedule, which calls for paying increasingly higher rates as income rises, leaves the inescapable impression that the more a person earns, the greater share of his income goes to the U.S. Treasury. But in the higher economic stratosphere, the truth is much different.

A Government report has shown that in 1964, 24,084 individuals with adjusted gross incomes of $10,000 or more, totaling $523,515,000, paid no income taxes. This includes the now famous, "21 Club." Twenty-one individuals who earned upward of $1 million each, yet through sophisticated tax loopholes avoided paying 1 cent to the U.S. Treasury.

The recommendation to continue the surtax further compounds these inequities because those who escape paying their fair share of income taxes automatically escape their fair share of the surtax, while middle-income groups are loaded down with an even heavier share of the tax burden.

In an attempt to determine the opinions of residents in Washington's Sixth Congressional District regarding the surtax, I learned the following:

First, 10 percent favored extending the surtax as proposed in an attempt to slow down the economy and ease inflation.

Second, 7 percent favored extending the surtax at the full 10-percent rate for another year and using the revenue obtained to reduce the national debt.

Third, 9 percent favored extending the surtax at the full 10-percent rate for another year and using the revenue obtained for programs aimed at solving the problems of cities.

Fourth, 56 percent favored allowing the surtax to expire on July 1 and closing tax "loopholes" to obtain needed revenue.

Fifth, 18 percent favored ending the surtax and raising the revenue it provided with an "excess profits" or "war" tax.

As the figures indicate, an overwhelming majority opposed continuation of the surtax. This was coupled with a strong sentiment to see existing inequities rooted out of the present tax system.

The recommendation to continue the surtax is a recommendation to postpone tax reform. In fact, it is a recommendation to raise taxes for the 35 million American taxpayers in the $7,000- to $20,000-income group who pay over one-half of all individual income taxes. For these people, the surtax applied only to part of 1968. Continuing it throughout 1969 raises the effective rate of the surtax from 7½ percent on 1968 taxes to 10 percent on 1969 taxes. In addition, inflation and real growth pushed these taxpayers into higher and higher brackets subject to higher and higher marginal tax rates. It must be remembered, that the surtax is a percentage of tax, not of income.

Congress has clearly placed itself on the course toward tax reform. The Revenue Expenditure Control Act of 1968 extended the promise of tax reform by calling upon the Administration to study the matter and report back to Congress. When discussing my vote for the surtax last year, I pointed to this study and indicated that I would continue to press for the enactment of substantive tax reform.

Today, I vote against extension of the surtax to keep faith with my constituents who have waited patiently for Congress to deliver on its promise for tax reform.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Chairman, the U.S. Government must deal effectively and now with the galloping inflation which is today rocking the very foundations of our national economy. The more than 25-percent increase in the consumer price index over the last 10 years—more than one-fifth of it in the last 12 months—underscores again the urgent need to put the brakes on runaway costs and prices.

The real total cost of this inflationary binge cannot be calculated in dollars alone. How do you put a price tag on hardship inflation has inflicted upon so many millions of Americans? The impact of skyrocketing costs is incalculable in its adverse effect upon retired people and others living on relatively fixed incomes. It has been a disaster for farmers—small farmers especially—who have seen their operating costs soar to new record highs month after month, while prices of the products they sell decline or, at best, hold about even.

Mr. Chairman, over the past few years, inflation has pushed more people into the poverty category than all of the Government welfare and public assistance programs have been able to lift out of that classification. The cold, hard fact is that both the cost of public assistance and the number of people receiving such aid have been accelerating at even more rapid rate than inflation itself.

Many people retired 5 or 10 or 15 years ago on incomes which would, without Government assistance, meet something

more than their basic minimum needs. Today those same incomes are below the poverty level guidelines set by the Federal Government itself. Inflation, the cruelest tax of all, has reduced these retired people from independence to dependence—and through no fault of their own.

Government itself created inflation and then persisted in stoking the fires with more and more irresponsible fiscal actions. Only Government can halt inflation. Already we have waited much too long. We must act now.

I am convinced that early approval of the tax measure before us is absolutely essential if we are to win the war against inflation. The President has made it crystal clear that he is determined to put an end to spiraling costs and prices. But he cannot win the battle with words alone. He must have weapons, as well. He must have this bill now. Additionally, this measure would remove from the Federal income tax rolls several million Americans at the lower rungs of the economic ladder—people who are among the principal victims of inflation.

Mr. Chairman, last year I voted against imposition of the 10-percent surcharge. I felt then this was the only effective way I could register my protest against continued deficit spending and the ballooning national debt which went with it. I strongly believed—and still do—that substantial reductions in Federal spending should precede consideration of higher taxes. I have always believed in doing first things first. I think there must be priorities in Federal fiscal matters and that reduced spending carries a higher priority than heavier taxation.

I could not see how inflationary pressures would be eased by extracting some $10 billion more from taxpayers, if the Federal Government itself then proceeded to spend that $10 billion, along with additional billions of borrowed money. In fact, I believe that excessive government spending can generate more heat in the economy than an equal amount of civilian spending.

Now, it seems to me, the objections I had to the surcharge a year ago have been largely resolved—both by the President and by Congress itself. Mr. Nixon proposes to spend $4 billion less than was recommended by President Johnson in fiscal year 1970. I am convinced that the Congress will make further cuts of $1 billion or more.

I was not a Member of the House when the Great Society programs were launched in 1965–66. But I have been around since the bills began falling due. The President and the Congress have no choice but to meet these obligations as they are presented for payment. Without extension of the surcharge and repeal of the investment tax credit, there simply would not be enough money on hand to honor these past commitments. I think, however, there is a moral here for those who would undertake new multibillion programs without any regard for how the costs are to be met.

Without the phaseout of the income tax surcharge over the next year, I would have reservations about supporting the bill before us. As it stands, however, the 10-percent rate would be continued for only 6 months, dropping to 5 percent for the next 6 months and expiring completely on June 30, 1970. Mr. Nixon has made it clear that this is not to be a permanent tax like so many of the emergency revenue measures of the past which have been welded into the tax structure, seemingly forever.

I would have liked to see retention of the investment credit tax for farmers and small businessmen, with a limitation of perhaps $15,000 to $20,000. At the same time, I recognize the problems which would have confronted the Ways and Means Committee had the door been opened ever so slightly for any group.

I would like to commend the chairman and the members of the commitee for facing up to an extremely difficult problem and coming forth with what is perhaps not a perfect solution which will satisfy everybody but certainly the best which was attainable under the circumstances.

I strongly urge my colleagues to support the committee and the President in their determination to halt inflation. It is one war we must win now.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois, Mr. ARENDS.

Mr. ARENDS. Mr. Chairman, this is not an ordinary tax bill. It is extraordinary in character and in purpose. It is before us not solely as a revenue measure but as an economic one of the greatest urgency.

This is an anti-inflation bill. It is designed to help avert an impending emergency that could readily escalate into economic disaster with far-reaching international repercussions. Failure to pass this bill is to invite disaster. To say the least, it is to ignore the plight of our people who plead with us to do something to halt the rise in prices.

As burdensome as taxes are, even more burdensome to the average citizen and particularly those dependent on fixed incomes, is the continuing rise in prices. Inflation is a hidden tax. As between paying these hidden taxes in the form of constantly rising prices, week by week and month by month, with no end in sight, I am confident the American people would prefer to pay temporarily the income surcharge, especially knowing that in 6 months it will be cut in half, from 10 percent to 5 percent, and in 6 more months it will terminate.

What hope can there be for the termination of inflation if we do not have the courage to take the necessary steps to bring it to a halt?

I believe the American people are not as self-centered and shortsighted as some seem to think. I am convinced that, given the facts, people generally will set aside their own temporary self-interest, and will think and act responsibly in the national interest. And they look to us who have the responsibility for their interests to think and act responsibly in the decisions we make in the national interest.

The amount of revenue involved in this bill is $9.26 billion. Failure to pass it will mean that a projected budget surplus for the fiscal year 1970, beginning tomorrow, will be converted to a deficit of $4 billion. We will be saying to our people that we do not have the will and the courage to "kick the habit" of unbalanced budgets and deficit financing.

To defeat this bill will be tantamount to saying to the money markets of the world that we, in the United States, do not intend to put our fiscal house in order. It will be an invitation to foreign holders of dollars to convert their dollars to gold. It is a risk of such consequence that I, for one, am not willing to take it.

Aside from the revenue or budgetary aspects of this bill, it is designed to serve as an economic instrument—a "brake on our economy." It has long been recognized by economists that taxes can be an instrument for stimulating or for retarding economic activity. They can be used to encourage consumption or capital investment. And they can be used, as proposed in this bill, to discourage consumption and to discourage capital investment.

The 7-percent investment credit provision was written into our tax law in order to stimulate our economy. That was its sole purpose. It goes without saying that our economic situation is now such that we must remove this incentive to capital investments. The repeal of this provision will thus operate as a depressant.

The income tax surcharge likewise operates as a depressant. It has been argued here that we have had the surcharge for a year and we still have inflation. But that does not mean that the surcharge has had no depressant effect. It must be recognized that the situation last year was quite different. Our fiscal policy itself was different than now. Our monetary policy was not the same as now. Moreover, it takes many months before the economic impact of any taxes is fully felt. And I might point out that there are signs that our economy has begun to slow. A number of factors, including the income surcharge, account for this.

In any case, it seems to me axiomatic that if the individual has less to spend it will ultimately have a retarding effect on his spending. It is also axiomatic both private and public spending constitute an inflationary pressure, and it is incumbent upon us to take the necessary steps to reduce both.

It has also been contended that action on this measure should be deferred until we are prepared to act on much needed and long overdue reform of our Federal tax structure. But, Mr. Speaker, anyone with any knowledge of our Federal tax law knows that the intricacies and technicalities of the innumerable interrelated provisions of our permanent tax law are such that it will take many months of detailed study, not to mention the painstaking legislative drafting, to present a reform measure. It is for this reason that all tax bills are brought

up under a rule that precludes Floor amendments.

When one considers such matters as the rate of tax, the exemptions, the deductions, the allowances, the carry-overs, the carry-backs, there is considerably more involved than the amount of revenue lost or gained by a particular action. There is the question as to the impact the proposed change will have on individual and corporate taxpayers, and there is the question as to the impact on certain segments of our economy, and there is the question as to its impact on our economy as a whole.

Let me give you just one example. If we increase the allowable personal exemptions by $100, from $600, as provided by existing law, to $700, the amount of revenue lost by this single action will amount to $3.1 billion. Perhaps this action should be taken or perhaps not. The question becomes where and how is this revenue loss to be offset in whole or in part.

Mr. Chairman, the bill before us is an emergency measure. It is designed to meet the critical situation now facing us. It deals with the emergency of inflation. There is a risk in mixing an emergency measure, such as now before us, with the more complex, long-range reforms on which both the Administration and the Ways and Means Committee have been working. The action which we must now take, to extend the surcharge and repeal the investment credit and extend certain excise taxes, cannot wait until next month or however long it will take our committee to submit a sound tax reform measure.

Close the loopholes in our tax laws is a must. Make our entire tax structure more equitable is a must. It is a must with our President. It is a must with the Ways and Means Committee. And it is a must with all of us.

The first sentence in President Nixon's message to Congress on April 21—only 3 months after he took office—reads: "Reform in our Federal income tax system is long overdue." There could not possibly be a firmer commitment to tax reform.

But that is a matter separate and distinct from the issue now before us. What we have before us is an interim emergency measure. Time is of the essence. I cannot overemphasize how important it is to our national well-being for this bill to be enacted as soon as possible. The responsibility is ours.

May I respectfully suggest to some of the Members of the House on both sides of the aisle that when bills come before this group, particularly appropriation bills, we stop, look, and listen in a sincere and honest effort to reduce appropriations coming before us.

Let me simply say this in addition: The many people who have convictions about certain legislation as to its merits may feel strongly about it, but let me add, ladies and gentlemen, you cannot have it both ways. If you are going to vote for continued increased appropriations, you owe it to your Government to vote for increased taxes. You have no alternative. I repeat, you cannot have it both ways.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Iowa, Mr. SCHERLE.

Mr. SCHERLE. Mr. Chairman, I am totally and unequivocally opposed to this legislation because it continues the 10-percent income tax surcharge, repeals the 7-percent investment credit, disproportionately increases the great tax burden already borne by middle-income taxpayers, continues to favor those already enjoying wide tax benefits, and weakens the chances of obtaining enactment of really significant tax-reform legislation during this Congress. Increasing taxes to curtail inflation is merely an exercise in futility. It has not worked. It will not work. Reduction of expenditures is the only way this goal can be achieved. I feel certain that without this reduction that next year we will continue the surtax and increase the debt ceiling to a new all-time high.

INCOME TAX SURCHARGE

The 10-percent income tax surcharge was sold to the Congress as an emergency anti-inflationary device, to be abandoned within a few months as inflation was curbed through the tax and through wise use of other monetary and fiscal instruments. However, despite the imposition of the 10-percent income tax surcharge, we have seen the cost of living increase 4.2 percent during 1968, in the worst inflation year since the end of the Korean war, and interest rates have climbed to highs of 8½ percent. Inflation has continued to skyrocket despite the promises that the surcharge would hold it down.

This inflation in general has not been consumer created. There is no wide supply shortage and no consumer overindulgence. The inflationary pressures have been principally created by this country's fiscal mismanagement. There is no real assurance that extension of the tax surcharge would have any substantial impact on inflation, so long as there is no real assurance that it would be accompanied by comprehensive reexamination of national priorities and revision of the Federal budget.

The limitation on overall spending and on personnel acquisition contained in the previous surtax legislation proved to be largely illusionary and ineffective. Placing a similar limitation on total spending in a separate appropriation bill probably will prove to be no more effective in holding down excessive Federal Government spending and in controlling inflation. Surtax revenues in the hands of the Federal Government are sure to be spent in one way or another, in accordance with Parkinson's laws. Those same moneys left in the hand of individual taxpayers would, to a much larger degree be used to retire debts, to purchase capital goods and investments, or to increase savings toward retirement, and less for consumer goods with consequent immediate inflationary impact on the economy.

Until the Federal Government shows the same restraint on its spending habits that it expects the taxpayer-consumer to show, no headway will be made against our economic problems. Instead, the legislation now before the House, H.R. 12290, would require the already-burdened taxpayer to make further sacrifices while the Federal Government and other sectors of the economy carry on business as usual. If this regressive surcharge tax is not extended, the Federal Government will be forced to make now those economic decisions that it would have to make sooner or later in any real attempt to counter inflation and restore policies of fiscal sanity and responsibility to the national scene.

INVESTMENT CREDIT

The 7-percent investment credit provisions of our tax laws would generally be repealed by H.R. 12290. The repeal of this provision would, in effect, impose an additional tax surcharge on farmers, small businessmen, and others affected, in addition to the 10- and 5-percent tax surcharges imposed by this bill and to the all-time high State and local tax burdens.

The investment tax credit has been used in various other countries since World War II. It was finally adopted in the United States in 1962, in order that our own producers could become more competitive through stimulation of investment in modernization and expansion of our industrial capacity and thereby regain world markets and restore a favorable balance of payments. It was recognized that we could not hope to achieve the increased rate of capital formation necessary to more rapid economic growth and full employment unless we brought our tax treatment of capital investment into line with the standards which our competitors in Europe and elsewhere used so successfully in the 1950's.

The investment credit has helped enormously, but the on-again, off-again tactics of previous administrations and Congresses in suspending the investment tax credit in 1966 and then restoring it within a few months had an unnecessarily upsetting effect on business decisions. The experience, however, demonstrated that permanent repeal of the investment credit would be ineffective as a temporary anti-inflationary device and would have an inflationary effect in the long run.

The investment tax credit should not be considered as a subsidy, but rather as an integral part of a long-range realistic depreciation policy. We need even greater capital spending to modernize our plants and to bring the American economy to greater productivity and efficiency so as to improve our international competitiveness. The United States continues to have the lowest ratio of investment to gross national product of any major industrial nation. Repeal of the investment credit would further deteriorate our relative position and aggravate our balance-of-payments problems, increasing the drain our our gold reserves.

As stated by the minority of the Joint Economic Committee in its report this April:

> The very nature of the 7-percent investment tax credit makes it an inappropriate tool for shot-run economic stabilization.

It is not essential that the investment tax credit be repealed or that the surtax

be extended in order for these other programs, such as tax-sharing and the Human Investment Act tax credit for those who invest in the training of young men and women, to be undertaken. Sufficient funds would be found for these programs, without any necessity of increasing Federal tax rates or deleting desirable features such as the investment tax credit, if comprehensive tax reform legislation were to be enacted, and if serious endeavors were to be made by both Congress and the executive branch at all its levels to eliminate waste and duplication, and to curb nonessential Federal spending wherever found.

I doubt whether I would concur in the absolute necessity or urgency of the Federal Government acting on "newly urgent social priorities" which some of the proponents of the present bill before the House claim make investment tax credit repeal and extension of the surtax necessary. I believe many of these proposed programs or problems could best be met by a strong and viable private enterprise system, or by State or local governmental programs where Government assistance proves essential, rather than increased Federal Government activity and spending.

At the very minimum, the 7-percent investment tax credit should be retained for farmers and small businessmen for capital investments up to $15,000. The repeal of the investment tax credit and the concurrent extension of the across-the-board surtax, at a time when interest rates are at alltime highs and when our farmers are laboring under tremendous burdens due to the cost-price squeeze, will have serious repercussions on rural America, possibly of tragic proportions.

Even were I to otherwise favor repeal of the investment tax credit, I could not favor the bill now before the House. The investment tax credit repeal provisions of H.R. 12290 are highly discriminatory in their providing valuable tax benefits for certain giant gas pipeline companies and barge companies, for example, while denying to our farmers and small businessmen the relatively small, but very important and critical, tax credits for their capital investments. It is absolutely essential that our farmers and small businessmen acquire modern equipment and technology if they are to maintain their positions in our economy, and it is in our national interest that nothing be done by this Congress that would discourage them from making this necessary capital investment.

PLIGHT OF THE MIDDLE-INCOME TAXPAYER

H.R. 12290 removes from the tax rolls 5.2 million returns of those presently at or below the so-called poverty level, at a cost in Federal revenues of $270 million. This low-income allowance feature thus places an even greater proportion of the total tax burden and of support for Federal programs—most of which benefit principally those who escape paying any taxes under either present laws or the pending bill—upon the already hard-pressed middle-income taxpayer.

The middle-income taxpayer is already impatient with this tax burden and rightly, justifiably demands reform. He is near revolt in his desperation. The pending bill, H.R. 12290, does not provide this desired reform, but instead invokes new inequities. The low-income allowances provided in this bill might make more sense were they to be in the context of a total package of balanced tax reforms, but as provided in this bill they are highly discriminatory and, in my view, unsound. Yet the very fact that these low-income allowance provisions are in the pending legislation may have the effect of eliminating the possibility of later passage by this Congress of meaningful tax reform legislation.

We must have realistic and serious tax reforms to obtain proper tax relief for those who now pay far too disproportionate a share of our total Federal revenues. The present inequities of our tax laws would be increased, not reduced, by the pending bill, H.R 12290. These inequities are threatening the very integrity of our internal revenue system. I shall support genuine, thoughtful moves toward tax reform—but shall oppose H.R. 12290.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of extending the surtax. And, I fully support strong and firm tax reforms which I hope either the Senate will add to this bill or will be forthcoming from the administration.

But, a far more important matter faces us today, and that is the necessity of passing this bill. This body's first obligation is to our great Nation, and today the economic foundation of our country is threatened by a weakening that would have world implications. The failure to extend this surtax and place a curb on inflation could cause a severe lack of confidence throughout the world in the U.S. dollar. The stability of the dollar has to be our first consideration.

However, Mr. Chairman, I am mindful that President Nixon is the first President in my years in Congress who has requested tax reforms. On June 12, 1969, the President pledged to House and Senate leaders full commitment to further tax reform. Treasury Secretary Kennedy has recognized that additional reforms are needed and now are being prepared by his Department.

So, I am confident that we will achieve some tax reform in this session of Congress, and I say this having for many years called for the closing of loopholes in our tax laws.

As vital as tax reform is, Mr. Chairman, it is important to realize that on June 11, 1969, all six living former Treasury Secretaries urged extending the surtax.

So, I shall continue to work for tax reform, but the continuation of the surtax until December, then cutting it in half until next June, and then eliminating it altogether, appears to me to be in our national interest at this time, and I urge its passage.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN) a member of the committee.

Mr. CHAMBERLAIN. Mr. Chairman, in the legislation before us today there is more that is cause for concern and regret than there is for approval and enthusiasm.

No one is happy about extending taxes, especially when we have been assured so many times in the past that these were only to be "temporary" burdens and that policies were shortly to be adopted that promised to eliminate their future need.

It is because those promises have not been kept—and adequate new policies have not been implemented—that the new administration and the 91st Congress is faced today with the choice that it is.

Nothing dramatizes this sad circumstance so well as the request, contained in this bill—page 6, lines 3 to 20—to postpone yet once again the scheduled reduction and repeal of the excise tax on automobiles—and I would like to direct my brief remarks to this aspect of this legislation.

Under present law, adopted by Congress only last year, this 7-percent levy is earmarked for reduction to 5 percent next January, followed by 2-percentage-point drops in both 1971 and 1972, with full repeal at the beginning of 1973.

After years of urging the repeal of this so-called temporary, luxury tax, it was deeply gratifying when Congress in 1965 finally recognized—on the record—this tax for what it was, a highly selective and discriminatory penalty on one class of workers, consumers, and businessmen. In a message to the Congress on May 17, 1965, the President specifically cited this tax as an "unfair burden on many businesses and workers." The Ways and Means Committee concluded then in reporting the Excise Tax Reduction Act of 1965 that "it could not justify leaving the tax on passenger cars," and this was agreed to by the House and later by the other body.

So in 1965 Congress, for these and other reasons, acted to eliminate this discrimination—or so the American people thought at the time.

Since then, Congress has voted not once, but twice, to disregard what it promised to do in 1965, and today we are asked for the third time to "temporarily" postpone what we have so permanently postponed in the past.

It would be difficult to find a wider credibility gap that that which exists between the words and deeds of the Congress with respect to the automobile excise tax.

If we look at the revenue involved in postponing the scheduled drop from 7 percent to 5 percent next January, we find it will be about $300 million in fiscal 1970. Measured against the latest forecast surplus of $6.3 billion for this fiscal year, the added revenue gain from an extension of the 7-percent tax rate looks small—too small, in fact, to warrant our going back on our promise again. The public's confidence in our word is being eroded by our procrastination.

The tax on automobiles, let us not forget, is a highly discriminatory levy originally enacted as a so-called temporary

emergency measure. In World War II and in the Korean war, the automobile tax had the company of a host of other temporary wartime excises on manufactured products. Now, it is the only remaining general revenue excise on manufactured during goods. Others were discontinued in 1965 as indefensible, and even the Vietnam war emergency has not seen them restored. Only the automobile has been singled out among all manufactured durable goods, which would indicate a certain inconsistency in the logic of retaining this levy at this time when the tax climate has permitted termination of others.

I recognize the temper of the House is such that, given the continuation of the Vietnam war, it may well vote to extend the 7-percent automobile tax for another year. But I want the RECORD to show that I do not condone this action and that I regard it as a violation of a firm congressional commitment.

If, nevertheless, the House continues this tax at current rates, then it should be with the understanding that reduction—followed by early repeal—of the automobile tax must be the first order of business just as soon as current financial pressures subside. We have the promise of the automobile companies to pass on to dealers, and through them to car buyers, the full benefits of repeal of this tax. The record shows the automobile industry fully lived up to its promise when the tax was reduced from 10 percent to 7 percent and this was confirmed by a special report of the Council of Economic Advisers. Thus, passing the tax cut through to new car buyers has exactly the same effect, as far as the car buyer is concerned, as a price reduction.

The sooner we can eliminate this tax completely the sooner we will be passing substantial saving to the consumer on a major item in the family budget—and the sooner we will be making good on our 4-year-old promise.

In conclusion, Mr. Chairman, I should like to state that if accorded the opportunity to do so I shall offer a motion to recommit this bill to the Ways and Means Committee with instructions to delete the continuation of the automobile excise tax at the current rates, thereby cutting the reductions in this tax as now provided by law to become effective.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, I rise in opposition to H.R. 12290, providing for an extension of the tax surcharge. I voted last year against passage of the original 10-percent surtax, and nothing has occurred in the interim to alter my conviction that the surtax merely serves to intensify the already inequitable tax burden borne by the average American.

I feel strongly that my constituents, already hard pressed by inflation and by onerous taxation at every governmental level, must not be asked to continue to pay the "temporary" 10-percent tax surcharge beyond its scheduled expiration data. The administration has cited the need for an additional $9 billion in requesting the extension. In point of fact, sweeping revision of our loophole-riddled tax laws would provide sufficient revenue without any tax increase, and very probably would enable the Congress to reduce taxes. Many tax authorities estimate that $40 to $50 billion of potential revenue is lost to our National Treasury each year through various tax loopholes.

Our tax system is riddled with inequities and loopholes. In 1967, 381 Americans with incomes exceeding $100,000, including 21 who earned more than $1 million each, did not pay 1 cent of Federal income tax. Such unconscionable tax avoidance has accelerated in recent years. Over the last 12 years, the number of millionaires not paying income taxes has increased fivefold. For those withincomes over $200,000, there has been a sevenfold increase.

How is it possible to justify this situation to the ordinary taxpayer? In my own area of New Jersey, inflation, ever-increasing local taxes, and the 10-percent surcharge have put the great majority of taxpayers in a real financial bind. I hear daily from constituents in all walks of life and economic circumstances as to the ever-mounting problem of managing on incomes which are chiefly, if not wholly, derived from wages, salaries, or pensions. Let us face it—our tax laws as presently constituted soak the last penny from the ordinary citizen while allowing privileged groups to escape contributing their fair share to our national well-being.

Mr. Chairman, is it any wonder that the former Secretary of the Treasury, Joseph M. Barr, warned:

> We face the possibility of a taxpayer revolt if we do not soon make major reforms. The revolt will come not from the poor, but from the tens of millions of middle class families and individuals with income of $7,000 to $20,000, who pay over half of our individual income taxes.

When an official of Mr. Barr's stature speaks of the danger of a taxpayers' revolt, it is time for the Congress to listen. Yet, if we are to judge by the measure before us today, clearly Mr. Barr's appeal has fallen on deaf ears. The low-income allowance provision in the bill is gratifying. Nonetheless, this inclusion would suggest that many other urgently needed reforms could have been similarly written into the measure.

One loophole that typifies the injustice of our tax system is the 27½-percent oil depletion allowance. I have sponsored legislation in both the last and the present Congresses to eliminate this unjustifiable privilege in its entirety.

The oil depletion allowance currently permits oil companies to deduct 27½ percent of their income before paying taxes. It has been estimated that this tax break saves oil tycoons, and—it cannot be emphasized too strongly—costs the average American workingman approximately $2 billion each year. An average manufacturing company in the United States pays taxes at a rate of about 48 percent. Even in the low- and middle-income brackets an individual pays 14 to 20 percent. The major oil companies, on the other hand, regularly pay less than 10 percent—some, in fact, have actually received tax refunds in recent years despite huge and consistently increasing profits.

The plight of the overwhelming majority of our taxpayers could be substantially lessened through reforms like the repeal of the antiquated and outmoded oil depletion allowance. The circumstances which originally caused the conferring of special incentives upon the oil industry in 1926 no longer prevail. Oil has one of the lowest rates of failure of any business in the United States and two-thirds of the depletion allowances are claimed by companies with assets of over a quarter of a billion dollars.

The current $600 exemption for individuals is another area of our Tax Code in desperate need of revision. It is outdated and bears no relation to the present high cost of living. Over the past three decades the cost of living in the United States has more than tripled. During this same period the personal exemption rate, originally designed to relate to the cost of living and the expense of raising a family, has been increased only once and then by only $100.

Government statistics bear out my point: The Department of Health, Education, and Welfare reports that it now costs an average of over $1,400 per year to raise a child to the age of 18. To then provide this same child with a college education now costs American parents approximately $2,500 per academic year.

Any revenue loss resulting from the enactment of a higher exemption such as the increase to $1,000 provided in my bill, H.R. 7331, could be more than compensated for by plugging only a few of the many loopholes written into our present Tax Code.

Last year we heard the same argument—a vote for the surtax is a vote against inflation. It was not true then and it is not true now. For the year ending April 1, 1969, a period when the surtax was in effect, the consumer price index rose at the alarming rate of 5½ percent. The surtax actually has been contributing to our present inflationary spiral by prodding business to raise prices to cover its higher taxes. The Mountain States Telephone Co., for example, recently obtained a $3¾ million rate hike and notified its customers that it had done so in order to pass along the costs of paying the 10-percent surcharge.

Mr. Chairman, we need tax reform, not the tax surcharge. Prompt and thorough revision of our tax system would reduce the inflationary pressures in our economy and protect our competitive free enterprise system. Above all, however, it would bolster the faith of the American people in the equity and integrity of their Federal tax system and distribute the burden in accordance with the democratic principle of ability to pay.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I am opposed to the extension of the income

tax surcharge and intend to vote against it.

Mr. Chairman, I supported the surtax a year ago in the belief it was a needed, if unpalatable, device to forestall the inflationary spiral which has its harshest effect on hard-working, middle- and low-income people—people I represent—and because I believed deeply that we needed additional revenues to fund desperately needed programs for our cities.

The surtax has been a bitter pill to swallow because the inflationary spiral continues, as does the tax burden on those who already carry more than their share of the national tax burden. While economists concede that the surtax has indeed resulted in the withdrawal of billions of dollars from our overinflated economy and has slowed inflationary trends, this salutory effect is not as visible as it might have been hoped to be. Many businessmen had made their plans for capital outlay for new plant and equipment, based upon an inflationary psychology which in effect was a self-fufilling prophecy. Nevertheless, overall, the surtax did ultimately slow down our economic growth. The rate of annual growth in our gross national product is down since last year from 6 percent to 3 percent, in real terms. Furthermore, although retail sales levels are up from last year's level about 2 percent, in terms of dollar sales, because of the approximate 7-percent inflation in consumer prices during the last year, consumer sales were actually down several percentage points in real terms.

Mr. Chairman, notwithstanding these apparent advantages, the bill which we are asked to approve today represents a "Hobson's choice," with our economic well-being hanging in the balance. We are asked to continue this burden on our low- and middle-income taxpayers without an end to the costly and wasteful war in Vietnam, without meaningful tax reform, and without any safeguards against the clear prospect of increased unemployment which must inevitably result from the cooling of our economy, and the dampening of employment-producing economic activity.

Laudably, the bill before us would remove 2 million low-income taxpayers from the tax rolls. This is a highly commendable goal; its cost to the Government will be minor, less than about $500 million during 1969. Yet the bill does not provide protection for the recently employed poor, particularly minority poor, who have benefited from our economic growth through the creation of jobs. It fails to protect those who have achieved jobs through our poverty programs. Increased unemployment will significantly and adversely affect our poor, most of whom come from minority groups, who are generally the last hired and the first fired, and whose unemployment rates have historically been two or two and a half times the national average.

Of equal importance is the fact that the bill which contains some half-hearted measures which might be characterized as tax reform, is clearly designed to serve as a substitute for the meaningful reform of our tax structure which we urgently need. If the administration were concerned simply with the need for time to prepare its reform package, it could quite simply have asked for, and undoubtedly would have received, a 2- or 3-month extension of the surtax while it drafted its bill. We can only regretfully conclude that this mini-reform is the only tax reform we can hope for from this administration.

Last year, in passing the surtax, many of us hoped that the nearly $10 billion to be derived from the tax would be used to fund sorely needed social programs. There has been no real effort to use these funds to meet our pressing domestic needs. To the contrary, notwithstanding additional available funds, we have seen funding cuts across the board in our programs for poverty, education, and health, the programs most desperately needed by millions of Americans aspiring to better lives.

It is time we stopped passing a disproportionate share of the cost of meeting our fiscal problems to millions of Americans who are already staggering under a welter of Federal, State, and local taxes. Congress and the administration must act decisively to end the war in Vietnam, to lop $5 to $10 billion from our military budget, to distribute equitably the burden of meeting our obligations by closing tax loopholes, and to reexamine our vast system of Federal programs, many of which subsidize the rich, while failing in meaningful measure to help the poor into jobs and independence.

The surtax, as we are here confronted with it, simply represents an avoidance of the obligation of the administration and the Congress to face its responsibility to deal with these problems in forthright effective fashion. Therefore, Mr. Chairman, I cannot, in good conscience, vote for the surtax under these circumstances, at this time.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, today we are called upon to vote for a 1-year surtax extension. We are told that it is imperative that we do so for the good of the economy. It is promised that a vote for the surtax extension is a vote against inflation and for fiscal sanity—legitimate goals, obviously. If I thought there was some chance that the enactment of the bill would result in the accomplishment of these laudable purposes certainly I would vote "aye."

When the surtax was before the House last year proponents offered it as a means of fighting inflation, yet inflation has worsened since passage. The Consumer Price Index rose nearly 6 percent last year and shows every indication of accelerating. Contrast this with the 4.1-percent increase for the year prior to the enactment of the surtax. Granted, 4.1 percent is high, but nonetheless lower than that we have endured since passage of the surtax.

It was asserted that the surtax would force interest rates down, yet interest rates are at record highs, rising 36 percent in the past 7 months to record highs of 8½ percent and more.

Obviously inflation hurts those on fixed incomes such as retired persons, but as just pointed out, it robs the working and salaried man of his purchasing power and lessens the value of his savings. It is now proposed that the wage and salary earner, the great middle class of this country, already feeling the pinch of inflation, bear the brunt of the surtax. It looks to me like the middle class is being made to suffer for all this country's economic ills when as a group they bear the least responsibility for those ills.

It is no wonder that former Treasury Secretary Joseph W. Barr was moved to warn the Ways and Means Committee that Congress was facing a potential taxpayers' revolt. The bill before us today makes a mockery of tax reform, and I cannot in good conscience support it. We are passing up the best opportunity in years to correct the inequities of the tax structure. If that opportunity is ignored who can say when it will come again.

I leave it to the proponents of this bill to convince those thousands of my constituents who will have to dig into their pockets to come up with a share of the $7½ billion to be raised by the surtax, that it is fair that some people whose incomes exceed the average by more than 100 times, including last year 21 who grossed over $1 million and 155 over $200,000, should pay not 1 cent of the surtax. This privileged class from whom so little is taken is not concerned about the surtax because they do not pay any taxes at all.

As I recall, Mr. Chairman, President Nixon labeled the surtax a war tax and urged its repeal as soon as the war ended. He said:

> It is a war tax, and it should be ended because I think the tax level in this country rather than going up, should be reduced.

Me, too, Mr. President. But, apparently the President has changed his mind. Now the surtax is an anti-inflationary measure whose termination is, from my reading of the bill, not tied to a cessation of hostilities in Vietnam. I am now attempting to help the President keep his campaign promise to the American people.

Mr. Chairman, if I had some illness and I went to a doctor who prescribed some type of wonder drug which made me even sicker, and after I told him about it he prescribed larger doses of the same drug, I think I would start looking for another doctor. By the same token, I think we need a change of economic medicine. What we have been taking has obviously not been working.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Chairman, I am extremely disappointed and deeply concerned that the Congress is not considering in-depth tax reform today in conjunction with the proposed extension of the surtax. It is for this reason that I must vote against an extension of the surtax.

I share the desire to fight inflation, but feel that the surtax without tax reform merely deals a double blow to the average taxpayer, while continuing and even reinforcing tax loopholes for the privileged few with tax-sheltered income.

Tax reform is a matter that deserves top national priority. We are now past the point of saying that tax reform is long overdue. The inequities of our tax system have reached the proportions of a national scandal. To extend the surtax now for 1 year without substantial tax reform, would merely serve to perpetuate existing tax injustices. I cannot in good conscience vote to do this, and furthermore, can see no reasonable excuse for failure to act now on tax reform.

It seems to me a rather anomalous situation that the administration finds itself in. During the past campaign, the President, in appealing to the "silent majority," said over and over again that the middle class had no effective spokesman in the halls and chambers of power in Washington, D.C. Today we see just how inconsequential President Nixon's campaign promises were on this subject. The administration has shown much more interest in the extension of the tax surcharge than they have in tax reform. I am convinced that if we pass a 1-year extension of this surcharge, that we have effectively precluded the possibility of meaningful tax reform in the 91st Congress. It is the middle class without all the deductions, exemptions, and exclusions who are going to have to sustain the burden of this decision. I for one do not intend to be a party to it.

For those who say that if we do not have an extension of the tax surcharge today there is a grave potentiality of recession or an international monetary crisis, I say that it would not take more than 1 week to bring up a tax reform bill concurrently with or immediately prior to the surcharge extension bill. On the alternative, the surcharge could be extended for 4 months giving the Ways and Means Committee 4 months to bring a tax reform bill to the floor of the House. If we get tax reform I am prepared to vote for a surcharge extension but not otherwise.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, I rise in opposition to the proposed extension of the surcharge for another year, and I do so as one who voted for the original bill in the last Congress. There are a variety of reasons for my coming to this decision, not the least of which are the failure of the administration to provide the Congress with any meaningful proposals for a reform of the Federal tax structure and the collateral failure of the Congress itself to come forth with a real tax reform package. I do not consider the few bones of reform which the Ways and Means Committee has included in the measure now before us as meaningful or substantial. The real guts of this issue—the fact that the average taxpayer is picking up far more than his share of the tax liability of this Nation—has not been considered seriously. Multimillionaires, wealthy oil and gas companies, tax-free foundations of questionable eleemosynary value, and the like, continue to enjoy preferential status before the Internal Revenue Service, while Joe Citizen continues to be squeezed to the wall. Now we are asking this same individual, who is supposed to feed, clothe, house, and educate his child on $600 a year, to dig a little deeper. We claim to be concerned about the impact of this average citizen's meager spending on inflation, yet when the big bankers decided to gouge the public by raising their prime lending rate to 8.5 percent, many of our highest Government officials simply turned their backs.

I am as worried about inflationary trends as anyone in the Congress, particularly because they hit those who can least afford them—individuals on fixed incomes. But the testimony offered by administration witnesses has failed to convince me that the existing surcharge has contributed to a deflation of the economy. Maybe their arguments are a little too sophisticated for me, but I cannot see how taking an additional 10-percent tax bite out of an individual's pocket and then forcing him to borrow at 8.5 percent to pay for his children's education and medical expenses contributes much to the halting of inflation. When you add to these the fact that State and local taxes have skyrocketed in the last couple years, the present proposal becomes repressive.

It has been suggested by administration officials and various congressional figures that the Federal Government needs the funds which a surtax would produce. How, I submit, can we possibly know how much we will need, unless and until we pass a tax reform measure and close some of the existing loopholes.

Mr. Chairman, the House and Senate have already passed stopgap resolutions authorizing the tax withholding at the current level for another month. If Congress is serious about the business of tax equality then I urge Members today to vote against this proposal which will lock the surtax in for another year, and then urge them to press the Ways and Means Committee and the Senate Finance Committee to produce within the month a meaningful tax reform package.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise to speak out against the passage of this surtax bill and to give my reasons for the nay vote which I intend to cast. The debate today has indicated that there is a diversity of opinion as to whether or not the surtax is the most effective weapon to deal with the inflation now sweeping this country. I believe the surtax is one weapon in the fight against inflation and it ought to be employed. However, I also believe that another weapon would be substantial tax reform to close up those loopholes which permit the wealthy and affluent to engage in tax avoidance with the help of their ingenious tax lawyers.

We have been told that if we vote for this bill, there will be major tax reform in this session of Congress. Many of us, myself included, are reluctant to accept such assurances. In the last three administrations, Congress was told that there would be meaningful tax reform and in none of those administrations did meaningful reform take place. The pressures against such reform were always overwhelming, notwithstanding the good intentions of each of those administrations. Because of past performances, those of us who will not vote for the surtax unless it is coupled with meaningful tax reform know that once this surtax is extended without simultaneous passage of a tax reform bill, our only leverage in getting tax reform will be lost.

I have urged the Ways and Means Committee to simply extend the surtax for a 4 month period so as to give it time to come back to this Congress with a meaningful tax reform package and a further and full extension of the surtax for 8 more months. We would thereby have accomplished two goals, first that of continuing the surtax without interruption and secondly insuring tax reform in this session of Congress.

It is true that in an artful way, there have been inserted into this bill two desirable changes in our tax law, namely the removal of the 7 percent investment tax credit, and the removal of a number of taxpayers from the tax rolls who are now below the poverty line. These are good provisions and we should pass them separately or as part of a major tax reform bill. But they are not enough to make me give up my opposition to the present bill.

The inequities in our tax system have the effect of making the middle-income taxpayer bear the greatest tax burden while allowing so many of the wealthy to pay little or no tax at all. It is unjust and for these reasons I will cast my vote against the bill before us.

Mr. BOGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, in early 1969 I mailed to my constituents a questionnaire reading: "Should the surtax be extended beyond its June 30 expiration?" Over 30,000 responded and of these, 63 percent said "no" to 26 percent who said "yes" and 11 percent undecided. In my mail since that time, I can discern no change in their sentiments.

I urge defeat of this surtax extension at least until such time as meaningful tax reform can be enacted.

The surtax was proposed to help inflation. After 1 year of the surtax, inflation is worse than ever. Interest rates are 8½ percent and over. Many millionaires receiving annual incomes in excess of $1 million escape all Federal income taxes. Large companies with incomes in the millions escape taxes. A year ago the country was promised tax reform if only a surtax could be adopted. Now we get the same old promise from a new face. I do not disbelieve the promise of tax reform. I would just like to hold off surtax extension until they "show me" tax reform.

Mr. BOGGS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman

and member of our committee, the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, under the controlled and protected rules of this House in considering this bill, the time has been allocated almost entirely to those in support of the bill. Fortunately, the case for and against this bill has been completely submitted. We have the advice of our economic advisers—none of whom ever supported a meaningful tax reform. We have the advice of the financial community urging support of the surtax—and this group has been more irresponsible that any other segment of our country. Whom shall we believe? Whom can we believe? The forces who enjoy the loopholes and the tax preference are for the surtax. A vote for the surtax bill as presented is a vote against reform.

We were promised tax reform in 1964—it never came. We were promised tax reform last year when we considered the surtax—it never came. Yesterday, Arthur Burns said we would get President Nixon's tax reform package next year. What will this package be and on what day will it come? Is there credence to rumors that any effort to modify the oil depletion allowance will be vetoed? Will there be any basis for believing that a minimum tax on untaxed wealth will come this year? I think not.

There are assurances that comprehensive tax reform will be reported out this year. And this is indeed a possibility. The bill may very well become a comprehensive title which provides no new revenue. The oil depletion allowance may indeed be reduced from 27½ to 27⅓ percent. The capital gains holding period may be extended by several days.

In our work on reform up to date, we have produced no substantial revenue, only a net gain of one-half billion dollars after a 6-month effort. If it took 6 months to raise one-half billion dollars, how long will it take to bring about meaningful revenue-raising reforms.

If a straight motion to recommit is made—I expect to vote for it. This will send the bill back to the Ways and Means Committee where it belongs until tax reform can be written into it. I urge the Members of the House to support a straight motion to recommit and vote against the bill. If there are any instructions in the motion to recommit, I urge its defeat.

Whichever way this vote goes, I know it will be close. This vote will be a mandate for reform.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. REUSS. Mr. Chairman, there is no doubt about it, fiscal responsibility requires that we get enough revenue in the Federal Treasury in the year ahead so as to put the budget into surplus. There is an overwhelming disposition on the part of Congress to do just that. So let me assure the European bankers that they may rest easy, the dollar will remain sound.

The sole question before this House is whether the needed revenue shall be obtained by imposing a further surtax burden on the average moderate-income taxpayer, or whether it shall be obtained to the maximum possible extent by plugging the major tax loopholes.

We are assured by the Nixon administration that if we will only vote today to impose the surtax burden on the moderate-income taxpayer, the Nixon administration will come up next November with an adequate loophole-plugging program.

Take it on faith, it is said, and you will get your tax reform.

Well, I cannot take it on faith. It does not look to me as if the Nixon administration is going to do anything serious about the major tax loopholes—the oil depletion allowance, the capital gains provisions, tax-exempt municipal bonds.

In a November 1, 1968, campaign speech in Texas, Mr. Nixon solemnly promised that he would never tamper with the 27.5-percent oil depletion allowance.

The gentleman responsible for formulating tax policy, Secretary of the Treasury Kennedy, earlier this year, with respect to stock in his Chicago bank negotiated successfully with the Senate to take advantage of the stock option provision of the long-term capital gains tax. Because he disposed of his stock in under 6 months, the loophole turned out to be unavoidable.

The gentleman responsible for enforcing our tax laws, Attorney General Mitchell, was a leading tax counsel for the issuers of tax-exempt bonds for many years. Since becoming Attorney General, he has said that taxing income from such bonds would be unconstitutional, even though the great weight of legal authority is to the contrary.

Do you blame me, Mr. Chairman, if I am a little skeptical that the present administration is going to do anything meaningful about plugging tax loopholes next November?

There is nothing to stop the Nixon administration from finding its sense of fiscal responsibility and coming up tomorrow with a meaningful program of plugging loopholes. I shall then unhesitatingly vote for a further continuation of the surtax sufficient to yield the necessary revenues while such an administration-backed loophole-plugging program is being enacted, and while its revenue-raising features are beginning to take effect.

If the administration will sincerely support such a program, it obviously can rally the Republican votes which are needed for meaningful loophole-plugging. The Republican leadership has promised to deliver, later on this afternoon, 170 Republican votes for extending the surtax on the moderate-income taxpayer. Feats of persuasion, ranging from the selection of an Assistant Secretary of Health, Education, and Welfare to school desegregation guidelines, are reported to be back of this superlative Republican legislative performance.

I say, let President Nixon put this same effort behind a sincere program of tax loophole-plugging. Then our Democratic votes can join with Republican votes in the overwhelming passage of a tax package of combined loophole-plugging and surtax.

My vote is instantly available for that kind of a package. I call on Mr. Nixon to show some responsibility, too.

Mr. BOGGS. Mr. Chairman, I yield to the gentleman from Pennsylvania such time as he might consume.

Mr. DENT. Mr. Chairman, I oppose this administration tax bill.

Mr. Chairman, I regret that this bill is before us under a closed rule.

Second, Mr. Chairman, the handling of the alloted 4 hours of debate has been taken almost in its entirety by the proponents.

There are those of us who would have needed some time to put forth the opposition as it must be presented.

I can only put my views in a limited version into the RECORD at this point.

The argument of the minority leader is that this is a must if we are to deflate the inflationary spiral in our Nation.

We are also told that this bill will act as a deterrent on the increasing of the prime interest.

Let us look at the record. Insofar as inflation is concerned the highest rate of increased inflation in any 1 year period in this decade has come since the passage of the 10-percent surtax.

When it comes to the prime rate increases, history records the highest rate of interest in our history with Americans paying as high as 10 percent plus 2 to 4 percent discounts making a rate of 12 to 14 percent.

How can anyone really agree that the tax is against inflation and high interest rates.

The record is to the contrary.

The next issue in the bill is even more serious than the previous arguments since they are based upon political expediency rather than fact.

I speak, Mr. Chairman, of the so-called tax relief to the low-income families.

I disagree with the committee that a $1,100 added deduction for these families is equitable.

The formula is one cleverly conceived to sweeten the harassed taxpayer, especially in the so-called low earnings brackets.

Simply put, a single taxpayer with no dependents will get his normal $600 exemption as a dependent plus $1,100 deduction giving him an annual deduction of $1,700.

However, a family with eight dependents will receive the present $600 per dependent plus $1,100 making his deduction an average of $737 per dependent as against $1,700 for a single taxpayer.

Further, after six children a taxpayer receives no $1,100 if his income is the basic $600 for eight dependents, ignoring all dependents over eight.

This destroys the basic concept that, under the law every dependent would receive the same amount of deduction regardless of number of children.

One situation that points at the inequity of the proposal is to take two families with a form dependency tax deduction.

One family is made up of father,

mother and two children fully dependent upon their parents.

Under the present law, this family would get a $2,400 deduction. Under the bill, the family will get a $3,500 deduction, or $875 for each dependent.

The other family is made up of a father and mother, both working and paying as individual taxpayers. They have two children, living at home, earning their own incomes, and also making individual returns.

Under the present law, their total deduction would be $2,400, the same as family No. 1.

However, under this new law, each of this family's members would qualify for the extra $1,100, for a total of $6,800 tax deduction if their incomes come within the level set under the law.

If this is equitable, then it is based upon a theory that it costs a low-wage taxpayer more to live by himself or herself than it costs for a man with a family.

If this is so, then the present law is completely wrong in concept. Allowances for family members under public relief are based upon family membership. Workmen's compensation makes allowance upon the number of minor children in a family. Federal loans for students are based upon income measured by number of members in a family group.

Mr. Chairman, this violates the fairness of tax equality under the very inadequate deduction for family dependents.

The reasonable approach this Congress could pursue would be to increase each dependent's allowance to a minimum of $1,000 per dependent.

A family of four would under my proposal get $4,000 deductions as against $3,500 under this bill and $2,400 under present law.

A family of one would receive under my proposal $1,000 as against this proposal $1,700 and the present $600.

A family of six would get a deduction of $6,000 under my proposal as against a $4,700 under the administration proposal and $3,600 under present law.

The real loser in this whole area offered by the administration is a family of eight or more.

A family of 10 for instance would get a $10,000 deduction under my plan while they would receive $6,100 under this fraudulent tax relief proposal and $6,000 without any new law.

Let us make no mistake, Mr. Chairman, this is a tax the poor bill, all the way.

Unless we learn to keep from hitting those least able to pay for all this country's expenditures we will find ourselves paying more out for relief than the increased taxes will return in revenue.

Mr. Chairman, we can also look with dismay at the sugar-coated exemptions allowed under this so-called tax bill.

One of the proposals sold to Congress a few years ago was the 7-percent tax credit for business expenditure for new plants, plant expansions, new equipment and machinery for production, transportation, and public utilities.

We were told by the same forces now asking for its repeal, that this Nation had to give the credit to encourage industry to modernize, to expand in order to meet the mounting volumes of imports from subsidized foreign industry.

We were told that this would encourage U.S. industry to expand here rather than abroad.

We were told this legislation would create jobs in the United States rather than overseas.

Now we are told that this 7-percent tax credit is a loophole. The same leaders have peddled both versions.

Fantastic. Not so in Congress. The last 10-percent surtax bill was a straight tax bill. Now it is a surtax with a couple of sugar-coated frauds to cover the fact that President Nixon and his whole party called this a war tax and promised to remove it.

Mr. Chairman, without tax reform there can be no vote of confidence in the leadership either Democrat or Republican.

Unless we recognize the loopholes made available to the richest purses in America, the oil companies, the wealthy corporate-type farmers while pressing the valve of tax oppression on the family farm, the everyday worker, the middle-class taxpayer and finally the honest and patriotic taxpayer who pays his way as he goes.

Mr. BOGGS. Mr. Chairman, I yield whatever time he may consume to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, the surtax tax, H.R. 12290 may well be known as the topsy-turvy tax act of 1969. As one reads the undisputed facts and figures contained in the report accompanying the bill, one is reminded of the mathematics professor who drowned in a river that averaged 6 inches in depth. By way of illustration, take a look at the much-heralded provisions for relief of the low-income families. The biggest relief goes to students who work part time. I am relieved to know that the mood of Congress is not quite as angry at the students as some of our actions from previous weeks might have led them to believe. Perhaps this tax relief is a way of compensating for some of the more restrictive measures approved in recent bills.

On the other hand, a family with seven or more children gets no relief under these poverty provisions no matter how abject their poverty or how many children they have. In fact, the measure of relief declines geometrically with the increase of family size between one and eight.

I have read and reread the report accompanying the bill, and the closest I can find as an explanation to this quixotic result is that the computer has fallen in love with the figure of "$1,100" as a total allowance for low-income families. This may be a little difficult to explain to a hard-working father with seven or more children as a reason why he does not need any relief from the exigencies of inflation. In fact, he is going to help fight the battle of inflation by paying more tax in April 1970 than he did in April 1969.

Which leads to the surtax. Tables 2 and 3 together on page 5 of the report make it clear that in every month since the imposition of the surtax last year, the effects of inflation on the consumer have been more ravaging. Unfortunately, there are a few statistics that do not appear in the report that would shed some light on our inflationary problems and how to control them. For example, during that same period since the imposition of the surtax last year, real wages have gone down. It would not surprise the average housewife and her wage earner to know that the same hour's labor buys less chopped meat after the surtax than before. One of the reasons, of course, is that his taxes went up last year.

Another interesting statistic is that the percentage of profit—as well as the dollars of profit—went up during this same period. In other words, investors have fared better since the imposition of the surtax than have wage earners. One sharp example of that is that a wage earner is now paying 8½ percent after taxes if he wants to get a mortgage for his house, while the coupon-clipper is collecting 5½ and 6 percent on municipal bonds without any taxes to worry about, "sur" or otherwise.

The country is suffering from an inflationary stomach ache all right—but this bill says that only the little people are going to have to take castor oil. Not only is that an unfair remedy, it is also an unworkable remedy.

Nor can our collective consciences be salved by pointing to the repeal of the investment credit as a meaningful effort to have the business and investment sector take on its share of the burden of fighting inflation. In the first place, the repealer is so full of holes, it looks more like a Swiss cheese than a repealer. Some of the exceptions may even smell that bad. Second, the amount involved is negligible for the immediate succeeding period, when the battle against inflation will be won or lost.

The surtax by definition contravenes the whole philosophy of our Internal Revenue Code. It puts a larger share of the tax burden on the low-income groups than does the normal tax structure. If it can be justified at all, it can be justified only as an emergency crash measure taken in conjunction with other emergency crash measures to stem the tide. Such measures at the very least would include revisions of the Internal Revenue Code to close up loopholes such as oil depletion and real estate depreciation which not only distort the fairness of our tax code but encourage speculative investment, the most inflationary type of all. At the very least, they would include efforts to slow down the whopping appetites of business and consumer alike—not by encouraging the interest rates to go up to a record high, but something like regulation W which requires a little more cash and a little less credit for the transaction to be allowed. They would include an excess profits tax. And they would include efforts to see to it that an attack on inflation was not allowed to become an invitation to recession. They would do something about the high interest rate and its effect on housing starts. They would do something about the present crunch on domestic pro-

grams with Health, Education, and Welfare receiving less support from the Federal Government—with the net result that the average American receives less in services or pays more in regressive local and State taxes for the same amount of services. They would get at some of the root causes for inflation, such as the standing Armed Forces of over 3⅓ million men with over half of them stationed at sea or overseas, draining such a large share of our gross national product into nonproductive activities.

The program in short would say, "Let's everybody tighten our belts," not just those with the weakest voice or the smallest waistline.

I will vote "no" on this bill. I think that our committee and the administration within the next 30 days can come up with a package of tax measures—or a commitment for same—which spreads the burdens more equally. They can only be made to try if this measure is defeated.

Mr. BOGGS. Mr. Chairman, I yield to the gentleman from Virginia (Mr. ABBITT) such time as he might consume.

Mr. ABBITT. Mr. Chairman, I am opposed to the continuation of the surtax and feel that its extension is neither justified nor desirable.

I opposed the tax when it was originally enacted last year as I did not feel that a convincing case had been made for it. Those who supported the tax contended that it was to be temporary and was to meet the increasing cost of the war in Vietnam. It was also contended that the tax was necessary to meet the problem of inflation and assurances were given that it would end on June 30, 1969.

I felt at that time that there would be those who would want to continue it—which is now the case—and we are told that present plans are to allow the tax to be phased out, but my impression is that if we vote to continue the surtax it is entirely likely that subsequent appeals will be made for further continuation.

In my opinion, additional taxes is not the proper way to meet inflation. I believe we should have a reduction in Federal expenditures and I am firmly convinced that if an honest effort were to be made by the executive agencies, substantial reductions could be effected. I do not believe that such an effort has been made and certainly we will not encourage it by continuing to approve additional revenue-raising devices such as the surtax.

I am convinced that if we had proper tax reform, it would serve a much better purpose than is presently contemplated by the bill now before the House. Many of our people are being discriminated against while others are not even paying their proportionate part of the tax burden. I feel that we should have a general overhaul of the tax code and unless and until this is done we will continue to operate on a hodge-podge system of collecting revenues.

We are today collecting revenues of more than $190,000,000,000 and efforts to prune expenses have been frustrated on every hand. It is inconceivable that with an expenditure of close to $200,000,000,000 we cannot find ways of balancing out our budget without additional revenues.

The news media have made it appear that the bill now before us is simply an extension of the surtax. Such is, of course, not the case, because in the provisions of this bill are additional steps which will ultimately lead to more taxation and more spending, despite the fact that the Treasury Department makes this appear to be a net gain for the economy.

Our people have been patient and understanding for years as they have seen a continuing increase in Government expenditures which have resulted in inflationary pressures on the family budget. I believe that this Congress needs to look carefully at the possibilities of eventual taxpayer revolt against Government policies which are in and of themselves the biggest contributor to our uncertain economic situation. Until this is done, Congress will not have dealt realistically with the problem which confronts us.

I feel that the surtax should be allowed to die at the end of the statutory period, which was the promise given to the American people at the time it was enacted.

Mr. BOGGS. Mr. Chairman, I yield such time as he may require to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I rise in opposition to the bill. It has been suggested that the timing of this House action was advanced to occur this week instead of next, in order to avoid Fourth of July exposure to constituent opinion. I do not believe that, but if there was any fear that our ears would ring with opposition to the surtax extension, should we visit our respective districts, I wish to say that I went home this past weekend, and the fear is fully justified.

Today we heard the argument that big business and big labor oppose the extension, the inference being that we should look suspiciously upon cooperation between big business and big labor. I would have thought we would want to encourage such cooperation wherever possible. But I do wish to reassure those who think it suspect that it is joined by the views of "small" business and labor if by such terms we can include the average taxpaying citizen.

Many constituents—large and small—with few exceptions, oppose this bill. Some of them reluctantly endorsed the concept a year ago, but did so in the belief that tax reform would ensue shortly, by which the burden would be more fairly shared, as well as the understanding that rigid priorities of expenditure would be established. They were much moved by the campaign philosophy of the administration which took office in January, that the surtax was not required to provide needed revenue because there were "other ways" to raise it. Now they are being asked by that same administration to put that compelling thought out of mind in the name of fiscal responsibility.

Responsibility is, indeed, a key word in the dialog of the day. For my part, and from the debate we have heard, I think we can reject any implication that a vote on one side or the other is "irresponsible" per se. Each of us votes today according to his understanding of what is best for the Nation. In so doing we must not forget that the Nation consists not simply of sources of funds but of people, whose confidence in their Government's ability to govern fairly is being tested as never before. By passing this inequitable tax we tell the average taxpayer that his money is more important to us than his confidence.

St. Louis Countians, for example, were required to pay millions of dollars of surtax over the past year. They are no less patient or patriotic than the learned economists prevailed on to support this bill. They are indeed for taxation, but not without representation or their right to be taxed fairly. Still, they would be willing again to forgo the satisfaction of a kept campaign promise, if to it were firmly attached one of the following:

First. A tax reform program which would reach the millions of dollars of protected income which today remains untaxed;

Second. Clear indications by the administration that the sums collected in surtax would be earmarked for debt retirement or investment in critical domestic areas;

Third. A schedule of reasonable priorities for the use of the tax dollar. With minor exceptions, insofar as the middle-income taxpayer is concerned, this bill and the rhetoric behind it offer nothing. Something would be something but nothing is simply nothing.

The one hope which the taxpayer has, and which he entrusts to us, is that we forbear from begging his further indulgence until we can offer the inducement of equity. He knows, or at least he legitimately fears, that passage of this bill alone would delay, perhaps indefinitely, the reforms which have been so long due. Some of us agree. We agree to the extent of honoring with our vote this most reasonable trust. Should the surtax be defeated, I have no doubt that the administration and House majority and minority leadership will work together quickly to marry fiscal responsibility to concern for the taxpayer. On the other hand, if the bill is passed, I doubt the two will soon meet.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, the issue confronting this body today is precisely the same as the question that confronted the House of Representatives on September 25, 1963. At that time the question was, as it is today, Should the rate of taxes remain the same or should the tax rate be reduced? Because, indeed, this is what is going to happen if we fail to pass H.R. 12290: We will see a reduction in the tax rate paid both by corporations as well as by individuals.

Traditionally, fiscal policy has called for a reduction in taxes when the economy needs a stimulant. This was the underlying motive behind the tax reduction on September 25, 1963, in what is now called the Expenditure Act of 1964.

What is going to happen if this bill fails to pass and taxes are reduced? Actually, two things will occur:

First, there will be returned to the

private sector of our economy, to business, and to individuals, an amount equal to the sum of the tax cut. In this case it will be about $9¼ billion.

Second, there will occur what we call a multiplier effect. In other words, the impact on the economy will not be just the $9¼ billion in the form of tax cuts, but this sum will be spent and respent by those benefiting from the cut.

It is estimated that the total effect would be probably twice or 2½ times the amount of the tax cut.

Therefore, the impact on the economy, if we or the other body fail to enact this legislation, will be not $9¼ billion, but anywhere from $19 billion to $22 billion.

I think, therefore, we have to determine today whether, indeed, the economy does need a stimulant.

I shall not belabor you with economic statistics. I think perhaps just one is sufficient. In May 1968, the industrial production index stood at 164.2 percent of the 1957–59 average.

In April 1969 it had increased to 171.8 percent. It took another point jump in May. It now stands at 172.8 percent.

I think certainly this statistic and the other indexes indicate that the economy today is more buoyant than it was at this time in 1968. Therefore, I do not feel that it would be fiscally prudent at this time to have a tax cut which would have an impact on the economy in the amount of perhaps $19 billion to $22 billion.

Let me cite one other argument. Perhaps in the not too distant future there may be a combination of factors which might slow down our economy and which would perhaps bring us to the brink of a recession. I think at that time certainly a stimulant in the form of a tax cut would be warranted. I think, however, if we give the economy an unnecessary stimulant today, it not only will have an adverse economic impact, but we will be wasting an important weapon—a tax cut—which might be better utilized in the future.

It is for these reasons, therefore, Mr. Chairman, that I intend to support today H.R. 12290.

Mr. BOGGS. Mr. Chairman, I yield 3 minutes to the distinguished member of the committee, the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON of Tennessee. Mr. Chairman, there was once a great country that had a wondrous goose that solved its financial problems.

Once a year, around April 15, the Government sent a notice to the goose, requesting that it lay a golden egg.

Each year, the government asked for a larger egg, until the poor goose was overcome with the strain.

The goose called upon the government to spread the work around, and seek out some of the fat geese that had managed to escape their share of the egg laying.

The Government's response to this request from the average goose was that it did not have time to work out a fair means of spreading the golden egg-laying chores among all the geese, and that to expedite the need for funds at this time, the average goose would be required to lay an egg 10-percent larger than usual.

With the passage of this bill, the average goose may simply stop laying any golden eggs. I urge the defeat of this bill.

That is just about what we are faced with today.

The average taxpayer is being frustrated at every turn to gain any kind of relief.

He is told that a 10-percent surcharge is an absolute necessity if we are to curb inflation.

Yet, he learns that after 1 year of such a surtax, at the very time when the surtax is supposed to be exerting its fullest effects, statistics show that during the 2 months this spring, the cost of living went up at a record rate and that the Labor Department has revealed that the cost-of-living increase, coupled with the surtax was seriously eroding the average taxpayer's take-home pay.

The average taxpayer knows, as we well know, that the surtax has failed to serve as an anti-inflationary weapon.

The legislation before us today, requesting an extension for 1 year of the 10-percent surcharge on personal and corporate income taxes, is coupled with a provision deliberately designed to win support for this unpopular bill.

The inclusion of a tax measure to remove a large percentage of below poverty level families from the tax rolls is a pure political maneuver.

For 6 years I have called for total revision of our tax laws. Included in such tax revision and reform would be tax relief for those who fall below the poverty level. But tax reform has no place in legislation seeking to extend the surcharge. By adding tax relief to the poor within the surtax bill, and removing it from a tax reform bill, you then automatically kill a great deal of the incentive to bring about overall tax reform, including tax relief for the average income group—and the closing of tax loopholes which have given unfair tax advantages to special interest groups.

It has been argued that we must extend the surtax for a full year, regardless of tax reform, if we are to demonstrate to the world that our Nation means business in its fight against inflation.

Fine and good. But I am even more concerned with a demonstration of good faith to the American taxpayer that our tax laws are fair and equitable to all—and that a fair tax is one where an individual, or a corporation, or an entire industry carries its fair share of the tax burden.

We are told we do not have time to act on a comprehensive tax reform bill.

We cannot afford not to act on such a bill.

The people are demanding to be heard on this matter—and they are going to be heard, if not through their correspondence to each of our offices, then at the polls. And they are going to speak loud and clear, and in a language each of us can understand.

If we give in today, and extend the 10-percent surcharge for a year, those of us who have sought tax reform over the years will have to resign ourselves to a hard truth—we may never get a comprehensive tax reform bill before the Congress this year.

We might even become a contributing factor to a statement made by Karl Marx, that there is only one way to kill capitalism—by taxes, taxes, and more taxes.

It is almost beyond my understanding that we can fail to even seek tax relief for the average taxpayer, and then be called upon so readily to extend the surtax.

We do not have to make a choice between the surtax and tax reform.

Last Friday, a 30-day extension was granted the surtax, and even though I opposed such an extension, on the same grounds that I oppose the 1-year extension, we can, if necessary, continue to grant temporary extensions of the surtax until a meaningful tax reform bill is devised.

With such tax reform we can make a 10-percent surtax unnecessary.

We might even extend the life expectancy of that golden-egg laying goose mentioned earlier in my remarks.

I believe we are all familiar with the various means by which individuals, corporations, and industries have escaped their share of the tax load.

The oil and mineral depletion allowances are supported by the argument that the oil and minerals taken out of the ground cannot be replaced, and therefore, these industries should be granted special tax incentives.

If we follow this same logic, then every taxpayer should be granted a depletion allowance, since every year he works is 1 less year of his capital too—and that working year cannot be replaced.

There are the cases where an individual has purchased property, and years later, when that property has greatly increased in value, it is donated to a tax-free organization at its current market value. Land that may have originally cost only a few hundred dollars, then becomes a tax writeoff worth, in some cases, many thousands or even millions of dollars.

There are the tax-free trust funds that provide a tax shelter for personal or family interests, existing for no more worthy cause than the support and well-being of special interests, or even in some cases, a specific family to perpetuate their family estate.

Tax-free institutions control vast amounts of real property and control industries through stockholdings, which they may have received, in the first place, as tax-free charitable gifts.

All of these are the loopholes we hear so much about—but apparently are so unwilling to do anything about.

It is much easier to slap on an extension of the 10-percent surcharge and continue bleeding the average wage earner, than it is to correct the problem.

Aside from the billions of revenue lost through such loopholes, still more billions of taxpayers' dollars are squandered through the waste in military hardware and equipment as a result of sloppy con-

tracting, disregard for cost, outmoded and nonexistent accounting practices within the Pentagon.

We hear a great cry and hue about possible waste in our welfare programs, in our medicaid and medicare programs, or within our various antipoverty programs.

Waste does exist, unfortunately, in these areas, but compared to the staggering waste within our Military Establishment, it looks more like penny ante poker versus house stacks in a Las Vegas casino.

Why bring up the waste in military spending when my real subject is the defeat of the surcharge extension?

It is very simple.

We have been told the surtax extension is necessary to combat inflation.

That is simply not true.

We are being asked to extend the surtax for a very simple reason—the revenues raised are needed to carry on the war in Vietnam. This is a valid reason, and would probably bring about some support for the surtax.

But at the same time we should expect full value for our defense dollar. This we are not getting, and unless strong pressures are brought to bear on this situation, we will continue to be cheated—grossly cheated—on our military expenditures.

Our military leaders are loyal, patriotic, and militarily competent, but it is still a fact that there is waste of an unbelievable magnitude in the Defense Department and nothing, apparently, is being done about it.

Yet, today, we are being called upon to extend the 10-percent surtax for 1 year.

Congress will be derelict in its duty if it approves a 1-year extension of the surtax in its vote today, and continues to drag its feet in the area of tax reform and modernizing the accounting methods of the Department of Defense.

Should the surcharge be extended for 1 year, we will be throwing away a major tool of leverage we now have in correcting an unjust situation.

We will have lost the best bargaining weapon we have to correct what is truly wrong with our economy.

The inflation we suffer today is not consumer created, and it has been demonstrated that the 10-percent surcharge is ineffective as an anti-inflationary weapon.

The inflation we face today was created by our involvement in Vietnam, and by the mismanagement of our fiscal affairs.

That mismanagement includes the adoption of the surtax last year, our failure, as of now, to revise our tax laws, and our unbelievable waste in military spending, which has no relation at all to maintaining our position of military strength.

I urge my fellow Members of the Congress to reject a 1-year extension of the surtax.

If necessary, let us grant temporary extensions, as we have already done, until we can deal, effectively, with a real cure of our fiscal ills—through tax reform and tightening of our defense contracting methods.

Our failure to do so will bring on a revolt by the taxpayers that will have repercussions throughout the Halls of the Congress.

The responsibility is ours. I hope that we meet that responsibility.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I would like to point out that in medieval medicine, if a man was sick and weak, the doctors resorted to something called blood letting, which meant the patient got sicker and weaker.

The economists today are saying to middle-class America, "You are economically sick. You are faced with high prices. You are faced with high taxes. So we are going to help you out and we are going to take more money from you."

To me, this is economic bloodletting and I would say if this is the type economics we are going to practice, God help the average American taxpayer.

Mr. FULTON of Tennessee. Mr. Chairman, I would like the RECORD to show that I concur in the remarks made earlier by my colleague, the gentleman from Washington (Mr. ULLMAN).

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, earlier today we were talking about the possibility of a carryover from one year to another by a self-employed person, and the chairman of the committee and the ranking minority member said it could not happen.

I asked the Ways and Means Committee staff to figure out what would happen if a wage earner earned $10,000 and paid taxes of $1,800 and what would happen to a self-employed person who earned $10,000 and was to pay the same $1,800 Federal tax.

The wage earner who is automatically under withholding would have withheld from his income a tax of $182 for the surtax in 1969. But the self-employed person if he elected to carry his profits or earnings over to the next year, would pay only $45 surtax for the same income. The reason is that the salaried worker would have the surtax deducted at the rate of 10 percent in 1969 while the self-employed could pay his surtax in 1970 at 2½ percent. What most in the House do not realize is that the 5 percent for the first 6 months of 1970 becomes only 2½ percent for the entire year and the surtax is computed on a whole year's income. So it can happen. It would be my hope this bill could be recommitted so that at least the committee can correct this glaring error in the present bill.

My further problem with this bill is that only today, at the urgent request of our Governor and also the plea of the mayor of Chicago, the Illinois State Legislature is scheduled to approve for the first time in our State's history a State income tax of 2½ percent on individuals and 4 percent on corporations. I cannot see how any one from Illinois can impose here in Congress a continuation of the surtax on the people of my State when beginning August 1, they will have to start paying a State income tax.

The point has been made here all afternoon that this surtax is needed to fight inflation. It occurs to me that when the people of Illinois start paying a State income tax beginning August 1 of this year, they will be doing more than can be reasonably expected of any people to help fight inflation.

I have stated time and again I shall oppose any tax measure until such time as Congress is given an opportunity to vote on much needed tax reform. I know of nothing our constituents want more than to see the very unfair and totally illogical $600 a year deduction now allowed for each dependent raised at least to $1,000 or more. Until such reform is submitted to the House I shall continue my objections.

Mr. FULTON of Tennessee. Mr. Chairman, I urge the Members to vote for the motion to recommit.

Mr. BOGGS. Mr. Chairman, I yield 3 minutes to the distinguished member of the committee, the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I think it is worthwhile for me at this point in the proceedings to read the separate views, which are part of the committee report, which are signed by the Honorable MARTHA GRIFFITHS, the Honorable RICHARD FULTON, the Honorable CHARLES VANIK, the Honorable SAM GIBBONS, and me. I think this more or less coalesces the position of the people who are opposed to the bill. I think it is important that it be read and I am going to do that now:

We feel that the enactment of this legislation will relinquish leverage and relax pressures for tax reforms which are critically needed to incease Government revenues and eliminate the rampant injustice which treatens the integrity of the Nation's tax system. It is time for Congress to provide some substantial relief to the average taxpayer who carries the overwhelming tax burden.

It was promised last year that the surtax would halt inflation. The inflationary spiral has been soaring ever since.

It was promised last year that the surtax would hold down interest rates. They have been skyrocketing ever since.

There is every reason to believe that the surtax will continue to fuel inflation if it is extended. The record supports this conclusion.

Public utilities and other consumer needs are next in line for long-term price increases based on the added cost of the surtax. These increases will remain firm long after other price pressures recede. We can still hold back some proposed price increases by repealing the surtax.

The inflation we suffer is not consumer created. There is no shortage of supplies. There is no consumer overindulgence. It was created by our involvement in Vietnam and by the mismanagement of our fiscal affairs which included the adoption of the surtax last year. Neither of these factors can be cleared up as long as we resort to the lazy economics of the surtax.

If the sole purpose of the surcharge is to keep the Government out of the money market, this could have been accomplished by

plugging the loopholes, and collecting from those who now pay nothing or too little of their share of the tax burden. The passage of this bill reduces the possibility that any meaningful reform bill will ever be enacted. Therefore, we oppose the enactment of this bill.

Incidentally, I support the straight motion to recommit.

Mr. BOGGS. Mr. Chairman, I yield 3 minutes to a distinguished member of the committee, the gentleman from Florida (Mr. GIBBONS).

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, some Members appear to find something sinister in the fact that major business and labor organizations are opposed to this bill. They forget that virtually every other group representing substantial sections of the public are opposed to it too. Is it possible that this unusual state of affairs, far from being sinister, might be worth the consideration of Members of this House before they vote? Is there any question how the country would vote if it had the chance?

In the minute I have been able to obtain, through the courtesy of the distinguished gentleman from Florida, it would be foolish to try to discuss the substantive merits of the bill. It is difficult to rebut in 1 minute the hours of arguments that have been piled onto us on its behalf. I will therefore simply endorse the brilliantly reasoned statement of the remarkable Congresswoman from Michigan (Mrs. GRIFFITHS).

But I must comment on how strange these proceedings seem to me to be. Finally, after several months with apparently so little to do that for long stretches we hardly met at all—finally we are presented with legislation that one way or another will profoundly affect the lives of almost every American. We are told by the leadership of both parties, and by the President himself, of the great urgency of this legislation. Why then is this debate so arranged that it smacks of irony to call it a debate at all?

Is it really possible that only 4 hours could be found for the whole discussion. Is debate irrelevant in deciding on questions of national magnitude? If not, is it conceivable that anyone considers it fair or proper to divide what limited time is allowed for debate in such a fashion that 80 percent or 85 percent of it is allocated to those who favor extention? Do we set out deliberately to demean the deliberative process of this House in this manner? Are we eager to further damage the reputation of this House, which is, after all, part of the supreme legislative body of this country and which should be one of the leading examples of democratic process in the world?

So I rise simply to state that the need for reform of more than the tax structure has been illustrated and underscored by these proceedings. I rise to say that millions of middle-class Americans have, to use a phrase given wide currency lately, "had it up to here" when it comes to continuing to pay enormous and needless taxes while small groups of privileged individuals and corporations go on leading charmed lives, apparently all but immune to the travails of normal mortals.

This is bad legislation, this is a bad way to legislate, and if this kind of legislation can be adopted in this fashion, it will be a sad day for this House and for the country.

Mr. GIBBONS. Mr. Chairman, 183 years ago our forefathers wisely—at least, they thought wisely—left to the House of Representatives the sole prerogative of originating and proposing tax legislation, because they felt that this was the body which was nearest the people, that this was the body which would work its will and would bring forth just tax laws.

But through a device called the closed rule we have come up with a highly discriminatory piece of tax legislation and this has been going on for the last 50 years. Here we are again today, June 30, 1969, performing the same act, and the middle class moderate wage earner in America is going to find it socked to him again, because of our action or because of our inaction.

We are here with a bill that should be amended, that could be amended, in which much justice could be done, but we have tied our hands and gagged our voices. We ought to be ashamed of what we are doing.

Mr. Chairman, there were 24,000 people who filed income tax returns in the United States the year before last who had adjusted gross incomes of more than $10,000 who paid no Federal income tax.

There were 154 people who filed income tax returns with more than $200,000 worth of adjusted gross income who paid no income tax.

There were 21 Americans, rather wealthy ones, who filed income tax returns with incomes of more than $1 million a year each, who paid no income tax. If you look at the corporate side of this, where there is no graduated income tax, you will find that the average industrial corporation pays a 43-percent income tax, but if you look at the banks, you see that they pay 23 percent. If you look at the oil companies, you will find they pay about 10 percent income tax. If you look at the 20 largest oil companies in the United States, you will find those oil companies paid an average income tax after profits and after all other taxes were paid, instead of 43 percent, only 8.8 percent. Now, if you look at the sixth largest oil company in the United States, the Atlantic Richfield Co., you will find that from 1962 through 1967 that company accumulated and paid out in dividends about half a billion dollars in profits but paid no Federal income tax at all.

Mr. Chairman, it is time this type of tax discrimination be stopped. It ought to stop with the motion to recommit, or failing that, it ought to stop with the vote on final passage.

(Mr. ADAMS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ADAMS. Mr. Chairman, I rise to oppose the surtax package proposed by President Nixon. It is too bad that this bill comes to the floor under a closed rule which does not allow the bill to be changed in any way. I believe we need changes in our tax structure. If we could establish meaningful tax reform that would make our tax system fair, then many of us who oppose this bill might be willing to reconsider our position. The manner in which this bill is being presented makes compromise of the issue impossible.

My position on the surtax will come as no surprise to the President or to members of the Ways and Means Committee. On April 2, 1969, I testified before the House Ways and Means Committee and filed a detailed statement indicating my reasons for opposing an extension on the surtax and I offered a program for tax reform which would eliminate many of the major loopholes and make a full 10-percent surtax unnecessary.

I. THE PROBLEM OF INFLATION

The chief argument that has been made in favor of an extension of the surtax is that it will control inflation. This is not true. We have had the surtax now for over a year and we have had no significant braking of the inflationary trend, and in fact we now have higher interest rates and a continuing price rise. Many of us predicted this when we voted against President Johnson's surtax proposal. The present inflation is caused mainly by inflation in the Nation's capital structure caused by large companies using the loopholes available in our tax law to borrow huge sums of money and use this leverage to manipulate the financial structure through conglomerate mergers, and so forth. The theory of this surtax is basically to prevent the middle-income taxpayer from spending his money for consumer goods and in this way reduce an inflationary pressure on the economy. The great mistake with this reasoning is that the inflationary pressure has not been in the consumer goods area.

The great tragedy of the surtax has been to cause spiraling interest rates which have raised the price of goods purchased on credit by our middle-income taxpayers. This means we have had pure inflation in the credit-granting area. Our middle-income taxpayers are paying more on their credit purchases and receiving less than they did in the past. This is the worst kind of inflation. The enactment of this surtax package will not cure inflation, but in my opinion will probably aggravate it. This type of inflation and a removal of the investment credit can lead to a future depression.

II. CORRECTING OUR INEQUITABLE TAX SYSTEM

The average American will bear many hardships if he believes that everyone else is suffering in the same fashion. The reason for the present taxpayers' revolt is that many middle-income taxpayers are now aware that they are paying a higher effective rate on their income than those individuals who are earning more than they are. The average middle-income taxpayer making between $6,000 and $15,000 per year pays an effective

tax rate of approximately 14 percent. As I pointed out in my testimony before the Ways and Means Committee, last year there were 155 taxpayers earning over $200,000 per year who didn't pay any tax at all. There were 21 earning over $1,000,000 per year who were paying no tax at all. The major oil companies in 1966, because of the oil depletion allowance earned $6,809,000,000, and yet paid only $585,000,000 in Federal income taxes, which is an effective rate of 8.5 percent.

The surtax places a burden on the top of an already inequitable system. We should not continue the surtax until meaningful tax reform is passed.

III. THE PROPOSED CHANGES ARE NOT TRUE REFORM

President Nixon's proposal to give some aid to the poor and to repeal the 7-percent investment credit probably selects the two worst areas as a proposed system of tax reform. If you wish to relieve the poor, it could be done by increasing the personal exemption from $600 to $900, which would effectively remove from the tax rolls those families of four who are below the poverty line. This would also give significant relief to the middle-income taxpayer and would not require any new special provisions in the law.

A repeal of the tax investment credit is the worst possible place to start on tax reform. I will support changes in this tax credit because it can be used as a loophole but this must be carefully examined because it is designed to modernize America's industrial plant. This is needed if we are to compete abroad. It can also encourage the production of particular specialized equipment, such as air pollution machinery, and so forth. We should at least consider a suspension before enacting a total repeal.

IV. SOME PROPOSED REFORMS

In my testimony before the Ways and Means Committee in April I suggested 13 tax changes as a start on true tax reform:

First. To tax capital gains untaxed at death.

Second. To change the unlimited charitable deduction.

Third. To repeal certain stock option provisions.

Fourth. To repeal the dividend exclusion.

Fifth. To repeal the multiple surtax exemptions.

Sixth. To change the municipal industrial development bond deduction.

Seventh. To create a municipal bond guarantee corporation—which would help substitute for the removal of municipal industrial development bonds from their tax-exempt status.

Eighth. To reduce the depletion rate for oil and gas and certain other minerals.

Ninth. To increase the gift tax rates to the estate tax rate level.

Tenth. To repeal the section allowing U.S. bonds to pay estate tax liabilities.

Eleventh, to repeal the use of farming deductions to offset nonfarm income in excess of $15,000.

Twelfth, to limit certain exemptions in the disposal of depreciable realty.

Thirteenth, to change the 7 percent investment tax credit.

In addition to the changes listed, I would also consider changing the capital gains provision to make it a true investment deduction by providing that assets be held for a period longer than 6 months. This would limit speculative gambling on the stock market which is inflating stock prices unreasonably. On a short term basis we could also consider an excess profits tax.

These tax changes would enable the Government to recoup approximately the same amount of money as the President's surtax proposal, and would truly control inflation.

CONCLUSION

I oppose President Nixon's package to extend the surtax. I am willing to consider a very limited extension but only for the time necessary to complete work on the tax reform bill. Frankly I do not believe that tax reform will ever be enacted unless we have the pressure of the administration and the business community to pass it. We have been promised tax reform for years. We have never seen a bill covering oil depletion, and so forth. It is absolutely vital that we combine any extension of the surtax with tax reform. We are waiting and so are the American taxpayers to see when this tax reform bill will appear and what its form will be.

Mr. BOGGS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I have no time to yield to anyone, and I sincerely regret it. I would like to see us have far more time to discuss an issue as important to the American people as this is.

I am not opposed to voting for taxes, but I voted against this bill last year and I will vote against it today because it continues in our tax structure every inequity that was ever put into it. It is eminently unfair to the American taxpayer. This is an unconscionable assault upon the taxpayer's pocketbook. It relies too much upon a part of our economy that is overdemanded by every level of government. I think it is time we stopped for a moment and took the time to restructure responsibly and responsively the Federal income tax system. I can think of nothing that justifies the mad rush we are engaged in here today. We extended for 30 days the withholding. We are told that we are going to have a tax bill here restructuring the Federal taxes by August. I would be willing to wager that this bill is not back from the other body by August.

Mr. Chairman, we have the time if we take it. In all responsiveness to the people we represent we ought to take that time and make reasoned and rational a system of taxation which defies any standard of rationality.

Mr. BOGGS. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Banking and Currency and the chairman of the Joint Economic Committee, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, the surtax, the economists tell us, is a means of cooling the economy. And as part of this cooling we are supposed to expect lower interest rates.

That's what we were told when the surtax was passed in 1968. Yet in the past 6 months—during a period when the surtax was in full force—we had five separate increases in the prime lending rate charged by the big banks.

December 2, 1968, Chase Manhattan Bank announced that it was raising its prime lending rate from 6¼ to 6½ percent. The other major banks followed within hours with identical increases.

December 18, 1968, the First National City Bank of New York City announced that it was raising its prime lending rate from 6½ to 6¾ percent. The other major banks immediately followed with identical increases.

January 7, 1969, First National City Bank of New York City announced that it was raising the prime rate from 6¾ to 7 percent. The other major banks immediately followed with identical increases.

March 17, 1969, Morgan Guaranty Bank of New York City announced that it was raising its prime lending rate from 7 to 7½ percent. The other major banks followed within hours with identical increases.

June 9, 1969, Bankers Trust Co. of New York City announced that it was raising the prime lending rate from 7½ to 8½ percent. The other major banks followed within minutes and hours with identical increases.

These increases, extending from December 2 to June 9 constitute a 36 percent increase in the cost of money.

Now, once again we are being told that the surtax will help bring down interest rates.

Mr. Chairman, I think it is obvious that something more than the surtax is needed to bring down interest rates. Most of all we need personnel in the Treasury Department and at the Federal Reserve who really want lower interest rates. Only then can we expect relief from these record high interest rates. The surgeon, who wields the knife, should want the patient to live.

We cannot expect lower interest rates so long as the Nation is "blessed" with a Secretary of the Treasury who is tied to the commercial banking industry. We cannot expect to have lower interest rates so long as this Congress and this administration are willing to allow the Secretary of the Treasury to maintain his financial ties with the Continental Illinois National Bank—the Nation's eighth largest bank—which he formerly headed as chairman of the board of directors.

The Secretary of the Treasury is the chief political officer in the Cabinet who must make the call for lower interest rates. But David M. Kennedy cannot bring himself to oppose his old friends and employers at Continental Illinois.

Conflict of interest keeps the Secretary of the Treasury from acting in the public interest. He cannot support the needs of the Federal Government when his outside interests—the banking interests—pay him more—more than his Federal salary.

Mr. Chairman, for those not familiar

with David Kennedy's conflict, let me point out these facts about the financial arrangements he now has or has had with the Continental Illinois National Bank since becoming Secretary of the Treasury.

First. A monthly pension of $4,800 from the bank.

Second. Health and life insurance paid by the bank.

Third. A $1,400,000 bank stock option exercised and sold while serving as Secretary.

Fourth. A promise of a $200,000 payment to be made to him by the bank after he leaves office. The promise was made after Mr. Kennedy was nominated as Secretary.

Fifth. A $645,000 profit-sharing plan with the bank.

Mr. Kennedy and his wife also have another block of 7,846 shares of Continental Illinois bank stock placed in some kind of trust arrangement, but he still owns this stock.

With this kind of conflict, it is not surprising that the Secretary did nothing to stop the latest increase in the banks' prime rate and that he has done nothing to roll back the increase.

Ten days ago he appeared before the Banking and Currency Committee and he made it plain that he would do nothing to disturb his close relationship with the banking community. Here is what he told me after I asked what he had done to stop the prime rate increase:

Mr. PATMAN. I asked you if you did anything yourself to stop this increase or to discourage it.

Secretary KENNEDY. And I answered your question; if you mean did I call the banks and ask them as you did or make a bold statement, no.

Mr. PATMAN. Not necessarily call them, but did you do anything? If so, tell me what it was.

Secretary KENNEDY. There was really nothing I could do.

Mr. PATMAN. You did not do anything then because you said there is nothing you could do?

Secretary KENNEDY. There is no legal possibility of me rolling that back.

Mr. PATMAN. Did you discuss that with the banks about rolling it back?

Secretary KENNEDY. No, I did not.

Mr. PATMAN. Did you discuss it with anybody?

Secretary KENNEDY. No.

Mr. PATMAN. Why didn't you?

Secretary KENNEDY. Why should I?

The Secretary of the Treasury is obviously a "do nothing" public official. He will not do a thing that would disturb his benefactors at Continental Illinois National Bank.

He pretends that he has no power to act on this prime rate. But, of course, the Secretary has great powers to persuade the banks if he is willing to use them. His predecessor, Henry Fowler, did not hesitate to speak out when necessary against similar interest rate increases.

All of us recall, Mr. Chairman, that the Secretary of the Treasury and President Johnson used their powers of moral suasion to force a roll back of a prime rate increase in December of 1964. They forced the banks to move down from 4¾ to 4½ percent.

Yet Secretary Kennedy and President Nixon stand mute on this latest increase.

Mr. Chairman, it is obvious that the surtax, alone, will not bring down interest rates. It will also take a Secretary of the Treasury willing to fight for lower interest rates and against the greed of the banks.

Mr. Chairman, this surtax should be coupled with a firm resolve on the part of the Congress to force President Nixon to name a new Secretary of the Treasury—a Secretary who can put the public interest ahead of the banking interests.

Last Friday, we saw how political contributions from a special interest group could control the naming of the top health official in the Federal Government. The big medical interests made their weight felt at the Department of Health, Education, and Welfare. The banking interests have made their weight felt at the Treasury Department. And I hope the press will make some inquiries about what kind of contributions the banking industry made to President Nixon. What size contribution is required for an industry to name its own man as Secretary of the Treasury?

We need a Secretary of the Treasury who will fight for monetary reform and tax reform. We need both reforms.

It is difficult for this Congress to believe that a Secretary so hopelessly tied to the special interests will speak out and fight for tax reform. This is extremely unfortunate because I am convinced that we must have tax reform before we adjourn this first session.

Mr. Chairman, I am interested in seeing justice done on a wide variety of tax reforms, but I am particularly concerned that we have action to correct the abuses and the special privileges enjoyed by the great tax-exempt privately controlled foundations. I am encouraged by what the Ways and Means Committee has done in this area already, but much more must be done if we are to call this real tax reform.

Mr. Chairman, this Congress will be in serious trouble unless this surtax is coupled with a meaningful tax reform measure. The American people will not tolerate any pulling of punches in this area.

Mr. Chairman, I had hoped that the surtax would be tied directly to the tax reform in the same package. Regrettably this is not the case and this fact undoubtedly weakens the chances of the surtax.

However, I have received assurances from the distinguished majority whip, Mr. HALE BOGGS of Louisiana, the ranking member of the Ways and Means Committee and who is acting chairman of the committee in charge of the bill on the floor at this time. He has pledged that a tax reform measure will be brought to this floor without delay. Mr. BOGGS has always kept his word and I know that will be the case on this tax reform measure.

Therefore, Mr. Chairman, with these assurances, I will support the surtax extension.

GENERAL LEAVE TO EXTEND

Mr. BOGGS. Mr. Chairman, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WRIGHT. Mr. Chairman, there is much about this bill that I do not like, but I shall vote for it because it seems the responsible thing to do.

This bill is far from a satisfactory one to me. There are many reasons upon which I could predicate a negative vote.

For one thing, I think the investment tax credit has been good, not bad, for America. It has stimulated necessary expansion in the private sector and helped to create many hundreds of thousands of jobs. I do not want to see it repealed.

For another thing, I am convinced that simple fairness directs that we should increase the $600 individual exemption. This bill avoids that issue as it avoids the other valid issues of tax reform.

Furthermore, I am not persuaded that the 10-percent surtax is the most effective curb to inflation. But it appears to be the only one that we have available to us at the moment.

I, for one, am deeply concerned that the unprecedented rise in interest rates may stifle and choke off business investments and private purchases and thus create a very real recessionary danger.

If I had my choice, this would be a considerably different bill. No tax is popular, but, unfortunately, they are necessary.

There is only one real reason impelling a vote for this bill, and that is the basic question of responsibility.

In the interest of fiscal responsibility, the revenues raised in this bill are needed to prevent a substantial deficit.

In the interest of governmental responsibility, we need to demonstrate here today that the Democratic Congress and the Republican administration are capable of working together.

This is the first really significant test of that. As much as I might like to vote against this bill, I cannot vote to tie the President's hands, as rejection of this bill today could do.

Therefore, I shall vote for the bill today, but I certainly make no promise to extend the surtax beyond this authorized extension. It is my present inclination not to do so.

Mr. CRAMER. Mr. Chairman, after lengthy consideration, I have decided to vote for the surtax phaseout and low income tax relief bill even though I would have preferred the complete expiration of the surtax. I vote for the bill for the following reasons:

First. Inflation, the cruelest tax of all, must be curbed. Increased costs of living tax the poorest as well as all Americans. Unlike the previous administration whose performance indicated that the surtax would be used for additional Government spending, this administration is pledged to apply the surtax to reducing the national deficit. The Nixon administration has already proposed a $4 billion cut in 1970 and is making headway in reducing the level of presently authorized spending.

Second. The bill provides tax repeal for 5.2 million low-income taxpayers—one person with income up to $1,700; two persons with income of $2,300; six persons with income of $4,700 will be totally exempt.

The bill reduces taxes substantially for an additional 7 million taxpayers—up to $3,300 income for a single person: $3,700 income for a couple; and $5,300 income for a six-member family.

In this respect, the bill will be extremely beneficial to thousands of senior citizens living on low, fixed retirement incomes and other low-income people.

Third. The bill provides air and water pollution incentives to clean up our air and streams, an approach that I have supported for many years.

Fourth. I have been an outspoken advocate of tax reform and closing the many loopholes in the tax laws. I believe taxes should be fair and equitable to all Americans and I will continue pressing for tax reform. At the present time, however, I believe supporting this bill is the only responsible course of action as it will make a major contribution to a strong, free and economically sound America. Tough decisions must be faced up to if our system is to be preserved.

Mr. HORTON. Mr. Chairman, traditionally, when the leadership of the Nation and the Congress determine to win passage of tax increase legislation, the call goes out for statesmanship among the Representatives of the people. The rationale is that since the people are presumed to be against more increases in taxes, a "Yea" vote will be unpopular back home. Thus, in the eyes of those who see higher and higher taxes as necessary for the good of the Nation, the Congressman who goes along, against what is presumed to be the opposition of his constituents, is a statesman.

This is a very simplistic and presumptive rationale. First, because equating statesmanship with one's willingness to vote against the will of the people is somehow undemocratic. Second, because this way of thinking presumes that the people—the constituents back home who will have to pay the piper—are somehow selfish in their view, and are unmindful of the national interest. Third, and most seriously, the equation of statesmanship with voting for unpopular "national necessities" labels any Member who does not somehow see the real necessity of the bill as one who has thrust independent judgment and statesmanship aside, in response to political pressure from back home.

I cannot imagine that the leaders of this democratic republic would want its elected representatives to cast their votes on such a vital question on the basis of a formula of "equalized or contrived political pressure from back home. I think my record and those of the vast majority of our colleagues demonstrated that sound and independent judgment, based on knowledge of the facts and on knowledge of one's constituency is the best approach to legislative decisions in this, the highest lawmaking body in our Nation.

It is this process of judgment on the facts—those presented by the leadership, by the Executive, by constituents, and those which are self-evident, that I have employed in reaching a decision on H.R. 12290.

I have decided to oppose a 1-year extension of the income tax surcharge and the unqualified repeal of the investment credit.

Just 1 year and 10 days ago today, this body was called upon to adopt a conference report containing a 10 percent surcharge on individual and corporate income taxes. Let me take a minute to review the atmosphere in which Congress, with my reluctant support adopted the surtax on June 20, 1968.

First. The pace of inflation was quickening, against a backdrop of serious threats to our balance of trade, and already successful foreign attacks on our international balance of payments and the soundness of the dollar.

Second. The Federal executive was doing literally nothing to correct the situation. It pursued an add-on policy of Federal spending where programs to meet current and urgent domestic crises were added on to prior programs, whose necessity in many cases was open to serious question. The President at the time had resisted the call for prudent priorities and budget cuts and was in fact, faced with a staggering Federal budget deficit of over $20 billion as a result of these misguided policies. The executive's meager efforts to restrain wage and price increases were negated by its own fiscal policies, and were doomed to failure from the start because the magnitude of the inflation problem created by a $35 billion a year war without spending controls was too great for voluntary guidelines and restraint to cope with.

Third. The Congress had wisely shelved the President's request for a surtax for many months, saying that it would consider a tax increase only if corresponding cuts in spending were made. Without accompanying spending cuts, the tax would have done no more than shift $10 billion of "demand pull" on inflation from the private to the public sector. Finally, Congress had to impose the spending cuts in the tax bill itself, after the administration had protested that $6 billion was too much to cut. The surtax bill—the Revenue and Expenditure Control Act of 1968—was considered in what was really the last possible minute. The spending cuts, in order to be spread evenly over all of fiscal 1969, had to be enacted before this fiscal year began. Also, the surtax would create withholding problems if enacted any later since it was being imposed retroactively—to April 1, 1968, for individuals; to January 1, 1968 for businesses.

Fourth. In this now-or-never atmosphere, responsible economists testified that we were either at or beyond the brink of economic chaos and crisis, and the surtax—which represented one arm of a balanced fiscal and monetary attack on inflation was essential if there was to be any hope of slowing inflation. So effective was this 10 percent surcharge to be in slowing inflation that many Members openly expressed during debate the fear that it would underheat the economy and lead to recession and widespread unemployment. In short, inflation psychology in the Nation was so pronounced, and faith in the dollar abroad was so weak, that it was time for somebody to do something. Some move had to be made to demonstrate to Americans that the Federal Government was sincere about wanting to stall inflation, and to demonstrate to foreign trading partners that Americans were willing to make sacrifices if it would mean shoring up the strength of the dollar. In an atmosphere where the Executive had done effectively nothing to meet these goals, and where the surtax was touted as a psychological necessity for the financial community and an economic cure for inflation, the Congress had little choice in its enactment.

Fifth. When the surtax was enacted on June 20, 1968, many Members were aware that it was a patchwork approach, a last-minute substitute for intelligent fiscal guidance by the White House. As an economic bandaid applied to a diseased fiscal policy and a diseased tax structure, it was destined to intensify and prolong the glaring inequities in our income tax laws. In short, it was destined to hit hardest the workingman and his family who bear an unfair share of the tax burden. Regrettably, on June 20, 1968, there was not even the faintest prospect of tax reform legislation in the 90th Congress. The distinguished chairman of the Committee on Ways and Means said during debate that there would be no tax reform legislation considered in 1968, but that he would make it his first order of business in the first session of this Congress, and he has honored this commitment.

This, then, was the backdrop behind the consideration of the surtax a year ago. I think it is most appropriate at this juncture to review the situation today—particularly the changes that have taken place since June 20, 1968—and to see if any of these changes dampen the compelling necessity for voting for a 1-year extension of the surtax today.

First. First, and most fortunately, we are no longer faced with a President who is doing nothing about inflation. President Nixon has, since taking office, made a return to fiscal and economic sanity his foremost task of Government. Nor are we faced with a fiscal 1970 budget deficit of any size. No $20 or $25 billion deficit hangs in the balance over our vote this afternoon. The President, within certain limitations imposed by the situation he inherited, has made substantial cuts in the 1970 budget, and has fully cooperated with the Congress in seeking a balanced budget as one effective tool against wartime inflation.

Second. Although the Vietnam war continues at a costly pace in terms of both lives and dollars, we have more hope now than we ever did that the war will not be interminable, so far as massive American troop and budget commitments are concerned. President Nixon has moved to deescalate our participation in this conflict, holding forth the prospect of substantial reductions in

troops and cost within 12 to 18 months, or earlier.

Third. The financial community, although it is watching eagerly for the result of today's vote, does not place upon it the importance that was placed on the surtax vote a year ago. It is not this year the sole test of Federal willingness to impede inflation.

There are several good reasons why the psychological effect of this vote need not be as momentous as on June 20, 1968.

No one is any longer convinced, after 12 months' experience, that the surtax is making any dents in the inflationary spiral. Although it definitely will contribute revenue needed to balance our budget for the next fiscal year, the surtax has not siphoned out of the economy any of the demand-pull on prices, wages, and especially interest rates. One year ago Members of Congress were bemoaning the fact that interest rates were at 7 percent—the highest rate in 100 years—and that the tax was needed to stem the tide of a threatened "black market" in loanable funds, where only those who could afford exhorbitant interest rates could get loans. I was hopeful at the time that the surtax would help stabilize interest rates.

But the sad fact is that the "black" money market is here, despite the surtax. A prime rate of 8½ percent is fast cooling the crucial housing sector of our economy—it is pinching the little guy, but seems to have had little affect on the overheated rate of corporate capital investment. Rather than rationing loans at reasonable rates, the banks have taken advantage of a short supply situation to "charge what the traffic will bear." Thus today's interest rates are high above where they were a year ago, with little hope that they will get better before they get even worse.

The most important reason this vote is not as significant as that on June 20, 1968, is that we need not decide today, whether or not to increase the surtax for another full year. We face no impending paperwork crisis in withholding rates, since only 3 days ago, we voted to extend present withholding rates, including a 10-percent surcharge, until July 31. With the tax already on the books, and with a month's extension already assured, there is no reason why we must today commit America to 1 more year of a patchwork approach to increasing Federal revenues. Two factors dictate to me that this is the wrong approach to take.

First. We know that the surtax has been a mediocre success. Except for its predictable arithmetic effect on tax revenues, it has left the inflationary spiral—superheated by a wartime economy—untouched. Signs of softening in the economy are not consistent. What is consistent with continuing inflation is the mushrooming of prices, wages and interest rates in the past year. If we are to view the surtax only as a means of raising $10 billion in additional revenue in the next year—and I will be the first to agree that this revenue is needed—I think it is our duty, after a year of hindsight, to consider how this revenue, and all income tax revenue is raised.

Second. One year ago, there was not the faintest hope that meaningful or in fact any tax reforms would be enacted in the last Congress. We were faced with a now-or-never situation, where the only revenue-raising tool at hand was an inequitable and unfair income tax law. We merely superimposed the surtax on this structure, intensifying its inequities and multiplying its benefits for those who pay less than their fair share of taxes.

Today, thanks to almost 7 months of hearings and hard work on the part of the members of the Committee on Ways and Means, an opportunity to debate and pass meaningful tax reforms may be less than a month away. We could in fact, begin debate on this reform package before the withholding rate extension runs out on July 31.

The drafters of the legislation before us today were certainly aware of the great need for tax reforms. Otherwise no hurried attempt would have been been made to draft in two reforms which have no direct relation to the surtax extension. Both the repeal of the investment credit, and the low-income allowance, fall short of the mark as reforms. Standing alone, they are inadequate to accomplish their purposes, and together, they cannot be termed a comprehensive reform package.

The low-income allowance is fine as far as it goes, it eliminates or reduces taxes for those with very low incomes. But it stops short of relieving by even one iota, the overburden placed on the workingman and the middle-income family. It contains no overall increase in the personal exemption, no equitable tax benefits to help the middle-income family finance higher education, or to meet moving expenses. It contains no provisions to tighten giant-size benefits and loopholes for the wealthy.

The outright repeal of the investment tax credit is also out of place in this bill. The way this provision is written, it will serve only to widen the growing gulf between the ability of big business and small business to stay afloat. Without a small, but reasonable exemption for small firms for small businessmen and small farmers who cannot compete for expansion capital at present interest rates even with the 7 percent credit, this provision will, for many small businessmen and farmers, be the straw that breaks the camel's back. Also, outright repeal tends to deny the original and worthy purpose of the investment tax credit—to encourage expansion and modernization of American industry. I feel this principal is still sound, and that the best solution would be to temporarily reduce the investment credit, leaving some breathing room for the little guy.

This bill is not a tax reform bill; it should not be considered as one. But the fact that it includes tax reforms demonstrates that the inequity of the surtax has plagued the consciences of its originators.

Why should the Congress pass this bill today, and prolong the inequity of the surtax and the entire taxing structure for another full year when 1 or 2 months from now, we can view the revenue situation from the standpoint of a reformed taxing structure and hopefully, a more equitable one?

"Loopholes for the rich; a sop to the poor, and soak it to the little guy." This harsh statement just about sums up the effect of our income tax laws through July 1, 1970, should this bill pass today. I have made a thorough study of our income tax system and have noted with interest and with regret how unfair it is to the family which earns between $7,000 and $20,000 per year. Without going into too much detail in this limited time, I think Congress should be aware that the percentage of gross income actually paid as tax for those in the $7,000 to $20,000 income bracket rises far faster than for any other, $13,000 bracket above $20,000. Up to $20,000, most income is in the form of wages or salary—and is taxed at full rates. Above $20,000, the percentage of individual income which is either nontaxable or is taxed at lower rates through special provisions increases dramatically. Ours is a graduated tax system, but the arithmetic curve showing tax paid as a percent of gross income, does not even resemble the curve which depicts statutory tax rates on taxable income at higher levels. There are few or no special tax provisions which the workingman and the middle-income family can take advantage of. There is a profusion of such loopholes and provisions at the upper levels.

Congress, in its wisdom, has recognized these inequities. We are in the throes of a taxpayer revolt that is nationwide—led by middle-income Americans—between $10,000 and $20,000 per year—who, though they make up only 19 percent of the taxpayers, pay over 32 percent of individual income taxes.

These are the same people who elected President Nixon—in the hope that their cry, unanswered for nearly a decade—would at long last be heard.

We have heard the cry. At long last we are on the verge of enacting some meaningful tax reforms which I hope will equalize the burden, so that an extra $5,000 in income at the $100,000 level will have the same proportional effect on taxes paid as it does at the $10,000 level.

Are we now to answer this cry by needlessly perpetuating an inequitable system for another 12 months? I say no.

I say that the responsible thing for us to do today is to reject this 1-year extension—despite its welcome reduction of the surtax to 5 percent in January. I say that we should wait until the tax reform bill has been enacted—even if it means voting for one or two more temporary extensions in the withholding rate—which I would support.

Once we have the perspective of a revamped tax system, we should then, and only then, make the judgment as to how best we can raise the needed $10 billion in additional revenue.

I will not vote to impose a 10-percent surcharge on an already inequitable tax system which takes an unfair bite out of the pocket of the middle-income American. If the need for additional revenue still exists when revenue estimates of a reformed tax structure are

made, I would support a surtax on the new tax structure.

Since it is Congress that imposed the tax in the first place, it is up to Congress to repair it, before we further intensify its weaknesses. I ask my colleagues to join in supporting only temporary extension of current withholding rates until this high-priority task is accomplished.

We have already been told by our colleagues on the Senate side that they will not permit this bill to pass without amendments containing meaningful reforms. I feel that the House, which has closely studied tax reforms all year, should make the first move in this area, by passing a tax-reform bill before this bill is permitted to go to the Senate.

In the final analysis—we must weigh the effects of this bill from two standpoints. From the standpoint of the economy as a whole, with all of its psychological aspects, additional Federal revenue is needed to keep the budget balanced and to keep control over "demand-pull" on prices, wages, and interest rates.

On the other hand, the surtax in its present form is inflationary for the man on the street. It represents an increased tax bill, less net income to spend for goods and services, and it will create more demands for higher wages to compensate for increases in the price of Government, as well as in other prices.

We must move to make sure that the burden on the little guy's wallet will be a fair one, before again asking him to make a sacrifice that is greater than his share for the sake of the economy as a whole.

Mr. SNYDER. Mr. Chairman, we are asked today to continue a burdensome levy upon our constituents, the ostensible reason being to help curb inflation. That was the reasoning when we last argued this question. And has it curbed inflation? No. I said it then, and it seems that I must say it again—there is absolutely nothing the President or Congress could do which would be more inflationary than to raise taxes.

When taxes are increased, labor's take-home check is decreased—labor then demands and gets—wage increases which at least offset the tax increase, which will result in price increases.

The tax falls heavily not upon the large corporation—but on the average American taxpayer. Corporations do not really pay taxes at all—people pay taxes. Every single penny's worth of so-called corporation tax comes out of the pocketbooks of men and women in the streets and they are beginning to understand this. The money that is paid by corporations in the name of so-called corporation taxes is passed along to every American in the price of every item or service that he buys.

I have tried to be objective about this matter—to consider all of the facts and alternatives, as well as the wishes of my constituents. Thus far, I remain unconvinced that our precarious fiscal position has resulted from a failure to impose sufficient taxes on the people. I am further persuaded that our inflationary spiral is largely the result of increased production costs, which will only be compounded by a continued tax. The extravagant expenditures can and should be cut by a sufficient amount to offset the need for perpetuated overtaxation. A substantial dollar reduction can be made without too much trouble. This is what should be done—to obviate the need for the surtax.

Congress has been given an ultimatum by advocates of the extension: Either vote for it or face a legion of diverse and uniformly dire consequences. I have yet to hear a concrete proposal for reduction in the bloated expenditures of the Federal Government. Do we not owe our constituents at least a sign—a small hope—that the mammoth Federal Establishment intends to trim off some fat? I think that we do. I believe that it is unjust and consummately unfair to require the American taxpayer to subsidize the furtherance of irresponsible spending, gigantic waste, and indiscriminate social experimentation with more of his tax moneys without any commensurate indication of intention to reduce by the Federal Government.

At a time when we are spending the average American's money on everything from a paper-shredding $2,400 wastebasket for Lyndon Johnson to a proposed increase by $12.5 million of funds for the John F. Kennedy Cultural Center—which was supposed to be a completely private project in the first place—I am unprepared to turn to my constituent, strapped and saddled with the enormous burden of taxation and inflation and tell him that I have voted another tax and, indeed, another inflationary tax, onto his shoulders.

The surtax, as I predicted, only fanned the flames of inflation. If we are unprepared to tighten our belts—do not tell me to tell my constituent to tighten his. I cannot look a voter in the face with that kind of reasoning, Mr. Chairman, and I urge that we reject it.

Mr. BLATNIK. Mr. Chairman, it is my opinion that the administration's surtax proposal, in addition to being ineffective, will seriously diminsh pressures for tax reform that would provide meaningful relief for the taxpayers who are bearing the overwhelming burden of taxation.

When the surtax legislation was enacted last year, it was promised that inflation would be halted and interest rates would be held down. Both have soared relentlessly, and there is every reason to believe that they will continue to do so, for these current economic difficulties are not consumer created, they are due to our involvement in Vietnam and to fiscal mismanagement.

What this Nation needs now is not an extension of the surtax, but complete tax reform. We need to hit at the tax loopholes that are causing the inflation, high interest rates and imbalance of payments. We need to amend our tax laws which protect the wealthy and burden the poor. We need to rescind the depletion allowances which enable the oil industry and others to reap huge, untaxed profits.

We have an obligation to our people to legislate measurable tax relief and curb the unconscionable interest rates. We need to take definite steps to curb the growing problem of inflation, and the best place to start is with complete tax reform.

Rather than submit to the "lazy economics" of the surtax, I urge the administration to vigorously support reforms such as I proposed earlier this year. Only in this way can we put the financial structure of this Nation back on even keel, and at the same time provide the tax relief we have been promising the citizenry for a good many years.

Mr. HAWKINS. Mr. Chairman, the bill before us is a sterling example of why people in the slum-ghettos of our inner cities have become angry and hostile to the point of eruption.

Under the guise of fighting inflation and producing a "balanced" budget, the administration seeks to protect the prosperity of some best able to protect themselves at the expense of the neediest. Even assuming this is in the best interest of the greatest number, fairness would require that those who are further disadvantaged by tight monetary and fiscal policies be assisted materially and at the same time.

The approach in this bill, however, is a revelation of what the poor of this Nation can expect. Instead of tax reform, jobs, better housing, and increased educational opportunities, the poor and the unemployed, whose numbers will increase as a result of this bill, are ironically offered "tax relief." A tax problem is the least of their worries.

It is not tax relief the poor seek but income, an income adequate to live in decency. Tax concessions is a poor trade-off for those who will be left in poverty, or added to the rolls, by the passage of this bill and subsequent "balancing of the budget."

All of this is being done at a time when we have the resources to make a substantial start on decreasing the deficit of our critical social needs whether the war in Vietnam is resolved or not and while meeting the problem of inflation at the same time.

The answer lies in balancing at a higher level both our expenditures and our revenues in such a way that maximum production and employment will be achieved without abnormally increasing savings and profits.

The fallacy of the proponents of the current "balanced budget" program is their belief that the Federal budget which they propose is somehow the magic figures and therefore reduced spending is required to balance outgo against income. Having assumed that such income, or taxes, is the magical ideal they are not willing to either increase taxes adequately or to question the need for tax reform. They are not economists but magicians of reaction.

It seems to make little difference to them that we are facing an urban crisis and the problems of rural poverty including hunger; and that the Nation is headed on a disorder course by its current policies of, first, a tight monetary market; second, reduction of spending on critical social needs; and third, a repres-

sive police-state approach to social unrest and political dissent.

Well, may we ask whose budget is being balanced? Certainly not the 25 million Americans who will remain in poverty after the bill is passed; or the youth who roam the streets out-of-school and out-of-jobs. The budget will not be balanced for 10 million Americans who live in hunger; or families without enough income to pay for simple medical health. The budget will not be balanced for our cities facing mounting urban problems and threatening unrest or for our scattered areas of rural poverty; for our schools already unable to provide equal educational opportunities; for overcrowded hospitals and mental health centers that must reject ill patients.

The budget will not be balanced for counties which now maintain welfare systems that exclude more destitute persons than they assist; and which provide starvation budgets below the minimum which is admitted to be necessary for subsistence.

Not even the Federal budget will be balanced, for even the Congress which has set such national goals as "a decent home and suitable environment for every American family" and a Congress which enacted the Civil Rights Act, the Elementary and Secondary Education Act, and the Economic Opportunity Act refuses to appropriate adequate funds to implement its own commitments.

A major and admitted objective of this legislation as the majority whip, the Honorable HALE BOGGS stated is to "take the steam" out of the economy. Clearly this meant decreasing economic activity such as spending, consumption, and production. This, among other results, means some unemployment or at least less employment added. How can we honestly on the one hand tell the poor and disadvantaged we intend to help them while, on the other hand, we enact legislation to reduce employment.

Again, the minority leader, the Honorable GERALD FORD, says we must have the revenue from this bill to spend more on such domestic needs as housing, manpower, and education. Why, then, since this revenue is now available from the existing surtax these domestic programs are being cut back? Why does he imply that if this bill is passed the money will be used for these domestic programs when he knows full well that further Federal spending will be curtailed as part of the anti-inflation drive?

Such tactics create frustration and hopelessness in the low-income and ghetto areas of our country where the rising tides of unrest threaten to erupt into major violence.

The poetic irony of the situation is this Congress seems to be bent on finding ways to crush dissent and social change which it has helped to encourage. Expedient appeals based on law and order and supported by strong police-state force may temporarily achieve civic quiteness but the problems which give rise to unrest and disorders will remain. People will not willingly accept unemployment, starvation, and exploitation.

Alternatives to violence and suppression must be provided and above all we must address ourselves to the causes which lead people to believe confrontation, dissent, and violence are necessary. This Congress certainly has the capability, and we can only hope it has the willingness to do this. The first move in that direction would be rejection of the pending bill. Until such time as increased taxes, if we are to have them, can be tied to tax reform and to a domestic program that will establish priorities in meeting our critical needs rather than creating either a phony budget surplus on more money for "defense" spending.

Mr. ROBISON. Mr. Chairman, I rise in support of the pending measure—H.R. 12290—an act temporarily extending the income tax surcharge, repealing the 7 percent investment credit and giving some much needed income tax relief to more than 2 million low-income American families.

I take no more pleasure in voting for this measure than I did in voting, a year ago, for the imposition of the surcharge in the first place—but I consider my vote for this bill as necessary as my vote for last year's bill, and I base my view of that necessity on the overriding national interest. As the Washington Post states, editorially, this morning:

> With the war in Vietnam still going on, it would be highly irresponsible for Congress to balk at paying for it. The mounting desire of the country to de-escalate and then terminate the war as promptly as feasible does not mean that the costs can be sharply decreased tomorrow.

Nor, I suggest, even if peace in Vietnam should come sooner than now appears possible, will we experience a cornucopia full of Federal dollars we can devote to other and more-productive endeavors for, at the very least, we have an obligation to do what we can to help whoever is in charge of the next government in South Vietnam to begin to rebuild that tragically war-torn country—and I say that for I am optimistic enough to believe that government will still be a "free" government and, thus, entitled to our continuing assistance.

At the same time, while one would hope—and I should expect—to see overall military expenditures come down as a result of peace in Vietnam, it is also unfortunately true that we have been cutting, generally, into certain military inventories to sustain our effort in Vietnam. Such inventories, in the normal course of events, will demand replenishment, plus which Vietnam has contributed rather alarmingly to the obsolescence and wear-down of numerous capital military items that again, in the normal course of events—by which I mean the absence of true progress toward arms controls—will have to be replaced.

So, Mr. Chairman, while one can now look with some degree of optimism toward the day when our defense needs will be somewhat smaller than they presently are, realism requires us to keep that optimism within bounds.

At the same time, the domestic needs of this Nation must be met, and many of those needs are urgent in nature, seemingly requiring an ever-larger share of our annual budgets just to keep up with them, let alone trying to solve the underlying problems from which those needs derive.

It would apparently be the view of many of the opponents of the pending measure that, if Congress would but put its mind to it, it should be possible to reduce Federal spending enough on the domestic level so as to make the surcharge unnecessary.

There is some validity to that point of view—especially when it is expressed by those who have been consistently voting against the more or less automatic spending increases we have seen in many domestic programs—but, again, realism would require even the most conservative Member of this body to recognize the fact that the revised Nixon budget, as it is called, has lowered our domestic spending sights about as far as they now ought to go in most areas and that, at still lower levels, not only would solutions be postponed but many worthwhile programs would simply have to be jettisoned.

And this prospect, Mr. Chairman, is one hazard that I do not believe the more liberal Members of this body—those who have favored and in the past supported the great body of our Federal or federally aided domestic programs and now, indeed, wish to spend more on them—have fully considered in their announced opposition to this bill.

For, if the surcharge and the $9.2 billion this package bill before us is supposed to add to fiscal 1970 revenues is scuttled, the automatic reaction of the Appropriations Committee—and on a bipartisan basis—will be to attempt to make offsetting cuts in the Nixon budget, and I would have to say that would be the only responsible thing we could do, unfortunate though the consequences might be.

Those consequences would be exceedingly severe on the large, urban States such as New York, whose people and State and local governments have come to depend as much as they have on the on-going nature of Federal assistance running the gamut from antipoverty through education and pollution abatement and on to urban renewal, with all the other way-stops for Federal help one can think of in between. I suppose some opponents of the surcharge who have contemplated this reaction—though few seem to have thought of it at all—feel confident that they can muster the votes needed in such a case to override an Appropriations Committee bent on necessary austerity. But I would remind them that our experience, just last week, when some of us joined in an unsuccessful effort to restore what we thought was too deep a cut in urban renewal funds in the independent office appropriation bill, indicates that this will not at all be easy.

So I would venture to say to those Members, Mr. Chairman, who can find any number of hooks to hang their hats-of-opposition to the surcharge on—as who can not?—but who would not like to see domestic spending further cur-

tailed, that they are playing a very dangerous game.

Especially so, in my view, when they seek to justify it on the grounds that only the defeat of this bill—or at least its return to committee—can save the day for tax-reform.

I can find little or no validity in that argument, even though I do not wish to question the sincerity of most of those who present it to us. For this administration has committed itself firmly to the idea of tax reform—the first administration in recent memory, I might add, to do anything more about tax reform than talk about it. The leadership on both sides of this aisle is committed to tax reform, and I am as certain as I can be of anything that there will be a substantial tax reform bill before us to consider, here on this floor, during the current session.

That bill, when it has taken form, may—and probably will—not please all of us; it will undoubtedly go too far in some areas of reform for some of us, and not far enough in other areas for the rest of us, but I have no doubt of its eventual passage if for no other reason than that Congress is as well aware, finally, of the public demand for true tax reform as anyone could be.

And I must also say that I sometimes marvel at the lengths to which some sources will go—most irresponsibly in this case—to build up opposition to the pending bill on these grounds. For instance, one finds the New York Times saying, editorially last Saturday:

As a consequence of the Administration's unwise decision to abandon tax reform the surtax itself is in serious danger which means that business uncertainty and the likelihood of disturbances in the financial markets will be greatly increased.

I would like to have the editor of the Times point out to me the Nixon administration's "abandonment" of tax-reform—and there is another paragraph in that same editorial that is just as baseless. That paragraph reads:

The Nixon Administration and the Democratic House leadership made a serious miscalculation when they thought that the proponents of genuine tax reform could be appeased by an ineffectual provision to lighten the tax burden on the working poor. They failed to reckon with a new fact of political life.

I know of no one in the administration—and I have heard no one from the Democratic leadership in this House—who has suggested that such reform as there is in this bill was intended to end such impetus as now exists for far-reaching tax reform.

By contrast to the Times, this morning's Post states:

We are wholly in sympathy with the demands of many House members for tax reforms as well as extension of the surcharge. But it is well to remember that two vital reforms have been included in the bill before the House. By means of a low-income allowance it would eliminate more than two million poor families from the tax rolls and lower the taxes paid by many others. It would substantially increase taxes for many wealthy businessmen by repealing the 7 percent credit allowed for investments in plant and equipment.

Then the Post goes on to note:

The first imperative is for the House to pass the compromise bill today. The Senate will then have an opportunity to add any amendments which it may have forked out in suitable form, and a final measure could be devised in conference. That would leave for (a) second bill the more complex reforms which are still in gestation. Both bills are highly important. But our national economy should not be left teetering on a fresh wave of inflation while the details of highly complex tax-reforms are worked out.

I have quoted from the Post editorial at such length, Mr. Chairman, because it well states for me the manner in which I see the relationship between this bill and a full-fledged tax-reform bill to come before us later.

And, inasmuch as I have had a fair share of mail from farmers and small businessmen about the especial effect on them of the outright repeal of the investment tax credit—and since I am also aware of the fact that such repeal will have an especially harsh effect on certain businesses in the larger categories—this would be an appropriate time for me to state that, in that broader tax reform measure, one would hope that attention is given to depreciation reform, as has been indicated, whereby such special problems could possibly be handled and, I should think, on a fairer and more permanent basis than that provided by the investment credit approach which I have never favored.

But, regardless of the date and nature of our future action on tax reform, it is my judgment that passage of the bill before us represents the minimum action required of us if inflation is ever to be dampened. That is the judgment of most of the economists of this Nation; it is the judgment of the present and immediate-past Secretaries of the Treasury—and I hope it will prove, this afternoon, to also be the judgment of this House.

For defeat of this measure could, I believe, have very serious consequences, and not just at home but abroad, as well. We are dealing with an inflationary psychology that is every bit as hard to kill as the proverbial snake. The inflation on which that psychology feeds is largely the result of the Federal Government spending far beyond its means for far too long—going back to the early decisions as made by the last administration as to the war in Vietnam, its anticipated costs, and how to finance, or not to finance those costs. And once the cycle of deficit-spending had begun rolling here in Washington, inevitably certain private forces in the economy broke loose in that familiar process we call the "wage-price spiral," and in the tendency for people to overbuy because they believe prices will be higher later, just as businessmen borrow and build new facilities now because both interest and construction costs will be higher tomorrow.

If this bill is defeated, those forces will receive a substantial upward push once again, even though the surcharge might possibly be resurrected again at a later date. And if this occurs, perhaps the only alternative the administration might have is the consideration of wage and price controls that, though some are already advocating them, in my opinion only crystallize existing problems, postpone solutions, halt competition and disrupt the interplay of the free-market system.

Mr. Chairman, this bill must pass.

Mr. ASHLEY. Mr. Chairman, I agree emphatically with the need for tax reform that will spread the burden of taxation more evenly and equitably. I also believe that unless we can achieve price stability, economic freedom and social progress will be set back seriously at a time the Nation can least afford it.

Let us look at the situation that confronts us this afternoon.

I think it is clear that the inflation we face today is the direct result of greater and greater demand upon the limited available supply of money and credit, manpower, materials and other resources. In short, it is largely the result of trying to have both "guns and butter" at the same time. In a market economy, as we know, prices go up when demand exceeds supply and, if the demand pressures are pervasive enough, these higher prices permeate the entire economy.

That is exactly what has happened. During the last 6 months, consumer prices have gone up at an annual rate of 5 percent—a rate of increase, if unchecked, that will double the cost of living in 15 years. This threat of accelerating inflation to the working man goes far beyond the impact on his pay and savings—his job may also be at stake.

The reason I say this is that recessions—and the loss of jobs—are the almost certain price of failure to curb demand pressures when such action is needed. You will remember that there were three recessions during the Eisenhower administration, and the unemployment rate during the last one reached 7 percent, more than twice the current level of joblessness.

There are only three principal ways of dampening inflationary pressures. One is by cutting Government expenditures, another is by raising taxes to prevent deficit financing and to discourage private spending, and the third—through the Federal Reserve system—is to restrict the amount of credit available for borrowing.

In all truth, the use of these three anti-inflationary tools has not been effective because until recently they have not been well coordinated. In the main, this is because neither the past or present administration, the Federal Reserve or the Congress fully realized the strength of the inflationary forces at work. Even after the massive U.S. involvement in Vietnam in 1965, requiring added defense expenditures to a $30 billion a year level, Congress delayed more than 2 years before enacting the current surtax. This delay resulted in tremendous Federal deficits and inflationary Federal borrowing.

When the surtax, accompanied by mandatory Federal expenditure cuts, was finally enacted last year, the Federal Reserve—fearful that the economy might be slowed down too fast—overreacted by loosening credit. The result, as we know, has been a continuation of inflationary pressures.

This is the disheartening but factual account of what has happened and why

we are in the situation we are in today. It is quite true that there are signs that inflation is running its course. It is also a fact, unfortunately, that failure to extend the surtax 1 year will result in a Federal deficit and additional Federal borrowing of nearly $15 billion in the next fiscal year.

In my view, this would be little short of disaster, especially for the less affluent in our society, because the result will only be to drive interest rates and other costs even higher and to delay the rollback process.

It is for these reasons that I believe prompt passage of the surtax is absolutely essential.

A plausible argument is made to combine the tax surcharge with tax reform as a sure means of achieving the latter. I would support this strategy were it not for two very important considerations. First, opponents of tax reform—especially in the Senate where the filibuster is permitted—would be in a perfect position to insist on watered-down reform as the price of getting the surtax extended. The surtax, in other words, would almost certainly become the weapon for shooting down tax reform rather than the vehicle for assuring its passage.

Secondly, if extension of the surtax is delayed, there is reason to expect that public confidence in the ability of Congress to act will be seriously undermined and that this will trigger a continuation of loss of confidence in the dollar.

In brief, I am convinced that the surtax extension and tax reform are matters of highest priority for this Congress and that prospects for effective action in each area are best if the two are considered separately rather than together.

From a personal and political standpoint, it would be much more convenient for me to take a different view of the matter. In light of all of the facts, however, I cannot in conscience do so and I believe that my decision will prove to be in the best interests of our Nation.

Mr. LEGGETT. Mr. Chairman, the Members of the House of Representatives are today asked to vote on H.R. 12290, ostensibly a simple bill to extend the surtax for 1 year and repeal the 7-percent investment credit.

As I remember from the debate on this 10-percent surtax last year, we passed this measure as an interim device to control inflation in conjunction with the promise of a $6 billion Federal budget cut. As usual however, this surtax has gone the way of all bureaucratic devices. It shows every sign of becoming permanent. In fact we are here today to decided whether or not we are going to force a permanent extra levy on the already overburdened taxpayers.

We must make no mistake about it. This is a war tax. This is not a surcharge to control inflation for inflation has been rampant before and since the passage of this tax last year. This is purely and simply an extra tax to fund the Vietnam war; a war that forced one President to resign and a war that stimulated the election of another President who promised to unveil his secret formula for ending the conflict. The war is still with us with no concrete progress toward peace. Maybe it is only logical that we extend the surtax and admit its genuine purpose is to fund the hopeless Vietnam war.

Assuming however that honorable intentions prevail, let us discuss the benefits that have arisen during the tenure of this surcharge. First, it was supposed to hold down the rising interest rate. Instead, the inflationary spiral has been soaring ever since. On December 2, 1968, the prime interest rate rose from 6 percent to 6½ percent. By June 10, 1969, the prime rate had risen to 8½ percent, the highest since the Civil War. Just last weekend I was in my home district in California and learned that the prime interest rate for construction in California is now 9¼ percent. Yet, those who argue that we should extend this surtax cite the benefits it will have on the cost of borrowing money. I can see no benefit in a 4-percent rise in the prime rate from the time of passage of the original legislation. May we ask who is paying for this rate increase? The answer is simple, it is the same people who are burdened with the surtax—the wage earner and consumer. The rate increase is passed on to the user of public utilities, utilities who garnered rate increases themselves last year, citing the extra tax burden as their rational. It hits the homebuyer who has to pay 9 to 10 percent interest on his mortgage. It hits the apartment dweller who must shell out extra rent as a result of the cost of construction money. In the building section of the Sunday papers this week I noted the statement of an official of one of the larger developers who stated that if the interest rate stays at this level, or rises, apartments will be constructed only for middle and upper income dwellers who will be able to afford the high rents necessitated by the increase. On one hand we talk of more low-income housing. On the other hand we make it impossible for low-income housing to be constructed.

The proponents of the surtax also talk of the benefits this tax will have on cooling off our overheated economy by checking rampant consumer spending. This is nonsense. The reason for the heat is far more attributable to the incredible mismanagement of our Government procurement programs then it is to consumer outlays. The billions of dollars poured into the coffers of military contractors to compensate for overruns caused by lack of fiscal controls are far more important to the causes of inflation than are the purchase of x amount of color television sets by the consumer. When we in Congress have the temerity to question this stupidity on the part of the military we are assailed on all sides for our isolationism or our failure to realize that the military-industrial complex is actually man's best friend. If the proponents of this tax will stand before the House and proclaim that it is our patriotic duty to pass the surtax in order to fill the coffers of the military contractors, I will vote "Yea" on H.R. 12290 as a salute to their honesty. Otherwise my vote stays "Nay."

A major reason for my opposition to extension is the question of tax reform. Last year we were promised effective action on proposals for an equitable distribution of the tax burden. My constituents are pleading for some action. These are middle-income wage earners I speak of. Citizens who are earning over $10,000 per year and find their standard of living decreasing rather then increasing. I understand that most of my colleagues share this experience when they review their mail. The only measure that has come out of Ways and Means, however, is H.R. 12290. The excuse is that there was not sufficient time to pass on the merits of tax reform.

I therefore propose that we give this august committee all the time it needs to discuss the merits of tax reform. As an added incentive I propose that we turn down the surtax extension so as to give the committee a clean slate with which to work.

We must act on tax reform this year. Passing the surtax without other reform measure will be a slap in the face to the American wage earner. The surtax is an extra tax on top of taxable income. What about the 21 millionaires whose income is not taxable. They are not hit by the surtax. What about the special industries blessed by highly favorable deduction allowances. They are not hurt by the surtax. What about the tax loss hobby farmers. They are not hurt by the surtax.

I for one am not going home to my constituents and tell them that while we did not quite get around to acting on tax reform, we did find time to add an extra bite to their present taxes.

The tax reform measures already proposed would raise revenues an estimated $9.1 billion. This would be more than enough to compensate for loss of surtax revenues by spreading the burden to those who can afford it. We must seriously consider changes in the depletion allowance, capital gains structure, unlimited charitable contributions valued at market price at the time of the contribution, tax loss writeoffs for nonbusiness purposes, and accelerated depreciation on real estate—the favorite of the slumlords.

I repeat, I will not support the surtax while reform languishes in committee and the military sugar daddy goes unchecked.

Mr. FRASER. Mr. Chairman, if H.R. 12290 is returned to committee, and I feel that it should be returned, this action does not foreclose future action by the House to extend the surtax. We have already extended the withholding rates for 30 days which means that the surtax withholding will be continued temporarily whether or not H.R. 12290 is adopted today.

If a vote for H.R. 12290 was only a vote for the surtax extension I might be inclined to vote "yes" but I am afraid that a vote for H.R. 12290, for all practical purposes, is a vote against tax reform. For years we have been talking about the need for tax reform. In principle we have all agreed that reform was necessary but somehow the time was never right to do anything about it. Al-

ways there was more important business to take care of first.

Today we are hearing this same argument again. "The surtax is too important to become entangled in tax reform," some say. "Let's pass the surtax first and then maybe there will be time to consider reform." But I am not sure there will be time. Tax reform is difficult business. Without the pressure for the surtax extension, I am not sure that tax reform will ever happen.

On my list of priorities, tax reform comes first, and the surtax comes second. By extending the surtax without significant tax reform, we are only perpetuating an inequitable situation. If we are to ask the American people to continue paying a 10-percent surtax for the next 6 months, and a 5-percent surtax for the 6 months after that, I want to see the tax burden spread fairly among all taxpayers. But this will only happen if we deal with the oil depletion allowance, stock options, capital gains, and other tax loopholes at the same time that we are extending the surtax. This position was supported in the Senate last week when the Democratic policy committee, under the leadership of Senator MANSFIELD, voted unanimously to demand that the surtax extension be accompanied by meaningful tax reform.

Just yesterday on NBC's "Meet the Press," Dr. Walter Heller, former Chairman of the Council of Economic Advisers, said that the surtax should be extended but that final action was not necessary at this time.

> If necessary, extend withholding rates as they did for 30 days, and do it again—
>
> Heller said—
>
> and meanwhile hammer out some commitments that mean meaningful tax reform so that you don't have a lot of people forced to pay the surtax while there are a lot of others who are allowed to escape scott free.

I would like to see us follow Dr. Heller's prescription.

Mr. BRASCO. Mr. Chairman, I am deeply concerned about the condition of our economy, as are my colleagues, and indeed the taxpayers. Certainly I am eager for the Congress to take whatever action is necessary to curb inflation and to set our fiscal house in order.

After careful study and deliberation, however, I must take issue with the means we are now considering to effect a more stable economy.

The surtax was imposed last year as a brake against inflation—yet it has proved a catalyst instead, as evidenced by the continued soaring of prices and interest rates. How can we fail to recognize that the solution lies in tax reform, not in "more of the same" surtax.

We in the Congress have been promised, and in turn have promised the American people, meaningful tax reform; we are again assured of tax reform in exchange for extending the surtax, yet we sit here emptyhanded.

Granted, the tax bill before us does include repeal of the 7-percent investment credit, and it does abolish taxes for a certain percentage of our impoverished Americans. I applaud these provisions, but while they are desirable, they are only token appeals, and do in no way constitute sufficient tax reform.

They do nothing to alleviate the burden long borne by the middle class, that forgotten segment of our society. We cannot expect them to continue supporting the economy—not unless we are prepared for disturbing consequences. Middle-class discontent stems not from the level or amount of taxes they must pay, but rather from the tax loopholes which unfairly lighten the burdens of those who can afford to pay more.

Passage of this extension would signify our readiness and willingness to perpetuate these inequities of our tax structure.

I cannot, in good conscience, ask the bulk of our wage and salary earners to bear yet a greater burden for the benefit of the wealthy. This is not only unjust—it is intolerable, and we shall soon be confronted with a taxpayers' revolt if we do not rectify these inequities.

Mrs. CHISHOLM. Mr. Chairman, today I shall cast my vote against H.R. 12290—against the extension of the surtax, against the nearly meaningless poverty provision of the bill, and against the loopholes involved in the repeal of the 7-percent investment credit.

For more than a year now, interest groups and individual overburdened taxpayers have been exerting substantial pressure on Congress to completely revamp the existing tax structure of this Nation. The bill in question today is a farce to the concerns of these citizens, and, indeed, it may seriously hamper efforts to overhaul our tax system.

As my colleagues—Mrs. GRIFFITHS, Mr. FULTON, Mr. VANIK, Mr. GILBERT, and Mr. GIBBONS—said of this bill in separate views to the Ways and Means Committee report:

> The enactment of this legislation will relinquish leverage and relax pressures for tax reforms which are critically needed to increase Government revenues and eliminate the rampant injustice which threatens the integrity of the Nation's tax system.

The inequities in the present tax system are multiplied by the surtax. The surtax makes no effort to see that the theory behind the income tax—that each person pay according to his means—is put into effect. The loopholes are still there; the poor and middle class still pay a disproportionate share of their incomes in taxes. And the surtax itself is not graduated, so that the poor and middle class must suffer more.

Even granting that the Government needs the estimated surtax revenues of $9.26 billion, a much more equitable and reasonable way to raise it would be to revamp the tax system and close the existing loopholes, so that all Americans will pay their proportionate share in taxes.

So the surtax is unfair. And as if it were an ironic hoax, the surtax has not even done what it was supposed to do. It has not checked the spiraling inflation gripping this Nation, and it has not kept interest rates down. Once again, only the prosperous—the businesses—are relatively unscathed by the surtax. The average taxpayer is hurt greatly. Business merely passes its additional costs along to the consumer, who must pay more for goods and services, and thus must demand more in wages. The surtax, then, is not deflationary. It is, in reality, inflationary.

Thus, I cannot vote today for the extension of the surtax. Moreover, there are other measures in H.R. 12290 which I cannot support.

A major stumbling block for me is the poverty provision of this bill. While I could support this measure as a first step toward eliminating injustice in the tax and welfare systems in the United States, when it is connected with the surtax extension, it becomes a cruel joke to the poor. As I have pointed out previously, the present bill cancels hope for an overhaul of the tax structure, and reform of the welfare system appears just as unlikely.

In addition to this measure, I could not disagree more strongly with the manner in which the 7-percent investment credit is repealed by this bill. While I surely favor repeal of this costly, unnecessary, and unfair tax break for business, the way it is done in this bill, like the surtax extension, favors the prosperous. The exemptions provided for steamship and pipeline companies cannot be justified except by the fact that they have disproportionate political clout. Are we once again going to let the prosperous special interests dominate over the will of the people? I say it is about time we stand up and say "No!"

It is now time for this Congress to engage in meaningful reform of the major injustices in this society. It is too late to do anything less.

Mrs. REID of Illinois. Mr. Chairman, the question before the House today is a most difficult one, indeed, and I feel it could well be one of the most crucial of this 91st Congress. When the surcharge issue first came before us last year I voted for it reluctantly—and with the sincere hope and full expectation that it would not be necessary to extend the surcharge beyond its scheduled expiration date today.

But the legislative process requires that we face realities—that we be responsive to urgent national needs. Like most people, I personally would much rather see taxes reduced. However, the continuation of the present 10-percent surcharge until next January—and then phasing it out at 5 percent between January and June 30, 1970—is in my judgment a step that must be taken. Temporary extension of the surcharge, no matter how distasteful it may be, is necessary if the Congress it to supply responsible fiscal restraint to aid in reversing present inflationary pressures.

It seems to me that we have a serious choice to make. Sadly enough, the taxpayer is caught in the middle. He must pay either way whether it be through inflation or higher taxes. I personally fear that if this legislation is not adopted the ensuing inflation would prove to be far more costly than continuing the surtax temporarily.

We know that inflation is a vicious form of hidden taxes which no one can escape. It erodes the purchasing power

of wages, savings, insurance, pensions, retirement checks, veterans' benefits, and welfare payments. Furthermore, it is the cruelest form of all taxes because it hits hardest the poor and the elderly living on meager or fixed incomes. They find their limited dollars buying fewer of the necessities of life. Recognizing this, H.R. 12290 makes a start on tax reform by adopting a low-income allowance which will remove from the tax rolls many persons whose personal or family income is near or below poverty levels.

As a member of the Committee on Appropriations, I feel that it is the responsibility of the Congress to exercise control over Federal spending. However, the House has already acted to impose expenditure limits for fiscal year 1970 by including an overall ceiling of $192.9 billion in the second supplemental appropriation bill for 1969 which gives us some assurance of a spending limit even though there is no such provision included in this bill.

While I am reluctant to vote for continuance of the surcharge at a time when everyone is carrying such a heavy tax burden at the Federal, State, and local levels, I do feel that the serious financial situation which confronts our Nation today leaves no choice. Therefore, I shall vote for H.R. 12290. In doing so, however, I want to emphasize again that I shall continue to work for elimination of unnecessary and ineffective spending programs while at the same time continuing to seek meaningful and overall tax reform.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the proposal to extend the surtax. I opposed the original surtax on the grounds that if Government spending were cut we would not have needed to add to the tax burden of our citizens. Experience shows that Government tends to spend all that it takes in, and often more, and I am afraid a day of an accounting occurs in Government spending just as it does in the lives of individuals.

I believe most of the people of the country are against the extension of the tax, and I think this is a thoughtful and correct conclusion on their part. They are in effect saying you passed a surcharge and predicted it would curb inflation last year and now you come back to us and say we must continue the surtax when the facts lead us to believe that the surtax has not curbed inflation and is not a suitable substitute to reduction of expenditures. We know that there are many places in which these reductions can be made. The measure before us does aid people who are welfare recipients, but what of the vast majority of American taxpayers, who are the real backbone of our Nation and its economy, the vast middle class? There is no relief for them in this measure and no assurance in this bill of any immediate relief. No issue is more important to the American people today than that of an equitable tax structure and the elimination of unessential Government spending.

Of course, I should like to support the administration in this measure, but in good faith I cannot do so. If this bill is defeated the administration and the Congress have to all go back and review again the budget and if we review carefully we will find there is fat to be trimmed, there are priorities, and there are ways of making do with what we have and with what we can afford. The American people, in my opinion, want the budget trimmed rather than to continue big spending and high taxes. They are not willing to watch inflation spiral upward and at the same time have to assume the continuation of the surtax. My vote will be against the continuation of the surtax.

Mr. CONTE. Mr. Chairman, I am voting today in favor of extending the income tax surcharge—but with serious reservations.

I have said many times in the past, and I repeat now—the time for comprehensive tax reform is long overdue. I regret very much that it is not part of the bill before us.

I have followed both the earlier survey tax reform proposals, and the more recent Cohen proposals, quite closely.

In February, I testified before the House Ways and Means Committee on the subject of tax-exempt foundations. Among other things, I advocated stricter surveillance of exempt organizations. I am pleased that the committee has made a tentative decision in this direction.

I am disappointed, however, that neither foundations, nor just about all of the other areas needing reform, are dealt with today.

In April, I commended President Nixon and Secretary of the Treasury Kennedy for their tax reform proposals. I had hoped that some of those proposals would be before us now.

For example, the proposed limits on farm losses would eliminate a tax gimmick employed by the wealthy.

A minimum income tax would assure that the rich pay a fair share of the tax burden.

The proposal on allocating deductions would certainly plug a good many loopholes.

And what about the biggest abuse, the oil depletion allowance? I have introduced a bill that would reduce it to 15 percent in the case of domestic oil and eliminate it in the case of foreign oil. The Treasury Department estimates that the reduction alone would increase Federal revenues by about $600 million annually. I think this loophole must be closed, and now.

Mr. Chairman, I could go on to list other areas that cry out for tax reform. But we all know about them.

In spite of all that I have said, the present state of our economy compels me to vote for the surcharge. Inflationary pressures have reached critical proportions. If we are to avoid even more serious, and tragic, problems, the economy must be cooled down—and fast.

I think that controlling inflation is paramount at this time. But I also think that tax reform measures are crucial, and that they must be enacted soon. Nothing less than the integrity of our tax system, and the collection of nearly all Federal revenues, depends on this.

Therefore, Mr. Chairman, I vote with great reluctance for the extension of the surcharge.

Mr. BURKE of Florida. Mr. Chairman, I rise in opposition to H.R. 12290. There is no question in my mind that the present surtax is about as obnoxious a tax as a tax can be. In fact, I feel that the administration should be asking its repeal instead of its extension. If we are to fight inflation then we must cut deficit Government spending rather than continue to increase such spending. We must face reality and start establishing spending priorities instead of continuing the practice of promising something for everybody. Certainly the argument that tax reform is needed is a meritorious one, but also, in my opinion, it is being used by some who have continually voted for continual spending to clear themselves of yesterday's sins of commission and big spending which has put us into the economic bind we are in today.

It is my opinion that the majority of the American people accept their responsibility to pay taxes because they recognize the fact that taxes are necessary. Most of them do not complain too strongly as long as they are convinced that they are being fairly treated by those in Government who are asked to give them a fair shake.

In the case of the surtax, however, it is difficult to convince the American taxpayer today that he is being treated fairly.

All the things that the taxpayers were told last year concerning the tax has proven to be false. The taxpayers were told then that the surtax was an emergency tax and was only a temporary one needed to halt the inflationary spiral that was wiping out the savings and salaries of the average American retiree and wage earner. We were further told that the tax would be followed by massive Federal cuts in spending. Today Federal spending goes higher and higher and we are now reaping the whirlwinds of such recklessness. Yet, I find far too few who are inclined to recognize the need now to establish priorities and to cut future spending for giveaway programs both at home and abroad.

With the feeling and realization now, that the tax is real and talks about Federal cuts are phony, is there then any wonder that the American taxpayer is fed up and opposed to the continuation of the surtax now.

It's about time that the Congress make some attempt to restore public confidence in our ability to manage the problems of inflation, high interest rates, and our stumbling economy. The continuation of the surtax is not the answer.

Mr. SCHADEBERG. Mr. Chairman, it is dishonest, to say the least, that we have only two alternatives: either rampaging inflation—accelerating inflation—or the passage of the extension of the surtax. There are other alternatives. Were this House to be responsive to the will of the people, we would have taken the most effective alternative, not mentioned in the debate and which I happen to believe is the only alternative which will work, and that is to cut spending by the Central Government. Congress made a commitment when it passed the 10-percent surtax suggested by President Johnson

in 1968 that this would be a temporary tax. I believe Congress should honor that commitment and take realistic measures to concentrate on how we can cut spending rather than how we can increase taxation.

How can we cut spending?

First, by decreasing the debt ceiling in an orderly fashion. What is the history of Congress in increasing taxes? When I came to Congress in 1961, which was the last year of the Eisenhower administration, the national debt stood at $289,200 million. The debt limitation increases were as follows:

November 26, 1963: raised the limit to $315 billion;

June 27, 1964: raised the limit to $324 billion;

June 24, 1965: raised the limit to $328 billion;

June 24, 1966: raised the limit to $330 billion;

March 2, 1967: raised the limit to $336 billion;

June 30, 1967: raised the permanent ceiling from $285 to $358 billion, with a flexible ceiling of $365 billion in any given fiscal year;

March 19, 1969: raised permanent debt limit from $358 to $365 billion, with 1-year temporary ceiling of $377 billion.

I voted against every one of these increases in the debt limit on the very practical assumption, which certainly has proven to be correct, that the more money we authorize to be made available to the Government, the more is spent. The national budget has increased from $79.8 billion in 1961 to $186 billion. The increase alone in spending is more than the total national budget in the last year of the Eisenhower administration. I would like to affirm in all of these suggestions that the burden of responsibility rests with Congress and not always with the administration.

Second, Congress, if it were interested in combating inflation, should have postponed the increase in congressional pay. In fact, it would have been well to set the stage by cutting congressional salaries as a token beginning. This would have saved $6,687,500 each year, to say nothing of the savings in those agencies where salaries are based on congressional schedules. I am sure that there are enough dedicated people in this country willing to make some sacrifice to serve the Nation who would not put salary ahead of service.

Third, realistic measures should have been taken in terms of tax reform: to assure legitimate foundations fair tax consideration but to impose the full measure of the tax law on those who use the foundation as a coverup for political activities and private business; to tax charitable institutions on that portion of their income derived from real estate not used for purposes for which the charity is set up and to expect taxes on those activities which are profitmaking; readjustment of depletion allowances; and revision of tax-free investments in keeping with a realistic assurance of municipal needs.

Fourth, a significant cut in foreign aid, in fact a moratorium on foreign aid until resources in the pipeline are completely used up.

Fifth, delayed spending in the space program, assuring our continuing interest in space but preventing accelerated activity, the result of which is purely a questionable matter of national prestige.

Sixth, to set up some means by which meaningful cuts can be made in military spending to prevent waste. This must be in keeping with the necessity for military superiority.

Seventh, prevent the formation of new programs and activities which are not vital to our immediate needs.

Eighth, postpone increases in the congressional staffs. If the Government were not constantly increasing its activities, this staff increase would not have been necessary, but necessary or not, it should have been delayed as a means of economizing. In pay alone, the House staff increases amount to an annual outlay of $3,262,580. To provide each new staff member with office equipment, phone, and so forth, estimated conservatively at $800 per employee, there will be an additional immediate capital outlay of $345,000. To carry this matter to its logical conclusion, the ultimate result will be the demand for more office space and the need to build a new House Office Building, with its additonal costs for maintenance, equipment, service, and so forth. The answer is not in additional staff but in improved business management practices.

Ninth, Congress should return many responsibilities now assumed by the Federal Government but belonging to the States, the communities, and individuals.

Tenth, Congress should delay some public works.

Along with these things which Congress should have done, there are several things Congress should not do:

First, it should not permit imports to create havoc with domestic industry. What has this to do with inflation?

Automatically, it would put money in the Federal tax treasury. For every business that goes under the wire because of unfair import policies, there is a resultant loss of income to the U.S. Government. Should domestic produce cost a bit more, it would be a far better use of the consumer dollar than the giving of that dollar to the Federal Government in the form of increased taxes because, at least, it would provide increased employment and, understandably, a lessened welfare load.

Second, it should not transfer spending from the individual to the Government. I think there is unanimous agreement that inflation is caused by excessive spending. To take the right to spend the dollar a taxpayer earns away from the taxpayer and give it to the Government does not reduce spending and, therefore, cannot in itself stop the inflation spiral.

The most frequently used argument for the extension of the surtax has been that, coupled with the cut in spending, it can accomplish the job of cooling the economy. My position is that if Government would cut its spending significantly, the job could be done without increasing taxes and be done far more effectively. This is not a matter of support or lack of support for the Nixon administration. The fact is that the same Representatives of Congress, by and large, who have voted for increases in Government spending and the size of the Federal Government are the very ones who have been telling us that the only way we can cool the economy is to extend the surtax. All the President can do is to administer the programs created by Congress and funded by Congress. It is high time Washington listened to the people. The people have served notice that taxation is getting excessive. They want Congress to cut Government spending and not to increase taxes.

I am sure my own questionnaire, to which I received some 14,000 replies, reflects the attitude of the majority of the people throughout the Nation. My questionnaire indicated that 85 percent of those who answered the questionnaire were opposed to continuing the surtax. I hasten to add that I would have voted for the surtax if I had been convinced, which I am not, that there was no other alternatives to maintaining the integrity of the Nation or of the dollar. Since I believe there are other alternatives which Congress refuses to consider, I will vote against the continuation of the surtax. It is my firm conviction that the only way Congress will cut spending is by not making increased tax income available.

Mr. COUGHLIN. Mr. Chairman, as a supporter of comprehensive tax reform, particularly with respect to equity for the middle income and elderly taxpayer, I would prefer that we had a more meaningful measure before us today.

I recognize the fact that Federal income tax rates, probably alone among all taxes, are actually substantially lower now, even with the surcharge, than they were in 1950.

For too long, however, the crazy-quilt pattern of Federal tax laws has been permitted to develop and persist to the detriment of men and women whose economic existence depends on their ability to earn wages and salaries. Over the years, tax reform has been shunted aside with expedient excuses that perpetuate injustice. The American people demand tax justice. And the time is now—this session of Congress.

The 1-year phaseout of the tax surcharge is undoubtedly necessary to protect the hard-earned dollars of the American working man from disastrously devaluating inflation. Not a single economist of any persuasion, to my knowledge, has stated otherwise.

My vote is predicated on the assurance by the leadership of both parties and by the chairman and ranking member of the Committee on Ways and Means that a comprehensive tax reform bill will be presented to the Congress this year.

It is also predicated on the fact that this is a phaseout of the tax surcharge, and I reserve the right to vote against any further extension of the surcharge.

Mr. THOMSON of Wisconsin. Mr. Chairman, H.R. 12290 is more than a tax bill designed to help control inflation by withdrawing from the already swollen stream of purchasing power some $9.2 billion.

This legislation is a humanitarian bill, designed to eliminate from our Federal tax rolls a vast number of America's poor. Under this sensible plan, 5 million

taxpayers with incomes below the official poverty income level will not have to pay any more Federal income tax. Previously, they were liable for $100 or more each year in taxes.

In addition to the benefits extended to these 5 million taxpayers, some 8 million other Americans will have their Federal income taxes appreciably reduced. These millions are those whose incomes are presently slightly above the poverty income line.

The loss of Federal revenue as a result of these humanitarian acts amounts to $625 million for a full year. The Government can well afford such a loss when it means that some more than 12 million poor Americans will be able to spend more of their earnings on themselves and their families for essential goods and services. Thus $625 million represents purchasing power of the poor. It deserves to be left in the stream of spending for the poor.

President Nixon in his tax reform program strongly recommended tax benefits for our country's poor. The tax measure before us reflects the President's wishes. It is most appropriate that this aspect of much needed tax reform be incorporated in this bill. To delay such tax benefit to some future date, or defer such benefit to the time when a complete overall tax package is readied, would perpetuate an injustice to the poor that should have been remedied much earlier than now.

I urge the passage of this tax bill—including its humanitarian low-income allowance—as expeditiously as possible.

Mr. STEIGER of Wisconsin. Mr. Chairman, the choice before us today is between pouring oil or water on a raging fire. It is that simple.

We are in a period of serious inflation. Part of the problem is of our own making, for when inflation threatened to burst the bounds erected by the previous administration and we were asked to enact the surcharge, about 2 years ago, Congress failed to act. We waited until the problem became ever more serious. One result was that the remedy we finally applied—the 10-percent surtax—took longer than some expected to be effective.

The surtax is about to expire, but inflation is not. The Federal Government has achieved a certain position in relation to inflation. To maintain that position, we may not necessarily have to increase the pressure against inflation—but we must not let up the pressure.

One of the essential elements of that pressure is the surcharge. Unfortunately, we must keep it in force as a curb on spending and, much more important, to guarantee that through the coming fiscal year the Government's finances remain in surplus. The reason for the latter point is obvious—the Federal Government must avoid going to the money market for additional deficit financing.

Our passage of this bill will have the effect of dampening flames until they are under more control. It is a positive step to maintain the slight advantage we now hold over inflation.

If we fail to act, we will be adding fuel to inflation's fires. Government revenues will fall short of the programed amounts. The surplus will disappear. The budget will slide into a deficit position, despite our efforts to hold the line. At the same time, if we force the Government to raise money by adding to the national debt, we will be tightening the noose that already is strangling credit and driving interest rates up. All the inflationary problems that have plagued us for the past several years will be intensified.

Levying a new tax is never popular. Holding tax rates up when they have been scheduled to go down is also unpopular. What we have before us is a phased reduction of the surtax. At the end of 1969, the surtax rate will be reduced to 5 percent and we will be able to eliminate it a year from now. This can be done because this bill also repeals the 7-percent investment credit.

On the other hand, inflation can be popular. Because inflation boosts earned income it is like a pleasant drug; it is exhilarating to take and we do not foresee the harmful effects.

But we are here to carry out a responsible job, even if it is sometimes not popular. The brief popularity we might win by voting against extension of the surtax would be a small reward indeed when it was placed on the scale with the inflationary damage we would do to our economy and hence to our citizens if we fail to pass this bill.

We cannot afford, in my opinion, to have still greater force added to the inflationary pressures that are already threatening the economy.

This legislation which I support today is comprehensive. The "low income allowance" feature is a significant reform feature which cannot be overlooked. In addition, the provision to accelerate the depreciation allowance for pollution control facilities is important in encouraging greater private industry utilization of pollution abatement facilities. These two features alone are steps toward tax reform. More must be done and will be done by the House in August.

In short, we cannot afford not to act—and we cannot afford to delay. To keep the restraints intact which we have placed with difficulty on inflation, we must extend the surcharge, but this bill cuts the rate to 5 percent on January 1 and that is helpful. There is no time to spare. We must act responsibly now—or the people to whom we are responsible will suffer the terrible consequences.

Mr. BIAGGI. Mr. Chairman, I fear we are reaching the point in this Nation where one must be rich to survive adequately. If a persons station in life is somewhere between riches and poverty, it seems he is invariably struggling to exist.

Middle-income families are gouged unmercifully by both our present tax system and runaway inflation. They are being taxed to the point of impoverishment while the rich enjoy so many tax loopholes and the poor receive aid of one kind or another.

I do not like what is happening in America. Our middle-income families are fast becoming the poor families of our Nation in spite of the fact that they are working hard to make ends meet.

We have not done anything about the oil depletion allowance and other glaring loopholes in our tax laws that benefit rich individuals and corporations. But instead we are asked to strike another blow at the economic heart of middle-income families through the extension of the surtax.

I am vigorously and unalterably opposed to this kind of business. It is unconscionable to even consider adding to the burden of middle-income families while so much tax revenue is going down the drain because the rich are flipping through loopholes that we have not closed.

The struggling middle-income wage earner with a wife and two children and $12,000 of taxable income, paid almost 20 percent of it directly to the Federal Government this year.

Piled on top of the Federal income tax bill of the middle-income family was the surtax and Federal excise taxes such as social security payments and real estate, personal property, sales, and gasoline taxes.

These are heavy burdens which have been borne out of a deep sense of responsibility and loyalty to our Nation.

I have been receiving an increasing number of letters from middle-income taxpayers complaining that some of the rich are getting richer at their expense.

If indignation continues to grow, it could lead to a breakdown in the present tax system. It is a largely self-enforcing system and its foundation is the basic honesty of the American taxpayer and its ungrudging acceptance of the fact that he has to pay a relatively large amount of taxes.

But if this willingness turns to widespread cynicism as loopholes which benefit the wealthy remain intact, the system cannot survive.

I believe any extension of the surtax, under the circumstances, should be related to corporations and not to individuals. Our present course is unfair and unjust because once again we are soaking Americans who can least afford to pay while doing nothing to acquire a fair share of taxes from those who can best afford to pay.

Mr. FLOWERS. Mr. Chairman, I am unalterably opposed to the extension of the surtax. This tax was originally conceived and sold to the 90th Congress as a necessary step in curbing the inflationary pressures of our Nation's economy. But, Mr. Chairman, since the imposition of this tax on April 1 of 1968, the cost-of-living indicators have continued to climb month after month.

As a matter of fact, the cost-of-living index has risen about 7 percent since the surtax was imposed upon the people of this Nation. Those who originally advocated the enactment of this tax—and those who now urge its extension—theorize that this will reduce the spending in the private sector of the economy, and by so doing, inflationary pressures will be substantially relieved. There is an unbelievable quality surrounding the reasoning that if money is taken out of circulation in the private sector while not curbing spending in the public or governmental sector, we can halt the inflationary spiral. Do we mean that it is inflationary for the man who earned the dollar to spend it on his family, yet it

is not inflationary for the Government to take that dollar and give it away to someone else to spend?

Our experience with this tax tells us emphatically that it does not check inflation. A better way must be found and I am confident that it is to be found through tax reform and reduced Government spending. The surtax, by the very nature of its operation as a "tax on a tax," merely compounds the existing inequities in our present tax laws.

Mr. Chairman, we may be deluded ourselves by certain "economic prophets," but we do not fool the people if we continue to say to them that this tax will curb inflation. It has not worked, and frankly, I do not believe it will work. The forgotten man—the middle-income, hard-working, law-abiding, tax-paying majority in our Nation has had about all he can stand, and perhaps more. I urge the Members to vote "no" on the question of the passage of H.R. 12290.

Mr. ADDABBO. Mr. Chairman, one of our most important tasks this year is to pass a meaningful tax reform, taxpayers savings bill. The subject of tax reform has gained national attention, both as a means of making the law more equitable and as a means of raising additional revenue. The need to update certain deductions and bring relief to middle- and low-income taxpayers, who now carry the major load of the burden, cannot be too strongly emphasized. The people are incensed over unjust and unequal taxation.

I cannot conscientiously vote to extend surtax legislation at this time that does not include meaningful tax reforms and tax relief. Passage of today's bill, H.R. 12290 will, I believe, lessen pressures on the administration for critically needed tax reforms. For this reason I oppose passage of H.R. 12290.

Mr. TAYLOR. Mr. Chairman, I rise in opposition to this legislation. The surtax was adopted a year ago as a brake on inflation and high interest rates. It has failed to accomplish these objectives. My main opposition to the legislation, however, is based on the belief that Congress should close tax loopholes before calling upon taxpayers to pay surtax for another year.

I regret that this procedure has not been followed, because the American people are demanding meaningful tax reform legislation.

The well-informed taxpayer knows that many American citizens who are earning more than he are getting by with a lighter tax load, and he is smarting under an obvious injustice. Nothing so infuriates a dutiful taxpayer as a wealthy tax dodger.

If needed tax reform legislation is adopted, continuation of the surtax may not be necessary. We should start by reducing the oil depletion allowance in line with a bill that I have introduced.

I believe that most people are willing to pay taxes if they are convinced, first, that they are paying only their share, and second, that the money will be used wisely. Now they have doubts on both scores. Many low-income people in western North Carolina have written me and said, "Everybody knows that wealthy people don't pay taxes." I tell them that that is not true, that only a limited number of wealthy people are dodging taxes through tax loopholes and send them a copy of the graduated tax rates; but there is just enough truth to it for people to have that impression and that is dangerous for the country.

The backbone of our tax system is the basic honesty of people and their willingness to bear a fair share of the tax load. A tax system that is not fair and just cannot and should not survive.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise today in opposition to H.R. 12290 as it is now written.

Last year, when this body first voted on the surtax, I voted against it, feeling at that time that we in the Congress owed the American people tax reform and not a further tax increase. Since that time, the tax burden on the middle-income taxpayer has steadily increased, while we still tolerate those select few who, despite their tremendous wealth, pay little or no income tax.

When we approved the surtax last year, we were told by the most eminent authorities that the surtax would halt the inflationary spiral. It has failed to do so. The best indications I have seen show that even if the surtax is extended, we will face another round of price increases. We were told that the surtax would curb the rising prime interest rate. It has failed to do so, and this rate has increased by over 2 percent since December of last year. There is one thing which the surtax has not failed to do, and that is to create new and greater pressures on those in the middle-income brackets.

We have, in my opinion, a crucial choice to make here today. There are three options open to us. We can approve the 1-year extension of the surtax as contained in H.R. 12290 and avoid once again acting on the need for tax reform. We can defeat this legislation and end the surtax as of today. Or we can extend the surtax temporarily, perhaps for 30 days, and hammer out some meaningful tax reforms in the meantime.

Our colleagues in the other body have made it clear that they will amend this legislation with tax reform provisions. We should not abandon our initiative in this matter to them. Rather we should come up with a tax reform package of our own which is responsive to the needs of the American people.

Many will argue that we should extend the surtax for 1 year and then consider tax reform. To these Members I would say that significant tax reforms may produce enough additional revenue to offset the need for the surtax or, at least, enough to necessitate an extension at less that the current 10 percent. One hundred and twenty-nine Members have introduced tax reform legislation which would produce new revenues. The distinguished chairman of the Ways and Means Committee has indicated his support for a tax reform package.

I would urge my colleagues to think twice before voting to approve an extension of the surtax such as is included in H.R. 12290. I ask that you join me in making this long overdue commitment to tax reform by opposing any extension of the surtax.

Mr. ERLENBORN. Mr. Chairman, it distresses me to vote for a continuation of the surtax; but I am persuaded to vote for the committee proposal, nevertheless—persuaded by several considerations.

First, I believe that failure to act will cause a renewal of the inflationary spiral; and the people would pay more for inflation than they would pay in taxes.

It has been argued that the surtax has not stopped inflation in the year it has been in effect. I believe a factor in this ineffectiveness has been the former administration's lack of zeal in reducing Government spending. That has now been corrected; and we now have an administration in office which has shown a willingness—indeed, a desire—to pare Government costs down as far as feasible.

As we move away from budget deficits and toward budget surpluses, I believe the surtax will make its presence felt in the continuing effort to curb inflation. Failure to continue the surtax would make a budget deficit almost certain a year hence and, at the same time, would increase the inflationary spiral.

To those who want tax reform, let me say that I want reform, too. President Nixon already has sent a partial tax reform proposal to Congress—the first President in a quarter century to do so—and he has promised to recommend more.

The Ways and Means Committee of the House has gone on record in favor of tax reform, and has been devoting long hours to hearings and to study of the question. The committee and the administration are agreed on the bill before us now for a 6-month extension of the 10-percent surtax, to be followed by a phasing out of the surtax.

Coupled with this is a repeal of the 7-percent investment tax credit and a removal of low income families from the tax rolls.

This is a first taste of tax reform, I believe. The rest of the tax reform package will require more study, for it is a most complex subject.

Another point is persuasive to me. The Treasury reports that the average taxpayer is paying less today, even with the surtax, than he paid in 1963, when we had our last tax reduction. The Federal Government is the only level of government which can make this boast; in spite of the fact that we have been fighting an expensive war in the Far East.

Two men whose judgment I respect make another point. They are David Kennedy, the Secretary of the Treasury, and Arthur Burns, the Counselor to the President. Failure to continue the surtax, they believe, would put great pressure on the dollar in foreign exchange.

We must do what we can to show that we are going to be responsible in our dealings with other countries.

I believe that the best way to get a stable dollar and to get good tax reform is to stay with the Ways and Means Committee in its announced intention to produce a better system of taxes.

Mr. HOLIFIELD. Mr. Chairman, I have decided to vote against the extension of the surcharge tax.

President Johnson asked for the surcharge for two purposes.

First. To stop inflation.

Second. To balance the budget. Along with a majority of the Members I voted for the 1968 surcharge.

As all of us know, neither purpose was achieved.

Inflation was not stopped.

The budget was not balanced.

Today we are asked to vote to extend the surcharge once again.

We are again told that it will help to stop inflation.

The present administration tells us that if we pass the surcharge we will have a $5.6 billion budget surplus.

There is a great credibility gap in my mind on both counts.

I am convinced that a surcharge of 10 percent will not stop inflation.

I doubt seriously if we will have a budget surplus unless we use the trust funds as an offset.

If we do that it will be a phony surplus in the real sense.

But, it can be claimed as a real budget surplus by the present administration in next fall's election.

President Nixon and Secretary Kennedy did not raise their voice in condemnation of the Federal Reserve Boards action in raising the prime rate on interest to 8½ percent. The first time in our history that a total 1-percent raise was made at one time.

In my opinion this raise was based on opportunism pure and simple.

It was based on greed and charging all the traffic would bear.

It was inflationary.

Like many other Members I have been waiting for tax reforms for too long a time.

I want to go home and tell my overburdened taxpayers that we closed some, at least, of the loopholes now used by the wealthy to escape their share of taxes.

I cannot in good conscience go home and tell the average middle- or medium-bracket taxpayer that I added once again a 10-percent surcharge to their tax bill and at the same time failed to close glaring and inequitable loopholes.

When inflation continues through failure of the money managers to restrict excessive lending for an industrial expansion which is not needed.

When high interest rates are allowed to continue to gouge the average homeowner and small businessman.

When consumer installment buying charges continue to rise on items needed by the consumers.

I cannot add to the burden of inflationary interest rates, the 10-percent surcharge on taxes.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to H.R. 12290, the bill pending before this House to continue the income tax surcharge.

Two years ago I was one of the first House Members to propose a comprehensive tax reform package. On the opening day of this Congress I reintroduced it as H.R. 1039. Yet, the House Ways and Means Committee has yet to report out a bill providing equity for middle-income taxpayers. Mr. Chairman, the time for tax reform has come. I know I speak for all middle-income America when I stand in this House to say that I will not accept the promise that tax reform is coming at some vague time in the future. Millions of Americans want equity and they want it now, and they deserve it now.

Mr. Chairman, last year I was urged to vote for the surcharge on the premise that it was needed to halt inflation and on the premise that tax reform was in the offing.

Despite all the assurances and all the pledges, inflation is worse than ever and real tax reform has not yet been enacted.

Mr. Chairman, I will not be led down that trail again. Before I will vote a single penny more of taxes for America's workingmen and women I will have to be given an opportunity to vote on a real tax reform bill.

Today's bill has one attractive feature. It does take much of the tax burden off the desperately poor. This is good as far as it goes, but it simply does not go far enough. It does nothing for the millions groaning under heavy State, local and Federal taxes and it also does nothing to correct the inequities which enable the very rich in too many cases to pay little or nothing.

Mr. Chairman, I will not take the time of this House further except to say that I will vote "no" today on this bill and I shall vote "no" on all such legislation until we have meaningful tax reforms. And I want it clear that as far as I am concerned meaningful tax reform is reform that can be seen and felt by the majority of middle-income Americans.

Mr. MIZELL. Mr. Chairman, H.R. 12290, extension of the surtax for 1 year, is clearly needed if we are to curb inflation and protect the soundness of the American dollar.

We are in an hour of financial crisis for our Nation. Now is the time for this Congress to act as a reasonable, responsive body.

Almost daily we see evidence of prices and wages going up. Interest rates are at historical highs.

Continuance of the surtax, as distasteful as this may be since none of us like taxes, can help us to contain or check inflation. But it will take time and that is what this administration is asking.

Working hand in hand with the surtax extension in an effort to slow down our economy will be the proposed repeal of the 7 percent investment credit that businesses can deduct from their taxes when they purchase new equipment or facilities. It also proposes that excise taxes on automobiles and telephones be continued for another year—to serve as an additional brake.

While I am sure all of us would like relief from the surtax, this is impossible today at a time when we must protect the soundness of the dollar. However, this surcharge extension legislation will remove the people covered by 5 million tax returns from the tax rolls and reduce the taxes of a group covered by another 8 million returns, effective in January 1970. Under this plan, most all people with incomes below the official poverty level will be removed from the tax rolls. Previously, they had been liable for $100 or more per year in Federal income taxes—a gross injustice.

I urge passage of this bill.

The resolution before us contains a sound and sensible package of fiscal steps necessary to restrain existing inflationary pressures and dampen future inflationary activity. It complements existing monetary policy, which is designed to accomplish the same desirable and necessary objectives.

Monetary actions of the Federal Reserve Board will appreciably contain the rate of monetary growth by limiting the volume of reserves available to banks and by raising the discount rate. As effective as these monetary policies of restraint are, they cannot, by themselves, control the inflationary pressures in our economy. On the other hand, neither can the fiscal steps incorporated in H.R. 12290 alone contain these pressures.

But together they can. Together they will. This is why it is essential to consider quickly and pass promptly the tax measure now before us. Only in this manner—by combining the force of fiscal policy with the strength of monetary policy—can we achieve the objective all people want: control of the inflationary forces so disruptive of our national efforts and destructive of our national goals.

Mr. ANNUNZIO. Mr. Chairman, I would like at this time to make my position clear on the issue of the income tax surcharge now before us. I believe that it is imperative that we take immediate action in extending this tax for another year.

All of us, I am sure, would like to see this tax end. And much pressure has been exerted to allow this tax to expire today. I for one dislike to see it continued for any longer period than is absolutely necessary.

But, Mr. Chairman, there are important issues involved. Extension of the surtax is essential to help restrain inflationary pressures which threaten to get out of hand.

During the past 4 years we have all witnessed prices rising at an unacceptable rate. Last year consumer prices rose by 4.2 percent. Latest figures for May 1969 reveal that they are 5.4 percent higher than they were 1 year ago. During the past 3 months they have risen at a 7.2 percent annual rate.

Now I realize that some are arguing that the surtax has failed to check inflation; but prices would have risen even more rapidly had we not instituted this tax last year.

Something must be done to halt this upward trend in prices which falls with particular severity upon middle- and lower-income individuals and the elderly living on fixed incomes who are robbed of their savings and who find less and less of their income available to provide them with the necessities of life. Inflation, in effect, is a pickpocket—it picks the pocket of those who are in greatest need—the poor people and the elderly living on fixed incomes.

I believe that this tax which amounts to only about 1 penny for every dollar

of income earned is far preferable to the tax of inflation. Indeed, the surcharge is far more equitable because it is more progressively based upon the principle of taxation according to ability to pay, while the tax of inflation is regressive, bearing most heavily upon those who are least able to afford it.

Failure to extend the tax surcharge will only serve to intensify inflationary pressures and would further weaken the dollar at home and abroad and cause a deterioration in our balance-of-payments situation.

All of us realize that basically this tax is a war tax—that it was instituted and needs to be extended to help finance our military operations in South Vietnam. At the present time the war in Vietnam is costing our Government in the neighborhood of $30 billion a year—or, roughly, one-sixth of total Federal budget outlays. Extension of the tax surcharge represents a temporary expedient which will enable us to meet the extra financial costs associated with our participation in this conflict. All of us earnestly hope that our involvement there will be of short duration, and that a peaceful solution will soon be in sight which will insure freedom and stability in this troubled area.

Surely at a time when our fighting men in Vietnam are giving of their service and even of their very lives in order to halt the spread of Communist aggression, we here at home must be willing to make this small sacrifice in the interest of world peace.

Enactment of the tax bill now before us will produce an estimated $9.1 billion in Federal revenues during the fiscal year 1970. Of this total, $7.6 billion will be derived from extension of the surtax at 10 percent for the first 6 months, dropping to 5 percent on January 1, 1970. If we are successful in passing this tax bill, it is estimated that we may be able to realize a budgetary surplus of $6.3 billion. Its passage will enable us to achieve the goal of fiscal responsibility which everyone is seeking, that is to keep Federal spending within the bounds of income and avoid any further addition to our huge national debt. Failure to extend the surtax will produce a budgetary deficit of about $1.3 billion during fiscal year 1970 unless severe cutbacks in Federal spending programs are made.

While all of us are seeking ways and means of bringing about more efficiency and eliminating or postponing those programs which are not absolutely essential, I certainly do not want to see vital domestic programs at home sacrificed—those which will provide essential education, housing, health and welfare facilities and services. With racial unrest and riots still taking place in our cities, we cannot afford to sacrifice those programs which will help to provide a better way of life for our less fortunate citizens who have been denied their basic rights for far too long.

Should we fail to enact the surtax extension and should a budgetary deficit result, Federal borrowing to finance this deficit would only serve to drive interest rates even higher. Small businessmen and homeowners would find credit increasingly expensive and difficult to obtain. I am afraid that ultimately tight credit will precipitate a real financial crisis which will plunge us into a severe recession.

Now I realize that some are opposing extension of the surcharge on the grounds that tax reform measures could bring in the revenues we need. And I will be the first to admit that tax reform is needed—that we must not delay in closing glaring loopholes which now exist in our tax structure. Such loopholes enable the very wealthiest individuals and corporations to escape paying little or no Federal income taxes. Naturally there has been a growing resentment against the unfairness of our tax system which permits such inequities to exist.

We most assuredly will have tax reform legislation. Many sweeping proposals have already been advanced in this area. President Nixon has pledged his support of such legislation. The Ways and Means Committee is committed to securing a comprehensive revision of our tax code, and more than 600 persons have already testified this year at hearings conducted on this subject. As early as 1967 I took the floor of the House to urge the plugging of tax loopholes. I pledged then, as I reiterate now, my full support and best efforts toward securing the enactment of such legislation. Such comprehensive changes in our tax structure, however, take time. We must not act hastily, but we must give careful study and consideration to these complex proposals and then take appropriate action which will correct longstanding abuses rather than create new ones.

The tax bill now before us recognizes the plight of our citizens living at the poverty levels and contains provisions which will give immediate relief to these individuals. The low income allowance features of this bill will reduce or eliminate entirely the tax liability of some 13 million taxpayers, saving them approximately $625 million in taxes annually. So it is apparent that Congress recognizes and is seeking to alleviate the plight of our citizens living in impoverished circumstances.

In conclusion, we must not procrastinate but we must be willing to face up to our responsibilities and extend the income tax surcharge for 1 more year. Such action will help us to meet our Government's financial commitments in a responsible manner and will enable us to bring our budget into balance. It will thereby provide the restraint which is so necessary to halt runaway inflation. Thus it will give greater stability to the dollar at home and abroad while at the same time enabling our economy to move forward, utilizing our manpower and productive capacity fully for the benefit of all our citizens.

I was gratified to learn that Hon. HALE BOGGS, the majority whip of the House, and Hon. WILBUR MILLS, the chairman of the House Ways and Means Committee, are planning tax reform legislation for the Congress to consider in early August. I shall vote today for the surtax legislation knowing that the Congress will meet its responsibilities to the American people and that the Ways and Means Committee will report tax reform legislation to the House floor in August which I will wholeheartedly support.

Mr. OBEY. Mr. Chairman, trying to curb inflation solely by relying on high interest rates and an extension of the 10-percent surtax is like trying to pull a freight train with a gnat.

We have had five hikes in the prime interest rate in the past 7 months. Yet, high interest rates have not stopped borrowing by large borrowers; they have only increased the burden on the small ones.

We have had the surtax a year. Yet, we have had a 5.4-percent increase in the Consumer Price Index from April of 1968 to April of 1969. Certainly, other measures are in order.

Putting aside the economic arguments, one could still accept the surtax if it would provide the revenue to meet the real needs of the Nation. But, a review of the Nixon budget for fiscal year 1970 reveals that no serious attempt will be made to meet these needs.

That budget shows that:

First, while $1 billion has been promised to aid local units of government for pollution abatement, the administration has budgeted only $214 million.

Second, while $295 million was promised for hospital construction and modernization, the administration budgeted only $153 million.

Third, while $3.6 billion has been promised for ESEA programs, the administration has budgeted only $1.4 billion.

That budget shows that the Federal Government will not begin to close the cavernous gap between its promises and performance, its obligations and its actions.

This means, purely and simply, that we are spending our money in the wrong places. It means that our spending priorities are not in order. When we can spend money for another nine trips to the moon over the next 3 years—while shortchanging our real needs—we are misallocating our tax moneys.

That is why, given the lack of determination on the part of this administration and this Congress to put first things first, I will not, under present circumstances, vote for extension of the surtax.

Mr. HOWARD. Mr. Chairman, today, each of us has the opportunity to stand up and be counted for or against the average American wage earner—for or against an unfair and discriminatory income tax surcharge.

President Nixon's proposal to continue the income tax surcharge would not close a single loophole in our present tax structure. It would continue to permit the oil barons and the oil and gas companies to pay little or no Federal taxes. It would continue to permit the rich to get richer and the poor to get poorer. And it would force the average American wage earner, already overburdened by heavy taxes, to pay a greater share of taxes to make up for the money saved through the use of tax loopholes by others.

Mr. Chairman, I urge my colleagues to vote "no" on the tax proposal. We should not continue the income tax surcharge without meaningful tax reform. A vote

against the tax proposal is a vote in favor of tax reform. A vote against the tax proposal is a vote in favor of middle class America. A vote against the tax proposal is a signal that the avoidance of paying taxes through the use of tax loopholes will no longer be tolerated.

President Nixon does not hesitate to ask the average American to pay more taxes but he stanchly defends the 27½ percent oil depletion allowance, the most unforgiveable and disgraceful tax giveaway in America today. No one will argue that the source of oil slowly but surely depletes itself. But how about the wage earners of America? Does the laborer not deplete his body as he works each day? Are the eyes of our business executives not depleted somewhat as they pore over company reports? Are not the arms and backs of America's housewives and mothers depleted bit by bit as they raise their children and take care of their homes? If the oil companies should be permitted an oil depletion allowance then why should not our taxpayers be given a human resources depletion allowance?

President Nixon wants to continue the income tax surcharge but he refuses to be realistic and ask that the $600 a year personal income tax deduction be raised. I have introduced legislation in the last two Congresses to raise the yearly personal income tax deduction from $600 to $1,200 a year. I think this is much more realistic and fair. But the President, while defending the oil depletion allowance and other tax loopholes, ignores such pleas for a higher personal income tax deduction.

President Nixon also claims he needs the income tax surcharge to curb inflation. He will not accept such a tax for 3 months, or 6 months, even though this would help. He wants it for a year so that he can end up with a large surplus. He also feels that during that time, the taxpayers' revolt in favor of a tax reform will lessen. I hope it will not.

Will such a surcharge curb inflation? For the year from April 1968 to April 1969, during which the surcharge has been in effect, the consumer price index has gone up nearly 5½ percent. In March of this year, it went up 0.8 percent, or at an annual rate of almost 10 percent. In April, the rise was almost as much, 0.64 percent, or at an annual rate of more than 7½ percent. These figures show rather clearly that the surcharge did not halt inflation.

I am seeking bipartisan support in defeat of the tax bill today because there are those on both sides of the aisle who support the oil depletion allowance, who support various other loopholes, and who know if the tax bill is defeated today, then the Congress will almost immediately be forced to close the tax loopholes. And that is precisely why I am urging my colleagues, regardless of their political party, to vote to defeat the tax proposal today.

Mr. Chairman, I firmly believe that if we approve President Nixon's tax proposal today, we will write off our last chance of seeing the oil depletion allowance eliminated or even substantially reduced. I firmly believe that if we pass the tax increase today the most we can hope for is an insignificant tax reform bill.

When President Johnson first proposed the surcharge, many of us fought him on the issue. Many persons from the administration urged me to support the President, told me to be loyal to my political party, and even said that if we passed the income tax surcharge, we would immediately get tax reform. I refused to budge because I am a representative of the people of the Third Congressional District of New Jersey first, and a member of a political party second. Many of my colleagues were won over and voted in favor of the surcharge with the hope that they would then get tax reform. It never came, and unless we join together today and defeat this tax bill, it never will.

No longer should we accept nebulous promises of reform; today we should demand performance through meaningful tax reform.

In conclusion, I think it is important to point out that as a ploy, the administration has tacked onto this bill a proviso which would permit some of the Nation's poverty stricken to pay no taxes. What a sham. Who of us here today would ever oppose such a measure? Certainly no one with a conscience. But the real way to protect the poor—along with the rest of middle class America—is to vote down the President's tax proposal and force meaningful tax reform.

Mr. HELSTOSKI. Mr. Chairman, I do not intend to vote for this bill to extend the 10-percent surcharge tax unless I can see some meaningful tax reform legislation. I think that the old saying "Taxation without representation is tyranny" should be changed to "No taxation without reform legislation."

The White House and the Treasury Department are telling us of the dire consequences if we do not pass the surcharge tax extension for 1 year. Well, I am not going to be panicked into voting for something that has not done what it was originally intended to do—stop inflation. The surcharge—in effect at present—has not stopped inflation and it does not appear that any extension of the present law will do it in the future.

We have, only last Friday, extended the present law to July 31, and I see no reason that we should be shotgunned into immediate and hurried action. We have a month to rationally review the need for the legislation we are considering today. If this does not appear to be enough time, we can extend the withholding level for another month.

The tax loopholes force the low- and middle-income wage groups to bear a larger burden of taxation than is necessary. There is no question that Federal, State, and local taxes impose an undue hardship on the majority of the people while a minority, enjoying tax loopholes, take advantage of the fruits of someone else's labors.

To equalize the tax burden, we must proceed to reform our entire tax structure and in addition, to help the ordinary taxpayer, we must increase his personal exemption. These people need this exemption and need it now. They have been waiting for it since 1948, when the exemption was increased from $500 to $600.

I am of the firm belief that if we take adequate steps to eliminate the inequities of our tax laws there will be no need to extend the surcharge tax legislation.

I say to you that those people who avoid all tax payments have no fear of facing a surtax because 10 percent of nothing is still nothing, and no tax liability exists on paper even if morally justified.

I believe that before we pass the present bill we must have before us a comprehensive tax reform bill so that we can fully assess the financial needs of the Government.

One way to stop the pressure tactics used on this legislation is to turn it down until we obtain some firm and concrete action on tax reform.

I hope that when the smoke of today's battle clears away we will have taken a positive step forward to obtain a long overdue tax reform. Defeating the present bill or sending it back to committee will provide us with the lever we need.

Mr. WOLFF. Mr. Chairman, on June 20, 1968, I rose on this very spot to explain why I was voting against the 10-percent income tax surcharge. At that time I said:

> I am opposed to this legislation because the so-called economic answers included in this bill are not truly answers to our problems. Rather they are superficial palliatives that screen our overriding national interests.

This year I find these words as valid and appropriate as they were last year. I am going to vote against extension of the unnecessary, unjustified and unreasonable tax surcharge because this administration, like the last, has failed to come to grips with the nature and gravity of our economic ills.

Again this year the prime rational being offered for the surcharge is to control inflation. I dislike inflation as much as anyone for steadily rising costs are truly a cancer that will eventually destroy the host. Inflation is a dangerous evil and if the surcharge were even a partial solution to the problem of inflation I would reevaluate my position.

But the clear, inescapable, ironic truth is that the tax surcharge has not slowed inflation. It has, coupled with higher interest rates, endangered a prosperity unequalled in this Nation's history. The consumer price index has steadily risen at an annual rate of almost 6 percent since the 10-percent surcharge went into effect. The "not so creeping" inflation continues unabated and the consumer is forced to pay inflated prices out of a deflated paycheck.

If the administration is serious in its stated desire to control inflation then let it offer meaningful proposals and let the Congress act to eliminate nonessential Federal spending—the real culprit. I have made this call time and again during the past 5 years and appreciate the support of many of my colleagues. Five billion dollars in a farm subsidy welfare program that pays for plowing food under while people in the world starve; $4 billion for "pork barrel" public works, many of which can be postponed or eliminated; proven waste and cost overruns in defense procurement; a multibillion ABM program filched from our pockets that will not enhance our national security; and a war in a far off land that is not even supported by the

people we are attempting to protect—these, Mr. Speaker, are the causes of inflation. How tragic it is that we seek to tax even further our overburdened taxpayers instead of moving to control Federal spending which is the real cause to inflation.

There are other equally valid reasons for opposing the legislation being considered today.

Very significantly we are being asked to pass a tax package with only token efforts at long overdue, greatly needed tax reform. As I said in testimony to the Committee on Ways and Means during hearings on tax reform, "The entire situation is in need of drastic overhaul to eliminate regressive qualities and to restore the proper progressive nature of Federal taxation. This does not mean soaking the rich. Rather it means asking all Americans to pay their just share of taxes based on ability to pay. It also means that all persons in approximately the same circumstances with similar incomes pay approximately equal taxes. This must be done with courage and forthrightness and without further delay. Otherwise, an understandable, much discussed taxpayers' revolt could possibly become full blown."

Consider the irony of asking individual American taxpayers to pay a 10-percent tax surcharge while outrageous oil and gas depletion allowances go unchecked. Mr. Chairman, the 20 largest American oil companies pay an average of 8.5 percent in Federal taxation and the administration has the audacity to ask individuals already taxed three to six times as much for an additional 10 percent of personal taxes.

Consider the irony of leaving unplugged a myriad of tax loopholes that enable hundreds of Americans with annual incomes greater than $200,000 to pay no Federal taxes and then turning around and asking the average taxpayer to pay 10 percent additional of a substantial tax bite.

Consider the irony of asking for an extension of the surcharge while private foundations established to exploit the tax advantage provided legitimate foundations go unregulated and untaxed.

Yes, Mr. Chairman, the administration is inviting a taxpayers' revolt and the Congress will be an accomplice if we vote approval of the surcharge extension.

In a related although somewhat different area, I am opposed to the surcharge extension because of the gravity of the problem of spiralling interest rates. The Nation's prime lending rate has risen to an unprecedented, unreasonable, illogical 8½ percent. The real cost of money to the consumer has become prohibitive and is symptomatic of the poor economic fiscal and monetary planning that prompts the administration to seek an extension of the tax surcharge. We must repudiate the simplistic, superficial and unjustified logic that causes interest rates to rise to absurd proportions, fueling further inflation. This comes by destroying the mortgage money market which in turn will deny the lower economic levels home ownership and gut the foundations of our economy. Voting against the surcharge is one means of rejecting such poor fiscal and monetary policies.

There is still another, most significant, reason for opposing extension of the surcharge. As I said during debate on the original surcharge legislation, "What problems? The painful answer is Vietnam. Actually the surcharge is a war tax requested because our dollars are being buried with our dead in a war that is threatening to fulfill the Communist promise to bury us economically.

"What good will come of military victory in Vietnam if our economic base at home is destroyed? There is a basic economic reason, to be added to the overwhelming moral and political reasons, for bringing prompt peace in Vietnam."

The currency of these words is valid if disappointing. The truth is often painful but if we fail to recognize the truth then we will be victims of our own shortsightedness.

In conclusion, Mr. Chairman, let me express the fervent hope that a majority of my colleagues will have the courage and vision to reject extension of the surcharge. For when that is done we can begin to put our economic house in order and to right the wrongs of the past.

Mr. BROWN of California. Mr. Chairman, the tax surcharge decision comes before Congress today at a time when the Nation moves through a period of perplexing economic uncertainty.

For nearly 2 years now, we have had a virtual full-employment economy. According to economists, it is possible to claim "full employment" whenever the total unemployment rates falls below 4 percent. Since the beginning of 1967, that rate has topped 4 percent in only 2 months and has hovered around 3.5 percent or below over the past 12 months. Gross national product has pushed ahead at a recordbreaking pace, and shows no signs of a major slowdown.

Nevertheless, what we should be seeking is balanced economic growth and we have not achieved that objective yet. Inflationary pressures plague income earners, and the chances are good that another year of 4- to 5-percent price level increases is in store again. One indication of the price squeeze is shown in the high price of money, reflected by the recent hiking of interest rates to alltime highs.

To counter the high interest rates, some persons lately have begun to suggest that Congress should take action to "roll back" the rates to a point as low as they were a month ago or to some intermediate figure. I believe such a tactic is not only foolish, but it is dangerous as well.

Pushing back interest rates because they are too high makes as much sense as immersing a thermometer in cold water whenever it shows a fever. Interest rates are a reflection of economic activity, and a sharp upward trend in the rates must be interpreted as a sign of further economic imbalances.

In many ways, higher interest rates work the same way as does an increase in tax rates; both tools should begin to lower consumer and other spending because of the higher costs and lower amounts of disposable earnings. If Congress interfered with the money markets by artificially decreasing interest rates, the prospect would be for severe inflationary pressures—and the chance of an inflation spiral that would be hard to halt.

Both the Johnson and Nixon administrations tout the surtax as a means of cooling down the economy without sending it into a tailspin. And, in theory, even most surtax opponents agree. The stumbling block—the major factor which keeps me from endorsing the surcharge mechanism—is that the surtax ends up being the most inequitable way of stabilizing the economy.

Personally, I would support the surcharge if it were combined with far-reaching tax reforms. Administration and congressional proponents of the surtax extension refuse to go along with this; they hint of some vague future reforms aimed at principal loopholes, but sidestep on major tax reforms at this time.

I deem this approach highly unacceptable. Tax reform is not an issue which has just cropped up in the last few weeks. Both administrations have proposed tax reform packages since January and the Ways and Means Committee even has gone so far as to publish tentative decisions on such reforms.

The longer Congress and the administration procrastinates, chances dim for any tax reform. No one talks of getting into the reform question here in the House before the August recess; after the summer break, the pressures of normal congressional business will limit time available for tax reform debate. As for holding tax reform over until next session, 1970 is an election year, and nobody is going to vote to take anything away from the large companies and lobbies.

The time is ripe for meaningful tax reform to be initiated in this body. In its present form, the surtax extension is clearly unacceptable to me—as it should be to other progressively minded Members. I urge my colleagues to vote against extension so that the Ways and Means Committee can go back and report back a bill that does include significant reforms—not just the weaker compromises we now are offered.

Otherwise, any tax reform which does come about seemingly will originate in the Senate, since it appears obvious that body will attach stronger tax reform to the legislation.

The choice before us today is not one which might lead to utter fiscal chaos. Already we have voted a 1-month extension of the surcharge, and it should not take too long to put the guts of real tax reform into this bill. But, without significant tax reforms, a vote for extension means that middle-income earners again will assume the brunt of the extra tax burden, while large corporations and many affluent persons escape virtually unscathed.

I accept the thesis that the economy is not functioning perfectly, but I do not think that extending the surtax alone

will solve the problem. Last year, at this time when Congress fought bitterly to approve the original surcharge, the Johnson administration claimed a whole series of disasters—undermining of the dollar's international reputation, a runaway economy, spiraling inflation—would happen if the surtax were not passed. Yet, after a year of the surcharge, the economy is in even worse shape.

Lost among all the tumult over economic justifications for the surtax is one basic point—the fact that the prime reason a surcharge is needed is so that the American taxpayer can finance our growing Military Establishment.

End the war in Vietnam, and there would be less excuse for the surtax—on any grounds. Lately, each week here in Congress we hear some additional aspect of costly and/or impractical defense programs. The Military Establishment has long since entered into new realms of Parkinsonian laws, and waste now expands to meet the growing defense budget. I have no doubt that a major cutback in military spending would tend to increase our overall national security.

I voted against the surtax in 1968. I shall do so again today. Instead, I would rather see the economy, and the country, put back into tune through sensible reductions in defense spending and by a major program of meaningful and equitable tax reform.

Mr. Chairman, over the past 3 days I have come across two extremely powerful editorials which touch on the issues before us today. I include in the RECORD at this point an editorial from last Friday's Wall Street Journal entitled "Power in Perspective," which deals with the question of defense spending and national security, and an editorial from yesterday's Los Angeles Times entitled "Tax Reforms Cannot Wait."

[From the Wall Street Journal, June 27, 1969]

POWER IN PERSPECTIVE

Wednesday's "sense of the Senate" resolution calling upon the President to seek Congressional approval before committing financial resources or troops to foreign countries seemingly provides more evidence for a little challenged assumption that major shifts in political and social patterns at home and abroad have drastically reduced the power of the United States.

Though optimism is risky these days, we believe there is ample reason for a more hopeful conclusion: That the current undeniable vulnerability of the U.S. may result in changes leaving the country better suited for a powerful world role than ever before.

Much of the pessimism is surely due to nervousness over the obvious failures of the U.S. military, whose competence long was taken for granted. U.S. embarrassment at the hands of the North Koreans was hardly eased by later disclosures that the seizure of the spy ship Pueblo, if not the attack on a U.S. reconnaissance plane, might have been avoided by better leadership and planning on the part of the officers in charge.

Disclosures of gross inefficiencies in military contracting have further shaken public confidence in the military and their civilian overseers. And of course the war in Vietnam, where failure to win decisively already has meant a large measure of defeat to a country of high military reputation, has proved most disturbing of all.

"If a few hundred thousand pajama clad peasants can absorb all the power of the United States in Vietnam, how powerful is it?" Hans Morgenthau, the political scientist, asked recently.

Perhaps more significant, however, such nervousness is complemented by the widespread appearance of totally unforseen and deep-seated anti-military feelings.

Striking examples abound: Yale University breaks tradition by permitting a graduating senior to deliver a commencement address condemning the Vietnam war, while his classmates pledge to support a legal defense fund for graduates who refuse induction into military service. The stock market, to the consternation of old-fashioned liberals, climbs on hopes of peace and plunges with prospects of continued war. Army privates publish underground newspapers which question military policies in outrageous terms.

And this new pacifism can hardly be taken lightly, for it seems the product of major changes in postwar America. The affluence which has brought unimagined comforts to millions has rendered unpalatable a war which disrupts families for unclear purposes. Increasingly well educated young people feel they can decide for themselves whether war is justified or not. Modern communications bring the brutal realities of war into everyone's home and also dramatize pressing problems apparently unattended at home while the war continues.

Less obviously, the generation whose attitudes about war and peace were shaped by World War II now sees its own not yet mature offspring at military age. Perhaps for this reason it sometimes shows a new perspective on that long unquestioned struggle against fascism. Popular fiction and entertainment in recent years have begun to portray humanity and bestiality on both sides of the World War II battlefields in Europe and the Pacific. In the words of one current best-selling novel, it was not so much a glorious effort of mature men as a cruel "children's crusade."

There can be no question that these developments have limited the U.S. Government's capacity to pursue military ventures. At least as the Vietnam war continues, the prospect of public outcry at home greatly lessens America's ability to carry off another military intervention, even if its material costs could be borne. And the anti-military mood inhibits rational consideration of other needs cited by the military, from ROTC on college campuses to an anti-ballistic missile system.

Yet the skepticism which comes with a society's maturing is not the same as weakness—rather it should be counted among the assets of power. For in the modern world arena, power depends on social, political and economic soundness as well as military strength.

Thus the effort of some Congressmen to reduce the size of the military budget could ultimately increase the overall power of the U.S. if it contributes to strengthening the economy. In a very large sense, the military woes of the U.S. in Vietnam result not from the incompetence of the military but from failure of civilian leadership to see the proper role of the military in this new form of conflict.

In an era of general turmoil it is too easy to forget that whatever stresses the affluence, education, technology and other developments have forced on society, they still hold tremendous potential for good. And from a wholly detached point of view, there is reason to believe that though the problems they present are critically serious, they have also had the beneficial effect of awakening a naive America to some of the realities of life as a powerful modern nation.

This new awareness may mean that previous inflated notions of U.S. world influence must be scaled down to a realistic level while new forms of social and economic strength are worked out. But such a basically healthy perspective is hardly a sign of impotence; rather, it could lead to a wiser, and so more effective, foreign policy.

[From the Los Angeles Times, June 29, 1969]

TAX REFORMS CANNOT WAIT

Issue: Should Congress go along with the pressure to extend the 10% tax surcharge now and deal with tax reforms later?

In its anxiety to win extension of the income tax surcharge, the Nixon Administration has badly underestimated the sentiment—both in Congress and among the American people—for simultaneous reforms to make the tax laws more fair and equitable.

The U.S. House of Representatives, as a consequence, should withhold approval of the Administration-backed tax bill when it comes before the chamber, and send the measure back to committee for incorporation of meaningful tax reforms.

President Nixon has recognized the need to overhaul the tax laws.

It has become obvious, however, that the President assigns an overriding priority to extension of the income tax surcharge—which otherwise expires Monday—on grounds it is vital to the fight against inflation.

His Administration has exerted tremendous pressure to have a surcharge extension bill enacted first, leaving tax reform to be dealt with later.

Specifically, Mr. Nixon proposed that the existing 10% surcharge on income taxes be extended through next Dec. 31, after which the rate would fall to 5% for another six months. The surcharge would expire entirely June 30, 1970.

To make the proposition more attractive, the Administration agreed to an additional provision which will free some 2 million low-income families from paying any federal income tax at all. To offset the revenue loss, the bill provides for repeal of the 7% investment credit for businessmen.

The House Ways and Means Committee, against its own apparent better judgment, voted out a bill with these provisions, and it is this measure which is pending before the chamber. Chairman Wilbur Mills (D-Ark.) promises, meanwhile, that the committee will complete work on a separate tax reform bill before the mid-August recess.

However, there is widespread concern in Congress that, once the income tax surcharge is passed, the Administration will lose its zest for basic tax reform and opposition lobbyists will succeed in choking off the reform movement.

This apprehension, plus a marked degree of public hostility to continuation of the surcharge itself, makes it doubtful that the Administration tax bill will pass this week.

Even if it does, the Democratic Policy Committee has served notice that the Senate will not rubber-stamp the measure—but will instead insist that it be wrapped into one package with tax reform.

The Times believes that enactment of tax reform this year is extremely important.

Assuming that extension of the surcharge is as crucial as the Administration claims—and this is a matter of dispute—there is still no good reason why tax reforms cannot be considered in the same bill. The Senate attitude suggests, in fact, that this may be the only way Mr. Nixon will get his surcharge reenacted.

To avoid injury to the anti-inflation fight, the House and Senate had only to pass a resolution directing employers to continue withholding the tax surcharge pending final action by Congress. Both approved measures of this sort last week.

The House can best serve the public interest now by sending the tax measure back to the Ways and Means Committee, where Congress' best tax-writing experts reside.

The Times, for its part, proposes that the reform package include provisions which would:

Give relief to middle income taxpayers. This could be accomplished by increasing the standard deduction from $1,000 to $1,800. If doing this in one step would put too big a dent in the revenue side of the budget, it could be phased over two or three years.

Make it impossible for wealthy individuals to avoid payment of any federal taxes, as some now do through multiple exemptions allowed by the law. The law could provide, for example, that no taxpayer be permitted to claim exemptions in excess of half his total income—leaving the other half fully taxable.

At the same time it would be only fair to provide that no individual be required to pay more than half his income to the federal tax collector.

Change the law to discourage use of debentures to finance conglomerate mergers.

As President Nixon has said, taxation can never be painless. But it is essential that the taxpayers feel that the pain is distributed fairly.

Mr. EDMONDSON. Mr. Chairman, I voted against the surtax when it was before the House last and I will be voting against it today.

This tax approach is not fair and has not been effective as a check on inflation.

In my judgment, the bill's action on investment credit repeal is also questionable and of doubtful wisdom at this time. It is an added reason for opposing the bill.

My vote is "No," as it was in 1968.

Mr. SCHWENGEL. Mr. Chairman, the issue before us is one which most of us would like to see disappear somewhere. The reluctance of elected officials to raise taxes or refuse to lower them is traditional. That is why a vote for a continuation of the surcharge is so unpalatable. No one likes high taxes, including myself.

But as I view the issue today it seems to me that the Congress must do what is necessary to stabilize the economy and bring inflation under control. It is apparent to me that the continuation of the surtax is absolutely necessary if we are going to stabilize the economy and halt the spiraling increases in the cost of living.

In doing this, however, it means that we have a clean and irrevocable commitment to equalize our tax code. Tax reform is a necessary compliment to a continuation of the surtax. Without assurances from the administration and members of the Ways and Means Committee that meaningful tax reform legislation will come to the floor of this House before this session ends, I could not in all good conscience support this bill. Those assurances have been given.

As necessary as it might be, there is no way I could vote for a continuation of a tax surcharge unless it was absolutely clear tax reform is imminent. It just would not be fair to ask our taxpayers to continue to be taxed under a blatantly unfair and inequitable tax code.

Mr. Chairman, there is another point which I would like to make. I am apprehensive about the inclusion of the repeal of the 7-percent investment tax credit in this bill. It is my own feeling that this should have been handled separately. The effect on small business in particular, seems to me to have indicated that something short of complete repeal might have been better.

In addition, I am pleased that this bill does relieve the tax burden for low-income families. In effect, this is a start, halting to be sure, toward tax reform. It seems to me the action taken by the committee in effect endorses my contention that the $600 personal exemption should be raised. It is my hope that in its continuing deliberations on tax reform that an increase in the personal exemption will be thoroughly explored and finally recommended to the House.

Finally, Mr. Chairman, there is an important point which should be made. The need for the surtax last year was the complete and utter collapse of the fiscal policy of the previous administration.

We have to look back no further than the 89th Congress to find the root of the problem. That Congress boosted spending well over $60 billion above any previous Congress without doing anything to increase revenue. It lacked the courage to increase taxes then and we are still paying for it today. We all know what happened. We have had inflation as we have seldom experienced in the last 20 years. To eliminate the surtax now would mean even more severe inflation.

My vote today then is for the protection of the dollar, for the protection of those on fixed incomes and for the protection of our life savings. And it is predicted on the assurance that tax reform, meaningful tax reform is about to be realized.

Mr. OTTINGER. Mr. Chairman, just 1 year plus 2 weeks ago, the House of Representatives was about to take up legislation imposing a 10-percent income tax surcharge. We were told it was necessary to alleviate the inflation which had been gnawing away at our economy for at least 3 years. I opposed imposition of the surcharge on the grounds that it would not effectively fight inflation and would exaggerate further the intolerable inequities in our already inequitable tax structure. I called instead for substantial cuts in nonessential Government spending—spending which was and continues to be the driving force behind our inflationary woes—and for comprehensive tax reform both to increase revenues by closing loopholes and to ease the unfair tax burden on the average American family.

Nothing has happened in the past year to lessen my opposition to the surcharge or to weaken my resolve to press for tax reform and selective spending cuts. If anything, my determination to speak out for the forgotten American—the middle-income taxpayer—has been strengthened by the new administration's continuation of the topsy-turvy priorities of its predecessor.

What are these misplaced priorities?

They are the Pentagon's blank check—to the tune of $82.5 billion, 60 percent of our free funds—although the record of defense spending shows continued waste and inefficiency: $19 billion since World War II on missile systems that were either never finished or were of out service when completed because they had become obsolete; a $2 billion B–70 bomber which was retired to an Air Force museum before it became operational; a $2 billion-plus Skybolt missile which was canceled because it just did not work; and more recently, such billion-dollar boondoggles as the C–5A transport plane, the Cheyenne helicopter, and the Sheridan tank. And soon we will be asked to appropriate funds for the Safeguard anti-ballistic-missile system, another multibillion venture which will provide security only for the military-industrial complex.

Misplaced priorities include the $4.5 billion in subsidies to farmers—90 percent of them large, wealthy farm corporations—to induce them not to grow crops in a country where 12 million people suffer from malnutrition.

They include the $5 billion being spent on highways, while only 3 percent of that is invested in mass transit systems to relieve the strangulation of our cities and enable people to get to jobs.

They include the $4 billion for the space program this year, but less than a quarter of that to end the blight of rat-infested unsafe housing which afflicts our cities.

They include the $10 billion spent on pork-barrel public works projects which the Bureau of the Budget withholds $59 million authorized by Congress for loans to small businessmen.

I am convinced that the $9 billion represented by the surtax can easily be made up through cuts in the defense budget without in any way compromising our national security. In fact, an analysis last year by the highly respected Congressional Quarterly indicated that as much as $10 billion could be saved in defense costs. To achieve the budget surplus we need to alleviate inflation, an additional $10 billion can and should be cut in the areas of highway construction, public works. farm subsidies, and space.

Substantial additional revenue can be gained by closing the myriad loopholes in our tax laws. All told, I am informed that more than $40 billion in revenue is lost to the Treasury through these loopholes. In the 90th Congress and again this year, I have introduced legislation to close these loopholes. In fact, 129 Representatives and 46 Senators have authored or cosponsored loophole-closing bills and these clearly present a desirable alternative to a tax increase.

But we do not yet have a comprehensive tax reform bill before either the House or the Senate, and the administration, like its predecessor, has both failed to initiate its own tax reform plan and ignored proposals which have been made by Members of Congress. Where does this leave the average American?

At the present time, Americans earning between $5,000 and $15,000 a year represent one-third of the population, but they pay two-thirds of all Federal taxes. Those earning between $10,000 and $15,000 represent 10 percent of the population and pay 20 percent of the taxes.

At the same time, we have a situation in which two dozen individuals who made more than $1 million in a single year paid no taxes at all; more than

1,000 who earned over $50,000 and more than 10,000 who earned more than $15,000 paid no taxes through the use of loopholes in our laws.

To use another illustration: by reason of the depletion allowance, the 10 largest oil companies in the United States, with $7 billion in net income, paid only an 8½-percent average tax rate. By contrast, the poorest taxpayer with an adjusted net income of $500—after exemptions and standard deduction—paid 14 percent.

The tax surcharge creates a burden of 1.4 percent additional tax on the $500-per-year man but an increase of only .085 percent on the multibillion-dollar oil industry. The surcharge thus adds proportionately to our tax inequities. Is there any wonder that a taxpayers' revolt is likely in view of this kind of treatment?

Why is it that everytime we face an economic crisis, the little guy—the wage-earner, the homeowner, the man with no high-priced lobby in Washington—is asked to shoulder the burden, while large, affluent special interests go untouched? The very bill before us contains a loophole exempting Lockheed Aircraft Corp. from repeal of the 7-percent investment credit, although Lockheed has already bled the taxpayers of this Nation through cost overruns on the C–5A cargo plane.

The average family is not even participating in the economic boom of recent years, for as the gross national product has soared, the standard of living for the average worker has actually declined. Latest Labor Department figures show that the typical worker has a weekly pay of $112.13 but purchasing power of only $77.62. This is $2.24 below last September's figure and below the yearly averages for each of the last 4 years.

Today, middle-income families are being driven into poverty and dependence on Federal programs through the operations of our unfair tax system. The 10-percent surcharge will just accentuate the existing inequities and make it more difficult for the average hard-working family to make ends meet through its own efforts. If we permit this to happen, there is certain to be a taxpayers' revolt and I, for one, will do everything I can to make it victorious.

There is no question in my mind that we will achieve significant tax reform only if we defeat the surcharge extension today. The administration can then come back in a few months with a short-term extension pending the working out of reform provisions. If we take the pressure off by passing this 1-year extension, we will never see more than a token effort at reform. In this situation, I see no responsible alternative to opposing the legislation before us.

Mr. WILLIAM D. FORD. Mr. Chairman, I am unalterably opposed to extension of the surtax. The reasons put forth by the administration for extension do not stand up to a careful scrutiny. It is not disputed that we are suffering inflation. However, it is clearly disputable whether a surtax will be anti-inflationary. The present inflation is not created by consumers. It is not a case of limited consumer goods driving up prices. Clearly there is no shortage of supplies. The implication that consumer overindulgence is creating inflation and that the surtax, by putting restraints on the average American's spending, will stem the tide of inflation is untenable in light of the experience of this past year. With the surtax in effect we have had prices continually spiraling upward and we have the highest interest rates ever.

Last year when the surtax was before us I was repeatedly warned that if I did not vote for a surtax we would have a very severe inflationary crisis. I voted against the surtax at that time and, just as the fiscal prophets predicted, we now have a serious inflationary problem. The surtax passed without my vote.

I think this experience should make us seriously question whether the surtax itself is not inflationary. The surtax is a temporary tax. As a temporary tax it is passed directly along to the consumer through higher prices without an effort at absorbing the brunt of the tax being made by the producers of goods and suppliers of services. The adjustments which a permanent tax would require are never made because the thought is always that the tax will be with us for too short a period of time to necessitate basic readjustments.

The surtax proposal now before us is even more temporary than last year's. It would put a 10-percent surtax in effect for 6 months and then reduce it to 5 percent for the next 6 months. This kind of juggling of the tax structure without basic reform of the tax system or recognition of the effect of temporary taxes on prices may well increase inflation. A quick look at the Consumer Price Index and interest rates during fiscal year 1969 indicates that this is indeed the case.

There is another basic reason for opposing extension of the surtax at this time; and that is the clear need for tax reform. The indications I have had from members of the Ways and Means Committee and my own personal observations tell me that we are closer now to some substantial and meaningful tax reform than we have ever been before. The voice of the average American taxpayer is being heard in Congress and the message that voice carries is beginning to come through loud and clear—even to ears that were previously somewhat hard of hearing on such issues. Former Secretary of the Treasury Barr's disclosure that 115 Americans with incomes over $200,000 including 21 whose incomes exceeded $1,000,000, paid no income tax at all in 1967 aroused a very righteous indignation among American taxpayers. Their response has been aptly labeled "a taxpayer's revolt." I cannot understand how the pressure that they have brought to bear and the clear message that they have sent to this Congress will be ignored. To ignore this cry and pass the surtax without tax reform is rather like Marie Antoinette offering cake to those who want bread. I would direct the attention of my colleagues to a study of tax legislation inserted in the CONGRESSIONAL RECORD for June 27, 1969, at pages 17644 to 17646 by the gentleman from Ohio (Mr. VANIK). This study clearly indicates that the percentage of members on the Democratic side of the aisle who have cosponsored tax reform legislation is measurably higher than on the Republican side of the aisle.

To agree to extension of the surtax now and hope for tax reform in the future would be neither realistic nor responsive to the demands of the American voter.

There are other serious problems with this proposed legislation. The proposition that repeal of the 7-percent investment tax is a tax reform measure which will serve as a "sweetener" to extension of the surtax is specious. Repeal of the 7-percent investment tax credit should not be classified as basic tax reform. The tax credit was enacted solely as a device to heat up the economy during a period of recession. The measure was defended by the Johnson administration's economic advisors as a temporary method of fiscal control. At that time I disagreed with both the value and the theory behind this tax credit. I voted against the measure then. Surely now it should not be allowed to continue when it is clearly heating up the economy. However, to claim that removing this tax credit is true tax reform is to forget why it was enacted in the first place. It is a temporary measure which was meant to be, and has been, put into effect and taken out of effect as the fiscal situation mandates. It is not a permanent built-in tax loophole.

The effect of the proposed surtax extension upon present tax inequities will worsen an already intolerable situation. The size of present tax loopholes for the rich and for large corporations will be magnified and the relative disproportion of the tax burden that the American wage earner bears will be increased.

Those who now are using tax loopholes to avoid paying their fair share of the tax burden of this Nation will find cause for jubilation in the 6 months at 10 percent, 6 months at 5-percent provision in this bill. A wealthy individual with extensive assets can merely delay capital gains transaction for 6 months or a year until the tax is lower, while the wage earner who gets paid regularly cannot possibly use this gimmick to lower his tax.

By using a temporary tax which is in effect for only a specified amount of time, we allow those who use tax loopholes to speculate on whether the surtax will be extended beyond the specified time and to arrange and coordinate their business dealings to take advantage of possible lower taxes in the future. This is not sound management of the national economy. It limits the effectiveness of what is being championed as a method of fiscal control because it allows escape from its provisions for the most monied part of the population. The rich can escape paying the tax through money manipulation while those living on modest incomes bear the burden. This is not equitable and it is not fiscally sound. If the level of—

Treasury revenues were controlled through permanent rather than temporary taxes such inequities would not be possible.

Tax reform could provide such permanent increase in revenues.

I have been working hard for tax reform. I have cosponsored bills to:

Eliminate the unlimited charitable deduction.

Eliminate the stock option tax preference.

Eliminate the $100 stock dividend exemption.

Eliminate the multiple corporation gimmick.

Remove tax exemption on municipal industrial development bonds.

Establish a municipal bond guarantee corporation.

Reduce the oil depletion allowances from 27 to 15 percent.

Establish similar rates for gift and estate taxes.

Eliminate payment of estate taxes by redemption of Government bonds at face value.

Eliminate use of hobby farm losses to offset other income.

Eliminate accelerated depreciation on speculative real estate.

Repeal of 7-percent investment credit.

Raise the personal tax exemption from $600 to $1,200.

These and many other tax reform measures are where our efforts and our votes should be going. My vote will go for tax reform and for relief of the taxpaying individuals who work for wages or operate small businesses and pay the majority of our taxes. It will not go for extension of an unnecessary surtax.

Mr. CLANCY. Mr. Chairman, a year ago this body enacted the 10-percent surtax for the same stated purposes; to halt inflation and to prevent an economic crisis. At that time, Mr. Chairman, the tax, when enacted, was to be a temporary measure but we are here today to reconsider this legislation and to extend the surtax for another period of time. The arguments today are identical with those that were advanced last year and the reasons given for the adoption of this measure have been heard before.

I am very much opposed to this tax increase because without a meaningful and substantial cut in the budget, it will only serve as an encouragement for further spending programs.

Many of the programs which I directly voted against have created this grave situation and have caused this request for increased taxes. The ultimate result of such excessive spending is the creation of a tax burden which has become intolerable, increasing higher costs of living and continued increases in all forms of taxation. It is my honest conviction that there are solutions to our current financial problems other than by means of the surtax. We must correctly place the responsibility for our present problems at its source and reduce Federal spending to a point where the surtax measure would not be necessary. This is a difficult but not an impossible solution. It is one which does not break faith with the millions of people whose income is being dissipated by tax increases and inflation. It places a restriction on the Federal Government of operating within its means which is no more than is expected of any individual or enterprise.

Those whom we represent must feel that we are aware of and responsive to their interests. It is a denial of those interests to demand an additional share of their income without providing additional services benefiting them. The public is already overburdened with excessive taxes. Yet we cannot pass the mounting debt on to future generations with little or no concern. We are already reaching a point where merely paying the interest on the national debt is a substantial figure in the annual budget, and where proposals to retire the national debt are no longer considered as serious suggestions.

Mr. Chairman, I find myself as other Members do in a most difficult position. We voted against the tax last year because it was unnecessary and would not do what the majority said it would do. We also stated in our remarks during the debates last year that the tax would be with us next year even though it would be temporary. President Nixon has found himself in the position of being saddled with the mistakes of prior administrations and the big spenders in Congress. Although he is not responsible for the problems that we face today, I do not feel that a change in leadership justifies a reversal by a Member of this body.

Making substantial reductions in our Federal budget and declaring a national moratorium on new, unnecessary spending programs would be a far better method of showing fiscal competency and our desire for self-discipline. The citizens of America would benefit far greater from this course than by imposing an additional tax burden already much too great for some to bear.

Mr. CULVER. Mr. Chairman, the mounting concern among the American people for meaningful, comprehensive tax reform has reached a critical stage as the House first, and then the Senate, decides whether the 10-percent surtax should be extended for another year as President Nixon has recommended. I strongly oppose continuation of the surtax without significant tax reform in the present circumstances. There is real danger that we shall lose the opportunity for major reform by now diverting our energies to the narrower surtax question, and that the deeper inequities of our tax laws will endure while the argument rages over this alleged weapon against inflation.

Extension of the surtax hits hardest those individuals who have already suffered the most from inflation, rising State and local taxes, as well as high interest rates. Moreover, if the Congress will urgently turn its attention to tax reform in areas such as the oil and mineral depletion allowance, "hobby farmer" tax benefits, a minimum tax for high-bracket taxpayers, conglomerate mergers, multiple corporations, and self-dealing by foundations, enough revenue could be raised so that the surtax may prove to be unnecessary.

My views on this matter are shaped by the following considerations.

First and most important, the costs of the war and the fight against inflation must be shared equitably by all. No responsible public official can deny that one of the most urgent domestic problems before our Nation is to control the rising level of inflation which, since January of this year, has threatened to drive the current year's cost of living up between 6 percent and 8 percent. But if the surtax is extended without tax reform, those who pay unreasonably low taxes generally will also pay an unreasonably low surtax, and the basic inequity of our present tax system will be compounded.

I supported the 30-day extension of the surtax withholding rates enacted by the House last week. In my judgment, this enables us to continue fiscal policies which help control inflation while the Congress considers the provisions to be included in comprehensive reform legislation.

Action now on comprehensive tax reform is entirely feasible. One year ago when the Congress first enacted the surtax, it mandated the administration to submit tax reform recommendations. Proposals have been made by the Johnson Treasury Department and by the Nixon Treasury Department, and extended hearings held by the House Ways and Means Committee have afforded all interested spokesmen a forum for presenting their views. There has, then, already been much discussion and debate on what appropriate provisions should be included in meaningful reform legislation. The fact is that this Congress has the power, the knowledge, and the means to close loopholes, stamp out unjustified special privileges, eliminate outdated tax subsidies, and simplify the tax code itself. And the Congress should do so, not sometime in the future, but now.

Mr. TAFT. Mr. Chairman, I wish to state my strong support for the passage of H.R. 12290, to continue temporarily the tax surcharge, to provide for its phaseout, to extend automobile excise and communications services taxes, to repeal the investment credit, to provide for rapid amortization of pollution control facilities and to provide a low-income allowance. I urge such support because I feel that to follow any other course at this time is to invite additional inflationary pressures that would cost taxpayers far more than the continued tax burden and would subject the Nation to risk of major economic disruption and possibly depression.

I take this position at this time against the background of having voted against the tax reduction act of 1963 and against the conference report on that legislation in 1964, as well as having voted against the original enactment of the surcharge in February of 1968 and the conference report in June 1968. I believe that I am being perfectly consistent in my economic thinking in doing so. At the time of the passage of the 1963 tax bill, I stated as follows:

> In a time of almost unparalled prosperity and when we are already operating 10 billion dollars in the red, they are taking a step to stimulate incipient inflation into full blown inflation. The cost of living is daily showing signs of increasing its upward trend and thus recapturing quietly and cruelly from those who can least afford it any benefit of the tax cut. And let me remind that inflation does not mean prosperity.

With regard to the 1968 surtax bill, I stated at that time as follows:

I opposed the measure because I felt the proposed surtax and expenditure limitation of $6 billion were too little and too late. The President (Lyndon Johnson) refused to cooperate with the Congress in spelling out how and when the $6 billion cut is to be effected, so that there is doubt that this tax increase will result in any reduction in the final deficit and its inflationary impact. The Administration refused to come up with any real cutback plan. At the same time, the Congress dominated by the President's Party, continues to appropriate at excessive levels on programs, space, public works, farm subsidies and additional personnel that could be cut or deferred until such time that the nation is not financing a war and our fiscal affairs are in better order.

I submit that the record, since these statements, has tended, in large part, to substantiate them. The inflationary trend, while abating somewhat, has continued at a still dangerous rate. To fail to pass the surcharge would, in effect, be to enact a tax cut at this time with what might be a major inflationary impact. It would also have the effect of shifting a projected budget surplus of $5.2 billion to a deficit of $4 billion on the unified budget basis and of increasing a projected deficit of $5.4 billion on the administrative budget to a deficit of $14.6 billion.

Moreover, it should be noted that the action proposed to be taken with regard to the surcharge, is not an indefinite extension but rather a carefully planned phaseout which would be designed to help the economy at a time when expenditures have been brought under control and, hopefully, the burden of supporting the war in Vietnam considerably decreased, if not substantially terminated.

Other positive reasons for supporting the legislation are the low-income allowance which would have the effect of eliminating tax liability for about 5 million returns and for reducing the tax in the case of another 7 million returns, and this benefit would be provided for those who have been hit hardest by the increase in cost of living that has resulted from our deficit spending policies of the past. While it is no substitute for an increase in the $600 level of personal exemption, it is at least a step in the right direction and probably as much as we can reasonably afford at the current time.

Also wise seems the 5-year writeoff provision for pollution control equipment which is adopted as a concomitant to the elimination of the 7-percent investment credit. As the committee report on the bill points out, to repeal the credit without such a provision might well have an undesirable effect on the efforts being made by private industry to combat the pollution problem.

The provision of the bill with which I have the most difficulty is the repeal of the investment credit. I share the questions already expressed by others as to the effect of this repeal upon our balance-of-payments situation and upon the desired expansion of our exports. If we are to follow this course, it does seem to me that early attention should be given to adjustments in our depreciation schedules to make them more realistic and to put us on a more competitive basis with some of our foreign competitors in upgrading and modernizing plant and equipment.

Some solace may be found in the practical fact that the investment credit, standing out as it does like a handle on the tax code, seems bound to become subject to being grabbed at every time economic or political circumstances suggest it. Hopefully, such revision of depreciation schedules could be considered at the same time that other necessary tax reforms are brought before this House, which should be and is promised to be, later this year. I disagree with none in the desirability and the necessity for closing tax loopholes that have gone unclosed far too long and have led to alarm and resentment on the part of so many Americans. At the same time, I think it is realistic to recognize that there is no agreed-upon tax reform package among the proponents of such reform and that to try to enact it at this time would be dangerous to the need for a prompt extension of the surtax.

Mr. HASTINGS. Mr. Chairman, in supporting the surtax bill, I do so reluctantly but in the firm hope that this action will mean the end of this burdensome levy a year from now.

It has not been an easy decision to make. The people today have never before been faced with such oppressive taxloads at all levels of government. And on top of this, they are being hit by inflation, the cruelest tax of all because it strikes at those who are least able to pay it.

Inflation hurts everyone. The elderly, the sick, the retiree, the middle-income and upper-income family, the single person and the young marrieds trying to get a start in life—no one escapes the depressing lowering of one's standard of living brought on by rising costs. Each month the insidious tax of inflation shrinks the already deflated dollar. Respected economists from all over the Nation and indeed the world say continuance of the surtax for the time being is necessary to bring inflation under control.

Other fiscal experts, representing all spectrums of society and political groupings, who have made unbiased appraisals, say continuance is necessary now. And I am sure that the vast majority of our people—while liking this tax no more than I do—see the need for extension now.

It is a bitter pill for us to swallow, but I believe the people realize that if we do not take this preventive measure now, more drastic economic surgery may be required later. I might say, too, that my decision to support the surtax has been significantly influenced by promises I have received that there will be major reforms in our tax laws this year to make the system more equitable. This I feel is an absolute must. Efforts must be made to reduce tax burdens on low-income, elderly and middle-income groups, and loopholes used by the very rich and giant corporations to escape their fair share of taxes must be closed.

Inflation has presented the Nation with its gravest economic crisis in a generation. Failure of Congress to continue the surtax now as a weapon to control inflation would be a gross irresponsibility. And, I believe it would actually result in the imposition of the crueler tax of inflation with its resultant impairment of our standards of living.

I support the surtax now but with the very clear reservation that I will oppose any further efforts to extend it beyond its expiration date on June 30, 1970.

Mr. LLOYD. Mr. Chairman, I have listened to the debate this afternoon with a real effort to be objective, despite the fact that I had made the decision to support extension of the surcharge because of my overriding concern that we must protect the value of the savings of our people. The 1-year extension of the surcharge under this legislation—that is 10 percent for the last 6 months of this year, and 5 percent for the first 6 months of next year—this part of the legislation by itself will yield $7.64 billion in the next 12 months. We either accept the responsibility of making this $7.64 billion payment, or we borrow the money. To borrow that money would further extend the debt of this country and establish new credit which would not only leave us carrying a heavier burden of debt but by this expansion of credit, further feed the fires of inflation which today threatens our economy.

Two principal points have been made by the opposition, which interestingly, includes some of the most liberal of the Democrats and some of the most conservative of Republicans.

Most of the spokesmen from the Democratic side who oppose the bill do so on the grounds that there is not enough "tax reform" in this package. Yet during the debate, the leaders of both parties on both sides of the aisle, and all members on the Ways and Means Committee, from both parties, have given assurances that we will have a tax reform bill before us before the date of our August recess. President Nixon's personal letter to this House today restates his own commitment to tax reform. Even more evident to me, however, is the fact that this surcharge legislation ends at midnight tonight, being kept alive only by a temporary continuing resolution, which does not state a national purpose and tax reform is not so simple that the Ways and Means Committee can conduct hearings and come up with a suggested bill within the reasonable time we should have either to continue or kill the surtax. We cannot play games with this surtax. We must give evidence of our plans as a nation to pay our debts. The economic stability of this Nation and all those with whom we do business demands that we make our decision. Tax reform is a gigantic task all by itself, and every individual suggestion for reform will draw its own attack. I thought the example cited by the gentleman from Louisiana (Mr. BOGGS) was pertinent. He displayed two editorials from the New York Times. The first stated in effect that tax reform was imperative. The second defended the tax exemption status of foundations against what it charged were "attacks" by the House Ways and Means Commit-

tee. In my opinion, those who claim that tax reform must precede action on this bill are using tax reform as a tool, to force their own personal choices of tax reform measures as the price of extension of a fiscal action vitally essential to the maintenance of economic soundness.

The other opponents, those of the conservative Republican side, state that our action last year in imposing the surcharge did not stop inflation. The distinguished Republican leader (Mr. FORD) has given a most effective reply. He reminds us that devaluation of currencies was facing this country and its allies last year when this legislation was enacted, and that our action in enacting the surcharge, coupled with other acts of responsibility, dissolved that crisis. He has also charted the recent decline of the index in the cost of living. In March the cost of living rose by .08 percent, which is at the rate of 9.6 percent per year, nearly a 10-cent annual decline in the value of the dollar. In April the increase was reduced to .06 percent, and in May the increase dropped to .04 percent.

The great chairman of the committee (Mr. MILLS) has pointed out that the Federal deficit has dropped from $25 billion to a balanced budget this year since enactment of the surtax with spending limitations—a modern economic miracle. But significantly he has also pointed out that with enactment of the surtax last year, the Federal Reserve Board relaxed monetary policy and expanded the supply of money and credit so that much of the economic brake applied by the surtax was released by monetary policies which were too liberal. With that experience behind us, I am confident that with passage of this legislation we will have the benefit of a fiscal policy and a monetary policy which will be working together to produce the economic stability which will constructively reduce the cruel ravages of inflation.

This administration is adopting responsible fiscal measures. We continue to spend more than many of us would prefer to spend, but any practical man in this House knows that there is a limit below which this House will not go in spending. Some would spend more on domestic needs. Some would spend more on defense needs. While we can argue indefinitely on the pros and cons, we can realistically assume that there is a limit to our ability to press spending downward. This fact was effectively communicated today by the distinguished chairman of the Appropriations Committee (Mr. MAHON). Every one of us represents districts which are pleading for more Federal funds.

I share the convictions of those others who have stated on the floor here today that we not only have inflation under some control according to most recent economic indexes, but that the rate of increase in inflation would have been vastly more if we had not taken responsible action last year. There is no question in my mind that the rate of increase in the cost of living will be infinitely greater in the year ahead if we fail to take the difficult, but responsible, action today and extend the surcharge.

It was reported in one of my hometown papers in Salt Lake City yesterday—Sunday—that I had made a decision to support the surcharge. I received several communications at my home including a telephone call from a registered nurse who vigorously criticized my action and said she would have to make every effort to defeat me at the polls. She was very sincere and very honest. It was not her intent, I feel sure, to be malicious. She was merely crying out against an extension of burdensome taxation. This is the general tone of many of my letters, and the chief spokesman for our State's manufacturers, the Utah Manufacturers Association, also opposes the legislation because it includes a termination of the 7-percent investment credit allowance. But we operate today under a closed rule, which is really the only way we can operate practically, or we could spend most of the rest of the year in debate on amendments. This legislative package, which also includes elimination of the uneconomic collection of income taxes from the lowest income people, is in my judgment the best that can be presented to 435 Members of this House with any real chance of passage. And the necessity for passage is clear and overriding.

The economists of this country, both conservative and liberal, are virtually unanimous today in declaring that passage of this bill is absolutely essential to protecting the value of the dollar. The past six Secretaries of the Treasury unite in this same declaration.

And I am convinced that the vast majority of individuals of my district would support me in my honest evaluation of this great issue, that our first responsibility is to protect the people against the ravages of uncontrolled inflation.

Mr. MORTON. Mr. Chairman, there are times when those of us in political life must candidly face up to the unpopular. Nobody likes taxes; but they are a must. Governments serve, and service costs money.

The real issue before us today is the matter of discipline in Government. We must discipline our expenditures, and we must discipline the levy of our revenues. If we fail to act today, we simply add to the ultimate cost and defer what has to be done to some point of time in the future when it will be even more difficult to extend or continue the surtax than it is now.

Mr. Chairman, I think the good faith of the President has been demonstrated clearly in the budget reductions already proposed. The expenditure control which originally was coupled with the establishment of the surtax is actually in being, as part of the fiscal policy of the Nixon administration.

I urge my colleagues to accept their full responsibility as Members of this great legislative branch of Government, to pass this bill for an orderly phase-out of the surtax, for repeal of the investment credit, and for the establishment of greater equity in our tax system, which will give relief to thousands of people whose income today is barely sufficient to support them in these costly times.

Mr. KEITH. Mr. Chairman, taxes are never popular, and a vote in favor of continuation of the surtax is not likely to appeal to many voters. There are times, however, when the good of the country must come before the easy and popular course of action, and this is one of those times. There is not one of us here today who does not wish that this surtax were unnecessary, and who would not vote against it if it were not so desperately needed.

Unfortunately, it is needed. Although the surtax is bitter medicine, the alternative is far worse. For without it, inflation—already a menace—can get completely out of control. The elderly, the poor, those on fixed incomes—those least able to afford it are the very ones who are hit the hardest by inflation.

Inflation has other effects, equally undesirable. Our balance-of-payment situation is precarious enough now—if we did not pass this surtax legislation now, the resultant inflationary trend could and probably would precipitate an international monetary crisis of unseen dimensions, and the very value of the dollar would be called into question. Interest rates, already at their highest point in decades, could rise to historic heights—making it even more difficult for the average American to buy a home or finance a car.

The surtax legislation we are considering today can do much to forestall such an increase in inflation. It can lower consumption, thus cooling off the dangerously overheated economy; it can lessen pressure on money markets by lessening the Government's need to borrow, thus helping to lower interest rates; and the deletion of the 7-percent tax credit may somewhat slow the rate of industrial expansion, thus further easing pressure on the money rates.

Another effect of the surtax which its critics curiously ignore is its revenue-producing potential. If we are to effectively tackle the problems of the cities, and of education; if we are to raise wages for Government employees and benefits for social security recipients; if we are to meet all the demands that a burgeoning Nation places on its Government, and still support our Military Establishment, then we must have the revenue that the surtax will bring us. It may not be the most equitable means of raising money—and I hope that the coming tax reforms will bring in a more just means of taxation—but the money that the surtax will bring is necessary, if we are to carry out the programs our Nation demands.

So, to those who argue against the surtax, I can only say "consider the alternative." That alternative is a galloping inflation that would do us incalculable harm both at home and abroad, and inadequate funding for vitally necessary programs. I fail to see these as preferable.

Some of the opposition to this measure centers around its lack of accompanying reform legislation. They say we should take up reform at the same time and pass them as a unit with the surtax.

My opposition to this stand is based on cold reality. I am all for reforming our tax system. There are certainly many inequities, and many excellent reforms that the Ways and Means Committee is considering which I intend to support. But the fact is that this legislation will not be reported out of com-

mittee until fall. If we were to hold off on extending the surtax until then, much of its function would be lost. The world would see us wavering in our determination to control inflation, and act accordingly; domestic inflation would soar with all the new money suddenly released into the overheated economy. And whatever tax reform was contemplated would have to deal with an even more uncontrolled monetary situation than we have at present, with less likelihood of satisfactory reform.

So this surtax bill before us, unsatisfactory though it is, unpopular though it is, and temporary though it is, is still the most effective means at hand for controlling inflation and funding our necessary programs. As such, I intend to vote for it, and urge my colleagues to do likewise.

Mr. STOKES. Mr. Chairman, there has been much said here today about responsibility. We who oppose the legislation pending before this body have been told time and again that if we succeed in blocking passage of the bill, we will be responsible for everything from rising prices to the Great Depression of 1969. The first answer to those contentions is obvious—they are identical to the ones made by many of the same people last year—and there is little, if any, evidence which would indicate that the surcharge has produced the stabilizing economic results promised.

But that is not the important point at issue here this afternoon. The essential matter to which the House must address itself is, in fact, responsibility. How, Mr. Chairman, can it be termed responsible for the backers of this bill to urge its enactment in the face of the overwhelming demand of the American people for meaningful tax reform which would eliminate the glaring inequities of our present tax structure? And why is it irresponsible for the Members of this body who are sincerely interested in such reform to unilaterally relinquish the only political bargaining asset they have which could be used to insure the implementation of such legislation?

We are told that another bill will be forthcoming. Excellent; but nothing in this bill and nothing I have heard thus far this afternoon indicates that those interested in reform should rest easy about the matter. The present bill is completely devoid of any meaningful reform. Corporate interests are once again being allowed to continue using their enormous tax dodges such as the oil depletion allowances, capital gains rates, and realty tax shelters, while wage earners and the economically deprived groups in our country are again asked to bear the tax burden. The so-called sweetener put in this bill to relieve 2.2 million poor people from some tax burdens is a fraud on the American public, and was contrived only to divert attention from existing loopholes.

And what about the future bill? Well, Mr. Chairman, I can only say that I have heard no specifics. Should the Ways and Means Committee report out a diluted bill with little meaningful substance, would this suffice to complete their part of the bargain? We do not know. Should the administration's recommendations leave many of the inequities in the structure, does this mean they have acted in good faith? We do not know. Why can we not have some details? I am not saying that I do not trust the word of my distinguished colleagues who promise reform. I am merely saying that their idea of what constitutes reform may vary greatly from my own. And, indeed, if this bill indicates their thinking, I know their ideas differ greatly from my own.

The essence of the matter, Mr. Chairman, is that I am asked today to vote for a bill of dubious economic benefit, which is totally lacking any substantial reforms, inequitable on its face, and contrary to the expressed opinions of a great majority of my constituents. For this I receive vague assurances of a reform bill of unknown content being brought to the floor at an unknown date. That, Mr. Chairman, is not my idea of a fair bargain, and I therefore urge defeat of this measure.

Mr. DON H. CLAUSEN. Mr. Chairman, while I am not an expert on fiscal matters, everybody understands inflation because, very simply, inflation means "higher prices."

Therefore, in considering extension of the 10-percent surtax today, I believe we must view inflation as another form of taxation—a phony tax, if you will, that serves no useful purpose, weakens the dollar, distorts our economy, and hits hardest at those who can least afford it.

Actually, what we are faced with here today, then, is a choice between two taxes—a phony tax or a real tax. Under current criteria and rules, when real taxes must go up or must stay up, the poor and those on fixed regular monthly incomes from retirement and social security, are generally unaffected.

Even if everyone in this country had an ample or abundant income, the hidden "phony tax of inflation" is more "painful" than real taxes we pay our Government in the final analysis.

It is generally recognized by responsible people that the "inflationary psychology" which has prevailed throughout our country and in the business community—is the major contributor to the problem of "runaway inflation."

In recent years, businessmen of large corporations committed themselves to borrowing large blocks of money on the basis that the price of money would go up, thus depriving established lending institutions from having access to sufficient funds for other diversified loans, thereby contributing to the so-called "credit crunch."

In addition, it is generally recognized that the Federal Reserve Board erred in their timing relating to "tight money" policies without waiting to permit the 10-percent surcharge to take effect and effectively carry out its intended purpose of checking inflation.

Further, there is no doubt that the $25 billion deficit of the previous administration contributed immeasurably to the "overheated", runaway inflationary pattern because there just is no doubt that massive deficits lead to inflation.

Therefore, a majority of our leading economists have said that, if the surtax is not extended, the anticipated $5 billion surplus that could be realized through responsible fiscal management, would revert to forcing a $14 billion deficit, thus only compounding the inflationary problems we now face.

Mr. Chairman, I did not vote for passage of the 10-percent surtax last year because I felt that the primary obligation was on those who continually voted for more and bigger Federal appropriations, without equal concern or consideration for the fiscal consequences.

Instead, I urged new priorities for Federal spending and an end to unnecessary and wasteful spending. As we all know, however, those of us who shared this approach to averting "runaway" inflation last year, just did not have the votes. That, of course, is history.

With the surtax in the budget of former President Johnson, President Nixon inherited this problem of whether or not to extend it, along with Vietnam, the crime problem, and many others. Now, with an 8½-percent prime interest rate increase and an inflationary trend that has continued to spiral in spite of the surtax, the situation is significantly different than last year when this measure was initially considered.

While somewhat unclear and ill defined last year, it is encouraging to note, in my judgment, that President Nixon has a definite two-stage "phase-out" for the surtax written into this legislative proposal now before us.

According to the President's proposal, this surtax will drop to 5 percent in 6 months, and be repealed entirely next June and this is, indeed, encouraging and, thus, worthy of congressional support.

The present tight money situation, worse than last year, is now creating havoc in the housing and homebuilding industry, in the forest product industry, and with craftsmen in the building trades unions.

Also, there is a critical housing shortage now and it is increasing daily. The administration goal of 2.6 million new housing starts each year for the next 10 years is being threatened.

And, there are many other factors associated with this question which, I am sure, will be ably presented by the experts and by the committees having primary jurisdiction and concern.

Therefore, I believe this "first tax reform package" should and must be passed to stabilize the dollar and the economy and to further check inflation. The President's economic advisers and many of the leading economists in the Nation have indicated the seriousness of the present economic situation and the need to pass this legislation.

This question may well be one of the most crucial, if not the most crucial issue, to come before the 91st Congress. In voting on this critical matter to our Nation's economy, I feel we must consider those who are suffering most from the fiscal mismanagement of the past—the working people, the social security recipients, those on fixed retirement incomes, and those who are really paying the price of that $25 billion deficit of the previous administration.

Mr. REID of New York. Mr. Chairman, I wish merely to explain why I vote for an extension of the surtax.

Without the surtax, prices would skyrocket—even higher than they are now.

Without the surtax, respect for the fiscal soundness of the United States would be placed in jeopardy overseas.

Without the surtax, the purchasing power of the dollar would be further eroded, hurting the consumer.

However, I feel most strongly that before final enactment of this legislation, there must be major tax reform, fair to all and to relieve the hard-pressed middle-income family, and I will oppose final enactment of the surtax unless tax reform is also passed.

Mr. BINGHAM. Mr. Chairman, the legislation currently before the House must be regarded as much more than simply a bill to extend the surtax, or even to try to turn back the trend of inflation. It is a piece of legislation upon which hinges, to a great extent, the confidence of the American public in the fairness of the American tax system.

As I indicated in testimony I presented last April before the House Ways and Means Committee:

> This nation is currently experiencing a crisis of confidence not only with regard to some of its policies, but with regard to its basic political structure. We cannot afford to underestimate the importance of taxation and tax equity as a factor in the despair and disenchantment which increasing numbers of citizens are feeling and expressing toward our system of government. The income tax system of this Nation touches more citizens, more directly, more consistently then perhaps any other single aspect of government. . . As a result it plays a major role in determining attitudes about the American political system. The extent to which the Federal tax system appears to the average taxpayer to "live up" to the ideals of this society, particularly our national dedication to fairness and equality—must be regarded as a crucial factor in determining the confidence, the satisfaction, and the commitment with which the average citizen regards the Federal Government.

The legislation before us today fails the test, although it contains some good provisions, such as the repeal of the 7 percent investment tax credit. This has been one of the most serious tax loopholes contributing to the fact that many large corporations pay far less than their fair share of taxes. By encouraging companies to invest in new machinery and equipment, it also contributes to inflation. Similarly, I support the provision in this legislation that would remove some 2.2 million low-income families from the Federal income tax rolls and reduce taxes for many others with low incomes. It is inequitable that many individuals and families with incomes at or near the poverty level should have to pay taxes on the inadequate incomes they have.

But what of the many other loopholes in the tax system that contribute significantly to its general inequity? There is no provision in this legislation for a minimum income tax for the wealthy—a measure that has received the support of many Members of Congress and the Nixon administration as well. There is no provision here for the proper taxation of capital gains. This legislation does not propose to lower or eliminate the notorious depletion allowance for oil and other minerals. Nor does it modify existing laws that permit wealthy individuals to reduce their tax bills by writing off "losses" incurred in the operation of farms which they own and run as hobbies.

In many cases, wealthy individuals and corporations use a combination of these loopholes to gain unjust tax advantages. Equity in the tax system, therefore, cannot be fully restored until the full range of these inequitable loopholes is closed. Furthermore, a complete list of tax reforms, by bringing in significant added tax revenues, would serve anti-inflationary purposes.

During the past year—1968—net corporate earnings, after taxes, increased by about 10 percent, and taxes on corporate profits dropped by about $5 billion. But the tax burden on individuals and families increased by 13 percent.

In the public mind, both inflation and tax inequities are part of a broader problem—the growing insensitivity of the Federal Government to the economic problems of individuals, families, and the Nation as a whole. To enact this legislation, which does so little in the way of instituting reforms to bring equity to the tax system, and which imposes a further tax burden on many families with little promise of rolling back inflation, would only contribute to this lack of responsiveness. Only a full program of tax reform can begin to reverse public disillusionment. Since such a program is not provided in this legislation, I intend to vote against it.

During the debate we have been assured over and over again that a tax reform measure will be brought before us in a matter of weeks, and that we must act on the surtax now or lose the fight against inflation. I am unconvinced. On the one hand, we have heard the promises of tax reform before, and they have not materialized; now is the time to insist on a tax equity as a part of a total tax package. The notion that all will be lost if the bill before us today is defeated is patent nonsense. A new bill, providing for the closing of some of the major loopholes and thus restoring the faith of the American taxpayer in the fairness of the American tax system, could be brought before us in a matter of days. Nothing would be lost because we have already extended the withholding provisions for a 30-day period.

Last year I voted for the surcharge, reluctantly. This year I cannot vote for the extension in its present form, in fairness to the middle-income people who today are carrying an unfair proportion of the Nation's total tax burden.

Mr. DONOHUE. Mr. Charman, this U.S. House of Representatives, as is indicated by its very name, was created to legislatively reflect the majority will and wishes of the American people.

From all the evidence available it is my most earnestly considered and conscientious conviction that the current will and wishes of an enormous majority of the American taxpayers today are that this House and this Congress should concern itself forthwith and forthrightly with the enactment of imperatively needed and too long delayed equitable tax reform before or simultaneously with this further extension of the existing 10-percent surcharge on income taxes. It is worthy of note and emphasis that at the time this surtax was enacted there was a clear commitment that it would be ended on this very day.

Therefore, in order to reflect the great majority will and wishes of my people and in order to do everything within my personal power to encourage prompt enactment of a more equitable tax system, freed from every discriminatory and unjustifiable preference and loophole, I intend to vote against this measure now before us to further extend the existing surtax. I would point out that under the parliamentary circumstances governing our consideration of this bill no balancing or improving amendments can be offered; this is a take it or leave it, yes or no situation.

Mr. Chairman, it is only too clear, from the most authoritative testimony, that our tax laws, over the past several years, have gradually but increasingly become afflicted with tax concessions, loopholes, credits, preferences, and depletion exemptions that, whatever good reasons may have been originally offered for their inclusion, are, in this most difficult era of economic uncertainty and imbalance, extremely difficult if not impossible, to further justify.

In some selective areas, especially in the areas of charitable educational contributions, there are still legitimate causes for such exemptions but there can be no question that every current exemption should be thoroughly studied in order to insure the elimination of each and every instance of preferential escape from a fair share of the common, tremendous burden of taxes.

Mr. Chairman, it is, indeed, deeply disturbing to all of us when we learn, for instance, from the testimony of a former U.S. Treasury Secretary that 21 individuals in this country with incomes of over $1 million paid no taxes at all in 1967. We learn further that another 155 persons with incomes over $250,000 also and entirely escaped paying any taxes.

Another alarming instance of "favored treatment" is the situation whereby our largest oil companies with incomes in the billions of dollars are required to pay only an average tax of 8 percent by the same tax system that requires many individuals earning $5,000 annually to contribute over 15 percent of their earnings in taxes to the Government.

I know it is not necessary for me to repeat the many other "maladjustments" that have already been recited and emphasized by my colleagues in the areas of capital gains accumulated in estates, mineral depletion allowances, "gentlemen farmers" loss deductions, depreciation allowances on speculative real estate transactions, and so forth.

All of this is taking place, mind you, when people at the poverty level are being required to pay taxes, when people on fixed incomes are being subjected to

increasingly heavier economic hardships, when worthy students cannot obtain scholarships and other financial assistance and when rising wages cannot keep pace with ever increasing prices.

All of these "preferences" exist, let us remember, when the ordinary taxpayer is being asked to meet the abnormally heavy tax demands of a limited war, when he is being plagued by constantly inflating prices for everything under the sun and when he is being economically suffocated by the highest interest rates in our history.

Mr. Chairman, when those who can most afford it can escape their fair share of taxes then, of course, someone else has to pay higher taxes to make up the difference.

Authoritative statistics reveal the fact that the middle-income taxpayers in this country have long been required to pay nearly two-thirds of all personal Federal income tax, and this surcharge constitutes a terribly frustrating addition upon their already staggering burden.

On this score, I think it pertinent to mention that I and many other Members here have introduced in this Congress, and past Congresses, many different measures designed to grant some little relief from their over-burdening taxes, such as bills to increase personal income tax deductions to at least $1,200; to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to permit tax deductions for children's college tuition; to grant unmarried persons a tax status as head of household; to permit, under the social security laws, higher payment of benefits to a married couple on their combined earnings record; to grant at least a 15-percent across-the-board social security benefit increase, with future cost-of-living increases; to substantially increase or eliminate the social security limitation on outside earnings; to cancel the oil depletion tax allowance; to limit or remove the wealthy "gentleman farmer" business loss deduction; and a host of other and varied bills to help our harassed citizens and promote a fairer distribution of taxes. I am, indeed, sorry to say that these wholesome legislative proposals, submitted by myself and so many other Members here, are still "pending" in committee, although lately there have been indications that some action on them may be initiated in the next several months.

Mr. Chairman, it is authoritatively estimated if just a modest number of the existing tax loopholes, special privileges and preferential exemptions were eliminated or even selectively reduced, there is serious question as to whether there might be absolute need for any extension of this tax surcharge, and even if some further need is demonstrated, then, certainly, through sound tax reform, it will not be needed at the suppressive rates of this currently proposed 10 percent for the next 6 months and 5 percent for the 6 months thereafter.

Mr. Chairman, simple commonsense and justice would seem to require us to at least determine what amounts would be derived by the enactment of a more equitable tax structure before, or at the same time we take action to further extend upon the low- and middle-income taxpayers of this country this additional surtax burden that we promised to eliminate this day, whose efficacy in helping to control inflation is authoritatively doubted and that may not, in reality, be fully necessary at all. Also, let us remind those who are sincerely concerned about any delayed House action on the extension proposal before us that authorities in the other Chamber are already on record with their intention to add innumerable reform amendments, no matter how long it takes, if and when this bill reaches them. Let us realize, further, that the relief, for those at the poverty level, contained in this bill, actually will not take effect until next year.

Mr. Chairman, to apply President Nixon's recent expression to this situation, may I say that the American people are "fed up to here" with being told about the legislative accomplishment of tax adjustment and relief "sometime in the future." May I submit that the appropriate time for this promised action is right now.

Mr. Chairman, there is already in existence sufficient authoritative evidence, completed studies and research statistics to permit a very early presentation to this House of a fair and equitable tax system that will more evenly distribute its burdens upon a patient citizenry and serve to provide an imperatively urgent restoration of national confidence in the Federal Government at one of the most critical periods of our entire history.

When such a measure is presented, it will be one of the most salutary legislative recommendations in the annals of Congress and I believe it is quite clear that an enormous majority, if not all, of the membership here will approve it as a joyful duty.

However, until that moment comes, which I hope will be very, very soon, I can only apply, in judgment of this proposal before us, the high standard advocated by our late and beloved President, Dwight D. Eisenhower; namely, "Is this proposal good for all Americans?"

Since I cannot, in good conscience, answer "Yes," I must vote "No"; while I most earnestly hope for the earliest opportunity to vote "Yes" to a sound and wholesome tax reform bill that will, indeed, be equally "good for all Americans."

Mr. MONAGAN. Mr. Chairman, I support H.R. 12290.

The control of inflation is vitally important to every segment of our Nation. No one can be ignorant of the spiral of increased costs that has swept through our economy in the last year. Chairman William McChesney Martin of the Federal Reserve Board has ranked the control of inflation in equal importance with the settlement of the war in Vietnam. At any rate, it is essential that we in the Congress support measures which are calculated to bring this inflation under control.

The continuation of the 10-percent tax surcharge will prevent the income which otherwise would be thrown into the economy from adding its force to existing inflationary factors. In addition, the repeal of the 7-percent capital investment credit will cut down projected and announced increases in capital spending and put under control this additional factor which had recently threatened to get completely out of hand. This credit was put into effect in order to stimulate the economy when it was sluggish and it is perfectly logical that it should be withdrawn when the danger which faces us is one of overstimulation.

To me the most important part of the bill is its provision which finally brings a degree of justice to the country's taxpayers who are below the subsistence level. Under this bill 5 million people in this category will be taken off the tax rolls and 8 million more will have their taxes reduced. I have long urged such action and I specifically recommended it to the Committee on Ways and Means when hearings on this subject were being held earlier in the year and I am gratified that my recommendation has been approved.

This is not to say that other tax inequities do not remain. I have pointed out some of these and the Ways and Means Committee is presently at work on many of them. In fact, an interim report of tentative recommendations was filed by the chairman some time ago.

In view therefore, of the overall economic necessity and in consideration of the major step in equalizing the tax burden on individuals I support this bill. It is sufficient to say that if inflation is not brought under control, the soundness of our economy will be threatened and the numerous benefits which have been extended to our citizens in wages, social security benefits, pensions, and investments will be rendered utterly worthless, while the position of our country in the world and our capacity to work for peace and security will be seriously damaged.

Mr. BOLAND. Mr. Chairman, I oppose this legislation to extend the 10-percent surtax. I oppose it because, first, most available economic data indicate the tax is fueling inflation instead of fighting it, driving up prices at a pace virtually unparalleled in recent American history; and second, because the average middle-income taxpayer, already overburdened, should not be the source for the budget surplus President Nixon is seeking. The surtax, like most other taxes, has its greatest financial impact on the average citizen. The Nation's giant corporations and individual business entrepreneurs, sheltered against taxation by an Internal Revenue Code so arcane and so errantly unjust that only the privileged can take advantage of it, will continue to evade taxes if this legislation is enacted. Tax reform—wholesale tax reform—would yield enough new revenue to provide the administration the money it wants to operate its programs. Yet President Nixon, to date, has shown only the most tepid interest in meainingful tax reform.

The average- and low-income taxpayer, I feel, should not be asked to continue bearing far more than his just share of the tax burden. These taxpayers, still smarting from the painful memories of last April 15, are asking the Congress to reject the legislation now before us. They point out that taxes—Federal, State, local—are moving upward at an alarming

rate. They maintain that this trend is jeopardizing the financial stability of just about every American household. They point to the scores of loopholes that riddle the Federal income tax system—loopholes that rob the Treasury of billions each year. Once these loopholes are plugged, a surtax would be wholly unnecessary.

I would support legislation to extend the surtax for just 6 months, giving the administration at least a modicum of the budget surplus it wants. But I cannot lend my support to this bill for a full year extension—6 months at 10 percent, the succeeding 6 months at 5 percent. The only justification for a year's extension would be a firm administration commitment to major reform of the income tax system.

Yet this legislation proposes only a slow and halting start toward this kind of reform. The bill calls for two reforms—two relatively trivial ones when compared with the sweeping reforms taxpayers demand. The first provision proposes abolition of the 7 percent investment tax credit. This credit, an incentive authorized in the early sixties to stir economic growth, is unnecessary now that the economy is booming. The second reform in this legislation would take off the tax rolls about 2 million people whose incomes fall below the poverty line. These reforms—no matter how admirable they may be in themselves—do not go far enough. They fall far short of the goals sought by the overwhelming majority of the taxpaying public. Indeed, the reform provisions of this bill leave untouched most of the gross inequities in the Internal Revenue Code.

One of the most startling inequities is the 27½ percent depletion allowance granted to the oil industry. This allowance—an enormous tax subsidy given to no other domestic industry—denies the Government literally hundreds of millions of dollars in tax revenue each year. Another inequity is the meager size of the personal exemption—a mere $600. Still another is the almost total lack of deductions for families sending children to college. Everyone has his own list of pet tax reforms, of course, and I could run on here in an ad infinitum discussion of them. The point to emphasize, however, is that the administration has not yet demonstrated enthusiastic interest in anyone's list of reforms.

Treasury Secretary Kennedy doggedly insists that a surtax is necessary to provide new Federal revenue and to keep inflation from getting out of hand.

I disagree—and disagree emphatically.

Many economic theorists—among them some of the surtax's early advocates—now agree, at least privately, that the tax is exacerbating inflation rather than curing it. Even the economists most stridently vocal in support of the surtax concede that whatever anti-inflationary effects it may have are next to trivial.

The surtax, of course, would, indeed, provide new revenue, as its partisans claim. But it would do so at the sole expense of the low and middle income taxpayer—a taxpayer who, for far too long, has been waiting in vain for major reform of the income tax system.

Without this kind of tax reform, I cannot support a surtax extension.

I will vote against this bill.

Mr. MURPHY of New York. Mr. Chairman, I am informed by the Brooklyn Union Gas Co., which distributes natural gas in New York City, that they "face the prospect of being required to reduce and restrict gas service to our present customers." This is a very serious and personal matter with me since they supply natural gas to a total population of 4 million people in the Boroughs of Brooklyn and Richmond, Staten Island, and approximately two-thirds of the Borough of Queens, and I certainly would not want to see my constituents deprived of their natural gas supplies, which they now use, in many cases, to heat their homes, cook their food, and so forth.

The company has stated:

We seriously feel that a reduction in the depletion allowance would severely weaken an important inducement for producers to develop new sources of supply which the depletion allowance and the tax law now provides.

I would like to inquire of you whether you have heard of these natural gas shortages and, if so, whether any contemplated tax changes would cause even more serious natural gas shortages. I certainly do not want my constituents to be deprived of the use of natural gas.

I include a communication I have received from the Brooklyn Union Gas Co. and a copy of their correspondence to the chairman of the committee. I also include for clarification of these letters a statement exploring the position of the Domestic Natural Gas Industry on this subject. I appreciate the chairman's remarks that a tax reform bill advising itself to these questions will come before the House this year.

THE BROOKLYN UNION GAS CO.,
Brooklyn, N.Y., June 19, 1969.

Hon. JOHN M. MURPHY,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR JACK: A short while ago I discussed with you our very serious concern about the problem of a proposed reduction in depletion allowance which is being analyzed in Congressional Committee.

I am enclosing a copy of a letter our President, Gordon Griswold, has sent to Congressman Wilbur Mills. Another copy of this letter was sent to your home, and I'm sending this one to your Washington office to insure you receive it immediately. It reiterates the feeling, not only of Brooklyn Union but of the entire natural gas industry, that we are facing a national issue. Reducing the depletion allowance removes an inducement for the search of gas reserves at the very time the gas distributors are trying to convince the producers to increase their search for gas reserves. This also is at the same time that the projected demand by consumers is at an all time high.

I will deeply appreciate any consideration or action which you may take relevant to this problem. As Mr. Griswold said in his letter, we ask "that no action be taken with regard to the depletion allowance at least until such time as the natural gas supply situation is favorably resolved".

With best regards, I remain

Sincerely,

R. A. PLATA,
Coordinator.

THE BROOKLYN UNION GAS CO.,
Brooklyn, N.Y., June 13, 1969.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth
House Office Building, Washington, D.C.

SIR: I am writing on behalf of The Brooklyn Union Gas Company to state the views of this Company concerning the reduction in the oil and gas depletion allowance which is under consideration by the Committee on Ways and Means.

The Brooklyn Union Gas Company distributes natural gas in New York City, supplying the Boroughs of Brooklyn and Richmond (Staten Island), and approximately two-thirds of the Borough of Queens. Our Company serves 1,145,000 customers, representing a total population of 4,000,000.

We are deeply concerned that a reduction in the depletion allowance at this time will adversely affect the development of new supplies of natural gas. We, along with all other gas distribution companies in the Northeast, are even now finding it difficult to obtain demands of our customers. The problem of developing the necessary added supplies is a complex one which is presently being given serious consideration by all segments of the gas industry and the appropriate regulatory agencies. We seriously feel that a reduction in the depletion allowance would severely weaken an important inducement for producers to develop new sources of supply which the depletion allowance in the tax law now provides. We cannot see how the reduction in the depletion allowance can do anything but worsen an already serious supply situation.

Obviously, if the necessary added supplies of natural gas are not available, we will face the prospect of being required to reduce and restrict gas service to our present customers. In addition, we have the opportunity to make a substantial contribution to the reduction of air pollution in New York City. To do so will require gas supplies over and above the regular needs of our customers.

We, therefore, respectfully urge that no action be taken with regard to the depletion allowance at least until such time as the natural gas supply situation is favorably resolved.

Yours truly,

GORDON C. GRISWOLD.

PERCENTAGE DEPLETION AND THE DOMESTIC NATURAL GAS INDUSTRY

Gas distribution and transmission companies serve over 40,000,000 meters, estimated to include some 140,000,000 of our population, located in all 50 states.

The great majority receive no direct tax benefit from depletion. They are concerned with adequacy of supply and service to customers, a point emphatically expressed by the American Gas Association in a letter to the Federal Power Commission on December 16, 1968, before the current depletion issue arose.

While gas utilities have an enviable record of maintaining price stability, their principal concern is *not* with the price increase that would be attributed to increased taxes on the producer if depletion were reduced. This would be a very small part of the residential consumer's gas bill. However, should an actual shortage occur—and it is feared that a reduction in depletion at this critical time would contribute to such a shortage—then existing distribution and transmission facilities with a capital investment of $35 billion could not be used at their current near-optimum efficiency. A reduction in gas throughout any year-round pipeline load factors would raise the amortization costs borne by the remaining consumers. This price increase could be greatly disproportionate to the taxpayers' relief afforded by a reduction in depletion. This fact, together with an

avowed responsibility to serve new consumer demands where possible, makes the issue of adequate supply and producer exploration and development incentive far more important than price changes directly associated with tax changes.

Since 1956, gas consumption has *more than doubled* while exploration and drilling by producers has sharply declined. Wildcat drilling, geophysical activity, and total wells drilled have dropped 40%, 56% and 43% respectively. The results of these trends are that the cushion of excess gas reserves is gone and certain pipelines and distributors *cannot now* contract for their needs. Others will soon experience this. In 1968, for the first time, gas consumption exceeded new reserve addition—and by 40%. Yet in 1968, demand hit a peak annual increase of 8%.

Why this sharply increased demand? In this time of environmental concern, inflation and massive energy failures, the premium qualities of natural gas stand out more and more—cleanliness, economy, reliability and efficiency of its energy systems. The nation's consumers should not be needlessly deprived or their price needlessly increased by a natural gas shortage which is avoidable. And a "needless" shortage it would be because independent studies and conclusions of the U.S. Department of Interior and others indicate that the physical *resource potential* for natural gas in the United States *is entirely adequate.*

To translate this potential into usable gas reserves, the economic incentives must be adequate. While tax provisions are not the only tool in this incentive mechanism, percentage depletion is an acknowledged vital factor. *Any reduction could not come at a worse time* for the nation's gas consumers.

Mr. FARBSTEIN. Mr. Chairman, I am unalterably opposed to the extension of the 10-percent surcharge. It has failed to accomplish its stated objective. It has not prevented cuts in vital social programs. It has not curbed inflation. It has not eased interest rates. What it has done is reinforce the inequities in the present tax structure because it does not tax untaxed income.

Instead of considering the extension of the surcharge, we should today be considering enactment of an excess war profits tax. Such a tax was one of the major sources of financing for the First World War, the Second World War, and the Korean conflict. See exhibits 1, 2, and 3 for discussions of the tax during these wars.

Yet I understand that the Committee on Ways and Means has not even considered the enactment of an excess war profits tax at a time when we have 500,000 men in Vietnam as an alternative to the surcharge. This dumbfounds me. I cannot see how financial conditions are so different now that industry should not be required to sacrifice capital as men are required to sacrifice their lives. Should our young men be required to bear the entire sacrifice for our most current war?

To my mind an excess war profits tax along the line of legislation introduced by myself and 23 others—see exhibit 4—is immensely more desirable than the surcharge. It could produce at least as much revenue as the surcharge—between $9.6 and $10 billion, compared to $9.1 billion for the surcharge and related taxes.

And at the same time it would do what the surcharge failed to do—cool down the inflationary spiral.

Congressman AL ULLMAN, himself a member of the Ways and Means Committee, introduced an excess profits bill in 1966. His justification—it would trim the fat from those areas of the economy which are gorging themselves on inflation. See exhibit 5.

According to Harold Wolozin, professor of economics at the University of Massachusetts, it would not only cool the boom off without directly depressing consumer demand, but could stabilize and perhaps even reverse rising interest rates. This is because it would discourage speculative and marginal investment.

But as important as these other factors, the excess war profits tax is also a more equitable way of financing the U.S. outlay in Vietnam than the surcharge on individual income taxes.

It seems to me to be grossly unfair that while the Congress has authorized $9 billion for reduction, the administration is requesting only $3.2 billion for the over 60 million schoolchildren in America while the 25 top contractors last year got over $17.7 billion—over 45 percent of prime military contracts. The top two of these get over $4 billion. See exhibit 6. Where are we placing our values—with the 60 million schoolchildren, or on the profits of the war profiteers?

Since the escalation of the war in Vietnam in 1965, corporate profits after taxes have risen sharply—from $46.5 billion to $53.3 billion during the first quarter of 1969—at a seasonally adjusted annual rate. Much of this increase is attributable to stepped-up defense outlays which have almost doubled since the 1965 Vietnam war escalation. In 1965, the amount of money spent for defense contracts was $26.6 billion. For 1969, it is estimated that it will reach $42.3 billion. In contrast, spending for defense contracts between 1960 and 1965 went from $22.5 billion to $26.6 billion. See exhibit 7.

It is only fair that those who make the greatest financial profits off of the war should bear a greater share of the financial burden of fighting it.

I voted against imposition of the surcharge last year. I shall vote against its continuation today in the hope that it will lead the Ways and Means Commitee to take a good hard look at the excess war profits tax as one component of comrehensive tax reform.

The exhibits referred to follow:

EXHIBIT 1

EXCESS PROFITS TAXES IN WORLD WAR I

The history of World War I excess profits taxes was outlined before the War Policies Commission in 1931 by Arthur Ballantine, Solicitor of Internal Revenue in 1918, and Assistant Secretary of the Treasury in 1931:

"As to trades and businesses and corporations the revenue act of 1917 imposed the war excess-profits tax. This tax was designed to apply to all business whether carried on by individuals, partnerships, or corporations. The tax was to be computed on the entire net business income in excess of a specifically defined return on invested capital plus a specific credit. The rate of return on capital allowed as a deduction before computing the tax, was the average rate of return of the trade or business upon capital in the pre-war period, 1911–1913, inclusive, but was not to exceed 0 per cent or be less than 7 per cent. The rates or tax were graduated according to the amount by which the net income in excess of the designated normal return on invested capital exceeded certain perentages of the taxpayer's invested capital, and ran ran from a minimum rate of 20 per cent to a maximum rate of 60 per cent. In the case of trades or businesses having no invested capital, or not more than a nominal capital, the war excess-profits tax was levied at a flat rate of 8 per cent. The net income of the trade or business less the war excess-profits tax was subjected to income taxes which, in the case of a corporation, consisted of a normal tax of 2 per cent and a war income tax of 4 per cent.

"By the revenue act of 1918 there was added the war-profits tax to be paid to the extent that it exceeded the excess-profits tax, which method of taxation was retained by that act in somewhat revised form. The war-profits tax for 1918 was 80 per cent of the excess of the net income over the war-profits credit. This credit was $3,000 plus an amount equal to the average net income oi the corporation for the pre-war period plus or minus 10 per cent of the difference between the average invested capital for the pre-war period and invested capital for the taxable year, but was not to be less than $3,000 plus 10 per cent on invested capital for the taxable year. The credit against income for computing the excess-profits tax under the 1918 act was $3,000 plus 8 per cent of the invested capital for the taxable year and the maximum rate was 65 per cent for 1918 and 40 per cent for 1919 and 1920. Under the 1918 act the net income remaining after the deduction of the war-profits and excess-profits taxes was subjected to a normal corporation tax of 12 per cent for 1918 and 10 per cent for 1919 and 1920. The war and excess-profits tax imposed by the revenue act of 1918 applied to corporations only.

"After the revenue act of 1917 was enacted great doubt was expressed by business executives and accountants as to whether the excess profits tax could be administered, and whether amounts of tax at such high rates could be collected without disrupting business and financial institutions. The act was administered, notwithstanding gaps and uncertainties in its provisions. The tax imposed by the 1918 act at higher rates but under somewhat improved provisions, was also shown to be capable of administration. The high rates, uncertainty as to the application and meaning of the act in many connections, and defects in the records and accounting systems of taxpayers resulted in great delay in many instances in final determinations, in a great number of additional assessments, and in numerous abatements and refunds. Broadly speaking, however, these acts were administered so as to furnish the Treasury with the needed and expected funds. They brought into the Treasury through 1921 about $6,900,000,000. A comparison of the tabulated net income of all corporations reporting net income for the three years before the war (the calendar years 1914 to 1916, inclusive) with the net incomes of such corporations for the war years (1917 to 1919, inclusive) shows that the average net income of corporations reporting net incomes was for the prewar years about $6,000,000,000 before taxes and about $5,900,000,000 after taxes and that the average income of such corporations for the war years was $9,500,000,000 before taxes and about $7,000,000,000 after taxes. Thus, the average net income of corporations reporting net income increased $3,500,000,000 for the war years, while the average net income of such corporations after taxes increased about $1,100,000,000. According to this calculation, based on reported incomes and taxes, the taxes during the war, principally of course war and excess profits taxes, absorbed about 70 per cent of the increase of the average profits of the war

years over the average profits for the years immediately before the war." [1]

The view that excess profits taxes would capture profits due to price rises was contested by Bernard M. Baruch in his testimony before the War Policies Commission:

"Excess-profits taxes—standing alone—have no effect whatever to check inflation. Their only effect is to increase it. Thus 20 per cent of $500,000 profit is $100,000 and 20 per cent of $1,000,000 profit is $200,000. One way to increase $500,000 profit to $1,000,000 profit without increased risk or effort is to double price. For this reason there is more incentive to increase prices—and therefore profits—under an 80 per cent excess-profits tax than there is without it. Indeed, the main result of such a system is to induce rapid price increase to absorb the tax. Precisely because it accelerates and in nowise checks inflation the excess-profits tax—without more—offers no cure at all for war evils. On the contrary, it aggravates them."

"In the colloquy quoted above it seems to be assumed that the sole purpose of the excess-profits tax is to equalize between low and high cost producers. That is one purpose but it is far from being the only purpose.

"Consider, for example, the simple case of a company capitalized for $1,000,000, selling $1,000,000 worth of goods annually, making 20 per cent gross profit, or $200,000, on its turnover, and having $100,000 of expenses of administration and selling, leaving a net profit of $100,000, or 10 per cent, on both its normal turnover and its capital. Suppose also that 10 per cent of its costs of manufacture, or $80,000, are fixed overhead charges—depreciation, maintenance, supervision, taxes, etc. Then its costs for material and direct labor are $720,000 for every million dollars' worth of goods it sells. Now, suppose that war comes and we need the full capacity of that plant. We give it orders for $4,000,000 worth of goods, to be delivered in a single year. It has no increased selling and general administrative expense, because the demand is so great that no such effort is required. Neither do the fixed overhead elements of its manufacturing costs increase greatly—say, only to $90,000. What happens to the profits of that plant? Its material and direct labor costs on its $4,000,000 sales are $2,880,000. To this it must add $90,000 for fixed overhead charges in its factory and $100,000 for general and administrative expense, making a total cost for goods sold of $3,070,000. Its net profit is, therefore, $930,000, or 930 per cent, of its normal profits in peace. It is making nearly 100 per cent on its investment, and its net profit on turnover has increased from 10 to 23 per cent. Even if we assess a tax of 80 per cent on the $830,000 of excess over peace profit, that plant will still be making $260,000, or 260 per cent of its normal profits.

"I want you particularly to note that this example considers no increase in price whatever. . . ."

"Finally, I concur fully in Mr. Baker's answer to that suggestion . . .: 'I do not think prices were ever fixed high as a means of increasing production. I think it was not necessary to stimulate anybody to produce in America.'

"There are reasons supporting Mr. Baker's view which stand entirely apart from the stimulation of patriotism, which in itself is sufficient: Our modern production plant is highly mechanized. Mechanical mass production brings low costs, but only when the machines are operating close to capacity. The system has grievous faults, from which we are suffering severely today. These machines represent enormous aggregations of capital, on which fixed charges are very great. When they are idle, there is nothing to absorb these charges. Losses mount rapidly, and there is nothing that can be done to lessen them. Conversely—as in the example given above—when they are speeded the results in reduced cost per unit of production are sometimes almost fabulous. It is this economic circumstance which insures us against any faltering of production, and the expedient of increasing prices (with the excess-profits tax to offset profiteering) is wholly unnecessary to increase production. The circumstance of modern industrial organization just recited will take care of that.

"While the excess-profits tax is an indispensable concomitant to proper industrial mobilization, the points I have tried to demonstrate and now to emphasize by repetition are:

(a) Even with a fixed price structure and a high excess-profits tax there will be huge war profits.

(b) It is both futile and unnecessary to try to stimulate production by high prices—relying on an excess profits-tax to recapture these profits.

(c) The excess-profits tax—standing alone—as a means for equalizing the burdens of war and eliminating the profits of war is fatally defective because it aggravates inflation and therefore fails to protect us against the most destructive phenomenon of modern war." [2]

Hearings before the Nye Committee in 1935 brought out a similar point of view on the part of that Committee. It was shown that the War Industries Board fixed a price of $22 a ton on sulphur to be bought by the Navy from the Union Sulphur Company, which at that time controlled almost all sulphur production. In 1917, the net taxable income of the company was $7,000,000, of which it paid 36% in taxes. In 1918 its net taxable income was $10,918,000 of which $5,794,000 was paid in taxes. This demonstrated, according to the Committee's investigators, that excess profits taxes did not recapture the profits created by the high price. The actual cost of a ton of sulphur was reported by the Federal Trade Commission to be $5.73, and was figured by the Union Sulphur Co. at $6.82 in 1917 and $7.93 in 1918, including depletion allowance.[3]

The question of wartime excess profits taxes was the subject of a special report of the Nye Committee in 1935. The Committee presented the following evaluation of World War I experience:

"Except in individual instances, the effectiveness of the wartime taxes in recapturing profits can be estimated only roughly. Mr. Ballantine testified before the War Policies Commission that corporations reported average annual net incomes, after deduction of their estimated taxes, of $5,900,000,000 for the years 1914 to 1916 inclusive, and average annual net incomes, after the estimated wartime taxes, of $7,000,000,000 for 1917 to 1919, inclusive. On this basis the war—despite the wartime taxes—added $1,100,000,000 a year to the final tax-free profits of corporations which had already profited largely by the huge sales to the Allies made by this country before April 6, 1917. As contrasted with the years 1911 to 1913, inclusive, which the wartime tax statutes fixed as the pre-war years for measuring war profits, corporation profits after taxes increased 69 percent during the war, or from an average of approximately $4,123,000,000 to $7,000,000,000, and only 44 percent of the increase in annual profit from $4,123,000,000 to $9,500,000,000 was taken in income and excess-profits taxes.

". . . a group of the largest manufacturing and mining companies in the country paid in taxes (including both the normal income and the excess and war-profits taxes) only 25 percent of their net taxable income for 1917 and only 34.9 percent of their 1918 income, according to the final figures of the Bureau of Internal Revenue. If the revenue agents' determinations of net taxable income are used 22.8 percent of 1917 income was paid as taxes and 32.8 percent of 1918 income. It must be remembered that these computations do not include income received by these corporations, but excluded from taxable income because (1) invested in tax-free securities or (2) allowed as deductions for amortization, depreciation, or depletion, i.e., set up as reserves against ordinary business risks, to mention a few of the allowable deductions from income. The 1917 net income of these companies after deducting payment of their final tax liability was 26 percent of their invested capital and their 1918 income on the same basis was 10.5 percent of capital, the Bureau of Internal Revenue's final figures show. Before taxes, the 1917 income was 34.8 percent, and the 1918 income 15.6 percent, of capital. If the revenue agents' determinations are used, the results are 39 percent profit in 1917 and 11.8 percent in 1918 after taxes and 50.5 percent in 1917 and 17 percent in 1918 before taxes. Obviously, the 80-percent tax was not a tax of 80 percent of all profits. . . .

"It should be further remembered that estimates of taxes as contrasted with income, or of income as contrasted with investment, are based upon (1) the taxpayers' own estimates of those two highly variable items, income and investment, or (2) estimates which the taxpayers consented to or which withstood the rigors of legal proof, or (3) estimates by Government agents whose time and expense accounts were limited, whose estimates were primarily based upon the taxpayers' figures and whose estimates were made not only with an eye to the necessity of substantiation under vigorous attack, but also within the limitations of technical statutory standards which permitted the elimination from income of many items which would be considered as income for ordinary purposes. As Senator Vandenberg pointed out in his examination of Homer L. Ferguson, president of the Newport News Shipbuilding and Dry Dock Co., the taxes paid were less severe and the profits retained greater than such figures indicate by (1) the amount which the estimates of income excluded debatable or hidden items and by (2) the amount by which the estimates of investment included debatable or fictitious items . . ." [4]

Two methods of computing excess profits taxes,—average prewar profits or invested capital were discussed by the Nye report:

"At all events, it seems likely that any wartime taxation measure that can hope to receive serious consideration must choose for a tax on corporations—if not on all business units—a basis or standard that will recognize in some manner general differences in profitability of business enterprise. The two bases most frequently referred to in theoretical discussion are (1) average peacetime profits and (2) the amount of investment. These two bases were both used during the World War in this country and in Europe. . . .

"The War Policies Commission recommended a tax of 95 percent on all earnings above the average income during the 3 years immediately preceding the next war. Mr. Baruch in a statement filed with the committee repeated this recommendation but advocated increasing the tax to 100 percent of the excess.

"This base has been urged largely because of the fantastic complications of the invested capital approach. The invested capital base involves not only much physical difficulty and consequent delay due to the size and complexity of modern business but also many decisions in the realm of discretionary judgment where no ruling, unless distinctly favorable to the taxpayer or acquiesced in by him, can be safely regarded as final without prolonged litigation." [5]

"The investment of a corporation was determined as of the time it was formed. Consequently reorganization of a corporation just before or during the war resulted in an increase in the valuation of the assets acquired by the new company because of the

Footnotes at end of article.

rising price level. Consequently avoidance of taxes by corporate reorganizations was common. A flagrant example of this is to be found in the 1917 transactions of the Old Dominion companies. The revenue agent's report indicates that by means of a fictitious transfer the invested capital was increased $10,000,000 for tax purposes. On February 12, 1917, when the Old Dominion Co. of Maine held virtual ownership of the Old Dominion Co. of New Jersey through possession of 96 percent of its stock, a sale was made of the New Jersey Company to the Maine corporation for the sum of $10,000,000. The fact that neither company had cash in hand anywhere near this sum was not an obstacle. The New Jersey Company, which had a bank balance of $350,000, paid a dividend of $9,969,875 to the parent corporation. At the same time the parent corporation drew a check for $10,000,000 in favor of the subsidiary in payment for the property. . . .

"The history of the Newport News Shipbuilding and Dry Dock Co.'s controversies with the Government over its 1917 taxes illustrates the difficulties in fixing invested capital. It took until 1931—or 14 years—to settle these taxes because of the difficulties of determining invested capital and then the settlement was only made by the Bureau of Internal Revenue giving up the task and deciding that it could not determine the invested capital of the company but must make a special assessment. Under such an assessment, the exemption was the same percentage of the company's net income as the average exemption of representative concerns in the same or a similar business, was of the average net income of such concerns." [6]

"Ordinary business costs include many items which are purely matters of opinion, largely opinion as to the value of things consumed in whole or in part in the operation of the business. One of the major cost items of this type is depreciation. The factory building and its machines are used up, in whole or in part, by the process of production. Their cost is part of the cost of production. How much they are used up in each profit-taking period by various operations is a matter of judgment. As most businesses are run on a going basis, the cost of used facilities is not a matter of the cash laid out for them, but an estimate of their value in terms of repair or replacement. Consequently, the uncertainties of valuation referred to at pages 19 to 24 of this report are an inevitable part of the taxing process even though they are to be eliminated from the establishment of the base for exemption.

"An example of the opportunity for increasing the item of depreciation, and thus decreasing the amount of income subject to the tax, is furnished by the sale of the New York Shipbuilding Co. to the American International Corporation in 1916 for a price of $2,929,573 above the New York Shipbuilding Co.'s previous estimate of the value of its property. The American International Corporation was building ships for the Navy and the Emergency Fleet Corporation under cost plus a percentage of cost contracts. The higher the costs the greater the cost payments and the percentage fee, and the smaller the taxes on the total amount received." [7]

"The impossibility of estimating with dispatch and with finality the items of depreciation, depletion, and amortization has led this committee to recommend that (1) an arbitrary maximum of 2 percent of gross income, or of an adjusted cost of the property, be set for depreciation deductions, (2) an arbitrary percentage of gross income be used to fix depletion deductions of 9 percent in the case of gas and oil wells, of 2½ percent in the case of coal mines, of 5 percent in the case of metal mines, and of 7½ percent in the case of sulphur mines, with an overall limitation that in no event shall the amount so computed exceed 50 percent of net income, and (3) no amortization allowances be permitted, but instead governmental loans be authorized for such construction as it is found is required for the prosecution of the war and cannot otherwise be financed. It is recognized that, in the case of depreciation, the maximum percentage allowance is likely to become the fixed allowance and that, in the case of such allowances as well as of the fixed depletion allowances, tax avoidance will result to the extent that in individual cases the fixed allowances are in excess of the amounts which would be arrived at on the basis of a reasonable valuation. It is further recognized that if allowances for amortization are eliminated there will be considerable insistence that new construction must be paid for by outright governmental subsidy. Most expansion is financed by borrowed capital and the mere fact that the leader is the United States will not remove the demand for assurance against loss of the amount invested in assets which may prove valueless upon the conclusion of the war. Consequently, it must be realized that the reasons causing the normal demand for alleviation of governmental burdens on industry upon a return to peace will make it inevitable that strong pressure will be exerted for the reduction, by compromise or otherwise, of any Government war-time construction loans outstanding when the war ends. For similar reasons it is likely that substantial amounts of any such loans as are not reduced or compromised will be defaulted. Finally, it is to be noted that under either a subsidy or a loan plan the Federal Government will, following the termination of the war, own extensive plants and equipment, the usefulness and value of which as a whole will be conjectural. To the extent that these plants and equipment are made up of integral part of various private corporations, their value will be less than the general level of war-time construction. As to the plant and equipment which the Government has acquired, the choice will be between Government operation and sale for little, if any, better than salvage prices.

"Furthermore, since large-scale modern business is not run on a cash-and-carry basis, the time when income is earned is not a matter of black and white. Taxes are collected annually but profits upon any one transaction may be due to more than a year of operation and the apportionment to the periods when they were 'earned' is in part purely a matter of opinion. The fact that war-time tax rates are higher than peace-time rates makes the determination of when profits accrue an important element in war-time taxation." [8]

The committee further pointed out that great administrative difficulties were encountered in excess profits taxation:

"The complexities of any excess-profits tax naturally suggest the possibility of increasing the flexibility of the administration of taxes to avoid delays and injustices alike.

"The Joint Committee on Internal Revenue Taxation reported in 1927 that—

" 'The recommendation that tax cases should be settled by administrative action, rather than through litigation, and the abandonment of the policy that all cases must be decided upon the basis of absolute accuracy, have been discussed. It is believed that the adoption of these recommendations is vital.'

"It should, however, be noted that the high tax rates of wartime encourage the use of administrative discretion for leniency to taxpayers. The British experience in this connection is described by Professor Haig as follows:

" 'In the case of the excess-profits duty particularly, with its high rates and its many opportunities for disagreement, it has been considered wise to conduct the administration along broad lines. The assessors have not failed to utilize their administrative discretion. As one of them remarked: "We wipe off £20,000 one way or another as though it were a halfpenny." The Board of Inland Revenue has specifically said to the local surveyors that "owing to the present high rates of taxation" they desired "that in doubtful cases the allowances granted in calculating excess-profits duty should err on the side of generosity rather than otherwise.' . . .

"There is the further consideration that, by and large, controversy as to taxes arises in post-war years. Even though it be assumed that the traditional American hostility to taxes is substantially lessened during wartime for patriotic reasons, this can affect only the taxes paid during war on the basis of the taxpayer's own return. He does not know until after the war, in many cases, that the Government believes additional taxes are due." [9]

Tax evasion and avoidance also occupied the committee, which considered such devices as special assessments, deduction of capital losses, tax exempt securities, and technicalities of various sorts:

"The methods of avoidance depend upon the rules specified by the tax statutes. However, it should be noted that provisions ostensibly intended for one purpose are often logically applicable for other purposes. Provisions apparently designed to prevent burdens generally conceded to be undue as applied to certain taxpayers, are often also equally available for the avoidance of large amounts of taxes the burden of which appears less obviously unfair. . . ." [10]

"The customary provision in American income-tax statutes permitting deduction of capital losses from taxable income has frequently been used to avoid taxes which the generality of public opinion may well believe could have been paid without undue hardship.

"In the course of this committee's investigation, it has been found that the late Alfred I. du Pont paid no income tax during the 7 years 1920 to 1926. His gross income in that period was over $29,000,000." [11]

"In the year 1916 when the du Pont Co. was making large profits from the sale of war products to the Allies, it objected to the imposition of the income tax on that part of its income derived from exports, on the ground that such income was made immune from taxation by section 9, article I of the Constitution, which provides that 'no tax or duty shall be laid on articles exported from any State.' " [12]

FOOTNOTES

[1] U.S. War Policies Commission. Report. H. Doc. 163, 72d Cong., 1st sess., p. 689–9.

[2] U.S. War Policies Commission. Report. H. Doc. 163, 72d Cong., 1st sess., p. 798–800.

[3] U.S. Congress. Senate Special Committee Investigating the Munitions Industry. Munition Industry. Hearings, part 22, p. 6407–8. 1935.

[4] S. Rept. 944, Part 2, 74th Cong., 1st sess., p. 13–15.

[5] *Ibid*, page 16–17.

[6] *Ibid.*, p. 21.

[7] *Ibid.*, p. 27.

[8] *Ibid.*, p. 34–35.

[9] *Ibid.*, p. 37.

[10] *Ibid.*, p. 44–45.

[11] *Ibid.*, p. 47.

[12] *Ibid.*, p. 49.

EXHIBIT 2

ARGUMENTS IN SUPPORT OF AN EXCESS PROFITS TAX IN DECEMBER 1947*

Corporations in 1947 will have profits after taxes which are 170 percent of their wartime peak. 1947 profits will be nearly double those for 1945, 3½ times the figure for 1939, and 7 times that for 1938.

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* Unlike most Legislative Reference Service reports which present both sides of public issues, this is submitted in response to a request for arguments in justification of an excess profits tax at this time.

Corporate profits after taxes, 1929, 1934, 1939–1947:

1929	$8,420,000,000
1934	977,000,000
1939	5,005,000,000
1940	6,447,000,000
1941	9,389,000,000
1942	9,433,000,000
1943	10,363,000,000
1944	9,928,000,000
1945	8,939,000,000
1946	12,539,000,000
1947 (est.)	17,000,000,000

The table in Appendix A shows how big business and monopoly interests have increased their earnings.

Current profits do not arise from increased production. Federal Reserve indexes show that the volume of physical production is 20 percent below the wartime level. Profits are based on unfair and inequitable prices. They are inflated prices that will destroy the savings of the people.

Controls imposed during the war generally prevented corporations from exacting the prices that a short supply and heavy demand would encourage. An excess profits tax helped to mop up surplus profits. But with the end of the war, and in the face of the greatest consumer demand in history—and incidentally the greatest profit period—controls were abolished and the excess profits tax repealed.

All corporation income taxes, including the excess profits tax, which produced $14.8 billion in fiscal 1944, $16.0 billion in 1945, fell to $12.6 billion in 1946 and $9.6 billion in 1947. An excess profits tax now would raise an additional $6 billion which could be used to finance the Marshall Plan of aid to Europe, to pay off the debt, or to provide the basis for reducing the tax on low income groups which are suffering most from inflation.

In spite of reduced corporation taxes, prices generally have advanced 24 percent since V-J Day. Food has gone up 40 percent. At the same time average weekly earnings of factory workers which in early 1945 exceeded $47 are now only about $50, a rise of 6 percent.

Reinstitution of general OPA price controls is very unlikely at this time. Yet the mulcting of the general public must be prevented.

One way to absorb for the benefit of all the people the super profits resulting from unreasonable price advances is to reimpose an excess profits tax. The knowledge that excessive profits will be taxed might well result in a lowering of prices and a restoration of profits to a just normal.

Without such a preventive, inflation—the least intelligent way to distribute goods in short supply—will continue. It will destroy the accumulated savings that hard working labor built up during the war.

In destroying the savings of the people, business is laying the groundwork for the next depression. The savings taken today by the unscrupulous in extravagant prices are the savings which in tomorrow's depression would have helped legitimate business pull through.

APPENDIX A—1947 CORPORATION PROFITS

This is a selected list of manufacturing and mining companies earning profits in 1947 at rate in excess of $5,000,000 per year in 1947. The list, for the most part, is confined to corporations whose profits so far as reported in 1947 exceed those for the corresponding period in 1946. Data for the full year 1939 are also given. An asterisk beside the name of a company indicates it is one of the 50 largest (in assets) manufacturing companies in the United States. Data on these 50 companies are reported even though 1947 profits are still unreported or, if reported, are less than the figures for 1946.

OIL COMPANIES

Corporation	1947 Number of months	1947 Profits	1946 Number of months	1946 Profits	1939 [1] Number of months	1939 [1] Profits
Amerada Petroleum Corp., and subsidiaries	9	$10,371,503	9	$5,997,069	12	$1,230,764
Atlantic Refining Co., and subsidiaries	[2] 9	10,836,518	9	4,922,052	12	5,028,212
Barnsdall Oil Co	9	6,281,252	9	3,535,553	12	1,720,292
Continental Oil Co., and subsidiaries	9	24,889,113	9	12,061,245	12	6,304,504
Gulf Oil Corp.*	6	42,510,375	6	26,746,013	12	15,315,781
Mid-Continent Petroleum Corp., and subsidiaries	9	12,763,617	9	7,662,872	12	2,650,502
Ohio Oil Co	6	13,246,116	6	8,263,962	12	1,492,068
Phillips Petroleum Co.*	9	25,706,157	9	14,763,153	12	9,833,314
Pure Oil Co.*	6	8,161,908	6	6,985,280	12	8,290,419
Richfield Oil Corp	9	7,940,170	9	4,473,441	12	2,601,926
Shell Union Oil Corp *	9	38,676,876	9	23,981,773	12	11,805,713
Sinclair Oil Corp., and subsidiaries *	6	20,476,207	6	12,051,203	12	7,540,881
Skelly Oil Co	9	13,448,167	9	6,484,106	12	2,360,783
Socony-Vacuum Oil Co., Inc.*	9	66,000,000	9	36,000,000	12	34,452,710
Standard Oil Co. of California *	9	66,544,580	9	48,990,458	12	17,882,505
Standard Oil Co. of Indiana *	6	40,936,430	6	33,668,845	12	34,142,643
Standard Oil Co. of New Jersey *	6	[3] 140,000,000	6	[3] 88,000,000	12	53,577,293
Standard Oil Co. of Ohio	6	7,191,037	6	5,154,885	12	5,602,499
Sun Oil Co., and subsidiaries	6	11,360,170	6	4,360,212	12	6,959,677
Texas Co.*	9	78,396,388	9	50,360,115	12	32,886,807
Tide Water Association Oil Co., and subsidiaries*	6	11,235,945	6	8,188,182	12	9,975,887
Union Oil Co. of California *	6	8,543,594	6	3,806,117	12	4,606,789

STEEL AND OTHER METALS COMPANIES

Allegheny Ludlum Steel Corp	9	4,553,972	9	4,599,139	12	2,093,518
Aluminum Co. of America *		(4)	12	11,581,237	12	14,801,970
American Rolling Mill Co., and subsidiaries *	9	18,165,398	9	12,488,684	12	4,011,909
American Smelting & Refining Co., and subsidiaries	6	20,896,033	6	1,867,778	12	13,057,145
Anaconda Copper Mining Co.*	9	34,473,066	9	13,159,083	12	20,236,552
Bethlehem Steel Corp.*	9	38,711,728	9	29,794,650	12	24,638,384
Inland Steel Co., and subsidiaries	6	10,171,288	6	4,973,300	12	10,931,016
Jones & Laughlin Steel Corp., and subsidiaries	9	16,682,738	9	6,109,260	12	3,188,944
Kennecott Copper Corp.*	6	46,086,826	6	4,508,933	12	33,947,443
Keystone Steel & Wire	12	6,087,002	12	2,777,605	12	927,542
National Lead Co	6	6,479,049	6	5,069,455	12	5,780,500
National Steel Corp., and subsidiaries *	9	19,903,655	9	13,941,320	12	12,581,636
Republic Steel Corp., and subsidiaries *	9	23,111,631	9	9,494,414	12	10,671,343
Revere Copper & Brass, Inc	9	6,676,295	9	3,198,104	12	1,615,069
St. Joseph Lead Co., and domestic subsidiaries	6	6,706,815	6	2,793,061	12	5,292,908
Sharon Steel Corp., and subsidiaries	9	4,756,350	9	2,042,349	12	255,497
U.S. Steel Corp., and subsidiaries *	9	43,578,696	9	12,443,381	12	41,119,934
Wheeling Steel Corp	9	8,430,261	9	3,188,041	12	5,560,753
Youngstown Sheet & Tube Co.*	9	19,446,836	9	9,176,395	12	5,004,484

AUTOMOBILE MANUFACTURERS

Chrysler Corp.*	9	47,873,089	9	10,292,645	12	36,879,829
Ford Motor Co.*		(4)		(4)	12	16,402,746
General Motors Corp.*	9	213,217,476	9	14,012,370	12	183,403,399
Hudson Motor Car Co	9	5,158,854	9	560,192	12	[5] 1,356,750
Mack Trucks, Inc	9	5,265,883	9	[5] 316,626	12	682,987
Studebaker Corp	9	5,152,043	9	[5] 251,770	12	2,923,251
White Motor Co., and subsidiaries	9	3,926,586		(4)	12	[5] 2,412,618

OTHER MANUFACTURERS, ETC.

Allied Chemical & Dye Corp.*		(4)	12	26,706,691	12	21,042,211
American Can Co.*		(4)	12	8,828,983	12	18,284,964
American Cyanamid Co	9	6,294,571	9	6,191,005	12	5,524,941
American Tobacco Co	9	24,178,000	12	29,886,557	12	26,427,934
American Viscose Corp. and subsidiaries	9	14,549,382	9	8,149,612	12	4,057,164
Anderson, Clayton & Co. and subsidiaries	12	19,787,829	12	14,006,998		(4)
Armour & Co.*		(4)	12	20,791,128	12	3,265,167
Bendix Home Appliances, Inc	9	7,127,044	12	3,178,180	12	[5] 311,935
Borden Co	6	[3] 9,975,000	6	[3] 8,875,000	12	7,979,838
Borg-Warner Corp. and subsidiaries	9	15,707,583	9	4,152,014	12	5,683,801
Caterpillar Tractor Co	10	6,458,128	10	4,975,559	12	3,235,709
Celanese Corp. of America	9	16,626,579	9	11,573,513	12	6,374,101
Colgate-Palmolive-Peet Co	6	9,783,002	6	6,311,156	12	6,632,655
Commercial Solvents Corp., and subsidiaries	9	6,217,560	9	3,008,669	12	1,600,390
Continental Can Co., Inc., and subsidiaries	12	9,240,040	12	3,576,763	12	8,635,787
Corn Products Refining Co	9	13,092,583	9	5,592,283	12	10,120,398
Crane Co., and domestic subsidiaries	12	10,758,787	12	7,017,586	12	4,612,555
Cuban American Sugar Co	12	6,206,103	12	2,222,044	12	716,953
Curtiss-Wright Corp.*	9	[5] 465,315	9	5,151,643	12	5,218,259
Distillers Corp. Seagrams, Ltd., and subsidiaries	12	43,112,502	12	24,530,122	12	6,566,313
Dow Chemical Co	12	12,729,991	12	6,707,215	12	4,178,485
E. I. du Pont de Nemours & Co.*	9	88,220,901	9	82,179,876	12	93,218,664
Eastman Kodak Co.*	6	20,299,661	6	15,992,956	12	21,537,577
Eaton Manufacturing Co., and subsidiaries	9	5,548,192	9	1,793,730	12	2,707,340
Firestone Tire & Rubber Co.*	6	14,168,206	6	12,845,926	12	6,722,046
General Cable Corp	9	4,627,400	9	1,333,719	12	733,166
General Electric Co.*	9	56,459,434	9	404,109	12	40,860,754
Gillette Safety Razor Co	9	7,617,903	9	7,513,639	12	2,941,890
Goodrich (B. F.) Co.*	6	11,264,245	6	12,470,390	12	6,653,278

Footnotes at end of table.

OTHER MANUFACTURERS, ETC.—Continued

Corporation	1947 Number of months	1947 Profits	1946 Number of months	1946 Profits	1939 [1] Number of months	1939 [1] Profits
Goodyear Tire & Rubber Co.[2]	6	$11,601,416	6	$15,088,189	12	$9,838,797
(M. A.) Hanna Co.	9	5,214,971	9	3,919,002	12	1,904,317
Hershey Chocolate Corp., and subsidiaries	9	6,017,778	9	4,847,224	12	6,233,304
International Business Machines Corp., and subsidiaries	9	17,610,802	9	13,115,986	12	9,092,692
International Harvester Co.[2]		(4)	12	22,326,257	12	7,952,810
International Paper Co., and subsidiaries [2]	9	43,124,402	9	21,252,904	12	4,893,591
Kimberly-Clark Corp., and subsidiaries	12	6,601,962	12	3,228,174	12	2,651,365
Libby-Owens-Ford Glass Co.	9	8,727,826	9	2,616,681	12	8,062,753
Liggett & Myers Tobacco Co.[2]	9	16,520,000	12	18,368,928	12	20,705,549
Lone Star Cement Corp., and subsidiaries	9	4,536,519	9	3,582,102	12	3,561,093
Long-Bell Lumber Co.	9	8,960,201	9	3,518,804	12	[5] 91,969
Maytag Co.	9	4,459,476	9	2,067,609	12	1,398,981
McKesson Robbins, Inc.	12	9,694,558	12	8,586,157	12	3,364,790
Minneapolis-Honeywell Regulator Co., and subsidiaries	9	4,602,868	9	2,912,195	12	2,158,582
Monsanto Chemical Co.	9	12,395,367	9	6,987,663	12	5,428,914
National Cash Register Co., and subsidiaries	9	7,545,688	9	1,315,739	12	1,807,096
National Dairy Products Corp.[2]	6	9,649,223	6	11,802,554	12	13,034,157
National Supply Co., and subsidiaries	9	6,560,935	9	2,129,571	12	1,190,787
Owens-Illinois Glass Co., and subsidiaries	12	16,402,124	12	11,211,455	12	8,434,915
Pacific Mills	9	[3] 5,645,000	9	[3] 4,648,000	12	790,831
Pittsburgh Consolidation Coal Co., and subsidiaries	9	9,009,170	9	4,168,712	12	863,915
Pittsburgh Plate Glass Co., and subsidiaries	9	21,071,104	9	13,168,435	12	10,766,412
Quaker Oats Co.	12	7,958,588	12	6,471,051	12	5,422,852
Remington Rand, Inc., and subsidiaries	6	6,525,727	6	5,770,505	12	1,750,391
Reynolds (R.J.) Tobacco Co.[2]		(4)	12	27,972,599	12	25,645,455
St. Regis Paper Co.	9	11,055,144	9	3,775,622	12	547,820
Schenley Distillers Corp.[2]	12	26,844,733	12	49,129,975	12	4,129,080
Singer Manufacturing Co.[2]		(4)	12	15,227,817	12	3,065,105
Squibb & Sons, and subsidiaries	12	5,525,386	12	5,151,408	12	2,060,978
Stokely-Van Camp, Inc.	12	7,111,911	12	5,204,912	12	[5] 712,905
Swift & Co.[2]		(4)	12	16,394,739	12	10,321,523
Texas Gulf Sulphur Co.[2]	9	16,051,653	9	10,772,189	12	7,847,483
Timken Roller Bearing Co.	9	9,144,682	9	1,194,357	12	7,287,911
Union Bag & Paper Corp.	9	8,787,425	9	3,643,599	12	965,532
Union Carbide & Carbon Corp., and subsidiaries	9	54,865,182	9	40,331,671	12	35,847,400
United Merchants & Mfg., Inc.	12	21,132,984	12	8,733,786	11	1,466,197
United States Gypsum Co.	9	11,685,500	9	8,719,659	12	7,365,849
U.S. Rubber Co.[2]	6	11,020,729	6	9,906,886	12	10,218,849
Warner Bros. Pictures, Inc., and subsidiaries	9	19,134,639	9	14,749,202	12	1,740,908
Western Electric Co., Inc.[2]		(4)	12	12,336,076	12	16,476,086
Westinghouse Air Brake Co., and subsidiaries	9	9,780,117	9	6,748,715	12	2,765,629
Westinghouse Electric Corp.[2]	12	30,900,893	12	17,356,278	12	13,854,365
West Virginia Pulp & Paper Co., and subsidiaries	9	7,878,734	9	3,695,219	12	1,095,389
Worthington Pump & Machinery Corp.	9	4,742,426	9	2,289,616	12	816,706
Wm. Wrigley, Jr., Co.	9	6,058,404	9	4,813,106	12	8,650,976

[1] Calendar or fiscal year ending in 1939.
[2] 1 of 50 largest manufacturing companies in volume of assets.
[3] Estimated.
[4] No statement.
[5] Definite.

EXHIBIT 3 (PART 1)

EXCESS PROFITS TAX—SUMMARY STATEMENT OF ARGUMENTS

Excess profits taxes were proposed as a means of raising more Federal revenues, both prior and subsequent to the start of the Korea conflict. In the proposals after the end of June, it was argued also that the tax was needed to impose sacrifice on capital as well as men. Consideration of the tax for inclusion in a revenue bill was postponed by the Congress.

The proposals have assumed that production, prices, income and profits will continue to increase under the pressure of an expanded armaments program. Continued high profits are expected to be realized from production of both civilian and military goods. The justification for the excess profits tax is that it would stop profiteering, help balance the Federal budget and avoid further inflation, and would help divert production to military purposes. Further discussion of the second and third points is contained in the following paragraphs.

An excess profits tax would add several billion dollars to Federal revenues. The result would be either a budget balanced during rearmament, or at least a reduction of the deficit. When the amounts paid to employees, bondholders and contractors do not exceed the amounts taken in taxes, the Government does not add to the income which presses prices upward, and avoids increasing the competition between procurement agencies and private purchases. Costs of rearmament are held down. Taxpayers would gain from smaller immediate costs and from saving of interest through avoidance of debt increase. After the emergency, business and consumers would be in better financial position with lower taxes and lower price levels.

Diversion of production from civilian to military purposes would be hastened. Selling to the Government would offer an assured profit, the attractiveness of which would be greater if extraordinary profits from civilian production were taken by an excess profits tax. Since the tax would take only excess profits, it would not unduly reduce the capacity devoted to production of civilian goods.

Opposition to the excess profits tax argues that it would neither control profiteering nor provide enough revenue to stop inflation; and that it would hinder production.

An excess profits tax would not control profiteering because the tax cannot be so written as to distinguish excessive from necessary profits. The usual measure of wartime excess profits is increased profits, or profits above those of some period of years considered to be normal. What base years should be used to measure "normal" profits? In World War II, the base used was the four-year prewar period 1936–39. In those years, the number of corporations reporting net income was hardly half as large as in 1947, and net income was less than a third as much as in that year. Obviously, a more recent base period would seem desirable for a tax levied now. The postwar years, however, have been characterized by the unusual circumstances of reconversion of industry, making up for wartime shortages, and adjusting a previously controlled economy to free markets. These circumstances have yielded profits which may differ from those to be expected under other conditions. If the armaments boom continues for a number of years, the change in circumstances and the changes in business population would make the experience of postwar years applicable to a constantly diminishing number of corporations. And profits which had seemed extraordinary would become normal or expected, just as profits of the postwar period are normal for that period although they are very unusual if compared with prewar profits of the same corporations.

The postwar years have been marked by high employment, production and profit totals. Increases during armament above those levels would not be as great as during World War II, unless there were extraordinary price inflation. The excess profits tax would not yield as much as during that War, unless it were applied to more than the increase above postwar levels. In order to increase its yield, proposals have specified that it apply to profits when they are in excess of 65 or 75 percent of the dollar amount of the base period. (Provision is made for corporations which have expanded their investment substantially in size since the base period.) Such proposals are regarded as objectionable, however, since profits in the postwar years were not excessive. While the total volume of profits is larger than before, the totals of all other kinds of incomes also are larger. When compared with sales, profits after taxes have not been higher than before the war, and have been smaller in relation to sales than during the war. If the tax were to apply to profits in excess of some previous earnings, it would have to make provision for corporations which did not have good earnings experience during the base years, or small rates of return on investment would be considered excessive. The usual provision for such corporations is to allow them the alternative of measuring their excess profits as those which exceed a certain percentage return on invested capital, if that gives them a smaller tax base than the computation based on previous earnings.

It may be noted, aside from the arguments of opponents of the tax, that excess profits taxes in the past regarded as excessive profits those (1) in excess of base period earnings and (2) in excess of a percentage of invested capital. They have also considered that large profits are more "excessive" than smaller: that is, a return of 8 percent would be allowed amounting to $400,000 of earnings, on the first $5 million of capital, a 6 percent return on $300,000 would be allowed on the next $5,000,000 of capital, and so on. In other words, the tax is made progressive. Application of the same principle, of a progressive tax, could be made a third base for taxing excess profits. In the past, it has been used only when some other criterion indicates profits to be excessive. If a progressive tax were levied, whether applied as part of the ordinary net income tax of corporations or through some special device, it would apply one of the principles of an excess profits tax. It probably would be effective in reaching profits of railroads and similar corporations which escape excess profits taxes by using an invested capital base.

A further argument against the excess profits tax as a means of getting at excess profits—in addition to the arguments that the bases which have been used are inequitable and arbitrary—is that excessive profits from dealing with the Government could be

reached better through careful negotiation and re-negotiation of contracts.

The additional revenues could be obtained in other ways, one of which is the corporation net income tax. During World War II, the excess profits tax yielded large revenues. However, these revenues do not measure the net gain above those of the ordinary net income tax: the income subject to excess profits tax was deducted from the base of the corporation income tax. An increase of the net income tax to about 48 percent flat rate throughout the war period would have yielded as much revenue as the income tax and excess profits taxes combined. The revenue could have been obtained without the complicated relief provisions and other administrative difficulties and hardships of an excess profits tax.

The argument is that, because applicable to all corporations and all income, a moderate flat rate increase in the corporation net income tax would provide as much revenue as an excess profits tax which is applicable only to a small number of corporations. However, the corporation income tax rate increase in the Revenue Act of 1950 amounts to above five points, yet it will yield only about $1.5 billion per year. The additional revenue need by the Government is several times that amount. A flat rate which is low enough to be tolerable to corporations with small or decreasing profits would not be high enough to raise the maximum possible revenue from corporations with extraordinary profits.

The excess profits tax, it is argued, will not bring in revenues in anti-inflationary amounts which could not be obtained from flat rate taxes. On this count, it is not a strong weapon with which to fight inflation. On a further count, it is less effective than other methods of taxation in curbing inflation: it increases business spending and leads to increases in costs of production. By minimizing the portion of additional income which corporations retain, it encourages corporations to spend their receipts for pensions and higher wages, and to bargain less sharply over costs. The greatest part of any additional expenditure will be borne by the Government because they are deducted from taxable income. Cost components rise, and prices to the Government are increased. The Government is compelled to resort to the bank for the money it needs to meet rising prices. The Government's debt is increased, prices rise, and the value of savings is reduced. Wage inflation is encouraged, as the Government rather than the taxpayer will bear the major burden.

The foregoing argument is disputed with the statement that business management would not intentionally reduce net profits because it could keep only a portion of them. Apparent carelessness about costs is not the result of carelessness about total profits, but comes from knowledge that the costs can be passed on to procurement agencies in higher prices as well as to the tax collector in higher deductions from income. It comes also from the general increase in unit labor costs which characterizes any period of expansion and shifting of production, whether it be postwar boom or rearmament boom.

In addition to the aims of preventing profiteering and aiding to stabilize prices, the excess profits tax is intended to help divert capacity to the production of armaments. It is intended to discriminate among firms and industries. But this makes it unsuitable to present conditions. It prevents the functioning of profits as guide to the mobilization of productive forces by business. Consequently, it is argued, the excess profits tax will obstruct the provision of adequate capacity for the production of armaments and of civilian goods. It will take away the incentive to hold costs down and to develop new products and processes. By reducing incentive to invest and reducing the funds available for reinvestment the excess profits tax sets limits to economic growth. In a long period of rearmament the shortage of capacity would be intensified. Instead of conserving materials and labor and providing goods at the lowest cost, in order to make profits, businesses which are restricted as to profit making would become careless in their use of productive resources and would not apply them to expansion of capacity.

The foregoing argument may be disputed on several points. The first is that its emphasis on expansion is wrong when production is near capacity levels. Diversion of resources, that is, conversion of industry, is necessary. The dangerous slowness of rearmament early in World War II was accounted for partly by an excess profits tax that was not heavy enough to cause any diversion. In addition, diversion by means of taxation would avoid direct measures which would be costlier and involve greater interference with production. Where expansion is necessary, it need not be prevented by an excess profits tax. The financial resources of business are so great that they could pay for the expansion.

EXHIBIT 3 (PART 2)

ARGUMENTS PRO AND CON THE CONTINUATION OF THE EXCESS PROFITS TAX

A. ARGUMENT IN SUPPORT OF CONTINUATION OF THE TAX

1. The reasons which lead to the adoption of an excess profits tax nearly three years ago, are just as applicable today as they were then.

2. To hear the protests of corporations, one would suspect that they were hard up or in poor financial condition or that poverty is staring them in the face. Nothing could be further from the truth. The truth is that profits for the first quarter of 1953 were running at the rate of $42.8 billion per year, with profits after taxes exceeding $19 billion. That is almost tops for a record. New construction and investment producers' durable equipment were at new highs in the first half of 1953. Everything shapes up to a peak prosperity, profits both before and after taxes, dividends, investments all exceed by a considerable margin the profitable postwar years. A stated objective of the excess profits tax when enacted in 1950 was to reach corporation profits swollen by defense expenditures. Those profits are still swollen and will continue excessively high. If we were right in taxing them back in 1951 and 1952, we are still right in taxing them now.

3. An excess profits tax will restrain inflation in two ways (1) by reducing the size of the budget deficit, and (2) by taking away some of the incentive from raising prices and thus increasing profits still higher. Knowledge that an excess profits tax will take a large slice of additional profits will deter business from raising prices and profits above their already high level. Higher profits cannot but give further justification to labor to press forward for ever higher and higher wages, and thus give them new impetus to the vicious circle of inflation as it moves on in its devastating destruction.

4. Excess profits tax is one important step in financing our huge military program arising out of hostilities in Korea. Whether those hostilities continue or not, we shall continue to incur very large defense expenditures to build up our military might to a point where we shall be secure against attack from without. Not only must we continue to protect ourselves but we must continue to arm the free world against Communism.

5. We have just concluded the fiscal year 1953 with a deficit of $9.4 billion. Another huge deficit is in prospect for the current fiscal year. We must continue to work for economic security as well as military security. A budget more nearly in balance than currently appears in prospect is essential to a sound economy, a sound monetary system, and protection against inflation. The present tax is yielding around $2 billion per year. We simply cannot afford to give up this source of revenue.

6. If the excess profits tax should be repealed now, it would give additional justification for the reduction or repeal of other taxes already scheduled to be reduced or expire. The financial condition of the Treasury is such that we just cannot stand a loss of revenue not only from the excess profits tax but from these others as well.

7. It is not without significance that many of those most vocal in their demands for repeal of the excess profits tax are also the staunchest supporters of a national sales tax. It seems abundantly clear that in their opposition to a continuance of the excess profits tax, business is attempting to maneuver us into the position of being forced to adopt a sales tax to protect ourselves from national bankruptcy. Those of us who have the interests of the family, the laboring man, and the pensioner at heart cannot but deplore the selfish action of business seeking to shift their own just burden to the shoulders of those less capable of carrying it.

B. ARGUMENT IN OPPOSITION TO CONTINUATION OF THE TAX

1. The best general statement of the argument against continuation of the excess profits was made by President Eisenhower when he recommended its extension. He said:

"Though the name suggests that only excessive profits are taxed, the tax actually penalizes thrift and efficiency and hampers business expansion. Its impact is especially hard on successful small businesses which must depend on retained earnings for growth."

2. The excess profits tax has its foundation in an irrational argument. It is assumed that because profits of a certain amount were made 1946–1949, any profits currently being made in excess of that amount are war profits or emergency profits. Thus a corporation which had poor profits 1946 to 1949 and now enjoys higher profits, must bear the tax irrespective of whether current profits have relation or not to our defense build-up. On the other hand, a corporation really making high profits 1946 to 1949 can continue to make those high profits without any tax liability whatsoever.

3. The general inequity of the excess profits tax is made clear by the numerous extremely complicated relief provisions that have had to be inserted in the law in order to make it workable. The difficulty and complexity of the excess profits tax are far out of proportion to the revenue we get from it, namely about 3 percent of total collections. Frankly, the tax is penalizing in its principal effect. It is a concession to semantics and a yield to slogans of take the profit out of war.

4. The farther we get away from the 1946 to 1949 base period, the farther away we get from reality. There seems to be something inherently unfair in making the rate of taxes on income earned in December 1953 depend on the amount of profits the corporation earned in January of 1946, nearly 8 years previously. Invalid though any assumption may be that the earnings of any period represent a normal against which to judge the level of profits of another period, whatever normal character the earlier period had becomes lost as time passes. As the tax continues, more and more relief provisions will have to be installed in order for the tax to have any degree of rationality whatsoever. In brief, the whole concept of what is excessive profits is elusive.

5. The excess profits tax exercises a strangling effect on the economy. The tax instead of providing some stimulus to pro-

duction—the most important part of any defense built-up—captures profits made so that new investments in needed productive facilities are lost. Further, any investment funds that might be available will long ponder the justification of their investment. As the Senate Finance Committee said in recommending repeal of the tax after World War II:

"This tax is a major obstacle in the way of reconversion and expansion of business which are essential for the attainment of a high level of employment and income. The tax takes such a large portion of corporate profits that most businesses are not willing to take the risk of expanding their business while this tax is in operation."

6. The tax encourages waste both in purchasing and in manufacturing. Waste is encouraged in government purchasing, because purchasing agents will reason that there is little point in sharp bargaining, hoping that high taxes will siphon off the profit. Manufacturers on the other hand can reason that there is little point in their being efficient and cutting waste, because whatever they do save will almost entirely be taken up by the government in income and excess profits taxes.

7. Small businesses are among the most hurt by the excess profits tax. As the Senate Select Committee on Small Business recently said:

"Your committee submits that there is no other tax so injurious to small business and so dangerous to our entire free-enterprise capitalism. The tax is an extremely unfair tax, since it is impossible to measure what is excess in the profit picture and to devise an equitable normal base period. To a business which is unable to obtain funds and must grow from within, the tax has the effect of being a damper on such growth at the moment when the concern begins to hit its stride in an operating and income sense . . . thousands of small concerns pay excess-profits taxes, and all corporations, large or small, find that the tax tends to check growth, destroy initiative, and discourage sound and efficient management."

EXHIBIT 4

CONGRESSMEN WHO HAVE INTRODUCED THE EXCESS PROFITS TAX IN 91ST CONGRESS

H.R. 11754: Mr. Hechler, May 28.

H.R. 11907: Mr. Farbstein.

H.R. 11974: Mr. Biaggi.

H.R. 11991: Messrs. Lujan, Lowenstein, Addabbo, Bingham, Brasco, Brown of California, Diggs, Edwards of California, Mrs. Hansen of Washington, Messrs. Hathaway, Kyros, Mikva, Mrs. Mink, Messrs. Olson, Ottinger, Pike, Podell, Rosenthal, Scheuer, Tiernan.

H.R. 12256: Mr. Bennett.

EXHIBIT 5

[From the Washington Post, July 29, 1966]

ULLMAN SEEKS EXCESS PROFITS TAX

(By Michael Drosnin)

Charging that the Johnson Administration has failed to correct the "artificial imbalance" in the economy, Rep. Al Ullman (D-Ore.) yesterday introduced legislation designed to bring down interest rates and impose an excess profits tax on corporate incomes.

Ullman warned that the country faces "a segmented recession of major proportions." He called his tax package an effort "to trim the fat from those areas of the economy which are gorging themselves on inflation, and at the same time restore growth" to depressed industries.

The Oregon congressman, a member of the Ways and Means Committee, singled out the slumping home-building industry as one being "destroyed" by present economic policies. Lumber is Oregon's second biggest industry.

ULLMAN BILLS

The two bills introduced by Ullman would:

Suspend the 7 per cent investment tax credit for one year.

Impose a 4 per cent emergency tax on corporate income.

Place an additional 5 per cent surtax on corporate profits exceeding the 1962–65 average.

Give the President authority to impose "broad installment credit restrictions."

Urging immediate action, Ullman declared at a news conference yesterday that "we have a real national emergency in Vietnam, and we're trying to conduct business as usual at home."

"No one," he maintained, "should wax fat off the profits generated by the Vietnam War."

Ullman was sharply critical of the Federal Reserve Board and its chairman, William McChesney Martin. "Under the artificial impetus of the war effort," he said in introducing his bills, "the hackneyed monetary remedy of the Federal Reserve Board has aggravated rather than discouraged the inflationary overexpansion in plants and equipment."

The Fed has relied primarily on raising the discount rate to cool off an "overheating" economy. Ullman charged that this policy takes into account only one-half of the picture, ignoring the fact that some segments of the economy "are already on the verge of recession."

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales [1]
	U.S. total [2]	38,826,625	100.00	100.00	
	Total, 100 companies plus their subsidiaries [3]	26,171,192	67.41	67.41	
1.	General Dynamics Corp	2,231,488			
	Dynatronics, Inc	27			
	Stromberg Carlson Corp	7,782			
	United Electric Coal Co	42			
	Total	2,239,339	5.77	5.77	67
2.	Lockheed Aircraft Corp	1,858,363			
	Lockheed Shipbuilding Construction	11,834			
	Total	1,870,197	4.82	10.59	88
3.	General Electric Co	1,485,096			
	General Electric Supply Co	3,611			
	Total	1,488,707	3.83	14.42	19
4.	United Aircraft Corp	1,320,991	3.40	17.82	57
5.	McDonnell Douglas Corp	1,087,660			
	Conductron Corp	5,372			
	Hycon Manufacturing Co	7,805			
	Total	1,100,837	2.84	20.66	75
6.	American Telephone & Telegraph Co	161,405			9
	Chesapeake & Potomac Telephone Co	13,018			
	Illinois Bell Telephone Co	38			
	Mountain States Telephone & Telegraph Co	1,872			
	New England Telephone & Telegraph Co	549			
	New Jersey Bell Telephone Co	529			
	New York Telephone Co	152			
	Northwestern Bell Telephone Co	235			
	Ohio Bell Telephone Co	601			
	Pacific Northwest Bell Telephone	160			
	Pacific Telephone & Telegraph Co	225			
	Southern Bell Telephone & Telegraph	2,178			
	Southwestern Bell Telephone	1,197			
	Teletype Corp	22,591			
	Western Electric Co., Inc	571,177			
	Total	775,927	2.00	22.66	
7.	Boeing Co	762,141	1.96	24.62	54
8.	Ling-Temco-Vought Inc	50,011			
	Altec Service Co	58			
	Braniff Airways Inc	46,304			
	Continental Electronics Manufacturing Co	4,238			
	Jefferson Wire & Cable Corp	151			
	Jones & Laughlin Steel Corp	695			
	Kentron Hawaii, Ltd	8,549			
	LTV Electro Systems	123,592			
	LTV Aerospace Corp	487,762			
	LTV Ling Altec, Inc	886			
	Memcor, Inc	25,883			
	National Car Rental System	11			
	Okonite Co., The	1,656			
	Wilson & Co., Inc	8,299			
	Wilson Pharmaceutical & Chemical Corp	16			
	Wilson Sporting Goods Co	150			
	Total	758,261	1.95	26.57	70
9.	North American Rockwell Corp	668,482			
	Remmert-Werner, Inc	159			
	Total	668,641	1.72	28.29	57
10.	General Motors Corp	629,515			
	Frigidaire Sales Corp	95			
	Total	629,610	1.62	29.91	2
11.	Grumman Aircraft Engineering Corp	629,197	1.62	31.53	67
12.	AVCO Corp	583,648	1.50	33.03	75

Footnotes at end of table.

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales [1]
13.	Textron, Inc.	18,438			
	Accessory products Co.	133			
	Bell Aerospace Corp.	478,691			
	Bell Aero-Systems Co.	100			
	Bostitch, Inc.	14			
	Camcar Screw and Manufacturing Co.	80			
	Fafnir Bearing Co.	1,501			
	Fanner Manufacturing Co.	66			
	Talon, Inc.	332			
	Textron Electronics, Inc.	993			
	Townsend Co.	297			
	Waterbury Farrel	102			
	Total	500,747	1.29	34.32	36
14.	Litton Industries, Inc.	28,752			
	Aero Service Corp.	822			
	Allis (Louis) Co.	1,318			
	Alvey Ferguson Co.	130			
	Clifton Precision Products Co.	27			
	Eureka X-Ray Tube Corp.	33			
	Ingalls Shipbuilding Corp.	277,289			
	Kimball Systems, Inc.	22			
	Litton Precision Products, Inc.	6,829			
	Litton Systems, Inc.	150,386			
	Monroe International, Inc.	43			
	Profexray, Inc.	27			
	Royal Typewriter Co., Inc.	13			
	Total	465,691	1.20	35.52	25
15.	Raytheon Co.	431,241			
	Amana Refrigeration, Inc.	18			
	Machlett Laboratories, Inc.	19,350			
	Microstate Electronics Corp.	125			
	Raytheon Education Co.	926			
	Seismograph Service Corp.	94			
	Total	451,754	1.16	36.68	55
16.	Sperry Rand Corp.	447,197	1.15	37.83	35
17.	Martin Marietta Corp.	357,642			
	Amphenol-Borg Electronics, GMBH	286			
	Bunker Ramo Corp.	35,526			
	Total	393,454	1.01	38.84	62
18.	Kaiser Industries Corp.	97			
	Kaiser Aerospace & Electronics Co.	5,615			
	Kaiser Jeep Corp.	295,803			
	Kaiser Steel Corp.	52,836			
	National Steel & Shipbuilding Co.	31,983			
	Total	386,334	1.00	39.84	45
19.	Ford Motor Co.	76,771			
	General Micro-Electronics, Inc.	170			
	Philco Ford Corp.	304,403			
	Total	381,344	0.98	40.82	3
20.	Honeywell, Inc.	351,625			
	Computer Control Co., Inc.	57			
	Total	351,682	.91	41.73	24
21.	Olin Mathieson Chemical Corp.	329,415	.85	42.58	

Footnotes at end of table.

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales [1]
22.	Northrop Corp.	182,150			
	Hallicrafters Co.	33,467			
	Northrop Carolina, Inc.	26,183			
	Page Communications Engineers, Inc.	67,934			
	Secoa, Inc.	493			
	Warnecke Electron Tubes, Inc.	29			
	Total	310,256	0.80	43.38	61
23.	Ryan Aeronautical Co.	133,751			
	Continental Aviation and Engr. Corp.	39,142			
	Continental Motors Corp.	111,891			
	Wisconsin Motor Corp.	8,374			
	Total	293,158	.76	44.14	
24.	Hughes Aircraft Co.	285,858			
	Meva Corp.	251			
	Total	286,109	.74	44.88	
25.	Standard Oil of New Jersey	148			
	American Cryogenics, Inc.	251			
	Enjay Chemical Co.	93			
25.	Standard Oil of New Jersey:				
	Esso A. G.	1,310			
	Esso International Corp.	144,905			
	Esso Petrol Co. Ltd.	92			
	Esso Research and Engineering Co.	1,164			
	Esso Standard Eastern, Inc.	340			
	Esso Standard Italiana	2,035			
	Esso Standard Oil Co., S. A.	2,584			
	Esso Standard SAF	119			
	Esso Standard Thailand, Ltd.	124			
	Humble Oil & Refining Co.	121,212			
	Total	274,377	.71	45.59	
26.	Radio Corp. of America	254,961			2
	RCA Defense Electronics Corp.	39			
	RCA Institutes, Inc.	12			
	Total	255,012	.66	46.25	16
27.	Westinghouse Electric Corp.	247,664			
	Thermo King Corp.	1,466			
	Thermo King Sales & Service	66			
	Westinghouse Electric Supply Co.	1,319			
	Westinghouse Learning Corp.	524			
	Total	251,039	.65	46.90	13
28.	General Tire & Rubber Co.	11,636			
	Aerojet Delft Corp.	979			
	Aerojet General Corp.	210,232			
	Batesville Mfg. Co.	24,182			
	Fleetwood Corp.	10			
	Frontier Airlines, Inc.	21			
	General Tire International Co.	996			
	Total	248,056	.64	47.54	37
29.	International Telephone & Tel. Corp.	135,713			
	Amplex Corp.	67			
	Barton Instrument Corp.	37			
	Consolidated Electric Lamp Co.	11			
	Continental Baking Co.	2,194			
	Federal Electric Corp.	65,499			

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales [1]
29.	International Telephone & Tel. Corp.—Continued				
	ITT Electro Physics Laboratories	2,715			
	ITT Gifillan, Inc	34,809			
	ITT Technical Services, Inc	521			
	Total	241,566	0.62	48.16	19
30.	International Business Machines Co	223,023			
	Science Research Associates, Inc	199			
	Service Bureau Corp	439			
	Total	223,661	.58	48.74	7
31.	Bendix Corp	214,398			
	Bendix Field Engineering Corp	7,426			
	Bendix Westinghouse Automotive	175			
	Dage Electric Co., Inc	13			
	Fram Corp	1,017			
	Mosaic Fabrications, Inc	195			
	P & D Mfg. Co, Inc	331			
	Total	223,555	.58	49.32	42
32.	Pan American World Airways, Inc	205,652	.53	49.85	44
33.	FMC Corp	175,860			
	Gunderson Bros. Engineering Corp	9,406			
	Total	185,266	.48	50.33	21
34.	Newport News Shipbld. & Dry Dock Co	181,248			
	Nuclear Service & Constr. Co., Inc	61			
	Total	181,309	.47	50.80	90+
35.	Raymond Morrison Knudsen (JV)	176,000	.45	51.25	
36.	Signal Companies, Inc. (The):				
	Dunham Bush, Inc	465			
	Garrett Corp	114,620			
	Mack Trucks, Inc	48,407			
	Signal Oil & Gas Co	5,792			
	Southland Oil Corp	2,287			
	Total	171,571	.44	51.69	
37.	Hercules, Inc	170,242			
	Haveg Industries, Inc	1,119			
	Total	171,361	.44	52.13	31
38.	DuPont E. I. de Nemours & Co	30,662			
	Remington Arms Co	139,907			
	Total	170,569	.44	52.57	
39.	Texas Instruments, Inc	169,271	.44	53.01	
40.	Day & Zimmerman, Inc	166,240	.43	53.44	
41.	General Telephone & Electronic Corp	93			
	Automatic Electric Co	9,682			
	Automatic Electric Sales Corp	1,829			
	General Telephone & Electronic Laboratory	273			
	General Telephone Co. of Southeast	151			
	Hawaiian Telephone Co	4,626			
	Lenkurt Electric Co., Inc	8,650			
	Sylvania Electric Products, Inc	133,706			
	Total	159,010	.41	53.85	25
42.	Uniroyal, Inc	154,163			
	Uniroyal International Corp	136			
	Total	154,299	.40	54.25	

Footnotes at end of table.

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY PRIME CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales [1]
43.	Chrysler Corp	146,586			
	Factory Motor Parts Co	14			
	Total	146,600	0.38	54.63	4
44.	Standard Oil Co. of Calif	71,462			
	Caltex Asia, Ltd. [4]	1,853			
	Caltex Oil Products Co. [4]	61,766			
	Caltex Oil Thailand, Ltd. [4]	1,995			
	Caltex Overseas, Ltd. [4]	379			
	Caltex Philippines, Inc. [4]	436			
	Chevron Asphalt Co	50			
	Chevron Chemical Co	797			
	Chevron Oil Co	2,153			
	Chevron Oil Co. of Venezuela	1,610			
	Chevron Shipping Co	1,297			
	Standard Oil Co. Kentucky	2,297			
	Standard Oil Co. Texas	122			
	Total	146,217	.38	55.01	
45.	Norris Industries	139,064			
	Fyr Fyter Co	202			
	Total	139,266	.36	55.37	
46.	Texaco, Inc	45,404			
	Caltex Asia Ltd. [4]	1,853			
	Caltex Oil Products Co. [4]	61,766			
	Caltex Oil Thailand Ltd. [4]	1,995			
	Caltex Overseas Ltd. [4]	379			
	Caltex Philippines, Inc. [4]	436			
	Jefferson Chemical Co., Inc	105			
	Texaco Antilles, Ltd	88			
	Texaco Export, Inc	22,561			
	Texaco Puerto Rico, Inc	2,451			
	White Fuel Co., Inc	984			
	Total	138,022	.36	55.73	
47.	Collins Radio Co	134,754	.35	56.08	
48.	Goodyear Tire & Rubber Co	55,358			
	Goodyear Aerospace Corp	76,201			
	Motor Wheel Corp	2,046			
	Total	133,605	.34	56.42	
49.	Asiatic Petroleum Corp	132,796	.34	56.76	
50.	Sanders Associates, Inc	130,830			
	Mithras, Inc	481			
	Total	131,311	.34	57.10	
51.	Mobil Oil Corp	128,065	.33	57.43	
52.	TRW, Inc	126,363			
	Globe Industries, Inc	348			
	International Controls Corp	672			
	Ramsey Corp	14			
	United-Carr, Inc	70			
	Total	127,467	.33	57.76	
53.	Mason and Hanger Silas Mason Co	127,064	.33	58.09	
54.	Massachusetts Institute of Technology (N)	124,143	.32	58.41	
55.	Magnavox Co	123,100	.32	58.73	
56.	Fairchild Hiller Corp	121,165			
	Burns Aero Seat Co., Inc	94			
	Total	121,259	.31	59.04	
57.	Pacific Architects and Engineers, Inc	120,895	.31	59.35	
	Thiokol Chemical Corp	119,363	.31	59.66	

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales[1]
59.	Eastman Kodak Co	117,566			
	Eastman Chemical Products Corp	51			
	Eastman Kodak Stores, Inc	706			
	Total	118,323	0.30	59.96	
60.	United States Steel Corp	108,322			
	Reactive Metals, Inc	161			
	U.S. Steel International, Inc	7,679			
	Total	116,162	.30	60.26	
61.	American Machine and Foundry Co	108,871			
	Cuno Engineering Corp	1,052			
	Total	109,923	.28	60.54	
62.	Chamberlain Corp	104,441	.27	60.81	
63.	General Precision Equipment Corp.:				
	American Meter Controls, Inc	29			
	Controls Co. of America	377			
	General Precision Decca Systems	90			
	General Precision Systems, Inc	86,361			
	Graflex, Inc	1,571			
	Industrial Timer Corp	15			
	National Theatre Supply	16			
	Strong Electric Corp	3,605			
	Tele-Signal Corp	9,686			
	Vapor Corp	2,194			
	Total	103,944	.27	61.08	
64.	Lear Sigler, Inc	74,000			
	American Avitron	43			
	LSI Service Corp	27,526			
	Transport Dynamics, Inc	685			
	Verd A Ray Corp	18			
	Total	102,272	.26	61.34	
65.	Harvey Aluminum, Inc	25,048			
	Harvey Aluminum Sales	74,045			
	Total	99,093	.26	61.60	
66.	National Presto Industries, Inc	96,886	.25	61.85	
67.	Teledyne, Inc	77,173			
	Adcom Inc	309			
	Amelco, Inc	4,146			
	Continental Device Corp	27			
	Crystalonics, Inc	13			
	Electro Development Co	50			
	Geotechnical Corp	25			
	Getz William Corp	128			
	Gill Electric Manufacturing Corp	517			
	Hydra Power Corp	1,017			
	Irby Steel Co	59			
	Isotopes, Inc	802			
	Landis Machine Co	22			
	Micronetics, Inc	346			
	Microwave Electronics Corp	30			
	Milliken D. B. Co., Inc	1,024			
	National Geophysical Co., Inc	92			
	Ordnance Specialties, Inc	24			
	Packard Bell Electronics Corp	6,504			
	Penn Union Electric Corp	11			
	Pines Engineering Co., Inc	158			
	Rodney Metals, Inc	11			
	Wah Chang Corp	26			
	Total	92,514	.24	62.09	

Footnotes at end of table.

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales[1]
68.	City Investing Co.:				
	American Electric Co	35,966			
	Hayes Holding Co	49,002			
	Rheem Mfg. Co	1,857			
	Wilson Shipyard, Inc	164			
	Total	86,989	0.22	62.31	
69.	Colt Industries, Inc	2,258			
	Chandler Evans, Inc	10,087			
	Colts, Inc	68,989			
	Elox Corp	194			
	Fairbanks Morse, Inc	4,582			
	Pratt & Whitney, Inc	436			
	Total	86,546	0.22	62.53	
70.	Western Union Telegraph Co	79,299	.20	62.73	
71.	American Mfg. Co. of Texas	76,552	.20	62.93	
72.	Curtiss Wright Corp	74,799			
	Comet Tool & Die Co	350			
	Zarkin Machine Co	275			
	Total	75,424	.19	63.12	
73.	White Motor Co	15,976			
	Hercules Engines, Inc	58,610			
	Minneapolis Moline, Inc	394			
	Total	74,980	.19	63.31	
74.	Aerospace Corp. (N)	73,541	.19	63.50	
75.	Cessna Aircraft Co	71,834			
	Aircraft Radio Corp	1,076			
	Total	72,910	0.19	63.69	
76.	Emerson Electric Co	63,776			
	Pace, Inc	68			
	Rantec Corp	31			
	Ridge Tool Co	26			
	Supreme Products Corp	8,807			
	Wiegand (Edwin L.) Co	134			
	Total	72,842	0.19	63.88	
77.	Seatrain Lines, Inc	42,039			
	Commodity Chartering Corp	1,667			
	Hudson Waterways Corp	22,547			
	Transeastern Shipping Corp	4,348			
	Total	70,601	0.18	64.06	
78.	Gulf Oil Corp	66,934			
	Goodrich Gulf Chemicals, Inc	81			
	Gulf Oil Trading Co	259			
	Pittsburgh Midway Coal Mining Co	104			
	Total	67,378	.17	64.23	
79.	Condec Corp	65,162			
	Consolidated Controls Corp	1,587			
	NEJ Corp	155			
	Total	66,904	.17	64.40	
80.	Motorola, Inc	65,175			
	Motorola Overseas Corp	218			
	Total	65,933	.17	64.57	
81.	Continental Air Lines, Inc	64,523	.17	64.74	
82.	Federal Cartridge Corp	64,519	.17	64.91	

EXHIBIT 6.—100 COMPANIES AND THEIR SUBSIDIARIES LISTED ACCORDING TO NET VALUE OF MILITARY CONTRACT AWARDS, FISCAL YEAR 1968 (JULY 1, 1967, TO JUNE 30, 1968)—Continued

Rank	Companies	Thousands of dollars	Percent of U.S. total	Cumulative percent of U.S. total	Defense contracts as percent of total sales[1]
83.	Hughes Tool Co	62,353	.16	65.07	
84.	Vitro Corp of America	59,674			
	Vitro Minerals Corp	1,471			
	Total	61,145	.16	65.23	
85.	John Hopkins University (N)	57,674	.15	65.38	
86.	Control Data Corp	50,225			
	Associated Aero Science Labs, Inc	1,891			
	CEIR, Inc	852			
	Control Corp	142			
	Electronic Accounting Card Corp	723			
	Pacific Technical Analysts, Inc	1,705			
	TRG, Inc	1,264			
	Total	56,802	.15	65.53	
87.	Lykes Corp	55,247			
	Gulf and South American Steamship Co	683			
	Total	55,930	.14	65.67	
88.	McLean Industries, Inc.:				
	Equipment, Inc	5,902			
	Gulf Puerto Rico Lines, Inc	259			
	Sea-Land Service, Inc	49,751			
	Total	55,912	.14	65.81	
89.	Aerodex, Inc	55,345	.14	65.95	
90.	Susquehanna Corp	2,415			
	Atlantic Research Corp	51,452			
	Xebec Corp	886			
	Total	54,753	.14	66.09	
91.	Sverdrup and Parcel and Associates, Inc	1,396			
	Ard, Inc	53,165			
	Total	54,561	.14	66.23	
92.	States Marine Lines, Inc	54,015	.14	66.37	
93.	Hazeltine Corp	53,781	.14	66.51	
94.	Atlas Chemical Industries, Inc	53,574	.14	66.65	
95.	Vinnell Corp	51,609	.13	66.78	
96.	Harris-Intertype Corp	913			
	Gates Radio Co	796			
	PRD Electronics, Inc	20,613			
	Radiation, Inc	29,156			
	Total	51,478	.13	66.01	
97.	World Airways, Inc	51,358	.13	67.04	
98.	International Harvester Co	51,271	.13	67.17	
99.	Automatic Sprinkler Corp. America	50,395			
	Badger Fire Extinguisher Co	38			
	Total	50,433	.13	67.30	
100.	Smith Investment Co				
	Smith A. O. Corp	40,323			
	Smith A. O. of Texas	9,998			
	Total	50,321	.13	[3] 67.43	

[1] Available only for U.S. companies with more than $1,000,000,000, for the period 1961–67 (taken from Lapp, Ralph E., "The Weapons Culture," app. II).

[2] Net value of new procurement actions minus cancellations, terminations and other credit transactions. The data include debit and credit procurement actions of $10,000 or more, under military supply, service and construction contracts for work in the United States plus awards to listed companies and other U.S. companies for work overseas.

Procurement actions include definitive contracts, the obligated portions of letter contracts, purchase orders, job orders, task orders, delivery orders, and any other orders against existing contracts. The data do not include that part of indefinite quantity contracts that have not been translated into specific orders on business firms, nor do they include purchase commitments or pending cancellations that have not yet become mutually binding agreements between the government and the company.

[3] The assignment of subsidiaries to parent companies is based on stock ownership of 50 percent or more by the parent company as indicated by data published in standard industrial reference sources. The company totals do not include contracts made by other U.S. Government agencies and financed with Department of Defense funds, or contracts awarded in foreign nations through their respective governments. The company names and corporate structures are those in effect as of June 30, 1968, and for purposes of this report company names have been retained unless specific knowledge was available that a company had been merged into the parent or absorbed as a division with loss of company identity. Only those subsidiaries are shown for which procurement actions have been reported.

[4] Stock ownership is equally divided between Standard Oil Co. of California and Texaco, Inc; half of the total of military awards is shown under each of the parent companies.

[5] Does not agree with percentage shown on p. 7, due to rounding.

EXHIBIT 7

Trends in defense contracts, 1960–69

	Billion
1960	$22.5
1961	24.3
1962	27.8
1963	28.1
1964	27.5
1965	26.6
1966	35.7
1967	41.8
1968	41.2
1969 (est.)	42.3

"Armed forces' contracts for goods and services in the U.S. have nearly doubled in nine years . . . ."

Source: U.S. News & World Report, April 21, 1969, p. 61.

Mr. RANDALL. Mr. Chairman, I rise in opposition to H.R. 12290. There is a long list of reasons why the surtax should not be extended.

First and foremost is because it has not served the purpose for which it was enacted; that is, to curb inflation. It is easy for those of us who opposed the imposition of the surtax in the first place to be able now, with complete consistency to oppose its extension.

If a surtax is not going to stop inflation, it is quite proper to inquire what will stop inflation? The answer is to reduce spending by the Government and to find some way to end the increasing supply of money, because even as late as April, total bank credit was increasing at a rate of 3.4 percent.

There is a sentence in the report which accompanies H.R. 12290 which states the enactment of this bill "will continue the anti-inflationary fiscal program of the act of 1968." With inflation going at the pace it is today and prices climbing higher and higher and with interest rates historically high, who can argue the surcharge has served as a brake on inflation? The truth of the matter is that even though the 1968 proponents may have been good intentioned, the tax has just not done what it was supposed to do. The question we should ask ourselves today is, Can we afford another year of this kind of inflation control? Can we afford another year or even another 6 months of the kind of inflation control that served only to raise interest rates to a dizzy level and witness steadily rising cost of living.

A second reason to oppose the extension is to make good our words of 1968. When the surtax was proposed last year, it was promised to be a "temporary" tax. Well, of course, there were many at that time who recalled the most permanent tax of all is that which is labeled "temporary." The fact that we are being urged to extend this tax today should prove the point that once a tax is enacted, it is almost impossible to get rid of it. Today we have our chance to prove the surtax was really temporary and not permanent.

Oh, it is true that our friends on the Ways and Means Committee have tried to provide a few sweeteners. They have included in the proposed law an income allowance exempting the poor from Federal income tax in this surcharge bill. This may be one small step in the right direction but the number of individuals benefited in any congressional district will be minuscule in number compared to the large numbers who will have to bear the continued inequities under the present tax structure. The committee has completely neglected the middle-income taxpayer while leaving intact all the tax favors for the very rich.

A third and most important reason for opposition to the surtax is that the extension of the tax at this time without the long needed and meaningful Federal income tax reforms will substantially foreclose any possibility of tax reform during this Congress. A crying need exists to close tax loopholes and make our Federal income tax system equitable. A comprehensive reform of our entire tax structure is long overdue. It is inconceivable that an untold number of millionaires go free without paying one cent of Federal tax. Certainly there should be a minimum tax that would be paid by all persons above a certain level of income regardless of existing provisions for unlimited charitable contributions and other unlimited chargeoffs.

Patience to wait for tax reform has just about run out. Even though Mr. Nixon promises reform, who among us can forget that we heard that same argument from President Johnson, that tax reform was a complex, time-consuming matter and even though it was desirable,

our former President went on to say, such a pressing measure as last year's enactment of the surcharge should not have to wait on tax reform.

Mr. Nixon's arguments of today are exactly like Mr. Johnson's of last year. He promises tax reform but does not want extension of the surtax to have to wait on tax reform. Unless there is a meaningful tax reform under the stimulus of the present so-called taxpayers' revolt, it may be many years before Congress will be faced with a strong enough incentive to enact extensive and beneficial tax reform.

Some of us remember the credibility gap of the Johnson administration. Will there be a new credibility gap develop under the present administration?

To vote against the extension of the surtax is a vote in opposition to a tax structure which permits some citizens to escape their fare share while overburdening others beyond their ability to pay. If we ratify the failure by our Ways and Means Committee to propose any meaningful reforms, we are really reimposing the surtax upon the present foundation of an inequitable and shoddy tax structure.

A "fair share" tax system is long overdue. When Secretary of the Treasury Barr left office in January, he revealed in detail the shocking fact that many millionaires pay no tax at all. To permit a Federal tax structure to continue which lets the rich go free and penalizes the wage and salary earners in these days of heavy local and State taxes is not only inequitable, it is intolerable.

The question frequently asked is what will happen if this surtax extension is defeated? In my opinion, the refusal to extend would be an instruction to our Ways and Means Committee to get busy with immediate action to report out a bill that would provide substantial and equitable reform to include long-overdue tax relief for the low- and middle-income families.

Extensive hearings have already been held. There is no reason why the committee could not move quickly. Withholding has been extended. We on the House side could be ready with reform before the Senate finished its action on the surtax.

Another strong reason why H.R. 12290 should be defeated is that it removes the 7-percent investment credit. If the Ways and Means Committee were genuinely concerned about the small independent businessman or the family farmer, they would have allowed this credit to be retained by these farmers and small businessmen at least up to some limit such as $15,000 or $20,000. The removal of this investment credit will also upset the programs of some of our large industries. It is bad enough to eliminate the credit but it is worse to make it retroactive to April 21, or the day it is alleged that Mr. Nixon made his first announcement urging the repeal of the investment credit. Why was it we could not leave a reasonable ceiling to encourage the family farmer and retail businessman to strengthen their competitive position. As it is, by the repeal of this investment credit we have taken away one of the few means of assistance that remain for our farmers who are already laboring under an almost impossible burden due to inflation and low prices. Our farmers have long suffered from what is called a "cost-price" squeeze. Surely our farmers deserve better treatment than to see their position worsened. The 7-percent investment credit was about all they had left to encourage them to purchase new machinery and equipment as a means of increasing their efficiency. Our farmers and small businessmen had the right to expect this credit with a reasonable ceiling would become a permanent feature of our tax system. H.R. 12290 deprives them of one of the few tax advantages that has ever benefited our farmers.

This year I introduced a bill designed to revitalize our rural communities providing for an added investment credit to encourage industry to locate in our small towns in the rural areas. The object was to try to reverse the population imbalance between the urban and rural areas. If the investment credit is repealed a roadblock will thus be erected against this worthwhile effort.

It is always a good thing to take a look at who is for or against any proposed legislation. In the case of the surtax extension, there is an almost unbelievable unanimity of opposition. In the industrial arena, this surtax is opposed by both the AFL–CIO and the National Association of Manufacturers. It is rarity and a most unusual situation when these two groups nearly always on opposite sides of an issue, can agree. In the agricultural sector of our economy, the American Farm Bureau and the National Farmers Organization are almost invariably arrayed against each other. I never thought that I would live to see the day when the AFB and the NFO were on the same side of an issue. For a very good reason both are against the extension of this surtax because they both have the interest of our farmers at heart. When the AFL–CIO agrees with the NAM and the Farm Bureau agrees with the National Farmers Organization, all in opposition to a particular measure, then it would seem to me to behoove a Member to study and consider very carefully the objections raised when all four of these great organizations concur with each other in their viewpoints.

One further reason to oppose the extension of the surtax is to help a man keep his word. Back in Missouri we attach a great deal of importance to keeping our word. Our forefathers who settled this country could not have survived had it not been the practice of all of these people to do what they said they would do. Today we believe in that kind of integrity and today we like to help others to keep their word. On September 4, 1968, in a speech in Illinois, the present occupant of the White House said:

> I think this tax should be allowed to expire as scheduled, next June 30th.

Then on October 11, 1968, in a speech in Dallas, in a campaign statement, President Nixon said that he did not agree that the 10-percent surtax on income should be retained. His exact statement at that time was:

> I say this tax should be repealed as soon as possible.

Today I want to help our President keep his word and I urge all of you who believe that a man's word should be good, help the President. Make good his word by a vote to defeat this proposal to continue the surtax.

Mr. COHELAN. Mr. Chairman, issues of tax reform and inflation control are presented for our consideration today.

There can be no question that the country is today in the midst of increasingly serious problems of inflation.

In the last 10 months, the cost of living has increased 5.5 percent. Wholesale prices have risen 4.1 percent.

Interest rates have skyrocketed. The prime rate has gone up to a staggering 8.5 percent. FNMA mortgage securities have risen to over 8 percent. And even securities of the United States are producing interest yields of better than 6.5 percent.

Our balance of trade is only very nearly even. And were it not for foreign aid and military assistance sales, our net trade position would be in deficit and not in surplus.

There seems little doubt that prices, interest rates, and the stability of the dollar in the international market, are all in even worse shape today than they were a year ago when the House first enacted the 10-percent income tax surcharge.

Some might argue that this fact indicates that the surtax does not work. I do not subscribe to this view. If we had not passed the surtax and controlled Federal spending last year, inflation would be even worse this year.

Last year I voted for the surtax.

I told the House:

> Prices, and that means the cost of living, have been going up rapidly over the past several months. Money in savings accounts and bonds is becoming worthless even while it earns interest. People living off fixed incomes—pensioners, annuitants, social security recipients—are experiencing real reductions in their standards of living as they get caught in the squeeze of rising prices and unchanging incomes. They simply cannot buy as much as they used to. Similarly low income families—those just barely eking out a living and those receiving public assistance—are finding that they too have even less to go around as prices rise and incomes do not. In short, rising prices constitute a hardship, a literal debasing of our coinage, a tax, if you will, on all of us, and especially on those who can least afford it or do anything about it. Thus even if we were not to consider a tax bill, we would still be placing a de facto tax on ourselves.

All these things which I said a year ago are doubly true today.

We urgently need to control inflation.

We must implement a sound and restrained Federal fiscal policy to curb inflation.

Thus the question before us today resolves itself into one of chosing amongst the alternatives available for controlling inflation.

These alternatives are to: maintain current fiscal policy and attempt to control inflation through tighter money and higher interest, implement wage and price controls, adopt the extension of the surtax, adopt comprehensive revenue raising tax reforms, cut back Federal spending, particularly for Vietnam and for wasteful military procurements.

I have given much thought to each of

these alternatives. In my view at least two of these alternatives are at this time preferable to the extension of the surtax.

I would like to take a moment to explain the reasons which underlie this judgment.

First. Maintain current fiscal policy and attempt to control inflation through tighter money and higher interest.

At the present time the prime interest rate, the rate at which the most creditworthy corporate borrowers secure their money, is 8½ percent. This is the highest prime rate in the last generation. And this high interest rate is reflected in the still higher rates paid by less creditworthy borrowers.

The interest rate is at this high level because central bankers and commercial bankers have attempted to control inflation in their own way by restricting the availability of investment capital.

The trouble with this method of control of inflation is that it does not work very well. Interest rates are high, but borrowers seem only to assume that they will go higher.

Worst of all, one sector of the economy—the construction industry—suffers mightily when interest rates rise. While the annual rate of new housing starts has not yet begun to decline from around 1.5 million, there can be no doubt that if current rates continue, it certainly will decline. And even at 1.5 million new starts, we are still well behind the statutory goal of 2.6 million annually.

And so as housing starts decline, those who need housing suffer. And so too do those in the construction trades. These people bear the brunt of attempts at controlling inflation through control of the interest rate.

Thus because monetary policies alone will not work, and do cause a hardship on the construction industry and the supply of new housing, I do not find this an acceptable alternative to controlling inflation.

Second. Implement wage and price controls.

Those of us who have experienced the days of the OPA do not need to be reminded of the vagaries of that system of controlled prices.

Wage and price controls seems to me to be a very last resort useful only when other more moderate means of inflation control have been tried and found wanting.

Substitution of administered prices for market-determined prices is fraught with as many inequities as the inflation it attempts to control.

Accordingly I do not find price controls to be an acceptable alternative.

Third. Adopt the extension of the surtax.

The House is today considering H.R. 12290. This bill would extend the income tax surcharge at the rate of 10 percent for the remainder of calendar year 1969, and at 5 percent for the first 6 months of 1970. The bill would also repeal the 7-percent investment tax credit as of April 18, 1969, and would extend the current excise taxes on automobiles and communication services. To promote greater investment in pollution control facilities the bill would allow accelerated depreciation for expenditures in this area. And to ease the burden on low-income taxpayers—those near or below the poverty level—a low-income allowance would be provided to remove 5.2 million taxpayers from Federal income tax liability.

The anti-inflationary impact of this tax bill comes from the $8.9 billion raised by the surtax extension and the $3.95 billion raised by the repeal of the investment tax credit.

Coupled with the current budget figures for expenditures, these additional revenues would create a substantial budgetary surplus and ease the demand for new capital and consumer goods, and thus ease the pressure on prices.

This approach to controlling inflation seems to me to be quite sound. I object to it only on two grounds. First, I think there are better and less onerous alternatives. Second, the surtax only serves to magnify the existing inequities in our income tax structure. Those millionaires who pay no taxes, will not pay more because of the surtax. Those who already bear an unfairly large share of the tax burden will bear an even larger burden with the extension of the surtax. Reform of the underlying tax structure is needed to deal with this problem of inequity.

Fourth. Adopt comprehensive revenue-raising tax reform.

Let me turn now for a moment to the first of the two alternatives which I find more acceptable.

In many ways the issue before us today is whether the American taxpayer will get comprehensive, meaningful tax reform this year.

The Ways and Means Committee has been holding hearings for months on tax reform. But the indications are that after all that laboring, the committee is prepared only to deliver itself of a mouse.

The public wants an end to the glaring injustices in our tax law. There are numerous proposals for reform available. All that seems to be lacking is the will in the Congress and the administration to give the people what they want—meaningful tax reform.

Many of us believe that we will not get worthwhile tax reform unless the administration can be brought to support it. One way to get the support of the administration for tax reform is to couple tax reform to the extension of the surtax. Thus, if the surtax is defeated today, the administration will have to get behind tax reform to raise the revenues necessary to implement its sound policy of fiscal restraint. This at least is the hope of those of us who are opposing this bill today.

I have made known to the House Ways and Means Committee my belief that substantial reforms may be necessary in the treatment of capital gains, the taxation of mineral depreciation and production, the taxation of transfers by gift and through decedents' estates, the treatment of hobby farming, the taxation of tax-exempt bonds, and in several other areas.

These reforms could raise billions of dollars in new revenues. If these revenues could be raised, they could certainly offset at least a portion of the proposed surtax revenues. And thus they could have the same anti-inflationary impact.

Moreover, with tax reform, we could improve the equity of our system. Rather than magnifying the inequity as with the extension of the surtax.

Presidents Kennedy, Johnson, and Nixon have all promised to support tax reform. Yet we have not had any major tax reform. Last year in fact the Congress explicitly requested the President to present a tax reform package. President Johnson refused to submit these reform proposals to the Congress.

It thus appears that we will have to extract administration support for reform. And so we face the question today. Will we get meaningful tax reform if we pass this surtax today? I doubt it.

Fifth. Cut Federal spending.

There is still another viable alternative to tax reform and the extension of the surtax as a means of meeting inflation. This is to cut back Federal expenditures.

Two principal areas of the budget suggest themselves.

First, the major cause of our inflation throughout the past 24 months has been the Vietnam war. If this war could be brought to an end, or at least scaled down, it should be possible to reduce Federal spending substantially.

The budget for the coming fiscal year is based on assumptions of continued full scale American combat troop involvement. Yet the President has ordered the withdrawal of 25,000 combat troops and has expressed the hope that all American fighting men could be withdrawn 6 months after the close of the coming fiscal year.

Surely it should be possible to reflect some of the savings associated with the termination of our involvement in that tragic war in this year's budget. Why should we tax ourselves to pay for a war most of us want to end, especially when there are indications that the projected expenditures can be reduced.

Second, there have been reports of widespread waste and mismanagement in military procurements. Some of these reports indicate the needless expenditure of billions of dollars. Surely some of this waste can be recaptured.

I am participating on several study groups concerned with defense priorities. From these studies I am convinced that billions, perhaps as much as $10–$15 billion, can be pared from the defense budget without diminishing our security.

Certainly these areas of expenditure reduction should be explored before we raise taxes.

ABM and MIRV deployments in this year's budget total more than $3 billion in potential savings alone.

CONCLUSION

Mr. Chairman, I recognize the need to act responsibly and urgently to control inflation.

I recognize too the need for meaningful, comprehensive tax reform.

I would therefore support a short term extension of the surtax to facilitate the drafting of such tax reform legislation.

However, the option of voting for a short term extension is not before us today.

Accordingly, so long as I am convinced that there is a reasonable chance to get comprehensive revenue-raising tax reform this year, or to substantially cut

Federal expenditures for wasteful military procurements, I will not support the surtax extension.

I will vote today for tax reform.

I will vote against the 1-year extension of the surtax.

Mr. EILBERG. Mr. Chairman, every day when I read my mail I find that about 50 percent of it contains entreaties from my constituents that I exert every fiber of my being to obtain tax justice and close the glaring loopholes which now exist in our tax structure. Today, I am called upon to vote on a bill which does not take a significant step toward tax justice but instead continues the repressive tax surcharge which we were all told last year was only temporary and absolutely necessary to insure the solvency of our national economy. I cannot support such a bill and face myself or my constituents in the morning.

Last year when we enacted this temporary tax surcharge, after receiving a promise that meaningful tax reform would be forthcoming before it expired, we did so because we felt that the legislation was needed as an economic weapon against rising prices, tight money, and excessively high interest rates. The results over the last 12 months attest to the failure of the surcharge to meet any of the objectives set for it last year. I ask my colleagues how can we knuckle under to the prophets of doom and gloom and believe that the surtax, if extended will solve our economic problems when it has not curbed the tremendous increases in prices which preceded its enactment; it has not loosened the money market; and, it has not brought down interest rates.

The administration is now telling us that we must extend the tax surcharge at 10 percent for the remainder of the year and then at 5 percent until next June 30 because the Federal Government needs the revenues which the tax generates. Whether or not the surcharge needs to be extended cannot be determined until we in the Congress have acted on meaningful tax reform legislation and have eliminated nonessential spending from the President's budget, especially in the area of military and defense related expenditures. I submit that we cannot know whether the surtax revenue is needed until we have acted in these areas.

I oppose the legislation now under consideration because it has the same limitation as the income tax in that it fails to tax millionaires and special interests who use loopholes to avoid taxes on most all of their income. Those who escape paying their fair share of the tax burden because of loopholes automatically escape paying their fair share of the surtax.

Under our present tax structure, a married worker whose sole income is $8,000 a year in wages and has a standard tax deduction will pay $1,000 in Federal income tax. But, a married investor whose sole income in a year is an $8,000 profit from selling a stock or property at more than he paid for it will have to pay only $354 in Federal income tax. This certainly is not tax justice.

Mr. Chairman, I believe very strongly that, if we extend the surtax as the administration has requested, we will have lost the leverage which it is obvious we must have to force meaningful tax reform. I and countless other Members have sponsored tax reform legislation. I believe we have done this not because it is the popular thing to do but because we all firmly believe that the glaring inequities in the tax system must be corrected. We believe that the middle-income taxpayer is paying too much to his Government while the very wealthy, who can best afford to pay more, are actually paying far less than their fair share.

Some of the tax matters which I believe deserve particularly close attention by the Congress before we even consider the tax surcharge seriously are as follows: first, the elimination of the loopholes of special tax privilege for wealthy families and corporations; second, a minimum income tax on all income over a total which would provide protection for legitimate small investors but which would require at least some tax payment from those whose huge incomes are now preferentially taxed or totally tax exempt; third, reduction of the relative tax burden on middle-income taxpayers; fourth, rejection of proposals for new tax loopholes which would create more inequities in the Federal tax structure; fifth, dismissal of all proposals for a Federal retail sales tax whether it is called a value-added tax or offered clearly as a tax on consumers; and sixth, elimination of at least a substantial reduction in the oil depletion allowance.

Mr. Chairman, tax justice demands that we not extend the surcharge. The administration proposal actually represents a tax increase this year because it would apply the 10-percent surtax rate to all 1969 income rather than to income for only 9 months. I believe that we cannot pass this legislation without meaningful tax reform being considered first. The additional revenues which a meaningful tax reform package could bring in have been estimated as high as $16 billion, far more than the income which the Government would receive from a continuation of the regressive surcharge. Therefore, I urge all my colleagues to join me in voting against H.R. 12290.

Mr. PICKLE. Mr. Chairman, the gentleman from Texas (Mr. PATMAN) makes a most important point when he says the high interest rates perhaps cause as much difficulty for our economy as this question of the surcharge continuation. In my opinion, the high interest rates are causing us great problems, and we must come to grips with this question. Whatever we do on this surcharge today, ought not to lessen our efforts to fight this high interest rate with all the force at our command.

I intend to vote for the surcharge today, because I think it is needed as a means to fight inflation and as a means of providing funds to carry on the programs—domestic and international—that have been committed by this Government.

With the President of the United States, all of the former Treasurers of the United States, and all the Presidential economic advisers together with the Speaker, the majority leader, the Democratic whip, as well as the Republican majority leader and the Republican whip, I must say this is compelling reason to understand that this continuation is no partisan matter. I supported the surcharge last year because I thought our economy needed it, and although the surcharge has not solved all the inflationary problems we face, I am convinced that it has been helpful.

We need to ask ourselves what would happen to the economy if we had not passed the surcharge tax. However, I think it should not be misunderstood by the House and particularly by the President or the administration leaders that this surcharge is being passed in lieu of tax reform. We should have tax reform this session and we should make it positive that big business or big capitalists or foundations or any other business enterprise which is not paying its fair share should be made to pay in proportion to their means.

Tax loopholes should be closed and this Congress must grapple with that issue in the weeks ahead. However, today is not the time to settle that issue. We need the surcharge now for approximately 1 year and then be prepared to see it go off the books.

Within a year's time I am confident that this can and will take place.

Meanwhile, I call on the administration to give us leadership to help roll back the high interest rates.

Mr. McDADE. Mr. Chairman, I will vote for the extension of the surtax this afternoon, and will do so after the most searching examination of every aspect of this situation.

We are faced today with a continuing period of unprecedented inflation which is rapidly becoming the most serious problem in our domestic economy. We have seen over the past 10 years an increase in the cost of living index of more than 25 percent. One-fifth of that increase has come about in the last year. In March of this year, inflation pushed the price of living up at an average annual rate of 9.6 percent. The result of that inflation has been utterly disastrous.

I have in my congressional district 64,898 people receiving social security benefits. There are retired citizens receiving railroad retirement benefits. There are 2,240 veterans receiving veterans pensions and 4,500 veterans receiving veterans compensation. For many of these people, this money represents all they have to live on. For those people, this cycle of inflation has represented tragedy and we must bring it to a halt.

We hear a constant talk of a war on poverty; but all of the relief programs sponsored by our Federal Government have not taken out of the poverty class as many people in the past 10 years as inflation has driven into the poverty class.

There is another disastrous result of inflation. We have seen the prime interest rate in this country climb to 8½ percent. For those who are not considered prime credit risks, the interest in many cases has climbed to 10 and 11 percent. This has brought the home construction industry to a virtual standstill. The young couple seeking to purchase a home is faced today with a rate of interest which is twice what any reasonable person would hope to pay on a home loan.

It is intolerable that this be permitted to continue.

There is a third effect of this inflation. It is a proud and just boast of America that our workers enjoy the highest standard of living in the world. But I see the workers in my district losing more to inflation than they are gaining in increased wage contracts.

In my own congressional district, here is what has happened to the price of the most basic foods the housewife will purchase. In only 2 years, since 1967, here is what inflation has done to prices. I will give you the percentage increase in prices in these basic food staples, as of June of this year:

[Percent increase, 1967–69]

Item:	
Round steak	26
Hamburger	62
Beef rib roast	16
Veal cutlets	21
Pork chops	39
Frankfurters	25
Frying chicken	34
Haddock, frozen	31
Fresh milk	12
Ice Cream	10
Butter	08
Eggs, grade A, large	34
Sugar	21
Coffee	05
Baby food	40
Bread, white	55
Corn flakes	20
Apples	50
Oranges	16
Potatoes	32
Lettuce	32
Tomatoes	75
Average price increase	30

No wages can possibly keep up with a 15-percent yearly average in the inflation of food products. This is also intolerable.

The passage of this bill is vital to stop that inflation. This is not my testimony. It is the testimony of virtually every responsible economist in America. It is the testimony of the leadership of both parties in this Congress. It is the testimony of the former President of the United States, and the testimony of the present President of the United States. I could not in conscience vote against this legislation.

There are other aspects to this bill which must be considered.

In this difficult year, we are proposing to fund only the most vital programs which America needs right now. If this surtax is not continued, then we will have to bring to a halt programs which are essential. That would be a foolish economy.

There are, finally, international repercussions to the vote we cast today. If we do not renew the surtax, the other nations of the world who hold vast reserves of American dollars may readily conclude that America has no interest in stopping its runaway inflation. We could be faced with a run on the American dollar which would create utter chaos here at home and in all the money markets of the world.

But in voting for the continuation of this surtax, I am doing so in the light of an absolute pledge of honor that this Congress will have presented to it a comprehensive bill on tax reform. We are taking two steps in that tax reform today.

The Joint Economic Committee on April 1, 1969, stated that the first priority in tax reform "should be given to repeal of the 7-percent investment tax credit." We are taking that step with the passage of this bill.

As a second step in tax reform, we must remove from the tax rolls low-income families whose income is below the so-called poverty level. We are doing that today also in removing more than 5 million taxpayers from the tax rolls.

We have also, as I have noted, a pledge by both parties in this Congress to pursue tax reform in a comprehensive bill which will come before us for a vote.

I am tired of reading of millionaires who pay no taxes. I am tired of reading of giant corporations who pay no taxes. I am overwhelmingly tired of seeing an inequitable distribution of the tax burden. And I expect the tax reform bill, which will come before this Congress, to provide us not only with taxation, but with completely fair and just taxation.

For all of these reasons, Mr. Chairman, I will vote for the continuation of the surtax. I believe the welfare of every American and the health of our American economy demand that I vote for this bill.

Mr. BOGGS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I thank the gentleman, and I use this 1 minute simply to point out that I have been intensely interested in the subject of tax loopholes; that I have applied for time to present my views; and that at the end of the afternoon I am granted 1 minute.

Thanks for very little. I do not like it. I believe the debate has been not conducted so as to give those who oppose the President's tax package a fair opportunity to be heard.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding to me. I join the gentleman in the sentiments that he has expressed on the need for comprehensive tax reform. I also point out that the House is faced with the perpetuation of a war tax.

The fundamental cause of the serious fiscal situation facing the Nation is the war in Vietnam and the imbalance in our priorities—$80 billion for the military budget—$30 billion for the war in Vietnam.

When I opposed the 10-percent surcharge last year I said:

> The tax is a war tax; it is necessitated by the Vietnam war.

It still is.

We are all concerned about the effect of inflation and the strength of the dollar at home and abroad. That being said, however, we must recognize that there is more than one way of coping with our economic problems.

H.R. 12290 proposes to extend the 10-percent income tax surcharge which has already been imposed with negligible effect upon inflation, and it ignores the underlying cause of our economic difficulties; namely, the heavy cost of the war in Vietnam and the military budget.

Both the congressional proponents of this bill and the administration have argued that the revenue produced by an extension of the surtax and the repeal of the investment tax credit—about $9 billion—is necessary to combat inflation. But other legislation now before the Ways and Means Committee would raise an equivalent amount of revenue in a much more equitable manner. H.R. 5250, which has been introduced by our colleague from Wisconsin (Mr. REUSS) would, by plugging 13 of the more notorious loopholes in the Federal tax system and repealing the investment tax credit, yield approximately $9 billion annually, or about the same amount as that expected to be generated by the surtax.

H.R. 5250, along with other proposals for comprehensive tax reform, have been before the Committee on Ways and Means for over 5 months now. Why are these proposals not being considered as alternative revenue sources?

The committee has had ample time to evaluate and pass on proposals for broad and substantial tax reform as a means of increasing Federal revenues which, unlike the surtax, would more equitably distribute the tax burden. Instead of doing so, however, the committee now argues—on the eve of the expiration date of the surtax—that Congress must approve the surtax for another year or face still more serious economic dislocations.

This argument ignores the alternatives which exist for increasing Federal revenues and, at the same time, equalizing the tax burden. Beyond that, it would perpetuate the privileged status of individuals and categories not now paying their fair share of the national taxes by removing one of the principal motivating forces for tax reform, namely the need for increased Federal revenues to offset inflation.

For if the surtax is approved, the momentum for tax reform which has been building throughout this session of Congress will be lessened. Since extending the surtax now will make passage of tax reform legislation less likely in this session, this measure should be rejected.

During the debate on the enactment of the surtax last year, I pointed out that this measure was very obviously a war tax, imposed to compensate for the costs of the Vietnam war.

It is interesting to note that in September 1968, presidential candidate Richard M. Nixon, himself a critic of the Johnson administration's economic policies, called the surtax a "war tax." Today, as we consider the recommendation of the Ways and Means Committee to extend the surtax, the war continues to claim hundreds of American lives each week and billions of dollars a month. The promises which have been made to long-suffering sectors of our domestic society are still unfulfilled, and the progress which is so urgently needed in our urban areas remains thwarted.

In view of this situation—a situation in which the Federal Government is spending $30 billion a year on military operations in Southeast Asia, while the programs which could alleviate the prob-

lems of our cities remain starved for funds—there is no justification for maintaining a burdensome and onerous war tax.

This week the conference report on supplementary appropriations for fiscal year 1969 is to come before the House. Unless that report makes substantial reductions in the supplemental passed by the House in May, Congress will be asked to appropriate some $1.2 billion in additional funds for the prosecution of the war in Vietnam. This is above and beyond the nearly $27 billion which has already been appropriated for military operations in Southeast Asia during fiscal year 1969.

If Congress seriously wants to reduce the sources of inflation, it should refuse to approve any additional funds for the war in Vietnam. For as numerous economic experts have pointed out, the costs of the war and our bloated military budget are the single greatest causes of that inflation. If Congress would move promptly to terminate the war, then the surtax would not be considered necessary.

Let me now turn to a more detailed examination of the legislation before us today.

H.R. 12290 would do four main things: First, it would extend the existing 10-percent income tax surcharge, which is scheduled to expire on June 30, until January 1, 1970, when it would be reduced to 5 percent through June 30, 1970; second, it would repeal the 7-percent investment tax credit with certain significant exceptions; third, it would postpone for another year reductions in the telephone and automobile excise taxes scheduled to take effect on January 1; and fourth, it provides an allowance to reduce Federal income taxes to low-income taxpayers officially defined as having incomes at the poverty level.

Let me consider each of these facets of the bill in reverse order.

According to the committee report on this bill, the adoption of a low-income allowance would remove from the tax rolls "about 5.2 million returns near or below the recognized poverty level." This allowance coupled with the present minimum standard deduction would provide a minimum nontaxable income of $1,100 plus personal exemptions for families of eight or less beginning in fiscal year 1970.

The low-income allowance provides needed tax relief; but it was included in this bill for the obvious purpose of buying support for the surtax. Such legislation belongs in a tax reform bill, not a package which is basically designed to increase the revenue of the Federal Government. The inequitable burden now placed on low-income people should be relieved by enacting broad tax reforms. Its inclusion in this particular bill represents an attempt to coerce liberal members into voting for a surtax, which they otherwise would oppose. Tax relief can be provided for low-income citizens as part of the larger tax reform legislation which the chairman of the Ways and Means Committee, the Senator from Arkansas (Mr. MILLS) has said he intends to bring to the floor this year.

H.R. 12290 would also continue excise taxes on communications services and automobiles. Under present law the excise tax on passenger automobiles—which is imposed on the manufacturer's sales price—is 7 percent through December 31, 1969. The law provides a reduction of the rate after that time to 5 percent during 1970, 3 percent during 1971, and 1 percent during 1972. The tax is to be completely repealed as of January 1973.

The excise tax on local and toll telephone services and teletypewriter exchange services is 10 percent prior to January 1, 1970. On that date present law provides a gradual reduction of the tax rate to 5 percent during 1970, to 3 percent during 1971, and to 1 percent during 1972. The tax is to be repealed on January 1, 1973.

The recommendation of the committee is that the scheduled reductions on both these taxes be postponed for 1 year. This postponement, the committee argues, is appropriate in view of the budgetary and economic situation facing the Federal Government.

While the committee's logic is justifiable from the point of view of increasing Government revenue, its recommendation that the scheduled reductions in the excise tax on automobiles and communications services, like the other recommendations in this bill, fails to get at the roots of the budgetary and economic conditions which the committee describes. For the inflation and spiraling interest rates which characterize that condition will not be alleviated until the basic causes of that inflation—the war in Vietnam and huge military spending—are dealt with by Congress. This portion of the bill, then, asks Congress to extend taxes which particularly affect already overtaxed lower and middle income people.

The third element of H.R. 12290 is the repeal of the 7-percent tax credit on investments as of April 18, 1969. The committee argues that the repeal of the investment tax credit will reduce pressures on the economy which have been aggravated by heavy investment by business and industry.

As the committee notes on page 11 of its report on H.R. 12290:

> Businessmen, in response to credit and other factors, have spent almost $400 billion on plant and equipment since 1962. Moreover, in the period since the enactment of the credit, the economy has been brought to full employment, the level of business investment has been raised, productive capacity has been expanded, and efficiency of production has reached very high levels. Continuously expanding markets and high profit levels should provide sufficient investment incentive in the future even without the investment credit.

The committee report on H.R. 12290 continues on page 11:

> In short, the credit has fulfilled its purpose of increasing investment during a period of slack demand and has "outlived its usefulness" as a long run stimulant to investment.

While I would support the repeal, it is unlikely that the elimination of the investment tax credit will in itself substantially reduce business investment. For the expectation of rising costs in capital and plant equipment will provide a continuing motive for investment by business. As a consequence, repeal of the investment tax credit may have only a minimal effect on business investment and, it follows, on the inflation that is spurred by excess business investment.

It should be noted that the effectiveness of the repeal of the investment tax credit will be undermined by certain of the "exceptions" which have been recommended by the committee.

Indeed, one exemption is nothing more than a means of providing special tax relief to Lockheed Aircraft Corp., the contractor for the C–5A transport plane, the cost of which, according to recent estimates by the Joint Economic Committee, may run as high as $2 billion over the original contract price. The exemption for Lockheed is embodied on page 18 of the bill in section 4(a) of the bill and section 49(b)(10) of the Code.

Although worded in a general way, its provisions leave little doubt that it is intended to apply to Lockheed. Indeed, the committee itself in explaining this exemption, used "a project by an airplane manufacturer" to illustrate which kinds of "new design products" would be eligible for the 7-percent tax credit under this provision of the bill. This exemption constitutes nothing less than a blatant attempt to provide special treatment for a project which has already cost the American taxpayer in excess of $2 billion over its contract price. As Senator WILLIAM PROXMIRE, whose Joint Economic Committee has investigated the cost overruns associated with the C–5A, was quoted in the June 27 New York Post:

> Lockheed uses a government owned plant, government owned machinery and most of its working capital has been provided by government progress payments. Now they want to keep the investment tax credit while others lose it.

There is no justification for the special status proposed for Lockheed in this bill. Accordingly, Congress should reject this attempt to include unwarranted "tax relief" for a company which by any fair standard does not need it.

Finally, H.R. 12290 would extend the 10-percent surtax until January 1, 1970, and impose a 5-percent surtax thereafter until July 1, 1970.

The arguments which the committee has buttressed in defense of extending the surtax are essentially the same as were used last year to justify its enactment: inflation and spiraling interest rates, a constricted labor market, and an unfavorable balance of payments. The committee admits that the effect of the surtax on these economic problems has been disappointing, or, in their words, "slow." But it argues that the surtax will have a cumulative effect which will be felt over the next fiscal year.

However, the basic fact remains, that this tax is a war tax, imposed to compensate for the costs of the war in Vietnam and now, if the committee's recommendation is accepted, to be extended beyond its original termination date of June 30, 1969, in order to offset spending caused by the continuation of the war.

As I pointed out last June 20, during the debate on the original enactment of the surtax:

The fallacy of these arguments is the assumption that the measure before us is the sole way to deal with inflation and dollar outflow. There are other and better ways.

One way is, of course, to move to terminate the war in Vietnam. I have pointed out on numerous occasions to the House the political consideration dictating such a course. The economic reasons are also compelling. As an article by John O' Riley from the April 14 Wall Street Journal—which I inserted in the April 16 RECORD—pointed out:

The Far Eastern conflict fuels the inflationary fire in two ways. It demands massive military spending. It also, in a time when manpower is already short, adds to the pinch by diverting men to military effort both in the factory and in the field—thus stimulating labor cost increases that are outrunning productivity.

The termination of the war, and corresponding reductions in military spending, would have a far greater effect on inflation than the extension of the surtax for another year.

It is also important to note that the surtax is a regressive measure. It would raise revenue to cover the costs of the war not through tax reforms and an excess profits tax, but by wringing still more tax dollars out of those sectors of the economy which are in the weakest political position to protest—the wage-earning citizen, whose tax burden will be increased, and the poor of America, who will find programs designed for their benefit reduced below present minimum levels as the costs of the war continue to drain national resources away from the domestic sector.

Our economy, like the rest of our society, has been gravely damaged by the war in Southeast Asia. The damage will not be repaired by a measure which has failed to check inflation in the past, and which would increase the tax burden on those least able to endure it. Substantive tax reform is essential to provide relief for both middle- and low-income citizens and to reallocate the tax burden to those who are not now paying their fair share. By ending the war in Vietnam and reducing military expenditures, Congress must attack the roots of the economic crisis that is engulfing our Nation.

Mr. BOGGS. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair will state to the gentleman from Louisiana that he has 6 minutes remaining.

Mr. BOGGS. May I inquire how much time the gentleman from Wisconsin (Mr. BYRNES) has remaining?

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin has 44 minutes remaining.

Mr. BOGGS. Mr. Chairman, I understand the gentleman from Wisconsin has allocated his time; is that correct?

Mr. BYRNES of Wisconsin. It is my intention to yield to the chairman of the committee some time, realizing the problem that the gentleman from Louisiana has had, and I am reserving some time to myself. I hope that between the two of us we can close debate.

Mr. BOGGS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I do not think in 1 minute I can change anybody's mind, but from where I sit we are sitting on a very large budget. We have spent more money than we are taking in. Nobody is going to advocate that we walk off and leave the military wanting in these days of trial and tribulation, and of danger to our country.

The experts in America tell us the only way we can save this economy is to do one of the things we are doing here today.

Mr. Chairman, I voted for this surtax last year, and I will vote for it this year because I honestly believe that we have no alternative, in the interest of preserving the value of our currency, which we must have in these days of national security, national preparedness, and to fulfill the responsibilities that we have throughout the world.

To appreciate the magnitude and dimensions of the problems we are facing in our economy, one needs only look at the consumer price index for the first half of this year. Since January, it has increased at an annual rate of 7.4 percent. Perhaps more disturbing is the upward trend in wholesale prices, which have increased at the rate of 6 percent since February. This increase is most significant because wholesale prices, of course, form a basis for increases in retail prices later on.

While we may not like every provision in this bill, it is absolutely necessary that it be passed because the consequences of not passing it are exceedingly serious. We would be encouraging an excessive level of economic activity and even greater pressures on wholesale and retail prices. We would be adding to the inflationary psychology that is already enveloping this Nation and becoming more evident every day. We would shift a projected unified Federal budget surplus into a deficit, thus inviting further monetary restraint and still higher interest rates. We would be creating additional international pressures on the dollar resulting from a higher level of imports and increased doubt in the minds of foreign dollar holders as to the fiscal responsibility of the Congress.

So I ask my colleagues to consider this matter very carefully. Think about what would have been the consequences today had we not enacted the Revenue and Expenditure Control Act of last year. Instead of a 7-percent-plus increase in prices, we may very well have been witnessing a period of ruinous and rampant inflation right now had we not taken that responsible action. As it is, we are presently making some discernible progress in our efforts to control inflation, that we simply cannot abdicate the responsibility to continue that fight. This bill, I am convinced, is a vitally important weapon that must be utilized in this battle, and I urge its approval by the House.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I now yield 10 minutes to the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I thank my friend from Wisconsin for yielding me this 10 minutes in order that my own colleagues on this side of the aisle could have more time allowed them by the gentleman from Louisiana (Mr. BOGGS).

Mr. Chairman, I feel very strongly about this bill and the situation we face today.

The facts are—we are just beginning. We are just beginning to get hold of this inflation which has occurred. We are just beginning to get hold of the inflationary psychology that exists here at home.

Probably the most significant indication that the surcharge is beginning to be effective is suggested by the decline in rate of increase in the real gross national product—that is, the gross national product expressed without the change in prices. In the second quarter of 1968, real GNP increased at an annual rate of 6.2 percent over the level in the prior quarter. In the third quarter of 1968, when the surcharge came into effect, this had slowed to 5 percent. By the fourth quarter this rate of increase dropped to 3.4 percent and in the first quarter of 1969 this rate of increase declined still further to 2.8 percent. This is a substantial decline and should not be overlooked.

It is true that during much of this period consumer and wholesale prices continued to increase; in fact, the largest percentage increase in the consumer price index occurred in March when the increase in the annual rate was 9.6 percent. The largest increase in the wholesale price index occurred in May when the increase in the annual rate was also 9.6 percent. This, of course, is to be expected since prices are not a leading indicator. The effect of fiscal policy changes on prices tends to be slower than on other indicators.

It is interesting to note, however, that since March the price increases in the consumer goods index has declined, first to a level of 7.6 percent in April and still more recently, to 3.7 percent in May.

The wholesale price index which is now available for June also shows a declining rate of increase from the high of April and May.

I say that it looks like we are just beginning to get hold of the inflation.

But I am afraid what we will do if we defeat this legislation today is that we will lose all we have gained through the American taxpayer having had to pay an increase of 10 percent in his tax for this period of the surcharge prior to June 30 of this year.

I say we can lose the effect of that and we can have taken away that additional amount of money involved in the 10-percent surcharge—all for nothing.

I see my good friend, the chairman of the Joint Economic Committee and the Committee on Banking and Currency, on the floor. He has said he will support this legislation. I have been of the opinion that there are two things that have caused us most of our trouble with respect to inflation since the enactment of this proposal.

One of them has been the continuation of the inflation psychology—that we are not going to do enough. So the American businessman buys today what he thinks he may need tomorrow, but that

he will have to pay more for it. That is true of the individual in many respects in supplying all of his own individual needs. That is inflationary psychology. I think that has been part of our trouble during the last year—the last half of 1968 and through the first part of 1969.

But my friend, the gentleman from Texas, has also been pinpointing another cause—and I have been very critical of the policy that was followed by the Federal Reserve in the determination of the supply of money and credit in the last half of the year 1968.

I think the policies followed by the Federal Reserve have a lot to do with minimizing the effectiveness of the 10-percent surcharge and the reversal of the fiscal situation, that we brought about here in the Congress as a result of the enactment of the surcharge. We went from a $25 billion deficit in the fiscal year 1968 to a small surplus in the budget in 1969; we performed one of the fiscal miracles of this age—a $25 billion deficit turned into a surplus in one fiscal year. That alone, you would have thought, would have been enough to have controlled inflation—but it did not, because there was this continuation of a very easy monetary policy, in spite of the fact that interest rates kept rising during the last 6 months of 1968.

Now I am assured by the President's chief economic adviser, whom I have known for many years, Dr. Paul McCracken, and I am assured also by the Secretary of the Treasury and assured by the Director of the Bureau of the Budget that this administration has a working understanding with the Federal Reserve that if this surcharge is continued, as requested, the Federal Reserve is not going to nullify it by adopting policies that will offset it.

Yes, a lot of it is psychological, but if we do not pass this bill today—say what you want about continuing withholding for 31 days—you will have added oil to the flames of this inflationary psychology. Unfortunately this is a serious part of the total ingredients of our present situation. How serious it is none of us is certain, but certainly it is a most important part.

Are you going to tell the people at home that we are going to convert an overall surplus of $52 billion into a deficit of $4 billion? A general fund—or administrative budget—deficit of $5.1 billion into a deficit of $14.3 billion? Are you going to force the Treasury to go into the money market and try to borrow the necessary money there to fund a deficit of this size?

The House of Representatives, I have said repeatedly, time after time, has always risen to the occasion demanded of it. This is not the time to try to seek an excuse from the discharge of a tough, mean vote—that is, a vote for the continuation of the 10-percent surcharge.

What this country needs is not the alternative of tax reform or surcharge. What this country needs is both, the surcharge and tax reform, and if there are any of you who still believe that there is not going to be tax reform, you can wait and see what your Committee on Ways and Means develops.

I think some of you are going to feel that we have developed a bullet that may be just a little bit too hot to bite into. But we are going to develop that bullet and we are going to bring it to the floor of the House. I repeat again: When we bring the tax reform bill here, I hope and pray that the membership of the House will be as strong for tax reform as it is today. You are going to have that opportunity—do not make any mistage about it—because the Ways and Means Committee is working. We will continue to work. We go back into session at 10 o'clock on the morning of July 8, as soon as the recess is over. That is the first order of business, unless, of course, this bill is defeated and we have to take up further consideration of the surcharge. That can do only one thing which is to postpone further the timing of a vote on tax reform.

Yes, I want tax reform as muceh as any of you do. I have said repeatedly that we conducted hearings on every area of the tax law that provided a shelter of any degree or to any extent, and it is my intention—and it is the intention of the Democratic members of the committee and the Republican members of the committee—to cut across the board and bring you a reform bill that does something in every area that we have had hearings on—without exception. That applies to the mineral and extractive industries; that applies to the real estate businesses; that applies to every subject before us.

Now, give us a chance to go back and work out a tax reform bill, by passing this bill. If you do not pass it, I repeat, all you are going to do is delay the day when we bring tax reform to you.

The country needs this bill. The country needs tax reform. And, as far as I am concerned, the country is going to have both.

I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I thank the gentleman from Arkansas for not yielding at an earlier moment, because I had no desire to interrupt his statement. I rise to express my support of the extension of the surtax. The extension is mandated by the situation which confronts the Nation. Many will oppose the extension but I am not about to do so.

Many Members have expressed to me their keen interest in the funding of various projects and programs which they regard as important to their districts or vital to the Nation. I enumerate some of them—financing of farm programs, aid to home buyers, programs for urban housing, programs for the advancement of education and health, and so on.

I know there are certain basic requirements that will be met by way of appropriations. If they are to be met, the Treasury needs the funds with which to pay for them. I am impressed by the statements that have been made by the chairman and others in regard to inflation. I am even more impressed by the necessity for a majority to vote the necessary revenues to pay for the programs which a majority approve.

So I say it could be disastrous, it would be disturbing to the whole economy, it would hurt the dollar at home and abroad if we should vote this measure down and say, oh, yes, in 30 days we might do something else.

This bill is the work of the day. The work of the day is to support the Committee on Ways and Means and approve the surtax extension. We need to take the actions necessary to meet our obligations.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, one could not listen to the pertinent and forceful remarks of the gentleman from Arkansas without realizing the significance of the action we are about to take. In the proposal now before the Members, we are dealing with the very guts of Government—the conduct of the fiscal affairs of this Nation.

It is not my purpose to try to scare anybody, but I would think we can all agree that the No. 1 domestic problem facing this Nation is inflation. It is the rising cost of living, the rising cost of money we borrow, and the rising cost of the goods and services we consume. I would think we can all agree that we must do whatever is necessary to solve this problem.

Yet some Members are grasping at almost any straw as an excuse to avoid making the hard choices and difficult decisions that must be made in this battle.

This is not just a tax bill we are considering. It is action that is essential if we are to be serious about the threat of inflation threatening our people and their economy.

This bill is essential if we believe those who should know—both liberal and conservative economists at home and abroad. Both those of the new economic school and those of the old economic school agree that continuation of the surtax is absolutely essential if we are to control inflation and maintain confidence in our dollar. How can Members of this Congress dismiss this great body of expert opinion so lightly?

At this point in the RECORD, Mr. Chairman, I want to include in my remarks the following statement on the surtax extension signed by a group of very prominent economists:

STATEMENT BY ECONOMISTS ON EXTENSION OF THE SURTAX

We, the undersigned economists, urge the Congress to act promptly to extend the surtax and avoid a reduction in the withholding rates on July 1.

Everybody knows that the national economy is experiencing serious inflationary pressures. It is clear that this inflation cannot be stopped unless the federal government uses its fiscal and monetary policies firmly to restrain private demand. The surtax is a key element in the anti-inflation strategy. If it is not extended, the federal budget will again be stimulating the economy with a deficit which is totally inappropriate to present conditions. Responsible fiscal policy requires that, in the current situation of high employment and of rapidly rising prices, the federal government should plan for a budgetary surplus. Monetary policy—our other major defense against inflation—should not be required to take up the slack; indeed, to rely even more heavily on monetary policy would place unfair and onerous burdens on important groups in the economy.

We recognize that other issues are involved in the current debate over the surtax, in particular the issue of federal tax reform. Most of us believe that the federal tax system is in urgent need of reform, but the

need for reform need not, and should not, be a basis for allowing the surtax to expire.

We cannot emphasize too strongly our concern over the consequences of a substantial delay in the extension of the surtax or of a decision to allow the surtax to lapse. The shift in the budget position would itself be inflationary. Moreover, it would strengthen the belief, already too common, that the government does not have the fortitude to persist in anti-inflationary policy.

George L. Bach, James S. Duesenberry, Otto Eckstein, Walter D. Fackler, William J. Fellner, Arnold C. Harberger, Walter W. Heller, Neil H. Jacoby, Arthur M. Okun, Joseph A. Pechman, Merton J. Peck, Paul A. Samuelson, Charles L. Schultze, Raymond J. Saulnier, Warren L. Smith, James Tobin.

June 10, 1969.

These experts have warned us against the dangers of allowing the tax to lapse or delaying its extension. They point out that the shift in the budgetary position would in itself be inflationary, and that it would strengthen the already too common belief that Government does not have the fortitude to persist in an anti-inflation policy.

In addition, let us remember that what we propose today in the extension of the surtax to fight inflation was urged by former President Johnson as well as by President Nixon. It is urged by six former Secretaries of the Treasury, including Secretary Snyder in the Truman administration, Secretary Humphrey in the Eisenhower administration, Secretary Anderson in the Eisenhower administration, Secretary Dillon in the Kennedy administration, Secretary Fowler in the Johnson administration, and Secretary Barr in the Johnson administration. These men unanimously agree that this legislation is needed.

We have the Democratic leadership emphasizing today the urgency and the importance of this proposal, and they are joined in the sense of urgency by the leadership on the minority side. How can there be a question as to what we should do today? Why should we be grasping at straws to try to find some excuse for avoiding responsibility rather than simply acting to do what we believe is right for the American people.

A defeat of this bill, Mr. Chairman, will be a surrender to inflation.

First look at the practical effects. Look at the present budget outlook with and without this legislation. Under this bill we will have a projected surplus in the unified budget for 1970 of $5.2 billion; using the administrative budget, we will have a $5 billion deficit with this bill. If the bill is defeated, however, it means going from a projected surplus in the unified budget for 1970 of $5.2 billion to a deficit of $4 billion, and moving from a 5.1 administrative budget deficit to a deficit of $14.3 billion.

But the psychological consequences of failing to act are as important as the budgetary impact. If this bill is defeated it will be a signal to the country and the world that the Government of the United States does not have the fortitude to fight inflation, and is surrendering.

It will be an indication that we do not want to fight inflation, and that we are willing to surrender by abandoning one of the weapons essential to success in that battle.

Let me say a word about reform, which some Members have used as a strawman on which to fuse their opposition to the bill. You have heard blanket statements—and I am amazed at some of them coming from members of the committee itself—on this subject which are unsubstantiated. They claim that unless this bill is held hostage we are not going to have any tax reform. Do they give a scintilla of evidence to support this assertion. Absolutely not. There are members of the committee on the Democrat side who have made those charges who are sitting in front of me today. I ask you this question: Has there been any action from this gentleman, the ranking minority member of the committee, resisting a movement to enact meaningful tax reform? If there is, I would like the lady or the gentleman to stand up. I think I have been insisting on reform as much as they have, and I have been there every day.

Mr. VANIK. Will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield.

Mr. VANIK. I happened to make a study of the bills filed——

Mr. BYRNES of Wisconsin. I am not talking about bills filed.

Mr. VANIK. And not one single one came from your side.

Mr. BYRNES of Wisconsin. It is easy to simply file a bill. The thing to do is to work on legislation where it counts—in the committee. I asked the gentleman a question. If he is able to give us a scintilla of evidence that this bill must be defeated in order to insure tax reform.

I asked the gentleman whether there was anything that the gentleman from Wisconsin has done to thwart the movement that the committee is making to report out meaningful reform. Can the gentleman answer that? I do not need another speech.

Mr. VANIK. We have not gotten to the real reform. We have not gotten to it.

Mr. BYRNES of Wisconsin. He cannot answer. I will yield to the gentleman from California who I think is a reasonable man.

Mr. CORMAN. I thank the gentleman for yielding.

I will say that I oppose this bill or the passage of this bill on two grounds. We know that we may not get another bill out this year. First of all, we have a cut of 5 percent starting in January. We do not know that this will be a responsible figure.

Mr. BYRNES of Wisconsin. Is there any evidence in the committee of an effort to avoid facing up to the issue? That is the question.

Mr. CORMAN. That is one ground that I mention. The second thing is that we are giving tax relief to some 13 million or 14 million people starting in 1970. Those two things, which are prospective in their nature, I think indicate a feeling on the part of some of us that we will not get a bill through.

Mr. Chairman, there is substantial evidence to believe that passage of this bill diminishes the probability of a second tax bill during this Congress.

I have no quarrel with the repeal of the investment credit tax and delaying the reduction in the Federal excise tax. Nor do I quarrel with the continuation of the surcharge tax at its present level to the end of this calendar year. These are the portions of the bill which must be acted on promptly. But, the bill does much more. It cuts the general tax rate starting January 1, 1970, and it removes a substantial number of people from the tax rolls commencing on that date. These are matters which should and would be properly determined at the time of passage of an omnibus tax reform bill. At that time we will be able to determine who must pay taxes and what the rates must be.

Tax reform means different things to different people. Unless it means significant new revenues from sources of wealth in this country which are not now being taxed, then obviously we will not be in a position to give tax relief to moderate- and middle-income people. But, if we do—and I believe that we must make Federal income taxes reflect the ability to pay—then we can see some reduction in rates for the bulk of our taxpayers, and total relief for those whose income keeps them within the poverty level.

But, the measure which we are considering today, which in two significant respects is prospective in nature, if adopted, will almost certainly kill the chances for true tax reform.

Should this bill fail of final passage, I would expect to see the Ways and Means Committee promptly resubmit the matter to the House, continuing the surcharge tax for the balance of this calendar year and giving both the House and the Senate ample time to draft an adequate and equitable tax bill to become effective January 1970.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

If this is the evidence on which they base their conclusion that we will not have tax reforms unless this bill is held hostage, it is a very weak case. Every member of the Committee—on both sides of the aisle—has been trying to reach agreements. This has not been a partisan issue. When someone has an idea we have considered it. I am amazed at the gentlewoman from Michigan suggesting that there is something wrong because we have not brought any proposals to a rollcall vote. As far as I am concerned, the chairman and I have tried to work out an area of consensus and agreement, and if the gentlewoman suggested a proposal, I am sure the committee considered and that it will consider many other proposals she makes.

Mrs. GRIFFITHS. Oh, sir——

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas. I do not yield to the gentlewoman until she asks me to.

Mr. VANIK. Impolite.

Mr. BYRNES of Wisconsin. I yield to the gentlewoman.

Mrs. GRIFFITHS. I have offered any number. I offered to cut the oil depletion allowance 7½ percent. And how did you vote?

Mr. VANIK. He voted no.

Mrs. GRIFFITHS. You voted no, and you know you voted no.

Mr. VANIK. That is a record vote—no.

Mrs. GRIFFITHS. Let me give you

another instance. I offered to knock out the oil-gas pipeline. How did you vote? You voted no. I know they are two pretty big reforms. I offered to vote for the gentleman's minimum tax. The gentleman did offer a minimum tax, and I agreed to vote for it, and you got in a big row with the chairman.

Mr. BYRNES of Wisconsin. Mr. Chairman, let me respond to these statements by saying I believe it is most unfortunate that they have been made, because I believe I have tried to give an accurate picture of the situation. The gentlewoman from Michigan (Mrs. GRIFFITHS) knows the amendments she offered were amendments to this surtax bill and were not offered as a part of the reform package. The gentlewoman will also recall that I suggested to her and to other Members who were interested in adding some amendments that they should be careful to avoid putting all of the items that might be popular reform items into this bill, leaving the reform bill in the position of being enacted into law with great difficulty. The gentlewoman will remember, will she not, that the language of the amendments she offered was not changes to the tax reform bill we were working on, but were amendments offered to the surtax bill?

Mrs. GRIFFITHS. They were offered to that bill.

Mr. BYRNES of Wisconsin. Not the bill we were working on, which was the tax reform legislation.

Mrs. GRIFFITHS. We were working on the tax code, and they were germane to this bill. I offered the amendment to cut off the oil and gas pipelines; this was germane, and this would have saved some money. We are creating a tax loophole.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have listened, and I have learned not to get into an argument or a discussion with a lady, because it is quite apparent that you cannot win.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to my chairman, the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I just wanted to thank my friend for all of the very valuable assistance that he has given in the committee on the matter of tax reform, and to assure the Membership that the gentleman from Wisconsin is just as sincere and just as desirous of developing tax reform legislation as anyone would have him be. The gentleman has been a source of great help and assistance. The gentleman has been, like I have been, desirous to make the changes across the board in affecting every one of these areas that we talk about. At the proper time everyone in the committee will have the opportunity of pouring out their heart's desires on all of these tax loopholes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I thank the gentleman from Arkansas.

Let me suggest this, Mr. Chairman. I have found no resistance to the objectives of the committee and of the chairman to have meaningful reform legislation before this Congress as soon as possible.

Mr. Chairman, I would like at this time to yield to the gentleman from Michigan, the minority leader (Mr. GERALD R. FORD) for a reiteration of a restatement of the position of the administration on this matter. Before yielding to the gentleman, let me suggest that it seems strange that we have been through a period of Democratic administrations with Secretaries of the Treasury, and——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

The matter of tax reform and its urgency only becomes important when there is a Republican in the White House.

Let me ask the gentleman from Michigan to read a letter from President Nixon.

Mr. GERALD R. FORD. The letter reads as follows:

THE WHITE HOUSE,
Washington, D.C., June 30, 1969.

Hon. GERALD FORD,
House of Representatives,
Washington, D.C.

DEAR MR. FORD: As the House nears a decision on the surtax, I want to remove any vestige of doubt as to the commitment of this Administration to prompt and meaningful tax reform.

I first made this commitment publicly on February 6. I reaffirm it today.

Clearly the record supports that commitment. On April 21, after less than three months in office, this Administration submitted 16 substantive tax reforms to the Congress. They included a minimum income tax to help ensure that people with high incomes will not fail to share the tax burden. We suggested a Low Income Allowance to remove poverty-level people from the tax rolls and reduce the taxes of some eight million others. We also recommended repeal of the seven percent investment credit.

It is due in part to those initiatives that the measure before the House today includes significant tax reform. Your colleagues will recall that repeal of the investment credit, ultimately releasing over $3 billion in revenue, was singled out only three months ago by the majority of the Senate-House Joint Economic Committee as the "first priority in tax reform."

The Low Income Allowance is also a high-priority reform. We should delay no longer the elimination of the social paradox of poverty-stricken people paying a federal tax on their meager incomes.

Important as these two reforms are, much more is needed and will be done. On May 27, the House Ways and Means Committee published a list of tax reform measures which it had tentatively approved. On my direction Treasury officials and staff have been working closely with the Committee. They will continue to do so.

There is no reason why a far-reaching tax reform bill cannot be put before the House of Representatives this summer. This is the announced goal of the Ways and Means Committee; it is also the goal of this Administration.

While these complex measures are being prepared, there must be no question as to this Government's determination first to slow and then to stop inflation. This requires Congressional action *now*. It requires extension of the phased surtax, and it requires enactment now of the other tax measures proposed by the Administration and approved by the tax committee of the House.

The goals of fiscal responsibility and tax reform are not mutually exclusive. We can have both; we *must* have both. I trust and believe that the House will move responsibly toward both by voting today to extend the surtax.

Sincerely,

RICHARD NIXON.

Mr. BYRNES of Wisconsin. Mr. Chairman, may I briefly address those who would rationalize their opposition by contending that the surtax bill, should be held hostage for tax reform.

You have heard the chairman of the committee say that there are two essential measures that should be enacted by this Congress. One is the bill before us today, which is essential as a tool in the fight against inflation. The other is comprehensive reforms in the Internal Revenue Code. They are of equal importance and both jobs should be tackled. We should put our shoulders to the wheel and enact both of them.

You have heard the President of the United States say that they were both of great importance. Let us today face up to the issue now before us; namely, that of continuing a fiscally responsible position so that we do not abdicate and surrender in the fight against inflation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. BOGGS. Mr. Chairman, I yield 2 minutes to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, for the reasons that have been stated, I am going to support this bill.

I think I should first direct a remark, however, to the distinguished minority leader and the distinguished ranking member of the Committee on Ways and Means who seem to be chiding Democrats for not being willing to deliver the 114 votes which they delivered last year.

I think there are two important differences between the situation now and the situation last year. The first is that President Johnson did not go across the country telling everybody that he was against the surtax. The second is that we had to give them a $6 billion spending limitation as a quid pro quo last year. We were given no quid pro quo this year, but I am for the bill and I think it is very important.

We on the Democratic side are just as much in favor of stopping inflation as those on the Republican side, and I think we are more in favor of continuing the programs of housing, of education, and the war against poverty than most of our Republican colleagues.

I do not want the administration to be able to say "They did not furnish the money necessary to do the job."

We hear talk about reforms. But we do not have reforms before us today. We do have a bill before us. The eyes of the Nation and the world are upon us. It would be one of the most serious mistakes we ever made if the word were to go around the world that Congress is willing to equivocate on its fiscal responsibilities to the Nation.

Fiscal responsibility and sound government, my colleagues, dictate that we support this bill.

Mr. BOGGS. Mr. Chairman, to close the debate I yield the remaining time to the distinguished Speaker of the House of Representatives.

Mr. McCORMACK. Mr. Chairman, I realize that many Members have closed their minds, but there are some whose minds in connection with this bill are still open. At least I hope so.

We have listened to the thrilling, dramatic, and convincing speech of the gentleman from Arkansas (Mr. MILLS). I cannot help but be influenced by the soundness and the logic of his thoughts and his utterance. Furthermore, they come from a gentleman who should not be on the floor today, one who is here against his doctor's instructions, but one who is here because he recognizes the importance of this bill in connection with the fight against inflation and in connection with assuring a sound dollar, so important on the international monetary level, and also assuring against a serious adverse effect in our fiscal situation.

Let us remember that President Johnson recommended the extension of the 10-percent surtax in his last message on the state of the Union. We Democrats are supporting a recommendation made by a President who was elected as a Democrat, and this proposal is substantially the same as that recommended by President Johnson.

I understand tax reform, and I am strongly in favor of it. But let us not forget that the gentleman from Arkansas (Mr. MILLS) has given a definite promise to the Members of the House that he will call his committee into executive session on the Tuesday after the July 4 recess for the purpose of considering and reporting to this House an overall tax reform bill. He has given you a warning. I served on the Ways and Means Committee for 10 years, between 1930 and 1940, and I know that when the bill comes before the House, many of those who today are urging it will be fighting parts of the bill reported out.

So be on your guard. Be alerted. WILBUR MILLS has promised that his committee will meet. WILBUR MILLS' word can be accepted. I accept his word.

I have mentioned that WILBUR MILLS is on the floor of the House today, though he was advised by his doctor not to be here. We should all admire him for his dedicated service in connection with the important legislation that is pending before the House.

While not placing this personally upon the chairman of the Ways and Means Committee, but as an anti-inflation measure, as a sound dollar measure, as a fiscal responsibility measure, as a measure that will prevent the drastic cuts in the domestic projects we are all interested in, so many of us who are progressives and liberals, I urge passage of the bill.

I am glad to note the respect that has been given Mr. WILBUR MILLS by his being here, and while not placing it upon his shoulders, the passage of this bill will be a great tribute to his leadership.

In closing, I want to also commend the outstanding leadership of the gentleman from Louisiana (Mr. BOGGS). I extend to him my hearty congratulations on the manner in which he has handled this difficult measure both in the committee and on the floor. Passage of this important bill will be due in great degree to the leadership of the distinguished gentleman from Louisiana (Mr. BOGGS).

The CHAIRMAN. All time has expired. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 12290

A bill to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low income allowance for individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF EXISTING LAW.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXTENSION OF TAX SURCHARGE.

(a) SURCHARGE EXTENSION.—Section 51(a) (relating to imposition of tax surcharge) is amended—

(1) by striking out so much of paragraph (1)(A) as follows the table heading "CALENDAR YEAR 1969" and inserting in lieu thereof the following:

"TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN

If the adjusted tax is:		The tax is—
At least	But less than	
0	$148	0
$148	153	$1
153	158	2
158	163	3
163	168	4
168	173	5
173	178	6
178	183	7
183	188	8
188	193	9
193	198	10
198	203	11
203	208	12
208	213	13
213	218	14
218	223	15
223	228	16
228	233	17
233	238	18
238	243	19
243	248	20
248	253	21
253	258	22
258	263	23
263	268	24
268	273	25
273	278	26
278	283	27
283	288	28
288	295	29
295	305	30
305	315	31
315	325	32
325	335	33
335	345	34
345	355	35
355	365	36
365	375	37
375	385	38
385	395	39
395	405	40
405	415	41
415	425	42
425	435	43
435	445	44
445	455	45
455	465	46

"TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN—Continued

If the adjusted tax is:		The tax is—
At least	But less than	
$465	$475	$47
475	485	48
485	495	49
495	505	50
505	515	51
515	525	52
525	535	53
535	545	54
545	555	55
555	565	56
565	575	57
575	585	58
585	595	59
595	605	60
605	615	61
615	625	62
625	635	63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is:		The tax is—
At least	But less than	
0	$223	0
$223	228	$1
228	233	2
233	238	3
238	243	4
243	248	5
248	253	6
253	258	7
258	263	8
263	268	9
268	273	10
273	278	11
278	283	12
283	288	13
288	293	14
293	298	15
298	303	16
303	308	17
308	313	18
313	318	19
318	323	20
323	328	21
328	333	22
333	338	23
338	343	24
343	348	25
348	353	26
353	358	27
358	363	28
363	368	29
368	373	30
373	378	31
378	383	32
383	388	33
388	393	34
393	398	35
398	403	36
403	408	37
408	413	38
413	418	39
418	423	40
423	428	41
428	433	42
433	438	43
438	445	44
445	455	45
455	465	46
465	475	47
475	485	48
485	495	49
495	505	50
505	515	51
515	525	52
525	535	53
535	545	54
545	555	55
555	565	56
565	575	57
575	585	58
585	595	59
595	605	60
605	615	61
615	625	62

TABLE 2.—HEAD OF HOUSEHOLD—Continued

If the adjusted tax is: At least	But less than	The tax is—
$625	$635	$63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax		

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$293	0
$293	298	$1
298	303	2
303	308	3
308	313	4
313	318	5
318	323	6
323	328	7
328	333	8
333	338	9
338	343	10
343	348	11
348	353	12
353	358	13
358	363	14
363	368	15
368	373	16
373	378	17
378	383	18
383	388	19
388	393	20
393	398	21
398	403	22
403	408	23
408	413	24
413	418	25
418	423	26
423	428	27
428	433	28
433	438	29
438	443	30
443	448	31
448	453	32
453	458	33
458	463	34
463	468	35
468	473	36
473	478	37
478	483	38
483	488	39
488	493	40
493	498	41
498	503	42
503	508	43
508	513	44
513	518	45
518	523	46
523	528	47
528	533	48
533	538	49
538	543	50
543	548	51
548	553	52
553	558	53
558	563	54
563	568	55
568	573	56
573	578	57
578	585	58
585	595	59
595	605	60
605	615	61
615	625	62
625	635	63
635	645	64
645	655	65
655	665	66
665	675	67
675	685	68
685	695	69
695	705	70
705	715	71
715	725	72
725	735	73
735 and over, 10% of the adjusted tax		

CALENDAR YEAR 1970

TABLE 1.—SINGLE PERSON (OTHER THAN HEAD OF HOUSEHOLD) AND MARRIED PERSONS FILING SEPARATE RETURN

If the adjusted tax is: At least	But less than	The tax is
0	$155	0
$155	175	$1
175	195	2
195	215	3
215	235	4
235	255	5
255	275	6
275	300	7
300	340	8
340	380	9
380	420	10
420	460	11
460	500	12
500	540	13
540	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980 and over, 2.5% of the adjusted tax		

TABLE 2.—HEAD OF HOUSEHOLD

If the adjusted tax is: At least	But less than	The tax is—
0	$230	0
$230	250	$1
250	270	2
270	290	3
290	310	4
310	330	5
330	350	6
350	370	7
370	390	8
390	410	9
410	430	10
430	460	11
460	500	12
500	540	13
540	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22
900	940	23
940	980	24
980 and over, 2.5% of the adjusted tax.		

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN

If the adjusted tax is: At least	But less than	The tax is—
0	$300	0
$300	320	$1
320	340	2
340	360	3
360	380	4
380	400	5
400	420	6
420	440	7
440	460	8
460	480	9
480	500	10
500	520	11
520	540	12
540	560	13
560	580	14
580	620	15
620	660	16
660	700	17
700	740	18
740	780	19
780	820	20
820	860	21
860	900	22

TABLE 3.—MARRIED PERSONS OR SURVIVING SPOUSE FILING JOINT RETURN—Continued

If the adjusted tax is: At least	But less than	The tax is—
$900	$940	$23
940	980	24
980 and over, 2.5% of the adjusted tax".		

(2) by striking out the table in paragraph (1)(B) and inserting in lieu thereof the following table:

"Calendar year	Percent: Estates and trusts	Percent: Corporations
1968	7.5	10.0
1969	10.0	10.0
1970	2.5	2.5".

(3) by striking out "July 1, 1969" the first time it appears in paragraph (2)(A) and inserting in lieu thereof "July 1, 1970", and

(4) by striking out paragraph (2)(A)(ii) and inserting in lieu thereof the following:

"(ii) a fraction, the numerator of which is the sum of the number of days in the taxable year occurring on after the effective date of the surcharge and before January 1, 1970, plus one-half times the number of days in the taxable year occurring after December 31, 1969, and before July 1, 1970, and the denominator of which is the number of days in the entire taxable year."

(b) RECEIPT OF MINIMUM DISTRIBUTIONS. The last sentence of section 963(b) (relating to receipt of minimum distributions of domestic corporations) is amended by striking out "June 30, 1969" and inserting in lieu thereof "June 30, 1970".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to taxable years ending after June 30, 1969, and beginning before July 1, 1970.

(2) DECLARATIONS OF ESTIMATED TAX.—If any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by this section, such amount or additional amount shall be paid ratably on or before each of the remaining installment dates for the taxable year beginning with the first installment date on or after the 30th day after the date of enactment of this Act. With respect to any declaration or payment of estimated tax before such first installment date, sections, 6015, 6154, 6654, and 6655 of the Internal Revenue Code of 1954 shall be applied without regard to the amendments made by this section. For purposes of this paragraph, the term "installment date" means any date on which, under section 6153 or 6154 of such Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

SEC. 3. CONTINUATION OF EXCISE TAXES ON COMMUNICATION SERVICES AND ON AUTOMOBILES

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"If the article is sold—	The tax rate is—
Before January 1, 1971	7 percent.
During 1971	5 percent.
During 1972	3 percent.
During 1973	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer after December 31, 1973."

(2) CONFORMING AMENDMENT.—Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1, 1970, January 1, 1971, January 1, 1972, or January 1, 1973", and inserting in lieu thereof "January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974".

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251(a)(2) (relating to tax on certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

"Amounts paid pursuant to bills first rendered— Percent—

Before January 1, 1971	10
During 1971	5
During 1972	3
During 1973	1".

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to termination of tax) is amended by striking out "January 1, 1973", and inserting in lieu thereof "January 1, 1974".

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105(b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

"(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1974, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1973, for which a bill has not been rendered before January 1, 1974, a bill shall be treated as having been first rendered on December 31, 1973. Effective January 1, 1974, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B."

SEC. 4. TERMINATION OF INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

"SEC. 49. TERMINATION OF CREDIT.

"(a) GENERAL RULE.—For purposes of this subpart, the term 'section 38 property' does not include property—

"(1) the physical construction, reconstruction, or erection of which is begun after April 18, 1969, or

"(2) which is acquired by the taxpayer after April 18, 1969,

other than pre-termination property.

"(b) PRE-TERMINATION PROPERTY.—For purposes of this section—

"(1) BINDING CONTRACTS.—Any property shall be treated as pre-termination property to the extent that such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1969, and at all times thereafter, binding on the taxpayer.

"(2) EQUIPPED BUILDING RULE.—If—

"(A) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service), the taxpayer has constructed, reconstructed, erected, or acquired a building and the machinery and equipment necessary to the planned use of the building by the taxpayer, and

"(B) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such building as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building) shall be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

"(3) PLANT FACILITY RULE.—

"(A) GENERAL RULE.—If—

"(i) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service), the taxpayer has constructed, reconstructed, or erected a plant facility, and either

"(ii) the construction, reconstruction, or erection of such plant facility was commenced by the taxpayer before April 19, 1969, or

"(iii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such plant facility shall be pre-termination property. For purposes of clause (iii) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied.

"(B) PLANT FACILITY DEFINED.—For purposes of this paragraph, the term 'plant facility' means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

"(i) a self-contained, single operating unit or processing operation,

"(ii) located on a single site, and

"(iii) identified, on April 18, 1969, in the purchasing and internal financial plans of the taxpayer as a single unitary project.

"(C) SPECIAL RULE.—For purposes of this subsection, if—

"(i) a certificate of convenience and necessity has been issued before April 19, 1969, by a Federal regulatory agency with respect to two or more plant facilities which are included under a single plan of the taxpayer to construct, reconstruct, or erect such plant facilities, and

"(ii) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facilities is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

such plant facilities shall be treated as a single plant facility.

"(D) COMMENCEMENT OF CONSTRUCTION.—For purposes of subparagraph (A)(ii), the construction, reconstruction, or erection of a plant facility shall not be considered to have commenced until construction, reconstruction, or erection has commenced at the site of such plant facility. The preceding sentence shall not apply if the site of such plant facility is not located on land.

"(4) MACHINERY OR EQUIPMENT RULE.—Any piece of machinery or equipment—

"(A) more than 50 percent of the parts and components of which (determined on the basis of cost) were held by the taxpayer on April 18, 1969, or are acquired by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment, and

"(B) the cost of the parts and components of which is not an insignificant portion of the total cost,

shall be treated as property which is pre-termination property.

"(5) CERTAIN LEASE-BACK TRANSACTIONS, ETC.—Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

"(A) the preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least 1 year; and

"(B) if such use is retained, the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time as the lessee loses the right to use the property.

For purposes of subparagraph (B), if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

"(6) CERTAIN LEASE AND CONTRACT OBLIGATIONS.—

"(A) Where, pursuant to a binding lease or contract to lease in effect on April 18, 1969, a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee shall be pre-termination property. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on April 18, 1969, cover real property constituting 25 percent or more of the project (determined on the basis of rental value. For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

"(B) Where, in order to perform a binding contract or contracts in effect on April 18, 1969, (i) the taxpayer is required to construct, reconstruct, erect, or acquire property specified in any order of a Federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract or contracts, and (iii) one or more parties to the contract or contracts are required to take or to provide more than 50 percent of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pre-termination property.

"(7) CERTAIN TRANSFERS TO BE DISREGARDED.—

"(A) If property or rights under a contract are transferred in—

"(i) a transfer by reason of death, or

"(ii) a transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a, 374(a), 721, or 731,

and such property (or the property acquired

under such contract) would be treated as pre-termination property in the hands of the decedent or the transferor, such property shall be treated as pre-termination property in the hands of the transferee.

"(i) property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

"(ii) the stock of the distributing corporation was acquired before April 19, 1969, or pursuant to a binding contract in effect April 18, 1969, and

"(iii) such property (or the property acquired under such contract) would be treated as pre-termination property in the hands of the distributing corporation, such property shall be treated as pre-termination property in the hands of the distributee.

"(8) PROPERTY ACQUIRED FROM AFFILIATED CORPORATION.—For purposes of this subsection, in the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

"(A) such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member.

"(B) such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

"(C) such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two members of an affiliated group shall not be treated as a binding contract as between such members. For purposes of the preceding sentences, the term 'affiliated group' has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(9) BARGES FOR OCEAN-GOING VESSELS.—In the case of any ocean-going vessel which is—

"(A) pre-termination property,

"(B) constructed under a binding contract which was in effect on April 18, 1969, to partment of Commerce, is a party, and

"(C) designed to carry barges,

then the barges specified in such contract (not in excess of the number specified in such contract) constructed, reconstructed, erected, or acquired for use with such vessel, together with the machinery and equipment to be installed on such barges and necessary for their planned use, shall be treated as pre-termination property.

"(10) CERTAIN NEW-DESIGN PRODUCTS.—Where—

"(A) on April 18, 1969, the taxpayer had undertaken a project to produce a product of a new design pursuant to binding contracts in effect on such date which—

"(i) were fixed-price contracts (except for provisions for escalation in case of changes in rates of pay), and

"(ii) covered more than 60 percent of the entire production of such design to be delivered by the taxpayer before January 1, 1973, and

"(B) on or before April 18, 1969, more than 50 percent of the aggregate adjusted basis of all property of a character subject to the allowance for depreciation required to carry out such binding contracts was property the construction, reconstruction, or erection of which had been begun by the taxpayer, or had been acquired by the taxpayer (or was under a binding contract for such construction, reconstruction, erection, or acquisition),

then all tangible personal property placed in service by the taxpayer before January 1, 1972, which is required to carry out such binding contracts shall be deemed to be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, jigs, dies, templates, and similar items which can be used only for the manufacture or assembly of the production under the project and which were described in written engineering and internal financial plans of the taxpayer in existence on April 18, 1969, shall be treated as property which on such date was under a binding contract for construction.

"(c) LEASING PROPERTY.—In the case of property which is leased after April 18, 1969 (other than pursuant to a binding contract to lease entered into before April 19, 1969), which is section 38 property with respect to the lessor but is property which would not be section 38 property because of the application of subsection (a) if acquired by the lessee, and which is property of the same kind which the lessor ordinarily sold to customers before April 19, 1969, or ordinarily leased before such date and made an election under section 48(d), such property shall not be section 38 property with respect to either the lessor or the lessee.

"(d) RATE OF CREDIT WHERE PROPERTY IS PLACED IN SERVICE AFTER 1970.—In the case of property placed in service after December 31, 1970, section 38 and this subpart shall be applied by reducing the 7 percent figure of section 46(a)(1) by one-tenth of 1 percent for each full calendar month between November 30, 1970, and the date on which the property is placed in service, except that in the case of property placed in service after December 31, 1974, 0 percent shall be substituted for 7 percent."

(b) LIMITATIONS ON USE OF CARRYOVERS AND CARRYBACKS.—Section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new paragraph:

"(5) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968, AND ENDING AFTER APRIL 18, 1969.—The amount that may be added under this subsection for any taxable year beginning after December 31, 1968, and ending after April 18, 1969, shall not exceed 20 percent of the higher of—

"(A) the aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

"(B) the highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 18, 1969."

(c) RULES RELATING TO CERTAIN CASUALTIES AND THEFTS.—Section 47(a)(4) (relating to rules with respect to section 38 property destroyed by casualty, etc.) is amended by adding at the end thereof the following:

"Subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring after April 18, 1969. In the case of any casualty or theft occurring on or before April 18, 1969, to the extent of any replacement after such date (with property which would be section 38 property but for section 49) this part shall be applied without regard to section 49."

(d) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new item:

"Sec. 49. Termination of credit."

SEC. 5. AMORTIZATION OF POLLUTION CONTROL FACILITIES.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by striking out sections 168 and 169 and by inserting after section 167 the following new section:

"SEC. 168. AMORTIZATION OF POLLUTION CONTROL FACILITIES.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified pollution control facility (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by section 167. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by reguatlions prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

"(d) DEFINITIONS.—For purposes of this section—

"(1) CERTIFIED POLLUTION CONTROL FACILITY.—The term 'certified pollution control facility' means so much of any new property of a character subject to the allowance for depreciation provided in section 167 which is used to abate or control water or atmospheric pollution or contamination, respectively, by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat, as—

"(A) the State certifying authority has certified to the Federal certifying authority as having been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination; and

"(B) the Federal certifying authority has certified to the Secretary or his delegate (i) as meeting the minimum performance standards described in subsection (e), (ii) as being in compliance with the applicable regu-

lations of Federal agencies, and (iii) as being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

"(2) STATE CERTIFYING AUTHORITY.—The term 'State certifying authority' means, in the case of water pollution, the State water pollution control agency as defined in section 13(a) of the Federal Water Pollution Control Act and, in the case of air pollution, the air pollution control agency as defined in section 302(b) of the Clean Air Act.

"(3) FEDERAL CERTIFYING AUTHORITY.—The term 'Federal certifying authority' means, in the case of water pollution, the Secretary of the Interior and, in the case of air pollution, the Secretary of Health, Education, and Welfare.

"(4) NEW PROPERTY.—For purposes of paragraph (1), the term 'new property' means property—

"(A) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1968, or

"(B) acquired after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date.

In applying subsection (f) in the case of property described in subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1968.

"(e) AUTHORIZATION OF SECRETARIES OF INTERIOR AND OF HEALTH, EDUCATION, AND WELFARE TO SET STANDARDS, ETC.—

"(1) PERFORMANCE STANDARDS.—The Federal certifying authority shall from time to time promulgate minimum performance standards for purposes of subsection (d)(1)(B), taking into account advances in technology and specifying the tolerance of such pollutants and contaminants as shall be appropriate.

"(2) PROFITMAKING ABATEMENT WORKS, ETC.—The Federal certifying authority shall not certify any property under paragraph (2) or (3) to the extent it appears that (A) by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life, or (B) such property would be constructed, reconstructed, erected, or acquired without regard to the need to abate or control water or atmospheric pollution or contamination.

"(f) ALLOCATION OF BASIS.—In the case of property with respect to which an election has been made under subsection (a) but only a portion thereof is certified under subsection (d), the adjusted basis of such property shall, under regulations prescribed by the Secretary or his delegate, be properly allocated between the portion which is so certified and the portion which is not so certified.

"(g) LIFE TENANT AND REMAINDERMAN.—In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant

"(h) CROSS REFERENCE.—

"For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245."

(b) INVESTMENT CREDIT NOT TO BE ALLOWED.—Section 48(a)(1) (relating to definition of "section 38 property") is amended by adding at the end thereof the following new sentence: "Such term does not include any property in respect of which an election under section 168 (relating to amortization of pollution control facilities) has been made."

(c) CONFORMING, ETC., AMENDMENTS.—

(1) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the items relating to sections 168 and 169 and inserting in lieu thereof the following new item:

"Sec. 168. Amortization of pollution control facilities."

(2) The heading and the first sentence of section 642(f) (relating to special rules for credits and deductions of estates and trusts) are amended to read as follows:

"(f) AMORTIZATION OF POLLUTION CONTROL FACILITIES.—The benefit of the deductions for amortization of pollution control facilities provided by section 168 shall be allowed to estates and trust in the same manner as in the case of an individual."

(3) Section 1082(a)(2)(B) (relating to basis for determining gain or loss) is amended by striking out "or 169".

(4) Section 1238 (relating to amortization in excess of depreciation) is amended by striking out "emergency facilities" and inserting in lieu thereof "certified pollution control facilities".

(5) Section 1245(a) of such Code (relating to gain from disposition of certain depreciable property) is amended—

(A) by striking out "or" at the end of paragraph (2)(A);

(B) by inserting "or" at the end of paragraph (2)(B) and by inserting after such paragraph the following new subparagraph:

"(C) with respect to any property referred to in paragraph (3)(D), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods beginning with the first month for which a deduction for amortization is allowed under section 168,";

(C) by striking out "or" at the end of paragraphs (3)(A) and (B);

(D) by striking out the period at the end of paragraph (3)(C) and inserting in lieu thereof ", or"; and

(E) by adding at the end of paragraph (3) the following new subparagraph:

"(D) so much of any real property (other than any property described in subparagraph (B)) as is a certified pollution control facility which has an adjusted basis in which there are reflected adjustments for amortization under section 168."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after December 31, 1968.

SEC. 6. LOW INCOME ALLOWANCE.

(a) ALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 141(c) (relating to minimum standard deduction) is amended to read as follows:

"(c) LOW INCOME ALLOWANCE.—

"(1) IN GENERAL.—The low income allowance is an amount equal to the sum of—

"(A) the basic allowance, and

"(B) the additional allowance.

"(2) BASIC ALLOWANCE.—For purposes of this subsection, the basic allowance is an amount equal to the sum of—

"(A) $200, plus

"(B) $100, multiplied by the number of exemptions.

The basic allowance shall not exceed $1,000.

"(3) ADDITIONAL ALLOWANCE.—

"(A) IN GENERAL.—For purposes of this subsection, the additional allowance is an amount equal to the excess (if any) of $900 over the sum of—

"(i) $100, multiplied by the number of exemptions, plus

"(ii) the income phase-out.

"(B) INCOME PHASE-OUT.—For purposes of subparagraph (A)(ii), the income phase-out is an amount equal to one-half of the amount by which the adjusted gross income for the taxable year exceeds the sum of—

"(i) $1,100, plus

"(ii) $600, multiplied by the number of exemptions.

"(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married taxpayer filing a separate return—

"(A) the low income allowance is an amount equal to the basic allowance, and

"(B) the basic allowance is an amount (not in excess of $500) equal to the sum of—

"(i) $100, plus

"(ii) $100, multiplied by the number of exemptions.

"(5) NUMBER OF EXEMPTIONS.—For purposes of this subsection, the number of exemptions is the number of exemptions allowed as a deduction for the taxable year under section 151."

(2) AMENDMENT OF SUBSECTIONS (a) AND (b) OF SECTION 141.—Subsections (a) and (b) of section 141 (relating to standard deduction) are amended to read as follows:

"(a) STANDARD DEDUCTION.—Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the 10-percent standard deduction or the low income allowance.

"(b) 10-PERCENT STANDARD DEDUCTION.—The 10-percent standard deduction is an amount equal to 10 percent of the adjusted gross income. The 10-percent standard deduction shall not exceed $1,000, except that in the case of a separate return by a married individual such deduction shall not exceed $500."

(3) AMENDMENT OF SUBSECTION (d) OF SECTION 141.—Section 141 (d) is amended by striking out "minimum standard deduction" each place it appears and inserting in lieu thereof "low income allowance".

(4) DETERMINATION OF MARITAL STATUS.—Section 143 (relating to determination of marital status) is amended—

(A) by striking out "For purposes of this part—" and inserting in lieu thereof "(a) GENERAL RULE.—For purposes of this part—"; and

(B) by adding at the end thereof the following new subsection:

"(b) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, if—

"(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

"(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

"(3) during the entire taxable year such individual's spouse is not a member of such household, such individual shall not be considered as married."

(5) CONFORMING AMENDMENT.—Section 1304 (c)(5) (relating to special rules for income averaging) is amended by striking out "section 143" and inserting in lieu thereof "section 143(a)".

(b) OPTIONAL TAX.—

(1) IN GENERAL.—Section 3 (relating to optional tax if adjusted gross income is less than $5,000) is amended to read as follows:

"SEC. 3. OPTIONAL TAX IF ADJUSTED GROSS INCOME IN LESS THAN $6,100.

"In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $6,100 and who has elected for such year to pay the tax imposed by this section, a tax as follows:

"TABLE I—SINGLE PERSON—NOT HEAD OF HOUSEHOLD

If adjusted gross income is—		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax is—								
$0	$1,700	$0	$0	$0	$0	$0	$0	$0	$0	$0
1,700	1,725	3	0	0	0	0	0	0	0	0
1,725	1,750	8	0	0	0	0	0	0	0	0
1,750	1,775	13	0	0	0	0	0	0	0	0
1,775	1,800	18	0	0	0	0	0	0	0	0
1,800	1,825	24	0	0	0	0	0	0	0	0
1,825	1,850	29	0	0	0	0	0	0	0	0
1,850	1,875	34	0	0	0	0	0	0	0	0
1,875	1,900	39	0	0	0	0	0	0	0	0
1,900	1,925	45	0	0	0	0	0	0	0	0
1,925	1,950	50	0	0	0	0	0	0	0	0
1,950	1,975	55	0	0	0	0	0	0	0	0
1,975	2,000	60	0	0	0	0	0	0	0	0
2,000	2,025	66	0	0	0	0	0	0	0	0
2,025	2,050	71	0	0	0	0	0	0	0	0
2,050	2,075	77	0	0	0	0	0	0	0	0
2,075	2,100	82	0	0	0	0	0	0	0	0
2,100	2,125	88	0	0	0	0	0	0	0	0
2,125	2,150	93	0	0	0	0	0	0	0	0
2,150	2,175	99	0	0	0	0	0	0	0	0
2,175	2,200	105	0	0	0	0	0	0	0	0
2,200	2,225	110	0	0	0	0	0	0	0	0
2,225	2,250	116	0	0	0	0	0	0	0	0
2,250	2,275	122	0	0	0	0	0	0	0	0
2,275	2,300	127	0	0	0	0	0	0	0	0
2,300	2,325	133	3	0	0	0	0	0	0	0
2,325	2,350	138	8	0	0	0	0	0	0	0
2,350	2,375	144	13	0	0	0	0	0	0	0
2,375	2,400	150	18	0	0	0	0	0	0	0
2,400	2,425	156	24	0	0	0	0	0	0	0
2,425	2,450	162	29	0	0	0	0	0	0	0
2,450	2,475	168	34	0	0	0	0	0	0	0
2,475	2,500	174	39	0	0	0	0	0	0	0
2,500	2,525	180	45	0	0	0	0	0	0	0
2,525	2,550	186	50	0	0	0	0	0	0	0
2,550	2,575	192	55	0	0	0	0	0	0	0
2,575	2,600	198	60	0	0	0	0	0	0	0
2,600	2,625	204	66	0	0	0	0	0	0	0
2,625	2,650	210	71	0	0	0	0	0	0	0
2,650	2,675	216	77	0	0	0	0	0	0	0
2,675	2,700	222	82	0	0	0	0	0	0	0
2,700	2,725	228	88	0	0	0	0	0	0	0
2,725	2,750	235	93	0	0	0	0	0	0	0
2,750	2,775	241	99	0	0	0	0	0	0	0
2,775	2,800	247	105	0	0	0	0	0	0	0
2,800	2,825	254	110	0	0	0	0	0	0	0
2,825	2,850	260	116	0	0	0	0	0	0	0
2,850	2,875	266	122	0	0	0	0	0	0	0
2,875	2,900	273	127	0	0	0	0	0	0	0
2,900	2,925	279	133	3	0	0	0	0	0	0
2,925	2,950	286	138	8	0	0	0	0	0	0
2,950	2,975	292	144	13	0	0	0	0	0	0
2,975	3,000	298	150	18	0	0	0	0	0	0
3,000	3,050	308	159	26	0	0	0	0	0	0
3,050	3,100	322	171	37	0	0	0	0	0	0
3,100	3,150	336	183	47	0	0	0	0	0	0
3,150	3,200	350	195	58	0	0	0	0	0	0
3,200	3,250	365	207	68	0	0	0	0	0	0
3,250	3,300	376	219	79	0	0	0	0	0	0
3,300	3,350	385	231	91	0	0	0	0	0	0
3,350	3,400	393	244	102	0	0	0	0	0	0
3,400	3,450	402	257	113	0	0	0	0	0	0
3,450	3,500	410	270	124	0	0	0	0	0	0
3,500	3,550	419	282	136	5	0	0	0	0	0
3,550	3,600	427	295	147	16	0	0	0	0	0
3,600	3,650	436	308	159	26	0	0	0	0	0
3,650	3,700	444	322	171	37	0	0	0	0	0
3,700	3,750	453	334	183	47	0	0	0	0	0
3,750	3,800	462	343	195	58	0	0	0	0	0
3,800	3,850	470	353	207	68	0	0	0	0	0
3,850	3,900	479	362	219	79	0	0	0	0	0
3,900	3,950	487	372	231	91	0	0	0	0	0
3,950	4,000	496	381	244	102	0	0	0	0	0

"TABLE I—SINGLE PERSON—NOT HEAD OF HOUSEHOLD—Continued

If adjusted gross income is—		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax is—								
$4,000	$4,050	$504	$390	$257	$113	$0	$0	$0	$0	$0
4,050	4,100	513	399	270	124	0	0	0	0	0
4,100	4,150	521	407	280	136	5	0	0	0	0
4,150	4,200	530	416	289	147	16	0	0	0	0
4,200	4,250	538	424	297	159	26	0	0	0	0
4,250	4,300	547	433	306	171	37	0	0	0	0
4,300	4,350	556	442	315	183	47	0	0	0	0
4,350	4,400	564	450	324	195	58	0	0	0	0
4,400	4,450	573	459	334	207	68	0	0	0	0
4,450	4,500	581	467	343	219	79	0	0	0	0
4,500	4,550	590	476	353	229	91	0	0	0	0
4,550	4,600	598	484	362	238	102	0	0	0	0
4,600	4,650	607	493	372	246	113	0	0	0	0
4,650	4,700	615	501	381	255	124	0	0	0	0
4,700	4,750	624	510	391	263	136	5	0	0	0
4,750	4,800	633	519	400	272	147	16	0	0	0
4,800	4,850	641	527	410	280	159	159	26	0	0
4,850	4,900	650	536	419	289	171	37	0	0	0
4,900	4,950	658	544	429	297	181	47	0	0	0
4,950	5,000	667	553	438	306	189	58	0	0	0
5,000	5,050	765	561	447	315	197	68	0	0	0
5,050	5,100	684	570	456	324	205	79	0	0	0
5,100	5,150	693	578	464	334	213	91	0	0	0
5,150	5,200	703	587	473	343	221	102	0	0	0
5,200	5,250	713	595	481	353	229	113	0	0	0
5,250	5,300	722	604	490	362	238	124	0	0	0
5,300	5,350	732	613	499	372	246	134	5	0	0
5,350	5,400	742	621	407	381	255	141	16	0	0
5,400	5,450	752	630	516	391	263	149	26	0	0
5,450	5,500	762	638	524	400	272	157	37	0	0
5,500	5,550	772	647	533	410	280	165	47	0	0
5,550	5,600	782	655	541	419	289	173	58	0	0
5,600	5,650	792	664	550	429	297	181	68	0	0
5,650	5,700	802	672	558	438	306	189	79	0	0
5,700	5,750	812	681	567	448	315	197	89	0	0
5,750	5,800	821	690	576	457	324	205	96	0	0
5,800	5,850	831	699	584	467	334	213	104	0	0
5,850	5,900	841	709	593	476	343	221	111	0	0
5,900	5,950	851	719	601	486	353	229	119	5	0
5,950	6,000	861	729	610	495	362	238	126	16	0
6,000	6,050	871	739	618	504	372	246	134	26	0
6,050	6,100	881	749	627	513	831	255	141	37	0

"TABLE II—HEAD OF HOUSEHOLD

If adjusted gross income is—		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax is—								
$0	$1,700	$0	$0	$0	$0	$0	$0	$0	$0	$0
1,700	1,725	3	0	0	0	0	0	0	0	0
1,725	1,750	8	0	0	0	0	0	0	0	0
1,750	1,775	13	0	0	0	0	0	0	0	0
1,775	1,800	18	0	0	0	0	0	0	0	0
1,800	1,825	24	0	0	0	0	0	0	0	0
1,825	1,850	29	0	0	0	0	0	0	0	0
1,850	1,875	34	0	0	0	0	0	0	0	0
1,875	1,900	39	0	0	0	0	0	0	0	0
1,900	1,925	45	0	0	0	0	0	0	0	0
1,925	1,950	50	0	0	0	0	0	0	0	0
1,950	1,975	55	0	0	0	0	0	0	0	0
1,975	2,000	60	0	0	0	0	0	0	0	0
2,000	2,025	66	0	0	0	0	0	0	0	0
2,025	2,050	71	0	0	0	0	0	0	0	0
2,050	2,075	76	0	0	0	0	0	0	0	0

"TABLE II—HEAD OF HOUSEHOLD—Continued

If adjusted gross income is—		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax is—								
$2,075	$2,100	$81	$0	$0	$0	$0	$0	$0	$0	$0
2,100	2,125	87	0	0	0	0	0	0	0	0
2,125	2,150	92	0	0	0	0	9	0	0	0
2,150	2,175	97	0	0	0	0	0	0	0	0
2,175	2,200	102	0	0	0	0	0	0	0	0
2,200	2,225	108	0	0	0	0	0	0	0	0
2,225	2,250	113	0	0	0	0	0	0	0	0
2,250	2,275	118	0	0	0	0	0	0	0	0
2,275	2,300	123	0	0	0	0	0	0	0	0
2,300	2,325	129	3	0	0	0	0	0	0	0
2,325	2,350	134	8	0	0	0	0	0	0	0
2,350	2,375	139	13	0	0	0	0	0	0	0
2,375	2,400	145	18	0	0	0	0	0	0	0
2,400	2,425	151	24	0	0	0	0	0	0	0
2,425	2,450	157	29	0	0	0	0	0	0	0
2,450	2,475	163	34	0	0	0	0	0	0	0
2,475	2,500	169	39	0	0	0	0	0	0	0
2,500	2,525	175	45	0	0	0	0	0	0	0
2,525	2,550	181	50	0	0	0	0	0	0	0
2,550	2,575	187	55	0	0	0	0	0	0	0
2,575	2,600	193	60	0	0	0	0	0	0	0
2,600	2,625	199	66	0	0	0	0	0	0	0
2,625	2,650	205	71	0	0	0	0	0	0	0
2,650	2,675	211	76	0	0	0	0	0	0	0
2,675	2,700	217	81	0	0	0	0	0	0	0
2,700	2,725	223	87	0	0	0	0	0	0	0
2,725	2,750	229	92	0	0	0	0	0	0	0
2,750	2,775	235	97	0	0	0	0	0	0	0
2,775	2,800	241	102	0	0	0	0	0	0	0
2,800	2,825	247	108	0	0	0	0	0	0	0
2,825	2,850	253	113	0	0	0	0	0	0	0
2,850	2,875	259	118	0	0	0	0	0	0	0
2,875	2,900	265	123	0	0	0	0	0	0	0
2,900	2,925	271	129	3	0	0	0	0	0	0
2,925	2,950	277	134	8	0	0	0	0	0	0
2,950	2,975	283	139	13	0	0	0	0	0	0
2,975	3,000	289	145	18	0	0	0	0	0	0
3,000	3,050	298	154	26	0	0	0	0	0	0
3,050	3,100	311	166	37	0	0	0	0	0	0
3,100	3,150	325	178	47	0	0	0	0	0	0
3,150	3,200	338	190	58	0	0	0	0	0	0
3,200	3,250	352	202	68	0	0	0	0	0	0
3,250	3,300	363	214	79	0	0	0	0	0	0
3,300	3,350	371	226	89	0	0	0	0	0	0
3,350	3,400	379	238	100	0	0	0	0	0	0
3,400	3,450	387	250	110	0	0	0	0	0	0
3,450	3,500	395	262	121	0	0	0	0	0	0
3,500	3,550	403	274	131	5	0	0	0	0	0
3,550	3,600	411	286	142	16	0	0	0	0	0
3,600	3,650	419	298	154	26	0	0	0	0	0
3,650	3,700	427	311	166	37	0	0	0	0	0
3,700	3,750	435	323	178	47	0	0	0	0	0
3,750	3,800	444	332	190	58	0	0	0	0	0
3,800	3,850	452	341	202	68	0	0	0	0	0
3,850	3,900	460	350	214	79	0	0	0	0	0
3,900	3,950	468	359	226	89	0	0	0	0	0
3,950	4,000	476	368	238	100	0	0	0	0	0
4,000	4,050	484	376	250	110	0	0	0	0	0
4,050	4,100	492	384	262	121	0	0	0	0	0
4,100	4,150	500	392	272	131	5	0	0	0	0
4,150	4,200	508	400	280	142	16	0	0	0	0
4,200	4,250	516	408	288	154	26	0	0	0	0
4,250	4,300	525	417	296	166	37	0	0	0	0
4,300	4,350	533	425	305	178	47	0	0	0	0
4,350	4,400	541	433	314	190	58	0	0	0	0
4,400	4,450	549	441	323	202	68	0	0	0	0
4,450	4,500	557	449	332	214	79	0	0	0	0
4,500	4,550	565	457	341	224	89	0	0	0	0
4,550	4,600	573	465	350	232	100	0	0	0	0
4,600	4,650	581	473	359	240	110	0	0	0	0
4,650	4,700	589	481	368	248	121	0	0	0	0
4,700	4,750	597	489	377	256	131	5	0	0	0
4,750	4,800	606	498	386	264	142	16	0	0	0

"TABLE II—HEAD OF HOUSEHOLD—Continued

If adjusted gross income is—		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax is—								
$4,800	$4,850	$614	$506	$395	$272	$154	$26	$0	$0	$0
4,850	4,900	622	514	404	280	166	37	0	0	0
4,900	4,950	630	522	413	288	176	47	0	0	0
4,950	5,000	638	530	422	296	184	58	0	0	0
5,000	5,050	646	538	430	305	192	68	0	0	0
5,050	5,100	654	546	438	314	200	79	0	0	0
5,100	5,150	663	554	446	323	208	89	0	0	0
5,150	5,200	672	562	454	332	216	100	0	0	0
5,200	5,250	681	570	462	341	224	110	0	0	0
5,250	5,300	690	579	471	350	232	121	0	0	0
5,300	5,350	699	587	479	359	240	130	5	0	0
5,350	5,400	708	595	487	368	248	137	16	0	0
5,400	5,450	717	603	495	377	256	144	26	0	0
5,450	5,500	726	611	503	386	264	152	37	0	0
5,500	5,550	735	619	511	395	272	160	47	0	0
5,550	5,600	744	627	519	404	280	168	58	0	0
5,600	5,650	753	635	527	413	288	176	68	0	0
5,650	5,700	762	643	535	422	296	184	79	0	0
5,700	5,750	771	651	543	431	305	192	88	0	0
5,750	5,800	780	660	552	440	314	200	95	0	0
5,800	5,850	789	669	560	449	323	208	102	0	0
5,850	5,900	798	678	568	458	332	216	109	0	0
5,900	5,950	807	687	576	467	341	224	116	5	0
5,950	6,000	816	696	584	476	350	232	123	16	0
6,000	6,050	825	705	592	484	359	240	130	26	0
6,050	6,100	834	714	600	492	368	248	137	37	0

"TABLE III—MARRIED PERSONS FILING JOINT RETURNS

If adjusted gross income is—		And the number of exemptions is—							
At least	But less than	2	3	4	5	6	7	8	9 or more
		The tax is—							
$0	$2,300	$0	$0	$0	$0	$0	$0	$0	$0
2,300	2,325	3	0	0	0	0	0	0	0
2,325	2,350	8	0	0	0	0	0	0	0
2,350	2,375	13	0	0	0	0	0	0	0
2,375	2,400	18	0	0	0	0	0	0	0
2,400	2,425	24	0	0	0	0	0	0	0
2,425	2,450	29	0	0	0	0	0	0	0
2,450	2,475	34	0	0	0	0	0	0	0
2,475	2,500	39	0	0	0	0	0	0	0
2,500	2,525	45	0	0	0	0	0	0	0
2,525	2,550	50	0	0	0	0	0	0	0
2,550	2,575	55	0	0	0	0	0	0	0
2,575	2,600	60	0	0	0	0	0	0	0
2,600	2,625	66	0	0	0	0	0	0	0
2,625	2,650	71	0	0	0	0	0	0	0
2,650	2,675	76	0	0	0	0	0	0	0
2,675	2,700	81	0	0	0	0	0	0	0
2,700	2,725	87	0	0	0	0	0	0	0
2,725	2,750	92	0	0	0	0	0	0	0
2,750	2,775	97	0	0	0	0	0	0	0
2,775	2,800	102	0	0	0	0	0	0	0
2,800	2,825	108	0	0	0	0	0	0	0
2,825	2,850	113	0	0	0	0	0	0	0
2,850	2,875	118	0	0	0	0	0	0	0
2,875	2,900	123	0	0	0	0	0	0	0
2,900	2,925	129	3	0	0	0	0	0	0
2,925	2,950	134	8	0	0	0	0	0	0
2,950	2,975	139	13	0	0	0	0	0	0
2,975	3,000	145	18	0	0	0	0	0	0
3,000	3,050	153	26	0	0	0	0	0	0
3,050	3,100	164	37	0	0	0	0	0	0
3,100	3,150	176	47	0	0	0	0	0	0
3,150	3,200	187	58	0	0	0	0	0	0

"TABLE III—MARRIED PERSONS FILING JOINT RETURNS—Continued

If adjusted gross income is—		And the number of exemptions is—							
At least	But less than	2	3	4	5	6	7	8	9 or more
		The tax is—							
$3,200	$3,250	$198	$68	$0	$0	$0	$0	$0	$0
3,250	3,300	209	79	0	0	0	0	0	0
3,300	3,350	221	89	0	0	0	0	0	0
3,350	3,400	232	100	0	0	0	0	0	0
3,400	3,450	243	110	0	0	0	0	0	0
3,450	3,500	254	121	0	0	0	0	0	0
3,500	3,550	266	131	5	0	0	0	0	0
3,550	3,600	277	142	16	0	0	0	0	0
3,600	3,650	288	153	26	0	0	0	0	0
3,650	3,700	300	164	37	0	0	0	0	0
3,700	3,750	310	176	47	0	0	0	0	0
3,750	3,800	318	187	58	0	0	0	0	0
3,800	3,850	326	198	68	0	0	0	0	0
3,850	3,900	334	209	79	0	0	0	0	0
3,900	3,950	342	221	89	0	0	0	0	0
3,950	4,000	350	232	100	0	0	0	0	0
4,000	4,050	358	243	110	0	0	0	0	0
4,050	4,100	365	254	121	0	0	0	0	0
4,100	4,150	372	264	131	5	0	0	0	0
4,150	4,200	379	271	142	16	0	0	0	0
4,200	4,250	386	279	153	26	0	0	0	0
4,250	4,300	394	286	164	37	0	0	0	0
4,300	4,350	401	294	176	47	0	0	0	0
4,350	4,400	408	302	187	58	0	0	0	0
4,400	4,450	415	310	198	68	0	0	0	0
4,450	4,500	422	318	209	79	0	0	0	0
4,500	4,550	430	326	219	89	0	0	0	0
4,550	4,600	437	334	226	100	0	0	0	0
4,600	4,650	444	342	234	110	0	0	0	0
4,650	4,700	451	350	241	121	0	0	0	0
4,700	4,750	459	358	249	131	5	0	0	0
4,750	4,800	467	366	256	142	16	0	0	0
4,800	4,850	474	374	264	153	26	0	0	0
4,850	4,900	482	382	271	164	37	0	0	0
4,900	4,950	490	390	279	174	47	0	0	0
4,950	5,000	497	398	286	181	58	0	0	0
5,000	5,050	505	406	294	189	68	0	0	0
5,050	5,100	512	413	302	196	79	0	0	0
5,100	5,150	520	420	310	204	89	0	0	0
5,150	5,200	528	427	318	211	100	0	0	0
5,200	5,250	535	434	326	219	110	0	0	0
5,250	5,300	543	442	334	226	121	0	0	0
5,300	5,350	551	449	342	234	130	5	0	0
5,350	5,400	558	456	350	241	137	16	0	0
5,400	5,450	566	464	358	249	144	26	0	0
5,450	5,500	574	472	366	256	151	37	0	0
5,500	5,550	581	479	374	264	159	47	0	0
5,550	5,600	589	487	382	271	166	58	0	0
5,600	5,650	597	495	390	279	174	68	0	0
5,650	5,700	604	502	398	286	181	79	0	0
5,700	5,750	612	510	406	294	189	88	0	0
5,750	5,800	620	518	414	302	196	95	0	0
5,800	5,850	628	525	422	310	204	102	0	0
5,850	5,900	637	533	430	318	211	109	0	0
5,900	5,950	645	541	438	326	219	116	5	0
5,950	6,000	654	548	446	334	226	123	16	0
6,000	6,050	662	556	454	342	234	130	26	0
6,050	6,100	671	563	461	350	241	137	37	0

"TABLE IV—MARRRIED PERSONS FILING SEPARATE RETURNS
"10 PERCENT STANDARD DEDUCTION

If adjusted gross income is—		And the number of exemptions is—									
At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$0	$675	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
675	700	3	0	0	0	0	0	0	0	0	0
700	725	6	0	0	0	0	0	0	0	0	0
725	750	9	0	0	0	0	0	0	0	0	0
750	775	12	0	0	0	0	0	0	0	0	0
775	800	15	0	0	0	0	0	0	0	0	0
800	825	18	0	0	0	0	0	0	0	0	0
825	850	22	0	0	0	0	0	0	0	0	0
850	875	25	0	0	0	0	0	0	0	0	0
875	900	28	0	0	0	0	0	0	0	0	0
900	925	31	0	0	0	0	0	0	0	0	0
925	950	34	0	0	0	0	0	0	0	0	0
950	975	37	0	0	0	0	0	0	0	0	0
975	1,000	40	0	0	0	0	0	0	0	0	0
1,000	1,025	44	0	0	0	0	0	0	0	0	0
1,025	1,050	47	0	0	0	0	0	0	0	0	0
1,050	1,075	50	0	0	0	0	0	0	0	0	0
1,075	1,100	53	0	0	0	0	0	0	0	0	0
1,100	1,125	56	0	0	0	0	0	0	0	0	0
1,125	1,150	59	0	0	0	0	0	0	0	0	0
1,150	1,175	62	0	0	0	0	0	0	0	0	0
1,175	1,200	66	0	0	0	0	0	0	0	0	0
1,200	1,225	69	0	0	0	0	0	0	0	0	0
1,225	1,250	72	0	0	0	0	0	0	0	0	0
1,250	1,275	75	0	0	0	0	0	0	0	0	0
1,275	1,300	79	0	0	0	0	0	0	0	0	0
1,300	1,325	82	0	0	0	0	0	0	0	0	0
1,325	1,350	86	0	0	0	0	0	0	0	0	0
1,350	1,375	89	4	0	0	0	0	0	0	0	0
1,375	1,400	92	7	0	0	0	0	0	0	0	0
1,400	1,425	96	10	0	0	0	0	0	0	0	0
1,425	1,450	99	13	0	0	0	0	0	0	0	0
1,450	1,475	102	16	0	0	0	0	0	0	0	0
1,475	1,500	106	19	0	0	0	0	0	0	0	0
1,500	1,525	109	23	0	0	0	0	0	0	0	0
1,525	1,550	113	26	0	0	0	0	0	0	0	0
1,550	1,575	116	29	0	0	0	0	0	0	0	0
1,575	1,600	119	32	0	0	0	0	0	0	0	0
1,600	1,625	123	35	0	0	0	0	0	0	0	0
1,625	1,650	126	38	0	0	0	0	0	0	0	0
1,650	1,675	129	41	0	0	0	0	0	0	0	0
1,675	1,700	133	45	0	0	0	0	0	0	0	0
1,700	1,725	136	48	0	0	0	0	0	0	0	0
1,725	1,750	140	51	0	0	0	0	0	0	0	0
1,750	1,775	143	54	0	0	0	0	0	0	0	0
1,775	1,800	146	57	0	0	0	0	0	0	0	0
1,800	1,825	150	60	0	0	0	0	0	0	0	0
1,825	1,850	154	64	0	0	0	0	0	0	0	0
1,850	1,875	157	67	0	0	0	0	0	0	0	0
1,875	1,900	161	70	0	0	0	0	0	0	0	0
1,900	1,925	164	73	0	0	0	0	0	0	0	0
1,925	1,950	168	77	0	0	0	0	0	0	0	0
1,950	1,975	172	80	0	0	0	0	0	0	0	0
1,975	2,000	175	83	0	0	0	0	0	0	0	0
2,000	2,025	179	87	2	0	0	0	0	0	0	0
2,025	2,050	182	90	5	0	0	0	0	0	0	0
2,050	2,075	186	93	8	0	0	0	0	0	0	0
2,075	2,100	190	97	11	0	0	0	0	0	0	0
2,100	2,125	193	100	14	0	0	0	0	0	0	0
2,125	2,150	197	104	17	0	0	0	0	0	0	0
2,150	2,175	200	107	20	20	0	0	0	0	0	0
2,175	2,200	204	110	24	0	0	0	0	0	0	0
2,200	2,225	208	114	27	0	0	0	0	0	0	0
2,225	2,250	211	117	30	0	0	0	0	0	0	0
2,250	2,275	215	120	33	0	0	0	0	0	0	0
2,275	2,300	218	124	36	0	0	0	0	0	0	0
2,300	2,325	222	127	39	0	0	0	0	0	0	0
2,325	2,350	226	131	43	0	0	0	0	0	0	0

"TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS—Continued
"10 PERCENT STANDARD DEDUCTION—Continued

If adjusted gross income is—		And the number of exemptions is—									
At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$2,350	$2,375	$229	$134	$46	$0	$0	$0	$0	$0	$0	$0
2,375	2,400	233	137	49	0	0	0	0	0	0	0
2,400	2,425	237	141	52	0	0	0	0	0	0	0
2,425	2,450	241	144	55	0	0	0	0	0	0	0
2,450	2,475	245	148	58	0	0	0	0	0	0	0
2,475	2,500	249	151	61	0	0	0	0	0	0	0
2,500	2,525	252	155	65	0	0	0	0	0	0	0
2,525	2,550	256	158	68	0	0	0	0	0	0	0
2,550	2,575	260	162	71	0	0	0	0	0	0	0
2,575	2,600	264	166	74	0	0	0	0	0	0	0
2,600	2,625	268	169	78	0	0	0	0	0	0	0
2,625	2,650	272	173	81	0	0	0	0	0	0	0
2,650	2,675	275	176	84	0	0	0	0	0	0	0
2,675	2,700	279	180	88	3	0	0	0	0	0	0
2,700	2,725	283	184	91	6	0	0	0	0	0	0
2,725	2,750	287	187	95	9	0	0	0	0	0	0
2,750	2,775	291	191	98	12	0	0	0	0	0	0
2,775	2,800	294	194	101	15	0	0	0	0	0	0
2,800	2,825	298	198	105	18	0	0	0	0	0	0
2,825	2,850	302	202	108	22	0	0	0	0	0	0
2,850	2,875	306	205	111	25	0	0	0	0	0	0
2,875	2,900	310	209	115	28	0	0	0	0	0	0
2,900	2,925	314	212	118	31	0	0	0	0	0	0
2,925	2,950	318	216	122	34	0	0	0	0	0	0
2,950	2,975	323	220	125	37	0	0	0	0	0	0
2,975	3,000	327	223	128	40	0	0	0	0	0	0
3,000	3,050	333	229	133	45	0	0	0	0	0	0
3,050	3,100	342	236	140	51	0	0	0	0	0	0
3,100	3,150	350	244	147	58	0	0	0	0	0	0
3,150	3,200	359	252	154	64	0	0	0	0	0	0
3,200	3,250	367	259	161	70	0	0	0	0	0	0
3,250	3,300	376	267	169	77	0	0	0	0	0	0
3,300	3,350	385	275	176	84	0	0	0	0	0	0
3,350	3,400	393	282	183	91	5	0	0	0	0	0
3,400	3,450	402	290	190	97	12	0	0	0	0	0
3,450	3,500	410	298	197	104	18	0	0	0	0	0
3,500	3,550	419	305	205	111	24	0	0	0	0	0
3,550	3,600	427	313	212	118	30	0	0	0	0	0
3,600	3,650	436	322	219	124	37	0	0	0	0	0
3,650	3,700	444	330	226	131	43	0	0	0	0	0
3,700	3,750	453	339	234	138	49	0	0	0	0	0
3,750	3,800	462	348	242	145	56	0	0	0	0	0
3,800	3,850	470	356	249	152	62	0	0	0	0	0
3,850	3,900	479	365	257	159	68	0	0	0	0	0
3,900	3,950	487	373	265	166	75	0	0	0	0	0
3,950	4,000	496	382	272	173	82	0	0	0	0	0
4,000	4,050	504	390	280	181	88	3	0	0	0	0
4,050	4,100	513	399	287	188	95	9	0	0	0	0
4,100	4,150	521	407	295	195	102	16	0	0	0	0
4,150	4,200	530	416	303	202	109	22	0	0	0	0
4,200	4,250	538	424	310	209	115	28	0	0	0	0
4,250	4,300	547	433	319	217	122	35	0	0	0	0
4,300	4,350	556	442	328	224	129	41	0	0	0	0
4,350	4,400	564	450	336	231	136	47	0	0	0	0
4,400	4,450	573	459	345	239	142	54	0	0	0	0
4,450	4,500	581	467	353	247	149	60	0	0	0	0
4,500	4,550	590	476	362	254	157	66	0	0	0	0
4,550	4,600	598	484	370	262	164	73	0	0	0	0
4,600	4,650	607	493	379	270	171	79	0	0	0	0
4,650	4,700	615	501	387	277	178	86	0	0	0	0
4,700	4,750	624	510	396	285	185	93	7	0	0	0
4,750	4,800	633	519	405	293	193	100	14	0	0	0
4,800	4,850	641	527	413	300	200	106	20	0	0	0
4,850	4,900	650	536	422	308	207	113	26	0	0	0
4,900	4,950	658	544	430	316	214	120	33	0	0	0
4,950	5,000	667	553	439	325	221	127	39	0	0	0
5,000	5,050	676	562	448	334	229	134	46	0	0	0
5,050	5,100	685	571	456	343	238	141	53	0	0	0
5,100	5,150	696	581	467	353	246	149	60	0	0	0
5,150	5,200	707	590	476	362	255	157	67	0	0	0

"TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS—Continued
"10 PERCENT STANDARD DEDUCTION—Continued

If adjusted gross income is—		And the number of exemptions is—									
At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$5,200	$5,250	$718	$600	$486	$372	$263	$165	$74	$0	$0	$0
5,250	5,300	729	609	495	381	272	173	81	0	0	0
5,300	5,350	740	619	505	391	280	181	89	4	0	0
5,350	5,400	751	628	514	400	289	189	96	11	0	0
5,400	5,450	762	638	524	410	297	197	104	18	0	0
5,450	5,500	773	647	533	419	306	205	111	25	0	0
5,500	5,550	784	657	543	429	315	213	119	32	0	0
5,550	5,600	795	666	552	438	324	221	126	39	0	0
5,600	5,650	806	676	562	448	334	229	134	46	0	0
5,650	5,700	817	685	571	457	343	238	141	53	0	0
5,700	5,750	828	696	581	467	353	246	149	60	0	0
5,750	5,800	839	707	590	476	362	255	157	67	0	0
5,800	5,850	850	718	600	486	372	263	165	74	0	0
5,850	5,900	861	729	609	495	381	272	173	81	0	0
5,900	5,950	872	740	619	505	391	280	181	89	4	0
5,950	6,000	883	751	628	514	400	289	189	96	11	0
6,000	6,050	894	762	638	524	410	297	197	104	18	0
6,050	6,100	905	773	647	533	419	306	205	111	25	0

"TABLE V—MARRIED PERSONS FILING SEPARATE RETURNS
"LOW INCOME ALLOWANCE

If adjusted gross income is—		And the number of exemptions is—									
At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$0	$800	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
800	825	2	0	0	0	0	0	0	0	0	0
825	850	5	0	0	0	0	0	0	0	0	0
850	875	9	0	0	0	0	0	0	0	0	0
875	900	12	0	0	0	0	0	0	0	0	0
900	925	16	0	0	0	0	0	0	0	0	0
925	950	19	0	0	0	0	0	0	0	0	0
950	975	23	0	0	0	0	0	0	0	0	0
975	1,000	26	0	0	0	0	0	0	0	0	0
1,000	1,025	30	0	0	0	0	0	0	0	0	0
1,025	1,050	33	0	0	0	0	0	0	0	0	0
1,050	1,075	37	0	0	0	0	0	0	0	0	0
1,075	1,100	40	0	0	0	0	0	0	0	0	0
1,100	1,125	44	0	0	0	0	0	0	0	0	0
1,125	1,150	47	0	0	0	0	0	0	0	0	0
1,150	1,175	51	0	0	0	0	0	0	0	0	0
1,175	1,200	54	0	0	0	0	0	0	0	0	0
1,200	1,225	58	0	0	0	0	0	0	0	0	0
1,225	1,250	61	0	0	0	0	0	0	0	0	0
1,250	1,275	65	0	0	0	0	0	0	0	0	0
1,275	1,300	68	0	0	0	0	0	0	0	0	0
1,300	1,325	72	0	0	0	0	0	0	0	0	0
1,325	1,350	76	0	0	0	0	0	0	0	0	0
1,350	1,375	79	0	0	0	0	0	0	0	0	0
1,375	1,400	83	0	0	0	0	0	0	0	0	0
1,400	1,425	87	0	0	0	0	0	0	0	0	0
1,425	1,450	91	0	0	0	0	0	0	0	0	0
1,450	1,475	94	0	0	0	0	0	0	0	0	0
1,475	1,500	98	0	0	0	0	0	0	0	0	0
1,500	1,525	102	2	0	0	0	0	0	0	0	0
1,525	1,550	106	5	0	0	0	0	0	0	0	0
1,550	1,575	109	9	0	0	0	0	0	0	0	0
1,575	1,600	113	12	0	0	0	0	0	0	0	0

"TABLE 5—MARRIED PERSONS FILING SEPARATE RETURNS—Coninued

"LOW INCOME ALLOWANCE—Continued

If adjusted gross income is—		And the number of exemptions is—									
At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$1,600	$1,625	$117	$16	$0	$0	$0	$0	$0	$0	$0	$0
1,625	1,650	121	19	0	0	0	0	0	0	0	0
1,650	1,675	124	23	0	0	0	0	0	0	0	0
1,675	1,700	128	26	0	0	0	0	0	0	0	0
1,700	1,725	132	30	0	0	0	0	0	0	0	0
1,725	1,750	136	33	0	0	0	0	0	0	0	0
1,750	1,775	139	37	0	0	0	0	0	0	0	0
1,775	1,800	143	40	0	0	0	0	0	0	0	0
1,800	1,825	147	44	0	0	0	0	0	0	0	0
1,825	1,850	151	47	0	0	0	0	0	0	0	0
1,850	1,875	155	51	0	0	0	0	0	0	0	0
1,875	1,900	159	54	0	0	0	0	0	0	0	0
1,900	1,925	163	58	0	0	0	0	0	0	0	0
1,925	1,950	167	61	0	0	0	0	0	0	0	0
1,950	1,975	171	65	0	0	0	0	0	0	0	0
1,975	2,000	175	68	0	0	0	0	0	0	0	0
2,000	2,025	179	72	0	0	0	0	0	0	0	0
2,025	2,050	183	76	0	0	0	0	0	0	0	0
2,050	2,075	187	79	0	0	0	0	0	0	0	0
2,075	2,100	191	83	0	0	0	0	0	0	0	0
2,100	2,125	195	87	0	0	0	0	0	0	0	0
2,125	2,150	199	91	0	0	0	0	0	0	0	0
2,150	2,175	203	94	0	0	0	0	0	0	0	0
2,175	2,200	207	98	0	0	0	0	0	0	0	0
2,200	2,225	211	102	2	0	0	0	0	0	0	0
2,225	2,250	215	106	5	0	0	0	0	0	0	0
2,250	2,275	219	109	9	0	0	0	0	0	0	0
2,275	2,300	223	113	12	0	0	0	0	0	0	0
2,300	2,325	227	117	16	0	0	0	0	0	0	0
2,325	2,350	231	121	19	0	0	0	0	0	0	0
2,350	2,375	236	124	23	0	0	0	0	0	0	0
2,375	2,400	240	128	26	0	0	0	0	0	0	0
2,400	2,425	244	132	30	0	0	0	0	0	0	0
2,425	2,450	248	136	33	0	0	0	0	0	0	0
2,450	2,475	253	139	37	0	0	0	0	0	0	0
2,475	2,500	257	143	40	0	0	0	0	0	0	0
2,500	2,525	261	147	44	0	0	0	0	0	0	0
2,525	2,550	265	151	47	0	0	0	0	0	0	0
2,550	2,575	270	155	51	0	0	0	0	0	0	0
2,575	2,600	274	159	54	0	0	0	0	0	0	0
2,600	2,625	278	163	58	0	0	0	0	0	0	0
2,625	2,650	282	167	61	0	0	0	0	0	0	0
2,650	2,675	287	171	65	0	0	0	0	0	0	0
2,675	2,700	291	175	68	0	0	0	0	0	0	0
2,700	2,725	295	179	72	0	0	0	0	0	0	0
2,725	2,750	299	183	76	0	0	0	0	0	0	0
2,750	2,775	304	187	79	0	0	0	0	0	0	0
2,775	2,800	308	191	83	0	0	0	0	0	0	0
2,800	2,825	312	195	87	0	0	0	0	0	0	0
2,825	2,850	317	199	91	0	0	0	0	0	0	0
2,850	2,875	322	203	94	0	0	0	0	0	0	0
2,875	2,900	327	207	98	0	0	0	0	0	0	0
2,900	2,925	331	211	102	2	0	0	0	0	0	0
2,925	2,950	336	215	106	5	0	0	0	0	0	0
2,950	2,975	341	219	109	9	0	0	0	0	0	0
2,975	3,000	346	223	113	12	0	0	0	0	0	0
3,000	3,050	353	229	119	18	0	0	0	0	0	0

"TABLE 5—MARRIED PERSONS FILING SEPARATE RETURNS—Coninued

"LOW INCOME ALLOWANCE—Continued

At least	But less than	1	2	3	4	5	6	7	8	9	10 or more
		The tax is—									
$3,050	$3,100	$362	$238	$126	$25	$0	$0	$0	$0	$0	$0
3,100	3,150	372	246	134	32	0	0	0	0	0	0
3,150	3,200	381	255	141	39	0	0	0	0	0	0
3,200	3,250	391	263	149	46	0	0	0	0	0	0
3,250	3,300	400	272	157	53	0	0	0	0	0	0
3,300	3,350	410	280	165	60	0	0	0	0	0	0
3,350	3,400	419	289	173	67	0	0	0	0	0	0
3,400	3,450	429	297	181	74	0	0	0	0	0	0
3,450	3,500	438	306	189	81	0	0	0	0	0	0
3,500	3,550	448	315	197	89	4	0	0	0	0	0
3,550	3,600	457	324	205	96	11	0	0	0	0	0
3,600	3,650	467	334	213	104	18	0	0	0	0	0
3,650	3,700	476	343	221	111	25	0	0	0	0	0
3,700	3,750	486	353	229	119	32	0	0	0	0	0
3,750	3,800	495	362	238	126	39	0	0	0	0	0
3,800	3,850	505	372	246	134	46	0	0	0	0	0
3,850	3,900	514	381	255	141	53	0	0	0	0	0
3,900	3,950	524	391	263	149	60	0	0	0	0	0
3,950	4,000	533	400	272	157	67	0	0	0	0	0
4,000	4,050	543	410	280	165	74	0	0	0	0	0
4,050	4,100	552	419	289	173	81	0	0	0	0	0
4,100	4,150	562	429	297	181	89	4	0	0	0	0
4,150	4,200	571	438	306	189	96	11	0	0	0	0
4,200	4,250	581	448	315	197	104	18	0	0	0	0
4,250	4,300	590	457	324	205	111	25	0	0	0	0
4,300	4,350	600	467	334	213	119	32	0	0	0	0
4,350	4,400	609	476	343	221	126	39	0	0	0	0
4,400	4,450	619	486	353	229	134	46	0	0	0	0
4,450	4,500	628	495	362	238	141	53	0	0	0	0
4,500	4,550	638	505	372	246	149	60	0	0	0	0
4,550	4,600	647	514	381	255	157	67	0	0	0	0
4,600	4,650	657	524	391	263	165	74	0	0	0	0
4,650	4,700	666	533	400	272	173	81	0	0	0	0
4,700	4,750	676	543	410	280	181	89	4	0	0	0
4,750	4,800	685	552	419	289	189	96	11	0	0	0
4,800	4,850	696	562	429	297	197	104	18	0	0	0
4,850	4,900	707	571	438	306	205	111	25	0	0	0
4,900	4,950	718	581	448	315	213	119	32	0	0	0
4,950	5,000	729	590	457	324	221	126	39	0	0	0
5,000	5,050	740	600	467	334	229	134	46	0	0	0
5,050	5,100	751	609	476	343	238	141	53	0	0	0
5,100	5,150	762	619	486	353	246	149	60	0	0	0
5,150	5,200	773	628	495	362	255	157	67	0	0	0
5,200	5,250	784	638	505	372	263	165	74	0	0	0
5,250	5,300	795	647	514	381	272	173	81	0	0	0
5,300	5,350	806	657	524	391	280	181	89	4	0	0
5,350	5,400	817	666	533	400	289	189	96	11	0	0
5,400	5,450	828	676	543	410	297	197	104	18	0	0
5,450	5,500	839	685	552	419	306	205	111	25	0	0
5,500	5,550	850	696	562	429	315	213	119	32	0	0
5,550	5,600	861	707	571	438	324	221	126	39	0	0
5,600	5,650	872	718	581	448	334	229	134	46	0	0
5,650	5,700	883	729	590	457	343	238	141	53	0	0
5,700	5,750	894	740	600	467	353	246	149	60	0	0
5,750	5,800	905	751	609	476	362	255	157	67	0	0
5,800	5,850	916	762	619	486	372	263	165	74	0	0
5,850	5,900	927	773	628	495	381	272	173	81	0	0
5,900	5,950	938	784	638	505	391	280	181	89	4	0
5,950	6,000	949	795	647	514	400	289	189	96	11	0
6,000	6,050	960	806	657	524	410	297	197	104	18	0
6,050	6,100	971	817	666	533	419	306	205	111	25	0

(2) HUSBAND OR WIFE FILING SEPARATE RETURN.—Section 4(c) is amended to read as follows:

"(c) HUSBAND OR WIFE FILING SEPEARATE RETURN.—

"(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be the lesser of the tax shown in Table IV or Table V of section 3.

"(3) Table V of section 3 shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in Table V of section 3 in lieu of the tax shown in Table IV of section 3. For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"(4) For purposes of this subsection, determination of marital status shall be made under section 143."

(3) CONFORMING AMENDMENT.—Section 144 is amended by striking out "$5,000" each place it appears therein and inserting in lieu thereof "$6,100".

(4) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 is amended by striking out "$5,000" in the item relating to section 3 and inserting in lieu thereof "$6,100".

(c) TAX NOT COMPUTED BY TAXPAYER.—

(1) The first sentence of section 6014(a) (relating to election by taxpayer) is amended by striking out "less than $5,000" and inserting in lieu thereof "less than $6,100". The last sentence of section 6014(a) is repealed.

(2) Section 6014(b) (relating to regulations) is amended—

(A) by striking out "$5,000 or more but not more than $5,200" at the end of the first sentence and inserting in lieu thereof "$6,100 or more", and

(B) by inserting after the first sentence the following: "Such regulations may provide that the credit provided for by section 37 shall be allowed in determining the amount payable and that the Secretary or his delegate shall compute the tax with regard to a taxpayer's status as a head of household or as a surviving spouse in the case of a head of household (as defined in section 1(b)) or a surviving spouse (as defined in section 2(b)) electing the benefits of subsection (a)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 7. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

(a) PERCENTAGE METHOD.—Section 3402(a) (relating to requirement of withholding) is amended—

(1) by striking out "exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b)(1)" and inserting in lieu thereof "exceed the sum of (i) the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b)(1)(A), and (ii), with respect to wages paid after December 31, 1969, the amount of the additional low income allowance determined in accordance with subsection (b)(1)(B)";

(2) by striking out "June 30, 1969" in paragraph (1) and inserting in lieu thereof "June 30, 1970";

(3) by striking out "July 1, 1969" in paragraph (2) and inserting in lieu thereof "January 1, 1970"; and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) In the case of wages paid after December 31, 1969, and before July 1, 1970:

"Table 1—If the payroll period with respect to employee is WEEKLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	$0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $23	$1.26, plus 15% of excess over $13.
Over $23 but not over $85	$2.76, plus 18% of excess over $23.
Over $85 but not over $169	$13.92, plus 21% of excess over $85.
Over $169 but not over $212	$31.56, plus 26% of excess over $169.
Over $212	$42.74, plus 31% of excess over $212.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	$0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $58	$266, plus 15% of excess over $23.
Over $58 but not over $169	$7.91, plus 18% of excess over $58.
Over $169 but not over $340	$27.89, plus 21% of excess over $169.
Over $340 but not over $423	$63.80, plus 26% of excess over $340.
Over $423	$85.38, plus 31% of excess over $423.

"Table 2—If the payroll period with respect to an employee is BIWEEKLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66, plus 15% of excess over $27.
Over $46 but not over $169	$5.51, plus 18% of excess over $46.
Over $169 but not over $338	$27.65, plus 21% of excess over $169.
Over $338 but not over $423	$63.14, plus 26% of excess over $338.
Over $423	$85.24, plus 31% of excess over $423.

"(b) Married Person:

"If the amount of wage is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $115	$5.32, plus 15% of excess over $46.
Over $115 but not over $338	$15.67, plus 18% of excess over $115.

"Table 2—Continued

"(b) Married Person (continued):

Over $338 but not over $681	$55.81, plus 21% of excess over $338.
Over $681 but not over $846	$127.84, plus 26% of excess over $681.
Over $846	$170.74, plus 31% of excess over $846.

"Table 3—If the payroll period with respect to an employee is SEMIMONTHLY

"(a) Single Person Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94, plus 15% of excess over $29.
Over $50 but not over $183	$6.09, plus 18% of excess over $50.
Over $183 but not over $367	$30.03, plus 21% of excess over $183.
Over $367 but not over $458	$68.67, plus 26% of excess over $367.
Over $458	$92.33, plus 31% of excess over $458.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	$0.
Over $8 but not over $50	14% of excess over $8.
Over $50 but not over $125	$5.88, plus 15% of excess over $50.
Over $125 but not over $367	$17.13, plus 18% of excess over $125.
Over $367 but not over $738	$60.69, plus 21% of excess over $367.
Over $738 but not over $917	$138.60, plus 26% of excess over $738.
Over $917	$185.14, plus 31% of excess over $917.

"Table 4—If the payroll period with respect to an employee is MONTHLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	$0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74, plus 15% of excess over $58.
Over $100 but not over $367	$12.04, plus 18% of excess over $100.
Over $367 but not over $733	$60.10, plus 21% of excess over $367.
Over $733 but not over $917	$136.96, plus 26% of excess over $733.
Over $917	$184.80, plus 31% of excess over $917.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:

"Table 4—Continued

(b) Married Person (continued):

Not over $17	$0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $250	$11.62, plus 15% of excess over $100.
Over $250 but not over $733	$34.12, plus 18% of excess over $250.
Over $733 but not over $1,475	$121.06, plus 21% of excess over $733.
Over $1,475 but not over $1,833	$276.88, plus 26% of excess over $1,475.
Over $1,833	$369.96, plus 31% of excess over $1,833.

"Table 5—If the payroll period with respect to an employee is QUARTERLY

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	$0.
Over $50 but not over $175	14% of excess over $50.
Over $175 but not over $300	$17.50, plus 15% of excess over $175.
Over $300 but not over $1,100	$36.25, plus 18% of excess over $300.
Over $1,100 but not over $2,200	$180.25, plus 21% of excess over $1,100.
Over $2,200 but not over $2,750	$411.25, plus 26% of excess over $2,200.
Over $2,750	$554.25, plus 31% of excess over $2,750.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	$0.
Over $50 but not over $300	14% of excess over $50.
Over $300 but not over $750	$35, plus 15% of excess over $300.
Over $750 but not over $2,200	$102.50, plus 18% of excess over $750.
Over $2,200 but not over $4,425	$363.50, plus 21% of excess over $2,200.
Over $4,425 but not over $5,500	$830.75, plus 26% of excess over $4,425.
Over $5,500	$1,110.25, plus 31% of excess over $5,500.

"Table 6—If the payroll period with respect to an employee is SEMIANNUAL

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	$0.
Over $100 but not over $350	14% of excess over $100.
Over $350 but not over $600	$35, plus 15% of excess over $350.
Over $600 but not over $2,200	$72.50, plus 18% of excess over $600.
Over $2,200 but not over $4,400	$360.50, plus 21% of excess over $2,200.

"Table 6—Continued

(a) Single Person (continued):

Over $4,400 but not over $5,500	$822.50, plus 26% of excess over $4,400.
Over $5,500	$1,108.50, plus 31% of excess over $5,500.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	$0.
Over $100 but not over $600	14% of excess over $100.
Over $600 but not over $1,500	$70, plus 15% of excess over $600.
Over $1,500 but not over $4,400	$205, plus 18% of excess over $1,500.
Over $4,400 but not over $8,850	$727, plus 21% of excess over $4,400.
Over $8,850 but not over $11,000	$1,661.50, plus 26% of excess over $8,850.
Over $11,000	$2,220.50, plus 31% of excess over $11,000.

"Table 7—If the payroll period with respect to an employee is ANNUAL

"(a) Single Person—Including Head of Household:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	$0.
Over $200 but not over $700	14% of excess over $200.
Over $700 but not over $1,200	$70, plus 15% of excess over $700.
Over $1,200 but not over $4,400	$145, plus 18% of excess over $1,200.
Over $4,400 but not over $8,800	$721, plus 21% of excess over $4,400.
Over $8,800 but not over $11,000	$1,645, plus 26% of excess over $8,800.
Over $11,000	$2,217, plus 31% of excess over $11,000.

"(b) Married Person:

"If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	$0.
Over $200 but not over $1,200	14% of excess over $200.
Over $1,200 but not over $3,000	$140, plus 15% of excess over $1,200.
Over $3,000 but not over $8,800	$410, plus 18% of excess over $3,000.
Over $8,800 but not over $17,700	$1,454, plus 21% of excess over $8,800.
Over $17,700 but not over $22,000	$3,323, plus 26% of excess over $17,700.
Over $22,000	$4,441, plus 31% of excess over $22,000.

"Table 8—If the payroll period with respect to an employee is a DAILY payroll or a MISCELLANEOUS PERIOD

"(a) Single Person—Including Head of Household:

"If the amount of wages, divided by the number of days in the payroll period, is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	$0.
Over $0.50 but not over $1.90	14% of excess over $0.50.
Over $1.90 but not over $3.30	$0.20, plus 15% of excess over $1.90.
Over $3.30 but not over $12.10	$0.41, plus 18% of excess over $3.30.
Over $12.10 but not over $24.10	$1.99, plus 21% of excess over $12.10
Over $24.10 but not over $30.10	$4.51, plus 26% of excess over $24.10.
Over $30.10	$6.07, plus 31% of excess over $30.10.

"(b) Married Person:

"If the amount of wages, divided by the number of days in the payroll period, is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	$0.
Over $0.50 but not over $3.30	14% of excess over $0.50.
Over $3.30 but not over $8.20	$0.39, plus 15% of excess over $3.30.
Over $8.20 but not over $24.10	$1.13, plus 18% of excess over $8.20.
Over $24.10 but not over $48.50	$3.99, plus 21% of excess over $24.10.
Over $48.50 but not over $60.30	$9.11, plus 26% of excess over $48.50.
Over $60.30	$12.18, plus 31% of excess over 60.30."

(b) ADDITIONAL LOW INCOME ALLOWANCE.—Section 3402(b)(1) (relating to percentage method of withholding) is amended by inserting "(A)" after "(1)" and by adding at the end thereof the following new subparagraph:

"(B) The additional low income allowance referred to in subsection (a) is the amount shown in column 1 of the following table—

"(i) increased by an amount equal to the number of exemptions claimed multiplied by the amount shown in column 2 of the following table, and

"(ii) reduced (but not below zero) by one-half of the wages (as defined in section 3401(a)) for the payroll period.

"Payroll period	Additional low income allowance	
	Col. 1	Col. 2
Weekly	$27.90	$3.80
Biweekly	55.80	7.70
Semimonthly	60.40	8.30
Monthly	120.80	16.70
Quarterly	362.50	50.00
Semiannual	725.00	100.00
Annual	1,450.00	200.00
Daily or miscellaneous (per day of such period)	4.00	.55'

(c) WAGE BRACKET WITHHOLDING.—Section 3402(c) (relating to wage bracket withholding) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) WAGE BRACKET WITHHOLDING.—At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary or his delegate. The tables so prescribed shall be the same as the tables contained in this subsection as in effect before June 1, 1969, except the amounts set forth as amounts and rates of tax to be deducted and withheld shall be computed on the basis of table 7 contained in paragraph (1), (2), or (3) (whichever is applicable) of subsection (a) and of the additional low income allowance provided in subsection (b)(1)(B)."; and

(2) by striking out paragraph (6).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall apply with respect to wages paid after June 30, 1969. The amendments made by subsection (b) shall apply with respect to wages paid after December 31, 1969.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. BOGGS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONAGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHAMBERLAIN

Mr. CHAMBERLAIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CHAMBERLAIN. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CHAMBERLAIN moves to recommit the bill (H.R. 12290) to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

On page 6, strike out line 1 and all that follows through line 21, and insert:

"SEC. 3. CONTINUATION OF EXCISE TAXES ON COMMUNICATIONS SERVICES.

On page 6, line 22 and on page 7, lines 4 and 8, strike out "(1)", "(2)", and "(3)", and insert in lieu thereof "(a)", "(b)", and "(c)", respectively.

Mr. BOGGS. Mr. Speaker. I move the previous question on the motion to recommit.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. VANIK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VANIK. Mr. Speaker, my question is, Does this language in the motion to recommit strike the excise taxes on automobiles?

Mr. GERALD R. FORD. Mr. Speaker, the answer is in the affirmative.

Mr. VANIK. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I certainly urge defeat of the motion to recommit.

The SPEAKER. Does the gentleman wish an answer to the parliamentary inquiry?

Mr. VANIK. Mr. Speaker, I have the information I seek.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. VANIK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 205, answered "present" 2, not voting 15, as follows:

[Roll No. 97]

YEAS—210

Albert	Dennis	McDade
Alexander	Derwinski	McDonald, Mich.
Anderson, Ill.	Devine	McEwen
Annunzio	Dickinson	McKneally
Arends	Dorn	MacGregor
Ashley	Downing	Mahon
Aspinall	Duncan	Mailliard
Ayres	Dwyer	Mann
Beall, Md.	Edwards, Ala.	Marsh
Belcher	Erlenborn	Martin
Bell, Calif.	Esch	Mathias
Berry	Eshleman	May
Betts	Fallon	Mayne
Biester	Fascell	Miller, Ohio
Blackburn	Findley	Mills
Boggs	Fish	Minshall
Bolling	Fisher	Mize
Bow	Foley	Mizell
Bray	Ford, Gerald R.	Monagan
Brock	Frelinghuysen	Moorhead
Brooks	Frey	Morse
Broomfield	Friedel	Morton
Brotzman	Goldwater	Mosher
Brown, Mich.	Grover	Murphy, Ill.
Brown, Ohio	Gubser	Murphy, N.Y.
Broyhill, N.C.	Gude	Myers
Broyhill, Va.	Hall	Nelsen
Buchanan	Halpern	Patman
Burke, Mass.	Hamilton	Pelly
Burleson, Tex.	Hammer-schmidt	Pepper
Burton, Utah	Hansen, Idaho	Pettis
Bush	Harsha	Pickle
Byrnes, Wis.	Harvey	Pike
Cabell	Hastings	Poage
Camp	Heckler, Mass.	Poff
Carter	Hogan	Pollock
Casey	Hosmer	Preyer, N.C.
Cederberg	Hutchinson	Price, Tex.
Clausen, Don H.	Johnson, Pa.	Pryor, Ark.
Cleveland	Jonas	Purcell
Collier	Jones, Ala.	Quie
Collins	Keith	Quillen
Colmer	King	Railsback
Conable	Kleppe	Reid, Ill.
Conte	Kluczynski	Reid, N.Y.
Corbett	Kuykendall	Reifel
Coughlin	Landgrebe	Rhodes
Cramer	Langen	Rivers
Cunningham	Latta	Robison
Daddario	Lloyd	Rogers, Fla.
Davis, Wis.	Lukens	Ronan
Dawson	McClory	Rooney, Pa.
de la Garza	McCloskey	Rostenkowski
Dellenback	McClure	Roth
Denney	McCulloch	Ruppe
Ruth	Steiger, Ariz.	Watts
Sandman	Steiger, Wis.	Whalen
Satterfield	Stratton	Whalley
Schneebeli	Taft	Whitehurst
Schwengel	Talcott	Widnall
Sebelius	Teague, Calif.	Wiggins
Shriver	Teague, Tex.	Williams
Sikes	Thompson, Ga.	Wilson, Bob
Skubitz	Thomson, Wis.	Winn
Smith, Calif.	Udall	Wold
Smith, N.Y.	Utt	Wright
Springer	Vander Jagt	Wyatt
Stafford	Wampler	Wylie
Stanton	Watkins	Wyman
Steed	Watson	Young

NAYS—205

Abbitt	Fulton, Tenn.	Moss
Abernethy	Fuqua	Natcher
Adair	Galifianakis	Nedzi
Adams	Garmatz	Nichols
Addabbo	Gaydos	Nix
Anderson, Calif.	Gettys	Obey
	Giaimo	O'Hara
Anderson, Tenn.	Gibbons	Olsen
	Gilbert	O'Neal, Ga.
Andrews, Ala.	Gonzalez	Ottinger
Andrews, N Dak.	Gray	Passman
	Green, Oreg.	Patten
Ashbrook	Green, Pa.	Perkins
Baring	Griffin	Philbin
Barrett	Griffiths	Podell
Bennett	Gross	Price, Ill.
Bevill	Hagan	Pucinski
Biaggi	Haley	Randall
Bingham	Hanley	Rarick
Blanton	Hanna	Rees
Blatnik	Hansen, Wash.	Reuss
Boland	Hathaway	Riegle
Brademas	Hawkins	Roberts
Brasco	Hays	Rodino
Brinkley	Hechler, W. Va.	Rogers, Colo.
Brown, Calif.	Helstoski	Rooney, N.Y.
Burke, Fla.	Henderson	Rosenthal
Burlison, Mo.	Hicks	Roudebush
Burton, Calif.	Holifield	Roybal
Button	Horton	Ryan
Byrne, Pa.	Howard	St Germain
Caffery	Hull	St. Onge
Carey	Hungate	Saylor
Celler	Hunt	Schadeberg
Chappell	Ichord	Scherle
Chisholm	Jacobs	Scheuer
Clancy	Jarman	Scott
Clark	Joelson	Shipley
Clay	Johnson, Calif.	Sisk
Cohelan	Jones, N.C.	Slack
Conyers	Jones, Tenn.	Smith, Iowa
Corman	Karth	Snyder
Cowger	Kastenmeier	Staggers
Culver	Kazen	Stokes
Daniel, Va.	Kee	Stubblefield
Daniels, N.J.	Koch	Stuckey
Davis, Ga.	Kyl	Sullivan
Delaney	Kyros	Symington
Dent	Landrum	Taylor
Diggs	Leggett	Tiernan
Dingell	Long, La.	Tunney
Donohue	Long, Md.	Ullman
Dowdy	Lowenstein	Van Deerlin
Dulski	McCarthy	Vanik
Eckhardt	McFall	Vigorito
Edmondson	McMillan	Waggonner
Edwards, Calif.	Macdonald, Mass.	Waldie
Edwards, La.		Weicker
Eilberg	Madden	White
Evans, Colo.	Matsunaga	Whitten
Farbstein	Meeds	Wilson, Charles H.
Feighan	Melcher	
Flood	Meskill	Wolff
Flowers	Michel	Wydler
Flynt	Mikva	Yates
Ford, William D.	Miller, Calif.	Yatron
	Minish	Zablocki
Foreman	Mink	Zion
Fountain	Mollohan	Zwach
Fraser	Montgomery	
Fulton, Pa.	Morgan	

ANSWERED "PRESENT"—2

Chamberlain Clawson, Del

NOT VOTING—15

Cahill	Kirwan	O'Neill, Mass.
Evins, Tenn.	Lennon	Pirnie
Gallagher	Lipscomb	Powell
Goodling	Lujan	Stephens
Hébert	O'Konski	Thompson, N.J.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Thompson of New Jersey against.

Mr. Evins of Tennessee for, with Mr Lennon against.
Mr. Lipscomb for, with Mr. Del Clawson against.
Mr. Pirnie for, with Mr. Chamberlain against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Cahill.
Mr. Gallagher with Mr. Lujan.
Mr. Kirwan with Mr. Goodling.
Mr. Stephens with Mr. O'Konski.

Mr. DUNCAN and Mr. WATKINS changed their votes from "nay" to "yea."

Mr. CHAMBERLAIN. Mr. Speaker, I have a live pair with the gentleman from New York (Mr. PIRNIE). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. DEL CLAWSON. Mr. Speaker, I have a live pair with the gentleman from California (Mr. LIPSCOMB). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8644) entitled "An act to make permanent the existing temporary suspension of duty on crude chicory roots."

THE MILITARY-INDUSTRIAL COMPLEX

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, our Nation has recently become aware of the enormous influence of the military-industrial complex. Several weekly magazines, such as Time and Newsweek, have chosen to feature this conflict on their front covers.

As one of those who firmly believes in the civilian review of our Armed Forces, I welcome the recent feature of Parade magazine as another sign of public responsiveness to this most vital issue.

It is more than fitting that the Congressman from New York, RICHARD D. MCCARTHY, should be featured on the cover of this magazine. Congressman MCCARTHY has courageously pursued this fight in spite of criticism from the military as well as from Members from this great body.

Congressman MCCARTHY was originally alone in his fight, but through his efforts many Americans are now aware of this problem.

The Congressman from New York has indeed performed a service for the entire Nation by pursuing these investigations of the military's chemical and biological warfare practices.

So that all of our colleagues can have this article available, I would like to enter it into the RECORD:

CHEMICAL-BIOLOGICAL WARFARE—CBW—WHAT YOU SHOULD KNOW ABOUT IT

(By Derek Norcross)

WASHINGTON, D.C.—One evening several months ago Congressman Richard McCarthy, 42, a Democrat from Buffalo, N.Y., was sitting with his attractive, honey-blonde wife Gail in the living room of their suburban Maryland home.

They had just succeeded in putting to bed the last of their five children and were intently watching an NBC television program on chemical and biological warfare.

Gail McCarthy was horrified to learn that the U.S. was manufacturing poison gas and breeding germs that could annihilate entire populations.

After the program, Gail fixed her husband with an accusative look and said, "You're a Congressman. What do *you* know about all this?"

"Nothing," admitted McCarthy, a five-year veteran of Capitol Hill. "But I'll see what I can find out."

Next morning Dick McCarthy phoned two colleagues from New York—Reps. Otis Pike and Samuel Stratton, both members of the House Armed Services Committee—but they, too, admitted somewhat sheepishly that they didn't know very much about CBW (the official terminology for Chemical and Biological Warfare). They suggested that he check with the Army.

"I pursued the matter," McCarthy says, "because I represent half a million Americans, and I believe they're entitled to know how the Army is spending their money, what the Army is developing in the way of new weapons, especially germs and gas."

Nowhere in the annual posture statement by the Secretary of Defense is CBW mentioned. Pentagon policy, in recent years, has been one largely of silence and secrecy.

Last summer, however, University of Colorado scientists complained that hundreds of tanks, filled with enough nerve gas to destroy the world, were stored dangerously above ground at the Rocky Mountain Arsenal near Denver. Supported by Denverites and their Congressman, they pressured the Army into moving the tanks. Most of the gas was shipped to Utah, whose Rep. Sherman Lloyd is "personally satisfied" that whatever dangers there may be are "remote dangers."

In October the CBS network telecast a two-parter on chemical and biological warfare. NBC then followed with a similar program. In April, *The New York Times*, reported that the U.S. was spending hundreds of millions of dollars annually on the chemical and biological weapons program and keeping it a closely guarded secret.

CHANGING PUBLIC'S MINDS

In response to the public's growing concern with CBW—the concern is particularly evident on university campuses—the Pentagon has embarked on carefully arranged disclosures designed to curb potential anti-CBW feeling.

"We're in the process of changing the public's mind," one Pentagon spokesman informed a reporter. "We're trying to acculturate the public to deal with reality. This is government's responsibility."

In line with this new policy the Army responded to McCarthy's inquiry by arranging for Brig Gen. James A. Hebbeler, chief of CBW operations, to speak with interested Congressmen. On March 4th, Gen. Hebbeler briefed 19 members of the House.

"Frankly," says McCarthy, who served with the Navy in World War II and with the Army in the Korean War. "I didn't find the briefing very helpful. It didn't answer the questions of public policy."

McCarthy thereupon sent a list of questions to Secretary of Defense Melvin Laird, Secretary of State William Rogers, Director of the Arms Control and Disarmament Agency Gerard Smith, Ambassador to the UN Charles Yost, and Dr. Henry Kissinger, Presidential Assistant for National Security Affairs.

He then made a speech about CBW on the floor of the House.

"I believe," he states, "that chemical and biological warfare activities are shrouded in unnecessary secrecy. I get the impression that the security curtain is parted only when it serves the advocates of the programs. I found the replies to my letters heartening in some respects but deeply disturbing in most others."

First, it is important to know that "the U.S. is not a party to any treaty now in force, that prohibits or restricts the use in warfare of toxic or non-toxic gases, or smoke or incendiary materials or of bacteriological warfare."

In 1925 at a Geneva Disarmament Conference we suggested that the nations of the world join us in signing the Geneva Protocol outlawing the use in war of poison gas and death-dealing bacteria.

Most Americans, however, don't realize that the U.S., because of Senate obstruction, never signed the treaty. Nevertheless, American Presidents have repeatedly declared that the U.S. would not be the first to use poison gas and bacteriological warheads.

There is controversy over the use of various non-lethal gases in Vietnam such as CS, a powerful tear gas; CN, a milder tear gas, and DM, an irritant known as Adamsite gas. Some contend these are no more dangerous than the tear gases used for mob control and to rout out criminals by American police.

Soviet Russia, China, France, Germany, Great Britain—all signed and ratified the Geneva Protocol of 1925. By signing the treaty, however, none of these nations abdicated its right to establish research and development programs.

PENTAGON EXPLAINS

Pentagon spokesmen point out that the military has the mission of protecting the U.S. against chemical and germ warfare. In order to develop antidotes to these lethal gases, the spokesmen said, they must keep up with Russians in researching CBW. They also claim there's nothing sinister in the secrecy, that CBW preparations are no more classified than nuclear and other military developments.

There is no doubt that Russia and China are both well equipped with CBW arsenals, although each country has declared it will never use such weapons offensively.

As for the U.S.—information is hard to come by. Reportedly the Pentagon has entered into CBW research arrangements with at least 40 universities in this country as well as with universities and laboratories in West Germany, Great Britain, Japan, and Belgium.

The London Times reported recently that the Pentagon had established 27 contracts with universities in Japan.

Le Tribune des Nations in France claimed that the Pentagon is working closely with German scientists in secret laboratories at Marburg, Oberpfaffenhofen and Hamburg.

The U.S. has a joint research agreement with Canada and Great Britain on the testing of poisonous gas and deadly bacteria,

supposedly in the vicinity of Suffield, Canada.

Our Army is known to be field-testing CBW agents in Panama, Hawaii, Greenland and Alaska. Chemical defoliation agents are field-tested in Thailand before use in South Vietnam.

Seymour Hersh, a former Pentagon reporter for the Associated Press, provides an up-to-date report on CBW installations in the U.S. in his book, *Chemical and Biological Warfare: America's Hidden Arsenal.*

The major CBW bases in the U.S. are:

Ft. Detrick, Md. Located 50 miles northwest of Washington, D.C., this base is headquarters for the nation's biological war research program. The fort was set up here during World War II, cultivated brucellosis bacteria which causes undulant fever in man, gradually expanded to the point where it now reportedly employs some 500 researchers who experiment with viruses and various bacteria on animals. A large share of the nation's military experimentation on anti-crop agents and defoliants is conducted in a corner of the base where, behind high-wire fences, groups of scientists work industriously in a cluster of greenhouses.

Pine Bluff, Ark. Opened in 1942, the base serves as packager and producer of smoke bombs, incendiary munitions, and riot-control agents. It is also the main center for the massive production and processing of biological agents. Germs are brewed, then loaded into bombs, shells, and other munitions, then stored in more than 250 earth-covered vaults called "igloos." A few of these germs which are developed through mutations could wipe out the population over a wide area if they ever got loose. Yet there have been more than 720 accidents at Pine Bluff, at least half of them involving infectious organisms.

Dugway Proving Ground, Utah. This base serves as a testing ground for nerve gas, other gases, many CBW agents. In March 1968, 6000 sheep perished on ranges near the Dugway test area. Until last month, the Army had never admitted that its nerve gas killed the animals, though it had paid hundreds of thousands of dollars in claims.

Edgewood Arsenal, Md. Oldest of the CBW bases, it dates back to World War I. Formerly used for the production of gas munitions, it changed over to a research and development center after World War II. Its scientists performed outstanding work on a German-developed nerve gas called Sarin, but are now hard at work on a variety of chemical weapons. These, according to *The Detroit News,* are "tested on mice, animals and eventually human volunteers." Edgewood is now the final inspection center for all chemicals and chemical weapons, including such psycho-chemical incapacitants as LSD and others of similar nature.

Rocky Mountain Arsenal. This 17,750-acre base ten miles from Denver served as the main production facility for Sarin until 1957, when production was halted. The arsenal stays busy, however, filing rockets and bombs with the deadly nerve gas.

Newport Chemical Plant, Ind. This installation in peaceful farm country on the western edge of Indiana near Danville, Ill., is the Army's main production plant for VX, an imported nerve gas more effective than Sarin.

How much do these installations cost the American taxpayer? The Pentagon says $350 million for fiscal year 1969; Congressional sources indicate the figure is closer to $700 million.

A few questions posed by Sen. Gaylord Nelson (D., Wis.):

1. What are the official policies for the use of CBW weapons in the event that they are used by a foreign aggressor against us?
2. Who makes the decision to deploy anthrax, the plague, or a lethal nerve gas?
3. What are the ground rules?
4. What have they been in the case of Vietnam?
5. What are the deterrent factors in a program of chemical and biological preparedness?
6. How do we militarily defend against a CBW attack?
7. If the purpose of our preparedness is to prevent surprise, what specific steps have been taken to detect a surprise?
8. What commitments have we taken toward a resolution of the chemical and biological arms race?

At the start of World War II, President Franklin D. Roosevelt delineated the American policy on chemical and biological warfare.

"Use of such weapons," he declared, "has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope we will never be compelled to use them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies."

During World War II, in preparation for a possible threat by Nazi Germany, the U.S. began a research program on biological agents. In the atmosphere of the Cold War that followed, CBW research and stockpiling were accelerated.

In 1967 Cyrus Vance, then Assistant Secretary of Defense, told the Senate Foreign Relations Committee: "As long as other nations such as the Soviet Union maintain large chemical and biological warfare programs, we believe we must maintain our defensive and retaliatory capacities."

One of Senator Nelson's vital questions, unanswered by the government, is whether CBW agents are actual deterrents.

Aren't nuclear weapons a sufficient deterrent to prevent any nation from attacking the U.S. with chemical and biological weapons? Moreover, if the U.S. maintains CBW only in "defensive and retaliatory capacities," what is the explanation for the use of gas and chemicals in Vietnam?

"Although we state that we adhere to the principles of the Geneva Protocol," says Congressman McCarthy, "we are using tear gas to help in killing the enemy in Vietnam, and we are using chemicals as an anti-food weapon and in such a way that they may well have a long-term destructive effect on the Vietnamese countryside. This latter policy seems unlikely to win the battle for the minds of the uncommitted in Vietnam.

"I ask: who is responsible for this change in our chemical and biological warfare policy? Did the President of the United States decide to use tear gas and defoliants? Did the military decide? Has Congress agreed to this change of policy? Do the American people accept this new policy as one in keeping with the principles and moral precepts of our Republic?"

A QUART OF DEATH

The truth is that the American people know precious little about chemical and biological warfare. They do not know, for example, that the gas from a single bomb at the Rocky Mountain Arsenal, the size of a quart fruit jar, could kill as one chemical warfare colonel explains, "every living thing in a cubic mile."

They do not know that between 1954 and 1962 there were more than 3300 accidents, minor and major, at Ft. Detrick. About 400 men were infected as a result. In one instance a worker caught pneumonic plague, a highly infectious disease. He also happened to work as a lifeguard at a swimming pool.

The public is woefully ignorant, and the Congress has been alarmingly negligent about CBW. Thanks to Rep. Richard McCarthy, however, and Sen. Gaylord Nelson, the Congress seems to be coming alive on the subject.

Says Nelson: "We . . . need to review the entire scope of chemical and biological warfare. What is significant is the cloak of secrecy which has surrounded our actions in CBW work. This cloak of secrecy must be removed."

If such efforts to clarify American policy on chemical and biological warfare prove successful, the nation will owe a debt of gratitude to Gail McCarthy, who said to her husband one night, "You're a Congressman. What do you know about all this?"

GENERAL HERSHEY: THE SORE LOSER

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, time and time again the question must be asked, are we a government of laws or men. Now and then someone in high public and appointive office decides that he is not required to abide by fair play or our judicial process.

One such example relates to the recent action of Lt. Gen. Lewis B. Hershey. In October 1967, the General sent a letter throughout the Selective Service System over his signature as Director which stated:

> Demonstrations, when they become illegal, have produced and will continue to produce such evidence that relates to the basis for classification. . . . A local board, upon receipt of this information, may reopen the classification of the registrant, and classify him anew. . . ."

The letter concluded:

> All elements of the Selective Service System are urged to expedite responsive classification and the processing of delinquents to the greatest possible extent consistent with sound procedure.

The intent of that letter was clear. It was to intimidate by the threat of 1–A classification those who wish to speak out, protest and demonstrate against the war in Vietnam. Again, as so often has occurred in our history the Federal courts of this country rescued us from the uncontrolled power sought to be exercised by a public official.

In June 6 of this year, the U.S. Court of Appeals ruled that apart from specific draft violations, "a registrant's protest activities are not to be considered in determining his selective service classification." The court said, "we think the deferment policy works a pronounced chilling effect on legal or protected conduct."

One would think that the general who believes so strongly in carrying out the law would immediately advise the local selective service boards that his original letter to them was now in violation of the law and should be disregarded. Instead, contemptuously, he has said that he would take no action to notify them of the appellate judgment which termed his advice illegal and possibly unconstitutional.

This obstinate refusal of General Hershey to notify local boards makes him not only a sore loser but, more important, frustrates the court's expectation that compliance with its decision would be achieved by timely notice.

Since it appears hopeless to expect General Hershey to send the appropriate notice to the local selective service boards, I will immediately notify the 56 State directors of the Selective Service System asking them to advise their local boards of the court's decision and I will

personally advise the local boards in my district. I urge my colleagues to do likewise.

THE FIVE-SIDED RIDDLE OR, THE PENTAGON—WHO IS IN CHARGE THERE?

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, the disclosures made by the gentleman from Pennsylvania (Mr. MOORHEAD) that the Pentagon has moved ahead with plans to mass produce MIRV multiple warhead missiles despite the fact that there is strong congressional sentiment against such action at this time, has added another chapter to the growing documentation of the fact that the Defense Department needs a thorough overhaul and must be brought under responsible control.

For 2 years now, bit by bit and disclosure by disclosure, it has become frighteningly clear that the Department of Defense, despite public protest and congressional disapproval, chugs along like some untended and unminded machine, gobbling up tax dollars and turning out weapons systems of questionable need and doubtful efficacy at a scandalous cost. All of this carried on under a mysterious shroud of secrecy which veils even the remotest possibility of discovering who is really running the Defense Department, how much our military hardware really costs, what pricing methods are used in determining cost, what profits to contractors are, and how many billions of dollars of taxpayers' money has been frittered away without any accountability as to by whom, to whom, and why.

Ultimately, of course, the responsibility for this serious and even dangerous situation lies right here in the Congress. We approve the authorizations and fund the appropriations for our military. We have been, in the past, all too ready to hand the military a blank check without closely questioning just what this money will be used for, whether it will be used wisely and economically, or whether these allocations are altogether necessary and in the national interest.

Let me say here again, as I have said so many times in the past, I am not one of those who seeks to discredit the reputation of the military or to undermine the authority or credibility of our armed services.

The job of the military is to inform and advise their civilian superiors as to what they feel is required to maintain our defensive strength and offensive capabilities at maximum feasible readiness and efficiency.

However, the evidence indicates that for some time, the tail has been wagging the dog in the Department of Defense—that the military has been leading, rather than following the civilian authority and control. This is a situation which is alien to our philosophy of government and the spirit and letter of the Constitution.

Mr. Speaker, though I have no new disclosures of the nature of those made by the gentleman from Pennsylvania, I am, nevertheless, compelled to make known my grave concern over the serious erosion of civilian control of the military of this Nation.

The seriousness of this situation is fully revealed in a report published just last month by the Subcommittee on Economy in Government of the Joint Economic Committee entitled, "The Economics of Military Procurement."

Mr. Speaker, if only a fraction of the material in this report were valid, and I have no doubt that it is 100 percent so, then our taxpayers are being scandalously robbed, the Congress has been misled, misinformed, and just plain lied to, and, most serious of all, our Constitution has been thwarted and is in danger of being eroded.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point, the text of the report by the Subcommittee on Economy in Government, "The Economics of Military Procurement." Because of the length of this document, I will place only a portion of it in the RECORD each day.

This is probably the most concise and definitive description of the irresponsible and unconscionable practices which day by day are taking place in the Department of Defense, and I highly commend it to the attention and consideration of my colleagues.

Mr. Speaker, I have been informed by the Subcommittee on Economy in Government that this material has not heretofore appeared in the RECORD.

A portion of the report follows:

THE ECONOMICS OF MILITARY PROCUREMENT

INTRODUCTION

Last year, fiscal year 1968, $44 billion was spent on defense procurement, equivalent to about 25 percent of the Federal budget. Total defense spending reached $80 billion. In recent years numerous instances of inefficiency, excessive profits, and mismanagement in defense contracting have been revealed by this subcommittee, other committees of Congress, and the General Accounting Office. Increasing concern over the enormous amounts spent on military procurement prompted the Subcommittee on Economy in Government of the Joint Economic Committee to hold hearings on profits and cost control in defense procurement. Testimony was received on November 11, 12, 13, and 14, 1968, and January 16, 1969.[1][2][3]

The subject matter of the hearings, economic aspects of military procurement, may be perceived as a relatively narrow set of issues. In the subcommittee's view, however, the enormous commitment of national resources to military systems makes the details and facts of procurement practices a central public policy issue. The wasteful, inefficient practices uncovered in the course of the hearings raise basic questions concerning the Defense Department's management of its own affairs. It also makes us skeptical concerning the effectiveness and care with which the Defense budget is scrutinized by pertinent agencies outside of the Pentagon. If this government is to serve the public interest, close scrutiny of these billions of dollars of expenditures must be given high priority.

In the judgment of the subcommittee, there is a pressing need to reexamine our national priorities by taking a hard look at the allocation of Federal revenues between the military and civilian budgets. Indeed, the inefficiencies described in this report, in addition to being difficult to contend with, raise questions about the very nature and size of the Department of Defense, its place within the framework of the executive branch of Government, and its relationship and responsiveness to Congress. The real needs of the Nation, military and civilian, are too important to endanger through bureaucratic arrangements in an agency which in too many instances has been unable to control costs or program results.

I. MILITARY PROCUREMENT POLICY: A PROBLEM OF UNCONTROLLED COSTS

A. There exists in the Department of Defense a set of practices and circumstances which lead to

1. Economic Inefficiency and Waste

The extensive and pervasive economic inefficiency and waste that occurs in the military procurement program has been well documented by the investigations of this subcommittee, by other committees of the House and Senate, and by the General Accounting Office. The absence of effective inventory controls and effective management practices over Government-owned property is well known. In the past, literally billions of dollars have been wasted on weapons systems that have had to be canceled because they did not work. Other systems have performed far below contract specifications. For example, one study[4] referred to in the hearings shows that of a sample of 13 major Air Force and Navy aircraft and missile programs in-

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[1] Due to the pressure of other responsibilities, Senator Symington was unable to fully participate in the hearings and other committee deliberations pertaining to this report and makes no judgment on the specific recommendations made therein.

[2] Congressman Donald Rumsfeld, Senator Len B. Jordan, and Senator Charles H. Percy, while in general agreement with this report, call attention to the fact that all the information and testimony cited in this report relate to procurement contracts in effect prior to the end of 1968. It is their belief that the irregularities and deficiencies in the procurement process reported here will encourage the new administration, which took office January 20, 1969, after the conclusion of this subcommittee's hearings, to press forward with the reforms necessary to save the American taxpayers millions of dollars while providing the defense capability necessary for peace and security.

They are encouraged that on April 30, 1969, Defense Secretary Melvin R. Laird expressed his concern over the costly C-5A transport plane and ordered the Air Force to make a thorough review of the multibillion-dollar contract. Secretary Laird said:

"I am determined to insure that full and accurate information on C-5A procurement, and all other procurement matters, is given to the Congress and to the public promptly. I also am determined to insure that past mistakes in the procurement of this transport aircraft will not be repeated."

They believe that the healthy, constructive pressures of a free enterprise system must be allowed to operate to provide a rebirth of competition in many of the sectors of the economy which provide the material needed for our national security. The leadership and stimulation needed in these areas must come from the new civilian leadership in the Department of Defense and the White House. It is their hope and belief that the new Administration will provide this leadership.

[3] Representative Barber B. Conable, Jr., states: "The hearings on this matter were held last year prior to my appointment to the Joint Economic Committee. Since I did not have an opportunity to hear the testimony, I neither endorse nor dissent from the conclusions herein."

[4] "Improving the Acquisition Process For High Risk Military Electronics Systems," Richard A. Stubbing, CONGRESSIONAL RECORD, Feb. 7, 1969, p. 3171.

itiated since 1955 at a total cost of $40 billion, less than 40 percent produced systems with acceptable electronic performance. Two of the programs were canceled after total program costs of $2 billion were paid. Two programs costing $10 billion were phased out after 3 years for low reliability. Five programs costing $13 billion give poor performance; that is, their electronics reliability is less than 75 percent of initial specifications.

Actual costs of expensive programs frequently overrun estimated costs by several hundred percent. Assistant Secretary of the Air Force Robert H. Charles testified that "The procurement of our major weapons systems has in the past been characterized by enormous cost overruns—several hundred percent—and by technical performance that did not come up to promise." The greatest amount of cost overruns occur in negotiated, as opposed to competitive, contracts. Even where overruns do not occur, there is evidence that prices are being negotiated at too high a level from the beginning. Most procurement dollars are spent in the environment of negotiations. It is precisely in this area that the DOD has the heaviest responsibility for obtaining the best military equipment and supplies at the least possible price. In the judgment of the subcommittee, the DOD has not adequately fulfilled this responsibility.

2. A Subsidy to Contractors

The major portion of procurements costs are in the costs of research and development, material, labor, and overhead for which contractors are reimbursed. In theory, competition requires contractors to be efficient in order to minimize costs and maximize profits, and inefficient contractors should not be able to underbid their more efficient competitors. Competition is a method of cost control. However, as we have said, most defense contracts are awarded through negotiation, not competition. A number of mechanisms, such as the cost and other price data submissions required by the Truth-in-Negotiations Act, and incentive contracting, have been designed to act as cost controls for negotiated contracts, in lieu of competition. In the judgment of the subcommittee, these mechanisms have not constituted an effective system of controls over the costs of procurement.

The result of the absence of effective cost controls, coupled with a number of policies and practices discussed in this report, has resulted in a vast subsidy for the defense industry, particularly the larger contractors. These practices include loose handling of Government-owned property, interest-free financing of contractors, absence of comprehensive profits reports and studies, lack of uniform accounting standards, reverse incentives, and a special patent policy lucrative to the contractor. All of these things tend to benefit the contractor at the public's expense.

3. An Inflated Defense Budget

The total effect of unnecessary cost overruns, of hidden profits in "fat" contracts, of inefficiency and waste, and of the absence of cost controls is to create a bloated defense budget. Admiral Rickover testified that $2 billion of excessive costs results from the absence of uniform accounting standards alone. There is evidence that literally billions of dollars are being wasted in defense spending each year.

It is the judgment of the subcommittee that the defense budget has been bloated and inflated far beyond what an economy minded and efficient Department of Defense could and should attain.

B. These practices include

1. Low Competition and High Concentration

Defense buying practices are reducing competition for Government contracts and increasing economic concentration within the defense industry. Formerly advertised competitive military contract dollar awards dropped from 13.4 percent in fiscal year 1967 to 11.5 percent in fiscal year 1968. Single source procurement increased to 57.9 percent. These figures constitute a record low for competition and a record high for single source procurement over the past 5 years. Negotiated procurement in which more than one source was solicited comprised 30.6 percent of total contract awards, also a record low over the past 5 years.

The DOD maintains that there is a substantial degree of competition in negotiated procurement where more than one source of supply was solicited. However, too often in these cases technical performance rather than price has been the basis for contract awards. Competition must involve dollar cost as well as nonprice elements such as technical performance and date of delivery. Activity involving only one nonprice element usually cannot be considered competition, nor does it contribute beneficially to the public interest in defense procurement.

It is widely acknowledged that *true* competition significantly reduces the costs of procurement. Some experts believe that in the absence of effective competition, procurement costs are 25 percent to 50 percent higher than what they would be under competitive conditions. However, instead of competition, it is becoming increasingly clear that the "buy-in, get well later" method is commonly employed by contract rivals. Under this approach, a contractor may bid a lower price, higher performance, and earlier delivery than his rivals, knowing Pentagon officials will accept increased costs, less than promised performance, and late delivery. Inadequate management controls at the highest levels of Government have contributed to the development of these practices. The prevalence of these practices goes far in explaining why the estimated costs of individual contracts almost always increased and the performance of the weapon procured was often less than promised. Weapons procured in this manner, in the absence of true competition, have been characterized by high costs, poor performance, and late delivery of the end product.

DOD procurement is highly concentrated. A relatively small number of contractors receive most of the dollar value of defense contract awards. In fiscal year 1968, the 100 largest defense contractors were awarded 67.4 percent of total defense contracts, the highest percentage since 1965. To get on the list of the top 100 in fiscal year 1968 required $50 million in awards, up from $46 million in fiscal year 1967. These large contractors generally have assets of $250 million or more. Small firms (as defined by the Small Business Administration) received only 18.4 percent of defense prime contracts in fiscal year 1968, down from 20.3 percent in fiscal year 1967 and 21.4 percent in fiscal year 1966.

The larger, dominant defense firms tend to hold entrenched positions. Eighty-four of the top 100 firms appeared on both the fiscal year 1968 and fiscal year 1967 lists. Eighteen of the top 25 in 1967 were in the top 25 in 1968. The same five companies received prime contract awards of more than $1 billion each in fiscal year 1968 as in fiscal year 1967. There is other evidence of entrenchment and concentration in the defense industry, such as the tendency of divisions of certain large contractors to obtain major contracts from one service, for example, the Air Force, while divisions of the same or other large contractors consistently obtain major awards from the other services. In some specific areas of military procurement the Government does business not only with sole-source suppliers, but with absolute monopolies. The nature of the purchases and the limited quantities may not be adequate to justify more than one producer. For this reason, the Federal Government must improve its capability to control procurement costs in the absence of competition.

2. Government-Owned Property

In addition to the lack of competition for defense contracts, the Defense Department's policy of providing Government-owned property and working capital to defense contractors constitutes a Government subsidy and contributes to concentration within this industry. The cost of Government-owned equipment supplied to contractors sometimes exceeds the value of property owned by the company. While the total value of Government-owned property in the hands of contractors declined from $14.6 billion in fiscal year 1967 to $13.3 billion in fiscal year 1968, reflecting primarily a drop in the amount of materials, in the important category of industrial plant equipment costing over $1,000, there was an increase from $2.6 to $2.7 billion. A disproportionate amount of this equipment was held by the larger contractors. Defense Department assurances that it is aware of the problems surrounding the use and control of the enormous amount of Government-owned property have so far yielded little tangible results in the form of improved performance in this area.

Last year this subcommittee found loose and flagrantly negligent management practices in defense procurement largely on the basis of facts surrounding Government-owned property furnished to contractors.[5] The subcommittee has no reason to alter this judgment.

3. Progress Payment

The Pentagon makes so-called progress payments to reimburse contractors for up to 90 percent of incurred cost, on a pay-as-you-go basis. These payments are not necessarily related to progress in the sense of work completed. Costs are often incurred greatly in excess of original estimates. It is possible, for example, for a contractor to incur costs equal to 75 percent of the original contract price while completing only 50 percent, or less, of the job. A more accurate term would be "incurred-cost reimbursement payments."

The important point is that the payments are made interest-free, prior to completion or delivery of the end-product. The contractor could operate largely without his own working capital, on capital supplied by the Federal Government, particularly in expensive, long leadtime procurement. For example, in the C–5A case, Lockheed received "progress" payments of $1.207 billion on reported incurred costs of $1.278 billion, as of December 27, 1968. In addition, the contract is being performed in a Government-owned plant. The plant and the Government-owned facilities employed at the plant have an original acquisition cost of $113.8 million.

In effect, considering the extensive use of Government-owned property and Government-supplied working capital—"progress payments"—the Defense Department provides negative incentives for the use of private capital, and tends to develop a financial stake in its contractors, especially those larger contractors which it favors with great amounts of Government-owned property and interest-free working capital. Contractors so favored have a sizable competitive advantage over others in the defense and civilian industries, and are actually highly subsidized.

Money advanced to contractors in the form of progress payments are really no-interest Government loans which inflate contractors' profits. Armed with free working capital a contractor may be able to bid low for more Government work, "finance" commercial work, or otherwise compete unfairly in the commercial market.

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[5] Economy in Government Procurement and Property Management, Report of the Subcommittee on Economy in Government, Joint Economic Committee, April 1968.

THE DEATH OF FORMER CONGO PREMIER MOISE TSHOMBE

(Mr. McDONALD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDONALD of Michigan. Mr. Speaker, the Algerian Government has announced the death of Moise Tshombe, former Premier of the Congo. According to a Reuters dispatch in today's Washington Post:

> Mr. Tshombe died of what was believed to be a heart attack—almost two years to the day he was kidnapped at gunpoint and flown to Algeria in a hijacked charter plane.

The official Algerian news agency published a statement signed by 10 doctors indicating Mr. Tshombe died in his sleep.

Mr. Speaker, the death in prison of the former Congo Premier "of what was believed to be a heart attack" raises some disturbing questions.

Mr. Tshombe was a strong friend of the West and a firm believer in cooperation between the black man and the white man. He was often at odds with those radical leaders of emerging African states who practiced a reverse racism. Like the very able Hastings Banda of Malawi, Mr. Tshombe believed his people could best prosper by working with Europeans.

He was kidnaped 2 years ago during a flight from Madrid where he had been living in exile. There were indications at the time that the kidnaping was intended to remove him from Congo politics permanently. There was never a suggestion that the Congo Government was directly involved, but that the deed may have been planned by other elements in Africa and elsewhere which feared Mr. Tshombe because of his pro-Western orientation.

During his 2-year confinement in various Algerian prisons, there were reports that Mr. Tshombe was being systematically poisoned and tortured. No one from the International Red Cross had been allowed to see him during that time.

Mr. Tshombe may have died of a heart attack at the age of 49. Or he may have died of other causes. Or his death may have been induced by drugs—which we know exist—that make death appear due to heart attack.

Mr. Speaker there are many people here in the United States and throughout the world who are not going to be satisfied by the self-serving report of Algerian doctors who may be covering up for their government.

If Mr. Tshombe's death was as reported and was not the result of his treatment by the Algerian Government, that is one thing. But we must bear in mind that his death will benefit those who seek turmoil in Africa, not peace and prosperity.

Because of the circumstances of his death, I believe Secretary General U Thant of the United Nations should appoint an extraordinary international team of pathologists to perform an impartial autopsy in addition to that planned by the Algerians.

I do not think an official Algerian autopsy will bring in a finding at odds with that already announced.

I am not suggesting that one sponsored by the U.N. necessarily would. However, it might, and in any case, it would lay to rest any rumors that would otherwise only feed on an official Algerian report that could not be considered totally objective.

ANOTHER INDIAN BITES THE DUST

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on Friday June 27 I sent a letter to the editor of the Washington Post expressing my concern over the Chilean Government's proposed takeover of the Anaconda Co.'s copper mining assets, and setting forth my views on this "sale" as Chilean President Frei labeled the transaction.

I do have questions in my mind as to the details of this transaction, including the breach by Chile of the agreement entered in 1964 and the adequacy of compensation which is based on the book value of the corporation and is paid not immediately but over a period of some 12 years. Nevertheless, it is to the overall problems of Latin American relations that I direct my attention and because of the rapid approach of a crisis in these relations and the urgent need for us to ponder this crisis and to seek acceptable solutions I bring this matter before my colleagues in the House.

Here is my letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 27, 1969.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: The recently-announced modified expropriation by Chile of the Anaconda Mining Company properties should interest students of U.S.-Latin American relations not only because of the terms of the takeover itself but because of the long-range implications for future relations in the Hemisphere.

Although no one questions the right of a sovereign nation to expropriate any property within its borders for a public use, in the instant case, the employment of the book value as a base for acquisition and the payment on this basis in bonds over a period of years obviously fails to give current value to Anaconda stockholders whose stock significantly enough has skidded disastrously in value in the United States Market.

Leaving the question of takeover and compensation aside, however, the broad question of Latin American policy toward the investment of outside private capital has been further complicated by this move. As an observer at the recent Inter-American Economic and Social Council Meetings in Trinidad it was clear to me that the current strategy of many of the Latin countries was to press the United States for trade concessions as a means of stimulating their economies. Foreign Aid was completely ignored as was the role of private investment in providing the capital needed to create an infrastructure.

Anaconda's role in the capital-forming, job-creating and taxpaying functions in Chile ca be understood from the fact that this Company has invested some $500 million in the Chilean economy over the course of the last 20 years and has produced $3.5 billion in wages, purchases and taxes. This assumption of control by Chile plus the current takeovers in Peru clearly indicate a lack of interest in the creation of a climate which will be hospitable to the investment of outside capital.

By limiting foreign aid and external investment as means of creating a capital structure, these Latin countries are placing all their eggs in the basket of broadly-expanded U.S. trade as a principal factor in lifting their economies. In so limiting themselves one wonders whether they are aware of the Congressional trend toward protectionism in the last few years.

All these considerations lead to the conclusion that the area of maneuver in the field of Latin American relations is being dangerously and unwisely narrowed and the instruments for improvement are being unnecessarily restricted. We must hope that the October meetings under the Trinidad declaration may be the occasion for a broader and more realistic approach. Certainly the current trend in all these regards calls for the dedicated and continuous interest of the Administration and of the American people.

Sincerely,

JOHN S. MONAGAN,
Member of Congress.

THE FLAG LIVES

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, in this week of our annual Fourth of July celebration, I want to report something that gives me a great deal of satisfaction.

It is simply this: after several years of apparent decline in patriotism in this country we are now witnessing a new and lively interest in the traditions and the great values of this Nation of ours.

The biggest single indication of this is the renewed wide display of the American flag these days. In recent weeks the flag seems to be everywhere.

The flagmakers can barely keep up with the demand as people all over the country are buying flags to display proudly.

Filling stations are handing out millions of flag decals to eager motorists and these flags are showing up on car windows everywhere.

People are putting up flagpoles in their front yards and flying the Stars and Stripes now as never before in recent years. Suddenly it is the thing to do.

And all this is a real change. It was fashionable for some people not long ago to scorn the flag and all other signs of appreciation for the United States.

While this did not happen in my State as much as some other places, we all have read in the papers about the flag burnings. It got to be such a problem that we in Congress had to pass a law against it, and it was an unfortunate thing to have to do.

Of course there still are some young people with warped views of the world and of their country. But I hope the worst of it is behind us now.

The flag burners evidently thought they were showing support for individual freedom against unfair government. But what is the American flag but the greatest symbol for that very same thing?

If those folks read their history books they would understand a little better that our Independence Day is an expression of the right of people to decide

their own form of government, to choose their government leaders, and to live in individual freedom.

That is what the Fourth of July is all about.

Some say: "But some things are wrong and ought to be fixed." I say: "You bet there are some things wrong, and plenty of them." And we ought to correct these problems as fast and as well as possible.

But I also say that if anybody knows of a utopia anywhere please let the rest of us in on the secret. I do not know of any place without problems.

The main point of all this is that the American system provides better and easier methods for orderly change, and fair change, than any other system ever dreamed of by man.

I mean change in government, change in business, and change in every aspect of life.

In fact, I believe it is possible that historians of the future may look back at us and decide that one of our problems of today is that change is too easily accomplished.

If I had my way there would be a lot of improvements made in this country quickly. I am sure you feel the same way. And it is not as easy as any of us would like.

But let us not forget that our system gives you and me far more opportunity to make ourselves heard than any other system. The result is that government does act in response to people.

I am proud of the American flag in this week of our national independence celebration. And I am not ashamed to be proud.

All over our country this week Americans are gathering themselves together and taking a good look at our system. And with all its imperfections, I think they like what they see.

I know I do.

PROTECTING THOSE ON SOCIAL SECURITY

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, the crush of inflation continues to hurt the people on social security in this country. It does so because the dollars received will not buy as much as they used to. Each month inflation continues, their dollars buy less and less and most citizens on fixed retirement income have a hard time getting by.

To meet this need there should be a meaningful increase in social security benefits this year. Despite the contrary views of certain prestigious Members of this body, I believe there is a sufficient number in the House of Representatives to enact a social security increase now, and, if need be, to bring this issue to the floor. But the important thing is not this single step increase, but to assure to such citizens protection against further inflation in the future.

How can this be done? I believe the answer lies in providing legislation to establish an escalation clause built into the program so that if the cost of living, as determined by the Department of Labor statistics, increases more than 3 percent then, and in that event, the social security benefit payments will increase proportionately. I am today introducing a bill designed to provide this needed reform.

More importantly, however, the integrity of the social security trust fund must be assured. We ought never to permit a situation in which general fund appropriations are necessary to provide the money to pay social security benefits. Social security is a trust fund operation. It is an insurance program and its revenues must equal its expenditures or the fund will go broke.

To accomplish this, my bill also provides that whenever there shall be added payments pursuant to the escalation formula, there will also be an increase in the social security tax sufficient to provide the required additional revenue. In this way, I believe the integrity of the social security fund will be maintained and preserved and I urge the enactment of this legislation at the earliest possible moment.

ADDITIONAL MINORITY REPRESENTATION URGED FOR COMMUNITY PARTICIPATION ON DRAFT BOARDS

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, one of the basic concepts of a democratic type of government is that all qualified citizens—regardless of race, religion, and philosophy—be allowed to participate equally in the decisionmaking process.

Today, I am introducing in the House legislation which will assure that all segments of a community be represented on a Government body that affects virtually every American family—the local selective service board.

Given the wide autonomous powers granted individual draft boards, composition of the boards may result in varying responses to similar situations and there could be deferment of drafting of some men in some communities who would have been given a different status in a different community.

Whether or not the racial and economic makeup of boards has contributed to the range of policies taken by different boards is hard to either say or prove, but I believe it certainly could have such implications and is a matter that should be corrected.

For example, statistics given by the Selective Service System reveal that less than 6 percent of total board members are black, while the black population of the country has risen to more than 12 percent.

Three years ago, I discovered that in the parts of Los Angeles County where there was a heavy concentration of Mexican American citizens, the three draft boards serving those areas only had one Mexican American member. Furthermore, he was the only person of Mexican-American descent in all Los Angeles County—and there are over 600,000 Mexican Americans in the county—to be on a draft board.

Since then, there has been improvement—now there are nine Mexican Americans on board throughout Los Angeles County—but I am far from satisfied, because, if the proportion of Mexican Americans on Los Angeles County boards were to be "truly representative of the community they serve" as President Johnson urged in his 1967 draft reform address, instead of nine, there would be 20 Mexican Americans serving today.

Since President Johnson's speech, nationwide minority membership on boards has risen. According to a chart in the May issue of "Selective Service," the monthly publication of the System, between March 1967 and March 1969, the number of minority group members serving on local boards increased from 801 to 1,688.

But, to say that rate of increase is inadequate would be the kindest way of expressing it. It is obvious that voluntary efforts by the system have fallen short, and it is now necessary to put the policy of increased minority representation into law.

If we ask a community to send its young men into the Armed Forces by force through the draft, the least we can do—is to allow that community to have something to say about the way the draft is administered locally.

I am introducing the bill to further increase minority representation on local selective service boards along with cosponsorship of 23 other Members of the House. Joining with me in this legislation are: GLENN M. ANDERSON, Democrat, of California; JONATHAN B. BINGHAM, Democrat, of New York; DANIEL E. BUTTON, Republican, of New York; SHIRLEY CHISHOLM, Democrat, of New York; WILLIAM CLAY, Democrat, of Missouri; JOHN CONYERS, JR., Democrat, of Michigan; JAMES C. CORMAN, Democrat, of California; CHARLES C. DIGGS, JR., Democrat, of Michigan; DON EDWARDS, Democrat, of California; SAMUEL N. FRIEDEL, Democrat, of Maryland; AUGUSTUS F. HAWKINS, Democrat, of California; EDWARD I. KOCH, Democrat, of New York; ROBERT L. LEGGETT, Democrat, of California; ALLARD K. LOWENSTEIN, Democrat, of New York; ABNER J. MIKVA, Democrat, of Illinois; CLAUDE PEPPER, Democrat, of Florida; JERRY L. PETTIS, Republican, of California; BERTRAM L. PODELL, Democrat, of New York; ADAM C. POWELL, Democrat, of New York; THOMAS M. REES, Democrat, of California; EDWARD R. ROYBAL, Democrat, of California; WILLIAM F. RYAN, Democrat, of New York; and CHARLES H. WILSON, Democrat, of California.

Passage of this bill would help, in part, to assure fair and equitable treatment—for all selective service registrants, and will also provide better community participation and acceptance with board actions.

A BILL TO PROVIDE EMERGENCY SALARY ADJUSTMENTS FOR POSTAL WORKERS TO OFFSET THE INCREASE IN THE COST-OF-LIVING INDEX

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, Thursday,

June 26, in the Subcommittee on Compensation we had testimony from the president of the National Association of Letter Carriers, James Rademacher. He made it very clear the morale of his members is extremely bad, and getting worse. They actually feel neglected by the fact the administration is giving letter carriers only a 4.1-percent token pay increase in July.

I believe it is incumbent upon the Congress to act now. Only by legislation can we prevent a further deterioration of morale by giving postal field people a pay increase that will at least catch them up with the cost of living. Official Bureau of Labor Statistics figures show the cost of living through the year ending May 1969, which is the latest available, increased by 5.4 percent.

As you know, the Congress passed what we thought would be a pay comparability bill for Government workers in 1967. But the Civil Service Commission has thwarted the will of Congress by wrongfully inserting a "downward-bias" in its calculations for the increase in the pay of the postal field service, and especially carriers and clerks. The administration statisticians arrive at a 4.1-percent increase in a carrier's pay by comparing him with workers in industry who are on an extremely low level of skills. Consequently, they receive lower wages than those with skills and responsibilities comparable to carriers, clerks, and postal supervisors.

Mr. Speaker, the average take-home pay of the letter carrier after 5 years of service is less than $100 a week.

Mr. Speaker, would you believe that the driver of a cement truck in New York just recently won a $57.60-a-week increase in pay. His hourly pay is published at $5.23, it will go to $6.67 by July 1, 1971. This compares with the truckdriver in the post office with 5 years of service who receives $3.33 an hour.

This bill of which I speak today is not a comparability bill. I must emphasize it is an emergency measure to prevent carriers and clerks from falling further behind in comparability due to the precipitous rise in the cost of living.

Today I am most pleased to be joined by my colleagues, Mr. CORBETT, of Pennsylvania; Mr. DANIELS, of New Jersey; Mr. NIX, of Pennsylvania; Mr. CHARLES H. WILSON, of California; Mr. BRASCO, of New York; Mr. TIERNAN, of Rhode Island; Mr. JOHNSON of Pennsylvania; Mr. BUTTON, of New York; and Mr. HOGAN, of Maryland, in introducing this emergency salary adjustment for employees in the first 10 levels of the postal field service that would provide a 5.4-percent pay increase beginning July 12.

I am firmly convinced this action is necessary and I am very hopeful the Post Office Committee will consider this emergency measure in the immediate future so that action can be taken to bring this bill here to the floor for your consideration.

Mr. Speaker, I have been very close to this problem. I feel it is extremely urgent we meet it head on. It is evident postal workers are just not receiving fair and just treatment in the meager pay raise offered by the administration.

I hope all my colleagues will read this bill and give cosponsorship early and serious consideration.

RIVER CATCHES FIRE; LAKE NEAR DEATH

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the Cuyahoga River has a reputation as the only body of water ever classified as a fire hazard. This may sound a bit farfetched, but the fact is that this oil-slicked river is so polluted that it actually does catch fire. The Cleveland Plain Dealer on June 24, 1969, published an appropriate editorial entitled "Cleveland, Where the River Burns." It began as follows:

Tell someone you're from Cleveland and he'll say:

"Cleveland, eh? Isn't that the place where the river is so polluted it's a fire hazard? Yuk, yuk, yuk."

It's a funny line—if you don't live in Cleveland.

It's not so amusing to a Clevelander, because it's true. The Cuyahoga does catch fire from time to time. A burning oil slick Sunday caused $50,000 damage to two railroad bridges.

We are tired of Cleveland being the butt of a joke that isn't a joke.

To make matters worse, the Cuyahoga—oil, sewage, and all—then dumps into Lake Erie. But what is frightening is that this contaminated river actually contributes relatively little toward polluting the lake. It is only one of several rivers which provide millions of tons of oils, chemicals, and sewage every year. The overall effect is that Lake Erie contains just about every kind of waste imaginable, and it is dying.

A recent article by Lee H. Kramer in "Blue Wings," the official publication of the Athletic Club of Columbus, Ohio, predicts a grim future for Lake Erie—a prediction which will become reality in the absence of serious efforts to restore to the lake the clean water which at one time could be found there. I have been most concerned for the deteriorating quality of Lake Erie and recently cosponsored an amendment to the Water Quality Improvement Act of 1969 to provide $20 million for a Great Lakes water control demonstration project to develop techniques to remove polluted matter and abate new pollution. Lake Erie would be the pilot project. This bill has passed the House and is currently before the Senate.

Mr. Speaker, I commend Mr. Kramer's sobering message to the attention of my colleagues as an example of the seriousness of the water pollution crisis which faces not only Lake Erie, but our waterways all across the Nation, and include it herewith:

[From Blue Wings, May 1969]

LAKE ERIE—A DEAD SEA?

(By Lee H. Kramer)

The North American Continent is unique in that near its geographical center the great inland seas of fresh water, known as the Great Lakes, are found. The largest treasury of fresh water to be found anywhere in the World! These lakes gouged out by glaciers some 12 to 15,000 years ago provide the millions of people who live in their basin a natural resource of incalculable and irreplaceable value.

Of course, the title to this article may suggest a grossly exaggerated conclusion. However, that man in his ruthlessness is despoiling, degrading and destroying this great lake is an inescapable conclusion.

In Blue Wings, November, 1962, in an article entitled "The Walleyes of Lake Erie—Going—Going—Gone?" we showed statistics of the commercial take of desirable fish such as Sturgeon, Whitefish, Walleyes and Pike and how year after year for the last half century the harvest became smaller and smaller until as to some species it reached zero for all practical purposes. This was contrasted with the yield of the Scavenger type fish which it was shown were the only types able to maintain a stable and rapidly increasing population in the lake.

In a recent report on Lake Erie by The United States Department of Interior—Federal Water Polution Control Administration, the critical conditions in and around the lake are analyzed, studied and remedies proposed. The situation is described as so serious that unless polluting and contaminating factors are speedily brought under control a "biological cataclysm" could well occur.

The lake is being aged, "a dying lake," by the steady stream of industrial wastes, sewage, sludge, human wastes, oil, chemicals and run off of surface waters carrying vast quantities of pesticides into the lake. For example, the Cuyahoga River, which half a century ago was teeming with bass and other game fish today is a sickly brown, oil-slicked stream the waters of which, saturated by fermenting gases on the bottom, has a bacteria count the equivalent of raw sewage. Mr. Kenneth G. Slocum of the Wall Street Journal says this river has earned the dubious title of the "only body of water ever classified as a fire hazard."

The lake bottom topography may be roughly divided into the western third with an average depth of 24 feet; the middle basin with a mean depth of 60 feet; and the eastern third with an average depth of 80 feet, a maximum depth of 216 feet. The eastern third receives 90% of its water supply from the central basin, which in turn receives more than 90% from the western third, which in turn receives more than 90% of its water from the Detroit and Maumee Rivers—both of which are highly polluted. The general flow of the water is from the western shallow part of the lake into the eastern and deepest part of the lake.

In 1960, nearly ten million people lived in the United States portion of the Lake Erie basin, 1.2 million in the Canadian portion. By 2026, the total is expected to increase to twenty-seven million.

The largest single source of the pollution of the lake according to the report is from the Detroit Metropolitan area via the Detroit River; the second, the Cleveland area; the third largest source, the Toledo area, and the Maumee River. These areas dump into the lake yearly millions of tons of phosphorous and nitrogen, in addition to silt, oils, chemicals, and sewage. Indeed, the report states:

"Since Lake Erie has been considered a good disposal site for anything, there are few kinds of waste which cannot be found in it. Trash and debris, for example, can be seen almost anywhere along the lakeshore."

The phosphate and nitrate dumped into the lake, inorganic materials, are not particularly harmful in and of themselves. It was formerly thought these were swept on through the lake and on to the sea. Not so. These chemicals are potent nutrients and spur on a tremendous overproduction of aquatic plants, in primary microscopic forms and algae growths in super abundance.

Kenneth G. Slocum describes the situation: "Algae, organisms invisible to the eye in a healthy lake, litter the Erie shoreline in long, rotting piles, clog city water intakes and add objectionable taste to many communities' drinking water. During summer, the algae collect in the western basin in an 800-square-mile mass two feet thick, turning the lake into a solution resembling pea soup."

As these organic growths are broken down by bacteria, the available dissolved oxygen in the water is exhausted—and many of the small and beneficial forms of animal life are destroyed including fish. The report notes that in nearly one-fourth of the lake during the summer months the bottom waters of the lake become nearly devoid of oxygen "and this situation is increasing in size and duration."

BALANCE OF AQUATIC LIFE IS SERIOUSLY UPSET

The balance of life in the waters of the lake has been so affected that nymphs of Mayflies and many other forms of small aquatic forms of animal life can no longer exist. Instead the only living animal life in many parts of the lake are sludge worms (up to 30,000 per square yard) and blood worms. And in some parts of the lake even these cannot survive. Thus, the natural food for bass and other game fish disappears and these fish no longer can exist.

Says the Report: "The aquatic plants (primarily algae) are a vital part of the food chain which extends up through the fishes to higher animals. When they are grown in superabundance, as they are now in Lake Erie, they break the life balance with a multitude of ramifications. Those ramifications are all to the detriment of all animals which use the water, including man, and to the lake itself. As long as nutrients keep increasing in an already overenriched environment, the situation will progressively worsen until in the last stages the lake will change to a swampy mass of largely organic detritus."

And again: "Desirable fish, the prime game and commercial species, such as cisco, blue pike, and walleye, have disappeared or declined drastically while the less desirable and scrub-type fish such as yellow perch, smelt, sheepshead, and carp, have increased sharply."

Most biologists agree the lake may be on the verge of a "biological explosion." The report states that unless action is fast and decisive by the Federal Government, the states involved, the municipalities and the public, the lake may for all time become a "repulsive holding basin . . . devoid of oxygen and almost sterile."

In a Foreword, Joe G. Moore, Jr., Commissioner of Federal Water Pollution Control Administration, sums it up:

"Man is destroying Lake Erie. Although the accelerating destruction process has been inadvertent, it is as positive as if he had put all his energies into devising and implementing the means. After two generations the process has gained a momentum which now requires a monumental effort to retard. The effort must not only be basin-wide and highly coordinated; it must be immediate. Every moment lost in allowing the destruction to continue will require a longer, more difficult, and more expensive corrective action.

"Fortunately, although Lake Erie is the most sensitive of the Great Lakes to waste inputs, it is also the most amenable to corrective measures because of its relatively small volume, rapid flushout time, and the high volume input of excellent quality Lake Huron water."

The possible loss of this great irreplaceable natural resource, so vital to the lives of millions of people and yet unborn generations, demands immediate, aggressive and decisive action at all levels of our society.

ADJOURNMENT FROM WEDNESDAY, JULY 2, 1969, UNTIL MONDAY, JULY 7, 1969

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 296) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 296

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. GROSS. What is the resolution?

Mr. ALBERT. The concurrent resolution for the adjournment as of the close of business Wednesday.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORITY FOR THE CLERK TO RECEIVE MESSAGES AND FOR THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 7, 1969, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDITION TO LEGISLATIVE PROGRAM

Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to announce an addition to the program for tomorrow.

Mr. Speaker, the gentleman from Missouri (Mr. ICHORD) has advised that on tomorrow, July 1, 1969, he will call up a privileged resolution, the purpose of which is to obtain House approval to permit the inspection of certain papers and documents in the possession of the Committee on Internal Security which the District Court for the Northern District of Illinois has ordered to be proper items for discovery and inspection by defendants, Jeremiah Stamler, Yolanda F. Hall, and Milton M. Cohen, in the pending prosecution against them for contempt of Congress.

Mr. GERALD R. FORD. Will the gentleman from Oklahoma yield?

Mr. ALBERT. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Could the gentleman from Oklahoma answer as to whether or not we are going to bring up the conference report on the supplemental appropriation bill?

Mr. ALBERT. The distinguished chairman of the Committee on Appropriations, Mr. MAHON, is on the floor, and I yield to him.

Mr. MAHON. I am very hopeful that we may be able to meet tomorrow, reach agreement, and bring in a report on the second supplemental bill. But we cannot say for sure. We would like to get this matter behind us.

Mr. GERALD R. FORD. I hope the conference report does come up. I think it would be highly beneficial if it would, so I hope you are able to work it out in the conference.

Mr. ALBERT. May I inquire, if the conference report is brought up, it will be brought up tomorrow rather than Wednesday, or is it possible it will be brought up either day?

Mr. MAHON. We hope to meet tomorrow afternoon. If agreement should be reached, we could bring it up tomorrow if the leadership desires, or on the next day.

Mr. ALBERT. I think it would be an accommodation to the Members if we bring it up tomorrow.

Mr. MAHON. I would hope we could get in position to do that, but of course we cannot be sure.

Mr. ALBERT. Does the gentleman ask unanimous consent that it may be in order to bring it up for consideration tomorrow?

MAKING IN ORDER THE CONSIDERATION OF THE SECOND SUPPLEMENTAL CONFERENCE REPORT ON TOMORROW

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order to bring before the House a conference report on the second supplemental appropriation bill for 1969 as soon as conference agreement has been reached.

The SPEAKER pro tempore (Mr. PEPPER). Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this not pretty precipitous action, without knowing what the conferees will agree on, to bring this matter up almost instantly after the conferees meet?

Mr. MAHON. If the gentleman will yield, the only remaining issue is the expenditure limitation. All of the other differences have been resolved by the conferees.

Mr. GROSS. What is the issue again?

Mr. MAHON. On the limitation on Government expenditures.

Mr. GROSS. On Government expenditures? Well, is that not important?

Mr. MAHON. Yes, it is important.

Mr. GROSS. In the light of what has just transpired, it seems to me that it is highly important.

Mr. MAHON. I would say to the gentleman that we had a budget deficit last year of about $25 billion but that did not seem to have much of an effect on many Members voting for spending. And I have some doubt that the expenditure

limitation or the deficit would have great bearing on many votes that might be cast on current spending levels.

Mr. GROSS. Is it proposed to bring in the conference report at some time after 2 o'clock tomorrow afternoon?

Mr. MAHON. I would hope there would be at least a 50–50 chance that this could be done. The only remaining issue is the expenditure limitation.

Mr. GROSS. If I agree to this kind of precipitous action, would this be considered a precedent to do this again sometime soon. I do not like to agree to this kind of a precedent, but I understand the circumstances of what we are going through this week. I hope this kind of action, if taken in this fashion, would not in any way create a precedent for the consideration of legislation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ALBERT. This is a unanimous-consent request. Of course, a similar request could be objected to by any Member at any time.

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, whosoever has the floor, my parliamentary inquiry is, Could this same action not be taken tomorrow?

The SPEAKER pro tempore. The gentleman from Iowa reserved the right to object. Does he object?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I did not know that I had relinquished the right to object.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, of course I yield to the gentleman from Missouri.

The SPEAKER pro tempore (Mr. PEPPER). The Chair will state that it was under the impression that the gentleman from Missouri (Mr. HALL) was beginning to speak on some other subject.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, the gentleman from Iowa yielded to the gentleman from Missouri for the purpose of propounding a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. The parliamentary inquiry is this, Mr. Speaker:

Could not we consider the supplemental appropriation by unanimous consent tomorrow, as well as granting that tonight when we have not seen the provisions of the conference?

The SPEAKER pro tempore. The Chair will state that it is the opinion of the Chair that a unanimous consent request may be submitted any time, and it is up to the wishes of the House.

Mr. HALL. Then, Mr. Speaker, if the gentleman from Iowa will yield further, I strongly recommend that the unanimous consent request be withdrawn tonight, and propounded tomorrow after the Members of the House have had a chance to see the provisions of the conference report, and the add-ons in the other body. Otherwise, Mr. Speaker, I will be constrained to object at this time.

Mr. MAHON. Mr. Speaker, I will be glad to withdraw the unanimous consent request at this time. The request was made only in order to facilitate the program of the House in the event we should be able to conclude a successful conference tomorrow, but the unanimous consent request can of course be propounded tomorrow.

The SPEAKER. The unanimous-consent request is withdrawn.

MOVE OVER ON THE MOURNERS BENCH

The SPEAKER pro tempore. (Mr. PEPPER). Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, the latest invasion of the United States appears to to be a peaceful one. It is the Japanese effort to pollute the U.S. marketplace with Toyotas, Datsuns, and other motor vehicles. Many believe this is free trade and therefore beneficial to all. I think it more likely, however, that the ultimate effect on these vehicles will be destructive to another great American industry. All one has to do is look down local streets and interstate highways to see growing evidence of the danger we will soon confront. It is not as though this is a new experience for us. One would think we had learned our lesson watching so many other U.S. industries bow to low-wage inspired foreign competition.

The story of Toyota, is one in point. The method used to gain a foothold and then to saturate the Nation is a typical one used in all foreign product penetrations of the U.S. market. I noted this system in a speech on the House floor several years ago. Briefly summarized, it follows: Step 1—a limited number of very low priced inferior products are distributed to merchants in a restricted area. They sell out completely almost as fast as they display the product. Step 2—the next distribution is of a better grade products accompanied by a small price increase. The territory is still restricted. Step 3—a much better product is moved into an extended area saturated for a measured period of time. Step 4—start with step 1 in a new area and run through the routine again.

This program obviously lulls the competing U.S. industry to sleep, since the growth of the foreign products is like a creeping paralysis. You know it exists, but you really do not become totally concerned until you are seriously crippled. This has been the case with textiles and steel in just the last decade. It will be true in the automobile industry this decade. Just watch Toyota and Datsun! The Japanese automobile industry is moving at a pace that will shake the entire world market. The ultimate result will be the greatest disruption of world trade in history; accompanied by sanctions, economic depressions, unemployment, and the shadow of war creating international ill will. The story of Toyota should be must reading for all Government officials. Note how the promotion story that follows can easily lull our automobile industry, its workers, and our Government to sleep. The whole theme of the story is that the importation of Japanese cars is healthful; that it cannot possibly be harmful since it only represents a mere 2 or 3 percent of our market. Of course, the gentle hint that Japan can call for gold reserves is the real kicker in the kind knife approach of the promoters. I daresay, with much regret, that the end of the story will find the U.S. automobile industry asking steel and textiles to move and make room on the mourners bench.

I might add, Mr. Speaker, that the recent Chrysler-Mitsubishi deal holds particular interest for the citizens in my district. Chrysler is presently constructing a new facility there for the production of 200,000 cars annually. I hope the building does not eventually become a warehouse for Mitsubishi.

The Toyota story follows:

RISING SUN

Japan's prosperity since the end of World War II has been dazzling. Between 1958 and 1968, for example, its industrial production rose some 300%, as against roughly 85% for the U.S. And during the past five years, the gross national product jumped over 110% to well over $140 billion. By way of contrast, the GNP in this country rose only about 45% during the same period, the unprecedented boom notwithstanding.

The outlook is for more of same during the period ahead. Japan's Economic Planning Agency is looking for a better than fivefold increase in GNP by 1985 to an annual level of $763 billion. Moreover, largely because of resourceful and responsible fiscal management and maintenance of favorable trade balances, the country is highly solvent and has yet to endure anything like a recession, much less a depression.

The upshot is that consumers, as well as the business community, are increasingly affluent with the result that demand for motor vehicles of all kinds has been spiraling upward in Japan. The government has played a key role in this boom, building an extensive network of superhighways that link major metropolitan centers throughout the archipelago. The availability of good roads, of course, stimulates further orders for passenger cars, trucks, and buses from the motoring public, as well as commercial, industrial, and institutional interests.

Japan has, since 1960, zoomed from sixth to second in the international auto derby, trailing only the U.S. And along the way, Toyota, with estimated 36% and 42% shares of the Japanese motor vehicle and passenger car markets, respectively, has become the island nation's top producer. During the fiscal year ended November 30, 1968, the company sold 1.07 million cars, trucks, and buses—a 33% gain over the year-earlier level and more than triple the 300,000 or so units turned out in fiscal 1963. Passenger cars, which registered a year-to-year sales gain of almost 40%, accounted for a 60% slice of Toyota's pie.

Foreign affairs.—The relatively greater importance of passenger cars in the corporate scheme of things is largely attributable to export sales—an important element in Toyota's recent success. Foreign deliveries now account for over 26% of the company's volume, and the curve is headed sharply higher. Last year, Toyota sold 279,000 units off-island, some 76% above a year earlier and nearly ten times the 28,000 total sold as recently as 1963.

Toyota now maintains sales offices in 90 countries around the globe, and prospects continue bright in most locations. In particular, the company's strategic position in

the Far East should pay off over the longer run as the economies of Japan's emergent neighbors develop, stimulating consumers' demand for sturdy, maneuverable, low-cost automobiles. Sales in Australia, Korea, Thailand, the Philippines, and other nearby nations are almost certain to climb rapidly.

For the moment, however, prospects are brightest in the U.S., a market very much in need of small-size cars such as those offered by Toyota. During 1968, Toyota was the number three foreign auto outfit in America, lagging only Germany's redoubtable Volkswagen and Opel, a captive General Motors operation. Unit volume in the U.S. during calendar 1968 was close to 95,000.

Toyota got off to a bang-up start this year; monthly sales are currently running 100% and more ahead of year-earlier levels. During May, for example, the company delivered 10,765 units, as against 4,573 in the comparable 1968 span. As a result of the fast pace it's been setting, the company has replaced Opel in the runner-up spot. However, Toyota has a good way to go before it overhauls VW, which has a unit volume approaching 600,000. By the same token, its potential remains enormous.

As it happens, the outlook for Toyota is excellent on three main counts: (1) A booming domestic economy is both absorbing and spurring Japan's automobile production. What's more, there's no evidence of a significant let-up in the pell-mell pace any time soon. (2) Export sales, particularly in the United States, are outpacing the enviable volume records achieved in Japan. (3) Government protection against competition from foreign car makers on the company's home grounds promises to extend at least through 1972—and probably longer.

Partly because of misapprehension over a recent Chrysler deal with Mitsubishi, which also builds cars in Japan, Toyota market quotations have dropped nearly 50% in the last several months. As a result, we think the stock now represents a sound High-Potential Speculation for the sophisticated investor.

THE FORGOTTEN MARKET

Recognizing that during 1968, about 11 of every 100 new cars sold in the U.S. were foreign makes. American auto makers have belatedly risen to the challenge, readying products designed to compete more or less directly with the most troublesome of the imports. First out of the box is Ford's Maverick with a basic sticker price of $1,995 that *in theory* at least puts the company's output within $200 of the beloved VW Beetle.

History lesson—A decade ago, when a hodge-podge of imports had built up a 10% share of the U.S. auto market. Detroit came up with compacts Ford's Falcon, Chevrolet's ill-starred Corvair, American Motors' Rambler, Dodge's Dart, et al. As a result, a number of offbeat overseas brands for example, Skoda, NSU, Morris, DKW, and the like disappeared from the scene almost overnight. Overall foreign sales in U.S. outlets went into a protracted skid, cutting outsiders' share of market to 5% or so.

The U.S. economy has gone through an unprecedentedly long period of expansion since 1961. But the domestic growth rate pales when compared with that of Japan. Moreover, the U.S. is about to suffer a recession, but Japan is expected to continue growing at an annual rate of over 10%.

But there's evidence that a very different ballgame's now in progress and little assurance that U.S. outfits can pull off an instant replay of their earlier success. For one thing, most imports of 1959 vintage were simply not designed to stand up to the pounding involved in cruising U.S. highways and byways. For another, with the notable exception of VW, dealerships were ill trained, poorly supervised, and woefully deficient in spare parts and maintenance- service backup. As a result, imports were vulnerable to the onslaught of U.S. compacts backed by Detroit's considerable manufacturing and merchandising muscle.

Complacency—American outfits had things pretty much their own way during the early 1960's. In the meantime, however, it became clear they could not resist the temptation to begin making what amounted to the biggest small cars in the world; many models were forced upward into the intermediate class. In addition, the auto makers naturally jazzed up their wares with expensive (and profitable) luxuries and optional equipment. Eventually, a $400 to $500 gap opened between the *lowest price* U.S. compact and run-of-the-mill imports.

ROOM FOR MANEUVER

This breathing spell was just what the doctor ordered for an aggressive and savvy outfit like Toyota. The company seized the opportunity to overhaul its overseas organizational policies and practices. First off, it dispatched engineers and other specialists to the U.S. to study local road systems, product preferences, and related matters. The result of their work, the Corona series, which was designed specifically for the American market was unveiled in 1965. Recently, Corolla models, priced $100 below the VW Beetle, have been successfully introduced in U.S. outlets.

Toyota further domesticated its U.S. interests by methodically building up its dealerships and distributorships. The company first developed a strong foothold in Hawaii and on the West Coast. More recently, it has begun moving East to the key Atlantic Seaboard states, fanning out to the North and South in the heartland.

Service and parts.—To backstop the growing volume of U.S. shipments and enhance dealers' service capabilities. Toyota has, or is building, well-stocked spare parts warehouses in California, Oregon, Texas, Minnesota, Florida, and New Jersey. Additional installations are on the drawing boards for construction as necessary.

Back home, Toyota has already launched one ocean-going superfreighter to carry its autos to world markets, including the U.S., in volume and at low unit costs. By the end of fiscal 1969, five more such vessels will have been put into service.

The upshot is that Toyota—unlike the many foreign entries that came and went a decade or so ago—is well established and getting stronger in the U.S.

There's still a lot of claptrap making the rounds these days about the mystique of small foreign cars. We're of the opinion that in the main people who buy them simply like their durability, maneuverable handling characteristics, functional looks (which are not subject to overnight obsolescence by virtue of annual styling changes), economical operating costs, and generally lower price tags. Time and again, responsible market research has revealed that import customers are typically several cuts above average, being educated, affluent, sophisticated, and young—clearly, a highly desirable group of customers.

Doctrinaire.—But the lords of Detroit stubbornly, it seems, fail to grasp the nature of this minority (but growing) market for small cars. And in fact, the current uneasy flirtation with subcompacts looks to us like an encore of the early 1960's scene when the U.S. industry belatedly tried to stem the import tide with cars that missed the point of the hot sellers from overseas on the counts of both size and price. The Maverick, for example, is a couple of inches shorter than the average U.S. compact. However, it's still *two feet* longer than the VW, shortest of the entries from abroad. And as noted, the price differential is upwards of $200.

As a result of its own efforts, as well as Detroit's sins of omission and commission, Toyota is right now the hottest car merchandiser operating in the U.S. Conservative estimates put 1969 deliveries at 150,000 units—a close to 60% gain over year-earlier levels. (Retail sales of U.S. cars in 1969 are scarcely showing any year-to-year increase.) If attained, the sales gain in the U.S. alone will push Toyota's worldwide deliveries some 5% above the 1968 total. And sales outside the U.S. are almost certain to continue to mount.

Trading down.—Even if a recession were to develop in the U.S., Toyota should still fare well. The price tags on its Corona series, for example, are comfortably below those posted on such "economy" models as the Maverick. And the Corolla line is $100 or so below the VW, which is in the $1,795 class. As a result, chances are that thrifty car buyers will swell the ranks of import converts in the event of a downward turn in the economy.

There continues to be a good bit of doubt as to whether the new "little" cars from Detroit are going to hurt their producers or overseas rivals. The best answer, we think, is given by the market place. During May, the first full sales month for the Maverick, which was introduced April 17, import volume reached a record high of 103,000 units, a year-to-year gain of 17%.

SHUTDOWN

Japan's automobile industry in general and Toyota in particular have benefited greatly from the fact that the country has erected a formidable series of tax and tariff barriers that effectively keep imports low. Moreover, the powerful Ministry of International Trade & Industry has thus far refused to permit American concerns to produce or assemble their wares in the island nation. As a result, Japan is the only sizable outlet for cars in the Free World from which Detroit is barred.

These obstacles date back to the early prewar days when Tokyo was interested primarily in protecting its own infant industry. Now, however, the country has a lusty giant on its hands; during 1968, Japan turned out over 4 million motor vehicles—30% more than in the year-earlier period. This made Japan a solid second to the United States which reported production of 10.8 million.

Approximately half of the country's output was in passenger cars, and 152,000 or so of these wound up in the American market. This one-way traffic doesn't exactly warm the cockles of auto executives' hearts in the U.S. In addition, the superheated growth rate of Japan's economy, together with the increasing affluence of the populace, have them beating down the doors for a piece of the action. So far, MITI officials and the government have been standing firm, letting it be known they might be willing to let U.S. companies buy a stake in Japan's auto industry around 1972.

Bombshell.—The situation remains unchanged despite the fact that late last month Chrysler Corp. and Mitsubishi Heavy Industries, Ltd. announced plans for a joint venture on the latter's home grounds. (Mitsubishi, a manufacturing colossus that makes everything from ships to aircraft, is a poor fourth in auto production in Japan; 1968 production totaled 350,000, about 122,000 of which were passenger cars.)

The deal, which has attracted considerable flak in Japan, turns out to be a limited sort of proposition in which Chrysler would be a very junior partner with only a 35% interest. At most, apparently, there would be some cooperation on research and development projects and, perhaps, some cross-importing of one another's cars for home markets.

Japan's auto makers are up in arms over even this defused prospect, claiming there's still a danger of U.S. interests eventually taking over a key national industry. While this is clearly nonsense—there are few grounds for nervousness about letting foreigners in at this point. MITI has suggested it will be most deliberate in considering the formal application, which has yet to be made.

Detroit cannot hope to exert much leverage through Washington. Slapping import quotas on Japanese cars entering the U.S. market would be a ridiculous solution in view of the numbers involved. Japanese cars account for less than 2% of all cars sold here. In addition, Tokyo holds so many dollars it could put a real squeeze on the U.S. Treasury by cashing in its chips as retaliation for any trade restrictions.

The best bet is that joint ventures will eventually be undertaken, with government blessing, by Japanese and American companies. But we believe this will only occur gradually over a period of years. Aside from the country's well-documented xenophobia, no one in authority is anxious to risk hobbling the golden goose. And as we've suggested, companies like Toyota have demonstrated their potential to compete with the American giants on an approximately equal basis—whatever happens.

Joint venture—Moreover, there's the possibility for the company of capital participation tie-ups with, say, General Motors. Chrysler's chosen Mitsubishi for its cornerman, and Ford is known to have romanced Nissan, the country's number two motor vehicle producer, and Toyo Kogyo, a smaller outfit. (GM tried to work a deal with Nippon Express, a freight forwarder, to assemble Chevrolets in Japan a few years ago, but the government turned thumbs down. The point, however, is that GM is interested, and Toyota would make a worthy partner.)

Finally, Toyota's booming export business is becoming an increasingly important element of the overall sales mix. We believe that it would afford a substantial offset in the unlikely event the company suffered even a modest setback in its own backyard. In any case, we expect the rate of gain overseas to continue to exceed that recorded in Japan by a wide margin.

One reason for Toyota's rapid growth is the enthusiastic reception its cars have received overseas. Between fiscal 1962 and 1968, exports increased more than tenfold.

For many years, the western Pennsylvania, Ohio, and West Virginia hand glass workers complained about the adverse impact of imports. Then, large window and plate glass followed when their end of the glass business started to feel the impact.

They were told to modernize; compete or get out of business. You know the answer. All but about a half dozen plants went down the drain. Today our economy is dependent upon imported glass of practically every size, color, and shape.

The imports had the effect of pushing our producers into automation long before it was needed to meet our normal demands. Imports also forced our producers to lower standards, reduce their labor content in each product and, in some cases, our producers moved to lower wage areas in the United States and, finally, through cartels, licensing, partnerships, sales agreements, and foreign participation contracts, started selling foreign cheap labor glass through their own warehouses and sales forces.

Over these many years, many more industries have gone through the same process of free trade destruction. The domestic industry not tied to foreign deals is almost as rare as the dodo bird—which has never been seen. Normally, American buyers really cannot tell whether they are buying American made, foreign made, or a mixture of both, from shirt buttons all the way to 18 million tons of steel a year. A few of us have asked for reform in our trade policies based upon today's automated world of production, high and low waged workers, direct and indirect taxes, subsidized and free enterprise competition. A larger group with powerful voices and with the almost unanimous support of leading politicians and news medias, have not only kept the old line of trade policies, but have opened our door wider for the flood of imports which are the major cause of our national unemployment and our international suicide pacts.

For many years big industry and big business with the big labor unions have succeeded in drowning the voices of the smaller unions and small enterprises. In the case of the small business, they are gone; swallowed up by big business or forced to close their doors. The few who saw the danger and voiced their opinions were held in almost open contempt, called isolationists, and told they were living in the past. The mere mention of protection was a signal for open season on anyone who dared to question the wisdom of setting minimum-wage and maximum-hour levels in this country from there to 10 times higher than our competitors overseas. At the same time we were lowering our trade barriers to sweatshop labor products. The foreign producers were being given every protection conceivable with nontariff barriers and were slowly but surely squeezing U.S. foreign policy into a position of paying our competitors' bills for military defense and subsidizing their food supplies. While the United States has provided about $4 billion worth of free and subsidized food yearly to our competitors, they have been draining their farms for labor to produce hardware and consumer goods for the U.S. marketplace.

Our agricultural shipments have been singled too, by the free traders as one of the main arguments in favor of free trade. Frankly, our U.S. agricultural community outside of the mass production subsidized areas is fast following the glass and other industries into either the grave or the open arms of the international trade crowd. Heavy industry remained aloof from all this. No one dreamed that cement, steel, shipbuilding, and electrical power equipment would ever be pushed to the wall by imports. It is not a dream, it is a nightmare! If Government spending for armaments, public works, housing, Appalachia, and urban-rural redevelopments, were set aside tomorrow, the Hoover depression would look like a Sunday school picnic. Moreover, the history of the piece by piece takeover of our consumer goods markets by low waged countries has been accomplished by taking on one area, one industry, and one product line at a time. All industries watched, but few challenged the free trade policy. So one by one they have moved over for the foreign invader and one by one have either died or are being conglomerated individually.

The larger industry can fend for itself, since most industries are owned by thousands of stockholders. It is not too tough a problem for U.S. industry heads to make profitable working arrangements with foreigners, since it helps the foreigner to keep his cheap labor, sell through his U.S. competitor, and make the most exhorbitant profits in the history of industrial trade. However, the fall guys are the local communities, the displaced worker, and the taxpayer. It is the latter who suddenly finds himself paying not only his share but the share of the foreign worker, where products get free shelf space in our marketplace while he pays nothing for the normal costs of using our police and fire departments, taxes to our local, State, or Federal governments, our sewage and street departments, our schools and our hospitals, and above all, our professional people and main street merchants; literally, the butcher, the baker, and the candlestick maker.

In a debate recently, my opponent took exception to this illustration. His answer was: "The foreign worker doesn't use our facilities, why should he pay?" This, of course, is one of the usual pro forma arguments of free traders who haven't had a new thought since Adam Smith gave them their trade Bible two and a half centuries ago. Of course, many American workers pay taxes for schools they no longer need for themselves or their families, they pay taxes in one community where they work and again where they live, they pay taxes to provide cheaper food and defense protection for the foreign worker. We even build schools and provide the teachers with books, and in many cases, we build their docks and shipyards so they can better load their exports. Of course, I have voted for foreign aid; and I supported the Tonkin Bay resolution, and so did all but one Member of the Congress. But that does not mean we cannot point out the problems, the weaknesses in our position as we see it.

I am not a free trader, I am not a fair trader, I am called a protectionist. My main objective is to protect American jobs. I believe all things we see, hear, or smell, created by man, come from labor in one of its many forms. However, I also want to protect profits and for a very selfish reason. Without profits in the free enterprise system, there are no investors and without investors there are no jobs. It is that simple. If it is American, it is worth protecting.

A Nation can be destroyed by military invasion, excessive import invasion, and an invasion of plague-carrying insects or animals.

A nation's first duty is to its people, just as a citizen owes his first duty to his country, just as parents owe their duty to their children, and children to their parents. If this is not so, my immigrant father misunderstood his much prided citizenship and his pride of family.

INDIAN LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 15 minutes.

Mr. TUNNEY. Mr. Speaker, the problem to which I address myself is one which confronts many communities in the 27 States that contain within their boundaries Indian land. The land is held in trust for the Indians by the Federal

Government and is not taxable by the several States. Because of this exemption some of these communities lose as much as $800,000 annually of their potential tax revenue.

The policy of allotting land to the Indians and holding the title to it in trust until such time as the Indians would be given full and free control was adopted by the National Government as a means for bringing the Indians to the position where they could assume the full responsibilities of citizenship. Otherwise, they would too often lose their land soon after gaining it.

As the Meriam report on the problems of Indian administration states:

The value of the Indian lands is relatively high compared with the Indians' income from the use of the land. The general property tax, although based on the value of the land, must be paid from income unless it is to result in the forfeiture of the land itself. Bad as is the general property tax from many points of view, it is peculiarly bad when applied to the Indians suddenly removed from the status of a tax exempt incompetent and subjected to the full weight of State and local taxation. So far as the Indians are concerned, the tax violates the accepted canon of taxation that a tax shall be related to the capacity to pay. The levying of these taxes has without doubt been an important factor in causing the loss of Indian lands by so large a proportion of those Indians who have been declared competent.

Furthermore, if all the Indians simultaneously were to be deprived of their tax exemption, much of the reservation land would have to be put up for sale, at once, glutting the real estate market, and reducing even further the value of the property.

While the justice of the tax exemption is recognized, this Federal law does cause a loss of tax revenue to local communities. Palm Springs, within my congressional district, is a case in point.

The city manager of Palm Springs has written that:

The proposed bill to provide in-lieu tax payments to local government for Indian lands would correct a long standing inequity in Palm Springs. The basic issue is "Who should pay the tax subsidy now going to Indian land owners?" Under present federal law the local tax payer must subsidize Indian land not only because of tax exemption, but also by direct improvements such as streets, sewers, and water systems. Preliminary studies indicate that local taxing agencies in the Palm Springs area lose over $800,000 annually because of the tax exemption on Indian lands. This is quite a burden for local tax payers to carry. The property tax is the major source of revenue for local government. The restriction of the tax base by exempting Indian lands only compounds an already serious problem in the financing of local government.

The bill which I am introducing today will preserve the national policy of tax exemption for Indian lands, without causing the attendant tax loss to any single community.

The bill follows:

H.R. ——

A bill to provide for payments in lieu of taxes to States in which Indian trust lands are located

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for him to pay annually, upon the application of any State or political subdivision thereof, an amount equal to the amount of any tax or other levy imposed upon the ownership, possession, or control of real property that such State or political subdivision would have received during the preceding calendar year if real property located in such State or political subdivision which is held by the United States in trust for the benefit of an Indian tribe or member thereof, or subject to a restriction against alienation imposed by the U.S., had been held in unrestricted ownership.

COMPULSORY CROSS BUSING SHOULD BE ABOLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. FISHER) is recognized for 15 minutes.

Mr. FISHER. Mr. Speaker, the long delay in revising HEW guidelines in order to comply with the act of Congress against compulsory busing designed to "overcome racial imbalance" in schools, is most distressing. Surely this needed relief will be forthcoming in the near future.

It will be recalled that in the 1964 Civil Rights Act the Congress did what many of us then warned was unwise and far too extreme—it delegated to HEW the unprecedented authority to withhold money provided by Congress for aid to education, if HEW braintrusters should decide a school is not desegregating in a manner that suits the whims of that agency.

But in the same law the Congress provided:

"Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This expression by Congress was reiterated in 1968. Yet HEW has persisted, on technical grounds, in withholding funds appropriated to aid in the education of schoolchildren, on the flimsy excuse that in certain schools there is not enough mixture of races to suit the fancy of those who administer the law.

The strange thing is that this is done in the name of civil rights, even though the schools being penalized practice no racial discrimination whatever. These schools admit, without question, any child who lives in the neighborhood and seeks admission. This is really not a racial issue at all. It is opposed by parents of all races.

A Houston Post editorial points up the evils of cross busing in these words:

To bus children six to 13 miles away from home poses obvious difficulties for children and parents of all races and all financial levels.

If an elementary school child is 10 miles from home, he cannot go home if he gets sick during the day. He cannot stay after school to rehearse school plays, take part in athletic events, or have special tutoring on weak subjects because he would miss the bus. He and his parents find it hard to come back to school for evening events. His parents find it hard to attend PTA meetings or come to private conferences with teacher or counselor. It adds to their work toward Halloween carnivals or May fetes.

The entire experience of being in school would be diminished for the bused child, and he would have his school day tediously lengthened by the long bus ride.

The annual cost of busing thousands of children would be astronomical.

FREEDOM OF CHOICE FAVORED

There is no court decision which directs or justifies this extraordinary assumption of power by HEW. I call attention to the wording of a decision in 1955 by the circuit court of appeals which used this language:

It (the Supreme Court) has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend . . . If the schools . . . are open to children of all races, no violation of the Constitution is involved.

Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend.

That decision has not been overruled by the Supreme Court.

PRESIDENT NIXON AGREES

President Nixon, as a candidate, faced up to the issue. Last October during the presidential campaign he was quoted as saying:

No child, black or white, should be deprived of an education. I would enforce Title VI of the Civil Rights Act of 1964. I oppose any action by the Office of Education that goes beyond a mandate of Congress. A case in point is the busing of students to achieve racial balance in the schools. The law clearly states that "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

It was felt, therefore, that the new administration would promptly correct the evils of cross busing, initiated during the preceding administration. Indeed the new Health, Education, and Welfare Secretary, Robert H. Finch, commented on the issue. On last March 3 a UPI report contained this:

Welfare Secretary Robert H. Finch said yesterday he was opposed to busing pupils to achieve racial balance in public schools.

He said moving pupils about just to obtain a "salt and pepper effect" was detrimental to education and was opposed by both whites and blacks.

Many of us in Congress have urged the Secretary to act. Apparently Mr. Finch has hesitated because of reluctance to offend pro-busing advocates. Some well-intentioned people favor compulsory busing, probably because they are not aware of the implications. Others are influenced by politics. And there is a highly vocal crowd who are so race-minded they are prone to scream "bigot" and "white supremacy" to the high heavens every time they hear the word "race" mentioned in any context.

Mr. Speaker, this thing should be removed from the realm of politics. The schoolchildren and their welfare should come first. The voice of the parents should be heard.

Unless Mr. Finch changes the cross-busing policy soon, the Congress may move again, as it almost succeeded in doing last year, to attach a rider to HEW's annual appropriation bill, which would prohibit such withholding tactics, in terms that cannot be misinterpreted.

Local schools where no discrimination

is tolerated are quite capable of handling their own local affairs.

THE TELEVISION OVERLORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the concentration of economic power in the hands of the radio and television networks is awesome; but what is even more staggering is the political power that is represented by the ability of a few network executives to determine what the public will see and what it will hear. It is a power so great that Atlantic magazine in its July issue is inspired to refer to television as a medium governed by barons and overlords. The result of this concentration of power is what you would expect in a classic monopoly; poor quality of product, high prices, and an exceedingly handsome profit for the lucky few owners.

As a matter of fact, there is a growing concentration of power not just in television but in other media. We are confronted with a declining number of owners of radio and television stations, and a declining number of newspapers. As the economic giants grow the channels of information and discussion are controlled by a constantly declining number who enjoy constantly growing economic and political power. Atlantic reports, for example, that at the end of 1967, there were no less than 73 communities in this country "where one person or family owned or controlled all of the newspaper and broadcast outlets." What this means is that in each one of those communities only one person or one family, can to a very great degree, control what people read, see, or hear. The implications are awesome.

This concentration of power does not exist only in small towns; it extends to very large cities. There are only a handful of newspapers to serve the millions of people in the largest cities of the country. And in each of the three largest cities in the United States—where 25 to 30 percent of all television sets are owned—the networks own all network affiliated stations. That is to say, in New York, Chicago, and Los Angeles the major television stations are completely controlled by the networks, so that in those huge cities the decisions on television broadcasting, right down to local news, is under control of remote corporate giants. And even where television stations are independently owned, most of what they broadcast is dictated by the program selections of the network they are affiliated with. No station owner can refuse to show much of what the network offers, because it will cost him money, and because he probably cannot afford to produce very much on his own resources. Even the very minor independence of network affiliates is eroding as the number of station owners decline. Conglomerates are finding television stations to be good investments, and so it is becoming more typical that a community has a local station that is owned by a conglomerate, or perhaps a family chain, and serviced by a network—neither of which has any local interest save returns on investment.

A television network does not simply control an electronic web. It also controls the selection and very often the production of the material broadcast on the network. Ownership of the carrier gives them control over the commerce that is carried. Like the railroad barons of old, the television barons can say with impunity what they will carry and how much the cost will be.

Fewer and fewer people are making decisions about what people see on television, and what they read in the newspapers, or what they hear on the radio. And as a matter of fact, the electronic media are not adverse to entering book publishing as well, thus even further strengthening their control over communications.

It is this concentration of power that makes it possible for the networks to procure or create bad programs and then award themselves plaudits for excellence. It is this power that enables networks to shun excellent programs as being too controversial, and producing banalities that are good only because they help sell commercial air time. It is this power that enables the networks to produce distorted and sensational news programs, and award themselves trophies for the product, and then in an exercise of doublethink, decree against news programing because it is controversial and bad for business. Thus the networks have the power to give themselves awards for daring, and at the same time decline to produce responsible news programs in any significant amount because it is dangerous for the business enterprise and bad for the corporate image.

It is a serious thing when access to communications falls into the control of a very few hands. The democratic system functions best when discussion is most free, and knowledge most widely distributed. The fewer the avenues to the media, the fewer who are heard, the weaker grows the certainty of full, free, fact-based discussion.

The media must do more than merely entertain. They have a public responsibility to inform and enlighten. The concentration of power in the media is to be feared, even resisted, for what is at stake is access to the very tools of the democratic process, and the health of the process requires that the media be available to more, not fewer, people.

OUR LEGISLATIVE BRANCH WITHERS STEADILY AWAY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, our National Government depends upon balance for stability, evenhandedness, and progress in the face of reaction. Only by preserving that ingenious balance of powers provided for in the Constitution by those Renaissance men we call the Founding Fathers, can we maintain democratic processes of government. Yet it seems we are losing that struggle daily.

By providing a system of balanced segments of government, these gentlemen sought to prevent one-sided rule by an all-powerful Chief Executive, a runaway National Legislature, or an arrogant Federal judiciary. Until very recently, this balance had proven again and again that our founders had wrought well, seeing far into our national future and most perceptively plumbing the innermost depths of the political nature of man.

Previously, throughout American history, there came eras when our legislative branch sought out and grasped power at the expense of a weakened executive branch. At other times, the pendulum of national political power swung the other way, giving overpowering initiative to the executive at expense of the legislative arm. Periodically, a dominant Chief Justice of the Supreme Court was able to lead a judicial thrust at expense of the other two branches.

Vigorous Presidents temporarily overpowered weak Congresses. Exceptional leaders on Capitol Hill overbore timid or unprepossessing Chief Executives. Rarely did a President or set of congressional leaders successfully challenge a John Marshall as he carved out our framework of political reference. But always the balance was restored. Rarely, if ever, was our Constitution made a deliberate dead letter by actions of a public servant, no matter how able, arrogant, or dictatorial. They all came and went—Thad Stevens, Lincoln, F. D. R., La Follette, Lodge, Wilson, Jackson, Calhoun, Webster, Clay, Reed, Cannon, Clark, Taft, Crawford, Benton, Warren, and so many others. All have left impressive, indelible marks. All were able in some manner to dominate our national scene temporarily. All respected the Constitution even as they swung the weight of Government in one direction or another.

Today we are in the midst of another such interregnum—this time as executive branch power rises to preeminence at expense of that possessed by our legislative branch. It is a cumulative movement which even now gathers ever greater momentum. Yet today's excesses seem to me to be far worse than those of aforementioned eras. Of late, such actions by powerful individuals in our executive branch grow more arrogant, their acts more dangerous and the consequences more foreboding. Constitutionally guaranteed liberties are gravely endangered along with the congressional power to declare war, contribute to foreign policy and maintain careful control over the military and its expenditures.

These cumulative acts are far worse than nonenforcement of a court decision, temporary suspension of habeas corpus in wartime or the Palmer Raids. Placed within today's context, they create an atmosphere of fear, oppression, apprehension and despair.

A series of executive orders commit us to an unpopular oversea conflict. Power to declare war is torn from the hands of the Congress, defying a constitutional decree. Telephones are increasingly tapped in the most arbitrary manner. Government officials speak ex cathedra on affairs either out of their purview or in a manner which totally compromises them

as civil servants. The Pentagon quietly commits a further $54.2 million for mass production of the Mark 12 reentry vehicle, key element of the MIRV system. This is done even as Congress debates the necessity and urgency of the MIRV system. Possibilities for meaningful disarmament talks go glimmering as this hydra-headed monster becomes an integral part of our arsenal. Military leaders in the field commit American troops to troop maneuvers with Spain's armed forces, giving America an apparent political commitment as a result. Military people conduct secret strategic base negotiations, with foreign policy commitments a byproduct of their talks and sub rosa agreements with the Government of Spain.

The legislative branch of Government stands by helplessly, waving the U.S. Constitution at these people as they merrily plunge headlong on their course. Our wishes have become meaningless. Unilateral action is taken without congressional agreement and concurrence, much less initiation. As of today, a critical imbalance exists between powers of the legislative branch of the U.S. Government and those of the executive. Our national system is a delicate one, dependent upon restoration of periodic imbalances. No temporary crisis may rationalize such acts or trends. No national mood must dictate abandonment of the basic precept upon which our Republic rests. If we persist in allowing this imbalance to worsen, the underpinnings of our society are jeopardized, and the essence of our society as we know it is placed in the balance.

DRAFT REFORM IS A CRYING NEED—SERVICE TO OUR NATION REQUIRES EQUITABLE DISTRIBUTION OF RESPONSIBILITY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, We live in an era of massive armies, varied international commitments, and wide-ranging projects requiring national service. The era of small, elite forces which decided small wars ended long ago. Even today's tiniest international imbroglio requires more than forces which once were enough to cope with colonial-era-style combats. Our Nation has joined the ranks of those national states maintaining large standing armed forces.

Yet it is a fact that our national system of military service has been revealed as woefully lacking insofar as fairness in selecting those who shall serve and those who shall not. Our Selective Service System is a shameful collection of abuses which desperately requires alteration and thorough reform.

Certain evils stand out more than others. General Hershey, who has served long and sincerely, has acted in an increasingly arbitrary manner. Critics of the war in Vietnam have had draft classifications changed almost overnight. It was not Congress' intention to see the draft used as an internal punitive weapon. Many draft boards throughout the Nation do not adequately represent the makeup of populations they exercise such power over. Minority group representation on many boards is too often absent or minimal. In light of the fact that such groups often provide significant numbers of draftees, this in itself demands reform. Our system penalizes some poorer elements among our population. It at times rewards with delayed induction an average, middle-class college student commanding financial resources to attend college for several years. His less fortunate peer, the dropout, is all too often taken swiftly and with no appeal, into our Armed Forces. Too often, the oldest of our young men continue to be drafted first, stultifying careers for year after year.

Deferments have been abused so repeatedly as to constitute a national force. A virtual caste system of induction exists in many places.

Yet the worst evil, perhaps, is geographical variation, permitting application of widely different rules and wildly diverse standards. Married men in some States are taken, while thousands of others in some places remain immune. Nineteen-year-olds are called up in one city—22-year-olds in another. Returning Peace Corps volunteers are placed first on conscription lists in some places—last in others. Many lily-white draft boards decide military fates of many blacks. Boards topheavy with aged members are forced to try and understand the strongly held ideals of modern youth. Conflict, bitterness and erosion of faith in Government are the cumulative bitter fruit of all this.

We have available several choices. First is a volunteer army, with enough enticement in the manner of pay, education and prestige to fill its ranks easily. Its cost would be high, and its potential elitism might pose a danger to a free society. Yet with more than 12 million American young men in the 18–26 category now, recruitment would not be an insurmountable obstacle.

Another alternative exists in the form of national mandatory service for all, including perhaps women, along lines so effectively pioneered by Israel. Everyone serves who is conscientiously able and willing to do so. For those who have personal or religious scruples against any military service, there is an alternative of serving the same period of time in peaceful pursuits, while still engaging in work benefiting our Nation.

Alternatives are varied, and it is imperative that we take advantage of one or a combination of several of them. The Selective Service System as it now stands must be first abolished and then reformed. National service procedures must be standardized nationally. Unwritten laws either should be legislated or ended. We must create a fair standard for all, rather than a variety governed by connections, influence or wealth.

I am, therefore, introducing a measure aimed at accomplishing such reforms. Random selection and younger persons first are major elements, as well as a 3-year transition period and an end to occupational deferments, except where ordered by the President. Postponement for students is provided for, without allowing it to become exemption. Fair treatment is provided for conscientious objectors, atheists and agnostics. National standards are provided for as well as their uniform application. The system could not be used as punishment for protest activities. Judicial review is an added feature. Cases of conscientious objectors may be reviewed by the Justice Department. Registrants would have a right to appear in proceedings against them, accompanied by counsel. Term of the Selective Service Director would be limited to 6 years. Discrimination would end in makeup of draft boards. Provision is made for studying a National Service Corps, to accommodate those doing nonmilitary national service. Study is called for of the concepts of an all-volunteer army and amnesty to those young men who have fled the country because of the draft as now constituted.

Our methods of national service are institutions as much as our divisions of government or tax system. Built-in inequities erode confidence of our people in such institutions, imperiling our society. No unjustly constituted armed force can fight a truly just war. No coerced armed force can truly believe in its leaders and ideals. Our Armed Forces must reflect national ideals, institutions and concepts of fairness. The draft today does not. A time for meaningful reform is at hand.

EDWIN WILSON CRAIG

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, my community and State have lost one of its most outstanding citizens in the death of Mr. Edwin Wilson Craig, at the age of 76.

At the time of his death, Mr. Craig was serving as honorary chairman of the National Life and Accident Insurance Co., chairman of the board of WSM, Inc. Only recently he had been named a director of the NLT Corp. holding company for the National Life and Accident Insurance Co., Third National Bank, and WSM, Inc.

He had joined National Life and Accident Insurance Co. in 1913. His father had been one of the original founders of the firm. In 1943, he was named president of the company, and become chairman of the board in 1953. Under his leadership, National Life reached new heights in its service, and now ranks among the major firms of its kind in the Nation.

Mr. Craig's interest in broadcasting dates from the beginning of this industry. In 1925, he was instrumental in the founding of WSM Radio and in establishing radio's longest running scheduled program, the "Grand Ole Opry."

It was in the field of broadcasting that I best knew Mr. Craig. We shared a great concern in combating cerebral palsy, and it was through the personal efforts of Mr. Craig that the annual cerebral palsy telethon, carried by WSM television, became a reality. Many thousands of dollars raised through this telethon have

benefited those struck by this terrible ailment, and a major share of this success is credited to the untiring efforts of Mr. Craig.

As a broadcaster, he recognized the duties of public service programing.

As a successful businessman, he recognized his responsibilities as a citizen, always ready and willing to devote his time, his energies, and his abilities in service to his fellow man.

He will be missed.

The following editorial tributes were paid Mr. Craig by the Nashville Tennessean and the Nashville Banner, and I include them as part of my personal tribute to one of my community's and State's outstanding citizens, Mr. Edwin Wilson Craig:

[From the Nashville (Tenn.) Banner, June 27, 1969]

EDWIN WILSON CRAIG

For qualities of character earning the affectionate regard of colleagues in the business, civic, and cultural life of his city, Edwin Wilson Craig will be remembered. For the leadership he supplied in the insurance field; and more than incidentally in the broadcasting industry, numerous honors bestowed attest to national recognition earned.

Son of a beloved and respected founder of the National Life and Accident Insurance Co., his career centered there—on merit climbing rung by rung, from modest beginning to its top executive position. That he bore responsibility well is evidenced in the growth of his company marking that distinguished tenure.

With a broad interest in Americans, Mr. Craig helped pioneer the 20th Century's country music business—to make it what it has become in and out of what has been designated as Music City, U.S.A.

Of transcendent qualities, the outstanding one was that of Edwin W. Craig the exemplary family man; beloved as husband, father, grandfather and great-grandfather and deeply reciprocating those ties of affection that were so precious to him.

Busily engaged in official duties at the helm of a great insurance company, he yet found time to serve his community in every task to which duty called. Active in fraternal affairs, in civic work, church and charitable enterprise—through these he bestowed a benefaction, and measured to the title uniquely recognized by the Fred Harvey Memorial Award in 1961 as distinguished citizen of the community.

He was that—and as such will be remembered.

His passing shocks and saddens the city which knew him well through most of his 76 years, and is a beneficiary of his long and useful life.

[From the Nashville Tennessean, June 28, 1969]

MR. E. W. CRAIG LEAVES IMPRINT

Mr. Edwin Wilson Craig, honorary chairman of National Life & Accident Insurance Co., died Thursday of a heart ailment at the age of 76.

Mr. Craig, a native of Pulaski, had been closely connected with Nashville's financial and civil development for nearly 50 years.

He joined National Life in 1913 and rose to head the company during its years of rapid growth. National Life is now the largest insurance company in the South and one of the largest in the nation.

Mr. Craig was a pioneer in commercial radio and was instrumental in forming station WSM as a property of the insurance company. He also had a large part in developing WSM's most famous program, the Grand Ole Opry, which opened the way for the growth of the Nashville music industry as it stands today.

The insurance company official was also instrumental in organizing the Clear Channel Broadcasting Service and was active in the National Association of Broadcasters.

Mr. Craig's life and career—as insurance executive, financial adviser, entertainment promoter and civic leader—will continue to have lasting impact on the community and the nation. He will be greatly missed.

REPORT TO MEMBERS OF THE BAR BY CHIEF JUSTICE G. JOSEPH TAURO

Mr. McCORMACK. Mr. Speaker, Chief Justice G. Joseph Tauro, of the Massachusetts Superior Court, former president of the National Conference of Metropolitan Court Judges presently serving on its executive committee and also as chairman of its committee on trial advocacy, has given much of his time and effort in support of attempts to bring significant improvement to the trial bar of the Nation.

In an article on the subject published in the December 1968 issue of the Massachusetts Bar Association Law Quarterly, he proposes a national, in-depth study of the matter by the Association of American Law Schools in cooperation with the various national bar associations. Further, he places emphasis on the following points:

The serious lack of competent trial lawyers is one of the most urgent problems facing the courts today, and this condition seriously affects the quality of justice, contributes to congestion and lessens respect for the judicial process.

The inadequacies and deficiencies of our trial bar are so widespread and ingrained that they are apt to trigger one or two undesirable reactions. The first is one of resignation or defeat. The second is one of premature, uncoordinated efforts at self-help by individual law schools. The first is patently fatal while the second, judging from past experience, is only a little less dangerous because limited or unsuccessful individual efforts may provide fuel for those who assert that the fundamentals of trial advocacy cannot be taught at the law schools.

With their presently limited resources and lack of necessary expertise, most law schools are in fact generally incapable of undertaking meaningful teaching programs. With sufficient study and long-range planning, however, skilled and experienced personnel, sophisticated texts and materials can be developed so that the law schools can teach the fundamentals of advocacy and litigation.

No less an authority than Chief Justice of the United States, Warren E. Burger, estimates that according to the most favorable view 75 percent of lawyers trying cases are incompetent—Burger, "A Sick Profession," 27 Federal Bar Journal 228, 1967; vom Baur, "Revitalizing the Trial Bar," 55 American Bar Association Journal 138, February 1969.

Past methods of learning trial advocacy—that of trial and error in the courtroom—has produced many competent trial lawyers but also large numbers who do not acquire the necessary proficiency. Furthermore, the hard facts are that this system places an undue burden on the courts, and, of greater importance, it has failed to produce and maintain a trial bar of sufficient depth and competence to dispatch an ever-increasing volume of litigation and criminal business.

Chief Justice Tauro specifically recommends and proposes that the Association of American Law Schools together with the American Bar Association and other national bar associations undertake, on a national basis, an in-depth study to develop sophisticated teaching methodology on trial advocacy at the law school level, not with the idea of turning out finished trial lawyers but merely to provide the young lawyer with the necessary confidence and requisite tools in order that he can make a proper start in our courts.

At the May 1969 meeting of the Council of Judges of the National Council on Crime and Delinquency, a resolution was adopted, addressed to the Association of American Law Schools and the American Bar Association, urging these groups to undertake such a study. Similar resolutions have been adopted by the National Conference of Metropolitan Court Judges, the National Conference of State Trial Judges and the Massachusetts Judicial Conference. The resolution referred to follows:

RESOLUTION OF THE COUNCIL OF JUDGES OF THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Whereas the efficiency of our courts and the effective administration of justice require a trial bar of sufficient depth and ability to properly dispatch its work, and

Whereas it has long been a matter of common knowledge and grave public concern that there exists a serious lack of capable and experienced trial lawyers throughout the country, it is hereby

Resolved that the Association of American Law Schools be and are hereby urged to undertake a study in depth in order to develop modern and sophisticated methods for training law students in the fundamentals and basic techniques of trial advocacy as a solid base of instruction upon which the young lawyer who aspires for a trial career can build with confidence, personal initiative and experience.

In my remarks, I also include a "Report to Members of the Bar—VI," entitled, "The Need for a Revision of Legal Education for Trial Attorneys" prepared by Hon. G. Joseph Tauro, chief justice of the Massachushetts Superior Court, and also copy of a resolution adopted on May 10, 1969, at the annual conference of the Council of Judges of the National Council on Crime and Delinquency. The views and recommendations of Chief Justice Tauro, with his profound experience as a lawyer and jurist are worthy of, and should receive, early and serious consideration by the various bar associations of the United States, and particularly by the American Bar Association and the Association of American Law Schools. The stature and prestige enjoyed by the legal profession, and the quality of legal services available to the American people is due in no small part to the efforts of our organized bar associations. The situation presented by Chief Justice Tauro and his associates in the accompanying report is a challenge to the various bar associations, as well as to the legal profession.

The report follows:

THE NEED FOR A REVISION OF LEGAL EDUCATION FOR TRIAL ATTORNEYS: ANNUAL REPORT TO THE MEMBERS OF THE BAR—VI

(By Hon. G. Joseph Tauro, Chief Justice, Massachusetts Superior Court)

(NOTE.—The issues discussed in Chief Justice Tauro's Sixth Annual Report touch upon every element of the legal profession. Because of the complexity of the problems presented, the editors request that you read the article in its entirity before coming to any conclusions on the points canvassed.)

I. INTRODUCTION

By general acknowledgment, the American bar has made substantial progress in the past generation and, in the process, its prestige has advanced significantly. In large measure, this phenonmenon has been due to the high scholastic standards achieved by the majority of our law schools and to the progessive activities of the American Bar Association and other national and state bar associations.

During this period of time, most law schools in the country have raised their standards for admission so that only those students with good academic records can aspire for admission. In general, they have improved greatly and to the point where many have achieved the standards of excellence formerly enjoyed only by the nation's outstanding law schools. As a result, the young lawyer today enters a well-regarded and learned profession which is on a par with the medical and other leading professions.

However, in spite of the general improvement of the entire bar, one of the major chronic obstacles to efficient judicial administration is the shortage of skilled trial lawyers. Quite simply put, the problem is this: There is an insufficient number of capable trial lawyers to process with efficiency and justice the civil and criminal caseloads of our courts of general jurisdiction.

This situation is especially acute in our large, metropolitan areas which are constantly beset wtih social unrest, soaring crime rate and ever-expanding civil backlogs.

There can be no denial that in Massachusetts and other jurisdictions throughout the country there are competent and even outstanding trial lawyers who have acquired and developed their skills through actual experience in the courts without the benefit of specialized academic training. However, it is an equally unequivocal fact that this method of trial and error and learning by "seeing and doing" has not produced nor maintained a sufficiency of trial lawyers with the requisite capabilities to dispatch the increasing caseloads of the courts. Furthermore, the prospect of undergoing such an arduous learning process, while pitted against more experienced adversaries, has dissuaded many young yawyers from pursuing careers in advocacy. In view of this state of affairs, we must re-examine the role of the law schools in educating trial advocates.

I do not claim to be the discover of this malady's existence. Others have warned of its persistent and insidious growth for decades. Frank, *Why Not a Clinical Lawyer-School?* 81 U. Pa. L. Rev. 907 (1933) and *A Plea for Lawyer-Schools,* 56 Yale L. J. 1303 (1947); L. Stryker, *The Art of Advocacy* (1954); Whittaker, *Advocacy-Advance or Adieu,* 13 Kan. L. Rev. 233 (1964).

What disturbs me most of all, however, is the failure of the legal profession to come to grips with this situation which, predictably, will assume enormous proportions in the foreseeable future. Yet, I must temper my pessimism with a note of hope; for I am able to perceive the stirrings of interest in this problem. This hope, in turn, is realistically tempered by caution and fear.

The purpose of this *Report* is to outline the nature and scope of the existing situation to convey to the bar in general the various activities now under way and to present for consideration and discussion some specific proposals to reverse the current trend.

II. PROGRESSIVE ACTION TO DATE

The 1967 national conference of metropolitan court judges

The vexatious nature of this problem motivated me during my term as president of the National Conference of Metropolitan Court Judges to include on the agenda of its 1967 meeting a panel discussion on trial advocacy. The panelists, Associate Dean Francis J. Larkin of Boston College Law School, Honorable Tim Murphy of the Court of General Sessions of the District of Columbia and John J. Curtin, Esquire of Boston, ably articulated all facets of the current problem. As a result of their presentation, the delegates to the Conference unanimously passed a resolution advocating the development and institution of law school programs designed to inculcate skills in advocacy and litigation.

Subsequent correspondence

Thereafter, I contacted every dean of a law school having membership in the Association of American Law Schools and conveyed to them my views and those expressed by the delegates and panelists at the Conference. The response was most gratifyng. The vast majority of respondents recognized the urgency of the situation and expressed a willingness to cooperate in corrective efforts.

The Conference's resolution subsequently received the endorsement of the Judicial Conference of Massachusetts and the National Conference of State Trial Judges. Numerous individual judges, lawyers and professors, including Justice Tom C. Clark and the presidents of the Boston and Massachusetts Bar Associations, the American College of Trial Lawyers and the American Trial Lawyers Assocation have also registered their support of the resolution.

The 1968 national conference of metropolitan court judges

The interest created at the Conference's 1967 meeting in Boston led to a further investigation of the problem at its 1968 meeting in New York. The 1968 panel, of which I was privileged to serve as chairman, consisted of three eminent trial lawyers and two legal educators: Robert W. Meserve, president of the American College of Trial Lawyers, Honorable David W. Peck, former presiding judge of the Supreme Court of New York, Jacob D. Fuchsberg, former president of the American Association of Trial Lawyers, Dean Jerome Prince of Brooklyn Law School and Professor A. Leo Levin of the University of Pennsylvania and co-author of a recently published text on trial practice, Cramer and Levin, *Problems and Materials on Trial Advocacy,* (1968).

This panel, eschewing any internecine search for blame, objectively probed various approaches to this problem. As a result, the Conference passed a unanimous resolution urging the Association of American Law Schools and the American Bar Association, as a joint venture, to undertake a study to devise the curriculum, methodology and materials necessary to provide basic training in advocacy and to permit the initial development of the law students' skills within the framework of law school programs. The Conference also pledged its active cooperation with any such undertaking. In addition, the Conference designated me as chairman of its newly formed Committee on Trial Advocacy, charged with the task of coordinating its activities with those of other progressive organizations.

Intervening developments

I have recently received several communications from Federal Judge William B. Jones, Chairman of the American Bar Association's Committee on Advocacy. Simultaneously, I accepted a nomination to this Committee. In essence, Judge Jones requested further meetings of the Committee to consider its future course of action and indicated the need for a more expansive, adequately staffed and funded study. He also expressed his conviction that a conference of interested persons could provide the opportunity for great progress. However, despite his continuing efforts, the necessary funds remain unavailable.

In addition, I have received a copy of a letter from Professor Levin to Professor Michael Cardozo, Executive Director of the Association of American Law Schools, requesting him to include on the agenda of the Association's annual meeting a round table discussion of the law school's role in the formation of trial lawyers. Since that time, I have been informed that the Association has met and officially approved the presentation of a full-scale study of this problem at its next annual meeting.

In the meantime, I have also received a letter from President Jacob Fuchsberg of the Roscoe Pound-American Trial Lawyers Foundation expressing that organization's desire to participate in such a study.

III. THE STATE OF THE TRIAL BAR

Inadequacy of the trial bar

The disheartening statistics reported by law enforcement agencies throughout the nation regarding crime rates foretell an inevitable increase in the demands made upon the courts and the trial bar. U.S. Dept. of Justice, *Uniform Crime Reports for the U.S.* (1967). As the number of criminal cases prosecuted in the courts steadily rises, the shortage of judges in jurisdictions such as Massachusetts forces a corresponding reduction in the number of available civil sessions. In turn, court delay, the accumulation and concentration of untried cases among trial lawyers mounts proportionately. Institute of Judicial Administration, *Calendar Status Study* (1968); 52 Judicature 124–125 (Oct. 1968). In such circumstances, inept and inexperienced lawyers on the one hand and the deficiency of well-trained trial counsel on the other contribute significantly to the administrative difficulties of our courts of general jurisdiction and the quality of justice rendered within them.

Effects on the administration of justice

The complex controversies and tensions arising out of our highly mobile, rapidly changing and frequently impersonal society place inordinate demands upon the services of capable trial lawyers with the result that others, without competence and the necessary skills, are called upon to try cases beyond their capabilities. Furthermore, the concentration of litigation, both civil and criminal, among a relatively small segment of the bar leads to conflicts in court calendars.

Attorneys lacking in basic training and experience, unprepared attorneys and capable but overworked attorneys compound the problems in our courts. The inexperienced are apt to make frivolous and unfounded motions; engage in dilatory tactics; fail to preserve exceptions or lay proper foundations for the introduction of evidence; ask needless questions in the direct and cross-examination of witnesses; repeatedly make unnecessary and ill-advised objections and, conversely, fail to object when appropriate; or omit essential elements of their cases. Some untrained lawyers cannot elicit testimony surely or argue consistently and succinctly. In trials involving lawyers of substantial disparate ability, trial judges face the added burden of ensuring some degree of balance to safeguard the basic rights of all parties.

This situation results not only in unduly prolonged trials but also in a greater chance

for error, reversal and retrial. Symptomatic of the bar's concern in this area is the tentatively recommended amendment to the Canons of Professional Ethics proposed by the Amercian Bar Association's Special Committee on Specialization which would, in effect, preclude a lawyer from accepting tasks "beyond his existing competence." 13 A.B. News 1 (Oct. 1968).

Other factors impeding judicial administration

I do not mean to imply that all or even the majority of defects in the administration of justice can be traced to the state of the trial bar. That would be totally unrealistic and unfair. Many other factors—a shortage of judges and a lack of qualified supporting personnel, inadequate facilities, archaic procedures, decentralized organization, obsolete managerial and administrative methods, patch-work attempts at reform—all combine to further complicate the situation.

For an example in point, the Massachusetts Superior Court suffers from the least favorable ratio of judges to population in the country, approximately one general trial court judge per 115,000 persons. Brown, *What Price Justice?* 12 Bost. B. A. J. (Jan. 1968). Even to reduce this ratio to 1 to 100,000—twice the figure demanded by the Constitution of Florida, Art. V, § 6 (2), and recommended by experts in judicial administration—would necessitate the immediate appointment of eight or nine additional justices, an increase in the bench of nearly 20 percent. To approach this optimum ratio of 1 to 50,000 would demand more than doubling the Superior Court bench, a measure which our courthouse facilities and supporting staffs could not now accommodate. The correction of this and other systematic defects must, in most instances, await a comprehensive legislative effort supported by the general public. However, the augmentation and the improvement of the trial bar lies peculiarly within the power of the legal profession, including judges and legal educators, and thus no blame can be attached to our legislatures for the shortage of trial lawyers.

Need for professional cooperation

A fruitless search for blame or recrimination would only serve a divisive function and hinder much-needed remedial efforts. The pressing task before us is not to apportion blame for the present state of affairs but rather to find a practical solution, a task which will require the sustained cooperation of the entire legal profession.

The fault for the existence of this situation cannot be laid to the many conscientious lawyers who, within the limits of their training, experience and research resources, attempt to represent their clients to the best of their ability. Lacking other means and from sheer necessity, the young lawyer must adopt a procedure of trial and error—a method which unfortunately contains the distinct likelihood of periodic or habitual error at the expense of his clients and a consequent diminution of their respect for the legal process, the judicial system and the law itself.

Similarly, we cannot single out an overburdened trial bar for censure any more than skilled surgeons are to be criticized for hospital waiting lists. Rather, their expertise must be recognized and they are to be applauded for their accomplishments. Without them we would be confronted with a much more serious problem.

Nor do I subscribe to the position that the concentration of litigation among a relatively small segment of the bar is the efficient cause of court congestion. Warren, *Address at the Dedication of the Roscoe Pound-American Trial Lawyers Foundation Law and Research Center,* September 28, 1968. Admittedly, this concentration does cause difficulties in judicial administration and calendar control, but it has also been demonstrated that its effects can be minimized by the utilization of modern management techniques. Aldisert, *A Metropolitan Court Conquers Its Backlog,* 51 Judicature 202, 247, 298 (Jan., Feb., Mar. 1968); Higginbotham, *Address at the Boston Bar Association's Conference on Computers in State Government,* May 17, 1968. This concentration of practice and court congestion should not be linked in a causal relationship. They are both manifestations of the same underlying cause—the shortage of competent trial lawyers and, of course, the lack of sufficient forums.

Incidentally, I would also like to point out that the problem of concentration and congestion is often misunderstood even by members of the bar. First of all, studies conducted in numerous jurisdictions, including Massachusetts, have consistently shown that the trial of motor vehicle tort cases consumes only a relatively minor portion of judges' time in courts of general jurisdiction—13% in Suffolk (Boston) County. *The Law's Explosion!,* 44 J. of Am. Ins. 18, 20, 21 (Nov.-Dec. 1968). Secondly, the heart of the problem lies in the shortage of trial lawyers in such other vital specialties as criminal law, medical malpractice, eminent domain, construction contract and administrative law—specialties which consume far more of the court's time than motor vehicle tort trials.

I must also reject abstract, statistical theories of calendar control which are predicated on untenable comparisons of cases on a court's docket to bags of peanuts. Zeisel, *Court Delay Caused by the Bar?,* 54 A. B. A. J. 886 (Sept. 1968). Neither do I accept the facile use of such devices as certificates of readiness as presenting any lasting solution. This last observation is based upon a study conducted by this office of every jurisdiction in the nation utilizing certificates of readiness; but, as an example, I would cite the experience of the Los Angeles Superior Court. There, after an initial advance following the introduction of certificates of readiness and electronic data processing, the civil backlog has steadily risen to 30.7 months. 52 Judicature 125 (Oct. 1968). Any effective attempt by the courts at clearing congested dockets must be predicated on sufficient facilities, judges and supporting personnel. Even the concurrent existence of these elements would be unavailing in the absence of an adequate trial bar.

Neither can the blame be placed entirely upon our law schools. As a matter of fact, the legal profession, as a whole, owes much of the prestige which it now enjoys to the insistence of the law schools upon high levels of scholarship for admission and matriculation.

IV. THE TEACHING OF ADVOCACY

Law schools as the appropriate vehicle

If I am correct in my analysis, our task is essentially an educational one and, therefore, the initiative rests primarily with our law schools supported, wherever possible, by the bar and the judiciary. The objective of the proposed study must be to develop a curriculum, materials and methodology which will attract capable law students to the field of advocacy and impart to them a sufficient foundation in litigation upon which they can build with experience and application.

It would, in my mind, be a mistake to present this issue in the traditional posture of academic purism versus pragmatism. To do so would only cloud the issue and stir up irrelevant ideological and emotional controversies. Similarly, ingrained conservatism cannot be allowed to frustrate proposals for change merely because they constitute modifications of accepted law school curricula.

The late Dean Pound, a true legal giant, recognized and substantiated the peculiar competence of the law schools to undertake research in areas vital to the improvement of judicial administration.

"Our best reliance, as I venture to think, must be upon our law schools. In these institutions we may find the permanence of tenure, the conditions of work—continuity, opportunity of dealing with problems as a whole, possibility of surveying a wide field, extending beyond the limitations of jurisdictions and localities and partes—the independence of politics, and the guaranties of training, ability and scientific attitude, which are essential to effective research and which will command public confidence."

Scope of the problem

The magnitude and dimensions of this task are so great, however, that we cannot expect any one law school to undertake it unassisted. It is a national problem, demanding nation-wide attention in order to attract the necessary financial and research support. Therefore, the Association of American Law Schools and American Bar Association would appear to be the most appropriate and logical agencies to initiate and coordinate the needed preliminary studies in cooperation with other interested organizations.

Past efforts by law schools

Many law schools, through imaginative programs of involvement and participation, have recognized and acknowledged their obligation to take remedial steps. Indeed, legal aid, bail projects, voluntary defender, prosecutor and educational programs as well as moot court competitions and trial practice courses offered by Massachusetts law schools have frequently served as models for similar innovations in other jurisdictions. Yet, these fragmentary courses and extra-curricular activities, oftentimes lacking official standing, discipline and continuity, cannot be relied upon to produce future trial lawyers in sufficient numbers, although they do provide some partial relief. Furthermore, especially in legal aid or "poverty" programs but also in those programs more immediately connected with litigation, the student or novice attorney is usually relegated to appearances in our lower courts where he serves as an informed counsellor or intermediary rather than as an advocate. This sort of service, while sorely needed and humanitarian, is not likely to develop skill in litigation except at the lowest level of our judicial system.

Despite ingenious attempts to inject realism into trial practice courses, they traditionally suffer from an aura of artificiality and mootness which is difficult to dispel. By and large, they presently do little more than provide an initial dry run through the judicial process. Yet, from the reports I have received from several deans and professors, I am impressed not only with their efforts to revamp specific courses but to restructure the total organization and sequence of related academic and extra-curricular offerings. Calhoun, *Law Schools and Practical Training,* 55 W. Va. L.R. 83 (1953); Casad, *Trial Courts and Law Schools,* 49 Judicature 52 (Aug. 1965); Cramer and Levin, *Problems and Materials on Trial Advocacy* (1968); Huard, *What Are the Law Schools Teaching?* 41 Calif. S.B.J. 917 (Nov.-Dec. 1966). *The Law School Curriculum and Advocacy Training,* Law Student Division, Am. Bar Assn. (1967); Keeton, *Trial Tactics and Methods,* (1954); O'Toole, *Realistic Legal Education,* 54 A.B.A.J. 744 (1968); Pye, *Legal Internships: Georgetown's Experiment in Legal Education,* 49 A.B.A.J. 554 (1963).

Paradoxically, however, this trend toward participation, involvement and realism in legal education seems in some law schools to coincide with a de-emphasis of such basic courses as civil procedure, remedies, damages, equity and evidence.

Attitude of law students

Some time ago, I distributed a short questionnaire concerning law school preparation for careers in advocacy to the 467 law school graduates who passed the Massachusetts bar

examination in June, 1968. The form was very brief, called for anonymous responses and was accompanied by a stamped, return envelope addressed to me. Nevertheless, one-third of those polled failed to return the questionnaire. This would, in the main, indicate to me a lack of interest on their part in careers in advocacy.

Of the two-thirds who did respond, 81 per cent felt that their law school should have offered a more comprehensive program in trial advocacy and litigation and only 16 per cent considered present course offerings as adequate. In addition, considerably less than half of the respondents, 39 per cent, expressed a sense of confidence in their ability to handle a trial of moderate complexity. More than half, 51 percent, felt incompetent to conduct such a trial and the remaining 10 per cent failed to answer this specific question.

Clerkships, internships, and apprenticeships

Reliance upon the trial bar to train its own successors and competitors is equally unrealistic. A respected judge recently remarked that in his state the consensus of Superior Court judges is that approximately ten percent of the lawyers appearing in court are highly competent and proficient, another ten percent are adequate and the remaining eighty percent are considered inadequate. While I will attempt no such definitive appraisal of the Massachusetts trial bar, I will acknowledge that these figures as given are very disturbing and indicative of the seriousness of the problem. Furthermore, as Judge Peck pointed out at the New York meeting of the National Conference of Metropolitan Court Judges, in return for the salaries sought by outstanding law school graduates law firms expect to obtain the services of men possessing at least the rudimentary skills of advocacy.

Admittedly, the trial and error method, in some instances ameliorated by association with a learned trial attorney, has, as a matter of fact, produced some good and even outstanding trial lawyers. However, this method has failed to provide a sufficient number of advocates. Consequently, worthwhile apprenticeships wherein the young lawyer comes into close and constant association with a capable, experienced trial lawyer are severely limited and hard to come by. As a simple matter of arithmetic, there just are not enough available opportunities of this type to fill the need.

Periods of enforced clerkships, now retained in only a small minority of states, are susceptible to well-known abuses. Too often they amount only to unsupervised formalities which subject law students or graduates to periods of subservience as under-paid messengers.

The preponderance of judicial clerkships channel exceptional law students into legal research at the appellate level immediately upon completion of their law school study of appellate decisions. Upon termination of their clerkships, many then tend to gravitate toward large firms where their involvement in litigation will likely be minimal. Thus, by virtue of the prevailing system, many of the most promising young lawyers are detoured from careers in advocacy. In the federal district courts and, to a lesser extent, in some of our state courts of general jurisdiction such as the Massachusetts Superior Court, judicial clerkships do exist at the trial level. These temporary positions afford beginning attorneys a balanced, intensive and supervised indoctrination into the judicial process and trial techniques, but, like worthwhile apprenticeships, they are too few in number to satisfy the need for trial advocates.

Various state and federal administrative regulatory agencies have customarily been regarded as advanced training grounds for young attorneys. While such positions often thrust inexperienced men quickly into assignments of import and responsibility, they are more likely to produce specialists in a narrow body of law rather than trial lawyers in any great numbers. Even in governmental offices dealing with a broad spectrum of legal problems, such as that of the Solicitor General, litigaton focuses on the appellate level.

Due to the crush of criminal litigation, the offices of state and federal prosecutors can barely fulfill their principal commitment, let alone train aspiring advocates. Many are so overworked that they will accept only experienced lawyers or, if they do accept inexperienced ones, can give them little guidance and direction, thus further aggravating the existing situation. As a result, from frustration and economic need, many young prosecutors leave for more lucrative fields. Similar observations are applicable to lawyers in public defenders' offices. Having completed their "missionary" duty, some of them withdraw to less hectic, more stable and remunerative areas of the law.

Continuing legal education

Programs of continuing legal education, either compulsory or optional, whether administered by law schools or bar associations, do sharpen the practical skills of trial lawyers, especially in procedural matters, and keep them abreast of recent developments. Thus, while these programs may affect qualitative improvements among the existing trial bar and increase their potential earnings, they do not bring about any substantial increase in the number of available trial lawyers.

V. FUTURE COURSE OF ACTION

Need for a new approach

Whether by default or usurpation, the education of attorneys has come to rest almost exclusively in our law schools. Naturally, then, innovations in the education process should emanate from them. As a matter of fact, no other body or institution is capable of such action under the present structure of the profession. Obviously, then, a new approach to legal education is needed to attract more law students to careers in advocacy.

Challenge to the law schools

Never before have our law schools faced a greater challenge or a greater opportunity for public service in resolving a problem which contributes so substantially to court congestion and to inefficiency in the administration of justice. Long experience clearly indicates that the position taken by some legal educators that trial advocacy is not a concern of the law schools is no longer tenable. While the training of trial lawyers is not the exclusive responsibility nor the sole function of the law schools, the law schools do have the responsibility of providing would-be advocates with the opportunity to acquire the basic knowledge and skills essential to the practice of that art. However, by the nature of the art, the practicing bar and the judiciary share in this responsibility, especially with regard to the sharpening and full development of these basic tools.

Parenthetically, I wish to emphasize that I agree and have specifically stated on prior occasions that we cannot expect law schools to produce finished trial lawyers. This would be to shunt an intolerable burden onto them. However, I do feel strongly that law schools can develop a curriculum and a corps of teachers which will provide those students disposed to a career in advocacy with a basic knowledge of the fundamentals of that art. In this way, they may start out on the proper footing, avoid the pitfalls of trial and error, and more rapidly perfect their skills through application and experience.

Advocacy as a specialized art

While it may be conceptually accurate to characterize the instant problem as but another aspect of the broader problem of specialization, I think that it would be a grave tactical error to treat the matter in this way. The training of advocates, admittedly a highly complex and technical specialty, is unique. Unlike the acquisition of expertise in other specialties, it cannot be achieved by completion of a prescribed course, passage of an examination or mastery of texts. The art of advocacy is a distinctively and purely legal art and not a mixture of law and a subject to which it is applied. Therefore, in approaching this problem, the methods and criteria applicable to the acquisition of other specialties are irrelevant.

In my opinion, of all legal specialties advocacy is the most important for the obvious reason that without proper means for the administration of justice, which in our adversary system necessarily requires the existence of an adequate and competent trial bar, the law will become empty and meaningless. This last fact re-emphasizes the great challenge our law schools face in developing a method for revitalizing the trial bar and for increasing its competence and effectiveness.

Dual aspect of the problem

The failure of our system of legal education is comprised of two components. It not only fails to produce trial attorneys possessing minimal acceptable skills in advocacy, but it also fails to encourage law students to seek careers in advocacy. Given the nature of advocacy as an art, this is not difficult to understand.

A law school professor with a successful and extensive, or even short but intensive, background in litigation at the trial level is uncommon. The demands of teaching and research, of writing and the acquisition of advanced degrees preclude most law professors or aspiring professors from an active practice in litigation. Successful trial lawyers, although most possess an innate teaching instinct, are, primarily for economic reasons, reluctant to abandon their practice for full-time teaching careers. The use of practitioners on a part-time basis, while helpful in some instances, suffers from inherent disadvantages and prejudices. Therefore, few law school professors are in a position to inspire law students to enter the trial bar. On the contrary, by their inclination, experience and connections, they are more apt to turn students away from the trial bar.

Graduate-level programs

A widespread expansion of graduate-level programs in litigation, currently offered to a small number of students by a relatively few law schools, might have the beneficial effect of producing more trial lawyers. In addition, such expansion might have as a desirable and possibly more important side effect the formation of a cadre of legal educators equipped with specialized study and experience in litigation. These clinically trained professors could then staff and administer programs in other law schools which might, in turn, encourage students endowed with the raw materials of talent and temperament to concentrate on their development and to enter the trial bar.

Revision of third-year curriculum

As a more workable alternative to graduate-level programs, the revision of the curriculum and purpose of the third year of law school ought to be considered.

It appears to me that, in the main, the basic procedural and substantive courses could be completed in the first two years of law school. The traditional third-year curriculum could be utilized by those who aspire to be trial lawyers for a cohesive program of academic study and practical application. For the most part, law schools do not as of yet offer a graduated and interrelated cluster of such courses followed, as recommended by Dean Prince, by a supervised internship in an appropriate agency or office. Not to discount the broadening experiences offered by

diverse courses, a revision of the third-year curriculum enabling students to select a course of studies aimed at the development of skills in advocacy may be a very practical means of attracting them to and preparing them for the trial bar.

Coordination of resources

Any extension of graduate programs or the modification of established curricula to provide meaningful training in advocacy will most assuredly tax the limited resources of law schools. In the larger metropolitan centers with several law schools, the acceptance of cross-registration of third-year students or the pooling of resources to establish mutually accredited institutes in litigation might be employed to reduce the burdens on individual law schools. The services of trial lawyers, judges and attorneys attached to the staffs of commercial enterprises and governmental agencies could also be sought out to aid in the administration of such programs and might also inject an element of professionalism similar to that imbued by the British Inns of Court.

Such an approach would not be without obstacles, not the least of which would be the partial surrender of each law school's autonomy. Yet, it is a proposal worthy of serious consideration.

VI. AUDIO-VISUAL TECHNIQUES

Audio-visual materials

Heretofore, I have stressed the existence of the problem and expressed criticism of past efforts to remedy it. In the light of inquiries from Professor Cardozo requesting specific proposals for consideration, I believe that I should now, with propriety, put forward my own plan of action regarding the course which the proposed study might follow.

I present it as my own, but with acknowledgment to those others who have formulated similar plans or contributed to the formation of my own views. I respectfully submit it as a proposal to generate further discussion and action and not as an intransigent position incapable of revision or modification. Hopefully, future discussions may develop many other and, perhaps, better courses of action.

The teaching approach that I envision is such that its accomplishment is beyond the reach of any one law school or even of a combination of a few schools. Therefore, it requires a national effort with the participation of many law schools, bar associations and the judiciary. My primary objective is the establishment of a curriculum which would consume a substantial part of the final year of law school for those who desire trial careers and combine months of intensive classroom instruction, concentrated practice in advocacy and litigation and supervised application of this knowledge and skill in real situations.

Judges, lawyers and legal educators could be enlisted in a study to ascertain, among other things, those aspects of advocacy and litigation which repeatedly cause difficulties in the trial of cases. Then the task of developing precise and intellectually stimulating instructional and background texts and materials and the accompanying, interrelated audio-visual tapes or films for effective and objective demonstration could be apportioned to various law schools. Each law school would presumably have access to the services of the qualified personnel and other resources necessary to the production of one or more units. In this way, conveniently situated and readily accessible libraries of audio-visual tapes or films, perhaps 100 or more, and other textual and explanatory materials covering recurrent problem areas in civil and criminal litigation would be available to all law schools. In my opinion, all this can be accomplished only through a massive and coodinated study with adequate financial resources and a full-time professional staff.

The acceptance and use in legal education of qualitatively superior audio-visual materials and techniques would not only fit in with some present attempts to teach skill in advocacy but could also be easily integrated into any new program resulting from the proposed study. For these reasons, I perceive their development and use as the keystone around which other revisions of curriculum and methodology may center.

Audio-visual methodology

With regard to methodology, I wish briefly to present one manner in which such films could be employed within the framework of traditional trial practice courses.

1. The instructor, most preferably a person with considerable trial experience, would by means of the prepared materials present a narrowly defined task to the students and give them any appropriate advice or guidance in advance of the class.

2. Then, in a courtroom setting, he could call upon a student or students to perform the assigned task.

3. In some cases before and in others after the student's performance, the instructor could then show the class a short film in which experienced and capable trial lawyers perform the same task based upon the same factual and legal situation.

4. Thereafter, the students and instructor could comment upon and critique the particular student's classroom performance.

5. Recordings or videotapes of the classroom performances could also be utilized in this process in order to replay and pinpoint particular subjects of discussion.

Of course, other variations and applications of these teaching techniques would be possible. In this regard, much might be borrowed or adopted from instructional techniques developed in other professions such as medicine and teaching. Boston Herald, *Trial (and Error) Law*, Dec. 22, 1968, sec. 4, p. 2. B. U. Currents, *A Front Row Seat For Every Student*, p. 3, Oct. 29, 1968. In this manner, the *initial* process of learning by "seeing and doing" could, at long last, be transferred from the courtroom to the law school. Mr. Meserve's coverage and support for this phase of the proposed teaching process received enthusiastic consideration by the delegates to the 1968 National Conference of Metropolitan Court Judges.

Extension of the case method

The prevailing pattern of legal education inculcates skill in syllogistic reasoning from a body of leading appellate cases or hypothetical variations of them. However, it pays scant attention to the method in which the facts essential to the determination of leading cases are discovered, marshalled and presented. Thus, from his law school experience the law student gains an unbalanced view of the practice of law in the trial courts of general jurisdiction. The introduction of the proposed audio-visual techniques would serve to reinject into legal education not only an awareness of the importance of procedure and the applicable law but also an ability to prove the facts upon which the resolution of any case ultimately depends.

In this regard, I am reminded of my own student days at Boston University Law School. Dean Homer Albers, an accomplished trial lawyer in his own right, would glower over his pince-nez glasses and rumble,

"What is more important, gentlemen, the law or the facts?"

"The law," the class would chant in innocent unison.

"The facts, gentlemen, the facts," he would bellow in response.

Taken in this perspective, the foregoing plan represents a logical extension and application of the case method now employed to teach legal principles to the equally important process of imparting the ability to prove facts systematically and persuasively. Each instructional unit would consist of a package of coordinated textual material containing the pertinent factual and legal issues involved in the assigned problem, an audio-visual presentation demonstrating a specific, clearly defined point based on the same materials and an instructor's guide. Therefore, individual units could be used not only to teach trial techniques as such but also be incorporated into procedural, evidentiary and substantive law courses. In this manner, the audio-visual approach could prove to be the cohesive element of an integrated law school curriculum.

VII. OTHER CONSIDERATIONS

Further steps

As I previously indicated, a logical first step toward the initiation of this or any other program would require all concerned organizations, by internal dialogue, to arrive at an assessment and refinement of their own interests, involvement and functions.

Thereafter, I would suggest a joint meeting at the national level of delegates representing the American Bar Association and the Association of American Law Schools with representatives of other interested and progressive organizations. Judge Jones has also urged such a conference in the report of his Committee. At this second-level conference, intense attention would have to be paid to the national scope of the problem, proposals for its correction, their implementation and implications, coordination and financing.

Expenses

The suggestion of the extension or modification of legal education immediately raises several pragmatic objections eventually requiring serious attention, not the least of which are financial. The need for adequate trial lawyers is not a purely private concern, but rather is vested with a distinct public interest. In addition to the possibility of funding by philanthropic foundations, the availability of financial assistance under *Title XI of the Higher Education Act, Title I of the Omnibus Crime Control and Safe Streets Act* or similar federal and state legislation would have to be explored. Perhaps in this respect we might emulate the approaches utilized in the *National Defense Education Act* for subsidizing the education of teachers in vital areas.

Improved caliber of the trial bar and the judiciary

The ultimate results of such alterations in the process of legal education will not be limited solely to the improvement and expansion of the trial bar. The upgrading of the trial bar will force those lawyers who, by virtue of their ineptitude and unpreparedness, frustrate the orderly administration of the courts to grow commensurately or to abandon the trial of cases. These men are often the ones who retain and perpetuate irrational methods of practice or procedure through habit or self-interest. A vigorous and identifiable trial bar will, on the other hand, have the interest and power to press for needed reforms in practice, procedure and judicial administration, the defects of which now serve as props to the incompetent.

The burdens imposed upon judges will be eased and they will be able to demand a greater degree of expertise and skill from lawyers appearing before them. The disposition of cases will be accelerated, alleviating a common cause of injustice in both civil and criminal proceedings.

Eventually, we could expect the evolution not only of more sophisticated methods of trying cases but also, equally important, the development of a strengthened and improved judiciary.

Appellate advocacy

My deliberate concentration on trial advocacy is not intended as a slight to the problems of appellate advocacy. By the nature of the trial and appellate processes, the

skills demanded of the attorney in each are quite different. A competent trial lawyer may falter before an appellate tribunal, whereas an articulate appelate lawyer may botch up a trial. Yet, a good trial lawyer, by preservation of exceptions, offers of proof and a systematic building of his case, can perfect an appeal and present it to an appellate court in a precise and orderly fashion or, in many cases, obviate the need for an appeal entirely. Conversely, a mismanaged trial will nearly always compound an appellate court's work upon review. Thus, even though I have directed my proposals exclusively to the problems of trial advocacy, the improvement of the trial bar will necessarily insure to the benefit of our appellate courts as well.

General familiarization of the entire bar

The demands for the services of lawyers in specialities other than litigation and in quasi-legal positions has led, in part, to the diminished interest of the law schools and bar examiners in the student's familiarity with trial practice and procedure. A rekindling of such interest, even among students who do not intend to practice in court, would furnish them with practical insights enabling them to conduct their affairs with a knowledge and appreciation of the requirements of litigation should a trial eventuate. With such an orientation, preliminary matters might be more adeptly handled so that trials will be either avoided or facilitated. For a non-trial lawyer to evade all contact in his legal education with the judicial process is tantamount to a physician deliberately remaining in ignorance of the rudiments of surgery. Any lawyer, regardless of his specialty, cannot help but be a better lawyer by exposure to the techniques of litigation. General familiarization of all law students with the fundamentals of advocacy would then lead to the betterment of the whole bar.

Divided bar

If the proposed law school programs succeed in enlarging the base of the trial bar, a formal or informal division of the bar might someday develop along the lines of the British barrister-solicitor dychotomy. However, at this time, the total adoption in this country of a divided bar on the British model would be completely anachronistic and alien to our sense of pragmatism. However, I do suggest that in seeking means to improve our trial bar we should examine the legal systems of other nations to discover innovations capable of adaptation in the United States.

VIII. CONCLUSION

I wish once again to acknowledge my appreciation for the concern and cooperativeness demonstrated by all segments of the legal profession. I am convinced that there exists in this country an abundance of talent willing to assist in a comprehensive study to develop curricula, materials and a methodology for the education of trial advocates.

At this stage, the primary task is to ensure that interest, once aroused, is maintained. To date, a sustained and concerted effort to compel constructive action has been absent. I cannot be satisfied with predicting an imminent disaster and then retiring to the sidelines to bemoan its occurrence while smugly gloating over the accuracy of its prediction.

We must capitalize upon and coordinate the enthusiasm generated by recent correspondence and discussion. To allow Justice Tom C. Clark's warning that advocacy is a "dying art" to go unheeded may serve to hasten the death of advocacy. Letter from Justice Clark to Professor Cardozo, July 2, 1968.

The failure to follow through on this proposed study will invite external interference and, possibly, the hasty substitution of administrative boards and proceedings or even judge-dominated tribunals in the European style for our carefully constructed adversary process.

Yet, the marshalling of the resources of the legal profession can prevent the occurrence of any of these eventualities and restore the trial bar to its cherished and deserved status.

Indicative of the growing interest of the law schools are two letters which I have recently received. Professor David F. Cavers, Chairman of the Division of Graduate Studies at Harvard Law School, advises me that "I believe we may now be about to take another step forward through the introduction of audio-visual equipment in the Trial Practice course . . . . [It] has not been put to the test of use. However, if our hopes for it are realized, the law schools of the land may have gained an instrumentality which can greatly enhance the effectiveness of teaching . . ." advocacy in all law schools. Professor Michael H. Cardozo has also notified me that copies of the proposal set forth in this *Report* will be distributed to the Executive Committee of the Association of American Law Schools for that group's use in determining its future course of action. In view of these developments, it is imperative that we press forward in our efforts to expand and revitalize the trial bar.

IMPROVED EMPLOYEE-MANAGEMENT RELATIONS IN THE POSTAL SERVICE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, it is my pleasure today to introduce a bill to provide for improved employee-management relations in the postal service.

On February 17, 1962, President Kennedy issued Executive Order 10988 which provided for the formal and exclusive recognition of employees' unions to bargain with management concerning areas such as working conditions, work leave, and other policies which are not regulated by the Congress. When examining the history of labor-management relations within the Federal Government, we find that postal workers were highly unionized or organized even before the issuance of this Executive order. After the initiation of Executive Order 10988 their growth was phenomenal—presently 87 percent of all postal workers are members of one of six major postal unions.

Since the institution of Executive Order 10988, there has been a steady growth within the Federal service as a whole. We find, for example, that 28 percent of all white-collar workers belong to a Government employees' union and that 67 percent of all blue collar workers belong to some Government union. Of the total Federal work force 40 percent is now unionized. Therefore, I believe that Congress should come to the realization that unionization and the problems faced by unions must be faced by the Congress. Furthermore, the machinery to cope with these problems should be established.

Definitely, the precedent which we set within the postal service will have an effect upon the future regulations and the measures which are adopted by other Federal agencies. Therefore, today, I am proposing certain guidelines which I feel should be established.

First and foremost, I believe that all Federal employees should be guaranteed the right to join a union without fear of coercion as well as the right to refrain from joining such union. I believe that the service to the Government should be open to all citizens and that no undue impediments should be placed in their way. I am not against the concept of unions per se; I will endorse the right of unions to be formed within the Federal service and I will endorse the right of employees to bargain collectively with the agency head.

However, I believe that there are other guidelines which should be written down. In my bill, I establish a procedure whereby employees will have the right by secret ballot to choose exclusive bargaining agents and the right to vote "no union." We all must realize that sooner or later within the collective bargaining procedure an impasse will occur. I, therefore, have established machinery to cope with this problem. To be specific, if a dispute cannot be settled, my bill provides that the parties can go to the Federal Mediation and Conciliation Service for help. However, if mediation is unsuccessful, then, I propose that an arbitration board be established. On this arbitration board, the views of labor and management would be equally represented and the balance of power would be held by an impartial third party which is agreeable to all those concerned in the dispute. Management would appoint two arbitrators, the labor organization would appoint two arbitrators and these four would select three other arbitrators. Furthermore, I provide procedures in my bill whereby grievance disputes can be settled through a special grievance panel and all employees will have access to this panel.

Today, I had the pleasure of appearing before the House Post Office and Civil Service Committee with regard to this bill. A copy of my testimony is attached. I do seriously urge the Committee on the Post Office and Civil Service to consider reporting this measure to the House floor. The testimony follows:

TESTIMONY OF THE HONORABLE BEN BLACKBURN BEFORE THE HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE REGARDING H.R. 4, MONDAY, JUNE 30, 1969

Mr. Chairman: I appreciate the Committee affording me the time to appear before you to discuss the Labor Management Section, Title VII of H.R. 4. I am glad to see that the Committee has undertaken an investigation of the crucial need for the modernization of our postal service. It is apparent to all of us in the Congress that revisions must be made within the operation of the postal service if our postal system is to continue to operate in an efficient and orderly manner.

Today, I am going to direct my comments to the issue of labor management relations within the Federal establishment. During the past year, I had the pleasure of thoroughly studying the need for the Congress to enact laws establishing the procedures which should be followed in relations between federal agencies and government employees unions.

The pioneering act in this field is Executive Order 10988 which was issued on January 17, 1962 by the late President John F. Kennedy. The Executive Order was issued after a year of study by a special Presidential Commission consisting of the Postmaster

General, Secretary of Defense, Director of the Bureau of the Budget, Chairman of the Civil Service Commission and a Special Assistant to the President. All of us will agree that the Executive Order has worked well in the past few years. To illustrate this point, I will present a few figures showing the growth of exclusive bargaining contracts in the federal service. In 1963, there was a total of 670,000 employees represented under exclusive bargaining contracts. In 1965, this number rose to 835,000 and in November of 1968 the total number of federal employees represented under exclusive bargaining contracts was 1,416,000. Definitely, there has been a steady growth within the past five years and the orderly procedures established by the Executive Order 10988 have worked well.

I am, however, not in sympathy with the procedures as proposed by the present legislation. I feel very strongly that the mechanisms outlined in this act subvert the rights of the individual employees in favor of those of the union leaders. To be specific, in H.R. 4 there is no *clear* declaration of purpose that would allow federal employees to "refrain from joining a government employee's union." In the Kennedy Executive Order the following language was specifically inserted ("employees of the federal government shall have, and shall be protected in the exercise of, the right freely and without fear of penalty or reprisal, to form, join, and assist any employee organization or to refrain from any such activitiy.") Only this language will guarantee the employee his right to freely, without fear of coercion from management or union, to join or to refrain. The present bill would apparently allow an agency shop and maybe a union shop. Only a court decision would decide how far the union or the government could go with regard to these matters.

The freedom to choose to join or not to join a union in the federal service was originally stated by President Theodore Roosevelt in 1903 when he ordered the reinstatement of an employee who had been discharged by the Government Printing Office because of his refusal to join a printers' union. At the time of the order for reinstatement, President Roosevelt announced:

"It is adjudged and awarded that no person shall be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization, and that there shall be no discrimination against or interference with any employee who is not a member of any labor organization by members of such organization."

The Lloyd-LaFollette Act of 1912 established the right of postal employees to join or to refrain from joining unions. I think that all of us are aware of the fact that government employee's unions are in a uique position of trust. Since all citizens should have free and unhampered access to employment in the federal service, the government cannot allow or condone compulsory unionism.

Secondly, one of the main objectives of the proposed legislation is that all government employees should be organized at the national level. In light of the fact that the postal service is organized into fifteen regional units for more efficient management, it would only seem logical that bargaining be done on the regional level. The problems of employees in Alexandria, Virginia might be far different from those in Birmingham, Alabama, or Fairbanks, Alaska, and to require that all representation and bargaining be done at a national level might end up having the interest of employees of one region being subverted to the influence of others of another region. A few figures will easily show the size and diversity of our federal work force. Presently there are approximately 2¾ million civilian employees in 60 departments and agencies with some 18,000 principle offices and installations located all over the world. This does not include the Post Office and duty stations in other departments and agencies. Presently, federal agencies have dealings with over 130 different employee organizations which include craft and industry unions which are active in the private sector as well as representing government employees. The experience under the present Executive Order has demonstrated that most of the significant agreements are negotiated at a local to regional level. Specifically, grievance procedures should be negotiated at the local level; to vest control and negotiating power in a national unit would be contrary to good labor-managament relations. Recently, Mr. W. V. Gill, Director of the Labor Management Relations of the U.S. Civil Service Commission appeared before the Subcommittee on Postal Operations with regard to regional representation. Mr. Gill stated:

"Union representation through exclusive recognition requires a specific delineation of the employees included in an exclusive unit. An appropriate unit may be established on any plant or installation, craft, functional or other basis which will insure a clear and identifiable community of interest among the employees concerned. The process of unit determination can involve serious disagreement since the nature of the unit deemed appropriate in a particular instance may, for the union, affect its ability or the relative ability of rival unions to win representation rights and, for the employer, affect the number of unions with which it will deal and the compatibility of the labor relations structure with other aspects of managing the workforce."

Under the present Executive Order over 23,000 exclusive bargaining unit contracts have been negotiated in non-postal installations and 24,600 such contracts have been negotiated in the postal service. It is logical that the postal unions and the workers should be represented on a local and regional level rather than having all issues decided at a national level.

In light of the fact that wages and retirement benefits are all decided by the Congress, postal employees unions and other interested parties have ample access to the Congress for presentation of their views.

The bill which the Committee now is considering would allow certification of a union as the exclusive bargaining unit when such union had received the signatures of 30% of the employees in the unit or a verified membership list. This procedure should not be allowed under any circumstances. A union should not have the right to represent any employees in any bargaining units of the postal system unless and until the employees have chosen that union by a secret ballot election. The free democratic process of a secret ballot election is and always has been the best method of selecting our representatives for any purpose. To allow 30% of the employees, induced to sign a petition by strong persuasion, to select a union would seriously erode the democratic principles of rule by the majority.

Secondly, the provision for run-off election are quite inadequate and contrary to the system now outlined by the National Labor Relations Board. The bill as now drawn requires that if two labor organizations are involved in a representation election and a plurality of the votes are cast for representation by some union that a run-off election will be between the two unions receiving the highest number of votes. At that point, however, the employee is not allowed to vote "no-union". For the Committee's information, let me present you with an example. For instance, suppose that Union A receives 35% of the votes of the employees in the unit. Another 30% of the employees vote for Union B and 35% of the employees vote "no-union." Under the present provisions, the run-off election would simply be between the two unions without a right to vote "no-union." I believe that the bill at this point should be amended to allow a vote between the two highest voting groups or the bill could be amended to allow that after an election has been held between the two unions, another election be held to determine if the employees in the bargaining unit desire to vote "no-union." In this way, the employees would still have the right to vote for the remaining labor organizations or to vote "no-union." I do not believe that the government can assume simply because employees cast 30% of their votes for Union B, that they will then vote for Union A instead of "no-union." Certainly, the experience of the National Labor Relations Board has not proven this to be true.

One more point I would like to make while I am on this subject is that the present bill states that the Department must recognize a union for a 24-month period after meeting the proper requirements. This is too long. Presently, the N.L.R.B. requires only one year. I believe that the bill should be amended to bring it into conformity with the N.L.R.B. system.

H.R. 4 contains a comprehensive section for the adjudication of differences between government employees unions and the agency or department administration. However, experience under the Executive Order has shown at times that an impasse can occur. Luckily, under the present system direct negotiations between the department and the union have been able to solve the dispute and if this does not work, the Federal Mediation and Conciliation Service has been instrumental in preventing any serious conflict. Since the Executive Order was signed, only one strike has occurred in the federal service and the employees involved in this disruption were promptly dismissed and there has been no further instances of such difficulties.

However, I believe we all must face the fact that sooner or later a major confrontation might occur, and if this does happen, machinery must be available to adjudicate the situation. Thus, an arbitration procedure must be established. The arbitration procedures as outlined in H.R. 4 provide for the President to appoint a three-man board of arbitration. A President in his appointments always tends to select persons who are loyal to him. Government employees would feel that they were being put in a disadvantageous position if the President appoints the arbitrators. The union could be placed at serious disadvantage. In any arbitration procedure the views and interest of both sides should be adequately represented with the final determination being made by persons who are mutually acceptable to all parties. Therefore, I would propose that an arbitration board of seven men should be established with the head of the agency involved in selecting two arbitrators, the government employees union selecting two arbitrators and these four selecting three arbitrators. Under this circumstance, both sides are adequately represented and the final determination is controlled by disinterested parties.

When Mr. Gill appeared before the Postal Operations Subcommittee on the idea of having outside third parties arbitrate disputes between the government employees union and the federal government, he stated, "I believe that it is not a healthy situation to have outside third parties arranging agreements to govern the conduct of employees within the federal establishment." Definitely, the employees union and the agency administrators are more familiar with the problems faced by the federal government than any outside third party. However, my proposal would allow representation of government employees and representation of the agency. I do hope that the Committee will give this idea serious consideration.

In conclusion, I would like to point out a few general amendments which I feel should be made to the present bill. Since H.R. 4 does not contain a "no strike clause", I would suggest that the following language be inserted in Title VII, Section 701(3701)f:

"The labor organization and its members are prohibited from calling, encouraging, condoning or ratifying any strike, work stoppage, slow down or other interference with agency operations at any time."

We are all aware of the fact that when a strike occurs, profits are not lost by a corporation but rather the public suffers. The responsibilities of meeting the needs of the public must override considerations of private disputes.

Quite properly, H.R. 4 outlines standards of conduct for labor organizations and the agencies. However, the section which discusses labor organizations or persons affiliated with the Communist party appears blatently unconstitutional. The Supreme Court has ruled in Brown v. United States that similar provisions in the Landrum-Griffin Act were declared unconstitutional. I would, therefore, suggest that the following language be inserted in Title VII, Section 701(3707)(A)(2):

"The exclusion from office in the labor organization of any persons advocating the overthrow of the constitutional form of government in the United States, convicted of a criminal act, or is a member of an organization controlled by a foreign government."

We have been led to believe that the Court would uphold this language.

Finally, one of the hallmarks of the Federal Service is that employees are selected without regard to race, color, creed or national origin. I notice that a prohibition against union discrimination is not included in the present bill. Therefore, I would urge that the following language should be adopted by the Committee for Title VII, Section 701 (3701)f:

"No labor organization will be afforded exclusive recognition if it advocates the overthrow of the constitutional form of government in the United States or which discriminates with regard to the terms or conditions of membership because of race, color, creed, or national origin."

Of course, the Committee has under consideration H.R. 11750, the Postal Corporation bill. This measure provides for the applicability of the Landrum-Griffin and Taft-Hartley Acts with regard to labor management relations within the postal corporation. A question arises as to whether the right-to-work laws of the states would be applicable to the employees under the new postal corporation. Because the federation would be federally chartered, there is a possibility that the state law would not be applicable.

There are two cases presently pending on this matter. There is pending before the N.L.R.B. a case concerning the Sunflower Federal Munitions Plant in Kansas. This plant is located on an Army base. A union shop agreement has been negotiated, but several workers have petitioned the N.L.R.B. contending that the Kansas state right-to-work law prohibits such an agreement.

There is a case pending in the District Court of Virginia concerning the Radford Munitions Plant in Virginia. I believe that these two cases, when finally decided, will probably clarify this issue but do believe the Committee should investigate the possible effect of establishing a national corporation and how it would affect the right-to-work law of various states.

I recognize that we all vary in our opinions as to how to meet the needs of the federal service while protecting the rights and privileges of federal employees as individuals and as citizens of our country. However, I have taken the liberty of proposing legislation which, in my opinion, would serve to meet both of these criteria.

In preparing my legislation and reviewing the present proposal I sought the advice and counsel of a friend of mine of longstanding whose law practice is devoted to the field of labor-management matters. Mr. Fred Elarbee has served as legal counsel on the side of labor and he has also served as legal counsel on the side of management. This experience has given him valuable insight into the practical problems facing each disputant in labor-management matters. He prepared for me a letter formalizing his thoughts relative to the present legislation, H.R. 4.

For the benefit of the Committee, I am attaching a copy of his letter as it appeared in the CONGRESSIONAL RECORD.

Today I am introducing a bill which embodies these and other suggestions which I feel should be incorporated into future legislation in the area of labor-management relations in the federal service.

Mr. Chairman, again let me thank you for allowing me to appear before your Committee.

CONSTANGY & POWELL,
Atlanta, Ga.

In re H.R. 4, title VII.
Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR BEN: I have looked over the proposed chapter on employee-labor management relations contained in H.R. 4 and have the following comments:

First of all, there does not appear anywhere in the Bill a provision against strikes. It seems to me that an absolutely necessary part of a bill which recognizes labor unions with respect to governmental employees is a no-strike clause. This is particularly true where, as in this Bill, a provision is made for arbitration of disputes.

Frankly, I do not like the declaration of policy because it implies that rank-and-file employees should participate in decisions which are basically management in nature and which involve the management of the Post Office Department. Moreover, the declaration of policy amounts to an endorsement of and encouragement almost to the point of requiring membership in labor organizations. While I think it would be all right to recognize the principle of free collective bargaining, it should clearly be a matter of choice with employees either to participate in labor union activities or to refrain from joining, forming, or engaging in union activities. To this extent, a policy along the following lines, I think, would be much more desirable:

"(a) The principle of free collective bargaining through labor organizations chosen by postal employees is recognized. The right of postal employees to present grievances and engage in collective bargaining, or refrain from such activity, with respect to matters that affect their employment will tend to stabilize the Post Office Department and contribute to the effective conduct of its business. Therefore, postal employees shall have the right to form, join, or assist labor organizations of their own choosing, or to refrain from any and all such activities."

Frankly, I think that the word "encouraged" should be deleted from Paragraph (b) of Section 3701. Here again, I think employees should have a right to choose freely and independently without so-called encouragement which could very easily amount to pressure or coercion.

Section 3702 (Definitions) limits labor organizations that may be recognized to national unions and its affiliates. Prior to the passage of the Taft-Hartley Act, independent unions were not recognized by the National Labor Relations Board. Only nationally affiliated unions could be certified. This was changed in 1948, with the passage of Taft-Hartley, to recognize the validity of independent unions and not require that they be affiliated with some national or international union. The requirement that the labor organization be a national union, or one of its affiliates, puts national unions in the driver's seat, so to speak, and gives them, in effect, a monopoly on the right to represent postal employees. I think this is wrong.

The definition of "consultation" contained in Section 3702 literally gives rank-and-file employees the right to participate in practically every decision of the Post Office Department up to and including "going to the john." I do not believe any management should turn over to rank-and-file employees the right to formulate, change, or implement policies, which is specifically included in the definition of consultation.

Fair representation, a fair grievance procedure, and contract provisions regulating wages and conditions of employment, is one thing—but the management of the Department should be left with management and executive employees and not shared with the union rank-and-file.

Section 3702 defines the bargaining unit as a "craft of postal employees" and then lists postal clerks, letter carriers, mail handlers, etc. This would literally mean that you would have a nationwide bargaining unit of all postal clerks, letter carriers, and other classifications shown. I do not think that an all-encompassing unit is good from the standpoint of the Government. For instance, it is conceivable that literally thousands of employees would prefer not to belong to a labor organization and, yet be required because of substantial vote making up a majority coming from large northern cities.

This is given as an example, and certainly not indicative of what might actually happen. I know for a fact, however, that there would be some large Post Offices in the country where practically one hundred percent of the employees involved at a location would not want to belong to a labor union. To require employees in Alexandria, Virginia, or Macon, Georgia, to belong to a union or to be represented by a union (simply because employees in Memphis, Tennessee, or Columbus, Ohio, have voted for such a union) seems to me to be inequitable and unjust. What I am saying is, bargaining units should be on a much smaller basis or a location-by-location set-up.

Section 3703 provides for recognition simply on the basis of a certified membership list. I do not think this should be allowed under any circumstances. The union should not have the right to represent any employees in any bargaining unit of the Postal Department unless and until the employees have chosen the union by secret ballot election. The free, democratic process of secret ballot election is, and always has been, the best method of selecting our representatives for any purpose—no matter what they are.

The provisions for run-off elections are inadequate and contrary to the present system followed by the National Labor Relations Board. Section 3703 provides that if two labor organizations are involved in an election and a majority of the votes cast are for representation by some union, then the run-off election will be a choice between the two unions. At that point, the employee is not then allowed to vote "no union." This is an unfair method of handling a run-off election. For instance, if 35% of the employees vote for Union A; 30% for Union B; and 35% no union, under the present provisions the run-off election would simply be a matter of choice between the two unions, without a right to vote "no union." This should be amended so that the run-off would be between the two highest voting groups.

In the example above, it would be between "no union" and the union which received 35% of the vote. In this way, the other employees would still have the right to vote for the remaining labor organization or to vote "no union." I don't think the Govern-

ment can assume, simply because employees cast 30% votes for Union B, that they will then vote for Union A instead of voting "no union." This certainly has not proved to be the case with respect to run-off elections conducted by the National Labor Relations Board.

Paragraph (d) of Section 3703 provides that the Department must recognize a union for a 24 month period after giving it recognition status. This is too long. The National Labor Relations Board recognizes a one-year period.

Paragraph (f) of Section 3703 gives the union the right to "participate with management in the formulation, implementation, and modification of personnel policies and practices, and all other matters affecting the conditions of employment of employees in the unit . . ." Who is going to run the store? The union . . . or the Government? Under this provision, Post Office officials would literally have over-the-shoulder guidance with respect to all management decisions concerning the operation of the Post Office Department. There is very little with respect to such operations that do not affect personnel policies conditions of employment, and their formulation, implementation, and modification.

A no-strike clause should be included in Section 3707 Paragraph (b), along the following lines:

"The labor organization and its members are prohibited from engaging in, calling, encouraging, condoning, or ratifying any strike, work stoppage, slow down, or other interference with work at any time during any employee's employment with the Post Office Department."

Section 3708. Paragraph (a)(2), is a wide-open provision with respect to the matters to be subject to grievance and arbitration before the Labor-Management Relations Panel created in Section 3709. It makes subject to grievance and arbitration, terms yet to be negotiated in collective bargaining agreements. I think this is dangerous and practically unlimited in scope. It is like buying the proverbial "pig in a poke."

The Panel created by Section 3709 is given which should be made by Post Office officials who are appointed and designated to run the Post Office Department for the Government. These duties should not be delegated to any Labor-Management Relations Panel.

Section 3711 (Settlement of Grievances) puts the postal employees at the mercy of the labor union insofar as processing their individual grievances are concerned. Thus, employees are required to "receive the written consent of said labor organization in order to have the grievance submitted to arbitration." In my view, this is an arrogant conferring of control over employees' rights to the labor union and would be in violation of the National Labor Relations Act if such a provision were incorporated in a labor agreement in industry today.

Section 3711, Paragraph (e), provides, on an open-end basis, for employees to participate in unlimited grievance and arbitration procedures with pay. We have found, from hard experience, that where employees are paid for handling or processing grievances, far more valuable management time is consumed, far more loss of production time of employees occurs, with the inevitable loss of efficiency and production. While employees should be given a fair method for presenting their disputes, it seems to me that you should not encourage dispute handling during work time or at the expense of the Department on an unlimited basis.

The Bill is unfair to the American people, who are entitled to democratic freedom within their governmental agencies, bureaus, and departments and who are entitled to management efficiency, with fairness, in all governmental activities.

Ben, the above represents some of the objectionable features I find in the Bill. I hope it will at least help you in some manner.

Sincerely,

FRED W. ELARBEE, JR.,
Attorney at Law.

AMERICAN MILITARY EQUIPMENT AND "THE BRIDGE AT REMAGEN"

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, recent discussion of the use of American military equipment and personnel in certain motion pictures has prompted many inquiries concerning "The Bridge at Remagen." After careful checking, I can state categorically that the U.S. Department of Defense made available no equipment, no ammunition, no uniforms, no military or other personnel, and no technical assistance in connection with the filming of "The Bridge at Remagen." The vehicles and military equipment were rented from the Austrian Ministry of Defense, which had in turn purchased this equipment as surplus from the United States following the close of World War II.

The Austrian Ministry of Defense rented to Wolper Pictures, Ltd.—headed by the producer of "The Bridge at Remagen," David L. Wolper—the following: Eight American M–24 tanks of World War II vintage, three half-tracks, four armored command cars, eight jeeps, four truck troop carriers, six military trucks—tarped, two antiaircraft guns on tripod bases, blank ammunition for all above guns.

All vehicles and equipment obtained through the Austrian Ministry of Defense were serviced and painted with markings of subordinate units of the U.S. 9th Armored Division, which spearheaded the capture of the Remagen Bridge over the Rhine River on March 7, 1945. The unit markings included:

The 89th Cavalry Reconnaissance Squadron, 9th Armored Engineer Battalion, 27th Armored Infantry Battalion, 14th Tank Battalion, Headquarters, 9th Armored Division Headquarters CCB, 9th Armored Division.

In addition to the Austrian-leased equipment, "The Bridge at Remagen" employed a sizable weapons arsenal consisting of several hundred M–1 rifles; .50-caliber machineguns; .30-caliber machineguns; Thompson submachine guns; .45-caliber pistols; Browning Automatic Rifles—BARS; German Mausers, Smitzers, and various other weapons. These weapons were leased for the film through three movie gun rental firms: Ellis Mercantile Co. of Los Angeles, Calif.; Stembridge Gun Rentals, Paramount Studios, California; and Bapty & Co., London, England.

Hundreds of regular Czech Army soldiers, some dressed in American GI uniforms and others in German uniforms, participated as "extras" in the film. Neither their time nor their uniforms were paid for or supplied by any official American authorities, but they were outfitted and paid as part of the agreement signed between Wolper Pictures and the Czech Government.

Why was the film made in Czechoslovakia instead of "on location" at Remagen, Germany?

When Budd Schulberg purchased options on my book several years ago, prior to the production of the motion picture by David L. Wolper, he wanted to film it in Germany. He finally concluded that the expense of rebuilding the bridge or a model thereof was prohibitive—the original bridge collapsed into the Rhine River exactly 10 days after its capture, on March 17, 1945. Mr. Wolper then started a search throughout the United States and Western Europe to find a similar bridge at similar terrain. After a year and a half, he found a bridge at Davle, Czechoslovakia, which with the surrounding hilly terrain closely approximated the look and specifications of the original Ludendorff Bridge at Remagen.

There were two other reasons why the motion picture was not made at Remagen, Germany. First, the actual terrain background and particularly the buildings themselves had changed in Remagen since 1945 as the river town became more built up and industrialized. Second, and perhaps more important, it was impossible for the Germans to agree to stop the commercial and tourist traffic along the Rhine River for the purpose of shooting a motion picture. The Czechs agreed that they would stop all bridge and river traffic at the film site for 5 months—actually, the Russian and Warsaw Pact invasion took place a little less than 3 months after filming had begun. The Czechs also arranged for a nearby ferry to convey the traffic back and forth across the river and take care of the former bridge traffic.

On October 25, 1967, David Wolper signed a contract with Ladislav Kachtik, commercial manager of Czechoslovak Filmexport at the time Antonin Novotny was still in power as First Secretary of the Czechoslovak Communist Party, in the pre-Dubcek days. This was to be the first American film to be made in Czechoslovakia, and the Czechs put at the disposal of the production company the famous Barrandov Studios in Prague. The records will reveal that the U.S. Department of Defense then declined to take any part in this film because it was being made behind the Iron Curtain. In February 1968, the arrangements were made with the Austrian Ministry of Defense to rent the equipment.

Early in May 1968, the entire inventory of military vehicles leased by the Austrian Ministry of Defense was consigned to Prague from Vienna by train. Arrangements were made to transport the tanks and other armored vehicles across the Austrian-Czech border at a town named "Summaray," with the unarmored vehicles being taken across at Gmund, Austria.

It so happened that on May 8, 1968—the 23d anniversary of V–E Day—flatbed trailers were rolling through the streets of Prague with the first tanks and armored vehicles, bound for the Barrandov Studios. At this point, the East German newspaper Berliner Zeitung charged that the tanks and armored vehicles had been brought to Czechoslovakia to support the liberal Dubcek regime. Furthermore, the East German newspapers charged that "busloads of American

troops were arriving in Prague disguised as tourists, actors, and film technicians."

Several times during the course of filming additional charges were made by the East German news agency ADN, and by the newspapers Berliner Zeitung and Neues Deutschland. These sources charged that the American film crew of "The Bridge at Remagen" and the American tanks and weapons being used by the unit constituted a "grave and serious threat to the security of the Communist bloc." Just about the time I arrived in Czechoslovakia to work with the film unit in my role as technical adviser, early in August the Soviet newspaper Pravda claimed that an American arms cache had been discovered in Czechoslovakia. This was apparently a signal for the East German press to erupt in new and more fantastic charges against the Americans filming "The Bridge at Remagen." Although the arms cache was discovered near Karlovy Vary in Western Bohemia, the East German press claimed there was a clear and definite connection between that arms cache and the arsenal being used to make "The Bridge at Remagen." The East German press then went on to state that should these weapons fall into the wrong hands, they could easily be used to help support the liberal Dubcek regime in Czechoslovakia.

At the time of the Czech-Soviet meetings in Cierna and Bratislava in August, 1968, there was some heavy pressure put on the Czech Government and army to harass the film company. The Czech Army had allowed Wolper's company a free hand in the use and storage of explosives, ammunition, and special effects until the attacks in the Communist press reached their height in August. Nobody had bothered the arsenal stored at the Barrandov Studios in Prague for daily use in the re-creation of the 1945 battle for Remagen and its bridge. The weapons were carefully labeled and registered by serial number and kept under lock and key in the Barrandov Studios when not in use. But one weekend, without notifying the American filmmakers, the Czech police broke into the arsenal storage area, apparently to investigate what weapons were there and to be sure they were really intended only for a motion picture.

This action prompted David L. Wolper to write a somewhat angry letter dated August 5, 1968, to Mr. Alois Polednak, Director General, Czechoslovak film industry—a letter which in the light of subsequent events is grimly ironic. Wolper wrote:

> Making a film in a foreign country is tough enough in itself without the added pressure of a political squabble. "The Bridge at Remagen" company is here in good faith, without any ulterior motives except to work in a country and with film-makers that have produced some of the finest films in the world. It is a shame that American film-makers, working together creatively with Czechs, should be harrassed, intimidated and embarrassed by being called CIA agents and American spies by a neighboring Communist country. I must admit that the recent charges in the East German press compelled me to consider moving my production to another country.

Two weeks later, the Russian and Warsaw Pact nations forced them to move. Wolper's August 5 letter continued:

> It would be a greater shame if further intimidation created an atmosphere that stifled us to the point where we were forced to carry out the move. As you know, I am planning to make other films in Czechoslovakia, and I know many other American producers would also like to work here with the great Czech film-makers. But it must be understood that we have never meddled nor would we presume to meddle in Czechoslovakia's political affairs and it is insulting to me, as I imagine it must be to Mr. Dubcek, the Czechoslovak Government and its film industry, that East Germany continues to level these ridiculous accusations. I hope you can give me some assurances that this situation will not arise again in the future and, if it does, that you will issue an official rebuttal.

While I was in Czechoslovakia in August, there was a great deal of discussion concerning the August 5 letter in the evenings and on weekends when filming was not being done. We made many contacts with high Czech Government authorities. A clear and persistent effort was carried out to get an early response to Mr. Wolper's letter. An early reply was forthcoming on August 9, 1968—almost unprecedented speed for any government, but particularly on such a touchy question at a time when the Soviet pressure on Czechoslovakia was extremely heavy. Mr. Polednak in his reply took a very soft approach. He noted that he "was sorry that such an unpleasant thing could happen," but "unfortunately" he said he had "no influence over the press of the foreign country in question." He also said that he "had sent a denial of these false charges" and that he "was ready to do so again if it became necessary."

Exactly 10 days later, during the night of August 20–21, 1968, Soviet and Warsaw Pact troops moved into Czechoslovakia, trapping the cast and crew of "The Bridge at Remagen," and fading into the background of insignificance the Wolper-Polednak exchange—except in the interests of history and the perils of filmmaking. Some 80 non-Czech nationals, including George Segal, Ben Gazzara, Robert Vaughn, Bradford Dillman, and Director John Guillermin were safely evacuated from Prague by a fleet of taxicabs. They crossed the Czech border at Ceske Velenice to Gmund, Austria, at 7:30 p.m. that same day.

All of the military equipment leased from the Austrians, as well as rented weapons and valuable film equipment, were left behind in a temporary Czech military camp near Davle, the site of most of the filming. In the hectic days following the invasion, the Austrians at first denied ownership of the tanks and vehicles they had leased. Then, in order to dispel rumors, on August 27, the semi-official Weiner-Zeitung of Austria reported that the Austrian Federal Ministry had said that—

> The temporary loss of this equipment cannot in any way be connected with the events in Czechoslovakia and, furthermore, there is no basis in fact to the assumption that the Defense capability of our (Austrian) forces are thereby lessened or impaired.

Following the brutal invasion of Czechoslovakia, there were many anxious moments as there were strong rumors that the Russians had repainted the markings on the Austrian tanks to make it appear they were being used by American agents to help support Dubcek. Eventually, to make a long story short, the Czechs managed to protect not only the military vehicles and equipment, but also all the film properties, costumes, cameras, interior sets, sound equipment, lights, and so forth.

The cast reassembled in Vienna, Austria, and then made its way to Hamburg, Germany. There for several weeks they struggled to film some interior shots to depict the German high command headquarters following the capture of the Remagen Bridge. A makeshift interior set was hastily built to simulate the railroad tunnel where the Germans made their last stand in defense of the Remagen Bridge. While filming in Hamburg, one day a convoy of Czech trucks rolled into the city, piled high with all the valuable properties which had been left behind—minus the tanks and armored vehicles. The material in the trucks was neatly packaged and cataloged. Even laundry and drycleaning which had been out at the time of the invasion was carefully packed and labeled, along with all personal belongings which had been left behind during the hurried flight.

The film was completed in Castel Gandolfo, Italy, where a shaky replica of the Remagen Bridge was built near the Pope's summer home. The tanks and armor were not used in Italy, and the scenes shot there were primarily closeup shots. When the crisis eased slightly in Czechoslovakia, a film crew went back into Davle to complete some of the necessary long shots with the tanks and armor. The Russian invaders, of course, stood by so nobody would get the idea that the re-creation of the 1945 battle had anything to do with the August 1968 invasion. Filming in both Italy and Czechoslovakia was completed by the end of November 1968.

PRESIDENT NIXON'S FIRST 5 MONTHS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, in his address to the Nation on the Vietnam war early this May, President Nixon outlined his plans for seeking peace. At the same time he asked the American people to stand with him behind these efforts, which most observers characterized as a generous and realistic program that can lead to peace. At that time, columnist Joseph Kraft wrote:

> If there is no light at the end of the tunnel yet, there is at least a tunnel.

Following the Midway meeting between President Nixon and President Thieu earlier this month, the President announced that 25,000 primarily combat troops would be withdrawn from South Vietnam, and at his news conference on Thursday, June 19, he indicated his hopes that further U.S. troop withdrawal from Vietnam will be forthcoming on a regular basis, with the decision

on the next step of gradual disengagement to be made in August. A flicker of light has been seen by some "at the end of the tunnel."

There have been others, however, who, distracted by their impatience to end the conflict or by their deep concern with the serious economic and social problems on the homefront, have not seen that glimmer, or have been blinded by these pressures and anxieties. The frustration in the Senate that recalls the large majority by which the Gulf of Tonkin Resolution was passed, and the anguish of the American public which has lost sons in Vietnam and is increasingly alarmed by the rising costs and social unrest within this country are understandable. Indeed, what concerned individual has not experienced these feelings in the past several years?

In the current rethinking and review of our entire foreign policy, in our search for a clear definition of our national interest, in our quest for the answers to the critical problems within our own borders—efforts all long overdue and urgently needed—it has been too easy to lose perspective. It has been easy to forget that it took a longtime to become enmeshed in the Vietnam conflict, and that it will take time, patience, and self-restraint to get out. It has been easy to criticize, to call for actions without facing the awesome responsibility or the difficult process of implementing them, to fall upon statements of policy and become so involved in the words and phrases directly before us that we forget to judge the overall tendencies of that policy, or overlook the importance of assessing the general direction that has been taken.

Astute political observer and respected columnist James Reston, in speaking on this very issue, has said:

(President Nixon) is trapped in the dilemma of trying to achieve an objective that he cannot quite admit, but at least he seems to have decided on the objective of getting out (of Vietnam) in these first five months, and those of us who believe that this is the most important objective or public policy have to admire his sense of priorities and give him room to maneuver toward his objective.

It is a balanced and persuasive argument, and I urge my colleagues' close attention to his comments which I am presenting here for their consideration:

PRESIDENT NIXON'S FIRST 5 MONTHS

(By James Reston)

WASHINGTON, June 21—Richard Nixon has now been in the White House for five months. His statements and his style have been analyzed down to the last comma and gesture, but the main things are what he has done and not done, and by this test, he has made a cautious, moderate, and good beginning.

The capital is now buzzing with his silly attack on former Secretary of Defense Clark Clifford, who suggested withdrawing all U.S. ground troops from Vietnam by the end of 1970, but what is important is not that he attacked Clifford's record in the past, but that he agrees with Clifford's objective of getting out of Vietnam as soon as possible.

NIXON'S PRIORITIES

Mr. Nixon has concentrated in these five months on ending the war, controlling the inflation and moving toward a world arms accommodation with the Soviet Union. He has not said anything very useful about the racial and social conflicts within the nation, but unless he can end the war, control the inflation and negotiate a reasonably safe reduction in the defense budget, he obviously cannot find the money to deal effectively with the economic and social problems on the home front.

Meanwhile, he has not acted in the White House like the military hawk he was in the old days. His economic decisions have not conformed to the wishes of the Republican conservatives who helped finance his victorious Presidential campaign. His appointments have not been political or ideological. He has put together a Cabinet of decent, dull, but competent modern pragmatists, who may not be very imaginative, but who are more interested in the facts and the national interests than in the conservative theories or political interests of the Republican party.

This is not a bad record for a President who was elected by a minority of the voters, has a Democratic majority against him in the Congress and is under savage pressure by the rising conservative forces in the country to "win" the war and put the militant blacks and students "in their places."

NIXON'S PRUDENCE

Mr. Nixon has, of course, said a lot of things that please the hawks; the Republican conservatives and the authoritarians who want to be militant in Vietnam and on the campuses and in the cities, but he has *acted* prudently, and stuck to his priorities on ending the war, controlling the inflation and moving toward an accommodation with Moscow on the control of military arms and the reduction of military budgets.

Even his support of the antiballistic missile system, which looked so hawkish, was probably a move toward an arms control accommodation with the Soviet Union. He seems to be opposing Clifford, Kennedy, Fulbright, Mansfield, McGovern and Muskie on Vietnam—and his words and timing suggest that he is—but while his responsibilities are different, his actions are moving roughly toward their objectives, though for political reasons he must conceal the common goal.

NIXON AND CLIFFORD

The President cannot be as precise as Clifford in saying publicly that we should take 100,000 men out of Vietnam this year and all the rest of the ground troops out next year. It is easier to write a magazine article than negotiate a policy, but the tendencies of policy are more important than the statements of policy, and one has the impression that Nixon's acts and tendencies, whatever the ambiguities of language in a news conference, have brought us in these first five months of his Administration to the beginning of the end of the war.

This analysis, of course, may be wrong. There are still powerful forces in this Government who oppose the withdrawal of American forces from Vietnam. Indeed, there are many powerful men who believe that such a course would be a betrayal of all the sacrifices that have been made in that tragic country, and therefore that we should stick and fight to the end, whatever that may be. Also, nobody can be sure, not even Rogers, Kissinger, or Laird, what the President really intends to do.

All anybody has at this point are impressions. But one has the clear impression that Mr. Nixon's first priority is to get out of the war, with the agreement of the South Vietnamese if possible, without it if necessary, but that he cannot say this publicly without making the problem of withdrawing even more difficult than it is.

NIXON'S DILEMMA

It will take a lot of guile to withdraw without admitting defeat and being vulnerable to political attack. Accordingly, it would be unfair to attack both Mr. Nixon's objective of withdrawal and his guile in zigzagging toward that goal.

He is trapped in the dilemma of trying to achieve an objective he cannot quite admit, but at least he seems to have decided on the objective of getting out in these first five months, and those of us who believe this is the most important objective of public policy have to admire his sense of priorities and give him room to maneuver toward his objective.

JOSEPH McCAFFREY

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, it was 25 years ago this month that Joseph McCaffrey began his career as a press, radio and television correspondent on Capitol Hill, and I stand today to join my many colleagues in expressing my deepest thanks for fulfilling so well the vital role and responsibility of bringing the news of the U.S. Congress to the American public.

For a quarter of a century he has reported the complexities and drama of the legislative process with a uniquely perceptive understanding of its intricacies, and an interpretation which combines clarity and a to-the-point style with unfailing truth and accuracy.

His objective and impartial coverage of the news has won him a large and appreciative audience, and the respect and friendship of many, many Members of Congress. It is a critical and invaluable service he has provided to the Nation, to a viable, enduring democratic process, and to the entire field of news reporting. We thank him for his dedication, his skill, and his understanding of the problems and the hopes of the Members of the Congress of the United States. We thank him and respect him for 25 years of this service.

He is truly a credit to the news media. He is a great man. He is a good friend. It is indeed a pleasure and a privilege to salute him today, and extend my highest regards and best wishes for continued success to Joe McCaffrey, the "Voice of Congress." It is the greatest pleasure and honor to pay fond tribute to Joe McCaffrey, my close friend.

SPEECH BEFORE NATIONAL SHERIFFS' ASSOCIATION CONVENTION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, since this distinguished body created the House Select Committee on Crime on Law Day, May 1, we have obtained committee space, hired some of the staff, and begun to hold a series of executive briefing sessions so that the members of the committee can become as well versed as is possible to the dimension of the crime problem before we go about seeking solutions for curbing crime.

As this House stated emphatically in authorizing and appropriating funds for the Select Committee on Crime, we are not interested in just one more fact-finding body looking into crime and ending by issuing a wordy, lengthy report at some future date.

If there is one word that I hope will be attributed to the efforts of this committee, it is "action."

This is what the American people want; this is what my distinguished colleagues in the House want. And this is your committee.

We know that our streets are not safe to walk at night in many metropolitan areas. We are aware that acts of terror and disorder are ever-increasing and that the courts are hopelessly bogged down in delays, appeals and backlog.

What this committee hopes to do is go to the people through public hearings across the Nation and generate the awareness and support necessary behind measures to combat crime.

Because the Select Committee on Crime is directly accountable for its actions to this House, it will be the committee's policy to keep Members as fully advised as is possible of our activities.

Today, I am requesting that my speech before the National Sheriffs' Association convention, June 16, in Miami Beach, be printed in full.

Additionally, there will follow the notices of executive briefing sessions that have been held with a short biography on those witnesses who appeared.

The material follows:

ADDRESS BY CHAIRMAN CLAUDE PEPPER OF THE HOUSE SELECT COMMITTEE ON CRIME TO THE NATIONAL SHERIFFS' ASSOCIATION, JUNE 16, 1969, IN MIAMI BEACH, FLA.

Thank you very much, Mr. Everett.

President Spurrier, Your able executive director and representative, former Judge Lucas, other distinguished officials of this great organization, ladies and gentlemen.

I thank you very much, President Spurrier, for your generous and kind words of introduction. You know that those of us who have been in politics—and of course you all are in that category—realize that if somebody is just kind to you, you are grateful even if they are not complimentary, and when you are both kind and complimentary, I am very much indebted to you.

I heard a story the other day in Washington about an incident that happened in the administration of President Wilson when he was in the White House. One morning about 3 o'clock a secret serviceman came and knocked loudly on the President's door. The President sleepily awoke and said "Yes?" And the secret serviceman said, "Mr. President, there is a man insisting to talk to you on the telephone." They didn't have telephones in the President's room in those days as they do now. The President said, "Well, who is he and what does he want?" And the secret serviceman said, "He won't say, but he says he just has to talk to you." The President sleepily said, "Very well." So he drowsily put on his slippers and dressing gown and shuffled off down the corridor to the telephone, picked up the phone, and said, "This is the President." And the man on the other end said, "Mr. President, this is the Assistant Postmaster of New York City." And the President said, "Why are you calling me like this?" Well he said, "Mr. President, the Postmaster of New York City has died". The President said, "I'm very sorry to hear that but why are you calling me like this?" "Well", he said, "Mr. President, I just hope that it will be all right with you if I take the Postmaster's place." The President hesitated a minute and said, "Well, if it's all right with the undertaker, it's all right with me." (Laughter)

Well, I feel very much at home here this morning with you good friends, because I am the son of a sheriff and a chief of police, and I feel like I sort of belong to the law enforcement officer's family. I know from the years of experience in that home when he was out all night many, many times, lying out in cold and uncomfortable places—I know some of the headaches and heartaches that he and his family had; and I remember an occasion when he risked his own life to save a prisoner from an infuriated mob. That to me symbolizes the dedication to official duty which characterizes the law enforcement family and I put nobody ahead of the sheriffs in that spirit and in that dedication.

I recall many, many instances where the public has been shocked as to how little provision it makes to reward the peace officer or to safeguard his family against the dangers which he has to face. A policeman in Miami not long ago was killed on his motorcycle chasing a culprit, and this community was shocked to discover that the City of Miami afforded the dead man's family only $1000.00 worth of insurance. Since that time, it's been raised to $10,000.00. There should be publicly provided at least $25,000 insurance to every peace officer, sheriff, or police officer or anyone else engaged in the dangerous and hazardous work which he has to undergo and undertake.

Now, you are experienced in this field and I am a neophyte, but I am today by being Chairman of the Select Committee on Crime of the House of Representatives, I think, rather expressing the public concern there is in this country about the growing rate and character and volume of crime. You know that crime has increased 71% between 1960 and 1967, and that it is estimated that this year there will be 12,000 murders in America, and 4 million major crimes will be committed. You know also that it is estimated that this year one out of every 50 of the American people will be the victim of some sort of serious crime.

The gentleman who accompanied me here this morning—a friend of mine from this area—visited me in Washington. My wife was away or she never would have allowed him to walk out of the house after dark. He wanted to walk up the street—16th Street—one of the main streets of Washington, well lighted and heavily travelled. He hadn't gone more than two blocks from my apartment house before he was set upon by two thugs, beaten and robbed. To escape these two fellows when he was attacked, he lay down and rolled out in the street thinking that he would rather risk being run over by a passing car than to be beaten up dangerously by these two fellows. Awhile later, when my phone rang, I knew almost in my heart what the trouble was—he was calling me from the hospital. He came back, the police brought him back after awhile, with some stitches in his head and some blood on his clothes. The next night about two o'clock, the telephone rang again and the police officer said, "Is Mr. so and so there?" And I said, "Yes." And he said, "Well, we want him to come down to the police station right away because we've caught a man engaged in an assault with intent to rob a citizen here in the area, and he has your friend's credit cards and identification cards all in his pockets". Now, that was two nights in succession, that we knew about, that that one man had been engaged in a robbery on a public street.

And the women of this country, the people of the country, are concerned. You are doing your best. You don't have all the tools that you need, all the help that should be provided to you at all levels, and that is one of the things that my Committee is going to be concerned about. We are going to investigate the areas which we think are the main areas in which crime is committed. We are going to start off, probably—we're going to have, by the way, public hearings in representative places over the country—probably the area where we will begin our first inquiry—we are just assembling our staff now—is in the field of the juvenile criminal, or the juvenile delinquent.

All these things are old to you, and relatively new to me, but we are concerned about it. I've just come here from one of our EOPI offices where I saw a lot of young boys and girls who are being taken off the streets—some of them on probation and have been taken away from the probation authority—and they are trying to rehabilitate them, they are trying to re-motivate those boys and girls and are trying to give them the skills that will enable them to make an honest living rather than having to steal or rob somebody in order to survive. This is a very challenging field as you so well know; as a matter of fact, I am told that about ½ of the car thefts in the country are committed by youngsters who are 15 years of age or less, and if you go up to 18 years of age, then some 60 or 65% of all the offenses against property are committed by youngsters in that one age group. I understand from some of the data which has been assembled from some of the Presidential Commissions that the composite criminal in America is a white man about 24 years of age; that he is a school-drop-out; he comes from a broken home; he was unemployed at the time that he committed the offense for which he was arrested, and he had been previously arrested for some serious offense. You can see, therefore, something of the problem. There has just been a series of articles written on youth crime by the Christian Science Monitor, and the one writing those articles dared to say that, in the long run, it might have been better for society if they had never been arrested and sent to the reformatories and some of the detention institutions to which they were sent.

So you can—we all can—see the magnitude of the problem. I'm hoping that the Federal Government can inaugurate a program with the concurrence of the States and the counties and the municipalities that will encourage private enterprise, encourage the private citizenry, will provide better institutional care when that is necessary, provide personal care and concern and consideration for those boys and girls to try to save them from themselves and to save society from them. We're going to need a great deal of help; we're going to avail ourselves of the best knowledge that there is in the field.

Incidentally, we are not going to be a repetitive investigatory committee. As you know, in 1965 the Crime Commission was set up by President Johnson, and it did a splendid job for some two years; and in 1967 the second Presidential Commission was set up by the President, known as the Kerner Committee, a committee having primarily to do with disorder and riots; and now, a third Presidential Commission is just in progress of completing its work, some of its preliminary reports have already been made. The Commission on Violence, the Chairman of which is the distinguished brother of our late and great and lamented President Eisenhower, Dr. Milton Eisenhower. Those three commissions have compiled volumes and volumes and volumes of important data. What we are going to try to do is to assimilate those data, to try to take note of the recommendations that they made which have hardly been implemented at all. And then we're going to take those recommendations and our own inquiries to the country. We're going to ask you sheriffs to advise us what more the federal government can do than it is now doing under the Omnibus Crime and Safe Streets Bill, which provided $60,000 of help in a program of law enforcement last year—we hope to provide considerably more in the following fiscal year. So we're going to be an action committee, action to try to get some legislation adopted, not only at the federal, but at the state and local levels. We hope that what we recommend will have such persuasive weight that it will be adopted by many of the states and by many of the local communities throughout the country.

So, as I said, our first subject of inquiry will probably be in the whole youth field. Closely associated to that, of course, is the

narcotics field. I was in Canada the week before last on a congressional mission, and I discussed this with Canadian officials. As I suspected and as they disclosed a great volume of narcotics moves across the Canadian border into the United States. You sheriffs who are up in the northern part of our country have to reckon with that problem. While marijuana, they say, comes largely over the Mexican border, the hard drugs coming into our country, they think largely, come from over the Canadian border. Now that within itself is a challenging subject—we're going to go to the very roots of it to see what can be done about tightening up the restrictions upon the production of opium in Iran and Turkey and in the countries where these drugs originate, to see what additional pressure can be put upon them by our government, to see what reward—perhaps I'd be willing to go even that far—may be given them to stop this terrible thing at its source. I'm informed—and you have the tragic experience with it—that it takes 50 or 100 dollars a day to support a hard drug addict in getting the drugs that he wants to have, and the necessity for coming up with that much money is responsible for a lot of the burglaries and robberies that we have in the country with which you always have to contend.

So we're going as thoroughly as we can into that field, to see what more laws can be adopted, what more facilities can be provided, what additional personnel may be made available, what can be done to save from addiction those who already are addicted and to prevent that curse from coming to more of the young people of the country. Just in Washington the other day I found out that, from some of the better homes of the District of Columbia, a group of boys and girls had already become addicts; that their families were paying $39.00 a day to keep them in a psychiatric institution and to provide a sort of work program for them, to try to get them off their addiction to hard drugs.

Well, the third area that we are going to concern ourselves with—not in the manner or to the degree that the Kefauver Committee did—is organized crime. I think the American people are skeptical about whether everything that can be done is being done by the government of our country to break up this vicious government within our government, this kingdom of organized crime within our country. They conduct their own court procedure as it were, the Mafia Commission determines what judgments are to be meted out, they execute their own sentences, they live as a law unto themselves. And it's a curse upon a country that such a thing can be permitted to continue to exist.

Now the President has recommended that we put on some more U.S. district attorneys, and that we add to the funds of the Department of Justice for work in this field. He suggested that we tighten up the laws on gambling as one of the sources of evil money that makes it possible for the gangster to create the great fortune that he presides over today. My committee is also going to see what we can do to prevent this filthy money from being infiltrated into the legitimate financial institutions and into legitimate financial enterprises all over America. That tained money is already beginning adversely and dangerously to affect the stock market and to contaminate the financial and a large part of the economic structure of our country. I know a lot of that money goes out of the country—the gangsters attempt to "clean it up" by sending it to some of the foreign banks where they have numbered accounts. I know the problem is a colossal one but we are going to concern ourselves with it as best we can. We may consider legislation to require reporting of all money sent out of the country as a way of detecting this capital that is moved out, largely by couriers, I'm told, to these banks across the waters, where they can be under the shelter of numbered accounts.

And the other field that I think you will all agree deserves the utmost congressional consideration and that is the whole process of what we call law enforcement beginning with the prosecution of the apprehended person, the punishment meted out to him, the correctional procedures which are developed, the probation system—everything that has to do with the process of the administration of the criminal law. Now, we are also going, as a part of our inquiry to examine into the effect of some of the Supreme Court decisions upon you peace officers—how much and whether some of those decisions have ham-strung you or impeded your efforts in the detection and in the prosecution of crime.

We are also definitely going to take a look at the whole police procedure—the whole law enforcement program—to see whether or not there is something more that we can do at the national level to have an effective law enforcement force in this country that will be able to arrest more people and more carefully compile the evidence necessary for the conviction of those people. And I am convinced—I can't say that this will be the official recommendation of the committee—but I am convinced that the time has come when the federal government is going to have to subsidize and assist in law enforcement in this country, just as it has been subsidizing for over a hundred years college education through the land-grant colleges; as it is today subsidizing 90% of the interstate highways that are built in the country; as it is subsidizing to the extent of about a grant of 45% of the total cost the construction of hospitals all over America built by public and private authorities; and as it is today subsidizing and assisting in education throughout the length and breadth of this land. But with the same reservations which prevails in those programs that the federal government recognizes the primary responsibility, the primary obligation, and the primary initiative lies with you sheriffs, with the municipal police authorities and other state and local enforcement officials throughout the length and breadth of this land.

The ordinary detection and prosecution and punishment for crime is a local function and not a federal function; but you, ladies and gentlemen, are here from all over America—whether you come from Portland, Maine, or Portland, Oregon, you're in Miami Beach, Florida, in Dade County (and I am proud to say in my congressional district)—you are an American, and you are entitled to the same degree of safety and protection here in this part of America that you're entitled to in your home or in any other part of this great country. Under our federal Constitution, every one of us is a citizen of two sovereignties. The Constitution says, "All persons born or naturalized in the United States are citizens of the United States and of the several states in which they reside." So, the federal government has not only a right, but a duty to protect its citizens and to help those primarily responsible for their protection to do the best possible job. And so I hope that we'll be able to provide a vastly increased volume of federal assistance to you in the enforcement of the law, but always retaining in you the administration of the program, the selection of the personnel, and all of the local administrative authority and responsibility. Now when I say retaining that responsibility at the local level, I mean to include the state as well as the federal government. But I believe that it has been a mistake for the Congress pursuant to certain political pressures to which we were subjected—to put the administration of the Omnibus Crime and Safe Streets Bill in the state authorities and so that every community and county in order to participate in that program has to go through the state level. I think it would be a far better program, I think we'd get better results, it would be more effective, if the federal government in its program assistance had dealt directly with you sheriffs and with police officers rather than have to deal with and through the states. (Applause)

Now I realize also that it is discouraging to the law enforcement officer to go out and arrest a suspect and then find no court available for a year to try him. That's why the bail bond problem becomes more acute. If the accused is going to be out of jail a year on bond (if you're going to keep him in jail, the public has got to pay the expense of it and that is a considerable amount, provision has to be made for facilities where he may be detained)—then during the time that he's out in order to pay the bondsman or maybe to pay his lawyer as you so well know, he often has to go out and rob some other places of business or to burglarize some more in order to get the money; if he's an addict, why he has to have the money to supply his addiction needs. I know in a lot of places the police officer says, "Why keep on arresting them and piling them up when they can't try them; there are not enough district attorneys or assistant district attorneys' we don't have enough jails to keep them in; we don't have enough judges to try them; we don't have enough grand juries to get through the indictment and the like." And I can well understand the discouragement of you law enforcement officers when you try to do your job and bring the person arrested in to the prosecuting process and the rest of the machinery is too obsolete, in some way or other too inadequate to do the effective job that the public is entitled to have it do. So we are going to be working with the new Chief Justice and the old Chief Justice. The old Chief Justice, Chief Justice Warren is going to be part of a program that has been presided over by former Justice Clark in which they are trying to reform the judicial procedure of the country. The new Chief Justice, Chief Justice Burger, said the other day that in many respects the judicial administration belongs to the last century, that we lawyers and judges haven't caught up with modern demands, that we haven't developed modern techniques the way you've tried to develop them in the detection of crime through your several offices. So, we're going to work with the judges, the judicial conferences, with the American Bar Association's Criminal Law Committee, and with other public spirited people all over the country to try to insure an effective federal court system, and by example and by such assistance as we can provide to enable the state and the local courts to do a better job in the administration of justice and in the effective enforcement of the laws of this land.

Now, as I said, we're not claiming to know everything—we don't know very much—we're going to try to profit by the knowledge that has already been accumulated; we're going to come into many of your counties or where you are in the city—and by the way they tell me that rural crime is rising at perhaps even a little greater rate than urban—and we're going to come in and the sheriff is going to be one of the people that we're going to ask to come and tell us what are your problems and what more can we do than is being done? We want to know how this federal law enforcement assistance act that is now the law of the land is operating, what changes should be made in it or whether giving you more money well help you do a better job or what else can we do by way of coordination. I'm hoping that our Committee can be a mobilizing committee of all of the agencies and all of the people of this country, official and private, who want to do a better job in law enforcement, give a better safeguard and protection to the people of this country because the people as you know

are riled up about it—it was the main issue in the last Presidential campaign, it's apparently a principal issue in the mayoralty campaign in New York City now, it was the main issue in our recent senatorial campaign, and in any other campaign today people want to know what can be done to be safer in their homes and on their streets and on their highways and in their places of business and their offices.

Now, this is a difficult problem, and you can't do it as some would like to have you do it—by just having you people go out and shoot more people and beat more people over the head. You know that there are deeper problems than that. You've got to be protected in doing an effective job; the criminal has got to know that the officer is his master, and if he insists on resorting to violence that he'll come out on the worst end of the deal; but at the same time you have to wrestle with problems of ignorance and poverty and unemployment and all sorts of conditions that are not wholesome, and those too cannot escape the concern and the conscience of our study.

So, in a way, I'm very happy to be able to have the privilege of working with you. It sort of makes me feel good again to know that I'm working with sheriffs. I want any of you or any of those with whom you work to feel free, any time you want to, to contact our Committee or offer us any suggestions. Mr. Lucas was kind enough to come over and have a little talk with me in my office the other day in Washington, and he has assured us of your cooperation, Mr. President, and you—and by the way, I'm mighty proud that my good friend, Bob here, Bob Boyer, is going to be your successor, I believe; he's one of my old friends. I'm very proud of that—he's been my friend for a long time. Incidentally, this has been a most refreshing conference. Last night you were kind enough to have my friend and me to your reception in your hospitality room, and to see the very delightful show we saw last evening; but the best part of it all was getting to see a lot of old friends. Shag Thompson here has been a sheriff in Florida for 28 years. I knew him back in the days when he was riding a motorcycle in the highway patrol and we've been friends through all those intervening years. One good sheriff of Taylor County, Maurice Linton, walked up to me. He's considerably larger and stouter than he was then and we recalled that he was in my Sunday School class and in my Boy Scout troop when I was practicing law over at Perry, Florida, between 1925 and 1930. And all over this convention I've met dear old friends. The sheriffs of this state have been my friends, and I, to the best of my ability, have been their friend; I'm proud to be the friend of men as dedicated as you are. Mr. President, I appreciate the privilege of being here with you today. Thank you for your many kindnesses and courtesies. I look forward to continuing to work with you in the months and perhaps the years ahead. Thank you very much. (Applause)

A Pulitzer Prize winning reporter, a former New York City police sergeant knowledgeable about organized crime and the administrators of the Department of Justice's Law Enforcement Assistance Administration are among the witnesses scheduled June 24–26 by the House Select Committee on Crime in its second week of executive briefing sessions. The hearings will all begin at 3 p.m.

The schedule of appearances announced by Chairman Claude Pepper are:

Tuesday, June 24.—Howard James, Chief of the Christian Science Monitor's midwest News Bureau (Chicago) who won the 1968 Pulitzer Prize for national reporting for a series entitled "Crisis in the Courts." James recently completed a published series on the juvenile correctional system.

Robert Kutak, 36, Omaha, Nebraska, attorney and former Administrative Assistant to Sen. Roman L. Hruska and Vice-Chairman of the Nebraska Governor's Commission on Crime. Kutak, active in state and local efforts to establish prisoner rehabilitation programs, participated in the drafting of the Federal Amendment to the Criminal Justice Act of 1964 and the Appellate Review of Sentencing Act.

Wednesday, June 25.—John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, and former Chief of Police of Charlotte, N.C. While police chief, he was recognized as one of the brightest of the young law enforcement officers in the country.

Ralph Salerno, retired New York City Police Sergeant knowledgeable on the subject of organized crime.

Thursday, June 26.—Charles Rogovin, Administrator of the Law Enforcement Assistance Administration and Associate Administrator Richard W. Velde.

Rogovin, 38, was Assistant Director of the President's Commission on Law Enforcement and Administration of Justice and head of the Organized Crime Task Force report issued by the Commission. As Assistant Attorney General of Massachusetts, 1967 to March, 1969, he served as Chief of the Criminal Division and later head on the Organized Crime Division. He was an Assistant District Attorney and later Chief Assistant District Attorney for the City of Philadelphia for the years 1960–66.

Velde, 37, former Minority Counsel to the Senate Judiciary's Subcommittee on Criminal Law, was appointed Associate Administrator of LEAA in March of this year. He was a former Attorney Advisor in the General Counsel's office of the Housing and Home Finance Agency and from 1958–60 served as Legislative Assistant to Congressman Robert Michel.

The House Select Committee on Crime will hold the second in a continuing series of executive briefing sessions tomorrow, June 19, in Hearing Room 433, Cannon House Office Building.

Scheduled as witnesses are Patrick V. Murphy, 49, Director of the Urban Institute's Public Order and Safety Studies, and the former Director of Public Safety for the District of Columbia. Appearing with Murphy will be Gerald M. Caplan, 31, Senior Staff Member of the Urban Institute.

On Tuesday, June 17, the Committee held a wide-ranging discussion with Henry S. Ruth, former Deputy Director of the President's Commission on Law Enforcement and Administration of Justice, and currently Director of the National Institute of Law Enforcement & Criminal Justice of the Department of Justice's Law Enforcement Assistance Administration. Among the topics discussed were juvenile crime and court procedures, the criminal justice system, and the responsibilities of local, state and federal agencies in efforts to combat crime.

Committee Chairman Claude Pepper said executive briefing sessions with representatives of public and private agencies and institutions will continue prior to the scheduling of Committee hearings in selected cities of the United States.

THE CITIZENS CRUSADE FOR CLEAN WATER

(Mr. DINGELL was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, 2 weeks ago a bipartisan group of our colleagues wrote the distinguished chairman of the Appropriations Committee concerning the 1970 budget request for the Clean Water Restoration Act of 1966. Our letter was offered in the spirit that Congress must address itself to the fact that an inadequate appropriation would seriously jeopardize water pollution control efforts by States and communities across the country.

The nature of this problem surfaced again a short time ago when major organizations, including labor unions, consumer and conservation groups and industry, formed a "citizens crusade for clean water." The organizations in the crusade have all pledged their support for a $1 billion appropriation for municipal sewage treatment works as being essential to clean water restoration. The fact that this unique coalition of often divergent organizations came together under a common banner testifies to the sincerity and depth of public concern. Others join them daily and under unanimous consent, I include in the RECORD a current listing of these organizations:

LIST OF ORGANIZATIONS

American Association of University Women.
AFL–CIO.
American Fisheries Society.
American Institute of Architects.
American Paper Institute.
Association of Interpretive Naturalists.
Citizens Committee on Natural Resources.
Consumer Federation of America.
Izaak Walton League of America.
Monsanto Biodize Systems, Monsanto Chemical.
National Association of Counties.
National Audubon Society.
National Fisheries Institute.
National Rifle Association.
National Wildlife Federation.
Society of American Foresters.
South Jersey Shellfishermans Association.
Sport Fishing Institute.
The American Forestry Association.
The Conservation Foundation.
The League of Women Voters of the United States.
The National Association of Soil and Water Conservation Districts.
The Sierra Club Society.
The Wilderness.
The American Institute of Planners.
The Wildlife Society.
Trout Unlimited.
United Auto Workers.
United Steelworkers of America.
U.S. Conference of City Health Officers.
U.S. Conference of Mayors.
Wildlife Management Institute.

For the information of my colleagues, I include at this point in the RECORD the text of two articles, one from the Washington Evening Star of June 9, 1969, and one from the Christian Science Monitor of June 12, 1969; a tabulation of the results of recent State water pollution control bond issue elections; and a tabulation of State entitlements under a $214 million appropriation for the Clean Water Restoration Act, grant funds requested on pending applications for sewage treatment works, and national needs for sewage treatment facilities on a State-by-State basis:

[From the Washington Evening Star, June 9, 1969]

$1 BILLION TO CLEAN UP WATER ASKED BY CITIZENS CRUSADE

(By Roberta Hornig)

A coalition of conservation and labor groups and state and local government officials today opened a campaign to put pressure on the Nixon administration to come up with the money needed to clean up the nation's water.

The "Citizens Crusade for Clean Water" will seek immediately to get Congress to appropriate $1 billion to help states and

municipalities build sewage treatment plants. This represents the dollar gap between what Congress said it would spend to combat water pollution when it passed a clean water act in 1966 and what it has appropriated.

The group already has sent a telegram to President Nixon, pleading for more funds for cleaner water.

MANDEL TO TESTIFY

Delegates from the group, which represents more than 35 organizations having a membership estimated at about 10 million, were appearing at a special hearing before the Senate subcommittee on public works.

Among those scheduled to testify was Maryland Gov. Marvin Mandel.

The coalition is made up of groups that often disagree, but have joined forces on the clean-water issue to galvanize public support.

PUT ASIDE DIFFERENCES

The committee's coordinator, J. W. Penfold, head of the Izaak Walton League of America, told a press conference:

"Our differences of objectives, programs, purposes, policies and procedures have all been put aside for the moment so as to join our voices in a single demand upon which we all agree."

The organizations represented include the AFL–CIO, American Fisheries Society, American Forestry Association, American Institute of Architects, Association of Interpretive Naturalists, Association of State and Interstate Water Pollution Control Administrators, Citizens Committee on Natural Resources, and Conservation Foundation.

Also, the Consumer Federation of America, Izaak Walton League, League of Women Voters, National Association of Counties, National Audubon Society, National League of Cities, National Wildlife Federation, Sierra Club, Sport Fishing Institute, United Auto Workers, U.S. Conference of City Health Officers, U.S. Conference of Mayors, United Steelworkers of America, Wilderness Society, Wildlife Management Institute, and Wildlife Society.

SUPPLY STAFF AID

Penfold said the coalition has no budget, but that each organization is providing some staff aid.

The Federal Water Pollution Control Act authorizes $1 billion to be spent for treatment-plant construction in fiscal 1970 alone. It begins July 1.

But in budgets proposed by both the Johnson and Nixon administration, only $214 million in spending was recommended.

Interior Secretary Walter J. Hickel, who is in charge of cleaning up the waters, made a special plea for $600 million, but got nowhere.

At today's press conference, a spokesman for the coalition released a tabulation by states showing that local governments have grant applications totaling $2.8 billion on file with the Federal Water Pollution Control Administration.

[From the Christian Science Monitor, June 12, 1969]

COALITION PROMOTES CLEAN WATER

(By Robert Cahn)

A new nationwide coalition of citizen groups organized to fight water pollution is making its presence felt in places that count.

Representing 35 organizations—with more joining every day—the Citizens Crusade for Clean Water has made its first goal getting some of the money due cities to help finance waste-treatment plants.

On June 6, citizen groups which represent more than 6 million people sent a telegram to President Nixon.

They urged the President to increase his 1970 budget request for waste-treatment construction from $214 million to the full congressional authorization of $1 billion.

On June 9, leaders of the crusade took their cause to the Senate public works appropriations subcommittee.

VARIETY OF INTERESTS

Now they are working in their communities, explaining the problem to citizens and urging that the pressure of public opinion be brought to bear on the President and on Congress through thousands of telegrams and letters.

The coalition is a mixture of groups that often are not on the same side of issues. Among organizations in the crusade are the AFL–CIO, United Automobile Workers, United Steelworkers of America, National Association of Counties, National League of Cities, United States Conference of Mayors, League of Women Voters of America, Wilderness Society, National Audubon Society, National Rifle Association, National Wildlife Federation, Conservation Foundation, Consumer Federation of America, Izaak Walton League, and Citizens Committee on Natural Resources.

In addition, several industrial corporations including Monsanto Chemical Company and the American Paper Institute are lending their support to the coalition.

The problem, which is being severely felt in delays for construction of waste-treatment plants in many cities, exists because of a growing money gap between what Congress has authorized, and what the administration recommends and what Congress appropriates.

The federal government, under the Clean Water Restoration Act of 1966 and later amendments, agreed to put up from 35 to 85 percent of construction funds for city sewage-disposal plant construction. In many cases, the city puts up 25 percent, the state matches with 25 percent, and the federal government puts up the remainder.

HUGE BACKLOG OF REQUESTS

As of March 31 this year, a backlog of $2.2 billion existed in requests from states on pending applications to the Federal Water Pollution Control Administration (FWPCA) for assistance.

The Johnson administration had requested only $214 million, and despite the urging of Interior Secretary Walter J. Hickel for $600 million, the Nixon administration's 1970 budget kept to the $214 million figure.

Meanwhile, 14 states that have been advancing the federal share to cities in anticipation of federal funding, are being left in difficult positions. At the present time these states, including New York, Connecticut, Massachusetts, Maine, Pennsylvania and Michigan, are out $635 million in these advances.

Miss Olga M. Madar, United Automobile Workers representative on the citizens crusade, explained the plight of her own state, Michigan.

"Last November, the people of Michigan, with a 70 percent 'yes' vote, passed a $335 bond issue for treatment abatement, Miss Madar said. "Legislation has just been enacted by the state as to how the money shall be appropriated. But under the present federal request totaling $214 million, Michigan would be allowed only a little over $7 million.

MOBILIZATION URGED

"This is the time to mobilize citizen support. The people are willing to pay for the pollution problem that has accumulated through no fault of their own.

"The UAW intends to work in all of our communities through political-action lines. We will be getting out the information to our membership, and asking them to exert pressure on the federal government.

"In testimony before the Senate Appropriations Committee, Maryland Gov. Marvin Mandel said that even though the state had set up a sanitary-facilities fund, so much money had to be advanced to cities that the fund would go broke early in fiscal 1970 unless federal appropriations were increased.

"If the reason for deferring construction of these plants is to save money, this is shortsighted," Governor Mandel said. "Costs are increasing about 15 percent a year. If we delay five years, the cost will be double."

The new citizens crusade was organized following a meeting last April of the Natural Resources Council of America, a society of major national and regional conservation organizations. The meeting had been briefed by David Dominick, new director of the Federal Water Pollution Control Administration, who had explained the shortage of federal funds and the effects on states and cities.

IDEA SPREADS QUICKLY

After the meeting, the executive committee of the resources council decided to look into the possibilities of forming a citizen coalition. The idea caught on, and by early June, 26 organizations had joined in the effort. The citizens crusade is being coordinated by Joseph W. Penfold.

The shortage of funds for water-pollution control is somewhat embarrasing to President Nixon, who has been stressing the urgency of cleaning up pollution, both before and after his election.

Mr. Nixon's own postelection task force on resources and the environment had been highly critical of funding for water pollution control.

"The gap between need and appropriations in the air and water pollution programs is critical and growing," the task force advised Mr. Nixon in its report.

"We attach the highest importance to these programs, and believe that adequate funding will remain a major key to their effectiveness," the report continued. "The annual uncertainty of appropriations of adequate funds for the cost share disrupts orderly local planning and financial arrangements and breeds distrust of the federal government."

RESULTS OF STATE WATER POLLUTION CONTROL BOND ISSUE ELECTIONS, 1964–69

Election year and State	Program magnitude in millions	Vote		Pass/Fail	Percent "Yes" vote*
1964: Maine	$25	Yes	222,242	Passed	73.2
		No	81,469		
1965: New York	1,000	Yes	3,373,700	...do	82.4
		No	718,398		
1967:					
Pennsylvania [1]	100	Yes	1,163,779	...do	63.2
		No	677,808		
Rhode Island	12	Yes	16,461	...do	56.9
		No	12,439		
1968:					
Illinois [2]	400	Yes	1,656,000	Failed	57.6
		No	1,216,847		
Michigan [3]	335	Yes	1,906,385	Passed	70.5
		No	796,079		
Ohio [4]	100	Yes	1,732,512	...do	52.7
		No	1,550,759		

See footnotes at end of table.

RESULTS OF STATE WATER POLLUTION CONTROL BOND ISSUE ELECTIONS, 1694-69—Continued

Election year and State	Program magnitude in millions	Vote		Pass/Fail	"Yes" Percent vote*
Washington	25	Yes	845,372	Passed	75.4
		No	276,161		
Wisconsin [5]	144	Yes	808,393	do	58.9
		No	569,850		
Average					65.6

FORTHCOMING STATE WATER POLLUTION CONTROL BOND ISSUE ELECTIONS

1969: Maine [6]	$50.0
1969:	
New Jersey [7]	$190.6
New Jersey [8]	222.0
Oregon [9]	[10] 150.0

*The percentage "yes" vote is the percentage of "yes" to total "yes" and "no" votes. These figures do not include the "blank" vote.

[1] Pennsylvania's issue totaled $500,000,000 of which $100,000,000 was for water pollution, $150,000,000 for acid mine drainage, $200,000,000 for "elimination of land and water scars created by past coal mining practices," $25,000,000 for air pollution, and $25,000,000 for abandoned mines.

[2] Illinois' issue totaled $1,000,000,000, of which $400,000,000 was for water pollution control. Despite a majority of "yes" votes, the bond proposal failed due to an Illinois law which requires a "smiple majority of votes cast for all state legislature candidates" to pass.

[3] Michigan's bond proposal totaled $335,000,000 which was divided into 2 parts: $285,000,000 for sewage treatment, and $50,000,000 for new sewage collection systems.

[4] Ohio's bond proposal totaled $120,000,000 which was divided into 2 parts: $100,000,000 for sewage and water treatment, and $20,000,000 for water management.

[5] Wisconsin's proposal was for $200,000,000 and included $56,000,000 for recreation land acquisitions.

[6] On Mar. 5, 1969, the Maine Legislature placed on the November 1970 state ballot a referendum on a proposed $50,000,000 bond issue for construction of pollution abatement facilities.

[7] In January 1969 the New Jersey Legislature placed on the November 1969 State ballot a referendum on a proposed $190,000,000 bond issue for expandng public sewage facilities to eliminate pollution of surface waters.

[8] In April 1969 the New Jersey Legislature placed on the November 1969 State ballot a 2d referendum on a proposed $222,000,000 bond issue for controlling and eliminating pollution of tidal and surface waters.

[9] In April 1969 the Oregon Legislature placed on the November 1969 State ballot a referendum on a proposed $200,000,000 bond issue.

[10] Approximate.

Note. In 1967 the Connecticut Legislature approved a $150,000,000 bond issue for water pollution control. The legislature completed action on this proposal; there was no referendum by the voters. The Connecticut Senate voted unanimously in favor of the bill; there were 5 "No" votes in the House.

The New Hampshire General Court is now considering the State's House Bill No. 162 "to aid municipalities for water pollution control * * *." The total sum considered is $2,039,000: $1,029,000 for the fiscal year ending June 30, 1970, and $1,010,000 for the fiscal year ending June 30, 1971. There will be no referendum by the voters.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOSMER, for July 1 and 2, on account of illness in the family.

Mr. STANTON (at the request of Mr. GERALD R. FORD), for July 1, 1969, and the balance of the week, on account of death in his family.

Mr. CAHILL (at the request of Mr. GERALD R. FORD), for the week of June 30, on account of critical illness in family.

Mr. LIPSCOMB (at the request of Mr. GERALD R. FORD), for this week, on account of the death of his father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

Mr. FISHER, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 15 minutes, today.

Mr. HOGAN, for 1 hour, on July 1.

Mr. GONZALEZ (at the request of Mr. STOKES), for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. MILLER of California in five instances and to include extraneous matter.

Mr. MCCORMACK (at the request of Mr. ALBERT) in the body of the RECORD and to include extraneous matter.

Mr. MADDEN in two instances and to include extraneous matter.

Mr. MURPHY of New York to extend his remarks and to include extraneous matter in the Committee of the Whole, today.

Mr. COLMER to revise and extend his remarks made today.

Mr. PHILBIN in seven instances and to include extraneous material.

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. HASTINGS.
Mr. CONTE.
Mr. BOW in two instances.
Mr. PELLY.
Mr. BROYHILL of Virginia in three instances.
Mr. LLOYD in three instances.
Mr. COWGER in two instances.
Mr. MORSE in four instances.
Mr. WYMAN in three instances.
Mr. HOGAN in three instances.
Mr. ZWACH.
Mr. SHRIVER.
Mr. DELLENBACK.
Mr. POLLOCK.
Mr. GUBSER in two instances.
Mr. SCHADEBERG.
Mr. STEIGER of Wisconsin in three instances.
Mr. REID of New York.
Mr. MESKILL.
Mr. NELSEN.
Mr. SPRINGER.
Mr. HOSMER in three instances.
Mr. DERWINSKI in two instances.
Mr. LUKENS.
Mrs. DWYER in six instances.
Mr. BUSH in three instances.
Mr. BRAY in three instances.
Mr. KEITH in two instances.
Mr. DON H. CLAUSEN.
Mr. FULTON of Pennsylvania in two instances.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. EILBERG in three instances.
Mr. CORMAN.
Mr. BARING in two instances.
Mrs. GRIFFITHS.
Mr. DINGELL in two instances.
Mr. FISHER in three instances.
Mr. CHARLES H. WILSON.
Mr. FOLEY.
Mr. EDWARDS of Louisiana.
Mr. RARICK in four instances.
Mr. O'HARA.
Mr. WILLIAM D. FORD.
Mr. KYROS.
Mr. PREYER of North Carolina in two instances.
Mr. ROONEY of New York.
Mr. BURTON of California.
Mr. FRASER.
Mrs. SULLIVAN in three instances.
Mr. MURPHY of New York.
Mr. MACDONALD of Massachusetts in two instances.
Mr. BINGHAM in two instances.
Mr. HANNA.
Mr. OLSEN in two instances.
Mr. HATHAWAY in two instances.
Mr. BLATNIK in two instances.
Mr. MATSUNAGA.
Mr. MOORHEAD in three instances.
Mr. LONG of Maryland.
Mrs. CHISHOLM.
Mr. RODINO in two instances.
Mr. COHELAN in two instances.
Mr. ABBITT.
Mr. REES.
Mrs. HANSEN of Washington in two instances.
Mr. BRASCO.
Mr. DIGGS.
Mr. HAGAN in three instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that commitee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4297. An act to amend the act of November 8, 1966; and

H.R. 8644. An act to make permanent the existing temporary suspension of duty on crude chicory roots.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 122. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for 1 month the existing rates of withholding of income tax; and

H.R. 4297. An act to amend the act of November 8, 1966.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 1, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

897. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting the 24th annual report of the Commission, pursuant to the provisions of section 603 of Public Law 402 (80th Congress) (H. Doc. No. 133); to the Committee on Foreign Affairs and ordered to be printed.

898. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the first phase, lower Teton division, Teton Basin project, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to the provisions of the Interior Department Appropriation Act for the fiscal year ending June 30, 1954; to the Committee on Appropriations.

899. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting a report comparing the fiscal year 1968 economic assistance program as presented to Congress with the actual program implemented during the fiscal year, pursuant to the provisions of section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

900. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings if the Government follows the practice of many private businesses and consolidates its small freight shipments, Department of Defense, General Services Administration; to the Committee on Government Operations.

901. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Voting Rights Act of 1965, and for other purposes; to the Committee on the Judiciary.

902. A letter from the Counsel to the Pacific Tropical Botanical Garden, transmitting a report of the audit of the Corporation for calendar year 1968, pursuant to the provisions of section 10(b) of Public Law 88-449; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 1011 (Rept. No. 91-333). Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 671. A bill to compensate the Indians of California for the value of land erroneously used as an offset in a judgment against the United States obtained by said Indians (Rept. No. 91-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10987. A bill to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned tasks (Rept. No. 91-335). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 4018. A bill to provide for the renewal and extenson of certain sections of the Appalachian Regional Development Act of 1965; with amendment (Rept. No. 91-336). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 12498. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 12499. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California (for himself, Mr. ANDERSON of California, Mr. BINGHAM, Mr. BUTTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DIGGS, Mr. EDWARDS of California, Mr. FRIEDEL, Mr. HAWKINS, Mr. KOCH, Mr. LEGGETT, Mr. LOWENSTEIN, Mr. MIKVA, Mr. PEPPER, Mr. PETTIS, Mr. PODELL, Mr. POWELL, Mr. REES, Mr. ROYBAL, Mr. RYAN, and Mr. CHARLES H. WILSON):

H.R. 12500. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

By Mr. COWGER:

H.R. 12501. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia:

H.R. 12502. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIGGS:

H.R. 12503. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EILBERG (for himself, Mr. ANDREWS of Alabama, Mr. BARRETT, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CASEY, Mr. CLARK, Mr. COUGHLIN, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. ESHLEMAN, Mr. FLOWERS, Mr. FOUNTAIN, Mr. GREEN of Pennsylvania, Mr. NICHOLS, Mr. NIX, Mr. WHALLEY, Mr. WRIGHT, Mr. MORGAN, and Mr. MACDONALD of Massachusetts):

H.R. 12504. A bill to incorporate the Historic Naval Ships Association; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 12505. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 12506. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 12507. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 12508. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 12509. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JARMAN:

H.R. 12510. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 12511. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 12512. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. LENNON (for himself, Mr. HENDERSON, Mr. FOUNTAIN, Mr. TAYLOR, Mr. PREYER of North Carolina, Mr. GALIFIANAKIS, Mr. BROYHILL of North Carolina, Mr. MIZELL and Mr. RUTH):

H.R. 12513. A bill to incorporate the Historic Naval Ships Association; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 12514. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts (for himself, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DONOHUE, Mrs. HECKLER of Massachusetts, Mr. KEITH, Mr. MACDONALD of Massachusetts, Mr. MORSE, and Mr. PHILBIN):

H.R. 12515. A bill to incorporate the Historic Naval Ships Association; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 12516. A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of selective service policies, to raise the incidence of volunteers in military service, and for other purposes; to the Committee on Armed Services.

By Mr. PURCELL:

H.R. 12517. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 12518. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, to restrict the exhibition of movies or other presentations harmful to such persons, and for other purposes; to the Committee on the Judiciary.

H.R. 12519. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 12520. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 12521. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. RIEGLE:

H.R. 12522. A bill to amend title 39, United States Code, to provide an established workweek, a new system of overtime compensation for postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12523. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. BLANTON:

H.R. 12524. A bill to end discrimination in the availability of Federal crop insurance; to the Committee on Agriculture.

By Mr. BLATNIK:

H.R. 12525. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOGGS:

H.R. 12526. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE:

H.R. 12527. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Louisiana:

H.R. 12528. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12529. A bill to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GREEN of Pennsylvania (for himself and Mr. CONABLE):

H.R. 12530. A bill to make specific provisions for mounted ball and roller bearings in the tariff schedules of the United States; to the Committee on Ways and Means.

By Mr. LLOYD:

H.R. 12531. A bill to limit the period of time during which appropriations are authorized to carry out the purposes of the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

By Mr. MESKILL:

H.R. 12532. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 12533. A bill to provide improved judicial machinery for the selection of juries, to further promote equal employment opportunities of American workers, to authorize appropriations for the Civil Rights Commission, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 12534. A bill to amend section 1102 of the Federal Aviation Act of 1958 to safeguard American citizens from racial and religious discrimination, and for other purposes; to the Committee on Interstate ond Foreign Commerce.

By Mr. WHITE:

H.R. 12535. A bill to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway; to the Committee on Armed Services.

By Mr. WYMAN:

H.R. 12536. A bill to amend title II of the Social Security Act to provide a 10-percent, across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits, and to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in social security taxes in order to assure continuing financing for such increases in benefits; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 12537. A bill to amend title 18, United States Code, to prohibit the dissemination through interstate commerce or the mails of obscene materials to persons under the age of 18 years, to restrict the exhibition of movies or other obscene matter to such persons, to prohibit the sale of mailing lists used to disseminate by mail obscene materials to such persons, and for other purposes; to the Committee on the Judiciary.

By Mr. OLSEN (for himself, Mr. CORBETT, Mr. DANIELS of New Jersey, Mr. NIX, Mr. CHARLES H. WILSON, Mr. BRASCO, Mr. TIERNAN, Mr. JOHNSON of Pennsylvania, Mr. BUTTON, and Mr. HOGAN):

H.R. 12538. A bill to provide emergency salary adjustments for certain employees in the postal field service to offset the increase in the cost-of-living index; to the Committee on Post Office and Civil Service.

By Mr. POLLOCK:

H.R. 12539. A bill to authorize the Secretary of Transportation to lease the dock facilities of the Alaska Railroad in Seward, Alaska, to the city of Seward; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 12540. A bill to amend the Federal Water Pollution Control Act as amended; to the Committee on Merchant Marine and Fisheries.

H.R. 12541. A bill to terminate Naval Petroleum Reserve No. 1, to establish certain submerged lands under the Santa Barbara Channel as Naval Petroleum Reserve No. 5, and for other purposes; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.J. Res. 800. Joint resolution to authorize the President to award appropriate medals honoring those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious; to the Committee on Science and Astronautics.

By Mr. PUCINSKI:

H.J. Res. 801. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H. Con. Res. 297. Concurrent resolution providing for the Secretary of Transportation to make an investigation of potential rail transportation over existing lines and rights-of-way for passenger and mail transportation in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H. Res. 458. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII memorials were presented and referred as follows:

231. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to assistance to the fishing industry; to the Committee on Merchant Marine and Fisheries.

232. Also, memorial of the Legislature of the State of Texas, relative to taxation of State and local government securities; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California:

H.R. 12542. A bill for the relief of Miss Nguyen Thi Bong; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 12543. A bill for the relief of Antonio Corapi; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 12544. A bill for the relief of Calogero (Lillo) Ciaccio; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 12545. A bill for the relief of William E. Parrish; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 12546. A bill for the relief of George J. Katsoros; to the Committee on the Judiciary.

By Mr. WOLD:

H.R. 12547. A bill for the relief of Robert L. Miller and Mildred M. Miller; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

159. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to a memorial to the late Jacob S. Coxey; to the Committee on Interior and Insular Affairs.

160. Also, petition of Roger S. Bandy, Decatur, Ill., relative to redress of grievances; to the Committee on the Judiciary.

161. Also, petition of the City Council, Danville, Va., relative to taxation of State and local government securities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

APPALACHIAN CENTER FOR ENVIRONMENTAL HEALTH AT WEST VIRGINIA UNIVERSITY MOVES AHEAD—PRESIDENT NIXON MESSAGES ENCOURAGEMENT—SENATOR BYRD GIVES CHALLENGING ADDRESS—RESEARCH PROGRAM TO AID IN SOLVING POLLUTION PROBLEMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 30, 1969

Mr. RANDOLPH. Mr. President, the deed to property on which will be constructed the Appalachian Center for Environmental Health in Morgantown, W. Va., was presented to Charles C. Johnson, Jr., Assistant Surgeon General and administrator of the Consumer Protection and Environmental Health Service, on June 28, by Dr. James G. Harlow, president, of West Virginia University.

The center is already operating in the university medical center, and completion of its own building will permit it to greatly increase its staff and scope of operations.

Principal among new undertakings by the center, and one which will have a direct impact in West Virginia, is a comprehensive study of pneumoconiosis, or black lung disease, among coal miners. As reported by George A. Crago in the Morgantown Dominion-News, this study will involve 5,000 miners in 34 mines in the region.

Mr. President, the principal address was delivered by Senator ROBERT C. BYRD, who performed a key role in establishment of the Appalachian Center for Environmental Health. Senator BYRD, my able colleague, merits special recognition for the major contribution he made in the securing of necessary funds for this development. His inspired, diligent, and effective leadership were outstanding.

Other participants included Representative HARLEY O. STAGGERS, Chris A. Hanson, Assistant Surgeon General and commissioner of the Environmental Control Administration; the Reverend Stacy Groscup, West Virginia University ombudsman; and David Wilson, president of the Morgantown Area Chamber of Commerce.

I also took the occasion to express special tribute to Dr. Thomas Harris, of Parkersburg, W. Va., and the late Thomas Millsop, of Weirton Steel Co., for their support of this area of effort and their personal financial contributions in earlier days.

Mr. President, because of the importance this center has to the well-being of West Virginia and the Nation, I ask unanimous consent that a letter from President Nixon which was read, Senator BYRD'S address, my own remarks, and excerpts from the remarks of President Harlow and Mr. Johnson be printed in the RECORD.

There being no objection, the documents were ordered printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

Only a month ago, in the Executive Order which created the Environmental Quality Council, I expressed the hope that its members will encourage greater cooperation on environmental problems at all levels of Government. So it is with no small gratitude and satisfaction that I welcome the decision of West Virginia University to deed to the Federal Government a site for a much-needed Appalachian Center for Environmental Health. You set an inspiring example for all your fellow Americans.

While the emphasis in this Center is to be on a regional approach to human ecology, the results of its efforts will be applicable to environmental problems everywhere, and all mankind will benefit from its work.

I congratulate you on a major step toward backing this Administration's efforts to protect our natural environment, and I wish the Center every success in its challenging task.

RICHARD M. NIXON.

BUILDING A BETTER FUTURE

(By ROBERT C. BYRD, U.S. Senator)

We read in the first chapter of Genesis that—after creating the heavens, the earth, and all living things—God said to Adam and Eve:

"Be ye fruitful and multiply, and *replenish the earth,* and *subdue it.*"

If the Reverend Mr. Groscup will permit me a little theological interpretation, I think this Bible verse sets the precedent for environmental control. This Center for Environmental Health has its origins way back in our basic philosophy. The Bible verse is one expression of it, but the idea applies equally to all religions and philosophies. We have a sacred duty to use our environment wisely—that is how I interpret the word "subdue"—and to replenish our environment for the health and well-being of all men.

Here in Morgantown, in the heart of Appalachia, we have a beautiful and fruitful environment that has been subdued very unwisely in many ways. It is particularly appropriate that this site has been chosen for a government center for research in making a better environment in which men can work, and live, and grow.

You cannot pick up a newspaper today without finding stories and editorials about our growing concern over the degradation of our environment, over pollution of air and water, over mounting heaps of waste materials, over the spoiling of the land.

Some of the worst examples of environmental damage can be seen in Appalachia, right alongside some of the most beautiful sights in the world: mountains and rivers and lakes that could rival the Garden of Eden, if we could restore them and use them with greater wisdom.

This hole in the ground is not much to look at today, but it represents the start of something that will be very important to the people of West Virginia, to other people throughout Appalachia, indeed, to people everywhere in the world ultimately.

Here will rise the building to house the new Appalachian Center for Environmental Health. It will take about two years to build. It will ultimately house about 200 persons, mostly scientists and other highly trained professionals. It will have about 87,000 square feet of floor space for laboratories, workrooms, offices, and exhibit and demonstration areas.

The Center will work closely with the University and with the university's Medical Center, School of Medicine, and College of Engineering. Teams of experts from the center will fan out throughout the Appalachian region to investigate, do field work, and conduct training and demonstration programs.

Small and unprepossessing as it may look now, this hole in the ground is only the visible tip of the iceberg—if I may be allowed to mix my metaphors! It was a long time a-planning. It was hard work to get approval of the plans at various stages: approval from the Department, approval from the Bureau of the Budget, approval from the Congressional committees responsible. Even after all these hurdles were overcome, after the plans were made and the blueprints drawn, it was still a year before the project was actually begun.

It is probably just as well in these circumstances that a formal groundbreaking ceremony was not held and that bulldozers, not a symbolic gilded spade, broke the ground and started the project on its way without fanfare. I am glad to say that the work is now progressing on schedule, and that this ceremony, being held on a Saturday, will not contribute to any further delay.

Vital work on the control of pneumoconiosis and other occupational respiratory diseases is now under way at ECA's present laboratory housed in the University Medical Center and employing about 40 persons. This work will be continued and expanded when the new center opens for business in the summer of 1971. The staff employed in occupational health programs is expected to about double.

However, of greater interest to the people of this area are the plans to expand ECA work here into other areas of research and development in environmental control.

Solid waste disposal is a field of vital interest to Appalachia, which has literally mountains of solid waste on which to experiment.

Another fruitful field of work will be problems of environmental health peculiar to the Appalachian region: community waste disposal, housing and neighborhood sanitation.

The Center will investigate the public health aspects of recreational areas. West Virginia already has many public parks, campgrounds, and scenic areas and it will have many more. All of these are being used by increasing numbers of people. Keeping such facilities in sanitary and hygienic condition is an environmental management job of the highest importance.

Community water supply is another aspect of ECA research which will be conducted at the Center, with emphasis on water hygiene problems peculiar to the Appalachian region.

Altogether, the Center is expected to employ about 200 persons when the facilities are completed here, a five-fold increase from the present staff which, of course, is working in the single area of occupational respiratory disease prevention.

To sum it up, the Appalachian Center for Environmental Health will be concerned with a very broad range of problems directly related to this state and this region. It will deal with the human "ecology" of Appalachia. "Ecology" is the science of living things in relation to their environment. It seeks to understand the interactions of a biological species—in this case people—with all other plants and animals and with our physical, nonliving surroundings.

At a symposium held last fall at Warrenton, Virginia, by the Consumer Protection and Environmental Health Service, a famous scientist, Dr. Rene Dubos, recalled the great advances in human welfare that had come from medical discoveries since about 1900.

What society now needs, said Dr. Dubos, is similar advances in the science of ecology. "It is essential to create new kinds of insti-

tutions to study the interplay among human life, technology, urbanization, and natural resources."

The Appalachian Center for Environmental Health will be such an institution. I fully expect it will become a world center for such studies, to lead the way toward a new era of environmental control.

I am confident that here we will find new and better ways to use our environment wisely, without damaging our own health and our beautiful natural surrounding. Here we will find new ways to carry out God's order to Adam and Eve: "replenish" the earth.

FOR A CLEAN ENVIRONMENT

(By Senator JENNINGS RANDOLPH)

It is a joy to help dedicate the new Appalachian Center for Environmental Health at our West Virginia University.

This new research Center at West Virginia University is a logical and meaningful extension of Federal health activities in West Virginia. For 30 years the Public Health Service has been conducting cooperative studies on miners' health problems here. When this Center is completed in 1971, the studies will expand to include occupational health and safety, injury control, drinking water quality, solid wastes management, radiological health, and other environmental health problems.

The quality of our environment is in grave danger in the United States. America is in danger of being virtually inundated by its own wastes. We face pollution of all kinds. Too much of our air is fouled. Too much of our water reeks and is contaminated. The solid wastes are piled high in disease ridden dumps. Our foods and drugs are often contaminated. Too many workers are plagued with diseases.

The Appalachian region is an example of the problems of environmental contamination. For too long our region has been abused, depleted and disfigured.

Thousands of acres of wild beauty have been strip-mined and have not been properly nor adequately reclaimed. Though reclamation practices are improving, too many orphaned acres mar the landscape and contribute to the pollution of our rivers and streams.

I have the responsibility to chair the Committee on Public Works which initiated the first program for "developmental planning" for this region, embodied in the Appalachian Regional Development Act of 1965.

Thursday of this week, our Committee approved a new bill extending and amending the Appalachian Act to provide for continuing programs for mine land reclamation and pollution control. The bill gives new emphasis to health projects for early childhood health, nutrition and education, and to research and action programs to eliminate "black lung" and other occupational hazards to miners' health.

On Thursday, too, our Subcommittee on Air and Water Pollution approved a bill extending the Water Pollution Control Act. If approved by the Congress, we will provide rigid penalties for operations like the disastrous oil well blow-out that spilled millions of barrels of black, sticky oil on the beaches in California.

Americans waste billions of tons of solid materials each year. From our homes and offices each person contributes almost five and one-half pounds of garbage and miscellaneous trash daily to our overstrained refuse system. The cost is more than $4.5 billion a year. And the figure will reach 8 pounds per person a day by 1980.

Industrial wastes contribute another 3.2 pounds per person per day; agricultural wastes from animal feedlots, packing houses, lumbering operations, and other related industries produce another 30 pounds per person; and 7 million automobiles are junked each year.

I cosponsor with Senator Muskie and other colleagues the "Resources Recovery Act", aimed at cleaning up this Nation's solid waste.

We hope to report a bill tackling the causes of the problem as well as providing new and better methods of collection, transportation, recycling, and disposal of solid wastes. This new Morgantown Center will provide much of the research information that will be necessary to solve these problems.

Such measures are geared toward the abatement and control of existing adverse conditions. When we look to the future, however, we see even greater threats to the quality of our environment which are beyond current management capabilities.

I cosponsor with 40 of my colleagues, including Senator Byrd, the "Environmental Quality Improvement Act," to establish a national policy for the environment. This measure is a major step toward a national posture for the environment that promotes public health and welfare, diversity, space, and beauty.

With the cooperation of Federal, state and local officials, universities like this developing institution which today so generously gives over part of its land to build this new research laboratory, and the efforts of our citizens, we will assure the quality of the environment for our children and their children.

REMARKS BY DR. JAMES G. HARLOW

As West Virginians look backward, we are reminded that our partnership with the federal government began, for this institution, with the Morrill Act, signed by President Abraham Lincoln on July 2, 1862.

Throughout the years, and notably in the past decade, West Virginians have invested tens of millions of dollars to make their state university the hub of West Virginia's graduate education, research and professional training.

Look around you. You can see the bricks and mortar in which the people of this state have invested. It amounts to almost $100 million in the past decade. But buildings are only the top of the iceberg when it comes to education and science. What's below the surface is the human quality, the excellence of the faculty, the researchers, the supporting staff—these offer the potential for greatness to an institution and make it possible for a university to meet the needs of society in a larger sense.

This new facility will, in its physical appearance alone, make an important contribution to the West Virginia university complex. Far more significant, however, are the 200 skilled research people and their assistants who will work here. Many of them will hold adjunct appointments on the staff of our Medical Center and College of Engineering, and many Medical Center staff people will find enriched opportunity for service and research within the walls of the Appalachian Center.

Through its interaction with the Medical Center's Regional Medical Program, the fruits of this new symbiosis will flow throughout all Appalachia, freeing people from disease, strengthening their bodies, and giving them greatly enlarged opportunity for full and fruitful lives. Through the Appalachian Center's efforts in environmental control and safety improvement, each of us will gain measurably in opportunity for richness in his own life.

We do not for a moment claim a monopoly on ideas or on progress toward such ideals. It is inevitable that sound echoes from these hills, so I see no reason why thoughts wouldn't echo, too.

This university has a long history of working with industry, with unions, and with communities throughout our state in a fruitful and harmonious partnership. This partnership includes the federal government.

I have no reservation about surrendering any of our property. This symbolic deed is, rather, a latchkey of welcome to our house.

REMARKS BY CHARLES C. JOHNSON, JR., ADMINISTRATOR, CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

The transfer of this deed marks the beginning of a new program of great significance to all the people of Appalachia. In my opinion, it is, moreover, a program with meaning for all the people of the United States.

In a sense, what we are beginning here today should prove, once again some truths that are fundamental to the American dream. We hope to show that the future can, indeed, redeem the mistakes of the past. We hope to show that man's control over his own destiny includes, at the very least, an ability to change those circumstances of his life that are themselves the result of human activity—no matter how unalterable or overwhelming these may sometimes appear to be.

Like most Americans, I am a mountaineer at heart. These majestic mountains have entered into the folklore and cultural heritage of all Americans, and have helped to form the heart and character of our whole Nation. Moreover, the wealth of natural resources that has flowed from Appalachia has helped to build an American economy which is the wonder of the entire world.

Perhaps we are beginning today to repay a part of the debt we owe to West Virginia and the other States of Appalachia. For in our haste to exploit certain of the area's resources, we have wasted and destroyed other, equally important, natural treasures, and have been all but indifferent to the preservation of its most precious resource, its people.

Thousands of your men who have gone down into the dust of the mines suffer from black lung; others have been killed or maimed by explosions or cave-ins. Appalachian streams that were once clear and sparkling are polluted by acid run-off. Mountain air once pure and bracing is fouled by smoking slag heaps and fumes from chemical plants and factories. In many places, your hills have been leveled, your unmatched scenery despoiled.

In Appalachia, more perhaps that in any other part of our country, we can see the price which man must pay for heedless and random manipulation of the ecological system.

Throughout the world, we stand at a point in history when man's capability to enhance or degrade the environment has reached awesome proportions.

I think it is important to remember that the problem of our time is not to choose between a healthful environment and the great benefits made possible by our technological genius and industrial progress. The problem is to assure that we have both.

The challenge of our time is to put our science and technology to work to solve the very problems that science and technology have themselves created.

It is to meet this challenge, here in your section of the country, that the new Appalachian Center for Environmental Health is being established.

Here in these buildings, we expect to bring the best that we have in scientific skill to bear on the *human* problems created by environmental change. Here, we hope to find, in technology, practical, workable solutions for some of the many environmental ills that plague this lovely mountain land. We believe that here in this new Center we can help the people of Appalachia reverse the trend toward environmental destruction that threatens not only their health, but their social, economic and cultural progress as well.

I think I speak for all of us who represent the Department of Health, Education, and Welfare and the Consumer Protection and Environmental Health Service when I

say that we share your love for Appalachia and your pride in her wonderful people. With the establishment of this Center, we have become partners with the West Virginia University and with the people of Appalachia in an effort to enhance human health and well-being.

COMMITTEE ON PEACEFUL USES OF OUTER SPACE PRESENT PROGRESS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

DEPARTMENT OF STATE,
Washington, June 21, 1969.

Hon. JAMES FULTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FULTON: Two important sub-groups of the UN Committee on the Peaceful Uses of Outer Space are meeting now and in the near future, and I wished to report to you on the issues before them in your capacity as Congressional adviser to our delegation. The two groups are the Legal Subcommittee, which convened in Geneva June 9 and will conclude its deliberations July 4 and the Working Group on Direct Broadcast Satellites which will meet for two weeks in Geneva beginning July 28.

The principal item before the Legal Subcommittee, this year as last, is the completion of a draft convention on Liability for Damage Caused by the Launching of Objects into Outer Space. You may recall that in my letter of June 3, 1968, before the last meeting of the Legal Subcommittee, I listed a number of difficult problems that had yet to be solved before a meaningful liability convention could be concluded. Most of these problems remain. We are nevertheless hopeful that substantial progress can be made at this session, and the convention possibly completed. Differences have been narrowed as a result of intensive negotiations which we have undertaken since the Subcommittee's last meeting. Most of these negotiations were held in the context of an informal working group of five nations: India, the US, Belgium, the USSR, and Hungary. This group met in New York during the Fall and in New Delhi in March; a copy of the press statement issued after the second meeting is attached.

The two main issues which must be resolved if there is to be a satisfactory liability convention are, first, whether a claimant state which finds that its negotiations for compensation with the launching state do not resolve the matter may take the matter to arbitration before an impartial tribunal and, second, whether there should be a limitation on the liability of a launching state for damage resulting from a single accident. The US has supported third-party arbitration and has proposed a limit of $500 million. Details of our position on these and other issues are contained in the 1968 Report of the Legal Subcommittee and its parent Committee, which I have attached.

The Working Group on Direct Broadcast Satellites, the second of the two UN Outer Space groups meeting this Summer, was established by the Outer Space Committee in October 1968. The U.S. supported its establishment, recognizing the serious concern of many nations with the international ramifications of direct broadcasting from satellites to TV home receivers. The first meeting of the Working Group, to consider technical aspects of direct broadcasting, met in New York from February 11 to February 20, 1969. The principal conclusions of the technical meeting were that it could become feasible technologically for direct broadcast satellites to reach community or village antennas within the next few years; to reach augmented home receivers in the mid- or late 1970s; and to reach unaugmented home receivers in the 1980s. The Report of the first meeting of the Working Group is attached.

The second session of the Working Group will deal with legal, social, cultural, and political questions. Some of the main issues which will probably concern the Working Group at the forthcoming meeting are such questions as the applicability of existing international law or other regulations to satellite direct broadcasting; the relevance to potential regulation of direct broadcasting of attempts to regulate shortwave radio broadcasts; the matter of whether satellite direct broadcasting, if unregulated and left to the discretion of the space powers, would have harmful political and cultural consequences; the kind of restrictions on direct broadcast, if any, that would be consonant with the interest of nations in maintaining freedom of information; and, finally, the nation-building potential of this technology, in particular the extent to which it can contribute to the internal strength of developing countries by providing closer links between central governments and village authorities and by spreading information on agriculture, health, population control and other basic problems.

We would welcome your advice on the work of these two outer space groups, and will be happy to discuss any questions you may have on the issues before them.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

A TRIBUTE TO THE LATE E. C. HALLBECK—DYNAMIC LEADER OF THE POSTAL CLERKS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, June 30, 1969

Mr. YARBOROUGH. Mr. President, the late E. C. Hallbeck was a man who was second to none.

He served this Nation long and proudly and to this end he will be remembered by all who knew of the postal service of America.

E. C. Hallbeck, better known as "Roy" to many Members of this esteemed body of legislators, was the president of the United Federation of Postal Clerks at the time of his death, and was one of the best known and most respected union and postal men in Washington. With his death in January 1969, Roy Hallbeck ended over a quarter of a century of service to the postal workers of America.

Roy Hallbeck was a rare type of individual. He came up the hard way—starting out in 1921 in his native Chicago as a postal clerk. Within 5 years he was secretary of Chicago's local Federation of Postal Clerks and later led that local organization as its president.

In January 1940, Roy Hallbeck was appointed to the position of national vice president of the United Federation of Postal Clerks. Within 4 years he was serving in Washington regularly and had moved to the post of national legislative director of that same organization, a job he held for nearly 15 years.

He was first elected president of the United Federation of Postal Clerks in 1960 and reelected to that position to the time of his death.

His undying loyalty to his organization and to the United States and his quest for the betterment of the postal service made Roy Hallbeck a figure of whom was held the greatest respect by federation employees everywhere.

On June 9, 1969, the members of the United Federation of Postal Clerks, meeting at the Statler-Hilton Hotel for their annual National Legislative Conference, held a memorial service to honor their long-time friend and leader, Roy Hallbeck.

I ask unanimous consent to have printed in the Extensions of Remarks, a copy of the program reflecting the memorial service held June 9, 1969, including the remarks of Francis S. Filbey, new national president of the postal clerks, for the late president of the United Federation of Postal Clerks, E. C. "Roy" Hallbeck, because it shows the true spirit of that man and the legacy he left behind.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICE FOR PRESIDENT E. C. HALLBECK, 1902–69—BY THE NATIONAL LEGISLATIVE CONFERENCE, UNITED FEDERATION OF POSTAL CLERKS (AFL–CIO), WASHINGTON, D.C.

REMARKS BY FLOYD ALLCHIN, EDITOR, LOCAL 91 NEWSLETTER, DAVENPORT, IOWA

A loss which is felt by every member of the United Federation of Postal Clerks took place with the passing of E. C. 'Roy' Hallbeck, our National President. Every member who has ever attended a meeting at which Roy was present came away with a feeling of personal friendship. It was one of the many attributes of this great man.

Many others will write of President Hallbeck's many contributions to the history and the continued progress of our Federation. Let me, however, speak rather of the man I was proud to call friend.

Let me speak of the dynamic personality that could enclose an individual and create in a single meeting a true and lasting friendship over and above the dictates of ordinary contacts in the line of Federation work.

Let me speak of the man who was a living link with our founding members and who was able to speak engrossingly of the past of our great Federation and was able to utilize that knowledge of the past so efficiently in the building of the Federation's present and future.

Let me speak of his power as a speaker. When his heavy voice rose in an oration there was silence from his listeners, there was no undercurrent of conversation, this was a man who held audiences attention because he spoke, not only well, but with the confidence that can only come from sincerity and integrity.

Let me speak of the man who had the power to make every man he met realize his importance to our movement, a man who had the ability and the gift to bring from each man he met the utmost that person was capable of.

This was a man who was born to lead and moved surely up the ladder to attain the leadership of our organization at one of its most trying times. A man who led us not only in our daily contacts with the postal department but found time also to expand our organization through merger and membership

drives. A man who had our advancement always at heart.

This was a man who earned his place as our leader, but even more so has earned a permanent place in our hearts and our memories. The Federation is preparing a scholarship memorial for our departed brother. Even greater and more enduring will be the memorial each of us will erect in our hearts to the greatness of this man.

Goodbye, Brother Hallbeck, rest in peace, those of us who are left will take up the banner you have dropped and we can only pray that we will carry it as high and as well as you have done during your lifetime.

REMARKS BY PRESIDENT FRANCIS S. FILBEY

E. C. (Roy) Hallbeck died on January 14, 1969, at the age of 66 in his adopted city of Washington, D.C., half-way into his ninth year as President of the United Federation of Postal Clerks (AFL–CIO).

His popular election to five consecutive two-year terms of leadership was the logical climax of a union career that spanned nearly half a century. He began his postal service in his native Chicago as a teen-age clerk in January, 1921. Within five years he was Secretary of Chicago's Local 1, then as now, the Federation's largest; in the 30s he served as its President.

But his talents brought him onto the national scene as early as January, 1940, when the late President Leo George appointed him National Vice President to fill a vacancy. Within four years he was permanently in Washington first as Assistant and soon as National Legislative Director, a post he filled with distinction for nearly 15 years.

In fact Roy was already a legend on the Capitol scene by the time he had been chosen President for the first time at the St. Louis national convention in 1960. He was probably the best known and most respected union "lobbyist" in Washington, a friend of the great and the near great, whose devotion to the clerical cause was total.

Yet it was as the chief architect of the UFPC today, by virtue of the historic mergers of the 60s, that Roy Hallbeck may be best remembered—mergers which had defied the efforts of years but which in the event brought spectacular growth to the Federation and a role of leadership in Government union affairs second to none.

In a lifetime of achievement, filled with honors and the rewards of leadership, Roy never lost his personal identification with clerks and their problems. He was that most uncommon of men—a leader with a common touch—respected in life and beloved in memory.

ABM DEPLOYMENT

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. COWGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address I delivered before the annual meeting of the Association of the U.S. Army, at Fort Knox, Ky., on June 27, 1969:

ADDRESS BY CONGRESSMAN COWGER

President Robert Shaffner, General Sutherland, distinguished ladies and gentlemen: It gives me a great deal of pleasure to be here with you this evening to discuss the most important controversy in Washington today. Very soon a decision will be made concerning the deployment of an anti-ballistic missile system which will be a true test of President Richard Nixon's ability to influence legislation. It has been estimated by Mike Mansfield, Majority Leader in the Senate that if the President uses his muscle, his forces will win in the Senate by one, two or three votes. In the House of Representatives there is a large majority that favors the ABM defense. For the next few minutes let us review the elements of this question which are also closely intertwined with recent attacks upon the military-industrial complex and upon the military conduct of the Vietnam war.

In January, of this year, former Secretary of Defense Clark M. Clifford, explained the Johnson Administration position in this regard. "In the light of Chinese Communist progress in nuclear weapons and delivery systems, and given the present hostility of the Chinese leadership toward the United States, we believe it is both prudent and feasible on our part to deploy the Sentinel ABM system designed to protect us against this threat. We further believe that for a relatively modest additional outlay ($5–6 billion was the estimate Clifford made) the system can be improved so as to limit the Chinese damage potential to low levels into the mid-seventies." The former Secretary said that we could hold fatalities to one million or less, whereas "without the Sentinel we might suffer as many as 23 million fatalities from an attack by a Chinese ICBM force."

On March 14, 1969 President Nixon announced that he and his national security advisers had reached the following conclusions on our anti-ballistic missile system.

1. The concept on which the Sentinel program of the previous Administration was based should be modified.

2. The safety of our country requires that we should proceed now with the development and construction of a new ABM system in a carefully phased program.

3. This "Safeguard" program would be reviewed annually from the point of view of new technical developments, arms limitation talks and possible increased threats.

The Nixon plan, estimated by the President to cost between six and seven billion dollars, affords in Mr. Nixon's words:

"1. Protection of our land based retaliatory forces against a direct attack by the Soviet Union.

"2. Defense of the American people against the kinds of nuclear attack which Communist China is likely to be able to mount within the decade; and

"3. Protection against the possibility of accidental attacks from any source."

Our new ABM program would deploy defensive missiles in twelve scattered locations, only one of which is to be near a major city—Washington, D.C., the nation's decision making center. In explaining his ABM decision, the President observed that "Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so. The heaviest defense system that we considered, one designed to protect our major cities, still could not prevent a catastrophic level of U.S. fatalities from a deliberate all out Soviet attack. The Sentinel system approved by the previous Administration provided more capacities for the defense of cities than the program I am recommending, but it did not provide protection against some threats to our retaliatory forces. Also, the Sentinel system has the disadvantage that it could be misinterpreted as the first step toward the construction of a heavy system." In my personal opinion, the decision of the President to concentrate our ABM defense on the protection of our retaliatory forces was ingenious, certainly prudent, and a program that I can very definitely support and defend.

Recently I had the privilege of having breakfast with Dr. Edward Teller, the noted scientist and father of the hydrogen bomb. He was in Washington urging Congressmen to support the President's anti-ballistic missile plan. He told me that if this country refused to protect itself with an ABM system, he would call it "assured stupidity". Certainly the President, in making this decision, was privileged to more secret and confidential information and facts than any other person in the country. He has at his elbow more expert advisors, civilian, military, scientific and religious, than any man alive. The President is a person who has held many positions of responsibility over a period of many years. There are those that disagree with President Nixon's call for the Safeguard ABM system and I am sure that their disagreement is an honest one. But I wonder if they have ever considered that they might not be 100% right. If these dissenters happen to be wrong, many million American lives could be lost. If the President is not 100% right, the cost might be a few billion dollars. At any rate, Dr. Teller told me that one of the greatest dangers is the accidental launch of some ICBMs by one of the nuclear powers. Believe it or not, there is no destruct mechanism in our ICBMs or in Russia's. Perhaps you read recently of the drunken U.S. airman stationed in England who stole a multimillion dollar giant aircraft and was successful in taking it off through not only the security system, but the elaborate radar system in Britain. Isn't it also possible that a similar incident could launch an ICBM from either this country or Russia that could kill millions of people and we would be sitting by with no defense. Again I reiterate—those who are against the ABM system must be 100% right or the consequences are almost beyond comprehension. I happen to think that President Nixon has made the correct decision.

In Congress I have found that those who oppose the ABM system are in almost every case the same gentlemen who have been critical of the Joint Chiefs of Staff for their handling of the war in Vietnam. This Southeast Asia war from the very beginning was a political, and not a military war. This was a civilian decision, not a Pentagon decision. Johnson's limited war and his bombing halt were decisions made without the approval of the Joint Chiefs of Staff. I have also found that the same names and the same faces in Congress have also been quite critical of the so-called military-industrial complex. Recently I have heard a good many speeches on the floor of Congress, always referring to President Eisenhower's warning in his farewell address of January 17, 1961. It is true that in that address, the President said, and I quote, "In the councils of government we must guard against the acquisition of unwarranted influence, either sought or unsought, by the military-industrial complex". However, the true message in the Eisenhower farewell address was a warning against the continuing danger of Russia.

General Eisenhower said, "We face a historical ideology—global in scope, atheistic in character, ruthless in purpose and insidious in method. The danger it poses promises to be of indefinite duration". He went on to say, "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction." The true message was a warning of the aggressive power of Russia and the importance of maintaining a balance of power through a strong military establishment. Quite honestly, we are in danger of tripping that thin thread that holds together the international balance of power. Since the days of Eisenhower our advantage in intercontinental weaponry has gradually diminished. In the past we have always dealt with the Russions from a position of strength. At the present time our offensive and defensive capabilities are almost equal. According to Dr. Teller and others who are privileged to this information, the Russians are surpassing us and we will soon be dealing from a position of weakness. This, ladies and gentlemen, we have never done before. Who can predict how successful, or

unsuccessful, we will be in disarmament talks, in trade negotiations, and in the Paris peace talks, when our position will be inferior militarily to that of Russia? With the recent examples of Hungary and Czechoslovakia we need not speculate that Russia will move quickly with her military machine when she enjoys an advantage. Ladies and gentlemen please remember, if we don't survive, there will be no ghettos to rehabilitate, hungry to be fed or minorities to be educated. I sincerely hope that those Congressmen and Senators who are presently against the Safeguard ABM system, will read the recently released study report in the American Security Council. This report by a panel of military, civilian, scientific and diplomatic leaders gives effective answers to those questions: will Safeguard work, is it necessary, will it stimulate the arms race, and does it cost too much.

These American Security Council experts are giving the benefit of their knowledge in many fields. All I ask of the ABM dissenters is to ask themselves the question, "Is it possible that I might not be 100% right?" If the answer is yes, then the consequences would dictate immediate Congressional action on our ABM system.

BOWERS RECEIVES NATIONAL AWARD

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, June 30, 1969

Mr. TALMADGE. Mr. President, last Friday, June 27, Harley Bowers, sports editor of the Macon, Ga., Telegraph, was one of eight persons honored by the National High School Athletic Coaches Association with a distinguished service award, at the association's meeting in San Francisco.

He is the first sportswriter ever to be so honored. I join all Georgians and readers of the Telegraph in congratulating Mr. Bowers on his award. I especially commend him for his many years of service to his community.

I ask unanimous consent that the Associated Press story concerning his honor be printed in the Extensions of Remarks of the RECORD.

There being no objection, the article was ordered to be printed, as follows:

[From the Macon (Ga.) Telegraph, June 27, 1969]

BOWERS RECEIVES NATIONAL AWARD

SAN FRANCISCO.—Harley Bowers, sports editor of The Macon Telegraph, Macon, Ga., was among eight persons who received National High School Athletic Coaches Association Distinguished Service Awards at the association's annual banquet Friday night.

It was the first time ever a sportswriter has received the Outstanding Achievement Award.

Other recipients, all coaches, were Joseph J. Fontana of Southington, Conn.; Bob Jamieson, Greensboro, N.C.; Dr. Rhea Williams, Austin, Tex.; Dewey Johnson, Roswell, N.M.; C. H. Blanchard, Cheyenne, Wyo.; James Underhill, Santa Rosa, Calif., and Glenn Ellison, Columbus, Ohio.

The award cites its recipients "for outstanding achievement, contribution to the high school coaching profession and dedicated loyalty to the biggest and best in amateur athletics."

Selected as National Coaches of the Year were Melvin D. Ingram, Grants Pass, Ore.; Ralph Tasker, Hobbs, N.M.; George Whitfield, Hamlet, N.C., and William Gill, Compton, Calif.

Bowers, who has been a sports editor for 21 years and writes a daily sports column for the Telegraph, has taken an active part in promoting organized and recreational sports in Macon.

Bowers, Telegraph sports editor for 11 years, is a Moreland native. He graduated from Newnan High School in 1938 and from the University of Georgia in 1942, after being named the outstanding graduate of the journalism class.

Following college, he spent 3½ years in the Air Force and then returned to the University of Georgia for a year of graduate work.

Prior to coming to Macon, Bowers was associated with the Atlanta Constitution, Columbus Ledger and Albany Herald.

He resides with his wife, Joyce, and their three children, Cliff, Jack and Martha Clare, at 2644 Northwoods Drive.

He is also a Sunday School teacher at the First Presbyterian Church.

Bowers played a part in building Macon's 9,000-seat high school stadium and Macon's new city Coliseum. He was an active member of the steering committee that brought the AAU World Cup Basketball tournament to Macon in January, the AAU National basketball tournament in March and the high school All-Star games in 1968.

Bowers also played a big role in promoting local tennis and in bringing the International Tennis Tournament to Macon in 1968.

THE CHALLENGE TO WOMEN TODAY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mrs. GRIFFITHS. Mr. Speaker, on May 19, Mrs. Rita E. Hauser, the U.S. representative to the United Nations Commission on Human Rights, expressed some basic criticisms, in a speech before the American Newspaper Women's Club, about the Nation's continued failure to utilize the collective talents of women and the numerus discriminations facing them in many areas of endeavor. She pointed to the many deficiencies in both the laws and the way they are administered which needlessly and discriminatorily perpetuate inequalities for women. She candidly noted that the Justice Department "has done nothing about sex discrimination in employment," and that the women appointed to high office by President Nixon "are still much too few in number." I applaud her perceptive comment that for women to achieve more equal opportunity "will mean a little fighting" and "a commitment by women to meet standards of performance."

Mrs. Hauser's speech will, I believe, be helpful to Members of Congress and the public, and I therefore insert it at this point in the RECORD:

THE CHALLENGE TO WOMEN TODAY

(Address by Mrs. Rita E. Hauser)

In an age of flux, a time of turbulence, a period of uncertain social values, the challenge to women in America is clearly the same as it is to any human being of sound mind and sentient state: the challenge is, in a word, to be relevant.

It is often said, with derision, by some of the activists on campus and elsewhere, that a given institution, a practice or a person under attack is irrelevant, that is, no longer connected with or related to the essentials of American life. While a cruel comment, it may be accurate at times. We are all here existentially, but the state of human existence requires some greater involvement with life than mere physical presence. We must all in some way make contact with that which is happening in our world.

In earlier generations, women were often protected from the burdens of a real existence. I do not believe the female sex can any longer, in any way, be sheltered from the currents of American life or be exempt from its problems and responsibilities.

I do not, however, believe that women will succeed in facing today's problems and responsibilities if they are divorced from their essential womanhood.

In other words, plainly put, the challenge to any woman is to be a meaningful human being within the context of her particular personal and social environment. Accordingly, I state at the outset tonight, that while I have read quantities of literature on the subject of women in America, I do not subscribe to the view often expressed that women, qua women, face unique dilemmas in dealing with contemporary life. Rather, I believe that a woman must meet life on the explicit assumption that she is a woman, with physical and psychological characteristics inherent to women.

I do not, then, accept the premise that to relate fully to life, women must in any way be or act as man.

Needless, to say, what is an accepted view of manhood or womanhood, in terms of clothes, language, morality, manners, varies with time and place and the measure of society's enlightenment.

I will not burden you with my own views on that matter, as they are peculiarly mine based perhaps on ten years of dealing, as a practising attorney, with many of society's aberrations. I stress merely my firm view that a woman must be a woman—however she may view that state of being, and, as a woman, face her world.

But the corollary of this premise is that American men must also view women as women, and deal with a woman for what she is: a total human being, one endowed physically with the capacity to motherhood, but also with the potential to physical productivity, intellectual creativity and general, unlimited social usefulness. As Margaret Fuller stated in the days of the suffragette movement:

"What woman needs is not as a woman to act or rule, but as a nature to grow, as an intellect to discern, as a soul to live freely, and unimpeded to unfold such powers as were given her."

I think almost all women who have attempted more than motherhood—an area where men concedely cannot compete—will agree that, as a general statement, American men, and American institutions and practices which have been molded largely by men, do not deal with women as this total human being. Women have only gradually been welcomed in non-motherhood activities, often as a consequence of shortages of skilled men. This is not unlike the past experience of many minority groups in America. I cite, as an example, the situation in many law schools where the female population was always restricted in one way or another. The draft has caused admission of two and three times the number of women students as the law schools have had to fill places or go under. There will be, then, many more women lawyers in the decades ahead.

I do not decry here the fact of necessity making exceptions. We all know that progress in many domains of life is generated by need. It is need which often breaks down encrusted attitudes.

Nor do I pretend to know the reasons for the general male attitude as to women outside the home, an attitude which is indeed

encrusted. We surely need to know much more about the origins of attitudes as between the sexes, as is equally true of attitudes between the races, if we are to alter the unhappy results of many of these attitudes, and I would hope that more scholarly work will be done in these areas of human motivations.

American society today has an enormous need to utilize the collective talent of women in every field of endeavor. Shortages of qualified people are endemic in almost every profession and occupation. This is well known, and has often been stated. Yet, to date, there is still not a true open and unlimited entry into the total marketplace for qualified talent from among what is, after all, more than one-half of the human population of America. And here I am speaking of all kinds of work outlets, including hazardous occupations, like jet test pilots and astronauts, and traditionally male fields such as top commands in the military service, as well as the more usual callings. I have yet to meet a military man, by the way, and I met many in the course of teaching international law to senior military officers and to whom I invariably put the question, who could tell me why if Joan of Arc led an army and a nation in one of the great chapters of European history, it is inadmissible to them that a woman could today be a great inspiration for peace.

While many women are in the labor force today—two out of every five workers are women—and are found in every occupational category listed by the Bureau of the Census, the largest number, by far, are in clerical jobs. This, in itself, is not a negative. But it must be realized that as of March, 1968, one-fifth of working women with four years of college behind them, were employed in clerical, sales or factory jobs. As to professionals, only 7% of doctors, 1% of engineers, 3% of lawyers and 3% of scientists in America are women.

I would like to focus attention on this latter category, broadened to include women in advertising, the media and the press, as well as in general business management and political life. Much has been written and said about the paucity of women at the top in these areas. We all know that men at the top really find it inconceivable that women should join their ranks. Few corporate executives can imagine General Motors run by a woman; I am not sure that Earl Warren would enjoy seeing a female Chief Justice succeed him; and I don't know how the Cabinet would feel about a lady member as Secretary of State or Defense.

When men at the top are pressed on this point, they offer every explanation imaginable. Most common are: women are emotional; women don't keep cool in a crisis; women can't reason; and, of course, women have babies.

Well, history was made by passionate men and mistaken men, as well as cool and correct men, by reasoned as well as unreasoned men. As to babies, I agree that women alone have them, but society needs them. The work cycle can be accommodated to the reproductive cycle. Indeed, many nations now provide by law for employer paid maternity leave and forbid firing a woman because of pregnancy or motherhood. Many countries require an employer to adjust work hours to a mother's home requirements. These laws recognize that some women are contributing two-fold to society—in work and in raising the new generation; they do not require such a woman to choose between two socially and personally significant activities. America is backward in this regard, and woman ought to lobby for better legislation if men do not have the good sense to offer it spontaneously.

Similarly, more women ought to get behind those who are fighting the unhappy effects of outdated laws originally intended to protect women, as they protected children, from the abuses of an early industrial society. Now that all working people are assured safety and a state of well-being on the job, there is no reason to maintain laws which serve to restrict women's work activities and remuneration.

There are further startling anomalies in the law, indeed, right in the Civil Rights Act of 1964, which merit change. Discrimination on a basis of sex or marital status is *not* covered in those Titles of the Act dealing with discrimination in places of public accommodation; public facilities owned or operated by the states; in federally assisted programs; or in public education, which is most important as this exempts discrimination by sex in the employment of teachers and administrative personnel. The Civil Rights Commission itself has no jurisdiction as to sex discrimination.

Not until 1962 was discrimination by sex eliminated in the federal civil service, but the applicable ruling, unfortunately, was held to exclude employees in the White House, Budget Bureau, Congress and the Judiciary. Nor does the Civil Service Commission have any enforcement powers.

To date, there has not been filed by the United States a single suit under Title VII of the Civil Rights Act of 1964 alleging discrimination in employment by sex, although 25% of the 30,000 charges filed with the E.E.O.C. have alleged sex discrimination. Thus, under the last Administration, 42 suits in the area of employment discrimination were filed by the Attorney General, but not one alleged sex discrimination. I must state, in fairness, that while my good friend Assistant Attorney General Leonard has been very aggressive in enforcing the Act as to racial discrimination, he, too, has done nothing about sex discrimination in employment.

When this Title, dealing with sex discrimination in employment, was first introduced in Congress, it was greeted with hilarity in the national media. This only illustrates that ridicule, which often has been used to counter the female equality effort, is as hard to combat as violence and hatred have been in countering racial discrimination. The weapons are different, but the principle is the same.

Legislative changes are vitally important. Equally important, perhaps most important, is the fight to change attitudes, held by men and women alike, as to the woman who seeks a productive occupation outside the home. This is a hard battle. We now know from the great racial struggles in our country that to change stereotyped views held by people as to other people is very difficult. And nothing could be more difficult to alter than the ideas men have as to women, and women have as to themselves, for here we are dealing with the fundamentals of human existence and the basic rules of society as to sex, love, the family and work.

Active women who are cognizant of these attitudinal difficulties must acknowledge, rather than lament their existence. They must work to change them in different ways.

To make these changes, women must, above all get into life; merely to cry about the hurdles does nothing to bring them down. This means, at times, taking specific advantage of momentary situations, such as the draft and labor shortages, to get a foot in a door that was closed before.

Once into an activity, a woman must perform in the best tradition of that calling, by being the best she is capable of—no less will do—and thereby demonstrate that talent has no sex. Women cannot continue to excuse failures, poor performance or sloppy work by the exercise of coyness or charm, and expect to compete seriously for the upper reaches.

But, in performing, if I may so say, as a man, a woman must realize, and thereby impress on that man around her, that because she thinks and acts with intelligence and direction, she is no less a woman. Whether she is one who is very feminine in looks and dress, or less so, is a personal matter for each woman, just as wearing the more modish styles offered men today remains a personal decision for each man. However, she views herself, it is the "herself" that is important.

I believe, further, that women must make their presence felt, as politically conscious people, and must insist that men give them a fair chance to perform. Some women will choose a militant manner of expressing their insistence on a fair chance; others will choose different forms of expression. What matters is that women get that chance and then perform well because, in the end, it is only the solid performance that will make for sustained progress.

Here Government, on all levels, does have a unique role. Government can offer opportunities to women which the private sector may not yet be willing to make. Government can give women a chance to pursue excellence on a high and visible level, affording examples and the prospect thereby of altering attitudes.

In this regard, I state squarely my view that the Nixon Administration, to date, has done well, but not well enough. Top women appointees are still much too few in number. There will be more, I am sure. I and others here tonight will continue to promote first-class women for many posts, especially top level jobs where policy is made, and for key places in the Federal Judiciary.

But I want to make clear that I do not believe in quotas for women. Nor do I believe in a suddenly inspired, publicity oriented program, as has occurred in other administrations, to put women in top spots—and then forgetting about them until some one of you or some organization asks what happened to them. Quotas and publicity stunts are degrading, and I will argue against them within the confines of this Administration.

My thesis is very simple. Women who want to work and who are qualified ought to have every opportunity to get the jobs and then to get to the top, without having to forfeit motherhood or divest themselves of femininity. To arrive at this state in America, because it is clear we are not there today, will mean a little fighting—and we all fight in different ways. It will mean a commitment by women to meet standards of performance that prevail, for to get a degree or be admitted to a profession or calling or position on any lower standard than applies to men is proof of patronizing and protectionism.

Nor can women claim an equal place anywhere if they shirk decision making on the great political and moral problems of our day. Women cannot avoid political and social commitments if they are to grab hold of the world that is theirs.

To be a real and total person—to face life as it is—that is the challenge to women today. To meet such a challenge requires a measure of personal inspiration. May I note to you, in closing, something I read recently by a great creative mind, one who has given me countless hours of emotional pleasures, Igor Stravinsky, on the subject of inspiration:

"It is found as a driving force in every kind of human activity, and is in no wise peculiar to artists. But that force is only brought into action by an effort, and that effort is work."

EVIDENCE FOR DISCOVERY OF GRAVITATIONAL RADIATION

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, June 30, 1969

Mr. TYDINGS. Mr. President, on June 15 the American Institute of Physics re-

leased news of a historic discovery by Dr. Joseph Weber, professor of physics at the University of Maryland. I am especially proud to have such scientific achievement at the University of Maryland and ask unanimous consent that the release describing the achievement be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

EVIDENCE FOR DISCOVERY OF GRAVITATIONAL RADIATION

Evidence for the discovery of gravitational radiation has been announced by Professor Joseph Weber of the Department of Physics and Astronomy, University of Maryland. Professor Weber's remarkable observations are described in the June 16 issue of *Physical Review Letters*, a publication of the American Physical Society. His experiment uses detectors designed and built by Dr. Weber and located at Argonne National Laboratory near Chicago and at the University of Maryland.

Dr. Weber's colleagues in relativity research and astrophysics compare his experiments in significance with the first observations of radio waves. They demonstrate forcefully the validity of an important physical theory, in this case Einstein's theory of general relativity. They promise to provide an important new device for future scientific experiments and exploration. Most dramatically, they give strong evidence for once unanticipated astronomical phenomena of major importance.

Dr. Weber's detectors are located 600 miles apart. Approximately once a week his equipment records simultaneous signals at these widely separated detectors, indicating either highly improbable coincidences or detection of unusual physical radiation. Dr. Weber has devoted most of the past several months to a painstaking analysis of his results. He concludes that the odds are overwhelming that the coincidences have a common origin and declare the evidence good that gravitational radiation has finally been discovered.

Einstein, Eddington, and other physicists long have maintained that gravitational radiation should exist. Dr. Weber's experiments mark the first serious attempt to discover it experimentally. They are the culmination of a single-minded, intense effort over the past dozen years. In 1957 the National Science Foundation first provided Dr. Weber with support for the studies preliminary to the actual construction of a gravitation radiation detector. The machine itself was invented by Dr. Weber in 1958 and, with NSF funding, the first detector was constructed during 1960–64. There now are six machines, five located on the College Park campus of the University of Maryland and one at the Argonne National Laboratory. The Argonne machine was set up so that the recording of a strong signal at both sites simultaneously would rule out the possibility of its being a spurious signal caused by local disturbances. The total cost, over the nearly nine year period of construction and use of the detectors, is estimated to be approximately $150,000. (At one point a few years ago, one of Dr. Weber's colleagues estimated that it would take the entire Gross National Product of the United States to make a significant contribution in this field.) $10,000 per year is spent for telephone lines connecting the machine at Argonne to the equipment at College Park.

The gravitational wave detector, a unique antenna, is a 1½ ton aluminum cylinder carefully suspended by a steel wire on acoustic filters; to convert its oscillations to an electric signal, piezoelectric crystals are bonded to it. The detectors employed in the present experiment use new technology developed during the past two years, and are tuned to a narrow band of frequencies near 1660 cycles per second. This frequency was selected because the dimensions are convenient and because this frequency is expected to be emitted during a supernova collapse. The bandwith is adjustable. The antenna is designed to respond to the passage of gravitational waves in much the same manner as radio and television antenna respond to electromagnetic waves.

What in fact has been built, however, is a machine to detect a signal that existed until now only conceptually and yet whose existence is fundamental to the basic theories of scientific thought. In the language of Einstein, these machines measure the curvature of space-time. Where most work being done in physics today has a rich background on which scientists can build, in this case there was no background—no primitive machine from which to start. When the work was begun, there was no proof that there were gravitational waves and no knowledge of how to detect them if they were to be found.

Confirmation of the detection of gravitational waves will prove experimentally one of the basic laws of relativity and will mark one of the most important scientific discoveries of the 20th century. Electrically charged particles when accelerated produce predictable, measurable electromagnetic waves; in much the same manner, when a body of matter is accelerated it should produce gravitational waves, but these waves are so weak that until now they had never been detected, let alone measured.

The action of electromagnetic waves speed through space with precisely the speed of light. Gravitational waves are also believed to propagate with the speed of light.

When the machines at College Park and Argonne "see" the same "event" and that event is proved not to be an earthquake, nor an electromagnetic signal, nor a cosmic ray signal, then the conclusion reached is that one is seeing a gravitational wave. There is no other obvious source for what the machine is seeing. Until the signals received are identified, however, there will be argument and discussion as to just what they are. Dr. Weber's results therefore promise to open wide a vigorous controversy in modern physics.

Speculation about the radiation already has begun among scientists familiar with Dr. Weber's project. They note that recent astronomical discoveries point to possible sources of gravitational radiation. Pulsars have been known for 1½ years. Current radio astronomical observations indicate that they may be neutron stars, incredibly dense collapsed stars which emit radio waves of great intensity and precise frequencies. Dr. Weber's observations might be gravitational signals produced in the cataclysmic collapse of a supernova remnant into a neutron star, or they may be caused by stellar "earthquakes" in neutron stars changing their internal alignments, or they may be caused by objects falling into "black holes" as suggested by Professor Freeman J. Dyson of the Institute for Advanced Study in Princeton. Other astronomers suggest instead that the gravitational waves record the violent explosion which marked the creation of the Universe over 10 billion years ago. All agree that Dr. Weber's new detectors allow scientists to look at the outside world through a new window, with gravitational radiation supplementing radio waves, light, and cosmic rays in the information it provides about the Universe.

Professor Weber suggests two new major steps to follow up his current observations. In one he plans to utilize the fact that the Earth and Moon themselves are elastic bodies which will oscillate when reached by gravitational waves. With support from the National Aeronautics and Space Administration, Dr. Weber and his colleagues recently improved gravity meters so that they can sense changes in surface gravity of one part in 100 billion. In a future Apollo moonlanding, one such meter is proposed to be implanted on the lunar surface allowing Dr. Weber to use the earth-moon system as a giant coincidence detector with a 240,000 mile baseline rather than the 600-mile baseline of the present equipment.

Dr. Weber also suggests building a machine specially designed to measure gravitational radiation from pulsars. A machine to do this, however, would require an investment of several times the $150,000 spent on the current detector system. Where the present detector is approximately 5′ to 6′ long, one to measure the same signal from pulsars would have to be about 100′ long. One of the most important things about the present apparatus is that the technique does work and the information gained from it can be extrapolated so that one can look for sources that we now know exist.

Professor Weber leads an experimental and theoretical group of 9 faculty members, 2 engineers and technicians, 5 graduate students, and 5 undergraduate students at the University of Maryland's College Park campus. The current experiment has received financial support from the National Science Foundation and the University.

WASHINGTON WORKSHOPS STUDENTS VISIT WITH CONGRESSMAN EDWARDS

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. EDWARDS of Louisiana. Mr. Speaker, today I congratulate and express my appreciation, and that of this House, to the Washington Workshops Foundation for establishing the Washington Workshops Congressional Seminars, which do so much to teach our Nation's Government and its young people about one another.

On June 25, I had the pleasure of meeting with 150 high school students from all across the country who were here in the Nation's Capital for 2 weeks studying firsthand the U.S. Congress. They were participating in the Washington Workshops Congressional Seminars, which are convening in classes of 150 from now through August 14. By the end of the summer, close to 1,000 young Americans will have come here to Washington to see their Government in action.

The workshops sessions are built around daily Capitol Hill conversations with Members of Congress. Some 50 Democratic and Republican Congressmen and Senators representing a broad spectrum of political thought, will meet with the students. Some of this summer's participants include Senators MUSKIE, Democrat, of Maine, MCGOVERN, Democrat, of South Dakota, GOLDWATER, Republican, of Arizona, HATFIELD, Republican, of Oregon, SCOTT, Republican, of Pennsylvania, and MCCLOSKEY, Republican, of California. Preceding these sessions, morning campus seminars on the legislative process will be led by Washington Workshops instructors who are college and graduate school government majors, and teachers of American Government.

Additional activities will include guest lectures and discussions with Cabinet

members and Government officials, evening panel discussions with visiting international students, as well as social events featuring Embassy receptions, a congressional pages' party, and concerts.

Washington Workshops, a nonprofit educational foundation, offering the only study program on the U.S. Congress for high school students in the Nation's Capital, has received the support of the National Council of Social Studies of the National Education Association, the National Catholic Education Association, and the National Association of Independent Schools.

The Washington Workshop students come from every State in the country—from every social and economic background. A number of students are assisted by title I funds for disadvantaged students under the Elementary and Secondary Education Act of 1965. Not all of the Washington Workshops students have a straight "A" average, but they all do have strong concern and commitment to confront the challenges that face our society and Government.

The questions they asked me yesterday and are asking the Nation every day were filled with concern and frustration—but also hope and dedication. Our lengthy dialog gave me a new and encouraging insight into today's young people, and I am hopeful that they began to feel that this Congress is made up of human beings—not marble and granite.

Most important, we—the students and their elected Government leaders—were communicating, asking one another questions about our society and its future. This is a rare and essential experience today, and on behalf of the House of Representatives, I again commend the Washington Workshops Foundation and its director, Mr. Leo Tonkin, for the service it is rendering our country, our Government, and our young people.

HOUSTON LADIES ORGANIZE TO SERVE INTERNATIONAL HOSPITAL PATIENTS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, June 30, 1969

Mr. YARBOROUGH. Mr. President, we in Texas are fortunate to have some of the finest hospitals in the land. Particularly is this true of Houston, Tex., where we have one of the most outstanding and fastest developing medical centers in the entire world.

Methodist Hospital, St. Luke's Hospital, Texas Children's Hospital, and M.D. Anderson Hospital and Tumor Institute are hospitals which have become well known to the people of our Nation. Because of the unique and important medical services and surgical procedures furnished at these institutions, patients come to Houston from all over the world.

In 1 week, St. Luke's Hospital, alone, received 30 foreign patients, none of whom could speak English. Increasing numbers of Italians, Greeks, and Slavs are using the medical center's facilities.

Because of language difficulties, and the need to be sensitive to the differing physical and religious necessities of foreign patients, two very fine Houston ladies founded and organized a service auxiliary known as the "International Patients Service." These two ladies, Mrs. Elsie Spiller, director of volunteer services at St. Luke's Hospital, and Mrs. Wyatt Heard, who is presently chairman of the services, have characterized the purposes of the organization as one to provide interpreters and counselors to assist in the treatment and handling of foreign patients. Seventeen languages are represented by the interpreters—Arabic, Czechoslovakian, Chinese, Dutch, Flemish, French, German, Greek, Hebrew, Italian, Japanese, Korean, Polish, Filipino, Portuguese, Spanish, and Turkish.

Two articles, one appearing in the Dallas Morning News of May 10, 1969, entitled "International Patients Service Narrows Language Gap," and another appearing in the Houston Post of May 12, 1969, entitled "Bridging the Language Barrier," by Carol Spencer of the Post Women's Staff, explain in detail the work of this fine organization. With medical services in short supply so many places in the world, and the need for understanding and conciliation between nations being greater than ever before, it is heartwarming indeed to see such good deeds being performed by these two compassionate ladies and the organization they have founded.

I ask unanimous consent that the article from the May 10, 1969, edition of the Dallas Morning News entitled "International Patients Service Narrows Language Gap," and the article from the Houston Post of May 12, 1969, entitled "Bridging the Language Barrier," be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VOLUNTEERS WITH FOREIGN ACCENTS—BRIDGING THE LANGUAGE BARRIER

(By Carol Spencer, Post Women's Staff)

A patient may come from across the world for medical treatment in Houston and yet not be able to speak English.

Through an interpreter on the hospital staff, his doctor will communicate with him.

But after the doctor and interpreter are gone, who then is nearby to speak in his language?

At Saint Luke's Episcopal Hospital he cannot remain without acquaintances very long.

Because before he has been there more than a day, he receives a welcome letter to Texas Medical Center—in his language. Along with his letter is a list of English sentences, matched to his own language. Sentences that can help him get across what he may need to say.

But better than that, there's someone assured to be coming his way—to visit with him in his own language.

International Patient Service, sponsored by Saint Luke's Episcopal Hospital Auxiliary, has introduced 30 foreign patients in the last three weeks to someone in Houston who could talk their language.

Forty-six volunteer interpreters touching 17 of the world's languages are on call by the volunteer auxiliary at Saint Luke's.

They may be an emigrant, someone who is world-traveled, maybe a professor or an employee on foreign assignment in Houston. At the German consulate, the entire staff is on call.

The service is "gratis—to extend the warmth and assurance to these people in an ordinary way . . . that we are their friends and we are interested in them in a human way."

Those are the words of Mrs. Elsie Spiller, director of the volunteer services at Saint Luke's. Mrs. Spiller, who chalked up 6,000 volunteer hours herself before joining the staff two years ago, began organizing the program about eight weeks ago. Mrs. Wyatt Heard is chairman of the service.

To her knowledge, it is the only one of its kind—"the only interpreter's service in a hospital, provided and organized by volunteers."

The increase in heart surgery in Houston has brought an additional number of foreign patients, Mrs. Spiller said. And Saint Luke's is recognized as a research hospital in urology. Hence, the need to give more attention to the increase of foreign patients.

Before she talks long about organization, she is into experiences she and volunteers and interpreters have had. Like the foreign patient who had a handsome scar he thought the family back home would want to know about. He wanted to take a photograph and told his interpreter. Mrs. Spiller provided a Polaroid-camera from her office.

Or the "Ukrainian patient. He couldn't speak English at all. And he wasn't friendly. We didn't seem to have much contact with him."

Then an interpreter came along. Before long "he would just wave to us. The interpreter told him we were his friend—he was able to impart to him the interest we had in him."

In organizing the service, Mrs. Spiller contacted foreign language departments at colleges in Houston and consulates.

The program, now going into its fourth week, provides a liaison between the 300 volunteers in purple uniforms, the hospital and the patient. The volunteers work in 15 service areas.

Just that day Mrs. Spiller recalled a Spanish patient, who with his wife could not speak English. After surgery, he would be in another hospital room. The wife was concerned and could not understand why he would not return to that room. So the interpreter helped her—by explaining the reason in her language.

There are 17 languages represented by interpreters—Arabic, Czechoslovakian, Chinese, Dutch, Flemish, French, German, Greek, Hebrew, Italian, Japanese, Korean, Polish, Filipino, Portuguese, Spanish and Turkish.

But there are still some languages missing. Like Danish. Or Bulgarian. Or Swahili.

Or how about Sinhalese?

If you speak a language and would like to volunteer time as an interpreter, it's assured at Saint Luke's that you are welcomed.

INTERNATIONAL PATIENTS SERVICE NARROWS LANGUAGE GAP

HOUSTON.—Giuseppe Blesi, 27, of Rome, Italy, had traveled thousands of miles to the famed Texas Medical Center for open heart surgery, only to find he could not even ask for a bedpan.

To compound matters for the somewhat frightened man, the only interpreter available spoke Spanish.

Out of the experience of the small, pale telephone company employe, shared by increasing numbers of foreigners at St. Luke's Hospital, grew the International Patients Service.

The founders, Mrs. Elsie Spiller and Mrs. Wyatt Heard, call the new auxiliary the "foreign service."

In less than two weeks it has grown to 48 persons representing 17 languages. College students, Jaycees, community members and even Houston's consular corps—all volunteers—have become involved.

"Patients are coming from all over the world now," famed heart surgeon Dr. Denton A. Cooley told the volunteers this week. "Your work with us is as important in dis-

pelling tears as our job in dispelling sickness."

Cooley who speaks English, Spanish and some German, said increasing numbers of Italians, Greeks and Slavs had made the need of such a service acute and challenging.

Mrs. Opal Benage, director of nursing services at St. Luke's, said, "Their lives are usually placed in the hands of people who do not understand their physical necessities or their religious necessities.

"They can't find out who won the ballgame, where his wallet was placed, when he can go home and, worst of all, he can't even ask for a bedpan.

"When one continually reads about those who don't want to get involved . . . it is heartening to learn about this foreign service."

SALUTE TO WILLIAM J. NIEDERKORN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, recently Mr. William J. Niederkorn of Port Washington, Wis., received the very best kind of tribute when the Port Washington Jaycees organized Niederkorn Appreciation Day.

What Port Washington was appreciating is a most remarkable record of philanthropy, leadership, and financial help to schools, civic organizations and his home community by Mr. Niederkorn who is now 80 years old and the chairman of the board of Simplicity Manufacturing Co.

Mr. Speaker, I salute this singularly appropriate tribute and want to include as a part of my remarks the story of Niederkorn Appreciation Day as reported by the Port Washington Pilot:

[From the Port Washington (Wis.) Pilot June 4, 1969]

PAY TRIBUTE TO OUTSTANDING CITIZEN, WM. J. NIEDERKORN

"Uncle Willie Is The Greatest" said the sign on the Port Washington high school stage on Sunday afternoon—and all of Port Washington and a good share of Ozaukee county evidently agreed—for hundreds of residents filled the school gym to pay tribute to Port's outstanding citizen, William J. "Bips" Niederkorn, 80, chairman of the board at Simplicity Manufacturing Company. June 1 was named by the city as "Niederkorn Appreciation Day."

The day was sponsored by the Port Jaycees, joined by others, to pay tribute to Mr. Niederkorn on his many philanthropies, gifts and financial help to schools, churches, civic organizations and the community.

The day's program opened at 1 p.m. with sounding of the city fire siren and ringing of all church bells, followed by a mile-long parade with floats, bands, Scouts, baton twirlers, color guard—even a Sr. Citizen king and queen in a buggy.

ONLY PARTIAL PAYMENT

"This," said Mayor Frank Meyer at the program, is only partial payment for his many gifts to us in the past." He then presented Mr. Niederkorn with a flag from Luxemburg, the native country of his family, and a key to the city. He reported Simplicity grew from 10 employees to 600 today, with an annual payroll of $5,500,000. Also, $7,000,000 has been paid to employees in a profit-sharing plan, up to $30,000 a man.

Congressman Wm. Steiger congratulated the Jaycees for having the foresight to undertake this program, and recognize Mr. Niederkorn during his lifetime, and added: "There are many cities that wish they had a man like Mr. Niederkorn."

Judge Charles Larson related that W. J. Niederkorn was born on a farm near Port, was a delivery boy at 13, later was sales manager at Turner Mfg. Co., and in 1922 borrowed $10,000 to start Simplicity Co. The turning point came in 1936 when Montgomery-Ward asked his firm to build garden tractors, which were an immediate success, and the company today is a major producer in the United States.

ESSENTIAL INGREDIENT

Loyalty, said Assemblyman Herbert Schowalter, is an essential ingredient to community success, and Uncle Willie" has been very loyal to his community of Port Washington.

He presented a citation from the Wisconsin legislature, and Tom Beilfuss, master of ceremonies, read congratulations from Senator Gaylord Nelson and Gov. Warren Knowles.

Albums, plaques, books, a clock, silver bowl and other gifts were presented to Niederkorn by St. Peter's Men's club, port Jaycees, Port high school, Thomas Jefferson school, St. Mary's school, St. Peter's school, Dunwiddie school, Lincoln school, Kiwanis club, St. Alphonsus hospital, Holy Name society, Port Business Women's club, Ozaukee County Historical Society, Senior Citizens, Port Woman's club, Rotary club, Knights of Columbus, Masonic Lodge, Port Assn. of Commerce, Union Local 1430, Simplicity Manufacturing Co., Library Board, Red Cross Blood Bank, Badger Outerwear, eight Port Washington churches.

STANDING OVATION

After a standing ovation, the guest of honor replied: "I am most grateful to the Port Jaycees for suggesting a Wm. J. Niederkorn Day, and for the city's proclamation. It was a magnificent parade and a fine program. My sincere thanks for all these gifts from the community. You cannot live as long as I have in Port Washington without having made many fine friends, and I wish to thank all of them for this tribute.

"I have not labored these many years just for profit or glory, but to do something for my fellow-man. I hope some young man of the future can stand in the place I am today. I urge all young people to help their community, and again, my sincere thanks to all."

In the evening there was a dinner for about 200 relatives, members of the city council, Simplicity officials, clergymen and others at Smith Bros. Fish Shanty.

CHIEF JUSTICE WARREN

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HATHAWAY. Mr. Speaker, the retirement of Chief Justice Warren from the Supreme Court prompts me to express my deepest admiration to a man whose wisdom and far-reaching decisions during the length of his stewardship of the Court have deeply affected every American life.

His tenure has been one of the most enlightened and productive in enlarging our constitutional law. Always guided by his conscience, his deep sense of justice, and his humanity, he faced the challenge of our turbulent time with decisions of history-shaping importance. School desegregation, equal rights, the right of privacy, the family on welfare, the Negro are but a few areas where his powerful judgments will have lasting influence.

He ruled with dignity, above partisanship, and faced criticism with equanimity. He is a man who, as Chief Justice and as human being, commanded our respect.

Now that he has stepped down from the Supreme Court, he may look back with satisfaction on the positive accomplishments of a professional life nobly fulfilled, knowing that his fellow men are grateful for the wisdom and impartiality that guided his steps. His departure leaves us with a sense of loss.

WILLIAM S. MOLE—CONCERNED CITIZEN

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. LLOYD. Mr. Speaker, President Nixon and other national leaders are emphasizing the need for responsible and talented citizens to become active in voluntary efforts to assist those of our society in need of assistance.

A significant case of a concerned citizen who has been following this practice for many years is Mr. William S. Mole of Salt Lake City. His most recent effort was recently described in the Salt Lake City Deseret News, and it is with pleasure that I submit this example of a concerned citizen and his leadership for the RECORD:

[From the Deseret News, June 24, 1969]

DRUGS: "WE MUST TAKE ACTION NOW"

(By Joseph Lundstrom)

"When the house is on fire—you do something. You put it out.

Likening the current drug abuse problem among youth in Utah to the "house on fire," William S. Mole is concerned that something be done. "Now!"

As chairman of the governor's Advisory Committee on Drug Abuse, Mole has used this phrase over and over again in public hearings and committee meetings held for the past three months.

"Our wonderful youth (he is the father of three sons) needs to be protected against this vicious, insidious threat to their lives, and we need to take action now," he declared today.

The public testimony—expert and otherwise—has largely been gathered. The governor's committee now will digest and assimilate the voluminous stack of information gathered and presented. Out of the material will come a study report.

"And that report will have recommendations for action, you can bet on that," Mole said.

Now that the public phase of the work is about completed, the chairman expressed satisfaction at results accomplished.

"We are getting wholehearted support from all over the state. Concern on the part of parents, teachers, and especially legislators, is growing. I feel we are making progress," he said.

Mole's blue eyes sparkle as he talks about the drug abuse problem. The sparkle is not a one of joy, but almost of anger. His language concerning drug pushers is sharp and brutal.

But after three months of hearings and study, he says, "I am hopeful we can hold the tide until the Legislature can meet and take action. I am also greatly encouraged at the

interest members of the Legislature are beginning to take in this problem."

Several weeks ago, Mole described that interest—or seeming lack of it—as "ridiculous," when after several weeks of hearings, few legislators had bothered to attend, despite repeated personal invitations to many of them.

A retired business executive (Western Gypsum, Bestwall Gypsum), Mole's involvement in the advisory committee's work has been total. He has attended nearly every subcommittee hearing, conducts each of the general committee meetings, and goes morning, noon, and night, to learn from anyone who can advise him about drugs.

BUSY RETIREMENT

"I'm busier now that I am retired than I ever was while working," he smiles, his cheeks glowing. "But the overall support the public is beginning to give this problem is most encouraging," he adds.

Mole's interest in youth is born of his own youth: he was a varsity letterman halfback on Northwestern University's football team, and he helped organize a Little League football team at St. Ambrose Parish of the Catholic Church here in Utah that became the nucleus of a league now playing statewide.

EFFICIENT WORK

Mole's supervision of the committee's work has been open—but tight. The subcommittees have functioned under subchairmen—but their schedules have been blocked out on a production line schedule that would make an efficiency expert proud.

Transcripts of all the hearings will be ready by the end of this week. Each subcommittee will review its materials, and make rough drafts. The rough drafts will be studied, and second drafts will be made. These will be reviewed, and a final draft of all subcommittee reports, compiled into a single report will be ready—hopefully by Sept. 1, "to meet the governor's requests when he first appointed the committee," Mole explained.

The final report will include eight sections dealing with drug abuse; narcotics and drug abuse, extent, drug traffic, statutes, enforcement, education, rehabilitation, and community involvement.

FINAL REPORT

"Each section will contain recommendations to the governor on the problems as we have found them," Mole said.

"We are up against a serious deadline to meet the governor's time limit, but I am confident, that with the support we have gotten from the members of the committee, and the materials we have, we will get the job done," he added.

"We have to. The house is on fire," he said again.

EDUCATION NEGOTIATIONS ACT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. OLSEN. Mr. Speaker, today I am introducing a bill to provide a Federal Professional Negotiations Act for Public Education. Under the terms of this bill an agency will be established in the Department of Health, Education, and Welfare, to be known as the Professional Employees Relations Commission. This Commission will be available to mediate disputes between organizations of teachers within the school systems throughout the United States. The bill also provides recourse to the Commission in those rare instances when either the school board or an educational employees organization refuses to negotiate with the other party.

Mr. Speaker, every issue has two sides. If the position of one or the other parties to a dispute is ignored, disruption results. Teacher strikes have occurred in some 200 communities in the last year. The resulting disruption of classes is traumatic to children, parents, and teachers themselves. The purpose of my bill is to provide a mechanism to which teachers and school boards have recourse for settling these disagreements before the situation deteriorates into a strike situation. The bill recognizes that several States already have enacted professional education negotiation laws and provides that these will be honored by the Federal act.

CPL. WILLIAM HENRY METCALF OF THE 16TH HIGHLAND BATTALION

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HATHAWAY. Mr. Speaker, Bayside Cemetery, in the State of Maine, has the distinction of being the final resting place for one of the only two Americans awarded the Victoria Cross, the highest decoration for valor under the British flag, in World War I. Today, I would like to pay tribute to this veteran, Cpl. William Henry Metcalf of the 16th Highland Battalion.

Bill Metcalf was raised and educated in Waite Township in the State of Maine. When he was 16 years old, the spirit of adventure, instigated in many young men by the outbreak of the First World War, led him to go soldiering. In view of his age, he went to Canada to enlist, revealing his plans to no one. When his mother became aware of his action, she appealed to Government officials with all the resources at her command to have him sent back home. They finally caught up with him when his regiment arrived in England. I would like to quote from his humorous account of that experience:

U.S. Ambassador Walter H. Page was at the dock and questioned me to see if I was the Metcalf all the letters had been written about. But I told him I wasn't the man, that I was from St. David Ridge, a little farming town outside of St. Stephen. The Colonel backed me up, so there was nothing he could do about it.

The action which won Corporal Metcalf the Victoria Cross took place on the 2d of September in 1918, during the second battle of Arras. His citation for this medal, the most coveted honor among men fighting for the British Empire, reads as follows:

For most conspicuous bravery, initiative and devotion to duty in attack, when, the right flank of the Battalion being held up, he (Corporal Metcalf) realized the situation and rushed forward under intense machine-gun fire to a passing Tank on the left. With his signal flag he walked in front of the Tank, directing it along the trench in a perfect hail of bullets and bombs. The machine-guns strong points were overcome, and very heavy casualties were inflicted on the enemy, and a very critical situation was relieved.

Later, although wounded, he continued to advance until ordered to get into a shellhole and have his wounds dressed.

His valour throughout was of the highest standard.

In addition to the Victoria Cross, Corporal Metcalf was also the recipient of the Military Medal. His Military Medal Deed of Action Award reads:

For conspicuous gallantry and devotion to duty near Courcelette on October 7, 8, 9, 1916. On the night of October 7, word was brought to Battalion Headquarters that a man was lying in a trench some distance away, bleeding to death. This noncommissioned officer, a signaller, volunteered to go and bind up his wounds, which he did, although the trench was under terrific shell fire and he was in great peril. During the next two days he repeatedly went over the heavily shelled area and repaired broken wires, thus keeping up communication with Brigade, which was of immense value to the situation. During twenty months service in the field his conduct has been one of uniform bravery and cheerful devotion to duty.

When the war was over and he returned to the United States, Bill Metcalf settled in Eastport, Maine. His body now lies where he had always wanted to be buried, in a beautiful spot overlooking the mouth of the St. Croix River. It is fitting that crossed flags, emblems of his own country and the one under which he served, should be placed on his grave. It is here that the friendship and unity of the two great countries are maintained by a constant vigilance of peace.

FULFILLING THE PLEDGE TO VOCATIONAL EDUCATION—FULL FUNDING OF PUBLIC LAW 90–576

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DELLENBACK. Mr. Speaker, in recent years, Congress has increasingly reflected the knowledge that Federal support of education is a wise investment. Last fall Congress demonstrated its awareness that investing in vocational-technical education could yield a particularly valuable return to the Nation. The 1968 Vocational Education Amendments, Public Law 90–576, represent a significant step toward pledging to vocational education the Federal support which it deserves.

But the passage of the authorization bill is no more than a first step. In order to fulfill the promises extended by the 1968 amendments, the 91st Congress must take the second step and approve full appropriations for this act. Failure to fund Public Law 90–576 adequately will in fact be a step backward, leaving vocational education in a worse financial position than it was before the passage of the amendments.

This seeming paradox can be readily explained by a close study of Public Law 90–576. First of all, the law authorizes an amount which is more than double what the Federal Government invests in

vocational education. To be more precise, the authorization for all vocational education programs in the current 1969 fiscal year is $260 million. The amendments, which cover all of these vocational programs administered by the Office of Education, authorize a total of $542,100,000 for fiscal year 1970, and amounts which increase each fiscal year thereafter through 1972.

This substantially increased authorization is necessary to begin funding of the new directions opened up by the 1968 amendments, as well as to continue funding of presently operating vocational programs. In order to assist the updating of vocational education throughout the country, Public Law 90–576 stipulates that a definite percentage of each State's total allocation be spent on vocational programs designed to serve three specific categories of students. A State must allot 15 percent for academically and socioeconomically disadvantaged persons, 15 percent for postsecondary persons, and 10 percent for physically or mentally handicapped persons. Dr. Grant Venn, Associate Commissioner of Adult, Vocational, and Library Programs in U.S. Office of Education, has commented on these specifications,

> To be sure, the new legislation requires the earmarkings of a substantial proportion of funds for special purposes. But note that these are 'people' categories, not occupational groupings . . . I believe that the emphasis in the new legislation upon people's needs, instead of the categories which are essentially occupational, will enable us to move more quickly in the development of programs to serve those whose opportunities for good occupational training has been limited.

Basically I do not dispute Dr. Venn's assessment; these earmarkings are desirable in directing funds to previously neglected segments of the vocational student population. Yet at the same time, we must not sacrifice currently operating programs which have been effective and successful with the assistance of Federal funds.

Let us examine specifically how presently operating programs may have to be set aside while new directions are developed. If Congress maintains 1970 vocational education appropriations at approximately the current level, any given State would be likely to receive about the same allotment for fiscal year 1970 as it received for fiscal year 1969. From this same amount of money, the State would have to earmark at least 40 percent to fund programs for the disadvantaged, postsecondary, and handicapped vocational programs. The State would then be left with about 60 percent of the 1969 amount to spend on continuing programs.

As the State's allotment of Federal funds was disbursed to local school districts, this effect would be magnified for those cities and towns which did not meet the qualifications necessary to establish disadvantaged, postsecondary, or handicapped programs. Certainly many schools in the Fourth District of Oregon would receive substantially less Federal money than they did in 1969. But we would not by any means be alone; this funding situation would be repeated in school districts throughout the Nation.

For these reasons, I believe that if we do not fund the 1968 Vocational Education Amendments adequately, then we ourselves will fail to convey the intent of Congress in passing this legislation. Those of us who cosponsored the bill and worked with it, both in the Education and Labor Committee and on the Conference Committee, intended to increase overall Federal support of vocational education and also open up new directions which had previously been overlooked. Surely it was not the intent of Congress to reduce support of vocational education, in small towns or anywhere else in the country.

This spring the head of the home economics department at Lane Community College in Eugene, Oreg., Mrs. Gladys Belden, wrote me to urge my support of full funding for the vocational education amendments. I believe the following excerpt from her letter eloquently expresses the need for generous appropriations for this law.

> Across the country, vocational educators are poised, ready with creative, innovative programs designed to help those who need help to prepare for employment and those who need help to raise the level of existence to meaningful participation in the life of their communities and the nation. Such programs require funds—the total funds authorized by Congress.

Vocational educators have been frustrated in the past by the meager funds they received from the Federal Government and by the low status which this funding level indicated. Clearly Congress raised their hopes by passing Public Law 90–576. It is equally obvious that failing to approve adequate appropriations for the vocational educational amendments will do grave injury to the hopes of vocational educators throughout the country. And far more importantly, this failure will do grave injury to the future prospects of hundreds of thousands of young people throughout the Nation who so badly need the high quality vocational education which these amendments can help supply to them.

LAW ENFORCEMENT AND THE FOURTH AMENDMENT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. RODINO. Mr. Speaker, on June 25, 1969, the Newark Evening News carried an editorial commenting on the Supreme Court's recent decision in Chimel against California. I believe that this editorial highlights some of the difficulties encountered by local police officials in their efforts to deal effectively with known criminals.

In the Chimel case, there was a perfectly valid arrest. As an incident to the arrest, the police, in my view, properly conducted a search of the criminal's home and recovered a considerable amount of property which the criminal had stolen. Had the search not been conducted at that time, there is no doubt that the stolen property would have been quickly removed from the premises.

Although I recognize that the fourth amendment to the Constitution was designed to protect the privacy of the homes of our citizens, it seems to me that only a strained construction of the fourth amendment would make it applicable in a case of this sort. Clearly, the fact that the police had a right to make an arrest in this case abrogates any claim which the criminal might have to protection from a search of the premises. As a result, I endorse the editorial which appeared in the Evening News and would like to include it as a part of these remarks. It follows:

UNREASONABLE?

Picture, if you will, this situation: Police have just cornered, in the living room of his home, a man pointed out to them as a fleeing bank robber. The police search him and the room, looking for the gun that cut down the bank manager and the loot, evidence needed to buttress their case.

The police find nothing in their search of the suspect or the room in which he is standing. Do they then press on through the rest of the house? On the contrary, they halt at this point, while one of their number goes down to police headquarters, has an affidavit drawn up describing the premises to be searched and the evidence sought and then proceeds to County Court to present a petition for issuance of a search warrant.

By the time the policeman gets back to the house with his warrant, a member of the felon's household has, of course, disposed of the incriminating evidence.

Far-fetched? On the contrary, this rigamarole has been conjured up by a U.S. Supreme Court ruling.

The high court ruled that police, who do have a right to conduct a search incident to a valid arrest, must nevertheless limit that search to the suspect's immediate surroundings. In the case at bar, police in California had arrested a man validly in his home and then proceeded to search it and his garage. The court overturned the defendant's burglary conviction because the police went beyond his immediate surroundings. The ruling seems all the more absurd since the search of the premises uncovered evidence that pointed to the man's guilt.

Whatever happened to the Constitution's assurance that only "unreasonable" searches and seizures are to be outlawed?

THE OMNIBUS CIVIL RIGHTS ACT OF 1969

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. REID of New York. Mr. Speaker, today I am introducing the Omnibus Civil Rights Act of 1969, which is designed to protect the rights of citizens guaranteed by the 13th, 14th, and 15th amendments.

I am pleased once again to be part of a bipartisan effort to enact civil rights legislation. This bill, which has been cosponsored by Senators HART, JAVITS, KENNEDY, and others, as well as Members of this House, will do much to promote equal opportunity for all of our citizens.

The bill contains four basic provisions. Title I provides litigants in State courts

the same guarantees which litigants in Federal courts now receive under the Federal Jury Selection Act of 1968. Under this act, a person being tried is guaranteed that his jury will be selected without discrimination based on race, creed, color, sex, national origin, or economic status. In other words, he is guaranteed of a jury selected from a true cross section of the community, a jury of his peers.

It is a sad commentary that today, 100 years after the passage of the 14th amendment, hardly a term of the Supreme Court passes without the reversal of a State court decision on discrimination in jury selection. In 1966 alone, there were 26 such cases. Passage of title I will do much to initiate long overdue reform in the selection methods of State juries in a manner which is designed to induce rather than to coerce States into initiating needed change themselves.

Title II gives the Equal Employment Opportunity Commission authority to issue cease-and-desist orders which could be judicially enforced, and thus greatly increases the Commission's effectiveness in its negotiations with those breaking the law. It has often been shown that such authority need not be frequently used because its mere existence greatly increases an agency's chances of successful negotiation with those guilty of breaking the law.

Even though progress has been made, job discrimination is still widespread. The unemployment rate for nonwhites, for example, is double that of the national average. While this provision will not provide a total solution to the problem, it is a necessary part of any plan seeking to alleviate this problem. If the economically disadvantaged, and especially the young are to have any faith in our statements about equal opportunity, then we must support our policy declarations with adequate enforcement provisions.

The House, in 1966, passed legislation that would have accomplished the purpose of this title, authority to issue cease-and-desist orders, but no action was taken in the Senate on this Reid-Roosevelt bill. Again this year, my colleague from California (Mr. HAWKINS) and I have authored new legislation to put teeth in the EEOC. Whether separate or part of an omnibus bill, the passage of this measure is vital, and I would hope that the administration will give it strong support.

Title II of my bill repeals the provision approved by the last Congress in limiting future appropriations for the Commission on Civil Rights to the 1968 level. This provision prevents annual congressional consideration of Commission needs and, in effect, forces the Commission to curtail its activities with each Government-wide pay increase or increase in the cost of living.

The Commission must not be treated in such a restrictive manner. Created by the 1957 Civil Rights Act, the Commission has been a valuable institution in advancing civil rights. Its factfinding and sound recommendations have aided Congress and the executive branch and have helped to alert public opinion to the need for social change. So that the Commission may continue to play an active role, this discriminatory provision should be eliminated and the Congress should authorize appropriations for the Commission on a regular basis.

Finally, title IV of this bill extends for an additional 5 years those provisions of the Voting Rights Act of 1965 which suspend discriminatory literacy tests and "other tests and devices" in the seven States to which the act applies. Unless Congress acts on this measure, these States will be free to reimpose their restrictive voting practices in August of 1970, when they are no longer required to clear their voting requirements with either the Attorney General or a Federal court.

The 1965 act has worked well in extending the vote to many who had been denied the franchise. According to the most recent report of the Commission on Civil Rights, 1,280,000 Negroes registered to vote in the 11 Southern States between passage of the 1965 act and the spring of 1968. As a result, several hundred Negroes have been elected to State, county and municipal offices throughout the South. In addition, Southern Negroes participated in unprecedented numbers in presidential party conventions and hold high party positions. It would be tragic if there is any lessening in the Federal Government's commitment to the principles of this act or in its efforts to secure full enfranchisement for Negroes in those States which have most consistently denied black men and women the right to vote.

Mr. Speaker, I think it is essential that the House act upon the Omnibus Civil Rights Act of 1969 at the earliest possible date.

MAINE LEGISLATURE PETITION FOR CURTAILMENT OF FOREIGN FOOTWEAR IMPORTS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. KYROS. Mr. Speaker, Representative Philip L. Jutras, of Maine's 104th Legislature has been kind enough to send me a copy of a joint resolution requesting that prompt and effective action be taken to relieve our Nation's footwear manufacturers from the rising tide of foreign footwear imports.

I have been gratified to have been working with Representatives JAMES BURKE and the late William Bates in gathering the signatures of the more than 300 Members of this body who have joined in petitioning the President to enter into negotiations which would establish limits upon foreign footwear imports, which if unchecked could well take up 50 percent of our domestic market by the middle of the coming decade.

I would like to commend my colleagues in this body who have indicated their awareness of this threat to our footwear industry, which is located in many small towns where other forms of employment are not generally available should the local shoe factory be forced, due to import competition, to close down. There have already been seven such closings in New England in recent months.

Lest there be any doubt that this is a very real problem to residents of Maine and the rest of New England, I would like to point to the action of Maine's Legislature in petitioning for curtailment of footwear imports. Two of the seven shoe factories to have closed due to imports are located in Maine. As time passes without national action, two additional manufacturing industries in the area of Sanford, Maine, may have to close their operations. I am, therefore, entering the Maine Legislature's joint resolution into the RECORD as additional and compelling evidence of the need for footwear import quota agreements or legislation:

JOINT RESOLUTION BY THE LEGISLATURE

(Joint resolution memorializing the Honorable Maurice H. Stans, Secretary of Commerce, the Honorable George P. Shultz, Secretary of Labor, and the Maine Congressional delegation to curtail the crippling flow of foreign footwear imports)

We, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition the Honorable Maurice H. Stans, Secretary of Commerce, George P. Shultz, Secretary of Labor and the Maine Congressional Delegation, as follows:

Whereas the production and importation of foreign footwear has become a decisive threat to the shoe industry in the Sanford-Springvale area; and

Whereas a petition is being prepared on the national level for presidential presentation as an initial step toward curtailment of this hazard to the leather and vinyl footwear industries in Maine; and

Whereas seven New England shoe factories have already found it necessary to close in the past six months, due to the increasing percentage of imported leather; and

Whereas a strong possibility exists that two manufacturing industries located in the area of Sanford and Springvale will also close their operations in the near future depriving some 500 workers of their major source of income and employment: Now, therefore, be it

Resolved, That we, your Memorialists, recommend and urge the Secretary of Commerce and the Secretary of Labor and the Members of the United States Congress from the State of Maine to use every possible means to promptly curtail the importation of foreign footwear and to provide adequate safeguards to our domestic industry and its work force; and be it further

Resolved, That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of Commerce, the Secretary of Labor, and each Senator and Representative from Maine in the Congress of the United States.

THE CHANGING ORDER: THE CITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. ZWACH. Mr. Speaker, we are all well aware of the problems we are having

in our cities. Many people believe we are packing too many people into them, people who are unsuited for city living, who are untrained for the specialized employment opportunity the city has to offer.

Recognizing the plight of the cities, the Federal Government is spending millions of dollars on renewal projects, recreational and cultural programs, but the problems remain.

About one-third of our people live in the largest cities. Another third live in the suburbs and the remaining third are in the countryside. But most of the Federal funds go to the larger metropolitan areas that have the specialized personnel to make the plans and applications for the grants.

Mr. Speaker, ever since I have been in Congress I have been urging that we must reverse the migration of the countryside people to the cities. The countryside, the most ideal place to live, must also be made a good place to earn.

I am happy to report that something is being done in this respect.

For the past year, a study has been in progress at St. John's University at Collegeville in our Sixth Congressional District on "microcities," those countryside centers of 10,000 to 25,000 population.

Head of the study is Dr. Edward L. Henry, chairman of the government department at St. John's and himself the mayor of a "microcity," St. Cloud.

The center for the study of local government at St. John's exists on the premise that "decentralization is feasible."

I commend to my colleagues for their reading and possibly a better understanding of the countryside, the fourth of a series of lectures by Dr. Henry, "The Future of the Small Community," which is printed herewith:

THE FUTURE OF THE SMALL COMMUNITY

The Center for the Study of Local Government at St. John's University exists on the premise that "decentralization is feasible." It is doubtful whether Thomas Jefferson would have said it like that but the intent is the same: graceful living.

Originally funded by the Ford Foundation's $182,000 grant two years ago, the Center for the Study of Local Government on the St. John's campus attempts to solve the problems and determine a healthy future for the micro-city (population 10,000-50,000).

Dr. Edward L. Henry, chairman of the government department at St. John's along with approximately a dozen assistants, are presently conducting attitudinal surveys and preparing monographs on research and conferences.

Dr. Henry, also the mayor of one of the micro-cities being studied by the center, St. Cloud, spoke at St. John's on March 24, 1969, on "The Future of the Small Community."

The lecture was the fourth in a series of six on "Church and Community—Nonmetropolitan America in Transition," sponsored by The Office of Pastoral Studies at St. John's. A condensed version of that leisure is reprinted here.

We have the mission of taking a long, hard look at the potential of the small community, roughly those between 10,000 and 50,000 in size. Perhaps, somewhat arbitrarily I am designating cities of this size as "micro cities" and those of less than 10,000 "mini-cities". Surprisingly, over 75 million Americans still live outside the major urban complexes today. Ten million or less still live on farms, the others in cities of a few hundred to 50,000. The population is divided today about ⅓ in ten cities; ⅓ suburbans; ⅓ outside metropolitan areas of 50,000 up. The great bulk of all U.S. cities, 16,800 of them, are in the micro and mini-size category—0 to 50,000. It is the larger cities in these two size groups that seem capable of becoming growth centers in the federal system.

My thesis holds that national interest requires a reversal of the population drift to the large city. Whether this can be or should be fostered by positive public policy is in the process of becoming a public issue. There are certain developments which suggest an affirmative answer. These involve the growing problems of the big city including civil disorders and the increasing diseconomies of scale for living and working there. The answer to repopulating the countryside revolves to a large degree about the creation of viable centers of job creation, shopping variety, educational and cultural amenities, governmental institutions, and medical and entertainment facilities. Such centers can become "mother cities," a modern parallel to the major city of the ancient Greek city state, with a clientele extending forty to sixty miles into the hinterland. While some smaller hamlets might not survive others could transform their historical farm service functions into residential or recreational ones.

For "mother cities" to materialize into truly viable communities attractive to job creating industry both a private and public infrastructure, a supporting complex of services, must be present. Just as there is probably a size above which diseconomies of scale begin to set in, so is there a minimum size below which insufficient scale prevents economies.

"People came together in the city to survive," says Aristotle, "but they stayed on to live the good life." The proper function of the city historically has been to humanize man. In this respect the city has a moral function as the Greeks illustrated so well in theory and practice. The city ideally is a community, not an ant-hill or wasp's nest. It is really designed to meet man's most urgent needs and his highest aspirations. The very word "city" comes from the Latin root "civis" which is also the root for "citizen" and "Civilization".

Indeed, the city is the social womb that nurtures and protects the basic institutions of society; those that humanize man—the Church, the school, the museum, the art gallery, the library, the hospital, and the institutions for job creation. But the city can also dehumanize through its impersonalism, through its ghettos, through its debilitating environment. And when it does this it has lost its basic moral claim to existence.

THE GREAT MIGRATION

But at what point in size does the sense of community and the humanizing function begin to erode? Thomas Jefferson put a low ceiling on it. "I view great cities," he said, "as pestilential to the morals, health, and liberties of man." Even as late as 1850, however, long after Jefferson made this laconic indictment, less than 13 per cent of the U.S. population lived in cities. And only a handful of cities had as many as 50,000 people. But the trend was evident. Horace Greeley, a latter day Orville Freeman, wrote plaintively in the New York Tribune of 1867 that "We cannot all live in cities, yet nearly all seem determined to do so. Millions of acres . . . solicit cultivation . . . yet hundreds of thousands reject this and rush into the cities." That "rush" reversed itself briefly only twice in the decades following Greeley's gloomy observation, once early in the twentieth century; the other during the depression of the thirties when the jobless of the cities sought with true physiocratic instinct to return to the soil. Today the population is piling up in our major population areas. This great migration, one of the largest in history, took 800,000 off the farms in 1958 alone; and 10 million in the decade of the 1950's.

One-half of all counties in the U.S. lost population during 1950–60 and we now have more open land than at the turn of the century. Continued escalation of population in the major metropoli locates the spectres of as many as 60 million people living in a single super megalopolis by the turn of the century. Population growth alone can produce another 130 Clevelands by the year 2000.

How large can we afford to let these complexes become? Somewhere, diseconomies of scale start setting in for the businessman, the resident, the taxpayer. We know that marginal costs of working, living, and providing public services rise with population. New York invests $21,000 to bring each commuter into the city; Washington, D.C., $23,000. Fargo, on the other hand, spends $487,000 on its whole program for a year—a sum which would bring 21 commuters into Washington to work. Bob Wood, undersecretary of HUD, tells us that each new suburban home requires a public investment of $10,000 for facilities.

This type of analysis, graphic though it is, ignores the tremendous and incalculable social, and psychological costs of prolonged congestion; it ignores the human pangs of ghetto living; it ignores the increasingly bleak future of the inner city as the wealthy move out and leave the problems and the high cost citizens behind; and it ignores the depressing spectre of continuing deterioration of physical environment. Rene Dubos, Nobel prize winner in biology, has said of congested living that "hardly anything is known concerning the delayed and indirect consequences of early exposure to these conditions . . . Some of the most profound effects of the environment may not be on physical health but on behavioral patterns and mental development."

USE THE COUNTRYSIDE

Is it presumptuous to predict that if the anarchy characterizing some of our major cities like New York continues that people will desperately seek to escape it; that the flight to suburbia which hit the major cities the past 25 years will in turn become a flight to the countryside and the small cities? While we should make a gigantic national effort to salvage the conditions of living in our metropoli, let us also recognize that we are not making good use of the countryside including, microcities, and that as a matter of national policy and as a correlative to helping the metropolis we should be utilizing it increasingly for purposes of living and working.

A new land use policy ought to stress the role of the "microcity" as the focal center of services to a repopulated countryside. It is time for a strong rebuttal to Harvey Cox's indictment of the smaller community in his "Secular City." Changing technology and increasing affluence have made such communities more surely humanizing agents than they were even two decades ago.

The decentralized college system has seeded centers of culture throughout the state. Such higher education which at one time seemed almost a monopoly of the large city is now available on a commuter basis to almost every resident of the state. Invention of the school consolidation device has effected economies and qualities of scale in primary and secondary education throughout the state.

LITTLE UTOPIAS

Open space, clean air, cheaper land sites, natural recreational areas within easy reach, less congestion, the potential for community participation and dialogue, and the potential for structuring a better racial mix are additional ingredients of this good living. The awakening of the micro-cites to modern public service techniques spurred on by federal urban programs is creating a new "know how" among even small city officials, and is opening new horizons for good public service norms. Nor should one forget the eternal human proclivity to create anew—to plan for little utopias. Here, the smaller communities

still have a controllable future ahead of them, and much more clearly so than the metropoli.

Even economic trends may be favoring the larger of the micro-cities as growth areas. A recent Department of Commerce study concluded that metropolitan areas may be caught in a "people-job" squeeze by 1975 (even with suburban job growth), and that out-migration to smaller cities of 6.3 per cent from our ten largest complexes must occur to keep the unemployment rate at 4 per cent. Optimal employment opportunities look best for cities of 50,000 to 500,000, not larger.

In the past, city location was largely determined by the appetite of new plants for water or rail communication or power sources. This is no longer a severely limiting factor given vastly improved and new forms of transportation. An increasing part of our gross national product is the output of service industries which do not spend heavily on transportation costs. It would seem, therefore, that some of the major limiting factors which historically ruled out location of industry in hinterlands are no longer so insignificant.

If diseconomies of scale occur at some upper point of population growth, is there also a minimum size below which diseconomies of operation result because of insufficient scale? Much urban research today is centered on the fascinating question of what size community seems able to accomplish economies of scale. It is an elusive question that defies programming. Is it at 2500 population as presumed in one Department of Agriculture study done in Kansas; or at 50,000 as postulated by the Committee on Economic Development, a prestigious businessmen's research group in its 1966 study, Modernizing Local Government? Or do economies of scale depend on what function one is talking about—a retail shopping center or a mother city parish? (A study by the University of South Dakota concluded that a trade area population of 40,000 to 60,000 appeared required under current conditions to support a complete shopping center there.)

ODDS AGAINST THE MICRO-CITY

From my observation few units of this size under existing arrangements can provide adequate police protection, water or sewer facilities or other public services on the sophisticated level increasingly demanded by the citizenry. And indeed they may not even be equipped to take advantage of federal programs designed to help them. Such small places seem to be characterized by underinvestment, in public or private facilities. They also have excess ratios of the very young and the very old, those age groups requiring but perhaps not getting the most attention from the public purse. Such communities are encountering difficult times in the face of declining farm population and increased mobility of those who remain.

History has rendered harsh verdicts on survival chances of small communities faced with changing technology or dried up natural resources. A study in Colorado showed that in the period 1858 to 1900, 270 mining towns disappeared. A similar study in Arkansas showed that since 1900, 80 municipalities and an estimated 700 rural communities have completely or almost entirely withered away. In Appalachia today we are trying to revive with a substantial national program the communities there that are clinging precariously to life at the price of low incomes, low health standards, and educational and cultural deprivation.

But when one starts talking economies of scale for business, jobs, education, governmental services, hospital care—professionals are pretty well agreed. They aren't there for small communities. One can argue, of course, that for the privilege of living in a small community he is willing to forego some things. But what is good enough for mom and dad may not be good enough for junior as he enters the productive age and almost invariably seeks more excitement, better job options and more amenities of living elsewhere. The very poor and the technologically displaced also drift from these places to the large city where attitudes and policies have been adjusted to recognize their plight and make provision for it. Whereas in smaller communities they may not have. As one Department of Commerce study concludes: it has been the push of poor rural conditions rather than the pull of urban economic opportunities that brought people to the large cities.

ODDS FOR THE MICRO-CITY

The following factors seem to favor cities above 10,000 as natural growth centers:

(1) We have already commented that a shift in production techniques from those that could be established in multi-story buildings to those that require single-story production lines and extensive land sites is underway. This means location outside large cities—even outside suburbia where land may be intensely used and therefore expensive.

(2) We have also said that traditional plant location criteria are becoming less important—such as location close to markets and major rail networks. But increasingly, location decisions are determined by the availability of urban amenities such as adequate water and sewer systems, good schools, vocational training centers, regional government offices, and other public institutions—an infrastructure of public facilities, if you will. As incomes have risen in this country, people's consumption habits have increasingly turned toward the types of goods produced by government—better streets, parks, playgrounds, schools. In a period of full employment the availability of such facilities for prospective employees is becoming increasingly a concern of plant site search teams.

Such requirements assume relatively sophisticated government with a full time staff for planning and servicing these needs, no less than skill and training in the bureaucracy. Part time government in small communities may not be adequate to meeting these demands. And its tax base is generally minimal.

From my observation it becomes increasingly difficult to meet public service needs as one descends below 10,000 in population, even below 20,000; at least the type of public service that may be necessary for community take-off. Possibly, also, it is more difficult to put together a capable leadership team from the community as the size shrinks. Certainly small size reduces the statistical probability of finding such talent. This difficulty is aggravated in many bases by the absence of relatively large numbers of educators and other professional people which colleges and regional governmental institutions bring with them. One somewhat early student of improving community quality has commented that the solution is simple—get high quality people to settle in your community. The rest takes care of itself. Possibly such people can be identified and tapped more easily in the micro-city community than in either the metropolis where they may be last in a sea of humanity, or in the mini-cities where the numbers are small. The few scattered studies we have on local leadership, however, suggests it as a necessary though not sufficient condition for community growth.

The health of the countryside will depend on the health of the outstate mother cities which will act increasingly as economic, cultural, shopping, medical and governmental service centers. The trade area of these mother cities will tend to resemble the early Greek city states with a major city, a number of satellite communities and farm land as constituent elements of its hinterland.

Thus, a new pattern of living and working will arise together with a new inter-dependence of governmental units. Proper public policy can ease the pangs of the transition period and then support repopulation of the countryside in many areas now declining. How soon this will occur depends much on what we do to bring this mosaic about. It seems to me that we are rapidly nearing the point at which the plight of the major cities will force concrete decisions on how to effect this rebuilding of the countryside and the potential mother cities in it.

This prescription for revitalizing our countryside and coping with our population growth may possess some political liabilities. Machiavelli said it well: "There is nothing more difficult to carry out nor more dangerous to handle than to initiate a new order of things." But failure to act also carries penalties. Lord Bacon warns us: "He that will not apply new remedies must expect new evils, for time is the greatest innovation."

THE CHALLENGE OF YOUTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to bring to the attention of the House a speech recently delivered by Mr. Richard P. Gousha, the superintendent of schools of Milwaukee, Wis. Mr. Gousha's remarks were made at the Milwaukee Sentinel's annual "Forum for Progress."

Mr. Gousha's observations of some of the effects of television on early education are particularly appropriate and I believe that every Member will be rewarded by a review of Mr. Gousha's statement. It follows:

ADDRESS BY MR. GOUSHA

I appreciate being invited to participate in the 1969 Milwaukee Sentinel "Forum for Progress." Originally I had hoped to be with you all day and hear first hand the presentations, discussions, and comments that result from a forum such as this, but my schedule unfortunately will not permit me to do that.

The theme selected for this sixth annual forum, "The Challenge of Youth," is most appropriate. In the first place, I would suspect that if some researchers would add up all of the column inches in a selected number of publications which were issued last week and compare that total with a similar count of the same publications ten years ago, it would confirm what most of us would already concede, namely, youth is getting more attention in the media today than in any recent or distant time in history.

Secondly, I would like to point out for the record that, with all this public attention to youth, never before have we had so many experts on a foremost topic of the day than we do for this subject of youth. And there's a simple reason why this should be so. None of us enters this world as an adult. We all go through the apprenticeship of youth—no exceptions—and that makes all of us experts on youth. No matter what our ages, 25, 40, 65, or 80, we all consider ourselves experts on youth. I'm glad to see that all of the experts are gathered together here this morning along with many representatives of our youth, who, I suspect, might consider themselves to be experts on the adult experts.

There is one fact, however, that those of us over 20 should not overlook. A whole new vista has been opened to the young people of today that was never available to

us oldsters. I pointed this out to the first graduating class at our Milwaukee Hamilton High School last June. It was most appropriate, I said, that that first class should also be the first group in our elementary and secondary schools that has been exposed to the medium of television from the cradle to graduation from high school.

Vistas have been opened to young people that were never available to earlier generations. They have been exposed to the whole world in their own living rooms during all of their formative years. Mother and father no longer have the exclusive role of being the only adults in that home.

And then we have the schools. Thirteen years, including kindergarten, is the length of the path that leads to high school graduation. In decades past, school was considered the place where learning occurred. In some people's minds, school was the only place where learning occurred. We now know that this is not necessarily so. According to recent research, a substantial amount of learning has taken place before a child even enters school. In fact, evidence indicates that the level of intellectual capability young people will achieve at 17 is already half-determined by the age of four, and another 30% is predictable at seven years. We have learned that there is a psychological ripeness for developing vocabulary and language among children at earlier ages than we now do formally, specifically at ages three and four.

This leads to a question I asked several months ago before another group in this city. Who weighs the needs of our pre-school and early school youngsters when available educational resources are considered? Where can we best use our educational dollars to capitalize on the intellectual ripeness of children? At the beginning school years? At the post high school years? Who sets the priorities?

When we are talking about our youth up through the high school, we are also talking about tremendous numbers of children and we are talking about a large percentage of our population. In the city of Milwaukee alone, we have 233,000 boys and girls from the diaper stage through age 18. This figure represents almost one out of every three persons living in the city of Milwaukee.

Or, to put it another way, two-thirds of the population is adult, one-third is youth. Are the two-thirds watching the one-third? You can be sure of that. Is the one-third watching the two-thirds? More so than you think.

Those of us who are parents know how young children like to imitate adults. In their play, they imitate what the grownups do. The toy industry has capitalized on this natural interest in adults by supplying the small boys with model trucks and carpentry tools and little girls with play stoves and ironing boards. As adults we enjoy watching small children in their play hours when we can identify their playtime activities so closely wtih our adult lives.

In their early school years they also make us constantly aware of how closely they watch their teachers. What Miss Smith or Miss Jones says often carries more weight than what mother or father says. All of this is amusing to us when it can be so readily observed.

But are these young children watching us in other ways also? Do they notice us telling them to do one thing while we do just the opposite? Do we encourage our children always to tell the truth, but when the telephone rings ask them to tell the party at the other end that dad or mom is not at home? Do we tell our children to always be honest, and then brag that the girl at the checkout counter forgot to charge us for an item? Do we tell these children to buckle up the seat belt to be safe but then not do it ourselves?

What kind of examples do we set for our children personally? Does this influence the kind of adults they will be?

Or, in a slightly different vein, what about the interest we show in our children? Are we letting the school and the television set educate our children? Notice that I'm placing school and television on the same level because the fact is that the average child in our elementary and secondary schools will spend many more hours in front of the television set during those 13 years than he will in the classroom.

Should we show an interest in the work they are doing in school? Do we go to the school and meet our children's teachers and with the teacher work together to take maximum advantage of the learning experience? Or are we remote critics of the schools and the teachers and create a conflict in the minds of young people as to where their loyalties should be?

What amount of time are we spending with our children in their formative years? Who is at home when they come home from school? Whom do they turn to for guidance, counsel, and advice? Who is firm when firmness is needed? Who is understanding when understanding is needed? Who is sympathetic when sympathy is needed? Who builds faith in the institutions on which this country is based?

Our relationship with our children—never an easy task—is considerably simpler when our children are young and overt. In our Milwaukee public schools we have 85,000 such children from kindergarten through grade seven. In most cases these boys and girls are bubbly, talkative, forthright, outspoken, hyperactive, and outgoing if given the opportunity. We also have 45,000 young people who are in their teen years, grades 8 through 12.

What kind of a youngster do we have here? Take a thirteen-year-old, for example. It has been said that the average thirteen-year-old of today has more knowledge about outer space than all of the ancient Greek philosophers combined. He has been present at the scene of every news event his interests dictate. He has had the opportunity of seeing and hearing, in his own home, every major public figure in the world. He has been fed detailed information and in-depth analyses of high interest news events, often minutes after they happen. He has seen assassinations, been present at state funerals, witnessed disturbances on the streets and up-risings on the campus. He has heard charges and countercharges. He has heard the victim and the accused, he has seen pathos and humor.

In this respect I can speak with personal experience because I have a seventh grader at home myself. I never cease to be amazed at the amount of knowledge possessed by him at this age compared to myself when I was that age. Our youth today know more, comprehend more and analyze more than did any of the adults in this room at a comparable stage in life. We're not going to admit that they are smarter than we were, but they do have a considerably larger store of knowledge on which to make a judgment and express an opinion.

I don't hear the old phrase "children should be seen and not heard" very often these days. That is good. Could we expect our young people to keep all of their thoughts inside of themselves and never let them surface? Our young ladies never could keep a choice bit of gossip to themselves at any time during recorded history, therefore we shouldn't expect our young people—boys and girls—to keep silent when they are filled with facts, facts, and more facts formerly reserved for adults only.

Unfortunately, the adults don't always like what our young people are saying. Adults are disturbed when the teen group asks questions that don't have easy answers. Adults are embarrassed when young people point out the hypocrisy evident in matters of ethics, race, national goals, and special interests. Adults often respond by attempts to silence, withdraw privileges, ridicule, and ignore.

But I ask you, if our young people are filled with facts, facts as easily available to adults as they are to young persons, should we not respect the right of these young citizens to be heard, to carry on dialogue?

Along this vein, let me digress a moment and commend the Milwaukee Sentinel editorial staff for making available to our young people the weekly Young America section in the Saturday Sentinel. You are providing a much needed platform for boys and girls to express themselves and to provide them with information about items of interest not only from Milwaukee but throughout Wisconsin. The Sentinel's Young America section is a veritable who's who of youth in this State who have achieved significantly. Perhaps a more systematized who's who listing could become a permanent part of this section each week.

Although the Young America section is directed basically to the teenage reader, I must confess that it holds a fascination for me also, even though I am a few years beyond that age group. I have a strong suspicion that many adults—perhaps even a larger number than your teenage audience—also read these pages for a greater appreciation of America's greatest natural resource, its young people.

As I said a few moments ago, we are misusing this natural resource if we do not have this appreciation or respect. And we are also misusing this natural resource if we do not allow young people to become responsibly involved in the matters that affect their everyday lives.

In my opinion we have just begun to scratch the surface of meaningful involvement by the individual student in the how, what, where, when, and why of his secondary education. For the most part, those of us in education don't really know what he's thinking. In the Milwaukee public schools last year we made a small start by surveying the school experience. The results have had and will have an impact on our present and future planning.

But what about those students still in in school? How can we get genuine feedback that would aid not only in curriculum improvement but in the nitty gritty of a school's day-to-day and year-to-year operations? Quite frankly, I'm after student thinking on a continuing basis because if we don't involve our students we are, in effect, cutting off the educational process.

The possibilities for meaningful student involvement are tremendous. Last week, for example, it was suggested to me that students be involved prior to the first day of school in the orientation of teachers who are new to certain schools. I think it's a great idea.

Couldn't students also be members of teaching teams in the schools? Could they tell us, on the secondary level, how we might build flexibility into the length and conflict of the school day?

We've got to remember that schools are not only teachers, schools are not only administrators, and schools are not only parents. First and foremost, schools are boys and girls. That is the only reason why they exist. Is it not logical then that we should give our young people meaningful responsibility in examining the functioning of the schools they attend? Not either—or, not control or subservience, but meaningful responsibility within the framework of our organization. I am convinced they deserve no less.

I do hope that the Sentinel's forum will indeed result in a new understanding of the challenge of youth. We have many excellent resource people on the program and in the audience at this year's forum to achieve that goal. But sometimes certain individuals have

their doubts. One person could not be present today, and I'd like to read his observations about youth to you.

"The children now love luxury; they have bad manners, contempt for authority; they show disrespect for elders, and love to chatter in places of exercise. Children are now tyrants, not the servants of their households. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs, and tyrannize over their teachers."

Socrates wrote that 2,375 years ago.

STEEL IMPORTS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. PELLY. Mr. Speaker, I was encouraged to read that President Nixon's nominee as special foreign trade negotiator, Carl J. Gilbert, is pledged to a much firmer and tougher approach in protecting U.S. industry. Mr. Gilbert has stated that there was a time following World War II when special aids for certain nations were justified, but that now these countries have economies fully as sound as that of the United States, or more so, and we are justified in demanding elimination of special nontariff gimmicks.

Also, and of great significance, is Mr. Gilbert's position in support of existing import quotas on certain products, but otherwise he preferred the volunteer approach.

Well, Mr. Speaker, I, too, have supported the voluntary approach when it works and if it works.

Take the case of Japanese steel imports which especially affect the west coast. Last year the Japanese filed a statement of intent indicating a desire to help maintain an orderly U.S. steel market by a reduction in 1969 of exports to the United States of about 22 percent below 1968.

Yet, in the first 4 months of this year, west coast imports are up 4.3 percent in spite of Japanese assurance that previous distribution patterns would be maintained. Actually, in the West, I am informed one of every 3 tons consumed represents imports.

Mr. Speaker, one of the serious aspects of this situation is the importation of fabricated steel. More and more U.S. plants are losing out to Japanese, Canadian, and European bidders. One such example is the award recently to a Japanese firm of a contract to provide 500,000 tons of 48-inch pipe for a trans-Alaska oil pipeline.

Bethlehem Steel Corp., in Seattle, because of low-labor costs of foreign fabrication, has closed one transmission tower shop and is in the process likewise of closing its tower shop in Richmond, Calif. These closures are due in large part to the fact that domestic buyers like the Bonneville Power Administration continue to contract nearly all their transmission tower construction to Italy and Japan.

As I understand, Japan and European countries have adopted mill steel quotas on exports to the United States, but instead they have stepped up their quantity of fabricated steel. Meanwhile, Canadian companies are said to be expanding their exports of steel to this country; some fabricated from Canadian ore and some from Japanese steel. This latter, of course, avoids any promise to help maintain an orderly U.S. market.

Frankly, even though protection of U.S. industry has been pledged by the new trade negotiator, Mr. Gilbert, I think legislation designed to prevent foreign dumping and flooding of our domestic market may be the only answer. I want vigorous price competition, but I do not want America's high-living standard to penalize our labor so that they lose the source of their livelihood.

Mr. Speaker, surely with steel fabricating plants closing down on the west coast, the crisis due to steel imports should have prompt relief. Under the Constitution, the regulation of foreign trade is a responsibility of the Congress. Here is a threat to industry and labor that should find relief by legislative action.

THE CITY OF SEWARD, ALASKA RESOLUTION NO. 751

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which would authorize the Department of Transportation to lease to the city of Seward, Alaska, dock facilities currently owned by the Alaskan Railroad. Mr. Speaker, the city of Seward by and through the city council has passed a resolution asking the U.S. Government to lease this facility to them. It is with great pleasure that I introduce this legislation and I include their resolution in today's RECORD:

THE CITY OF SEWARD, ALASKA RESOLUTION NO. 751

Whereas; the multi-million dollar Alaska Railroad Dock facility at the Port of Seward, Alaska, which was opened to use on November 15, 1965, as a replacement for facilities destroyed by tidal waves generated during the Good Friday Earthquake of March 27, 1964, now sits idle and serves primarily as a berthing facility for the U.S. Coast Guard Buoy Tender *Sorrel*; and

Whereas; all attempts of officials of The City of Seward to encourage the Alaska Railroad to seek increased Port activity by installing a sea-train slip at the dock have met with statements undocumented with proof from Alaska Railroad General Manager John Manley that operations through the Port of Seward have been since the earthquake and are now uneconomical to the Railroad and would continue to be uneconomical to the Railroad after the construction of a sea-train slip at the dock, and further statements by Mr. Manley give no cause to believe that the Alaska Railroad has any plans to utilize this now idle facility because, as Mr. Manley states without qualification, the dock constitutes a financial drain on the resources of the Railroad; and

Whereas; the City of Seward is struggling ceaselessly to preserve its shipping industry against overwhelming odds posed by the government-owned and Alaska Railroad operated Port of Whittier, with its modern facilities for rail-barge freight, and in this struggle The City of Seward is utilizing the remnants of the heavily damaged former Alaska Railroad Dock facilities at the foot of 3rd and 4th Avenues, restoration of which would cost several million dollars; and

Whereas; restoration of this facility at such great cost seems incomprehensible and indefeasible to the citizens of Seward and to their representatives on the Common Council since such costly restoration would constitute a needless and wasteful duplication of an idle dock facility which now stands as a monument to lack of insight and planning by the Alaska Railroad: Now, therefore, be it

Resolved, That the Common Council of The City of Seward, Alaska, respectfully petitions the Alaska delegation in Congress to initiate and the Congress to enact legislation to grant to The City of Seward a long-term lease, revocable only during a declared national emergency, to the Alaska Railroad Dock with all of its facilities and approaches, which are located at the North End of Resurrection Bay within the corporate limits of The City of Seward; such lease to be in return for the consideration of the sum of One ($1.00) Dollar, payable annually to the Treasurer of the United States of America, and be it agreed in such lease that The City of Seward through its Port Commission will operate and maintain these facilities in their present condition, holding them in trust for the people of the United States of America.

EFFORT TO AID KIDNEY PATIENTS RECEIVE BOOST

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. NELSEN. Mr. Speaker, on May 9, I introduced "The Kidney Disease Treatment and Prevention Act of 1969." On Wednesday, June 25, over 60 Members of this body and several Members of the other body introduced a proposal with similar goals entitled the "Kidney Disease Act of 1969."

I believe that the Committee on Interstate and Foreign Commerce, on which I serve, will be able to consider these proposals in the near future. The need is great and people are needlessly dying.

The Sunday, June 15, issue of the Washington Post printed an article by Stuart Auerbach, entitled "Artificial Kidney Puzzle: Who Lives? Who Dies?", which outlines some of the tragic aspects of this problem. I include it in my remarks at this time:

ARTIFICIAL KIDNEY PUZZLE: WHO LIVES? WHO DIES?

(By Stuart Auerbach)

At this moment, Mary Kesterson, a 35-year-old Maryland mother of four, is dying. Her family is searching for $14,000 to pay for artificial kidney treatments that could prolong her life.

Arabell J. Wheaton, 25, lay close to death last week until her family arranged for artificial kidney treatments in New Jersey, where she used to live. The family spent more than $5000—their total savings—on treatments here.

Brian Kelly, 5, died this month at Georgetown Hospital of kidney failure followed by a rare series of complications. His hospital bill amounts to about $25,000 for the 63 days he was critically ill.

Francis Chesney Jr., 21, feels that he's going to die in a Harrisburg, Pa., hospital. His sister, a Catholic University student, lacks the money she needs to get him started in an artificial kidney program.

Evelyn (Evie) Robert, a 60-year-old Washington socialite, almost died of kidney failure 18 months ago.

Then her husband, former Democratic National Committee treasurer Lawrence W. (Chip) Robert, bought her an artificial kidney for about $2900. She donated it to George Washington Hospital with the condition that it remain available for her use.

It costs Mrs. Roberts at least $30,000 a year for the twice-weekly treatments that keep her alive.

These cases involving residents of the Washington area illustrate a problem that agonizes the Nation's doctors—how to provide every American with the medical advances that are currently available.

Science has provided the artificial kidney—a machine that takes over when human kidneys fail and filters the poisons from the blood.

But no one has provided the money needed to treat the estimated 8000 Americans who each year need the machine to stay alive. Costs of home treatment—the least expensive method—average at about $4500 a year on top of the higher expenses of the first year when patients learn to use the artificial kidney.

The drugs, chemicals, coils, tubing and filters, which can only be used once, raise the cost of home treatment to as much as $50 each. Most patients need two a week.

Health insurance coverage is spotty. State and local funds are limited. And the Federal Government has cut back on a program it started three years ago to set up artificial kidney centers across the country.

The National costs are astronomical; once on an artificial kidney, a patient must continue treatment as long as he lives.

One White House committee estimated that a program to provide artificial kidney treatment for every American that needs it would cost $1 billion for the next six years and $300 million every year after that.

With the knowledge that artificial kidneys can prolong lives, Americans no longer sit still until they die of kidney failure.

"They know it's there and they want it," said Virgil Smirnow of the National Kidney Foundation here.

And doctors go to extraordinary lengths to keep patients alive in the hope they can get an artificial kidney.

Dr. Gilbert Eisner, for example, gives Mrs. Kesterson at the Washington Hospital Center the painful and temporary peritoneal dialysis treatment to remove poisons from her system. This 24-hour treatment uses a small tube in her stomach cavity to flush wastes, entails hospitalization and only works for a short time.

"A few years ago, this kind of prolongation of life was not worth it," said Dr. Eisner. "Now, with an artificial kidney, it is."

Some of the pressure for more and better artificial kidney treatment comes from Congress. The National Kidney Foundation office here receives an average of two queries a week from Congressmen whose constituents want to know where they can get treatment.

Relatives of four of the five cases detailed at the beginning of this article said they hoped any articles would trigger donations to help pay for the costly treatments.

The fifth, Mrs. Robert, is so thankful for her lifesaving treatment that she offered to do "anything people ask me to do. People are dying like flies."

George A. Baker, a Washington police detective and the brother of Mrs. Wheaton, organized fund drives here and in his sister's former home in Middlesex, N.J.

"She was so young, we couldn't sit by. We had to try to save her life," he said.

But relatives trying to find money for artificial kidney treatments find themselves on a heart-breaking merry-go-round of rejection.

VERY HARD

"It's very, very hard unless you're a millionaire," said Helen Kelly, mother of 5-year-old Brian.

"I talked to every agency listed in the phone book and some that weren't listed. I couldn't get any money," continued the divorced mother of four other children.

Carol Fleming has called all over the country trying to find a place for her brother, Francis Chesney.

"His will to live is gone. He just feels like he's going to die. He needs all kinds of help and I don't know what to do," she said after visiting her brother last weekend.

Even if funds were available, there are nationwide shortages of facilities and trained physicians to run artificial kidney programs.

Only about 2400 of the 3000 Americans who need artificial kidney treatments in a year get it. In Washington, Smirnow estimated that 300 persons a year need an artificial kidney. Only about 30 of them get the treatment.

Facilities here are limited. Smirnow said Washington is one of the only major metropolitan areas without a large kidney program.

The most active kidney center in the area is run at George Washington University Hospital, where Drs. Alvin E. Parrish and Norman Kramer have cared for 26 patients in two years.

NOT ADVERTISED

"We haven't advertised the program," said Dr. Parish. "Not too many people know we're doing it. We don't feel we could handle more patients."

Georgetown University Hospital, which started its program in 1950, concentrates on research and keeping patients alive until they can get a kidney transplant.

Some of their patients, such as Mrs. Robert and Chesney, must go elsewhere if they are to receive long-term, chronic artificial kidney treatment.

Now that the Federal Government has backed away from supporting long-term artificial kidney programs, most of its kidney treatment money goes toward transplant research.

In the long run, transplants may be the best way to treat patients with double kidney failure. There have been about 4000 kidney transplants since 1951, and doctors report that the survival rate is improving.

Current figures show that 90 per cent of the patients who receive kidneys from a brother or sister survive at least two years.

Transplants do not mean the end of artificial kidneys. The machines will still be needed to maintain patients until a donor becomes available.

As much as patients now clamor for artificial kidneys, the treatment does not insure a full and happy life. The record survival is about nine years. A recent study showed that 87 per cent of the patients survived a year on an artificial kidney.

Is it worth it?

Dr. Parrish admitted that he didn't know. "The patients that we have that are doing well think it is. But I don't know if the patients with trouble think it is."

Despite the drawbacks of the treatment, the question of who gets an artificial kidney—really, who shall live and who shall die—presents a painful dilemma for doctors.

Many communities have set up "life and death committees" that weigh such factors as a patient's general medical condition, age, value to the community and family responsibilities.

The George Washington program does not do this. Dr. Parrish said he takes anyone who has the money in the order they apply. And, he helps patients search for the money.

Even so, he admits it is "a bad situation" because it eliminates the very poor.

It also makes it possible for people like Mrs. Robert, who probably would be too old for most programs, and Mrs. Kesterson, who has a multitude of complicating ailments, to receive artificial kidney treatment.

The question of who shall live and who shall die will become more acute in the future, as science turns out more life-prolonging, but expensive tools such as the artificial kidney.

Without the kidney, Mary Kesterson, Arabell Wheaton, Evie Robert and Francis Chesney Jr. will die.

"That's it right there," said Linda Windsor, Mrs. Kesterson's sister.

"She knows if she doesn't get the machine she's not going to live. If she doesn't get the machine, she just has no hope."

RESOLUTION FAVORING THE ABM

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. LUKENS. Mr. Speaker, it is my firm belief that the American people do favor the construction of the proposed Safeguard ABM system. 90 percent of those who have responded so far to the questionnaire which I have recently sent to the constituents in Ohio's 24th District are in favor of establishing the ABM. Further evidence of public support for the ABM is indicated by a resolution which was passed recently by the Newtown Battle Chapter of the Sons of the American Revolution in Elmira, N.Y. I include this resolution in the RECORD at this point:

RESOLUTION

Whereas Secretary of Defense Laird has warned that the Soviet Union now leads the United States in Inter-Continental Ballistic Missiles by at least 150 missiles; and—in the words of Secretary Laird—"is going for a first-strike capability";

Whereas the Soviets now lead the United States in missiles of all types by 2,750 to 1,710;

Whereas the Soviet Union is rapidly overtaking the United States in submarine-launched missiles—and has achieved a two-to-one lead in killer submarines designed to destroy our Polaris submarines;

Whereas the Soviets already have at least 200 "SS–9" missiles, which carry a warhead of 20 to 25 megatons—while American missiles carry only one megaton;

Whereas the Soviet Union has developed an orbital bombardment system which could rain nuclear death on the United States in a matter of seconds;

Whereas the Soviets are now deploying a third-generation anti-ballistic missile system which, according to Secretary Laird, is nearly 80 per cent complete—and which, in the words of Soviet Marshal Malinovsky, is "for the defense of the entire Soviet Union";

Whereas President Nixon has proposed a modest and limited anti-ballistic missile system for America, pointing out that "If we do too much, it will cost us our *money;* if we do too little, it may cost us our *lives";*

Therefore, be it

Resolved That Newtown Battle Chapter, Sons of the American Revolution, urges the members of the United States Congress to support deployment of the Safeguard anti-ballistic missile system as recommended by President Nixon.

Resolution adopted unanimously in general membership meeting at Elmira, N.Y., June 12, 1969.

LEWIS S. VAN DUZER,
President.
ROY C. HULBERT,
Secretary.

PROFITS OF PORNOGRAPHY

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. LLOYD. Mr. Speaker, it is reported that there are 187 of us in Congress who have introduced legislation in an effort to curb the excessive use of the mails for the solicitation of pornographic materials of those who do not desire to receive it. This was of sufficient concern to me after petition by residents of my district to introduce one of the first bills on January 13, this year.

An informative article concerning the profits made by one of those who distribute these materials was printed in the Washington Post on Sunday, June 29. I think it would be of sufficient widespread interest to have it reproduced on these pages. It follows:

PORNOGRAPHY PRODUCER KEEPS SAMPLES FROM STAFF

(By Frank Murray)

LOS ANGELES, June 28.—Marvin Miller has one unbreakable rule for the 50 employes who print and ship pornographic books at his factory—no free samples.

Even Miller's 16-year-old son, in the mail room sending out books and magazines with pictures that make the Playboy style of nudity look like kid stuff, can't carry home any of the 500 titles.

Miller doesn't want gifts or free-lance sales by his employes cutting into his $10 million annual volume as one of the Nation's major producers of erotic material which he advertises as pornographic but denies is obscene legally.

"I'm in the business primarily to make money," said the graying and bearded Miller at his desk before a map of his marketplace, the United States.

Pornography is big business in America. It's made millionaires of Miller and others. And it's made monumental problems for parents and public officials.

An Associated Press investigation disclosed: About 200 companies in the country produce pornographic books, magazines and films. Their works flood, uninvited, into millions of American mailboxes and through a chain of distributors, onto the shelves of bookstores across the country.

Total sales of pornographic material are staggering. Estimates range upward from $500 million a year, dwarfing the likes of the huge Government Printing Office ($17 million annual sales). Miller says his hottest item, an amply illustrated handbook on intercourse, sold 500,000 copies in a year—or roughly equal to first-year sales of William Manchester's "Death of a President," 1967's best seller.

Postal authorities are swamped with complaints—167,792 in 1968 alone—from people who receive lurid advertising. President Nixon has demanded a law to keep offensive sex ads out of the mails, and 187 bills are pending in Congress to control the tidal wave of pornography.

Since 1957, when the Supreme Court decided the case of Roth vs. U.S. meeting the legal definition of obscenity has been as difficult as holding a greased pig. The Roth decision said that, to be obscene, the dominant appeal of material must be to prurient interest in sex, must affront community standards and must be utterly without redeeming social value.

In the dozen years since that decision, a flood of pornographc mail has inundated American mailboxes.

New court decisions generally have reinforced Roth. Almost any printed material with a story line, no matter how thin, is redeeming to a book of pictures otherwise obscene. And the community standard is being met, the courts have held, so long as others are selling material as explicit and lurid as what you've got to offer.

The latest decision, in a Georgia case, overturned laws forbidding possession of material admitted to be obscene.

". . . The mere private possession of obscene matter cannot constitutionally be made a crime," said the court. "If the first amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch."

Miller has cashed in on the court rulings. He reprinted the most recent decision as the cover page on his latest catalogue of sex publications. It not only helps sales but, he says, it reinforces "my moralistic point of view: that the establishment shouldn't control the thoughts nor the ways in which people wish to enjoy themselves."

Sales have been good. By his own accounting, Miller went into business three years ago with $25,000. Now, he says, his annual profit is several hundred thousand dollars and his net worth more than a million dollars. Evidence indicates his figures may be conservative. For example, his initial investment in the top-selling sexual manual was $2,000, including $1,000 to the couple who posed for the photos. His sales so far: $2.5 million or a thousand times his initial investment.

But other business costs run dear. Miller, 40, says he's been arrested 30 times in two years. Last December he was convicted on three counts of mailing obscene matter and sentenced to five years in prison. He's free on bail while he appeals.

In Los Angeles alone, Miller is fighting 54 counts of selling obscene books. He says his legal expenses last year topped $200,000.

Police say that of the more than 200 companies in the erotic trade, 75 per cent of them are in Los Angeles and suburbs.

A STATEMENT OF POSITION BY WGHP TELEVISION

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. PREYER of North Carolina. Mr. Speaker, at a time when there are so many forces working to divide us in this country, it is especially refreshing to note efforts to increase our awareness of the benefits of our American democratic system. One such effort on the part of a television station in my district has recently come to my attention. The following is a statement by the general manager, Mr. Philip J. Lombardo, of WGHP-TV, High Point, N.C., regarding that station's program to encourage display of our flag:

A STATEMENT OF POSITION BY WGHP TELEVISION PRESENTED BY PHILIP J. LOMBARDO, GENERAL MANAGER, AIRED MAY 20, 1969

It should be apparent to WGHP-TV viewers, through our daily schedule of news and entertainment programs, that station management stays abreast of the needs and desires of our community . . . and contributes, in every feasible way toward fulfilling these needs.

It should also be apparent, through its programming, that station management strives to contribute measurably to community efforts of betterment.

Therefore, it is *only* in matters of extreme importance that the *voice* of management is heard on the air.

Such is the case now.

We feel that the time has come for a renewed dedication of love of country.

These days, there are perhaps a number of definitions for the word *patriotism,* for *it,* like religious faith, is a very personal expression. The essence, though, of *any* definition is simply love of country.

We feel that the word patriotism should be heard more often . . . that the feeling should be expressed more often; and we know of no better way to begin, than to show, and be proud of, our symbol of national unity . . . the American flag. Such action demonstrates that we, as citizens, appreciate the many privileges that come with being an American citizen. With this in mind, channel eight is embarking on an energetic campaign of encouraging people to "fly it, it's yours." We will, make available during the coming weeks, the history of the flag, the history of national flag day, President Woodrow Wilson's 1916 speech proclaiming June 14 as National Flag Day, the most significant dates on which the flag is flown, and instructions on the proper way to display the American flag . . . to all teachers, student leaders, college professors, and ministers in our area. This is being done in hopes that they will find an opportunity to use the information in a class lecture or project, or a sermon, as the case may be.

Channel eight will also be encouraging individual expressions of patriotism by making available, without profit, American flags. All of our on-the-air personalities will be actively participating by broadcasting reminders of the importance of the flag. They will also be appearing at area shopping centers to demonstrate in a personal way, that channel eight is sincere in this effort, and we hope that you will display your patriotism by displaying an American flag.

"Fly it . . . it's yours."

HOW MANY SCHOOLS, HOSPITALS, HOMES AND JOBS COULD VIETNAM'S $330 BILLION HAVE CREATED?

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, no price can be put on the lives of the gallant young Americans who have perished in Vietnam. No American, whether his views be hawkish, dovish, or whatever, can be accused of not wishing to see an end of this bloodshed, an end to U.S. servicemen dying on the far-off Asian continent.

An article appeared in yesterday's Parade section of the Washington Post. Aside from the brief analysis of the South Vietnamese willingness to defend their land and their desire—or lack thereof—to see peace achieved is a startling statement concerning the cost to the United States of the Vietnam war.

Prof. James Clayton of the University of Utah, touted as an expert on the economic costs of war stated that, considering the costs of veterans' benefits and interest payments on Federal debts directly attributable to the Vietnamese war as well as the direct U.S. investment, the total price tag to be eventually handed to the American people, should we deescalate as quickly as possible will be a whopping $330 billion to $400 billion.

How many slums could have been razed and replaced by adequate housing for that amount of money? How many schools could have been built and teachers trained with these funds? How many local clinics and new community hospitals could have been constructed? How many job opportunities created? How much less your taxes and how much smaller the inflation rate? So many "hows" but my burning question is: "How Much Longer?"

The Parade article follows:

THE PRICE OF WAR

The feeling in Japan, Taiwan, Australia, and other Asian countries is that South Vietnam will show no sincere disposition to end the Vietnamese War until the U.S. starts to withdraw some troops.

Prosperity in Saigon has reached such an all-time high, so many profiteers are making huge fortunes because of the U.S. presence, that there is now a vested interst in maintaining the war as long as possible.

A group of South Vietnamese businessmen, visiting Tokyo to speed up their orders for consumer goods—cars, TV sets, transistor radios, tape recorders, etc.—admitted to a Parade reporter that the ARVN (Army of Republic of Vietnam) is pretty much a corrupt joke, that it will fold like an accordion once the Americans pull out. Sen. John Stennis of Mississippi, head of the Senate Armed Services Committee and one of Lyndon Johnson's original warhawks, is also honest and realistic enough to acknowledge the same truth. The South Vietnamese Army simply lacks the will to fight, to kill other Vietnamese, prefers to let the Americans do the killing and the dying.

The Saigonese businessmen predict that the U.S. will begin to withdraw some troops in August unless President Thieu can manufacture emergency reasons for their indefinite retention such as another imminent enemy offensive. They also have the feeling that the U.S. military in Vietnam will try to retain American troops there as long as possible, always on the grounds that the enemy has just about had it and that one more big push will do the trick.

Meanwhile, the price of the U.S. involvement continues to skyrocket with more than 40,000 American dead in action and accidents, more than 200,000 wounded, more than $110 billion already spent. Worse yet, the future costs to the nation in veterans benefits will approach another $50 billion. Add to this the interest payments on federal debts directly attributable to the Vietnamese war, and the final cost will approach $350 billion.

Professor James Clayton of the University of Utah, an authority on the economic costs of wars to the American people, has just finished a book, entitled *The Economic Impact of the Cold War* which Harcourt, Bruce & World will publish next year.

"I estimated $330 billion as the final total of the Vietnamese war, providing we deescalate in a hurry," Dr. Clayton declares. "But that figure is an absolute minimum. A more realistic figure would be $400 billion.

"I know that figure boggles the mind. But it's true. People simply have no idea how much this nation spends on veterans' benefits and war interest payments.

"For example, World War II cost $381 billion. Veterans' benefits from that war have already cost the nation $75 billion and will in the end reach the staggering total of $476 billion. In addition, the nation will have to pay $200 billion in interest payments. Do you realize what that adds up to? One trillion and fifty-seven billion dollars."

Dr. Clayton points out that many politicians are worried about the $28 billion specifically alloted this year for the war in Vietnam. "What they do not know," he adds, "or seem to realize is that this year we will also spend $21 billion on interest payments for World War I, World War II and the Korean War.

"War is not only hell," he explains, "but fantastically expensive."

AUDIO-DIGEST—A SERVICE TO THE MEDICAL PROFESSION AND A MONUMENT TO REPRESENTATIVE PETTIS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HOSMER. Mr. Speaker, because of the vision of one of our colleagues from California, Representative JERRY L. PETTIS, medical doctors in the United States and in many other parts of the world are treating their patients with greater skill and knowledge than ever before.

In 1951, Mr. PETTIS, aware of a gap in transmission of new medical knowledge from the journals and meetings of that profession to its practitioners, conceived a way to bridge it. He proceeded on the theory that the "eye time" of doctors is almost entirely consumed by duties, thus preventing them from doing extensive reading. But that their "ear time" is not so consumed. They might listen on a portable recorder while driving between calls in preference to listening to a car radio. There might be other times when audio inputs could be sandwiched in.

Mr. PETTIS and Claron L. Oakley decided to put the knowledge of current developments desired by M.D.'s on concisely and professionally edited tapes to which the profession might subscribe on a regular basis.

Today, more than 86,000 physicians keep abreast of the newest developments in medicine by this means. The fascinating story of PETTIS and Oakley's Audio-Digest is told in the following recent feature article from the Glendale-Burbank Independent Newspaper:

GLENDALE'S AUDIO-DIGEST MEDICAL TAPES ENCIRCLE GLOBE

(By Katherine V. Sinks)

Men and women engrossed in fields of medicine—around the world—are using their ears to keep full pace with space-age projects and accomplishments in their profession.

And they're able to do it because of an idea that struck a public relations man, Jerry L. Pettis, with tremendous impact in 1951—in Glendale.

The result—the founding of Audio-Digest, now Audio-Digest Foundation, a subsidiary of the California Medical Assn., which has its mailing facility offices at 1250 S. Glendale Ave., and sends out through Glendale Post Office an average of 55,000 recorded tapes a month to foreign and domestic destinations.

The tapes, all in English, weigh from three to seven ounces each, and go to physicians, private and government hospitals for their use in advancement of medical technology.

More than 86,000 medical personnel around the globe now listen regularly to Audio-Digest tape recordings on a subscription basis.

There are eight twice-a-month tape services, each recording (no advertising included) 24 one-hour tapes a year. They cover anesthesiology, general practice, internal medicine, obstetrics and gynecology, ophthalmology, pediatrics, surgery and otorhinolaryngology.

Pettis, now Congressman from California's 33rd District, is executive vice president of Audio Digest Foundation, of which Dr. Donald D. Lum of Oakland is president.

Claron L. Oakley, a public relations-news-radio personality, now is vice president and editor, with main offices at 619 S. Westlake Ave., Los Angeles. He does the master taping after an advisory board of 96 nationally and internationally known specialists evaluate 2,000 of the 50,000 reels of tape made during a year.

Evaluation is based on content, the speaker's ability and new material. Voices heard are predominantly those of medical men and women.

Eugene V. Eckert is manager of the Glendale office, heading a staff of 65.

Oakley recalls the day when Pettis "brought to me the basic idea that was to jell into our present Audio-Digest format of marrying and molding stacks of medical journals into stacks of raw tapes recorded at leading medical meetings."

He says his college training had given him both microphone and writing experience. With Pettis he recalls, "I doubled in brass as narrator and compiler of the pilot programs that we set out to sell through exhibits at several local medical associations."

The first one was at Loma Linda University's annual post-graduate convention, where Pettis and Oakley secured their first dozen subscribers.

According to Oakley, "based on the pure faith these subscriptions engendered; we decided to go whole-hog and commit ourselves to one weekly program in the field of general practice."

Mrs. Pettis and Mrs. Oakley became their sales representatives, and Oakley says, "We gave them a flat 15 per cent commission on their subscriptions and tape recorder sales and sent them off to all corners of the country to peddle our product."

The result—"doctors signed up for our service in a steadily increasing number."

Oakley continues his success story—"During those exciting early days our first offices were in the garret of a friendly advertising agency on East Broadway in Glendale.

"When my living room got too noisy to serve as a recording studio (barking dogs and playing children sometimes mingled in with my booming baritone description of therapy for chronic ulcerative colitis) we shifted the weekly mastering to the Voice of Prophecy studies on East Chevy Chase Drive.

At this time Pettis and an Australian engineer immigrant set up a separate tape duplicating company.

Oakley says, "While the sole customer was Audio-Digest in the beginning, they were a pioneer in the tape duplicating industry and recently sold their Hollywood-based studios for a substantial sum."

Sixteen years ago, the California Medical Assn., Oakley says, "saw sufficient promise in Audio-Digest that its House of Delegates adopted the experiment in continuing post-graduate medical education and loaned $10,000 to demonstrate to physicians that tape-recorded reports from journals and other professional sources could be among effective means of staying abreast of medical developments."

He points out, "From that shoestring start,

the endeavor has done nearly $7 million in subscriptions volume since its acquisition as a subsidiary of the California Medical Assn."

INTO THE FUTURE

Looking forward Oakley says, "We anticipate still further specialties will be added to our present stable of eight services."

Noting that automobile manufacturers have stereo tape equipment as an optional feature, he says, "We are viewing adopting our monaural spoken word to their eight track, stereo-intended cartridge. The services now is available on cassette cartridges and reel-to-reel."

Although video tape home units still are expensive and there are production cost problems, he expresses confidence that "in the next decade we will be producing mailable tapes for doctors, that will enable them to sit in their offices, dens or even recline in their bedrooms while they watch—and not just hear—the nation's greatest teachers and clinicians explain their latest procedures in diagnosis and treatments."

Finally, he predicts, "When this day comes Audio-Digest will be prepared to chart still further significant areas in this complicated and crucially important problem of keeping the practicing physician conscience-free and truly abreast of the latest developments in his field."

Yes, Glendale-founded Audio-Digest has made medical men and women around the world sit up and listen—and present plans give assurance it won't be too many years before they'll not only be sitting up and listening—but looking as well.

"THE SANDS OF THYME" TO MAKE USO TOUR TO THE PACIFIC HOSPITALS AND KOREA

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BARING. Mr. Speaker, a highly commendable summer tour and an exciting adventure is about to begin for three of my youthful Nevada friends. I am speaking of the "Sands of Thyme," a young singing group from Las Vegas, Nev. The three, Brent Rawlings, Jacquelyn Shamo, and Timothy Cory, have just departed the United States on a USO tour of several Pacific hospitals and Korea.

If I may quote from a press release from the USO public relations department:

"The Sands of Thyme," a refreshing young and talented trio of folk-rock musicians, will tour Korea military bases, and hospitals in the Pacific for 45 days starting 27 June 1969. The three youngsters—one girl and two boys from Las Vegas—who are presently students at Brigham Young University, are sponsored by USO and the Department of Defense.

The three teenagers, who were all born and raised in Southern Nevada, are: Jacquelyn Shamo, vocalist; Brent Rawlings, guitarist-vocalist, and Timothy Cory, guitarist-vocalist.

"The Sands of Thyme" have proved very popular on campus this year. They have appeared in various concerts and on TV station KBYU and with BYU traveling assemblies. They are sure to be just as popular with the servicemen they entertain.

This show, like others playing the USO overseas circuit, is made possible by the voluntary contributions to the USO by the American public through their Community Chests, United Funds, Combined Federal Campaigns, and other voluntary donations.

The efforts this summer of this young singing group, Mr. Speaker, should be noted for the commendable results their 45 days' tour will have on our service men and women serving their country valiantly overseas. I salute this trio and other similar USO groups.

OVERPOPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BUSH. Mr. Speaker, as chairman of the Republican Task Force on Earth Resources and Population, I would like to comment on two newcomers to the Washington scene. They are Dr. Philip Handler, the new president of the National Academy of Sciences and Dr. Roger Olaf Egeberg, the Assistant HEW Secretary for Health and Scientific Affairs subject to his confirmation by the Senate. I was extremely heartened by the sense of urgency expressed by both of these national leaders on the problems of overpopulation and dwindling resources. In a recent interview with This Week magazine, Dr. Handler stated:

The greatest threat to the human race is man's own procreation. Hunger; pollution; crime; overlarge, dirty cities—even the seething unrest that leads to international conflict and war—all derive from the unbridled growth of human populations. It is imperative that we begin a research campaign in human reproductive physiology. Second to the problem of overproduction is that of feeding the world. As we look toward the end of this century, we get closer to the time when the total food supply becomes limiting. If we do not provide more food, we face worldwide famine.

Dr. Egeberg has displayed his keen awareness of the crisis our world is facing by emphasizing that at the top of his list of priorities will be intensified efforts in environmental and population control through technological innovations and family planning, the reclamation of waste products, and the development of a low pollution automobile.

We look to these two men for dynamic and purposeful leadership as the new administration charts its course.

I include at this point in the RECORD the text of the interview with Dr. Handler:

OVERPOPULATION: NEW SCIENCE PRESIDENT SEES IT AS GREATEST THREAT TO MANKIND

"Man is on the threshold of a biological revolution," says biochemist Philip Handler. "It will influence the life of each of us just as greatly as the industrial revolution affected every living person."

On July 1, Dr. Handler will leave his position as chairman of the Department of Biochemistry at Duke University Medical Center to become president of the National Academy of Sciences. This organization of the country's 846 most esteemed scientists serves as official advisor to the government on matters of science and technology.

This Week interviewed Dr. Handler about his views on what lies ahead in the biological sciences.

TW. Will you define what you mean by "biological revolution"?

Dr. HANDLER. I mean that our understanding of living things is now so comprehensive that we should soon be able to apply that information to human affairs, in order to improve the condition of man.

TW. In what major areas will this knowledge be put to work?

Dr. HANDLER. In population control, food production, health, control of the environment, and directing the evolution of our own species.

TW. Any reason for the order of your list?

Dr. HANDLER. The greatest threat to the human race is man's own procreation. Hunger; pollution; crime; overlarge, dirty cities—even the seething unrest that leads to international conflict and war—all derive from the unbridled growth of human populations. It is imperative that we begin a research campaign in human reproductive physiology.

TW. Don't we already know enough?

Dr. HANDLER. We thought we were quite knowledgeable, until today's problems pinned us to the wall. Our knowledge turned out to be primitive.

The oral contraceptive pill and IUDs (intrauterine contraceptive devices) have been successful because they divorce the act of sex from the act of using contraception. What we now need is a cheap, safe mechanism in which failure to use contraceptives would result in failure to conceive, rather than the present situation, which is the other way around—failure results in conception.

TW. What's the outlook for this?

Dr. HANDLER. There are several approaches—by immunology, particularly—which offer some promise.

TW. What's the next most serious challenge?

Dr. HANDLER. Second to the problem of overpopulation is that of feeding the world. As we look toward the end of this century, we get closer to the time when the total food supply becomes limiting. If we don't provide more food, we face world-wide famine.

TW. What solution do you propose?

Dr. HANDLER. There are hundreds of thousands of plants, and we must systematically investigate them to see whether some could be bred into new forms. No new basic foods have been developed since the start of history.

TW. What about food from the sea?

Dr. HANDLER. The seas could be exploited on a much larger scale. For example, oysters, clams, and other shellfish could be grown in bays. We surely can grow more than we presently take from the sea.

But I really think this type of activity—"aquiculture"—won't happen in the sea at all. When we become serious about growing fish, we'll grow them in "factories." That's how chickens are raised today.

TW. Are there any other new approaches to feeding the world?

Dr. HANDLER. Today, we can take a fertilized frog egg, insert the nucleus from a cell of another frog, and the egg will develop into a frog that is a perfect twin of the one that provided the transplanted nucleus. It's merely a matter of time before we can switch from frogs to mammals. When we do that, we should be able to make perfect copies of the best bull or cow in the world. We can make any number we desire, and thus markedly upgrade food production.

TW. What is the outlook in medicine?

Dr. HANDLER. We all know that the major killers and incapacitating disorders—heart disease, cancer, rheumatoid ailments—are still with us. We've managed to contain infectious diseases only.

I'm sure that with time we'll have much-improved preventive and therapeutic techniques for many of the remaining diseases. Atherosclerosis, for example, is the underlying process of much cardiovascular disease,

in which the arterial walls are plugged with calcium and fatty materials. I don't believe that's necessary. There should be some way to prevent it.

There are small cracks in the problem of cancer. I have reason to believe that in the near future, we'll learn, if not how to prevent it, how to cure early cancer.

TW. About death itself?

Dr. HANDLER. Well, about aging. I would like to see life like Shangri-la, where you stay physically young until you're 100, and then you die. Whether we can do this depends upon our understanding of the biological clock for man. If we knew what it is, it's conceivable we could intervene.

TW. You mentioned man's environment as a major problem.

Dr. HANDLER. It hasn't been really very long—10,000 years—since human beings belonged to tribes of wanderers that foraged and hunted. Each species radiates into a niche, finds a place to which it's suited, and becomes dominant there. Our species migrated that way when it was small, wandering in tribes and clans.

Genetically, we can't be very different from our early forebears. The question is whether a species that achieved dominance under primitive conditions can accommodate itself adequately to living in cities. Biologically, the odds are against man doing equally well under such an utterly different set of circumstances than his beginnings. I don't know the extent to which mankind can survive successfully in large urban concentrations.

TW. Your last point was evolution.

Dr. HANDLER. There are something over 300 known hereditary diseases of man. We have learned to circumvent a number of them by keeping young people alive who suffer from those diseases. They grow up and reproduce, and spread their genes in the population. Instead of improving, the genetic pool of mankind is deteriorating. I think the total good of humanity demands that we minimize the incidence of these defective genes. We have no historical ethnic to guide us in this matter, but perhaps such people should not be allowed to procreate.

The other side of the coin is to prevent the problem in the first place. There are some who hope to make DNA—containing only "good" genes—and insert it into the germ plasm of prospective parents. Maybe that will be possible in the distant future.

Or you could improve inheritance by breeding. As its farthest extreme, using the process I described for cattle, one could, conceivably, deliberately make more Einsteins, Mozarts, or whomever you choose. Another, more practical way is to pick distinguished men and preserve their sperm by freezing it in "sperm banks." Then married couples might enjoy their own sex relationship, but when they want to have a child, use sperm from the sperm bank.

TW. Dr. Handler, you have described a possible world that includes brand-new kinds of food, freedom from dread diseases, the possibility of greatly extended life span, even the control of man's own evolution. Are we ready to operate this civilization? Do we know how to perform and accept the new values it will impose?

Dr. HANDLER. No, we don't know enough yet. But that doesn't mean that we should stop producing new technology. Compared with the natural sciences and engineering, the social sciences are relatively primitive. The degree of understanding of man as a social creature is not yet adequate to our task, as is evident in our domestic and international problems.

But, in part, these problems arise because technology has been so successful. It's the comfort enjoyed by 80 per cent of our population, brought about by technology, that makes possible the dream of a society in which the other 20 per cent can live equally well.

Technology also gives us responsibilities. It gave us the ability to destroy humanity on just the same scale, and we haven't really learned to manage that capability yet. That's where our lack of social understanding limits us badly.

A sophisticated blend of social and behavioral understanding with modern technological capability could truly usher in a new era for mankind, if we can avoid a holocaust in the interim.

THE ST. LAWRENCE SEAWAY—A WARNING TO THE CONGRESS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BRAY. Mr. Speaker, in my first term in the House, 1951–53, I was a member of the Public Works Committee, and I very well remember the committee's refusal of authorization for construction of the St. Lawrence Seaway.

Our reason for refusing, at that time, was not that the seaway would not have great benefits, but that the facts as to its costs and benefits were grossly misrepresented to the committee. For that reason, it was impossible to make any sort of accurate determination.

The committee's wisdom in its questions are disclosed in the following article from the June 26, 1969, Wall Street Journal:

THE DECADE-OLD ST. LAWRENCE SEAWAY

(By Robert B. Shaw)

Just 10 years ago, on June 26, 1959, Queen Elizabeth and President Eisenhower—with then Vice President Richard M. Nixon also participating in the ceremonies—formally inaugurated the new St. Lawrence Seaway. (Actually, it had been opened to navigation a few months earlier.) Thus, an ardent dream of many Seaway enthusiasts was realized, a 27-foot channel extended into the heart of the continent, and such cities as Chicago, Milwaukee and Duluth became Atlantic ports. The long-standing monopoly of the railroads, exercised to the disadvantage of the prairie wheat farmers and Midwestern manufacturers, was finally broken and, in the eyes of Seaway proponents, a new surge of prosperity was assured for every community and every enterprise lying anywhere close to the Great Lakes or the Seaway itself.

The Seaway development is certainly one of the most impressive engineering projects ever conceived and executed. It also represents a major political triumph—the culmination of efforts that had, for generations, stirred emotions, divided otherwise congenial factions and inspired politicians to unusual flights of oratory.

A MATTER OF GEOGRAPHY

Attitudes toward the Seaway a decade ago were largely based upon geographical location, cutting across conventional party and economic lines; the scheme was favored by the Great Lakes area and communities lying along the St. Lawrence River, and opposed chiefly by the Atlantic ports and other cities along existing land transportation routes or at transshipment points. Every kind of political chicanery was used to win votes for the Seaway project, and in Seaway territory support for the program became an article of faith, which no right-thinking citizen could disavow. For several generations its opponents managed to stave off the project, but eventually the "positive thinkers," buttressed by the Department or Commerce, the Army Engineers and at least perfunctory support by every President since Wilson, triumphed, and the Seaway ceased to be a dream and assumed reality—but only after four years of extensive construction activity, involving the relocation of entire communities and the expenditure of more than $1 billion.

The precise cost of the undertaking is by no means clear. The project was divided between navigation and power aspects, and the amounts allocated to each were somewhat arbitrary; even some proponents would admit that many navigation costs were shifted to the power account to make the project more palatable. As always, the actual outlays greatly exceeded the estimates, and the admitted cost of the navigation feature was finally placed at $124 million, about 85% above the initial forecast. This was the burden of the U.S. Government only, chiefly for the Snell and Eisenhower Locks and the Wiley-Dondero Ship Canal, near Massena, N.Y.

But the Seaway was also an international project, and the Canadian government spent $322 million for navigation improvements on its territory. Adding the approximately $300 million spent for power developments by each country, the total cost reached a figure well in excess of $1 billion. Even this was not all, for the success of the project required costly harbor improvements at many aspiring ports, not reckoned in the stated cost of the Seaway.

The Seaway in its present form was not the first navigational project along the St. Lawrence River, nor is it necessarily the last. The first attempts to canalize the river and bypass the dangerous Lachine rapids near Montreal were begun by French officials as early as 1689. By 1848, more than a century ago, the river was completely canalized by a nine-foot channel and a series of 53 stone locks, and occasional small vessels were already clearing Chicago or Milwaukee for European ports. By 1900 the channel had been deepened to 14 feet, while the Welland Canal, bypassing Niagara Falls, has been rebuilt no less than three times—and is currently being enlarged for the fourth time, at a projected cost of $110 million. To be sure, the 14-foot channel still excluded large or even medium-size ocean vessels, and thus the campaign to achieve the present 27-foot channel was launched and accomplished. But the Seaway in its present form, accommodating vessels up to 25½ foot draft and 730 feet in length, may also turn out to be no more than a transitional stage in a more ambitious and more costly project yet to come.

While the motives that influenced the Seaway proponents were often no more than thinly disguised self-interest, the major official argument was that the project would pay its way, that it was financially sound. To contend this, it became necessary to make optimistic traffic projections. Many estimates were fantastically large; the Department of Commerce, for many years one of the most ardent drum beaters for the Seaway, issued traffic projections ranging from 57 million all the way up to 84 million tons annually. Seaway Development Corp., the agency charged with direct responsibility, made much more modest forecasts, starting with projected tonnage of 25 million for 1959, the first full year of operation, and rising gradually to 48 million tons in 1966.

TRAFFIC FIGURES

In actuality, traffic lagged considerably below even these restrained estimates for many years. In 1959, in the St. Lawrence international section, volume amounted to 20.6 million tons, versus 25 million projected, and in 1960 it declined slightly. Subsequently, traffic did increase consistently, although the shortfall reached its maximum of 11.4 million tons below the projected 37 million in 1962. Thereafter, things went better, and the 1966 tonnage of 49.2 million finally exceeded the target of 48 million. In 1967 traffic volume dropped off sharply, reflecting a drastic reduction in the export movement of grain.

and a recovery to 48.0 million tons in 1968—despite a strike of Seaway employes—still left traffic a trifle below its 1966 peak.

But in achieving its traffic target, even belatedly, the Seaway had one powerful stroke of luck that was never counted upon by its old proponents—and that was the rapid exploitation of the large iron ore deposits in northern Quebec and Labrador. Thus, the iron ore traffic increased from a negligible volume when the Seaway opened to 17.9 million tons, 37% of the total for the international section, in 1968, and has also exceeded the total grain traffic in both 1967 and 1968. Without this unexpected boost the success of the Seaway would have been extremely dubious.

One disappointing feature has been the severe lag in general cargo transits. Approximately 85% of all traffic consists of bulk cargoes. Although ocean-going tramp steamers do unload Volkswagens in Milwaukee and take on agricultural machinery for Europe, and the very existence of the waterway serves as a restraint upon railroad rate-making procedures, the old dream of turning Mid-western cities into bustling international ports is far from realized. Moreover, U.S.-flag vessels handle only 4% of all traffic between this country and foreign (other than Canadian) ports.

Because the basic legislation authorizing the seaway provided that it should be self-supporting, whereas traffic has lagged severely during most of the decade now ending, the Seaway has unavoidably encountered financial difficulties. Actually, the Seaway is charged with only the $124 million navigational construction debt incurred by the Treasury; it was required to pay interest on this at rates averaging 3.46% and to retire the debt over a period of time.

Operating expenses of the Seaway have been covered comfortably, but the remaining surplus has been far from sufficient to pay the interest, so that arrearages have accumulated steadily, lifting the debt to $142 million. It was only in the seventh year of operation, in 1966, that interest was covered for the first time, and then only by the narrow margin of $200,000 on a total of $5 million.

The law provided that if the Seaway was not self-supporting tolls were to be increased until it was, but Midwestern legislators and governors, particularly Senator William Proxmire and Representative Henry Reuss, both of Wisconsin, and Senator Walter Mondale of Minnesota, have vigorously opposed any increase in transit fees, and have countered with several proposals by which the debt would be written off. These politicians complain, perhaps with some justification, that the Seaway is the only Government project that is expected to operate on a sound economic basis. While this may be true, their remedy would amount to a violation of the understanding under which the Seaway proposal finally won majority support. The Seaway Development Corp., faithful to the charge upon it, has periodically proposed toll boosts, but these have been generally stalled off by the politicians. However, in the fall of 1968 increased charges aggregating 50% were placed in effect, the first advances since 1963.

The Seaway has certainly been no boondoggle. It operates efficiently, accounts for all costs fully, reports its results to the public in readily understandable terms, has more than covered its operating expenses, and may yet—if it is not released from this responsibility by the politicians—manage to cover its capital cost as well.

And, as a matter of fact, $1 billion no longer looks like such a heap of money; the Federal Government's share in the controversial SST development project has been set at $953 million; the Arkansas River plan will cost well over $1 billion, and the Interstate Highway Program has been budgeted at no less than $60 billion.

FALLING SHORT

But if the Seaway had been a private project it would have long since defaulted, and a large part of its capital would have been wiped out by bankruptcy. On the operating side it has been an extremely successful bulk cargo carrier, but many of the benefits confidently promised by its advocates have fallen far short of the mark, or have even failed altogether. In northern New York State, for example, the Seaway contributed nothing more than a temporary construction boom; now that it is completed the ships sail sedately past Massena and Ogdensburg without in any way allaying the local economic decay.

As an exercise in politics the Seaway has achieved outstanding results; as an economic entity it cannot be described as more than a limited success.

STOP THE SPOLIATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of June 27, 1969, carried an editorial pointing out the need for immediate and forceful action to prevent spoliation on our environment. I believe that establishment of an independent Council on Environmental Quality, as is provided in my bill, H.R. 6750, would do much to assist in the battle against environmental contamination.

So that my colleagues might be aware of the Christian Science Monitor's views on this matter, I insert the text of the editorial at this point in the RECORD:

[From the Christian Science Monitor, June 27, 1969]

STOP THE SPOLIATION

Almost every week a new warning signal flashes to show that mankind is being dangerously careless in their stewardship of planet Earth. The other day it was a United Nations report that pollution damage to the human environment—air, sea, and land—is threatening a crisis of global proportions. Now comes the killing of millions of fish in the River Rhine, the destroying Lorelei apparently a potent insecticide leaking into the river waters.

How much dire warning does mankind require, to be made sufficiently alert to the need for immediate and vigorous measures to halt the despoliation of this "blue and beautiful" planet? Perhaps there should be general thankfulness that the danger signals are popping up, one after another, so that no one—no citizen, no industrial corporation, no government anywhere—can say there hasn't been warning.

Particularly does the responsibility lie with the United States and other heavily industrialized, modernly affluent countries. A California expert says the United States is responsible for one-third to one-half of the contaminants introduced into the atmosphere and the oceans. But the United Nations report from Secretary-General Thant stresses that poor and prosperous nations alike are threatened by various phases of this environmental blight and must join forces.

The UN General Assembly has, in fact, approved a global conference for 1972, designed to study the problem and underscore the remedies. Some UN parleys in the past have done little beyond handwringing. This one, embracing all 126 UN members plus members of related agencies, could really mobilize mankind, if warning bells ring loud and clear.

One peril is, of course, the world's population explosion. Too many people can simply overwhelm the environment. Another peril is the danger of carbon dioxide poisoning of the atmosphere. Another is the proliferation of hazardous insecticides, disturbingly visible in that carpet of decaying fish floating down the Rhine. Lurking in the background are mankind's nuclear experiments and its chemical and biological warfare devices, if these get out of hand.

Is this grand planet to become a junkyard and a cesspool? Such a conclusion is by no means inevitable. Mankind can begin to take reasonable care. Industries, for instance, will need to include regularly the price of anti-pollution measures in their production costs. Safer insecticides are evolving. In America more funds can be sluiced into river cleanup and smog control. A civilization that produces five pounds of refuse per person per day can launch educational antiwaste campaigns.

But the time to begin "Operation Cleanup" is right now, before further deterioration of the physical environment sets in.

UNION PAINTERS DO REAL JOB OF COMMUNITY RELATIONS IN BUFFALO AND WESTERN NEW YORK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DULSKI. Mr. Speaker, in these days when problems and discontent seem to surround us, it is heartwarming to hear of the good work and humanitarian measures that are being accomplished, often in very quiet fashion.

Such is the case with the work of Painters Council, District 4, AFL–CIO of Buffalo and western New York.

This organization, under the direction of Business Manager Kenneth C. Carlucci, has a record that merits the plaudits of all. The instances are many, but they are well detailed in an excellent column which recently appeared in the Buffalo, N.Y., Courier-Express under the byline of Columnist Anne McIlhenney Matthews.

Following is her June 26 column:

PAINTER'S CIVIC TASKS HAILED

(By Anne McIlhenney Matthews)

If all unions emulated the Painters Council, District 4, AFL–CIO, of Buffalo and Western New York all headaches and many of the problems in community relations would disappear.

"Bits and pieces" (as the British press puts it) have seeped into the news and into the consciousness of the community concerning what the council has done, is doing, and plans to do, but when you put them all together and assemble a whole story of the big "package" of the council's local enterprises it is big enough news to merit national and worldwide recognition.

The logical man to tell the story is Kenneth C. Carlucci, business manager of the council and therefore chief administrator of its endeavors. Carlucci succeeded James H. Wolford in this job six years ago when Wolford was promoted to general representative of the Brotherhood of Painters.

The biggest piece, of news community enterprise-wise is that the council plans to get into big-time realty business as have other

unions in the nation, notably like that of the restaurant-hotel employes union in Chicago. The council hopes to erect a $10 million, middle-income and luxury housing project on Buffalo's waterfront, west of the Marine Dr. apartments, east of the Thruway and on the man-made island that is projected by the city and state in their plans. A letter of intent has been sent by the council to the state director of urban development, Edward Logue, and the council is now awaiting the "go-ahead" to complete plans contingent on the preliminary site work to be done by the city and the state.

SEED MONEY FROM COUNCIL

Under the plan the state will provide 93 per cent of the money for the housing complex but the council will provide the seed money and manage and administer the enterprise. The project calls for 2,500 housing units for middle- and luxury-income tenants.

Many of the Council's community activities stem from collaboration by union painters and area contractors on a program created by both but administered by the painters council. This is a community "involvement" in its deepest sense, financed by a portion of the hourly wage of every union painter which goes into a fund. The "contributions are forever lost to the individual painter and constitute a giant finance pool for charitable endeavors.

Last year this fund was tapped for a pledge of $1,500 for a popes concert to help put the philharmonic drive over the top. In other recent years union members have painted the Catholic Pamphlet Society in Fillmore Ave.; the West Side Rowing Club; Neighborhood House in Lemon St.; the Girl Scout Camp Aloha in Wales Center; the Children's Dining Room at the Crippled Children's Guild, 936 Delaware; and they have cooperated for the last five years with the Clean-Up, Paint-Up Week doing one major project each year.

In this connection they painted the Wilcox Mansion, scheduled to be a National Historical Shrine; all the Police Athletic League centers; and last year the old Warner Brothers Bldg. on Franklin St., now the head office for the Assn. for Retarded Children.

CHRISTMAS LIGHTING CONTEST

For the last three years they have sponsored and contributed prizes to an annual Christmas Lighting Contest for the best decorated homes.

For the last two years they have spearheaded a project of Christmas gifts for servicemen in Vietnam, sending more than 2,000 each year.

"We always hope we will never have to do it again," Carlucci said.

Immediately after the Pueblo crisis, the Council bought 1,000 automobile bumper stickers from Cmdr. Bucher's wife and distributed the remainder, "Remember the Pueblo," among its membership.

Each Christmas they have a party in honor of the Buffalo Bills and their families at Leisure Land in Hamburg. To this they add their own families, plus a guest list of 200 orphans or retarded children. The evening is replete with gaiety, autographs from the Bills, games and gifts for every child. This now is agreed on as an "annual affair."

For the last five years they have bought a block of 25 seats at every Bills home game and each Sunday they have escorted a different group of retarded children to the stadium. Two summers ago they bought out the entire stadium for a special Bisons game and gave the tickets to Neighborhood Houses, boys clubs, and other such activities in the inner-city.

They have fun doing this too! They have taken groups of 50 senior citizens to the circus, realizing that the Big Top is not just for kids. Several weeks ago they took 19 nuns (the Felician Sisters from Villa Maria College) to the Hamburg Raceway for dinner and a night at the races. Carlucci regrets that the painters escort didn't profit from prayerful guidance. The sisters "collected" on every race and all were winners on the "natural," a filly named "Sister Blue."

ANNUAL SCHOLARSHIPS

For the last two years they also have awarded two scholarships of $1,000 annually to children of union contractors and painters in the name of the James H. Wolford Scholarship fund.

Both Wolford and Carlucci were cochairman with Msgr. Franklin Kelleher of the Golden Gloves tournaments in recent years and the council has painted the old kitchen and auditorium of the Working Boys Home in Vermont St.

There are many more "bits" among the "pieces."

The council sponsored many bowling teams both for adults and youth; double A and midget baseball teams; midget football and touch football for adults, and dozens of other recreational programs.

One of their own personal projects also has vast community impact. This is the Painters District Council No. 4 complex at Virginia and Elmwood. One building is for the retraining of journeymen and apprenticeship training. One being completed will be a headquarters office building.

CLEANUP MOVE THWARTED

Long as "eyesore" corner featuring a dilapidated gas station and cleaners store with the upstairs rooms constantly raided by police as a bookie joint, the council wanted to buy the whole block bordered by Elmwood, Virginia, Mariner and Allen, tear down all of the houses which are in various stages of disrepair and erect a modern housing project for low and moderate income tenants. The city blocked the endeavor with a ruling that it violated some sort of code endorsement.

However, it is still a council "dream" ardently backed by Allentown Village members.

After a recapitulation such as this one wonders where the man at the helm finds time to do all these things. But the adage "ask a busy man" applies particularly to Carlucci because "in addition" he is chairman of the Allocations Committee of the United Fund; on the state Joint Legislative Commission's Social Studies and Civil Service Committee; on the Regional Planning Committee of the State Legislative Commission; on the Executive Board of the AFL Central Body and also on its Port Council; vice president of the New York State Painters Conference; former executive secretary of the Town of Tonawanda Heart Drive and a director of the town's March of Dimes; past commander of Amvet Post 59; member of the Disabled Vets and the Loyal Order of the Purple Heart; life member of the Crippled Children's Guild, etc.

The "etc." means that he also is active in church work and, like Wolford who is noted for singing The Star Spangled Banner at local functions, he studied music with Miss Julia Mahoney at the Community Music School.

And, yes, I couldn't resist the cliche! I asked him what he does in his spare time!

FEMALE DRIVE SPEARHEADS HILL DISTRICT PROJECT—MRS. CHRISTINE GARDNER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MOORHEAD. Mr. Speaker, whenever the matter of the urban poor is discussed, there are always a few individuals who say that the principle trouble with the slumdwellers is that they lack the desire to do anything about improving their environment.

In rebuttal to this oft-repeated statement, I would like to hold up the achievements of Mrs. Christine Gardner as shining proof that the dwellers within the ghettos of the cities do possess an ardent wish to clean up their neighborhoods.

Mrs. Gardner's name is certainly not new to the Halls of Congress. Indeed, her participation in the battle to aid the passage of the 70-cent minimum wage law in 1949 has already enshrined her name in the RECORD. Since then, she has been active as a member of the advisory board of the Housing Authority, the board of Citizens Against Slum Housing—CASH—the housing courts procedure committee and the Code Enforcement Committee's advisory board to the mayor's office. Now, as the chairman of the Neighborhood Mini-Code Housing Committee, Mrs. Gardner is in the forefront of the drive on the local level to clean up and improve ghetto areas that have been ravaged by riots.

In a recent article by Barbara Holsopple, the Pittsburgh Post Gazette praised Mrs. Gardner for her unstinting efforts toward community action. At this time I would like to insert this article into the RECORD for the attention of my colleagues:

[From the Pittsburgh (Pa.) Press, June 15, 1969]

FEMALE DRIVE SPEARHEADS HILL PROJECT

(By Barbara Holsopple)

Christine Gardner is a prime mover in the drive to clean up Pittsburgh slums. But she doesn't necessarily want them torn down.

"Too many people think that enforcing the housing code means a loss of housing . . . they hear the words housing code and they immediately think 'tear down.' A housing code means fixing up, too," explained the chairman of Pittsburgh's first Neighborhood Mini-Code Housing Committee.

Mrs. Gardner's Mini-Code is a concentrated effort to deal with the section worst hit by the 1968 rioting . . . a co-operative effort between concerned citizens and government officials to clean up, within the confines of the existing housing code, the Centre Ave. area of the Hill District between Crawford and Kirkpatrick Sts.

"We waited and waited for something to happen there and nothing did, so I said to the people living in that area, 'Look, let's organize and see what we can do.' They thought we ought to wait for Model Cities, but you can't sit around and wait for money that might never come."

The Mini-Code Committee "hit all the organizations for co-operation" and met with every City and County agency that might possibly be involved in renewal of the area, including the Dept. of Public Assistance and Family Services "because we knew we'd run into social problems."

HOMES INSPECTED

Since the project was launched in February, every house, yard and sewer in the area has been inspected. A housing clinic has been held for irresponsible tenants and rat control information has been provided.

"Some legal action is pending, nine landlords have taken out building permits to rehabilitate their property, and we're still playing the tracking game with a few absentee landlords." Mrs. Gardner reported. "We've only had to relocate five families . . . We try to keep our people where they want to be."

Today, a two-week concentrated effort begins to stop littering in the area. A 24-hour patrol will attempt to catch offenders and bring them before the law.

Tomorrow, as the result of the Mini-Code Committee's sub-committee on sewers, the City will kick-off a sewer cleaning program in that area with a new machine.

"We're starting to show notable signs of progress, but it will take about a year to get the neighborhood the way we want it," Mrs. Gardner noted. "I know it's successful . . . I say that because since we started, we have people coming to meetings who have never been to this kind of meeting before . . . both landlords and tenants."

SCHEDULE CRAMMED

Mrs. Gardner's weekly Monday afternoon meetings with the Mini-Code Committe is just one of a myriad of meetings she attends.

She sits on so many boards and committees that Hill House, the central social welfare agency in the Hill, has provided her with an assistant to keep track of meetings and phone messages.

She puts housing and her church, the Bethel AME, first. In addition to the Mini-Code Committee chairmanship, Mrs. Gardner is on the advisory board of the housing authority's relocation agency, the board of Citizens Against Slum Housing (CASH), the Code Enforcement Committee's advisory board to the Mayor's office, and the procedure committee for Housing Court.

Her activities also include the Hill House board of directors, the executive committee of the Community Action Program (CAP), the welfare committee of the Urban League, and the board of the Community Development Corp.

She backs up her work with a layman's knowledge of law and serves as the Hill chairman of the Neighborhood Legal Services, which sent her to the Attorney's Conference in Wisconsin in April.

Mrs. Gardner also is a delegate to the Allegheny Conference on Civil Rights and is a member-at-large to the National Institute of Urban Affairs in Washington.

IT COMES NATURAL

As if that's not enough, she even works with a "seek and find" committee that keeps her in touch with people who need help. It all comes naturally to her, she says.

"Helping people is something I grew up with. My parents were active, and at a very early age I started organizing kids in the neighborhood for worthy causes."

The native of Winston-Salem, N.C., has been organizing in Pittsburgh for 20 years. Before that, she organized the workers in a cigaret factory in her hometown and went on to serve as the union's Washington agent. Her name is in the Congressional Record for her battle to aid passage of the 65-cent minimum wage law.

"And I'm helping to raise my fourth bunch of kids," she says proudly. "I raised four of my own, a niece and nephew when my sister died, a little boy I took in because nobody wanted him, and now I'm taking care of my grandchildren while my daughter works."

Mrs. Gardner's grandchildren, ages 2, 4 and 5, often accompany her to meetings. They've sat quietly in conference at the Mayor's office, Housing Court and numerous other places.

While she has been filling her time with troubled people, Mrs. Gardner's own life has not been free of problems. Five years ago her home in East Liberty was destroyed by fire and she spent two years undergoing operations.

"They gave me a wheel chair and I sat in it three times. I couldn't stay there. I lost everything I had but I don't worry about it.

"I felt if God wanted me to have more, he'd give it to me. And he did. I had been working at the William Penn Hotel . . . the people there collected money, the hotel gave me furniture, everyone was wonderful."

Perhaps her own loss has made her so emphatic that slums be built up instead of torn down.

"We do everything we can to save buildings," she said. "We get them inspected three times before we'll admit they have to be torn down. Why, we got 90-day extensions on some condemned buildings and rehabilitated all but one."

The "rehabilitated" buildings were dedicated 10 days ago during services Mrs. Gardner couldn't attend because she had a date with a reporter.

TED KENNEDY ON AFRICA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent of mine, Mr. John S. Perilloux, of Alexandria, Va., recently wrote a most interesting and informative letter to the Washington Star responding to a recent insertion in the RECORD by Senator KENNEDY of Massachusetts, entitled "Manifesto on Southern Africa."

As I believe Mr. Perilloux has made some very important observations, I insert the text of his letter in full at this point in the RECORD:

[From the Washington (D.C.) Evening Star, June 22, 1969]

TED KENNEDY ON AFRICA

SIR: Speaking in the name of freedom and human dignity, but undoubtedly in the hopes of garnering still more headlines and more support for his presidential aspirations in 1972, Sen. Edward M. Kennedy recently launched an attack against the government of Rhodesia.

Asking: "Who speaks for Western man in Africa?" Kennedy put into the Congressional Record a document entitled, "Manifesto on Southern Africa," signed by 13 nations of east and central Africa—Burundi, Central African Republic, Chad, Republic of the Congo, Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Tanzania, Uganda, and Zambia.

In their manifesto the 13 nations condemn all aspects of racism and racial segregation. They call on all African nations to govern themselves in accord with the basic principles of human dignity, equality, and national self-determination, regardless of race or other discriminatory classifications.

Kennedy places himself in full accord with these statements. But how does he propose that this be implemented? To quote him: "We should renew our pledge of wholehearted support to the United Nations sanction program against Rhodesia."

Why did not Kennedy advocate U.N. sanctions against North Korea for the murder of 31 U.S. Navy men aboard the ECM aircraft shot down over international waters? Or for the piracy of a United States Navy ship, the murder of one man, and the imprisonment for a year of 82 others? Are not the lives of American military men of some concern to the senator?

The rulers of Communist China have murdered over 40 million people in China and are presently engaged in a deliberate program of genocide in Tibet, yet Kennedy proposes U.S. recognition of Communist China and a seat in the United Nations—the peacekeeping organization.

Tens of millions have been murdered by the Communists in Russia and Eastern Europe, and many thousands are in concentration camps as political prisoners, but Kennedy is one of the leading proponents of increased trade with the Soviet Union and East Europe. When the Russian army brutally suppressed uprisings in Czechoslovakia recently, I heard no proposals of U.N. sanctions from Kennedy. What about the basic principles of human dignity, equality, and national determination for the Czechoslovaks? Could it be that the Tibetan and Czechoslovak voting blocs are not large enough to concern a presidential aspirant?

LOFTY IDEALS

And what of the 13 nations that signed the Lusaka Manifesto and so piously proclaimed their lofty ideals?

Republic of the Congo—military dictatorship, propped up by Cuban army troops. As in all dictatorships, no one votes.

Democratic Republic of the Congo—military dictatorship.

Uganda—The president of Uganda, Milton Obote, came to power by military assault upon the palace, killing 15,000 in the process. Obote has declared: "There are times when it is necessary for the government to discriminate." Every private group in Uganda must submit to the government detailed plans of how it proposes to replace other kinds of people with Africans at all levels.

Tanzania—The capital, Dar es Salaam, is headquarters of half the terrorist "liberation movements" abroad in Africa. Training and leadership are being supplied by Chinese Communist officers.

Zambia—President Kaunda of Zambia delivered the opening address at the gathering of the 13 nations. Thousands of Christian prisoners are being held in Kaunda's concentration camps (19,000 fled to Katanga in 1965 to escape massacre by Kaunda's soldiers).

Ethiopia—There has never been an election held in Ethiopia.

Kenya—Ruled by Jomo Kenyatta, former head of the Communist terror organization, Mau-Mau. Kenyatta was trained in Russia in communism and terror tactics and is responsible for the murder of hundreds of whites and the torture and murder of thousands of Kikuyu tribesmen who would not fall in line with his plans for self-determination in the early 1950's. Kenyatta's official policy is to drive out of Kenya all non-Negroes. England, at whose insistence the U.N. imposed sanctions against Rhodesia, has closed the door to those who are being driven out by Kenyatta. This despite the fact that they hold British citizenship. Could the fact that these people are not white have anything to do with the British decision?

Sudan—The Sudanese government has flattened every church in the three southern provinces and driven out every missionary. More than 500,000 Nilotic Negroes, mostly Christians, have been killed since 1956. Two-thirds of the Sudanese army and half its budget have been committed to this war of extermination—genocide, to use a term much in favor with the U.N.

Now, read paragraph 3 of this letter again.

OTHERS DID NOTHING

The best that can be said of the five remaining nations is that they haven't had the ambition to do anything, good or bad. They simply came into being and are being supported by the taxpayers of the world through various agencies of the U.N. and the foreign aid program of the United States.

Kennedy stated: "Today in Africa, the ancient repressions and denial of majority rule have begun to spawn increased levels of terrorism and guerrilla violence. . . . Not even the fortress which is South Africa feels secure, and wise men fear a spark that may ignite the continent."

I fear that the spark may be someone like Edward Kennedy. Having done his part in bringing about the present chaotic conditions in the United States, he now turns his attention to Africa. Having carped and criticised constantly about U.S. involvement in

Vietnam, he now adds his voice to the strident voices of the revolutionaries of Africa. (The United States would naturally be involved in any large-scale warfare in Africa).

Kennedy directs most of his criticism at Rhodesia and South Africa because of their policies of racial segregation. The fact remains, however, that Africans in these two nations have a higher standard of living, a higher state of literacy, better health, more income, and more stable conditions than any other group of black Africans.

Indeed, who speaks for Western ban in Africa?

JOHN S. PERILLOUX.

ALEXANDRIA, VA.

AN ARMY OR A SANITARIUM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. RARICK. Mr. Speaker, the experience from Project 100,000—an experiment in recruiting individuals with low IQ into the military services—may be laudable to the egalitarians and the social homogenators, but the efficiency report shows that it makes for a deficient military force.

Noting the disciplinary and court-martial problems created, it would not take many projects of this kind to completely demobilize the entire military forces.

Some question whether the project was intended for the interests of our national defense or as an emotional subterfuge for using the military as a sociological laboratory. In the meantime what happens to the Army? Obviously, numbers alone do not constitute defensive capability.

I include a local news clipping:

[From the Washington (D.C.) Post, June 29, 1969]

LOW-IQ RECRUIT PLAN STIRS COMPLAINTS

(By Richard Homan)

While top Pentagon officials publicly praise a program that brings low-intelligence recruits into the armed services, personnel officers are far less enthusiastic.

In Congressional hearings, the personnel officers have complained about recruitment quotas, extra training and lowered military efficiency that they say accompany Project 100,000.

Reports of greater disciplinary problems with Project 100,000 recruits also were made public for the first time in testimony released by the House Appropriations Committee.

The project, begun in 1966 by former Defense Secretary Robert S. McNamara, attempts to bring into the military 100,000 persons a year who would otherwise not meet the mental standards. The plan gives them remedial training if necessary and uses them for duties consistent with their abilities.

"In terms of measuring military efficiency, it has taken resources and trainers and effort that we would have preferred to put other places," Lt. Gen. A. O. Connor, the Army's deputy chief of staff for personnel, told the Committee.

"The Army did not volunteer for this mission, sir."

Vice Adm. Charles K. Duncan, chief of Naval personnel, told the Committee:

"I don't believe it was intended to upgrade the capability of the U.S. Navy. We would normally take people of higher mentality. I believe this program is a matter of national policy to be addressed by the Administration."

The orthodox Pentagon view of Project 100,000 came in Congressional statements this week by Gen. William C. Westmoreland, Army Chief of Staff, and Army Secretary Stanley R. Resor.

"Our experience has been that men in this program perform adequately in practically all jobs and are promoted along with their contemporaries," Westmoreland said.

"We are greatly encouraged by the results achieved," Resor said.

While expressing dissatisfaction with the effect of the project on the services, the personnel chiefs said it was achieving some success in training recruits who would not have been acceptable under earlier entrance standards.

Though it hasn't helped the Navy, Adm. Duncan said, "I felt we had upgraded the level of education and abilities of a group of people which I believe is in the interest of the country as a whole."

Despite the shortcomings, Marine Maj. Gen. Jonas M. Platt said, "We make good Marines out of a good number of them," partly because "we have redesignated several of our specialist training courses in an effort to simplify them to make them easier for men with lower mental scores."

Gen. Connor said "the Army has been able to bring these men up to standards that they have never achieved before. In that light, it has been most worthwhile. There has been enough good come out of it that it is worth the bad that has gone along with it."

The program requires that 24 percent of new recruits in the Army and Marine Corps be from the Mental Category IV—applicants who score between 10 and 30 per cent on the Armed Forces Qualification Test—and that half of these be from the lower half of Category IV.

The quotas for the Navy and Air Force are 18 per cent from Category IV and 9 per cent from the lower half.

According to testimony by the personnel chiefs, in all services except the Marine Corps, project 100,000 recruits had significantly more courts-martial and non-judicial punishments than other recruits.

THE CRISIS IN HIGHER EDUCATION FACILITIES CONSTRUCTION PROGRAMS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. EILBERG. Mr. Speaker, I rise today to express my alarm at the action which the administration has proposed with respect to the various programs which provide loans and grants to our colleges and universities for the construction of academic facilities which they so desperately need and which they cannot afford to build without raising their student charges to such an extent that only the very wealthy will be able to afford the privilege of a higher education.

I believe that, when the Congress passes legislation authorizing expenditures and does so by wide margins and with bipartisan support, we do so after a careful assessment of the Nation's needs and the ability of its resources to meet those needs. When legislation to provide Federal assistance in the form of loans and grants to our colleges and universities has been considered, we have been very much aware of the tremendous increases in the numbers of students who are seeking a higher education and the added burden which these increased numbers have placed on the already overcrowded facilities at these institutions.

The administration has pledged that it will be second to none in its concern for higher education. For the 1969–70 school year, the Congress has authorized expenditures of over $1 billion for Federal assistance to colleges and universities for the construction of needed facilities. Yet, despite its pledge, the administration has only requested $65 million to fund these programs. This is well over $100 million less than the outgoing Johnson administration requested with the apology that they knew these amounts would not be enough to meet the need.

Programs which the Congress authorized under the Higher Education Facilities Act of 1963 have been hard hit by the administration's attempts at economy in education expenditures. The title II Higher Education Facilities Act program, providing grants to colleges and universities for the construction of needed facilities, has been emasculated to the extent that only $43 million has been requested by the administration to fund the program while the Congress has authorized expenditures of over $224 million. The title II Higher Education Facilities Act program of grants known as the graduate academic facilities construction program has been eliminated by the administration in its budget requests despite the fact that the Congress has authorized the expenditure of over $711 million for it. The title III Higher Education Facilities Act program of low-interest loans from the Federal Government directly to colleges and universities for the construction of needed facilities has been phased out completely also despite the fact that the Congress has authorized in excess of $150 million for the program.

The impact which this retrenchment will have on the ability of our colleges and universities to meet the needs of their students for academic facilities can be seen quite readily by examining the need for facilities as expressed in institutional requests.

During fiscal year 1969, 49 States requested $794,455,396 in title I facilities grants—an amount that exceeded available Federal funds by $582,566,929. Excluded from the total are the facilities needs for which no funds were requested either, first, because the institution did not have the necessary matching requirement or, second, because the institution believed the money situation to be so tight that it declined to file an application. A survey conducted by the association of executive directors of higher education facilities commissions and released in January of this year reveals that State commission directors estimate that a total of approximately $1.3 billion in Federal funds could be used by the colleges and universities in the next 18 months to assist in constructing needed educational facilities. This amount is even more than the authorization which

the Congress has provided for these programs.

In addition to the overwhelming need to fund fully the grant provisions of the Higher Education Facilities Act of 1963, I believe that there is an equally compelling need for full funding of the direct loan program under title III of the act. While the interest subsidy procedure, provided for under the HEFA amendments of 1968 and for which the administration has requested $22 million, is feasible for many institutions, there are many others which find it virtually impossible to obtain loans in the private market, even with an interest subsidy. It is especially for these institutions, where the need for the construction money certainly is no less urgent, that it is essential that the direct loan program be funded and protected as a continuing alternative to the program of interest subsidies.

Regarding this, one educator recently made the following comments in a letter to me:

The replacement of direct loans by interest subsidies for private loans under Title III of the Higher Education Facilities Act is even more serious in its detrimental effect on replacing old or adding new facilities to the campus. Most small colleges, or even medium-sized institutions, would find it difficult to obtain loans on today's markets at less than seven or eight percent interest rates. Government programs in the past have not subsidized interest rates at these levels. In the past, 90 to 95 percent of the Title I and II Higher Education Facilities Act Program Construction grants have required Title III loans to finance facilities construction. Should many institutions have difficulty securing loans under the interest subsidy program, the net effect would be to stop or delay facilities construction in a large segment of higher education throughout the country.

Mr. Speaker, I believe this statement needs no elaboration.

It should be a cause of some embarassment to Members that historically we have never provided the full amount of funds for these construction programs that we have authorized. However, we have not sought to put higher education back into the stone age as the administration's budget requests for these programs would. For, while we have not provided all the funds needed, we have consistently increased Federal participation in these construction programs. Without the increased aid which we have provided, crowded conditions which now exist at the Nation's colleges and universities would be even worse than they are. Therefore, it is with a good deal of consternation that I look upon the administration's budget requests for these programs and wonder how such action is possible in view of the express intent of the Congress that the amounts appropriated for these programs should be increased as much as possible and the administration's pledge to be second to none in its concern for higher education.

In States such as my home State of Pennsylvania, where a concerted effort is being made to develop a higher education system which gives nothing away to State systems elsewhere in the Nation, these cuts proposed by the administration come at an extremely crucial time. If the Congress does not act to increase the appropriations on which these programs will operate for the next fiscal year, valuable years of planning will have gone down the drain, never to be reclaimed. Developing a delivery system which will make a good higher education available to all families with a minimum of difficulty will have to be postponed indefinitely and perhaps forgotten.

Therefore, I urge all my colleagues to heed the warnings of educators, in their own congressional districts, and throughout the Nation. We all must act in concert to prevent the calamity which the administration would have us be parties to by approving their pennywise and pound-foolish recommendations for funding of the higher education facilities construction programs. The human cost involved in acquiescing to the devil-may-care approach which the administration has taken in attempting to meet the needs of our colleges and universities for academic facilities just is not worth it.

REGIONAL INDEED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. CLAY. Mr. Speaker, on June 26, after five postponements, Attorney General Mitchell confirmed my fears in his testimony before the House Judiciary Committee. The administration's position on the Voting Rights Act and its proposed extension is disgraceful. The Attorney General laid forth the recommendations to dilute the Voting Rights Act—and reiterated its position that there is no justification for "regional" voting rights legislation.

As long as this administration continues to serve the South—it is rightfully protecting the supremacy of its supporters by insisting there is no need for opening these Southern polls to black people. President Nixon continues to seek the means by which to honor political debts to the South—and revision of this act would provide the clearest indictment of his prejudice for those who have vainly sought some defense for his past actions.

I shall address myself to this subject further, but at this point, I call to the attention of my colleagues this editorial which appeared in the St. Louis Post-Dispatch, June 20, 1969:

REGIONAL, INDEED

Evidently the Congressional Republicans most knowledgeable about civil rights are opposed to the Nixon Administration's position regarding extension of the 1965 Voting Rights Act, and they have reason to be.

The law expires next year and should be extended. It establishes special procedures for encouraging registration and voting by minority groups, and prohibits the use of literacy tests and similar devices to discourage such voting. The law has vastly increased the number of Negroes voting in the South, though its work still needs to go on.

Attorney General Mitchell, however, is said to have told the Republicans that the law applies only to the South and is "regional legislation" and should be broadened, because President Nixon campaigned against regional legislation. The response of the Congressmen was that the GOP helped push the act, that they had the votes for simple extension of it, and that any revision could only delay extension.

In our view the law needs absolutely no "broadening." Of course it was aimed at the South; that is where Negroes were denied voting rights. The law would apply anywhere else there was voting discrimination, but we hardly expect North Dakota or Michigan to adopt literacy tests. Mr. Mitchell's position seems to be one of risking an effective law in behalf of the campaign promises of the Nixon "Southern strategy." Civil rights for political hocus-pokus? The GOP Congressmen are right to stand firm against it.

THE NEW LEFT AND THE OLD GRAPES OF WRATH

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. TALCOTT. Mr. Speaker, John Steinbeck, the renowned author, was born and lived in my hometown of Salinas, Calif. I have read many of his books, the locale of which was often in our county of Monterey. He was one of the world's best portrayers of the ugly and sordid characters and aspects of life. Many present-day social counselors and critics, who have never seen a grape being picked, believe that Steinbeck's 30-year-old novel "Grapes of Wrath" portrays the social and economic conditions of today in the table grape-producing industry. It did not then, and does not now.

An accurate appraisal of Cesar Chavez and his abortive grape pickers "strike" and the boycott is accurately described by John R. Coyne, Jr., an able writer and careful reporter in the July 1, 1969, issue of the National Review. For those who have never seen or known a table grape picker, I urge the reading of this short, but comprehensive, report.

For those who are interested in obtaining a better perspective of the table grape boycott, I commend Mr. Coyne's article and insert it at this place in the RECORD:

THE GRAPES OF WRATH

(By John R. Coyne, Jr.)

The California table-grape boycott has become fashionable. Recently George Plimpton (*The Paper Lion*) threw a fund-raising party for César Chavez' United Farm Workers Organizing Committee, and the New York press featured pictures of Plimpton's stable of décolleté dollies sipping champagne and pouting at the cameras. Old liberals such as James Wechsler have embraced the cause with lachrymose ardor, and new-breed liberal mutants—Jimmy Breslin, for instance—find in the boycott opportunity to show that they are just as warm-hearted and fuzzy-headed as any of the old timers.

Few Easterners have any real knowledge of the facts of the boycott. It is enough that emotions can be aroused and played on. The typical view is presented by Breslin in one of his *New York Post* columns. "John Steinbeck wrote *The Grapes of Wrath* almost thirty years ago and it is one of the few truly meaningful novels ever written in America, and in California they still grow grapes of wrath." Now there is a lot wrong

here, not the least of which is Breslin's lardish prose style. The piece has a Christmas Eve setting, complete with four grape-pickers wandering lost in a New York snowstorm looking for a supermarket to boycott. The style is fat Hemingway (" 'They take from your check the cost of the place to live,' Pajemola said"), the atmosphere mid-Victorian, the thought contemporary liberal, as if a few peasants from *For Whom the Bell Tolls* had wandered into a production of *The Grapes of Wrath* as staged by Charles Dickens.

The important point here is not that Breslin writes likes he looks, however, but rather that his approach is typical of those Eastern liberals who have canonized César Chavez and sentimentalized the issues involved in the boycott out of any recognizable shape. The grape controversy is much too complex to lend itself to the Grapes-of-Wrath treatment. Chavez would have us believe that migrant workers pick the Delano table-grapes; that these migrants are paid sub-standard wages; that they drive Joad-like old cars and live in shacks; that they yearn to join Chavez' union; and that the growers are fascist lackeys of large corporations.

This argument has impact. It seems especially sinful in an affluent society to munch on grapes picked by starving Mexicans, and the picture of striking peons willing to lay their lives on the line so their children may enjoy a brighter future is a poignant one. But it is all, according to the growers, a lie.

The growers' case, which seldom sees print, is a strong one. In Delano, the area most affected by the boycott, they say 90 per cent of the pickers are not migrants but permanent residents. And these pickers, contrary to fashionable propaganda, are exceptionally well-paid. According to the Department of Agriculture, farm-workers in California average composite earnings of $1.69 per hour, the highest in the nation, and the grape-pickers average considerably above this, between $2 and $2.50 an hour, well above the legal national minimum wage.

Just because of this, the growers maintain—permanent residency plus high wages—Chavez is especially eager to unionize Delano. Migrant workers don't stay in place long enough for efficient dues collecting, as Chavez discovered when he abandoned similar efforts in Texas. And migrant workers in states like New York or Minnesota aren't well-paid enough to fill the union's coffers rapidly. But in Delano they are there to stay and they have the money.

Hence, Chavez' fascination with central California. And hence, the pickers' lack of interest in Chavez. The crops of those fields supposedly struck have been picked regularly, not by migrants but by long-time resident pickers who daily brave the abuse of Chavez' "nonviolent" migrant pickets, for the most part campus New Leftists and young Mexican-Americans from cities such as Oakland. Chavez must import his pickets because the farm workers will not strike. And because there is no real strike he must resort to the tactic of the secondary boycott of grocery stores.

Other aspects of worker-grower relationships have similarly been ignored by Chavez sympathizers. Delano pickers, for instance, enjoy more comprehensive protection—workmen's compensation, disability insurance, child labor law, minimum wage law for women and minors, etc.—than farm-workers in any other state. Any worker unable to provide his own transportation receives it without charge, and the rent-free housing furnished by the owners is clean and modern. The growers believe that their relations with their workers have consistently been the best in the country, and they resent the caricatures of them drawn by Breslin and his ilk. The grape farms in Delano, they point out, are not, as is customarily charged, controlled by large corporations. Of Delano's seventy ranches, all but two are family-owned and operated. And these are not fat-cat families. Most of them came as immigrants from Armenia, Yugoslavia and Italy, and acquired their land plot by plot. They are not opposed to unions *per se*, but they are caught in a price squeeze (while costs have risen nearly 100 per cent over the past decade, table-grapes sell for approximately the same price per pound as in 1957), and the failure of a single crop could wipe most of them out. Thus, although the idea of unionization is not repulsive to them, the idea of a strike at the crucial harvesting time is. Unlike most industries, agriculture is at the mercy of strikes. Perishable crops must be harvested immediately.

And so the growers continue to fight a lonely fight against Chavez. If they lose, if Chavez succeeds in imposing his union on the unwilling Delano pickers, the growers believe that their only alternative will be to convert their table-grape crops to wine grapes, since wine grapes can be gathered by machine. If this happens, thousands of relatively prosperous farm-workers in California will be thrown out of work. This will no doubt please people like Jimmy Breslin, since it will provide infinitely more material for tearful columns.

POLLUTION OF THE PASSAIC RIVER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. RODINO. Mr. Speaker, last week the Passaic Valley Sewage Commission, an institution that is responsible for pollution control along the Passaic River in New Jersey, revealed that it will soon be forced to discharge 100 million gallons per day of raw sewage directly into the Passaic River.

This unprecedented waste disposal is supposed to be necessary because of a leaking sewer that is in need of repair. However, in our modern day and age, it seems unbelievable to me that some more satisfactory method cannot be found to repair a sewer without turning the already polluted Passaic River into a ravaged cesspool.

The discharge of this raw sewage is described in the following two newspaper articles:

[From the Newark (N.J.) Star-Ledger, June 22, 1969]

SEWAGE TO BE DIVERTED TO PASSAIC RIVER IN CRISIS

(By Robert P. Kalter)

The Passaic Valley Sewerage Commission (PVSC) said yesterday it will have to divert raw sewage into the Passaic River at the staggering rate of 100 million gallons per day.

The untreated sewage—thick, dark and foul-smelling—will have to be emptied into the Passaic for at least 45 consecutive days to permit emergency repairs to a dangerously weakened section of giant sewer beneath McCarter Highway at Gouverneur Street in Newark. The trouble spot is 1.3 miles from Broad and Market streets, Newark.

DANGEROUS SITUATION

Seymour A. Lubetkin, chief engineer of the PVSC, said the diversion of raw sewage into the river will begin about Sept. 1.

He said the agency is pressing ahead with plans for the emergency repair because the situation is dangerous.

"We want to get started as soon as we can," Lubetkin said.

"There is a real possibility that McCarter Highway can cave in around Gouverneur Street," the chief engineer said, "and motorists and auto passengers could be killed or injured."

But even if no one is hurt, the collapse of the sewer would still be a serious setback to the repair project if it occurred before connections could be completed to pipe the liquid waste into the river.

FOUL FLOW

A cave-in of the sewer raises the specter of untreated sewage spilling onto city streets with no quick or easy way to stem the foul flow. It would also complicate the engineering problem and delay completion of the project.

Lubetkin said "we just hope" the sewer holds up until all required arrangements can be completed to divert the sewage to the river.

Part of the untreated waste is to be channeled off at Third River in Clifton and the remainder at Second River at the Newark-Belleville line.

USUAL PLANS

Normally the sewage is piped to the PVSC plant at the foot of Wilson Avenue, Newark, where it undergoes primary treatment before it is pumped out to Upper New York Bay, far from the sight and smell of North Jersey residents.

The quantity of sewage to be diverted—100 million gallons a day—is roughly 10 per cent of the total sewage handled daily in the entire state.

Before the repair job is completed, 4.5 billion gallons of untreated sewage will have been discharged into an already polluted Passaic River that will not readily digest the added heavy load of human and industrial waste.

The raw sewage will flow into Newark Bay, and from there the back and fill of local tidal action will slosh it around the North Jersey area until finally the last remains are washed out to sea.

Parts of the diverted sewage will find their way to the Arthur Kill, the Kill Van Kull, Raritan Bay and even the Raritan River, adding to the pollution problems of those waterways.

Lubetkin said that originally it had been hoped to begin repairing the weakened section of sewer by mid-July but unforeseen difficulties made it impossible to meet that deadline.

LATER DATE

The later starting date will give the public a slight break.

"It will not be as much of a nuisance," Lubetkin explained.

The later starting date will mean that the discharge of raw sewage into the river will not be wholly within the summer season but will extend into cooler fall weather.

The pollution problem worsens in warm weather because the oxygen content of the water decreases as the temperature rises. As the oxygen supply diminishes, death and decay set in and bad oders take over.

Ironically, the PVSC was criticized last Wednesday by federal officials who charged the local agency was not providing adequate treatment of sewage gathered by the system.

IMPROVEMENT NEEDED

The Federal Water Pollution Control Administration wants the PVSC to go to secondary treatment to remove biochemical impurities which get through primary treatment.

The PVSC primary treatment removes only solids from the sewage mix, leaving a variety of liquid pollutants untreated.

Federal officials visited the PVSC plant June 9 in advance of a conference to examine pollution of the Hudson River. The conference began Wednesday in New York.

[From the Newark (N.J.) News, June 29, 1969]

POLLUTION, PVSC STYLE

The Passaic Valley Sewerage Commission's plan to discharge 100 million gallons of raw, untreated sewage into the Passaic River daily for a six- or seven-week period beginning Sept. 1 is, fortunately, not going to go unchallenged.

County and municipal officials are awakening to the folly of overlooking this massive pollution when the PVSC itself is so concerned about what others do to the river that it obtained a court order against the owner of an offending houseboat.

Bergen County for one has ordered an investigation to determine the effect on its riparian towns and parkland. It also may go into court for an injunction. Upriver municipalities are also reported to be opposed to the unprecedented discharge, as they should be. Newark and the State Health Department are yet to be heard from.

The PVSC says the diversion is necessary to permit repair of its main line under McCarter Highway at Gouverneur Street in Newark. Seepage from the cracked line is said to have "dangerously weakened" the street.

Shutting off the main line at this point will make it necessary to dump the sewage at Third River between Nutley and Clifton and at Second River between Newark and Belleville. Thence, it will flow from the Passaic into Newark Bay, the Arthur Kill, Kill Van Kull, New York Bay and the Raritan River through an area of congested population, past riverbank parklands and only a short stroll from Broad and Market streets.

Ordinarily, the Passaic River never gets any of the PVSC's sewage. The liquid effluent is discharged through a subterranean pipeline into Upper New York Bay. Solid wastes are carted to sea in barges and dumped.

The PVSC defends the diversion as the most economical way of making the repairs. The cost will be about $500,000. Construction of a bypass to obviate use of the river could cost up to 10 times as much, according to a commission spokesman. The commission designs to minimize the health hazard, pointing out that the weather should be cool (maybe!) in September and that Passaic River water is not used for drinking or swimming.

People who live or work near the Passaic and the other waterways are not likely to be convinced. From here, it looks like an outrageous plan that would turn the Passaic and adjacent streams, already bloated with industrial wastes, into fetid cesspools, and at a time when the people are being asked to approve a multimillion-dollar bond issue for clean water for the very good reason that it's sorely needed.

JOE McCAFFREY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BOW. Mr. Speaker, it gives me a great deal of pleasure today to note that Joe McCaffrey is observing this month his 25th year as a Washington correspondent. I have known Joe and admired his work for most of those 25 years.

Joe McCaffrey has specialized in coverage of the Congress. Few men know the Hill as well as he, and I doubt that any man has as wide an acquaintance with Members of the House, Senators, and the staff. He is affable, alert, and able, and his reporting is thorough, fair, and accurate. His insight into the operations of Congress add value to his comments, and help to explain why his nightly report on the day in Congress has so large and faithful an audience.

I offer my congratulations to Joe McCaffrey today for 25 years of distinguished public service.

CONSTITUTIONAL AMENDMENT TO PROVIDE EQUAL RIGHTS FOR THE NATION'S WOMEN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. PUCINSKI. Mr. Speaker, women are the largest group in America to have experienced a long history of deprivation of rights.

They were the last group to achieve constitutional recognition of the right of suffrage. Their rights as citizens and persons were left largely to regulation by the State.

The result is that numerous discriminatory legal distinctions based upon sex and marital status were embedded in the law, and vestiges of these restrictions remain in some States today.

The constitutional position of women has not yet been wholly clarified by the Supreme Court, a fact which has led to a demand, for an Equal Rights of Women Amendment to the Federal Constitution.

The exclusion of women from responsible positions; jobs with good pay and good prospects, can be traced largely to myths and generalizations about women as a class.

Some recent figures reveal that discrimination by sex is one of the most flagrant discriminations performed by employers in this country.

Two out of every five workers is a woman, and the difference between the average worklife expectancy of men and women has narrowed significantly, yet:

In 1968, the unemployment rate for women was much greater than for men, 4.8 percent compared to 2.9 percent.

Many women hold jobs which are far below their training and talent.

In 1968, approximately one-fifth of working women who had completed 4 years of college were nonprofessional; employed in clerical, sales, service worker, or semiskilled operative categories.

Women not only are concentrated in the lower level jobs, but are paid relatively less than men for comparable work. The median income of year-round full-time workers in 1966 was:

Men	$6,848
Women	3,973

In 1966, less than 1 percent of women earned salaries of $10,000 or more; the proportion for men was almost 20 times greater.

Employment is the major area of sex discrimination, yet discrimination based upon sex also affects education with especial regard for financial aid and research for women.

Another area of concern to women in the drive for equal rights in the arena regarding laws concerning marital laws, especially outdated alimony and divorce laws.

Of great concern to the working women is the need for day-care centers to give the opportunity to the working mother to not be held back in her own job advancement.

Title VII of the Civil Rights Act of 1964 has been a most forceful step in the direction of securing equal rights for women, but the realities of sex discrimination still exist in many facets of our society.

Discrimination because of sex was the second largest category of complaints received last year by the Equal Employment Opportunity Commissioon. The Commission received 2,410 complaints from women who charged employment opportunities were denied to them or promotion opportunities were withheld because of their sex.

The Commission received 6,650 complaints charging discrimination because of race; 721 charged discrimination because of national origin; and 291 because of religion.

It is for this reason that I urge Congress to enact this legislation which would permit the respective States to ratify a constitutional amendment which would read:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

REMARKS OF CONGRESSMAN DON H. CLAUSEN ON DESIGNATING SEPTEMBER 30 AS "BIBLE TRANSLATION DAY"

HON. DON. H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, today I am introducing a joint House resolution calling on the President to issue a proclamation designating the 30th day of September as "Bible Translation Day."

I am also inserting herewith an article which appeared in the June 21 issue of the New York Times and which spells out the purpose for and the true meaning behind the legislation I am introducing here today. I encourage my colleagues to read this very stimulating and exciting article.

During our congressional prayer breakfast meeting in Las Vegas at the International Exposition of Flight, 2 years ago, which Arthur Godfrey and I chaired, Dr. Cameron Townsend was one of the group discussion leaders wherein the emphasis was placed on a number of missionary-aviation programs organized and working in various sections of the world.

The Wycliffe Bible Translators, Inc.,

is but one of the "flying peace corps" operations which I am associated with. This organization has effectively used the aircraft in transporting Bibles that have been written and translated into over 400 languages, into some of the most remote sections of the world; many of which would not be accessible except for the ability to use small aircraft.

The Summer Institute of Linguistics, which is likewise involved in this worthy project, is headed by Prof. Kenneth L. Pike, who is working with Dr. Townsend's organization in providing primers, dictionaries, and textbooks written in tribal languages and dialects.

People throughout the world desperately need to improve their ability to communicate and this is the purpose and intent of this legislative proposal—to tell the world that we in the U.S.A. are a nation under God, dedicated to advancing the principles embodied in the "Golden Rule."

Certainly, the airplane has once again demonstrated its flexibility toward helping people to better understand each other through the medium of communication. These "flying missionaries" are, indeed, carrying the "Word of God" to a very needed segment of our world's population.

In recognition of their great work, I am introducing this resolution today and urging its passage.

STATEMENT ON CONGOLESE NATIONAL DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DIGGS. Mr. Speaker, the 30th of June 1969 is the ninth anniversary of the independence of the Democratic Republic of the Congo. It is with particular pleasure that on this occasion we take note of the remarkable progress which the Congo has made in restoring internal tranquillity and in achieving major economic advances. Under the leadership of President Mobutu, the Congo has emerged from a long series of internal troubles until today it is one of the great success stories of the African continent.

The economic situation is perhaps the most encouraging of all. The monetary reform of 1967 has proved a brilliant success as shown by the increased mineral and agricultural exports, the high level of foreign exchange reserves, and the strength of the Congolese currency. Many problems still remain, but the achievements of the last 2 years show the determination of the Congolese Government and people to insure that the country's tremendous economic resources are fully mobilized for the nation's development. The interest in the trade fair which will take place in Kinshasa in July of this year, is a recognition by the world business community of the tremendous promise and potential which the Congo now holds.

In view of the close friendship which has always existed between the Congo and the United States, we take particular pleasure in extending to the Democratic Republic of the Congo our best wishes on its national day as it celebrates its great progress and looks forward to an even more promising future.

COHELAN-ANDERSON REPLY TO HOSMER ON MIRV MORATORIUM RESOLUTION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. COHELAN. Mr. Speaker, last week Representative JOHN ANDERSON and I circulated letters seeking cosponsors for a House resolution urging the President to seek a mutual moratorium on MIRV testing with the Soviets, and to declare the intention of the United States to refrain from further MIRV testing so long as the Soviets refrained.

Representative HOSMER responded to our solicitation of support with a letter which he inserted in the CONGRESSIONAL RECORD.

I include in the RECORD at this point the joint response which Representative ANDERSON and I have prepared:

JUNE 30, 1969.

Re Representative HOSMER'S MIRV Letter.

To: All House Members.

From: Congressmen JEFFERY COHELAN and JOHN B. ANDERSON.

On Wednesday, July 2, 1969, we intend to introduce a House Resolution urging the President to seek a *mutual* moratorium with the Soviet Union on the flight testing of MIRV's. We are pleased to see the growing attention being given this crucial subject. Of particular significance in the debate is Congressman Hosmer's four-fold cautionary letter on the resolution. Because of Mr. Hosmer's eminently respected authority in the field of nuclear affairs, and because of the importance of the issues raised, we feel compelled to respond.

The objective of American strategic policy is to deter nuclear war. The greatest current threat to our ability to deter nuclear war is the possible deployment by the Soviet Union of missiles with multiple warheads which are capable of destroying our land-based ICBM force. We are therefore concerned with halting Soviet MIRV deployment. In order to induce the Soviets to halt their MIRV development, we are urging the President to propose a mutual moratorium on MIRV testing. We believe this is a safe and sure manner in which to protect our deterrent force. Certainly it is worth a try. We arrive at this conclusion independent of any judgment as to whether the Safeguard ABM System should be deployed.

Moreover, time is running out. If tests are not halted soon, an enforceable ban on MIRV deployment will be substantially more difficult to achieve. Therefore, we solicit your support for this resolution.

(1) While this resolution is not binding on the President, we submit that support for it would demonstrate both to the President and to the American people this body's concern over the implications of MIRV deployment.

(2) Mr. Hosmer's analysis of the extended nuclear test moratorium of the late 1950's is compelling. But before concluding that such past disappointments should be allowed to dictate present policies, we submit two important distinctions between the nuclear test moratorium and the proposed MIRV test moratorium.

First, testing of nuclar weapons demanded extensive planning and preparation prior to operational testing. The Soviets utilized the mutual test ban agreement to make clandestine, time-consuming preparation for sudden tests.

This is not possible with MIRV. Testing of such a complicated and precise system demands a protracted sequence of tests as each successive MIRV test depends on successful completion of the prior test for operational confidence. Given the capacity of our intelligence to discover clandestine testing, Soviet deception could achieve only minimal advances in MIRV technology before detection. A minor degree of deception is possible, but the lengthy time requirement for MIRV operational confidence limits any significant risks to our national security.

Secondly, the justification for an American MIRV capacity has been the need to penetrate a potential Soviet ABM. We can achieve operational MIRV in less than two years whereas the Russians can achieve an adequate ABM only after approximately five years. Thus, were we to find a Soviet violation of the mutual MIRV moratorium, we would still have adequate time in which to deploy a MIRV system capable of realizing its mission as an ABM penetrator. Mr. Hosmer is correct in cautioning us as to the possibility of Soviet bad faith in the moratorium. But the crucial point is that despite the limited possibility of clandestine Soviet MIRV development, our national security would not be jeopardized.

(3) MIRV is a qualitatively new threshold in the arms race. Each side may perceive the other side's MIRV's as a threat to its ICBM force, and thus to its deterrent. If such a threat is perceived, new deployments of offensive or defensive weapons will be required.

(4) Mr. Hosmer asserts that MIRV "deployment might be made without further tests. He thus asserts that it is no longer possible to halt MIRV deployment by halting testing. We believe that this is a question to be discussed at the arms talks. Continued testing by both the U.S. and the U.S.S.R. may foreclose the possibility of achieving an enforceable agreement on MIRV deployment. Accordingly, we urge the President to propose a mutual moratorium on further MIRV testing.

The thesis of the MIRV moratorium resolution is that both sides must stop development of MIRV before it is deployable and impossible to unilaterally inspect. Because the possibility of deployment is only a few months off—because the point of no return is imminent—we must act with a sense of mision and urgency.

MOVE OVER, DADDY

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. FLOWERS. Mr. Speaker, our distinguished colleague, Congressman BILL NICHOLS, recently had his 14-year-old son fulfill a speaking engagement for him in his district.

In an editorial of June 21, 1969, the editor of the Sylacauga, Ala., Advance made some most interesting remarks concerning this outstanding young man. With unanimous consent, I am pleased to include this editorial at this point in the RECORD:

MOVE OVER, DADDY

Our Cong. Bill Nichols had best keep his bridges in good repair over the years. He

may have to look to his laurels one of these days. His son might well challenge his position.

Flynt Nichols, the Congressman's 14 year old son and a carbon copy of him, spoke in his Daddy's absence yesterday morning at a breakfast hosted by Sears. And he did himself proud. He would not have to take a back seat to even the Congressman's savvy with words.

We understand that his Daddy wrote a speech for him and mailed it to him. Flynt didn't like it and decided to do it on his own. We're glad he did. The discarded speech couldn't have come up to the one he made.

ENVIRONMENTAL QUALITY COUNCIL SUPPORTED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HANNA. Mr. Speaker, I find very commendable the President's recent action in establishing an Environmental Quality Council. I only hope that this action is not mere tokenism in light of the seriousness of this problem which is facing our Nation today.

The time is long past when full attention and consideration should be given the ecological effects of man's activities in the development of our natural resources. For in the maintenance of an ecological balance lies the future habitability of our environment and thus man's actual existence on this planet.

Of the many areas in need of this Council's attention, through fertile fields would directly concern themselves with the State of California:

First, I would urge consideration of the possible implications of the exploitation of the California redwoods that has been an ongoing controversy in my State;

Second, the Council has the potential of furthering efforts in alleviating the acute problem of pollution presently attacking the very essences of man's survival needs. Support should be given the efforts toward positive correction programs in this field being made by the Department of the Interior; and

Third, if I may quote here from Executive Order 11472, which established the Council—

> The Council shall . . . encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

I have introduced legislation (H.R. 10675) which calls for the same revelations only specifically referring to offshore mineral leases. Perhaps with this Council and my bill, future disasters such as that which struck Santa Barbara earlier this year may be avoided. The destruction of outdoor recreational facilities and natural beauty has not been any more blatant in recent years than that resulting from the inundation of the California coastal areas by the crude oil seeping from a mid-channel well. If this Council is able to spare the people of this country further such desecration, it will have fulfilled an important function. This I sincerely hope to see.

HAPPY BIRTHDAY WICHITA, HERE'S TO THE SECOND CENTURY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. SHRIVER. Mr. Speaker, the city of Wichita, Kans., has begun a yearlong celebration of her 100th year as an incorporated community. Throughout the next year there will be varied activities marking this centennial anniversary.

Yesterday it was my privilege to participate in a pageant of progress parade in downtown Wichita. Saturday night, Rebecca Sue Miller, daughter of Mr. and Mrs. Ralph W. Miller, was named Wichita's centennial queen. Princesses who will reign throughout the year include Nancy Lee Swisher, Cynthia Lee Turner, Sharlynn Alyene Witt, and Susan L. Woodard.

I extend a cordial invitation to my colleagues in the Congress to visit Wichita and Kansas during this centennial year.

In honor of this important milestone in the city's history, the Wichita Eagle and the Beacon published a 298-page centennial edition on Sunday, June 29, 1969. Thousands of man-hours by the Eagle and Beacon news, photography, and production staffs were devoted to this impressive and historical edition. I have presented a copy of the centennial issue to Mr. Quincy Mumford, Librarian of the Library of Congress, to be kept in the archives of the Library.

A significant editorial was included in that edition taking note of the past history and accomplishments of the city of Wichita and looking to the future for greater achievement. Under the leave to extend by remarks in the RECORD, I include the editorial from the Wichita Eagle and the Beacon:

HAPPY BIRTHDAY, WICHITA; HERE'S TO THE SECOND CENTURY

In the first issue of his Wichita Eagle, published on April 12, 1872, Col. Marshall M. Murdock described the city thusly:

"Wichita, the queen city of the Southwest, the prospective commercial metropolis of this grandly rich domain, the seat of empire and the political center of what must soon become a densely settled portion of this young commonwealth . . ."

Colonel Murdock continued to pledge that he and his newspaper would be "honestly and earnestly devoted" to this flowering, as well as to the "material interests and the development of every resource of the people of both country and city."

There was reason to be optimistic. Established as an Indian trading post in 1864, Wichita was incorporated as a town in 1870. By 1871 it had grown sufficiently to be a city of the third class, and in 1872 it became a city of the second class. In that same year, thanks to the efforts of a few far-sighted and self-sacrificing men, a railroad was completed from Newton and Wichita become the chief market for Texas cattle coming north over the Chisholm Trail. Its first big boom had begun.

Many other small cities existed in the area with as many geographic and natural advantages. Their water was as pure, their air as good. Some enjoyed better transportation facilities. Some had been longer settled, some had more wealth.

The thing that set Wichita apart, the factor that brought this trading post to become the state's largest city, was the character of her people.

An examination of our history however cursory impresses the reader with the number of men throughout the years who have had foresight and courage, who have thought boldly and performed recklessly to bring some rather improbable dreams to unbelievable fruition.

Colonel Murdock, writing in his first issue of a weekly newspaper in a dusty cowtown on the banks of the Arkansas River, said his ambition was to make The Eagle "the leading journal of the Great Southwest—of the Arkansas Valley of Kansas."

Others of our leading citizens were equally ambitious and equally successful. Some of the men who determined that Wichita must not be without a railroad went out and split and laid ties themselves to get it here. Others put up money without any assurance of return except their abiding faith in the community.

After this it was a matter of fighting for competitive freight rates that would permit the growing town to become a manufacturing and wholesaling center, and once again far-sighted citizens were successful.

The grain and milling industry started before any real demand for it existed. It was begun by determined men who were confident the area would grow and prosper, and their faith was richly rewarded.

Just before the first World War, when oil was discovered nearby in Butler County, there were plenty of scoffers who didn't think anything would come of pumping smelly crude into costly tanks. But Wichita, once again, was ready with enough men of vision and daring, like Deering Marshall and Harry Heimple, who were ready to invest in what proved in time to be among the most fabulous of all industries. And it was the presence here of such people that made this the oil capital of this area at the time of the first big boom.

No major industry could have had a less promising start than aircraft. Airplanes were objects of amazement and interest in those early days, but almost nobody thought they'd ever be a practical means of transporting people, let alone freight. That is why the leaders of the aircraft industry in Wichita all had to start from scratch. Only Walter Beech and Clyde Cessna and Lloyd Stearman and a very few other people had any confidence in what they were doing. But they did, and that was enough.

From this small beginning by men who were mostly barnstorming pilots grew a mighty industry that is the largest employer in Kansas and has made Wichita the Air Capital of the World.

While our business and industrial leaders were displaying the rare combination of wisdom and recklessness that made them so successful, the civic affairs of the community were in able hands, too, much of the time.

Often enough to preserve the restless and questing spirit of the city, there have been men governing it who looked beyond the problems of the moment to the promise of the future. They built broad streets and bridged the rivers. They floated bonds to encourage industry. They provided services and protection on a scale that was equal to the sharply increasing demands upon them. best of all, they provided an atmosphere that favored growth. And when Wichita became a metropolis almost overnight the proof of its planning was there.

It was rewarded in 1962 by an All-America City award, which called the nation's attention to the accomplishments and the excellence of Wichita.

Having built so sturdily and well, we now approach the second century. We could do so with no better formula than that of the founders—vision, courage, vigor. We must never settle down. We must never settle down.

We must be restless and seek improvement. We must continue to risk our capital and our reputation on the skill and intelligence of our people.

We must elect men to govern us who have the intelligence and the daring to plan for 100 years ahead rather than looking wistfully backward to the days when problems were smaller. We must meet our challenges eagerly and in the spirit of those early settlers who built an unpromising trading post into the Peerless Princess of the Plains and finally into the Air Capital of the World.

Follow their lead and we can't go far wrong.

ANNIVERSARY OF POZNAN WORKERS' REVOLT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. ROONEY of New York. Mr. Speaker, I think it is fitting that we remind ourselves once more of the historic significance of Saturday's date, June 28. Thirteen years ago on this date the free world thrilled with the report that Polish workers living in the city of Poznan had risen in revolt against the rule of their Communist puppet leaders. Throughout the world men and women who love freedom felt a deep sympathy for these enslaved workers who rose up in righteous revolt against the usurpers of their freedom.

Those of us who enjoy the blessings of freedom held high hopes that this show of defiance against the Kremlin rule might mark the beginning of a general revolt of all satellite peoples against Soviet domination. But such was only partly true. The brave Poznan workers largely unorganized and without adequate trained leadership were subdued by their Communist bosses only by a sudden use of armed troops. Thus it was with great sorrow we learned of the failure of the workers to achieve the freedom which they so desperately sought.

Mr. Speaker, as we look back on this significant event we can see clearly that the defiant acts of the workers of Poznan were not completely futile. They proved not only to their fellow countrymen but to the peoples of other Communist-dominated countries that the Kremlin armor could be punctured and split. Their acts gave courage to thousands upon thousands of other Soviet slaves to alert themselves for the day when they too can rise up and cast asunder the shackles of servitude. Although they were denied the freedom which they sought, they did cause the puppet regime to lessen repressive actions and to put an end to many of the deplorable indignities which Poles were made to suffer. The courageous stand which these workers took had a marked influence on the subsequent dissensions voiced within past months by many of the people of the Communist-dominated countries.

Today Americans share with their fellow citizens of Polish background great admiration for the courage and determination of the Poznan workers. Americans are convinced that such freedom loving people will sooner or later cast off the irons of slavery and once more enjoy the joys of self-determination.

We salute the workers of Poznan who survived the revolt and its aftermath and convey to them our hopes that they soon may attain the goal to which they aspired but failed to gain. And we extend to them once more our assurance that America will never condone illegal acts of the Soviets in placing free people in bondage. The brave Polish workers can be assured, too, that their friends in America and particularly our Polish-American citizens will renew their efforts to liberate the people of Poland and other Communist-dominated countries from the dictates of the Kremlin. We in this body must rededicate ourselves to the fulfillment of this pledge. To do less would be tantamount to abrogating the sacred bonds of friendship which have long existed between the people of Poland and ourselves.

INADEQUATE FUNDING FOR WATER POLLUTION CONTROL

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BLATNIK. Mr. Speaker, there is great concern about what is happening to water pollution control and abatement programs throughout the country because of the inadequate funding of the Federal Government's share of such programs.

As an example, the Clean Water Restoration Act of 1966 authorized outlays of $700 million for 1969, but only $214 million was appropriated. The authorization for 1970 is $1 billion, but the administration's appropriation request remains at $214 million.

With funding at these levels, it is obvious that the mounting drive against water pollution which had been anticipated with the approval of the act will never become a reality. In fact, unless full funding is provided, the act will actually impede progress in the drive against water pollution.

Furthermore, States, localities, and private operators which have geared their plans to the level authorized in the act cannot proceed with the grossly inadequate funds which have been actually approved.

Today's—June 30—issue of the Washington Evening Star has an interesting editorial on this very problem. The Evening Star's views on funding under the act follow:

WELSHING ON PROMISES

Congress' failure to appropriate the $1 billion authorized in the Clean Water Act of 1966 is a classic example of what's wrong with the system of federal matching grants.

As Governor Mandel told the Senate public works subcommittee, the problem flows from the fact that Congress frequently fails to appropriate anywhere near the amount of money previously authorized for a program. In the case of the Clean Water Act, the appropriation will probably total about $200 million—a staggering 80 percent shortfall. Other such extreme examples abound.

Meanwhile the states and localities have moved ahead and committed their revenues for water pollution control, hospital building projects, or whatever. Once in midstream, they have two choices, neither attractive. They can sharply cut back on their programs. This is wasteful. It also makes it that much more difficult to wring tax dollars out of a reluctant citizenry in the future. The alternative is to proceed on schedule, hoping against hope that Uncle Sam will eventually put his money where his mouth is.

Uncle Sam should, of course, do just that. It is not proper for the federal government to mousetrap states and local communities into programs they cannot afford, and then turn its back on the moral commitment undertaken. Congress should live up to its commitment.

Beyond that, an ultimate solution might be sought in some sort of merger of the authorizing and appropriations stages. This would ensure that federal promises of funds to match state and local spending are met in full. It also would simplify and speed up the legislative process no end. It is for this latter reason that many serious students of government have long advocated doing away with the separate appropriations stage altogether.

In the real world, of course, what is at stake is nothing less than the power bases represented by the chairmanships of the various appropriations committees and subcommittees. Such clout is hardly surrendered without a fight. It almost certainly would have come as part of an overall reform of Congress' archaic procedures.

The pressure for administrative reform invariably builds up at the end of each congressional session and then subsides. Judging from the Clean Water Act horror story, it should be kept up all year long.

TRIBUTE TO THE LATE HONORABLE WILLIAM H. BATES

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. FRIEDEL. Mr. Speaker, I join my colleagues today in expressing my deep sorrow and in paying tribute to a great American. It was only a short time ago that I saw my dear friend, BILL BATES, energetically endeavoring to do his very best for his district, for his State and for his Nation as a whole.

I will never forget his sharp wit and outstanding sense of humor. He was the type of person who never passed by without acknowledgment and a cheerful remark. Certainly we will all never forget him, his 19 years as a Member of this House of Representatives are a credit to this institution.

His untimely death is surely one that is a double tragedy for not only will his presence in this Chamber be missed as one who contributed more than his share, but as one who promised to be even more prominent in the future.

My wife, Regina, and I, would like to offer our most sincere condolences and express our deepest regrets and sympathy to his wife, Jeannie, his daughter, Susan, and his entire family.

His death is a great loss to our country, for throughout his life BILL BATES has continuously served this Nation in

the Armed Forces and in this body and I feel a deep sense of personal loss at his untimely passing.

LOUIS TANNER

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MORSE. Mr. Speaker, the career of a man unique in the annals of the Federal civil service comes to an end today, June 30, 1969, Mr. Louis Tanner, chief chemist of the Boston Customs Laboratory, will retire after 43 years of faithful, dedicated service, in the Treasury Department's Bureau of Customs. Because of Mr. Tanner's unique contribution to the Government, to industry in the United States and abroad, his accomplishments, and therefore his retirement, are worthy of special note and commendation.

Mr. Tanner began his career with the Government in 1926 as a customs chemist in the New York Customs Laboratory. After 13 years in that position, he was appointed Chief Chemist of the Boston Customs Laboratory. One of his major accomplishments has been the development of methods of sampling and laboratory testing of imported raw wool for duty purposes as well as the establishment of a system of mechanical sampling on a nationwide scale. He has also been responsible for establishing a national laboratory for wool testing in Boston.

Mr. Tanner is recognized as an international authority on the sampling and testing of wool and has served as expert and consultant to the Bureau and all Customs officers in this field. His invention of a ½-inch boring tool, with resultant economies to the Government, earned for Mr. Tanner the Treasury Department's Exceptional Civilian Service Award.

The techniques, methods of test, and inventions developed in his work have served as models for the trade and industry, both here and abroad. As a scientist, without previous background in the wool industry, trade, or technology, Mr. Tanner has indeed left an indelible mark of improvement in wool technology and on international and national wool trade.

Wool is just one of the many varieties of commodities tested in the Boston laboratory under Mr. Tanner's direction as chief chemist. He has contributed also to methods and devices for sampling raw sugar, fluorspar, dried fish, frozen juice, frozen cream—to name just a few. In additon, he has been in charge of the interlaboratory test program and the methods development program of the Bureau of Customs' Division of Technical Services.

Concurrently with his work in the Boston Customs Laboratory, Mr. Tanner has been deeply involved for over 30 years in scientific work in sampling, test methods, and standardization through the American Society for Testing and Materials, one of the foremost technical societies in the United States. He has been active on the society's technical committees on textile materials, quality control of materials, and sampling and testing of metal-bearing ores. He has also served as chairman of the ASTM Subcommittee on Sampling of Bulk Materials.

In 1960, Mr. Tanner was awarded the society's award of merit "in recognition of active, creative, and continuing contributions to the advancement of evaluation of quality."

Mr. Tanner has published a dozen manuscripts in various scientific journals and has also authored manuscripts on statistics, sampling, and testing. He has participated widely in seminars in testing and related fields in Peru, Japan, and England.

Throughout his long career of service, Mr. Tanner has always welcomed an opportunity to share with his coworkers in the Customs Service, as well as in industry, both in the United States and abroad, the knowledge he has gained through long and assiduous study and work.

On June 19, on his 70th birthday, Mr. Tanner was honored at a farewell dinner attended by customs officials and employees, by associates in private testing laboratories and wool firms, by members of his family, and by friends. Representatives of these groups spoke spontaneously, and warmly paid homage to this man who had earned the respect and admiration of all because of his unusual capabilities and his willingness to share both himself and his learning unstintingly.

Mr. Tanner will leave a void in the Federal civil service which no one can fill. He takes with him the respect, admiration, and gratitude of all those fortunate enough to have been associated with him.

The civil service has indeed been fortunate to have had the services of so dedicated a public servant and he deserves our respect and our gratitude.

CONGRATULATIONS TO JOSEPH F. McCAFFREY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mrs. SULLIVAN. Mr. Speaker, I have noticed in the CONGRESSIONAL RECORD a number of speeches and statements by Members of the House and the Senate on the 25th anniversary of Newscaster Joe McCaffrey's service as a Washington correspondent.

Without slighting any other members of the radio, television, press, or periodical galleries, I think it can accurately be said that Mr. McCaffrey is one of the top favorites in all of the news media among Members of Congress. That is because he works hard at digging out the news of what we are doing, and is one of the few to pay attention to the mechanics of the legislative process in order to explain the significance of each development. His radio and TV reports and commentaries are always fair minded and incisive; but, best of all, he tells us what is going on each day in the Congress—in the committees, particularly, as well as the discussions in the House and Senate. He is an invaluable source of information to the Members of Congress through his broadcasts.

Furthermore, I think each Member of Congress who knows Joe McCaffrey regards him as a personal friend. Although he has been covering Washington and the Hill for 25 years, I think his service with WMAL began just about the time I became a Member of the House in 1953, so, in that sense, we were starting together on our present careers. I want to join in the tributes other Members have paid to this fine correspondent in reaching a notable milestone in Washington journalism.

NEEDED REPEAL OF RESTRICTIONS ON AID TO DEPENDENT CHILDREN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. PHILBIN. Mr. Speaker, I am very happy that at least, in spite of some delay, we are now in a position as a result of conference agreement on the pending bill to strike down the extremely ill-advised cuts which were made in appropriations for aid to dependent children.

The evidence shows very clearly that this has hurt many young children who urgently need help, which they should be entitled to receive under the law, in order to avoid hunger, deprivation, and bitter personal sacrifice.

Many of these children lack proper medical attention and health care. The experience we have had with this freeze on their aid, clearly shows the hazards, and ofttimes the injustices, that can be worked by speedy, ill-considered decisions regarding the form, shape, and effect of important legislation to promote human welfare, or for other worthy purposes.

It is common knowledge that nonselective meat-ax cuts, however well intended the objectives of those who make them, are extremely unwise, unjust and usually produce utterly bad results.

In the appropriation process, while Congress must exercise great care that overexpenditure, extravagancies and waste are avoided, and proper, practical, sensible economies are practiced, one of the worst things that can be done in any legislative body is to slash appropriations indiscriminantly without extended study, and without taking special pains to look into the evil consequences that can flow from precipitous action cutting out or unreasonably cutting back important programs.

These matters must be well thought out, and flexibility, wisdom, justice, and great care be exercised, to make sure that valuable programs—those dealing with human beings, and even more especially, those dealing with young children, the retarded, helpless, sick, and handicapped—shall not be emasculated,

or dangerously abridged, by excessive zeal, or uninformed action resulting in social or economic results that penalize and deny funds, benefits, and assistance that are urgently needed.

I am very thankful that in this instance of dependent children serious mistakes have been rectified, and I hope that this will be true in other vital areas and in other places, in health, education, anti-pollution and other significant areas too numerous to mention, that we are very familiar with, where some improvident, ill-considered action in cutting down funds appropriated by Congress to help those who need help, and to serve the interests of many individuals in our society, as well as the public interest, shall not be repeated.

Above all, we should not practice picayune, unwarranted economy at the expense of the weak, the helpless, and the needy.

Nor should we under any circumstances cut funds required in the public interest to carry out policies and programs which, most of us are agreed, are not only valuable but essential in this economy and social structure, and that the American people want and need. The answer to this problem is that cuts and economies where they can be justified on grounds of sound economy, should always be reasonable and selective and should consider the hard-pressed American taxpayer, whose taxes are already too high.

FORCED REPATRIATION—A CRIME AGAINST HUMANITY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. GUBSER. Mr. Speaker, thinking that readers of the CONGRESSIONAL RECORD might be interested, I would like to insert an article by Mr. Julius Epstein, of the Hoover Institution on War, Revolution, and Peace, at Stanford University. The report concerns forced repatriation, a subject on which Mr. Epstein has done considerable research. His article follows:

[From Central Europe Journal, May 1969]

FORCED REPATRIATION—A CRIME AGAINST HUMANITY

(By Julius Epstein)

The forced repatriation of two to five million anti-Communist prisoners of war and displaced persons was a crime against humanity. It is still unredeemed. This fact has implicitly been admitted by the Government of the U.S.A. Let me mention just two instances of that admission.

On February 1, 1945, three days before the opening of the Yalta Conference, the Acting Secretary of State, *Joseph C. Grew*, dispatched a diplomatic note to Soviet attaché *Novikov* of the Washington Soviet Embassy. In this note, Grew rejected the Soviet demand to repatriate against their wishes Soviet prisoners of war in American POW camps, prisoners who had fought under General Vlasov against the Soviet Union.

Grew called the Soviets' attention to the fact that these prisoners were wearing German uniforms when captured and, therefore, had to be treated as German prisoners of war. As Grew pointed out, the Geneva Convention of 1929 did not permit one "to look behind the uniform". He categorically declared that forced repatriation would be a gross violation of the Geneva Convention. Besides, it would be violation of the American tradition to grant asylum to political exiles.

Grew's contention represented the correct interpretation of international law. Neither the two Hague Conventions of 1899 and 1907, nor the two Geneva Conventions of 1929 and 1949 recognize the concept of forced repatriation. Grew's opinion, as expressed in his diplomatic note to the Soviets—still unpublished by the Department of State—has been vigorously corroborated by Presidents Truman and Eisenhower as well as by General George C. Marshall.

On August 20, 1952, the White House released a letter that President *Truman* had written to the U.S. Army Captain *Charles G. Ewing*, in which he wrote: "We must not use bayonets to force these prisoners to return to slavery and almost certain death at the hands of the Communists." And on May 7, 1953, President *Eisenhower* said in a speech before the New York Republican Committee at the Waldorf-Astoria Hotel in New York: "People that have become our prisoners cannot by any means be denied the right on which this country was founded . . . the right of political asylum against the kind of political persecution they fear . . . Consequently, to force those people to go back to a life of terror and persecution is something that would violate every moral standard by which America lives. Therefore, it would be unacceptable in the American code, and it cannot be done." General *George C. Marshall* said in a statement of May 20, 1947: "It is the fixed policy of the United States Government to oppose any forced repatriation of displaced persons."

AMERICAN VIEWS DURING THE KOREAN WAR

The climax in American rejection of forced repatriation came during the Korean war when the Government of the U.S.A. preferred to prolong the war by about fourteen months in order to evade the forced repatriation of the North Korean and Chinese prisoners of war who did not want to return.

It was on October 24, 1952 that the American Secretary of State, *Dean Gooderham Acheson* delivered his great speech before Committee One of the United Nations General Assembly. In this speech, Acheson said: "So far as I know, there has been no member of the United Nations outside the Communist group that has ever suggested that it was right, proper, legal, or necessary to return these prisoners by force." Acheson, in order to justify his point of view, referred to the Geneva Convention of 1949 and to the international practice of the last 37 years. He quoted 15 peace treaties concluded by the Soviet Union which all contained the clause that nobody will be returned "against his intentionally expressed desire." The Secretary also quoted the Soviet ultimatum sent to Field Marshal *Paulus* at Stalingrad, an ultimatum in which the Soviet Government assured the German officers and soldiers of the right not to be repatriated against their will. As Acheson said the same assurance was given by the Soviets to the German troops in Hungary.

With this speech, the American Secretary of State had once more established the fact that forced repatriation of prisoners of war and displaced persons is a violation of international law and therefore, a crime against international law.

How then can it be explained that the very same American Presidents, Generals and State Department officials who so forcefully defended the principle of "voluntary repatriation only" committed the crime of forced repatriation, a crime against humanity according to the norms of the Nuremberg trial before the International Military Tribunal? How can it be explained that General Eisenhower's Supreme Headquarters, Allied Expeditionary Force issued in May 1945 a "Guide to the Care of Displaced Persons in Germany" in which we find the following paragraphs:

"After identification by Soviet Repatriation Representatives, Soviet displaced persons will be returned to their countries of nationality or former residence without regard to their personal wishes."

ROOTS OF THE WRONG DECISION

The answer to our question takes us back to the Roosevelt era, to the time when Stalin was our "gallant ally" who could do no wrong. And especially to F. D. R. himself who strangely enough, believed in Communism, as the wave of the future. How else can it be explained that *Roosevelt*, the President of the United States, suggested to *Stalin* that he (F. D. R.) would like "to reform [India] from the bottom, somewhat on the Soviet line." It was the time when the Administration, permeated by untold Communists and their fellow travelers, deeply believed that the best way to deal with Stalin was "to give him everything and to ask for nothing."

Since Stalin considered every Red Army soldier who fell into German captivity as a traitor who must return to be punished, the most pro-Stalinist Administration America ever had, simply accommodated him without any scruples about international law and the old and time-honored tradition of ready asylum for political exiles. Horrifying reports filled the world's press about events in the American POW camps in Germany, e.g. in Dachau, Kempten, Plattling and other places where hundreds and thousands preferred suicide to repatriation. What made the crime even worse was the fact that in most of these camps American officers pledged their honored word that the prisoners would not be forcibly repatriated to Stalin where only death and slave-labor camps awaited them.

The British did not behave any better than the Americans when they surrendered in 1945 more than 300,000 Croatians to *Tito* and more than 30,000 Cossacks to Stalin. Among those Cossacks were many very old ones who had never been Soviet citizens and therefore should never have been repatriated to the Soviets, not even according to the Yalta agreement. Their forced repatriation was a double violation of international law. Even the Soviet repatriation officers expressed their surprise when they received these old Cossacks, e.g., General *Krasnov*, and declared that they never expected these old men to be repatriated, a fact which, however, did not prevent them from shipping these old men to Moscow where the leaders including Krasnov, were hanged and the rest sent to Stalin's slave labor camps. British officers, too, had promised the prisoners they would not be forced back.

Unfortunately, there is no agreement among scholars as to the exact number of those forced back. The estimates vary between two and five millions. *Sven Steenberg*, General Vlasov's biographer, writes in his book, "Vlasov, Traitor or Patriot?": "Altogether, 6 to 7 million Soviet prisoners have been repatriated. There are no statistics to tell us how many would have preferred to stay in the West, if permitted." It is a rather conservative estimate to assume that at least two million prisoners fell victim to the crime of forced repatriation. It is, of course, very well possible that many more were deported against their will.

FREEDOM OF INFORMATION ACT

It is this crime of forced repatriation—still not officially admitted by the Government of U.S.A., let alone redeemed—which has poisoned to this very day the spiritual atmosphere between the West and the peoples behind the Iron Curtain whom *Eugene Lyons* has called our "secret allies". The American Government still maintains top-secret classification on all pertinent documents, especially on the key dossier "Operation Keelhaul." It is for that reason that I brought

legal action in the District Court of San Francisco against Mr. *Stanley Resor*, American Secretary of the Army.

My legal action, the first of its kind in American history, was made possible by the newly enacted "Freedom of Information Act" sponsored by the Democratic Congressman *John E. Moss* of California. This law enables an American citizen to force the Government to prove in court, if necessary, in camera, that a certain document was "properly" classified. A document is "properly" classified only when its disclosure would seriously endanger American national defense or security. How a document about forced repatriation in 1945 can seriously endanger American defense and security in 1969 is beyond any reason. To pretend to believe this, is absurd.

Two hearings were already held in the District Court. I am now looking forward to the third.

HOSPITAL INSURANCE FOR THE AGED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. CORMAN. Mr. Speaker, on June 27, I introduced, for appropriate reference, a bill, H.R. 12473, to permit States, under Federal-State agreements, to provide coverage under the hospital insurance program for the aged. Twenty-three Members of the House have already joined me in cosponsoring this proposal.

Under the provisions of this bill, the Secretary of Health, Education, and Welfare may enter into agreements with a State to provide hospital insurance coverage under medicare for teachers and other public employees in States where such persons are not covered under social security. The States concerned are California, Colorado, Connecticut, Florida, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Missouri, Nevada, Ohio, Rhode Island, and Puerto Rico.

States entering into such agreements with HEW shall reimburse the Federal hospital insurance trust fund for payments made to retirees covered under appropriate State legislation. Should a State fail to provide for full compliance with the agreement, the Secretary is authorized to terminate the agreement.

This legislative proposal has strong backing of the National Education Association as well as educational associations of the affected States, which includes my own State of California.

The Nation's teachers, who have devoted their lives in educating our children, and the other public employees who have given their working years to public service, should now be accorded the right to enjoy the benefits and protection of the hospital insurance program. These persons have devoted their lives in the public service at pay scales which usually prohibit substantial personal savings. High medical and hospital costs should not be a burden to them in their retirement years.

The enactment of this legislation will not only benefit these employees but, by bringing this large group of Americans under the provisions of the hospital insurance programs, it will also strengthen the program.

This is justifiable and necessary legislation and I urge the Congress to act favorably on it.

TWO SOLDIERS FROM MARYLAND ARE KILLED IN VIET FIGHTING

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Francis G. Ruppert and Sp4c. Eugene W. Smith, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO SOLDIERS FROM MARYLAND ARE KILLED IN VIET FIGHTING

Two Maryland soldiers, one a Baltimorean who was decorated for meritorious action and the other a platoon leader from Cumberland who complained that the Army was not doing its job, have been killed in Vietnam, the Defense Department announced yesterday.

The two, who were both killed in action, were identified as:

Specialist 4 Francis J. Ruppert, 21, who was killed June 21 when he stepped on an enemy mine near Wonder Beach in the demilitarized zone.

Specialist 4 Eugene W. Smith, 27, who was killed June 10 while driving a military vehicle during an enemy attack.

Specialist Smith, whose wife Bernadette lives at 107 Albemarle street, received the Army's Commendation Medal for his action last February 26, when he rescued a trailer filled with ammunition during an enemy rocket and mortar attack. He hitched the trailer to his truck and drove it to his unit.

The men in his unit, Company B of the Twenty-fifth Infantry Division's artillery battalion, credited Specialist Smith with saving them from the enemy attack. He painted his wife's name on his truck, Mrs. Smith said yesterday.

A graduate of Carver Vocational High School, Smith worked as a room service helper at the Sheraton-Baltimore Inn and as a truck driver's helper at the Atlantic Paper Company before being drafted into the Army.

Although he was 25 when he was drafted, his Selective Service records indicated he was 20, and he always claimed he was drafted by mistake.

BUSY AND TIRED

His wife said he did not write very often because he was "so busy," but that, when he did, he said he was "tired" because war was "hell" and he wanted to come home.

Seven riflemen and a bugler from Fort Meade attended a graveside ceremony yesterday at Baltimore National Cemetery, where Specialist Smith was given a 21-gun salute and the bugler played taps.

Eight soldiers from Fort Holabird served as pallbearers during a mass at St. Gregory's Church, Gilmor and Baker streets.

After the funeral service Specialist Smith's 6-year-old son, Eugene W. Smith, Jr., placed a Madonna on his father's casket.

Besides his wife and son, Eugene, his survivors include another son, Stephen W. Smith, who is 4, and his mother, Mrs. Florence E. Madison, of 1709 North Bruce street.

Specialist Ruppert, who lived with his parents on a 120-acre farm in what is now the Rock Gap National Park near Cumberland, graduated from Fort Hill High School and was planning to work as a welder when he was drafted in January, 1967.

After completing basic training at Fort Bragg, N.C., where he was named "distinguished trainee," he was stationed in Germany until his repeated requests to volunteer for service in Vietnam were granted.

In his letters home, he wrote that he "could not understand why" he was in Vietnam because the Army "was not doing what it should do—fight or quit."

His survivors include his parents, Mr. and Mrs. Leo J. Ruppert, of Rocky Gap road, Cumberland; a brother, Leo J. Ruppert, Jr., of Cumberland; and six sisters, Mrs. Rosanna O'Neal, of Cape Hatteras, N.C., Mrs. Catherine Funk, of Cumberland, Mrs. Rita Hamolia, of Silver Spring, Md., and Miss Darlene Ruppert, Miss Mary Elizabeth Ruppert and Miss Margaret Jean Ruppert, all of Cumberland.

GARIBALDI-MEUCCI MEMORIAL MUSEUM

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MURPHY of New York. Mr. Speaker, the Garibaldi-Meucci Memorial Museum on Staten Island has recently achieved historic landmark status from the New York State historic trust—division of parks—and the New York State Senate. New York City has declared it to be a city of New York historical landmark.

The museum is the original home of Antonio Meucci, distinguished Italian scientist, and the place where Guiseppe Garibaldi visited while in America.

I include the New York State Historic Trust resolution, the New York State Senate resolution, and the official citation by the City of New York Landmarks Preservation Commission in the RECORD.

The resolution follows:

RESOLUTION ADOPTED BY THE NEW YORK STATE HISTORIC TRUST, APRIL 16, 1969

Whereas, the Office of State History and the staff of the Trust have evaluated the Garibaldi-Meucci Memorial Museum of historic importance having been the residence of Guiseppi Garibaldi, the liberator of Italy, and Antonio Meucci, a distinguished Italian scientist, now, therefore, be it

Resolved, that said site is hereby declared to be a place of historic interest, and pursuant to section 831 of the conservation law, the Chairman is hereby authorized and directed to take such action as he may deem appropriate for the public recognition and appreciation thereof.

NEW YORK STATE HISTORIC TRUST

Whereas the Garibaldi-Meucci Memorial Museum, in the borough of Richmond, City of New York, State of New York, is a place of historic interest, having been the residence of Giuseppe Garbaldi, the liberator of Italy, and Antonio Meucci, the distinguished Italian inventor.

Now, Therefore, pursuant to the powers vested in the New York State Historic Trust by the People of the State of New York by virtue of Section 831 of the Conservation Law, and pursuant to a resolution duly adopted at a regular meeting of said Trust held on the 14th day of April, 1969, said Garibaldi-Meucci Memorial Museum is hereby designated as a place of historic interest and appropriate action is hereby authorized

for the public recognition and appreciation thereof.

In Witness Whereof, the New York State Historic Trust has caused its seal to be hereunto affixed and these presents to be signed by its duly authorized officer this 14th day of April, 1969.

NEW YORK STATE HISTORIC TRUST.
By CONRAD L. WIRTH, *Chairman.*

RESOLUTION No. 48

(Concurrent resolution of the Legislature of the State of New York memorializing Congress to declare the Garibaldi-Meucci Memorial Museum as a national historical landmark)

Whereas, The Garibaldi-Meucci Memorial Museum located on Staten Island in the city of New York is a historical landmark; and

Whereas, Such monument contains historical significance that is nationwide; now, therefore, be it

Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to declare the Garibaldi-Meucci Memorial Museum located in Staten Island, New York, a national historical landmark; and be it further

Resolved (if the Assembly concur), That the Congress of the United States cause a plaque and/or marker to be installed at the location of such museum, and be it further

Resolved (if the Assembly concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each member of the Congress from the state of New York.

By order of the Senate,

JOHN T. MCKENNA,
Secretary.

In assembly, April 3, 1968, concurred in without amendment. By order of assembly.

ALBERT J. ABRAMS,
Clerk.

[Report of Landmarks Preservation Commission, No. 1, May 25, 1967]

GARIBALDI MEMORIAL, 420 TOMPKINS AVE., STATEN ISLAND, BUILT ABOUT 1845

Landmark Site: Borough of Richmond Tax Map Block 2966, Lot 32.

On September 13, 1966, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Garibaldi Memorial and the proposed designation of the related Landmark Site. The hearing had been duly advertised in accordance with the provisions of law. At the hearing it was reported that the owners of the building, The Order of the Sons of Italy in America, favor the proposed designation. There were no speakers in opposition to designation.

FINDINGS AND DESIGNATIONS

On the basis of a careful consideration of the history, the architecture and other features of this building, the Landmarks Preservation Commission finds that the Garibaldi Memorial has a special character, special historical and aesthetic interest and value as part of the development, heritage and cultural characteristics of New York City.

The Commission further finds that the Garibaldi Memorial is a visual monument to a man considered by many historians and most residents of Staten Island to have been the most important foreigner ever to have lived there, that the historical associations connected with the residence are international in scope, and that the residence pays tribute to Giuseppe Garibaldi, the great Italian liberator, and to his friends, Max Maretzek the composer, and Antonio Meucci, who furthered the technological development of the telephone at an early date.

Accordingly, pursuant to the provisions of Chapter 8-A of the Charter of the City of New York and Chapter 8-A of the Administrative Code of the City of New York, the Landmarks Preservation Commission designates as a Landmark the Garibaldi Memorial, 420 Tompkins Avenue, Staten Island and designates Tax Map Block 2966, Lot 32, Borough of Richmond, as its Landmark Site.

EUROPE LIKES NIXON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DERWINSKI. Mr. Speaker, two articles by Dumitru Danielopol, the international correspondent of the Copley Press, written during a recent European trip are of special interest since they report on comments of knowledgeable Europeans on matters of grave importance to us.

In view of the timeliness of these articles carried June 5 in the Joliet (Illinois) Herald-News and June 13 in the Elgin, Ill., Daily Courier-News, I direct them to the attention of the Members:

EUROPE LIKES NIXON

(By Dumitru Danielopol)

PARIS.—The most significant event in U.S.-European relations in the last few years was the election of Richard Nixon as president.

On this side of the Atlantic, Richard Nixon is looked on as the best prepared man to enter the White House since World War II.

Nixon's eight years as vice president under Dwight D. Eisenhower, sometimes ridiculed in 1960, today are respected as schooling for the toughest job in the world. He traveled widely, saw many important people on this side and the other side of the Iron Curtain, studied and pondered on the problems facing the United States.

After his 1960 and 1962 election defeats, he resumed his foreign travels.

In October 1967 when I visited him in his law offices in Broad Street in New York, he said, "I think I am ready."

Thirteen months later the American electorate agreed. Today Europe agrees.

Even the most skeptical foreigners and Americans give Mr. Nixon high marks.

"The French had had a very wrong impression of your President," one newsman told me, "mostly due to very bad publicity in the U.S. press. Once they saw him, spoke to him they liked him. When he was here in February they liked his candor, his sincerity and his charm. They felt the man had studied his files—had done his homework and they were pleasantly surprised to learn that he had a sense of humor."

France had its own love affair with John F. Kennedy and Mr. Nixon had been seen by many as the "villain" who opposed Kennedy in 1960.

"But he is so simpatique," said one pleased Frenchman. "He has a ready smile. He knows how to talk to people. And he apparently can listen. That may be his greatest asset."

When told that some Americans are impatient because President Nixon seems slow in getting things done, Europeans shake their heads. They have learned that policy of world scope takes time. Even the President has said that he doesn't seek "the kind of record that looks very good in headlines tomorrow" but is found wanting in the history books.

Western Europe may have lost its one decisive voice in world affairs, but it hasn't lost its eyesight. It assesses well the tough situation Mr. Nixon inherited.

An undeclared war in the bogs of Southeast Asia, where a half million GIs are involved thousands of miles from home.

A war that had already been declared a fight, but not for victory, but for compromise. A war already restricted by limited military objectives and a peace conference that has been dragging on for a year.

A rebellious youth trying to make its own rules.

An immense budget problem complicated by an unfavorable balance of payments and rampant inflation.

Race problems.

Europeans see the broad issues perhaps more clearly due to their perspective in history.

To expect instant results from the Nixon administration is to be unrealistic and naive. They know it.

INTERNATIONAL SCENE—LEGAL-MINDED REDS POSE DANGER IN ITALY

(By Dumitru Danielopol)

ROME.—"Italy is on the verge of a Communist takeover, just like Prague in 1948."

The man a close observer of the political scene, complained that the "apertura a sinistra"—the opening towards the left—masterminded by the United States during the Kennedy administration, has left Italy open to a frontal attack by the Communist Party.

In the elections last year the Communists got some 9 million votes although there are only 1½ million card-carrying Reds in Italy—7½ million votes were cast to protest a do-nothing administration in Rome.

"The people want reforms. Many are underpaid and want higher standards of living. They are workers, peasants, civil servants. That's why they protest."

I had heard the story two years ago. A Communist coup was talked of then. It didn't happen but the voices are louder today, more urgent.

When can one expect the Communist revolution?

"That's difficult to say," was the answer. "The Italians are a nonchalant people. They are not easily roused to a frenzy. They would never revolt in summer. That's vacation time. Besides it's too hot. They wouldn't do it during the Christmas holidays and they won't revolt in the afternoon—that's siesta time, and of course, never on Sunday." Even if it isn't a joke, it leaves plenty of time.

Serious observers are worried. They say the country is drifting dangerously towards the left. They believe that the Moscow-leaning Communist Party would have been able to take over through a coup, but Moscow stayed their hand. The Soviets prefer that the Italian partners come to power legally in an election, won in a coalition with other leftist and left of center parties.

On the other hand a number of new parties have emerged to the left of the Communist Party. They call themselves "worker power," "student power," "the pro-Mao Communists" and so on.

They are militant, revolutionary and destructive like similar parties which emerged in many countries round the globe.

"There is great disunity even inside the strongest parties," explained one American observer, "five factions within the Communist parties, three in the Christian Democratic party and three in the Socialist party. This makes the working of parliament very haphazard."

Long overdue reforms are still forthcoming. Strikes are frequent and crippling.

The recent mail strike is only one example.

Thousands of tons of undistributed mail which can no longer be stored in the post offices have been wandering in railway cars all around the country.

Rome is a bureaucratic mess, according to Italian businessmen.

Yet somehow the economy doesn't seem to suffer too much, on the contrary it is doing better than ever before.

"It's prosperity in the midst of political chaos," said a rightest member of Parliament.

This phenomenon is explained by the fact that managers and workmen are competent, individualistic and inventive. They find ways around the red tape and go on producing and selling in spite of all.

"Italy is not yet ready for democracy," said one American observer. "Neither is it ripe for a military coup. What is needed here is strong leadership, but no leader appears on the political horizon. So we are heading towards chaos."

Some Italians look longingly at the strong miltiary regime in neighboring Greece—which though smeared by the Italian government—looks to them as a good alternative to what Italy endures.

While driving me to the airport on my way to Athens, a member of Parliament quipped:

"When you come back, bring one of the Greek colonels."

STATEMENT OF REV. EUGENE J. BOYLE TO THE PRESS

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BURTON of California. Mr. Speaker, in the past week, Sacred Heart Roman Catholic Church and the Rev. Eugene J. Boyle were mentioned in testimony before the Senate Investigating Committee chaired by Senator McCLELLAN.

The statement by Father Boyle, which follows, deals with the substance of the testimony before that committee and I am sure my colleagues in the House will appreciate having the opportunity to read it.

I should, however, like to preface this statement by saying that Father Eugene Boyle is a truly outstanding member of the clergy in San Francisco. He has been in the forefront of the struggle for social justice and has contributed immeasurably to improving intergroup relations in San Francisco. He has worked tirelessly to minister to the needs of the most dispossessed in our community and remembered well the injunction in the New Testament—"Suffer the little children to come unto me, for such is the kingdom of heaven."

The statement follows:

STATEMENT OF REV. EUGENE J. BOYLE TO THE PRESS

JUNE 24, 1969.

I strongly object to the implications in the statement made by Inspector Ben Lashkoff, SFPD, before the McClellan Senate investigating committee today, concerning Sacred Heart Church and the Black Panther Party.

Inspector Lashkoff implied that throughout the whole time of the Black Panther breakfast for Children operation, March 10 to the close of the school year, coloring books were handed out to children at Sacred Heart Church. I have knowledge of only three copies of the book and I have actually seen only one original copy. This book was handed out early in the breakfast program, possibly at the end of March. According to Bobby Seale, Chairman of the Central Committee of the Black Panther Party, 25 to 50 coloring books were printed for evaluation in 1968. The book was rejected at that time, before the breakfast began at Sacred Heart or anywhere. Larry Powell, expelled Party member who testified before the McClellan Committee, was still working in the Panther Party office, in the mimeograph room at that time. Tima, who authored the book, is available for comment. He admits that the book does not conform to the Party policy, because of its racist overtones. The coloring book was distributed without the permission of the Party and after it had been rejected. A new book is currently being developed, one that conforms with party policies.

When I became aware of the book, I too objected and asked that it no longer be given out. My objection was strong and unequivocal. To my knowledge, no other copies were ever handed out during the remaining three months of the program.

I have always strongly repudiated this type of literature; it is gross, inflammatory, racist, and counter-productive. However, this type of crude and inflammatory literature against race and religion is not new to the United States. This is another instance of the Black Militant's saying to us: "We have finally learned to use your own methods." I feel it is arrogant hypocrisy to say that this type of literature was initiated by the Panthers. I refer to literature throughout our history: literature to further Anti-Catholicism produced by some Protestants, to further Anti-Protestantism by some Catholics, to further Anti-Semitism by many Americans.

I refer, too, to some of our officially sanctioned World War II literature, directed against the Japanese and the Germans, and particularly I refer to literally volumes of literature produced by racists, in the North and in the South, against the Black man.

In this connection, I would like to point out one of the cartoon captions in the coloring book, referred to by Inspector Lashkoff, i.e., "The only good pig is a dead pig." This is but a reversal of the frontier slogan of our early pioneers, "The only good Indian is a dead Indian." In recent years, it has been changed by too many Americans and too many Policemen into the curse, "The only good Nigger is a dead Nigger."

I make no attempt to justify the book. Like the Panthers, I would like to indicate that it is an unfortunate style of literature. Only a few copies of the material had been circulated at the Party breakfast; the book has now been given international publicity by a member of the San Francisco Police Department before the McClellan Committee and the world. To my knowledge, more copies have been xeroxed and distributed by the Police and other authorities than by the Black Panther Party. I for one have seen more xeroxed copies of the book than I have original copies.

I would like to point out that the coloring book does not square with our total experience with the Black Panther Party, nor with their own philosophy. The breakfast program and the discipline of those involved in it gave Black youth a sense of self-worth and an opportunity to serve their community. They *fed* hungry children well-balanced meals while another Senate committee *investigated* malnutrition. I was also witness to the cooling of what might have been a major civil disturbance on Fillmore Street by these same young men.

Finally, I quote from the recently released Task Force Report on Violent Aspects of Protest and Confrontation of the National Commission on the Cause and Prevention of Violence: "It is clear that some militant ghetto organizations, such as . . . the Black Panther Party in Oakland, have made direct and markedly successful efforts to 'cool' their communities, especially in the wake of the King assassination."

The Black Panther Party exists and grows within the Black community only because the grievances which it gives voice to are shared by large numbers of ghetto residents. The presence of police brutality and the deteriorating relationship between police and Black communities is a reality which has been documented repeatedly by Presidential commissions and local task forces. To pretend now that the Panthers or an unfortunate coloring book is at the root of these escalating tensions, is escapism of the rankest sort.

In a statement of several weeks ago, explaining the involvement of the Sacred Heart Urban Ministry with the Black community of San Francisco, I said:

"Despite the possibility of increased repression and perhaps retaliation, the Sacred Heart Urban Team Ministry has accepted the admittedly risky vocation of keeping before the public the increasingly deteriorating relationship between our Police and our community and of keeping alive the struggle to achieve some mechanism that can reverse this trend and improve the relationship."

Though Inspector Lashkoff's accusations before the Senate's subcommittee smack of the retaliation I predicted, Sacred Heart will continue to seek a solution to the problem of Police-community relations—a goal which we believe will benefit not only the Black community but also the Police. And if we are to heed the command of Christ, we cannot reject efforts to feed the hungry or to clothe the naked. In providing space for the Black Panther Breakfast for Children, we are doing no more than Christ would have done.

LEONOR SULLIVAN, MEMBER OF CONGRESS—OUR VERY FAVORITE LADY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DINGELL. Mr. Speaker, Hoyt S. Haddock, the executive director of the AFL–CIO Maritime Committee, devoted his column in the June issue of the Pilot, the official magazine of the National Maritime Union, to our respected friend and colleague Congresswoman LEONOR K. SULLIVAN. So that her colleagues will have an opportunity to read this very fine tribute, I include the text of Mr. Haddock's column at this point in the RECORD:

LEONOR SULLIVAN, MEMBER OF CONGRESS—OUR VERY FAVORITE LADY

My favorite lady in politics and government is the charming, feminine, but so-very-determined gentlewoman from St. Louis—Mrs. Leonor Kretzer Sullivan.

Congresswoman Sullivan, who is the ranking member of the House Merchant Marine and Fisheries Committee, recently made a speech on the floor of Congress that perhaps explains why we feel this way. Concerned over the current contract negotiations in the maritime industry, she got up to speak her piece on the matter.

Because of the complexity of the maritime industry, she said—involving such factors as government interest and subsidies, corporate structures, and a multiplicity of unions—there has been frequent criticism of the collective bargaining process in the industry.

"The situation is complicated by the fact," she went on to say, "that, on the Atlantic Coast for example, the majority of people employed on shipping lines subsidized by the federal government belong to four principal unions. In the past, differences among

these unions concerning their collective bargaining objectives have complicated the negotiating process . . .

"In those years we heard complaints from many employers that it was becoming increasingly difficult to determine costs and liabilities; that fact in turn made settlements more difficult of achievement; and at its worst the uncertainty, bitterness and divisions produced by this chain of events threatened to undermine the collective bargaining process and destroy its effectiveness as a method for reaching agreement on the terms and conditions of work."

Thus, she said, "a number of us who have a strong sense of concern for the American merchant marine felt a considerable degree of concern about this year's contract negotiations."

Praises NMU, NMEBA and ARA. Taking note of the accord reached by leaders of the NMU, National Marine Engineers Beneficial Association and the American Radio Association, Mrs. Sullivan said:

"Thus, I have been greatly heartened by the fact that three of the leading maritime unions have recognized these dangers and have taken steps to unify and simplify the collective bargaining process involving the subsidized ship operators this year.

"The NMEBA, the ARA and the NMU have proposed joint negotiation with the employers. They have, in addition, agreed that all three unions will negotiate with the employers on the same general set of proposals for pay and benefit improvements. Finally, and perhaps most important, under the agreement suggested there are no open ends for the duration of the contract. Under this proposal, there would be no possibility of 'leapfrogging' and no interminable escalation or whip-sawing among them."

Mrs. Sullivan called the proposal by the three unions "a welcome display of wisdom and concern that offers the one great hope for a speedy settlement between the parties."

"It offers," she added, "the employees the promise of fair improvements in their conditions and it offers the employers a measurable limit to their increased financial obligations. These elements, it seems to me, provide a basis for effective negotiation."

WOULD BE TRAGIC TO IGNORE

Mrs. Sullivan forthrightly said that she believed "it would be tragic—for the nation and for the maritime industry—if this proposed procedure is not placed into actual practice.

"I hope most sincerely that the employer groups will see the great benefits for themselves and for the government in accepting this plan for unified negotiations. The multiplicity of unions, like the multiplicity of employer groups, has made collective bargaining in the merchant marine a difficult and often frustrating process. Now we have a chance for a better way."

Thank you, Leonor, for laying it right on the line. Let's hope the employers listen.

TOWBOAT SAFETY SENTIMENT RISING

It is also good to report that sentiment seems to be slowly building up for another pet project of both Mrs. Sullivan and the AFL–CIO Maritime Committee—H.R. 156, the towboat safety bill.

For several years now Mrs. Sullivan has introduced this bill, always with the same number, an the AFL–CIO Maritime Committee has backed it to the hilt on Capitol Hill. But the towboat operators' lobby has been unfortunately strong enough to forestall any action.

A recent spate of river tragedies—involving collisions with unlicensed towboats—appears to be helping change the apathetic climate that has existed. Formerly uninterested Congressmen are coming to realize that the unregulated towboats that ply American rivers in increasing numbers are a menace to everybody's safety on the river, particularly in the crowded estuarine areas. That they are not covered by strong Coast Guard regulations is a crying shame. Mrs. Sullivan believes and she intends to press her campaign for H.R. 156 ever harder in light of the recent disasters.

It took Leonor Sullivan and ex-Senator Paul H. Douglas many frustrating years to enact the Truth-in-Lending law. But it finally did come. Mrs. Sullivan believes the same thing will happen with H.R. 156.

We of the AFL–CIO Maritime Committee will be helping as hard as we can to help make it happen.

HOUSE OF REPRESENTATIVES—*Tuesday, July 1, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who is faithful in a very little is faithful also in much.—Luke 16: 10.

O Lord and Master of us all, who hast called us to be workers with Thee in the advancement of Thy kingdom, teach us to understand the meaning of this time in which we live with all its troubles and its triumphs. With this understanding may there come the spirit to deal with the demanding duties of this day courageously, handling ourselves well in trouble and handling trouble for the well-being of our people.

Sustain with Thy strength those who are in need. Inspire our people to be compassionate and helpful in their endeavor to provide assistance to those who seek work and who will work.

Grant unto us, the leaders of this free land, the will and the wisdom to continue to build the life of our Nation upon the strong foundation of justice and truth and good will. To this end may we be found faithful in our stewardship.

In the name of Him, who was always faithful, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11069. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4153. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard;

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes;

H.R. 10595. An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program; and

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11582) entitled "An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. BYRD of West Virginia, Mr. MONTOYA, Mr. BOGGS, Mr. ALLOTT, Mr. MCGEE, Mr. RANDOLPH, and Mr. FONG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 980. An act to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes;

S. 1613. An act to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

A CLEAR MANDATE FOR MEANINGFUL TAX REFORM

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

Mr. VANIK. Mr. Speaker, yesterday's vote on the extension of the surtax provides a clear mandate for meaningful revenue-raising tax reform.

Regardless of the shenanigans employed to shore up sagging support for passage of extension of the tax, the forces opposing tax reform won by only five votes.

It seems quite clear to me that Congress should take special note of this plea for meaningful, revenue-raising tax reform. Otherwise the people of this Nation will have every reason to revolt against a Congress which arrogantly refuses to recognize the average taxpayer.

Nothing can stop the great momentum which exists in this country for a meaningful program of tax reforms. No brute political tactics and arm twisting can smother the great legion of people in this country who seek equity and justice in our tax structure.

The close vote yesterday to extend the surtax was a fine victory for the forces which seek tax reform. We shall now see whether the pledges and promises which

were made in the passion of debate can be redeemed during the coming weeks. The Nation will be watching the work of this Congress on tax reform with great interest and anticipation.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 296. Concurrent resolution providing that when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969.

ON THE QUESTION OF COMMITMENTS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, we have all noted that the other body has recently passed a resolution called a commitment resolution, in which the sense of the other body was expressed that the Executive should not commit the United States to any course of action which would lead to the use of our Armed Forces without a treaty or statute or a concurrent resolution of the Congress.

Now, I quite well sympathize with the feeling of the other body that the Executive should not commit the country without the concurrence of that body in such an agreement.

We would like the other body also to understand that we of this body do not like to have that body commit us to a course of conduct to which we do not give our own concurrence. I have not just come to this view. I felt this way when a Member of the other body. In fact I offered a resolution in the other body for an amendment to the Constitution providing that no commitment on the part of the United States should be made other than by the action of both bodies of this Congress.

If our Armed Forces are to be used, then those Armed Forces cannot exist unless they are provided by the action of this body along with the other body. The funds necessary for their sustenance must be provided by this body as well as the other body. Any authority they exercise must be accorded by this body as well as the other body.

So I hope the Members of this House under the inspiration of this commitment resolution the distinguished other body has now enunciated and enacted will also give some consideration to a resolution I have been introducing ever since I was a Member of the other body that all commitments on the part of this country can be given only by the concurrence of both Houses of the Congress of the United States.

NIXON SURTAX—AN AFTERTHOUGHT

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, last night after the news of the vote reached the people of my district, I was besieged with a barrage of phone calls and wires from angry taxpayers.

Mere assurance that I had cast their vote against this outrageous plunder did not satisfy them. They remember that a year ago, they were promised this tax was to be temporary and there were commitments made for significant reductions in Federal spending.

They do not even have that consolation this year. And furthermore, the investment tax credit was repealed by this vote.

They resent the intellectual theory that they—the producers—cannot be trusted with their own earnings while the nonproductive Government bureaucrat is given credit for knowing better how to spend taxpayers' dollars than the productive citizen.

The average man on the street knows that once the bureaucrats have taken his money it only follows that there will be no economy—no cessation of inflation. Rather, this extension of the tax on taxes will generate a constant clamor for Members to continue to fund every Federal "giveaway" while the opportunists connive on how to get a share of the dollars Federal taxes have "taken away."

Taxi drivers, ditch diggers, and small business people all understand the House action yesterday—their inescapable conclusion: "There really was not a dime's worth of difference."

EXPLANATION OF VOTE ON SURTAX BILL

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, I take this time to explain to my colleagues why my "no" was a little louder yesterday than normal on final passage of the surtax bill. During the rollcall, a member of the Subcommittee on Public Works of the House Appropriations Committee approached me on the House floor and said that unless I voted in favor of the surtax, planning funds in the sum of $150,000 for the Salem Church Dam in my district would not be approved.

If anyone checks the RECORD they will find that I generally vote with my party and intend to do so in the future. Persuasion and compromise are part of the legislative process and I welcome the views of any other Member of the House at any time. However, my vote is not for sale for the Salem Church Dam or any other project. It will be cast in the future as in the past for what I consider right after hearing arguments and obtaining as much information as possible. Of course, I hope that preconstruction funds for the project in my district will be appropriated on the merits of the project, but if not, I am confident my constituents will understand. More important, I venture to hope that in the future all will understand that my vote is not on the market and there will be no future threats of this nature.

CHICAGO IN 1972?

(Mr. GROSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, in other years, on the morning after, the House has been fragrant with the smell of roses, but I seem to detect this morning the smell of bacon and eggs, and perhaps a touch of greens, or something of that kind in this Chamber.

I also detect, as was normal in the past, the pungent odor of linament for twisted arms and strained muscles. But something new has been added—the Daley telephone call—and I still seem to hear in the background today—although I am tone deaf—something that sounds like this: "Chicago, Chicago, in '72 in '72."

ROY WILKINS MISTAKEN

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSH. Mr. Speaker, I have regard for much of what Roy Wilkins, head of the NAACP, has to say.

However, I was disappointed to hear him quoted on television to the effect that President Nixon had made a deal with southern Congressmen to relax the desegregation guidelines in return for favorable votes on the surtax.

Here is how our Democratic colleagues voted from the states of Louisiana, Mississippi, and Alabama: For the surtax, three votes; against the surtax, 13 votes.

Now, it seems to me that the kind of claim made by Mr. Wilkins discredits the President, and it discredits some very able Members of Congress.

Obviously these men were not party to such a deal.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BUSH. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding. I believe the gentleman from Texas brings up a very interesting point, and I am wondering if the gentleman would enlighten us as to what the guidelines are that the administration is going to send up, or are they going to change them?

Mr. BUSH. I would say to the gentleman from Texas that I have no concept, and I have no idea. However, I would point out to my distinguished colleague that if there was a deal made it was a pretty bad one, because these Members voted their consciences, and were not a party to the deal that the head of the NAACP suggested they were.

Mr. PICKLE. I understand the gentleman's point in the first part of his speech.

My inquiry was just to hope that we could be told and be given some assurance what our guidelines would be with respect to HEW and school matters because in my town and all over the country we have this problem and we need to have it clarified.

The SPEAKER. The time of the gentleman has expired.

ROY WILKINS MISINFORMED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the gentleman from Texas (Mr. BUSH) who just preceded me in the well has made reference to a speculative statement made by Roy Wilkins of the NAACP at their annual convention in Jackson, Miss.

I want to reiterate and to reaffirm beyond any shadow of doubt that Roy Wilkins was totally misinformed, if ever he was informed, on this issue—because there was no deal.

The SPEAKER. The time of the gentleman has expired.

TEMPORARY TAX

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDREWS of Alabama. Mr. Speaker, last night after the vote was taken I began to think about one of the provisions in the bill which provided for the extension of a temporary telephone tax that was passed, if I remember correctly, back in 1943 or 1944—a temporary tax. I could not help but think about a cartoon that I saw several years ago of a Congressman making a speech in which he said:

> My friends, you can tell your children—their unborn children—that this is a "temporary" tax.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 1011, AUTHORIZING APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM, 1970

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, and ask unanimous consent that the statement of the Managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 30, 1969.)

Mr. ASPINALL. Mr. Speaker, as pointed out in the statement of managers on the part of the House, the only difference between the House version of S. 1011 and the conference report is an increase of $1 million in the amount authorized to be appropriated for the saline water conversion program for fiscal year 1970. The amount agreed upon is $26 million which reflects an equal division between the $27 million included in the Senate version and the $25 million included in the House version of the legislation.

There were two other differences between the House and Senate versions of S. 1011 on which the Senate receded. One difference was the provision in the Senate version which would broaden the authority in the basic Saline Water Act with respect to foreign activities. Authority was restricted only last year by the act of April 29, 1968. The restriction came about because the committee felt that the Office of Saline Water was going far beyond its intended authority in some of its activities in foreign countries. Our committee is still of the same opinion and, having just restricted the authority last year, was not willing to broaden the authority for foreign activity at this time.

The Department, in testimony during the committee hearings and through its officials prior to the conference, acknowledged that adequate authority now exists for participation in international conferences relating to saline water conversion and for the exchange of technical information with foreign countries, and that broadening the authority in the basic act is not necessary at this time. The Senate receded on this difference in the two versions of the legislation.

The other difference on which the Senate receded was a provision in the Senate version which raised from 10 percent to 15 percent the limit for fund transfer between the various categories set out in the act. The Senate receded on this point and agreed to retain the 10 percent provision included in the House version. Our committee felt that no adequate justification had been offered for increasing the amount which could be transferred from one category to another, and the conference committee accepted the House language.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SAYLOR), the ranking minority member of the committee.

Mr. SAYLOR. Mr. Speaker, I wish to commend the conferees on the part of the House, because the House position was maintained throughout the conference, with the exception of the dollar amount. The amount is the exact amount which the administration asked for; namely, $26 million, and the increased money is to be used entirely for research.

Mr. ASPINALL. The gentleman is correct.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the chairman of the Committee on Interior and Insular Affairs yielding. My question pertains to section 2 of the conference report, wherein the additional sums authorized to be appropriated, not expended prior to last night at midnight, and subject to the dollar limitations applicable to the fiscal 1969 program, are carried over. Is this specific, a select, and a one-time carryover only, and what amount of funds is involved?

Mr. ASPINALL. The amount of these funds involved has to do with the funds that were not expended from the 1969 fiscal appropriation. Most of them are already obligated, I might say to my friend, at this time. There are a few possible contracts that will still be taken care of by these particular funds.

Mr. HALL. Mr. Speaker, could the distinguished chairman advise us about how much of that unobligated is outstanding, in round figures?

Mr. ASPINALL. We understand that it is about $1 million. Of course, what they did yesterday is unknown to the gentleman from Colorado. I am now advised that the amount is $1,118,000.

Mr. HALL. I understand, and I appreciate the gentleman's yielding.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Iowa.

Mr. GROSS. The gentleman from Pennsylvania (Mr. SAYLOR) I believe said that this conforms to the budget figure. Is that correct?

Mr. ASPINALL. The recommended budget of this administration. Yes.

Mr. GROSS. In other words, this conforms to the Nixon budget?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. Does that budget call for a greater expenditure than the last appropriation for this purpose?

Mr. ASPINALL. As I remember, there was an increase of about $326,000 in this particular appropriation over and above what was provided in fiscal 1969.

Mr. GROSS. So the Nixon budget is again higher than the actual appropriation for the previous fiscal year; is that correct?

Mr. ASPINALL. By just a few dollars.

Mr. GROSS. I thank the gentleman.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12167) to

authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$1,973,282,000" and insert "$1,967,050,000".

Mr. HOLIFIELD. Mr. Speaker, H.R. 12167, the AEC's fiscal year 1970 authorization bill which passed the House on June 24 as reported by the Joint Committee, was considered in the other body on June 26. At that time an amendment was offered and agreed to which had the effect of reducing the recommended authorization by $6,232,000, or two-tenths of 1 percent. This amount was the net increase in funds over the amount requested by the administration which was recommended by the Joint Committee as a result of its review of the AEC budget. I want to emphasize that this was a net increase, because the committee recommended many decreases as well as increases to arrive at that figure.

When I explained this bill to you last Tuesday I said it was extremely austere notwithstanding the net increase of $6,232,000. I still believe that, but as you know we are now into the new fiscal year and we still do not have an AEC authorization bill or appropriations bill enacted for fiscal 1970. Therefore, I believe it is more important to move forward immediately than to spend more time discussing such a relatively small sum of money. Accordingly, rather than requesting a conference to resolve any differences I believe the House should accede to the amendment agreed to by the other body.

The slight change in the bill from the form in which it was reported by the committee will have little if any substantive effect. While the total amount included in the bill as finally passed will be the same amount requested by the administration, the realinements in funding for individual programs recommended by the committee will remain the same or virtually the same in all cases. The committee's views in this regard will be communicated to the Atomic Energy Commission.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I should like to assure Members on this side of the aisle that the reduction has been cleared by the gentleman from California with the gentleman from California (Mr. HOSMER) and myself and we concur in the remarks just made.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman tell the House whether this is above or below the actual appropriation for fiscal year 1969?

Mr. HOLIFIELD. This is exactly the amount approved by the Nixon administration Bureau of the Budget. It is neither above nor below. When the gentleman refers to the appropriation, it is approximately $116 million less than the appropriation for the 1969 fiscal year and $164 million less than the authorization. I believe those figures are correct.

Mr. GROSS. What is the relation to the Nixon budget?

Mr. HOLIFIELD. It is exactly the same as the budget approved by the Nixon administration. It is neither above nor below.

Mr. GROSS. This is an increase or a decrease?

Mr. HOLIFIELD. This is a decrease of $6,232,000 from the bill passed by the House. This was done by an amendment in the other body. Therefore it is a net decrease of $6,232,000 over the bill passed by the House on June 24.

Mr. GROSS. Mr. Speaker, I thank the gentleman from California.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REFERENCE OF H.R. 1691 TO CHIEF COMMISSIONER OF COURT OF CLAIMS

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. AILI KALLIO

The Clerk called the bill (H.R. 1999) for the relief of Mrs. Aili Kallio.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. RUPPE. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1010, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There being no objection, the Clerk read the Senate bill, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Mrs. Aili Kallio, out of any money in the Treasury not otherwise appropriated, a sum of money to be determined as provided in section 2 of this Act, in full settlement of any claim she may have against the United States because of failure to receive merchantable title to a tract of land containing 24 acres more or less, located within the southeast quarter southwest quarter, section 19, township 51 north, range 32 west, Michigan Meridan, Baraga County, Michigan, by deed recorded on the land records of Baraga County.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1999) was laid on the table.

COMDR. EDWIN J. SABEC, U.S. NAVY

The Clerk called the bill (H.R. 5419) to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

There being no objection, the Clerk read the bill, as follows:

H.R. 5419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander Edwin J. Sabec, United States Navy, is hereby relieved of all liability for repayment to the United States of the sum of $4,129.03, representing the amount of overpayments of basic pay received by the said Commander Edwin J. Sabec, for the period from June 6, 1952, through June 30, 1967, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Commander Edwin J. Sabec, referred to in the first section of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

With the following committee amendment:

On page 2, after line 9, add the following:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. BROWN of Ohio. Mr Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MRS. VITA CUSUMANO

The Clerk called the bill (H.R. 1462) for the relief of Mrs. Vita Cusumano.

There being no objection, the Clerk read the bill as follows:

H.R. 1462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Vita Cusumano shall be deemed to have a priority date of August 25, 1954, on the fifth preference foreign state limitation for Italy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS JALILEH FARAH SALAMEH EL AHWAL

The Clerk called the bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameh El Ahwal.

There being no objection, the Clerk read the bill, as follows:

H.R. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(25) of the Immigration and Nationality Act, Miss Jalileh Farah Salameh El Ahwal may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment:

On page 1, line 11, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT

Mr. FEIGHAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. FEIGHAN: Amend the title to read: "For the relief of Miss Jalileh Farah Salameh El Ahwal."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

MARTIN H. LOEFFLER

The Clerk called the bill (H.R. 3165) for the relief of Martin H. Loeffler.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ERNESTO ALUNDAY

The Clerk called the bill (S. 648) for the relief of Ernesto Alunday.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

JOECK KUNCEK

The Clerk called the bill (H.R. 1698) for the relief of Joeck Kuncek.

There being no objection, the Clerk read the bill, as follows:

H.R. 1698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joeck Kuncek (first lieutenant, United States Army, retired, serial numbered O497752) of Muskogee, Oklahoma, is relieved of liability to the United States in the amount of $11,462.23, representing the total amount of overpayments of retired pay received by the said Joeck Kuncek during the period beginning July 26, 1954, and ending January 31, 1967, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2 (a) The Secretary of the Treasury is authoirzed and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Joeck Kuncek an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

BEVERLY MEDLOCK AND RUTH LEE MEDLOCK

The Clerk called the bill (H.R. 3920) for the relief of Beverly Medlock and Ruth Lee Medlock.

There being no objection, the Clerk read the bill, as follows:

H.R. 3920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled, That, the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of pension, to Beverly Medlock and Ruth Lee Medlock, the children of Willie Lee Medlock (Veterans' Administration claim number XC 11649545), in lump sum, the amounts which would have been payable on behalf of each respectively as pension from May 23, 1960, to the date claim therefor was filed for the said Ruth Lee Medlock, if application therefore had been appropriately made under laws administered by the Veterans' Administration.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the con-

trary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

UNITED STATES AGAINST JEREMIAH STAMLER, AND OTHERS

Mr. ICHORD. Mr. Speaker, I offer a privileged resolution (H. Res. 459) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 459

Whereas by the adoption of House Resolutions 1060, 1061 and 1062 the House of Representatives for the 89th Congress directed the Speaker to certify to the United States Attorney for the Northern District of Illinois the refusals of Milton M. Cohen, Yolanda Hall and Jeremiah Stamler respectively to answer questions pertinent to the subject under inquiry before a duly authorized subcommittee of the Committee on Un-American Activities of that Congress, to the end that the said Milton M. Cohen, Yolanda Hall, and Jeremiah Stamler be proceeded against in the manner and form provided by law; and

Whereas in the criminal actions resulting from the aforesaid citations under title 2, United States Code, section 192 in the case of the *United States* v. *Jeremiah Stamler, Yolanda F. Hall and Milton M. Cohen,* (Criminal Action No's. 67 CR 393, 67 CR 394, 67 CR 395), consolidated for trial and pending in the United States District Court for the Northern District of Illinois, that Court has, pursuant to rule 16 of the Federal Rules of Criminal Procedure, ordered that the United States Attorney permit defendants to inspect and copy certain original papers and documents in the possession and under the control of the Committee on Internal Security of the House of Representatives for the 91st Congress; and

Whereas the Committee on Internal Security of the House of Representatives for the 91st Congress has voted, pursuant to rule XI, clause 27(o) to release from its files certain information specified in the discovery order issued by the United States District Court for the Northern District of Illinois and has directed its chairman to take all necessary steps to secure the permission of the House for the disclosure of such material; Therefore be it

Resolved, That by the privileges and rules of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of the ordinary courts of justice, be taken from such control or possession or be voluntarily surrendered by a committee or officer of the House, but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That the chairman of the Committee on Internal Security of the House of Representatives or his designee is authorized to make available to the United States Attorney for the Northern District of Illinois the committee papers and documents enumerated below:

1. Extract of minutes of meeting of the Committee on Un-American Activities, executive session, dated February 2, 1965, pertaining to the committee's policy not to disclose names of witnesses prior to their appearance before the committee.

2. A memorandum from Francis J. McNamara to members of the Committee on Un-American Activities, dated April 27, 1966, to which is attached a copy of a form letter relating to the committee's compliance with House Rule XI 26(m) and Committee Rule XVI.

3. Copy of minutes of meeting of the Committee on Un-American Activities in executive session, dated May 27, 1965, relating to the consideration of the request of Yolanda Hall for an executive session.

4. Extract of minutes of the meeting of the Committee on Un-American Activities, executive session, dated March 18, 1965, wherein it is noted that the committee staff director informed the committee of background information relating to witnesses scheduled to be subpoenaed for the Chicago hearing.

5. Extract of minutes of the meeting of the Committee on Un-American Activities, executive session, dated May 6, 1965, on receipt of evidence pertaining to Dr. Jeremiah Stamler and Yolanda Hall.

6. Memorandum of Francis J. McNamara relating to certain subcommittee meetings, May 27, 1965.

7. A carbon copy of a letter from Francis J. McNamara to Mr. Thomas I. McInerney dated July 26, 1965, containing a statement relating to the committee's compliance with House Rule 26(m).

8. A carbon copy of a letter from Francis J. McNamara to Mr. Sam Blair dated July 27, 1965, containing a statement relating to the commitee's compliance with House Rule 26(m).

9. A carbon copy of a memorandum from William Hitz to Honorable Edwin E. Willis, chairman, containing a statement relating to the committee's compliance with House Rule 26(m), dated October 13, 1966.

10. A carbon copy of a memorandum from William Hitz to Honorable Edwin E. Willis, chairman, containing a statement relating to the committee's compliance with House Rule 26(m), dated October 13, 1966.

11. A memorandum from Francis J. McNamara to the members of the Committee on Un-American Activities, dated February 17, 1966, entitled "Did the committee violate House Rule 26(m) in the Chicago hearings?"

Provided, however, that the said papers and documents made available to the United States Attorney for inspection and copying by the defendants shall remain the property of the House of Representatives, under its control and protection, and shall be returned to the Committee on Internal Security of the House of Representatives immediately after their inspection and copying by the defendants; be it further

Resolved, That the Clerk of the House of Representatives is authorized to supply certified copies of such papers and documents examined in accordance with the above procedures which are desired by the defendants or by the United States Attorney.

Mr. ICHORD (during the reading). Mr. Speaker, this is purely a routine resolution. I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. ICHORD. Mr. Speaker, this is purely a routine resolution. The District Court of the Northern District of Illinois in the case of the United States against Jeremiah Stamler and others, has ordered that there are certain documents and papers within the possession of the House Committee on Internal Security that are proper items for discovery. This discovery motion was filed by the defense. The House Committee on Internal Security has met and passed upon this matter. The committee has no objection to the records being inspected by the defense, but, of course, under the rules, and the precedents of the House of Representatives, before these documents and papers can be surrended the authorization of the House must be obtained.

Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT OF CERTAIN MAPS AND INDICIA RELATING TO VIETNAM AND THE ASIAN CONTINENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 337) on the concurrent resolution (H. Con. Res. 66) providing for the printing as a House document of certain maps and and indicia relating to Vietnam and the Asian Continent, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring), That (a) there shall be printed as a House document certain maps and indicia relating to Vietnam and the Asian Continent. The design and type format shall be supervised by the Joint Committee on Printing.

(b) In addition to the usual number, there shall be printed two hundred and seventy-one thousand additional copies of such House document, of which fifty-one thousand five hundred copies shall be for the use of the Senate, and two hundred and nineteen thousand five hundred copies for the use of the House of Representatives.

SEC. 2. Copies of such document shall be

prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COPIES OF PARTS 1, 2, AND 3 OF PUBLICATION ENTITLED "SUBVERSIVE INFLUENCE IN RIOTS, LOOTING, AND BURNING"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 338) on the concurrent resolution (H. Con. Res. 208) authorizing the printing of additional copies of parts 1, 2, and 3 of the publication entitled "Subversive Influence in Riots, Looting, and Burning," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 208

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House Committee on Internal Security three thousand additional copies each of parts 1, 2, and 3 of the publication "Subversive Influences in Riots, Looting, and Burning", Ninetieth Congress.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT "THE ANALYSIS AND EVALUATION OF PUBLIC EXPENDITURES: THE PPB SYSTEM"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 339) on the concurrent resolution (H. Con. Res. 209) authorizing the printing of additional copies of the committee print "The Analysis and Evaluation of Public Expenditures: The PPB System," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 209

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Economic Committee five thousand additional copies of volumes 1, 2, and 3 of its joint committee print of the Ninety-first Congress, first session, entitled "The Analysis and Evaluation of Public Expenditures: The PPB System".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FOR THE PRINTING OF INAUGURAL ADDRESSES FROM PRESIDENT GEORGE WASHINGTON TO PRESIDENT RICHARD M. NIXON

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 340) on the concurrent resolution (H. Con. Res. 291) to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 291

Resolved by the House of Representatives (the Senate concurring), That a collection of inaugural addresses, from President George Washington to President Richard M. Nixon, compiled from research volumes and State papers by the Legislative Reference Service, Library of Congress, be printed with illustrations as a House document; and that sixteen thousand one hundred and twenty-five additional copies be printed, of which ten thousand nine hundred and seventy-five copies shall be for the use of the House of Representatives, and five thousand one hundred and fifty copies for the use of the Senate.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House Document Rooms.

With the following committee amendment:

On page 2, after line 3, insert the following:

"SEC. 3. The inaugural address of President Richard M. Nixon, 1969, shall be printed, with an illustration, in such number and form as is appropriate to serve as inserts or addenda for the existing number of copies of 'Inaugural Addresses of the Presidents of the United States from George Washington 1789 to Lyndon Baines Johnson 1965' in the possession of, and for sale by, the Superintendent of Documents, Government Printing Office."

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF A REPRESENTATIVE SAMPLING OF THE PUBLIC SPEECHES OF FORMER PRESIDENT DWIGHT D. EISENHOWER

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 341) on the concurrent resolution (H. Con. Res. 294) authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 294

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document a representative sampling of the speeches of former President Dwight D. Eisenhower selected from the three primary periods of Eisenhower's public life: (1) his service as the Supreme Allied Commander in Europe during the war years; (2) his term as Supreme NATO Commander; and (3) his Presidency. The copy for such House document shall be prepared under the supervision of the Librarian of Congress and the style and format of printing such document shall be under the supervision of the Joint Committee on Printing.

SEC. 2. In addition to the usual number, there shall be printed fifty-four thousand two hundred additional copies of such House document, of which ten thousand three hundred shall be for the use of the Senate and forty-three thousand nine hundred shall be for the use of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF "PANEL ON SCIENCE AND TECHNOLOGY 10TH MEETING—SCIENCE AND TECHNOLOGY AND THE CITIES, PROCEEDINGS BEFORE THE COMMITTEE ON SCIENCE AND ASTRONAUTICS"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 342) on the resolution (H. Res. 409) authorizing reprinting of "Panel on Science and Technology 10th Meeting—Science and Technology and the Cities, Proceedings Before the Committee on Science and Astronautics," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That the committee print entitled "Panel on Science and Technology Tenth Meeting—Science and Technology and the Cities, Proceedings Before the Committee on Science and Astronautics" be reprinted as a House document, with two thousand copies for the use of the Committee on Science and Astronautics.

With the following committee amendment:

On page 1, line 4, strike out "document," and all that follows down through the period in line 6 and insert the following: "document; and that two thousand eight hundred and fifty additional copies be printed, of which two thousand copies shall be for the use of the Committee on Science and Astronautics, and eight hundred and fifty for the use of Government agencies only."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF "TECHNICAL INFORMATION FOR CONGRESS"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 343) on the resolution (H. Res. 410) authorizing reprinting of "Technical Information for Congress," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 410

Resolved, That the committee print entitled "Technical Information for Congress" be reprinted as a House document, with twelve hundred copies for the use of the Committee on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PRINT ADDITIONAL COPIES OF PARTS 1 AND 2, THERMAL POLLUTION, 1968 HEARINGS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 344) on the Senate concurrent resolution (S. Con. Res. 21) to print additional copies of parts 1 and 2, thermal pollution, 1968 hearings, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Public Works, one thousand additional copies of part 1, and seven hundred additional copies of part 2, thermal pollution, 1968 hearings, held during the second session of the Ninetieth Congress.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INCOME TAX ALLOWANCE FOR DEPENDENTS

(Mr. DENT asked and was given permission to extend his remarks at this point in the RECORD and to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, I know you are aware of my efforts to have the House consider an increase in the income tax allowance for dependents. Last week my colleague, the gentleman from Pennsylvania (Mr. GAYDOS), and I led a list of Members requesting this consideration of you. In that request, we asked that the allowance be increased to at least $900.

Mr. Speaker, the Committee on Ways and Means appears to be studying another method of granting relief to the family taxpayer. My own preference is a straight increase in the dependency allowance by at least 50 percent. This would be consistent, incidentally, with the President's message to Congress when he asked that a family of four with an annual income of $3,500 be given a complete tax exemption.

My figure of $900 is still unrealistic in terms of compensating for the basic expenses of a dependent. But any hope of increasing the allowance to $1,500, desired by many Members, is extremely dim at this time due to the heavy demands upon our Treasury—not only for the Vietnam commitment, but also for the new commitments being made at this time by the administration to other nations.

Mr. Speaker, I am considering the initiation of a petition to be signed by Members requesting a separate vote on this question. Under past procedures, the Ways and Means Committee has always brought legislation to the House floor under a closed rule, thereby barring amendments. We are forced to consider the bill in total as the committee reports it. Our alternative is to defeat the vote on the closed rule, but this has proven difficult to accomplish because of the respect we all have for and the prestige carried by Chairman MILLS.

But in the face of the very serious national tax dilemma, we have in our country, and the enormous increase in local and State taxation, Congress must work toward relief for the individual. The shift from corporate and business taxes to personal taxes started about 20 years ago. It has finally reached the danger point where the marketplace spending money of wage earners has decreased.

This has had the effect of forcing many American wage earners to purchase lower priced goods and, in those instances, foreign made goods. This in turn, further depreciates the economy and job opportunity in our country.

The economy moves with production, distribution, and consumption. Each of these three phases of our economy is dependent upon the other. Consumption makes production; production makes distribution; and, distribution makes consumption. The more money we take out of the taxpayers envelope for taxes, the less he has to put into our economy through purchasing in the American marketplace.

Apparently, the plan of the committee is to ignore the well-based dependency allowances computed on the number of dependents on a taxpayers return and to instead give a $1,100 deductible item to each individual taxpayer regardless of the number of dependents. Unless we can change this formula it will be another inequity built into the tax law.

For instance, a single taxpayer with no dependents will receive the normal $600 exemption plus a $1,100 deduction—$1,700. A married taxpayer with spouse making her own separate return, will receive two $600 exemptions, plus two $1,100 deductions—$3,400. A family with only one taxpayer would receive the normal $600 per dependent plus $1,100. This means a family of six would receive a $4,700 deduction or $783 per dependent. A family of two would get $1,200 plus $1,100, or $2,300 a couple or $1,150 per dependent.

The real winners are the single persons and married couples with no children each filing a separate return. This favored group would get a $600 plus $1,100 or $1,700 deduction each.

How then can any reasonable person expect a Member of Congress to vote for a bill that combines this inequity with a continuance of a 10-percent surcharge on the same family man, plus a wiping out of the 7-percent investment tax credit on all but about 20 corporations in gas and shipbuilding.

In fact, there is a total failure to even make a gesture at closing the loopholes for oil companies and city cow ranchers who dodge taxes with farms that wipe out their professional and other taxable incomes.

Add to this, the dangerous precedent of establishing another favored tax group in the dependency deduction section of the income tax law, and you have the worst tax bill in our generation.

A $200 increased deduction per dependent would put about $6 billion in the hands of the small taxpayer as a savings which would find its way into the marketplace. It will do more good there than in the Treasury.

If the Congress fails to give this matter a more serious consideration with the final determination being made on the equity of the tax proposal, the people may decide that Congress is what so many people think it is: "The rich man's playground."

TAX REFORM VICTORY

(Mr. MADDEN asked and was given permission to address the House for 1 minute.)

Mr. MADDEN. Mr. Speaker, yesterday was a banner day for the wage earner and salaried taxpayer of the United States. By a close margin of five votes out of the 415 votes cast, the Members of both sides of the House of Representatives, Republican and Democrat, had the issue of major and effective tax reform issue laid in their laps. The debate yesterday was confined primarily to the necessity for the Ways and Means Committee to bring in, without delay, a major tax reform bill, abolishing or curtailing the fabulous, and in some cases, fraudulent loopholes which has kept billions out of the U.S. Treasury. Yesterday the vote of the Members of this body certainly reflected the fact that the people of the United States are up in arms concerning the unjust and unequal tax obligations to keep our Federal Government operating.

No piece of legislation in my memory had the support of the leaders of both parties and the President, along with almost unified support of the powerful Washington lobbyists and the television propaganda. The 205 votes against the surtax yesterday should serve notice on the other body that the House of Representatives is demanding that the major tax loopholes be repealed, and repealed this year. This means curbing the tax dodgers in oil, foundations, big real estate, capital gains, inheritance estates, and so forth.

Yesterday, one should not forget that after the first round of the rollcall was completed, there was a majority of nine votes against the surtax extension legislation. During the brief period of finishing the rollcall, and after it was completed for a period of 10 minutes, the leaders of both sides, the Democrats and Republicans, and the chairman and ranking Republican member of the Ways and Means Committee, worked among the Members in an arm-twisting operation that caused over 12 votes to switch from yea to nay. In fact, a number of our Members will go home over the Fourth of July recess with one or both arms in a sling. Members opposing the surtax and fighting for tax reform would have won this battle yesterday by a margin of 15 to 20 votes had it not been for the arm-twisting operation of our leaders, and also a letter from the President of the United States, which was read immediately before the rollcall.

The American people declared yesterday, through the House vote, that they want major repeal of the loopholes, in-

cluding repeal of the fraudulent 27½-percent oil depletion and other unfair tax credits, exemptions, and deductions—lock, stock, and barrel.

Special credit should be given to Congressman CHARLES VANIK, of Ohio, and Congresswoman MARTHA GRIFFITHS, of Michigan, members of the Ways and Means Committee, in leading the fight for tax reform.

Chairman MILLS and ranking Republican member JOHN BYRNES, of the Ways and Means Committee, and the President's letter, all promised to have a tax reform bill on the floor of the House by August 15. Judging from the 205 Members who opposed the surtax bill against terrific odds of the Democratic and Republican House leadership and the President, in their fight for tax reform, I predict that if a skim-milk and ineffective bill is sent to the Rules Committee by the Ways and Means Committee on August 15 that, for the first time in many years, a tax bill will be placed on the floor of the House under an open rule, giving all 435 Members an opportunity to legislate on taxes.

It was a great victory for the American middle-class taxpayer on yesterday to be assured a tax reform bill out of the Ways and Means Committee by Chairman MILLS and ranking Republican member, JOHN BYRNES.

EXTENDING SURTAX IMPLIES DEPRESSIVE ECONOMIC POLICY

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, yesterday the House voted to extend the surtax. The parliamentary situation of a closed rule and restricted debate prevented some of us in opposition to the legislation from expressing our views. Today I use this means of doing so.

Neither extension of the surtax nor the need to fight inflation was the real issue. Most of us agree both should be done.

But as a representative of one of America's major low-income ghettos, I am concerned about the implications and commitments involved in extending the surtax as part of an overall tight monetary and depressive economic policy.

Proponents of the surtax, including the distinguished majority whip, the Honorable HALE BOGGS, clearly stated their objective: "to take the steam out of the economy." This to me means vaporizing into thin air once again the hopes and expectations of minority and disadvantaged people that they will participate in the good life which America affords to all but them.

"Cooling the economy" can only mean less spending, less consumption, less production, and less jobs—and any policy which produces fewer jobs or less hiring can only mean that minorities, the "last hired and first fired" will suffer the most.

Equally unimpressive is the argument that extension of the surtax will make available more money for such domestic programs as housing, manpower, education, and for the urban crisis.

There is no need to guess about the impact of a surtax. It is already in operation and for over a year Federal programs in these precise fields of great human needs have been slashed by the Appropriations Committee with the support of the leading proponents of the surtax.

Mr. Speaker, a continuation of these policies, of failing to establish a priority of needs which fails to recognize the 25 million Americans still in poverty and the millions who still suffer from flagrant racial discrimination is a dangerous course leading to a national crisis in our major cities. Those who yesterday passed the surtax have now the obligation to help us chart a new and different course of action while there is still time.

Mr. CLAY. Mr. Speaker, I am disturbed by the course of action yesterday in this Chamber that extended the surtax charge. I am not only disturbed by the vote to extend the tax, but also by the position of the Democratic leadership to support that extension. The leadership, in my opinion has become a party to a scheme to deceive and to defraud the low- and middle-income taxpayers of this country. The flowery speeches about meaningful tax reform at a later date is worthless rhetoric. This same leadership with Democrats in the White House did not propose or pass any meaningful tax reform in the many years that I can remember. In view of that fact, I ask how do they propose to pass any legislation that would plug the tax loopholes of big businesses who have traditionally supported the Republican Party and who now influence this administration?

The decision of the Democratic leadership to oppose the wishes of the majority of the Democrats in the House who voted against the extension of the surtax indicates to me one of two things: Either the Democratic leadership of this House is out of step with the needs and the desires of the wage earning people of this country or 75 percent of Democratic Members of this body who opposed that extension is out of step. The answer to that inquiry as the answer to meaningful tax reform is blowing in the wind.

Mr. STOKES. Mr. Speaker, I wish to associate my remarks with those of the distinguished gentleman from California (Mr. HAWKINS). Although I joined in the debate yesterday regarding the extension of the surtax, and expressed my views in opposition, I rise again to concur with the views of this gentleman.

I, too, represent a district in our Nation that contains a large percentage of low-income residents. During the course of debate on this great fiscal issue, I saw the zeal and fervor of the proponents of this legislation generated in long and persuasive oratory. I could not help but wonder why this same zeal and fervor is not generated toward alleviating the impoverishment of the poor of this Nation.

Mr. Speaker, I could not help but wonder why this interest and concern about our stable fiscal policy and fiscal responsibility could not be evidenced in oratory on behalf of "the hungry" in this Nation.

Where was this intensity when the fiscal year 1970 appropriations for low-cost housing programs, fair housing enforcement, model cities, and urban renewal were drastically slashed last week? Where was the hue and cry when the House voted a quarter of a billion dollars worth of "bonus" authorization to the National Aeronautics and Space Administration? And where was all the excitement when the Democratic caucus recently refused the opportunity to pass a simple resolution asking the administration and appropriate congressional committees in the hope of reducing expenditures?

It is still relatively early in the session, Mr. Speaker. Much legislation remains to be considered. Surely some will receive more attention and be surrounded by more controversy than others. That is natural. My hope, though, Mr. Speaker, is that at least some of the future bills which are blessed with such lavish attention will be those which involve the tremendously important problems of growing militarism, civil rights, and the plight of the poor people of our country.

THE SURTAX SCRAPES A HURDLE

(Mr. CONYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I would like to associate these remarks with those of my distinguished colleague, Congressman GUS HAWKINS, of California, who pointed out and deplored the fact that we have now extended the tax surcharge without really closing any of the notorious loopholes. I, too, join with those who feel that we have not acted in the interests of the majority of the voters and constituents of our districts or of the Nation. I hope that we will continue to reexamine this very crucial problem. I think we made a serious mistake yesterday, and I deplore our action. In this connection, I would bring to the attention of my colleagues the editorial which appeared in the New York Times this morning:

THE SURTAX SCRAPES A HURDLE

The House has narrowly approved extension of the income-tax surcharge without closing any of the notorious loopholes in the internal revenue code. But neither the Administration nor the Democratic leaders can lay claim to a famous victory. In the Senate the Majority Policy Committee is, fortunately, committed to the proposition that "Meaningful tax reform should be passed simultaneously" with the surtax. Hence the likelihood of a protracted struggle that may require another temporary extension of the income-tax withholding rates beyond the July 31 expiration date.

Administration spokesmen painted a frightening picture of runaway inflation and the collapse of international confidence in the dollar that would follow if the surtax were not promptly extended. Yet they have contributed to the delay by abandoning tax reform and thereby stiffening the liberal opposition.

President Nixon declared that the Administration will submit tax proposals later in the year. But such promises are not very meaningful without the pressures of surtax extension. Genuine progress in tax reform requires direct assaults on such citadels of privilege as the oil depletion allowance, the escape route from capital gains taxes on bequeathed property and the tax-free interest on state and local government bonds. But no one expects all the walls to crumble at once. What reformers want is evidence of

good intentions as manifested by a willingness to make a fight.

The Administration is clinging to its strategy of bypassing reform. In doing so it is running risks that are just as great—perhaps greater in the event of Senate resistance—as making a simultaneous effort to achieve a more equitable tax system.

NATIONAL CONVENTION OF STUDENTS FOR A DEMOCRATIC SOCIETY

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, exclusion of the so-called capitalist press was the first order of business at the national convention of the Students for a Democratic Society, which opened in Chicago on June 18.

The organization resolved that only media devoted to building a "revolutionary movement" was welcome to cover its proceedings, according to an announcement by the SDS interrogan izational secretary, Bernardine Dohrn, at a sidewalk press conference.

The SDS at first considered a less stringent resolution which would bar the New York Times representative but admit all other members of the press corps who were willing to sign an affidavit. The press was supposed to promise that the information it obtained was solely for distribution by the mass media, and would not be furnished to Federal or local government investigating agencies or for use in a court of law. The Times was to be penalized for the recent testimony of its correspondent Anthony Ripley before the House Committee on Internal Security.

Ripley's testimony on June 3, 1969, had dealt with a public session of a previous national convention of SDS, held in East Lansing, Mich., in June 1968. In response to a committee subpena, Ripley verified his news accounts which described how Bernardine Dohrn, prior to election to the office of interorganizational secretary had informed convention delegates that she considered herself a "revolutionary Communist." Although her statement had appeared in print, no witness had ever testified under oath that the statement had in fact been made. This was the reason for Mr. Ripley's subpena.

It was statements such as these by national officers of SDS, coupled with continuous reports of SDS involvement in violence on our Nation's campuses, that propelled the Committee on Internal Security into a full-scale investigation of the organization in the present Congress. During the initial hearings on SDS prior to hearing the testimony of Mr. Ripley, I stated that it was recognized that the press was in a difficult position, but that the committee felt the existence of an overriding public interest—in the occurrences he had witnessed.

The SDS decision to curtail all but the most sympathetic press coverage of its most recent national convention serves to confirm the wisdom of, and the necessity for, a committee investigation into the character, purposes, and activities of the Students for a Democratic Society.

What does the SDS seek to hide?

Why should it be fearful that information about its activities will be used in a court of law?

I assure the Members of this House that the Committee on Internal Security is engaged in the most painstaking, the most searching of investigative efforts which should provide answers to these as well as other questions relevant to the internal security of this Nation.

The June 3 hearings of the committee were only the first in a series, during which we expect to produce evidence concerning the operation of the organization on national, regional and chapter levels. A total of 18 witnesses were interrogated in the series of hearings which began June 3. Most of them were called to provide insight into SDS purposes and activities at Georgetown University. At a second series of hearings on June 24 and 25, 1969, the committee took testimony regarding SDS disruptions at the Kent State University in Ohio.

The following article in the New York Times of June 19 describes the security precautions introduced by SDS at its most recent national convention:

SDS Bars "Capitalist Press" as It Opens Annual Convention in Chicago

(By John Kifner)

Chicago, June 18.—Students for a Democratic Society today barred the "capitalist press" from its annual convention.

More than a thousand young radicals and an uncounted number of undercover law enforcement agents gathered here in the Chicago Coliseum, with the question of the mass media the first item on the agenda.

Miss Bernardine Dohrn, interorganizational secretary of the society, delivered the decision to waiting newsmen this afternoon, after more than an hour of debate inside the hall.

"The capitalist press will not be admitted to the convention under any circumstance," Miss Dohrn said.

The decision was made, she said, after debate on two resolutions, one of which would have excluded any representative of The New York Times and would have required other reporters to sign an affidavit that they would not testify before Government investigating committees.

The second resolution, excluding all mass media reporters, won by "an obvious show of hands," Miss Dohrn said.

STATEMENT IS PLANNED

Asked if a resolution had been introduced calling for opening the meeting to reporters, she smiled and said: "That would get no support."

Miss Dohrn, however, said that members of the "revolutionary press," who would be "identified and evaluated by us," would be admitted.

Surrounded by reporters on the sunny sidewalk in front of the Chicago Coliseum, Miss Dohrn said that a statement would be issued later explaining the stand and that another statement would be issued at the end of the convention. There will be no news conferences, she said, and national officers had been "mandated" not to talk to the press.

Asked to define the "capitalist press," she said it was "the press that is controlled by those who make a profit off the working people—who make a profit off the news," as opposed to media devoted to building "a revolutionary movement, a people's movement."

The decision reflected a hardening of militancy in the group, hostility over what members feel have been distortions, resentment over reporters' testifying before Government committees they fear are preparing for a crackdown on radicals and an alienation from a press they see as an arm of "the Establishment."

ACTIVISTS PHOTOGRAPHED

The issue of admitting newsmen became apparent even as the radicals began gathering this morning at the grimy old building they had rented for the five-day convention after being turned down by more than 60 colleges, universities, camps and union halls.

Plainclothes policemen stood in little groups across Wabash Avenue or sat in parked cars frequently photographing the activists, whose attire ran from the wild hair of "cultural revolutionaries" to the neat shirts of Progressive Labor members as they registered, met in caucuses on the sidewalk and studied bulky folders of manifestos and resolutions.

In a third-story window of an old elementary school across the street from the hall, several burly men operated long-lensed cameras.

At noon, Michael Klonsky, national secretary of Students for a Democratic Society, and Allen Young of Liberation News Service held a curbside news conference to tell of the original resolution on the news media.

RESOLUTION OF SOCIETY

The resolution criticized Anthony Ripley, a reporter for The New York Times, who was subpoenaed recently to appear before the House Internal Security Committee, formerly known as the House Committee on Un-American Activities, after he had covered a convention of the society in East Lansing, Mich., in June, 1968.

The resolution said: "Reporters, even reporters for the Establishment press, have been known to fight for what they consider the integrity of their profession, even if it means going to jail on a contempt charge (something the House committee would surely not have allowed to happen). Mr. Ripley, by cooperating with this committee, and The New York Times, by authorizing his appearance there, have taken the side of the nation's most notorious witch-hunters."

The resolution went on: "How many reporters have told us that they sympathize with our position on the war in Vietnam, but cannot participate in demonstrations because their 'profession' doesn't allow it? If their profession doesn't allow them to join in the fight against American aggression in Vietnam, then how does it allow them to testify before such a committee or any representative agency of the United States Government?"

"In any case, we realize that this 'professionalism' and 'objectivity' are self-deceptive, for we have seen how the mass media hide the true nature of American society from the people."

The resolution called for the barring of any representative of The Times from the convention, and asked all reporters to sign an affidavit, which Mr. Klonsky described as a pledge not to be a "stool pigeon" as a condition for covering the meeting.

The resolution said: "My sole purpose in attending this convention is to gather news for distribution for the mass media. I will not divulge any names or any information of any kind about Students for a Democratic Society or any participants in this convention, in the submission of written documents or in oral testimony before the Senate or House Internal Security Committees, or the Senate or House investigation subcommittees, or any other Federal, state or other investigating committee, or the Federal Bureau of Investigation or any state investigating agency or before any Federal or state court of law."

TRUTH-IN-LENDING ACT BECOMES EFFECTIVE

(Mr. HUNGATE asked and was given permission to address the House for 1

minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, this is the day on which the Truth-in-Lending Act becomes effective. It is a piece of legislation for which my colleague the distinguished Congresswoman LEONOR SULLIVAN fought so diligently and successfully.

I would call to the attention of my colleagues a recent pertinent article published in the Christian Science Monitor on this important field of consumer protection:

PENDING TRUTH-IN-LENDING ACT CALLS FOR CLARIFICATION

(By Josephine Ripley)

WASHINGTON.—The Truth-in-Lending Act, effective July 1, 1969, is regarded as one of the most far-reaching pieces of legislation since the income tax law, and almost as difficult to understand.

It needs a lot of explaining and the federal government is planning to do just that in a nationwide education campaign by means of television and radio spot announcements, filmstrips for distribution to schools and other groups, and through printed materials.

The Federal Trade Commission (FTC) and the Federal Reserve Board (FRB), both of which have major responsibility in administering the act, are rushing their informational materials into circulation.

The filmstrip, with sound track, which is being prepared by the FRB will be ready for showing within about two weeks. It will portray a consumer dealing with three different creditors and will show how he can make an intelligent choice amongst them.

This will be made available to consumer groups, schools, clubs, etc. A brief, printed leaflet will be distributed with it.

The FTC is preparing spot announcements for television and radio and is also considering the preparation of a sprightly cartoon to dramatize and simplify the message.

The commission is also putting out a consumer information pamphlet. Traditionally, single copies of such pamphlets are available free, with a small charge for quantity orders.

While Truth-in-Lending is the popular tag for the new law, its real name is the Consumer Credit Protection Act.

It does not set credit charges or impose a ceiling on them. It simply requires that these charges, whatever they are, must be disclosed.

On a large item, such as a color television, a buyer may now shop around and know precisely what the credit charge is in each case, compare these charges and pick the best offer.

No one knows just what impact this new law will have on credit buying, but the Federal Reserve Board will be keeping tabs through a comparative study, before and after.

The new Presidential Assistant for Consumer Affairs, Mrs. Virginia J. Knauer, has been checking up on the Truth-in-Packaging Act to see how that law is working out. It was passed 2½ years ago.

She was surprised to find out that the number of packaged quantities of such things as breakfast cereals, dry detergents, salad and cooking oils, instead of being reduced, as promised, had actually been increased.

Industry had assured the government that it would reduce the number of assorted packages of breakfast cereals to 16. Mrs. Knauer counted 22. She found dry detergents in 18 different quantity packages instead of only six, as promised under the industry's agreement. When she looked for salad and cooking oils, the story was the same.

She demanded an explanation and received it. Manufacturers were given permission, under the agreements, to sell discontinued size packages along with the new ones until they were used up.

Mrs. Knauer still sputtered. This had not been explained to the housewife, she fumed. Why not? She will see to it, from now on, that there is an improvement in communications between the government, industry, and consumers.

Now, while we're on the subject, why not have "truth-in-housing." Ralph V. Cook of Oklahoma City, Okla., has been thinking along this line for some time. He has developed a simple chart to go with each new house, like a birth certificate.

It will give the name of the builder of your new home, the name of the subcontractors, list the materials that go into it, as to size, type, trade names or model number, type of wiring, number of circuits, location of cutoffs, essential statistics about the heating and air-conditioning equipment, etc.

He calls it the "Home Plate" chart and says it will save new home owners both time and money because they will know exactly where to turn for replacements of repairs.

Authorities in Washington have shown considerable interest in this simple statistical chart which would be kept always with the house and, he suggests, in one particular place.

A DREAM OF 100 CITIES

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, modern America is noted for its technological achievements, it leads the world in science, medicine, and production but it faces a serious dilemma in its failure to respond imaginatively to the real need of its citizens for better housing. The national housing goal of 2.6 million units a year for 10 years endorsed by Congress in 1968 was based on the improvement of present housing as well as on predictable increased population, yet the fact is that housing starts for 1969 are projected at merely 1.5 million units.

In a recent sermon delivered in Lexington, Mass., Rev. John Wells spoke of a proposal which he views as the hope for and challenge to America—the building of 100 new cities of 250,000 each over a 10-year period. His proposal, which illustrates a deep concern for human values, is a challenge which our Nation must seriously consider. We must recognize the tremendous potential our technology offers in the solution of nonspace, nondefense problems and must begin now to undertake the task, the exciting challenge offered, to build new cities and create new environments.

Reverend Wells' remarks were antecedent to the proposal made by the National Committee on Urban Growth Policy on May 25. This committee of very able men, with Albert Rains of Alabama as chairman, has proposed 100 new cities of 100,000 each, and 10 even larger, to be built over the next 30 years.

The dramatic concept of new communities incorporates the excitement of both the frontier and the technology in solving one of our Nation's most pressing problems. The projected population of the United States in 1980, according to the Census Bureau, will be 243,800,000. This is an increase of nearly 38 million in the next 10 years. While we have the resources and the technology to solve this problem, we lack the will. Reverend Wells understands this fact, and offers an imaginative and possible dream that I want to share with my colleagues. His sermon follows:

HE STEADFASTLY SET HIS FACE TOWARDS JERUSALEM

(By John M. Wells)

So many times we ponder on the meaning of reality. Philosophers have taken this as a primary task. Scientists have sought for physical solutions; theologians have given metaphysical answers.

What is reality? Reality is the potential actualization of rational fantasies. What I am trying to say in simple language is—It's real to make dreams come true.

In 1963 I listened in great admiration and with a sense of participation as I heard Dr. Martin Luther King say: "I have a dream. I have a dream of one America."

What has happened to the dream of America? No longer are we joyous as a nation. No longer are we a nation of hope. As Dr. George Wald said so eloquently a short while ago, we are producing "a generation in search of a future."

Each year in America we spend more and more of our tax dollars on warfare and the implements of war. Yet America does not envision itself as a world conquerer. We squander our best talents and greatest assets on being the most powerful nation in the world—the most powerful military might the world has ever known. But this is not our dream. This is not our heritage. This is not the image that we as a nation have of ourselves. We therefore have no reality. Unless we strive towards the fulfillment of our dreams, we are frustrated in our endeavors. We have no reality.

What is our dream? What is the dream of America? We are caught in our Judeo-Christian heritage. To describe our dream, we easily look to that heritage for words and images. We seek to establish the Kingdom of God on Earth—a kingdom of justice and mercy and dignity and worth for all our citizens.

Nearly two thousand years ago a young carpenter established the Kingdom of God on Earth. He stedfastly set his face to go to Jerusalem. His concept of the Kingdom was different. It would not be imposed by military might. It would be established in the hearts of men.

Jesus was crucified for his dreams, but his dreams did not die.

Almost two thousand years have passed. At long last man has harnessed the powers of earth to be his servants. He has tamed the lightening and harnesed the atom. Within his grasp is his potentiality of making the desert blossom like a rose. This generation, growing up in an era of technological sophistication sufficient to usher in parousia—the Kingdom of God—is not, can not, be satisfied to see man's power used only for military might.

What is reality? Reality is the potential actualization of rational fantasy—making one's dreams come true.

Our cities decay. 400,000 housing units are decaying each year. The core of our once great cities are rotting and falling apart. Our ten largest metropolitan areas are already out of control. Crime rates rise as hope disappears. And all the while we have the greatest tchnological know-how to build airplanes and warships and missiles.

Is something wrong? Is something sick at the very core of our society? Or are we just lacking a dream?

Well, I have a dream—a dream of America using its great technological sophistication as a model for the whole world—a model

where we turn our industrial might from military adventures and defense spending to the creation of a new America—an America that works for human valus rather than for human destruction. And where do we begin for a dream to come true? For reality to exist, there must be a beginning. We must evaluate. We must set priorities. Our greatest need at the moment—according to economists, city planners, civil rights leaders, and many other thinking people—is to solve the problem of our cities.

I have a dream—an immediate dream—one that should have already begun, but must now begin at once. I have a vision of new cities—100 new cities—not satellite suburbs to further choke existing city facilities and further pollute our environment—but brand new cities, modern cities built for modern man, 20th Century cities for 20th Century people. Can we do it? Can we begin? We can! We can be a model for ourselves and for our world. We can begin to be the example of a nation that decides that its citizens are of value, its people are of worth. Let us begin by building 100 new cities in just 10 years. One hundred cities in ten years!

In 1957 I walked down the corridors of the Pentagon. It was alive with excitement. The Russians had just put Sputnik One into orbit. In 1961, President Kennedy said Americans would be on the moon in the '60's. Ten years from Sputnik; one to a full space program; thirteen years or less and a man is on the moon. America can do anything she wishes, but she must have a dream to fulfill.

Cities—new cities. At long last the Federal Government has established a research and engineering directorate in its Department of Housing and Urban Development. The researchers and planners and programmers have spoken of new towns, of model cities, or urban renewal, or urban development. But their imagination is small because their budget is bare.

Listen. A city, to be manageable, a city to be a community, a city to be built so as to be non-polluting of our air and streams, needs to be no larger than a quarter million—250,000 people. Two hundred fifty thousand people, with five people per housing unit, need fifty thousand houses. On today's market, adequate housing for a family of five can be constructed, including the cost of the land, for $15,000. Do you follow my math? Fifteen thousand dollars per housing unit for 50,000 houses is $750,000,000. This is the cost of just the housing—but with proper planning, 250,000 people will attract sufficient industry and business to have a sufficient tax base to support government and schools and parks—all of this using today's methods of building. Seven hundred fifty million per city. Multiply that by 100 and you get 75 billion—almost as much money for 100 new cities for 25 million people, as we spend per year on our national defense.

But look at it this way. Seventy five billion divided by 10 is 7 billion, 500 million. This is the cost per year for ten years to build 100 new cities for 25 million people. Seven and one-half billion just happens to be almost exactly what President Nixon said would be the cost of a thin ABM system that might, if it worked, protect our Minute-man sites from Chinese missiles, ten years from now. Or that Secretary Laird said might, if it worked, save a city or two from newly developed Russian missiles. A possible save, or a probable dream? The choice really is ours—yours and mine. How do we spend our money?

Money is a peculiar commodity. Our defense budget for one year has already passed 80 billion—more than the cost to the government (that is, to you and me) of 100 new cities in 10 years.

If we just could spend money on pro-human values rather than anti-ballistic missiles—for just one year. But such is a dream. Money! Do you realize that the cost to the government, to you and me, would be almost negligible if we spent 75 billion in the next 10 years for 100 new cities?

Listen again!

The building of new cities with new facilities in transportation and communication could keep research people in innumerable jobs. The actual planning and construction would keep innumerably more people in jobs. But the beauty of it would be that those who lived in the new cities would repay the government (you and me) for their accommodations. There would be no cities in mothballs like fleets of ships in Philadelphia or like fleets of aircraft in Arizona. The only cost to the government would be the initial research and development and the guarantee of the loans. The government would be the financier—the banker—not the big spender that it is for weapons for human destruction.

But why new cities? Why not just rebuild the old? Let me give you some frightening figures. According to the census bureau, the projected population of the United States will be 243,800,000 in 1980. That's an increase of about 38 million in 10 years. Thirty eight million—the size of our ten largest cities combined. Where are they going to live? In Roxbury, or Lexington or Arlington, Virginia or Dallas, Texas. Our ten largest metropolitan areas are already so full, so choked with traffic, so polluted in the air and so foul in the water—so filled with despair and lack of hope—we cannot solve the problem of our present cities until something is done to take the pressure off of them.

Let me give you an analogy. Back in the '50's, it became perfectly clear to the Eisenhower administration that you could not build new highways over old highways. So long as US–1 and US–41 were so clogged with trucks and cars, you could not build around and among and in and on those trucks and cars. New highways were needed and were needed immediately. A massive effort was generated. Research and engineering were set in motion. Federal and State cooperative agreements were reached and legislation was enacted. One million five hundred thousand acres of land were taken by condemnation. Forty one billion dollars have been spent. We now have super-highways designed for today's automobiles. Are people as important as automobiles? It would cost not quite twice as much money, and those who use them, would pay.

Can America have a dream? Let me give you just one more element. The military industrial lobby is strong. Two thousand seventy two, high-ranking retired officers are now in defense contract business. The economy of our country has become inextricably intertwined with the military. But does it have to remain there? Our ghettos go forgotten. Our minority groups are pushed further and further behind. Is there no escape? Listen again—and listen, clearly.

So many of us depend upon military spending, it is hard to see clearly. Military expenditures, programmed and developed for human destruction, cannot be beneficial to human values. But when so many are dependent on such expenditures, it is hard to see clearly. And who are dependent? Those now in power.

At the bottom of the heap is black impoverished America, looking and listening. At the top of the heap is white militaristic America, appropriating billions of dollars for human destruction and, proportionately, practically nothing for human values. And this is done in such a way to keep those in power, in power; and designed to keep those who are rich, getting richer. There is little hope and much despair for those at the bottom. There is little joy and less satisfaction for those on the top. Do you see? Can you see?

The time is now—today. We, as citizens and taxpayers, have the possibility to say no to Congress. We have the possibility to say "no" to President Nixon. We have gone far enough. The power of government still resides in the consent of those governed. Citizens such as you and I must be heard. Our voices and our votes still matter. Our duty is clear.

It is time to build and rebuild America, not just to defend it to rot and decay. Can you catch the vision? Can you see the dream?

He steadfastly set his face to go to Jerusalem. He had a dream of the Kingdom of God built upon human values of justice, mercy, truth, beauty, and love.

I love this great nation—this last great hope of mankind. But do we share that dream of the carpenter from Nazareth? Do we share that dream of the preacher from Montgomery? Do we share the dream of all prophets who call upon us to beat our swords into plowshares and our spears into pruning hooks and build a new Jersusalem—a new Boston—a new Washington? One hundred cities in ten years—a dream—a dream of America working—working to accomplish reality: America, making a dream come true.

He steadfastly set his face toward Jerusalem.

UNITED STATES-JAPANESE AVIATION RIGHTS NEGOTIATIONS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, I am pleased to report to you that the U.S. Government and the Japanese Government are currently engaged in negotiations with regard to aviation rights. These negotiations stem from the transpacific route investigation, among other reasons, and involve an exchange of rights between our two Governments. I am informed that yesterday, during the course of these negotiations, the matter of landing and uplift rights in Japan for the supplemental air carriers were discussed with the Japanese in the context of agreeing upon a bilateral exchange. It is my understanding that in the absence of obtaining landing and uplift rights for charter operations, essentially no quid pro quo would enure to the U.S. Government for the grant of any authority to Japan.

Mr. Speaker, I wanted to take this opportunity to bring this to your attention as the matter of quid pro quo's in executive agreements have at times been troublesome to Congress, and to go on record as encouraging our negotiators to insure that in any agreement with Japan stemming from these negotiations, unlimited and unrestricted landing and uplift rights for charter operations, especially for the supplemental carriers, must be part of the total agreement.

I am sure, Mr. Speaker, that you understand, that three of these great supplemental carriers, World, Trans International, and Saturn are located in my district and I point with pride to the benefits which these innovators—the charter specialists—have obtained for the United States, not only in commercial transport, but in support of our military forces.

Thus, it is with a sense of relief, that I note that our executive branch is insuring that their rights, and as with all other aviation rights, are finally being

negotiated at the same table, in the same total package, and will be recorded in a treaty arrangement.

DEFINITION: EMERGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I asked for this opportunity today to call the attention of my colleagues to a crisis existing in the District of Columbia regarding emergency medical services.

Inadequate ambulance services, ill-equipped and undermanned hospital emergency room facilities, abuse of emergency service by nonemergency patients, inefficient dispatching, poor morale of men in the ambulance service, failure of motorists to yield to emergency vehicles, and lack of helicopter rescue are deficiencies which need to be corrected.

Some of these problems can be corrected administratively by the District of Columbia government; but where legislation is required, Congress should act promptly.

Mr. Speaker, today I introduced a bill which would establish a distinct and separate public service unit within the District of Columbia government—the Ambulance Service Corps.

The question of inadequate ambulance service in the District of Columbia came to my attention from a series of radio reports by radio station WWDC. This station has performed an outstanding public service in calling the public's attention to the appalling ambulance crisis in the District of Columbia.

As a result of its study, WWDC prepared an enlightening document entitled "Definition: Emergency."

While I was studying the WWDC document and the recommendations and research papers of the Department of Transportation, a tragic incident occurred in Washington which dramatically demonstrated the inadequacy of the present ambulance service.

Many factors impede effective ambulance service under the present arrangement.

The first problem is to identify, with accuracy, "true emergencies or life-threatening cases" from "merely taxi service for indigents." Less than one-third of 40 million emergency room visits in 1966 can be classified as true emergencies. As it stands now, no true guidelines exist to define an emergency.

It has been suggested by a chief of the present service that a committee of doctors should establish proper guidelines to determine whether or not an ambulance should answer the call. At present they try to answer all calls, as best they can, on the basis of a determination, without guidelines, made by a nonmedical dispatcher.

Statistics show that District ambulances made about 42,000 emergency runs in 1968, an average of 20 per ambulance per day. But what is appalling is the fact that 75 percent of these runs involved "taxi service." Citizens, who could either walk or take private or public transport to a hospital or physician's office, call instead for an ambulance. Frequently these patients are indigents who use the free ambulance service because they lack taxi fare.

This means that a person who really needs an ambulance for a legitimate emergency will have to wait, with every moment one of life or death, while an indigent rides an ambulance in an imaginary and useless nonemergency trip which could have been taken in leisure.

How serious this situation can be is exemplified by this actual case, which I referred to a moment ago and which resulted in a needless death. This is just one case, among countless others, where death instead of life prevailed because of bureaucratic haggling over who should transport the victim to the emergency room. The name of this victim of bureaucraticide, as it was, is unimportant, but the facts are not. Note the times involved. At 11 a.m. the victim's wife called the Fire Board for an ambulance because her husband was in the throes of excessive vomiting. At 2:45 p.m., after a lapse of 3 hours and 45 minutes, the Fire Board called the Public Health ambulance which only picks up sick calls. At 3 p.m. the unfortunate victim was finally aboard an ambulance. He was pronounced dead on arrival at the hospital.

The gruesome details of this horrid tragedy were captured on tape by WWDC. The pathetic dialog of desperate and frantic frustration by the victim's widow and the ambulance drivers caught in the spider's web of bureaucracy dramatically demonstrated the crisis which Congress and the District of Columbia government have a responsibility to alleviate. If ever a case demonstrated the absolute need to establish clear guidelines, one central dispatch authority and service, this needless fatality does.

Many more similar situations could be documented, some with a tragic ending and others filled with time spent in excruciating pain and untold suffering while relief was on a "taxi run" with some drunk, derelict, or deadbeat as a passenger.

But there are problems caused at the other end of the ambulance run—the hospital emergency rooms. Inadequately manned and equipped, for the most part, they cannot cope with the influx of nonemergency cases or "taxi riders." In one hospital these types of cases constitute 50 to 60 percent of its emergency room workload. The National Research Council estimates that 50 million emergency room visits next year, over two-thirds will not be classified as "true emergencies." And yet, under our present system, our overtaxed ambulances will continue to clutted the crowded emergency rooms with these cases unless the "free rides" are discontinued. All this will take place while those in real need suffer in pain or die.

Even in cases of a true emergency there is a grave problem since only eight hospitals have emergency facilities available and frequently some of these eight are "closed" to victims because of the workload and the ambulance driver has to shop for an emergency room which is not full and can take care of his victim. Prompt pickup and transportation of a victim to the nearest medical facility is thus hindered. For example, an accident which occurred last fall at Mississippi Avenue and Wheeler Road, involving eight injured people, was only about five blocks from Cafritz Memorial Hospital, but the victims had to be transported to the District of Columbia General Hospital, about 4 miles away, because an emergency care facility did not exist in the hospital closest to the accident.

Mr. Speaker, last Saturday I participated in a mock disaster to test the emergency facilities available in Metropolitan Washington. In order to assess firsthand the effectiveness of emergency medical response by rescue workers and the emergency rooms of 10 area hospitals, I along with over a hundred other volunteers, served as a litter case "casualty" with very realistically simulated second degree burns of the face and lungs. Cynosis was my simulated condition, caused by the explosion of a charcoal lighter fluid while cooking hamburgers on an outdoor grill. It is important to note that those whose proficiency was being tested did not know that I was a Congressman.

I was spirited by military helicopter—a service not now available to the District of Columbia government rescue service—to District of Columbia General. The flight from the grounds of Washington Hospital Center took about 10 minutes. Because the hospital was not prepared for our arrival, we had to circle three times before landing. When we touched down a litter was not immediately available. When it did arrive, however, litter bearers rushed me to the emergency room where I arrived 2 minutes later. Three minutes later a nurse gave me a preliminary examination and then brought a physician to examine me 1 minute later. Assessing the seriousness of my burns, he made a determination that I should be admitted to the hospital. Satisfying himself that my breathing apparatus was functioning adequately, he went on to another victim. I was then carried to a ward. The entire handling from helicopter touchdown to arrival at the ward took only 15 minutes.

Although there were some deficiencies which I reported to the umpires, I was very favorably impressed with the expeditious and sympathetic handling I received at the District of Columbia General Hospital. I should point out again that none of the people involved had any idea I was a Congressman.

The overall mock disaster exercise pointed out many shortcomings in our emergency facilities, many of which, hopefully, will be promptly corrected. While most of the hospitals have well thought out plans for handling emergency cases, the implementation of these plans frequently leaves much to be desired.

Participating in the disaster exercise was, from a personal point of view, a most worthwhile experience. I now have insights into our emergency medical facilities and services which I never had before.

One important aspect of the ambulance crisis is the human element involving the personnel presently used to

man the District of Columbia ambulances. Under the present system, it is mandatory that members of the District of Columbia Fire Department serve 1 year in the ambulance service. Let me say now that I commend these men for the fine work they are doing and the compassion and devotion they bring to this temporary service. However, to many this type of work is repugnant. It seems to me that it takes a special type of person who has the ability to take care of bleeding victims in a state of shock frequently on the threshold of death. I need not say what a year of such service does to a man who is not motivated to or adequately trained for this type of work.

Morale is a problem for those forced to serve their 1-year stint in the ambulance service. Despite these factors, many of the present corpsmen do an outstanding job under very trying conditions.

Under the present system a high level of proficiency is almost impossible because after a man has acquired experience, he is transferred out of the ambulance service.

Of 78 men on the duty roster, only nine have more than 3 years of experience. After the year of mandatory service is over, most men return to firefighting, thus they are lost just at the time when their level of proficiency is rising. The overall effect, of course, is to have personnel which are less efficient than they should be and have little motivation since they are assigned to duty they do not particularly care for nor are inclined toward.

Those who might serve longer are easily discouraged because the present administrative structure provides no promotions for those in the ambulance service.

All of these factors are integral parts of the inadequacy of the present corps.

I have discussed the human need and now I turn to the equipment.

According to a report published in February of this year by the District of Columbia Ad Hoc Committee on Emergency Ambulance Service, chaired by Councilman Stanley J. Anderson, there are 10 ambulances to serve about 800,000 District residents which means a ratio of one ambulance per 80,000 people. However, during the day you must include approximately 200,000 employees from suburbia and tourists who come into Washington. This means a ratio of one vehicle per 100,000 persons. Yet, a report published by the prestigious American College of Surgeons Committee on Trauma states that the ambulance ratio should be one to 40,000 people. The District of Columbia City Council has indicated in its progress report that there are currently 10 ambulances in service to satisfy the demands of over 800,000 people. This means that a minimum of 10 additional ambulances are needed immediately to achieve this desirable ratio. Obviously, what we have now is totally inadequate, not only in quantity, but in the quality of the equipment, some of which is obsolete.

The Ambulance Service Corps, which my bill would create, is intended to be a separate organization working, of course, in close coordination and cooperation with other interested agencies. It would have its own administrative organization, outside the fire service, a system of promotions for personnel, higher qualifications, and more extensive training. It would be professional in every sense of the term and dedicated entirely to its primary mission—emergency ambulance service.

With a corps composed of career personnel who seek this career voluntarily, the level of proficiency can be kept up to the best medical demands. Training can be maintained abreast of the very latest medical techniques and, being professional, the corpsmen can be relied upon to maintain the professional criteria and efficiency in practice by experience and personal dedication to their chosen field.

Present firemen, who are assigned to the ambulance corps, if they meet the qualifications of the new ambulance service, should be allowed a first preference, if they choose, to apply for service in the new organization. The very finest medical-technical training should be given by medical doctors and technicians of the District of Columbia Department of Public Health who have the knowledge and the practice in the latest and most effective life-saving techniques and a program should be maintained to keep personnel currently proficient.

As in our Armed Forces, the corpsman, by having a thorough professional knowledge, can sustain life until the victim reaches the hospital. Along with the organizational aspect, proper guidelines must be established to reduce the flagrant abuses of the service which I have already pointed out.

I believe that the plan to establish neighborhood medical clinics would help reduce the need for emergency calls by indigents, but close administrative control is absolutely essential. In addition, I suggest that some system be established whereby such indigents could obtain commercial taxi transportation. Such a system could utilize commercial taxi service with coupons given to a bona fide indigent who cannot walk or, if ambulatory, who lives more than six blocks from a clinic. Such fares could be restricted to rides only to and from the clinic from a resident address designated on the coupons. If transportation is their problem, then such a system might be a solution. I know that the Department of Public Health maintains a Patient Transportation Division which operates a nonemergency ambulance service, but, with the increase in the number of neighborhood clinics, this service can be augmented by the taxi-coupon system.

Equipment can be standardized throughout the new ambulance service. The service can establish its equipment needs according to its criteria for proficient operation. As the transportation picture changes with the introduction of new equipment, the corps can utilize new methods to achieve its own particular mission. For example, the helicopter has proved itself on the battlefield as an excellent emergency vehicle and in many areas of the country is proving itself as a valuable asset to civilian emergency rescue work. Considering the problem with present day traffic, it is essential that we make greater use of helicopters. Their versatility and speed in an emergency must be harnessed as an adjunct to ambulance service. The traffic congestion which always accompanies highway accidents frequently causes over an hour delay in conventional ambulance rescue. Helicopters can be on an accident scene in minutes and speed in a direct line flight to the nearest hospital avoiding the restrictions of surface traffic congestion. Of course, the District of Columbia ambulance service should be integrated with that of other jurisdictions in Metropolitan Washington. This coordination is even more imperative where helicopters are concerned. The acquisition and coordination of helicopter rescue service could very well be a worthwhile project for the Metropolitan Area Council of Governments.

It should be mentioned here that the war in Vietnam has considerably advanced helicopter technology and casualty rescue techniques. This know-how should be utilized in the civilian sector. When the Vietnam war ends, consideration should be given to selling helicopters as military surplus to make them readily available throughout the United States for emergency rescue work.

For regular ground vehicles, the present traffic laws concerning the right of way should be reemphasized. I recommend that fire lanes be clearly marked on the main arteries to expedite the travel of emergency vehicles. We also need a clear and unmistakable uniform practice, under law, of requiring all vehicles to move to their right to clear a lane for emergency vehicles. Severe penalties should be imposed for not so doing. With car windows closed because of air conditioning and with radios on, it is getting increasingly difficult for sirens to be heard and, in particular, from what direction. I can well remember my frustration as an FBI agent racing to the scene of a bank robbery when a woman in front of me on a narrow country road could not hear my siren and completely stymied my progress.

Further research is needed to arrive at an effective system for making the automobile driver aware of the approach of an emergency vehicle. Possibly stationary emergency lights on streets which warn of the approach of an ambulance or other emergency vehicle could be activated by radio control from the vehicle, but these are technical matters which must be researched if the ambulance service is to operate as efficiently as it should.

I have discussed the ambulance service in the light of the ordinary needs of our metropolitan area. However, there are the extraordinary needs to be considered, that is, an emergency of calamitous proportions.

To that end, my bill provides for the organizing, training and equipping a volunteer reserve of the Ambulance Service Corps. Such trained personnel would be used when augmentation of the regular corps is needed by virtue of excessive demands caused by some disaster. A ready reserve would be able to take its place alongside the regulars and assist in an efficient discharge of duties. No matter how well intentioned, an untrained

person in such work is liable to become a liability rather than an asset.

Mr. Speaker, I want to impress upon my colleagues how urgent this problem is.

Viewing the service as it now stands and estimating the needs of the future, the ambulance service here in the Nation's Capital will be reduced to almost total ineffectiveness if the present trend of excessive demands and pressure continues. This is a sobering thought when one ponders the consequences.

However, I feel that by an enlightened program, the Capital City can lead the way in establishing the model ambulance service for the country which the District of Columbia Ambulance Service Corps could become.

I urge my colleagues to give this bill their prompt attention and I request the distinguished chairman of the District of Columbia Committee to hold hearings on this measure at an early date.

In a very real sense, this is a matter of life or death for a million citizens.

A TRUE INSIGHT INTO TYRANNY IN COMMUNIST RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, it is not very often that I find myself quoting anything which has been said regarding communism in the New York Times or the Washington Post. No two papers have more consistently presented the fairy tale that the Communists are maturing and we can do business with them, and so forth. I have always maintained that the record clearly shows this is not the case regardless of their pronouncements. Unfortunately, our foreign policy has been based on this dangerous assumption for the past decade. I have now seen a ray of light which indicates these two papers may be seeing things more realistically.

There are many people in our country who sincerely believe that communism is "not that bad." I have always felt that their judgment has been affected by their hopes. It is one thing to hope that the Communists will change and work for world peace and yield to the aspirations of all people to be free. It is quite something else to base your national policy or risk your security on these hopes which are not realistic at this particular point in world history. The record of the Communists clearly indictates there is no basis for these hopes. Indeed, short of internal revolution or a clear miracle, there does not appear to be any realistic hope that the brutal, murderous Communist policy will be changed in the near future. They still have their aggressive plans for world domination and it is by deceit, intrigue, subjugation, and military might that they hope to achieve it, not by debating issues fairly and squarely at home and in world forums. Our policy should be based on no other assumption than this.

In the light of this, it was like a breath of fresh air to read the 10-part series which appeared in the Washington Post authored by Anatole Shub. After more than 2 years in the Soviet Union as Moscow correspondent for the Post, he was expelled by the Soviet authorities. His articles give a clear picture of the repressive measures being taken within the Soviet Union to stifle dissent, brainwash the citizenry and foster anti-American attitudes.

Mr. Shub was particularly close to many of the Russian intellectuals, artists, poets, and writers. His articles give a telling description of their difficulties in achieving any freedom of expression in a controlled Communist state.

Mr. Shub is not alone in pointing out the Soviet direction. In its June 6, 1969 issue, Time magazine—again, Mr. Speaker, certainly no hardliner regarding Communist philosophy and practice—pointed out the struggle of one Soviet writer, Yuli Daniel. Mr. Daniel is also cited by Mr. Shub in his series of articles. Time's brief article gives a poignant treatment of the life this valiant Russian has—or would it be more appropriate to call it an "ordeal"—as a persecuted inmate in a slave labor camp. His crime: "slandering the Soviet State." The article is included at this point:

A DAY IN THE LIFE OF YULI DANIEL

(NOTE.—The struggle against cold in the camp is waged in a unique way: they took away all our belongings, sweater, jacket and so on. Solitary confinement is not just cold, it's dog cold, because they give you a blanket only at night. The rest of the time you get only bare boards and a cement floor. Among the crimes punishable by solitary confinement: not waking up when they bang on the bars, not standing up before an officer, brewing coffee or toasting bread, not going to political lectures, growing a few blades of dill in your area and refusing to trample on them, or not fulfilling your norm.)

That cry of controlled anger comes from Soviet Writer Yuli Daniel, who is serving the fourth year of a five-year sentence at hard labor for "slandering the Soviet state" in his short stories that were published abroad. Daniel is in a labor camp at Potma in the Volga basin, along with Fellow Writer Aleksandr Ginzburg, whose crime was compiling a record of the February 1966 trial of Daniel and Writer Andrei Sinyavsky (who is serving his seven-year sentence in another part of the same camp, also for "slandering the state").

The persecutions of camp life have not quenched the spirit of Daniel and Ginzburg. Now, along with four other prisoners, they have written an open letter to the Presidium of the Supreme Soviet, urging "corrective legislation" to change the regulations in camps like Potma, where, according to official designation, "especially dangerous political prisoners" are held. Last week their letter was being circulated widely in Moscow.

"Our food is tasteless, monotonous and contains hardly any vitamins," the letter said. "Although we cannot really speak of constant hunger"—the maximum daily ration is 2,413 calories, mostly starch—"constant vitamin hunger is an indisputable fact. It is no accident that in the camps so many people suffer from stomach ailments." Food parcels are forbidden, the men said, and even in the kiosks, where they can buy five rubles' worth of goods a month, "buying green vegetables or other produce containing vitamins is impossible. Any one of us at any minute can be deprived of the right to buy anything at the kiosk, or be put in solitary confinement, where the rations may be reduced to 1,300 calories."

"The camp administration can arbitrarily curtail the time of meetings" with relatives, and "a considerable number of our letters and the letters sent to us disappear without a trace. We cannot write about our situation; such letters always disappear." Thus, the prisoners add, the lawmakers of the Supreme Soviet "will understand how difficult it is for us to defend what remains of our miserable rights."

At compulsory political meetings, the prisoners are given a "beginner's course of political literacy, repeated from year to year," and conducted by "half-educated officers mechanically reading what is written or repeating it in their own words. A question that the officer cannot answer (and these are in the majority) may be regarded as 'provocative' and the person who asked it is punished in one way or another. If you express your own view you risk a new trail and sentence."

"The constant human degradation and physical coercion must also, probably, be called 'education.' The head of Camp 17A, a Major Annenkov, orders all papers to be taken away from political prisoners in solitary and recommends that they use their fingers instead of toilet paper. Duty Officer Lieut. Takashev orders a political prisoner to be handcuffed, and an overseer, in the execution of his duty, beats him up."

The letter reminds the Deputies to the Supreme Soviet that it is within their power "to reinforce illegality or to rigorously supervise the observance of our human and civil rights." Moreover, "all this physical and psychological coercion of political prisoners does not lead—indeed, cannot—lead to the desired results, if only because they have not reckoned our strength. Ill treatment can only break the very weakest. Surely this is not worth the effort."

This is a significant commentary in light of the dissent, protest and anti-American sentiment expressed on many of our campuses by youth of the so-called turned-on generation. Many of these brainless wonders would do well to consider the free and open society we have which allows them to speak irreverently of their Government, their leaders, their society. How they can miss the central point in all of this is beyond me. Whatever our shortcomings as a nation might be, we discuss them and work for their solution within the framework of a free and open society with leaders who are selected by a free and open political process. If the Government is not going in their direction, it is just possible that they are the minority and are wrong. If the officials are wrong, they can be replaced. At any rate, everyone has a part to play and has constitutional rights which are not afforded a Yuli Daniel, Andrei Sinyavsky, Gisele and Andrei Amalric, Yuri Galanskov, Pavel Litvinov, and other Russian martyrs for freedom.

Mr. Shub's articles should be must reading for all of these dissidents. I would advocate that it be read over and over by every American who is frustrated, who questions his own country and who thinks that he has things tough in this most favored spot on earth.

Mr. Shub's article also renews my confidence that there are good people everywhere in the world. Often we make the mistake of thinking that there is something wrong with the Russian people or that they are bad. They are the oppressed, the Communist masters are the oppressors and we should never forget that. The American people have no basic grievance against the Russian people as such. They should have our compassion and our prayers for their plight.

In the third article of his series, Mr. Shub tells of the moving experience of Gisele and Andrei Amalric. Andrei, 28, was a dissident historian who was barred from serious work by the KGB, the Soviet secret police. He was ultimately exiled to Siberia and his faithful wife took all of the abuse that Soviet officialdom could heap upon her. Mr. Shub observed:

How did it ever occur to them to try and live as two proud, honest human beings? And where did these two young, slender people ever get the courage to live every day committed to a sense of beauty and human dignity—with their phone tapped and two microphones hidden in their one little room?

The fact that there are people like Gisele and Andrei Amalric gives some hope, to be sure, but the awesome force of the repressive Soviet state makes their battle a difficult if not impossible one.

I read these articles each day while I was in Geneva attending the 50th anniversary conference of the International Labor Organization. They appeared in the international Herald-Tribune which is published by the Washington Post and the New York Times. This is the only American newspaper one can get in Europe. Mr. Shub has done a service to journalism and to our country. I do not recall ever reading any article or series of articles with so much living truth in each passage. I heartily commend this reading to every concerned American.

The articles referred to follow:

[From the Washington (D.C.) Post, June 13, 1969]

RUSSIA TURNS BACK THE CLOCK: SOVIET LEADERS REJECT REFORM, CAST FUTURE IN A STALINIST MOLD

(By Anatole Shub)

(NOTE.—Anatole Shub, after more than two years in the Soviet Union as Moscow correspondent of The Washington Post, was recently expelled by the Soviet authorities. In this series he presents his personal observations and conclusions.)

For two years, I have watched Russia's rulers grimly attempt to turn the clock back. In part, I believe, it has been a reversion to Stalinism, although there has been no purge of Communist leaders, and the political prisoners number scores of thousands, rather than millions.

In part, it has been a throwback to older tradition—to Russia as the "gendarme of Europe," the guardian of absolutism and orthodoxy, its armies on permanent maneuvers, poised to menace democracy and national independence beyond Russia's own frontiers.

However, the most striking "return" to past ways has had more tragic dimensions. For, as I left Moscow, many Soviet friends had come to believe that the present Kremlin rulers are leading Russia down the same melancholy path as the Romanov czars took a century ago.

By all accounts of those who have dealt with them, the men who deposed Nikita Khrushchev in 1964 are cynical, crude, narrow-minded, frightened for their own privileges. They have shown themselves unable and increasingly unwilling to risk the reforms, small or large, required to meet the complex needs and aspirations of an ever more literate, sophisticated Russian society.

The present rulers quickly turned their backs on the progressive evolution in Yugoslavia, which Khrushchev had fitfully sought to emulate. They used armed force to strangle Czechoslovakia's peaceful democratization, which was pointing Russia herself a way out of the vicious circle of power, privilege, terror and fear created by Lenin, Trotsky and Stalin. None of the Russian leaders himself stepped forward as a Soviet Dubcek or Tito.

Instead, the Kremlin bosses—Brezhnev, Suslov and Shelepin in the Party machine; Grechko, Yepishev and Yakubovsky in the army; Andropov, as well as the faceless professionals of the KGB (security police), Russia's "invisible government"—have turned increasingly to repression and reaction, xenophobia and mystification. They appear to be counting on the fears and prejudices of the "dark people," the traditional mob of Russia's tragic history—and they are plunging the country's finest spirits into despair.

Yet their oppressive, anachronistic system cannot produce meat, apartments or happy smiles even for the "dark people." The sense of suffocation and choking among the educated is matched by the sullenness and permanent irritability of the masses. For both, alcohol is often the sole relief. Abortions, ulcers, high blood pressure, psychosomatic illness are the toll exacted on an incalculable scale.

Should present polices prevail, many intelligent Russians feel that the likeliest result—once the unemasculated generation born after Stalin's death reaches manhood—will be a violent explosion. Such explosions have been frequent in Russian history, and have often brought only greater tragedy.

The contrast is striking between the atmosphere now and that of the autumn of 1963, when I first visited the Soviet Union. Although even then hopes were no longer as high as in the euphoric mid-1950s, an eager, curious youth was still being raised—officially—in the ambivalent yet stimulating spirit of de-Stalinization.

BRILLIANCE EMERGED

Late in 1962 Alexander Tvardovsky's progressive monthly Novy Mir had published the most important book of the Soviet era: "One Day in the Life of Ivan Denisovich," by Alexander Solzhenitsyn, who finally spoke for the scores of millions murdered or imprisoned under Stalin.

Thousands thronged to hear the brilliant, aristocratic poetry of Andrei Voznesensky and the more poignant ballads of Bulat Okudzhava. Yevgeni Yevtushenko publicly denounced "the heirs of Stalin" and mourned the victims of anti-Semitism in "Babi Yar." Perhaps more important, Dostoyevsky, who had foreseen it all, was available and readable again.

After an entire generation in which Russia had been "the dark side of the moon," its scientists, artists and social scientists had renewed contacts with the real world of the West. It was under Khrushchev and Anastas Mikoyan (eased out in 1966) that the ideas of economic reform later loosely labeled "Libermanism" were first solicited and publicly aired.

Soviet foreign policy in 1963 seemed similarly promising. In spite, or because, of the Berlin and Cuba confrontations, Russia was basking in the glow of the nuclear test-ban treaty, a symbol of Khrushchev's readiness to meet the West part-way. "Peaceful economic competition with capitalism," "overtaking the United States in consumption of meat, milk and butter," were still official promises (although the unreformed economic system gave scant hope of ever fulfilling them).

Literate Russians had to understand, too, that the break with the China of Mao Tse-tung and Liu Shao-chi, the attack on Peking's doctrines of permanent revolution, then represented, at least potentially, a vehicle for justifying ultimate reconcilation with the West.

OUTLOOK IN 1967

Even in April 1967, when I returned to Moscow to live, there remained some grounds for cautious optimism. The new Kremlin leaders had already halted de-Stalinzation, stepped up the missile race, committed Soviet arms to the Vietnam war, and sent Andrei Sinyavsky and Yuli Daniel to the Potma concentration camp.

Yet the new leaders' style seemed cautious and modest (much like that of the early Stalin), and their promises of better farm incomes and rationalized industrial management seemed saner and tidier than Khrushchev's impulsive projects.

For the 50th anniversary of Lenin's revolution, Western, Czechoslovak and East German consumer goods were imported in large quantities. They made Moscow and Leningrad, at least, seem nearly as normal to the transient visitor as Potemkin's typical villages specially constructed to please Catharine the Great. Many optimistic Russians, as well as foreigners, believed inspired stories that Sinyavsky and Daniel would be amnestied, that Pasternak's "Doctor Zhivago" would be published, that Solzhenitsyn's new novels would be permitted to appear in Novy Mir.

Looking backward, it seems that the Jubilee Year was largely a put-on with the Kremlin leaders on their best behavior chiefly to avoid domestic or international scandal. Svetlana Stalin was not impressed and left the country. U.S. Ambassador Llewellyn Thompson, although he never said so publicly, had privately concluded by the summer of 1967 that "the wrong gang" was in power.

TURN FOR WORSE

In fact, there was an obvious turn for the worse with the Middle East war. Not only KGB and military intelligence agents but Politburo members had directly helped provoke the conflict by spreading the verifiable lie that Israeli troops were massing to attack "progressive" Syria.

In the wake of Israel's victory, reactionaries in Russia, the Ukraine, Bessarabia and the Baltic states launched a fierce "anti-Zionist" campaign, which continues unabated. It was recognized by both Jews and anti-Semites to be potentially as lethal as Stalin's murderous drive against "rootless cosmopolitans" (1948–53). Even in civilized Leningrad, Jews say the climate now is "the worst since 1952."

The pretentions of the Jubilee Year ended with the Moscow trial of Yuri Galanskov and Alex Ginsburg in January, 1968. "Vigilance" became the watchword at the "historic" April plenum of the Party Central Committee, which proclaimed an open season for the KGB, MVD and cultural hatchetmen. The invasion of Czechoslovakia finally crushed the evolutionary hopes of Russia's "loyal liberals"—hopes which had been so earnestly formulated by the Soviet nuclear physicist, Academician Andrei Sakharov.

TREND SINCE AUGUST

From Aug. 20, 1968, onward, it became clear that, so far as the Kremlin summit was concerned, there could no longer be serious talks of a "liberal" or even a "moderate" faction. As a seasoned neutral diplomat sadly observed, "The struggle is between the conservatives and the reactionaries"—between plodding, coarse, relatively cautious old Stalinists and more dynamic, ambitious younger apparatchiki.

Last October, the classic signs began to appear of a grim intense struggle for Kremlin power, involving various leaders, factions and patronage groups, the rival machines of the Party, Army, KGB, and MVD (civil police). The "winning combination" has yet to emerge, although I suspect it will within a year. Meanwhile, the victims have been individuals and national groups striving for basic rights throughout the vast multinational empire occupied by Soviet garrisons from the Vltava to the Ussuri.

CURBS ON INTELLECTUALS

The fate of a brillant young Tatar physicist, R. K. Kadiyev, shows how swiftly and drastically times changed. Last year, Kadiyev and a colleague presented to an international conference in Tbilisi startling new astronomical and space researches confirming and deepening Einstein's theory of relativity. There have been few comparable discoveries, anywhere, since Einstein first suggested the theory. Za Kommunism, newspaper of the Dubno Atomic Research Institute, was proudly hailing Kadiyev's feat as recently as Nov. 22, 1968.

Today, Kadiyev sits in Tashkent jail, the chief defendant at a secret trial of ten Tatar intellectual leaders who have been struggling for the return of their people to the Crimean homeland from which Stalin deported them in 1944. It was to attend the trial of Kadiyev and his comrades last month that the gruff, fearless Ukrainian democrat, former Maj. Gen. Pyotr Grigorenko, went to Tashkent—in full knowledge that he, too, would be arrested.

The KGB and MVD have decimated the hardy little Moscow underground, the activist civil liberties movement led by Grigorenko and Pavel Litvinov. At the same time, the better known "loyal liberals" of the cultural and scientific community are being successively restricted, demoralized and removed from positions of influence—with the reported ouster of Tvarvovsky from Novy Mir only the latest case in point.

Yet the Kremlin rulers have not succeeded in establishing the kind of "order" they seem to crave, the order which Marx in his time called "the peace of the graveyard." Instead, like the Romanov czars before them, they have been sowing dragons' teeth. For with each new act of repression, they are creating new oppositions, turning nonpoliticals into politicals, liberal evolutionists into potentially radical revolutionists.

Five months after the invasion of Czechoslovakia, a young Soviet army engineer lieutenant named Ilyin boarded the crimson night train from Leningrad to Moscow. The next day, he borrowed a police uniform from a relative—and on Jan. 23, 1969, inside the Kremlin's Borovitsky Gate, fired shots almost surely intended for Brezhnev.

STILL UNEXPLAINED

Although Ilyin's act may well be a milestone in Russian history, Soviet officials have not explained it to this day. Instead, tipsters for the contending Kremlin factions have, from the start, been circulating two rival accounts. According to the conservatives, Ilyin was a Soviet Oswald, a "paranoid" loner, and has already been, or soon will be, officially certified as insane. According to the reactionaries, the lieutenant from Leningrad was part of a "counter-revolutionary gang," with accomplices high in the Soviet army, MVD and elsewhere, all of whom will soon be exposed and brought to trial.

For their part, Russian democrats have compared young Ilyin with both the Decembrist rebel officers of 1825 and the Populist revolutionary terrorists of czarism's last four decades. They have drawn heart from the story that Ilyin, interrogated personally by Andropov as to why he did it, replied: "Chtob razbudit Rossiyu" ("To wake up Russia").

There is absolutely no way to verify which, if any, of these stories may be true. For in Brezhnev's Moscow, no foreigners, and indeed very few Russians, ever know anything for certain about matters of importance—and hardly much more about matters most countries regard as trivial.

It is precisely such knowledge, on the part of the Soviet peoples and the world, that the Stalinist system (only partly modified under Khrushchev) was constructed to prevent. The system is still operating, barbed wire, microphones and all, under Stalin's heirs.

[From the Washington (D.C.) Post, June 14, 1969]

RUSSIA TURNS BACK CLOCK: KGB SURROUNDS FOREIGNERS

(By Anatole Shub)

A typical official "public" Moscow occasion: April 22, 1969, the 99th anniversary of Lenin's birth, with a "festive meeting" at the modern, Western-equipped Kremlin Palace of Congresses.

Only a dozen foreign correspondents and three dozen diplomats show up, including two Chinese who come just to stomp out later. The rest of the foreigners stay home because, since the off-the-cuff Khrushchev days, such occasions have been tedious and predictable—seen one, seen 'em all.

We walk in through the Kremlin's Troitsky Gate and show KGB plainclothesmen and uniformed Kremlin guards our passes: the permanent identity card and the specially issued pass for this meeting. We show the passes again to other security men at the Palace doors, and climb the stairs to the second balcony. On the way up, we pass several hundred plainclothesmen coming down to pose as workers in the audience below. We show our passes twice more to KGB ushers before reaching our seats.

The treat of the day is a report read by Ivan Kapitonov, the Party secretary for cadres. Like most Soviet speeches since Stalin shaped the form, it resembles the liturgy of a fundamentalist sect, with a few dubious statistics to add scientific sheen. The jargon is wearily familiar and so is Kapitonov's essential message.

Every day in every way everything is getting better, he says. We're the tops and utopia would be around the corner (although not in your lifetime) if not for the monsters, fiends and demons in the United States, Germany, Israel, China, Yugoslavia, Rumania and most of the rest of this sinful world. ("Imperialists, revanchists, militarists, deviationists, right and left opportunists," etc.)

On stage behind Kapitonov, all the famous "fighters for Marxism-Leninism" seem either bored or preoccupied. Brezhnev looks as sleepy-eyed, Kosygin as mournful, Shelepin as tense as ever. The so-called news of the day is provided by the Rumanian "fraternal guests," Nicolae Ceausescu and Ion Gheorghe Maurer, who grimly decline to applaud attacks on themselves. (Soviet television avoids them.)

Yet both the Soviet rudeness and the Rumanians' silent defiance are true to form, and the only real interest is stimulated by two uniformed men at the rear of the stage: Marshal Andrei Grechko, the Defense Minister, and Gen. Alexei Yepishev, his chief political commissar. Both are animated and excited. They talk, talk, talk, throughout the 80-minute speech. (Are they discussing the May Day military parade, which is about to be canceled for the first time in 50 years?)

A colleague passes me a pair of binoculars. "Can't see a thing," I say, "I'm blind." A moment later, as the plainclothesmen below applaud Russia superior "socialist democracy," my friend replies: "No, we are the halt. They are the blind." And that is so.

The foreigner in Moscow—diplomat, correspondent, exchange scholar or businessman—lives in a state of permanent disability, inflicted by the KGB.

Except for the highest diplomats of major countries who have mansions and a few privileged permanent residents, all foreigners live in a few large segregated compounds. These ghettos are surrounded by high wire fences and patrolled 24 hours a day by KGB men in blue police uniforms.

Anyone who enters or leaves must pass at least one police booth, equipped with special telephones. Russians "unlicensed" to deal with foreigners are stopped and questioned. At night, the compound courtyards are floodlit. Embassies are similarly guarded. Apartments and offices are frequently searched.

Foreigners cannot travel more than 25 miles outside Moscow without permission, which must formally be requested at least 48 hours in advance. Only about 100 Soviet cities or towns are actually open, and there are some, like Tomsk, which foreigners have have not seen in 40 years.

You can go to some of the open cities only by air, some only by rail, some only by certain routings, even when more convenient possibilities exist for Soviet citizens. At times major cities are open to transient tourists but closed to resident diplomats and newsmen—as Leningrad was throughout March 1969, and most of Siberia has been since.

In all tourist hotels, as well as in every foreigner's Moscow apartment or office, there are microphones, not all subtly hidden. Sometimes, the bugging produces farce. When a recent American visitor reached his Rossiya Hotel room and asked me about possible laundry and dry cleaning, a maid swiftly appeared at the door to inquire: "Do you have anything to wash or iron?"

It is less amusing when a visiting television producer, whom KGB men from the Novosti press agency are trying to blackmail, is told late one afternoon in the Moscow woods at exactly what hour we expect him for dinner and what other guests have been invited.

Telephones are tapped continuously—normally on tape, occasionally with a live monitor. The tape is apparently audited every few days—judging from my wife's experience in picking up the dead phone and complaining that the instrument was continuing to beep even with the receiver down. Three days later, it stopped. When the monitors are on, you must shout, and the other party seems to be on Mars.

PRIVACY DIFFICULT

All phones of foreigners and licensed Russians are linked into common circuits. To talk to an unofficial Russian, therefore, discreet foreigners will try calling from a toll booth—although not those near the compounds, which are also tapped. However, the homes and phones of suspected dissidents and intellectuals generally are also bugged—so sometimes they will prefer calling you from an unlisted pay station. Names are rarely used.

Recently, the KGB has developed a new system for dealing with such brazen attempts at private life. The Russian calling you from a toll booth gets through only on the third or fourth try. What with busy signals and dead lines, this can take ten or 15 minutes—enough time for the KGB to trace the toll booth, tap the call and put a trail on your caller.

Resident foreigners are not followed so much as they are surrounded. The indispensable local helpers—secretaries, translators, photographers, drivers, housemaids, repairmen, movers—can only be procured through a misnamed "Service Bureau" controlled by the KGB.

All its employes are subject to periodic interrogations. Many are decent people and some fall ill after such humiliating sessions. A Russian helper who is too helpful, friendly or loyal to his foreigners is removed from the service. Some, however, are only too eager to report, or invent, anything.

The material thus assembled by the KGB is often fed to the Soviet press, which is used to warn foreigners (and their Soviet acquaintances) by means of abusive personal attacks.

Since most foreigners spend nearly all their time in one compound or another, with other foreigners, officials, semi-officials or local employes, the KGB has little need to trail them in the obvious way. How-

ever, when a foreigner does try to break out of "the first circle," the secret police is ready. If he tries to elude surveillance by taking a cab, the KGB often has special taxis and other follow-cars, ready outside the compounds.

One young woman, who had acquired too many Russian friends, was in an apparently ordinary taxi when it suddenly pulled over to a curb, where two KGB men jumped in from either side. They drove her to a room laden with food and drink, which she refused to touch, and then grilled her for four hours. She wisely left Moscow by air two days later. But even before she had left, the Moscow "fink" network was spreading the tale that she had been photographed in bed with a Russian.

THE SQUEALERS

The finks are a special danger, which some foreigners recognize too late. Some are "licensed" Russian pseudo-intellectuals, some belong to the world of so-called underground art, some are members of Moscow's permanent foreign colony. For various reasons, they have chosen to aid the KGB in return for special privileges—the ability to meet foreigners, obtain hard currency, travel abroad, live outside the compounds.

The genuine Russian intellectuals, from sad experience, know the finks better. I shall never forget the fear which suddenly pierced the face of novelist Vassily Aksyonov, to whom I had just been introduced at a mammoth reception, when one such person moved in on us. Aksyonov excused himself quickly, and I never saw him again.

Such, then, is the atmosphere of peace and friendship which the KGB unofficially provides for the foreigner. Official treatment is scarcely better. The Soviet Foreign Ministry Press Department controls, rather than informs, correspondents. Its employes spend most of their time minutely scrutinizing the correspondents' reports and whatever material the KGB may make available. To telephoned news queries, their usual replies (if they answer the phone at all) are "read Pravada" or "we have not been informed."

CALLED FOR WARNINGS

Most correspondents are invited to the heavily guarded Ministry only for admonitions, warnings or expulsions. A few friendly collaborators from the permanent colony, however, are called in at strategic moments to be told "off the record" that the Warsaw Pact maneuvers are "strictly routine," that reports of re-Stalinization are "completely false," and similar fables.

Now and then the Department's sleek, agile chief, Leonid Zamyatin, calls a press conference to push some particular Soviet line. After his statement, questions from servile Soviet, Bulgarian, Polish and East German correspondents are favored. Westerners' questions are evaded. But when the question is embarrassing, the normally unflappable Zamyatin does not hesitate to rage at the questioner, sometimes before a live television audience.

News conferences arranged for officials of other ministries and agencies are even less rewarding. Most of these bureaucrats are less worldly than Zamyatin, begin with long reports largely repeating what has been in the papers for weeks, and answer only written questions, carefully screened by Zamyatin or an aide. Quite a contrast to the days when Khrushchev regularly sought out foreign newsmen for banter and arguments—not to mention the revolutionary days when Lenin phoned them personally.

NEWS-BUYING RACKET

The wretched performance of Zamyatin's office and the rising power of the KGB have led to a singular Soviet racket. Desperate Western media executives, nervous about domestic rivals, compete to buy news and services from the Novosti agency, which handles Soviet propaganda abroad. A 40-minute talk with a medium-level official costs $50, "escort" service on trips outside Moscow $30 to $50 a day, plus special charges. Western television networks paid $500 each last month to have Novosti cameramen photograph the TU-144 supersonic airliner.

Foreigners who regularly prime Novosti's propaganda pump are rewarded with inside tips—often accurate though rarely earth-shaking, such as when the Central Committee may be meeting next. Very often, however, the tips are KGB plants—as when Novosti men last October signaled that Kosygin was about to resign.

Similar mixed blessings are dispensed by Victor Louis, a Soviet citizen who does not bother to conceal his affiliations. Nominally a correspondent of the London Evening News, he is also on the hard-currency payroll of perhaps half a dozen other Western bureaus in Moscow, who chalk him up as "special research services." Sad to say, apart from information published in the Soviet press, the great majority of what emerges from Moscow as news from "Soviet sources" originates with either Louis or a Novosti tipster.

BLIND KITTENS

Ironically, however, these and other disabilities imposed on foreigners are less grave than those the Kremlin rulers impose on the Soviet peoples, and on themselves. According to Khruschev, Stalin warned his heirs that without him, they would be "blind kittens." He was right. For Russia's Orwellian nightmare state not merely keeps the ordinary Soviet citizen incredibly ignorant, but ends by blinding the Soviet leaders—Stalin in his own time, the current group even more.

It is not merely the inquisitorial censorship, the jamming of foreign broadcasts, the Iron Curtain barring travel, the ubiquitous presence of the KGB and similar "administrative measures." It is, rather—in the opinion of many observers—the crude, total, saturation propaganda of the Big Lie and bigger silence, the atmosphere of sycophancy, bluff, flattery and mutual self-deception in "higher circles" which help lead Politburo mediocrities to accept and perpetuate such nonsense as Lysenko's biology or (lately) Jim Garrison's Kennedy "plot."

Khrushchev had the peasant good sense to venture out, to travel widely at home and abroad, to elicit, even provoke contrary opinions from uninhibited foreigners. Nearly all the men who deposed him (Shelepin may be an exception) seem to be stay at-homes by choice, who prefer to sit with one another around the familiar green baize tables in the Kremlin and at the moldy yellow Central Committee building on Staraya Ploshchad. More than half the Politburo members and alternates have never spent as much as a month in the West in all their lives.

The results of such self-inflicted blindness were apparent not only in the political botch during the invasion of Czechoslovakia, but in the Middle East a year earlier—when Brezhnev, Kosygin and Podgorny cruised for three days on a destroyer in the Gulf of Finland on the very eve of the war.

Czechoslovak, Yugoslav and Italian Communists have reported amply on the coarseness and cynicism of "Lyonka" Brezhnev, "Petka" Shelest and some of the other leaders. Two anecdotes from our experience illustrate how, personal qualities aside, the system itself may be their worst enemy.

A sculptor encountered at a Moscow cocktail party had recently been compelled to deal at some length with Pyotr Demichev, the Central Committee secretary in charge of culture. What sort of a man was Demichev, foreigners eagerly asked. Was he liberal, conservative, Stalinist?

"He is absolutely nothing, nothing," the sculptor replied. "He has no views of his own whatever."

Then how does he make decisions? "He listens to his advisers," the sculptor said, naming several rising *apparatchiki* in their late 30s and early 40s.

What are the advisers' views, then? "They have no views either. They know less about art, literature or music than a provincial high school student."

In that case, how do the advisers know what to advise Demichev? "Very simple," the Russian replied, wiggling his nose and cocking his ear. "They sniff the political winds."

PERMISSION DENIED

On the other hand, Ekaterina Furtseva, the Minister of Culture and briefly an alternate Politburo member under Khrushchev, is a woman of some cultivation. A playwright recently spent three hours arguing with her for permission to accept an invitation to the West. They had both screamed and cried in Russian fashion; they had gotten on well for years, she liked his writing, but the answer was no and she could no nothing about it.

But why, a friend asked him, is she not the Minister of Culture? "Yes, but there are others above her."

Is a simple trip abroad such a big decision? "Yes, in our country it is a very big decision—top level."

But if he likes your writing so much, why at least didn't she attend the premiere of your play? "She wanted to, but she was afraid."

Furtseva afraid? If even she is afraid, who then is not afraid?

"Ah," the writer said, "at last you are beginning to understand Soviet Russia."

[From the Washington (D.C.) Post, June 15, 1969]

RUSSIA TURNS BACK THE CLOCK: DISSIDENT COUPLE FEELS CONSTANT KGB PRESSURE

(By Anatole Shub)

Giselle Amalric is a tall, slender tatar beauty who would make eyes turn on Fifth Avenue, where she might be taken for Balanchine's freshest ballerina. With her jet black hair, fair skin, deep almond eyes and modest natural grace, she is herself, at 25, a more miraculous work of art than any she can ever create. Giselle is a painter, and has been painting portraits, mostly of foreigners, ever since her husband Andrei, 28, a dissident historian, was barred from serious work by the KGB. Giselle's portrait of Sherry Thompson, the former American ambassador's daughter, is now in the Thompson's home in Washington, a gift from his embassy colleagues.

Of all the human beings we met in Russia, Giselle touched us most deeply—especially my wife Joyce, who saw her far more often, and whose fate crossed the Amalric's at a dramatic moment on the evening of May 7, 1969. Giselle took Joyce to two or three other studios of underground artists, abstract or semiabstract. These then passed her on—in Moscow underground-railway fashion—to still other painters and sculptors, and to various open, allegedly "private" exhibitions and abortive public ones (closed by the KGB minutes after they had opened). So this story is mainly from Joyce's notes, even when she is not directly quoted.

But first a word about Andrei. Slight and frail, hollow under the cheekbones and ribs, nearsighted, he is smaller than his father or his grandfather, whose pictures we saw. He was born in the war years, underfed in the post-war years, orphaned at an early age, had already spent two years in Siberian exile—and had the coolest political mind I encountered in Russia (perhaps because an ancestor came from France with Napoleon's Grande Armee).

We rarely talked about current events—Czechoslovakia, will-Brezhnev-last and the like. Nor did we talk much about the persecutions of Yuri Galanskov, Pavel Litvinov and other fellow democrats. Instead, Andrei liked to ruminate (over Giselle's strong, hot

tea) on Russia's tragic history, the contradictions of its culture, the indefinable essence of the national character.

I recall, for example, Andrei's clinical dissection of the classic history of Russian civilization by Prof. Paul Miliukov, the Constitutional Democrat who became foreign minister after czarism fell in March, 1917. "Miliukov proved," Andrei said, "that the territorial expansion of the Russian empire went hand in hand, for centuries, with the suppression of Russian freedoms. But then he imagined that he and his liberal friends could fix everything simply with a Western constitution. And, when he became foreign minister, the first thing he did was reaffirm czarist claims to Constantinople!"

TROUBLE AT SCHOOL

Andrei's passion for historic truth caused his first troubles. At Moscow University, he produced a dissertation which showed that many of the cultural glories of 9th century Kievan Russia had not been immaculately conceived, through the unique genius of the Slavs, but came directly from the higher civilization at Byzantium. The Party line was just the reverse. Andrei's professor, impressed by his research, suggested that he submit merely the dry facts and omit his "controversial" conclusions. Andrei refused. The professor declined to approve the dissertation. Andrei protested—and was expelled from the university.

When, outside the university, he began associating with other young rebels, the KGB moved in. Andrei's room was searched and he was exiled to Siberia, allegedly for possession of pornography. Giselle went with him.

Late one winter afternoon, Giselle told Joyce "how her father had moved to Moscow after the war to find work. How the parents and five children lived in one room. How her mother would check if the children were asleep before going to bed with her father. How the Moscow children taunted her: 'Tatarka, Tatarka,' and stained her skirt. How, soon after she met Andrei, he was sent away.

"She told her parents she would join him. But he was Russian. 'If you go,' her father said, 'never come back again.'

"She went anyhow. In Siberia, they decided to marry, but the license cost 1.50 rubles, and they had no money. So they went to a nearby kolkhoz and both worked all day and earned two rubles. They were married, and had 50 kopecks left over to buy sugar for their tea . . ."

For a while after they returned from exile, Andrei could do freelance writing, unsigned, on safe historical and cultural subjects. But, after he began appearing outside the courthouses where other democrats were being tried, this work was cut off. The KGB tried to get him on charges of parasitism, or unemployment. But he found a job delivering newspapers (salary: 22 rubles monthly) and later became secretary to a blind man.

LIVE IN OLD BUILDING

Andrei and Giselle lived in an old, probably pre-Revolutionary apartment house in the Arbat section—just behind the glass-fronted Kalinin Prospect skyscrapers (still not quite completed) which impress visitors with the modernity of the Brezhnev era. Like most Soviet city dwellers until recently, they lived in a "communal" apartment—where half a dozen families, one small room each, share a common kitchen and bath. Among their neighbors, one was tepidly sympathetic, two were nasty busybodies, and the woman next door was an alcoholic.

Nevertheless, the little crowded room in which Andrei and Giselle lived was an oasis of taste and integrity, especially for Joyce: "After a while, I no longer noticed the six bells on the front door of what was once a five-room apartment. I stopped noticing the peeling plaster in the long corridor, the steamy communal kitchen on my right, the black pipes and broken enamel in the bathroom, the loud conversations of the families living behind each closed door.

"Their room was at the far end: a bed, three chairs, a piano from Andrei's grandmother, a clothes closet, two bookcases, an old typewriter, a radio-phonograph, a small desk which also served as dining table. But once I was inside, I could look all around, up and down three walls at their small, fine collection of modern paintings—all by unofficial Russian artists, including two of Giselle's best—and forget the 'realism' beyond the door and outside the window."

The pressure on the Amalrics mounted with the arrest of Pavel Litvinov and other friends. In Giselle's dreams each night, she was a hunted animal, pursued by riflemen or Siberian wolves. She painted more and more quickly—she did Joyce, my son Adam, Allison Kamm, daughter of the New York Times bureau chief, diplomats' wives, anyone else we could send her way—to scrape up enough money to escape the Moscow nightmare.

They found a small country shack, without heat, running water or electricity, where they hoped to move for the summer. Even there, KGB men began "asking around." But in Moscow, Giselle explained, the strain was simply too great. Whenever Andrei went out, she never knew if he would be "taken" and never return. In the country, Andrei could paint the roof and she would wash their clothes in the stream and wring them out on the rocks. So they stocked up enough sugar, flour, rice and fat to last the summer, and prepared to leave on May 8. The evening before, Joyce dropped in to say goodbye:

"I rang the bell as usual. Andrei came to the door, and there was another man, too. I thought the other man was on his way out. But suddenly the door closed behind me, and the man was behind me, too. 'Worst time,' Andrei whispered. Along the dark corridor, I wondered why. And then I opened their door—oh God!

"Their books and papers and records were strewn all over the floor. Giselle was by the window, all white with large frightened eyes. Seated at the desk was a stranger writing, and behind Giselle was another man, half-smiling. Leaning on the piano were two dirty, sullen thugs.

"I propelled myself toward her and kissed her on the cheek. 'What's the matter?' She just looked around and said nothing. Andrei put his arms around her shoulders . . ."

QUESTIONED BY POLICE

So my nonpolitical American wife, who had come to Russia to see Oistrakh play and Plisetskaya dance, was questioned by the KGB—who was she, what was she doing there. Terrified, she at first tried to conceal her identity, then finally produced a driver's license. They had said at first that they would release her once she had identified herself—then made her wait until someone from the Foreign Ministry arrived. She waited outside, under guard, in the corridor—she could not bear to see Giselle frightened and their room full of police.

"What's going on?" Joyce asked one guard "What have they done wrong?"

"You don't know?"

"I know that she is a very good painter. She did my portrait."

"An abstract?" The KGB man smiled cynically. Joyce felt ill.

Suddenly the bell rang. The policemen looked at each other. In came Henry Kamm with his 12-year-old daughter. Joyce leaned straight against the wall to let them by. Henry's half-smile of recognition turned serious: "What's going on here?"

"What are you doing here?" one of the agents demanded.

"We've come to say goodbye. My daughter brought them some chocolates because her portrait was painted and she liked it."

"Where are the chocolates."

Allison went into her small shopping bag and brought out a pretty box of chocolates.

"Is that all there is in there?" The girl turned her bag upside down.

"All right," a KGB man said, "give us your identification and just wait. All of you, get inside the room. You're disturbing the neighbors out here. Inside!"

Andrei came out. "You cannot order them into the room. These are my friends and I will invite them. This is still my home." He looked at Joyce, Henry and Allison. "Please do come in. Giselle will make us tea, as always."

The man from the Foreign Ministry ultimately arrived and began going over the same questions. Giselle brought tea, opened up one of the packages of sugar, put it in a decanter and served it. The two toughs were still leaning on the piano. Henry asked who they were. "They are the official witnesses to the search."

PREPARE DEPOSITIONS

The man from the Ministry began trying to compose an official deposition for each of the visitors. There were arguments about what language it would be in, and who would compose it.

"My friends," Andrei said, "I just want to give you some advice. It is not necessary to sign anything in any language if you don't want to."

The man from the Ministry was irritated: "Why do we need that outburst?"

"These are my friends," Andrei said, "I want to inform them of their rights."

"Are they diplomats?"

"No."

"Fine," the Ministry man said, "let's search what's in their pockets." (Diplomats are immune from official searches, but private citizens are not.)

Joyce began empyting her bag—lipstick, hairbrush, bath lotion, cigarettes. Henry was much calmer. ("You forget," he later explained. "I grew up in Nazi Germany.") He refused to be searched unless an American Embassy officer came to witness the proceedings.

"All right," one of the KGB men said, "let's forget the search and get on with the deposition."

Some 10 minutes later, Joyce was able to leave, taking Allison downstairs with her: "I kissed Giselle, I don't know how many times. Andrei, with a guard walked us down the long dark corridor to the front door. I kissed him goodbye and he whispered: 'I think we'll meet again.' "

"I cannot write their story," Joyce wrote a friend next day. "I know the broad outlines, the facts, but I don't know the fear they live with each day. How can they stand above the swamp, with their shoulders back and their eyes full of affection? How did it ever occur to them to try and live as two proud, honest human beings? And where did these two young, slender people ever get the courage to live every day committed to a sense of beauty and human dignity—with their phone tapped and two microphones hidden in their one little room?

"I don't know yet if they were arrested or let go. But even if they are let go this time, there will be another 'search' and another Siberia—if not next month, then the month after."

OTHERS ARRESTED

On the day the Amalrics' room was being searched, their friend, Maj. Gen. Pyotr Grigorenko was arrested in Tashkent—where he had gone in solidarity with Crimean Tatars on trial. A few days later, Ilya Gabai, a Tatar intellectual in Moscow, also was seized.

A few days after that, the KGB got to work on Joyce. They operated through some of Moscow's best-known underground artists. Some may be finks but most were probably too frightened to refuse cooperation with the secret police—so the initials will be used here instead of actual names.

I was away in Yugoslavia, due back Monday evening, May 19. The preceding Thursday, the phone rang at 9:30 a.m. In English, a Russian voice said clearly: "Joyce, I'm D.B. We met at M.'s studio. I'm from Leningrad Remember?"

She didn't at first. Then she recalled a giant with long curly hair and a black beard, whom she had actually met at the studio of another painter, R., a reformed alcoholic whose talent had been destroyed. ("When I drank," R. explained, "I couldn't do anything. But since I've stopped, there seems to be no point in doing anything. I do just enough to buy bread.")

The man with the beard had left R.'s studio with Joyce and offered to take her to see M.—even better known among diplomats and the collectors of Moscow's permanent colony. "Yes, I do remember," Joyce told her caller, "you have a beard . . ."

"I want you to see some of my own paintings," D. B. said.

"Fine—sometime next week."

"No. I go back to Leningrad Sunday. Either today or tomorrow."

Next day at one o'clock, Joyce suggested.

"No," D. B. said in Russian, "after two. At the Byelorussian station, Goodbye."

Joyce put down the phone shaking: "This had never happened before. No painter had ever called me to come over except L. Z., who was quite official and even allowed to go to Paris. No painter had ever given his full name on the phone. To each one I wanted to see, I had to be brought by someone he trusted. And to meet in the railroad station—where in the station? and 'after two'—when after two—2:15, 3 o'clock, 4? What's more, he had given me his address when I first met him—it was a Moscow address, not a Leningrad address. And why did it have to be before Sunday, when Tony gets back Monday night?"

WARNED BY A FRIEND

Fortunately, one of the few Russians she trusted completely came by that day. "Don't go, Joyce," he said, "it's a provocation."

He recalled the numerous cases in which foreigners had been lured to interrogations, doped or drugged, photographed in compromising poses contribed by the KGB, subjected to blackmail of various kinds.

So the next day, Joyce went off to see some Americans in the morning and returned home at 2:30. The maid said a Russian had called four times.

The phone rang again soon afterward. This time it was A. F., one of the best-known "unofficial" painters—much of his work has been exhibited abroad. A. F. is middle-aged, solid, normal, sober, and a steady worker. He paints every day from 9 to 2, and sells efficiently as he paints.

"Can you come to see me?" A. F. asked Joyce.

"Of course. How about next Monday?"

Joyce heard A. F. say to someone else: "Only next Monday." Then, into the phone to her: "No, that's too late. Can't you make it before Sunday night?" Once again, the Sunday deadline.

She said she would call back Saturday and let him know. A bit later, the babysitter informed Joyce that the night before, there had been two other calls from what she described as "idiot painters." But A. F. was hardly an idiot or a fink.

A Russian girl friend came by. "Don't go." she advised.

"But A. F. is so well known. He couldn't be put in the position of provoking me," Joyce mused.

"Why not? He's not all that famous. And you don't know how they want to provoke you. It's a very easy thing to get someone, even A. F., to get you to come over."

OFFICE IS SEARCHED

Later in the day, going over to The Washington Post office for some mail, Joyce noticed that it had been searched—desk drawers and file cabinets open. In the evening, yet another painter phoned. This time it was the wife of M., who was also a painter in her own right. She told Joyce that a friend, a girl from a Western embassy, had promised to visit her studio but had not appeared. Could Joyce please provide her phone number? After all, Mme. M. had spent the whole afternoon waiting.

Funny, Joyce thought, Russians never complain of waiting—they go anywhere and wait anyplace, two hours means nothing to them. Mme. M. had been at home in her studio—hardly a great inconvenience. And why did she use the phone, and give her full name and patronymic?

Saturday morning, Joyce called A. F. at 11. Why did he have to see her so urgently? He could not say.

"Must I really come before Monday?" she asked.

"Well—Monday morning would be all right." (Strange—he always worked in the morning, and permitted visitors only after lunch.) Joyce said she would try to make it around noon.

And then the embassy girl came, pale and tense: "I didn't go to Mme. M. because I was followed the minute I left the compound. I tried to lose them by stopping at the bathroom in the Rossiya Hotel, but they followed me there, too. So I decided to come home."

The girl was frightened. There had been a new wave of attempts to blackmail diplomats from other embassies, and Alice—who had recently accompanied her and Joyce to a private exhibition—had just been forced to leave the country.

Joyce decided not to see A. F. at all. But later that Saturday the phone rang again.

"This is D. B."—the blackbeard who had started it all—"Why didn't you show up?"

"I couldn't," Joyce replied. "I'm afraid that, since you're leaving tomorrow for Leningrad, I just won't be able to see your paintings."

"That's all right," said D. B. "I've changed my plans. I won't leave until Wednesday. Why don't you come Monday morning sometime?"

Joyce stayed home, or with trusted friends, until I returned on Monday evening. The phone calls ceased Monday morning. Next day, I was invited to the Foreign Ministry where, on Wednesday morning I was ordered to leave the Soviet Union within 48 hours. After my departure, Joyce was under constant, intensive surveillance until her own departure with the children a fortnight later.

On June 12, the government newspaper Izvestia, in an article signed "K. Petrov" (probably a KGB pseudonym), accused me of "carrying out antigovernment agitation among Soviet citizens" by meeting with "certain persons whose activity is of interest to our investigative and judicial organs." The attack said I used Joyce for such meetings, alluded to her visit at the Amalrics' apartment and made much of her frightened brief attempt to conceal her identity.

"K. Petrov" also saw fit to attack as "emigre rabble" my father, David Shub, 81, a lifelong Social Democrat who escaped from Siberian exile to the United States in 1908. He laughed when I told him that Izvestia had called him an "arrant Trotskyite"—for he knew Trotsky quite well before 1917, and detested him even more than he had mistrusted Lenin in Geneva years earlier.

We do not know whether Giselle and Andrei have safely reached their country shack, or have been "taken." We do know that they promised to come into Moscow for the traditional July 4 reception at the American ambassador's residence—to which they have always been invited ever since Giselle painted Sherry Thompson's portrait. If they are free, they will surely come.

[From the Washington (D.C.) Post, June 16, 1969]

RUSSIA TURNS BACK THE CLOCK: NEW STALINISTS FAIL TO BREAK THE SPIRIT OF SOVIET LIBERALS

(By Anatole Shub)

The United Nations proclaimed 1968 "Human Rights Year," and the KGB, Russia's secret police, began its celebration early. In January, two young democrats, Yuri Galanskov and Alex Ginsburg, were placed on trial. Another young man, Alexei Dobrovolsky, had decided after a year in prison to turn state's evidence, and in his testimony disclosed the larger aims of the KGB and its political sponsors.

"I was brought up to worship Stalin," Dobrovolsky said. "It was the de-Stalinization campaign and the mistakes of Khrushchev that turned me bitter against Soviet power."

TOO LATE TO GO BACK

Slowly but inexorably over the past four years, Khrushchev's successors (nearly all of whom entered the Central Committee at Stalin's 1952 Party Congress) have sought to restore the "glories" and "security" of the old Stalin days. They have sought to silence the basic questions about the Soviet system that Khrushchev had, perhaps inadvertently, raised at the 1956 and 1961 Party Congresses. The tempo of re-Stalinization and repression has quickened since 1968, particularly since the invasion in August of Czechoslovakia.

However, most serious Moscow observers believe it is too late, and too dangerous, to go back to full-blooded Stalinism, under which a fourth of the population, including millions of Communists, perished or spent long years at forced labor. The de-Stalinization of 1956–64, as well as the brief "openings to the West" symbolized by the "spirits" of Geneva (1955), Camp David (1959) and the Moscow test-ban treaty (1963), left indelible traces on the minds of Russia's educated younger generation.

The official effort to turn back the clock has attracted greater attention than the considerable resistance to it, or the signs that each new repression and especially the Czechoslovak tragedy, have made more and more Soviet citizens lose hope for peaceful reform "from above." In short, re-Stalinization—like the autocracy, orthodoxy and Russification of Alexander III (1881–1895)—appears to be sowing seeds of revolution.

Already, the repression has begun to create, as Czarism did a century ago, a pantheon of heroes and martyrs among the revolutionaries—most of whom were loyal critics, at most, of the regime in Khrushchev's day.

THE TURNING POINT

The major turning-point was, surely, the decision five years ago to arrest the writers Andrei Sinyavsky and Yuli Daniel, who were tried and condemned to years at forced labor in February 1966. The criminal prosecution of Sinyavsky and Daniel took place despite protest petitions and letters signed by virtually every important intellectual in Moscow—and, according to unimpeachable sources, against the contrary advice of Mikhail Suslov, the Kremlin's veteran ideologist.

Suslov argued that the writers should be punished only by political means—such as expulsion from the writers' union—as Boris Pasternak had been, because of "Doctor Zhivago," in 1958.

The Sinyavsky-Daniel trial not merely began the process of disillusion among older loyal liberals and young writers, but created directly a revolutionary heroine of qualities which Western propaganda agencies with all their millions, could never have dreamed of finding and building up synthetically.

The heroine in Daniel's wife, Larissa, who began by taking the notes on the trial of her husband and Sinyavsky which were summarized for foreign newsmen at the time and which young Ginsburg then put together,

with other documents, in the famous "white book" on the trial. When Larissa began visiting her husband at the Potma concentration camp (often trudging 10 miles through mud to reach it), she was quick to report maltreatment of Daniel and other political prisoners, and the hunger strikes and other actions they had undertaken to obtain their legal rights.

MODEST AND GENTLE

Larissa surprised me when I first met her outside the trial of Ginsburg and Galanskov. I had expected an embittered, hard person of passionate intensity, somewhat in the mold of Rosa Luxembourg or La Passionari. Instead, Larissa proved to be a frail, soft-spoken woman of unusual gentleness, modesty and simplicity.

A Swedish colleague asked her why she was risking trouble for herself when her husband was already suffering at Potma. Larissa looked at him a moment, uncomprehending, then shrugged her shoulders and answered very quietly: "I cannot do otherwise."

Both Larissa and Pavel Litvinov (a stronger, bolder person) knew they were certainly risking their jobs, and possibly their freedom, in issuing their famous denunciation of the Ginsburg-Galanskov "witch trial." But they could not have lived with themselves had they remained silent. I shall never forget Pavel whispering in my ear just after the convictions were announced, reminding me that Galanskov had written in his underground magazine Phoenix 66: "I know we shall lose the first battles, but I am equally sure we shall ultimately win the long hard struggle to establish democracy in Russia."

KNEW OF RISKS

Larissa and Pavel were equally aware of the personal risk when they went out on Red Square last Aug. 25 to demonstrate against the invasion of Czechoslovakia. They were not alone in recognizing that the fate of Czechoslovak democratization was crucial for the destiny of Russia itself. Virtually the entire Moscow intellectual community, and even some Intourist guides and Soviet journalists, placed huge hopes in the "Prague spring"—and were profoundly distressed when the Kremlin decided to crush it.

Yet the resistance of most of the intellectuals, inured to fatalism and a tragic view of life, was private and passive. Many refused to sign even the vaguest statement of approval of the Krelimin's act. Yevtushenko sent a telegram of protest.

Larissa, Pavel and a half-dozen selected friends chose actively to bear witness. For they believe profoundly that the liberation of the Russian people from despotism must begin with the self-liberation of individuals from the oppressive fear through which Stalin held Russia in thrall for a quarter of a century. By setting examples of personal courage as well as integrity, the new revolutionaries expect, as did their forebears a century ago, to inspire or to shame others into stepping forward—and they have.

Larissa, Pavel, Gen. Pyotr Grigorenko and their comrades are determined, by all legal non-violent means, personally to confront and expose the contradictions of the Brezhnev regime. All their activities have been designed to dramatize the contrast between the letter of Soviet law and the arbitrary, unscrupulous reality of KGB-MVD practice, between the promises of de-Stalinization made at the 1956 and 1961 Party congresses and a Kremlin policy striving plainly since the winter of 1965–66 toward re-Stalinization.

The rebels' strategy of peaceful confrontation is aimed only secondarily at world public opinion generally, or at foreign Communist Parties in particular (although it has had great influence on the Italian and French Parties). The more important aim is to stir the consciences of Soviet citizens—even if this must perforce be accomplished mainly through the reports of Western newsmen in Moscow, beamed back to Russia by foreign radio.

The expulsion of two Western correspondents in the past eight months, and the continuing harassment of others, stems largely from the fact that we had been reporting the protests and demonstrations of democrats whom the regime likes to represent as "common criminals" and "psychopaths." Believers in older creeds would consider many of these people, and notably Larissa Daniel, to be saints. They are certainly the finest, bravest people I met in Russia.

In their struggle against unequal odds, a struggle to maintain personal integrity as well as to confront the regime's contradictions, the new revolutionaries have not hesitated to challenge even the meanest abuse of Soviet laws and regulations. Yuli Daniel, in his more than three years at the Potma camp, has led one protest and hunger strike after another against illegal ill-treatment of fellow prisoners, denial of guaranteed visiting privileges, interference with the prisoners' mail, diminution of food rations, and other infringements of official regulations.

GINSBURG'S HUNGER STRIKE

Other political prisoners, condemned in Moscow and Leningrad in the secret trials of the past two years, have joined him in these efforts—and made their protests known, through friends still at liberty, to the United Nations, Western Communist Parties and the world press.

Alex Ginsburg, also at Potma, began a personal hunger strike last May 16 in protest against the authorities' persistent refusal officially to register his common-law marriage—and thus permit the woman he loved to visit him once a month, as wives and husbands, children and parents are authorized to do by Soviet law.

Larissa Daniel, sentenced to Siberian exile, has made no protests. But friends who went to visit her in May were shocked by her silent martyrdom, and impressed by her fierce insistence on maintaining her dignity.

Larissa, who had already spent months in Moscow's historic Lefortovo Prison, arrived last Dec. 31 at a little settlement of 1500 people called Chuna, which had arisen a decade ago on the site of a forced-labor camp dismantled under Khrushchev. Chuna is some 150 miles west of Bratsk, location of the great hydroelectric power station

When Larissa arrived after the slow, hard journey across Siberia, there was no place for her to stay. She was put up the first two nights in the unheated MVD prison. The temperature then was 50 degrees below zero centigrade (68 degrees below zero fahrenheit).

LIFE IN EXILE

In exile, which is a milder form of punishment than forced labor, the only legal restriction on the prisoner is on movement outside the designated area.

In benighted Czarist days, Lenin hunted, fished and wrote his most serious books in exile at Shushenskoe in Siberia. Trotsky, Stalin and other revolutionaries also found exile a not altogether unpleasant experience—and many of them managed to escape some several times.

Exiles today are obliged to find work with the help of the authorities—and some have obtained more or less dignified employment. Pavel Litvinov, a physicist by profession, has been working as an electrician in a coal mine in the Chita region. Friends say Pavel, who is 31 and physically strong, does not mind the work and is greatly respected by the miners, for he is the first "political" they have ever met.

Larissa, however, is a translator (English, French, Polish, Czech) and there are no publishing houses in Chuna. Teaching school has been prohibited to exiles, (since Czarist times) for fear that they might "infect the younger generation." So the MVD gave Larissa a job as an apprentice joiner in a timber factory. Her actual work was hauling lumber, six, seven and eight feet long, from the yard outdoors into the factory. The timber, wet from the snow outside, was twice as heavy.

LARISSA'S PROBLEMS

Larissa did this work for four months, from January to April, and then could not go on. She had developed severe gastritis, and a recurrence of old liver troubles. She was losing weight rapidly. The local doctor told her: "You cannot go on with this work. It will kill you." She went to the local MVD, reported the doctor's diagnosis, and asked for other work.

In the window of the local post office, Larissa had seen a notice saying that a postman was needed for mail deliveries. The mail sacks would be heavy, Larissa thought, but deliveries would be only twice a day and the work would be easier than in the lumber yard. Alternatively, she asked for a job inside the timber factory, assembling window frames—which was not easy, but would at least be indoors, where there was heating. The local MVD turned down both requests.

When her friends from Moscow came to visit, they were shocked by Larissa's appearance and begged her not to resume work in the lumber yard. They offered to support her in exile, just as they had bought the small peasant house in which she lives. But Larissa is a woman of pride. She had worked and earned her own keep for twenty years, and she was not now—at 38—going to change her ways. Besides, without work, without her husband and 16-year old son (whom she had ordered to stay in Moscow and continue his studies), life would be unbearable. There was also the risk, although many discounted it, that the authorities could further prosecute Larissa for parasitism or unemployment.

FRIENDS' PLEAS FAIL

Larissa's friends returned to Moscow and sought an appointment at the central Ministry for Internal Affairs. They reminded MVD officials that she was competent in four languages, and requested permission for translation work to be sent out to her from Moscow.

MVD officials took a typically Soviet ambiguous position. They said: "If you can find publishing houses in Moscow which are willing to sign a labor contract with her, then we would make no formal objection."

Friends and relatives tried for a month to find a publishing house willing to consider concluding an agreement with a political exile to do translations (as Lenin and his wife had translated works by Sidney and Beatrice Webb for St. Petersburg publishers). No Moscow publisher dared, in May 1969, give work to Larissa Daniel.

For the neo-Stalinist "vigilance" campaign in the press and culture had made even mild dissent in official media well nigh impossible. The campaign to "rehabilitate" Stalin was gathering force. His former victims, and the dedicated opponents of his dreadful heritage, responded by creating a remarkable underground press of their own.

[From the Washington (D.C.) Post, June 17, 1969]

NEW IDEAS CIRCULATED IN SECRECY

(By Anatole Shub)

At the Stalin shrine in his mountain birthplace at Gori, Soviet Georgia, a venerable guide told me in April, 1968, there had been 186,000 visitors the year before, mainly official delegations. However, she announced cheerfully, "we expect many more" in the future.

The official Soviet press has certainly been doing its best to help business at the late dictator's shrine. From pop weeklies like Ogonyok to elite Party manuals like Agi-

tator, the official media have been active (particularly during 1969) in "restoring Stalin's place" as an outstanding military strategist, economic planner and friend of literature.

Victims of Stalin's terror, formally "rehabilitated" under Khrushchev, have been condemned anew, while even supporters of the notorious geneticist, Trofim Lysenko, have again received official encouragement.

At the same time, the "new wave" writers of the Khrushchev period have been under unceasing pressure—and not merely the conscious de-Stalinizers like Alexander Solzhenitsyn.

Andrei Voznesensky, by nature no more political a poet than e. e. cummings, has not had a book published in three years and has been prohibited from traveling to the West for two years.

Bulat Okudzhava, whose sorrowful ballads would probably sell millions of records if the Kremlin permitted even one, has put poetry and music aside and is writing a novel on the Decembrist rebels of 1825. The novel is surely destined either for his desk drawer or for that unique Soviet institution, *samizdat*, or self-publishing, in which perhaps three carbon typescripts by the original author proliferate, reader by reader, into hundreds of copies passed from friend to friend.

Samizdat has become indispensable to thinking Soviet citizens as the Kremlin rulers have turned increasingly obscurantist and barred access to outside sources of information. They have restricted travel abroad, cut back cultural exchange programs, promoted suspicion of foreign tourists, and, upon invading Czechoslovakia, resumed jamming of foreign broadcasts.

Thus, samizdat, with its crowded onionskin pages, has come to perform the functions of a free press. In the last two years, the content of samizdat publications has been shifting radically from cultural to purely political themes—from banned literary works to protest manifestos and translations of foreign anti-Communist classics.

A remarkable samizdat effort was the "Chronicle of Human Rights Year in the Soviet Union," composed and distributed as the repression gathered force in 1968 and early 1969. The "publishers" and "reporters" of its six fat issues managed to assemble data and texts on arrests, searches, Party sanctions, trials, protests and demonstrations in Moscow, Leningrad, Gorki, Pskov, Kiev, Kharkov, Lvov, Riga Talinn Dubno, Obninsk, Novosibirsk, and the Potma concentration camp.

The pages of this chronicle, along with other samizdat texts, disclose not only the extent of the current "vigilance" campaign but also the character of the Soviet citizens and groups waging silent, passive or active resistance to it.

MANY WITH REASONS

The protests of some groups come as no surprise—the strongly-knit Evangelical Baptists, the Ukrainian and Baltic intellectuals resisting Russification, Jews reacting against official "anti-Zionism," Tatars struggling to regain their Crimean homeland, writers defending their comrades Sinyavsky, Daniel and Solzhenitsyn, the millions of former victims of Stalinism and their families.

Some of the episodes recently reported to samizdat publishers have been sensational, if difficult to verify.

From Novosibirsk came word that on the night of Aug. 25, 1968, slogans condemning the invasion of Czechoslovakia appeared on the walls of public buildings in Akademgorodok, the "Academic Village" in which thousands of the Soviet Union's most brilliant scientists are concentrated. (It is indisputable that the Kremlin was unable to persuade more than a handful of aging scientists anywhere publicly to approve the invasion.)

From Riga last winter came an even more disturbing report. Young Latvian nationalists, it was said, had raided a town police station and seized several dozen machine guns.

"Even if the claims of the raid are exaggerated," one Moscow dissident commented, "it is interesting that they have issued automatic weapons to the civil police." (Only picked KGB security troops and army soldiers in their garrisons have had them before.)

Yet, apart from the obvious opposition groups and the occasional sensational episode, three things stand out about the Soviet resistance or civil liberties movement.

REBELS ARE YOUNG

There is, first, the relative youth of the active rebels. With some prominent exceptions, most of those seized or prosecuted in recent years have been under 30. A high proportion have been university students, and among the messages of approval received by Pavel Litvinov and Larissa Daniel, after they had condemned the January 1968 "witch trial," there was even a letter from 24 grade-school children.

Second, there is evidence of an unusual solidarity among the rebels of various kinds in different parts of the vast Soviet Union, and between the active rebels and more cautious, "respectable" members of the Soviet scientific and cultural community.

For example, a Moscow samizdat publication recently reported the sympathetic critique by a group of Estonian engineers on academician Andrei Sakharov's 1968 blueprint for coexistence, which they thought underemphasized moral and religious needs. There are numerous other examples, such as the appeal by 99 Moscow mathematicians, including a dozen Lenin Prize winners, on behalf of their persecuted scientific colleague, Alexander Yessenin-Volpin (son of the great poet Sergei Yessenin).

Third—and most intriguing—is the degree to which both active opposition and doubt have already begun to penetrate what Communists call the "organs"—the agencies of repression such as the KGB, the MVD, the army and the "special" branches of the Party machine. The rollcall of rebels arrested, prosecuted or dismissed from their posts includes not only army officers and local Communist Party and youth officials, but former KGB investigators and the sons of serving KGB officers.

On lower levels, the doubts of many security agents about their activities are only too plain. They have been expressed in numerous dialogues with dissidents, some of which I have personally over-heard. Having seen the pendulum swing from Stalinism to de-Stalinization and back to re-Stalinization, beset by conflicting demands for "vigilance" and "socialist legality," the KGB cadres are painfully aware that with each change at the top, medium-rank and lower officials have been made the scapegoats, while many Stalin intimates among the "big bosses" have emerged unscathed.

At higher levels, the situation is even more ambiguous. There is sufficient evidence to suspect that top intelligence and security officials—probably in the KGB, and MVD, but perhaps also in the GRU (military intelligence) and "special" department of the Party Secretariat—may be protecting and abetting oppositional movements, under the classic guise of infiltrating and "controlling" them.

WEST GETS PROTEST

The uninterrupted flow of samizdat manuscripts to the West (and thereby back to Russia by foreign radio) is a history in itself. Some of the pages of that history are perfectly straightforward, as when Russian democrats pass their protest petitions to Western newsmen outside courthouses.

But there have been numerous episodes, involving collaboration between Soviet and Western intelligence agents and informal understandings between police and dissidents, which seem to come straight out of the pages of Dostoyevsky and Conrad.

Certainly, many top KGB and GRU officers know better than to believe the optimistic pap presented in Pravda. To give but one first-hand example: the very day before my expulsion from the Soviet Union, one veteran agent complimented me on recent articles (officially labeled as "slanderous") and declared that the present leaders were "hopeless," that the situation would propably get worse for 10, perhaps 15 years until, finally and suddenly, "It will all be swept away."

He hoped that, with the urbanization and domestication of Russia's peasant masses, the revolution would come without violence—as in Czechoslovakia after Novotny fell—but feared that a devastating explosion was at least as probable.

DOUBLE GAME HINTED

There are, thus, grounds for believing that the Soviet security services may already be engaged in the same, classic double game as the notorious Fourth Department of the czarist Okhrana—which led to police informers assassinating numerous ministers and, ultimately, to a police-financed demonstration which set off the revolution of 1905.

Awareness of these complexities may well explain the gingerly manner in which the Politburo has approached the case of Lt. Ilyin, the army officer in MVD uniform who tried to shoot Brezhnev inside the KGB-guarded Kremlin gates last Jan. 23.

The political leaders' dilemmas are multiple and tortuous. Some of them were too deeply involved with Stalin's crimes and blunders to permit de-Stalinization to develop further, as Khrushchev had intended. On the other hand, other (notably Podgorny, Polyansky and Shelepin) were themselves too closely associated with Khrushchev—both in public de-Stalinization and behind-the-scenes patronage struggles—to permit too sharp a repudiation of the men and measures of 1954–64. This conflict of interest in the Politiburo is reproduced a thousandfold in Party, police and propaganda offices throughout the country.

EX-PREMIERS SURVIVE

The broader dilemma goes beyond individual ambitions. It involves what one of Moscow's wisest diplomats calls "the Freudian blood oath" of Stalin's heirs: "Having killed the father (Stalin) and symbolically sacrificed one guilty son (Beria), the remaining sons, to insure mutual survival, vowed no further bloodshed among one another." The physical survival of four former Soviet Premiers—Molotov, Malenkov, Bulganin and Khrushchev—would support this analysis.

Every Soviet Communist knows that the blood purges of the 1930s—which claimed more than 700,000 Party members and more than 1000 delegates to the 1934 Party Congress—began with Stalin's demands for physical reprisals against a few minor oppositionists inside the party. Their opposition had, in turn, been stimulated by the harsh repressions of the security police and Stalin's Party agents in collectivizing agriculture. Once the terror machine started rolling, it spared neither Party cadres nor Politburo members.

Thus a return to the mass murders of the Stalin era is probably unthinkable to nearly all (if not necessarily all) the high Party, police and army leaders. Knowing this, Soviet dissidents have been willing to take risks and broaden their activities in the climate of what true Stalinists consider "half-measures."

TOP GROWS OLDER

At the same time, the self-preservation in high office of the "Class of 1952," can soon lead to collective senescence at the top. It has prevented a rejuvenation of the Party, police and army machines themselves. The aging Kremlin rulers can hardly appeal to

potentially unruly youthful masses for "action from below," in the manner of Mao Tse-tung's Cultural Revolution. They lack the naturally authoritative personality who might stably preside over radical reforms "from above," as Marshal Tito has done in Yugoslavia.

In graver crises, decisive Russian rulers in living memory have combined political repression with far-reaching economic concessions. This was the policy of the last capable czarist Premier Fyodor Stolypin, before he was murdered by a double agent and Rasputin's inept creatures took over. Similarly in 1921 Lenin, while suppressing political dissidence inaugurated the liberal NEP or New Economic Policy, which brought seven prosperous years to which older Soviet citizens still look back as a golden age.

However, the present Kremlin rulers have failed to make the serious economic reforms which their advent seemed to herald. The Soviet economic mess is the fertile soil nurturing the seeds of revolution.

[From the Washington (D.C.) Post, June 18, 1969]

SOVIET SHOPS: VODKA, NO MEAT

(By Anatole Shub)

The morning before the Soviet May Day weekend, with Moscow shops about to close down for four days, several hundred Russian housewives and husbands determinedly clustered around a counter at the showplace "supermarket" on glass-fronted Kalinin Prospect. Weary sales girls ignored them.

"Tovarishchi," a woman's voice blared over the public address systems. "There is no more chicken. No more chicken. I repeat, there is no more chicken, comrades."

The crowd just stood there—some probably because they had nowhere else to go, others perhaps because they thought the announcement was a trick.

The same morning, in the Valuta Gastronom, or Dollar Grocery, for foreigners and others possessing hard currency, there was no meat at all. They had also run out of eggs.

"What are we supposed to do all the weekend?" A Western housewife asked. "There's plenty of vodka," a dour salesman replied.

That afternoon, we walked along Kutzovsky Prospect near the apartment house in which Premier Kosygin, the lifelong consumer goods specialist and reputed economic reformer, is said to live. We stopped at a large brightly colored stand, glass fronted and roofed with corrugated metal which proclaimed in cheerful lettering: "Fruits and vegetables."

There were some small apples and fresh carrots. The rest of the stand was occupied by canned foods, most of them from Bulgaria and other Soviet satellite states. (The satellites export mostly low-quality produce to the Soviet Union. The rest goes West because, as a Bulgarian tomato picker once put it, "The Germans pay us, the Russians don't").

A pint can of cooked pears from Hungary, which had to be recooked to be edible, cost 1.05 rubles. The average Soviet wage is less than 30 rubles a week—worth $33 at the official rate of exchange, but closer to $7 judging both from currency speculators and the difference in consumer prices between the Valuta shops and normal Soviet shops. Fresh tomatoes last winter cost five rubles a pound, when available, at the collective-farm markets.

Yet the trouble last May Day in Moscow where the Soviet ruling class is concentrated, was not lack of money. There was just nothing to buy. A Soviet acquaintance was quick to explain the "temporary" shortages. "It's only because all the out-of-towners are thronging into Moscow for food," she said.

Three weeks later, apart from the Dollar Shop (and, probably, the special stores for high party, KGB and army chiefs), there was still virtually no meat in Moscow. Politburo agricultural specialist Dmitri Polyansky and other Party leaders had meanwhile been touring collective farms and canneries, urging another "storm" campaign to increase food production.

"Moral" rather than "material" incentives were offered—incentives like the great all-Union "Subbotnik," or voluntary Saturday, last April in which the whole country worked a day without any wages, out of sheer, "spontaneous" love of the Communist system.

At about the same time, the Soviet press, radio and television were exalting the glories of two rockets, Venus-5 and Venus-6, which (although the press did not say so) were repeating the achievements of other Venus shots years ago. The new Venus rockets were timed to compete with Apollo 10, which was signaling the impending American victory in the race to the moon—a race to which Kremlin blusterers challenged the United States in 1957, but which Soviet journalists were instructed to forget more than three years ago.

Outside our kitchen window, meanwhile, desultory construction gangs, male and female, who had been working—on and off—on a cooperative apartment house for two years, seemed nearly about to complete the exterior of the ground floor.

Nearly five years after the advent of Brezhnev and Kosygin, the Soviet economy remains an incredible mess, which is only partly concealed by Venus shots and similar bluffs which often take in even the most skeptical observers.

DIFFERENCE SINCE 1963

In September 1963, at earthquake-shattered Skopje in Yugoslavia, I was impressed by two huge crane-like machines, guarded by Soviet soldiers, which Khrushchev had "personally" donated to help demolish the rubble.

Four years later in Uzbekistan, I watched official films of the 1966 Tashkent earthquake and demolition effort. Not a single one of the towering cranes so impressively dispensed to Skopje was to be seen. Nor were there any bulldozers. Instead, ruined buildings were being demolished by army tanks.

Nevertheless, I was moderately impressed by the exteriors of the new apartment houses (we were not permitted to go inside)—until an elderly woman passing our official party shouted, "Why don't they tell you there are no lights at night?"

PUBLICITY TEA BAGS

In Tbilisi in April 1968, the director of one of the Soviet Union's major tea factories showed us some sample tea bags. Asked where such tea bags might be bought in Moscow, he admitted they were "just for publicity."

He also proudly noted that tea consumption in Russia had increased from 50,000 to 65,000 tons since the revolution. Reminded that the Soviet population had meanwhile doubled, so that by his own figures the average Russian was drinking less tea than in 1913, this technocrat lamely avowed that this was because of a mass switch to coffee. Nobody who has read the food scenes in prerevolutionary literature, or tried the coffee in a typical Soviet *Stolovoya* (cafeteria) would believe that.

It is pathetically easy for foreigners, solely on guided showplace tours, to assemble dozens of such experiences, and to laugh at the Soviet economy. Resident foreigners in Moscow and the privileged Valuta stores annually import several millions of dollars worth of consumer necessities from Copenhagen, Helsinki and elsewhere.

For the tourist, there is still practically nothing Russian worth buying except the traditional vodka, caviar (unavailable for rubles, prices recently doubled) and furs (pelts only—Soviet Socialism cannot make a decent coat).

SOME IMPROVEMENT

It is customary and polite for foreigners to report that, "at least," Soviet living conditions have improved—and indeed they have since the famine winter of 1946-47 when Muscovites ate cardboard while dogs and cats disappeared from the streets.

The improvement has been minimal, however, compared with equally war-ravaged West Germany, or even Yugoslavia. Before the "Great October Socialist Revolution," however, admittedly backward Russia fed half of Europe, Faberge in St. Petersburg was world famous, and as Svetlana Alliluyeva quietly noted her father met her mother in 1917 in her worker-revolutionary grandfather's seven-room apartment. Russians also used to be a tall people, like the Swedes and Montenegrins, before Communists began their agricultural experiments.

The Soviet living standard is no laughing matter for Soviet citizens, who must live with the reality behind the bluff contrived mainly for gullible foreigners. Of all their economic troubles, none is so depressing and frustrating as the housing situation. Stalin's heirs have in fact made considerable efforts, compared with those of their master.

HOUSING PLANS LAG

Yet, on the most optimistic projection of Soviet plans, the housing space per person in 1990 will still be less than that available to the Imperial subject of 1909. It should be added that Soviet housing plans have not been fulfilled for 14 consecutive years.

A majority of Russian city dwellers still lack even cold running water, while less than a third of urban dwellings contain a bath or shower. (This explains why, as my wife observed, the girl who stands out in a restaurant or theater audience is invariably the one who has recently washed her hair.)

The permanent housing crisis has drastically lowered the birth rate in Soviet cities—mainly through abstinence or frequent abortions (contraception means are not readily available).

On the farms, meanwhile, and among the Moslems of central Asia, the policy is "let them grow." Two results are that nearly half the Soviet population (although mainly old people and women) are still on the farms, while before very long a majority of the Soviet population will be non-Russian.

WOMEN WORKERS

Women are "guaranteed the right to work" in the Soviet Union, and since Stalin's time have had to do so simply to make ends meet. They are still working as hod carriers, street cleaners, housepainters, in heavy and light industry as well as the professions.

After finishing their work, they must face the chaos of shopping, although one reason for low Soviet labor productivity is that many men as well as women, particularly in office jobs, shop on company time. There would not be time enough otherwise.

Educated young women, who despite the hardship of Soviet life, insist on the experience of motherhood, often tend to regret it during the baby's first few squalling years.

The *babushkas* (grandmothers) who enabled Soviet mothers to swell Stalin's labor force are dying out. Nurseries are neither so easy to enter nor so beloved by Soviet parents as official myth maintains. Household help is difficult to obtain, diaper service a utopian dream. A hungry infant's midnight wail totally upsets the delicate emotional balance in a crowded apartment already shared by two generations, or with complete strangers.

Small wonder that in such conditions, as Yevtushenko has just observed in Novy Mir (talking about "Spain," of course):

"People are so tired, so strained.
They vent their spleen on trifles,
Becoming each other's hangman,
Forgetting who the real hangmen are."

Yet the "sullen faces," the "dead souls" of the Soviet masses are not all that different from the faces I saw in Czechoslovakia in 1963, when Novotny had reduced them to

near-Soviet conditions. The same Czech and Slovak faces came glowingly alive in the revolutionary spring of 1968, when even communists came to realize that economic reform is impossible without major political change.

[From the Washington (D.C.) Post, June 19, 1969]

WAR MACHINE STIFLES SOVIET ECONOMY

(By Anatole Shub)

Ten years ago, Russia's greatest mathematical economist, Leonid Kantorovich, observed that, with Russia's natural resources, efficient management would raise output anywhere from 30 to 50 per cent.

This was probably deliberate understatement: Russia is fertile and rich in minerals and its growth rates in the last two decades of czarism match any attained under Communism.

In September, 1967, two years after Brezhnev and Kosygin had made impressive promises of agricultural and industrial reform, a group of newsmen was allowed to meet briefly with Prof. Kantorovich at his Mathematical Institute in Akademgorodok, outside Novosibirsk, in Siberia. Patiently, the father of Soviet linear programing explained the work of his institute which, he noted carefully, was not directly tied to the economy.

His institute, Kantorovich disclosed, did work out "theoretically" optimal plans for the economy. However, he admitted, actual economic plans were "not always" based on such "theoretical" models. The economists' recommendations often ran into "local interests."

Kantorovich and his team had also analyzed the price structure. Their findings, he said, had been "taken into account" before the price revisions of July 1, 1967.

Asked whether the new prices "reflected" the Institute's findings, the tactful professor hesitated, then replied: "Let us say that they approach the best theoretical plans." In other words, the scientists knew what to do, but the politicians were still far from doing it.

The next day, a young Siberian electrical engineer partly explained why, when it came to the industrial reform, we should "not take so seriously what is in the newspapers." The engineer gave two examples. The first was the matter of direct contacts between enterprises, a "change" of which Moscow press agents were then making much.

"Even before the reform," the engineer said, "the enterprises knew each other's problems at least as well as Gosplan (the state planning commission). It would have been impossible to operate otherwise."

His second example was the highly publicized reduction in the number of target figures handed down by Moscow planners.

"All that means," the engineer commented, "is that we in the factories, rather than they in the ministries, do the arithmetic—but the arithmetic itself is pretty much the same."

He explained that—with 90 per cent of resources centrally allocated, prices and basic wage scales fixed, and taxes and various other charges coming "off the top"—the relatively fewer figures still determined nearly all the others which had been left to the enterprises to decide. Some, but not much, extra money would be available, if everyone worked more productively, for bonuses, plant improvement and workers' housing.

Such modest tinkering with mechanisms and cost-accounting methods produced favorable results in the early Brezhnev-Kosygin years, for reasons that were largely extraneous. Many believed that the changes announced in 1965 would be only the beginning, not the full extent of the reform.

Introduction of the changes coincided with the entry of the postwar generation into the labor force. Considerable Western machinery was imported, on favorable credit, in the climate of political detente. And the temporary easing of Party pressures on farms not only provided workers with more food, but industry with more raw materials.

However, the reform produced only one-shot results. Industrial growth rates began declining early in 1968 and continue to decline, despite massive "moral stimulation" by the Party and trade unions—"voluntary" pledges to work free overtime, "spontaneous" demands to speed up plan fulfillment, and the like.

FARM CHANGES

Both managers and workers recognized that, whenever they did achieve good results, the Party bosses raised their norms and targets in customary Stalinist fashion. Thus, the "technocrats," Brezhnev, Kirilenko, Kosygin and Podgorny have now landed in virtually the same rut as the "hare-brained" Khrushchev in the early 1960s.

The changes in agriculture were partly real, to a larger extent promises, to a great extent pure propaganda. In any case, whatever the Politburo's collective intentions may have been in 1965, Brezhnev's record grain harvest of 1966 was, politically speaking, as much of a disaster as Khrushchev's previous record "virgin land" harvest had been in 1958. It encouraged the champions of *Shablon*, or Party dictation of the planting of every last poppy seed, to believe they could resume commanding and exploiting the farmers in the same old way.

Despite warnings by Dmitri Polyansky and others in 1967, promises of new fertilizer and machinery were largely ignored. The improved "guaranteed" farm-price structure became irrelevant in the wake of Party demands for "voluntary" over-fulfillment and "socialist competition."

All notions of liberalizing the basic structure of Soviet agriculture were shelved indefinitely. Besides, as Shelepin's followers gleeful noted, the rash abandonment of Khrushchev's pet crop, corn, produced a fodder shortage. The hog population of the Soviet Union began declining more than two years ago, and last winter the early slaughter of cattle and other livestock began.

Yugoslav and other East European economists noted at the time that the limited changes promised by Brezhnev and Kosygin were doomed from the start, even had the promises been kept. For the Soviet economy fundamentally remained (in the words of the late Polish Communist, Oskar Lange) "a suigeneris war economy," in which all resources are administratively marshaled to maximize military strength, political repression and ambitious foreign policies.

A conservative estimate is that 60 percent of Soviet industry works directly for the military. (Such estimates are imprecise because of the "two-track" Soviet price structure; thus, a ruble is worth only about 25 cents in consumer goods, but buys $2.50 worth of military hardware.) Armaments production is only part of the economy's accent on defense. The Soviet army maintains some 400,000 occupation troops in Eastern Europe, even fewer (before the recent buildup) on the Chinese frontier. Thus two-thirds or more of the 2.5 million Soviet soldiers are garrisoned in and around Soviet cities—often in the same barracks as the czarist regiments before them, and for the same purposes.

DRAINS ON ECONOMY

The cost of the KGB and other "organs" with their millions of informers is impossible to estimate, but it is certainly huge. The vast Soviet propaganda machine, perhaps 90 percent of its costs subsidized, is another great drain on the economy. Subversion and propaganda abroad, including direct support of most fraternal" communist Parties, are probably as costly as the better publicized Soviet "foreign aid" to the Vietnamese Communists, Arabs and other clients.

The strategic bias of the economy has also been costly in other ways. Since 1950, when Stalin took the measure of Mao Tse-tung, investment has been frantic in Central Asia, Siberia and the Soviet Far East. Economic considerations have taken second place to the political objective of retaining, settling and fortifying the territories seized by the czars from the tottering Chinese Empire and feeble Moslem emirates.

Hundreds of thousands of Russians and Ukrainians have been settled in Central Asia, while tens of thousands of Komsomol "volunteers" are dispatched annually to Siberia and the Far East. (Still, more leave than stay.)

Tremendous dams, factories and mines have been opened in these areas—in defiance of both climate and cost—while "historic" Russia, the Ukraine and Byelorussia have been relatively neglected. More efficient Soviet peoples, such as the Armenians, Estonians and Latvians, do not reap special rewards but instead pay the freight for heroic dreams of Asian empire. In recent years, the Kremlin leaders have been pressing their East European satellites, too, to help pay for developing Soviet Asia.

Still another hallmark of Russia's unreformed war economy is the Stalinist insistence on autarchy, or complete self-sufficiency in strategic materials. Although Brezhnev and Kosygin have been shopping for Western consumer-goods equipment, foreign trade is fundamentally regarded with suspicion, and plays less of a role in the Soviet economy today than in 1929—not to speak of imperial Russia, which was part of the world market.

DILEMMAS ILLUSTRATED

In a excellent new study, "Economic Reform in the Soviet Union," a British specialist, Michael Ellman, illustrates the dilemmas to which Kremlin "do it yourself" policies lead:

"For example, the Soviet Union is going ahead with the development of copper and nickel mining near Norilsk—a town by the Arctic Ocean. Because of the inclement climate, both building and labor costs are very high. The town is more than 1000 miles from the nearest railway, and the ore will have to be transported either by air or in shipping convoys led by an atomic-powered icebreaker. Clearly the nickel and copper produced in this way will be extremely expensive.

"The economists say, leave things to market forces. Then the Soviet Union will import copper from Chile and export manufactured goods, and this is the rational thing to do. It so happens, however, that a major policy of the Soviet government is self-sufficiency in nonferrous metals (basically for miltary reasons). You can't simultaneously rely on market forces and pursue this objective."

Ellman estimates that half the Soviet national income is allocated to non-economic projects, such as defense, space and non-economic investments. Many would consider this estimate conservative. In any event, to reform such an economy, mere mechanisms of the classical economic type are clearly inadequate—"politics must take command," to use Stalin's phrase. Both the Yugoslavs and Czechoslovaks, whose economies had never been so deformed as that of Stalinists Russia, discovered in their turn that purely economic reform was a pipedream without basic political change—freedom at home, opening to the world.

In Soviet cities in Siberia, the Caucasus and central Asia as well as in Russia proper I heard officials, factory managers, mayors and economists describe their recent achievements with pride, then sigh the identical refrain: "Of course, we could do a great deal more were it not for the international situation."

The "international situation" is another name for a Kremlin foreign policy which, although as cautious in tactics as Stalin's remains fundamentally aggressive.

[From the Washington (D.C.) Post, June 20, 1969]

SOVIETS SHARPEN STRUGGLE WITH WEST

(By Anatole Shub)

When Nikita Khrushchev visited the United States in 1959, Soviet news media devoted millions of words and hundreds of pictures to reporting his voyage and his Camp David talks with President Eisenhower, whom Khrushchev publicly described as "a man of peace." An hour-long color film on Khrushchev's trip was still being shown in Soviet movie houses, and in Soviet cultural centers abroad, four years later.

When Alexi Kosygin went to Glassboro, N.J., to meet with President Johnson in 1967, however, the Soviet press reported the meeting in two-paragraph items on inside pages. No photographs were used, and there was no further mention of the Glassboro talks once they had ended.

The contrast was not merely a measure of Kosygin's relatively modest place in the Soviet power hierchy. It symbolized the basic change in policy since Khrushchev's fall in October 1964.

The name of the old policy, which provided the title for the official collection of Khrushchev's speech, was "Peaceful Economic Competition with Capitalism." The name of the new policy, defined in numerous Kremlin documents since 1965, is "Sharpening the International Class Struggle." It is a basically hostile, intransigent policy, limited mainly by the Soviet leaders' respect for American nuclear might and fear of Communist China.

While Soviet diplomats in Western countries constantly "reassure" their interlocutors that Kremlin actions are "defensive" and "conservative," the Soviet press directs a daily torrent of abuse and hatred at the Kremlin's various adversaries and critics. It also glorifies the very "irresponsible" elements—whether Vietcong terrorists, Arab guerrillas or East Berlin Wall Sentinels—whom Russian diplomats abroad seem to be "disavowing" (although nearly always in private).

Ironically, the new Soviet policies have caused greater alarm among lifelong Communists—whether in Bologna, Belgrade, Bucharest or Peking—than in bourgeois chanceries. One reason may be that these Communists know Brezhnev, Suslov, Kirilenko and Shelest personally—and, as a Yugoslav joked recently, "To know them is to suspect them."

However, so far as the West is concerned, the problem may lie in the eye of the beholder. As a shrewd Western observer put it last fall, "We are handicapped by the professional and emotional vested interest which a whole generation of diplomats and opinion-makers has acquired in detente—just as we were crippled, when the Russian situation was really open after Stalin's death, by a generation of cold-warriors."

There is a curious symmetry between John Foster Dulles's frustration of Churchill's bid for a summit meeting in the spring of 1953, and Lyndon Johnson's insistent pursuit of one after the Soviet invasion of Czechoslovakia last fall. In both cases, preconceived ideas and domestic politics, rather than Soviet reality, were decisive.

Soviet actions since October 1964, in fact, speak more clearly even than the aggressive "theoretical" articles recently penned by Gen. Alexei Yepishev, Marshal Matvei Zakharov and other Kremlin hawks, who speak of World War III with virtual relish.

Khrushchev's successors moved swiftly to intensify the arms race, seeking not only "first-strike" nuclear capability but the capacity to intervene in limited wars by land, sea and air. They accelerated rocket production, began building an anti-missile system, experimented with orbital bombs, raised new units of fleet marines and paratroopers, moved an expanded Soviet fleet into the Mediterranean and (last summer) mobilized army reserves for a series of maneuvers in Eastern Europe which has yet to end.

The Soviet leaders rebuffed Western appeals to discuss mutual troop reductions in Central Europe, which would be easy to observe and therefore enforce. They agreed cryptically to "talk about talks" on limiting the missile race after 16 months of American prompting and as a diplomatic prelude to the invasion of Czechoslovakia. There has been no sign from the Kremlin that such talks, which could last years, might be substantively productive.

MASSIVE VIETNAM PROGRAM

In Vietnam, which Khrushchev had largely ignored, his successors mounted a massive program of arms aid, estimated at $1 billion annually. Kremlin support of Hanoi's cause was partly designed to undermine the pro-American feelings of the Soviet population—a design abetted by the Johnson Administration's recourse to bombing.

However, Soviet intervention in Vietnam was also conceived as a means for achieving "unity of action" with the Chinese Communists in the "struggle against imperialism." Brezhnev, Suslov, Shelepin and Kosygin pursued this will o'the wisp for nearly two years, until Mao Tse-tung finally purged his pro-Soviet faction by means of the Cultural Revolution. Soviet-bloc aid to Hanoi, and propaganda aimed at making an American disengagement as humiliating as possible, continued long after Peking had advised Hanoi to "rely on its own forces."

East European Communists of various shadings have long believed that both the extent and nature of possible Soviet influence on Hanoi have been grossly misjudged by Western wishful thinkers. They consider Brezhnev's influence in Vietnam to be much less than that exercised by Stalin over the Yugoslav, Albanian and Greek guerrilla movements in World War II, which was very little. Nor is Soviet influence, such as it is, necessarily benign. When President Johnson announced a limited bombing halt over North Vietnam in April, 1968, Soviet media attacked his offer of negotiations as a fraud for three days—until Ho Chi-Minh surprised them by accepting it.

As for the current Vietnamese peace negotiations, a growing body of opinion holds that, insofar as any outside power might affect the outcome, the road to success in Paris lies through Peking—in the framework of a larger accommodation with China. This view remains to be tested with anywhere the seriousness accorded since 1965 to the Kremlin's allegedly peaceful desires in Southeast Asia.

WASHINGTON PREVAILED UPON

In the Middle East, Khrushchev's successors precipitated the May 1967 crisis by spreading the false report that Israeli troops were about to attack Syria. They cheered the withdrawal of United Nations border forces and Col. Nasser's closure of the Tiran Straits. They rejected various international efforts to avert war, including Gen. de Gaulle's proposal for immediate Big Four talks.

Since the Arabs' defeat, Soviet diplomats have been trying to persuade Washington to deliver what the Kremlin itself is unable to compel, namely, Israeli withdrawal and acceptance of the pre-1967 status quo. However, the diplomats' "reasonable" words (which rarely appear in the Soviet press) contrast with the activities of the Soviet military and the KGB. The military have moved advisers, instructors, warships and hardware into the area on an unprecendented scale, while the KGB has been at work among Arab guerrillas.

Early last spring, Western diplomats professed themselves encouraged when an article in Sovietskaya Rossiya contained a phrase which vaguely criticized "irresponsible elements" among the guerrillas. The very next morning, Trud, organ of former KGB chief Shelepin, published a "heroic" quarter-page photograph of "Palestine liberation fighters," with an enthusiastic caption to match. Most Soviet media continue to hail the "liberation fighters" although there have been occasional notes of criticism.

As for the "moderate" Col. Nasser, the Yugoslav Communists who were his best friends for 15 years, have come to the reluctant conclusion that he is now in the Kremlin's pocket, and that Soviet influence in Cairo is directed toward maintaining Middle Eastern tensions indefinitely, rather than promoting a settlement with the hated Zionists.

In no other area, however, has Kremlin intransigence been as clear as in Central Europe. Even before the occupation of Czechoslovakia and the Brezhnev doctrine of "limited sovereignty" accompanying it, Krushchev's successors deliberately enforced and maintained a hard line in Germany.

DISAFFECTION SETS IN

The entry of Willy Brandt's Social Democrats into the Bonn government (December, 1966), which offered Moscow the best opportunity in years for serious negotiations to reduce tensions, served only as a pretext for Brezhnev and Walter Ulbricht to up their ante. Moscow's harsh stance on the German question, as much as anything else, has provoked the disaffection of the Rumanian, Yugoslav and Italian Communists—who fear that the main beneficiaries will be Franz-Josef Strauss as well as the neo-Nazis, and that the Kremlin wants it that way.

Krushchev, it will be recalled, was overthrown after (and, in large part, because) his son-in-law Alexei Adzhubei had arranged for him to visit West Germany. Krushchev, perhaps realizing that Russia could no longer afford to fight on two fronts, was attempting to relax tensions in the West even as he drove toward an irrevocable break with China. Brezhnev and Suslov publicly attacked Krushchev's plans to "sell out" East Germany even before they conspired successfully to depose him.

The new Kremlin rulers, after failing to achieve "unity of action" with Peking seemed to assume that internal disorder in China would permit them to continue "sharpening the international class struggle" against the "Western imperialists, German revanchists, Israeli aggressors" and "anti-Socialist elements and counter-revolutionaries" in Eastern Europe. Brezhnev, after occupying Czechoslovakia and threatening Rumania and Yugoslavia with various Warsaw Pact maneuvers, actually had fewer troops on the Chinese frontier at the beginning of 1969 than Krushchev had garrisoned there five years ago.

SOVIET REPRISAL RAID

The March 1 Chinese ambush on Chenpao Island in the Ussuri (few neutral observers doubt that the mudspit is Chinese under international law) appeared to shock the Kremlin rulers, who had been having their way in previous frontier skirmishes and had been massing their armed forces on the western and southwestern "fronts." The March 1 Ussuri incident may have represented Chinese fulfillment of obligations to the hard-pressed Rumanians who (despite general disbelief) continued to insist throughout the tense winter of 1968–69 that Peking would deter Moscow from attacking their country.

The second Ussuri incident, on March 15, is generally believed to have been a massive Soviet reprisal raid, aimed at demonstrating to Peking Russia's superior fire-power and the Kremlin's political determination to use it if necessary. However, the Soviet "victory" in the second Ussuri battle failed either to calm the unbelievable anxiety of the Soviet population with regard to China (based on ancestral memories of Genghis Khan's Golden Horde), or to remove political doubts in Communist circles as to the wisdom of the entire Soviet "two front" policy.

Some of these doubts came to the surface in a curious sequence a fortnight later when a Moscow celebration of the 50th anniversary of the Communist International was held more than three weeks late, behind closed doors. Soviet Party Secretaries Mikhail Suslov and Boris Ponomarev, as well as East German Party chief Ulbricht, were among the speakers. All the speeches were heavily censored, and Ulbricht's was held up two days before publication in Pravada or Neus Deutschland. Ulbricht left Moscow without any public indication that he had seen Brezhnev, although it developed later that he had seen him for five hours.

Despite the secrecy, censorship and arcane Communist jargon, it seemed clear that Ponomarev at least had been criticizing, and Ulbricht firmly defending, the hard line of "confrontation" toward West Germany. Suslov's published remarks were cryptic (perhaps because they were the most heavily censored), but they contained at least one verbal concession to Ulbricht's critics. Brezhnev's position may be gauged from the fact that East Berlin officials began spreading reports of his imminent overthrow and Neues Deutschland began cropping him out of official photographs.

The apparent quarrel with Ulbricht took place against the background of secret exploratory talks between Soviet and West German diplomats, in which the Russian negotiators had finally "untied the package" of long standing political demands on Bonn, conceded the need for better arrangements in divided Berlin, and seemed to require only a political green light from the Kremlin to make major progress toward realistic agreements to ease tensions in divided Germany.

Yet the green light was not given. Kremlin policy toward Germany, as toward other problems foreign and domestic, floundered in the ambiguity of the Soviet leadership crisis.

[From the Washington (D.C.) Post, June 21, 1969]

STRUGGLE FOR POWER QUICKENS IN MOSCOW

(By Anatole Shub)

Who rules Russia today? The question is difficult to answer, and textbook models no longer apply.

Lenin's original Communist Party dictatorship saw annual Party congresses or conferences, with the Party Central Committee meeting, frequently, debating openly, deciding by majority rule.

Stalin established his rule through the bureaucrats of the Party Secretariat, maintained it through the security police (successively named Cheka, GPU, NKVD, MGB and now KGB), ended finally with a personal "special secretariat" which overshadowed the police as well as the Party machine.

Khrushchev tried to revive the role of the Party, held three Party Congresses, and used the Central Committee to outmaneuver his peers in the Politburo—until his colleagues used the same device against him, successfully, in October, 1964.

The "collective leadership" headed by Leonid Brezhnev at first sought to return to the forms prescribed in Party statutes. They held frequent Central Committee meetings in 1965 and managed to hold the 23d Party Congress in March, 1966, which revamped the Politburo, Secretariat and Central Committee in conformity with their "general line."

Within the top bodies, the ambitious Alexander Shelepin was gradually deprived of some of his posts and powers. During the anniversary year 1967, Brezhnev gradually elbowed aside Premier Alexei Kosygin and President Nikolai Podgorny, who remained representational figures in what seemed to be a ruling triumvirate, or troika.

In the Party Secretariate, Brezhnev's associate, Andrei Kirilenko, balanced the wily veteran Mikhail Suslov. Inside the government, two "juniors," Dmitri Polyansky and Kiril Mazurov, balanced each other.

During the last year and a half, however, a single, continuous, traumatic experience—the Czechoslovak crisis which began in November, 1967—has gradually shattered all the neat Soviet Party forms as well as the prior calculations of individual and "collective" leaders.

As the crisis developed and climaxed with the invasion of Aug. 20, 1968, signs began to appear of both a vacuum of power and a struggle for power at the top—with effective influence frequently appearing to pass outside the constituted Party bodies, to the marshals of the Soviet army and the shadowy agents of the KGB.

In recent months, with industrial growth rates tumbling, meat shortages proclaiming the failure of post-Khrushchev farm policies, the battles on the Chinese frontier casting the fundamentals of post-1964 foreign policy into doubt, the struggle for supremacy appears to have intensified within and among the various ruling Soviet institutions.

WESTERNER'S VIEW

No firm conclusions can be drawn about the outcome of the struggle, but most unbiased observers tend to share the view expressed by a seasoned Western ambassador last September: "A traumatic experience like Czechoslovakia cannot be without consequences on the Soviet leadership. It remains to be seen whether those consequences will take eight months to develop, as after the Hungarian revolution in 1956, or two years, as after the Cuban missile crisis in 1962."

It all started quietly when Brezhnev who has made his way as a centrist in all difficult situations, went unaccompanied to Prague in December, 1967. Asked to mediate between Stalinist strongman Antonin Novotny and his Slovak and liberal foes, Brezhnev pronounced the fateful words: *Eto vashe delo, tovarishchi* "That is your affair, comrades."

Soviet hardliners still maintain that Brezhnev sacrificed the broader Kremlin interest in Czechoslovak "stability" to a personal grudge, for Novotny had publicly criticized Khrushchev's removal and thus Brezhnev's promotion. (East European moderates, on the other hand, maintain that there would have been no 1967 crisis had not the Soviet embassy in Prague foiled the attempt by Interior Minister Rudolf Barak to overthrow Novotny, with Khrushchev's support, in 1962.)

SATELLITES CALLED IN

Once the Czechoslovak revolution really got under way, with the liberation of the press in March 1968, Brezhnev no longer went to meetings unaccompanied. Other members of the troika and Politburo, as well as East Germany's Ulbricht, Poland's Gomulka and other satellite chiefs, were increasingly called in. From early April, when the Czechs began questioning the death of Jan Masaryk and reviewing the role of Soviet "advisers" in the Prague trails and purges of the 1950s, KGB pressure was strongly felt in the Soviet Press.

The leadership's reaction was the "historic" April, 1968, plenum of the Central Committee. Its proceedings were never published. But official communiques disclosed that Brezhnev had given a long report, and that the first speaker after him was Ukrainian leader Pyotr Shelest, a spokesman for the backwoods element in the Party machine.

Other noted reactionaries (such as Nikolai Gribachev of the writers union) also spoke, and the brief resolution of the April plenum proclaimed a campaign of "vigilance" against ideological enemies everywhere. "Vigilance" had also been the main slogan during Stalin's purges.

Although the Moscow national newspapers (scrutinized by thousands of resident foreigners and overseas experts) remained vague about how the Plenum resolution was being implemented, in Baku, where I happened to be a fortnight later, the local newspaper made it amply clear. It reported a meeting to discuss "implementation of the resolutions of the April Plenum" at which the first two speakers were the heads of the local KGB and MVD (police), followed by cultural commissars.

Yet the failure to publish Brezhnev's speech, even in "lacquered" form, immediately raised questions as to whether he had been the leader or the led. A terrible row that Brezhnev had with Marshall Tito on April 28 could hardly have improved his position.

A few days later, two semiretired senior marshals, Ivan Koynev and Kiril Moskalenko, both considered "Khrushchevites" in their day, went off to tour Czechoslovakia. The tone of the Soviet press, starting with the Red Army paper Krasnaya Zveda, began to turn positive toward the Czechoslovak reformers.

Kosygin went to Karlovy Vary and Prague, and the result was a compromise which stabilized the situation during May and June. Part of the compromise was Prague's agreement to Red Army maneuvers on Czechoslovakia soil in June—and, as it turned out, July as well.

Yet pressure from the hardliners continued, and advocates of a "strong hand" were doubtless encouraged by developments in the United States, the power their more cautious colleagues feared most. President Johnson's political abdication that the murders of Martin Luther King Jr. and Robert Kennedy were dramatic evidence of domestic unrest, overshadowing for most Americans the issues in Prague.

In June, the Soviet government mounted in a series of "atmospheric" gestures toward the United States—signing the nuclear nonproliferation treaty, ratifying the long-stalled consular convention, initialing a long-delayed cultural exchange agreement, agreeing after years of delay to airline service between New York and Moscow, and, most important, expressing willingness to "talk about talks" on limting the strategic arms race.

REACTION IN UNITED STATES

Washington's reaction was euphoric. President Johnson began seeking a summit meeting. Lesser "U.S. officials" were quoted as saying that Washington could, and would, do nothing to affect the Czechoslovak crisis.

The Soviet conservatives, who had been arguing that military action in Czechoslovakia might risk dangerous international consequences, were undone. In mid-July, as the crisis entered its decisive phase, Shelest was at the side of the troika in Warsaw, where together with Ulbricht, Gomulka and other Pact allies they issued the famous letter which was a clear ultimatum to Czechoslovakia.

When Prague rejected the ultimatum, nearly all the Politburo members and Secretariat officials (Kirilenko and Polyansky were "paired" at home) journeyed to the Slovak border village of Cierna-Nad-Tisou for a showdown with the Czechoslovak Presidium. This unprecedently enlarged meeting had suggested from the Soviet side. Supposed to last a day and a half, it lasted four days. It was a clear demonstration of how uncertain the Soviet leaders themselves had become.

Cierna was followed by the Bratislava meeting with the Pact allies, to which Shelest (whom the Czechoslovaks had considered most offensive at Cierna) and Suslov (whom they thought most conciliatory) accompanied the troika. Although Ulbricht and Gomulka made plain their displeasure with the Soviet Politburo's conduct at Cierna (Gomulka: "I thought we settled everything in Warsaw"), Brazhnev brought them around, or thought he did.

EVENTS MOVE SWIFTLY

The Czechoslovaks believed that the Cierna and Bratislava meetings had successfully resolved the crisis. So did everyone else who watched the happy relaxed scene at the Bratislava railroad station when the Soviet leaders departed for home next day, Aug. 4.

Brezhnev and Suslov seemed particularly relieved and friendly. On returning to Russia, the troika immediately went off on holiday—Brazhnev and Podgorny to Pitsunda on the Black Sea; Kosygin to a forest villa in the Moscow region.

What happened between Aug. 4 and 15, when the leaders suddenly returned to Moscow and (Aug. 16) ordered the invasion, remains a crucial mystery. Some believe that, in the absence of the troika, Politburo hardliners had mobilized an apparent majority of Secretariat functionaries, provincial barons and powerful vested-interest spokesmen (such as the KGB "professionals" and the notables of cultural and press censorship)—and that Brezhnev and Podgorny, summoned from Pitsunda, went along to avoid a Central Committee showdown which might have risked their own positions. The Central Committee did not meet, and the decision was taken by what Soviet informants called an "enlarged" session of the Politburo and Secretariat.

Others believe that the decisive influence was exerted by the marshals of the Soviet army, who had not been invited to Cierna or Bratislava. The marshals, many of them (like Defense Minister Grechko and his chief deputy, hard-nosed Marshal Ivan Yakubovsky) former proconsuls in East Germany or Poland, may have been successfully lobbied by Ulbricht and Gomulka.

These two explanations do not exclude each other. What seems most unlikely, however, is that the Soviet reversal had been produced solely by events in Prague—such as the varying welcomes accorded to Tito, Ulbricht and Rumanian leader Ceausescu, or new misconduct by the Czechoslovak press (which had become progressively more careful and self-disciplined since April, and especially since the Warsaw letter).

INVASION OPPONENTS

As the Red Army struck, it became known almost immediately, in Moscow, Prague, Belgrade and elsewhere, that at least four senior Soviet figures—Kosygin, Suslov, Shelepin, Ponomarev—had argued against the invasion, mainly on tactical grounds. Some sources placed Polyansky among their number. Their counsels of caution acquired new force when the KGB botched the political coup which was to accompany the Soviet army's unopposed occupation.

Czechoslovak passive resistance, the political confusion it was sowing among the initial units of Russian soldiers, and the fear that resistance might turn active, brought about the Moscow "compromise" of Aug. 26. The KGB released Dubcek, Smrkovsky and at last "the Galician Jew" Frantisek Kriegel (the epithet is actually attributed to Brezhnev or Kosygin), who had been seized like common criminals and seemed to face the fate of Imre Nagy and other Hungarian revolutionary leaders imprisoned and finally executed in 1958.

The Soviet leaders maintained unity in the difficult weeks which followed, but toward the end of October there were new signs of trouble. KGB agents of the Novosti press agency and other Soviet journalists close to the Party Secretariat began phoning Western contacts that a Central Committee Plenum would be held shortly, at which the resignations of Kosygin "and perhaps others" would be accepted. Colleagues who received such calls had the clear impression of an effort to stimulate the "bandwagon" psychology of accomplished fact, so often decisive in Communist politics. Kosygin men in the government denied knowledge of such reports.

On the very morning of the Plenum, Oct. 30, the rumor-spreaders all called their contacts to say that plans had changed. Their line was that Brezhnev, while willing to let Kosygin go, had informally polled important Central Committee members. A majority of these believed that Kosygin's departure at this juncture would be taken by the Soviet population and the outside world as a sign of the regime's over-all weakness.

BREZHNEV'S REPORT

There were no personnel changes at the October Plenum. Instead, Brezhnev gave a report on the international situation (which was never published) and a wordy, meaningless report on farm policy (which was published and might easily have been delivered by the deputy minister of agriculture at a provincial meeting).

Shortly afterward, Shelest accompanied Brezhnev to the Polish Party Congress in Warsaw, where the major objective was to insure the survival of Gomulka and defeat supporters of the suspected Polish nationalist (and reputed Shelepin associate), Gen. Mieceszlaw Moczar. At Warsaw, Shelest hovered over Brezhnev in a manner that recalled how Defense Minister Marshal Malinovsky had hovered over Khrushchev at the abortive Paris summit conference of 1960.

The apparent compromise reached at the October Plenum produced marked lightening of the atmosphere in Moscow during November, December and early January. A quick, apparently routine Central Committee Plenum was held in December, just before the traditional Supreme Soviet session, to approve the 1969 Economic Plan. Soon afterward, Kosygin and others went off on Christmas holiday.

In mid-January, the situation began to turn again. In Czechoslovakia, trade union strike threats foiled the first attempt to oust Smrkovsky, and this was followed almost immediately by the even greater drama of Jan Palach's suicide and funeral. Nevertheless, Soviet advocates of restraint in Prague appeared to be holding their own. There was no new intervention in Czechoslovakia, despite the new "provocations." Western diplomats reported that the Palach affair had shaken the self-assurance of Soviet government in much the same way as the Vietcong's 1968 Tet offensive had dismayed official Washington.

However, other agencies of the Soviet apparatus were plainly restive. KGB sources began planting long, detailed accounts of Kosygin's health, declared that his continued absence was a result of illness, and said that, even if he did not resign soon, most of his work would be turned over to Mazurov, Polyansky and others. Moscow movie houses began showing a long film on Polyansky's visit to Korea the previous September.

KREMLIN GATE INCIDENT

On Jan. 23, there came the still-mysterious incident inside the Kremlin's Borovitsky Gate. KGB agents next morning spread the word that someone had fired on the Soyuz cosmonauts, returning for a festive Kremlin meeting. That afternoon Foreign Ministry officials said the assailant was a "paranoid." The Tass news agency announced that evening, however, that it had been "a provocation."

A day later, a Mongolian Communist said he had witnessed the seizure of the would-be assassin, who had been in MVD (civil police) uniform. Asian diplomats, non-Communist, also claimed to have witnessed the scene from afar. All foreigners, and some Soviet sources as well, agreed that the intended target was almost surely Brezhnev. The cosmonauts' press conference failed to clear up the mystery. The Foreign Ministry seemed most anxious to throttle any speculation linking the assassination attempt to Kosygin's continued absence.

Then, from sources close to the MVD, came word that the seized man had been an army engineer, a lieutenant named Ilyin, who had come down from Leningrad and borrowed the police uniform from a relative in Moscow. No Soviet sources ever attempted to deny this account. Complete official silence thenceforth blanketed the case.

However, toward the end of February, two contradictory versions again began to spread, paralleling the conflict of the first few days. From the government bureaucracy, the story was that Ilyin was an insane loner and would soon be certified as such. From the KGB, the word was that he was part of a "counter-revolutionary gang," with high accomplices in the army and elsewhere, who would soon be tried.

LENINGRAD SUSPECTED

Suspicion again descended on unhappy Leningrad, whose Party leaderhip had already suffered two terrible purges—one after the murder of Sergei Kirov in 1934, another in the "Leningrad case" following the sudden death of Andrei Zhdanov in 1948 (of which Kosygin had been the most prominent survivor).

Dissidents and intellectuals reported a new crackdown in the city starting in February, and there were rumors that there had been arrests in Ilyin's army garrison. The city on the Neva was closed to resident Moscow foreigners throughout the month of March, although guided Intourists (mainly Finns escaping "dry" regulations in search of vodka unlimited) were permitted.

March 1, there came the first Ussuri incident on the Sino-Soviet frontier. The Politburo majority did not revise the "two front" policy. The Kremlin decided to boycott the Pugoslav Communist Party Congress which was opening March 10, and ordered their satellites and dependent parties to do likewise. (The order came after two Bulgarian "advance men" were already in Belgrade, and a Mongolian delegation had reached Moscow on route.)

A Warsaw Pact summit meeting had been scheduled (after the first Ussuri episode) to open in Budapest on March 17, and deputy foreign ministers and other lower-level officials were already at work there when the second Ussuri battle took place on March 15.

Next day, on Margaret Island in the Danube, Brezhnev and Kosygin attempted, in bilateral talks, to rally their allies. By several accounts, Brezhnev was obsessed by the Chinese threat, nervous, quick to flare. But Rumania's Nicolae Ceausescu refused even to discuss any Warsaw Pact commentary on China, as his subordinates had already made clear.

CONCESSIONS MADE

Instead, the Soviets—in the person of Marshal Ivan Yakubovsky, the Warsaw Pact commander—made some concessions to satellite complaints about the Russian-dominated Pact organization. The changes were largely cosmetic, but the Rumanians professed themselves pleased. They were even more pleased by the Budapest declaration on European security, the mildest document on the German question ever signed by Brezhnev and Kosygin.

Ulbricht and Gomulka, overridden, were not pleased at all—and neither, as varying subsequent Soviet press coverage showed, were hardline elements in Moscow.

Ulbricht made his way to the seat of power soon afterwards, invited by the Soviet Institute of Marxism-Leninism (headed by one-time Suslov rival and near-victim Pyotr Fedoseyev) to attend a delayed anniversary meeting of veterans of the Communist International. A curious sequence ensued, which appeared to indicate a high-level conflict over policy toward West Germany. The conflict has yet to be resolved.

Meanwhile, in Prague, popular demonstrations had followed the Czechoslovak hockey team's victory over the Soviet team in the first of two matches in a world championship tournament at Stockholm. There had been no violence after the first hockey game, as there had been no violence among the self-disciplined Czechs and Slovaks throughout the momentous events of 1968.

However, when the Czechoslovak team won the second match, 4 to 3, new demonstration in Prague was marred by unidentified elements, who sacked the Aeroflot office several

hundred yards away from the demonstration's center at the statue of St. Wenceslas.

Next day, Czech Minister of the Interior Grosser quickly announced that demonstrators had also been violent in other towns, and had actually pelted Soviet army barracks with rocks at Mlada Boleslav and elsewhere. The Prague government reproved Grosser for making such an announcement before there had been an official inquiry.

MAY HAVE BEEN STAGED

Weeks later, Western newsmen in Prague said they had been unable to find anyone who had actually seen the damage at Mlada Boleslav or elsewhere in the provinces. European newspapers have charged that the Aeroflot incident in Prague was a staged provocation organized by the KGB.

Whatever happened, it was enough to bring Marshal Grechko personally on the scene within 24 hours, joined shortly afterwards by Deputy Foreign Minister Vladimir Semyonov. There was no representative of the Party Politburo or Secretariat, even though the envoys' main business was to secure the ouster of Dubcek as Party Secretary and Smrkovsky from the Party Presidium at an impending meeting of the Czechoslovak Central Committee. In all the long series of Soviet-Czech negotiations going back to Novotny's fall, it was the first time the Soviet Politburo and Secretariat were not represented—except for the period when Vassily Kuznetsov, the First Deputy Foreign Minister, was negotiating the agreement on "temporary" stationing of Soviet troops, which Kosygin came later to approve and sign.

Grechko's presence appeared to be a sign of the growing independence—in matters which vitally concerned them—of the marshals. He may conceivably have been guided from afar by Brezhnev, who had always been linked with the Soviet "military-industrial complex" and had never been known before, as Party leader, to have denied the marshals anything. However, even this possibility raised the question of who was using whom. Foreign Communists in Moscow were the most openly shocked by Grechko's role, and the failure to observe Party form.

MARSHALS' SECOND MOVE

This was the second assertion of the marshals' power in two years. Grechko himself had succeeded the late Marshal Malinovsky as Defense Minister in 1967 after more than a week of struggle, during which Party spokesmen were telling foreign newsmen that the new man would be a civilian, Dmitri Ustinov.

It would seem reasonable to assume that Soviet Party functionaries, who had gone through that previous struggle, were as disturbed as foreign Communists by Grechko's Prague mission and the rise in military influence it portended.

While the Defense Minister was detained in Czechoslovakia, and Yakubovsky was in Bulgaria supervising Pact maneuvers, preparations had begun for the traditional May Day military parade through Red Square. On or about April 15, with both marshals still abroad, the preparations suddenly ceased. Western military attaches began wondering what had happened, but their Soviet officer contacts would give no reply.

Then Party and KGB spokesmen began spreading word that the military parade would definitely be canceled, although they never satisfactorily explained why. Nearly a week of confusion and speculation followed. Foreign ministry and other government officials refused to confirm or deny the reports. Defense Ministry officials said: "We don't know yet." The parade was finally canceled, and a purely civilian demonstration arranged.

Nevertheless, atop the Lenin Mausoleum on May Day, Politburo and Secretariat members, packed closely together in two rows, divided the reviewing stand with Grechko, Yakubovsky and other bemedaled marshals and generals, who had plenty of room. When the band finished playing the Soviet national anthem, Brezhnev, into the open microphone before him, asked: "What happens next?"

[From the Washington (D.C.) Post, June 22, 1969]

TOP SOVIET SHAKEUP IN 1970 LIKELY

(By Anatole Shub)

Whither Russia? The question has tormented Russia's finest minds, and the most perceptive foreign observers, since the times of Pushkin and Gogol, the Marquis de Custine and Dumas pere, nearly a century and a half ago. It continues to torment Russians and foreigners today, and largely for the same reasons:

A vast land, one-sixth of the earth's surface, which is part of Europe but not wholly European in spirit.

A profoundly spiritual people with a tragic view of life, relatively indifferent to the materialism of the West, fundamentally anarchistic and suspicious toward authority of any kind.

Great, scattered peasant masses (or sons of peasants herded into the rottless anonymity of an imported industrial civilization), and a brilliant intellectual aristocracy torn between Europe and ancestral traditions, between Western scientific, technical and esthetic values and belief in Russia's uniqueness, in its special spiritual mission.

Autocratic, centralized government unchecked by established, autonomous groups, classes and institutions—rulers trapped in the vicious circle of external expansion and domestic repression, each justifying and intensifying the other.

An imperial power strong enough to menace, inhibit and frustrate the West, but not strong enough to dominate it.

A power driven to expansion and self-assertion in Asia, yet at least semi-conscious that adventure in the Orient could trigger disaster for the whole fragile structure of empire.

Cruelty and suffering, venality and selflessness, suspicion and deep loyalties, rash outbursts and unusual patience, profound insight and incredible incompetence, the terrible psychological gulf between "us" and "them," rulers and ruled, elite and masses—these and many other extremes and contradictions of Russian character and life, transmuted into high art by Gogol, Tolstoy and Dostoevsky, persist into our time, and have been reflected in the poetry of Akhmatova, Pasternak, Voznesensky and Okudzhava, the prose of Alexander Solzhenitsyn. The eternal quality of "the Russian problem" is dramatized almost daily in the Soviet Union—as, for example, in the bitter political struggles which recently accompanied new productions of plays written by Chekhov and Gorky 60 years ago.

In some ways, it is easier to speculate about the immediate future of the Soviet Union—as difficult as it is to discern the relevant facts—than to contemplate where and how it will all end, if indeed it does "end," in some resolution or synthesis of the great contradictions and dilemmas which Russian history and the alien rule of dogmatic Marxism (a German ideology in origins and essence) have brought about. It is easier to visualize the alternatives in 1970 than the range of possibilities in 1984.

Yet, even in discussing the shortrange future, Westerners are frequently driven to conclude, "It cannot go on this way"—but it can and often does. Changes and choices which in the West would be "inevitable" and "inescapable" in a matter of days, weeks or months have, all too often in Russian and Soviet history, been evaded for years and even decades.

For ten years now, to cite only the most obvious example, it has been clear to Westerners that the Kremlin "cannot go on indefinitely" waging political war on two fronts, against the West and against China, and on both fronts with signal lack of success. "Sooner or later, they must make a choice," Westerners, East European Communists and Soviet intellectuals have been saying for a decade.

Nevertheless, the Brezhnev Politburo has thus far not made any such choice. This evasion of the "clear alternatives" has been largely made possible (in my opinion) by the sentimental, irrational blindness of both Washington and Peking to the move—American-Chinese cooperation—which might force the Kremlin from check to mate.

A SPATE OF CRISES

The current Soviet crisis is political, diplomatic, economic and cultural—but it has been crystallizing these last two years into a crisis of leadership, and to some extent a crisis of political institutions. To summarize bluntly (although that is always dangerous), the Brezhnev leadership has been rocked by one failure after another: defeat in the Middle East, revolution in Czechoslovakia, collapse of economic reform, slowing industrial growth rates, new crisis on the farms, restiveness among intellectuals, disaffection among youth, accelerated disintegration of the world Communist movement, the re-emergence of China on the world scene (with a resonant new anti-Soviet slogan—"the new Czars"—in place of the nunappealing sectarian condemnations of "revisionist renegades").

In attempting to manage these crises, Brezhnev and his Politburo colleagues have revealed many a disagreement (the zig-zags over Czechoslovakia in the past 18 months furnish the clearest example). They have seen (whether or not they wished it so) much effective decision-making pass to the appointed bureaucrats of the party secretariat and away from the elected, supposedly sovereign Central Committee. Numerous policy statements have been issued in the name of the Central Committee although that body has not, in fact, been meeting.

At the same time, the Politburo leaders and the party machine generally have yielded considerable power, in matters which affect them, to the army and the KGB, neither of which is under quite the firm control that Khrushchev seemed to exercise over both between 1958 and 1963. It is largely immaterial (although a fascinating mystery) how the marshals and the KGB professionals acquired this power—whether through their own initiative or through the readiness of Brezhnev and other politicians to anticipate military and police demands and thus assure continued support against political rivals. (Among the current Politburo members, Brezhnev, Kirilenko and Voronov have frequently expressed their support for the "military-industrial complex" while Suslov, Pelshe, Shelepin and Mazurov have each passed important years in KGB operations.)

A MEDIOCRE NO. 1

The real authority of the current leaders, individually and collectively, is thus considerably circumscribed—more so, in fact, than that of any previous leadership in Soviet history. Despite sporadic attempts to build a "cult" for Brezhnev, he has simply not caught on, either among the population or within the party machine (where, according to Communist observers, Suslov and Shelepin each, for different reasons, enjoy greater respect).

Despite Brezhnev's cautious "centrist" maneuvers and efforts to involve his colleagues in responsibility for controversial measures, the party General Secretary, as "No. 1," can hardly continue indefinitely to avoid accountability for the failures of the past two years. Most Moscow Kremlinologists suspect that Brezhnev has retained power as long as he has mainly through the support of the "military-industrial complex" and because of the general recognition of his mediocrity.

Brezhnev's very mediocrity is a kind of asset in view of the widespread fear that Shelepin, with his drive, intelligence and

relative youth (50), could emerge as the single "strong man" who might make a clean sweep of the aging "class of 1952" and shake Russia upside down.

Kosygin, who was the only one of the 11 Politburo members to command tangible respect outside party circles, among Soviet intellectuals and managers as well as abroad, appears in the last two years to have largely forfeited the influence he commanded in 1965. He has been faulted for weakness—for his inability to check the witch-hunt among intellectuals, his failure to prevent the invasion of Czechoslovakia and, most important, his silent acceptance of the emasculation and collapse of economic reform.

As one Soviet intellectual put it: "If Kosygin could not even save the project dearest to his heart, and on which he staked his public reputation, what good is he to anyone?" (The answer may be that in the last two years Kosygin, like Soviet caviar, has been a commodity mainly for export to the West—a symbol of "reassurance" useful in calming Washington and London. But Polyansky would do as well for this purpose.)

THE LARGER QUESTIONS

It is largely pointless to speculate on the possible ups and downs of individual leaders, for there are bigger questions involved: Will the rivalries within the Politburo and secretariat prove more decisive than the sentiment that its members must now "hang together" rather than separately against the army, the KGB or ambitious provincial barons in the Central Committee? Will change, whenever and however it comes, involve merely a reshuffle of the same old cards (Kirilenko or Suslov instead of Brezhnev; Podgorny or Voronov in place of Kosygin) or a change of generations (Shelepin, Mazurov, Polyansky)? Can such changes involve major reversals of basic policy, or is the structure of the Soviet ruling class so ossified as to permit only another victory (as in 1954, 1957 and 1964) of a heterogeneous "left-right" coalition—followed by continual compromises and zigzags which satisfy neither hard-line sectarians nor liberal reformers? Will the new men, old or young, civilian or military, continue to restrict Soviet politics to the self-perpetuating inner Kremlin circles, or summon support from broader social groups and the Soviet population at large?

There is, as yet, no clear answer to any of these questions. Most Moscow observers tend to be pessimistic, stressing the inertia of the ruling class as a whole and the political apathy (or fear) still governing most of the Soviet population. However, all Moscow observers agree that the outcome could be affected, in a surprising manner, by myriad variables inside and outside the country. There is no lack of inflammable tinder; the spark to light it might come from almost anywhere, at any time.

Since the invasion of Czechoslovakia, many observers have believed that a change in the leadership might very well follow the anticlimax of the world Communist unity conference, for which Brezhnev had been pushing since 1966 (despite the skepticism of Suslov and others). However, other observers feel that the importance of the international Communist movement to the Kremlin has been considerably exaggerated in the West. Such observers note that the invasion of Czechoslovakia was undertaken, with little hesitation, despite express, face-to-face warnings from Italian, French, Rumanian, Yugoslav, Austrian and other Communist leaders that such action would doom efforts at genuine unity.

AN AUTUMN DECISION

My own hunch—it can be no more than that—is that the showdown may be precipitated by the issues involved in calling and holding the next Communist Party congress. According to the party statutes, the 24th congress should be held in or before next March. A strong case may well be made by some party leaders to hold it in connection with the centennial of Lenin's birth, April 22. In either case, the congress date must be fixed, and preparations begun, at least six months in advance—that is, this September or October.

The congress is of paramount interest to all elements in the party for two crucial reasons. It should decide on the basic elements of the next five-year economic plan (1971–75). It will also choose a new party Central Committee, which in turn traditionally involves changes in the Politburo, secretariat and Soviet government.

Obviously, the younger (40-to-55) leaders both in the Kremlin and the provinces have a strong interest in holding the 24th congress on schedule or earlier—for it is they who stand to advance. On the other hand, the senior leaders of the "class of 1952" would appear to have an equally valid interest in putting off the congress as long as possible, or at least until they have managed to compose the disagreements among themselves and present a common front to ambitious young outsiders.

In any case, the congress cannot, without serious consequences, be put off much beyond the end of 1970, because of the necessity to adopt the 1971–75 economic plan—and Soviet economic plans not only involve the total allocation of national resources but thereby shape Russia's diplomatic and military posture. Profound disagreement over these basic national priorities was already apparent long before the present leadership crisis began in 1968.

The 23d party congress, in March, 1966, adopted "directives" for the 1966–70 plan, but subsequently, no formal five-year plan was formally enacted by the government and Supreme Soviet (as had always been the practice). Instead, in December of each year, one-year target figures were announced.

The leaders could conceivably go on this way, but it would inevitably be taken as a sign of weakness and disunity as well as a breach of party statutes, state law and Soviet Communist tradition. Besides, powerful forces—individuals and groups, as well as the objective facts of life—are acting to compel a more fundamental reconsideration of national priorities.

For these and other reasons, I would be much surprised if the Kremlin leadership has not changed considerably 18 months hence, and not at all surprised if the shake-up came this summer or fall.

The longer-range perspective is much more painful to contemplate. Michel Tatu of Le Monde, by far the most astute Moscow correspondent of the postwar era and a most discerning analyst since his departure from Moscow in 1964, has expressed his belief that the Soviet Union has already entered a "prerevolutionary" phase of development. I agree, primarily because none of the current Soviet leaders or ruling institutions has shown any sign of movement toward a guided evolution (in the Yugoslav, Czechoslovak or some other indigenous manner).

Quite the contrary. And the issue of Stalin's mass murders, and responsibility for them, continues to torment Soviet society. There is, furthermore, a basic contradiction between the qualities, attributes and interests required by the jungle world of the party machine and those required by the people.

The question, however, is how long the "prerevolutionary" phase may last—a decade, a generation or even longer. I am inclined to be gloomy, but such matters of timing are totally unpredictable. The decisive catalyst might be anything from a border war with China to a riot in a Moscow butcher shop.

As he grew older, the late Josef Stalin came more and more to admire the figure of Ivan the Terrible, the cruel, mad, 16th century tyrant whose private *oprichnina* was the forerunner of both the Communist Party apparatus and the KGB. After the dread Czar's death, his son Fyodor and, at first the usurper Boris Godunov maintained a semblance of stability for nearly two decades. But the sufferings of the population, the conflict between the new oprichnina and the old nobles, the passions of religious sectarians and the intervention of neighboring princes ultimately brought on the chaotic "Time of Troubles" when the Russian state disintegrated completely and Polish soldiery briefly occupied the Kremlin.

Many Moscow intellectuals today fear that a new "Time of Troubles" may be upon Russia sooner rather than later—and the Brezhnev regime seems quite sensitive to the parallel. For the onset of the "Time of Troubles" is the theme of one of Russia's greatest works of art, the opera "Boris Godunov," with Pushkin's verse set to Mussorgsky's somber melody. In the final act of "Boris Godunov," rebellious peasants attempt to lynch a fatuous landowner named Khrushchev.

The other Khrushchev, who ruled the Soviet Union until 1964, did not censor the reference to his operatic namesake. It took the insecurity of Brezhnev and his colleagues to make Pushkin's Khrushchev, as well as their own former leader, an "unperson."

WHAT SO PROUDLY WE HAILED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, in these troubled times for our country, I am so moved by an advance copy of an advertisement that is to appear in Time magazine that I would like to bring it to the attention of my colleagues.

It is heartening to come upon such a sorely needed reminder of the greatness that was—and must again become—America's promise. The advertisement follows:

WHAT SO PROUDLY WE HAILED

While most of us began a long week-end playing, sleeping or sitting in the sun . . . and some of us were hating, baiting and tearing America down . . . 40,000 people in Denmark gathered on a hillside to celebrate our Fourth of July.

Hundreds of thousands of other Danes watched the ceremonies on television. (A turn-out equivalent to 2 million Americans assembled in one place, and perhaps 20 million watching TV.)

The Danes have been doing this for 57 years. Because they venerate what so proudly *we* hailed: The pride. The principle. The unity.

When the Nazis went foraging for Danish Jews, other Danes hid them. All of them. When they took hostages and offered to swap them for Jews, the Minister of Defense announced, "There is no point in exchanging one Dane for another."

The occupation told King Christian to order all Jews to wear yellow arm-bands. He asked all *Danes* to wear yellow arm-bands.

"I shall be the first to wear one," he said, "And I consider it the highest order of Denmark."

No one in Denmark thought this was remarkable. All Danes simply, and successfully, defended all Danes. Isn't that what our Declaration of Independence was about?

Isn't that why Denmark honors our Fourth of July? And isn't *that* something to think about before the next long week-end?

GENERAL LEAVE TO EXTEND

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the 1-minute speech made to-

day by the gentleman from California (Mr. HAWKINS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DR. ABERNATHY'S VISIT TO WASHINGTON, D.C.

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, earlier this year, Dr. Ralph Abernathy and representatives of the Poor People's Campaign traveled to Washington to meet with Members of Congress and the administration to discuss a list of 10 demands. These demands ranged from improved welfare administration and expansion of the food stamp program to an end to the Vietnam war.

While in Washington, Dr. Abernathy and the representatives of the poor appeared before a meeting of the Democratic study group, where, with extreme dignity, they outlined the problems that confront them daily. Dr. Abernathy received a sympathetic hearing from members of the DSG, but he and his followers did not fare so well elsewhere. In fact, their meeting with President Nixon and a handful of Cabinet members was fraught with misunderstanding and a lack of concern by the executive branch.

Victoria Brittain, the able Washington correspondent for the New Statesman, of London, has written an incisive account of Dr. Abernathy's visit. It is particularly explicit in describing the complete failure of communication between the administration and representatives of the Poor People's Campaign. I commend Miss Brittain's article to my colleagues and insert it in the RECORD at this point:

NIXON SNUBS THE POOR

(By Victoria Brittain)

"Three months of Vietnam spending would give them all they're asking for and more" said a liberal Congressman after Chapter Two of the Poor People's Campaign began in Washington last week. The week was a depressing charade—liberal Congressmen were moved but not to action; nothing was decided, nothing was changed. The present impotence of the Southern Christian Leadership Conference, victor of the great civil rights battles of Selma and Montgomery, the weakness of its leader Dr. Ralph Abernathy, and the capacity for indifference of the White House were crudely displayed all week.

Resurrection City, a week-long encampment of poor people in Washington last year, was Phase One of the Campaign and although it was far from a total success it at least achieved a certain notoriety. Its Major Jesse Jackson from Chicago added one touch of glamour to a cast of otherwise bedraggled characters, while in the shell-shocked state of the black community following the death of Martin Luther King the SCLC leaders held a united front. A year later everything is different—the Campaign has had little press coverage. Jesse Jackson is now so well known and so busy that he could make only a token one-hour visit to Washington on the first day of the Campaign, Abernathy is more ponderous and less well supported by the SCLC powers, while SCLC itself, with its ill-organised bands of poor people, seems an unsophisticated and ineffectual vehicle for confrontation in contrast to, say, its own Operation Breadbasket pressing for economic power in Chicago or Charles Evers's campaign for black political power in the South.

Abernathy came to Washington last week with a list of 10 demands for the Administration ranging from a nation-wide welfare system and a $250,000m. expanison of the food-stamp programme to wipe out hunger, to ending the war in Vietnam and giving votes to 18-year-olds. He planned to take his followers to see congressional leaders, the President himself, and the individual heads of the Departments of Housing, Labour, Agriculture and Health, Education and Welfare. Congressional leaders were receptive and available, but the very first day illustrated the weakness and hopelessness of the week's undertaking. Abernathy was an hour and a quarter late for his meeting with the liberal Democratic Study Group and by the time he appeared in the House Judiciary Committee room a number of Congressmen had gone. Those who had waited passed the time in banter and in-group jokes and exuded an atmosphere of well-dressed, well-fed bonhomie in sad contrast to Abernathy's troop of notably ill-dressed, ill-fed and cross followers. The Congressmen gave polite and close attention to the flood of speeches. Heavy, resentful welfare mothers from Northern slums told the stock horror stories of rats and of "the cold beans,, leftover peas I serve my children", while emaciated, desperate men begged for "factories for the South". At the end of the meeting the Congressmen somewhat self-consciously joined hands and, swaying in time with their visitors, sang *We Shall Overcome* before becoming busy men again, hurrying away in the little automatic electric trains which run under the Capitol. The poor people trailed back across neatly-clipped lawns to their headquarters in the United Methodist Building, buoyed up presumably by the idea that "tomorrow we're going to see the President".

But a 22-year-old White House aide sporting a crisply starched light-blue suit and a Che Guevara-style moustache was the nearest thing to Richard Nixon produced for them on Tuesday morning, though the President did see Abernathy himself. Mr. Nixon's representative sat chummily on a table in the Indian Treaty Room to introduce his colleagues from various government departments, all of whom he said were anxious to explain to the poor what was being done for them and then to listen to specific complaints. His boyish charm was lost on his audience, who declared loudly that they had not the slightest interest in talking to him or his friends, and could they please see the boss. The mood of the room became steadily uglier and only Hosea Williams, the bearded orator of SCLC, could get a hearing. It is a mark of the change in SCLC that he did it by a skillful use of revolutionary rhetoric: ". . . our women sell their bodies for food . . . when I was in the Department of Agriculture I knew that food surpluses were tipped into the sea while our people starved . . ." William's beard jutted out over his blue overalls, his eyes blazed, but his voice was deliberately lulling his audience to the point where he could say: "But revolution would be playing it their way; we're going to win this one nonviolently."

Across the lawn in the White House Mr. Nixon listened to Abernathy and his half-dozen representatives of the poor, but refused to allow his departmental heads to meet the group individually. Advised by his supposedly liberal ex-Kennedy aide, Mr. Patrick Moynihan. Mr. Nixon clearly decided that the 1969 Poor People's Campaign was to be played down. The noisy, abusive confrontations with which the Democrats had placated the poor were not to disturb the comfortable offices of their Republican successors. Abernathy was given this one opportunity to put his case to the Administration—a formal meeting with the Urban Affairs Council attended by Nixon, Agnew and a clutch of departmental heads who stayed for varying amounts of time. So total was the lack of communications between the two sides that Mr. Moynihan was able to say that the meeting went well, while Abernathy called it one of the most "fruitless and pointless" he had ever attended.

After the White House meeting neither Mr. Nixon nor his Vice-President came over to the Indian Treaty Room to see those who had been discussed, but Mr. Moynihan, Mr. Volpe, the Secretary of Transportation, and Mr. Romney from the Housing Department were on hand for a singularly patronising and ill-judged encounter. Mr. Volpe the ex-Governor of Massachusetts, who made his pile in the road-building business, detailed the number of important appointments he had missed that morning and told the poor how well he understood their problems. He knew that jobs were not enough without rapid transit to get to them and he intended to provide it, but they must remember the Democrats had been in for eight years, so what could be expected of him after only 3½ months? Mr. Romney then talked about inflation and assured his audience that the cities were number three on the President's list of priorities. "Why not number one?" inquired an incredulous young black girl. Romney left amid appeals from Abernathy that his followers should not turn on one of the few cabinet members who had bothered to come and see them.

Abernathy got the silence he asked for, as he always does from his followers. During the week more than one reporter tried to rattle him with questions about a bid from Coretta King for the SCLC leadership and each time he replied with dignity that she was his 'sister' and a power struggle was inconceivable. But each time he relied, as he always must, upon his acknowledged position as the dead Martin Luther King's best friend. The real powers of SCLC—Jackson, Andrew Young, James Bevel, Hosea Williams—have never publicly or privately criticized Abernathy. But one bitter voice from the ranks last week shouted at the leader: "Nixon better come out and talk to us—not you." And in the Indian Treaty Room a woman said quietly: "Abernathy doesn't even live with us . . . how can he tell Nixon what my life is like?" Abernathy's well-pressed denim overalls for going to jail have become a joke, and his usual get-up is a good grey silk suit, often with a tastefully matching tie. Towards the end of last week, when a black depression had settled upon almost everyone connected with the Campaign, Abernathy bobbed up at a party given by Senator George McGovern, looking, as one dispirited coworker said "unbearably slick."

U THANT: ARAB CHAMPION PAR EXCELLENCE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, U Thant is rapidly emerging as a fervent champion of the Arab cause in their struggle to destroy Israel. Utilizing his post as Secretary General of the United Nations, he increasingly uses his office and that international organization to assail Israel on any pretense. Sadly enough, the United Nations is the loser, as his prejudice grows more blatant and his efforts more distasteful. His campaign against Israel is measurably harming the cause of the United Nations among significant elements of our country's population. The latest chapter makes a travesty of the U.N.'s championship of human rights, for he has used and abused that principle by seeking to utilize it as a weapon against Israel.

Last Monday Mr. Thant convened an

unusual meeting of Vice Presidents elected at the last General Assembly. This was done over the most vigorous protests of Israel's ambassador to the U.N. No approval was sought or given from the Security Council or General Assembly. Its purpose? To appoint a special committee of three to investigate human rights "violations" in Israeli-held areas. At the meeting, Mr. Garrido, of Peru, was selected to appoint the committee.

Israel was not told by Mr. Thant who her accusers are, although it is easy to guess. He referred to "several member states" who had urged him to act in this manner. This opportunity to harm Israel was seized by Mr. Thant with alacrity and enthusiasm.

It is a fact that Mr. Thant acted illegally and contrary to the U.N. Charter. He had circulated a note to member states on the aforementioned subject, creating an atmosphere which was conducive to prejudicement and condemnation of Israel. Choosing to ignore the plight of Jews in various Arab States of the Middle East, he instead opted for persecution of Israel. Israel has allowed full and free inspection of the situation he addressed himself to. It is odd, is it not, that Mr. Thant shows no concern over barbarian acts of religious persecution and murder perpetrated against Iraq's Jews? Nor does he shed tears, much less concern himself with, the plight of those terrorized remnants of Egypt's Jewish community, many of whom languish in Nasser's prisons incommunicado.

It seems that in his eyes, the Arabs can do no wrong, even when they plan genocide, arm themselves to the teeth, abolish internal liberties, and work hand-in-glove with the Soviets to finish Hitler's work.

As one who has always drawn inspiration from the previous efforts and principles of the U.N., I am deeply saddened by this prostitution of its principles and abuse of its respected offices for partisan goals. Mr. Thant could resign and register as an Arab lobbyist or diplomat, for which position he is so amply qualified. But I do not feel that he should masquerade as a neutral, retain his present position and use it to aid his close Arab friends. Some might call it conflict of interest. Others would have a different name for it. In the end, only the cause and principles of the United Nations suffer. All thinking citizens have already relegated Thant's personal efforts to the corner marked "ignore or disregard."

I am most fearful, Mr. Speaker, of the permanent harm he is definitely doing to an organization which has proven so useful in many ways. Further, our Government pays an overwhelming share of U.N.'s expenses. I do not feel we should subsidize an Arab propaganda campaign on the part of its Secretary General.

Saddest of all is the longrun deleterious effect his debasement of his office is having upon the U.N. ethic in this Nation, a phenomenon I have long noted, and one which is swiftly increasing in scope and virulence.

Fifty years ago this July 10 Woodrow Wilson presented a treaty to the Senate which included provision for establishment of the League of Nations. Recent efforts to commemorate the League's establishment have been woeful failures. How sad it is to note this phenomenon. It would be the world's tragedy if a similar fate befell the U.N. Mr. Thant's efforts along the lines I have already described give the United Nations a massive shove down the same road traveled so despairingly by the League.

THE BREAKDOWN OF CIVIL RIGHTS ENFORCEMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on Friday, the leadership of the Democratic study group wrote to President Nixon for the third time this year to protest the breakdown of civil rights enforcement by his administration. The seriousness of the present administration action in whittling away the hard-earned progress of recent years in the field of civil rights cannot be overestimated. We have already witnessed significant failures of Federal commitment in the areas of school desegregation, contract compliance, voting rights and equal opportunity in Department of Agriculture programs.

Over the weekend, Secretary Finch indicated that there would be no further weakening of school desegregation guidelines. I sincerely hope that the Secretary is able to meet that commitment and can assure that the guidelines will in fact be continued in their present form. Nonetheless, there is already ample evidence that title VI enforcement at HEW has been compromised.

For the information of my colleagues, I insert at this point in the RECORD the letter sent to President Nixon by officers of the Democratic study group and a subsequent Washington Post article by Peter Milius, which provides additional documentation as to the serious problems confronting the school desegregation program:

DEMOCRATIC STUDY GROUP,
Washington, D.C., June 27, 1969.

The PRESIDENT,
The White House,
Washington D.C.

DEAR MR. PRESIDENT: We are writing to you for the third time this year concerning the breakdown of civil rights enforcement in your Administration. On February 1, we protested the special treatment afforded five segregated Southern school districts. On March 5, we protested the awarding of federal contracts to three textile companies which had been found in violation of Executive Order 11246, banning discrimination by federal contractors. In both letters we asked that you, as President, make clear that civil rights laws would be vigorously enforced by your Administration.

Instead, you have chosen to remain silent while years of hard-earned civil rights progress—often at the expense of human life—have been seriously compromised by your Administration. Events have proven that our concerns were justified. Evidence of deterioration of federal civil rights enforcement mounts daily.

We cite the following examples:

School Desegregation: Within the first week of your Administration, Title VI guidelines for school desegration were suspended so as to provide five Southern school districts—which had disregarded the law of the land since it was first articulated in 1954—extra time to meet federal standards. These five districts, after more than two years of negotiations, had already exhausted the hearing and appeal procedures within the Department of Health, Education and Welfare and had been adjudged not in compliance with the Civil Rights Act. Secretary Finch's action in suspending the guidelines in these cases represented a serious deviation from authorized procedures. It was both unwarranted and unprecedented. This special exemption weakened the resolve of local school administrators who had been making good-faith efforts to comply with Title VI, and suggested that Senator Thurmond's promise of a "better deal" for civil rights law breakers under the Nixon Administration was indeed forthcoming.

The situation today is alarming. HEW recently developed school desegregation plans for 21 South Carolina school districts under court order to desegregate. Eighteen of the 21 plans are inconsistent with HEW's own deadline for the elimination of dual school systems. While HEW guidelines generally require a cutoff of federal funds to districts not in compliance with Title VI by the start of the 1969–71 school year, the 18 plans for South Carolina districts have termination dates of 1970–71. As a result, school districts now operating under plans calling for significant steps to end dual school systems by this coming September—five years after passage of Title VI and fifteen years after the Supreme Court decision—are now petitioning HEW for relief from their obligation to comply with the law.

Equally shocking are indications that the school districts now seeking relief from their constitutional obligations may well be granted a reprieve by your Administration. We are dismayed by reports that HEW guidelines are now being rewritten and weakened by outspoken opponents of civil rights, most notably Harry Dent, a former aide of Senator Thurmond, whose position on this issue has been all too clear.

It would be appalling if your Administration takes any action that could result in relaxing in any way the tested and court-upheld policies regarding school desegregation.

Any weakening of the guidelines would serve notice that the federal government does not intend to provide the basic framework for equality of educational opportunity in America. Such action would have a devastating impact on those school districts that have made sincere efforts to comply with the law. It would demonstration that the Nixon Administration, despite rhetoric to the contrary, actually rewards those who flout the law.

Contract Compliance: Executive Order 11246, together with rules and regulations promulgated thereunder, is designed to assure that the federal government will not do business with companies which practice employment discrimination. In March, the Department of Defense awarded major contracts to three textile firms with established records of discriminatory practices. These contracts were awarded in violation of regulations of the Department of Defense and the Office of Contract Compliance which require written assurances of future compliance with the Executive Order before contracts may be awarded to companies with a prior history of noncompliance with civil rights requirements.

Nearly two years of intensive work by various governmental agencies as well as by civil rights groups had been devoted to bringing the three textile mills into compliance. The abrupt action of the Defense Department in awarding multi-million dollar contracts to these companies prior to receiving adequate written assurances of compliance raises serious doubt about this Administration's intent to end discrimination in companies with federal contracts.

The federal contract compliance mechanism has the potental for affecting one-third of the jobs in our economy. If the government resolves to enforce the law, thousands of minority group citizens could thereby gain access to jobs and dignity.

Voting Rights: Before finally testifying on June 26, the Attorney General cancelled five appearances before the House Judiciary Committee to present Administration views on extension of the Voting Rights Act. The cancellations coincided with reports emanating from the Justice Department that the delays were precipitated by Administration desires to dilute the effectiveness of the enforcement mechanisms provided in the present Act.

Unfortunately, the Attorney General's testimony proved that these reports were accurate. The Administration's proposals, which would weaken the enforcement mechanisms provided under present law, and its opposition to the bi-partisan five-year extension bill can only be viewed as being politically motivated to curry favors with those who would deny the right to vote to minority group citizens.

Extension of this historic, hard-won and effective law must be a first priority on the national agenda. Some of the Attorney General's proposals may be meritorious. However, they would require such substantial and controversial amendment of the present Voting Rights law as to preclude passage before its expiration date. Thus any additional voting rights proposals should be considered only after we have assured that the needed protections provided in present law will continue.

Agriculture: Despite an April letter from Attorney General Mitchell to Secretary Hardin detailing widespread and flagrant violations of civil rights law in the administration of Department of Agriculture programs, and despite recent reports by the Civil Rights Commission documenting the breakdown of civil rights enforcement mechanisms at USDA, there is evidence of a continuing lack of commitment to civil rights enforcement by that Department. Secretary Hardin has been unwilling or unable to answer our requests for information regarding specific action that he has taken or is planning to take to implement the recommendations of the Attorney General and the Civil Rights Commission.

Equal Employment Opportunity Commission: The handling of the appointment of a new head of the Equal Employment Opportunity Commission added to the impression that your Administration would weaken enforcement of civil rights generally and mandates against job discrimination in particular. We do not dispute your right to appoint a chairman of your own choosing nor do we mean to impugn the ability or sincerity of your appointee.

However, to have the White House announce on the day following Senator Dirksen's vicious attack on Clifford Alexander that he would be replaced as EEOC chairman created the impression that you agreed with the rantings of the Senate Minority Leader that firm enforcement of equal employment opportunities amounts to harassment of business firms.

Mr. President, the failure of your Administration to enforce civil rights for all citizens is creating a serious crisis. It is particularly important to measure the effects of this crisis on those who have been excluded from full participation in American society. They can hardly be expected to retain respect for the institutions that must be the "backbone" of an orderly and free society.

A free and just society derives its strength from the even-handed enforcement of the law by its public officials. Nothing so destroys respect for the law as disregard for the obligation to enforce it by those who hold the power and the responsibility to do so.

The last three Presidents of this country understood the destructive effects of public officials who flout the law of the land.

President Eisenhower, in 1956, sent federal troops into Little Rock, not to put down a civil disorder, but rather to force publicly-elected officials to comply with federal law.

The nation and the world watched President Kennedy, in 1963, uphold the Constitution when a lawless Governor of Alabama stood at the schoolhouse door to bar entrance to black Americans.

And President Johnson gave statutory weight to the efforts of the brave young Americans who dramatized the lawlessness of local sheriffs denying them the right to buy a cup of coffee at Southern lunch counters and brutalizing them for seeking to register to vote. Indeed, neither the Civil Rights Act of 1964 nor the Voting Rights Act of 1965 could have been enacted had it not been for full and effective use of the moral force of the Presidency.

These acts symbolized for us all the unwavering commitment to true law and order by these three great Presidents. Any less commitment on your part will be a tragic page in American history.

We urge that you publicly and unequivocally repudiate the actions that have endangered the credibility of the federal commitment to civil rights. We urge you to make clear to all American citizens that you give the same urgency to enforcement of civil rights laws as you do to the enforcement of all other laws of the land.

Anything less would demonstrate that your commitment to law and order is a commitment to political expediences rather than equal justice under law.

Anything less would be to prolong the tragedy of racism in America along with the pain, injustice, bitterness and divisiveness it produces.

Respectfully,

DONALD FRASER,
Chairman.
JAMES C. CORMAN,
Secretary-Chief Whip.
JOHN BRADEMAS,
Vice Chairman.
DON EDWARDS,
Chairman, Task Force on Civil Rights.

[From the Washington (D.C.) Post, June 29, 1969]

HEW FIRM ON SCHOOL GUIDELINES

(By Peter Milius)

Health, Education and Welfare Secretary Robert H. Finch put his prestige back on the line yesterday and said there will be no relaxation of the Federal school desegregation guidelines.

He made the statement in a news conference that dealt mainly with his losing fight to have Dr. John H. Knowles nominated as his Assistant Secretary for Health and Scientific Affairs.

"Sometimes," Finch said when the questions turned from Dr. Knowles to desegregation, "in losing one battle your hand is strengthened for another."

For at least the last several weeks, Justice Department lawyers and HEW General Counsel Robert C. Mardian have been drafting a desegregation policy statement.

The policy statement would override and soften the guidelines by giving Southern school districts more time to comply.

Southerners in Congress and on the White House and national Republican Party staffs have supported and heralded the promised change. Other HEW officials, congressional liberals and moderates of both parties and civil rights groups on the outside have indignantly opposed it.

EXPECTED TO MOVE IN

Finch, his time and influence taken up by the Knowles affair, had not intervened forcefully in the desegregation fight. Yesterday's remarks left the impression that he now intends to make a stand on this issue.

"So far as I know," he said in response to a question, "we are standing by the guidelines."

He was asked whether the Administration's plans include postponement of the present 1969 and 1970 deadlines for complete school desegregation across the South.

"No," he said.

"There is not going to be any give at all in the 1969 and 1970 deadlines?" he was asked later.

"Not at the present time," he replied.

Meanwhile, there were reports that the proposed policy statement has itself been changed, and that the latest draft leaves the 1969 and 1970 deadlines intact.

The guidelines require all Southern school districts to complete desegregation by September, 1969, unless they have black majorities or have to build new schools to desegregate. Districts in those two categories have until September, 1970.

The latest version of the policy statement, various sources said yesterday, is a very general document with which HEW's Office for Civil Rights can easily live. But these same sources emphasized that the proposed statement has undergone almost continuous revision in recent weeks, and could be changed again.

They noted that there is a good deal of overlap between the conservatives who opposed the Knowles nomination and those who favor relaxation of the guidelines, and that the guidelines are a much more powerful political issue.

Finch lost to the conservatives once, they observed, and could well lose again.

NO SOFTENING INTENT

Finch said at one point yesterday that there has never been any intent to soften the desegregation guidelines. "What Justice and HEW have been working on," he said, "is a better mechanism, procedures by which you can obtain the results intended by the (Civil Rights) Act of 1964."

Finch said he did not know how soon a statement might appear. "I tried to reach the Attorney General (John N. Mitchell) this morning about a couple of matters we have under dispute," he said.

Later he said the dispute did not involve the desegregation deadlines and was procedural, "not philosophical." He did not elaborate.

The Administration has been searching for some time for a way to shift more of the desegregation burden from HEW to the Justice Department and the Federal courts.

One reason is that this would entail fewer cutoffs of Federal funds. HEW does not cut off funds to school districts once they are under court orders to desegregate.

The Administration has had trouble with the desegregation issue almost since the day it came to office in January.

SUPPORT FROM SOUTH

President Nixon made several statements during last year's campaign that led the South to think he would go slow in this area, and much of his convention and election support came from the South.

Finch made several ambiguous statements of his own early this year that encouraged Southerners.

But Finch also appointed a liberal, Leon E. Panetta, to run HEW's civil rights office, and in his first few months in office cut off funds to eight Southern school districts that had refused to file acceptable desegregation plans.

More recently it had appeared that Finch was abandoning the desegregation program to Southern pressures. He gave Southerners two of the five seats on the body that hears appeals from school districts about to lose Federal funds, and he gave 12 South Carolina districts until 1970 to desegregate, even

though subordinates said there was no reason why all 12 could not desegregate in 1969.

HELD FOR 6 WEEKS

He has also held six cutoff orders unsigned on his desk for more than six weeks. There was speculation yesterday that he may sign the six this week.

According to HEW figures, all but 775 of the South's school districts have now desegregated or been ordered to by a court. Of those remaining, 330 have promised to desegregate by 1969 or 1970, 123 have had their funds cut off, 108 are in the cutoff process and 215 are under review.

HEW officials have said they can complete desegregation of the Southern public schools in another year or two under the present guidelines.

But they are now down to the stubbornness of the Southern school districts, many with black majorities, and are fearful that the desegregation program will come unraveled if there is any hesitancy at the top.

EIGHTEEN RENEGE THIS YEAR

Eighteen districts have already reneged this year on desegregation plans, and others are wavering.

Liberal pressure continued to build up in behalf of the guidelines yesterday. Leaders of the Democratic Study Group in the House sent President Nixon a letter, declaring that "evidence of deterioration of Federal civil rights enforcement mounts daily."

They urged Mr. Nixon to "repudiate the actions that have endangered the credibility of the Federal commitment to civil rights," adding that "anything less would demonstrate that your commitment to law and order is a commitment to political expediencies rather than equal justice under law."

MASSIVE AID URGED FOR MEDICAL, NURSING, AND EDUCATIONAL PROFESSIONS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, recent higher education legislation has provided aid for students in undergraduate and some graduate degree programs. Little effort, however, has been made on a Federal level to assist postgraduate students studying in professional fields.

Each professional field requires highly skilled training in specialized and rapidly expanding areas of knowledge. In an age where the highest proficiency in the newest of methods and approaches in crucial to relevant service, continuing education is an absolute necessity. In all specialized fields, the professional must constantly return to school for updating and broadening of his total knowledge. Many individuals have great difficulty returning for further study due to a lack of personal finances. This is particularly true today, as educational costs are soaring.

Two critically important fields in which this is especially the case are the medical and teaching professions. Teachers and doctors must constantly be aware of new developments in their fields to maintain a level of excellence and proficiency. I have recently introduced the Student Assistance Act of 1969, a companion to Senator MONDALE'S bill, which provides among other things, for aid to graduate and professional degree students. It also creates a Federal fellowship program for Ph. D. students preparing dissertations. In addition, I have joined in sponsoring the medical education bill of rights of 1969, which would expand Federal aid to medical education programs and increase health profession scholarships.

Today I am adding to these proposals two additional bills providing financial assistance to teachers, school administrators and medical students. My purpose is to encourage highly capable, dedicated individuals to take advantage of such extended educational opportunities.

The first bill would allow, for tax purposes, a deduction for expenses incurred by teachers and school administrators in pursuing courses of study for academic credit or degrees at colleges and universities. Such educational expenses would include tuition, fees, books, supplies, course materials, travel costs to school, and basic meals and lodging costs away from home. Teachers today, attempting to continue expansion and updating of their own educations, must bear this burdensome recurrent expense on their own. This bill would provide one means for alleviation of some of this burden. By providing tax deductions for these expenses, teachers would more readily take advantage of further educational opportunities, becoming better equipped to instruct and guide their own students relevantly and meaningfully.

My second bill would provide direct student loans to U.S. citizens—primarily medical students—studying abroad. Under the Health Professions Assistance Act, American students studying in the United States in general medicine and specialized medical fields such as dentistry, podiatry, osteopathy and optometry, may receive direct loans from HEW up to $2,500 a year. My bill would extend loan provisions of the act to cover medical studies in foreign schools as well. Shortages in the United States of medical school facilities are reaching crisis levels. Present rate of expansion of school facilities is so slow that by 1975, there will be an estimated shortage of 42,000 doctors in America. Eleven percent of our medical students are today studying in excellent foreign schools because of domestic school shortages. This bill would help alleviate some unbearable pressures on our present domestic medical school facilities.

These bills, coupled with previously delineated legislative proposals to expand financial assistance to graduate and professional students, are vital for the professional's continuing specialized self-improvement. If we are to see our professional fields continue to develop new techniques and facilities for increased quality of service, we must insure that individuals within these fields will not be restricted in their studies by lack of finances.

Mr. Speaker, I urge my colleagues to remember that every American receiving education and medical service will lose if these dedicated servants cannot continue furthering their own education. We must offer them the possibility and opportunity to receive new ideas, perspectives, discoveries and fresh techniques for further extensive service to society.

STRIP MINE RESTORATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one of the outstanding newspapers in the State of Pennsylvania, the Johnstown Tribune-Democrat, last week published an editorial which took justifiable pride in Pennsylvania's program to restore surface-mined land.

My colleagues from Ohio may particularly wish to note the contents of this editorial, inasmuch as it draws a comparison between the restoration programs of their State and of mine. Observations of Ohio land reclamation efforts found that—

Most of the reclaimed sectors appeared to be untouched by reclamation equipment, that spoil banks were mostly untouched, that though small trees had been planted many appeared to have been killed by acid spoil material, that the land had not been restored to near its original contour, that pools of water lay in the pits and on the spoil banks.

Pennsylvania is recognized as a leader in the field of mined-land restoration. The quality of our restoration derives from a sound legislative foundation and a mining industry which has shown itself willing to work diligently to make surface mined lands productive once again.

I hope that we in Congress may soon provide a similar sound legislative foundation for all the States through enactment of a surface mining reclamation act.

It is appropriate, I believe, that my colleagues be informed that an international symposium on the ecology and revegetation of drastically disturbed areas will be held at the Pennsylvania State University August 3 to 16, 1969. The closing event of this symposium will be a 3-day field trip through Ohio, West Virginia, and Pennsylvania to observe research and restoration programs on both strip-mine and deep-mine operations.

Having made a comparison of Pennsylvania and Ohio, and having mentioned Penn State University, some of my friends from Ohio may seek solace in last year's national rankings of collegiate football teams. Apparently by mistake, Ohio State was listed No. 1, ahead of Penn State as No. 2. That solace will be slight, because it is my recollection from the last time those two teams met, that Ohio State never beat Penn State throughout the history of the series.

Nonetheless, we Pennsylvanians stand ready to provide guidance for our western neighbors in mined-land restoration or football.

Mr. Speaker, for the edification of my colleagues, I include in the RECORD the Johnstown Tribune-Democrat editorial, "Strip-Mine Restoration."

STRIP-MINE RESTORATION

Ohio apparently has come off second best in a comparison of its strip-mine reclamation work with that of Pennsylvania's.

Three Pennsylvanians, including William E. Guckert, director of the Bureau of Conservation and Reclamation, toured southeastern Ohio's strip mine areas and found that, except for some showplaces, the Buckeye State's best strip-mine restoration doesn't hold a carbide lamp to that of the Keystone State.

The Pennsylvanians reported that most of the reclaimed sectors appeared to be untouched by reclamation equipment, that spoil banks were mostly untouched, that though small trees had been planted many appeared to have been killed by the acid spoil material, that the land had not been restored to near its original contour, that pools of water lay in the pits and on the spoil banks.

All in all, the impression was one of what at best can be described as token restoration of land stripped of coal. Token and unsatisfactory.

Ohio is trying to get a tougher strip-mine restoration law. So far, it has been unsuccessful. It may be that responsible Ohioans will have as difficult a time as did Pennsylvanians in achieving that goal.

But achieve it, Pennsylvania has. And though our restoration law may not be perfect, it has come to be regarded as one of the best in the nation.

In its quest for stricter restoration policies, Ohio is wished luck.

SENSE AND SURTAX SURVIVE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for those of us who are willing not just to talk about inflation, but to "bite the bullet" and try to do something about it, yesterday's passage of the surcharge extension bill has to be greeted with a sigh of relief. It must also be greeted with an expression of incredulity that the vote was so close.

I find it of the greatest irony that most of the stiffest opposition to the bill came from those who, for the past 5 years, have consistently voted to spend us into a fiscal pit. For 5 years, Congress went merrily on its way funding every program in sight, with never a thought for tomorrow. Well, tomorrow has arrived and with it inflation. It is not enough merely to talk about inflation, or to run around the issue with a lot of rhetoric on the need for tax reform. Tax reform is needed, and to its new-found supporters, I say welcome aboard.

The question is, Will Congress pay the piper? Will it back up the President's efforts to halt inflation? Taxes are never popular, but after all, it is Congress, not President Nixon, which is in great measure responsible for the inflation which the country is now suffering.

Mr. Speaker, my feelings on this subject are well expressed in an editorial which appeared this afternoon in The Evening Star, and which I include in the RECORD at this point:

[From the Washington (D.C.) Evening Star, July 1, 1969]

SURTAX SURVIVES

Although it was too close for comfort, the bill to extend the surtax has survived a "liberal" onslaught in the House. The vote was 210 to 205, and the measure now moves to the Senate where it also faces hard going.

The breakdown of the vote tells us something about party responsibiilty. The House members had been assured by the Democratic leaders that they would have an opportunity to vote this year on a tax reform bill President Nixon also gave this assurance. Nevertheless, 179 Democrats and 26 Republicans raised the phony banner of "tax reform" as they voted against the bill. The vote for passage came from 154 Republicans and 56 Democrats.

Tax reform was a phony issue, not because reform is unneeded, but because it had no proper place in the measure before the House. Reform is a complicated matter, and it should have the careful study and consideration that it will receive in the Ways and Means Committee under the chairmanship of Wilbur Mills. Surtax extension, on the other hand, is an emergency step. As it passed the House, the bill will bring in some $9 billion in revenue, thereby probably preventing another federal deficit. It will also contribute in some measure to restraining the inflation which is beginning to assume runaway proportions.

There are, of course, those who do not bother about inflation. One congressman, for example, told the House he had received telegrams from both the National Association of Manufacturers and the United Auto Workers in opposition to the extension bill. But these are not the principal victims of inflation. A manufacturer can protect himself up to a point by raising his prices—thereby contributing, incidentally, to more inflation. An auto worker can demand and get higher wages—thereby keeping himself abreast of inflation while also stoking the fire that feeds it.

No, the real victims of inflation are the "little" people—the millions and millions of Americans who have no effective means of protecting themselves, and whose standard of living is being steadily and mercilessly eroded by the inflationary tide.

When the bill is called up in the Senate the cries for tax reform will be heard all over again. If it proves possible to adopt appropriate reform amendments, all well and good. But we do not believe this can be done in time to save the surtax. There will be time enough for reform in the months ahead. Meanwhile, the Senate should act responsibly and pass the extension bill. To fail in this would be a cruel betrayal of those people for whom the liberal heart bleeds so readily and so profusely.

SOCRATES' WORDS OF WISDOM APPLY TODAY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, my last Washington report to my constituents was devoted to the problem of perspective. I included a quotation by Socrates, reflectng his views of the youth of his time. The relevance of his remarks to today's world is astonishing. The cyclical nature of man's existence is never more clearly seen than through a juxtaposition of past and present.

Shortly after sending out this report. I received a letter from one of my constituents, Mr. Ralph Barney of Canaan, N.H. He took note of the quotation that I had used, and he enclosed a different one by Socrates with his letter. While the topic of the quotation that he chose is different from mine, it maintains the same universality.

Mr. Speaker, it is always pleasant to receive such a letter from an interested constituent. The concern for the public debt and the massive expenditures of Government that he expresses in his letter is also, I am sure, universal. I would like to include in the RECORD Mr. Barney's letter and the quote from Socrates, as well as my last Washington report which contained some thoughts for Commencement Day.

The material follows:

DEAR JIM: Your bulletin of June 19th, No. 6 was a gem and I hope it is well read and given some of the thought it deserved.

Your excerpt from Socrates leads us to meditation that humanity rotates like the earth's orbit although not quite so frequently. I enclose another bit of sage by him.

Your letter deserves to be preserved, which I do with many papers but when I come across them again twenty years have slipped away.

I give much thought and wonder about the public debt and would very much like to know how it is regarded by Congress and all government. Every branch seems to be indifferent to it and continue to throw away terrific amounts of money needlessly. It has gone far beyond recovery but I wonder what the intentions are as to this subject by those in authority unless it is a state secret.

With thanks for your attention and my best regards.

Sincerely yours,

RALPH BARNEY.

"When I was a boy wealth was regarded as a thing to secure as well as admirable that almost everyone affected to own more property than he actually possessed. Now a man has to be ready to defend himself against being rich as if it were the worst of crimes. For it has become far more dangerous to be suspected of being well off than to be detected in crime."—SOCRATES.

WASHINGTON REPORT NO. 6

June is the month when politicians are sometimes asked to speak at Commencement Day exercises. The politicians are of course glad to oblige. We point with pride, view with alarm, try desperately to bridge the generation gap, and get in a lick or two for our side. The pitch of this particular middle-aged observer at comencement time is, and has been for some time, in tne nature of a plea for perspective.

PERSPECTIVE

Perspective—"the aspect in which a subject or its parts are mentally viewed; capacity to view things in their true relations or relative importance." This, in part, is the definition of the word "perspective", according to Webster's Dictionary. A fine example might be found in the words of poet Archibald MacLeish, written on the occasion of man's first flight to the moon last Christmas:

"To see the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers."

Colonel Frank Borman used these words when he addressed us in a joint session of Congress last January 9. President Nixon quoted them again towards the conclusion of his inaugural address. Truly these words of MacLeish are words for our times—and a splendid example of perspective.

OF OUR OWN TROUBLES, NO MAN SEES THE END

There is a tendency among Americans, and particularly among the younger generation, to think that the problems which this nation is facing today are new, that America's situation has never been as bad as it is at the present time. To view our problems in perspective is to realize that the world has faced troublesome problems before and solved them. This is of course no excuse for complacency, for indeed we must continue to try to find solutions to our problems, but consider a moment the following quote:

"It is a gloomy moment in history. Not for many years—not in the lifetime of most men who read this paper—has there been so much grave and deep apprehension; never has the future seemed so incalculable as at this period. . . . In France, the political cauldron

seethes and bubbles with uncertainty. Russia hangs as usual, like a cloud, dark and silent upon the horizon of Europe. All the energies, resources and influences of the British Empire are sorely tried, and are yet to be tried more sorely. It is a solemn moment, and no man can feel an indifference—which, happily, no man pretends to feel—in the issue of events. Of our own troubles, no man sees the end."

It might almost be said that this quote applies to the world today, and yet it appeared in Harper's Weekly on October 10, *1857!* It is no criticism of the young that some of them lack this historical perspective. They have a natural tendency to consider all problems simply the fault of their elders. Some teachers, many of whom are notably lacking in perspective themselves, even encourage this myth. It would be better if they devote more of their time to the lessons of history—for other generations have also faced serious challenges of war and peace. That we enjoy commencements today testifies to the fact that those challenges were met, as indeed, the next generation will meet theirs.

SOCRATES AND TWAIN—TWO VIEWS FROM A DISTANCE

But if some of the younger generation are guilty of not viewing the world in perspective, so has the older generation been guilty of not seeing youth today in the correct perspective. It might do us good to review these words recorded of Socrates four centuries before the birth of Christ:

"The children now love luxury; they have bad manners, contempt for authority; they show disrespect for elders and love chatter in place of exercise. Children are now tyrants, not the servants of their household. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble dainties at the table, cross their legs, and tyrannize their teachers."

The truth is that my generation can learn much by listening to the young. They are not captive to the same habits of thought into which we tend to drift. They bring new energy and idealism to the scene of human affairs. They are the cutting edge of the future. Their words are often worth listening to and their attitudes frequently refreshing. That they sometimes do not seem to listen well should be no cause for undue alarm.

Mark Twain wrote some years ago: "When I was a boy of 14, my father was so ignorant I could hardly stand to have the old man around. But when I got to be 21, I was astonished at how much he had learned in seven years."

Surely there was a bit of Twain and a lot of perspective in the person who put the following notice on the bulletin board of a public school: "In the event of Atomic or Nuclear attack on this nation, the prohibition against Prayer in this school will be suspended."

PRESSURE BUILDS FOR SELECTIVE CONSCIENCE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on February 9 I wrote to the President and urged that by Executive action he grant exemption from military service to young men conscientiously opposed to the Vietnam war. And as a corollary, I urged that men who have been convicted of draft evasion or those who have fled the country to avoid military service in Vietnam be given an opportunity to prove that they were conscientiously opposed to the war at the time they were called for induction. This would give them a "second chance"—a chance to prove that while not conscientious objectors to all wars, they objected to this particular war. In all cases, those men given selective conscientious objector status would be required to perform alternative service comparable to that now asked of conscientious objectors.

The Vietnam war has been the most divisive conflict our Nation has had since the Civil War. And, it has been a particular hardship for those young men who deeply believe that our involvement in that war is wrong and immoral; in good conscience these men have not been able to submit themselves to induction and to killing in a war so violative of their consciences.

It is a tragedy that we go on letting our Nation and our youth be divided by a conflict which becomes more and more disreputable each day. It is sad that a country that has fought so often in support of democracy and is looked to as a symbol of liberty around the world, cannot accommodate a minority in our homeland—a minority which is acting from conscience. Should we do less than Great Britian in 1940 in its moment of greatest peril when it accepted the principle of selective conscientious objector status?

Since the President did not respond to my February 9 proposal by granting the selective conscientious objector status, on February 27 I introduced a bill to clarify the definition of conscientious opposition to military service in a particular war for future inductees. And on April 23 I introduced another bill to provide a "second chance" for those already in exile, imprisoned, or presently being prosecuted.

Most recently, I was most pleased and encouraged that the New York Times, in its editorial of June 23, raised this point of conscience and the difficulties our Nation has experienced because of our present selective service system which is unable to accommodate those who believe the war in Vietnam is "unnecessary, immoral, and unjust." The New York Times urges that we get on in changing the draft laws and provide alternative service for those people now banished from the land which we like to think of being the land of the free.

In addition to the June 23 New York Times editorial which follows, I should like to submit for printing the very good article by John M. Swomley, Jr., "Draft Exiles in Canada" on this same subject.

[From the New York Times, June 23, 1969]

THE SELECTIVE CONSCIENCE

One of the most potent points of conflict between this nation and its youth today is a selective service system that is widely regarded as grossly unjust. Although there have been some encouraging moves toward reform of the draft in the current Congress, including President Nixon's plan for random selection of 19-year-olds, most proposals avoid an issue that is at the heart of the difficulty for some of the nation's finest young men—the problem of selective conscientious objections.

There are many youths today who do not object to the principle of selective service, provided the system of selection is fair; who do not object to being drafted to fight for their country in time of national danger or to work constructively for it in peacetime, but who do vigorously oppose being forced to fight against their consciences in the war in Vietnam that they regard as unnecessary, immoral and unjust.

These men are not, by and large, cowards or slackers, as some superficially contend. Many of them would be among the first to volunteer for duty in time of real national need. Typical are 253 student leaders—campus editors, student government presidents and the like—from colleges across the country who recently signed a statement affirming: "along with thousands of our fellow students, we . . . cannot participate in a war which we believe to be immoral and unjust. We publicly and collectively express our intention to refuse induction and to aid and support those who decide to refuse. We will not serve in the military as long as the war in Vietnam continues."

Unless the draft laws are changed to provide some kind of alternate service for such conscientious objectors to a particular war, one that has troubled the consciences of many Americans of all ages, many of these young men will soon be forced to join hundreds of their contemporaries in prison or in exile. This is a terrible choice for a nation that prides itself as a champion of individual conscience to impose on men who include promising leaders of the rising generation and whose beliefs are in the best moral traditions of the society.

DRAFT EXILES IN CANADA

(By John M. Swomley, Jr.)

(NOTE.—Dr. Swomley is professor of social ethics and philosophy of religion at Saint Paul School of Theology (Methodist), Kansas City, Mo.)

One of the most misunderstood of young Americans is the "draft dodger" (more appropriately called the "draft exile")—the young man who has gone to Canada to escape the draft. Just as many of our ancestors fled compulsory military training in 19th century Europe, so these young men, some with their families, have fled the United States today to take residence in Canada. For years we have praised those who rejected Napoleonic, Prussian or other types of European militarism—but today's draft exile is accorded little praise. There is of course this difference: many of our ancestors fled conscription as such, whereas many who have gone to Canada have done so because they are unwilling to participate in a particular war, the war in Vietnam.

There are many more draft exiles in Canada than there are recognized conscientious objectors doing alternative service or draft resisters who have gone to prison. Because they are so numerous and bcause they are cut off from family, friends, church and country, these exiles deserve the concern and support of other Americans. The problem lies at the door of the churches and of the unchurched "liberals," who before World War II fought to secure rights for religious objectors to all war but have not sought legal recognition of the nonreligious objector and the selective objector.

According to a survey by the Southern Ontario Committee on War Immigrants, approximately 15,000 male Americans of draft age have arrived in Canada since 1964 and have applied for landed immigrant status. These figures are based chiefly on Canadian immigration statistics but are supported by independent data. For example, the Toronto antidraft program handles nearly 20 cases each day. Ontario has the largest population of draft exiles, but there are also large groups in Montreal and Vancouver.

Before 1964 the number of Americans emigrating to Canada was increasing at a rate of about 1 per cent per year. In 1964 the rate of increase was 7 per cent and in 1965 21 per cent, according to statistics in Canada's quarterly immigration bulletin. No one knows for certain how many émigrés are

motivated by a desire to escape the draft. Neither are there any figures on military deserters. However, a knowledgeable informant whom I interviewed in Canada says that there are many such deserters, most of whom are "underground" and probably will not take up landed immigrant status until after the Vietnam war is over. Apparently, they are relatively safe, since so far the Royal Canadian Mounted Police has not cooperated with the F.B.I. in pursuing them.

The American draft exile, according to Jim Cairns of the Southern Ontario Committee on War Immigrants in Hamilton, Ontario, is "white middle class, liberal and college oriented." They are assisted almost entirely by Americans living in Canada. Almost all workers in the 23 antidraft programs or centers operating in Canada are themselves Americans or former Americans who feel an obligation to help others who want to resist the draft.

II

The results of a questionnaire published in *American Draft Exiles*, a sociological study by Robert Akakia, reveals that only 13 per cent of the exiles are pacifists, though 44 per cent are opposed to all types of war; the rest are for the most part selective objectors. One hundred per cent described themselves as opposed to the war in Vietnam and 85 per cent as opposed to the draft itself. Ninety-three per cent also indicated that they considered the U.S. the main aggressor in the war, and 56 per cent that they believe the U.S. should be defeated. If these results, based on a sample of 200 draft exiles in the Toronto vicinity, are representative, they show that the draft exile is not a draft dodger in any usual sense but is ideologically motivated. The opening statement of welcome in the "Manual for Draft Age Immigrants to Canada," written by a Toronto lawyer, makes the same assumption: "Even though circumstances and not choice has made Canada your haven, we are happy to welcome you. Those of us providing service to the Anti-draft Programme assume that your opposition to the war in Vietnam stems from principle and that you are likely to become outstanding citizens."

The age range of draft exiles is 17 to 28, with 21.5 years the median. Their financial assets averaged $450 prior to immigration and $250 on arrival. "Contrary to popular myth," wrote Robert Akakia, "draft exiles are only slightly sympathetic to the hippie phenomenon. With respect to a control group survey of college seniors, draft exiles turn out to be relatively unsympathetic."

As to religion, answers to the questionnaire indicate that 37 per cent consider themselves atheists (in the sense of not believing in a supernatural being); 22 per cent are agnostic; 15 per cent have a belief in God; and 26 per cent view the question of the existence of a supernatural being as meaningless.

III

On its part, Canada has not officially opened its borders to young Americans of draft age, nor has it offered them political asylum. But since it has no draft law and is largely opposed to conscription, its policy is one of neutrality toward draft resisters. Thus General Mark Clark was simply denied his request when, on April 12, 1967, he asked the Canadian embassy in Washington to help return all the "draft dodgers." Again, Canadians on the antidraft programs are not trying to persuade Americans to flee the United States, although many of those Canadians think (as one antidraft executive put it) that "the U.S. is sick and becoming a military-oriented state." Their purpose is rather to assist young Americans who reached their own decisions and to make them feel welcome in Canada. A letter from a French-speaking citizen of Quebec published in a bulletin of the Montreal Council to Aid War Resisters states: "Many French-Canadians are anti-American, for many reasons, among which is economic domination. Therefore an American who is critical of his own government's behaviour usually merits the esteem of someone who himself is struggling for a greater degree of 'real liberty.'" As the manual of the Toronto group puts it: ". . . the toughest problem a draft resistor faces is not how to immigrate but whether he really wants to. And only you can answer that. For yourself. That's what Neuremberg was all about."

Most draft exiles apply for "landed immigrant status"—that is, lawful admittance to Canada for permanent residence. A landed immigrant who has lived in Canada for any five out of any eight years has acquired "domicile" and is eligible to apply for Canadian citizenship. Since Canada, unlike the United States, does not require aliens to register, a landed immigrant is not obliged to report periodically to the Canadian authorities. But those who, for one reason or another, consider landed immigrant status undesirable can enter Canada by obtaining a "student entry certificate," which is granted on a year-to-year basis and can be renewed.

Under the new immigration regulations of October 1967, visitors to Canada may apply for immigrant status or a student certificate after they have entered the country. Applicants qualify for immigrant status if they can compile 50 out of a possible 100 "assessment units." For example, a job offer counts for ten units; occupational skill, for ten units; age status from 18 to 35 years, for ten units. Each successful completed year of formal education and each year of apprenticeship or professional, vocational or other training brings one unit, up to a maximum of 20. Five units each are granted for ability to read, write and speak English and French fluently. Even before 1967, about 70 per cent of all draft exiles had no trouble in obtaining immigrant cards, according to Robert Akakia. Fifteen per cent had some difficulty, and the other 15 per cent "a great deal of difficulty." The new unit system makes the process still easier. College-trained people generally have no difficulty finding work, but high school boys have to hunt for unskilled jobs, though the antidraft committees usually are able to secure employment for them.

Apparently all who intend to become draft exiles must have a birth certificate or similar paper; a high school or college diploma; passport photos; and at least $250. Letters of recommendation and college transcripts have also proved helpful.

Landed immigrant status does not entail renunciation of American citizenship, and in fact the manual for draft age immigrants does not recommend such renunciation. For one thing, giving up one's U.S. citizenship before acquiring citizenship in another country simply means that one is stateless, with no rights to travel or re-enter the United States. Actually a small number of young draft exiles, after a year or more in Canada, have returned home—often because they want to witness publicly for their convictions against war.

IV

But the young men who have gone to Canada only after receiving their draft induction notices are obviously in violation of the law and cannot return to the United States—even for family emergencies—without risking imprisonment. When a draft exile's father died in 1967, two F.B.I. agents showed up at the funeral! Those, however, who can prove that they received landed immigrant status before the date of their induction notice may meet different treatment. Possibly, if they are granted Canadian citizenship before attempting return to the U.S., they will be dealt with like any other Canadian citizen; but there is no legal certainty in this regard.

The Toronto manual cited above points out that Canada is not the end of the world so far as schools, jobs, housing, etc., are concerned. "You do not leave civilization behind when you cross the border . . . the truth is that Canada is a nice place to be." To show that Canada is more than just a haven for people in trouble, the manual lists 35 universities, about a hundred occupations in strong national demand, and statistics which prove that Canada is ahead of the United States in standard of living, with more telephones, refrigerators, washing machines, cars and TV sets per household than its neighbor.

In 1967 the Evangelism and Social Service Board of the United Church, Canada's largest Protestant denomination, voted an appropriation to help the draft exiles. Later, however, the church announced that the money would not be disbursed, since "it would imply interference in the affairs of another country." After a public controversy a number of ministers formed a committee and some congregations decided "to raise the money that the church as a whole had declined to contribute." Other aid has come chiefly from the Quakers and Unitarians and from university faculty and student groups.

The chief problems of the draft exile are loneliness and frustrated desire to return home to visit his family. Some also find it difficult to adjust to Canada's more conservative, formal culture. Yet these problems can be surmounted. Draft exiles generally indicate that the step taken in going to Canada is their first political act; it makes them think, and like all dramatic acts is a maturing process.

Exile for whatever reason should not be idealized or romanticized. Most young Americans who choose exile simply think it preferable to a possible five years in prison; some indeed are not sure that they have the inner strength to stand prison life. As I have discovered in counseling draft-age Americans, all drastic actions are motivated by a mixture of idealism, realism, courage and fear. But no adult can indict these young men as lacking understanding or courage or loyalty. At 18 or 20, these qualities are at a different level than at 35 or 40. Exile today may be a mistake, but on the other hand it may be the door of opportunity and service, as it was for many Europeans in the 18th and 19th centuries who came by faith and necessity to an unknown land.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

FREEDOM BECOMES ILLEGAL—II

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, last Tuesday, June 24, on page 16901 of the CONGRESSIONAL RECORD, I commented that the U.S. Court of Appeals for the Fifth Circuit had ruled freedom of choice in school assignment illegal because freedom had failed to produce some mystical goal of racial quotas.

Judge E. Gordon West, one of the district judges who, under the earlier Jefferson case, March 29, 1967—see CONGRESSIONAL RECORD, volumne 113, part 10, page 12660—had upheld freedom of choice, was overruled and reversed. In complying with the appellate court's mandate, Judge West made his objections and feelings a matter of record.

In his reasons Judge West commented:

> They cite no legal authority for their conclusion because, indeed, they could find none.

The trial judge also quoted from the appellate court's decision that the "freedom of choice plan, as a matter of law, is

not working." To which Judge West queried:

As a matter of what law? The only law cited in support of the statement is two of the Fifth Circuit's own prior decisions.

It is a tragic era in America when judicial machinery, established to protect freedom—the constitutionally secured rights of the individual—from tyranny, uses its raw power to destroy that freedom.

We are reminded of warning from the past. Piero Calemendrei, a lawyer in Italy who saw fascism come into power, and author of "Procedure and Democracy," says:

In periods of rapid social change the judge performs a clearly political function. For each case that comes before him he chooses the solution that appears to him the most valuable for the cause of the revolution; he seeks inspiration from his partisan sentiments or resentments.

Andrei Vyshinsky, the Soviet diplomat and author of official commentaries on the Soviet legal system states openly that the judicial process is one of the institutions of political struggle, first for the success, then for the defense, of the Socialist revolution.

Calemendrei also makes mention of a similar phenomenon in Nazi Germany when section 2 of the criminal code was modified in 1935 permitting German judges to convict persons not only for actions classified by law as crimes, but also for actions that the law did not contain, which the judge personally held to be "contrary to the healthy sentiments of the German people."

Mr. Speaker, when judges without law—in fact, violating the law—can declare freedom illegal on the strength of their personal beliefs as to what constitutes a healthy environment for the American people, a judicial revolution is in progress in the United States.

Mr. Speaker, Judge West's reasons in civil actions No. 2357 and No. 3253 follow my remarks:

[Civil action No. 3257]

WELTON J. CHARLES, JR., ET AL. v. ASCENSION PARISH SCHOOL BOARD, ET AL.

WEST, Chief Judge:

These eight school cases have been remanded to this Court by the Fifth Circuit Court of Appeals with specific instructions as to the decree that must be entered herein. This Court had previously held that the freedom of choice plan under which these schools were being operated met all constitutional and other legal requirements. The Court of Appeals disagreed. A decree will, of course, be entered in accordance with that mandate, but because of the strong, and sincere feeling of this Court that the mandate is both ill advised and legally wrong, I feel impelled to make my objections and reasons therefor a matter of record.

All eight school systems here involved are presently operating under the so-called Jefferson Plan, devised by and imposed upon these school systems by the Fifth Circuit Court of Appeals in August of 1967. After less than two years of operating under that plan, it was attacked, not by the plaintiffs herein, but by counsel for said plaintiffs, as not complying with the requirements of *Green* v. *School Board of New Kent County*, 391 U.S. 430, 88 S. Ct. 1689, 20 L. Ed. 2d 716 (May, 1968), because of the fact that it was based primarily on the principle of freedom of choice. After hearing arguments of counsel, and after noting the *complete* and *total* absence of any evidence whatsoever, in every one of these cases, to the effect that there was a single pupil who had not been permitted to attend the school of his choice, or that there was a single pupil who had, by coercion or otherwise, been denied the opportunity to make a free, unfettered choice, or that a single pupil was, because of any state-imposed rule or policy, attending an inferior school because of his race or color, this Court held that the freedom of choice plan was, in fact and in law, working in the most democratic way possible and that thus all constitutional requirements were being met insofar as assignment of students was concerned in these school systems. The mandate of *Green* is simply that there must be an end to a *"state-imposed"* dual system of schools—that *"state-imposed* segregation" in schools must be removed. During the hearing before this Court on these cases, counsel for plaintiffs readily conceded, as indeed they must, that there is no *"state-imposed"* segregation in any of these schools. Realizing their inability to show any *"state-imposed"* segregation in these schools, plaintiffs then relied entirely on their contention that freedom of choice itself was unconstitutional. This contention is, of course, refuted by *Green* itself wherein it is stated:

"We do not hold that 'freedom of choice' can have no place in such a plan. We do not hold that a 'freedom-of-choice' plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing 'freedom of choice' is not an end in itself."

Thus it is clear to this Court that freedom of choice is *not* unconstitutional. Indeed, it is the very essence of the democracy which the Constitution was designed to protect. If the freedom of choice plan has, in fact, eliminated a *"state-imposed"* system of segregated schools, then it cannot be said that the "freedom of choice" plan is being used as an "end in itself." Where the unrefuted evidence shows, as it does in these cases, that there is no longer any "state-imposed" dual system of schools remaining, and that an unfettered freedom of choice is enjoyed by *all* pupils, regardless of race, color, religion or national origin, then I say that regardless of the resultant makeup of the student bodies of these schools, the mandates of the United States Constitution, the Civil Rights Act of 1964, and the decision in *Green* have been met.

In reversing these cases and remanding them to this Court for the entry of the order which this Court, pursuant to that mandate must now enter, the Fifth Circuit Court of Appeals makes the following statement:

"Also the district court erred in holding that segregation which continues to exist after the exercise of unfettered free choice is 'de facto' segregation and as such constitutionally permissible."

They cite no legal authority for their conclusion because indeed they could find none. The "de facto" segregation referred to is, under the present state of the law as enacted by Congress, clearly permissible as is indicated by the Civil Rights Act of 1964, hereinafter referred to. As clearly evidenced by *Green*, it is only "state-imposed" segregation which violates the mandates of the United States Constitution. It is not a question of what I think the law ought to be, or what the Court of Appeals thinks it ought to be, it is rather what the Congress has declared it to be.

The Court then makes the rather amazing statement that:

"If under an existent plan there are no whites, or only a small percentage of whites, attending formerly all-Negro schools, or only a small percentage of Negroes enrolled in formerly all-white schools, then the plan, *as a matter of law*, is not working." (Emphasis added.)

As a matter of what law? The only law cited in support of this statement is two of the Fifth Circuit's own prior decisions, *Henry v. Clarksdale Municipal Separate Sch. Dist.*, —— F. 2d —— (CA 5–1969) and *Adams v. Mathews*, 403 F. 2d 181 (CA 5–1968). Conspicuously missing from the Court's citation of authority is any reference to the Civil Rights Act of 1964 itself which specifically provides:

"Sec. 401.

"(a) * * *

"(b) 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, *but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance.*" (Emphasis added.)

"Sec. 407. (a) * * * provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, * * *."

I have, in prior decisions concerning these cases, cited the above authority several times in support of the proposition that any order such as the one the Court of Appeals now mandates me to issue is contrary to law, purely and simply. I reiterate that this is still my belief. There is, in my opinion, no authority in the law for this Court to issue such an order. There is, to my knowledge, no law or constitutional provision whatsoever which could possibly be construed as authorizing this or any other Court to ignore the above quoted congressional mandate. It is my sincere belief that all constitutional and statutory mandates are recognized and complied with when *all* students, regardless of race or color, are, in fact, allowed to attend the school of their free choice. There has been no showing of any kind in these cases that such is not the case in all of the school districts here involved. It seems to me that the time has come for the Federal Courts to cease experimenting with the public school systems of this country. They have displayed quite clearly their lack of expertise in the field of school administration. The time has come for the Courts to allow the schools to operate in accordance with the law as it is, and not force them to operate in accordance with the personal decrees of Judges, unsupported by either constitutional mandate or congressional legislation.

It also seems to me that it is time for the Courts to recognize the separation of powers so carefully spelled out in the United States Constitution, and to relinquish, once and for all, the law-making powers to the Congress where, under the Constitution, they rightly belong. It is not a question of whether or not the constitutional rights of *all* students are being protected. Constitutional rights are not necessarily what the Court thinks they should be. They are rather what the Constitution itself declares them to be. The statutory enactments of Congress also become the law of the land unless and until such enactments are declared to be violative of the Constitution. There has been no indication as yet that the Civil Rights Act of 1964 as enacted by Congress is, in whole or in part, unconstitutional. On the contrary, its validity has been reaffirmed many times by the highest Court of the land. One of these provisions, as set forth above, clearly limits the definition of "desegregation" and clearly forbids this Court or any other Court from issuing orders designed to require the transfer of students from one school to another for the purpose of bringing about a racial balance in the student bodies of the respective schools. This provision has never been held unconstitutional, and therefore this Court, and all other Courts, should be

bound by that enactment. Any order issued by this Court or any other Court in contravention of that provision is, in the opinion of this Court, an invalid order and one which of necessity usurps the power of Congress.

There is no requirement in the law, as embodied in the Constitution of the United States or as enacted by Congress, save for the court-made law of this Circuit, that there be no all-white schools or no all-negro schools. Congress specifically ordained that "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. The Courts should be bound by those declarations of Congress. It is not a question of what the Court thinks the law should be. It is a question of what Congress has said the law is.

The constitutional rights of all pupils must be protected and they are indeed protected in the best possible way by the provisions of the Civil Rights Act of 1964, as enacted by Congress. An honest, unfettered freedom of choice protects the rights of all pupils regardless of the resultant makeup of the student bodies involved. Under the clear language of the Act, students have no more right to have integrated classes than to have segregated classes. But they *do* have a right not to be denied access to classes or schools of their choice because of their race, color, religion, or national origin. This was the clear intent of Congress when it passed the Civil Rights Act and this intent was clearly recognized by the United States Supreme Court in *Green* when it said over and over again that it was a "state-imposed" dual system of education that was constitutionally objectionable. The Federal Courts should be bound by these constitutional and congressional mandates. If the law, as enacted, is not sufficient to adequately protect the rights of *all* citizens, then the Congress, and not the Courts, should change it.

I once again make the observations contained herein because I am sincerely disturbed over what I believe to be a serious breakdown in the separation of powers between the legislative and judicial branches of our Government. I make these observations because I fear for the very future of the public school system in this Country if the Federal Courts, who have so clearly demonstrated their ineptness at running public school systems, persist in their present policy of governing school boards by personal decree rather than simply requiring them to administer the schools in accordance with the clear language of the law as enacted by Congress.

The decree which I have been ordered to enter in these cases will be entered only because of the mandate directed to me by the Fifth Circuit Court of Appeals. I fervently hope, however, that the school boards involved will seek redress from these orders from both the Congress and the Supreme Court of the United States. I believe a full review of this entire matter by the Congress and by the Supreme Court of the United States is long past due. The issue is clear and serious. The issue is simply whether or not the Federal Courts, by judicial decree, shall be allowed to continue to substitute their version of what they think the law ought to be fore what the legislative branch of the Government has decreed it to be.

It is an unpleasant task indeed for a Judge of a District Court to have to take such serious issue with the pronouncements of Appellate Courts. But since I believe it to be my duty to interpret the law as I understand it to be, I would be remiss in my duty if I did not make a record in these cases of what I believe the law to be.

Because, and only because of the mandate directed to me by the Fifth Circuit Court of Appeals, the order attached hereto will be entered in each of these eight cases.

Baton Rouge, Louisiana, June 9, 1969.

[Civil action No. 3253]

SHARON LYNNE GEORGE, ET AL., V. C. WALTER DAVIS, PRESIDENT, EAST FELICIANA PARISH SCHOOL BOARD, ET AL.

ORDER

Pursuant to the mandate of the Fifth Circuit Court of Appeals handed down in these cases on May 28, 1969:

It is ordered that each defendant school board involved herein shall promptly submit to the Office of Education, United States Department of Health, Education, and Welfare (H.E.W.), a detailed plan of their existing method of operation, including their method of student and faculty assignment, staff assignment, transportation procedures, and their method of handling all other matters pertaining to school activities, and each defendant school board shall, *within thirty (30) days of the date of this order*, develop, in conjunction and cooperation with the experts of such office and submit to this Court a new plan of operation for each school system involved herein, to become effective with the commencement of the 1969–70 school year, which said plan shall insure the operation of each school system on a unitary, non-discriminatory basis, and shall meet the standards required by the holdings in the case of *Green.* v. *County School Board of New Kent County*, 391 U.S. 430, 88 S. Ct. 1689, 20 L. Ed. 2d 716; *Raney* v. *Board of Education*, 391 U.S. 433, 83 S. Ct. 1697, 20 L. Ed. 2d 727; and the holding of the United States Fifth Circuit Court of Appeals as enunciated by them on May 28, 1969, in the decision in which the mandate to issue this order is contained, —— F. 2d ——, giving due consideration to the practical and administrative problems of each defendant board. Such plan, if agreed upon by the defendant board in question and H.E.W., will be approved by this Court, subject to the right of the plaintiff to file objections or suggested amendments thereto within ten (10) days from the date such plan is filed.

If in any instance an agreed plan is not forthcoming pursuant to this order, the defendant board or boards shall file its recommended plan, and plaintiffs may also file a recommended plan, all within the thirty (30) day period commencing with the date of this order, after which this Court will, with or without a hearing, proceed to enter its decree or to enter such other order or orders as it may deem necessary.

In executing the foregoing order, all parties are directed to proceed without delay in order that the new plan may be completed and approved by the District Court no later than July 25, 1969, as required by the mandate of the Fifth Circuit Court of Appeals.

Baton Rouge, Louisiana, June 9, 1969.

J. GORDON WEST,
U.S. District Judge.

WESTFIELD TRICENTENNIAL

(Mr. CONTE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, this year is an important one to the residents of Westfield, Mass., because it marks the 300th year since the incorporation of Westfield as a town. Westfield's anniversary week is June 29 to July 6, and so it is fitting for me to commemorate Westfield at this time.

The first settlers arrived in Westfield as early as 1640 when Governor Hopkins, of Connecticut, established a trading house at Woronock. In 1647, the general court of Massachusetts, insisting that Connecticut had no right to the area, declared Woronock a town and changed its name to Westfield. Uneasy treaties were made with the Indians of the area. However, since Westfield remained the edge of civilization on the frontier for 50 years, Indian uprisings remained a serious problem. In 1676, Major Pynchon urged Westfield citizens to move to Springfield. He said:

> Westfield must join with you and totally remove to you, for 'tis impossible to hold both towns.

The people of Westfield refused to give up their homes and bravely prepared for attack. In the end, it proved a wise decision since most of Springfield was burned in Indian raids.

Ten years after the incorporation of Westfield, Edward Taylor arrived from Harvard to be the town minister. He served as the spiritual and educational leader of the people of Westfield for over half a century. Little did anyone suspect that he would be acclaimed in the 20th century as the greatest poet of Colonial America.

Many of Westfield's citizens served their country both in the French and Indian War and in the Revolutionary War. The most famous of these was Gen. William Shepard, who is depicted on the face of the tricentennial commemorative medals as the idealized figure shown on the seal of the city of Westfield.

In 1808, Joseph Jokes founded the industry that made Westfield famous—whipmaking. He began by making stocks and lashes in his home and his business eventually grew to become the earliest industry in Westfield. In fact Westfield is still known today as the "Whip City." The major whipmaking companies have expanded into the production of other items such as riding crops, dog leashes, golf clubs, and fishing lines.

The real beginning of industrial development in Westfield occurred with the opening of the Western Railroad in 1841. Westfield industries began producing cigars, paper, boilers, radiators, organs, and bicycles.

In 1911, Westfield was brought to national attention. Prof. Lewis B. Allyn of the State Normal School began his crusade to establish Federal laws prohibiting adulteration of foods. Because of Professor Allyn's work, Westfield became known as the "Pure Food City."

Two other natives of Westfield became prominent in government. Frederick Gillett was elected to the U.S. House of Representatives in 1892 and served as Speaker for 6 years. In 1925, he was elected to the Senate. In total, he served 38 consecutive years in Congress.

Joseph B. Ely was also a Westfield native who served in government. He was elected Governor of Massachusetts in 1930 and served his State for two terms.

I have only given a brief sketch of the rich history of Westfield. Westfield history is a fine one—one which her citizens can well be proud of. And so, Mr. Speaker, I hope my colleagues will join me in praising Westfield's past achievements and in sending best wishes as she embarks on her fourth century.

No one could better express the sentiments of the people of Westfield as they look both back with pride and forward

with anticipation, than Gordon Hawkins, author of the dedicatory poem in Westfield's tricentennial volume and therefore, Mr. Speaker, I would like to include it at this time:

This lovely, elm-bowered, ancient town
A vital component of that great whole
That is America! . . . This city, proud
In its rich heritage of men who dared
Risk all, for freedom and for liberty!

Our city, in its green, encircling hills
At confluence of rushing mountain streams
Was founded by such men and served by such
Throughout long centuries of stress and toil—
Yet, centuries of building and creation
Not of a town alone, but of a nation
Upholding principles that make it great
Which the progenitors envisioned here.

Those settlers, of good Anglo-Saxon stock
Were brave and stalwart men who greatly dared
The tribulations of an untamed land—
Who first found shelter at the Cellar side
Above the fertile meadows and the fields
That challenged them to build their homes and town.

How tenuous the fate of that small place
Alone in the vast wastes of wilderness,
Safe only in raw courage of those men
To face the starkest dangers of those years;
The savage Iroquois, the numbing cold
Of winter winds, the dreaded catamount,
The poisonous sepents and the prowling wolves,
And sicknesses that stalked like beasts of prey
But deadlier! . . . And yet they faltered not,
Those men and women of that early time
And sent brave answer to the General Court,
Refusing to abandon the new town!
Oh what a glorious heritage is this
To come down to us through three hundred years!

Yet, in the course of those three centuries
Came other men from numerous lands abroad—
Men of the selfsame stature, valiant men
Who harbored the same visions in their souls
Who thirsted, too, for freedoms all denied
In their old homelands; made this town their home
And put their strength and spirit to the task
Of building, not alone this town and city
But the great Commonwealth and greater nation
Of which Westfield is such a vital part,
As are all villages and towns and cities
That make America the strong and free!

Thus, many ethnic groups in harmony
Have toiled in a creative brotherhood,
Unprecedented in all foreign lands,
To fashion this fair city as it stands
Proudly in this, its Tercentennial year!
Proud of its past, but forward looking, too,
Assuming its earned place in these new days
Of growth and progress never known before
And sharing miracles achieved by man
In his perpetual, upward-seeking quest—
A modern city in a modern age,
Linked to its past, but strong in future hope!

THE INTERNATIONAL DECADE OF OCEAN EXPLORATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as chairman of the Subcommittee on International Organizations and Movements in the last Congress, I was deeply interested in international developments relating to the oceans and ocean resources.

While those issues were actively discussed in the United Nations, my subcommittee held a series of hearings and issued two reports entitled, respectively, "The United Nations and the Issue of Deep Ocean Resources," and "The Oceans: A Challenging New Frontier."

A key element in the disposition of this issue by the United Nations was a proposal, advanced by the United States, for an International Decade of Ocean Exploration for the 1970's.

Cosponsored by 28 nations, and endorsed by the 23d U.N. General Assembly on December 21, 1968, this proposal is presently in the process of being implemented.

I know that my colleagues in Congress are very much interested in this entire subject. For this reason, I would like to place in the RECORD a report which I received recently from Dr. Edward Wenk, Jr., executive secretary of the National Council on Marine Resources and Engineering Development, describing the world reaction to the International Decade of Ocean Exploration proposal and the steps which have been taken thus far to carry out its intent:

NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT,
Washington, June 12, 1969.

Hon. DANTE B. FASCELL,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of May 15 expressing your interest in oceanography and inquiring about the international response to the United States proposal for the International Decade of Ocean Exploration. International support for the Decade concept was evident soon after the U.S. proposed the undertaking on March 8, 1968. Within a few months five United Nations bodies had considered it and expressed support. They were the Economic and Social Council, the ad hoc General Assembly Committee on the Seabed, the Bureau and Consultative Council of the Intergovernmental Oceanographic Commission, the Executive Committee and the Commission for Maritime Meteorology of the World Meteorological Organization and the Council of the Food and Agriculture Organization.

Other bi-lateral discussions with other nations also underscored broad international interest in the Decade. In consultations with more than 40 nations, a variety of interests and capabilities to participate in ocean exploration emerged, with universal approval of the concept of a broad, collaborative effort to explore the oceans.

This same interest was expressed to me during my talks with officials of other governments in Washington and in Moscow, London, Bonn and Oslo last year when I explored the Decade concept in some detail during an official visit abroad. In Moscow, I discussed the Decade with representatives of five different Soviet organizations and found a strong similarity of interest for expanding our knowledge of the oceans and for enhancing ocean resource development. In London, Bonn, and Oslo, similar common interests were identified, and the importance of expanded oceanic efforts to science, to economic development and to international understanding were recognized.

Also general agreement was evident on the need to strengthen international planning and coordination, and particularly on the need to broaden the base of the Intergovernmental Oceanographic Commission of UNESCO as the focal point of oceanic scientific research.

The high point of the international support for the Decade proposal came in December of last year when the United Nations General Assembly at its Twenty-Third Session took steps toward carrying out the Decade proposal. On December 17, 1968, Resolution 2414 (XXIII) endorsed the concept of a coordinated long-term program of oceanographic research and requested the Secretary-General to present a comprehensive outline of the scope of this program to the Economic and Social Council and to the General Assembly. On December 21, 1968 the General Assembly also adopted Resolution 2467 (XXIII) welcoming "the concept of an International Decade of Ocean Exploration to be undertaken within the framework of a long-term programme of research and exploration." Proposed by the United States the Resolution was co-sponsored by 28 nations. It invited member states to develop their proposals for contributions to the Decade and to submit them to the Intergovernmental Oceanographic Commission for the development of the program.

Efforts are now moving forward to plan a long term and expanded program of ocean research and exploration, including the Decade. This task of setting national and international goals, establishing priorities, identifying capabilities, objectives, milestones, timing and end products will be a continuing and lengthy process. In February the Intergovernmental Oceanographic Commission's Bureau and Consultative Council, at its 9th meeting, initiated the first steps in this process by establishing an Intergovernmental Working Group to prepare a report setting forth proposals for the long term and expanded program. The Working Group will meet in Paris from June 16 to 21.

Meanwhile, on the international scientific level a Joint Working Party on the Scientific Aspects of International Ocean Research, sponsored by the Advisory Committee on Marine Resources Research of the Food and Agriculture Organization, the Scientific Committee on Ocean Research of the International Council of Scientific Unions and the World Meteorological Organization convened in late April in Italy to make recommendations on the scientific content of the long term and expanded program including the Decade.

A number of nations have now indicated that their national planning for the Decade is going forward. Among them are the Soviet Union, France, Germany, Argentina and Italy.

At this time we are able to say that the international community has favorably received the concept of the International Decade of Ocean Exploration. The concept now is in need of a sharper focus and further planning so that Governments could decide on the extent and character of their support, individually.

Sincerely,

EDWARD WENK, JR.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WOLFF (at the request of Mr. ALBERT), for today and the rest of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PATTEN), to revise and extend their remarks and to include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

(The following Members (at the request of Mr. WEICKER), to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. ASHBROOK, for 15 minutes, today.

Mr. ASHBROOK, for 10 minutes, on July 2.

Mr. CONTE, for 1 hour, on July 8, to eulogize the late Honorable William H. Bates, and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanmious consent, permission to revise and extend remarks was granted to:

Mr. NEDZI.

Mr. ASPINALL, to revise and extend his remarks on the conference report on S. 1011.

Mr. SAYLOR, to revise and extend his remarks on the conference report on S. 1011.

(The following Members (at the request of Mr. WEICKER) and to include extraneous matter:)

Mr. BURKE of Florida.

Mr. HARSHA.

Mr. DENNEY.

Mr. MIZE.

Mr. STEIGER of Wisconsin in two instances.

Mr. BUSH.

Mr. TALCOTT.

Mr. ASHBROOK.

Mr. HUNT.

Mr. UTT.

Mr. ZWACH.

Mr. BOB WILSON.

Mr. HALPERN.

(The following Members (at the request of Mr. PATTEN), to revise and extend their remarks and to include extraneous matter:)

Mr. EILBERG.

Mr. YATRON in two instances.

Mr. CORMAN in five instances.

Mr. DINGELL in two instances.

Mr. GONZALEZ in two instances.

Mr. POWELL in four instances.

Mr. KOCH.

Mr. EDWARDS of California in five instances.

Mr. RARICK in four instances.

Mr. NEDZI in three instances.

Mr. MCCORMACK.

Mr. RYAN in five instances.

Mr. PICKLE in three instances.

Mr. BENNETT.

Mr. MINISH.

Mr. GALIFIANAKIS in two instances.

Mr. HENDERSON in two instances.

Mr. MANN in six instances.

Mr. LONG of Louisiana in two instances.

Mr. DIGGS in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 980. An act to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes; to the Committee on the Judiciary.

S. 1613. An act to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam; to the Committee on Interior and Insular Affairs.

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11069. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8644. An act to make permanent the existing temporary suspension of duty on crude chicory roots.

ADJOURMENT

Mr. PATTEN. Mr. Speaker, I move that House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 2, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

903. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; to the Committee on Armed Services.

904. A letter from the chairman of the City Council of the District of Columbia, transmitting a draft of a proposed amendment to a pending bill relating to the D.C. Transit System, Inc., which would provide for cancellation of the franchise of the D.C. Transit Systems by no later than 1 year after the date of enactment, or at an earlier time if adequate service is not provided, or if the company begins to dispose of essential assets of the company; to the Committee on the District of Columbia.

905. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, as amended, in the Grand Rapids, Mich., area, Office of Economic Opportunity; to the Committee on Education and Labor.

906. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the Eight Canyon Job Corps Civilian Conservation Center, Mescalero, N. Mex., operated by the Bureau of Indian Affairs, Department of the Interior, under an interdepartmental agreement with the Office of Economic Opportunity pursuant to the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

907. A letter from the Secretary of the Treasury, transmitting a report on the status of foreign credits by the U.S. Government agencies and by international lending agencies in which the United States has membership, as of December 31, 1968, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. House Concurrent Resolution 66. Concurrent resolution providing for the printing as a House document of certain maps and indexes relating to Vietnam and the Asian Continent (Rept. No. 91-337). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 208. Concurrent resolution authorizing the printing of additional copies of parts 1, 2, and 3 of the publication entitled, "Subversive Influences in Riots, Looting, and Burning" (Rept. No. 91-338). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 209. Concurrent resolution authorizing the printing of additional copies of the committee print "The Analysis and Evaluation of Public Expenditures: The PPB System" (Rept. No. 91-339). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 291. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; with amendment (Rept. No. 91-340). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 294. Concurrent resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower (Rept. No. 91-341). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 409. Resolution authorizing reprinting of "Panel on Science and Technology 10th Meeting—Science and Technology and the Cities, Proceedings Before the Committee on Science and Astronautics"; with amendment (Rept. No. 91-342). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 410. Resolution authorizing reprinting of "Technical Information for Congress" (Rept. No. 91-343). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 21. Concurrent resolution to print additional copies of parts 1 and 2, thermal pollution, 1968 hearings (Rept. No. 91-344). Ordered to be printed.

Mr. YOUNG. Committee on Rules. House Resolution 461. Resolution for consideration of House Joint Resolution 247, joint resolution relating to the administration of the national park system (Rept. No. 91-345). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 462. Resolution for consideration of H.R. 471, a bill to amend section 4 of the act of May 31, 1933 (48 Stat. 108) (Rept. No. 91-346). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 463. Resolution for consideration of H.R. 6508, a bill to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters (Rept. No. 91-347). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 464. Resolution for consideration of H.R. 11702, a bill to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes (Rept. No. 91-348). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 12548. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. LENNON, Mr. PELLY, Mr. DOWNING, Mr. KEITH, Mr. KARTH, Mr. DELLENBACK, Mr. ROGERS of Florida, Mr. POLLOCK, Mr. HANNA, Mr. GOODLING, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. ANNUNZIO, Mr. FREY, and Mr. BIAGGI):

H.R. 12549. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of California:

H.R. 12550. A bill to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other puposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 12551. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 12552. A bill to direct the Commissioner of the District of Columbia to establish an Ambulance Service Corps in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LONG of Louisiana:

H.R. 12553. A bill to direct the Secretary of Commerce to reopen the Weather Bureau Station at Alexander, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 12554. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 12555. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 12556. A bill for the relief of the living descendants of the Creek Nation of 1814; to the Committee on Interior and Insular Affairs.

By Mr. PODELL:

H.R. 12557. A bill to amend the provisions of the Public Health Service Act which relate to student loans so as to provide for the making of direct loans to U.S. citizens studying in foreign schools; to the Committee on Interstate and Foreign Commerce.

H.R. 12558. A bill to amend the Tariff Schedules of the United States with respect to the prohibition on the importation of certain fur skins; to the Committee on Ways and Means.

H.R. 12559. A bill to repeal the prohibition on the importation of certain fur skins; to the Committee on Ways and Means.

H.R. 12560. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education, and including certain travel; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 12561. A bill to equalize civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12562. A bill to amend the Civil Service Retirement Act to extend to employees retired on account of disability prior to October 1, 1956, the minimum annuity base established for those retired after that date; to the Committee on Post Office and Civil Service.

H.R. 12563. A bill to amend section 8338, title 5, United States Code, to correct inequities applicable to those employees or members separated from service with title to deferred annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. FUQUA, Mr. BENNETT, Mr. HALEY, Mr. CHAPPELL, Mr. FASCELL, Mr. ROGERS of Florida, Mr. BURKE of Florida, Mr. PEPPER, Mr. CRAMER, Mr. FREY, and Mr. GIBBONS):

H.R. 12564. A bill to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha"; to the Committee on Public Works.

By Mr. TEAGUE of Texas (by request):

H.R. 12565. A bill to provide for the appointment of a layman as Deputy Chief Medical Director of the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 12566. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 12567. A bill to amend the Communications Act of 1934 to prohibit the granting of authority by the Federal Communications Commission for the broadcast of pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 12568. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNEY:

H.J. Res. 802. Joint resolution authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence; to the Committee on the Judiciary.

By Mr. MCKNEALLY:

H.J. Res. 803. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN (for himself, Mr. CONTE, Mr. MCDADE, and Mr. WYMAN):

H. Res. 460. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 12569. A bill for the relief of Mrs. George Mooney; to the Committee on the Judiciary.

SENATE—*Tuesday, July 1, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, from whom cometh every good and perfect gift, we give Thee thanks for life and thought, for work and love, for high craftsmanship and noble art, for parents and friends, for patriots and prophets, for teachers and statesmen; for this Nation rich in opportunity and promise, and all the many blessings for which we gratefully praise Thy bounteous providence. Enable us to live every day in the spirit of gratitude, and to use each hour and every faculty in repayment of Thy goodness and in service to our fellow citizens. Give Thy higher wisdom, we beseech Thee, to the President of the United States, to those in Congress assembled, and to all whom we have set in authority over the Nation.

In Thy holy name. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 30, 1969, the President had approved and signed the following acts:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1531. An act for the relief of Chi Jen Feng.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House

had passed a bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 296) providing that when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots, and it was signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 12290) to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 30, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from California (Mr. CRANSTON) has been granted recognition for not to exceed 1 hour. I have discussed with him the proposal I am about to make.

I ask unanimous consent that I may be allowed to proceed for 6 minutes at this time apart from the hour allocated to the Senator from California.

The PRESIDENT pro tempore. Does the Senator from Montana ask unanimous consent that he may proceed for 6 minutes at this time, without the time being charged to the time allocated to the Senator from California?

Mr. MANSFIELD. That is correct.

The PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 6 minutes.

PROPOSED GUN CONTROL AND OBSCENE AND PORNOGRAPHIC LITERATURE BILLS

Mr. MANSFIELD. Mr. President, it would be my hope that the Committee on the Judiciary would immediately, after the Fourth of July recess is completed, start hearings on an amendment to the Gun Control Act of 1968 which I offered on February 4, 1969. The amendment offers an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence.

For a first offender the penalty would be a mandatory 1 to 10 years in prison. For a subsequent offense the penalty would be a mandatory 25 years in prison. Furthermore, under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the gun criminal will be compelled to serve additional time in prison solely for deciding to use a firearm.

It seems to me that no leeway or discretion is needed for a criminal gun user who employs this weapon in the committing of a crime. The ultimate application of this amendment, if approved, will be up to the criminal himself.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I made covering this amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proopsal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years for his choosing to use a gun. It seems to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

"S. 849

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"'(a) Whoever—

"'(1) Uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"'(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, "shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."'

Mr. MANSFIELD. Mr. President, the second piece of proposed legislation which I would urge the Judiciary Committee to face up to relates to unsolicited obscene and pornographic literature being sent through the U.S. mails. I have received numerous protests from my constituents in Montana, and I believe the situation has reached such a magnitude that it demands action on the part of the Federal Government.

First of all, it is important to protect children against this kind of traffic in smut. Furthermore, I see no reason why the average citizen should have to put up with this kind of unsolicited material sent through the mail. The responsibility for keeping this material out of the mail should be placed on the sender, not the unsuspecting boxholder as is now the case.

It would be my hope, Mr. President, that very shortly hearings on S. 2073 and S. 2074, introduced by the minority leader (Mr. DIRKSEN) and other Senators, and S. 2057, introduced by the Senator from Indiana (Mr. BAYH) and other Senators, will be held, and the bills given

the immediate and considerate judgment which they deserve.

I have written letters to the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi (Mr. EASTLAND), asking that these requests be given every consideration.

EXPRESSION OF CONCERN BY MRS. MARY RITA MALLOY, OF MALTA, MONT., ABOUT THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, I have received a heartrending letter from a longtime friend and former student of mine at the University of Montana, Mrs. Mary Rita Malloy, of Malta, Mont.

Mrs. Malloy and her husband, Dr. Malloy, have raised a fine family in a small town along what is known as the Hi-Line of Northern Montana. Like many other American mothers, she is deeply concerned about the situation in Vietnam and the effects it will have on her family and, along the same lines, of other families under similar circumstances throughout the Republic. Mary Rita speaks from the heart, and it is my impression that what she has put down on paper is the result of pent-up feelings covering the years of our tragic and unnecessary involvement in Vietnam; feelings which reached the point where she just felt she had to relay her thoughts to someone in authority.

I am sure this was not an easy letter for her to write; nor, may I say, was it an easy letter for me to answer. However, after deep thought and much consideration, I felt that her letter was of such import and represented the feelings of so many other mothers that it should be incorporated in the RECORD so that other Senators, who are just as interested in Vietnam as I am, would have the benefit of what she had to say. Therefore, I ask unanimous consent to have printed in the RECORD the letter from Mrs. Mary Rita Malloy, of Malta, Mont., and my answer thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MALTA, MONT.,
June 23, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I have often advised my children to be honest, and to say what they think—so I am attempting to do that now.

As you might recall, we have three sons—Dan, who will be a junior at Creighton Medical School, (destined to enter the Air Force after completion of his medical education); Danny, who interrupted his education, prior to entering Law School, after graduating from the University of Montana, to satisfy his "military obligation"—he is now an Ensign in Navigator training in the Naval Air Corps; and Jack, who graduated from Carroll and will be a freshman at Creighton Medical School—and who wonders what situation he will face.

We have five younger children, four girls and one boy. I have thanked God for our family, and realize that we are more fortunate than thousands of other parents, whose sons were killed in Viet Nam.

That is why I cannot just remain silent—I want to object to *someone* and pray to God that some action or policy-making decisions will change the philosophy that wars are inevitable—thus *demanding* that each parent, when he sees a baby son for the first time—face the inexorable fact that in "some" future war, that boy's death will be reported in the news media as "American casualties were *light!*" Mr. Mansfield, there *are* no "light" casualties!

We had a letter from Danny today, stating that he will be home during July between phases of his training. He said, "I have so much on my mind—I'm looking forward to being able to talk to you." That bothers me, because quite honestly, Senator Mansfield, I want to be able to encourage him, tell him to be optimistic, and to know that at the age of twenty-three, his future is good—but I don't know what to say.

Last night, a friend of his visited us, to say good-bye before leaving for Viet Nam—he is a Marine lieutenant, trained to do all the unpleasant things war demands—and in direct opposition to his nature and training by his family, school and Christian principles. I have to state my opposition to a world situation which demands such sacrifice, yet provides so little intelligent reason to justify it.

If our situation is a result of the faults in human nature which cannot change—then I guess we cannot change human nature. But, Senator Mansfield, if the determination of some political party to prove it's wisdom or superiority, or some military pride, or some economic need to maintain some Dow-Jones Price Index—is the crucial factor in making policies and decisions—I would beg that some thought and consideration be given to what it will mean to the fundamental rights of millions of Americans. Actually, Senator Mansfield, we should have the freedom to raise our sons to face their own future, indefinite as it might be—it seems we have lost that right.

Thank you for all your efforts to do your job well. At this moment in History, the problems are tremendous—and I pray your efforts will meet with success.

Thank you for your attention.

Sincerely,

MARY RITA MALLOY.

U.S. SENATE, OFFICE OF THE MAJORITY LEADER,
Washington, D.C., July 1, 1969.

Mrs. MARY RITA MALLOY,
Malta, Mont.

DEAR MARY RITA: Your thoughtful letter has moved me deeply. It is an expression of great sensitivity and integrity. In reading it, I felt in a most personal way the concern and the anguish which beset so many American families at this time.

May I say that I agree with you completely that there are no "light" casualties in Viet Nam. Each death diminishes us all and for the family directly affected, it is a grievous and overwhelming tragedy.

It is understandable that you have difficulty in trying to find "reasons" to give your son for the conflicts. The Vietnamese involvement accentuates what, in a sense, underlies all wars—and that is the collapse of reason. There are, indeed, no logical explanations, except that war—even "limited" war—once set in motion tends to feed and grow upon itself in accord with its own appalling logic until brought to a halt not merely by the desire for peace but also by a combination of a determined effort to negotiate the conditions of peace and a complex of other factors.

It is not easy to undo initial mistakes which have been compounded over the years and I do not know when President Nixon can bring this barbaric and frustrating conflict to an end. The President, of course, wants to end the struggle and, in his lights, is making a determined effort at negotiating satisfactory terms of peace.

I can assure you that, insofar as I am concerned, there will be no acquiescence in the indefinite prolongation of this war. Certainly no support whatsoever will be forthcoming for its continuance on the grounds of a vain pride or economic benefit regardless of whose pride and whose benefit may be involved.

With best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, the subcommittee will be permitted to meet.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, the committee will be permitted to meet.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, the Senate will go into executive session to consider the nominations.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the U.S. Air Force be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the U.S. Air Force are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the U.S. Navy be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the U.S. Navy are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read the nominations in the Air Force placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations in the Air Force placed on the Secretary's desk are considered and confirmed en bloc.

The President will be immediately notified of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order of yesterday, the Chair recognizes the distinguished Senator from California.

EARL WARREN

Mr. CRANSTON. Mr. President, I rise to join with fellow Senators in paying tribute to a fellow Californian, Earl G. Warren, on his retirement as the 14th Chief Justice of the United States.

This bipartisan expression of Senate respect for a great jurist is fitting tribute to Chief Justice Warren's distinguished career as a public servant, spanning more than 50 years. From the time he was appointed clerk of the Judiciary Committee of the California Assembly at the age of 28, until his retirement as Chief Justice last Monday, he served with honor and integrity.

Among his many achievements, Earl Warren was the only person in the history of my State to be elected Governor for three successive terms. Before that, he served as California attorney general.

On the national scene, he was twice a candidate for his party's Presidential nomination and once candidate for Vice President of the United States.

But there is no question that the height of Earl Warren's career was his 16-year tenure as Chief Justice of the Supreme Court.

During those years, Earl Warren clearly left his stamp on the Court, so much so that the Court was referred to as the "Warren Court."

The "Warren Court," in many respects, reflected the sense of fairness of Earl Warren and his respect for the rights of individuals.

From this atmosphere, arose Brown against Board of Education which declared segregated public schools unconstitutional, Baker against Carr, and Reynolds against Simms which established the "one-man, one-vote" doctrine, and Gideon against Wainright which declared that all defendants in serious criminal cases have the right to be represented by counsel.

Earl Warren's feeling for the rights of others may be gleaned from his opinion in Brown against Board of Education in which he comments on the effect of segregation on schoolchildren.

> To separate them from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place.
>
> Separate educational facilities are inherently unequal.

Chief Justice Warren was many times the subject of controversy; but that was to be expected, as progressive change is often the subject of such controversy. Many who disagreed with the Supreme Court's decisions on segregation, rights of the accused, freedom of speech, freedom of press, and freedom of religion expressed their disagreement in personal attacks on its Chief Justice.

But Justice Warren has withstood these attacks and has remained undaunted by the rhetoric of his critics. He has consistently stood for the ideals which he believed represented the true spirit of America.

I am sure that history will find that his judgment was correct. Earl Warren will be remembered as a great Chief Justice.

What worries me today is whether we, and those who come after us, will have the good sense to realize the greatness of his legacy to America and to act upon it while we still have time. It is a simple legacy. That is what makes it a great one.

In a time of doubt and confusion and turmoil he reaffirmed the dignity and the worth of the individual and insisted that every citizen, no matter what his color or what his status in life, is entitled to the equal protection of our laws.

That is the very essence of law and order and justice. Without it, we will be without true law, true order, true justice.

The people of our land, and those responsible for enacting, interpreting, and enforcing the law of our land, differ deeply over decisions of the "Warren Court" concerning rights of the accused in relationship to the need for effective crime control. There is room for that difference. There is no room for difference on the principle of equal protection under the law for each and all citizens.

One can quibble—and lawyers will—about how Earl Warren stacks up against Holmes, or Pound, or Brandeis. But Earl Warren does not need defenders; he has a clear and majestic vision of his country's history and of the role of our Constitution in it.

He is a good and a decent and a compassionate man in an age when such virtues are notably lacking.

I hope future historians will say of Earl Warren and his times that in an era of doubt and confusion, of bigness and computers, of nuclear bombs and urban tension, and at a time when some of the fearful predictions of Orwell, Kafka, or Huxley appear to be coming true, that in such an era he returned to the sources of America's greatness: her Constitution and her bill of rights.

He reaffirmed the dignity of the individual human being and urged us to realize the long unrealized American ideal of equal rights for every individual, under law.

I also hope historians will go on to say that America heard the message, that the Civil Rights, Housing, and Economic Opportunity Acts of the sixties were expanded and strengthened by equally imaginative programs in the seventies and eighties. And that America and Americans grew together, and grew in spiritual greatness, in the years that followed.

I hope it will be recorded that individual liberty and the promise of equality were fulfilled and matched by a growing spirit of fraternity in the land.

I hope this is what history will say, but, of course, this depends upon what we do to confirm the magnificent vision of America which Earl Warren showed us.

We need more men like you, Earl Warren, and thanks for a job well done.

Mr. President, three Senators who could not be present today, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), have asked that their statements be placed in the RECORD. I ask unanimous consent that their statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Mr. SCOTT. Mr. President, I am pleased to join with my colleagues in paying tribute to the former Chief Justice of the United States Supreme Court, the Honorable Earl C. Warren.

It has been my privilege to know Justice Warren for almost half of his fifty-two years in public service. He began his service to his fellowmen in 1920 as a Deputy District Attorney of Alameda County, California, became District Attorney in 1925, Attorney General of California in 1939, and in 1943 was elected Governor. The people of California re-elected Governor Warren in 1946 and again in 1950, the only three-term Governor in the history of that State. In 1953 he was nominated by President Eisenhower to be Chief Justice of the Supreme Court and in October of that year took his oath of office and his seat.

Many things have been said and written about the Supreme Court during the sixteen years that Justice Warren presided over it, but I think that the words of the President of the United States on the occasion of the final day of Justice Warren's service explain how much Justice Warren's service on the Court has meant to America and her people.

I ask unanimous consent, Mr. President, that the remarks of the President upon the swearing-in of the new Chief Justice, Warren Burger, be included at this point in my remarks.

Mr. Chief Justice, may it please the Court:

I am honored to appear today, not as President of the United States but as a Member of the Bar admitted to practice before this Court.

At this historic moment I am reminded of the fact that while this is the last matter that will be heard by the Chief Justice of the United States, the first matter to be heard by this Court when he became Chief Justice was the occasion when, as Vice President of the United States on October 5, 1953, I moved the admission of Warren Olney, III, and Judge Stanley Barnes to be members of this Court.

I have also had another experience at this Court. In 1966, as a Member of the Bar, I appeared on two occasions before the Supreme Court of the United States. Looking back on those two occasions, I can say, Mr. Chief Justice, that there is only one ordeal which is more challenging than a Presidential press conference and that is to appear before the Supreme Court of the United States.

On this occasion, it is my privilege to represent the Bar in speaking of the work of the Chief Justice and in extending the best wishes of the Bar and the Nation to him for the time ahead.

In speaking of that work, I naturally think somewhat in personal terms of the fact that not only is the Chief Justice concluding almost 16 years in his present position, but that today he concludes 52 years of public service to local, State and National Government:

As District Attorney in Alameda County, as Attorney General of the State of California, as Governor of the State of California, the only three-term Governor in the history of that State.

The Nation is grateful for that service.

I am also reminded of the fact that the Chief Justice has established a record here in this Court which will be characterized in many ways. In view of the historical allusion that was made in the opinion just read, may I be permitted an historical allusion?

Will Rogers, in commenting upon one of the predecessors of the Chief Justice, Chief Justice William Howard Taft, said that "It is great to be great. It is greater to be human."

I think that comment could well apply to the Chief Justice as we look at his 52 years of service. One who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all-encompassing, the dedication to his family, his personal family, to the great American family, to the family of man.

The Nation is grateful for that example of humanity which the Chief Justice has given to us and to the world.

But as we consider this moment, we also think of the transition which will shortly take place. We think of what it means to America, what it means to our institutions.

Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change in America than any in our history.

And that brings us to think of the mystery of Government in this country, and for that matter in the world, the secret of how government can survive for free men. And we think of the terms "change" and "continuity." Change without continuity can be anarchy. Change with continuity can mean progress. And continuity without change can mean no progress.

As we look over the history of this Nation, we find that what has brought us where we are has been continuity with change. No institution of the three great institutions of our Government has been more responsible for that continuity with change than the Supreme Court of the United States.

Over the last 16 years there have been great debates in this country. There have been some disagreements even within this Court. But standing above those debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity. These great and simple attributes are, without question, more important than all of the controversy and the necessary debate that goes on when there is change, change within the continuity which is so important for the progress which we have just described.

To the Chief Justice of the United States, all of us are grateful today that his example, the example of dignity, the example of integrity, the example of fairness, as the chief law official of this country, has helped to keep America on the path of continuity and change, which is so essential for our progress.

When the historians write of this period and the period that follows, some with a superficial view will describe the last sixteen years as the "Warren Court" and will describe the Court that follows it as the "Burger Court."

I believe, however, that every Member of this Court would agree with me when I say that because of the example of the Chief Justice, a selfless example, a non-selfish example, that this period will be described, not only his but that of his successor, not as the Warren Court, not as the Burger Court, not in personal terms, but in this hallowed moment in this great Chamber, the Supreme Court. It was always that way; may it always be that way. And to the extent that it is, this Nation owes a debt of gratitude to the Chief Justice of the United States for his example.

Mr. MUSKIE. Mr. President, a great many years will pass before a definitive assessment can be made of the Warren Court. It is too early to sum up the career of Chief Justice Warren, for he is still a vigorous man whose active life is far from over.

But it is not too soon to acknowledge the immense contribution he has made to justice in America, and to the belief that social progress *can* be made under the rule of law.

That belief is under fire today. Some of our citizens, frustrated by the continuing inequities in American life, have rejected the law in favor of violence. Their destructiveness has produced fear and outrage and a demand for the rough suppression of dissent. There is a deep pessimism in the air—a profound doubt as to the ability of this rich, free nation to provide conditions of order, liberty, and opportunity for all its people.

There are those who say, and perhaps believe, that the Warren Court is in part responsible for this sense of bitter unrest: that it has unleashed great passions among minorities, which threaten the security of the majority; that it has tied the hands of lawful authority in dealing with crime; that it has been unduly responsive to the rights of the individual, and oblivious to the rights of society.

This argument seems to me to confuse, not only the nature of history, but the principles on which our Republic was founded.

Can anyone believe, that in the absence of judicial attacks on racial segregation, minorities in America would have remained forever content with second-class citizenship? Can anyone seriously contend that over twenty million Negro Americans would have accepted the continuing insult of segregation, if the Supreme Court had not found it unConstitutional?

And whatever may be our reservations about particular decisions of the Court in the field of law enforcement, can we really believe that we would have the kind of America we want if police power were wholly unrestrained? The protection of individual rights is not just the concern of criminal defendants. It is central to the American idea. It is the bone and marrow of our democracy.

At a time when the political agencies of government were paralyzed, the Supreme Court, under Chief Justice Warren, moved to end the blight of racial segregation.

At a time when political popularity seemed to require men to speak scornfully of the rights of criminal defendants, the Supreme Court, under Chief Justice Warren, reminded us that where those rights are ignored, the rights of law-abiding citizens are themselves put in jeopardy.

At a time when being disenfranchised for reasons of race or geography was widely tolerated, the Supreme Court, under Chief Justice Warren, insisted that a free man's right to vote is a full right or it is no right at all.

Thus it seems to me, Mr. President, that far from having caused the troubles we know in our country today, the Supreme Court has helped to make possible the eventual and just resolution of those troubles. It has reminded us of who we are, and of what the democratic ideal requires us to be.

The Court itself has often been divided, as seems inevitable in the face of the grueling issues that have faced it. Yet, throughout this tumultuous period, the figure of Chief Justice Warren has remained before us with a kind of serenity. A man of generosity and compassion, he represents the enduring values of our country, its faith in justice, tolerance, and individual dignity. He has helped to keep alive the idea that democratic government is responsive to the needs of all its people.

Long after the calumny that has sometimes been hurled at him has ended, the mark he has made on American life will remain. It is the mark of one who sought to do justice unto his fellow men, and to help each of them stand boldly and freely as men are meant to do.

Mr. RIBICOFF. Mr. President, the Justices of the Supreme Court have one of the most difficult jobs in our government. They must interpret constitutional phrases such as "due process," "equal protection of the laws," and "unreasonable searches and seizures." These terms have no fixed and immutable meaning. They can be applied to individual cases only in the light of a Justice's own experience and moral values, and the deeply rooted principles on which our society is based.

Earl Warren travelled a long road to the Supreme Court which prepared him well for this demanding task. He was the son of Scandanavian immigrants. His father worked for the Southern Pacific Railroad near Bakersfield, California. He knew poverty and deprivation. His father was brutally murdered in a robbery that was never solved.

After graduation from law school he entered the office of the District Attorney of Alemeda County and later was elected to that post. In 1938 he became State Attorney General and in 1942 Governor. He was popular and effective and was reelected twice.

In the fall of 1953 he brought an outstanding record in law enforcement to the Supreme Court. He recognized the truth of Winston Churchill's admonition that the test of a society is how it treats those accused of crime. For this reason his decision in Miranda v. Arizona is specially significant. Here he held that every arrested person must have the opportunity to see a lawyer before being questioned by the police and to be provided a lawyer if he is too poor to pay one. The decision recognized that where the individual is alone against the criminal processes of the state procedural safeguards must be established to prevent arbitrary action by government.

Brown v. Board of Education was his first landmark decision. It ended the doctrine of racial segregation and second class citizenship for millions of Americans. "Separate educational facilities are inherently unequal," Chief Justice Warren announced. This was the first great step in the long struggle for racial equality that is still continuing. Chief Justice Warren deserves credit not only for the decision but also for his leadership in uniting the Court behind his opinion. The moral force which this gave the decision did much to promote its acceptance.

Another decision in this mold is Reynolds v. Sims, the legislative reapportionment case which established the one man-one vote principle. For decades urban and suburban voters had been denied fair representation in state legislatures by rural lawmakers who refused to redraw district lines to reflect population shifts. "Legislators represent people, not trees or acres," Chief Justice Warren said and required that districts be equalized.

Chief Justice Warren's decisions were often denounced by opponents of his views, but with characteristic courage he never retreated from positions he believed were right and just. He was unimpressed by complex legal theories or voluminous citations of precedents. Often he would interrupt an attorney in the midst of his argument to ask, "Yes, but was it fair?" This was his overriding concern.

Throughout his 16 years on the Court, Chief Justice Warren has strongly supported the individual freedoms on which our democracy is based. Under his leadership the Court has presided over momentous social change accomplished through established legal processes. By giving the Constitution a modern interpretation, in the light of 20th century realities, he has kept it a living document relevant to our times.

Thirty-one years ago Earl Warren wrote,

"I believe that the American concept of civil rights should include not only an observance of our Constitutional Bill of Rights, but also the absence of arbitrary action by government in every field and the existence of a spirit of fair play on the part of public officials toward all that will prevent government from using ever-present opportunities to abuse power through harassment of the individual." This is the nub of Chief Justice Warren's legal philosophy. It shows both his deep feeling for individual liberty and his recognition of the dangers of arbitrary governmental action.

In each generation the Court is faced with the great problems confronting society. For this is the genius of our system—we translate economic, social and political controversies into legal cases to be resolved peaceably by the courts. In our era the powerful forces of social conformity and governmental authority has posed the main threat to the individual freedoms on which our country is based. Chief Justice Warren recognized this and has been a vigilant guardian of our liberties.

I am pleased, Mr. President, to join with my colleagues in paying tribute to Chief Justice Warren. He has compiled a distinguished record of which he and the nation may be justly proud. He has served his country well by making more real for every American the words inscribed on the facade of the Supreme Court building, "Equal Justice Under Law". At 78 he is retiring with the gratitude of the nation for a job well done.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I commend the distinguished junior Senator from California for leading the tributes to a great Chief Justice, Earl Warren. I think it is fitting that the Senator from California (Mr. CRANSTON), a westerner in the great Warren tradition of the Western progressive philosophy, should lead these tributes.

On June 23, 1969, Chief Justice Earl Warren retired from public life after 52 years of dedicated and courageous service to his State and Nation, as a county prosecutor, attorney general, and three times Governor of California, and Chief Justice of the United States. He retired while still vigorous and alert, leaving a legacy which we, as commentators today, may not be able to fully appreciate. The verdict of history, yet to be developed and written, remains for scholars of the future. Today we can only state our humble appreciation for his life of dedicated service.

More than a century ago, the French commentator, Alexis de Tocqueville, aptly noted that in America the courts play a significant social and political role. Resolution of the great public issues is always not left, as in every other nation, to the executive and legislative branches of government. Most significant social and political questions are translated into lawsuits and taken to the courts for decision.

Today, I think we find that it is still quite often true, when monumental public issues arise, they wend their way into the judicial process and ultimately reach the Supreme Court of the United States. During Earl Warren's tenure as Chief Justice of the United States, great issues of the day continued to wend their way into the Federal judicial system—and, indeed, to the Supreme Court for final decision. Under his leadership, the Court has been the branch of our Government most perceptive of and often the most responsive to the great needs of our rapidly changing society.

Chief Justice Earl Warren has led the Court with dignity and honor, integrity and commonsense, personal courage, and humane understanding. More vilified than any Chief Justice since the great John Marshall, save perhaps for Maryland's Roger Taney during the Civil War, in the Dred Scott decision era, Earl Warren has calmly maintained the judiciary's traditional place in our political system, despite storms from the left and the right.

Some time ago the Chief, in response to a question, listed the three most significant decisions of the Warren court era: first, Baker against Carr which opened the way for State legislative and congressional reapportionment—and, hopefully, will save the federal system and responsive State government as we once knew it; second, Brown against Board of Education which declared school segregation on the basis of color or race unconstitutional; and third, Gideon against Wainwright which held that all defendants in serious criminal cases were entitled to be defended by a lawyer at their trial, regardless of their affluence—regardless of whether they were rich or poor. Each of these decisions wrought a fundamental change in our society. Each righted a wrong and gave meaning to our basic constitutional precepts and the fundamental philosophy on which our Republic was built.

Let me dwell for a moment on the reapportionment decisions because they caused quite a controversy not only among State legislators themselves but even in this very Chamber. Prior to those decisions, the legislatures of almost every one of the several States had fallen out of touch with a majority of the people of their States, particularly those living in the suburbs who were frightfully and drastically underrepresented. Although the population had shifted to teeming urban centers and to sprawling suburban developments, the State legislatures had remained apportioned to meet long vanished population patterns. A large number of seats in almost every State legislature were allocated to rotten boroughs. None were quite as rotten as Old Sarum, the English borough with no inhabitants but two representatives in Parliament before the Reform Act of 1832, but most State apportionment schemes were indefensible. In 1962, before Baker against Carr was decided, a majority of the State senators in 11 States represented less than 20 percent of their States' population. In June 1964, when the cases following Baker were decided, there were 38 States—more than three-fourths—in which 40 percent or less of the population could elect a majority of representatives in at least one house, and 15 States in which 40 percent or less could select a majority in both houses.

These malapportioned legislatures were impervious to elective change. I know from experience that time after time in the Maryland Legislature we tried to enact fair apportionment legislation. We never could, because legislators, being human, will not legislate away their own seats, regardless of how unfair or how rotten the borough they might ostensibly represent. The voice of urban and suburban voters was ignored. Again, in my own State, the legislature had repeatedly failed to heed the electorate's call for a State constitutional convention because of a fear that such a convention would reapportion the legislature to meet the changing population patterns.

When the Court under Chief Justice Warren's leadership entered the "political thicket" in Baker against Carr, it came to the rescue of the unrepresented millions in the cities and suburbs. American federalism was given new life by the Warren Court's ruling in favor of one man, one vote. Reapportionment has resulted without political convulsion. The States have been given a new lease on life, and the opportunity to regain their lost place in our Federal Government. Our States now have at least the chance of responding, through properly apportioned legislatures, to meet the felt needs of their people.

Indeed, if our Federal system is to survive, the States must re-assert and reassume the responsibilities which they once had. One-man, one-vote, the Baker against Carr decision, opens the door and is the first important step in that direction.

Chief Justice Warren's role in the reapportionment and other landmark decisions was the visible part of his contribution. However, as Chief Justice, Earl Warren had duties beyond membership on the Supreme Court. As the Nation's chief judicial officer, the Chief Justice is the executive, the administrator, in charge of Federal courts. Unlike many of his predecessors, the Chief Justice accepted this major responsibility—this rather tedious, administrative task—and made significant contributions to the improvement of judicial administration.

Prior to Chief Justice Warren's tenure, the Judicial Conference of the United States was largely a moribund institution, serving primarily as a social gathering, twice a year, of the ranking circuit judges. During the Warren years, the Conference was made an effective policymaking body to improve the Federal judicial machinery. The Chief Justice twice reorganized the committee structure of the Conference to bring more Federal judges into the work of improving the judicial system. District judges were given a place in the Conference Chief Justice Warren created advisory committees on rules of practice and procedure as continuing bodies within the Conference and these bodies have functioned to develop modern procedures for

the trial of civil, criminal, and admiralty cases.

Chief Justice Warren has also been a leader in promoting the study of Federal court jurisdiction and inspired the American Law Institute's serious consideration of this topic.

To ease the transition to the Bench of newly appointed jurists, Chief Justice Warren conceived the idea of seminars for new judges and has been instrumental in improving and continuing these programs.

The Federal judicial system long needed a research and development capability to assure that the courts could make best use of modern management techniques in their administration of justice. Chief Justice Warren urged the creation of such a body. I was proud to have cosponsored and held hearings on the bill the Chief's idea promoted. These hearings resulted in the legislative creation of a Federal Judicial Center, which now has a staff of only five men working on a small budget, but which is studying court administration and management techniques to improve and speed the work of the Federal courts. This research and development arm of the Federal judiciary, in my judgment, will save millions of dollars of taxpayers' money by devising judicial and administrative techniques to promote far greater efficiency. The center, hopefully, will succeed in greatly reducing the frightful backlogs now facing some of the Federal courts across the Nation, and negate the need for unnecessary judgeships by devising techniques to assist the courts to dispense swift justice.

In short, I believe that one of Chief Justice Warren's prime contributions to the Federal judicial system has been his work and interest in improving judicial administration. Without his leadership, the Federal judicial system might never have begun to use modern techniques to fight the chronic problems of backlog and delay.

Perhaps no aspect of judicial administration is as important to the strength of the judiciary as is an effective code of judicial ethics. This spring, because of the impropriety of one justice, the Federal judiciary, and in particular the Supreme Court, faced a crisis as grave as any in its history. Acting courageously and with a real understanding of the need to maintain public confidence in the judiciary, Chief Justice Warren stimulated and provided leadership for the Judicial Conference of the United States to promulgate historic resolutions requiring Federal judges on the so-called "inferior" courts to disclose their financial interests and to restrict their nonjudicial activities. Subsequently, four members of the Supreme Court voluntarily adhered to the substance of the conference's resolutions. These actions are a credit to the dedication and force of character of Chief Justice Warren.

Earl Warren has been a great Chief Justice. He will be missed. He has indicated, however, that he will continue his efforts to improve judicial administration and formulate standards of judicial conduct. Fortunately, we can look forward to years of continued service in the public interest from Earl Warren.

Again, let me congratulate the distinguished Senator from California for taking the lead in this important tribute to the former Chief Justice.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I join my distinguished colleagues in rendering tribute to a man who has served the Nation with dedication and devotion over the past 16 years.

The Warren Court, regardless of anyone's feeling about it, has earned a place in the history of this Nation, as has the former Chief Justice, who is still available for duty in a judicial capacity, and who has indicated that he is ready, willing, and able to continue to serve. The Nation has been served well by this man from California, who did so much not only on the Court but, before that, as Governor of a great State.

I am delighted to have the opportunity to join my colleagues on this particular occasion.

Mr. CRANSTON. Mr. President, I thank the distinguished majority leader and the distinguished Senator from Maryland for their generous remarks and their fine statements.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Mr. INOUYE. Mr. President, we are a nation unique in our emphasis on the rule of law and the role of legal institutions in our Government. No other nation values the rule of law more highly, and none has given its courts similar power to review the laws under which its people are governed.

The choice of Supreme Court Justices has, therefore, always been of special concern to all of us. Our Nation has been uncommonly blessed by the service of a number of exceptionally qualified, devoted Chief Justices. In our history, we have seen such men as Marshall and Holmes provide leadership from this august office. To this list must now be added the name of the distinguished jurist who recently retired from the Bench—Chief Justice Earl Warren.

I shall not attempt to summarize the many accomplishments of the Warren court in these few moments. I shall, rather, direct my attention to a few observations about the impact of the Supreme Court in our national life during Chief Justice Warren's tenure.

During Chief Justice Warren's years, the Supreme Court has taken a widened, revitalized view of the freedoms guaranteed in our Constitution. Progressive attitudes in education, civil rights, and civil liberties have highlighted the Court's decisions these past 15 years. Brown against the Board of Education is already possibly the most important decision of the 20th century.

Chief Justice Warren has understood quite properly that the law is the ultimate expression of the will of a democratic people and that it is not an abstract verity existing apart from society. He has comprehended the need for stronger guarantees for our freedoms in an era that has seen the constriction of economic and political choices. He has understood the need to make these guarantees truly available to the "least of these." Under his leadership, the decisions of the Court have reflected faithfully the universal yearning that man be given a full measure of freedom to protect his privacy and to develop his own capabilities without artificially repressive social restraints. Thus, I believe that his years as Chief Justice have marked an epochal period which we shall all come to increasingly admire as the passions of our age subside.

The decade and a half over which he has presided has been a controversial period, rent in large part by serious domestic conflict. That the Court has been a part of this controversy is also a means of his leadership and involvement in our day. No man devoted to serving the public remains unscathed by public controversy for any length of time. Some of the decisions of his Court will be modified as our attitudes and society change. However, subsequent alteration of judicial decisions will not obscure his role in American history as a great champion of social justice and constitutional freedoms.

However regrettable his retirement, I welcome this opportunity to join my colleagues in expressing my profound and sincere admiration for this great jurist, Chief Justice Earl Warren of California. He will be sorely missed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, when Earl Warren became Chief Justice of the United States on October 5, 1953, this Nation stood at a crossroads in its history. Almost a century after the Emancipation Proclamation we were still just beginning to make its promises a reality. Nearly a decade after the "last" great war to preserve liberty and democracy, our freedoms of speech and association, our notions of due process and procedural fairness, shivered in the chill of a new kind of trial by half-truth and innuendo, a neoinquisition complete with secret informers and lists of the damned. In our courts there had developed two systems of justice, one for the rich, with lawyers and bail and hearings and discovery and expert witnesses and knowing waivers, and one for the poor, where defendants and civil litigants got only the barest taste of the Bill of Rights.

Neither the legislative branch nor the executive branch of Government appeared equal to the task of leading us on a new course. Thus the major burden of preserving, protecting, and promoting our constitutional traditions, our individual liberties, and our Nation's sense of fairness was thrust upon the judiciary. And the judiciary's burden weighed most heavily at its apex—the Supreme Court.

Earl Warren has had only one vote on that Court for the past 16 years. But there can be no doubt that the tone and substance and the spirit of his character and leadership have permeated the Court's own work, and in turn the work of all the courts of the Nation. Once again the Constitution has become a living document, ours to use and depend on, not just to read and argue about. Our system of justice has taken giant strides toward becoming both a resource and a protection for all Americans, rich or poor, black or white, educated or ignorant. We have come to rely on our courts as a barrier against suppression of ideas, repression of freedoms, invasions of individual privacy and liberty, and dilution of the power of the ballot.

As Earl Warren led the Court, the Court led the Nation. The executive branch followed the judicial lead with a new sensitivity to human rights and social justice. The Congress followed suit, moving ahead to implement the rights the Court had articulated.

So, 16 years after Earl Warren became Chief Justice, our Nation is stronger, and freer, and truer to its ideals and principles because there was a "Warren court."

Perhaps there is no greater tribute to his work and his leadership than the fact that, from his first term to his last, his opinions on some of the most difficult and sensitive issues ever to face the Court received the concurrence of all, or all but one, of his colleagues. His ability to produce a unanimous or nearly unanimous outcome in these landmark cases certainly demonstrated the respect, esteem, and trust the members of our highest court felt for him. Especially in these most hotly contested cases, he showed the care and research he put into all his work, and the courage, clear-sightedness and fidelity to the Constitution that made his work so important.

Justice Warren began his career in public life as a district attorney in California half a century ago. He spent 20 years as a local prosecutor, 4 years as State attorney general, and 10 years as Governor. Now he leaves the Court with 16 more years of experience at the pinnacle of Government, and his opinions contain in them the accumulated substance of all those 50 years. He has left his mark on the Court and on the Nation. We will not easily forget him. We must not forget what he stands for. We cannot afford to forget the paths on which he has taken us.

Our new Chief Justice, Warren Earl Burger, is in the unenviable position of filling Earl Warren's shoes. Professionally, he is as prepared as a man can be. For 38 years, as lawyer and as judge, he has lived with the law, and learned its lessons. But no experience can adequately prepare a man for the awesome responsibility of membership of the Supreme Court. In the actions of that body lie not only the future of the law, but the future of the Nation. That is why all of us, without regard to party or philosophy, must join in wishing the new Chief Justice the most possible success. For his success is our success as individuals and as a Nation.

Mr. President, last Sunday at the Lincoln Memorial a ceremony was held to honor the retiring Chief Justice. Offering tributes were former Justice Arthur Goldberg. Dr. Kenneth Clark, and Eric Sevareid. Their statements were moving and important. At this time I ask unanimous consent to have printed in the RECORD the full program and the remarks of former Justice Arthur Goldberg and Eric Sevareid; I also ask unanimous consent that in the permanent RECORD there be included the remarks of Dr. Kenneth Clark.

The PRESIDING OFFICER. Without objection, it is so ordered.

The program and remarks of former Justice Goldberg and Eric Sevareid are printed herewith:

A NATIONAL TRIBUTE: EARL WARREN, CHIEF JUSTICE, SUPREME COURT OF THE UNITED STATES, 1953–69, THE LINCOLN MEMORIAL, JUNE 29, 1969

FROM THE PEOPLE, YES

(By Carl Sandburg)

The people know the salt of the sea and the strength of the winds lashing the corners of the earth.
The people take the earth as a tomb of rest and a cradle of hope.
Who else speaks for the Family of Man?
They are in tune and step with constellations of universal law.

The people is a polychrome, a spectrum and a prism held in a moving monolith, a console organ of changing themes, a clavilux of color poems wherein the sea offers fog and the fog moves off in rain an the labrador sunset shortens to a nocturne of clear stars serene over the shot spray of northern lights.

The steel mill sky is alive.
The fire breaks white and zigzag shot on a gun-metal gloaming.
Man is a long time coming.
Man will yet win.
Brother may yet line up with brother:

This old anvil laughs at many broken hammers.
There are men who can't be bought.
The fireborn are at home in fire.
The stars make no noise.
You can't hinder the wind from blowing.
Time is a greater teacher.
Who can live without hope?

In the darkness with a great bundle of grief the people march.
In the night, and overhead a shovel of stars for keeps, the people march:
"Where to? what next?"

PROGRAM

Invocation: Dean Francis Sayre.

Musical Selection: "Behold Man," the United States Army Chorus; Capt. Allen Crowell, Director.

Tribute: Arthur J. Goldberg.

Musical Selections: Carolyn Stanford.

Tribute: Dr. Kenneth B. Clark.

Musical Selections: "Wayfaring Stranger," Sp. Philip Booth; "The Last Words of David," the United States Army Chorus; Capt. Allen Crowell, Director.

Tribute: Eric Sevareid.

Finale: "Impossible Dream," "Battle Hymn of the Republic," Carolyn Stanford and the United States Army Chorus; Capt. Allen Crowell, Director.

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The Hon. Walter J. Cummings.
The Hon. Charles Fahy.
The Hon. Arthur J. Goldberg.
The Hon. Nicholas de B. Katzenbach.
The Hon. Thomas H. Kuchel.
The Hon. J. Lee Rankin.
The Hon. Stanley Forman Reed.
The Hon. Simon E. Sobeloff.
The Hon. Stewart L. Udall.

REMARKS BY HON. ARTHUR J. GOLDBERG

It is fitting and proper that we should gather to pay tribute to Earl Warren at the Lincoln Memorial. For Earl Warren, as Chief Justice of the United States, has also been a Great Emancipator. He has helped liberate the law from the bonds of judicial timidity, knowing, from the core of his being, that judicial timidity is far more likely to be the undoing of our beloved country than the faithful and courageous exercise of judicial responsibility. He steadfastly adhered to this philosophy from his very first to his very last day in office.

It will be said of Earl Warren in the perspective of time and history, as it was said of Chief Justice John Marshall, that he "never [Sought] to enlarge the judicial power beyond its proper bounds, nor [feared] to carry it to the fullest extent that duty requires."

Like Abraham Lincoln was during his lifetime, the Chief Justice has been subjected to unparalleled abuse in the conduct of his office. Although the Chief never yielded to nor even took notice of the unwarranted calumnies against him, surely, being a warm and very human person, these attacks must have made his heart ache. But he has taken this abuse philosophically and has never showed in demeanor or decision-making that they affected him in any way.

Again, like Lincoln, the Chief holds malice toward none and compassion for all.

And with the richness of the experience of more than fifty years of public service, Chief Justice Warren has always been content to rest on the verdict of history for the proper appraisal of his life and works. And well he might. Earl Warren understands full well, as did Benjamin Franklin, that public officials worth their salt "must not in the course of public life expect immediate approbation and immediate grateful acknowledgment of [their] services, [They must] persevere through abuse and injury. The internal satisfaction of a good conscience is always present, and time will do [them] justice in the minds of the people, even of those as present the most prejudiced against [them]."

The Chief Justice in a recent interview said that he regarded his Reapportionment decision to be the most important contribution he made during his 16 years on the Court. I am sure that all here recall that historic opinion. It is replete with Warrenisms and reflective of his pragmatic philosophy and profound understanding of our democratic institutions:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system."

I agree with the Chief Justice that the Reapportionment decision will be recorded in the annals as a holding of the greatest significance. But I disagree with the Chief, as I rarely did when I was on the Court, that this was his greatest contribution to the Court and to our country.

In my view, the Chief will be remembered not primarily for any particular decision but for his steadfast view that the least possible justification for the Court to avoid deciding a citizen's substantial claim of constitutional rights is that the Court may injure itself if it decided that case and vindicated those rights. For him, this was but another way of saying that the Court in its own interests should avoid unpopular decisions. The Chief Justice, throughout his tenure on the High Bench, conceived that whatever the justification in other ages or times for seeking out ways of avoiding decisions on the merits of a case, the tenor of the modern world demands that judges, like men in all walks of public and private life avoid escapism and frankly confront even the most controversial and troublesome justifiable problems.

Earl Warren regarded it to be the first duty of any judge worthy of his name and office to abjure popularity in decisionmaking. His creed is that expressed by Lord Mansfield long ago:

"I will not do that which my conscience tells me is wrong to gain the hazzahs of thousands, or the daily praise of all the papers which come from the press; I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels, all that falsehoods and malice can invent, or the credulity of a deluded populace can swallow . . . once for all let it be understood that no individuals of this kind will influence any man who at present sits here."

Our posterity will evaluate the great contribution to our country and to the free air of American life made by Earl Warren during his 16 years as Chief Justice of the United States.

I who sat with Earl Warren need not await the verdict of history to state my own appraisal.

Chief Justice Earl Warren did his part in the "sacred stir toward justice" and the "flame burned bright while the torch was in his keeping."

TRIBUTE BY ERIC SEVAREID

I take it as an honor to have anything whatever to do with Earl Warren, even if it be only to rise in his presence and embarrass him with a few inadequate words.

We have been together at other times, other places. In the last year the time has usually been around seven p.m.; the place, the steambath or swimming pool of a Washington establishment dedicated to the sound body in which the sound mind ideally exists. It is an environment not conducive to discussion of the Thirteenth, Fourteenth or Fifteenth Amendments; and it is remarkably unlike the awesome chambers of the Supreme Court in its equalizing effect upon men.

Earl Warren is a large man in body as well as mind. There was one evening, as he plunged into the pool—headfirst, of course—when I had a brief struggle with my conscience and, thank heaven, lost. I was tempted to post a sign at the door, a direct, if re-worked plagiarism of a sign some reporters posted on the beach at Atlantic City, many years ago, when William Howard Taft was on holiday there. The sign said, "No Swimming. President Taft is using the Atlantic."

Earl Warren also fills a courtroom, a capital city and a considerable period of human thought and progress. In the journey toward justice among the American people, this recent era is likely to bear the name Warren as its title and description.

I have been a journalist, in and out of this capital city, for something around a quarter century. Of necessity and temperament I am a generalist; one therefore who knows less and less about more and more, instead of the other way around, as with the specialist. So I cannot usefully talk about Chief Justice Warren as a man of the law. But, like Dr. Clark, I can talk about him as a *man*. It is of great figures as *men* that the Washington journalist ultimately comes to think, as he ponders the effect of men upon history and history upon men, and the mysterious motivations that lie deep in the human psyche.

Long ago I came to my own rules of thumb about men who seek public office in this democracy. They are separable, into the boys and men. The boys, whatever their age, want office in order to *be* something; the men, in order to *do* something.

And for the greatest among them, what they wish to do does not necessarily concern a particular institution or process in our national life; it is not easily labeled or understood. I think they are trying to keep an appointment with themselves, one scheduled in their spirit at some imprecise point in their very early life.

It is not so directly related, I think, to the command of other men as to the command of themselves; somehow they achieve this, when others do not; then something happens. All those whom I think of as the men have seemed to me almost unconscious of self. They become, therefore, impregnably armored; and armed with a great strength—the freedom to act or to wait, to speak or stay silent. They can be themselves because they know themselves and their strength *is* as the strength of ten.

It is for these certain few that I have learned, as I have tried to understand my times, to reserve my highest esteem and affection, and, as a citizen, my deepest gratitude.

I am not alone in my profession when I assemble a pantheon of men of Washington this last generation and include in it—to speak only of men no longer in this place—a few names like General George Marshall, Henry Stimson, Robert Taft, Sam Rayburn of Texas, Harry Truman of Missouri.

I cite such names because by now the judgment of history has been made; and we know they possessed that certain quality that helps to hold a diverse people together and move a nation on.

It has nothing in particular to do with eloquence or intellectual brilliance, though those qualities, as with Abraham Lincoln, are sometimes present too. It is the quality that marked George Washington for the central position, and other men of eloquence at the near periphery. The Romans, who invented political governance, understood the quality called it "gravitas." It meant patience, stability, weight of judgment and breadth of shoulders. It means that strength of the few that makes life possible for the many. It means manhood. It has been the most precious privilege of my life to have known such men. I include among them my own father, who remained obscure; and Earl Warren who did not.

The appointment they scheduled early in life with themselves was at the place called duty. Not a popular meeting place, it sometimes seems today. Other places, like rights and privileges, seem far more crowded at the moment.

But it is an ancient place. And time after time it has been found in the environs of government, whether the government of personal rule, or the rule of the people as today and here. Four centuries ago, a writer described the place and its inhabitants; he said,

"Who would dig and delve from morn till evening? Who would travail and toil with the sweat of his brows? Yea, who would, for his king's pleasure, adventure and hazard his life—if wit had not so won men, that they thought nothing more needful in this world not anything whereunto they were more bounden, than here to live in their duty, and to train their whole life, according to their calling?"

The evening shadows cast by the House of Lincoln are long. For Earl Warren they should cool and comfort the evening of his life. He will have history's leave to dwell among them.

Mr. KENNEDY. Mr. President, I wish to express my appreciation to the distinguished Senator from California (Mr. CRANSTON) for bringing all of us together at this time to pay this tribute, to provide an opportunity for Members of this body who represent the various parts of our country and the different views and attitudes of its people to pay tribute to a great Chief Justice.

Mr. CRANSTON. Mr. President, I thank the Senator from Massachusetts for his excellent statement on the retirement of a truly great American jurist.

Mr. ANDERSON. Mr. President, Socrates has written:

> Whom, then, do I call educated? First, those who control circumstances instead of being mastered by them; those who meet all occasions manfully and act in accordance with intelligent thinking; those who are honorable in all dealings, who treat good-naturedly persons and things that are disagreeable; and furthermore, those who hold their pleasures under control and are not overcome by misfortune; finally, those who are not spoiled by success.

Chief Justice Warren, whom we honor today, epitomizes this ideal of an educated man. It has been my privilege to know Earl Warren for a number of years, and I have immensely enjoyed my close association with him in our work as regents of the Smithsonian Institution.

I have been especially impressed with the devotion he has shown to his family over the years in the face of great public demands on his time. He is to be commended for this example in demonstrating that the strength of our Nation still lies with family solidarity.

The stature of the Warren court has been enhanced by his persuasive leadership and his personal dignity.

Longfellow, in his poem "The Builders," wrote:

> All are architects of fate
> Working in these walls of Time:
>
> Build today, then, strong and sure,
> With a firm and ample base,
> And ascending and secure
> Shall tomorrow find its place.

As Chief Justice of the United States, Earl Warren has been a good architect. The "firm and ample base" he leaves will assure a tomorrow with greater opportunity and equality for all Americans.

Mr. CRANSTON. Mr. President, I yield to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. Mr. President, I thank the Senator from California for yielding this time to me, and join in the appreciation which the Senator from Massachusetts has expressed to the Senator from California for making possible this tribute by the Senate to Earl Warren.

I believe, Mr. President, that a nation can never really repay the debt that it owes to a single man for leadership he exercises during a period of history when national survival itself is endangered by

events. A nation can never repay such a debt, but I think history, perhaps, may be said to pay the interest of it, as it keeps alive the remembrance of the man through the record of what he has done for the Nation.

I believe that is the situation with respect to Earl Warren. I think we can never repay to Earl Warren what he has offered in terms of leadership to this country; but as we complete the record of his service, we at least acknowledge the obligation.

I hope that Chief Justice Warren, Mrs. Warren, and all their family will, from these proceedings and from the memorable proceedings at the Lincoln Memorial last Sunday evening, have some sense of what is in the hearts of many millions of Americans as they contemplate the service that Chief Justice Warren has rendered.

That service is signal because it has brought the Constitution to life, in many cases, as in the area of civil rights, in the very separate area of civil liberties, and in this very complex and difficult area of government.

Senators will recall, Mr. President, that the Government was stagnating because of the refusal of either House of Congress effectively to deal with the problem of representation in the House of Representatives. We who were empowered by the Constitution to be the prime movers in bringing about political reform were refusing, failing, or neglecting to seek that kind of reform. Nothing would have happened had it not been for the remarkable system of checks and balances which keeps this Government constantly moving on the fulcrum of the Constitution. When the political arm of the Government, the legislative arm, refused to act, the Warren Court did act. I personally think we imposed a burden on the Court we should not have imposed on them; but nonetheless, when the time came, they did not shirk from a duty which, by all the traditions and under all the precedents, must have been a very difficult and unpleasant duty to perform. I mention this matter only because it is to me the hallmark of the Warren Court that it did not shirk from the jobs which this generation and these times laid before them.

I am sure we all join in wishing for Chief Justice Warren and Mrs. Warren many pleasant, happy, rewarding, and constructive years of retirement. I suspect it will be qualified retirement, because a man of Earl Warren's temperament, nature, and background will constantly be at the service of his fellow citizens.

I thank the Senator from California for yielding.

Mr. CRANSTON. Mr. President, I thank the Senator, on behalf of the former Chief Justice and all his admirers, for that eloquent statement.

I yield to the Senator from Ohio (Mr. YOUNG).

Mr. YOUNG of Ohio. Mr. President, former Chief Justice of the United States Earl Warren is one of the truly great Americans of this historic period in our Republic.

It is a most happy recollection of mine that on a number of occasions I have met with Chief Justice Warren and his lovely wife. I consider it an honor that they regard my wife and me as their friends. I hold former Chief Justice Earl Warren and Mrs. Warren in the highest admiration.

Mr. President, after almost 16 years of magnificent service to the Nation and to this and future generations of Americans, Chief Justice of the United States Earl Warren has left the Supreme Court, which will be known to future generations as the Warren court. I am certain that former Chief Justice Earl Warren will be most highly regarded by future generations because of the landmark decisions of the Supreme Court of the United States during his tenure as Chief Justice.

There is no question whatever as to the place in history of Earl Warren. He will be ranked along with John Marshall as one of the two greatest Chief Justices in the entire history of our Republic. The Supreme Court of the United States under his leadership will 50, 75, or 100 years from today be regarded as one of our very greatest courts.

During Earl Warren's years as Chief Justice of the United States, the Supreme Court has had a greater impact on the future of our Nation than either the Congress or the Presidency. This Court has declared itself irrevocably on the side of equal justice for all—including the poor and the black—and whatever happens no one will be successful in turning back the clock. We shall never again return to the days when justice for some people will be in the backroom of the police station at the end of a nightstick.

I know what I am talking about when I make that statement, because I served my State first as an assistant prosecuting attorney and then as chief criminal prosecuting attorney of Cuyahoga County, Ohio, for some 3 years.

The Warren Court gave to the individual, no matter what his color, income, or creed, the rights assured to him in the Constitution of the United States and in the Bill of Rights, those first 10 amendments adopted pursuant to the demand of those patriots who won the war for independence.

By sweeping back the encroaching power of regional prejudice, police tyranny, and wealth, Warren's leadership scraped many of the barnacles from the Constitution and made it truly a dynamic document to fit the needs of a growing nation in this fast-moving space age of change and challenge. That is the heritage that former Chief Justice of the United States Earl Warren has left the Nation.

Under Chief Justice Warren, the Court moved into fields long neglected by earlier Courts, fields where the ordinary political processes had ignored basic principles of the U.S. Constitution. It set new standards for fairness. Many of the endeavors of the Warren court were controversial and aroused the enmity and hatred of those opposed to change and unwilling to see corrected the wrongs of the past.

History will rate him as truly one of the greatest Chief Justices of the United States both because of his enlarging of democracy and because of the nature of the jackals that yapped at his robe.

"Yes, but was it fair?" former Chief Justice Warren often asked lawyers arguing a point before the Supreme Court of the United States. During his almost 16 years as Chief Justice, he brought to the Court a wholesome whiff of concern for substantial justice and not just legal technicalities and precedents. Americans will look back on those years as an astonishing achievement, when the "nine old men" turned from upholding the status quo and transformed the Nation's legal system in accord with ideals the Nation had long proclaimed but often failed to practice.

Mr. CRANSTON. Mr. President, I thank the Senator from Ohio for his fine statement.

Mr. CASE. Mr. President, as he was leaving office as Chief Justice of the United States recently, Earl Warren said the most important measure of a man in public office is whether he has given his best thought and consideration to the great problems confronting him.

I agree with that statement.

And there can be no doubt that Earl Warren filled that measure to overflowing. He exerted strength, based on sincere convictions, for whatever he deemed to be in the best interest of this country and humanity as a whole.

Earl Warren is a man uniquely matched to the times and circumstances in which he served.

He is a man who always looked to the future—with humanity, fairness, integrity, and dignity—in times when the future is encroaching on the present at an ever-increasing rate.

As Chief Justice, he demonstrated that he was a man of strong conscience, serving in a post in which conscience replaces constituency.

Because he sought to deal with the future, Earl Warren could not avoid stirring controversy. The future always is much more debatable than the past, or even the present.

But future generations will remember him not because he stirred controversy, but because he constantly had future generations foremost in his mind.

Mr. PASTORE. Mr. President, I join in the universal accolade to Chief Justice Earl Warren for a job well done.

When, in 1953, it became my senatorial privilege to confirm President Eisenhower's nomination of the 14th Chief Justice of the Supreme Court of the United States, I had a special appreciation for the elevation of Earl Warren.

It was partly because I, too, had served an apprenticeship as a prosecuting attorney and as Governor of my native State.

As a fellow Governor in the problem-packed postwar years I could range from my Rhode Island on the Atlantic—across the continent of America the beautiful—to Earl Warren's California of exploding population and equally exploding problems. I could measure his widespread support at the polls and realize that the respect and esteem in which he was held had no partisan dimensions.

Perhaps, in 1953, I had a sense of sympathy for a man whose dream of his country's highest office had been lost. It was lost in the wealth of personalities that paraded the political stage of 1952. Memories are still stirred by such

names as Eisenhower, Stevenson, and Taft.

So Earl Warren failed in his ambition to be President. But, as Chief Justice he served his country longer than any President—and few Presidents have matched his influence on the page of history.

Earl Warren was a humble man—sworn in so hurriedly in 1953 that he had to borrow a robe for the ceremony.

He was a modest man—and used a Lincoln phrase to say of himself: "I am a very slow walker—but I never walk backward."

Earl Warren's character has been expressed in simple terms as—big, friendly, bold, unbookish, libertarian, equalitarian, warm, strong. And the sum of these adjectives is: He is human.

I could try to condense the tremendous judgments of 16 years in a single sentence and say: "The Warren Court has confirmed the personal liberties of the people."

Or I could say he has taken the marbled slogan of the Supreme Court Building—"Equal Justice Under the Law"—and made it indelible in the Court's decisions.

I would leave those judgments to others.

Rather, I would borrow some words from the very lips of Chief Justice Warren himself.

He is speaking, in 1965, at "the Washington World Conference on World Peace Through Law," and I choose his closing paragraphs—they might well be inscribed in our hearts.

Chief Justice Warren said:

> The only provable harness for the peaceful containment of power—yet developed by the mind of man—is the rule of law.
>
> I for one believe we can create just as mightily in the law field as our scientific brethren did in the field of science.
>
> We can—because we must—create sufficient law to prevent use of the awesome power of the atom to destroy man and civilization.
>
> It is now time for us to get on with our task. Certain it is that no man or woman can engage in a greater enterprise. For it is no less than a joint endeavor to save humankind from extinction—by creating a world order wherein all men, women and children everywhere can live in peace and decency.

That is the wisdom of Justice Warren. The decision is ours.

Mr. MONDALE. Mr. President, when Earl Warren was appointed Chief Justice of the United States in 1953, no one dreamed, as James Clayton has since observed:

> That during the next 16 years the Court would compel a massive change in the politics of the Nation, encourage and assist an equally massive change in its social policies, initiate an almost complete . . . overhaul of the criminal law, open the society to the flow of ideas as it had never been opened before and challenge Congress over and over again without the slightest quiver at threats of reprisal.

It is no wonder that the Supreme Court remained a center of controversy throughout Earl Warren's tenure as Chief Justice.

The fact that the Court has been controversial is not unique, for controversy was inevitable once John Marshall established that it was a branch of the Federal Government coequal with the executive and legislative branches. What was unique was the intensity of the criticism generated by the major decisions of the Warren Court—decisions such as Brown against Board of Education, Baker against Carr, and Gideon against Wainwright. It is particularly ironic that a man as warm, gentle, and soft spoken as Earl Warren became a lightning rod for such bitter and intense attacks, aimed not only at the Court but also at him personally.

That these attacks never caused the Chief Justice to abandon his leadership for reform is due in large part to the great strength of his character.

The more emotional attacks on the Warren Court and on the Chief Justice himself stemmed from the fact that both he and the Court persisted in exposing the hypocrisies of our society and of our political system. We founded our Nation on the principle that all men are created equal, and yet we told some Americans that they could not attend schools, eat in restaurants, or sit in waiting rooms which were for the use of white Americans. We proclaimed to all the world that our political system was a model of representative democracy, and yet we allowed legislatures to function at every level of government which were so malapportioned that they did not allow all citizens to participate on equal terms. And while boasting that our legal system was founded on the principle of "equal justice under law," we refused to insure that every person accused of a serious crime would be entitled to a lawyer, regardless of his financial status.

The Warren Court faced each of these issues, as well as many others, and attempted to bring our practices into line with our principles. In so doing, it aroused the ire of those who opposed these principles, as well as those who did not like being constantly reminded that America had failed to fulfill many of its basic promises.

A more reasoned criticism of the Warren Court is that it followed too closely the philosophy of "judicial activism." It has been argued that the Court often strayed into the area of executive and legislative decisionmaking.

But the Court really had no choice. As Anthony Lewis pointed out:

> The great issues that came before the Warren Court called, in one sense, for a judicial choice between action and inaction—between exercising power for reform and allowing things to go on as they were.

It is not surprising that the Court, under the leadership of Earl Warren, chose to follow the road of reform. For had it taken the other course, the Court would have still been making momentous decisions—it would have decided to continue legalized discrimination, to allow legislatures to remain malapportioned, and to make the right to counsel dependent upon one's ability to afford a lawyer.

This was not Earl Warren's way. A man of quiet passion for social and political change, he recognized that the Supreme Court was truly a "court of last resort" for those whose grievances were either caused or ignored by other institutions. There is little doubt in my mind that history will grant the former Chief Justice's wish and remember the Warren court as "the court of the people."

Mr. HARTKE. Mr. President, the judiciary has no influence over either the sword or the purse. It can exert no direct impact on either the strength or the wealth of this country. It has, as Alexander Hamilton said in The Federalist:

> Neither force nor will, but merely judgment . . .

However, equipped only with the power of judgment, the Supreme Court has so utilized its moral and intellectual resources as to earn respect and authority equal to that of the Executive and Congress.

Although the effective power of the Court has ebbed and flowed since the titanic era of John Marshall, it has always remained considerable. However, with the accession of Chief Justice Earl Warren to the High Court Bench, the influence of the Court reached heights attained not even in the golden age of Marshall.

Since 1954, and the landmark decision of Brown against the Board of Education, the Supreme Court has handed down dozens of decisions which have had important national significance. These decisions carried a common message and that is that the Constitution of the United States applies to all men. Be they black, be they poor, be they young, be they weak, or be they accused, they are all entitled to those rights which are so specifically spelled out in the Bill of Rights and elsewhere in the Constitution. Thus, in its application of the Constitution, the Warren court functioned as the Nation's principal forum for consideration of the operating conditions of a free society.

Undeterred by some criticism, Chief Justice Warren persisted in his determination to guarantee the full rights of the Constitution to every man.

The debt which this country owes to Earl Warren and his like-minded colleagues on the bench is truly incalculable. Under his gentle guidance the Court has acted as this country's conscience at a time when it seems too many of us have misplaced ours.

To some the Warren Court has been an irritant; to some it has been annoying; to some it has been disturbing. But it has also been right much more often than it has been wrong in its interpretation of what the Constitution guarantees.

The judgment of future historians and political scientists will doubtless be that the Warren court was primarily responsible for awakening us to the terrible injustices which had been allowed to persist in a country which calls itself the land of the free. These same scholars should note, too, that Chief Justice Earl Warren did more than any other man of his era to guarantee that such injustices would not be allowed to persist.

Earl Warren, like no other man in this country, accepted the simple truth that none of us are really free as long as some of our fellows are systematically deprived of their human rights. He then acted to guarantee that all men in this country would enjoy the full rights of citizenship.

For that service, we shall all remain in

the eternal debt of Mr. Chief Justice Warren.

Mr. JAVITS. Mr. President, we celebrate today a milestone in the political, judicial, and moral history of our country. Great leaders in government and society often influence history beyond their own times, but rarely has one man had such an immediate, yet permanent impact on a nation as has Chief Justice Earl Warren.

As California's Attorney General, its Governor, and as a vice-presidential candidate, Earl Warren played an important role in the development of his home State and of the Republican Party. But as Chief Justice of the United States he reached unprecedented heights as one of our most progressive thinkers and greatest jurists.

Earl Warren placed his stamp upon the 16 years of judicial activity known as the Warren court. Under his guidance more far-reaching yet necessary changes in our legal framework reached fruition than in any other period, and the Warren court as a result, brought new meaning to the fundamental purpose of our Nation—freedom for the individual.

In two distinct areas of our lives Chief Justice Warren led the Supreme Court to a reaffirmation of the underlying premises of our constitutional democracy: protection of the individual's rights in organized society against imposition, discrimination and segregation, and effectiveness in the exercise of his rights in a political system.

Only a year after he was appointed our 14th Chief Justice by President Eisenhower in 1953, Chief Justice Warren led the Court in declaring once and for all that "separate but equal" treatment of different races is both untenable and unconstitutional. The case, Brown against the Board of Education, has been a primary source of our greatest achievements in equal opportunity in education, places of public accommodation, housing and jobs ever since, and has become as important a statement of moral principle as Lincoln's Emancipation Proclamation and the 14th amendment.

In criminal procedure, Chief Justice Warren brought the Court face to face with long overlooked injustices, and breathed new meaning into the fifth amendment privilege against self-incrimination. As he put it in the landmark Miranda case,

> The privilege has come rightfully to be recognized in part as an individual's substantive right. That right is the hallmark of our democracy.

Political rights, like social and criminal ones, were restructured and strengthened by the Warren court. As Archibald Cox stated:

> The Warren Court, more than any of its predecessors, has been influenced by an intensely conscious sense of judicial responsibility for the open and democratic operation of the political system.

In Reynolds against Sims, Chief Justice Warren brought political democracy—the one-man one-vote principle—to every level of government, from Congress to the town hall, and laid a strengthened foundation for renewed confidence in representative democracy.

It is interesting to note that Earl Warren said that the major decision made during his 16 years on the Court was the one-man, one-vote decision. Notwithstanding the fact that the Court had also broken historic ground in dealing with segregation and the first 10 amendments to the Constitution, he considered the one-man, one-vote principle to be the greatest decision of all. I think this is typical of the man because it demonstrates his deep belief in democracy and freedom.

I think that the decisions on school desegregation, those dealing with the protection of the rights of accused persons, especially in protecting the right to counsel, also represented historic firsts.

As a lawyer, my respect for Chief Justice Warren finds another touchstone in the 1963 Gideon against Wainwright decision—which the Chief Justice assigned to Justice Black for a unanimous Court—granting all defendants the right to counsel in any serious criminal case. That decision, more than any other, I think, in the procedural area, gave new meaning to all other constitutional rights—rights which have everyday meaning to our fundamental notions of justice but which can never be enforced or made workable without the assistance of a lawyer at every stage of the judicial process. As Justice Warren commented many years before Gideon:

> Imagine a state in this day and age not giving a fellow a lawyer.

And he added later:

> Every lawyer appreciates the fact that no man accused of a serious offense is capable of representing himself.

Doubtless Chief Justice Warren also stirred great and continuing controversy in the aftermath of many of these decisions. But a courageous man, mindful of what is just, moral, and legally right, necessarily places justice before popularity.

It has been a great pleasure and a great honor to have had a friend in Earl Warren throughout my own career in Government. Although he will no longer direct the course of the Supreme Court, we can have confidence that his wise and thoughful commentary on American life will continue to be a blessing to us all.

I believe that Chief Justice Earl Warren will rank with John Marshall and other great Chief Justices of the United States and that the verdict of history will confirm this verdict.

Mr. NELSON. Mr. President, when Earl Warren became Chief Justice of the Supreme Court in the autumn of 1953, he might have chosen to serve his country and the Court in a strictly traditional manner. He preferred to place the full strength of his position, his ideals, and his leadership behind an active effort to protect and broaden individual rights.

Decision after decision, chipped away at indifference to legal and civil rights of the individual. No longer were "separate but equal" public education facilities sufficient. No longer was malapportionment in the State legislatures acceptable.

Decision after decision, buttressed the Bill of Rights. The rights of an arrested person were delineated, the right to counsel declared, protection against unreasonable search and seizure upheld, and the guarantee of free speech reaffirmed.

Earl Warren pledged to "administer justice without respect to persons and do equal right to the poor and to the rich." He fulfilled his pledge with honor; his decisions reflected his conviction that each man has dignity and worth. The country is the richer for his service.

Mr. HART. Mr. President, only the brave or foolish predict the final judgment of history.

And only the blindly partisan attempt to place broad labels on public servants such as Chief Justice Earl Warren.

In paying tribute to the former Chief Justice today, we find ourselves speaking at a time when events are still being shaped by Supreme Court decisions made while he was Chief Justice.

If indeed the final judgment of those decisions must be left to history, we can still say much about this man who stirred such conflicting passions during his years on the Nation's highest court.

As Chief Justice, Mr. Warren understood that the courts are the ultimate and last defense of liberty for the individual, great or humble.

Compassion for the powerless, devotion to fairness in a society which preaches but does not always practice equality were his guiding principles.

If he offended those who do not believe or understand the rhetoric of our Nation, he did so to uphold the principles of the Constitution.

If one believes that people ordained and established the Constitution, one must believe that people should have equal voices in electing their public officials.

If one believes that people formed a more perfect union to promote the general welfare, one must believe that the general welfare extends to all people, regardless of race, color, or creed.

If one believes that people ordained our Constitution to establish justice, one believes that justice must be for all men, rich and poor, black and white.

If one believes in the Bill of Rights, one understands that what some label "technicalities" are the keys to the delivery of the promises made in those constitutional amendments.

If one believes that the proper concern of our Constitution and Government is people, then one must believe that our laws, regulations, and practices, apply equally to all and must not diminish the blessings of liberty the writers of our Constitution sought to secure.

We have not yet achieved the promise of the Constitution, but we have made progress.

Whether or not history sustains the importance of what today we call the landmark decisions of the Warren years, history will not deny the commitment of Mr. Chief Justice Warren to both the promise of the Constitution and the patience and effort needed to achieve that promise.

I can think of no higher praise that a contemporary can say of a man who will be judged by history.

To say more is to predict; to say less is

to deny the leadership and understanding of Chief Justice Warren.

Mr. PERCY. Mr. President, the retiring Chief Justice of the United States, Earl Warren, was paid the unprecedented honor of being lauded from the bar of the Supreme Court by President Richard Nixon on the occasion of his retirement.

While as a presidential candidate, Mr. Nixon observed that he differed on several key points regarding the Court's philosophy, he nevertheless with excellent grace paid Chief Justice Warren a high tribute upon his retirement following 52 years of public service, first in his native California and, for the last 16 years, on the bench of the Supreme Court.

President Nixon referred to Chief Justice Warren at the time as "one who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all encompassing, the dedication to his family—his personal family, the great American family, the family of man."

President Nixon said:

> The Nation is grateful for the example of humanity which the Chief Justice has given to us and to the world.

Mr. President, I would like to echo those words today as we gather in the Senate to praise Earl Warren and to reflect upon his judicial career.

The Warren Court has now passed into history. In the 16 years that the genial and gracious man from whom the Court took its name presided over its deliberations, it has changed much of the legal face of the United States.

Two months after Earl Warren took the oath of office as Chief Justice—following a distinguished career in law enforcement and as Governor of California—he announced on behalf of the Court the unanimous decision that reversed the traditional "separate but equal" doctrine of school segregation and declared that black and white children must attend the same schools. From the beginning in Brown against Board of Education, the Warren Court went on to reshape the legal landscape of America.

As many of my distinguished colleagues have noted here today, our regard for the importance of the work of the Warren Court must rest largely on five central areas: the school desegregation cases, beginning with Brown, the criminal procedure cases, the reapportionment cases, the church-state cases, and the censorship cases.

In studying the scope of these decisions, some now believe that President Eisenhower's appointment of Chief Justice Warren turned out to be his most important act in the domestic area.

As we know, the Court soon became the target of increasingly bitter controversy. This was really nothing new; it had happened before with previous activist courts. There came a time when "Impeach Earl Warren" placards appeared with regularity along our highways, placed there by the supporters of the far right.

It would be wrong to say that the Court's popularity problems were restricted to the attitude of the rightwing fringe. As Prof. William M. Beaney, of Princeton, has written:

> It seems obvious that when the Court chose to hand down decisions favoring racial minorities, political dissenters, criminal defendants and protagonists of unpopular causes, it could hardly expect cheers from the majority of the people.

Mr. President, this is clearly not the time to attempt to write history's verdict upon the Warren Court.

We can observe that we do not have the kind of integration in the school systems of our country that the Court envisioned when Brown was decided in 1954.

We should note that as a matter of practice, if not of law, school prayers and Bible-reading are still common in many jurisdictions where a direct judicial mandate has not been imposed.

The reapportionment of State legislatures has brought new political power to the ever growing suburbs. But this has not solved any of the old political problems and has, in fact, served to create quite a few new ones. Suburban constituencies have proved reluctant through their representatives to pay for the costs of the inner cities and this has led to a "tax crisis" in many States that cannot be solved without plentiful Federal aid or revenue sharing.

Yet, Mr. President, I believe we must view the Court and its decisions from a broader perspective.

Many believe that the Warren Court must be given much of the credit, or blame, for helping to spark the black revolution in America. Despite our continuing racial problems, I for one am confident that, in the end, we as a people will embrace the objective of the Court to insure social justice in America. The path set by the school desegregation and the sit-in cases is one that enforces the constitutional concept that we are all equal before the law. The path set by the criminal procedure cases enforces the constitutional concept that there must be one standard of law, not two, for the rich and the poor, for the legally sophisticated and for the indigent.

Objections to the reapportionment decisions may rest on differing concepts of democracy or perhaps on the belief that the Court lacked wisdom by intervening so directly in a political area. Indeed, that view has been expressed with conviction by many distinguished Members of this body, including the minority leader, my senior colleague from Illinois (Mr. DIRKSEN).

Yet, I think men of good will would agree that the reapportionment cases have done much to curb the remnants of the "rotten borough" system in our State legislatures and, in doing so, have served to revitalize the democratic process. Perhaps it shall ultimately be judged to have actually strengthened the federal system by making the State and local community more responsive to human need, thus lessening dependence on the Federal Government.

Finally, in the church-state and the censorship cases, the Court's intentions clearly pointed in the direction of expanded individual liberties and a curb on the powers of the State.

Over the years, through the cumulative effect of these decisions, the Court has succeeded in reframing our concept of the rule of law and clearly expanded legal protection for the individual at a time when big government and mass movements make the importance of the individual in society a central issue. Precisely because Chief Justice Warren was concerned with people, because of his underlying compassion for his fellow men, he saw the role of the Court in interpreting the Constitution as one of upholding the rights of the individual and many of his decisions clearly bear that intent.

History, nevertheless, has a way of measuring greatness in terms of success rather than in terms of honorable intentions. Thus, Chief Justice John Marshall is hailed in the history texts because under his reign the Court contributed to the centralization of Federal power at a time when Jeffersonian democracy was pulling in the opposite direction—away from a strong central executive.

On the other hand, Roger Taney, despite some noteworthy decisions, has been derided in some history texts because he defended the institution of slavery in the Dred Scott case at a time when the forces of history proved to be crushing slavery and upholding the cause of the Union Army.

Certainly, Mr. President, no one can detract from Chief Justice Warren's personal qualities: his warmth, his restraint, his intelligence and, above all, his great compassion.

As President Nixon has noted:

> Over the last 16 years there have been great debates in this country, there have been some disagreements even among the Court. But standing above these debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity.

As to the greater question, let us also not forget that the Warren Court took its name from a Justice who had only one vote among nine. Let us not forget that the Court's roster over 16 years included 17 Justices.

If indeed the Court has chosen the right path during the years when Earl Warren presided—and I, for one, believe that, on balance, it has—then history may yet remember Earl Warren and his era in the words of Oliver Wendell Holmes:

> Great places make great men. The current of large affairs turns even common mold to diamond and traditions of ancient honor impart something of their dignity to those who inherit them.

Mr. YARBOROUGH. Mr. President, the short history of this Nation has known 14 Chief Justices of the United States. There can be little doubt that the name of our previous Chief Justice, Earl Warren, will be listed by future historians, lawyers, and students alike as one who led the Court into more revolutionary decisions than any Chief Justice since John Marshall.

Earl Warren is known to be a calm and a good-humored man, and the decent sort, whose hard work, tolerance, and compassion serve as a model of a respectable and responsible life. But we demand

even more than that of the man who is Chief Justice of our Nation, and Earl Warren has measured up to our demands.

During the 15 years he has been Chief Justice, he has gained the respect and support of the other Justices, and of millions of our fellow Americans. The challenges of interpreting the Constitution of the United States are immense and important, and Earl Warren accepted those challenges with devotion and pride. He never dodged the hard questions by easing out on some narrow point. He is no escapist.

In a speech to the Jewish Theological Seminary of America in 1962, Chief Justice Warren said:

> In civilized life, law floats in a sea of ethics. Each is indispensible to civilization. Without law, we should be at the mercy of the least scrupulous; without ethics, law could not exist. Without ethical conscience in most people, lawlessness would be rampant. Yet without law, civilization could not exist, for there are always people who in the conflict of human interest, ignore their responsibility to their fellow man.

These are the things that make Earl Warren one of the most influential of all Chief Justices of the United States: His ethical code and his concern for his fellow man have marked his career.

During Chief Justice Warren's 15 years on the Court, it has ruled on as many questions of crucial significance to the people of this Nation, and to our future, as any other Court in a comparable time. The decisions were all humanitarian decisions.

In looking back at the Supreme Court under Earl Warren, several cases come immediately to mind: In Gideon against Wainwright, the Warren Court broadened the interpretation of the Constitution which reads "in all criminal prosecutions" the accused shall have "the assistance of counsel for his defense," to include trials in State courts as well as Federal courts, the former interpretation having been that it applied only in cases in which defendants were tried in a Federal court and charged with a felony.

In Baker against Carr, the Warren Court ruled against unequal distribution of population in legislative districts, and the principle of "one man, one vote" was written into American constitutional law. In the famous case of the Warren Court, Brown against the Board of Education, the Supreme Court ruled that separate educational facilities for the black and white races was inherently unequal. In this decision, Chief Justice Warren had the unanimous support of the other Justices.

He is a man with a broad view of history and the future, and one who viewed the Constitution as a living document whose literal interpretation might vary with the lives of the people in whose generation it was being interpreted. He was a very broad constructionist, who extended the boundaries of the Court's constitutional interpretational powers into new areas of social justice and politics, as Congress in the past threescore years has widely extended its legislative powers into unplowed legislative fields.

No one doubts Earl Warren was one of our most influential Chief Justices. His decisions, and those of the Court over which he presided, have changed the social fabric of America, and the political structure of its Government.

Courts often delay change; Warren advanced it.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION WITH RESPECT TO ACCOUNTABILITY AND RESPONSIBILITY FOR U.S. PROPERTY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PROUTY, from the Committee on Commerce:

James A. Washington, Jr., of the District of Columbia, to be General Counsel of the Department of Transportation.

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Luther Holcomb, of Texas, to be a member of the Equal Employment Opportunity Commission.

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I also report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Hilary H. Connor, and sundry other candidates, for personnel action in the regular corps of the Public Health Service.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLINGS:

S. 2519. A bill for the relief of Chan Man Chun; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 2520. A bill to amend the Higher Education Act of 1965 to provide a means of preventing civil disturbances from disrupting federally assisted programs and activities at institutions of higher education; to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. EAGLETON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. KENNEDY:

S. 2521. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. KENNEDY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS:

S. 2522. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH (for himself, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 2523. A bill to amend, extend, and improve certain public health laws relating to mental health, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DIRKSEN (for himself, Mr. MATHIAS, Mr. PERCY, Mr. MILLER, Mr. SCOTT, Mr. HANSEN, Mr. FANNIN, Mr. COTTON, Mr. WILLIAMS of Delaware, Mr. GRIFFIN, Mr. RIBICOFF, Mr. SAXBE, Mr. DOMINICK, Mr. MURPHY, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. BENNETT, and Mr. JORDAN of Idaho):

S. 2524. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DIRKSEN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GOODELL:

S. 2525. A bill for the relief of Antonio Evangilista; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2526. A bill for the relief of Angelo DiStefano; to the Committee on the Judiciary.

By Mr. GORE:

S. 2527. A bill to repeal the authority of the President to proclaim modifications of the Tariff Schedules of the United States under the Automotive Products Trade Act of 1965 and to terminate modifications of such schedules heretofore proclaimed under authority of such act; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S.J. Res. 130. A joint resolution authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 2520—INTRODUCTION OF A BILL RELATING TO CAMPUS DISORDERS

Mr. EAGLETON. Mr. President, I presume it is commonplace that when a Senator introduces a bill he is completely satisfied that the bill he proposes will in every respect accomplish the purposes he has in mind. In short, he believes that his is a good bill.

Today, Mr. President, I am introducing a bill which I believe may have some merit, but about which I readily confess some serious misgivings. I am introducing a bill which would permit college and university officials to seek injunctive relief in Federal court whenever force or the

threat of force is used to disrupt the functioning of various Federal educational programs on a college or university campus.

My motive in introducing this bill at this time is to generate some discussion and analysis in an unemotional, nonpressure-cooker atmosphere, of what, if anything, the Federal Government can and should do in regard to campus disorders.

If we wait until this fall or next spring to consider this problem—if we wait until numerous campuses are in turmoil—we may not have the benefit of dispassionate analysis. It would be tragic indeed if this Congress, under the pressures and passions of the moment, should pass imprudent or represssive legislation which bypassed the authority of the States or impinged unnecessarily on the traditional authority or our institutions of higher learning.

CAMPUS DISORDERS IN CONTEXT

As the Nation breathes a sigh of relief to mark the close of an academic year marked by disorders and violence—a sigh once reserved for the passing of summer from our tormented and strife-torn cities—it is well to reflect on the events of the last year.

Today's students are acutely aware of a society which promises great promises and dreams great dreams—and invites great disappointments by leaving so much unfulfilled. The slogans of the recent past—New Deal, New Frontier, Great Society—all seem pretty shallow in a nation riven by the poverty gap, the culture gap, the racial gap and all the other separations that divide us.

Today's students find it difficult to comprehend how the President and Congress can devote so much time and debate to cutting millions of dollars from a Job Corps budget or an educational program and at the same time shrug off with seeming indifference a $2 billion cost overrun on a new airplane.

Today's students find themselves being educated in an environment—under a methodology—and for purposes which many college administrators themselves find inadequate. HEW Secretary Finch pointed out recently that:

> We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based on legitimate grievances.

There are fundamental conditions on the campus which must be attended.

All of us—Government, the college administrations, the public, the students—have a rightful part to play in the process of curing the conditions and restoring a genuine educational purpose.

Government has the responsibility to negotiate and end a war, to revise the draft, to be about the business of redressing the inequities that pervade American life. Insofar as college disturbances are concerned, Government should be wary of being taunted into a momentary, emotional, vindictive response which, in the words of Attorney General Mitchell, "would certainly play right into the hands of the militants."

University administrators have the obligation to take an in-depth look at their own system and methodology in a world which has changed so enormously in the past two decades; the educational process cannot remain transfixed and immutable.

But while the root causes of the eruptions are being treated, as they must be, our institutions of higher learning must be preserved. Our institutions of higher education must be permitted to function. The faculty, administration, and the students must be permitted to pursue their endeavors with freedom from fear, and freedom from interference.

As the National Commission on the Causes and Prevention of Violence suggests:

> Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

Our colleges cannot survive in this atmosphere—an atmosphere that has been growing ever more prevalent—an atmosphere the summer can suspend but not eradicate.

We are faced with a simple fact. In order to survive our colleges must maintain order.

Our institutions of higher education are uniquely vulnerable in this age of violence, for they depend not on the force of arms for their authority but rather on the power of reason. A community so constituted cannot stand when the commitment to rational discourse is not shared by all.

Such a commitment is no longer accepted by all members of the campus community. Violence and disruption result—violence and disruption which universities are ill-equipped to deal with. As the Violence Commission points out:

> The university is ill-equipped to control violent and obstructive conduct on its own. Most institutions have few campus police; most of these are not deputized and thus do not possess true police power. Few schools have explicit rules either defining the boundaries of permissible protest or stating the consequences if the boundaries are crossed. Some have very loose rules for disciplinary proceedings; others have diffused disciplinary power so widely among students, faculty, and administration that effective discipline is difficult to impose, and is seldom imposed quickly enough to meet an emergency.

With the tide of resentment rising against these continued acts of disruption and violence, the inclination of Congress is toward action. Such action must be responsible rather than repressive, aimed at helping the colleges and universities to help themselves rather than establishing restrictive Federal controls.

ANALYSIS OF THE BILL

The legislation which I introduce would allow the institution of higher education involved to go to the district courts of the United States and ask civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate orders.

As the report of the National Commission on the Causes and Prevention of Violence points out:

> State and municipal laws against trespass and disorderly conduct may not be wholly effective means of dealing with some acts of physical obstruction.

This would provide colleges with a uniform, nationwide remedy for such acts.

Certainly, the Federal Government has an important stake in our institutions of higher education. The Federal Government assured the right to study, in safe, modern facilities through assistance under the Higher Education Facilities Act of 1963. The Federal Government assured the right of students to live in decent and safe housing in dormitories constructed under title IV of the Housing Act of 1950. The Federal Government assured the rights of many capable but financially disadvantaged students to pursue their education at universities through financial assistance under a myriad of acts such as titles IV, VI, part A of title IX of the Higher Education Act of 1965; title II under the National Defense Education Act of 1958, and many others.

These rights and others are being denied students, faculty and administrators by the few who use disruption to destroy. Under this bill the Federal Government would be empowered, if requested by the institution of higher education involved, to assure that the rights of the many are not denied by the few.

And yet the rights of the few are also protected. In all cases of criminal contempt arising out of violation of this act, the defendant is entitled to a jury trial if a fine in excess of $300 or imprisonment in excess of 45 days has been imposed. This is the precise formula used in the 1957 Civil Rights Act, supported by then-Senators John F. Kennedy and Lyndon B. Johnson.

In addition, the act specifically provides that, if eligible by reason of age, the accused shall be subject to the provisions of the Federal Youth Correction Act and the Federal Juvenile Delinquency Act. The bill further states that if the Federal Juvenile Delinquency Act should not be applicable or the conviction not set aside through the provisions of the Federal Youth Corrections Act, conviction of criminal contempt arising out of a violation of a court order issued pursuant to this act will be deemed conviction of a crime for the purposes of section 504(a) of the Higher Education Amendments of 1968. This provides institutions of higher education yet another option in dealing with campus disorders, since under section 504(a) an institution of higher education can, in its discretion, institute a hearing to determine whether an individual has been convicted of a crime. A recorded conviction automatically results in a mandatory cutoff of funds once the process is set in motion by the institution.

MY OWN MISGIVINGS

As I stated at the outset, I have some personal migivings about this measure which I should like to clarify at this point.

First. Is a Federal remedy needed? Is there not an adequate remedy at the State level? Some, including the National Commission on the Causes and Prevention of Violence, deem State remedies, including, presumably, injunctive relief in State courts, to be inadequate. The

truth is, Mr. President, that I have been unable to find any significant analysis of the laws and procedural remedies available in the 50 States. I have asked the Library of Congress to begin to prepare such an analysis which will, quite obviously, be a time-consuming undertaking.

In the meantime, I believe that the introduction of this bill and its circularization among school and law-enforcement officials in the 50 States, would expedite such an analysis. I intend to distribute this measure to college and university officials, faculty members, State commissions on higher education, presidents of student councils, Governors, state attorneys general, and so forth, for their analysis.

Second. Could not this bill, if it became law, be used as a club to beat down legitimate dissent so as to preserve a stagnated status quo?

I believe this poses a very legitimate question. As I pointed out earlier in my remarks, there are colleges and universities where the educational process has stagnated by remaining transfixed and immutable. Students on such campuses might well desire to protest such a process in an orderly, nonviolent way. Could a college administration quickly avail itself of this Federal remedy and thus both stifle the legitimate protest and thwart needed change?

Third. Is the Federal law-enforcement machinery sufficiently deployed and trained to enforce such a law?

We must assume that if Congress creates a remedy, it may well be utilized and conceivably could be called into play on several campuses simultaneously.

Do the Federal courts have available a sufficiently mobile and well-trained cadre of U.S. marshals to properly and intelligently enforce the court's order?

Fourth. Would a "Federal presence" exacerbate or inflame the situation, make it worse rather than better?

Assuming the necessity to enforce a Federal court order, a Federal judge might find that he needed more than the then available U.S. marshals and might wish to use Federal or federalized troops. Might not this intensify an already serious situation into something much worse, leaving almost permanent scars?

These and other questions can legitimately be asked when hearings are held on such a bill.

CONCLUSION

Mr. President, I think now is the time for such a discussion to go forward. By "now" I mean in the relative tranquillity of the summer recess without the emotion and anger that was generated during this spring's rash of campus disorders.

This fall and next spring we will once again see a series of campus disturbances. The root causes will still be there. I may be wrong in this estimate. Indeed, I hope I am.

Nevertheless, I believe that now is the time for rational unemotional discourse and analysis and I introduce this bill in the hope that through appropriate legislative hearings we might generate such discussion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent, since this bill bears so directly on education and the functioning of Federal educational programs, that it be referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. The bill will be received and referred as requested; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2520) to amend the Higher Education Act of 1965 to provide a means of preventing civil disturbances from disrupting federally assisted programs and activities at institutions of higher education, introduced by Mr. EAGLETON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XII of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"PREVENTING THE DISRUPTION OF CERTAIN FEDERALLY ASSISTED PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION

"SEC. 1211. (a) In any case in which a person shall by force or threat of force—

"(1) disrupt activities in connection with,

"(2) seize property used in connection with, or

"(3) injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any other person participating in, receiving, or administering in the benefits of any program conducted at an institution of higher education set forth in subsection (b) of this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by the institution of higher education involved.

"(b) Programs referred to in the preceding subsection are the following:

"(1) Higher education facilities assisted under the Higher Education Facilities Act of 1963;

"(2) Library resources made available under part A of title II of the Higher Education Act of 1965;

"(3) Dormitories constructed under title IV of the Housing Act of 1950;

"(4) Surplus property received under the Federal Property and Administrative Services Act of 1949;

"(5) Land grants and endowments received under the Act of July 2, 1862 (commonly known as the First Morrill Act), the Act of August 30, 1890 (commonly known as the Second Morrill Act), and section 22 of the Act of June 29, 1935 (commonly known as the Bankhead-Jones Act);

"(6) Assistance for developing institutions under title III of the Higher Education Act of 1965;

"(7) Student assistance programs under title IV of the Higher Education Act of 1965;

"(8) Reserve officer training programs conducted by one or more of the military departments of the Department of Defense;

"(9) Student loans under title II of the National Defense Education Act of 1958;

"(10) Student loans under part C of title VII and nursing assistance under part B of title VIII of the Public Health Service Act;

"(11) Financial assistance for undergraduate institutions under title VI of the Higher Education Act of 1965;

"(12) Networks for knowledge under title VIII of the Higher Education Act of 1965;

"(13) Financial assistance for public service under part A of title IX of the Higher Education Act of 1965;

"(14) Financial assistance for the improvement of graduate programs under title X of the Higher Education Act of 1965;

"(15) Subsistence and educational assistance under section 1504, subchapter IV of chapter 34, and of subchapter IV of chapter 35 of title 38 of the United States Code;

"(16) And any other fellowship, scholarship, traineeship, or research program assisted by Federal funds and conducted at such institution.

"(c) The District Courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section.

"(d) (1) In all cases of criminal contempt arising out of violations of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both; *Provided, however,* That the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months; *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury; *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"(2) This subsection shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"(3) Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

"(4) In all cases of criminal contempt arising out of a violation of a court order issued pursuant to this section, the accused, if eligible by reason of age, shall be subject to the provisions of the Federal Youth Corrections Act and the Federal Juvenile Delinquency Act. In no case shall the accused be subject to a term of imprisonment or fine that exceeds the provisions set forth in paragraph (1) of this subsection.

"(e) Except as provided in paragraph (4) of subsection (d) of this section, conviction of criminal contempt arising out of a violation of a court order issued pursuant to this section shall be deemed conviction of a crime for the purposes of section 504(a) of the Higher Education Amendments of 1968.

"(f) Nothing in this section shall be construed as indicating an intention on the part of Congress to relieve any State, political subdivision or the District of Columbia, of its obligation to take appropriate action, including criminal prosecution and the institution of civil litigation under State and local law, to punish and prevent conduct described in this section."

S. 2521—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE PLYMOUTH ROCK NATIONAL MEMORIAL

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill

to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

Mr. KENNEDY. Mr. President, next year, this Nation will celebrate the three hundred and fiftieth anniversary of the landing of the Pilgrims at Plymouth Rock. I hardly need stress the historical significance of this occasion—every American schoolchild knows its history and cherishes its meaning. Every fall, all Americans spend a day of thanksgiving for the Pilgrims' successful first winter in America. Over 1 million tourists visit Plymouth Rock every year to stand on the place of this Nation's beginning.

And yet, we have, so far, neglected to include this site in our National Park System. I have introduced similar legislation in previous Congresses, in the hope that the 350th celebration would be held in a national park which belongs to the American people and recognizes the national significance of Plymouth Rock and insures that this national shrine and its environs is forever preserved in a setting of dignity and grace.

Although other measures may be introduced in this Congress to plan for the appropriate celebration of this most important anniversary, none would be more in keeping without national commitment to preserve the landmarks of our national history than the establishment of Plymouth Rock as a national memorial.

The Congress has acted in the past to designate such historic sites as the Chamizal National Memorial, the site of the signing of the Chamizal Treaty which ended the 100 year border dispute between the United States and Mexico; the Coronado National Memorial, which commemorates the great exploration of the Southwest by Coronado; the De Soto National Memorial which commemorates the landing of De Soto in Florida; the Federal Hall National Memorial, the site of the original Federal Hall where the Second Continental Congress met; the Fort Caroline National Memorial, which overlooks the site of Laudonnier's colony of 1664; the Fort Clatsop National Memorial, the site of the winter encampment of the Lewis and Clark Expedition; the General Grant National Memorial, a memorial to Ulysses S. Grant; the Hamilton Grange National Memorial, which was the former home of Alexander Hamilton; the Johnstown Flood Memorial, which memoralizes the tragic flood of 1889; the Lincoln Boyhood National Memorial, the southern Indiana farm on which Lincoln grew from youth to manhood; the Mount Rushmore National Memorial; the Roger Williams National Memorial, in honor of the founder of the Rhode Island colony; and the Wright Brothers National Memorial, the site of the first sustained flight by an airplane.

It would seem more than appropriate, therefore, to designate the site of the real beginning of our national history as such a memorial. I urge the Congress to act on this measure in the near future so that all the necessary work at the site can be accomplished before our celebration begins next year.

The bill (S. 2521) to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the landing of the Pilgrims in the New World at Plymouth Bay, Massachusetts, in 1620, the Secretary of the Interior may acquire by gift, purchase with donated or appropriated funds, exchange, or otherwise, not to exceed fifteen acres of land (together with any buildings or other improvements thereon), and interests in land at Plymouth Harbor in the town of Plymouth, Massachusetts, for the purpose of establishing thereon a national memorial: *Provided,* That property owned by the Commonwealth of Massachusetts may be acquired only with the consent of the owner.

SEC. 2. The property acquired pursuant to the first section of this Act shall be established as the Plymouth Rock National Memorial, and shall be administered by the Secretary of the Interior subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

S. 2522—INTRODUCTION OF A BILL AMENDING THE TRUTH-IN-LENDING ACT—SUBMISSION OF AMENDMENT NO. 58

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill amending the Truth-in-Lending Act to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information. This bill is in many ways similar to S. 823, the fair credit reporting bill which was introduced by Senator PROXMIRE and which was cosponsored by me and others. Also, I submit an amendment intended to be proposed by me to S. 823 which, if adopted, would convert that bill into the one I introduce here today.

As Senator PROXMIRE so aptly noted in his introductory remarks for S. 823, despite recent congressional committee investigations on the activities of credit-reporting agencies, few Americans are aware of the size and scope of this industry or of the amount of information these agencies maintain and distribute.

In 1967, credit-reporting agencies carried credit files on 110 million Americans. From these files, which may contain any information from an individual's financial status and bill-paying record to his general reputation, morals, and habits, over 97 million credit reports were issued. The problems raised by my distinguished colleague Senator PROXMIRE in his introductory remarks on January 31 of this year should again be noted.

Since that time, many of my constituents have indicated to me their concern that a number of problems would be caused by S. 823. I am particularly indebted to Louis A. Craco, Esq., and the members of the Committee on Civil Rights of the Association of the Bar of the City of New York for their cogent analysis of the existing legislation and statement of these problems. These views deserve consideration and definitely represent improvements which I have attempted to incorporate in my bill. The bill I introduce here today is intended to correct these problems.

My concern that S. 823 could be used to restrict the use of information which is truthful and legally obtained and would therefore be a substantial impingement upon constitutional guarantees has caused me to make the following changes: First, no restrictions are placed upon the type of information which may be collected and retained by the credit-reporting agency; second, in lieu thereof, the individual is given broad rights to have access to the information in his credit-report file together with the right to include in his file an explanatory statement which would become a permanent part of the file for so long as information the individual considered to be derogatory is retained therein; and third, to provide meaningful enforcement, the attorneys general of the States are given the power to seek permanent injunctions against offending credit reporting agencies.

Mr. President, I ask unanimous consent that the views of the Committee on Civil Rights of the Association of the Bar of the City of New York be printed in the RECORD following the conclusion of these remarks. I further ask unanimous consent that the text of this bill and the amendment be likewise printed in the RECORD.

The PRESIDING OFFICER. The bill and amendment will be received and appropriately referred; and, without objection, the bill, amendment, and material will be printed in the RECORD.

The bill (S. 2522) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Truth in Lending Act is amended by adding at the end thereof the following new chapter:

"Chapter 4—CREDIT REPORTING AGENCIES

"Sec.
"161. Short title.
"162. Findings and purpose.
"163. Definitions and rules of construction.
"164. Requirements on credit reporting agencies.
"165. Requirements on users of credit reports.
"166. Civil remedies.

"§ 161. Short title

"This chapter may be cited as the Fair Credit Reporting Act.

"§ 162. Findings and purpose

"(a) The Congress makes the following findings:

"(1) An elaborate interstate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character and general reputation of individuals.

"(2) In an economy which depends increasingly upon information on individuals for the extension of credit and the movement of goods and services there is a need that such information be accurate and readily ascertainable.

"(3) Credit reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers and individuals.

"(4) There is a need to insure that credit reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the individual right to privacy.

"(b) It is the purpose of this chapter to require that all credit reporting agencies, utilizing the facilities of interstate commerce, adopt reasonable procedures, in accordance with regulations prescribed by the Board, for meeting the needs of commerce for credit and other information in a manner which is fair and equitable to the individual.

"§ 163. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this chapter.

"(b) The term 'credit rating' means any evaluation or representation as to the credit worthiness, credit standing, credit capacity, character, or general reputation of any individual.

"(c) The term 'credit report' means any written, oral, or other communication of any credit rating, or of any information which is sought or given for the purpose of serving as a basis for a credit rating.

"(d) The term 'credit reporting agency' means any person who regularly engages in whole or in part in the business of furnishing credit reports, and for the purpose of preparing or furnishing them uses any means or facility of interstate commerce.

"§ 164. Requirements on credit reporting agencies

"Every credit reporting agency shall follow procedures, in conformity with regulations prescribed by the Board:

"(a) To notify promptly any individual as to information obtained prior to the effective date hereof and thereafter whenever information is obtained by the agency which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto. The statement so submitted shall thereupon become a part of said individual's credit report for so long as said information is included therein. In making any credit report in which reference is made to information in respect to which a statement has been submitted, the existence of said statement shall be included in such credit report together with the substance thereof.

"(b) To keep all information bearing on the credit rating of any individual current.

"(c) To provide any individual, upon request, a reasonable opportunity to correct information by the agency which may bear adversely upon his credit rating.

"§ 165. Requirements on users of credit reports

"Whenever a prospective transaction with an individual is canceled wholly or partly because of a report from a credit reporting agency, the person involved shall so notify the individual with whom the prospective transaction is canceled and shall supply the name and address of the credit reporting agency making the report.

"§ 166. Civil remedies

"(a) Any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any individual is liable to that individual in an amount actual to the sum of—

"Whenever a prospective transaction with an individual is canceled wholly or partly because of a report from a credit reporting agency, the person involved shall so notify the individual with whom the prospective transaction is canceled and shall supply the name and address of the credit reporting agency making the report.

"§ 166. Civil remedies

"(a) Any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any individual is liable to that individual in an amount equal to the sum of—

"(1) any actual damages sustained by the individual as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall be not not less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"(b) In each State, possession or territory wherein this Act shall be in effect, the attorney general thereof, or if there is no attorney general an officer designated by the chief executive thereof, is empowered to seek a permanent injunction against any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter.

"(c) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation."

(b) The table of chapters at the beginning of the Truth in Lending Act is amended by adding at the end thereof the following:

"4. Credit reporting agencies..... 161"

(c) The caption at the beginning of the Truth in Lending Act is amended to read as follows:

"TITLE I—TRUTH IN LENDING"

The amendment (No. 58) was referred to the Committee on Banking and Currency, as follows:

AMENDMENT No. 58

On page 1, line 9, strike out "166. Civil liability," and insert in lieu thereof, "166. Civil Remedies."

On page 3, line 21, beginning with the comma, strike out down through line 9 on page 5, and insert in lieu thereof a colon and the following new paragraphs:

"(a) To notify promptly any individual as to information obtained prior to the effective date hereof and thereafter whenever information is obtained by the agency which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto. The statement so submitted shall thereupon become a part of said individual's credit report for so long as said information is included therein. In making any credit report in which reference is made to information in respect to which a statement has been submitted, the existence of said statement shall be included in such credit report together with the substance thereof.

"(b) To keep all information bearing on the credit rating of any individual current.

"(c) To provide any individual, upon request, a reasonable opportunity to correct information obtained by the agency which may bear adversely upon his credit rating."

On page 5, strike out lines 11 and 12, and insert in lieu thereof "'Whenever a prospective transaction with an".

On page 5, line 15, strike out line 15 and insert in lieu thereof "notify the individual with".

On page 5, line 19, strike out "§ 166. Civil liability", and insert in lieu thereof "§ 166. Civil Remedies".

On page 6, between lines 7 and 8, insert the following new subsection:

"'(b) In each State, possession or territory wherein this Act shall be in effect, the attorney general thereof, or if there is no attorney general an officer designated by the chief executive thereof, is empowered to seek a permanent injunction against any credit reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter.".

On page 6, line 8, strike out "(b)" and insert in lieu thereof "(c)".

The material presented by Mr. JAVITS is as follows:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK COMMITTEE ON CIVIL RIGHTS

REPORT ON PROPOSED LEGISLATION FOR PROTECTION AGAINST ERRONEOUS CREDIT INFORMATION

S. 823, 91st Cong., 1st Sess. (1969) introduced by Senator Proxmire for himself and Senators Javits, McGee, Magnuson, Mondale, Moss, Nelson, Williams of New Jersey, Yarborough and Young of Ohio would amend the Truth in Lending Act to impose requirements on credit rating agencies "to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information."

We believe that legislation for these purposes is important and represents a civil rights problem, and we approve S. 823 with the changes recommended below.

In numerous instances called to our attention persons have been threatened with adverse credit reports if they did not pay claims, which may or may not have been meritorious. The victim of such a report at present usually has no way to correct the information even if it is totally erroneous and even if he wins vindication in court on the merits of the dispute.

At the same time, we recognize that credit rating agencies serve an important function in expediting transactions and preventing unwise extensions of credit. This function should not be disturbed more than is necessary to correct the evils which exist. Further, credit agency files are frequently useful to federal and local law enforcement agencies in trying to find fugitives from justice or locate the operators of fraudulent or other criminal activities. This also is a social interest of some significance.

S. 823 would require credit rating agencies under Federal Reserve Board regulations to adopt procedures to achieve the following objectives:

"(a) To insure the confidentiality of information obtained by the agency which bears upon the credit rating of any individual.

"(b) To provide any individual, upon request, a reasonable opportunity to correct information obtained by the agency which may bear adversely upon his credit rating

"(c) To limit the collection, retention, or furnishing of information to those items essential for the purposes for which the information is sought and to preclude the collection, retention, or furnishing of information which only marginally benefits the purposes for which the information is sought or which represents an undue invasion of the individual's right to privacy.

"(d) To keep current information bearing on the credit rating of any individual and to destroy such information after it has become obsolete or after the expiration of a reasonable period of time.

"(e) To notify promptly any individual

whenever information which is a matter of public record is obtained by the agency and which is, or is likely to be interpreted by the agency or its clients as, adverse to the credit rating of the individual, and to provide a reasonable opportunity to the individual to submit an explanatory statement with respect thereto.

"(f) To insure that, unless the individual on whom the information is being furnished agrees otherwise in writing, the information obtained by the agency is furnished only—

"(1) to persons with a legitimate business need for the information and who intend to use the information in connection with a prospective consumer credit or other transaction with the individual on whom the information is furnished; and

"(2) for the purposes disclosed in the collection of the information."

Under another provision, users of credit reports who deny credit based on an adverse report would have to notify the person concerned.

In our view the important aspect of these requirements is item (b) permitting an individual to correct erroneous credit information against him. This should be implemented by a clear requirement that persons be permitted to see credit reports relating to them in order to determine whether corrections are necessary.

The provisions which attempt to restrict the use of information even if it is correct create a problem in our view. We would prefer to delete these and enact requirements instead designed to insure the correctness of the information disseminated.

There may be constitutional problems arising under the First Amendment in restricting persons from retaining or disseminating entirely truthful information about others which was not illegally obtained. Compare *Time, Inc.* v. *Hill*, 385 U.S. 374 (1967); and authorities cited.

One practical problem with such restrictions is the fact that non-credit rating agencies such as trade newspapers, merchants themselves exchanging information, private detective agencies, and indeed all others would not be under similar restrictions. This would create inequities and also tend to defeat the objectives of the bill.

Likewise, we have difficulty justifying a rule that information which can be used for deciding on extensions of credit cannot be given to law enforcement authorities. This would be saying in effect that extension of credit is a social interest of greater weight than the solution of crimes, which would hardly be a defensible position. Credit agencies, of course, are under the same restrictions as others as to obtaining information by improper means.

Under the bill, punitive as well as liquidated and actual damages are payable for violations of its terms. The situation could thus arise where a person has committed antisocial acts relevant to his credit rating and a credit rating agency would have to pay him because they honestly disclosed this truthful fact. This in our view would present constitutional problems as well as being highly unpalatable to the public.

We believe that the remedies contained in the bill should be strengthened by permitting a public agency to obtain injunctions against violations. Violations would be likely to occur as part of a pattern, and we doubt that private damage actions alone would be enough to secure effective enforcement.

CONCLUSION

We approve the provisions of S. 823 designed to deal with the problem of "arbitrary, erroneous and malicious credit information." We recommend deletion of those provisions of S. 823 which go beyond this objective and attempt to restrict the dissemination of even truthful, legally obtained information.

Respectfully submitted.

Committee on Civil Rights, Louis A. Craco, Chairman, Ann T. Anderson, Edward Brodsky, Milton M. Carrow, James F. Downey III, Sheldon H. Elsen, Michael Seth Fawer, Richard A. Givens, Prof. R. Kent Greenawalt, Arthur M. Handler, Conrad K. Harper, Lewis M. Isaacs, Jr., Arthur H. Kroll, Steven H. Lipsitz, Donald F. Malin, Jr., Peter H. Morrison, Leon B. Polsky, J. Kenneth Townsend, Jr., William J. Williams, Jr.

S. 2523—INTRODUCTION OF COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, the Community Mental Health Centers Amendments of 1969, which would extend, amend, and improve legislation under which millions of Americans who are touched by the tragedy of mental and emotional illnesses may find new hope, and through which this country may move toward preventing mental illness.

By 1969, more than 350 community mental health centers were established in 50 States, Puerto Rico, and the District of Columbia. These centers represent mental health service coverage for more than 50 million Americans from all walks of life. But they are only a start toward the goal of bringing home-based mental health care to all Americans. It is found that a total of 2,000 centers are needed throughout the country if we are really to carry out one of the most significant improvements in public health in this century.

These hundreds of mental health centers did not spring forth suddenly with the provision of Federal funds. In more than one sense they represent people. In these centers, we see the participation of thousands of citizens who have worked to bring services to their communities. In them, we see new affiliations among local agencies and organizations, joining to combine their facilities, their talents, and their resources. We see newly created mental health boards of citizens, new legislation at State and local levels, new action stimulated by the national community mental health program.

The original Community Mental Health Centers Act grew from an urgent need in this country to end the neglect of the mentally ill, to start toward prevention of mental health problems.

That act first provided construction grants for the establishment of community mental health centers, an entirely new system for the delivery of comprehensive mental health care to all Americans. Construction was and is needed to strengthen the capacities of our communities to take care of and restore the mentally ill—and to do this near their homes and families, their jobs and places of work. Facilities were and are needed from which communities may draw preventive services for their schools, their clergy, their physicians, their courts, and other agencies.

Since the adoption of this legislation, $125 million in Federal construction aid has stimulated the community mental health movement in the United States. In 1965, an amendment provided staffing assistance to centers in recognition of a further need of the States and communities in developing their new mental health services. Under this authorization, $93 million for the initial staffing of centers has further stimulated the move toward community-based mental health care.

The statistics are impressive. When the currently funded centers are in full operation, they will serve 27 percent of the Nation's population in cities and towns of all sizes. They will serve 20 to 25 percent of the over 20 million people living in the 101 metropolitan areas designated as poverty target areas. They will serve 122 of the 486 poorest rural counties, as well. My enthusiastic support is based upon the remarkable progress reflected in these and other figures and in the certain conviction that this country can no longer afford to neglect the mental health of its citizens, whether sickness takes the form of a major affliction, violence, delinquency, family disruption, or drug abuse.

However, we still have great needs. Thus, I am proposing substantially increased authorizations for both construction and staffing. The total proposed authorization over 5 years is $975 million.

Because urban and rural poverty areas have been found to need a larger measure of Federal assistance to develop and operate their mental health services, I have proposed for these areas a higher Federal sharing of construction costs and a higher Federal percentage for costs of staffing the programs. For construction grants in disadvantaged areas, I propose Federal funding of up to 90 percent of total costs. The present limit is two-thirds. For staffing grants to centers in these areas, I propose the same Federal funding of up to 90 percent. The present upper limit is 75 percent.

Because the program faces serious hurdles in financing the operation of centers locally, I have also proposed that the present limit of 51 months for staffing aid to all centers be extended to 10 years. I have been informed that many centers already face difficulties in arranging to meet operating costs when the present aid expires. A pressing need is for further extension of the Federal assistance, and at the increased percentages proposed.

Other changes included are also based upon experience with the program. The last Congress provided that 2 percent of the State's construction allotment could be set aside for administration of the State construction plan. I believe we should support administration of the State's entire comprehensive planning for mental health services. Accordingly, I have amended this section and also increased the available percentage to 5 percent. This provides a more realistic amount for this essential activity.

I have been informed that many programs have been hobbled by the need for funds with which to acquire land. I therefore have proposed that the cost of purchasing land, not now eligible for construction costs, be included in the Federal authorization. In addition, I have

proposed that States no longer be required to give every applicant a minimum of one-third Federal share, regardless of need. This change is designed to permit the States to use their available allotments in a manner more closely suited to their communities' needs.

Reflected also in my proposal is the now evident requirement for specific assistance for the initiation and development of community mental health programs. As I have indicated, many agencies and organizations are combining their resources and talents to make this program work. Therefore, I am proposing that up to 5 percent of the annual appropriation for staffing of mental health centers be set aside to make initiation, development, and staffing grants available to local, public, or private nonprofit agencies in urban or rural poverty areas. The task of assessing local mental health needs and developing the necessary resources at the local level is crucial to the program.

Finally, my proposal reflects a most heartening development in the progress of our national community mental health program. I am advised that the most successful of the new mental health centers are those with broad and active community participation. This has proven essential not only for targeting services directly at the community's specific needs, but to obtain the wide community support eventually needed to fund and support the services.

I have therefore proposed that each application for Federal staffing aid give assurance that persons already representative of all elements of that area's population be given opportunity to participate in developing programs for the delivery of mental health services.

Few measures can be of higher priority than that which seeks to strengthen the mental health of all our citizens. I believe this bill deserves enactment by the Congress because it is directed to this need.

I would like also to announce that the senior Senator from Massachusetts (Mr. KENNEDY) and I are working on a proposal to meet the needs of the mentally retarded. We expect to introduce such legislation in the near future.

I am happy to note that the Senator from California, the present occupant of the chair as Presiding Officer (Mr. CRANSTON in the chair) is one of the cosponsors of this measure. I introduce this bill for myself, the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senators from North Dakota (Mr. BURDICK and Mr. YOUNG).

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 2523) to amend, extend, and improve certain public health laws relating to mental health, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1969".

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

EXTENSION OF DURATION

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking the word "and" which appears immediately before "$70,000,000," and (2) by inserting immediately before the period at the end thereof the following: ", $95,000,000 for the fiscal year ending June 30, 1971, $115,000,000 for the fiscal year ending June 30, 1972, $115,000,000 for the fiscal year ending June 30, 1973, $135,000,000 for the fiscal year ending June 30, 1974, and $135,000,000 for the fiscal year ending June 30, 1975".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1975".

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 102. (a) Section 403(c)(1) of the Mental Retardation Facilities and Community Mental Health Centers Act (42 U.S.C. 2693) is amended by striking out "such part" and inserting in lieu thereof "this Act"; section 403(c)(2) of such Act (42 U.S.C. 2693) is amended by striking out "such part A" and inserting in lieu thereof "this Act".

(b) Effective with respect to expenditures referred to in paragraph (1) of subsection (c) of section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 made after June 30, 1970, such paragraph (42 U.S.C. 2693) is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum."

TITLE II—GRANTS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

FEDERAL SHARE

SEC. 201. Effective with respect to costs of development and operation of any center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b) Grants for such costs for any center under this part may not exceed—

"(1) except as provided in paragraphs (2) and (3), 75 per centum of the costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next six years after such first day;

"(2) in the case of grants to any center which provides services for persons in an area designated by the Secretary as an urban or rural poverty area, 90 per centum of such costs for each of the first two years after the first day of the first month for which such grant is made with respect to such center, and 75 per centum of such costs for each of the next 8 years after such first day; and

"(3) in the case of a grant which undertakes to initiate and develop a program for delivery of community mental health center services for persons in an area designated by the Secretary as an urban or rural poverty area, 100 per centum of the costs (or $50,000, whichever is less) attributable to the initiation and development of such program for the one-year period beginning with the first day of the first month for which such grant is made for such purpose.

No grant shall be made under this section, in the case of any center referred to in paragraph (1), for any period of time which is later than the last year referred to in paragraph (1), or, in the case of any center referred to in paragraph (2), for any period of time which is later than the last year referred to in paragraph (2)."

APPLICATIONS AND CONDITIONS FOR APPROVAL

SEC. 202. Section 221(a) of such Act (42 U.S.C. 2688a) is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following new paragraph:

"(6) in the case of a grant (as referred to in section 220(b)(3)) for costs attributable to initiation and development and staffing of a program for delivery of community mental health services to persons in an urban or rural poverty area, the Secretary is satisfied, upon the basis of evidence supplied by the applicant, that persons broadly representative of all elements of the population of such area will be given an opportunity to participate in the development of such program."

EXTENSION OF DURATION

SEC. 203. Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears therein and inserting in lieu thereof "1975".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) The first sentence of section 224 of such Act (42 U.S.C. 2688d) is amended (1) by striking out the word "and" which appears immediately after "1969", and (2) by inserting immediately after "1970," the following: "$60,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975".

(b) Section 224 of such Act (42 U.S.C. 2688d) is further amended by adding immediately after the first sentence thereof the following: "For the purposes of assessing local mental health needs, developing necessary resources, and involving local citizens in the development of mental health programs, up to a maximum of 5 per centum of the appropriation authorized for each fiscal year under section 224 of such Act (42 U.S.C. 2688d) shall be available to the Secretary for grants to local public or private nonprofit agencies or organiaztions to cover up to 100 per centum of the costs, but in no case to exceed $50,000, for initiation and development of a program for delivery of community mental health center services, for one year only running from the first day of the first month for which such a grant is made with respect to such a local public or private nonprofit agency or organization. In no event may such grants under clause (3) with respect to any local public or private nonprofit agency or organization be made for any period after such one year."

(c) The second sentence of section 224 of such Act (42 U.S.C. 2688d) is amended by striking out "seven" and inserting in lieu thereof "17".

COST OF COMPENSATION OF STAFF

SEC. 205. (a) Effective with respect to costs of operation of any center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of such Act (42 U.S.C. 2688), such subsection is amended by striking out "compensation of professional and technical personnel for the initial operation" and inserting in lieu thereof "compensation of personnel for the initial operation".

(b) The heading of part B of such Act (42 U.S.C. 2688 et seq.) is amended to read as follows:

"GRANTS FOR INITIAL COST OF PERSONNEL OF CENTERS"

TITLE III—AMENDMENTS RELATING TO COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

COST OF LAND INCLUDED IN COST OF CONSTRUCTION

SEC. 301. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 401(e) of such Act is amended by striking out "architect's fees, but exluding the cost of offsite improvements and the cost of the acquisition of land" and inserting in lieu thereof "architect's fees and the cost of the acquisition of land, but excluding the cost of offsite improvements".

FEDERAL SHARE TO BE MAXIMUM; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 302. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of such Act, section 402 of such Act (42 U.S.C. 2692) is repealed, and section 401(h) of such Act is amended to read as follows:

"(h)(1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall, except as provided in paragraph (3), be an amount equal to 66⅔ per centum of the Federal percentage for the State, or, if lower, the amount determined by the State agency designated in the State plan. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method of determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determining the actual Federal share for such projects in such State approved during such fiscal year shall not be changed after such written approval has been given.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share shall be equal to such per centum of the costs of the construction of the project as may be determined by the State, except that such per centum shall not exceed 90 per centum."

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

SEC. 303. Section 401(j)(1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

The section-by-section analysis, presented by Mr. YARBOROUGH, is as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

TITLE I—GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

Section 101—Extension of duration

(a)(1) and (2). Construction grant authority, provided under Section 201 of the Community Mental Health Centers Act, which would have expired in Fiscal Year 1970, is extended for five years, 1971–1975 inclusive. Appropriation ceilings are specified as follows:

[In millions of dollars]

For the fiscal year ending June 30, 1971	95
For the fiscal year ending June 30, 1972	115
For the fiscal year ending June 30, 1973	115
For the fiscal year ending June 30, 1974	135
For the fiscal year ending June 30, 1975	135

(b). The provision of Section 207 of the present Act, concerning non-duplication of construction grants, was also extended five years to June 30, 1975.

Section 102—Percentage of Allotments Available for State Plan Administration

(a). Section 403(c)(1) and (2) of the Centers Act are amended by deleting references to Part A of the Act, which refers to the construction plan only, and substituting the words "this Act." This would make it possible for the funds to be used for administration of the entire State Comprehensive Mental Health plan by the State Mental Health Authorities, rather than limiting the use of such funds to the administration of the construction plan under part A of the Act only.

(b). The percentage of construction allotments available for State use each year in paying up to one-half of the costs of administration of its State plan would be increased from two percent or $50,000, whichever is less, to five percent or $50,000, whichever is less. The present two percent provision for administration costs was added to the Centers Act in 1968 by P.L. 90–574. While virtually all States would be likely to benefit from this provision, it would be particularly useful for States receiving the minimum construction allocation. For example, approximately 16 States generally receive construction allotments of $200,000 or less which means that under the present provision their allocation for administration costs would not exceed $4,000. Under the amendment, this group of States would be eligible to allocate up to $10,000 for this purpose.

TITLE II—GRANTS FOR STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

Section 201—Federal Share

Subsection (b) of Section 220 of the Community Mental Health Centers Act would be amended as follows:

(1). The present Act (Section 220(b)) specifies an initial staffing grant period of 15 months at a maximum Federal share of 75 percent. The bill would extend the duration of the initial grant period at 75 percent to two years. A declining Federal share of 60 percent and 45 percent, for each of the next two years respectively is provided exactly as is done in the present Act. Thirty percent is provided for the next six years instead of three years as in the present Act. The overall period of support would be ten years instead of four years and three months.

(2). A new clause would be added to authorize a longer support period and a higher Federal share to be paid to centers serving persons in areas designated by the Secretary as urban or rural poverty areas. For the first two years the Federal maximum would be 90 percent of staffing costs, and payment of 75 percent of such costs is authorized for the next eight years. The amendment is intended to assure that a greater proportion of total centers' resources will be utilized for development of services in areas of greatest need.

(3). A third new clause would authorize the Secretary to make grants to local public or private non-profit agencies to meet up to 100 percent of the costs of initiating and developing a program for the delivery of community mental health services for persons in areas designated by the Secretary as urban or rural poverty areas. The grants would be for the purpose of assessing local mental health needs, developing necessary resources, involving local citizens in the development of mental health programs to serve the communities in which they reside. The grants would be for a one year period only, not to exceed $50,000 per grant. (See discussion of Section 204, *ante*.)

Section 202—Applications and Conditions for Approval

A new clause would be added to Section 221(a) of the Centers Act to require that before a staffing or an initiation and development grant for a program for the delivery of community mental health services to persons in an urban or rural poverty area may be approved, the applicant must give the Secretary satisfactory evidence that persons broadly representative of all elements of the population of such area will be given an opportunity to participate in the development of the programs authorized.

Section 203—Extension of duration and section 204—Authorization of appropriations

(a) Authorization for staffing support appropriations is extended under Section 224 of the Centers Act for an additional five years, 1971–1975 inclusive. It would otherwise expire on June 30, 1970. Appropriation ceilings are specified as follows:

[In millions of dollars]

For the fiscal year ending June 30, 1971	$60
For the fiscal year ending June 30, 1972	60
For the fiscal year ending June 30, 1973	80
For the fiscal year ending June 30, 1974	80
For the fiscal year ending June 30, 1975	100

(b). Section 224 of the Act is further amended by adding a new clause making available to the Secretary a maximum of five (5) percent of the staffing appropriation authorized for each fiscal year to make the initiation and development grants to local public or private non-profit agencies authorized by Section 201, *supra*.

(c). The provision in Section 224 of the Act which presently authorizes staffing continuation grants for Fiscal Year 1967 and the next seven years is amended to cover Fiscal Year 1967 and each of the next 17 years.

Section 205—Cost of compensation of staff

(a). The qualifying words "professional and technical" under Section 220(a) in describing the personnel whose salaries may be covered under the staffing portion of the Act would be eliminated. The new authorization would be for a portion of the costs "of compensation of personnel for the initial operation." This would make it possible to offer Federal staffing assistance for all center employees, including those with administrative or housekeeping responsibilities primarily and might lend impetus to a growing trend to employ sub-professionals in a variety of useful ways.

(b). In conformance to the above, the heading of Part B of the Act covering staffing is amended to read: "Grants for Initial Cost of Personnel of Centers."

TITLE III—AMENDMENTS RELATING TO COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

Section 301—Cost of land included in cost of construction

The term "construction," as defined in Section 401(e) of the Centers Act would be

amended to include the cost of the acquisition of land as a reimbursable construction cost. This cost is specifically excluded in the existing definition. At present, a number of communities have found it impossible to develop a center because of lack of financial resources to purchase a building site or to acquire land on which a suitable building is already located. This amendment should prove particularly useful in urban disadvantaged areas.

Section 302—Federal Share to Maximum; Higher Share for Disadvantaged Areas

Section 402 of the Act, which permits State plans to include standards for determining a variable Federal share of construction costs based on a State's own assessment of its priority needs, would be repealed.

The existing lower limit (33⅓ percent) on the Federal share of the costs of construction would be eliminated. It would then be possible for the Federal contribution to be any amount up to a maximum of 66⅔ percent. A State would be required to give the Secretary written notification of the maximum Federal share established, the variable share established for each project, and the method for determining such shares. Once the maximum share and the method of determination have been approved, a State may not change either during the fiscal year in which established.

The amendment also authorizes a higher Federal share of the costs of construction for projects which will provide services for persons in areas designated by the Secretary as urban and rural poverty areas. The new maximum would be 90 percent, instead of 66⅔ percent for non-poverty areas.

Section 303—Period for Promulgation of Federal Percentages

The deadline for promulgating Federal percentage of construction costs will be extended from August 31 to September, for reasons of administrative convenience.

S. 2527—INTRODUCTION OF A BILL TO REPEAL THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Mr. GORE. Mr. President, I have today introduced a bill to repeal the Automotive Products Trade Act of 1965, the legislation which implemented the unwise and hurtful trade agreement with Canada governing automotive products.

I have spoken out on this matter many times, and find it continuingly distressing that few of my colleagues have seen fit to interest themselves in this agreement. I again call this matter to the attention of my colleagues, particularly since a Cabinet-level meeting to discuss trade and related matters was held last week here in Washington between United States and Canadian officials.

According to press reports, despite the fact that this trade agreement has so obviously and demonstrably worked to the detriment of the United States, our representatives at the meeting last week had no plans to press for liberalization of the agreement. I suppose it should be considered a victory for our side if we emerge no worse off than before, given the past history of this sorry charade.

The Congress is supposed to receive an "annual" report on the working of this agreement. Thus far, the agreement having been in operation for some 4½ years, we have received two reports, the most recent having come to Congress well over a year ago. On inquiring last week, I was advised that another report is now at the printer, but cannot be expected on Capitol Hill for another 2 weeks or so.

This new report will probably show that our balance of payments has been worsened by about a billion dollars per year as a result of this agreement. In other words, instead of having a favorable trade balance in automotive products of about one-half billion dollars, as was the case immediately prior to the entering into effect of this agreement, we will now show about a half billion dollar deficit in this commodity.

It will be interesting to see what the Nixon administration does about this, whenever it can get around to giving it any thought. And do not misunderstand. I am not blaming this fiasco on the Republicans. This agreement was a truly bipartisan effort at economic suicide, having been worked out by a Democratic administration and supported in the Senate by a solid 95 percent Republican vote.

I will continue to do what I can to bring this to the attention of the administration and my colleagues, and look forward, though not with happy anticipation, to reviewing the third annual report when it shall have been received.

In the meantime, I hope colleagues will be interested in reading the article which appeared in the Journal of Commerce for June 24, which is somewhat in the nature of a brief report on the recent workings of this agreement. I ask unanimous consent that this article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, June 24, 1969]

UNITED STATES-CANADA TRADE TO BE AIRED

(By Richard Lawrence)

WASHINGTON, June 23.—U.S. and Canadian cabinet officers meet here this week against the background of a sharply negative swing in the American trade balance with Canada.

U. S. inflation is partly the culprit but the single biggest factor in the current deficit is a unique bilateral pact called the U. S.-Canadian Automotive Products Agreement.

In 1964–65, just before the pact took full effect, U. S. automotive trade surpluses with Canada averaged $550 million a year. Last year, the United States came off with a $240 million deficit, according to the Commerce Department's Bureau of International Commerce, and through April this year, the deficit was up to $125 million—five times that of 12 months earlier.

NOT TO ASK LIBERALIZATION

Despite this, the U. S. cabinet team, led by Secretary of State William Rogers, apparently will not press the Canadians for any liberalization of the imperfectly balanced agreement.

Though Canada has reversed the auto trade flow to her advantage by nearly $1 billion, she declines to relax her special import controls applied against U. S. vehicles and parts.

While the United States lets in duty-free all new Canadian vehicles and parts—no strings atttached—Canada limits its duty-free entry to purchases made by licensed Canadian manufacturers.

Manufacturers get a license if they maintain a prescribed percentage of Canadian content in their production and adhere to a Canadian production-sales ratio fixed by Ottawa. Both measures are designed to limit imports.

KENNEDY ROUND

Any Canadian other than those manufacturers must pay a 15 per cent duty on U. S. car purchases and duties ranging from 15 to 17 per cent on parts. These rates reflect Canada's recent move completely implementing the 1967 Kennedy Round concessions.

U. S. officials—outside the State Department and the Commerce Department's Business and Defense Service Administration, where the pact is still defended—contend the special agreement with Canada has been a major factor in the crumbling U.S. trade balance.

The agreement was deliberately designed to favor Canada, which had been threatening economic curbs against the United States if its auto industry was not helped. State and Commerce officials led in the negotiation.

Reports persist that the pact was actually born out of President Johnson's desire to repay Canadian Prime Minister Pearson for a 1964 troop commitment during the Cyprus crisis.

REPUBLICAN VOTES

The agreement passed the Senate on a solid bloc of Republican votes, apparently delivered by Sen. Everett Dirksen (Ill.), who, some said, persuaded Mr. Johnson to relax his push for repeal of the "right to work" law.

A year ago, Sen. Vance Hartke (D-Ind.), spotting the steady deterioration in the U.S.-Canadian trade balance, called a Finance Committee hearing to probe the pact's effects. But administration officials, juggling figures, insisted the agreement was still to this country's advantage.

Spokesmen for the major auto companies, whose subsidiaries produce the great bulk of Canada's motor vehicles, were for the bilateral pact as strongly as ever.

With Ford producing the "Maverick" in Ontario, the U.S. trade deficit can be expected to worsen further. Detroit's Canadian subsidiaries are using the agreement to "integrate" or boost Canadian car output, much of it for the U.S. market.

IMPORTS INCREASE

Last year, more than a half-million Canadian cars, valued at nearly $1.4 billion, entered the U.S. three years earlier, only $35,000 cars had been shipped across the border.

The administration, despite its concern over the country's general trade balance, may not be pressing Canada to liberalize the auto pact out of fear. The Canadians would "retaliate" in other areas, such as by raising lumber prices.

Those earlier than scheduled Kennedy Round concessions are another talking point Ottawa might use to argue against easing the Canadian controls. But it is doubtful that slightly lower Canadian tariffs will exercise much, if any, effect on auto trade.

The two cabinet teams—Foreign Minister Mitchell Sharp will head the Canadian delegation—are also due to talk on such other matters as wheat and oil policy. It is not expected that any substantive decisions will emerge from the two days of discussions.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2527) to repeal the authority of the President to proclaim modifications of the Tariff Schedules of the United States under the Automotive Products Trade Act of 1965 and to terminate modifications of such schedules heretofore proclaimed under authority of such Act, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 849

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2259

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2518

Mr. HARTKE. Mr. President, through an unfortunate inadvertence, the name of my distinguished friend, the Senator from North Dakota (Mr. BURDICK), was omitted from the list of cosponsors of the bill (S. 2518) to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. This omission was especially disappointing since the gentleman from North Dakota was one of the earliest and most enthusiastic of those who so graciously offered to cosponsor this bill.

I ask unanimous consent, Mr. President, that the permanent RECORD be corrected to include Senator BURDICK's name among those listed as cosponsors. I further ask unanimous consent that, at its next printing, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 57

Mr. INOUYE submitted amendments, intended to be proposed by him, to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which were ordered to lie on the table and to be printed.

PROTECTION OF CONSUMERS AGAINST ARBITRARY, ERRONEOUS, AND MALICIOUS CREDIT INFORMATION—AMENDMENTS

AMENDMENT NO. 58

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, which were referred to the Committee on Banking and Currency and ordered to be printed.

(The remarks and amendment of Mr. JAVITS appear earlier in the RECORD under the appropriate heading.)

COLLECTION OF FEDERAL UNEMPLOYMENT TAX IN QUARTERLY INSTALLMENTS—AMENDMENT

AMENDMENT NO. 59

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (H.R. 9951) to provide for the collection of the Federal unemployment tax in quarterly installments during the taxable year, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

AMENDMENT NO. 60

Mr. GOODELL submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11612) an act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely: On page 23, line 14, after the colon, insert the following:

"*Provided further*, That:

"(1) None of the funds appropriated by this Act or any funds available to the Commodity Credit Corporation shall be used to make price support payments or acreage diversion payments which will result in a total of such payments to any producer in excess of $10,000 for each of the 1970 crops of upland cotton, extra long staple cotton, wheat, and feed grains.

"(2) If the foregoing payment limitation reduces the payments which otherwise would be made to a producer of feed grains (which for the purposes hereof shall be considered as a single commodity) and wheat on any farm, the minimum acreage diversion requirements for such commodity on the farm or farms shall be reduced by the same percentage as the payment to the producer of such commodity on the farm are reduced by the limitation. The term "payment" includes payments-in-kind, wheat marketing certificates and export marketing certificates, but does not include loans or purchases.

"(3) If the foregoing payment limitation reduces by 20 percent or more the payments which otherwise would be made to a producer of either upland or extra long staple cotton on any farm, such producer, without affecting his status as a cooperator and without being subject to marketing quota penalties, may be permitted by the Secretary of Agriculture to exceed the applicable cotton acreage allotment for the farm by not more than 30 percent.

"(4) The Secretary may not permit the owner and operator of any farm, for which the foregoing cotton payment limitation reduces the payment that otherwise would be made, to sell or lease all or any part of the right to all or any part of such allotment, to any other owner or operator of a farm, unless he finds the lease or sale is not for the purpose of evading the foregoing payment limitation.

"(5) Acreage planted to the 1970 crop of cotton in excess of the acreage allotment for the farm established under section 344 of the Agricultural Adjustment Act of 1938, as amended, shall not be taken into account in establishing future State, county and farm acreage allotments and shall not be considered as part of any acreage allotment.

"(6) Section 103(d)(12) of the Agricultural Act of 1949, as amended shall not be applicable to the 1970 crop of cotton.

"(7) The Secretary of Agriculture shall provide such regulations as he determines necessary to effectuate the purposes of this section and to prevent evasion of the limitations contained in this section."

Mr. GOODELL also submitted an amendment, intended to be proposed by him, to House bill 11612, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ANNOUNCEMENT OF HEARINGS ON AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights will hold hearings on S. 818 and S. 2507, bills to amend the Voting Rights Act of 1965, on July 9 at 10 a.m. in room 155, Senate Office Building, and on July 10 at 10 a.m. in room 2228, New Senate Office Building.

Anyone wishing further information, please contact the subcommittee office.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

George E. Tobin, of California, to be U.S. marshal for the northern district of California for the term of 4 years, vice Louis H. Martin.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, July 8, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, July 10, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Ozell M. Trask, of Arizona, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347, approved June 18, 1968

Eugene A. Wright, of Washington, to be U.S. circuit judge, ninth circuit, vice a new position created under Public Law 90-347, approved June 18, 1968

Gerald S. Levin, of California, to be U.S. district judge for the northern district of California, vice a new position created under Public Law 89-372, effective September 18, 1966

H. Emory Widener, Jr., of Virginia, to be U.S. district judge for the western district of Virginia, vice an additional position established by title 28, U.S.C., section 372(b), November 6, 1967

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Nebraska (Mr. HRUSKA), and myself.

ORDER FOR ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 296—ADJOURNMENT FROM WEDNESDAY, JULY 2, 1969, TO MONDAY, JULY 7, 1969

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 296.

The PRESIDING OFFICER laid before the Senate the concurrent resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the concurrent resolution (H. Con. Res. 296) was considered and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, July 2, 1969, they stand adjourned until 12 o'clock meridian, Monday, July 7, 1969.

ORDER FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business on Wednesday, July 2, until noon on Monday, July 7, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that the messages may be appropriately referred.

I further ask unanimous consent that during the same period all committees be authorized to file reports, including any minority, individual, or supplementary views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary and the Subcommittee on Roads of the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAM FOR HARRISON TWEED

Mr. JAVITS. Mr. President, it has always been true of the legal profession that lawyers do not confine their services to the wealthy and to courtrooms. Community service and help for the poor are considered part of a lawyer's sworn duty. I know of no other lawyer who has exemplified this ideal more than Harrison Tweed, of whose recent loss we speak in memoriam today.

A founder of the distinguished law firm of Milbank, Tweed, Hadley, & McCloy, Harrison Tweed devoted a major part of his life to education in and out of law, and above all he was the apostle of legal aid for the poor. He was a trustee of Sarah Lawrence College from 1959 through 1960. He was a member of the board of overseers of Harvard University, where he received his college and law degrees, from 1950 to 1956. Always interested in legal education, he was president of the American Law Institute from 1947 to 1961, and chairman of the American Law Institute and American Bar Association's program on continuing legal education.

One of the great revelations of the Federal Government's war on poverty, instituted in the 1960's was the need of the poor for legal services and the poor's appreciation of such aid in terms of dignity and satisfaction. Since I have always believed most strongly in providing legal assistance to the poor on a regular basis, Mr. Tweed's contribution to this most vital need commanded my great respect. He was director of the National Legal Aid Association and author of "Legal Aid Society—New York 1876–1951." He was a leading force in the New York City Legal Aid Society and of the various bar associations.

It is not just the passing of a friend and fellow lawyer which touches me, but it is the realization that a symbol of what a high-minded member of the bar and a fine community servant is gone. I hope that Harrison Tweed's example will pass on to many new lawyers and public spirited people.

STATUS OF FUNDING UNDER PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, Mr. Frank L. Griffin, Jr., vice president and actuary for the Wyatt Co., and Mr. C. L. Trowbridge, vice president and chief actuary for Bankers Life Co., have recently completed the first factual nationwide study of funding of private pension plans in the United States. Their study was undertaken for the Pension Research Council, of the Wharton School of Finance and Commerce, of the University of Pennsylvania and was published as a book in May. It was partially funded by a grant from the Department of Health, Education, and Welfare.

As the author of S. 2167, a bill which would establish minimum standards of vesting and funding for all private pension plans, I am naturally extremely interested in the study of Messrs. Griffin and Trowbridge. Insofar as funding is concerned, the study showed that most private pension plans in America are extremely well funded. Thus, of the 1,047 plans closely analyzed in the study the aggregate asset values were $22 billion and the value of accrued benefits also totaled $22 billion. The exact equivalence is coincidental; the point is that on a total basis all accrued benefits under the plans studied were fully funded. Moreover, the total value of vested, accrued benefits was $18 billion.

On an individual plan basis, the study found that over 70 percent of the plans with effective funding periods of 15 years or more were actually more than fully funded, that is their assets exceeded their accrued benefits. Of particular significance in terms of the funding standards which would be required by S. 2167, the study showed that most private pension plans are funding well ahead of the 40-year schedule which would be required under the bill, for existing plans.

The study also examined the degree of vesting in the plans studied. Approximately 27 percent of the plans studied met a 10-year vesting schedule, an additional 42 percent met a 20-year schedule, and the remaining 31 percent had no vesting or vesting later than 20 years. While these figures would indicate that the vesting standards which would be in effect under S. 2167—10 percent after 6 years and 10 percent per year thereafter with full vesting at the end of 15 years—would not be met, at present, by perhaps half of the plans, the figures on funding, particularly those showing that vested benefits are fully funded, indicate that many, perhaps even the vast majority, of plans could significantly increase their vesting without any increase at all in the amounts which would have to be contributed to meet the funding standards provided under S. 2167.

Clearly, this is a highly significant study in terms of the workability and practicability of the type of legislation I have authored. It certainly belies the claims of those who have been saying that legislation such as S. 2167 would discourage the further growth of the private pension system.

As I have emphasized again and again, I am completely committed to fostering the growth of the private plan system; and I have never believed that requiring private plans to meet minimum standards of equity and fairness, through funding and vesting, would hinder their development. This study certainly seems to bear my thesis out.

Of course, I recognize that the authors of the study did not actually study every pension plan in the country and the conclusions they reached may not accurately reflect the true situation in the country for all plans. However, the study was done as carefully as possible; every detail of methodology is explained in the study and due allowance is made for types of plans underrepresented in the sample subjected to scrutiny. The whole study took 5 years to complete, and the authors studied almost 4,000 plans accounting for more than 9 million participants, about 44 percent of the estimated coverage of plans in existence for 10

years or more at the time of the study. Certainly there is no other study which approaches this one, either in the amount of plans carefully studied, or in the rigorous methodology employed to obtain the results.

Mr. President, in view of the importance of this entire subject, I ask unanimous consent that a summary of the study which has been distributed by the Pension Research Council, be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

THE FIRST NATIONWIDE STUDY OF BENEFIT SECURITY UNDER PRIVATE PENSION PLANS IN THE UNITED STATES—A SUMMARY OF A BOOK STATUS OF FUNDING UNDER PRIVATE PENSION PLANS

(By Frank L. Griffin, Jr., Vice President and Actuary, The Wyatt Company and C. L. Trowbridge, Vice President and Chief Actuary, Bankers Life Company, and published by Richard D. Irwin, Inc. for The Pension Research Council, Wharton School of Finance and Commerce, University of Pennsylvania, May 1969)

BACKGROUND

The Pension Research Council has had a long and continuing interest in the security of the legitimate benefit expectations of participants in private pension plans. In 1958, it initiated a five-year study of the legal, financial, actuarial and regulatory environment in which private pension plans operate and in an effort to assess in a general way the prospects that the benefit expectations of pension plan participants would be realized. This study resulted in the publication of five volumes. The general conclusion of the study was that there were elements in the overall pension environment that could lead to the nonfulfillment of pension promises. The emphasis was on the conditions that *could* lead to frustration of benefit expectations rather than the development of statistical or other evidence that benefit expectations were, in fact, being frustrated. Especial concern was expressed that employers and other plan sponsors might not be following financial practices that employers and other plan sponsors obligations.

The questions raised in the study were disturbing to many persons associated with the private pension movement, some of whom sought to develop objective evidence that would either substantiate the concerns expressed in the study or show them to be groundless. In an effort to shed light on the vital area of funding, Frank L. Griffin, Jr., vice president of The Wyatt Company in charge of its Chicago office and an internationally recognized expert on pension plans, examined the relationship between the assets and the actuarial liabilities of the pension plans serviced by his office that has been in process of funding for ten years or more. The results of his investigation, which showed an eminently satisfactory level of funding, were presented in a paper before the 1964 Annual Meeting of the Conference of Actuaries in Public Practice. More important than the specific findings of this limited investigation was the methodology developed by Mr. Griffin to measure the funding progress of the plans included in his survey. He computed the market value of the pension plan assets and expressed it as a percentage of single sum value of the accrued benefits. He termed this relationship the "benefit security ratio."

The Pension Research Council quickly sensed that application of the Griffin methodology to a representative sample of the private pension universe could provide meaningful insights into the financial aspects of benefit security and serve as a fitting sequel to the Council's earlier study of the qualitative elements of pension security. Mr. Griffin, whose firm is identified with trust fund plans, was consulted about such a study and ultimately agreed to undertake the more extensive investigation if a suitable representative of the life insurance companies could be persuaded to serve as codirector of the study. Charles L. Trowbridge, vice president and chief actuary of Bankers Life Company and author of classic actuarial papers on pension funding, consented to collaborate with Mr. Griffin, and the project was underway.

The study was limited to nongovernmental plans in process of funding for ten years or more and covering at least twenty-five employees. These constraints were adopted in order to keep the number of cases within manageable bounds and to exclude those plans which on any reasonable standard of funding could not be expected to have funded in full, or in substantial part, the initial supplemental liability.

The central item of information sought with respect to these plans was the actuarial value of the accrued benefits. These values, computed with rate factors representative of those being quoted at the time by the leading life insurance companies, were to be compared to the respective asset accumulations to derive the benefit security ratio (BSR) for each plan in the study and for various classifications of plans. This approach was based on the premise that the relationship as of any given date between the assets of a pension plan and the actuarial value of its accrued benefit obligations serves as the most relevant and easily understood measure of the security attaching to such benefit accruals as of that time. Furthermore, the approach makes possible valid comparisons on a reasonably uniform basis of the funding progress under plans having heterogeneous characteristics and employing diverse actuarial cost methods as a guide to funding policy. To make the results even more meaningful, Messrs. Griffin and Trowbridge developed some benchmarks, arbitrary but realistic, that indicate at various durations the level of funding that might obtain under typical patterns of funding. As a further measure, plan assets were compared to the actuarial value of *vested* accrued benefits, the relationship being referred to as the VBSR.

The raw materials for the study were in the files of the actuarial consulting firms and life insurance companies that service the plans involved. Thus, it was necessary to enlist the cooperation of these firms. An appeal to participate in the project went out to the consulting firms and life insurance companies believed to be associated with the bulk of the plans falling within the purview of the study. Many found it impossible or impracticable to participate because of the demands that would be placed upon their technical staff, already overburdened with their normal operating responsibilities. Several life insurance companies were unable to provide information concerning pension plans funded through individual life insurance or annuity contracts, which by their structure normally generate an adequate level of funding. A few firms refused to participate because of reservations about the value of the study or the methodology to be employed. Ultimately, twenty-two consulting firms and eleven life insurance companies submitted data for the study. These organizations are listed immediately preceding this Foreword.

In order to broaden the base of participation and to identify subgroups of plans that might lend themselves to sampling, the data gathering was divided into two phases. The first phase sought information of a general nature that would give a clear profile of the plans under study and that could be supplied with minimum effort by the cooperating firms. This phase, which was virtually completed by the end of 1966, produced data on 3,983 plans, in all size categories and with the full range of relevant characteristics. These plans accounted for more than 9 million participants, about 44 percent of the estimated coverage of plans in existence for ten years or more at the time of reporting. Phase I submissions were received for approximately one half of the plans in the universe having 5,000 or more participants, ranging down to about one tenth of the plans covering between twenty-five and 100 participants. There was underrepresentation of collectively bargained multi-employer plans and the smaller (fewer than 100 participants) single-employer plans.

The second phase called for special actuarial valuations and other data that could be provided only at great expense and inconvenience to the cooperating organizations. To minimize the work and expense involved, Phase II information was sought for only a sample of the Phase I plans rather than for all. Participating firms were asked to submit the requested information with respect to all plans covering 5,000 or more employees, one half of the plans covering 500 to 4,999 employees, and one fourth of the plans covering fewer than 500 employees, the plans for the sample being selected at random. The sampling procedure followed was expected to produce a sample of 1,161 plans, when account was taken of the fact that a few firms which had supplied data for the first phase of the study had given notice that they would not be able to furnish the Phase II data. For various reasons, special valutions could not be carried out for some of these plans and Phase II data were eventually received for 1,047 plans, covering a total of 4,562,000 employees. The coverage of these plans amounted to approximately one fourth of the universe. The second phase of the data gathering was concluded by the end of 1967.

Verification and analysis of the data began long before the final Phase II reports had been submitted. A summary of the principal findings was made available to the Pension Research Council in April, 1968. In recognition of the intense interest of business and governmental groups in the study, the Council authorized dissemination of the summary findings prior to publication of the full report. A preliminary draft of the complete report was reviewed by the Council at its October, 1968, meeting, and the final manuscript sent to the printer in late November, 1968.

The study was underwritten in part by a grant of $169,500 from the Social Security Administration. The participating firms and the Pension Research Council absorbed the remaining cost. The aggregate cost of the study is estimated at a half-million dollars.

THE BASIC CONCEPTS

The funding inquiry was conducted in terms of the relationship between the value of existing pension plan assets and the funds which would be required to provide accrued pension benefits in full.

What has been termed the "Benefit Security Ratio" (BSR) is the ratio of the asset value to the value of *all* accrued pension benefits. A BSR of 100 percent (or more) indicates that in event of current plan termination a plan's accrued benefits are fully provided for. Security ratios were also determined with respect to that portion of the accrued benefits which are *vested*. The latter measure has been termed the "Vested Benefit Security Ratio "(VBSR).

It should be stressed that the above measurements produce absolute values which do not take into account the time required to effect full funding of past-service costs. High benefit security ratios should not be expected until a plan has been in process of funding for a considerable number of years, since substantial past-service pension costs must be amortized over extended periods of time and since most plans are subject to updating of benefits from time to time.

Therefore, in addition to the BSR and VBSR measurements of benefit security, the study introduces a measurement of funding *progress* in relation to the effective period

of past funding. Here the concept is a security ratio "benchmark" which moves toward 100 percent over a period of years. The benchmarks developed by the authors reflect funding levels that might be expected under typical funding procedures and employment patterns, and are compared with the security ratios actually achieved at each funding duration by the plans in the study.

FINDINGS

In terms of benefit security ratios

Overall, for the 1,047 plans in Part II of the study, aggregate asset values of $22.2 billions (market values) compare with a value of accrued benefits also totaling $22.2 billions,* and with a total value of *vested* accrued benefits of $18.0 billions.

To allow for the fact that excess assets under some plans are not available to cover benefits under other plans, an adjusted security ratio was computed for each individual plan. This adjusted ratio, limited to a maximum of 100 percent for any plan, forms the basis of the principal tables. By this means of adjustment, a security ratio of 100 percent cannot be reached by any grouping of plans unless *every* plan in the grouping has achieved a 100 percent ratio.

TABLE I.—AVERAGE SECURITY RATIOS BY EFFECTIVE PERIOD OF PAST FUNDING

[In percent]

Effective period of past funding (years)	Weighted averages based on adjusted ratios [1]	
	BSR	VBSR
Less than 10 [2]	62.4	68.3
10 to 14	86.6	94.1
15 to 19	95.9	98.2
20 to 24	94.8	99.2
25 to 29	97.4	99.2
30 or more	[3] 89.6	99.9
All periods combined	84.9	90.2

[1] Individual plan ratios limited to a maximum of 100 percent and weighted in the averages by the value of accrued (or vested) benefits. These ratios are indicative of overall benefit security reached, but not of the ratios achieved by individual plans.
[2] All plans in this grouping have been in process of funding for at least 10 years.
[3] Excluding the 1 large case referred to in the preceding paragraph, this ratio is 99.5 percent.

Some of the basic results are shown in the table 1. Except for a deviation from trend caused by one large plan at a high funding duration, there is a steady progression upward of the average security ratios.

A rather high level of security appears to have been reached by the 15th year of effective funding (which would correspond to a somewhat longer period of actual funding, as noted earlier). This is a significant funding accomplishment. One reason, of course, why so high a level of security has been reached over so short a period as 15 years is the fact that this country has passed through two decades of rising interest rates. This means that pension contributions have, on the whole, been computed on more conservative interest assumptions than the yields on which it is currently proper to base the value of accrued benefits. Looking to the future, one should not expect the same accomplishment over a corresponding period of observation occurring at a different phase of the investment cycle.

A significant feature of the study is the dispersion of results about the averages, a circumstance resulting from a considerable number of factors which vary between plans. These factors include:

First, the extent of the past-service benefits under the particular plan, which affects the period over which it is practicable to amortize all accrued benefit costs;

Second, the existence or nonexistence of bargaining under the particular plan, which frequently bears on the amortization period selected for past-service costs;

Third, the age distribution of participants, which affects the rate at which a given level of funding will develop a high security ratio;

Fourth, the extent of recent benefit liberalizations, which have a dampening effect on the progress of security ratios, and

Fifth, other circumstances peculiar to the company or industry, particularly those relating to benefit and financing objectives.

One way of viewing the dispersion of results is to examine separately the upper one-third, middle one-third, and lower one-third, respectively, of the plans in a given category. For all plans at funding durations 15 years and higher, the following table illustrates the spread in values.

TABLE 2.—PLANS WITH EFFECTIVE FUNDING PERIODS OF 15 YEARS OR MORE

	Average BSR (percent) [1]
Upper ⅓	[2] 140
Middle ⅓	[2] 116
Lower ⅓	86

[1] The weighted average of unadjusted individual plan ratios.
[2] All over 100 percent.

Over 70 percent of the plans in the above category have benefit security ratios in excess of 100 percent. This is a considerably higher proportion of 100 percent. This is a considerably higher proportion of plans than would have been expected to have achieved full funding of accrued benefits at the funding durations represented. The result must be attributed both to favorable investment experience and conservative funding practices of the past.

IN TERMS OF FUNDING BENCHMARKS

To reflect the degree of funding progress in relation to the effective period of funding, comparisons were made with two benchmarks. Ninety-four percent of all plans were found to be ahead of one of the benchmarks selected and about 90 percent were ahead of the other.

The significance of the proportions of plans thus found to be ahead of schedule can more readily be appreciated when it is considered that if average security ratios fell on the benchmark at all durations, only about half of the plans would be expected to exceed it.

TABLE 3.—PROPORTION OF PLANS HAVING SECURITY RATIOS ABOVE THE FUNDING BENCHMARK—PLANS AT ALL FUNDING DURATIONS STUDIED

[In percent]

	Based on—	
	Benchmark 1	Benchmark 2
By plans	94.0	89.5
By benefit values	93.5	90.6

EXTENT OF VESTING

The plans in part II of the study were classified into three groups according to liberality of vesting provisions. Those conferring vesting essentially after 10 years of service or participation were designated "early" vesting; those conferring vesting after more than 20 years of service were designated "intermediate" vesting. The percentages of plans and of vested benefit values in each class, and the proportion of the total benefit values which were vested, were found to be as follows:

TABLE 4.—VESTING SUMMARY

[In percent]

Vesting classification	Plans	Distribution of vested benefit values	Proportion of total benefit values which are vested
Early	27.3	50.6	91.4
Intermediate	41.9	37.1	83.3
Late	30.8	12.3	51.3
Total	100.0	100.0	80.7

It is clear that on the average the larger plans have more liberal vesting than smaller plans.

SUMMARY OF PRINCIPAL CONCLUSIONS

The most significant findings of the study are the following:

First, benefit security in terms of the measurements employed in this study is extremely high in relation to the periods during which funding has been under way. For plans with effective periods of funding of 15 or more years, the average security ratios were 94 percent (for all accrued benefits) and 99 percent (for vested accrued benefits). Single-employer plans enjoyed higher ratios than multi-employer plans.

Second, over 90 percent of all plans were ahead of where they might reasonably be expected to be in relation to the time they had been in process of funding.

Third, approximately half of the participants and benefit values were found to be under plans with "early" vesting (essentially after 10 years of service). Another one-third were found under plans classified as having "intermediate" vesting, the balance of one-sixth having "late" period. A significant secondary finding, however, was that the larger plans tend to have the most liberal vesting. This means that a relatively low percentage of the smaller plans have "early" vesting.

Fourth, 81 percent of the values of all accrued benefits were vested (the percentage of benefits vested or of participants enjoying full vesting would be lower). The figures indicate a reasonably advanced stage in the evolution of vesting, with liberalizations continuing to occur as other benefit priorities are satisfied.

In the opinion of the authors the principal message to be found in the results of this study is the clear evidence that during the past several decades, while the climate has been favorable to the independent development of private plans, these plans have responded with a remarkable health growth, both in the evolution of benefits and benefit forms and in the enhancement of employee security through sound financing.

This study also demonstrates a tremendous diversity in the private pension field. Unions and employers, operating on the basis of free bargaining and independent judgment, have arrived at decisions leading to the adoption of a wide variety of plan provisions and funding policies adapted to their special requirements. Since requirements vary from one industry to another and from company to company, there seems little doubt that diversity rather than uniformity should be encouraged.

*The close correspondence with total asset values is of course accidental.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11069) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, with statements therein to be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE DELINQUENCY PREVENTION ACT—STATEMENT OF SENATOR DODD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the request of the distinguished Senator from Connecticut (Mr. DODD), that a statement prepared by the Senator from Connecticut on the Juvenile Delinquency Control Act be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT BY SENATOR DODD

After a year of delay we have at long last taken the first step in the implementation of the Juvenile Delinquency Control Act passed by the Congress in August, 1968.

On Saturday, June 28, 1969, the office of Health, Education, and Welfare announced the awarding of grants to the States to begin a new phase in our fight against delinquency. I am pleased that the State of Connecticut has received two grants, $50,000 for planning and a sum as yet to be determined for the Juvenile Court in Bridgeport.

It is right that those of us who have been working in this field for so long should feel a sense of relief that we are finally beginning to move. However, it is only a beginning and a very small beginning at that.

In fact, several weeks ago, in studying the progress of this legislation, I was forced to conclude that while the law was almost a year old, *it had failed to prevent one single delinquent act or even help one single delinquent in this country.*

One reason for this failure is the fact that the funding authorized under the Act has been critically curtailed by Congress. Instead of the $25,000,000 authorized in the bill, we appropriated only $5,000,000. Furthermore, the distribution of these meager funds was not facilitated as quickly as one might have hoped. As a result, early this year I began receiving complaints from various parts of the country, from correctional administrators, and from professional organizations involved in crime control, regarding the inaction with respect to this new juvenile delinquency law.

Based on these complaints, I introduced an amendment on May 27 of this year to facilitate the funding of state programs under the law and I asked officials of the Department of Health, Education, and Welfare to meet with me personally to see if we could expedite the release of funds to the states and local governments.

I met with representatives of the Department of Health, Education, and Welfare on June 19th and received assurance that the funds would be disbursed by the end of the fiscal year. I am gratified to be able to report that the funds were disbursed last Saturday, and I am hopeful that the operation of the Juvenile Delinquency Act can proceed at an expanded rate from now on.

I appreciate the cooperation of the Department of Health, Education, and Welfare in this matter. At the same time, we all must realize that this year's efforts amount to a mere drop in the bucket.

We must expand this effort to suppress the growing delinquency and crime menace facing this Nation.

We must take measures to insure that the funding under this law is increased over the next two years. We must take whatever action is necessary to make certain that the monies authorized reach the state and local delinquency control programs at the earliest possible time.

We must not kill this important legislation by reason of our miserliness and inaction.

I want to reaffirm today that I, for one, will spare no effort to keep this law alive and to increase its effectiveness for the eradication of the juvenile lawlessness and violence which is spreading across America today.

A USEFUL BRAKE

Mr. CHURCH. Mr. President, in passing Senate Resolution 85, the national commitments resolution, by an overwhelming majority on June 25, we served notice upon the executive branch of the Government that the Senate intends to reassert its constitutional authority in the realm of foreign policy.

It is too soon to know what restraining influence this notice may have upon the actions of the Executive. In the press, however, the immediate reaction is mainly a favorable one. I should like to cite two articles which appeared in newspapers on June 29. One is a New York Times editorial, which states in part:

If the resolution has the effect of warning Mr. Nixon and his successors against repeating the terrible mistake of allowing such commitments to exceed the willingness of the American public to sustain them, then the action will have served as a useful brake on Presidential impetuosity.

Similar approval is expressed in the other article, which appeared in the Akron, Ohio, Beacon Journal and is written by John S. Knight, president and editor.

I ask unanimous consent, Mr. President, to have both the editorial and the article by Mr. Knight printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 29, 1969]

UPRISING IN THE SENATE

The Senate has endeavored by resolution to regain a little of the ground it has yielded to Presidents in the field of foreign policy over the last half-century. But the rebellion is milder than the 70-to-16 vote would indicate. What the resolution attempts is no more than a fresh definition of "national commitment," so that Chief Executives will feel less at liberty than heretofore to make unilateral pledges that might eventually have to be honored by military action.

If the resolution has the effect of warning Mr. Nixon and his successors against repeating the terrible mistake of allowing such commitments to exceed the willingness of the American public to sustain them, then the action will have served as a useful brake on Presidential impetuosity. But it is naive to suppose that by itself it will seriously arrest the drift toward executive control of foreign policy, which Senator Church of Idaho rightly contends has grown at the expense of Congress ever since the turn of the century.

There are historic reasons why the dictum is no longer true that, in Professor Corwin's graphic phrase, "the Constitution is an invitation to struggle for the privilege of directing American foreign policy." In the first century of its history the United States was not a world power, it did not have vital interests around the globe and, more important, no nations outside the American Continents depended on its aid and protection.

Certainly changed circumstances do not negate the foreign policy obligations laid down for the Senate in the Constitution. But the enormous complexity of global politics has inevitably widened the gap between policy making, a duty assigned to the President in the first place, and advice and consent concerning treaties, the function specifically assigned to the Senate, along with that of declaring war, which it shares with the House.

In a more immediate sense, the *blitzkrieg* and the consequent decline of old-time diplomacy have confronted modern Presidents with the necessity of making immediate and far-reaching decisions. They must act with a speed undreamed of in the days when countries broke off relations, served ultimatums, and performed other such rituals before sending even a platoon across the border, much less a missile capable of destroying half a nation. In the event of war today no one doubts that Congress, caught up in the emotions of the crisis, will unhesitatingly follow the President's lead in any case, in effect surrendering its Constitutional role with respect to war.

We hope that the Senate's limited resolution will have the useful psychological effect that it evidently was intended to have. But if Senator Fulbright and his colleagues really expect to alter the Executive-legislative balance in this all-important field, they will have to evolve a more fundamental approach, one for example that provides in some way for a close working relationship between the Senate Foreign Relations Committee and the White House. But the American form of government cannot count on the kind of mutual support in foreign policy automatically enjoyed by the two branches—ministerial and legislative—of a parliamentary government.

[From the Akron (Ohio) Beacon-Journal, June 29, 1969]

SENATE OVERDUE IN CURBING PRESIDENTS

(By John S. Knight)

The United States Senate, by a vote of 70 to 16, has sought to curb presidential power in making national commitments to foreign nations.

Sen. Frank Church (D.-Idaho), author of the "National Commitments Resolution," declared that Congress is supposed to have the power to declare war. "But the last two wars in Korea and Vietnam," Church stated, "have been Presidential wars. This is not what the Constitution intended."

Sen. Church's resolution affirms that it is "the sense of the Senate that a national commitment results only from affirmative action taken by the legislative and executive branches of the U. S. government by means of a treaty, statute, or concurrent resolution of both houses of Congress specifically providing for such commitment."

We applaud the Senate for its action. While the resolution will not actually "tie the President's hands," as Sen. Everett Dirksen avers, it is a warning that Congress no longer intends to accept Presidential dictum without question.

Had the honorable members of the Senate been as concerned in the early stages of our Vietnam involvement, much of the useless slaughter in that unhappy land could have been prevented.

Modern American history is replete with examples of Presidential commitments. Franklin D. Roosevelt brought us nearer to World War II when he traded 50 U. S. destroyers to England for air bases.

President Truman forced the Korean issue

in 1950 with hurried approval of the United Nations. President Eisenhower ordered Marines into Lebanon in 1958. President Johnson used the Marines to restore order and protect American lives in the Dominican Republic. Intervention in Latin America and "gunboat diplomacy" go back to the days of President McKinley.

The United States gave financial support to French colonialism in Indochina during the Truman administration. President Eisenhower provided technical assistance to the newly formed South Vietnam in 1954, President Kennedy increased this aid together with military personnel, President Johnson made Vietnam a major war.

In a world where U.S. military strength no longer has predominance, it is idle to prate of "Teddy" Roosevelt and how he would have disposed of our enemies.

Our danger lies in giving a President unlimited power, in not challenging policies which could lead to other Vietnams and ultimate disaster.

Majority leader Mike Mansfield explains that the Church resolution is an attempt to "seek an accommodation, a partnership with the executive branch, not diluting of the President's authority."

Sen. Mansfield calls talk of tying the President's hands as "nothing but a lot of balderdash." The Senator says we are "trying to strengthen the President's hand, not weaken it, and at the same time, insure our greater voice in national affairs."

President Nixon and Sen. Dirksen, his unpredictable minority leader, should welcome such evidence of Congressional responsibility, not reject it out of hand.

Americans are disillusioned by the Vietnam war, and weary of world saving "commitments" in any form.

The Senate's action will serve to restore a measure of balance between the White House and the Congress.

It is a stern reminder to the President that consultation with Congressional leaders is a prerequisite to the formulation of foreign policy.

THE ROCKEFELLER ROADSHOW: A FATUOUS FAILURE

Mr. CHURCH. Mr. President, mercifully, the first three acts of Rockefeller's Latin American roadshow are over. From the opening curtain, the show has played to a hostile theater, made up of unresponsive politicians occupying the half-filled boxes, and a raucous chorus of hoots and catcalls from the rowdy galleries.

Better had the Governor never left Broadway. With the curtain rung down on him by Peru, Venezuela, and Chile, with rioting in the aisles in Ecuador and Colombia, Rockefeller found himself confined to the wings in Bolivia and Uruguay, surrounded by a heavily armed guard in Brazil, and greeted by the fiery destruction of American-owned supermarkets in Argentina.

The rude reception given the Governor is no reflection against the man, but rather a reaction against the diplomatic misadventure upon which he is embarked. At this late date, a listen-and-learn mission to Latin America must be regarded as some kind of charade. The age of Marco Polo is long gone. Mr. Rockefeller cannot possibly bring back exciting new revelations about the mysterious lands which lie to the south. They have been probed to death by American diplomats, businessmen, visiting professors, foreign aid specialists, CIA operatives, and military technicians, who swarm over Latin America like a horde of locusts.

Little wonder, then, that the people of Latin America grow weary, or that they should regard the Rockefeller trip as but another instance of our penchant for patronizing our neighbors. The truth is that our relations with Latin America are in disarray. The Nixon administration has yet to devise a policy to deal with the deterioration. Rockefeller's odyssey was hit upon as a diversionary tactic. It was meant to buy time; instead, it bought trouble. It was intended as a public relations caper to improve our image in Latin America; instead, it has advertised to the world the depth and breadth of the bitter feeling in Latin America toward the United States.

As the editors conclude in the latest issue of Commonweal, the Rockefeller mission embodies all of the worst features of diplomatic ineptitude: "showy, superficial and totally insensitive to the moods of Latin America."

The "moods" of which the editors speak are reflected in an angry article published in the same issue. It is written by Marcio Moreira Alves, a Brazilian journalist and ex-Congressman, now living in exile in Chile, who describes the Rockefeller safari as "a tremendous defeat" for American diplomacy. The article, entitled, "Wrong Man, Wrong Time, Wrong Mission" is "must" reading for every Senator who wants a better understanding of why the United States is so disliked by so many in Latin America.

Accordingly, Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WRONG MAN, WRONG TIME, WRONG MISSION

(By Marcio Moreira Alves)

If President Nixon has his way, the Rockefeller mission to Latin America will proceed to its bloody end, for, having lost any political aim it might have had, it became a contest of endurance and an affirmation of courage that leaves no place for the advice of most governments concerned against the unwanted proconsul's tour. It must be said, for the Governor's benefit, that King Midas himself, wrapped in gold but waving the Stars and Stripes, would have met with the same reception. This, however, does not excuse the blunder which the nomination was in the first place. President Nixon showed, choosing Mr. Rockefeller, the same political adroitness the West German government would have if it sent Herr Joseph Goebbels, Jr., as ambassador to Israel. Nothing personal, of course.

No one doubts Mr. Rockefeller's knowledge of Latin American affairs. He is an old hand in the Continent and must know his way around quite well, for his personal investments in the provinces are huge and varied. His happy nature, fixed smile and command of Spanish also make him a simpatico visitor—if human qualities are important for this sort of mission. The trouble is the name. No other is more related in the minds of Latin Americans to American imperialism. Rockefeller means oil; oil means exploitation. (A particularly morbid joke making the rounds of Santiago these days says the mission must go on, as the large consumption of Molotov cocktails it brings about increases the profits of Standard Oil.)

All this must have been known to the State Department or, at least, to the CIA, but was overshadowed by other considerations President Nixon must have had in mind when he made his choice. Brazil's ex-dictator Getulio Vargas had a political motto: the best way to demoralize an opponent is to appoint him minister. Who knows if Vargas' motto hasn't been incorporated into American party politics?

What were the objectives of Mr. Rockefeller's mission? Implicitly, it was to gain time, which the new administration would supposedly use for establishing a Latin American policy. This had not yet been proposed in view of the inferior priority the Continent has among U.S. world problems. Explicitly, it was a "fact-finding" and a prestige mission. The timing and schedule were particularly ill chosen. The Rockefeller task force took off right after the CECLA (Coordinating Economic Commission for Latin America) meeting, in Viña del Mar, Chile. The foreign ministers of the most important Latin American countries signed a statement there on what their governments thought were the most urgent problems they had with the United States. It is a fact that these ministers do not speak for most of their peoples, but it is presumed that they all speak for their administrations.

It is highly doubtful if there is anything to be known about Latin America which is not already found in the State Department's files and Pentagon computers or stored in American university libraries. The economic ills of each and all countries have long been debated at an unending string of ineffectual conferences, which stretch from the launching of the Alliance for Progress, in Punta del Este, to last year's II UNCTAD conference in New Delhi. The social conditions of the Continent's great masses have also been the subject of countless academic studies, sociological publications and political statements. The political systems prevailing in most countries were brought about or are being maintained by American policy and would hardly be "discovered" now by the flying visitors.

With no facts to find, we are left with prestige as the mission's goal. Latin American governments have, for some time, felt orphans of Washington's attention. The Fidel Castro scare was replaced by the more real and dreary realities of Vietnam and the Middle East. The Alliance for Progress' funds, never great, dwindled to a trickle insufficient even for a Bolivian general's thirst. American public money, welcomed by the dominant classes as soon as they realized that the social reform aims stated at Punta del Este were only for the record's sake, became offensively scarce. Perhaps Mr. Rockefeller would bring back some hopes of straightening out this sad state of affairs? Maybe this hope was behind the only enthusiastic public welcome he got, when Nicaragua's Anastacio Somoza called him "friend, philanthropist and diplomat." But, if the visit was meant to be a classical Latin American "face-saving" enterprise, why a jet-set schedule?

No one is greatly flattered if an important visitor drops in, followed by a horde of architects, plumbers, pediatricians, psychologists and behavior technicians and says: "Hi, fellows! We are very much interested in the state of your house and family, but we can only stay for ten minutes, as we have to see your neighbors too." This sort of approach goes down even worse with governments. True, the mission tried to sell the idea of American efficiency even to the point of including IBM's president. But, for all its efficiency and the magic which Latin America's presidents might see in U.S. technology and Apollo 10, a stay of 22 hours in a country, slashed to 130 minutes in a Bolivian airport, might still be regarded as a slightly hasty trip.

Up to now, only official reactions have been considered. What about popular reaction, re-

sponsible for dropping Venezuela from the program, or combined reaction, responsible for avoiding Peru?

In the case of the Alvarado regime, the military gathered popular support for their take-over by quickly acting on the International Petroleum Company problem. IPC is a susidiary of the Standard Oil of New Jersey and its legal claims for exploiting the Peruvian concessions were thin. Nevertheless, the company got full backing from the State Department, complete with threats of applying the Hickenlooper Amendment, the suspension of sugar quotas and whatever other pressure the American government could muster. This came as a blessing to the Peruvian generals. From there on, they found a new reason to exist and control power. What's more: they are building a model that is quickly making the rounds of Latin America's barracks: that of an anti-imperialistic military dictatorship.

A military coup d'état used to have a recipe as simple as a jelly pudding. Once a populist civilian government was no longer able to mediate between popular needs and the dominant classes' privileges, of which foreign interests are part, the military would step in to save the country from Communism and corruption. They acted not only from greed for power, but, according to the rules of the "internal aggression" theory they had learned from the Pentagon, as a justification for the maintenance of large and expensive armies in a Continent where a war is unlikely. The "internal aggression" theory has been taught, by American inspiration, in all war colleges of the Continent since the Cold War started. It states that an armed struggle between the Russian-Communist bloc and the Christian-Democratic world is inevitable. As Latin-American armies are too weak to take a front-line part in it, their double contribution is expected to be: unconditional loyalty to the leader of the Christian-Democratic civilization, the United States, and control of their own countries, which might be subjected to "internal communist aggression."

TOMORROW'S MILITARY TOTEM

All Manichean doctrines are very comfortable, but this one began to leak when the U.S.-USSR love-affair became too obvious. Castroism and Maoism are the revamped, but less glamorous devils of today. Anti-imperialism may be the military totem of tomorrow. An indication of this lies in the incorporation of the aloof air-force brass in the Alvarado regime after his Columbus' egg was discovered. They are now happy as birds, having found a practical use for their brand new "Mirage" bombers: buzzing American fishing boats that invade their 200-mile territorial-waters limit.

The tardy discovery of their country's submission to American economic domination is the reason for the Peruvian military government's refusal to greet Mr. Nixon's ambassador. Students and workers all over the Continent arrived at the same knowledge long before. That is why they are willing to face police clubs, tear gas and bullets to express their hopes of freedom and desires for change.

Americans tend to react with a childish feeling of rejection against hostile worldwide public opinion. Individually, they are generally nice and candid, so they don't seem to realize why they are unwanted—with all their giant corporations, Marine battalions and free-enterprise ideology. Perhaps the weakness of the American Empire lies in not having built a strong "white man's burden" mentality in its citizens. This, of course, may also be its moral salvation, but there is hardly a place for a conscience in the dialectics of empire building. The British were far simpler. They were ruthless and happy, as long as the world's ransoms piled up in London.

Mr. Rockefeller is an American, if anything. His reactions to the violence his presence provoked were quite predictable: they ran from paternalism—when he said in Costa Rica that the "students had the civic impulse that will enable them to lead their communities in the future, but I came here to talk not to them, but to the people responsible for the governments of their countries"—to moral outrage, when he commented on the demonstration in Ecuador and its bill of six deaths, saying "it was a shame."

American public opinion is asking a few questions today: where is anti-Americanism stronger? Why the riots? What legitimacy do they have? There isn't, of course, any precise mechanism to measure anti-Americanism. A head count wouldn't do, for if it did Ecuador would, at this point, come out ahead, while in Colombia the riots were worse, despite only one dead among the 200 wounded. In Brazil, for instance, the repression of student and worker movements is normally so bloody that manifestations would probably be small—if Mr. Rockefeller ever gets there. That doesn't mean, however, that anti-American feelings are slight in the country. The same could be said of Argentina, where the permanent struggle against Ongania's regime doesn't leave any tactical space for special demonstrations in honor of visiting newsmen and ambassadors. On the other hand, in Uruguay and Chile, where the institutions allow a greater freedom of expression, the demonstrations would probably be immense and wild.

Are the visits legitimate? This is another difficult question to answer for legitimacy is a matter of very personal opinion. The best that can be done is a little "fact-finding" since this is apparently a fad.

Aid comes in the first place. If you speak of it to any knowing Latin American he will immediately scream for help. Why? According to the "Survey of Current Business" new American investments in Latin America from 1950 to 1965 amounted to $3.8 billion, permitting, together with old holdings, the transfer of $11.3 billion to the United States. And how is this drainage financed? One has only to quote Celso Furtado, a Brazilian exiled economist, now teaching at the Sorbonne: "In the period between 1958 and 1964 total investment of American subsidiary firms in Latin America amounted to 4.310 million dollars, of which 815 million was supplied by funds brought from the U.S. Latin American funds were twice as great as those from the U.S. However, the main source of financing were the subsidiaries themselves. If one has in mind that these subsidiaries distributed 42 percent of their benefits as dividends, the conclusion is that two-thirds of the funds imported from the U.S. could have been covered by local profits, which leads us to the acknowledgement that these firms could have financed 94 percent of their extraordinary expansion, independent of American funds."

The U.N. Economic Commission for Latin America (CEPAL) has hardly sweeter words for official aid. In a report submitted to the Viña del Mar Conference of Foreign Ministers, CEPAL says: "The special conditions that regulate American financial assistance, through AID, determine changes in the monetary and foreign trade policies of the Latin American countries which are discriminatory towards the rest of the world and should be regarded as offensive to the process of the Continent's economic integration."

BALANCING OUR DEFICIT

The fact is that the poor and hungry Continent is financing, to a very considerable extent, the United States' balance of payments deficit. But this is not all. There is also what the economist's jargon terms "deterioration of the terms of trade." Translated, this means that Latin America, and indeed all the Third World, sees the prices of the raw materials it exports progressively falling, while the prices of the machinery and manufactured goods it imports continuously rise at a still faster rate.

Last, but by all means not at all least, there is a psychological influence. What would an American think of the Germans if he rose in the morning to brush his teeth with Colgate, bathe with Palmolive, shave with Gillette, ride to town in a GM bus or a Ford, eat a Wilson hamburger with Borden's milk for lunch, work for Union Carbide or IBM, drawing a check from First National, buy a headache tablet from Parke-Davis and his baby's diapers from Johnson and, finally getting home, put on his GE TV set, using Light & Power electricity, to see a good old MGM movie on a *Time* and *Life* TV station, if all these companies were German? And, on top of all this, if he knew that any reaction to this teutonic invasion would promptly bring to New York the overwhelming forces of the Wehrmacht and the napalm bombs of the Luftwaffe, how Germanophile would he be? Not much, probably, even if he didn't care if it were the Germans that controlled 80 percent of his country's copper, as American firms do in Chile, almost all its bananas, as they do in Ecuador and Central America, a good part of its coffee exports, as in Colombia and Brazil, all of its oil, as in Venezuela, most of its fishing business and banks, as in Peru, and a considerable part of its meat, as in Argentina and Uruguay.

Mr. Rockefeller will, if he can, continue his Latin American safari. It will be against the opinion of most governments concerned, for not only are they reluctant to shoot their subjects on the streets and close down their universities, but they would rather deal as a bloc with the United States instead of bilaterally. Rockefeller's trip might only have a meaning now for U.S. internal political consumption. The results may be a few other student and worker scalps for the trophy room. For American diplomacy it is a tremendous defeat. For the liberation movements in an enslaved Continent, it may be the path to union.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may have an additional 3 minutes, in order to have a colloquy on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am not here to defend the Rockefeller mission. Nobody grieves more than I over the loss of life, the riots, and the problems which have surrounded these journeys.

But Governor Rockefeller is a distinguished public man. He made a great reputation when he was Coordinator of Inter-American Affairs. He certainly has made a great reputation in our State as a fine Governor. Therefore, I think, in fairness, two things should be said:

One is that many of the Latin American resentments over our relations with Latin America has come to the surface. I think it is a good thing as I think the people of the United States were more inclined to think about our neighbors to the south of us as picturesque Latin American cousins than to think about the enormous depth of poverty, want, difficulty, frustration, and anger which pervade so much of Latin America.

Second, I think, also, that it has been startlingly portrayed that most of Latin America is governed by dictatorships, generally military, about which the Senator from Idaho (Mr. CHURCH) and I, as members of the appropriate committee, have had longstanding concern.

So the fact that a lot of bad blood has boiled over may, in the long corridor of

history, be a good thing for them and us. But what concerns me is that a new policy for Latin America is absolutely essential.

Mr. CHURCH. I could not agree more.

Mr. JAVITS. President Nixon is our President, and he must be the person to formulate this new policy. Resolutions and commitments, notwithstanding, given the structure of our Government, it is quite a difficult thing for Congress to formulate a new program, even though sometimes Congress displays gifted initiative. Therefore, if President Nixon felt that a mission by Governor Rockefeller would give him what was needed in order to arrive at a new policy, does not the Senator think that, having gone through the agony we have—and I am not trying to gild the lily at all—perhaps the Governor will bring back some pertinent information which may induce and help the President to really arrive at a constructive policy.

Notwithstanding the Senator's feeling about this matter, I hope very much that we may call Governor Rockefeller before our subcommittee or perhaps the whole Foreign Relations Committee in due course, to hear what he has to say, to give him an opportunity to justify his mission, and to ascertain what he found out in the process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I would appreciate the comments of the Senator from Idaho.

Mr. CHURCH. Mr. President, first of all, let me say I certainly feel the committee should give attention to any recommendations Governor Rockefeller may make. I think the suggestion of the Senator that it would be appropriate to call the Governor before the Foreign Relations Committee is a worthy one.

Furthermore, as I tried to stress in my statement, my criticism of the mission has nothing to do with the man. I think any man sent on such a mission at this particular time would very likely have received much the same kind of treatment.

The mischief of the mission, it seems to me, is that it excited an eruption of resentment throughout Latin America. It became a lightning rod, so to speak, for all anti-American elements to exhibit to the entire world the depth and breadth of their resentment toward the United States. I doubt very much that the price we have paid is worth the candle, since we were already well aware of the conditions that exist in Latin America, and thoroughly apprised of the difficulties that face these countries. We have probed them exhaustively, with all of the agencies and aides we can send to Latin America.

I doubt that a flying visit by an American dignitary to Latin America can possibly result in new insights that were not already available to this administration. Indeed, I doubt that the Nixon administration even expects new insights from such a trip. It must have been the feeling that the trip might yield good public relations. It has produced bad public relations. It must have been the belief that it would buy us more time. I think it only bought us more trouble.

It was unfortunate that, when the trip got off to such an unpromising start, we did not recognize our mistake. By forcing this trip to its unwanted programmatic end. We have simply prolonged and compounded the trouble that has been incited.

Nevertheless, we will, of course, want to see Governor Rockefeller's recommendations. It is possible he may desire a hearing, in order to convey to us whatever observations he had an opportunity to make during the course of his mission.

I thank the Senator very much for his comment. I am, in the main, in agreement with what he has had to say. It is obvious that we do need fundamental changes in our policy toward the hemisphere.

Mr. JAVITS. Mr. President, I am grateful to my colleague. I add only one addendum. The trip may prove to be profitable.

Mr. YARBOROUGH. Mr. President, will the Senator from Idaho yield to me?

Mr. CHURCH. I yield.

Mr. YARBOROUGH. Mr. President, I was very much interested in hearing what the Senator from Idaho has said about Governor Rockefeller's mission in Latin America, which is not only a failure, but I think it is a disastrous tragedy for America.

I have great respect for Governor Rockefeller. I do not think he should be held responsible for it. He was sent on the mission by the administration. I have had people in my own State tell me that they warned the administration—I do not mean the President, but people down the line, who should have gotten the word to the President—that this would happen.

As the Senator from Idaho has so ably pointed out, the people of Latin America have been investigated and visited and supervised and commissioned and reported on so much that to come into a country and say that somebody is going to stay there for 3 hours and ascertain the conditions there is an insult to Latin America.

They regarded this as window dressing, a pure political visit for domestic purposes here, and they bitterly resented it. That information, I am advised by some people who have been in official positions around here—I am not at liberty to state their names—that this would happen if this mission were sent, was well known in advance. Despite that, they drafted Governor Rockefeller, one might say, and sent him into the lion's den, knowing this would happen.

I have great sympathy for Governor Rockefeller in his efforts to carry out an impossible mission that the responsible people must have known was foredoomed to failure. Its purpose—"I am going to look at you 2 or 3 hours, and tell you what your nation needs"—would be an insult to any nation.

This kind of thing can have disastrous consequences for us. I say again, I have great sympathy for Governor Rockefeller personally. I do not think he is responsible for what has happened. When one of the great, responsible Governors of this country is called upon by the President of the United States to perform a mission overseas, how can he say no to the President under such conditions? I feel that the administration should have been more sensitive to how people feel south of the border.

I believe that we in my State could have told the President. We live next door to Mexico, with a thousand-mile common border. The Mexicans are more tolerant toward us than the people of many nations. They would tell us kindly how they feel. They are not less sensitive than some of the other Latin American nations. Mexico has the largest Spanish-speaking population of any country in the world.

Mr. President, the administration should try to be more sensitive to how Latin American nations would feel, than to send a representative to look at a country 3 hours, and then attempt to tell them how to run their affairs and what is the matter with them.

Mr. CHURCH. I thank the Senator from Texas for his remarks.

BIG THICKET ASSOCIATION OF TEXAS ENDORSES 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, I am happy to announce that the Big Thicket Association for the first time has unequivocally endorsed my bill, S. 4, which calls for the establishment of a Big Thicket National Park of not less than 100,000 acres in southeast Texas. The officers and members of this association have worked long and hard to make the public fully aware of the unique qualities of this biological wonderland. Of the numerous plans and proposals which various groups have brought forward, I am gratified to see this association take this stand to protect at least 100,000 acres of this irreplaceable area.

On Saturday, June 14, 1969, I had the distinct pleasure of meeting with the Big Thicket Association at their fifth annual meeting in Saratoga, Tex.

The Big Thicket Association was formed years ago and includes members from all over Texas. Their primary objective is to preserve a part of the Big Thicket.

On that day, the members of the Big Thicket Association voted unanimously to adopt this resolution supporting my bill, S. 4, calling for a national park of at least 100,000 acres and urging its passage at the earliest possible moment.

Mr. President, this was the first time that the Big Thicket Association had ever endorsed the national park itself. It had endorsed the Big Thicket National Mounment proposal, to provide for a smaller recreational area. Now the Big Thicket Association has changed its course and, by a tremendous majority, has endorsed my national park bill. The members of the Big Thicket Association are people who live in the area, and who have worked for many years for recognition of the area and establishment there of a Federal recreational facility.

The annual meetings of the Big Thicket Association are historic occasions with helicopter tours of the Big

Thicket; tribal dancing by members of the Alabama-Coushatta Indian's Dogwood Dancing Team; a barbecue; a beauty pageant; addresses by local, State, and national officials; and numerous contests and other forms of entertainment.

This day was designated as "Dempsy Henley Day" in honor of the Honorable Dempsy Henley, chairman of the Texas Commission for Indian Affairs and former Mayor of Liberty, Tex. Mr. Henley has been president of the Big Thicket Association for the past 5 years, a position in which he has served with enthusiasm and dedication.

At the meeting of the board of directors and general membership, the members elected Mr. Charles Wilbanks, of Beaumont, Tex., as President, and Mr. Jim Hale of Hull-Daisetta, Tex., as first vice-president. Mrs. Osborne Hill, who has lived in the Big Thicket for most or all of her 90 years and is known as "Ma Thicket", was elected as a lifetime director.

Mr. President, I ask unanimous consent that the association's resolution of June 14, 1969, the association's nominations committee report listing the officers and directors of the association, and the program of the Big Thicket Association's fifth annual meeting be printed at this point in the RECORD.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the Big Thicket Association of Texas is a duly chartered non-profit organization dedicated to the preservation of the Big Thicket of Southeast Texas, and

Whereas the Big Thicket Association through its officers, directors and general membership has for several years worked diligently and tirelessly to publicize, advertise and effectively make the public aware of the Big Thicket and its rare value and the need for saving a portion of the Big Thicket, and

Whereas the Big Thicket Association was responsible for having many outstanding dignitaries, state and United States government officials take tours through the Big Thicket to become better acquainted and more fully aware of the unique botanical area, and thereby would become interested in helping preserve the Big Thicket, and

Whereas the Big Thicket Association sponsored such trips and journeys for U.S. Supreme Court Justice, William O. Douglas, U.S. Senator, Ralph Yarborough, U.S. Department of Interior, U.S. Park study committees, state of Texas Study Committee, and a host of clubs, groups and individuals, and

Whereas, the Big Thicket Association has been effective and successful in creating a public awareness of the Big Thicket and its uniqueness and national value, and

Whereas because of the efforts of the Big Thicket Association numerous clubs, organizations and the general public now support the idea of saving a portion of the Big Thicket of Southeast Texas, and

Whereas numerous clubs, organizations and individuals have now come to the aid of the Big Thicket Association and the members of the Big Thicket Association through this resolution wish to state that they are ready, willing and able to work with each and every organization and individual who is earnestly and conscientiously seeking to save and set aside portions of the Big Thicket for a State and National Park, and

Whereas numerous plans and propositions have been brought about by numerous groups and individuals, the Big Thicket Association wishes to state that it favors saving as much of the remaining Big Thicket as possible, and

Whereas there is a bill now in the U.S. Congress introduced by U.S. Senator Ralph Yarborough that the Big Thicket Association supports and urges the passage of said bill at the earliest possible moment, and

Whereas the Big Thicket Association realizes that time is of the essence in obtaining final approval and the actual creating of a Big Thicket National Park, it therefore urges and recommends that the Honorable Preston Smith, Governor of Texas appoint a Study Committee to look into the feasibility of the State of Texas creating a series of State Parks at the earliest possible moment.

Adopted this 14th day of June, 1969.

DEMPSY HENLEY,
President.

PEGGY REID FOSTER,
Secretary.

ANNUAL BIG THICKET GET-TOGETHER, JUNE 14, 1969

Nominations Committee Report:

OFFICERS

President Emeritus Chairman of the Board: Dempsy Henley.
President: Charles Wilbanks.
First Vice Pres.: Jim Hale.
Second Vice President: Dolly Hoffman.
Recording Secretary: Zoe Talley.
Membership Secretary: Peggy Foster.
Treasurer: Laura Mitchell.

BOARD OF DIRECTORS

Lance Rosier, Walter Coon, Mrs. Olive Bachman, Sam Partlow, Lois Parker, Dan Washburn, J. P. Youngblood, Marie Mitchell, Russel Long, Alice Cashen, John Casey, Willie Bean, Emmet Lack, Frances Johnson.

BIG THICKET ASSOCIATION

PROGRAM

Master of ceremonies, Dempsy Henley, Program Chairman, Gordon Baxter, radio, tv and book fame.

8:30 a.m. Annual meeting of Board of Directors and General Membership.

9:00 a.m. Coffee break. Premiere showing Big Thicket movie and slide presentation.

10:00 a.m. Arrival of trailriders. Helicopter tours of Big Thicket throughout the day. Art show, Big Thicket Museum open. Country western music by famous radio, tv and recording stars.

11:00 a.m. Presentation of Mr. and Mrs. Don Shook, producer and star of the new Big Thicket Musical from Fort Worth, Texas. Alabama-Coushatta Indian's Dogwood Dancing Team.

11:30 a.m. Introduction of dignitaries and officials. Speakers: U.S. Senator Ralph Yarborough, U.S. Congressman John Dowdy, Honorable Price Daniel, former Governor and U.S. Senator, Mr. Lud E. King, Jr., President Texas Forestry Ass'n., Senator Charles Wilson, Lufkin, Texas, Honorable Neal Pickett, Executive Director, Deep East Texas Development Association, Representative Don Adams, Representative Price Daniel, Jr., Honorable Jim Bowmer, U.S. Parks Board, Department of Interior officials. Officials, Texas Parks and Wildlife, Conservation Clubs and Organizations.

12:00 Big Thicket barbecue lunch and all the trimmings. Musical entertainment by various country and western groups.

1:15 p.m. Father Montondon, the singing Priest from Port Arthur. Rail-splitting contest, hog calling contest, horn blowing contest, old time fiddlers (outside platform).

2:30 p.m. Miss Big Thicket Pageant.

7:00 p.m. Til Big Thicket Hoot Owl hollers—old time country western dance—soft drinks—everyone welcome.

THERE IS A NEED TO HELP AIR TRAFFIC CONTROLLERS

Mr. YARBOROUGH. Mr. President, in recent years, as the airlines have become a very commonly used means of travel, the public has become acutely aware of the problems of the air traffic controllers. These men are responsible for the lives of millions of air travelers every day as they guide planes into airports across the Nation. We can all appreciate the tremendous mental and physical strain under which these men work.

I am proud to be a cosponsor of Senator HARTKE'S bill—S. 1026—which will help to improve the conditions under which these men work. I believe that enactment of this bill is imperative if we are to meet the rapidly increasing demand for efficient, well-trained air traffic controllers.

Mr. President, on Thursday, June 26, 1969, there was published in the Washington Post an article which thoroughly and lucidly explained the problems of the air traffic controllers and what must be done to solve them. I ask unanimous consent that this article written by Spencer Rich and entitled, "Air Controllers' Plight Is Recounted by Bailey," published in the Washington Post of Thursday, June 26, 1969, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR CONTROLLER'S PLIGHT IS RECOUNTED BY BAILEY

(By Spencer Rich)

Famed criminal lawyer F. Lee Bailey yesterday pictured the Nation's air traffic controllers as tension-ridden Hamlets of the airways, weighed down of overwork and anxiety about the thousands of passengers' lives that depend on split-second control-tower decisions.

Bailey told the Senate Aviation Subcommittee that the "national crisis of air traffic," which threatens multiple tieups and relays at airports all over the country, cannot be solved unless there are massive new outlays for airfield improvements, development of computer systems to control air traffic, and substantially improved working conditions and training programs for the controllers themselves.

He denied that the Professional Air Traffic Controllers Association, of which he is executive director and general counsel, had organized last week's sudden wave of sick calls by controllers at several major airports.

The sick calls caused major slowdowns in air traffic in New York, Denver, Houston, Chicago and Honolulu. They ended after Bailey, following discussions with Transportation Secretary John A. Volpe and Federal Aviation Administrator John H. Shaffer, made a television appeal to the men.

Yesterday Bailey said the sick calls were really only a spontaneous reaction—by men whose working conditions were pressing them to the edge of their endurance—to a statement by Shaffer that the FAA had not, as yet, developed a formal proposal to give the controllers early retirement and other benefits that they are seeking. Shaffer also said controllers were pretty well paid—a remark Bailey said infuriated the controllers.

Bailey charged that despite promises from Volpe that there would be no reprisals, men who had participated in the sick calls were being yanked out of their control rooms by FAA supervisors for harsh questioning, with loss of status and other retaliation hinted

at. An aide said one man, Rex Campbell, had already been suspended for protesting an excessive and unsafe workload.

An FAA spokesman told a reporter later that the agency still had no formal proposals to improve controller benefits, but was favorably inclined toward early retirement and toward letting controllers switch over, after many years of top-tension work, to less exacting jobs, but without pay loss.

He also said the men were not being threatened, but merely questioned on whether they really had been sick; that Rex Campbell had not yet been suspended but notified of possible suspension in connection with an entirely unrelated matter (Bailey's group claims the matter is directly related); and that no decision by the FAA to stop the dues checkoff for Bailey's group had been announced, as implied during the hearing.

Bailey and other witnesses told the hearing that because of repeatedly working six days a week at FAA insistence, under conditions of terrific tension and responsibility, controllers tend to be ulcer-ridden, tense, frequently divorced and so "used up" by the work that they cannot keep up the pace efficiently after about age 40.

He criticized the FAA for 19 fatalities in a San Juan plane crash, saying it was giving a "green" man on-the-job controller training when the accident occurred, and it never should have been allowed.

The FAA has acknowledged an impending crisis, with large numbers of new controllers needed (air traffic employes must jump from 23,872 next year to 43,000 by 1980) and a vast expansion of airports. It has called for $5 billion, spending on improvements in airfields and $3.5 billion in terminals, but while the Administration's funding plan will raise $2.5 billion for years to be matched by the states and localities, it provides nothing for terminals (passenger buildings, restaurants, bars, etc.).

Other witnesses yesterday—like George Kriske of the Air Traffic Control Association, Sam Massell of Atlanta, speaking for the Conference of Mayors and National League of Cities, Austin Brough of the American Association of Airport Executives, and Karl Harr of the Aerospace Industries Association—echoed the need for huge outlays.

Massell said at least $14 billion will be needed over the next 10 years for new landing areas and terminal facilities.

Unlike some other witnesses, he said the need for terminal facilities was crucial, and Government aid should not be limited to non-terminal facilities.

Kriske said the capacity to handle passengers after they were off the plane, through improved terminal facilities, would become increasingly a critical problem as big jumbo jets with hundreds of passengers each began landing every few minutes at some major airports.

"It all boils down to a question of money, and where are we going to get it; that's what we have to figure out here," Subcommittee Chairman Warren Magnuson (D-Wash.) said several times.

APPOINTMENT OF QUALIFIED LAW-ENFORCEMENT OFFICERS AS U.S. MARSHALS

Mr. YARBOROUGH. Mr. President, the Texas Police Association recently held a meeting in Brownsville, Tex., at which the members passed a resolution pertaining to appointees to U.S. marshal posts.

This resolution urges that appointments to these posts be made from the ranks of qualified law-enforcement officers. I thoroughly agree with this position and I hope that President Nixon will take note of it when filling these very vital positions, as vacancies occur.

Mr. President, I ask unanimous consent that the resolution passed by the Texas Police Association at its annual conference on June 11, 1969, in Brownsville, Tex., be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION—TEXAS POLICE ASSOCIATION, JUNE 11, 1969

Whereas, it is the consensus of the members of the Texas Police Association that the best interests of law enforcement in our nation would be more effectively served by the appointment of individuals with experience in the law enforcement profession to the position of U.S. Marshal, and

Whereas, our able Senators from Texas, the Honorable John G. Tower and the Honorable Ralph W. Yarborough have previously recommended the nomination of peace officers with distinguished records for appointment as U.S. Marshal,

Now, therefore, be it resolved, that the members of the Texas Police Association assembled in Annual Conference at Brownsville, Texas this, the 11th day of June 1969, unanimously go on record as earnestly soliciting the President of the United States, the Honorable Richard M. Nixon, to consider only the appointment of qualified persons to these positions from the ranks of the law enforcement profession who have demonstrated their ability in this field.

Be it further resolved, that copies of this Resolution be forwarded to the Honorable John G. Tower and the Honorable Ralph W. Yarborough, the United States Senators from Texas.

THE ABM SYSTEM

Mr. NELSON. Mr. President, last year Congress appropriated $963.6 million for the Sentinel ABM.

During the course of the Senate debate two different justifications were offered by the proponents of the Sentinel system. The first was that it was necessary to protect our cities against an irrational Chinese attack. Later it was argued that the "thin" Sentinel was really going to be used as the beginning of a bigger, more massive system, an ABM to protect against a Soviet nuclear attack on our cities.

Shortly after the new administration took office, President Nixon sensed the mounting congressional and nationwide opposition to the deployment of the ABM around the cities and ordered a complete reevaluation of the system.

Following this examination, the President proposed a new system—the Safeguard ABM—which would be used to protect our land-based Minuteman missile sites.

Despite the fact that Congress has not yet given its approval to the new Safeguard program, the Department of Defense has been using moneys that were appropriated last year for the Sentinel ABM, to begin procuring components for the Safeguard ABM.

According to figures made available to my office by the General Accounting Office (GAO), the Department of Defense has committed almost $400 million from January 1 through the end of April on the Safeguard ABM. Of the total, $83.4 million was obligated during the period from early January through the end of February while the administration was conducting its review of the Sentinel system and busy developing the Safeguard substitute.

In addition, another $315 million has been committed since the administration decided to scrap the Sentinel for the new Safeguard in mid-March.

Perhaps the Congress will approve the Safeguard program later this year. But it is not a matter for the Pentagon to anticipate or speculate on Congress' decision on this matter.

It is the responsibility of the Congress to make the legislative decisions and for the Defense Department to carry them out.

The fact is that Congress has not debated or voted on the issue of deploying a Safeguard ABM. That issue is to be debated and voted up or down in the Senate during the month of July. Regardless of legal technicalities, it was not the intent of Congress that the ABM system authorized for a city defense could be unilaterally converted to a missile site defense.

The Washington Post on May 14 stated that Senator FULBRIGHT asked Deputy Secretary of Defense David Packard what would be done with the $346 million Congress appropriated last year for ABM procurement:

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

FULBRIGHT. "Good."

PACKARD. "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

FULBRIGHT. "Good. The program you are talking about now must await the authorization—is that right?"

PACKARD. "Yes."

In direct contradiction to that statement, Mr. Packard told newsmen on May 13, following another Senate committee appearance, that missiles and radars to be used in the proposed Safeguard ABM are being purchased with funds appropriated by Congress last year for the Sentinel system.

This is precisely the kind of contradictory stand that contributed to the serious loss of credibility of the previous administration with the American public and the Congress.

Mr. President, I ask unanimous consent that an article entitled, "Purchasing for ABM Has Already Started," published in the Washington Post of May 14, 1969, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PURCHASING FOR ABM HAS ALREADY STARTED

Deputy Defense Secretary David Packard said yesterday that missiles and radars to be used in the proposed Safeguard antiballistic missile (ABM) system already are being bought even though Congress has not approved the controversial ABM.

He told newsmen the components were

being acquired with funds appropriated by Congress last year for the old Sentinel ABM systems. The disclosure appeared to contradict what Packard had told the Senate Disarmament Subcommittee last month—that Safeguard would not be built without specific authority from Congress.

"Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system," Packard said after he gave a private briefing to the Senate Armed Services Committee.

Although its mission was different, the abandoned Sentinel system would have used virtually the same kinds of radars, missiles and computers that President Nixon's proposed Safeguard system is to employ.

Consequently, the Defense Department—using funds authorized last year for Sentinel—is able to procure these components without specific authority from Congress.

Packard did not make clear how much money had been spent so far for ABM procurement.

Asked about it afterwards, Dr. John S. Foster, Jr., the Pentagon research chief, said the missiles were being acquired for research and development. But Packard a few minutes earlier had said they would "go into an actually deployed system."

In March, during the Disarmament Subcommittee hearings, Sen. J. W. Fulbright (D-Ark.) asked Packard what would be done with the $346 million Congress appropriated last year for ABM procurement.

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

Fulbright: "Good."

Packard: "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

Fulbright: "Good. The program you are talking about now must await the authorization—is that right?

Packard: "Yes."

Packard said his exchange with Fulbright involved only a pledge to stop acquiring ABM sites, not to halt the manufacture of parts for the system.

But Fulbright and Sen. Jacob K. Javits (R-N.Y.) said they thought it applied to all phases of the system except research and development.

"This is either a misrepresentation or he has changed his mind," Fulbright said.

Senate Democratic leader Mike Mansfield and Sen. John Sherman Cooper (R-Ky.) urged in Senate speeches that the Administration invite the Soviet Union to agree to a temporary freeze on the deployment of new strategic weapons, including ABMs, by both countries prior to formal arms control talks.

Mr. NELSON. Mr. President, in addition, one cannot help but wonder what kind of comprehensive review of the Sentinel ABM was actually taking place during the month of February when moneys were being obligated and purchases being made for components in the Safeguard system.

It seems to me that there ought to be an immediate freeze on all ABM spending. The Congress will shortly make a decision on whether or not to deploy the Safeguard system. For the Pentagon to continue to strain the patience of Congress by proceeding with production plans seems quite unwise to me.

In summation, I quote the testimony of Secretary Laird before the House Subcommittee on Appropriations held on May 22:

Under our Constitutional system, Congress shares the heavy burden of responsibility for our national security and for the decisions which in the final analysis could tip the scales for either war or peace.

It is the Congress which has the constitutional power to decide whether the Safeguard system shall be authorized. And it is the Congress which can deny the President the authority to go forward with the program or the funds needed to implement it.

Mr. President, I ask unanimous consent that a chart prepared by the GAO—"An Analysis of Funding for Development, Production, Installation of an Operational ABM System Through February 1969"—be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FUNDING FOR DEVELOPMENT, PRODUCTION, AND INSTALLATION OF AN OPERATIONAL ABM SYSTEM THROUGH FEB. 28, 1969

[In millions]

Appropriation	Appropriated			Obligated			Unobligated balances at Feb. 28, 1969
	Fiscal year 1968	Fiscal year 1969	Total	July 1, 1967, to Dec. 31, 1968	Jan. 1, 1969, to Feb. 28, 1969	Total	
Research, development, test, and evaluation [1]	$411.9	$312.9	$724.8	$600.9	$71.6	$672.5	$52.3
Procurement, equipment, and missiles, Army [1]	269.0	342.7	611.7	446.1	.6	446.7	165.0
Military construction, Army [1]	64.0	263.3	327.3	31.6	5.7	37.3	290.0
Operations and maintenance, Army	18.0	39.0	57.0	17.8	3.9	21.7	35.3
Military pay, Army		5.7	5.7	8.2	1.6	9.8	[2] −4.1
Total	762.9	963.6	1,726.5	1,104.6	83.4	1,188.0	538.5

[1] No-year appropriations, which are available for obligation until exhausted or the designated purpose is accomplished.
[2] We were advised by an official of the Office of the Assistant Secretary of Defense (Comptroller) that these funds for military pay, Army had been reprogramed from other line item accounts.

Mr. DOMINICK. Mr. President, an AP dispatch and a UPI dispatch state that the Senator from Wisconsin has accused the Department of Defense of illegally spending $400 million from funds appropriated for the discarded Sentinel missile defense system on the revamped Safeguard program.

Since I serve as a member of the Committee on Armed Services, and since we will be debating the Safeguard system, as well as the authorization, at some length in the coming weeks, it seems only proper to me that I try to make some response on behalf of myself and my colleagues.

Mr. President, first of all, in the last 3 years, to the best of my recollection, the Committee on Armed Services has authorized the expenditure of funds for research and development, for procurement, and for construction facilities for an ABM system, regardless what it may be called. In fiscal year 1968 Congress appropriated $379 million for research and development, for operation and maintenance, for procurement of equipment, and for military construction. In fiscal year 1969 Congress appropriated, by a vote of this body and the House of Representatives, a total of $963 million for the same purpose. A good deal of this money was not spent in either fiscal year 1968 or fiscal year 1969 but it has been used in the programing of long lead time electronic equipment and for the acquisition of perimeter radar. This money is largely in research and development and, as I have said, in acquisition of certain long lead time elements.

Secretary Laird emphasized on February 9, 1969, in his statements before the committee that there has been no slowdown on research and development, and there has been no slowdown as far as procurement of these types of items is concerned.

On February 13, Secretary Laird said:

The only thing that has been stopped is construction contracts. I want it understood that is the only thing that has been stopped.

It seems apparent to me from looking at the record that Congress has legally authorized and appropriated funds for the acquisition and the research and development of certain components of an ABM system; and that this administration stopped procurement of the construction sites around the cities which had been advocated under the Sentinel program, and that it is awaiting action by Congress to determine what it is going to do as far as expenditure under the Safeguard system for an ABM system to be primarily located in North Dakota and Montana, and for acquisition of sites later.

No money has been spent for military construction or the acquisition of those sites. It has, however, gone into the long leadtime items which we will need. It has gone into research and development, it has gone into long distance perimeter radar, and it has gone into certain items of that kind. This is not illegal; this is totally legal. This is part of the money which has already been authorized and appropriated.

It seemed only proper to me that as a member of the Committee on Armed Services I should make the record crystal clear on this particular point.

ONLY PEACE WILL ANSWER

Mr. CHURCH. Mr. President, recently I received a moving letter from an Idaho youngster who is serving in the war in Vietnam. It made a special impression because it testifies with such genuine feeling to the distress that young Americans, so far from home, must experience as they fight in that tragic conflict.

When I hear the easy slogan that tells

us to "Help Support Our Boys in Vietnam," I cannot think of support in crude terms of reinforcements, more ammunition, more weaponry, and more death. I think, instead, of the basic support that Americans need in any war: A convincing reason to be there. This support, we have not provided to our troops in Southeast Asia. This support, I cannot find. And I can give no satisfactory answer to this young constituent when he tells me the way he and his comrades feel about their service:

It would be worth it a million times over if you believed in what you were doing it for. The worst pain of all is doing something contrary to your personal convictions.

The only answer will be to stop the fighting in Vietnam, to stop not only the physical pain, but also the severe injury that this war inflicts upon the convictions of our young people. This injury is revealed with telling poignancy in the young man's letter. He has lost some faith in democracy. He feels that his life is controlled by a compassionless "monster of Government" that exists in "a far-away world."

This, in addition to 37,000 lives already lost, is the price we are paying. With his name withheld, I ask unanimous consent, Mr. President, to have excerpts from the letter printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE WORST PAIN OF ALL

DEAR SENATOR: I am currently serving my active duty . . . in the capacity of a Hospital Corpsman and therefore work with many wounded servicemen coming from the DMZ.

During my entire three years of active duty I have heard many complaints and crticisms about our current policy in Vietnam. [Servicemen] and patients spend hours sadly talking about something they feel they have no voice in. Policy-making by our leaders seems to be done in a far-away world where real people don't exist. Most servicemen are totally unaware of a government *by* the people for the people, and have never known the satisfaction of feeling a part of that government which governs them.

These feelings exist out side the military, of course, and I am sure that many civilians feel this alienation also.

Once people are detached from these feelings of belonging, supporting, helping and contributing, they lose the idea of what a democracy is. They feel the monster of government is so awesome and untouchable that we will, from this attitude, put the entire responsibility of our country's problems onto the central government. . . .

Mr. Church, do you know how the people look at things? . . . is there any way we can stop losing so many servicemen for such an indirect attack on Communism?

The military seems to be a separate government by itself. I personally feel like a slave, not a servant, and there is a difference. You can be a trained Marine, go to Vietnam, lose an arm or leg, and get paid as little as $150 a month. It would be worth it a million times over if you believed in what you were dong it for. The worst pain of all is doing something contrary to your personal convictions."

THE SAFEGUARD SYSTEM

Mr. FULBRIGHT. Mr. President, on May 14 I wrote the Comptroller General of the United States with reference to a report which had appeared in the Washington Post in which Deputy Secretary of Defense Packard had been quoted as telling newsmen that components of the Safeguard system were already being purchased. I pointed out to Mr. Staats that, in testifying before the Subcommittee on International Organization and Disarmament Affairs on March 26, Mr. Packard had indicated that the Safeguard system would require a new funding schedule other than that authorized last year for the so-called Sentinel system. I asked Mr. Staats to have the General Accounting Office ascertain whether funds authorized and appropriated for the Sentinel system had in fact been diverted to use for the Safeguard system.

Mr. Staats replied in a letter dated June 11. In his letter, he said that the General Accounting Office found "no legal basis for questioning the use in the Safeguard program during fiscal year 1969 of funds previously authorized and appropriated by the Congress for missile systems generally." The letter went on to note:

The language in neither the authorization legislation nor appropriation legislation enacted by the Congress refers to any specific missile system.

Mr. President, I would like to read into the RECORD, at this point, questions I asked Mr. Packard, and that Senator GORE asked Mr. Packard, and Mr. Packard's replies when he appeared before the Subcommittee on International Organization and Disarmament Affairs on March 26. This testimony appears on page 291 of part I of the hearings before the subcommittee on "Strategic and Foreign Policy Implications of ABM Systems."

I asked: "Do you take the view that you need no further authorization from Congress to proceed with this completely different program, different from the one that had been planned?"

Mr. PACKARD. This plan is being recommended to the Congress through our budgetary—

Senator FULBRIGHT. There will be an authorization and an appropriation?

Mr. PACKARD. This will be recommended through the regular procedures.

Senator FULBRIGHT. That is what I mean. I hope you are not proceeding on the theory that because Congress has already approved the Former Sentinel system, that you are entitled to go ahead with the new one as if we were committed. I do not consider that we are. I hope we are not.

Mr. PACKARD. I do not, Senator Fulbright.

Senator FULBRIGHT. Good.

Mr. PACKARD. We are recommending a new funding schedule.

Senator FULBRIGHT. Good.

Mr PACKARD. In this funding schedule in the fiscal year 1970 budget it will be necessary for us to proceed in such a way that Congress will have ample opportunity to look at the whole program.

Senator FULBRIGHT. Good.

The program you are talking about now must await the authorization; is that right?

Mr. PACKARD. Yes.

Senator GORE. So, unless the Congress approves, this will not proceed.

Mr. PACKARD. I do not see how it can be any other way.

Senator FULBRIGHT. I thought perhaps you were proceeding under the former authority.

Mr. PACKARD. Well, let me say this, we are proceeding with some of the research and development work that was authorized——

Senator FULBRIGHT. Nobody is objecting to that.

Mr. PACKARD (continuing). Under the previous system.

Senator FULBRIGHT. We hope that is all you will do.

Mr. PACKARD. There will be no installations until——

Senator CASE. This is a very refreshing change, Mr. Secretary, and I commend you.

I would also like to read an excerpt from an article which appeared in the Washington Post on May 14 entitled "Purchasing for ABM Has Already Started." In that article Mr. Packard was quoted as saying to the press:

Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system, Packard said after he gave a private briefing to the Senate Armed Services Committee.

Mr. President, I ask unanimous consent that the full text of the article to which I have referred, my letter to the Comptroller General of May 14, and his reply to me of June 11, be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to read the exchange of correspondence with Mr. Staats in light of Mr. Packard's statements before the Subcommittee on International Organization and Disarmament Affairs. In my view, the contradiction between Mr. Packard's statements to me and the subsequent actions of the Department of Defense show either that Mr. Packard deliberately misled me and other members of the Committee on Foreign Relations or that Mr. Packard was not accurately informed regarding the operations of his own Department or that Mr. Packard simply changed his mind and went back on his statement to a Senate committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PURCHASING FOR ABM HAS ALREADY STARTED

Deputy Defense Secretary David Packard said yesterday that missiles and radars to be used in the proposed Safeguard antiballistic missile (ABM) system already are being bought even though Congress has not approved the controversial ABM.

He told newsmen the components were being acquired with funds appropriated by Congress last year for the old Sentinel ABM systems. The disclosure appeared to contradict what Packard had told the Senate Disarmament Subcommittee last month—that Safeguard would not be built without specific authority from Congress.

Part of the work which has been done under the authorized Sentinel program has been to start construction and manufacture of missile components and radar components which will go into an actually deployed (ABM) system, Packard said after he gave a private briefing to the Senate Armed Services Committee.

Although its mission was different, the abandoned Sentinel system would have used virtually the same kinds of radars, missiles and computers that President Nixon's proposed Safeguard system is to employ.

Consequently, the Defense Department—using funds authorized last year for Sentinel—is able to procure these components without specific authority from Congress.

Packard did not make clear how much money had been spent so far for ABM procurement.

Asked about it afterwards, Dr. John S. Foster, Jr., the Pentagon research chief, said the missiles were being acquired for research and development. But Packard a few minutes earlier had said they would "go into an actually deployed system."

In March, during the Disarmament Subcommittee hearings, Sen. J. W. Fulbright (D-Ark.) asked Packard what would be done with the $346 million Congress appropriated last year for ABM procurement.

"I hope you are not proceeding on the theory that because the Congress has already approved the former Sentinel system that you are entitled to go ahead with the new one as if we were committed," Fulbright said.

"I do not, Sen. Fulbright," Packard replied.

Fulbright: "Good."

Packard: "In this funding schedule in the fiscal year 1970 budget, it will be necessary for us to proceed in such a way that the Congress will have ample opportunity to look at the whole program."

Fulbright: "Good. The program you are talking about now must await the authorization—is that right?

Packard: "Yes."

Packard said his exchange with Fulbright involved only a pledge to stop acquiring ABM sites, not to halt the manufacture of parts for the system.

But Fulbright and Sen. Jacob K. Javits (R.-N.Y.) said they thought it applied to all phases of the system except research and development.

"This is either a misrepresentation or he has changed his mind," Fulbright said.

Senate Democratic leader Mike Mansfield and Sen. John Sherman Cooper (R-Ky.) urged in Senate speeches that the Administration invite the Soviet Union to agree to a temporary freeze on the deployment of new strategic weapons, including ABMs, by both countries prior to formal arms control talks.

MAY 14, 1969.

Honorable ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: During testimony received by the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations in connection with the so-called Safeguard ABM system, Deputy Secretary of Defense Packard indicated that the Safeguard system would require a new funding schedule other than that authorized last year for the so-called Sentinel system. I enclose a copy of hearings on this subject and invite your attention to page 291 of those hearings.

According to press reports appearing in the *Washington Post* today, May 14, 1969, Deputy Defense Secretary Packard reportedly told newsmen that components of the Safeguard system are already being purchased. I enclose a copy of the article to which I have reference.

I would appreciate it very much if, as soon as possible, your organization could ascertain whether funds authorized and appropriated for the "Sentinel" system have in fact been diverted to use for the "Safeguard" system for which funds have neither been authorized nor appropriated by the Congress.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 11, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR FULBRIGHT: This report is in response to your letter of May 14, 1969. You requested that the General Accounting Office "ascertain whether funds authorized and appropriated for the 'Sentinel' system have in fact been diverted to use for the 'Safeguard' system for which funds have neither been authorized nor appropriated by the Congress."

In your letter, you referred to statements made by Deputy Secretary of Defense Packard (1) during the March 1969 hearings before the Subcommittee on International Organization and Disarmament Affairs and (2) to the press in May 1969. As discussed with your Committee's Chief of Staff, this report does not comment on whether or not there are inconsistencies between the Deputy Secretary's testimony as to the need for congressional approval before proceeding with the Safeguard program and his reported statements to the press that components of the Safeguard system are being acquired with funds previously appropriated by the Congress for the Sentinel ABM system.

In essence, as detailed in the following paragraphs, we find no legal basis for questioning the use in the Safeguard program during fiscal year 1969 of funds previously authorized and appropriated by the Congress for missile systems generally.

PRIOR ABM PROGRAM FUNDING

According to the Department of Defense (DOD) data, the DOD budget request for fiscal year 1967 included $397 million for engineering development of the Nike-X ABM system—funds were not requested for production activities. In the appropriations for DOD, however, the Congress increased the amount requested for Procurement of Equipment and Missiles—Army (PEMA) by $153.5 million for preproduction activities for the Nike-X system. The Congress increased also the amount requested for Research, Development, Test, and Evaluation (RDT&E)—Army by $14.4 million for research and development effort related to the preproduction activities. The appropriation act stipulated that these funds, totaling $564.9 million, and an amount of $20 million appropriated for advanced Nike-X development were to be available only for the Nike-X system.[1]

According to DOD records, during fiscal year 1967 most of the $397 million for engineering development and of the $20 million for advanced development of the Nike-X system was obligated. However, the $14.4 million for research and development effort relating to preproduction was not obligated. For fiscal year 1968 the requirement for preproduction-related funding was $25 million. This amount was offset by the $14.4 million appropriated for fiscal year 1967 but not used. On this basis, the requirement for new obligational authority was reduced. The funds provided in the fiscal year 1968 RDT &E—Army appropriation were not restricted to the Nike-X or Sentinel system.

With respect to the $153.5 million provided for Nike-X preproduction activities, an official of the Office of the Assistant Secretary of Defense (Comptroller) told us that, since a line item[2] had not been established, the Office of the Secretary of Defense (OSD) carried these and other funds in an existing line-item account established for general production base support rather than in an account specifically reserved for the ABM system. According to the official, however, the funds were segregated to prevent their use for other than the operational ABM system—the purpose intended by the Congress.

OSD did not make these funds available for obligation during fiscal year 1967. The fiscal year 1968 appropriation act stipulated that $269 million of the PEMA appropriation was to be available only for the Nike-X system. An OSD official told us that in December 1967, after the decision by the Secretary of Defense to develop and deploy a Communist-Chinese-oriented Sentinel system, OSD had advised the Congress that the funds would be reclassified from the general production base support account, to make them available for obligation for the purpose specified in the fiscal year 1969 budget request, according to the OSD official, OSD specifically asked the Congress to release the fiscal year 1967–68 funds from the limitations previously imposed; the Congress subsequently released $284.6 million of PEMA funds in the fiscal year 1969 appropriation act. He advised us that these funds had then been used in fiscal year 1969 to reduce the request for new obligational authority.

AVAILABILITY OF SENTINEL FUNDS FOR USE IN THE SAFEGUARD PROGRAM

OSD officials contend that the unobligated balances of fiscal year 1969 and prior year Sentinel funds are legally available for use in the Safeguard program because the authorization and appropriation acts for DOD are stated in very broad and general language.

The fiscal year 1969 authorization act (Public Law 90–500) states under Procurement:

"For missiles: for the Army, $956,140,000 * * *"

and under RDT&E:

"For the Army, $1,611,900,000."

The fiscal year 1969 appropriation act (Public Law 90–580) states under PEMA:

"For expenses necessary for the procurement, manufacture and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft * * *"

and under RDT&E—Army:

"For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,522,655,000, to remain available until expended."

Funds were included in the President's 1969 budget under both the PEMA and the RDT&E—Army appropriations for the Sentinel and other missile systems but, as shown above, the language in neither the authorization legislation nor appropriation legislation enacted by the Congress refers to any specific missile system. Since the funds are legally available for missile systems generally, we see no legal basis to question the use of funds for the Safeguard program.

In addition to the legal availability provided by the broad and general language of the authorization and appropriation acts, OSD officials contend that congressional approval of reprogramming actions will not be required. DOD's Instruction 7250.10, March 5, 1963, covers the subject of "Implementation of Reprogramming of Appropriated Funds. This instruction and prior similar instructions were not based on a statutory requirement but, instead, were based on congressional committee requests.[1] The stated purpose of the instruction is to: "establish approval requirements and related operating procedures designed to assure that the responsible officials keep faith with the Committees and the Congress by respecting the integrity of the justifications presented in support of fund authorizations and budget requests, and by providing timely information with respect to any significant deviations from approved programs."

OSD officials contend that, during the balance of fiscal year 1969, there is no need to obtain congressional approval, since the planned Safeguard program activities are within those approved for the Sentinel program. They point out that the amounts of fiscal year 1969 funds being budgeted for the Safeguard program, totaling $861.2 million,

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[1] Public Law 89–687 shows the restricted availability of $153.5 million of the PEMA appropriation and $431.4 million of the RDT&E—Army appropriation.

[2] A specific commodity or system area that has a value of $500,000 or more.

[1] House Report 493, 84th Congress, page 8. House Report 408, 86th Congress, page 20. Senate Report 476, 86th Congress, page 27.

are less than the amounts appropriated by the Congress for Sentinel program activities during fiscal year 1969. The OSD officials contend, therefore, that Safeguard program activities will not require authorizations and approvals specifically for the Safeguard program until fiscal year 1970.

Under the cited DOD instructions, certain reprogrammings of $2 million or more require notification to the legislative and appropriations committees of the Congress, whereas reprogrammings concerning items of special interest require prior approval of the committees, irrespective of the amount. In our opinion, whether or not the change from Sentinel to a Safeguard ABM program requires prior approval by the House and Senate Committees on Armed Services and Appropriations is a matter for determination between the respective committees and DOD.

In response to a similar inquiry by a Member of the Senate, we are sending a similar report to him today. We plan no further distribution of this letter until your agreement has been obtained or public announcement has been made by you concerning its contents.

If we can be of additional assistance in this matter, please let us know.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

INDUSTRIAL HAZARDS

Mr. EAGLETON. Mr. President, a recent meeting held in Washington by the AFL–CIO industrial union department dealt with the subject of industrial health hazards. While there has been a great deal of publicity surrounding the high incidence of pneumoconiosis among coal miners, equally hazardous but less publicized dangers plague workers in other industries.

An article entitled "Industrial Hazards Widespread," written by Judith Randal and published in the Washington Evening Star of June 12, 1969, points out that dangers as well as advantages result from improved technology.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRIAL HAZARDS WIDESPREAD

(By Judith Randal)

In a nation as concerned as the United States is about lung cancer, it is surprising when a new finding is soft-pedaled rather than publicized. It is especially surprising when the tax-supported National Cancer Institute is involved in the soft-pedaling; yet this is apparently what has happened to a study made by the NCI's own researchers.

The study, which shows an increase up to 800 percent in lung cancer among smelter workers was discussed at the March meeting of the American Association for Cancer Research in San Francisco. In making the report, however, Dr. Joseph Fraumeni was careful to avoid mentioning either the nature of the metal smelted or the identity or location of the plant or plants involved.

In essence, Fraumeni said the lung cancer rate among smelter workers was much higher than among the rest of the local population, and that the risk was particularly great in those areas of the plant where arsenic trioxide levels were high. The paper has yet to be published, and the subject has not been publicly mentioned since by either Fraumeni or the NCI.

Such industrial situations are more widespread than is generally realized. If a little-publicized meeting held here last week by the AFL–CIO's Industrial Union Department is any indication, recent attention focused on "black lung" (pneumoconiosis) among coal miners and cancer among uranium miners barely scratches the surface of occupational hazards.

Comparing the steel industry now and 25 years ago, for example, Charles Younglove of the United Steelworkers of America said health hazards have risen as productivity has increased because most new technology carries with it concomitant dangers.

Coke ovens, for instance, are bigger and hotter than they used to be and consequently produce more tar vapors, according to Younglove. "In an eight-hour period around a coke oven," he said, "a man breathes as much tar smoke as he would in a lifetime of cigarette smoking."

Similarly, with the introduction of oxygen as a replacement for forced air in open-hearth furnaces, a terrible risk of fire and explosion has been added to an already hazardous occupation.

When a compressor blew up recently at a Great Lakes plant, the result was much the same as when a chance spark ignited flammable materials in an oxygen-filled spacecraft, sending three astronauts to their deaths.

Three men were killed in the steel mill accident, too.

The relationship between cause and effect was easy to trace in the steel mill accident. Far more insidious are the subtle day-to-day physical threats to workers which ultimately disable them.

For years, as an example, the cotton industry in this country proudly claimed that byssanosis, a respiratory illness caused by airborne dust and common among British textile workers, was not a problem here. The British, eager to better their own safety record, decided that they might learn from American experience and sent a team of scientists to look at U.S. mills. It turned out, to everyone's surprise, that byssanosis, which eventually leads to incapacitating emphysema, is just about as widespread here as in Britain.

Again, improved technology is part of the reason. Mechanical cotton pickers, which now bring in most of the harvest, are not as meticulous as their human counterparts. Thus, cotton is dirtier when it arrives to be processed than it was a generation ago.

Also, most of the nation's 250,000 textile workers are employed in Southern plants where the states have not set realistic dust safety levels and union organizing efforts have failed. Frequently, the plant environment for many employes is downright dangerous.

Even where industrial safety levels are enforced, they may have little meaning. Toluene, a solvent widely used in the oil and chemical industries, is a case in point. The allowable concentration in United States plants is 200 parts per million (ppm) in the atmosphere, whereas in the Soviet Union the limit is 25 ppm. The Russians may be somewhat over-cautious, but an eightfold difference would suggest that the burden of proof of this assertion should lie with the United States.

Technology has introduced some 500,000 chemicals into the environment since the beginning of the century, and is adding to this burden at a rate of about 6,000 substances each year. The effects, including long-term genetic ones, are only now beginning to be apparent.

Industry is wont to say that "accidents" and long-range illness from occupational exposure are due to worker carelessness, notably the refusal of employees to be bothered with the safety measures their bosses prescribe. Admittedly, it is often difficult to get people already working at unpleasant jobs to add to their discomfort by wearing safety gear.

Still, what industry for the most part seems unwilling to face is that the hazards may be additive and their effects synergistic, so that the compound danger is greater than the sum of its component risks.

Unless this country enacts realistic modern legislation to deal with industrial hazards and enforces it, millions now working for a living and generations yet unborn may pay a heavy price.

AN END TO THE DRAFT

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a recent article by the Senator from South Dakota (Mr. MCGOVERN) relating to the military draft.

It is an incisive, thoughtful article which I recommend to everyone concerned about our military conscription system.

Senator MCGOVERN is a major sponsor of S. 503, the Voluntary Military Manpower Procurement Act. That legislation provides for a voluntary system of enlistments and terminates all draft inductions unless our manpower needs are not adequately met voluntarily. In my judgment, his article deserves a careful reading by my colleagues in the Congress and the entire Nation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN END TO THE DRAFT

(By Senator George MCGOVERN)

Many Americans, grown accustomed to living with the military draft, accept it as a traditional, permanent, and necessary part of our democratic system. In fact, it is a relatively recent development—our first peacetime draft was in 1940—and it runs counter to an important quality in American life: the concept of personal freedom. Many of our ancestors came to this country to escape forced military service.

Public opinion surveys have indicated slightly over half of the American people favor continuing the present draft system. I have no doubt that, to a large degree, that attitude stems from the fact that the alternatives have too often been ignored or dismissed without careful study, leaving the impression that we have no other choice. Even the most prominent spokesmen for compulsory conscription do not regard it as ideal; they excuse it as a necessary evil.

More significantly, my own experiences as a college teacher, as a father of teen-age youngsters, and as a member of Congress, lead me to believe that a high percentage of those favoring the present system are too old or too young to be drafted, or sufficiently privileged to be exempt. There is a remarkable lack of enthusiasm for the draft among its prospective and current victims, regardless of their willingness to serve if called.

Small wonder. As matters now stand, millions of American youth are uncertain about their future because of the draft, an uncertainty needlessly imposed. Roughly five million men between the ages of nineteen and twenty-six are eligible—that is, they have not already served in the armed forces; they have not been rejected by the Defense Department on physical, mental, or moral grounds; and they do not qualify for hardship, educational, or occupational deferments or legal exemptions. Even with the Vietnam buildup, we draft only about one-tenth of their number each year, and in peacetime our needs are even less. Yet we force each of the five million to stand ready to take up arms in the event he falls among the ones who will be conscripted.

A young man has no way of knowing when he will be drafted, if at all. Many employers will not hire him so long as he is eligible. If the employer is willing to take the risk, the individual is still faced with the possibility of an interrupted career or dislocation from advanced education.

Consequently, there is pressure upon the draftee to minimize his chances of being drafted—to rush into marriage, to remain in school, if he can afford it, even though his studies may not interest him, or to enter an occupation because it carries a deferment rather than because it is his personal choice.

* * * * *

And we should not overlook the fact that some of our most thoughtful youth have come to a genuine conviction that the war in Vietnam is a mistaken policy that is damaging the interests of the United States. Others regard it as an immoral or improper interference in the affairs of the Vietnamese people. For these young men, the draft is a source of torment that forces them to choose between participation in a war they sincerely oppose, a term in jail, or flight from the country. None of these alternatives can bring a healthy result for them or for the nation.

Spurred by the divisions accompanying our controversial foreign adventure, there is an unfortunate tendency on the part of many citizens to categorize these young people as fuzzy thinkers, draft dodgers, or worse. In most cases, that is an unfair indictment both of their motivation and of their convictions. In the years to come, we may be deprived of their enthusiasm, idealism, and ability because of a draft law that in their view forces them to commit crimes against conscience and humanity. Let us remember that following World War Two we prosecuted and convicted German military and civil officials for obeying their government rather than their consciences. No useful purpose can be served by ignoring the conscience and conviction of American youth.

I wonder how many of those who regard the draft as the natural order of things have asked themselves why this method of recruitment should be used for the armed forces when it is not used in staffing any other branch of government. Since the abolition of slavery, no private firm has been allowed to "draft" its employees; the government does not draft its secretaries and other civilian workers, though their total wage bill is comparable to that for military manpower. We do not draft policemen, though their work is similar to that of soldiers, and we do not induct astronauts, who face a greater risk of death. We do not draft teachers or physicians or nurses, although the need for them may be greater than for soldiers. Why, then, do we draft members of the armed forces?

Perhaps it is because we feel that all young men should be willing to serve and defend their country by bearing arms. But the draft certainly does not make young men willing to serve; it takes them, willing or not. Few people would contest the virtues of patriotism, but this still does not establish a fair method of determining which young men shall leave home and which shall stay home when not all are needed.

Perhaps it is because we believe that military service has sometimes helped to bring a more mature and responsible attitude to young men—in combination, of course, with the experience of the years that pass while they are in service. But, again, a voluntary system in place of the draft would not affect this. It would merely change the method of determining which youth will be exposed to those beneficial influences. The total number of servicemen would continue to be based on total manpower requirements, and not on the number of young people who may need external help and discipline in growing up.

A draftee is forced labor. When the army takes nineteen-year-old citizens who are earning, on the average, about $4,000 per year, and puts them to work for $2,000 per year, it may appear that the country is saving $2,000 per year per man. In fact, while the army is saving $2,000, the draftee is losing the same amount. Since both the army and the draftee are parts of the American economy, the country saves nothing. In effect, the draftee is paying an additional income tax of 50 per cent on top of his other taxes.

This is eminently unfair. We are not only asking him to donate his time and perhaps his life to his country; we are asking him to pay for the privilege! Since national defense is a service that benefits all American citizens, it seems only fair that all citizens should bear the financial burden of it, as they do of most other government services. If there is to be any inequity in this regard, it should be in favor of the serviceman rather than against him. It is often charged that old men start wars and young men fight them; this may be unavoidable, but I see no reason why all of us should not share as equitably as possible in the costs of war.

* * * * *

CORRECTING INEQUITIES

A great deal of our current problem stems from the fact that modern warfare and defense do not seem any longer to require mass armies. There is considerable doubt whether we shall ever again need armed forces of the World War Two size; this means that a prime question is always who should serve in the army when not all are needed. Some would meet this problem by extending compulsion to all—assigning some to military service and some to other kinds of compulsory service. Such a system would appear, in many ways, to compound the problems we have already, and to be hardly consistent with the freedom of choice that we value so highly in our society.

Another of the solutions being discussed is a lottery system. This does have wide appeal among those discontented with the inequities of the present system. Under it, exemptions and deferments would be reduced to a minimum, and those of an appropriate age, say nineteen-year-olds, would have an equal chance of being selected. Thus, the armed forces would include some students destined for college and some high school dropouts, and, to the extent minimum health and mental requirements were met, equal proportions from all strata of society. It is argued that this system would eliminate the inequities we have currently, whereby our armed forces tend to include, among enlisted men, primarily the poorer and less educated, while college students and, until recently, graduate students as well, were "deferred." In many cases these deferments have extended past the age at which students would be subject to the draft; in any event, for a war of hopefully limited duration, deferment may be sufficient to permit avoidance of military service and certainty of service under combat conditions.

While eliminating some of the gross inequities, the lottery system would still suffer the same defects as the Selective Service System we have currently. Again, an undue burden would be put on the young; again, those who serve would incur a hidden tax of enormous proportions. We would suffer the same losses of efficiency consequent upon the drafting of men who may have superior contributions to make in civilian service and inferior contributions to make in military service. We would suffer the same loss incumbent upon the uncertainty of just who would be drafted, which prevents people from starting on useful careers until they know their number had been passed. There would be the same loss in repeated training of servicemen who refused to re-enlist for a poorly paying job not of their own choosing. We would have the same waste of resources in the armed forces because of failure to correctly count the cost of manpower.

Many observers have recommended patchwork remedies for the obvious biases for or against the rich, the poor, the well-educated the ignorant, the black, the white. These well-meant remedies will not succeed because they skim over the root inequity—the forced impressment of a minority of our citizens.

The one equitable and efficient means for recruiting our armed forces, it becomes increasingly clear, is to do so on a volunteer basis. Such a system would be fully consistent with our best traditions and, remarkably, would avoid virtually all the pitfalls we have discussed thus far. Most of the objections to a volunteer system can be shown to be spurious or lacking in weight, and it has certain particular advantages.

AN ARMY OF VOLUNTEERS

One objection is that an all-volunteer army would be an all-black army, or that it would be an army largely composed of persons from the lower strata of society. There is first a question of fact. Blacks currently constitute about 9 per cent of the armed forces, compared with about 11 per cent of the nation's population. Blacks do make up a disproportionate share of combat forces—15 per cent—largely because their low socio-economic backgrounds make them less fit for more skilled branches of service, and because of their higher re-enlistment rate—45.1 per cent compared to 17.1 per cent for whites. But it is impossible for the army to become all black. There are approximately 1,700,000 black men between the ages of eighteen and twenty-six. Suppose all of these volunteer for the army, and suppose that the rejection rate among blacks continues at its current level of 50 percent. This means that, even under these most unrealistic of assumptions, only 650,000 black men would be qualified for military service. If a reasonable size for a volunteer army is 2.65 million men, blacks could at most constitute only 24 per cent.

In part, the increasing technical sophistication of modern warfare may automatically keep the proportion of blacks and the poor relatively low. A modern army that needs persons with high technical skills would not hire the unskilled. If it were desired to maintain a given racial or social balance in the armed forces, this could be easily accomplished by refusing to hire volunteers after the "quotas" had been filled.

Finally, for those who are really concerned about the fate of the poor, and especially of the poor who are black, the volunteer army should appear attractive. It is an inescapable conclusion, recently supported by the Kerner report, that blacks are the victims of discrimination in civilian employment. The armed forces have been one of the few avenues open to the black by which he can improve his economic and social position; this is confirmed by blacks' high re-enlistment rate. Civilian opportunities should certainly be improved, and the availability of opportunity in the armed forces should not be used as an excuse to avoid increasing civilian opportunity. But mistreatment in the civilian economy should not be a reason to deny blacks the chances for economic and social advancement within the armed forces. If blacks and the poor generally are going to serve in the armed forces, they should at least be paid adequately for the job they are doing.

One argument against the volunteer concept that troubles me is the possibility that the public would decide that well-paying armed forces would be a sufficient solution to the critical problem of poverty and the associated problem of racial discrimination. We must not fall into the trap of concluding that the problem of making decent civilian jobs available for all willing and desirous of work is solved merely because adequately

paying military jobs are available. The armed forces should be in a position of bidding for the services of young men who are part of a society that equips all for useful, remunerative civilian jobs and hence gives all a free choice between military and nonmilitary work.

It may be that we continue the draft because we are concerned about the quality of the men who would enlist under a voluntary system. It is a fact, however, that 49 per cent of our current armed forces are true volunteers: they were not drafted, nor did they enlist out of fear of the draft. In Defense Department parlance, they are not "reluctant volunteers." Our experience over the years has given no indication that volunteers are less capable, less brave, or less dedicated than conscripts. On the contrary, the experience of a career serviceman and the opportunity to train him more intensively are apt to improve his effectiveness.

Another danger that one may see in a voluntary army, one that troubles me deeply, relates to its very efficiency and the consequent possibility that our government will have at its disposal, at relatively little cost to the broad body politic, an instrument of potential danger as well as potential usefulness. I happen to believe that it is not desirable to have American armed forces act as world policemen, dispatched anywhere over the world to intervene in other peoples' affairs, however well-intentioned our interventions may be. One inhibition upon such intervention, no doubt greater than ever after our disastrous experience in Vietnam, is the reluctance we must all have to see our youth drafted into such expeditions against their will. But if, out of our large and able population, a small, efficient volunteer force can be obtained who for one reason or another is not loath to fight all over the world in other peoples' wars, may not this potential restraint on any unwise government leaders be lost?

This danger is one that I cannot fully exercise. There is in principle a chance that out of a large population we may find a small class, happy to be paid for violence, who will lend themselves facilely to policies and acts in our name, which we will carelessly allow to be pursued because we are not personally involved. If this were to happen the world would be scarred and the good name and reputation and interests of the United States would suffer immeasurably. Our country's only brake against such a syndrome would be—in some measure as it is now—a vigorous and watchful civilian control over our military.

Probably the most usual objective to the idea of a volunteer army is that if we did not draft soldiers we could not get them to serve, but this argument hardly bears scrutiny. The peace-time draft is indeed new to this country, not having been instituted until 1940; until then our armed forces in peacetime had always been recruited on a voluntary basis. Indeed, with the exception of the Civil War, there was no recourse to the draft in any war until World War One. And contrary to some popular impression, the bulk of those actually serving in the Civil War were volunteers. The Civil War draft drew great opposition and little in the way of positive results. Hence, it is clear that it has been possible to man our armed forces without the draft through most of our history. And, it may be added, a number of other countries, particularly Britain and Canada, closest to us in outlook and political institutions, have generally and do currently maintain their armed forces without conscription.

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As we have seen, the average nineteen-year-old draftee pays about $2,000 per year for the privilege of serving—older draftees, who would be earning more at their civilian jobs, pay even more—but this cost appears nowhere in the budget. A voluntary system would require that the full manpower cost of the armed services be included in the Defense Department budget and appropriation, and that we face up to what our military establishment is costing us. A voluntary system would be more economical and more efficient than the draft for several reasons.

First, it would save on training costs. At present, more than 90 per cent of those who enter the services do not reenlist. This necessitates putting a man through expensive training procedures, receiving the benefit of his skills for one or two years, and then losing him. A new recruit must be trained to take his place. Not only is this procedure intrinsically costly, but it also means that a significant proportion of our most highly skilled military men, men who have chosen the armed forces as a career, must be tied up as instructors. Under a voluntary system in which the average length of service would be considerably longer than the present two or three years, training expenses would be greatly reduced.

Second, an all-volunteer army would be less expensive because it could be smaller. The men would be more experienced and better motivated; hence, they would be more capable and efficient. Fewer of them would be needed and we would have a more effective fighting force.

Third, once the cost of military manpower is placed on the table, the military would be forced to use its people in a more efficient way than under the present system. No longer would we see a highly skilled individual capable of earning, for example, $10,000 a year in civilian life, doing menial or clerical work and being paid $2,000 per year, thus costing the individual $8,000, and depriving the country of $8,000 worth of productivity. If the services want a $10,000-a-year man, they would have to pay him $10,000 a year, and if they are going to pay a man $10,000, the people and the Congress will want to be sure that the nation is getting $10,000 worth of service.

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Under either system, it might be wise to re-examine our military education and indoctrination programs. I suggest that we can best keep our democracy safe from militarism not by forcing unwilling young men into service, but by impressing upon all of our men in uniform that they are citizens of a democratic country first and servicemen second. Toward this end, I propose that better civilian control be established over all of our military educational institutions and training programs.

PROPOSALS FOR CHANGE

If the time has come for replacing compulsory conscription with a system of voluntary enlistments—and I, for one, am convinced that the time *has* come—then a number of careful steps must be thought out and acted upon. One issue of prime importance is the matter of pay.

Although numerous pay raises for the military have been passed since 1950, most of these have been not for first-term enlisted men but to induce officers and other enlisted men to remain in the armed forces. Nevertheless sheer justice would require that we pay men serving their country more than we now pay. The effect of the current pay rate is to penalize those who display their patriotism in this way; we should, therefore, immediately raise the pay of these men even if, for some reason, we thought the volunteer arm were not feasible.

Such a step, which would be fully justified on grounds of equity, would also provide a test of the feasibility of the volunteer army. If the armed forces were to offer competitive pay and benefits, there would be little need to rely on the draft, and certainly not in peacetime. The effective recruitment programs already in operation would be given a tremendous boost if potential recruits could expect, as enlisted men, salaries, responsibilities, and opportunities for advancement commensurate with those they would find in civilian life.

However, that justice requires such an action is no guarantee that we will take the action. As long as the draft exists, there is little incentive for the armed forces to try to get wages for first-term enlisted men raised, and there is likewise little sentiment in Congress to raise these wages. It has been suggested, therefore, that Congress set a target date for eventual elimination of the draft. For practical reasons, the draft cannot, and probably should not, be abolished overnight; perhaps, too, the draft classification machinery should be retained for the unlikely event of another war like World War Two; but it must become stated policy of the government to eliminate conscription for peacetime or limited-war situations.

It might be well, once the draft is eliminated, to require an Act of Congress, rather than a mere executive decree, to reinstate it when manpower needs rise. It might also be well to tie future use of the draft to similar restrictions, such as higher taxes or rationing, on the civilian economy, in order to make very such that the politically attractive option of levying the cost of the war on a small and uninfluential part of the population is foreclosed.

HIGHER EDUCATION CONSTRUCTION ASSISTANCE

Mr. MONDALE. Mr. President, there has been a great deal of talk recently about the crisis in financing higher education. At least three bills, having a total of almost 30 cosponsors, have been introduced in the Senate this year to provide for expanded student assistance programs for higher education.

But the need for student assistance is only one aspect of the financial crisis higher education is facing. At a time when enrollments in colleges and universities are increasing at an unprecedented rate, there is a critical need for new and improved facilities. The need for Federal assistance for construction of college and university facilities and the effects of the Nixon administration's budget proposals in these areas are spelled out clearly in an editorial, entitled "Colleges Still Need Construction Aid," published in the Minneapolis Tribune of June 16, 1969. I commend the editorial to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COLLEGES STILL NEED CONSTRUCTION AID

The prospect of drastic cuts in federal aid to colleges and universities has so distressed the Minnesota Higher Education Coordinating Commission that it has told President Nixon his budget recommendations would be "a disaster for higher education."

These figures explain the commission's concern: Federal contributions for construction at four-year colleges, graduate schools and junior colleges in fiscal 1969 total $249 million; the Johnson administration's budget for 1970 cut this to $150 million; the Nixon administration's proposal would eliminate all construction money for four-year and graduate institutions, leaving only $43 million for two-year colleges. A new interest subsidy which would pay charges above 3 percent on

money borrowed privately is proposed—but this would be a costly, deferred payment procedure.

The commission points out that the federal cuts are budgeted at a time when more is expected of colleges than ever before. Enrollments continue to rise at a rapid rate, and as a higher proportion of the population goes to college, instructional costs rise even faster. On Minnesota campuses, the new waves of buildings never quite catch up to current needs.

Federal construction grants in Minnesota during the last five years have amounted to about 26 percent of the total spent on acadamic buildings at public and private institutions. This infusion of money has generated additional funds and led to improvements in higher education.

The Minnesota Legislature appropriated $104.2 million for building in the next biennium at the university, state colleges and junior colleges—a little more than half the amount requested by those institutions. It already is clear that if more funds for colleges are not added to the present Nixon budget, state legislatures and private institutions face an almost impossible financial task in the next few years. Seriously overcrowded colleges and deteriorating quality of education are inevitable, if construction cannot keep pace with the number of students.

FARM PIONEERS OF TODAY

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Kansas (Mr. DOLE) I ask unanimous consent to have printed in the RECORD a statement and an insertion.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

FARM PIONEERS OF TODAY

Mr. DOLE. Mr. President, many stories are told of the courage and hardships endured by our pioneer women. It is true these heroic women made tremendous contributions to the development of Kansas and the Nation.

Women on our farms continue to play an important role in the development of agriculture. Though the hardships are minimal by the standards of their grandmothers, today's farm wives have little time for leisure.

An article "Great Plains Women Face New Prospect" appearing in the June 1969 issue of the USDA publication, *Soil Conservation*, tells an exciting story of the deep faith of four farm wives in the land of Western Kansas. I salute these splendid ladies.

SOME REMEMBER THE DUST AND HARDSHIP—"GREAT PLAINS WOMEN FACE NEW PROSPECT"

Some have forgotten the wind and the dust of the 1930's in the Great Plains. Some have forgotten the courage it took to stay and do the grueling work of putting cover back on the runaway land.

Some have forgotten—but not the women who hung wet sheets over the windows and doors to keep out the suffocating dust.

Not the housewives who scooped the dirt out of their homes with shovels.

Not the wives who watched their husbands struggle year after dry year to grow enough food to keep their families alive.

Not the mothers who stood by helplessly and watched their children die of "black pneumonia" caused by the dust clogged air.

These are the women who today know, as well as their husbands, the importance of conservation on the Great Plains.

Conservation which, under the Great Plains Conservation Program, has given the ranchers and farmers of the region a practical and profitable way to prevent a recurrence of the Dirty Thirties.

A TOTAL PROGRAM

It is a total program . . .

. . . to include cost-sharing, credit, and technical assistance in soil and water conservation.

. . . to keep the dust on the fields—out of their homes and their children's lungs.

. . . to make life easier for them and their families.

. . . to give the women time to be women!

These are the women who today, because of this program, have time for outside work, instructive clubs, productive hobbies. Modern conservation farming practices and household conveniences have turned these women into the Great Plains counterparts of 5th Avenue.

By the time they are grandmothers, these women of the Great Plains no longer are wrinkled and old beyond their years.

One such young grandmother is *Mrs. Dwight Finney of Simpson, Kans.*, mother of five and grandmother of 12. Although Dwight signed a Great Plains contract only a few months ago, he has been farming his 2,380 acres the conservation way for many years. Their farm-ranch operation already has six ponds, 2 miles of terraces, 8 acres of waterways, and 60 acres reseeded to native grasses. Future plans call for an additional 55,000 feet of terraces.

HER LITTLE FACTORY

Charlotte still helps in the fields during harvest, but now she also has time to pursue her own interest in ceramics. Her "little factory," begun 3 years ago in the basement, does a $500 annual business in ashtrays, bowls, and figurines for friends, relatives, and grandchildren.

"I can hardly get anything else done," Charlotte said, "All I want to do is ceramics."

But, as is so characteristic of the Great Plains women, she does get other things done. She helps operate the citizen's band radio used as a fire warning system in the community. She has served as both president and vice president of the Extension Homemaker's unit in Simpson. She won bowling trophies during a tournament 4 years ago.

"I'm really not that good," she said about her bowling. "We didn't have hired help that year, so I was working in the fields throwing hay bales around. We played nine straight games in that tourney. I won because I outlasted everyone else."

OUTLAST AND COURAGE

And, perhaps, outlast is a word that describes many of the Great Plains farm and ranch wives. Outlast and courage!

Courage to outlast the dust. Courage to outlast the doubts and fears and to build again.

Mr. Jeanette Matousek and her husband, Glen, of Cuba, Kans., have this kind of courage. Glen and Jeanette both remember the big blows of the 1930's. That's why they hesitated to buy high-priced farmland. Until 5 years ago they had been doing a lot of good conservation work—but on other people's land. Now they are applying conservation on their own 620 acres.

It was the Great Plains Conservation Program that finally convinced the Matouseks that land was a good investment. They figured that conservation practices give the land resistance to drought and the other hazards of the 30's, and they were experienced in applying them. The new program offered them the opportunity to do the job quickly and with a sharing of the cost burden.

Today, one of their prize possessions is the farm pond which, among other things, is used for fishing by their three children.

Head bookkeeper for the John Bartholomew farming enterprise is wife Tessie. They farm 773 acres in Jewell County, Kans., where like most central Kansas farmers, wheat is their main crop. Theirs is a Banker's Conservation Award Farm for 1966, honored by the Kansas Banker's Association.

ON ALL HIS LAND

John not only practices conservation on his own land but also on the acres he rents. In fact, he does not rent land unless the owner agrees to sign a Great Plains contract to have conservation work done.

Tessie is one of the women who remembers when times were "not so good."

"We didn't have running water until we moved here 10 years ago," she said. "We didn't have electricity until Nancy started to kindergarten."

But, although these women now have time for clubs, hobbies, neighborhood get-togethers, the PTA, or work as 4–H leaders, they still lend a great deal to the farming and ranching operations of their husbands. Many drive the wheat or silage truck and run errands during harvest, in addition to doing the farmyard chores. Many also have livestock enterprises of their own.

Mrs. Dixie Siler and husband Carmen farm 1,200 acres near Minneapolis, Kans. Carmen is a grain farmer. He entered a Great Plains contract because "I knew it would save my soil, and thats what I wanted." Dixie, with the help of their four daughters, is the hog raiser in this joint grain and hog operation. She feeds *his* grain to *her* hogs.

Dixie markets about 500 pigs a year, either as top hogs in winter or feeder pigs in the summer. She has 32 sows, most of them Hampshires and has selected 35 gilts as replacements or additions for her hog "family."

Her kind of enthusiasm, together with the willingness to work hard and try new things, makes it easy to see why the life and the women of the Plains have blossomed from the dust of yesterday into the beauty of today and tomorrow.

FLAG DAY ADDRESS BY GOV. JOHN A. BURNS, OF HAWAII

Mr. INOUYE. Mr. President, I wish today to bring to the attention of Senators the remarks of Hawaii's Governor, Hon. John A. Burns, on the occasion of the recent Flag Day observance.

I think that his remarks most ably remind us of our heritage, our commitment to freedom, and our fervent hope.

I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GOV. JOHN A. BURNS, FLAG DAY OBSERVANCE

My Fellow Citizens:

The Red, White and Blue Flag of the United States of America which we honor here today had its origin in violence and revolution.

It began in 1777 in a newly developing nation located in an economically backward region of the world, across an ocean and far to the West of European civilization.

The Flag was made for a people who were cantankerous, hot-headed and hard-headed; divided in their loyalties; diverse in their political, religious, and philosophical beliefs and social customs and jealous of their own petty regional powers and privileges. The Flag was proposed by a wartime government committee. The climate of the times included rumors of scandal, payoff, treachery, disorganized leadership, and the inevitability of failure of the Revolution.

The Flag was designed by a patriot whose name is not known to us today.

It was the result of a resolution offered by the Marine Committee of the Second Continental Congress at Philadelphia and adopted June 14, 1777—192 years ago today.

The Committee resolution compared the newly united colonies to a new contellation in the heavens.

We honor our flag today because it is the symbol and the summation of all that our nation holds to be good, and true, and beautiful.

We owe this flag profound respect and reverence. It is the emblem of the respect, reverence, and gratitude we owe to millions of patriots who in difficult years established, developed, and defended our nation and the sublime principles which form its foundation.

Our reverence for the flag is our way of acknowledging the hard work, suffering, and death of these American patriots who made it possible for us to live in prosperty and relative peace today.

Today, across the sea to the West of Hawaii, our Flag flies in South Vietnam as a welcomed companion to the National banner of that long beleagured Republic. We see another new nation, in desperate circumstances even as our own country was in desperate circumstances in Washington's day, struggling to be free from the violence and confusion caused by a military tyranny simplistically mis-named a "people's revolution."

In that wearying struggle we have solemnly promised to assist the South Vietnamese in their heroic fight to be free of this modern "absolute despotism" which is much more cruel than that which our own nation fought and defeated. As in 1776, so again in this decade we have pledged to our Asian brothers "our Lives, our Fortunes, and our sacred Honor" to enable them to withstand the terror of that tyranny and to establish their own nation in freedom and in peace.

Just as the French under Lafayette helped the United States with men, money, and ships in its first great military campaigns, so we have helped the South Vietnamese to increase their own strength and perfect their own institutions.

It has only been through the patient, steadfast, determined efforts of four worthy successors of General Washington—Presidents Eisenhower, Kennedy, Johnson, and Nixon—that the South Vietnamese have had any hope of attaining what the American people attained in the Peace of Paris in 1783.

Today, we look to Paris again for a new Treaty of Peace. Our Nation has taken all the necessary steps to encourage the acceptance of reason, as the British accepted it almost two centuries ago. Our forces are being reduced. We stand ready to outdo in generosity and in further steps toward peace whatever sincere efforts the enemy might be willing to make toward eventual settlement of the conflict.

But one thing appears certain. Our Flag, symbol of the sacrifice of thousands of American lives in this continuing bitter war, can never be taken down from the flag staffs in South Vietnam until the flag of South Vietnam itself can fly high and free above a free people. When that great hour arrives—and we pray it will be soon—our Flag can be removed with honor.

We can leave to the judgment of history and of God the nobility of our intentions and the worthiness of our efforts, just as we commend to God our prayers for peace as we continue in a war we detest with all our hearts.

THE RECOGNITION OF FOREIGN COUNTRIES

Mr. HUGHES. Mr. President, the San Francisco Chronicle, in a lead editorial on June 26, 1969, gave a perceptive commentary on an important foreign policy resolution before the Senate under the joint sponsorship of Senators ALAN CRANSTON, of California, and GEORGE AIKEN, of Vermont. This resolution, as you know, seeks to make our policy of recognizing foreign nations more flexible and rational. In view of the importance of the resolution and the excellence of the editorial comment, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CRANSTON RESOLUTION

A resolution designed to give flexibility to the Nation's muddled policy of recognizing foreign nations and place it on a more rational basis is before the Senate with the joint sponsorship of Alan Cranston, the Democratic freshman Senator from California, and George Aiken of Vermont, the senior Republican.

It sets forth the principle that "when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not imply that the United States necessarily approves of the form, ideology or policy of that foreign government."

Thus it excludes the moral and political judgments that frequently determine whether U.S. recognition shall be granted to or withheld from certain governments. In effect, it re-establishes the policy that prevailed from Jefferson's time to the first decades of this century when a de facto government was recognized simply because it existed and was deemed capable of maintaining itself—a policy which holds in effect that each nation has the right to govern itself as it wills and the United States has no right to interfere in its internal affairs.

In testifying, Senator Cranston told the Foreign Relations Committee that the recognition policy based on approval or disapproval of a government has served this Nation ill. It has denied communication, led to misunderstandings, prevented the exertion of influence, and, on more than one occasion, led to costly military intervention. Furthermore, he said, it now "holds increasingly grave risks of war through misunderstanding in an age when atomic Armageddon is an everpresent danger."

Though Senator Cranston does not favor recognition of mainland China at this time, he told the committee that the present lack of communication and accurate information "seriously limits our ability to make accurate estimates of China's intentions in southeast Asia . . . and badly injuries the quality of information on which American policy is based in one of the most sensitive and dangerous parts of the world."

Senator J. W. Fulbright, who approves the resolution, also cited the possibility that it would open the way for eventual recognition of Communist China—an eventuality which was touched upon by Alf M. Landon, the Republican candidate for President in 1936, in a recent address. He suggested that the existing Soviet-Chinese conflict makes this an opportune time for the Nixon Administration to move for a change in Chinese-American relations. He said: "If the existing deadlock gives way to mutual understanding between these two great powers it will have a profound effect on the whole spectrum of international affairs."

The Cranston-Aiken resolution clearly points the one practical way toward such an understanding.

IN SUPPORT OF SCHOOL DESEGREGATION LAWS

Mr. PERCY. Mr. President, I was pleased to note in news reports last weekend that Secretary Finch has disavowed any attempts to weaken the public school desegregation guidelines. I strongly support his stand on this sensitive issue, and I hope that he has laid to rest the disturbing rumors which have been receiving wide publicity in recent weeks.

We have heard various reports that terminal dates for abolishing dual school systems would be lifted by the Federal Government and that it would return to the "all deliberate speed" language of 15 years ago. Apparently, this is no longer the case. Secretary Finch, speaking for the Department of Health, Education, and Welfare at a weekend press conference, emphatically denied that the administration was weighing any moves to soften enforcement of school desegregation guidelines.

I have long maintained that the laws of this Nation must be followed and that these laws should be fairly enforced. It seems to me the ultimate in hypocrisy to call for one segment of our society to be law abiding and, simultaneously, to wink at another segment of our society which is disobeying the law.

The Congress and the courts have now spoken on the issue of segregated schools, and the time is long overdue to apply these laws. An entire generation of schoolchildren has now started kindergarten and graduated from high school in the same segregated schools declared unconstitutional by the Supreme Court 15 years ago. How many more generations of schoolchildren must be sacrificed?

We cannot lose sight of the very difficult decisions that must be made in the school districts which are now in the process of desegregating their schools. Local schools officials in the vast majority of these districts have already made those difficult decisions and they have put their reputations on the line in order to give the best possible education to all children.

Any weakening of the law at this time can only hurt these school officials who have already acted. Their actions would be seriously undermined if decisions were made to extend the time for eliminating dual school systems in some districts. The law must be fairly enforced and it must be uniformly enforced.

I strongly endorse and support Secretary Finch's stand that the law will continue to be enforced fairly and uniformly throughout the Nation.

A "FIRST STRIKE" CAPABILITY

Mr. GORE. Mr. President, a most interesting letter to the editor appeared in the June 26 issue of the New York Times signed by Richard D. Geckler who was Assistant Director, Defense Research and Engineering, Department of Defense from 1964 to 1966. Mr. Geckler comments on the tendency to equate the large yield of Russian nuclear warheads with an intent to develop a "first-strike capability." He notes that large warheads waste nuclear resources and that instead of attributing a first strike attempt to the Russians it should be considered more likely that they have "made a mistake in picking the optimum yield for their warheads."

I urge my colleagues to study this brief but incisive letter carefully and ask

unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEBATE ON FIRST-STRIKE

MELVILLE, LONG ISLAND,
June 23, 1969.

To the EDITOR:

Among many misconceptions involved in the ABM controversy, one seems to have escaped comment. This is the apparent tendency to equate the large yield of Russian nuclear warheads with an intent to develop first-strike capability.

Actually, large warheads waste nuclear resources, compared to small warheads, for the simple reason that two half-size missiles can cause more destruction than one full-size missile.

A fixed supply of nuclear material in an attacking force of ballistic missiles can cause more damage if it is subdivided into many small warheads rather than a few large warheads. The optimum size depends only on the characteristics of warhead technology and not at all on target hardness or delivery accuracy.

Instead of attributing a first-strike intent to the Russians, it should be considered more likely that they just made a mistake in picking the optimum yield for their warheads. By almost every technical, military, and economic criterion, small warheads are more compatible with a first-strike intent than are large warheads.

RICHARD D. GECKLER

(NOTE.—*The writer was Assistant Director, Defense Research and Engineering, Department of Defense (1964–66).*)

AN INDEPENDENT OILMAN SPEAKS OUT

Mr. PROXMIRE. Mr. President, the major oil companies have tried to make sure that the oil industry maintains a united front in protecting the major's special privileges. However, I think we must realize that the oil industry is not monolithic; it is composed of many small, independent wildcatters as well as the gigantic, integrated major oil companies.

A lot of the oil industry's special privileges benefit only the majors. As a matter of fact, I pointed out last Thursday that the tax treatment of foreign tax credits harms rather than helps the domestic oil industry. There are other privileges which discriminate against the consumer and small oil producer in favor of the major oil companies. These, too, need to be carefully scrutinized.

Mr. President, I commend to your attention an article by Ted Brooks from the Wichita Eagle and ask that it be printed in the RECORD at the conclusion of my remarks.

Although I do not agree with all that he says, I do think he portrays in a very graphic manner the problems facing the small independents as they have to compete against the major oil companies with all their special privileges.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM THE OIL DESK—A LETTER TO MAJOR FIRMS

(By Ted Brooks)

DEAR MAJOR: We are writing to ask you to remove yourselves, your membership, your people and your influence from our trade associations and political groups. You have your associations. We are supposed to have ours. We can't keep you out of state and national politics, and we don't want to. But we insist that in both you represent only yourselves; that you stop pretending that you speak for us too.

We put this on record with reluctance. We remember when many of you were small independents too. You grew and you changed. Fortune ruled that we remain small and tied to our small communities and states. Now our needs and goals are vastly different.

By our nature we are tied to local and regional economic communities. The proceeds of our small achievements stay with us. In one way and another they are almost entirely spread among our neighbors and business associates. The harvest you reap goes elsewhere. And when the harvest ends, you go with it.

Please do not tell us again about your contributions to our communities and states in taxes, public works and doing good. We are grateful that many of your fine people have given much of their time, effort, and money to local and regional projects.

But on the corporate level you clog our courts with your reluctance to pay taxes. You subvert the interests of our politicians with contributions we cannot hope to match. Your money warps our legislative process. Our officialdom is constantly reminded that those who play your game go on to greater awards than those who act only in the public interest. And this they do.

On more specific levels of business, the differences are clear cut. We censure you for none of these. We simply want them to be recognized for what they are without a lot of double talk.

It is to your interest to pay as low a price as possible for crude oil, and that is what you do. It is to our interest to get as high a price as possible.

Your prime interest once was to import all the crude oil you could. It still is, but it is now tempered by your greater desire to protect your domestic manufacturing and marketing investments and obstruct new entrants into the petrochemical and refining field. So you shout murder in Machiasport because it takes in one bite what you had planned to take in little nibbles; and you hoodwinked us into taking your side. The real issue revolves around a quarrel among petroleum buccaneers as to how to divide up the foreign oil booty.

Our interest, and we believe it happens to be the public interest, lies in restricting foreign oil imports to the levels necessary to supplement domestic production.

We credit your political infiliuence to the design of a mandatory import system through which all quotas were given to refiners. Knowing better, you sold the idea that the benefits would flow down to producers. Then, through your subjective monopoly, you put a rock on crude prices for 10 years. It was a clever way to make a lot of money, ruin the domestic industry and run your country out of oil.

We remember when the depletion allowance was modernized to encourage domestic oil finding. Its benefits then were about equal. Then you used it to finance foreign development and make a give-away out of it. Now it is a gold mine for you and virtually nothing to us. You have spoofed the President of the United States into going on record favoring it, but we hope that you remember and he remembers that he has at no time specifically inferred that it should be applied to foreign production.

Now, with tax reform under way, there is a cry for blood-letting from the petroleum industry. You are making sure that it is our blood, not yours. So your people are going around with the word that tax demands may be satisfied by cutting off intangible drilling expense. This, you know, would wipe us out.

Your propaganda machines are now telling us that this is not so, that your foreign tax allowance and credits are as nothing. Then why fight it? With a set of exclusive figures lifted out of the most carefully guarded books in the world you purport to show that you are paying adequate taxes. You even claim in these the $7.5 billion paid by the public and in the form of excise taxes. What is so damning about your bookkeeping that it cannot stand the light of day?

Here in Kansas, we have been trying to straighten out the property tax mess. We are willing to pay higher taxes if we can get an equitable statewide system of production taxes. We do not have the means to trek about from county to county every year to straighten out inequities. You have lawyers with nothing else to do. So when we gather with our legislators to work out something that would benefit the industry and the public, you send in your Midcontinent Oil & Gas Association attorneys, to confuse the issue and fill our legislators with doubt.

We have another complaint that has never been voiced. Not content with ordinary political propaganda maneuvers, you invade public institutions other than our political parties. The state commissions, still thought by old fashioned economists to be price-setting mechanisms, are your supply-setting valves. They believe what you say and do what you say—with a low bow to their nominal constituents.

The Interstate Oil Compact Commission, following the politically acceptable and profitable line that wells up from regulatory officials, repeats your propaganda line for line. The governors, ignorant or ambitious, give notibility to your goals. At the recent meeting in Wyoming, despite every reason to hope for an espouse a revival of domestic production in their states, the IOCC members effectively rubberstamped tax and import policies that would leave things exactly as they are, under your ambitious domination. Through a different route you get the same results from the Independent Petroleum Association of America.

Wherever power, money and threats will obtain allegiance, you obtain it. The conventions and pronouncements of the American Association of Petroleum Geologists, a great scientific body, are beginning to sound like waterfront precinct meetings. The American Association of Petroleum Landmen is dedicated to proving your worth. You have terrorized almost all of the marketing and jobbing associations into rubberstamping your doctrines. The National Petroleum Council serves as your point of government infiltration and outright government-industry job swapping. The American Petroleum Institute is your body and soul and the focal point of your political and ideological collusion.

You are not content with this. Your American Petroleum Institute floods our civic organizations with its propaganda. Shockingly, you even extend this to our schools, where our children are exposed to indoctrination in the beliefs that could insure the acceptibility of your domination forever. Our schools are full of your literature and heroic charts and posters which drum into our kids your claim that your corporations—not ordinary mortals—are the fountainhead of all good things. Your API openly brags about this and recounts its success in terms of tons of propaganda successfully fobbed off on unsuspecting educators. We wonder if you would approve of the beer industry doing this.

After all these charges, you will be amazed to know that we nonetheless recognize your remarkable virtues. You have provided the world with immense and efficient corporate structures. These provide the only adequate means of assembling the effort and technology necessary to find and distribute the world's energy resources.

But in doing this you have been contami-

nated by the corruptions of power. You have acquired the insane idea that in order to serve the world the world must serve you. Let us set you straight while you remain in one piece: It is you who must accommodate yourselves to the requirements of living among us—not contrawise.

So as a starter, we ask you to remove yourselves from our political and trade groups and public institutions. We want you to speak up forthrightly and honorably, but in your own behalf, not ours. We want you to do this now, when it may still be done gracefully. Gentlemen, if you don't we will throw you out. We may even decide to take you apart. In dealing with us you have overlooked one thing—when the chips are down, we are a part of the people.

THE INDEPENDENT INDEPENDENTS.

THE ABM SYSTEM

Mr. GORE. Mr. President, the June 13 issue of the New York Times carried a full-page advertisement, sponsored by the Citizens Committee for Peace with Security, which stated in the headline "Eighty-four Percent of All Americans Support an ABM System." The advertisement went on to state:

A nationwide wide opinion poll representing adults throughout the continental United States reveals overwhelming support for a U.S. Anti-Ballistic Missile defense system. . . . Only 8% believe that no ABM system is needed.

I was most interested to read 1 week later in the New York Times, on June 20, a letter to the editor signed by six past presidents of the American Association for Public Opinion Research. These six gentlemen referred to the June 13 advertisement and said that the statement that 84 percent of all Americans support the ABM system "is by no means proved on the basis of opinion poll results presented in the advertisement." They noted that the questions were framed in a manner bound to elicit a favorable response and they commented that: "The use of such a poll to provide an appearance of overwhelming public support for a partisan cause must be damaging to the professional standards of opinion research."

I ask unanimous consent that the letter to the editor of the New York Times which appeared in the June 20 issue of that newspaper be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ABM POLL QUESTIONED

To the Editor: A full-page advertisement in The Times of June 13 sponsored by the Citizens Committee for Peace With Security is headlined, "84 per cent of all Americans support the ABM system."

Whatever the merits of the proposed ABM, this statement is by no means proved on the basis of opinion poll results presented in the advertisement. The answer to the three questions reported shed little light on the true state of public information and opinion on the complex issues of nuclear defense.

There is no indication as to the extent of public knowledge about what ABM is or means, and the questions are framed in a manner which is bound to elecit a favorable response.

The use of such a poll to provide an appearance of overwhelming public support for a partisan cause must be damaging to the professional standards of opinion research. Beyond that it must also raise serious questions about the credibility of the arguments being used by proponents of the ABM.

RAYMOND A. BAUER,
LEO BOGART,
CHARLES Y. GLOCK,
HERBERT HYMAN,
HERBERT E. KRUGMAN,
PAUL SHEATSLEY.

(NOTE.—The writers are all past presidents of the American Association for Public Opinion Research.)

NO LEGAL CONFLICT OF INTEREST WITH FORCED LABOR CONVENTION

Mr. PROXMIRE. Mr. President, the International Year for Human Rights, 1968, came to a close with the United States once again having failed to ratify the Abolition of Forced Labor Convention. One of the major areas of contention that opponents of the Forced Labor Convention have been raising concerns the convention's wording in regard to just what is and what is not permitted in relation to labor strikes. Obviously, the men who participated in the drafting of this convention, delegates to the International Labor Organization's 1957 world conference in Geneva, were individuals primarily concerned with guaranteeing the rights and privileges of man. Hence, they would not have constructed a convention which in anyway would have sent people to jail or tolerated sending people to jail for legal strikes. Clearly, then, this is not the purport of the convention.

On the other hand, it is entirely plausible to consider that this convention was not intended to completely eliminate or preclude applying legal sanctions for certain types of labor dealings. For example, as Arthur J. Goldberg, an authority in labor law and former Secretary of Labor in the Kennedy administration, testified during hearings before a Human Rights Subcommittee of the Foreign Relations Committee:

This convention would have no application to criminal sanctions for violations of court orders such as those commonly issued under the National Labor Relations Act. When you are sent to jail by a court for violating an injunction which is properly issued under the National Labor Relations Act, even though that injunction may under the statute prohibit certain types of strike activity, you are not sent to jail for engaging in a strike. You are sent to jail for violating a court order. You are sent to jail for what we lawyers call contempt of court, and there is nothing in this convention which would prevent that. In addition, this convention does not cast any doubt on punishment for illegal activities, although those illegal activities take place at the time a strike occurred. There is no immunity under our laws, and there is no immunity under this convention for an assault which would take place, for example, in connection with a perfectly legal strike. What you are then charged with is not exercising your constitutional right to conduct strike activities; what you are sent to jail for under those circumstances, and something about which no law-abiding citizen can complain, you are sent to jail for violating our criminal statutes relating to assault.

Mr. President, I have the utmost of faith in Mr. Goldberg's knowledge and interpretation of our legal structure. If he does not believe that there will be a conflict of interest in adopting this convention, then I explicitly trust his judgment. More importantly, however, we have a pressing moral obligation to ratify this convention. By our failure to previously act upon or even to consider this Forced Labor Convention, we are guilty of having committed a most salient paradox. For the United States was one of the countries which played an important part in drafting it. To those citizens dedicated to the cause of promoting human dignity and decency, such an enigmatic state of affairs can only appear perplexing and frustrating.

Mr. President, our country has come a long way with regard to guaranteeing basic human liberties and freedoms. Yet, many would agree it can go even further. There are many people around who would like and need the reassurance that our Government has not forgotten that there is much more which can be accomplished. We have held ourselves up as the symbol of the free world, dedicated to safeguarding the basic rights of every human being, regardless of his race, creed, religion, or ideological views. To remain consistent with our guiding principles, the United States must start ratifying these Human Rights Conventions before us.

NATION'S ROADBUILDERS MOVE TO PROTECT THE ENVIRONMENT

Mr. RANDOLPH. Mr. President, as chairman of the Committee on Public Works, and as an individual Senator, I report a historic and significant meeting between parties which have long had misunderstandings over environmental quality.

On June 16, the American Road Builders' Association sponsored an informal meeting at which representatives of highway interests and historical preservationists sat down together to begin clearing away roadblocks on the way toward a mutual agreement on protecting our environment. Preservationists from both the public and private sectors attended the meeting with the director of the Bureau of Public Road and represenatives of the American Association of State Highway Officials.

ARBA, therefore, serves as a sounding board for enlightened highway programing with members from different segments of the industry.

The roadbuilders agree that critical to an effective and well-balanced highway program today are the new concepts of environmental quality, preservation and improvement which must somehow be woven into traditional cost-effectiveness formulas. These very concepts had their genesis in the Federal-Aid Highway Act of 1968, as exemplified in the section providing for preservation of the natural beauty of the countryside, public parks and recreation lands, and historic sites.

I compliment ARBA and other organizations and persons, for these creative first big steps toward bringing the high-

way industry in accordance with the principles in that act and also S. 2391, the "Environmental Quality Improvement Act of 1969." I cosponsored the bill earlier last month with 40 Senate colleagues.

Future meetings between historical preservationists and conservationists and the roadbuilders are being planned. I hope and expect that there will be continued cooperation between those who must build for convenience and service of society and the groups concerned with protecting and improving the quality of our environment.

VIETNAM

Mr. FULBRIGHT. Mr. President, Prof. James L. Clayton of the University of Utah recently testified before the Subcommittee on Economy in Government of the Joint Economic Committee concerning the costs of the Vietnam war. Professor Clayton estimated that ultimate cost of the war, assuming "a major deescalation at the end of this year and total withdrawal next year, will be about $350 billion," when the interest on the national debt and the costs of veterans programs are included. In other words, Professor Clayton predicts that the Vietnam war will actually cost American taxpayers over three times as much as the official Department of Defense estimate, $110 billion by the end of the next year.

Professor Clayton tried to put the $350 billion price tag in perspective.

Compared with other federal expenditures during the same period of time the war has been on (fiscal year 1960–1970)—

He said—

the war in Vietnam has cost 10 times more than Medicare and medical assistance, 14 times more than support for all levels of education, and 50 times more than was spent for housing and community development. We have spent several times more money in Vietnam in ten years than we have spent in our entire history for public higher education or police protection. Put another way, the war has cost us more than one-fourth of the value of current financial assets of all living Americans, a third again as much as all outstanding home mortgages, and seven times the total U.S. money now in circulation.

Unfortunately, Professor Clayton's analysis received scant attention in the press. I believe that the facts he presented deserve wide attention, and I ask unanimous consent to have the text of his statement printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ON THE ULTIMATE COST OF THE VIETNAM CONFLICT

(By James L. Clayton, University of Utah)

Except for World War II, the Vietnam Conflict is by far the most expensive war in American history. This is true whether measured by initial costs or by ultimate costs. In terms of initial dollar costs, the Vietnam War, *according to Department of Defense figures, will have cost $110 billion by the end of the next fiscal year. This $110 billion figure is already twice as high as the initial cost of the Korean War and more than four times higher than the original cost of World War I* (*see Table 1*).

But the most striking thing about the cost of the war in Vietnam is *that the greatest costs are yet to come.* If history is an accurate guide in these matters—and we have no other—the expenditures of veterans' benefits over the next century will cost at least fifty percent more than the initial cost of the war itself. Twenty percent of our adult population are war veterans, and almost half our population is potentially eligible to receive some kind of veterans' benefits. The cost of their support (including dependents and survivors) in recent years has been between the third and fifth most expensive item in the federal budget, and since 1950 the annual average value of veterans' benefits has been increasing at a rate of 20 percent per decade. Add to these veterans' benefits the annual interest payments on debt incurred owing to the Vietnam War, and the ultimate cost of that involvement will probably be about *three times* its initial cost. This kind of accounting is seldom if ever mentioned in the debates about the war.

I

Measuring the monetary costs of any war is an extremely difficult but not impossible task. The Executive Office of the President has, however, made a valiant attempt to ascertain the costs of the Vietnam War since 1965. Its findings are printed in the 1970 *Budget of the United States Government* (p. 74). According to these official estimates, in fiscal 1970 the Vietnam war will eat up 13 percent of all federal expenditures, and will have cost a total of $108.5 billion since 1965. But these figures do not tell the whole story. Actually, only about $100 billion of the federal budget is relatively controllable. The remainder is already committed or in trust funds. Of this $100 billion, no less than 80 percent is accounted for by national defense. Since the Vietnam war accounts for 32 percent of the 1970 defense budget, in terms of what the government actually can spend in that year, the Vietnam war is really costing us 25 percent of all possible expenditures, not 13 percent as the official figures indicate. This 25 percent figure, it should be noted, is based on a projected deescalation in Vietnam costs estimated at $5 billion under 1969 costs. It is further assumed that the big increases are over. But that is what we were told in 1968 and costs *increased* $2 billion. If the war in fact continues at its present rate, almost a third of our federal disposable budget will be committed to Southeast Asia. If the war escalates, the ratio could easily go to one-half.

The official figures also underestimate the costs of the war in other ways. Only the number of American personnel actually stationed in South Vietnam is generally reported. This figure is now at approximately 532,500. Since 1967, however, there have been at least 77,000 Americans stationed in Thailand or serving off-shore as support forces for the Vietnam Conflict. This would bring the total in the *immediate* war zone to 634,000. In addition, there are over 250,000 "backup" men in the U.S. and elsewhere who are probably not counted in cost estimates, bringing the total number of men committed to the war closer to 884,000. These additional personnel obviously add additional costs.

Moreover, for reasons that have not been made clear the official figures only measure costs since 1965. But Americans have been stationed in Vietnam since 1954, and combat troops have been killed since July, 1959. Between 1954 and 1964 there were a total of 58,885 men stationed in Vietnam, assuming a one year tour of duty. The cost of supporting these men is not included in the official estimates either. At $25,000 per man year—a figure suggested in 1967 by Robert Anthony, formerly Assistant Secretary of Defense, as the actual cost of supporting one GI in Vietnam—this would increase the overall war costs by $1.5 billion. If veterans' benefits and interest costs on the war debt were included, the cost of supporting one GI in Vietnam would be closer to $75,000 per year.

Focusing on short-run costs is not nearly so informative, however, as looking at long-term war costs. The pattern of long-term costs clearly indicates that the largest money costs of war come long after the fighting stops. This fact is not widely appreciated today. The basic reason for this pattern is that veterans' benefits for our first five major wars—payments that are now virtually complete—have averaged more than three times the original cost of those wars. The projected increase in benefits for veterans for wars fought during the past century, although varying widely in their total impact, are equally large. To illustrate, the estimated original cost of the Civil War is $3.2 billion (Union Forces only). This estimate is based on the expenditures of the Departments of the Army and the Navy for the years 1862 through 1866. Veterans' benefits for that war to 1967 have amounted to $8.6 billion, or an increase over the original cost of 265 percent. Projected veterans' benefits for World War I, World War II, and the Korean War—assuming today's laws and no increased coverage—will increase the original cost of those wars by 290 percent, 100 percent, and 184 percent respectively.

This statement needs elaboration. If one measures the original cost of our three earliest wars—the American Revolution, the War of 1812, and the Mexican War—as the amount of money spent by the Departments of the Army and Navy during the war years, one finds that each of these wars cost between $73 and $100 million (see Table 1). Veterans' benefits then began to be paid out and climbed steadily, peaking in the case of the War of 1812 some 68 years later. These benefits continued to be paid for the War of 1812 until 1946, 131 years after that war ended! Veterans' benefits for the Mexican War did not drop below $1 million per year until this decade, and did not stop until five years ago. This unusual phenomenon is best explained by an example. Suppose a drummer boy, age 14, became a soldier in 1861 and was disabled in that war. Suppose also that he married late in life, at say age 60 or in 1907. Suppose further that his wife was age 25 at marriage and that at age 30 she bore him a child that was mentally or physically incapable of supporting himself. That child would be 57 years old today and still drawing benefits—over a century after the war ended. In 1967 there were 1,353 such dependents of deceased veterans of the Civil War still drawing benefits amounting to more than $1 million dollars annually, a fact which suggests that this example is not far-fetched.

A look at veterans' benefits projected for more recent wars is also instructive. To 1967 veterans benefits for the Spanish-American War cost $5.3 billion, or *thirteen times* the original cost of that war. Moreover, the peak of these post war costs did not come until 51 years after the war ended. World War I veterans' benefits probably peaked three years ago or 49 years after that war ended. World War II veterans' benefit will probably peak at the turn of this century, and dependents of veterans of the Vietnam Conflict may be drawing benefits until the 21st century!

It should be emphasized that these projections are not precise. Over time, such benefits rolls tend to be more inclusive and the pay-

ments tend to go higher. What should be emphasized, however, is that veterans' benefits in the United States are the most liberal in the world, that as veterans reach 65 years of age a majority of veterans are covered regardless of disability (52% of World War I veterans and 90% of Spanish American war veterans are now receiving some kind of compensation), and that, except for service connected disability, the veterans' claims to preferential treatment, although justifiable in the past, is tenuous at best today.

It should be further emphasized that these benefits have acted as an enormous transfer payment to this sector of the population. Partly owing to educational subsidies, veterans are generally better educated than nonveterans. Their median educational level in 1967 was 12.3 years as opposed to 12.0 for the population as a whole. For post-Korean veterans the level was 12.6. The median 1966 income of war veterans who had completed college was $10,900. For non-veterans it was $9,510. The employment data for veterans also reflects this higher status, in part because of their educational attainments and in part because of laws favoring veterans' job security. Only 2.2 percent of veterans were unemployed in the first quarter of 1968, versus 3.8 percent for the civilian labor force as a whole. The incidence of poverty among veterans and non-veterans is even more striking. In 1966, 13.8 percent of all families had incomes below $3,000 Only 6.6 percent of veteran families had incomes that low. For post-Korean Conflict veterans that figure was 3.7 percent. Clearly, wars (and more especially their aftermath) can be profitable to those who have participated in them.

Next to veterans' benefits the interest costs on money borrowed to fight our major wars is the most significant long-range cost. Again, any attempt to measure actual interest costs is extremely difficult, if not impossible. Still, the patterns of interest costs are instructive. Overall, these costs have probably ranged from 15 to at least 40 percent of the original cost of the war itself. These costs are conservatively estimated as follows: Most of the national debt during the early years of our Republic were Revolutionary War debts. If only two-thirds of the interest on that debt between 1790 and 1800 is taken as a fair estimate, then the cost of the Revolutionary War is increased by about one-fifth. One-half the increase in interest payments on the national debt from 1816 to 1836, when the debt was paid out, would increase the 1812 war costs by about 15 percent. Interest costs for the Mexican War are within a similar range.

Prior to the Civil War, interest on the public debt was less than $4 million. During that war it jumped from $4 million in 1861 to 144 million in 1867. Interest payments then fell gradually for the next 25 years and then leveled off at about $30 million annually. Since very few federal programs adding to the deficit were undertaken during these laissez-faire oriented years, we may assume that most of these interest payments are attributable to the Civil War. In all, interest payments raised the price of the Civil War by about one-third. That "splendid little war", the Spanish-American War, required a loan of $200 million. Americans rushed to buy war bonds, but they were soon in the hands of a few individuals and corporations and were still being paid off by the time the next war came along.

Interest costs for World War I have been much more carefully figured than for earlier wars. Some years ago, John M. Clark, in a book entitled *The Costs of the World War to the American People*, calculated the original cost of that war, and the U.S. Treasury figured the interest costs to 1929 at $9.5 billion. Total interest costs eventually amounted to about $11 billion, or approximately 42 percent of the original cost.

Henry C. Murphy, is his book *National Debt in War and Transition* has shown that the federal government borrowed about $215 billion at 2½ percent interest per annum to finance World War II. That debt has not been paid off. Indeed, at no time since 1946 has the gross public debt fallen below $252 billion, and it has been increasing rapidly in recent years owing to Great Society programs and the Vietnam War. World War II has already cost us about $200 billion in interest payments, assuming an annual interest rate on the unpaid balance of four percent. This figure is now 70 percent of the original cost and suggests that war costs are going up rapidly—largely because we do not even attempt to retire the original debt.

The Korean War added about $10 additional billions to our war debt. In 1951 our gross public debt was $255 billion; in 1955 it was almost $275 billion. If one-half of that increase is attributable to the Korean War, then in 25 years at 4 percent the interest costs on the Korean War will have amounted to $10 billion also (assuming the same pattern of non-payment of principal as in World War II).

II

The point of this exercise in figures is to give us some idea of what we might reasonably expect the war in Vietnam to cost us based on the experience of the past. Using the pattern of veterans' benefits paid out for the Civil War, World War I, World War II, and the Korean War as a guide, we may expect the Vietnam Conflict to eventually cost us about 200 percent of the original cost, all other things being equal. This figure is conservative, however, because a much higher percentage of Vietnam veterans are using their educational benefits now than in previous wars, and life expectancy is increasing. Benefits also tend to be more inclusive with time and rise with the cost of living. The present cost of these benefits is about $130 per year per family, and this figure does not include mortgage guarantees or substantial state aid to veterans. Regarding interest costs and using the Civil War and World War I as guidelines, we may fairly expect interest rates of the Vietnam war to cost at least 20 percent of the original cost and possibly as much as 40 percent. In short, the cost of the Vietnam conflict, even assuming a major de-escalation at the end of this year and a total withdrawal next year, will be about $350 billion (see Table 4).

It should be emphasized that this is a conservative figure and measures only the direct major monetary costs. The estimate does not include inflationary costs owing to the war, the loss of services and earnings by the 33,000 men killed in the war to date, the cost of resentment abroad, the depletion of our natural resources, the postponement of critical domestic programs, the cost of the arrested training and education of our youth, the cost of the suspended cultural progress of our nation—and nothing of the death and destruction to the South Vietnamese Civilians in the war zone itself.

The estimated ultimate cost of the Vietnam War is so high it boggles the mind unless placed in perspective. How much money is $350 billion? Compared with other federal expenditures during the same period of time the war has been on (fiscal year 1960–1970), the war in Vietnam has cost 10 times more than Medicare and medical assistance, 14 times more support for all levels of education, and 50 times more than was spent for housing and community development. We have spent several times more money on Vietnam in ten years than we have spent in our entire history for public higher education or for police protection. Put another way, the war has cost us more than one-fourth of the value of current personal financial assets of all living Americans, a third again as much as all outstanding home mortgages, and seven times the total U.S. money now in circulation.

III

Looking back over the cost of wars in American history, there seems to be an evil nemesis dogging our destiny. Each of our major wars (the Civil War, World War I, and World War II), during the past century have initially cost about ten times more than the previous wars, if indirect as well as direct costs are included. The Civil War initially cost more than $3 billion, World War I $33 billion, and World War II about $381 billion. Since World War II, our major conflicts have tended to *double* in price. Korea cost $54 billion and Vietnam to date has cost $110 billion. Total federal expenditures, moreover, have tended to increase four to five times after each major war. In the case of Vietnam, government expenditures to date (1960–1969) have doubled. Unless we drastically reverse this trend and significantly reduce our current military expenditures, war will soon be simply too expensive to contemplate and governments too cumbersome to endure.

TABLE 1.—HOW VETERANS' BENEFITS INCREASE WAR COSTS

[Dollars in millions]

War	Original cost [1] (major national security expenditures)	Veterans' benefits to 1967 [2]	Number of years following war veterans' benefits [3]		Estimated total benefits under present laws [4]	Veterans' benefits as a percentage of original war costs
			Peaked	Ended		
American Revolution	$100	$70	([5])	128	$70	70
War of 1812	93	49	68	131	49	53
Mexican War	73	64	43	116	64	88
Civil War (Union only)	3,200	8,567	60	113	8,580	265
Spanish-American War	400	5,256	51	----------	6,000	1,500
World War I	26,000	39,854	49	----------	75,000	290
World War II	288,000	76,767	----------	----------	290,000	100
Korean conflict	[6] 54,000	12,863	----------	----------	99,000	184

[1] Based on expenditures of the Departments of the Army and Navy to World War I and major national security expenditures thereafter. Usually the figures begin with the year the war began, but in all cases they extend 1 year beyond the end of actual conflict See Hist. Stat. of the U.S., 1960 ed., pp. 718–720.

[2] 1968 Stat. Abst., p. 266.

[3] Veterans Administration, annual reports.

[4] To World War I estimates are based on Veterans' Administration data. For the last 3 years estimates are those of the Bradley Commission plus 25 percent (which is the increase in the average value of benefits since the commission made its report). See especially "Veterans' Benefits in the United States," President's Commission on Veterans' Pensions, 1956, pp. 110–117.

[5] Unknown.

[6] Assumes 5,700,000 men served an average of 19 months at $2,835 personnel costs per man-year, $2,723 operation and maintenance costs per man-year, and procurement costs totaling ⅓ the increase over previous years. Averages were based on the number of servicemen divided by the defense budget for each year.

TABLE 2.—HOW WAR LOANS AND INTEREST PAYMENTS INCREASE WAR COSTS

[Dollars in millions]

War	Original cost [1]	Estimated total costs on war loans		Interest payments as a percentage of original costs
		Principal	Interest	
American Revolution	$100	[2] $64		([3])
War of 1812	93	[4] 109	[5] $16	17
Mexican War	73	[6] 49	[7] 10	14
Civil War (Union only)	3,200	[8] 2,600	[9] 1,172	37
Spanish-American War	400	[10] 200	[11] 60	15
World War I	26,000	[12] 21,400	[13] 11,000	42
World War II	288,000	[14] 215,000	([3])	([3])
Korean conflict	54,000	[15] 10,000	([3])	([3])

[1] See table 1, note 1.
[2] Treasury Department estimate in C. F. Childs, "Concerning U.S. Government Securities" (1947), p 405.
[3] Unknown.
[4] See D. R. Dewey, "Financial History of the United States" (1939), p. 134; and Studenski and Krooss, "Financial History of the United States" (1952), p. 79.
[5] ½ of the annual increase of interest on nation debt over $2,500,000 (average rate prior to war), 1816–36.
[6] Childs, p. 30.
[7] ½ the annual increase of interest on national debt over $1,000,000 (average), 1845–59.
[8] Ibid., p. 46.
[9] ½ the annual increase of interest on national debt over $4,000,000 (average), 1861–91.
[10] Dewey, p. 467.
[11] Estimated at 3 percent per year for 10 years on the total balance since much of this debt was refinanced.
[12] Studenski and Krooss, p. 291.
[13] The interest on World War I war debts in 1929 had reached $7,000,000,000, according to the Treasury Department, and was costing $663,000,000 annually. At the then current rate of payment, approximately $4 in additional interest would have been paid out. See John M. Clark, "The Costs of the World War to the American People" (1931), p. 297.
[14] Henry C. Murphy, "The National Debt in War and Transition" (1950), ch. 18.
[15] The U.S. public debt increased $16,000,000,000 between 1951 and 1954. It is assumed that $10,000,000,000 of this increase was owing to the Korean war.

TABLE 3.—*The ultimate cost of the Vietnam conflict**

[In billions of dollars]

1. Original cost:	
a. Major national security expenditures for the Vietnam conflict, 1965–70 (fiscal years)	108.5
b. Cost of supporting American personnel in South Vietnam, 1954–64, at $25,000 per man per year	1.5
Total	110.0
2. Veterans' benefits:	
a. Low estimate: 100 percent of original cost	110.0
b. Medium estimate: 200 percent of original cost	220.0

TABLE 3.—*The ultimate cost of the Vietnam conflict**—Continued

[n billions of dollars]—Continued

2. Veterans' benefits (continued):	
c. High estimate: 300 percent of original cost	330.0
3. Interest on war debt:	
a. Low estimate: 10 percent of original cost	11.0
b. Medium estimate: 20 percent of orginal cost	22.0
c. High estimate: 40 percent of original cost	44.0
4. Total:	
a. Low estimate	231.0
b. Medium estimate	352.0
c. High estimate	484.0

*Assumes the war ends in fiscal 1970. Occupation costs are not included.

SOURCES.—Tables 1 and 2.

TABLE 4.—THE COST OF AMERICAN WARS, BY RANK

[In millions]

War	Estimated initial cost [1]	Total veterans' benefits	Estimated interest on war loans	Estimated ultimate cost
World War II	$288,000	$290,000	[2] $86,000	$664,000
Vietnam conflict	110,000	[3] 220,000	[3] 22,000	[3] 352,000
Korean conflict	54,000	99,000	[4] 11,000	164,000
World War I	26,000	75,000	11,000	112,000
Civil War (Union only)	3,200	8,580	1,172	12,952
Spanish-American War	400	6,000	60	6,460
American Revolution	100	70	[5] 20	190
War of 1812	93	49	16	158
Mexican War	73	64	59	147

[1] Major national security expenditures.
[2] Assumes an interest rate of 40 percent of original cost, on approximately the same rate of increase for the Civil War and World War I.
[3] Medium estimates, see table 3.
[4] Assumes an interest rate of 20 percent of original cost.
[5] Assumes an interest rate of 20 percent of original cost.

Source: Tables 1–3.

TRUTH IN PACKAGING

Mr. HART. Mr. President, today is the day that truth in packaging—more formally known as the Fair Packaging and Labeling Act—goes into effect.

That should be no great news flash—except for the past 4 months various publications and even consumer champions have been condemning the law for its ineffectiveness. Obviously, it is news to them that lackadaisical implementation has resulted in this enforcement.

The question of just when consumers can expect the help Congress promised in enacting this law in November 1966 was further clouded last week when the Federal Trade Commission announced it was delaying the effective date of its share of regulations.

The 11th-hour delay resulted, I understand, because a number of manufacturers of various products are suing the Federal Trade Commission for promulgating regulations which they contend go beyond the intent of Congress. While that FTC decision looks on the surface as a terrible setback for the law—and consumers—I suspect it really is not quite as bad as it looks.

For, obviously, by last week manufacturers who were going to comply with the July 1 deadline had taken the steps necessary to do so.

The ones who were arguing about the matter were not in compliance anyhow.

The FTC decision does, in effect, tie the hands of State officials who could have moved against manufacturers who had not complied by July 1.

How far reaching that effect is, I could only guess.

The thing that troubles me most about the whole truth-in-packaging saga is the treatment the law received since its enactment.

We all recall how, after about 5 years of strong controversy in Congress, the law was finally passed—almost unanimously—by both Houses. The vote seemed a mass conversion with diehard opponents suddenly giving testimony for the grand cause of consumerism.

It soon became apparent that all was not what it seemed to be.

The spotlight shifted to other corners. The heat was off from consumer groups who thought the war—not just the battle—was won. And spots reappeared on the leopards.

When the agencies who were ordered by Congress in its burst of consumer protectionism to implement the law came asking for really minuscule appropriations to finance the drafting of regulations, they were turned down.

Further, they were ordered—yes, not advised but ordered—to give low priority to implementing the law.

And consumers never knew what hit them—or who dashed the great hopes they had for this, the first law designed to protect their economic interests.

So who has been blamed for the "ineffectiveness" of the law over the past 18 months?

Not a "who" but a "what." The law itself has been criticized for not being a panacea for all consumer ills.

To an extent that criticism has some foundation. Truth in packaging was never intended as a panacea. All it is supposed to do is give the consumer sufficient information to allow him to make more rational buying decisions in the supermarket than he has been able to.

It offers no guarantee of quality—or warranty—or replacement—or that consumers will make the best decision in each case.

But what it does offer has been denied the consumer by a series of subterfuge, delay, and frustration.

This is the saga of truth in packaging that consumers should understand. Once they do, they may direct their disappointment and frustration in the right direction.

That direction, in my opinion, is not at the law itself.

There is no trickery or sleight-of-hand in the language of the law. It can do today exactly what it claimed to be able to do on November 3, 1966, when it was heralded so grandly on enactment.

That is all—no more and no less.

But it has not been able to do even that much because many of its so-called friends turned against it—and others neglected to show any interest in how it was being tended and cared for.

Even at that, today the first regulations of the law are effective. Because the Food and Drug Administration does have jurisdiction for the bulk of the products in the supermarket, consumers can now expect to find out how much, of what, is in a box without standing on their head or engaging in higher mathematics.

For this step, I am grateful.

Also, I am happy to see that as of today the number of sizes of packages for 22 product lines have been reduced from 20 to 91 percent. These standards, worked out by the Department of Commerce with industry, include dry cereals, detergents, facial tissues, green olives, instant coffee, and cooking oils.

Mr. President, I ask unanimous consent to have entered in the RECORD at the conclusion of my remarks a list of the 22 products and of one other for which standards will be effective October 1, 1969.

Commerce tells me that these products—along with standards in process of being promulgated—will cover 65 percent of annual supermarket expenditures by consumers.

Needless to say, I wish them "God-speed" in finalizing the standards in process.

And I, with many consumers, will be watching the impact of the regulations that take effect today. It seems this is the appropriate time to begin evaluating how good a job the law can do for consumers.

I am hopeful that it will be helpful in many ways. But I am not averse to coming in here in a reasonable period of time to suggest ways to improve it—after it has been tested.

Nor am I averse to doing what I can to overcome the undercutting of Congress which has held up implementation of this much of the law and which leaves us today with so much of it unimplemented.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PACKAGE QUANTITY STANDARDS

Product	Simplified quantity patterns	From—	To—	Percent reduction	Date effective
Adhesive bandages	Total number per package to be in multiples of 10—from 10 to 100	37	10	73	June 30, 1969.
Dry breakfast cereals (except individual servings)	Packaged in whole ounces only—no fractional ounces	33	16	52	Jan. 1, 1969.
Cheese: American type (including Cheddar), swiss, low moisture Mozzarella, Provolone, cream, brick and Muenster, pasteurized process cheese, pasteurized process cheese food, pasteurized process cheese spread.	0 to 4 oz. packages—no limits 4 to 12 oz. packages—1 oz. increments 12 to 24 oz. packages—4 oz. increments (except 13¼ oz.) 24 to 48 oz. packages—8 oz. increments	22	14	36	July 1, 1969 (estimated).
Cookies and crackers	0 to 4 oz. packages—no limits 4 to 8 oz. packages—¼ oz. increments 8 to 16 oz. packages—½ oz. increments Over 16 oz. packages—1 oz. increments	73	56	23	Jan. 1, 1969
Dry detergents (heavy duty and normal density, 1 to 8 lb. range).	20, 22, 49, 54, 84, and 92 oz.—6 quantities, 3 carton sizes	24	6	75	In effect.
Facial tissues	40 to 100 count package—10 count increments 100 to 200 count package—25 count increments 200 to 300 count package—50 count increments 300 to 500 count package—100 count increments Exceptions: 280—140 until Jan. 1, 1972.	16	13	19	July 1, 1969.
Gift wrapping	10 to 50 sq. ft. per package—whole square feet increment 50 to 100 sq. ft. per package—5 sq. ft. increment Over 100 sq. ft. per package—10 sq. ft. increment	(1)	(1)	(1)	Oct. 1, 1970.
	Minimum sheet length: Paper / Foil / Luxury Maximum core diameter: 1½ in.—27 in. / 27 in. / 27 in. 2¾ in.—20 ft. / 8 ft. / 4 ft. 3¼ in.—30 ft. / 12 ft. / 6 ft.	(1)	(1)	(1)	Oct. 1, 1969.
Green olives	0 to 4 oz. packages—½ oz. increments 4 to 10 oz. packages—1 oz. increments 10 to 16 oz. packages—2 oz. increments Over 16 oz. packages—21 oz. increments	50	20	60	July 1, 1969 (estimated).
Instant coffee	2, 4, 6, 8, 10, 12, and 16 oz.	10	8	20	Jan. 1, 1969.
Instant potatoes	0 to 4 oz. packages—¼ oz. increments 4 to 8 oz. packages—½ oz. increments 8 to 16 oz. packages—1 oz. increments 16 to 32 oz. packages—4 oz. increments Over 32 oz. packages—8 oz. increments Servings to be standardized at 4 oz	(1)	(1)	(1)	July 1, 1969 (estimated).
Instant tea	(100 percent type) 1, 2, 3, 4 oz. per package	12	4	67	In effect.
	(Carbohydrate type) 2, 4, 6, 8 oz. per package	7	4	43	Do.
Jellies and preserves	10, 12, 16, 18, 20, 24, 28, 32, 48, and 64 oz.	16	10	37	Do.
Macaroni products	0 to 8 oz. packages—1 oz. increments 8 to 16 oz. packages—2 oz. increments 16 to 32 oz. packages—4 oz. increments Over 32 oz. packages—1 lb. increments	32	16	50	July 1, 1969.
Mayonnaise and salad dressing	(Spoon type) 8, 16, 24, and 32 fluid oz.	5	4	20	In effect.
	(Pouring type) 8, 10, 12, 16, and 32 fluid oz.	7	5	29	Do.
Paper napkins	(1 ply) 40, 60, 80, 100, 140, 160, 180, 200, 250, and 70 and 150 are acceptable for 2 years—number per package; (2 and 3 ply) 40, 50, 60, 75, 100, and 180—number per package.	18	13	28	July 1, 1969.
Paper towels	(1 ply) 85, 100, 120, 140, and 165—square feet per package; (2 ply) 85, 100, 125, 170, and 200—square feet per package.	33	8	76	Do.
Peanut butter	6, 8, 12, 16, 18, 24, 28, 32, 40, 48, 64, and 80 ozs.	30	12	60	In effect.
Pickles	Whole fluid ounces	(1)	(1)	35	Do.
Potato chips	2 to 8 oz. packages—¼ oz. increments 8 to 12 oz. packages—½ oz. increments 12 to 20 oz. packages—1 oz. increments Over 20 oz. packages—4 oz. increments	(1)	(1)	33	July 1, 1969.
Powdered milk	3, 4, 5, 8, 10, 12, 14, and 20 qt.	11	8	27	July 1, 1969 (estimated).
Refrigerated dough products	0 to 4 oz. packages—no limits 4 to 8 oz. packages—½ oz. increments 8 to 16 oz. packages—1 oz. increments[2] Over 16 oz. packages—2 oz. increments	(1)	(1)	24	Jan. 1, 1970, except 10½ oz. package of cookies— Dec. 31, 1970.
Salad and cooking oils	12, 16, 24, 32, 38, 48, and 128 fluid oz.	15	7	53	Jan. 1, 1969.
School paste	2, 4, 8, 16, 32, and 128 oz.	(1)	6	(1)	
Soft drinks (individual and multi-unit packages)	(individual units) 6, 6½, 7, 8, 10, 12, 16, 24, 26, 28, 30, and 32 fluid oz.; (2 unit cartons) 48, 52, 56,60, and 64 fluid oz.; (3 unit cartons) 72, 78, 84, 90, and 96 fluid oz.; (4 unit cartons) 64, 96, 104, 112, 120, 128 fluid oz.; (6 unit cartons) 36, 39, 42, 48, 60, 72, and 96 fluid oz.; (8 unit cartons) 48, 52, 56, 64, 80, 96, and 128 fluid oz.; (10 unit cartons) 60, 65, 70, 80, 100, 120, and 160 fluid oz.; (12 unit cartons) 72, 78, 84, 96, 120, 144, and 192 fluid oz.	(1)	(1)	33	July 1, 1969.

See footnote at end of table.

PACKAGE QUANTITY STANDARDS—Continued

Product	Simplified quantity patterns	From—	To—	Percent reduction	Date effective
Syrups	Packaged in quantities divisible by 4 fluid oz	(1)	(1)	20	In effect.
Teabags	(Cup size) 8, 16, 48, 100 ta bags per package (maximum of 200 teabags per pound).	6	4	33	Do.
	(Quantity service size) 10, 12, 24 teabags per package (minmum of¼ oz. per teabag).	5	3	40	Do.
Toilet tissue	(1 ply) 500, 650, 850, and 1000 sheets per roll	5	4	20	July 1, 1969.
	(2 ply) 250, 325, 330, 375, 425, 450, and 500 sheets per roll	11	7	36	Do.
Toothpaste (normal density)	Quantity: 1.75 oz — Size characterizations: Personal.				
	3.25 oz — Medium.	57	5	91	Do.
	5.00 oz — Large.				
	6.75 oz — Family.				
	8.75 oz — Super.				

[1] No survey made. Percentages shown indicate estimates only.
[2] Exception: 9½ oz. is permitted for biscuits, dinner rolls, and sweet rolls. Dough portion separately or total net quantity of package will meet pattern for sweet rolls.

Note: Effective dates represent estimated production dates only. These simplified quantity patterns were developed through both the formal standards making procedures and informal industry-wide agreements. For more information concerning these standards, contact the Office of Weights and Measures, National Bureau of Standards, Washington, D.C.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES, APPROPRIATIONS, 1970

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11612, the appropriations bill for the Department of Agriculture and related agencies.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum for a period of approximately 5 minutes for the purpose of alerting Senators to the fact that the morning hour has been concluded.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, we now have under consideration H.R. 11612, the annual appropriation bill for the Department of Agriculture and related agencies. Appropriations in the pending bill as recommended by the committee total $7,636,797,650, an increase of $830,142,650 over the House bill, an increase of $669,235,600 over the budget estimates, and $542,102,000 under the 1969 appropriations, exclusive of the second supplemental appropriation bill for 1969 (H.R. 11400), which is still pending in the conference committee.

Mr. President, the committee report, No. 277, accompanying the bill, provides an explanation by appropriation item of all changes recommended by the committee in relation to the budget estimates, the House bill, and comparisons with the prior year appropriations. In my statement, therefore, I shall deal only with those program activities of current general interest to most Members of the Senate.

We are completely willing to be questioned on any of the separate items; but in this original statement, I shall deal, as I have said, only with the large items of general interest to the Senate.

FOOD ASSISTANCE PROGRAMS

A year ago the conference committee recommended an acceleration of the regular school lunch and child feeding programs by adding $45 million for special feeding assistance, to be derived by transfer from section 32. The entire food assistance program carried out by the Department of Agriculture is shown on page 18 of the committee report.

Mr. President, I ask unanimous consent that the table appearing on page 18 of the report be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOOD ASSISTANCE PROGRAMS 1969, ESTIMATES AND AMOUNTS RECOMMENDED FOR 1970

[In thousands]

	Fiscal year 1969 estimated	1970 revised budget	House bill	Senate committee
A. Child feeding programs:				
1. Cash grants to States:				
(a) School lunch (sec. 4)	$162,041	$168,041	$168,041	$168,041
(b) Special assistance (sec. 11)	10,000	44,800	44,800	44,800
(c) School breakfast	3,500	10,000	10,000	10,000
(d) Nonfood assistance	750	10,000	10,000	10,000
(e) State administrative	750	750	750	750
(f) Nonschool food program	5,700	10,000	10,000	10,000
(g) Special milk	103,314	----------	119,300	83,319
(h) Special sec. 32	43,941	89,000	89,000	89,000
Total, cash to States	330,046	332,591	451,891	415,910
2. Commodities to States:				
School lunch (sec. 6)	64,325	64,325	64,325	64,325
Sec. 32 [1]	80,500	90,411	90,411	90,411
Sec. 416	144,872	146,838	146,838	146,838
Total, commodities	289,697	301,574	301,574	301,574
3. Federal operating expenses:				
School lunch	2,161	3,100	3,100	3,100
Nonschool feeding	500	750	750	750
Special milk	681	----------	700	681
Total, operating expenses	3,342	3,850	4,550	4,531
Total, child feeding	623,085	638,015	758,015	722,015
B. Family feeding programs:				
1. Food stamp program	279,908	340,000	340,000	750,000
2. Direct distribution to families (regular program):				
(a) Sec. 32 [1]	142,141	225,028	225,028	225,028
(b) Sec. 416	116,539	140,000	140,000	140,000
Total, direct distributions to families	258,680	365,028	365,028	365,028
3. Nutritional supplement (special packages):				
(a) Special sec. 32—Food stamp areas	1,000	11,000	11,000	11,000
(b) Sec. 32 [1]	7,317	22,000	22,000	22,000
(c) Sec. 416	500	1,500	1,500	1,500
Total, special packages	8,817	34,500	34,500	34,500
Total, family feeding	547,405	739,528	739,528	1,149,528

FOOD ASSISTANCE PROGRAMS 1969, ESTIMATES AND AMOUNTS RECOMMENDED FOR 1970—Continued

[In thousands]

	Fiscal year 1969 estimated	1970 revised budge	House bill	Senate committee
C. Direct distribution to institutions:				
1. Sec. 32 [1]	$1,967	$3,800	$3,800	$3,800
2. Sec. 416	43,000	29,000	29,000	29,000
3. VA, Armed Forces, penal	17,875	21,000	21,000	21,000
Total, direct distributions to institutions	62,842	53,800	53,800	53,800
D. Nutrition aide program	10,000	30,000	30,000	30,000
Total, food assistance program	1,243,332	1,461,343	1,581,343	1,955,343

[1] Includes related administrative expense.

Mr. HOLLAND. Mr. President, the table which has just been included in the RECORD shows that for fiscal 1970 the total estimated expenditures as recommended to the Senate by the committee for food assistance and direct feeding activities will be $1,955,343,000. This total represents an increase in authorized appropriations and other proposed expenditures, by transfer from section 32 and donations from the Commodity Credit Corporation, of $712,011,000 over fiscal 1969. The committee recommendations propose an increase of $494 million over the budget estimate and an increase of $374 million over the House bill. This is by far the largest increase in the bill. I am sure that all Senators are aware of the fact that the present concern in our country with reference to the problems of health and malnutrition justify this increase.

The table which has been printed in the RECORD shows that the food assistance program is comprised of four major activities, with comparative amounts shown for fiscal 1969 versus the 1970 estimate, the House bill, and the committee recommendations.

The first activity is the child feeding program, wherein a total of $722,015,000 is recommended for fiscal 1970 to cover the regular school lunch program, special assistance, nonfood assistance, and the several programs listed in the table under this heading, including commodities donated to the States. Commodity donations are comprised of section 32 purchases for the purpose of section 6, regular section 32 purchase acquisitions which are donated to the States, and section 416 donations of food from the inventory of the CCC.

The second activity, the family feeding program, is comprised of the direct distribution program, and the food stamp program. The committee has recommended $750 million for fiscal year 1970 for the food stamp program. This is an increase of $410 million over the budget estimate and the amount carried in the House bill, and $470 million over the 1969 appropriation. The subcommittee had recommended $340 million for the food stamp program, the full amount authorized, and the amount requested in the 1970 estimate. When the full committee met, the Senate had just acted upon Senate Joint Resolution 126, which authorized $750 million for the food stamp program for 1970, and the full committee has recommended this amount in the pending bill.

It will be noted in referring to the table in the RECORD that the total amount available for family feeding programs and the nutritional supplement program, including direct distribution to families, is $1,149,528,000, compared with $547,405,000 for fiscal 1969.

Third, there is a program of direct distribution to institutions totaling $53,800,000, and fourth, there is the nutrition aide program in the amount of $30 million. This latter program is operated under the general oversight of the Cooperative Extension Service, both in Washington and in the several States. The objective of the nutrition aide program is to employ nontechnical personnel, under the technical guidance of the extension services, to provide nutritional information to low-income families.

This program was initiated in 1969 by transfer of $10 million from section 32. The expanded program will provide an estimated 3,200-man-year equivalent of employment to 4,300 aides, employed on a part-time basis, to render assistance to an estimated 480,000 low-income families.

SPECIAL MILK PROGRAM

The committee has recommended continuation of the special milk program for fiscal 1970, with a total funding of $104 million. This is the same amount as provided in 1969 and prior years, and is over the budget estimate by $104 million, but under the House-passed version of the bill by $16 million.

The budget estimate and the justification of it by the departmental officials in the committee hearings show that, under the expanded feeding programs for children in various group situations, it is planned to serve milk in the breakfast and lunch programs. Therefore, officials of the Department felt it was unnecessary to continue the special milk program, except for a limited amount of $20 million. The House-passed bill, however, under a floor amendment, continued the special milk program, and increased the level to $120 million with financing to be derived by transfer from section 32 funds.

This action in the other body, to transfer such a large additional sum from section 32 in addition to the heavy drafts from section 32 already contained in the estimates, would have reduced the carryover authorized by law for section 32 from $300 million to $180 million. That is the amount which would be carried over at the end of fiscal year 1970. This proposed reduction in carryover did not meet with favor in the committee. However, in recognition of the action taken in the other body and the importance of milk to the diets of small children, the committee has recommended the continuation of the special milk program for fiscal 1970.

The $104 million recommended is comprised of $84 million by direct appropriation from the general revenue fund and the $20 million, as planned in the budget, which is to be derived from section 32 funds. The recommended $20 million from section 32 will provide milk in breakfasts and lunches served to children in nonprofit schools, child day care centers, summer camps, and other similar nonprofit institutions which are devoted to the care and feeding of children.

COMMODITY CREDIT CORPORATION AND AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

The other major increases above the House-passed bill recommended by the committee deal with the appropriations for the Commodity Credit Corporation and for expenses under Public Law 480.

The committee has recommended the full budget estimate for restoration of capital impairment of the CCC in the amount of $5,215,934,000. This is an increase of $250 million over the House bill and will bring the capital structure of the corporation to a current basis except for the balance of $250 million of the losses incurred in fiscal 1968. This appropriation recommendation covers the balance of the 1961 inventory revaluation of $57,047,170, the completion of reimbursement of 1967 losses in the amount of $2,210,668,971, and partial reimbursement of 1968 losses in the amount of $2,948,217,859.

The decision of the Bureau of the Budget to request restoration of these losses on a more current basis is welcomed by our committee and I hope that the Bureau will continue next year with the program it has initiated in the pending budget—and that next year it will go the entire way by requesting the full amount of unrestored loss which has accrued for fiscal 1969, and the unrestored balance of $250 million for fiscal 1968.

This is simply a bookkeeping appropriation, it does not add to the expenditures of the corporation—which are made in accordance with basic law and are very unpredictable. By following the practice in this year's estimates again next year this very important item can be brought to a current basis as intended by Public Law 87–155.

I cannot refrain from expressing my great pleasure that the Bureau of the Budget has at last seen the light and is trying to restore the capital impairment of the Commodity Credit Corporation. It has failed consistently to do so through the years. We all had a bitter experience this spring when we realized the Commodity Credit Corporation had not only used up all of its authorized borrowing capacity and was really at the bottom of the barrel, but also that it had to borrow large sums from section 32 funds. The Department submitted a supplemental request for $1 billion which Congress passed almost unanimously. This amount was necessary if the Com-

modity Credit Corporation was to be kept in business and the farmers were to be served as was intended by the law.

I am glad that the Bureau of the Budget has at last made this decision. We have been trying to get them to request restoration on a current basis for years since the only proper thing to do is to follow the law and restore the deficit incurred necessarily under the law by the Commodity Credit Corporation each year.

In connection with the appropriations for Public Law 480, the committee has recommended a total appropriation for title I and title II of $935 million, an increase of $35 million over the House version of the bill and $635 million over the appropriation last year. The amount recommended by the committee is $51,600,000 under the budget estimate. This reduction, however, will have no impact upon the capability of the Department to carry out authorized programs under Public Law 480 since the appropriations made in this bill are on an estimated basis, and any additional program expenditures for either title I or title II are authorized to be financed from the borrowing authority of the CCC, pending reimbursement in a subsequent appropriation bill.

I want it clearly understood that the committee recommendations in no sense impair the ability of the Department of Agriculture to carry out these programs to whatever extent is necessary and proper under Public Law 480.

AGRICULTURAL CONSERVATION PROGRAM

The committee has recommended an advance authorization of $185 million for the 1970 agricultural conservation program. This is a reduction of $10.5 million under the 1969 authorization and the House bill, and an increase of $185 million over the estimate, which proposed to discontinue the program for 1970.

This cost-sharing conservation program has made a great contribution to our national resources through the installation of a variety of soil and water conservation measures. Over 1 million farms participate annually in this cost-sharing program. For every Federal dollar spent, at least 1 additional dollar is contributed by participating farmers—thus the program results in the annual expenditure of over $400 million for soil and water conservation.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator yield?

Mr. HOLLAND. I am delighted to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. The payments to farmers under this ASC program or land diversion programs are very small, but this would also figure into the $20,000 limitation that any one farmer could receive. Is that correct?

Mr. HOLLAND. I believe that is correct.

Mr. YOUNG of North Dakota. What is wrong with the $20,000 limitation is that when the payments to farmers on soil conservation are limited, in effect the soil conservation fertility is being lessened. Future generations may have difficulty in providing adequate supplies of food.

Mr. HOLLAND. The Senator is correct. The only thing being improved is erosion which is taking place on the farms of our Nation.

Mr. YOUNG of North Dakota. Throughout history a nation that did not take care of its soil soon went down the drain, so to speak.

Mr. HOLLAND. That is the history of the world. Anyone who goes to the area of Mesopotamia is bound to see the evidence of the lack of wisdom by the people who lived there long ago, for no one can now live there since the soil has washed away, there is no vegetation, and no opportunity for the people to make a living from the land.

Mr. YOUNG of North Dakota. That is one example of what is wrong with the $20,000 limitation.

Mr. President, while the Senator is interrupted, I wish to commend both the Senator from Florida and the Senator from Nebraska for the excellent job they did in marking up the bill. I think the Senators handled the bill very well. Economy was effected where it was possible.

I believe there is now $2 billion in the bill for food, largely for the cities. Is that correct?

Mr. HOLLAND. The Senator is correct. I have already stated there is over $1.9 billion. This includes the increase of one program, the food stamp program, from $340 million to $750 million.

So, practically $2 billion is provided for feeding programs and a large percentage of that goes to the indigent inhabitants of the cities.

Mr. YOUNG of North Dakota. In most news stories the impression is left that the total budget for agriculture is for payments to farmers. This is a good example where farmers do not get the money. The average person believes that farmers are getting the money. In this instance the money is mostly for the people in the cities.

Mr. HOLLAND. The Senator is correct. The funds in the Public Law 480 program constitute funds used in connection with our foreign policy and are not funds to aid our farmers. There are repeated items in here of the same character. For instance, all the food and meat inspection items for meat and poultry, and other products, are for the protection of consumers who eat the food produced by the farmers, if we add up in total all the funds not intended to directly benefit the farmers, as I recall it, the last time I made that addition, more than half of the bill is not for the direct help of agriculture. I am glad that the Senator brought out that point.

Mr. HRUSKA. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to my distinguished friend, but before I do so, let me express to him—as this is the first chance I have had to do so—my very great appreciation for his untiring work, for his cooperative attitude, and for what I think is his patriotic attitude in his endeavor to serve not just the farmers but the whole country in framing the bill on such a basis that it will serve the whole Nation.

Mr. HRUSKA. The Senator from Florida is most generous.

Mr. President, the Senator from North Dakota just spoke about the press sometimes reporting the agriculture appropriations bill as being a farm subsidy program. A little later this afternoon I expect to discuss this subject in greater detail. But one instance of this—and it is a glaring instance—is that found in Time magazine for June 20, page 81, where, after a scholarly discussion of the basis, the elements, and the composition of inflation and inflationary tendencies, the writer undertakes to begin to prescribe some remedies. One of the remedies is:

> As an obvious starter, Congress should scrap the farm-subsidy programs, which not only cost taxpayers $5.7 billion a year, but artificially inflate the prices of cotton, wheat, corn, soybeans, and rice.

Mr. President, at a later time, I shall cite some prices now being paid to farmers for those commodities as compared to what they got 10 or 20 years ago. Of course, in many instances to which the Senator from Florida has already referred, over $3 billion goes into things other than payments to farmers, including approximately $2 billion for food to the needy. This writer did not say, "Scrap that antihunger program. Strike that $2 billion because it is included in the $5.7 billion," but I thought this would be a good opportunity to add to what my good friend from North Dakota (Mr. YOUNG) said. It just is not true that the bulk of the funding for the agriculture appropriations bill goes to the farmers. Only a small part, less than half, substantially benefits the farmers.

Mr. HOLLAND. I thank the Senator for his comments. He is so right. Sometimes I think these comments are those of writers who would not know a field of wheat from one of barley or of oats, who undoubtedly are trying to express what they believe to be the truth but have become so misleading that many are misled by their own propaganda.

Anyone who makes even the most casual analysis of a farm bill as it is brought before the Senate must realize that more than half the total amount appropriated is not for the direct benefit of our farming people but, instead, is either part of our foreign policy, a part of our protection of the consuming public, or a part of food for schoolchildren and others who need food, including citizens who are poverty stricken. They would find that they are talking about programs which, under no circumstance, would they want to discontinue. I hope, therefore, that we will be charitable toward such writers because I am sure they are trying to tell the truth as they understand it. The trouble is they are city people. They do not understand anything about our farms. It reminds me of the old story, which I shall not repeat, about the city dweller inquiring if a certain mule had been bred when it was offered to him for purchase. It happens that most city people, unfortunately, have been denied the opportunity to know what goes on in the great open spaces of our country where the people there are employed in feeding and clothing everyone, and to whom the city people must look if they are going to continue to be fed and clothed

at the finest rate of living, the highest standards of living, any people have ever known.

Mr. President, in recommending the reduced authorization for the ACP, recognition is given to the necessity to control expenditures and to insist that conservation practice measures of annual and recurring nature be discontinued in order that funds provided shall result in enduring conservation results.

We have suggested a small reduction in the ACP. This is without prejudice at all to that part of the program which is most enduring, most useful, and most contributes to our national wealth and the preservation of our national soil and water resources. We are growing a little tired of those practices which are not enduring and which pay farmers for doing things which good agricultural practice would insist they do for themselves.

Mr. President, I ask unanimous consent that the statement from the committee report on page 28, dealing with directions in this regard, be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Last year the committee report contained the following language in connection with its approval of the 1969 advance ACP authorization:

"In formulating and carrying out the 1969 program, it is expected that program guides and requirements will give first priority to cost-share practices for the establishment of permanent soil and water conservation measures." The hearings did not show any affirmative action on the part of the departmental administrative officials to make certain that the above quoted direction was carried out in formulation and conduct of the 1969 program.

The committee will expect to have a full showing at the hearings next spring as to how the Department is implementing last year's committee direction in the formulation and administration of the 1970 program in order to reach the objective of limiting governmental cost sharing to enduring type conservation practices and measures under the reduced program authorization.

PAYMENTS LIMITATION

Mr. HOLLAND. Mr. President, the other principal item which I want to deal with in my statement is in regard to the provision in the House-passed bill on limitation of payments under the appropriation item, ASCS, which requires that no part of the funds in the appropriation act for fiscal year 1970 could be used to formulate or conduct any price support program—other than for sugar—under which payments to any producer could in the aggregate exceed $20,000 on any crop planted in fiscal 1970.

The retention of this provision in the appropriation bill was opposed by the Secretary of Agriculture and by most of the major farm organizations, and others. The Committee believes that the views of the Secretary in the special subcommittee hearing on this subject—printed as part 2 of the committee hearings—clearly set forth the increased program costs for the cotton program that would result under the proposed limitation.

On June 19, 1969, the Comptroller General rendered an opinion to the Secretary of Agriculture on questions that had been raised by the Secretary in his letter to the Comptroller General on June 4, pertaining to the limitation on payments provision in the House-passed version of the agricultural appropriation bill. The GAO opinion to the Secretary states in part that the "snapback" provision is mandatory for cotton and is not discretionary if a limitation on payments is enacted. The opinion also states that there is no authority under which the Secretary could not carry out the "snapback" provision in a manner which would make cotton producers subject to a limitation on payments. The full text of the letter is printed in the hearings and begins on page 64 thereof.

In other words, Mr. President, not only do we have the opinion of the Secretary of Agriculture—and he was flanked by his general counsel, on the one hand, and his chief economist, on the other, both of whom verified his position from time to time during the course of the hearings but in order to make doubly sure, the Secretary invited the General Accounting Office to make a study of his views and of the impact of the proposed limitation of payments as included in the House bill. This was a floor amendment. The reply from the General Accounting Office, after about 2 or 3 weeks of study, shows clearly that the GAO, through its legal staff, agrees completely with the position of the Secretary of Agriculture.

The Secretary also indicated that the limitation would result in other costs and administrative problems. He further stated that the administration plans to submit new farm legislation proposals to the Congress later this year. The departmental proposals will embody recommendations affecting payments to producers. These legislative recommendations, when received, can then be considered and acted upon by both bodies of the Congress in the regular manner and any changes will apply to crops planted in 1971.

I may say, Mr. President, that, since the present law expires after next year, we simply have to pass new legislation before the spring of next year, at the very latest time, in order to affect plantings of winter wheat for next fall, and likewise for other crops to be planted next fall.

The Secretary makes it very plain in his testimony, if those who are interested care to read it, that he is studying alternate plans and he thinks he can report a program under which there can be some limitations of payments and some reductions of payments, which he, too, regards as excessive under the present law. But he pointed out time and time again that legislation was required; that the mere placing of an arbitrary limit on payments would not change the legislation or would not accomplish anything good or helpful or permanent, and that he insists Congress should wait upon its opportunity to pass upon new farm legislation which he expects to report to us sometime this fall as his recommendation. Congress can then work its will on anything he recommends.

The committee has, therefore, recommended that the limitation provision adopted by the House floor amendment, and which appears on page 22, lines 15 through 20 of H.R. 11612, be stricken.

Mr. President, at this time I would like to call to the attention of the Senate and insert in the RECORD the testimony of Secretary Hardin which appears on page 24 of the hearings:

POSITION OF USDA ON PAYMENT LIMITATIONS

Secretary HARDIN. Question 10. What position does the Department of Agriculture take on payment limitations?

My position is as stated during the debate in the House. At that time I sent the following message to Members of the House of Representatives:

"The Department of Agriculture believes it is possible to design a sound farm program that limits the number of dollars that can be paid to any one farmer for programs following the 1970 crop year.

"However, to make such a limitation effective, legislative changes are needed. With only the simple amendment that is possible in connection with appropriation bills, the so-called "snap-back" provision for cotton would come into effect. The cotton program would then become subject to a loan-and-redemption or a buy-and-sell-back arrangement that would increase costs while the large producers would escape the intent of the payment limitation.

"A simple amendment to the appropriations bill will not suffice. The Department is ready to work with the legislative committees on basic changes in the legislation and has modifications to suggest.

"The preferred time for considering these changes would be later in this session or early next session, when consideration must be given to the type of legislation that is to replace present laws. These laws are scheduled to expire after the 1970 crop."

I also ask to insert in the RECORD the table which appears on page 7 of the printed hearings. This table shows the States and the crops which would be affected by a limitation such as was included in the House bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—PRODUCERS RECEIVING $20,000 OR MORE FROM SPECIFIED PROGRAMS, 1968

State	All programs	Cotton		Feed grain	Wheat	Wool [1]	Sugar [1]
		Price support	Total				
Alabama	279	118	204	2			
Arizona	568	442	504	15	1	12	74
Arkansas	599	461	558	2	2		1
California	972	681	773	8	23	49	328
Colorado	195		1	19	50	26	52
Delaware	1						
Florida	69	3	3	2			59
Georgia	255	75	120	12			
Idaho	115				51	35	37

See footnote at end of table.

TABLE 4.—PRODUCERS RECEIVING $20,000 OR MORE FROM SPECIFIED PROGRAMS, 1968—Continued

State	All programs	Cotton		Feed grain	Wheat	Wool [1]	Sugar [1]
		Price support	Total				
Illinois	108	2	2	76	1	8	
Indiana	95			63	1	2	
Iowa	88			76	1	3	
Kansas	301			31	69	6	50
Kentucky	7	2	2	5			
Louisiana	340	189	228	1	2	6	90
Maryland	2						
Michigan	17			7		1	4
Minnesota	32			17	2	2	11
Mississippi	1,145	901	1,074	2		9	
Missouri	178	37	51	59		3	
Montana	131				89	24	3
Nebraska	152			74	11	8	14
Nevada	16	2	3		2	10	
New Mexico	233	45	52	54	14	27	24
New York	3			1			1
North Carolina	77	28	45	8			
North Dakota	66			3	34	1	14
Ohio	35			17		4	4
Oklahoma	95	16	30	8	21	1	
Oregon	72				58	8	4
Pennsylvania	8			7			
South Carolina	225	91	152	4			
South Dakota	42			9	11	9	
Tennessee	104	45	63	1			
Texas	3,122	824	1,297	282	96	122	183
Utah	29				5	22	3
Virginia	3			2			
Washington	197	1	1	1	157	8	14
Wisconsin	15			9			
Wyoming	66				1	65	5
Alaska	1					1	
Hawaii	21						21
Total, United States	10,079	3,963	5,163	877	702	472	996

[1] Includes payments to payees receiving $20,000 or more from all programs and includes some wool (or sugar) payments.

Mr. HOLLAND. Mr. President, just for the purpose of repetition in the RECORD, I want to show from that table how three States would be hurtfully affected.

As to the State of California, our greatest agricultural State, 972 producers would be affected in that they would receive only $20,000 out of the various programs covered by the limitation amendment in the House bill. As to those programs, 773 are in the field of cotton; eight are in the field of feed grains; 23 are in the field of wheat.

In addition to those, there are two others that are similar but do not happen to be covered by the proposed limitation, and those two are 49 under the wool program and 328 under the sugar program.

Mr. President, once we embark upon such a hurtful, destructive program as that which is embraced in the proposed limitation, we are striking at that great producing State to the tune of 972 of their most effective producers.

Next, if I may, I go to the State of Texas, which is affected to the extent of having 3,122 producers in that great State who would be affected by this limitation, of whom 1,297 are cotton producers, 282 are feed grain producers, and 96 are wheat producers.

In the case of wool and sugar, not included under this program, there are in Texas 122 wool producers and 183 sugar producers who are under the program—making the total of 3,122.

I do not think it is necessary to quote further, but I would like to quote one Southern State, because, coming from that area of the Nation, and since my own State is not largely affected by this program, I want to call attention to the fact that the good and great State of Mississippi is very badly affected by that limitation.

In that State 1,145 farmers would be covered by the House limitation, of whom 1,074 are cotton producers, two are feed grain producers, and nine are producers of wool, which would not be affected by the proposed limitation.

Mr. President, if Senators will just look at that table, they will find how adversely so many of our greatest agricultural States would be affected by the limitation. We will, of course, later discuss the various ways in which they would be adversely affected; but we should not embark on such a limitation—which the Secretary of Agriculture says will not do the job, without legislative changes, and of which the General Accounting Office says the same thing.

Many have alluded to the possible savings which would accrue if this limitation were adopted. I ask that an excerpt from the Secretary's testimony on this very point be included in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

POSSIBLE SAVINGS TO THE GOVERNMENT

Secretary HARDIN. Question two. Would the limitation on payment result in a saving to the Government?

As I shall shortly show, the limitation on payments would trigger a snap-back provision for cotton that would increase the cost to the Government for the cotton program. We estimate this increased cost at about $160 million.

There are other reasons to support the conclusion that the limitation on payments would bring about very little savings, if any, and might result in a net increase in cost. First, a considerable proportion of the farms subject to the limitation would undoubtedly be split up or leased out in such a fashion as to escape the limitation. We could prevent some of this but not all by any means. Many such changes are constantly occurring and are entirely legal. We estimate, for example, that perhaps as much as 70 to 85 percent of the potential cotton acreage affected by the $20,000 limit would be able to maintain its eligibility for full payment.

Mr. HOLLAND. Mr. President, incidentally, that statement shows that, instead of saving money in the cotton program, it would cost $160 million more than the present cotton program. The fact is—and this is a tragic fact—that instead of continuing to cut down the surplus of cotton, which we have been doing under existing law, it would immediately start to build up, very heavily, surpluses again and would adversely affect a great industry in our Nation, the textile industry, and would put back in our warehouses many thousands of bales of cotton which could not move in export unless we gave them a very heavy subsidy.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HRUSKA. Is it not true that one of the reasons for the present farm bill as we know it was expensive piling up in our warehouses of cotton, wheat, feed grains, and other commodities?

Mr. HOLLAND. The Senator is correct.

Mr. HRUSKA. With the imposition of this ceiling, would it not necessarily revert to that same condition and status?

Mr. HOLLAND. It would immediately begin to build up surpluses again, which we have been trying to eliminate.

I do not want to leave any impression in the RECORD that the Senator from Florida approves of the present law, because it could be greatly improved. The Senator from Nebraska, the Senator from North Dakota, and other Senators know that is not the case and the Senator from Florida did not vote for the existing law. But neither will the Senator from Florida vote for a limitation which is a wrecking limitation that will destroy any program that we have for next year until we establish another farm program to take its place.

Much destruction has been visited upon our agricultural community. Hundreds of thousands of farmers have found it impossible to operate and have now moved to our cities. There is too much loss already in the field of agricultural production, even under the existing situation, for us to adopt programs which will destroy it more, instead of helping.

Mr. President, as I stated earlier, the Secretary of Agriculture and the general counsel of the Department concur in the opinion that the inclusion of a limitation would automatically trigger the "snap-back" provision into operation. However, in order to be positive of their position, the Secretary requested the General Accounting Office to review this and several other questions connected with this limitation. I ask that the Secretary's letter to the GAO and the reply which he received be inserted in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[Letter to Comptroller General on House Amendment]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, June 4, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

Dear MR. STAATS: Your opinion is requested on a number of questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612 making appropriations for the Department of Agriculture Appropriation and Related Agencies for the Fiscal Year ending June 30, 1970.

The limitation in question provides:

"*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

The questions on which we would like your opinion are:

Question (1) Would the enactment of the $20,000 payment limitation in the Agriculture appropriation bill automatically bring into effect the snapback provision (section 103(d)(12) of the Agricultural Act of 1949, as amended)?

Question (2) Could the snapback provision be carried out in a manner which will still make cotton producers subject to the payment limitation?

Question (3) Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?

Question (4) Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the redemption or sale of commodities?

The opinion of the General Counsel of this Department on these questions is as stated below.

Question (1) Would the enactment of the $20,000 payment limitation in the Agriculture appropriation bill automatically bring into effect the snapback provision?

Conclusion. The snapback provision is mandatory and would automatically go into effect.

The so-called "snapback" provision, paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, reads as follows:

"(12) Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate; (B) in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, such price support may be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon; and (C) such resale or redemption price shall be such as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States."

Paragraphs (2) and (3) of section 103(d), as amended, provide for price support to cooperators on upland cotton of the 1966 through 1970 crops through loans and additional price support payments. It is provided in paragraph (3) that the sum of the average loan rate and the adjusted payment rate shall not be less than 65 per centum of the parity price for upland cotton as of the month in which the payment rate is announced. The effect of this provision is to assure cooperators (*i.e.,* producers who comply with their acreage allotments) a return of at least 65 per centum of parity on the projected yield of their crop.

The snapback provision is mandatory and not discretionary with the Secretary. It provides that price support *shall* be made available to cooperators through loans or purchases at a level not less than 65 per centum of parity if, as a result of limitations subsequently enacted, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under the Agricultural Act of 1949. It is apparent that the "snapback" provision was designed as a safeguard against limitations on price support payments since price support under the provision is to be made available through loans and purchases. The clear purpose of the "snapback" provision, therefore, was to assure cotton producers that they would not be deprived of a total return from their cotton crop of at least 65 per centum of parity if limitations on price support payments were later enacted.

In addition to the plain language of the "snapback" provision, the legislative history of the provision makes this purpose clear beyond doubt. The provision was included in House Bill 9811 as introduced by Congressman Cooley, the Chairman of the House Agriculture Committee. The report on the bill by the House Committee on Agriculture stated:

"Subsection (d)(12) of section 103 would provide that in case of limitations later enacted with respect to price support under subsection (d) which prevent the Secretary from making available to all cooperators the full amount of price support to which they would otherwise be entitled under subsection (d)(2) and (3) for any crop, price support to cooperators shall be made available for such crop through loans or purchases at such level not less than 65 nor more than 90 percent of the parity price therefor as the Secretary determines appropriate."

The Minority Report on the bill agreed, stating (page 112) that this paragraph: "provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation."

Similarly, it was stated (134) in the Additional Minority Views by Mr. Dague, Mr. Latta, Mr. Findley, and Mr. Burton:

"Another provision in the cotton title of this bill which is most objectionable is the so-called snapback clause as proposed in a new subparagraph d(12) of section 103 of the Agricultural Act of 1949. This snapback clause says that if any limitations on cotton payments are hereafter enacted by Congress, the old price support program with loans at 65 to 90 percent of parity will automatically go back into effect with the authority for the Secretary to sell surplus cotton at prices well below the loan level."

During the discussion of the bill in the House, Representative Dague stated that paragraph (12): "provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation." Congressional Record, Volume 111, Part 15, Page 20710.

Representatives Michel and Cooley in discussing this provision stated:

"Mr. MICHEL. * * *

"Can the chairman tell me why it was necessary on page 21 of the bill, beginning on line 19, to write in that paragraph No. (12) beginning, "Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted"——

* * * * *

"Mr. COOLEY. I think the language is perfectly clear. Should we impose a limitation——

"Mr. MICHEL. As has been done in times past.

"Mr. COOLEY. Yes; then we go back to a price support program, to loans rather than direct compensatory payments." Congressional Record, Volume 111, Part 15, Page 20742.

Later, Representative Michel introduced an amendment to delete the snapback provision, stating:

"Mr. Chairman and Members of this Committee, this amendment would strike the provisions of the bill that have come to be known as the snapback clause. As can be seen from a reading of the language of the bill, any future allotments either in size of payments to individual producers or in total expenditures of the Department of Agriculture on the cotton program would automatically trigger this provision into operation." Congressional Record, Volume 111, Part 16, Page 21026.

The amendment was defeated.

During the debate in the Senate, Senator Talmadge and other senators introduced an amendment which, among other things, added the snapback provision to the Senate bill, and Senator Talmadge inserted in the Congressional Record an explanation of the amendment. It was stated in this explanation:

"If for any year during the 4-year period the Secretary is unable to make payments as planned, he would be authorized to alter the program and carry out price support provisions through loans or by purchase and resale." Congressional Record, Volume 111, Part 17, page 23056.

Accordingly, on the basis of the language of the "snapback" provision and its legislative history, it is clear that the provision would go into effect automatically in the event payment limitations were enacted.

Question (2) could the "snapback" provision be carried out in a manner which will still make cotton producers subject to the payment limitations?

Conclusion. No. The "snapback" provision must be carried out in a manner which will make available to all cooperators loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments.

The "snapback" provision states that "[n]otwithstanding any other provision" of the Act "if, as a result of limitations hereafter enacted" the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled "(A) price support to cooperators *shall* be made available for such crops (if marketing quotas have not been disapproved) through loans or purchases" at not less than the 65 per centum of parity (emphasis supplied). Clause (B) provides that in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, price support under the "snapback" provision *"may* be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price *or* through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon." (emphasis sup-

plied) Since one method of providing the price support required by the snapback provision is through a simultaneous purchase of cotton at the support price and resale at a lower price and since a simultaneous purchase and resale may be construed as a payment, the question has been raised whether the Secretary could, in his discretion, carry out the program exclusively through a simultaneous purchase of cotton from producers at the support price and a resale to them at a lower price and thereby make the payment limitation applicable.

Even assuming that a simultaneous purchase and resale with producers is constructed to be a payment which is subject to the limitation, to restrict the method of providing price support to one to which the payment limitation would be applicable would violate the mandatory direction in Clause (A) to make price support available to cooperators at the required level and defeat the very purpose of the "snapback" provision which is to assure cooperators that if a payment limitation was enacted they would continue to receive through loans or purchases price support at not less than 65 percentum of parity on their cotton crops.

It may be noted that the simultaneous purchase and resale need not be made with producers but may, for example, be carried out through dealers who have paid the support price to producers.

Accordingly, in the absence of legislation repealing the "snapback" provision the Department would be obligated to provide all cooperators with price support through loans or purchases on the production of their acreage allotments for the 1970 crop of cotton. It is noted in this connection that an amendment to the appropriation act was offered which would have repealed the "snapback" provision. A point of order against the amendment was sustained, however, on the ground that it constituted legislation in an appropriation bill. 115 Cong. Rec. Page 14039 (daily ed. May 27, 1969).

Question (3) Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?

Conclusion. The payment limitation will continue to apply after June 30, 1970, to the entire production of the crops planted during the fiscal year 1970 for which programs have been approved by the Secretary on or before June 30, 1970.

A similar question arose in connection with the $50,000 limitation on price support which was included in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960, 73 Stat. 167, 178. The $50,000 limitation also applied to the use of funds "to formulate or carry out" the price support program for 1960. The Comptroller General in decision B–142011 (contained in his letter to the Secretary of Agriculture dated April 8, 1960) held that such limitation applied to all of the 1960 production of any commodity for which the 1960 program was approved on or before June 30, 1960, notwithstanding that the regulations implementing such program authorizations were not completed and published until after June 30, and notwithstanding that the actual loans and purchases were not made until after June 30.

Question (4) Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the repayment of loans or the sale of commodities?

Conclusion. No.

The contention has been made that the limitation could be avoided by using funds of the Commodity Credit Corporation which are on hand or those funds which are received from the repayment of loans or the sale of commodities for payment of administrative expenses and for payment of the amounts in excess of the limitation.

See pages 13758 and 14041 of the Congressional Record for May 26 and 27, 1969. See, also, the statement on page 64 of the House Report No. 91–265 accompanying the Appropriation Bill:

"If necessary to perform the functions, duties, obligations or commitments of the Commodity Credit Corporation, administrative and operating personnel shall be paid from funds on hand or from those funds received from the redemption or sale of commodities. Such funds shall also be available to make program payments, commodity loans, or other obligations of the Corporation."

Section 104 of the Government Corporation Control Act provides that:

"The budget programs transmitted by the President to the Congress shall be considered and legislation *shall* be enacted making necessary appropriations, as may be authorized by law, making available for expenditures for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine. . . ." (Emphasis supplied.)

Pursuant to this provision, the Appropriation Bill authorizes the Corporation to make such expenditures within the limits of funds and borrowing authority available to it as may be necessary in carrying out the programs set forth in its budget for the fiscal year 1970, appropriates $4,965,394,000 to reimburse the Corporation for net realized losses sustained in prior years, and makes not to exceed $31,500,000 available from its capital funds for administrative expenses of the Corporation. The limitation, which is applicable by its terms to "funds appropriated by this Act", was, in our opinion, intended to apply to all funds made available by the Act, including corporate funds which the Act authorizes the Corporation to expend in formulating and carrying out the programs set forth in its budget for the fiscal year 1970.

Moreover, even assuming that the limitation were construed as not applying to corporate funds which are on hand or those funds which are received from the repayment of loans or the sale of commodities, the appropriation bill also contains specific appropriations, which are subject to the limitation, for the salaries and expenses of the Secretary of Agriculture who is charged by law with the responsibility for formulating and carrying out the price support program and for other officers and employees of the Department whose services are utilized in formulating and carrying out the program. The Comptroller General has ruled that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available for such use in the absence of the specific appropriation. 17 Comp. Gen. 23; *id.* 91; *id.* 974; 18 Comp. Gen. 1013; 20 Comp. Gen. 739; 36 Comp. Gen. 526; 38 Comp. Gen. 758; 40 Comp. Gen. 404. The Comptroller General has also ruled that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropriation to the exclusion of any other for such purpose is required, in the absence of changes in the appropriation acts 10 Comp. Gen. 440; 23 Comp. Gen. 827.

In addition to being contrary to the rules established in the foregoing decisions by the Comptroller General, an attempt to avoid the payment limitation by paying the salaries and expenses of officials and employees of the Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would be in clear violation of the intent of Congress in adopting the payment limitation.

For the foregoing reasons, it is our view that it would not be possible to avoid the limitation by using funds of Commodity Credit Corporation which are on hand or which are received by the Corporation from the repayment of loans or the sale of commodities.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[Opinion of GAO Addressed to the Secretary of Agriculture]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 19, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee, Department of Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Enclosed for your information is a copy of our letter of today to the Secretary of Agriculture which is self-explanatory. The letter concerns certain questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612, as passed by the House of Representatives.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 19, 1969.

The Honorable the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: Your letter of June 4, 1969, presents for our consideration four questions which have arisen in connection with the $20,000 payment limitation in H.R. 11612 (as passed by the House of Representatives) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970.

The limitation in question which was a House floor amendment to H.R. 11612 provides: "*Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

The answers herein are based on the provisions of H.R. 11612 and its legislative history as of the date of this letter.

Your first question reads as follows:

"Would the enactment of the $20,000 payment limitation in the agriculture appropriation bill automatically bring into effect the snapback provision (section 103(d)(12) of the Agricultural Act of 1949, as amended)?"

You express the view that the snapback provision is mandatory and would automatically go into effect.

The so-called "snapback" provision, paragraph (12) of section 103(d) of the Agricultural Act of 1949, as amended, 7 U.S.C. 1444 (d)(12) reads as follows:

"Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) *through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate:* (B) in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, such price support may be carried out through the

simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon; and (C) such resale or redemption price shall be such as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States." [Emphasis added.]

Paragraphs (2) and (3) of section 103(d), as amended, provide for price support to cooperators on upland cotton of the 1966 through 1970 crops through loans and additional price support payments. It is provided in paragraph (3) that the sum of the average loan rate and the adjusted payment rate shall not be less than 65 per centum of the parity price for upland cotton as of the month in which the payment rate is announced. As indicated in your letter the effect of this provision is to assure cooperators (i.e., producers who comply with their acreage allotments) a return of at least 65 per centum of parity on the projected yield of their crop.

We agree that the "snapback" provision is mandatory and not discretionary with the Secretary. It provides that price support *shall* be made available to cooperators through loans or purchases at a level not less than 65 per centum of parity if, as a result of limitations subsequently enacted, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under the Agricultural Act of 1949. As you indicate it appears from its language that the "snapback" provision was designed as a safeguard against limitations on price support payments, since price support under the provision is to be made available through loans and purchases, as distinguished from additional direct compensation payments. Thus, the clear purpose of the "snapback" provision was to assure cotton producers that they would not be deprived of a total return from their cotton crop of at least 65 per centum of parity if limitations on price support payments were later enacted.

As indicated in your letter, in addition to the plain language of the "snapback" provision, the legislative history of the provision makes this purpose clear beyond doubt. The provision was included in H.R. 9811 as introduced by Congressman Cooley, the Chairman of the House Agriculture Committee. The report on the bill by the House Committee on Agriculture stated (House Report No. 631, 80th Congress, 1st Session, page 40): "Subsection (d)(12) of section 103 would provide that in case of limitations later enacted with respect to price support under subsection (d) which prevent the Secretary from making available to all cooperators the full amount of price support to which they would otherwise be entitled under subsection (d)(2) and (3) for any crop, price support to cooperators shall be made available for such crop through loans or purchases at such level not less than 65 nor more than 90 percent of the parity price therefor as the Secretary determines appropriate. * * *"

The Minority Report on the bill agreed, stating (page 112) that this paragraph: "* * * provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation."

Similarly, it was stated (134) in the Additional Minority Views by Mr. Dague, Mr. Latta, Mr. Findley, and Mr. Burton: "Another provision in the cotton title of this bill which is most objectionable is the so-called snapback clause as proposed in a new subparagraph d(12) of section 103 of the Agricultural Act of 1949. This snapback clause says that if any limitations on cotton payments are hereafter enacted by Congress, *the old price support program with loans at 65 to 90 percent parity will automatically go back into effect* with the authority for the Secretary to sell surplus cotton at prices well below the loan level." (Emphasis added.)

During the discussion of the bill in the House, Mr. Dague stated that paragraph (12): "* * * provides that if limitations on payments to producers are later adopted, a modified form of price support loans from 65 to 90 percent of parity would automatically 'snap back' into operation." Congressional Record, Volume 111, Part 15, Page 20710.

Also, in discussing this provision it was stated:

"Mr. MICHEL. * * *

"Can the chairman tell me why it was necessary on page 21 of the bill, beginning on line 19, to write in that paragraph No. (12) beginning, 'Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted'——

* * * * *

"Mr. COOLEY. I think the language is perfectly clear. Should we impose a limitation * * *

"Mr. MICHEL. As has been done in time past.

"Mr. COOLEY. Yes; then we go back to a price support program, *to loans rather than direct compensatory payments.*" Congressional Record, Volume 111, Part 15, Page 20742. [Emphasis added.]

Later, Mr. Michel introduced an amendment to delete the snapback provision, stating:

"Mr. Chairman and Members of this Committee, this amendment would strike the provisions of the bill that have come to be known as the snapback clause. As can be seen from a reading of the language of the bill, any future allotments either in size of payments to individual producers or in total expenditures of the Department of Agriculture on the cotton program would automatically trigger this provision into operation." Congressional Record, Volume 111, Part 16, Page 21026.

The amendment was defeated.

During the debate in the Senate, Senator Talmadge and other Senators introduced an amendment which, among other things, added the snapback provision to the Senate bill, and Senator Talmadge inserted in the Congressional Record an explanation of the amendment. It was stated in this explanation:

"If for any year during the 4-year period the Secretary is unable to make payments as planned, *he would be authorized to alter the program and carry out price support provisions through loans or by purchase and resale.*" Congressional Record, Volume 111, Part 17, Page 23056. [Emphasis added.]

Accordingly, we agree with your conclusion that on the basis of the language of the "snapback" provision and its legislative history, it is clear that the provision would go into effect automatically in the event payment limitations were enacted. Therefore, your first question is answered in the affirmative.

Question No. 2 reads:

"Could the snapback provision be carried out in a manner which will still make cotton producers subject to the payment limitation?"

You express the view that the "snapback" provision must be carried out in a manner which will make available to all cooperators loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments.

The "snapback" provision provides that "Notwithstanding any other provision" of the Act "if, as a result of limitations hereafter enacted" the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled "(A) price support to cooperators *shall* be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases" at not less than 65 per centum of parity [emphasis supplied]. Clause (B) provides that in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, price support under the "snapback" provision "*may* be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price *or* through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon." [Emphasis supplied.]

You state that since one method of providing the price support required by the snapback provision is through a simultaneous purchase of cotton at the support price and resale at a lower price and since a simultaneous purchase and resale may be construed as a payment, the question has been raised whether the Secretary could, in his discretion, carry out the program exclusively through a simultaneous purchase of cotton from producers at the support price and a resale to them at a lower price and thereby make the payment limitation applicable.

It is your view that even assuming that a simultaneous purchase and resale with producers is construed to be a payment which is subject to the limitation, to restrict the method of providing price support to one to which the payment limitation would be applicable would violate the mandatory direction in Clause (A) to make price support available to cooperators at the required level and defeat the very purpose of the "snapback" provision which is to assure cooperators that if a payment limitation was enacted they would continue to receive through loans or purchases price support at not less than 65 per centum of parity on their cotton crops.

You note that the simultaneous purchase and resale need not be made with producers but may, for example, be carried out through dealers who have paid the support price to producers.

The legislative history of H.R. 11612 discloses that one of the proponents of the appropriation limitation agreed, in effect, that the limitation would not apply if the Secretary did "not go by the simultaneous purchase and sale route." Also, as pointed out in your letter an amendment to H.R. 11612 was offered which would have repealed the "snapback" provision but a point of order against the amendment was sustained. 115 Cong. Rec. 14039 (Temp. Ed. May 27, 1969).

We agree that in view of the mandatory language used in the "snapback" provision and the purpose of such provision, that the provision must be carried out in a manner that will make available to all cooperators, price support through loans or purchases at not less than 65 per centum of parity on all cotton produced on their 1970 acreage allotments. Accordingly, your second question is answered in the negative.

Your third question reads:

"Would the payment limitation expire on June 30, 1970, or would it continue to apply after June 30, 1970, to crops planted during the fiscal year 1970?"

It is your opinion that the payment limitation will continue to apply after June 30, 1970, to the entire production of the crops planted during the fiscal year 1970 for which programs have been approved by the Secretary on or before June 30, 1970.

You point out that a similar question arose in connection with the $50,000 limitation on price support which was included in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960, 73 Stat. 167, 178. The $50,000 limitation also applied to the use of funds "to formulate or carry out" the price support program for 1960. You note that in our decision of April 8, 1960, B–142011, to the then Secretary of Agriculture we held that such limitation applied to all of the 1960 production of any

commodity for which the 1960 program was approved on or before June 30, 1960, notwithstanding that the regulations implementing such program authorizations were not completed and published until after June 30, and notwithstanding that the actual loans and purchases were not made until after June 30. We also held in the same decision that the $50,000 limitation would not apply to any new program authorization which was prepared and approved after June 30, 1960, *Cf.* 39 Comp. Gen. 665.

The rationale of our decision of April 8, 1960, would be equally for application in the instant case. In other words the limitation in H.R. 11612—if enacted into law—would apply to all crops planted in fiscal year 1970 (to which the limitation is otherwise applicable) for which programs have been approved by the Secretary on or before June 30, 1970 (i.e., in fiscal year 1970), even though the regulations implementing such program authorizations may not be completed and published until after June 30, and notwithstanding that the actual loans, payments, or purchases are not made until after June 30.

The third question is answered accordingly.

Question No. 4 reads as follows:

"Could the payment limitation be avoided by paying administrative expenses and making program payments out of Commodity Credit Corporation funds which are on hand or are received from the repayment of loans or the sale of commodities?

Although you express a contrary view, you state that the contention has been made that the limitation could be avoided by using funds of the Commodity Credit Corporation (CCC) which are on hand or those funds which are received from the repayment of loans or the sale of commodities for payment of administrative expenses and for payment of the amounts in excess of the limitation. In this connection you refer to pages 13758 and 14041 of the Congressional Record for May 26 and 27, 1969; and call our attention to the following statement on page 64 of the House Report No. 91–265 accompanying the appropriation bill:

"If necessary to perform the functions, duties, obligations or commitments of the Commodity Credit Corporation, administrative and operating personnel shall be paid from funds on hand or from those funds received from the redemption or sale of commodities. Such funds shall also be available to make program payments, commodity loans, or other obligations of the Corporation."

You refer to the following portion of section 104 of the Government Corporation Control Act, as amended, 31 U.S.C. 849:

"The budget programs transmitted by the President to the Congress shall be considered and legislation shall be enacted making necessary appropriations, as may be authorized by law, making available for expenditure for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine."

You state that pursuant to this provision, the appropriation bill authorizes CCC to make such expenditures within the limits of funds and borrowing authority available to it as may be necessary in carrying out the programs set forth in its budget for the fiscal year 1970, appropriates $4,965,394,000 to reimburse the corporation for net realized losses sustained in prior years, and makes not to exceed $31,500,000 available from its capital funds, for administrative expenses of the corporation. The limitation, which is applicable by its terms to "funds appropriated by this Act," was, in your opinion, intended to apply to all funds made available by the Act, including corporate funds which the Act authorizes CCC to expend in formulating and carrying out the programs set forth in its budget for the fiscal year 1970.

Also, you state that even assuming that the limitation were construed as not applying to corporate funds which are on hand or those funds which are received from the repayment of loans or the sale of commodities, the appropriation bill also contains specific appropriations, which are subject to the limitation, for the salaries and expenses of the Secretary of Agriculture who is charged by law with the responsibility for formulating and carrying out the price support program and for other officers and employees of the Department whose services are utilized in formulating and carrying out the program. You state that the Comptroller General has ruled that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available; and you cite 17 Comp. Gen. 23; *id,* 91; *id.* 974; 18 Comp. Gen. 1013; 20 Comp. Gen. 739; 36 Comp Gen. 526; 38 Comp. Gen. 758; 40 Comp. Gen. 404. You further state that the Comptroller General has also ruled that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropriation to the exclusion of any other for such purpose is required, in the absence of changes in the appropriations acts; and you cite 10 Comp. Gen. 440; 23 Comp. Gen. 827.

In addition to being contrary to the rules established in the foregoing decisions by the Comptroller General, it is your opinion that an attempt to avoid the payment limitation by paying the salaries and expenses of officials and employees of the Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would be in clear violation of the intent of Congress in adopting the payment limitation.

For the above reasons, it is your view that it would not be possible to avoid the limitation by using funds of the Commodity Credit Corporation which are on hand or which are received by the corporation from the repayment of loans or the sale of commodities.

In addition to the portion of section 104 of the Government Corporation Control Act quoted in your letter, that section further provides as follows: "* * * and providing for repayment of capital funds and the payment of dividends. *The provisions of this section shall not be construed as preventing Government corporations from carrying out and financing their activities as authorized by existing law, nor as affecting the provisions of section 831y of Title 16.* The provisions of this section shall not be construed as affecting the existing authority of any Government corporation to make contracts or other commitments without reference to fiscal year limitations." [Emphasis added.]

It is clear from the last-quoted provisions of law that section 104 is not intended to prevent a Government corporation from carrying out and financing its activities as authorized by law. In this regard in connection with a somewhat similar limitation in the Department of Agriculture and Related Agencies Appropriation Act, 1967, 80 Stat. 702, your Department by letter dated April 28, 1967, advised us as follows (see also B–146820, June 2, 1967):

"We assume your inquiry relates to administrative expenses. *Most of the costs incurred in the fiscal year ending June 30, 1967, for formulating and administering this sale have been or will be paid, within the limitation on administrative expenses of $34,300,000 contained in the Appropriation Act, from funds of the Commodity Credit Corporation. Such funds are obtained from borrowings by Commodity Credit Corporation* under section 4 of the Act of March 8, 1938, as amended (15 U.S.C. 713a–4) *and not from appropriations provided in the 1967 Appropriations Act.*" [Emphasis added.]

Assuming that the $20,000 limitation involved here may apply to the $4,965,394,000 appropriated to reimburse the Commodity Credit Corporation for net losses sustained in prior years, it would not be applicable to corporate funds on hand or those which are received from the repayment of loans or the sale of commodities since such funds would not be "appropriated by this Act" (H.R. 11612). Insofar as the $31,500,000 made available in H.R. 11612 for administrative expenses is concerned, that is not an appropriation but rather a limitation on the amount that may be expended by CCC for administrative expenses in fiscal year 1970. Accordingly, except for any part of the $31,500,000 which, pursuant to the authority in H.R. 11612, may be transferred and merged with the appropriation made to the Agricultural Stabilization and Conservation Services, the $20,000 limitation would not apply to the funds available to CCC to pay administrative expenses in fiscal year 1970.

However, as indicated in your letter, the Secretary of Agriculture is charged by law with the responsibility for formulating and carrying out the price support program (7 U.S.C. 1441) and CCC is subject to the general supervision and direction of the Secretary (15 U.S.C. 714). Thus, in formulating and carrying out the price support program the Secretary, insofar as his part is concerned, would not be performing any functions, duties or obligations of CCC, but rather his own functions, duties and obligations. Of course the specific appropriations contained in H.R. 11612 for the salary and expenses of the Secretary, as well as for the salary and expenses of the other officers and employees of the Department whose services are utilized in formulating and carrying out the price support program would be subject to the limitation.

As we understand it, over the year CCC's funds have never been used to pay the salary of the Secretary or the salaries of certain officers and employees (for example personnel of the Office of General Counsel) of the Department whose services are utilized in formulating and carrying out price support programs, but instead funds for the salaries and expenses of such personnel are budgeted for and requested in specific appropriations. While H.R. 11612 authorizes a limited amount of CCC funds to be transferred and merged with the appropriation made to the Agricultural Stabilization and Conservation Service for administrative expenses of the Service including expenses to formulate and carry out laws pertaining to CCC, as noted above, if this is done the transferred funds become subject to the limitation. Thus, while some employees of the Department of Agriculture involved in formulating and carrying out price support programs have been paid from CCC moneys transferred from the CCC fund to a department appropriation, apparently it has been the practice of the Department over the years to request in specific appropriations funds to pay the salaries and expenses of the Secretary and certain other officers and employees involved in formulating and carrying out such programs.

As indicated in your letter, we have long held that a specific appropriation for a particular object precludes the use of a more general appropriation therefor, even though the general appropriation might have been available for such use in the absence of the specific appropriation. We have also long held that where either of two appropriations reasonably could be construed as available for a certain class of expenditures and one of the appropriations which is based upon estimates of such class of expenditures has been used for such expenditures for a number of years, the continued use of such appropria-

tion to the exclusion of any other for such purpose is required, in the absence of changes in the appropriation acts.

We see no significant distinction between using an otherwise available general appropriation for a particular object, when there is a specific appropriation for such object, and using corporate funds for a purpose for which a specific appropriation has been made, in order to avoid a limitation pertaining to the specific appropriation. Thus, we agree that avoiding the limitation involved here by paying the salaries and expenses of officials and employees of your Department who would be engaged in formulating and carrying out the price support program from funds other than those specifically appropriated for such purpose would, in effect, be contrary to the rules established in our above-cited decisions. In any event your Department would have no authority to use CCC funds to pay the salary and expenses of the Secretary of Agriculture incident to the functions imposed on him by law, since, as indicated above, the duties and responsibilities of the Secretary are separate and apart from those of CCC.

In light of the foregoing it is our view that CCC funds which are on hand or are received by CCC from the repayment of loans or the sale of commodities may not be used—in order to avoid the appropriation limitation—to pay the salaries and expenses of those employees of your Department who would be engaged in formulating and carrying out the price support program and whose salaries and expenses would be otherwise fully paid from appropriations made specifically for that purpose.

Question No. 4 is answered accordingly.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

OPPOSITION BY FARM ORGANIZATIONS

Mr. HOLLAND. I would also like, Mr. President, to call to the attention of the Senate the opposition to the limitation which has been expressed by the various farm organizations representing a large segment of the agricultural producers of the Nation.

First, I ask that the statement of the National Grange be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL GRANGE

NATIONAL GRANGE,
Washington, D.C., June 6, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLAND: As Master of the National Grange, I appreciate this opportunity to apprise this Committee of the Grange's opposition to changing present farm programs by the indirect or "back door" method of amendment to the appropriation bill, H.R. 11612, now pending before this Committee of the Senate.

Present supply-management farm programs were developed and enacted by the Congress for the two-fold purpose of maintaining a reasonable income for the American farmer and a plenteous food and fiber supply for all Americans.

We firmly believe that changes in such programs should come only after hearings before the appropriate committees of the Congress.

Final approval of the $20,000 limitation on the aggregate payments a single farmer can receive under the cotton, feed grains, wheat and wool programs will upset the production control features of the Agricultural Act of 1968 by forcing the large farmer to operate outside the program. We wholeheartedly support Secretary of Agriculture Hardin's testimony before this Committee which has given conclusive evidence that the imposition of the $20,000 limitation will not save the government money, but will instead trigger the so-called "snap back" provisions of the present cotton program. These provisions call for the loan support price to increase from the present 21¢ per pound to 31½¢ per pound if payment limitations are imposed.

At the present time, the cotton program is costing the Federal Treasury approximately 10¢ per pound. The $20,000 limitation of payments would increase the Federal Treasury's investment in cotton to approximately 20¢ per pound.

The net result would be as follows:

(1) Increase in support price or loan price from 21¢ to 31¢ per pound.

(2) This incentive for increased production would swell cotton stocks in C.C.C.

(3) To enable U.S. to sell cotton on world markets would cost the Treasury an additional 10¢ per pound in an export subsidy.

(4) Loss of foreign markets would further reduce our balance of payments.

(5) Higher price of cotton would mean further loss of domestic market to man-made fibers.

(6) The estimated cost of the $20,000 limitation of payments would increase the cost to the Federal Treasury by approximately 700 million dollars.

In light of the above, if you are interested in saving money on the agricultural appropriations bill for fiscal 1970, we would urge you to remove the limitation of payments amendment from H.R. 11612.

Sincerely,

JOHN W. SCOTT,
Master.

Mr. HOLLAND. Mr. President, I now quote briefly from that statement:

At the present time, the cotton program is costing the Federal Treasury approximately 10 cents per pound. The $20,000 limitation of payments would increase the Federal Treasury's investment in cotton to approximately 20 cents per pound.

The net result would be as follows:

(1) Increase in support price or loan price from 21 cents to 31 cents per pound.

(2) This incentive for increased production would swell cotton stocks in C.C.C.

(3) To enable U.S. to sell cotton on world markets would cost the Treasury an additional 10 cents per pound in an export subsidy.

(4) Loss of foreign markets would further reduce our balance of payments.

(5) Higher price of cotton would mean further loss of domestic market to man-made fibers.

(6) The estimated cost of the $20,000 limitation of payments would increase the cost to the Federal Treasury by approximately 700 million dollars.

Mr. President, that quotation was from a letter written by the master of the National Grange, Mr. John W. Scott, to the Senator from Florida, dated June 6, 1969.

I also ask unanimous consent that the statement of the National Milk Producers Federation be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., June 6, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: In view of efforts to limit the amount of money that any farmer may receive as a result of complying with price support programs, we should like to express our opinion in opposition. We are deeply concerned since such limitation was included in H.R. 11612.

Although milk would not be affected by a limitation on payments to individual farmers, as contained in H.R. 11612, it is our view that any such limitation would seriously impair the effectiveness of the price support program to the detriment of all agriculture.

Milk produced on farms throughout all fifty states of the Union represents the largest agricultural commodity subject to mandatory price support. The price support program as applied to milk under the Agricultural Act of 1949 is carried out through a commitment on the part of the Commodity Credit Corporation to purchase butter, nonfat dry milk, and cheese at prices necessary to maintain for all milk marketed by farmers, prices at or above the support level for milk as announced by the Secretary of Agriculture. By use of this procedure, the Commodity Credit Corporation purchases a very small fraction of total production, but the results are to undergird the price structure throughout the entire dairy industry, involving market sales by farmers of some $6 billion per year.

As the price support program is operated for milk, any limitation on payments would render the whole program ineffeotive, since the price received for milk by any farmer is in no way dependent upon milk of such farmer being purchased as products by the Commodity Credit Corporation. The price received for milk by a dairy farmer can in no way be traced to the specific products purchased by the Commodity Credit Corporation.

The National Milk Producers Federation is not intimately familiar with price support operations as applied to other commodities. Nevertheless, the goal of price support legislation has as its purpose the strengthening of market prices for all agriculture, and it would be our view that any limitation on payments under any of the programs would seriously impair the goal. If the agricultural production of large units were excluded from price support operations through a limitation on payments, the results could only be increased marketings from such units at lower prices, which would serve to depress price levels to all producers. Such a limitation, then, would adversely affect small producers the most and it is the small producers who have greatest need of price enhancement.

The National Milk Producers Federation is the oldest and largest farm commodity organization in America, having been organized in 1916. Its membership is comprised of local and regional associations doing business throughout the fifty states. Thus, we have a vital interest in the price support program and in a healthy agricultural economy.

We would appreciate it if you would make this communication part of the hearing record.

Sincerely,

PATRICK B. HEALY,
Secretary.

Mr. HOLLAND. I also ask unanimous consent that a letter from the National Association of Wheat Growers be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, D.C., June 5, 1969.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Senate Committee on Appropriations, New Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: The National Association of Wheat Growers wishes to submit

this letter for the record of the June 4 hearings before the Agriculture Subcommittee of the Senate Appropriations Committee.

In the view of our association, a limitation of payments to any one farm under the regulation of the wheat section of the 1965 Farm Act would be inconsistent with the major intents of that program. We also feel that an imposition of limitations would act to the detriment of our small farmers although their individual payments would not be affected by the proposed limit.

The present wheat supply management program was designed to adjust annual U.S. wheat production to within reasonable proximity of annual U.S. wheat disappearance. To accomplish this goal it is necessary to divert a specified number of acres from wheat production each year. If the program does not succeed in attracting sufficient acres into the diverted pool, the management of supply fails and the program will not work. If farmer Able is required to divert 100 wheat acres in order to be eligible for compensatory government payments, he has contributed 100 acres to the success of supply management and is paid accordingly. If his neighbor, Baker, must divert 1,000 acres in order to be in compliance, he is contributing 10 times as much toward the program goal as Mr. Able, and he should be paid in proportion. It should also be pointed out that farmer Baker has 10 times farmer Able's investment in his diverted acres, pays 10 times as much taxes on those acres, and has surrendered 10 times as much productive capacity by diverting them. To arbitrarily set payment limitations which would alter proportionate compensation to individual program participants would be unfair and certainly not consistent with the production control objectives as it would discourage voluntary cooperation by larger producers.

In the latter regard, it can be assumed with some certainty that those acres, normally diverted by larger farmers but forced into out-of-program production by limitations, would have to be compensated for by additional allotment reductions to the smaller farmers remaining in compliance. There is very little to recommend this type of secondary penalty.

The National Association of Wheat Growers believes that if an equitable system of farm payment limitation is to be discussed, it should be during consideration of new proposals of general farm legislation.

Sincerely yours,

GLEN HOFER,
Executive Vice President.

Mr. HOLLAND. I also ask unanimous consent that the statement of the American Farm Bureau Federation be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JUNE 5, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Agriculture, Senate Appropriations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: In response to your announcement of June 4th that the hearing record on the subject of the payment limitations provision of H.R. 11612, the USDA Appropriations Act for fiscal 1970 as passed by the House, would be open for statements by interested individuals and organizations, we are asking that you include this letter as a part of that record.

In our appearance before your Committee on April 18, 1969, we addressed ourselves to the matter of overall farm policy, including payment limitations. We stated in part as follows:

"The budget request before you comes close to full restoration of losses through 1968. That request for $6,215,934,000—$3,534,542,000 in New Spending Authority and $2,681,392,000 in liquidation of contract authority—is a record. We mention this only to reaffirm our earlier point—that the rapidly rising costs of carrying out the Food and Agriculture Act of 1965 must be of concern to all of us who have responsibility in agriculture policy.

"Again, we realize there is little this Committee can do by itself to change the course of these expenditures. The Act itself provided for a virtually uncontrolled expenditure of funds. We think it unfortunate that a number of people are suggesting today that the only way to get control of CCC expenditures is to place a limitation on the amount of payments any farmer may receive. Instead of supporting payment limitations, we support new legislation to phase out payment programs, thus making any such limitation unnecessary.

"We know that the Farm Bureau proposal to change the direction of the farm program will have no bearing on spending during fiscal 1970, or, for that matter, fiscal 1971. But we also know that it is necessary for committees such as this to look further into the future than one or two years in making expenditure plans. We are attaching as an appendix to this statement a two-page summary of the legislation we are proposing.

"We hope you will study it, keeping in mind that it is designed to help solve not only the income problems of agriculture, but also some of the fiscal problems of the Commodity Credit Corporation and the U.S. Treasury."

The above statement was based upon the following policy adopted by the official voting delegates to the most recent annual meeting of the American Farm Bureau Federation:

"The Food and Agriculture Act of 1965 has been extended through December 31, 1970. This legislation has resulted in a very unsatisfactory level of farm prices for the covered commodities. We oppose the compensatory payment provisions of the Act of 1965.

"We favor legislative action on future farm program policy in 1969. Further delay in coming to a decision on this issue would only make the problem of adjustment more difficult for farmers.

"The problems of agriculture in the United States can be divided generally into two categories: first, the problems of commercial farmers and, second, the problems of other farmers. For too long we have attempted to apply the same remedy to the ills of both categories.

"We will support a transitional program to deal with the problems of noncommercial farmers. This could take the form of whole farm cropland retirement, permanent retirement of allotments, adjustments and retraining assistance, or other means.

"For the commercial farmer, we recommend a program which would move as rapidly as possible to the market system by phasing out acreage bases, acreage allotments, marketing quotas, and compensatory payments, with no limitations on payments to individuals during the phase-out. The following objectives should be observed in developing such legislation:

"It should include a practical land retirement program to facilitate needed adjustments in land use. This program should be voluntary, provide for competitive bids, take cropland out of production with emphasis on whole farms, and prohibit the grazing of any crop from retired acres.

"It must encourage production for use rather than government storage.

"It must assure adequate supplies of all qualities of farm products to meet market demands.

"It should assure expanded research to cut production costs and improve farmers' ability to compete in the market place.

"It should emphasize effective action to expand exports."

We trust that this statement makes the Farm Bureau position clear.

Yours very truly,

MARVIN L. MCLAIN,
Legislative Director.

Mr. HOLLAND. I quote briefly from the statement, as follows:

We think it unfortunate that a number of people are suggesting today that the only way to get control of CCC expenditures is to place a limitation on the amount of payments any farmer may receive. Instead of supporting payment limitations, we support new legislation to phase out payment programs, thus making any such limitation unnecessary.

Mr. President, today I contacted the office of the Farm Bureau Federation here in Washington, and they reiterated to me the fact that under no circumstances do they wish to support this limitation, that they have prepared and have ready for introduction legislation which they will support, which they think will correct this matter. Whether we will support that legislation or not is another question. Whether we will support the legislation now being prepared by the Secretary of Agriculture is also questionable, until we know the contents of his recommendations.

The fact is that we will have the chance to work our will in this matter, after having looked at the whole picture, within a few months from now, without working this terrible injury and inequity upon hundreds of thousands of men and women in the various farm industries who would be adversely affected, and without working upon our Nation the additional cost without benefits. Not only would the additional cost be borne by our already overstrained budget, but the additional surplus production, which we could not hope to dispose of domestically, would be placed in our warehouses and result in additional costs for storage. That would be a tragedy, for us to reverse the trend of the last few years, when we have been trying to get rid of these large surpluses.

I have one other letter which was forwarded to the committee by Senator MAGNUSON. This letter, which appears on page 58 of the Senate hearings, indicates that the proposed limitation would cost the schools of the State of Washington nearly $200,000 per year. I ask unanimous consent that this letter also be printed in the RECORD.

These being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WASHINGTON,
DEPARTMENT OF NATURAL RESOURCES,
Olympia, Wash., May 29, 1969.

Hon. WARREN G. MAGNUSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR WARREN: On Monday, May 26, Julia Butler Hansen contacted us and requested some supporting arguments for exception of the state-owned lands from the proposed dollar limitation in the farm subsidy program that was being considered in HR 11612.

The proposed restriction limits the payment from the federal government to $20,000 maximum to any one producer. Under the current interpretation of the existing statutes, our 130,000 acres of sharecrop cereal

grain lands in Eastern Washington are considered as owned by "one producer". We have, as you know, proposed a change in this definition several times. The current proposal in HR 11612 would cost our schools nearly $200,000 per year.

We have heard indirectly that HR 11612 passed without an exception being provided for our state-owned lands. We do not know that this is so, but in the essence of time we are forwarding the attached information to you.

We certainly would appreciate any assistance that you might give us in effecting an exception for our state-owned lands.

Very truly yours,

BERT L. COLE,
Commissioner of Public Lands.

Mr. HOLLAND. Without quoting the letter, it simply indicates supporting arguments by one of the States in the West which owns great areas of land itself, and is producing from that land various products, and would like it and its tenants to receive from the Government various payments under existing law—payments a part of which come to the State itself—amounting to more than $200,000.

The last letter which I request to have printed in the RECORD does not appear in the printed hearings since it was received after the hearings were printed. This letter is from the Grain Sorghum Producers Association, addressed to me, dated June 24, 1969. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GRAIN SORGHUM
PRODUCERS ASSOCIATION,
Lubbock, Tex., June 24, 1969.

Hon. SPESSARD L. HOLLAND,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: Our request is that you support the 1970 agriculture appropriation bill as the Senate Agricultural Committee voted it out of their committee. We especially hope that you will vote against any amendment to limit payments to farmers at any level.

Living in an area that will be affected most by such limits, we are convinced that it would wreck the farm program. Regardless of the size of a farmer, it now takes all the crop plus about two-thirds of the payments to pay the *high cost of farming.*

Many of our farmers produce both cotton and grain, and while the cotton payments are the largest, we feel the feed grain producers would be hurt first. When the larger farmers start looking for ways to cut their payments, the easiest way is to plant grain on all land above the required 20% diversion or go out of the grain program entirely. This additional production from the large farmers will break the grain prices and hurt everyone including the small farmers.

We know that the proposed limitations are unjust and not in the national interest. The Secretary of Agriculture has pointed this out also. We hope you will use all the influence that you can to kill any limitation of payments amendment when it comes before the Senate.

Thank you for your consideration in this matter.

Sincerely,

ELBERT HARP,
Executive Director.

Mr. HOLLAND. Mr President, I had intended at this time to ask for the adoption of the committee amendments, with certain exceptions. Since I see that the Senator from New York is not present in the Chamber, I shall defer that request until a later time. I am happy now to yield to the distinguished Senator from Nebraska, the ranking minority member of the subcommittee which labored a good many weeks on this bill, and who has done such a faithful, capable, and patriotic job.

Mr. HRUSKA. I thank the Senator. I should like to have recognition, however, in my own right later, so that I may yield to the Senator from Illinois, with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear in the RECORD at the conclusion of those which I shall make on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, first let me commend the distinguished Senator from Florida and the distinguished Senator from Nebraska for the excellent job they have done on the agricultural appropriations bill.

I presume no Senator who has never served on the Appropriations Committee can fully understand what a laborious task it really is. You not only labor with it all day long, but you labor half the night; and I think that fact nearly cost me my eyesight when I was in the House of Representatives.

But I have served on House and Senate Appropriations Committees over the years for a total period of nearly 17 years; and I have some idea of the work that goes into it, and how much it demands of an individual Senator's time. So I do commend the Senator from Florida most heartily for his work and the diligence he has shown, and I do the same for my distinguished friend from Nebraska and my distinguished friend the Senator from North Dakota (Mr. YOUNG), who is the ranking Republican member of the committee, and has labored so long and earnestly in the appropriating field.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YOUNG of North Dakota. I thank the Senator.

If I may be permitted to reminisce a little bit, when I first became a member of the Senate Subcommittee on Agriculture Appropriations, the distinguished minority leader was chairman of the House Agriculture Appropriations Committee, and his colleague, the late Senator Curly Brooks from Illinois, was chairman of the same Senate committee.

I remember 1 day when we were studying this bill, as we usually did day after day, he said, "We had better know this bill backwards and forwards, because Mr. DIRKSEN, on the House side, is very familiar with it. He knows it very well, and we had better be well posted."

Mr. DIRKSEN. Well, Mr. President, in the days when I was in the House of Representatives, and particularly on the Appropriations Committee, I thought all wisdom and all knowledge reposed in the House of Representatives. I tried to make that manifest to the Senators when we sat down in conference on these appropriation bills.

I am not sure that I always made the case, because there were many times when, in the somewhat vulgar parlance of the day, I had my ears pinned back, and good. So I learned to have a proper respect for the U.S. Senate, and when I thought it had earned that respect to which it was entitled, then I made up my mind that I ought to come here, and I did.

Mr. HRUSKA. Mr. President, before beginning my comments on the bill, I should like to pay a personal tribute to the very sound, careful, and thoughtful manner in which the bill has been handled by the chairman of the Agriculture Appropriations Subcommittee, the distinguished Senator from Florida (Mr. HOLLAND). It can be said that his mode of conducting hearings, assembling information and completing consideration of this bill is a model by which others may judge their own conduct when they are similarly placed in a position of leadership such as the position which he occupies.

Mr. President, we considered two budgets this year, one budget having been submitted by President Johnson, later presented in revised form by President Nixon. There were very distinct differences between those budgets, and the chairman did a remarkable job guiding the hearings through the changes. As ranking Republican on his committee for 3 years, I can testify to his dedication and fairness in serving the best interests of the Nation's farmers. The Senate is very grateful and appreciative, I am sure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. HOLLAND. I wish to express to the Senator my appreciation for his overly generous statement.

Mr. HRUSKA. The Senator will be his own judge as to whether it is overly generous.

Mr. HOLLAND. I thank the Senator.

Mr. HRUSKA. Due to budget stringencies, the Agricultural Appropriations Subcommittee reviewed the proposed amended budget with close scrutiny to weigh priorities and assess the impact of the major cuts and reductions proposed by the Department of Agriculture and by the House of Representatives in the bill. The result represented our best composite judgment on the subcommittee and on the full committee.

The bill this year as reported by the Senate committee is a reduction from the 1969 fiscal year level of over $500 million. The new budget authority enacted to date for fiscal 1969 is $8,178,899,650, and the new budget authority contained in the committee bill is $7,636,797,650.

However, the committee bill does represent an increase over the budget amount proposed by the Department of Agriculture and the amount contained in the bill as it came from the House. The budget estimate for fiscal 1970 of the Department of Agriculture is $6,967,562,050. The new budget authority recommended in the House bill is $6,806,655,000, which is $830,142,650 less than the Senate committee bill.

Although it would appear that the

Senate committee has been excessive in funding agricultural programs when compared to the House, this appearance is deceiving, and upon close examination is seen to be unfounded. The Senate committee, under the able leadership of its chairman sought austerity wherever it could be achieved without doing permanent harm to some segment of our agricultural industry, and without undermining sound fiscal policies of the Department. On the other hand, where the need was urgent and compelling, or where delay of an appropriation now would only require a supplemental appropriation later, the committee decided that adequate funding in this bill, even though higher than the House-approved items, would be in the public interest.

The agriculture budget is not just a subsidy for farmers, although that is the erroneous impression of many people. Certainly the cost of the price support programs supervised by the Commodity Credit Corporation is a large item in the budget. But, other items in this budget of lesser monetary sums have great importance to many segments of our society and our economy. Protection of the consumer, for example, is a major concern of the agricultural budget. The towns of rural America also receive important attention. Of equal importance are the children and the families of America who are in need of food assistance in order to achieve a healthy level of nutrition; these programs were of vital and immediate concern to the Senate committee.

Mr. President, I indicated a moment ago that the action taken by the Senate committee was responsible and that it represented our best composite judgment. Notwithstanding the fact that the budget approved by the committee is a little over $800 million more than what the House had approved, we are not budget busters. We have acted responsibly in the face of mounting expenditures brought about for a number of reasons. Three items alone encompass about $750 million of the $800 million by which the House-approved figure was exceeded.

COMMODITY CREDIT CORPORATION

The principal item in the Senate bill is $5,215,934,000 to reimburse the Commodity Credit Corporation fully for its net realized losses, or the cost of the Nation's farm programs, for fiscal year 1967, the balance of the 1961 inventory revaluation, and partial reimbursement of 1968 losses.

The new obligational authority recommended is the same as the budget estimate, but it is $250 million above the House amount. Last year the Bureau of the Budget refused to request adequate restoration for losses of the Corporation. The Senate committee report warned that failure to request further restorations would require a supplemental appropriation. This warning proved to be accurate.

The Senate committee, as the distinguished chairman (Mr. HOLLAND) pointed out, welcomes the administration's request to restore all prior year losses except for $250 million of those incurred in 1968. It is a responsible move.

FOOD STAMP PROGRAM

The second significant figure in the committee bill departing materially from the House bill is the amount of $750 million for the food stamp program. When, on June 24, the Senate adopted Senate Joint Resolution 126, which would raise the appropriation limit for the food stamp program from $340 million to $750 million, it properly became a subject for the Senate committee to consider in its executive session on the following day when the agriculture appropriations bill was reviewed. Since the budget request for this program was $340 million, and the amount approved by the House was the same, the amount of $750 million represents an increase of $410 million over both.

President Nixon in his message to the Congress on hunger and malnutrition said:

> In the past few years we have awakened to the distressing fact that despite our material abundance and agricultural wealth, many Americans suffer from malnutrition. Precise factual descriptions of its extent are not presently available, but there can be no doubt that hunger and malnutrition exist in America, and that some millions may be affected.

In his message, the President recommended an additional $270 million for the food stamp program for a total of $610 million. However, since the Senate indicated by its adoption of Senate Joint Resolution 126 that it felt $750 million was needed in the coming fiscal year to meet the needs of the hungry in the United States, the Senate committee adopted that judgment.

ANTIHUNGER PROGRAM

The third item is the special milk program. The committee recommends an appropriation of $84 million for the program which is to be financed by general revenue funds under our bill, rather than by transfer of funds from section 32 as is provided in the House bill. The House-passed bill contained an item of $120 million for the special milk program, but the entire amount was to be taken from section 32. It was found, however, that to follow the House recommendation, section 32 would be reduced to $180 million, which the Senate committee did not feel would be adequate for the basic purposes of section 32. Such purposes are to stabilize price depressed markets of perishable commodities by surplus removal operations. For this reason, the committee placed the special milk program under general revenue.

The committee also approved an additional $20 million for providing milk to children in nonprofit schools, child day care centers, summer camps, and similar nonprofit institutions which are devoted to the care and training of children. The $20 million, however, is to be transferred from section 32.

Although the child nutrition and feeding programs are being greatly expanded by the Department, I feel that continuance of the special milk program for the coming fiscal year will insure that where the expanded program is delayed in reaching certain children, that these children can still receive daily milk, which nutritionists consider the most vital ingredient to healthy growth.

As President Nixon said in his message:

> The moment is at hand to put an end to hunger in America itself. For all time.

The committee is attempting to meet this challenge.

In total these three items amount to about $750 million of the $800 million increase in the Senate bill over the House bill.

NONFARM ITEMS IN BILL

Mr. President, there are a few other matters—which have already been touched upon during the course of the afternoon—which should be discussed during this debate. First, is the attack upon the farmer which we hear each year for costing the Government billions of dollars to subsidize him, and for getting the sole benefit of these tremendous agricultural appropriations. But the facts are, and it should be widely circulated, that there are many parts of this appropriation which go to programs other than for the farmer.

The subcommittee staff has prepared an analysis of the expenditures contained in the fiscal year 1970 estimate, which are charged to the Department of Agriculture, but which clearly provide benefits to commerce, to businessmen, and to the general public.

They total $3.9 billion for nonfarm usage, and $3.1 billion for other programs, which are predominantly for the stabilization of farm income but which also benefit others, such as Commodity Credit Corporation price-supported and related programs. Thus, there is a far larger part of the total appropriation being devoted to nonfarm items as compared to those which are so-called farm items.

The analysis which I have, indicates just how many of these billions go to the farmers and how many of these billions go to other parts of the population and other Government activities.

Mr. President, I ask unanimous consent that this tabulation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, let me also emphasize that the Federal funds used directly to aid and assist the American farmer could be put to no better purpose.

Agriculture is the mother of us all. Not so many generations ago, almost all of our forebears were farmers. Today, agriculture still supplies us with the great part of our most basic necessities—food and clothing.

Agriculture is the Nation's biggest single industry, employing more people than the auto industry, the steel industry, the transportation industry and the utility industry combined. Yet, because of greatly improved technology and a chronic price-cost squeeze, our farm population has declined from 30.2 million in 1940 and 23 million in 1950, to an estimated 11.6 million in 1966. Our farmers nevertheless provide a greater contribu-

tion to the economy than ever before, even though they are fewer in number.

This is not to indicate, however, that all farmers are well-to-do, nor that rural America is prospering.

POVERTY IN RURAL AREAS

Although the population of rural America is less than 30 percent of the total population of our Nation, half of the Nation's poor, half of those receiving old-age and child-care assistance, and almost half of the Nation's people living in substandard housing are in rural America. Nearly 14 million rural inhabitants, one out of every four, are poor. Most rural families have not achieved a level of living comparable to most urban Americans.

Mr. President, I ask unanimous consent to have inserted at this point in my remarks a table from the 1960 Census of the Population showing the number of rural and urban persons and families in poverty.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 14.—NUMBER OF PERSONS AND FAMILIES IN POVERTY, BY RESIDENCE, UNITED STATES, 1960 AND 1965[1]

[Figures in millions]

Persons and unrelated individuals	1960		1965	
	Persons	Families	Persons	Families
Total in poverty	41.3	.....	35.3	.....
Urban	22.6	.....	19.4	.....
Rural	18.7	.....	15.9	.....
Nonfarm	13.0	.....	10.5	.....
Farm	5.7	.....	5.4	.....
In families	34.9	8.7	29.0	7.0
Urban	17.8	4.6	15.9	3.8
Rural	17.1	4.1	13.1	3.2
Nonfarm	11.6	2.8	8.9	2.1
Farm	5.5	1.3	5.2	1.1
Unrelated individuals	6.4	.....	5.3	.....
Urban	4.8	.....	3.5	.....
Rural	1.6	.....	1.8	.....
Nonfarm	1.4	.....	1.6	.....
Farm	.2	.....	.2	.....

[1] Poverty thresholds for nonfarm families, developed by Mollie Orshansky (Social Security Bulletin, January and July 1965), in terms of family money income, were determined by (1) costing nutritionally adequate economy food budget for families of various compositions regarding number, age, and sex of members; and (2) multiplying that food cost by 3 poverty threshold for farm families is 85 percent of the money income of the relevant nonfarm family. The range of poverty threshold incomes is nonfarm, $1,580 for 1-person family under age 65 to $5,090 for family of 7 or more persons; farm, $1,340 for 1-person family under age 65 to $4,325 for family of 7 or more persons.

Source: 1960 figures derived from 1960 Census of Population, Urban, rural, and nonfarm rural populations for 1965 were estimated from Current Population Survey data by Office of Economic Opportunity. (See Dimensions of Poverty, Office of Economic Opportunity, 1965.)

Mr. HRUSKA. We hear the argument that the farm programs are granting enormous subsidies to farmers and that these subsidies should be limited or eliminated. To do either would threaten the very existence of the small, struggling farmer in rural America. The farmer is losing ground fast enough. He is entitled to make a fair living the same as the rest of the population. He is entitled to be placed in a position where he can continue his operations; and his problems are many. In this bill the farmer does not receive any largesse or handout; he receives merely a minimum of Federal aid to help him continue to produce food and fiber for the American consumer at a cost to the consumer of about 17 percent of his income, which is the lowest in the world.

In fact, depression is far more common in American agriculture today than prosperity. During the last 8 years practically one farmer out of every four has been forced off the farm. In 1968, there were four million farms in America; today, there are less than three million. The farms are being abandoned, and the towns in the farming regions are being deserted.

At this point, Mr. President, I should like to revert to a subject which was discussed briefly earlier this afternoon. It has to do with the fashion in which the press generally, and many commentators, whether in the press or over the air, comment on what these payments do and do not do.

During the course of my remarks I shall quote from and comment upon an article which appeared in the June 20 issue of Time magazine, at page 81. In doing this, I want to make perfectly clear that that journal is one of my favorites. I have been reading it since it was first published. I think it does an outstanding job in the field of journalism.

In the article from which I shall read and upon which I shall comment, we find a very scholarly and spendid analysis and commentary on the critical fight against inflation. It is competently written, and it is certainly directed toward the current situation. But an unfortunate statement crept into the article. After an analysis of the causes and the tremendous impact and detrimental impact upon America caused by inflation, this article went on to say, "Now, we are not just going to call attention to this situation. We want to be constructive about it, so we are going to try to propose some specific measures and proposals." It is put in good form, in this way:

> The economy can fairly comfortably tolerate an inflation rate of 2% yearly, and the Government should aim at that. To do any better, most economists agree that there must be far-reaching reforms.

And then we find the nubbin of my objection:

> As an obvious starter, Congress should scrap the farm-subsidy programs, which not only cost taxpayers $5.7 billion a year but artificially inflate the prices of cotton, wheat, corn, soybeans and rice. The subsidies also help to drive up the price of farm land, adding another push to the price of produce.

Mr. President, somewhat reluctantly and regretfully, I must disagree with that characterization of the farm program. It is not only an unfair statement; it is totally inaccurate.

In the first place, $5,700,000,000 is not a correct figure as the cost of the farm subsidy program. In the second place, there is not undue inflation of prices in the agricultural field.

Let me read the price record of the commodities cited by Time as being inflated.

Wheat—the farmer's share of the consumer's dollar for wheat products has changed little in the past two decades. In fact, if farmers gave their wheat away, bread prices would be only 2½ cents less. This is inflationary?

Much the same is true for other commodities cited by Time.

The season average market price received by farmers for corn in 1968 was $1.06 per bushel. In 1966, farmers received an average of $1.24 per bushel for corn, in 1960, the figure was $1 per bushel, and in 1950, it was $1.52 per bushel.

Mr. President, a reduction from $1.52 in 1950 to $1.06 in the current year is hardly inflationary.

Cotton farmers received an average of 22.10 cents per pound for their 1968 crop. In 1966, they received 20.84 cents per pound, in 1960, the figure was 30.19 cents, and in 1950 it was at 40.07 cents.

That cannot be called inflationary.

Soybean producers received an average price of $2.42 per bushel for the 1968 crop, down from $2.75 per bushel in 1966 but up from $2.13 in 1960. But in 1950, soybeans returned $2.47 to the farmer, 5 cents more than 18 years later.

Just in passing, I might point out that soybeans are the number one dollar earner of all U.S. agricultural exports. Thus, soybeans make a big contribution to the Nation's balance of payments and help to curb inflation. In 1968, soybean exports, including oil and meal, totaled $1,110,000,000—almost 2½ times the $451 million worth exported in 1960. And the increase was practically all in dollar sales. Specifically, soybeans exported under Government programs totaled $101 million in 1960 and $112 million in 1968.

Rice producers in 1968 received an average market price of $4.89 per hundredweight, 6 cents less than 2 years earlier. In 1950, rice producers received $5.09 per hundredweight—20 cents more than in 1968.

It is a distortion of the facts to point the finger of inflation at these commodities.

By contrast, if you buy a copy of Time on the newstand, it will cost you 50 cents. I can recall that it was only a year or so ago when the magazine cost 35 cents.

Time also erred when it reported the cost of price support and related Federal farm programs. Time set the figure at $5.7 billion a year when in reality for fiscal 1970 it is expected to run $3 to $3.5 billion. The $5.7 billion figure includes, in addition to farm price programs, such items as meat inspection, food distribution to low-income people, research on nutrition, disease and pollution, and other programs which benefit all Americans, not just farmers.

I get weary of the editorial downplay frequently given to U.S. agriculture—an industry which is the marvel of the world for its efficiency.

Farmers, more than others of our economy, are victims of inflation rather than the instigators. And I can tell you, as a Senator from a farm State, that they are not very happy about the squeeze they are in.

They see all around them that prices for things they buy are rising. But the prices they receive for many of their products are declining.

The facts are that the index of prices received by farmers for all crops in 1968 was just 3 percent higher than in 1960 and slightly below the mid-1950's. There

is no way anyone can label this as inflationary when in those same years—1960 to 1968—prices paid by farmers for production goods increased 20 percent.

Yes, retail prices for food have increased. But if Time magazine is looking for a culprit it will not find it on the farm.

It might be added that recently, in the first part of June, in a few sales of choice fat steers on the Chicago market, the price of $35 a hundredweight was obtained. Almost 20 years earlier, that same figure, $35, was paid for choice fat steers on the Chicago market; but if we were to translate the $35 received in 1969 into constant dollars, we would find they actually had received only $20 in value. It means, of course, that the prices of things which the farmers must buy and with which he lives and with which he implements his farm and with which he produces have gone much higher, whereas the prices of the commodities that he brings to the market are much lower.

I do not like to belabor this point except it has to be done periodically, it seems, and unless it is done on the floor of the Congress, I do not know where it can be done. I do not know, in fact, what effect this explanation has, but, in all fairness, I think these matters should be brought out.

I want to say again that, in all fairness, the designation of the gross budget for the Department of Agriculture as being for farm subsidies is not confined to any one journal, editorial writer, or commentator. It is a fairly typical comment and fairly often repeated. Repeatedly, in recent years, this Senator has called attention to similar erroneous labeling.

If the "obvious starter" recommended by Time magazine were made, and the $5.7 billion for fiscal year 1969, were scrapped, here are some of the items that might be deleted:

There might be deleted from this budget approximately $2 billion for the purpose of distribution of food stamps, school lunch programs, school milk programs, direct distribution of food to institutions and other programs, despite the fact that this year the heaviest of emphasis is being placed on the problem of feeding the hungry.

There is also programs for the revitalizing of rural areas which might be deleted, despite the fact that more than one-half of the poor of the Nation live in rural areas. There is a substantial item in the budget for that. And if we are to ease the pressure of the ever-growing population upon metropolitan centers caused by migration from the rural areas, one of the necessary antidotes is to see that there be improvement in the living conditions in rural areas.

There is another item subject to deletion by the standard of the article, and that is consumer protection. The consumers place great reliance upon these programs, and I will cite some of them.

We had heated debate in the Senate on behalf of the Wholesome Meat Act in 1967, and this program is now administered by the Department of Agriculture. Yet the Wholesome Meat Act would be nothing but words, and cold print, if it were not for the funds needed to put the provisions of the act into effect. The same is true for the Poultry Products Act of 1968. Food inspection, packaging, and labeling, research for better and more economical ways of marketing foods and for preparing and distributing them in proper fashion, are also included in the area of consumer protection.

Sometimes it is said it would be all right to suspend our research, in view of our budgetary stringencies. When such an argument is made, Mr. President, there is an easy way to answer it.

Suppose we had ceased research and development in the field of agriculture 10 years ago. It would be a most interesting compilation to see the list of things which we take for granted today in our Nation's diet and Nation's food basket, which would be missing from the supermarkets today, if research and development had been suspended.

The same thing can be said, and would be said, of a period of time 10 years hence, if we had a total suspension of efforts in that regard from today.

So we get to the figure of $7 billion for the fiscal 1970 estimate, of which $3.9 billion are nonfarm in character, and only $3.1 billion of which would go for the stabilization of farm income, and yet would serve to benefit even others than the farmer himself.

Now let me turn to the programs to revitalize rural areas.

PROGRAMS TO REVITALIZE RURAL AREAS

Besides farm payments which aid the farmers' income, there are other vital programs assisting the towns of rural America to pursue renewal and revitalization. The appropriations for the Farmers Home Administration, the Rural Community Development Service, the Rural Electrification Administration, and the Soil Conservation Service are items of great importance to such rural renewal.

One example of the services offered under these programs might be the rural water and waste disposal grants. The original figure in the budget was $28 million for this item. It now stands, as a result of Senate action, at a total of $46 million. This is a program of great value, because of its impact upon checking the migration of rural people into metropolitan centers.

During the hearings of the Agricultural Appropriations Subcommittee, Mr. James Smith, Administrator of the FHA testified as follows in response to one of my questions:

> If we are to revitalize rural America, water and waste disposal grants with loans based on ability to repay are vital investments in the future of small rural towns. Without a development grant to defray a part of the cost, many rural communities cannot finance the total cost of a water or waste disposal system. Adequate public facilities in rural communities provide a basis for economic growth. After water or waste disposal systems have been constructed, new houses are built, industry expands and the social and economic life of the community improves. Adequate facilities must be provided to stem the flow of outmigration from rural communities to urban centers.

I could not agree more.

No doubt should be left lingering on this point. The problems and fate of the small towns of America are inexorably interwined with the problems and fate of our urban centers. There are now 130 million people living in big cities whose total area covers hardly more than 1 percent of the United States. The rest of the country with its vast natural resources, remains relatively underpopulated and underdeveloped; and yet thousands of small cities and towns are almost ideally situated to accommodate industry, business development and more people. The efforts of the Department of Agriculture in these rural development programs deserve the support of my colleagues in this Senate because of the help that they will provide to a vast part of the American population to attain a more normal way of life.

Farmers, too, have as much or more to gain than anyone from the development of rural America. It will bring more local processing and packaging of farm products, as well as increased local consumption and demand for various products of the land. It will mean more local opportunities for farm as well as nonfarm families. There would be more incentive to build for the future. Farming will become increasingly related to the total land economy.

CONSUMER PROTECTION

Another item which I have already commented upon is consumer protection—those programs providing protection for the consumer, for his health, for his dollar spent on food, and for his environment.

The Consumer and Marketing Service is most responsible for the programs which protect the consumer's health and pocketbook. It supervises the mandatory meat and poultry inspection programs to assure that all meat and poultry products shipped in interstate and foreign commerce are wholesome.

Additional funds are needed under these programs to provide a continuing high level of Federal inspection of products in interstate commerce. The increasing use of new convenience foods in both the food service industry and households, and the greater use of prepackaged meat products are requiring a growing program need of inspection. Also, slaughter inspection and processing inspection require increased funds to keep pace with increased industry activity to insure that no adulterated, contaminated or diseased products reach the consumer's table. It is a small price to pay for the commendable protection achieved.

The Packers and Stockyards Administration serves the consumer with equal diligence in similar fashion. The main objective of this service is to maintain free competitive practices in the marketing of livestock, meat, and poultry. It operates currently to suppress monopoly, fraud, or restraints of trade in the marketing of $15 billion worth of livestock,

nearly $2 billion worth of live poultry, and about $20 billion worth of meat and dressed poultry annually. The effect is to aid the consumer in obtaining the greatest bargain in America—food.

Consumer protection also includes the research activities on agriculture-related pollution.

An estimated $1 billion annually would be required for the first 5 years to fully implement the total projected program for controlling agriculture-related pollution, according to one recent report. This amount represents an increase of approximately 60 percent over current funding. The largest expenditures projected in this report are by the Department of Agriculture.

The conscience of the Nation has been directed with great intensity toward this field. Budget cuts prevented any such undertaking by the Department of Agriculture in fiscal 1970, but certain modest activities have been encouraged by the Senate committee. One such activity is research in animal waste management. The volume of wastes from livestock and poultry production is estimated at 1.7 billion tons annually. About one-half of this amount is produced by animals in concentrated production systems, such as feedlots. Statistics on animal waste show that one steer is equivalent to 16 people, so the impact of a large feedlot is readily imaginable. These animal wastes are a growing concern in the abatement of water, air, and soil pollution. The Senate committee added $250,000 to the budget of the Agricultural Research Service to stimulate greater effort in this area of research.

In light of the conclusions of the pending publication of a National Academy of Sciences-National Research Council report on persistent pesticides and their effects on man, agriculture, and the environment, I must emphasize the need for the Department of Agriculture to undertake studies on the possible long-term effects of low levels of persistent pesticides. The Department budget contains an item of $100,000 for a pesticides coordination fund for control and regulation work related to the registered uses of pesticides. This might be the appropriate fund to be used to encourage research in earnest.

Mr. President, on this issue I ask unanimous consent that a letter and report from Dr. R. J. Anderson, Associate Administrator of ARS, to Senator HOLLAND be included in the RECORD at the conclusion of my remarks. It reflects a growing concern about pesticide pollution.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, briefly, another area of such research is the expanded enforcement activity under the Federal Insecticide, Fungicide, and Rodenticide Act. Under this act, the Department seeks to protect the public from misbranded, adulterated, unsafe, and ineffective pesticide products. The Senate committee restored the budget item to the amount of $4,106,100, as requested by the Department but reduced by the House.

LIVESTOCK AND CROP REPORTING

Two items remain which I wish to discuss. These items relate very closely to my home State of Nebraska because they deal with livestock which is Nebraska's greatest industry. Neither of these items had been included in the Department budget, nor had they been included in the House-passed bill. However, the Senate committee after careful consideration placed these items in the budget because of their importance to the livestock industry.

The first item is $1 million to initiate a multiframe sampling program to improve the accuracy and reliability of livestock estimates, with particular emphasis on cattle and hogs. In the past, the livestock industry has suffered disastrous consequences as a result of unreliable statistics. A multiframe sampling program seems to be the best answer. It will get away from voluntary response to questionnaries in trying to arrive at estimates, and trying to go about it in a little more affirmative and positive scientific fashion.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. HOLLAND. In addition to all his other services in the drafting of this bill, I want the RECORD to show that the Senator from Nebraska was the moving force in connection with this improvement, and it will be a very great improvement, in collecting statistics on livestock, meaning beef and hogs, and I want him to have credit in the RECORD for having initiated and seen through this important amendment.

Mr. HRUSKA. I thank the Senator from Florida very much.

It is not easy to get enthusiastic about an improvement in statistics reports, Mr. President, but all farm marketing, both crops and livestock, in 1968 totaled $44 billion. Out of that total, livestock and livestock products accounted for 58 percent. They accounted for a total of over $25 billion. Unless we have reliable marketing statistics, the basic statistics that will enable advantageous marketing of commodities, somebody is going to get caught short and be exploited. That has no place in our system of economics, and our system of marketing in this country.

No industry as big in the United States has had to depend on such inadequate government statistics as has the livestock industry. I am pleased this vital sampling program can be initiated this fiscal year.

So, I am happy that the alteration was made. I do hope that it will be sustained through the final stages of the legislation.

I am also pleased that the committee recommended the full budget amount of $140,000 for probability surveys of farm grain stocks, $374,000 for research to improve agricultural statistics, and $320,600 to reinstate a number of crop and livestock estimates that had been proposed to be discontinued in the budget. Many of these reports are of vital concern to the farmers and ranchers of the Midwest.

The other item related to livestock is the amount of $500,000 granted by the committee for development funds for the U.S. Animal Research Center at Clay Center, Nebr.

For too long there has been an imbalance between the resources we have invested in crop research against those invested in animal research. Over the past 12 years, the Department of Agriculture has been spending two and three times more dollars each year for crop research than for animal research, although livestock marketing receipts are about 57 percent of total farm cash receipts. It was high time to bring about a better balance in the research budgets between the two segments of our farm economy, recognizing their relative importance in dollar terms.

Mr. President, I express my congratulations to the chairman of the committee for another job well done, and I hope as we proceed to the consideration and approval of the bill that we will listen well to his wise counsel because every one of the decisions made in the final text of the pending bill is the result of his careful examination and experienced judgment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. HOLLAND. Mr. President, I am glad for another reason that the Senator has brought the point out, because it not only points out that the livestock industry amounts to something like 58 percent, as I believe the Senator stated, of the total marketings of all agricultural products of the Nation, but also when we add to that the other non-price-supported commodities, most of them being highly perishable, such as poultry, fruit, and vegetables, we get up to somewhere between 70 and 75 percent, as I recall, of the total agricultural production of the Nation that is not under any price support program. We must look to the initiative of the producers and to such Government assistance as can properly be rendered through research and in providing statistics relating to the commodity and things of that kind, which are about all that Government can do.

I think it is good for the public to know that with all of the talk about price supports, the fact is that by far the largest part of our agricultural production gets no price support whatever and wants none.

Mr. HRUSKA. That is correct. This production is out in the competitive market, and it should have all of the implements and tools it can get to make sure that the marketing systems are operating fairly and to the advantage of the producers, marketers, distributors, processors, and also the consumer.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an analysis by value and percentage of all farm marketings and subdivisions thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HRUSKA. Mr. President, in conclusion, I again congratulate the committee chairman and also the staff for their very loyal and very fine work on the pending bill.

EXHIBIT 1.—BUDGET OUTLAYS—FISCAL YEARS 1968, AND ESTIMATED 1969 AND 1970

[In millions]

	1968	1969 estimate	1970 estimate
Programs which clearly provide benefits to consumers, businessmen, and the general public:			
Programs having foreign relations and defense aspects:			
Sales of agricultural commodities for foreign currencies and for dollars on credit terms (title 1, Public Law 480)	$860	$661	$560
Commodities and other costs in connection with donations abroad (title II, Public Law 480)	334	376	365
Transfer of bartered materials to supplemental stockpile (net)	24	−2	−3
Donations of dairy products to armed services and others	15	17	20
Other		1	
Total	1,243	1,053	942
Food distribution programs (domestic):			
Commodities distributed to the needy and others	394	592	717
Food stamp program	185	273	338
Child nutrition programs	217	246	368
Special milk program	104	104	15
Total	900	1,215	1,438
REA and FHA repayable loans:			
REA loans	495	528	555
Repayments of principal and interest	−304	−296	−306
FHA loans	104	−191	−274
Salaries and expenses for loan programs	77	80	106
Total	372	121	81
Long-range programs for the improvement of agricultural and natural resources:			
Forestry	188	189	162
Agricultural and forestry research	270	264	264
Plant and animal disease and pest control	84	88	89
Soil and water resource protection and development:			
Agricultural conservation program	252	249	242
All other	276	307	303
Cooperative agricultural extension work	90	97	101
Inspection of commodities and other marketing services	92	121	144
All other	90	94	119
Total	1,342	1,409	1,424
Total	3,857	3,798	3,885
Other programs which are predominantly for stabilization of farm income, but which also benefit others: CCC price-supported and related programs:			
CCC loan, purchase, export, and related programs	473	511	−361
Storage, handling, and transportation expenses	92	140	151
Interest expense (net)	311	299	290
Acreage diversion payments:			
Feed grains	510	595	632
Wheat		35	80
Cotton	244	103	31
Price-support payments:			
Feed grains	322	628	710
Cotton	611	642	799
Wheat certificate program	342	361	348
National Wool Act program	70	62	56
Total	2,975	3,376	2,736
Cropland adjustment program—adjustment payments	79	77	78
Conservation reserve program	122	109	40
Federal crop insurance program (net)	15	1	
Sugar act program	84	96	96
Salaries and expenses for above programs	176	193	189
Total	3,451	3,852	3,139
Grand total	7,308	7,650	7,024

EXHIBIT 2

[Report on Pesticides and Their Effects on Man, Agriculture, and the Environment]

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
Washington, D.C., June 4, 1969.

Hon. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies Committee on Appropriations, U.S. Senate.

DEAR SENATOR HOLLAND: During the past few weeks a great deal of interest has been expressed regarding the pending publication of a National Academy of Sciences-National Research Council report on persistent pesticides and their effects on man, agriculture, and the environment. The Department has just received the first few copies of this report and I am enclosing one for your reference. Additional copies are being printed and I will see that each member of your subcommittee receives one.

Sincerely yours,

R. J. ANDERSON,
Associate Administrator.

CONCLUSIONS AND RECOMMENDATIONS FROM NAS–NRC REPORT ON PERSISTENT PESTICIDES

CONCLUSIONS

1. Persistent pesticides are contributing to the health, food supply, and comfort of mankind, but, in the absence of adequate information on their behavior in nature, prudence dictates that such long-lived chemicals should not be needlessly released into the biosphere.

2. Although persistent pesticides have been replaced in some uses and are replaceable in others, they are at present essential in certain situations.

3. No decrease in the use of pesticides is expected in the foreseeable future. On a world basis, increased use is probable.

4. Although the use of DDT has decreased substantially, there was no important change in the use of other organochlorine insecticides in the United States during the 10-year period ending June 30, 1967.

5. Available evidence does not indicate that present levels of pesticide residues in man's food and environment produce an adverse effect on his health.

6. Registration requirements for persistent pesticides appear to provide adequate safeguards for human health, but continuing attention must be given to accommodating new knowledge and insuring against subtle long-term effects.

7. Residues of certain persistent pesticides in the environment have an adverse effect on some species of wild animals and threaten the existence of others.

8. The availability and low cost of effective persistent pesticides have slowed the development and adoption of alternative methods of control.

9. Work on nonchemical methods as alternatives to persistent pesticides has been emphasized in recent years, and continued support for this work is needed.

10. Inadequate attention and support are being given to developing pesticidal chemicals and to improving techinques for using them.

11. Persistent pesticides are of special concern when their residues possess—in addition to persistence—toxicity, mobility in the environment, and a tendency for storage in the biota.

12. A few organochlorine insecticides and their metabolites have become widely distributed in the biosphere, appearing in the biota at points far from their places of application.

13. The biosphere has a large capacity for storage of persistent pesticides in the soil, water, air, and biota, but little is known concerning amounts of persistent pesticides and of their degradation products that are stored in the biosphere.

14. Knowledge is incomplete concerning the fate and degradation of persistent pesticides in the environment, their behavior in the environment, the toxicity of the degradation products, and the interaction of these products with other chemicals.

15. Present methods of regulating the marketing and use of persistent pesticides appear to accomplish the objectives of providing the user with a properly labeled product and holding the amounts of residue in man and his food at a low level. However, they do not appear to insure the prevention of environmental contamination.

16. Public demand for attractiveness in fruit and vegetables, and statutory limits on the presence of insect parts in processed foods, have invited excessive use of pesticides.

17. The National Pesticide Monitoring Program provides adequate information about residues in man and his food, but it does not provide adequate information about the environment generally, because it can detect changes in residues only in selected parts of the biosphere.

18. Contamination of the biosphere resulting from the use of persistent pesticides is an international problem. Changes in techniques for using these pesticides and the substitution of alternatives here and abroad are questions of immediate concern to all mankind.

RECOMMENDATIONS

The Committee recommends—

1. That further and more effective steps be taken to reduce the needless or inadvertent release of persistent pesticides into the environment.

2. That, in the public interest, action be increased at international, national, and local levels to minimize environmental contamination where the use of persistent pesticides remains advisable.

3. That studies of the possible long-term effects of low levels of persistent pesticides on man and other mammals be intensified.

4. That efforts to assess the behavior of persistent pesticides and their ecological implications in the environment be expanded and intensified.

5. That public funds for research on chem-

ical methods of pest control be increased without sacrifice of effort on nonchemical methods.

6. That the present system of regulation, inspection, and monitoring to protect man and his food supply from pesticide contamination be continued.

7. That the objectives and procedures of the National Pesticide Monitoring Program be reviewed and that the feasibility of obtaining data on quantities of persistent pesticides in the biosphere be studied.

EXHIBIT 3.—U.S. CASH RECEIPTS FROM FARM MARKETINGS

[Dollar amounts in millions]

	1967	1968
All farm markets, both crops and livestock	$42,788	$44,065
Livestock and products, all	$24,405	$25,641
Percent of total	57.0	58.2
Meat animals only	$14,630	$15,499
Percent of total	34.1	35.2
Cattle and calves only	$10,551	$11,366
Percent of total	24.6	35.8
Hogs	$3,780	$3,830
Sheep and lambs	299	303
Dairy products, all	5,770	5,981
Poultry products and eggs, all	3,640	3,828
Miscellaneous livestock products	365	333
Crops, all	18,383	18,424
Food grains, all	2,531	2,362
Wheat	2,066	1,823
Feed crops, all	4,306	4,027
Corn	2,652	2,447
Sorghum grain	612	577
Hay	578	552
Barley	284	266
Oats	180	185
Cotton (including both lint and seed)	1,107	1,359
Tobacco	1,392	1,182
Oil crops, all	2,773	2,666
Soybeans only	2,432	2,289
Vegetables, all	2,634	2,784
Fruits and nuts, all	1,747	2,053
All other (includes sugar)	1,893	1,991

Mr. HOLLAND. Mr. President, I again thank my distinguished friend, the Senator from Nebraska.

It is proper at this time, since we have had several requests for the postponement of consideration this afternoon of specific amendments, that we go through the pending bill amendment by amendment, except as to the ones where we have been requested to postpone action and approve the unobjected-to amendments today so that when we take up these relatively few objected-to amendments on next Monday, we will be confined to them.

The PRESIDING OFFICER. The clerk will state the first amendment.

The first amendment was, on page 3, at the beginning of line 4, insert *"Provided, further,* That the limitations on construction contained in this Act shall not apply to a total of $350,000 for construction of a new animal disease and parasite research facility, at Beltsville, Maryland:".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLAND. Mr. President, I move that we reconsider the action by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the second committee amendment.

The next amendments were, on page 3, at the beginning of line 15, strike out "$130,182,000" and insert "$134,452,000"; and, in line 19, after the word "which", strike out "$710,000" and insert "$2,306,000".

The amendments were agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HRUSKA. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendments.

The next committee amendments were, on page 4, line 11, after "(21 U.S.C. 114b-c)", strike out "$89,493,000" and insert "$92,126,500"; and, in line 19, after the word "exceed", strike out "$1,000,000" and insert "$2,000,000".

Mr. JAVITS. Mr. President, I think we might be able to get rid of the $2 million item if I explain very briefly the story to the Senator.

Apparently the $2 million was supposed to be provided for an animal quarantine station at Fort Tilden. There is some question as to whether the land will be used entirely as a park or a part of it will be used for this quarantine station.

I am told that the committee understands the action and will take account of it in conference or thereafter and that really the matter is up in the air as between two Government departments as to how it is to be determined.

If the Senator would rather pass over the matter, I will try to nail it down between today and next Monday. That would be fine with me. However, I wanted the Senator to be acquainted with the problem.

Mr. HOLLAND. Mr. President, I am simply trying to carry out my statement to the distinguished Senator that I would pass over the two amendments on page 4, lines 11, and 19.

I state now for the RECORD that this item is for the construction of a proposed animal quarantine station at Old Fort Tilden in New York. The construction of a new facility has been in the planning stage for several years and the city of Clifton, N.J., which had the old station has made and is proceeding with plans for the construction of various public buildings in the area being vacated by the old and dilapidated quarantine station.

Everything has been done, I think, including the passage over 4 years ago in Congress of the authorizing legislation.

I would hope that this facility would be allowed to move ahead because it is very badly needed. The old station is not only in great disrepair, but it is also very obnoxious to the citizens of Clifton, as I am told, to have it continue to function there, since they have completed the plans and the financing and all other arrangements for the construction of their new civic center there.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HRUSKA. Mr. President, to supplement this—and I know that the Senator will take the matter into consideration and see that it is fully understood—there was a public law passed in 1964 authorizing the sale of the area presently used for this laboratory in the city of Clifton. That sale was authorized and a sale contract was executed on December 16, 1966, with $100,000 being paid down by the city. The balance of $426,000 was to be paid in fiscal year 1970 under the terms of the contract. The project has been duly authorized, planned, and designed and the progress must go ahead at this time.

So, had timely objection been raised, perhaps the matter could have been better disposed of. However, at this late hour it is very difficult, it seems to me, to back up, because the U.S. Government has disposed of its present location and needs another location.

Mr. JAVITS. Mr. President, I did not mean to detain the Senate. I thought that the Senator was apprised of the fact that another department of the Government is now proposing to put a park in the site. However, I think under the circumstances, now that I know the intention of the Committee on Appropriations that there shall be this construction on the site, I suggest we pass the matter over.

Mr. HRUSKA. We were aware of that fact. However, the laboratory takes only a part of the area involved and in such a way that it would not be inconsistent with the development of a park tract. I do believe that the Senator upon consideration and full information will see that there is no conflict.

Mr. JAVITS. Mr. President, I have no desire whatever to do anything except what will facilitate the proper course of action, but I would appreciate it, now that I understand the situation, if these two amendments were passed over.

Mr. HOLLAND. I am very glad to do that, with this understanding. The whole Fort Tilden Reservation contains 311 acres. The area sought to be taken for an animal quarantine laboratory is only 27 acres. This leaves the largest part of the tract available for the use which the Senator from New York has mentioned; that is, for use as a public park. While I have no information about negotiations between the Department of the Interior and the Department of Defense, I am told that there is great interest in setting up a park there and that that could be done under this program without any question whatsoever.

Mr. JAVITS. Let me examine into this in the next day or two. In the meantime, I ask that the amendments be passed over.

Mr. HOLLAND. I ask that that be done.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated July 1, 1969, from Mr. Ned D. Bayley, of the Department of Agriculture, to Mr. Raymond L. Schafer, the head of our staff.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 1, 1969.

MR. RAYMOND L. SCHAFER,
Professional Staff Member,
Appropriations Committee,
U.S. Senate.

DEAR MR. SCHAFER: The information you requested on status proposed animal quarantine station relocation site, Fort Tilden, New York, is as follows:

1. *Status of Land Transfer to Agriculture from Defense.*

Defense has excessed approximately 27 acres of land to GSA for transfer to Agriculture.

GSA now making appraisal property, which is last step before processing through Central Office, GSA, and Budget Bureau to complete transfer. Fort Tilden site was selected after detailed review of several possible locations.

2. *Status of Building Design.*

All criteria for new facility completed. Architectural design not yet started; being held pending Congressional authorization to construct. Approximately 40 weeks would be required to complete design and advertise.

3. Agriculture wants to cooperate with Interior in fully utilizing the entire Fort Tilden reservation. We are of the opinion that our animal quarantine operation would be compatible with other use. The Department of Interior does not concur in this opinion.

4. The Department of Interior would like to use the entire area as a recreation center and related supporting facilities.

5. If Agriculture not permitted to utilize Fort Tilden site, it will be necessary to again make survey for suitable site, which would delay construction of the new facility a minimum of two years.

NED D. BAYLEY.

Mr. HOLLAND. Mr. President, I also ask unanimous consent that the justification of this item, appearing on page 24 of the Department's justification, be printed in the RECORD.

There being no objection, the justification was ordered to be printed in the RECORD, as follows:

(f) An increase of $2,000,000 for construction of animal quarantine facilities

Federal laws and regulations require the quarantine of all imported wild and domestic animals, including poultry, upon arrival in this country. Public Law 88–592, approved September 12, 1964, authorizes the sale of the Department's animal quarantine facility at Clifton, New Jersey, to the city of Clifton for public purposes and the establishment of a new quarantine station in the New York-New Jersey port and airport area.

The new quarantine station should be located where most imports arrive. About 85 percent of the animals and birds arrive by air. Several sites for the new station in the New York-New Jersey port and airport area were investigated, including Federal lands. The Department considers Ft. Tilden, New York to be the best location. On August 3, 1967, the House Armed Services Subcommittee on Real Estate approved a request from the Department of Army to release approximately 30 of the 310 acres of land in Fort Tilden for transfer to the Department of Agriculture. As required by P.L. 88–592, the Secretary of Agriculture advised the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture and Forestry of the Senate in a letter dated August 12, 1968, of the facts concerning the proposed site.

The Act provides that the city of Clifton pay to the Department the appraised value of the present property and provides for it not being vacated and surrendered until the new station is ready for operation and the present quarantine functions moved to the new station. The property was appraised at $526,600 and a sales contract executed on December 16, 1966. During fiscal year 1969 approximately $100,000 is available for the development of design and construction plans. The balance ($426,600) is expected to be paid to the Department in fiscal year 1970 which will be used with this proposed increase of $2,000,000 for construction costs of the new animal quarantine facilities.

The proposed increase is required for the construction of new facilities at least equal in capacity to those now existing at the Clifton station. The facilities would include 16 structures consisting of 128 quarantine stalls for animals and birds, and 6 service buildings as follows:

	Square feet
Laboratory-office building	4,000
Receiving center	7,000
Cleaning and disinfecting facility	300
Release building	250
Feed and storage building	750
Equipment shed	2,500
Total square feet	14,800

The new quarantine station would include incineration equipment for safe disposition of animals and birds that die or must be destroyed while in quarantine and the disposition of manure and other potentially dangerous wastes. It would also include a pre-quarantine receiving and inspection area with dipping vat and spraying equipment for treatments against exotic external parasites.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was on page 6, line 4, after "(7 U.S.C. 1704(b) (1), (3))", strike out "$4,500,000" and insert "$5,500,000".

THE PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 6, line 21, after the word "including", strike out "$53,854,000" and insert "$55,189,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 7, line 3, after "(16 U.S.C. 582a–582a–7)," strike out "$2,000,000" and insert "$2,150,000";.

The amendment was agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 7, after the word "research", strike out the semicolon and "$1,000,000 for grants for facilities under the Act approved July 22, 1963 (7 U.S.C. 390–390k)".

The amendment was agreed to.

Mr. HOLLAND. I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 11, after the word "and", strike out "$376,000" and insert "$426,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 17, after the word "all", strike out "$61,175,000" and insert "61,710,000".

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 7, line 25, after the word "Act", strike out "$82,006,000" and insert "$83,621,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, at the beginning of line 8, strike out $375,000" and insert "$500,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, line 8, after the word "all", strike out "$112,391,000" and insert "$114,131,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 8, line 18, after the word "employees", strike out "$10,000,000" and insert "$10,240,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 9, line 5, after the word "possessions", strike out "$3,338,000" and insert "$3,838,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 9, line 12, after "(7 U.S.C. 1621–1627)", strike out "$1,500,000" and insert "$1,635,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 11, line 21, after the word "expended", strike out "$6,209,000" and insert "$5,000,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 12, line 13, after the word "expended", strike out "$57,873,000" and insert "$63,873,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 21, after the word "That", strike out "$3,000,000" and insert "$5,000,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 14, at the beginning of line 8, strike out "$7,452,000" and insert "$10,252,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was in line 12, after the word "That", strike out "$1,500,000" and insert "$3,300,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 15, line 18, after the word "products", strike out "$13,450,000" and insert "$13,562,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 16, line 18, after the word "laws", strike out "$14,950,000" and insert "$16,375,600".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 17, at the beginning of line 17, strike out "$130,867,000" and insert "$134,695,500".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 19, line 7, strike out "$340,000,000" and insert "$750,000,000".

Mr. JAVITS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Will the bill remain open to amendment as to the figures set forth on page 18 from line 7 to line 24, inclusive?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. After the committee amendments have been disposed of, my understanding is that independent amendments may be offered.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). All parts of the bill except those amendments that are agreed to will be open to amendment.

Mr. JAVITS. I thank the Chair. The only reason I raised the question is that provisos are printed in italic. I understand that they are not amendments. I wanted to be certain.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I would greatly appreciate it if the Senator would pass over the consideration of the amendment on page 19, line 7; the amendment on page 19, lines 8 to 12, inclusive; the amendment on page 20, lines 17 to 20, inclusive; the amendment on page 20, line 20, and on page 21, line 2, inclusive.

Mr. HOLLAND. I shall be glad to pass over any amendment the Senator wishes to have passed over. I call his attention to the fact that as to the first amendment he mentioned, we have placed in the bill the largest amount——

Mr. JAVITS. I agree with the Senator. I will ask that that amendment not be passed over.

Mr. HOLLAND. That is not to be passed over.

Mr. JAVITS. Unless some other Senator desires that it be passed over.

The amendment on page 19, line 7, to strike "$340,000,000" and insert "$750,000,000" was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. I understand that the distinguished Senator from New York has asked that the next amendment, covering the special milk program, from line 8 to 12, inclusive, on page 19, be passed over.

I am glad to follow that course.

I understand also that he has requested that the two amendments appearing at the bottom of page 20, beginning with the word "and (c) milk," and extending through the first two lines in line 21, be passed over. I am glad to follow that course.

The PRESIDING OFFICER. That is the understanding of the Chair, also. Those amendments will be passed over.

The next amendment will be stated.

The next amendment was on page 21, line 13, after "(7 U.S.C. 1766)", strike out "$22,937,000" and insert "$23,937,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 22, line 5, after "(7 U.S.C. 1–17a)", strike out "$2,100,000" and insert "$2,321,000".

The amendment was agreed to.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was on page 22, line 20, after the word "Corporation", strike out "$147,420,000" and insert "$146,000,000".

Mr. HOLLAND. Mr. President, the next amendment which starts with the words "*Provided further*" on line 14, page 23, down through line 19 on that page, is an amendment which I have been requested to pass over by the distinguished senior Senator from Delaware (Mr. WILLIAMS), who was detained on other Senate business.

I ask unanimous consent that the amendment to which I have just referred be passed over at this time.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Without objection, the amendment will be passed over.

The next amendment was on page 23, the beginning of line 23, strike out "$89,500,000" and insert "$93,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the able was agreed to.

The next amendment was, on page 25, line 7, after the word "to", strike out "$195,500,000" and insert "$185,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 27, line 4, after "(7 U.S.C. 1838)", strike out "$78,000,000" and insert "$78,600,000"; and, in line 5, after the amendment just above stated, strike out "*Provided*, That no additional agreements are authorized for fiscal year 1970" and insert "*Provided*, That agreements entered into during the fiscal year 1970 shall not require payments during the calendar year 1970 exceeding $99,300,000".

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 27, at the beginning of line 16, strike out "$37,500,000" and insert "$37,250,000".

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 2, after "5 U.S.C. 3109", strike out "$13,389,000" and insert "$13,925,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 9, after "5 U.S.C. 3109", strike out "$3,200,000" and insert "$3,509,300".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 14, after the word "service", strike out "$5,000,000" and insert "$5,459,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 30, line 18, after the word "Library", strike out "$3,200,000" and insert "$3,226,750".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 31, line 6, after the word "Agriculture", strike out "$3,000,000" and insert "$3,050,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 32, at the beginning of line 16, strike out "$320,000,000" and insert "$340,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 33, line 9, after the word "loans", strike out "$83,000,000" and insert $69,600,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 4, after "(7 U.S.C. 1926)", strike out "$40,000,000" and insert "$46,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 10, after "(42 U.S.C. 1486)", strike out "$1,250,000" and insert "$3,700,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the ment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 14, after "(42 U.S.C. 1490c)", strike out "$1,250,000" and insert "$2,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 19, after the word "advances", strike out "$600,000" and insert "$1,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 35, line 7, after "(40 U.S.C. 461)", strike out "$65,000,000" and insert "$67,500,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 1, after "1968", strike out "$2,698,-217,859" and insert "$2,948,217,859"; and, at the beginning of line 2, strike out "$4,965,934,000" and insert "$5,215,934,-000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 14, after the word "exceed", strike out "$31,500,000" and insert "$32,000,-000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 38, line 17, after the word "Act", strike out "$400,000,000" and insert "$420,-000,000;"; and, in line 20, after the word "Act", strike out "$500,000,000" and insert "$515,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 1, after "(7 U.S.C. 1856)", strike out "$750,000" and insert "$1,250,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 14, after the word "and", strike out "thirty (530)" and insert "sixty-six (566)".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I believe that completes action on the committee amendments, except those we passed over. I thank the Presiding Officer for his patience, and I thank the distinguished Senator from Nebraska for his cooperation.

Mr. MONDALE. Mr. President, on May 7, 1969, I wrote to the Secretary of Agriculture, Clifford M. Hardin, and asked him a series of questions concerning discrimination in the Department of Agriculture and in the administration of its programs. These same questions were also submitted to the Department with a number of other questions by the Select Committee on Nutrition and Human Needs on May 27, 1969; the committee asked the Department to reply by June 18, 1969.

It is now July 1, and neither the committee nor I have received any response from Secretary Hardin or the Department of Agriculture.

Since we are now considering Agricultural appropriations for fiscal 1970, I think it important to raise this matter. Before approving billions of dollars of appropriations, the Senate should address itself to the Department of Agriculture's civil right's record—a rec-

ord which raises serious questions as to whether the Department has complied with title VI of the Civil Rights Act of 1964 and Executive orders aimed at preventing discrimination by Federal agencies and by Government contractors.

The following findings by one official indicate that the Department's performance in enforcing title VI may well be worse than that of any other agency of the Federal Government. After expressing "concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs," this official stated:

Patterns of violations of Title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states. . . . An earlier publication of the Civil Rights Commission, Cycle to Nowhere (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI in regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

This is not a partisan matter. These complaints are contained in a letter from Attorney General John Mitchell to Secretary Hardin, dated April 16, 1969. The Attorney General's letter stems from his responsibilities to coordinate the title VI enforcement programs of all Federal agencies under Executive Order 11247; his criticisms were based on a U.S. Civil Rights Commission study of USDA's implementation of title VI.

The Attorney General also recommended to Secretary Hardin specific proposals in four general areas to improve the civil rights compliance program of the Department of Agriculture. They related to organization of title VI enforcement, functioning of the Equal Opportunity Office, program impact, and racial data collection.

For example, the Attorney General recommended that USDA create a centralized office for civil rights enforcement; that it "adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agriculture assistance"; and that it establish a comprehensive racial data collection system that would provide the facts upon which a meaningful compliance review can be based.

I have no idea whether or not Secretary Hardin intends to carry out any of the Attorney General's recommendations. If he has responded to the Attorney General's April 16 letter, this response should be made public.

Regardless of whether he has answered the Attorney General, I again ask Secretary Hardin to inform me and those of you who share my concern for the full and effective enforcement of title VI of his program for remedying the deficiencies which have existed in the past and continue to exist. Does he intend to adopt the recommendations of the Attorney General or does he have a different plan of action? I think that we are entitled to an answer.

In a letter to Representative EDWARDS of California on May 21, 1969, Secretary Hardin expressed his personal determination to eliminate discrimination and stated that the Department was requesting an additional $250,000 for civil rights enforcement in fiscal 1970. But his letter failed to specify the steps he intended to take to eliminate these discriminatory practices and made no reference to the Attorney General's recommendations.

I am pleased to note that the committee has approved the additional $250,000 for civil rights activities in fiscal 1970. And while I am ready to vote for whatever additional funds the Department needs for such activities, the Secretary has yet to define how he intends to improve the Department's civil rights program. It is clear that present enforcement efforts have been completely inadequate. Unless the Secretary significantly reforms this enforcement program, his good intentions are irrelevant.

This is a very serious matter. At a time when we are faced with grave domestic problems and when too many Americans no longer have faith in the ability of Government to remedy their grievances, it is absolutely essential that the Federal Government eliminate all vestiges of discrimination—whether in the implementation of its programs or in its dealings with private contractors.

I therefore urge Secretary Hardin to tell us specifically what steps he intends to take to improve the dismal civil rights record of his Department. He should do so before we act to appropriate funds for USDA programs. We should be confident that the Department is implementing procedures to insure that these funds will not be used in a discriminatory manner and in violation of the law.

Mr. President, I ask unanimous consent that a letter written by Attorney General Mitchell to Secretary Hardin and the questions which I submitted to Secretary Hardin on May 7, 1969, be inserted in the record at this point:

For those interested in examining the report of the Civil Rights Commission on USDA's enforcement of title VI, it is reprinted in the RECORD of May 22, 1969, beginning on page 13456.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 16, 1969.

The Honorable CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C. 20250

DEAR SECRETARY HARDIN: By letter of October 8, 1968, the United States Commission on Civil Rights forwarded to your Department its report on a study of the Department of Agriculture's implementation of Title VI of the Civil Rights Act of 1964 which prohibits discrimination in Federally assisted programs. In connection with our responsibilities under Executive Order 11247 (1965), assigned the Attorney General the function of coordinating the Title VI enforcement programs, of all Federal agencies, we received and have reviewed the report of the Commission based on that study.

Before commenting upon the specific recommendations made by the Commission, however, I want to express our concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs.

The underlying objective of Title VI is to assure that all persons are given a fair and equal opportunity to participate in, and receive the benefits from Federally aided programs. Viewed in terms of the programs receiving assistance from the Department of Agriculture, this objective coincides with the priorities which we understand you have established for your Department that are directed at alleviating hunger and malnutrition among the rural poor and other deprived members of our society.

Title VI took effect on July 2, 1964. Since that time, as pointed out in your predecessor's letter of January 17, 1969, to Mr. Glickstein, the Department of Agriculture had made some progress in eliminating discrimination in programs receiving financial assistance from the Department. Yet patterns of violations of title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states (see Report p. 37). An earlier publication of the Commission, Cycle to Nowhere (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI with regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

In my view it is imperative that your Department develop and implement an effective program to assure compliance with the requirements of law that Federally assisted programs be conducted on a basis which provides for equal opportunity to all; and that it commit its time and adequate resources to accomplish that end.

The recommendations for substantial change which I set forth below reflect our concern over the lack of adequate progress to date.

1. *Organization of Title VI Enforcement.* Our experience with the Title VI compliance operations of other Federal agencies tends to support the view of the Civil Rights Commission that the present office for Civil Rights in the Department of Agriculture be replaced by a centralized Equal Opportunity Office, directly responsible to the Secretary, with authority like that of the Office of Civil Rights at HEW (see 32 Fed. Reg. 15190) and the Assistant Secretary for Equal Opportunity at HUD. The new organization would have responsibility for implementation and enforcement of Title VI, including the authority to initiate all compliance reviews and complaint investigations, and to secure compliance where the reviews indicate lack of compliance. It would also be given authority to conduct negotiations; make settlements; initiate compliance proceedings; refer cases to the Department of Justice for suit where necessary; and work with constituent program agencies at Agriculture in translating equal opportunity requirements into program delivery terms. The director of this Office would need direct and continuing contact with and support from the Secretary, as well as authority commensurate with these responsibilities vis a vis the program administrators. In addition to a substantial staff which should be assigned directly to the new Office, it may be desirable to assign one or more full-time equal opportunity personnel to each of the major Agriculture programs affected by Title VI (FES; C and MS; FHA; and ASCS).

We would also agree with the desirability of combining in this Office all equal opportunity responsibilities, including those derived from Departmental regulations, from Executive Order 11246 with respect to contract compliance, and those concerning the programs directly administered by your Department.

2. *Functioning of the Equal Opportunity Office.* The Commission's report highlights several specific areas where improvement in the effectiveness of the equal opportunity office's functioning might be sought. Of particular interest to us among these findings were those related to (a) clearing up long-standing situations of refusals to file adequate assurances, including the refusals of the State of Louisiana to submit an acceptable plan for its extension service (see page 16 of the Report); (b) increasing the use made by the equal opportunity office of complaint investigations and compliance reviews conducted by the Office of Inspection General, particularly their three-phased audit of the overall civil rights enforcement operation, and their special audit of the activities of six of the State Cooperation Extension Services (see pages 19 and 34–37); and (c) providing a more uniform and comprehensive compliance review procedure for all program areas, supervised by the equal opportunity office (see pages 26–33.)

3. *Program Impact.* The strengthening of the equal opportunity office would be the necessary first step towards improving the Title VI compliance capability of the Department of Agriculture. In addition, we think it important that your Department adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agriculture assistance. Assigning full-time equal opportunity personnel so that continuing day to day liaison with program personnel can be maintained, and organizing a training program specifically designed to relate to the types of assistance provided by your Department, are two methods mentioned in the Commission's Report for moving towards this objective which we support.

4. *Racial Data Collection.* We agree with the Commission that there is a need for establishing a comprehensive racial data collection system that would provide a meaningful factual foundation upon which follow-up efforts aimed at improving minority group participation can be based. We believe this to be an essential part of any effort aimed at making the equal opportunity requirements of Title VI meaningful in program terms.

Although a Committee of Program Review and evaluation has been created in your Department, I understand that this Committee has not considered its mandate broad enough to implement a uniform agency-wide policy for data collection and evaluation in terms of minority group participation. The providing of such authority, either as part of the function of a reconstructed equal opportunity office, or as a responsibility to be shared between that office and the regular program, planning and budgeting staff, would be one available method for initiating the data collection and evaluation function at your Department.

I hope that these comments, in conjunction with the more detailed findings and recommendations of the Commission's Report will be of some assistance to you.

If you feel that it would be useful, the Attorney General's Special Assistant for Title VI would be available at your convenience to discuss the Commission's Report and our comments with your representative, and perhaps also a representative from the Civil Rights Commission.

I will be looking forward to your response.

Sincerely,

JOHN MITCHELL,
Attorney General.

QUESTIONS SUBMITTED TO SECRETARY HARDIN ON MAY 7, 1969

1. As Attorney General Mitchell observed in a letter to you on April 16, 1969, which he based on a July, 1968 report from the U.S. Civil Rights Commission titled *The Mechanism for Implementing and Enforcing Title VI of the Civil Rights Act of 1964*, "meaningful enforcement of Title VI (by USDA) in regard to the Cooperative Extension Service and other programs of your department could contribute to your effort to alleviate hunger and rural poverty."

The Attorney General also expressed to you his concern as to the adequacy and effectiveness of the Department's civil rights enforcement program.

What are your plans for assuring non-discrimination under Title VI in the Department's Extension Services, where the Department itself has documented such discriminatory practices as assigning extension workers on the basis of race? (Since there are far fewer Negro extension agents, this practice means that Negro farmers do not receive a fair and adequate share of the services provided.)

What action will be taken to upgrade the civil service ratings of Negro Extension Agents who, with more education than some of their white counterparts, presently hold lower GS ratings than some white extension agents?

2. Who in the Department has direct charge of negotiating civil rights compliance plans for the State Extension Services?

3. It is my understanding that under consideration in the Department is the transfer of Title VI enforcement in the Extension Service to HEW. Is such a plan under consideration, and if so, would you submit a copy of the plan to the Committee?

4. Attorney General Mitchell's letter of April 16 endorses the Civil Rights Commission recommendation that USDA's present office of civil rights compliance, now headed by an assistant to the Secretary, be replaced by a centralized equal opportunity office, directly responsible to the Secretary, similar to that in operation at HEW. Do you plan to implement this recommendation by the Civil Rights Commission?

5. It is my understanding that new members to State ASCS Committees have been named in several States. Please submit a list of those named since January 20, and their race.

6. On page 4 of the July U.S. Civil Rights Commission Report are listed various audits by the USDA Inspector General bearing directly on civil rights compliance by the agencies directly responsible for nutrition and nutrition education, the Consumer and Marketing Service and the Federal Extension and State Extension Services, and other USDA agencies. I ask you to make these reports available to the Committee. They are:

USDA–OIG Audit of Civil Rights Activities in the Federal Extension Service, 6041–6-h; Forest Service, 6041–7-h; Agricultural Stabilization and Conservation Service, 6041–4-h; Consumer and Marketing Service, 60415–H; and six Cooperative State Extension Services (6065–17T; 6065–17-A; 6065–1-T; 6065–1-A; 6065–26-T; and 6065–20-W).

7. From the inception of its loan program for rural outdoor recreational facilities, through May 1968, the Farmers Home Administration, USDA, made loans to racially segregated golf and country clubs. In May 1968, the Attorney General ruled that such loans were subject to Title VI of the Civil Rights Act. Will this rule be applied retroactively to FHA loans made to segregated clubs before the May 1968 ruling?

SUBSIDY PAYMENTS

Mr. FANNIN. Mr. President, the American system of government created by our Constitution embodies many significant departures from the habits and customs of Europe and the Old World.

In the first 150 years of the life of the Republic the contrast between our system and the old system was particularly noticeable in the area of the relationship established between the economic community and the governmental institutions. We avoided Government-approved or Government-sponsored business cartels. With few exceptions the business community operated and prospered without assistance or subsidy from the Government.

During that period in the 19th century when the Nation was expanding westward the Government did make available certain land areas to the railroad builders and free public land to the homesteaders. And some observers of our history have severely criticized both of these intrusions by Government into the private economic sector, as examples of unwarranted favoritism.

We all remember that in the initial phase of the development of an air transport system the airlines were subsidized through contracts to carry the Government mail. The major air carriers have now outgrown the need for this help. We know that the shipbuliding industry is continuing to receive governmental assistance, that industries expanding to meet national defense needs are given an advantage over those plants and factories devoted entirely to producing for the civilian markets.

Commencing in the early 1930's the Federal Government embarked on a policy of subsidies purportedly designed to preserve the economic position and the independence of the American farmer.

Billions of dollars of public money have been employed in this century in an effort by Government to support particular sections of the economy. These pro-

grams have not been notably successful. The taxpayer resents paying subsidies—and the recipient resents the governmental restrictions and controls that invariably accompany governmental subsidies.

Responsible representatives of the agricultural section are convinced that the present program is wasteful, that it has on balance been a failure, and that American agriculture today should be returned to a free market.

I agree with that conclusion, but I must emphasize that for almost 40 years we have used the power of Government regulation and Government subsidy to inhibit the American farmer.

It has taken us 40 years to arrive at the situation which now confronts us, and in returning the farmer to the free market we must proceed with caution. To end the farm subsidy program tomorrow, or next year, would create chaos, and would inflict grave injury on American agriculture. But our first step must be to declare unequivocally that it is our aspiration and our intention to move gradually over a specified number of years to eliminate the inhibiting controls, end the subsidies, and to reestablish the American farmer as an independent member of the free market, free enterprise system.

We all have nostalgic memories of the family farm. Thirty-five years ago there were 32 million Americans, 25 percent of our population, living on farms. They were having a difficult time to make ends meet. The technological developments were threatening to overwhelm them, so the Government commenced its program of subsidy—to make it possible for the family farmer to survive as a viable economic unit.

Today there are only about 10 million of our people living on farms. This amounts to 5 percent of our present population.

Farms have become mechanized. Farming has become a scientific, single product operation, and no longer does the subsistence aspect attract the farmer. The family cow and the family pigs and the family garden have all given way to the industrialized farm supervised by graduates in agriculture and horticulture and supported by scientists and the new fertilizers and the new seeds.

As the result of these improvements, the number of individual farms has dropped from 6.6 million to less than 3 million, but our agricultural output has almost doubled, and no nation on earth has a better record for producing the feed and fiber necessary to support its population.

Farm employment has declined from 12 million to under 5 million. Fifteen percent of the Nation's farms today produce 70 percent of the Nation's farm output.

The American farmer is ready to take his place in our highly technological, industrialized economic system. But he is hampered and inhibited by Government controls and seduced by the promises of Government largess. And for all his progress, and all his devotion, and all of the new skills he brings to his appointed task, the farmer today does not enjoy an income comparable to the incomes earned in industry or business or the professions.

Mr. Charles B. Shuman, president of the American Farm Bureau Federation, on April 3, of this year outlined his position on the major provisions of the Agricultural Act of 1965:

> Farm Bureau vigorously opposed the major provisions of the 1965 Act. Our members are even more convinced today that the programs authorized by this Act are not in the long-time best interests of producers, consumers, or taxpayers.
>
> Briefly, our principal reasons for opposing these programs are as follows:
>
> (1) Government supply-management has not worked.
>
> (2) Government-owned stocks are bad for farmers.
>
> (3) The operation of government supply-management programs depends on political decisions.
>
> (4) These programs make farmers dependent on government payments for a substantial part of their net incomes.
>
> (5) Government supply-management programs create pressures for international commodity agreements.

I have consulted with farm leaders here in my own State and in the Nation. I have found general agreement that the bill introduced by Senator EVERETT DIRKSEN is a step in the right direction—a beginning on a slow, carefully thought out program to free the American farmer, to ultimately end the subsidies, and to restore agriculture to a competitive position in the free markets of the world.

The purpose of that bill is clearly spelled out.

First, to increase per family farm income.

Second, to bring the supplies of cotton, wheat and feed grains and soybeans into line with current demands.

Third, to decrease the public costs of maintaining farm programs.

I am supporting this legislation and intend to do whatever is necessary to ultimately end the waste of subsidy, and to strengthen the market for agricultural products so that our farmers can produce the abundance we need and receive a fair return on their labor, their capital, and their skills.

LIMITATION ON AGRICULTURAL PAYMENTS

Mr. INOUYE. Mr. President, I rise today in opposition to the proposal to limit the amount of agricultural payments any one producer can receive. While this amendment does not in its present form apply to sugar, I am certain that should this move be successful, as it has been on the House side, attempts will surely be made to include the sugar under this payments limitation either this year or next year. I do not believe I am exaggerating to say that should such an amendment limiting sugar payments be adopted, it would destroy the sugar industry in my State and have an extremely disastrous effect on Hawaii's economy. The sugar industry is one of the most important income-producing industries in Hawaii.

At the present time, the sugar industry in Hawaii employs approximately 11,300 persons on a year-round basis, with an annual payroll of $71.7 million including the cost of benefits making them the highest paid agricultural workers in the world. I believe these figures alone adequately explain the effects this payments limitation would have on the economy of our small State.

It is expected that the application of such a payments limitation amendment could lead to very desperate times for the industry in Hawaii. Not only would some sugar plantations go out of business, but at the present time, there is no alternative use possible for most of the sugar lands. Only a very small fraction of the land could be used on an income-producing basis.

My opposition to the payments limitation is based on the unique nature of the present sugar program administered by the Federal Government. In 1934, the Congress enacted the Jones-Costigan Sugar Act. The essential features of the sugar program as it exists today are based on the 1934 act. At that time the Congress did not believe that it had the constitutional power to directly regulate the sugar production; however, it was acknowledged that the Congress had the power to tax. Therefore, a plan was devised which would tax the sugar industry for every hundred pounds of sugar produced. The major part of the revenue raised in this manner would then be returned to the producer who complied with the certain regulations such as to limit the crop to a particular quota for an area; employed no child labor; paid a minimum wage established by the Department of Agriculture. Thus, the sugar payments paid to producers are not a subsidy, but rather a refund of the taxes the producer pays, as long as he complies with certain prescribed regulations. Therefore, the sugar program as it was first established was merely a device to regulate the production of sugar since the Congress was in doubt as to its power to limit production. While the doubts as to the constitutionality of regulating agricultural production have been allayed; the form of the sugar program had not changed.

The compliance payments a producer can receive start at $16 a ton and decrease to $6 a ton with an increasing volume of production. Since most of Hawaii's sugar production is grown on large farms, these producers receive less in payments than they pay in taxes. Last year according to figures compiled by the Department of Agriculture Sugar Act payments to producers in the State of Hawaii amounted to $10,861,000, while the excise tax paid by Hawaii farms amounted to $12,321,820. Therefore, Hawaii producers pay more in taxes than they received in compliance payments. Granted the lower payments are basically a result of the large farms in Hawaii. However, the high cost of production and marketing make necessary the economies resulting from large modern farm operations. Hawaii's closest market is 2,400 miles away on the west coast and most of Hawaii's sugar is also refined there. In addition, much of Hawaii's land is mountainous and unsuitable for cultivation. Therefore, a large portion of the land planted in sugarcane must be irrigated—a very costly process. The modern equipment and machinery necessary to keep this product competitive with mainland beet sugar are also extremly expensive, thus

making it most difficult for small farms to survive.

The excise tax collection from sugar producers goes into the general fund of our Treasury and it is interesting to note that since the sugar program began these taxes have exceeded producer payments by $594.9 million. Therefore, I submit that the sugar program is a self-supporting one and clearly distinguished from other agricultural programs currently administered by the Federal Government.

I, therefore, urge that the payments limitation amendment be defeated and at the very least that sugar be excluded from its coverage for the reasons stated above. However, should this amendment be accepted and it include sugar, I intend to call up my amendment to revise the present Sugar Act. This act is a comprehensive scheme of economic regulation. It is a balanced whole. Should a $20,000 payments limitation be voted, the sugar producers would still be required to pay the excise tax. Producers in my State would pay approximately $12 million and receive only $1,639,000 in return. To change the amount of compliance payments while not abolishing the excise taxes would work an undue and unjust hardship on the sugar industry. No other agricultural industry pays such taxes and I believe that no other farm program can claim to be self-supporting. Therefore, I am today submitting such an amendment to remove the excise taxes, if a payment limitation for sugar is enacted. To me, this is the very least that should be done.

In closing, I would like to summarize the reasons for my opposition to the payments limitation. Other States would also be severely hurt economically by a payments limitation. However, I submit that it would be particularly damaging to Hawaii, because of its geographic position and the reliance of our State's whole economy on sugar production. Second, the sugar program as presently devised is a self-supporting program with the payment of excise taxes and the return of a portion of these taxes as compliance payments. These payments are not subsidies, but are payments made to producers for complying with certain regulations.

AGRICULTURAL CONSERVATION PROGRAM

Mr. PERCY. Mr. President, I am in support of the agricultural conservation program for 1970—just as I support the future of America and the wise use of all her resources.

The ACP program performs a valuable function precisely at a time when conservation, pollution, and environmental questions are at a historic high point in terms of public interest and concern. The ACP program gives farmers and ranchers the incentive and the ability to embark on conservation work. We need to do more conservation work on our land and water resources. Proposals earlier this year to cut out all funds for the ACP in fiscal 1970 would have postponed conservation treatment of our land and water. This would have increased the ultimate cost and at the same time added to the costs which the public suffers from sediment and other pollutants resulting from inadequate treatment of the land on farms and ranches.

I am pleased to see that the Senate Agriculture and Forestry Committee has restored the ACP program to the level of $185 million. This is not as high as the $220 million authorization level of the past 14 years, but we must also face up to the fiscal realities of this country and reduce budgets where possible to help curb inflation. But at least the value of this program has been recognized again and its valuable work can be continued.

THE NEED FOR IMPROVEMENTS IN THE HOG CHOLERA ERADICATION PROGRAM

Mr. BAYH. Mr. President, the distinguished Senator from Florida (Mr. HOLLAND), I am sure, has many requests for additional funds. I know that he weighs each one of the measures with great care.

I have corresponded with him on one occasion concerning the need to make improvements in the hog cholera eradication program, improvements designed to assist the average farmer whose herd is condemned in an attempt to prevent spreading.

Mr. President, the Federal Register for May 24, 1969, carried a final notice that effective today, July 1, 1969, the modified live vaccine could no longer be shipped in interstate commerce. The modified live vaccine for many years the most potent weapon in the farmers' fight against hog cholera, was found by Department of Agriculture officials, in a number of cases, to actually be the cause of the dreaded disease.

In an effort to meet the 1972 deadline for the complete elimination of hog cholera, as called for in the Hog Cholera Eradication Act of 1961, the Agricultural Research Service has acted to speed up the four-phase eradication program. The emphasis, in all States, will now be on the immediate and complete depopulation of infected and exposed herds, accompanied by a Federal-State indemnity payment to the owner. The indemnity payment is based on a 50–50 Federal-State cost sharing formula that is designed to compensate the owner for the true value of the animal. The cost sharing responsibilities permit the States to maintain an important regulatory function within the overall cooperative effort.

My interest in this little noticed, but very significant change stems from my own farm background and from the fact that Indiana is one of the leading agricultural States in the Nation. The swine industry contributes over $1 billion annually to Indiana's economy and the present market value of our swine population is upward of $450 million. In addition, Indiana is a large importer of feeder pigs, with approximately 823,000 feeders shipped into the State last year. This particular aspect of our swine industry, not characteristic of other States, poses a number of complications for our eradication program. Despite these difficulties, Indiana, in cooperation with the Agricultural Research Service of the Department of Agriculture, has met its obligations under the eradication program.

The Department of Agriculture's initial proposals to discontinue the use of the vaccine, published in November 1966, and again in April 1969, naturally occasioned a great deal of interest in Indiana. In view of the favorable experiences many Indiana farmers have had with the modified live vaccine over the years, there was legitimate concern about the effect of this changeover, from reliance on the vaccine to depopulation. As many a Hoosier farmer pointed out, even an indemnity payment based on the full market value of the swine could never really replace the slaughtered animal. Furthermore, under proposed changes it is not merely the infected swine that may be slaughtered, but all so-called "exposed" hogs.

In an effort to learn, firsthand, what Hoosier farmers thought about the eradication program and what they thought needed to be done to improve it, I have met and talked with a number of pork producers in Indiana the last few months. As a result of discussions with those most affected by the proposed elimination of the vaccine, in April I wrote to Senator HOLLAND, chairman of the Agricultural Appropriations Subcommittee recommending an additional $750,000 for indemnity payments and a serum stockpile. Further, I proposed a revision in the Federal-State cost-sharing formula, calling for increased Federal payments in the indemnity program. Earlier, at a USDA administrative hearing, I had pointed out that for many classes of breeding swine and purebreds, the indemnification figure was much too low.

Recently, Department of Agriculture officials uncovered isolated cases of cholera in a few herds in Carroll and Cass Counties, Ind. In accordance with the guidelines set out in the eradication program, the complete depopulation of three herds was ordered and 5,800 feeder pigs were slaughtered in an effort to eliminate the disease. This incident has brought into focus some of the problem areas likely to plague farmers whose States are now entering the final phases of the eradication program. I am hopeful that we can make the necessary improvements.

In an attempt to evaluate our recent experiences in Indiana and to determine what needs to be done not merely to meet a 1972 deadline but to insure that the farmer and the consumer is adequately protected, I met with officials of the Agricultural Research Service yesterday. As a result of our rather lengthy discussions, a consensus emerged on the need to strengthen and update the indemnification aspects of the program and to provide stricter administration over interstate shipments so that States that are doing the job are not victimized by other States that are less determined in their efforts to eradicate cholera.

In the area of indemnity payments, it was agreed that an immediate overhaul in the level of payments was necessary. Under present Federal regulations, the Department of Agriculture will not pay more than $50 for a purebred swine. Add to that a State matching payment and the maximum indemnification is $100. Needless to say, in many cases of purebreds, $100 is woefully inadequate. As a result of our discussion yesterday, I be-

lieve a more equitable indemnity formula will be forthcoming, one that would permit the Federal Government to pay up to $100 for a purebred, raising the maximum indemnification total to $200. A similar upward adjustment in the indemnity for commercial sows is also necessary. I am hopeful that the Department will accept our suggestions, based upon information developed by Purdue University animal husbandry experts, to increase the maximum indemnification payment for grade animals to $100. Based upon current market prices, these increases are easily justifiable and are necessary if a relatively few individual farmers are not to bear the full burden of this program.

As I pointed out to Department officials yesterday, most of the cholera cases in Indiana—and to date these have been only 21 in 1969—have been of out-of-State origin. Of the 21 cases, 20 have been imported into the State, resulting in State indemnity payments totaling $288,000. In comparison, one case was of Indiana origin and a $1,000 indemnity payment was made to the owner. In an effort to relieve Indiana and other concerned States that have adequate programs from financial burden imposed by States that do not maintain adequate policing of hog shipments, the Department agreed to try to implement a program in which the Federal Government would bear 100 percent of the indemnity payment in those cases where cholera was contracted during interstate shipment. In addition, they agreed to try to implement my proposal that in cases where shipments into a State are quarantined for 21 days, these shipments are, in effect, still in interstate commerce, the Federal Government will bear 100 percent of the indemnity payment for any cholera cases found in that group within the quarantine period.

A final point raised was the need for the Federal Government to temporarily assume the full burden of the indemnity payment in cases where the State may have exhausted all of its appropriated indemnity funds. The Department representatives stated that this could be done on the basis of the State's willingness to cover its share by future appropriations. The object being, of course, that the farmer receive the full indemnity as soon as possible. This approach has worked in other animal disease control programs involving indemnities. There is no reason to believe it cannot work in the hog cholera eradication program.

Based upon the mutual agreements reached yesterday, I have decided to withhold the introduction of legislation, already drafted, to revise the Federal-State cost-sharing formula. I am convinced that if the Department of Agriculture, acting under its own authority, implements the suggested improvements I have outlined, the eradication program will be strengthened to the point where farmer cooperation will make the 1972 deadline a reality.

As I said before, I do not intend, at this time, to introduce the legislation which I have had prepared for some weeks. Hopefully, we can work with the distinguished Senator from Florida and the Agriculture Appropriations Subcommittee, and with the Department of Agriculture to make these necessary improvements through departmental regulation.

Mr. HOLLAND. Mr. President, I understand that as far as this bill is concerned, we are ready to discontinue action on the bill until next Monday when action will be taken and perhaps roll-call votes called for on some or all of the amendments we passed over.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings, which occurred during the consideration of the agriculture appropriation bill, are printed in the RECORD at this point by unanimous consent.)

S. 2524—INTRODUCTION OF A BILL TO PROVIDE FARM SUBSIDIES

Mr. DIRKSEN. Mr. President, my purpose in rising today is to introduce a new farm bill. The distinguished Senator from Florida has already intimated that the Secretary of Agriculture believes that legislation is needed, that other State legislation is needed, and perchance the President and the administration generally feel likewise. I took the liberty this morning, in the course of the White House conference, to acquaint the President with the fact that I proposed to introduce this bill today.

Mr. President, it is obvious to everyone that our present farm program needs to be changed.

Farmers are unhappy with the 1965 Farm Act and want a change after the program expires at the end of 1970. With cotton prices to farmers at only 42 percent of parity, wheat prices at ony 46 percent of parity, grain sorghum prices at 65 percent of parity, and corn prices at only 69 percent of parity—as of the end of May—it is no wonder farmers are unhappy.

It is obvious that taxpayers are also unhappy with the current program for cotton, wheat, and feed grains. When the taxpayer reads about current farm programs costing around $3 billion a year and many farmers receiving in excess of $100,000 in payments and the Congress about to extend the 10-percent surtax for another year, is it any wonder we have a taxpayer revolt on our hands? This is doubly true when farm prices for the commodities covered by these farm programs for cotton, wheat, and feed grains are so low and farmers unhappy with these prices.

The cost of these farm programs has become so excessive that real effort is being made to put a limit on individual payments to farmers. The House just a few days ago, by a vote of 224 to 142, voted to put a limit of $20,000 on payments to farmers under these farm programs. This was done when the House approved the agricultural appropriations bill for fiscal 1970. A year ago the House also approved a limitation on these payments when the 1-year extension of the 1965 act was approved. The limitation of payment came out in a conference with the Senate last year. No one knows what may happen this year.

The point is there is real revolt brewing in both the House and Senate against these big payments going to large farmers and we had better recognize it in this body.

Mr. President, I interpolate here to say that I rather consistently opposed the limitation on payments. I did so because I did not believe that there was any logical ground for doing so. How does one say to one farmer, "You get so much per acre," and say to another farmer, "You get so much per acre," unless one just wants to let them run nilly-willy with their production. Then, of course, the whole objective of the farm program as it is cast today would go down the drain. So, there is no logical basis for it.

More important, this is a reflection of rebellion against the 1965 Farm Act and we had better recognize it in the Congress.

Because of these facts I, along with 18 of my colleagues, am today introducing a new farm bill. This bill is a comprehensive program designed to strengthen marketplace income for farmers, reduce the influence of Government in the management decision of farmers, and provide financial assistance to farmers who need skills training and other forms of assistance in order to develop off-farm income.

For too long the problems of agriculture in the United States have been considered as one big problem. I believe there are two big problems: First, the problem of the commercial farmers; and second, the problem of other farmers. We have been attempting for too many years to apply the same remedy to the ills of both and with very little success.

The bill that I and my cosponsors are introducing today recognizes these differences, and also recognizes that we need to have a transition from the 1965 Act when it expires at the end of 1970.

The principal provisions of this bill are:

First. The 5-year program begins January 1, 1971, and runs through December 31, 1975. It would amend the Food and Agriculture Act of 1965. The program provides for a 5-year transitional period during which acreage controls, base acreages, marketing quotas, processing taxes, and direct payments for wheat, feed grains, and cotton would be phased out.

Second. Limit the total funds that may be spent on all direct payments for wheat, feed grains, and cotton under the Food and Agriculture Act of 1965 to 80 percent of the amount spent on 1969 crops in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

Third. Reduce the cost of wheat certificates to processors to 80 percent of the 1969 level in 1971, 60 percent in 1972, 40 percent in 1973, and 20 percent in 1974.

Fourth. Effective with 1975 crops, discontinue all acreage allotments, base acreages, marketing quotas, processing taxes, and direct payments—annual land diversion, compensatory, and certificate—for wheat, feed grains, and cotton.

Fifth. Continue the cropland adjustment provisions of the act of 1965 with amendments: First, to require that programs be operated on a competitive bid basis with emphasis on whole farms; and, second, to direct the Secretary of Agriculture to retire at least 10 million acres per year in 1971, 1972, 1973, 1974, and 1975.

The Secretary would announce in advance the maximum acreage to be contracted for each year. If accepted bids do not exhaust this acreage, higher bidders could be offered the opportunity to negotiate contracts at the accepted bid level.

Provide that loan rates for wheat, feed grains, cotton, and soybeans shall be set at not more than 85 percent of the previous 3-year average price, beginning with the 1971 crop year.

Prohibit the sale of CCC stocks at less than 150 percent of the current loan rate plus carrying charges, except when sales are offset by equivalent purchases in the open market.

In addition to and conditional on the adoption of the second, third, fourth, and fifth items: Authorize the Secretary of Agriculture to offer a special transitional program in 1971, 1972, 1973, 1974, and 1975, which would be open to any farmer who has had average gross annual sales of farm products of not more than $5,000 and off-farm income of not more than $2,000 per year for husband and wife for the immediately preceding 3 years. Such farmers would be eligible to receive one or more of the following:

First. Compensation for acreage allotments and base acreages surrendered to the Secretary for permanent cancellation. This would apply to all commodities having acreage allotments or acreages. Such compensation would be in addition to land retirement payments under the cropland adjustment program and would also be available to eligible farmers who wish to surrender their acreage allotments or base acreages without participating in the cropland adjustment program.

Second. Retraining grants of not to exceed $1,000.

Third. Adjustment assistance of not to exceed $2,500 per year for 2 years.

Fourth. Loans under existing credit programs further to facilitate the transition of eligible farmers to more gainful employment.

Mr. DIRKSEN. Mr. President, I introduce the bill for myself and Senators MATHIAS, PERCY, MILLER, SCOTT, HANSEN, FANNIN, COTTON, WILLIAMS of Delaware, GRIFFIN, RIBICOFF, SAXBE, DOMINICK, MURPHY, BOGGS, BROOKE, CASE, BENNETT, and JORDAN of Idaho, and ask unanimous consent to have it printed in the RECORD following my remarks.

In connection with its introduction, I give special commendation to my friend, the Senator from Maryland (Mr. MATHIAS) who earlier expressed interest in this matter and came to my office to discuss it, even before we got around to the introduction of the bill.

In addition, the Senator from Maryland has called upon a good many other Senators to ascertain whether they would be interested in becoming cosponsors. I apprehend that in the days to follow, other Senators will want to add their names as cosponsors of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2524) to adjust agricultural production, to provide a transitional program for farmers, and for other purposes, introduced by Mr. DIRKSEN, for himself and other Senators, was received, read twice by its title, referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

S. 2524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Adjustment Act of 1969".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress and the purpose of this Act to increase per family farm net income; bring the supplies of cotton, wheat, feed grains, and soybeans into line with current demand; and decrease the public costs of maintaining farm programs. To effectuate this policy, programs are herein established to assist farmers in (1) obtaining a commodity price in the market place higher than levels at which commodity loans are made available by the Commodity Credit Corporation and fair in relation to prices farmers have to pay; (2) carrying out a voluntary program of soil, water, forest, and wildlife conservation; and (3) achieving, with minimum difficulty, the transition and adjustment where necessary to more gainful employment.

TITLE I—EXTENDING AND MODIFYING THE FOOD AND AGRICULTURE ACT OF 1965; PROVIDING PRICE SUPPORT FOR SOYBEANS

SEC. 101. Titles III, IV, and V of the Food and Agriculture Act of 1965 (79 Stat. 1187) are amended by striking out "through 1970" wherever it appears in such titles and inserting in lieu thereof "through 1974".

SEC. 102. Notwithstanding any other provision of law—

(a) That portion of price support which is made available through loans for the 1971 through 1974 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum under programs enacted or extended by the Food and Agriculture Act of 1965 shall not exceed a loan level of 85 per centum of the average price received by farmers for the commodity concerned, excluding payments made by the Secretary for such commodity, during the three complete marketing years immediately preceding the calendar year in which the marketing year for the crop of the commodity concerned begins.

(b) Total price support and diversion payments (not including payments made under sec. 602 of the Food and Agriculture Act of 1965), including payments in kind, made to farmers by the Secretary of Agriculture under the authority of (1) section 16(i) of the Soil Conservation and Domestic Allotment Act, as amended, (2) sections 101(f), 103(d), and 107 of the Agricultural Act of 1949, as amended, and (3) sections 339 and 379c, d, and e of the Agricultural Adjustment Act of 1938, as amended, shall not—

(A) in 1971, exceed 80 per centum of the total of such payments made in 1969;

(B) in 1972, exceed 60 per centum of the total of such payments made in 1969; and

(C) in 1973, exceed 40 per centum of the total of such payments made in 1969; and

(D) in 1974, exceed 20 per centum of the total of such payments made in 1969.

(c) The Commodity Credit Corporation shall sell wheat marketing certificates, provided for under section 379c of the Agricultural Adjustment Act of 1938, as amended, for the marketing years for the 1971 through the 1974 wheat crops to persons engaged in the processing of food products in an amount equivalent to the following—

(1) for the 1971 crop, 80 per centum of the amount for which certificates were sold for the 1969 crop;

(2) for the 1972 crop, 60 per centum of the amount for which certificates were sold for the 1969 crop;

(3) for the 1973 crop, 40 per centum of the amount for which certificates were sold for the 1969 crop; and

(4) for the 1974 crop, 20 per centum of the amount for which certificates were sold for the 1969 crop.

(d) Effective only with respect to the 1971 through 1974 crops of soybeans, price support shall be made available to producers for each crop of soybeans at a level not to exceed 85 per centum of the average price received by farmers during the three complete marketing years immediately preceding the calendar year in which the marketing year for such crop begins.

SEC. 103. Effective with the 1971 crop of cotton, subsection (e) of section 346 of the Agricultural Adjustment Act of 1938, as amended, is amended by changing the second paragraph to read as follows:

"For the 1971 and 1972 crops of cotton, the annual national export market acreage reserve shall be an amount of acreage determined by the Secretary necessary to produce the amount of cotton which he estimates will be exported in the year the cotton is to be marketed."

SEC. 104. Effective with the 1973 crop of cotton, the Agricultural Adjustment Act of 1938, as amended, is amended by (1) repealing section 346, and (2) changing the colon to a period in subsection (c) of section 347 and deleting the proviso.

TITLE II—TERMINATION OF EXISTING COTTON, WHEAT, AND FEED GRAIN PROGRAMS; ESTABLISHMENT OF PRICE SUPPORT PROGRAM FOR COTTON, WHEAT, FEED GRAINS AND SOYBEANS FOR 1975 AND SUBSEQUENT CROPS

SEC. 201. Notwithstanding any other provision of law, effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, and grain sorghum—

(1) sections 321 through 350 of parts II, III, and IV of subtitle B and section 379a through 379j of subtitle D of title III of the Agricultural Adjustment Act of 1938, as amended, are repealed, parts V and VI of subtitle B are redesignated as parts II and III, respectively, and subtitle F is redesignated as subtitle D; and

(2) subsection (i) of section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p), as amended, is repealed.

SEC. 202. Effective with the 1975 crop of wheat, the Act of May 26, 1941, as amended (Public Law 74, Seventy-seventh Congress, 55 Stat. 203), is repealed.

SEC. 203. Effective with the 1975 crops of wheat, corn, oats, rye, barley, and grain sorghum, section 327 of the Food and Agriculture Act of 1962 (Public Law 87-703) is repealed.

SEC. 204. Effective with the 1975 crops of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans, the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), is amended by—

(1) amending section 103 (7 U.S.C. 1441 (d)) to read as follows:

"SEC. 103. Notwithstanding the provisions of section 101 of this Act, price support shall be made available to producers for each crop of cotton, wheat, corn, oats, rye, barley, grain sorghum, and soybeans at a level not to exceed 85 per centum of the average price received by farmers for the commodity, excluding payments made by the Secretary for such commodity, during the three complete marketing years immediately preceding the calendar year in which the marketing year for the crop of the commodity concerned begins."; and

(2) repealing subsection (f) of section 101 (7 U.S.C. 1441(f)), and sections 105 (7 U.S.C. 1441 note), 107 (7 U.S.C. 1445a), and 402 (7 U.S.C. 1422).

TITLE III—RESTRICTIONS ON SALES BY THE COMMODITY CREDIT CORPORATION

SEC. 301. Effective August 1, 1971, section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), is amended by striking out the seventh sentence thereof, and by striking out the last four sentences of such section and inserting in lieu thereof the following: "Notwithstanding any other provision of law the Commodity Credit Corporation shall not make any sales (except sales offset by equivalent purchases, but including sales made in redemption of payment-in-kind obligations of the Commodity Credit Corporation under its programs) of its stocks of cotton, wheat, corn, oats, rye, barley, grain sorghum(or soybeans at less than (1) 150 per centum of the then current loan rate for such commodity, plus reasonable carrying charges, or (2) the market price for such commodity at the time of sale, whichever is higher."

TITLE IV—AN EXPANDED CROPLAND ADJUSTMENT PROGRAM

SEC. 401. Section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1838) is amended—

(1) by striking out "1970" and inserting in lieu thereof "1975" in the first sentence of subsection (a);

(2) by striking out ", unless he determines that such action will be inconsistent with the effective administration of the program," in the first sentence of subsection (d);

(3) by striking out the period at the end of the first sentence of subsection (d) and inserting in lieu thereof the following: "and shall encourage the inclusion of whole farms in such agreements where this will not unduly limit the employment opportunities of farm tenants. The Secretary shall announce in advance the maximum acreage of land to be contracted for each year; and if accepted bids do not achieve this maximum, the Secretary may offer higher bidders the opportunity to negotiate agreements equivalent to the accepted bid level. In determining annual maximum acreages, the Secretary shall formulate a program to obtain the long term retirement of not less than 10 million acres per year for the years 1971 through 1975. The amount of acreage retirement in a community area shall be calculated to not cause such a reduction in crop production as to jeopardize the economic future of the community"; and

(4) by striking out subsection (k).

TITLE V—FARMER ADJUSTMENT AND RETRAINING PROGRAM

SEC. 501. (a) For the purpose of providing a transitional program to assist low-income farmers in making the necessary adjustments to non-agricultural pursuits and to provde opportunities for gainful employment, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1971 through 1975 under which the Secretary may enter into an agreement with any farmer who, during the three-year period immediately preceding the year in which the agreement is entered into—

(1) had average gross annual sales of farm products of not more than $5,000; and

(2) had average annual off-farm income of not more than $2,000 (including income of both husband and wife in the case of a married farmer).

(b) Agreements entered into under this section may include: (1) the surrender to the Secretary for permanent cancellation of acreage allotments and base acreages then under the control of the farmer in return for cash consideration in an amount determined to be appropriate by the Secretary; (2) adjustment assistance not to exceed $2,500 per year for a period not to exceed two years; (3) retraining grants for the purpose of covering tuition and other costs incident to training programs designed to provide skills found by the Secretary to be consistent with employment opportunities.

(c) The Secretary shall, in achieving the objectives of this section, arrange for utilization to the maximum extent possible of existing Federal and State programs designed to provide grants, loans, and other assistance which will further facilitate this adjustment program.

(d) The Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this title.

TITLE VI—AUTHORITY OF THE COMMODITY CREDIT CORPORATION

SEC. 601. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this Act unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this Act. There are hereby authorized to be appropriated such sums as may be necessary to carry out the overall program provided for in this Act, including such amounts as may be required to make payments to the Corporation for its actual costs incurred or to be incurred in carrying out such program.

Mr. MATHIAS. Mr. President, I wish to respond to the generous remarks of the distinguished Senator from Illinois, the minority leader; to thank him for his reference to me; and to enlist under his banner both in the sponsorship and in the support of the proposed legislation.

Mr. President, the farmer is a heroic figure in our history, as the distinguished Senator from Nebraska well knows. Not only has the farmer cultivated the American land and fed and clothed our people; but in his vanguard role in the revolution against British rule—in his pioneering battles against the elements—and as a free man, making his way in the wilderness under spacious skies and possibilities—he shaped and inspired the American dream. On the open road West, celebrated by Walt Whitman, the farmer was the most important traveler.

Finally, the prairie schooners reached the coast, the land was occupied and America seemed to reach the end of its open road. But as a later American poet, Louis Simpson, wrote:

> The great cloud wagons move westward still, dreaming of a Pacific.

The dream that brought the pioneer West still moves us when we see white clouds billowing through an open country sky.

The American farmer, however, did not waste much time in daydreaming. Once again, as in our early history, he made a revolution. Though there was no shot heard around the world, the triumph of the American revolution in agriculture reverberates today a hope, held around the world, for an age of global abundance. The farmer's revolution in fact achieved improvements in efficiency and productivity exceeding even the industrial revolution.

Throughout our history, the American Government has helped to create the opportunities that American farmers have so gallantly exploited. The aid to railroads, the Homestead Act, the Soil Conservation and Extension Services, the land-grant colleges, the Farmers Home Administration all contributed significantly to his triumph over scarcity, and in recent years, as the farmer achieved new marvels of abundance, the Government has struggled—from one farm program to another—with the trials of his triumph. The inadequacy of the distribution system relative to rising productive capacity led to the imposition of an expensive apparatus of special restrictions and controls on American agriculture.

Thus the relationship between the farmer and Government changed. No longer was the Government an ally in the opening of new opportunities. It became a price manager, a commodity marketeer, an adviser, a policeman; it dispensed redtape as sticky as flypaper, and money which—to many recipients—seemed to compromise their independence, violate the imagery of the American dream.

Farmers were forced to look away from the land and the sky and to gaze instead, like gamblers at a slot machine, at the Great Stone Face of the Department of Agriculture. They paid their votes, listened to the mysterious political clacking of the subsidy mechanism, then waited to see what would turn up this time: Was there a payoff on wheat and feed grains? What was the special bonus for not growing grain sorghum? And was there still a jackpot for not growing cotton?

So the result of the agricultural revolution—and the increasing Government interventions accompanying it—was a harvest of paradoxes. Federal farm subsidies increased; and farmers grew poorer. Acreage restrictions were imposed to reduce production; and production expanded to break all records. Agricultural efficiency soared; and so did food prices. Every new farm bill was submitted with eulogies for the family farm; yet the exodus from the farms continues to originate chiefly on these small establishments and the viability of farming as a way of life, different from other business, is in jeopardy.

This year brought a further affront. With retail food prices higher than ever, the prices received by farmers for commodities covered by present legislation have fallen to levels relatively lower than those of the depression years of the 1930's. In fact, today's farm prices for wheat, cotton, and wool stand at less than one-half of parity, compared with 85 percent under the Eisenhower administration—that is, to less than one-half of the ratio that applied in 1914 between what farmers pay for what they purchase, and what they receive for what they produce. The cost-price squeeze has become a vice, steadily tightened, partly by Government policy.

But it is not only farmers who suffer from this program. The taxpayer is victimized too, as the distinguished Senator from Illinois has just stated. For the costs of the Government farm program are also at an alltime high. In the first 10 months of the current fiscal year, the Commodity Credit Corporation, the agency which pays for the programs authorized by the 1965 Food and Agriculture Act, has lost $3,311,644,000—a record for such a period, and CCC's stocks of commodities are growing, indicating greater costs in the future.

The financial burden of the current Government farm program is borne not only by our taxpayers. Even the poorest resident of the most depressed rural area—and the most deprived inhabitant of the poorest urban ghetto—must pay some 4 percent more for bread and cereal because of the current wheat certificate program. In fact, because the poor spend the largest percentages of their incomes on food, they pay proportionately more than any other segment of the population for these farm subsidies that chiefly benefit the richest farmers.

Thus a farm bill is a city concern. The metropolitan wage earner or housewife who never left the cement sidewalks to milk a cow in a frosty dawn or to take a lamb from a troubled ewe at midnight still have vital personal stakes in farm legislation. The old indifference of city legislators to agricultural problems is archaic. Hereafter, the urban Congressman who trades away his voice and vote on farm matters will do so at his peril. The city voter will have him in mind when he contemplates Federal tax withholding from his paycheck, and the shrinking power of his dollar at the grocery counters. Every American taxpayer is plowed and harrowed by the indiscriminant programs of the Department of Agriculture.

Our colleagues in the other body, as has been mentioned by the distinguished Senator from Florida (Mr. HOLLAND), indicated last month, when they voted to limit Government payments for individual farmers to $20,000, that the status quo is unacceptable to them. Many Members of this body would support a similar limitation on payments. But, as Secretary of Agriculture Hardin says, the time to consider such a proposal is when we are considering the entire farm program. And—despite the continuing failure of the Department of Agriculture to respond to rising pressures for change—the time to consider the entire farm program is now.

The bill which we have introduced today offers a better method of agricultural adjustment than have the Government supply management programs of the past.

It proposes a long-term land retirement program—the most efficient, most practical form of agricultural adjustment program.

It relates Government farm price support programs to the market.

And it provides for a phaseout and eventual elimination of the costly and ineffective direct payment programs which, as the recent action of the other body indicates, have become very controversial.

The first part of our bill deals with the economic problems of agriculture. The second part deals with the social problems. In the past we have tried to deal with the former while neglecting the latter. But now it is time for a change, and we must seek solutions to both.

The retraining, relocation, and loan programs which would be offered low-production, low-income farmers under the terms of our bill would open wide the door of opportunity for many low-income rural families who now receive no benefits from Government farm programs, but who must pay the higher food prices they often cause.

I ask Senators to join with us, the sponsors, in working for the enactment of this effective and fiscally responsible legislation. Now is the time to make needed changes in the Government farm program.

This legislation is designed to free farmers from the mortmain of Government controls and return them to the open road of American possibilities. For at the end of the open road today we do not find the promised land. We find a roadblock of bureaucracy. It is time now to reopen the American way of free agriculture.

(This marks the end of the proceedings which occurred during the consideration of the agriculture appropriation bill, and which were, by unanimous consent, ordered to be printed in the RECORD at this point.)

SENATE JOINT RESOLUTION 130—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO ISSUE ANNUAL PROCLAMATIONS CALLING UPON THE CHILDREN OF AMERICA TO CELEBRATE THE ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a joint resolution which would authorize and request the President to issue annual proclamations calling upon the children of America to celebrate the anniversary of the Declaration of Independence. A similar resolution is being introduced in the House of Representatives by Representative BOB DENNEY of Nebraska.

The means of celebration will be the holding of block parades, in which the children adopt the spirit and perhaps something of the dress of 1776. The children can decorate their bicycles and tricycles, and can make replicas of our first flag. Parades can be held on each block under adult supervision.

The idea came from Miss Hazel Wolfe of Lincoln, Nebr., whose letter is so outstanding that I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HARTKE in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, it is particularly fitting for our children to celebrate the signing of the Declaration of Independence. Since the future of America will be entrusted to the young of today, we have a duty to instill in them a sense of the past. Heritage and tradition give strength and endurance to America. We must act to maintain the legacy. As President Nixon said in his Flag Day Proclamation:

> A flag is meant to be seen. Only when it is displayed does it stir us. Our ideals we can honor with our words and deeds; our flag must be honored by an essentially spiritual reaction to a visual stimulus.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 130) authorizing and requesting the President to issue annually a proclamation respecting children's block parades in celebration of the anniversary of the Declaration of Independence, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 130

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is thereby authorized and requested to issue each year a proclamation calling upon the children of the United States, as a part of the celebration of the anniversary of the Declaration of Independence, to participate in block parades in their local neighborhood at such time on the Fourth of July as the President may designate in such proclamation.

EXHIBIT 1

WHY NOT HAVE A BLOCK PARADE IN YOUR TOWN

(By Hazel Wolfe, Lincoln, Nebr.)

My friends call me the "Bell Lady". That is because I tried to and succeeded in getting the bells to ring at 12 noon on the Fourth of July. They rang for four minutes to remind everyone in Lincolnland of the first ringing of the Liberty Bell on that glorious day in 1776.

I liked to be called "Bell Lady". It sounded in a small way as good as "Bell Ringer"—and that is what I would like to have been that long ago day when the Liberty Bell was rung by the old bell ringer who stood with his hands on the dangling rope while his small grandson waited to bring the good news to him. I would like to have written that famous poem "Ring Grandfather, Ring", which will be remembered in history as long as our country lives.

I liked being called "Bell Lady", but it was the grown ups who called me that. It was the T.V. and radio directors who played the bell record for four minutes at noon on July Fourth. It was the musicians who played the chimes that rang that day in the beautiful church towers of our city; it was the old janitor who pulled the bell rope at one of the smaller churches; it was the organist at our University Carillon Tower who took time out of a busy schedule to have the bells repaired and ready to ring the Fourth. Also, it was the Warden of the Penitentiary who put the loud speaker on so all the prisoners could hear the radio bells; and also, it was the program director at the Veterans Hospital who arranged all the bedside radios to be on, explaining that her patients would appreciate the bell ringing more than anyone else. The residents of a retirement home for senior citizens called me "Bell Lady" too as they arranged a parade through the halls, each carrying a small flag while the bells rang.

But the children were taking no part in this celebration. The older people remember those long ago Fourth of July celebrations where every city and small town had a rousing celebration with firecrackers, parades, bands, patriotic speeches and family picnics.

Then the whole family, including the smallest child, lined the streets and watched the parade go by.

The parade was headed by "Old Glory" and a rousing band, an Uncle Sam on horseback, dozens of floats trimmed in red, white, and blue, and a beautiful girl dressed in a streaming white robe representing the Statue of Liberty; boys on bicycles, and beautiful ladies and gallant men on horses. They all headed for the fairgrounds when the orator of the day praised our country and its citi-

zens as the greatest liberty loving people in the whole world.

The grown ups today know what our country means. They have experienced several wars. But to the children, the Fourth means little, and it is the children we must educate.

It was a well planned program we had arranged for that Fourth of July, 1968. All the reports were in two weeks before the Fourth. Church bells would ring as well as the bells on our Carillon Tower; the T.V. and radio stations were ready with their program—and then I thought "What a beautiful *adult* program, but what are the children doing?" They had no part in the celebration. They should be in parades with decorated bicycles and floats. They are the ones who, in a few years, will be taking over the affairs of state. Why can't our children have a parade—a big parade down the main street of our city.

But again I thought. This is a city. It is not safe for children to parade. It's not safe for them to get down town. A parade would require a police permit, a police escort, some big organization to promote it, and the time was too short to organize one.

And then I had my big idea. Why not a parade at home—a Block Parade. The children could parade around their own block, right at home. There would be no streets to cross, no police escort, no parade permit. All it would take would be a Block Mother to organize it and kids. And there would be plenty of kids everywhere just "raring" to go. They had ten days to get ready. They could decorate their bicycles and tricycles. They could make paper hats and costumes. They could hunt up their drums and whistles and noisy makers of all kinds.

Again I called the T.V. and radio stations to advertise for us. I called the newspapers for publicity. The newspapers had a broader vision than I. One reporter said "We'll have hundreds of parades all over town." Another reporter said "We'll have a Block Parade in our block if only my three kids are in it"—and they did—not only his three kids but twenty others. His seven year old, on a decorated bicycle, headed the parade—and his little two year old pedaled her tricycle trailing at the end, and twenty other kids in between with drums, bells, noisy makers of any kind, in paper hats, costumes and each carrying a flag. The stores sold out all their flags (one store manager said "We'll be prepared next year.").

Neighbors lined the other side of the street with their transistor radios picking up the sound of the bells. Cameras clicked and children marched, beginning exactly at 12 noon.

One mother told me she worked till one o'clock making hats for her five little girls and one daddy made fifteen paper hats because he was afraid some child without any costume might come. "I haven't had so much fun since I was in kindergarten he told me." The hats he made were all used.

Newspaper photographers took pictures of several of the parades and the evening editions were filled with Block Parade pictures.

One T.V. station took a film of the youthful marchers and featured a "Block Parade" on the six o'clock and ten o'clock news.

The president of the Lincoln's Children Zoo decided they would have a parade at the zoo while the bells rang. The paraders had no Fourth of July costumes, but plenty of enthusiasm. On the loud speaker he called all the children in the zoo to come and line up. They were to parade past the fire bell and ring it one tap for each year they were old. The fire bell is rung by pulling a rope in the fire house. This fire house is a replica of an old time one. The children had no costumes, but they had plenty of enthusiasm.

Reporters at the Block Parades asked the young marchers why they were parading. One child answered "Because my daddy is in Vietnam"; another said "My teacher told us about the first Fourth and how they rang the Liberty Bell, and I want to celebrate the beginning of our country." One child had a flag with thirteen stars. "My mommy told us all about George Washington and Betsy Ross." The child continued, "I asked mommy why can't I have a flag like that?" His mother said, "You can. I'll make you one."

Next Fourth will be celebrated by many more Block Parades. One mother told me "Jimmy isn't old enough to be in a parade this year, but next year I'll have one in our block."

A grandmother said "My grandchildren are so far away, but I'll remember them by being Block Mother here in our block."

The program director of one radio station said "We'll announce Block Parades on the Network next year. Then we'll have them everywhere.

I hope every child will have an opportunity to be in a Block Parade next year. Won't you be a Block Mother and organize one for your block? It's so much fun. I know because I organized many in Lincolnland.

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately after approval of the Journal tomorrow, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for a period of not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes.

The message also announced that the House had passed, without amendment, the bill (S. 1010) for the relief of Mrs. Aili Kallio.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) to print additional copies of parts 1 and 2, thermal pollution, 1968 hearings.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM, 1970—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committe of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1011) to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 30, 1969, page 17773, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MOSS. Mr. President, S. 1011 authorizes appropriations for fiscal year 1970 for the saline water conversion program which is administered by the Office of Saline Water in the Department of the Interior. The bill passed the Senate on March 24, substantially in accordance with the recommendations of the administration.

On May 14, the House of Representatives passed S. 1011 with an amendment. The amendment struck the language of the Senate bill and substituted a new text. The substantive differences in the two versions are as follows:

SECTION 1, SENATE BILL

HOUSE AMENDMENT

The House deleted this section of the Senate version which would further amend Section 8 of the Saline Water Conversion Act to clarify the Secretary's authority to cooperate with public or private agenices in foreign countries.

SECTION 2, SENATE BILL

HOUSE AMENDMENT

The House version reduced the authorized appropriation from $27 million to $25 million. It also limited the agency's reprograming authority to 10 percent instead of the 15 percent included in the Senate version.

DISCUSSION

The Senate version authorized appropriations of $27 million which had been requested by the administration and include in President Johnson's budget for fiscal year 1970. Subsequent to Senate passage of the bill, the new administration recommended a reduction to $26 million consistent with President Nixon's revised budget. The House version authorized only $25 million. The authorization is broken down as follows:

	Senate bill and original budget	Revised budget	House bill
Research and development	$18,095	$17,223	$16,223
Test beds and facilities	5,355	5,355	5,355
Conversion modules	1,450	1,450	1,450
Administration	2,100	1,972	1,972
Total	27,000	26,000	25,000

SECTION 3, SENATE BILL

Section 2 of the House bill is identical to section 3 of the Senate bill.

Mr. President, by letter of May 14 responding to an inquiry by the Interior and Insular Affairs Committee staff, and in testimony and reports presented to the committee, representatives of the Department stated that the provisions of the Senate bill relating to foreign activities and to 15 percent reprograming authority were of significant importance to the saline water program.

In an attachment to a letter dated May 14, the Department has described the value of foreign research contracts as follows:

Awards to foreign organizations are based upon either a unique concept or approach not offered by a domestic organization, or where the work is in the same area of technology as domestic proposals, award is based upon outstanding qualifications, i.e., the recognized international stature of the researcher involved. Because of the significance of the accomplishments that have resulted and in view of the limited number of contracts that have gone to foreign organizations, it is our opinion that the value returned far exceeds the cost and that this work is of significant benefit to the total OSW program.

In another attachment to the same letter the importance of increased reprograming authority was stressed as follows.

In a research activity designed to develop new methods and spur technological change such as the one carried out by OSW, the limitation on reprograming of 10% tends to hamper efficiency and effectiveness of operations. After the authorized 10% reprograming has been accomplished to meet program demands, additional unforeseeable changes may call for still further reprograming. This situation would require that program operations be curtailed or that additional legislation be sought to authorize further reprograming. This has been experienced particularly in the operation, maintenance, and modification of test beds and test facilities—areas in which the results of research are put to the test of practicability.

In still later correspondence, dated May 16 and June 3, the Department urged restoration of $1 million to the House bill which would provide authorization of the amount requested in the revised fiscal year 1970 budget.

When Senate and House conferees met on June 3, however, the managers on the part of the House stated that they had been advised by the Department that the House language restricting foreign activities and reprograming authority was acceptable. Upon further inquiry by the Senate committee, this new departmental position was confirmed by letter of June 23.

Mr. President, I ask unanimous consent that the full text of the Department's letters to which I have referred be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MOSS. Mr. President, in view of the Department's current position on this legislation, the Senate conference committee recommends that the Senate accept the conference report which provides that the amount of appropriations authorized in the House amendment to S. 1011 be increased by $1 million to provide authorization of the amounts requested in the revised fiscal year 1970 budget request for the Office of Saline Water which is now under consideration by the Appropriations Committee.

Mr. President, I move adoption of the conference report.

The conference report was agreed to.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 14, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to an oral request of May 12 from your staff assistant for information regarding S. 1011, a bill "To authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes," which passed the Senate on May 24, and was ordered reported favorably, with amendments on May 7, by the House Committee on Interior and Insular Affairs.

In addition to our report of March 10 to your Committee on the bill, I would refer for your information the following enclosed documents:

1. Letter of April 23, 1969, to the Chairman, House Committee on Interior and Insular Affairs, which expresses the views of the Department on S. 1011 and a similar bill, H.R. 6716.

2. Statement entitled "Foreign Research Program" which has been furnished to the House Interior Committee as well.

3. Statement regarding the effects of the present statutory 10% limit on reprogramming among the four categories in the saline water program, which also has been furnished to the House Interior Committee.

We would be pleased to furnish any further information you may require.

Sincerely yours,

FRANK A. BRACKEN,
Legislative Counsel.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 23, 1969.

HON. WAYNE N. ASPINALL
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 6716, a bill "To authorize appropriations for the saline water conversion program for fiscal year 1970." Since your request, a similar bill, S. 1011 passed the Senate on March 24, 1969. Our comments also cover that bill as well.

We recommend enactment of S. 1011 as passed by the Senate, with the amendments suggested herein.

The bills would authorize appropriations of $27 million for fiscal year 1970 to carry out the saline water conversion program. They also would amend the Saline Water Conversion Act, as amended, to increase the present limit on reprogramming from 10 to 15 percent.

In addition, S. 1011, as passed by the Senate, would clarify section 8 of the Act, in consonance with the legislative history, to exempt specifically the activities authorized under section 3 of the Act from the ban in section 8 on the use of funds for any new commitments in foreign countries after July 1, 1968.

During fiscal year 1969, the Department has been operating under the restriction on foreign activities imposed by Public Law 90-297, as explained in the legislative history (H. Rept. No. 1247, 90th Cong., 2nd sess. 3 (1968)). Under this authority, we attended several international conferences relating to saline water conversion and exchanged technical information with foreign countries, all in furtherance of the objectives of the Act. However, in light of the language of section 8 and the legislative history cited, we have not concluded any new contracts or agreements with public or private persons or agencies in foreign countries, including research study contracts and agreements.

Without the clarifying change which the Senate-passed S. 1011 would make in section 8, our authority for certain activities will continue to be unclear, for example, for research study contracts and grants—even follow-up efforts to productive contracts and grants concluded before July 1, 1968—with educational and other institutions abroad which have valuable knowledge and skills to contribute to the program. Therefore, we believe the change which S. 1011 would make in section 8 is necessary and we recommend its adoption. Even under the Senate language, we could not enter into any agreements to act as an agent or provide supervision for construction or operation of foreign production desalting plants. We believe that the Senate bill adequately clarifies our authority, while, at the same time, carrying out the objective and intent of the 1968 amendment.

We have, as part of the President's general budget review, reviewed the authorization contained in the bills, and, as a result, recommend an adjusted total saline water program of $26,000,000. This would be achieved by reducing the program category (1), "research and development operating expenses" from $18,095,000 to $17,223,000, and category (4), "administration and coordination" from $2,100,000 to $1,972,000.

We recommend the following amendments to the Senate-passed bill:

1. On page 2, line 6, change the figure "$27,000,000" to "$26,000,000".

2. On page 2, line 9, change the figure "$18,095,000" to "$17,223,000".

3. On page 2, line 18, change the figure "$2,100,000" to "$1,972,000".

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there would be no objection to enactment of this legislation if amended in the manner recommended above.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary of the Interior.

FOREIGN RESEARCH PROGRAM

This statement presents the basis, procedures, and some results from OSW contracts with foreign universities and institutions. In considering this segment of the OSW program, it should be recognized that:

a. No country has a monopoly on scientific talent and some foreign scientists and institutions may be superior in selected areas;

b. Overseas research groups and scientists are recognized especially in the field of basic research; and

c. An important scientific contribution is of value to the U.S. desalting program far beyond the monetary consideration involved.

At the present time, the OSW research organization has several active foreign contracts. The significant achievements from the foreign contracts to the present date are as follows:

a. Research Institute, Inveresk, Midlothian, Scotland, has produced a theoretical explanation of the reverse osmosis process and a process for preparing cellulose acetate membranes which has been patented and assigned to the U.S. Government (Patent No. 3,412,184)—Total Cost $31,812

b. The Weizmann Institute of Science, Rehovoth, Israel, was the codiscoverer of the new separation process, "pressure dialysis." This new process is a fundamental improvement in separations technology and is considered to have great potential for future desalting applications—Total Cost $127,750

c. The University of Aberdeen, Scotland, has contributed supporting work for the pressure dialysis process and has established its technical requirements—Total Cost $39,628

d. The Hebrew University, Jerusalem, Israel, has developed reverse osmosis membranes capable of selective separation of sodium and potassium ions. This contribution paves the way for more effective treatment of polluted waters—Total Cost $33,374

e. The University of Waterloo, Ontario, Canada, and the Negev Institute, Beersheva, Israel, have contributed to the theoretical understanding of the liquid state and of the factors responsible for the fouling of electrodialysis membranes—Total Cost $83,873

Research contracts to foreign institutions are awarded on a very selective basis. Essentially all of the basic and most of the applied research activities result from the receipt of unsolicited proposals. As a result of the wide dissemination of our research and development publications in scientific journals, participation in symposia and technical conferences, research organizations are made aware of our program activities on a current basis and are thus in a position to submit unsolicited proposals offering new ideas and new approaches to solve outstanding problems. These proposals number over 400 annually. All such proposals are reviewed critically as to their technical and scientific merit, significance to the OSW program, the qualifications of the proposer, the capability and experience of the organization, and the total cost. Awards to foreign organizations are based upon either a unique concept or approach not offered by a domestic organization, or where the work is in the same area of technology as domestic proposals, award is based upon outstanding qualifications, i.e., the recognized international stature of the researcher involved. Because of the significance of the accomplishments that have resulted and in view of the limited number of contracts that have gone to foreign organizations, it is our opinion that the value returned far exceeds the cost and that this work is of significant benefit to the total OSW program.

OFFICE OF SALINE WATER: MAJOR REPROGRAMING ACTIONS

In a research activity designed to develop new methods and spur technological change such as the one carried out by OSW, the limitation on reprograming of 10% tends to hamper efficiency and effectiveness of operations. After the authorized 10% reprograming has been accomplished to meet program demands, additional unforeseeable changes may call for still further reprograming. This situation would require that program operations be curtailed or that additional legislation be sought to authorize further reprograming. This has been experienced particularly in the operation, maintenance and modification of test beds and test facilities—areas in which the results of research are put to the test of practicability.

The amount authorized for test beds and test facilities in 1968 was $4,298,000. With the addition of $430,000 under the 10% reprograming limitation, the total amount that could be obligated was $4,728,000. Of that total, $2,045,000 was the estimated cost of hardware, $1,200,000 was for fixed services (such as utilities and chemical supplies), and $1,483,000 was for maintenance and operating costs. The existing reprograming authority was pushed to the full limit of $4,728,000 by increased cost of utility services to sustain and exploit successful operation at several test locations in FY 1968 and by higher than estimated bids for modification and construction work.

Previously, in FY 1968, it had been planned (1) to modify the Clair Engle Plant at San Diego, California, by addition of the 1–A (high temperature) Effect, (2) construct the Brackish Water Test Center (BWTC) at Roswell, New Mexico, and (3) construct the Materials Test Center (MTC) at Freeport, Texas. Due to the increased fuel costs and other reprograming action taken to obtain full benefit for the research program and the programing limit of 10%, modification of the Clair Engle plant was delayed to FY 1969. However, procurement action was initiated on the BWTC and the MTC. When bids were received on the BWTC late in FY 1968, it was determined that construction cost had exceeded the original estimates and that to proceed with the planned construction would have resulted in obligations in excess of the maximum allowable, including 10% reprograming, for this activity. This necessitated delaying of the BWTC to FY 1969 also. It was too late to reinstate the Clair Engle modifications through use of the funds saved by delay of the BWTC. It was also too late to obtain specific authorization to exceed the 10% limit and proceed with the BWTC. Therefore, an unobligated balance of $784,000 was carried over into FY 1969 in the test bed and test facility category.

The amount authorized for this activity for FY 1969 ($4,292,000) plus the maximum reprogramming authority ($429,200) and the unobligated carryover from 1968 ($784,000) together with $300,000 planned for second phase modifications to the BWTC but unneeded due to the delay in FY 1968, will allow for construction in FY 1969 of the BWTC and the Clair Engle Plant modifications.

At the present time, further reprogramming in FY 1969 within this activity would be limited to approximately $40,000, of the $429,200 originally available. This amount may not be adequate to allow for any unforeseen cost increases. Any such increases totalling over $40,000 would require the cancellation or delay of some activity.

Inability to reprogram to a greater extent has delayed the modification of field facilities needed to accommodate such test programs as the high temperature multi-effect multistage (MEMS) flash effect, membrane development programs, reverse osmosis pump development, and important testing of brackish water pilot plants. Development contracts currently in effect are being held up pending the availability of these facilities. Accordingly, a well-planned step-by-step development program is being thrown out of phase.

[Fiscal years]

Program	Planned	Accomplished
Modification Clair Engle plant (1–A effect)	1968	1969
Brackish water test center	1968	1969
Modifications BWTC	1969	[1] 1970

[1] Planned.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 3, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN JACKSON: The House Interior and Insular Affairs Committee recently authorized $25 million for the Office of Saline Water's program for FY 1970. This is a reduction of $1 million from the $26 million authorized by the Senate Committee and over $700 thousand less than was authorized in FY 1969.

It is hereby requested that the full $1 million be restored in the joint conference between conferees of the Senate and House Committees. I feel it is of the utmost importance to maintain this program at its present level. Any reduction will seriously impair the program that has the greatest possibilities for solving our present and future water shortage problems. The need is already showing up in areas of the east coast, the west coast and gulf states, as well as the inland western states and the southwestern states that are fresh water short. In addition, every day shows additional potential uses for the processes developed through this program, in recycling and reusing waste water as well as its contributions to many manufacturing and food processing operations.

Sincerely yours,

CARL L. KLEIN,
Assistant Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 23, 1969.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on the House and Senate versions of S. 1011, the bill "To authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes," which is now in conference. This supplements our letter of June 3, signed by Assistant Secretary Carl L. Klein, which requested that the fiscal year 1970 saline water program authorization be maintained at $26 million.

Enactment of the House version of S. 1011 would result in continuation of the existing restriction on foreign research. However, we are taking immediate action to further intensify our effort to identify competent United States researchers in those areas where foreign research effort has provided the necessary information in the past. We believe that this effort will prove fruitful. Therefore, it is felt that the continuation of the present restriction on foreign activity would not severely affect the program at this time.

The House version of the bill would continue the authority to reprogram among activities at the 10 percent level, while the Senate version would raise this figure to 15 percent. During the past several weeks, several procurement actions in the Test Bed and Test Facility Program (Category II) have been negotiated at a figure less than the original estimate. These actions have provided additional funding flexibility to cover contingencies in this area. Operation and maintenance contracts for test beds and test facilities will be funded for incremental periods of less than a year, thereby increasing reprogramming flexibility to some extent. Also, if the $1 million proposed House reduction is restored, the need for the increase in reprogramming authority will not be as critical as originally envisioned. Therefore, the proposed House language retaining reprogramming authority at the 10 percent level is acceptable at this time.

Once again we urge your support for the full $26 million appropriation authorization requested by the Administration.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C. May 16, 1969.

Re: Fiscal Year 1970 saline water program.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to an oral request from your staff for information regarding the potential effect of the $1,000,000 reduction from the Department's proposed $26,000,000 program. The enclosed information has been prepared and reviewed by the responsible program officials.

We would be pleased to furnish any additional information you may require.

Sincerely yours,

FRANK A. BRACKEN,
Legislative Counsel.

OFFICE OF SALINE WATER: EFFECT OF $1,000,000 REDUCTION FISCAL YEAR 1970 AUTHORIZATION REQUEST

A reduction of $1,000,000 in Research & Development Operating Expenses, Activity I, will necessitate the reprogramming of $150,000 from the Test Beds and Test Facilities area, Activity II, into the R&D area. The result therefore is a net reduction of $850,000 in the R&D area and a $150,000 reduction in the Test Beds and Test Facilities area.

The effect of this reduction will be as follows:

RESEARCH AND DEVELOPMENT—$850,000

Membranes—$400,000. This reduction in the membrane program in the Engineering & Development area will be met through a stretch-out of selected development programs. In particular, the effort in the evaluation of reliability and accuracy of instrumentation systems for reverse osmosis plants; the development testing of the electrosorption-desorption process in the field; the development of techniques for producing tubular reverse osmosis membrane components for seawater desalination; and the evaluation of new membrane support materials will be stretched out in time. *This will mean that the goals originally established for these process areas for FY 1970 will not be met and that there will be a delay in obtaining test data on new and promising techniques, in improving plant reliability and maintainability, and obtaining, necessary data for improving system economics.* Additionally, the engineering and development field work on ultra-thin membranes will not be carried out in FY 1970. These membranes are directed toward high flux applications and should yield membrane costs less than that of those presently used. A number of techniques are now under investigation to fabricate such membranes but it will not be possible to evaluate membrane integrity and performance in field tests with the deletion of this effort in FY 1970.

Crystallization—$300,000. It was originally planned in FY 1970 to design, construct, and operate a vacuum freezing-ejector absorption pilot plant. The total program originally called for $610,000, which would have carried the program into FY 1971. By delaying this program and only funding the design and procurement of long lead time items such as pumps, special ejectors, and absorbers, a reduction of $300,000 has been made. *It should be understood, however, that with this reduction construction of the basic plant cannot be initiated until FY 1971, thus resulting in a minimum of six months' delay in the program.* This process, when developed, will allow scale-up to very large plant sizes without the present limitations of mechanical compression with the added advantage of using low-cost materials. It should yield system economics which are competitive with distillation systems, therefore the program should be conducted as soon as possible.

Desalting Feasibility & Economic Studies—$75,000 (U.S./Mexico Study). Originally, $150,000 had been programmed for possible completion of the U.S./Mexico Study. This Study called for determination of both the technical and economic feasibility of large-scale desalting plants to provide water for portions of the Mexican States of Baja California and Sonora and the States of Arizona and California in the United States. Although the first phase of the Study determined technical feasibility, the economic feasibility was not established. Of this amount, $75,000 has been deleted and the balance has been reprogrammed for other feasibility studies directed toward meeting U.S. water demands.

Program Analysis—$25,000. This reduction will delay or curtail necessary program activities in FY 1970. This will also cause delays in the development of logical methodology needed for future OSW planning purposes. The specific areas to be effected by the reduction are the studies involving the accumulation of basic data and in supporting computer services, which are needed to develop long-range plans and to maintain optimum program balance.

Field Support and Engineering Studies—$50,000. This reduction will delay the starting of studies designed to evaluate and incorporate plant operating data (regarding the operation and performance characteristics of plant equipment), for use in the design of plants incorporating the latest "state of the art." It is essential that feedback from plant operation be reflected in future analysis and design.

TEST BEDS AND TEST FACILITIES—$150,000

Roswell Test Bed Plant—$50,000. This reduction will necessitate the partial funding only of the contract for operation and maintenance of the test bed plant. Normally these contracts are made for a one-year period. Due to this reduction, the contract will cover only a portion of a year.

Freeport Test Bed Plant—$100,000. *This reduction will eliminate all the flexibility available to cover any unforeseen or emergency costs normally associated with the rehabilitatiton and operation of a test bed plant.* This means that if the final bid prices exceed the current estimates the modifications needed to further advance the "state of the art" relative to the vertical tube evaporator process must either be curtailed or further reprogramming action will be necessary at the expense of other areas of the program.

ORDER FOR RECOGNITION OF SENATOR McGOVERN FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the end of the time allotted to the Senator from Mississippi (Mr. STENNIS) for an address to the Senate tomorrow, the distinguished Senator from South Dakota (Mr. McGOVERN) be permitted to address the Senate for a period not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 2, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, July 1, 1969:

U.S. ATTORNEY

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years, vice K. Edwin Applegate.

H. Kenneth Schroeder, Jr., of New York, to be U.S. attorney for the western district of New York for the term of 4 years, vice John T. Curtin, resigned.

U.S. MARSHAL

Floyd Eugene Carrier, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years, vice Rex B. Hawks.

Farley E. Mogan, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years, vice Eugene G. Hulett.

Anthony E. Papa, of Florida, to be U.S. marshal for the District of Columbia for the term of 4 years, vice Luke C. Moore.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 1, 1969:

U.S. AIR FORCE

The following officers to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10 of the United State Code:

In the grade of general

Gen. Howell M. Estes, Jr., FR1211 (major general, Regular Air Force), U.S. Air Force.

Gen. Raymond J. Reeves, FR1082 (major general, Regular Air Force), U.S. Air Force.

In the grade of lieutenant general

Lt. Gen. Keith K. Compton, FR1849 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Stanley J. Donovan, FR1089 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Robert A. Breitweiser, FR1406 (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Charles H. Terhune, Jr., FR3424 (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Harry P. Mahin
David P. Osborne
Herbert G. Stoecklein

SUPPLY CORPS

John A. Scott
Vincent A. Lascara
Edwin E. McMorries

CHAPLAIN CORPS

Francis L. Garrett

CIVIL ENGINEER CORPS

Albert R. Marschall

DENTAL CORPS

John P. Arthur

IN THE AIR FORCE

The nominations beginning Donald D. Adams, to be colonel, and ending Francis S. Smith, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 16, 1969.

EXTENSIONS OF REMARKS

A TRIBUTE TO MARINE SGT. ROBERT J. CHICCA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HOGAN. Mr. Speaker, I was pleased and honored to have participated in the celebration which welcomed home and honored Sgt. Robert J. Chicca, U.S. Marine Corps and former crewman aboard the U.S.S. *Pueblo*. Recently, Sergeant Chicca also gave of his time to address a breakfast meeting of the Republican 91st Club of the House. He held the rapt attention of all present by his modest, revealing account of what happened in the *Pueblo* incident.

I am extremely proud that he resides in my district at Chillum, Md., but beyond that he personifies the finest qualities and ideals which I like to think are representative of young Americans. Sergeant Chicca is not only a credit to the Marine Corps, but the country. His conduct aboard the *Pueblo* and in captivity was the ideal of courage and dedication to duty.

The following is an article which appeared in the Marine News of May 1969 describing the event when fellow Marylanders, and other distinguished guests, welcomed this young man home:

CROWDS WELCOME HOME HERO FROM U.S.S. "PUEBLO"

One of the few entirely undisputed heroes of the U.S.S. Pueblo affair—Sergeant Robert J. Chicca, United States Marine Corps, returned home last month to the cheers of his fellow Marines and his fellow Marylanders.

Chicca, of Chillum, Md., is one of 10 Pueblo crewmen who were recommended for decorations by the official Court of Inquiry. Chicca also received the purple heart for wounds received during capture of the ship off North Korea.

A gigantic welcome-home celebration was organized by the Prince Georges County Detachment Marine Corps League, under the energetic leadership of State Commandant James E. Merna, last year's MCL Marine of the Year.

Chicca was welcomed at the Friendship Airport, Baltimore, by his family and League members and escorted to the celebration at the Maryland National Guard Armory in Greenbelt, Md., on April 23. Later the same day, the sergeant was presented Maryland's highest award—the Certificate of Distinguished Citizenship—at the State House in Annapolis by Governor Marvin Mandel.

Around 1,100 persons were present at the welcome home, including half a dozen members of Congress and a number of top State and local officials. Several sports figures also showed up to honor Chicca, and screen actor Robert Mitchum sent a telegram from Europe, saying he wished he could have been there and that "it would have been my honor."

Messages were also received from the White House on behalf of President Nixon and from Vice President Agnew, a former Maryland governor.

A cousin of Chicca's, Corp. John Bosley of Indiana, was flown to Maryland from Camp Lejeune, N.C. His transportation and leave were arranged by Lt. Gen. Lew Walt, Assistant Commandant of the Marine Corps. Two other members of the Pueblo crew were also present—Lt. (j.g.) Fred C. Schumacher and Seaman Steve Robbin of Silver Spring, Md.

A message read to the assemblage by Merna was from the attorney who represented Captain Lloyd Bucher at the Court of Inquiry Proceedings, E. Miles Harvey. He said Marine Corps Leaguers had "every right to be proud of Bob—a wonderful example for all Marines and for all the citizens of the United States."

Among the Congressmen present was Representative Frank Evans of Pueblo, Colo., a member of the House Armed Services Committee, who heard an announcement that Chicca's family and family friend—Helene C. Monberg, Washington correspondent for the Pueblo Chieftain and Star-Journal, Pueblo—had set up a scholarship in Chicca's name to be awarded to a disadvantaged Spanish-speaking resident of Pueblo in the amount of $300 at Southern Colorado State College, Pueblo.

Mrs. Marjorie Merriweather Post, well-known Washington, D.C., socialite, helped defray the cost of the celebration with a cash contribution.

Press, radio and TV coverage of the event was heavy, with film footage included on NBC's Today show the next morning.

CHICCA SCHOLARSHIP

A $300 scholarship at Southern Colorado State College, Pueblo, Colo., in honor of Sgt. Robert J. Chicca (USMC) of the U.S.S. Pueblo crew will be provided by the Chicca family and a family friend.

The formal announcement was made Wednesday evening, April 23, Mal Campbell, master of ceremonies, at a Welcome Home Reception and Party for Sgt. Chicca sponsored by the Prince Georges County Detachment of the Marine Corps League at the Maryland National Guard Armory, Greenbelt Road, Greenbelt, Md.

Rep. Frank E. Evans, (D-Colo.), of Pueblo made a brief response.

The scholarship is being presented by the Edward A. J. Chicca family of Chillum Terrace, Md., the Robert J. Chicca family of Fort Meade, Md., and a family friend, Helene C. Monberg, Washington correspondent for the Pueblo, Colo., Chieftain and Star-Journal.

The Chicca family and Miss Monberg said, "This is a time of prayerful thanksgiving for us, for our beloved Bob Chicca of the U.S.S. Pueblo. During this period of thanksgiving, we extend this scholarship in honor of Robert J. Chicca to show our thanks and appreciation," they said.

"The scholarship will be awarded to a Spanish-American youth from Pueblo because it was City Councilman John A. Rosales—the only Spanish American on the City Council—who last October initiated the resolution in the Pueblo City Council which resulted in the city of Peublo adopting the entire crew of the U.S.S. Pueblo as honorary citizens of the city of Pueblo. It was done at a time when the outlook for the crew did not look hopeful from many standpoints.

"We have selected Southern Colorado State College at Pueblo for obvious reasons. It is in Pueblo, the adopted city of the U.S.S. Pueblo crewmen. Frank S. Hoag, Jr., publisher of the Pueblo paper, is the godfather of SCSC and put the Pueblo papers behind both the drive for the new college and behind the drive to help us get our U.S.S. Pueblo crewmen back. Frank Evans also worked for the creation of SCSC at Pueblo and as a Member of Congress did some work on behalf of the U.S.S. Pueblo crew. John Rosales is on the administrative staff of the college and gave us a tremendous boost in October," they said.

THE ECONOMICS OF AGING IN NEW YORK CITY

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, July 1, 1969

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Special Committee on Aging is making a major study this year of the economics of aging—toward a full share in abundance. We are taking testimony and conducting special studies of individual problem areas, such as high health costs and difficulties in maintaining homeownership in the face of rising taxes and other expenses.

In the course of our inquiries we have relied heavily upon a task force working paper which gave the best report yet made on the economic facts of life among most of the 20 million Americans now past 65 and the many millions of others near that age.

The statistics used by the committee are deeply significant and moving. A nation should be concerned, for example, when 7 million persons past 65 live in poverty or near poverty. And every American should take notice when he is told that the income gap between retired persons and those still in the work force is widening, not narrowing.

What do such statistics mean in terms of everyday existence for those who know all too well how real they are? The New York Times of June 30 provides part of the answer with an excellent story by Francis X. Clines. His story tells of the grave problems faced by the majority of the 1 million persons past 65 in New York City. His story cites the Senate committee findings and shows how economic insecurity intensifies all other problems faced by the elderly. His story reminds us that the old people of New York City are proud: of 500,000 living in poverty, only 54,000 have applied for welfare. His story also makes it clear that the elderly are beginning to mobilize and to protest when they bear the brunt of service cutbacks or governmental inaction. His reference to Mr. Walter Newburgher as "one of the new breed of elderly activists" is especially welcome; Mr. Newburgher has worked for many years—and been of considerable help to the Senate Committee on Aging—in awakening all Americans to the special problems and promise of older Americans.

Mr. President, Mr. Clines' excellent article is worthy of careful study. I ask unanimous consent to have it reprinted here.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 30, 1969]

CITY'S ELDERLY FIGHT AILMENTS AND ECONOMICS TO SURVIVE

(By Francis X. Clines)

Like most of the elderly people in the city, Mrs. Minnie Harkins is facing a lonely struggle against a haunting paradox—a

longer life that is becoming more expensive and difficult to live.

Daily life for the 79-year-old widow begins with leg pains before dawn, followed by morning tea and toast.

Then the dainty, semi-invalid woman is at her window in a Bronx housing project for another day of watching mostly young people pass by and, later when her eyes hurt, praying in bed.

"God loved that bent little Puerto Rican man!" she remarked recently as an old man with a cane returned slowly from his daily walk for a newspaper.

With such limited celebration and a seventh-story perspective on the world, Mrs. Harkins is receiving welfare after retiring as a cook for the J. P. Morgan family. She is uncomplaining and tucked away, like most old people.

While there are one million elderly—defined as aged 65 and over—now in the city and this total is expected to grow to 1.7 million by 1985, government and private specialists concede that examination of the problems of the aged is a relatively unexplored social field.

But they warn that the outlook is for the financial problems of old people to worsen. Already, they say, housing, dietary, and social problems have begun to press in on the elderly poor. These include:

Reductions in Medicaid and welfare allocations, along with a reduction of city welfare services that already is causing a storm among the elderly.

An intensification of the housing problem as the elderly try to stay rooted in their old neighborhoods at low rents, while landlords and developers seek a more profitable clientele.

Increasing isolation in neighborhoods where younger residents are of a different background. Such problems are often intertwined.

SENIOR POWER ASSERTED

Old people are starting to organize along modern lines, with blue-and-white buttons proclaiming: "Senior Power." They have begun competing for such things as antipoverty funds and political power, winning benefits like the new half-fare for the elderly on the city transit system.

They attend more neighborhood club meetings than ever before, sitting as some of the friendliest audiences in town these days, where a cupped ear is more likely than a shouted interruption.

But these activities have failed to solve the elderly's basic financial problem.

This older generation, the one that had to bear the brunt of the Depression, now is finding still another economic squeeze just as severe, in many ways.

At the same time, decades-old pride is still apparent, for while more than 500,000 of the city's elderly are reported below the official poverty level, only about 10 per cent—or 54,000—have applied for available welfare aid.

According to the Special Senate Committee on Aging, the income gap is widening between older and younger Americans. In 1961, the median income of the elderly was 51 per cent that of younger families, but by 1967 it was only 46 per cent.

"What is happening is that people who were not poor most of their lives are becoming poor in retirement," declared Alice M. Brophy, director of the city's Office for the Aging, one of the newest branches of local government.

SILVER-HAIRED PICKETS

"Old age is a kind of leveler," Miss Brophy added, noting that whites who were richer in earlier years could quickly join nonwhites in the indigency of old age.

The financial problem will increase, according to the forecast of the Senate committee. A couple retiring in 1950 found that the average Social Security payment met half their budget, according to the committee, but today it meets less than one-third of the Bureau of Labor Statistics' recommended "moderate" income for a retired couple of $3,869 annually.

In the competition for limited social-reform funds, the elderly poor traditionally have finished last, according to James J. O'Malley, deputy director of the state Office for the Aging.

In recent days, Mr. O'Malley has been confronted by silver-haired pickets. There was a demonstration in Albany to protest the welfare and Medicaid cuts ordered by the Legislature to balance the budget.

Some aged leaders boycotted the Governor's annual conference on the aging last spring; other old people have marched outside City Hall, and a few have even ventured to take on the younger, louder voices in neighborhood antipoverty programs.

"We had to fight for what was ours," declared Mrs. Elizabeth M. Steicher, director of Project Find, an antipoverty project for the elderly that recently fought off extinction. Elders in the program, which was originally financed directly from Washington at $100,000 for only one year, helped the younger Mrs. Steicher to fight for $51,000 of the city's limited Community Action funds.

AIDES' STAFF REDUCED

Project Find's staff of elderly "home aides" who run errands for shut-ins was severely cut from 32 to 7, but its three senior centers between 34th and 74th Streets are still open, with staff workers searching out the neediest cases among the 27,000 elderly who are densely crowded into the Lower West Side.

The group currently is embroiled in one of the city's severest housing problems—the eviction of old people from hotels that are to be renovated for business or other costlier space.

Three hundred old people recently received eviction notices because of plans to enlarge the Port Authority bus terminal at 41st Street and Eighth Avenue, according to Mrs. Steicher.

The project keeps a registry of available hotel space but this is dwindling because of redevelopment, and many of the elderly "are paying desperate rents—more than 60 per cent of their income—not to join the exodus of old people to northern Manhattan," the director explained.

HOTEL RENTS NOT CONTROLLED

Hotel rents are not controlled by the city and, according to Project Find, the rates for old people have increased in the last year from an average range of $23 to $25 a week, to that of $30 to $35.

Even where the elderly can obtain space in a public housing project, the need for the familiar remains.

"This place in the project is the first new thing I've ever had," 79-year-old Percy Pullins said of his housing apartment at Third Avenue and 149th Street in the Bronx.

"But I go back every day to see the boys," Mr. Pullins said of his cronies who hang out near Jimmy's Restaurant at 121st Street and Lenox Avenue in Harlem.

State cutbacks in welfare and Medicaid can only worsen the problems of the elderly, according to Jerry Shroder, director of the Citizens Committee on Aging of the Community Council of Greater New York.

Carfare payments to clinics and allotments for special diets prescribed by physicians have been ruled out, along with telephone allowances. This last item is particularly alarming to elderly living alone in slum neighborhoods where the crime rate is high and the telephone comforting.

Currently, in fact, the telephone amounts to a lifeline in a number of special programs in which elderly volunteers call shut-ins each day all over the city simply to check on their health.

Most severely hit would be the "loners"—the elderly who live in hotels and have to eat out. They had been receiving up to $1,444 annually for all their non-rent needs, but the new limit is $840, or $2.30 a day to cover three meals, besides clothing, books and any other needs.

Beyond money, there are supposed to be welfare services for the elderly, but the city Commissioner of Social Services, Jack R. Goldberg, concedes that these have been a "myth."

Under a reorganization plan now being introduced, the Commissioner said he hoped to serve at least 15 per cent of the 54,000 elderly on welfare through the department's new reorganization plan in which caseworkers are no longer to be preoccupied with paper work.

However, the program's implementation thus far in Brooklyn was described as "callous" and "ludicrous" by Martin Morganstern, president of the caseworkers' union. Only 12 workers, he said, had been assigned to serve 6,000 aged, blind and disabled recipients, and long lines are the result.

Mr. Morganstern contends that the city's latest attitude is: "You will get your money until you die, but don't bother us for anything else."

Mr. Goldberg says the staff will be increased as needed. Instead of waiting for what the Commissioner describes as "the caseworker who never showed," the elderly now will have to travel to the centers for help or mail a postcard to the centers.

The city terms such procedures "outreach," but one caseworker among the elderly described them as a "kissoff."

Various self-help groups of the elderly have been organized recently in the city and the trend is toward their forming to gain a greater voice. Charles H. Alvarez, a 70-year-old retired railroad worker, is president of the South Bronx Council for Senior Citizens, a group of 15 local senior clubs.

"Loneliness is the greatest problem," Mr. Alvarez commented. "Most of them don't know anybody now. They've clung to neighborhoods which have changed. And they're afraid to go out at night because of crime."

Making the rounds of the Mott Haven houses, Mr. Alvarez booms out reassurances through triple-locked doors: "It's only me, dear." There have been several cases in which the bodies of old people were found in their apartments, he said, adding: "Such a simple thing as a headcount of these hidden old people would be a marvelous city service."

FRIENDLY VISITORS

For reasons of survival and friendliness, there are now various private "drop-in" programs. The Friendly Visitors, for example, are 60 retirees of the garment workers' union who regularly visit retired garment workers in the city.

Death is a matter of individual philosophy with the elderly, according to Luther Routte, a city social worker who runs a busy senior club in West Brighton, S. I.

Mr. Routte told of one man having a heart attack while playing cards in the center. Some old people fluttered about nervously, others helped Mr. Routte to attempt first aid, but one man, he recalls, engrossed himself in shuffling the cards for the next game.

"Old people are people," he said in summary.

Lawrence Harding, a 63-year-old ship engineer who was forced onto welfare after a crippling fall, disputes the notion that no one, least of all the wrinkled and gray, has to beg in this city. He sometimes enters heavy traffic in his wheelchair so as to beg at a subway station.

Small and gray-haired, Mr. Harding has had an eye removed in a dozen operations. To someone who questioned his needs, he pulled out his undershirt to show fresh, yellowish stains from a gallbladder operation.

TIMIDITY IS FOUND

"I need bandages," he explained, "and I spent my last $1.50 going to the hospital yesterday for head pains. My welfare worker said extra money would come soon and that's fine. You don't want to pester the welfare and hospital."

Such timidity is one of the roadblocks to organizing the elderly, according to Walter Newburgher, a peppery, 77-year-old retired merchandiser who puts in long days as one of the new breed of elderly activists. He is vice president of the National Council of Senior Citizens, a three-million-member organization, and president of the Congress of Senior Citizens of Greater New York, which claims 150,000 members.

Mr. Newburgher has a direct line to "Tim"—Dr. Timothy W. Costello, the Deputy Mayor, who is widely praised by the elderly as someone in government who listens and serves more than as a vote harvester.

Dr. Costello is considered instrumental in attaining the half-fare for the elderly. Mr. Newburgher said that this might amount to only small savings but would provide momentum for larger drives for greater Social Security and other benefits.

ONE PROGRAM RUNNING OUT

Of particular concern is the refinancing of the Older Americans Act, a three-year-old program that has helped set up various elderly projects but that is about to run out. Representative Ogden Reid of Westchester is one of the leaders trying to at least double the $28.3-million budgeted by the Administration to continue the program next year.

One important change the Representative is seeking would permit the Government to pay minor expenses, such as carfare and lunch, for thousands of retired professionals who would otherwise be able to volunteer their help to colleagues.

This kind of volunteering already is under way in Project Serve, operated on Staten Island by the Community Service Society. Close to 400 retired persons work there without pay in such activities as "foster grandparents" for children at the Willowbrook State School for Mental Defectives.

They also maintain telephone checks on old people, tutor youngsters, help in nursing homes and conduct comparison shopping for the Mayor's Council on Consumer Affairs.

"As you can see," said Commissioner Brophy of the city Office for the Aging, "tea, ceramics and sympathy are on their way out in this business."

FREE AND DECENT WORLD ONLY POSSIBLE ANSWER TO VOICE OF WAR DEAD

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BUSH. Mr. Speaker, with the Fourth of July approaching, a day commemorating America's fight for independence, I would like to submit for inclusion in the CONGRESSIONAL RECORD an article of writing truly representative of the finest that is the American spirit.

This editorial, written by Mr. Hubert Roussel, originally appeared in the Houston Post, January 10, 1945. Although this was written 24 years ago, and its writer was speaking about an American conflict of another time and place, I think its sentiments and profound thoughts hold truths applicable to all American conflicts, past to present.

In short, the impact of its meaning is eternal.

The editorial is as follows:

FREE AND DECENT WORLD ONLY POSSIBLE ANSWER TO VOICE OF WAR DEAD

(An editorial by Hubert Roussel, the Houston Post, Jan. 10, 1945)

In a war such as this, prolonged expression of grief over personal loss is a luxury that no one can afford. Sorrow is too widespread. If everyone gave way to his feelings, as he is tempted to do, the burden of agony pressing down on the nation would become of insupportable weight. We would lose heart, spirit, and determination, and that would lead surely to the swift loss of those sacred and priceless possessions that are ours only because other generations of Americans had the courage to set an ideal above any consideration of self, and to suffer for it the greatest of hardships. To fail them now would be the deepest of treachery. The first nation that whimpers in this war is lost.

Our son has given his life for his country. I know the feelings he had, and the motives that led him to take one of the most terrible risks asked of the men who are waging this battle for freedom. They were not merely the urges of reckless youth. He gave himself for an order of life which he believed to be worthy of any sacrifice. And among the good things of American life which enjoyed his respect were the arts of the drama and music he loved them in their best manifestations, as he loved all that was food for the spirit. Were it not for this knowledge, I could hardly hope to recover my own interest in the work I followed throughout most of his lifetime.

Today would have been his twenty-first birthday, but he was already mature in thought. He had seen a good deal of the world and had formed his opinion of many things. He was the most strongly individual character I have ever known, and personal freedom with him was a passion. He was not quick to evaluate people or the habits of life, but once he had done so, there was no changing his mind by any pressure, persuasion or argument. He knew perfectly his reason for whatever he did, and for all that he liked or disliked.

He was impatient of any form of pretension, so that many people thought he was brusque, but that was only because he saw clearly and could not tolerate false values in anything. In serious mood, he spoke to the point and with great brevity, but he had a wonderful sense of the humorous. His observations on whatever came under his eye were invariably seasoned with a quiet, penetrating wit that got into his school themes and destroyed the decorum of teachers.

I was proud of a letter received the other day which described him as a typical American boy. I think that is what he was. He would not have wished a more eloquent tribute.

With high spirits he had a deep, mystic appreciation of Nature that only poets and artists would understand. He loved to be alone under the sky with the good things of the earth, and I think his happiest moments were solitary. He found something in the stillness of a clear night, or the bluster of a windy day, that had a particular meaning for his spirit, and which nobody else could share with him.

He was given that complete love and understanding of Nature that makes the storm as acceptable as the sunshine. In the midst of a great hurricane, when houses shuddered and little souls were in terror, I have known him to go calmly to bed and fall into a sleep as peaceful and untroubled as though the tempest outside were a summer breeze. His attitude toward those who lamented the upheavals of Nature was amused. It was as though he understood something that others failed to divine about the laws of the elements.

This mysterious chamber of his spirit, which nobody could enter, perhaps gave him the unusual poise and reserve that determined his course in the war. When he joined the Army Air Corps, two years ago, he volunteered as an aerial gunner. The sky and the great spaces were without terror for him, and perhaps he felt that his temperament, no less than certain physical qualifications, made him better adapted to this service than to any other assignment in the war.

In the midst of grim and increasingly ominous preparations, he reported only the beauty of the scene. I have a letter in which he wrote: "It is good to look down on the earth from a great height. It seems then so peaceful and orderly."

He loved this country itself—the broad land and the free sky, the colors and shapes, the good feel of the ground and the play of the sun on water. He went to his death for what he loved, doing the hard duty he chose for himself, as thousands of other typical American boys have done in this battle for decency.

In a sense they were all my boys; in a sense my own boy belonged as much to every family of this country as he did to me. I have wept for the others as I have wept for him, but we can not repay them with tears. We can only resolve, with all the fury and fire in our souls, to carry on with the fight they have left, to win the victory for which they died, and having won it, to secure the peace in which they truly believed—a peace that will actually make the world better and safer, and not merely a training ground for another generation of youth to be slaughtered at the whim of warmakers.

The voice of the dead in this struggle is the most terrible command ever given the races of man. It is more terrible than all the engines of destruction combined. Let it ring in the ears of the politicians and statesmen, and let us see that they never escape it.

God pity any man who shall fail those who have died in this war.

COWGER VOTES AGAINST TAX

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. COWGER. Mr. Speaker, on June 30, 1969, I once again voted against the 10-percent income surtax. I cannot preach Federal fiscal responsibility and then bend to pressure from my own party to continue a tax that is unnecessary. From personal experience I know that Government can and must live within its means.

During the 4 years that I was mayor of Louisville, we balanced the city budget every year. One of those years we cut the budget for the first time in two decades. We voted a $20 million bond issue without any increase in taxes, and when I left office, Louisville was in better fiscal condition than it had been in 30 years.

As a businessman, I know you cannot long continue spending more money than you take in. If my votes in Congress last year had prevailed we could have cut $15 billion from the budget. The Federal Government is the biggest spender and the biggest lender in the world and is creating its own inflation.

When President Johnson asked for a

10-percent income tax surcharge last year I knew his pledge to also cut spending was phony. I voted against the tax even though it was ballyhooed to stop inflation. Interest rates and the cost of living have continued their upward spiral.

Now, President Richard Nixon asked the Congress to continue this burden on the American taxpayer, promising that it will be reduced to 5 percent in January and dropped altogether at this time next year. I can clearly remember that during his campaign he strongly intimated that the tax should be discontinued. Circumstances have not changed except for the better. The billions of dollars spent by President Johnson to establish our military bases in Vietnam have been written off. President Nixon is withdrawing 25,000 troops from the battle area and has promised further cuts in overall service personnel. Now is the time to also cut expenditures. Frankly, I have found that the only way to reduce this spending spree is to deny sources of revenue. When I was mayor everyone of our department directors submitted budgets that we then had to cut to the bone. The job was always done with less money and more work.

The 10-percent income tax surcharge was passed in the Congress by a vote of 210 to 205. Knowing the vote was going to be close, the White House put pressure on all of us to be "team players." This I have always tried to be, but not at the expense of the people I was elected to represent.

I will continue to vote against increased taxes when it is tax reform that is really needed. We still have no tax reform bill that would plug the loopholes that allow foundations and the privileged wealthy to escape taxation.

The burden of taxation triggered the Boston Tea Party that led to the American Revolution and our independence from England. We will soon celebrate that liberty on the Fourth of July. May I suggest that you keep the enclosed tea bag as a reminder that the voice of government is always with the people.

RAIL SAFETY—WHEN?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. DULSKI. Mr. Speaker, how many more major rail accidents is it going to take before we get some corrective action?

Nearly 100 rail accidents a day—think of it.

The latest involved a Miami-bound streamliner which was derailed just 18 miles from our Nation's Capital. A Catholic priest was killed and at least 93 other persons were injured in the derailment.

There were 592 passengers on the Seaboard Coast Line Railroad train, which was traveling over the same tracks of the Penn Central Railroad which are used by Penn Central's high-speed Metroliner. The last six cars of the 18-car train were derailed.

Ironically, perhaps, the accident occurred near the Glenn Dale crossing which was revamped just about a month ago, with new asphalt bedding and welded ribbon track.

Legislation will not halt rail accidents completely and I do not pretend to imply it will. But legislation will put teeth in our rail safety laws which have been too little for too long. What is more, the agency responsible has never had the backing in its safety efforts that it should have.

I have introduced rail safety legislation. It probably does not go far enough, but certainly it is a start in the right direction. I hope sincerely, as I told the House committee in hearings last week on on a specific safety matter, that we can get some meaningful rail safety action soon—and the sooner the better.

The Wall Street Journal has done an excellent front page story on the problem. It tells the story which I have repeatedly sought to bring to the attention of the House. Following is the text of the June 26 article:

RAILROAD ACCIDENTS SOAR TO NEARLY 100 PER DAY, BUT BLAME IS IN DISPUTE

(By Todd E. Fandell)

CHICAGO.—"So far we've been lucky," says a top official of a Midwestern railroad. "One of these days we're going to wipe a whole town right off the map."

The man is talking about railroad accidents, and he isn't exaggerating. Already this year, Laurel, Miss., and Crete, Nebr., were almost wiped off the map. In Laurel, a derailment resulted in explosions of tank cars that killed two people, hospitalized 33, demolished 54 homes and two factories and damaged 1,350 homes, four factories, six schools, five churches and 100 small businesses. Total damage was $3.5 million. In Crete, a derailment ruptured a tank car, which spread a deadly chemical mist over the town, killing nine persons and injuring 40.

Those figures are astonishing enough, but here are some more:

There now are around 30,000 railroad accidents a year—approaching 100 a day. The number of accidents where damage to railroad property totaled $750 or more was 8,028 in 1968, up 83% from 4,378 in 1962, despite a decline in miles traveled.

There now are about 15 derailments a day, compared with nine in 1964.

Last year 2,359 persons were killed in railroad accidents and 24,608 were injured. In contrast, 351 persons died in airline accidents.

And in 1967, the latest year for which figures are available, accidents cost the nation's railroads $266.3 million in out-of-pocket expenses—a figure equal to more than half of the net income of all U.S. railroads that year.

SOME CAUSES

What's the matter? It depends on whom you talk to, but there apparently are several reasons for the rash of accidents. Negligence, faulty rolling stock and improper maintenance or defects in track are about equally to blame as the immediate causes of the accidents. But the underlying causes are in dispute or unknown.

"There is nothing being done in the way of research," says the president of one big road. He says he was appalled at the inadequacy of the answers he was given when he recently began a personal investigation into a costly rise in the number of derailments on his line. He says he would ask for the cause and be told it was a broken rail. But no one ever seemed to know how or why the rails broke. "To say the cause is a broken rail and drop it at that is ridiculous," he says. "But that's what we've been doing."

One reason rails are breaking is that roads are using bigger, longer, heavier and faster trains on the same old track and roadbeds. But why the tracks and roadbeds haven't been improved along with the rolling stock seems to be unanswerable. Unions blame the managements. The managements blame the unions and the Government. And the Government says it doesn't know who's at fault—but that somebody better do something quick to halt the rise in wrecks.

Indeed, mounting public concern is likely to prompt Congress to give the Department of Transportation broad powers to establish and enforce comprehensive safety regulations for the railroads, which are the only major mode of transportation not covered by copious safety rules.

"SAFETY CAN'T BE LEGISLATED"

Talk of such regulation doesn't sit well with railroad officials. "Safety can't be legislated," asserts Thomas M. Goodfellow, president of the Association of American Railroads. Some railroad executives claim legislation would stifle their own efforts to solve the problems. Other railroad executives say that instead of legislating safety the Government should let the roads raise rates so they could afford to buy better equipment and make more frequent repairs. In support of this argument, they say that richer roads have better safety records than the poorer ones.

The richer roads do, in fact, have better safety records. The well-heeled Union Pacific, for instance, had 4.2 accidents per million miles traveled in 1967. The loss-ridden Missouri-Kansas-Texas Railroad had the worst record that year, 33.3 accidents per million miles. The Katy's track is so bad that a few years ago an engine derailed while standing still.

On the whole, claims Harold C. Crotty, president of the Brotherhood of Maintenance of Way Employes, "rail and tie replacement work has been neglected and, as a direct consequence, railway accidents caused by track and roadway defects have increased."

CUTTING TOP SPEED

Mr. Crotty says that a decline in maintenance of way workers to 88,000 from 251,000 in 1951 reflects a decline in inspection and maintenance standards. The roads reply that the drop in maintenance workers instead reflects improved work methods, materials and mechanization. And some road executives say they could afford to hire more maintenance workers were it not for union "featherbedding" practices in other areas that eat up railroad money.

Wherever the blame rests, a number of roads are taking steps to cut down the accident rates. Some have ordered lower maximum speeds for freight trains. The Soo Line, for instance, has trimmed its freights' maximum speed to 40 miles an hour from 60. "It was one of a number of steps we took to do something short range about the accident problem while we stepped up study efforts to discover causes and long-term solutions," says a spokesman. A large Western road has cut its top speed to 50 from 70 miles an hour.

The cutting of speeds hasn't been publicized, and most industry officials don't like to talk about it. "That's rather embarrassing and sure won't help us in Washington," says one official, who fears legislators will interpret the moves as admission of unsafe conditions.

U.S. FARM-SUBSIDY LIMIT HAS TOUGH ROW TO HOE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. CONTE. Mr. Speaker, for the information of my colleagues who sup-

ported my amendment putting a $20,000 ceiling on farm subsidies, and that of the Members in the other body who will be voting on the matter soon, I am including in today's RECORD a copy of an excellent article on the subject by David R. Francis, published in the Christian Science Monitor of June 27, 1969.

The article rightly stresses how popular this measure is with urban Congressmen at a time when, as my distinguished colleague, the gentleman from California (Mr. COHELAN), points out, we are spending many times more on agriculture than on such needed legislation as model cities and urban renewal.

As I have indicated earlier, however—CONGRESSIONAL RECORD, June 16, 15869; June 17, 16269—there is also substantial and growing support for this reform among rural legislators as well.

Mr. Francis also accurately describes the degree of commitment to this legislation. I, and many of my colleagues, will not vote for an agriculture appropriations bill without some form of payments ceiling. And it is certainly true that Congress will insist on such a ceiling before approving any new farm bill.

Mr. Francis concludes:

Thus the question is whether the limitation will be imposed within the next few days or later, when the farm bill comes up.

My own conviction, and that of many others in both Houses is that these outrageously high payments must be stopped now. The main business of the House today, in response to the growing menace of inflation, requires all of us to honor our commitment to the taxpayer who now faces another year of the surtax by ending waste where we can. And the $300 million we can save by this legislation is enough by itself to offset the $270 million requested by the administration to pay for an expanded food-aid program.

Mr. Francis also adds his voice to others who have suggested that some payments ceiling opponents hope to reduce support for my amendment by trading their support for larger appropriations for food stamps and other antihunger legislation. Too much is at stake here for such a cynical political deal. Moreover, support for an expanded fight against hunger is so strong that such a trade is unnecessary.

Mr. Speaker, I must take issue with one comment made by Mr. Francis in his otherwise excellent article. This is his suggestion that a Senate payments ceiling amendment which also repeals the "snapback provision" might be rejected by the House as not "germane" to an appropriations bill.

First of all, I am convinced through consultations with Members in the other body that such an amendment would in fact be "germane."

But, even assuming such an amendment might be considered not germane, the gentlemen in the other body should know that it is a common occurrence for this House to accept Senate amendments to House bills which might have originally been considered nongermane in this body. The reasons for this are not only the traditional respect which this House has for the more flexible procedures of the other body, but, more importantly, because my colleagues and I would be powerless to attempt to overrule Senate procedures.

Examples of this practice abound in fields, as diverse as agriculture and civil rights. Only last Friday, this House accepted a conference report on H.R. 8644, suspending the duty on crude chicory roots, to which the other body had added two social security amendments—one of which, it will be recalled repealed the freeze on Federal aid to dependent children. See CONGRESSIONAL RECORD, June 27, 1969, 17628–17632.

No one, of course, would suggest there is a closer connection between chicory roots and ADC payments than there is between a farm payments ceiling and the repeal of a device designed to permit large cottongrowers to escape the intent of that ceiling.

In short, there are no procedural barriers preventing the enactment of this needed legislation. We can put an end to the scandal of these huge payments at this time. And I am convinced that popular feeling, as well as simple justice, require that Congress act now.

The article referred to follows:

U.S. FARM-SUBSIDY LIMIT HAS TOUGH ROW TO HOE

(By David R. Francis)

WASHINGTON.—Back in 1936, President Roosevelt asked Congress—unsuccessfully—for a limit on the amount of federal subsidy money paid to any one farmer. Any day now, the same controversy will produce a fight on the floor of the Senate.

Last year, 1,084,000 farmers got subsidies, though less than $500 each, from the government. Yet 5,885 farmers each received payments of more than $25,000. Three got more than $1 million.

"Small wonder," says Rep. Paul Findley (R) of Illinois, "that Congress—confronted with a fiscal crisis so great that an unpopular surtax must be extended and many popular programs dropped—has rebelled."

Last month the House voted 225–142 to limit to $20,000 the total federal payments any single farm operator could receive under the cotton, wheat, and feed-grain programs. The amendment passed despite the opposition of the administration and congressional leadership of both parties.

"Few votes have been more significant to farmers," commented Reuben Johnson, lobbyist for the National Farmers Union (NFU).

The vote indicated the great dissatisfaction of urban congressmen with the farm program. They now are by far the great majority in Congress. Of 435 House districts, only 83 have as much as 15 percent of the population living on farms.

The complaints of Rep. Jeffery Cohelan (D) of California are typical. In the House debate, he spoke of the "sacred cows" in the agricultural appropriations bill.

"The bill," he said, "provides the staggering sum of $4,965,934,000 for capital replenishment of the Commodity Credit Corporation. This sum represents money which has been lost by the corporation because it has supported commodity prices above the open-market price.

"This enormous sum, nearly $5 billion, is three times what we will appropriate for the operations of the Office of Economic Opportunity.

"It is five times what we will spend for model cities and urban renewal.

"It is five times what we will spend for manpower training.

"It is several times what we will provide in federal support for public education."

He concluded: "There must be a less expensive and more efficient way to both help transfer income to needy farmers and to maintain a stable agricultural-production base."

When the bill reached the Senate, the payment-limitation amendment was knocked out by the Appropriations Committee. Sen. Spessard L. Holland (D) of Florida, chairman of the agricultural appropriations subcommittee, says he is opposed to the commodity programs for wheat, cotton, and feed grains (but not sugar and wool programs, which are more important to his state).

Yet the lanky, white-thatched Southerner argues that the House-passed payment limitation would be "unwise and self-defeating."

Senator Holland says he expects the administration to suggest a "more workable" payment-limitation plan when it recommends new legislation to replace the 1965 Food and Agriculture Act. The act expires at the end of 1970.

Secretary of Agriculture Clifford M. Hardin has hinted this would be the case.

Even if the administration does not offer a payment limitation, it is almost certain Congress will insist on one before approving any new farm bill.

Seeing the drift of congressional opinion, the NFU has suggested a graduated formula for payment limitation with a ceiling of $37,500.

Thus the question is whether the limitation will be imposed within the next few days or later, when the farm bill comes up.

At the earliest, the agriculture appropriations bill could reach the Senate floor Friday. Senator Holland would like a vote before the July 4 recess.

CONFERENCE SESSION DUE

A floor battle is assured. Sen. John J. Williams (R) of Delaware has promised to propose limitation amendments.

The Senate generally has been more sympathetic to the big farmers. Last year, when Senator Williams made his perennial appeal for a $25,000 ceiling, the vote was 47 to 25 against. But this majority fell to 40 to 30 when the ceiling was raised to $75,000 in subsequent amendments.

Senator Williams hopes he has picked up some support this year. But his opponents may have cut some of the ground from under him by obtaining Senate passage of an emergency resolution approving a boost in the food-stamp authorization to $750 million for fiscal 1970. This is more than double the $340 million authorized now by law.

Supporters of a limitation on payments had previously noted the willingness of Congress, especially the Southern members, to vote for large subsidies to big farmers at the same time they were reluctant to provide food for the poor.

In any event, the limitation will have to go to a House-Senate conference committee. If the Senate has eliminated a payment limitation, the conferees are expected to do likewise. The agricultural appropriations subcommittees are dominated by cotton-state congressmen, and cotton farmers get most of the big payments.

EASTLAND OPERATION CITED

However, Mr. Findley says he will fight in the House to send the bill back to conference if the payment limitation has been knocked out. Should he be successful, the conferees and the administration might feel obliged to come up with some compromise limit.

The opponents of the House-passed limitation have two objections:

1. They argue it will cause big farmers to step up their production. The large farmers will not be getting any payments to keep a portion of their acreage out of production. So they will plant these acres.

This, it is said, will mean that small farmers staying in the program will have to cut

back further on their planted acreage to maintain a reasonable balance between demand for farm products and supply.

Rep. W. R. Poage (D) of Texas, chairman of the House Agriculture Committee, holds it would be better to take 5,000 acres out of production on the cotton plantation of his colleague, Sen. James O. Eastland (D) of Mississippi, and pay him for that, than to take an extra acre out of production of small cotton farmers. Eastland Plantations, Inc., of Doddsville, Miss., received $116,978 in federal payments in 1968.

More small farmers, he says, would be driven from the land by limits on payments.

2. A "snapback" provision in the farm bill requires the Agriculture Department to guarantee program participants 65 percent of parity for their cotton should a payment ceiling be imposed.

Mr. Hardin told the Senate agriculture appropriations subcommittee that the snapback would jump the government crop-loan rate by more than 50 percent. In effect, this new rate would be the government purchase price since most farmers would surrender their crops instead of repaying the loan. The loans are nonrecourse loans.

In addition, Mr. Hardin said, the higher price would stimulate an additional 2 million bales of unneeded fiber and end up costing the federal government $160 million more than the program benefits will total this year.

$250 MILLION SAVINGS TARGET

Also, many large farms could be split into smaller units to make them come under the payments ceiling. Mr. Hardin testified that "perhaps as much as 70 percent to 85 percent of the potential cotton acreage affected by the $20,000 limit would be able to maintain its eligibility for full payment."

However, proponents of the payment limitation readily offer rebuttals.

John A. Schnittker, who was Undersecretary of Agriculture in the Johnson administration, sent a letter to Senator Holland admitting that the $20,000 limitation amendment introduced in the House by Rep. Silvio O. Conte (R) of Massachusetts would not accomplish any savings. But then he suggested amendments "which would accomplish annual savings up to $250 million."

The proposed amendment would limit payments to no more than $10,000 for a single producer for each crop (wheat, feed grains, and cotton). And it would repeal the snapback provision.

SPENDING-BILL DELAY HINTED

Mr. Schnittker maintained that with these changes "the glaring excesses in individual payments can be limited in fiscal year 1970 without creating serious inequities or interfering with the basic purposes of farm programs. . . ."

Senator Williams has already introduced an amendment that would repeal the snapback provision.

Should such an amendment reach the House through conference committee, however, it may be rejected as not "germane" to an appropriations bill.

However, proponents of payment limitations hope to force the agricultural committees to come up with their own limitation in a separate bill, holding up the agriculture appropriations bill if necessary.

When the issue was raised last year, President Johnson instructed the Agriculture Department to study the effects of payment limitation. The study, prepared under the direction of Mr. Schnittker, was eventually leaked to the press and put in the record by Mr. Findley.

It concluded that payments could be limited to $20,000 "without serious adverse effects on production or on the effectiveness of production adjustment programs."

Department of Agriculture records show that about 34 percent of the cotton, 5 percent of the wheat, and 2 percent of the feed grains were grown on the large farms that would have had their payments reduced in 1967 had a $20,000 limitation been in effect at that time.

CHAMBER OF COMMERCE OF THE UNITED STATES SALUTES INDIANAPOLIS ANTICRIME CRUSADE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BRAY. Mr. Speaker, volume 2, No. 4, of the U.S. Chamber of Commerce's Spotlight on Women in Public Affairs was devoted solely to "The Indiana Story: Women's War on Crime." The text of the chamber's report follows:

SALUTE FROM THE NATIONAL CHAMBER

"Whatsoever thy hand findeth to do, do it with thy might." Ecclesiastes 9:10.

Three women are pictured above [pictures not printed in RECORD]: Mrs. Mattie Coney, Mrs. Veneta LaDine, Mrs. Margaret Moore.

Ordinarily, they might never have met. Race, education, occupation, social environment—factors such as these might have kept them apart.

But the death of a 90-year-old retired Indianapolis teacher—mortally injured in a purse snatch on March 21, 1962, by a teenager—*was fated to bring them together. From that incident,* viewed indignantly and irately, *sprang the movement in which these three women figure:*

THE ANTI-CRIME CRUSADE

It began in Indianapolis . . .

Soon, its momentum built and spread as Indianapolis women from all walks of life joined hearts, heads and hands to form a solid, dedicated corps of more than 50,000 volunteers. Indignation-inspired, the movement swept outward from the State Capital.

It now covers all Indiana . . .

This issue of Spotlight on Women in public affairs is devoted to telling The Indiana Story: Women's War on Crime. True, it began in Indianapolis, but its meaningful strength pervades effectively the whole of Indiana—especially so its alert cities and towns as Anderson, Elwood, Evansville, Hammond, South Bend.

First though, let's identify the three women above: Mattie Coney, who carries the Crusade to her people; Veneta LaDine, who carries the Crusade to the State of Indiana; and Margaret Moore, who carries the Crusade to the Nation.

Here is the gist of their story. Their roles in it, as each will readily say, are merely representative. *Any or all of literally tens of thousands of other Indiana women might equally be spotlighted here.* For the work of all is significant, the work of each is essential, to the now-evident, now-continuing success of their individual and integrated venture: the war on crime.

At best, the account here can be but a bare-bones minimum of all these women have done. But the essential point is: it is revealing. It suggests succinctly what happened, what can be. We leave it to you to fill in, read between the lines.

Fundamentally, it underlines: Properly briefed, and adequately organized, the determined women of a state can fight crime and win!

Tersely, this is the meaning of the Indiana Story.

It carries strength and substance for us all.

ARCH N. BOOTH,
Executive Vice President, Chamber of Commerce of the United States.

HOW DO YOU START AN ANTICRIME CRUSADE?

With a factor of one: one crime, one dropout, one job, one bright light, one court watcher, *one determined woman.*

Then you add to the latter, *and multiply.*

It works in Indianapolis, throughout Indiana.

In crime prevention, here are some of the things Indianapolis women do:

Help keep youth in school—so far, more than 2000 of them;

Aid in exposing unqualified personnel, and in getting better ones to replace them;

Testify to legislators—giving information they need;

Honor policemen—and reduce ridicule of their performance of duty;

Raise money for needed city/county projects;

Teach children about laws that affect them—and encourage respect for the law;

Help high schoolers study government—on-the-spot, in action;

Carry through vast clean-ups—devise projects that innovate, resuscitate;

Work with public officials, as the police, the courts, the corrections department;

Serve as consultants—improving how-to-fight-crime know-how in other communities;

Communicate with others elsewhere who want to crusade too.

Can't add it up? It won't multiply? Maybe not, mathematically. *There are no real formulae, no equations. The Crusade is too simple for that; in fact, it can be expressed in a word: volunteering.*

That's the formula—what it reduces to: *a will to do!* And how do you add or multiply will power? Particularly when it is expressed to the *n*th degree?

Let's look at the structure of the Anti-Crime Crusade. Maybe it will tell us something more. It's simple too! *Fourteen division chairmen are responsible* for progress—each in her area of concern.

Of course they have subchairmen, committees, projects, meeting times. *And periodically division heads meet with the general chairman and the coordinator for the Crusade. What do they do* at the meetings? Again, it's simple: they *talk* over problems; *study* the situation; *decide:* where do we go from here.

How does the Anti-Crime crusade work out in practice? Let's take an Indianapolis example, a rather novel one: *Court Watchers Watching.*

Why novel? Well, what self-respecting Indianapolis woman, for instance, would *ever* show up in court—she didn't have to? Not one, you say? You are wrong! *Thousands of Indianapolis women have been showing up in court*—decent, upright, non-arrested but super-charged citizens: Two a day per court, over more than a five-year period.

What's it got them for their trouble? This: *70,000 court-watcher reports*—each from an eagle-eyed, ear-attuned woman.

Why make reports? Reports show patterns, as: too often, arresting officers don't appear to press charges; too often judges are late.

Whose fault? Women court watchers in Indianapolis asked questions of half-a-dozen judges. What followed! For one thing: Court procedures were tightened up.

More questions were asked. Example: why does the median age of defendants in Criminal Court keep dropping? (Could the reason be in homes, not in courts?)

Raising questions raises other things. An ired defense attorney urged the judge: get these women court-watchers out of here! The judge reminded: remember Magna Carta? These watchers are here to protect the defendant—whose legal rights you are said to be representing. You should be grateful, not resentful.

The defense attorney took the matter to the Supreme Court however. And Indiana's highest judicial body said, in essence: We agree with the judge—and the court watchers."

How to be a court watcher? It's simple in Indianapolis—*just ask.* When your time comes—study, and *fulfill your daily assignment* one day at a time. It's easy!

Court-watching is one part of the Anti-Crime Crusade in Indianapolis. Its women can cite many others—just as revealing, just as interesting, just as productive. *As a Crusader, you don't need to limit yourself either to just one part of the crime front*—you can work on others, each fascinating in turn.

For instance, you can:

Support the police in their jobs;

Help young people, children;

Get to know teenager problems, and prospects;

Improve uses of tax monies;

Help young people who have had a bad start get on the path to rehabilitation, trust;

Be a lamp leader and lighter (As more lights go up, rates of crime go down—a Crusade finding and lesson);

Scent out five-finger-discounters (shoplifters) and save shopowners and yourself $$$;

Encourage churches and church attendance—at study tables, programs, youth-activity events, young-mother panels, court-visiting, help to the gone-wrong, the physically handicapped, the disturbed ones;

Beautify—by shaping up, sprucing up blocks and neighborhoods with brooms and rakes and people power (Clean blocks mean new pride, more respect for others' rights).

Tersely, even pithily perhaps, the above is the gist of The Indianapolis Story: Anti-Crime Crusade.

It began in 1962. It's still going strong. It's healthfully contagious.

Of a certain great English architect/builder it was said (in Latin): *"If you seek his monument, look about you."*

Much the same can be said for Indianapolis, or as the Londoners said of their pride Christopher Wren—just "circumspice" (look about you).

INDIANA WOMEN'S WAR ON CRIME

ANDERSON

". . . where your treasure is, there will your heart be also." Matthew 6:21.

"One of the ladies in our YWCA Bible Class—it's interdenominational—read in *Guideposts* about the Anti-Crime Crusade in Indianapolis."

That's how the Crusade came to Anderson, Indiana.

The words above are those of Executive Secretary Mrs. Elizabeth (Frank) Worley of the Anderson Young Women's Christian Association. She continues:

"The lady contacted Margaret Moore. She and Mattie Coney agreed to come to Anderson.

"The Bible Class sent letters to all the ladies' church groups, the Police Department, city officials, school leaders and counsellors, inviting them to the meeting.

"In fact, we made the invitation open to anyone—anyone, that is, interested in helping youth. The media responded with advance publicity.

"The response was more than gratifying."

In Anderson, naturally enough, there is developing an Anderson plan, using the Indianapolis experience as a guide or inspirational pattern. *Two years' experience of its own have convinced Anderson women that the words of* Mrs. Rachel (Murl) Howard—*the lady in the Bible Class—were precious and prescient.*

Upon reading the *Guideposts* article she said: "We have studied long enough. It's time we moved into action."

Action is what the voluntary Anderson program has got. Here are just a few of its undertakings:

School drop-out counseling;

A regular school tutoring program;

A publication program; e.g., *What Is The Law?;*

A clothing room, volunteer-womened, at the High School Administration Office, to make apparel available to students of all ages;

A park-watch-sitting program, *a la* Indianapolis.

Looking back over the first 24 months of action, Mrs. Worley comments:

"Rachel (Mrs. Howard) said it was time we got going. We have. Volunteer help, volunteered funds, have made this a most meaningful program. Truly, these are 'helping hands.' I can tell you this: the cooperation is great!"

"Helping Hands" has a special meaning—to Andersonites. It's the title of a program, launched by Mrs. Howard in 1965, dedicated to youth. More than that, it's a chief concern to her: to encourage and qualify older women to "teach the young women," as counseled by the Apostle Paul.

EVANSVILLE

". . . whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things." Philippians 4:8.

How did the word spread—of what was happening in Indianapolis as results of the Anti-Crime Crusade?

Many ways, and yet—one way: *with a determined individual.*

For instance, *in Evansville, someone like Mrs. Mildred (Dale) Morgan.* She says:

"My daughter in Indianapolis was active in the Crusade. She invited me to attend one of their luncheons, a little more than two years ago.

"I was much impressed with their Crusade, its many facets. My daughter, Mrs. Elaine (John W.) Brookwalter, is Chairman of the Youth Division Sponsors. Back in Evansville, I thought: where do I start? As National Defense Chairman, Mary Anthony McGary Chapter, Daughters of the American Revolution, I took the proposal to the group.

"The DAR Chapter agreed to print *The Teenager Wants To Know What Is The Law.* School officials, the Police Department, gave approval; Citizens National Bank paid for the printing. Many helped to fold and staple 25,000 booklets.

"With the help of two young policemen, we took the booklet into schools.

"City Court Judge Wayne Kent, interested and cooperative, likewise volunteered and got the project into the schools.

"Two more policemen joined—working in uniform, but on their own time. Officer Larry Qualls offered to teach class after school to boys who want to learn about the law. Qualls suggested a class of 10 volunteers. Fifty-two asked to participate!"

Mrs. Morgan spoke of the "facets" of the Crusade. Others as well "sparkle" in Evansville:

Mrs. Ann (James) Lowenthal, Drug Committee Chairman for Evansville Women's Club, led a drive to buy and show films to school and PTA's. Other groups promptly asked to use them, multiplying their effectiveness.

Two instructors—Judy Jenkins and Jean Lewis—voluntarily teach on their own time reading, writing and 'rithmetic to probationers—up to 110 at a time. Others are volunteering to teach these and related subjects to probationers.

Eleven teenage collegians under direction of another volunteer, Mrs. June (Chester A., Jr.) Schmidt, help with court work on a one-for-one program.

Mrs. Sheila (Jack) Lewis, Mrs. Marian (Edward) Ash, and Mrs. Ruth Hush individually contact teenager probationers up to three times weekly over periods up to six months.

On completion of the new City Complex, telephone numbers will be assigned and *Crime Alert* instigated. Innumerable volunteers are ready to participate. Groups, too, are cooperating: the Chamber of Commerce, telephone company, bar association, police news media.

At City Court, volunteers have set up a clothing bank to aid probationers (age 17 to 70) "get on their feet." Many volunteers are men like James Gilliam who devotes hours and personal skills weekly to the rehabilitation of alcoholics, especially young people, with "phenomenal" success.

Are Evansville volunteers rewarded? Are they inspired to continue? Absolutely, replies Mrs. Schmidt. Here are her words:

"My children were nearly raised. This was an opportunity to 'help your brother.' It was a simple way to become involved, and an education too. I soon learned!

"I went to observe court—to see first-hand what the problems were.

"They are people problems . . . and people must help solve the problems. We have a good start.

"I am so happy, I volunteered. The boys and girls on probation are timid, skeptical at first. But they soon realize: we are people they can trust. They look forward to our visits. So do we!

"We work with Black families, too. They are very responsive. They want to help themselves. They want to know how.

"Here is one very important thing: *You don't have to cut through yards of red tape in this work* and that's the case in so many community programs. I'd say this is, well, 'instant programming.' Believe me, it gets the job done." *Husband-wife teams form part of the Evansville volunteer movement.* "An interested and understanding husband helps." says Mrs. Julia Mallory, referring to her husband, Ralph Mallory, Jr. They are parents of children, aged 20 and 4 months. Mrs. Mallory formerly taught the Fourth Grade.

Mrs. Mallory is a charter member and Immediate Past President of the Evansville Junior Women's Club, organized in 1967. She served as Chairman and Coordinator of the Club's first—and continuing—Block Mother project. Adding:

"All 49 of our Charter Members have been active in the project." Noting too:

"We select mothers who will help children who are frightened, injured, or lost. We give temporary first aid and protection until parents, police, or emergency vehicles can be called.

"Children recognize our homes by a card in the window reading BLOCK MOTHER and showing our symbol—a large red helping hand.

"We have the whole city involved! News media—newspapers, radio, tv—help us recruit Block Mothers. They tell parents and children about us. TV spots come on Saturdays, when children are viewing cartoons. Spot announcements are on everyday: early for children, late for parents.

"School personnel, PTA's, and the Police Department screen potential Block Mothers. On approval, Red Cross gives them a First Aid Course. A consulting attorney volunteers his services.

"To date, 75 mothers have been certified, trained, and are at work.

"Through a 4-page coloring book furnished public, private, and parochial school children in the Kindergarten through Third Grade classes, teachers guide them on how to recognize a Block Mother and what she does. Mead-Johnson Company pays for all the coloring books that we use.

"Our Block Mothers are scattered all over—near city bicycle routes, recreation areas, schools, etc.

"When tornado warnings occur, Block Mothers move outside, encourage children to go home promptly. They are on the watch continually for potential child molesters."

Continuity is necessary to the success of the Evansville effort. As Mildred Morgan says:

"An attorney's wife, Mrs. Anne (John) Early, is Chairman of the Evansville Anti-Crime Crusade. Our work, under her energetic leadership, will continue and expand. *More and more, people are becoming involved.*"

ELWOOD

"For precept must be upon precept . . . line upon line, here a little, and there a little." Isaiah 28:10.

To residents of Elwood, Indiana, a city of 12,000, metropolitan-crime reports at first seemed to have little relevancy. After all, crime in Elwood? Unthinkable!

Then, last year, Mrs. Veneta (C. B.) LaDine of Indianapolis came to speak with members of the Elwood Department Club and their guests.

From Mrs. LaDine's words, it became increasingly obvious: *In terms of Elwood, a local version of Indianapolis' Anti-Crime Crusade would provide a positive program of community betterment.*

Led by Mrs. Alberta (Gus) Meyer and Mrs. Mabel (Ernest) Davies, the Club started a Court Watcher program.

Every Tuesday night finds two women voluntarily observing Elwood court sessions.

Others are responding to the program: sorority members, the Travel Club, churchwomen.

"We are in the fact-finding stage," says Mrs. Meyer. "We look forward to a continuing program. It will be helpful to our community."

HAMMOND

"And let us not be weary in well-doing . . ." Galatians 6:9.

Ask Lieutenant Jack Rose of Hammond's Police Department to describe her, and he'll reply: "Well, *she gets things done;* oh yes, and she used to teach school."

This is Mrs. Crystal (Carl) Redden's reputation and occupational background in the 120,000-population Indiana community.

Likewise, she heads Project Alert—Hammond's version of the Indianapolis Anti-Crime Crusade.

Mother of a 13-year-old son in junior high and a daughter in college, Mrs. Redden says P.A. is really a family affair. They all pitch in.

"In everyone's life, certain community responsibilities must be assumed. Some women wait until children are older to give time away from home," she said. And adds:

"My family is helpful, tolerant; they help me to look at the problems objectively.

"We have to face up to the problems. We need to know people. We need to know how our city government works. Who is responsible for what, so we can get to the right people in the first place.

"Hammond—well, some call it a 'melting pot.' We do have many nationalities. I call it a 'fruit cake.' Each here keeps his identity; you can tell the raisins from the cherries."

Hammond's Project Alert is simple. Almost austerely so. There's no treasurer because there are no membership dues. There are no meetings except when necessary. Place of meeting is as convenience may suggest—Chamber of Commerce, the City Hall Planning Room, etc. Some volunteers are "organization" members; others just "care."

As Mrs. Redden suggests: *"We just work together."* It isn't who's right, but what's right that sets Project Alert going.

Groups do work hand-in-glove with the Project: Jay-shees, sororities, all PTA's, the United Council of Church Women, Federated Women's Clubs, the B&PW, Altrusa, others.

What do they accomplish? Here's a quick but incomplete tally; they help: clean up the city—an over-all program; see to it street lighting is improved; invite Hammondites to really get to know—friendly-like—their police (for instance, by sponsoring open houses); they keep themselves continually informed.

This last may seem cryptic. It isn't really. Hammond women just go see for themselves; as when 48 of them paired off in police cars to ride the city by night. Host officers opened their eyes:

"We saw things we overlooked, or never thought of. We were too busy, too 'involved' to notice before."

You can take that quote straight—or in reverse. Both police and women learned from the venture. And for each the lesson is complete: "They keep us on our toes."

Hammond is way-up on Helping Hand for school children; a sign in neighborhood homes tells children where to get help—in case of accident, storm, or a potential molester.

Godfather to Project Alert is Executive Director Walter D. Ford of Hammond Chamber of Commerce. On his staff is Mrs. Mildred (Harvey) Pritchett, first Chairman of Project Alert. She tells how it began:

"Early in 1967, Hammond was at low ebb; the community needed a shot in the arm.

"Mr. Ford had an idea. The Chamber invited representatives of groups for a Saturday talk—250 came. Many ideas were developed on the topic: *How to make Hammond a better place to live.*

"A few weeks later, these findings were reviewed at a second meeting. Chief of Police James Dowling and Police Lieutenant Herman Funk asked if citizens would work with them to combat crime—citing the Indianapolis precedent.

"This was the beginning then of Hammond's Project Alert—a group of volunteer men and women, but mainly of women.

"We invited Mrs. Moore and Mrs. LaDine of Indianapolis. They talked to us. And we felt: If they can do it, we can too!"

SOUTH BEND

"Be not overcome of evil, but overcome evil with good."—Romans 12:21.

Involvement in an Indianapolis-inspired Anti-Crime Crusade comes in many ways. Speaking from her home in South Bend, Indiana, President Mrs. Beatrice (Ray I.) Moore of the Progress Club comments:

"We got involved last year—after our National Convention in Boston. We had heard Margaret Moore at our Indiana State Convention, and again, at National. We came back and presented the idea to our group.

"It was decided: *we must move the Anti-Crime Crusade through community involvement.*

"First, though, we had to find the right approach.

"We have done some fact-finding. After consultation with the Chief of Police, Judges of the Courts, our Chamber of Commerce, and so on, *we invited all of the women's organizations and the governmental agencies involved to meet in South Bend.*

"This meeting was scheduled for June 13 of this year. According to our plan, Margaret Moore *will present a blueprint.*

"This will serve as a guide to us—in developing our own South Bend version of the Anti-Crime Crusade. The meeting will be a learning and a working session.

"Women's groups interested? Off hand, I can name some but there are many many more. Altrusa, the DAR, Hospital Auxiliary, Medical Women's Auxiliary, Business and Professional Women, Women's Bureau—Chamber of Commerce, etc.

"Personally, speaking for our group, *we are not concerned about credit* for getting a program started. *Someone has to do it.* It takes patience. Many of us are not too patient. *We must stick to it.* And we must recognize—*this is a program that must continue. We are on the right track. Many can help in many ways.*"

For further information, write Mrs. Margaret Moore, 4429 Brookline Place, Indianapolis, Indiana 46220.

WHO THEY ARE

Mrs. Mattie (Elmo) Coney

Founder and Executive Director of Citizen's Forum, Inc., active since 1964 in developing nearly 800 Block Clubs in Indianapolis "to spread the gospel of good American Citizenship."

Indiana's Woman-of-the-Year award in 1967, Theta Sigma Phi, professional fraternity for women in Journalism.

School teacher in slum-area locales for 30 years; *wife of a former teacher and businessman.*

Responsible for massive cleanup campaigns in Indianapolis (In 54 days in 1966 and 1967, disposed of 242,000 tons of collected waste materials)

Continuing author of "Mattieisms"—straight-from-the-shoulder plain-spoken Hoosier talk:

"You can't act like an inferior and then demand respect as an equal."

"Bad neighborhoods develop because individuals fail."

"No one is so underprivileged that he cannot keep clean."

"The biggest drug on our market today is the pill of apathy."

To Block Club leaders: ". . . soap, water, work, responsibility and commitment are simple words. Use them often." And "Be a good neighbor."

"Slums are made by people, not by plaster or bricks."

Mrs. Veneta (C.B.) LaDine

Chairman of the Indianapolis Anti-Crime Crusade. With Margaret Moore, attended the First National Conference on Crime Control, Washington, D.C.

Fulfills requests for the Hoosier Anti-Crime Control "pattern" from hundreds of cities and towns, *overseas replies from individuals and others* totaling between 2500/5000 a year.

Wife of a general medical practitioner on Community Hospital's staff.

Formerly a teacher of English and Latin for 14 years.

President of Indiana Federation of (Women's) *Clubs. Peripatetic speaker on Crusade activities* throughout the State of Indiana to community audiences, organizations, interested individuals.

Author of directly-on-target quotations:

"We must begin to work with children while they are young. Work with dropouts, then with brothers, sisters. We must do something to help with their home life."

"Parents need to be concerned about the associations of their children, about where they are going, with whom, whether they are making their grades."

"Children don't need to be brilliant, but parents need to know that they are learning. It's not the responsibility of teachers to raise the children. The basic moral things of life parents should teach at home."

"Women compliment women—working together. Women can work together if they don't care who 'gets the credit.' Work together to do a job. Do some thing: Take a child, get him clothed, to school. Who cares who did it if it's done."

Mrs. Margaret (Everett) Moore

Arranger of the 1962 luncheon at which 30 Indianapolis women became the first members of the Anti-Crime Crusade. *Now, Crusade Coordinator.*

Continuing consultant, the Indianapolis Anti-Crime Crusade, speaking throughout America to interested individuals and groups.

Political and Special Feature Writer, *The Indianapolis News.*

Indiana Mother-of-the-Year (1965).

Crusade "idea-producer" as of the *"knit-in"* staged by women in University Park to stop vagrants from loitering, to bring more police surveillance to parks.

Widow of a newspaper editor/publisher; mother of two daughters.

Former teacher in high school and college.

Author with son-in-law M. Stanton Evans of *The Lawbreakers: America's Number One Domestic Problem* (Arlington House, New Rochelle, N.Y., 1968, 288 pages, $5.95).

Vivid writer on crime and crime-prevention subject:

For the next six hours, from the safety of an unmarked prowl car, the women took an eye-opening look at their city. In the shadows of a parking lot they watched prostitutes work on conventioneers. They saw a smooth-talking con man fleece an unsuspecting pedestrian. They stood by while police officers arrested law violators on the strip, broke up savage family fights, mopped up after a gambling raid, helped a bleeding robbery victim to the hospital. They saw skid-row drunks herded into paddy wagons and witnessed a frightened teenage girl, who had been raped by a roving gang, single out her attackers from a police lineup."

INDIANA'S FIRST LADY

Wife of Indiana's Governor Edgar D. Whitcomb, Mrs. Patricia Whitcomb is First Lady of Indiana but *"a volunteer"* in the State Anti-Crime programming.

Her fields of service particularly concern law enforcement, crime prevention, and "other areas of great concern to entire families." She says:

"Women in every Indiana county are needed as volunteers. I will do all I can to help with this program emphasizing individual responsibility."

Here Mrs. Whitcomb is pictured (left) [picture not printed in RECORD] with two attendees at Governor Whitcomb's two-day Anti-Crime Conference held early this year and attended by state-organization women representing more than 500,000 members. Center is President Mrs. Sylvia (K. D.) Schneider of the Auxiliary to the Indiana Medical Association. Right is President, Mrs. Ann (Richard) Glasser of the Indianapolis Council of Women. Mrs. Schneider is from Columbus.

MEMORANDUM ON THE "GUIDELINES RACKET"

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Benjamin Ginzberg, of Arlington, Va., who until recently was research director for the Subcommittee on Constitutional Rights in the Senate, has presented me with a very carefully prepared and documented memorandum, which he calls Memorandum on the "Guidelines Racket."

Mr. Ginzberg has shown how a small group of people, operating within four agencies of the executive branch, have by "progressive interpretation" stretched an act of the Congress so far beyond its original intent that they are actually in violation of the law in their interpretation.

Mr. Ginzberg is hopeful that the Members of this Congress, on being made aware of such violations of law by the executive branch, will take action to halt such violations. I certainly share his concern about this situaton, and commend his memorandum for careful consideration by all who read this RECORD.

The memorandum follows:

MEMORANDUM ON THE "GUIDELINES RACKET"

I am a retired civil servant, whose last post was that of Research Director for the U.S. Senate Subcommittee on Constitutional Rights. I have devoted some of my leisure to testifying before Congressional committees on public issues (*e.g.*, I testified against the confirmation of Abe Fortas as Chief Justice) and to protesting abuses of power (when I come across such things) by government agencies. In March and April of this year I came across linked abuses by 1) the Equal Employment Opportunity agencies, 2) the Office of Civil Rights of HEW, and 3) the Housing Assistance branch of HUD. In all three cases, the authority of the Civil Rights Act of 1964 was being invoked in support of policies that not only were not authorized by that law, but were in several cases specifically forbidden. Since all this was being done under cover of the authorization by the Civil Rights Act that the various agencies may develop guidelines or interpretations of the substantive provisions, I baptized the linked abuses as the "guideline racket."

Here is some of the evidence about the linked abuses. At the end of March, Senator Dirksen protested to a Senate committee that the Equal Employment Opportunity agencies were harassing businessmen by seeking to impose Negro employment quotas—something which the Civil Rights Act of 1964 specifically forbids. Most of the press omitted the reference to employment quotas and merely reported Dirksen's complaint about the harassment of businessmen—a complaint which they proceeded to dismiss as motivated by the Senator's desire to protect employment discrimination. Since I knew from personal acquaintance with the experience of one firm that there was substance behind the Dirksen complaint, I wrote letters to the New York Times and Washington Star taking them to task for their attacks on Dirksen. Neither letter was published.

In the last week of March, the press reported that the Office of Civil Rights of HEW issued orders to the heads of state college systems with a past history of segregation (Pennsylvania and Maryland, among others) directing them to desegregate their colleges under penalty of forfeiting all Federal financial assistance. I was aroused by a startling passage in the desegregation orders. The passage reads: " . . . *to fulfill the purposes and intent of the Civil Rights Act of 1964 it is not sufficient to maintain a nondiscriminatory admissions policy if the student population continues to reflect the former racial identification of that institution.*" The reason why I was startled by this passage was that I had just finished reading the text of the Civil Rights Act of 1964 and found that it defined "desegregation" as nondiscrimination in the assignment or admission of pupils or students. That act also prohibits the assignment of students in order to overcome racial imbalance. I wondered therefore how the order could be implemented—how the racial identifiability of a predominantly Negro or a predominantly white college could be overcome—without running afoul of the law. Shortly after the orders were issued, the Star carried a story about the perplexity of the Maryland educators, with one of them coming up with a "Rube Goldberg" proposal for the state to grant scholarships to Negroes good only in predominantly white colleges and scholarships to whites good only in predominantly Negro colleges!

On April 20 I came upon tell-tale evidence that the Department of Housing and Urban Development was also among the agencies abusing the authority of the Civil Rights Act of 1964. The evidence came in the course of an article by Ben Gilbert in the Washington Post praising the Regency House project for the elderly poor and urging that it be put through without delay. The Regency House is a luxury apartment house with air conditioning and a swimming pool situated in the high income area of upper Connecticut Avenue. Under the plan, which barring last-minute legal difficulties has now been signed, sealed and delivered, families of elderly poor will occupy apartments in this house and pay about one third of the commercial rents charged to present occupants. Gilbert, using official sources, defined the new policy adopted by HUD requiring the location of public housing projects in high income areas as follows:

"Nearly a year ago, Don Hummel, then HUD assistant administrator for renewal and housing assistance, told local housing authorities to do what they could to locate public housing outside the ghettoes, *in accordance with the nondiscrimination requirements of the 1964 Civil Rights Act.* [Emphasis my own] Hummel pointed to a 1967 low-rent housing manual directing authorities to select sites 'which will afford the greatest opportunity for inclusion of eligible applicants of all groups regardless of race, color, creed, or national origin, thereby affording members of minority groups an opportunity to locate outside of areas of concentration of their own minority group.' "

The low-rent housing manual is supposed to function as a set of guidelines for the application of the provisions of Title VI with regard to non-discrimination in public housing projects. But what are the housing provisions of Title VI? They are included in a general paragraph reading as follows:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In my simple mind I could not help wondering about the magic that derives the Ben Gilbert paragraph, with all its tortuous formulations, from the simple language of Title VI.

A friend of mine, a retired government lawyer, suggested that I might be able to clear up my difficulties in understanding the policies of these agencies by asking them for the legal opinions (that is to say, opinions of their own counsel) on the basis of which the policies which I am complaining of were adopted. I realized that in the case of the Equal Employment Agencies the policies complained of were probably not put in writing, but in the case of the other two agencies (HEW and HUD) I followed my friend's suggestion and wrote letters on April 22 asking for the respective legal opinions justifying the policies I was questioning

To date I have not received a satisfactory answer from either agency, but as a result of correspondence, conversation and research my worst fears have been confirmed. We are in the presence of a conspiracy by civil rights agencies to frustrate the will of Congress and carry out policies pushed by minority group agitators—policies which are doctrinaire and destructive of the welfare of the nation as a whole, including the welfare of the minorities.

To begin with HUD, I addressed my letter of April 22 to Secretary Romney. Under date of May 5, Assistant Secretary Lawrence M. Cox replied that "the Secretary has asked me to reply, and I shall do so shortly." On May 26 he wrote to Congressman Broyhill (whose assistance I had requested) assuring him that a detailed reply was being prepared for me. I am still waiting for that reply, but I learned in conversation (June 2) with Mr. Notti, of his office, some of the reasons for the delay. He told me that the adoption of the new site policy for public housing projects was not preceded by a legal opinion justifying the policy from the point of view of legal authority, but that the lawyers had simply cooperated with other officials in drawing it up. For this reason, he explained, it was necessary to prepare a legal justification from scratch in answer to my inquiry, and this required careful preparation and clearance, particularly in view of the fact that it was expected that I would publicize the agency reply. I wrote Mr. Cox yesterday expressing my amazement at the novel development in government, whereby the administrators of a great agency embark on a policy without a written statement

of the legal authority therefor. I thought it was on a par with trying to run a business without possessing a fire insurance policy.

From HEW I received a reply dated May 22 and signed by one, Burton Taylor, civil rights specialist. The letter simply asserted the proposition for which I wanted a reasoned proof—to wit, that "under Title VI of the Civil Rights Act of 1964, state college systems which had previously segregated components must take steps to eliminate the racial identifiability of institutions within the system if a nondiscriminatory admissions policy has not had this result." The letter appended three court case references, and it turned out that the one court case which dealt with education on the college level *rejected* the demand that colleges have to take steps to eliminate racial identifiability, in addition to maintaining a nondiscriminatory admissions policy. This decision has been affirmed by the Supreme Court (over the objection of Justice Douglas).

The fact that HEW was taking a position in advance of what the Supreme Court is willing to accept and is being "more Catholic than the pope" led me to delve into the mysterious relationship between HEW's Civil Rights Office (which is charged to withhold funds from school boards not meeting the desegregation requirements specified in the Civil Rights Act) and the Department of Justice (which brings and stimulates suits to further interpret and apply the Supreme Court's *Brown* decision of 1954). I found unexpected help in a New York Times front page article on May 31, which while lauding the work of the two agencies explained how they cooperated.

The Times article describes the cooperation between the two agencies under the Democrats and indicates that the Nixon Administration proposes to intensify the cooperation. "Under the Democrats," the article declares, "these two approaches by the two departments were used as parallel devices. *Frequently, when a requirement for desegregation was made stiffer by the Health, Education and Welfare Department, the Federal courts, under the prodding of Justice Department officials and other civil rights lawyers, would stiffen their requirements to conform to the new desegregation standards.* It worked the other way, too, with the Health, Education and Welfare Department using a new court standard as leverage to gain acceptance of a similar change in its own guidelines."

The last statement is a bit of a euphemism, for the evidence is that the HEW uses a court decision not for the purpose of catching up but for the purpose of staking out new ground in advance of the court decision which it hopes to get the Supreme Court (via collusion with the Justice Department) to accept later on. But what stands out in the Times article is the admitted (and even boasted of) fact that the HEW operates on a progressive interpretation of the definitions and standards set down in the Civil Rights Act of 1964. In other words, it operates by the procedure of tightening the screws after the public has become accustomed to a degree of pressure.

There is of course nothing wrong with Congress writing a law that goes into effect in specified stages. But the fact remains that Congress did not write such a law in Title VI of the Civil Rights Act of 1964. For a bureaucratic agency to interpret a specific statute progressively—calculating each time what they think they can get away with—is an unspeakable outrage on the American people. Never mind that the Supreme Court has succumbed to the vagaries of a progressive interpretation of its original decision in the *Brown* case of 1954. (The Supreme Court problem will have to be dealt with at the proper time.) Supreme Court decisions applying (as in the *Green* case) "higher standards of desegregation" in court cases brought before it do not legitimize—in my opinion—the higher standards used by HEW in administering its responsibilities under the Civil Rights Act of 1964. If Congress has chosen that funds should be cut off from school boards and institutions which do not meet the standard of desegregation defined as nondiscrimination, that standard should remain the standard for cutting off funds regardless of what the Supreme Court does in court cases brought under the Brown decision.

Still less can HEW use Supreme Court decisions on public schools as authority for what it wants to do in the case of colleges. It cannot count on future decisions of the Supreme Court to legitimize its grab for power, particularly when the facts are that in its own court cases the Supreme Court has rejected that HEW standard.

If we combine the revelation that HEW uses a progressive interpretation of the law with the confession by HUD that it operates without a legal justification of its new policies, the picture we get is a truly alarming one. The Executive Department gets Congress to pass a law, and it accepts provisions that it does not like. But the next day it sticks the law into its pocket, and carries out policies which violate the law. This is a corruption of democratic government that is far more serious and far more dangerous than the mere monetary corruption of a few officials. This is a corruption that turns a government of laws into a government of invisible men, and turns our democracy into a dictatorship.

BLACK CAPITALISM AT ITS BEST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MOORHEAD. Mr. Speaker, the development of black entrepreneurship to date has been a slow, difficult, and frustrating process. Private business has been a successful means of entering the mainstream of American society for our Italian, Irish, Jewish, and other immigrants. But black citizens have encountered more deadends than white immigrants, primarily because of their visibility. We are slowly, painfully, and violently coming to the realization that the problems of racial discrimination, ghetto living conditions, and black unemployment can be solved only by a conscious effort of every sector of the society—public and private, black and white.

I submit an example of a successful program achieved through the cooperation of a black corporation, the Business & Job Development Corp. of Pittsburgh; the Federal Government, through the Economic Development Administration; and private business, the Westinghouse Corp.

The Business & Job Development Corp. is proving itself a winner. The Westinghouse plant described in the following article is the first of many ambitious projects to reach fruition. Presently, plans for another project, the Silver Lake Industrial Park, have been completed, and require only the necessary funds to become a reality. The Silver Lake Industrial Park has the potential to create 400 to 500 jobs for black citizens. The Business & Job Development Corp. is also running feasibility studies on a plastic products plant, a toy manufacturing plant, a vacuum metalizing plant, a drycleaning, rug cleaning, linen service complex, and the manufacture of a revolutionary type of concrete block. These programs have all the earmarks of economically sound, feasible enterprises. They will generate black business worth $10 million, and 1,200 new jobs, including over 100 management positions. Today, there are 50 major black businesses in Pittsburgh, with less than $1.5 million assets. The administrative structure for the development of black capitalism has been established. Now, it only requires adequate funding.

The program is reported in an excellent article in the New York Times of June 8 which I include herewith for the attention of my colleagues:

[From the New York Times, June 8, 1969]

WESTINGHOUSE OPENS PLANT IN GHETTO

PITTSBURGH, June 7.—The Westinghouse Electric Corporation this week opened a new electric vehicle manufacturing plant in Pittsburgh's Homewood-Brushton Section, the city's second largest black ghetto.

D. C. Burnham, Westinghouse chairman, said that the plant could have been built more cheaply in the suburbs but that Westinghouse wanted to "commit its talents and resources toward helping the disadvantaged become productive and self sufficient."

Mr. Burnham, as Pittsburgh metropolitan chairman of the National Alliance of Businessmen last year, has been an initiator in seeking to hire the hard-core unemployed. Westinghouse has a plant in the Negro section of Greenmount in Baltimore and an assembly plant in a predominantly black area of Newark, N.J. In those cities and in East Pittsburgh, Westinghouse has set up training programs for the hard-core unemployed. But the Homewood-Brushton plant here is the first involving a whole new building.

The one-story concrete plant and 4.7 acres, containing 40,000 square feet, cost $1.1-million. It was designed by Walter Roberts, a black architect, and was built mostly by black labor. It employs 40 persons, mostly black, as welders, motor winders, painters and machinists and is expected to employ 60 at full capacity. The workers go through a 12-week training course.

The plant was built by the Business and Job Development Corporation, a black-owned and operated agency, which has leased it to Westinghouse under a long-term agreement.

The plant manufactures two styles of battery-powered vehicles to transport personnel and equipment around industrial plants at from 6 to 8 miles an hour. At full capacity it will turn out 25 to 30 a week.

"We're altruistic," Mr. Burnham said. "The object is to make a profit for our stockholders." But, he added, he would like to see local businessmen buy the electric vehicles, which he guaranteed as "a good product at a good price."

Homewood-Brushton, where the plant is situated, was the scene of disorders in April, 1968, following the assassination of the Rev. Dr. Martin Luther King Jr. It is an area of generally high unemployment.

Mr. Burnham said, in that connection, that Westinghouse already has attained its goal of working in full cooperation with the black community to reach a common advantageous goal.

PISCATAWAY CRISIS AND BUILDING IN PRINCE GEORGES COUNTY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HOGAN. Mr. Speaker, on Thursday, May 15, I called the attention of

my colleagues to the intolerable sewage situation existing in Prince Georges County in my congressional district.

At that time, an informational hearing was pending before the Interior and Insular Affairs Committee regarding the granting of a permit to cross Piscataway National Park with an effluent line. This permit still has not been granted. However, the Federal Water Polution Control Administraton recently approved a $750,000 grant to the Washington Suburban Sanitary Commission it finance a research project to make the Piscataway sewage treatment plant a model for tertiary treatment of sewage. This development makes it even more imperative that the Park Service promptly approve the permit to cross park land with the discharge line.

I would like to submit, at this time, the following article which appeared in the Washington Daily News on Friday, June 13, 1969, which further illustrates the magnitude of the problem which the lack of an effluent line poses to the residents of Prince Georges County and of the Piscataway Bay area in particular:

MORE ON THE PRINCE GEORGES BUILDING CRISIS

(By Lew Sichelman)

Prince Georges County, one of the fastest growing counties in the country, could become dormant as far as growth is concerned unless the Washington Suburban Sanitary Commission is permitted to build an effluent discharge line thru U.S. park land to the Potomac River.

Without the line, a 54-inch buried pipe, the Commission cannot expand the Piscataway Sewer Treatment Plant, which serves a 92 square mile area (about a fifth of the County) running south from District Heights almost to the Charles County border and is now running at capacity.

DEVELOPMENT

And without expansion, the WSSC cannot issue any more connection authorizations. This means no new homes, no new schools, no new industry, no new businesses, no new shopping centers, no new service operations, and no expansion of any of the present facilities in the area.

In short there will be no new anything. Without new development, there will be no increase in the tax base. And without an increased tax base, taxes in the county, already the highest in the metropolitan area, will go even higher to pay for new and expanded government services needed and demanded by County residents.

"It takes little imagination to visualize the depressing economic effects that nondevelopment will have on the entire county if the Piscataway area remains at a standstill," says Jack Alfandre, president of the Suburban Maryland Home Builders Association, whose members are some of the biggest generators of revenues to local and state offices.

"Builders cannot afford to risk an indefinite waiting period. Mortgage bankers will not consider Piscataway because of the present uncertainty of the area. Land transactions stop when development stops. County and state planners and most importantly industry ignores a dormant area. The laborers and craftsmen find work elsewhere."

As in any controversial situation, there are two sides to whether the Commission should be permitted to build the discharge line.

On one are the conservationists, who feel that the line would destroy the aesthetics of the park land and add to the pollution of the Potomac. This faction is backed by several nonarea Congressmen, who are the ones holding up the permit.

On the other side of the argument are, for lack of a better word, the "progressives," who, including the home builders, want the County to remain in the forefront of the Washington area growth pattern. In the case of the builders, they face not only time delays but possible financial ruin.

The conservationists' concern over aesthetics does not appear to be legitimate.

While the hearing convened last month by the House Subcommittee on National Parks and Recreation was called to "ascertain the effect on the park by constructing a sewer conduit" across it, nearly every question put out by Sub-committee members dealt with pollution, an area over which the unit has no jurisdiction.

As far as the land is concerned, WSSC said that was decided on a route for the pipe that, for the most part, minimize damage to the land. Except for a few locations, construction will be confined to pasture, fields and other open areas.

CRUX

Pollution, on the other hand, is another matter and seems to be the crux of the controversy.

While critics contend that a new line will add to the pollution of the Potomac, the Commission says that the treatment of sewage at Piscataway is second to none of the other Washington area plants.

If the plant was expanded, part of it would be used for a federally-aided pilot study to determine a system of sewage treatment for use thruout the country, WSSC points out.

And while studies show that the Potomac could readily assimilate the effluent at the point where WSSC wants to drop it, the conservationists suggest that another dumping ground should be found or another plant built.

Certainly, the plant couldn't dump its increased effluent into the Piscataway Bay for the tidal flow there isn't strong enough to wash it into the River, where WSSC wants to dump it in the first place. The River, the Commission adds, actually carries pollution into the Bay.

To put a plant at Mattawoman Bay, as some have suggested, seems to be asking the people of Charles County to undertake the burdens of Prince Georges.

Additionally, the cost of another plant appears to be prohibitive at a time when the County is overspending its budget by 25 per cent and taxes are skyrocketing. It would cost to acquire new land (the site of the present plant is large enough to accommodate expansion), to build the plant, and, if it was built at the Mattawoman, to build a series of pumping stations.

Furthermore, it would take at least five years to build a new plant, but only 18 months to build a new line.

PERFORMANCE

The Commission has been asked to post a $500,000 bond to assure the performance of the plant with regard to removing 90 per cent of the phosphate content from the effluent. No other plant in the area removes as much phosphate as Piscataway, yet none of them have been asked to post such a bond.

What's more, according to WSSC, the technology of sewage removal has not reached the point where 90 per cent of the phosphates can be removed nor has it been proved conclusively that phosphate contributes to pollution.

A lot of charges have been leveled about Piscataway's performance record, all of which WSSC says have been greatly exaggerated. The experts—the Maryland State Health Department and the Federal Water Pollution Control Administration—appear to be satisfied, however, and have approved its expansion.

As stated by Francis J. Aluisi, chairman of the PG County Commissioners, "there has without question been an awful lot of stench generated by any awfully small amount of well-treated effluent from this plant."

THE NEW INTERNATIONAL RESERVE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. RARICK. Mr. Speaker, May 10 of last year, the House passed H.R. 16911 to provide for U.S. participation in facility based on special drawing rights—SDR or "paper gold"—in the International Monetary Fund.

I include a report from Paris indicating that our European friends would rather have American gold than American paper:

[From the Washington (D.C.) Post, June 29, 1969]

EUROPEANS CRITICIZE U.S. PAPER GOLD PLAN

(By Jonathan C. Randal)

PARIS, June 28—European creditor nations today sharply challenged U.S. plans for issuing large amounts of "paper gold" as the ten richest industrial countries unveiled their specific stands for the first time on creating the new international reserve assets.

Despite wide disagreement at the two-day meeting of top Western monetary officials, conference sources expressed hope that "paper gold" activation would be formally approved at a September meeting of the International Monetary Fund.

The consensus that agreement could be reached by the IMF in Washington somewhat offset misgivings by European creditor nations about the U.S. and British chances of righting their balance of payments deficits and controlling inflation.

These and other lingering doubts lay behind the restrictive position of such creditor nations as Belgium and the Netherlands. They cautiously favored limiting the first issue of the new reserve unit, called Special Drawing Rights, to $2 billion for two years, with a review to issue more thereafter if debtor nations improve their positions.

At the other end of the spectrum was the United States, backed by Canada and presumably, Britain. Washington wanted to create annually for five years $4.5 billion in SDRs, a new form of international money which central bankers would use along with gold, dollars and pounds to settle international debts.

CENTER POSITION

In the middle were West Germany and Italy, both major creditor nations. They favored creating $3 billion worth annually for five years.

Conference sources described the initial stands as "skirmishing." While taking heart in the Belgian and Dutch willingness to review the situation after two years, some sources felt the position of these two relatively small nations was more than "the tail wagging the dog."

Under former President Charles de Gaulle, France spurned the SDRs as an "Anglo-Saxon" device to finance dollar and pound deficits. The conference sources indicated that the new French government favors issuing as little as $1 billion worth a year.

Some pessimists fear France may persuade its five Common Market partners to adopt a restrictive position when their finance ministers meet in Brussels July 17.

If France were to succeed in such an attempt, the Common Market's 16 per cent share of IMF voting rights would contsitute a veto at the Washington meeting for more ambitious U.S. plans.

COMPROMISE POSSIBLE

Barring such a development, conference sources predicted a compromise. They said

$3 billion worth of SDRs would be issued for the first two years, with higher amounts being injected in the three following years once creditors' fears had been allayed about abuse by debtor nations.

While recognizing the need to enlarge world reserves in the face of constantly expanding international trade, the creditor nations prefer to increase IMF drawing right quotas rather than create large initial batches of SDRs.

Unlike "paper gold" which could be used without restriction, IMF quota shares can be employed only when a nation is in deficit. The distribution of increased IMF quotas—said to be projected in the $5 to $10 billion range—also determines the amount of SDRs each member nation would receive. With their deficit positions, the United States and Britain stand to have their IMF quotas proportionally reduced, with the European creditor nations picking up the difference. That would limit British and American participation in SDRs.

VOTING RIGHTS APPLY TO ALL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to direct the attention of the House to an editorial in the Milwaukee Sentinel for Saturday, June 28, that points out very accurately that what the Nixon administration is trying to do with the amendments to the Voting Rights Act is to extend the principle of equal justice for all citizens everywhere in the United States.

The editorial follows:

[From the Milwaukee (Wis.) Sentinel June 28]

APPLY TO ALL

Outlawing literacy tests or similar voter qualification devices in some states and districts and not in others is itself discriminatory. This is what the voting rights act of 1965 did and this is what supporters want it to continue to do by simply extending the law as is for five more years.

Atty. Gen. John N. Mitchell, speaking for the Nixon administration, proposes a national ban on literacy tests. He says there is no longer any justification to apply the 1965 law only to the south. There never was.

As a leading proponent of keeping the voting rights law intact, Rep. Emanuel Celler (D-N.Y.), chairman of the house judiciary committee, argued that "I can't see the theory that because you have a flood in Mississippi you build a dam in Idaho.

Celler's analogy, while it may sound logical, does not hold water.

The 1965 law was loaded, aimed and fired to hit those areas where more than half the persons of voting age were not registered to vote. It has proved to be very effective in correcting massive discrimination.

In the process, however, the voting rights act violates the principle of equal justice for all citizens anywhere in the United States. A person living in Mississippi and unable to read or write could get to vote there, but, if he were to move to Wyoming, he could not.

It is no longer a question of whether literacy is a proper qualification for voting or of whether the national government has the power and authority to set voter qualifications for the states. Those questions were settled by the 1965 voting rights law which, even though made applicable only in seven southern states, established that literacy tests were not a valid means for screening voters and that the federal government could tell states how they had to register voters.

In fairness, as Mitchell points out, one cannot support what amounts to regional legislation. If the federal government is going to suspend the literacy test qualification, it should do so on a nationwide basis. Because it didn't see fit to do so in 1965 is no reason why the legislative discrimination should now be extended for another five years.

CONGRESSMAN EILBERG AND 19 OTHERS SPONSOR LEGISLATION TO INCORPORATE THE HISTORIC NAVAL SHIPS ASSOCIATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. EILBERG. Mr. Speaker, it is with great pleasure and no small amount of pride that I today have introduced a bill to incorporate the Historic Naval Ships Association for myself and 19 other Members: Mr. ANDREWS of Alabama, Mr. BARRETT, Mr. BUCHANAN, Mr. BYRNE of Pennsylvania, Mr. CASEY, Mr. CLARK, Mr. COUGHLIN, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. ESHLEMAN, Mr. FLOWERS, Mr. FOUNTAIN, Mr. GREEN of Pennsylvania, Mr. MACDONALD of Massachusetts, Mr. MORGAN, Mr. NICHOLS, Mr. NIX, Mr. WHALLEY, and Mr. WRIGHT.

The Historic Naval Ships Association now includes the following former U.S. Navy ships and the distinguished individuals representing them:

The U.S.S. *Olympia*, a Spanish-American War cruiser berthed at Philadelphia;

The U.S.S. *Texas*, a World War I battleship berthed at Houston;

The U.S.S. *North Carolina*, a World War II battleship berthed at Wilmington;

The U.S.S. *Alabama*, a World War II battleship berthed at Mobile; and

The U.S.S. *Massachusetts*, a World War II battleship berthed at Fall River.

The specific purposes of the bill which we have sponsored today are: first, with the cooperation of the Department of the Navy to maintain, preserve, and exhibit historical naval ships and associated memorials; second, to provide an organized corporate structure capable of maintaining liaison with the Department of the Navy and with other Federal and State organizations and agencies; third, to provide a vehicle in cooperation with the Department of the Navy for developing and maintaining the highest educational standards in presenting the naval history backgrounds and traditions of the eras depicted by the various historical ships; fourth, to provide an organization capable of accepting private donations and public funds which might be contributed or made available directly or though other interested organizations; and fifth, to provide an organization for the exchange of information and advice concerning all aspects of historical ships among the charter members of the association.

Many thousands of our finest Navy and Marine officers have served on these five ships. The ships themselves, in their years of service, took part in a number of naval engagements of great historical significance. For these and other reasons, the five ships attract about 1,250,000 visitors annually. Each of these visits is an educational and a historical experience because the association has, over the years, made a determined effort to expand the information about the ships which is available to the visitors—about their role in naval and world history, about the bravery and dedication of the men who served on them and about the relationship of sea power to our Nation's role as a world power.

Mr. Speaker, the list of cosponsors of this bill indicates quite clearly that Members from each of the States in which these ships are berthed are quite concerned about the cost that upkeep of these ships entails. They are concerned, regardless of party, about the need to develop educational materials relating to the ships. They are also concerned that appropriate surroundings be provided at the berths of the ships.

Since 1966, the Historical Naval Ships Association has brought together the individuals and organizations comprising it through regularly scheduled meetings to develop plans for handling the expected increase in visitors, the growing maintenance problems, and for stimulating public education about these ships and their place in our history.

Part of the association's plans for the future include obtaining a Federal charter which is what the legislation we have sponsored today would accomplish. Prior to my introducing this bill, all the members of the association have approved it. All cosponsors of the bill represent the States in which the five ships are based. I am thankful to them for the concern about the future of these ships which they have evidenced in cosponsoring the legislation and I hope that other Members from the States involved who did not cosponsor the bill will do so in the future.

CHINESE CHRISTIANS COMMEMORATE 90TH ANNIVERSARY IN HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MATSUNAGA. Mr. Speaker, from its humble origins in 1877 the Chinese Christian community in Hawaii has experienced a long and notable history. What was a little community of 19 immigrant worshipers in 1877 has since grown to encompass an estimated 7,000 worshipers throughout the State in 1969.

For the members of the First Chinese Church of Christ in Hawaii th's month commemorates the 90th anniversary of the founding of their mother church, which was located on Fort Street in the heart of downtown Honolulu. For four and a half decades the Fort Street Chinese Church served as the focal point for all Chinese mission work in the islands. Special English classes for hundreds of

young people and their parents supplemented the regular worship services and Sunday school classes. Greatly responsible for fostering the education of the Chinese boys were Mr. and Mrs. Francis Damon, the children of two prominent missionary families, who were affectionately known to the Chinese as Frank and Mother Damon.

After demographic changes made the Fort Street Church a less convenient site for its growing congregation, a new sanctuary and parish hall were built a few miles away on South King Street. This new church was dedicated as the First Chinese Church in 1929. The blending of the East and West within the Chinese Christian community became symbolized in the architecture of the new church. Its pagoda-like tower, for example, which symbolizes to the Chinese a place where evil spirits never dwell, is topped with a cross, the Western symbol of Christ.

I am sure that my colleagues will find it of great interest to read more about the inspirational founding and development of the Chinese Christian community in Hawaii. For this purpose I am pleased to submit for inclusion in the RECORD an excellent article by Advertiser staff writer Corinne Opsahl, "From a Mustard Seed—Chinese Christians Commemorate 90th Anniversary in the Islands," which appeared in the Honolulu Star-Bulletin and Advertiser of May 25, 1969:

FROM A MUSTARD SEED—CHINESE CHRISTIANS COMMEMORATE 90TH ANNIVERSARY IN THE ISLANDS

(By Corinne Opsahl)

Armed with their baptismal certificates and an interpreter named Sit Moon, a small band of 19 Chinese Christian immigrants paid an important call in 1877 on the Rev. Samuel C. Damon, minister of the Seamen's Bethel Church in Honolulu.

The purpose of their visit: "Assistance in their Christian nurture." They wanted a place to worship.

The Reverend Damon was so impressed with the little group, most whom had been converted to Christianity by Basel missionaries to South China, that he made his own church available to them for Sunday afternoon services.

His enthusiasm was echoed by the Honolulu Advertiser, (which had previously doubted the wisdom of importing so many foreigners to work on the plantations).

"Our principal objection to the Chinese as immigrants," the Advertiser editorialized in 1877, "has been the demoralizing influence they have on the Hawaiians. But if they come like these, with certificates of Christian character, then we say, the more the better . . ."

BETTER THAN HEATHENS

The white population of the larger Honolulu community rallied to the positive influence of both the reverend and the newspaper. A common expression among the 'haloes' of Honolulu during those early days—"A "Chinaman's word is as good as bond," is reported to have emerged from first-hand observation of Chinese integrity, frugality and industriousness.

Besides donating facilities for Sunday worship, the Reverend Damon further expressed his interest in the newcomers by starting a small night school in the parish hall of his church to teach English to the Chinese.

HUMBLE BEGINNINGS

These humble beginnings have been pinpointed as the mustard seed from which the small Chinese Christian community took root. It has since grown to encompass an estimated 7,000 worshippers throughout the Islands.

Nine hundred of these are members of the First Chinese Church of Christ in Hawaii, which will this week commemorate the 90th anniversary of the founding of the "mother church." (An accompanying story sets forth the events scheduled in celebration.)

On June 8, 1879, the Ecclesiastical Council approved a petition to the Hawaiian Evangelical Association for permission to organize the Chinese church. Luke Aseu, acting on behalf of the young congregation, purchased at auction a lot on Fort Street between Beretania and Kukui Streets for $4,500.

A charter of incorporation was granted Oct. 3, 1879, by King Kalakaua, and the membership began to raise funds to build a church. The first board of trustees included The Rev. Samuel Damon, Dr. C. M. Hyde, W. W. Hall, J. B. Atherton, John T. Waterhouse, Lew Chong, Goo Kim, Sit Moon, Chun Fook and Luke Aseu.

The new building was dedicated Jan. 2, 1881 as the "Fort Street Chinese Church." It had been built at the cost of $6,500.

INTER-ISLAND MISSIONARIES

For the next four and a half decades, the church served as the focal point for all Chinese mission work in the Islands. Hundreds of youngsters and their parents were taught both English and Chinese. Sunday school classes and regular worship services were held.

During the two disastrous fires in Chinatown, one in 1886 and the other in 1898, the church grounds were used as a refugee camp for the homeless.

One of the most distinguished contributions to the early Chinese church in Hawaii, was made by Francis Williams Damon and his wife Mary Happer Damon.

Young Damon, the son of the Rev. Samuel Damon, was educated at Oahu College (now Punahou School) and after graduation from Amherst College, Mass., returned to the Islands to teach languages at Punahou.

In 1877, he traveled to Berlin as Secretary of the Hawaiian Legation there. He returned to Honolulu via India and China, and in Canton met the young woman he later married—Miss Mary Happer, daughter of a well-known American missionary in China.

A DISARMING BLONDE

The new Mrs. Damon, blonde and blue-eyed, totally disarmed local Chinese residents with her fluency in their language. She was thoroughly familiar with the life and customs of the Orientals and with evangelistic work among them.

Frank and Mother Damon, as they were affectionately called by the Chinese, ministered not only to the spiritual needs of the people, but fostered the education of Oriental boys.

In 1892, with six students, the couple opened a school in their home on Chaplain Lane. Mills Institute, as the school was later named to honor Damon's mother, Julia Mills, eventually combined in 1923 with the Kawaiahao Girls' Seminary to become the Mid-Pacific Institute, located in Manoa Valley.

As the Chinese people in Chinatown began to shift to suburban areas, the Fort Street Church in downtown Honolulu was no longer conveniently located for much of its congregation.

Later, when erection of the Princess Theater directly opposite the church distracted worship and posed a parking problem, the membership decided a new site for the church must be found. The search was led by C. K. Ai, William Kwai Fong Yap, Tong Phong and Ho Fon.

PERMANENT HOME AT LAST

In 1926, the old Gransville Hotel property at 1054 So. King St. was purchased for $65,000, the same amount the church had received when they sold the Fort Street Property.

At the new site, there were some old wooden buildings, but no place for worship. Spearheaded by generous donations from Mr. and Mrs. C. K. Ai and Frank C. Atherton, the membership pledged $75,000 in funds for a new sanctuary and parish hall.

Hart Wood submitted the winning architectural sketch for the new church which combined the building concept from Old China with those of the West.

The pagoda-like bell tower symbolizes to the Chinese "a place where evil spirits never dwell." It is topped with a cross, the Western Christian symbol of Jesus.

Within the sanctuary, two stained-glass windows symbolize God's eternal light.

Four Chinese wrought-iron chandeliers are designed with the flowers of each season—plum blossoms for spring, orchids for summer, chrysanthemums for autumn and bamboo for winter.

SYMBOL CORRUPTED

The ancient swastika-like symbols on the pews represent "eternal blessedness" to the Chinese. (The swastika popularized by Adolph Hitler in World War II is this same design, but reversed.)

The new church was dedicated June 16, 1929, and a $12,000 pipe organ was donated by Mr. and Mrs. Farm Cornn and Mr. and Mrs. C. K. Ai. The old pump organ from the Fort Street church was placed in the front of the sanctuary, as a historic reminder of the Chinese Christians' humble beginnings.

Property adjacent to the church was purchased and in 1958, Master's Hall was built to hold Sunday School classes.

An educational building was added in 1964 to serve the 750 youngsters now enrolled in church school. Founders Hall, as the building was named, is used for a day nursery and kindergarten with approximately 100 children enrolled. The building also houses a library, a board room and offices for the pastor and associate pastor.

Pastor of the First Chinese Church of Christ in Hawaii is the Rev. Charles M. C. Kwock. Associate Pastor is the Rev. Wendell P. Loveless. Benjamin F. Kong is chairman of the board of trustees, Mrs. Fred Chang is director of music and Mrs. Harold W. F. Lee is pre-school principal.

TRIBUTE TO HON. WILLIAM H. BATES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1969

Mr. WYMAN. Mr. Speaker, as all Members are, I am profoundly shocked and deeply regretful that our fine colleague BILL BATES, a very distinguished Member of this body, is no longer with us. BILL was beloved by all of us—regardless of our political affiliations. He deserved this love, for he was a fine and respected Congressman.

I do not know how to put into words the depth of feeling that pervades my entire being as I realize that God has taken BILL BATES to Heaven and that he will not be here again except in spirit. Somehow it does not seem right. Rarely is there to be found such a man, such a leader, such a dedicated adherent of principle as WILLIAM BATES.

His life was an example of courage and devotion. His smile and ready offer

of assistance was extended to every constituent and every Member. He loved nature as well as his church and it was my privilege to share with him and his lovely wife Jean, the happiness and contentment of BILL's cottage on the shores of Lake Winnipesaukee in my own great State of New Hampshire. It was there that BILL found relaxation and a sense of fulfillment in his leisure time—which for BILL was all too infrequent. Between blueberries, which abounded on his property, and white sandy shores along a beautiful lake, spring-fed with drinking water under powder-puff clouds amidst a sky of azure, BILL was the happiest I have ever known him. It is a crime that the Lord did not permit him to have more time there for certainly he earned it.

I guess the only way to look at BILL's tragic passing is to conclude that God has more important work for BILL elsewhere. His life and his accomplishments are a living testimonial to a man whose greatness was to be seen in everything he did and everyone with whom he came in contact. Few Members of Congress have enjoyed the universal respect and warm admiration that was extended to the gentleman from Salem, Mass. He was indeed a good man in the fullest sense of that phrase, and to a man we of the House of Representatives mourn his passing and extend to his beloved widow Jean, his daughter, his brothers and his family our deepest sympathy and our heartfelt sorrow.

PLANNED NIXON VISIT TO RUMANIA CASTS DOUBT ON DESIRE OF ADMINISTRATION TO SUCCEED WITH ARMS TALKS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BINGHAM. Mr. Speaker, the upcoming arms control—SALT—talks with the Soviet Union are the most important international event of a generation. If they fail, the arms race will escalate, the desperate needs of our homefront will go on being neglected, and the world will continue to live in terror of a nuclear annihilation. If the talks succeed, we will be able to bring our spending for military needs under control, and a start will have been made toward a world organized for life instead of for death.

In the light of this, it is profoundly disturbing that the Nixon administration seems to have no real interest in the SALT talks. The administration's actions give no indication that it appreciates the importance or urgency of the talks. On the contrary, the evidence suggests that the President is only going through the motions and has no real hope, or perhaps even desire, that the talks should achieve anything.

How can we otherwise interpret the President's decision to visit Rumania in August, just when the talks should be getting underway? The projected visit to Rumania is a tragic mistake, for it is like the jab of a needle at one of the Soviets' most sensitive nerves: fear of dissension and revolt in their own Communist backyard, the same fear that led the Soviets to outrage world opinion—and much Communist opinion—by invading Czechoslovakia. Thus, the visit seems bound to cast doubt in Soviet minds on our sincerity in wanting the talks to succeed.

Other items that indicate the administration's negative attitude toward the SALT talks are:

First. At the Air Force Academy graduation the President devoted an entire major speech to stressing the importance of the military, with only a passing reference to the arms control talks. His one sentence statement that the United States was preparing to make "new initiatives" in the talks sounded like reassurance to the military that nothing serious would be attempted but that, of course, a record of apparent effort had to be made.

Second. The President recently appointed a delegation for the SALT talks consisting of four men widely regarded as "hardliners" on military matters, in addition to the Director of the ACDA, Gerard Smith.

Third. So far the President has ignored the warnings of prominent Republicans in the Congress, as well as of Democrats, that continued testing of the MIRV weapons system will jeopardize the success of the talks.

Fourth. According to various accounts, the administration wants to test the Soviets desire for détente, including arms control, by the Russian performance in the Middle East. These reports suggest that the Soviets are far more anxious for arms limitations than the United States. If there is evidence to support that view, it should be made known.

The difficulties and complexities of the SALT talks are bound to be enormous. Problems of verification of any agreed limitations will be especially acute, since neither side trusts the other and since onsite inspections will probably be as firmly resisted as before. Thus, in spite of their great importance, the talks can succeed only if both sides approach them with a sense of urgency and determination that, unhappily, neither side has demonstrated so far.

UNITED STATES–U.S.S.R. SPACE COOPERATION

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. MILLER of California. Mr. Speaker, the American Astronautical Society has again demonstrated that science can be the catalyst to bring the world together.

Coming out of the United Nations Committee on the Peaceful Uses of Outer Space are three treaties accepted by a large number of nations, including Russia, pertaining to space.

The action of the American Astronautical Society in inviting Russian scientists to appear before it is very encouraging.

On June 20th the American Astronautical Society held its 15th annual meeting in Denver, Colo., in joint sessions with the Operations Research Society of America. For the first time, two high-ranking Soviet scientists attended the joint meetings of these two societies—Professor Hodarev, Deputy Director for Cosmic Research, and Professor Ivanov, a professor of mathematics at the Institute for Automation and Remote Control of the Soviet Academy of Sciences. Professor Ivanov presented the general chairman of the meeting with a copy of a book of which he was coauthor. In response, at the concluding luncheon on June 20, the vice president for publications of the American Astronautical Society, Dr. George K. Chacko, presented Professor Ivanov with a copy of volume 21 entitled Reducing the Cost of Space Transportation. Dr. Chacko edited the volume which is the proceedings of the seventh annual Goddard Memorial Symposium where I had the privilege of introducing Dr. Werner von Braun to the American Astronautical Society, and writing a message for inclusion in the proceedings.

What made the simple ceremony significant was the reference by Dr. Chacko, who was born in India, to the pride of his American citizenship. He made his point in a short speech in Russian which was well understood and appreciated by the Russian scientists. Because of its significance, Dr Chacko's speech was carried on the air by KLZ–TV in part and reported by the Denver Post. In his speech Dr. Chacko said:

Professor Ivanov, the American Astronautical Society is delighted that you and Professor Hederov could be personally present at our national meeting.

As a small token of our deep appreciation of your personal participation in our deliberations, may I present you with a copy of the latest proceedings of our Symposium.

This scientific cooperation is personally meaningful to me as an East Indian by birth whom the American people have graciously accepted as a full member, and who shares with you a Greek first name—George!

Fellow-scientists, to our common exploration of our galaxy!

The article from the June 22, 1969, edition of the Denver Post follows:

RUSSIAN SCIENTIST JOINS TOAST DRUNK IN WATER

Water—the fluid of life on earth—was drunk as a toast here Friday by a Russian and an American scientist at the final luncheon of the joint national meeting of the American Astronautical Society (AAS) and the Operations Research Society of America.

The occasion was the presentation to Prof. Yuri N. Ivanov of a copy of the latest volume in the AAS Science and Technology Series. Presenting it was the editor, Dr. George K. Chacko of Washington, D.C.

Ivanov and Yuli C. Hodarev of the USSR Academy of Science were here as guests at the Denver meeting.

In presenting the new book, "Reducing the Cost of Space Transportation," Dr. Chacko, a native of India, now senior staff scientist for the TRW Systems Group in Washington, spoke in Russian—a courtesy much appreciated by the Soviet visitors. He said:

"The American Astronautical Society is delighted that you and Prof. Hodarev could be personally present at our national meeting. As a small token of our deep appreciation of your personal participation in our

deliberations, may I present you with a copy of the latest proceedings of our Symposium.

"This scientific cooperation is personally meaningful to me as an East Indian by birth whom the American people have graciously accepted as a full member, and who shares with you a Greek first name—George (Yuri in Russian).

"Fellow scientists, to our common exploration of our galaxy."

Here Dr. Chacko presented a glass of water to the smiling visitor, and they drank the toast.

A TRIBUTE TO EARL WARREN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. REES. Mr. Speaker, the retirement of the Chief Justice of the Supreme Court marks the end of the Warren era, one of the most progressive periods in the history of the judicial branch of our Government.

Earl Warren's history as a public servant manifests an unusual combination of aggressive leadership and keen insight to recognize the need for change in the face of opposition from proponents of the status quo. A unique perception enabled the Chief Justice to look beyond the narrow tradition of the Supreme Court as he found it and to risk evoking criticism and controversy in descending far-reaching decisions which have acted as catalysts in effecting progressive social and political change.

A hard-working effort to bring realistic evolution into the interpretation of the Constitution characterized Earl Warren's 16 years as Chief Justice. Such an attempt required an understanding of the law and an interest to broaden the concept of law to make it responsive to the needs of the people. Few Chief Justices share Mr. Warren's distinction of assuming more than a passive role reinforcing past precedent. He ventured beyond the established and accepted judicial boundaries of the Supreme Court to evaluate the meaning of justice in modern times. The indomitable urge to follow his convictions far surpassed his concern for public opinion and pressures of conformity.

Although the "landmark rulings" of the Warren Court were the result of the collective decisions of the Supreme Court Justices, Earl Warren's guidance and leadership promoted an atmosphere of judicial activism. The three most important court rulings of his term manifest the influence of Earl Warren as the humanitarian and civil libertarian who sought to protect individual rights when challenged by the immense power of the State and to make the Constitution a viable set of principles.

Brown against the Board of Education ended the "separate but equal" education and created a national awareness into the problems of racial injustice. This reaffirmation of the legal right to live in dignity and equality was not an aberration from the Supreme Court's jurisdiction but an interpretation which realized the long denied equal protection of the rights of black people guaranteed under the 14th amendment.

Due process of law was extended to the indigent and to people ignorant of the law in the Miranda decision. This ruling upheld the constitutional rights of a person in custody to be informed of the nature of an accusation against him, to remain silent, and to see a lawyer before being questioned by the police. The impact of this Warren opinion had a far-reaching effect on the upholdment of civil liberties in the field of criminal procedure.

The retiring Chief Justice evinced his willingness to confront the opposition of powerful interests in the historic decision of Baker against Carr. The Federal Court's review of electoral apportionment restored the principle of "one man, one vote" and assured the democratic process in the fair representation of the people in the United States. Although Mr. Warren was heavily criticized for interfering with the legislative branch, he had the courage and the initiative to introduce an issue, which Congress had evaded, in an attempt to effectively "check" this branch of the Government and to promote much needed reform.

In expanding the perspective of the Supreme Court from isolation to an active involvement in the interpretation of the law relevant to the issues of our time, Earl Warren successfully reaffirmed "equal justice under law," a principle upon which our Nation was established. Above all, Earl Warren will be remembered for his liberalism in action and for his great contributions to our country.

I wish to thank Earl Warren not only for being a great Chief Justice but also a great Governor of my State of California. As much as any man, Earl Warren motivated me to enter into politics when I was a student at Occidental after World War II. Although a Democrat, I was a supporter of Warren's progressive concepts during his time as Governor. Indeed, I was not alone in 1950. Earl Warren won both the Republican and Democratic primaries for Governor.

I wish the Chief Justice and Mrs. Warren a long and happy retirement. May the grunion run heavy at Santa Monica and ducks keep flying in the Upper Sacramento Valley.

DRAFT REFORM

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. SCHADEBERG. Mr. Speaker, I am currently undertaking a survey of the views and attitudes of high school principals, college presidents, and members of selective service draft boards in my district on the draft and draft reform proposals. Being of the belief that there is much value in Congress going directly to those citizens who are directly involved with a particular issue, I have requested the assistance of these persons in formulating some attitudes for upcoming consideration of selective service revision.

I have just received a most beneficial and informative letter from Mr. Calvin Hewitt of Racine, Wis., expressing some observations of Local Board No. 31, Racine County, Wis. As evidence of the national concern of my constituents and as an expression of much significance, I am including the letter in the CONGRESSIONAL RECORD, and commend its reading to Members of Congress:

JUNE 26, 1969.

Congressman HENRY SCHADEBERG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHADEBERG: Your letter to Stanley Przlomski, Chairman of Local Board No. 31, was read with interest by the five board members, and I was informally designated as the one to reply. I am in my fifth year of service on the board and as a part-time board member who contributes eight, ten or more hours each month to my uncompensated responsibility to administer the Selective Service laws, and as a full-time local citizen who is fully aware of the effect of the "draft" upon the local community, I trust my observations may be of some interest to you.

Even though the local board member is knowledgeable about the "draft," he finds that joining the debate about the "draft" could impede his effectiveness as an administrator. Generally, we quietly observe, and listen to the bias, half-truths, and condemnations espoused by the uninformed and/or malcontents. Too often persons of considerable stature in government, educational institutions and the news media, display shameful ignorance of the selective service system.

As an administrator of the selective service laws, my perspective must be oriented to my understanding of national interests as it affects all the registrants under Local Board 31's jurisdiction, and how this in turn affects the individual registrants who are being considered for classification. I presume that your perspective as a Congressman charged with the responsibility of providing for our national security, must begin at this point of issue, and after you decide the needs of our national security, must then consider the best way of providing security and finally a system that affects all of your constituents consistent with fullest equity and justice.

I believe that until such time as our military commitments may be appreciably reduced, the present draft system should continue to serve as a flexible supply of men to the armed services. Improvement in the procedures are always possible and desirable. The present system of local boards exercising very limited discretionary powers for granting deferments is both democratic and more uniformly practiced than is generally believed. Stricter guidelines for deferments for critical employment, graduate level education and for conscientious objectors could be an improvement. It may also help if Congress would appropriate sufficient funds to examine all 19 year olds so that acceptability can be determined at an early date. I believe the present selection of the oldest first should be continued for the present and for the foreseeable future. The idea of random selection may make sense at some future date, but it would create greater inequities than presently exist if instituted at this time.

One must consider the fact that the present system of selection has been built upon both the successes and the failures experienced throughout the history of our country. The fact of military service is certainly more disruptive to an individual's life than the fact of obligation to serve. One incontestable fact is the military mission is best served by male youths in the 19 to 26 year age bracket. By imposing reasonable standards for acceptance into military service, a certain percentage of this age group will be found physically, mentally, or morally unaccept-

able. It is obvious that inequity in the 19 to 26 year age group is impossible to avoid.

It is my belief that our Republican form of government places a specific burden of responsibility upon each citizen. In our pluralistic free society, the degree of individual responsibility must increase in proportion to the increase in the social and economic diversity of our citizens, and the task of achieving greater justice and equity under the law becomes increasingly difficult to attain. Those citizens who are physically, mentally, or morally disadvantaged must necessarily assume a lesser share of the burden and thus a greater share of responsibility must be borne by those more favorably endowed. It seems there is considerable shirking of responsibility by some young people and too much pampering of this attitude by some adults. The present selective service system continues to serve its mission in spite of the physical and verbal barbs hurled at it by self-seeking, misguided, people who display little understanding of or concern for our national interests. It is my opinion that this session of Congress should spend very little time on this matter because it has already been studied more than adequately. I strongly recommend little or no statutory change in the system in this session of Congress.

For your information I am enclosing a copy of a letter I wrote in January, 1968, which covers some of my attitudes and opinions about the draft. One additional subject should be touched upon, that of the so called voluntary military service. The some 1,400 men and women presently in the armed services from Local Board #31's area of jurisdiction (Kenosha County) represents approximately 4 enlistees for every 1 inductee. The board members are aware of many enlistments motivated by the draft, but there is no realistic measure of how many are primarily motivated by the "draft." A feasibility study of the voluntary military should begin with the present retention rates of the various services. In my opinion, due to a lack of a military tradition (ours is a concept of the civilian oriented "citizen soldier") and unfortunately modest to low status of military careers, an all volunteer force is impractical. Even if it was practical, I would question the desirability of an institutionalized professional military as being out of character with our very successful experience with the civilian oriented military. It is paradoxal to hear the same people bewailing the "military-industrial complex" and at the same instance strongly urging the abolishment of the draft in favor of an all volunteer professional military. I pray that Congress will be able to consider this matter in its proper perspective.

Yours truly,

CALVIN HEWITT,
Member of Local Board No. 31.

CONFERENCE ON NATIONAL PRIORITIES AND MILITARY SPENDING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. FRASER. Mr. Speaker, on May 23 and 24 the three Democratic Congressmen and two Democratic U.S. Senators from Minnesota sponsored a conference on national priorities and military spending. The conference was held in St. Paul, Minn.

The first day of the conference was devoted to public hearings, and the response was gratifying. More than 40 witnesses spoke in support of or opposition to a broad variety of issues, many of them controversial.

Congressman JOSEPH E. KARTH of St. Paul and his staff made most of the arrangements for the conference, aided by an able and hard-working volunteer committee. Congressman KARTH and I were chairmen of the first day's hearings.

Mr. Speaker, on behalf of Mr. KARTH and myself, I offer several representative papers to be reprinted in the RECORD. I wish to make it clear that these papers are included because they typify the kinds of diverse thinking that went into their preparation. Both Congressman KARTH and I have read the testimony of the other Minnesotans who appeared, and we agree that the general quality of the statements was excellent. No derogation of any other paper is intended by our choice of the ones that follow. Shortage of space simply precludes reprinting them all.

Prof. Martin Dworkin of the University of Minnesota made this presentation on biological warfare:

BIOLOGICAL WARFARE

My name is Martin Dworkin, and I hold a Ph. D. degree in microbiology. I am a professor of microbiology at the Medical School of the University of Minnesota and am speaking today as a representative both of the Minnesota New Democratic Coalition and the Scientists' Committee on Chemical and Biological Warfare. This latter group was recently formed at the national meeting of the American Society for Microbiology. My remarks today will be limited to biological warfare and will, I hope, present a dimension of the problem which is not usually obvious during debates on this subject.

While I have strong feelings as to the moral propriety of biological warfare and of biological warfare research, I do not intend today to speak to you about those feelings. What I would like to do instead is to take a somewhat more pragmatic and perhaps technical approach. I hope to be able to convince you that biological warfare is a boondoggle. It simply doesn't work. It is a waste of the taxpayer's money.

From a tactical point of view what advantages does biological warfare offer over chemical warfare? Under what kinds of circumstances would one wish to use biological warfare in contrast to a variety of horribly effective and deadly gases? It seems that there is only one essential feature of biological warfare which makes it unique, and that is, its epidemic quality—its ability to start a chain reaction. There is, however, one flaw in this approach and that is, fortunately, scientists simply do not know how to start epidemics. Unfortunately, neither do we know in many cases how to stop epidemics. In a recent talk at Stanford University, one of the eminent proponents of biological warfare, in an attempt to impress his audience with the effectiveness of biological warfare, told the grisly story of a deranged microbiologist who managed to infect 100 individuals in his town with typhoid. He accomplished this by inocculating sponge cake, various beverages, and bananas with a culture of the typhoid bacillus. One can visualize an army of saboteurs running about a country with hypodermic syringes inocculating people's bananas. This is probably the most effective approach available.

In addition to our lack of understanding as to the nature of the complex variety of factors which are necessary to initiate an epidemic, we are unable to combine the two features required to achieve an effective biological warfare agent—that is, (1) high infectivity and (2) high stability to the environment. There are many organisms which possess extremely high infectivity but lack stability; there are many organisms with stability, which are of low infectivity. Let me give you some examples: Brigadier General Rothschild, a proponent and participant in the Army's CBW program, is fond of talking about clouds of anthrax spread over nations. Anthrax, by the way, has long been one of the favorite objects of biological warfare research. Anthrax is a bacillus which forms a resitant body called a spore. This spore can tolerate essentially any normal environmental stress to which it is subjected and thus fulfills one of the requirements mentioned above. Fortunately, however, anthrax fails to fulfill the other requirement—that of high infectivity. While it is highly infectious for sheep, the experimental animal which is frequently used in investigating anthrax, it is as much as 100,000-fold less infective for humans. As a matter of fact, over the past 70 years there have been only 20 cases of naturally occurring pulmonary anthrax in the United States, despite the protracted exposure of numerous workers to high density aerosol clouds of anthrax in tanneries and fur processing factories. I could quote for you a great deal more evidence, but time simply does not permit. Let me just emphasize that the data simply do not justify the conclusion that this organism, the only truly resistant pathogenic bacterium which we know, is capable of a sufficient infectivity to warrant its use as a biological warfare agent.

There is a wide variety of bacteria, rickettsia and viruses which do indeed have an extremely high infectivity, both for experimental animals and for human beings. In all of these cases, however, the organisms are characterized by extremely high sensitivity to environmental stresses. They lose viability at an exponential rate when exposed to the atmosphere. They are extraordinarily sensitive to ultraviolet irradiation, to temperature changes, to changes in humidity, and in fact, an oblique benefit may be derived from the polluted environment of many of the large cities, in that many of these organisms are especially sensitive to the environment when in the presence of atmospheric pollutants.

At one time it had been considered that insect vectors might be an effective means of transmission of various viral and rickettsial agents. This has turned out to be so highly impractical and so fraught with unfathomable complexities that the idea of using insect vectors has essentially been dropped.

To summarize, then, this particular point, the essential utility of biological warfare weapons is based on faulty premises. These are (1) that one knows how to cause an epidemic, (2) that one knows how to stop an epidemic once it has been started, and (3) that there are organisms with a sufficiently high infectivity and a sufficiently high resistance to the environment so that they will withstand not only the stresses induced by the normal environment but also the extreme stress of the dissemination process such as aerosolization or explosion.

Why then the fuss over biological warfare? Let me spend a minute or so tracing the history of the development of biological warfare. After World War I the Chemical Warfare Service was somewhat in a state of doldrums. They were left with two gases from the first World War (I believe they were lewisite and mustard gas). This was at a time when the admirals were screaming for battleships, airforce generals screaming for airplanes, and here was the Chemical Warfare Service with its two measly poison gases. At the beginning of the second World War, a group of microbiologists managed to persuade the government that it would be useful and effective for the United States to develop a

biological warfare program. This was eagerly adopted by the Chemical Warfare Service whose concept of the tactical use of biological warfare weapons was spectacularly unimaginative. They viewed biological weapons simply as a more effective or more frightening gas which could be sprayed over the trenches much in the same way as poison gas could. Suddenly the Chemical Warfare Service was in business again. The biological warfare program received enthusiastic massive support by the administration. Fort Detrick was founded in, I believe, 1943, and went into active and vigorous operation. By the way, the biological warfare activities of Fort Detrick were secret even from Congress. The operations were administered and funded through the executive branch without any approval or control whatsoever from the legislative arm of the government. From this beginning there emerged the biological warfare establishment at Fort Detrick. The fact that the tactical utility of germ warfare (if it ever existed) has been eclipsed by the more effective chemical warfare weapons has had no effect whatever on the biological warfare establishment. Like many other government organizations their mere existence has become their justification. Now in comparison to the ABM, biological warfare is "small potatoes" . . . perhaps a half billion dollars a year, but when one realizes that the total NIH training grant program for the basic sciences consists of $35 million, these "small potatoes" suddenly begin to loom large.

There are at least two reasons why I feel it necessary to raise my voice in objection to the biological warfare program going on in the U.S. First, there is a deep and terrible sickness in our society which not only permits but lavishly supports scientists devoted to finding better ways to give children smallpox. After all, in a general biological warfare attack on a population, it would always be the children and the aged who suffer first. Second, biological warfare is yet another example of government spending which is in no way productive, either from the point of view of national welfare, national security, or national defense. Like the relationship between the ABM and the military-industrial complex, the perpetuation of the biological warfare establishment—military and scientific—has become more important than the utility of its existence.

Let me close with two specific suggestions: First that biological warfare appropriations be received and evaluated with the same hard scrutiny used to evaluate programs of social welfare; that it be evaluated with the facts in mind rather than in response to the scare tactics used by the biological warfare establishments. The horrifying charisma of biological warfare has been used not only by the biological warfare doves, to frighten us into opposition, but even more effectively by the biological warfare hawks, to frighten us into supporting their program.

Secondly, I propose that Fort Detrick be converted to the Fogarty International Institute for the Study of Infectious Disease. Its facilities for handling and investigating agents of infectious disease are unmatched. The establishment can remain essentially unchanged, but now with open doors accessible to the scrutiny of the entire scientific community. It would now be dedicated not to seeking in its dark, dank corners for better ways to infest the earth, but rather to the eradication of disease and the betterment of the human condition.

One of the strongest threads running through the conference testimony was opposition to increased American nuclear capability and support for disarmament. The following paper was delivered by Gordon Moosbrugger, State chairman of the Minnesota chapter of Americans for Democratic Action:

The problem of speaking to the subject of national priorities and war and peace is that everyone is probably in agreement. Ex-President Johnson, Representative Gerald Ford, Senators Goldwater and Russell all hate war and desire peace, and would rather domestic problems be given priority over military expenditures, but for all the familiar excuses why this war in Vietnam is necessary and why we need more nuclear capability, and so on.

Rather than to attempt to analyze the reasons why ADA thinks we don't need more nuclear capability and why we shouldn't be in Vietnam and why we should concentrate on domestic needs, I'm going to state briefly and generally certain fundamental propositions.

First, we don't need more nuclear capability simply because we already have more than enough. Secondly, the very momentum of our huge military establishment is dragging us closer to war by its own weight. We are engaged in a race with the Soviet Union, and China. The race consists in building ever greater nuclear capability, but this is only the manner of conducting the race. The end or goal of that race is obliteration of this planet.

There is an alternative—it is disarmament. But this cannot happen except by halting this arms race, this mad dance of death, and reversing the process. The arms race cannot reach this goal, it's moving in the opposite direction.

Traditional American policy has been to act only in concert with the world community through treaties for collective security or through the United Nations. Our present role of world policeman is a radical departure from traditional American foreign policy. A policeman necessarily acts arbitrarily and unilaterally as he relates to the situation in which he acts. This is our role in Vietnam. It is a lonely, ungratifying role. It makes enemies, and we become so obsessed with this role that we ask, "Why don't these Vietnamese appreciate what we're trying to do for them?" And we ask, "Why doesn't the rest of the world respect us for doing what obviously is a painful duty?"—and we begin to sound slightly paranoic.

The result of our radical change in foreign policy from that of one in a community of equal sovereign nations to that of world policeman has many consequences, some of them rather subtle. Ours has always been a civilian democracy, contrasted to the military states of Europe and elsewhere. The military service meant just that—a service, a public service, not a political and economic force in the affairs of our nation. Now we hear warnings of the dangerous power of the military industrial complex. By contrast, many foreign states which used to be really military states are relieved of the huge expenditures for the military, and have achieved new levels of civilian democracy.

I will close by quoting from a Senate subcommittee on International Organizations and Disarmament hearing on March 26, 1969, as quoted in the May issue of the ADA World. Deputy of Defense Secretary Packard (speaking about the ABM):

"PACKARD. Mr. Chairman, I will be glad to discuss these matters as thoroughly as I may with you people here today . . . Now there is one thing about (the Perimeter Acquisition Radar) that I think you should know because there has been some concern about the status of the development. The first PAR radar will be assembled and tested on an operational site.

"FULBRIGHT. You haven't tested one?

"PACKARD. We have not tested a complete PAR in the configuration that it will be used.

"FULBRIGHT. How can you be sure about all these statements you have made that it will work?

"PACKARD. Well, I have been dealing with these kinds of things for a long time and I am quite confident the status of this development is entirely accurate.

"GORE. Well, a lot of people were confident about the McNamara Line, too. We spent $1,650,000 and saved nobody and lost lots of lives and it is now abandoned.

"PACKARD. I have no concern at all about this plan to build the first unit at an operational site. I think there is no risk whatsoever in terms of the engineering problem itself.

"GORE. I was talking with a very eminent scientist and I asked him to describe what might happen in case a Sprint defense was set up near Washington, and if a missile was detected in trajectory toward Washington, which trajectory would be a route over Baltimore, and a Sprint was sent up to meet it, where would it meet and he calculated, I believe, that the incoming missile would be at 23 degrees; he undertook to say that the interception would be approximately over Baltimore. So I said 'What would happen to Baltimore?' And he said if it were a clear day the city would be incinerated. Would you mind commenting on that possibility?

"PACKARD. Well, that is speculation, Mr. Chairman. It depends upon the size of the incoming enemy warhead. If an enemy missile gets through, whether it detonates at a high altitude or on the ground there is a great deal of trouble. The name of this game is not to figure out what happens in those kinds of instances, but to consider this as a deterrent so we don't get into war."

A different approach was offered by two veterans' organizations, the American Legion and the Veterans of Foreign Wars. Spokesmen for both groups make statements in support of the ABM system. Following is the testimony of O. T. Bussard, chairman of the national defense committee of the Legion's Minnesota department:

WHY THE AMERICAN LEGION IS INTERESTED

It is a pleasure to appear before Members of Congress today and present to you the viewpoint and belief of the Minnesota American Legion National Defense Committee. The Legionnaires of Minnesota, now more than 105,000, have delegated the responsibility of overseeing the National Security programs to this committee.

American Legion membership is comprised of the citizen-soldier or the "Christmas Help" as we are sometimes referred to when a mass call-up of private citizens is necessary in time of national emergency. The bulk of our members do not represent career service people whether of an active status or reserve and national guard capacity. Our organization is interested in these groups as they pertain to the national security picture, but our members generally come from main street, the farm and offices of our State. These men and women are eligible to belong by virtue of their honorable discharge from service in a branch of our armed services in a time of national emergency recognized by the Congress of the United States.

Our membership with its diversified occupational groups, financial and educational strata and geographical location is not a group seeking any special-interest accomplishment, but rather seeks what is good for our community, state and nation regardless of partisan politics or the popularity of the issue. Our eligibility to membership in the American Legion is, in many cases, testimony to previous failures in our Federal National Security Programs.

EXCERPTS FROM OPINIONS OF OTHERS

(Taken from the Washington Report—May 5, 1969.)

"The U.S. draws away

"Today, unfortunately, there is a clearly manifested weakening in free world alli-

ances—an increasing reluctance on the part of hitherto friendly nations to line up as closely with the U.S. as they did in the past. This is an ominous development for the American people. The drawing away reflects a lack of confidence in America and in our readiness to honor international commitments.

"If free nations believe U.S. armed might is impaired, that America's strength is running down and that we no longer have the will to fight when challenged, serious fissures will open in the free world's front against Soviet expansionism. Moreover, if small nations fear that America's military strength is eroded, what is likely to be the judgment of the Soviet Union? The Soviets have a far greater capacity to gauge U.S. strength and combat readiness.

"The Soviet attitude surely would be changed, however, and the war risk reduced if the United States began to deploy the anti-missile defense system that the President has said is essential to the safety of the American people."

(American Security Council report released May 7, 1969.)

"The Soviet Union has been developing a sophisticated ABM defense system for ten years and now has anti-ballistic missiles deployed around Moscow and in a Blue Belt defense line described by Marshal Malinovsky as being 'for the defense of the entire territory of the Soviet Union.'

"An ABM system is not a cure-all for the security of the United States . . . but it is an essential component in the network of military systems designed to give the American people a seamless garment of security in an age of acute danger.

"In connection with their missile defense program, the Soviets are developing a comprehensive civil defense program . . . spending about ten times as much effort as is the United States in providing the Soviet society an adequate civil defense. Moreover, civil defense in the Soviet Union is related directly to overall Soviet military strategy."

(Quotes from The Wall Street Journal, issue dated May 19, 1969:)

"Soviet Union has spent less, but has pulled even in overall military strength."

Institute for Strategic Studies:

"The Soviet Union must now be treated as a full equal in terms both of strategic power and her ability to control conflict in the developing world. By the middle of this year, the report goes on, the Soviet Union will probably have deployed more inter-continental ballistic missiles than the U.S. As recently as 1966, the Soviets had barely a third as many ICBM's deployed as the U.S., analysts estimate."

"MIG–21, a Russian Fighter plane costs Russia about 1 million dollars."

"American fighter plane F–4 costs several times that amount."

"Our plane may perform better, but is it worth that much more?"

"Estimate 1 million 'slave labor' as a factor in Soviet Military progress."

THE MINNESOTA AMERICAN LEGION BELIEVES

We hear much today of changing times, but human nature has not changed one iota since the dawn of civilization. The battles of the present are identical to the battles of the past. The form of warfare only is changed. The moral conflicts now waged in our Nation are as truly battles as were the conflicts of Bunker Hill or Iwo Jima.

America's decisions with respect to strategic military ssytems, as in the case of anti-missile defense, do more than affect America's military posture. They affect the political response of friendly nations. Some of the small and middle size nations of the world have endured for a long time; they intend to go on living. If they come to believe that the U.S. no longer offers a reliable shield, they may seek an accommodation with the Soviet Union or Communist China.

In the earlier phases of the cold war, the Soviets knew that they didn't possess strategic superiority. Awareness of their military deficiencies and U.S. strength inhibited them in many situations, as in the Cuban Crisis. It would be tragic if, by failing to redress the changed strategic military balance, the U.S. actually encouraged the Soviet leaders to step up their conflict operations and to consider waging nuclear warfare.

The strategic military flexibility of the Soviet Union already has given that country and its associated states a new willingness to engage in bold ventures. The seizure of the Pueblo in 1968 and the shooting down of the U.S. reconnaisance plane in 1969 by North Korea are effects of the dramatic change in the strategic military balance.

The Soviet invasion of Czechoslovakia in 1968 also demonstrated the U.S.S.R.'s confident use of its power.

It is reasonable to suppose that the generally mild U.S. reaction to these events was dictated by our loss of strategic military superiority.

We, and we believe a great majority of the citizens of this State, want North Viet Nam and its supporters, Red China and Soviet Russia, to know that determined military resistance will be maintained against their aggression until a peace with honor may be achieved in South Vietnam, and throughout the world.

The aggressiveness of Russia must be deterred by United States military superiority.

The support of the Minnesota American Legion to the Anti-Ballistic Missile system has extended over past and present administrations.

National Executive Committee of the American Legion Resolution No. 4: "Resolved, by the National Executive Committee of The American Legion assembled in special meeting in Washington, D.C. on March 15, 1969, that we commend and pledge our support to the President in his wise decision for the deployment of a modified anti-ballistic missile system which in his own words is 'vital for the security and defense of the United States and also in the interest of peace throughout the world.' "

This resolution is consistent with Resolution No. 307 adopted at the New Orleans National Convention and other resolutions dating back over ten years.

ADOPTED RESOLUTIONS

(Resolution 307 (Mont.) Consolidated with 148 (Ind.) and 230 (Md.), subject: Anti-Ballistic Missile System)

Whereas, The American Legion has called upon Congress and the Executive Department of the Federal Government to assign a high priority for the development and deployment of an anti-ballistic missile system, which would give the United States a strong deterrent toward any aggresive nation, and hence, enthusiastically applauds our Government's recent decision to employ a thin anti-ballistic missile system known as Sentinel, capable of giving limited protection against the nuclear threat of communist countries; and

Whereas, the American Legion is convinced that the communist goal is not military parity, but superiority; and

Whereas, Russia is at present deploying new weapons, such as the Fractional Orbiting Bomb (FOB), Multiple Independent Reentry Vehicles (MIRV), improved Anti-Ballistic Missile Systems (ABM), and is increasing also its land and sea forces of Intercontinental Ballistic Missiles (ICBM); and

Whereas, these alarming changes in the overall strategic power between the United States, and the Soviet Union, could cause a serious imbalance within the defense capabilities of the free world and those of the forces of communism, making it mandatory that our present Sentinel system be improved and expanded; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12, 1968, that they recognize that a broad margin of superiority must be maintained by the free world until peace is assured and urges the President, and Congress to take action in expediting the authorization of the necessary funds for the continued advance research development, and ultimate deployment of an improved and expanded Anti-Ballistic Missile System.

In sharp contrast to the Legion position was the testimony of the Minnesota Committee of Returned Volunteers, an organization of former Peace Corpsmen. The CRV called upon the United States "to establish control over the burgeoning military interests and drastically reapportion the investment of men and money into humane and peaceful purposes." The full statement follows:

We who have served overseas in volunteer service programs such as the Peace Corps, the American Friends Service Committee and ACCION are gravely concerned about the crisis which confronts our nation in its relations with other countries and with its own people. We went overseas believing that as citizens of a rich nation we should work to change the unjust and intolerable situation in which one-fourth of the world's people enjoy three-fourths of the world's wealth. Having been taught that all men should be free to shape their own future, we sought to act upon that understanding.

We have returned to this country and have found our nation deeply engaged in a war that seeks to impose, at immense cost, a United States solution on the problems of another country. A similar reliance on intervention and military response exists in most of the world. The United States shows no respect for principles of self-determination when other countries seek independence from our political and economic hegemony. Our government justifies this foreign policy with a Cold War mentality that divides nations into "free" and "communist" and ignores the fundamental division between rich and poor. It pours immense resources into military expenditures and the gap between rich and poor steadily widens.

At home, we find that this country is profoundly divided. The violence of Vietnam has come back upon us in the form of political imprisonment of critics of the government and civil disorder. Armed suppression of dissent leaves little hope that poverty and racial injustice can be eliminated without violence.[1]

On the basis of our experience abroad, we now join together in making this presentation to the Conference of National Priorities and Military Spending.

We now find our nation increasingly involved in military spending which threatens to make impossible the attainment of those goals toward which we worked overseas. Our government is devoting an increasing amount of our national budget to defense rather than to development. One and one-half percent of the entire American population is currently serving in the military forces. Between the fiscal years of 1965 and 1967, the proportion of total public and private employment, that was attributable to expenditures of the Defense Department, rose from 8.6% to 10.3%.[2]

The Arms Control and Disarmament Agency recently published its *Annual Survey of World Military Expenditures for 1966–1967*. The figures indict the United States for its values and priorities. In these years, 8.5% of the United States gross national product, sixty-three billion dollars, was spent for military activities. This amount exceeds the entire GNP of Canada, of Italy, and

Footnotes at end of article.

estimated GNP of mainland China. Whereas the world-wide per capita military expenditures in 1966–1967, averaged $8.00 per person in the less developed countries and $170.00 per person in the developed countries, The United States government spent $316.00 per American on its military force.[3]

At times of crisis in the developing countries, the United States most often responds in terms of military aid and intervenes on the side of those who have vested interests in the status quo to prevent the success of indigenous efforts to achieve basic human rights and justice. The vast destruction of of villages, schools, agricultural fields and people in Vietnam *cannot* be contributing to its social and economic development. The United States expenditures on the war in Vietnam are presently eight times as great as our total budget for economic assistance to all parts of the world. Every two days, the equivalent of the annual Peace Corps budget is spent on the destruction of Vietnam.[4]

"It is true that the United States is the only major non-communist state possessing both great power and a sense of world mission. But it does not follow that the United States could or should man the front lines at all times everywhere",[5] states Stanley Hoffman, professor of government at Harvard. We encourage our government to reassess its priorities. A great power *should not* consider itself threatened by every tremor anywhere in the world.[6] Nor should it believe that it can set goals for world development.

As former volunteers who have worked for social and economic development at the grassroots level, both at home and overseas, we have learned that even benevolent outsiders *cannot and should not* try to impose their values on people of other cultures. We have seen that projects succeed only when the people concerned feel a need for something and then organize themselves to achieve it. People *do* respond favorably to ideas that are in their best interests, but *they* are the ones that must determine what their best interests are. The outsider can unobtrusively make suggestions, but if his ideas are not accepted, there is nothing he can do.[7]

The United Nations needs to be strengthened and massive international efforts are needed in the fields of population control, economic development, world health and education. Such ventures as the Peace Corps should be truly internationalized so that volunteers return to their homes with a commitment to work at home for the kinds of changes that will make genuine difference in their countries.[8]

Nationally, 20% of our population lives in poverty and one-half of our nation's children are being raised in low income families. This cannot help but have profound effects upon the character of our nation twenty years from now. We need a national well-organized anti-poverty program instead of sporadic efforts throughout the country which are constantly being undermined by inconsistent commitments and insufficient and irrational planning.

It is not as if we did not know what our national priorities ought to be. We must improve education at all levels, improve our cities, eliminate racial discrimination, achieve a realistic system of justice. Riots in our cities and on our college campuses are real and their causes are real. The majority of Americans agree that the manpower and money devoted to the military could be much better utilized for peaceful purposes.

The Minnesota Committee of Returned Volunteers submits that the top priority of the United States government at this time is to establish control over the burgeoning military interests and drastically reapportion the investment of men and money into humane and peaceful purposes. The possibility of this happening depends on the courage of our representatives in Washington, D.C., and increasing citizen commitment to this achievement.

FOOTNOTES

[1] Committee of Returned Volunteers, *Petition to the Democratic and Republican National Conventions*, 1968.

[2] The United States Arms Control Disarmament Agency, *Seventh Annual Report to Congress*, January 1, 1967 to January 18, 1968.

[3] The United States Arms Control and Disarmament Agency, *World Military Expenditures, 1966–1967*, Research Report 68–52, 1968.

[4] Committee of Returned Volunteers, *Position Paper on Vietnam*, October, 1968. (Box 380, Cooper Station, New York, New York.)

[5] Stanley Hoffman, "Policy for the 70's", *Life Magazine*, March 21, 1969, p. 70.

[6] *Ibid*, p. 73.

[7] Committee of Returned Volunteers, op. cit.

[8] Harvey Cox, "Issues for the 70's," *Commonweal*, March 21, 1969.

The Minnesota Chapter of the Committee of Concerned Asian Scholars urged "a more peaceful and cooperative relationship with the Asian nations or Vietnam will prove to have been simply the prelude to even greater disasters." Here is that group's statement:

U.S. ASIAN POLICY AND NATIONAL PRIORITIES

Since World War II, we have taken pride in our contributions to economic development in other parts of the world, yet in 1969, we find ourselves devoting perhaps one-fifth of our entire national budget to the devastation of Asia in past, present and anticipated wars. We are not persuaded that this tragic role has been forced upon us by a recklessly expansionist China. It is we, and not the Chinese, who have committed our forces to combat against the Vietnamese in their own land. On the contrary, we are persuaded that our dismal record in Asia is the price we pay for basing our Asian policies on the myth of an irrational Chinese menace. The truth is that since the 1949 revolution the Chinese have not moved beyond their borders except in order to ward off an expected attack, as in Korea, or to gain a strictly limited and possibly legitimate territorial objective, as in the Indian border dispute. Moreover, Chinese support of revolutionary nationalism in some parts of Southeast Asia has an obvious parallel in the U.S. involvement in the internal politics of Latin American states and should be seen in this light.

By spending nearly $80,000,000,000 annually on "defense" hardware, bases and personnel, we achieve the illusion of defense and a spurious sense of security. The proposed deployment of an ABM system is just one more case in point. We are not merely wasting our resources, however, but we are also losing time that would be better used to attack the problems that are the real sources of our anxiety. Let us rather turn our attention to some of the positive steps that might be taken toward a more stable and peaceful relationship with our neighbors on the other side of the Pacific.

We must first dispel the aura of mystery and fear that surrounds the image of China in the United States. The "Yellow Peril" fantasy cannot be tolerated at this point in our history, both because it is a lie and because widespread belief in it presents a terrible danger to this country, to Asia, and to the world.

At the same time, we must take steps toward reducing tensions in our relations with China and thereby encourage the Chinese and their leaders to see us as something other than an implacable threat to their own security.

In order, thus, to substitute realities for myths and fairy tales, we in the United States must learn the languages and study the civilizations of Asian peoples and, through all levels of our educational system communicate a better understanding of Asia to the American people. Only then can we be confident that our Asian policies will be made by men of the required sophistication. The cost of such an effort, while it might seem large, would pale into insignificance in comparison with our swollen defense budget. A mere five percent of Vietnam War costs would provide a billion dollars a year to underwrite a program designed to equip our nation psychologically and intellectually to live in a world in which China may become one of the dominant powers. The completion of such an immense task obviously takes time, and should be begun now on an adequate scale.

Building on this developing foundation of informed public opinion and specialized skills, we may hope for successful implementation of a more constructive Asian policy. Steps in this direction that should be made as soon as possible include the following measures in relation to China:

1. Liquidate the Vietnam War and scale down our investment in the land, sea, and air forces with which we have tightly encircled China from Korea to Thailand.

2. Disassociate our national interest from continued support of the Nationalist regime in Taiwan, thus making possible a speedier political resolution of this unfinished business of the Chinese civil war.

3. Drop our opposition to Mainland Chinese representation in the United Nations, thereby achieving a freer exchange of views and bringing our differences and our shared interests more into the open.

4. Cease all obstruction of U.S. and other non-communist trade with Mainland China.

5. Indicate by all appropriate means our readiness to recognize the government in Peking as the legitimate government of China.

6. Facilitate travel by U.S. citizens to Mainland China. Our relations with Japan also require our most careful attention. Japan is rapidly emerging as the world's third largest industrial power, exceeded only by the U.S.A. and the U.S.S.R. It goes without saying that our close relationship with Japan is crucial to our security. We have strong economic and political ties, but the related questions of the reversion of Okinawa to Japanese rule and American bases in Japan are beginning to threaten the stability of our relationship with Japan. These issues are dynamite in Japanese politics, and American policy makers must now ask: is our post World War II military base system in Japan still vitally important to the maintenance of American security? Is it worth the political cost?

In conclusion, we hold that in this time of profound reexamination of our national priorities, we give a high place to the long-term reorientation of our policies towards Asia. We believe that we must enter into a more peaceful and cooperative relationship with the Asian nations or Vietnam will prove to have been simply the prelude to even greater disasters.

With customary balance and thoughtfulness, the League of Women Voters of Minnesota and Minneapolis made the following broad and constructive statement about both domestic and foreign policies:

As spokesman for the more than 5,700 members of the League of Women Voters in Minnesota, I appreciate the opportunity to express to your panel some of our priorities for national action. Our statement discusses three national matters of great importance to our membership: foreign policy, human resources, and water resources. This presenta-

tion combines efforts of our State Board with those of the Minneapolis League, our largest local organization with 1,000 members. So, while the section on Human Resources relates specifically to the Minneapolis scene, it nevertheless reflects general problems of concern to all Leaguers.

Our local and state League organizations and the national League of Women Voters have no explicit position on defense policy or defense expenditures as such. We have reached agreement within our organization, however, on the very great importance of reducing the growing gap between rich and poor nations internationally and on narrowing the gulf between rich and poor within the United States. We also agree that our nation must promote comprehensive long-range planning for conservation and development of water resources and improvement of water quality.

First, to the issue of foreign policy. We must register our deep concern at the decrease in funds available to improve the lot of the "have-nots" at both the international and domestic levels. It has been said that the war in Vietnam has been paid for by the most miserable on earth in terms of benefits which they might otherwise have received. The same point may be made with regard to the evidently higher priority recently accorded by Congress to defense spending in general.

Recent developments in the funding of American foreign policy deeply concern League members. On the one hand, we are warned by experts that unless the developed countries greatly increase their foreign economic assistance, misery in the less developed countries will soon reach crisis proportions. Furthermore, as C. P. Snow suggested recently, wealthy nations may be likely to find themselves in a "state of seige" if greatly increased assistance is not provided for poorer, overpopulated nations. On the other hand, we see Congress appropriating the smallest amount for foreign aid since the inception of the American aid program 20 years ago. We are particularly disturbed to note that some of the more innovative programs and agencies—such as the Alliance for Progress, the International Development Association, and the Asian Bank—have been especially deprived of appropriations.

The aid program we do finance is further minimized by the spending of most of these funds in the United States: 91% in 1968. The mounting interest burden the less developed countries must bear further reduces the amounts of money available for development.

We are dismayed to see drastic cuts of modest requests in foreign aid while large military aid and defense budgets survive relatively unscathed.

This discrepancy in funding appears to suggest that something of a "siege" mentality already exists in this country. We regret the emphasis on a negative protection of the United States at the expense of a positive policy to make past promises credible. The United States, through continued policy statements and past aid programs, has directly contributed to the revolution of rising expectations on the part of the less developed world. A retreat from this policy can be viewed only as a false commitment by these people.

A similar picture seems to characterize Congressional domestic policy in recent years. In studying the topic of Human Resources, the League of Women Voters has taken a strong position of support for equality of opportunity in education, employment and housing.

Locally, the Minneapolis League has studied and supports the local anti-poverty effort. We are very concerned that now, just when these programs have begun to provide some disadvantaged citizens with meaningful participation in our society, the threat of cut-back or even cut-off of funds continues. Uncertainty and inadequate funding have plagued these programs since their beginning. This record is hardly convincing evidence of a strong national commitment to develop innovative solutions to the multifaceted problems of poverty.

The local Headstart situation is an example. Studies and experience have clearly shown that the intensive year-round program is more effective than the brief, six-week summer session for these children. Yet interested Minneapolis citizens and public officials had to exert concentrated pressures on both regional and national OEO staff in order to obtain funds for the current year round program which serves only 100 of the more than 1,000 Minneapolis youngsters who need this experience. A rewarding local effort by the Minneapolis Urban Coalition has raised enough private money to include another 140. But we are still far short of meeting the need, and the Minneapolis school system is in no financial position to take on the task.

In a sense, the very success of poverty programs in raising the awareness and the expectations of disadvantaged citizens has created problems. This month the Hennepin County antipoverty board is struggling with the dilemma of how best to distribute funds for 1969 summer youth programs. The process involves hard, unpopular decisions. The same number of dollars as were available last summer has been allocated to our community. Inflation means that these dollars will buy less. Yet this year valid program proposals have come from more resident groups than ever before, including several American Indian organizations for the first time. These groups have been encouraged to form, develop programs, and use channels for seeking funds. Then their hopes are cut by two-thirds or more.

The League supports the Model Cities program. In Minneapolis, we admire the tremendous citizen involvement, the great amounts of time and effort which residents and officials have invested in the planning process. I view of the Nixon administration's recent announcement of Model Cities "reorganization," will this program—as John Herbers suggests in the *New York Times*—turn out to be "another pipe dream?" We earnestly hope not.

The commitments that count are promises backed by dollars. As a nation we have raised expectations which we now seem unwilling to meet, expectations that it is possible to narrow the gap between rich and poor in this country. Are we creating the potential for a domestic "state of siege?"

Housing problems—condition, supply and discrimination—in Minneapolis and Hennepin County are another concern of the Minneapolis League. The crucial need for an increased supply of low and moderate income housing here and in the nation as a whole has been frequently documented. The harsh and shameful fact that more than 20 million Americans continue to occupy more than six million substandard housing units must project this issue upward on our nation's priority list. The role of the federal government is not new in the area of housing. Indeed, 1968 has been called a significant year in the advance of federal housing policy But our local study has shown that the Twin Cities area does not make adequate use of federal programs. There is little public knowledge of how to go about it. Furthermore, Congress has rarely funded housing and urban development legislation adequately. Some desirable programs are simply out of money.

Efforts to achieve equality of opportunity in education are stymied by insufficient funds. Quality education for all students has long been a concern of the Minneapolis League. We know the needs and have lobbied to increase program funds from state sources as well as from federal sources such as Title I of the Elementary and Secondary Education Act. So far these sources have been inadequate, despite the widespread recognition that cities themselves can no longer find the tax dollars to provide adequate modern education for all children.

Our national League position also states our support for federal efforts "to help communities bring about racial integration of their school systems." Such efforts will require a greater commitment of national will and money than have been shown to date.

The continuation of the set of Congressional priorities in recent years, as between foreign assistance and anti-poverty legislation on the one hand and defense policy on the other, may tend to prove the most pessimistic observers correct. Will such a trend over time make our country appear to other nations as a "garrison state" preoccupied with weaponry at the expense of constructive efforts in the international arena? Will such a trend, ironically, leave an increasingly indefensible domestic scene at home?

Another one of the nation's great domestic problems is securing, for the present and in the future, adequate quantities of good water. We as a nation are beginning to recognize the water crisis created by rising population, increasing industrialization, and urban growth. Since 1956, the League has been concerned with this issue. We have worked for passage and implementation of amendments to the Federal Water Pollution Control Act, the Water Quality Act, Clean Water Restoration Act, and the Water Quality Improvement Act just recently approved by the House of Representatives. These laws have done a great service to the country by requiring quality standards for interstate waters and providing the mechanism to help finance the needed treatment.

This crucial need to clean up water systems and to keep up with growing population concentrations has not received the necessary financial priority. Funds have been woefully inadequate. Former Interior Secretary Udall estimates that there is $26 billion worth of work to be done over a five-year period to clean up the nation's waterways. In fiscal 1969, Congress appropriated $214 million as its share in the work. This is far too little to stimulate the needed state and local investment.

If pollution is not stopped and corrected, it can become difficult to reverse. Lake Erie represents this process, to our great shame as caretakers of the earth. Experts say it will require 500 years to correct what man has done to that lake in the past 25 years.

Former President Johnson said in 1965, "The clear fresh waters that were our national heritage have become dumping grounds for garbage and filth. They poison our fish they breed disease, they despoil landscapes. No one has a right to use America's rivers and America's waterways that belong to all the people, as a sewer . . . this sort of carelessness and selfishness simply ought to be stopped; and more, it just must be reversed."

Mr. Hickel, Secretary of the Interior, recently said he favors "gradually upgrading clean water standards until such now-polluted rivers as the Hudson and the Potomac flow as pure as mountain streams . . . possibly in a period of ten years that could be obtained." This cannot possibly happen to the water in Minnesota or in the nation in ten years unless we reorient our priorities and assume this as a moral and financial obligation.

In conclusion, we feel very grave concern at the discrepancy between funding for international and domestic programs of a constructive nature and the funding for defense policy. We are becoming in a very real sense what we will be. And years of underinvesting in constructive and innovative foreign and domestic policies are bound to be interpreted as evidence of their low ranking in our hierarchy of values. As the Durants stated so eloquently in *The Lessons of History,*

"Our states, being ourselves multiplied, are what we are. They write our natures in bolder type, and do our good and evil on an elephantine scale." We in the League believe that our nation possesses a more positive and humane nature than our current priorities would suggest.

Not all witnesses addressed themselves to defense policy questions. Conservation was another topic dealt with by several persons. Richard J. Myshak, executive director of the Minnesota Environmental Sciences Foundation, presented this paper on environmental conservation education:

"Conservation," wrote Aldo Leopold, "is a state of harmony between man and land." Although conservation of natural resources—their wise use—is universally approved, we find that apathy and ignorance on the part of man has resulted in misuse and loss of natural resources. Differences of opinion to the wide variety of physical, biological, economic, social, esthetic, and spiritual factors involved has caused destructive, and in some cases, irreversible change to our environment. Man has radically altered that web of life spread so thinly over the face of the earth.

In these times of unprecedented change we must establish legislative policies that will bring a halt to the rampant squandering of our environment. This can only be achieved by establishing a communicative process whereby man is able to acquire a basic understanding of his environment—and to relate this understanding to his actions. Man must learn to live within his environment—and most importantly—realize that he is a part of it and not apart from it.

The lack of understanding, differences of opinion, and the inability to relate man's actions to his environment can best be harmonized or compromised through education. The educational process needed must provide for active involvement, cross disciplinary lines, and cause man to inquire productively. Through such educational stimulus man will learn to co-exist with his environment and not merely exist.

In 1965, Congress passed the Elementary-Secondary Education Act under the auspices of Public Law 89–10. Title III of this act permitted the creation of numerous innovative and exemplary education programs and centers throughout the United States and its possessions. We need not elaborate on the impact such educational innovations have had on our populace. However, it is essential that we point out that since 1965 our students in school have been exposed to and have benefitted immensely from the input of federal funds into local education agencies.

We can no longer look at education as being the sole responsibility of local education agencies any more than we look upon military defense being only of local concern. The mobility of today's population shows us that an individual is born in one place, educated in another, works still someplace else, and is laid to rest, in many cases, far from his birthplace. With such mobility and with benefits reaped, in most cases, far from home by individual contributions, it is essential that equalization of educational opportunities be afforded everyone.

If we, as a nation, are to retain what environmental quality remains and desperately strive to reverse the rampant pollution and rape of our natural environs, we must, as citizens, pay and pay dearly to obtain a quality in life. Our legislative bodies must weigh carefully the values of interplanetary travel versus an educated populace, it must weigh carefully the values of exorbitant military spending versus educational opportunities. History has shown us that military might has always been defeated by sound thinking minds. Our legislative bodies must energetically bring to the attention of the executive branch of our governments the educational needs of the people they represent.

Gentlemen, I and millions of other citizens of this great nation are dismayed and shocked at the Fiscal Year 1970 budget request for Title III funds submitted by President Nixon. His budget calls for a *29.4% reduction* in *Title III funds*. The U.S. Office of Education requested $172,000,000 for this program. President Nixon's budget requests $116,393,000—a *reduction* of $48,483,000. How can such a reduction be justified in the eyes of our youth? I urge you, Congressman Fraser, and Congressman Karth, to do everything in your power to reverse this executive decision. Education, our nation's greatest resource, can no longer afford to suffer at the hands of military might.

Our military has blundered consistently in its negotiations with aircraft manuafacturers at a cost that greatly exceeds $48,483,000—the amount that is proposed to be cut from an exciting educational opportunity for our youth. We then wonder why our youth is reacting as it is. Perhaps they have good cause.

The program I am associated with—The Environmental Science Center—is a Title III project. I invite you to inquire about this program and the impact it has made in two short years on methods of teaching environmental science, environmental curriculum development, and school site development and utilization. Most school districts in the metropolitan area, some out-state and out-of-state districts, the Department of the Interior, the city of Red Wing, and Fort Lincoln New Town, an urban renewal project in the District of Columbia, have availed themselves of our services. This is certainly evidence of the impact of federal funds in education. You need not fear that we will violate the terms of our contract as is the case so many times in military contracts.

A number of organizations in Minnesota have deeply involved themselves in our common concern—a quality of life through environmental conservation education. To name a few—the Minnesota Academy of Science, the Minnesota Association for Conservation Education, the Minnesota Environmental Resources Council, the Izaak Walton League, the Nature Conservancy, the Audubon Society, the Sierra Club, the Wildlife Federation, and others.

To insure that this impact continues to grow, a new foundation has been established in Minnesota. Twenty-three distinguished Minnesotans have formed the Minnesota Environmental Sciences Foundation, Incorporated. I can assure you that this group will exert every ounce of energy to perpetuate a sound environmental conservation education program in Minnesota. I can assure you that you will hear from them. You will be requested by them to provide for and to leave our younger generations a heritage fit for living—a heritage fit for living obtained through an aggressive and meaningful education.

Also concerned with the deterioration of our environment is James T. Shields, executive director of the Minnesota Conservation Federation, who testified:

The Minnesota Conservation Federation is increasingly concerned about inadequate financing for programs designed to protect and conserve our natural resources. For example, appropriations have amounted to only about one-fifth of the congressional authorizations for pollution abatement. Governmental agencies continue to spend more money in support of drainage projects than for projects such as wetlands acquisition that will hold and conserve water in the upper watersheds where it will maintain underground water tables and provide habitat for wildlife. Meanwhile, floods become more severe and the cost of flood protection and clean-up increases yearly.

Sportsmen have always been willing to pay the price of maintaining game and fish programs through special license fees. But when it comes to broad programs such as pollution abatement and the maintenance of natural water areas in entire watersheds, all people have a vital interest and concern.

A clear majority of our citizens is beginning to express concern about the condition of the environment in which we live. And what may be surprising, *these people are willing to pay the cost of maintaining liveable conditions* even if it requires an increase in their taxes!

The Gallup Survey recently was commissioned by the National Wildlife Federation to determine the public's attitude toward our natural surroundings. In general, the survey found that 86 percent of the citizens in this country are concerned about the effects of air pollution, water pollution, soil erosion, and wildlife destruction.

An even more significant finding of the survey is that three-fourths of our citizens said they would be *willing to pay more taxes* if the money could be earmarked *to combat the deterioration of the natural environment!* What stronger declaration could be made for action by the Congress and governmental agencies?

We strongly urge you and your congressional colleagues to meet the financial needs of programs which will maintain and improve the quality of our natural environment. We are certain that your actions in this regard will be met with overwhelming support from the electorate.

Several ministers took part in the hearings. One of them, Rev. Wilbur D. Grose, program director for the United Methodist Church in Minnesota, made the following brief but forceful statement on the need to eradicate our ghettos:

When the Kerner Report (National Advisory Commission on Civil Disorders (was published in March 1968, it laid on the conscience of the American people a challenge to more worthy national priorities. I quote: "Only a commitment to national action on an unprecedented scale can shape a future compatible with the historic ideals of American society . . . The major need is to generate new will—the will to tax ourselves to the extent necessary to meet the vital needs of the nation."

To our shame, neither federal, state, city governments nor the private sector have begun to grapple effectively with the major issues which plague our ghettos. The *New York Times*, April 17, indicated that some 70 billion dollars is required now to change our ghettos into areas for healthy, decent and meaningful living. Yet President Nixon says the "private sector" is to assume much of the burden of rebuilding our cities.

As concerned citizens we cannot tolerate, we dare not tolerate the continuation of the current 82 billion dollar budget for military expenditures. It involves the waste of vast resources and it fails to bring national security. And yet the Nixon Administration is pressing hard for an anti-ballistic missile program to cost at least six billion dollars! One irony of the situation is that the *Washington Post*, April 20, points out that recent test firings were fizzles. Also it should be noted that responsible estimates indicate that the total ABM cost could exceed 50 billion dollars.

With United States and U.S.S.R. disarmament talks planned in the near future, and with the unrelieved frustration and suffering of millions of ghetto residents, the time is *now* to re-order our national priorities.

I strongly urge the Congress to refuse to

vote funds for any ABM program and to redirect billions from "defense" spending to the rebuilding of our cities as communities in which justice and equal opportunity are a reality.

HOUSE REPUBLICAN RESEARCH COMMITTEE TASK FORCE HEARINGS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BUSH. Mr. Speaker, this past week the House Republican research committee task force on earth resources and population, of which I am chairman, was honored to have Dr. James Cavanaugh and Dr. Carl Shultz, of the Department of Health, Education, and Welfare, and Dr. Thomas O. Paine, the Administrator of the National Aeronautics and Space Administration, inform us of the latest developments and plans of their departments. In order to keep my colleagues informed of the progress of our work, I include the highlights of these two meetings at this point in the RECORD:

HEARING HIGHLIGHTS, TUESDAY, JUNE 24, 1969

Dr. James Cavanaugh, Deputy Assistant Secretary in Health and Scientific Affairs, HEW.

Dr. Carl Shultz, Director, Office of Population and Family Planning.

Members present: Bush, Horton, McCloskey, Keith, Pollock, Wold, Pettis, Ruppe, Henry Smith.

Staff from: Gubser.

Dr. Shultz explained that the rate of illegitimacy in the United States has risen from 7.1 in 1940 to 14.1 in 1950 to 23.4 in 1966—an overall increase of 230 percent. During this same twenty-six year period the white illegitimacy rate has increased 233 percent, and nonwhite rate 161 percent.

The latest international statistics available indicate that in 1966 the United States—with 23.7 infant deaths for every 1000 live births—trailed thirteen other nations in infant mortality rates. Within the United States infant mortality in 1966 was almost twice as high for nonwhites as for whites: for every 1000 nonwhite live births there were 38.8 infant deaths, while for every 1000 white live births there were 20.6 infant deaths.

Statistics for 1966 prove the need for family planning services:

1. There were 450,000 unwanted births among the poor and near poor.

2. Over one in five American families reported their last child was unwanted.

3. Out of 5 million low income women who would probably use family planning services, if available, only about 1 in 5 now receive them.

In 1968 an estimated 325,000 women were receiving family planning services through projects supported by Federal funds. 40% ($20 million) of a budget totaling $47 million was spent on services visible to those in need. The program projected by the Department of Health, Education and Welfare represents an effort to reach an estimated 5 million women of low income who would likely use such services if available. With sufficient effort this goal could be reached by 1973.

Dr. Cavanaugh explained that a high level advisory committee headed by Arthur S. Flemming has been established by Secretary Finch. The committee is looking for ways in which HEW can strengthen the organizational efficiency of national family planning services.

HEARING HIGHLIGHTS, THURSDAY, JUNE 26, 1969

Dr. Thomas O. Paine, Administrator, National Aeronautics and Space Administration.

Dr. John Naugle, Associate Administrator for Space Science and Applications, NASA.

Members Present: Bush, Horton, McCloskey, Mosher, Pettis, Pollock, Wold.

Staff From: Fulton, Vander Jagt, Gubser, McDade.

Dr. Paine described the valuable contribution Earth Resource Satellites can make in enabling us to understand the earth as a total system. ERS equipped with multispectral sensors photograph every area within its scope every 90 minutes. This constant system of surveillance will enable agricultural experts to identify crops which are endangered by disease or starvation.

ERS has also proven valuable in teaching us more about our own geology and mineralogy, as well as about pollution problems and weather analysis. Heat-sensitive sensors are now helping meteorologists identify and observe severe weather conditions on a 90-minute basis. In the future it will be necessary to establish world data banks to record and analyze this new quantitative view of our planet.

Dr. Paine explained the need for assistance outside of NASA on political policy questions. The current policy is free of restrictions, enabling any group to purchase any ERS photographs. As the program expands, we must be able to answer charges of snooping as raised by foreign countries over which ERS pass. The ERS program provides an opportunity to bring nations closer together through cooperation and assistance. Recently our ERS sensors used in airplanes at Iceland's request helped solve their recent fishing problem by discovering the migration of the fish to warmer water.

The value of the manned space program to ERS is in selecting and setting up the various sensors during the experimental period. In addition, a moon landing will enable us to measure almost exactly the size and possible movement of the earth's land masses.

Mr. Speaker, we are also privileged to have a number of summer interns working in the offices of Congressman PETE MCCLOSKEY and the task force on individual research projects. These top-notch young scholars will give us fresh insights and new ideas as they delve into their assignments in the following areas:

INTERN TASK FORCE ASSIGNMENTS

CONGRESSMAN M'CLOSKEY'S OFFICE

Foreign Assistance, Tony Curtis; Task Force Organization, Therese Roos; State Department, Myron Lehtman; AID, Mark Davis; Children's Bureau, Gordon Bardet; Social Security Administration, Pat McCarthy; HSMHA, Dave Crawford; National Institute of Child Health & Human Development, Rosalind McCracken; Office of Population and Family Planning, Julie Johnson; OEO, Herb Anderson; and D.C. Health Department, Mike Boyd.

TASK FORCE OFFICE

"Hearing Highlights" and Coordination of Current Earth Resource Data, Steve Taylor; Family Planning and Sex Education, Attitudes of Young Adults, Mary Bailey; and Coordination of Population Data, Kai Lee Tarrant.

THE SCOTT REPORT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine recently called my attention to the Scott report by Paul Scott, for last Monday, June 23, written just prior to the confirmation of Otto Otepka as a member of the Subversive Activities Control Board.

While Mr. Otepka's confirmation is now an accomplishment, Mr. Scott's remarks concerning certain aspects of the Otepka case should be of interest to our colleagues. I, therefore, insert the Scott report for June 23, 1969, at this point in the RECORD:

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, June 23.—If the Senate approves the nomination of Otto Otepka this week, as now expected, the former chief security evaluator of the State Department will immediately join the Subversive Activities Control Board's probe of communists among militant student groups.

The new SACB inquiry, which provides for extensive hearings in major American cities including Chicago and New York, is designed to force the communist leaders of such militant groups as the Students for Democratic Society to register with the Justice Department.

Otepka's presence on the 5-member board virtually assures a wave of new public interest in the long dormant SACB. The veteran security officer's 6-year battle to vindicate himself created a large following of supporters in many of the cities where the new security hearings are now scheduled.

Most striking example is Chicago. Residents from that area wrote more than 100,000 letters to the White House and members of Congress protesting Otepka's ouster from his State Department security post for cooperating with a congressional committee.

Thousands of other Chicago residents contributed to the $28,000 legal defense fund that Otepka's friends raised in his long fight to clear his name and for reinstatement to his old State Department position.

One of the many ironies of Otepka's long battle is that in his new SACB post he will be dealing closely with the Senate Internal Security Subcommittee.

It was Otepka's cooperation with that Senate group, probing security risks in government, that high ranking State Department officials used as an excuse to oust him from his security post.

Although Secretary of State Rogers succeeded in blocking Otepka's return to his old security post, the veteran security officer's appointment to the SACB by President Nixon places him in a position where his eventual influence over security at the State Department could be much greater.

GOING BACK TO WORK

In his new $38,000-a-year assignment, Otepka will be able to fully use his vast knowledge of security risks in the State Department to pinpoint their hidden links with known communists outside of government.

With the help of the FBI, these links can be established in the hearings called to force the known communists to register with the Justice Department.

These revelations can be used by the Justice Department to force new security investigations of suspected State Department officials including several now holding strategic foreign assignments.

With Otepka playing a key role, future SACB hearings can also be used to show the need for new pending legislation designed to tighten up the government's present lax security program.

Under present law, the SACB has the power to decide whether individuals or organizations referred to it by the Attorney General are subversive. SACB has been under fire since its creation in 1950. Several lawsuits

have sought to declare it unconstitutional. But so far, they have been unsuccessful.

(NOTE.—Latest poll taken by Senate Minority Leader Everett Dirksen (R. Ill.) shows that the Senate will confirm Otepka by a large vote. His survey lists more than 70 Senators backing Otepka with only 16 indicating that they plan to vote against his nomination.)

THE WIRETAPPING ISSUE

This week's debate over the nomination of Otto Otepka to become a member of the Subversive Activities Control Board could shed some new light on the use of electronic devices by the late Senator Kennedy to gather information inside government.

Several Senate supporters of Otepka plan to raise this issue if Senator Edward Kennedy (D. Mass.) goes through with his plans to actively oppose the veteran security officer's nomination.

Their plan is to air testimony gathered by the Senate Internal Subcommittee, which probed Otepka's ouster from his State Department security post, that shows employees assigned to the State Department by then Attorney General Robert Kennedy were involved in the bugging of the security officer's phone.

Otepka's problems at the State Department began after he refused a request by Robert Kennedy to give a security clearance, without further investigation, to Dr. Walt W. Rostow, then Massachusetts Institute of Technology professor. Rostow subsequently became Presidents Kennedy and Johnson's national security adviser. He was one of the architects of our disastrous Vietnam policy.

DISTRICT OF COLUMBIA METROPOLITAN POLICE RELEASE MAY CRIME INDEX REPORT—THE SMALLEST PERCENT INCREASE IN 12 MONTHS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. HOGAN. Mr. Speaker, while crime statistics in the District of Columbia continue to cause deep concern, a recent report brings a hope, however small at this time, that the problem of crime can be solved eventually. It is encouraging to note that this increase of 12.2 percent over May 1968, is the smallest percent increase in a period of 12 months. This statistic is an example of the splendid job that the District police are doing in their battle against crime. I commend the Metropolitan Police Department, its leaders, and its personnel who are waging a constant effort to make our city safe. We have a long way to go. I hope that the citizenry will extend their assistance to aiding their law-enforcement officers in lowering the crime rate so that our Nation's Capital can solve its crime problem.

I present this index of crime to my colleagues for their information:

CRIME INDEX REPORT, MAY 1969

The Office of the Chief of Police today released the reported Crime Index statistics for the month of May 1969. These figures reflect an increase of 12.2 per cent over May 1968. This increase represents the smallest per cent increase in the past 12 months.

During May 1969, decreases occurred in two crime classifications: Auto Theft, from 1028 to 925 offenses, a 10.0 per cent decrease and Burglary, from 1710 to 1707, a 0.2 per cent decrease. Increases occurred in the following classification: Homicide, from 16 to 22 offenses, or 37.5 per cent; Rape, from 15 to 25 offenses, or 66.7 per cent; Robbery, from 645 to 798, or 23.7 per cent; Aggravated Assault, from 274 to 373, or 36.1 per cent and Larceny ($50 and Over), from 557 to 915 or 64.3 per cent.

Crimes against persons (Homicide, Rape, Robbery, and Aggravated Assault) represent 25.6 per cent of the offenses while Crimes Against Property (Burglary, Larceny [$50 and Over] and Auto Theft) represent 74.4 per cent of the offenses reported during May 1969.

The high crime area remained concentrated in a small section of the city represented by 29 Carney Blocks, 8.0 per cent of the total of 361 blocks. Each Carney Block represents a small geographical area of the city containing approximately equal population.

CRIME INDEX OFFENSES, MAY 1969

Classification	May 1968	May 1969	Change Amount	Change Percent	Cumulative through May 1969 Fiscal year 1968	Cumulative through May 1969 Fiscal year 1969	Percent change	12 months ending May 1968	12 months ending May 1969	Percent change
Criminal homicide	16	22	+6	+37.5	162	209	+29.0	178	224	+25.8
Rape	15	25	+10	+66.7	171	381	+64.3	184	297	+61.4
Robbery	645	798	+153	+23.7	5,977	9,514	+59.2	6,419	10,121	+57.7
Aggravated assault	274	373	+99	+36.1	2,856	2,956	+3.5	3,115	3,223	+3.5
Burglary	1,710	1,707	−3	−0.2	14,983	17,265	+15.2	16,058	18,660	+16.2
Larceny ($50 and over)	557	915	+358	+64.3	6,595	8,694	+31.8	7,129	9,345	+31.1
Auto theft	1,028	925	−103	−10.0	8,639	10,198	+18.0	9,272	11,333	+22.2
Total	4,245	4,765	+520	+12.2	39,383	49,117	+24.7	42,355	53,203	+25.6

CRIME INDEX OFFENSES REPORTED

Precinct	May 1968	May 1969	Change Amount	Change Percent
1-D	379	440	+61	+16.1
2	415	373	−42	−10.1
3	315	423	+108	+34.3
5	261	271	+10	+3.8
6	144	225	+81	+56.3
7	77	110	+33	+42.9
8	113	148	+35	+31.0
9	524	424	−100	−19.1
10	475	483	+8	+1.7
11	511	584	+73	+14.3
12	258	327	+69	+26.7
13	393	551	+158	+40.2
14	376	406	+30	+8.0
Harbor	4	0	−4	
Detective division	0	0		
Total	4,245	4,765	+520	+12.2

CRIME INDEX OFFENSES REPORTED, MAY 1969

Precinct	Total	Homicide	Rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
1-D	440	1	1	56	23	99	163	97
2	373	4	0	108	53	97	57	54
3	423	1	2	30	11	138	179	62
5	271	0	1	54	34	87	46	49
6	225	2	1	46	11	95	32	38
7	110	0	0	13	6	32	47	12
8	148	1	2	13	3	61	51	17

CRIME INDEX OFFENSES REPORTED, MAY 1969—Continued

Precinct	Total	Homicide	Rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
9	424	2	3	95	38	159	40	87
10	483	3	2	92	43	238	48	57
11	584	1	4	63	47	235	41	193
12	327	1	2	53	19	150	34	68
13	551	2	3	89	56	205	150	46
14	406	4	4	86	29	111	27	145
Harbor								
Detetive division								
Total	4,765	22	25	798	373	1,707	915	925

CRIME INDEX OFFENSES AS RELATED TO PERCENTAGES OF TOTAL, MAY 1969

	Number	Percent
Homicide	22	0.46
Rape	25	.52
Robbery	798	16.75
Aggravated assault	373	7.83
Total, crimes against persons	1,218	25.56
Burglary	1,707	35.83
Larceny $50 and over	915	19.20
Motor vehicle theft	925	19.41
Total, property crimes	3,547	74.44
Total, reported crimes	4,765	100.00

CRIME INDEX OFFENSES RELATED TO POPULATION, MAY 1969

Precinct	Crime against persons	Crime against property	Total	Property percent of Total	Population	Crimes against persons per 1,000 population	Crimes against property per 1,000 population	Total crime per 1,000 population
1-D	81	359	440	81.6	[1] 22,900	3.5	15.7	19.2
2	165	208	373	55.8	[2] 52,000	3.2	4.0	7.2
3	44	379	423	89.6	[1] 29,500	1.5	12.8	14.3
5	89	182	271	67.2	[1] 43,100	2.1	4.2	6.3
6	60	165	225	73.3	[1] 67,700	.9	2.4	3.3
7	19	91	110	82.7	[1] 31,900	.6	2.8	3.4
8	19	129	148	87.2	[1] 68,000	.3	1.9	2.2
9	138	286	424	87.2	[2] 89,200	1.5	3.2	4.7
10	140	343	483	71.0	[2] 92,500	1.5	3.7	5.2
11	115	469	584	80.3	[2] 118,800	1.0	3.9	4.9
12	75	252	327	77.1	[1] 65,600	1.2	3.8	5.0
13	150	401	551	72.8	[2] 63,100	2.4	6.3	8.7
14	123	283	406	69.7	[2] 91,700	1.3	3.1	4.4
Total	1,218	3,547	4,765	74.4	836,000	1.5	4.2	5.7

[1] 1966 figures unrevised based on 798,000 total population.
[2] Most recent population estimates; 1966 based on 853,700 total population.

IMPACTED AREAS PROGRAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 1, 1969

Mr. BYRD of Virginia. Mr. President a very interesting editorial on the impacted areas program appeared in the Norfolk Ledger-Star on Tuesday, June 17, 1969.

I ask unanimous consent to have the editorial printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMPACT AID: MORE TAMPERING

In the Nixon administration's proposal to reduce drastically the federal impact funds for schools there is obviously, the threat of severe upset to the education budgets of the four Tidewater cities and other communities where there is a heavy federal presence.

In Virginia Beach, for example, impact payments of almost $2.7 million, anticipated in the 1969-70 budget, would be practically eliminated under the Nixon formula. Some indication of the financial implications for the city may be found in Superintendent Brickell's estimate that it would require new revenues equal to the return from a 50-cent increase in the real estate tax rate to put the school budget back in balance.

The story is similar in the other cities. Norfolk would lose the most in total dollars—$2.8 million out of an expected $3.7 million. Portsmouth and Chesapeake, with smaller school systems, receive less impact assistance, but these cities' shares would be virtually wiped out.

Disappointment in the Nixon administration's proposal extends beyond the financial effect on these four cities, however. There is a basic unfairness in the approach: Certain communities are being singled out and threatened with new burdens at a time when localities generally are facing some of their toughest budget tests because they are so restricted in their taxing powers and resources.

It was, as a matter of fact, the adverse effect of major federal installations on the localities' traditional revenue standby, the real estate tax, that led to creation of the federal impact fund program and its subsequent enlargement to compensate communities more fully for the tax loss from the installations and the additional costs to the community for educating the children of the federal employes.

So these communities, in effect, have not been the fortuitous beneficiaries of any federal financial bonanza but merely have been receiving some reimbursement for a clearly identifiable loss. Virginia Beach officials, for example, estimate that federal properties, if subject to taxation, would bring in $8 million a year.

The new impact plan falls short also as an economy move. For there can be no real economy when a federal cutback forces another level of government to make up the difference, which is the case with an essential service such as the schools.

The proposed reductions go far beyond even what the Johnson administration attempted a year ago. Fortunately at that time the dogged efforts of Senator Spong and others resulted in restoration of the funds.

Senator Byrd, in responding the other day to the Nixon proposal, made a vigorous defense of the impact principle. He also observed that the whole philosophy of impact assistance is now under comprehensive study. So drastic a cut at this time, he said, "amounts to drawing one's conclusions first, then studying the premises."

The current study should, we think, confirm the impact funds as reasonable, just compensation for lost taxes. It would not only be a piece of false economy, but grossly unfair as well, for Washington now to shift to the localities this new school burden—especially when the federal presence itself would contribute so much to the frustration these communities would encounter in trying to find replacement revenues.

U.S. FLAGS BY THE MILLIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 30, 1969

Mr. RARICK. Mr. Speaker, the Gulf Oil Co. is to be commended for its recent pro-American promotional campaign in distributing American flag decals to motorists.

That the campaign has been effective is obvious to all who use our highways. An estimated 22 million flag decals—one for every three cars in the country—were distributed in 1 month.

Now Gulf has discontinued the flag campaign but many a patriot applauds them for this nationwide encouragement of pride in our flag.

Perhaps some other nationwide business will want to continue project "Old Glory."

I include a clipping from the Sunday Star:

[From the Washington (D.C.) Star, June 29, 1969]

MILLIONS OF FLAGS FLYING

In what must be a reaction to the protests and violence of recent years, Gulf gasoline stations have given away more than 22 million decals of the American flag—one for every three cars in the country.

The decals are a familiar sight in the Washington area, and one very small, informal survey in Northeast Washington last week showed one out of every eight cars bearing one of the colorful decals.

The campaign, whether labeled commercial or patriotic, was conceived by R. A. Hunter, Gulf's vice president for marketing, after he read a story about flag decals in Reader's Digest. He ordered 20 million decals and distributed them free to all Gulf dealers in early May. In weeks, the supply was exhausted and Hunter ordered 2 million more. Other, smaller companies followed suit.

Now, says Gulf, the campaign has "run its course," even though there's still a demand for the decals, and the giant oil company is moving on to other promotions.

FEDERAL AID FOR DEPENDENT CHILDREN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. MINISH. Mr. Speaker, our colleagues from metropolitan areas, particularly those from the northeastern region, are acutely aware of the unduly heavy proportion of welfare costs borne by their constituents. In our mobile, quick-changing society the traditional concept of welfare as helping one's neighbor in distress has lost its meaning, and it is past time that this archaic system was brought into line with current reality. The present inequitable formula for the aid to families with dependent children program results in a heavy burden on urban dwellers, especially property owners, already hard pressed by taxes and inflationary conditions, and serves to deepen the tensions and conflicts among the various segments of our society. It is a most troubling situation and I believe the only rational approach lies in the recognition that this is a national, not a local or sectional problem, that deserves a national solution. Accordingly I introduced on May 15, H.R. 11374 to amend part A of title IV of the Social Security Act to make the program of aid to families with dependent children a wholly Federal program, to be administered by local agencies under federally prescribed terms and conditions—embodying the eligibility formulas currently in effect in the several States but designed to encourage such States to apply nationally uniform standards—with the cost being fully borne by the Federal Government.

I have been heartened by the enthusiastic response to this proposal by public bodies and private organizations concerned with the problem. The endorsement of my bill by these informed

sources is most gratifying, and I hope that this groundswell will generate a strong, concerted movement for action on this pressing issue.

I am particularly pleased at the unanimous support given my bill by the authorities in Essex County, N.J., and the municipalities in the 11th District of New Jersey as evidenced by the resolutions set forth below. In addition, the mayor of Maplewood, N.J., the Honorable Edmund T. Hume, has requested the support of the New Jersey Conference of Mayors and is endeavoring to develop complete statewide support for the proposal.

The repeal of the freeze on Federal participation in the aid to families with dependent children program by the House last Friday is recognition by the Congress of the gross inequity of increasing the heavy costs already incurred by New Jersey and various other States under this program. New Jersey Gov. Richard J. Hughes estimated that even to maintain present levels the freeze would have cost New Jersey taxpayers an additional $10.2 million a year. Having opposed this unrealistic ceiling when it was included in the Social Security Amendments of 1967 and having sponsored legislation for its repeal, I am heartened by this awareness on the part of Congress that the Federal Government must not evade its responsibility to the poor and needy children of our Nation. The logical outgrowth would be for the Federal Government to assume the full costs for this program as called for by H.R. 11374.

I am pleased to insert below the resolutions that set forth compellingly the case for H.R. 11374:

RESOLUTION No. 27702

Resolution by the Board of Chosen Freeholders of the County of Essex, N.J.

Whereas, it has been reported in the Congressional Record issue of May 15, 1969, that the Honorable Joseph G. Minish, a member of Congress representing a portion of Essex County, has introduced in the House of Representatives, legislation the object of which in his words is: "to provide for a major overhaul of our country's present welfare system by converting the aid to families with dependent children program to a wholly Federal program"; and

Whereas, it is the sense of this Board that said legislation will represent a constructive and progressive innovation with respect to this Country's Public Assistance Program; now, therefore, be it

Resolved, that this Board hereby endorses said legislation introduced by Congressman Minish and urges all members of the New Jersey delegations in both Houses of Congress to support and press for the passage of this legislation; and, be it further

Resolved, that a certified copy of this resolution be mailed by the Clerk of this Board to each such member of Congress.

Attest:

VINCENT CORRADO,
Deputy Director.
RUTH E. STEVENSON,
Clerk.
WALTER C. BLASI,
County Supervisor.

CITY OF NEWARK, N.J.,
May 21, 1969.

To: The Members of the U.S. House of Representatives from New Jersey; the Members of the U.S. Senate from New Jersey:

At its meeting of May 20, 1969, a motion was adopted by the Newark Municipal Council memorializing Members of the United States House of Representatives and the United States Senate from New Jersey to actively support passage of H.R. 11374 introduced by the Honorable Joseph G. Minish.

The bill provides for a major overhaul of our nation's welfare system by converting the Aid to Families with Dependent Children program to a wholly Federal program. Under the bill, AFDC will be administered by local agencies under federally prescribed terms embodying the eigibility formulas currently in effect in the several States and providing for a minimum payments level. The cost will be fully borne by the Federal Government.

Assumption of the whole burden of this major program by the Federal government would greatly alleviate the fiscal crisis which confronts urban states and localities now bearing a disproportionate share of the nation's social welfare costs. The problem is national in scope and must be treated as such with equal distribution of costs among all citizens.

The Newark Municipal Council agrees with Congressman Minish that the proposal offers a promising approach towards achieving a more stabilized, rational and enlightened welfare policy. The Council hopes that you will agree as to its merits and that you will give your full cooperation and mobilize support for H.R. 11374 wherever possible.

Respectfully yours,
HARRY S. REICHENSTEIN,
City Clerk.

RESOLUTION OF THE TOWN OF IRVINGTON, N.J.

Whereas, in recent months many notable and respected public officials and private citizens have recognized the need for a national system of welfare; and

Whereas, the Town of Irvington recognizes that the welfare expenditures today are becoming an unbearable burden to local government and its hard-pressed taxpayers, especially those located in the Nation's metropolitan centers and that in New Jersey federal assistance covers less than 45% of the aid to families with dependent children programmed with the local taxpayer paying the balance; and

Whereas, State Welfare costs have increased from $2,676,000.00 in 1958 to $18,876,000.00 in 1968 and Essex County welfare has increased from $2,994,000.00 in 1958 to approximately $20,000,000.00 spent in 1968 for the A.F.D.C. program; and

Whereas the time has come to recognize the national character of our welfare problems and allow the Federal Government to assume responsibility for a workable and just system; and

Whereas, Congressman Joseph G. Minish, 11th district of New Jersey, has introduced legislation in the Congress of the United States to provide for a large overhaul of our Country's present welfare system by converting its aid to families with dependent children program to a wholly Federal Program. Under Congressman Minish's legislation, the A.F.D.C. will be administered by a local agency under Federally prescribed terms and conditions, including national minimum standard with the cost being fully borne by the Federal Government.

Now, therefore, be it resolved by the Municipal Council of the Town of Irvington, that the Municipal Council supports Bill No. H.R. 11374 introduced by Congressman Joseph G. Minish on May 16th, 1969 and requests the New Jersey Senate and Assembly, along with the Freeholders of Essex County, to adopt similar resolutions supporting Congressman Minish's legislation.

Adopted at a meeting of the Municipal Council of the Town of Irvington, N.J., May 27, 1969.

HARRY MEAD,
President of Council.
A. WEISSNER,
Town Clerk.

RESOLUTION No. R85-69

A resolution commending Congressman Joseph G. Minish, on the introduction of a bill in Congress standardizing welfare programs

Whereas, an ineffective and inefficient administration of welfare programs in the United States has caused a serious impact on the health, welfare, safety and morals of all the citizens of this country; and

Whereas, the administration of welfare programs in the United States has caused great concern to those persons charged with the responsibility for the administration of municipal, county, state and national welfare programs; and

Whereas, the Honorable Joseph G. Minish, a member of the House of Representatives of the Ninetieth Congress of the United States, the Eleventh Congressional District of the State of New Jersey, has devoted a great deal of time and attention to a study of an effective program for an efficient and proper administration of welfare programs throughout the United States; and

Whereas, on Thursday, May 15, 1969, the Honorable Joseph G. Minish, after a comprehensive study of the administration of welfare throughout the United States, introduced in the House of Representatives, Congress of the United States, Bill No. HR 11374, providing for the standardization of administration of welfare in the United States on a national basis, and providing further for the welfare programs to be administered under the direction and supervision of the Department of Health, Education and Welfare of the federal government; the cost of said programs being financed by the federal government and administered by local welfare agencies under rules and regulations devised and established by the federal government; and providing further for the establishment of financial aid programs for aid to dependent children to be borne by the federal government, thereby eliminating the present programs of aid to dependent children on a sharing basis between the local governments and the taxpayers.

Now, therefore, be it resolved by the City Council of the City of Orange, That the City County of the City of Orange personally and as elected representatives of the residents of the City of Orange commend the Honorable Joseph G. Minish, a member of the House of Representatives of the Congress of the United States, Eleventh District of the State of New Jersey, for his foresight and wisdom in his treatment of the problem which has existed for a long period of time; by providing a solution for a more effective and equitable program of administration of the welfare in the United States; and

Be it further resolved, That the City Clerk of the City of Orange is hereby authorized and directed to forward a copy of this resolution to the Honorable Joseph G. Minish, a member of the House of Representatives, Congress of the United States, and to the Congressional Committee to which the above mentioned Bill has been assigned for consideration and report.

Adopted May 20, 1969.

MICHAEL J. DONLON,
City Clerk.
VINCENT F. DEROSA,
Council President.

RESOLUTION BY CITY COUNCIL OF EAST ORANGE

Whereas, the difficulties arising out of current Welfare systems can no longer be viewed as local problems restricted to particular areas, but must realistically be viewed as a national problem affecting everyone throughout our land; and

Whereas, New Jersey State Welfare costs have increased from $2,676,000.00 in 1958 to $18,876,000.00 in 1968, while Essex County Welfare has increased from $2,994,000.00 in 1958 to approximately $20,000,000.00 spent in

1968 for the Aid to Dependent Children Program (A.F.D.C.); and

Whereas, although the financial burden of administering welfare has become increasingly more difficult for local government and taxpayers to bear, Federal assistance still covers less than 45% of the A.F.D.C. Program; and

Whereas, Congressman Joseph G. Minish, 11th district of New Jersey, has introduced legislation in the Congress of the United States (H.R. 11374) to provide for a large overhaul of our Country's present welfare system by converting its aid to families with dependent children program to a wholly Federal Program. Under Congressman Minish's legislation, the A.F.D.C. will be administered by a local agency under Federally prescribed terms and conditions, including national minimum standard with the cost being fully borne by the Federal Government; and

Whereas, the City Council and Mayor of East Orange wish to go on record in support of H.R. 11374 and wish to declare themselves in favor of a federal program designed to cover A.F.D.C. 100 percent;

Be it resolved, therefore, That the City Council of East Orange and the Mayor respectfully petition the Congress of the United States to support and pass Bill H.R. 11374 introduced by Congressman Joseph G. Minish on May 16, 1969; and

Be it further resolved, That copies of this Resolution be transmitted by the City Council to The President of the United States, Richard M. Nixon; Senators CLIFFORD P. CASE and HARRISON A. WILLIAMS, JR.; Congressman JOSEPH G. MINISH; Congressional Representatives of various districts of the State of New Jersey.

RESOLUTION No. 986–69

Resolution supporting Congressman JOSEPH G. MINISH'S bill titled "Aid to Families With Dependent Children"

Whereas, the burden of Welfare has fallen on the urban areas, to the extent that relief must come from the Federal Government to properly make equal distribution of support for the Welfare Problem.

Whereas, Congressman Minish's Bill would relieve taxpayers in large metropolitan areas of their heavy tax burden.

Whereas, a state such as New Jersey currently receives less than forty-five percent of its A.F.D.C. funds from the Federal Government; the balance must then be paid by the taxpayers of the State.

Whereas, under this Bill one hundred percent Federal financing of the A.F.D.C. Program would prevail as the Welfare Problem is a National Problem and not just urban.

Whereas, local governments cannot properly handle the Welfare Problem.

Whereas, industrialized states have experienced an unprecedented increase, New Jersey, for example, has gone up from 36,000 to 171,000 in the past ten years.

Whereas, thirty-five percent of the entire State Welfare load is carried by Essex County despite the fact that only fifteen percent of the State's population resides here.

Now, therefore, be it resolved, That the Town of West Orange go on record officially supporting Congressman Minish's Bill which was introduced in the House of Representatives May 15, 1969.

RESOLUTION OF THE VILLAGE OF SOUTH ORANGE, N.J.

Whereas, in recent months many notable and respected public officials and private citizens have recognized the need for a national system of welfare; and

Whereas, the Village of South Orange recognizes that the welfare expenditures today are becoming an unbearable burden to local government and its hard-pressed taxpayers, especially those located in the Nation's metropolitan centers and that in New Jersey federal assistance covers less than 45% of the aid to families with dependent children programmed with the local taxpayer paying the balance; and

Whereas, State Welfare costs have increased from $2,676,000.00 in 1958 to $18,876,000.00 in 1968 and Essex County welfare has increased from $2,994,000.00 in 1958 to approximately $20,000,000.00 spent in 1968 for the A.F.D.C. program; and

Whereas, the time has come to recognize the national character of our welfare problems and allow the Federal Government to assume responsibility for a workable and just system; and

Whereas, Congressman Joseph G. Minish, 11th district of New Jersey, has introduced legislation in the Congress of the United States to provide for a large overhaul of our Country's present welfare system by converting its aid to families with dependent children program to a wholly Federal Program. Under Congressman Minish's legislation, the A.F.D.C. will be administered by a local agency under Federally prescribed terms and conditions, including national minimum standards with the cost being fully borne by the Federal Government.

Now, therefore, be it resolved by the Board of Trustees of the Village of South Orange, That the Board of Trustees supports Bill #HR 11374 introduced by Congressman Joseph G. Minish on May 16th., 1969 and requests the New Jersey Senate and Assembly, along with the Freeholders of Essex County, to adopt similar resolutions supporting Congressman Minish's legislation.

Dated June 16, 1969.

JOHN J. CONNELLY,
Clerk of the Village of South Orange.

LARGEST AMERICAN TRADE UNIONS COMBINE

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 1, 1969

Mr. McGOVERN. Mr. President, the new Alliance for Labor Action was officially put together in Washington on May 26 and 27. Along with my colleague, the Senator from Illinois (Mr. PERCY), I was fortunate to be a speaker at this founding convention of an organization which unites the two largest unions in the United States, the Teamsters and the Auto Workers.

The ALA spokesmen make clear they are not attempting to start a rival federation to the AFL–CIO, but are instead attempting to plow new ground in reaching toward solution of problems which have so far defied existing institutions.

I am pleased that the resources of the two largest unions in the Nation will be joined to help in the fight against hunger and malnutrition, to build houses for the very poor using modern techniques, to bring dignity to people living in our big city ghettos, and to halt the drift toward militarism and sacrocanct defense budgets.

Mr. President, perhaps the greatest accomplishment of the ALA so far has been to make clear to the entire country that significant leaders of the trade union movement today are not going to blindly swallow the views of the military establishment.

The speech by Frank Fitzsimmons, general vice president of the Teamsters, was an encouraging testimony of faith in the young people of America. Mr. Fitzsimmons said better than many contemporaries of his age:

I, for one, do not believe that the so-called generation gap is something which cannot be bridged. I believe that a constructive and meaningful dialogue can be established with the youngsters, if we only take the time to talk to them. Just standing back and shaking our heads when they storm a university or when they demonstrate is not enough.

We in the Teamsters, and in the UAW, I am certain, intend to establish communications with the youngsters, simply because they will be taking up positions of leadership in organized labor and in the country as some of the present leaders retire.

We find the youth of the nation up in arms over an unpopular war in Vietnam, up in arms over the billions of dollars this country spends annually to carry on this war in the Far East, when our own people go begging right here at home.

This war, the bane and the plague of both Democratic and Republican administrations, must be stopped, and must be stopped soon.

If it is not, its consequences will tear the fabric of Americanism until there is serious doubt that the tear can be mended satisfactorily.

We do not stand here today, like so many criticizing the administration for the war, but proposing no solutions. We don't have a solution, other than to urge the administration to make settlement of the war its number one priority. We take this position because until this war is stopped, all of our domestic problems and social ills will go unsolved.

So, with all of these things in mind, over a year ago, many of us in the Teamsters began to ponder what could be done to give the labor movement new direction, and if new direction was found what could be done to put plans for correction into action.

We found that there was similar thinking in the leadership of the United Auto Workers, and after many talks with the leaders of that great union, we decided to sit down and pool our concerns and our ideas.

The American media has been somewhat skeptical of the alliance of two unions which may have appeared to be somewhat different in their perspective. The Milwaukee Journal and the Des Moines Register, two of the most responsible newspapers published in the midwest, have shown what I consider to be an unusually fine perspective in sizing up this new alliance which has so much potential for good.

As the Des Moines Register said editorially:

The apparent incompatibility of the two large unions could become an advantage if the social idealism of the UAW is united with the tough effectiveness of the Teamsters.

The only justification, Mr. President, for great power in any institution is in the exercise of responsibility and a display of vision which flows from the use of such power. I believe that the Alliance for Labor Action is a demonstration that the two largest trade unions are prepared to use their power with responsibility and vision.

I ask unanimous consent that the full text of the ALA statement of purposes and objectives, along with the constitution of the ALA be inserted at the conclusion of my remarks so we can all properly judge how these two great unions conduct their stewardship.

I also ask unanimous consent that the full text of the ALA resolutions adopted

be included to show the breadth of social concern which this new and unique combination of labor purports to pursue.

In addition, I ask that several press articles about the ALA be included with these remarks, including an article from The New York Times, May 25, 1969, called "Alliance of Teamsters and UAW Poses Key Test for Reuther;" an article from The Wall Street Journal, May 14, 1969, entitled "Union Conglomerate, Alliance of Teamsters, UAW Maps Bold Plans in Labor, Social Fields;" "New Labor Partners," an editorial from The Des Moines Register, June 2, 1969; "New Labor Alliance Assails Old Ideas," by Leon Hughes in The Milwaukee Journal for June 1, 1969; excerpts from John Herling's Labor Letter for May 31, 1969 commenting on the ALA; "Teamsters, UAW to Help Poor Build Pre-Fabs" in the Chicago Sun-Times by Fred Frailey, May 23, 1969; "Bread and Butter" an editorial by Frank Fitzsimmons in the June 1969 issue of The International Teamster; "ALA—First Founding Conference," an account of the convention in the same issue of The International Teamster; and the full text of the keynote speech to the ALA conference by Frank Fitzsimmons.

Mr. President, the public record ought to make clear that these two giant unions embracing nearly 4 million workers between them have pledged themselves to help improve life for millions of Americans. I think all of us in the Congress must wish them well in this new venture and we applaud their determination to seek new answers for old problems.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR LABOR ACTION—STATEMENT OF PURPOSES AND OBJECTIVES AND CONSTITUTION

WASHINGTON, D.C.,
May 26, 27, 1969.

PREAMBLE

Whereas, dynamic and responsible labor organizations must contribute leadership and provide teamwork toward the continual advance and protection of the welfare of working people, and must work together in the community in the common effort to find answers to the urgent problems of the whole of our society; and

Whereas, because organizing the unorganized is a moral imperative and a social and economic necessity, those unions with energy, skill and resources are obligated to join forces and commit adequate resources needed to help other cooperating organizations in mobilizing and mounting massive organizing campaigns; and

Whereas, this obligation to promote organization has even deeper moral implications for the exploited farm workers, who, because they have been bypassed by the twentieth century and because they have been denied the protection of law and have been exploited by the huge corporate farm owners, need active and total support and assistance to build a union organization if they are to achieve elementary dignity and justice; and

Whereas, collective bargaining must be strengthened and updated to provide full equity for workers in sharing in the increased productivity of the new tools of science and technology, consistent with public responsibility; and

Whereas, we must work together to build one America—an America united in the splendor of human diversity, united in our common humanity and our devotion to democratic principle; and

Whereas, our cities are in crisis; poverty casts its shadow over the total society; unemployment remains a threat to the general welfare; urban blight and decay eat at the core of our cities; millions of families live in slums with decent housing beyond their economic reach; the cancer of racism is still uncured; there are economic barriers and all forms of discrimination that deny a child or youngster opportunity for maximum growth and development; and modern, high quality, comprehensive health care must be made available to all people as a matter of right, and

Whereas, there is a need to expand the scope and quality of a broad range of essential community and social services, and enable each person to enjoy a life of dignity and self-fulfillment.

Now, therefore, in order to deal more effectively with these challenges and opportunities, we, the participating unions in the Alliance for Labor Action do hereby agree to cooperate and work together toward the achievement of common goals, to get the American labor movement on the march, and to help America find creative and constructive answers to the urgent complex economic and social problems that we face as a nation.

ARTICLE I

Name and organization

This organization shall be known as the Alliance For Labor Action.

It shall be a voluntary unincorporated association comprised of labor organizations which have signified their desire to become members thereof and which have subscribed to its principles and purposes.

ARTICLE II

Objects

The following shall be the objects of this organization:

A. Aid and assist cooperating organizations in launching a campaign to organize millions of unorganized workers in America into appropriate organizations so those workers may gain the benefits and protection of collective bargaining through their chosen representatives while adding the strength of their numbers to the American labor movement.

B. Encourage maximum cooperation, coordination and mutual support among all organizations prepared to join in a common effort to achieve responsible, stable labor-management relations based upon equity and justice for all workers.

C. Assist in the establishment of voluntary emergency defense funds with sufficient resources to provide meaningful financial assistance to workers under circumstances where management refuses to bargain in good faith in a deliberate effort to weaken, undermine and destroy the union involved as an appropriate and effective collective bargaining agency.

D. Mobilize maximum resources and support to promote the organization of agricultural workers in an effort to win for these most exploited workers social justice, human dignity and the benefits of collective bargaining enjoyed by millions of American workers. Support efforts to secure legislation to provide these workers and their families the social benefits and the protection extended to other workers.

E. Join with other groups in the community in helping to organize community unions so that the working-poor, the unemployed and the underemployed may have the opportunity of participation, of self-organization and self-determination in dealing effectively with their problems.

F. Cooperate with other concerned community groups to promote and support activities at the national and local level:

1. To achieve equal opportunity and equal rights for every American in every aspect of American society.

2. To assure a job at decent pay for every person able and willing to work, with guaranteed income and with the government acting as the employer of last resort when the private sector is either unable or unwilling to provide meaningful employment for an expanding and changing work force.

3. To expand educational opportunities to facilitate the growth and development of each child and youth to his maximum capability, including free university education, unrestricted by economic, racial or other such barriers.

4. To join with others to assure older citizens adequate income, housing, health care including drugs and needed social services, and the opportunity for continued participation in our society so that they may live out their lives with security and dignity.

5. To join with others in a massive effort to help rebuild and rehabilitate America's urban areas by the full use of advanced technology, new materials and methods and by enlisting the maximum and meaningful participation of the people of the inner city in all aspects of this urgent task so that decent, adequate housing can be made available and put within the economic reach of America's low-income families.

6. To join forces with voluntary health plans and with labor and other consumer and professional groups to encourage the growth of prepaid group practice plans and to develop alternate plans, including a National Health Insurance Plan, designed to check and reduce the enormous and continuous increase in the cost of health care service and drugs, and to make it possible for every American to have access to modern, high quality comprehensive hospital and medical care, with a proper and proportionate voice for consumers.

7. To join with all consumer groups and other concerned organizations to protect and advance the interests of consumers with respect to product, quality, price, safety, finances, insurance, etc., and to help create and strengthen organization and procedures, both private and public, aimed at providing maximum protection to American consumers.

8. To cooperate and work with organizations representing the interests of family size farmers and strengthen their effort to solve their problems and win full economic equity for American working farmers.

9. To join with all interested groups in our free society in a total effort to improve the quality of American life, to create a total living environment worthy of free people, to end pollution of the water, poisoning of the air, to reduce traffic strangulation on our streets and highways, to make every city safe and beautiful so that urban life can be rich and rewarding to the human spirit.

10. To work with others to raise the level of public understanding of the great political, economic and social issues that face the American people and to stimulate and encourage maximum citizenship participation in the affairs of our nation and the discharge of citizenship responsibilities.

11. To support legislation and government programs and policies needed to make government at all levels more responsive to the needs of the American people. To help America find answers to problems which are beyond the capability of people in their individual capacity to solve. To support candidates for public office on a non-partisan basis who are committed to such programs and policies.

12. To develop policies and carry out programs that will enable the American labor movement to repair the alienation of the liberal-intellectual and academic community and the youth of our nation in order to build and strengthen a new alliance of progressive forces in the broad effort to advance the common good.

13. To work with labor organizations throughout the free world in building un-

ions and in strenghtening freedom and democracy, working for world peace, and in resisting all forms of totalitarianism and dictatorship, whether communist, facist or military in character, for each, despite its different symbols, would enslave the human spirit.

ARTICLE III

Membership

Any bona fide labor organization will be eligible to affiliate with the Alliance For Labor Action. The Executive Committee of ALA will determine the eligibility and the conditions under which such affiliation is acceptable.

ARTICLE IV

Administration

The administration of this Alliance shall be vested in an Executive Committee which shall be comprised of the chief executive officer of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (IBT) and the chief executive officer of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), as co-chairmen, together with four representatives each from the International Brotherhood of Teamsters and the United Automobile Workers as selected by such unions. Other affiliated organizations will be entitled to such proper representation as may be determined by the Executive Committee. The Executive Committee shall determine the formal structure of this Alliance and shall hire, appoint, or retain whatever employees, committees or professional assistance it may determine is required to carry out the purposes and objects of this Alliance. The Executive Committee shall have the power to amend or enlarge these By-Laws. All actions of the Executive Committee shall be by majority vote.

ARTICLE V

Financing

The Alliance shall be financed on an equitable and adequate basis by affiliated organizations to the extent in the manner that the Executive Committee shall direct.

ARTICLE VI

Council of joint boards

A Council of Joint Boards composed of the International Union Officers and International Union Executive Board members of all affiliated organizations will be established and will be convened by the Executive Committee twice a year and at such additional times as the Executive Committee may determine. The purpose of the Council of Joint Boards will be to encourage and facilitate the broadest possible leadership participation in the activities of ALA through discussion of policies and programs and their effective implementation.

ARTICLE VII

National and regional conferences

The Executive Committee, may from time to time, issue a call for national or regional conferences for the purpose of review and discussion of such problems and issues as may appropriately come before such conference. The conference shall be attended by representatives from affiliated organizations on a basis to be determined by the Executive Committee, together with such representatives of unaffiliated organizations and other guests as may be invited by the Executive Committee.

ARTICLE VIII

Wages and salaries

The salaries of such full-time administrative or office staff as may be required shall be paid from the general funds of the Alliance. The Alliance shall also reimburse affiliated organizations for the salaries and expenses of such employees and officers of the affiliated organization who may be assigned by such organizations to perform services for the Alliance. Such reimbursement shall include the cost of fringe benefits, as well as salaries, wages, and expenses.

ARTICLE IX

Withdrawal

Any affiliated organization may withdraw from the Alliance at any time on sixty (60) days written notice to the Executive Committee. Such withdrawal shall not absolve the withdrawing organization from any unpaid liabilities it may have to the Alliance, nor shall it absolve the Alliance from any unpaid liabilities it may have to the withdrawing organization. An accounting and settling of such liabilities shall be made during the sixty (60) day notice period.

ORGANIZING THE UNORGANIZED AND COLLECTIVE BARGAINING

ORGANIZING THE UNORGANIZED

A continuing full scale effort to organize the unorganized and to bring to them the advantages of union representation and collective bargaining is essential to the vigor and effectiveness of a dynamic labor movement.

Just as growth is the key to the future of the American economy, so growth is the key to the future of the American labor movement, for only through adequate growth can the labor movement represent the kind of dynamic and social force essential to enable our free society to meet the increasingly complex problems confronting us now and in the future.

The task of organizing the unorganized confronts the labor movement with an ever increasing and compelling challenge. New workers continue to enter the labor force in numbers many times larger than the present rate of organizing; the proportion of blue collar workers, who traditionally make up the bulk of the American labor movement, is declining while the ratio of white collar workers largely unorganized, is increasing.

This dramatic shift in the character of the work force is accelerated as the technology of automation and electronic computers accelerates and the full impact of the second phase of the Industrial Revolution is extended to new fields and applied in greater depth to the basic industries.

Only as the millions of unorganized workers are brought into union membership will they win the benefits and enjoy the protection they and their families need. The unorganized workers need the labor movement and the labor movement needs the added strength the unorganized workers will provide so that labor can make its maximum contribution, not only at the bargaining table, but, of equal importance, in the broad areas of national life where economic and social problems must be solved and community and national responsibilities must be met.

The Alliance for Labor Action assumes as one of its major tasks the mounting of a massive program to assist and aid in organizing the unorganized. To this end the ALA will commit the resources and the manpower, the will and the unity of purpose equal to the dimensions of the job that must be done.

The ALA Organizing Committee will be a permanent arm of the ALA, whose function it will be to develop, staff, and implement organizing programs designed to accelerate to the fullest possible extent the task of organizing the millions of unorganized workers.

The ALA Organizing Committee will select specific target areas for organizing campaigns—by city, area, and industry—and will promptly commit staff and resources to these organizing activities.

It is clearly the purpose of the ALA not to raid the memberships of established unions; it is, rather, to bring to unorganized workers the benefits and advantages of unionism and collective bargaining in the spirit of solidarity which has distinguished the American labor movement in the most successful, the most heroic and the finest hours of its history.

The ALA is committed to working cooperatively with bona fide labor organizations to organize the unorganized and to strengthen collective bargaining.

The ALA pledges to extend its support in solidarity to workers regardless of their affiliation as was done in the recent strike of sanitation workers in Memphis and is currently being demonstrated in the strike of the hospital workers in Charleston, South Carolina, when such workers are engaged in a struggle for recognition and elementary justice in the face of the opposition of arrogant and anti-labor employers and callous government officials.

The purpose of the ALA is to revitalize the American labor movement, not to divide it. In this spirit we extend the hand of cooperation to any union prepared to join in building and strengthening the American labor movement in organizing the millions of unorganized workers who desperately need the benefits and protection that only organization can bring.

The urgency of this task necessitates that organizational activities be carried out based upon the sound policy that no union has exclusive jurisdictional paper claims that can veto the ability of a modern and responsible labor movement to extend the opportunities, the rights, benefits and protection of organization and collective bargaining.

FARM AND MIGRATORY WORKERS

In developing and implementing organizing programs, the ALA will pay special attention to the dire needs of farm and migratory workers.

Farm and migratory workers are among the most cruelly exploited group of workers in the nation. They are the lowest paid occupational group in America. They are forced to endure miserable housing conditions and deplorable working conditions. Basic social and medical services are almost entirely out of their reach and they constantly suffer indignities and harsh treatment by hostile communities which exploit their labor and deny them their human rights and their human dignity. Their children are denied educational opportunities; those who go to school spend too little time there and go to work in the fields at too early an age.

While the struggle of the farm workers continues in California among the grape workers and nationwide through the ongoing grape boycott, organizing efforts are underway in other sections of the country such as Ohio, Michigan, Wisconsin, Texas, Florida, etc. It is essential to the success of organizing campaigns among farm and migratory workers in any one section of the country that organizing efforts be broadened in scope and become a nationwide program.

The most important basic legal right denied to farm and migratory workers is the right to organize their own unions and bargain collectively under the protection of the National Labor Relations Act. The powerful growers—the corporate farmers controlling tens of thousands of acres of land—have consistently and bitterly opposed farm labor organizations and their protection under the NLRA in order to continue to operate under the vicious law of the jungle under which they have kept farm and migratory workers repressed.

While expressly excluded from almost all benefits provided by federal and state laws, these workers have been denied effective political power to change such laws by residency requirements which almost always exclude them from receiving desperately needed help from public assistance programs.

After many years of repression and exploitation, farm and migratory workers are now taking determined and courageous action to form their own organizations and attack their own problems. They should receive the fullest organizational, financial and moral support in the effort to organize and win justice and human dignity.

Legislation is pending in the Congress to bring farm workers under the protection of NLRA and to limit the use of Mexican "braceros" as strike breakers.

In order to help meet the challenge of organizing farm and migratory workers, the Alliance for Labor Action will promote organizing efforts, working closely with other organizations and concerned citizens from church, civil rights and civic groups, in a broad and realistic national effort to organize farm and migratory workers. In such a national effort the ALA is prepared to commit substantial organizational, manpower and financial resources to win for farm and migratory workers their full rights and the economic and social justice and human dignity to which they and their families are entitled out of the wealth that their sweat and toil help make possible in affluent America.

The ALA will give strong and active support to legislation to bring farm workers under the protection of the NLRA and to prevent the abuse of imported Mexican workers.

COLLECTIVE BARGAINING

Organizing the unorganized must be coupled with effective and constructive collective bargaining approaches in order to win for workers and the nation the full advantages and benefits of union representation.

The structure of labor organizations and the framework of collective bargaining are essentially the creatures of the dynamics of social, economic and technological change. As our economic institutions change, as the structure of corporations change, as our technology changes, the structure of labor organizations and the framework of collective bargaining must of necessity change to reflect these basic changes in our society.

The most significant current developments affecting collective bargaining are the revolutionary pace with which technology alters the methods and means of production, transportation and distribution and the rapid growth in the number and size of multi-industry (conglomerate) corporations in the national economy.

Industry's traditional lines of jurisdiction became increasingly blurred. A single conglomerate corporation may be involved in diverse industrial and commercial endeavor ranging from packing meats to building locomotives; from preparing food to producing sporting goods; from manufacturing textile machinery to building spaceships; from producing paint to assembling complicated electronic gear for aerospace use; from airline operations to moving picture production. There is literally no end to the variations of enterprise which may be combined under a single corporate structure.

Moreover, the applications of technological breakthroughs are not confined to a plant, a company or an industry. They become universal and increasingly blur the distinctions between worker functions in one industry as compared with worker functions in another.

No segment of industry or labor can escape the impact of the accelerating forces of scientific, technological and social change.

The structure of collective bargaining must remain viable and flexible enough to meet the challenges of these changes.

The growth of corporate conglomerates strengthens enormously the financial power and versatility of multi-industry corporations. Diversity of products permits the corporation wider latitude in withstanding the fluctuations in the economic climate but it also adds measurably to its ability to thwart the achievement of collective bargaining gains for workers. The ancient rule of "divide and conquer" becomes reality as giant corporations take advantage of the tight jurisdictional divisions in the labor movement to trade on the weakness of one union to impair the bargaining power of other unions—all representing workers in the same corporation or the same industry.

Coordinated bargaining (in which unions under contract with or representing workers who service the same conglomerate corporations in manufacturing, transportation and distribution pool their collective bargaining power and know-how) is essential if unions are to respond effectively to the challenge of the corporate conglomerates. It affords the opportunity for workers to join ranks in a common front; it promises to blunt the "divide and rule" concept with which corporations weaken and defeat the workers' efforts to achieve economic and social justice.

Coordinated bargaining as a practical mechanism is only in its infancy. It must be refined, improved, strengthened.

Beyond coordinated bargaining, however, the labor movement must recognize that there are basic weaknesses in the present structure of the labor movement and of collective bargaining. The structure of the labor movement must ultimately appropriately reflect the vast changes taking place in the structure of the nation's industrial and commercial institutions. The labor movement must develop the capability and objectivity to re-examine its structure and to make such changes as are necessary to most effectively and efficiently meet the problems of workers in the context of the new technologies and the new economic structures of society.

A little over thirty years ago the labor movement underwent a wrenching structural change as it painfully but inexorably recognized the need for industrial type organization. The time has arrived when the labor movement must recognize the need to restructure once again; *for multi-industry conglomerate economic organization will require the multi-industry conglomerate organization of labor.*

The ALA therefore will devote its energies, resources, time and manpower to advancing and improving the concept of coordinated bargaining.

It will work toward the achievement of multi-industry conglomerate organization of the labor movement as the most effective way to respond to the challenge of the multi-industry organization of the economy.

It will seek to create and implement new mechanisms of structure, procedure and administration to maximize the ability of workers to achieve equity and economic justice in response to the rapidly changing social, economic and technological reorganization of industry and commerce.

The needs of workers, their democratic will, and the needs of our society must be the ultimate determinants of the structure of the labor movement. To meet the new challenges, the labor movement must "think anew and act anew." It must free itself from antiquated concepts and practices that have no relevance with our 20th century technological society so that it can effectively cope with new problems and new challenges in realizing the new opportunities and fulfilling labor's historic role in our new and changing economic and social environment.

HOSPITAL WORKERS' STRIKE, CHARLESTON, S.C.

Hospital workers in Charleston, South Carolina are struggling against hateful reactionary opposition to win recognition of their union and gain a living wage and improvements in their oppressive working conditions.

Since the beginning of their strike over two months ago, they have been fought by unyielding employers and political forces as reactionary and brutal as those which sought to keep millions of American workers from organizing and achieving economic justice in earlier days of union struggle.

The Charleston hospital workers, members of Local 1199–B, Retail, Wholesale and Department Store Workers Union, are not seeking the legendary pot of gold at the end of a mythical rainbow. Their demands are modest, reasonable, practical.

They ask for recognition of their union. They want a living wage. They want improved working conditions.

Most of them were being paid a near-starvation rate of only $1.30 an hour. They are proposing an increase that would raise their pay to the still paltry level of $1.65 an hour. Those who oppose so low a wage for these workers enjoy much more than a living wage themselves.

Workers have historically had to struggle to win recognition of their union so they can gain a living wage. But the struggle of the hospital workers in Charleston has a uniqueness which calls for more than the usual moral and economic support from workers everywhere.

When powerful employers and political forces can deny bargaining power to workers, they also can deny them the better life and improved wages and working conditions to which they are entitled. Organized workers must help the unorganized into unionization, for no other institution in our society will do this.

When workers without a union are exploited and short-changed, the living standards and conditions of organized workers are threatened. Sub-standard pay rates and conditions drag down the total economy of the state and disadvantage all of its people.

South Carolina's weak economy reflects this primitive reactionary opposition to unionism. The state has become notorious as a haven for runaway shops which see, through an oppressive anti-labor climate, low wages and poor working conditions. The percentage of organized workers in South Carolina is the lowest of any of the 50 states.

The state's annual per capita income is the fourth lowest in the nation. It amounts to $2,213 a year compared to the national average of $3,159.

But what makes the Charleston hospital workers' strike distinctly unique is that all the oppressive and brutal response to their pleas for justice comes from the government which is supposed to serve them and to which they pay their taxes. Instead of providing enlightened leadership in the struggle of the hospital workers, *the Governor of South Carolina has asserted that the state absolutely will not bargain with unions or public employees.*

This arbitrary and unreasonable position is directly contrary to the practice in numerous other states and cities and the Federal government which do negotiate with public workers and sign contracts with their unions and is contrary to the public policy of our nation which is committed to encourage collective bargaining.

The hospital workers' strike in Charleston, South Carolina presents a most unusual and compelling opportunity for labor everywhere to join ranks in supporting oppressed workers against a reactionary employer and irresponsible and callous leadership in state government.

The ALA pledges its full support and solidarity behind the striking hospital workers in Charleston, South Carolina in their struggle to win recognition and a living wage. As an expression of our support, the ALA Executive Committee has approved a contribution of $25,000 to be used directly to assist the workers in winning their strike and just demands.

COMMUNITY UNIONS

The rip-tides of poverty, deprivation and alienation threaten the foundations of our

society. We are in a time of crisis within our nation that looms as large a menace to our democracy as any struggle we have waged for freedom.

As economic and social inequities deepen, the separation and alienation of the various segments of our society widen.

The greatest victims are the poor. The poor are powerless. Without economic or political strength, they have been allowed by an indifferent affluent society to drift into the dead-end of social neglect.

As individual unions we have demonstrated over the years a continuing concern for the poor. We must continue to fight hard, as we always have in the past, for legislation to benefit those in need—minimum wage guarantees, quality education, decent low-cost housing, jobs, guaranteed incomes, medical care, increased social security, etc. We have consistently fought for effective legislation to meet these human needs.

It is clear that the future growth of the labor movement will be deeply affected by what is done—or not done—in this country to deal with the massive and complex problems of the rural and urban slums; problems of poverty, of unemployment and underemployment, of bad housing, lack of adequate health and educational facilities, and the difficulties involved in making public and private agencies more effective in addressing themselves to these problems, given the almost total lack of organization among the urban and rural families directly affected.

We can continue to influence the course of events by pressing for adequate legislation dealing with urban and rural poverty. What is needed and what we can offer is the skill in organization and negotiation which are in short supply in the communities where poor people live.

In addition to helping the poor through seeking enactment of appropriate legislation, we have the responsibility of helping them by a commitment of meaningful resources and know-how, and our direct involvement with the poor in dealing with the many problems in their communities.

What has been missing is the most important—and most human—element of all: direct involvement, direct participation.

We must have direct involvement, direct participation, direct kinship with the poor. We need to build person-to-person communication with the human victims trapped in rural and urban slums.

We also need to work with the people in the center cities to devise new organizational structures which can respond promptly to the needs of the neglected neighborhoods. The present structures of our unions are not adequate to reach the isolated human beings living in poverty. Our unions are organized to deal with wages, working conditions, and related problems of our members in connection with their jobs. Organization on the job is not the proper instrument to negotiate directly with public officials about the breakdown of public services in poor neighborhoods, for example, or with slum landlords about exorbitant rents and horrible living conditions, or to attack the core problem of poverty besetting an entire community.

We need new structures which can be developed within a community itself by those who live in the community. We need new structures that respond to the problems and needs of the people as they define them. We need structures that flow from and are a part of the community and not imposed upon it from the outside.

The constituent unions of the ALA have developed much skill and know-how over the years in the organization of workers, in negotiations, and in dealing with both private and public agencies. Out of our experience, we became expert in self-help activities at the local or neighborhood level.

In these structures, we as unions, and our members as concerned citizens, must become participating partners with the poor.

It has become apparent in recent years that the skills that have made our unions strong are the very skills that are critically needed in urban and rural areas where millions of the unemployed or working poor are obliged to cope with the neighborhood and community problems requiring organized action.

In this supportive role, we can make practical use of our organizing and negotiating experience to help the unemployed and the working poor to help develop the skills, organization and economic and political strengths they must have to achieve self-sufficiency and self-direction.

That this can be done in an effective practical way already has been demonstrated in the development of the concept of what has come to be called "community unions."

The form which a community union may take is flexible, depending upon the problems, needs, leadership, and objectives of the community itself. In Watts, California, for example, the community union concept has been developed and implemented by the Watts Labor Community Action Committee, which brings together union and community support to work on basic problems of poverty in the neighborhood. Committee members are residents in Watts who understand and are dedicated to their neighborhood.

The Watts LCAC has achieved notable success in developing economic self-help projects, including operation of a gas station, a poultry farm, a nursery and is currently involved in a major economic and training project in Saugus. They waged a successful campaign to locate a new hospital and modern medical facility in their community and stimulated, together with other neighborhood groups, the building of many vest pocket neighborhood parks.

In Delano, California, the organizing of farm workers into a union has been coupled with a modernized concept of a service center which is, in essence, a community union approach. The concept of the service center arises out of the problems of farm workers and their families, which go far beyond their work places. The service center is concerned with relationships with the various communities in which the workers find themselves as they pick the crops in the field, relationships of families to local governments, health facilities, police, etc. and of children to schools.

In a densely populated urban area, the East Los Angeles Community Union, working primarily with the Mexican-American community, is in the process of developing a spectrum of programs from housing to job-creating enterprises. Here, again, the experience of the union members living with the community is being directly applied to the needs of the community, and the labor unions give direct support to the East Los Angeles Community Union.

The successful practical application of the community union concept in these areas has served as a demonstration that these techniques are capable of rebuilding relationships between unions and the poor. It has demonstrated that the development of the community union concept can make a creative contribution to significant social change by helping the poor and disadvantaged to help themselves by building organizations and achieving a sense of power, purpose and self-reliance.

The ALA, in recognition of the urgency of dealing with the pressing problems of the poor and the disadvantaged, the unemployed, the underemployed and the working poor, pledges resources and its organizational skills and know-how working directly with the poor in their communities, helping them to build self-help organizations and to achieve the influence and leverage needed to move their problems to solution.

To this end, the ALA Community and Social Action Committee will employ a full time director and staff and we will mobilize the broadest participation of our unions' leadership and membership.

The ALA will work to strengthen existing community groups and will cooperate in helping build new community unions in key selected areas on the West Coast, in the South, the Midwest, the East and in Canada.

The ALA recognizes that the poor are everywhere in the United States and Canada. They are white and black, Mexican-American, American Indian and Puerto Rican.

The ALA will extend the hand of cooperation to help them help themselves achieve a better life of security and human dignity.

The ALA welcomes the cooperation of labor, religious, civil rights and community groups in this task of achieving economic and social justice for America's disadvantaged through the process of peaceful social change.

Tax Reform

The present tax system is unfair and inequitable. It places a disproportionate share of the tax burden upon low, moderate and middle income families while permitting wealthy individuals and families and wealthy corporations to escape their just share of the tax burden.

At a time when our nation needs to make a greater commitment in the effort to abolish poverty in our land of plenty, our present unjust tax system actually pushes people below the poverty line.

Families without sufficient income to feed their children adequately find that federal, state and local taxes combined, directly or indirectly, take over one-third of their meager earnings. Moderate and middle income families carry a heavier tax burden proportionate to their income than any other group. At the same time, large numbers of wealthy individuals and corporations are able to evade their fair share of taxation, and many with the largest incomes avoid paying any federal income taxes at all.

Justice and equity demand that the tax burdens of the nation be shared on the basis of the individual's or the corporation's ability to pay them. All income should be taxed as income, just as wages are taxed as income.

In 1966 there were more than 12,000 tax returns reporting incomes over $15,000 on which no federal income tax was paid.

Of these, 367 reported incomes over $100,000, and 18 had incomes over one million dollars.

These inequities result primarily from the existence of numerous large loopholes in the tax laws of which wealthy individuals take full advantage, while the ordinary working person's tax is deducted directly from his pay check.

To achieve a fair and equitable tax structure requires the effective closing of these loopholes, of which the depletion allowance is among the most flagrant.

"Depletion allowances" allow the big oil companies and some other mineral extracting industries to avoid billions of dollars a year in taxes. In 1968, the oil industry paid only 12.2 percent of its profits in corporation taxes, compared with an average of 46.2 percent for all other manufacturing industries.

The billions of dollars in tax obligations which the tax loopholes enable wealthy families and corporations to escape are made up by higher taxes out of the pockets of workers.

The investment tax credit, originally designed to create new jobs, has served its purpose and is now harming the economy. It leads companies to make investments which would not otherwise be economically justifiable. By encouraging such over-investment at a time when there is already excessive production capacity lying idle, it stimulates inflation now and increases the danger of a recession in the future. In the meantime it

permits corporations to avoid payment of over $2 billion per year in taxes they would otherwise have had to pay.

Plugging these and other tax loopholes would save the federal government at least $20 billion per year in increased revenues, possibly much more. These revenues could be used to reduce the burden of taxation upon low, moderate and middle income families, and to finance increased spending to meet our nation's unmet social needs.

We are opposed to the extension of the 10 percent income tax surcharge unless it is a part of basic tax reform that will provide an equitable tax system, and then only if the $10 billion it would yield are earmarked to help meet the critical and urgent social needs of the nation.

The ALA will work for sweeping and drastic reform of federal, state and local tax systems to make them more equitable based upon the principle of ability to pay. The details of such reform cannot be spelled out in detail here. Studies already undertaken by tax experts have revealed that the following changes are essential as a beginning:

1. An increase in personal exemptions to $1,800 for the taxpayer and $900 for each dependent up from the current exemption of $600.

2. Future adjustment of exemption levels in accordance with changes in the cost of living.

3. Liberalization of the standard deduction.

4. Exemption from employee contributions to Social Security of amounts of earnings that are below the poverty level, contributions on these amounts to be made instead by the federal government out of its general revenues.

5. Immediate plugging of all known tax loopholes, to insure that wealthy individuals and big corporations bear their fair share of the tax burden.

6. Enactment of a minimum income tax provision, to assure that any income which did find its way through tax loopholes would nevertheless be subject to taxation.

The ALA commits itself to join with others who are committed to basic tax reform in establishing a National Committee for Tax Justice and through such Committee help mobilize and direct the growing taxpayer revolt in America to the end that basic and long overdue tax reform is achieved on the basis of equity and the principle of ability to pay.

The ALA calls upon the President and the Congress to provide the courageous and imaginative leadership needed to achieve a fair and equitable tax structure without delay.

NATIONAL SECURITY, ABM AND HUMAN NEEDS

Throughout the last quarter of a century, the first twenty-five years of the nuclear age, nations of the world have persisted in the traditional search for national security through the accumulation of military power, as if the advent of nuclear weapons had not completely transformed the nature of warfare and the foundations of international diplomacy.

Albert Einstein, one of the major scientific founders of the modern age, declared:

"The splitting of the atom has changed everything save our modes of thinking, and thus we drift toward unparalleled catastrophe."

Proof that our modes of thinking have not changed to cope with the realities and dangers of the nuclear age lies in the persistence of insanely high levels of military expenditure throughout the world, especially in the Soviet Union and the United States.

The monetary value of that military output is equal to the combined annual income produced by the billion people of Latin America, the Near East and South Asia.

Half the governments of the earth spend more on defense than on education. The average annual expenditure per soldier worldwide in 1966 was $7,800. Yet the average annual public expenditure for each of the estimated one billion school-age youth from age 5 to 19 was only about $100.

The world's public health budget—about $52 billion—was only one-third of the military budget. Economic assistance to poorer countries came to $8 billion, less than 0.5 percent of gross national product of the developed countries and equal to only 6 percent of their military spending.

Most of the world's military spending is concentrated in the United States and the Soviet Union. With 13 percent of the world's population, they account for over two-thirds of the world's military budget.

It is well known that these two superpowers have long since accumulated enough destructive potential not only to destroy each other but to incinerate the rest of the habitable world. And in addition to their nuclear arsenals, they also maintain vast so-called conventional forces, based upon the unreasonable assumption that they might fight a long, conventional war against each other. The leading industrial nations of the world are today the world's biggest arms merchants, selling or giving away vast quantities of material as a constantly changing weapons technology renders weapons and equipment obsolete. This technological competition in weapons, therefore, creates instability and insecurity not only in relations between the two superpowers but throughout the world as well.

It has become increasingly clear that national priorities have been seriously distorted; that too much of budgets, resources and skilled manpower has been diverted to military purposes, while human needs have been neglected. Again last month, as for the past several years, mayors of American cities have pleaded with the White House for vigorous federal action to meet the critical problems of American cities. Mayor Alioto of San Francisco has estimated that the cities need $25 billion a year more than they are now receiving.

Not only is the military drain on budgets and resources leading to a dangerously prolonged neglect of human needs on the domestic front; the squandering of resources on the accumulation of arms, nuclear and conventional, is also diverting the nations of the world from the essential economic, social and political problems that must be solved if peace and justice and stability are to prevail in the world community. The problems of hunger, poverty, economic, underdevelopment, overpopulation, regional cooperation, land reform, education and administration in developing societies cannot be solved through military means. And they will not be solved by other means as long as national security continues to be defined and sought predominantly in military terms rather than in terms of human well-being and international cooperation.

Now for the first time in almost a quarter of a century, this gross distortion of priorities is being critically examined and questioned in the United States, and in the Congress of the United States. An increasing number of the American people and their representatives are concerned not only by this distortion of priorities but by the dangers implicit in a further escalation of the arms race if an anti-ballistic missile system (ABM) is deployed as part of our nuclear arsenal.

This questioning comes at a time when the prospects for negotiating an end of the war in Vietnam look more hopeful and the present Administration has repeatedly stressed its readiness to move from policies of confrontation to negotiation; and when the Soviet government has declared its interest in an understanding with the United States on arms reduction and control and in a more general accommodation to reduce world tension.

A rational agreement on arms control between the United States, the Soviet Union, Great Britain and France is an imperative first step if the world community is to deal effectively with the threat of the growing nuclear capability of Red China and is to bring China ultimately within the framework of an overall universal arms control program, essential to the survival of the human family.

The major nuclear powers, moreover, are at a point in the arms race when another round in weapons competition might well carry us beyond the point of no return, ending all hope of arms limitation and peaceful accommodation for at least a decade and perhaps forever.

The danger of the present situation was defined in *Scientific American* (April, 1969) by George W. Rathjens, formerly on the staff of the Defense Department's Weapons Systems Evaluation Group and chief scientist and deputy director of the Pentagon's Advanced Research Projects Agency:

"The world stands at a critical juncture in the history of the strategic arms race. Within the past two years both the U.S. and the U.S.S.R. have decided to deploy new generations of offensive and defensive nuclear weapons systems. These developments, stimulated in part by the emergence of China as a nuclear power, threaten to upset the qualitatively stable 'balance of terror' that has prevailed between the two superpowers during most of the 1960's. The new weapons programs portend for the 1970's a decade of greatly increased military budgets, with all the concomitant social and political costs these entail for both countries. Moreover, it appears virtually certain that at the end of all this effort and all this spending neither nation will have significantly advanced its own security. On the contrary, it seems likely that another upward spiral in the arms race would simply make a nuclear exchange more probable, more damaging or both.

"As an alternative to this prospect, the expectation of serious arms-limitation talks between the U.S. and the U.S.S.R. holds forth the possibility of at least preventing an acceleration of the arms race. . . ."

And Prof. Rathjens urges efforts—

"to damp this newest cycle of military competition, either by mutual agreement or by unilateral restraint, before it is beyond control."

That, in essence, is the central issue in the ABM debate. Call it Sentinel, call it Safeguard, call it a defensive weapon; move it from the suburbs of our large cities to our offensive missile sites. Changing its name and its location does not change the name of the game, which is military one-upmanship and the escalation of destructive power which is already overwhelming on both sides. By any other name, the balance of terror is still terror; and each time, as the balance of terror is upset, and as the arms race continues and escalates to a new plateau of destructiveness, and as preparation for war continues to take precedence over an organized search for peace, the odds creep up that the terrible weapons will one day go off, by accident, by irrational impulse, or by design. The only security in the game of nuclear chicken lies in a decision to end it by mutual agreement by the major powers to scale down their arsenals and to seek an accommodation of interests brining a greater degree of stability into the world.

We in the Alliance for Labor Action have no illusions about the evils of communism, either the Russian or the Chinese version. Neither, let it be stressed again, have we any illusions about what will happen to ourselves, our families, our unions and our country if we continue to tempt fate by continued escalation of the nuclear balance of terror. Deterrance at a higher level of destructive

power is more expensive than deterrence at the lower levels left behind as the race continues, but the security bought is no greater. Each player in the nuclear game is constantly threatened by the possibility of technological breakthroughs by the other side. If any major power, however, ever threatened to pull so far ahead as to attain overwhelming superiority over other major powers, the pressure would be overwhelming upon the nation or nations about to be left behind to launch a nuclear attack before the adversary could achieve that superiority.

Thus no absolute security is possible in the nuclear arms race. To seek it is to invite the very attack that nuclear deterrence is supposed to forestall. Under such circumstances, common sense—and an instinct for self-preservation—in fact the very survival of the human family—demand, instead of mutual escalation, a mutual deescalation under terms of rough parity.

In other words, it is time to play the peace game in place of the war game. Let it be crystal clear, however, that a call for negotiations for mutual de-escalation is not a call for unilateral disarmament. Patriotism, as the Chairman of the Senate Foreign Relations Committee reminded Secretary of Defense Laird, is not at issue; the issue, rather, is how patriots—how people who love their country—should act in an age when the almost single-minded pursuit of ever-greater military power increases risk rather than offering more security. The unions that compose the Alliance for Labor Action are unions of American patriots, whose love of country is beyond question. But we are patriots who believe that in the nuclear age, peace is the condition of survival. We are patriots who believe that we have to end the arms race before it ends the human race.

Our unions have made great progress over the years in raising the living standards and improving the working conditions of our members. We want to continue that progress. In order to do so, we must read the world situation as it is, avoid its dangers and seize its opportunities. We have to come to grips with the fact that all the gains we have made can be snuffed out in a few hours if the warheads in the stockpiles and launch sites go off in a nuclear war. There will be no winners; only a vast wasteland and scattered remnants of the dead, the living dead and the dying.

Rather than drift toward such an unspeakable catastrophe, we are determined to commit ourselves and our unions to an organized effort to achieve national security through the construction of a more peaceful world in which the risks to our lives and our societies will be minimized.

This same danger confronts all of mankind if nuclear war finally comes. All nations and all people have a common interest in finding some common ground of agreement which will reduce the chance of such an extreme and all-consuming disaster.

We cannot accept, nor do we believe the American people will accept the proposition, expressed by Secretary of Defense Laird, that following the reduction of expenditures for the Vietnam War, the money should be diverted to escalate arms production instead of being diverted to help solve the myriad of social and economic problems confronting the nation. We urge and we believe the American people will insist that these resources must be used to help the people achieve a better life, to fulfill their urgent social and economic needs, and not simply to increase the firepower capability of our military machine.

While pressing for a universal system of arms reduction and control, we must prepare at home for a planned conversion of facilities and resources to production for civilian purposes, in order to meet critical needs long neglected, to assure a continuity of employment and living standards for all workers now engaged directly or indirectly in defense-related sectors of the economy and to divert the vast resources now committed to the arms race to meeting the critical and urgent needs of our cities in education, housing, health care, transportation, air and water pollution and improving man's living environment.

1. We call upon the President of the United States, without further delay, to direct the Secretary of State to confer with the Foreign Ministers of the Soviet Union, Great Britain and France for the purpose of setting an early date for the beginning of arms-limitation negotiations.

2. We call upon the President at the same time to declare, in the interest of national and world security, that the United States is prepared immediately to enter into a mutual moratorium with the Soviet Union and other nations on the testing and deployment of all offensive and defensive strategic weapons; and announce forthwith that, in evidence of our determination to avoid further escalation of the arms race, the United States is also deferring present plans to deploy the Safeguard ABM system in hope that negotiations to halt the nuclear arms race will be successful;

3. We call upon the President and the Congress to join in assuring the enactment of the National Economic Conversion Act, introduced last February by Senators McGovern and Hatfield, which would provide for a coordinated conversion of the public and private sectors of the American economy from defense-related to civilian production, assuring full employment and full production in an economy geared to meeting civilian and peacetime needs as the war in Vietnam is concluded and as arms-limitation talks progress to the point of enabling us to reduce our military expenditures and production schedules;

4. We call upon the President and the Congress to re-examine the projected Defense budget for fiscal 1970, in light of more realistic force requirements, in order to effect cuts now—variously estimated at from $5 billion to $20 billion—which can be made at once without impairing national security, in order that such savings can be used to meet critical home-front needs—in education, health care, housing, anti-pollution, traffic congestion, broad environmental problems and conservation of resources.

The ALA Conference urges the leadership of ALA to request appointments at an early date with President Nixon and the members of his Cabinet involved in these matters and also to seek appointments with the majority and minority leadership of both Houses of Congress to discuss these urgent questions.

AMERICA'S HOUSING CRISIS

America's housing crisis is staggering and it continues to worsen, for the forces of decay and demolition continue to outrun our efforts to rebuild and rehabilitate.

At a minimum, we must meet the objectives of the 1968 Federal Housing Act, which calls for a ten-year national goal of 26 million new housing units, including at least 6 million units for low income families. In recent years, we have produced only about 50,000 subsidized housing units a year, or only one-twelfth of the annual volume projected in the 1968 Housing Act. The National Commission on Urban Problems recently stated that there are 11 million substandard or overcrowded housing units in the United States—and it called this a very conservative estimate.

The shame of the nation is the state of our cities. Our center cities continue to decay. These cities more and more consist of spreading ghettoes that are enclosures of poverty and racial discrimination. These ghettoes breed permanent despair, and rip the fabric of our society.

Our goal is to build livable communities that provide and assure the basic rights and amenities of a civilized society to all the American people.

We must not only construct an adequate number of low cost housing units, but we must achieve a proper mix of housing, industrial and public facilities coupled with the delivery of essential social services in sufficient quantities.

The task before America is long and difficult. It will require massive resources both from the federal government and the private sector. But money alone cannot accomplish this task. Substantial reforms and increased involvement of people at all levels of our society will be needed to cure our housing ills.

Both the public and private sectors must make a more significant and greatly increased contribution in a cooperative and coordinated carefully planned attack on America's housing crisis.

We must recognize that we cannot hope to meet housing needs of millions of American families unles we abandon old methods and practices and apply to this problem new concepts, new ideas, new social inventions.

(1) We must end the scandalous speculation in land which is inflating land cost, through the creation of urban and regional land banks.

(2) We must develop long range financing of housing to reduce the cost of mortgage money and general financing.

(3) We must face up to the problem of antiquated and restrictive building codes which fragment the housing market and pyramid the cost of housing. A national system of performance standards to insure the highest standard and quality and to meet the needs of geographical conditions should be developed to cover all federally financed housing construction in order to facilitate the assembly of a mass market so that the economics of scale can be achieved in the construction of housing.

(4) The federal government should allocate adequate resources and create an appropriate organization to facilitate and encourage massive research and development in the housing field—in design, materials, new construction methods, maintenance problems, land utilization, water sewage and environmental problems—and enlist the fullest cooperation and participation of the private sector and the universities in this effort, with appropriate opportunity to facilitate the participation of American consumers.

(5) We must apply to the housing industry our most advanced technological capability and managerial and productive know-how, our most creative product design capability, and the use of new materials. Only in this way can we reduce the cost of construction and increase the volume needed to make high quality, attractive housing available at a price that millions of low and moderate income families who desperately need housing can afford.

A nation that has the technological capability of developing and producing a space vehicle with all the sophisticated scientific technical gear needed to put a man on the moon certainly has the technical capability of building high quality, attractive houses more efficiently and more economically.

America will place a man on the moon in the next few months. We shall do this because we made a national commitment to do so. No less a national commitment is needed to meet the urgent challenge on the housing front and the many other domestic problems.

The Alliance for Labor Action pledges an all-out effort at the national and local community level to mobilize the national commitment needed to meet and solve the nation's housing needs.

The Alliance for Labor Action will work with all concerned groups, such as the National Urban Coalition and local community groups, in a cooperative effort to maximize community participation. We will join in contributing seed money and will cooperate to make pension funds available for the financing of housing. We will give special emphasis to the special housing needs of retired workers and low and moderate income families, of migratory workers.

The Alliance for Labor Action will work to build well planned communities and neighborhoods that will provide a full range of opportunities for quality education, adequate transportation, community facilities, social services and equal employment opportunities.

The Alliance for Labor Action will support efforts to create a national housing market of a volume large enough to achieve a flow of production that will provide increased employment opportunities to workers in the inner cities and will provide year-round employment to workers who have been victimized by the seasonal nature of the construction industry.

NATIONAL LEGISLATIVE ACTION

Making necessary administrative breakthroughs requires promptly setting some basic comprehensive policies at the national level. Such actions are prerequisites for meeting the Congressional promise of providing decent housing for all Americans within the next 10 years.

ALA urges the present Administration to support, and Congress to enact legislation to achieve the following:

(1) fund the Housing Act of 1968 fully at the levels authorized by Congress;

(2) fund programs in advance so that cities after having planned and programmed will have the capability to make those plans operational;

(3) institutionalize advance land acquisitions and land banking so that land will be obtained for housing and other public purposes. A rational land policy should empower the Federal Government to:

(a) pre-empt local zoning and building codes in federally subsidized housing;

(b) assemble large parcels of land through direct acquisition of that land for subsidized housing and related facilities;

(c) pay the cost of relocation, demolition and acquisition.

(4) The Federal Government should exercise its authority of eminent domain to acquire land directly to assure the construction of low cost housing.

(5) enact a uniform and modernized building code based on *performance standards*. The legislation should formulate and approve standards for the construction of buildings, to provide a mechanism for testing and approving technology innovations, provide a system for evaluating experiences of public and private programs affecting building, provide for research and building technology, and assemble and disseminate technical data relating to standards and building technology;

(6) reduce the general level of interest rates on indebtedness for housing. Inflation must not serve as the cover for rising interest rates. The housing needs of millions of American families must not be sacrificed in the fight against inflation.

(7) enact a uniform relocation law that operates on the principle that no one will be displaced unless relocation housing is available which meets the wishes and requirements of those displaced. The basis of compensation should be "equivalent value" so that owner occupants can acquire decent housing without incurring increased indebtedness;

(8) guarantee tenants in publicly assisted housing their rights to organize and bargain collectively with housing management on a basis that prohibits interference, intimidation or retaliatory evictions;

(9) expand housing choice by overcoming suburban barriers to low and moderate income housing.

(10) develop a federal system of incentives and sanctions that will, in fact, achieve open housing.

STATE AND LOCAL ACTION

ALA will urge states and localities to meet their housing responsibilities. We view such action as a necessary supplement to concerted national action. Each state should have an Urban Affairs Department staffed by capable people.

The soundest programs, no matter how well conceived, must be administered at the local level. Federal policies are not self-executing.

ALA will help to implement sound federal policies. In the community strong and effective advocacy is needed to overcome the institutional paralysis that grips too many federal and local officials. ALA will strive to serve locally as a community ombudsman on housing policies.

ALA pledges to cooperate with the National Housing Partnerships and the local counterparts of the National Housing Partnerships and the National Urban Coalitions and the Local Coalitions.

AMERICA'S UNMET NEEDS AND THE URBAN CRISIS

America is rightfully proud of its heritage of freedom, liberty and the individual pursuit of happiness. More millions enjoy the blessings of a free democratic and affluent society than at any time in the history of man. Yet we must recognize that the nation's social deficiencies still abound and become more pressing. Millions of Americans have still a long way to go before they are able to say "We too share in the good life".

With all its wealth, its wisdom, its love of freedom, America, nevertheless, is facing an era of crisis. The failure to fulfill the needs of its people, the failure to achieve economic and social justice, are reflected in a long list of issues on the agenda of America's unfinished business.

URBAN CRISIS

Our cities are in deep trouble as they grapple with overwhelming problems without adequate resources: poverty; unemployment and underemployment; inferior education; overcrowding; sub-standard housing; inadequate health services; lack of transportation services; the deterioration of community facilities; the pollution of air and water; the rising rate of crime; and a host of other alarming and seemingly unsolvable difficulties.

EQUAL OPPORTUNITY

America's noble promise of equality and equal opportunity for all its people remains unfulfilled. The cancer of racism—both black and white—continues to threaten the achievement of the democratic goal of a truly integrated society, breeding the extremism and violence of a racially polarized and segregated community of people.

POVERTY AND HUNGER

Thirty million of America's people live out their lives in grinding poverty, alienated, dispossessed, shut out from the better life which the increasing wealth of the total nation can provide. Millions go hungry and lack a balanced diet while we pay wealthy corporate farmers to hold their land in idleness.

THE ELDERLY AND SOCIAL SECURITY

The nation's elderly receive shabby treatment as Social Security benefits, on which most of our elderly rely for a livelihood, remain chronically inadequate and fail to assure even the bare essentials for decency and self-respect.

THE CHILDREN AND EDUCATION

The children of the nation are threatened with educational starvation at all levels as citizens more and more revolt against the unfair and outmoded methods of taxation used to support their schools, as the educational deficits grow in the number of new classrooms needed, the number of available teachers, the failure to pay teachers adequately, the inadequacy of curriculum.

CONSUMER PROTECTION

As consumers the citizens of the country remain unorganized, the victims of inadequate protection against price gouging, shoddy and defective merchandise, misleading and even fraudulent advertising claims, exorbitant interest rates and service fees on loans and installment buying. They are not even adequately protected against products and services which may be injurious to their health or dangerous to life and limb.

LIVING ENVIRONMENT

Affecting every man, woman and child throughout the land is our continuing neglect of our living environment. Polluted air and polluted water, the residue of decades of misuse and neglect, threaten to suffocate man in the waste of his material affluence.

These and dozens more domestic ills plague the nation, begging for solution. The cost in human suffering, the toll upon future generations are beyond calculation.

NATIONAL ECONOMIC POLICY AND INFLATION

The cry has been raised: how can we afford to meet all these needs of our people? The answer obviously is: how can we afford not to?

Rising prices and the current general inflationary trend compound the dilemma in which we find ourselves as a nation. Government policies move to attempt to control inflation and yet these very policies slow down the rate of economic growth, adding to the unemployment rolls without visible impact on the upward surge of prices.

Unemployment has risen now for two successive months while the cost of living, as reflected in the Consumer Price Index in the last two months, increased at a rate of almost 9 percent per year.

A policy which slows down economic growth and yet does not stem the inflationary spiral can only lead to deepening, rather than alleviating, the crisis.

Such a policy is especially intolerable when the methods used are themselves misguided and ineffective as a means of subduing inflationary forces. This is not an inflation caused by an excess of demand over supply. That is evident from the fact that for the past nine months we have had sixteen percent of our manufacturing capacity lying idle, and we still have nearly three million unemployed workers seeking jobs, not counting those working part time for economic reasons and those who have given up looking for work they cannot find. Neither is it the result of gains made by workers, whose living standards have in fact been cut as a result of inflation. The buying power of an average factory worker's take-home pay has been declining since December 1965.

Instead, this inflation has resulted from the greed of those at the center of economic power who have abused that power to force up prices in order to increase their profits. This has been true of every major inflationary period since 1950. In a report on August 5, 1968, the *Wall Street Journal* said:

"In the past 20 years, there have been three distinct periods in which factory prices climbed substantially over a prolonged interval.

"In each instance, labor costs per unit of factory output were declining when the price climb began—and these costs continued to decline for a considerable period after the price rise was under way.

"In each case, corporate profits began to increase sharply well before the price climb started.

"Such facts, at least to some economists, bear an obvious message. 'The pattern is clear enough,' says Peter L. Bernstein, president of Bernstein-Macaulay Inc., a New York investment counseling service. 'Instead of labor costs pushing prices up, what we see instead is a sort of profit-push. Profits are already well on their way up before prices begin to rise, and prices are well on their way up before wages begin to rise faster than output'."

In the meantime, misguided restrictions on our economic growth are damaging our economy and our whole society. They represent a retreat from the forward march we had been making toward full production and full employment. They are reducing the amount of national wealth we can produce just when we are called upon to strain every nerve to meet our needs at home and abroad. Reductions in essential government programs are crippling our efforts to eliminate poverty and create social justice for every American.

The present Administration and the Congress should readopt a policy to achieve the goals of the Employment Act of 1946—full production and full employment—and to remove the restrictions on economic growth, and invigorate all programs designed to meet America's deep social needs. The problem of inflation should be attacked not by reducing economc growth, but by adopting programs which will affect those corporation and industries responsible for unjustifiable price increases, which are the root cause of inflationary pressures.

The cities and states alone cannot meet the needs of the people. The federal response to this era of crisis must be affirmative and constructive; for America must fulfill its destiny and provide for all its people—young and old, all races, creeds and color, in whatever station of life—the economic and social justice which is the noble commitment of a free society.

How can these goals be achieved?

First we must reorder our national priorities. We must realize that America cannot long be defended abroad if we permit the continuation of indefensible conditions at home. We must make far greater efforts to end the war in Vietnam. We must work together with other powers to negotiate an arms control agreement and end the arms race. We must cut the flabby fat of inefficiency, overpricing and unnecessary spending from our defense budget.

We must adopt a fair and equitable tax system that closes the loopholes through which the wealthy escape their fair tax obligation. And we must use the funds and resources that such policies make available to meet domestic problems and meet our social needs.

FOR OUR CITIES

To save our cities will require a massive commitment of federal resources to help rebuild neighborhoods, to provide adequate, modern mass transportation, to create all of those community facilities that are still so sadly lacking.

We must make a reality of the promise of equal treatment for all, regardless of race, creed, color or financial condition. To this end we call for the following specific actions:

1. Full implementation and enforcement of civil rights laws; substantial increases in funds to assure adequate staffing in those agencies charged with enforcement.

2. Full enforcement and strengthening of Title VII of the Civil Rights Act of 1964 to give the Equal Employment Opportunities Commission adequate powers to eliminate job discrimination.

3. Vigilant and vigorous enforcement of the provisions of the Civil Rights Act of 1968.

4. The denial of any government contracts whatsoever to those employers who persist in denying their employees freedom from discrimination because of race, national origin, sex or union activity.

5. Federal law to secure equal administration of justice by ending the all-white jury system.

6. Public and private measures to assure equal access to justice in our courts, including fair and reasonable bail bond procedures; legal assistance to the poor; legal aid in civil as well as criminal actions; and provision of adequate defense services at all hearings involving the possibility of a serious deprivation of liberty.

7. On the educational front we call for sharply increased efforts to eliminate de facto segregation in northern as well as southern schools; extension of quality early childhood education to every disadvantaged child in the country; reoriented vocational education emphasizing the work-experience training and the involvement of business and industry; expanded opportunities for higher education through increased federal assistance to disadvantaged students; revision of state aid formulas to assure more per student aid to districts having a high proportion of disadvantaged school age children.

8. The American labor movement must face up to its full responsibilities on the job front and intensify its efforts to open up employment opportunities for minority groups, including the higher paid and higher skilled jobs.

TO ASSURE A DECENT STANDARD OF LIVING

To bring an end to poverty and hunger in America and to assure a decent standard of living, the ALA supports a comprehensive program of assured minimum income for all Americans, including:

JOBS

A job, at decent wages, for every American who is willing and able to work. If the private sector is unable to supply the necessary jobs, the federal government should become the employer of last resort and provide productive employment for all persons who are unable to obtain other suitable employment.

MINIMUM WAGE

Increase in the minimum wage so that those who work will receive enough for their labors to live at least at a modest and decent standard of living. The $2 minimum wage is a first step, to be increased then in line with the general movement of wages in the nation.

SOCIAL INSURANCE—(SOCIAL SECURITY, HEALTH, UNEMPLOYMENT INSURANCE, WORKMEN'S COMPENSATION)

Improvement of the social insurances—old age, survivors', disability, health insurance, and unemployment and workmen's compensation—to help fill the gap that now exists between income from work and needed income and services to maintain health and decency during periods of unemployment, disability, illness and retirement. Of equal importance is improved protection of survivors, who are predominantly women and children. Benefits in all the insurance programs should be substantially increased at all levels, including both minimum and maximum benefits. Provision should be made under Social Security for earlier retirement. Exemptions from payment of Social Security taxes by individuals with low earnings should be provided, similar to income tax exemptions. And contributions to the Social Security fund should be made by the federal government out of general revenues as well as by employers and employees.

PENSION REINSURANCE

We call also for a federal program of reinsurance to protect private pension plans.

The systematic accrual of pension funds to meet future benefit costs has been recognized by responsible unions and managements as a sound general method of underpinning promised pensions. However, business failures, plant shut-downs and other factors arising from technological change and competitive forces have resulted in the unforeseen and often abrupt termination of an otherwise sound pension plan at a time when currently accrued assets are insufficient to meet accrued benefit liabilities. Such pension plan terminations all too frequently subject affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they have little or no opportunity to earn further benefit entitlements.

Well-established precedents exist for broadly based, self-financing federal insurance mechanisms in the cases of home mortgage financing and bank deposits, and a similar approach to the problem of pension plan terminations—through legislation establishing pension reinsurance—can be achieved at relatively nominal premium cost to individual plans.

The ALA therefore urges prompt Congressional action in the adoption of a comprehensive, federally-administered insurance program guaranteeing meaningful pension plan termination protection of workers' benefits.

ADEQUATE INCOME ALLOWANCE

An adequate income allowance should be assured for all Americans whose income is not sufficient to afford them a modest and decent living standard. In addition to employment and social insurance there must be assurance of an income floor below which no family or individual should be permitted to fall—this floor to be provided through a system of children's allowances or a negative income tax.

NATIONAL SYSTEM OF WELFARE

The present welfare system is historically obsolete. It destroys individual initiative and incentive and robs people of their sense of human dignity.

A drastically reorganized, federally financed public welfare system must be established for those who temporarily may not qualify for other programs. This system should establish national standards and uniform benefit levels, regardless of the location of recipients, and provide for eligibility based on the already proven income certification test. The program should be augmented by the services of qualified professional personnel competent to assist the disadvantaged in their efforts to cope with their problems and in overcoming the obstacles which block them from full participation in our society.

EDUCATION

We must recognize that state and local governments are no longer able to finance the educational requirements of our nation. Adequate federal funds must be provided so that in every state and community we can build the new schools we need, pay adequate salaries to attract the additional teachers we need and provide expanded opportunities for higher education to all who wish it and can use it, while at the same time reducing the crippling burden of educational costs on state and local taxpayers.

PROTECTION OF CONSUMERS

Protection of consumer interests should have a high priority. We call for the establishment of a Department of Consumer Affairs and an independent, non-governmental Consumer Council to represent consumer interests; reform of insurance abuses, especially in the field of auto insurance; strengthened and vigorous enforcement of the Federal Disclosures Act, and defeat in State legislatures of the so-called National Uniform Consumers' Credit Code which would subvert the purposes of the Federal Disclosures Act; passage of all needed legislation to protect consumers against products that endanger health or safety, or that are fraudulent, and publication of data on such prod-

ucts by the Food and Drug Administration; protection against the abuse of economic power by monopolistic or semi-monopolistic corporations in their relations both with consumers to whom they sell and suppliers from whom they buy; and compensation for the innocent victims of crime and their families.

OUR LIVING ENVIRONMENT

To end the destruction of our living environment through pollution of our air and water, we call for creation of a Federal Department of Natural Resources, supported by strong anti-pollution legislation; organization of a People's Lobby against Pollution, and establishment of a Council on Environmental Quality, composed of laymen and experts, to serve as a link between the Federal Department and the people; a Federal Recreation Service, with authority to acquire more land for recreational areas, possibly financed from oil shale revenues; elimination of visual pollution by billboards, exposed junkyards and land disfigured and made barren by strip-mining; U.S. cooperation in the International Biological Program for research on the exploitation of resources in and under the sea.

These proposals and others brought to this Conference deal with the more glaring of the ills and problems that afflict our nation today. This ALA Conference pledges its support of these and other measures to enrich the quality of life for all Americans, and we urge the affiliated unions to mobilize their leadership and membership in vigorous action to bring them to realization.

The ALA Conference urges the leadership of the ALA to request an appointment at an early date with President Nixon and the appropriate members of his Cabinet and also to request appointments with the majority and minority leadership of both Houses of Congress to discuss these urgent questions and to present the views of the ALA concerning them.

[From the New York Times, May 25, 1969]

ALLIANCE OF TEAMSTERS AND U.A.W. POSES KEY TEST FOR REUTHER

(By Damon Stetson)

Walter P. Reuther's dream of a revitalized labor movement, on the march and inspiring social change, is on the verge of its first period of testing.

The test will begin tomorrow in Washington when the nation's two biggest unions, the International Brotherhood of Teamsters and the United Automobile Workers, begin a potentially powerful alliance aimed at organizing millions of still unorganized workers and infusing in American labor a new commitment to human progress.

Mr. Reuther, the fervent and imaginative president of the U.A.W., has been scurrying about the country for weeks laying the groundwork, in conjunction with Frank E. Fitzsimmons, acting president of the teamsters, for the unusual combination that will be known as the Alliance for Labor Action.

The 61-year-old auto union president was busily completing plans for the alliance earlier this week in his spacious, book-lined office overlooking the Detroit River in Detroit. Working in his shirt sleeves, he rose from behind his paper-strewn desk to emphasize his enthusiasm about the program of the alliance and to give assurances of the full-fledged commitment of both unions to it.

FUNDS TO BE USED

"Both the teamsters and the U.A.W. are prepared to devote sizable resources to meaningful organizing projects," he said. "We're going to strengthen collective bargaining and devote major efforts to improving housing, health, race relations and education. And we're going to be building community unions to help people help themselves.

"We've got a programmatic alliance," he said in an interview, "and we're going to do specific things. . . . I think our program and activities will also persuade the A.F.L.–C.I.O. to do more. They'll do things they didn't even consider before."

In Washington, Weldon Mathis, assistant to Mr. Fitzsimmons, described the alliance's proposed program as "ambitious" and "tremendous." He warned, however, that no one should expect instant miracles.

"It's got to be a long-range program," he said, "and it's going to take time to accomplish."

Both the teamsters and the U.A.W. are outside the American Federation of Labor and Congress of Industrial Organizations. When the auto union withdrew from the parent federation last July on the grounds that it was moribund and undemocratic, the A.F.L.–C.I.O. lost about $1 million in annual income and nearly 1.6 million members.

DUES INCREASE PROBABLE

The federation has not reduced its staff or programs, but faces the prospect of a per capita dues increase (the per capita dues are 7 cents a member) if new programs are to be developed.

Probably the greatest impact of the U.A.W.'s secession, however, was at the level of state and city labor councils. Because the auto union's membership is heavily concentrated in some industrial states, the city and state councils of the A.F.L.–C.I.O. in such states as Michigan, Ohio and Indiana suffered heavy losses of both income and membership.

The initial agreement of the new alliance worked out last year by the executive boards of the teamsters and the U.A.W. declared that the two unions would join in a "common effort to get the American labor movement on the march and to help America find creative and constructive answers to the urgent complex economic and social problems that we face as a nation."

PROPOSALS LISTED

Joint action programs proposed in the prospectus worked out by the teamster and U.A.W. leaders include:

Organizing the unorganized in the unskilled and lower-paid jobs in the white collar field, in residential housing construction, and in specific areas such as the chemical industry.

Strengthening of collective bargaining and the development of machinery to cope with the growing complexes of industrial conglomerates.

Supporting agricultural workers in their efforts to gain social justice and the benefits of collective bargaining.

Cooperation with other groups in helping to organize community unions, so that the working-poor, the unemployed and the underemployed may have the opportunity of participation, of self-organization and self-determination in dealing with their problems.

Joining with other community groups to promote equal opportunity and to assure a job at decent pay for every person able and willing to work, with guaranteed income and with the government acting as the employer of last resort when the private sector cannot provide such an opportunity.

A massive effort to help rebuild and rehabilitate America's urban areas by the full use of advanced technology, new materials and methods.

LABOR IS AT A CROSSROAD

"The labor movement is at a crossroad," the Declaration of Purpose says. "It must subject itself to honest self-searching and self-evaluation. It must free itself from complacency and self-congratulation. It must acquire a sense of renewal and rededication to social progress.

"It must free itself of old attitudes and habits and demonstrate the willingness, the capability and the commitment to make fundamental changes in its policies that respond to the realities of a swiftly changing world."

More than 500 delegates, half from the 2-million member teamster union and half from the 1.6-million member auto union are scheduled to convene at the Washington Hilton Hotel tomorrow and Tuesday for the founding conference of the alliance, which was first announced last summer.

The two unions have rented 9,000 square feet of office space here in a new building at 666 11th Street N.W., where they will have 11 executive and 11 secretarial offices. Each of the unions is planning to name a deputy director for the alliance to work with an as yet unannounced director.

Basic financing has already been agreed upon by the boards of the teamsters and the U.A.W. A per capita payment of 10 cents a month is expected to provide about $360,000 a month or $4,320,000 per year for the programs and operation of the alliance.

The high-sounding goals and grandiose plans of the somewhat surprising alliance between the programatic, liberally oriented U.A.W. and the bread and butter, aggressive teamsters have elicited some skeptical and even derisive comments from officials of the A.F.L.–C.I.O.

The teamsters were expelled from the federation in 1957 for corruption. The U.A.W. was suspended last year for nonpayment of dues after Mr. Reuther and the union's leaders had criticized the federation for complacency, for clinging to the status quo and for undemocratic procedures. The auto union subsequently seceded from the parent body.

Just how much support the new alliance will get from other unions is not clear as yet, although the initial reactions from most federation unions have been cool. Moreover, the executive council of the A.F.L.–C.I.O. has adopted a resolution saying that "membership in or support of" the alliance would do "violence" to the objectives and principles of the federation.

The council said that such membership or support for the alliance would constitute grounds for suspension or expulsion under the federation's constitution.

The International Chemical Workers Union adopted a resolution favoring affiliation with the alliance at its last convention, but the union has continued to pay its dues to the federation.

There have been reports that the Glass and Ceramic Workers of North America might be sympathetic to the alliance, particularly because the products that members work on are to a great extent utilized in the auto industry.

The United Rubber Workers at their convention last fall authorized their officers to explore the possibilities of affiliation with the alliance but emphasized that they were not to jeopardize the union's standing with the A.F.L.–C.I.O.

Although the aggressiveness of the alliance may precipitate some abrasive confrontations with the A.F.L.–C.I.O., leaders of the new grouping would like to have the support of other unions.

NEW UNION IS FORMED

SUFFOLK, VA., May 24.—A national labor union consisting of 10 breakaway locals of the Retail Wholesale and Department Store Unions was formed here today.

The new union was named the National Council of Distributive Workers of America. Its inception was based on complaints that the retail workers had no Negroes in top national posts.

The new president, Cleveland Robinson, formerly secretary-treasurer of the District 65 Wholesale and Retail Office and Processing Union in New York, called the new group "a union for poor people, the blacks and Mexi-

can Americans who have heretofore been left out."

Mr. Robinson's District 65 was the first union to break with the national organization over the lack of black leadership. The 10 local unions forming the new national organization had a combined membership of 40,000.

Extensive negotiations are being held with the teamsters and the U.A.W. with an eye toward cooperation under the Alliance for Labor Action, the leaders said.

Walter Reuther, president of the U.A.W., lent the neophyte union $125,000 interest free and 200 of the best auto union organizers.

[From the Wall Street Journal, May 14, 1969]

UNION CONGLOMERATE—ALLIANCE OF TEAMSTERS, UAW MAPS BOLD PLANS IN LABOR, SOCIAL FIELDS—HOUSING VENTURES, ORGANIZING DRIVES ARE AMONG GOALS; FINANCIAL RESOURCES LARGE—ARE THE PARTNERS COMPATIBLE?

(By James P. Gannon and Laurence G. O'Donnell)

WASHINGTON.—The nation's two biggest, richest unions are quietly putting the finishing touches on the labor movement's first conglomerate.

Like today's multifaceted corporate conglomerates, the labor organization about to be launched by the United Auto Workers union and the Teamsters Union will engage in a kaleidoscopic array of activities. The UAW-Teamsters joint venture, the Alliance for Labor Action, is designed on so grand a scale that it could be the pride of the most ambitious corporate empire-builder.

According to the prospectus outlined by key planners of the ALA, the alliance will be:

A real-estate developer, planning, designing and building low-cost urban housing for slum dwellers, retired union members and others, using advanced building technology.

A private antipoverty program, sponsoring job-training centers and slum-neighborhood service centers that would take an ombudsman's role in helping the poor with legal, medical and financial problems.

A ghetto-mobilizing "new politics" machine, organizing, registering and "educating" black and other minority voters to increase pressure on city hall, school boards, landlords and merchants.

A new, well-financed organizing force, aiming to spread unionism to low-wage industries and to unorganized regions, such as the South.

A new bargaining-table combine, backed by a huge strike fund, eager to match muscles and wits with corporate conglomerates.

A FINAL FLING

If the scheme seems grandiose, it is because some of the labor movement's most visionary planners are drafting it. The ALA is basically Walter Reuther's dream, but the idealistic UAW president has found in the Teamsters Union other big thinkers eager to embellish it. Many labor observers see the ALA as a final, grand fling for the 61-year-old Mr. Reuther before retirement and as a hopeful grasp at respectability by the Teamsters Union, whose last two presidents have landed in prison.

The unlikely alliance of the UAW idealists and the hard-bitten Teamsters has led to widespread skepticism in the labor movement that the partnership will ever work. "It's a rope of sand," contends the leader of a big AFL–CIO union who thinks the Teamsters and UAW officials are such disparate characters they won't be able to work together.

The curious confederacy faces many sticky problems. Despite sales pitches to numerous unions, the partners have won only two small groups as allies—the 110,000-member International Chemical Workers Union and the break-away New York division of the AFL–CIO's Retail, Wholesale and Department Store Union, embracing 30,000 workers. Hoped-for recruits, including the United Rubber Workers, the Oil, Chemical and Atomic Workers and the International Longshoremen and Warehousemen, have hung back, though they could join later.

TACTICAL PROBLEMS

There are tactical problems, too. Various UAW and Teamsters men have differing ideas on just which workers should be organized by the ALA. Finding suitable targets for the ALA brand of "congolmerate bargaining" isn't easy either, because AFL–CIO unions have a strong foothold in most of the big, diversified companies.

And over the grand dream hangs a nightmare worry voiced by one UAW official: "What happens if Hoffa becomes free?" In the unlikely event that the jailed Teamster president is paroled from his eight-year jury-tampering sentence while still holding his office, then idealist Walter Reuther would find himself presiding along with ex-con Hoffa. Intimates say Mr. Reuther gets fretful and snappish when this possibility is even gently suggested.

The alliance's aims will be revealed publicly soon. After lengthy delay, the ALA will hold its first national conference here May 26 and 27. The meeting of some 500 UAW and Teamster officials and staff men from around the country will mark the formal launching of the joint venture agreed to last July.

"In 1969, we are going to provide some therapy to the American labor movement just as the CIO did in 1939," says Mr. Reuther, who vows the ALA will prod AFL–CIO leaders "to get off their rusty bottoms."

Adds acting Teamster chief Frank E. Fitzsimmons: "We're not going to come out of the sky wearing white robes and waving magic wands and expect everyone to capitulate or bow down. But we're ready to get off the gorund with a program that reinvigorates the labor movement."

AMPLE RESOURCES

Officials of the AFL–CIO, which expelled the Teamsters on corruption charges in 1957 and which the UAW quit last year, tend to scoff at the rival group's plans as grandstanding by Mr. Reuther, more rhetoric than action. But they privately concede the two strong alliance partners have the resources to make good on their big promises.

The Teamsters, with more than two million members, and the UAW, with some 1.6 million, are the largest unions in the U.S. Their combined net worth tops $170 million.

The alliance, insiders say, will be very well-heeled. To bankroll it, the two unions each have agreed to contribute a dime per member per month, or a total of nearly $4.5 million a year. (The AFL–CIO's head-tax yields about $11.5 million a year.) In addition, it's understood each union has earmarked an added $3 million or so for a "strike defense fund." The big war chest would be used to help weaker unions in strikes against strong employers, strategists say. Such aid to unions in distress could be a potent ALA recruiting tool.

The ALA partners have taken a five-year lease on a floor of a new, downtown Washington office building to serve as the alliance's national headquarters. A staff is being assembled, and each union plans to name a man to serve as deputy director of the ALA. To head the new organization, the unions are seeking "a man of stature," says one Teamster chieftain, but they apparently are having some difficulty finding one who wants the job. James J. Reynolds, former Under Secretary of Labor, turned it down.

Such problems have delayed the ALA's launching. "We're finding out we can't get going as fast as we thought we could," concedes a top Teamster. "There are lots of roadblocks when you are trying to design national programs."

The planning for the alliance has been done by two committees. A five-man group headed by Teamsters' Acting President Frank E. Fitzsimmons has mapped organizing and bargaining plans; a similar committee under Mr. Reuther's direction has outlined social and political activities.

Some of the ALA programs are firmly planned, but many others are still in formative stages. Subject to change, the planning committees have outlined four major areas of operation: Organizing, Bargaining, Social action and Politics.

Here's a sample of the planning in each area:

The organizing: Recruiting many of the nation's 58 million unorganized workers into unions gets the top priority of the alliance. Farm workers, white-collar workers, service workers—what one official calls "the miscellaneous unorganized millions"—are among the targets.

"Who will we be organizing?" muses one planner. "Mostly the people the labor movement has been neglecting. They work in small manufacturing shops, retail stores, service establishments, sometimes for city governments. They are in considerable measure, minority-group members."

Some UAW men seem less interested in the miscellaneous millions than in industrial workers and white-collar employes. The chemical industry, especially lightly organized Du Pont Co., is attracting ALA attention. So are the thousands of white-collar employes of Blue Cross and Blue Shield medical insurance plans.

The alliance's promise to organize farm workers threatens a possible conflict with the AFL–CIO's United Farm Workers, headed by Cesar Chavez. The UAW has had close ties to Mr. Chavez's union, which is locked in a marathon struggle with California's grape growers. ALA men are hoping the UFW can cooperate with both the AFL–CIO and the alliance; if not, a tug-of-war for the farm union's allegiance is likely.

Bargaining: The special target of the alliance's bargaining designs is the fast-growing corporate conglomerates, which pose a new challenge to unions; when a corporation is widely diversified, no one union can exert great pressure on it by striking.

AFL–CIO unions have tried to deal with this changed power balance through coordinated or coalition bargaining by several unions; the ALA is planning a similar approach but chooses to call it "conglomerate bargaining." A major problem, however, will be finding a target where the UAW and Teamsters are so dominant that cooperation of the AFL–CIO affiliates isn't crucial to success. One possibility under study: California-based FMC Corp., maker of food-processing machinery, power transmission equipment, chemicals, textiles, ordnance and other products.

Besides the conglomerates, the alliance aims to throw its weight against other selected employers. The big strike fund would be used to stiffen the backbone of weaker unions that the ALA decides to aid in struggles against "union-busting" companies. Just what strike situations would fit this designation isn't clear. In 1967, the UAW lent the United Rubber Workers $3 million to finance its strike against the major rubber companies, on the theory that the tire-makers were out to "destroy" the financially strapped union.

Social Action: Building low-cost housing for the inner-city poor and retirees will be high on the alliance's agenda. Planners aim to sponsor nonprofit housing projects financed mainly with Federal Government dollars. The ALA would put up "seed money" to buy land, hire architects and help pay for construction.

In California, alliance leaders are eying building sites in East Los Angeles, a mixed Negro and Mexican-American community, and in Richmond, a heavily Negro community across the bay from San Francisco. For retirees, the ALA is planning a "series" of projects for union pensioners and other lower-income aged folk "all across the country," says one official.

A rough prototype of the alliance housing projects, not directly connected to the ALA, exists in Detroit. There, the UAW has put up $1 million of the $5 million seed money for the Metropolitan Detroit Citizens Development Authority, which promotes low-cost housing sponsored by community groups. Mr. Reuther says the authority has about $50 million of housing "in the pipelines."

The authority recently sponsored a contest among builders of prefabricated and modular homes to show how functional, attractive houses could be built cheaply. Mr. Reuther wants to pioneer in the use of labor-saving, assembly-line types of construction methods. His plan could draw the ALA into bitter conflict with the AFL–CIO's building trades unions, which generally resist such new techniques as a threat to members' jobs.

"We are going to do everything in our power to work with the building trades," Mr. Reuther said recently. "But we say if you drag your feet, no group has the right to veto the right of people to decent housing."

Other social-action plans include job training and direct aid to ghetto residents. "We're going to set up a whole bunch of training centers to train employes for various industries," says a Teamsters vice president.

Community service centers that would dispense advice to the poor on health, legal problems, finances and discrimination troubles also are on the drawing board. "We'd set up the headquarters in the ghetto and give technical assistance but have the black community run it," says one official.

Political Action: A drive to mobilize the "ghetto vote" could be the most controversial of the alliance's aims. The campaign seems sure to sharpen conflicts between slum-dwellers and city government, the school system, real estate interests and slum-neighborhood businesses. "It's an effort to try to get poor people organized for political leverage," says one ALA planner.

"We want to establish some political education organization to involve the blacks, the browns, all the disadvantaged," says a Teamsters' leader. "This is the first real attempt to harness their voting strength." The organization wouldn't be "partisan," he contends, but might endorse candidates for office. It definitely would work to register poor voters and get them to the polls.

Tied in with the ghetto-political apparatus would be "community unions" such as those set up by the UAW in Watts and East Los Angeles and by the Teamsters in a slum area of St. Louis. The UAW-aided Watts Labor Community Action Committee last year won a battle with Los Angeles County officials to bring a public hospital to Watts. The Teamsters-financed Tandy Area Council in St. Louis has been involved in battles with slum landlords and supermarkets accused of price-gouging.

[From the Des Moines Register, June 2, 1969]

NEW LABOR PARTNERS

The curtain was raised last week on the new Alliance for Labor Action formed by the idealistic United Auto Workers and the rough-and-tumble Teamsters union.

The formation of the alliance was announced last summer by U.A.W. President Walter Reuther and the Teamsters Acting President Frank Fitzsimmons. Last week the two unions, the two largest, richest unions in the nation, held their first public conference.

It was an impressive event. The alliance has rented a full floor in a new building in downtown Washington. The speakers at the conference, held in the Washington Hilton, included Secretary of Labor George Shultz, who wished the alliance well.

Even the friends of the alliance expect a stormy relationship. The Detroit Free Press's Saul Friedman describes it as "a wedding of convenience and a marriage of opposites." Reuther is clean living; Teamster President Jimmy Hoffa is in federal prison. Reuther is an articulate crusader for social causes; the Teamsters have been guided by a pragmatic self-interest.

Reuther can be expected to help deliver the ghetto vote for Senator Edward M. Kennedy (Dem., Mass.), if he makes a bid for the presidency. The Teamsters can hardly be expected to aid the brother of the man who put Hoffa behind bars.

The U.A.W. and Teamsters are both outcasts from the A.F.L.-C.I.O., which is their principal bond. The new alliance denies that it is seeking to compete directly with the A.F.L.-C.I.O., but this is nonsense. Its strong emphasis on "action" is designed to contrast with the stand-pat policies which alliance leaders attribute to the A.F.L.-C.I.O.

The new A.L.A. came out for deferring the Safeguard anti-ballistic system, for a disarmament conference and for cuts in defense funds, in sharp contrast to the A.F.L.-C.I.O. positions.

Despite the problems confronting the alliance, it is an interesting partnership. It is expected to aim its organizing efforts at farm workers, hospital and governmental employes, white collar and technical workers—areas possibly ripe to union efforts. The alliance is considering plans to build low-cost housing for the poor by using modern, factory-assembled building techniques which could reduce sharply the cost of new ghetto housing (and bring the alliance into sharp conflict with the A.F.L.-C.I.O building trades union). The alliance also is considering "community unions" formed, not of employes of a single industry, but of the assortment of persons living in a neighborhood where poverty and government disinterest created a common bond.

The alliance is well heeled with a $4.4 million annual budget. The apparent incompatibility of the two large unions could become an advantage if the social idealism of the U.A.W. is united with the tough effectiveness of the Teamsters.

[From the Milwaukee Journal, June 1, 1969]

NEW LABOR ALLIANCE ASSAILS OLD IDEAS

WASHINGTON, D.C.—Perhaps it was only a marriage of convenience, as skeptics suggested, but the International Brotherhood of Teamsters and the United Auto Workers apparently have decided to make the most of their unlikely match.

Their honeymoon here last week—the founding of the Alliance for Labor Action—was marked by harmony, fervor and a tone of great expectation for the future. There also were strong indications that the ALA would evolve into a labor federation to rival the AFL–CIO.

"Hell, this is ain't the ALA; this is the CIO," one veteran teamster official was overheard remarking to another as he listened to the social action evangelism of UAW President Walter Reuther and Reuther's counterparts in the historically conservative teamster leadership.

ON STUDENT REBELLION

The reference was to the kind of CIO that existed under Reuther before he merged it with the AFL in 1955. Last year, Reuther pulled the UAW out of the AFL–CIO in a policy dispute.

Even Frank E. Fitzsimmons, the plodding, normally inarticulate leader of the teamsters, joined in proclaiming liberal positions. Consider, for example, his remarks on the student rebellion:

"I, for one, do not believe that the so-called generation gap is something which cannot be bridged. I believe that a constructive and meaningful dialog can be established with the youngsters, if only we take time to talk to them."

Or his call for the end of the Vietnam war:

"We find the youth of the nation up in arms over an unpopular war in Vietnam, up in arms over the billions of dollars this country spends annually to carry on this war in the far east, when our own people go begging right here at home.

"This war, the bane and plague of both Democratic and Republican administrations, must be stopped and must be stopped soon."

FARSEEING STATEMENTS

Sen. George McGovern (D-S.D.), in a speech the next day to the ALA convention, hailed Fitzsimmons' remarks as "two of the most intelligent and farseeing statements I have seen from a top labor leader."

Many persons would not side with Fitzsimmons on youth and the war, and therefore would not agree that the remarks were "farseeing," but just about anyone who knows the teamsters and has observed Fitzsimmons in action before would agree that the statements were unusual for him.

Although he was reading the speech, and the words were much more bookish than his usual workingman's language, he at least committed himself publicly to the ideas.

In general, union men have tended to support the war and to be unsympathetic toward rebellious youth. With a few individual exceptions, the teamsters have been as conservative on those scores as any group.

ENDORSED LIBERAL AIMS

And Fitzsimmons, hand picked by the tough, pragmatic James R. Hoffa to head the union while Hoffa is in federal prison, was identified with the union's old guard. Hoffa, serving a sentence for jury tampering, still is president. Fitzsimmons is general vice-president.

Even the UAW, which likes to consider itself labor's avant garde, gave at least qualified support of the war until recently.

The ALA convention delegates overwhelmingly (unanimously in almost every case) endorsed their leaders' call for an end of the war, scuttling of the anti-ballistic-missile, disarament efforts and a broad program of social and economic reform.

They also supported a campaign to unionize millions of unorganized workers, and they endorsed Reuther's warning that AFL–CIO judisdictional claims would not stand in the way.

The delegates approved plans for ALA promotion of mass produced housing and an attack on restrictive building codes. That could put the teamsters at odds with their historic allies, the AFL–CIO building trades. The UAW, of course, never has got along with the trades very well.

In many cities, Milwaukee included, the teamsters have been an integral part of the AFL–CIO building trades councils—in violation of AFL–CIO policy.

In Chicago, the building trades have been closer to the teamsters than to their own AFL–CIO.

What will happen to such relationships?

Skeptics are inclined to say, "Nothing." That probably would depend on how much pressure was exerted from the top.

NOBODY SAID "HOFFA"

Another thing that must have seemed strange to teamster delegates was the complete avoidance of Hoffa's name by convention speakers. Hoffa and the union were synonymous for 10 years, and the union reacted with one giant persecution complex during the years he fought to stay out of prison.

And now suddenly he was not mentioned. Also unmentioned was the question of the teamsters' moral fitness, which disturbed Reuther so much in the 1950's. Reuther led the fight to oust the teamsters from the AFL–CIO in 1957 on charges of corrupt leadership (Hoffa's).

Reuther was asked about this last July in Chicago, when the ALA was first announced. He said a lot of water had passed over the dam since 1957. That was shortly after the UAW left the AFL–CIO in a fight between Reuther and AFL–CIO President Meany.

Reuther said the teamsters had demonstrated that they were a progressive, responsible union.

It was apparent at last week's meeting, that Reuther and his top aides had developed a close relationship with three of the more progressive vice-presidents in the teamsters' union—Harold Gibbons of St. Louis, Einar Mohn of San Francisco and Murray W. Miller of Dallas. And Fitzsimmons, whatever his past inclinations, was going along with them.

MILWAUKEEAN'S ROLE

Their philosophy is the same militant, liberal pragmatism as that of Reuther and his fellow UAW officers. The teamsters' nine other vice-presidents were for the most part silent at the convention.

Perhaps as influential as any of the teamster officials, if not more, is a man who was not even mentioned from the convention platform—Atty. David Previant of Milwaukee.

Previant, chief labor counsel of the union and Fitzsimmons' top adviser on many matters, reportedly drafted the ALA constitution. He also was at Fitzsimmions' side during the negotiations last year that led to the alliance, as he is at virtually every teamster executive board meeting.

Reuther warmly praised the key teamster leaders, and there were many signs of friendliness between staff aides of the two unions.

A veteran UAW staff man said his teamster counterparts were eager about taking part in social action programs. "They are wonderful people," he said. "They just never had been exposed to this sort of thing before."

He said they were relieved that their union was no longer under Hoffa's direct leadership.

REGAIN RESPECTABILITY

Another UAW official said that even teamsters who felt no affinity for the auto union were glad to be allied with it to regain some respectability. He predicted that they would support social reform and community action for the same reason.

The two unions are putting enough money into the alliance, more than $4 million a year, to suggest that they mean business. That is more than one-third as much as the AFL–CIO gets from its 128 affiliated unions.

[From John Herling's Labor Letter, May 31, 1969]

This week we report on:

ALA LAUNCHED.—Will the Alliance for Labor Action (ALA) move from talk to action? Will the nation's two largest unions—the Teamsters, with more than 2 million, the Auto Workers with more than 1.5 million members—find common ground from which to launch a common program?

Ten months ago, Auto Workers President Walter Reuther and Teamsters Acting President Frank Fitzsimmons and their top associates announced their intention to organize the ALA. Since then, numerous meetings have been held, of the leadership, of the executive boards, of top staff men.

Observers, in and out of the labor world, could only gaze upon this development—of two such disparate unions—in wild surmise. Here was Walter Reuther joining forces with the Teamsters to attempt to do what he declared was impossible to do inside the AFL-CIO. Here was Frank Fitzsimmons, Acting Teamsters President, ready to prove to the world that his union was prepared to move from "bread and butter" to higher considerations of larger social concerns.

The traditions of both unions seemed far apart. Their economic backgrounds are diverse. The Auto Workers bargain for workers concentrated largely in the auto industry, over the years probably the most productive and creative of American corporations. The Teamsters bargain for workers in a wide diversity of enterprises, large and small, mobile and stationary and in between, their members flowing together to make up the nation's largest transportation complex.

Each of these unions has strong attractive as well as repellent powers. The prestige of the Auto Workers is great at home and abroad. In fact, Mr. Reuther's reputation for civic virtue and social idealism often annoyed people who could operate on mundane levels. Certainly Jimmy Hoffa, the Teamsters president now in prison, for jury fixing, might have been fascinated by the Reuther spectacular; but he preferred his own theater of action which brought him to the ultimate absurdity of flipping mattresses in jail.

At any rate, the Teamsters cast from the AFL-CIO twelve years ago, the Auto Workers, divorced from the AFL-CIO a year ago, have now decided to go steady. Like money in the bank, they have decided not to let their power lie idle. They believe their confluence of power will multiply their influence in helping shape the nation's social policy.

In their "founding conference," Messers Fitzsimmons and Reuther brought together 500 of their key local and regional leaders. Both men emphasized the positive. "We are not at war with the AFL-CIO. We are not a competitive labor federation," insisted Mr. Fitzsimmons. "We propose a set of ideals which we hope will rededicate the labor movement to its original purpose."

"The Alliance for Labor Action has been undertaken," said Mr. Fitzsimmons, "because, as we look back, we find there are a lot of things which got lost in the shuffle as we ran pell mell toward our present day affluence. We in the Alliance did not look back because of a guilt complex. We looked back to reevaluate and to correct and adjust our direction." Jimmy Hoffa's name was not mentioned once.

KEY QUOTES FROM FITZSIMMONS.—The Teamsters acting president insisted that the "ALA is not a competitive federation. It is the competition between labor organizations which we seek to place at rest."

He attacked the Landrum-Griffin Law as "not a measure of reform, but anti-labor legislation designed to hamper our efforts to help working men and women in need." Even government officials, he said, are "attributing general unrest in labor to the punitive measures of Landrum-Griffin. . . . As we predicted before passage of Landrum-Griffin, rabble rousers and malcontents are using the law to disrupt union meetings, where members discuss such important things as contract settlements. . . . Union leaders are powerless to act against the disrupters for fear of prosecution."

(In this connection, he said that in his home local 299 in Detroit four men had been recently indicted because the chairman ejected two men who, he said, had no right to be there. This incident occurred several months ago during the reelection of Hoffa and Fitzsimmons as president and vice president of the local.)

As chairman of the Committee on Organizing the Unorganized, Fitzsimmons emphasized the importance of bringing farm workers under the protection of the National Labor Relations Act "as a first step toward bringing these people up from the very bottom of the economic ladder." . . . These "second-class" workers have "taken to the streets to demonstrate their desperate need. They are knocking at the door of recognition . . . not to be denied."

ON THE "GENERATION GAP".—"A constructive and meaningful dialogue can be established with the youngsters, if we only take the time to talk to them. Just standing back and shaking our heads when they storm a university or when they demonstrate is not enough. We, in the Teamsters, and in the UAW, I am certain, intend to establish communication with the youngsters, simply because they will be taking positions of leadership in organized labor and in the country as some of the present leaders retire."

From here he led in to the *"unpopular war in Vietnam"* against which the "youth of our country are up in arms . . . over the billions of dollars this country spends annually to carry on this war . . . when our people go begging right here at home. This war, the bane and the plague of both Democratic and Republican Administrations, must be stopped . . . soon. If it is not, its consequence will tear the fabric of Americanism until there is serious doubt that the tear can be mended satisfactorily."

SOME REUTHER QUOTES.—Following Fitzsimmons, Reuther seconded the latter's remarks: "We have come together not to weaken or undermine the labor movement, but to build its strength. . . . We want to try to make the labor movement more responsive to the forces of change. . . . Those of us in the leadership of the UAW—and I know I speak for the tens of thousands of our rank and file throughout the U.S. and Canada—extend the hands of friendship . . . and fellowship to Frank Fitzsimmons and the leadership of the Teamsters Union, and to every member of that great union. . . ."

COOPERATION.—"We in the ALA commit ourselves and our resources to the task of organizing the unorganized . . . industrial workers or white collar workers, workers in the South or migratory workers or the working poor. . . . We are prepared to join hands in that great historic task but we want to make it clear that while we extend that cooperative hand—and we hope that many organizations will grasp that cooperative hand—we do not accept the proposition that any organization has a divine right to sit upon its paper jurisdictional claims and block the organization of a million unorganized workers in America."

OBJECTS OF ALA AS STATED IN CONSTITUTION.—1. To organize the unorganized. 2. To encourage maximum cooperation, coordination and mutual support among all organizations prepared to join in a common effort. 3. To assist in the establishment of voluntary defense funds . . . to provide meaningful financial assistance to workers . . . where management refuses to bargain in good faith on a deliberate effort to weaken, undermine and destroy the union involved as an appropriate and effective collective bargaining agency. 4. To promote organization of agricultural workers. 5. To join with others . . . to organize community unions so that the working poor, the unemployed and the underemployed may have the opportunity of participation, of self-organization and self-determination. 6. Here are listed a comprehensive list of areas of cooperation with "other concerned community groups" for the realization of social and political goals.

STRUCTURE OF THE ALA.—Any "bona fide labor organization will be eligible to affiliate." The Executive Committee will determine eligibility and conditions under which such affiliation is acceptable. The Executive Committee is to be made up of the chief executive officers of the Teamsters and the Auto Workers, as co-chairmen, with four representatives from each of the unions. The method of financing of the organization is determined by the Executive Committee. (Per capita dues of ten cents per month from an estimated 3.5 million members.)

A Council of Joint Boards to be composed of the international union officers and executive boards of all affiliated organizations will be convened at least twice a year. . . . "to encourage and facilitate the broadest possible leadership participation . . . through the discussion of policies and programs and their effective implementation."

In addition, national or regional conferences would be called. Participants would be representatives from affiliated organizations, together with representatives of unaffiliated organizations and other guests invited by the Executive Committee.

There will be a fulltime administrative and office staff to be paid from the general treasury. . . . Organizations assigning personnel to the ALA would be reimbursed by the ALA treasury. Withdrawal from the ALA is permitted on 60 days written notice.

The *joint nature* of the enterprise was emphasized. On the platform, the Teamsters and UAW executive board members flanked Fitzsimmons and Reuther. Through arrangements in preliminary meeting in Chicago, the allocation of roles had clearly been decided upon. The Teamsters delegation came to 242, the UAW's, 247. Most of the talking was done from the platform, but in the discussion from the floor the UAW delegates seemed more active.

Some interest was shown in guests from other organizations. The partial list included a six-man delegation from the International Chemical Workers, headed by Thomas E. Boyle; there were two representatives from the AFL–CIO Glass and Ceramic Workers; and Leon Schacheter, vice president of the Meat Cutters. A representative from the striking Charleston, S.C. Hospital Workers (Local 1199B of AFL–CIO Retail and Wholesale Workers) reported on developments; she received a check for $25,000, the ALA's first contribution from its "defense fund," matching the $25,000 contribution by the AFL–CIO Executive Council last week. Other guests came from the National Postal Union and the independent Federation of Telephone Workers and Pennsylvania sent its president, J. C. Clendenning.

Who are to be organized? Pat Greathouse, UAW Vice President and a member of the ALA organizing committee, named the following groups as requiring additional organizational attention: chemicals, textiles, chain stores, distribution, transportation, white collar, farm, furniture, government and office workers generally.

Murray W. (Dusty) Miller, Teamsters vice president, chairman of the Teamsters Southern Conference, stressed the problem-ridden South. In contrast to the 1930's, he said, "employers are better educated and better financed in how to knock the hell out of working people." Turning to Reuther, he said, "Walter, you think you're a radical, but union organizers are the radicals down South." Then, expanding on the importance of ALA, he said: "In my 30 years in the labor movement, this is the first time I've been invited to join hands with a union that has any money. . . . The UAW has $83 million in its defense funds; we can spend about $80 million of that down South." The audience liked that.

COMMENT OF ONE TEAMSTER OFFICIAL.—The day after the conference, a Teamster official had this dry-eyed appraisal: "If 10 per cent of our hopes materialize, that'll be progress. I believe some of our guys might have been infected a little with the ideas. Others of course remain naturally skeptical. Most of the Teamsters in the conference had never been exposed to such talk in a labor meeting before. Many of them have been good at bargaining and organizing, but for the first time, they may come to believe there's more to a trade union philosophy than they've been conscious of. Teamsters have respect for the UAW as being a strong and effective union. For that reason, they would accept none of this "social" talk from such a union when they might not from an outfit with less muscle.

"At any rate, implementation is what will count. Remember we are putting a lot of money into this."

MOHN'S PITCH.—In commenting on the basic document setting up ALA, Einar Mohn, Teamsters vice president and head of the Western Conference of Teamsters, told the ALA audience: "It will take backbone to get up in front of a local union and say we mean it. You are not going to solve the problems of the disadvantaged, which affect all of us, without changing the environment. . . . We've got to show young people in the country that when we say something we mean it. That's the hangup today: they don't believe us because promises that have been held out are not being kept. . . . Let's help the teachers. After all they're bringing up our children for us."

[From the Chicago Sun-Times, May 23, 1969]

TEAMSTERS, UAW TO HELP POOR BUILD PREFABS

(By Fred Frailey)

A Teamster-United Auto Workers alliance will employ ghetto workers to build prefabricated housing units in their own neighborhoods, a spokesman announced Thursday.

The move could touch off a major jurisdictional battle between the two unions and the giant AFL–CIO, which includes the building trades unions.

Harold J. Gibbons, director of the Central Conference of the Teamsters Union, made the announcement following a planning session with UAW President Walther Reuther at the Ramada-O'Hare Inn.

The statement comes on the eve of next week's unveiling in Washington of the Alliance for Labor Action.

"We're not going into this looking for a fight," Gibbons said. "We want to cooperate with the building trades if we can, not fight them."

The building trades unions have historically fought against prefabricated housing, because it means fewer jobs at the assembly sites.

The AFL-CIO unions will be under pressure from embattled George Meany, AFL-CIO president, to attempt to thwart the alliance programs, since there is no love lost between Meany and Reuther. Meany views the newly forged Teamster-UAW alliance as a divisive force in the labor movement.

Gibbons, who is from St. Louis, said that the alliance would provide seed money for urban housing projects which would be financed mainly with federal government funds.

"We've done these things in St. Louis and there's no doubt in my mind that they won't succeed elsewhere," Gibbons said.

To date, alliance, plans have been mostly indefinite. But it is expected that the group will attempt to organize nonunion workers on a massive scale and involve itself in social action ventures in the inner cities, such as low-cost housing, community centers and political action.

Committees of high-ranking Teamsters and UAW officials started several months ago to devise alliance programs in these fields.

Their reports are expected to be made public at the first alliance conference next week.

[From the International Teamster]

BREAD AND BUTTER: THE INTERNATIONAL TEAMSTER

(By Frank Fitzsimmons, general vice president)

The Founding Conference of the Alliance for Labor Action was held May 26th and 27th in Washington, D.C., and it was a meaningful day for American working men and women and for the country.

Elsewhere in this issue of the International Teamster, the happenings of the conference are fully reported.

Some have described Teamster participation in the Alliance for Labor Action as a radical departure from our past image as simply a bread and butter union. I do not view the ALA as that at all.

I think the International Brotherhood of Teamsters is still basically a bread and butter union. That the ALA pictures us as wanting bread and butter for all is nothing new.

But, let's compare the past with the future. We in the Teamsters have always prided ourselves on the excellent contracts which we have negotiated for our members. We are proud of the wages we have gained.

However, what good does it do to negotiate good wages earned under good conditions, if economic and social conditions are such that those conditions syphon off purchasing power from those wages?

Consider the goal of the ALA to organize the millions of unorganized workers of America. These millions of unorganized and underpaid workers have always been used by industry as a pool of cheap labor to hinder further gains by those already committed to collective bargaining.

Yes, consider the high taxes you pay to help support the nation's welfare system, only because every American has not been given a chance to earn his own way.

Consider the cost to the American taxpayer for crime in the streets, blamed on minority groups and bred in the ghettos of America, where family life is dissipated by such living conditions. If given a decent place to live, ghetto dwellers will suddenly become solid contributors to the American way of life.

Consider the millions of people in this country who have political and economic problems, but have no political power base from which to articulate those problems and no power base from which to demand solutions. Consequently, those who share in America's abundance pick up the bill for the economic want of the unfortunate and the deprived. And, good union wages are again eroded.

Consider the billions of dollars from tax funds which go to the military establishment, for needless wars and needless armament, which could be spent here at home for correction of conditions which too long have been ignored.

I like to believe that the more than 2 million Teamster members across the land subscribe to the programs of the Alliance for Labor Action from a moral standpoint. I believe you are willing to extend the hand of help to those who need it.

But, if there are those who are reluctant from that viewpoint, then look at the programs of the Alliance for Labor Action from a self-serving perspective. I think you will agree that the ALA will help not only those in need, but also will help those who have risen above the level of want and need.

I look forward to the programs of the ALA with enthusiasm as they are an excellent opportunity to make bread and butter a reality for all Americans, and I kind of like the feeling of belonging to a bread and butter union.

[From the International Teamster, June 1969]

ALA—FIRST FOUNDING CONFERENCE

An historic event in the annals of organized labor took place in late May as the International Brotherhood of Teamsters and the United Auto Workers allied themselves to find the answers to the urgent problems of American society and do something about them.

The IBT and UAW formally created the Alliance for Labor Action in a founding convention held in Washington, D.C., May 26–27.

Co-chairing the event were Teamsters Union General Vice President Frank E. Fitzsimmons and UAW President Walter P. Reuther.

While the ALA was born officially at a July 23rd 1968 meeting in Chicago, Ill., where the IBT and UAW executive boards gave their unanimous approval of the alliance, its first step was taken in the nation's capital.

More than five hundred delegates—evenly divided between the two biggest unions in the United States—unanimously approved the ALA constitution.

They endorsed a program of policy and passed several resolutions aimed at implementing a plan to strengthen and revitalize the labor movement while advancing the interests of American workers and their families.

Some of America's foremost political, governmental and civic leaders graced the ALA podium as visiting speakers through the 2-day meeting in the Washington Hilton Hotel, including:

Secretary of Labor George Shultz.

Sen. George McGovern, South Dakota Democrat and a candidate last year for his Party's presidential nomination.

Sen. Charles Percy, Illinois Republican, considered one of the brightest young stars in the GOP.

J. Curtis Counts, director of the Federal Mediation and Conciliation Service.

Whitney Young, national director and president of the National Urban League.

It was Sen. McGovern who, in his address, complimented General Vice President Fitzsimmons with making the most significant statements voiced by any American labor leader in a decade.

The Senator was referring to Fitzsimmons' opening session speech in which the Teamster leader declared:

On the subject of American youth caught up in the spirit of revolution—"I, for one, do not believe that the so-called generation gap is something which cannot be bridged. I believe that a constructive and meaningful dialogue can be established with the youngsters, if we only take the time to talk to them. Just standing back and shaking our heads when they storm a university or when they demonstrate is not enough."

On the subject of the Vietnam war—"We find the youth of the nation up in arms over an unpopular war in Vietnam, up in arms over the billions of dollars this country spends annually to carry on this war in the Far East, when our own people go begging right here at home. This war, the bane and the plague of both Democratic and Republican Administrations, must be stopped, and must be stopped soon."

Delegates responded with heavy applause as Fitzsimmons delivered these words. He also received heavy applause when he said: "We in labor must seek to do our thing in waging a war on America's social ills."

Fitzsimmons stressed in his speech that the ALA is not a "competitive labor federation." Rather, he said, it is an alliance directed against the "conditions which must be corrected because they erode away basic American freedoms; conditions which erode away the American way of life for those who have gained the benefits of our abundance, and we are at war with the conditions which still deny the American way of life to so many of our brothers and sisters."

He said the ALA proposes a set of ideals "which we hope will rededicate the Labor movement to its original purpose; ideals which will revitalize our talents and resources for the total community good."

Fitzsimmons cited the numerous negative conditions that contribute to a sort of national frustration of any achievement for the welfare of people in the United States.

"Many of our people," said Fitzsimmons, "live in complete frustration." They are frustrated, not because of their own ineptness and lack of interest, but in many instances because of government policies. Yes, policies of organized labor, and because of general public attitude which deprives them of opportunity to help themselves, economically, culturally, and socially."

Fitzsimmons wondered aloud why some of the government's policies seek to hinder Labor's efforts against social ills. He referred especially to such policies as Section 14(b) of the Taft-Hartley Act which permits states to pass compulsory open shop laws with the result that millions of workers are discouraged in any effort to gain the benefits of collective bargaining.

He described 14(b) as a "crutch" supporting low-paying industry in 19 states—a situation that exploits poverty rather than trying to overcome it. He also attacked the Landrum-Griffin Act as a piece of anti-labor legislation "designed to hamper our efforts to help working men and women in need."

Fitzsimmons issued an invitation in his concluding remark: "If you agree with our ALA principles and dedication, welcome aboard, for the task is difficult, and needs the cooperation of Americans of good will throughout the land."

UAW President Reuther issued a similar invitation in his opening-day speech: "We extend the hand of friendship and fellowship to all unions—let us work, march, build and fight together." A heavy round of applause was extended Reuther by the delegates when he stated: "We can move the American labor movement forward!"

Discussing the labor movement's "agenda of unfinished business" Reuther said a prime goal was the organizing of the unorganized and added that the ALA must make a total commitment to deal with domestic problems.

As did Fitzsimmons, Reuther also spoke against the Vietnam war situation and called instead for a "total war against human poverty in this land of plenty."

Improvements in public education, Social Security increases, tax reform, and numerous other needed changes were urged by Reuther. He also referred to "the insanity of the nuclear arms race" and made a strong statement against the anti-ballistic missile system now being seriously considered by the government.

Both Fitzsimmons and Reuther made reference to another historic event of the moment—the splashdown of Apollo 10 which came on the opening day of the ALA meeting, Fitzsimmons called it a "miracle of achievement" and expressed the thanks in the mind of every delegate that the astronauts had returned safely to earth after orbiting the moon. Reuther declared that a nation that can put a man on the moon can surely build housing for people who so desperately need it.

Resolutions passed by the delegates included:

A pledge of $25,000 in ALA's first expenditure to support the hospital workers' strike in Charleston, S.C.

A resolve to continue a full-scale effort to organize the unorganized, bringing to them the advantages of union representation and collective bargaining.

UNMET NEEDS

A statement on America's unmet needs and the urban crisis, including a recommendation that the ALA leadership request an appointment with President Nixon to discuss urgent questions of poverty and hunger, equal opportunity, inflation, employment, national welfare, consumer protection, etc.

A declaration that America's housing crisis is staggering and that the objectives of the 1968 Federal Housing Act must be met, at the minimum, to prevent further decay and demolition which threatens to outrun rebuilding and rehabilitation programs.

Welcoming the cooperation of labor, religious, civil rights and community groups in the task of achieving economic and social justice for America's disadvantaged through the process of community unions dedicated to peaceful social change.

A call for a national health insurance program, equitably financed, to guarantee the right to good health care for every American.

Reform of the unfair and inequitable tax system.

A call for the Administration and Congress to re-examine the projected Defense budget for fiscal 1970 and to turn down the proposed antiballistic missile program and, instead divert the money to the domestic needs of Americans.

Every member of the Teamsters Union general executive board was present at the ALA founding convention and many of them either introduced resolutions or spoke in support of them. Teamster leaders appearing before the delegates along with General Vice President Fitzsimmons were:

General Secretary-Treasurer Thomas E. Flynn of Washington, D.C.

Vice President Joseph J. Diviny of San Francisco, Calif.

Vice President Einar O. Mohn of Burlingame, Calif., director of the Western Conference of Teamsters.

Vice President Harry A. Tevis of Pittsburgh, Pa.

Vice President George E. Mock of Sacramento, Calif.

Vice President Murray W. Miller of Dallas, Tex., director of the Southern Conference of Teamsters.

Vice President Harlod J. Gibbons of St. Louis, Mo., Secretary-Treasurer and acting head of the Central Conference of Teamsters.

Vice President Joseph Trerotola of New York City, director of the Eastern Conference of Teamsters.

Vice President Dominick Calabrese of Jersey City, N.J.

Vice President Robert Holmes of Detroit, Mich.

Vice President Ray Schoessling of Chicago, Ill.

Vice President William Presser of Cleveland, Ohio.

Vice President William J. McCarthy of Boston, Mass.

[From the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America]

REMARKS OF TEAMSTER GENERAL VICE PRESIDENT FRANK E. FITZSIMMONS TO THE FIRST CONFERENCE OF THE ALLIANCE FOR LABOR ACTION MAY 26–27, 1969—WASHINGTON HILTON

This morning, as we gather for the First Conference of the Alliance for Labor Action, I am reminded of a story:

There was a poor chap, lying flat on his back in an oxygen tent on a hospital bed. Into the hospital room walked a priest, who moved up to the bed and looked down upon the poor fellow. As the Priest stood there, the man in the oxygen tent made great efforts to communicate with the Father, but was able only to move his lips. The priest realized the poor condition of the man, and thought it might be time to administer last rites.

As the priest pondered the situation, the patient made a motion as if writing a note on the palm of his hand with his finger. The priest sensed that the man wanted to write a note, so he slipped a pad and pen to the man under the oxygen tent. With great difficulty, the patient scribbed a note, lurched and died. The priest reached under the oxygen tent and retrieved the note which said:

"You are standing on my air hose."

Well, in a sense, The Alliance for Labor Action was formed because something or someone is standing on the air hose from which America receives its vitality.

First of all, I want to put things in their proper perspective.

When The Alliance for Labor Action was formed last July, in Chicago, we made every effort to assure the world that the ALA is not a competitive labor federation. Indeed, it is the competition between labor organizations which we seek to place at rest.

Yet, in spite of our efforts, there are those who proclaim today that the Teamsters and the United Auto Workers are at war with the AFL–CIO.

Well, again I protest. We are at war only with the conditions which must be corrected because they erode away basic American freedoms; conditions which erode away the American way of life for those who have gained the benefits of our abundance; and we are at war with the conditions which still deny the American way of life to so many of our brothers and sisters.

What we propose in The Alliance for Labor Action is a set of principles and ideals which are not at all foreign to the labor movement. What we propose is a set of ideals which we hope will rededicate the labor movement to its original purpose; ideals which will revitalize our talents and resources for the total community good.

If we take a quick assessment of the conditions of the country, what do we find?

We not only find our cities in constant danger of riot, sometimes at the hands of those who exploit every situation for personal gain and personal publicity;

But we also find that the situation is ripe for self-seeking individuals, because so many of our people live in complete frustration.

They are frustrated, *not* because of their own ineptness and laziness, but in many instances because of government policies. Yes, policies of organized labor, and because of general public attitude which deprives them of opportunity to help themselves economically, culturally, and socially.

As the U.S. government seeks ways to wage war on poverty and other social ills, some of its policies toward organized labor make us wonder why it seeks to hinder labor's efforts against these social ills.

I think especially about such policies as section 14(b) of the Taft-Hartley which permits the states to pass compulsory open shop laws.

In 19 of our states such laws exist and serve as a crutch and a subsidy to low paying industries, which exploit poverty rather than wage war against it. And the compulsory open shop laws hinder labor in its quest for decent standards of living in those states.

We heard a lot back a few years ago about how the Landrum-Griffin act was going to reform organized labor. Those who championed Landrum-Griffin in the federal Congress were made to look like crusaders on white horses, charging against the forces of evil.

We in organized labor declared that the Landrum-Griffin Act was not a measure of reform, but anti labor legislation designed to hamper our efforts to help working men and women in need.

What do we find today, under the past experience of Landrum-Griffin. We find even officials in government attributing general unrest in labor to the punitive measures of Landrum Griffin. We find that legitimate and constitutional rights are being denied to working Americans. Such traditional rights as the right to work or not to work are being intrepreted as secondary boycotts. Freedom of speech and assembly are being interpreted as secondary action in violation of Landrum Griffin.

And, as we predicted before passage of Landrum Griffin, rabble rousers and malcontents are using the law to disrupt union meetings, where members discuss such important things as contract settlements. And because of the Landrum Griffin Act, union leaders are powerless to act against the disrupters for fear of prosecuting for denying the rabble rousers the right to disrupt union meetings, which Landrum Griffin calls the right of the union member.

Well, this is a government policy with which we in labor must deal on a day to day basis as we seek to do our thing in waging a war on America's social ills.

I think it is very appropriate that this first conference of the Alliance for Labor Action should be held here in Washington, D.C., as we direct our attention to the country's social ills.

I think it is appropriate because right here in this city, which is supposed to exemplify democracy to the world, the residents do not even have home rule. They are not the masters of their own destiny, they do not govern themselves, and every attempt to extend them the same measure of democracy enjoyed by others throughout the land, meets one road block after another in the federal congress. This is a social ill which should stand high on the priority list of every American of good will.

We have been concerned for many years about the plight of America's farm workers. They stand today as second class citizens without the protection of federal law to organize and bargain collectively.

And, present proposals for affording them some protection—if adopted—will leave them as second class citizens.

We maintain that they should be brought under the protection of the National Labor Relations Act, the same as other American workers, as a first step toward bringing these people from the very bottom of the economic ladder to a place of self-sufficiency and dignity in the American scene.

The current result of the second class status of American farm workers is that they have taken to the streets to demonstrate their desperate need—and they are knocking on the door for recognition with a firmness which cannot be denied.

We find millions of our citizens living in hovels and ghettos unfit for human habitation at a time when American technology and know-how has reached fantastic heights.

And we need only the will to wipe out the slums and give all Americans a decent place in which to live and a foundation for good family life—which I maintain is the foundation of a sound America.

We find a congress, many members of which, are entirely unconcerned about these and other problems which threaten to tear down the American way of freedom and equal opportunity.

And when we analyze the situation, we find these elected representatives are able to ignore the nation's problems because so many of our citizens in need have no political power base from which to express their problems and from which to demand solutions.

We all know of the position of power from which such groups as the National Association of Manufacturers, the U.S. Chamber of Commerce, the Farm Bureau, and other national associations speak in the federal congress. Yes, we know that organized labor, from time to time, is able to speak from a position of power on the political scene.

But millions of Americans are unorganized politically, and as a result, no one is speaking for them in Washington, D.C., and the result is that they are in need and are desperate for help.

And we find something else, which is, perhaps, most disturbing of all. We find the energies of our youth caught up in the spirit of revolution, tearing down the institutions of learning, and in rebellion against the inconsistencies of the older members of society, a youth hell-bent upon the destruction of the very freedoms and values which they say they seek to secure.

I, for one, do not believe that the so-called generation gap is something which cannot be bridged. I believe that a constructive and meaningful dialogue can be established with the youngsters, if we only take the time to talk to them. Just standing back and shaking our heads when they storm a university or when they demonstrate is not enough.

We in the Teamsters, and in the UAW, I am certain, intend to establish communications with the youngsters, simply because they will be taking up positions of leadership in organized labor and in the country as some of the present leaders retire.

We find the youth of the nation up in arms over an unpopular war in Vietnam, up in arms over the billions of dollars this country spends annually to carry on this war in the Far East, when our own people go begging right here at home.

This war, the bane and the plague of both Democratic and Republican administrations, must be stopped, and must be stopped soon.

If it is not, its consequences will tear the fabric of Americanism until there is serious doubt that the tear can be mended satisfactorily.

We do not stand here today, like so many criticizing the administration for the war, but proposing no solutions. We don't have a solution, other than to urge the administration to make settlement of the war its number one priority. We take this position because until this war is stopped, all of our domestic problems and social ills will go unsolved.

So, with all of these things in mind, over a year ago, many of us in the Teamsters began to ponder what could be done to give the labor movement new direction, and if new direction was found what could be done to put plans for correction into action.

We found that there was similar thinking in the leadership of the United Auto Workers, and after many talks with the leaders of that great union, we decided to sit down and pool our concerns and our ideas.

I have been in the labor movement for more than 30 years, and that experience has taught me that there are two reasons for looking back over one's shoulder.

The guilty ones look back to see if they have been caught serving only their own well being, to see if it is time to run and hide.

The thoughtful and the concerned look back over their shoulders to ascertain what past mistakes have been, to see where, in this fast moving world, we have left things undone which ought to have been taken care of.

The Alliance for Labor Action has been undertaken because, as we look back, we find that there are a lot of things which got lost in the shuffle as we ran pell mell toward our present day affluence.

We in The Alliance for Labor Action did not look back because of a guilt complex. We looked back to re-evaluate and to correct and adjust our direction.

And, I can tell you here today that the time for looking back is now over. Today we look ahead to the fulfillment of the programs of the Alliance for Labor Action, adopted in a commitment to the total good.

The purpose of this conference is to acquaint you with those programs of action, and to challenge you to the commitment for the good of the total community.

To the critics, I say, take a look over your shoulder. If you see things in the past which provoke a feeling of guilt, no one here is willing to cast the first stone.

If you agree with our principles and dedication, welcome aboard, for the task is difficult and needs the cooperation of Americans of good will throughout the land.

HIGH COST OF LIVING

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, recently, the price of milk went up 3 cents a half gallon in Washington. There should have been complaints, but the general comment was: "What's the use?" As a matter of fact, prices continue to go up everywhere on just about everything, but the usual statement is, "Well, we had better rush out and buy a good supply before the price goes higher."

Interest rates have skyrocketed to 8½ percent and many businessmen have rushed into borrow more money before the interest goes higher.

Labor is demanding higher and higher wages so that the workingman can pay higher and higher prices. In fact it has gotten so bad that we find it difficult to compete in world markets.

And many business and labor people are urging wage-price controls. But when you probe a little deeper you find that business is really the one that wants wage controls, while labor is only interested in price controls. And nobody really remembers the horrible problems involved with Federal controls of wages and prices during the past years.

Well, all of this adds up to what is called inflation psychology—the theory that everything is going up anyway, so I might as well get mine. But in the process the country is going bankrupt and the people who are hurt the most are the wage earner, the elderly, and all those people who live on fixed incomes. And they are hurt by the cruelest tax of all, the inflation that eats away at savings, retirement checks, and limited income.

When the 10 percent surtax was passed last year, I voted against it because there was no indication whatsoever that the Johnson administration had any real intention of cutting back on Federal spending, of balancing the budget, or of getting the Federal Government out of the money market where it was competing with the private investor for funds, thus pushing interest rates higher.

But the tax was passed last year and the poor taxpayer has, in the last 12 months, invested several billion dollars of his hard-earned money in the attempt to stop inflation. With the new administration in January, we have all of a sudden found some fiscal responsibility in the White House. President Nixon has already reduced the Johnson budget by $4 billion and cuts have been made in every department of Government, except in the Justice Department where additional money was budgeted to fight crime. We have found a willingness to balance the budget, and in the last few weeks we have apparently started getting on top of the inflation problem. For example the consumer price index for March was 9.6 percent, but it dropped to 7.6 percent in April and to 3.7 percent in May. A similar decline can also be seen for these months in the wholesale price index. This does not mean inflation is over, not by a long shot, but it does mean that we are starting to see progress.

Can we now fall backwards and waste all that investment on the part of the taxpayer in trying to combat inflation? I think not. We must make the dollar worth something again—that is the best wage increase and the best tax reduction that there is.

As I listened to the debate on the tax bill yesterday, it became clear that at least two commitments were made which are very valuable to the taxpayer.

First, instead of extending the surtax indefinitely at 10 percent, the agreement was made to phase it out at 10 percent until January, then 5 percent until June 30, 1970, and then it is to be terminated. Almost all parties agree that it will not be extended further.

Second, we have a commitment from the President and the leadership for meaningful tax reform for the first time in many years; a tax reform that will give the average guy a break, that will assure that the wealthiest people of this country pay their fair share of taxes, that tax loopholes are closed.

And so we will have tax reform; we are hopefully on the road to making a dollar worth something again, and on that basis I voted yesterday to phase out the surtax over the next 12 months.

The popular vote would have been "No." And it would have been much easier to explain back home. But after listening to the debate and considering the future of this country, I concluded that the responsible vote was "Yes." Fiscal responsibility in this time of monetary crisis is an absolute must.

THE SST DEBATE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RYAN. Mr. Speaker, in January of this year, Boeing Co. submitted revised design plans for a supersonic transport plane to the Federal Aviation Administration. The new design was submitted after earlier prototypes, which utilized the moveable wings concept which helped win Boeing the original contract for the SST, proved infeasible in performance tests. The submission of this new design means that both the executive branch and Congress will have another opportunity to evaluate the wisdom of proceeding with Federal financing of the SST.

Since 1963, more than $500 million has been appropriated by Congress for development of the SST. If the Government decides to proceed with development of the new design submitted by Boeing, it is estimated that at least $250 million in additional funds will be required during the fiscal year 1970.

The wisdom of sinking millions of Federal dollars into a plane of dubious technical feasibility—particularly in view of the urgent need for increased Federal support for more pressing transportation needs like mass transit—has been called into question by numerous critics, including myself. The possibility that the total development costs of the plane to the Federal Government may reach as high as $3 billion emphasizes the need for Congress to reassess the need for Federal participation in the development of the SST in light of pressing domestic needs, most especially in our major cities.

To spend millions more on a plane that can cut the flying time from New York to Paris from 6 hours to 3½, while transportation problems within our metropolitan areas fester would be to ignore the urgency of our real needs in favor of developing a plane which will, at best, only be utilized by a small minority of our citizens. I urge my colleagues to examine the issues surrounding the SST and to carefully assess the wisdom of extending Federal participation in this nonpriority program.

I include at this point in the RECORD an article by Richard P. Cooke which appeared in the June 30 Wall Street Journal which points out the issues involved in the SST debate and the case for halting Federal participation in the project:

[From the Wall Street Journal, June 30, 1969]

THE SST DEBATE

(By Richard P. Cooke)

The supersonic airliner is an abomination. It will be grossly expensive to build, and once in the air its thunderous sonic boom will terrorize the people below—all to save a few hours of flying time for the privileged few.

The supersonic airliner is inevitable. The U.S. already is behind in developing one, and if we don't build one soon our airlines will buy theirs overseas. That would be a grievous blow to the U.S. balance of payments. What's more, most of the alarms about sonic booms are exaggerated; the only discomfort will be to a few sailors on the oceans the planes will span and an occasional polar bear.

Those, in essence, are the opposing arguments currently confronting President Nixon as he ponders whether to forge ahead with the Federally supported effort to build a supersonic jet transport, or SST, in this country. The Government has already pumped more than $500 million into SST development over the past five years, and supporters of the project want Mr. Nixon to seek another $250 million or so in the fiscal 1970 budget. The money would go chiefly to Boeing Co., which in 1966 won a design competition to develop the SST.

AN IMBALANCE OF PRIORITIES?

But there is stiff opposition to continued Government support of the project. Several Congressmen have argued that if the SST is to be built at all, it should be financed entirely by private investment. "At a time of domestic crisis, for the Federal Government to spend billions of dollars on the SST is a vivid example of the imbalance in our national priorities," says Rep. William F. Ryan, a New York Democrat. If the Government is going to spend money on transportation, he argues, it should go toward solving urban transit problems.

Other critics object to the SST because of the sonic boom problem. A loud thunderclap will trail the supersonic airliner in a vast "carpet" that, at ground level, will extend 30 miles on either side of the flight path. The SST opponents contend that the boom will wake people up, aggravate the condition of ill persons, break windows, crack plaster and just be generally annoying.

The Federal Aviation Administration argues that such problems won't arise in the U.S. because the FAA won't permit supersonic flight over U.S. territory. It plans to limit full-speed operation of the SST to

flights over oceans and perhaps over the Arctic wilderness along the polar route. But some opponents contend that the economic pressures of flying the high-cost planes are likely ultimately to lead to routes over land.

ECONOMIC ARGUMENTS

The arguments in favor of the SST are mainly economic—and they have changed little since the late President Kennedy declared in 1963 that the national interest required development of an American SST. The central thesis is that, like it or not, supersonic airliners will be built by someone—indeed, test models already are flying overseas—and that airlines will be forced by competition to buy them. Thus, it is argued that if the U.S. fails to develop an SST, the nation could wind up a double loser: Its own airlines will be spending dollars overseas on foreign planes, and the domestic aircraft industry will be losing out on overseas sales.

Proponents point out further that U.S. hesitancy already has eliminated any chance of Boeing's having a plane ready to compete with the first generation of foreign SSTs. The Russian TU144, smaller and somewhat slower than the proposed Boeing SST, may go into supersonic commercial service as soon as next spring. The Concorde, a joint French and British product similar to the TU144, is due to begin carrying passengers, in 1973 or 1974. But even with complete cooperation from the Federal Government, Boeing says it won't be able to put its SST into operation much before 1978—or about the time the Europeans will probably be offering larger and more economical models to their planes.

The subject of all this debate, the proposed Boeing SST, is a big, delta-shaped craft that, in theory at least, will be able to flash through the skies carrying 298 passenger at 1,800 miles an hour—more than twice the speed of sound. It would cut New York-to-London flying time to less than three hours from the present six and one-half hours of subsonic jets. The 11-hour flight from San Francisco to Tokyo could be reduced to four and one-half hours or less.

EXPENSIVE LUXURY

Such luxury will come dear, however. The "target" cost for Boeing to build two test-model SSTs and fly them a total of 100 hours is $1.2 billion—and backers of the project concede that the actual cost is likely to be somewhat higher. Moreover, the total doesn't include $294 million contributed by the Government to participants in the 1966 design competition.

Present plans call for the Government to advance 90% of the SST development cost up to a total of $1 billion. After that, it is to pay 75%. Most of the remainder would come from Boeing and General Electric Co., the engine manufacturer, though airlines also would contribute.

Once the prototypes have been built and tested, an estimated $3 billion more will be required to tool up assembly lines and get SSTs into commercial production. Boeing and GE have complained that this expense is too much for them to handle. But the Federal Aviation Administration, which is overseeing the SST program for the Government, argues that once the high-risk development phase is over, it's up to the companies to raise their own money.

Eventually, it's planned, royalties on sales of the SST would repay the Government for its investment in development of the craft. Boeing already has tentative orders for 122 SSTs—assuming they are ever built. They are expected to sell for at least $40 million apiece.

Controversy has dogged the American SST program from its inception. In 1967, nagged by doubts about whether the Government should continue its support, President Johnson appointed an eight-man advisory group under Defense Secretary Robert S. McNamara to review the project. The group recommended that the SST be abandoned. "We are agreed," said one leading economist involved in the study, "that there's absolutely no justification for building this plane."

Though the group's report was not made public, it's known that material it gathered indicated the SST might well prove technically far more difficult to develop than its backers supposed. Moreover, the group raised serious doubts about whether the SST could be operated on a sound economic basis once it was put in service. "This thing could become the FAA's Edsel," observed one member of the study committee.

Despite the negative report, however, Mr. Johnson chose to press on with the project. He asked Congress for—and got—$198 million in the fiscal 1968 budget to keep SST development moving. Though no new funds were appropriated in fiscal 1969, work has continued with carryover funds from previous years and with contributions from airlines.

The continuing arguments over the SST and the resulting delays have caused several revisions of the project's timetable. Originally it was hoped that American SSTs would be in service by 1970. In 1967, the date was pushed back to 1974. Early this year, SST proponents talked of getting the place into use by 1976 or 1977, but now they figure 1978 is a more realistic target.

Another cause of delay was a miscalculation on Boeing's part about the wing design of the SST. In the plans that won the Government's 1966 design competition, Boeing depicted the plane as having movable wings that would be extended for takeoffs and landings but would swing back close to the fuselage at supersonic speeds. Early last year, engineers decided that wind tunnel tests and other experiments indicated the movable wing design wasn't feasible, and Boeing redesigned the craft with fixed wings. The new design was submitted to the FAA Jan. 15.

Early this year, President Nixon commissioned another study of the SST situation, this time by an 11-man committee that included representatives of several Government departments. The committee's report hasn't been released, but it's understood to have recommended that the Government withdraw from the project. The committee is said to have based its argument on conclusions very similar to those reached by President Johnson's study group in 1967.

But the Department of Transportation, which administers the SST project through the FAA, remains enthusiastic about the SST and continues to argue strongly for it. So far, Mr. Nixon hasn't indicated his own feelings on the matter. Administration sources say he may not announce his plans until more urgent legislative matters, such as extension of the income tax surcharge, have been disposed of.

Meantime, U.S. airlines have already taken options on 38 of the 126-seat, 1,400-mile-an-hour Concordes, and foreign airlines have taken options on another 36—though not always with total enthusiasm. Some airline executives say they would rather wait for a Boeing SST or for a bigger, faster version of the Concorde.

"But enthusiasm for the Concorde is beside the point," says a top official of Pan American World Airways, which is scheduled to be the first U.S. airline to get the Concorde. "The British and the French airlines are going to fly it. I'm convinced it will become a reality—and we'll just have to meet the competition."

Developers of the Concorde still have some hurdles to overcome, however. Though two test models have been flying since last winter, neither has yet broken the sound barrier, and they're not scheduled to try until they are equipped with more powerful engines next winter. Moreover, airline executives say there are serious questions about whether early models of the Concorde will be able to make the long nonstop ocean hops that presumably would be the main job of SSTs.

G. van der Wal, president of KLM Royal Dutch Airlines, points out that the ability to fly nonstop the 3,600 miles from Armsterdam to New York would be vital for any planes in the KLM fleet—and adds that he doubts early versions of the Concorde will be able to fly that far with a full payload. The Concorde's builders claim the craft will be able to fly 4,000 miles nonstop with a full load, but they are proposing a 112-seat version for long hauls rather than the standard 126-seater. Ostensibly, this is to provide greater leg room and more comfort—but critics suggest it may be a tacit admission that the plane won't be able to make a long trip with a full 126-passenger load.

Eventually, to be sure, the Concorde probably will be equipped with more powerful engines that would eliminate any such problems. Aircraft experts say that early versions of current subsonic jets also had range problems until more powerful engines were developed.

The Russian builders of the TU144 say their plane is considerably further along than the Concorde. It already has flown at supersonic speeds and undergone extensive testing, they report, and the Soviet airline Aeroflot may put it into service between Moscow and Tokyo as early as next March. Moscow-to-New York and Moscow-to-Montreal service may begin later next year, according to Vladimir D. Samoroukov, the airline's U.S. manager.

At least at first, fares on supersonic airliners seem certain to be higher than those for comparable seats on present-day planes. British Aircraft Corp. and Sud Aviation of France, builders of the Concorde, are suggesting that airlines establish a single class of Concorde service that will stress speed rather than comfort. Seats and legroom for passengers would be similar to economy-class on current airlines.

But fares would be close to first-class rates. On the North Atlantic run, where first-class fares now run 50% to 75% above economy rates, the Concorde makers suggest a supersonic fare only about 15% below first-class rates. On the California-Honolulu run, where first-class fares are only 27% above economy rates, the companies suggest that supersonic fares be even higher than first class—perhaps 15% to 25% higher.

Boeing contends, however, that fares for single-class service on its SST need be no more than those presently charged on economy flights and thus wouldn't limit supersonic travel to the "privileged few," as some critics have charged. Company officials say they expect demand for SST seats to be so great that the big Boeing planes will operate with near capacity loads on practically all flights for the first several years of service. The officials say such a high rate of occupancy would help offset the higher operating costs of the SST, making higher fares unnecessary.

THOSE CENSUS QUESTIONS—WHY ARE THEY BEING ASKED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DULSKI. Mr. Speaker, there has been considerable discussion for some time now about the questions which it is proposed to ask in the decennial census next year.

Our Subcommittee on Census and Statistics, headed by the Honorable CHARLES

H. WILSON, of California, has been delving deeply into the criticism that has been raised in some quarters. The subcommittee now has scheduled executive sessions to consider the hearing record and prepare recommendations.

The other day, the popular financial columnist, Sylvia Porter, discussed the background of some of the criticized questions. Her column, as follows, from the June 30 edition of the Buffalo, N.Y., Courier-Express, gives some interesting insight into the need and origin of these questions:

HERE ARE SOME "HOT" QUESTIONS ON 1970 CENSUS

(By Sylvia Porter)

A major campaign is now under way to curb the 1970 census to a degree which would strip this vital economic tool of much of its validity. In fact, if legislation now before Congress becomes law, it would drastically cut the usefulness of Census data to tens of thousands of corporations, thousands of state and local planning groups hundreds of federal and private agencies, etc.

Some of the anticensus propaganda is really frightening, particularly to all of us who are sensitive to the danger of "Big Brother" in our land. Therefore, to help put the record straight, I've picked out the five questions stirring up the greatest fears—and obtained from Dr. Conrad Taeuber, the Census Bureau's top demographer, the reasons for asking them.

REUSE OF BATH

Is your bathroom shared?

Many uninformed Americans are under the utterly wrong impression that they'll have to name other people using their bathrooms—which is nonsense. The point of the question is that in this era, a private bathroom is considered a necessary for most families and thus a shared bathroom suggests the degree of our substandard housing, overcrowding.

MARKET VALUE OF HOME

What is the market value of your home?

This question has been asked since 1930 and is one of the best statistical indicators of the quality of housing and living standards in our land. Without reliable and detailed data on housing quality, our gigantic homebuilding and home-financing industries could not plan with accuracy and our mammoth national housing programs could not possibly work.

YOUR PHONE NUMBER

What is your telephone number?

This hotly criticized question is also the most misunderstood. The presence of a telephone in a home is another important gauge of living standards and the census-takers are asking the number so they can get back in touch if they need to complete missing data. Telephone numbers will not be put into census computers—and actually, if Big Brother wanted our telephone numbers, all "it" would have to do is check the phone books.

NUMBER OF CHILDREN

How many children have you ever had?

This question, to be asked of one in five households, could be an embarrassment to the woman who has had an illegitimate child or put a baby up for adoption. (However, she could lie, I would think, without any concern about punishment).

The question has been asked since 1890 without complaints and is considered a critically important indicator of future U.S. population growth. To illustrate, the average number of children "ever born" to the average family is 2.5, it could mean that by the year 2000 we will number tens of millions of Americans fewer than if the average number were, say, 3.3. The significance to school systems, city planners, industry, is obvious.

THE INCOME QUESTION

What is the family's 1969 income—from wages and salary; from business or profession; from a farm; from Social Security or Railroad retirement; from welfare payments and (in a lump) from "all other sources"?

This question will provide a vital measurement of the between poverty and dependence, education and income, occupation and income, race and income.

Would you object to answering these questions? Do you seriously consider them an invasion of your privacy—in view of the fact that the Census Bureau must, by law, keep every single name strictly confidential?

Actually, now that I've studied the questions to be included, my regret is for the ones the census bureau excluded because of fear of public censure. For instance, how much leisure time do Americans have; how many of us are participating in adult education courses; what are our total financial assets. If I had this sort of information, I could turn it into a batch of fascinating "trend" colums—and not invade your privacy one tiny bit.

GRAPE BOYCOTT IS HARD TO SWALLOW

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. TALCOTT. Mr. Speaker, some beautiful people joined Mrs. Robert Kennedy at Southampton, N.Y., to not eat California table grapes and to "collect money for medicine and food for the grape pickers of Delano." The California table grape pickers are supplied with all of the medicines they can use. They would probably prefer to buy their own medicine and food. They are all employed. They all earn more money picking grapes in California than they can earn doing anything else anywhere.

I challenge anyone who attended the no grape eating affair to publish an accounting of the moneys collected. Not one penny will go to a bona fide California table grape picker. The party was a hoax; the contributors will be defrauded. But why should they not; none of them has seen a California grape picker. The money will probably get into the private coffers of Cesar Chavez and his group—none of whom is a grape picker.

If some of these beautiful people want to help some disadvantaged people who need and want help, may I suggest they have a nongrape eating party for the New York State grape pickers who earn approximately 45 percent less than the California grape pickers and who enjoy practically none of the farm labor benefits enjoyed by California farmworkers.

Mr. Speaker, William F. Buckley, an astute observer and a logical thinker, who has been to California, has commented on several aspects of the so-called grape boycott that should cause a few people to think through their reasons for attending such promotional or fund raising parties.

Under unanimous consent, I insert the column of William F. Buckley from the June 30, 1969, Washington Star. Neither the reportorial nor the editorial columns of eastern newspapers carry the facts concerning the table grape pickers of California. Mr. Buckley's column will provide some better perspective:

GRAPE BOYCOTT IS HARD TO SWALLOW

We have a softness for Ethel Kennedy, and therefore we weep. Imagine coming out of political retirement (incidentally, how fine it would be if she remained in political retirement and continued to inspire us all as a mother and a woman) in order to not eat grapes at a big social party in Southampton hosted by Ann Ford Uzielli, Charlotte Ford Niarchos, the Carter Burdens, the George Plimptons, the James Nivenses and, as the press puts it, "maybe Anthony Quinn."

That is what she is up to. Herewith, respectfully submitted, a few observations for Mrs. Kennedy, general and particular.

1. The ban-the-grapes movement centering upon the efforts of Cesar Chavez to unionize the grape-pickers in California is, to say the least, incompletely informed. The grape boycotters are contending that the pickers live in inhuman conditions and that all of this is the result of a few grape-growing monopolists who take ruthless advantage of the misery of immigrant Mexican farmhands, whose liberation is the cause of Cesar Chavez.

In fact, the situation is not as depicted. Two prominent Canadian liberals who figured in the Toronto grape boycott a while ago have just come back from a tour of Delano—the center of the struggle—to report that the squalid living conditions Chavez speaks about are largely fictitious, that the workers oppose a union because they fear that it would limit their working hours and therefore their earning power; and that there are reasons to suspect that the high pressure being put on the area is rather imperialistic than compassionate: that what the AFL–CIO desires is a foot-in-the-door to ease its way into the national scene as bargaining agent for all farm workers, which position would put its hands on $84 million per month.

2. Ninety percent of the pickers are not migrants but permanent residents. Wages? The average farm-worker wage in California is, according to the Department of Agriculture, the highest in the nation at $1.69. The average wage of the grapepickers is over $2 per hour. Far from being owned by large corporations, all but two of Delano's 70 ranches are family-owned and operated.

3. If the grape boycott is finally successful, what will happen is very simply this, the grapegrowers will convert their vineyards into winegrapes, which do not need the human care that the other grapes need. That will result in the loss of thousands of jobs.

4. And now at a more general level. If we are in the mood to boycott people who displease us, it would appear that one ought to shop around a little more resourcefully.

Does Mrs. Kennedy know that the beautiful people regularly eat Polish hams? These are produced by a state in which living conditions are materially poor, and in which there is a total lack of political freedom.

Isn't it possible that the clan will gather at Southampton in automobiles that use Liberian rubber? Liberian rubber. Have you ever been to Liberia and seen the working conditions there? Might they, at that party at Southampton, offer tea. Tea from Ceylon? Nepal? Where the tea growers earn maybe 10, 15 cents an hour?

It gets chilly in Southampton at night, so the girls may wear their sables, tracked down by slave labor in the frozen wastes of Russia. It will in any case be a dressy affair, so the ladies will wear their diamonds. Mined in South and Southwest Africa, by black men earning a pittance, working under inhuman conditions.

Then, after the speeches, they will toast Chavez—with champagne, distilled from grapes picked in the champagne country in France by grapepickers who earn less than one half what they earn around Delano.

5. On the other hand, if we were to boycott sables, diamonds, tea and champagne, how will the beautiful people survive? They

can't eat Ethel Kennedy. I mean, politics isn't everything.

6. So that the moral, dear Ethel, is never, ever, ever, ever to join any committee, not even a committee to clean the streets, if its members are the Ford girls, George Plimpton, Carter Burden and the James Nivens. They are my brothers and sisters and I love them, but politically, well, you may as well ask Zsa Zsa Gabor to rewrite the Constitution.

VETERANS' BENEFITS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. EDWARDS of California. Mr. Speaker, one of the most successful and far-reaching programs in American history has been the GI bill of rights. As a member of the House Veterans' Committee I have supported the extension and broadening of this program for young men and women now serving this Nation.

The Oakland Tribune, which serves a portion of my congressional district, on Thursday, June 26, outlined its views on these programs in an excellent editorial. In addition the Tribune said:

Congress would be well taken to reassess the government's role in higher education in light of the unprecedented achievement of the GI bill. Far better would be such an approach than the effort, as proposed by some Congressmen, to punish schools for "permitting" violence and student disorder.

I am in full agreement with the Tribune on this subject. Education is a program that always pays. Let us educate and thus strengthen our Nation.

I include the full Tribune editorial in this RECORD so that all of us can consider these wise views:

EDUCATIONAL BENEFITS

Would you believe a federal program that paid for itself?

A rare bird, indeed, that would be. But on the 25th anniversary this week of the enactment of the GI Bill of Rights, the Veterans Administration proudly reports a threefold return on the government's "investment" in many of the millions who served in World War II.

The VA explanation is that the "better educated, higher earning veterans are returning taxes to U.S. coffers at a rate expected to repay the entire government funds expended as much as thrice over in the course of their lifetime." Considering that the federal outlay in direct benefits alone has been more than $20 billion to date, the magnitude of the "return" is dramatic evidence of the success of this federal program.

A major element of the GI Bill was the provision for federally subsidized college education. Not only were tuition and books paid for, but the veterans received monthly living allowances while in school.

At the time it was enacted, the GI Bill was revolutionary in its concept and was written mainly in an effort to gratefully "repay" the men and women who had served in the armed forces during World War II. In the process, Congress rejected a bonus program, similar to that paid to World War I veterans.

The net effect, however, of providing advanced schooling opportunities for millions of Americans, who otherwise never would have attended college, permanently changed the entire pattern of the nation's higher education system.

Thus the impact of the GI Bill, which was later extended to cover veterans of the Korean War, continues to be felt many years after its direct beneficiaries left the college campuses.

While the government is getting its money back—and certainly that's to be commended, perhaps the longest-lasting effect of the GI Bill may prove to be on basic educational philosophies.

From the viewpoint of "25 years later," it can be clearly seen that the continual broadening of educational opportunities is vital to the nation's well-being and that a program of such magnitude could only be carried out on a federal level.

Congress would be well-taken to reassess the government's role in higher education in light of the unprecedented achievements of the GI Bill. Far better would be such an approach than the effort, as proposed by some congressmen, to punish certain schools for "permitting" violence and student disorder.

MANIFESTO OF THE NATIONAL BLACK ECONOMIC DEVELOPMENT CONFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RARICK. Mr. Speaker, the communications media in recent days has been saturated with coverage of various racist reparations demands against the Nation's religious institutions by a self-styled National Black Economic Development Conference—which I related in the RECORD of June 23, 1969, page 16901, is but a creature of the apostasy of some of the same religious institutions.

While the reports always mention a manifesto, few have had the opportunity to read the document—to analyze the extremist views there expressed and the warped demogoguery used to justify its implementation.

So that all our colleagues may study for themselves the deluded state of the brotherhood of revolutionaries in the United States and the overall danger they present to free people, I include the Manifesto to the White Christian Churches and the Jewish Synagogues in the United States of America and All Other Racist Institutions in the RECORD:

MANIFESTO TO THE WHITE CHRISTIAN CHURCHES AND THE JEWISH SYNAGOGUES IN THE UNITED STATES OF AMERICA AND ALL OTHER RACIST INSTITUTIONS

(Presentation by James Forman delivered and adopted by the National Black Economic Development Conference in Detroit, Mich., on April 26, 1969)

INTRODUCTION

Total control as the only solution to the economic problems of black people

Brothers and Sisters: We have come from all over the country, burning with anger and despair not only with the miserable economic plight of our people, but fully aware that the racism on which the Western World was built dominates our lives. There can be no separation of the problems of racism from the problems of our economic, political, and cultural degradation. To any black man, this is clear.

But there are still some of our people who are clinging to the rhetoric of the Negro and we must separate ourselves from those Negroes who go a round the country promoting all types of schemes for black capitalism.

Ironically, some of the most militant Black Nationalist, as they call themselves, have been the first to jump on the bandwagon of black capitalism. They are pimps; Black Power Pimps and fraudulent leaders and the people must be educated to understand that any black man or Negro who is advocating a perpetuation of capitalism inside the United States is in fact seeking not only his ultimate destruction and death, but is contributing to the continuous exploitation of black people all around the world. For it is the power of the United States Government, this racist, imperialist government that is choking the life of all people around the world.

We are an African people. We sit back and watch the Jews in this country make Israel a powerful conservative state in the Middle East, but we are not concerned actively about the plight of our brothers in Africa. We are the most advanced technological group of black people in the world, and there are many skills that could be offered to Africa. At the same time, it must be publicly stated that many African leaders are in disarray themselves, having been duped into following the lines as laid out by the Western Imperialist governments.

Africans themselves succumbed to and are victims of the power of the United States. For instances, during the summer of 1967, as the representatives of SNCC, Howard Moore and I traveled extensively in Tanzania and Zambia. We talked to high, very high, governmental officials. We told them there were many black people in the United States who were willing to come and work in Africa. All these government officials who were part of the leadership in their respective governments, said they wanted us to send as many skilled people that we could contact. But this program never came into fruition and we do not know the exact reasons, for I assure you that we talked and were committed to making this a successful program. It is our guess that the United States put the squeeze on these countries, for such a program directed by SNCC would have been too dangerous to the international prestige of the U.S. It is also possible that some of the wild statements by some black leader frightened the Africans.

In Africa today, there is a great suspicion of black people in this country. This is a correct suspicion since most of the Negroes who have left the States for work in Africa usually work for the Central Intelligence Agency (CIA) or the State Department. But the respect for us as a people continues to mount and the day will come when we can return to our homeland as brothers and sisters, But we should not think of going back to Africa today, for we are located in a strategic position. We live inside the U.S. which is the most barbaric country in the world and we have a chance to help bring this government down.

Time is short and we do not have much time and it is time we stop mincing words. Caution is fine, but no oppressed people ever gained their liberation until they were ready to fight, to use whatever means necessary, including the use of force and power of the gun to bring down the colonizer.

We have heard the rhetoric, but we have not heard the rhetoric which says that black people in this country must understand that we are the Vanguard Force. We shall liberate all the people in the U.S. and we will be instrumental in the liberation of colored people the world around. We must understand this point very clearly so that we are not trapped into diversionary and reactionary movements. Any class analysis of the U.S. shows very clearly that black people are the most oppressed group of people inside

the United States. We have suffered the most from racism and exploitation, cultural degradation and lack of political power. It follows from the laws of revolution that the most oppressed will make the revolution, but we are not talking about just making the revolution. All the parties on the left who consider themselves revolutionary will say that blacks are the Vanguard, but we are saying that not only are we the Vanguard, but we must assume leadership, total control and we must exercise the humanity which is inherent in us. We are the most humane people within the U.S. We have suffered and we understand suffering. Our hearts go out to the Vietnamese for we know what it is to suffer under the domination of racist America. Our hearts, our soul and all the compassion we can mount goes out to our brothers in Africa, Santa Domingo, Latin America and Asia who are being tricked by the power structure of the U.S. which is dominating the world today. These ruthless, barbaric men have systematically tried to kill all people and organizations opposed to its imperialism. We no longer can just get by with the use of the word capitalism to describe the U.S., for it is an imperial power, sending money, missionaries and the army throughout the world to protect this government and the few rich whites who control it. General Motors and all the major auto industries are operating in South Africa, yet the white dominated leadership of the United Auto Workers sees no relationship to the exploitation of black people in South Africa and the exploitation of black people in the U.S. If they understand it, they certainly do not put it into practice which is the actual test. We as black people must be concerned with the total conditions of all black people in the world.

But while we talk of revolution which will be an armed confrontation and long years of sustained guerilla warfare inside this country, we must also talk of the type of world we want to live in. We must commit ourselves to a society where the total means of production are taken from the rich and placed into the hands of the state for the welfare of all the people. This is what we mean when we say total control. And we mean that black people who have suffered the most from exploitation and racism must move to protect their black interest by assuming leadership inside of the United States of everything that exists. The time has passed when we are second in command and the white boy stands on top. This is especially true of the Welfare Agencies in this country, but it is not enough to say that a black man is on top. He must be committed to building the new society, to taking the wealth away from the rich people such as General Motors, Ford, Chrysler, the DuPonts, the Rockefellers, the Mellons, and all the other rich white exploiters and racists who run this world.

Where do we begin? We have already started. We started the moment we were brought to this country. In fact, we started on the shores of Africa, for we have always resisted attempts to make us slaves and now we must resist the attempts to make us capitalists. It is the financial interest of the U.S. to make us capitalist, for this will be the same line as that of integration into the mainstream of American life. Therefore, brothers and sisters, there is no need to fall into the trap that we have to get an ideology. We HAVE an ideology. Our fight is against racism, capitalism and imperialism and we are dedicated to building a socialist society inside the United States where the total means of production and distribution are in the hands of the State and that must be led by black people, by revolutionary blacks who are concerned about the total humanity of this world. And, therefore, we obviously are different from some of those who seek a black nation in the United States, for there is no way for that nation to be viable if in fact the United States remains in the hands of white racists. Then too, let us deal with some arguments that we should share power with whites. We say that there must be a revolutionary black Vanguard and that white people in this country must be willing to accept black leadership, for that is the only protection that black people have to protect ourselves from racism rising again in this country.

Racism in the U.S. is so pervasive in the mentality of whites that only an armed, well-disciplined, black-controlled government can insure the stamping out of racism in this country. And that is why we plead with black people not to be talking about a few crumbs, a few thousand dollars for this cooperative, or a thousand dollars which splits black people into fighting over the dollar. That is the intention of the government. We say . . . think in terms of total control of the U.S. Prepare ourselves to seize state power. Do not hedge, for time is short and all around the world, the forces of liberation are directing their attacks against the U.S. It is a powerful country, but that power is not greater than that of black people. We work the chief industries in this country and we could cripple the economy while the brothers fought guerrilla warfare in the streets. This will take some long range planning, but whether it happens in a thousand years is of no consequence. It cannot happen unless we start. How then is all of this related to this conference?

First of all, this conference is called by a set of religious people, Christians, who have been involved in the exploitation and rape of black people since the country was founded. The missionary goes hand in hand with the power of the states. We must begin seizing power wherever we are and we must say to the planners of this conference that you are no longer in charge. We the people who have assembled here thank you for getting us here, but we are going to assume power over the conference and determine from this moment on the direction in which we want it to go. We are not saying that the conference was planned badly. The staff of the conference has worked hard and have done a magnificent job in bringing all of us together and we must include them in the new membership which must surface from this point on. The conference is now the property of the people who are assembled here. This we proclaim as fact and not rhetoric and there are demands that we are going to make and we insist that the planners of this conference help us implement them.

We maintain we have the revolutionary right to do this. We have the same rights, if you will, as the Christians had in going into Africa and raping our Motherland and bringing us away from our continent of peace and into this hostile and alien environment where we have been living in perpetual warfare since 1619.

Our seizure of power at this conference is based on a program and our program is contained in the following manifesto:

BLACK MANIFESTO

We the black people assembled in Detroit, Michigan for the National Black Economic Development Conference are fully aware that we have been forced to come together because racist white America has exploited our resources, our minds, our bodies, our labor. For centuries we have been forced to live as colonized people inside the United States, victimized by the most vicious, racist system in the world. We have helped to build the most industrial country in the world.

We are therefore demanding of the white Christian churches and Jewish synogogues which are part and parcel of the system of capitalism, that they begin to pay reparations to black people in this country. We are demanding $500,000,000 from the Christian white churches and the Jewish synagogues. This total comes to 15 dollars per nigger. This is a low estimate for we maintain there are probably more than 30,000,000 black people in this country. $15 a nigger is not a large sum of money and we know that the churches and synagogues have a tremendous wealth and its membership, white America, has profited and still exploits black people. We are also not unaware that the exploitation of colored peoples around the world is aided and abetted by the white Christian churches and synagogues. This demand for $500,000,000 is not an idle resolution or empty words. Fifteen dollars for every black brother and sister in the United States is only a beginning of the reparations due us people who have been exploited and degraded, brutalized, killed and persecuted. Underneath all of this exploitation, the racism of this country has produced a psychological effect upon us that we are beginning to shake off. We are no longer afraid to demand our full rights as a people in this decadent society.

We are demanding $500,000,000 to be spent in the following way:

1. We call for the establishment of a Southern land bank to help our brothers and sisters who have to leave their land because of racist pressure for people who want to establish cooperative farms, but who have no funds. We have seen too many farmers evicted from their homes because they have dared to defy the white racism of this country. We need money for land. We must fight for massive sums of money for this Southern Land Bank. We call for $200,000,000 to implement this program.

2. We call for the establishment of four major publishing and printing industries in the United States to be funded with ten million dollars each. These publishing houses are to be located in Detroit, Atlanta, Los Angeles, and New York. They will help to generate capital for further cooperative investments in the black community, provide jobs and an alternative to the white-dominated and controlled printing field.

3. We call for the establishment of four of the most advanced scientific and futuristic audio-visual network to be located in Detroit, Chicago, Cleveland and Washington, D.C. These TV networks will provide an alternative to the racist propaganda that fills the current television networks. Each of these TV networks will be funded by ten million dollars each.

4. We call for a research skills center which will provide research on the problems of black people. This center must be funded with no less than 30 million dollars.

5. We call for the establishment of a training center for the teaching of skills in community organization, photography, movie making, television making and repair, radio building and repair and all other skills needed in communication. This training center shall be funded with no less than ten million dollars.

6. We recognize the role of the National Welfare Rights Organization and we intend to work with them. We call for ten million dollars to assist in the organization of welfare recipients. We want to organize the welfare workers in this country so that they may demand more money from the government and better administration of the welfare system of this country.

7. We call for $20,000,000 to establish a National Black Labor Strike and Defense Fund. This is necessary for the protection of black workers and their families who are fighting racist working conditions in this country.

8. We call for the establishment of the International Black Appeal (IBA).* This International Black Appeal will be funded with

*(Revised and approved by Steering Committee.)

no less than $20,000,000. The IBA is charged with producing more capital for the establishment of cooperative businesses in the United States and in Africa, our Motherland. The International Black Appeal is one of the most important demands that we are making for we know that it can generate and raise funds throughout the United States and help our African brothers. The IBA is charged with three functions and shall be headed by James Forman:

(a) Raising money for the program of the National Black Economic Development Conference.

(b) The development of cooperatives in African countries and support of African liberation movements.

(c) Establishment of a Black Anti-Defamation League which will protect our African image.

9. We call for the establishment of a Black University to be funded with $130,000,000 to be located in the South. Negotiations are presently under way with a Southern University.

10. We demand that IFCO allocate all unused funds in the planning budget to implement the demands of this conference.

In order to win our demands we are aware that we will have to have massive support, therefore:

(1) We call upon all black people throughout the United States to consider themselves as members of the National Black Economic Development Conference and to act in unity to help force the racist white Christian churches and Jewish synagogues to implement these demands.

(2) We call upon all the concerned black people across the country to contact black workers, black women, black students and the black unemployed, community groups, welfare organizations, teacher organizations, church leaders and organizations explaining how these demands are vital to the black community of the U.S. Pressure by whatever means necessary should be applied to the white power structure of the racist white Christian churches and Jewish synagogues. All black people should act boldly in confronting our white oppressors and demanding this modest reparation of 15 dollars per black man.

(3) Delegates and members of the National Black Economic Development Conference are urged to call press conferences in the cities and to attempt to get as many black organizations as possible to support the demands of the conference. The quick use of the press in the local areas will heighten the tension and these demands must be attempted to be won in a short period of time, although we are prepared for protracted and long range struggle.

(4) We call for the total disruption of selected church sponsored agencies operating anywhere in the U.S. and the world. Black workers, black women, black students and the black unemployed are encouraged to seize the offices, telephones, and printing apparatus of all church sponsored agencies and to hold these in trusteeship until our demands are met.

(5) We call upon all delegates and members of the National Black Economic Development Conference to stage sit-in demonstrations at selected black and white churches. This is not to be interpreted as a continuation of the sit-in movement of the early sixties but we know that active confrontation inside white churches is possible and will strengthen the possibility of meeting our demands. Such confrontation can take the form of reading the Black Manifesto instead of a sermon or passing it out to church members. The principle of self-defense should be applied if attacked.

(6) On May 4, 1969 or a date thereafter, depending upon local conditions, we call upon black people to commence the disruption of the racist churches and synagogues throughout the United States.

(7) We call upon IFCO to serve as a central staff to coordinate the mandate of the conference and to reproduce and distribute en mass literature, leaflets, news items, press releases and other material.

(8) We call upon all delegates to find within the white community those forces which will work under the leadership of blacks to implement these demands by whatever means necessary. By taking such actions, white Americans will demonstrate concretely that they are willing to fight the white skin privilege and the white supremacy and racism which has forced us as black people to make these demands.

(9) We call upon all white Christians and Jews to practice patience, tolerance, understanding and nonviolence as they have encouraged, advised and demanded that we as black people should do throughout our entire enforced slavery in the United States. The true test of their faith and belief in the Cross and the words of the prophets will certainly be put to a test as we seek legitimate and extremely modest reparations for our role in developing the industrial base of the Western world through our slave labor. But we are no longer slaves, we are men and women, proud of our African heritage, determined to have our dignity.

(10) We are so proud of our African heritage and realize concretely that our struggle is not only to make revolution in the United States, but to protect our bothers and sisters in Africa and to help them rid themselves of racism, capitalism, and imperialism by whatever means necessary, including armed struggle. We are and must be willing to fight the defamation of our African image wherever it rears its ugly head. We are therefore charging the Steering Committee to create a Black Anti-Defamation League to be funded by money raised from the International Black Appeal.

(11) We fully recognize that revolution in the United States and Africa, our Motherland, is more than a one dimensional operation. It will require the total integration of the political, economic, and military components and therefore, we call upon all our brothers and sisters who have acquired training and expertise in the fieds of engineering, electronics, research, community organization, physics, biology, chemistry, mathematics, medicine, military science and warfare to assist the National Black Economic Development Conference in the implementation of its program.

(12) To implement these demands we must have a fearless leadership. We must have a leadership which is willing to battle the church establishment to implement these demands. To win our demands we will have to declare war on the white Christian churches and synogogues and this means we may have to fight the total government structure of this country. Let no one here think that these demands will be met by our mere stating them. For the sake of the churches and synagogues, we hope that they have the wisdom to understand that these demands are modest and reasonable. But if the white Christians and Jews are not willing to meet our demands through peace and good will, then we declare war and we are prepared to fight by whatever means necessary. We are, therefore, proposing the election of the following Steering Committee:

Lucious Walker, Renny Freeman, Luke Tripp, Howard Fuller, James Forman, John Watson, Dan Aldridge, John Williams, Ken Cockrel, Chuck Wooten, Fannie Lou Hamer, Julian Bond, Mark Comfort, Earl Allen, Robert Browne, Vincent Harding, Mike Hamlin, Len Holt, Peter Bernard, Michael Wright, Muhammed Kenyatta, Mel Jackson, Howard Moore, and Harold Holmes.

Brothers and sisters, we no longer are shuffling our feet and scratching our heads. We are tall, black and proud.

And we say to the white Christian churches and Jewish synagogues, to the government of this country and to all the white racist imperialists who compose it, there is only one thing left that you can do to further degrade black people and that is to kill us. But we have been dying too long for this country. We have died in every war. We are dying in Vietnam today fighting the wrong enemy.

The new black man wants to live and to live means that we must not become static or merely believe in self-defense. We must boldly go out and attack the white Western world at its power centers. The white Christian churches are another form of government in this country and they are used by the government of this country to exploit the people of Latin America, Asia and Africa, but the day is soon coming to an end. Therefore, brothers and sisters, the demands we make upon the white Christian churches and the Jewish synagogues are small demands. They represent 15 dollars per black person in these United States. We can legitimately demand this from the church power structure. We must demand more from the United States Government.

But to win our demands from the church which is linked up with the United States Government, we must not forget that it will ultimately be by force and power that we will win.

We are not threatening the churches. We are saying that we know the churches came with the military might of the colonizers and have been sustained by the military might of the colonizers. Hence, if the churches in colonial territories were established by military might, we know deep within our hearts that we must be prepared to use force to get our demands. We are not saying that this is the road we want to take. It is not, but let us be very clear that we are not opposed to force and we are not opposed to violence. We were captured in Africa by violence. We were kept in bondage and political servitude and force to work as slaves by the military machinery and the Christian church working hand in hand.

We recognize that in issuing this manifesto we must prepare for a long range educational campaign in all communities of this country, but we know that the Christian churches have contributed to our oppression in white America. We do not intend to abuse our black brothers and sisters in black churches who have uncritically accepted Christianity. We want them to understand how the racist white Christian church with its hypocritical declarations and doctrines of brotherhood has abused our trust and faith. An attack on the religious beliefs of black people is not our major objective, even though we know that we were not Christians when we were brought to this country, but that Christianty was used to help enslave us. Our objective in issuing this Manifesto is to force the racist white Christian church to begin the payment of reparations which are due to all black people, not only by the Church but also by private business and the U.S. government. We see this focus on the Christian church as an effort around which all black people can unite.

Our demands are negotiable, but they cannot be minimized, they can only be increased and the Church is asked to come up with larger sums of money than we are asking. Our slogans are:

All roads must lead to revolution.
Unite with whomever you can unite.
Neutralize wherever possible.
Fight our enemies relentlessly.
Victory to the people.
Life and good health to mankind.

Resistance to domination by the white Christian churches and the Jewish synagogues.

Revolutionary black power.

We shall win without a doubt.

MONEY TO FIGHT CRIME IS NEEDED IN THE CITIES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. EILBERG. Mr. Speaker, Mayor James H. J. Tate, of Philadelphia, is an experienced big city mayor. His record is one of distinction. Philadelphia, which I am proud to represent here in Congress, has known all the problems that have beset other big cities in the 1960's.

Much attention has been paid in the press recently to the job hazards of the big city mayor, the political liabilities, the sheer exhaustion of the day-to-day fight to solve what seem to be insoluble problems.

Jim Tate knows these problems well and he has been dealing with them since he became mayor in 1962. Past president of the National League of Cities and vice president of the International Union of Local Authorities, Mayor Tate addressed the recent mayors' conference in Pittsburgh.

His topic was crime and recent Federal attempts to assist in this fight.

Rarely do we the Members of Congress get as incisive a view of how money we authorize and appropriate to take care of a domestic problem is spent—or rather misspent.

The mayor makes the point that the money is distributed by population not on the basis of need, that the money is used to build empires rather than to fight crime, that the bloc grant approach has been used as a subterfuge by States to undercut big city attempts to bail themselves out.

For example, under the Safe Streets Act, Philadelphia received $152,000 of the State's allocation of $1,427,000 or little more than 10 percent, of the State's grant.

Of an $880,000 planning grant to fight crime this year, the State kept the statutory limit of 60 percent of the grant to create a new bureaucracy in Harrisburg and distributed the rest to local communities. Its contribution to Philadelphia amounted to $62,419, or about 7 percent of the total grant.

These Federal funds were authorized by legislation designed to fight urban crime. Now the State of Pennsylvania has obviously subverted congressional intent by generously awarding 10 percent of one grant and 7 percent of another to the State's largest city and therefore, by definition, its most crime ridden.

Compare that paltry largesse, with these statistics offered by Mayor Tate:

Philadelphia has 17 percent of the population of Pennsylvania.

Philadelphia is the scene of 25 percent of the serious crime in Pennsylvania.

Philadelphia city courts dispose of 40 percent of the serious criminal cases in Pennsylvania.

Philadelphia's police force is more than twice as large as the Pennsylvania State Police force.

Philadelphia's city prisons house as many as the entire Pennsylvania prison system.

Mayor Tate makes the point that if an epidemic erupts in a State, you do not spread the serum, in short supply, around the State but use it where the most need exists. The Federal Government does not give flood relief to a whole State, for both the cities on the plains as well as the cities in the river valleys, but rather to those communities inundated by flood waters.

The floodtide of crime is rolling through our cities. The fever of crime is reaching epidemic proportions in our cities.

Yet we continue to permit our shallow resources to be dissipated in the naive belief that State capitals know better than beleagured city halls where the money would do the most good.

I commend to my colleagues this excellent speech by Mayor James H. J. Tate of Philadelphia, delivered June 17, 1969, in Pittsburgh:

IMPROVING LOCAL LAW ENFORCEMENT

(By Mayor James H. Tate, Philadelphia, Pa.)

Our nation has reached the rather unhappy state where government is under great pressure to find ways and means of better regulating human behaviour and more effectively enforcing the laws under which we as a community have decided to govern ourselves. During the sixtys we have experienced unmatched economic growth and prosperity, but the stability of our society has now been challenged and severely tested by internal turmoil and dissent, amid cries of upholding law and order, police brutality and leniency by the courts.

The crime rate in our nation has increased nine times greater than our population growth. Our streets and campuses have been the scenes of many violent disturbances. The issue of crime in the streets has been identified as one of the most important domestic problems in the minds of many citizens. In New York City, according to the New York Times, "black and white, rich and poor, young and old—have become preoccupied with crime. Their fear has become so pervasive that it shapes election campaigns, influences the decisions of government, business and labor, exacerbates racial tensions and molds the day-to-day living habits of virtually all of the city's eight million residents."

The tremendous citizen concern for law and order was reflected in the passage of the Omnibus Crime Control and Safe Streets Act of 1968. Was it too late, with too little—or is it the beginning of federal concern? This legislation is designed to provide federal funds to state and local governments to improve law enforcement and the administration of criminal justice. Although the funds for the current year under this Act are $63 million, we know it is very small in relation to our needs. Congress has now been asked to appropriate $300 million for fiscal 1970 (starting July 1, 1969) and $1 billion in subsequent years.

We in local government have a large stake in the administration of these funds because law enforcement is basically a function of local government. This is evident when we consider that:

Over 83% of the law enforcement personnel in our country are employed by units of local government.

While there are 50 federal departments and 200 state agencies involved in some aspect of law enforcement, almost 40,000 law enforcement agencies are operated by the local governments of our nation.

Local governments now provide 80% of the funds which support law enforcement agencies.

On a per-capita basis, local governments spend about nine times more for law enforcement than the federal government, and six times as much as state governments.

The concept of law enforcement by local government has a strong and noble tradition in the history of our nation. Our democratic system can achieve the goals of liberty, justice, and social order only when law enforcement is in tune with local needs and desires. We in local government should be sure that the implementation of the Safe Streets Act reaches down to the local level, where the problems facing law enforcement really exist, and where there is an urgent need for funds.

However, we get nothing but a dismal trickling down of funds. Of the $1,427,000 allocated to the Commonwealth of Pennsylvania, only $152,000 goes to the City of Philadelphia. This is based on population and not on the reality of urban need.

Yet the problems of crime, violence, and civil disorder are urban in nature. For example:

25% of the total crimes reported to the Federal Bureau of Investigation during 1968 were committed in our ten largest cities, although 10% of our people reside in these cities. Consider, for example, these statistics for 1968 in New York City—904 murders, 1,840 rapes, 54,405 robberies, 28,515 felonious assaults, 173,559 burglaries, 143,319 larcenies of $50 or more, and 74,440 car thefts.

Over 85% of all crimes reported during 1968 were committed in cities, although only 68% of our population are city dwellers.

The crime rates, or offenses per citizen, of our cities are 2½ times as great as suburban areas and five times the crime rates for rural areas.

The crime rate, or offenses per citizen, increases geometrically with the size of the city. For example, cities with populations of 250,000 have crime rates over twice as high as cities of 25,000 people.

In evaluating ways of improving local law enforcement, we must look at the problems facing law enforcement. In essence, the problems facing law enforcement are the major challenges facing our entire society. Crime, violence, and disorders are really manifestations of complex and inter-related social ills. Unfortunately, our cities and towns do not have the financial resources or tax base to deal with deep-rooted social problems. By necessity, we are finding ourselves increasing our law enforcement budgets in municipal government simply to provide better police protection which will "hold the line" and maintain law and order in our communities.

It has been estimated to put one policeman on patrol on each of New York's city blocks would cost $25-billion a year. And, even if this were possible, the Times says, "policemen say it would not stop crime since more than half of it is commited in areas they do not patrol, such as homes, restaurants, hallways and elevators."

In Philadelphia, our budget for the Police Department has increased from $30 million in 1960 to $70 million for the fiscal year starting July 1, 1969. If we have any emergencies requiring extraordinary police overtime, our expenditures will go well over the $70 million Budget. As a percentage of the total City of Philadelphia budget, police funds represented 14% of our 1960 spending and have increased to 18% of our 1970 budget levels. Police have been, and probably will continue to be, the most expensive and most important local government function. If present trends continue, we must accept this as an established fact. At least it becomes a consolidation.

Considering our limited tax sources, already at the breaking point in providing new and expanded municipal services to our people, our local governments cannot continue to afford the high costs of maintaining peace in our communities, brought about presumably by the failures of our state and federal governments to properly and equita-

bly support programs to improve the economic and social life of our nation.

To better control crime, we should present programs which will strike at the roots and causes of crime. We should marshall our urban experts in the field of housing, education, employment and the entire spectrum of agencies involved in the criminal justice system—from the police to the courts, to the prisons, to the probation and parole authorities. We do have the expertise and technology in this great nation to handle our problems, but we lack a comprehensive and cohesive strategy for dealing with the interrelated problems. But the Federal and State governments cannot continue to operate in bureaucratic isolation of the real needs of this nation. They must involve themselves to a much greater degree and contribute their realistic share of the funds needed to handle our problems.

Regrettably our Federal State-Local structure in grant programs has been crippled with the usual over-reliance on bureaucratic rules and regulations. Our crime problems have been over-studied and under-implemented. We have had enough studies made—the professional practitioners in our cities know "how" to solve the problems—and we should now be spending the study funds for action programs. Our action programs have lagged behind schedule because of too much red-tape in the review of programs by the bureaucratic hierarchies of our state and federal governments.

We in local governments, who deal directly with the problems, must demand *action*, not the insulation of layers and layers of regulations and the resultant delays in getting programs underway.

We should demand and receive a strong voice in the allocation of monies under the Safe Streets Act. Congress, in order to ensure that a federal agency would not control and dominate local law enforcement in the administraion of these funds, stipulated that block grants be awarded to state agencies. However well intended this regulation may be, this very legislation created 50 separate state bureaucracies to administer the funds, many of which will be less efficient and less responsive to urban needs than one federal agency.

Pennsylvania, my home state, is a case in point. During the current year, Pennsylvania received $880,000 for planning purposes under the Act. Congress, in drafting the legislation, had stipulated that certain minimum percentages of state grants must be allocated to local units for planning and action purposes. Congress established a floor of 40% for planning by local governments; but there was no ceiling or maximum amount which a state could allocate to local governments if the state wished to realistically deal with the problems of law enforcement within its jurisdiction.

Regrettably, the State of Pennsylvania, however, has retained 60% of the planning funds to create a new state bureaucracy, and the absolute minimum of 40% has been allocated to local governments. The 40% has been distributed to eight geographic regions of the state, on a population basis. The City of Philadelphia, which is a separate geographic region for funding purposes, received $62,419 for planning purposes. This amount of $62,419 is only 7% of the total planning grant received by the state. In relation to the 40% given to the local governments by the state, we received 17%, which is about equivalent to our population—which is, of course, a higher crime area because of the density factor.

The population basis, however, ignores the realities of law enforcement problems. While we represent 17% of the people, 25% of the serious crimes in the state are committed in Philadelphia, our city courts dispose of 40% of the serious criminal cases in Pennsylvania, our Police Department is more than twice as large as the Pennsylvania State Police, the caseloads of our probation officers are larger than the State staff, and our prison populations are as large as the state institutions. Strangely enough our city must also contribute from $3 million to $5 million annually to the state for the care of prisoners sent to state prisons by Philadelphia courts. Pennsylvania is the only state in the nation requesting payment by local governments for prisoners.

Pennsylvania has also been allocated a grant of $1.4 million for "action" programs. New York State got $2,250,000, and California, $2,351,000. Congress has stipulated that 75 percent of action grants be given to local government, but the actual amount that trickles down to the municipalities is only tokenism, and not nearly enough to tackle the job.

The funds under this act should be distributed primarily where the need exists, not based on population as Pennsylvania chose. There is no federal requirement that funds be distributed according to population. If we were to do so with polio by distributing a limited amount of polio vaccine in small dosages to the general population, while ignoring the area where the disease exists in epidemic proportions, we could not have been successful in stamping this disease out.

In seeking to make our cities and towns safer places in which to live, we must insist that all the agencies involved in criminal justice perform in the best interests of the communities they serve. This has *not* been the case in our recent history. There has been what I might call a rather complete defaulting to the overwhelming incidence of crime.

This situation involves not only the so-called generation gap, but also the cynical attitude of too many of the leaders of our society. I refer to the so-called sophisticated approach to pornography in its many ugly manifestations, to indecent motion pictures and "topless" entertainment in public places—all masquerading under the euphemistic description of "art." The hyprocritical suggestion that these are really art, reflecting the moral tone of the community, is both false and dangerous. It is a repudiation of responsibility on the part of the men and women who are expected by the youngsters to be their guides in these ways. The net result is simply to put more pressure on the vice-control programs of the local police departments, not only bringing about increased activity in response to irate citizen demands, but also creating a new atmosphere of cynical permissive or selective enforcement.

Another example of society's defaulting to crime is the abdication by the Establishment of its proper responsibility when confronted with the demands of the militants, whether from the colleges or the ghetto communities. Far too often, the Establishment has met confrontation by grudging concessions—taking the easy way out and dodging violence by giving in to irresponsible demands. By doing this, the leaders of society, themselves, have abandoned the rule of law.

By thus yielding to violence or the threat of violence, the Establishment simply proves to the militants that demonstrations, sit-ins, kidnappings, and seizures are really more effective than the due processes of law!

In Philadelphia, which has earned the right to call itself the Safest Big City in the United States for six straight years, we make it very clear that lawful demonstrations and petitions will be honored and protected, but contempt for law and violence in the streets will be treated for what they are—criminal offenses.

Furthermore, even the best police department in the world cannot control crime when it must operate under another default to crime—inadequate judicial systems which offer legal immunity to the criminals within our communities. Unrealistic bail practices which permit hard-core criminal repeaters to remain at large indefinitely in spite of numerous arrests while awaiting trial is an example of a chink in our armor.

Another weak area is the overcrowded Court Calendars which show a shocking backlog so serious that it takes years to bring a criminal case to the bar of justice. In Philadelphia, for example, of persons awaiting trial in Common Pleas Court on May 31, 1968, the prisons had in custody—797 defendants. Only seven months later, on December 31, 1968, this number had jumped to 1,176 defendants, with 160 waiting more than a year for trial.

This situation is aggravated by overly-lenient judges who rarely, if ever, imprison convicted criminals. I am not talking about the first offender but the hardened criminals who cannot be rehabilitated. No responsible person is against rehabilitation—in fact, we know that only through effective rehabilitation can we hope to reduce the mounting crime problem of our nation. But our judiciary must realize that many criminals cannot and will not be rehabilitated. In Philadelphia only 2,045 were actually jailed in more than 11,500 cases.

Our social scientists have not developed effective rehabilitation programs to the degree where any large-scale success can be achieved. Until we reach that level, the safety and welfare of the great majority of our law-abiding citizens should be the first concern of our judicial system. This means that hardened criminals should be treated as hardened criminals, not as first offenders.

Our entire system of criminal justice requires much more coordination than presently exists. Each agency must consider the impact of its decisions upon the other agencies who must function in the same arena. Consider the effects of a judicial decision, like that which occurred in Philadelphia, which negated intoxication as a criminal act and stated that drunkenness was not a crime, but must be treated as an illness and therefore drunks were not subject to arrest.

Certainly, anyone who is even slightly familiar with the problem of alcoholism will acknowledge the humane thinking of the judge in this decision. But this decision did not take into account the almost total lack of any treatment facilities to handle chronic alcoholics, who represent a real problem in every major city. Our police are faced with the responsibility of protecting the lives of down-trodden derelicts and often place them under arrest for their own protection. But the police do not have the responsibility for, nor the resources necessary to, the operation of treatment facilities. The judge who handed down this decision did not consider this crucial point in his decision-making, and regrettably failed to realize the full consequences of his adjudication.

The Supreme Court of the United States reversed this decision and our police can continue to pick up intoxicated persons for their own protection. The Supreme Court acknowledged the lack of treatment facilities in most communities, but recognized that arrest by police often is the only way in which the poor drunks can be protected.

In addition, anyone who has any experience with traffic accidents will underscore the tremendous danger of drunken driving. Certainly the general public must be protected against anyone who drives under the influence of alcohol. Most assuredly it is equally recognized as a huge traffic safety hazard involving reckless driving and hit-and-run criminals.

Still another area which illustrates the need to coordinate our activities is in the processing of narcotics offenders. There has been a substantial increase in the arrests of narcotics users in our society, particularly among our young people. Law enforcement nationally has failed to meet this challenge, and the strained resources of the local community cannot cope with it.

In their sentencing practices, judges usually release great number of convicted narcotics users on probation to be supervised by an overworked and understaffed probation department. The users tend to go right back to their former environments where

they can acquire more narcotics; consequently they have a high rate of recidivism and are quickly rearrested to start the cycle all over again. Our communities desperately need adequate treatment facilities for narcotics users. Only by adequately treating the increasing number of users can we hope to curb the narcotics problem in our metropolitan areas.

These illustrations point up the need to review and reinforce our overall approaches to crime, delinquency, and the other problems facing law enforcement. I am sure that the effectiveness of our police agencies would greatly increase, and with it, a greater measure of safety for our citizens, if all the agencies of criminal justice performed their tasks in as responsive and dedicated manner as our police, on the first line of defense, execute their responsibility.

As I stated earlier, we as chief executives of local government have an important responsibility to see that the funds under the Safe Streets Act reach down to the cities and towns and the people of this great nation where the problems really exist.

The magnitude of crime is overwhelming nationally, as shown by across-the-board statistics, but it is even more serious in the urban areas. If it rates a priority nationally as a problem, certainly it cannot be solved by a block grant system of trickle-down funds without any significant thrust.

Should we enter the seventys with this questionable treatment? Should we give it a chance? Yes, but it is really not the answer to our problem. Our job is still the involvement of the limits of our capability—for no longer can we push the cause of crime under the rug and hope it will not be noticed.

PAVING THE ALASKA HIGHWAY

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. OLSEN. Mr. Speaker, under the chairmanship of our able and distinguished colleague, the gentleman from Illinois (Mr. KLUCZYNSKI), I and several members of the Subcommittee on Roads of the Public Works Committee recently completed a trip to Montana, Alaska, and Canada on which we held several hearings on the possibility of paving the Alaska Highway. Nowhere did we encounter opposition to this project. The people most directly involved, the citizens of Montana, Alaska, and western Canada all favor the paving of the highway which would open up this part of the world to the rest of North America.

Mr. Speaker, the Montana Standard recently carried an editorial of support for the paving of the Alaska Highway which I would like to share with my colleagues. It follows:

[From the Montana Standard, June 24, 1969]

IT IS UNREALISTIC

It would be short-sighted if, in arriving at a decision on whether to pave all of the Alaska highway, too much emphasis were placed on vehicle counts.

To be sure, traffic counts are a widely used device on streets and county roads to determine if they should be improved, widened or better regulated. And there is logic in this, for a local or area situation.

However, the same logic cannot be applied to a proposed paved highway that would link the 48 contiguous states with Fairbanks.

According to an official study mentioned in Butte and elsewhere in Montana last week at hearings on the proposed all-weather route from Butte to Fairbanks, truck traffic along the route by 1985 is expected to be only 33 vehicles a day if the highway is unpaved; if paved, the estimate is 37.

This would seem unrealistic. The vast resources of Alaska offer tremendous commercial potential. But an all-weather road is a must if this potential is to be realized.

Tourist traffic is estimated to be 72 cars a day if unpaved, 178 a day if paved.

The low vehicle counts along the route now are easily explained. Of the total 3,000 miles from Butte to Fairbanks, 1,300 are unpaved. Of the 1,523 miles of Alaska highway proper, from Dawson Creek, B.C., to Fairbanks, only 385 miles are paved.

Certainly the average tourist, increasing in great numbers each year, is not going to take the family car, loaded with belongings and children, on a road more than one-third of which is a spring-busting, tire-blowing washboard of dirt and gravel.

The road to Alaska has a sorry reputation with travelers in the 48 states who would like to make the trek to see Alaska's rugged beauty and share the adventure the northern most state offers. But the prospects of ruining the family car, or incurring extensive repair bills, keep most of them at home.

If, on the other hand, the road were paved and known to be a trouble-free route to the north country, who can say how many would make use of it?

As Montana's Rep. Arnold Olsen says, "They say, 'What's the traffic count?' Well, there is no traffic count, but as sure as you have the surfaced highway, you'll have the commerce to support the highway."

An all-weather route to Alaska means opening up a new frontier, to be visited by auto travelers, and to be serviced by truckers.

To try and project on the basis of today's traffic counts is unrealistic and regrettable.

EXTENSION OF THE SURTAX

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mrs. DWYER. Mr. Speaker, the closeness of yesterday's vote on the bill to extend the surtax and the significance of this legislation in the lives of millions of American taxpayers make it very much in order, I believe, for individual Members to explain why they voted as they did.

In my most recent newsletter to my constituents, I dealt at some length with this issue. Since I prepared the newsletter on Friday, 3 days before the vote, and distribution to constituents was scheduled for later this week, I concluded my review of the surtax issue this way:

In any event, whenever the House votes on tax legislation, I shall cast my own vote in the way best calculated to obtain the benefits of *both* the surtax and tax reform. *Both* are essential. Growing inflation would cost most of us much more than another six months of surtax at 10 percent and six more at 5 percent, while continued tax inequities would tend to place most of the burden of fighting inflation on those least able to carry it—a fact I developed at some length in my May 8th Report to the People.

At that writing, as I also indicated in my newsletter, I had hoped it would be possible to vote on a motion to extend the surtax only long enough to allow the Ways and Means Committee to report a comprehensive tax reform bill, following which a combined surtax extension-tax reform measure could be brought to the House as a package.

As our colleagues know, Mr. Speaker, the parliamentary situation which existed yesterday precluded such a motion. Under the circumstances, therefore, I concluded that I had no alternative—no responsible alternative—but to vote for the 1-year extension of the surtax.

Indeed, I believe that those circumstances were such that our affirmative vote has actually brought closer the day when the House can vote on tax reform legislation. As the distinguished chairman of the Committee on Ways and Means pointed out during debate, had the House defeated the surtax extension bill, the committee would have had to postpone its work on tax reform legislation to take up once again the question of the surtax.

I was further persuaded, Mr. Speaker, by the absolute and unqualified assurances of all concerned—the President of the United States, House Republican and Democratic leaders, the chairman of the Ways and Means Committee, and committee members—that they are committed to comprehensive tax reform and that tax reform legislation will be ready for the House by the middle of next month. Given this kind of commitment, we are certainly justified in trusting our elected leaders.

Their commitment was more than just a token assurance, more than simply a tactical device in a hard-fought legislative battle. It reflected, I believe, their recognition that the American people are demanding the overhaul of our outdated and inequitable tax system—an overhaul that will close indefensible tax loopholes, eliminate unjustified tax subsidies, and assure that the taxes required to support our Government will be assessed on all on the basis of their ability to pay.

Our approval of the surtax extension bill, and the accompanying promises of early action on tax reform legislation, greatly increase the likelihood that this Congress can enact both—either as a single package or as separate bills with a minimum of further delay. With the surtax extension issue now before the Senate, with the Ways and Means Committee resuming its work on tax reform, and with a House-Senate conference committee likely to be necessary to resolve any differences, either course is still possible.

On the strength of this situation, Mr. Speaker, I am personally convinced that a vote against the surtax bill yesterday would have been, for me, irresponsible. Not only would defeat have delayed action on tax reform, but it would also have shaken the confidence of people here and abroad in our determination to check inflation. And inflationary psychology may be our worst enemy, for if businessmen, investors, and consumers are convinced that costs, prices, and interest rates will continue to escalate then they will act to protect themselves in ways that can only add to the inflationary spiral.

Defeating the proposed extension of the surtax would have been tantamount to abandoning the fight against inflation. In just 1 year, the surtax has be-

come a key weapon in that fight. It has been responsible, to a significant extent, for the progress that is now becoming felt and visible. We have moved, in 1 year, from a budget deficit of $25 billion in fiscal 1968 to a small surplus in the fiscal year which ended yesterday. The rate of increase in the basic economic indicator, the gross national product, has begun to decline, as have the rates of increase of other important indicators, including the consumer price index. And we have now apparently been successful in bringing monetary policy in line with fiscal policy. If we can continue along this path of calculated restraint, we can lick inflation, and we can do it—especially if we succeed with tax reform—without imposing too heavy a burden on any one segment of our society.

In the final analysis, Mr. Speaker, most American taxpayers and consumers must see this issue, for all its complexity, in terms of the dollars and cents they will have to buy the things they need. The facts convince me that, given the present realities of our economic situation, our people will save money by continuing to pay the relatively modest surcharge for another year at a declining rate.

Uncontrolled inflation is the great robber, and I see no way of stopping it—short of depression—without the surtax.

As a part of my remarks, Mr. Speaker, I include the text of my most recent newsletter which I mentioned above:

CONGRESSWOMAN DWYER'S REPORT TO THE PEOPLE

DOLLAR BILLS IN YOUR WALLET

Questions of economic policy—of dollars and cents—have dominated Congress in recent weeks: extension of the surtax, higher interest rates, appropriations bills. Complicated matters, yes; but just as personal and direct as the dollar bills in your wallet. And there'll be more or less of those in your future depending on what we do on these issues.

Surtax extension is the most immediate issue for the House. When you read this, it may be settled. But as I write it (Friday night) the House is scheduled, after an earlier postponement, to vote on the surtax bill on Monday, though on past performance and present uncertainties this could be changed.

If the schedule holds up, you now know how I voted. As I write, I don't—for what I believe are very good reasons. Most important, while I accept the necessity of the surtax for a brief additional period, I also strongly favor a comprehensive reform of the tax system itself. Without reform, the surtax simply perpetuates existing inequities and imposes relatively heavier burdens on low- and moderate-income taxpayers than on many of the more fortunate who benefit from the variety of subsidies built into the tax system.

THE COST OF A TAX CUT

On the other hand, dropping the surtax now (a move which would pump into the economy an additional $9.26 billion in spendable funds and add to the possibility of an inflationary Federal budget by a like amount) would almost inevitably start a new wave of price increases at a particularly sensitive time, a time when fiscal and monetary restraints seem about to take hold and reverse the mad climb of prices and interest rates.

An obvious way out of this dilemma would appear to be to combine the extension of the surtax with a comprehensive tax reform in a single bill. Yet, Administration and House Ways and Means Committee supporters of the surtax oppose such a step, even while they emphatically repeat their commitment to tax reform—a position I have not found very persuasive.

No one has yet explained to me, satisfactorily, why a combined surtax-tax reform bill can't be passed if each can be enacted separately. If, as some suggest, the presence of tax reform provisions in a surtax extension bill would threaten the surtax, then how could tax reform be enacted alone—a question, I suggest, which answers itself and raises some doubt about the depth of commitment to tax reform on the part of those who would separate the two.

The position of the surtax-first camp was further weakened just today. Though they have strenuously protested that short-term extension of the surtax past its June 30th expiration date (to give the Ways and Means Committee time to finish work on tax reform) would weaken the anti-inflation fight, they nevertheless quietly accepted an "emergency" one-month extension through July of tax-withholding rates at the present surtax level—a move which, in effect, extends the surtax itself.

SURTAX PLUS REFORM

Why, therefore, a formal extension of the surtax for one month—or two or three, if necessary—can't be utilized to permit completion of tax reform proposals escapes me.

In any event, whenever the House votes on tax legislation, I shall cast my own vote in the way best calculated to obtain the economic benefits of *both* the surtax and tax reform. *Both* are essential. Growing inflation would cost most of us much more than another six months of surtax at 10% and six more at 5%, while continued tax inequities would tend to place most of the burden of fighting inflation on those least able to carry it—a fact I developed at some length in my May 8th Report to the People (Number 5).

One of the more disturbing ironies of the present effort to deal with inflation involves the position of many of the country's biggest banks. While bankers have been among the most persistent of those warning us against inflation and advocating continuation of the surtax—a most responsible position, so far as it goes—they have effectively dealt the public interest in opposing inflation a very serious blow by yielding to their own private interests and raising the prime interest rate from 7½% to 8½%.

In my entire public life, I have rarely seen a decision more universally condemned than this. Republicans and Democrats, Congress and the Administration, even some bankers, all were shocked at the suddenness of the action, the extent of the rate increase, and the poor timing. It was largely a surprise. The full percentage point by which rates were raised was the largest in a quarter century and followed five other rate increases during the past 12 months. And it came at a time when self-discipline, voluntary restraint and effective self-regulation were essential to the health of the economy.

DANGEROUSLY UNCONVINCING

Our full Banking and Currency Committee has already held several days of hearings on this latest rate increase, and there will be more. After listening to the bankers make the most of their case, I remain unconvinced. It was fundamentally a selfish act disguised in the rhetoric of the money market. While it strengthens commercial banks' competitive position in the fierce search for lendable funds, the rate rise will not slow inflation. It will add, and is already adding, to inflation, badly hurting the housing market, drying up consumer credit, penalizing small business, restricting State and municipal efforts to build needed schools, hospitals, housing, etc., driving down the stock market, denying needed loans to college students, and costing home-buying families thousands more over the life of an average mortgage. The banks' profits picture, however, should be improved.

I do not mean to be *too* harsh on the banks. Bankers are not evil, grasping men. Tight money is not basically their fault. Inconsistent Federal Reserve Board policy, a haltingly unsure former Administration, and a slow-moving, overly political Congress have been major contributors to the crisis. Yet, we are asked to expect much from private enterprise by private business leaders. If, when the chips are down, private business cannot act in the public interest, then government may have no alternative but to impose the necessary controls.

LOSING MORE CONFIDENCE

In the midst of all this, Congress once again has illustrated why it has been unable, as an institution, to attract more public confidence. Last year, as part of its budget-cutting crusade, Congress forced most Federal agencies to cut back sharply the number of their employees, a policy which is still in effect. This past Tuesday, the House continued its budget-cutting, this time reducing appropriations for housing and urban development by $473 million, nearly 25% below the Nixon Administration's balanced-budget request (a move which, inexplicably, HUD Secretary Romney didn't protest until after it had happened). But the very next day, economy was forgotten as House leaders (of *both* parties) slipped through a bill authorizing an additional employee for all 435 House members at an estimated cost of $3.6 million.

Though the vote was close—204 to 195—it was not close enough to preserve what's left of Congress' credibility and integrity. As one who voted against it, I saw the issue less as a matter of money than as a further example of Congressional arrogance, of Congressional insistence on taking care of *its* needs or desires or convenience or pettiness first.

PEACH GROWERS OF SPARTANBURG COUNTY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. MANN. Mr. Speaker, it was my privilege today to present fresh South Carolina peaches to the leadership of the House of Representatives and to arrange for fresh sliced peaches to be served in the House restaurants on a complimentary basis. This was made possible by the peach growers of Spartanburg County and by the South Carolina Peach Growers Association.

South Carolina is approaching its centennial as a fresh peach export State. It was in 1870, that Col. R. B. Watson shipped the first peaches out of State from his Ridge Springs orchard. His starting shipment was a small express lot. Later he planted a commercial orchard and in 1890 shipped the State's first entire carload, packed in empty sugar barrels.

The first carload of peaches shipped from Spartanburg County, rolled from Gramling in the heart of the upper Spartanburg belt on July 31, 1924. No grower had enough peaches to fill the first car so orchardists pooled "every ripe peach we could scrape together," according to one of the pioneers.

Approaching its 100th year as a fresh peach export State, South Carolina now ranks second in the Nation in total peach production. For 3 years in a row—1966, 1967, 1968—the State has produced a crop valued at $20 million or more per annum.

In fresh peach exports, South Carolina holds the "Dixie peach championship" according to the Federal-State Market News Service.

In 1968, South Carolina shipped 4,939 carlot equivalents, as opposed to Georgia's 3,597.

The South Carolina peach season runs from early June through August—producing approximately two dozen varieties of fresh peaches—which are shipped and sold as far west as Minnesota and as far north as Maine and Canada.

Spartanburg County, located in the Piedmont area of South Carolina and home of the South Carolina Peach Growers Association, produces 65 percent of the State's fresh peach produce.

As a matter of fact, Spartanburg County is now recognized as the Nation's No. 1 county in the production of peaches for the fresh produce market.

I am proud of the peach growers in my district and wanted my colleagues to know of the significance of Spartanburg County and South Carolina in the fresh peach market.

ANOTHER POSTAL INCREASE IS NOT THE ANSWER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. BURKE of Florida. Mr. Speaker, last week I received a statement from the Post Card Manufacturers Association which expressed its views on the suggested proposals which would increase the present postal rates.

It is my understanding that the Post Card Manufacturers Association represents members who claim to print about 90 percent of all of the picture post cards in the United States.

In the past, each of us has, I am sure, mailed post cards "back home" to our friends when we have been away from home. It does not seem too long ago when I, as a boy, received post cards from my parents when they were away from home. I am sure also that each of us can remember the 1-cent postage stamp that once was sufficient to carry the card and its message from the point of mailing to its ultimate place of destination. Unfortunately, the 1-cent stamp, like the nickel beer and the 5-cent cigar, has passed into oblivion, but what really concerns me is the idea that a 1-cent increase, be it on postal rates, sales tax, gas tax, or other items, is but a small unnoticeable increase.

The 1-cent increase on the post card obviously concerns the Post Card Manufacturers of America because the 1-cent increase on the mailing of cards has been a continual one and has gone from 1 to 5 cents, and yet we now have the suggestion of the Post Office Department that there be another 1-cent increase, raising what used to be a 1-cent cost to 6 cents. The Post Card Manufacturers Association may be right in its fear that if the postage on scenic cards continues to increase, it will seriously impair the use of post cards by the public and will thereby greatly curtail the pleasant habit of vacationers of sending cards to their friends.

I am inclined to agree that their concern is justified and even though I recognize the desire of the postal authorities to come up with some program to better make up the huge postal deficit, yet I do not believe that the continual increase of our postal rates for the post card is the answer to the postal dilemma.

Although I am well aware of the fact that any change in the postal program will be subject to extended hearings and lengthy debate, nevertheless I feel that the following article by the Post Card Manufacturers Association is entitled to be read and considered by my colleagues, regardless of their views for or against. The article reads as follows:

POSTAGE RATE INCREASE COULD RUIN AN ENTIRE INDUSTRY

A warning that another increase in postage rate for picture post cards may mark the beginning of the end of vacation cards was given today by the Post Card Manufacturers Association.

The New York based trade group is alarmed about reports that postal rates for picture cards may be increased again for the second time within two years.

"Continued boosts in postage rates for picture cards eventually will outprice the card for travelers and vacationists," says William J. Stevens, PCMA National Secretary. Each postage increase cuts into the sale and use of cards. We believe the point of diminishing returns has set in. If we keep upping the rate, the old 'Wish you were here' phrase will be replaced by 'Sorry, can't afford it.'" Stevens added.

Originally priced at one-cent postage, picture cards were raised by 25 percent from four to five cents two years ago. An increase to six cents, now sought by the Post Office Department, would mean another 20 percent raise from the current rate.

Post card manufacturers point to the necessity of maintaing the rate differential between picture cards and first class envelope mail. Letters would be raised to seven cents if the Post Office Department has its way.

Suggestions to avoid raising picture post card rates were offered by the PCMA national secretary.

"If cards are still to be sent first-class," said Mr. Stevens, "the Post Office Department could reduce its deficit by charging a cent or more for the price of government postal cards, but maintain the present five-cent postage rate.

"If this is not acceptable, we would have no objection to having vacation picture cards mailed on the third-class mail rate. Time usually is not of the essence for post cards, but if time is important, the sender could add the necessary first-class postage similar to the present air mail practice."

PCMA members have suggested to members of the Senate and House Post Office Committees that if the government is serious about reducing Post Office Department deficits, it should get out of the postal card printing business, and stop supplying free cards.

Such printing, the association contends, should be left to private industry, because private card printers are better equipped to produce cards more economically and at less cost than the Government Printing Office.

Certain businesses have taken over the major use of government postal cards and are using them at public expense for mass mailing to promote their own business and products. These firms, says PCMA, would be required to buy their own cards from private sources and not have them supplied by the general taxpayers.

A fact sheet on the issue of picture post card postage rates is being distributed to members of Congress to alert them to the harmful effects to the picture post card business if their postage rates continue to climb.

LAMPREY CONTROL

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. NEDZI. Mr. Speaker, Congressman JOHN D. DINGELL has established for himself an enviable record as a conservationist devoted to the preservation and enhancement of our natural resources. It is good, therefore, to see Congressman DINGELL's efforts given recognition. The Mining Journal, published at Marquette, Mich., in an editorial on June 20, 1969, took note of one of Congressman DINGELL's actions on behalf of the fisheries of the Great Lakes. So that my colleagues may be aware of the Mining Journal's comments, I include the text of its editorial at this point in the CONGRESSIONAL RECORD:

LAMPREY CONTROL

Congressman John D. Dingell (D-Detroit) appeared before a House appropriations subcommittee the other day to urge Congress to appropriate full funds for the United States' share of the Great Lakes Fishery Commission's sea lamprey control program. He pointed out that the United States and Canada appropriated $1,288,800 for use by the fishery commission when it initiated lamprey control on Lake Superior in 1958. Last year, 10 years after the start of the control program, the total appropriation was only $123,000 more than it had been in 1958, despite the fact that the program had been extended to Lakes Michigan and Huron in the meantime.

The amount appropriated last year fell $150,000 short of the funds needed, and this amount was raised by the State of Michigan, the Upper Great Lakes Regional Commission, local government and sportsmen's groups in order to continue the lamprey program in Lake Huron. The $150,000 was earmarked for lamprey control at the expense of other programs by the various contributing agencies.

Now, Dingell reports that the Michigan Department of Natural Resources has informed him "that the President's budget request of $1,063,100 for the Great Lakes Fishery Commission is more than $200,000 short of what is needed to carry out a minimum level of lamprey control in Lake Huron. I urge you to appropriate $1,297,500 for the Great Lakes Fishery Commission for fiscal 1970. I have been informed the Canadian government will match this increased appropriation to the limit of the terms of the international agreement."

As Dingell pointed out, the lamprey control program in Lakes Superior and Michigan had enabled the joint federal-state trout and salmon stocking program to become extremely successful. "In 1968, Michigan extended its coho and chinook salmon stocking program to Lake Huron, fully anticipating that the lamprey control program would be funded at the level recommended by the Great Lakes Fishery Commission," Dingell said.

Discouraging developments in the battle against the sea lamprey were reported by The Mining Journal earlier this year. For instance, there was an increase last year in the number of lampreys captured in electromechanical weirs on streams in the Upper Peninsula and northern Wisconsin. In 1967, the number captured was about 4,000. This doubled to around 8,000 last year. The number this year also is up over last year—6,286 to date, compared to 5,251 during the same period in 1968.

There also was an increase in the rate of lake trout scarring by lampreys in Michigan waters in 1968. And there was an indication that lampreys may transform into their parasitic (adult) stage after three years instead of four or more years, as was previously believed to be the case. This would mean that the frequency of treatment of streams with lampricide to kill young lampreys would have to be stepped up.

Biologists for the U.S. Bureau of Commercial Fisheries are aware that some young lampreys escape the lampricide by drifting into the Great Lakes while still in their larval (pre-parasitic) stage. Other young lampreys may miss being exposed to the lampricide because they are in some backwater of a stream where the chemical does not reach.

So it is possible that even thorough treatment of all lamprey streams will not produce complete lamprey control. In fact, the bureau's biologists doubt that lampreys ever will be eradicated. But they are convinced that they can be successfully controlled at whatever level is deemed necessary.

This is where economics enter the picture. If lamprey control is to be maintained on the same level as in the past, adequate funds will have to be provided by Congress. If these funds are appropriated, the program can move ahead at least until it is established whether it is successful or not. If the appropriations are insufficient, the control level will drop, endangering the trout and salmon programs and leaving unanswered the vital question of whether chemical treatment is the solution to the lamprey problem.

INDEPENDENCE DAY OF RWANDA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to President Georgoire Kayivanda of Rwanda and Rwanda's Chargé d'Affaires to the United States, Mr. Synphorien Ntezilizaza, on the occasion of the seventh anniversary of Rwanda's independence.

July 1, 1969 will mark the seventh anniversary of Rwanda's independence. I would like to take this opportunity to extend my congratulations to that tiny but virile African country. Rwanda is bounded on the west by the Republic of the Congo, on the north by Uganda, on the east by Tanganyika, and on the south by Burundi, to which it was formerly joined in United Nations trusteeship.

The Berlin Conference of 1885 staved off a possible European clash but in doing so it relegated Rwanda and Burundi to the German zone of influence. The German occupation was principally military, however, and the indigenous political authorities continued to rule. During the First World War, Belgian forces occupied the colonies and in 1923 Rwanda-Burundi became a League mandate under Belgian administration. The connection between the two countries had no basis in historical development. In fact, prior to European occupation, the two countries had been almost in a perpetual state of war.

The Belgians continued the system of indirect administration instituted by the Germans. But in matters of importance the local power structure was always superseded by the Belgian Parliament.

The population of Rwanda is mainly composed of three tribes, one of which, the Hutu, comprise nearly 85 percent of the total inhabitants. The original inhabitants, the Twa, now only amount to 1 percent of the total population. The rest of the Rwandans were also the traditional leadership elite and are known by the lyrical name of Tutsi. The Hutu's desire for a proportionate share of power has led to many acts of violence and eventually succeeded in destroying the Tutsi hegemony just prior to liberation. But tension remains high.

I hope that the future will see the Rwandans continue to search for solutions to their problems. Besides the tribal one, there are many severe economic ones, including a very high population density, a high rate of population increase, a shortage of fertile land, and an embryonic industrial base. But with aid from its more developed world neighbors and with a concerned and progressive government, I am sure she will continue her search.

JULY CALENDAR OF THE NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Calendar of Events at the National Gallery of Art for July 1969:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS, JULY 1969

Recent acquisition: An outstanding feat of connoisseurship by a British art scholar, confirmed by infrared photography, has led to an important acquisition on view this month in Lobby D. *Portrait of a Man* by the Flemish master Jacob Jordaens (1593–1678) was purchased through the Ailsa Mellon Bruce Fund.

For more than a century the picture hung in Perthshire, Scotland, in the remote country house of Lord Kinnaird. John Walker, Director Emeritus of the Gallery, saw it there several years ago and was struck by the beauty of this brilliant portrait of a cavalier. According to the owner it had been ascribed both to Velazquez and to Rubens. Puzzled by such completely diverse attributions, Mr. Walker sent photographs of the panel to Michael Jaffé of Cambridge University who responded at once: "My impression, a very strong one, is that it is an early work by Jordaens, not by Rubens. The landscape, among other things, is a clear indication."

Mr. Jaffé then went to Scotland to see the painting and reported he was "more than ever convinced that the handsome three-quarter length of a man in a hat was an early Jordaens—a real masterpiece!"

The 350-year-old picture was brought to the National Gallery for further study. With infrared photography, the artist's characteristically abbreviated signature ("Jo.f") was discovered at the lower right.

Attributions of pictures are often problematical and it is a rare event when science discloses a signature supporting, as it does in this case, the connoissuership of a distinguished scholar.

American naive painting: 111 Masterpieces of American Naive Painting from the Collection of Edgar William and Bernice Chrysler Garbisch continues on exhibition in the ground floor galleries. Selection includes *Flax Scutching Bee, General George Washington on White Charger (Jack)*, and one of the famous scenes of *The Peaceable Kingdom* by Edwards Hicks. Fully illustrated catalogue with foreword by John Walker and preface by Lloyd Goodrich, 9½" x 8", 160 pages, 55 color plates, 56 black-and-white illustrations, $3.50 postpaid.

John Constable: An exhibition of 66 paintings by Britain's foremost landscape artist, selected from the collection of Mr. and Mrs. Paul Mellon. Studies of sky and clouds, portraits, and a group of landscapes including the incomparable *Hadleigh Castle*. Fully illustrated catalogue with introduction by John Walker and notes by Ross Watson, 10" x 7½", 64 pages, 66 black-and-white illustrations, $2.50 postpaid.

Summer film lectures: A special series of eight lectures with films dealing with the history of art from ancient times to the present day. Starts July 6 and continues through August 24. All programs presented by National Gallery staff lecturers on Sundays at 4 o'clock in the auditorium.

Daily films: Two films dealing with art in the collections of the National Gallery are shown in the auditorium on a daily schedule.

Recorded tours: *The Director's Tour*. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director Emeritus. Portable tape units rent for 25 cents for one person, 35 cents for two. Available in English, French, Spanish, and German. *Tour of Selected Galleries*. A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. Small radio receivers rent for 25 cents.

Gallery hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission is free to the building and to all scheduled programs.

Cafeteria hours: Weekdays, 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 2 p.m. to 7 p.m.

MONDAY, JUNE 30, THROUGH SUNDAY, JULY 6

Painting of the week *: Birley, *Andrew Mellon* (Gift of Mrs. Mellon Bruce) Founder's Room, Tuesday through Thursday; and Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour: Introduction to the Collection. Rotunda, Monday through Saturday, 11, 1, and 3; Sunday, 2:30 and 5.

Sunday film lecture: "Art of the Ancient Era." Speaker: William J. Williams, staff lecturer, National Gallery of Art. Lecture hall 4.

Sunday film: "The American Vision," 1.

Weekday films: "The National Gallery of Art," 2; "The American Vision," 4.

MONDAY, JULY 7, THROUGH SUNDAY, JULY 13

Painting of the week *: Renoir *Madame Henriot* (Gift of the Adele R. Levy Fund Inc.) gallery 76, Tuesday through Saturday 12 and 2; Sunday, 3:30 and 6.

*11" x 14" reproductions with texts for sale this week—15¢ each. (If mailed, 25¢ each.)

Tour: Introduction to the Collection. Rotunda, Monday through Saturday, 11, 1, and 3; Sunday, 2:30 and 5.

Sunday film lecture: Art of the Classical Era. Speaker: Margaret Bouton, curator in charge of educational work, National Gallery of Art. Lecture hall 4.

Sunday film: The American Vision, 1.

Weekday films: "The National Gallery of Art," 2; "The American Vision," 4.

MONDAY, JULY 14, THROUGH SUNDAY, JULY 20

Painting of the week*: Watteau, *Italian Comedians* (Samuel H. Kress Collection) gallery 53; Tuesday through Saturday, 12 and 2; Sunday 3:30 and 6.

Tour: Introduction to the Collection. Rotunda, Monday through Saturday, 11, 1 and 3; Sunday 2:30 and 5.

Sunday film lecture: "Art of the Medieval Era." Speaker: Carleen Keating, staff lecturer, National Gallery of Art. Lecture hall, 4.

Sunday film: The American Vision, 1.

Weekday films: "The National Gallery of Art," 2; "The American Vision," 4.

MONDAY, JULY 21, THROUGH SUNDAY, JULY 27

Painting of the week*: Gossaert, *Portrait of a Banker* (Ailsa Mellon Bruce Fund) gallery 40, Tuesday through Saturday, 12 and 2; Sunday 3:30 and 6.

Tour: Introduction to the Collection. Rotunda Monday through Saturday, 11, 1 and 3; Sunday 2:30 and 5.

Sunday film lecture: "Art of the Renaissance Era." Speaker: John Hand, Staff Lecturer, National Gallery of Art. Lecture Hall, 4.

Sunday film: "The American Vision," 1.

Weekday films: "The National Gallery of Art," 2; The American Vision," 4.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737-4215, ext. 272.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

GOOD EARTH?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DINGELL. Mr. Speaker, the July 7, 1969, issue of Newsweek carries a special section entitled "The Moon Age" in which various aspects of the space program are discussed in some depth. One of these articles included in the special section, "Good Earth?" by John Mitchell, a former Newsweek science and space editor and now editor of Open Space Action maagzine, comments on the earth's deteriorating environment. So that my colleagues may have an opportunity to be aware of Mr. Mitchell's warnings as to the future of our globe, I include the text of his article at this point in the CONGRESSIONAL RECORD:

GOOD EARTH?

Viewed from space, the earth appears benign, blue and beautiful. Astronaut Frank Borman, from his vantage point aboard Apollo 8, called the planet "that good earth." Up close, the perspective is less pleasing. The same technological impuse that is carrying Apollo 11 outward to the moon is also threatening the home environment. In a report last week to the United Nations, Secretary-General U Thant warned that a worldwide "crisis of the human environment" could lead the planet toward global suicide. Unless action is taken against the pollution of air, water and land, U Thant said, "the future of life on earth could be endangered."

To be sure, ecologists and conservationists have been predicting the apocalypse for so long now—it is seven years since Rachel Carson summoned up an image of a "Silent Spring" when all the birds are cut down by DDT—that most listeners have tended to discount warnings about the deteriorating quality of life, or else have assumed that something at last was being done. After all, didn't Pittsburgh muffle its belching smokestacks? And didn't Lady Bird Johnson's beautify-America campaign hide some roadside junk heaps behind fences?

The depressing answer appears to be that these measures are piecemeal, inadequate and essentially defensive—like a doctor treating symptoms rather than the disease. What was once visible—and repugnant—like the black plumes of industrial smoke, is now being made invisible, but more deadly. Pollution-control technology has turned smoke into toxic gases which penetrate even further into the lungs. Sewage-treatment plants now purify human wastes, but their phosphate and nitrate effluents still flow into rivers and lakes—and help feed algal blooms that eventually choke and "kill" the water, as in the case of Lake Erie. Thus, the esthetic victories are not necessarily healthy ones. Some scientists, despairing of an imminent victory, search instead for a civil-defense-style checkmate. One laboratory is developing pollution shelters for the home and astronaut life-support helmets for the man-on-the-smoggy-street.

In every area, it seems, man is a victim of his own technological virtuosity and of his own habits and shortsightedness. Though birth-control and family-planning techniques are beginning to make slight inroads on population growth in the developed countries, the individual's "right to breed" still remains enshrined around the world. The "good earth" is crowded with 3.5 billion people, and more than 7 billion are expected by the end of the century. And as the people increase, so do the pressures they exert on the earth's balance of air, water and soil.

A WORLD WITHOUT SUNSHINE?

Neo-Malthusians, like Cornell ecologist Lamont Cole, foresee the disaster of global famine as one likely result of overpopulation. The threat of famine may also accelerate other catastrophes. In the rush to produce more food, more nitrate and phosphate fertilizers will be broadcast upon the croplands of the world, only to run off into more waterways and contribute to new blooms of lake-destroying algae. And the persistent pesticides, which already threaten some species of birds, would be sprayed over still more of the world's acreage.

The automobile is now held accountable for 60 per cent of all air pollution generated in the U.S. and for an increasing amount in other Western nations. Now scientists are also worrying about the proliferation of jet aircraft and their contribution to the contamination of the upper atmosphere. At very high altitudes, there is no washing effect, so that effluents from planes may circle the earth many times before settling by gravitation. "If transportation continues to grow in the direction it's going," says Alfred Hulstrunck, assistant director of the Atmospheric Sciences Research Center at the State University of New York in Albany, "it's possible the next generation will never see the sun."

Yet while some scientists foresee an age of global gloom, others fear the planet may become a giant hothouse. Transparent to sunlight but opaque to the earth's radiation, a blanket of moisture and carbon dioxide conceivably could raise the surface temperatures of the earth enough to melt the polar icepacks and raise sea levels 300 feet. Even 200 feet would inundate New York, Boston and most of Florida.

Farfetched? Perhaps. A more imminent threat is the vast accumulation of garbage that is stifling the developed world. Nearly 5 pounds are generated daily by every American: burning it fouls the air and burying it often destroys valuable wetlands. As for noxious-waste disposal, instead of dumping acids, poison gases, pharmaceutical and petrochemical byproducts into some convenient waterway, the new alternative is to drop the fluids down wells. Many of the nation's 130 disposal wells, however, are less than 2,000 feet deep; most are in relatively permeable sandstone or limestone strata, aquifers that feed eventually into surface waters. "This stuff they're dumping," says geologist David M. Evans of the Colorado School of Mines, "won't stay put. Once it gets into the drinking water, there's no way in the world you can clean it up. It may take 50 years to discover that it is on the march, and by that time the whole countryside has become poisoned."

Oceans are being poisoned for miles around, too. In fact, the sea is the final repository of just about everything man wants to get rid of. According to Cole, we are putting some 500,000 different chemicals into our environment. Most find their way to the sea. Airborne lead from anti-knock gasoline falls into the ocean at the rate of about a quarter million tons a year—an amount equal to that introduced through natural processes. Pesticides are washed into the sea and reappear thousands of miles away, tankers spill oil and the military dumps chemical-warfare gases.

HEAVY FOOTED IN THE TROPICS

Environments gone awry are by no means found only in the industrial nations of the world. Egypt and its Aswan Dam provide an example of what happens when a predominantly agricultural nation moves rapidly into the twentieth century. As one of the world's largest structures of its kind, Aswan Dam was designed to reap a multitude of socioeconomic benefits: doubled electrical output, a 25 per cent increase in cultivated land. But already the balance sheet shows a different kind of account. Aswan's giant Lake Nasser, many experts foresee, will retain most of the silt on which the rich Nile delta farmland depends. The dam is also impounding natural minerals essential to the web of marine life in the delta; since Aswan began regulating the river's flow five years ago, Egypt has suffered a $7 million-a-year loss in its native sardine industry, and now there are reports that the delta shrimp fishery is also on the decline.

The damming of the Zambezi River in southern Africa brought similar results. According to one report by Caltech's Thayer Scudder, the Zambezi dam builders had predicted that an increase in the fisheries resources would offset the loss of flooded farmland. As it turned out, the fish catch fell off after an initial fluorish, and the lakeshore soon enough bred hordes of tsetse flies that infected native livestock. Nevertheless, engineers now are designing massive dams for two of the world's longest rivers—the Mekong and the Amazon. One Amazonian proposal would call for creation of an inland sea almost as large as both East and West Germany.

Such examples of misguided and perhaps overambitious technology disturb economist Kenneth Boulding, now a professor of social dynamics and international systems at the University of Colorado. "We're going around heavy-footed," Boulding complains. "You can muck around with Ohio; it has resilience. But there's a precariousness about the tropics. . ."

IT ALL BEGAN IN EDEN

Why this disdain for the environment? Man no longer has the excuse of innocence—presumably he has now advanced beyond the Mayan farmers who overtilled the soil with little thought for any harvests beyond the immediate ones. Ecologist Raymond F. Dasmann of Washington's Conservation Foundation says, only half-jokingly, that man's difficulties in living with his environmental date to Eden—"the first place some one decided he wanted something he didn't need." Others attribute man's profligate ways to a deep emotional commitment to the idea—grounded mainly in Western Christian thought—that nothing exists in the universe apart from man. "The Copernican revolution," says historian Lynn White Jr. of Cornell, "should have taught us that man is part of nature. Yet curiously, even after Darwin, neither our scientists nor technicians absorbed this truth. We are still anthropocentric and ruthless toward our environment."

White's indictment of Western man is particularly applicable to the U.S., where the frontier and free enterprise still exert strong influence. If it can be done, the saying goes, do it—and then move on to the next virgin territory. C. C. Johnson, HEW's administrator for consumer protection and environmental health service, suggested recently that the "problems that plague us today are largely the result of our narrow pursuit of limited objectives—economic efficiency, fast transportation, agricultural abundance—and our tendency to endow these activities with a life and purpose of their own."

The narrow pursuit of limited objectives is still evident in Washington. In fact, according to one insider, many bureaus are manned by civil servants who believe that Rachel Carson made no valid case against DDT. At the Federal Water Pollution Control Administration, Commissioner David D. Dominick admits that the U.S. pure-waters program is still muddied and stagnant. Unable to get Congress to appropriate sufficient matching funds (some $3.4 billion) for municipalities to complete construction of waste treatment facilities by 1972 (a deadline set by U.S. law), the FWPCA is considering an alternative: financing the sewage plants through local bond issues which the Federal government would help retire over the next 30 years. The trouble with this scheme, however, is that Washington has scant assurance U.S. voters will approve the issues at the polls. Though a recent public-opinion survey found that three out of four Americans would be willing to pay higher taxes to clean up the environment, the fact remains that in general Americans are apathetic about their environment—short of a catastrophe—and are reluctant to pay for its upkeep.

Everyone in Washington is for cleanliness right next to godliness: clean air, clean water, clean cities, clean recreation areas—as long as too many sacred cows are not disturbed. It took a lot of pressure to get action against auto-exhaust pollution. For example, even though the Justice Department has brought suit against Detroit manufacturers for conspiring to suppress antipollution technology, it is going to take a great deal more vigorous action on the part of the Administration, the courts and Congress to clean up the auto-exhaust and other man-made environmental problems.

As an effort in that direction, no fewer than four bills were introduced in Congress this session to create a national technology-assessment board or an environmental-advisory council that would function in the ecological arena as the President's Council of Economic Advisers presides over fiscal affairs. President Nixon recently created his own Cabinet-level environment council which will be meeting from time to time to consider such problems as the debate over a jetport at the edge of the Everglades National Park in Florida.

NEEDED: A NEW U.S. CONSTITUTION?

Testifying at a recent hearing on one environmental bill, W. H. Ferry, for ten years a vice president of the Center for the Study of Democratic Institutions in Santa Barbara, noted somewhat dourly that while councils and committees can do no harm diagnosing "the warts" on technology's "chin," drastic surgery is needed. Ferry proposes a two-year moratorium on technological innovation to "compel a searching revision of our national aims"; amendment of the U.S. Constitution to permit, for example, limitations on the number of autos one family might own, and finally, establishment of a national ecological authority, with sweeping regulatory powers over all major technological undertakings that might pose ecological hazards.

Social scientist Richard A. Falk of Princeton University goes further than Ferry and proposes a limited world government and an international, "macro-functional" approach to such global undertakings as climate control and cleaning up of the oceans. Economist Hans H. Landsberg of the Washington-based Conservation Foundation is more specific. "We've passed the point where water and air can be free and therefore squandered," says Landsberg. "We've got to have incentives to behave less wastefully." One suggested incentive: water metering that would make the consumer pay for what he uses. Boulding advocates taxes on pollution—on cars, for example, whose emissions exceed permissible limits.

One good sign is the universal restlessness of the young and their unwillingness to accept shoddiness or further deterioration in the name of progress or property rights. It is not simply a matter of a hip generation worshiping Thoreau and doing battle over a "people's park." Few of the youthful dissidents are truly turned into nature—yet. But they do insist that beauty and quality should be a part of man's ligitimate inheritance on earth, and that technology must be led by man instead of leading him. This was certainly the prevailing mood among students gathered in Berkeley's Sproul Plaza one day this spring for an environment teach-in. "The politics of ecology," shouted one rebel with a cause, "is going to replace both capitalism and Marxism."

Technology, of course, need not alienate man from anything. If used wisely, it might well allow him to restore some measure of harmony to the biosphere. The sophisticated technology required to create the Apollo spaceship, for example, has done much to demonstrate the ecological principles of "interrelatedness" in a closed system. NASA has spent billions to provide the moonbound astronauts with the ecology of the "good earth"—pure air, pure water and careful disposal of waste. Each spaceship, in effect, is a model and a reminder of what earth should be like.

More specifically, space technology is now capable of providing new understanding and control of the earth environment itself. Remote sensing devices, like infra-red scanners and radar, and high-resolution cameras aboard satellites far above the earth's surface will be able to pick out blighted trees from healthy forest areas and determine the amount of pollution an industrial plant contributes to rivers or harbors. Already, Gemini and Apollo photos have revealed remote—and possibly mineral-rich—volcanic areas, noted urban air pollution and charted deep ocean currents. U.S. and Russian weather satellites now follow hurricanes and icebergs, issuing warnings to countries and ships in their path. In the 1970s, NASA will orbit a series of unmanned Earth Resources Technology Satellites, which may discover new mineral resources beneath the sea, spot likely fishing areas and record evidence of coastal erosion.

HELP FOR A SICK PLANET

"This is no longer pie-in-the-sky," says J. Lynn Helms of the Bendix Aerospace Electronics Co. Satellite sensors, he explains, will be able to judge when the right temperature and moisture combine to produce the best moment for planting crops. They will tell a farmer not only when to plant, but on which acreage and how much fertilizer to use. Such information, Helms predicts on the basis of recent tests, could increase American farm production by 200 per cent.

The question that remains is whether man, forearmed with this kind of reconnaissance, will in the future choose to use it wisely and avoid some of the blunders of the past.

Now man is going to the moon. He will undoubtedly go beyond the moon to Mars, and, some day, beyond that. A few pioneers may even decide to live there—inside plastic bubbles, dining on algae cultures and recycling their fluid wastes. Anything is possible. It is even possible that technological man will begin to apply what he has learned about keeping astronauts functioning efficiently in space to the task of keeping Homo sapiens alive and well on planet earth.—JOHN G. MITCHELL.

PERFORMANCE BONDS AND THE BLACK CONTRACTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. MOORHEAD. Mr. Speaker, the construction business in the United States today is a multibillion-dollar industry. But, as with any other large industry, for all of the potential rewards that it offers it is also one that is strewn with successes and failures.

Traditionally, construction work has been a "way up" for minority groups striving to enter mainstream America. The Irish and Italians, to cite examples, are two nationality groups that have used the building trade as a vehicle for attaining prosperity and acceptance in America.

Today black Americans are trying to mirror this development and break into the construction business as owners and employees.

A major obstacle facing Negroes wanting to start their own firm is not solely a black problem but a dilemma faced by many small contractors—the need to secure a performance bond.

In essence, this is a form of insurance purchased by a contractor in which a surety company guarantees that the work contracted for is carried out to the specifics of the contract.

Insufficient working capital, little work experience, a general lack of management skills, and a certain amount of prejudice all legislate against the minority contractors' chances of being granted a bond. This inability to obtain a bond thus excludes the minority contractor from most of the larger construction projects where the client is more likely to insist upon a bond.

Shortly, I hope to introduce legislation which will alleviate this problem and allow small contractors to secure a bond and put their skills on the open market, thus building up the necessary job history and confidence needed to be an entrepreneurial success in the construction industry.

A paper by the Ford Foundation's G. Douglas Pugh, which will appear in a forthcoming American Assembly book,

"Black Economic Development"—copyright, the American Assembly, Columbia University, New York, N.Y., 1969—discusses this problem of bonding for the minority contractor and offers some suggestions in handling the problem.

Mr. Speaker, I would like to introduce Mr. Pugh's article into the RECORD:

BONDING MINORITY CONTRACTORS

(By G. Douglas Pugh)

BACKGROUND OF THE PROBLEM

Black contractors have been the victims of exclusionary practices of the construction craft unions, which have, in the past, denied them entry into the construction trades. Today, because of their lack of experience and qualifications, too many black contractors are unprepared to participate in the benefits which will flow from the expected growth of the construction industry over the next decade from a 1960 level of $105 billion annually in new construction, maintenance, and repairs of $180 billion in the 1970s.[1]

These exclusionary practices have made it almost impossible for black workers to acquire construction skills and to enter the construction business through the normal channel of graduating from skilled worker and foreman into small scale contracting and then, with the accumulation of experience and capital, into larger and more complex work. It has also made it impossible for black contractors to have available to them the quantities of skilled workers needed for large enterprise. When to this pattern is added lack of access to financing, the result is an almost total inability of black contractors to qualify for surety bonds needed for participation in most FHA insured projects and on public construction work. A recent study[2] of seven major cities by the National Business League indicated that 67 per cent of all minority contractors have been unable to obtain a single surety bond.

Thus, black contractors find themselves in a kind of circular trap where their lack of experience in bonded work makes it virtually impossible to obtain surety bonds for construction work requiring such bonds and thereby gain experience on this type of work, even though they might otherwise have the ability to perform.

Two actual cases illuminate the nature of the problem. In 1967, despite the offer of the Oakland Small Business Development Center to put up the money necessary to guarantee performance by a minority subcontractor unable to obtain a surety bond, the subcontractor who had submitted the lowest bid was rejected for the work by the general contractor on an Oakland public school construction project. When asked to intervene, the Oakland Board of Education refused to take action, citing a provision of California law[3] which gives a prime contractor the discretion to reject a bid from a subcontractor unable to furnish a bond from an admitted surety. The same problem faced a Negro construction company which had received a contract to build a $587,000 multipurpose health service center in Watts for the University of Southern California. The award was predicated upon the contractor's securing a surety bond. After a dozen rejections from surety companies, the University was finally persuaded to permit the contractor to proceed without a bond. It did so, but only after threats were made to burn down any building not constructed by a black contractor. The health center was successfully completed by the Negro contracting firm according to contract and is presently in operation.

But in all too many cases the minority firm never receives the opportunity to perform and often, even if given the opportunity, does not have the experience or financial capacity to engage in large-scale work. At this point in time, when a major thrust of our national housing program is to rebuild ghetto areas and the need for qualified black contractors to work in these areas is greater than ever, we find that there are very few black contractors who are eligible. There are approximately 870,000 general and specialty contractors in the United States.[4] In 30 states comprising 107 cities for which information on Negro contractors is available, it is estimated that no more than 1500–2000 black contractors are in business.[5] Most of these are small scale enterprises employing four workers or less, with an average construction contract value of $20,000.[6] Simply to house new families and to replace the normal demolition of old housing units will require the construction of 20 million new dwellings over the next ten years. In addition, six million new or rehabilitated units are needed for lower income families now living in big city slums and slated for renewal under the Housing and Urban Development Act of 1968 and the Model Cities Program.

FORD FOUNDATION INVOLVEMENT

To help solve the problem that Negro and other minority contractors face. The Ford Foundation, in May, 1967, initiated discussions with surety companies in an effort to obtain their assistance in developing a program to qualify minority contractors for surety bonds. The Foundation addressed itself to this problem partly in response to requests for assistance from two sources: from minority contractors in various parts of the country and from representatives of the federal department of Housing and Urban Development who were concerned about the need to develop qualified black contractors to participate in urban redevelopment programs.

The Foundation viewed the problem as one of devising a program to bring minority contractors up to a standard that would permit them to engage competitively in the quest for business, and qualify in the ordinary course for surety bonds. The larger goal, as in other Foundation work toward expanding equal opportunity, is to "help talent to better help itself."

Contacts were made with the Surety Association of America, The American Insurance Association, and with three major surety companies: The Travelers Indemnity Company, The Hartford Insurance Group, and The Aetna Casualty and Surety Company. These companies expressed a willingness to cooperate in the design of a program to develop increased Negro contractors' bonding capacity. They made it clear, however, that while desiring to render every assistance, they would not bond a contractor unless they felt reasonably certain that the contractor had the experience, organizational and finanical capacity to undertake and satisfactorily complete the project. In their view, the construction business was risky even under the best of circumstances—with a relatively high rate of failure—without encouraging inexperienced or undercapitalized contractors to engage in it.

They also believed that the problem facing minority contractors, in addition to the one of insufficient financial resources, was inexperience and lack of managerial capacity, which could not be solved merely by making capital available.

This point of view, as expressed by professional surety men, was succinctly stated in a position paper entitled, "The Surety Industry and Minority Group Contractors," prepared by the American Insurance Association in October, 1968. (Unpublished memorandum.)

"Absolute candor compels us to point out that the chief and recurring difficulty which most minority group contractors encounter in applying for surety bonds arises from their marked deficiencies in experience, management and other skills in running construction jobs of more than limited scope. While very many also lack working capital to a certain degree, with the availability of financing through such governmental sources as the Small Business Administration coupled with various lending techniques, such financial weakness is often secondary to lack of expertise . . .

". . . We believe that it will serve no useful purpose, economic or sociological, for surety companies to issue contract bonds indiscriminately to all applicants, qualified or not. Such an unqualitative underwriting policy will unquestionably undermine the present confidence of owners in contract surety bonds. It will not only anger owners left with unfinished projects, but will also inflict a mortal wound on the performance reputation of minority group contractors as a class."

In addition to providing an understanding of the industry viewpoints, these contacts with the surety industry have led to the establishment of an informal channel for looking into complaints by minority contractors who have been rejected for surety bonds. In one case, inquiry to a surety company which had allegedly rejected the application of a New Orleans contracting firm for a bond for a $2,700,000 FHA project revealed that the application had never been forwarded by the local surety agent to the company. When made aware of this, the company suggested the name of another local agent to process the application. The contractor had substantial experience, a net worth in excess of $500,000 and an irrevocable letter of credit from a local bank for $200,000. The bond was written.

THE OAKLAND MODEL

The three-year Oakland demonstration program was sponsored by the General and Specialty Contractors Association of Oakland, California, an organization of some sixty minority general and specialty contractors, in cooperation with the Oakland Small Business Development Center, the Management Council for Bay Area Employment Opportunity and the Alameda County Building and Construction Trades Council.

The development of the program was assisted by a feasibility study conducted by Kaiser Engineering and was further refined as the result of processing a test case with the cooperating San Francisco surety company representatives. It called for the formation of a Contractor's Assistance Board to supervise the operation of a supportive assistance program for minority contractors and to engage an appropriate professional staff and consultants necessary to service the assistance program.

The pilot project had four elements:

(1) The organization of general and specialty contractors in the community into a trade association through which they could be reached and aided. The association serves at the same time as a conduit for the dissemination of information to the contractors about the programs being developed to assist them, and as an organizational vehicle

[1] U.S. Industrial Outlook 1968 BDSA, Department of Commerce.

[2] National Business League—"Preliminary Analysis of Negro Contractors from Seven Cities," (Unpublished memorandum) April, 1968.

[3] Government Code Section 4108.

[4] *Fortune* magazine, December, 1968—"The Unchecked Power of the Building Trades"—Thomas O'Hanlon.

[5] Ford Foundation list compiled from information received from individual minority contractors.

[6] National Business League—"Preliminary Analysis of Negro Contractors from Seven Cities," April, 1968.

for membership participation in these programs. It plays a major role in:

Seeking out construction opportunities for its members;

Referring these opportunities to eligible members;

Cataloging the skills and capabilities of its members;

Sharing common problems and providing, through mutual assistance, for their solution;

Securing federal and other funds for educational and training programs;

Bringing together consortia to perform contracts beyond the unaided skills and abilities of a single member;

Undertaking the development of projects such as "turnkey" public housing projects which could provide job opportunities for its members;

Contracting and negotiating with various government agencies about construction contract opportunities;

Representing the various interests of the contractors in the contractor assistance program and with other construction industry associations.

The constructive roles which could be played are limitless.

(2) The provision of technical assistance at the level of general instruction and at the level of supervising the performance of a particular job and, if necessary, being prepared to actually take over its operation. This has been accomplished through the establishment of a Contractors' Assistance Board composed of minority contractor representatives and members drawn from the business and financial community experienced in the problems of the construction industry. Serving on the Oakland board, in addition to representatives of the minority contractors trade association, are:

A business executive presently serving as the director of a non-profit organization to promote economic opportunities for minorities in the San Francisco Bay area;

A senior construction loan officer of the Bank of America;

A senior construction vice-president of Kaiser Engineering;

The director of Oakland Small Business Development Center, Inc.;

The Business Representative of the Alameda County Building and Construction Trades Council;

The Assistant Secretary of the Carpenters Bay Counties District Council;

The Executive Director of the Human Rights Commission in San Francisco.

(3) The provision of adequate financing so that the contractor has available *a ready credit source to permit the job to be properly financed and to enable him to have the liquidity and "quick assets" which a surety company would require for bonding.* In a non-bonded job the same cash requirements would exist to insure that a proper flow of money on the job would be available. This financing was supplied in Oakland by a grant of funds to be loaned to the contractors on a basis subordinate to the sureties.

(4) Through its paid expert staff of accountants, cost estimators, construction specialists, its ability to engage first rank consultants and the skills of its board members, the Contractors Assistance Board can provide assistance to a contractor on a particular job in:

Accounting and record keeping;

Cost estimating;

Locating proper subcontractors and skilled labor;

Preparing and submitting bids;

Preparing proper construction contracts and documents;

Organizing the job site and supervising the job;

Determining the cash flow requirements of the job;

Administering job funds through a blocked account;

Establishing proper relationships with trade unions and government agencies concerned with the job;

Finding and hiring proper skilled foremen, supervisors, and craftsmen;

Insuring that job proceeds are properly received and applied to the job, etc.

In short, the project seeks to help in the performance of every conceivable function that could be required for a successful job. In its role as the supplier of assistance, the board also serves to screen out obviously unsuited contractors and attemps to guide contractors toward jobs within their aided capacity and which will permit reasonable and orderly growth.

The Board also is constituted in a manner that will generate confidence on the part of surety companies that might bond any of the contractors. This will be done by assuring that proper business management and experience will be available to assist the contractor in carrying out the job, which is important if the contractors are to be helped in performing bonded work.

The Oakland project received a $300,000 grant from the Ford Foundation in June, 1968, of which $150,000 was to provide a revolving fund for the purpose of making financing available to satisfy the "quick assets" needed for bonding eligibility. The remaining $150,000 was to be used to pay the salaries of the program manager and staff for a three-year period. An additional $105,000 was subsequently granted in December 1968 to cover additional operating expenses and the employment of consulting services. In addition, a grant of $75,000 was made by the Economic Development Administration of the Department of Commerce for the strengthening and support of The General and Specialty Contractors Association, the minority contractors trade association.

THE OAKLAND PERFORMANCE

Between its inception in June, and December, 1968, the Oakland program loaned or committed to contractors $110,000, which has aided them in securing construction work valued at almost $1.5 million—most of which has involved bonded work and none of which would have been possible without the assistance provided by the bonding program. This six-months record compares well with initial hope that the program would generate about $4 million a year in additional construction volume—doubling the 1967–68 volume of GSCA members.

Some of the different accomplishments of the project include:

Obtaining a bond on a $250,000 contract for a general contractor whose largest previous bond had been $80,000;

Obtaining a bond on an $80,000 job for an electrical subcontractor who had never been bonded before;

Assisting a minority contractor to develop a "turnkey" project for the Oakland Housing Authority;

Assisting eight contractors who had never bid on public work before to obtain bonds and to submit bids (These contractors having been shown how to proceed are now beginning to bid on their own without assistance. One contractor was a successful bidder and others have placed second and third in the bidding process);

Arrangements have been made to have contractors qualified to bid on local university construction and to receive notice of prospective work; and

Lines of communication have been opened with local surety company representatives which have resulted in bonding acceptance on every application submitted by a contractor who has used the facilities of the project to develop a set of books and records and a current financial statement.

On the basis of the encouraging signs in the Oakland Project and the positive response from the Surety Industry regarding the approach to the problem. The Ford Foundation has initiated similar projects in three other cities: Cleveland, Boston, and New York.

OTHER CITIES

Cleveland

In Cleveland the project was organized under the sponsorship of The PATH Association, a private non-profit civic organization established to foster the development of programs to improve the quality of housing, planning, and community development in the Greater Cleveland area and to provide a clearinghouse for information and citizen participation. The project has the support of the Insurance Board of Cleveland (and its Suretyship Subcommittee), the Cleveland Homebuilders Association, The Greater Cleveland Growth Association, The Businessmen's Interracial Committee on Community Affairs, and the Greater Cleveland Associated Foundation. It is also supported by the Society of Registered Contractors, an association of more than 78 Negro contractors and subcontractors, the organization of which was stimulated by the proposed establishment of the Bonding Program. The total funding for the three-year program is $645,000. A Ford Foundation grant of $225,000 made in January, 1969, was to be utilized at the rate of $20,000 in the first year and $102,500 per year for the next two years. The Economic Development Administration of the Department of Commerce has granted $100,000 to The PATH Association, of which $80,500 will be used for salaries and operating expenses for the Bonding Program and $19,500 for a three-month construction and maintenance training program during the first year with anticipated additional grants of $35,000 per year in the second and third years of the program. A revolving loan fund for contractors of $150,000 will be locally funded from the Cleveland NOW! program, a ten-year program of $1.5 billion primarily concerned with job development and better housing in Cleveland. Funds have been raised and committed from individuals, industry, and civic groups and federal funds. Cleveland NOW! is administered by Mayor Carl B. Stokes. It is anticipated that an additional $100,000 for the revolving fund will be provided by the Hough Development Corporation.

New York

In New York City, AUCOA (the Association of United Contractors of America) is a non-profit organization comprised primarily of 60 black and Puerto Rican contractors, but also including members of the allied professions, such as architects, engineers, and suppliers. It has established a subsidiary Contractors Accreditation and Control Board (CACB) which will have the responsibility for administering and conducting the Bonding Project. In setting up this Board, AUCOA reserved the right to participate in the selection of non-AUCOA members in order to maintain AUCOA's integrity and to form a Board sympathetic to the aims of the project. Serving on the Board, in addition to AUCOA representatives are: a construction loan officer of the Chase Manhattan Bank; the manager of the Bonding Department of Travelers Insurance Company; a professor from Columbia University School of Architecture; an attorney from the New York City Human Resources Administration; a construction lawyer and two insurance executives. The New York City project is funded for three years for a total of $935,000. The Economic Development Administration of the Department of Commerce has granted $135,000 to CACB for technical assistance for the first year with anticipated additional grants of $135,000 per year in the second and third years of the program. The Model Cities Program has granted $120,000 for a start-up

fund to CACB for the first year. A Ford Foundation grant of $210,000 will go to AUCOA at $70,000 per year for three years, and an additional $50,000 grant for the Revolving Loan Fund. The New York City Urban Coalition will provide the remaining $150,000 for the Revolving Loan Fund.

Boston

The Boston project was organized through the efforts of the Eastern Gas and Fuel Associates in conjunction with the Contractors Association of Boston (CAB), a non-profit organization representing approximately thirty-five black and Spanish-speaking contractors. The format is the same as in other cities and the program is funded for three years for a total of $892,550. EDA will contribute $130,850 for the bonding program during the first year with anticipated similar grants in the second and third years. The Model Cities Program will contribute $150,000 for the Revolving Fund and the Urban Foundation of Boston will grant an additional $50,000 to the Revolving Fund. The Ford Foundation will grant $300,000 for three years to support the CAB trade association.

The project has been endorsed by the surety Underwriters Association of Massachusetts, the local Small Business Administration and the financial and business community. There is a good possibility that a consortium of banks will create a revolving loan fund for contractors to secure loans utilizing, Small Business Administration guarantees provided a subordination agreement acceptable to the surety companies can be worked out.

By January 1969, The Ford Foundation had issued 5,000 copies of a *Manual of Organizational Steps and Procedures for the Establishment of a Minority Contractor Bonding Program* which was based upon the Oakland experience. The hope was that it would serve both as a stimulus and a tool for individuals and organizations interested in sponsoring similar programs throughout the country.

The overall response to the announcement of the program and the requests for similar assistance from minority contractors in almost every major urban area makes clear the acceptability of the program to the minority community and the need for a program of this type on a national basis. It also indicates the need for a National Minority Contractors Institute which would perform, at the national level, all of the functions of a national trade association and would help to organize and develop local contractors' assistance programs where need might exist. Such an institute could join minority contractors' representatives with representatives of the business and construction communities who could make available professional assistance and access to the resources of their respective industries. Preliminary discussions along these lines have been held by representatives of:

The National Technical Association;

The National Association of Home Builders;

The Associated General Contractors of America;

The Mortgage Bankers of America;

The American Sub-Contractors Association;

The National Retail Lumber and Building Material Dealers;

The National League of Insured Savings Association; and

The U.S. Savings and Loan League.

NEW OPPORTUNITIES

Although the initiative in this endeavor should be taken by the private sector, the vast resources of federal programs in the construction field hold a broad range of productive opportunities for action now—action that could make a measurable impact on the development of black entrepreneurship. In October 1968 a federal government Committee on Federal Construction Contracts and Programs began working intensively on developing ways to make federal programs a more effective tool in upgrading minority contractors. For example:

(1) Supplemental funds of the *Model Cities Program* could be used in:

Training prime or subcontractors in management skills;

Providing a revolving fund for working capital to meet overhead costs;

Providing a revolving fund for equity capital; and

Assisting non-profit organizations to act as sponsors of projects providing construction opportunities.

(2) Section 3 of the 1968 *Housing and Urban Development Act* calls for maximum feasible utilization by professional businesses of architects, planners, builders, contractors, etc., owned or partly-owned by persons residing in the project area. These businesses are to be used to perform planning, construction or rehabilitation as prescribed by HUD under Sections 235, 236; Section 221(d)(3) of the National Housing Act; and the low rent housing program under the Housing Act of 1937.

(3) *FHA Insurance and Subsidy Programs.* The effect of Section 3 on the FHA program may require sponsors to certify that the contractor has made efforts to use subcontractors located in the neighborhood or that FHA give preference to sponsors using minority contractors under Section 221(d)(3), 221(h) and the new 235 and 236 programs.

(4) *HAA (Housing Assistance Administration) Turnkey Public Housing.* Associations of minority contractors or minority development corporations can prepare proposals and participate in the Turnkey Program. Under the turnkey procedures for low rent public housing program, private developers submit site and development plans for a housing project to the local housing authority. With HUD approval, the developer builds and equips buildings and then turns the key over to the local housing authority when the project is completed. The opportunities should be excellent since local housing authorities, because of the provision of Section 3, will have to show their efforts to solicit and employ neighborhood-based contractors in all public housing construction.

(5) *RAA (Renewal Assistance Administration).* Under the Renewal and Neighborhood Development Program, a developer can be selected who will maximize the objectives of minority contractor participation.

(6) *New Communities.* Under Section 409 of the New Communities Act (Title IV of the Housing and Urban Development Act of 1968), the Secretary may adopt requirements which encourage the use of small builders in the New Communities Program. Non-discrimination provisions would assure that minority builders have adequate representation in the program.

(7) *MDTA (Manpower Development & Training Act, The Department of Labor).* Programs can include managerial training and technical assistance to minority contractors, plus liberalizing the *MA 4 Program* (under which the government compensates employers for the costs of training entry-level employees) to facilitate the use of MA 4 funds by minority contractors who have limited capital. Special Impact Funds could be utilized for grant equity to provide venture money to entrants into the contracting field.

(8) *OEO (Office of Economic Opportunity).* Under Title I of the Economic Opportunity Act, these programs can generally be used for any community purpose to provide training and other assistance where the importance of community action can be justified. Similarly, the New Careers Program under Section 205(e) of the OEO Act might be used for upgrading the skills of minority contractors or in developing the skills of promising candidates, although this program has not generally been used for this purpose, but rather has been focused on upgrading employee skills to sub-professional levels.

(9) *Small Business Administration.* In addition to its power to guarantee business loans to contractors (particularly loans subordinated to sureties to permit contractors obtaining such loans to qualify for surety bonds), the SBA under Section (8)(a) of the SBA Act can subcontract with minority contractors for federal construction work. Section (8) of the SBA Act authorizes SBA to enter into contracts with federal agencies obligating it to furnish supply articles to the government and to perform such contracts by subcontracting with small business concerns or others. It may be possible for the SBA contracting officer to enter into construction contracts with military and civilian agencies for appropriate projects mutually selected with such agencies. These contracts would fall into two classes—*limited* and *large* projects. In the *limited* projects SBA would contract directly with qualified minority contractors. In the *large* projects, SBA could contract with large contractors and require them to subcontract to "disadvantaged" contractors to the maximum extent feasible. As the prime contractor, SBA could assure compliance with this requirement.

(10) *EDA (Economic Development Administration, Department of Commerce).* EDA makes funds available in three categories with the overall purpose of eliminating unemployment.

The three categories of assistance are:

	Million
Public works	$606
Business loans	138
Technical assistance and planning	9

(NOTE.—Dollar amounts indicate funds allotted over a three year period. Committee on Federal Construction Contracts Memorandum HUD–95 (7–65), Nov. 14, 1968, p. 7. The committee final report noted that bonding requirements are less stringent for all contracts of less than $2,000. The writer feels that this figure should be substantially higher, with the federal government thereby assuming the role of self-insurer for a larger number of minority contractors.)

EDA guarantees 90 per cent of the working capital on projects they approve.

The federal programs enumerated and the approaches indicated are just a beginning.

The organization and implementation of a contractor's bonding program on a national scale gives promise of making available to minority contractors meaningful participation in the construction opportunities ahead. Such a program can create access to the construction industry not only for minority general and subcontractors, but also for thousands of minority adults and youths who are now excluded from the building trades unions. In addition, increased construction opportunities for black people can spawn growth and opportunity in many related fields: better housing and community development programs; opportunities in real estate development and ownership; in banking, mortgage, and surety brokerage, and insurance; and in real estate management and brokerage, law, accounting, and other fields.

This wide spectrum of opportunity adds up to a challenge—the challenge of harnessing the available resources, not merely to rebuild the cities, but to develop in the process new sources of economic strength within the black communities.

PESTICIDES AND INSECTICIDES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. EDWARDS of California. Mr. Speaker, we are facing a growing threat

from the unrestricted use of pesticides and insecticides. In San Francisco Bay marine life is dying as a direct result of the use of DDT. In fact, we of the United States have been the leaders of the world in poisoning the environment.

However, the United States also has been one of the world's leaders in recognizing the dangers of its past actions and in attempting to correct those mistakes. Perhaps, the leadership has come more from the private sector than the public one. An example of such private actions was the recent decision by Sunset magazine, a very popular western living magazine, to ban advertising for products containing DDT and five other insecticides. The magazine, a product of Lane Magazine & Book Co. of Menlo Park, Calif., goes into thousands of homes throughout the Western United States. Its action is truly a brave one, for it is supported by a great deal of garden product advertising. Sunset has put its convictions ahead of the advertising dollars. In addition the company is revising all of its Sunset gardening books to recommend products other than those including DDT and the other pesticides. Sunset magazine recently issued a statement explaining its stand and I include it in this RECORD. Finally, I would like to offer my personal congratulations to Sunset magazine and its president, L. W. "Bill" Lane, Jr. and Melvin B. Lane, publisher of Sunset Books. The statement follows:

SUNSET MAGAZINE MOVES AGAINST DDT AND FIVE OTHER INSECTICIDES

MENLO PARK, CALIF.—*Sunset* Magazine announced this week an immediate ban on accepting advertising for products containing DDT and five other insecticides, and is revising all of its *Sunset* gardening books to recommend substitute products, acccording to Lane Magazine & Book Company president, L. W. (Bill) Lane, Jr.

The move came after a continuing concern and a six-month intensive study convinced the magazine's gardening staff and management that damage to wildlife and the eventual possibility of harm to humans is far too great to offset the product advantages for use in home gardens.

The announcement is especially significant in view of the fact that *Sunset* currently carries more insecticide and pest-control advertising than any other non-farm magazine in the country.

Lane also announced that the magazine will publish a comprehensive report on the subject in its August issue, listing 19 acceptable substitute products for use around the home and recommended methods for getting rid of present supplies of the insecticides. He emphasized that many of the substitute products have been included in recent and all current printings of *Sunset* publications. The magazine's ban on product advertising goes into effect with the same August issue, which is the first issue going to press following the announcement.

Sunset's garden editor Joseph F. Williamson said that research and checking with all responsible authorities convinces him that the new restrictions imposed by the California Department of Agriculture are a step in the right direction, but that more controls are needed.

Sunset's decision not to accept advertising precedes the January 1, 1970, ban ordered by the State of California directive on only two insecticides—DDT and DDD.

Three other states—Arizona, Wisconsin, and Michigan—have passed or proposed legislation to control the use of DDT and related chemicals.

The *Sunset* article will also recommend that four other insecticides immediately be taken off the market for home gardening—aldrin, dieldrin, endrin, and toxaphene. They are also included in the ingredients not acceptable for *Sunset* advertising. Williamson explains that the major problem with these stems from what scientists call "nondegradability." Other kinds of insecticides "break down" or change into harmless substances within hours or days after application. These retain their chemical potency, wherever nature may take them, for years after application.

Williamson reports that manufacturers are actively cooperating in the drive to market substitute products that offer the benefits of insect control without the hazards of DDT and its related compounds. Some have voluntarily eliminated DDT products from their lines. Nevertheless, according to a *Sunset* survey of retail outlets, it still is currently contained in 35 products in the Western garden supply market.

Scientists report that certain forms of wildlife (California brown pelicans, pergrine falcons, bald eagles, and Dungeness crabs, to name a few) have taken enough DDT into their systems to make many adults no longer capable of reproducing, thus threatening their species with extinction.

Lane noted that not accepting certain categories of advertising is not new to *Sunset*. The publication, with a circulation of close to one million in Western America, has a long list of products that it does not accept in its advertising pages. "In the case of tobacco and hard liquor, we dropped advertising of such products 25 years ago," Lane said, "not because we set ourselves up as crusaders, but because we felt they didn't fit in the atmosphere of our family-oriented magazine. But in the case of insecticides, our readers expect us to be authorities; we can't very well accept advertising for products we would not endorse or recommend in our editorial pages."

In addition to publishing *Sunset* Magazine, the company is a major book publisher. Melvin B. Lane, publisher of *Sunset* Books, reports that revisions already are being made on all of the firm's garden books to conform with the new findings on insecticides. New printings are underway and will be completed by Fall. The company publishes nearly a half million garden books a year. Sales of its top seller, The Western Garden Book, have exceeded 1.3 million copies since first published.

WELCOME TO THE SOUTHLAND

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. MANN. Mr. Speaker, when Alaska was admitted to statehood in 1958, repercussions of the event did far more than shake up the pride of Texas. This simple act of Congress has made southerners of nearly all Americans—for now the geographic center of the United States is way up yonder in Castle Rock, S. Dak.

For the benefit of you former Yankees and to the few who remain north of the new Mason-Dixon line, I would like to insert in the RECORD an article published in the June 15 issue of Parade magazine, which contains some rather amusing sidelights on the result of the big shift to the South:

DIXIE LINE

Such Northern centers as New York City, Boston, Chicago and Detroit—believe it or not—are now located in the southern half of the United States. The Geological Survey has established officially that the geographic center of the United States is now situated just west of Castle Rock, S.D., at 44 degrees 58 minutes North Latitude and 103 degrees, 46 minutes West Longitude. The addition of Alaska with its huge land mass as the 50th state has shifted the geographical center far north of its previous location near Lebanon, Kans. Thus, the new Mason-Dixon line would be drawn through Minneapolis-St. Paul and Wausau, Wis. Only northern Maine on the East Coast and the territory above Salem, Ore., on the West Coast remain in Yankee territory. Even such far northern outposts as Bar Harbor, Me.; Green Bay, Wis., and Boise, Idaho, now belong to the South.

WOMEN AND DISCRIMINATION

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mrs. DWYER. Mr. Speaker, our colleagues may recall that I recently included in the RECORD the text of my letter to the President proposing means of strengthening the protection of women's rights and responsibilities, together with a series of articles by the distinguished Washington correspondent, Vera Glaser, documenting some of the disabilities women face and surveying the state of the issue of women's rights.

At this time, I am pleased to bring to our colleagues' attention a further chapter in the continuing fight for justice, this time an important article describing the existence of discrimination against Federal employees who happen to be women.

Entitled "Women on the March Again—Are They Being Discriminated Against in White-Collar Federal Jobs?", the article appears in the June issue of Government Executive. Author Samuel Stafford, associate editor of the magazine, has done a thorough job of research which I commend to our colleagues.

The article follows:

WOMEN ON THE MARCH AGAIN—ARE THEY BEING DISCRIMINATED AGAINST IN WHITE COLLAR FEDERAL JOBS?

HIGHLIGHTS

1—Many middle-level Federal women employees are decidedly unhappy about their prospects for advancement on the job, a Government Executive survey shows. In many instances, the women flatly charge male superiors with sex discrimination.

2—Presidents Kennedy, Johnson and Nixon have taken strong stands in favor of job equality for women. Yet the percentage of women in white-collar Federal professional, administrative or technical jobs remains small.

3—New women's rights legislation and White House Executive Orders during the past decade have, feminists say, set off a "Quiet Revolution." Main thrust of the militant women's groups has been in the private sector, but the job equality movement seems to be gaining strength in Government.

4—The women are getting help from Capitol Hill. Meanwhile, the Civil Service Com-

mission's relatively new Federal Women's Program is criticized by some as inadequate and praised by others as a firm step in the direction of women's job equality. Main problem: setting up hiring, promotion and grievance machinery that will insure that both supervisor and employee are treated fairly in job discrimination disputes involving women, minority group members and others.

It is hardly a secret that, for years, many highly competent American women have been discriminated against in the competition for middle- and upper-level jobs and promotions in private enterprise and Government by sometimes incompetent males with egg-shell-fragile egos.

If you don't believe it, ask any career woman who has reached or almost reached the white-collar job level in business, industry or the professions, and Federal, state or local governments.

Now, many influential women are saying, the time has come to strike back.

New feminist organizations are springing up to push for women's rights. Militants talk of the "Quiet Revolution"—an uprising they say could have as profound an effect on the future of the Republic as today's better publicized campus and ghetto rumblings.

The shock troops of the Quiet Revolution are members of what one militant woman Federal employee calls the "Feminine Underground," about which somewhat less is known than, for example, the number of FBI infiltrators in the Communist Party or the SDS membership rolls at Columbia University.

"There is a feminine underground, you know," a woman Government official recently told *Government Executive*. "It's not very large yet, but it's stronger than you might think. The Nineteenth Amendment in 1920 gave us the vote, but it has only been in the last 10 years that we began to get meaningful Federal legislation and Executive Orders on job equality. You could say the stage is set for the final push."

Those women who have made a career of fighting for women's rights say discrimination against women in hiring and promotion in the private sector still is a disgrace and that Federal Government job discrimination against females is a national scandal—especially in view of the Government's clear-cut duty under the law to fight sex bias wherever it finds it.

How do women in the middle and upper-middle Federal agency levels feel about their chances of advancement to what they consider their levels of competency?

Government Executive put this question to dozens of Federal women professionals, many who had formerly held state or local government jobs, and to women legislators and others who are knowledgeable about women's rights struggle.

Some were cautious about talking freely. But most were eager to discuss their own and others' occupational "horror stories" on the condition that they not be quoted by name.

The answer came back: A high percentage of Federal women professionals are frustrated, bitter and discouraged by their treatment from the male executive establishment. Some in the GS–11 to 13 levels have long since given up all hope of getting ahead and are merely putting in time until retirement.

One typical story:

"I'm a GS–12 and, as it happens, the only professional in my field in my office. When a job came up requiring someone with my qualifications, I was asked to handle it. Everybody in the office knew I was doing a good job on an informal basis and thought I should get the promotion.

"But they brought in a man who was no better qualified than I was and gave it to him. I asked the personnel man why and he said that when both a man and a woman apply for a certain job, the man will get it unless the woman is rated superior even though the man doesn't need a superior rating.

"Later, I found out that they hadn't even put a notation in my record that I had done that particular job, so I put the notation in myself.

"I told my boss I wanted to talk to somebody informally, you know, to find out what it was I lacked, the specific reason why I didn't get the job, and he said that wasn't possible, that the only thing I could do was to make a formal complaint upstairs.

"What kind of complaint could I make? How can you pin down something as nebulous as sex discrimination—or race discrimination, too, for that matter? But when this kind of thing happens to you over and over, you begin to wonder."

Another middle-level Federal professional said: "We had the misfortune to get a confirmed woman-hater in at the top, and he went out of his way to make life miserable for any woman who had the nerve to stand on her own two feet. It took him three years, but he drove every woman but one out the responsible jobs in the office."

A woman who managed to make it to the rarefied air of the GS–15 level said: "It was tough going, believe me. You have to be a superwoman. You have to be twice as good as any man.

"I was doing a professional job out in the field and I was the only woman in the project. Every now and then, I would have a sticky problem and I'd want corroboration from somebody else about the ideas I had come up with.

"One secondary supervisor was very touchy about the male-female thing. Every time I would start my story, he would jump to a conclusion and give me the answer. H'd just cut me off. He didn't do this with any of the men.

"I long since got over being emotional about it. Oh, that's not quite true. I still get excited about obvious injustices, but what can you do? You just have to ride along."

Frustration, resignation, defeat. There is a depressing sameness about the stories. In some cases, they are alike in every respect, but the names of the participants and the agency.

Most of the women grit their teeth and "ride along." A few fight back—and pay the penalty for bucking the male dominated system.

One such is Armene Bostanian, a small, spirited woman who was fired from her GS–13 job in the Labor Department in 1967 after she had the effrontery to seek upper-echelon, "male only" jobs in the Office of Labor-Management and Welfare-Pension Reports.

Miss Bostanian, a labor law administration adviser, was fired "to promote the efficiency of the service" after a distinguished career of 27 years during which she consistently received excellent and superior ratings. When she was discharged, she held the highest women's civil service level job in her bureau.

She graduated cum laude and Phi Beta Kappa from the University of Washington as an economics major with post-graduate work in government administration and fiscal policies, and later studied law at the University of Chicago.

Miss Bostanian began her Government career in the lowest grade and rose to posts as industrial relations analyst, labor economist and labor market analyst to become a labor management relations examiner for the Northwestern states.

She won praise from both labor and industry for her ability and fairness in settling a variety of representation and unfair labor disputes under the Wagner and Taft-Hartley Acts. She also served as jurisdiction and coverage expert in administering the 1959 Landrum-Griffin Act. She continued to compile a superior record when she was transferred to Labor Department headquarters in Washington in 1959.

Her troubles began after she reached the GS–13 level when a top Labor Department official told her all jobs in her bureau above that level had a "men only" tag on them. There are those who say that then-Labor Secretary W. Willard Wirtz concurred in this edict. But a Labor official who is knowledgeable about the case recently told *Government Executive*: "I really don't think Willard was fully aware of what was going on down there until it was too late. I think if he had known, he wouldn't have let it happen."

When Miss Bostanian applied for a posted GS–14 vacancy, for which she was certified as qualified, she got the "men only" treatment. She continued to apply for other GS–14 jobs for which she was qualified. By her own account, she was harassed by superiors. Among other things, she said, she was given assignments under restrictions designed to make them impossible to fulfill. And finally she was fired, and her salary cut off.

In September 1967, a Civil Service Commission hearing officer reversed this action, calling the "inefficiency" charges against her unfounded, and ordered her reinstated with back pay.

Instead of following this order, however, the Labor Department appealed, and the Civil Service Commission appeals board on February 2, 1968, upheld the department.

By this time, Miss Bostanian's plight had drawn attention on Capitol Hill.

Sen. Warren G. Magnuson (D-Wash.) and other legislators carefully investigated the case and concluded that Miss Bostanian had been a victim of prejudice, apparently because she is a woman.

On December 18, 1967, Magnuson, who labeled the dismissal "shocking," wrote then-Civil Service Commission chairman John Macy pointing out Miss Bostonian's excellent record in labor relations and calling attention to her bulging file of commendations, which included a letter from a Northwest telephone company lawyer who said she was a "genius in labor relations work."

"As we approach 1968," Sen. Magnuson wrote, "I am indeed concerned about the credibility gap. Is it possible for a woman of proven competence to serve in an executive-type responsibility in duties evidently preempted by men? I believe the President's continuing interest in placing women in positions of responsibility requires affirmative action."

Macy's first response seemed favorable, and he said he was "impressed with Miss Bostanian's apparent expertise in labor relations."

A few weeks later, however, Macy said he had learned that the Labor Department had taken an "adverse action" against Miss Bostanian and that he could not consider her for an appointment until this was adjudicated. And the following February, the Commission reversed its examiner's findings and ruled for the department.

Also going to bat for Miss Bostanian were Representatives Thomas Pelly (R-Wash.), Julia B. Hansen (D-Wash.) and Robert J. Corbett (R-Pa.).

Hansen in a letter asked President Johnson to intervene, adding: "I do this in the name of justice and equality for women and particularly in view of the recent Presidential Order on equal opportunity for women in the Government service."

Last October, Macy wrote Magnuson to say the CSC had found no grounds for reopening the case.

Federal officials, Miss Bostanian said, were "completley non-responsive" to specific points in queries from legislators.

She continues to fight for full reinstatement with back pay, but sometimes gets discouraged. Meanwhile, Civil Service Commis-

sion chairman Robert E. Hampton has indicated he might review the case, but seemingly shifted the burden of proof to her by asking her to submit any new evidence she has to indicate that the CSC Appeals Board erred.

The irony is that Miss Bostanian was done in by the bureaucracy during a Democratic Administration, which had made much political hay out of its appointments of women to showcase administrative jobs.

Lyndon Johnson called the under-utilization of American women "the most tragic and senseless waste of this century" and was fond of saying he had appointed 21 women to executive jobs not previously held by women on Presidential boards and commissions dealing with major national issues.

The consensus of women professionals contacted by *Government Executive* was that LBJ's record regarding women was a "plus," but that it was hardly an all-out attack on a serious problem.

"Some of us who have been around a while know when an appointment's for real or only a phoney—a token appointment like some Negro appointments . . . an Aunt Tom.

"In fact, many women get those top token appointments because they *are* safe . . . because they're not militants, and from a standpoint of fighting for women's rights, they may be more spineless than any man."

Over the years, White House showcase token appointments have seldom done much to help the cause of middle-level women professionals.

A Civil Service Commission survey published last year shows that the relative status of women in upper-level administrative Federal jobs has changed little in recent years and that, while a third of all Government white-collar workers are women, only two percent of them held key managerial positions.

The comprehensive survey, recently updated, shows that women are concentrated in lower grade levels and office positions and that, although the numbers of women in professional positions has increased, the proportion of women among all Federal professional employees has dropped slightly.

Other surveys have shown that no more than a third of middle-level women Federal employees expected to reach the GS–15 level, while two-thirds of the men expected to reach that level.

At the time the CSC survey was taken, there were 19 women and 1,021 men in Grade 15 in the Treasury Department. The Secretary of Defense and Joint Chiefs listed three women out of a total of 414 at the GS–15 level, and no women above GS–15. Army had eight women out of a total of 1,956 in GS–15. Figures for other services generally were comparable, with percentages for women employees usually below four percent of total men and women employees above the GS–13 level.

Health, Education and Welfare, State, Labor and the District of Columbia Government are among the better agencies and units from the women's viewpoints.

The White House offices, Budget Bureau, Treasury, General Accounting Office, Government Printing Office, Housing and Urban Development, Commerce, Agriculture, Post Office, Justice, Interior and other agencies do not show up as well, statistically (in Commerce, for example, women comprised eight percent or fewer of total employees in each level above GS–12; in Justice, women white-collar employees did not rate above 10 percent in grades above GS–9; in the Post Office Department, there was only one woman out of 317 at the GS–15 level; and in Agriculture, there were only 14 women out of a total of 902 at the GS–15 level).

The CSC survey shows that for all agencies covered worldwide, excluding foreign nationals, and employees of the CIA, the National Security Agency and the Federal Reserve Board of Governors, there were 10,035 men and 179 women in Grade 16 or above and 20 women and 1,365 men in Grade 18 or above.

The Civil Service Commission itself curiously has done little better than many other agencies in finding room for women at the top or upper-middle levels. At the time the survey was taken, only six women were GS–14s out of 153 employees at that level, and only two women out of a total of 98 employees were GS–15s. Fewer than four percent of the total at the GS–16 level were women. And at that time, no women were listed at the GS–18 level or above in the Commission.

The percentages have changed somewhat in the slightly more than 18 months since the CSC survey was taken. But the changes have not been dramatic. Between Grades 12 and 14, particularly, women comprise only a handful of the total. And between Grades 15 and 18, the number of women compared to the total is negligible.

The CSC report does not include a breakdown by race or education or experience level (a persistent gripe of feminists is that women often are better educated than men holding similar jobs).

A veteran woman professional said: "The Civil Service Commission itself, which should be leading the way, has fewer women in top jobs than it did 20 years ago. At one time, it had two women regional directors and a woman deputy in San Francisco. Not anymore."

Among other complaints by white-collar women:

"The Civil Service Commission is management-oriented. You really need a complaint apparatus that is completely independent of either the Executive Branch or Congress."

"Many women in the Federal establishment—the legislative and judicial branches, for example—aren't covered by Civil Service provisions."

"The Civil Service Commission has been indifferent to sex discrimination until relatively recently, just as it was about racial discrimination until that became a political hot potato."

"It's not enough to merely stop present discrimination. The Government has to see to it that qualified women are actively recruited, trained and promoted to good jobs that open up now. In other words, the Government cannot be neutral and issue wishy-washy guidelines and hope to persuade agency officials to change their ways. The White House must take the lead in finding and upgrading qualified women. I don't see that being done now." (Similar complaints often have been heard from spokesmen for Negro groups.)

It is true that, until recent years, the Federal establishment has shown little interest in pushing equality for women.

The present stirring in distaff ranks—both in Government and industry—arises largely (to a degree as it has with Negroes) from a series of significant legislative actions and White House Orders.

Women, however, still lack such a far-reaching legal weapon as Negroes won when the Supreme Court handed down its Brown vs. Board of Education decision banning school segregation in the states.

In 1961, President Kennedy by Executive Order established a commission on the Status of Women, and an Interdepartmental Committee and a Citizens Advisory Council on the Status of Women were set up to facilitate carrying out of Commission recommendations.

And in 1962, the right of Federal appointing officers (most of whom were and are men) under the law to specify sex preferences in filling job openings was repealed.

Title VII of the Civil Rights Act of 1964 enunciated a national policy of equal employment opportunity without discrimination because of race, color, religion, sex or national origin.

Executive Order 11246 of September 1965 carried forward the program of equal employment opportunity in Government and employment by Federal contractors and subcontractors regardless of race, creed, color or national origin—omitting both sex and religion.

The omission of sex, presumably because its inclusion would open a can of worms regarding Federal contract compliance, incensed many women Government professionals, including then-Assistant Secretary of Labor Esther Peterson.

In October 1967, Lyndon Johnson, who had made such brave statements about womens' rights, saw fit to amend his 1965 Executive Order to include both sex and religious discrimination. "The pressure on him," said one woman in-the-know, "was terrific." But in succeeding months, the Government showed little inclination to take the lead in ferreting out sex discrimination cases, and women were reluctant to make formal complaints.

The Civil Service Commission in 1967 and 1968 published new instructions to agencies calling for them to draw up formal antisex-bias action plans, designate a Federal Women's Program Coordinator in each agency and make periodic progress reports to the commission.

Under Executive Order 11246, the CSC was to "supervise and provide leadership and guidance" in the conduct of equal employment opportunity programs of agencies and to review such programs periodically. According to CSC guidelines, "each agency head exercises personal leadership in the development and implementation of a positive and continuing program. . . ."

In other words, the Civil Service Commission's role has been that of a guide and gadfly, rather than policeman. Such a role doesn't satisfy some of the more militant ladies.

"If the head of an agency or his top assistants want to disregard the Commission's guidelines," one said, "they know they can get away with it. The guidelines have no teeth in them."

Few women have formally complained about job discrimination to the Commission, a CSC spokesman said. Asked about this one women's rights advocate commented: "Women don't complain because they know nothing will be done about their case, and they'll just wind up in trouble."

Some of the women's program coordinators, it is said, do an excellent job of looking after women's interests in their agencies, while other coordinators are ineffectual. Curiously, a few men coordinators were given better marks than some of the women coordinators. The main criticism here was that standards for appointing program coordinators should be tightened.

The CSC's answer to critics is that its relatively new Federal Women's Program *is* working, if progress is slow because of problems inherited from the past—such as a shortage of well-qualified women to fill available upper-level jobs.

Officials point out that CSC and other agencies recruit at women's colleges and conduct many job training programs and seminars.

They say that appointments of women from the Federal Civil Service entrance examination rose from 18 to 35 percent between 1963 and 1967, and that women fill 29 percent of Federal jobs in personnel management, 22 percent in mathematics and statistics and 20 percent in computer specialist categories.

Among examples the CSC gives of women's job "breakthroughs:"

A State Department woman specialist on European affairs was named vice chairman of the Policy Planning Council; a woman was

named an Assistant Secretary of State; a woman was appointed to head a major program at the National Center for Radiological Health. Among many other "firsts" were appointments of the first woman customs inspector at Washington's Dulles Airport and the first woman tugboat captain in the history of the Army Corps of Engineers (she is not named "Annie").

The CSC will put a new discrimination appeals system into effect July 1, which officials say will add greatly to the "due process" available to Federal employees complaining of discrimination because of race, color, national origin, religion or sex.

The system will provide for independent investigation of the facts in discrimination cases and appeals hearings conducted by trained examiners from outside the agencies involved in the complaints. Whether women will avail themselves of the new system remains to be seen.

A Civil Service Commission spokesman said: "We're working in a positive way to change attitudes and practices on all levels. We're working with personnel officers, agency executives and employees. We consider the complaint system as a relatively minor part of the entire problem—only a last resort. We can't help many women because they don't complain. Complaints are like the tip of an iceberg. We want to deal with the iceberg itself."

In keeping with the times, distaff militancy is on the rise and President Nixon, who on several occasions has promised women a better break, has been put on notice that women are getting tired of the "second-class citizen" label.

Rep. Martha Griffiths (D-Mich.), one of the most dedicated and effective leaders in the fight for equal opportunity for women, has pushed for stronger legislation on the issue, and has spoken out forthrightly many times on the subject ("We might as well be in a ghetto," she said).

But Nixon has been getting strong anti-sex-bias vibrations from nearly all points of the political, economic and social compass.

Last month, the militant National Organization of Women (NOW), headed by author-feminist Betty Friedman, picketed the White House. Some of the pickets were "chained together" and wearing aprons.

In February, Rep. Florence Dwyer (R-N.J.) wrote Nixon proposing establishment of an independent commission committed to strengthening women's rights and the formation of an office of Women's Rights and Responsibilities within the Executive Office, and the establishment of other distaff-oriented units.

Asked what action had been taken on the letter two months later, Dr. Arthur Burns, counselor to the President, replied: "I have had other things to do."

Vera Glaser, Bureau Chief of the North American Newspaper Alliance, caught President Nixon off guard at a press conference when she pointed out that at that time he had made about 200 high-level appointments and that only three of them were women, then added: "Could you tell us, sir, whether we can expect a more equitable recognition of women's abilities, or are we going to remain a lost sex?"

Nixon gave her a light reply, provoking laughter from press corps males, then apparently recognizing he had made a political flub, said he had not known that only three top jobs had gone to women and would see that "we correct the balance promptly."

The three women named to top posts are Mrs. Patricia R. Hitt, Assistant Secretary of Health, Education and Welfare; Mrs. Rita Hauser, U.S. representative on the Human Rights Commission of the UN Economic and Social Council; and Mrs. Elizabeth Duncan Koontz, director of the Women's Division of the Labor Department.

Other top Nixon appointees include Mrs. Dorothy A. Elston, U.S. Treasurer; Mrs. C. Wayland Brooks, director of the Mint; and Mrs. Virginia H. Knauer, White House consumer affairs aide.

As of mid-April, some 830 Presidential and "Schedule C" posts had been filled, only 11 of them by women. Nixon Administration recruiters say that women nominees have been in short supply.

Meanwhile, the Federal "Feminine Underground" makes its own estimate of the situation. Among other reports making the rounds:

That a veteran woman professional in Government has been reassigned to new duties because her name was linked to Federally Employed Woman (FEW), a relatively new women's rights organization which is less militant, but no more popular with the male establishment than the National Organization of Women.

That Nixon's women appointees thus far include token appointments which are little more than window dressing for the Administration.

That a top Administration talent scout has repeatedly submitted names of qualified women nominees to the White House, but that the names somehow got "lost."

That in trying to convey a youthful image to the public, the Administration has bypassed some experienced women in favor of less experienced young men.

And finally, that four close Nixon aides (Urban Affairs Advisor Daniel Moynihan seemed decidedly unpopular with the feminists) hold views inimical to the best interests of Federal women professionals.

Mrs. Nixon, at a White House coffee for chairmen of state and city commissions on the status of women, said: "All the women I know who want to get up, go out there and pitch," and do well. She added: "I don't think there is any discrimination. I have not seen it."

Many women concede that there is much truth in points often raised in rebuttal by men executives—that most women are primarily interested in home and family and only secondarily concerned with jobs; that women are less stable job prospects because they may quit at any time to get married and take time off when they get pregnant; that women tend to be more emotional than men; and that many women, as well as men, prefer to work for men.

But few women agree with the frequent male charge that women do not make good administrators, and point out numerous examples to disprove this theory.

The question remains: Why have women not asserted themselves more in the past, and why (considering that they make up 51 percent of the U.S. population) have they been ineffective until only recently in organizing as a political force?

"Women have been brainwashed, particularly since Freud came along, into accepting the role of wife and mother as the only one that meant anything," one feminist said "the idea that a woman could find fulfillment in both a job and family was always laughed off."

Another woman professional said: "I think any woman who has anything on the ball doesn't want to get involved in a big feminist dispute. People will think you're neurotic. It's easier to take it."

Others put forth the view that "it's not smart for a women to talk about sex discrimination because it makes a man feel guilty and a man doesn't want to feel guilty" and that "many men get their only sense of identity from their jobs, and that when a women—especially a single woman whose major interest in life is her job—tries to get ahead, the men feel threatened and strike back."

Helen M. Hacker, in a sociological paper, indicated that women may have many characteristics of a minority group, and added: "Constant reiteration of one's inferiority must often lead to its acceptance as fact."

Whatever the situation in the past, there can be little doubt that women are on the move, and that the impact of the Quiet Revolution in both Government and industry will be considerable in coming years. The women, who in past years have been as hard to unify as Arab League nations, are becoming more organized. They are prepared for a long struggle. And it is not unlikely that some male egos may be bruised along the way.

"A HIGH PERCENTAGE OF MEN FEEL THAT WOMEN DON'T BELONG HERE . . ."

A woman who described herself as "a scientist in a man's field" once wrote former Sen. Maurine Neuberger, chairman of the Citizens' Advisory Council on Women, to say she had been hired by a "large organization" at a starting salary lower than that normally offered a man with similar education and experience. At that time, she said, her boss promised her advancement opportunities, and later he said he was pleased with her work and was recommending her for promotion.

When the promotion was denied, her supervisor told her, the writer said, that "in his opinion, the real reason is that I am a woman . . . He indicated that a high percentage of men in this group feel that women do not belong here at all . . ."

The "large organization" she worked for, she said, is "an agency of the United States Government."

After an "extremely distasteful and unpleasant experience," the woman was promoted by superiors who were aware that she had written the Citizens' Advisory Council. She thanked Mrs. Neuberger for her advice and support, and Mrs. Neuberger replied: "I am very pleased that you have received a promotion. It is entirely possible that your insistence will not affect your future adversely; on the contrary, it may be that a woman showing spirit and determination may favorably affect the situation for all women in your organization. . ."

In an unrelated case, a woman professional accepted an assignment at another Federal site during a program "phasedown" on the strength of specific agency promises.

After arriving at her new location, she was informed by an official: "Mrs. ------, you do not have a job here."

The woman said the transfer had cost her a lot of money, and the official said this was her "own stupidity" in agreeing to volunteer for the new job assignment.

The official told her, the woman said, that the position had originally been graded GS–11 and had been changed to GS–9, and that he had a man in mind for the job who was a GS–11, "a man intelligent enough not to volunteer for transfer," whom he intended to put in the job. He offered her a substitute position.

The woman became so upset at the unexpected hostile reception that she "collapsed and had to be attended by members of my family."

Her case was resolved after much difficulty, and she was reassigned.

A final postscript from her report:

"Mr. ------ had informed me the organization would be moving, but that I would not be moving with it. When moving day came, all furniture, equipment and personnel were moved into the next building, except the desk and chair I had used. I was not deterred and kept asking for my desk. After three hours, my desk and chair were brought to the new location . . ."

DEDICATED CREW MANS TOWER AT BUFFALO AIRPORT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DULSKI. Mr. Speaker, a dedicated crew of 41 controllers is on duty manning the control tower at the Greater Buffalo International Airport.

The volume at Buffalo does not compare with some of our larger metropolitan airports, of course, but these men nevertheless are called upon to handle some 525 flights a day.

This is very exacting work, imposing an exceptionally high degree of responsibility, involving thousands of lives every day. Training for the job requires 22 months, including an intensive 10-week basic course at the Federal Aviation Administration Academy at Oklahoma City, Okla.

Francis J. O'Connell, financial writer for the Buffalo, N.Y., Courier-Express, has provided an excellent word-picture of Buffalo tower activity in the following article which was published on June 26:

FORTY-ONE BUFFALO AIRPORT CONTROLLERS HANDLE ABOUT 525 FLIGHTS DAILY

(By Francis J. O'Connell)

"Pilot to control tower."

For the 41-man crew handling tower and radar operations at Greater Buffalo International Airport, this familiar call is heard about 525 times a day as commercial and private plane movements, plus occasional military flights, seek permission to land or take off from the airport.

The crew manning the control tower, all specialists in this type of professional work, has been increased in number by 11 over the last 18 months to handle the spiraling traffic.

William A. McLean, the Federal Aviation Administration's chief of tower operations, said the rapidly increasing plane traffic has become so great that his staff on any given peak morning hour is capable of handling a total of 62 arriving and departing planes.

Asked whether the FAA records show detailed times of each arrival or departure during peak hours, McLean said no.

"We are not required to keep that type of information," he said, "but it can be said that during one of the real peak hours, there is a plane movement every 30 to 60 seconds, with the one minute interval usually predominating.

The control tower and radar operation has a complement of 33 controllers on duty, 5 watch supervisors and 3 crew chiefs.

"The tower over which the FAA has complete charge," McLean said, "works 24 hours daily, 7 days a week, and we handle an hourly average of 37 planes daily during peak and let-down hours in mid-afternoon or late evening.

"The tower not only handles Buffalo Airport, but also Niagara Falls International Airport, Dunkirk and Buffalo Air Park."

He emphasized that of the 525 daily flights averaged through May, 250 were regularly scheduled flights to heavy congested centers such as New York, Chicago, Washington and Los Angeles.

He describes peak hours as starting at 7 a.m., reaching full potential between 8 and 9 a.m. and slowing down gradually between 10:30 a.m. and noon. The rush usually resumes at 3 p.m., gains momentum through 6 p.m. and reaches its evening peak from 7 to 9 p.m.

Airlines report that while some consideration is being given to altering some flight times to congested areas, the demands of the public are so great that it is difficult to make any schedule changes. Business and professional persons constitute a large portion of the morning peak hours, with many scheduling returns for early evening.

The extent of traffic can be noted by the fact that 207,852 travelers were handled in and outbound during May. Total tower operations reached 14,587.

There are a number of operations concerned with the tower atop the airport where safety is the concern of all.

Initially, the ground control handles all planes situated on the ground. The local controller staff is responsible for handling the active runways such as the main northeast-southwest and the shorter, alternate runway.

Actual positions of all traffic controlled by the tower comes under the flight data operator who gets all information from the Cleveland, Ohio, center, with respect to instrument departures. The clearance delivery position must issue clearance to pilot prior to leaving any of the airport gates.

When the pilot's departure time has arrived, the ground control is asked for instructions and the plane is cleared to the taxiway. It is then up to the local controller to clear him to the runway, subject to traffic at the destination point. Congestion might exist in New York or Chicago, for example, and delay could ensue.

"Our operation at Buffalo Airport is perfectly normal, with no delays or cancellations unless there is major congestion at some of the bigger metropolitan airports. Traffic is moved to and from Buffalo as quickly as there is assurance of proper clearance," McLean said.

To emphasize this point, McLean pointed out that FAA records in 1968 show a total of 163,666 plane movements handled by his staff.

The movements were far greater in the larger metropolitan areas and account for occasional congestion that often delays flights at smaller airports. Chicago, for example, handled 690,810 plane movements; John F. Kennedy International, 465,120, and La Guardia, 357,382. The latter two are in New York and all have control tower personnel ranging from 90 persons upward.

Both McLean and Richard F. Rebadow, general manager of airports for the Niagara Frontier Port Authority, have high praise for the FAA crews at the airport. They are pictured by both executives as "dedicated and easy to work with, entirely professional and a tremendous asset to Port Authority plans for future expansion of the airport."

Who qualifies as a controller whose job it is to safeguard the lives of thousands?

It takes approximately 22 months of training for the graduate or the "man in the street" who can pass a Civil Service examination, regardless of his education, and go on to training programs.

At the Buffalo Airport tower, for example, the facility is rated one grade higher than smaller airports and when bids are sent out for controllers, the qualified personnel from smaller cities transfer to the larger airport and become indoctrinated to the area.

To keep a list of personnel available, any person can take the civil service test for controller. If he qualifies, the FAA lists the name and as new people are needed for controller, he is summoned. They are sent to a nearby FAA facility such as at Buffalo Airport and undergo extensive interviewing.

If they are still found to be qualified, they are sent to the FAA Academy at Oklahoma City for 10 weeks. On graduation, they return to Buffalo for on-the-job-training. This is the over-all program that consumes 22 months.

THE BUDGET BUREAU AND THE PENTAGON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RYAN. Mr. Speaker, as the imbalance between our spending on weapons acquisition and military hardware and our long-starved domestic sector has become more acute, more and more Members are coming to recognize the importance of controlling the spending of the Pentagon.

Ostensibly, the spending of all agencies of the Federal Government is controlled by the Bureau of the Budget—BOB—while BOB without question exercises great control over domestic spending, it does not exercise the same degree of control over the Pentagon. As a consequence, the demands of the military for new weapons systems are not being balanced against the pressing domestic needs of our society.

In an article entitled "Can the Budget Bureau Put the Lid on Pentagon Spending," which appeared in the July issue of the Washingtonian magazine, Barbara Newman has outlined the difficulties faced by the Bureau of the Budget in controlling Pentagon spending. She gives particular attention to a topic which should be of paramount importance to Congress; namely, the question of who will control the resources which will become available once the Vietnam war has finally been terminated, and how they will be utilized.

I commend this article to my colleagues and urge that the problems it discusses be given careful study.

The article follows:

CAN THE BUDGET BUREAU PUT THE LID ON PENTAGON SPENDING?

(By Barbara Newman)

Robert P. Mayo is the typical quiet, competent, Nixon-style civil servant. For twenty years, he toiled away at the Treasury Department, specializing in debt management. In 1961, he became vice president of a Chicago bank—the one headed by David M. Kennedy, now Secretary of the Treasury. Mayo now directs the Bureau of the Budget (BOB).

Melvin R. Laird is acid-tongued and supremely confident. In eight terms as a Congressman from Wisconsin, he rose to the top ranks of House Republican leadership through the force of his keen intellect and Machiavellian personality. Laird now heads the Department of Defense (DOD).

The two men, caught up by growing public sentiment that military spending is too high, are on a collision course.

Poor Bob Mayo.

The first round came when Mayo, in an effort to cut the 1969–70 Pentagon budget, gave Laird a list of suggested spending reductions. Laird ignored Mayo. Out of an $80 billion Pentagon budget, Laird chopped $600 million, by reducing the number of B–52 bombing runs in Vietnam from 1,800 to 1,600 a month. Laird, the politician, knew that

key Congressmen would oppose "selling out our boys in Vietnam" in order to comply with a Budget Bureau request for a defense spending cut.

Mayo was out on a limb. Laird had cut his budget as requested. Congress didn't like it. President Nixon maintained a tight-lipped silence. Mayo lost round one.

There is no question that the Bureau of the Budget, which exercises such potent control over domestic spending, has not been able to get a handle on defense spending. Of the $6 billion trimmed from the $199 billion Johnson budget for 1969–70, $5 billion came from domestic spending. This, despite the fact that Vietnam, urban unrest, and weapons system cost overruns have increased both public and Congressional demand for a review and reordering of our national priorities.

When the new Nixon team appeared before Senator William Proxmire's Joint Economic Committee, Mayo was candid. He said he wanted "a more separate, highly competent, highly skeptical look at the defense budget."

Proxmire (D-Wisconsin) and Congressman William Moorhead (D-Pennsylvania) are both certain that the Budget Bureau does not exercise strong enough control over defense spending. They both think they have a hot issue—that 1969 is the year to probe Pentagon spending.

This is also the year to look at the Bureau of the Budget. An influential group of House members, led by Deputy Majority Leader John Moss of California, has introduced a resolution asking that a Select Committee be created to investigate Budget Bureau operations. Included in the group are six committee chairmen: Wilbur Mills, Ways and Means; Mendel Rivers, Armed Services; Chet Holifield, Joint Atomic Energy; Thomas Morgan, Foreign Affairs; Wayne Aspinall, Interior; and Samuel Friedel, House Administration. House Majority Leader Carl Albert of Oklahoma says the BOB investigation "is long overdue."

The Bureau of the Budget was set up in 1921 in an effort to coordinate and rationalize Government programs. It started out in the Treasury Department, and in 1939 moved to the White House to become a direct arm of the President. The Budget Bureau director is not a Cabinet officer; he is a Presidential appointee, and he does not require Senate confirmation.

The Budget Bureau has stayed small. It has a staff of 500, of whom 325 are professional staff. The BOB annual budget is only $10 million. It runs no programs itself. It stays out of politics. Only five positions were affected by the Johnson-Nixon transition—the BOB director and four assistant directors. Of the five, only two—Mayo and Richard Nathan, assistant BOB director for human resources—have a distinctly Republican coloration. Dwight Ink, now assistant BOB director in charge of executive department reorganization, is a career civil servant who worked at the Department of Housing and Urban Development under President Johnson. Deputy director is Philip S. Hughes. Maurice Mann is assistant director for economic affairs. James Schlesinger is assistant director with responsibilities in the national security area.

Despite its size and the quiet way in which it operates, the power of the Budget Bureau is formidable. All budget requests from Federal agencies must be cleared by the Budget Bureau. All legislation proposed by agencies is scanned by the Budget Bureau to make sure it conforms with the President's programs.

The Budget Bureau also conducts efficiency studies of agency operations. It was told by President Johnson to coordinate the conversion by all agencies to the Program-Planning-Budgeting System. Known as PPB, this system was developed by Robert McNamara for the Defense Department. It is an attempt to rationalize the budget process by outlining all options and costing each out.

The power of the Budget Bureau is cited by this statement of a former White House aide: "Without the bureau, the President would be operating in the dark, going by guess and by God . . . The bureau tells the President the choices available to him, the pros and cons in each case, its own recommendations. How much more influence can you have?"

The Budget Bureau is now housed in two buildings. Director Mayo and half of his staff are in the Executive Office Building just west of the White House. The rest of the staff is in Federal Office Building Number 7, the red brick building near the northeast corner of Seventeenth and Pennsylvania.

As a result of a 1967 reorganization, the Budget Bureau is now divided into six divisions: Human Resources, headed by Richard Nathan; Natural Resources, headed by Carl H. Schwartz, Jr.; National Security Programs, headed by Ellis H. Veatch; International Programs, headed by James W. Clark; General Government Management, headed by William Pfleger; and Economics, Science, and Technology, headed by John D. Young.

These six divisions are the BOB linkage to all Government departments and agencies. Most of the staff members of the six divisions are budget examiners. They review all budget requests, and exert more influence per position than any other people in Government.

In addition to the six divisions, the BOB has four other offices: Budget Review, which puts the budget together after getting all the pieces from the six divisions; Executive Management, which oversees interagency, Federal-state, and Federal-local programs; Statistical Standards, which helps devise Government statistical measurements; and Legislative Reference, which coordinates legislation proposed by departments and agencies.

Of the BOB's 325 professional staff members, 177 are budget examiners in the six divisions. The remaining 148 are supervisory personnel or staffers in the four other offices. The average professional grade is GS–14 (annual salary of $18,500 to $24,000). Over half the professional staff has master's degrees. Thirty-two are women. Nine are black. Most are generalists rather than accountants.

Nathan and Schlesinger are two of the more interesting additions to the staff. A Harvard Ph.D. and former associate at the Brookings Institution, Nathan headed the welfare and intergovernmental relations task forces for candidate Nixon. He is both an assistant director and chief of the Human Resources Division; he has been told to tighten up social programs. Schlesinger is Mayo's ace in the hole in his poker game with Melvin Laird. A summa cum laude Harvard graduate, Schlesinger has a Ph.D. in economics and was Director of Strategic Services for the Rand Corporation, an influential think tank operation that does a lot of work for the Government. Schlesinger knows how the Pentagon operates; Mayo wants him to tighten up defense spending.

Schlesinger's operating arm at the Budget Bureau is the National Security Programs Division, which works out of plush carpeted offices on the tenth floor of Federal Office Building Number 7. Division Director Ellis Veatch is considered competent, but not tough or innovative. Schlesinger is clearly the man who will have to rock the boat.

The division, with a staff of twenty-six budget examiners and six supervisory personnel, keeps an eye on $80 billion a year in defense spending. The division, according to a former examiner, has had a heavy staff turnover. He talked of "winds of discontent" brought about by the division's ineffectiveness. Another Budget Bureau official said he thought National Security Programs Division examiners "are more in bed with the people they work with than the other BOB examiners."

The Defense Department is treated differently. All other agencies and departments are subject to independent BOB review. The Defense Department, however, designates an official of its comptroller's office to work with each BOB examiner. This joint review was put into effect in 1950, as an expediency during the Korean War, and it has never been lifted. Top BOB officials say it is necessary because of the size and complexity of the defense budget. BOB Deputy Director Philip S. Hughes says the Defense Department exerts more "muscle" and "power" than other departments, making for a different "climate" in the review of defense spending requests.

During the fall, which is budget season, BOB examiners move from their downtown offices to the Pentagon, where they share an office with their Defense Department counterpart. One examiner says the relationship is not one of equals; it is one of *primus inter pares*, and the Defense examiners are *primus*. He says if a BOB examiner requests information and his Defense counterpart doesn't want to produce it, the matter is closed. "The Budget Bureau doesn't back up its examiners in requests for information," he says. Another examiner says if the BOB examiner cannot get the information he needs, the examiner is at fault, not the joint review policy. "The Pentagon budget process is highly individual. How effective one is depends on how resourceful he is and how much information he can amass to trade off with his Pentagon counterparts." Another examiner put it this way: "Your position doesn't give you a thing. You have to scratch like hell."

* * * * *

The hearings produced evidence that the Defense Department knew that Lockheed's bid on the first fifty-eight C5A planes was low, and that Lockheed might lose heavily on the first run. The losses were to be recouped on the second run of fifty-seven planes. Colonel Kenneth N. Beckman, the Air Force C5A project director, said it was felt that disclosure of the huge C5A losses "might put Lockheed's position in the common (financial) market in jeopardy."

Pentagon sources say the Budget Bureau knew the C5A was over its contract ceiling by early 1967. Yet in March 1968, Air Force Assistant Secretary Alexander Flax told the House Appropriations Committee: "We believe C5A is within the range of target and ceiling at the moment."

The BOB examiner who knew about the C5A overrun in early 1967 was Richard A. Stubbing. His knowledge had zero impact. But in January of this year, Nossiter wrote a story about "The Stubbing Paper."

It turned out that Stubbing, a BOB examiner since 1962, had written the paper in 1968 while at Princeton University's Woodrow Wilson School. The paper exposed information on enormous cost overruns and faulty operation of many aircraft and missile electronic systems. The paper contended that the highest profits often went to the most inefficient firms. BOB press officer Joseph Laitin ruled Stubbing inaccessible to the press. He derided the paper as a "schoolboy thesis" and said Stubbing was "very far down on the totem pole" and "not qualified to talk to the press." A BOB source says he is certain Stubbing gave Nossiter the paper because he was so frustrated at BOB's ineffectiveness.

Both Proxmire and Moorhead think the Budget Bureau needs more examiners looking at defense spending, though Moorhead sardonically says, "For the job it does in Defense, the bureau is overstaffed."

The National Security Programs Division has twenty-six examiners. Ten work on general purpose forces, which include spending for all conventional armed forces, considered the most difficult expenditures to control. Four work on strategic forces, such as the Safeguard ABM and Minuteman. Two work on intelligence and communications, three on research and development, three on training, medical, and other general personnel activities, one on guard and reserve forces, one on supply and maintenance, one on airlift and sealift, and one on administration and associated activities.

The case is made that not only does the BOB not have enough examiners working on the defense budget, but that the BOB examiners work with the wrong people. Charles Schultze, a hard-nosed pragmatist who was Budget Bureau director from June 1965 to February 1968, says the BOB "tends to get involved too far down the spigot." BOB examiners work with the comptroller's office at the Pentagon. They should work with the Defense Department's systems analysis people. Says Schultze, "BOB should be involved in the formulation of the basic strategic contingencies on which the budget is built."

This lack of outside involvement in strategic decisions allows the Defense Department to justify weapons systems by what the BOB calls "shifting sands" of rationalization. Although the Defense Department insists that it has a "zero base" budget that starts from scratch each year, Schultze contends that once a weapons system gets the green light, it is not evaluated in subsequent years. Schultze points to the plan to convert thirty-one Polaris submarines to carry 496 Poseidon multiple warhead missles at a cost of $2.5 billion. The Poseidon was conceived as an answer to the Soviet "Tallinn" antimissile system, which turned out to be an aircraft defense system rather than antimissile system. When the threat on which the Poseidon was based turned out to be non-existent, the military developed other reasons for it. Secretary of Defense Laird now says Poseidon is needed as a deterrent against the Soviet SS–9 missile.

The timing of the Federal budget process puts the Budget Bureau at another disadvantage in controlling defense spending. All agencies and departments must have their budgets to BOB by September 15, except for the Defense Department. In December, the defense budget is sent to the President and the Budget Bureau at the same time. Thus the Budget Bureau must petition the President for changes in the defense budget instead of working them out with the Pentagon.

Because the Budget Bureau is an arm of the President, its effectiveness in controlling Government spending in general, and defense spending in particular, depends to a large extent on the attitude of the White House.

Under President Eisenhower, Budget Bureau directors were numbers men—Joseph Dodge, Roland Hughes, Percival Brundage, and Maurice Stans were more interested in bookkeeping than in drawing up options for the President. They were more interested in how many cars an agency had than in evaluating its programs. This narrow budget approach is referred to as "the green eyeshade approach" by BOB staffers.

Presidents Kennedy and Johnson changed all that. Their BOB directors were economists—David Bell, Kermit Gordon, Charles Schultze, and Charles Zwick were interested in evaluating programs and setting up options so that the President could choose between alternatives.

President Eisenhower had kept a relatively tight lid on defense spending. But President Kennedy, on taking office, decided to build up our conventional forces capability and he took the lid off. Ironically, a major influence on Kennedy was a book, *Nuclear Arms and Foreign Policy*, by Henry Kissinger, then a Harvard professor and now President Nixon's adviser on national security. Kissinger argued that the Dulles emphasis on massive nuclear retaliation should be replaced by a more flexible conventional force response. Thus, the military budget which was $40 billion in 1959 had doubled eight years later.

Under Presidents Kennedy and Johnson, the Budget Bureau influence on defense spending was diminished by the forceful personality of Secretary of Defense Robert McNamara. In a 1965 statement before the House Armed Services Committee, McNamara made the point this way: "The Bureau of the Budget has absolutely no authority to determine in any way the budget of the Defense Department . . . I can't remember a single instance in which the Bureau of the Budget and I differed on a recommendation in which the President accepted the Bureau of the Budget view."

This inability of the Budget Bureau to exert any influence on defense spending has motivated Congress to probe both defense spending and BOB operations. Defense Secretary Laird says he will cooperate with a General Accounting Office (GAO) study of defense procurement. Many Congressmen are not optimistic about the GAO study, however, because GAO is an agent of Congress and thus subject to pro-Pentagon Congressional pressure.

Again, take the C5A as an example. It is being built in Lockheed's Marietta, Georgia plant. One of the most powerful men in the United States Senate is Senator Richard Russel (D-Georgia), until this year chairman of the Senate Armed Services Committee. He now is head of the Senate Appropriations Committee. On the House side, Congressman Mendel Rivers (D-South Carolina), the chairman of the House Armed Services Committee, has so many military installations in his home city of Charleston, that the situation, once considered faintly amusing, is now viewed on Capitol Hill as a crude absurdity.

Congressional leadership thus would appear to have too much to lose if the full power of the GAO was let loose on the Pentagon. There are indications, however, that public reaction to examples of Pentagon carelessness is being felt on the Hill. In May, Congressman George Mahon (D-Texas), the hawkish chairman of the House Appropriations Committee, tangled publicly with Rivers over military spending after the accidental $25 million sinking of a nuclear submarine under construction in California.

Budget Bureau officials still hope they will get increasingly more effective control over the Pentagon. More budget examiners with background in systems analysis and defense procurement would be needed. The amount of guts and leadership shown by such Budget Bureau officials as Director Mayo and Assistant Director Schlesinger will be important.

But the critical ingredient is Presidential leadership. The Budget Bureau must have strong White House backing if it is going to stand up to the Secretary of Defense and the Joint Chiefs. As former BOB Director Schultze points out, "Nobody wants the Joint Chiefs to be able to say that you refused to do things needed for the country on budgetary grounds. . . . Most Presidents are unwilling to take on the Joint Chiefs on budgetary grounds."

President Nixon's performance thus far indicates that he will be much tougher on social welfare than on Pentagon spending.

Furthermore, there are indications that President Nixon is pushing the Budget Bureau back toward the role it played under President Eisenhower. The Budget Bureau's Resource Planning Staff, set up in 1967 by Director Schultze in an effort to more effectively set up options and priorities for the President, has been quietly disbanded. According to BOB officials, its functions are being taken over by Presidential Counsellor Arthur Burns at the White House, and Burns is known as a man who tends to keep his hands off military spending. Control of defense spending thus would appear to rest in the hands of President Nixon and Secretary of Defense Laird.

So Bob Mayo may have lost more than round one. He may have already lost the battle for Budget Bureau control of the peace dividend that will come from the end of the Vietnam war.

NATIONAL FLAG DAY

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. GALIFIANAKIS. Mr. Speaker, I would like to share with my colleagues the efforts of a North Carolina television station to generate and promote an awareness of the traditions and high ideals symbolized in our American flag. Prompted by the expression of public desire for a more patriotic display of our flag, channel 8 in High Point, N.C., has made available to all teachers, students, civic leaders, ministers, and interested citizens, American flags, at cost. The station has also compiled accompanying information regarding the history of the flag and of National Flag Day, and the significant dates and proper way to display this the greatest symbol of American democracy. In addition, staff members and personalities of channel 8 have donated their time and talents for commentaries on the air and for all duties involved in the actual sale and mailing of flags.

Public response from North Carolina and surrounding States has overwhelmingly indicated the acceptance and appreciation of such efforts. Mr. Speaker, channel 8 is to be commended on its high degree of public-spiritedness and, hopefully, will serve as an example to the rest of the communications media in this country.

I include the following letters:

WGHP–TV EIGHT,
High Point, N.C., June 16, 1969.

Hon. NICK GALIFIANAKIS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GALIFIANAKIS: Four weeks prior to National Flag Day, June 14, 1969, WGHP-Television began a project that we feel certain will be of great interest to you. In order to stimulate interest and to make our community again aware of the traditions and high ideals for which the Flag of the United States is a visible symbol, WGHP-Television began on May 19, 1969, to dedicate its time and efforts to encouraging the observance of National Flag Day. Through July 4, 1969, we will make available to all citizens who would display the emblem of our Union, at cost, a fine quality American Flag. This will be a non-profit campaign in the community interest.

In conjunction with this campaign the television station has taken a definite stand on the desperate need for a personal display of love of country, and each member of our staff and all "air" personalities have offered their time and energies "gratis" for commentaries on the air and for all the duties surrounding the actual sale of Flags and mailings. We have also compiled information regarding the history of National Flag Day, the speech proclaiming June 14 National Flag Day by President Woodrow Wilson in 1916, the proper way to display our Flag and the most significant dates on which we display the Flag. This has been sent, with a reprint concerning the history of the Flag from *Reader's Digest*, to all area teachers, professors, student leaders, civic leaders and ministers in a sincere hope that they will use the information for lectures, discussion groups, and/or sermons, as the case may be. In addition, announcements on our airways have been dedicated to news features, commentaries and public service messages aimed at encouraging patriotic interest in displaying the American Flag.

After having been on the air with this for just two weeks, we have received a tremendous response, not only in actual Flag orders from across the State and from South Carolina and Virginia, but in genuine concern from our citizens for more patriotic display of our Flag. We have been especially pleased with the enthusiasm and interest that we have received from the non-profit community service organizations in our area. As a result of this, WGHP–Television will be working "hand-in-hand" with the Salvation Army, Boy Scouts of America, Girl Scouts of America, Y.M.C.A., Y.W.C.A., public libraries and many other interested citizens.

WGHP–Television is very proud to be a voice in the communities that we serve as a broadcasting facility, and we constantly strive to ascertain the needs and desires of our fellow citizens. Through our continual contacts with community leaders, it has become openly apparent in recent weeks that a need for awareness and rededication to the ideals for which our Union stands is sought by each person with whom we talked. Our current campaign is a direct result of this local expression of concern. It is an endeavor that we as a television station have undertaken because we strongly believe that patriotism and the expression of that personal feeling by displaying the emblem of our country is an action of which we need to remind each other frequently. We believe that the display of the American Flag is the best way to begin. We have faith in this Union and your leadership. Amid all of our other problems, we sincerely hope that this will bring encouragement to you and your colleagues.

Sincerely yours,

PHILIP J. LOMBARDO,
General Manager.

A STATEMENT OF POSITION BY WGHP TELEVISION, PRESENTED BY PHILIP J. LOMBARDO, GENERAL MANAGER

It should be apparent to WGHP–TV viewers, through our daily schedule of news and entertainment programs, that station management stay abreast of the needs and desires of our community . . . and contributes, in every feasible way toward fulfilling these needs.

It should *also* be apparent, through its programming, that station management strives to contribute measurably to community efforts of betterment.

Therefore, it is *only* in matters of extreme importance that the *voice* of management is heard on the air.

Such is the case now.

We feel that the time has come for a renewed dedication of love of country.

These days, there are perhaps a number of definitions for the word *Patriotism*, for *it*, like religious faith, it is a very personal expression. The essence, though, of *any* definition is simply love of country.

We feel that the word patriotism should be heard more often . . . that the feeling should be expressed more often; and we know of no better way to begin, than to show, and be proud of, our symbol of national unity . . . The American flag. Such action demonstrates that we, as citizens, appreciate the many privileges that come with being an American citizen. With this in mind, channel eight is embarking on an energetic campaign on encouraging people to "Fly it, it's yours." We will make available during the coming weeks, the history of the flag, the history of national flag day, President Woodrow Wilson's 1916 speech proclaiming June 14 as national flag day, the most significant dates on which the flag is flown, and instructions on the proper way to display the American flag . . . to all teachers, student leaders, college professors, and ministers in our area. This is being done in hopes that they will find an opportunity to use the information in a class lecture or project, or a sermon, as the case may be.

Channel eight will also be encouraging individual expressions of patriotism by making available, without profit, American flags. All of our on-the-air personalities will be actively participating by broadcasting reminders of the importance of the flag. They will also be appearing at area shopping centers to demonstrate in a personal way, that channel eight is sincere in this effort, and we hope that you will display your patriotism by displaying an American flag.

"Fly it . . . it's yours."

STATEMENT BY HON. DAVID N. HENDERSON, CHAIRMAN, SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, RELEASING HOUSE REPORT NO. 91–323, "EXAMPLES OF IMPROVED MANPOWER MANAGEMENT IN THE FEDERAL GOVERNMENT, JULY–DECEMBER 1968"

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. HENDERSON. Mr. Speaker, the departments and agencies of the executive branch of the Government have reported to the Manpower and Civil Service Subcommittee savings in excess of $50 million for the last 6 months of 1968 through improved uses of personnel and equipment. Also, during the same period over 14,500 vacant civil service positions were abolished. With the average annual Federal salary around $8,000, this in itself represents a substantial savings.

This report contains many interesting examples of improved work techniques and overall better management. A few are summarized as follows:

The Farmers Home Administration, Department of Agriculture, using work measurement criteria, now employs part-time clerks in lieu of full-time clerks in some 100 county offices across the Nation. This has resulted in a savings for fiscal year 1968 of over $175,000.

The Patent Office, Department of Commerce, by resorting to a microfilm search system on old patents, instead of the old hard-back files, has eliminated 17 man-years with an annual savings of $164,000.

An employee of the Army Air Defense Command developed a target ranging radar simulator to test Nike-Hercules fire units. Army officials estimate over $1 million will be saved through use of this simulator.

The Military Sea Transportation Service, Department of Navy, has found a way to seal off parts of loaded ammunition ships to do "hot-work" without completely unloading. On one ship alone labor costs of $410,000 were saved.

The Missile Early Warning Station, Clear, Alaska, Department of Air Force, has gone from a contract operation on fire protection to in-house at an annual savings of $400,000.

The subcommittee semiannually issues a report showing examples of improved management, as reported by the departments and agencies of the executive branch. We believe these reports accelerate improved techniques for getting the work done throughout the departments and agencies as well as stimulate Government workers to try to find more efficient and economical ways to do the job.

FREEDOM WITH RESPONSIBILITY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. HUNT. Mr. Speaker, on May 22, 1969, with the resolve of dedicated public servants and in recognition that the preservation of the institutions of our free and democratic society are threatened by those who flagrantly abuse the freedoms guaranteed them by the Constitution, the mayor and council of the borough of Pitman, N.J., adopted a resolution, "Freedom With Responsibility." With the approach of Independence Day, July 4, 1969, "Freedom with Responsibility—A Resolution for America" is most appropriately a theme to which we must pledge ourselves and dedicate our energies to keep America the bastion of freedom for which it was destined.

I commend the mayor and council for their responsible action in promulgating this resolution and take pride in recognizing the borough of Pitman as my hometown. Just a word about the author of the text, Mr. Andrew D. Gendron. He was my executive officer in the Army unit to which I was assigned after World War II, a true patriot and one who loyally served his country as a soldier. As a public servant, Andy has carried on in the best tradition of good citizenship.

As I believe this resolution has a very timely and pertinent message for all concerned Americans, I include the text in its entirety at this point in my remarks:

RESOLUTION ON FREEDOM WITH RESPONSIBILITY—A RESOLUTION FOR AMERICA

Be it resolved, that the Mayor and Council of the Borough of Pitman, New Jersey, do wholeheartedly support the recent statement by President Richard M. Nixon calling on school officials to: ". . . muster the backbone," to resist student revolutionaries, when he

said on April 29, 1969, "We want Freedom and Independence, but there can be no compromise with lawlessness and no surrender to force, if free education is going to survive in the United States of America."

Be it also made known that the Mayor and Council of the Borough of Pitman do unanimously and unalterably, decry the submissive and irresponsible attitude that has been displayed by some educators and administrative leaders of educational institutions in selling out the basic freedoms of the majority for the disgraceful demands of the dissenting, and sometime anarchistically motivated minority.

That the Mayor and Council of the Borough of Pitman are opposed to the irresponsible use of Freedom to incite riots and provoke destruction of people and property, as we adamantly oppose those individuals and groups who hide behind Freedom's cloak to infringe upon the rights and welfare of others.

That the Mayor and Council of the Borough of Pitman deplore the subversive attitude that has been launched against the Reserve Officer Training Programs, in our Universities across the country, by those who are either misinformed, misguided, or whose major objective is to sabotage our defenses.

This excellent program should be continued on a voluntary basis and protected, by all levels of government, against subversive forces. Our academic administrators should stand up for the "right" to have voluntary Reserve Officer Training Corps Units, and we all should continue to respect these Reserve organizations, as we have in the past, for the outstanding service they render the people of these United States and the world.

That the Mayor and Council of the Borough of Pitman further look with disdain on those whose cowardice or contempt for America prompts them to burn their draft cards. Words cannot adequately express our contempt for these barnacles on our society who are content to let others run the risk in protecting our, and their, Freedoms.

We, the Mayor and Council of the Borough of Pitman, want it publicly known that we believe that people are free to dissent, providing they accept the responsibility of Freedom and show their dissent in a peaceful manner that does not infringe upon the rights of others.

That, We, the Mayor and Council of the Borough of Pitman, believe in everyone's right to equal opportunity, but with this right, we also have the responsibility of Freedom to respect other's rights in seeking or retaining this privilege.

That, We, the Mayor and Council of the Borough of Pitman, believe in free speech, but free speech carries with it the serious responsibility of using it intelligently and constructively, with knowledge and wisdom. Its purpose should never be to malign or destroy the very heritage that makes free speech possible.

That, the Mayor and Council of the Borough of Pitman, believe in all the "Freedoms" our forefathers were so astute as to give us, but we adamantly oppose those individuals and organizations who ignore the responsibility that goes with the privilege of Freedom; and, we will fight with all of our resources, those whose sole purpose is to twist and distort the very Freedoms that make it possible for them to pursue their vicious campaign to destroy America.

Be it further resolved, that the Mayor and Council of the Borough of Pitman, believe it is time we taught the "responsibility" of Freedom to our children . . . at home, in our schools, in our places of worship . . . and by our words and example. Only in this way can we hope to attain universal "Freedom with Responsibility" and perpetuate the respect people throughout the world have for our Country as a symbol of hope and as the Land of the Free.

That the Mayor and Council of the Borough of Pitman urge that Law and Order once again, be given its rightful authority to uphold the rights of all our people, and that those sworn to uphold it not be unjustly criticized when they properly carry out the duties to which they have been entrusted.

Be it also resolved, that We, the Mayor and Council of the Borough of Pitman, will make this Resolution known to the President of the United States, as well as his Cabinet, and leaders of National, State and Local Governments. We ask that these esteemed representatives of the people re-examine their position in these matters of "Freedom with Responsibility" and take a firm, positive position against all forms of subversive action by destructive dissidents and militant groups who abuse the Freedom that comes with Independence; and

Be it further resolved, that the Mayor and Council of the Borough of Pitman, pledge themselves to act without hesitation, and within the meaning of the Constitution of the United States, to put an immediate end to any terrorizing, violence, intimidation, anarchy or outright lawlessness that may invade our town or jeopardize our Freedom.

We, the Mayor and Council of the Borough of Pitman further pledge to protect the rights of all citizens at all times, to insist on "Freedom with Responsibility" by all people and to dedicate ourselves to the preservation of responsible government. We will live, we will act, and we will fight, to keep America the bastion of Freedom for which it was destined.

Mayor:

ROBERT M. SHOEMAKER,
Mayor.

Attest:

EARL S. CURRY,
Borough Clerk.

By the Council:

ANDREW D. GENDRON,
THEODORE C. JONES, Jr.,
JOSEPH G. MITTON, Jr.,
W. EARLE THOMPSON,
C. NEVILLE WRIGHT,
CLINTON M. KANDLE III
Members of the Council.

FOURTH OF JULY CHILDREN'S BLOCK PARADES

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DENNEY. Mr. Speaker, when I complete this statement, I will have proudly fulfilled the basic function of a legislator—to voice my constituency. Today I am introducing a joint resolution originating from an idea of a Lincolnite, Mrs. Hazel Wolfe.

As the Fourth of July approaches, Senator HRUSKA and myself feel that this resolution concerning children's block parades is extremely appropriate. Our proposal would authorize the President to issue an annual Fourth of July proclamation calling upon the Nation's children to celebrate the holiday with block parades.

Mrs. Wolfe's reasoning is very clear:

Most of our celebrations are beautiful adult programs. But, what are the children doing? The grownups today know what our country means. They have experienced several wars and a depression. But to the children, the Fourth means little, and it is these young citizens we must educate.

All that is necessary for the success of this program is a neighborhood with children, some streamers for their bikes, hats for their heads, and flags for their hands.

Our children do not understand the meaning of the Liberty Bell. Our children do not realize the significance of the 13 stars.

Why not make an effort to reverse this trend? You have here before you a simple yet effective step to instill greater patriotism in our children—maybe some mothers and fathers will even join the fun.

DON'T BLAST THEM ALL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. ZWACH. Mr. Speaker, during the past year, our compuses have been rocked by violence and disorder. There has been a tendency, in some quarters, to blame this unrest upon all of our young people, when, in actuality, only about 2 percent of the students are involved.

The Madison Western Guard, in our Minnesota Sixth Congressional District, recently printed an editorial on this subject which I commend to my colleagues for their reading, as follows:

DON'T BLAST THEM ALL

There is, unfortunately, a growing tendency to blast young people of high school and college age because of the violent and often sickening antics of a minority. That minority seemingly constitutes too large a number of young people. But, as we have noted frequently they are actually a small percentage of the total high school and college population.

It is a minority, of course which cannot be ignored for several reasons, among them that it is so destructively disruptive, that there is growing evidence that it is led by extremist left-wingers who know exactly what they are doing and that because of this type of leadership it exerts an undue influence on idealistic youngsters who are as yet incapable of distinguishing between good and bad causes and between lawful and unlawful means of promoting them.

Let us not forget, in our concern and even disgust over the lawless minority, that there still exists the majority. That this majority goes about its business of getting an education, obeying the laws and generally trying to become good citizens of a free republic. This sort of behavior and activity does not make the kinds of headlines and TV pictures that the minority manages to get, which perhaps is why we tend to blame all youngsters for the antics of the few.

Now, however, at least some of our news media are beginning to notice that there is another side to what might be called the youth story. The tremendously successful effort, for instance, of a high school student in Miami, Florida to organize what he called a Decency Rally, did get fairly good news coverage. The rally's theme was "Down With Obscenity" and attracted no less than 30,000 people, mostly young, to the Orange Bowl in Miami. Now the movement is spreading and the originator of the idea has been asked to help other cities organize similar rallies against the flood of filth under which they are being inundated.

Then there is the inspiring and patriotic "Up With People" movement which has be-

come worldwide and meets with approval and applause where ever it appears. There are any number of other such examples which show that, bad as the stance of young America sometimes is made to look, American youth as a whole should not by any means be written off as lost.

True, our young people are different than the middle aged and older. Probably the most striking difference is their outlook on life. Most of them have been brought up with their wants and needs taken care of by parents who remember all too well the difficult years of depression and have tried to give their children everything they themselves did not have. Because the need to make money has not seemed to be the all important factor in their lives they have devoted themselves to other things. Some, of course, to destructive purposes and mischief making but the majority to higher education and in service to others.

The service careers seem to be the most appealing to the young people of today. They have a deeper awareness of the needs of those around them and want to do what they can to help. Sometimes, of course, they go at this the wrong way showing the lack of judgment of youth and inexperience but the good they do far outweighs the bad. It is very important that we not disregard what the so called young radicals are saying either because they usually have a point even if they bring it to our attention in offensive ways. We, the older generations, need to listen. They have a point in that we have been too busy with making a living usually through necessity, which they do not realize, but it has blinded many to the needs of the poor and the less fortunate in other ways.

After attending graduations in the area I'm sure most of us have felt much pride in the many fine young people from our high schools. The motto of the senior class at Madison "It matters not what we are thought to be, but what we are" should make us all think and stop running down the young people. Let's listen to them, see all the good things they do and overlook their short skirts and long hair and the foolishness of the minority. Most of them are wonderful people and certainly knowing many of them personally makes the future of our country look very promising to me. The outstanding address given by Madison's student speaker should make us all proud and give us much food for thought. I have great faith in our young people and in the future because of them.—M. B.

ABM AND STEP UP IN VIETNAM WAR FAVORED BY FLORIDA CONSTITUENTS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. BENNETT. Mr. Speaker, 75 percent of those responding to a poll in the Third Congressional District of Florida which I represent, are in favor of the ABM system, and 72 percent said they favored "a step up in Vietnam war for a quicker settlement."

My office received over 16,000 returns in the questionnaire sent to residents of Jacksonville, Fla., the State's largest municipality which is located in northeast Florida. This was 10 percent of those polled.

The poll also showed that 52 percent were against 18-year-olds voting; 49 percent favored drafting needed men at high school graduation with no college deferments; 55 percent were for prohibiting cigarette advertising, and 59 percent were against a U.S. withdrawal from Vietnam.

The results of the poll follow:

[In percent]

Do you favor:	
18-year-olds voting:	
Yes	45
No	52
No answer	3
Draft needed men at high school graduation with no college deferments:	
Yes	49
No	47
No answer	4
Prohibiting cigarette advertising:	
Yes	55
No	42
No answer	3
A defensive missile system to protect our offensive weapons:	
Yes	75
No	19
No answer	6
A step up in Vietnam war for quicker settlement:	
Yes	72
No	21
No answer	7
U.S. withdrawal from Vietnam:	
Yes	32
No	59
No answer	9

INDEPENDENCE DAY OF BURUNDI

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to President, Col. Michel Micombero of Burundi and Burundi's Ambassador to the United States, Mr. Terence Nsanze, on the occasion of the seventh anniversary of Burundi's independence:

On behalf of the American people, I would like to help celebrate on this July 1, 1969, the seventh anniversary of Burundi's independence. Located in the heart of Africa, Burundi is bounded in the north by her former partner in trusteeship, Rwanda; on the west by the Congo; on the east by Tanzania; and one the south by Tanganyika. Being 2 degrees south of the equator, Burundi enjoys a tropical climate the year around.

From independence in July of 1962 to November 28, 1966, the Burundian Government was a constitutional monarchy with effective power split between the Mwami—the King—and the royal court on the one hand and the elected politicians of the National Assembly on the other. On the later date, Capt. Michel Micombero, then Secretary of State for Defense, deposed Mwami Ntare V and proclaimed Burundi a Republic with himself as President. Executive and legislative power was centered in a 13-man National Council of the Revolution.

Burundi is plagued by the many problems common to other developing countries, and it is hoped that the United States will be able to help her solve many of the problems. Today about 90 percent of Burundi's coffee export goes to the United States and account for about 80 percent of her export earnings, which totaled about $14.7 million in 1966.

On this, her anniversary, the people of the United States wish the 3 million people of Burundi well and hope that we can continue to maintain friendly relations with each other.

GRAPE BOYCOTT IS HARD TO SWALLOW

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. UTT. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include a column by William F. Buckley, Jr., on the grape boycott. It is hilarious:

We have a softness for Ethel Kennedy, and therefore we weep. Imagine coming out of political retirement (incidentally, how fine it would be if she remained in political retirement and continued to inspire us all as a mother and a woman) in order to not eat grapes at a big social party in Southhampton hosted by Ann Ford Uzielli, Charlotte Ford Niarchos, the Carter Burdens, the George Plimptons, the James Nivenses and, as the press puts it, "maybe Anthony Quinn."

That is what she is up to. Herewith, respectfully submitted, a few observations for Mrs. Kennedy, general and particular.

1. The ban-the-grapes movement centering upon the efforts of Cesar Chavez to unionize the grape-pickers in California is, to say the least, incompletely informed. The grape boycotters are contending that the pickers live in inhuman conditions and that all of this is the result of a few grape-growing monopolists who take ruthless advantage of the misery of immigrant Mexican farmhands, whose liberation is the cause of Cesar Chavez.

In fact, the situation is not as depicted. Two prominent Canadian liberals who figured in the Toronto grape boycott a while ago have just come back from a tour of Delano—the center of the struggle—to report that the squalid living conditions Chavez speaks about are largely fictitious, that the workers oppose a union because they fear that it would limit their working hours and therefore their earning power; and that there are reasons to suspect that the high pressure being put on the area is rather imperialistic than compassionate: that what the AFL–CIO desires is a foot-in-the-door to ease its way into the national scene as bargaining agent for all farm workers, which position would put its hands on $84 million per month.

2. Ninety percent of the pickers are not migrants but permanent residents. Wages? The average farm-worker wage in California is, according to the Department of Agriculture, the highest in the nation at $1.69. The average wage of the grapepickers is over $2 per hour. Far from being owned by large corporations, all but two of Delano's 70 ranches are family-owned and operated.

3. If the grape boycott is finally successful, what will happen is very simply this, the grapegrowers will convert their vineyards into winegrapes, which do not need the human care that the other grapes need. That will result in the loss of thousands of jobs.

4. And now at a more general level. If we are in the mood to boycott people who displease us, it would appear that one ought to shop around a little more resourcefully.

Does Mrs. Kennedy know that the beautiful people regularly eat Polish hams? These are produced by a state in which living conditions are materially poor, and in which there is a total lack of political freedom.

Isn't it possible that the clan will gather at Southampton in automobiles that use Liberian rubber? Liberian rubber. Have you ever been to Liberia and seen the working conditions there? Might they, at that party at Southampton, offer tea. Tea from Ceylon? Nepal? Where the tea growers earn maybe 10, 15 cents an hour?

It gets chilly in Southampton at night, so the girls may wear their sables, tracked down by slave labor in the frozen wastes of Russia. It will in any case be a dressy affair, so the ladies will wear their diamonds. Mined in South and Southwest Africa, by black men earning a pittance, working under inhuman conditions.

Then, after the speeches, they will toast Chavez—with champagne, distilled from grapes picked in the champagne country in France by grapepickers who earn less than one half what they earn around Delano.

5. On the other hand, if we were to boycott sables, diamonds, tea and champagne, how will the beautiful people survive? They can't eat Ethel Kennedy. I mean, politics isn't everything.

6. So that the moral, dear Ethel, is never, ever, ever, ever to join any committee, not even a committee to clean the streets, if its members are the Ford girls, George Plimpton, Carter Burden and the James Nivens. They are my brothers and sisters and I love them, but politically, well, you may as well ask Zsa Zsa Gabor to rewrite the Constitution.

NATIONAL DAY OF BURUNDI

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DIGGS. Mr. Speaker, Burundi is a small nation of central Africa which is now celebrating its seventh year as an independent country. Burundi lies along the shores of Lake Tanganyika and there is a monument to the source of the Nile within its borders. Burundi is essentially an agricultural nation. Its leading export is coffee, most of which is sold to the United States. Diplomatic ties with the United States are maintained, and our relations grow steadily closer. Seeking ways and means to achieve an increasingly developed society, Burundi is making progress in the economic sphere and is strengthening cooperation and friendship with neighboring states.

NATIONAL DAY OF RWANDA

On July 1, the small central African country of Rwanda celebrates its seventh year of independence. Rwanda is a pastoral and farming land of rolling hills which extend to the volcanic peaks of its northern border. Under its young leader, President Gregoire Kayibanda, it has enjoyed remarkable stability as it moves forward on the road toward development. Rwanda has been a constant force for moderation both in its regional groupings and in international forums. It has been a warm friend of the United States.

SOMALI REPUBLIC: INDEPENDENCE DAY STATEMENT

It gives me great pleasure to extend to the President, to the Government, and to the people of the Somali Republic my warm congratulations on the occasion of the ninth anniversary of their country's independence. In March of this year we were delighted to see the Somali people again demonstrate their ability to transfer political power by orderly and democratic means when for the second time in the young nation's history as an independent entity they elected 123 deputies to their National Assembly. On June 19 Prime Minister Mohamed Ibrahim Egal was confirmed for a second term as Prime Minister by the National Assembly.

Over the past 2 years, during which Somali has followed policies initiated by President Abdirashid Ali Shermarke and Prime Minister Egal, it has made important progress in improving relations with its neighbors, Ethiopia and Kenya, and has considerably improved the prospects for regional trade and economic development. The success of these countries in working together gives hope to other nations vexed by similar problems inherited from their colonial past. They have demonstrated that by patient effort and good will they can help to make this world a safer and better place to live in.

It is thus with a realization that Somalis and Americans are dedicated to the same fundamental ideals that we extend to President Shermarke and Prime Minister Egal our heartfelt best wishes on this anniversary of Somali's independence.

MARINES DONATE TO THE CIVIC ACTION FUND FOR VIETNAM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. WOLFF. Mr. Speaker, with the nature of the times, we very frequently are quick to criticize our servicemen, and too slow to praise them when praise is due. Recently, an incident was brought to my attention, one which I feel should be included in the RECORD to remind us that the men who serve in our armed services represent some of America's most important ideals—compassion and a belief in the worth of man.

At the quarterly Marine Corps Reserve Officers Association dinner not too long ago, Brig. Gen. Charles F. Widdecke, Director of the Marine Corps Reserve was presented with a check for $1,400 by Lt. Col. James A. Crawford, commander of Truck Co. H. & S. Battalion, 4th Force Service Regiment. The check to be used in assisting the civilian population of Vietnam, represents a contribution to the Civic Action Fund for Vietnam, which currently stands at nearly $750,000.

Mr. Speaker, I think all of us can learn a lesson from this significant gesture. I strongly feel that it is long overdue for the Government to take the lead and concentrate efforts on civic rather than military action in Vietnam.

ASSISTANT SECRETARY OF AGRICULTURE CLARENCE PALMBY POINTS OUT DEFECTS IN INTERNATIONAL GRAINS ARRANGEMENT

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. MIZE. Mr. Speaker, when the United States joined the International Grains Arrangement, the purpose of the arrangement was to strengthen and stabilize prices of wheat moving in commercial export trade within a specified range. However, at the present, it appears that the United States is having difficulty pricing its wheat for export competitively. This situation partially arises because of some export countries pricing their wheat below the minimum set by the IGA, doing so either by disregarding the price levels of the arrangement or claiming the ability to do so under certain technicalities that exist within it.

My concern, representing a State which produces one-sixth of the Nation's wheat, is that because whether of lack of cooperation between member countries or structural difficulties in the arrangement itself, the United States should not allow our wheat exporters to lose markets where we have been selling wheat for years.

The timeliness of this issue is represented in an address by Assistant Secretary of Agriculture, Clarence D. Palmby, at the Norfolk Chamber of Commerce Farm-City Luncheon in Norfolk, Va., June 20, 1969.

I might also add, the address provides exceptional insight into the problems the European Economic Community present to U.S. international trade. Only a week before this address was given, Secretary Hardin and Secretary Palmby returned from Europe.

Because its information will be of value to Members, I insert the address at this point in the RECORD:

ADDRESS BY ASSISTANT SECRETARY OF AGRICULTURE CLARENCE D. PALMBY

I am delighted to be with you at this Farm City luncheon in Norfolk.

Nowhere in America is the mutual interest of farm and city more evident than in this port center—shipping point of grains, tobacco and other farm products grown throughout the East, the Midwest, and the South.

Norfolk is one of the most forward-looking ports in America. I congratulate you for this—the Port Authority, the International Terminal, the State Department of Agriculture, and the many other groups and individuals who are playing key roles in the future of the Hampton Roads complex.

The work you have done with shipping containers—and the merchandising you are doing in Europe—are particularly well known to me.

My topic this afternoon is "U.S. Agriculture in a Changing World."

No one is more sensitive to change than a farmer. Every day his world changes. Every day he makes an adjustment to meet that change.

His day's work is governed by the variables of season, moisture, soil and crop conditions. His livelihood is linked to markets that may rise and fall from day to day—even hour to hour. And his success as a manager is tied to his ability to size up trends from year to year.

Thus the farmer lives in a changing world—and he always has. But there's a difference today. And the difference is in the speed with which basic changes are taking place—not only in farming but in markets, transportation, and the whole pattern of agricultural-business relationships.

Those of us who are living now are seeing whole centuries of change telescoped into decades of time. We are caught up in a world of ferment where the most remote happening may impinge on the daily business of farming in America.

This afternoon I want to talk about agriculture's world problems in quite a literal sense. It is only a week since Secretary Hardin and I returned from Europe—it was my third trip overseas since the middle of April. And the changing world, as it affects our agriculture, is much on my mind.

As you look around the world in 1969, you see a good many things that are encouraging. There is a general growth in economies. This means that living standards are rising. There is a growing taste for quality and variety in foods and other goods—wants that can be satisfied through trade with other countries.

The European economy is growing at a rate of over 2 percent a year. Japan is moving at the phenomenal rate of 12½ percent. The lesser developed countries are expanding their economies at an average of about 3 percent—which is surprising and quite significant for the future. So there is much to be encouraged about.

Unfortunately, there is another side to the coin, and it is much less bright. There is a disappointing growth of protectionism in many of the world's markets—tariffs, import levies, quotas, and other artificial barriers. This is most destructive to world trade, and it is a serious concern to anyone interested in American agriculture and the historic position of this country in world trade.

Even without these artificial restrictions, competition would be tough enough in the world. Many other countries have been coming on strong as producers of feed grains, wheat, oilseeds, cotton, tobacco, poultry, and other commodities. And they are tough competitors.

These countries are sharing in the general scientific advance that is taking place in agriculture. Crop yields are rising—not only in the advanced countries but also in the developing areas. New strains of wheat and rice are having an impact—along with irrigation, fertilizers, pesticides, and machinery. Storage and transportation are being improved.

These world trends—along with some problems of our own making—add up to disappointment as far as U.S. exports are concerned. Earlier, it was estimated U.S. farm exports in 1968–69 would reach $6 billion. Prospects have now been lowered to $5.8 billion. Some of the blame, of course, must go to a long and frustrating dock strike on the East Gulf and in Gulf ports.

With that thumbnail sketch of the international trade scene, let me go on to the key question: What is the United States doing about this? The answers are several.

The United States carries on a vigorous job of market development through cooperative programs involving the Department of Agriculture and commodity groups. Two such associations are Great Plains Wheat and Western Wheat Associates.

These groups carry on extensive programs of consumer education in customer countries, product promotion, technical assistance, and market intelligence.

Technical assistance to other countries has included the dispatch of U.S. consultants in baking, milling, nutrition, cereal chemistry, and product promotion, to customer countries—especially in the Far East. Trade teams from those countries have been brought to America as well—to see first hand the methods used here.

A great deal of sales work has been carried on to convince millers of the advantages of using U.S. wheat. Our people have also worked hard to assure dependable quality and condition in U.S. exports—in order to advance a "good image" for American wheat.

Promotion is, of course, only a part of the answer. Good salesmanship will not sell a product if it is not competitive in price, quality, and suitability. We are, therefore, moving toward market building policies in our own farm programs—policies that encourage use, both here and abroad.

If the price support programs are to deal effectively with farm income, they must enable our farmers to maintain their markets in the face of foreign and synthetic competition. In other words, prices must be supported at realistic levels that permit a commodity to move to its natural end, which is consumption.

How is this done?

An example is soybeans. The growth of soybean production in this country has historically followed a pricing policy that permitted soybeans to compete here and abroad. In other words, we build markets.

Three years ago, however, the price support level was set too high. This may not have been apparent, then. But we know now what the effect was. Instead of taking maximum advantage of an expanding market situation for soybeans, we priced ourselves out of it. We handed a gratuitous advantage to the soybean farmer's competitors—both here and abroad.

Fishmeal imports have cut into soybean meal demand in this country to the point where they replaced approximately 750 thousand tons of soybean meal equivalent last year (the meal from 30 million bushels of beans). Another competitor is the synthetic—urea—which also replaced 750 thousand tons of soybean meal equivalent in beef cattle rations and another large tonnage in dairy cattle rations.

This year, we had to decide whether to continue the strangulation of our soybean markets or to asume a price relationship that will permit growth. The decision was to lower the soybean price support just enough to bring it into a realistic relationship with market prices—and to encourage growth in demand. The longer-term welfare of soybean farmers was the determining factor.

About 85 percent of the 1968 crop of soybeans is being utilized during the 12-month period commencing September 1, 1968. We expect over 97 percent of the 1969 crop to be utilized next marketing year. And if we assume no change in price support next year, over 100 percent of the 1970 crop should disappear in the subsequent 12-month period. The soybean experience illustrates how, through unwise price fixing, future income is placed in producers' hand prior to the time of utilization of a commodity and thereby mortgaging what should be tomorrow's income.

So we are making headway—both in foreign market promotion and in domestic policies that encourage market expansion. Unfortunately neither of these efforts gets at the most serious and difficult trade problem that we have—the one that is least within our control.

The truth is that many of the world's countries are pursuing unrealistic pricing policies that these policies are harmful to world trade. They are hurting U.S. exports, but they are also damaging to the long-term welfare of farmers and consumers within their own countries as well.

Obviously, protectionism—whether in the form of tariffs, quotas, or some other artificial barrier—works directly to reduce and discourage the sale of U.S. commodities in customer countries. But protected high prices within those countries also reduce consumer demand, and thus limit the total utilization or consumption of the products involved.

At the same time, these artificially high prices may stimulate excess production in other countries—production which can find no natural home. These excess supplies are being pushed into world trade, by means of large subsidies, and the American farmer must compete in a market where bargain basement prices prevail.

The most disruptive such influence in the world today is the European Economic Community. Its pricing policies—unrelated as they are to prices in other trading countries—are a bitter disappointment to anyone interested in a stable world market based on liberal trade.

The EEC's policies are harmful to trade. They are costly to the people of the EEC countries themselves. Our economists have estimated the total cost of agricultural support under the Common Agricultural Policy at more than $14 billion.

Direct budget expenditures for farm support are in the neighborhood of $7.7 billion. Indirect costs of the policy, in higher food costs to EEC consumers, are estimated at about $6.4 billion.

Thus the Common Agricultural Policy is costing the people of those countries an estimated $14.1 billion. This is 4 percent of the Community's Gross National Product, and a high price to pay for policies that are essentially destructive to trade and to a sound agriculture within those countries.

I feel constrained to say that the CAP, as being developed is a protectionist policy. It is contrary to policies being followed in the United States, which has tried to maintain a liberal stance with respect to trade. I can only add that if these policy trends continue in Europe, then the European Community and the United States are headed for an economic collision.

Despite the seriousness of these trends, I cannot foresee a reversal any time soon. And I say this with the deepest regret. In fact, I fear that these unsound trading policies may be extended to an enlarged European Community.

Some leaders in the Community envision a larger Community in the not too distant future—one that includes the original "six" plus the United Kingdom, Ireland, Denmark, Norway, and probably Spain and Portugal. Full membership for Greece would also be a part of this larger Europe.

These leaders also foresee that an enlarged Europe would foster an agricultural policy similar to the persent one. This would mean high fixed prices that have no relationship to prices in the rest of the world. There would probably, however, be some recognition of specialization within the larger Community.

European agriculturalists appear eager to welcome the United Kingdom and other countries into the Community. British leaders have their application on file, and it's taken for granted in agricultural circles that there will be negotiations leading perhaps to full membership for that Nation.

Unfortunately, there seems to be a lack of any feeling that agricultural prices should be competitive. I can detect no desire to make use of the principle of comparative advantage—so that trading countries get maximum benefit from their trade. Nor can I detect even simple good business judgment in some of the EEC actions.

Not long ago, for example, the European Economic Community sold 1.7 million bushels of French feed wheat to Taiwan for 99 cents a bushel. This price, for grain laid

down in Taiwan, is about $17.00 a ton below the landed price of corn. To accomplish this, the EEC paid an export subsidy much larger than the price of the grain itself at French ports.

This sale directly undercuts U.S. and Thailand corn in a market that we had cultivated and developed. It represents unfair trade and irresponsible pricing. Beyond that, it is a direct contradiction of the spirit of the International Grains Arrangement—which has been in effect less than a year.

French milling wheat also has recently been sold to Taiwan at a price at least $12.00 per ton below the price quoted in Taiwan for comparable soft wheat from our West Coast.

I want to say a few words about the International Grains Arrangement, which the U.S. entered as a result of the Kennedy Round negotiations two years ago. The Arrangement succeeded the old International Wheat Agreement. Its purpose, widely heralded, was to strengthen and stabilize prices in world wheat trade.

At the time these discussions were begun in late 1966, we were in a period of world fear about potential wheat shortages. I'm sure you will recall this—in 1965 and 1966. World supplies were low. Prices were working upward.

We can now see that, as a result of the climate at the time, the scale of prices written into the Grains Arrangement was set too high. By the time the Arrangement took effect a year later, these prices were already unrealistic. By that time—July 1, 1968—a rather drastic shift in world supplies was taking place.

The world harvested a near-record crop in 1967—and another very good crop in 1968. It appears now that 1969 will cap off a series of three big production years for world wheat—with the exception of one or two countries. But the point is that by the time the Grains Arrangement became effective a year ago, world prices had already worked down to levels slightly below those specified in the Arrangement. The result was that there was very little flexibility from the beginning; very little could be done to adjust prices under the Grains Arrangement.

Today, we are living in a world of wheat surplus that is weighing heavily on price. The result is that there is hardly any wheat being traded in the world at the agreed-upon price levels. The United States has taken a beating in world markets. The EEC sale to Taiwan, that I mentioned a moment ago, is an example.

We have talked repeatedly with other exporters in an effort to make the Arrangement work. But it is increasingly apparent that the Arrangement itself has some basic faults—particularly with respect to United States participation.

Looking back, I think it is fair to say that the International Grains Arrangement reflects to some extent the haste and the pressures that U.S. representatives were under at the time of negotiations two years ago. Among those pressures was the fact that the Trade Expansion Act of 1962 was to expire on July 1 that year. That Act, enabling the President to reduce tariffs by 50 percent, was the authority under which the U.S. was negotiating.

The sad fact is that U.S. agriculture did not benefit from negotiations held under the authority of the 1962 act (Kennedy Round). The European import levies on several major agricultural commodities were larger at the conclusion of the Round than were five years earlier.

What are the major defects in the I.G.A. as far as the U.S. is concerned?

1. To begin with, the fact most prices were built around the Gulf of Mexico as a basing point has forced the U.S. into a rigid pricing position. U.S. representatives were placed in a fixed posture relative to other exporters. Prices to other exporters are based on transportation differentials which are widely variable and subject to abuse.

2. Also, the Arrangement set a fixed schedule of minimum prices for 14 major wheats, which has resulted in a rigidity in pricing. This has worked against the United States because our country supplies several classes and finds itself with little or no flexibility to adjust prices between these wheats.

3. An overriding reason for difficulty with the Grains Arrangement is the fact that the world wheat trade now includes a number of exporting countries which have not historically been engaged in the export of wheat.

This is in contrast to the days of the International Wheat Agreement, when the U.S. and Canada were so dominant as exporters that they could enforce pricing stability. These two countries were both able and willing to hold large stocks and to discipline the volume of wheat being exported. This is no longer true.

One example: During the past 12 months, the Soviet Union has sold over 10 million bushels of wheat to the United Kingdom. The Soviet Union is not a signatory to the International Grains Arrangement because she is not a member of the parent treaty, the General Agreement on Tariffs and Trade, although membership is open to the Soviets should they choose to join. At any rate the Soviet wheat was priced at a figure that was highly attractive to the British and the result was a direct loss of sales by the U.S. and Canada.

Under these conditions, there is an obvious disadvantage to member countries that are trying to live within the Grains Arrangement.

In recent days, we have been reevaluating our situation with respect to wheat. It is apparent now that, even with the reduced allotment that has been in effect for 1969, we will have a large U.S. crop and a buildup in carryover. It seems likely that we will need to seek a reduction in next year's wheat crop. We expect, in the very near future, to make an announcement of the wheat allotment for 1970.

We have also been reevaluating our performance under the International Grains Arrangement. Next week in London there will be a meeting of the International Wheat Council—which is the key governing body. We will, of course, be represented there.

We have really two large problems:

(1) How do we meet French competition in Taiwan?

(2) How can we be more competitive with some of our hard wheats in Europe and South America?

Both of these questions will require decisive action.

We have many trade problems. We must continue a dialogue with the European Economic Community. We must attempt in these conversations to isolate and identify areas that can be negotiated.

These conversations and dialogue should continue not only bilaterally, but also within international organizations such as the Organization for Economic Cooperation and Development and later, we hope, the General Agreement on Tariffs and Trade. The international organization of GATT, if it is to fulfill a continuing role, must be helpful in identifying areas in which to negotiate. By these means, we hope a degree of harmony can be brought to the agricultural trade that is so important to the world economy and to the American farmer.

The world of American agriculture is a changing world.

A man who has been farming for 35 years can remember when 30 million people and 17 million houses lived on almost 7 million farms. Today a third that many people live on fewer than half that many farms. Yet they feed a Nation that has grown by 75 million people, and they ship three times the volume of farm exports, as compared with 35 years ago.

The place of agriculture in the American economy is not diminished—it has grown. The problems are great, true. But the success of the American system of farm producers and farm-related business is far greater.

This luncheon is in recognition of the responsibility that each of us has—in farming, in business, in government—to the continuing strength of this productive system. Whatever the problems, this American agriculture will continue to be a major stabilizing force in the world. That's U.S. agriculture in a changing world.

PARTLY CLOUDY

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. LONG of Louisiana. Mr. Speaker, I want to share with the House a series of events in my district which amply illustrate the present administration's ludicrous dedication to false economy.

One of my French-speaking constituents wrote to me—only partly in jest—that Il y a des nuages would best describe the faces of the people of central Louisiana early last month during a storm which cost nearly a million dollars in a single parish, not including crop damage. That phrase means roughly, partly cloudy, and it is the only warning my constituents received before the storm struck, packing 83-mile-per-hour winds.

Why were the people not warned of the storm?

Because the Nixon administration weeks earlier—on March 22, 1969—closed the local weather bureau station in the name of economy. Sixteen days later the people of the area, defenseless in the face of the elements, suffered losses which would have operated the Alexandria, La., two-man weather station for years.

When I first learned that the administration planned to close the Alexandria weather station—one of 13 such facilities to be closed across the Nation—I protested to the President. That was on February 7, 1969. Eighteen days later, the President's assistant finally answered my letter. I gathered from the way he evaded the question that the President intended to do nothing about the problem.

The next month I joined with Louisiana's two distinguished U.S. Senators in protesting to the President, to the Environmental Science Services Administration, and to the Federal Aviation Administration.

Everyone from the President on down kept reminding us of Public Law 90–364, which in effect imposed fiscal reforms on the Executive, which the Executive has never had the stomach to impose on itself. But throughout this correspondence there was a new interpretation: Public Law 90–364, it seems, is a convenient cover for incompetence.

I wonder why it is that bureaucrats immediately put the ax to the small,

hard working, and obviously inexpensive outposts of the Government when they are called on to economize. It never seems to occur to them that they might cut away the agency's fat without chopping off its little toe.

At any rate, the Alexandria, La., weather station was closed on March 22, 1969. On March 26, I received a long and verbose letter from Mr. John W. Townsend, Jr., Deputy Administrator, Environmental Science Services Administration, explaining that alternate arrangements for weather services to the area would be quite adequate, prompt, and efficient.

Two weeks later the Weather Bureau had the opportunity to provide proof of Mr. Townsend's assertions. Early on the morning of May 7, 1969, the weather forecasters in cities a hundred and more miles away forecast severe weather conditions for the Alexandria, La., area, and the proper warnings were issued. By midmorning the forecasters saw no further sign of troublesome weather, and the warnings were withdrawn. The Weather Bureau said the skies would be partly cloudy the rest of the day. At 10:45 a.m. the worst thunderstorm in its history hit the city and a wide area.

Immediately upon learning of the storm I wired the Environmental Science Services Administration for an explanation, asking that service be restored to the Alexandria, La., area. Mr. John W. Townsend, Jr., wrote me another of his long letters, admitting in effect that the weather bureau could not provide adequate service to the Alexandria, La., area after all.

Public Law 90–364, Mr. John W. Townsend, Jr., and his fellow bureaucrats still stand in the way of any reliable weather service to the Alexandria, La., area. This area—and I assume the dozen other places which have been deprived of reliable weather reporting because of the administration's inability to economize without a certain amount of planned destruction—is in Mr. Townsend's words, "of lower priority."

After struggling through this series of events and letters and contradictions, I think I can make a successful argument for the belief that this Nation's troubles are caused by bad faith, mostly on the part of administrators and executives who for political reasons consciously misinterpret the laws of the land.

Although the weather station in central Louisiana is a small matter—let us remember that Government is in fact an accumulation of small matters—the ironic phrase, partly cloudy will live to mock the Nixon administration long after its fake economy measures have been forgotten.

JOE McCAFFREY—CONGRESSIONAL RECORD OF THE AIR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. SPRINGER. Mr. Speaker, there is little that can be added to the accolades paid Joseph McCaffrey, newscaster and commentator for WMAL television and radio. Joe is celebrating his 25th year in the news media and I know that the respect with which he is regarded is the product of all these years of honest reporting of the facts with integrity and professionalism to which all newsmen aspire. He has justly earned the title, "The Most Listened To Man in Washington," because of his interesting and factual presentation of the news in Washington and particularly on Capitol Hill.

His listeners are legion and I understand his favorite pastime is talking to the horses on his farm in Culpeper, Va. Even they appreciate their master's voice.

He has been a friend for many years and I will continue to value his friendship in the years ahead. He has my congratulations on his achievements and sincere best wishes for success in the future.

FORTY-EIGHTH ANNUAL PORTSMOUTH, OHIO, CHAMBER OF COMMERCE BANQUET HONORING HOSPITALS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. HARSHA. Mr. Speaker, on June 19 I had the opportunity to attend the 48th annual chamber of commerce meeting at Portsmouth, Ohio.

Those of us in attendance were privileged to hear a very accomplished and outstanding speaker, Mr. J. Ed McConnell, president of Blue Cross and Blue Shield for the State of Kentucky.

Particularly in view of today's troubled world, Mr. McConnell's remarks concerning citizen responsibility were of significant importance. I, therefore, include his remarks and commend them to my colleagues:

FORTY-EIGHTH ANNUAL PORTSMOUTH CHAMBER OF COMMERCE BANQUET HONORING HOSPITALS

(Speech of J. Ed McConnell)

I appreciate very much this opportunity to participate, along with a Chamber of Commerce, in recognizing the hospitals of a community and the service they render. Right this moment, the hospitals in this community are rendering all of us in this room and community, plus those who are passing through, a service for which they do not receive one red cent.—They are here, if we need them.

You know our American hospitals are suffering from a lot of success, and in spite of assimilating many new methods of treatment, great discoveries, the development and installation of much new and complex equipment, plus responding to the demand for more health care with new programs and services, there have been, and are, many strains on hospitals and the hospital system. Weaknesses have been discovered and magnified and management criticized. A recent secretary of HEW made an unfortunate statement regarding hospital management just peeking into the 20th century, which was incorrect, and it hurt. Costs have skyrocketed and, from the public's point of view, the major problem of the hospital has been the difficulty in controlling rising costs. Hospitals are subject to a higher level of expectations than other institutions, and are now subject to a scrutiny of a nation of "experts". Almost any organization can be forgiven lapses in excellence other than hospitals. The quality of the hospital product, compared with the quality of other products the American public purchases, is good, as is the quality of management compared with that of business, industry, education and government. The level of management of most hospitals in Kentucky, for example, is on a par with, or better than, the management of any government office, any school system or business in the community.

I am sure this is true in Ohio, also—and all over the country. There is a terrible lack of understanding of hospital problems, costs and operation. Meetings like this are healthy, and they help promote understanding. There is a real danger with the advent of Medicare, and the federal government directly involved with standards, concerns about productivity, utilization review, and the drying up of voluntary gifts, that hospitals may lose their freedom to innovate, which would be unfortunate.

We have more and better medical knowledge today than ever before. The surgical knowledge and procedures being performed were just the dreams and fancies of a few years ago.

Heart valve implants, for example, are routine procedures now in many hospitals. This required 10–15 people in surgery, intricate equipment, and a fairly new innovation is on the hospital scene now called intensive and coronary care.

A few years ago, when a patient had a coronary occlusion, he received a private room, a few drugs, a lot of hard work by doctors and nurses and a lot of prayers. If these worked, the patient recovered. Now, in addition, the patient is placed in a coronary care unit where he receives full monitoring. It is a routine procedure to start stopped hearts. People who are literally dead are buzzed, and the heart is started again. This happened three times in one Louisville hospital the week-before-last. The patients have gone home, not to the cemetery.

A short twenty years ago, the hospitals averaged one employee per bed. Today, it is two and one-half employees per bed. This is money, and people costs keep going up, but providers of care have to have people to provide service. Hospitals cannot automate like industry. While they have mechanized many procedures, they have not been able to come up with the automatic bed pan or decision-maker necessary in providing human services, and the hospitals have to compete in the employee market, and the salaries are rising, and they are still playing catch-up with industry.

Staying healthy costs money, but the next time you see a hospital bill, compare it on an hourly basis with other services you buy. One of the best buys that can be made in your community today is a day of necessary hospital care. A modern hospital is a complex business—one of the most complex in our very complex changing society. Interpreting it in the months and years ahead won't be easy. It's time to speak out in support of the finest system of health care in the world—one that's in jeopardy, and I'm pleased to have this opportunity to do so.

Now for just a few words about a Chamber of Commerce which is the voice of the business and professional community, an organization of business and professional men and women who have invested time and money to try to solve mutual community and business problems to try to advance the development and growth of an area; people working together in common cause, pooling activities and reserves. In my opinion, any business or professional man who is not a member of his Chamber of Commerce is not carrying his part of the community load, and our voluntary system is the loser, as is he. A Chamber of Commerce is sort of like a

community doctor whose job it is to study the patient (area), the strengths, or lack of it, and to pursue ways to maintain healthy development and prescribe ways and means of maintaining healthy development. Every community and city each year now faces major problems growing out of a changing world and our country's transition from a predominantly rural community to an urban one. The speed of this change is a problem, and whether you or I like it or not, change comes with progress. Any community in America that today is ignoring the problems of downtown decay, zoning, traffic, housing, pollution, areawide planning for health facilities, the problems of the disadvantaged and the elderly, ignorance, education, is contributing to additional federal controls to additional loss of freedom. Deep changes are stirring in this country. The private sector, business, industry and professional groups had better become just as aware of this as is our federal government, our intellectual community and many students.

In his book, "Freedom Begins at the Market Place", Erwin D. Canham says: "Voluntary action is the best possible weapon with which to fight statism and prevent the submergence of the individual. It is our nation's greatest tool in showing the rest of the world the way to solve problems without throwing ourselves slavishly in the arms of government. Few people elsewhere in the world have any idea how far and how fruitfully voluntary organizations have gone in the United States. Our entire system is radiated and irrigated by a vast network of private voluntary organizations and communications. Vital ideas and concepts flow back and forth in these channels." Your organization is a vital one of these, as well as your hospital system.

The practice of people banding together voluntarily to solve problems, as you have done, is traditional in this country. There seems to be no question that our way of life is being challenged daily. Never before have we been so critical, but a lot more is right with America than is wrong.

Our government, at every level, was designed as the means of doing only those things which the individual or a lower level could not effectively do for itself. Free people can and must manage their individual and collective destinies. Free choice, voluntaryism, individualism, cannot and must not be discussed or dismissed as meaningless slogans. The great strength of America comes from freedom, and from the vitality, ingenuity, leadership, community service of individual citizens, in organizations like yours, not from the size and power of government. If we expect to maintain our personal freedom, we must put forth, voluntarily, the effort required. One does not inherit an instinct for liberty. We have a responsibility, you and I, to help work, build and create a legacy of freedom. Let us not neglect it.

ADAMS' SON WINS HONORS AT HARVARD

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. McCORMACK. Mr. Speaker, in these days, when the Nation is confronted with the desires of students to make themselves heard in the world, one is sometimes inclined to overlook the great academic achievements made by the students of our country.

I happen to know of one in particular, Mr. William James Adams, who is the son of a valued friend of mine, who has just graduated from Harvard College and was awarded one of the two Allyn A. Young Prizes of $400 which were given, in recognition of his outstanding thesis in economics.

He also received the oldest scholastic award, the prized "Detur" of Harvard.

His father is at present acting president of Michigan State University and I thought I would bring this fact of achievement to the attention of the House.

I include a newspaper clipping from Michigan State University in relation to William James Adams:

ADAMS' SON WINS HONORS AT HARVARD

William James Adams of 928 Lantern Hill Drive, East Lansing, has received two of the top prizes for senior students at Harvard College, Cambridge, Mass.

Adams was awarded one of the two Allyn A. Young Prizes for $400. They were given in recognition of outstanding thesis in economics.

The nation's oldest scholastic award, the prized "Detur" of Harvard, also was awarded Adams. A book award, it honors distinguished application to studies.

Earlier this year, Adams received the John H. Williams Prize for the best overall record in economics, his major. He holds a John Harvard Scholarship and a Harvard College Scholarship.

He is the son of Michigan State University acting president Dr. Walter Adams and Mrs. Adams.

SPEECH OF BEN S. GILMER AT UNIVERSITY OF GEORGIA COMMENCEMENT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. HAGAN. Mr. Speaker, with the many graduations at this time of year come the commencement speeches with messages from men in positions of responsibility to the youth of our Nation. I was particularly impressed with the very timely speech given by Mr. Ben Gilmer, president of American Telephone & Telegraph, at the University of Georgia commencement exercises on June 7. His remarks are very much to the point in view of what has been happening on our campuses. Our young people need to hear this kind of plain talk, they need this kind of challenge. I am pleased to have this opportunity of sharing Mr. Gilmer's address with my colleagues. It follows:

SPEECH OF BEN S. GILMER AT UNIVERSITY OF GEORGIA COMMENCEMENT

This I know is a day to which all of you have pointed your efforts and energies for a long time. I congratulate you and am honored to be with you on this great day in your lives.

So many long honored customs of college life have been challenged of late I would not have been surprised to see the abolition of the commencement speaker become one of them. Fortunately for me this did not turn out to be the case, and I am happy to join with you in the enjoyment of this day.

Most commencement speakers, I suspect, are under no illusions as to how long their words will be remembered—and I am no exception. Who, for example, spoke at my own graduation and what he said have long since slipped from memory.

At the same time there is a certain solemnity about these occasions that moves one to look long and earnestly within himself for that one portion of wisdom with which life may have endowed him that might have some meaning to the new generation to whom his own will shortly pass the torch.

In recent years that search has become a particularly trying one, for they have been years in which some members of your generation have been loudly asserting that they trust no one over 30, such protestants at the same time giving very little indication as to why anyone over 30 should trust them.

With each succeeding graduating class, it would appear, the generation gap grows wider and the wider it grows the greater the risk that the commencement speaker will fall in.

Nonetheless I suspect that nearly every commencement speaker—up until this year at any rate—has secretly harbored the hope that somehow he might find the words that will convey to his younger audience that he—perhaps in some measure understands the aims of youth, that, he shares them with undiminished ardor in spite of the passing years.

This rapport once established, his audience will, he hopes, hear his words with open minds—and perhaps even heed some of them.

Thus most commencement comment on youth to youth falls into a predictable pattern: applaud youth's aims, deplore its methods.

You will forgive me, I trust, if this year—I abandon the pattern. To my mind rapport between the generations will be better served by candor than by strained efforts at ingratiation. At the risk, then, of being characterized as a quaint survivor from a bygone era, I am going to tell you precisely what I think.

Briefly, I am not with it. What has been happening on many of our campuses over the past few months—or rather what the newspapers have chosen to tell us about what has been happening on our campuses I find deplorable.

And what aims are served by vandalism and violence I readily confess I do not understand. If the impulse to these actions springs, as I have heard it alleged, from youthful idealism, it is misplaced idealism and certain to defeat the very aims it professes to serve.

Not freedom but a new authoritarianism is surely the most likely consequence of such excesses. Nor is it very likely that expanded participation in decision-making will be extended to those who by their actions demonstrate they do not know how to handle the responsibilities they already have.

Let me say at the outset that I would have preferred to talk with you today about almost any other topic than the current campus turmoil. Avoidance however, would serve no useful purpose and indeed would be interpreted as joining with those who seem to believe that if something is ignored it will cease to exist.

Among my colleagues in the business world, utter consternation seems to be the most common reaction to the recently highly publicized events on some of our nation's most distinguished campuses.

It is an altogether understandable reaction but not to my mind a very helpful one. For these events can no longer be dismissed as isolated phenomena. Nor can we take comfort in the thought that they are "un-American," the product of an alien conspiracy.

And while it is true that the actual perpetrators of the violent acts we have been reading about probably constitute but a small

fraction of the current campus generation, we simply cannot take lightly the fact that the politics of violence has moved from the streets to a site we had assumed was reserved for calm inquiry and rational discourse.

The consequences of these events for the colleges involved may be tragic or hopeful, depending on their response. But my concern runs beyond the prospects of particular institutions and goes to the implications of these events to the future course of American society.

Down through the years Americans for the most part have been willing to resolve their differences—and accept the consequences within a commonly accepted framework of order and due process.

On our campuses as in our cities, violence signals the breakdown of this tradition. But what is more disturbing is the realization that the recent disorders may be but surface symptoms of a more widespread infection.

This infection shows itself in what appears to be an increasing disposition to escape the reponsibilities of citizenship and the risks of participation either by seeking refuge in private comforts or at the other extreme, by an equally irresponsible disposition to translate the most agonizingly complex problems into simple confrontations between "them" and "us."

I addressed myself to this development on a like occasion a year ago and what was said then can be repeated now with no less conviction: To my mind this resort to unreason—in whatever guise it appears—is the most dangerous trend of our time.

It jeopardized what has been and remains our country's greatest strength—and that is the capacity to govern ourselves.

This resort to unreason shows itself, too, in what seems to be an increasing preoccupation with power, power exercised not through the conventional political process but by obstructing the normal operations of society.

Power thus exercised can dramatize dissent and discontent, but it can also undermine the orderly processes on which the dissenters themselves will depend once their discontent is assuaged. The continued use of this kind of power can only lead to the progressive degeneration of the political process in this country, to the death of freedom. This is, as well, the most likely consequence to our nation's goals and—more particularly—to the quickened aspirations of youth.

Those goals cannot be achieved or those hopes realized in an angry society, divided by contention and embittered by frustration.

Only a coherent society, uniting all its elements in a context of commonly accepted political process, can gather its resources and marshal its energies on the scale the future will require.

It is time, then, that men and women of reason and conscience everywhere made it plain that this society cannot countenance and will not reward the willful exercise of power to obstruct its legitimate processes.

But clearly it is not enough to decry violence unless at the same time we are ready to take account of the causes that inspire it.

Clearly we must ask ourselves, what is wrong with youth or what is wrong with us and the world we have made that has produced so deep an estrangement between so many of our young people and the major institutions of American life.

I raise the question not out of concern for the current crop of campus saboteurs but for the far larger number of their contemporaries who may take as dim a view of violence as I do but whose anger, albeit contained, is anger all the same.

You will tell me, I suppose, that there is sufficient evidence of injustice in the world to warrant anger and that the occasions for youth's estrangement are not really that hard to find:

A sad and apparently interminable war and its tragic costs in lives and resources . . . .

The evidence in the midst of affluence that millions of our fellow citizens have not shared in America's expanding opportunity . . . .

The fact that so many of the people in our greatest cities live ugly lives . . . .

The apparent hypocrisy of a society dedicated to no higher aim than a continuous expansion of personal consumption.

But we have experienced these occasions before. Indeed it is hard to recall a time when we have been without them or their counterparts.

So, without the slightest implication of doubt about the depth and sincerity of the convictions of young people on the issues I have recited, let me say that it seems to me the explanation lies elsewhere.

There are in my observation as many different interpretations of youth's mood as there are interpreters and I claim no special insight in this regard. There does, however, seem to me to be two interrelated elements in the current mood that are unique to these times.

The first is a feeling, apparently widely shared in your generation, that the prospect ahead is a sadly empty one, that the expected course of your lives offers very little worthy of high purpose and very little promise of opportunities for a sense of real accomplishment.

And the second is a sense of frustration in the face of institutions so large, so complex, so apparently impersonal that they afford little prospect that what one man does will make very much difference.

Were these impressions valid, this ceremony, normally the most hopeful on occasions, would be a sad one indeed. Nor will they be made otherwise by any simple assertion to the contrary by me, however deeply I might feel it.

Nonetheless I shall risk it. Your own discontents dramatize the fact that there is much unfinished business in our society that is worthy of the best that is in you.

Who, if not you, is going to see to it that our onrushing technology is shaped to humane ends.

Who, if not you, is going to bring order and civility—and, yes, greatness—back to our great cities.

Who, if not you, is going to rationalize our outmoded structure of local government so that it meets the needs of the final third of the twentieth century.

Who, if not you, is going to assure the adequacy of public services, health, education, transportation, waste disposal—for a population that by the century's end will number 360 million.

Who, if not you, will see to it that we have an education system in this country that denies to no one the ability to grow to the limit of his personal capacity.

Who, if not you, will see to it that our institutions—our colleges and corporations, our churches and city halls—do not become ends in themselves, that they develop a continuing capacity for renewal in the face of changing needs.

I raise these questions in order to suggest that I profoundly believe—and that is that there are new worlds to conquer and that those new worlds do not lie in the outer reaches of space but close at hand.

But the conquest of these new worlds, I must quickly add, cannot be achieved by slogans. They will not yield to marches and manifestos or to simple fervor unsupported by competence. They will yield only to the patient exercise of our rational faculties.

Those who think otherwise are not the revolutionaries they proclaim themselves to be. Rather are they—in the opinion of an M.I.T. professor whose name I cannot pronounce but whose views I share—counter-revolutionaries—a romantic remnant, historically obsolescent, unequipped to change the world, equipped only to demand that it be changed.

Today's world, stubbornly complex as it is and growing more so, will exact a hard discipline from those who seriously hope to have a hand in changing it. In short, it will take competence.

What satisfactions will derive from accepting the challenge of acquiring that competence will not include the satisfactions of self-dramatization.

Those of you who do accept that challenge will be in fact the true revolutionaries—with a better warrant to that term than those of your contemporaries who have appropriated it for themselves.

Today our society faces a serious shortage of true revolutionaries—men and women with the competence and patience to face complexity unafraid. Those we have are without exception over-burdened. In an age of increasing leisure, their work week grows longer and their lights burn later than those of their colleagues. Such vacations as they manage are, as often as not, interrupted by some emergent crisis.

No sector of society has a monopoly on their talents. You will find them in the Federal Government and in municipal agencies and you will, I am glad to say, find them in business.

You will not read their names in headlines—they look much the same as you and me—but it is to them we owe the fact that things work as well as they do. On them our hopes depend that things are going to work better. They are the "new adventurers."

What manner of men are they?

First of all, they know their business but never deceive themselves that they know all they need to know.

They are not "mere technicians." They know that in this world of ours there are no simple answers any more, that any plan or program, however plausible in the abstract, must meet the test of human needs and that those needs are varied, more often than not competing and must somehow be resolved in an outcome that, while it may be best for all, may be fully satisfactory to none.

And they know, too, that the consequence of attempting too much, like the consequence of doing too little, is failure. Finding what is right is an arduous process of matching needs with resources, of rigorously assigning priorities that distinguished between what must be done, what can be done and what had best be put off until tomorrow. In short, they know that social ends depend on economic means.

Finally, I think I should say that the men and women I have been talking about are not very different from you and me.

They are not new breed of men, a specially constituted elite somehow genetically equipped to manipulate the mysterious control system of our complex society.

What most distinguishes them from the rest of men is their confidence that change can be managed—can be because must be and their belief that what one man does about it can in fact make a great deal of difference.

They are for the most part modest men. Somehow, though, wherever they are—in a business, a government agency, a town hall—they seem to generate about themselves an atmosphere of excitement. They do so because—if only by the smallest increments—where they are things are moving.

I invite you to join the "new adventurers." Compared to the number of people who are simply along for the ride, the number of people who really keep things moving in this world is small indeed. We need more.

I would like to conclude with a few words about those institutions which together compromise what you may call the estab-

lishment. I suppose the telephone company is one of them.

If my own experience is any guide, there is as much diversity within the establishment, if there is such a thing, as there is any place anyone might want to look.

Forces for change, not all of it good, contend with forces for stability, not all of it bad, in a state of continuing dynamic tension.

Is there room in the establishment—in my own business, for example—for adventure? If I say, yes there is, I must also remind myself that we have a continuing obligation to ask ourselves, is there room enough? We must and we do because our future depends in the final analysis on an asset that appears nowhere on our balance sheet, the innovative capacity of our people, their ability to sense and respond to society's new demands, their ability not merely to react to change but to lead it.

Finally, it appears to me that it is time for a general de-escalation of the rhetoric we apply to the current problems of our society. Surely no nation on earth has experienced so many "revolutions" and so many "crises" as we have over the past few years. Yet somehow we have survived.

Looked at in perspective, not every change is a "revolution" and not every problem a "crisis." I suggest that the application of a more moderate terminology to current problems would contribute to our confidence that they can—with the patient application of good sense and good will—be managed and managed effectively.

At the same time if we could rid ourselves of some of the stereotypes that dominate so much of our thinking these days—the disposition of people like me to address people like you as "youth" and of you perhaps to think of me as "business"—if we could come to see each other, not as generalized classifications of humanity but as individuals, each with his own talents, each with his own hopes, and both with so much in common, we would be taking a long step toward strengthening in our country that sense of community that has been its greatest asset and that, should we lose it, would be its greatest loss.

Thank you very much. My very best wishes to all of you.

ETHEL PERCY ANDRUS MEMORIAL GERONTOLOGY CENTER

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. BOW. Mr. Speaker, plans are underway to construct in the near future the Ethel Percy Andrus Memorial Gerontology Center at the University of Southern California, an institution that will devote its attention to the problems of our growing body of senior citizens. Some 30 Members of the House and 12 Senators have introduced resolutions calling for support for this institution. I wish to join them in emphasizing the importance of the project and the promise it holds for the future welfare of elderly Americans.

No more suitable memorial could be erected for Ethel Percy Andrus, nor is any American more deserving of this recognition. Ethel Percy Andrus was one of those remarkable people who make all of us proud to be Americans. Other distinguished citizens of our Nation have pioneered in health, in education, in science and technology and their names are known to us all as great trailbreakers of their times. Ethel Percy Andrus pioneered in making life meaningful for those millions of Americans who have reached the age of retirement and face the very serious adjustment from a career or a job or a busy household to that of relative ease.

Dr. Andrus thought that the retirement years should be useful and creative years. She came to this decision when she found herself in retirement, after a busy and distinguished career as a high school principal in Los Angeles. She was unwilling to vegetate, to retire to boredom and frustration. She began a new career and it was this second career that brought her the fame and recognition of which we speak today.

Retirement must have come as something of a shock for Ethel Percy Andrus when she found that her monthly pension, after 41 years of teaching and school administration, was a mere $60. Dr. Andrus had made provisions for supplementing that sum, but she wondered how other retired schoolteachers managed to get along. That was the spark that prompted her to organize in 1947 the National Retired Teachers Association, aimed "at putting dignity back into the life of the penniless former teacher."

In 1958, the teachers' association having become a nationwide success, Dr. Andrus broadened her work by establishing the American Association of Retired Persons. That year the two organizations launched a highly successful health insurance program for the aging, a program which Dr. Andrus had worked diligently to prepare for several years.

Typical of other activities of the associations is the magazine, Modern Maturity, for which Dr. Andrus won several editorial awards. It is filled with reminiscence and with challenges for the future, news of AARP- and NRTA-sponsored travel tours, hobbies, and beautiful photography.

Another successful innovation was the Institute of Lifetime Learning where members may study a wide range of subjects from feature writing through business management to ceramics and oil painting.

Others call it old age. Dr. Andrus called it "dynamic maturity," and in that phrase she captured all the meaning of her programs. Millions of older Americans remember her with affection for the new richness, fulfillment, and achievement she brought into their lives.

I was privileged to be associated with Dr. Andrus as she fought for legislative innovations for older Americans. The proposed memorial gerontology center will carry on her great work. I am pleased to be associated with those who seek to advance the project.

Other details of the life and achievements of this remarkable American woman are discussed in the following October 1968 article from Changing Times:

THEY'RE RETIRED—BUT LEADING LIVELY LIVES—THE KEY: NEW EXPERIENCES, NOT RERUNS OF OLD ONES

The million or so men and women who belong to the American Association of Retired Persons represent a refreshing paradox: Their attitude toward their autumn years is basically youthful.

Not that they strive to recapture a well-lost immaturity. But they do reject checker-playing, chair-rocking retirement in favor of retirement that is a way of living rather than a way of aging.

They call what they aim for "dynamic maturity"—a retirement life filled with such new experiences as low-cost trips throughout the world; new learning in such areas as art, language or music; new social contacts via local chapters and hospitality houses; and devices for reinforcing their financial security.

These benefits have been available for the past ten years to anyone age 55 or over—retired or not—willing to plunk down the $2 a year AARP membership fee to, as its founder, the late Dr. Ethel Percy Andrus, put it, "get their lives moving again."

PENSION POOR TEACHERS

Back in the 1940's, a few months before her sixtieth birthday, Dr. Andrus retired as principal of a California high school to discover that retired teachers had little to live on ($50 or $60 a month) and little to look forward to. Her battle for better teachers' pensions led to formation in 1947 of the National Retired Teachers Association, AARP's still robust sister organization.

As this group grew, Dr. Andrus met more and more members whose financial resources had been wiped out by a serious illness or accident. In those days health and accident policies were either unavailable to people over 65 or too costly for most pensioners, and many found their policies canceled when they retired. Dr. Andrus argued with dozens of insurance companies that budget-priced, noncancelable group health insurance for retired teachers 65 and over was financially feasible.

She finally persuaded one progressive company to try it. The retired teachers proved excellent risks, and the plan was so successful that nonteachers clamored for it. This led Dr. Andrus to set up AARP in 1958 as a national organization for retired nonteachers to make them eligible for group health insurance.

Today the health insurance plan, now arranged to dovetail with medicare, is available to those 65 and over (age 62 for women and social security recipients). It has no upper age limit and accepts the member's present physical condition, although a new policyholder with a pre-existing illness isn't covered for that illness for six months.

Several types of life insurance are offered, too. Some of the policies include health restrictions, but they afford many members life insurance coverage that is unobtainable elsewhere. The association also helped develop an auto insurance policy that won't be denied an older driver because of his age alone (the policy is not yet available in all states).

Complaints about the high cost of drugs led AARP to establish its own pharmacy in 1959 to fill prescriptions by mail at prices below customary retail charges. Today, over 50 registered pharmacists in dispensaries in Florida, California and the District of Columbia fill over 5,000 orders a day for medicines, vitamins and medical supplies, sent to members postage paid and without any service charges.

"There's a prescription I get filled weekly that would cost me $14 in the local drugstore," says one member. "I get it from the AARP pharmacy for $8. And believe me I can use that six bucks a week savings."

The travel program also began at the request of members. It is group travel, geared to the pocketbooks and pace of older travelers. The first trip, a 1958 European tour, drew 183 members. This year 6,000 members expect to tour Europe, South America, the South Pacific, Mexico, Hawaii and other

parts of the U.S. On the new "Baltic Circle Tour" members will spend 31 days touring Norway, Sweden, Finland, Denmark, Czechoslovakia, Poland and Russia at a cost of $1,545 for everything—air and land transportation, accommodations, three meals a day, entertainment and sightseeing with local guides.

LIFETIME LEARNERS

The zest that leads thousands of elderly AARP members to travel as far away as Russia leads thousands more to seek self-improvement at a time in life when many others are throwing in the sponge.

"Older people are our greatest reserve of talent and wisdom," Dr. Andrus often said. "Continuing education will insure their position in the mainstream of life." Before her death in 1967 she saw her philosophy flower into the AARP's Institute of Lifetime Learning, schools where the elderly can study everything from finger painting to practical psychology. The institutes, in Washington, D.C., and Long Beach, Cal., serve as prototypes for local continuing education programs.

The association also offers a driver-improvement program—co-sponsored by the National Safety Council—and when members complete the course, they receive a 10% discount on their AARP auto insurance. There are other special services as well:

Consultations, including advice on retirement housing anywhere in the U.S. and suggestions for finding a retirement job or even starting a second career.

A bimonthly magazine, Modern Maturity, and other publications full of helpful, entertaining and inspirational articles specifically for those 55 and up.

A Hospitality House in St. Petersburg, Fla., which has low-cost accommodations for traveling members, and hospitality lounges in Long Beach and the District of Columbia, which provide local and visiting members entertainment, refreshments and a place to relax.

A nursing home in Ojai, Cal., where members get special geriatric restorative and rehabilitation treatment.

A legislative council, which promotes the interests of older persons—such as improved social security and medicare benefits—in Washington.

From one dedicated woman's lonely crusade to a million members in a single decade is quite an accomplishment. The appeal of AARP's "dynamic maturity" is still spreading, with more than 500 active local chapters across the U.S., with its services extending to overseas and with 5,000 to 7,000 new members joining every week.

AHEPA AND YOUTH EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. BRADEMAS. Mr. Speaker, the Ahepa Educational Foundation, the officers and members of the Order of Ahepa, and the supreme president of the order, Gus Cherevas, have all launched a new and interesting program which promises unusual educational and cultural opportunties to a number of young Americans.

This summer 100 members of the Sons of Pericles and Maids of Athena, both Ahepa auxiliary organizations, will spend 8 weeks at Anatolia College in Greece as recipients of the Ahepa-Anatolia College summer scholarship program.

I want to congratulate the Order of Ahepa and all those associated with this program on this imaginative venture.

Mr. Speaker, I insert at this point in the RECORD an editorial by Nicholas Zannetos, executive editor of the Ahepan describing this program:

AHEPA AND YOUTH EDUCATION

From its very inception, the Order of Ahepa put special emphasis on Education. The letter "E" was placed in the middle of the word AHEPA by design, to indicate the importance held for the educational aspects of the Fraternity.

Mindful of its obligation to foster and encourage the education of our Youth, Ahepa proceeded to organize its Junior Auxiliaries, the Sons of Pericles and Maids of Athena, searching for plans to keep them within bounds and under the influence of Hellenism; to inculcate upon them due respect and reverence for their heritage; to awaken in them a fair appreciation for the Hellenic language, culture and traditions.

It was in this spirit that the Anatolia Scholarship Program was presented to the New York Convention last summer by Supreme President Gus Cherevas. After an overwhelming endorsement by all the Ahepa Auxiliaries, the program was approved by the Ahepa Educational Foundation.

After an extensive presentation of the program throughout the Ahepa Domain by our energetic Supreme President Gus Cherevas, it was received with enthusiasm by our youth through the length and breadth of the land, with applications pouring into Headquarters from 22 districts. Faced with the problem of oversubscription of the program, with the knowledge that Anatolia College could accommodate ONLY 100 persons, Supreme President Cherevas made arrangement with officials of the Greek Government to accommodate an additional 200 Sons and Maids in cultural programs of 5-week duration in the vicinity of Athens, Greece.

This means that a total of 300 Sons and Maids, under the banner of Ahepa, will be involved in a cultural exchange program in the land of their fathers, the land of the rich Hellenic Heritage they have been preached about through their young lives. They will study Literature, Arts and Crafts, in the very same land where the originators of these masterly forms of expression lived and taught. Homer's epic poetry, the historical writings of Herodotus, the orations of Demosthenes, the philosophic concepts of Plato, the plays of Sophocles will have an overwhelming impression on their young souls, when taught on the same grounds the great masters walked. The great Hellenic Heritage, which until now were empty words to them, will have a full meaning now in the inspiring environment of the Cradle of Civilization.

And when the time comes for them to return to the United States enriched and invigorated with their inspirational experience, they will become the great missionaries of the objectives of Ahepa, spreading the gospel of the rich Hellenic Heritage to thousands.

TAX-EXEMPT MUNICIPAL BONDS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. PICKLE. Mr. Speaker, we may be nearing a vote on the question of keeping or eliminating the tax-exempt status on municipal bonds. Before that issue reaches the floor, I think all Members should have an opportunity to give careful analysis because I am convinced the taxpayers in our cities will be the ones who would suffer.

Last year in Texas, a record $950 million in bonds was issued in cities, towns, and rural communities. Of this amount, the cities issued $302 million in bonds; schools and junior colleges issued $275 million; counties and road districts, $47 million; special districts like water, river, and hospital districts, $137 million; and State agencies and State colleges, $190 million.

Investors who bought these bonds do not have to pay income taxes on the interest which the bonds will bear. Therefore, obviously, they were willing to buy these bonds at a much lower rate of interest than would otherwise be the case. Without these investors, many of the badly needed projects would not have been possible—especially in a tight money market.

There is a primrose path being lined with innuendoes that municipal bonds furnish a tax shelter for the extremely wealthy people in this country—people who do not pay a cent in Federal taxes. Such people do exist, but in far fewer numbers than we would be led to believe.

I would submit to my colleagues a frank explanation of "who buys municipal bonds" and "who benefits." The article was written for the June issue of Texas Town & City by W. E. Tinsley, executive director, Municipal Advisory Council of Texas. Mr. Tinsley is considered to be one of the State's leading experts in municipal bond markets. His article is as follows:

WHO REALLY BENEFITS FROM TAX EXEMPTION OF INTEREST ON MUNICIPAL BONDS?

(By W. E. Tinsley)

A surprising number of people across the land are completely unaware of the fact that the owner of a bond issued by a state or unit of local government is not required to pay income taxes on the interest which the bond earns. At least that has been the situation; the number of such people grows smaller every day. One can hardly pick up a newspaper these days or listen to a newscast without there being brought to his attention some story of the gross inequities in our system of federal income taxes under which bloated plutocrats realize incomes running into the millions but pay no income taxes whatever. More often than not, it is mentioned that the tax dodge or loophole employed by these parasites of society is that of the municipal bond, the interest income from which is tax exempt.

The average American is an easy mark for this sort of propaganda. He has an inherent sense of fairness, he is generally unhappy with the amount withheld from his pay check, and he has the uneasy suspicion that he is not getting his money's worth of government for the taxes he pays. He is outraged by the image which has been created of the owner of municipal bonds, this fat cat lying on the warm sands of Miami Beach with a martini in one hand and a buxom blonde in the other, and paying no income taxes. There ought to be a law against it! Everyone ought to be forced to pay some income taxes!

Here we see one of the most cleverly contrived images (of a character who does not exist, incidentally) which has been foisted on the American public in many a day. What are the facts? When and how did such a system ever come into being in the first place? Why doesn't Congress put a stop to it?

The exemption of interest income on municipal bonds is as old as the federal income tax law. Eminent legal authorities maintain that its principle is solidly founded in the United States Constitution under those provisions which establish reciprocity between the states and the central government under our federal system. But this is not a legal dissertation; the purpose of this discussion is to examine some of the practicalities of the matter and to determine just who the real beneficiary is of this arrangement which exempts municipal bond interest from federal income taxes.

WHO REALLY BENEFITS?

Our thesis is this: the real beneficiary is not the holder of the municipal bond—the investor who loaned the money to the state or local governmental unit to finance some public facility—but the real beneficiary is any one of the 200 million Americans who may at any time during the routine of his day-to-day existence—

Draw a glass of water to quench his thirst, open the faucets of his shower, wash the family automobile or sprinkle his lawn;

Flush a toilet, open the drain in the lavatory of his bathroom, or drop table scraps into the disposal unit of his kitchen sink;

Pay a premium on a fire insurance policy covering his home or place of business which is protected by the fire plug at the corner and the fire station in the neighborhood;

Drive his automobile on a paved street or county road, across a bridge which spans a stream, or halt it at the traffic light at a busy intersection;

Have a child enrolled in a public school or a state supported institution of higher learning.

Feel any satisfaction as a citizen of his community in the knowledge that the criminal is safely behind bars, the insane are being ministered to, and the indigent are housed;

Romp with his children in a public park or give them a swimming lesson in the park pool;

Take off or land as a passenger of any scheduled and licensed airline or ship, or receive merchandise sent by air;

Or, participate in any one of literally dozens of other activities or realize the benefits and conveniences of any of the countless publicly-owned facilities which are financed through the issuance and sale of bonds of the state and its local governmental units.

This is the real beneficiary of tax exemption of municipal bond interest. Why? Because it saves him billions of dollars a year in interest charges on money borrowed through the medium of municipal bonds to provide all of these conveniences, interest he pays for in the form of locally levied taxes or user charges.

INTEREST—RATES AND DOLLARS

There are about $125 billion in state and local government bonds which are outstanding in this country today. A good guess as to the average rate of interest on all of these bonds would fall in the neighborhood of 4%. Now that produces a gross interest cost of about $5 billion annually.

The difference between the rate of interest on tax free municipal bonds and taxable bonds, such as those of the U.S. Government and private corporations, usually amounts to about 40%. Or, to express it somewhat differently, under conditions of comparable security or certainty of repayment, investors are willing to lend money to states and local governmental units at an interest rate which is usually about 70% of that which they demand of private borrowers.

On the basis of these figures, we compute by simple arithmetic that the $5 billion annual interest charge on tax-free municipal bonds becomes $7 billion if the right of income tax exemption is ever lost by local government.

But this tells only part of the story as regards the true value of tax exempt bonds to the local governmental unit. Take the case of the school district that needs a $1 million school building or the city that needs a $1 million hospital expansion. Now, if this school district or this city can issue bonds at 5% (which is unlikely under bond market conditions existing at this writing), it is necessary to find only $65,050 a year in the annual budget to finance the million dollar project. In other words, $65,050 will amortize a million dollars over a 30-year term assuming that the bonds can be sold at a 5% interest rate.

Remove tax exemption of municipal bonds, though, and the 5% assumed rate immediately becomes about 7¼% and look how the picture changes: interest alone on a million dollar bond issue amounts to $72,500, and if $65,050 is the extent of leeway in the local budget, then the project must be forgotten or cut back to unworkable proportions.

This is the value of tax exemption of municipal bonds to states and local governments, and it is the local taxpayer who is the true beneficiary of the arrangement; not the investor who buys the bonds.

FICTITIOUS FAT CAT

But what about this fellow—this fat cat—this parasite who lives off the fat of the land, and who pays no income taxes? We are still more than a little wrought up about him. The mere thought of him outrages our sense of fairness. There has been more than one barn burned down just to get rid of the rats, but in this instance, perhaps we should first try to take a rat census. Just how many rats are there in this picture? Do we know? The answer is, yes.

We start with an examination of those who own all of these $125 billion state and municipal bonds. Who is the recipient of this tax free interest income? Here are the latest figures available on the subject.

Class of bondholder:	*Percent owned of total outstanding*
Commercial banks	0.38
Individuals and personal trusts	.32
Insurance companies (life, casualty, etc.)	.17
Pension funds, sinking funds and all other	.13

Latest available U.S. Treasury data reflect the fact that there were 155 tax returns filed by individuals in the year 1967 with incomes over $200,000 on which no income taxes were paid. Of these, there were 21 returns covering incomes over $1,000,000, but there is no information as to the amount of these incomes which arose from municipal bond interest. Data gathered by the Michigan Survey Research Center[1] indicates that, of persons surveyed in income tax brackets of $315,000 and more, 65% held *some* municipal bonds, but only 18% derived as much as 10% of their income from that source and only 6% derived as much as 25% from that source. So it begins to appear that there may not be so very many rats in the barn after all.

But what about these banks and insurance companies which evade income taxes at least on that portion of their income which arises from municipal bond ownership? Go ahead and tax them if you will; it really makes little difference to this type of investor; he merely places a new floor under the investment yield which is acceptable, and he switches to corporate bonds yielding 7½% or he demands municipals which yield that figure.

Who profits from all of this? It is hard to say. Some fast figure artists with the aid of mirrors and formulae which no one can understand have come forth with the very positive assertion that in the tax exempt bond principle there is a loss to the U.S. Treasury in income taxes of 42% while the states and local government units which issue such bonds realize a benefit of only 25%, thus "proving" a loss to the public in general of 17%.

In the first place, the criteria and procedures which lead to this conclusion are highly questionable; but even if their absolute validity and accuracy could be established, the cold, stark fact remains that when local government loses its right to issue tax exempt bonds, it loses more than dollars. Take away tax exemption, and the entire system of local governmental capital financing in this country will have to be restructured, and the ony immediate solution lies in a federal subsidy of some sort.

This, of course, is exactly what the opponents of tax exemption of municipal bonds know, and this is the way it has all been patiently planned. Centralism versus local self-government, this is the real issue in all this propaganda barrage to which the American public is being subjected.

Who is the real beneficiary of the exemption of municipal bond interest from federal income taxes? Every American citizen who pays local taxes or locally imposed user charges for a publicly owned facility. Every American citizen who prizes the right of local self-government and every American citizen who believes in efficiency in government as opposed to suffocation under a heap of red tape. This is the real beneficiary of tax exemption of municipal bonds.

(EDITOR'S NOTE.—The historic right of cities and other local governmental units to issue bonds the interest on which is exempt from federal income taxes is threatened as never before by a number of proposals now being considered by Congress.

(There are two proposals which offer a federal subsidy in exchange for waiver by local government of this Constitutional right. The "Municipal Capital Market Expansion Act of 1969" (S. 398 by Proxmire) and the "Urban Development Bank Act of 1969" (S. 405 by Sparkman) each embody this basic principle. Neither of these proposals is acceptable to the National League of Cities nor to the Municipal Finance Officers Association of the United States and Canada. Serious as these may be, however, neither appears to present so dire a threat as proposals now being discussed in the House Ways and Means Committee as a part of the tax-reform package which is currently receiving the attention of that Committee.

(The Treasury Department proposed something under the last Administration which it called a "minimum individual income tax" which would have included municipal bond interest income. President Nixon has recommended that current tax reform studies *exclude* municipal bond interest due to the Constitutional questions which become involved, but it appears that his recommendations are being wholly ignored. Instead, a so-called "limit on tax preferences" proposal, conceived by the Treasury to include municipal bond interest, appears to be receiving very earnest consideration by the House Ways and Means Committee in giving highest priority to its tax reform deliberations.

(Our federal income tax laws are extremely complex, and it is safe to assume that not more than a small fraction of the voters across the country will ever understand the workings of the controversial investment credit and such things as accelerated depreciation over straight-line depreciation on buildings—items which are being given much consideration in tax reform proposals.

(But there is one thing that the average voter can understand, and that is the testimony given by officials of the Treasury De-

[1] *Income Distribution and The Federal Income Tax*, Michigan Governmental Studies No. 47, Institute of Public Administration, University of Michigan, 1966, Appendix A.

partment concerning 154 individuals who in the year 1967 had adjusted gross incomes in excess of $200,000 yet paid no federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large measure through the "tax loop-hole" of municipal bond ownership.

(It is obvious that there is a complete misunderstanding on the part of the general public as to who really benefits from the tax exempt status of municipal bond interest, and it appears that the same may be said of certain members of Congress. The accompanying discussion by Mr. Tinsley is, then, particularly timely.)

Obviously, Mr. Speaker, the cities, schools, special districts, and all agencies that issue bonds—all are extremely concerned over the financial chaos which would result if these bonds loose their tax exemption. These bonds provide the taxpaying citizens services at much lower rates than could be purchased on the open bond market.

It is not tax reform to remove the exemption—it is, in effect, raising taxes. All governmental agencies would have to sell at much higher interest rates.

Virtually all city governments in Texas have endorsed a resolution passed recently by the executive board of the Texas Municipal League. The resolution reads as follows:

TEXAS MUNICIPAL LEAGUE—A RESOLUTION IN OPPOSITION TO ANY LIMITATION ON THE TAX EXEMPT STATUS OF INTEREST PAID ON MUNICIPAL BONDS

Whereas, several plans have been proposed in the Congress of the United States which would limit the exempt status for income tax purposes of interest paid on bonds issued by municipalities; and

Whereas, any limitation on tax exemption of interest paid on municipal bonds will result in higher interest rates to be paid by municipal government; and

Whereas, the strength of the American system of government starts with a base of strong local governments, able to solve their own local problems; and

Whereas, any guaranty of a subsidy or rebate by the Federal government to municipal government to absorb the increased interest charges as a result of abolition of the tax exemption in exchange for the surrender of all or a part of such tax exemption will destroy the Constitutional separation of the powers and functions of the Federal government on the one hand and State and local government on the other, and will make local government subservient to the national government in a field which traditionally has belonged to local government; and

Whereas, any limitation on tax exemptions of interest paid on municipal bonds will limit the market for such bonds, handicap municipal government in securing funds for public improvements, and increase the cost of borrowing needed funds for public improvements, thereby increasing the burden on local taxpayers or users of public facilities; now therefore

Be it resolved by the Board of Directors of Texas Municipal League that it express its opposition to any plan by the Congress of the United States that would in any way limit the tax exempt status of interest paid on bonds issued by state or local government; and

Be it further resolved that a copy of this Resolution be forwarded to the United States Senators from Texas, and to each Member of Congress from Texas.

Passed and approved at Austin, Texas, this the 6th day of June, 1969.

ERIK JOHNSON,
President.

Attest:

S. J. MATTHEWS,
Executive Director.

Mr. Speaker, this problem is not confined to cities alone, as I have mentioned previously. The Texas Association of School Administrators expressed their alarm in this manner:

Recent news releases and other reports indicate that consideration is being given in Washington to the removal of the Federal income tax exempt status of interest from municipal bonds. I am sure you realize, if such were the case, interest rates would rise and school districts would be severely penalized in obtaining funds for building construction. Any increase in interest rates on school bonds will further increase the heavy burden now being borne by the local taxpayers.

The letter was sent by R. E. Harris, executive director, Texas Association of School Administrators.

In light of this evidence, Mr. Speaker, is removing the tax exemption actually tax reform? I realize there is a strong movement for tax reform, and that municipal bonds may be reviewed as are all other forms of taxation. I do feel, however, that we should be careful not to weaken or eliminate the encouragement to purchase municipal bonds. Whatever is done in this area should be approached with caution, prudence, and commonsense.

COCKEYSVILLE CITIZENS TO IMPROVE THEIR COMMUNITY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. LONG of Maryland. Mr. Speaker, in my district, Cockeysville is growing rapidly because of the expansion of the neighboring Greater Baltimore Industrial Park and, like all rapidly expanding communities, it is suffering growing pains. Recently he local chamber of commerce developed a plan, endorsed by local merchants and industrial leaders, to organize all persons living, working, or doing business in Cockeysville to assist in improving the Cockeysville community. This plan provides an example for every community in the Nation. I would like to share the following fine proposal for community action with my colleagues:

NEW APPROACH TO SOLVING COMMUNITY PROBLEMS ANNOUNCED BY COCKEYSVILLE CHAMBER OF COMMERCE

An ambitious plan to organize all persons who live, work, or do business in Cockeysville to help improve their community was announced today by the Cockeysville Chamber of Commerce.

President Howard Shanklin said, "Cockeysville is changing so rapidly, it is growing so fast, that unless we do something now our community will be destroyed by problems its citizens either ignored or created."

Cockeysville is typical of many little communities throughout the state and nation which are suddenly finding themselves part of the urban sprawl being caused by the population explosion and the exodus of businesses and residents from the central cities.

Located about 14 miles north of Baltimore, Cockeysville is usually thought of as a small strip of buildings along York Road which carries the roadway beneath the Penn Central tracks to Harrisburg. But, that is not all there is to Cockeysville.

Beginning with the move to Cockeysville by the A.A.I. Corporation in 1954, the area has grown rapidly. The Greater Baltimore Industrial Park, between York Road and the Baltimore-Harrisburg expressway opened in 1962, and now includes 40 business residents with 7,000 employees who work in attractive, landscaped facilities. The first of four ten-story office buildings is now occupied and the second is under construction. A 400-room luxury inn will open in the Fall.

"Our area is growing so rapidly," Mr. Shanklin explained, "That some thought must be given to what type of community Cockeysville should be. Fortunately, Cockeysville is not yet fully developed so there is still time to act to guarantee that the area provides for all the needs of its citizens. But we must act quickly! That is why the Cockeysville Chamber of Commerce is taking the lead and calling upon all organized groups in the area to work with us to form a new community-wide effort to preserve Cockeysville's historic past and to plan its exciting future.

"A great deal of thought has gone into this move," Mr. Shanklin explained. "For the past few years, committees from our Chamber of Commerce have worked on many civil improvement projects." He said, "We have tried to preserve the Oregon Ridge-Ivy Hill conservation area, to improve the dangerous traffic congestion along York Road, to eliminate the hazardous flooding of Western Run Creek and we hope to include Cockeysville in the metropolitan mass transit plan. About six months ago, we realized all these community problems were interrelated and we formed a committee, under vice president Robert Carey, to investigate the question of how best to improve Cockeysville.

"This committee has met regularly and has contacted leading citizens, industrial leaders and representatives of government. Everyone agreed something needs to be done. Each offered to help.

"We are now convinced that what is really needed is a plan to unite all of the active, concerned citizens of Cockeysville in a community-wide effort to examine all of our community's problems and to solve them.

"We are not proposing to raise large sums of money to hire private consultants to study our community's needs. We are not proposing that we seek government financing of efforts to improve our community. But, we are suggesting that there are many talented, dedicated people living and working in Cockeysville and that each of them can help improve their community."

The Chamber of Commerce proposal uses the "systems analysis" technique of modern management which has successfully solved a variety of problems, from launching men into space to planning whole new communities like Columbia, Maryland. The basic idea utilized in this technique is to examine all parts of a project and to evaluate the impact a change in one part of the project may have on all other parts of it and whether the changes contribute to accomplishment of the ultimate objective. In this case, the objective is improving Cockeysville.

The Chamber proposal assumes that all community problems are interrelated and are not separate and distinct problems which may be readily solved. The proposal assumes

that each facet of community life, such as transportation, housing, schools, and industrial development are interrelated. For example, this technique explains that a new office building will create more jobs for people who will need homes in which to live, transportation systems over which to travel, schools in which to educate their children and so on.

The Chamber proposal also assumes that the nature of a community's problems is always changing. President Shanklin asked, "Who could have known in 1939 what Cockeysville would be like in 1969? And who really knows today what Cockeysville may be like in 1999? Community planning is a never-ending problem. If we were able to solve each community problem we now know of, others would rise to confront us. But, if we create an organization dedicated to helping our community solve its problems, whatever they may be, we may be assured that Cockeysville will be a better community tomorrow than it is today."

To organize this effort, the Chamber president asks that the leader of each service club, women's club, garden club, church group, social organization, neighborhood improvement association, scout troop, PTA and any other group or individual who may be interested to telephone Mr. Robert P. Carey at the Western Electric Company office in Cockeysville as soon as possible.

"To get this community-wide effort rolling," Mr. Shanklin added, "Our Chamber of Commerce is now planning a large meeting to invite the leaders of all community group to attend and learn of the latest plans for developments in Cockeysville and to discuss our proposal for improving the community. This meeting will be held within two months and details will be announced when they are available."

The area included in the Chamber of Commerce proposal is bounded on the south by Padonia Road, on the east by the Loch Raven Reservoir system, on the west by Falls Road and on the north by Shawan Road.

The Cockeysville Chamber of Commerce has 42 members who employ about 20,000 people. The Chamber is affiliated with the Timonium and Greater Towson Chambers of Commerce.

SALUTE TO REGENT A. MATT WERNER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, recently Mr. A. Matt Werner, of Sheboygan, retired from the board of regents of the University of Wisconsin after 30 consecutive years of service. Mr. Werner retired with the simple explanation that it was time for a younger man to take his place.

In 1939 Mr. Werner, then one of the distinguished leaders of the Democratic Party, was first appointed to the regents by a Republican Governor and has since been reappointed by Governors of both parties.

Mr. Speaker, rarely does the principle of citizen guidance of the great institutions of modern government receive such a strong endorsement as it does in the career of Matt Werner. Such is the case with Mr. Werner, longtime editor and now chairman of the board of the Sheboygan Press.

I am pleased to have the opportunity to join in saluting Matt Werner's record of service and to include at this point the remarks of A. Matt Werner, "The Regent for 30 Years," and the resolution of commendation adopted by the board of regents:

THE REGENT FOR 30 CONSECUTIVE YEARS

(By A. Matt. Werner)

Mr. Gelatt, President Harrington and Members of the Board of Regents:

Under date of March 12, 1969, I wrote Governor Knowles, as follows:

"As you will recall, I advised you sometime ago of my desire to terminate my services on the Board of Regents of The University of Wisconsin.

"This, then, is my formal resignation as a University Regent, effective upon your acceptance thereof, which I hope will be soon.

"This is not an easy action for me to take. No concerned Wisconsin citizen can find a more rewarding public service than that found on the Board of Regents. No finer associates can be found than the several outstanding University presidents, their co-workers in administration, and the many Regents with whom it has been my privilege to work. My experience as a Regent has convinced me that no more capable or more dedicated faculty can be found anywhere. It has been a joy to work with all of them in the service of a student body dominated by eager, idealistic, courageous young men and women. So I am grateful for the privilege which has been mine.

"But thirty years of service, starting in 1939, is a long time. So, while this resignation is tendered with more than a bit of regret, I am convinced it is a wise decision. The challenges facing the University are growing in number and in complexity. It is my belief that a younger Regent might well serve the University and the state more adequately.

"Respectfully,

"A. MATT. WERNER."

It might be prudent if my letter to the Governor were to constitute my official farewell to the Board of Regents, the administration and to the pleasant associations which have been mine these past thirty years. But, somehow, my message to the Governor does not and properly should not say all I would like to say on this occasion. So, with your permission, Mr. Chairman, I would like to address myself to you, to those around this table today and those who have sat around this table these past three decades.

The hundreds of Regent and committee meetings, the hundreds of trips, the thousands of telephone calls and letters, the diversity of opinion that has been presented, the occasional controversies that have erupted or merely simmered, the progress that has been made and even the occasional setbacks this board and institution have received—all these meld together today in pride and in confidence.

I repeat there is no finer service to the public in Wisconsin than membership on this Board of Regents and I am proud of the opportunity which has been mine. I am proud of my years of service, of my close association with the fine men and women who through the years have served the University as Regents. I am proud and Wisconsin should be proud of President Harrington, President Emeritus Fred, of Presidents Elvehjem and Dykstra, and all of the great men who preceded them in their difficult role. I am proud of their co-workers in administration—capable, outstanding, dedicated men and women. I am proud of the faculty, of the great scholars, the fine teachers and the eminent researchers who have joined together to make this institution great.

The outstanding Regents with whom I have served have given no thought to political allegiances; they have scorned personal recognition and they have truly been team members seeking only to serve. University administrators have not always chosen easy ways or popular causes but they have, with remarkable fidelity and consistency, advanced the cause of youth and the progress of learning and service. Our governors, our legislators, and our citizens, with un-matched loyalty, vision and understanding, have supported this great institution throughout the years. I am truly proud to have been associated in a small way with this great enterprise.

And, as I said too long ago, I have confidence. I have confidence in our young people. University paths to tomorrow are not always easily discerned or universally understood. Each rising generation, even as yours and mine, has its problems, its challenges and its dilemmas. Higher education, if it is to be true to its trust, must serve the rising generation, even if all of the older generation does not always understand youth or the doubts and questions youth faces. Great institutions, such as this, choose paths and policies not always guaranteed to please all of the youth or fully satisfy their elders. The paths and policies will not be determined as rapidly as some would wish nor as dogmatically as others would prefer. But I have confidence that difficult days, such as we are now experiencing, will result in policies and procedures that will make for a stronger, more capable youth and for a better and more understanding tomorrow. I have that confidence, because I have confidence in the loyalty, the vision, the determination and the courage of all who now have or will in the future have any part in the direction of this great University and because I have confidence in the vast majority of the youth this University seeks to serve.

So, I leave you with pride in the processes which you and I and many others have shared together. I leave you with confidence that The University of Wisconsin in all of its tomorrows will always be one of the world's great universities.

RESOLUTION OF THE REGENTS OF THE UNIVERSITY OF WISCONSIN ON THE RETIREMENT OF REGENT A. MATT. WERNER

Whereas A. Matt. Werner has served The University of Wisconsin as a member of the Board of Regents for an unparalleled thirty consecutive years under appointment from four Wisconsin governors and has been president and vice president of the Board for nearly half of that span of years;

Whereas his sound judgment and perceptive leadership have advanced this institution and its ideals in a manner which has enriched the state's tradition of citizen guidance of the University;

Whereas he has won the respect of scholars in the University community with his commitment to free inquiry, expressed in his 1955 address to graduates when he said, "I have no fear of the outcome of the current war of ideas and ideals which rages throughout the world; we will win, if we maintain our democratic freedom to give voice to our thoughts, and if we continue to provide the means for educating our youth";

Whereas he has been one of Wisconsin's outstanding newspaper publishers and one of its leading examples of service to community, state and nation during a long and fruitful career;

Whereas he has inspired deep affection among his fellow Regents and University officials who have been privileged to share his affable counsel;

Therefore be it resolved: That the Regents of the University of Wisconsin extend to A. Matt Werner our grateful congratulations, our sincere best wishes for his future, and our common desire that he continue his informal counsel to members of the Board in the years of the future.

INSTALLATION OF BISHOP LEONARD IN PITTSBURGH DIOCESE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

INSTALLATION OF BISHOP LEONARD IN PITTSBURGH DIOCESE

(By Robert Schwartz)

Bishop Vincent M. Leonard will be installed formally as the ninth spiritual leader of Pittsburgh's Catholic Diocese at 11 a.m. Wednesday in St. Paul's Catholic Cathedral, Oakland.

One of the City's "own sons," the 61-year-old prelate will be led to the episcopal chair—symbol of his new responsibility and authority—by Archbishop Luigi Raimondi, the apostolic delegate to the U.S.

DIGNITARIES GUESTS

Bishop Leonard will be surrounded for the brief ceremony by local civic, religious and municipal leaders.

The guest list also will include a score of bishops and archbishops from Pennsylvania and other dignitaries from far and wide.

A quiet and reserved man, Bishop Leonard nonetheless is recognized by both associates within the six-county diocese and friends in the Catholic hierarchy as a capable and efficient administrator.

ORDAINED IN 1935

During the 34 years since he was ordained, June 16, 1935, by the late Bishop Hugh C. Boyle, the new bishop served the Catholic Diocese here in numerous posts where experience seemed to point the way to his new responsibility.

His position as a priest ranged from chaplain of Mercy Hospital and Woodville State Hospital to diocesan chancellor for 16 years and auxiliary bishop since April 21, 1964.

When he was elevated to bishop on June 6, he was serving as pastor of St. Philip Catholic Church, Crafton, a post he held since 1967.

He now resides at a house on Warrick Terrace in Oakland, where his predecessor, John Cardinal Wright, lived for the last 10 years.

Bishop Leonard already has revised the coat of arms identifying himself and his office.

TWO SHIELDS DEPICTED

The new coat of arms contains the symbol of Pittsburgh Catholic Diocese in a shield on the left side. His own personal coat of arms is on a shield on the right.

His personal shield contains a white or silver heart on a blue background. The heart symbolizes charity and suggests the life of St. Vincent de Paul, the baptismal patron of the bishop and patron of all charitable societies.

Below the heart on the shield is an open book in silver and blazoned on a red background. The book denotes the office of chancellor of the diocese in which Bishop Leonard served.

Bishop Leonard's motto below the coat of arms, "That I may gain Christ," is from St. Paul's letter to the Philippians 3:8 and 9.

The ceremony at which Bishop Leonard officially succeeds Cardinal Wright, now assigned to the Roman Catholic curia in Vatican City, will be both simple and colorful.

BISHOPS LISTED

Bishops expected to attend include Archbishop Coleman Carroll, Miami, Fla., formerly of Pittsburgh; Auxiliary Bishop John B. McDowell of Pittsburgh; Bishop William G. Connare of Greensboro, long-time friend and associate of Bishop Leonard; Bishop James J. Hogan of Altoona; Bishop Alfred M. Watson of Erie; Bishop Richard H. Ackerman of Covington, Ky.; Bishop John K. Mussio of Steubenville; Bishop Joseph H. Hodges of Wheeling; Auxiliary Bishop Georald V. McDevitt of Philadelphia; Auxiliary Bishop William M. Cosgrove of Cleveland.

Also Coadjutor Bishop Joseph T. Daly of Harrisburg; Auxiliary Bishop Daniel A. Cronin of Boston; Bishop James W. Malone of Youngstown; Bishop Joseph McShea of Allentown; Bishop George L. Leech of Harrisburg; Auxiliary Bishop Charles B. McLaughlin of Buffalo; Bishop Clarence E. Elwell of Columbus; Bishop Cyril J. Vogel of Salina, Kans., and Bishop Walter W. Curtis of Bridgeport, Conn.

The actual installation ceremony covers little more than 20 minutes. But following it Bishop Leonard will be principal celebrant of a concelebrated mass. A luncheon will follow at Hotel Webster Hall.

Attending the installation will be more than 450 priests and monsignori, nearly 200 mothers superior and sisters, brothers and more than 500 laymen.

KOCISKO TO ATTEND

Archbishop Stephen J. Kocisko of the Byzantine Catholic Diocese of Munhall and Bishop Ambrose Seynshyn of Philadelphia will attend from the Eastern rite of the church.

Representatives of Protestant churches expected to be present include Bishop Robert B. Appleyard of Pittsburgh Episcopal Diocese; the Rev. Dr. William Ruschhaupt, administrative officer of Pittsburgh Presbytery; the Rev. W. Lee Hicks, executive director of the Council of Churches, and the Rev. Howard M. Ravenstahl, pastor of St. Matthew's Lutheran Church, Crafton.

FIFTIETH ANNIVERSARY CONFERENCE OF THE INTERNATIONAL LABOR ORGANIZATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. ASHBROOK. Mr. Speaker, it was my privilege to attend the 50th anniversary meeting of the International Labor Organization which was held in Geneva, Switzerland, during the month of June. During the 2 weeks which I attended as an official representative of the U.S. Congress, I had the opportunity to observe first hand the efforts of our Government, business and labor representatives who were in attendance. I feel that the United States had excellent representation at all levels.

Mr. George L. P. Weaver, our Assistant Secretary of State, did a fine job in heading the American delegation. My only criticism would not be personal but a general one. I always feel that the United States is too much on the defensive at this meeting just as it is in our overall foreign policy. We should spend more of our time telling of our great system.

The ILO has grown to 121 states. As in other aspects of our foreign policy, there is the continual struggle between the Communist and the free world nations, between the industrialized powers and the emerging nations. The ILO debates represented a microcosm of the world debates on every scale including the Arab-Israeli confrontation and the Asian and African bloc voting patterns. The Communists use this forum as they use every other forum to attack the United States.

Their criticisms were somewhat softened this year since the invasion of Czechoslovakia has put them more on the defensive and made them more vulnerable.

Inasmuch as this was the 50th anniversary meeting, many heads of state were in attendance as well as Labor ministers from many nations. Our own Secretary of Labor, George Shultz, attended. Emperor Haile Selassie of Ethiopia spoke.

Probably the high point of the entire conference came on Tuesday, June 10 when his Holiness Pope Paul VI addressed the ILO delegates. The Pope gave a very warm and inspiring address which I insert in the RECORD at this point:

ADDRESS BY HIS HOLINESS POPE PAUL VI

(Interpretation from French)

Mr. President, Mr. Director-General, Gentlemen, it is an honour and a joy for Us to participate officially in this Assembly in the solemn hour at which the International Labour Organisation celebrates the fiftieth anniversary of its foundation. Why are We here? We do not belong to this international organism, We are extraneous to the specific questions which have here their offices of study and halls of discussion, and Our, spiritual mission is not intended to intervene in matters outside its proper domain. If we are here, it is in order to respond to the invitation which you, Mr. Director-General, so kindly addressed to Us. And We are happy to thank you publicly, to tell you how highly We appreciate this very courteous gesture, how greatly We consider its importance, and how valuable its significance appears to Us.

Without any particular competence in the technical discussions of the defence and promotion of human labour, We are nevertheless no stranger to this great cause of labour, which constitutes your raison d'être and to which you dedicate your energies.

From its very first page the Bible, of which We are the messenger, shows us creation as the result of the work of the Creator,[1] handed over to the work of His creature, whose intelligent efforts must exploit it and perfect it, as it were, by humanising it in his service.[2] Hence, according to the divine idea, work is the normal activity of man,[3] and enjoying and rejoicing in its fruits is a gift of God,[4] since each is quite naturally rewarded according to his works.[5]

On all these pages of the Bible, labour appears as a fundamental datum of the human condition, to the extent that, when He became one of us,[6] the Son of God also and at the same time became a worker, and was naturally referred to in His entourage by the profession of his family: Jesus was known as "the son of the carpenter".[7] The labour of man thereby acquired the highest imaginable titles of nobility, and you have ensured their presence, in the place of honour at the headquarters of your Organisation, in that admirable fresco by Maurice Denis, dedicated to the dignity of work, in which Christ brings the Good News to the workers who surround Him, who are themselves also sons of God and brothers to each other.

Though it is not for Us to evoke the history of the birth and growth of your Organisation, yet We cannot pass over in silence, in this hospitable land, the work of pioneers such as

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Bishop Mermillod and the Union of Fribourg, the admirable example given by the Protestant industrialist Daniel le Grand, and the fruitful initiatives of the Catholic, Gaspard Decurtins, which was the first germ of an international conference on labour. And how could We forget, Gentlemen, that on the fortieth anniversary of Leo XIII's Encyclical on the condition of labour your first Director desired to render homage to "the tenacious workers for social justice, among them those who based themselves on the Encyclical *Rerum Novarum*".[8] And the officials of the International Labour Office, when drawing up the balance in *The International Labour Organisation: The First Decade*, did not hesitate to recognise that the great movement which was originated in the Roman Catholic Church by the Encyclical *Rerum Novarum* of 1891 has proved extremely fruitful".[9]

The sympathy of the Church towards your Organisation, and for the whole world of labour, was unceasingly manifested from then on, most particularly in Pius XI's Encyclical *Quadragesimo Anno* [10] in Pius XII's address to the Governing Body of the International Labour Office,[11] and in the Encyclical *Mater et Magistra* where John XXIII expressed his "heartfelt appreciation to the International Labour Organisation, which . . . has been making its effective and precious contribution to the establishment in the world of a socio-economic order marked by justice and humanity, and one in which the lawful demands of the workers are recognised and defended." [12] We Ourself had the pleasure of promulgating, at the close of the Vatican Ecumenical Council, the Pastoral Constitution *Gaudium et Spes* prepared by the bishops of the whole world. In it, the Church reaffirms the value of "the monumental amount of individual and collective effort," and also the primacy of the labour of men over "the other elements of economic life, for the latter have only the nature of tools," together with the inalienable rights and the duties which such a principle requires.[13] Finally, Our Encyclical *Populorum Progressio* took pains to make all aware that "the social question has become world-wide," with resultant consequences for the integral and united development of peoples, that development which "is the new name for peace." [14]

In other words, We are an attentive observer of the work you accomplish here, and more than that, a fervent admirer of the activity you carry on, and also a collaborator who is happy to have been invited to celebrate with you the existence, functions, achievements and merits of this world institution, and to do so as a friend. Nor do We wish to omit on this solemn occasion the other international institutions of Geneva, starting with the Red Cross, since they are all well-deserving and laudable institutions to which We are glad to extend Our respectful greetings and Our fervent good wishes.

To Us, Who belong to an institution exposed to the wear of time for two thousand years, the fifty years untiringly dedicated to the International Labour Organisation are a source of fruitful mediation. Everyone knows that such long duration is a singular fact in the history of our century. The inevitable precariousness of human affairs, made even more evident and voracious by the acceleration of modern civilisation, has not shaken your institution; to its ideal We wish to render homage, namely, "universal and lasting peace, based on social jutsice" [15]. The ordeal of the disappearance of the League of Nations, to which it was organically bound, and the fact of the birth of the United Nations on another continent, far from taking away its raisons d'être, provided it rather with the opportunity, by means of the well-known Declaration of Philadelphia twenty-five years ago, to confirm and better define them, rooting them more deeply in the reality of society's progress. "All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" [16].

We rejoice with all Our heart and together with you on the vitality of your fifty-year-old but still young institution, ever since its birth by the Peace Treaty of Versailles in 1919. Who can recount the work, the toil, the night watches so fruitful in courageous decisions and beneficial to all workers as well as for the life of mankind, performed by all those who with great merit dedicated their talent and activity to this work? Among all of these, We cannot omit to mention the first Director, Mr. Albert Thomas, and his present successor, Mr. David Morse. Nor can We pass over in silence that at their request, and almost from the very beginning, a priest has always been included among those who constituted, constructed, sustained and served this outstanding institution. We are grateful to all for the work they have accomplished, and We express the wish that it may happily continue its complex and difficult mission which is truly providential for the greater good of modern society.

Those better informed than We are can say how great is the sum of the activities of the International Labour Organisation during fifty years of existence, how imposing the results achieved by its 128 Conventions and its 132 Recommendations.

Yet how can one omit to emphasize the primordial and capitally important fact manifested by this impressive documentation? Here—and this is a decisive event in the history of civilisation—here the labour of man is considered as worthy of fundamental interest. It was not always thus, as is well known, during the already long history of mankind. One may recall the ancient concept of labour,[17] the disrepute it implied, the slavery it involved—that horrible plague of slavery which, unfortunately, must be recognised as not yet having entirely disappeared from the face of the earth. The modern concept, of which you are the heralds and defenders, is completely different. It is based on a fundamental principle which Christianity, on its part, has singularly illuminated, viz., in labour, it is man who comes first. Whether he be an artist or an artisan, contractor, peasant or worker, manual or intellectual, it is man who works, it is for man that he works. An end has been put to the priority of labour over the labourer, to the supremacy of technical and economic necessities over human needs. Never again will work be superior to the worker, never again will work be against the worker; but always work will be for the worker, work will be in the service of man, of all men and of all of man.

How can an observer avoid being impressed by seeing that this concept has been defined at the theoretically least favourable moment for the affirmation of the primacy of the human factor over the product of work, at the moment of the progressive introduction of the machine which multiplies inordinately the output of labour and tends to take its place?

In an abstract vision of things, the work now accomplished by the machine and its energies, which are no longer supplied by the arm of man but by the formidable forces of tamed nature should, in the judgement of the modern world, so predominate as to eliminate concern for the labourer, who will often be freed from the extenuating and humiliating weight of a physical effort out of all proportion to his limited output. But this has not occurred. At the very moment of the triumph of technology and its gigantic effects on economic production, it is man who draws upon himself the concentrated attention of the philosopher, the sociologist and the politician. For in the final analysis there are no true riches but the riches of man. Now it is evident to all that the introduction of technique into the process of human activities would be to the detriment of man, if man did not always remain its master, and dominate its evolution. If "one must recognise in all justice the irreplaceable contribution made by the organisation of labour and by the progress of industry to what development has accomplished",[18] still you recognise better than anyone else the evil results of what has been called the fragmentation of labour in contemporary industrial society.[19] Instead of helping man become more of a man it dehumanises him; instead of expanding him, it stifles him under a cloak of heavy boredom. Work thus becomes ambivalent, and its organisation may easily depersonalise the one who performs it, if he becomes its slave, addicates his intelligence and freedom, and even loses his dignity thereby.[20] Who does not see that work, which gives rise to marvellous fruits when it is truly creative, can also,[21] when caught up in the cycle of arbitrary will, injustice, rapacity and violence, become a real social scourge, as is attested by those labour camps, organised as institutions, which have been the shame of the civilised world.

Who can describe the sometimes terrible drama of the modern labourer, torn between his double destiny as a grandiose accomplisher, too often the prey of the intolerable sufferings of a miserable proletarian condition, in which the lack of food is allied with social degradation to create a state of real insecurity, both personal and family? You have understood this. It is labour as a human, prime and fundamental fact which constitutes the vital root of your Organisation and makes it into a magnificent tree, which extends its branches throughout the whole world because of its international character, a tree which is the honour of our times, with an ever fertile root which nourishes it in continual organic activity. It is that same root which forbids you to favour particular interests and places you in the service of the common good. It constitutes your special genius and its fecundity; that of intervening always and everywhere to supply remedies for labour conflicts, avert them if possible, give spontaneous aid to victims, work out new protection against new dangers, improve the conditions of workers while respecting the objective equilibrium of real economic possibilities, struggle against any form of segregation which gives birth to inferiority for whatsoever motive, whether slavery, caste, race, religion or class—in a word, to defend for all and against all, the freedom of all labourers, and secure lasting victory for the ideal of brotherhood among men, who are all equal in dignity.

Such is your vocation. Your action is based, not on an unavoidable and implacable struggle between those who supply work and those who execute it, nor on the partiality of those who defend interests and functions. On the contrary, it is a freely organised and socially disciplined and organic participation in the responsibilities and in the profits of work. It has a single aim: not money, not power, but the good of man. It is more than an economic concept, it is better than a political concept: it is a moral and human concept which inspires you, namely social justice, to be built up, day by day, freely and of common accord. Discovering ever more completely whatever the good of labourers requires, you make others aware of it little by little, and propose it to all as an ideal. More than this, you translate it into new rules of social conduct, which impose themselves as norms of law. Thus you ensure a

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permanent passage from the ideal order of principles to the juridical order, that is, to positive law. In a word, you gradually refine and improve the moral conscience of mankind. This is an arduous and delicate task, indeed, but it is so lofty and so necessary, and calls on the collaboration of all true friends of man. How then could We not give it Our adherence and Our support?

Along your way, obstacles to be removed and difficulties to be surmounted will not be lacking. But you have foreseen this, and it is to confront them that you have recourse to an instrument and a method which could, of themselves, suffice as an *apologia* for your institution. Your original and organic instrument is to bring together the three forces at work in the human dynamics of modern labour: men of government, employers, and workers. And your method, now a typical example, is to harmonise these three forces, so that they do not oppose each other, but combine "in a courageous and fecund collaboration",[22] by means of constant dialogue, for the study and solution of ever renewed and unceasingly arising problems.

This excellent modern concept fully deserves to replace once and for all that concept which has unfortunately dominated our epoch, emphasising an efficiency sought through agitation which too often gave rise to new sufferings and ruins, thus risking the loss rather than the consolidation of the results obtained at the price of sometimes dramatic struggles. It must be solemnly proclaimed: labour conflicts cannot be remedied by artificially imposed conditions which fraudulently deprive the worker and the whole social community of their first and inalienable human prerogative, which is freedom. Nor can they be remedied by solutions which result solely from the free play—as it is called—of the determinism of economic factors. Such remedies may indeed have an appearance of justice, but they do not possess its human reality. It is only when the deepest reasons of these conflicts are understood, and the just claims they express are satisfied, that you can avert their dramatic explosion and avoid its ruinous consequences. Let us repeat, in the words of Albert Thomas: "The social factor must take precedence over the economic factor; it must regulate and guide it, in the highest cause of justice." [23] That is why the International Labour Organisation appears today, in that closed arena of the modern world in which interests and ideologies are dangerously opposed, like an open road towards a better future for mankind. Perhaps more than any other institution, you can contribute to this, quite simply, by being actively and inventively true to your ideal: universal peace through social justice.

It is for this reason that We have come here, to give you Our encouragement and Our agreement, to invite you also to persevere tenaciously in your mission of justice and peace, to assure you of Our humble but sincere fellowship. For it is the peace of the world which is at stake, and the future of mankind. This future can only be built up by peace among all the human families at work, between classes and peoples, a peace which rests upon an ever more perfect justice among all men.[24]

In this stormy hour of mankind's history, full of peril but also filled with hope, it is in large measure for you, to build justice and thus to ensure peace. No, Gentlemen, do not think that your task is ended; on the contrary, it daily becomes more urgent. How many and what terrible evils, how many deficiencies, abuses, injustices, sufferings, laments, still rise up from the world of labour! Allow Us in your presence to act as interpreter of all those who suffer unjustly, who are unworthily exploited, outrageously scorned in body and soul, debased by a degrading work systematically willed, organised and imposed upon them. Hear this cry of sorrow which still rises up from suffering humanity!

Struggle, courageously and untiringly, against the abuses which are ever reborn, the injustices ever renewed; induce particular interests to submit to the wider vision of the common good; adapt older provisions to new needs, develop new provisions, urge nations to ratify them; and take the means to ensure their respect; for it must be repeated that "it would be vain to proclaim rights, if at the same time every means were not taken to ensure the duty of expecting them, respect by everyone, at all times and for all men" [25]

We assume to add this: It is against himself that you must defend man, for man is threatened with becoming only a part of himself, with being reduced, as has been said, to one dimension only.[26] At all costs he must be prevented from becoming only the mechanised servant of a blind machine which devours the best of himself, or of a State tempted to subject all energies to its service alone. It is man that you must protect, man carried away by the formidable forces which he unleashes and, as it were, swallowed up by the gigantic progress of his work, man swept along by the irresistible current of his inventions and, as it were, stunned by the growing contrast between the prodigious increase of the goods at his disposal, and their distribution, so easily made unjustly, between man and between peoples. The myth of Prometheus casts its disquieting shadow over the drama of our times, when the conscience of man is failing to raise itself up to the level of his activity, and to assume its serious responsibilities, faithful to the design of God's love for the world. Have we forgotten the lesson of the tragic story of the Tower of Babel, when the conquest of nature by men forgetful of God was accompanied by the disintegration of human society? [27]

Overcoming all the destructive forces of contestation and babelisation, it is the city of men which must be built up, a city of which the sole durable cement is fraternal love between races and peoples as well as between classes and generations. Through those conflicts which rend our era it is not so much a claim to have as a lawful desire to be which is ever more strongly affirmed.[28] For fifty years you have woven an ever closer fabric of juridical rules which protect the labour of men, women and youth, ensuring its proper remuneration. Now you must take steps to ensure the organic participation of all labourers, not only in the fruits of their labour, but also in the economic and social responsibilities upon which their future and the future of their children depend.[29]

You must also ensure the participation of all peoples in the building of the world, and take thought now for the less favoured, just as yesterday your first care was for the least favoured social categories. This means that your legislative work must continue boldly and strike out resolutely along new paths, to guarantee the mutual right of peoples to their integral development and enable in each instance "all peoples to become the artisans of their destiny." [30] This challenge is made to you today, at the dawn of the second Development Decade. It is for you to take it up. It is for you to take the decisions which will avert the disappointment of such great hopes, which will also disarm the temptations of destructive violence. You must express in rules of law that solidarity which is becoming ever more definite in the consciences of men. Just as, yesterday, you guaranteed by your legislation the protection and survival of the weak against the power of the strong—for, as Lacordaire said long ago, "Between the strong and the weak, it is freedom which oppresses and law which sets free" [31]—so now and henceforth you must master the rights of strong peoples, and favour the development of weak peoples, by creating the conditions, not only theoretical but practical, of a real international law of labour, as between the peoples. Like each man, so too each people must be able by its work to develop itself, to grow in humanity, to pass from less humane conditions to more humane ones.[32] For this, appropriate conditions and means are necessary, and a common will, and your Conventions, freely worked out between governments, workers and employers could and should progressively provide the proper expression. Several specialised organizations are already at work to construct this great edifice. It is upon this path that you must advance.

In other words, even though technical arrangements are indispensable, yet they cannot bear fruit without an awareness of the universal common good which animates and inspires research and sustains efforts, without this ideal which urges all to rival each other in building a world of brotherhood. This world of tomorrow will have to be built up by the youth of today, but it is up to you to prepare them for this. Many of them receive insufficient training, and have no real possibility of learning a trade and finding work. Many, too, fulfill tasks which have no meaning for them, and the monotonous repetition of which may indeed secure profit for them, but cannot suffice to give them a reason for living, to satisfy their lawful aspiration to take their place as men in society. Who can ignore, in rich countries, their anxiety at the invasion of technocracy, their rejection of a society which has not succeeded in integrating them into itself; and, in poor countries their lament that, for lack of sufficient training and fitting means, they cannot make their generous contribution towards the tasks which confront them? In the present changing world, their protest resounds like a cry of suffering and an appeal for justice. Amid the crisis which shakes modern civilisation, the expectation of youth is anxious and impatient: let us strive to open up for them the paths of the future, and offer them useful tasks and prepare them for their performance. There is so much to be done in this domain. However, you are well aware of this, and We congratulate you on having included in the programme of your 53rd Session the study of special youth employment and training schemes for development purposes.[33]

A vast programme, Gentlemen, and worthy of arousing your enthusiasm and galvanising all your energy, in the service of that great cause which is yours—and also Ours—the cause of man. In this peaceful combat, the disciples of Christ intend to take part with all their heart. For, if it is important that all human forces work together for this promotion of man, then the spirit must be put in the place proper to it, in the first place, because the Spirit is Love. Is this not clear? This work of construction surpasses the strength of man alone. But, as the Christian knows, he is not alone with his brothers in this work of love, of justice and of peace, in which he sees the preparation and pledge of that eternal city which he awaits from the grace of God. Man is not left to himself in a lonely crowd. The city of men which he is building is that of a family of brothers, of children of the same Father, sustained in their efforts by a strength which animates and supports them, the force of the Spirit; a mysterious but real strength, not magic, nor totally unknown to our experience, both historical and personal, for it has expressed itself in human words. And its voice resounds more clearly than elsewhere in this house, which is open to the sufferings and cares of labourers, as well as to its achievements and its marvellous attainments; it is a voice whose ineffable echo unceasingly arouses, today as

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it did yesterday and ever will, the hope of men at work: "Come to me, all who labour and are heavy laden, and I will give you rest"; "Blessed are those who hunger and thirst for righteousness, for they shall be satisfied." [34]

FOOTNOTES

[1] Gen., 2, 7.
[2] Gen. 1, 29, *Populorum Progressio*, No. 22.
[3] Ps. 104, 23; Eccl. 7, 15.
[4] Eccl. 5, 18.
[5] Ps. 62, 13 and 128, 2; Mt. 16, 27; I Cor. 15, 58; II Thess. 3, 10.
[6] Jn. 1, 14.
[7] Mt. 13, 55.
[8] Quoted by A. Le Roy: *Catholicisme social et Organisation Internationale du Travail* (Paris, Spes, 1937), p. 16.
[9] *The International Labour Organisation: The First Decade* (London, Allen and Unwin, 1931), p. 359.
[10] *Quadragesimo Anno*, 15 May 1931, No. 24.
[11] Address of Pius XII to the Governing Body of the ILO of 19 Nov. 1954.
[12] *Mater et Magistra*, 15 May 1961, No. 103.
[13] Pastoral Constitution *Gaudium et Spes*, 7 Dec. 1965, Nos. 34, 67 and 68.
[14] *Popularum Progressio*, 26 Mar. 1967, Nos. 3 and 76.
[15] Constitution of the International Labour Organisation, Preamble.
[16] Ibid. Annex, II(*a*).
[17] See, for example, Cicero: *De Officiis* 1, 42.
[18] *Populorum Progressio*, No. 26.
[19] Cf. G. Friedmann: *Où va le travail humain* (Paris, Gallimard, 1950) and idem, *The Anatomy of Work, The Implications of Specialisation* (translated by W. Rawson) (London, Heinemann, 1961).
[20] *Mater et Magistra*, No. 83; *Populorum Progressio*, No. 28.
[21] Cf. Ex. 1, 8–14.
[22] Address of Pius XII to the Governing Body of the ILO, 19 Nov. 1954.
[23] *The International Labour Organisation: The First Decade*, op. cit. Preface, p. XII.
[24] Cf. *Pacem in Terris; Populorum Progressio*, No. 76.
[25] Message to the International Conference on Human Rights, Teheran, 15 Apr. 1968.
[26] Cf. H. Marcuse: *One-Dimensional Man: Studies on the Ideology of Advanced Industrial Society* (Boston, Beacon Press, 1964).
[27] Gen. 11, 1–9.
[28] *Populorum Progressio*, Nos. 1 and 8.
[29] Cf. *Gaudium et Spes*. No. 68.
[30] *Populorum Progressio*, No. 65.
[31] 52nd Conférence de Notre-Dame, Lent, 1848, in *Oeuvres*, of Fr. Lacordaire (Paris, Poussielgue, 1872), Vol. IV, p. 494.
[32] Cf. *Populorum Progressio*, Nos. 15 and 20.
[33] ILO: *Special Youth Employment and Training Schemes for Development Purposes*, Report VIII (1), International Labour Conference, 53rd Session, Geneva, 1969 (Geneva, 1968).
[34] Mt. 11, 28 and 5, 10.

OPERATING ENGINEERS CONDUCT OUTSTANDING JOB-TRAINING PROGRAM

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. YATRON. Mr. Speaker, I should like to commend today an exemplary job-training program conducted by Pennsylvania's International Union of Operating Engineers. The 6-month program—Operation Ben Franklin—was conceived and initiated by my good friend Jim Longacre, executive director of the union's State council. Project Director Carl Nygard of IUOE Local 542 and his assistant, Harvey Underwood of Local 66, deserve further credit for making the project work.

Operation Ben Franklin trained 85 men, drawn largely from black communities throughout Pennsylvania, to operate the heavy equipment utilized by the construction industry. Presently well-qualified to run bulldozers, core drillers, graders and other heavy equipment, these 85 men were granted the opportunity to break the fetters that had bound them to economic vicissitudes. They took advantage of the opportunity and as a result have immeasurably broadened their life's perspectives.

I am attaching for publication in today's RECORD an article written by Jere Gabrielle for the New Era which further describes Operation Ben Franklin:

[From the New Era, June 4, 1969]

OPERATING ENGINEERS' TRAINEE PROJECT CITED

(By Jere Gabrielle)

On Wednesday, May 28 we were assembled on the second floor of the administration building at the Resica Falls Boy Scout Reservation in the Pocono Mountains of Pennsylvania. It was the final briefing for the instructors on the project known as Operation Ben Franklin. The men were listening to the words of James Longacre, executive director of the Pennsylvania State Council, International Union of Operating Engineers.

"I want to thank all of you for a terrific, amazing job," said Jim. "You've overcome some very tough problems. You deserve 90 per cent of the credit for the accomplishments here. We've done something that has never been done before. We've blazed a trail through the whole construction industry and the building trades. I'll be glad to have you all back on board if you are needed again."

That speech pretty nearly sums up a project that Robert Bartlett, Pa. Secretary of Highways cited as "visible testimony that equal employment opportunity programs can indeed succeed and meet the goals of society."

I first met Jim Longacre in Reading, Pa., back in the middle of April when he unfolded to me the story of Operation Ben Franklin. He is a man with boundless energy, a keen judge of people, a deep desire to help his fellow man and, most of all, a man with the guts and durability to battle the intricacies of governmental bureaus and personnel in order to consummate a project in which he truly believes with every ounce of muscle in his body.

Operation Ben Franklin is the story of human beings who, given an opportunity, have lifted themselves from the depths of despair and deprivation . . . from patterns of life that offered no possible economic or social horizons . . . to future wage-earning, taxpaying, solvent citizens of the commonwealth.

Those who record the history of the labor movement in the field of human relations will certainly include Operation Ben Franklin as a landmark of progress in the scheme of the social order.

The operating engineers are the rugged guys who man the big equipment in the construction industry . . . the dozers, pans, backhoes, core-drillers, graders and the like. In 1968 both the union and the construction companies were losing contracts and jobs because they could not supply sufficient numbers of journeymen to comply with the affirmative action and equal opportunity laws. There were no men and there was no training program. At this critical point Jim Longacre stepped into the breach.

He formulated a training program that guaranteed trained men to bolster the sagging personnel which, in turn, would benefit the union and the contractors and, at the same time, would conform to the equal employment opportunity problem facing the industry.

With the zeal of a man on a sacred mission he convinced State Secretary of Highways Robert G. Bartlett and Secretary of Community Affairs Joseph W. Barr of the feasibility of his plan. He was backed by Robert Walsh, IUOE Local 542 business manager and Ray Drew, his counterpart in Local 66 plus Howard Minckler, Executive Secretary, Eastern Pennsylvania Contractors Assn.

State and federal monies were allocated. Men were quickly assembled as instructors. Equipment was leased or purchased. All phases were "go" . . . and then Jim Longacre hit a snag. The locale chosen for the project was not approved. Time was running out.

A staunch American institution came to the rescue. Jack Stein, Director of Camping, Valley Forge Council, Boy Scouts of America saw the possibilities and arranged for the use of a 4,300 acre tract in the Pocono Mountains as the local for the project. Jim Longacre jumped at the chance. He was "in business" again.

In December 1968 the Resica Falls Boy Scout Reservation near Marshalls Creek, Pa., became a bustling training camp where men, selected on a statewide basis from the hard-core minorities of Pittsburgh, Philadelphia, Erie, Reading and Harrisburg, began to assemble. They were largely from the black communities. The winter air was filled with the rumble and growl of the big Diesels and Operation Ben Franklin was under way. Jim Longacre's dream was now a reality.

Carl Nygard, Project Director and member of IUOE Local 542 over 20 years, an experienced, tough, yet compassionate handler of men, assembled a staff of efficient instructors. Harvey Underwood, Local 66, became his second in command. The staff included such men as Frank Woods, Reading, Pa., Local 542 and a top-flight grader operator. Others who had spent most of their lives jockeying the big equipment, gave up big paying jobs to come to Resica Falls as part of Jim Longacre's team.

James Jefferson, a former employe of the State Highway Department, was Office Manager and Administrator. Because he never hesitated to help the trainees with their domestic, economic and social problems he soon became a sort of "father-confessor."

As winter gave way to spring the trainees were well on their way to fitting into the particular niches for which they showed talent. Some had dropped out. Others were phased out for various reasons.

Learning to operate this big equipment is not a task for the timid or the weak. I rode in one of the big pans mounted on nine-foot wheels. It was a short ride. It was enough for me. I quickly developed a profound respect for the men who drive them.

Charles Merrill, who drove me around the project in a bouncing, bucking jeep, came to the program from Somerset, Pa. In five months he learned to operate a pan, a dozer and a front-end loader. He is married and the father of four children. What did he think of the program? "It's terrific," he said. "Any guy who doesn't cut the mustard is missing a golden opportunity."

The story is pretty much the same with all the trainees. The opportunity was there. They took it. They made it work. They read the slogan of Operation Ben Franklin, "The

man who masters a trade, creates an estate." They believed.

On Wednesday, May 21, the 85 trainees assembled at Fernwood Lodge for graduation exercises. Telegrams of congratulations came from Governor Raymond Shafer and Joseph W. Barr, James Longacre said, "This program will be watched throughout the labor movement and the nation. It is the finest example of a good training program in the country today."

Reece Hammond, IUOE Director of Research and Education, pointed out that radicals condemn society for not caring. "Let them come and see this," he stated, "because here the picture they paint of a repressive society is proved to be dead wrong."

By June 6 the 85 trainees who made Jim Longacre's dream come true will be working at construction jobs in various parts of the state. They will have journeyman ratings and get journeyman's wages.

What was accomplished at Resica Falls aside from the training? Jack Stein of the Valley Forge Boy Scout Council will tell you that they built a 37-acre lake, 110-foot suspension bridge, fire roads, repaired existing roads, erected a 15,000-gallon water tank, built a rifle and archery range, a baseball field and a huge garbage pit, pole lines for electricity and moved 6,000 yards of land fill.

The total value of improvements to the Boy Scout camp is estimated at $1.5 million.

The program included a General Education Development Course taught by two ex-Peace Corpsmen. GED diplomas were given to 22 of the men.

James Longacre now directs his attention to new horizons. A re-training program, a follow-up on each trainee and, hopefully, another phase of Operation Ben Franklin.

THE CHANGING CITY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RYAN. Mr. Speaker, the greatest challenge to the United States in the seventies will be fought in our decaying cities.

New York City, like every major city in the United States, is plagued with problems. As the Nation's largest city, New York City faces crises of seemingly insurmountable size. New York City's difficulties while far from unique, are most easily recognized. For this reason, I feel that a close examination of the ills that beset her could prove universally beneficial.

The New York Times recently published an excellent eight-part series on the conflicting demands and resulting conflicts in New York City. Entitled, "The Changing City," this series reports on welfare and the budget, hospitals and health, crime, the physical environment, housing, education, race relations, and the limits of government power.

I include in the RECORD the articles which comprise the eight-part series: "The Changing City: A Financial Paradox," by Richard Phalonassa and Michael Stern, June 1, 1969; "The Changing City: A Medical Challenge," by Martin Tolchin, June 2, 1969; "The Changing City: Crime on the Rise," by David Burnham, June 3, 1969; "The Changing City: Tide of Pollution," by Peter Millones and Murray Schumach, June 4, 1969; "The Changing City: Housing Paralysis," by David K. Shipler, June 5, 1969; "The Changing City: School Turmoil," by Fred M. Hechinger, June 6, 1969; "The Changing City: Social Tensions," by Sylvan Fox, June 7, 1969; and "The Changing City: Power Is Limited," by Richard Reeves, June 8, 1969.

The New York Times reporters who prepared the series have presented very thorough and insightful examinations of critical problems confronting the city. Their analysis should be helpful in making clear not only the complexities but the urgency of the urban crisis. I urge my colleagues to read the series, which follows:

[From the New York Times, June 1, 1969]

THE CHANGING CITY: A FINANCIAL PARADOX

(By Richard Phalon and Michael Stern)

(NOTE.—New York, like every major city in the nation, is being strained by new social and economic forces. With pressure for change, the tax burden and violence all growing, New York has been searching for solutions to accommodate conflicting demands and improve the quality of life for all.

(Reporters for The New York Times have gone to leading officials of the city, state and Federal governments, to the students, the teachers, the racial and union leaders, the citizens who pay the taxes, for their views.

(Their reports—on welfare and the budget, hospitals and health, crime, the physical environment, housing, education, race and class relations and the limits of government power—are in an eight-part series beginning today.)

New York, says Budget Director Frederick O'R. Hayes, is a "city of two faces, a combination of affluence and municipal poverty."

On its affluent side, the city has never had it so good. The glass and steel of more than $1.5-billion worth of new office construction is being bolted into place; retail sales are pounding along at the rate of more than $12.7-billion a year; Wall Street is all capital gains; more than 70,000 jobs have been added to the work force in the last year alone; unemployment is at an all-time low.

Yet there is evidence of municipal poverty in the explosive growth of the welfare rolls—chilling evidence because their growth reflects society's failure to nurse more than 1 million blighted lives into the mainstream of its economy; chilling because their growth has compounded the city's chronic budget problems and forced it to reallocate money that might otherwise have gone into cleaner streets, cleaner air, better schools and better hospitals.

The streets will continue to be littered and the air contaminated despite the fact that the city's operating budget will reach $6.6-billion next year—more money than is spent by either the state of California or the state of New York; more money than any Federal budget before Franklin D. Roosevelt's first term.

"Municipal poverty" and a $6.6-billion budget? How can the two be squared?

"In the paradox of this city's wealth and its municipal finances, nothing is mutually exclusive," Mr. Hayes says "We're going broke on $6.6-billion a year."

Moreover, to a large extent the city is molded by a myriad of forces beyond its control—the birth rate, the uncertainties of the Vietnam war, technological developments that simultaneously improve and retard the urban environment, and even out-of-state elections that send to Congress men unattuned to or unsympathetic with the urban crisis.

Added to this is a welfare and antipoverty effort that has proliferated from 10.8 per cent of the budget in 1963 to 26.6 per cent now and the following factors:

The growing union militancy of the city's 354,600 employes who have come away from the bargaining table with sizable gains and pushed labor costs to 60 per cent of the budget.

The ambitious spectrum of services the city provides—a tuition-free university and a hospital system, for instance—that elsewhere are either paid for entirely by state government or privately run.

A "balance of payments" problem that is widening because of the growing number of high-salary commuters who make their money here but pay most of their taxes in the suburbs.

The $16.2-billion worth of property here—36 per cent of total valuations—that is exempt from the real-estate tax because it serves religious, educational, charitable or government purposes.

A comparatively inelastic tax structure that leaves the city vulnerable to inflation and a complicated tangle of relationships with the state and Federal governments that makes it difficult for the city to retain a larger share of the enormous wealth it generates.

TAXES UP, SERVICE DOWN

What all this means for, say, the average householder in Queens is that he must pay higher taxes, but must wait longer to have the pothole in his street repaired, continue to suffer a street-cleaning operation that one city official concedes to be "worse than five years ago," have his children attend improperly maintained schools and see the parks in his neighborhood continue to deteriorate.

The city bears roughly only 30 per cent of all welfare payments (the Federal and state governments absorb the rest), but its tax revenues simply have not grown fast enough to meet the needs of the poor and at the same time keep pace with its other, more traditional services.

The pressures have forced a significant shift in the city's spending mix.

A comparison of the average shares going to vital services in the period of 1963 through fiscal 1966 and in fiscal 1967 through next year's projection shows the following: public schools dropped from 26 per cent of the budget to 21.91; police work from 9.53 per cent to 8.3; firefighting from 4.95 per cent to 3.86; sanitation from 3.54 per cent to 2.87; hospitals from 7 per cent to 6.56.

The city has always had a difficult time making municipal ends meet. From 1962 to 1966, for example, it ran deficits that ranged from $45-million to $300-million, deficits that were covered by dipping into reserves, by borrowing against future budgets and by the sale of long-term notes that are still being paid off at the rate of more than $50-million a year.

Not since the days of the Depression, however, has the treasury's plight been so apparent as in the budget for the next fiscal year, which the Mayor presented to the Board of Estimate and the City Council last April 15.

The way the Mayor saw things, the budget—though $597-million more than the $6-billion the city expects to spend this year—fell $668-million short of what it would take just to hold municipal services at the current level, let alone improve them.

WHO PAYS THE BILL?

City budgets are of necessity a blend of economics and politics. Mayors must take into account the fact that much of the city's money comes from the State Legislature.

"The scenario," says Mr. Hayes, "is pretty much dictated by a situation where the city, for more than a decade, has not been able to see how it was going to finance its next budget without having some additional revenue from Albany."

Albany did provide more money—state aid will amount to 24.9 per cent of next year's budget compared with 24.7 per cent this year—but unlike the emergency infusions of the past, not enough more money to compensate for the increased cost of running the city.

The result was a squeeze. Threatened service cuts in hospitals, the schools, museums and libraries touched off a wave of demonstrations and sit-ins that set the city looking for more money.

Then the Mayor, employing a tactic used by other Mayors in other years, discovered $79.7-million by re-estimating the amount of revenue the city expected to receive next years.

This was enough to stave off the threatened cutback in library and museum schedules and to ease some of the pinch on the hospitals, but it brought a charge from Democratic Councilmen that the Mayor had "needlessly precipitated months of artificial crisis" at a time when threatened cuts in services exacerbated racial tensions.

The juggling of budget accounts has become known over the years in the Budget Bureau as "flimflam." Enough of this has been reported in the current budget—shifting some expenses to the capital budget, for instance, where they could be paid for by borrowing rather than from current income—to suggest to some officials that the city does not have much more room for maneuver.

The chronic problem is where to find more money—a problem that plagues almost every major municipality and an endless succession of mayors everywhere.

As with almost everything else, however, New York has more disequilibrium than almost anywhere else.

Some of that disparity is due not only to the rising costs of welfare, but also to the way welfare costs are financed. In general, New York State provides more over-all local aid than most neighboring states. But in Pennsylvania, for instance, the state shares the entire cost of welfare with the Federal government, leaving Philadelphia to raise nothing through direct local taxes for that purpose.

In New York, on the other hand, the city and the state split the welfare balance about 50–50 after Federal contributions, which means that the city next year will have to raise a minimum of $300-million on its own for welfare.

WAGES ON THE RISE

Welfare, of course, is not the only reason why the expense side of the revenue-cost equation has tied the city's finances in knots. New York is a high-cost town. Since 1966 a fireman first grade's salary has risen 29 percent.

Police pay has matched this rise, and this fall, a first grade patrolman with 20 years experience will be making $11,350 a year, compared with a maximum of $10,974 in Los Angeles.

The arithmetic of generally higher pay scales bites deep because the city, in effect, is a gigantic service organization. A succession of expensive wage settlements has pushed labor costs from 57 per cent to 60 per cent of the budget. The rise in pay and pension costs next year will be $400 million.

Some of those labor costs—in health services, education and welfare—are absorbed by the Federal Government and the state. Their contributions have been expanding—from a combined 24.8 percent of the budget in 1963 to 40.8 percent of next year's proposed spending.

"One cannot gainsay the expansion of state aid, nor discount increased Federal aid," says Mayor Lindsay, "but it has not been enough."

It has not been enough because much of the increase has simply paralleled the rise of the welfare rolls and left the city to deal relatively unaided with the demons of inflation generally, and the departments in which the bulk of the big pay raises have come—police, fire and sanitation.

The structure of the city's revenue base has proved unequal to the task. Though New Yorkers are among the most highly taxed people in the nation, the major levies on which the city has traditionally relied (sales and real estate taxes) are comparatively inelastic. They tend to expand no faster than the economy as a whole.

The city income tax, wrung out of the Legislature in 1966, offers more growth potential, but it is no panacea.

Since 1963 the city's needs—as expressed by the budget—have increaesd 136.5 per cent. Real estate tax yields, however, have risen only 72.7 per cent and the proceeds from all other levies (sales taxes, corporation taxes and the like) have risen only 118 per cent.

The way those yields have lagged helps to explain why New York runs a chronic budget gap—why projected spending always exceeds what the city can expect to take in.

WELFARE PAYMENTS CUT

Albany has been having budget problems, too. The Legislature resolved them in the last session by increasing the sales tax one cent on the dollar and by cutting back on welfare payment formulas.

The change in the New York payment formulas, which are regulated by the state, means that three-fourths of the 1-million people on welfare will be getting less money—in the case of a family of four, as much as $568 a year less.

The cut was not without some popularity in a city where 25 cents of every dollar in the budget goes to the Human Resources Administration. As the welfare rolls have grown so has taxpayer resistance to the higher costs.

But the roots of the welfare problem are not in Albany, or even in the city. Many students of the problem say they lie in Washington and in a national agricultural policy that has promoted and subsidized the grim march of mechanization over the South's cotton fields and tobacco lands.

In the last generation more than 3.5-million Negroes, driven off the farms by the enormous productivity of the tractor and the new agricultural economics, have packed up and headed north to the cities, including New York—traditionally regarded as a city of opportunity.

FEDERAL ACTION MAY HELP

One reason that at least some came to New York was that welfare payments here average $71 a month for dependent children compared to the national average of $41. Further, unlike 40 other states, New York had no minimum residency requirement for persons seeking welfare.

Two things may help to ease this situation, but since so many of the poor already have moved here they may be too late to have major impact. First, the Supreme Court recently struck down the residency requirements in the other states. Second, the Nixon Administration is considering establishing national standards for welfare.

Many of those who came here were poor, often illiterate and rarely trained in skills that can fetch more than a minimum wage in the cities. Combined with a similar migratory stream from Puerto Rico, they have pushed the welfare rolls up to a point where one of every eight New York City residents now relies upon government for his food, shelter and other necessities.

At the same time, the white middle class has been leaving the city for the suburbs in search of better schools, lower taxes, lower living costs, lower racial tensions.

The result has been a dramatic shift in the population. Between 1950 and 1965 according to the Bureau of Labor Statistics, more than 1.5 million comparatively high-income whites have moved out; more than 1.25 million Negroes and Puerto Ricans have moved in.

The shift has put the city's budget in double jeopardy. The influx of the poor and the compounded miseries of slum life has meant higher costs not only for welfare, but also for health services, remedial education, and expanded fire and police protection.

Further, the poorer people do not pay as much in taxes as the high-income people they replaced. Many of the expatriates take a high share of the new white-collar jobs being produced by the city's expanding economy but the bulk of their local tax bill goes to support government in New Jersey, Long Island and Westchester instead of New York City.

MORE ARE ACCEPTED

A recent Columbia University study suggests that a distinct change in city policy has also added to welfare costs. In 1965, the last year of the Wagner administration the city accepted only 58 out of every 100 applications made for aid to dependent children. By the middle of 1967, the second year of the Lindsay administration, the figure had climbed to 75 out of every 100.

However, in a recent interview, Mayor Lindsay said:

"It is not right to say that the city encouraged people to go on welfare. Community-action groups did that. They dug out the most severe poverty of all the persons who were festering in sickness and brought the whole stuff up to the surface. The fact that it came up from underneath the mud and could be seen in all of its ugliness may have been an important thing."

Further, he added that since welfare standards are set by the state the city has no right to stand between a poor citizen and his rights to welfare.

Jack R. Goldberg, the city's Social Services Commissioner, while denying that lax procedures have encouraged people to sign up for welfare, adds, "It is not my job to keep people off the rolls who are legally entitled to it."

Some upstate cities have traditionally taken a hard line with applicants.

"You just ask them a lot of questions about how they managed to get along before and make them come back with proof of their claims," says Joseph H. Louchheim, a deputy commissioner for the State Department of Social Services.

Mr. Louchheim, who served as a deputy welfare commissioner here under Mayor Robert F. Wagner, contends "the city definitely is not discouraging people the way it once did."

REASONS FOR JOBLESSNESS

One of the most discouraging facets of the welfare problem here is that the rolls have been rising during a period of economic expansion and rising employment.

Why haven't more of the poor been able to find jobs? How many ineligible are there on the welfare rolls?

Both of those questions are being examined in a major study initiated by the Federal Government's Department of Health, Education and Welfare, which has become alarmed by the year-by-year rise in the Federal public assistance contributions required by the poverty cities.

The cities contend that putting more welfare recipients to work is virtually impossible because of the kind of people who are on the rolls.

In New York, a Department of Social Services report says that 59 per cent are children too young to work, 19.1 per cent are mothers kept from work because they must

look after those children, 5.6 per cent are too old to work, 8.6 per cent are disabled, 2.7 per cent have jobs, but earn too little to support themselves, and 4.5 per cent are unable to work because of alcoholism, narcotics addiction, emotional instability or other problems.

The high proportion of women and children without husbands and fathers—over 78 per cent of those receiving public help—reflects, not only increasing illegitimacy, but also the high cost of living, comparatively low wage scales and a law that some people say encourages the disintegration of families by providing Federal help to broken families rather than to whole ones.

LIVING ON $80

According to Herbert Bienstock, regional director for the Bureau of Labor Statistics, 48 per cent of all jobs here paid $100 a week or less in 1966—the most recent year for which figures are available—and one-third paid $80 or less. Discrimination, including that in some unions, bars Negroes from many higher paying jobs.

Low-reward jobs that are open to unskilled workers often are the only ones available to black and Puerto Rican fathers in the city's poorest neighborhoods.

Such a father, say a man with a wife and three children filling one of these jobs at the minimum legal wage of $3,328 a year, obviously and desperately can use more money in this city of high-living costs.

One way he can get an immediate "raise" of $3,700 a year is to move away from his family and thus make them eligible for full welfare assistance.

For such a man, Mr. Bienstock notes, "welfare becomes competitive with work" and his choice is to try to get along on an impossibly low wage or to surrender his dependents to a welfare system that can give them more money than he can.

"Because these people are poor, we cannot assume that they are any less intelligent than we are," Mr. Bienstock said. "They can see where their economic advantage lies."

The city has tried to help families achieve self-sufficiency. Last year, it placed 40,000 persons in jobs, and 25 antipoverty agencies offered a variety of services to help people find their way out of poverty.

However, many of those helped came not from the one million on the welfare rolls but from another million who are counted as poverty stricken because, even though they are working, they earn less than the official poverty standard of $3,700 a year for a family of four.

No one pretends that $3,700 a year for a family of four is adequate in a high-cost city like New York. A Department of Labor study issued in March showed that the minimal income for a four-person family here should be $6,021.

ILLICIT ACTIVITIES

How, then, do so many people get by on so little? The answers to that question lie in underground facts that no city officials will acknowledge for the record. Privately, some say it is probably true that much of the domestic and casual labor of the city is done by people on welfare who do not get caught because their employers agree not to report their earnings to the government.

They also say that many of the illicit activities that plague the slums—prostitution, thefts, narcotics peddling, numbers running—have their motivation in the compelling need to supplement inadequate income. The social costs of such activities, and the direct costs to government in trying to control them, are incalculable.

Mayor Lindsay summed it all up recently when he said that "welfare is resented by those who receive it," derided "by those who administer it" and hated "by those who pay for it."

There is some hope that the rise in the welfare rolls is beginning to taper off. The evidence so far is meager, but mildly encouraging. The rate of increase dropped from a monthly average of 21,164 individuals in the third quarter of last year to 14,220 in the fourth quarter to 8,663 in the first quarter of this year.

At the moment, city officials do not understand the reasons for the decline. Some think the great in-migrations have finally begun to run out of steam. Others think that the flood tide of the economy has finally begun to trickle down to some of the bedrock poor.

ALBANY LIMITS TAXES

If all those believed eligible apply for help the city will have no alternative but to squeeze still more money out of other operating departments, according to Mr. Hayes, because the city is not likely to get any more major taxing power out of the Legislature.

It would like very much, for instance, to have the income levy on commuters raised to a par with the income tax on city residents. The possibility of Albany's going along with such a move is considered remote because the commuters are represented by a powerful bloc in the Legislature.

Similar opposition from suburban and upstate legislators has blocked city proposals for a higher liquor tax, for off-track betting and for basing a part of state aid to cities on the amount of money the cities raise themselves.

THE STATES' VIEWPOINT

As a "creature of the state," the city gets its taxing powers only from the Legislature. And as a panel of experts noted in a recent issue of Nation's Cities, a publication for municipal planners, the states "have seen fit to limit the cities' taxing powers, partly because the states do not want the cities dipping deep into the same tax sources the states depend on for their own support; partly because some state legislators still do not trust their cities, and partly because state legislators do not always understand their cities' problems."

Even if the city had unlimited taxing power of its own, it could not use it freely. High taxes are one of the reasons why a number of manufacturers have left the city, taking with them in the last 19 years almost 200,000 blue collar jobs—jobs that might have helped to take some of the pressure off the welfare rolls.

DECAY IN QUALITY

High taxes are also one of the reasons why so many comparatively high salaried former New Yorkers now call the suburbs home—an economic exodus the city cannot afford to accelerate.

Yet if the city cannot tax new revenue sources it faces what Mr. Hayes calls a "decay in the quality of urban life."

"If we're going to maintain the kind of life we want to have," he says, "it is going to take a lot of money."

Where is the money to come from? Washington, the way the city sees things. It calls for the Federal Government to take over all welfare costs and an extended system of revenue sharing in which Washington would automatically make sizable outright grants to the cities every year.

The premise is pegged to the enormous elasticity of the Federal income tax, which because of its progressive rate structure, yields a 15 per cent increase in revenue for every 10 per cent increase in the total output of the nation's goods and services.

Federal spending, on the other hand—heavy military demands such as Vietnam aside—tends to rise at a slower rate than national output. The result, many economists argue, is a "fiscal dividend" that could mean salvation for the cities.

The Federal deficits of the last several years, however, have left the implementation of revenue sharing as remote as when the concept was voiced in 1964 by Walter W. Heller, then chairman of the Council of Economic Advisers. An end to the war in Vietnam might get the concept back on the rails, but critics of the industrial-military complex have their doubts.

The Nixon Administration does have some welfare reforms in the works that could take some of the load off the city, but it is too soon to tell how much. For the short term at least, the city will continue in the squeeze Mr. Micawber described a long time ago:

"Annual income twenty pounds, annual expenditure nineteen, six: result, happiness.

"Annual income twenty pounds, annual expenditure twenty pounds, six: result, misery."

[From the New York Times, June 2, 1969]

THE CHANGING CITY: A MEDICAL CHALLENGE

(By Martin Tolchin)

A girl born with a series of defects was taken to Jacobi Municipal Hospital 44 times during her first nine months of life and was never treated by the same physician twice.

In other of the 20 hospitals owned by the city, a shortage of technicians forces ulcer patients to wait in bed two weeks for X-rays, there are no registered nurses from sunset to sunrise in most wards, and, according to Prof. Harry Becker of the Albert Einstein medical school, "expensive machinery monitors patients, but no one is there to interpret it."

"You come to this hospital and we're telling you somebody's going to take care of you," said Dr. Seymour M. Glick, chief of medicine at Coney Island Hospital. "The fact is, you're going to lie in a damp bed, develop an ulcer, septicemia [blood poisoning] and perhaps ultimately die because of inadequate nursing care."

Such conditions, a result of decades of deterioration, persist despite efforts by the city, state and Federal governments to improve service in the hospitals, which treat an average of almost 13,000 bed patients a day and about the same number of persons in clinics and emergency rooms.

Some progress has been noted, but not enough to satisfy many critics.

"The rate of deterioration has slowed," is the way Eileen McCaul, associate executive director of the State Nurses Association, puts it.

Others, principally militant community-control groups, say that the hospitals—traditionally a haven for all citizens without regard to race or economic status—will never meet the needs of the people until the communities are given some measure of control over health services.

In the last three years, emergency renovations were begun at 13 hospitals, X-ray equipment was installed at five, most general hospitals installed full-time directors and chiefs of service and ambulances were stationed at outlying points to speed service.

In addition, administration was tightening by the recruiting of young, aggressive hospital administrators who were given authority to increase the comfort of patients even when changes had to be made at the expense of traditional hospital procedure.

For these and other improvements, the city administration shares credit with seven city and state investigating agencies, some of which ordered equipment purchased on the spot during tours of the institutions.

As a result, hospital experts have noted such improvements as the following:

Mental patients no longer sleep on the floors of Bellevue Psychiatric Hospital during the day and they have been given lockers so they no longer have to carry their belongings in shopping bags. The 15-minute diagnostic interview with a psychiatrist—formerly their only contact with a psychiatrist

during an average 21-day stay—has been lengthened to nine 50-minute sessions.

Patients at Metropolitan Hospital are sent to a recovery room after surgery instead of being immedaitely returned to their wards on evenings and weekends, where some have died because of a lack of nurses to provide postoperative care.

Desperately ill patients no longer wait up to seven hours in the emergency room of Kings County Hospital, where they are now seen within 15 minutes. Patients no longer must share respirators, and physicians no longer must wait hours for electrocardiogram machines and other diagnostic equipment.

Such improvements have spawned the hope of more.

Beginning July 1, the hospitals, which formerly had been spurned by many American-educated internes because of their poor quality of medical care and teaching programs, will receive 75.7 per cent of those they sought. This compares with 55.4 per cent last year, which was more than twice the preceeding year.

In previous years, the hospitals had to hire a large number of foreign internes because they could not attract the American-educated internes. These latter are prized because of the acknowledged superiority of American medical schools and the absence of a language barrier between these physicians and their patients.

MORE NURSES HIRED

Even the critical nurse shortage has begun to ease. The hospitals, which had only 1,200 registered nurses in 1967 to fill 3,890 authorized positions, recruited 400 more last year. The increase began after the city nurses negotiated a contract that assured them the same wage scale as nurses in voluntary hospitals.

"We've made progress," said Hospitals Commissioner Joseph V. Terenzio, "but the progress is like a bird emptying the Atlantic Ocean one drop at a time."

Dr. Donald Dickson, deputy state health commissioner, agrees. "But it certainly hasn't been the kind of progress we expected and hoped for," he said. "You can find individual cases of municipal hospitals that are better equipped and staffed than some of the poorest voluntaries. But the worst of the municipal hospitals are about as bad as you can find anywhere."

At their best, the 20 municipal hospitals provide care by physicians that is equal to the best in the world. Most of the hospitals excel in emergency treatment of stab and gunshot wounds—their stock-in-trade after the bars close Fridays and Saturdays.

CONVALESCENTS FORGOTTEN

Seriousy ill patients are often given the newest most expensive therapy—radioisotopes, cobalt-ray catheterizations and the use of an artificial kidney. But once past the acute stage of an illness, patients are often forgotten.

At their worst, the hospitals betray their poor-house origins. The death rate of 6.8 per 100 discharges is nearly twice the 3.5 death rate of voluntary hospitals. To some extent, this is because the city hospitals are most used by poverty-stricken patients, many of whom suffer from malnutrition and have delayed seeking treatment.

The problems of the city hospitals, which are typical of public hospitals in other cities, are shared to some extent here with the 80 private, nonprofit voluntary hospitals, whose 270,000 beds are filled nearly to capacity, and the 36 proprietary hospitals (private, profit-making), whose 5,000 beds are more in demand than ever.

All face national shortages of physicians, nurses and ancillary personnel. All must cope with soaring costs. The municipal hospitals have suffered most, however, because these problems have been aggravated by an unwieldy local bureaucracy and budgetary restrictions.

It took two extra years, for example, to renovate a nursery at Metropolitan Hospital because the city's Purchase Department could not reach agreement with a contractor. There was a delay of one and a half years in buying 4,000 beds because the Purchase Department could not agree with the Hospitals Department on the size of guardrails.

A shortage of X-ray technicians exists throughout the system because the city salary of $125 a week is 25 per cent below the salary paid by voluntary hospitals.

CONFLICTING OBJECTIVES

Such chronic problems have led some health specialists to conclude that the city is incapable of operating a hospital system. However, others contend that the city hospitals must be maintained because they are responsive to public needs and public pressures.

Unlike private hospitals, the city institutions are the hospitals of last resort—they accept any patient sick enough to require hospitalization. Most private hospitals refuse some patients because they do not fit their teaching and research needs.

Because of this, the emergency rooms of such municipal hospitals as Bellevue, Kings County and Metropolitan continue to receive from voluntary hospitals critically ill but educationally "uninteresting" patients.

"We've gotten corpses from other hospitals," said Dr. Arnold Miles, an attending physician who is director of the emergency room at Metropolitan Hospital.

Still, critics maintain that the municipal hospitals, along with private institutions, have allowed the basic tripod of good medical treatment—research, training and patient care—to become lopsided because patient care is neglected.

"As internes and residents in the city hospitals, some of us are not very different from ghetto merchants," said Dr. Steven Sharfstein, an interne at Jacobi. "The merchants get their profits in the ghettos and go home to the suburbs. We get our training in the ghettos and then practice in the suburbs. This kind of training breeds contempt for the patient."

This neglect of patient care is seen, too, in clinics, which, says Dr. Howard J. Brown, a former Health Services Administrator, are "geared to the professional needs of the physicians, but not to the medical needs of the patients."

PROGRESS DENIED

Dr. Brown observed, for example, that dermatologists preparing for their examinations sometimes overlook any trouble but skin trouble when treating patients in clinics.

Moreover, the clinics often fail to provide continuity of medical care, as in the recent case of the baby who was treated by 44 different doctors in nine months. The girl's case was finally noticed by a young physician who took over-all charge of her care and reports that she is now progressing. The child's problems include cerebral palsy and a cleft palate.

Failure to provide continuity of care can undo good work. An elderly patient at Jacobi, for example, was given exhaustive diagnostic tests, valued at $4,000, that showed he had a heart condition. He was then discharged and sent out to climb the five floors to his apartment.

Some of the new hospital administrators appointed by the city are working to improve service to patients. Anthony Constantine, the administrator at Metropolitan Hospital, has been trying to get play space for children there who are confined to their beds because the recreation area set aside for them has been converted into research offices by New York Medical College, which provides medical services to the hospital under contract.

Gordon Derzon, the new 34-year-old administrator of 2,666-bed Kings County Hospital, antagonized some physicians when he insisted that the trauma and general surgery wards be combined if one was overcrowded, so that patients would not be placed in corridors.

Some doctors had argued that merging the patients would confuse administration and impair medical care.

The municipal hospitals, once hard pressed for physicians, have undoubtedly benefited from the medical services provided—for a fee—by voluntary hospitals under affiliation contracts, a system begun in 1961.

But the City Controller, the State Investigation Commission and a joint legislative committee found last year that the voluntary hospitals had appropriated millions of dollars worth of badly needed equipment purchased for the understaffed city institutions, and also had appropriated the services of physicians on the city payroll.

Three years ago there was a widespread expectation of dramatic improvements in city hospital care because of the beginning of Medicare and Medicaid, programs under which the Federal and state governments pick up many medical bills for the elderly and the indigent.

But after three years' experience with the programs, Dr. Brown said recently: "I think we have to look very hard at the fact that Medicaid was a failure. It failed to achieve the social goals, the quality goals, or extension of services. It's money that largely went to inflate the costs of the existing health system."

When the programs began there was a widespread expectation that voluntary hospitals would be flooded with patients who previously could not afford to pay for their superior services. However, the switch from municipal hospitals to voluntaries has been slight, in part because the voluntaries were crowded with their own doctors' patients and are still crowded now.

The Medicaid program has provided medical and dental care that would otherwise have been unobtainable for many of the 1.6-million city residents on its rolls. But many health experts have complained that such care continues to be given under the aura of impersonal, second-class medicine.

The programs have also contributed to other problems.

In 1965, before Medicare and Medicaid, it cost the city an average of $58.35 a day to care for each bed patient. This year, the cost has risen to $97, in line with soaring national health costs, which have increased 87.8 per cent since 1960, according to the Department of Labor.

The salaries of physicians, nurses, and especially of aides, have also risen dramatically. So have the costs of drugs, equipment and supplies as the Federal and state governments joined in reimbursing the city for costs.

In addition, private physicians' fees have gone up nationally 7 per cent a year. And minimum salaries paid city nurses have increased from $5,150 in 1965, to $7,900.

DISPUTE OVER FUNDS

The amount of money the city receives from Medicare and Medicaid is disputed. The city maintains that it received $210-million last year, but some observers, including State Senator Seymour R. Thaler, the Queens Democrat who has conducted many hospital studies, believe that the figure is nearer $250-million to $300-million. The reasons for the difference include delays in billing and delays in receiving payment.

The city reduced its contributions to hospitals when the programs became effective, leading Senator Norman F. Lent, a Nassau Republican who is chairman of the Joint Legislative Committee on Public Health and Medicare, to charge:

"The city of New York has been diverting millions, perhaps over $100-million a year, out of the hospital system and putting it into other programs."

The city's own figures give the following picture:

In fiscal 1965–66, before medicaid the municipal hospitals received $188.7-million in funds raised through city taxes and $44.9-million from Blue Cross and other sources for a total of $233.6-million.

In fiscal 1967–68, the last year for which complete figures are available, the hospitals received $132-million in funds raised through city taxes, $20-million from Blue Cross, $19-million in mental health grants and $146-million in Medicare and Medicaid funds, for a total of $317-million.

In 1967–68, the city reported it received $210-million from Medicare and Medicaid. Since it turned over only $146-million of this to the hospitals, it had $4-million in Medicare and Medicaid funds to spend on nonhospital programs.

The city defends its decision not to put all the funds into hospital programs by maintaining that these funds are intended to reimburse the city for its own expenses. The Federal law says that the city can use funds any way it wants.

As a Mayoral candidate in 1965, John V. Lindsay called the municipal hospital system "an unmitigated disgrace" and proposed among other things a reorganization, to put the administration of hospitals and other health services in one umbrella agency.

Although it exists more on paper than in reality, this has been done. Dr. Bernard Bucove, head of the new Health Service Administration, has generally delegated administration of the Hospitals Department to the Hospitals Commissioner and of the Health Department to the Health Commissioner.

The Health Department has the job of trying to prevent illness. Its operations have been characterized by a downward drift that started years ago and that has been marked by a curtailment of services, widespread demoralization and continued loss of key personnel.

"There clearly has been a deterioration—there's no other word to use," Dr. Bucove conceded recently.

A New Yorker may still dine with confidence almost anywhere in town, thanks to the surveillance of restaurants by Health Department inspectors. But inspections have become more widely spaced. The city has not been struck by a serious epidemic, thanks in part to the vigilance of the department's epidemiologists, but the staff continues to diminish.

Money is a problem. The Health Department budget was increased from $54-million to $59-million in the coming year, but already-promised salary increases will snare $14-million of this.

As a partial result, the few budget calls for reductions in the department's research programs, laboratory facilities and proposed improvements that will seriously hamper the job entrusted to the agency.

For example, despite a steady increase in the incidence of gonorrhea from 10,000 cases in 1960 to 40,000 last year, the department closed all five of its Saturday morning venereal disease clinics.

In addition, the number of health examinations conducted in the schools—where poor vision, hearing defects and other ailments were often first detected by public health nurses—has been reduced from 90 per cent of the classrooms to 50 per cent.

In contrast with the Hospitals Department, whose administration has become increasingly efficient in the last few years, the Health Department, in the view of some health experts, could be more effectively operated.

A major reason for the continuing loss of key personnel is that Health Department salaries are relatively low compared with those offered by hospitals, private industry and private practice, all of which compete for scarce medical personnel.

For example, Raymond Alexander resigned last month from his $23,000-a-year job as assistant health commissioner in charge of Medicaid to take a $32,500-a-year job with Montefiore Hospital, where he will administer the voluntary institution's Medicaid program. His new job responsibilities are not expected to be nearly as demanding as those he had in the Health Department.

The Health Department suffers more than most city agencies because key personnel spend more and more time away from their official duties, sometimes to attend professional conferences out of town.

Nurses complain that some physicians who are paid for two-and-a-half-hour sessions in Health Department clinics often arrive late and leave early.

Dr. Edward O'Rourke, until recently the city's $35,000 Health Commissioner, had spent 60 days since last January in Washington holding conferences preparatory to leaving for his new job as dean of the school of public health at the Unniversity of Hawaii.

Dr. Arthur Bushel, the first deputy health commissioner, has been dividing his work week between the Health Department and Johns Hopkins University. Dr. Bushel will leave his $29,500-a-year-city job this month to become a professor of public health at the Baltimore institution.

MANY CHANGES AT THE TOP

Illustrative of the agency's administrative problems, Dr. Mary C. McLaughlin, who has just been appointed to succeed Dr. O'Rourke, is the third health commissioner in three and a half years—the fifth if two acting commissioners are included.

As the city continues to grapple with the awesome problems of health and hospitals, militant forces have arisen to challenge—and support—the city's hospitals and health facilities. The success and direction of these forces may have profound effects on the hospitals. In any event, the pressures they exert will be of major concern to any city administration.

The increased militancy of the hospital workers' union—whose membership is 85 per cent Negro and Puerto Rican—parallels the rising militancy of both minorities. To both groups, the hospitals provide the unskilled and semiskilled jobs that earlier Jewish immigrants, for example, found in the needle trades.

"The growing strength and militancy of hospital workers has enabled us not only to think in terms of our rights as employes, but also as community groups who use the city hospitals," said Victor Gotbaum, executive director of District Council 37 of the American Federation of State, County and Municipal Employes, which represents 30,000 of the 40,000 hospital workers.

In addition, community groups have led mass demonstrations at Harlem and Lincoln Hospitals and at Bedford-Stuyvesant and Jamaica health centers. These groups point to bungled and inadequate health services as evidence of the ineptitude and possible indifference of professional groups to the poor whom they treat in the municipal hospitals.

They demand a voice in health decisionmaking on the grounds that the institutions in their communities must provide services that are relevant to the needs of those communities and that new priorities must be established.

STUDY POSTPONED

As a result, such research studies as a proposed psychiatric study at Lincoln Hospital are asked to wait until the community's basic health needs, such as dentistry, are met.

The community participation groups have been joined by increased numbers of militant physicians who articulate the needs of their hospitals and who are taking a critical look at their own roles.

These forces were in evidence recently when the Harlem Hospital medical board voted to close the institution because "we are no longer willing to assume the responsibility for trying to provide hospital care with the inadequate facilities here."

Playing an important role in the Harlem Hospital revolt, which was staved off by a budget increase, was the newly created Society of Urban Physicians, which is composed of 100 chiefs of services in the municipal hospitals.

Many observers believe that the hospitals are ripe for the thrust toward decentralization similar to the pressure the city has experienced in the schools.

To solve the problems of the municipal hospitals, the city has considered—and rejected—the sale or lease of its hospitals and their conversion to private, nonprofit institutions. The city did manage to lease 220-bed James Ewing Hospital to Memorial, but public outcry made the Hospitals Commissioner pledge that this was to be an isolated case.

CORPORATION CREATED

In the last session of the State Legislature, the city administration sought, and obtained, the creation of a management corporation that will replace the Hospitals Department. It is designed to extricate the hospitals from the red tape of city regulations that the Mayor says have delayed improvements.

The corporation, scheduled to take over the hospitals in July, 1970, will operate them in accordance with the directives of the city's Health Services Administration.

Opponents of the reorganization, however, fear that the corporation may not be responsive to the wishes and needs of the public.

"We need more public control, not less," State Senator Thaler says. "We are seeing the results of decades of neglect, when the city hospitals were left to the so-called experts."

"No service of the city government was allowed to become so inadequate and obsolete in the last 20 years as municipal health services," Mayor Lindsay declares. "We have made significant progress, but obviously, there is much more to be done."

[From the New York Times, June 3, 1969]

THE CHANGING CITY: CRIME ON THE RISE

(By David Burnham)

The Police Department has modernized its equipment, increased its manpower and reorganized patrolling operations in the last three years, but reported crime in the city has continued to rise.

This anomaly has left residents of almost every neighborhood in the city fearful of the mugger, the burglar and the vandal. It also has led more and more policemen, criminologists and government officials to challenge widespread views of how to combat crime.

One key problem is that very little is known about crime and how to fight it. Shortly after Howard R. Leary assumed command of the New York Police Department in 1966, for example, he doubled the size of the Narcotics Bureau to 300 men.

Asked recently whether this move had reduced the traffic in illegal drugs or the crimes committed by the city's estimated total of 50,000 addicts, Commissioner Leary replied:

"I can't answer that question. I could pop my mouth off, but there really isn't any hard information."

Despite the lack of concrete evidence, many criminologists and law enforcement officials are convinced that attempts to suppress crime must go far beyond the police to the broader realm of the city's attempts to solve the economic, social and racial problems that have divided and scarred its citizens.

"To a considerable degree law enforcement cannot deal with criminal behavior," James Vorenberg, former director of the National

Crime Commission, says in explaining this position. "The most important way in which any mayor could be held responsible for crime is the extent to which he failed to fight for job-training programs, better schools and decent housing."

New Yorkers live with an enormous amount of crime. In 1968, 904 murders, 1,840 rapes, 54,405 robberies, 28,515 felonious assaults, 173,559 burglaries, 146,319 larcenies of $50 or more and 74,440 car thefts were reported to the police.

In addition, projections based on studies by the National Crime Commission show that every day in New York, there are 56 per cent more rapes, felonious assaults and robberies than are reported to the police.

New Yorkers—black and white, rich and poor, young and old—have become preoccupied with crime. Their fear has become so pervasive that it shapes election campaigns, influences the decisions of government, business and labor, exacerbates racial tensions and molds the day-to-day living habits of virtually all of the city's eight million residents.

The fear is visible: it can be seen in clusters of stores that close early because the streets are sinister and customers no longer stroll after supper for newspapers and pints of ice cream. It can be seen in the faces of women opening elevator doors, in the hurried step of the man walking home late at night from the subway.

The fear manifests itself in elaborate gates and locks, in the growing number of keys on everybody's keyrings, in the formation of tenants' squads to patrol corridors, in shop buzzers pressed to admit only recognizable customers.

And finally it becomes habit.

A young writer lugs his stereo set into a neighbor's apartment for safekeeping while he goes to the country for the weekend. A lawyer walks the streets with his hand in his pocket nervously clenched around a penknife. A housewife unable to find a company that will insure her valubles against theft hides them in her refrigerator. A policeman whose job it is to try to recover stolen goods wearily lists stolen items knowing his chances of success are slight.

And New Yorkers walk past arguing people, distressed and confused people and even wounded and dying people because they have accepted the idea that to get involved is dangerous.

NATIONAL ATTENTION

Beginning in the 1964 Presidential campaign, politicians of both parties and every level of government began to increasingly emphasize how they were going to reduce crime. It is a good measure of the difficulty of achieving this goal that despite a new Federal financial assistance program for local law-enforcement agencies, an increase in the State Police to help fight narcotics addiction here, and a 35 per cent jump in the number of patrol units cruising the streets, New York is experiencing steadily mounting reports of crime.

Pointing to the reduction of crime and fear achieved by placing policemen on every subway train and station platform at night, many New Yorkers have demaned even more policemen on the streets. But such demands, criminologists say, fail to take into account that guarding subways is not the same as preventing crime among eight million New Yorkers.

For example, the number of uniformed men on patrol on the city's 6,033 miles of streets now averages no more than 3,000 at any one time, and most of these men work in pairs.

So few policemen patrol the streets because the number of men available is limited by vacations, days off, court appearances, special assignments and the requirements of operating around the clock.

"The additional men you would need to man the posts you might like covered in just one precinct would knock you right into the Hudson River," Commissioner Leary said.

It has been estimated, for example, that it would cost $25-billion a year—a third the total annual budget of the Defense Department—to have one patrolman around the clock on each of the city's four-sided blocks.

And even if this were possible, policemen say it would not stop crime since more than half of it is committed in areas that they do not patrol—homes, restaurants, hallways and elevators.

An additional limitation is that fighting crime is only a part of the policeman's day. Most of his time is taken helping to get sick people to hospitals, returning lost children to their parents, directing traffic and calming family squabbles.

Another limitation is the often successful effort of the Patrolmen's Benevolent Association to protect what it considers the rights of its members. Vehement P.B.A. opposition, for example, so far has completely defeated the Department's effort to use one-man patrol cars in low crime areas of the city.

The P.B.A. also long delayed the Lindsay administration's drive to get the permission of the Legislature to establish a fourth platoon during the high crime hours between 6 P.M. and 2 A.M.

The Police Department is trying to counteract some of these limitations by improving its communications, command and control system so that patrolmen can respond more swiftly to a call for help.

COMPUTER BEING INSTALLED

For example, to shorten the time it takes the police to assign a patrol car, a $5-million computer is being installed that will automatically and instantly give the dispatcher the nearest street intersection, hospital and available patrol cars to the address of each complaint.

The Police Department also has made a strenuous effort in the last three years to find out more about the size and shape of the problem it confronts.

One of Commissioner Leary's first official acts was to order all police units to begin reporting all the crime that came to their attention. Many police officials conceded that a large number of crimes were not reported to headquarters because commanders were judged on how many crimes occurred in their districts.

The effort to improve crime reporting led to an immediate sharp increase in reported crime. The statistical increase now seems to be leveling off, according to police officials.

For example, the department announced yesterday that reports of crime in the first four months of this year had increased 7.8 per cent as compared with 23.6 per cent in the similar period last year.

Commenting on police limitations, Commissioner Leary said:

"When they get worried about crime, very few people go beyond the police. Very few people go to the District Attorney, the judges and the prisons. The problems the public expects the police to do something about the police are unable to solve."

To deal with these broader problems, Mayor Lindsay has established the Mayor's Criminal Justice Coordinating Council, made up of the Police Commissioner, the city's five independently elected District Attorneys, judges, correctional officials and a broad range of community representatives.

Its goal—forging a single mechanism to deal with crime—is described as one of the most advanced and significant efforts of its kind in the United States by such men as Patrick V. Murphy, a former New York policeman who until recently was the head of the Federal Law Enforcement Assistance Administration.

CALENDARS ARE OVERCROWDED

During the two years since it was formed, the council had supported a wide variety of complicated experimental projects, including a number to reduce the time between arrest and trial.

This reduction is considered essential by the council because overcrowded calendars force assistant district attorneys to encourage virtually all arrested persons—even those charged with serious offenses such as assault and robbery—to plead guilty to lesser crimes to save court time.

But lesser charges mean lighter sentences and the swift return of many dangerous persons—muggers, for example—to the streets.

One way of giving the prosecutors and judges more time to deal with the serious problems to develop new methods to take care of the less serious ones. In the Bowery, for example, because of a Council-supported effort to develop an infirmary that sends out teams to bring in the worst derelicts on a voluntary basis, there has been a substantial decrease in the number of drunks who must be arrested and tried.

Another aspect of the council's effort to reduce the number of less serious criminal cases flooding the courts is the bill passed by this year's Legislature that eventually will mean that many categories of traffic cases can be decided by referees rather than judges.

The council also has started the initial planning of a computer designed to reduce the paper work and increase the scheduling efficency of the courts in the same way the once cumbersome problem of making an airline reservation has been speeded. At present, court clerks have become so overburdened that for the last few months they have been unable to tell the police whether a previous arrest showing on a person's "yellow sheet" had resulted in a conviction.

Encouraging as the council's effort is to many criminologists, Mr. Vorenberg, now a professor at the Harvard Law School, says:

"With the possible exception of how we treat first offenders, I have become convinced that improvements or changes in the police, the courts or correctional agencies are holding actions at best."

The frustration implicit in Mr. Vorenberg's comment reflects the rapid growth of reported crime in the nineteen-sixties and the drastically changed nature of the urban problem that the patrolman on the street and the man in City Hall have been asked to solve.

For the urban mayors—whose chief adversaries had once been budget problems and political rivals—and for urban policemen—who had traditionally thought of themselves as fighting a no-nonsense duel with a rumrunner or a bank robber—have abruptly found themselves confronted with delicate and explosive social conflicts that have been festering in the neglected slums for decades.

Suddenly, there were riots in Harlem and Bedford-Stuyvesant. Suddenly, the students at Columbia University were barricading themselves inside buildings. Suddenly, there were hippies and Yippies and Crazies turning up in droves at Grand Central Terminal and Central Park. Suddenly, for at least some of these demonstrators, the tactic of nonviolence had fallen into disrepute.

The social ills of years past, the malaise of an overgrown educational system, the once remote war in Vietnam and other accumulating problems surfaced in New York and other major cities of the United States. And there were no simple answers.

In the area of civil disorders and demonstrations, an examination of specific cases over the last five years does not show a flat pattern of police conduct.

ONE KILLED IN RIOT

Thus, in the first riot here—a six-day rampage that swept Harlem and Bedford-Stuy-

vesant in July, 1964—one person was killed and millions of dollars in property was destroyed. Again, in the summer of 1967, three persons were killed in an East Harlem riot by Puerto Ricans.

In 1964, there were few restrictions on the use of pistols by individual policemen. In 1967, the Police Department had issued strict guidelines that there was to be no general firing.

By April of 1968, during the two days of violence following the slaying of the Rev. Dr. Martin Luther King Jr., the orders issued by Mayor Lindsay and Commissioner Leary against general shooting had begun to be felt by the rank and file of the department.

The result was again millions of dollars worth of property destroyed. But no one was killed.

Eyewitnesses, however, reported seeing policemen stand by while looters ransacked stores, and merchants charged that they lost thousands of dollars because the police abdicated their responsibility of protecting property as well as lives.

Mayor Lindsay has answered such criticism this way: "We happen to think that the protection of life, particularly innocent life, is more important than protecting property or anything else . . . We are not going to turn disorder into chaos through the unprincipled use of armed force. In short, we are not going to shoot children in New York City."

On the issue of racial disorders, national attention has been focused on Mr. Lindsay, partly because he is Mayor of the largest of the nation's troubled cities and seeks solutions that may be applicable elsewhere, and partly because he is vice chairman of the National Advisory Commission on Civil Disorders.

POLICY OF VISIBILITY

In addition, part of Mr. Lindsay's policy has been his visibility: he has walked the streets of potential trouble areas and talked with the people there.

He has also taken, more than did any of his predecessors, a role in the direction of the Police Department. His admirers have called it a bold and fruitful move; his detractors have branded it "political interference."

Many policemen, in fact, believe that the Lindsay administration has gone too far in imposing restraints on them. Some believe that these restrictions have led to reluctance to become involved, particularly in black and Puerto Rican areas, where residents have complained of insufficient police protection.

"This is both good and bad," said James Curran, a former New York policeman who is now an assistant professor of police science at the State University in Farmingdale, L.I.

"It is good because the caution many policemen feel when approaching blacks has resulted in less verbal and physical abuse. It is bad because it has caused the police to shy away from doing their job—helping people and arresting criminals."

But many of the Mayor's friends and even some of his critics say that the relations between the police and the black and Puerto Rican communities have been improving.

"I don't think you can give the Mayor and his Police Commissioner all the credit," said Representative James H. Scheuer, who is seeking the Democratic nomination for Mayor, "but they have avoided major bloodshed in this city and their restraint and sophistication have played a part in this."

Dr. Arthur Niederhoffer, a former police lieutenant here who is now a professor of sciology at the City University said:

"Crime prevention and peace-keeping often are antithetical. There are many situations where you can make an arrest, but start a riot. It is my opinion that it is to the everlasting credit of Mayor Lindsay and the Police Department that there have been no major riots here in recent years. Beside this, all other accomplishments are minor."

There is no unanimity of opinion on the subject, however, Harold Rothwax, legal director of Mobilization for Youth, the Lower East Side antipoverty agency, said: "I've noticed no appreciable change in the way the police handle the poor. There still are a great number of cases where there is improper abuse."

Bayard Rustin, who organized the March on Washington, agreed. "The most serious complaint has never been the cops beating the people but their attitude of contempt," he said. "And I don't think this attitude has changed."

Pubic attitudes toward the police were crystalized three years ago when, responding to Negro complaints of police brutality, the city proposed that civilians, rather than the police, operate the board that reviews complaints against the police.

BRUTALITY VERSUS SHACKLES

The issue went to a public referendum and was overwhelmingly defeated after the Patrolmen's Benevolent Association mounted a vigorous campaign suggesting that a civilian review board would "shackle" the police.

Attitudes that sharpened during the referendum campaign are still evident. Some Negroes have vowed to fight with force against what they see as unjust police actions.

This division has led to violence on both sides. Last year, for example, a large group of white men—mostly off-duty, out-of-uniform policemen—attacked a small band of Black Panthers who had gone to the Brooklyn Criminal Court to show support for two young Panthers accused of attacking policemen.

On the other side, the police have reported at least five bombings or attempted bombings of precinct houses or patrol cars, three sniping incidents and one ambush in the last year. They also have won indictments in two cases involving alleged attempts to kill policemen.

Another source of controversy has been the role of the Tactical Patrol Force, which was quadrupled in size to 1,000 men.

The Tactical Force, which can be quickly moved about the city to meet crises, has been praised for such actions as controlling hostile crowds drawn to the George C. Wallace rally at Madison Square Garden during the Presidential campaign.

WHO ARE THE POLICE?

But many Negroes, who have demanded more police protection in their crime-ridden neighborhoods, say the sudden appearance—and disappearance—of a large Tactical Patrol Force unit creates resentment in these communities and does little to control crime on a long-range basis.

Moreover, a number of specialists argue that attempts to modify the day-to-day behavior of the police have failed because there has been virtually no change in the composition of the department.

Both the National Crime Commission and the Commission on Civil Disorders have recommended that every major city make a strong effort to hire more Negroes and Puerto Ricans as policemen.

The Police Department says it does not collect figures on the racial make-up of its force, but it was observed that about 5 per cent of the rookies at a recent graduation ceremony were Negro.

By contrast, police experts report that about one-half of the recent recruits in cities like Washington, Baltimore and Chicago have been nonwhite.

"The real powers in the New York Police Department—the ranking uniformed guys—simply are not interested in hiring black men," said Professor Curran.

"They set up a cadet program a few years ago that was deliberately designed to fail. Instead of going out and making an effort to hire Negro family men with jobs, the department tried to train inexperienced teen-agers. And even this program has been reduced to one-fifth its original size."

Another way of making the police more responsive to the communities in which they operate is to appoint commanders of the same ethnic background as the people in those neighborhoods. Commissioner Leary has promoted more Negroes to higher posts than any commissioner before him, but the department has such a small number of Negroes in its ranks, according to qualified observers, that only a limited number of promotions are possible.

Some critics charge that the quality of police work has declined here since the widespread policemen's practice of living outside the city was legalized some years ago.

"The man who lives in the country is avoiding the city," Professor Curran said. "He is a voyeur, a member of an occupying army. It will be impossible to get really good police work until a much larger part of the department lives in the city and has its wives and children walking the streets."

COMMUNITY VOICE SOUGHT

This view coincides, in part, with a movement among some Negroes for community control of the police. The Black Panthers, for example, have filed a suit in Federal Court calling for control of the police assigned to each precinct by the people who live in the precinct.

One source of the demand for such control is the belief among some Negroes that policemen assigned to their neighborhoods allow the numbers racket and narcotics traffic to flourish there.

Concern over "bribes to the police" was one of the factors mentioned by President Nixon in his recent announcement of a special Federal-state racket squad to fight the Mafia in New York, which he said had a "heavy concentration of criminal elements."

Police corruption and disciplinary infractions—including "cooping," or sleeping on duty—have been growing, in the opinion of a number of officials who asked that their names not be used.

At a time when the overall strength of the department has increased 18 per cent, for example, the number of disciplinary actions has dropped 5.6 per cent.

Asked about this, Commissioner Leary said that discipline was the primary responsibility of First Deputy Commissioner John Walsh.

"I am sure he is adhering to the same high standards today that he adhered to before I came," Mr. Leary said.

POVERTY A KEY FACTOR

But even if corruption did not exist and if the new programs started by the city produced a more effective department, the result might not be a safer city if there were an increase in the number of persons likely to commit crime.

One long-time study in Chicago has found the highest incidence of juvenile delinquency among the city's poorest children—regardless of whether their families were immigrants from Ireland, Poland or the Mississippi Delta.

A number of other studies have found that young people seem to commit a disproportionate share of crime. Nearly 50 per cent of all those arrested for burglary and larceny and 60 per cent of those charged with auto thefts, for example, were under 18.

These findings may be significant because of tentative statistics suggesting there has been a substantial increase in the number of unemployed teen-agers, most of them Negro and Puerto Rican, living in New York during the last few years.

But the final word may belong to a thoughtful police sergeant.

"Americans like to think we can always build a better mouse trap," he said, leaning across the battered precinct desk. "Maybe we can't."

[From the New York Times, June 4, 1969]

THE CHANGING CITY: TIDE OF POLLUTION

(By Peter Millones and Murray Schumach)

The richest city in the country breathes some of its poorest air. The city with the largest park system in the nation may be without greenery in a generation. The world capital of the arts is the nation's dirtiest metropolis.

These are paradoxes that New York is grappling with and must resolve if the city is to be what an increasing number of residents feel they have a right to expect—a city that is enjoyable, not just endurable.

They are obstacles to the wistful goal of making New York a "fun city"—a place where pleasure derived from the city is an everyday possibility for more than just the rich.

"Why live in the city?" asks Arthur W. Rashap, an executive in the Department of Parks and Cultural Affairs. "Do you live here because of inertia or a job? We have to offer diversity of experience to those who live here. We have to think of the quality of life."

Endless warfare has been waged to improve that quality of life.

Test tube has been pitted against belching smoke, incinerator against garbage-strewn street.

Swimming pool and traveling theater have been combating racial tension.

Pruning-knife and community-control projects have been battling park deterioration.

Vital questions that cut across all economic and ethnic lines—and sometimes stem from these distinctions—have been confronted in trying to prove that New York City can be more than a turbulent anthill.

The confrontation has set community groups against city project planners and touched off intramural battles among city agencies for the budget dollar.

So far, the results have been erratic and the outcome is in doubt. Some of the main battles over the years shape up this way:

Control of air and water pollution has been improved slightly.

Garbage problems are worse.

More people are enjoying the parks, but the parks are deteriorating because of vandalism and a manpower shortage.

The arts are vibrant with talent and experiment, but are increasingly expensive.

These contradictions and the snail's pace of progress have prompted Norman Mailer to suggest that "the only way to end the smog is for citizens to get muskets, get on barges, go to Jersey and explode all the factories."

Others suffer disappointment less dramatically.

August Heckscher, the administrator of the Department of Parks and Cultural Affairs, looks back on vast hopes—such as piers being converted into recreation areas—and says: "Some of these things are just beyond our means."

And he adds sadly: "The last pier we could have used is now being used for the towaway program."

A recent cartoon in The New Yorker showed a woman sitting at a table on a terrace of a New York apartment, calling to her husband, "Hurry, dear, your soup is getting dirty."

More than soup has been getting dirty in New York. The United States Public Health Service has estimated that New Yorkers could save $800-million-a-year in cleaning costs if air pollution was significantly reduced.

More important than the erosive effect of pollution on property is its harmful impact on human health. The Public Health Service has cited air pollution as a contributory cause of cancer and a serious irritant to lung and respiratory tissue.

Yet decisive action against air pollution here and throughout the nation has been slow because other problems—such as housing, crime, education and keeping the city "cool"—have had a higher priority.

As a result, air pollution has been vigorously attacked by cities only in the aftermath of disaster, such as the one that struck London in 1952, when 4,000 deaths were attributed to an eerie smog that contained a large percentage of sulfur dioxide from coal-burning furnaces.

In 1966, Mayor Lindsay's Task Force on Air Pollution, headed by Norman Cousins, the editor of Saturday Review, reported:

"All the ingredients now exist for an air-pollution disaster of major proportions."

Today, Merrill Eisenbud, head of the city's year-old Environmental Protection Administration, says: "We probably have the possibility of a health catastrophe under control now."

This hedged declaration is based largely on two things that have occurred in the last year: an estimated reduction of 28 per cent in the amount of sulfur dioxide entering the atmosphere and establishment of an air-monitoring network that is supposed to warn the city if air pollution becomes oppressive.

The reduction in sulfur is almost entirely due to the use of fuel with a lower sulfur content by the Consolidated Edison Company—a move demanded by the city, but implemented earlier than required.

THE WAFTINGS OF JERSEY

These changes are important, but the average housewife probably has seen no difference in the amount of dirt on her windowsill or the pedestrian any less dirt swirling about him each day.

That is because even though pollution coming from stacks is reduced, many factors, including dirty streets, polluted air drifting from New Jersey and exhausts of automobiles, trucks and buses contribute to the problem.

The city can do nothing about the Jersey pollution or engine exhaust without Federal help, but some critics maintain that it can be much tougher in areas where it does have control.

"Enforcement of air-pollution control laws in New York City is in a state of collapse," according to Eldon R. Clingan, executive director of Citizens for Cleaner Air, a 7,000-member group that in the past has often praised the city's efforts.

The city "cannot or will not enforce any standard or rule," Mr. Clingan told a recent hearing of the State Air Pollution Control Board. He asked the state to take a stronger role here.

The city has increased its budget for controlling air pollution from $1.3-million in 1965–66 to $5.2-million for 1969–70.

One difficulty in increasing the budget beyond this at a time of high concern over crime, schools, and welfare is that the funds would most likely come from other areas that are also viewed as low priority—parks, recreation and water pollution.

PROBLEMS INTERACT

Sometimes the conflicting needs of city agencies create other programs. The Sanitation Department, for example, has long used inefficient incinerators to burn up to 9,000 tons of refuse a day. Now it is in the expensive process of shutting down stacks to reduce pollution. But this poses still another problem: what will it do when dumping areas, such as in Staten Island, reach a saturation point?

A similar strain on the Sanitation Department was threatened by the city's decision last year to close apartment-house incinerators that pollute the air and allow the apartments to give refuse to the city for collection.

The city was forced to extend the deadline for the closing of these incinerators because it could not raise the money to upgrade many incinerators in buildings the city itself owned. And the larger problem remains of what to do about disposing of the garbage that would have been consumed by the closed incinerators.

All of this happened at a time when officials of the Sanitation Department were conceding privately that they were running hard just to maintain garbage collection and street cleaning at levels that pleased few citizens or the officials themselves.

The dirty air combined with the dirty city streets have prompted some persons to move to the suburbs, and encouraged more and more residents to fight the traffic jams (which pollute the air) and seek fresh air and cleaner surroundings outside the city.

THREE MILLION TONS A YEAR

Critics of the Sanitation Department say that inefficient work habits often stand in the way of improvements.

The Uniformed Sanitationmen's Union replies that the city administration is responsible for the department's inability to handle the city's trash heap—more than 3 million tons a year—because it has not received the money and the men to do the job.

The amount of refuse produced here has been going up about 3 per cent a year largely because of the increase in throwaway bottles and other disposable items. At the same time, however, the size of the sanitation force has remained fairly constant at about 9,000 men a year.

The city's ability to handle snow removal—although it caused a great public resentment following the storm last February—has not diminished, in the view of sanitation officials. They say the ability to cope with a storm is largely dependent on human judgment—the ability to predict a bad storm and then to employ men and equipment at the outset, despite possible heavy financial costs.

Although no public official will say so publicly, they say in private that much of the garbage problem exists because many New Yorkers are slobs.

Some shopkeepers, whose wives would scream if they dropped cigarette ashes on the living-room rug, think nothing of allowing debris to swirl in front of their stores.

Some landlords, who complain of tenant sloppiness, never require their superintendents to wash down the area in front of apartments.

Added to this is inefficient garbage collection, which results in wind-toppled cans and indifferent collectors who spread refuse over curbs while dumping cans into noisy trucks.

The city is now conducting an experiment with big plastic bags to see if they are better receptacles than cans. But this step, while important, will meet only a small part of the problem.

One big part of the problem, officials say, is the morale of the sanitation men, who threw eggs at their union leaders in January, 1968, when they were told to be calm and not strike.

WATERS POLLUTED

One member of the department notes: "There's a simple fact that you can't get away from—garbage stinks. And the human beings who handle it stink when the day is over. You do it every day and sooner or later you realize that you're a damn fool to pick up everybody else's leftovers and you say, 'Let somebody else do it'."

When the sanitation union did strike in February, 1968, the situation became embroiled in a controversy between the Mayor and the Governor that illustrates some of the complex relationships between the city and the state.

The Mayor, to the applause of those who were angered by strikes of public employees, fought the union and asked the Governor to call out the National Guard to collect the

100,000 tons of garbage piling up in the streets.

The Governor, with the encouragement of unions generally and those who feared violence if the guard were called out, refused the Mayor's request and tried to work out a settlement with the union. A mediation panel named by the state finally produced an agreement that ended the strike.

ON THE BEACHES

As with sanitation the city's beaches face the reality of problems now and progress later. Mr. Eisenbud says that beach pollution is almost entirely due to years of gross neglect on the part of the city and the state and a lack of priority that prevent allocation of funds for research.

But Mr. Eisenbud is hopeful. By the late 1970's he estimates that $1.6-billion will have been invested in water-pollution control in the city. The "highly visible" sewage that has been discharged from dozens of outlets around the city, will have been eliminated by then, he says.

It is possible that this summer or soon thereafter South Beach on Staten Island and Sea Gate in Brooklyn will again be suitable for swimming. The water of Jamaica Bay is expected to be ready for swimming in the late 1970's, as will the east shore of the Hudson River north of the George Washington Bridge in the late 1980's.

But at a recent meeting with his top aides, Commissioner Heckscher contemplated the problems of maintaining the 37,000 acres of parks, beaches and playgrounds that comprise his domain, and remarked:

"It's a nightmare from which we'll awaken only in pain."

To many residents the city's public recreation system is more exciting now than at any time in decades.

Former Parks Commissioner Thomas P. F. Hoving three years ago began to transform the city's major greens into vast and colorful theaters for "happenings," becoming a Pied Piper for thousands of New Yorkers of all ages and incomes.

The parks became a place for performances by the Metropolitan Opera and the New York Philharmonic, for poetry readings and fashion shows, for unconventional art exhibitions, rock music and hippie "be-ins" though many residents still feared for their safety in the parks at night.

Central Park's air was made sweeter by excluding cars and giving the green light to bicyclists, pedestrians and joggers.

"Central Park is a great village green of the city," Mr. Heckscher said in defining this concept. "Parks should be the scene of common enjoyment. Parks are, besides greenery, a stage in which the great ceremonies in the broader sense take place. Something of the common enjoyment made visible."

But something else has become visible as a result: deterioration. The most dramatic example of the joys and hangovers of intensive park use and the greater problem of interlocking human problems was the Barbra Streisand concert in Central Park on June 17, 1967.

COMMERCIALIZATION ATTACKED

The Streisand concert drew 135,000 persons to the 90-acre Sheep Meadow. But after they departed, the meadow resembled a huge garbage dump. Obliterating the grass was a prodigious rug of chicken bones, half-eaten sandwiches, cartons, bottles and paper.

For three days, dozens of sanitation men cleared the area while conservationists denounced "commercialization" of the parks at the expense of greenery and serenity.

Just as basic is the conflict between sports and more sedentary relaxation. Illustrative of this was a public clamor for a baseball field at Tompkins Park, in congested Bedford-Stuyvesant.

Park officials had to weigh the demand against another by other members of the community for a rest area for the elderly. The solution was to take away nearly a fourth of the park for the field and to replace an old library there with a center for the elderly.

The decisive factor was the city's policy of encouraging communities to plan what they wanted even if they went against the wishes of sports lovers, conservationists or even citywide planners.

There have been occasions, for example, in which the city allocated funds for a swimming pool only to have the project blocked by community antagonisms. Sometimes it was because the community believed a pool would make the area too noisy or attract undesirables. In other instances, the community simply preferred unspoiled park area to a pool.

NEGROES SEEK WORK

Some aspects of this community policy have posed serious problems to park progress. For although the Parks Department probably works as closely with community groups as any city agency, it still has had to discard or delay prospects because of a lack of community consensus.

Another factor in some project delays has been the insistence of some black residents that any projects in their neighborhood be built by Negro-owned companies. According to Courtney Callender, who directs community relations for the department, there are not enough black companies in business to fulfill those demands.

Moreover, "about 90 per cent of the black firms are just not eligible," Mr. Callender, who is a Negro, says. "They do not have the financial resources. This means that most of them are effectively kept out. It's a terribly important problem. In Central Brooklyn—Bedford-Stuyvesant and Brownsville-East New York—a couple of million dollars worth of projects have bogged down because there is no guarantee of black entrepreneurship."

Many in the Park Department are convinced, however, that the maintenance of what it already has may be more important than building new facilities.

Statistics help sharpen the focus of this contention. Eighteen per cent of the city's land is under the category of parks—including 912 playgrounds. Last year some $63 million was spent just to maintain these lands and support activities there.

By the standard of the National Recreation Association, which says there should be one acre of park for every 160 persons, most of the city is below par. According to the 1960 census, Staten Island has 37 persons an acre; Queens, 108; Bronx, 210; Brooklyn 440; and Manhattan, 650. Since the populations of Queens and Staten Island have grown rapidly since then, the situation is even worse today.

To maintain parks and playgrounds, the city employs 9,395 workers—5,500 on a permanent basis, the rest seasonal. This is not enough.

According to Alexander Wirin, executive director of the department: "The facilities increase and the problems increase. The problem of personnel has been getting worse for 20 years. We rob Peter to pay Paul."

Mr. Wirin, who has been with the department for 40 years, recalled how during the nineteen-thirties Parks Commissioner Robert Moses not only reached out for huge tracts of land to build much of the park system, but also fought for—and got—regiments of workers through the Federally supported Public Works Administration and the Works Progress Administration.

In the Depression years, Mr. Moses built Riis Park, Orchard Beach and scores of neighborhood playgrounds. He rehabilitated park areas and constructed some 200 comfort stations.

"Now," Mr. Wirin said, "the buildings are running down and we don't have the help to maintain them."

Adding to the misery of power is the frustration and anger of trying to cope with vandalism. Last year the city paid more than $600,000 to repair vandalized park property and badly needed much more to do the job. Mr. Heckscher's chief assistant, William R. Ginsberg, says:

"We must have a public understanding of the fact that the park is our backyard and frontyard. Unless the urban dweller begins to treat the parks as his own garden, the parks are not going to be there for the enjoyment of his descendants."

Vandalism goes far beyond youngsters breaking branches when they scramble up trees. Entire comfort stations are demolished by arson and explosion. Swings, seesaws and even the rims of basketball baskets are ruined or stolen. Hundreds of benches are shattered each year and often even the concrete supports are demolished.

What is the answer? Many specialists would give more job opportunities to slum youngsters to develop more participation and a sense of belonging. Some executives in the department, including Mr. Heckscher, think public education would reduce vandalism. But Mr. Callender disagrees.

"It is absurd," he says, "to try to educate the people in these communities about vandalism. They do not think of the parks in those areas as theirs. When you approach them about vandalism, you are told to do something about more important matters. Vandalism is often a means of showing resentment.

In the middle-class sections, which are not immune to the problem, attempts to stop vandals have been stymied because parents say they can do nothing with their adolescent sons who are doing the damage.

One suggestion made by some city executives is that judges enforce the law that authorizes the imposition of fines on the parents of vandals. This is rarely done.

Part of the city's recreation policy is to use theater, music, dance and painting as a tool to ease racial hostilities in slums. This too, is the job of the Department of Parks and Cultural Affairs.

"Most of what we're doing is directed at the deprived areas," Mrs. Doris Freedman, who directs performing arts projects for the department, says. "The middle class and upper class can go to the theater. But there is this whole deprived area that has not had exposure to the arts. Shakespeare and symphonies were considered basically for Establishment groups. That was where I came in."

From the backs of trucks, from little stages in parks and playgrounds, this division of the department has, in effect, made the slums a showcase for performing artists, many of whom were recruited from the slums.

With funds scrounged mostly from private groups—it is almost impossible to obtain city funds that might otherwise be allocated to such areas as pollution, sanitation and parks—Mrs. Freedman's projects have supported graphic arts displays, stilt walks, workshops, and exhibitions of films made by slum teen-agers.

A major reason that a program such as this is even in existence, with so many other departments clamoring for funds, is that New York City is the world capital of the arts.

Sol Hurok, the international impresario, put it this way: "No question about it. New York City is still the leading city in the country in music, ballet, theater, opera. It is still the showcase of the arts."

New York has retained this prominence despite the flight of substantial numbers of the middle class—who make up much of Broadway's audience—to the suburbs, and the growth of regional theaters to serve those playgoers.

"It is nonsense to talk about the destruction of Broadway or New York City theater by the out-of-town theater," says Harold

Prince, the producer of "Fiddler on the Roof" "Cabaret," and "Zorba." "Now it is finally being admitted that these things out of town are not so good. It is no accident that Off-Broadway and Off-Off-Broadway grew in this city. They have both served Broadway."

In addition the city has encouraged the output of movies here. Some 24 full-length features were filmed here last year, compared to 15 the preceding year.

The city also hopes to stem the decline in Broadway theaters that dates to the Depression and talking pictures by persuading builders to install four theaters in the skyscraper office buildings they are planning for the Times Square area.

But the theaters will eventually suffer if New York is not made to work for more of its people—black and white, rich, middle class and poor, young and old.

Thus, a sign in Mrs. Freedman's office is of relevance. It says:

"What are 500,000 kids in the ghettos going to do when school lets out on June 28?"

And the question for the entire population here is what will it do if the city's efforts to raise the quality of life in New York—in pollution, sanitation, public recreation and the arts—continues to be only slightly better than a holding operation?

[From the New York Times, June 5, 1969]

THE CHANGING CITY: HOUSING PARALYSIS

(By David K. Shipler)

The state of housing in New York City seems as hopeless as an abandoned tenement whose broken windows stare blankly out on a slum.

Private industry is building apartments for only the wealthiest 7 per cent of the population except in cases where it receives government subsidies.

The city government says it cannot produce decent housing for the remaining 93 per cent without more money from Washington.

Federal housing officials charge that the city has not been efficient enough to use all the funds it has already been offered.

As a result, a low-income family asking for an apartment in a public-housing project will become No. 130,801 on the waiting list, according to the latest figures. At the current rate of construction, they could expect to move into a project in 51 years.

To solve this problem New York City needs right now 780,000 new subsidized apartments, but the Federal housing program, in its 34-year history, has produced only 800,000 units across the entire country.

All this adds up to eight-million New Yorkers caught in a clash of powerful forces: rising rents and falling rates of vacancy, dwindling amounts of new construction and widespread abandonment of sound old buildings.

The Lindsay administration, which inherited these problems, has not been able to run fast enough even to stand still, in the view of many urban authorities.

The city administration has taken strides toward allowing the poor to plan the renewal of their own neighborhoods, in paying careful attention to the quality of designs, in attempting to eliminate the past cruelties of relocation. But many housing experts see these gains as peripheral to the problem, which is how to improve the quantity of housing in this most congested of American cities.

The improvements are needed not only to replace decayed houses but also to satisfy the soaring hopes of millions no longer content to live as their parents did. The poor, most of them black and Puerto Rican, seek escape from crowded, heatless tenements. The middle class, mostly white, want enough space for a den or a study, a patch of lawn for their children, a safe neighborhood.

In the campaign of 1965, John V. Lindsay said that he hoped as Mayor "to begin the uplifting of New York and to build at least 160,000 low and middle-income apartments" in four years.

But in the last three and a half years, the city started construction of only 34,167 apartments, and just 8,920 of these were for the low-income families, most of them black, who are now in the city's worst housing.

Last year, 13,257 new apartments were started here through a variety of publicly aided programs. But housing specialists estimate that the effort was dissipated by the number of good apartments that decayed during the same period.

The entire population of Arizona could fit into the deteriorated housing in New York City. There are now a half-million decaying apartments, and the disintegration is accelerating as responsible private owners retreat from slum neighborhoods where investment is risky.

It is this rapid decline that forms the need for massive government building programs. But the obstacles to government action are enormous. Among them are the following:

Climbing real-estate taxes, interest rates, construction costs and land prices make housing too expensive here to qualify for many Federal housing programs, which set limits on how much each apartment can cost.

The city's political and administrative machinery is too unwieldy, qualified observers believe, to allow easy navigation through Federal red tape.

New York is so built up that for nearly every building that is constructed one must be torn down. That takes time.

Because Washington stresses new construction, there are only a few thinly founded Federal programs aimed at stemming deterioration, although preservation of existing housing might reduce the need for new building.

Even those who have studied the problem in depth have difficulty fully understanding the social and economic forces that lead to the housing deterioration characterized by rat infestation, heatless apartments whose floors are covered with ice in the winter, solid buildings abandoned to narcotics addicts.

ABANDONMENT ON THE RISE

The abandonment of buildings, by both landlords and tenants, has climbed precipitously in recent years. In 1961, there were 1,000 abandoned buildings on record: in 1968 there were 7,100, according to Dr. Frank S. Kristof, an economist with the New York State Urban Development Corporation. Dr. Kristof estimates that 2,000 to 3,000 buildings are being abandoned here each year.

Although the city has stepped up the demolition of unsafe buildings—from 216 in 1965 to 1,835 in 1968—it cannot keep up with the desertion rate.

As a result, more and more vacant structures are left standing, with a depressing and demoralizing impact on surrounding property and residents. Their infection spreads quickly through whole blocks until some sections to the city now resemble bombed out areas of wartime Europe.

According to housing officials, most of the abandoned buildings are structurally sound but aging. Caught in the whirlpool of the slums or of neighborhoods changing into slums, they have suffered through the years from neglect by their owners, who are unwilling or unable to put rent money into repairs.

"A deteriorating building is as vulnerable as a wounded bird," said Donald H. Elliott, chairman of the City Planning Commission.

A NATIONAL PROBLEM

A vacant apartment falls prey to drug addicts, who rip out plumbing and sell it to support their habits. The old boiler, in need of repair, stops providing heat. Water freezes, bursts the pipes and drips into electrical wiring, putting out the lights and perhaps starting a fire. The tenants leave, one by one, and the building is gone.

"If there is insufficient money to maintain a building," a group of landlords said recently, "the building must deteriorate and eventually become a slum structure." They blame the cycle on rent control and some experts, such as Dr. Kristof, agree.

But other specialists, including Prof. Chester Rapkin, director of Columbia University's Institute of Urban Environment and a member of the City Planning Commission, doubt that if controls were lifted landlords would put increased rent profits back into their buildings. And even if they did, tremendous hardships would result for thousands of families who could not afford to pay the rent increases.

Moreover, abandonment is a national problem, even in major cities without rent control. In the slums of Chicago's West Side, for example, structurally sound, brick apartment houses are being abandoned by owners who do not regard their investments as worth maintaining.

Here and in Chicago, the city governments attack the symptoms. New York fills fuel tanks that landlords have let run dry, fixes boilers and attaches rents and uses them to upgrade buildings. But the victims still multiply.

On the fourth floor of a grimy tenement on Manhattan's Lower East Side, Mrs. Zulma Pantoja, a dark-eyed mother in her early twenties, rolls her baby's crib away from the wall of a crowded bedroom.

"This is what I have to do at night," she says, "to keep the rats from climbing in."

She and her husband, Americo, and their two small children sleep in one cramped room of their three-room apartment. They pay $35 a month rent, although with Mr. Pantoja's steady job, they could afford more.

"I've been looking and looking for an apartment," Mrs. Pantoja said, "but they're all in the same condition." She has been searching on the Lower East Side, where she grew up, and where she wants to stay.

The Pantojas are just one family among thousands who have suffered from the shrinking availability of apartments. Mr. Lindsay characterized the dwindling vacancy rate as an "emergency" in 1965, when it was 3.19 per cent. In the spring of 1968, it had dropped to 1.23 per cent.

One consequence of the shortage has been to drive up rents sharply in many of the city's 600,000 apartments not under rent control, prompting the City Council and the Mayor to legislate limits on the increases.

But while benefiting tenants in the short run, landlords contend that by restricting profits, these tenants will be hurt in the future. For since the demand for office space here is at least as strong as for apartments, many developers are turning toward office-building construction, where the income is higher and the tenants considered easier to deal with.

Private industry has built and owns 92 per cent of the city's 2.8-million residential units without Government subsidies. But privately financed apartment houses are now going up only in the most prestigious neighborhoods, such as Manhattan's East Side, and monthly rents are in the range of $100 to $150 a room.

Under the conventional rule that rent should not exceed 25 per cent of income, a family with a four-room apartment would have to earn nearly $20,000 a year to pay those rents. The median family income in the city is about $6,000 a year.

On Fifth Avenue just north of Washington Square, a young man, his wife and baby are living in a pleasant cooperative purchased a few years ago for $32,000. Now, looking for a larger co-op, he finds he can get $95,000 for his. An impressive profit?

"Peanuts!" he says. The apartment with the extra room he wants now will cost him $135,000 or more.

Although families in all income classes share facets of the same problem, the need for new housing is most acute in the hard-core slums, where the attraction for private money and private initiative is weakest. Most poor families do not have the option that the Fifth Avenue family has: a move to the suburbs.

For this reason, Mayor Lindsay reordered the housing priorities of previous administrations, which had concentrated on building up and preserving fringe areas around slums, but had avoided emphasis on the slums themselves.

PRIORITIES ARE REORDERED

With encouragement from Washington, which wanted to attack the worst housing, the city shifted the focus to the major poverty neighborhoods, which are now New York's three Model Cities areas—the South Bronx, Harlem-East Harlem, and Central Brooklyn (including Bedford-Stuyvesant, Brownsville and East New York).

Under the Federally sponsored Model Cities program, Government effort is to be concentrated on hard-core slums in an attempt to deliver improved services, such as sanitation, education and medical care, and to raise the physical condition of the neighborhoods by building new housing, schools, parks and recreation centers.

Some planners, however, are wary of the new priority.

They argue that if more new low-income housing is built inside the slums than outside, more low-income black and Puerto Rican families will continue to live in the bad neighborhoods. The neighborhoods may be improved, they contend, but there will be less opportunity for the poor to move to better parts of the city. The bitter racial ghettos will remain intact.

The city has tried to compensate for this by adopting a policy to set aside 20 per cent of the apartments in middle-income projects at reduced rents for low-income tenants, and by leasing units for the poor in existing privately owned buildings in good neighborhoods.

Nevertheless of the 21,024 low-income apartments in new projects and leasing programs approved since 1965 only 7,434 are slated for neighborhoods outside poverty areas, mostly in Queens and the Bronx. Most of these units are in projects that have not yet been built.

This concentration on building in the slums appears to be in conflict with a proposal of the National Advisory Commission on Civil Disorders, whose report Mr. Lindsay helped write.

"We believe," the commission said, "that Federally aided low and moderate-income housing programs must be reoriented so that the major thrust is in nonghetto areas."

NEW CONSTRUCTION DISCUSSED

Asked about this in a recent interview, the Mayor said he thought new construction should be undertaken both inside and outside the slums.

"You have to do both," he said. "Obviously, what is desirable to achieve is the choice, in the long run. Given a choice, the average guy stays in his own community. Being locked out of a choice is what he doesn't like."

It is clear that publicly aided housing in good neighborhoods constitutes the best hope that poor nonwhites have for escaping the slums, since racial discrimination persists in private housing despite city, state and Federal laws against it.

Mayor Lindsay said recently that the fight to get low-income units approved in middle-class neighborhoods was "a real bloodbath" politically because of white resistance to blacks moving in.

Another obstacle to public housing outside the slums is the scarcity of usable vacant land, according to Albert A. Walsh, chairman of the city's Housing Authority.

Mr. Elliott adds that the sites that are vacant have usually been left alone by private developers for good reasons, such as ground that is too soft or hills that are too steep.

Limited sites also present problems in the slums, which are more congested and dense in New York than in most other cities. Usually, hundreds of families have to be relocated from rotting tenements wherever new housing is built.

To accomplish this, some neighborhoods, such as Coney Island, have been used for what community leaders call "dumping grounds" for relocatees from housing sites. Some families have been moved several times, always from tenement to tenement rarely benefiting from the new housing for which they make room.

The city has tried to "make relocation a positive move upward," as one official put it, by moving tenement residents into existing public housing or new housing across the street or down the block before their homes are demolished to make way for new structures.

Much of the intricate planning required by this process has been done by community residents themselves, although some of them have complained that the city still has not given them enough power.

Neighborhood people, usually black or Puerto Rican, have usually been allowed to decide what buildings will be torn down, what kind of housing will go on the sites and who will own the completed projects.

In the view of some housing specialists, the city, in agreeing to some measure of community control, has simply ridden a wave of reaction to the old "bulldozer technique" employed in the nineteen-fifties by Robert Moses as chairman of the Slum Clearance Committee.

Rebellion against that centralized policy of urban renewal began in the later years of the Wagner administration, these observers note, and Mayor Lindsay has merely allowed it to move along its natural course.

If community participation has resulted in better location methods and other benefits, it has also caused some problems.

The planning process, for example, has often become a battleground on which contentious community organizations wage their wars for power and prestige. As a result, important projects have been delayed.

In Coney Island, for example, a predominantly black group wanted low-income housing on four sites along Surf Avenue. An association of businessmen, mostly white, wanted the housing for middle-income families.

The blacks compromised and accepted a city plan for half-middle and half low-income apartments. But the whites, adamant, used their influence on Board of Estimate members to force the city to drop plans for one of the sites. It was a vacant lot, and still is.

In another instance, planning for the Milbank-Frawley Circle urban renewal area in Harlem was snarled for years because blacks and Puerto Ricans were battling for control of the program.

BENEFITS ARE SEEN

City officials concede that there are sometimes delays. But more often, they say renewal projects would take even longer without community support. Instead of planning relocation programs, residents would be blocking them.

The city has retained final authority over important decisions, however. City officials recently blocked attempts by leaders of the Harlem-East Harlem and South Bronx Model Cities areas to take complete control of the programs there. The result was an organization whose power is to be shared in "partnership," by both the community and the city government.

The city's community involvement and relocation policies depend on small, "vest-pocket" housing sites scattered throughout a neighborhood rather than on massive projects replacing whole neighborhoods with huge superblocks.

Charles J. Urstadt, the State Housing Commissioner, is extremely critical of the city's devotion to the "vest-pocket" approach, asserting that it takes as much work by planners to clear the way for 100 units as for 1,000, and what New York needs is a large quantity of housing in a hurry.

But advocates of the policy stress the importance of preserving a neighborhood's character, of retaining the structure and the roots of the people, because new buildings alone do not solve the problems of poverty.

This policy, and the attention to pleasing, efficient design, has delayed some projects and this annoys the specialists who want quantity. But to other experts the eventual gains outweigh the delays, for the resulting high quality, they say, may keep pace with the public's soaring aspirations.

Community involvement has had other ramifications, such as pressure on construction unions to employ more nonwhites, the letting of contracts to black architects and black-owned demolition companies and ownership of some new buildings by nonprofit organizations based in the slums.

But these trends alone will not build housing. The Mayor, his housing officials and some experts outside government believe the greatest impediment to construction is cost.

City aides, as well as the administrators of other cities, recently told George Romney, Secretary of Housing and Urban Development, (H.U.D.), that unless changes are made in the rules by which money is granted, the Federal housing programs will come to a complete halt.

By law, the Federal Government is not permitted to pay for public housing that costs more than $3,150 a room to build, a figure that Congress has raised only 26 per cent since 1949, compared to a 118 per cent rise here in construction costs, according to Mr. Walsh.

The city's most recent project application was just $5 below that limit.

The $3,150 ceiling covers only pure construction costs. A second limitation, not written into law, but alleged by city officials to be imposed administratively by H.U.D., covers the entire development cost of a project, such as land cost and architects' fees, as well as construction.

Federal officials deny there is such a limit, but city housing men insist that until less than a year ago, it was set at $20,000 an apartment, and has been relaxed only in recent weeks so that it rises as costs increase and apartments grow in size.

One H.U.D. official said he was reluctant to discuss price tags for fear of angering "Southern Senators," who he said would object to building such "expensive" apartments for the urban poor.

INEFFICIENCY IS CHARGED

The ceiling's effect has been to hamper the city's construction program, Mr. Walsh asserts, by requiring staff to spend more time getting the cost estimates down, and by subjecting many applications to rejection by Washington.

Some Federal officials observe that private industry, building low-income housing that is sold upon completion to the Housing Authority, has been able to do it for about $19,000 an apartment.

In response to city charges that Federal regulations have hindered housing efforts, United States officials and some housing ex-

perts outside the Government maintain that the city has not been as efficient as it could be in finding sites, getting developers, obtaining aid from Washington and pushing plans through its own agencies.

Jason R. Nathan, who heads the Housing and Development Administration, the new superagency designed to streamline the housing operation by combining competing bureaucracies into one body, counters that 1968 was a "quietly spectacular year." He says he now has a "full pipeline" of more than 33,000 units, most of which are at the beginning of the tortuous route through the government bureaucracy.

MORE DIFFICULTIES AHEAD

New Yorkers will undoubtedly continue to have immense housing difficulties for some time to come because the city's problems are aggravated versions of national ills.

So much money is needed, specialists in the field believe, that national priorities must be reversed to place housing—along with other domestic programs—high above spending for defense.

One H.U.D. official conceded recently that "New York City could theoretically use all the money appropriated for the whole country."

H.U.D. says it allocated about $100-million to New York for all its housing programs in 1968. In addition, the city spent $50-million of its own, through its capital budget. But the Planning Commission has said that to make a visible dent in the city's housing problem, $580-million a year must be allocated for 10 years at least.

In the meantime, the problem will remain an intimate one for New Yorkers. "The place a man lives is more than just another commodity, service or possession," wrote the President's Committee on Urban Housing last December.

"It is a symbol of his status, an extension of his personality, a part of his identity, a determinant of many of the benefits—and disadvantages—of society that will come to him and his family: schooling, police protection, municipal services, neighborhood environment, access (or lack of access) to a hundred possibilities of life and culture."

[From the New York Times, June 6, 1969]

THE CHANGING CITY: SCHOOL TURMOIL

(By Fred M. Hechinger)

The city school system, in the view of most authorities, is failing to meet the major challenge that it faces: the education of masses of seriously disadvantaged black and Puerto Rican children.

In contrast, these authorities agree, the city's schools work as well now as they have in the past for those white middle-class youngsters enrolled in traditionally stable and homogeneous neighborhood schools.

This difference, more pointed than ever because the Negro and Puerto Rican school population has passed the 50 per cent mark and is still growing, has led to demands for change that have shaken not only elementary and secondary schools, but also the municipal colleges.

As a result, the school system, with its 1.1-million children on the primary and secondary levels, and the colleges, with 166,000 students, have become both a battleground and a laboratory for the complex social problems that beset the community at large.

Dr. Bernard E. Donovan, the outgoing Superintendent of Schools, gave the official view of the problem from the viewpoint of his 40 years in the school system:

"The public should not be misled constantly into believing that the public schools have failed. They have not failed. They are still doing exceptionally well those things they have always done well.

"Deficiencies lie in the system's difficulty of coping with a new and massive group of seriously disadvantaged children. Even in this area the New York City public schools have been pioneers in practically every innovative program to help the disadvantaged.

"Unfortunately, we, in addition to every other large city in the nation, have not yet been able to marshal effectively our own and all the other forces of society which must be brought together to solve this problem."

One of the problems of mobilizing the full resources of the society is that control of the schools is split between the city and the state. As a result, potentially important reforms—such as the current move toward decentralization—cannot be determined by local option or leadership.

The State Legislature, for example, determines to a large extent the financing of the schools because it supplies almost half the annual $1.2-billion budget through aid formulas over which the city has little control. Also it can and does change the composition of the Board of Education and the method of selecting its members whenever it feels the need.

Other problems also figure in the schools' difficulties:

Probably as never before in the city's history, the parents of slum children as well as of middle-class children have riveted their attention on the schools as the gateway to economic improvement and personal fulfillment. But a conflict has developed over how the schools can best serve the majority and over whether the schools should become—as many black community leaders believe—an instrumentality for much broader social change.

As a result of this conflict, an increasing number of white middle-class parents have begun to fear that the schools are no longer serving their children. Some have left the city and a relative few have placed their children in private schools.

A predominantly white teaching staff has been challenged by a mass of dissatisfied black and Puerto Rican parents and community groups. The white staff is highly unionized and has been supported by white leaders of other unions, putting them in contention with much of the black and Puerto Rican community.

Because the schools are so important to the community and consume after welfare the largest share of the city budget, Mayor Lindsay has felt compelled to assume greater control over school affairs, placing himself in conflict with traditionalists who believe public education should be insulated from politics.

In New York and elsewhere around the country the public schools can no longer solve their problems, as they once could, by casting out those who are difficult to educate. At the turn of the century, for example, only 4 per cent of school-age children completed high school; today almost 40 per cent of eligible youngsters actually enter college.

A heritage of long years of neglect—the result of inadequate planning and financing—has left the schools seriously overcrowded. This is especially true in the high schools, where lack of space and curtailed programs have been invitations to disorder.

SURVEY'S RESULTS

A recent Public Education Association survey showed that there are 40,000 more students in the public high schools than they are equipped to accommodate. This is a group large enough to fill 10 to 15 entire high schools or more than the total number of high schools in any but the largest American cities.

Against the background of the school system's inability to deal with the education of large numbers of its children, public attention has been focused not on what is wrong with the city's schools but on the symptoms of their illness: violence in the streets, anti-Negro and anti-white invective, the temporary closing of tension-ridden schools.

"Disorders and fears of new and frightening dimensions stalk the corridors of many of our schools," the high school principals have warned in a somber, official communiqué. "The hour is late, our schools are in peril."

Indeed, often in alliance with radical college students, bands of high school pupils and some of their community allies did begin to roam the corridors of the schools and the streets around them.

The picture was—and is—clearly grim. But contrary to the convictions of many New Yorkers, it is not unique to the city. It is part of a national malaise.

"Three out of five principals report some form of active protest in their schools," according to a survey conducted this spring by the National Association of Secondary School Principals. "Many who note no protest as yet add that they expect it in the near future. . . . Among junior high schools, 56 per cent report protest activities."

This year there have been school disruptions in such places as Edcouch, Tex. (population 2,800) and in Billings, Mont. (population 55,000). Police patrols have been a commonplace in schools across the country. Security guards are stationed in schools from Newark to Kansas City, where they are equipped with handcuffs and chemical spray. Armed guards and plainclothes men patrol schools in Chicago, Philadelphia, Oakland and Flint, Mich. In some cities—San Francisco and Chicago among them—more than half the schools have experienced some sort of disruption during the last year.

In major cities, the troubles in the schools have grown largely out of racial and class conflict. Exacerbating this has peen a panicky expectation of trouble by those who have been conditioned by the tense social atmosphere to foresee the worst.

In this crisis atmosphere, many New Yorkers lose sight of the fact that dozens of schools operate here without disruptions, continuing year in and year out to produce students of exceptional talent who win a disproportionate share of the nation's scholastic award and college scholarships.

Last week, for example, the Bronx High School of Science and Stuyvesant High scored first and second among 7,000 schools across the country that competed in the 207th annual high school mathematics contest.

Moreover, many Negro and Puerto Rican students, too, complete school successfully, win academic honors and move on to college, often to the highly selective campuses. And their number, though still far from satisfactory, is increasing.

To make this point one day not too long ago, when newspapers and television newscasts were filled with accounts of violence in eight city schools, John Doar, then president of the Board of Education, asked a reporter friend:

"Why don't you mention that there are 900 schools in the city? Why not a headline saying, 'Children Learning Peacefully in 892 Schools?' "

RESPECTED BY EDUCATORS

The implications of Mr. Doar's remark are important, for if New York shares an educational crisis with other major cities around the country, it continues to enjoy respect among the nation's educators.

Harold Howe 2d, who was the United States Commissioner of Education in the Johnson Administration, believes, for example, that New York's schools are of higher over-all quality than those of most other big cities.

This is not an assessment that is easily grasped, in part, because there are no fully acceptable yardsticks by which to measure the quality of one school system against another, and, in part, because the size of New York's school system places it in a special category. Only 11 of the 50 states have as

many public school students as New York has, which means that all of the city's educational accomplishments and failings should properly be compared—if that were possible—with the records of entire states.

Despite the absence of conclusive measurements of educational performance, there are some indicators of success or failure, and on these New York does fairly well in comparison with other cities.

In reading tests conducted in 1968, for example, 41.3 per cent of the city's sixth-graders demonstrated an ability to read above the national norm, as against 24 per cent in Philadelphia and 25 per cent in Boston.

ANOTHER STUDY CITED

This is small consolation, of course, since the majority of the city's sixth-graders were recorded as reading below the norm.

Another reading study offers further evidence, however, that the problem lies in the system's inability to educate the poor and culturally deprived. This study found that in 10 schools with predominantly Negro enrollments, the proportion of fifth-graders reading at or above their grade level ranged from 14 per cent to 44 per cent, while in 10 schools with a predominantly white enrollment the range was from 31 per cent to 73 per cent.

The necessity of educating large numbers of disadvantaged children is not likely to diminish during the foreseeable future. Between 1957 and 1964, the city's white public school enrollment declined by 85,000. At the same time, black enrollment increased by 111,000 and Puerto Rican enrollment by 60,000.

Together, these two groups now constitute 54 per cent of the total public school population.

Total enrollment, which declined with the white middle-class exodus to the suburbs in the post-World-War II period and because of the low Depression-era birth rate and the growth of parochial schools, now stands at the same level it reached in 1934.

But while the school system has only 10 per cent more pupils than it had in 1939, its staff has grown from 40,000 to 66,000, permitting smaller classes, additional specialized services and administrative positions, but bringing charges from Mayor Lindsay that the system fails to use its resources effectively.

"Our schools are the most lushly funded school system in the nation," Mayor Lindsay said in a recent interview. He said that per pupil expenditure starts at $969 in ordinary grade schools and rises to $1,200 in the More Effective Schools, which are designed to provide enriched programs for disadvantaged children.

"It has the best teacher-pupil ratio of any city—not just some but any city in the country," the Mayor continued. "And yet the problem is that the management of the thing is such that we just don't get the production."

Albert Shanker, the president of the United Federation of Teachers, agrees with the Mayor's statistics, pointing out that Detroit operates classes of 45 pupils while the maximum class size in New York is 34 and many are substantially smaller than that.

Mr. Shanker disagrees, however, with Mr. Lindsay's evaluation of the quality of the school system. If children on the same socio-economic level are compared, Mr. Shanker contends, New York's educational success is greater than most other cities.

But to an increasing and highly impatient number of parents, the central issue was not that the city school system is working better than those of other cities, but that it did not appear to be working for their children.

Two strikes, one over wages and other labor issues, and one last year that involved the decentralization battle in the Ocean Hill-Brownsville district of Brooklyn, plus boycotts and other shutdowns have been closing the schools periodically, interrupting education over the last several years.

The Rev. Milton A. Galamison, a spokesman first, for integration and now for community control of the schools, expressed such dissatisfaction this way:

"The quality of education in our public schools continues to fall into intolerable depths, with community morale, the will to teach and the depths in decades."

Other black spokesmen, even more militantly, have accused the schools of "educational genocide."

But Dr. Robert J. Havighurst of the University of Chicago, an expert in urban education, believes such charges overlook "the whole complex reality of society" and turn the schools into "collective scapegoats for troubles of the city."

He says that "many of the local critics of the big-city schools have a naive faith in what the school can accomplish when it is not aided by the family."

Dissatisfaction with the schools came into social focus as never before with the emergence of the large black and Puerto Rican school population and into political focus with the presence of Mr. Lindsay, who declared in his 1965 campaign that a Mayor "must not shrink from taking stands" even at the risk of involving himself in controversy.

Thus the Mayor became identified with the push for decentralization and with the controversy over community control that erupted following the issuance of proposals by a mayoral advisory panel headed by McGeorge Bundy, the president of the Ford Foundation.

In reality, the demand for community control arose not out of any action taken by Mr. Lindsay or Mr. Bundy, but out of what Harlem considered a betrayal by the Board of Education in 1967.

At a time when integration was the paramount objective, community groups in Harlem has opposed construction of Intermediate School 201 at 127th Street and Madison Avenue on the ground that the new school would automatically fall victim to de facto segregation because of its location.

The Board of Education assured the community leaders that the school would be integrated and proceeded with its construction.

When the school was opened, the Harlem community's fears were fully realized. The school was virtually 100 per cent black and Puerto Rican. At that point, Harlem spokesmen turned to a new demand—not for integration but for the power to run the school as the community's own.

Out of this cry for community control grew the Ford Foundation's plan—which came long before the Bundy report on decentralization—to establish clusters of locally administered schools around I.S. 201, in Ocean Hill-Brownsville and on the Lower East Side.

The purpose, according to critics of the existing system, was not only to improve ghetto schools, but also to restore public faith in the school system through new management patterns.

RECRUITMENT LAG

One demand of community groups seeking control of neighborhood schools—more Negro teachers and principals—has been complicated, however, by a lag in the city's recruitment of Negroes and Puerto Ricans into teaching and educational administration.

Washington, for instance, has a predominantly black enrollment and a predominantly black teaching staff. Detroit, a labor city where the unions appear to have made an earlier peace with integration, has a school population that is 60 per cent black; 40 per cent of its teaching staff and 30 per cent of its administrative staff are also black.

By contrast, fewer than 10 per cent of the teachers and a mere handful of the administrators here are Negroes. The first Negro high school principal in New York's history was appointed last year.

The Board of Examiners, which controls the licensing of teachers, denies that it discriminates. In a literal sense, this is true, but many educators note that any tightly controlled admission system in which standards are established by the "ins" tends to reproduce itself in its own image.

Before 1930, veterans of the system recall, many Jews were barred from teaching in the city system on the basis of speech tests. Dr. Nathan Brown, executive Deputy Superintendent of Schools, remembers that when he entered the school system in 1937, there were only two Jewish high school principals—and seven other principals who had converted from Judaism to Catholicism.

This sort of pattern of self-reinforcing exclusion broke down under the pressure of Jewish insistence on entry into the school system. And today it is beginning to give way to a new wave of black and Puerto Rican men and women pressing for access and power.

In seeking access and power this group came into conflict with the middle-management layer of the school establishment and, by extension, with the Board of Education, which sets over-all policy for the system.

The board, ideally in traditional New York thinking, has been a nonpartisan body dedicated to what is best for the pupils without regard to what is best for any power bloc in the city.

However, experts in the field point out that in naming members of the board New York Mayors generally have been careful to try to keep a balance of Roman Catholic, Protestant and Jew and, with the rise in Negro and Puerto Rican population, these groups have successfully pressed for representation.

And, while Mayors usually have said that they did not interfere with their boards, these experts are not so sure that this has been precisely true.

Old-timers in the system say, for example, that former Mayor Fiorello La Guardia often involved himself in educational matters, not always with the best results for the schools.

Former Mayor Robert F. Wagner is often cited as a model hands-off-the-schools Mayor. Yet veterans in the system say that this did not keep him from getting many things that he wanted.

"He'd pick up the phone and talk to the right party," one of them said recently. "But, of course, most of the people involved were Democrats and so it remained a family affair."

In contrast, Mayor Lindsay, in a stand similar to Mayor La Guardia's, let it be clearly known that he intended to take a strong role in determining school policies on the ground that the Mayor had to take responsibility since he appointed the members of the Board of Education and helped to set its budget.

MAYOR CRITICIZED

Once he became publicly identified with school policies, the Mayor also become a target for criticism from members of the school hierarchy and teachers union. Much of this centered on the following contentions:

By being publicly identified with one or another side of an issue the Mayor could not mediate crucial situations as effectively as he might have had he not been involved.

The Mayor's reluctance to deal with labor leaders behind the scenes made contract negotiations more combative and costly.

The Mayor did not have as much technical and administrative knowledge of school affairs as the school officials who had been operating the system over the years.

Mr. Lindsay's answer to these charges is that it was the ineptness of the educational bureaucracy that compelled him to step into the situation in the first place and that as the Mayor he could not remain passive about

so central an issue as the quality of public education.

And while there has been hostility between him and Mr. Shanker in the past, many observers within both the union and the Board of Education now believe that relations between the two have greatly improved.

The State Legislature has now stepped in to reduce the Mayor's power over the Board of Education. In its last session it directed that the board named by the Mayor be replaced by an interim board appointed by the city's five Borough Presidents. This board will be replaced next year by a seven-member board, five members to be chosen in borough elections and only two to be named by the Mayor.

The legislation was not what the Mayor had sought. Some school officials, including Mr. Doar, say that a lack of administrative followup explains the defeat of most of Mr. Lindsay's decentralization proposals when the school bill was finally pushed hurriedly through the Legislature in April.

There is at the same time, an equally widespread feeling among critics that the school system itself is also lacking in administrative follow-through, and that this has, in fact, forced the Mayor to step into the battle.

These critics cite as examples the following two planning and construction problems:

When the city followed a state recommendation to move ninth-grade pupils from junior high schools to high schools to speed integration, it did not plan new high schools, thus creating the overcrowding that fueled much of the present unrest.

The school board planned new comprehensive high schools that would include both vocational and academic programs. One was to open in 1968 and four other plus four additions to existing schools were to open this year; none of this has been accomplished.

As in many city crises the Board of Education and the City Planning Commission accuse each other of causing such delays.

Another example critics cite is the much publicized Higher Horizons program, which offered special instructional and cultural opportunities to disadvantaged youngsters. When these intensive efforts showed signs of paying off, the program was spread to so many schools that—without extra funds—it was diluted into oblivion.

Still another criticism has been directed at the system's unwillingness to respond to those it has found too radical, with the result that relatively moderate pressures have been supplanted by more militant demands.

Seven years ago, for example, the school system recoiled from the demands by the National Association for the Advancement of Colored People for speedier integration. Bayard Rustin was then (as he is now) a leading integrationist spokesman, but James B. Donovan, then president of the Board of Education refused to meet with him because he was considered to be an extremist.

The current level of black militancy makes it poignantly plain that Mr. Rustin and the N.A.A.C.P. merited more considerate treatment.

Just as the primary and secondary schools have been the target of demands for improved service to the disadvantaged, so too has the City University, where black and Puerto Rican students, joined by white radicals, have staged disruptive and at times violent demonstrations against allegedly inadequate admissions for the minorities.

But the university has, in fact, established a national record along these lines: 20 per cent of its total enrollment is now black and Puerto Rican and more than 3,000 students are enrolled in special programs to aid the educationally handicapped.

Moreover, the giant tuition-free City University has expanded steadily to its current total of 166,000 students, a growth of almost 50 per cent in the last five years. With its new affiliation with the Mount Sinai School of Medicine, the university now offers courses from junior college through the highest professional level.

The university thus offers New Yorkers opportunities for mass higher education on a basis unequaled anywhere except in California with its statewide college and university network.

MASTER PLAN FOR CITY UNIVERSITY

By 1975, under a master plan for the City university, every high school graduate in the city will be assured of a post-high school education, 25 percent in skills centers that are a step below the community colleges.

Despite the City University's accomplishments, however, its fiscal stability has deteriorated to a point of crisis and there is a growing sentiment—enunciated recently by Dr. Buell G. Gallagher, the former president of City College—for incorporating the City University into the State University system.

While the City University's problems may be transferred ultimately to the state, the city and its people cannot so easily shed the problems of elementary and high school education.

A few have found an answer in private schools, but they enroll only about 25,000 pupils, a tiny fragment of the total school population and their tuitions, now about $2,000 a pupil at the high school level, are skyrocketing. Even the parochial schools which now have about 350,000 pupils, have felt a financial squeeze and their enrollment has dropped 12,000 in the last four years.

So for most New Yorkers with children, the battle for quality education will be fought—and won or lost—in the public elementary and high schools.

A PACESETTER

Mr. Shanker believes that after "extreme" forms of community control are curbed, the progress brought by decentralization of the school system may well set the pace for the nation's other large cities.

Deputy Superintendent Brown thinks that the strife that has wracked the system in recent years has created a greater sense of healthy participation especially among the poor. "Where a principal has really mobilized his own parents." Dr. Brown said, "the extremists have little chance to take over."

Mayor Lindsay is displeased by the decentralization bill that was finally passed in Albany, foreseeing political party domination of the elected school board. He has urged all segments of the system, however, to try to make the best use of new opportunities to decentralize the system.

But many members of the black community are openly angered by what they consider concessions in the bill to the teacher's union and by the abolition of the demonstration districts.

Thus at this point no one can assess the future of the city's school system, and the million children who are dependent upon it, unless it is to say that the time of suspicion and frustration is not yet past.

THE CHANGING CITY: SOCIAL TENSIONS

(The following is the seventh report in a series on the problems of New York City)

(By Sylvan Fox)

Deep and often violent divisions between the middle class and the poor and between the white and the black threaten the existence of New York and other cities as they are now organized, according to many urban officials and scholars.

Finding a solution to the problem is complicated by the fact that—in the words of John Gardner, chairman of the Urban Coalition—the people involved in the conflict live in "fragmented worlds."

It is complicated, too, by the fact that the fear, disorder and social upheaval plaguing the cities reflect racial and class differences that have emerged with dramatic sharpness only during the last few years.

Three major factors have contributed to the creation of these strains in the fabric of urban life:

The new insistence by large segments of the poor—and especially the black poor—that they substantially control the schools, hospitals and other institutions that affect their lives.

The willingness of the poor to express these demands by employing tactics of social disruption and even violence.

A resulting feeling on the part of the city's middle class—both white and black—that this assertiveness by the poor threatens them and is transforming the city into a place that no longer works for them.

UNEXPECTED, EXPLOSIVE CHANGE

"We're running completely out of time," Senator Jacob K. Javits commented. "One big mistake and it will all be over. It will just be one big slum."

So new is the present situation that no candidate in the 1965 Mayoral campaign anticipated the cataclysmic changes that brought a transformation of substantial segments of the black community into a group no longer asking for integration, but demanding—often in stridently separatist terms—a significant share of autonomous control over the institutions of society.

Nor did the candidates foresee the increasing disenchantment that has evidently stimulated a new wave of migration to the suburbs by members of the middle class in response to the new turbulence in the city.

After he became Mayor in 1966, John V. Lindsay began walking the streets of the city's black and Puerto Rican ghettos in a dramatic and largely successful effort to convince restive minority group members that City Hall cared about their problems.

Today, Mr. Lindsay spends at least as much time visiting middle-class neighborhoods in an effort to dispel the conviction of large segments of the middle class that City Hall does not care about theirs.

Senator Javits, looking back over the last few years, believes "priority had to be given to the poor or they would have torn the place down."

Challenging Senator Javit's analysis, Mayor Lindsay says: "There's a big commitment to the poor, but the larger commitment is to the middle class. Most of the priority on the expenditure of funds has been directed toward the middle class."

It is almost irrelevant which analysis is correct. What really counts is the delicately interlocking nature of the city's problem: as efforts have been made to improve the lot of the poor and the Negroes, the middle class has felt cheated and threatened. And when attention has been turned to the middle class, the blacks and the poor felt abandoned, helpless and hostile.

This has forced the Mayor to search for ways of dealing with the new racial and class tensions that have emerged.

SEARCH FOR SOLUTION

Mayor Lindsay created the Urban Task Force to open channels of communication between the black and Puerto Rican communities and City Hall, and he and members af his administration have conducted rounds of meetings with religious and community groups in an effort to reduce the city's ethnic, class and racial antagonisms.

But these efforts, most urban authorities agree, must be measured in the context of the magnitude of these problems, for which there are no easy solutions.

These authorities say that the vocal and often violent expressions of "the revolution of rising aspirations" among the poor and the reaction of hostility among segments of the white middle-class reflect national and international sccial forces. The problems created by these forces, they say, cannot be

resolved by local government or perhaps by any government.

"These pressures were being created and developed regardless of the administration that happened to be around," said Jerome Liblet, the program director of the Center for New York City Affairs at the New School.

The pressures are evident everywhere in the city—in the comments of a white storekeeper who complains that black people "are trying to get everything for themselves" and in the cries of young black militants that "the white man is unqualified to make judgments about the lives and needs of black people."

THE TAXI SYNDROME

They are evident as well in the peculiar cycle of racial hostility that surrounds the city's taxicabs.

White cab drivers avoid going into black neighborhoods not so much because they are bigots, but because they fear being attacked or robbed in high-crime areas.

As a result, black people find it hard to get a cab. They feel insulted and humiliated and accuse white drivers of being racists.

Because there are so few licensed, white-driven cabs in the ghettos, unlicensed gypsy cabs manned by black drivers have proliferated in these neighborhoods. And as more gypsy cabs with black drivers have appeared on the streets, white cab drivers have expressed anger in racial terms at the growing competition.

In recent months, the gypsy cabs have appeared with greater frequency in midtown areas, to the increasing chagrin of white cab drivers who charge that the gypsies are often inadequately insured, are illegally picking up passengers who hail them and are tolerated by the city because they are driven and used by Negroes whom the city does not wish to offend.

UNWANTED ACTIVITY

"Nobody," Mayor Lindsay says, "wanted the agitation and the movement and the energies and what-not that have happened in the last few years. But it has happened."

Dr. Kenneth Marshall, a black official of the Metropolitan Applied Research Center, says of this: "People at the bottom began to have a sense of not being just helpless victims."

Aided by vigorous community-action organizations created through the Federal anti-poverty program, the poor began to force changes by using, in the Mayor's words, "every device that there was to pull themselves up."

Young married couples moved to the suburbs to find a patch of green, a more placid environment in which to raise children, a place to escape from the frantic pace of the city, a piece of the world that they could call their own.

By the early 1960's, demographers say, most of those who preferred the suburban life style to that of the city had moved and the out-migration had dwindled to a trickle.

While a difficult group to define, the middle class in practical terms consists of the roughly 70 per cent of the city's white and black population that has a family income level above the poverty threshold of about $7,000 or $8,000 a year (depending on family size) and below the level of affluence enjoyed by those with incomes of $30,000, $40,000 and more.

A FAITH IN THE SYSTEM

It is a group whose members share a strong desire for stability and tranquility, have a basic faith in the existing social system and seek above all an opportunity, as one middle-class resident of Queens said, "to live a decent life, send my kids to a decent school and give them a chance to grow up to become decent adults."

Huge numbers of this group spilled from the city into the suburbs in the 1950's, creating the vast suburban belt that now surrounds New York.

BACKGROUND TO VIOLENCE

Then, as Mr. Gardner, a former Secretary of Health, Education and Welfare in the Johnson Administration, put it, "the storms came" and the cities "cracked wide open."

Plans for the busing of children to integrate schools were angrily opposed by some white middle-class parents. Negro resentment over discrimination that cost them jobs, housing and education erupted in Harlem in the riot of 1964.

Street disturbances broke out in Bedford-Stuyvesant and East New York in 1966 after major riots around the country. The following year Puerto Ricans, angered because an off-duty policeman had killed a Puerto Rican who had been in a knife fight, took to the streets of East Harlem in a riot that cost three lives.

Meantime, the black ghettoes boiled with new demands for equal rights that became more and more separatist in orientation, focusing on calls for black control of schools, hospitals, police precincts, businesses.

CRIME A MAJOR ISSUE

Crime in the streets emerged as a major urban problem, assuming in many instances strongly racial overtones. The welfare burden mounted to unforeseen proportions and it too acquired heavily racial implications.

Finally, the school decentralization conflict erupted, bringing the teachers' strike and further polarizing the city along racial and class lines.

Anti-Semitic statements were made by extremist Negroes, touching off a reaction among Jews that divided two traditionally sympathetic groups. Unions were accused of being racist. For a time, the fabric of the city seemed to be unraveling.

At the same time, relations simmered between the city's 840,000 Puerto Ricans and 1.5-million Negroes.

Many Puerto Ricans are white and for them assimilation into the majority society of the United States poses much the same problems that were encountered and solved by earlier immigrant groups from Europe.

Black Puerto Ricans, however, face the same racial problems faced by black native Americans. But some Puerto Ricans, regardless of their skin complexions, resent being lumped with black Americans. And some black Americans feel a measure of hostility toward Puerto Ricans because of the relative success of many Puerto Ricans in moving into the social mainstream.

The response to all of these internal tensions in the city by many members of the middle class—both white and black—has been a new flight to the suburbs, according to population experts.

Among those most susceptible to the appeal of the suburbs were those most directly threatened by the spread of black ghettoes—the lower-middle-class white residents of Brooklyn, some parts of Queens and the Bronx.

"The upper-middle-class New Yorker doesn't have to worry about black people moving in large numbers into his neighborhood," said one demographer. "They can't afford it. But the small home owner in Queens or Brooklyn does."

"It's the white guy who feels most threatened, who's desperately trying to hang on to what he's managed to get—his status in the middle class—who is likely to have the strongest racial feelings," one urbanologist said.

NEIGHBORHOODS IN TRANSITION

As the black and Puerto Rican ghettoes continue to expand into many neighborhoods in the city that for generations had housed lower-middle-class white families, additional problems result. Young whites, whose earning power and interests are vital to the city's economy, often flee to the suburbs. But their parents remain, locked in their inability to find new apartments that would remotely approach their rent-controlled ones, frozen in old ethnic attitudes of resentment toward strangers, blaming and fearing the newcomers for the crime and the deterioration and the loss of community that result when the landlords stop maintaining services and merchants move.

Typical of such people are a $140-a-week salesman and his wife who live with their three children in a one-family three-bedroom house in Queens Village. They are thinking of moving to Nassau County.

PROPERTY TAX CITED

Why? The wife answered the question this way: More Negroes are moving into their neighborhood and the local junior high school has become "heavily Negro and is terrible."

"While we approve of helping those too old to work," she says, "the city pays out too much in welfare. Practically all or at least half the $350 taxes we pay on the house we bought for $15,000 seven years ago goes for welfare."

Actually the house is now worth about $21,000 and taxes in Nassau County on such property would be substantially higher. But, like the other points the housewife makes, their relevancy to her situation stems not from fact as much as from deeply felt emotions.

No one has sold statistical information on how extensive the new flight to the suburbs has become. Those who believe it is substantial—and this includes almost all urban authorities—explain that we are nine years from the last census and that very little reliable information will be available until the 1970 census is completed.

THE EXODUS INCREASES

These authorities are impressed, however, by such information as came from the Census Bureau recently and was included in a report published by Urban American and the Urban Coalition.

This report showed that whites left America's cities at the rate of 140,000 a year before 1966. Between 1966 and 1968, the report said, the rate of flight increased to nearly 500,000 a year.

There are other clues that indicate new movement to the suburbs. State Department of Commerce figures show that New York City, which had a population of 7.7-million in 1960 grew to 8.1-million in 1968—an increase of 4.4 per cent.

At the same time, however, Rockland County's population rose by 56 per cent; Westchester's by 8.1 per cent; Nassau's by 10.6 per cent and Suffolk's by 54.3 per cent.

This migration clearly is not limited to whites. In one block in Teaneck, N.J., for instance, a dozen middle-class Negro families have bought homes in the last two or three years and similar patterns can be seen in Englewood and other suburban areas known to be hospitable to Negroes.

Those close to the black community are convinced that many—probably most—members of the black middle class share identical concerns with the white middle class about civil disorder, crime, the mounting welfare burden, the quality of education and the other problems of life in the city.

THE LEADERSHIP FUNCTION

But Dr. Marshall of the Metropolitan Applied Research Center says that a smaller group within the Negro middle class is highly conscious of its connections with the black masses and sees itself performing leadership functions to help Negroes get "a significant piece of action" in the society.

Portions of this group share the intensification of feeling among some Negroes in all economic classes and particularly among the young that separatism and not absorption into the mianstream of urban society is the most efficient path to a better life.

This view is not new. During World War I Marcus Garvey set up his headquarters for the Universal Negro Improvement Associa-

tion in New York and in the 1920's he had thousands of black people marching under a program that called for the establishment of Negro-run businesses, schools and even a Black Cross equivalent to the Red Cross.

For a long time, the main preoccupation of most Negroes was directed at intergration into the dominant American society. When the institutions and social mores of the nation proved more resistant to change than was hoped by many Negroes, however, the separatist position gained a new relevancy and new followers.

RACISTS BLAMED

This approach contended that racist elements in the society were cumulatively restricting opportunity for nonwhites. Many labor unions were closed to all but a handfull of black journeymen; colleges and universities appeared out of the reach of most slum youths.

For a man like Roy Innis, the national director of the Congress of Racial Equality, blacks can achieve parity with whites in a truly pluralistic society only after they have achieved control over their own institutions.

He maintains that until blacks in the nation's "internal colonies" achieve recognition as a people and gain sovereignty over their geographical cultural entities—the ghettos—they will not have satisfactory economic development.

Mr. Innis urges the granting to "the Harlems" of local control over such institutions as schools and hospitals, whose budget could produce capital to be reinvested "in the community, by the community."

What it is to be black in New York City was expressed recently by a father of two girls, one 10, the other 9, who said life for his family—middle-class Harlemites—is "like waging a daily war to maintain one's sanity."

"It's at least 50 percent more difficult for black families," he said, "than it is for white families of the same economic bracket."

This New Yorker is a personnel executive who earns $15,000 a year and to his annoyance pays $225 a month for rent. "I get less house for the same buck," he said. "And I can't move to the suburbs because they're not eager for me there."

"I also pay more for all kinds of insurance—car, fire, theft. Living in Harlem, I'm always considered a risk."

"You wonder why we want community control in schools? he asked. "Because of the local school situation I have to send my daughters out of the area—and even that's not satisfactory. Last week my daughter was in a class play. She and the other black girl in her class had the traditional Negro singing roles. White children had the speaking parts."

GAINS BY NEGROES

Despite persistent discrimination, however, the black middle class is obviously growing in this city and throughout the country. Recently published figures show that in 1952, only 7 percent of the nation's nonwhite families had incomes of more than $7,000 a year. By 1967, that proportion had risen to 34 percent and if the South is excluded, the figure is even higher.

To some urban experts, this growth of the black middle class is an evolution of major significance, heralding establishment of a "new middle class" to replace the whites who have deserted the cities.

Senator Javits is one who believes that this "new middle class" will emerge as a potent force in New York in five to 10 years.

The concept of "the new middle class" was at the heart of the "Plan for New York City," a massive master plan for the city's future drawn by the City Planning Commission.

The plan proposes that the city spend $1.9-billion a year to create a new middle class through a system of direct payments to the poor, the development of new public service jobs, subsidy of expanded jobs in private industry and stipends to poor people taking advanced training.

"We are not pursuing the chimera of a mass return of the middle class," the master plan says. "That is not going to happen. If the city is to have a thriving middle class, it will have to create it."

CLASS MOBILITY NOTED

Other specialists are not impressed with this approach. They note that as the poor—including the black poor—have moved into the middle class, they, like their wealthier counterparts, have often fled the city for the suburbs.

One such urban expert is Jerome Liblet of the New School. He argues that a new, predominantly black middle class in New York would not adequately replace the ethnically mixed middle class that is fleeing because of rising taxes, higher rents and "the subtle pressures that frighten people."

Diversity, Mr. Liblet and others believe, is the crucial ingredient that makes New York the exciting place it has traditionally been.

For many urban authorities, the answer is not just to elevate the city's poor to middle-income levels—as important as that is—but to concentrate as well on retaining as many white middle class people as possible. This, they say, must be done by solving a whole realm of social and economic problems such as housing, crime and welfare.

RACE NARROWS FOCUS

They say that many members of the white middle-class perceive the welfare problem in narrow racial and class terms, rather than as a problem of the society as a whole.

This is because the overwhelming proportion of people on welfare in New York City are Negroes and Puerto Ricans. For the middle class, with its strong belief in the work ethic and in self-reliance, this is a source of irritation that further kindles hostility and divisiveness in the city.

"If the city weren't financing welfare," said Dick Netzer, the chairman of the economic department at New York University and an authority on urban taxation, "it could reduce or eliminate the sales tax and eliminate the income tax."

Because of the racial and class hostilities and the complexity of reconciling the differences between the clashing groups many urban authorities believe that time is running out for New York and other cities. "I'm worried now," says Mr. Liblet. "I've just become worried."

LOOKING TO WASHINGTON

Dr. Russell Nixon, the director of New York University's Center for the Study of the Unemployed, says that one way of creating "a balanced city enriched by its ethnic diversity" is through more aggressive political leadership "that will assert itself in Washington."

"What is needed", he declared is "a large-scale reassignment of resources" that would pour billions of Federal dollars into the cities to deal with the wide range of problems that beset them.

"Part of our difficulty," Dr. Nixon says, "is that we are involved in confronting the culmination of a lot of defaults of the past which make the problems difficult to deal with and imperative that they be dealt with and hard and fast."

John Gardner of the Urban Coalition agrees and adds a note of stringent criticism of what he calls "the irresponsibility" of the middle class.

"Here is a class," he says, "that has been done pretty well by in economic terms. But typically, they are not doing much to make this a thriving society.

"They get out to the suburbs and they don't give a damn what happens. They're not citizens any more in a Periclean sense. They're not responsible members of a city in a civic sense."

"They conceive of the city's problems as something you can run away from," Mr. Gardner says grimly. "But there just isn't a far enough place to run."

[From the New York Times, June 8, 1969]

THE CHANGING CITY: POWER IS LIMITED

(By Richard Reeves)

New York is the wealthiest city in the world and its name is synonymous with international power, but its government can mobilize only a fraction of the city's resources to deal with the problems of the people who live here.

That paradox is at the root of the city's problems, according to many urban officials and scholars.

New Yorkers pay almost one-fifth of all the income taxes collected by the Federal government, but city officials complain that they cannot get a $50-million Federal loan to rehabilitate old homes in the Crown Heights section of Brooklyn.

New York provides 43 per cent of the state's tax revenue, but does not have the power to raise the price of a dog's license from $5 to $6 without the approval of the State Legislature.

The city provides jobs for 500,000 commuters, but its government does not operate most of the bridges and tunnels they use to get here.

The people of New York may be the most talented and powerful assemblage on earth, but some think of government in terms of the White House and Common Market rather than City Hall and the Board of Estimates.

The powers of city government are often overrated, according to numerous officials and urban experts interviewed in recent weeks. They say New York often cannot get full use of its own resources to solve problems in housing, air pollution, health care and other areas for many reasons, including these:

No city has standing under the United States Constitution. Thus, New York City has no powers or rights other than those granted to it by the State of New York. As a result New York has almost no direct link with Washington, which collects $15 billion in individual income taxes and $6 billion in corporate income taxes here. The city gets back less than $1 billion in Federal aid after Washington takes care of foreign policy, defense, farm subsidies and other national concerns.

The state retains the right to control such details of city government as the power to decide what taxes the city may impose, how many hours a policeman may work and how much a dog tag costs. Some political leaders here agree that times have not changed much since 1905, when George Washington Plunkitt, a Tammany Hall politician, said: "This city is ruled entirely by hayseed legislators from Albany. . . . The hayseeds think we are like the Indians to the national Government, that is, sort of wards of the state, who don't know how to look after ourselves and have to be taken care of by the Republicans of St. Lawrence, Ontario and other backwoods counties."

The city is serviced by 300,000 employes welded into a bureaucracy that Lyle C. Fitch, president of the Institute of Public Administration and a former City Administrator, characterized as "antiquated machinery faced with Civil Service systems that reward mediocrity."

The city has no identifiable power structure, but is led by shifting coalitions of business interests, unions, religious and ethnic groups and the government. While smaller cities have consistent civic leadership, many important New Yorkers involve themselves only in occasional local issues and spend most of their time on national and international interests. In the words of Andrew Heiskell, chairman of Time Inc. and the New York Urban Coalition, "They use the city as a launching pad to go hither and yon."

The city, like others, is surrounded by suburbs, 1,500 of them, which many New Yorkers say take the best the city has to offer and return very little aside from the skills and leadership they provide for commercial enterprises. Scarsdale is one: 80 per cent of its men commute here each workday, including Saul Horowitz Jr., president of one of New York's largest construction firms and a civic leader—in Scarsdale, where he is the Mayor. "We are close enough to New York so that people here can take part in New York life," he said, "but far enough away so that there is a geographical chasm between New York's problems and Scarsdale."

URBAN CRISIS IS NATIONAL

Most of those problems are not unique to New York—talk of the national urban crisis has become so routine that more than half the speeches made last year by the Secretary of Agriculture were about the cities—but there is a difference in degree between New York and other cities.

"The difference between an elephant and a mouse," Dr. Fitch said.

New York is larger than 66 members of the United Nations and since World War II has absorbed the migration of an estimated total of 2-million Negroes and Puerto Ricans about the same number of people taken in by the entire United States in the great Irish migration of 1845 to 1870.

Many experts argue that New York and other cities—which have received an additional 1.5 million poor people—have handled this national problem remarkably well despite the broad social and economic problems it has caused.

"Urban life has improved enormously in this century," Dr. Fitch said in an interview last week. "We have come a good way from the time when urban conditions were synonymous with periodic ravage by fire epidemics, with muddy streets, corrupt and compliant courts and police, and large sections having no pretense to law and order."

He and others make the point that society no longer will tolerate street urchins starving or freezing to death, or poor women dying in childbirth without any kind of medical attention.

PROBLEM OF STANDARDS

But they add that society's efforts to meet the rising expectations of the poor with programs to improve schools, housing and other basic needs have created other problems.

"The City of New York is in trouble because it has set itself standards it's unwilling to pay for," said Roger Starr, executive director of the Citizens Housing and Planning Council. "It's like a person living beyond his moral means."

That is part of the reason that New York government, which sometimes stumbles over mouse-sized problems, seems to be constantly under siege from residents demanding better service, perhaps new welfare benefits, police protection or health care that they feel entitled to.

Mayors often meet these demands by saying that there is nothing they can do. They are without options, they say, because they just don't have the money they need. Salaries and welfare, for example, account for more than 80 per cent of New York's next budget, local taxes cannot be raised without driving away the upwardly mobile and taxpaying middle class, and Albany and Washington are not doing their share, according to this argument.

All around the country other mayors also contend that Washington has the options. They point out that Washington has taxing power—the income tax—geared to an expanding economy and that in the last eight years, according to the President's Council of Economic Advisers, it spent $10.3-billion for programs related to metropolitan problems, compared with $39.9-billion for agriculture, $30.3-billion for space and $507.2-billion for defense.

There are times when the Mayor of New York seems to have so little power that serious observers argue that it does not make any difference who is in City Hall. They contend that city government is nothing but a service institution, that it exists not to make laws or change the human condition, but to pick up garbage, put out fires, mail out relief checks and protect citizens against crime.

Others scoff at that conclusion. In the 1965 edition of "Governing New York City," a comprehensive study by Wallace S. Sayre and Herbert Kaufman, the authors say that the Mayor has both "extensive executive powers [and] significant legislative responsibilities."

LACK OF TAXING POWER

These executive and legislative responsibilities, however, must be exercised within the strict limits of state and Federal law. For example, the Mayor acts as a legislator when he sits on the Board of Estimate to approve the budget that he, as an executive, has submitted. But that budget may come nowhere near what he really wants because he does not have the taxing power that he wants.

In the context of limited municipal power, political scientists rate the Mayors of New York and Chicago as the most powerful in the nation under their City Charters. For example, they have the power to make appointments without City Council confirmation and do not have to deal with numbers of boards, which supervise municipal services in cities like Los Angeles and Minneapolis.

In fact, although New York has two legislative bodies—the City Council and the Board of Estimate, consisting of the Mayor, Council President, Controller and Borough Presidents—with powers to change the city budget, those bodies have never had substantial impact on any Mayor's administration.

The most important power of a Mayor, as defined by Sayre and Kaufman, comes from the fact that he is "the symbol of unity of the city . . . the central focus of responsibility . . . the problem solver, the crisis handler."

In other words, the buck stops at City Hall. The Mayor is the man called on to settle private disputes like a mid-winter strike of fuel oil truck drivers, to mediate between the city's power blocs, to plead for "the civic good" in Washington or Albany or among the city's bankers.

STYLE A FACTOR

The style of a Mayor is generally considered integral to the city's daily operation and future direction. In just three years, Mr. Lindsay was praised for walks in the slums that some people thought helped to prevent major riots, and he was criticized for the way he handled labor relations and the tone of voice he used in talking to union leaders.

But while a mayor's style may improve some situations and worsen others, he and his city are still suspended under Albany and Washington. Relations between the city and the two capitals and other restraints on the use of their resources are discussed below.

CITY AND WASHINGTON

Thomas Jefferson, a gentleman farmer from Virginia who helped set the constitutional pattern for relations between the Federal Government and cities, wrote to friends like James Madison, after the Revolutionary War: "I view great cities as pestilential to the morals, health and liberties of man. . . . The commercial cities, though, by command of newspapers, they make a great deal of noise, have little effect in the direction of the government."

That last sentence could have been written by any Mayor of New York contemplating the fact that in fiscal 1969, the city got back about 4 cents on each dollar collected here in individual and corporate income taxes and that most of that money was spent under the strict supervision of Albany.

Students of urban affairs point out that just being part of a large state reduces the city's share of Federal aid. Most urban-aid legislation stipulates that only 12.5 per cent of the total appropriation may go to a single state—which means that New York City, Buffalo and two dozen other cities may share the same amount of money as all the cities of Idaho.

Another reason New York does not do too well on Capitol Hill, according to Congressmen from outside the city, is the international viewpoint of its 20-member Congressional delegation.

An aide to a Senator from another industrial state said New York's Congressmen "make speeches about the ABM and Vietnam while everyone else is scrounging around the departments trying to get money for the folks back home."

New York Congressmen traditionally try to switch from committees dealing with domestic problems to the Foreign Affairs Committees. This year two did make the switch—Senator Jacob K. Javits and Representative Jonathan Bingham of the Bronx.

"We don't use our clout—we should act as a unified delegation more often," said Mr. Bingham. He explained that he had left the House Banking and Currency Committee, which handles housing legislation, to go on Foreign Affairs, "because I believe peace is the most important issue of our time."

What that means is illustrated by the fact that one of the first American communities to receive aid under the Model Cities program to improve slum neighborhoods was Smithville, Tenn., a town of 2,300 which is the home of Rep. Joe L. Evins, a power on the House Appropriations Committee.

To try to get more money out of Washington the city opened an office there in 1966. Its work on the Public Broadcasting Act of 1967 is cited by city officials as an example of why the office is needed.

The original bill provided aid for state public broadcasting systems only, because its drafters did not know that New York City operated station WNYC. That omission, which would have cost WNYC $25 million in aid, was spotted by the city's Washington office.

The office says that it alerted New York Congressmen who promised to amend the bill in committee, but that the amendment was not made by the time the bill reached the House floor, where it was finally amended by Representative Richard L. Ottinger of Westchester County, who was hastily recruited by an aide to Mayor Lindsay

THE CITY AND ALBANY

Mayors have annually pleaded with Albany for more state aid and greater "home rule," the power to levy new taxes or to order policemen to work during the hours of maximum crime.

Charging the city has been "shortchanged" by the state they can show, for example, that the city provided the state with just over $2.5-billion last year and received back $1.52 billion in state aid.

The state can show, however, that while the $2.5 billion city contribution represented 43 per cent of state tax revenues, the $1.52 billion in state aid to New York amounted to 47 per cent of the money allocated to all state municipalities.

Governor Rockefeller emphasized in a recent interview that state aid to the city had increased so rapidly in recent years that there was no longer any basis for charges that Albany is "shortchanging" New York.

New York City politicians point out that the Governor, a voting resident of Westchester, is one of a triumvirate of Albany officials that often has almost complete control over city affairs—the other two are Senate Majority Leader Earl W. Brydges of Niagara Falls and Assembly Speaker Perry B. Duryea of Montauk.

However, defenders of the state government question whether New York City received substantially better treatment when city residents held any of the top positions.

Home rule—a local community's right to self-government—is an issue as old as the state. Proponents of more home rule point out that this year the Legislature passed bills allowing New York to reassign its policemen to a fourth-duty platoon during high-crime hours and raise the price of dog licenses.

City officials believe that the city should have the right to do even more important things without help from Albany. The city has also regularly protested state laws that require New York to partially pay for services that Albany provides free for upstate communities—for example, the city pays more than $10-million a year to maintain local State Supreme Courts and the jailing of state prisoners.

Some of the power of the state is rooted in Article 8, Section 12 of the State Constitution, which says:

"It shall be the duty of the Legislature, subject to the provisions of this constitution, to restrict the power of taxation, assessment, borrowing money, contracting indebtedness, and loaning the credit of counties, cities, towns and villages, so as to prevent abuses in taxation and assessments and in contracting of indebtedness by them. Nothing in this article shall be construed to prevent the Legislature from further restricting the powers herein specified. . . ."

The attitude of Albany toward New York is sometimes attributed to what Edward J. Logue, executive officer of the State Urban Development Corporation, called in a recent interview "the automatic reaction in the rest of the state of fear, concern that the great big thing, the city, will swallow them up."

Critics of the state's power over cities note that Mr. Logue is directing an organization, created by the Legislature last year over the protests of Mayor Lindsay, that has statutory power to build anything it wants anywhere in the city without regard to local laws. To date, however, the corporation has moved only after lengthy consultation with local officials.

Similarly, the city has virtually no control over quasi-governmental agencies like the Port of New York Authority, which is answerable only to the governors and legislature of New York and New Jersey. When the authority decided to build the gigantic World Trade Center in Lower Manhattan—a plan bitterly opposed by many local people—city agencies could only gain some small voice in the planning by threatening to withhold approval of minor changes in city zoning maps.

THE BUREAUCRACY

Complaints about New York's massive bureaucracy are legion and legend—the simplest clerical job takes weeks, a citizen needs a guidedog to find the man who can sign the papers necessary to install a new furnace, social workers educated to counsel poor people spend three-quarters of their time filling out forms in duplicate, triplicate and quadruplicate.

But there is another side of the legend. Sayre and Kaufman put it this way: "The quantity and quality of governmental services is high. . . . The city government, almost as a matter of routine, has mastered most problems of size and complexity that confront it, and performs without fanfare tasks that would overwhelm the leaders and institutions of [other] communities. Every day, the government of the city competently discharges a staggering burden of responsibility."

The Lindsay administration has reorganized the bureaucracy by putting 50 old city departments into 10 administrations, or super-agencies. The Mayor sought the reorganization to try to centralize policy decisions but redistribute operating decisions to the lowest possible level.

"We must bring government down to the neighborhood level," he says.

But critics of the reorganization argue that it has just added another level to the bureaucracy. Conceding that it is too early to assess the new system's permanent impact, they still point to the well-publicized administrative chaos of the Human Resources Administration—where one top official recently answered a query by saying: "Can't you wait until we get organized?"—and the fact that many city officials spent months negotiating their places on organization charts instead of building houses or whatever they should have been doing.

On the other hand there is general agreement that the new Finance Administration has streamlined functions formerly handled by four small departments and boards.

There has also been a small but encouraging flow of bright young people—"A talent shot-in-the-arm from Harvard Business School," one veteran said—into the bureaucracy during the past three years, particularly in middle-management jobs in agencies like the Budget Bureau.

New blood is desperately needed in city government, which cannot match the money of business or the prestige of Washington jobs, to replace the talented people who came into the bureaucracy during the Depression and are now retiring in droves.

Mr. Lindsay has also hired outside consultants to do city research and planning. The municipal budget now includes more than $8 million in contracts with the Rand Corporation, management consultants and universities.

The massive municipal structure and incredibly complex paperwork—much of it designed as a system of double-checks to prevent thievery—makes the bureaucracy respond like a drugged elephant.

"You just can't get anything done quickly," said a city official who has been responsible for the 25,000 cars abandoned each year on city streets. "It's a simple problem in a small town, someone sees a car and calls the mayor or the police chief. Who do you talk to here? Outraged citizens have no way to get through to some clerk insulated from the public."

THE POWER STRUCTURE

"It may be said that nobody 'runs' New York," Sayre and Kaufman wrote. "It runs by a process of negotiation and mutual accommodation."

If New York is unique in one way other than its size, it is in the fact that the city has no rigid, identifiable power structure. Power here is exercised by shifting coalitions that may temporarily unite or divide City Hall, Wall Street and business interests or the Central Labor Council, the Roman Catholic Archdiocese of New York and the city's intellectual establishment.

Increasingly, as their numbers rise and they see what organization can do, Negro groups are moving into positions of power as earlier Irish, Italian and Jewish groups did.

The alliances shift with issues: construction unions and the Board of Education may unite to slow down school decentralization, then divide to battle over whether to use public funds for building housing or buying textbooks.

Some sociologists have commented on the relatively minor role played here by the city's wealthiest and most powerful men and institutions, in contrast to the role of the Mellon family in rebuilding downtown Pittsburgh or the activist role of Kodak and Xerox in Rochester.

Part of the reason, of course, is that New York's size makes it difficult to effect any great impact on the city.

Urban experts add that New York suffers because many of its most influential men are essentially citizens of the world rather than of the city.

"To them the city is essentially a massive communications switchboard through which human interaction takes place," in the words of Melvin M. Webber, professor of city planning at the University of California.

One indication of non-involvement in purely local civic affairs is that in a city that annually raises well over $1-billion for national and international philanthropies, private contributions to the research branch of the New York Public Library—the Fifth Avenue landmark guarded by stone lions—have not kept pace with the rising costs so that this year the city had to add $2.4-million above its normal allotment to keep the building open on a regular schedule.

Over the years, however, both rich and poor New Yorkers have formed hundreds of organizations to lobby for a better park system or cleaner air, to support nonprofit hospitals and other private charities and to bring important art to city museums.

Also, John D. Rockefeller 3d was the driving force behind the development of Lincoln Center for the Performing Arts, and his brother, David, chairman of the Chase Manhattan Bank, was the key figure in the development of the World Trade Center.

David Rockefeller, in an interview in his office near the trade center construction site, said the redevelopment of the downtown Manhattan business district showed that "the business community will get involved when it has a stake, as it did here—we turned around a deteriorating area in 10 years."

But then he added that "there is rather little business leadership on a citywide basis" and that the problem was to convince business that it had a stake in the total urban condition.

Edward Logue, who has been attempting to organize private participation in the plans of the state's Urban Development Corporation, agreed. "The business community here by and large has not found a way to effective citizenship at the local level," he said. "That's not true elsewhere—Buffalo, Syracuse, Boston and New Haven."

Mr. Heiskell said he hoped that the Urban Coalition was "the start of a change in the attitude of an awful lot of important people who don't give very much thought to the city."

The two-year-old Urban Coalition—a conglomerate of powerful men from business, labor, civil rights and religion—raised $4-million last year for programs like ghetto-street academies.

"If the power leaders of New York saw eye-to-eye, they could have a great deal of influence in Washington and Albany," said James Felt, a prominent real estate man and president of the Public Development Corporation, a quasi-public agency that tries to attract new business to New York. "But I think too many people think of what's going on in the city almost entirely in terms of what effect it has on their own particular welfare."

CITY AND SUBURBS

From the viewpoint of many city residents the 500,000 commuters who come to work here each day, crowd its subways, litter its streets, receive police and fire protection and pay a tiny earnings tax before returning home to pay property taxes and try to improve their suburban schools.

Even 20 years ago, E. B. White called the city "New York of the commuter—the city that is devoured by locusts each day and spat out each night."

Do these eight-hour New Yorkers owe anything to the city? Some point out that they help corporations make money that is taxed by the city, that they help to support restaurants and theaters, and that the city would have to operate its subways at an even bigger loss if suburbanites didn't help pay the fare.

Mayor Robert J. Rooney of Mount Arlington, N.J., who comes to Manhattan each morning to design industrial power plants to be located in all parts of the world, puts it this way:

"I feel I'm a citizen where I live. The only reason I've been coming here for 20 years is

because of my occupation. I don't like the place—downtown is dirty, people are impolite. I don't see anything similar in our problems at all. The minute I get out of the city I don't think of it at all."

DISPERSAL THEORY

That kind of comment, common in the suburbs, is viewed as offering little hope of ever effecting two solutions which some urban experts propose for city problems—programs designed to encourage the migration of poor people into the suburbs and plans to consolidate cities and suburbs.

The dispersal theory is advocated by Daniel P. Moynihan, director of the President's Urban Affairs Council and a onetime candidate for president of the City Council. He favors programs that would include housing construction incentives designed to open the suburbs to lower economic classes.

"Efforts to improve the condition of life in the present caste-created slums," he said, "must never take precedence over efforts to enable the slum population to disperse throughout the metropolitan areas involved."

Other experts, like Herbert J. Gans, a Columbia sociologist and writer on suburban life, do not believe dispersal is practical at the moment.

"The suburbs have nothing to gain by helping the cities," he said. "It's easier to turn their backs as long as they can get to their jobs. The only things they'll do don't mean anything—take a few black kids for the summer or come into the city and paint a few slum houses."

HOW THE CITY GREW

Consolidation of city and suburbs is not new—that's how New York got this big. In 1898, the city annexed its suburban neighbors which were then Brooklyn, Queens, Staten Island and part of the Bronx.

The man who conceived the consolidation of "Greater New York," Andrew Haskell Green, hailed it as: "The simple remedy of it all . . . to make the city where many nonresidential workingmen find employment the city of their residence."

No one talks of simple remedies anymore. They talk of decades of research, experimentation and commitment of money and men to bring New York and other cities a quality of life that Athenian citizens aspired to when each man spoke the oath of his city-state:

"We will ever strive for the ideals and sacred things of the city, both alone and with many;

"We will unceasingly seek to quicken the sense of public duty;

"We will revere and obey the city's laws;

"We will transmit this city not only not less, but greater, better and more beautiful than it was transmitted to us."

PHILIPPINE CITY GRATEFUL FOR AMERICAN MILITARY AND CIVILIAN COURAGE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. BOB WILSON. Mr. Speaker, too often we hear of the ugly American abroad, and too little of the many fine accomplishments of Americans in foreign lands. Recently, I learned of an event which merits the attention of our distinguished colleagues; one which I am sure will be as gratifying and as heartwarming to all as it is to me.

The U.S. Air Force maintains an installation in the Philippine Islands near the city of San Fernando in the La Union Province. Wallace Air Station and its 848th aircraft control and warning squadron supports operational units of both the Air Force and Navy.

On March 29, 1969, San Fernando was swept by a fire which destroyed over 200 homes and razed the entire business district. Local food and medical supplies were also destroyed. A situation of critical and urgent need developed immediately among San Fernando residents who were left homeless.

Lieutenant Colonel Charles R. Porter, U.S. Air Force, commander of the squadron, was contacted by San Fernando officials during the fire, requesting assistance from the station. I wish to quote from several letters from Philippine officials which relate the magnificent response by Colonel Porter's command. Mayor L. L. Ducanay of San Fernando, notes in his letter:

The conflagration brought about untold losses and suffering to many of us, but we are left with the consolation that among your personnel are men who are ready and willing to sacrifice their very own, so that the properties and lives of their fellow men can be saved.

The selflessness and bravery of your men who came to our rescue will long be remembered by our people.

Mayor Ducanay extended the official commendation of his city to the men of Colonel Porter's command and closed his letter by noting:

It is thus my sincerest trust that we will somehow be given an opportunity to reciprocate your high sense of cooperation and esprit de corps.

A second letter, this one from the Honorable Juvenal K. Guerrero, Provincial Governor, Province of La Union, recounted the devastating proportions of the San Fernando fire and estimated 10 to 20 million pesos in damage:

In the midst of their misfortune, however, they, the fire victims, will be consoled by the fact that many kind-hearted sympathizers like you and your men responded spontaneously and generously to a distress call.

Your donations in cash or in kind, through the La Union Chapter of the Philippine National Red Cross, helped them greatly in their hour of need.

On behalf of the provincial Administration, I wish to thank you most profoundly for your help to the San Fernando fire victims. I join them in the powerful hope that God will reward you for your generosity.

Other letters received by Colonel Porter express the same sentiments.

This was surely a true demonstration of what we refer to—but too frequently dismiss from our everyday life—as the American spirit.

The unselfish and heroic effort by our men in the Air Force was brought even closer to me in that a defense contractor in San Diego, Calif., had men assigned to the Philippines who were also singled out for their courage in the face of grave danger to themselves.

Colonel Porter's letter to Mr. Robert C. Jackson, president of Ryan Aeronautical Co. in San Diego, Calif., who maintains a field support base at Wallace Air Station, staffed by 27 civilian technicians, offers yet another view of this same spirit of compassion and warm-hearted generosity:

The response by your men (Ryan Aeronautical Company employees) was immediate and overwhelming. Without their unselfish and single-minded determination, the disaster would have been considerably worse.

To say that they won the everlasting gratitude of our Filipino neighbors is a gross understatement.

Philippine-American relations in our community have reached a new high, due in a large part to your people's generous and public-spirited help during this episode.

Mr. Speaker, I offer these testimonials today, at a time when America seems somehow to be victimized by a ruthless campaign of smear tactics in some parts of the world.

These young American men serving thousands of miles from home have left an indelible memory in the minds and hearts of good friends in the Philippine Islands. They have achieved a measured accomplishment for the United States.

Mr. Speaker, I include the following letters and article as a part of this RECORD:

REPUBLIC OF THE PHILIPPINES,
PROVINCE OF LA UNION, MUNICIPALITY OF SAN FERNANDO, OFFICE OF THE MAYOR,

April 1, 1969.

THE BASE COMMANDER,
Wallace Air Force Station, Poro Point, San Fernando, La Union.

SIR: In behalf of my constituents and the municipal officials of this municipality, please accept herewith our sincerest appreciation and gratitude for the invaluable assistance extended by your men in putting out the fire which totally burned down our commercial center in the morning of March 29, 1969.

The conflagration brought about untold losses and sufferings to many of us, but we are left with the consolation that among your personnel are men who are ready and willing to sacrifice their very own, so that the properties and lives of their fellowmen may be saved. The selflessness and bravery of your men who came to our rescue will long be remembered by our people, and I know that each of the fire victims will always have a good word for them.

I would thus highly appreciate it if you will convey to the men under your command my personal and official commendation and the indelible gratitude of the people of the Municipality of San Fernando, La Union. It is thus my sincerest trust that we will, somehow, be given an opportunity to reciprocate your high sense of cooperation and esprit de corps.

Very truly yours,

L. L. DACANAY, *Mayor.*

[From the Pacific Stars & Stripes, April 3, 1969.]

AMERICANS RUSH TO THE AID OF PHILIPPINE TOWN HIT BY FIRE

CLARK AB, R.P.—Personnel from Clark, Wallace AS, the Voice of America and John Hay AB rushed to aid the citizens of San Fernando, La Union, Saturday when a massive fire destroyed nearly all of that city's business district.

The blaze reportedly broke out in a lumber yard shortly before 4 a.m. Saturday morning. City firemen began fighting the raging flames and soon had volunteer help from Wallace.

T. Sgt. John Chouinard was dispatched with a firetruck from John Hay AB shortly thereafter. Clark personnel arrived on the scene in a Douglas C47 Skytrain at 9 a.m. Firemen, disaster control specialists, an explosive ordnance specialist and a medic represented Clark's initial support.

Volunteers battled the flames for more than 10 hours before the fire was under control. The blaze claimed an estimated 10 million pesos in assets, including Mayor Lorenzo Decanay's home.

The flames surrounded an ammonia plant endangering the lives of those already stricken by the fire, but Clark's 6200th Civil Engineering Sq. came to the rescue. A bulldozer manned by S. Sgts. Bruce L. Killiom and Walter J. Coates was flown to the city Saturday afternoon in a 463rd Tactical Airlift Wing Lockheed C130 Hercules.

Airman 1. C. Patrick J. Thompson, a security policeman from Wallace, assisted in clearing buildings which were to be dynamited to control the flames.

Personnel from Wallace AS who aided in the blaze fighting included Lt. Col. Charles R. Porter, Wallace commander, and M. Sgt. Phillip Marino, first sergeant. Others from Wallace who were on the scene throughout were 1st Lt. Richard Mossey, weapons controller; 2nd Lt. James Rooney, base fire chief; S. Sgts. Dale Krueger, Gorden F. Bennett and Arthur Paris; Sgt. Arlie McMichaels; A.1.C. Creighton Donald Gastmier, and R. A. Gregory of Ryan Aeronautical at Wallace.

DEPARTMENT OF THE AIR FORCE,
APO San Francisco, April 4, 1969.

Mr. ROBERT F. JACKSON,
Ryan Aeronautical Co.,
San Diego, Calif.

DEAR MR. JACKSON: I would like to take this opportunity to advise you of the outstanding contributions made recently by men of your organization assigned to Wallace Air Station, Republic of the Philippines.

The occasion was a large fire in our neighboring community of San Fernando on 29 March. Virtually all of the business district burned and over 200 families were made homeless. Our station was called upon for help. The response by your men was immediate and overwhelming. Two must be especially singled out for their untiring and truly superhuman efforts to help contain the fire: Mr. Richard Gregory and Mr. Ernest Perez. Without their unselfish and single minded determination, the disaster would have been considerably worse. To merely say that they won the everlasting gratitude and admiration of our Filipino neighbors is a gross understatement.

As a result of the fire a serious food shortage developed. Mr. Lee Hensen, the manager of your unit here, was contacted for voluntary cash donations to purchase food for the victims. Within two hours he and his men contributed $170.00; a truly generous response that went far toward relief of the immediate crisis. Foodstuffs acquired with these monies were delivered to the Philippine Red Cross and distributed on the spot.

Philippine-American relations in our community reached a new high, due in large part to your people's generous and public spirited help during this episode.

I must add that this demonstration by the Ryan personnel of this station, although the most dramatic, is but one in a continuous series since their arrival here. It is a distinct privilege to be associated with men such as Mr. Hensen and all the other fine individuals of Ryan. They are a real credit to their organization and a definite asset to our community.

Sincerely,

CHARLES R. PORTER,
Lt. Col. USAF, Commander.

REPUBLIC OF THE PHILIPPINES,
OFFICE OF THE GOVERNOR,
San Fernando, April 15, 1969.

Mr. DONALD HENSON,
Poro Point, San Fernando, La Union.

OUR DEAR BENEFACTORS: In the early dawn of March 29, 1969 a fire of devastating proportions razed the center of the business district and a portion of the residential section on the northern side of the poblacion of San Fernando causing damage variably estimated at from P10 to P20 million. This is practically the same area which was destroyed by another conflagration some ten years ago and the fire victims have hardly recovered from their first misfortune when another one came falling down upon them. What a tragedy.

In the midst of their misfortune, however, they will be consoled by the fact that many kindhearted sympathizers like you responded spontaneously and generously to a distress call on their behalf. Your donations in cash or in kind, thru the La Union Chapter of the Philippine National Red Cross, certainly helped them greatly in their hour of need.

On behalf of the provincial Administration, I wish to thank you most profoundly for your help to the San Fernando fire victims. I join them in the powerful hope that God will reward you for your generosity.

Very truly yours,

JUVENAL K. GUERRERO,
Provincial Governor.

SOUTH AFRICA'S APARTHEID POLICY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. DIGGS. Mr. Speaker, Members of this House have had occasions before to direct their thoughts to one of the most thorny problems facing the African Continent and indeed the world at large, namely: racialism in South Africa. This cancer in race relations has always found its abhorrent expression in the policy and practice of apartheid by the Government of South Africa.

I need not go into the shocking details of that policy since it is so well known. It would suffice to say that despite world condemnation, the South African Government persists in pursuing this policy and today none other than whites can lead a free life in that country or even travel to that land with rare exceptions. Currently, we have seen a clear example of that policy in the South African Government's refusal to grant a visa to Arthur Ashe, the United States leading tennis player, purely because of his race.

I have myself been a victim of that policy and, therefore, the spurious explanation and lame denials of the South African authorities about the circumstances which made it impossible for Ashe to play in that country are unfortunate and deplorable. In a country where people are classified by their race and color to perpetuate unequal treatment and injustice, where there are laws prohibiting mixed marriages and black and colored persons are forbidden to hold or address a gathering of more than five persons "unless with official permission" which is never granted, and where such laws as the group areas acts, the natives resettlement acts are designed to separate the races "territorially and residentially," one seriously wonders whether the South African Government is worthy of a place among decent nations.

Some have found it possible to defend that government and its apartheid laws on all sorts of grounds, which, to all reasonable men, cannot be defended. When the group areas act, for instance, prohibits the occupation of land or premises by black people—the so-called "racially disqualified persons" and debars them from "attending any place of public entertainment, or partake of any refreshments ordinarily involving the use of seating accommodation as customer in a licensed restaurant, et cetera," I believe such prohibitions are wrong and they offend the dignity of any of the self-respecting men, black or white.

On similar grounds to those mentioned, there are separate amenities act regarding the attendance at churches, schools, hospitals, and other institutions by blacks in South Africa. The catalog of South Africa's discriminating laws can make a whole impressive volume of a book. The question we might ask ourselves is whether in this latter half of the 20th century such practices should be carried out in South Africa and in other places in the world.

It certainly is the conviction of many in this House that mankind would be much better off if these detestable practices are eliminated from among human societies. It is in this belief that I deplore the South African Government's refusal to grant a visa to Arthur Ashe. The persistent denial of fundamental human rights to millions of Africans and others living within the territory of South Africa is also outlined in the following summary of its main laws which affect race relationships:

LEGISLATION AND RACE RELATIONS: A SUMMARY OF THE MAIN SOUTH AFRICAN LAWS WHICH AFFECT RACE RELATIONSHIPS

(By Muriel Horrell)

PRINCIPAL LEGISLATIVE MEASURES AFFECTING RACE RELATIONS (1909 TO 1948)

Political rights

1. South Africa Act of 1909

(Passed by the British Parliament but drafted by a National Convention in South Africa.)

At the time of Union the franchise differed in the four territories. All male citizens of the Cape who were literate and earned £50 a year or owned fixed property to the value of £75 qualified for the franchise on the common roll. In theory the same position obtained in Natal, except that the income or property qualification was £96; but in practice there was a difficult and restrictive procedure for the registration of non-white voters. In the Transvaal and Free State the franchise had been extended to white men only.

After much debate the National Convention decided to maintain the existing position, except that the right of non-whites to sit in Parliament, which had been implicitly theirs in the Cape, was withdrawn, and it was decided that no further Asians or Africans would be registered as voters in Natal: Coloured men retained the franchise there.

This arrangement in regard to franchise rights could be altered only by a two-thirds majority of both Houses of Parliament in joint session.

2. Extension of the White Franchise

The influence of the Coloured vote was considerably diminished when white women were enfranchised in 1930, and when, the following year, the income and property qualifications for white men in the Cape and Natal were removed.

3. Representation of Natives Act of 1936

This Act, passed by the required two-thirds majority, provided that African voters in the Cape should be placed on a separate roll to elect 3 White members to the House of Assembly and 2 to the Cape Provincial Council. Africans throughout the country would elect 4 White Senators. An advisory Natives' Representative Council was created, under the chairmanship of the Secretary for Native Affairs, with 5 White official members, 4 nominated Africans and 12 elected African members.

African leaders became increasingly dissatisfied with purely advisory powers. In 1947 General Smuts proposed that the Natives' Representative Council should consist solely of African elected members and should be granted certain legislative, financial and administrative powers. These suggestions did not satisfy the aspirations of the Africans, who were pressing for full franchise rights; and they were dropped by the Nationalist Government in 1948. The Natives' Representative Council was abolished in 1951.

4. Establishment of Coloured Advisory Council

In 1943 the Government established an Advisory Council on Coloured Affairs, with 20 appointed Coloured members, to serve as a channel for the expression of the views of Coloured people. Its creation led to a serious political cleavage among the Coloured. Some accepted the move as a genuine attempt on the Government's part to improve their lot, while others interpreted the plan as evidence that, in spite of assurances to the contrary, the Government contemplated removing the Coloured from the common roll. The Council was abolished by the Nationalist Government in 1950.

5. Asiatic Land Tenure and Indian Representation Act of 1946

The first part of this Act, dealing with land rights, is described below. The second chapter provided that Indian men in the Transvaal and Natal who possessed certain educational and financial qualifications would elect 3 White representatives to the House of Assembly and 2 members (who might be White or Asian) to the Natal Provincial Council. There would be 2 additional White Senators, 1 appointed and 1 elected, to represent Indians.

Indian leaders, who, like other non-whites, were demanding full franchise rights, rejected the form of representation offered them. The relevant chapter of the Act was repealed by the Incoming Nationalist Government in 1948.

Indian men in the Cape continued to qualify for the common roll franchise on the same basis as Coloured men. There were no Indians in the Free State.

Africans in urban areas

1. Natives (Urban Areas) Act of 1923 as Amended in 1930

It was laid down in terms of this Act that each local authority, subject to a certain measure of Government control, was responsible for the Africans in its area. Local authorities were required to provide segregated areas for African residence, and to set up Native advisory boards and Native revenue accounts. They were empowered to establish machinery for the registration of service contracts, to control the influx of Africans, and to remove "surplus" persons not employed in the area. Greater uniformity between the provinces was brought about in regard to the pre-Union passed laws: in the two northern provinces these were somewhat simplified. Provision was made for curfew regulations, which might be extended by the Governor-General to any urban area.

Except in the Free State and in areas proclaimed under the Gold Law in the Transvaal, Africans could still buy plots within the towns.

2. Native Laws Amended Act of 1937

The acquisition of land in urban areas by Africans from non-Africans was prohibited except with the Governor-General's consent.

Local authorities had been slow to accept the responsibilities placed on them earlier: the new measure empowered the Government to direct them to set aside townships and to provide housing. Influx control was tightened. Local authorities could apply for their towns to be "proclaimed" as areas closed to the entry of Africans other than those in employment, those admitted to seek work, and bona fide visitors.

The 1937 Act provided that no new church, school, or other institution or place of entertainment catering mainly for Africans might in future be established in an urban area outside an African township except with the approval of the Minister of Native Affairs, given with the concurrence of the local authority concerned. Existing such institutions (established before 1938) were not affected.

The reserves

1. Natives Land Act of 1913

In this Act about 10½-million morgen of land were scheduled as Native Reserves. Whites were prohibited from acquiring land in these areas; and, unless the Governor-General gave permission, Africans might not acquire further land from White in rural areas outside the Reserves. The courts ruled, later, that this last provision could not be held to apply in the Cape.

2. Native Affairs Act of 1920 as Amended

Local councils had been established in African rural areas of the Cape from time to time from 1894 on. Those in the Transkei came together to form the Transkeian Territories General Council, established in 1903. The Native Affairs Act of 1920 provided for the extension of this system in areas where the Africans so wished. The councils were granted certain powers of local self-government.

3. Native Trust and Land Act of 1936

Provision was made for an additional 7¼-million morgen of land (the released areas) to be added to the Reserves. Parliament undertook to vote £10,000,000 over a ten-year period for land purchase, and made over to a corporate body, the S.A. Native Trust, all Crown lands in the released areas. Tribes and individual Africans, as well as the Trust, could purchase land in these released areas.

The Trust and Land Act made it clear that the provision of the 1913 Act, described above, did apply in the Cape.

Chapter IV of the Act aimed at controlling the numbers of Africans on White-owned farms. It had to be brought into effect in any area by special proclamation: in the event only one such proclamation was issued and that was soon afterwards withdrawn.

Other African affairs

1. Native Administration Act of 1927

The Governor-General was empowered to govern by proclamation in all African areas (he had previously possessed these powers in certain areas only). The Act made provision for special courts for Africans, and for the recognition of customary law in civil cases in these courts.

A section of this measure, later incorporated in the Riotous Assemblies Act of 1930, rendered it an offense to say or do anything likely to promote any feeling of hostility between black and white.

Power was given to the Governor-General to issue orders without prior notice requiring any tribe, section of a tribe, or African to move from one place to another, and not to leave any stated area for a specified period.

The Act dealt, further, with tribal organization, land tenure and marriage and succession. It gave the Government wide power to make regulations dealing, *inter alia*, with the control of meetings and of African villages and settlements. Provision was made for exemptions from the pass laws.

2. Natives Taxation and Development Act of 1925

This measure brought about uniformity between the provinces. A general tax of £1 a year was to be paid by every adult male, and, in addition, a local tax was payable by those in rural areas who did not pay quitrent. The general tax receipt was made producible on demand.

A Native Development Fund was created (later called the S.A. Native Trust), into which was paid a fixed sum of £340,000 a year from the Consolidated Revenue Fund plus a proportion of the general tax paid by Africans. This proportion was gradually increased from one-fifth in 1925 to the whole amount in 1943. African education, as well as measures to promote their general welfare, was financed from this account.

3. Native Education Finance Act of 1945

In terms of this Act the financing of African education was placed on a new basis. Expansion would no longer be governed by the amounts derived from the African general tax. Instead, all funds to be made available would be drawn direct from the Consolidated Revenue Fund, the estimates being placed on the votes of the Union Department of Education.

Asian affairs

N.B.—At the time of Union the entry of Indians to the free State was prohibited. In the Transvaal, rights of occupation of land by Indians had been limited, and immigrants were required to qualify according to an education test and to register their thumbprints.

Franchise rights had been withdrawn in Natal, and an onerous special tax of £3 imposed on ex-indentured workers and adult members of their families. Restrictions had been imposed on the granting of trading licenses.

1. Immigration Act of 1913

The Minister of the Interior was empowered (subject to an appeal to the courts) to debar anyone from entering South Africa on social or economic grounds. This measure was frankly aimed at limiting Indian immigration.

2. Indian Relief Act of 1914

This measure resulted from the Smuts/Gandhi agreement. It abolished the special £3 tax in Natal, and removed certain restrictions on the entry of wives of Indians resident in South Africa.

3. Land Tenure

A Class Areas Bill, restricting Indian residential and trading rights, it was introduced in 1924, but the Smuts Government fell before it was passed. It was re-introduced in a more drastic form soon after the Pact Government came into power but was dropped following vehement protest in South Africa and overseas.

A round-table conference held in 1927 between the governments of South Africa and India led to the Cape Town Agreement, in terms of which the repatriation of Indians was to be encouraged, but the standards of living of those who remained would be improved.

Certain progress was made in the field of education; but new controls were placed on the tenure of land by Indians in the Transvaal. A law passed in 1885, which in practice was not strictly enforced, had prohibited Indians from owning fixed property in the Transvaal except in specially demarcated areas. The Transvaal Asiatic Land Tenure Act of 1932 reapplied the earlier law; authorized the Minister of the Interior to exempt further areas if necessary; and protected existing holders of trading licenses outside these areas. The provisions

were amplified in an amending Act, passed in 1936. A concession made in this measure provided that land in exempted areas might be alienated to Indians by local authorities if both Houses of Parliament agreed.

In 1943 the Trading and Occupation of Land (Transvaal and Natal) Restriction Act was passed. This became known as the Pegging Act, for it pegged the existing trading and land position for three years pending investigations by a commission.

At the end of this period, in 1946, the Asiatic Land Tenure and Indian Representation Act was introduced. It provided that except in exempted areas, which were defined in a schedule to the Act, no Asian could acquire fixed property from a white person in the Transvaal or Natal except under permit. Similarly, non-Asians required permits if they wished to purchase from Asians within the exempted areas.

The second part of this measure, dealing with the franchise, is described on page 2.

Employment

1. Masters and Servants Acts

A series of Masters and Servants Acts, passed in the four territories between 1856 and 1904, remained in force after Union. *Inter alia*, a breach of an employment contract either by an employer or an employee was rendered a criminal offence. Although these laws theoretically applied, in the main, to all races, they were held by the courts to be applicable only to unskilled work, performed for the most part, by non-whites.

2. Native Labour Regulation Act, No. 15 of 1911

In this measure conditions were laid down for the recruitment of African labour. The Act was designed to prevent abuses; to protect the employee by providing for minimum standards of accommodation and for compensation for injuries; and to protect the employer against breach of contract by Africans, which was made a criminal offence.

3. Mines and Works Act, No. 12 of 1911

The Mines and Works Act controls conditions of work and safety in mines and establishments using machinery. One section empowered the Governor-General to make regulations dealing, *inter alia*, with the issue of certificates of competency in skilled occupations. Largely as a result of pressure by white trade unionists, a regulation was made to the effect that these certificates were not to be granted to "coloured persons" in the Transvaal or Free State, and that any such certificates issued in the Cape or Natal would not be valid in the northern provinces.

4. Mines and Works Amendment Act of 1926

The regulations under the 1911 Act, described above, were declared by the courts to be *ultra vires*. A mines and Works Amendment Act was then passed, limiting the granting of certificates of competency for many skilled occupations to "Europeans, Cape Coloured and Mauritius Creoles, or St. Helena persons".

5. Apprenticeship Act of 1922, Reenacted in Amended Form as Act of 1944

The object of this Act was to provide for the registration, training, and conditions of service of apprentices. It did not make any discrimination on racial grounds, nevertheless in practice it operated to the disadvantage of non-whites since they lacked opportunities to obtain the prescribed educational qualifications and theoretical technical training. Moreover, white employers in many trades have been unwilling to accept non-white apprentices.

6. "Civilized Labour" Policy Introduced in the Public Service, 1924

The object of this policy was to employ as many whites as possible, paying them at "civilized" rates even if they did unskilled work.

7. Industrial Conciliation Act of 1924, Reenacted in Amended Form in 1937

This provided for the registration and regulation of trade unions and employers' organizations, the establishment of industrial councils and conciliation boards, and the appointment of arbitrators. Most African men (but not women) were excluded from the definition of "employee". The effect was that they could not be members of registered trade unions, and African unions could not be officially recognized. Strikes by Africans could be held to be criminal offences under the Masters and Servants Acts or the Native Labour Regulation Act.

8. Factories, Machinery and Building Works Act of 1941

This measure, which provided for the registration and control of factories and the regulation of hours and conditions of work, contained a section empowering the Governor-General to make different regulations for different classes of persons on the basis of race or colour in respect of the accommodations, facilities, and conveniences to be provided in factories.

9. War Measures 9 and 145 of 1942

War Measure No. 9 of 1942 gave the Minister of Labour power to intervene in industrial disputes that were likely to impede the war effort, by the appointment of arbitrators. Once an arbitrator had been appointed, strikes and lock-outs in that industry were illegal. This measure was withdrawn after the war.

War Measure No. 145 extended the provisions described above to cover all industrial disputes in which African workers were involved. This, too, was originally intended to be a temporary measure, but in fact it remained in force for eleven years.

Housing

Loan Funds

Sub-economic loan funds were originally made available to local authorities for slum clearance schemes, but a rapidly increasing shortage of housing in urban areas prompted the decision, in 1936, to make such funds available for housing projects, the losses to be shared by the State and the local authorities. Various formulae for the allocation of losses and the determination of rentals were adopted at different times. In 1944 a National Housing and Planning Commission was established.

Immorality

Immorality Act of 1927

Extra-marital intercourse between Whites and Africans was prohibited.

GOVERNMENT POLICY AND LEGISLATION ON MATTERS AFFECTING RACE RELATIONS 1948 TO 1965

I. The apartheid policy

Early Definitions

When the Nationalist Government came into power in 1948 the country was in some doubt as to exactly what its leaders meant by their apartheid policy.

As propounded in 1948 it has undergone considerable change, and it is not the function of this work to analyse the various meanings that have been attached to the words "apartheid" or "separate development". It is sufficient to say that the legislation summarized below is all part of a conscious plan to implement the race policy commonly known by these expressions.

II. Population registration

1. Population Registration Act, No. 30 of 1950

Basic to the rest of the apartheid legislation was the classification of the population into racial categories.

Definitions of various racial groups were incorporated in numbers of laws passed from 1911. These definitions did not always correspond with one another: they were made for the purpose only of the legislation concerned. The system was not a rigid one. People could "pass" from one group into a more privileged one if their physical features made this possible.

The Population Registration Act of 1950 was designed to put an end to this, aiming at a rigid system of race classification based on appearance and general acceptance and repute, and providing for the compilation of a register of the population and the issuing of identity cards.

Race classification presented no problem in respect of about 99 per cent of the population; but there were numerous "borderline" cases who did not fit clearly into any category. Much humiliation, anxiety, and resentment has resulted from official investigations into such cases.

The Act defined White, Coloured, and Native people, and empowered the Governor-General to make further sub-divisions. This was done in 1959 [1], when the Coloured people were divided into Cape Coloured, Cape Malay, Griqua, Chinese, Indian, "other Asiatic," and "other Coloured".

2. Population Registration Amendment Act, No. 61 of 1962

Until 1962, acceptability by the community was the main test used by officials engaged in race classification; but the Amendment Act of that year altered the definition of a "White" person, and made it obligatory for appearance and acceptance to be considered together.

3. General Law Amendment Act, No. 80 of 1964

The revised and more exclusive definition of a "White" person, made in terms of Act 61 of 1962, was rendered retrospective to 7 July 1950. It was provided that race classifications made before 1962 would be deemed to have been made in terms of the 1962 definition (but such classifications may be altered by the authorities, after investigation, using the revised definition as the criterion).

4. Prohibition of Mixed Marriages Act, No. 55 of 1949

Marriages between whites and non-whites were made illegal. Pending the completion of race classification the onus of deciding the race of persons wishing to marry was placed on marriage officers. If a mixed marriage, solemnized in good faith by a marriage officer, is subsequently declared invalid, any children born of such marriage before it is annulled will be deemed legitimate. If a person who is domiciled in South Africa enters into a mixed marriage while away from the country such marriage will be void within South Africa.

5. Immorality Amendment Act, No. 21 of 1950

This measure extended to non-whites generally the provisions of the principal Act of 1927 which prohibited illicit carnal intercourse between Africans and Whites.

III. Representation on governing bodies

A. The Senate

In terms of the South Africa Act of 1909 as mended by Act 54 of 1926, the Representation of Natives Act (No. 12 of 1936), and the South-West Africa Affairs Amendment Act (No. 23 of 1949), the composition of the Senate was:

(a) 8 members nominated by the Governor-General, half of them being selected mainly on the grounds of their thorough acquaintance with the reasonable wants and wishes of the Coloured races in South Africa;

(b) 8 members from each of the four provinces, elected by the M.P.s and M.P.C.s of the province concerned by the system of proportional representation;

(c) 4 from South-West Africa, 2 of them elected by M.P.s and M.L.A.s, and 2 nominated by the Governor-General, 1 of the latter being selected on the grounds of his

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knowledge of the reasonable wants and wishes of the Coloured races of the territory;

(d) 4 Whites elected by Africans of South Africa through a system of electoral colleges.

The total membership was, thus, 48. As mentioned earlier, the Asiatic Land Tenure and Indian Representation Act of 1946 provided for 2 additional White Senators, 1 appointed and 1 elected, to represent Indians. This provision was never implemented, Indian leaders standing out for full franchise rights, and it was repealed in 1968, soon after the Nationalist Government came into power.

In 1955, during the constitutional struggle which is described below, the composition of the Senate was altered in terms of Act 53 of that year. The membership was increased to 89, with 16 instead of 8 nominated members, and 65 instead of 32 elected members from South Africa, and (as before) 4 from South-West Africa and 4 elected by Africans. Elections (except of the African representatives) would be by majority vote on the "ticket" system.

The Separate Representation of Voters Act, No. 46 of 1951 (described below), provided for a further White Senator to be nominated by the Government on the ground of his thorough acquaintance with the reasonable wants and wishes of the Coloured people of the Cape, who were then removed from the common voters' roll.

Representation of Africans by 4 elected Senators was abolished in terms of the Promotion of Bantu Self-Government Act, No. 46 of 1959.

The Senate Act, No. 53 of 1960, restored the system of proportional representation, and reverted to the pre-1955 position in so far as the 8 nominated members and the 4 representatives from South-West Africa were concerned. The additional seat created in 1951, for a Senator acquainted with the wishes of the Coloured people of the Cape, was retained.

The Act provided for the number of Senators to be elected from each province of South Africa to be determined by dividing the number of M.P.s and M.P.C.s from the province concerned by ten. There would, however, be a minimum of 8 elected Senators per province.

B. THE HOUSE OF ASSEMBLY

In terms of the South Africa Act and Acts 54 of 1926, 12 of 1936, and 23 of 1949, the composition of the Assembly in 1950 was:

(a) 150 members elected by White voters (men and women) throughout South Africa, together with Coloured and Asian men in the Cape and Coloured men in Natal who could qualify for registration (see page 1);

(b) 3 White members elected by African men in the Cape;

(c) 6 members elected by White voters (men and women) in South-West Africa.

The provision made in 1946 for 3 White representatives of Indian male voters in the Transvaal and Natal was repealed in 1948, and African representation was abolished in terms of the Promotion of Bantu Self-Government Act, No. 46 of 1959.

In 1951 the Government decided to remove Coloured men in the Cape and Natal, and Asian men in the Cape, from the common voters' roll. It introduced the Separate Representation of Voters Act, No. 46 of that year; but this measure was declared invalid by the Appellate Division of the Supreme Court. This led to a prolonged constitutional struggle during the course of which the Government unsuccessfully tried the following expedients to attain its objective:

(a) High Court of Parliament Act, No. 35 of 1952. Declared invalid by the Appellate Division.

(b) South Africa Act Amendment Bill of 1953. Failed to gain a two-thirds majority at its Third Reading at a Joint Sitting.

(c) Appellate Division Bill of 1953. Withdrawn.

(d) Separate Representation of Voters Act Validation and Amendment Bill of 1954. Failed to gain a two-thirds majority.

Finally, Parliament passed three measures which gave the Government the powers necessary to attain its end constitutionally and to prevent the courts of law from interfering. These were:

(a) Appellate Division Quorum Act, No. 27 of 1955. Increased the Quorum in the Appellate Division from 4 to 5, with the proviso that in cases where the validity of any Act of parliament is in question the quorum shall be 11, judgment to be the decision of at least 6 of the judges. Five further judges of appeal were then appointed to bring the total to 11.

(b) Senate Act, No. 53 of 1955, described earlier, which increased the membership of the Senate in such a way that it proved possible for the Government to obtain a two-thirds majority at a Joint Session when the Separate Representation of Voters Act was validated. After this had been done, the number of Senators was reduced, in 1960.

(c) South Africa Act Amendment Act, No. 9 of 1956. This validated the Separate Representation of Voters Act, removed the entrenchment of voting rights, and provided that no court of law shall be competent to enquire into or pronounce upon the validity of any law passed by Parliament other than a law which interferes with the legal equality of the two official languages or with the procedure for the amendment of the constitution itself.

In its final form the Separate Representation of Voters Act, as amended by Act 30 of 1956, provided that the Coloured voters of the Cape (including Asians) should be removed from the common roll and placed on a separate roll to elect 4 White representatives to the Assembly and 2 to the Cape Provincial Council. Registered Coloured voters in Natal (there are none in the remaining provinces) would remain on the common roll until their death, but no further Coloured persons would be registered as voters there. A further White Senator would be nominated by the Government on the ground of his knowledge of the reasonable wants and wishes of the Coloured people of the Cape; and a Union Council for Coloured Affairs would be created.

The Constitution Amendment Act, No. 83 of 1965, increased the number of constituencies in South Africa from 150 to 160, and made certain changes in the method of delimitation. As before, there will be 6 further members from South-West Africa, and 4 elected by registered Coloured and Asian voters of the Cape.

C. Provincial Councils

Non-whites have never been represented in the Transvaal or Free State Provincial Councils. Until 1951, Coloured men could qualify for the franchise on the common roll in Natal, but since the 1951 Act was validated in 1956 no further Coloured voters have been registered there. Asian and African men in Natal lost their common-roll franchise rights at the time of Union (except that those then registered could retain the vote.) In terms of the Asiatic Land Tenure and Indian Representation Act of 1946, Indians were to be placed on a separate roll to elect 2 representatives, who might be Whites or Indians, to the Natal Provincial Council; but this provision was repealed in 1948.

In the Cape, African men could qualify for the common roll until 1936, when they were placed on a separate roll to elect 2 white M.P.C.s. This representation was abolished in terms of the Promotion of Bantu Self-Government Act, No. 46 of 1959. Coloured and Asian men who qualified for the vote remained on the common roll until the Separate Representation of Voters Act was validated in 1956 when they, too, were placed on a separate roll to elect 2 White M.P.C.s.

D. Further Measures Relating to Coloured Representation

1. Separate Representation of Voters Amendment Act, No. 72 of 1965: Act No. 46 of 1951 provided that the election of M.P.s and M.P.C.s. to represent Coloured voters should take place not less than eight days before the polling day fixed for White voters. The 1965 Amendment Act stipulated that the existing Coloured representatives, and representatives elected in future, will hold office for a fixed period of five years from the time of their election.

2. Regulations governing participation of Coloured people in politics: In terms of Government Notice 1308 of 1965. Coloured teachers were prohibited from being members of the Nationalist, United Progressive, or Liberal Parties.

New regulation for rural Coloured areas were published in Government Notice 1375 of 1965. As previously (regulations of 1960 and 1961) it was provided that, with certain exceptions, it is an offence to hold or address a gathering of more than five persons in such areas unless with official permission. Among the gatherings previously exempted were meetings presided over by a Senator, M.P., or M.P.C., but the new regulations omitted this exemption.

E. Coloured Council

The Separate Representation of Voters Act of 1951 provided that a Union Council for Coloured Affairs would be set up, with 15 nominated and 12 elected members, to advise the Government on the interests of Coloured people and to carry out such statutory or administrative powers as might be assigned to it. This body was established in 1959.

Provision for a more representative council, with 46 Coloured members, was made in terms of the Coloured Persons' Representative Council Act, No. 49 of 1964. Of the members:

(a) 30 will be elected (18 from the Cape, 6 Transvaal, and 3 each from Natal and the Free State);

(b) 16 will be nominated by the State President (of whom 2 must be Malays, 2 Griquas, and the rest must represent the provinces: 8 from the Cape, 2 Transvaal, and 1 each from Natal and the Free State).

The Act provided for a general registration of voters, who were defined as Coloured persons, men and women, over the age of 21 years. (The qualifying age for White voters is 18 years.) Registration was not rendered compulsory.

The chairman of the Council will be elected by members from amongst their ranks. The Council will have general advisory powers, and, in addition, the State President may by proclamation confer upon it powers to legislate on finance, local government, education, community welfare and pensions (in so far as these matters affect Coloured people), and Coloured rural areas and settlements. No proposed law may be introduced except with the approval of the Minister of Coloured Affairs, granted after consultation with the Minister of Finance, and of the Administrator-in-Executive. The Council's Acts, which require the State President's assent, will have the force of law as long as and so far only as they are not repugnant to any Act of Parliament. Freedom of speech, and the cloak of privilege, will not be absolute at Council meetings.

There will be an Executive Committee with four members elected by the Council and the fifth (chairman) appointed by the State President.

The Act empowered the State President to extend the period of office of members of the Union Council for Coloured Affairs until such time as the first Representative Council assumes office.

In a statement made on 12 December 1961,[2] Dr. Verwoerd said he envisaged that

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the Council would eventually have its own civil service, and the taxes, direct and indirect, paid by Coloured people would be made available to it.

F. Indian Council

In August 1961 the Government established a separate Department of Indian Affairs (Indians had previously fallen under the Department of the Interior).

The Minister of Indian Affairs said on 8 February 1962 [3] it had become clear that the repatriation scheme had failed. The Government had, accordingly, decided that it had no choice but to regard the Indians as permanent inhabitants of the country.

After his appointment, the Minister of Indian Affairs endeavoured to set up consultative committees throughout the country, with members appointed by Indians and representative of workers as well as of commercial interests. His plan was that from these bodies a central consultative committee would be constituted which might develop along the lines envisaged for the Council of Coloured Affairs. General support for this plan was not forthcoming, however.

In December 1963 the Minister held a conference in Pretoria to which prominent Indians were invited. They accepted his suggestion that a National Indian Council be established as an interim measure "until such time as it becomes expedient for the Government to improve the present pattern of representation," [4] and, early in 1964, 21 members of the Indian community, from various walks of life, were nominated as constituting the first Council. Their meetings have been presided over by the Secretary for Indian Affairs, and they have merely advisory powers.

At the request of members, the name of the body was changed in 1965 to the South African Indian Council. An *ad hoc* committee was appointed to study the implications of the Government's suggestion that the council be converted into a statutory and elected body. Indians had been very much divided in opinion as to whether or not the establishment of the council should be supported.

G. Africans

1. Bantu Authorities Act, No. 68 of 1951: This act made provision for the establishment of Bantu tribal, regional, and territorial authorities, and for the gradual delegation to these authorities of certain executive and administrative powers in their own areas, including the levy of rates. In terms of this Act the Natives' Representative Council (established in 1936) was abolished.

African opinion appeared to be divided. Certain of the chiefs and their followers welcomed the measure, which would reinforce or re-establish tribalism and enhance the power of chiefs. Many urbanized Africans pointed out that, except to a very limited extent in the Transkei, there was no provision for the elective principle in the constitution of these authorities. The Act was likely to have the effect of dividing the African people into separate ethnic groups. The system envisaged was for local government only and could be no substitute for direct central political representation.

2. Promotion of Bantu Self-Government Act, No. 46 of 1959: It was stated in a White Paper accompanying the Promotion of Bantu Self-Government Bill that the Government had decided to return to the basic aims, pursued between 1913 and 1936, of identifying each of the various African communities with its own land in the Reserves; and, secondly, of ensuring that Africans entered the "white" areas (i.e. the remainder of South Africa) as migrant labourers only.

In various speeches [5] the Prime Minister made it clear, firstly, that although large numbers of Africans would live in the towns as family units for numbers of years they would be "interchangeable". Secondly, he said his party supported the policy that the white man should retain his domination over his part of the country, and he was prepared to pay a certain price for it, namely by giving the Bantu full rights to develop in their own areas. If it was within the powers of the Bantu their territories might develop to full independence, possibly eventually forming a South African commonwealth with white South Africa serving as its core and as guardian of the emerging Bantu states. The white guardian would meet his obligations on the basis of "creative self-withdrawal".

The Act abolished the Parliamentary representation of Africans. It recognized 8 African national units—North-Sotho, South-Sotho, Tswana, Zulu, Swazi, Xhosa, Tsonga, and Venda—and provided for the appointment of, initially, 5 Commissioners-General to represent the Government in African areas.

The constitution and powers of Bantu territorial, regional, and tribal authorities were more clearly defined; and it was laid down that representatives of territorial authorities would be appointed in urban areas.

3. Constitution Amendment Act, No. 9 of 1963: This Act stated that, notwithstanding the entrenched clause of the Constitution Act of 1961 (which clause provides that English and Afrikaans shall be the official languages and be treated on a basis of equality), an Act of Parliament which declares a Bantu area to be a self-governing area may provide for the recognition of one or more Bantu languages as additional official languages in that area.

4. Transkei Constitution Act, No. 48 of 1963: In terms of this Act, the "African" parts of the Transkei are to become a separate territory (certain towns or parts thereof and certain white farming areas are excluded). Its citizens are all Africans who were born in the Transkei or have been legally domiciled there for at least 5 years, and those outside the area who derive from or are members of tribes resident in the Transkei.

The Act provided for a Legislative Assembly composed of 64 chiefs and 45 elected members. All adult citizens qualify for the franchise. The Assembly elects a Cabinet, initially to consist of a Chief Minister who is also Minister of Finance, and 5 other Ministers holding the portfolios of Justice; the Interior; Education; Agriculture and Forestry; and Roads and Works.

The Republican Parliament retains control over defence; external affairs; internal security; postal and related services; railways; immigration; currency, banking, customs and excise; and the Transkeian Constitution.

Laws passed by the Legislative Assembly in relation to matters under its jurisdiction require the State President's assent. He may refer Bills back to the Assembly for further consideration.

A Transkeian Revenue Fund was created, into which is paid all taxes, levies, and rates paid by citizens, fees derived from the administration of matters assigned to the Assembly, an annual grant from the Republic equal to its expenditure on such matters in the year preceding the date of transfer, and such an additional sum as may be voted by the Republican Parliament.

5. Comments: It is clear that, for the near future, the Transkeian Legislative Assembly will have powers of local government only. It will have no say over the affairs of the many thousands of Transkeian citizens in urban areas. Africans outside the Reserves are to have no franchise rights in the areas where they live and work.

6. Transkeian Authorities Act, No. 4 of 1965: The Transkeian Authorities Act, passed by the Legislative Assembly in 1965, amended the Bantu Authorities Act so as to do away with district authorities (which had existed in the Transkei only). The duties of these bodies were distributed between regional and tribal authorities, and the whole system was streamlined. Provision was made for a maximum penalty of R400 or 2 years or both for an official found guilty of bribery or corruption, and for the revision by Bantu Authorities of trials conducted by chiefs or headmen.

H. LOCAL GOVERNMENT IN URBAN AREAS

1. Municipal Council: Non-whites have no representation on municipal councils or other local authorities in the Transvaal or Free State.

Africans have never been entitled to vote in municipal elections in Natal; but Asians could register as voters until 1924, when, in terms of provincial ordinance, they ceased to qualify (although those whose names were on the voters' roll at the time could continue to vote and stand for election). Coloured people could qualify for registration until 1956. when the Separate Representation of Voters Act came into force; but no new Coloured names have been added to the roll since then because the relevant ordinance provides that municipal voters must either be registered as Parliamentary voters or be entitled to such registration.

In theory, members of all racial groups in the Cape have the municipal franchise on equal terms, vote on a common roll, and are entitled to stand for election. But in practice the terms of the franchise qualifications place Coloured and Asian citizens at a disadvantage, and virtually exclude Africans.

The establishment of management committees is described in the next section. On 27 February 1962 the Minister of Community Development said in the Assembly [6] that the rights of Coloured and Asian persons who were already registered as municipal voters at the date when a management committee was created would not be affected as long as they retained their qualifications; but the expansion of their franchise rights would have to be limited to their own group areas.

2. Consultative and management committees in Coloured and Asian group areas: The Group Areas Amendment Act, No. 49 of 1962, extended the provisions of the principal Act relating to local governing bodies in Coloured and Indian group areas.

It provided for the establishment of, initially, consultative committees; at a later stage management committees; and possibly, eventually, local authorities. A consultative committee will merely be consulted by the local authority having jurisdiction in the area concerned. A management committee will exercise such powers and functions as may be conferred on it, under the supervision and control of the local authority.

The provincial administrations were permitted to frame ordinances governing the administration of the Act in their areas. Natal decided on a pattern differing from that described above. As an initial stage there will be purely advisory local affairs committees, with nominated members. Later, some of the members will be elected. At a third stage of development, executive and financial powers will be conferred gradually on the committees; and, finally, independent local authorities will be created.

By the end of 1965, 18 Coloured management committees, 18 Coloured consultative committees, 4 Indian consultative committees, and 2 Indian local affairs committees had been established in the Cape, Transvaal, and Natal. Each had 5 members of the racial groups concerned, appointed by the Administrator, and consisting of members nominated (in varying proportions) by the Government, the province, the local authority, and, in some cases, by local rate-payers' associations. In a few towns plans were in hand for the election of some or all of the members of management committees.

3. Urban Bantu Councils: The Urban Bantu Councils Act, No. 79 of 1961, empowered an

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urban local authority to establish urban Bantu councils in Bantu residential areas under its jurisdiction, after consultation with the advisory board should one exist, and otherwise with the African community. A council must be set up if the advisory board so requests or if the Minister is satisfied that the Africans want one. No further advisory boards will be created.

Councils may have elected and selected members, the number of selected members not to exceed the number elected. The body may be established for a particular national unit, in which case only members of this group will note. Otherwise all qualified Africans of the area may vote. Selected members will be chosen by and from the recognized representatives of chiefs in the area, subject to the approval of the Minister and the local authority.

Various defined powers may be assigned to urban Bantu councils; but they will have consultative powers only in regard to expenditure from the municipal Native Revenue Account, into which all moneys accruing to the councils will be paid.

The Bantu Laws Amendment Act, No. 76 of 1963, stipulated that these councils must exercise the powers assigned to them on behalf of and subject to the directions of the local authority concerned. Such assignments of powers may be withdrawn.

IV. Territorial and residential separation

1. Eiselen Line Policy

In January 1955 Dr. W. W. M. Eiselen, then Secretary for Native Affairs, said that it was the Government's policy eventually to remove all Africans from the Western Province of the Cape, since this was the natural home of the Coloured people who should receive protection in the labour market. The Government planned, as a first stage, to remove foreign Africans, to "freeze" the existing position as regards to families, to send back to the Reserves all women and children who did not qualify to remain, and to allow only the controlled entry of migratory workers.

Since 1955 influx control has been applied very strictly in the Western Cape. Legislation relating to influx control is described on page 29.

2. Natives Resettlement Act, No. 19 of 1954

This Act provided for the establishment of a Government-appointed Resettlement Board to undertake the removal of more than 10,000 African families from the Western Areas of Johannesburg, and to resettle them at Meadowlands and Diepkloof, further south adjoining the municipal African townships.

From 1959 onward the Resettlement Board also erected new housing in these townships for certain of the families removed (by the Peri-Urban Areas Health Board) from Alexandra Township.

In general, the new dwellings are better that those that the Africans concerned occupied previously; but transport costs are increased, and numbers of people lost freehold rights that they had possessed in the older townships.

3. Group Areas Acts, Nos. 41 of 1950 and 77 of 1957, as amended

Before the Nationalists came into power various measures existed for the segregation of Africans [7] and of Indians,[8] but the Group Areas Act of 1950, which was re-enacted in consolidated form in 1957, was far more far-reaching than any previous legislation.

It imposed control throughout South Africa over inter-racial property transactions and inter-racial changes in occupation. These were made subject to permit. Coloured people in the Cape were for the first time brought within the scope of such control. Provision was made for the proclamation of "defined" areas, in which control is imposed, too, over the occupation of any buildings which are erected, extended, or altered.

A Group Areas Board was appointed, to report to the responsible Minister [9] on the allocation of full group areas in the various towns and villages for members of different racial groups. When a group area is proclaimed for occupation by a particular group the Minister determines the date by which disqualified persons must move out; this must be not less than one year after the date of the proclamation, and at least three months' prior notice must be given. In the case of business premises at least twelve months' further notice must be given after the initial year.

In group areas proclaimed for ownership disqualified owners may continue to own their properties for the rest of their lives, but may not occupy them. They can bequeath them to other disqualified persons, but such an heir would be given one year within which to dispose of the property to a member of the racial group for which the area is designated.

Companies other than banks, mines, and large factories are given a group character according to the race of the persons holding the controlling interest. Disqualified companies may continue to occupy property in group areas but must dispose of ownership rights within 10 years unless temporary exemption permits are granted.

Except for African townships, African and Coloured Reserves, and mission stations, all parts of the country that have not been allocated to specified groups are controlled areas in which inter-racial changes in ownership and occupation are controlled by permit. Within the controlled areas, "defined" areas may be proclaimed.

In large metropolitan areas it may be laid down by proclamation that buildings in "defined" areas may be used for particular purposes only, e.g. trading. When this is done a trader may continue to conduct his business from the building but must move his home to the group area set aside for members of his race. The Deputy Minister of the Interior said,[10] however, that the general principle would hold good that trading activities should take place in the group areas of the traders concerned.

4. Group Areas Amendment Act, No. 56 of 1965

This Act had two main features:

(a) The Minister of Planning was made responsible for the planning of group areas for Whites, Coloured, and Asians by the Group Areas Board, and for permit control up to the time that group areas are proclaimed. After proclamation, the development of the areas and permit control therein falls under the control of the Minister of Community Development. But so far as African areas are concerned, the responsibility rests with the Minister of Bantu Administration and Development.

(b) Departmental officials will carry out administrative inspections such as obtaining facts required for the planning of group areas; but the Act conferred very wide powers on members of the police to ascertain whether or not the provisions of the Act are being complied with.

5. Community Development Amendment Act, No. 44 of 1965, and Group Areas Development Act, No. 69 of 1955, as amended

(a) One of the objects of these Acts is as far as possible to eliminate speculation in property values which may arise as a result of the proclamation of group areas.

A Group Areas Development Board (in 1965 renamed the Community Development Board) was established, its functions being to assist disqualified persons to dispose of their properties and to re-establish themselves elsewhere, and, on its own initiative or in co-operation with local authorities, to develop new townships for displaced groups.

When the Development Act is applied to any area (in many cases *pari passu* with its proclamation as a group area) the Board arranges for a list of affected properties to be drawn up and for their "basic values" to be determined. The basic value is the market value of the land at the time when the group area was proclaimed, plus the estimated cost of the erection of the buildings at the time of the valuation, less depreciation.

The Board has a 30-day pre-emptive right to purchase an affected property at an agreed price. Should it not exercise this right the owner may sell to a qualified person. If he receives more than the basic value he must pay 50 per cent of the difference to the Board; while if he receives less, the Board pays him 80 per cent of the difference.

(b) The 1965 Act widened the functions of the Department of Community Development to include the provision of housing, slum clearance, urban renewal, etc., and it was empowered to exercise these functions outside as well as within proclaimed group areas (but not in African townships, African Reserves, or Coloured rural settlements).

The Board was rendered exempt from the provisions of by-laws, etc., relating to the type of building to be erected and materials to be used; and it may be exempted from restrictive conditions relating to the establishment of a township provided that its plan will not detract from the general appearance of the surrounding area. It may control the erection or alteration of any building in an area where a slum clearance or urban renewal scheme is being undertaken, and has preferential right to purchase properties offered for sale in such areas.

(c) In terms of the 1965 Act the Board may, with the Minister's approval, make payments in respect of any goodwill value which may be attached to any profession or business and is likely to be lost as a result of a group areas proclamation. Such payment will not exceed an amount equal to the net profit derived from the profession or business during the period of 12 months preceding the date on which the person was obliged to cease carrying it on, or preceding the date of the relevant proclamation, whichever amount is the greater.

6. Occupation of land or premises

Late in 1956 a judge of the Eastern Districts Local Division of the Supreme Court decided that certain non-whites who had attended a cinema in the "white" part of a town had not occupied the premises within the meaning of the Act, for they had not been habitually or physically present over a period of time.

In terms of the Group Areas Amendment Act, No. 57 of 1957, the Government then took power to enable it to declare by proclamation that the provisions of the Act prohibited the occupation of land or premises by racially disqualified persons shall apply, also, to occupation by such persons of land or premises. either generally or in a specified area, for a substantial period of time, or for the purpose of attending any place of public entertainment or partaking of any refreshments at a place where refreshments are served, or as a member of or guest in any club.

Proclamations were issued under this enabling Section in 1957, 1958, 1960, 1964, and 1965. The latest, No. R26 of 1965, was to the effect that, in controlled or group areas (in effect, the whole country), no racially disqualified person may attend any place of public entertainment, or partake of any refreshments ordinarily involving the use of seating accommodation as a customer in a licensed restaurant, refreshment or tearoom or eating-house, or as a member of or a guest in any club (except as a representative or guest of the State, a provincial administration, a local authority, or a statutory body).

It was rendered an offense, not only to be present in such premises in contravention of the proclamation, but also to allow a disqualified person to be present.

Footnotes at end of article.

V. Restrictions on the presence of Africans in certain areas and on their right to seek employment

1. Prevention of Illegal Squatting Act, No. 52 of 1951

In terms of this Act, in such areas as may be specified by proclamation no one may enter upon any land or enter any African location or village without permission. Anyone who has illegally occupied any land or building or has illegally entered any African location or village, or anyone who remains on land despite warning to depart, may be ordered by the magistrate to demolish any buildings erected by him and to move, together with his dependants, to such place as may be specified.

2. Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952

In terms of this Act all Africans in South Africa (men and women) who had attained the age of 16 years would, after certain fixed dates, be required to possess reference books (or identity documents in the case of foreign Africans) instead of a variety of documents that had to be carried formerly.[11] Certain previously existing pass laws which differed from province to province were repealed. But the Act introduced new restrictions on the free movement of African women and of many men in the Cape who until 1952 had not been required to carry documents which were producible on demand.

Furthermore, the system of exempting certain classes of Africans from the pass laws was in effect abolished.

3. Native Laws Amendment Act, No. 54 of 1952

The Native Laws Amendment Act of 1952 contained a concession, allowing any African born in South Africa to visit an urban area for up to 72 hours without obtaining a special permit. But it extended the system of influx control to all urban areas,[12] and it made this system applicable to African women as well as to men. The powers of the authorities to order the removal of Africans deemed to be "idle or undesirable" were extended.

The Act provided for the establishment of labour bureaux to control the movement of work-seekers, all of whom must register. Those in rural areas are not allowed to go to towns unless suitable vacancies exist there.

Special mention should at this stage be made of Section 10 of the Natives (Urban Areas) Consolidation Act of 1945 as amended in 1952, 1955, and 1957. It provided that no African may remain for more than 72 hours in an urban or proclaimed area unless he or she:

(a) has resided there continuously since birth;

(b) has worked there continuously for one employer for not less than 10 years; or has resided there lawfully and continuously for not less than 15 years; and has thereafter continued to reside there and is not employed outside; and has not while in the area been sentenced to a fine exceeding R100 or to imprisonment for a period exceeding 6 months;

(c) is the wife, unmarried daughter, or son under the age of 18 years of an African in one of the categories mentioned above and ordinarily resides with him;[13]

(d) has been granted special permission to be in the area.

4. Natives (Urban Areas) Amendment Act, No. 69 of 1956

This Act enables an urban local authority to order an African to leave its area if it is considered that his presence is detrimental to the maintenance of peace and order. Should this be done the local authority, if so requested, will move the African's dependents and personal effects to his new place of residence, charging any costs to the municipal Native Revenue Account.

Footnotes at end of article.

5. Natives (Prohibition of Interdicts) Act, No. 64 of 1956

The Prohibition of Interdicts Act enabled the Government to direct, by proclamation, that when specified types of removal orders are issued to Africans no court of law may issue an interdict which will have the effect of suspending their execution. Application for such interdict may be made only after the removal has taken place.

During 1957 and 1958 this Act was applied to orders issued to Africans convicted of being unlawfully in an urban area, to illegal squatters, to those required to leave Native Trust Land in the Reserves, and to those required to move from "white" rural areas.[14]

6. Native Laws Amendment Act, No. 36 of 1957

This Act contained the "church clause", which is described on page 40. But it dealt, too, with influx control and with the powers of local authorities.

Further limitations were placed on the categories of Africans who qualify to remain in urban areas (this is dealt with on page 34); increased powers were granted to magistrates and native commissioners to order Africans who have failed to obey regulations to leave urban areas; and further classes of officials were empowered to demand the production of documents by Africans. The definition of an "undesirable" person was extended. Increased restrictions were placed on the entry of Whites to African townships.

The Minister was empowered to prohibit Africans from entering specified classes of work in any urban area. The Governor-General was given the power to prohibit African business and professional men (as well as contractors and casual labourers, as previously) from working in urban areas, including African townships, unless they have been licensed to do so.

The Act provided that the senior officer in every municipal Native Administration Department must report not only to the local authority (as stated in previous legislation) but also via the local authority to the Secretary for Native Affairs[15] any irregularity which may occur in his department, or any other occurrence on which he may deem it advisable to report.

The Minister was empowered, without consultation with a local authority concerned, to vary or amend draft regulations for the control of African townships submitted for his approval, or to reject them. Amendments made by him may, however, not introduce any new principle.

The power to permit African work-seekers to remain in urban areas for longer than 72 hours was removed from municipal influx control officers and vested in labour bureaux officials.

7. Revised Native Labour Regulations, 1959

Revised Native Labour Regulations, published in 1959,[16] tightened regulations governing the employment of Africans in urban areas. For the first time these regulations were made applicable to African women employees.

It was not rendered essential for unemployed African women to register, but such women cannot legally enter urban employment unless they have done so. Furthermore, it became necessary for all women in towns to obtain written proof of their authority to be there in order to safeguard themselves against arrest.

8. Employment of Alleged Petty Offenders on Farms

Because so many petty offenders against influx control regulations, tax laws, etc., are unable to pay fines imposed by the courts they have to serve prison sentences, and it is impossible to find employment for all of them in public works. With the object of providing employment and of keeping minor offenders away from hardened criminals, the authorities have devised various schemes for hiring prison labour to farmers. So far as is feasible these schemes are under official supervision and inspection.

In 1947 the Native Commissioner in Johannesburg became perturbed about the large numbers of Africans who were brought before him for alleged contraventions of the pass laws. With Government approval he devised a scheme which gave them the option of accepting rural employment as an alternative to prosecution.

This scheme was elaborated and widely extended during 1954. Farmers, especially in the Transvaal, were invited to apply for such labour. Unemployed Africans arrested on suspicion of having committed minor technical offences were not forced to go to work on farms; but if they did not do so they were returned to the police and might have to face prosecution. Thereafter they were liable to re-arrest unless they were accepted for urban employment or left the area.

Various abuses crept into the system. Men who accepted work on a farm were sent there without being allowed an opportunity of returning home first, and the relatives were often ignorant of their whereabouts. Some of the men misunderstood the arrangements; numbers deserted at the first opportunity. During 1959, especially, there were numerous allegations of ill-treatment by farmers or "boss-boys", several of whom were found guilty by the courts. Eventually, after an official inquiry, the scheme was abandoned.

Africans who were endorsed out of urban areas may, however, have no alternative but to seek farm employment; and farmers may still hire prison labour.

9. Bantu Laws Amendment Act, No. 76 of 1963

The main provisions of 1963 Amendment Act were as follows:

(a) It tightened the provisions of previous laws relating to the compulsory residence of urban Africans in African townships.

(b) It enabled the Minister to limit the number of domestic servants who may be accommodated on the premises of an urban private employer to one per household, and stated that at a later stage the Minister may prohibit any servants from living in. Exemptions may be granted by local authorities.

(c) It eased previous provisions relating to the entry of Africans to urban townships, but strengthened the powers of authorized officers to eject persons whose presence is considered to be undesirable.

(d) It increased the Minister's power of control over regulations made by local authorities, and over resolutions passed by them.

(e) It made it clear that urban Bantu councils will exercise their powers subject to the directions of the local authority concerned.

Provisions of this Act that dealt with foreign Africans and with the rights of African widows are described below.

10. Better Administration of Designated Areas Act, No. 51 of 1963

The State President was empowered to extend the provisions of legislation affecting Africans in urban and proclaimed areas to any other area where communities of Africans live and have acquired interest in land. Such laws will be administered by the adjoining local authority if one eixsts, or by a body vested with the powers of a local authority in the area concerned, or, in the absence of any such authority, by the Bantu Affairs Commissioner.

11. Bantu Laws Amendment Act, No. 42 of 1964

(a) The term "prescribed area" was substituted for "proclaimed area". All existing proclaimed areas (including most towns and certain peri-urban areas), and all other urban areas, automatically became prescribed areas, in which the Bantu (Urban Areas) Act, the Bantu Labour Regulation Act, the Ban-

tu Services Levy Act, the Urban Bantu Councils Act, the Bantu Building Workers' Act, and regulations issued under these Acts, are in force.

(b) The definition of an "authorized officer" (who, *inter alia*, may demand the production of documents by Africans), was widened to include further categories of officials.

(c) Further powers relating to influx control under Section 10 of the Urban Areas Act" [17] were transferred from municipal influx control officers to labour bureaux. Africans who are not work-seekers and merely want to visit a town for longer than 72 hours must now obtain permission from a labour bureau, as most persons not of working age who want to come to live in a town (men over 65 years of age, women over 60 years, and children under 15 years), and women who want to join husbands who qualify to remain in prescribed areas. In considering applications, the labour bureau must give regard to the availability of accommodation in a Bantu residential area.

(d) It was laid down that, in order to qualify to remain with a man who is entitled to be in a prescribed area, his wife, unmarried daughters, and sons under the age of 18 must not only ordinarily reside with him (as stated in a previous Act), but must initially have entered the area lawfully.

(e) Provisions dealing with labour bureaux previously contained in regulations, were incorporated in the Act, with certain changes, described below.

(f) The Act stated that no one may employ an African in a prescribed area unless the latter has permission from a labour bureau to enter such employment. The labour bureau machinery was, thus, extended to include casual labourers, independent contractors, and Africans who qualify to remain in a prescribed area under Section 10(1)(a) or (b) of the Urban Areas Act. These Africans may, thus, be ordered to leave if the labour bureau refuses to register or cancels their contracts of service, or if they are declared medically unfit for employment. Such an order issued to a "qualified" African must be confirmed by the Chief Bantu Affairs Commissioner. If it is confirmed, and if the African cannot find employment and accommodation for himself and his family anywhere else, he must be provided with a residential site in a Reserve.

(g) Certain classes of Africans may be exempted from the labour bureaux machinery, e.g., chiefs and headmen, certain ministers of religion, teachers, government officials, professional persons, and registered owners of land.

(h) If the Secretary for Bantu Administration and Development approves, a labour officer may cancel a service contract, or refuse to register a contract, if he is satisfied that the African's presence in the area is likely to impair the safety of the State or the public, or to threaten the maintenance of public order.

(i) The State President was empowered to make regulations prescribing the documents to be produced by African women wishing to take up employment.

(j) The grounds on which Africans may be deemed "idle or undesirable" (and then be ordered out of a prescribed area) were again widened and, for the first time, were extended to Africans who qualify to remain in a prescribed area under Section 10 (1) (a), (b), or (c) of the Urban Areas Act.

(k) Additions were made to the provisions governing removal orders which may be served on Africans who unlawfully remain in prescribed areas.

(l) Provision was made for the establishment of aid centres to which Africans may be taken by the police (instead of to police cells) if the Africans are suspected of having contravened laws and regulations relating to service contracts, reference books, or presence in prescribed areas. Courts may be held at the centres.

(m) The Minister was empowered to make regulations for the establishment of youth centres for the reception of Africans over 15 and under 21 years of age who are ordered by a competent authority to go there for the purpose of rehabilitation.

(n) It was rendered an offense for any person (or organization) other than a practising attorney or advocate to accept any money or reward for helping an African who is in difficulties over influx control, employment, making representations to authorities, detention, removal orders, or related matters.

(o) The Minister was empowered to exempt specified classes of Africans from curfew regulations.

(p) Better protection was given to Africans against the withholding of wages and against malpractices by recruiting agents.

(q) It was laid down that before inspecting any African township or premises where Africans are accommodated, a competent Government official must consult the urban local authority concerned. Such officials were empowered, after consultation with the local authority, to convene or address any meeting of the advisory board or urban Bantu council.

Other provisions of the Act are dealt with in relevant sections of this pamphlet.

12. Bantu Labour Act, No. 67 of 1964

This measure consolidated laws relating to African labour and repealed the Native Labour Regulation Act of 1911 as amended.

VI. Presence of Africans in rural areas

1. Removal Orders

Various proclamations published in 1957 [18] widened the Government's powers (conferred on it in 1936) to cancel an African's right to occupation of land owned by the Trust, and to order Africans to move off land to be reserved for commonages or other purposes. The terms of the Natives (Prohibition of Interdicts) Act were applied to such orders.

2. Native Trust and Land Amendment Act, No. 18 of 1954

This Act amended Chapter IV of the principal Act of 1936. It dealt with:

(a) labour tenants, who work for a farmer for a fixed number of weeks a year in return for the right to grow crops and run stock on a portion of the farm;

(b) squatters maintained by certain farmers as labour pools, or renting land from a farmer but working elsewhere.

The object of the Act was to discourage these systems and to encourage farmers to employ full-time labourers. It provided that the number of labour tenants an individual farmer may employ will be determined by labour tenant control boards composed of officials and local farmers, or by divisional councils in the Cape. The Minister stated [19] it would be assumed that 5 tenants were the normal number required per farm.

Farmers were required to register squatters annually, and it was provided that the registration fee would be progressively increased. Squatters could not be registered unless they had been continuously resident on the land concerned since 31 August 1936.

The Act removed a previously binding obligation on the Government to find alternative land for Africans who were displaced. With certain exceptions it enabled the authorities to offer them employment instead.

3. Bantu Laws Amendment Act. No. 42 of 1964

(a) Further machinery was provided for the abolition of labour farms (where a farmer accommodates Africans until he needs their services) and for the gradual abolition of the labour tenant system. It was stipulated that only Africans over the age of 15 years, born in the Republic or South-West Africa, may enter into labour tenants' contracts. (It would appear that members of the African's family will not be required to work for the farmer unless they themselves enter into contracts.)

No labour tenant contract may be entered into for a period in excess of three years. If no period is expressly stipulated the contract will be deemed to have been entered into for one year. Contracts will not be registered if the farmer did not previously employ labour tenants. The Minister was empowered to declare that in any specified area no labour tenants shall be employed.

The definition of a "dependant" of an African on a farm, who may live with him there, was widened.

(b) The Minister was given power to establish Bantu labour control boards which will have jurisdiction in respect of all farm labourers and domestic servants as well as labour tenants. This will not apply in the Cape, where divisional councils control these matters. In areas where there is no divisional council or control board, Bantu Affairs Commissioners will have power to act. Boards may be directed by the Government to consider the availability of non-African labour.

(c) The relevant authorities were empowered to issue a second removal order to an African convicted of being in an area unlawfully if, on his arrival at the first place to which he has been removed, there is no suitable accommodation or employment.

(d) The Minister was empowered to prohibit a farmer from allowing Africans to congregate or reside on his land if, in the Minister's opinion, their presence is undesirable in view of the situation of the land, or if they are causing a nuisance to persons living in the vicinity. Gatherings connected exclusively with religious services or church functions may not be prohibited.

VII. Foreign Africans

1. Aliens Control Act, No. 30 of 1962

Before 1963, Africans entering South Africa to seek work (other than recruited mine or other labourers) were usually not in possession of travel documents, but this was condoned if they reported to a passport control officer and were issued with temporary immigration permits.

The Act of 1963 made it an offence for an African to enter South Africa without a travel document issued by his own country and recognized by the South African Government. If convicted of such an offence an African is liable to a maximum penalty of 6 months. Whether or not he is tried and convicted he may be arrested and deported: should he be deported any unexpired sentence of imprisonment will be terminated.

2. Bantu Laws Amendment Act, No. 76 of 1963

The Bantu Laws Amendment Act of 1963 tightened control of the presence and employment of foreign Africans in South Africa, other than those recruited for work on the mines or in other specified industries. All the rest now need the written permission of the Secretary for Bantu Administration and Development, or an officer authorized thereto by him. Conditions may be imposed.

Foreign Africans wishing to enter the country must obtain prior permission. If this is granted their travel documents will be endorsed at the border by passport control officers stating the area in which their presence is authorized and the purpose and period of their visit. If the African is entering to take up employment, details of his service contract will be entered on his travel documents.

Foreign Africans who were already in South Africa on 30 June 1963 were required to obtain passports from their home countries before 31 December 1965.

Footnotes at end of article.

3. Policy decisions on Africans from the High Commission Territories

(a) It was decided in 1963 [20] that on entering into a service contract with a foreign African an employer must undertake to return the worker to his home on the completion of the contract. In no case may such an African be employed for longer than two years. He may be considered for further service if he returns to his home and then re-applies.

(b) A decision made in 1965 was that foreign Africans would no longer be issued with reference books (instead, they must be able to produce passports). They will no longer pay South African taxes, but must possess proof that they have paid the taxes imposed in their home countries.

(c) Fewer permits are being given to foreign Africans to work in prescribed areas.

(d) Foreign Africans who have entered South Africa without proper travel documents may be allowed to enter employment in order to earn the money necessary for the fare back to their homes, provided that the employer deposits with the authorities a sum of R20 towards this fare. This sum may be deducted from wages paid. (No deposit is required in the cases of Africans from Basutoland, Swaziland, Bechuanaland, or Portuguese East Africa.) [21]

4. Gratuities for certain Government employees

In terms of the Railways and Harbours Amendment Act, No. 6 of 1965, and the Pension Laws Amendment Act, No. 102 of 1965, gratuities may be paid to foreign Africans who started work in a Government department (including the Railways) before 1955, thereafter completing at least ten years' service, and whose service are terminated because of the expiration or cancellation of their permits to live and to work in the area concerned.

VIII. Indian immigration

Immigration Regulations Act, No. 43 of 1953

The Immigration Regulation Act amended an earlier measure of 1913 in terms of which the wives and minor children of Indians permanently resident in South Africa were permitted to come from India (and, later, from Pakistan) to join them. The new Act provided that no woman born outside South Africa who contracted marriages overseas to South African Asians after 10 February 1953, nor their minor children, would be permitted to enter the country unless special permission was granted. Women who had already contracted such marriages, and minor children born to them before 10 February 1954, would not be debared from entry until 10 February 1956.

IX. Separate amenities

1. Reservation of Separate Amenities Act, No. 49 of 1953

During 1952 several Africans appealed successfully against convictions for using facilities reserved for Whites: they had used those facilities in a protest against discrimination. Their appeals succeeded on the ground that if separate facilities were provided for various groups, these must be substantially equal.

The Government then introduced the Reservation of Separate Amenities Act, which empowered persons in charge of public premises or vehicles to reserve them, or portions thereof, for the use of persons belonging to a particular race or class. No such action can be ruled invalid on the ground that provision is not made for all races, or that the separate facilities provided for various races are not substantially equal.

2. Native Laws Amendment Act, No. 36 of 1937

(a) The "Church Clause": An amendment made in 1937 to the Natives (Urban Areas) Act provided that any institution to be established after the beginning of 1938 in the so-called white part of a town (i.e., outside non-white townships), and which would cater *mainly* for Africans, required the approval of the Minister of Native Affairs and of the local authority concerned. The word "institution" included churches, schools, places of entertainment, hospitals, and clubs.

This section was amended in 1957 (there was much controversy about the suggested Bill, which was redrafted twice.) The new provision relating to churches stated that if the local authority concerned concurs, if the church concerned has been afforded reasonable time to make representations, and if the Minister has considered the availability or otherwise of alternative facilities, he may direct that the attendance of Africans at any church or religious service in the white part of a town shall cease as from a date specified. He may do so only if in his opinion the Africans are causing a nuisance or if he considers it undesirable for them to be present on the premises in the numbers in which they ordinarily attend.

(b) Schools, hospitals, clubs, and similar institutions: If schools, hospitals, clubs, and similar institutions which admit Africans were established in their present premises before 1938 they may continue to operate unless the number of Africans attending them has increased since that date. If so, or if such institutions were established after 1938, they may continue only with the approval of the Minister given with the concurrence of the local authority concerned. Conditions may be imposed.

In either case, provided the local authority concurs, the Minister may direct that no Africans (other than employees) may attend if he considers that they are causing a nuisance or that it is undesirable that they should be present in the numbers in which they ordinarily attend. The Minister may make a similar order without consulting the local authority if he is of the opinion that the institution is being conducted in a manner prejudicial to the public interest.

(c) Places of entertainment: On grounds similar to those mentioned above, and again if the local authority concurs, the Minister may direct that no Africans shall attend any place of entertainment in the white part of a town.

3. Motor Carrier Transportation Amendment Act, No. 44 of 1955

The principal Act, passed in 1930, authorized the Government-appointed National Transport Board to stipulate that certain motor vehicles may be utilized for the conveyance of a stipulated class of person only. In terms of the amending measure, the board may require local authorities and others operating transport services to reserve vehicles or portions thereof for members of specified racial groups.

4. State-Aided Institutions Amendment Act, No. 46 of 1957

The measure conferred power on the boards of cultural institutions such as art galleries, museums, public gardens, zoos, and libraries, subject to the approval of the Minister of Education, Arts, and Science, to determine during what hours and subject to what conditions the public, or any group of persons, or persons belonging to a particular race or class, may visit the institution concerned.

5. Broadcasting Amendment Act, No. 49 of 1960

A separate Bantu Programme Control Board was set up, within the S.A. Broadcasting Corporation, to control the broadcasting of programmes especially designed for Africans. (Africans, can, of course, tune in to the general programmes too.)

6. Control of Welfare Organizations Working on Behalf of Africans

During April 1957 the (then) Native Affairs Department sent a circular [22] to local authorities and welfare organizations stating its policy that Africans should conduct their own voluntary social, social welfare, and recreational services. The control of such services by committees of whites, or by mixed white-non white committees, could not be approved. Whites could serve on separate advisory or fund-raising committees; and white officials could, if asked, serve on the African committees in an advisory capacity.

As a result, considerable re-organization was necessary in numerous welfare organizations, and work which had involved fruitful inter-racial co-operation was hampered.

7. Racial Separation in Scientific and Professional Organizations

When opening a conference of the S.A. Library Association during November 1962 the Minister of Education, Arts, and Science announced that the Government expected scientific and professional organizations to fall in with its policy of having separate branches for the various racial groups. The Library Association decided to comply.

Some weeks later letters were sent by the Minister to scientific or professional bodies that receive Government subsidies informing them that they were expected to provide for separate nonwhite societies, amending their constitutions if necessary to make this possible. The non-white bodies could affiliate to the national societies and could send representatives to specific executive meetings. In this way channels could be created for the exchange of views, and for knowledge gained at congresses and conferences of white scientists to be transmitted to non-whites. Unless the organizations concerned complied with this policy they would not continue to qualify for financial assistance from the Government, the Minister said.[23]

According to various reports [24] the organizations concerned had about 14,000 white members at the time, but only about 15 non-whites from South Africa. The latter, whose fields of interest differed, were far too few in number to establish separate professional bodies.

Some of the organizations concerned decided to forgo their subsidies rather than comply with the Minister's requirements; but one or two agreed to exclude non-whites. Following representations made by delegations, the Minister agreed to a compromise: for the time being such scientific societies as wished to do so could continue to accept non-white members, but would try to help them eventually to form their own associations.

8. Proclamation R26 of 1965

(Racial separation in clubs, places of entertainment, etc.)

9. Separation in sporting bodies

On 9 February 1962 the Minister of the Interior said [25] that as far back as 1956 his predecessor had stated that whites and non-whites should organize their sporting activities separately; that there should be no inter-racial competitions within South Africa's borders; and that the mixing of races in teams to take part in competitions in South Africa or abroad should be avoided.

A few weeks later the Minister amplified his statement.[26] He said that mixed teams would not be allowed to compete in international competitions held outside the country's borders, but separate white and non-white teams might do so provided that the organizers were not trying thereby to make the Government abandon its policy of separate development.

It would be in accord with the Government's policy, the Minister continued, if non-white associations were to exist and develop alongside the corresponding white associations. The latter could act as co-ordinating organizations between the two bodies at top level and serve as representatives to international organizations. One or two members of a white executive committee could attend meetings of the non-white com-

Footnotes at end of article.

mittee when requested, to maintain liaison; or one or more members of the non-white body could attend meetings of the white committee in an advisory capacity when matters affecting non-whites were being discussed.

In 1964, as a result of these decisions and the repercussions, the invitation to South Africa to participate in the Olympic Games in Tokyo was withdrawn, a tour of South African athletes to Europe was cancelled, and the Football Association of South Africa was suspended from the international controlling body. The Government has regulated South African participation in overseas events through the issue or refusal of passports; e.g. in table tennis.[27]

The terms of Proclamation R26 of 1965 are given on page 28. If non-white spectators are now to be admitted to sporting contests that are open to the public in white areas, or vice versa, official permits must be obtained.

10. Racial Zoning of Beaches

In accordance with their own and/or the Government's wishes and the recommendations of various commissions and committees, some local authorities in coastal areas have zoned beaches for members of the various racial groups. Others, particularly in the Cape, have been unwilling to do so, in spite of the provisions of provincial ordinances of 1955 and 1964 which empowered the Administrator to direct them to implement racial zoning and, if his instructions were not obeyed, to have the necessary work carried out at their expense. Legislation on this matter is likely in 1966.

X. Separation in employment

1. Civilized labour policy

In 1948 the Government re-affirmed the "civilized labour" policy for the Public Service and Railways. This policy, originally introduced by the Pact Government in 1924, was that so far as possible the employees other than labourers should be persons who drew adequate pay to enable them to maintain "the standard recognized as tolerable from the usual European standpoint". The effect was that white workers were employed in numbers of lower skilled posts, and were paid at far higher rates than were received by non-whites doing similar work in private sectors of the economy.

2. Native Labour (Settlement of Disputes) Act, No. 48 of 1953

This measure re-defined the term "employee" in the Industrial Conciliation Act to exclude all Africans; [28] prevented registered trade unions from having African members; and prohibited strikes by African employees,[29] sympathetic strikes by workers of other racial groups, lock-outs, or the instigation of such strikes or lockouts.

The Act provided for the setting-up of separate industrial conciliation machinery for certain categories of African workers. It did not prohibit African trade unions but denied them official registration and status, thus placing them at considerable disadvantage when negotiating with employers or collecting subscriptions.

3. Industrial Conciliation Act, No. 28 of 1956

In terms of this Act no further "mixed" trade unions (catering for both White and Coloured or Asian members) may be registered; machinery was created for the splitting of existing such union along racial lines; and it was laid down that any mixed unions which continued to exist must create separate branches for white and non-white members and hold separate meetings.

Furthermore, provision was made for "job reservation" that is, for specified types of work to be reserved for persons of a specified racial group. This section of the Act has, since, been used firstly to safeguard the position of White workers; and in the second place to protect Coloured workers against African competition.

4. Industrial Conciliation Amendment Act, No. 41 of 1959

In 1959 further restrictions were placed on the operation of remaining mixed trade unions. *Inter alia*, they may not extend their interests unless they do so in respect of one racial group only. It was rendered illegal for employers to collect trade union dues from Africans.

The Government's power to prohibit strikes in essential industries and services were extended to the canning industry; and the procedure for effecting job reservation was streamlined.

5. Effects of these measures

(a) Trade unionism: In 1961 roughly 31.7 per cent. of the economically active White workers were members of trade unions, 19.2 per cent. of the Coloured, 19.1 per cent. of the Asians, and only 1.9 per cent. of the Africans (even if peasants are excluded from the number of African workers). Trade unionism was, then, not highly developed among non-whites.

As a result of dissention among white trade unionists, mainly over the question of co-operation with non-whites, early coordinating bodies split, and two right-wing organizations that supported the Government's policies were formed—the Co-Ordinating Council of S.A. Trade Unions in 1947, and the S.A. Federation of Trade Unions in 1950. In 1957 they joined the Federal Consultative Council of S.A. Railways and Harbours Staff Associations to form the S.A. Confederation of Labour.

When the clauses of the Industrial Conciliation Act of 1956 that are described above were first published, a new body called the Trade Union Council of S.A. (Tucsa) was formed to unite as many workers as possible in an endeavor to prevent any interference with the collective bargaining system. The right-wing unions that support government policy did not join it, but nevertheless, in order to obtain as much support as possible its was considered necessary to confine membership to registered unions—thus excluding African ones. A few unions that disagreed with this policy broke away: together with certain African unions they formed the S.A. Congress of Trade Unions (Sactu).

Sactu aligned itself with non-white political movements. This policy was opposed by some of the African trade unions, which formed themselves into the Federation of Free African Trade Unions of S.A. (Fofatusa). After the Suppression of Communism Act (described in a subsequent chapter) was passed in 1960, the Government "banned" most of the leaders of Sactu, forcing them to resign from their unions. In consequence, the activities of this body have been severely hampered.

From 1963 Tucsa changed its policy and invited affiliation from all unions. For a time it maintained a loose liason with Fofatusa, some African unions being members of both bodies. As Tucsa increased its organizational work among African workers, the membership of Fofatusa declined, and, early in 1966, the latter body decided to disband.

At the end of 1963, the membership of registered trade unions was 344,752 Whites, 90,-143 Coloured, and 31,739 Asians.

In mid-1965, the right-wing Confederation claimed to have about 189,500 members, all white. Tucsa had 191,063 members, possibly about 22 per cent. of them non-white, including 2,012 Africans. Fofatusa had about 13,000 African members; and the strength of Sactu (mainly African) was unknown.

The Government states that the machinery set up under the Native Labour (Settlement of Disputes) Act has been successful in preventing many stoppages of work and in persuading numerous employers to raise the wages of African workers.

(b) Job reservation: Numbers of industries (e.g. engineering) and of individual employers have avoided the introduction of job reservation by increasing the wages payable for categories of work in which whites had feared non-white penetration. Employers may still use non-white labour in these occupations provided that they pay these workers at the same rates as whites earn.

Job reservation determinations have protected whites from non-white competition in specified types of skilled work in the building industry in urban areas, excluding non-white townships (although Coloured workers in the Cape may continue in certain of these occupations); in the trade of barman in public bars for whites in Durban and Pietermaritzburg; in the posts of firemen in Cape Town; in the driving of heavy vehicles in certain industries on the Free State goldfields and of vehicles in the Durban and Springs sanitary departments; in skilled work in the wholesale meat trade in Pretoria and on the Witwatersrand; and in the operation of lifts in certain types of buildings in Johannesburg, Pretoria, and Bloemfontein.

Other determinations have regulated the proportion of Whites and Coloured (including Asians) who may be employed in the clothing and motor vehicles assembly industries, to operate buses in Cape Town, as traffic policemen and ambulance drivers in Cape Town, as drivers of certain forms of motor transport in Durban, and as waiters, wine stewards, pages, and bedroom attendants in the Western Cape, Pietermaritzburg, Durban, and other Natal coastal towns. (This last determination applies to the employment of Africans, too.)

Numerous temporary exemptions from the terms of these determinations have been granted when adequate numbers of white workers were not available.

Acting under laws and provincial ordinances relating to separate amenities, the Road Transportation Board in the Cape has ruled that taxi-owners in that province may transport passengers of their own racial group only, and that the drivers employed must when possible be of this same group.

6. Nursing Act, No. 69 of 1957

The Nursing Act, which replaced an earlier measure, stipulated that the Nursing Council (the body that deals with the registration, training, and discipline of nurses) must consist of white persons only. Provision was made for advisory boards to be elected by non-white nurses. The Council must keep separate registers of nurses according to their race, and may prescribe different qualifications for registration and different uniforms.

The Nursing Association was required to set up separate branches for members of each racial group, and to arrange separate meetings. The controlling board must consist of white persons, elected by white nurses; although non-whites may elect advisory committees.

It was rendered an offence to employ a white nurse or student-nurse under the supervision of a non-white nurse (except in cases of emergency).

7. Factories, Machinery, and Building Works Amendment Act, No. 31 of 1960

This Amendment Act enabled regulations to be made governing the separation in any factory of workers of different races or classes.

8. Unemployment Insurance Amendment Act, No. 41 of 1949, as amended by Act 9 of 1957 and Act 37 of 1965

The principal Act, No. 53 of 1946, enabled all persons earning up to R1,500 a year to become contributors to the Unemployment Insurance Fund except for domestic servants, public servants, agricultural workers, African mine-workers, and those employed in rural areas (other than in factories). Then,

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in 1949, Africans earning less than R364 a year, and casual and seasonal workers, were excluded.

The 1957 Amendment Act extended the upper income range to R2,500. It provided for the addition of prevailing cost-of-living allowances to basic wages in cases where there had not been consolidated. The level below which all Africans are excluded was, thus, fixed at R546.

In 1965 the upper income range was increased again, to R2,860. The definition of a seasonal worker was amended to enable further classes of persons so employed to become contributors.

9. Bantu Laws Amendment Act, No. 42 of 1964

Section 66 of this Act provided that no African may carry on any trade or business as a hawker, pedlar, dealer, or speculator in livestock or produce, or any street trade or business which the Minister of Bantu Administration and Development may specify, in a prescribed area [30] outside a Bantu residential area, unless he has the permission of the local authority. Local authorites may not grant such permission unless, at their request, the Minister has authorized them to do so. He may direct that no such trading be permitted in specified portions of a prescribed area, or may impose other conditions.

10. Laws dealing with border industries

The Government rejected the recommendation of the Tomlinson Commission of 1951–5 that, subject to certain safeguards white entrepreneurs be encouraged to establish industries in the African Reserves (or "homelands"). It accepted the complementary recommendation that such enterprise be fostered in white areas bordering on the Reserves which possess, or can be provided with, the necessary infrastructure, but which happen to be undeveloped.

Various Income Tax Acts have provided for concessions to industrialists who establish themselves in such areas. Act 88 of 1965 allowed for these concessions to be extended to any "economic development areas", i.e., any area in which, in the opinion of the Minister of Finance, economic development should be encouraged.

Since 1961 other inducements, besides tax concessions, have been offered to industrialists. Various Government Departments have provided roads, railways, power, and water in selected border areas, and housing for white employees. The Industrial Development Corporation has made financial loans available and has constructed factory buildings for lease or sale. The Department of Bantu Administration and Development has employed African contractors to build new villages just across the borders in the homelands. A school to train African textile workers has been established near East London by the Department of Bantu Education. In general, the wage structure is lower in border areas than it is in the cities.

By mid-1965, new concerns in border areas employed about 42,000 persons, of whom 33,000 were Africans. Another 85,000 persons (including nearly 62,000 Africans) were employed in previously existing undertakings in these areas. As at 31 January 1965, the Industrial Development Corporation had given financial assistance to 48 concerns, totalling R22,513,126. During 1964 tax concessions in respect of new investments in border areas were approved in 33 cases, an amount of some R27,000,000 being involved.

During 1965 the Government decided that the inducements mentioned above would be extended to White, Coloured, and Indian industrialists in selected retarded areas where unemployment existed, and to establish an Indian Investment Corporation to assist Indians to establish business enterprises in which they would employ workers of their own racial group. (The establishment of corporations to assist Africans and Coloured people in the Reserve is dealt with in a subsequent chapter.)

11. Railways and Harbours Amendment Act, No. 6 of 1965

Section 58 of Act 6 of 1965 provided for the creation of a provident fund for non-white railway and harbour workers.

In terms of this Act and the Pension Laws Amendment Act, No. 102 of 1965, gratuities may be paid to Africans who started work in a Government department before 1955, thereafter completing at least ten years' service, and whose services are terminated under laws and regulations governing influx control.

XI. Separation in education

1. Bantu Education Act, No. 47 of 1953

In terms of the Bantu Education Act the control of African education was transferred from the provinces to the Union Department of Native Affairs (and later to the newly established Department of Bantu Education). No schools may be established or conducted unless they have been registered. The Minister was given very wide powers to make regulations.

During the following year the Government decided that the State should continue to pay into the Bantu Education Account an amount equivalent to its expenditure in 1953, that is R13,000,000 a year. Any excess expenditure over this amount would be met by African taxpayers themselves.[31] (As described below, this policy has, since, been slightly amended.)

It was, further, decided that subsidies to teacher-training schools run by missions would be terminated in 1955, and that those paid to mission-run primary and secondary schools would be reduced progressively until 1957, after which they would cease. Churches could rent or sell their schools to the Department, or could close them. If, however, they wished to retain control of schools on an unsubsidized basis they would have to apply for the registration of these institutions as private schools: the decision whether or not to grant registration would be made by the Minister of Bantu Education.

At the time when the Bill was introduced Dr. H. F. Verwoerd, then minister of Native Affairs, said,[32] "Education must train and teach people in accordance with their opportunities in life, according to the sphere in which they live". Later, he added that in terms of the apartheid policy there was no place for the Bantu within the white community above the level of certain forms of labour. Within their own areas, however, all doors were open. Education should, thus, stand with both feet in the Reserves and have its roots in the spirit and being of a Bantu society.

Most Africans have resented the conception of "Bantu" education. They feared that the facilities provided for them would be inferior, and they strenuously opposed the introduction of a separate type of education, with new syllabuses.

Since the Act was passed the school enrolment has doubled—from 883,896 in Government and aided schools in 1953 to 1,770,371 in 1963. The average annual increase in primary school enrolment from 1955 to 1962 was 8.48 per cent, whereas the increase in the African population was 2.53 per cent. Each year, thus, a higher proportion of the school-age population is being catered for. In 1962, 61 per cent of the estimated number of children in the 7 to 14 years age group were enrolled in primary classes.[33]

The teacher-training programme has been extended, but in order to staff all the new schools emphasis was placed at first on training teachers for the Primary Lower Certificate (Standard VI plus 3 years' training). The better-qualified teachers have, thus, had to be spread more thinly. It is intended to abolish this certificate and to have as minimum qualification the Primary Higher Certificate (Form III plus 2 years' training).

The main difficulty has been lack of money, due to the pegging of the amount contributed from the Consolidated Revenue Fund. Africans have themselves contributed in many ways (described below), but nevertheless there have been insufficient teachers to staff schools, and inadequate supplies of books and equipment. For these and other reasons (e.g., a general spirit of unrest in many schools) the matriculation results deteriorated steadily from 1953 to 1960: since then there has been a slight improvement.

There has been considerable controversy over the decision to use the mother-tongue as the medium of instruction throughout the primary school: before 1953 most schools began introducing one of the official languages as the medium after Standard II.

The matriculation and university examinations written by African candidates are the same as those written by whites; but far too few African candidates are presenting themselves. Only 725 Africans passed in 1963, as against 397 in 1960 and 554 in 1954. Of the 1,339 full-time students who wrote the examination in December 1965, only 61.7 per cent passed, and only 24.1 per cent reached the standard required for admission to a university.

Salary scales for teachers were improved to some degree in 1963 (there is still no pension scheme), and it was decided that university colleges (described below) should be financed from the Consolidated Revenue Account instead of the Bantu Education Account. Since 1964 a sum of R1,000,000 a year has been paid into the latter fund for this purpose, and it was re-imbursed for the amount spent until then. The salaries and expenses of the Minister of Bantu Education and his staff, and the cost of subsidizing special schools for handicapped children, are now charged to the Consolidated Revenue Account.

Since the Transkei was granted partial independence, in 1963, education in that territory has been separately financed, partly from an annual grant of R11,000,000 from the Republic's Consolidated Revenue Account. The annual allocation to the Bantu Education Account has not been decreased in consequence.

Nevertheless, the funds available are still inadequate. Africans contribute in the following ways:

(a) the capital costs of lower primary schools in urban areas are recovered gradually by adding an amount of up to 20 cents a month to the rentals of houses or sites;

(b) African school boards must raise half the capital costs of all other schools, and must pay for maintenance and cleaning (partly for this purpose, and partly to provide money for replacements of furniture and equipment, parents are called upon to make regular contributions to school funds);

(c) in 1965, about 2,000 teachers (out of a total of 26,795) were being paid privately by school boards or parents;

(d) in primary schools. African pupils are supplied with readers only, and must themselves pay for all other textbooks, stationery, etc. Post-primary pupils must pay for all their own books and other requisites. (In 1965 the Transkeian Government decided to supply free text-books in its territory.)

(e) most of the high schools are situated in the Reserves, thus many parents in urban areas have to pay boarding fees.

2. Transkei Education Act, No. 2 of the Legislative Assembly, 1964

In 1964, the Transkeian Government decided that all community schools in its area (established or maintained by Bantu Authorities, tribes, or communities) would become Government schools. School boards would be disestablished, but school committees retained.

It was decided, later, that all privately paid teachers in the Transkei would become Government employees. In Standard III (instead of after Standard VI, as in the Repub-

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lic) either English or Afrikaans, as selected by parents, would gradually be substituted for the mother-tongue as the medium of instruction—every school has selected English. New syllabuses are being compiled to replace those of the Bantu Education Department. The examination at the end of Standard II has been abolished.

3. Bantu Special Education Act, No. 24 of 1964

The control of special education for handicapped African children was transferred from the Department of Education, Arts, and Sciences to the Department of Bantu Education in 1961.

The 1964 Act empowered the Minister of Bantu Education to establish special schools, to grant subsidies to private schools of this nature, or to take over the management of private schools.

4. Coloured Persons' Education Act, No. 47 of 1963

The Coloured Persons' Education Act provided for the control of the education of Coloured persons to be transferred from the provinces to the Department of Coloured Affairs. (The transfer of control of provincial schools was effected early in 1964.) The Department conducts its own examinations.

The Act provided that the management and control of State-aided schools may be transferred to the Department after consultation with the governing bodies concerned. All private schools at which more than 14 pupils are enrolled must be registered with the Department and must comply with prescribed requirements.

An advisory Education Council for Coloured Persons, and ten Regional Education Boards, were established in 1964.

5. Indians Education Act, No. 61 of 1965

Couched in somewhat similar terms to those described above, the Indians Education Act provided for the control of Indian education to be transferred from the provinces to the Department of Indian Affairs. For the time being the provinces, or the Department of Education, Arts, and Science, will continue to conduct examinations.

6. Vocational Education Amendment Act, No. 25 of 1958; Special Education Amendment Act, No. 45 of 1960; Higher Education Amendment Act, No. 20 of 1963

The purpose of these measures was to place Coloured educational services of the types mentioned under the control of the Minister of Coloured Affairs, Indian services under the Minister of Indian Affairs, and services for Africans under the Minister of Bantu Education. Primary and secondary schools for Whites remain under the control of the provinces, while other types of education for Whites fall under the Department of Education, Arts, and Science.

7. Extension of University Education Act, No. 45 of 1959

This Act provided for the establishment of separate university colleges for Africans, Coloured students, and Asians. The African colleges were to be financed from the Bantu Education Account [34] and the rest from general revenue. (As mentioned above, it was subsequently decided that the Bantu colleges, too, would be financed from general revenue.) Each college has a (white) Council and Senate and a (non-white) advisory Council and advisory Senate; but the latter bodies will gradually assume increased responsibility. The Minister was given wide powers of control of members of staff. The examination, degrees, and diplomas are those of the University of South Africa (unless this institution provides no courses in the subjects concerned).

White students were prohibited from attending non-white university colleges. As from dates determined by the Government no new non-white students might enroll at the universities that previously accepted them. (The University of South Africa, which conducts correspondence classes only, was excluded, as was the Natal Medical School.) The Ministers concerned were empowered to make arrangements for the post-graduate training of non-white students at a place other than a university college.

In October 1959 the Government prohibited further non-white enrollment at a university without the consent of the responsible Minister.[35] A year later the prohibition became absolute in large numbers of faculties and departments in which courses had been commenced at the non-white colleges.[36]

Strict regulations were issued for the control of students.[37]

8. University College of Fort Hare Transfer Act, No. 64 of 1959

In terms of this measure the control of the University College of Fort Hare was transferred from its multi-racial Governing Council to the Minister of Bantu Education.

The Minister was empowered to dismiss existing members staff; and he subsequently decided to dispense with the services of the principal and seven senior staff members. Others resigned, and there was for some time considerable unrest among the students. Coloured and Asian students are gradually being eliminated.

9. Establishment of new colleges

New university colleges have, since, been established for the Coloured and Indian groups at Bellville, Cape, and in Durban respectively. An African college in Natal serves the Zulu and Swazi people, while another in the Northern Transvaal caters for the Sotho, Venda, and Tsonga peoples. The students admitted to Fort Hare are mainly of Xhosa origin.

A medical school for non-whites was opened in Durban in 1951.

10. National Study Loans and Bursaries Act, No. 89 of 1964

This measure provided for the establishment of a national fund to assist matriculated students of any race who wish to study at a university, university college, training college, technical college, or vocational school. The State contributed an initial amount of R500,000, and it was laid down that companies that make donations to the fund may deduct these from their taxable incomes up to a maximum amount of one per cent of these incomes.

XII. Increased contributions demanded from Africans towards the cost of services

1. Natives Taxation and Development Act, No. 38 of 1958

This Act provided that as from 1 January 1959 every male African of the age of 18 and over must pay basic general tax at the rate of R3.50 a year, instead of R2 as previously. As from 1 January 1960 men earning more than R360 a year became liable to pay further amounts, on a sliding scale, and for the first time women became liable to pay general tax.

If an African pays normal income tax the amount due is deducted from the general tax payable by him, except that all men must in any case pay the basic general tax.

The general tax payable by Africans is substituted for the provincial personal tax paid by members of other racial groups; but Africans in the lowest income groups pay more than do Whites with the same incomes; no reduction is made for Africans with family responsibilities, as it is for persons of other racial groups; and Africans become liable to pay the general tax on reaching the age of 18, while others are exempt from personal tax until attaining the age of 21 years.

Furthermore, Africans pay further direct taxes which members of other racial groups (who on an average have higher incomes) are not called upon to pay, for example local tax and general or tribal levies in many rural areas, and contributions to the cost of education.

2. Native Laws Amendment Act, No. 36 of 1957

It was laid down in this Act that sums up to 20 cents per month may be added to the rentals of African housing schemes in urban areas towards the costs of lower primary schools.

XIII. Housing

1. Native Building Workers' Act, No. 27 of 1951

This Act was introduced with the object of speeding up the provision of housing for Africans in urban areas. Previously the skilled building work had been done by Whites, and the comparatively high level of their wages forced up the costs of housing projects, and, thus, of rentals payable and/or losses borne by State and local authorities.

The Act of 1951 provided for the training and employment of Africans as skilled building workers in African townships at lower rates of pay than those stipulated for builders of other races. It prohibited the employment of Africans on skilled building work in other parts of urban areas.

2. Native Services Levy Act, No. 64 of 1952

It was decided in 1952 that employers of adult male Africans in the larger towns who did not supply approved accommodation for them would be required to contribute a sum of up to 25 cents a week to a Services Levy Fund, which would be used for providing main water, sanitation, and lighting installations and roads to, and in approved cases within, African townships. Up to 5 cents out of every 25 cents might be used for subsidizing transport services. Employers were prohibited from deducting these contributions from the men's wages.

3. Native Transport Services Act, No. 53 of 1957

The Transport Services Levy Act supplemented the Native Services Levy Act. It transferred from the (then) Native Affairs Department to the Department of Transport control of the portion of the services levy which might be used for subsidizing transport services (up to 5 cents per employee per week), and provided that the compulsory contribution from employers might be increased to 10 cents per week.

4. Housing Act, No. 10 of 1957

The 1957 Housing Act was largely a consolidating measure, but made provision for a special Bantu Housing Board. Under this Act, the Native Services Levy Act, and related legislation, the Government and local authorities have made remarkable progress with the provision of housing for Africans in urban areas: particularly since 1952. In latter years housing schemes for Coloured and Indians have been very much expedited.

5. Slums Amendment Act, No. 55 of 1963

This measure increased the powers of the Government to ensure that the duties of local authorities under the Slum Clearance Act are carried out.

6. Removal of Restrictions in Townships Amendment Act, No. 32 of 1963

This Act widened the powers of the State and local authorities to have any restrictive conditions (e.g. prohibiting occupation by non-whites) removed in cases where the authorities require the land for public purposes.

7. Group Areas and Community Development Acts

See page 24.

8. Expropriation Act, No. 55 of 1965

This measure amended a large number of previous Acts, and repealed certain others, so as to bring the provisions relating to expropriation into line in each. It dealt with cases in which property that is required for

Footnotes at end of article.

township development or for other public purposes may be expropriated by the Minister concerned or officials to whom this power has been delegated, or Administrators, or local authorities to which an Administrator delegates the necessary power.

9. Housing Amendment Act, No. 49 of 1965

In this Act the definition of a local authority, as contained in the principal Act, was amended to include:

(a) a board of management of a rural Coloured area;

(b) a "specified" area, in terms of the Bantu Resettlement Act of 1954, which is controlled by the Bantu Resettlement Board (Meadowlands and Diepkloof in Johannesburg);

(c) a management board established in an African area as a local authority for the purposes of the Housing Act (there is such a board in respect of Evaton).

The National Housing Commission will, thus, be empowered to lend money to these bodies as well as to other local authorities for the erection of housing schemes. Before making a loan to a Coloured board of management the Commission must consult the Secretary for Coloured Affairs, to ensure that the board is in a financially viable position.

The Housing Commission, like the Community Development Board, has been exempted from the provisions of restrictive by-laws and conditions relating to the establishment of a township (see page 27).

Economic and sub-economic (subsidized) housing schemes are provided by the Commission, the Board, or by local authorities with the aid of loans, for people who cannot meet their own needs. The income limits for sub-economic housing as fixed by the State are R80.00 a month for whites and R50.00 a month for non-whites. (A few local authorities, notably Johannesburg, themselves contribute further subsidies in respect of non-white sub-economic housing schemes.)

Nearly all the houses built for Africans during the past decade have been financed from economic loan funds: that is, the Africans must themselves, over a period of years, repay the interest on the loans plus the capital costs (except for capital costs of services financed from the Native Services Levy Fund).

In certain areas sites have been provided on which Africans who want to have houses of a better type may build for themselves. These plots are on a leasehold basis only in townships in "white" areas, but may be purchased in townships in the Reserves. The Bantu Investment Corporation grants 90 per cent loans to approved owners of plots in the latter areas only.

Whites, Coloured, and Asians whose incomes are above the limits set for economic or sub-economic housing schemes may obtain individual loans through the Housing Commission if their incomes are between R55.80 and R180.00 a month.

XIV. Development of African and Coloured Rural areas

1. Five-Year Plan for the Development of African Reserves

The Government announced that it proposed spending R114,342,269 during the five-year period commencing from 1961–1962 on the development of the African Reserves. This money was to be allocated as follows:

For development of rural townships to serve border industries and to house other workers who are moved off the land	R75, 949, 500
For staff accommodation, stores, and workshops	2, 122, 900
For roads and bridges	3, 349, 650
For irrigation, dams, and boreholes	10, 891, 240
For contour banks, grass strips, afforestation, fencing, and fibre cultivation	R21, 828, 143
For dipping tanks and auction pens for stock	200, 836
	114, 342, 269

In addition, Parliament votes money annually for the purchase of land to fulfill the promise made in terms of the Native Trust and Land Act of 1936 that 7¼-million morgen of land would gradually be added to the existing Reserves, and for the acquisition of further land for the resettlement of Africans removed from Black spots (isolated African settlements, surrounded by white farms), from small and "badly situated" Reserves, and from parts that jut out into white areas. It was officially estimated in 1960 that the areas to be cleared totalled 728,537 morgen; but the final plan for consolidating the Bantu areas has not yet been formulated.

In mid-1965 the total area of the African Reserves was:

	Morgen
Scheduled areas (in the main, the Reserves that existed in 1913)	10, 729, 435
Land acquired by Africans between 1913 and 1936 in areas recommended by various commissions for "release" to them	1, 440, 137
Acquired by the Trust since 1936	4, 935, 842
Acquired by Africans since 1936 in "released" areas	433, 868
Total	17, 539, 282

This is approximately 58,014 square miles, or 12.3 per cent of the area of South Africa.

2. Bantu Investment Corporation Act, No. 34 of 1959

This measure provided for the establishment of the Bantu Investment Corporation of S.A. Ltd., with a board of directors appointed by the Minister of Bantu Administration and Development [38] to promote and encourage the development of Bantu enterprise in the Reserves.

It was provided that, using an initial share capital of R1,000,000 (owned by the S.A. Native Trust) and moneys invested with it by Africans, the Investment Corporation would provide financial, technical, and other assistance and expert advice to African businessmen in the Reserves, and would promote the establishment of new undertakings within these areas.

By 1964 the Corporation's share capital had been increased to R3,000,000. By February 1965 it had granted 427 loans to African businessmen and small industrialists, to the value of R1,573,678; had established four savings banks in which Africans had invested nearly R1,000,000; had trained African officials to advise traders; had arranged numbers of business courses and discussion meetings; was establishing a tourist resort; had opened depots for the sale of handicrafts; and had made numbers of housing loans in townships in the Reserves.

3. Bantu Homelands Development Corporation Act, No. 86 of 1965

(a) The Minister of Bantu Administration and Development was empowered to establish a non-profit-making development corporation in respect of the "homeland of each national unit", with the object of planning and promoting economic development and the general welfare and advancement of the homeland and its peoples. These corporations may themselves undertake projects and/or may stimulate and help Africans to do so.

In his Second Reading speech on the Bill [39] the Minister said that the corporations would have power to call for tenders and to employ agents to develop specific projects, e.g. a mine, in accordance with the Government's rules and principles. Such agents would be allowed a reasonable return on their capital, but would not be permitted to keep all the profits.

(b) A corporation will be managed by a board of directors appointed by the Minister. Members of the Senate, Assembly, or a provincial council may not be included. The Minister said that the directors would all be white.

(c) A corporation may raise or borrow money (including "white" money) with or without security and/or interest, and may accept donations. All the shares will be held by the S.A. Bantu Trust.

(d) A corporation may exercise its powers in an urban area which is surrounded by a homeland, but not in an urban area which is not intended for occupation or ownership by Africans.

4. Transkeian Development and Reserve Fund Act, 1964

In terms of Act 3 of 1964 passed by the Legislative Assembly, a Transkeian Development and Reserve Fund was created, with the object of encouraging and promoting the economic development of the territory and of creating a reserve on which to draw in lean years or in the event of an emergency. The Legislative Assembly paid R1,000,000 into the fund from its current budget. This fund is controlled by the Transkeian Secretary for Finance.

The Republican Government Notices R1190 and R1358 of 1965 provided for the establishment of a Xhosa Development Corporation (under the Bantu Homelands Development Corporation Act). A sum of R1,000,000 to form its share capital was voted in the Republic's Supplementary Estimates.

5. Transkeian Trading Amendment Act, 1964

Act 5 of 1964 passed by the Transkeian Legislative Assembly removed a restriction, contained in an earlier proclamation, to the effect that a license for an African trader, butcher or baker would not be granted if the proposed business was within two miles of another business of the same type. But it added that a license holder may not take out another such license in respect of premises situated within 20 miles of his existing business. The object is to prevent the establishment of monopolies.

6. Racial zoning of towns in the Transkei

Following recommendations made by a committee appointed by the Republican Government, the provisional future of towns in the Transkei was decided upon. In terms of Proclamation R336 of 31 December 1965, 10 of the smaller towns were reserved completely for African citizens of the territory, and parts of a further 13 towns (including Umtata and Butterworth) were so reserved. Except with the Minister's permission, no one but the Transkeian Government, the S.A. Bantu Trust, the Bantu Investment Corporation, the Xhosa Development Corporation, or a Transkeian citizen may acquire an interest in land in a reserved area, unless by inheritance or donation. The occupation of premises for professional or business purposes in such areas is controlled. Existing local authorities will, for the time being, continue to administer the reserved areas.

Towns omitted from the investigation, and apparently to remain "white", were Port St. Johns, Umzimkulu, and Matatiele.

In the light of past Ministerial statements, it would appear that the intention is gradually to extend the reserved areas in the 13 towns which have, so far, been partially divided, until eventually they become completely "black". Whites and Coloured people living in reserved areas will not be ejected, but if they wish to dispose of their properties they will be able to do so only to Transkeian citizens or the bodies mentioned above.

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An Adjustment Committee has been appointed to value white properties offered for sale, to estimate the value of traders' goodwill, and to determine whether compensation should be paid for real losses experienced. The Bantu Investment Corporation has taken over numbers of white business concerns.

In terms of various proclamations of 1965 and 1966, certain towns in the Transkei have been deemed no longer to be prescribed areas for the purposes of the Bantu (Urban Areas) Consolidation Act.

7. Border industries

See page 50.

8. Coloured Development Corporation Act, No. 4 of 1962, and Amendment Act, No. 12 of 1963

In terms of this Act a Coloured Development Corporation was established to encourage and promote the advancement of Coloured people in the fields of industry, trade, and finance in Coloured group areas, mission stations, and reserves. (All the directors, appointed by the Government, are white.)

The Amendment Act enabled the Corporation to promote the advancement of Coloured people in Coloured areas in the fields of mining, fishing, and any other activities which may be stipulated by proclamation.

By the end of September 1964 the Corporation had granted 61 loans to Coloured businessmen, to the value of R774,102. It had established the Spes Bona Savings and Finance Bank, Ltd., at Athlone, Cape Town, in which, by mid-1965, Coloured people had deposited about R10,000; had acquired a quota in the crayfish export market on behalf of Coloured fishermen; and had been granted concessions for diamonds and quartzite mining in certain Coloured reserves in Namaqualand. In most cases the mining will be carried out by white companies, a share of the profits being payable to the Corporation.

This Act repealed the Preservation of Coloured Areas Act of 1961, the Coloured Persons Communal Reserves Act of 1961, and the Mission Stations and Communal Reserves Act of 1909. It dealt with existing Coloured reserves (about 2,000,000 morgen in extent) and with areas which may be proclaimed as reserves. State or other land on which Coloured settlements exist, and land which before 1961 had been allocated to Coloured people or was a recognized Coloured area, mainly occupied or owned by them, may be so proclaimed.

The Coloured reserves are being replanned, and registered occupiers will be able to purchase agricultural lots or residential stands, and to lease grazing areas. The title deeds or leases granted will be subject to conditions relating to beneficial use.

Occupiers will elect advisory boards. At later stages (unless those exist already) boards of managements will be established, initially with 6 elected and 3 appointed members under the chairmanship of a person designated by the Minister. Finally, the Minister may direct that all the members shall be elected. These boards will have defined powers of local self-government; but the Minister may direct them to make or repeal regulations on matters within their competence, and he will retain power to make regulations on various matters, including the control or prohibition of meetings, qualifications of voters, collection and utilization of rates, conditions relating to land ownership, etc.

If rates are in arrear the board of management may call upon the person concerned to pay the sum owing, plus interest on it, within one month. Should he fail to do so he will be guilty of an offence and liable to a fine not exceeding R25. If a convicted person still fails within the following six months to pay or to make suitable arrangements for payment the rates may be recovered by the seizure and sale of his movable property.

10. Meetings in Coloured rural areas

New regulations for rural Coloured areas, replacing earlier ones issued in 1960 and 1961, were promulgated in terms of Government Notice R1375 of 1965. They provide for the declaration of Coloured areas, certificates of occupation, the election of advisory boards and boards of management and the powers of these bodies, the levying of rates, etc.

Section 118 deals with meetings in Coloured rural areas. There are three differences from previous regulations in this regard.

(a) It is again provided that, with certain exceptions, it is an offence to hold or address a gathering of more than five persons unless with permission. Previously the Coloured Affairs Department or a magistrate could grant permission. Now the written approval of the Secretary for Coloured Affairs must be obtained.

(b) There were previously restrictions on the types of religious services that were exempt from these provisions. Now any meeting held for the purpose of bona fide religious service is exempt.

(c) The previous regulations exempted meetings presided over by a Senator, Member of Parliament or Member of a Provincial Council. Such meetings are no longer exempt.

XV. Other matters affecting Asians and Africans

1. Immigration Amendment Act, No. 8 of 1960

In terms of the Immigrants Regulation Act of 1913, Asians may not move from the province where they are domiciled unless they are in possession of permits granted by the Department of the Interior (the Department of Indian Affairs has since taken over these powers in respect of Indians). Asians are prohibited immigrants in other provinces, and there is a total ban on their residence in the Free State.

Until 1960, although the responsible Minister could permit an Asian to visit a province other than the one in which he lived, he had no power to authorize a permanent change of residence. The Act of 1960 granted this power, but stipulated that an Asian who is allowed to settle in another province will lose his right of domicile in the province where he lived originally.

2. Indian Laws Amendment Act, No. 68 of 1963

Distinctions previously made between "Indian immigrants" and "passenger Indians" were removed; and certain types of Indian marriages, the validity of which had been in doubt, were validated. Various provisions of earlier laws which had become anachronistic were repealed.

3. Indian Laws Amendment Act, No. 43 of 1964

The main purposes of this Act were to straighten out administrative difficulties in regard to the voluntary repatriation of Indians, the dissolution of Indian marriages, and the practice of not registering Indian child marriages.

4. Native Laws Amendment Act, No. 46 of 1962

The Native Laws Amendment Act of 1962 provided, *inter alia*, that the State President may make regulations for the registration, annulment, or dissolution of African customary unions.

5. Bantu Laws Amendment Act, No. 76 of 1963

This Act made it possible for a partner to an African customary union to claim damages for loss of support in the event of his or her spouse's death as the result of negligence or an unlawful action by a third person.

XVI. Liquor

1. Liquor Amendment Acts, Nos. 72 of 1961 and 89 of 1962

The Liquor Amendment Act of 1961 removed restrictions on the sale of liquor from bottle-stores to non-whites. Local authorities, Bantu Authorities, employers who provide housing for African workers, and private associations or persons may be granted licenses to sell liquor in African townships. It is an offence for non-whites to be in possession of liquor on private premises unless they have obtained the owner's consent. The penalties for contravention of the Act (e.g. for making concoctions or being drunk in a public place) were increased.

A further Amendment Act, passed the following year, made it possible, subject to various conditions, for Coloured persons and Asians to be licensed to sell liquor from premises in their group areas or in areas predominantly occupied by them.

Section 94 of the principal Act, passed in 1928, was not repealed. This renders it an offence for anyone except a licensed dealer or employer to supply liquor to Africans.

In urban African townships liquor licenses have been granted almost exclusively to the local authorities concerned: they must spend 20 per cent of the profits on social, social welfare, or recreational services for Africans and pay the remaining 80 per cent. to the Government Department of Bantu Administration and Development for use in the general interests of Africans.

2. Bantu Beer Act, No. 63 of 1962

In terms of the Bantu Beer Act it is no longer an offence to be in possession of Bantu beer. Licensed liquor dealers may acquire supplies from local authorities for sale to the public; and employers who house 25 or more African workers may be authorized to brew beer for free supply to these employees, or may purchase supplies from the local authority for sale to them. Subject to these exceptions, local authorities may be granted the exclusive right to brew and sell Bantu beer in their areas. If local authorities so wish, home brewing may be allowed; but no one may sell beer unless he has been licensed to do so. Any profits made by local authorities must be utilized for services provided in the interests of Africans.[40]

3. Bantu Laws Amendment Act, No. 42 of 1964

It was rendered an offence to sell Bantu beer powder to anyone other than a local authority or those licensed or authorized to sell this powder (bottle-stores, authorized associations of persons, local authorities, etc.). A Bantu beer research fund was provided for.

4. Liquor Amendment Act, No. 88 of 1963

(a) This Act laid down that no person may supply liquor to any person in his employ as, or as supplementing, the employee's wages.

(b) Employers may supply liquor *gratis* to any African of the age of 18 years or over, bona fide employed by him and for the personal consumption of the employee.

(c) It was rendered lawful for an African to supply liquor *gratis* for consumption by any other African who is a member of his household or his bona fide guest. (Except for employers, Whites, Coloured, or Asians, are still not entitled to offer drinks to Africans.)

(d) Restrictions on the sale of methylated spirits to Coloured people and Africans were removed in terms of Government Notice 1510 of 1962. The 1963 Act abolished all restrictions on the purchase and possession by Africans of methylated spirits and yeast.

Footnotes at end of article.

5. Aviation Amendment Act, No. 12 of 1965

In terms of this Act it became lawful for non-whites to be served with liquor in the transit lounge of the Jan Smuts International Airport.

XVII. Measures for the Control of Activities Deemed Undesirable

1. Suppression of Communism Act, No. 44 of 1950

When the Nationalist Government came into power it determined to control the activities of persons whom it considered were fomenting unrest, mainly among non-whites. Its first action to this end was to pass the Supression of Communism Act.

In this Act the term "communism" was very widely defined, to include not only the doctrine of Marxian socialism, but also any doctrine or scheme which aims at bringing about any political, industrial, social or economic change within South Africa by the promotion of disturbance or disorder, or by unlawful acts or omissions, or which aims at the encouragement of feelings of hostility between black and white, the consequences of which are calculated to further the achievement of doctrines or schemes such as those mentioned.

The Communist Party of S.A. was declared unlawful and the Governor-General was empowered to declare any other organization unlawful if he was satisfied that it was furthering the achievement of any of the aims of communism as described above.

The Minister of Justice was given power to direct that a list be prepared of the members of any organization declared unlawful; persons concerned would be given reasonable opportunity of showing why their names should not be included. Persons so listed, those deemed by the Minister to be promoting the aims of communism, or those found guilty by the courts of contravening the terms of the Act, could be prohibited by the Minister from holding public office or belonging to specified organizations, from attending gatherings, or from leaving defined areas. Such persons who were not South African citizens could be deported.

The Minister was empowered to ban publications and to prohibit gatherings if he considered that these were furthering or were likely to further the aims of communism.

According to available information, by the end of January 1966 the names of 429 persons had been listed, while another 49 people had succeeded in having their names removed from the list. There were about 490 banning orders in force (including in this total were 82 listed persons). Of the banned and listed persons, 12 had died and about 190 had left the country.

2. Control of Meetings in African Rural Areas

Unrest among non-whites mounted in 1952 and 1953 leading, on the one hand, to the Defiance Campaign and, on the other, to tragic rioting in Port Elizabeth, Johannesburg. Kimberley, and East London. The Government introduced measures to bring the Defiance Campaign to an end and to suppress political action.

Proclamations 276 of 1952 and 198 of 1953 provided that any person who, without the permission of the chief or headman and the written approval of the local Native Commissioner or Magistrate, holds, presides at, or addresses any meeting in an African rural area at which more than 10 Africans are present, or who permits such meeting to be held on premises under his control, is guilty of an offense and liable to maximum penalties of R600 or 3 years. Certain gatherings are excluded, for example bona fide religious services, sports gatherings, entertainments, weddings, funerals, and administrative meetings of kraals or statutory bodies.

Government Notice No. 2753 of 1952, applying to all other areas, contained similar provisions but empowered the Governor-General to bring them into force in specific areas and thereafter to suspend them.

These measures were later replaced by Government Notice 2017 of 1953, which provided that the Governor-General may by proclamation impose control in any area over the holding of meetings or gatherings of Africans. Action subsequently taken in the Transkei is described on page 80. Proclamation 2017 has been brought into force in various other areas when there has been unrest.

3. Public Safety Act, No. 3 of 1953

The Public Safety Act provided that if in the opinion of the Governor-General any action or threatened action by any persons is endangering public safety or the maintenance of public order, or if any circumstances have arisen that constitute such a danger, he may, should the ordinary law of the land be inadequate to deal with the situation, proclaim a state of emergency either in the country as a whole or within a specified area. Such a proclamation will not remain in force for longer than 12 months, but a further proclamation may then be issued.

If a state of emergency is proclaimed, emergency regulations may be issued which may suspend the provisions of any laws except those concerning defense, the operation of legislatures, and industrial conciliation. The maximum penalties for contraventions are R1,000 or 5 years.

4. Criminal Law Amendment Act No. 8 of 1953

Firstly, this measure increased the maximum penalties for persons convicted of offences committed by way of protest, or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law. These penalties are now R600, or 3 years, or 10 lashes, or a combination of any two of these.

Secondly, it was rendered an offence to advise, encourage, or incite anyone to commit an an offence by way of protest against a law or in support of any campaign against any law. Maximum penalties for such incitement are R1,000, or 5 years, or 10 lashes, or a combination of any two of these. The penalty imposed for a second or subsequent conviction must include whipping or imprisonment.

And, thirdly, the Act rendered it an offence to solicit or accept any financial or other assistance for organized protests or resistance against the law of the country. The penalties for such offences are as laid down for incitement, and the money or other articles received may be confiscated. Further, any postal matter containing or suspected of containing money or other articles to assist protest campaigns may be opened and the contents seized if the Minister of Posts and Telegraphs considers the suspicion to be justified, unless the addressee or sender, who will be notified, proves within 90 days that the suspicion is unwarranted.

Convicted persons who are not South African citizens may be deported. Others may be prohibited from being within defined areas. Maximum penalties for infringements of such prohibition orders are R400, or 12 months, or both.

5. Riotous Assemblies and Suppression of Communism Amendment Act, No. 15 of 1954

During 1953 and early 1954 certain persons appealed successfully against orders issued under the Suppression of Communism Act which prohibited them from attending gatherings. The Appellate Division held, in one case,[41] that before the Minister issued such an order the person concerned should be notified and permitted to show why the order should not be issued.

Footnotes at end of article.

The Government then amended the Act. The Minister was empowered to prohibit listed persons or those convicted under the Suppression of Communism Act from being members of specified organizations or from attending gatherings of any description without giving them the opportunity of making representations in their defence and without furnishing his reasons. He was given similar powers in respect of persons deemed by him to be furthering the aims of communism except that, in these cases, if asked to do so he would furnish the person concerned with a statement setting out such of the reasons for his action as, in his opinion, could be disclosed without detriment to public policy.

It was rendered an offence for recordings of speeches made by persons banned from attending meetings to be played at such meetings. Listed persons and those convicted under the Act were prohibited from standing for election to Parliament or to a Provincial Council unless with the Minister's permission.

Under the Riotous Assemblies Act of 1914 the Minister was empowered to prohibit public gatherings in places to which the public had access in specified areas and for specified periods. The new measure enabled him also to prohibit any particular gathering, or all gatherings, in any public place for specified periods.

6. Criminal Procedure and Evidence Amendment Act, No. 29 of 1955, and Criminal Procedure Act, No. 56 of 1955

After the Defiance Campaign ended, non-white leaders, assisted by certain groups of whites, began planning a Congress of the People, which was held in 1955. During this period the Government introduced further security legislation.

The Criminal Procedure Act increased the Government's powers of control of activities deemed undesirable. The new laws increased the powers of judges, magistrates, or justices of the peace to issue search warrants authorizing the police to enter premises, to attend private as well as public meetings, and to conduct searches, if there are grounds considered reasonable for believing that an offence is being or is likely to be committed on the premises, or that in consequence of the meeting security or the maintenance of law and order are likely to be endangered. Members of the police were empowered to proceed without a warrant if they considered that a delay in obtaining one would defeat the objects of the search. Penalties were laid down for wrongful, malicious, or unreasonable search.

7. General Law Amendment Act, No. 62 of 1955

This Act provided, *inter alia*, that no court shall issue any rule *nisi* operating as an interim interdict against the Government or a provincial administration or an official thereof acting in his official capacity unless notice of the intention and of any supporting affidavits have been served on the Government, provincial administration or official concerned.

8. Native Administration Amendment Act, No. 42 of 1956

During this period the Government took greater powers, too, to control the activities of Africans in the Reserves.

Early in 1956 Mr. J. H. Saliwa was issued with a banishment order under Section 5(1)(b) of the Native Administration Act of 1927. He was required to move from Glen Grey to the Pietersburg district. This order was set aside with costs by the Appellate Division on the ground that prior notice should have been given, on the principle of *audi alteram partem*, before Mr. Saliwa was required to move.

The Native Administration Act of 1956, introduced shortly afterwards, gave the Government power to serve banishment orders

without prior notice. If an African, after obeying such an order, so requests, the Minister will furnish him with reasons for its issue.

According to available information it would appear that since 1948 about 144 banishment orders have been served. Some 15 Africans died in banishment, others have absconded, and numbers of orders have been withdrawn or suspended. In December 1965, 36 were apparently still in exile, of whom one had been banished for 15 years and five for 11 years. They were on Bantu Trust farms or in Reserves many miles from their homes.

9. Control of entry to African rural areas

Proclamation No. 52 of 1958, as amended, enabled the Minister of Bantu Administration and Development to impose control by permit over the entry of persons to, or their departure from, African areas where there has been unrest.

In areas to which Parts I and III of the proclamation have been applied it is an offense for an African not resident there to enter without a permit; for an African to fail to report the unlawful presence of any other African; to make a verbal or written statement likely to interfere with the authority of the State or a chief; or to threaten anyone on account of his loyalty to the State or to any of its officials or to any chief or headman. If Part II of the proclamation is applied it becomes an offense to leave that area without a permit.

Parts I and III have, since, been applied for various periods in Sekhukhuneland, Metz, Peddie, and in Reserves near Zeerust, Pietersburg, Letaba, and Potgietersrus. For a time Part II was applied in the Metz area, after the Mamathola tribe had objected to their removal there.

10. Possession of dangerous weapons

Proclamation 135 of 1958 may be applied to any African area determined by the Minister of Bantu Administration and Development. It was immediately applied in Sekhukhuneland where there had been serious disturbances.

It provides that, unless required by law or authorized in writing by a senior official, no African may, outside the boundary of the plot where he resides, carry or use any firearm, spear, assegai, axe, kierie, loaded or spiked stick, or dagger or knife with a blade longer than 3½ inches. Walking sticks used by old or infirm persons are excluded, and axes used for bona fide domestic purposes.

11. Native Laws Amendment Act, No. 36 of 1957

Various boycotts and stoppages of work were organized in the period 1957 to 1959. Again the Government introduced new restrictive laws.

One section of the Native Laws Amendment Act of 1957 provided that if, in the opinion of the Minister of Bantu Administration and Development, the holding of any meeting, assembly or gathering (including a social function) to be held in the white part of a town and to be attended by an African is likely to cause a nuisance, or is undesirable in view of the situation of the premises or the number of Africans likely to attend, the Minister may (provided the local atuhority concerned does not object) prohibit the holding of such a meeting in the urban area generally or in specified premises or parts of the town, or he may prohibit any person from arranging such a meeting.

12. Criminal Procedure Amendment Act, No. 9 of 1958

Inter alia, the 1958 Criminal Procedure Amendment Act contained a retrospective provision enabling certain presumptions to be made when a document seized by the police is produced in any criminal proceedings and the court is satisfied that it was found on the premises of a stated association or in the possession of one of its members. If, for example, the name of an accused person appears on the document as a member of the association concerned, it will be presumed that he is a member unless the contrary is proved.

13. Prisons Act No. 8 of 1959

Certain progressive measures were included in the revised Prisons Act of 1959; but a section that caused concern rendered it an offence without the consent of the Director of Prisons to sketch or photograph a prison or prisoner; or to publish or divulge any false information about the behaviour or experience in prison of any prisoner or ex-prisoner, or about the administration of any prison, knowing this information to be false, or, without taking reasonable steps to verify it.

14. Emergency Regulations, 1960

Early in 1960 the African National Congress planned a series of organized demonstrations against the pass laws, to commence on 15 April 1960. The Pan-African Congress anticipated this by arranging for its followers to take more drastic action on 21 March, presented themselves at police stations without their passes and inviting arrest.

In the atmosphere of extreme emotionalism and tension that resulted outbreaks of violence were inevitable, and these occurred throughout the country. The tragedies at Sharpeville and Langa took place at this time.

On 30 March [42] the Governor-General invoked the provisions of the Public Safety Act and proclaimed a state of emergency throughout most of the country, including all the large towns. This state of emergency was not brought to an end until 31 August.

Far-reaching emergency regulations were promulgated. The following were among the main provisions:

(a) Wide powers were given to magistrates and commissioned officers in the forces to prohibit gatherings, to search persons or premises, to seize documents, and to take action considered necessary (including the use of force) to prevent danger to the public safety or to maintain order. Noncommissioned officers, too, were given the last-mentioned powers.

(b) Magistrates and commissioned officers were empowered to arrest anyone without warrant, and to hold this person in detention, if this was considered desirable in the interests of public order or of the person concerned; or if the person was committing or suspected of intending to commit an offence with intent to disturb the public order; or if the person was thought to have information relating to such an offence. Any peace officer might without warrant arrest anyone who committed an offence against the emergency regulations. Persons so detained were not allowed to consult with their legal advisers unless special permission was given. It was rendered an offence to disclose the names of detained persons without the Minister's consent.

(c) Africans found without reference books, or illegally in an urban area, or in an urban area without fixed places of employment or adequate means of livelihood, could be arrested without warrant and tried in the gaols.

(d) It was made an offence to utter, issue, or distribute any subversive statement, which was defined as a statement likely to subvert the Government's authority; to incite others to resist or oppose measures taken under the emergency regulations; to cause feelings of hostility towards others; or to cause alarm.

(e) It was also made an offence to threaten anyone with harm unless he took a certain course of action; and to incite anyone to stay away from or retard his work, or to protest against any law with intent to exact concessions or to achieve any political or economic aim.

(f) The Minister of the Interior was empowered to order any newspaper or periodical to cease publication if he considered that it had systematically published matter of a subversive nature. He could order any association considered by him to be subversive to discontinue its activities.

Questioned in the Assembly during February 1961,[43] the Minister of Justice said that 98 Whites, 36 Coloured persons, 90 Asians, and 11,503 Africans had been detained under the emergency regulations.

15. Unlawful Organizations Act, No. 34 of 1960

The Unlawful Organizations Act provided that if the Governor-General was satisfied that the safety of the public or the maintenance of public order was seriously threatened or likely to be threatened in consequence of the activities of the Pan-African Congress or the African National Congress, he might declare such bodies, including all their subsidiary branches and committees, to be unlawful organizations. Immediately after the Act was promulgated the A.N.C. and P.A.C. were declared to be unlawful organizations.

The Act provided, further, that if the Governor-General is satisfied that the public peace or order is likely to be threatened by the activities of any organization which in his opinion has been established for the purpose of carrying on directly or indirectly, any of the activities of any body declared unlawful under the Act, he may declare this new organization to be unlawful.

The Congress of Democrats was banned in September 1962, and, as described below, other bodies were banned later.

Anyone who performs any act calculated to further the aims of an organization declared unlawful or who continues as a member is guilty of an offence, and liable upon conviction to a term of imprisonment not exceeding ten years.

16. Defence Amendment Act, No. 12 of 1961

This measure conferred power on the Minister of Defense to order persons to evacuate or to assemble in any specified buildings or area in time of war or during operations for the prevention or suppression of internal disorder.

The Governor-General previously possessed powers to authorize certain officials to commandeer vehicles or materials in times of war or internal disorder. The 1961 Act enabled him to take such action during operations for the prevention or suppression of internal disorder.

17. Police Amendment Act, No. 53 of 1961

The Police Amendment Act provided, *inter alia* for the establishment of a reserve police force—a citizen unit to assist in performing ordinary police duties when regular members are required for more urgent tasks.

18. General Law Amendment Act, No. 39 of 1961

At the beginning of 1961, various nonwhite groups planned demonstrations and a "stay-at-home" to take place unless the Prime Minister called a national convention by 31 May.

The Government again took increased powers. The 1961 General Law Amendment Act introduced the 12-day detention clause. This empowered the Attorney-General, if he considered it necessary in the interests of public safety or the maintenance of public order, to direct that a person who had been arrested should not be released on bail or otherwise for 12 days. (As mentioned on page 90, this provision was amended in 1965.)

New offences were specified in connection with meetings banned under the Riotous Assemblies Act (originally passed in 1914, and, after various amendments, consolidated as

Footnotes at end of article.

Act 17 of 1956). It was rendered an offence to encourage the holding of such a meeting (as well as to convene or address it, as formerly).

19. Indemnity Act, No. 61 of 1961

Numbers of those who had been detained under the emergency regulations instituted actions against the Government for unlawful detention. The Indemnity Act was then introduced. It provided that no civil or criminal proceedings shall be brought in any court of law against the Government or persons acting under its authority in respect of acts or statements committed, ordered, or issued in good faith on or after 21 March 1960 (the date of Sharpeville) with intent to prevent or suppress disorder, to restore order or public safety, to preserve life or property, or to terminate a state of emergency.

20. Emergency Regulations for the Transkei

In 1960 and 1961, and to a lesser extent after that, there was much unrest in the Transkei. Numerous outbreaks of violence took place. It appeared that the main reason for the unrest which led to these troubles were the opposition of very many Africans to the Bantu Authorities and land rehabilitation systems.

Special regulations for the administration of the Transkei were gazetted towards the end of 1960.[44] Many of these remain in force at the time of writing, in 1966, the most important being those described below.

(a) The Minister of Bantu Administration and Development may prohibit any person from entering or being in the Transkei, or from leaving it.

(b) With certain exceptions (e.g. church services, etc.) no meeting or gathering of more than 10 Africans may be held unless official permission is given. Conditions may be imposed. Officials, members of the Police and Defence Forces, and chiefs and headman may order persons present at an unlawful meeting to disperse, and, if this order is not obeyed forthwith, may use force to exact compliance.

(c) Persons suspected of committing an offence under the the regulations or any law, or of intending to do so, or of possessing information about an offence, may be arrested without warrant and held in custody until the authorities are satisfied that they have fully and truthfully answered all relevant questions put to them. They may not consult with a legal adviser unless with the Minister's consent.

(d) Any chief so authorized by the Minister may order any African to move, with his household and property, from one place to another within the chief's area of jurisdiction, and force may be used to compel compliance. Appeal lies only to the Bantu Affairs Commissioner.

(e) It is an offense to be present at an unlawful meeting; to make any statement or perform any action likely to have the effect of interfering with the authority of the State, one of its officials, or a chief or headman; to threaten anyone with loss or violence; to boycott official meetings or to boycott persons with the object of causing them loss; and and for an African to disobey a lawful order given by a chief or headman or to treat a chief or headman with disrespect.

(f) No interdict may be issued for the stay of any order under the regulations, nor may any civil action be instituted arising out of the operation of the regulations.

Further regulations, applied for some seven months to the eastern districts of the Transkei, rendered it an offense for persons not resident there to enter without permits.

It is not clear how many people have been detained without trial under these emergency regulations. On 27 January 1961 the Minister of Bantu Administration and Development said[45] that by then 361 had been so held; and on 23 May 1961[46] the Minister of Justice added that 218 had been detained for periods longer than three months. Later, he gave figures relating to 1963,[47] from which it appeared that the number of detainees declined at some stage during 1962, rose again to a peak of 140 in April 1963, then dwindled to 1 at the end of that year.

Further information was given by the Minister of Justice on 29 January and 11 June of 1965.[48] It transpired that 86 persons were detained during 1964, and another 117 during the first five months of the following year. The average period of detention, for the 76 people who had been held during 1964 and released by the end of that year, was 54 days; and 7 of them had been held in solitary confinement for periods averaging 47 days (one was held in isolation for as long as 132 days).

It is not publicly known how many people have been forced to move their homes under the provisions of sub paragraph (d) above.

21. Welfare Organizations Amendment Act, No. 75 of 1961

It was laid down in the principal Act of 1957, as amended, that the registration of a welfare organization (without which it cannot collect money from the public) may be cancelled by the National Welfare Board on various grounds, for example if it has not functioned for two consecutive years. The Amendment Act of 1961 empowered the Minister of Social Welfare to cancel a certificate of registration on any other ground besides those specified in the Act.

When explaining this clause in the Assembly[49] the Deputy Minister said the Government was concerned that welfare organizations should not be used as a cover for activities which had quite a different object. Certain "communist organizations," he added, would like to exploit welfare organizations for their own purposes.

22. General Law Amendment Act, No. 76 of 1962

After the disturbances of 1960 order was restored for a time through use of powers contained in legislation described above. But then, after the A.N.C., P.A.C. and Congress of Democrats had been forced underground, new organizations were formed to plan campaigns against the *status quo* in South Africa; they included *Umkonto we Sizwe* (the Spear of the Nation), composed in the main of extremist ex-A.N.C. leaders; Poqo, related to the P.A.C.; the Yu Chi Chan Club, which appeared to have mainly Coloured members; and, later, the African Resistance Movement (or National Committee for Liberation), whose members were largely young White people. Acts of sabotage were carried out, the Paarl riots took place, and there was violence in the Transkei. Once more the Government introduced a series of new laws to contain the situation.

Various provisions of the General Law Amendment Act of 1962 have been dealt with earlier.

Further provisions were as described below.

(a) The Act created the offence of sabotage, providing that penalties on conviction would be those laid down for the offence of treason, which may include the death penalty. If a sentence of imprisonment is imposed this must be for at least 5 years.

(b) It extended the Government's powers to issue special regulations when a state of emergency is proclaimed.

(c) It widened the State President's powers to declare unlawful any organization which he considers is carrying on, directly or indirectly, the activities of any organization declared unlawful under the Suppression of Communism or Unlawful Organization Acts, or any like activities.

(d) The Act empowered the Minister of Justice to include numbers of new restrictions in banning orders served on persons, under the Suppression of Communism Act, e.g. they can be prohibited from attending social as well as political or business gatherings, and required to report regularly to the police, or to resign from specified organizations. It was rendered an offence for banned or listed persons to change their places of residence or employment without informing the police.

(e) It was rendered an offence, too, without the Minister's consent or except for the purpose of proceedings in a court of law, to record, reproduce, or disseminate any speech or writing, or recording thereof, made anywhere, at any time, by a person who has been prohibited from attending gatherings.

(f) The Act introduced the system of house arrest, empowering the Minister to order persons not to leave specified premises or areas at all, or during specified hours (e.g. from 6 p.m. to 7 a.m. during the week, at week-ends, and on public holidays). Such persons may also be prohibited from performing any specified act, or from communicating with anyone or receiving any visitor except a lawyer—unless the lawyer concerned has been banned.

Full details have not been published, but it would appear that, by the beginning of 1966, at least 40 orders of house arrest had been issued. Some of the persons concerned had been allowed to leave the country permanently, under exit permits.

(g) The Minister's powers to prohibit gatherings, or to prohibit persons from attending gatherings, were extended and set out more expressly. In terms of these powers, he banned the holding of public gatherings other than religious services on the Johannesburg City Hall steps and on the Grand Parade, Cape Town.

(h) Certain presumptions were introduced relating to documents produced in court which indicate that someone has been absent from the Republic.

(i) The maximum penalties for various offences under the Suppression of Communism Act were increased.

23. General Law Further Amendment Act, No. 93 of 1962

The General Law further Amendment Act provided that anyone who commits an offense by placing any placard, poster, writing, sign, drawing, or any other mark on the property of any other person or of the State, thereby defacing such property, shall be liable on conviction to imprisonment for a period not exceeding 6 months in lieu of or in addition to any other penalty which may be imposed. Besides this he may be required to pay the cost of restoring the property.

24. General Law Amendment Act, No. 37 of 1963

The main provisions of the Amendment Act of 1963 were as follows:

(a) The State President was empowered to declare that any organization or group of persons which has been in existence since 7 April 1960 is or was in fact an organization which has been declared unlawful. Any act or omission proved in court with reference to the stated organization will be deemed to have been proved with reference to the unlawful organization concerned.

(This enabled the Government to equate Poqo with the banned P.A.C. and the Spear of the Nation with the banned A.N.C.)

(b) Additional presumptions were included with reference to absence from the Republic.

(c) Persons convicted of certain offences of a political nature may be held in continued detention after the completion of their prison sentences should the Minister of Justice consider that they are likely, if released, to further the achievement of any of the statutory objects of communism. (This provision remains in force for 12 months at a time, but has been extended annually by resolution of Parliament.)

At the time of writing, in early 1966, Mr. Robert Sobukwe, former leader of the P.A.C.,

Footnotes at end of article.

is the only person who has been detained under this clause. He has been held in special quarters on Robben Island since 1963, when he completed a 3-year sentence for inciting others to support a campaign for the repeal of the pass laws.

(d) Section 17 of the 1963 Act introduced the system of 90-day arrest, empowering commissioned police officers to arrest without warrant and detain for up to 90 days on any particular occasion persons suspected of committing, intending to commit, or having information about specified types of political offences. On the expiration of 90 days such persons could immediately be re-arrested, and this process could be repeated. Detained persons would be visited weekly by a magistrate, but otherwise no visitors were allowed except with special permission. No court of law had the power to order the release of detained persons, and such persons were denied access to courts of law.

The Act provided that Section 17 would be in operation for such periods, not exceeding 12 months at a time, as the State President might determine. It was in force from 1 May 1963 to 11 January 1965, but may be invoked again should the Government so decide.

It would appear that most of those detained were held in solitary confinement, and were denied reading matter (except Bibles) and writing materials.

According to the Minister of Justice,[50] 1,095 persons were detained under the 90-day clause—102 Whites, 58 Coloured, 78 Indians, and 857 Africans. Of these, 134 were detained for more than 90 days, and another 13 for more than 180 days.

Of those detained, 272 were convicted of various offences, 210 were discharged, and 93 were awaiting trial or on trial at the time the Minister spoke, in January 1965. Of the 520 detainees against whom no charges were laid, 241 gave evidence for the State.

(e) A further provision of the 1963 Act was that bail may be refused when court records are transmitted for review, or conditions may be imposed.

(f) Preparatory examinations may be dispensed with should an attorney-general so decide.

(g) Provisions of the law relating to the seizure of postal articles were tightened.

(h) The Minister may declare any place or area to be a protected place, and unauthorized persons will then commit an offence if they enter without permission.

25. Explosives Amendment Act, No. 21 of 1963

The maximum penalties for certain offences under the principal Act were increased. A minimum penalty of not less than 3 years was introduced for persons found guilty of wilfully causing an explosion resulting in injury to others.

26. Defence Amendment Act No. 77 of 1963

The Defence Amendment Act widened the Government's powers to use members of the Defence Force to assist the police in the prevention or suppression of internal disorder.

In recent years, and particularly since 1962, very greatly increased amounts have been spent on the Defence Vote. The Minister of Finance said on 21 March 1962 [51] that South Africa should look to its defences, against aggression from outside, but also against lawlessness and subversion from within.

27. General Law Amendment Act, No. 80 of 1964

(a) Provisions of this Act dealing with recalcitrant witnesses amended those of the Criminal Procedure Act, No. 56 of 1955. It was now laid down that if a person present in court is required to give evidence in any criminal proceedings and refuses to do so, he may be sentenced by the court to imprisonment for a period not exceeding 12 months at a time.

(b) The Criminal Procedure Act previously provided that if any person, known to the prosecution to be an accomplice in criminal proceedings, *voluntarily* submits to being sworn as a witness for the prosecution and answers all lawful questions to the satisfaction of the court, he will be freed and discharged from liability to prosecution, even though in his evidence he may have incriminated himself.

In terms of the 1964 amendment, a person produced as a witness for the prosecution who in the opinion of the prosecutor is an accomplice will be *compelled* to be sworn and to given evidence, even though it might tend to incriminate him. As before, if his evidence satisfies the court he will be discharged from liability to prosecution.

(c) The Act tightened the provisions of the law relating to the offences of having obtained training in sabotage, or information which could be of use in furthering the aims of communism or of an unlawful organization, or having taken steps to these ends, or having advised or assisted others to do so.

(d) It laid down that persons under 90-day detention will not be entitled to copies of statements made by them while being detained.

The provisions outlined in sub-paragraphs (a) and (b) above were invoked in various trials during 1964 and subsequently, of alleged saboteurs, communists, and members of unlawful organizations. Most of the witnesses concerned had been under 90-day (or, as described on page 89, 180-day) detention.

28. Police Amendment Act, No. 74 of 1965

This measure added a Sub-Section 6(4) to the Police Act of 1958, empowering any policeman, at any place within a mile of the border between the Republic and another state, to search without warrant any person, premises, vehicle, aircraft or receptacle of any nature, and to seize anything found. If a woman is to be searched, the search must be made by a woman.

The Minister of Justice said in the Assembly on 7 June 1965 that it was essential for the police to have these powers in order to combat the infiltration of trained saboteurs into the Republic.

29. Railways and Harbours Amendment Act, No. 6 of 1965

Section 12 of this Act empowered the Railways Administration to deny access to a harbour to any ship—

(1) which has the nationality of any state which the Minister of Transport has declared, by notice in the *Gazette*, to be denying South African ships access to its harbours;

(2) which is owned by or on charter to nationals of any state;

(3) if any present or past member of the crew has been convicted of any offence under South African or South-West African law while the ship was in the Republic territorial waters (i.e. within 6 nautical miles of low-water mark) or its fishing zone (within 12 miles);

(4) if the official in charge of the harbour is satisfied that the ship has at any time, within the 12-mile limit, been engaged in activities constituting an offence under South African or South-West African law.

30. Sea Fisheries Amendment Act, No. 27 of 1965

Similar provisions to those described above, but relating to fishing harbours, were contained in the Sea Fisheries Amendment Act.

31. Official Secrets Amendment Act, No. 65 of 1965

In terms of this measure the words in italics were added to Section 3 (2) of the principal Act:

"Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war *or any military or police matter* and who *publishes it or directly or indirectly*" communicates it to any person in any manner for any purpose prejudicial to the safety or interests of the State, shall be guilty of an offence and liable on conviction to a fine not exceeding R1,500 or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

32. Prisons Amendment Act, No. 75 of 1965

This extended the restrictions contained in the principal Act of 1959, *inter alia*, to render it an offence to sketch or photograph fugitives who have escaped from lawful custody, or to publish sketches or photographs of persons which were made before their arrest, or of fugitives, or of persons who died or were executed while in custody.

The definition of a prison (which may not be sketched or photographed, or about which false information may not knowingly be published or divulged) was extended to include the seashore adjacent to a prison and the sea beyond this to a distance of one nautical mile from the low-water mark.

33. Suppression of Communism Amendment Act, No. 97 of 1965

(a) The prohibition on recording, publishing, or disseminating the writings or speeches of persons who have been prohibited from attending gatherings, except with the Minister's consent or for the purposes of proceedings in a court of law (see page 73), was extended to include writings or speeches made anywhere, at any time, by former residents of South Africa who were under banning orders when they left.

(b) In terms of previous legislation it was an offence to carry or display anything whatsoever indicating that the person doing so had in any way been associated with an unlawful organization. The new measure rendered it an offence to be in possession of anything of this nature.

34. Criminal Procedure Amendment Act, No. 96 of 1965

(a) This Act included the "180-day detention clause." It provided that whenever in the opinion of the attorney-general there is any danger of tampering with or the intimidation of any person likely to be able to give material evidence for the State in criminal proceedings of a serious nature,[52] or that any such person may abscond, or whenever the attorney-general deems it to be in the interests of such persons or of the administration of justice, he may issue a warrant for the arrest and detention of such person at a stated place.

The witness will be detained, in accordance with regulations made by the Minister, until the conclusion of the criminal proceedings concerned, or for six months, whichever may be the shorter period.

The Act provided that a detained person will be visited by a magistrate in private at least once a week. Otherwise, no one other than a State official acting in the performance of his duties will have access to him, except with the consent of and subject to conditions determined by the attorney-general or a State official to whom this power has been delegated.

No court will have jurisdiction to order the release of a detained person, or to pronounce upon the validity of regulations made by the Minister or any decisions made in regard to visitors.

Should a person detained refuse to give evidence, when called before the court, he may be dealt with as a recalcitrant witness, liable to be sentenced to successive terms of 12 months imprisonment. Regulations for the detention of State witnesses were gazetted in terms of Government Notice R1396 of 1965.

Footnotes at end of article.

According to the Minister of Justice,[53] from 1 September 1965 to mid-January 1966, 23 persons had been detained, of whom 4 had been released. Their evidence was required in connection with 6 criminal cases. Two of them had refused to give evidence when they were brought before the courts.

(b) The "12-day detention" clause was repealed (see page 79). Instead, the Amendment Act provided that whenever any person has been arrested on a serious charge[54] the attorney-general may, if he considers it to be necessary in the interest of the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or the person concerned has been discharged.

If, however, no evidence has, within 90 days, been led in court against a person who has been refused bail, the latter may apply to a judge in chambers to be released on bail. The judge, who will hear the application in private, will have the discretion to grant or refuse it.

XVIII Control of publications

1. Suppression of Communism Act, No. 44 of 1950, as Amended by Act 76 of 1962 and Act 97 of 1965

It was mentioned earlier that the Suppression of Communism Act empowered the Minister of the Interior to ban any periodical (including a newspaper) if he considers that it promotes the spread of communism, is published by an unlawful organization, or serves mainly as a means for expressing the views of such an organization or views calculated to further the achievement of any of the objects of communism.

A periodical named the *Guardian* was banned, but it had been registered under various names and was able to re-appear without delay under another of these. This process took place several times as the new papers were, in turn, banned.

An amendment to the Act made in 1962 prevented a newspaper from registering under more than one name by providing that, unless special exemption is given, any registration will lapse unless the paper concerned is published at least once a month.

No new newspaper may be registered unless the proprietor deposits with the Minister of the Interior such amount, not exceeding R20,000, as the Minister may determine, or unless the Minister certifies that he has no reason to believe that it will at any time be necessary for him to prohibit the paper.

The 1965 amendment empowered the State President to ban a periodical or other publication which is deemed by the authorities to be a continuation or substitution, whether or not under another name, of one that has been prohibited.

2. Press Code of the S.A. Newspaper Press Union

In 1960 the Government introduced a Publications and Entertainments Bill. This, in amended form, finally became law in 1963; but in the meanwhile, during 1962, the S.A. Newspaper Press Union (the association of newspaper proprietors) drew up its own code of conduct. Individual employers may decide whether or not to accept it. A Board of Reference is provided for, composed of two managerial nominees under the chairmanship of a retired judge. Its function is to try to ensure that newspaper reports are accurate and not offensive to decency. Editors or journalists who are considered to have infringed the code may be reprimanded by the Board, an such reprimand will be published in other papers.

The final clause of the code states, "While the Press retains its traditional right of criticism, comment should take cognisance of the complex racial problems of South Africa, the general good and the safety of the country and its people".

3. Publications and Entertainments Act, No. 26 of 1963

Provision was made in this measure for the establishment of a Publications Control Board, appointed by the Minister of the Interior, to examine any publication or film submitted to it under the Act, and to make enquiries about any entertainment which the Board has reason to believe may be undesirable.

A "publication" is defined to include any documents made public, illustrations, sound recordings, etc., but to exclude newspapers published by members of the Newspaper Press Union. Wide grounds are set out on which the Board may declare a publication to be undesirable.

It was rendered an offence to publish, distribute, or import a publication that has been declared undesirable, or, except under permit, to import a publication with a paperback in cases where the net selling price to the importer is 50 cents or less.

The board reaches its decision in private and need not hear evidence, and although there is an appeal to the courts, such procedure is expensive and lengthy and the courts are expressly forbidden to consider "the work as a whole", as they do in Britain.

Further provisions of the Act relate to the powers of the Board to censor films and to prohibit entertainments.

4. General Law Amendment Act. No. 76 of 1962, as amended by Suppression of Communism Amendment Act, No. 97 of 1965

These Acts render it an offence, without the Minister's consent or except for the purposes of proceedings in a court of law, to publish any speech or writing made anywhere, at any time, by a person who has been prohibited from attending gatherings or by former residents of South Africa who were under banning orders when they left.

5. Official Secrets Amendment Act, No. 65 of 1965, and Prisons Amendment Act, No. 75 of 1965

See page 88.

6. Copyright Act, No. 63 of 1965

The Copyright Act empowered the State President to make regulations authorizing, or prohibiting, the circulation, presentation, or exhibition of any work or production.

Section 50 (3) states: "The circulation, presentation, or exhibition of any work or production in pursuance of authority granted in terms of such regulations shall not constitute an infringement of copyright in such work or production, but the author shall not thereby be deprived of his right to a reasonable remuneration, which shall, in default of agreement, be determined by arbitration."

The object is to prevent overseas authors from prohibiting the performance of their works in South Africa on ideological grounds.

FOOTNOTES

[1] Proclamation 46 of 1959.
[2] The Star of that date.
[3] Senate Hansard 3 of 1962, cols. 503–520.
[4] Department of Information Press Release 226/63(P) of 11 December 1963.
[5] Assembly, 20 May 1959, Hansard 16 cols. 6215–6; 24 March 1959, Hansard, 9 cols. 3076–8; White Paper report.
[6] Hansard 6 cols. 1639, 1641.
[7] e.g. Natives Land Act of 1913. Native Trust and Land Act of 1936, Natives (Urban Areas) Act of 1923, as amended.
[8] Pre-Union legislation in the Transvaal and Free State, Trading and Occupation of Land (Transvaal and Natal) Act of 1943. Asiatic Land Tenure and Representation of Indians Act of 1946.
[9] At first the Minister of the Interior. From 1962 the Minister of Community Development, and, since 1965, the Minister of Planning.
[10] Senate, 8 February 1961, Hansard 3 col. 735.
[11] The fixed dates were, later, determined as 1 February 1958 for men and 1 February 1963 for women.
[12] Previously this control was applied only if an urban local authority so requested.
[13] This sub-Section was amended in 1964. See page 33.
[14] Proclamations 79, 283, 345, and 380 of 1957 and 95, 116, and 268 of 1958.
[15] Now the Secretary for Bantu Administration and Development.
[16] Government Notice 63 of 9 January 1959.
[17] See page 29.
[18] Nos. 12, 13, and 236 of 1957.
[19] Assembly, 22 February 1954, Hansard 4 col. 911.
[20] Department of Information circular 126/63(K).
[21] Announcement in the Star 15 March 1966.
[22] No. 1176/313 of 11 April 1957.
[23] As reported by Minister of Justice, Assembly, 5 March 1963, Hansard 7 cols. 2140–1.
[24] Sunday Times, 24 February, and Rand Daily Mail, 25 February 1963, and Assembly, 13 May 1964, Hansard 16 cols. 5958–9, 5964.
[25] Assembly Hansard 3 col. 839.
[26] The Star, 31 March 1962.
[27] *See Survey of Race Relations in South Africa*, 1964, page 344.
[28] Most Africans had been excluded from this definition in terms of the Industrial Conciliation Acts of 1924 and 1937; but certain of them did still qualify until 1953.
[29] Such strikes were already illegal in terms of War Measure 145 of 1942.
[30] See page 33 for definition.
[31] Exchequer and Audit Amendment Act, No. 7 of 1955.
[32] Assembly Hansard 10 of 1953, cols. 3576, 3585; Senate Hansard of 7 June 1954.
[33] Information given in the *Bantu Education Journal*, April 1963.
[34] From 1963 the African colleges, too, were financed from the general revenue account.
[35] Proclamations 221 and 222 of 16 October 1959.
[36] Proclamation R434 of 23 December 1960.
[37] Government Notices 2049 of 18 December 1959; R59 of 15 February 1960; R1444 of 23 September 1960; and R554 of 5 April 1962.
[38] All the directors selected by the Minister were white.
[39] Assembly, 7 June 1965, Hansard 19 Cols. 7336–8, 7369–71.
[40] Original clause as amended by Act 79 of 1961.
[41] That of Johnson Ngweveia.
[42] In terms of Proclamations No. 90 and 91 of 1960.
[43] Hansard 2 cols. 698–9, Hansard 4 col. 1346.
[44] Proclamations R400 and 413 of 1960.
[45] Assembly Hansard 1 cols. 224–4.
[46] Assembly Hansard 18 cols. 6939–40.
[47] Assembly, 24 January 1964, Hansard 1 col. 263.
[48] Assembly, Hansard 1 col. 256, and Hansard 19 Col. 7873.
[49] 13 June 1961, Hansard 20 col. 7943.
[50] Assembly, 29 January 1965, Hansard 1 cols. 252, 256–7, 265, 267.
[51] Assembly, Hansard 9 cols. 2933, 2944.
[52] As listed in the amended Second Schedule to the Act, Part II bis.
[53] Assembly, 28 January 1966, Hansard 1 cols. 244–5.
[54] See note 52.

MOISE TSHOMBE—CHRISTIAN MARTYR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RARICK. Mr. Speaker, the free world was saddened by yesterday's announcement that Moise Tshombe, the

kidnaped former Premier of the Congo, died in a Communist Algerian prison cell where he had been illegally detained for 2 years.

Mr. Speaker, early reports would have us believe that Tshombe died of an apparent heart attack. If so, it was a broken heart because he had been forsaken by the Christian leadership and free people, the world over, who could have done something in his behalf but failed or were too frightened over possible personal consequences.

Moise Tshombe, 1919–69, a true Christian martyr who gave his life in the nonending battle of free men against communism.

I insert a news article on the death at this point.

[From the Evening Star, (Washington, D.C.), June 30, 1969]

TSHOMBE DIES AT 49 IN ALGERIAN JAIL, HEART ATTACK BLAMED

(By Richard Mowrer)

MADRID.—Moise Tshombe, 49, the flamboyant former premier of the Congo, is dead in an Algiers prison after what the Algerian press service called an apparent heart attack.

Tshombe was a political exile in this country when kidnaped and flown to Algiers at gunpoint two years ago today.

The announcement today that 11 doctors signed a death certificate as to the cause of death yesterday was greeted with skepticism here, with a series of coincidences being cited.

Tshombe's death came on the eve of the ninth anniversary of the former Belgian Congo's independence. It also coincides with his kidnaping. And Tshombe's arch rival and the present ruler of the Congo, Gen. Joseph Mobutu, it is recalled, previously had sentenced his political antagonist to death in absentia for "high treason."

After Tshombe's kidnaping, Mobutu demanded the African leader's extradition. The Algerian government refused, choosing instead to hold him captive without trial, although he had committed no offense within the jurisdiction of the Algerian government.

Mobutu caused a stir last year when he referred, at a press conference, to "the late Mr. Moise Tshombe." On an earlier occasion Mobutu had said of his rival: "For us he is a dead man." However a message from Tshombe subsequently received by his family said: "I am in good health and being well treated."

Tshombe's kidnaping was carried out by Francis Joseph Bodenan, a Frenchman who spent 12 years in prison for complicity in a double murder.

Tshombe was lured into boarding a chartered British executive jet scheduled to fly from Mallorca to Ibiza, islands in the Spanish Balearics in the Mediterranean. Near Ibiza, possibly in Spanish air space, the plane was hijacked and forced to fly to Algiers.

Who or what organization was behind the plot has never been clarified, although the Algerian government apparently was innocent of the initial plot.

Three weeks after the kidnaping the Supreme Court in Algiers ordered Tshombe to be extradited to the Congo—and almost certain death. At the hearing, Tshombe blamed the U.S. CIA for his predicament. News photographers were allowed to take pictures of Tshombe before he was returned to jail under guard but only press representatives of the Communist countries were allowed to keep their film. Western reporters had their film confiscated.

Algeria's President Houari Boumedienne, however, refrained from confirming the court's extradition order. A technical reason may have been that extradition for offenses is prohibited by Algerian law.

Another reason may have been the temptation to try to persuade the Congo to break off relations with Israel and back up the Arab cause at the United Nations and elsewhere.

Although Boumedienne refrained from sending Tshombe to the Congo, he made no move to return him to Spanish territory. The Spanish government, for its part, lodged no protest. The two Spanish policemen acting as bodyguards for Tshombe and who were on the hijacked plane were quickly released by the Algerians.

When Generalissimo Francisco Franco's foreign minister, Fernando Maria Castiella, visited Algeria officially in April, a parliamentary representative in the Cortes, Manuel Fanjul, tabled a motion asking that Castiella take advantage of his Algerian trip to request Tshombe's return to Spain. Nothing came of it.

The United States, reportedly influential in the Congo, also did nothing. Nor did the United Nations.

The kidnaping was technically committed on British territory, since a British aircraft was involved. But the British government did not intercede. No country, in fact, offered Tshombe asylum should he be released.

Tshombe became known as "the rubber man" of African politics by showing remarkable political resiliency in rebounding from utter defeat after the fall of Katanga in 1963 to become premier of the Congo in July 1964. The man with the moon face and toothy grin inspired no in-between emotions among Congolese. He was either loved or hated.

Moise Kapenda—which stands for "Moses Beloved"—Tshombe was born in Musumba on Nov. 10, 1919. His father was a rarity, a wealthy African businessman in an economy controlled by Belgians.

Tshombe was often known to boast: "I am a rich man. I am the only Congolese who does not need to be in politics to make a living. No one can buy me."

Raised as a Methodist with a high school education, Tshombe toured Europe before coming home to run the family's interests, marry the daughter of a tribal chief and father 10 children.

He served on several tribal and provincial councils in the 1950s, and when Belgium was ready to grant its colony independence, Tshombe was premier of Katanga, the Congo's richest province.

Soon after independence, the Congolese army mutinied. Tshombe waited 10 days for President Joseph Kasavubu and Premier Patrice Lumumba to restore order, then declared independence for Katanga.

Backed by Belgian mining firms and an army led by white mercenaries from South Africa and Rhodesia, Tshombe withstood worldwide pressure and United Nations' efforts to end his secession for 30 months.

It was during the first outbreak of violence, in September 1961, that U.N. Secretary-General Dag Hammarskjold was killed in a plane crash in Northern Rhodesia, now Zambia. Hammarskjold was flying to a border town for cease-fire talks with Tshombe.

While a U.N. investigating committee said it found no proof to support rumors the plane had been shot down, it added it was unable to determine the cause of the crash.

Six months after Hammarskjold died, the Katanga government announced the death of Lumumba, who then became a hero to many African youths. Some Congolese said Tshombe was responsible for Lumumba's assassination, but Tshombe maintained Lumumba had escaped after being taken into custody in January 1961 and was shot by villagers.

Five months after Tshombe capitulated in January 1963, he left the Congo to go into exile in Europe for the first time, living mostly in Spain. But he returned triumphantly as premier in June 1964 after Simba tribesmen rebelled in the northeast provinces.

Many said the Western powers, including the United States, had convinced President Kasavubu that Tshombe was the only person who could unite all Congo factions and put down the rebellion.

Tshombe's troops, again led by white mercenaries, succeeded in crushing the Simba rebellion, but in the fall of 1965 a simmering feud between Kasavubu and his premier broke into the open. Again Tshombe went into exile, never really returning to the limelight until he was kidnaped to Algiers.

INDEPENDENCE DAY OF SOMALI

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. POWELL. Mr. Speaker, we take this opportunity to send warm felicitations to the President, Dr. Abdirashid Ali Shermarke of Somali and Somali's Ambassador to the United States, Mr. Yusus O. Azhari, on the occasion of the ninth anniversary of Somali's independence.

Mr. Speaker, on July 1, 1960, just 9 short years ago, the newly independent areas formerly known as British and Italian Somaliland joined together to form the free and independent Somali Republic. Geographically and historically, the ties between these areas—and the Somali areas presently not included in the Somali Republic—are strong indeed, for they are one people, one land, one nation.

This is not to say that there are no tribal or linguistic differences among the Somali. English, Italian, Arabic, and various native dialects are all spoken and in the past intertribal disharmony has often been great. But the vast Somali plateau, bordering the Indian Ocean and the Gulf of Aden and extending far inland, is truly a single geographic entity. Forces for disunity, however, continue to exist. That the two former states were colonies of different nations, with different languages and different legal and educational systems should not be forgotten. Somali is to be congratulated for having so successfully coped with these and other forces which often hinder effective unification in newly independent nations.

Somali has long been of importance to the world's great civilizations. It has served as a meeting place for east and west, north and south, and has certainly been a vital link in the trading patterns the world. The ancient Egyptians established trade routes through the Wedi Hammamat to the land of Punt, fabled in history as a source of exotic ornaments and spices. Some anthropologists even link the ancient Somali to the predynastic rulers of Egypt.

Later, Arab traders frequented Somali's coast, and records exist of Chinese and other eastern fleets visiting Somaliland. The Somali were known for their hospitality to travelers, and the

name of the country is thought to have come from the custom of welcoming travelers with refreshments of beverages made with milk—"Somal." The Somalis quite successfully maintained themselves against many aggressive invaders, until in the 19th century both the British and Italians extended their "protection." Unfortunately, this "protection" caused the Somalis more hardship than any they had endured while "unprotected." Later, both British and Italian troops fought fiercely over the land of the Somalis during the Second World War. Thus, it was with great relief and elation that the new, independent Republic of Somali was formed on July 1, 1960, for now the destiny of the Somalis is in their own hands and not that of any alien powers.

There is a promising future ahead for this developing nation. The possibility that large oil deposits may be discovered is good; agricultural diversity and industry are being encouraged. Somali continues to be the world's largest exporter of incense, and its potential as a major supplier of fish for the Near East is only awaiting development.

It gives me great pleasure to offer my congratulations and best wishes to the Government and people of the Somali Republic on this national day celebration commemorating the ninth anniversary of the formation of their Republic. I would like to commend them for their dedication to democratic institutions, the diligent efforts that they have made to modernize their economy, and their dedication to the peace of our world. For all these things, the Somalis deserve our recognition and congratulations.

GAS SUPPLY AND GOVERNMENT OFFSHORE POLICY CHANGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 1, 1969

Mr. RARICK. Mr. Speaker, a position seldom heard or expressed these days is a viewpoint explaining the oil exploration and investment situation.

I include the statement of J. Ben Carsey, past president of the American Association of Petroleum Geologists, which appeared in their May 1969, bulletin:

TWO IMPORTANT MATTERS: GAS SUPPLY AND GOVERNMENT OFFSHORE POLICY CHANGE

The President's Page often is used for better communication with Association members, through discussions of matters of current interest and importance. Two such matters are reviewed here.

The first is the United States future gas supply, which was discussed at some length in a paper in the Fuels Symposium given in April 1968 at the Association's 53rd annual meeting in Oklahoma City. (The entire symposium was published jointly in February 1969 by the AAPG and the Colorado School of Mines.) Part of this paper is based on the findings of the industry's Potential Gas Committee. This committee is sponsored by the Colorado School of Mines Foundations, Inc., and its purpose is to prepare estimates of the potential natural gas supply in the United States. Represented on the committee are producing, transmission, and distributing companies, as well as state geological surveys and independent geologists. Observers include representatives of the Department of the Interior, the Federal Power Commission, the American Petroleum Institute, The American Gas Association, and the Independent Natural Gas Association of America.

Another committee, similarly staffed but sponsored by Denver University, is the Future Requirements Committee which is studying United States gas demand. The studies of both committees indicate that currently we are discovering about 19 trillion cu ft of gas per year. In 1967, we consumed 18.4 trillion cu ft. However, the discovering rate is decreasing while the consumption rate rises 3 to 5 percent each year. It is estimated that, in 1985, the demand will be 32 trillion cu ft.

The author of the above-mentioned Fuels Symposium paper presented the inescapable conclusion that, if the discovery rate is not increased above that of the last 5 years, by 1985 the ratio of gas reserves to gas production will have decreased to a 6-year supply. Only a few years ago, when large pipelines were being built to the north and east, this ratio was about 20:1. Presently it is 12:1, or less.

This impending decrease in natural gas reserves can be lessened, or possibly corrected, if the incentive to explore for new gas is increased. The cost of exploration and production has risen materially during the past few years, whereas federal regulation has held the average wellhead gas price at a relatively constant level. Some increase in the gas price should be permitted by regulatory bodies as an incentive to increase exploration. With this incentive, I feel confident that the geologist could, and would, do the job of finding the required reserves.

The second matter of importance is a major government policy change in offshore areas. This change was announced by David S. Black in a speech before the Gulf Coast Association of Geological Societies, Jackson, Mississippi, in October 1968. Mr. Black stated that the Department of Interior is planning to increase the size of its technical staff so that it can gather—prior to offering offshore tracts for lease—data which will enable the Department to determine the market value of the tracts prior to leasing. The data that are being gathered include the collection of well surveys and samples; the collection of geophysical data could follow.

Petroleum geologists are well aware that competing companies do not evaluate the same tracts in the same way. Thus, each company may have a very different opinion of the true value of any particular tract. This fact indicates that it is impossible to establish a reliable market-value figure on undrilled leases prior to competitive bidding. Numerous offshore tracts have been purchased at very high prices, but have not paid out. Other leases must, therefore, produce at a large profit to compensate for the nonprofitable ones.

As practiced in the past, competitive bidding has brought incredibly large sums of money in bonuses to the federal government. Some persons believe, and with reason, that more money is being poured into federal leases than will ever be recovered from the leases by the companies. Should the federal government arrive at unrealistic figures for the market value of leases prior to bidding, it might be impossible for companies to make profits and, therefore, they will not bid. This would retard the development of the offshore areas at a time when we need to find additional reserves.

Petroleum geologists can help to remedy this situation by keeping the public informed—through talks to local clubs and civic groups, and through articles written for the local press and business journals. The recent unfortunate events in the Santa Barbara Channel gave the petroleum companies much adverse publicity and, therefore, hurt the offshore development program. Forgotten in the drama of excitement and eye-catching headlines are the great technological contributions by the geological and geophysical professions in the development of techniques for finding offshore petroleum. The huge investments by companies—including immense sums paid into federal and state governments for bonuses and royalties—have gone unnoticed, and rarely are mentioned. Similarly unheralded are the great strides made by the engineering and producing branches of industry in the realm of offshore technology. We of the industry must publicize our contributions and our progress, rather than sit in silence as regulations are being made that may retard the industry, and as headlines are written which could harm our image in the public eye.

As a geologist, as a scientist, and as one who has served as president of our Association, I deeply believe that if government officials—whether in the realm of gas regulation or in the realm of offshore development—could see and understand our viewpoint, they would not take steps that might harm or undermine the free enterprise system. Therefore, I ask you to talk, to write, and to inform the public and its officials; for without incentives to explore, the industry will be hurt, the national economy will feel the gradual squeeze, and challenges of geological exploration may become a memory of the past. It is your profession and mine; it is *our* future; please think about it, and *act* to preserve it.

J. BEN CARSEY,
Past President.

HOUSTON, TEX., *February 28, 1969.*